

**Minutes of
PLANNING AND ZONING COMMISSION MEETING
January 8, 2008**

CALL TO ORDER

The meeting was called to order by Chairman, Bill Bricker at 6:01 p.m. with the following members present: Dennis Lowry, Michael Hunter, Bob Cotti and Glen Smith. Milner and Davis were absent.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer, and Leslie Ryan.

CONSENT AGENDA ITEMS

Cotti pulled item #4 and made a motion to approve items 1, 2, 3 and 5 with staff conditions.

Smith seconded the motion. The motion was voted on and passed 5 to 0.

1. P2007-034

Discuss and consider a request by Kevan Meehan of Tri-Star Construction, Inc. for approval of a final plat of the Avery Addition, including a replat of part of Lot 4, Stonebridge Center Phase 1 (0.733-ac), and a 0.347-acre tract known as Block 86C of the B F Boydston Addition and part of Lot 22A, Block J, Stonebridge Meadows #4 Addition, being a 1.086-acre tract overall zoned (GR) General Retail district and situated along the south side of SH 66 east of Lakeshore Drive, and take any action necessary.

2. P2007-035

Discuss and consider a request by Matthew Cragun of O'Donald Engineering for approval of a replat of Lot 1, Block 1, Northshore Plaza Phase Two and Lots 1 and 2, Northshore Plaza Phase Three, being a 0.958-acre tract overall zoned (GR) General Retail district, and take any action necessary.

3. P2007-036

Discuss and consider a request by Chris and Jill Blase for approval of a final plat of Lots 1 and 2, Block 1, Blase Addition, being a 5.11-acre tract zoned (SF-10) Single Family Residential district, located along the north side of "N Alamo Rd" east of N. Lakeshore Drive, and take any action necessary.

4. P2008-001

Discuss and consider a request from Clent Raynes of CEI Engineering Associates, Inc., for approval of a replat of Lot 2, Block A, Wal-Mart Supercenter Addition, being a 26.940-acre tract zoned (C) Commercial

District and situated along the north side of Interstate 30 within the (IH-30 OV) IH-30 Overlay District, and take any action necessary.

5. P2008-002

Discuss and consider a request by Rodney Hitt of Pacheco Koch for approval of a replat of Lots 10 and 11, Block A, Presbyterian Hospital of Rockwall Addition, being a 18.872-acre tract zoned (PD-9) Planned Development No. 9 district and situated west of Horizon Rd and south of Rockwall Pkwy, and take any action necessary.

After brief discussion to clarify the purpose of the replat, Cotti made a motion to approve item #4.

Smith seconded the motion. The motion was voted on and passed 5 to 0.

PUBLIC HEARING ITEMS

Z2007-037

Hold a public hearing and consider approval of a city initiated amendment to (PD-32) Planned Development No. 32 District (Ord. No. 02-55), including an expansion of the district which would rezone approximately 18.6-acres from (C) Commercial district to (PD-32) Planned Development No. 32 district, being approximately 62.62-acres overall and located along the south side of IH-30, west side of Horizon Rd, and east side of Lakefront Trail, and take any action necessary.

Lacroix outlined that the City Council appointed a subcommittee to study the property to the immediate east of The Harbor Development, which consists of the area within Planned Development No. 32 (approximately 44-acres) as well as approximately 18.6-acres of commercially zoned property along I-30. The subcommittee has concluded that this area represents a critical phase in Rockwall's growth and development. Because of the strategic location of these properties overlooking Lake Ray Hubbard and its adjacency to The Harbor retail/entertainment district, the subcommittee believes that this area offers an opportunity to create a well planned and high-end, economically successful mixed-use development that will benefit and contribute to the Harbor project.

Following the subcommittee's report, the Council initiated an amendment to PD-32 to expand the district to 62.62-acres overall, bringing in the Commercial properties along I-30 between Lakefront Trail and Horizon Road to create one, comprehensive zoning district. The proposal is to establish three separate "areas" within the PD. "Area 1" (44-acres) is the existing PD-32 land with (GR) General Retail underlying zoning. Areas "2" and "3" along I-30 have existing or potential commercial uses; however, this proposal would define and limit the future land uses on those properties to correspond to an overall concept of development for the entire planned development. Those uses that are color delineated on the list are the only differences between the three areas.

Additionally, "Urban Residential (Condos only)" is added as a permitted use within each area.

Defining the permitted land uses within each area of the proposed PD is essentially only the first step in the PD-32 development process. The Council subcommittee has proposed future steps for the implementation of PD-32 which would include the establishment of detailed standards for development and potentially approval of an overall PD concept plan. As the Commission and Council are aware, this area remains under the ownership of many different property owners. It is important to unify the property under one zoning to ensure overall compatibility with both land use and design. The current fragmentation of ownership and zoning has proven to be a challenge for interested developers in this area. It is staff's opinion that a well-conceived master plan for the entire 62-acres will lead to a higher quality and more successful development for PD-32, the facilitation of which is important to the long-term viability and success of The Harbor project itself.

In accordance with the zoning ordinance, notice of the public hearings has been published in the newspaper. Additionally, notices have been mailed to 101 property owners either inside or within 200-ft of the proposed PD boundary. At the time of this report, four (4) owners have responded "in favor" (representing 9 tracts within the proposed PD). Additionally, three (3) owners have responded "in opposition" (representing 6 tracts within the PD). No notices have been received from owners within 200-ft of the proposed PD Boundary.

On 12/3/07 the City Council initiated the amendment to PD-32 by a vote of 7 to 0.

Staff recommends approval of the amendment to (PD-32) Planned Development No. 32 District, subject to the following conditions:

1. That the references in the PD-32 Ordinance that pertain to the prior 1983 "Comprehensive Zoning Ordinance" and any particular section references be changed to reflect the current standards referenced within the Unified Development Code.
2. That retail outlets where gasoline products are sold with more than 2 dispensers be limited to Area 3 only.

Chairman Bricker opened the public hearing and asked if anyone wanted to speak.

Mr. Tom Briscoe, of 2323 Stephens Road, came forward to address the commission and express his opposition to the zoning amendment.

Mr. Lehman Harris, of 500 Renfro, came forward to address the commission and ask a few questions and express his concern with some of the amendments to the existing zoning.

Mr. Ross Ramsey, of 637 Stafford Circle, came forward to address the commission and express his concerns with some of the information that was provided.

Mr. Sam Buffington, of 509 E. Bourne, came forward to address the commission and express his concerns.

Mr. Jimmy McClintock, of Heath, came forward to address the commission and ask a few questions regarding his development on Shoreline Circle.

Mr. Larry Robinson, pastor of Cedar Grove Church, came forward to address the commission and express that he is opposed to the zoning amendment.

Chairman Bricker asked if anyone else wished to speak. There being no response he closed the public hearing.

After brief discussion, Cotti made a motion to approve the city initiated amendment to (PD-32) Planned Development No. 32 District (Ord. No. 02-55), including an expansion of the district which would rezone approximately 18.6-acres from (C) Commercial district to (PD-32) Planned Development No. 32 district, being approximately 62.62-acres overall and located along the south side of IH-30, west side of Horizon Rd, and east side of Lakefront Trail, as recommended by staff.

Hunter seconded the motion. The motion was voted on and passed 5 to 0.

Z2007-038

Hold a public hearing and consider a request by Tony Linduff for approval of a Specific Use Permit (SUP) allowing for an accessory building/detached garage exceeding the maximum size requirement of 1250-sf and the maximum height requirement of 15-ft on their property at 2040 Broken Lance Lane, located on Lot 17, Block B, Oaks of Buffalo Way, and zoned (SF-E/1.5) Single Family Estate district, and take any action necessary.

Ryan stated that the applicant has made a request for approval of a Specific Use Permit (SUP) to allow for an accessory building/detached garage exceeding the maximum size requirement of 1250 sq. ft. and the maximum height requirement of 15 ft. The property is zoned (SF-E/1.5) Single Family Estate and is located at 2040 Broken Lance Lane, and sets on 1.5 acres. The proposed structure would be 1600 sq. ft, measuring 40 ft. by 40 ft., and 33 feet in overall height. The brick, stucco, and shingles would match the materials used on the main home, which according to the applicant is over 6,000-sf in size.

The Unified Development Code states that:

"In SF-E 1.5, a single building which is up to 1,250 square feet in area and 15 feet or less in height, providing the exterior cladding contains the same

materials, excluding glass, as is found on the main structure and generally in the same proportion."

Staff would note that similar SUPs have been approved in the past on other similar estate lots, most notably for a 1700-sf masonry building in the adjacent Willowcrest Estates, which is also zoned SF-E/1.5. The City also approved a 1200-sf building with 22x30 attached carport in Saddlebrook Estates (1-acre lots). In both cases, however, the homeowners were constructing buildings within the 15-ft height requirement.

Notices were sent out to ten (10) property owners within 200 ft. of the subject property and at the time of the report none have been returned. The applicant has indicated he has spoken to several surrounding neighbors to let them know about the proposed structure, and has submitted an approval letter by the Oaks of Buffalo Way HOA.

If approved, Staff would offer the following conditions:

1. The building will comply with the approved site plan and building elevations, except that minimum side yard setback of 25-feet is required.
2. The exterior materials of the accessory building must match the materials on the home.
3. The maximum building size is limited to 1,600 square feet in area.
4. The maximum overall height of the building shall be 33-feet as shown on the attached building elevations.
5. A hold harmless agreement and/or waiver of fire protection may be required prior to issuance of a building permit.
6. The accessory building is subject to administrative review in the event that the subject property is sold to another party, conveyed in any manner to another party, subdivided, or replatted.
7. 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.

Chairman Bricker opened the public hearing and asked if anyone wished to speak.

Tony Linduff, applicant, was present to answer questions on the request.

There being no further responses, Bricker closed the public hearing.

Cotti made a motion to approve the request by Tony Linduff for approval of a Specific Use Permit (SUP) allowing for an accessory building/detached garage exceeding the maximum size requirement of 1250-sf and the maximum height requirement of 15-ft on their property at 2040 Broken Lance Lane, located on Lot 17, Block B, Oaks of Buffalo Way, and zoned (SF-E/1.5) Single Family Estate district, as recommended by staff.

Smith seconded the motion. The motion was voted on and passed 5 to 0.

ACTION ITEMS

SP2007-029

Discuss and consider a request by David Winfrey of Perkins + Will for approval of a PD Site Plan for the Presbyterian Hospital of Rockwall Medical Office Building, being a 46,620-sf office development located on Lot 11, Block A, Presbyterian Hospital of Rockwall Addition, being a 5.406-acre tract zoned (PD-9) Planned Development No. 9 district and situated west of Horizon Rd and south of Rockwall Pkwy, and take any action necessary.

Hampton stated that a site plan has been submitted for a 46,620-sf medical office building ("MOB") that is ancillary to the new Presbyterian Hospital project located on Horizon Road. The proposed office building is one of two buildings planned for the property, which is currently described as Lot 11, Block A, Presbyterian Hospital of Rockwall Addition. A replat combining Lot 11 and Lot 10 (hospital) has been submitted concurrently with this site plan.

The office building requires 233 parking spaces (1 per 200-sf) and the developer is providing 233 new spaces to supplement the existing parking serving the hospital. Expansion areas are shown for an additional future MOB to the southwest of the proposed building and the associated parking. Access will be provided via the existing drives that serve the main hospital. The dumpster location - which shall be screened according to City standards - has been adjusted on the site plan for better circulation of service vehicles. A dead-end firelane has been added between the MOB and future MOB to provide adequate fire coverage.

The building elevations indicate the proposed building to be 100% masonry construction consisting of brick, "featherlite block", and granite. The design and building materials shown appear to be the same utilized on the hospital itself, and the building should complement it well. The elevations indicate that the facades either meet or exceed the 20% stone standard with the exception of the façade along Summer Lee Drive which indicates only 2% stone. A variance has been requested by the applicant for this façade, who argues that this side of the building will be less visible once the second MOB is constructed. The hospital received a variance for the stone requirements on the Summer Lee elevation; however, that building incorporated approximately 15% stone.

The applicant has also indicated the use of metal wall panels to be used as screening for the roof mounted equipment. This will require a waiver to the screening requirements for mechanical equipment. The Planning Commission and City Council approved a similar variance for the hospital building.

Finally, staff believes the building elevations meet the horizontal articulation requirements of the Commercial District Development Standards; however, the rear elevation (visible from Summer Lee Drive) is not meeting the vertical articulation standards. Therefore, a waiver of the vertical articulation standards is

being sought by the applicant. Again, the hospital received a similar variance for vertical articulation on this side of their project.

Each of the above waivers will require a simple majority vote by the City Council for approval. The Architectural Review Board is scheduled to review the elevations at their January 8th meeting.

The applicant has submitted a landscaping plan with the site plan that appears to meet all City standards. This plan indicates planting of a variety of trees, shrubs and ground cover. The Planned Development District for this property requires a minimum of 10% overall landscaping. It should be noted that much of the landscaping for the perimeter buffers and entries of the project has already been installed with the hospital.

The applicant has submitted a lighting plan for the site which includes lighting of the new parking area with pole lights that will match existing lights at the hospital. In addition, there will be lighting of entries around the building. As with the landscape plan, much of the lighting adjacent to the property line is already in place. The lighting spill over shall not exceed 0.2 foot candles at the property line to ensure the light is contained on the property.

Earlier in the evening, the Architectural Review Board recommended approval of the site plan and building elevations by a vote of 6 to 0 (Jeffus absent), with staff conditions and the following additional condition:

1. That the elevation(s) of the future MOB #2 that face Summer Lee Drive be finished out with materials and design matching the front elevations of the hospital and proposed MOB #1.

Staff recommends approval with the following conditions:

1. Final approval of the engineering plans.
2. Adherence to all Fire Department requirements.
3. Submittal and approval of a replat of Lots 10 and 11.
4. That the maximum pole height for lights near or adjacent to Summer Lee Drive be 20 feet.
5. Approval by City Council of an exception to allow less than 20% stone (i.e. 2%) on the "south" elevation as indicated on the submitted building elevations.
6. Approval by City Council of an exception to the vertical articulation standards for the "south elevation" as indicated on the submitted elevations.
7. Approval by City Council of an exception to allow metal panel screening of roof-mounted equipment as indicated on the submitted building elevations.

The Commission briefly discussed the requested variances with the applicant, Mr. Winfrey, and the owner's representative, Mr. Frances Sapienza. The owner stated that future expansion of building 1 and/or construction of building 2 are very likely, but would be market driven. Nonetheless, they would prefer not to use

expensive materials on the south side of the building given the high probability they would be torn off or blocked because of future development.

Cotti made a motion to approve the request by David Winfrey of Perkins + Will for approval of a PD Site Plan for the Presbyterian Hospital of Rockwall Medical Office Building, being a 46,620-sf office development located on Lot 11, Block A, Presbyterian Hospital of Rockwall Addition, being a 5.406-acre tract zoned (PD-9) Planned Development No. 9 district and situated west of Horizon Rd and south of Rockwall Pkwy, as recommended by staff and with the following provisions:

1. Additional landscaping would be planted should the expansion not be constructed.
2. Approve the recommendation by ARB.

Lowry seconded the motion. The motion was voted on and passed 5 to 0.

MIS2007-013

Discuss and consider a request by Matthew J. Hiles of Western Rim Investment Advisors, Inc., for consideration of special exception(s) to Planned Development No. 10 District (Ord. 04-25), specifically related to Tracts "B" and "C" which are designated for Multi-Family development, and take any action necessary.

LaCroix stated that the applicant, Western Rim Investment Advisors, is requesting a special exception to the development requirements contained in Planned Development District No. 10 (PD-10). The changes relate only to Tract B and Tract C of Exhibit "B" of Ordinance No. 04-25 which Western Rim plans to develop.

The specific requested changes to Tract C are as follows:

- a. Reduce maximum number of units from 336 to 334
- b. Reduce average unit size from 1,200 s.f. to 1,115 s.f.
- c. Increase percentage of units less than 1,000 s.f. from 35% to 48%

The specific requested changes to Tract B are as follows:

- a. Reduce the maximum number of units from 250 to 220
- b. Reduce the average unit size from 940 s.f. to 900 s.f.

The applicant has stated that these changes better match the needs of the current market and the direct effect would be 32 fewer units and more one-bedrooms which will mean less children in the school system since families with children do not typically occupy one bedroom units. Additionally, fewer units and residents will usually mean less cars and less traffic.

In order to grant a special exception, the Planning and Zoning Commission shall make a recommendation to the City Council on the special exception and the

Council may grant the special exception upon a finding of certain criteria as listed in Article II, Section 8.5 of the Unified Development Code.

Staff finds this request to be a judgment decision for the Planning Commission and City Council; however, we would recommend that additional assurances be considered to insure that the quality of this development remains at a high level and meets or exceeds the development standards of the City of Rockwall.

Mr. Matthew Hiles, the applicant, came forward to give a brief presentation to the commission and asked for approval.

After brief discussion, Cotti made a motion to approve the request by Matthew J. Hiles of Western Rim Investment Advisors, Inc., for consideration of special exception(s) to Planned Development No. 10 District (Ord. 04-25), specifically related to Tracts "B" and "C" which are designated for Multi-Family development, with the condition that the following amenities be included as proposed by the developer:

1. That a 12,000-sf clubhouse featuring a European Grand Spa with California Health Club open to the public and identical to clubhouses being built by the developer at Cibolo Canyons (San Antonio, TX) and The Cascades (Tyler, TX), be constructed with development of "Tract C".
2. That a minimum 7,000-sf clubhouse be constructed with development of "Tract B".

Hunter seconded the motion. The motion was voted on and passed 5 to 0.

ADDITIONAL DISCUSSION ITEMS

- Miscellaneous Discussion of Land Use Issues

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:39 p.m.

**Minutes of
PLANNING AND ZONING COMMISSION MEETING
January 29, 2008**

CALL TO ORDER

The meeting was called to order by Chairman, Bill Bricker at 6:02 p.m. with the following members present: Lynn Davis, Michael Hunter, and Dennis Lowry. Glen Smith and Earl Milner were absent. One seat is vacant.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer, Kim Whitley and Leslie Ryan.

ACTION ITEMS

Approval of Minutes for December 11, 2007 Planning and Zoning Commission meeting

Hunter made a motion to approve the minutes from December 11, 2007.

Lowry seconded the motion. The motion was voted on and passed 4 to 0.

Approval of Minutes for January 8, 2008 Planning and Zoning Commission meeting

Lowry made a motion to approve the minutes from January 8, 2008.

Hunter seconded the motion. The motion was voted on and passed 3 to 0 with Davis abstaining.

SP2007-025

Discuss and consider a request by Matthew Cragun of O'Donald Engineering for approval of a site plan for Chase Bank, located on Lot 1, Block A, Mark Carson Addition, being a 0.992-acre tract zoned (PD-9) Planned Development No. 9 district and located at the southwest corner of FM 3097 and Ralph Hall Parkway, and take any action necessary.

Spencer outlined that the site plan is for a Chase Bank development on Lot 1, Block A, Mark Carson Addition, being a 0.992-acre tract zoned (PD-9) Planned Development No. 9 district, located at the southwest corner of FM 3097 and Ralph Hall Parkway. A carwash previously located on the site has been removed.

The site will be accessed from Ralph Hall Parkway and will have mutual access with the existing Doctor's Office adjacent to the proposed bank. The required parking for the 4,282-sf bank is 15 spaces (one per 300-sf), and the applicant is proposing 47 spaces, including two accessible spaces. Despite that over 28% of the site is proposed as open space.

All mechanical equipment is shown to be ground mounted and contained entirely within a natural stone screen wall measuring 4'4" in height.

As currently shown the landscape buffers along both Ralph Hall Parkway and Horizon Road (FM 3097) meet city requirements. Currently there are eighteen (18) existing trees located on site varying in caliper size from 10" to 4". The applicant is proposing to save and use twelve of the existing on-site trees as part of the required landscaping for the site. Six (6) of the existing trees located at the rear of the property are proposed to be removed to make room for the two way access drive from Ralph Hall and drive-thru by-pass lane. The applicant will have to mitigate a total of forty inches (40"). Due to the size of the site staff would recommend that the applicant work with the City of Rockwall Parks and Recreation Department for placement of the mitigated inches in other needed areas around the city, or pay into the City's tree fund at \$125 an inch.

In addition to the existing landscaping the applicant is proposing to install additional landscaping in both street buffers, in the parking lot and adjacent to the proposed building.

The proposed elevations for Chase Bank are comprised of natural stone, brick, stucco, cast stone and a standing seam metal roof. The elevations appear to meet the requirements of the Unified Development Code and PD-9.

The revised lighting details illustrate that the exterior lighting will have a maximum mounting height of 20-ft, which meets the standards outlined in the Unified Development Code.

With this development the applicant is requesting that the Commission approve an alternative photometric plan with light levels above 0.2 ft-candles at the rear of the property. The applicant has indicated to staff that the reason for the light levels at the property line is the state requirement for lighting surrounding the ATM and night deposit. The applicant has revised the photometric plan and reduced the number of fixtures at the rear of the property. Staff feels that the Commission should give consideration to the alternative plan as the property is surrounded by city streets and commercial property. The light levels around the other areas of the site currently meet all of the Unified Development Code requirements.

Staff Recommends approval of the request with the following conditions:

1. Adherence to all Engineering and Fire Department Standards.
2. Work with the Parks and Recreation Department in meeting tree mitigation requirements or pay into the City's tree fund.

After extensive discussion about the building design, lighting and provided parking, Lowry made a motion to approve the request by Matthew Cragun of O'Donald Engineering for approval of a site plan for Chase Bank, located on Lot

1, Block A, Mark Carson Addition, being a 0.992-acre tract zoned (PD-9) Planned Development No. 9 district and located at the southwest corner of FM 3097 and Ralph Hall Parkway, as recommended by staff and with the stipulation that the bank work with staff on reducing the amount of parking.

Davis seconded the motion. The motion was voted on and passed 4 to 0.

P2008-003

Discuss and consider a city-initiated request for approval of a right-of-way dedication plat of the SH 205 Bypass, specifically a 9.408-acre section located between SH 276 and Interstate 30, and take any action necessary.

Hampton outlined that Wier and Associates has prepared a right-of-way dedication plat for the section of the 205 Bypass (John King Blvd) situated between I-30 and SH 276. This portion of the roadway, which is approximately 9.4-acres, is presently under construction and should be one of the first sections of the road open later this year.

The ROW dedication is for 120-ft in accordance with the Thoroughfare Plan and engineering standards for the roadway. Additional sections of the 205 Bypass should be dedicated with separate plats as they are constructed.

Staff Recommends approval of the final plat with the following conditions:

1. Standard City signature block needed in lieu of "Administrative" signature block.
2. Adherence to all engineering department requirements.

Hunter made a motion to approve the city-initiated request for approval of a right-of-way dedication plat of the SH 205 Bypass, specifically a 9.408-acre section located between SH 276 and Interstate 30, as recommended by staff.

Lowry seconded the motion. The motion was voted on and passed 4 to 0.

There being no other action items, the commission moved on to the discussion items.

DISCUSSION ITEMS

Appointment with Architectural Review Board representative to receive the Board's recommendations and comments for items on the agenda requiring architectural review.

SP2008-001

Discuss and consider a request by Wayne Mershaw of Mershaw Architects for approval of a site plan for "Two Horizon Ridge," an 8,431-sf office development located on Lot 14, Block A, Horizon Ridge Addition, being a

0.868-acre tract zoned (PD-9) Planned Development No. 9 and situated at the northwest corner of Summer Lee Drive and Ralph Hall Parkway.

SP2008-002

Discuss and consider a request by Tyler Adams of Centerpoint Builders for approval of a site plan for "Lake Pointe Orthopedics," a 17,300-sf office development located on Lot 2, Block A, Presbyterian Hospital of Rockwall Addition, being a 1.471-acre tract zoned (PD-9) Planned Development No. 9 and situated along the west side of Horizon Rd south of Rockwall Parkway.

SP2008-003

Discuss and consider a request from Steven Beane of Callahan Gallup & Co., for approval of a site plan for Walgreens Pharmacy, located on the proposed Lot 4, Block 1, Meadowcreek Business Center Addition, being 2.11-acres situated at the southeast corner of SH 276 and SH 205, zoned (C) Commercial district and situated within the SH 205 Overlay district and SH 276 Overlay district.

SP2008-004

Discuss and consider a request from Sy Pham of SP Design & Build for approval of a site plan for a 12,700-sf commercial development located on the proposed Lot 3, Block 1, Meadowcreek Business Center Addition, being approximately 1.42-acres and situated along the east side of SH 205 south of SH 276, zoned (C) Commercial district and situated within the SH 205 Overlay district.

P2008-004

Discuss and consider a request by Pann S. Sribhen of PSA Engineering for approval of a final plat of Lot 7, Block C, Horizon Ridge Medical Park Addition, being a 10.549-acre tract zoned (PD-9) Planned Development No. 9 district and situated along Medical Drive west of Horizon Rd.

P2008-005

Discuss and consider a request by Tim McMahon of Preston Engineering for approval of a final plat of Rockwall Kia Addition, being a 5.9915-acre tract zoned (LI) Light Industrial district and located at 1790 IH-30.

P2008-006

Discuss and consider a request by David Kolchalka of Kimley-Horn & Associates, Inc. for approval of a final plat of Lots 1 and 2, Block B, North Lakeshore Valley Addition, being a 4.87-acre tract zoned (PD-65) Planned Development No. 65 district and located at the northwest corner of North Lakeshore Drive and SH 205.

Z2008-001

***Discuss* and consider a request by Chad Hudson of Hudson Properties for approval of an amendment to (PD-8) Planned Development No. 8 District (Ord. No. 05-30), specifically for the 1.41-acre property known as Lots 1-3, Block A,**

Independence Pass Addition, situated along the west side of FM 740 (Ridge Rd) and at the south terminus of Independence Place, and take any action necessary.

Z2008-002

Discuss and consider a request by Misty Phillips for approval of a Specific Use Permit (SUP) to allow for a "General Retail Store" within (PD-50) Planned Development No. 50 district, specifically for an embroidery and graphics business located on Lot 1, Block A, Misty Addition, being 0.141-acre and located at 909 N. Goliad.

H2007-010

Discuss and consider a City initiated request for a Historic Landmark designation for the Spafford House located at 902 N. Goliad. The tract is zoned (PD-50) Planned Development No. 50 and is located outside of the Old Town Rockwall Historic District.

H2007-011

Discuss and consider a City initiated request for a Historic Landmark designation for the Reese-Jones House located at 908 N. Goliad. The tract is zoned (PD-50) Planned Development No. 50 and is located outside of the Old Town Rockwall Historic District.

ADDITIONAL DISCUSSION ITEMS

- Planning Director's Report to discuss current City activities, upcoming meetings, future legislative activities, and other related matters.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:02 p.m.

**Minutes of
PLANNING AND ZONING COMMISSION MEETING
February 12, 2008**

CALL TO ORDER

The meeting was called to order by Chairman, Bill Bricker at 6:08 p.m. with the following members present: Dennis Lowry, Michael Hunter, and Lynn Davis. Milner and Smith were absent.

Additionally, the following staff members were present: Robert LaCroix, Chris Spencer, Kim Whitley and Leslie Ryan.

CONSENT AGENDA ITEMS

Approval of Minutes for January 29, 2008 Planning and Zoning Commission meeting

P2008-004

Discuss and consider a request by Pann S. Sribhen of PSA Engineering for approval of a final plat of Lot 7, Block C, Horizon Ridge Medical Park Addition, being a 10.549-acre tract zoned (PD-9) Planned Development No. 9 district and situated along Medical Drive west of Horizon Rd, and take any action necessary.

P2008-005

Discuss and consider a request by Tim McMahon of Preston Engineering for approval of a final plat of Rockwall Kia Addition, being a 5.9915-acre tract zoned (LI) Light Industrial district and located at 1790 IH-30, and take any action necessary.

SP2008-001

Discuss and consider a request by Wayne Mershawn of Mershawn Architects for approval of a site plan for "Two Horizon Ridge," an 8,431-sf office development located on Lot 14, Block A, Horizon Ridge Addition, being a 0.868-acre tract zoned (PD-9) Planned Development No. 9 and situated at the northwest corner of Summer Lee Drive and Ralph Hall Parkway, and take any action necessary.

SP2008-002

Discuss and consider a request by Tyler Adams of Centerpoint Builders for approval of a site plan for "Lake Pointe Orthopedics," a 17,300-sf office development located on Lot 2, Block A, Presbyterian Hospital of Rockwall Addition, being a 1.471-acre tract zoned (PD-9) Planned Development No. 9 and situated along the west side of Horizon Rd south of Rockwall Parkway, and take any action necessary.

SP2008-003

Discuss and consider a request from Steven Beane of Callahan Gallup & Co., for approval of a site plan for Walgreens Pharmacy, located on the proposed Lot 4, Block 1, Meadowcreek Business Center Addition, being 2.11-acres situated at the southeast corner of SH 276 and SH 205, zoned (C) Commercial district and situated within the SH 205 Overlay district and SH 276 Overlay district, and take any action necessary.

Hunter made a motion to approve all consent agenda items.

Lowry seconded the motion. The motion was voted on and passed 4 to 0.

SITE PLANS/ PLATS**P2008-006**

Discuss and consider a request by David Kolchalka of Kimley-Horn & Associates, Inc. for approval of a final plat of Lots 1 and 2, Block B, North Lakeshore Valley Addition, being a 4.87-acre tract zoned (PD-65) Planned Development No. 65 district and located at the northwest corner of North Lakeshore Drive and SH 205, and take any action necessary.

Spencer outlined that a request by David Kolchalka of Kimley-Horn and Associates has been made for approval of a final plat of Lots 1 and 2, Block B, North Lakeshore Valley Addition, being a 4.87-acre tract zoned (PD-65) Planned Development No. 65 district and located at the northwest corner of North Lakeshore Drive and SH 205.

In late 2007, the Planning and Zoning Commission approved a site plan for a Walgreens to be located on the proposed Lot 1. A site plan application must be submitted and approved prior to development of the proposed Lot 2. The final plat appears to conform to all area requirements specified in the approved PD ordinance.

The site will be accessed via one mutual access drive from North Lakeshore and one mutual access drive from Pecan Valley.

As part of the final plat, the applicant is dedicating 50' right-of-way for the proposed Pecan Valley Drive. Engineering plans for the proposed Pecan Valley Drive and for the reconfiguration of West Quail Run Road are under final review by the City Engineering Department.

The final tree survey indicates the required mitigation of 1438.5-inches from the site at this time. The proposed trees to be removed include those on portions of Lots 1 & 2 and those trees located in the proposed right-of-way and in drainage improvement areas. Currently the applicant is preserving eight (8) protected trees for a total tree mitigation credit of 241-inches or 16.7%. The applicant has a mitigation balance of 1197.5-inches to replace. The owner will be required to hold at least one tree transplant day prior to construction, with proper notice in the

local paper and a sign posted on the property. Any transplanted trees will be credited towards the 1197.5-inch mitigation balance. Currently the applicant is working with staff to plant some of the required tree mitigation in the median of North Lakeshore, along the proposed Pecan Valley and in various other areas of the development. Staff would recommend that any outstanding balance thereafter be mitigated by planting trees in future open space areas of the development, establishing an account at a local nursery for the City to acquire trees to plant on City-owned properties and/or right-of-way in the area, or the developer may pay up to 20% of the required tree mitigation into the tree fund at \$125 per inch (i.e. \$35,962.50).

Staff Recommends approval of the request with the following conditions:

1. Adherence to all Engineering and Fire Department standards.
2. All off-site easements filed with the recording information labeled on the final plat prior to city signature.
3. The following protected trees currently are shown to be removed and need to be added to the required mitigation total and the remaining mitigation balance:
 - a. (50217) American Elm 4"
 - b. (50218) American Elm 10"
 - c. (50484) Cedar Elm 8"
 - d. (50485) Cedar Elm 8"
 - e. (50487) Cedar Elm 4"
 - f. (50504) Cedar Elm 12"

Pieter Kessels of Kimley-Horn and Associates, applicant, was present to answer questions on the request.

After brief discussion, Davis made a motion to approve the request by David Kolchalka of Kimley-Horn & Associates, Inc. for approval of a final plat of Lots 1 and 2, Block B, North Lakeshore Valley Addition, being a 4.87-acre tract zoned (PD-65) Planned Development No. 65 district and located at the northwest corner of North Lakeshore Drive and SH 205, as recommended by staff.

Lowry seconded the motion. The motion was voted on and passed 4 to 0.

PUBLIC HEARING ITEMS

Z2008-001

Hold a public hearing and consider a request by Chad Hudson of Hudson Properties for approval of an amendment to (PD-8) Planned Development No. 8 District (Ord. No. 05-30), specifically for the 1.41-acre property known as Lots 1-3, Block A, Independence Pass Addition, situated along the west side of FM 740 (Ridge Rd) and at the south terminus of Independence Place, and take any action necessary.

LaCroix stated that the applicant, Chad Hudson, has submitted an application to amend the section of Planned Development No. 8 pertaining to his property known as Independence Pass. In 2005, the Chandlers Landing Community Association owned the property, which was zoned for a private park site, and petitioned the City to rezone for Single Family (SF-7) so that they could market the property to a developer. Mr. Hudson purchased the property and has final platted three (3) single family lots. However, at this time he is requesting a change to the PD that would, in effect, allow for up to six (6) single family detached dwelling units.

LaCroix outlined that the applicant and the Chandlers Landing HOA have requested to table the case to the next planning and zoning meeting. The applicant's original submittal, which was discussed by the Commission at the January 29th work session, was for a single family "attached" concept. However, after a meeting with the Chandlers Landing "Environmental Committee" and adjacent property owners, the applicant has opted to revise his request and is proposing to maintain a "detached" home product. However, due to the timing of the change, new conceptual elevations have not been produced at the time of this report. The "attached" product featured a combination of stucco and stacked stone, wood-paneled garage doors, outdoor courtyards, articulated facades and open breezeways. The applicant has indicated that the basic style and concept for the detached homes would be similar, and is working on new elevations to include with the drafted PD amendment.

Notices were mailed to 34 owners within 200-ft of the subject property, and thus far staff has received one response "in favor" and 17 responses "in opposition."

Chairman Bricker opened the public hearing.

Hunter made a motion to continue the public hearing for the request by Chad Hudson of Hudson Properties for approval of an amendment to (PD-8) Planned Development No. 8 District (Ord. No. 05-30), specifically for the 1.41-acre property known as Lots 1-3, Block A, Independence Pass Addition, situated along the west side of FM 740 (Ridge Rd) and at the south terminus of Independence Place, until the February 26, 2008 Planning and Zoning meeting.

Lowry seconded the motion. The motion was voted on and passed 4 to 0.

Z2008-002

Hold a public hearing and consider a request by Misty Phillips for approval of a Specific Use Permit (SUP) to allow for a "General Retail Store" within (PD-50) Planned Development No. 50 district, specifically for an embroidery and graphics business located on Lot 1, Block A, Misty Addition, being 0.141-acre and located at 909 N. Goliad, and take any action necessary.

Ryan stated that Misty Phillips of Jacket Grafix has made a request for approval of a Specific Use Permit (SUP) to allow for a "General Retail Store" within (PD-50) Planned Development No. 50 district, specifically for an embroidery and

graphics business. The structure that the business will be conducted in is 1175 sq ft in size. The business is family run and owner occupied that would produce sports decals, shirts and other sports logo items. The equipment would be primarily conducted with table top equipment that fits into a 12x12 room. Clients will mostly have their purchases delivered, from internet, phone, and walk in orders.

The attached site plan for 909 N. Goliad shows the layout of the property. Staff recommends that a shared parking agreement s signed for 907 and 909 N. Goliad, both properties are owned by the applicant. The parking requirement for retail is 1space per 250 sq. ft., however the limited size of the subject tract and the adjacent 907 N. Goliad, limited each lot to 3 parking spaces. The site has been platted to meet city standards and regulations.

Twenty one (21) property owner notices were sent out and at this time one had been returned in favor.

Staff Recommends approval of the request with the following conditions:

1. Approval by Engineering and Fire departments.
2. The hours of operation shall be limited to 7:00 am to 7:00 pm.
3. No parking will be allowing in the SH 205 right of way.
4. 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.
5. The business shall conform to the site plan attached.
6. A shared parking agreement shall be required for 909 and 907 N. Goliad.
7. The specific use permit shall be limited to an embroidery and graphics design shop and any similar future use employing graphic design and specialized custom labeling of clothing and objects.

Chairman Bricker opened the public hearing and asked if anyone wished to speak.

Henry and Misty Phillips, applicant, were present to answer questions.

There being no response he closed the public hearing.

Lowry made a motion to approve the request by Misty Phillips for approval of a Specific Use Permit (SUP) to allow for a "General Retail Store" within (PD-50) Planned Development No. 50 district, specifically for an embroidery and graphics business located on Lot 1, Block A, Misty Addition, being 0.141-acre and located at 909 N. Goliad, as recommended by staff and with the following additional provision:

1. There be no exterior venting of equipment

Hunter seconded the motion. The motion was voted on and passed 4 to 0.

H2007-010

Hold a public hearing and consider a City initiated request for a Historic Landmark designation for the Spafford House located at 902 N. Goliad, and take any action necessary. The tract is zoned (PD-50) Planned Development No. 50 and is located outside of the Old Town Rockwall Historic District.

Spencer stated that the property at 902 N. Goliad was built in 1894 a year after the existing Landmarked Austin-Stacy House helping to frame the original North Goliad streetscape.

B. F. and Agnes Spafford built their home themselves from lumber shipped from Jefferson, TX. Second owners of the home were son Joe and his wife Christine. Joe and his brother Estell owned 13 acres of pasture where the Harris Heights subdivision is now located. Joe and Estell operated the City Meat Market on the square and animals were slaughtered at the pasture they owned, then north of town. Joe later operated a locker plant, grocery and meat market in the building that now houses Rockwall Office Supply/Texas Traditions. Wife Christine operated the grocery part of the business.

The house has heavy Folk Victorian influences and was recently identified by the HPAB North Goliad Subcommittee with assistance from the city's former historic consultant as a "Medium Contributing" property. Staff feels that a Historic Landmark designation will allow for proper restoration/redevelopment of the property and eventually lead to a "High Contributing" property.

In staff's opinion, the Spafford house is significant to the built environment and the urban fabric of the City of Rockwall.

Nineteen (19) notices were sent out to property owners within 200-feet. At the time of this report, one (1) notice in opposition had been returned.

Staff Recommends approval of the request.

Chairman Bricker opened the public hearing and asked if anyone wanted to speak.

Mr. Ross Ramsey, of 637 Stafford Circle, came forward to address the commission and express his opposition to the house located at 902 N. Goliad being Historic Landmarked.

Chairman Bricker asked if anyone else wished to speak. There being no response he closed the public hearing.

After brief discussion, Hunter made a motion to approve the City initiated request for a Historic Landmark designation for the Spafford House located at 902 N. Goliad, and take any action necessary. The tract is zoned (PD-50) Planned Development No. 50 and is located outside of the Old Town Rockwall Historic District, as recommended by staff.

Lowry seconded the motion. The motion was voted on and passed 4 to 0.

H2007-011

Hold a public hearing and consider a City initiated request for a Historic Landmark designation for the Reese-Jones House located at 908 N. Goliad, and take any action necessary. The tract is zoned (PD-50) Planned Development No. 50 and is located outside of the Old Town Rockwall Historic District.

Spencer stated that the Reese house was built in 1911 by James Reese and was the primary residence for Judge Reese and family. Mr. Reese served in the Texas Legislature as a representative for Dallas and Rockwall Counties. He was later elected both County District Attorney and County Judge, a position he held for many years.

The Reese House was relocated from the parking lot of the First Baptist Church at the northwest corner of S. Goliad and Boydstun to its current location in October of 2004. A site plan for the current location at 908 N. Goliad was approved by the Planning and Zoning Commission in November of 2004.

The Reese house is built in the Neoclassical style of architecture. Neoclassical was the dominant style throughout the country in the first half of the 20th Century. The style's first wave in popularity was from 1900 to 1920, emphasizing hip roofs and elaborate, correct columns. The Neoclassical style dates to the World's Columbian Exposition, held in Chicago in 1893.

The Reese home stands as one of only two examples of Neoclassical architecture in the City of Rockwall. The house is a textbook example of Neo-Classical architecture and was recently identified by the HPAB North Goliad Subcommittee with assistance from the city's former historic consultant as a "High Contributing" property after it was relocated.

In staff's opinion, the Reese house is significant to the built environment and the urban fabric of the City of Rockwall.

Thirty (30) notices were sent out to property owners within 200-feet. At the time of this report, one (1) notice in opposition had been returned.

Staff Recommends approval of the request.

Chairman Bricker opened the public hearing and asked if anyone wished to speak. There being no response he closed the public hearing.

Hunter made a motion to approve the City initiated request for a Historic Landmark designation for the Reese-Jones House located at 908 N. Goliad, and take any action necessary. The tract is zoned (PD-50) Planned Development No.

50 and is located outside of the Old Town Rockwall Historic District, as recommended by staff.

Lowry seconded the motion. The motion was voted on and passed 4 to 0.

ADDITIONAL DISCUSSION ITEMS

- Planning Director's Report to discuss current City activities, upcoming meetings, future legislative activities, and other related matters.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:17 p.m.

**Minutes of
PLANNING AND ZONING COMMISSION MEETING
February 26, 2008**

CALL TO ORDER

The meeting was called to order by Chairman, Bill Bricker at 6:02 p.m. with the following members present: Michael Hunter, Phillip Herbst, Earl Milner and Dennis Lowry. Lynn Davis arrived late.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer, Kim Whitley and Leslie Ryan.

CONSENT AGENDA

1. *Approval of Minutes* for February 12, 2008 Planning and Zoning Commission meeting

2. P2008-007

Discuss and consider a request by Dr. David Miller for approval of a replat of Lot 13, Block A, Presbyterian Hospital of Rockwall Addition, being a 1.29-acre tract zoned (PD-9) Planned Development No. 9 district and situated along Rockwall Parkway southwest of Horizon Road, and take any action necessary.

3. P2008-008

Discuss and consider a request by Steve Meier of Rockwall-BF, LP for approval of a replat of Lot 1, Block A, Derrick Addition, being a 0.812-acre tract zoned (C) Commercial district and located at the northwest corner of IH-30 and White Hills Drive, and take any action necessary.

Commissioner Milner pulled Consent Agenda Item #1.

Commissioner Hunter made a motion to approve consent agenda items #2 & #3.

Commissioner Milner seconded the motion. It was voted on and passed 5 to 0.

Commissioner Hunter made a motion to approve Consent Agenda Item #1.

Lowry seconded the motion. It was voted on and approved 3 to 0 with Herbst and Milner abstaining.

PUBLIC HEARING ITEMS

Commissioner Milner recused himself.

Z2008-001

Continue a public hearing and consider a request by Chad Hudson of Hudson Properties for approval of an amendment to (PD-8) Planned Development No. 8

District (Ord. No. 05-30), specifically for the 1.41-acre property known as Lots 1-3, Block A, Independence Pass Addition, situated along the west side of FM 740 (Ridge Rd) and at the south terminus of Independence Place, and take any action necessary.

LaCroix outlined that the applicant, Chad Hudson, has submitted an application to amend the section of Planned Development No. 8 pertaining to his property known as Independence Pass. In 2005, the Chandlers Landing Community Association owned the property, which was zoned for a private park site, and petitioned the City to rezone for Single Family (SF-7) so that they could market the property to a developer. Mr. Hudson purchased the property and has final platted three (3) single family lots. However, at this time he is requesting a change to the PD that would, in effect, allow for up to six (6) single family detached dwelling units.

The applicant has submitted a PD Site Plan with the zoning request. The six lots that are proposed meet all of the underlying SF-7 zoning standards including the minimum 7,000-sf lot size (the average lot size for the proposed project is 9,904-sf), with one exception. The minimum lot frontage proposed for each lot is 10-feet, which is different from the normal 60-ft required in the SF-7 district. In 2007, the City Council did approve an exception with the final plat to allow for two of the three existing lots to be platted with less than 60-ft of frontage.

One of the issues noted for this tract is that because access cannot be taken from FM 740 (which provides approximately 210-ft frontage), each of the lots must get access from the cul-de-sac, Independence Place, which provides only 93-ft of frontage. The applicant is proposing to utilize three shared driveway entrances to access the six lots, in essence keeping the same number of curb cuts already approved for the project.

The applicant's original submittal, which was discussed by the Commission at the January 29th work session, was for a single family "attached" concept. However, after a meeting with the Chandlers Landing "Environmental Committee" and adjacent property owners, the applicant opted to revise his request to maintain the "detached" home product.

Notices were mailed to 34 owners within 200-ft of the subject property, and thus far staff has received one response "in favor" and 15 responses "in opposition."

Staff would offer the following conditions if the request is approved by the Planning Commission and City Council:

1. Adherence to all engineering requirements.
2. Adherence to all fire department requirements.
3. All development on the subject tract shall be in accordance with the Land Use Tables of the Unified Development Code and the (SF-7) Single Family Residential district, as amended.

4. All development on the subject tract shall be in accordance with the attached PD Site Plan (Exhibit "A"), and with Article V, Section 3.6 , (SF-7) Single Family Residential district of the Unified Development Code, as amended, with the following exceptions:
 - a. Minimum lot frontage on a public street - 10 feet
5. All development shall generally adhere to the conceptual elevations attached herein as Exhibit "B," including the proposed building materials, articulation, outdoor courtyards and other architectural features.

Mrs. Lindsey Hudson, a representative for the applicant, came forward to address the commission and request approval of the zoning application.

Chairman Bricker asked if the commission had any other questions for the applicant. There being no further questions, he continued the public hearing.

Mr. John Floeter, Chairman of Chandler Landing Community Associations Environmental Committee, came forward to address the commission and express that they are in favor of the current proposed plan and think that it is a good fit within the community.

Mr. Paul Sinclair, of 3201 Ridge Road, came forward to address the commission and ask a few questions. He wanted to know how tall the homes would be that backed up to Ridge Road. He expressed that he will only see the back of these houses if they are two stories and that he is opposed to the proposed zoning change.

Mr. William Phillips III, of 105 Independence Pass, came forward to address the commission and explain his concerns with the drainage issues that currently exist. He expressed his opposition to the proposed six homes being developed.

Mrs. Kathy Phillips, of 105 Independence Pass, came forward to express her opposition to the proposal and explain that she witnessed dirt being dumped on the property and that she is also concerned with the drainage and the shared drives.

Mr. Paul Longenotti, of 105 Genesta Place, came forward to address the commission and express his opposition.

Mrs. Marie Rudy, of 102 Independence Pass, came forward to address the commission and request that no variances be allowed for Hudson Properties. She is opposed to six houses being built on those lots and is ok with three houses being built instead.

Mrs. Ginger Hughes, of 106 Independence Pass, came forward to address the commission and explain that erosion is a problem already and she is opposed to six homes being built in that location. She also expressed her neighbors Rick Wimpee and George Caldwell were opposed as well and couldn't make the meeting.

Mr. Johnny Jones, of 104 Independence Pass, came forward to express his opposition to the commission. He discussed the shared driveways and how he felt it would be confusing and complicated to do shared driveways. He showed a map to the commission showing everyone within 200 feet that are opposed to the zoning change.

Mrs. Lindsey Hudson came back forward to address the mentioned concerns from the citizens. She explained that Mr. Hudson is meeting all the state requirements pertaining to drainage and that once the property is beginning to be developed it will continue to meet the city's and states requirements. She discussed how each individual driveway could accommodate each homeowners guests and parking along the street should not be a problem.

Commissioner Hunter asked if the drainage problems will be fixed once the property is finished being developed.

Mr. Hudson informed him that they would meet all requirements and that the drainage issues should not exist anymore once all the properties are developed.

Mrs. Ginger Hughes came back forward to address the commission regarding the erosion and the silk fence. She explained that she wanted the silk fence moved to the property line and it still has not been moved.

Chairman Bricker asked if anyone else wished to speak. There being no response he closed the public hearing.

Commissioner Hunter expressed that he wants staff and engineering to make sure the drainage issues are taken care of if this proposed plan is approved. He also stated that he likes the most current change to the proposed plan of six single family homes.

Commissioner Davis and Commissioner Herbst expressed their concerns with the shared driveways and how they would work from a title stand point, with parking and when selling the properties.

After extensive discussion about the drainage, shared driveways, and parking Hunter made a motion to approve the request by Chad Hudson of Hudson Properties for approval of an amendment to (PD-8) Planned Development No. 8 District (Ord. No. 05-30), specifically for the 1.41-acre property known as Lots 1-3, Block A, Independence Pass Addition, situated along the west side of FM 740 (Ridge Rd) and at the south terminus of Independence Place, as recommended by staff.

Bricker seconded the motion. The motion was voted on and failed 2 to 3 with Davis, Lowry and Herbst voting against and Milner abstaining.

Chairman Bricker called for a five minute break at 6:48 pm. Commissioner Milner returned to the meeting.

ACTION ITEMS

MIS2008-001

Discuss and consider a request by Roger Nielsen of Rockwall Housing Development Corporation 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 for a proposed single family dwelling located at 506 Dickey on a tract known as Lot 25, Canup Addition, which is zoned (SF-7) Single Family Residential district and located within the (SO) Southside Residential Neighborhood Overlay District, and take any action necessary.

Hampton outlined that the applicant, Roger Nielsen of the Rockwall Housing Development Corporation, is requesting a waiver to Section 3.1(A)(1) of the Unified Development Code. The above referenced section states "Hardy Plank or similar cementaceous material may be used for up to 50% of the masonry requirement". The applicant is proposing a single family home with exterior cladding being comprised of 100% Hardy Plank.

The subject site is located within the Southside Residential Overlay (SRO) district which allows the Planning and Zoning Commission and the City Council to consider waivers and special requests on a case-by-case basis. The district was formulated with the goal of encouraging new development and redevelopment in the area, and utilizes somewhat more flexible standards. The City Council approved a similar exception last year for the Rockwall Housing Authority for a triplex on Bourn Avenue, and staff feels consideration should be given for the current request.

Staff feels that the architectural style of the house and the proposed materials will blend in well with the neighboring Historic District and meets the intent of the Southside Residential Neighborhood Overlay District.

Hunter made a motion to approve the request by Roger Nielsen of Rockwall Housing Development Corporation 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 for a proposed single family dwelling located at 506 Dickey on a tract known as Lot 25, Canup Addition, which is zoned (SF-7) Single Family Residential district and located within the (SO) Southside Residential Neighborhood Overlay District, as recommended by staff.

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

Appointment with Architectural Review Board representative to receive the Board's recommendations and comments for items on the agenda requiring architectural review.

Mr. Clark Staggs, a representative of the Architectural Review Board, came forward to address the commission and discuss each of the site plans that were reviewed by the ARB. He explained to the commission what the recommendations for each case were regarding materials and elevations.

SP2008-004

Discuss and consider a request from Sy Pham of SP Design & Build for approval of a site plan for a 12,700-sf commercial development located on the proposed Lot 3, Block 1, Meadowcreek Business Center Addition, being approximately 1.42-acres and situated along the east side of SH 205 south of SH 276, zoned (C) Commercial district and situated within the SH 205 Overlay district, and take any action necessary.

Spencer outlined that the site plan submitted by the applicant is for a two (2) building retail/restaurant development. The subject site is part of a larger development known as the Meadowcreek Business Center. The Planning and Zoning Commission reinstated the preliminary plat in 2007.

The site will be accessed via one (1) proposed mutual access drive from SH 205, one (1) mutual access drive from SH 276 via the proposed Walgreens, and one (1) mutual access to the existing lube center. The proposed buildings are shown to be 8,785-sq. ft. and 3,420-sq. ft. requiring (48) parking spaces at a ratio of one (1) parking space for every 250 sq. ft. The applicant is meeting city requirements by proposing to install sixty-six (66) parking spaces. The applicant has expressed to staff that the reason for the additional parking spaces is to provide adequate parking for a possible restaurant in the 8,785-sq. ft. building. The parking standard for a restaurant is one (1) parking space for every 100-sq. ft. of floor area.

The Unified Development Code requires that any drive-thru restaurant less than 2,000-sq. ft. must obtain a Specific Use Permit (SUP) in the Commercial (C) district. The SUP for a drive-thru restaurant is required regardless if it is a stand-alone facility or part of a larger development.

The applicant is proposing to install nine (9) large canopy trees and twelve (12) accent trees along SH 205 in an effort to comply with the SH 205 Overlay district. In addition to the buffers along SH 205 the applicant is installing large caliper trees in the parking lot and large caliper trees along the east side of the building. As currently submitted the landscape plan meets all the requirements of the Unified Development Code.

The applicant has revised the proposed elevations in an effort to incorporate the comments from the ARB, comments from P&Z, and materials/features from the proposed Walgreens to the north, and materials / features from the existing lube center to the south.

The proposed 8,785-sq. ft. building is a 26'5" high single-story building, constructed primarily of Natural Stone, Split-face CMU, Stucco, EIFS cornices, and a standing seam metal roof.

The building elevations comply with the standards outlined in the Unified Development Code with the exception of Horizontal Articulation on the left and rear elevations.

The applicant has expressed to staff that the left elevation could be the location of a possible drive-thru and would prefer to use a metal canopy over changing the wall plane. Staff feels that this is a viable option and should be considered by the Planning and Zoning Commission and the City Council.

Staff feels that there is some room and opportunity to address the horizontal articulation on the rear elevation and would encourage the Commission to direct the applicant to work with staff to find a solution.

As submitted both the left and rear elevations would require a variance approved by the City Council (Simple Majority of 4 out of 7 votes).

The proposed 3,420-sq. ft. building is a 26'10" high single-story building, constructed primarily of Natural Stone, Split-face CMU, Stucco, EIFS cornices, and a standing seam metal roof. The building elevations comply with the standards outlined in the Unified Development Code.

All exterior lighting shall be a maximum of 20' in height (including the base) and shall be directed downward with a maximum 1" reveal. The photometric plan appears to meet all other city requirements.

The ARB approved the revised elevations and site plan.

After brief discussion, Davis made a motion to approved the request from Sy Pham of SP Design & Build for approval of a site plan for a 12,700-sf commercial development located on the proposed Lot 3, Block 1, Meadowcreek Business Center Addition, being approximately 1.42-acres and situated along the east side of SH 205 south of SH 276, zoned (C) Commercial district and situated within the SH 205 Overlay district, as recommended by staff and with the following stipulations:

1. The applicant work with staff to break up the look of the building.

Hunter seconded the motion. It was voted on and passed 6 to 0.

There being no other action items, the commission moved on to the discussion items.

DISCUSSION ITEMS

P2008-009

Discuss and consider a request by Jonathan Youness of RKM Consulting Engineers for approval of a master development plan, as required by Ord. 04-25, for the 134.8-acre "Cambridge Companies" tract within (PD-10) Planned Development No. 10 District, and for approval of a preliminary plat of the Mansions at Rockwall Addition, being 50.82-acres zoned (PD-10) Planned Development No. 10 district and located along the west side of the 205 Bypass (John King Blvd) north of SH 276 and south of IH-30.

SP2008-005

Discuss and consider a request from Brian Dench of Pate Engineers, Inc. for approval of a site plan for a 27,886-sf office development located on part of Lot 13 and Lot 14, Block A, Presbyterian Hospital of Rockwall Addition, being approximately 2.5797-acres zoned (PD-9) Planned Development No. 9 District and situated along Rockwall Parkway southwest of Horizon Road.

SP2008-006

Discuss and consider a request from Mike Lucas of Aqua Terra Engineering Consultants, LLC for approval of a site plan for an office building located on Lot 7, Block A, Lakewood Park Addition, being approximately 0.14-acre zoned (C) Commercial district and situated within the Scenic Overlay district, located at 2551 Ridge Road.

SP2008-007

Discuss and consider a request from Jonathan Youness of RKM Consulting Engineers for approval of a PD Site Plan for the Mansions at Rockwall multifamily and age-restricted multifamily developments, being 50.815-acres overall zoned (PD-10) Planned Development No. 10 district and located along the west side of the 205 Bypass (John King Blvd) north of SH 276 and south of IH-30.

SP2008-008

Discuss and consider a request by David Kochalka of Kimley-Horn and Associates, Inc., for approval of a site plan for Costco, being a 153,147-sf commercial development located on the proposed Lot 1, Block 1, Rockwall Centre Corners Addition, being 20.29-acres zoned (C) Commercial district and situated within the IH-30 Overlay District, SH 205 Overlay District and the SH 276 Overlay District, located along the north side of SH 276 east of SH 205 and south of IH-30.

ADDITIONAL DISCUSSION ITEMS

- Planning Director's Report to discuss current City activities, upcoming meetings, future legislative activities, and other related matters.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:49 p.m.

**Minutes of
PLANNING AND ZONING COMMISSION MEETING
March 11, 2008**

CALL TO ORDER

The meeting was called to order by Chairman, Bill Bricker at 6:00 p.m. with the following members present: Dennis Lowry, Michael Hunter, Barry Buchanan, Earl Milner, and Phillip Herbst. Davis arrived late.

Additionally, the following staff members were present: Robert LaCroix, Chris Spencer and Leslie Ryan.

ELECTION of Planning and Zoning Commission Vice-Chair position

Milner made a motion for Michael Hunter to be Vice Chairman.

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

CONSENT AGENDA ITEMS

SP2008-005

Discuss and consider a request from Brian Dench of Pate Engineers, Inc. for approval of a site plan for a 27,886-sf office development located on part of Lot 13 and Lot 14, Block A, Presbyterian Hospital of Rockwall Addition, being approximately 2.5797-acres zoned (PD-9) Planned Development No. 9 District and situated along Rockwall Parkway southwest of Horizon Road, and take any action necessary.

SP2008-006

Discuss and consider a request from Mike Lucas of Aqua Terra Engineering Consultants, LLC for approval of a site plan for an office building located on Lot 7, Block A, Lakewood Park Addition, being approximately 0.14-acre zoned (C) Commercial district and situated within the Scenic Overlay district, located at 2551 Ridge Road, and take any action necessary.

Hunter made a motion to approve all consent agenda items.

Milner seconded the motion. The motion was voted on and passed 5 to 0 with Buchanan abstaining.

SITE PLANS/ PLATS

P2008-009

Discuss and consider a request by Jonathan Youness of RKM Consulting Engineers for approval of a master development plan, as required by Ord. 04-25, for the 134.8-acre "Cambridge Companies" tract within (PD-10) Planned Development No. 10 District, and for approval of a preliminary plat of the

Mansions at Rockwall Addition, being 50.82-acres zoned (PD-10) Planned Development No. 10 district and located along the west side of the 205 Bypass (John King Blvd) north of SH 276 and south of IH-30, and take any action necessary.

Hampton outlined that as required by the PD-10 ordinance, the applicant has submitted a Master Development Plan for the 134-acres bisected by the 205 Bypass between SH 276 and Interstate 30. This plan is required to be approved prior to or in conjunction with any preliminary plat in this portion of PD-10. The applicant has also submitted a preliminary plat for Tracts "B" and "C," which are the age-restricted multi-family and multi-family tracts, respectively.

For informational purposes, the applicant has shown the conceptual layout of the future auto dealership (Rockwall Honda) on the northwest corner of the tract, for which a Specific Use Permit was approved in 2007. All remaining tracts on the Master Development Plan remain "blank" but the appropriate future land uses are marked on each in accordance with the PD.

As part of the approval of the Master Development Plan, staff has required that the developer show the required 8-ft trail along the north side of SH 276 and west side of the 205 Bypass, as well as the required 8-ft trail into the 5-acre "private park" required in Tract "C." The plan also ties down the locations of the five (5) approved median openings on the 205 Bypass, ensuring ingress/egress to each of the tracts in the Planned Development as well as a connection to the future Discovery Drive. Other "emergency only" access points are shown to serve the age-restricted multi-family development in Tract "B" to meet fire department requirements for secondary access.

The applicant has submitted a preliminary plat for the "Mansions at Rockwall" development, which is located on Tracts B and C of PD-10. With the concurrent submittal of the Master Development Plan (described above) and an associated site plan for Tracts B and C (SP2008-007), the applicant is not showing the proposed improvements (buildings, parking, etc) on the preliminary plat document. However, the plat is indicating the proposed locations of all necessary firelane, access and utility easements, as well as the planned detention pond and drainage easements. An offsite temporary emergency access easement is provided on Tract "A" to meet the remote/secondary access requirements of the fire code. When Tract "A" (commercial) develops, the point of access on the north property line of Tract "B" will be required to remain; however, the final location of the firelane easement on Tract A will be configured around that future development.

The approximate location of the 100-year floodplain is shown for Buffalo Creek, which separates the age-restricted tract and the multi-family tract. One issue raised by staff is the provision of pedestrian access to the private park area in Tract C for residents of Tract B. The current owner of the property (Cambridge) and the developer (Western Rim) each expressed a preference to defer construction of the 8-ft trail adjacent to Tract "G" until that townhouse

development is built in the future. The developer has proposed instead a temporary trail consisting of aggregate material (e.g. crushed granite) to provide the connection until such time Tract G is developed.

The Parks Board reviewed the preliminary plat and master development plan at their March 4, 2008 meeting, and recommended approval. The Parks Board will also review and make final recommendations at the time of final plat(s) for the residential development.

Staff Recommends approval of the Master Development Plan and the preliminary plat with the following conditions:

1. Adherence to engineering department requirements, including but not limited to:
 - a. Submittal and approval of flood study.
2. Adherence to all fire department requirements, including but not limited to:
 - a. Provision of required fire hydrant and fire lane coverage, particularly for south side of age-restricted multi-family development.
3. Submittal and approval of final plat application after approval of engineering plans.
4. Submittal and approval of final treescape plan with final plat.
5. No phasing of multi-family development is allowed per Ordinance 04-25.
6. The 8-ft trail shall be constructed along the west side of the 205 Bypass - including the "offsite" portion adjacent to Tract "G" - unless an approved alternative is approved by City Council (e.g. temporary aggregate trail) that provides access for residents of Tract "B" to the private park area in Tract C.
7. Prior to submittal of final plat application, the following information needs to be clarified and/or corrected on the plat:
 - a. Lot/block information
 - b. Tie at least two corners to City's monumentation.
 - c. Clear provisions of responsibility and level of maintenance for all open spaces, parks, and flood plain areas.
8. Adherence to all Parks Board requirements.

Mr. Chuck Todd, the City Engineer, came forward to address the commission and discuss the flood plain, drainage and the fire lane on the site.

Mr. Gary DeFrain, of Cambridge Companies, came forward to address the commission and express what they are proposing and to answer questions on the request.

Mr. Bob Manaois, of RKM Consultants, the applicant, came forward to answer additional questions and request approval from the commission.

After extensive discussion, Herbst made a motion to table the request by Jonathan Youness of RKM Consulting Engineers for approval of a master

development plan, as required by Ord. 04-25, for the 134.8-acre "Cambridge Companies" tract within (PD-10) Planned Development No. 10 District, and for approval of a preliminary plat of the Mansions at Rockwall Addition, being 50.82-acres zoned (PD-10) Planned Development No. 10 district and located along the west side of the 205 Bypass (John King Blvd) north of SH 276 and south of IH-30.

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

SP2008-007

Discuss and consider a request from Jonathan Youness of RKM Consulting Engineers for approval of a PD Site Plan for the Mansions at Rockwall multifamily and age-restricted multifamily developments, being 50.815-acres overall zoned (PD-10) Planned Development No. 10 district and located along the west side of the 205 Bypass (John King Blvd) north of SH 276 and south of IH-30, and take any action necessary.

Hampton stated that the applicant has submitted a site plan for the Mansions at Rockwall development, located on 50.8-acres known as Tract B (age-restricted multi-family) and Tract C (multi-family) of the section of PD-10 governed by Ordinance 04-25. A master development plan for the entire 134-acre "Cambridge Companies" tract in this area as well as a preliminary plat application for the subject property has been submitted concurrently with the site plan request.

The site plan indicates the breakdown of the multi-family units on each of the two developments. The PD ordinance specified the maximum number of units, minimum and average unit sizes, minimum/maximum percentage requirements of certain unit types (e.g. 1-bedroom), and minimum parking requirements. However, in February 2008 the Planning Commission and City Council approved an exception to some of these requirements under condition that the developer enhance their clubhouse facilities .

Gated access into the development is provided via one drive from SH 276 and one drive from the 205 Bypass into Tract C, and one primary drive and two emergency access drives from the 205 Bypass into Tract B. An offsite temporary emergency access easement is provided on Tract "A" to meet the remote/secondary access requirements of the fire code. When Tract "A" (commercial) develops, the point of access on the north property line of Tract "B" will remain; however, the final location of the firelane easement on Tract A will be configured around that future development.

The site plan includes the required 8-ft trail along the north side of SH 276 and west side of the 205 Bypass, as well as the required 8-ft trail into the 5-acre "private park" required in Tract C. One issue raised by staff is the provision of pedestrian access to the private park area in Tract C for residents of Tract B. The current owner of the property (Cambridge) and the developer (Western Rim) each expressed a preference to defer construction of the 8-ft trail adjacent to Tract "G" until that townhouse development is built in the future. The developer

has proposed instead a temporary trail consisting of aggregate material (e.g. crushed granite) to provide the connection until such time Tract G is developed.

The landscape plan submitted appears to meet all minimum requirements of the PD-10 ordinance and the City's landscape regulations. Tract C has incorporated the required 5-acre park site. In addition, a minimum of 20% of open space is required on both tracts exclusive of the park. The site plan indicates that the provided open space (approximately 47% in Tract C and 64% in Tract B) far exceeds the minimum requirements.

A 50-ft landscape buffer is provided along both SH 276 and the 205 Bypass, also exceeding minimum requirements. Buffer plantings are included at the required rate of three (3) canopy trees and four (4) accent trees per 100 linear feet of frontage, along with shrubs and/or berms. The applicant needs to correct the minimum 3-inch caliper size for canopy trees to minimum 4-inch caliper as specified in the PD-10 ordinance.

The parking areas and detention areas are landscaped in accordance with the landscape ordinance. Because the large detention area in the private park (Tract C) is intended to be a wet "retention" pond, the applicant falls short of the 1 tree per 750-sf of detention area requirement. However, staff feels the provision of a year round water feature with adequate trees along the perimeter will provide a greater amenity than the typical "dry" detention area with trees in it, and would recommend approval of the plan as presented.

Also included with the landscape plan are the locations and a detail of the perimeter tubular steel fence (ranging from 6 to 7 feet in height). The development also indicates locations of existing "tree masses," though a final tree survey / treescape plan has not been prepared. While some trees will be removed, the plan preserves the Buffalo Creek corridor which via aerial imagery appears to be the most significant area of protected trees.

The submitted building elevations indicate that all multi-family structures will be constructed of stucco exterior, and are articulated in a manner consistent with the conceptual elevations approved with the PD-10 ordinance. The PD requires a minimum of 95% masonry, and includes stucco as an acceptable material. The maximum height for the age-restricted development is 60-ft and 3-stories, while the maximum height for the multi-family development is 42-feet and 2-stories. All buildings appear to comply with the height requirements.

Elevations have been submitted for the clubhouse facilities, for which 20% stone is required on the overall building. Both clubhouses comply with the minimum stone requirements, including 30% on the age-restricted clubhouse and 28% on the multi-family clubhouse. Details have also been submitted for the 10-ft high compactor screens and detached garage structures, all of which feature stucco exteriors matching the residential buildings.

A photometric plan has not been submitted for the project; however, the applicant has indicated that the majority of light will be provided via wall-packs on the buildings. Cut-sheets have been provided for the pole lights that will be used primarily in the clubhouse/guest parking areas, which comply with City standards other than the maximum 20-ft height requirement specified in PD-10. Staff would recommend that the applicant work with staff on revising the photometric plan and light fixtures through the permitting process to ensure compliance with all City standards.

The Architectural Review Board recommended approval of the site plan and elevations as submitted based on its compliance with the PD-10 ordinance.

Staff Recommends approval of the site plan for Tracts B and C with the following conditions:

1. Adherence to engineering department requirements, including but not limited to:
 - a. Submittal and approval of flood study.
2. Adherence to all fire department requirements, including but not limited to:
 - a. Provision of required fire hydrant and fire lane coverage, particularly for south side of age-restricted multi-family development.
3. Submittal and approval of final plat application after approval of engineering plans.
4. Submittal and approval of final treescape plan with final plat.
5. No phasing of multi-family development is allowed per Ordinance 04-25.
6. The 8-ft trail shall be constructed along the west side of the 205 Bypass - including the "offsite" portion adjacent to Tract "G" - unless an alternative is approved by City Council (e.g. temporary aggregate trail) that provides access for residents of Tract "B" to the private park area in Tract C.
7. Increase size of required canopy trees to 4-inch caliper to meet PD-10 requirements.
8. Maximum height of all exterior lighting shall be 20-ft, including pole and base. Reduce current proposal of 25-ft pole.
9. All exterior lighting (including wall- and pole-mounted fixtures) shall be cut-off and contained on site in accordance with City standards.
10. Clubhouse on Tract C shall be minimum 12,000-sf in size and feature a European Grand Spa with California Health Club open to the public and identical to clubhouses being built by the developer at Cibolo Canyons (San Antonio, TX) and The Cascades (Tyler, TX).
11. Clubhouse on Tract B shall be a minimum of 7,000-sf in size.

Hunter made a motion to table the request by Jonathan Youness of RKM Consulting Engineers for approval of a PD Site Plan for the Mansions at Rockwall multifamily and age-restricted multifamily developments, being 50.815-acres overall zoned (PD-10) Planned Development No. 10 district and located along the west side of the 205 Bypass (John King Blvd) north of SH 276 and south of IH-30.

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

Chairman Bricker called for a five minute break at 6:54 pm. He reconvened the meeting at 7:04 pm.

SP2008-008

Discuss and consider a request by David Kochalka of Kimley-Horn and Associates, Inc., for approval of a site plan for Costco, being a 153,147-sf commercial development located on the proposed Lot 1, Block 1, Rockwall Centre Corners Addition, being 20.29-acres zoned (C) Commercial district and situated within the IH-30 Overlay District, SH 205 Overlay District and the SH 276 Overlay District, located along the north side of SH 276 east of SH 205 and south of IH-30, and take any action necessary.

Spencer stated that the subject property is zoned (C) Commercial district and (LI) Light Industrial district, and has been platted as Rockwall Centre Corners Addition (Approved by the City Council in January 2008). Included in the plat recently was the tree mitigation plan for the entire Rockwall Centre Corners Addition. In addition to the tree plan and final plat, a Development Agreement was approved by the City Council providing details on tree mitigation requirements, open space/floodplain, and contribution to the City of Rockwall trail fund.

The site is accessed from two proposed drives on SH 276, from SH 205 via a proposed mutual access/fire lane easement and from the IH-30 Service Road via a proposed mutual access/fire lane easement. In addition to the proposed mutual access drives to I-30 and SH 205 the developer is also proposing a mutual access/fire lane easement at the rear of the building to provide access to the adjacent St. Ives tract to the north.

The site plan shows a proposed 153,147-sq. ft. retail store, requiring 613 parking spaces. The applicant is exceeding City requirements by proposing to install 804 spaces, including sixteen (16) handicap spaces.

In addition to the Costco building, the applicant is also proposing to have onsite gasoline sales. The proposal includes six (6) fuel dispensing islands, with twelve (12) separate pumps and a 100-sf kiosk.

Throughout the site plan review process, general engineering and fire department comments have been forwarded to the applicant. Detailed engineering plans must be submitted and approved prior to approval of a final plat or replat of the property. Engineering and fire review will include approval of firelane and fire hydrant locations, driveway locations and required TXDOT permits, utility issues, turn lanes and deceleration lanes, etc.

The SH 276 Corridor Overlay limits the number of parking to two (2) rows of parking approximately 60-feet in width, between the primary building and the SH 276 right-of-way. As submitted, the site plan shows 265-feet of parking between

the primary building and the SH 276 right-of-way and will require a variance to the SH 276 Corridor Overlay. Approval of any variance to the SH 276 Overlay Corridor shall require City Council approval by a three-quarter (3/4) majority vote of those City Council members present with a minimum of four (4) affirmative votes. Staff feels that the current site plan layout with parking on the north, west and south sides helps to break up the sea of concrete typically associated with large retail developments, and believes that the Commission and Council should consider the requested variance.

The final tree plan approved by the Commission in December 2007, indicates the required mitigation of 1,160-inches for the entire Rockwall Centre Corners addition. A total of 345" of Pecan and Southern Live Oak trees are being planted on-site as part of the required tree mitigation. The remaining required tree mitigation of 815" will be planted on the adjacent tract to the east as part of a Developer's Agreement approved by the City Council.

The overall site area of 883,350-sq. ft. requires a minimum of 15% (or 132,578-sq. ft.) of landscape area. The applicant is exceeding city requirements by proposing to install 18% (or 159,002-sq. ft.) of landscape area. The overlay requirements require 16 canopy trees and 22 accent trees along SH 276. The applicant has exceeded city requirements by proposing to install 17 canopy trees but is failing to meet the required accent trees by proposing 18. However the applicant is proposing to install 3 Evergreen Cedars within the SH 276 buffer at the southwest entrance of the site. Staff feels that the Cedar trees will provide evergreen screening that the accent trees could not and believes that the Commission should consider allowing the Cedar trees in place of the additional accent trees. All parking areas appear to be exceeding the spacing and quantity requirements set forth in the landscape ordinance. The 78,000-sf of detention area requires a minimum of 104 trees (one per 750-sq. ft.). Currently the applicant has failed to meet the requirement by providing only 35 trees (one per 2,228-sq. ft.).

The photometric plan submitted for the project appears to meet City requirements for the majority of the site in that anticipated light levels do not exceed 0.2-FC at the property lines, except in the following areas:

- Along SH 276 (south property line)
- Adjacent to Toyota (northwest corner of the site)
- Along the west property line

The maximum mounting height for all exterior lighting is 20-ft in the SH 276 Overlay district, and all fixtures must be full or partial cut-off as defined in the Unified Development Code. The applicant is proposing to use exterior lighting of 30-ft on the entire site. Thirty (30) foot height is permitted within the I-30 Overlay district; however, only a very small portion of the site in the northwest corner falls within the I-30 Overlay district. Approval of any variance to the SH 276 Overlay Corridor shall require City Council approval by a three-quarter (3/4) majority vote of those City Council members present with a minimum of four (4) affirmative

votes. Staff feels that this is a judgment call by the Commission and the City Council.

All fixtures must be full or partial cut-off as defined in the Unified Development Code and recessed into the gas canopy.

The applicant has submitted elevations for a 38' high Costco building with the primary materials being natural stone, architectural metal panel, split-face CMU, Granitestone panels, cast-in-place concrete and smooth-face CMU.

Currently as submitted, the proposed elevations will require the following variances to the SH 276 Overlay:

1. All four (4) sides of the building finished with same materials, detailing and features (East, and South Elevations).
2. Buildings over 100,000-sq. ft. must include seven (7) architectural elements as listed in the SH 276 Corridor Overlay (The building has six (6) architectural elements as submitted).
3. Each exterior wall shall consist of 90% masonry materials (West, East, South and North Elevations).
4. Walls visible from a public street or opens space must have a minimum 20% natural or quarried stone (East and North Elevations)
5. All mechanical equipment must be screened so as not to be visible from any direction. Mechanical roof-top equipment is required to be screened with the same primary building materials or with integrated architectural features.

Approval of any variance to the SH 276 Overlay Corridor shall require City Council approval by a three-quarter (3/4) majority vote of those City Council members present with a minimum of four (4) affirmative votes. Staff feels that this is a judgment call by the Commission and the City Council.

Variances to the General Commercial District Standards (simple majority vote required) are:

1. Horizontal articulation (East Elevation)
2. Vertical articulation (East Elevation)

Approval of exceptions may be approved on a case-by-case basis by the City Council.

The proposed gas controller/kiosk is an 8' high structure constructed of natural stone.

Currently as submitted, the proposed elevations for the gas controller will require the following variances to the SH 276 Overlay:

1. All mechanical equipment must be screened so as not to be visible from any direction. Mechanical roof-top equipment is required to be screened with the same primary building materials or with integrated architectural features.

2. All buildings under 6,000-sq. ft. require a pitched roof system.

Due to the number of variances associated with this project, Staff feels the Planning and Zoning Commission and the City Council should fully consider the granting of such variances as it would affect future development approvals. However, should the Commission and City Council approve this request the following conditions should be included:

1. Approval of the variances to the SH 276 Overlay.
2. Approval of the variances to the General Commercial District Standards.
3. Adherence to all Engineering and Fire Department Standards.
4. Adherence to the tree requirements for detention area (1 tree per 750-sf) is required.
5. All exterior lighting shall comply with City specifications, including that no spillover of light is allowed across property lines.

The Commission extensively discussed the landscaping, the elevations, the parking and the building materials on the proposed development. They addressed each variance request and discussed with the applicant the reasons for each request.

Mr. Greg Magahi, a representative for Costco, came forward to address the commission and to answer any questions pertaining to the Costco Development. He explained each variance and the reasoning for the request and discussed the proposed building materials and lighting of the site.

Herbst made a motion to table the request by David Kochalka of Kimley-Horn and Associates, Inc., for approval of a site plan for Costco, being a 153,147-sf commercial development located on the proposed Lot 1, Block 1, Rockwall Centre Corners Addition, being 20.29-acres zoned (C) Commercial district and situated within the IH-30 Overlay District, SH 205 Overlay District and the SH 276 Overlay District, located along the north side of SH 276 east of SH 205 and south of IH-30.

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

ADDITIONAL DISCUSSION ITEMS

- Planning Director's Report to discuss current City activities, upcoming meetings, future legislative activities, and other related matters.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:45 p.m.

**Minutes of
PLANNING AND ZONING COMMISSION MEETING
March 25, 2008**

CALL TO ORDER

The meeting was called to order by Chairman, Bill Bricker at 6:35 p.m. with the following members present: Lynn Davis, Barry Buchanan, Earl Milner and Dennis Lowry. Phillip Herbst and Michael Hunter were absent.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer, Kim Whitley and Leslie Ryan.

CONSENT AGENDA

1. ***Approval of Minutes for February 26, 2008 Planning and Zoning Commission meeting***
2. ***Approval of Minutes for March 11, 2008 Planning and Zoning Commission meeting***
3. **P2008-010**
Discuss and consider a request by Tyler Adams of Centerpoint Builders for approval of a replat of Lot 2, Block A, Presbyterian Hospital of Rockwall Addition, being a 1.47-acre tract zoned (PD-9) Planned Development No. 9 district and situated along the south side of Horizon Road and east of Rockwall Parkway, and take any action necessary.
4. **P2008-012**
Discuss and consider a request by Matthew Cragun of O'Donald Engineering for approval of a replat for Lot 1, Block A, Mark Carson Addition, being a 0.992-acre tract zoned (PD-9) Planned Development No. 9 district and located at the southwest corner of FM 3097 and Ralph Hall Parkway, and take any action necessary.

Commissioner Buchanan pulled Consent Agenda Item #1.

Commissioner Milner made a motion to approve consent agenda items #2, #3 and #4.

Commissioner Davis seconded the motion. It was voted on and passed 5 to 0.

Commissioner Milner made a motion to approve Consent Agenda Item #1.

Lowry seconded the motion. It was voted on and approved 4 to 0 with Buchanan abstaining.

ACTION ITEMS

SP2008-008

Discuss and consider a request by David Kochalka of Kimley-Horn and Associates, Inc., for approval of a site plan for Costco, being a 153,147-sf commercial development located on the proposed Lot 1, Block 1, Rockwall Centre Corners Addition, being 20.29-acres zoned (C) Commercial district and situated within the IH-30 Overlay District, SH 205 Overlay District and the SH 276 Overlay District, located along the north side of SH 276 east of SH 205 and south of IH-30, and take any action necessary.

Spencer outlined that the subject property is zoned (C) Commercial district and (LI) Light Industrial district, and has been platted as Rockwall Centre Corners Addition. Included in the plat recently was the tree mitigation plan for the entire Rockwall Centre Corners Addition. In addition to the tree plan and final plat, a Development Agreement was approved by the City Council providing details on tree mitigation requirements, open space/floodplain, and contribution to the City of Rockwall trail fund.

The site is accessed from two proposed drives on SH 276, from SH 205 via a proposed mutual access/fire lane easement and from the IH-30 Service Road via a proposed mutual access/fire lane easement. In addition to the proposed mutual access drives to I-30 and SH 205 the developer is also proposing a mutual access/fire lane easement at the rear of the building to provide access to the adjacent St. Ives tract to the north.

The site plan shows a proposed 153,147-sq. ft. retail store, requiring 613 parking spaces. The applicant is exceeding City requirements by proposing to install 775 spaces, including sixteen (16) handicap spaces. The applicant has incorporated the comments from the Planning and Zoning Commission and eliminated the row of parking along SH 276, reducing the overall parking from 804 spaces to 775 spaces.

In addition to the Costco building, the applicant is also proposing to have onsite gasoline sales. The proposal includes six (6) fuel dispensing islands, with twelve (12) separate pumps and a 100-sf kiosk. The applicant has shown on the site plan and informed the Commission of a possible expansion of the fuel dispensing islands to eight (8) and expansion of the pumps to sixteen (16). Any expansion of the onsite gasoline sales would require an amended site plan application to be filed with the Planning Department.

Throughout the site plan review process, general engineering and fire department comments have been forwarded to the applicant. Detailed engineering plans must be submitted and approved prior to approval of a final plat or replat of the property. Engineering and fire review will include approval of firelane and fire hydrant locations, driveway locations and required TXDOT permits, utility issues, turn lanes and deceleration lanes, etc.

The SH 276 Corridor Overlay limits the number of parking to two (2) rows of parking approximately 60-feet in width, between the primary building and the SH

276 right-of-way. As submitted, the site plan shows 265-feet of parking between the primary building and the SH 276 right-of-way and will require a variance to the SH 276 Corridor Overlay. Approval of any variance to the SH 276 Overlay Corridor shall require City Council approval by a three-quarter (3/4) majority vote of those City Council members present with a minimum of four (4) affirmative votes. Staff feels that the current site plan layout with parking on the north, west and south sides helps to break up the sea of concrete typically associated with large retail developments, and believes that the Commission and Council should consider the requested variance.

The final tree plan approved by the Commission in December 2007, indicates the required mitigation of 1,160-inches for the entire Rockwall Centre Corners addition. A total of 345" of Pecan and Southern Live Oak trees are being planted on-site as part of the required tree mitigation. The remaining required tree mitigation of 815" will be planted on the adjacent tract to the east as part of a Developer's Agreement approved by the City Council.

The overall site area of 883,350-sq. ft. requires a minimum of 15% (or 132,578-sq. ft.) of landscape area. The applicant is exceeding city requirements by proposing to install 19.4% (or 171,634-sq. ft.) of landscape area. The SH 276 Overlay requires 16 canopy trees and 22 accent trees along SH 276. The applicant is exceeding city requirements by proposing to install 16 canopy trees and 24 accent trees along SH 276. The applicant is also proposing to install Evergreen Cedars within the SH 276 buffer at the southwest entrance of the site. All parking areas appear to be exceeding the spacing and quantity requirements set forth in the landscape ordinance. The 78,000-sf of detention area requires a minimum of 104 trees (one per 750-sq. ft.). The applicant is meeting city requirements by proposing to install 104 trees.

The applicant has also incorporated additional landscaping around the building in form of planter boxes with small and medium shrubs along the west façade of the building, large caliper trees along the west and south facades and various size shrubs along the west and south facades.

The photometric plan submitted for the project appears to meet City requirements for the entire site in that anticipated light levels do not exceed 0.2-FC at the property lines.

The maximum mounting height for all exterior lighting is 20-ft in the SH 276 Overlay district, and all fixtures must be cut-off as defined in the Unified Development Code. The applicant is proposing to use exterior lighting of 30-ft on the entire site. Thirty (30) foot height is permitted within the I-30 Overlay district; however, only a very small portion of the site in the northwest corner falls within the I-30 Overlay district. Approval of any variance to the SH 276 Overlay Corridor shall require City Council approval by a three-quarter (3/4) majority vote of those City Council members present with a minimum of four (4) affirmative votes. Staff feels that this is a judgment call by the Commission and the City Council.

All fixtures must be full or partial cut-off as defined in the Unified Development Code and recessed into the gas canopy.

The applicant has submitted elevations for a 38' high Costco building with the primary materials being natural stone, architectural metal panel, split-face CMU, Granitestone panels, cast-in-place concrete and sandblasted CMU.

The applicant has made several changes based on the direction that was given by the Architectural Review Board and the Planning and Zoning Commission. The changes included raising the parapet walls, incorporating planter boxes into the west façade, replacing the smooth-face CMU with split-face and sandblasted CMU and providing additional natural stone on the entry and south façade.

In staff's opinion the east and north facades still lack the four-sided architecture addressed by the SH 276 Overlay. Staff feels that this could be addressed with the proper placement of signage on both the east and north facades. A variance approved by the City Council would still be required but staff believes that intent and the spirit of ordinance would have been met.

Currently as submitted, the proposed elevations will require the following variances to the SH 276 Overlay:

1. All four (4) sides of the building finished with same materials, detailing and features (East, and South Elevations).
2. Each exterior wall shall consist of 90% masonry materials (West, East, South and North Elevations).
3. Walls visible from a public street or opens space must have a minimum 20% natural or quarried stone (East and North Elevations)
4. All mechanical equipment must be screened so as not to be visible from any direction. Mechanical roof-top equipment is required to be screened with the same primary building materials or with integrated architectural features.

Approval of any variance to the SH 276 Overlay Corridor shall require City Council approval by a three-quarter (3/4) majority vote of those City Council members present with a minimum of four (4) affirmative votes. Staff feels that this is a judgment call by the Commission and the City Council.

Variances to the General Commercial District Standards (simple majority vote required) include a variance to the horizontal articulation requirements on the East Elevation.

The proposed gas controller/kiosk is an 8' high structure constructed of natural stone. Currently as submitted, the proposed elevations for the gas controller will require the following variances to the SH 276 Overlay:

1. All mechanical equipment must be screened so as not to be visible from any direction. Mechanical roof-top equipment is required to be screened

with the same primary building materials or with integrated architectural features.

2. All buildings under 6,000-sq. ft. require a pitched roof system.

Staff does feel that the applicant has made great strides in addressing the comments and concerns of the Architectural Review Board and the Planning and Zoning Commission. Due to the number of variances associated with this project, Staff feels the Commission and the City Council should fully consider the granting of such variances as it would affect future development approvals. However, should the Commission and City Council approve this request the following conditions should be included:

1. Approval of the variances to the SH 276 Overlay.
2. Approval of the variances to the General Commercial District Standards.
3. Adherence to all Engineering and Fire Department Standards.
4. Placement of wall-signage on the east and north facades.
5. No outdoor storage or sales is allowed unless noted and illustrated on the approved site plan.

The Architectural Review Board approved the revised site plan and building elevations, with the condition that all perimeter light poles on the site be reduced to 20-ft in height.

Mr. Greg McGehey, a representative of Costco, came forward to address the commission and request approval of the site plan application. He discussed each variance and the reason for each request. He expressed how he didn't feel like it would be beneficial to add signage on the north and east elevations due to the fact that they won't be visible based on research and pictures he provided.

The commission extensively discussed the signage on the north and east elevations and discussed the difference in materials and design between the two sets of building elevations. They discussed the number of variances and the reasoning for each of them with the applicant.

After extensive discussion about the signage, articulation, and lighting Bricker made a motion to approve the request by David Kochalka of Kimley-Horn and Associates, Inc., for approval of the site plan for Costco, being a 153,147-sf commercial development located on the proposed Lot 1, Block 1, Rockwall Centre Corners Addition, as recommended by staff and with the following additional recommendations:

1. Articulate the east and north facades a minimum of 4" where the exterior building material changes.
2. The addition of canopies or awnings over all man-doors on the east and north facades.

Milner seconded the motion. The motion was voted on and passed 5 to 0.

Chairman Bricker called for a ten minute break at 7:50 pm.

There being no other action items, the commission moved on to the discussion items.

DISCUSSION ITEMS

Z2008-005

Discuss and consider a request by David Reynolds of SRI Real Estate Properties, LLC, for approval of a Specific Use Permit (SUP) to allow for a "restaurant w/ drive-thru or drive-in" within the (GR) General Retail district, specifically for a Sonic Restaurant proposed to be located on Lot 3, Block A, Hillcrest Center Addition, being a 0.91-acre tract situated within the North SH 205 Corridor Overlay district and located at the northeast corner of FM 552 and SH 205.

SP2008-009

Discuss and consider a request by David Reynolds of SRI Real Estate Properties, LLC, for approval of a site plan for Sonic Restaurant, proposed to be located on Lot 3, Block A, Hillcrest Center Addition, being a 0.91-acre tract zoned General Retail district and situated within the North SH 205 Corridor Overlay district, and located at the northeast corner of FM 552 and SH 205.

SP2008-010

Discuss and consider a request by Jeffrey L. Toon of D/B Constructors, Inc., for approval of a site plan for North American Composites, being a 26,550-sf office/warehouse development proposed to be located on part of Block E, Rockwall Technology Park Addition, being a 3.634-acre tract zoned (LI) Light Industrial district and located at the northeast corner of Observation Trail and Science Place.

P2008-011

Discuss and consider a request from Jay House of Minerva Partners for approval of a final plat for Lots 4 & 5, Block 1, Meadowcreek Business Center Addition, being a 8.23-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.

Z2008-003

Discuss and consider a city-initiated revision to the City of Rockwall Unified Development Code (Ord. No. 04-38), specifically Article VI, Parking and Loading, Section 4, Residential Parking.

ADDITIONAL DISCUSSION ITEMS

- Planning Director's Report to discuss current City activities, upcoming meetings, future legislative activities, and other related matters.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:43 p.m.

**Minutes of
PLANNING AND ZONING COMMISSION MEETING
April 08, 2008**

CALL TO ORDER

The meeting was called to order by Chairman, Bill Bricker at 6:00 p.m. with the following members present: Michael Hunter, Barry Buchanan, and Lynn Davis. Herbst, Milner and Lowry arrived late.

Additionally, the following staff members were present: Robert LaCroix, Chris Spencer, Michael Hampton, Kim Whitley and Leslie Ryan.

CONSENT AGENDA ITEMS

P2008-011

Discuss and consider a request from Jay House of Minerva Partners for approval of a final plat for Lots 4 & 5, Block 1, Meadowcreek Business Center Addition, being a 8.23-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, and take any action necessary.

P2008-013

Discuss and consider a request by Marc Bentley of Bentley Engineering, Inc. for approval of a replat of Lot 14, Block A, Horizon Ridge Addition, being a 0.868-acre tract zoned (PD-9) Planned Development No. 9 and situated at the northwest corner of Summer Lee Drive and Ralph Hall Parkway, and take any action necessary.

Hunter made a motion to approve all consent agenda items.

Davis seconded the motion. The motion was voted on and passed 4 to 0.

Commissioners Lowry and Milner arrived at 6:02 pm.

PUBLIC HEARING ITEMS

Z2008-003

Hold a public hearing and consider a city-initiated revision to the City of Rockwall Unified Development Code (Ord. No. 04-38), specifically Article VI, Parking and Loading, Section 4, Residential Parking, and take any action necessary.

Hampton outlined that earlier this year, the City Council adopted an amendment to the Code of Ordinances that restricted the parking and storage of oversized vehicles and trailers in residential neighborhoods. The amendments to the Code included a recommendation from the Building Official and City Attorney to amend

the residential parking requirements of the Unified Development Code to eliminate conflicts between the two sets of regulations.

Based on that direction from the City Attorney and City Council, staff has drafted the amendment to Article VI of the UDC to remove "trailers" and "trucks (greater than 1.5 ton capacity)" from the Storage of Vehicles provisions. Attached is the adopted ordinance approved by Council relating to the new restrictions on the parking of such vehicles.

Additionally, as a matter of clarification, staff is also proposing to replace the reference of the CBD zoning district with the Downtown "DT" district in Section 4.1A of the parking requirements, since that is now the current zoning classification of the downtown area.

On 2/18/08 the City Council, as part of their approval of an amendment to the Code of Ordinances (i.e. Chapter 16, Motor Vehicles and Traffic), initiated an amendment to Article VI, Parking and Loading, of the Unified Development Code to remove "trailers" from Section 4.1.C, Storage of Vehicles.

Staff Recommends approval of the request.

Chairman Bricker opened the public hearing and asked if anyone wanted to speak. There being no response he closed the public hearing.

After brief discussion, Milner made a motion to approve the city-initiated revision to the City of Rockwall Unified Development Code (Ord. No. 04-38), specifically Article VI, Parking and Loading, Section 4, Residential Parking, as recommended by staff.

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

Herbst arrived at 6:06 pm.

Z2008-005

Hold a public hearing and consider a request by David Reynolds of SRI Real Estate Properties, LLC, for approval of a Specific Use Permit (SUP) to allow for a "restaurant w/ drive-thru or drive-in" within the (GR) General Retail district, specifically for a Sonic Restaurant proposed to be located on Lot 3, Block A, Hillcrest Center Addition, being a 0.91-acre tract situated within the North SH 205 Corridor Overlay district and located at the northeast corner of FM 552 and SH 205, and take any action necessary.

Ryan stated that the applicant is requesting a specific use permit (SUP) to allow for a restaurant with drive-thru or drive-in in the (GR) General Retail district. The site is located just north of the Northeast corner of SH 205 and FM 552. The site is 0.91 of an acre and is known as Lot 3, Block A, Hillcrest Center Addition.

The applicant has concurrently submitted a site plan showing the proposed site layout. The site plan, if approved, will be attached to the SUP ordinance in order to define the specific development standards. The site will be accessible from SH 205 and share a mutual access easement with the 7-Eleven directly to the south.

The site is designated on the Comprehensive Plan to be commercial zoning, and there is currently a 7-Eleven Convenience Store w/ gas sales under construction directly south of Lot 3. Because of concerns about lighting and noise to adjacent SF residential uses to the north and east, (both homes are located outside of the city limits); the applicant has proposed an evergreen landscape screen along those property lines. In addition, there is an extensive amount of existing trees on those adjacent properties that further buffer the proposed use.

Staff feels that because of the designation of the SH 205 / FM 552 intersection as a commercial and retail service area on the City's future land use plan, and based on the applicant's proposed layout and building design, consideration of the SUP should be given. In staff's opinion the adjacent 7-Eleven store, which will likely be a 24-hour operation, is a similar type of use in terms of lighting, vehicular traffic and noise. With the recommended landscape screenings, any negative impacts by the proposed restaurant to the residential homes in the area should be minimized.

Notices were sent to three (3) property owners within 200-ft of the subject tract, and at the time of this report no responses have been returned.

Staff Recommends approval of the request with the following conditions:

1. Adherence to the approved site plan, landscape plan, elevations and lighting plan.
2. Addition of evergreen trees in north and east landscape buffers to provide a second, higher tier of screening.

Mr. Ross Merkling, of CEI Engineering, came forward to address the commission and request approval.

Chairman Bricker opened the public hearing and asked if anyone wanted to speak. There being no response he closed the public hearing.

After brief discussion, Davis made a motion to approve the request by David Reynolds of SRI Real Estate Properties, LLC, for approval of a Specific Use Permit (SUP) to allow for a "restaurant w/ drive-thru or drive-in" within the (GR) General Retail district, specifically for a Sonic Restaurant proposed to be located on Lot 3, Block A, Hillcrest Center Addition, being a 0.91-acre tract situated within the North SH 205 Corridor Overlay district and located at the northeast corner of FM 552 and SH 205, as recommended by staff.

Milner seconded the motion. The motion was voted on and passed 6 to 1 with Buchanan voting against.

SITE PLANS/ PLATS

SP2008-009

Discuss and consider a request by David Reynolds of SRI Real Estate Properties, LLC, for approval of a site plan for Sonic Restaurant, proposed to be located on Lot 3, Block A, Hillcrest Center Addition, being a 0.91-acre tract zoned (GR) General Retail district and situated within the North SH 205 Corridor Overlay district, and located at the northeast corner of FM 552 and SH 205, and take any action necessary.

Ryan stated that the applicant has submitted a site plan for a 1557 sq. ft. drive-thru/drive-in restaurant located on Lot 3, Block A, Hillcrest Center Addition. The site will be accessed from SH 205 via the mutual access easement with the 7-Eleven convenience store that is presently under construction to the south. The required parking is approximately 16 spaces, and the applicant is providing 30 spaces. A common issue with this specific type of drive-in restaurant is employee parking; however, in this case the applicant is also proposing 11 uncovered spaces for employees as well as any customers that may want to use the patio dining area. The proposed drive-thru lane appears to accommodate the stacking of at least six (6) cars per City requirements. An 8-ft dumpster enclosure has been provided to comply with N SH 205 Overlay requirements, with materials matching the primary structure and 6-in Cedar gates.

The Landscape Plan indicates that approximately 14,800-sf (or 37%) of the site is "pervious" area, exceeding the City's minimum 15% requirement. The 20-ft. landscape buffer is provided along SH 205, including the required canopy and accent trees. The applicant has greatly enhanced the landscape buffers along the north and east property lines, serving as a landscape screen to the existing single family homes in the County.

The Building Elevations were approved by the ARB on 3/25/08. The elevations indicate the building materials encompass natural stone, split face CMU, stucco and a standing seam metal roof. Material samples will be available for review at the meeting. The applicant is requesting a variance to the pitched roof requirements for a building with less than 6,000 sq. ft. The proposed building has a Mansard roof that completely hides all mechanical roof top equipment. Staff feels the mansard design is appropriate for the restaurant use, which typically requires more significant ventilation equipment that is difficult to hide on a pitched roof. The patio and canopy detail have been included in the elevations, constructed of materials matching the main structure.

The photometric plan indicated compliance with the City's lighting ordinance. The lighting levels at the property line shall be 0.2 fc. or less. The lighting cut sheets are indicated to be fully or partially cut-off as specified by the Unified Development Code.

Staff Recommends approval of the request with the following conditions:

1. Approval of Specific Use Permit (Z2008-005)
2. Submittal and approval of engineering plans.
3. Adherence to all engineering and fire department requirements.
4. All lighting shall be full cut-off fixtures in accordance with City specifications.
5. Review of final building materials and percentages at the P&Z meeting on Tuesday, April 8th.
6. Approval of variance to roof design requirements by City Council.

Ross Merkling, of CEI Engineering, was present to answer questions.

The Commission discussed the landscape screening along the north and east property lines at length. A concern expressed was that the detention and grading within the north landscape buffer would negate the screening planted in that area if it was lower than the parking and building levels. The applicant expressed that they would address the concern with staff, and were willing to ensure the appropriate screening was achieved.

Chairman Bricker suggested that whatever screening was used, it should be at least 4-ft higher than the final grade of the parking spaces, since the lighting from cars was the primary concern for the adjacent residential properties.

After extensive discussion regarding the screening on the north end of the site, Milner made a motion to approve the request by David Reynolds of SRI Real Estate Properties, LLC, for approval of a site plan for Sonic Restaurant, proposed to be located on Lot 3, Block A, Hillcrest Center Addition, being a 0.91-acre tract zoned (GR) General Retail district and situated within the North SH 205 Corridor Overlay district, and located at the northeast corner of FM 552 and SH 205, as recommended by staff and with the following stipulations:

1. That there be 1 tree per every 750 sq. ft. of detention area.
2. That the Crepe Myrtles, and any other deciduous trees be exchanged for an evergreen species.
3. That the boundary landscape screening must be a minimum of 4-ft. above the finished grade of the parking lot.

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

Davis made a second motion to recommend approval of the variance to the roof design requirements. Hunter seconded the motion. It was voted on and passed 7 to 0.

SP2007-012

Discuss and consider a request by 7-Eleven for approval of amended elevations, specifically the exterior building material color(s), for the proposed

7-Eleven retail store with gasoline sales currently under construction on Lot 2, Block A, Hillcrest Center Addition, being a 1.02-acre tract located at the northeast corner of FM 552 and SH 205, zoned (GR) General Retail district and situated within the North SH 205 Corridor Overlay district, and take any action necessary.

Ryan stated that the developer of the 7-Eleven is requesting an amendment to their approved materials.

The original elevations were approved by the ARB & P&Z in June, 2007. Staff feels that the latest proposal is a change that the Planning and Zoning Commission would want to review. The applicant has requested to change the color of CMU that was approved from cabernet (red/pink) to Sahara tan (more neutral). The stone material is maintained in the same amount and placement on each wall. The Austin stone that covers the majority of the façade has not been requested to change.

Davis made a motion to approve the request by 7-Eleven for approval of amended elevations, specifically the exterior building material color(s), for the proposed 7-Eleven retail store under construction on Lot 2, Block A, Hillcrest Center Addition.

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

SP2008-010

Discuss and consider a request by Jeffrey L. Toon of D/B Constructors, Inc., for approval of variances to Article V of the Unified Development Code, specifically to the mechanical equipment screening requirements of Section 1.5, Screening, and the Construction Materials requirements of Section 5.1, General Industrial District Standards, relative to a site plan for North American Composites, being a 26,550-sf office/warehouse development proposed to be located on part of Block E, Rockwall Technology Park Addition, being a 3.634-acre tract zoned (LI) Light Industrial district and located at the northeast corner of Observation Trail and Science Place, and take any action necessary.

Spencer outlined that Staff has received an application for site plan approval from Jeffrey L. Toon of D/B Constructors, Inc., for a North American Composites office/warehouse development. The proposed 26,550-sf office/warehouse development is located in the Rockwall Tech Park at the northeast corner of Observation Trail and Science Place. The site plan application can and has been reviewed administratively by staff; however, there are two issues with the project as proposed that require the applicant to seek approval of a special exception from the Planning and Zoning Commission and City Council.

First, the proposed building does not meet the 90% masonry and 20% stone requirements as set forth in Article V, Section 5.1A of the City Unified Development Code. *"Each exterior wall shall consist of 90% masonry materials as defined in Article XIII Definitions - Masonry, excluding doors and windows, on*

walls which are visible from a public street or open space, including a minimum of 20% stone.” As submitted the applicant is proposing a concrete tilt-up wall building which 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.

Recent Light Industrial (LI) Projects

Tech Park Projects

- Special Products (No Variances Requested)
- Emphasis (No Variances Requested)

Other LI Projects

- SPR (Stone Variance Approved Subject to Use of Form Liner)
- GIS (Variance for Screening of Mechanical Equipment, Stone and Articulation Denied)

Secondly, as submitted the screening proposed for the rooftop mechanical units also requires consideration of a special exception. There currently appears to be no screening of roof-top mechanical equipment on the north (rear) elevation. Staff feels that the proposed height of the parapet walls and the roof-line on the other three (east, west & south) elevations may also allow for any roof-top mechanical equipment to be visible from adjacent properties and city right-of-way. The screening requirements in Article V, Section 1.5.3 require that ground and roof-mounted “utility equipment and air conditioning units shall be screened utilizing plantings, berms, or walls matching the main structure.”

Jeff Toon, applicant, and the architect of the project, came forward to show alternative elevations for the project that included the required stone. The Commission discussed at length the two proposals – one with approximately 10% stone and the other with the required 20% (referred to in meeting as Elevation #1). The consensus of the Commission was the 20% option was preferred; however, Commissioner Davis suggested that the stone be incorporated onto the walls in a different manner by using a wainscoat that extended the entire length of the south elevation. The applicant agreed that they could alter the elevations to accommodate Ms. Davis’ request and comply with the 20% requirement.

Hunter made a motion to approve the request by Jeffrey L. Toon of D/B Constructors, Inc., for approval of variances associated with the site plan for North American Composites, being a 26,550-sf office/warehouse development proposed to be located on part of Block E, Rockwall Technology Park Addition, being a 3.634-acre tract zoned (LI) Light Industrial district and located at the northeast corner of Observation Trail and Science Place, with the following conditions:

1. The building have 20% stone and wainscott around the south elevation.

2. The equipment be screened on all four sides, and that the screening panels include a cornice to match the top of the walls.

Herbst seconded the motion. It was voted on and passed 7 to 0.

ADDITIONAL DISCUSSION ITEMS

- Planning Director's Report to discuss current City activities, upcoming meetings, future legislative activities, and other related matters.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:03 p.m.

**Minutes of
PLANNING AND ZONING COMMISSION MEETING
April 22, 2008**

CALL TO ORDER

The meeting was called to order by Chairman, Bill Bricker at 6:00 p.m. with the following members present: Lynn Davis, Barry Buchanan, Earl Milner, Dennis Lowry, Phillip Herbst and Michael Hunter.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer and Leslie Ryan.

ACTION ITEMS

Approval of Minutes for March 25, 2008 Planning and Zoning Commission meeting

Commissioner Lowry made a motion to approve the minutes for March 25, 2008.

Commissioner Milner seconded the motion. It was voted on and passed 5 to 0 with Herbst and Hunter abstaining.

Approval of Minutes for April 8, 2008 Planning and Zoning Commission meeting

Commissioner Hunter made a motion to approve the minutes for April 8, 2008.

Commissioner Davis seconded the motion. It was voted on and passed 7 to 0.

P2008-009

Discuss and consider a request by Jonathan Youness of RKM Consulting Engineers for approval of a master development plan, as required by Ord. 04-25, for the 134.8-acre "Cambridge Companies" tract within (PD-10) Planned Development No. 10 District, and for approval of a preliminary plat of the Mansions at Rockwall Addition, being 50.82-acres zoned (PD-10) Planned Development No. 10 district and located along the west side of the 205 Bypass (John King Blvd) north of SH 276 and south of IH-30, and take any action necessary.

Hampton outlined that as required by the PD-10 ordinance, the applicant has submitted a Master Development Plan for the 134-acres bisected by the 205 Bypass between SH 276 and Interstate 30. This plan is required to be approved prior to or in conjunction with any preliminary plat in this portion of PD-10. The applicant has also submitted a preliminary plat for Tracts "B" and "C," which are the age-restricted multi-family and multi-family tracts, respectively.

For informational purposes, the applicant has shown the conceptual layout of the future auto dealership (Rockwall Honda) on the northwest corner of the tract, for which a Specific Use Permit was approved in 2007. All remaining tracts on the Master Development Plan remain “blank” but the appropriate future land uses are marked on each in accordance with the PD.

As part of the approval of the Master Development Plan, staff has required that the developer show the required 8-ft trail along the north side of SH 276 and west side of the 205 Bypass, as well as the required 8-ft trail into the 5-acre “private park” required in Tract “C.” The plan also ties down the locations of the five (5) approved median openings on the 205 Bypass, ensuring ingress/egress to each of the tracts in the Planned Development as well as a connection to the future Discovery Drive. Other “emergency only” access points are shown to serve the age-restricted multi-family development in Tract “B” to meet fire department requirements for secondary access.

The applicant has submitted a preliminary plat for the “Mansions at Rockwall” development, which is located on Tracts B and C of PD-10. With the concurrent submittal of the Master Development Plan (described above) and an associated site plan for Tracts B and C (SP2008-007), the applicant is not showing the proposed improvements (buildings, parking, etc) on the preliminary plat document. However, the plat is indicating the proposed locations of all necessary firelane, access and utility easements, as well as the planned detention pond and drainage easements. An offsite temporary emergency access easement is provided on Tract “A” to meet the remote/secondary access requirements of the fire code. When Tract “A” (commercial) develops, the point of access on the north property line of Tract “B” will be required to remain; however, the final location of the firelane easement on Tract A will be configured around that future development.

The approximate location of the 100-year floodplain is shown for Buffalo Creek, which separates the age-restricted tract and the multi-family tract. One issue raised by staff is the provision of pedestrian access to the private park area in Tract C for residents of Tract B. The current owner of the property (Cambridge) and the developer (Western Rim) each expressed a preference to defer construction of the 8-ft trail adjacent to Tract “G” until that townhouse development is built in the future. The developer has proposed instead a temporary trail consisting of aggregate material (e.g. crushed granite) to provide the connection until such time Tract G is developed.

The Parks Board reviewed the preliminary plat and master development plan at their March 4, 2008 meeting, and recommended approval. The Parks Board will also review and make final recommendations at the time of final plat(s) for the residential development.

Staff Recommends approval of the Master Development Plan and the preliminary plat with the following conditions:

1. Adherence to engineering department requirements, including but not limited to:
 - a. Submittal and approval of flood study.
2. Adherence to all fire department requirements, including but not limited to:
 - a. Provision of required fire hydrant and fire lane coverage.
3. Submittal and approval of final plat application after approval of engineering plans.
4. Submittal and approval of final treescape plan with final plat.
5. No phasing of multi-family development is allowed per Ordinance 04-25.
6. The 8-ft trail shall be constructed along the west side of the 205 Bypass - including the "offsite" portion adjacent to Tract "G" - unless an approved alternative is approved by City Council (e.g. temporary aggregate trail) that provides access for residents of Tract "B" to the private park area in Tract C.
7. Prior to submittal of final plat application, the following information needs to be clarified and/or corrected on the plat:
 - a. Lot/block information
 - b. Tie at least two corners to City's monumentation.
 - c. Clear provisions of responsibility and level of maintenance for all open spaces, parks, and flood plain areas.
8. Adherence to all Parks Board requirements.

Gary DeFrain of Cambridge Companies, owner of the 134-acre tract, came forward to address the Commission relative to the Master Development Plan. He stated that after reviewing the costs of the trail requirements, Cambridge is willing to build the permanent 8-ft concrete trail along Tract G rather than the temporary aggregate option.

Matthew Hiles, from Western Rim (developer), and the applicant were also available to answer any questions on the preliminary plat.

After brief discussion, Hunter made a motion to approve the request by Jonathan Youness of RKM Consulting Engineers for approval of a master development plan for (PD-10) Planned Development No. 10 District, and for approval of a preliminary plat of the Mansions at Rockwall Addition, as recommended by staff and with the following condition:

1. Developer to construct 8-ft concrete trail along Tract G (staff recommendation #6 to be revised to remove wording after "...Tract G".)

Herbst seconded the motion. It was voted on and passed 7 to 0.

SP2008-007

Discuss and consider a request from Jonathan Youness of RKM Consulting Engineers for approval of a PD Site Plan for the Mansions at Rockwall multifamily and age-restricted multifamily developments, being 50.815-acres overall zoned (PD-10) Planned Development No. 10 district and located along

the west side of the 205 Bypass (John King Blvd) north of SH 276 and south of IH-30, and take any action necessary.

Hampton outlined that a site plan has been submitted for the Mansions at Rockwall development, located on 50.8-acres known as Tract B (age-restricted multi-family) and Tract C (multi-family) of the section of PD-10 governed by Ordinance 04-25. A master development plan for the entire 134-acre "Cambridge Companies" tract in this area as well as a preliminary plat application for the subject property has been submitted concurrently with the site plan request.

The site plan indicates the breakdown of the multi-family units on each of the two developments. The PD ordinance specified the maximum number of units, minimum and average unit sizes, minimum/maximum percentage requirements of certain unit types (e.g. 1-bedroom), and minimum parking requirements. However, in February 2008 the Planning Commission and City Council approved an exception to some of these requirements under condition that the developer enhance their clubhouse facilities (see case MIS2007-013).

Gated access into the development is provided via one drive from SH 276 and one drive from the 205 Bypass into Tract C, and one primary drive and two emergency access drives from the 205 Bypass into Tract B. An offsite temporary emergency access easement is provided on Tract "A" to meet the remote/secondary access requirements of the fire code. When Tract "A" (commercial) develops, the point of access on the north property line of Tract "B" will remain; however, the final location of the firelane easement on Tract A will be configured around that future development.

The site plan includes the required 8-ft trail along the north side of SH 276 and west side of the 205 Bypass, as well as the required 8-ft trail into the 5-acre "private park" required in Tract C. One issue raised by staff is the provision of pedestrian access to the private park area in Tract C for residents of Tract B. The current owner of the property (Cambridge) and the developer (Western Rim) each expressed a preference to defer construction of the 8-ft trail adjacent to Tract "G" until that townhouse development is built in the future. The developer has proposed instead a temporary trail consisting of aggregate material (e.g. crushed granite) to provide the connection until such time Tract G is developed.

The landscape plan submitted appears to meet all minimum requirements of the PD-10 ordinance and the City's landscape regulations. Tract C has incorporated the required 5-acre park site. In addition, a minimum of 20% of open space is required on both tracts exclusive of the park. The site plan indicates that the provided open space (approximately 47% in Tract C and 64% in Tract B) far exceeds the minimum requirements.

A 50-ft landscape buffer is provided along both SH 276 and the 205 Bypass, also exceeding minimum requirements. Buffer plantings are included at the required rate of three (3) canopy trees and four (4) accent trees per 100 linear feet of frontage, along with shrubs and/or berms. The applicant needs to correct the

minimum 3-inch caliper size for canopy trees to minimum 4-inch caliper as specified in the PD-10 ordinance.

The parking areas and detention areas are landscaped in accordance with the landscape ordinance. Because the large detention area in the private park (Tract C) is intended to be a wet “retention” pond, the applicant falls short of the 1 tree per 750-sf of detention area requirement. However, staff feels the provision of a year round water feature with adequate trees along the perimeter will provide a greater amenity than the typical “dry” detention area with trees in it, and would recommend approval of the plan as presented.

Also included with the landscape plan are the locations and a detail of the perimeter tubular steel fence (ranging from 6 to 7 feet in height). The development also indicates locations of existing “tree masses,” though a final tree survey / treescape plan has not been prepared. While some trees will be removed, the plan preserves the Buffalo Creek corridor, which with a review of aerial imagery appears to be the most significant area of protected trees.

The submitted building elevations indicate that all multi-family structures will be constructed of stucco exterior, and are articulated in a manner consistent with the conceptual elevations approved with the PD-10 ordinance. The PD requires a minimum of 95% masonry, and includes stucco as an acceptable material. The maximum height for the age-restricted development is 60-ft and 3-stories, while the maximum height for the multi-family development is 42-feet and 2-stories. All buildings appear to comply with the height requirements.

Elevations have been submitted for the clubhouse facilities, for which 20% stone is required on the overall building. Both clubhouses comply with the minimum stone requirements, including 30% on the age-restricted clubhouse and 28% on the multi-family clubhouse. Details have also been submitted for the 10-ft high compactor screens and detached garage structures, all of which feature stucco exteriors matching the residential buildings.

A photometric plan has not been submitted for the project; however, the applicant has indicated that the majority of light will be provided via wall-packs on the buildings. Cut-sheets have been provided for the pole lights that will be used primarily in the clubhouse/guest parking areas, which comply with City standards other than the maximum 20-ft height requirement specified in PD-10. Staff would recommend that the applicant work with staff on revising the photometric plan and light fixtures through the permitting process to ensure compliance with all City standards.

On 2/26/08 the Architectural Review Board recommended approval of the site plan and elevations as submitted based on its compliance with the PD-10 ordinance.

Staff Recommends approval of the site plan for Tracts B and C with the following conditions:

1. Adherence to engineering department requirements, including but not limited to:
 - a. Submittal and approval of flood study.
2. Adherence to all fire department requirements, including but not limited to:
 - a. Provision of required fire hydrant and fire lane coverage.
3. Submittal and approval of final plat application after approval of engineering plans.
4. Submittal and approval of final treescape plan with final plat.
5. No phasing of multi-family development is allowed per Ordinance 04-25.
6. The 8-ft concrete trail shall be constructed along the west side of the 205 Bypass - including the "offsite" portion adjacent to Tract "G."
7. Increase size of required canopy trees to 4-inch caliper to meet PD-10 requirements.
8. Maximum height of all exterior lighting shall be 20-ft, including pole and base. Reduce current proposal of 25-ft pole.
9. All exterior lighting (including wall- and pole-mounted fixtures) shall be cut-off and contained on site in accordance with City standards.
10. Clubhouse on Tract C shall be minimum 12,000-sf in size and feature a European Grand Spa with California Health Club open to the public and identical to clubhouses being built by the developer at Cibolo Canyons (San Antonio, TX) and The Cascades (Tyler, TX).
11. Clubhouse on Tract B shall be a minimum of 7,000-sf in size.

After brief discussion, Lowry made a motion to approve the request by Jonathan Youness of RKM Consulting Engineers for approval of a PD Site Plan for the Mansions at Rockwall multifamily and age-restricted multifamily developments, being 50.815-acres overall zoned (PD-10) Planned Development No. 10 district and located along the west side of the 205 Bypass (John King Blvd) north of SH 276 and south of IH-30, as recommended by staff.

Hunter seconded the motion. It was voted on and passed 7 to 0.

SP2008-012

Discuss and consider a request from Rockwal Hotel and Conference Group, Inc., for approval of an amended elevation for The Harbor Hilton Hotel, specifically for proposed changes to the screening wall for the mechanical pavilion, located at 2055 Summer Lee Drive, and take any action necessary.

Hampton outlined that the Hilton Hotel and Conference Center, located at the Harbor, has made a request to amend their approved building elevations to change the exterior appearance of the 15-ft screening wall located between the parking area and the "mechanical pavilion" on the east side of the hotel, which faces Summer Lee Drive. The request involves the removal of a concrete-tile roof element from the screening wall that was specifically approved by the Planning Commission in July 2006. At that time, the developer requested and received approval of a variance by the Commission and City Council to use a high standard EIFS material as the primary exterior building material. However, to

break up the monotony of the screening wall located on the street-side of the hotel and conference center, the developer proposed the tile roof mansard as a way to complement the hotel and add articulation to this wall.

Presently, the developer has constructed the screening wall without the mansard material (pictures enclosed). At this time, the applicant is requesting that the Planning Commission approve the change to allow the presently built wall to remain as constructed, which is essentially a 15-ft tall masonry wall finished with an exterior coat of EIFS. While it effectively serves its purpose of screening the service and equipment areas, staff feels the final call needs to be made by the Commission to allow this change.

Rob and Sara Whittle, owners, were present to answer questions and request approval. Mr. Whittle explained that in the construction process, it's been determined that the original roof structure cannot be attached to the wall in a manner that would be durable and look good. There have been issues with delivery and trash trucks damaging gates in the vicinity, and it is feared that the tile roofs would be damaged also. Mr. Whittle also stated that there would be plantings on the screening wall to enhance its appearance.

Extensive discussion followed on the screening of rooftop equipment on the convention center. Chairman Bricker asked if a mansard screening was proposed to screen that equipment originally. Hampton stated that one of the issues during the construction process was that the approved building plans showed the screening panels attached to the equipment.

Bricker stated he is ok with removal of the mansard roof, but the screening of air conditioners needs to be taken care of since it's a code requirement. Lowry followed up that color could be used on the units to match the background of the walls behind it. Milner agreed that there are precedent issues, and he would hate for the next guy that does a beautiful project to use the Hilton as an example of how to get out of screening some equipment.

After further discussion about screening and landscaping, Mr. Whittle agreed to work with staff on completing any outstanding items. LaCroix stated that he would encourage that action, and that if staff feels any items are not addressed satisfactorily, then it could be referred to the Commission for further review.

Hunter made a motion to approve the request by Rockwall Hotel and Conference Group, Inc., for approval of an amended elevation for The Harbor Hilton Hotel, specifically for proposed changes to the screening wall for the mechanical pavilion, located at 2055 Summer Lee Drive, with the following recommendation:

1. The developer/owner work with staff on completing the required screening of rooftop mechanical equipment (installation of screens and/or painting to match existing colors), as well as complete any outstanding landscaping at the hotel site.

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

There being no other action items, the commission moved on to the discussion items.

DISCUSSION ITEMS

Z2008-006

Discuss and consider a request by Michael Alturk of MA Engineering for approval of a Specific Use Permit (SUP) to allow for a "restaurant w/ drive-thru or drive-in" within (PD-46) Planned Development No. 46 district, specifically for a Sonic Restaurant proposed to be located on part of Lot 1, Block A, Subway / Gateway / Health Food Store Addition, being a 2.0-acre tract situated within the SH 276 Corridor Overlay district, and located at the northeast corner of FM 549 and SH 276.

SP2008-014

Discuss and consider a request by Michael Alturk of MA Engineering for approval of a site plan for Sonic Drive-in Restaurant, proposed to be located on part of Lot 1, Block A, Subway / Gateway / Health Food Store Addition, being a 2.0-acre tract zoned (PD-46) Planned Development No. 46 and located at the northeast corner of FM 549 and SH 276, and take any action necessary.

ADDITIONAL DISCUSSION ITEMS

- Planning Director's Report to discuss current City activities, upcoming meetings, future legislative activities, and other related matters.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:59 p.m.

**Minutes of
PLANNING AND ZONING COMMISSION MEETING
May 13, 2008**

CALL TO ORDER

The meeting was called to order by Vice Chairman, Michael Hunter at 6:00 p.m. with the following members present: Lynn Davis, Barry Buchanan, Earl Milner, Dennis Lowry, and Phillip Herbst. Bill Bricker was absent.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer and Leslie Ryan.

CONSENT AGENDA ITEMS

Approval of Minutes for April 22, 2008 Planning and Zoning Commission meeting

Commissioner Lowry made a motion to approve the minutes.

Commissioner Herbst seconded the motion. It was voted on and passed 6 to 0.

P2008-014

Discuss and consider a request by Douphrate & Associates, Inc., for approval of a final plat of Lot 1, Block 1, Rockwall Medical Center Addition (preliminary platted as part of Flagstone Estates), being 2.4325-acres zoned (PD-54) Planned Development No. 54 district and designated for (C) Commercial uses, located along the south side of Ralph Hall Pkwy east of Flagstone Creek Blvd, and take any action necessary.

Lowry made a motion to approve the request by Douphrate & Associates, Inc., for approval of a final plat of Lot 1, Block 1, Rockwall Medical Center Addition (preliminary platted as part of Flagstone Estates), being 2.4325-acres zoned (PD-54) Planned Development No. 54 district and designated for (C) Commercial uses, located along the south side of Ralph Hall Pkwy east of Flagstone Creek Blvd, as recommended by staff.

Davis seconded the motion. It was voted on and passed 6 to 0.

PUBLIC HEARING ITEMS

Z2008-006

Hold a public hearing and consider a request by Michael Alturk of MA Engineering for approval of a Specific Use Permit (SUP) to allow for a "restaurant w/ drive-thru or drive-in" within (PD-46) Planned Development No. 46 district, specifically for a Sonic Restaurant proposed to be located on part of Lot 1, Block A, Subway / Gateway / Health Food Store Addition, being a 2.0-

acre tract situated within the SH 276 Corridor Overlay district, and located at the northeast corner of FM 549 and SH 276, and take any action necessary.

Ryan outlined that the applicant is requesting a specific use permit (SUP) to allow for a restaurant with drive-thru or drive-in in the (PD-46) Planned Development 46 District. The site is located just east of the Northeast corner of SH 276 and FM 549. The site is 0.71 of an acre and is part of Lot 1, Block A, Subway/Gateway Addition.

The applicant has submitted a site plan showing the proposed site layout. The site plan if approved will be attached to the SUP ordinance in order to define the specific development standards. The site will be accessible from SH 276 and share a mutual access easement with the Subway Gateway Shell Station directly to the west and the vacant property to the east.

Notices were sent to six (6) property owners within 200-ft of the subject tract, and at the time of this report one (1) response "in favor" has been returned.

Staff Recommends approval of the request with the following conditions:

1. Adhere to all Engineering and Fire comments.
2. 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.

Michael Alturk, applicant, was present to answer any questions.

Hunter opened the public hearing and asked if anyone wished to speak. There being no response he closed the public hearing.

Lowry made a motion to approve the request by Michael Alturk of MA Engineering for approval of a Specific Use Permit (SUP) to allow for a "restaurant w/ drive-thru or drive-in" within (PD-46) Planned Development No. 46 district, specifically for a Sonic Restaurant proposed to be located on part of Lot 1, Block A, Subway / Gateway / Health Food Store Addition, being a 2.0-acre tract situated within the SH 276 Corridor Overlay district, and located at the northeast corner of FM 549 and SH 276, as recommended by staff.

Herbst seconded the motion. It was voted on and passed 6 to 0.

ACTION ITEMS

SP2008-014

Discuss and consider a request by Michael Alturk of MA Engineering for approval of a site plan for Sonic Drive-in Restaurant, proposed to be located on part of Lot 1, Block A, Subway / Gateway / Health Food Store Addition, being a 2.0-acre tract zoned (PD-46) Planned Development No. 46 and located at the northeast corner of FM 549 and SH 276, and take any action necessary.

Ryan stated that the applicant has submitted a site plan for a 1,718 sq. ft. drive-thru/drive-in restaurant located on Lot 1, Block A, Subway/Gateway/Health Food Store Addition. The site will be accessed from SH 276 via the mutual access easement with the Gateway Shell convenience store that is directly to the west. The required parking is approximately 18 spaces, and the applicant is providing 29 spaces. The applicant is also proposing 4 uncovered spaces and 1 covered space for employees as well as shared parking availability with with connected Shell station which is shown on the site plan. The proposed drive-thru lane appears to accommodate the stacking of at least six (6) cars per City requirements. An 8-ft dumpster enclosure has been provided to comply with SH 276 Overlay requirements, with materials matching the primary structure and stain redwood gates.

The Landscape Plan indicates that approximately 4,869-sf of the site is landscaped area, exceeding the City's minimum 15% requirement. The 15-ft. landscape buffer is provided along SH 276, including the required canopy trees and shrubs, and accent trees planted throughout the site.

The Building Elevations were approved by the ARB on 4/22/08. The elevations indicate the building materials encompass quarried stone, face brick, and a standing seam metal roof. The applicant is requesting a variance to the pitched roof requirements for a building with less than 6,000 sq. ft. The proposed building has a Mansard roof that completely hides all mechanical roof top equipment. Staff feels the mansard design is appropriate for the restaurant use, which typically requires more significant ventilation equipment that is difficult to hide on a pitched roof. The patio and canopy detail have been included in the elevations, constructed of materials matching the main structure.

The photometric plan indicates compliance with the City's lighting ordinance. The lighting levels at the property line shall be 0.2 fc. or less. The lighting cut sheets are indicated to be fully or partially cut-off as specified by the Unified Development Code.

Staff Recommends approval of the request with the following conditions:

1. Adhere to all Engineering and Fire comments.
2. Show proposed detention method on site plan.
3. Replace any dead trees on Subway Gateway site.
4. City Council approval of the Specific Use Permit.
5. City Council approval of variance to roof design standards.
6. Submittal and approval of replat of Lot 1, Block A, Subway Gateway Addition.

Davis made a motion to approve the request by Michael Alturk of MA Engineering for approval of a site plan for Sonic Drive-in Restaurant, proposed to be located on part of Lot 1, Block A, Subway / Gateway / Health Food Store Addition, being a 2.0-acre tract zoned (PD-46) Planned Development No. 46 and located at the northeast corner of FM 549 and SH 276, as recommended by staff.

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

Z2007-027

Discuss and consider a request by Tek Dayalji to refile an application within one year of City Council denial, relative to a request for a Specific Use Permit (SUP) to allow for a "structure over 36 feet in height" in the Scenic Overlay (SOV) district, specifically for a hotel located on Lot 8, Block A, Rockwall Towne Center Phase 4 Addition, being a 1.78-acre tract zoned (C) Commercial and situated on Vigor Way (private street) between IH-30 and Ridge Rd, and take any action necessary.

Spencer outlined that on September 17, 2007, the City Council denied a Specific Use Permit request by Matthew King (on behalf of Tek Dayalji) that would have allowed a building over 36-ft in height within the Scenic Overlay district. The request was specifically related to a 4-story hotel that was proposed on Lot 8, Block A, Rockwall Towne Center Phase 4 Addition, which is situated on Vigor Way (private street) between IH-30 and Ridge Rd.

Article II of the City's Unified Development Code includes the following as criteria for determining whether a zoning/SUP case can be resubmitted within one year of being denied by City Council:

"Reapplication Due to Changed Conditions. A proposal to rezone a tract or parcel of land which has been previously rejected by the Council may be resubmitted within one year only if there is an actual change in conditions relating to zoning principles of the tract or parcel of land or the property surrounding it. In that event, the applicant must submit to the Director of Planning, in writing, a resume describing such changed conditions. The Director of Planning shall investigate the property or cause such an investigation to be made and shall report to the Planning and Zoning Commission whether or not such changed conditions exist. Upon hearing this report, the Planning and Zoning Commission shall either grant or deny the request to refile the proposal for rezoning."

Staff has provided the Commission with the following documents from Mr. Dayalji and the new project architect, Marcus McNamara, that are intended to highlight the changed conditions for this proposal:

- Letter describing changed conditions and updated request
- Corporate Franchise information on selected hotel brand (unknown on previous case)
- New conceptual elevations for proposed hotel
- New conceptual site plan for proposed hotel

It should be noted that the Commission recommended approval of the original SUP request, with the condition that the architectural details would be carefully reviewed at the time of site plan. However, the City Council (which only reviews

variances associated with site plan requests) felt the SUP for the height variance only left the possibility open for a lower quality project and/or an extended stay "residence hotel." A hotel and residence hotel are both permitted uses within the Commercial zoning district; however, the maximum height in the Scenic Overlay district is 36-ft.

In staff's communication with the applicant, it appears that the applicant is willing to provide a greater level of detail and commitment on the site planning and elevation aspects during the SUP process, which could address some of the concerns about the construction standards. Additionally, at this time the applicant has a specific end user in mind (Comfort Inn), and appears agreeable to conditions that could be applied during the SUP process that would negate the potential for a residence hotel.

Marcus McNamara, architect, came forward to present a preliminary elevation and answer questions.

After brief discussion, Milner made a motion to approve the request by Tek Dayalji to refile an application within one year of City Council denial, relative to a request for a Specific Use Permit (SUP) to allow for a "structure over 36 feet in height" in the Scenic Overlay (SOV) district, specifically for a hotel located on Lot 8, Block A, Rockwall Towne Center Phase 4 Addition, being a 1.78-acre tract zoned (C) Commercial and situated on Vigor Way (private street) between IH-30 and Ridge Rd.

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

ADDITIONAL DISCUSSION ITEMS

- Planning Director's Report to discuss current City activities, upcoming meetings, future legislative activities, and other related matters.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:52 p.m.

**Minutes of
PLANNING AND ZONING COMMISSION MEETING
May 27, 2008**

CALL TO ORDER

The meeting was called to order by Chairman, Bill Bricker at 6:10 p.m. with the following members present: Lynn Davis, Barry Buchanan, Earl Milner, Dennis Lowry, Phillip Herbst and Michael Hunter.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer, Kim Whitley and Leslie Ryan.

There being no action items, the commission moved on to the discussion items.

DISCUSSION ITEMS

Appointment with Architectural Review Board representative to receive the Board's recommendations and comments for items on the agenda requiring architectural review.

Clark Staggs, Architectural Review Board member, reported to the Commission that the Board had recommended approval of the medical office development (SP2008-016) subject to the project receiving approval through the hospital's design review process and providing building materials at the next ARB meeting on June 10th. Additionally, the Board does not have recommendations on Mr. Houser's new building (SP2008-017) or the Specific Use Permit request for the hotel (Z2008-013) as each of those projects will be bringing in revised elevations that comply with respective Overlay requirements at their next meeting.

SP2008-015

Discuss and consider a request by Adam Crump of Douphrate & Associates for approval of a site plan for Bin 303 Restaurant, being a 4,982-sf restaurant proposed to be located on a 0.72-acre tract zoned (GR) General Retail district and currently known as Lot D, Block 122, B. F. Boydston Survey, situated within the Old Town Rockwall Historic District and located at 105 Olive Street.

SP2008-016

Discuss and consider a request by Todd Winters of Engineering Concepts for approval of a site plan for Lots 4 and 5, Block A, Presbyterian Hospital of Rockwall Addition, being an approximate 23,200-sf office development located on the 1.92-acre site, which is zoned (PD-9) Planned Development No. 9 district and located along the southwest side of FM 3097 (Horizon Rd) south of the main entrance to the existing hospital.

SP2008-017

Discuss and consider a request by Gerald Houser for approval of a site plan for new building additions on his property located at 1611 SH 276, being 6.19-acres known as Lot 1, Block A, Houser Addition, and zoned (HC) Heavy Commercial district and situated within the SH 276 Corridor Overlay district.

P2008-015

Discuss and consider a request from Dean Cathey for approval of a final plat of Lot 1, Block 1, Bray Addition, being 2.41-acres zoned (SF-10) Single Family District and located at the terminus of Valley Drive, south of Westway Drive.

P2008-016

Discuss and consider a request from Robert Richardson of Doug Connally & Associates for approval of a replat of Lot 7, Block A, Municipal Industrial Park Addition, being 1.0117-acres zoned (LI) Light Industrial district located along the north side of Whitmore Drive east of Townsend.

P2008-017

Discuss and consider a request by Rusty Prentice of Pate Engineers, Inc., for approval of a replat of Lots 13 and 14, Block A, Presbyterian Hospital of Rockwall Addition, being a 3.078-acre tract zoned (PD-9) Planned Development No. 9 district and situated along Rockwall Parkway southwest of Horizon Road.

Z2007-022

Discuss and consider a request by Mike and Paige Brown for approval of a Specific Use Permit (SUP) allowing for a landing/stairs exceeding the maximum requirements within the Lake Ray Hubbard Takeline Overlay (TL OV) District, in the take area adjacent to their property at 1160 Crestcove Drive, being Lot 21, Block B, Hillcrest Shores Phase 3 Addition.

Z2008-007

Discuss 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.

Z2008-008

Discuss and consider a request by Phil Powell for approval of a Specific Use Permit (SUP) to allow for a "Tennis Court, Private" within the SF-E/2.0 Single Family Estate district, specifically on his 2.921-acre property located at 530 Cullins Rd and currently described as Tract 4-5, Abstract 80, W. W. Ford Survey.

Z2008-009

Discuss and consider a request by Robert Scott Jungels for approval of a Specific Use Permit (SUP) allowing for a deck/patio exceeding the

maximum requirements within the Lake Ray Hubbard Takeline Overlay (TL OV) District, in the take area adjacent to his property at 1200 Crestcove Drive, being Lot 25, Block B, Hillcrest Shores Phase 3 Addition.

Z2008-010

Discuss and consider a request by Paul Koetter for approval of a change in zoning from (SF-7) Single Family Residential district to (GR) General Retail district, on the 0.753-acre property known as part of Block 117, B F Boydston Survey, located at 101 St. Mary Street and situated at the northeast corner of St. Mary Street and South Goliad.

Z2008-011

Discuss and consider a request by Stanley Jeffus for approval of a Specific Use Permit (SUP) to allow for a "Utility Installation, Other Than Listed," specifically a wind turbine, on his property at 1903 S. FM 549, being a 5.0-acre tract zoned (Ag) Agricultural district and known as part of Lot 2, McLendon Companies Addition.

Z2008-012

Discuss and consider a request by Stanley and Patricia Watson for approval of a change in zoning from (SF-E/4.0) Single Family district to (PD) Planned Development district, to allow for three (3) single family lots on their 11.75-acre property located at 2826 N. FM 549 and known as Tract 5-2, Abstract 193, J. E. Sherwood Survey.

Z2008-013

Discuss and consider a request by Marcus McNamara of Alexander Marcus Design Group, LLC for approval of a Specific Use Permit (SUP) to allow for a "structure over 36 feet in height" in the Scenic Overlay (SOV) district, specifically for a proposed four-story hotel measuring approximately 52'4" in height, located on Lot 8, Block A, Rockwall Towne Center Phase 4 Addition, being a 1.78-acre tract zoned (C) Commercial and situated on Vigor Way (private street) between IH-30 and Ridge Rd.

No action was taken on any of the discussion items.

ADDITIONAL DISCUSSION ITEMS

- Planning Director's Report to discuss current City activities, upcoming meetings, future legislative activities, and other related matters.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:12 p.m.

**Minutes of
PLANNING AND ZONING COMMISSION MEETING
June 10, 2008**

CALL TO ORDER

The meeting was called to order by Chairman, Bill Bricker at 6:00 p.m. with the following members present: Dennis Lowry, Michael Hunter, Barry Buchanan, Earl Milner, and Lynn Davis. Commissioner Herbst was absent.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Kim Whitley and Leslie Ryan.

CONSENT AGENDA ITEMS

1. ***Approval of Minutes*** for May 13, 2008 Planning and Zoning Commission meeting
2. ***Approval of Minutes*** for May 27, 2008 Planning and Zoning Commission meeting
3. **P2008-016**
Discuss and consider a request from Robert Richardson of Doug Connally & Associates for approval of a replat of Lot 7, Block A, Municipal Industrial Park Addition, being 1.0117-acres zoned (LI) Light Industrial district located along the north side of Whitmore Drive east of Townsend, and take any action necessary.
4. **P2008-017**
Discuss and consider a request by Rusty Prentice of Pate Engineers, Inc., for approval of a replat of Lots 13 and 14, Block A, Presbyterian Hospital of Rockwall Addition, being a 3.078-acre tract zoned (PD-9) Planned Development No. 9 district and situated along Rockwall Parkway southwest of Horizon Road, and take any action necessary.
5. **SP2008-017**
Discuss and consider a request by Gerald Houser for approval of a site plan for new building additions on his property located at 1611 SH 276, being 6.19-acres known as Lot 1, Block A, Houser Addition, and zoned (HC) Heavy Commercial district and situated within the SH 276 Corridor Overlay district, and take any action necessary.

Bricker pulled the first consent agenda item.

Lowry made a motion to approve consent agenda items 2-5.

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

Hunter made a motion to approve the minutes of the May 13, 2008 meeting.

Davis seconded the motion. The motion was voted on and passed 5 to 0 with Bricker abstaining.

PUBLIC HEARING ITEMS

Z2007-022

Hold a public hearing and consider a request by Mike and Paige Brown for approval of a Specific Use Permit (SUP) allowing for a landing/stairs exceeding the maximum requirements within the Lake Ray Hubbard Takeline Overlay (TL OV) District, in the take area adjacent to their property at 1160 Crestcove Drive, being Lot 21, Block B, Hillcrest Shores Phase 3 Addition, and take any action necessary.

Hampton outlined that the applicant has made a request for approval of a Specific Use Permit (SUP) allowing for two (2) separate "landing/stairs" that exceed the requirements specified within the Lake Ray Hubbard Takeline Overlay (TL OV) District, in the take area adjacent to their property at 1160 Crestcove Drive. The applicant currently has a lease agreement with the City.

Staff has attached the requirements for landing/stairs structures in the takeline. The first "south" landing/stairs exceeds the allowed 8'x8' landing area by proposing a half-circle landing area the applicant has stated is approximately 180-sf in total area. The extra size is intended to accommodate an adequate, enclosed space under the landing for storage of lawn care equipment, lake equipment, and other recreational items or supplies. The 5-ft side setback and all other requirements of the takeline overlay district are met, including exterior materials. It should also be noted that this same type of landing/stairs was approved as a "deck/patio" for the owner prior to the City's adoption of better defined and clarified requirements for such structures. Since deck/patios are allowed up to 1000-sf, the proposed size was not an issue for the applicant at that time (Ord. 06-12).

The second "north" landing/stairs is proposed to be an earthen ramp/berm, and has actually already been partially installed on the property. The Council approved a similar "ramp style" landing/stairs for the Jungels property at 1200 Crestcove Drive; however, Mr. Jungels incorporated the earthen ramp behind a stone wall with steel fencing that was designed to have the appearance of a landing/stairs allowed by ordinance. Mr. Brown is proposing instead a more natural looking berm with an access point at the same grade as his rear property line. The landing area obviously exceeds 64-sf, though an exact size is not specified. There is no 6-ft staircase that runs parallel to the retaining wall as required by the takeline ordinance. Additionally, the 5-ft side yard setback is not met and there is not a natural stone wall w/ iron railings (as utilized by Mr. Jungels).

In staff's opinion, classifying the berm as a "landing/stairs" is the only mechanism available for the Planning Commission and City Council to consider the request; however, given the unique and unprecedented nature of the request, staff feels it is a judgment call for the Commission and Council to make.

The applicant discussed at the work session on May 27 that he felt the berm should be classified as "minor landscaping" and that the effect of the berm on his specific takeline lease (which is well over 1-acre and one of the larger lease areas in the City) is minimal. However, there is no variance or SUP procedure for landscaping proposals that go beyond the requirements specified in the overlay ordinance (see attached). Moreover, staff feels approval of the proposed berm - either as a landing/stairs or as minor landscaping - could set a precedent for other owners who sublease and may want to do the same type of earthwork but on much smaller properties.

Notices were sent to thirteen (13) owners within 200-ft of the site, and at this time no responses have been returned.

Staff Recommends approval of the request for the south landing (approximately 180-sf) subject to the following conditions:

1. Submittal and approval of a building permit shall be required.
2. The landing/stairs structures shall comply with the attached site plan (Exhibit "A") and elevations (Exhibit "B")
3. All other requirements specified for "Landing/Stairs" in the takeline ordinance shall be met.
4. Items allowed to be stored under the landing/stairs shall include lawn care equipment and yard cart; miscellaneous children's toys; and a kayak, canoe, and/or other similar water-related items. However, no extra fuel or other chemicals shall be stored within the storage area or takeline.
5. The previously approved Specific Use Permit ordinance No. 06-12 for a deck/patio at this property shall be repealed with the approval of this Specific Use Permit for a landing/stairs structure.

Based on the unprecedented nature of the requested "north" landing (i.e. earthen berm), staff feels approval of the second landing/stairs is a judgment call for the Commission and City Council.

Mr. Mike Brown, the applicant, came forward to address the commission and request approval of the specific use permit request.

Chairman Bricker opened the public hearing and asked if anyone wished to speak.

Mr. Scott Jungels, of 1200 Crestcove, came forward to address the commission and express that he is in favor of this SUP request. He explained that he did not think the earth berm would be appropriate in most cases but in this one he thinks it would be appropriate.

Chairman Bricker asked if anyone else wished to speak. There being no response he closed the public hearing.

After extensive discussion, Hunter made a motion to approve the request by Mike and Paige Brown for approval of a Specific Use Permit (SUP) allowing for a landing/stairs exceeding the maximum requirements within the Lake Ray Hubbard Takeline Overlay (TL OV) District, in the take area adjacent to their property at 1160 Crestcove Drive, being Lot 21, Block B, Hillcrest Shores Phase 3 Addition, as recommended by staff and approving the earth berm as proposed.

Milner seconded the motion. The motion was voted on and passed 4 to 2 with Davis and Bricker voting against.

Z2008-007

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, and take any action necessary.

Hampton stated that the City Council has initiated an amendment to the takeline overlay ordinance to consider the addition of composite lumber and powder-coated aluminum as acceptable building materials for boat-related structures. At their May 19th meeting, City Council directed staff and the Planning and Zoning Commission to research those materials and provide a recommendation on their application in the takeline.

Under the provisions of the Interlocal lease agreement with the City of Dallas, the only building materials not allowed by Dallas would be "chemically preserved wood" placed in or on the water. In earlier additions of Rockwall's takeline ordinance, "wood" was the only material not allowed for boat-related structures. However, when boathouses were added as a permitted structure in 2007, the ordinance was amended to specify Ironwood as the exclusive exterior material for all boat-related structures. The primary motivation in limiting the exterior materials to Ironwood was ensuring that all boat-related structures would be constructed of high quality, durable materials.

Recently, owners along the lake have brought forward examples from boathouses built in Rowlett (where other materials are permitted) and Rockwall. The Council has seen examples where composite and aluminum materials have been used successfully and in a quality manner. Evidence has also been presented to the Council where ironwood has not held up as well as expected (at least visually). The bottom line, however, is that residents have expressed a desire for more flexibility in their selection of materials without sacrificing the high-end qualities that the City was seeking.

The Council's direction was to include language in the proposed amendment that required a "premium" level of quality in the composite material, and to research

how to ensure an appropriate level of quality for aluminum (e.g. "gauge level"). In our research, staff has identified that there is a wide variety of colors and styles available by the primary manufacturers of composite and aluminum decking (Trex, Choice, Lock-Dry, etc); however, there does not appear to be a clear differentiation of standard vs. premium levels of those materials.

In the case of composite, each brand appears to have their own patented methodology of manufacturing and each boasts they produce "premium" materials; however, the choice of which to use appears more about color, texture, size (12' to 20' planks, and the installation system (traditional vs. tongue-in-groove) a consumer desires, and of course local availability.

With aluminum decking, the differentiation appears even more difficult to regulate, as there are literally hundreds of different aluminum alloys. The decking manufacturers that staff has researched appear to most commonly use "6005-T5" aluminum in their products; however, there are other manufacturers that use different alloys (e.g. 6063, 6061-T6, etc). And much like composite, the options a consumer has with each manufacturer is more about color and texture rather than differentiation in quality.

Because of these findings, staff feels that if the City wants to add these materials back into the takeline ordinance, the provision probably needs to be more "generic" in nature since there does not appear to be a clear differentiation of quality within each brand's offerings.

Staff recommends approval of the amendment to Article V, Section 6.15, Lake Ray Hubbard Takeline Overlay district.

Chairman Bricker opened the public hearing and asked if anyone wished to speak.

Mr. Jungels, of 1200 Crestcove came forward to address the commission and express that he is in favor of this zoning change request.

Chairman Bricker asked if anyone else wished to speak. There being no response he closed the public hearing.

After extensive discussion about the proposed building materials, Milner 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, as recommended by staff and with the following conditions:

1. That composite materials used shall be equivalent in quality to the Trex brand specifications or greater.
2. That a minimum standard for paint color for the powder-coated aluminum shall be provided by Chairman Bricker after the meeting (Note: "AAMA 2604" was provided by Chairman Bricker to City staff on Wednesday,

June 11th and incorporated into recommendation to City Council, per P&Z recommendation).

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

Z2008-008

Hold a public hearing and consider a request by Phil Powell for approval of a Specific Use Permit (SUP) to allow for a "Tennis Court, Private" within the SF-E/2.0 Single Family Estate district, specifically on his 2.921-acre property located at 530 Cullins Rd and currently described as Tract 4-5, Abstract 80, W. W. Ford Survey, and take any action necessary.

Ryan stated that the applicant is requesting a Specific Use Permit to allow for a tennis court on his residential property. The tract is located at 530 Cullins Rd. The property is just under 3 acres and is zoned SF-E/2.0 Single Family Estate. The tennis court has already been constructed, though without a permit. It is situated behind the owner's residence, as well as the pool and pool house. The court measures 60 ft. in width by 160 ft. in length, and includes a basketball court on the south adjacent. A perimeter fence stands 10 ft. in height with a 4-ft section on the east (interior) side facing the home.

Notices were sent out to three (3) property owners within 200 ft. and at the time of this report no responses had been returned in favor of the request.

Ryan stated she did not see the applicant in the audience.

Chairman Bricker opened the public hearing and asked if anyone wished to speak. The applicant was not present to speak.

After brief discussion regarding the lighting and pole height, Hunter made a motion to **continue** the public hearing until June 24th for the request by Phil Powell for approval of a Specific Use Permit (SUP) to allow for a "Tennis Court, Private" within the SF-E/2.0 Single Family Estate district, specifically on his 2.921-acre property located at 530 Cullins Rd and currently described as Tract 4-5, Abstract 80, W. W. Ford Survey, due to the applicant not being present.

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

Z2008-009

Hold a public hearing and consider a request by Robert Scott Jungels for approval of a Specific Use Permit (SUP) allowing for a deck/patio exceeding the maximum requirements within the Lake Ray Hubbard Takeline Overlay (TL OV) District, in the take area adjacent to his property at 1200 Crestcove Drive, being Lot 25, Block B, Hillcrest Shores Phase 3 Addition, and take any action necessary.

Hampton outlined that the applicant has made a request for approval of a Specific Use Permit (SUP) allowing for a deck/patio that exceeds the

requirements specified within the Lake Ray Hubbard Takeline Overlay (TL OV) District, in the take area adjacent to their property at 1320 Coastal Drive.

Staff has attached the requirements for deck/patio structures in the takeline. The applicant's proposal meets the minimum 20-ft side setback requirement and, at 900-sf (12'x75'), complies with the maximum size requirements. However, the proposed material for the patio is concrete instead of the required "water resistant wood" or "native stone." The applicant desires to tie-in the patio to the 6-ft concrete sidewalk the engineering department requires in conjunction with seawall structures. The applicant has provided a sample photo of the "exposed aggregate" appearance the concrete would have.

Notices were mailed to 14 property owners within 200-ft of the site, and at this time none have been returned.

If the request is approved, Staff offers the following conditions:

1. Submittal and approval of required building permit(s).
2. The patio shall be constructed in accordance with the site plan attached as Exhibit "A."
3. The material for the patio shall be concrete with an exposed aggregate appearance as indicated on the attached Exhibit "B."
4. The maximum size of the patio shall be 1,000-sf.
5. The patio shall comply with all other City of Rockwall Codes and the specifications set forth in the takeline Overlay district.

Mr. Jungels, applicant, was present to answer questions and ask for approval of the request.

Chairman Bricker opened the public hearing and asked if anyone wished to speak. There being no response he closed the public hearing.

Milner made a motion to approve the request by Robert Scott Jungels for approval of a Specific Use Permit (SUP) allowing for a deck/patio exceeding the maximum requirements within the Lake Ray Hubbard Takeline Overlay (TL OV) District, in the take area adjacent to his property at 1200 Crestcove Drive, being Lot 25, Block B, Hillcrest Shores Phase 3 Addition, as recommended by staff.

Hunter seconded the motion. It was voted on and passed 6 to 0.

Chairman Bricker called for a ten minute break at 7:42 p.m.

Z2008-010

Hold a public hearing and consider a request by Ross Ramsay for approval of a change in zoning from (SF-7) Single Family Residential district to (GR) General Retail district, on the 0.753-acre property known as part of Block 117, B F Boydston Survey, located at 101 St. Mary Street and situated at the

northeast corner of St. Mary Street and South Goliad, and take any action necessary.

Ryan stated that The applicant, Ross Ramsay, is requesting a zoning change from Single Family to General Retail on the lots located at 101 St. Mary Street. Currently there are two vacant lots that are a total of 0.753 acres and are positioned at the northeast corner of St. Mary St. and S. Goliad.

The lots are surrounded by general retail zoning with only one adjacent single-family tract to the east. With frontage along S. Goliad the property if utilized as general retail would further the economic growth along that main corridor. The property is the only remaining tract that has SF zoning between Downtown and Ralph Hall Parkway. In order to develop the property, site plan and plat approval by the Planning and Zoning and City Council will be required.

Notices were sent out to property owners within 200 ft. and at the time of this report three (3) had been returned "in favor" of the request to rezone.

Staff Recommends approval of the request.

Mr. Ramsay, applicant, was present to answer questions and seek approval. He stated the current plans are for a single-story medical office building on the property.

Chairman Bricker opened the public hearing and asked if anyone wished to speak. There being no response he closed the public hearing.

Hunter made a motion to approve the request by Ross Ramsay for approval of a change in zoning from (SF-7) Single Family Residential district to (GR) General Retail district, on the 0.753-acre property known as part of Block 117, B F Boydston Survey, located at 101 St. Mary Street and situated at the northeast corner of St. Mary Street and South Goliad.

Buchanan seconded the motion. It was voted on and passed 6 to 0.

Z2008-011

Hold a public hearing and consider a request by Stanley Jeffus for approval of a Specific Use Permit (SUP) to allow for a "Utility Installation, Other Than Listed," specifically a wind turbine, on his property at 1903 S. FM 549, being a 5.0-acre tract zoned (Ag) Agricultural district and known as part of Lot 2, McLendon Companies Addition, and take any action necessary.

Hampton stated that the applicant Stanley Jeffus has submitted a request for approval of a Specific Use Permit (SUP) to allow for a "Utility Installation, Other Than Listed," specifically a wind turbine, on his property at 1903 S. FM 549, being a 5.0-acre tract zoned (Ag) Agricultural district and known as part of Lot 2, McLendon Companies Addition.

The reason for the proposed request is to allow for a residential energy generating wind turbine. The applicant informed staff and the Commission at the May work session that the proposed turbine would be located on the existing Accessory Building (Barn) located toward the rear of the property. The existing barn is 12-feet high and staff is recommended that the proposed attached wind turbine be a maximum of 20-feet high (including pole and base). In staff's opinion, the size of the proposed wind turbine (see attached) and the proposed height limitation will resemble most single-family television and radio antennas. The proposed wind turbine appears to be relatively quiet as it produces only 4.5-dB of sound (noise) at 5ft.

Notices were mailed to sixteen (16) property owners within 200-ft of the subject property, and thus far staff has not received any returned responses.

Staff Recommends approval of the request with the following conditions:

1. The Specific Use Permit shall be subject to the conditions set forth in Article V, Section 2, Agriculture (AG) District
2. The wind turbine shall be attached to the accessory barn building as shown on the site plan attached as Exhibit "A".
3. The wind turbine shall have a maximum height of 20-feet (including pole and base).
4. All mechanical equipment and batteries shall be screened from adjacent right-of-ways and properties.
5. The wind turbine shall be a Delta 1 Pacwind with the physical specifications (including sound level) listed in "Exhibit B" as submitted by the applicant.

Chairman Bricker opened the public hearing and asked if anyone wished to speak.

Mr. Stanley Jeffus, the applicant, came forward to address the commission and answer any questions they had pertaining to the wind turbine.

Chairman Bricker asked if anyone else wished to speak. There being no response he closed the public hearing.

Hunter made a motion to approve the request by Stanley Jeffus for approval of a Specific Use Permit (SUP) to allow for a "Utility Installation, Other Than Listed," specifically a wind turbine, on his property at 1903 S. FM 549, being a 5.0-acre tract zoned (Ag) Agricultural district and known as part of Lot 2, McLendon Companies Addition, as recommended by staff.

Buchanan seconded the motion. It was voted on and passed 6 to 0.

Z2008-012

Hold a public hearing and consider a request by Stanley and Patricia Watson for approval of a change in zoning from (SF-E/4.0) Single Family district to (PD) Planned Development district, to allow for three (3) single family lots on

their 11.75-acre property located at 2826 N. FM 549 and known as Tract 5-2, Abstract 193, J. E. Sherwood Survey, and take any action necessary.

Hampton outlined that the applicants, Stanley and Patricia Watson, have submitted a zoning change request to allow for a change in zoning from (SF-E/4.0) Single Family district to (PD) Planned Development district, allowing for three (3) single family lots on their 11.75-acre property located at 2826 N. FM 549.

The applicants currently live in a single-family house on site and has informed staff that the reason for the requested zoning change is to allow for the creation of two additional lots. The reason for the two additional lots is to allow the owner's adult children to build single-family houses on their family property.

The proposed Planned Development District will be subject to the requirements of the Single-Family Estate (SFE-1.5) zoning district, except that the required lot frontage on a public street shall be a minimum of 60-feet. The applicant has provided a Concept Plan illustrating the proposed three lots. Any change to the proposed Concept Plan in the future would require a PD Amendment in the form of a zoning change.

If the Planning and Zoning Commission and City Council approve the proposed PD, the applicant would then be required to submit and receive approval of the following documents:

1. Engineering Plans
2. Final Plat (Adhering to Concept Plan)
3. Waiver allowing for Septic System
4. Fire Department Hold Harmless Agreement

In addition to approval of the final plat by the Planning and Zoning Commission and City Council, the applicant will also need to receive approval from the Parks Board, which will include park fees.

Notices were mailed to six (6) owners within 200-ft of the subject property, and thus far staff has not received any returned responses.

Staff Recommends approval of the request with the following conditions:

1. Adherence to all Engineering and Fire Department Standards.
2. The development be subject to the approved concept plan.
3. The development be subject to the permitted uses of Article IV, Permissible Uses and Article V, District Development Standards for Section 3.2 (SFE-1.5) Single-Family Residential District.
4. The minimum lot frontage on a public street - 60 feet.

Chairman Bricker opened the public hearing and asked if anyone wished to speak.

Tim Watson, son of the applicants, came forward to address the commission and stated that he intended to use one of the new lots to construct his home on the property.

There being no further response, Bricker closed the public hearing.

Hunter made a motion to approve the request by Stanley and Patricia Watson for approval of a change in zoning from (SF-E/4.0) Single Family district to (PD) Planned Development district, to allow for three (3) single family lots on their 11.75-acre property located at 2826 N. FM 549 and known as Tract 5-2, Abstract 193, J. E. Sherwood Survey, as recommended by staff.

Milner seconded the motion. It was voted on and passed 6 to 0.

Z2008-013

Hold a public hearing and consider a request by Marcus McNamara of Alexander Marcus Design Group, LLC for approval of a Specific Use Permit (SUP) to allow for a "structure over 36 feet in height" in the Scenic Overlay (SOV) district, specifically for a proposed four-story hotel measuring approximately 52'4" in height, located on Lot 8, Block A, Rockwall Towne Center Phase 4 Addition, being a 1.78-acre tract zoned (C) Commercial and situated on Vigor Way (private street) between IH-30 and Ridge Rd, and take any action necessary.

Hampton briefly outlined that the applicant was still working on revised plans for this proposal. Since the public hearing has been advertised, the Planning Commission needs to open the public hearing and it's recommended that it be continued until the next meeting on June 24th to allow the applicant time to submit new drawings based on input received from the Architectural Review Board and Planning Commission at the May worksession.

Chairman Bricker opened the public hearing.

Hunter made a motion to continue the public hearing to the June 24, 2008 P&Z meeting.

Lowry seconded the motion. It was voted on and passed 6 to 0.

ACTION ITEMS

SP2008-015

Discuss and consider a request by Adam Crump of Douphrate & Associates for approval of a site plan for Bin 303 Restaurant, being a 4,982-sf restaurant proposed to be located on a 0.72-acre tract zoned (GR) General Retail district and currently known as Lot D, Block 122, B. F. Boydston Survey, situated within the Old Town Rockwall Historic District and located at 105 Olive Street, and take any action necessary.

LaCroix stated that the tract is zoned (GR) General Retail and is located within the Old Town Rockwall Historic District and identified as a "High Contributing Property." Earlier this year, May 2008, the Historic Preservation Advisory Board approved a Certificate of Appropriateness for the subject site. The approval of the C of A included the proposed floor plan, proposed elevations, and removal of an accessory building.

The surrounding zoning is GR to the west, SF-7 and PD-50 to the north, SF-7 to the east and DT (Downtown) to the south across Olive Street. The proposed development will be accessed via an access drive from Olive Street along the west property line. The proposed west drive provides access (in the form of an access easement) to the existing access easement located along the rear property line of 502 N. Goliad (Black's Antiques and Collectibles). This will eventually allow for access from Olive to Heath and to those developments along the east side of N. Goliad without needing to access N. Goliad (SH 205).

A proposed restaurant requires one parking space for every 100 sq. ft. of floor area (subject site requires 40 spaces) or one parking space for every 4 dining seats (subject site requires 22 spaces). The applicant is proposing to install 22 parking spaces on-site and is in the process of trying to enter into a shared parking agreement with Lutheran Church directly across Olive Street. The Planning and Zoning Commission has in the past viewed the parking for restaurants in and around Downtown from a global perspective taking into account adjacent private and public parking. In addition to the Lutheran Church, a parking lot used by the County (owned by Roy Hance) is one block to the south on Kaufman Street. In staff's opinion the proposed on-site parking, the proposed shared parking agreement and the access to public parking should provide for more than adequate parking.

The applicant has submitted a tree mitigation plan in conjunction with the site plan. Of the existing protected 498-inches located on site the applicant is proposing to remove 238-inches. Of the inches to be removed 106-inches are protected and are required to be mitigated. The applicant is trying to incorporate a sense of outdoor ambience and is proposing to save 260-inches (98-inches are protected species). The applicant is requesting that the maximum 20% or 28-inches eligible of tree preservation credits be counted toward the required tree mitigation. Based on the 20% 28-inches of tree preservation credits the remaining balance of required mitigation is 78-inches.

The landscape architect has submitted an alternate landscape and tree mitigation plan to be considered by the Commission. The landscape plan proposes using a mitigation ratio method similar to what the Commission recently approved as part of the Rockwall Plaza Development. Due to the amount of limited space on-site for tree mitigation the landscape architect is proposing to use the following ratios:

- 3-inches for every Large Tree and Ornamental Tree
- 1-inch for every 5 Shrubs and Hedges
- 1-inch for every 10 Confederate Jasmine Ground Covers

- 1-inch for every 10 Vines
- 1-inch for every 10 Perennials

Using the ratio method the applicant is proposing 200.7-inches of tree mitigation, which far exceeds the required 78-inches.

Staff feels due to the nature of the site, and the number of trees the owner is saving and not receiving credit for (232-inches), that the proposed landscape and tree mitigation plan should be given consideration by the Commission.

The applicant is proposing to install four (4) large trees and four (4) ornamental trees along Olive Street. In addition to the buffer along Olive Street the applicant is proposing large trees, ornamental trees, hedges, ground cover and shrubs throughout the site. As currently submitted the landscape plan meets all the requirements of the Unified Development Code.

The proposed elevations were approved by the Historic Preservation Advisory Board as part of the Certificate of Appropriateness required for alteration, addition or rehabilitation of any property located in the "Old Town Rockwall" Historic District.

All exterior lighting shall be a maximum of 20' in height (including the base) and shall be directed downward with a maximum 1" reveal. Staff would recommend the removal of the proposed light fixture at the north end of the proposed access easement. The proposed parking spaces shown on the north end of the drive isle have been removed to make room for a proposed detention pond. The photometric plan appears to meet all other city requirements.

Staff Recommends approval of the request with the following conditions:

1. Adherence to all Engineering and Fire Department Standards
2. Approval of alternate tree mitigation plan by the Planning and Zoning Commission.
3. Removal of the proposed light located at the north end of the proposed access easement.
4. The proposed Split-face CMU dumpster screen to be of a color to match or compliment the existing and proposed primary structure.

After brief discussion, Hunter made a motion to approve the request by Adam Crump of Douphrate & Associates for approval of a site plan for Bin 303 Restaurant, being a 4,982-sf restaurant proposed to be located on a 0.72-acre tract zoned (GR) General Retail district and currently known as Lot D, Block 122, B. F. Boydston Survey, situated within the Old Town Rockwall Historic District and located at 105 Olive Street, as recommended by staff and with the following additional recommendation:

1. The dumpster screen shall be finished out with brick and/or siding materials that match the primary structure (in lieu of split-face CMU).

Davis seconded the motion. It was voted on and passed 6 to 0.

ADDITIONAL DISCUSSION ITEMS

- Planning Director's Report to discuss current City activities, upcoming meetings, future legislative activities, and other related matters.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:12 p.m.

**Minutes of
PLANNING AND ZONING COMMISSION MEETING
June 24, 2008**

CALL TO ORDER

The meeting was called to order by Chairman, Bill Bricker at 6:00 p.m. with the following members present: Barry Buchanan, Earl Milner, Dennis Lowry, Phillip Herbst and Michael Hunter. Lynn Davis arrived at 6:07pm.

Additionally, the following staff members were present: Robert LaCroix, Chris Spencer, Kim Whitley and Leslie Ryan.

ACTION ITEMS

P2008-015

Discuss and consider a request from Dean Cathey for approval of a final plat of Lot 1, Block 1, Bray Addition, being 2.41-acres zoned (SF-10) Single Family District and located at the terminus of Valley Drive, south of Westway Drive, and take any action necessary.

LaCroix outlined that the applicant has submitted a final plat application for a single, 2.41-acre, lot zoned (SF-10) Single Family District and located at the terminus of Valley Drive, south of Westway Drive.

The plat is being submitted in an effort to build a single family dwelling for the owner. The development of the site requires drainage improvements and the construction of a cul-de-sac for Valley Drive. The applicant is dedicating 11,219-sq. ft. of right-of-way for Valley Drive.

Currently there are three existing access easements located on the property. Two of the access easements are to allow access to the adjacent property to the west (Sparks Addition) and the other provides access to the property located along the south property line. The access easements shown on the plat were dedicated by separate instrument and can not be abandoned by the plat. As currently shown the 25' access easement runs through what is proposed to be the pad site for the single-family house. The access easement must be abandoned by separate instrument prior to issuance of a building permit. Currently the access drive servicing the property to the west (Sparks Addition) is located within a 30' access easement with the exception of small portion adjacent to the proposed cul-de-sac. As part of the plat an access easement that will encompass the portions of the drive currently and in the future that will be located out of existing access easements should be dedicated.

The proposed plat does appear to comply with all requirements of the (SF-10) Single Family Residential district and staff recommends approval.

The applicant has submitted a tree mitigation plan in conjunction with the site plan. Of the existing 2,725-inches located on site the applicant is proposing to remove 1,388-inches. Of the inches to be removed 678-inches are protected and are required to be mitigated. The applicant is trying to incorporate the natural environment of the site and is proposing to save 1,337-inches (675-inches are protected species). The applicant is requesting that 14% or 96-inches eligible of tree preservation credits be counted toward the required tree mitigation. Based on the 14% or 96-inches of tree preservation credits the remaining balance of required mitigation is 582-inches.

Staff is recommending that the applicant submit a tree plan illustrating the number of trees to be planted on site and that it be approved administratively. In addition to the plantings on-site staff would recommend that the applicant work with the Parks and Recreation Department and provide the remaining mitigation inches to the City to be placed in other areas within Rockwall.

In addition to approval by the Planning and Zoning Commission the final plat will be required to go before the Park Board on Tuesday, July 1st, for approval. The site will be assessed both park and impact fees as it develops.

Staff Recommends approval of the request with the following conditions:

1. Adherence to all Engineering and Fire Department Standards
2. Remove the wording "To be abandoned by this plat" for all access easements.
3. The dedication of an access easement that will encompass the portions of the drive (providing access to the Sparks Addition) currently and in future that will be located out of existing access easements.
4. Submittal and approval of tree plan showing on-site mitigation to city staff.
5. Work with the City of Rockwall Parks and Recreation Department on the remaining balance of tree mitigation.

After brief discussion, Hunter made a motion to approve the request by Dean Cathey for approval of a final plat of Lot 1, Block 1, Bray Addition, being 2.41-acres zoned (SF-10) Single Family District and located at the terminus of Valley Drive, south of Westway Drive, as recommended by staff.

Lowry seconded the motion. It was voted on and approved 6 to 0 with Davis abstaining.

P2008-020

Discuss and consider a request by Michael Alturk of MA Engineering for approval of a replat of Lot 1, Block A, Subway / Gateway / Health Food Store Addition, being a 2.0-acre tract zoned (PD-46) Planned Development No. 46 district and located at the northeast corner of FM 549 and SH 276, and take any action necessary.

Ryan stated that the applicant has submitted a replat of Lot 1 Block A and additional property to the east creating Lot 2, Block A, Subway/Gateway/Health Food Store Addition, being a 2.075-acre tract zoned (PD-46) Planned Development No. 46 district and situated at the northeast corner of SH 276 and FM 549.

The replat is being done in an effort to develop a Sonic Drive in/drive through. Recently the Planning and Zoning Commission approved the site plan for that development. The plat also extends the access easement to the property line.

The site will be accessed from both SH 276 and FM 549. A mutual access easement located along SH 276 will serve both the Subway Gateway Convenience store and the future Sonic. The plat appears to meet the requirements of Planned Development No. 46 (PD-46) and the underlying Commercial (C) zoning districts.

Staff Recommends approval of the request with the following conditions:

1. Adhere to Engineering and Fire comments.
2. Change Lot 1R to Lot 2.
3. Dash the current property lines and easements on the plat.
4. Reference the Deed that subdivided this property.

Milner made a motion to approve the request by Michael Alturk of MA Engineering for approval of a replat of Lot 1, Block A, Subway / Gateway / Health Food Store Addition, being a 2.0-acre tract zoned (PD-46) Planned Development No. 46 district and located at the northeast corner of FM 549 and SH 276, as recommended by staff.

Hunter seconded the motion. It was voted on and passed 7 to 0.

SP2008-020

Discuss and consider a request from Pat Grady of Lakeside Chevrolet Co. for approval of an amended site plan and building elevations for additions to their existing motor vehicle dealership located at 2005 S. Goliad, being an 8.65-acre tract zoned (C) Commercial district and situated within the SH 205 Overlay District and IH-30 Overlay District, and take any action necessary.

LaCroix outlined that a request has been submitted from Pat Grady of Lakeside Chevrolet for approval of an amended site plan and building elevations for the expansion of their existing motor vehicle dealership located at 2005 S. Goliad.

The Planning and Zoning Commission approved a site plan for the expansion of the existing dealership in 2006, and in 2007 the Commission approved an amended site plan for a new showroom and detail/lube center. The parking, exterior lighting and landscaping that were approved in 2006 as part of the site plan have been installed. The detail/lube center approved in 2007 is currently under construction.

As part of the amended site plan the applicant is requesting that the "showroom" elevations previously approved by the Commission in 2006 and 2007 be revised as to allow for a canopy structure in the place of the approved "showroom". The applicant has informed staff that the canopy is not permanent and will be replaced in the future by the "showroom" approved as part of the site plan in 2007.

The applicant has submitted elevations for the proposed canopy. The proposed canopy is 60' high, which is allowed in the Commercial zoning district. The canopy is comprised of fabric panels, extension cables and concrete pedestals. The applicant has provided a perspective rendering for review by the Commission.

The applicant is currently working on a photometric plan for canopy lighting. Staff would recommend that the photometric plan (if in compliance) be approved administratively with the condition that there be "No glare onto adjacent properties and rights-of-way".

Staff believes that this is a judgment call for the Planning and Zoning Commission. If the Commission approves the amended site plan, staff would offer the following conditions:

1. Adherence to all Engineering and Fire Department Standards.
2. Submittal of photometric plan to city staff for administrative approval prior to issuance of a building permit.
3. No glare from canopy lighting onto adjacent properties and rights-of-ways.

Mr. Jim Stephenson, a representative of the applicant, came forward to address the commission and answer any questions.

The commission discussed the height, materials and life expectancy of the canopy with the applicant.

Milner made a motion to approve the request by Pat Grady of Lakeside Chevrolet Co. for approval of an amended site plan and building elevations for additions to their existing motor vehicle dealership located at 2005 S. Goliad, being an 8.65-acre tract zoned (C) Commercial district and situated within the SH 205 Overlay District and IH-30 Overlay District, as recommended by staff and with the following recommendation:

1. The canopy be reviewed by the Planning and Zoning Commission in the event of substantial deterioration or substantial change in the approved site plan.

Davis seconded the motion. It was voted on and passed 4 to 3 with Hunter, Bricker and Herbst voting against.

PUBLIC HEARING ITEMS

Z2008-008

***Continue* a public hearing and consider a request by Phil Powell for approval of a Specific Use Permit (SUP) to allow for a "Tennis Court, Private" within the SF-E/2.0 Single Family Estate district, specifically on his 2.921-acre property located at 530 Cullins Rd and currently described as Tract 4-5, Abstract 80, W. W. Ford Survey, and take any action necessary.**

The applicant is requesting a Specific Use Permit to allow for a tennis court on his residential property. The tract is located at 530 Cullins Rd. The property is just under 3 acres and is zoned SF-E/2.0 Single Family Estate.

The tennis court has already been constructed, though without a permit. It is situated behind the owner's residence, as well as the pool and pool house. The court measures 60 ft. in width by 160 ft. in length, and includes a basketball court on the south adjacent. A perimeter fence stands 10 ft. in height with a 4-ft section on the east (interior) side facing the home.

The applicant also desires to light the court, and has begun installation of perimeter poles that are approximately 20-ft. in height. Work was halted before light fixtures were installed, and staff has asked the applicant to provide cut-sheets and a photometric plan for the lights to ensure compliance with City specifications. The applicant has stated he would like to install fixtures at a 45-degree angle for proper lighting of the court, but it may be necessary that the fixtures be installed at 90-degrees to ensure the light is cut-off appropriately. The property is relatively rural in nature, with only one single-family residence adjacent the subject tract; however, the sport courts will be clearly visible from FM 549 and staff wants to ensure there is no glare resulting from the lights.

Notices were sent out to three (3) property owners within 200 ft. and at the time of this report no responses had been returned in favor of the request.

On 6/10/08 the Planning and Zoning Commission continued the public hearing until 6/24/08 by a vote of 6 to 0 (applicant not present).

On 6/16/08 the City Council continued the public hearing until 7/7/08 by a vote of 7 to 0.

If approved staff would offer the following conditions:

1. Minimum side yard setback shall be 10-ft.
2. The maximum mounting height for each perimeter light pole shall be 20 ft.
3. Lighting cut-sheets and photometric details shall be provided for staff review and shall comply with all City specifications.

Bricker mentioned that the public hearing was continued from the June 10th meeting and was still open.

Mrs. Powell, the applicant, came forward to address the commission and answer any questions that they had.

Chairman Bricker asked if anyone else wished to speak. There being no response, he closed the public hearing.

After brief discussion, Hunter made a motion to approve the request by Phil Powell for approval of a Specific Use Permit (SUP) to allow for a "Tennis Court, Private" within the SF-E/2.0 Single Family Estate district, specifically on his 2.921-acre property located at 530 Cullins Rd and currently described as Tract 4-5, Abstract 80, W. W. Ford Survey, as recommended by staff and the additional condition that the lighting be installed at 90 degrees.

Herbst seconded the motion. It was voted on and approved 7 to 0.

Z2008-013

Continue a public hearing and consider a request by Marcus McNamara of Alexander Marcus Design Group, LLC for approval of a Specific Use Permit (SUP) to allow for a "structure over 36 feet in height" in the Scenic Overlay (SOV) district, specifically for a proposed four-story hotel measuring approximately 52'4" in height, located on Lot 8, Block A, Rockwall Towne Center Phase 4 Addition, being a 1.78-acre tract zoned (C) Commercial and situated on Vigor Way (private street) between IH-30 and Ridge Rd, and take any action necessary.

Spencer outlined that the applicant has submitted a Specific Use Permit (SUP) to allow for a "structure over 36 feet in height" in the Scenic Overlay (SOV) district, specifically for a proposed four-story hotel measuring 52'4" feet in height, located on Lot 8, Block A, Rockwall Towne Center Phase 4 Addition, being a 1.78-acre tract zoned (C) Commercial and situated on Vigor Way (private street) between IH-30 and Ridge Rd.

The maximum height for structures in the Scenic Overlay District is 60 feet however, a SUP is required for all structures over 36 feet. The proposed building is adjacent to the existing Burger King, Kwik Car, Popeye's, and Wendy's.

In September of 2007 the City Council unanimously denied a SUP request to allow for a hotel/motel over 36-feet in height on the subject site. In May 2008 the Planning and Zoning Commission approved a request by the applicant to resubmit an application for a SUP to allow for a hotel/motel over 36-feet in height. The Unified Development Code allows the Planning and Zoning Commission to review a request to resubmit a zoning change or SUP within one year of denial by the City Council if there have been changes in conditions relating to zoning principles of the tract or parcel or the property surrounding it. With the revised request the applicant has included the proposed hotel chain (Choice Hotels), provided more detailed elevations for all four facades, provided a more detailed

conceptual site plan and has requested that a "Residence Hotel" not be allowed on the subject site.

In December of 2002 a Conditional Use Permit (CUP) was approved for the Rockwall Town Centre allowing for a building 54 feet in height (only two stories were constructed). The Rockwall Town Centre is located across Vigor Way from the proposed site.

As part of the SUP submittal the applicant has provided detailed elevations which are to be attached to the SUP ordinance as "Exhibit A". In addition to the elevations the applicant has also submitted that the "Residence Hotel" be listed as a prohibited use as part of the SUP ordinance. Currently a "Residence Hotel" is an allowed use in the Commercial (C) district.

After meeting with the ARB and the Planning and Zoning Commission at the May work session the applicant has revised and resubmitted the attached elevations. The revised elevations incorporate some faux balconies with wrought iron railing on the front elevation, additional stone on the front and rear elevations, and vertical articulation on the front and rear elevations. Staff would recommend that the facade treatment found on the front elevation be mirrored on the rear elevation (stone, vertical articulation, and horizontal articulation) and some horizontal and or vertical articulation be incorporated on the right and left elevations.

The proposed site will be required to submit and receive approval of a site plan application (including site plan, landscape plan, building elevations, photometric plan, lighting cut sheets, renderings and material samples), engineering plan application and a replat application.

Staff mailed notices to ten (10) owners within 200-ft of the subject property, and at the time of this report one (1) notice in favor has been returned.

On 5/19/08 the Architectural Review Board tabled consideration of the conceptual elevations for a hotel greater than 36-ft in height. The Board did recommend that any revised elevations comply with the Overlay district standards as well as include additional architectural features (e.g. balconies, articulation, etc).

On 6/10/08 the Planning and Zoning Commission continued the public hearing until 6/24/08 by a vote of 6 to 0, to allow the applicant additional time to revise their plans.

On 6/16/08 the City Council continued the public hearing until 7/7/08 by a vote of 7 to 0.

Staff Recommends approval of the request with the following conditions:

1. The front facade treatment to be mirrored on the rear elevation (including stone, vertical and horizontal articulation).
2. Horizontal and vertical articulation on the left and right facades.
3. "Residence Hotel" be listed as a prohibited use as part of the SUP ordinance.
4. Adherence to the approved building elevations.
5. The building shall be limited to a maximum of 58-feet in height as defined in the City of Rockwall Unified Development Code.
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.

Spencer informed the Commission that the Architectural Review Board tabled consideration of the conceptual elevations for a hotel greater than 36-ft in height. The Board did recommend that any revised elevations comply with the Overlay district standards as well as include additional architectural features (e.g. balconies, articulation, etc) and the revised drawings be brought back to the Board at their July 8th meeting.

Chairman Bricker mentioned that the public hearing was continued from the June 10th meeting and was still open.

Mr. Marcus McNamara, the applicant, came forward to address the commission and answer any questions.

After brief discussion, Hunter made a motion to continue the request by Marcus McNamara of Alexander Marcus Design Group, LLC for approval of a Specific Use Permit (SUP) to allow for a "structure over 36 feet in height" in the Scenic Overlay (SOV) district, specifically for a proposed four-story hotel measuring approximately 52'4" in height, located on Lot 8, Block A, Rockwall Towne Center Phase 4 Addition, being a 1.78-acre tract zoned (C) Commercial and situated on Vigor Way (private street) between IH-30 and Ridge Rd, to allow the applicant time to revise the conceptual elevations in an effort to comply with the Architectural Review Boards recommendations.

Herbst seconded the motion. It was voted on and passed 7 to 0.

There being no other action items, the commission moved on to the discussion items.

DISCUSSION ITEMS

P2008-019

Discuss and consider a request by Frank Dunlop for approval of a residential replat of Lot 26, Block C, Random Oaks at the Shores Addition, being 0.28-acre zoned (PD-3) Planned Development No. 3 District and located at 1829 Random Oaks Drive.

Z2008-014

Discuss and consider a request from Raymond Jowers for approval of a Specific Use Permit (SUP) to allow for "Recreational Vehicle (RV) Sales and Service" within the (LI) Light Industrial district, on a 4.5-acre tract known as Tract 22-1, Abstract 120, R. Irvine Survey and located at 2260 E IH-30.

Z2008-015

Discuss and consider a request from Tim Spiars of Spiars Engineering, Inc., for approval of a Specific Use Permit (SUP) to allow for a "Daycare" on a 2.96-acre tract zoned (SF-10) Single Family Residential district and (PD-41) Planned Development No. 41 district, including all of Lot 1, Block S, The Preserve Phase 3 Addition and a 1.4376-acre tract described as Tract 12, Abstract 98, A. Hanna Survey, located at the northeast corner of North Lakeshore Drive and Old Alamo Road.

Z2008-016

Discuss and consider a request from John Palmer of Lakewood Garden Center for approval of a Specific Use Permit (SUP) to allow for a "Garden Supply/Plant Nursery" on a 1.57-acre tract zoned (NS) Neighborhood Services district and currently described as Tracts 30, 31, 32 and 32-1, Abstract 146, S.S. McCourry Survey, located at 1001 North Goliad.

SP2008-021

Discuss and consider a request from Pascal Aughtry for approval of an amended site plan for Love's Truck Stop located at 1990 IH-30 East, specifically for the addition of a Yard Storage Building on the 6.3778-acre tract which is zoned (LI) Light Industrial district and situated within the IH-30 Overlay district and FM 549 Overlay district, and take any action necessary.

SP2008-022

Discuss and consider a request from Ryan Cobb of Prism Leasing, Ltd., for approval of a site plan for a self-service car wash to be located along the north side of SH 276 east of FM 549, on a 1.02-acre site zoned (PD-46) Planned Development No. 46 district and situated within the SH 276 Corridor Overlay district, and take any action necessary.

SP2008-023

Discuss and consider a request by Allan Ross of Allan Ross Design Group for approval of a site plan for an approximate 21,680-sf retail development located on Lot 2, The Larsen School Addition, being 3.339-acres zoned (PD-10) Planned Development No. 10 district and designated for (C) Commercial uses, located along the east side of Townsend Dr and north side of the future alignment of SH 276, within the SH 276 Corridor Overlay district, and take any action necessary.

No action was taken on any of the discussion items.

ADDITIONAL DISCUSSION ITEMS

- Planning Director's Report to discuss current City activities, upcoming meetings, future legislative activities, and other related matters.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:03 p.m.

**Minutes of
PLANNING AND ZONING COMMISSION MEETING
July 8, 2008**

CALL TO ORDER

The meeting was called to order by Chairman, Bill Bricker at 6:00 p.m. with the following members present: Dennis Lowry, Michael Hunter, Phillip Herbst, Earl Milner, and Lynn Davis. Commissioner Barry Buchanan was absent.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer and Leslie Ryan.

CONSENT AGENDA ITEMS

1. ***Approval of Minutes*** for June 10, 2008 Planning and Zoning Commission meeting
2. ***Approval of Minutes*** for June 24, 2008 Planning and Zoning Commission meeting
3. **P2008-022**
Discuss and consider a request by Pann S. Sribhen of PSA Engineering for approval of a replat of Lot 7, Block C, Horizon Ridge Medical Park Addition, being a 10.549-acre tract zoned (PD-9) Planned Development No. 9 district and situated along Medical Drive west of Horizon Rd, and take any action necessary.

Herbst pulled the first consent agenda item.

Milner made a motion to approve consent agenda items 2 and 3.

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

Hunter made a motion to approve the minutes of the June 10, 2008 meeting.

Davis seconded the motion. The motion was voted on and passed 5 to 0 with Herbst abstaining.

PUBLIC HEARING ITEMS

Z2008-013

Continue a public hearing and consider a request by Marcus McNamara of Alexander Marcus Design Group, LLC for approval of a Specific Use Permit (SUP) to allow for a "structure over 36 feet in height" in the Scenic Overlay (SOV) district, specifically for a proposed four-story hotel measuring approximately 52'4" in height, located on Lot 8, Block A, Rockwall Towne Center Phase 4 Addition, being a 1.78-acre tract zoned (C) Commercial and

situated on Vigor Way (private street) between IH-30 and Ridge Rd, and take any action necessary.

Spencer outlined that the applicant has submitted a Specific Use Permit (SUP) to allow for a "structure over 36 feet in height" in the Scenic Overlay (SOV) district, specifically for a proposed four-story hotel measuring 52'4" feet in height, located on Lot 8, Block A, Rockwall Towne Center Phase 4 Addition, being a 1.78-acre tract zoned (C) Commercial and situated on Vigor Way (private street) between IH-30 and Ridge Rd.

The maximum height for structures in the Scenic Overlay District is 60 feet; however, a SUP is required for all structures over 36 feet. The proposed building is adjacent to the existing Burger King, Kwik Car, Popeye's, and Wendy's.

In September of 2007, the City Council unanimously denied a SUP request to allow for a hotel/motel over 36-feet in height on the subject site. In May 2008, the Planning and Zoning Commission approved a request by the applicant to resubmit an application for a SUP to allow for a hotel/motel over 36-feet in height. The Unified Development Code allows the Planning and Zoning Commission to review a request to resubmit a zoning change or SUP within one year of denial by the City Council if there have been changes in conditions relating to zoning principles of the tract or parcel or the property surrounding it. With the revised request the applicant has included the proposed hotel chain (Choice Hotels), provided more detailed elevations for all four facades, provided a more detailed conceptual site plan and has requested that a "Residence Hotel" not be allowed on the subject site.

In December of 2002, a Conditional Use Permit (CUP) was approved for the Rockwall Town Centre allowing for a building 54 feet in height (only two stories were constructed). The Rockwall Town Centre is located across Vigor Way from the proposed site.

As part of the SUP submittal, the applicant has provided detailed elevations that are to be attached to the SUP ordinance as "Exhibit A". In addition to the elevations the applicant has also submitted that "Residence Hotel" be listed as a prohibited use as part of the SUP ordinance. Currently a "Residence Hotel" is an allowed use in the Commercial (C) district.

After meeting with the ARB and the Planning and Zoning Commission at the May and June work sessions, the applicant has revised and resubmitted the attached elevations. The revised elevations incorporate some faux balconies with wrought iron railing on the front elevation, additional stone on the front and rear elevations, and vertical articulation on the front and rear elevations. The latest elevations include stone columns on all four elevations, stone-wrapped around the corners on the left and right elevations, architectural features over windows, varied roof lines, and horizontal articulation on the left and right elevations.

The proposed site will be required to submit and receive approval of a site plan application (including site plan, landscape plan, building elevations, photometric plan, lighting cut sheets, renderings and material samples), engineering plan application and a replat application.

Staff mailed notices to ten (10) owners within 200-ft of the subject property, and at the time of this report one (1) notice in favor has been returned.

Clark Staggs, Architectural Review Board representative, presented the Board's recommendation on the project. He stated that the Board had recommended approval of the revised elevations, subject to one additional change discussed at their meeting earlier in the evening. Specifically, the Board recommended that the roof on the right and left elevations be changed to a hipped roof.

Staff Recommends approval of the request of the SUP with the following conditions:

1. The left and right elevations be corrected to accurately portray the proposed roof lines.
2. "Residence Hotel" be listed as a prohibited use as part of the SUP ordinance.
3. Adherence to the approved building elevations.
4. The building shall be limited to a maximum of 58-feet in height as defined in the City of Rockwall Unified Development Code.
5. 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.

Mr. Marcus McNamara, applicant, came forward to address the commission and request approval of the specific use permit request.

Chairman Bricker stated the public hearing is continued and asked if anyone wished to speak. There being no response he closed the public hearing, he closed the public hearing at 6:18 p.m.

After brief discussion, Herbst made a motion to approve the request by Marcus McNamara of Alexander Marcus Design Group, LLC for approval of a Specific Use Permit (SUP) to allow for a "structure over 36 feet in height" in the Scenic Overlay (SOV) district, specifically for a proposed four-story hotel measuring approximately 52'4" in height, located on Lot 8, Block A, Rockwall Towne Center Phase 4 Addition, being a 1.78-acre tract zoned (C) Commercial and situated on Vigor Way (private street) between IH-30 and Ridge Rd, as recommended by staff and with the additional recommendation of the Architectural Review Board regarding the hipped roof.

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

P2008-019

Hold a public hearing and consider a request by Frank Dunlop for approval of a residential replat of Lot 26, Block C, Random Oaks at the Shores Addition, being 0.28-acre zoned (PD-3) Planned Development No. 3 District and located at 1829 Random Oaks Drive, and take any action necessary.

Ryan stated that 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.

Staff recommends approval of the replat with the following conditions:

1. Adherence to Fire and Engineering comments.
2. Remove improvements from the plat.

Chairman Bricker opened the public hearing and asked if anyone wished to speak.

Mr. Frank Dunlop, applicant, was present to answer questions on the request.

Chairman Bricker asked if anyone else wished to speak. There being no response he closed the public hearing at 6:21 p.m.

Hunter made a motion to approve the request by Frank Dunlop for approval of a residential replat of Lot 26, Block C, Random Oaks at the Shores Addition, being 0.28-acre zoned (PD-3) Planned Development No. 3 District and located at 1829 Random Oaks Drive, as recommended by staff.

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

Z2008-014

Hold a public hearing and consider a request from Raymond Jowers for approval of a Specific Use Permit (SUP) to allow for "Recreational Vehicle (RV) Sales and Service" within the (LI) Light Industrial district, on a 4.5-acre tract known as Tract 22-1, Abstract 120, R. Irvine Survey and located at 2260 E IH-30, and take any action necessary.

Hampton stated that Mr. Raymond Jowers, owner of the property at 2260 East IH-30, has submitted an application for a SUP to allow for an RV Sales and Service facility at the subject site. The proposed tenant, Walkabout RV, would be relocating from their existing site east of the Rockwall city limits. Mr. Jowers has submitted photographs of both his property and Walkabout's current business location.

The site features an existing 8,080-sf building on 4.45-acres, located east of FM 549. The previous tenant, Heintschel Truck Tire Repair, has closed and will be relocating. A conditional use permit was approved for the truck repair shop in 2001.

In previous meetings with staff and in his explanation letter associated with this request, Mr. Jowers has argued that the current site is underdeveloped given its nearly 5-acre size and frontage on IH-30. The building and site is considered substandard given the current zoning and IH-30 Overlay district requirements. Mr. Jowers acknowledges that at some point, it will make sense to completely redevelop this property, particularly when the large vacant parcels around him also develop, most likely after the completion of the planned reconstruction of the IH-30 and FM 549 interchange. However, at this time, the owner argues that it is not feasible to extend the necessary utilities and bring the property up to current paving, building and landscaping standards in order to lease the relatively small structure on the site.

Given the recent approval of a CUP and previous similar use of the site as a truck repair shop, planning staff feels that consideration of the proposed SUP for an RV Sales and Service facility may be warranted. However, staff would recommend a time limit of three (3) years be imposed. Limiting this use to three years would allow the owner of the property to continue using the property in a reasonable manner until such time that the I-30/FM 549 interchange be reconstructed. At the end of the three year period, the SUP should be reviewed by City Council to determine if there is sufficient cause to extend for an additional year or two, or based on development activity and the status of the road, allow the SUP and RV use to expire.

Staff would not recommend a permanent specific use permit for this property because of the various conflicts with engineering and fire department standards, the IH-30 Overlay district, and other requirements of the Unified Development Code.

Notices were mailed to three owners within 200-ft of the subject site, and at the time of this report one (1) response has been returned "in favor."

If approved, staff would offer the following conditions of approval for the proposed SUP for RV Sales and Service:

1. The Specific Use Permit (SUP) shall be valid for a maximum of three (3) years from the time of Certificate of Occupancy issuance. At the end of the three year period, the City Council shall review the SUP and may determine that an extension of time is warranted based on the status of the FM 549 and IH-30 overpass construction and/or development activity in the area.
2. The outside display of new recreational vehicles and boats shall strictly adhere to the attached site plan.

3. No outside storage of privately owned RVs shall be allowed, except as indicated for the "service" area indicated on the attached site plan.
4. Any additional exterior lighting shall be reviewed by City staff prior to issuance of a building permit or Certificate of Occupancy.
5. City Council to approve necessary waivers to engineering and/or fire department, including the following:
 - a. Concrete paving requirements.
 - b. Extension of 12" water line from FM 549.
6. Hold Harmless Agreement to be signed for fire hydrant coverage and water supply requirements.

Bricker asked if there will be a site plan submittal required for this project. Hampton replied that it probably is not necessary should the Commission and Council approve the SUP, as the request is to utilize the existing building and gravel parking area. Staff is recommending that if any new lighting is to be installed with the project for display or security purposes, it could be reviewed by staff for compliance.

Chairman Bricker opened the public hearing and asked if anyone wished to speak.

Mr. Jowers, applicant, came forward to present his request to the Commission and answer questions. He stated at this time the applicant is willing to work with the existing lighting on site, but may want to consider additional lighting in the future, at which time they would go through the proper procedures to do so. He also stated they are willing to sign the fire department hold harmless agreement, as that was required for the previous tenant even though a hydrant was installed at that time.

Chairman Bricker asked if anyone else wished to speak. There being no response he closed the public hearing at 6:35 p.m.

After extensive discussion on staff's proposed time limits for the SUP, Hunter made a motion to approve the request by Raymond Jowers for approval of a Specific Use Permit (SUP) to allow for "Recreational Vehicle (RV) Sales and Service" within the (LI) Light Industrial district, on a 4.5-acre tract located at 2260 E IH-30, as recommended by staff except that condition #1 shall be modified to specify that if an extension to the 3-year time limit is desired by the owner, he/she shall apply for such extension at least 90 days prior to the expiration of the SUP.

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

Z2008-015

Hold a public hearing and consider a request from Tim Spiars of Spiars Engineering, Inc., for approval of a Specific Use Permit (SUP) to allow for a

"Daycare" on a 2.96-acre tract zoned (SF-10) Single Family Residential district and (PD-41) Planned Development No. 41 district, including all of Lot 1, Block S, The Preserve Phase 3 Addition and a 1.4376-acre tract described as Tract 12, Abstract 98, A. Hanna Survey, located at the northeast corner of North Lakeshore Drive and Old Alamo Road, and take any action necessary.

Hampton outlined that an application for a Specific Use Permit (SUP) for a daycare facility has been submitted for an approximate 2.96-acre tract at the northeast corner of N. Lakeshore Dr and Old Alamo Rd (name change pending). The tract is comprised of an oversized single-family lot (Lot 1, Block S) that is platted as part of the Preserve Phase 3 development, and a tract long considered a mystery by City staff and the Central Appraisal district. The current owner of the parcel, Shaddock Developers, was able to track down the last known title from the 1930s, and subsequently the heirs of the parcel. Since that time, the developer has acquired the parcel from family members residing in Plano.

The Preserve lot is zoned "PD-41" with underlying SF-10 zoning, while the unplatted tract is simply zoned SF-10. A daycare facility with seven or more students requires an SUP in the SF-10 zoning district.

The owner has stated that a specific end user for the daycare does not exist. The primary intent of the request is to add the additional use for marketing purposes. Even if the SUP were approved, single-family uses would still be allowed on the property following the appropriate platting and permitting procedures.

It should be noted that the Future Land Use Plan of the City of Rockwall, adopted in 2001, designates this property for commercial uses. It should also be noted that immediately to the north and east of the subject tract is the 18-acre (+/-) commercially zoned tract of PD-3 that was set aside during the planning and development of the entire Shores community. With that legal frame of mind, staff feels that the SUP request for the additional use of a daycare facility warrants consideration. The use should also complement the nearby schools in the area, with both Hartman and Reinhardt Elementary schools within a half-mile or less of this site.

Obviously, in the context of the surrounding single-family residential developments, the City should consider specific safeguards in the SUP ordinance that will ensure the development would not interfere with the quality of life experienced in those neighborhoods. Staff believes that the applicant, who is developing the Preserve development with advertised new home construction at \$280,000 and up, has a vested interest to ensure that whatever is developed on the tract will be of sufficient quality and complement and preserve property values not only within their development, but adjacent developments such as Hillcrest Shores, Lakeview Summit and the Shores. Nonetheless, Staff has offered several conditions in its recommendation that the Commission and City Council may want to consider if the SUP were approved.

Notices were mailed to 19 owners within 200-ft of the subject site, and at the time of this report one (1) response "in favor" and five (5) responses "in opposition" have been returned. One additional response from outside the 200-ft area was also received. The opposition is approximately 8% of the notice area at this time, so a 3/4 vote of the Council is not required at this time.

Staff Recommends approval of the request with the following conditions:

1. That future development of a daycare shall be subject to site plan review, including Architectural Review, and shall comply with all requirements of the Unified Development Code.
2. That special design consideration shall be given to the existing conditions of the site during the site plan review process, including the preservation of existing topography and/or tree cover to the extent possible, with the intent to maintain the existing natural qualities of the site and minimize impact to adjacent residential neighborhoods.
3. That a minimum 10-ft landscape buffer strip shall be required along the frontage of North Lakeshore Drive and Old Alamo Road. Additionally, at least one (1) evergreen canopy tree per thirty (30) linear feet shall be required, along with a combination of berms, shrubs and accent trees to ensure appropriate screening of the parking area(s) from adjacent residential uses.
4. That all permanent free standing signs shall be limited to monument signs not exceeding five (5) feet in height or a maximum of sixty (60) square feet in area per sign face.
5. That in addition to the requirements of the outdoor lighting ordinance, no light pole (including base) or wall-mounted light fixture shall exceed fifteen feet in height, and all lighting fixtures shall focus light downward and be contained entirely on the site.
6. That any daycare constructed on this site shall be limited to single story, and shall be designed with a pitched roof system.
7. That all outdoor play areas shall be located towards the rear of the building as depicted on the conceptual site plan.
8. The existing "prescriptive" right-of-way of the original Alamo Road shall be corrected prior to or concurrently with the final replat of the subject property.

Hunter asked what other uses are allowed right now on the subject tract, such as churches and schools. Hampton replied that churches and schools require the same type of SUP process in the single-family zoning, and the purpose of the SUP was to have a closer review of the impact of those projects on neighborhoods, such as lighting, parking, and design or noise issues.

Chairman Bricker opened the public hearing at 7:07 p.m. and asked if anyone wished to speak.

Mr. Tim Spiars, applicant, was present to answer questions and ask for approval of the request. Mr. Spiars emphasized that the owner of the Preserve development phases 2 and 3 is the same owner of the subject property, and that they have a vested interest to make sure that whatever is built on the lot is done right. He also discussed the proposal's compliance with the City's land use plan, as well as the adjacent commercial zoning of the 18-acre Hillwood property. Mr. Spiars also presented several photographs of approximately five other daycare facilities that are in similar residential neighborhoods (such as Starwood Montessori in Frisco, the Blue Ivey school in Garland and the Primrose school in Rockwall), and which have not appeared to negatively impact those neighborhoods.

Mr. Rick Hurst, 1700 Lake Forest Drive and member of the Hillcrest Shores HOA board, came forward to express his opposition of the request. He discussed his concerns about current traffic in the area, noise levels associated with a daycare facility, and stated he and other homeowners were not told the property was commercial when they purchased their home.

Mr. Steve Swinford, 2040 Lake Forest Drive, came forward to express his opposition of the request.

Ms. Kathy Norris, 1725 Lake Forest Drive, came forward to express her opposition of the request.

Ms. Kim Hurst, 1700 Lake Forest Drive, came forward to express her opposition of the request.

Mr. David Garrett, 1680 Lake Brook Circle, came forward to express his opposition of the request.

Mr. Will Shaddock, owner and developer of the Preserve, came forward to address the various concerns raised by the citizens, to answer questions and ask for approval of the request.

Mr. Mike Miller, 1690 Lake Brook Circle, came forward to ask if a traffic study had been done for this request. LaCroix replied that one had not been prepared, and is not typically required for a request like this. Hampton stated that traffic studies were prepared with the original planning of the Preserve, Hartman Elementary school and Lakeview Summit developments.

Chairman Bricker asked if anyone else wished to speak. There being no response he closed the public hearing at 8:02 p.m.

Herbst asked when the Hillcrest Shores was developed. Hampton stated the plat was approved in about 2003, and the first home probably was finished around 2004. Herbst confirmed that the City's land use plan predates the Hillcrest Shores neighborhood. Hampton agreed and added that the PD-3 commercial tract has been in place since at least 1996, which was the last revision of the

Shores planned development. Herbst stated a daycare is probably the lesser of two evils since it technically could be a higher commercial use.

Milner stated that he thinks it is unfortunate the homeowners did not get the correct information when they bought their homes, however, in his years of real estate experience a sign advertising Hillwood's commercial property has been up a long time. He also stated he visited with one of the builders in the Preserve, and that builder thought a nice daycare center would be an amenity to the neighborhood.

After further discussion, Milner made a motion to approve the request by Tim Spiars of Spiars Engineering, Inc., for approval of a Specific Use Permit (SUP) to allow for a "Daycare" on a 2.96-acre tract zoned (SF-10) Single Family Residential district and (PD-41) Planned Development No. 41 district, including all of Lot 1, Block S, The Preserve Phase 3 Addition and a 1.4376-acre tract described as Tract 12, Abstract 98, A. Hanna Survey, located at the northeast corner of North Lakeshore Drive and Old Alamo Road, as recommended by staff.

Hunter seconded the motion. It was voted on and passed 6 to 0.

Chairman Bricker called for a ten minute break at 8:17 p.m.

Z2008-016

Hold a public hearing and consider a request from John Palmer of Lakewood Garden Center for approval of a Specific Use Permit (SUP) to allow for a "Garden Supply/Plant Nursery" on a 1.57-acre tract zoned (NS) Neighborhood Services district and currently described as Tracts 30, 31, 32 and 32-1, Abstract 146, S.S. McCourry Survey, located at 1001 North Goliad, and take any action necessary.

Hampton stated that the applicant, John Palmer, has a contract to purchase the property at 1001 N. Goliad, which is approximately 1.5-acres and zoned (NS) Neighborhood Services district. Within this zoning district, the applicant's proposal for a "garden supply/plant nursery" requires a Specific Use Permit.

A conceptual site plan has been submitted with the request, indicating that the existing residential structure at the southeast corner of the property would be maintained, serving as the retail and office operations for Mr. Palmer's business. Additional greenhouse and shade structures are proposed, along with various areas for outside display of potted plants, trees, and other landscaping materials. As discussed at the work session on June 24, staff recommends that no repair or service of lawn care equipment be allowed on the site, and all outside storage of "bulk" items such as mulch, fertilizers and other palette items be contained within the fenced area and carport as indicated on the concept plan.

The plan also shows a conceptual parking layout and access points into the business, which is limited given the dramatic topography and configuration of utility easements on the property. Also indicated are right-of-way dedications

planned for Live Oak to the south, N. Alamo to the west and the future 4-lane undivided arterial to the north. At the time of site plan and platting, those requirements will be addressed more specifically and may entail a facilities agreement outlining the timing and extent of those infrastructure improvements as it relates to the applicant's proposal.

Staff feels the request for a garden supply and nursery is reasonable at this location, given the unique site conditions such as topography, drainage and the various utility easements that will restrict develop of the site. If done properly, the use could provide a slightly larger scaled version of the Tropical John's nursery that existed for many years at the intersection of Fannin and Williams street in Old Town Rockwall. The applicant appears to have set the more intense display areas towards the north half of the site, away from existing residential development to the south and southeast. Property to the direct east is also zoned "NS" while property to the north is zoned "PD-56" (underlying GR uses allowed). It is anticipated that the future intersection of SH 205 and the 4-lane undivided extension of Old Alamo Rd will create a pocket of neighborhood services and retail/office uses in which the garden supply center could fit. Future site plan and architectural review processes should ensure that the final development is of a nice quality.

Notices were mailed to 17 owners within 200-ft of the subject site, and at this time no responses had been returned.

Staff Recommends approval of the request with the following conditions:

1. The development shall generally adhere to the approved concept plan.
2. Future submittal of a detailed site plan and approval by the Planning and Zoning Commission shall be required, including more specific details on any exterior lighting, permanent landscaping and/or preservation of existing trees, outside display areas and elevations for new or remodeled structures on the property.
3. Future engineering plans submittal and approval required, at which time a facilities agreement may be needed for timing and extent of required improvements to adjacent right-of-ways, utilities, access, fire protection, etc.
4. No repair or service of lawn and garden care equipment shall be allowed in conjunction with this development.
5. All storage of bulk and palette items (e.g. mulch, fertilizer, etc) shall be contained entirely within the existing covered carport or screened area between the carport and existing primary structure as indicated on the attached site plan.

Mr. John Palmer, applicant, was present to answer questions and seek approval.

Chairman Bricker opened the public hearing and asked if anyone wished to speak. There being no response he closed the public hearing.

After brief discussion, Milner made a motion to approve the request by John Palmer of Lakewood Garden Center for approval of a Specific Use Permit (SUP) to allow for a "Garden Supply/Plant Nursery" on a 1.57-acre tract zoned (NS) Neighborhood Services district and currently described as Tracts 30, 31, 32 and 32-1, Abstract 146, S.S. McCourry Survey, located at 1001 North Goliad, as recommended by staff.

Hunter seconded the motion. It was voted on and passed 6 to 0.

ACTION ITEMS

SP2008-022

Discuss and consider a request from Ryan Cobb of Prism Leasing, Ltd., for approval of a site plan for a self-service car wash to be located along the north side of SH 276 east of FM 549, on a 1.02-acre site zoned (PD-46) Planned Development No. 46 district and situated within the SH 276 Corridor Overlay district, and take any action necessary.

Ryan stated that the applicant has submitted a site plan for a 3,888 sq. ft. self serve and automatic bays car wash located east of the northeast corner of SH 276 and FM 549. The site will be accessed from SH 276 via the mutual access easement with the future Sonic drive in directly to the west. Proposed in the site plan are eight vacuum stations, four self-service and two automatic car wash bays, with two stacking spaces behind each bay. An 8 ft. dumpster enclosure has been provided to comply with the SH 276 Overlay District Standards.

The applicant is seeking a variance to allow for service bays that face towards SH 276. They are proposing this design because their studies show that it is safer and more comfortable for the customer.

The landscape plan indicates that approximately 13,315 sq. ft. of the site is landscaped area, exceeding the City's requirement of 6,758 sq. ft. The proposed site is populated with a diverse assortment of shrubs, grasses, canopy and accent trees. Four (4) additional canopy trees have been added along 276 in the landscape buffer.

The building elevations illustrate that the facade makeup will consist of 8"x8" glazed ceramic block, natural stone, split face CMU, and a standing seam metal roof. The dumpster enclosure will be constructed of materials to match the main structure and will be 8 ft. in height.

The photometric plan shows to comply with the City's lighting standards. The levels at the property line are indicated to be 0.2-fc or less. All wall pack and other external lighting shall be fully or partially cut-off as specified by the UDC.

Currently the fixtures shown on the vacuum canopy do not comply with the UDC. In staff's opinion the fixtures should not only be full or partially cut-off as required by the UDC but should also be recessed into the canopy.

Staff Recommends approval of the request with the following conditions:

1. Adherence to Fire and Engineering comments.
2. Final Elevations include the dumpster enclosure.
3. All lighting is fully cut off and recessed.
4. All canopy lighting to be recessed into the canopy so as the bottom of the light fixture is even with the bottom of the canopy.
5. All canopy trees located within the SH 276 buffer shall be a minimum of 4" in caliper at the time of planting.
6. Approval of a variance to the wash bays facing the SH 276 frontage.

After brief discussion, Hunter made a motion to approve the request by Ryan Cobb of Prism Leasing, Ltd., for approval of a site plan for a self-service car wash to be located along the north side of SH 276 east of FM 549, on a 1.02-acre site zoned (PD-46) Planned Development No. 46 district and situated within the SH 276 Corridor Overlay district, as recommended by staff and including the variance request.

Milner seconded the motion. It was voted on and passed 6 to 0.

ADDITIONAL DISCUSSION ITEMS

- Planning Director's Report to discuss current City activities, upcoming meetings, future legislative activities, and other related matters.

ADJOURNMENT

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

**Minutes of
PLANNING AND ZONING COMMISSION MEETING
July 29, 2008**

CALL TO ORDER

The meeting was called to order by Chairman, Bill Bricker at 6:03 p.m. with the following members present: Dennis Lowry, Michael Hunter, Barry Buchanan, Earl Milner, and Lynn Davis. Commissioner Phillip Herbst arrived at 6:07 p.m.

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

CONSENT AGENDA ITEMS

1. SP2008-021

Discuss and consider a request from Pascal Aughtry for approval of an amended site plan for Love's Truck Stop located at 1990 IH-30 East, specifically for the addition of a Yard Storage Building on the 6.3778-acre tract which is zoned (LI) Light Industrial district and situated within the IH-30 Overlay district and FM 549 Overlay district, and take any action necessary.

2. P2008-024

Discuss and consider a request by Adam Crump of Douphrate & Associates, Inc., for approval of a final plat for Lot 1, Block 1, Bin 303 Restaurant Addition, being 0.7191-acre zoned (GR) General Retail district and located at 105 Olive Street, and take any action necessary.

3. P2008-026

Discuss and consider a request by David Kochalka of Kimley-Horn and Associates, Inc., for approval of a replat of Lot 1, Block 1, Rockwall Centre Corners Addition, being 20.2904-acres zoned (C) Commercial district and situated along the north side of SH 276, south of IH-30 and east of SH 205, and take any action necessary.

4. P2008-027

Discuss and consider a request by Hazel Ripp of CTE Phase 1, LP, for approval of a replat of Lot 1, Block A, Park Place Business Centre, being 5.0-acres zoned (LI) Light Industrial district and located at 1290 East IH-30, and take any action necessary.

Hunter made a motion to approve all items on the consent agenda, with staff conditions.

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

Commissioner Herbst arrived at 6:07 p.m.

ACTION ITEMS

Appointment with Architectural Review Board representative to receive the Board's recommendations and comments for items on the agenda requiring architectural review.

SP2008-025

Discuss and consider a request by Thanh Mach of Kyoto Japanese Steak House for approval of amended building elevations for the restaurant structure located at 1599 Laguna Drive (formerly Carrabba's Italian Grill), being a 1.53-acre property known as Lot 3R, Block C, La Jolla Pointe Addition, which is zoned (C) Commercial district and located within the IH-30 Overlay district, and take any action necessary.

Hampton outlined that the applicant has submitted an amended set of building elevations for the existing restaurant at 1599 Laguna Drive, which formerly was the site of Carabbas Italian Grill. The new proposal is to convert the restaurant into a Kyoto Japanese Steakhouse. The applicant also owns and operates the Kyoto restaurant in Rowlett.

Hampton stated that a set of elevations and staff report were sent out to the Commission in the packet, and those elevations included the construction of new pitched roof elements in place of the existing landscaped roof and parapet walls at the south and east elevations of the building. Minor changes to the existing building included repainting the existing EIFS material to an "Interactive Cream" color, and to repaint the existing cornices, fascias and concrete accent bands a complementary "Tatami Tan". The applicant is proposing to install a 15-watt blue neon light element above the existing porch area on the south and east sides of the building. The applicant has submitted a photo of their existing restaurant in Rowlett, in which the same type of neon is utilized.

Due to the costs associated with the roofing elements, the applicant has submitted new elevations to the Architectural Review Board and Planning Commission for consideration, which essentially only include the removal of the rooftop landscaping, repainting the building and the addition of the neon light. Hampton stated that if these were the only changes proposed originally, chances are staff would have considered the work minor in nature and approved the elevations administratively. However, the applicant is requesting the Commission approve the elevations that include the roof elements as that is still their ultimate goal for the building. The Commission's approval of such a change would be valid for up to two years.

The Architectural Review Board recommended both elevations at their meeting earlier in the evening.

Mr. Mach, applicant, and his architect, Matthew Crittendon of MSC Design came forward to address the commission and request approval of the amended elevations. Mr. Crittendon explained how the existing parapet walls and roof membranes would be cleaned up following the removal of the rooftop landscaping.

The Commission briefly discussed the City's requirements regarding neon lighting, as well as what type of changes require the Commission's review as opposed to what can be reviewed and approved administratively by staff.

After further discussion, Milner made a motion to approve the request by Thanh Mach of Kyoto Japanese Steak House for approval of amended building elevations for the restaurant structure located at 1599 Laguna Drive (formerly Carrabba's Italian Grill), being a 1.53-acre property known as Lot 3R, Block C, La Jolla Pointe Addition, which is zoned (C) Commercial district and located within the IH-30 Overlay district.

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

DISCUSSION ITEMS

There being no further action items, the meeting continued to the following discussion items:

Z2008-017

Discuss and consider a request by Tom Jones of Tomden Engineering for approval of a change in zoning from (Ag) Agricultural district to (PD-71) Planned Development No. 71 district on a 0.7-acre tract situated in Abstract 183, G. W. Redlin Survey located south of SH 66 and west of the Ralph Hall Municipal Airport.

**Note: Chairman Bricker recused himself from the discussion on case Z2008-017.*

Z2008-018

Discuss and consider a request from Sam and Linda Duran for approval of a Specific Use Permit (SUP) to allow for an accessory building exceeding the maximum size requirements of 225 square feet (proposed 720-sf) and not meeting the exterior materials requirements, on their property located at 507 Wildwood Lane, being Lot 6, Block P, Northshore #1 Addition, which is zoned (SF-10) Single Family Residential district.

Z2008-019

Discuss and consider a request by Andrew and Shelly Spearman for approval of a change in zoning from (Ag) Agricultural district to (SF-E/1.5) Single Family Estate district on a 3.51-acre tract known as Tract 25, Abstract 77, E. M. Elliott Survey, located at 2180 Airport Road.

P2008-023

Discuss and consider a request by Randy Craven for approval of a final plat of MGH Addition, being 0.47-acres zoned (PD-50) Planned Development No. 50 district and located at 904 North Goliad.

SP2008-026

Discuss and consider a request by Randy Craven for approval of a site plan for the MGH Addition, being 0.47-acres zoned (PD-50) Planned Development No. 50 district and located at 904 North Goliad.

P2008-025

Discuss and consider a request by Ron Ramirez of Wier & Associates, Inc. for approval of a final plat for the Right-of-Way dedication of the eastern extension of Discovery Blvd and a north/south road between Discovery and Springer Rd, being 4.87-acres zoned (LI) Light Industrial district.

P2008-028

Discuss and consider a request by Lloyd Arnsmeier of First Baptist Church for approval of a replat of Lot 1, Block 1, Goliad Place Addition, being 1.92-acres zoned (GR) General Retail district and located along the west side of SH 205 (S. Goliad), south of Boydstun Avenue and north of Ross Street.

ADDITIONAL DISCUSSION ITEMS

- Planning Director's Report to discuss current City activities, upcoming meetings, future legislative activities, and other related matters.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:55 p.m.

**Minutes of
PLANNING AND ZONING COMMISSION MEETING
August 12, 2008**

CALL TO ORDER

The meeting was called to order by Chairman Bill Bricker at 6:00 p.m. with the following members present: Dennis Lowry, Michael Hunter, Phillip Herbst, Earl Milner, Lynn Davis and Barry Buchanan.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer and David Gonzales.

ELECTION of Planning and Zoning Commission Chair and Vice-Chair positions

Davis made a motion that Bricker retains his position as Chairman.

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

Milner made a motion that Hunter be elected as Vice Chair.

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

CONSENT AGENDA ITEMS

1. ***Approval of Minutes*** for July 8, 2008 Planning and Zoning Commission meeting

2. ***Approval of Minutes*** for July 29, 2008 Planning and Zoning Commission meeting

3. **P2008-023 Discuss and consider a request by Randy Craven for approval of a final plat of MGH Addition, being 0.47-acres zoned (PD-50) Planned Development No. 50 district and located at 904 North Goliad, and take any action necessary.**

4. **SP2008-026 Discuss and consider a request by Randy Craven for approval of a site plan for the MGH Addition, being 0.47-acres zoned (PD-50) Planned Development No. 50 district and located at 904 North Goliad, and take any action necessary.**

5. **P2008-025 Discuss and consider a request by Ron Ramirez of Wier & Associates, Inc. for approval of a final plat for the Right-of-Way dedication of the eastern extension of Discovery Blvd and a north/south road between Discovery and Springer Rd, being 4.87-acres zoned (LI) Light Industrial district, and take any action necessary.**

6. **P2008-029 Discuss & consider a request by Stanley and Patricia Watson for approval of a final plat for the Watson Estates Addition, being 11.75-acres**

2 **zoned Planned Development No. 72 (PD-72) and located at 2826 N. FM 549, and**
4 **take any action necessary.**

6 Buchanan requested to have the 1st consent agenda item pulled.

8 Herbst made a motion to approve all consent agenda items with the exception of
10 number one.

12 Hunter seconded the motion. The motion was voted on and passed 7 to 0.

14 Hunter made a motion to approve item number one.

16 Herbst seconded the motion. The motion was voted on and passed 6 to 0 with
18 Buchanan abstaining.

20 **PUBLIC HEARING ITEMS**

22 **Z2008-017**

24 **Hold a public hearing and consider a request by Tom Jones of Tomden**
26 **Engineering for approval of a change in zoning from (Ag) Agricultural district**
to (PD-71) Planned Development No. 71 district on a 0.7-acre tract situated in
Abstract 183, G. W. Redlin Survey located south of SH 66 and west of the
Ralph Hall Municipal Airport, and take any action necessary.

28 Chairman Bricker recused himself. Hunter opened the public hearing and asked
30 staff to present the case.

32 Hampton stated this is a request from Tom Jones of Tomden Engineering for
approval of a change in zoning from (AG) Agricultural district to (PD-71) Planned
Development No. 71 district on a 0.7-acre tract situated in Abstract 183, G. W.
34 Redlin Survey located south of SH 66 and west of the Ralph Hall Municipal Airport.

36 The applicant, Tom Jones, has submitted an application to rezone a 0.7-acre tract
from Agricultural district to Planned Development No. 71 district. The 55-acre PD-71
38 district is located to the north, west and south of the subject property, and the owner
of both tracts, Rockwall Property Corporation, desires that they be zoned the same.
40 The 0.7-acre subject tract was acquired by the owner after the approval of PD-71 in
June 2007.

42 The property to the east of the subject tract remains Agriculturally zoned, and is
44 currently developed with airport-related uses adjacent to the Ralph Hall Municipal
Airport.

46 Staff has enclosed the approved PD-71 ordinance (Ord. No. 07-19), and would
48 propose that all previous conditions of the PD remain intact for this 0.7-acre
property, including the underlying Commercial zoning of the PD and the existing use
50 limitations.

2 Notices were mailed to five (5) property owners within 200-ft of the subject property,
4 and at this time no responses have been received.

6 Staff Recommends approval of the request.

8 Mr. Tom Jones, applicant representing Rockwall Property Corporation, was present
10 to address the commission and request approval of the zoning change.

12 Vice Chairman Hunter opened the public hearing and asked if anyone wished to
speak. There being no response, he closed the public hearing at 6:10 p.m.

14 After brief discussion, Milner made a motion to approve the request by Tom Jones of
Tomden Engineering for a change in zoning from (Ag) Agricultural district to (PD-71)
16 Planned Development No. 71 district on a 0.7-acre tract situated in Abstract 183, G.
W. Redlin Survey located south of SH 66 and west of the Ralph Hall Municipal
18 Airport.

20 Herbst seconded the motion. The motion was voted on and passed 6 to 0 with
Chairman Bricker abstaining.

22
24 **Z2008-018**

26 **Hold a public hearing and consider a request from Sam and Linda Duran for**
approval of a Specific Use Permit (SUP) to allow for an accessory building
exceeding the maximum size requirements of 225 square feet (proposed 720-
28 **sf) and not meeting the exterior materials requirements, on their property**
located at 507 Wildwood Lane, being Lot 6, Block P, Northshore #1 Addition,
30 **which is zoned (SF-10) Single Family Residential district, and take any action**
necessary.

32 Chairman Bricker requested staff to make presentation.

34 Spencer stated that the applicants, Mr. & Mrs. Duran, are requesting a specific use
36 permit for an accessory building exceeding the maximum size requirement of 225-sf
and not meeting the exterior materials requirements, on their property located at 507
38 Wildwood Lane, being Lot 6, Block P, Northshore #1 Addition, which is zoned (SF-
10) Single Family Residential district.

40 Spencer also outlined that under Article IV (Permissible Uses) Section 2.1.2(4) of the
42 Unified Development Code an Accessory Building is allowed in SF-10 provided that
the proposed Accessory Building is less than 225 square feet in area (two 225
44 square feet accessory buildings are allowed) and less than 15 feet in height, and
provided the exterior cladding contains the same materials found on the main
46 structure and generally in the same proportion. The proposed Accessory Building is
in compliance with the maximum height requirement as outlined in Section 2.1.2(4).
48 A Specific Use Permit is required as outlined in Section 2.1.2(6) in the Unified
Development Code due to the square footage of the proposed Accessory Building
50 (720) exceeding the allowable size for an Accessory Building (225) and the exterior

cladding materials not being those found on the house located in the SF-10 zoning district.

Staff believes that this is a judgment call by the Planning and Zoning Commission and the City Council. However, in the SF-10 zoning district the property owner by right is allowed to construct a garage up to 900 square feet. In addition there are a few existing accessory buildings located in the neighborhood that do not currently meet today's standards of exterior cladding materials.

Spencer noted that next door at 509 Wildwood, in 1990, an SUP was granted for an accessory building exceeding the 225 square foot requirement, and the exterior materials of the structure did not have to match the primary structure as well.

Notices were mailed to eighteen (18) property owners within 200-ft of the request, and at the time of this report one (1) response in favor had been returned.

If approved staff would offer the following conditions:

1. The building will comply with the approved site plan and the approved building elevations.
2. The maximum height shall be 15 ft., measured at the midpoint of the pitched roof.
3. The maximum building size is limited to 720 square feet in area.
4. The use of the accessory building as a "Guest Quarters" shall be limited to 30% of the primary structure or 630 square feet.
5. No additional "Accessory Buildings" shall be allowed on the subject property, including a detached garage.
6. The accessory building is subject to administrative review in the event that the subject property is sold to another party, conveyed in any manner to another party, subdivided, or re-platted.
7. 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.

There was discussion concerning the building height as per the drawing. Mr. John Lindsey approached the commission and stated that he will re-draw the elevation to scale at 15 feet. He also stated that the exterior materials will be hardy board.

Chairman Bricker opened the public hearing and asked if anyone would like to speak.

Mrs. Linda Duran, property owner, approached and stated that they can put a garage door on the building, but did not want to. She also stated that the building will be used by her husband for hobbies he is involved with.

Chairman Bricker asked if anyone else would like to speak. There being no response, he closed the public hearing at 6:25 p.m.

After brief discussion, Hunter made a motion to approve the request, with staff recommendations, from Sam and Linda Duran for an Specific Use Permit (SUP) to allow for an accessory building exceeding the maximum size requirements of 225 square feet (proposed 720-sf) and not meeting the exterior materials requirements,

on their property located at 507 Wildwood Lane, being Lot 6, Block P, Northshore #1 Addition, which is zoned (SF-10) Single Family Residential district.

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

Z2008-019

Hold a public hearing and consider a request by Andrew and Shelly Spearman for approval of a change in zoning from (Ag) Agricultural district to (SF-E/1.5) Single Family Estate district on a 3.51-acre tract known as Tract 25, Abstract 77, E. M. Elliott Survey, located at 2180 Airport Road, and take any action necessary.

Hampton stated that the applicants, Andrew and Shelly Spearman, have submitted a zoning change application on their property at 2180 Airport Road. Though the property has been used as residential for many years, it has been zoned (Ag) Agricultural district since its annexation in 1998. In 2007, the Spearman's home was burned, and they would like to rebuild on the property.

Hampton also said that the previous home had burned down and the Spearman's want to rebuild on this property. The City's Unified Development Code requires at least ten (10) acres for a new single family home to be permitted on agriculturally zoned land. Therefore, the applicant is proposing to rezone their 3.5-acre tract to (SF-E/1.5) Single Family Estate district to accommodate their plans.

The subject tract is designated as "Technology/Light Industrial" on the City's future land use plan. However, there are other existing homes on large lots along Airport Rd and north of the railroad in this immediate area, and staff believes the applicant's proposal warrants consideration. As you move west beyond the "S curve" of Airport Road and towards the airport, 205 Bypass and the City's service center, there is significantly more lot depth that would accommodate technology/light-industrial development.

If the zoning is approved, a building permit will be required prior to construction of the home. During the permit review process, staff will work with the applicant to ensure adequate fire protection is in place as well as discuss the requirements for dedication of right-of-way on the property for the future widening of Airport Road.

Notices were mailed to nine (9) property owners within 200-ft of the subject tract, and a sign was also posted on the property in accordance with the Unified Development Code. At the time of this report, two (2) notices "in favor" of the request have been received.

Staff has also attached an email response from the property owner to the south (Rockwall 549/I-30 Partners), who have not expressed opposition to the request but pointed out that their property is designated as Technology/Light Industrial on the future land use plan, and is set up to offer rail access for a future light industrial development. That owner also has concerns about future adjacency and buffer requirements should the zoning be approved.

2 Staff Recommends approval of the request.

4 After brief discussion concerning the rail road right-of-way and screening
6 requirements of future development, Chairman Bricker asked the applicant to
8 approach. Andrew Spearman, the applicant, approached the commission and stated
that he currently does not reside at 2180 Airport Rd, but would like to rebuild and
move his family back to Rockwall.

10 Chairman Bricker opened the public hearing and asked if anyone else would like to
12 speak.

14 Hearing no response, Chairman Bricker closed the public hearing at 6:34 p.m.

16 Buchanan made a motion to approve the request, with staff recommendations, by
18 Andrew and Shelly Spearman to change the zoning from (Ag) Agricultural district to
(SF-E/1.5) Single Family Estate district on a 3.51-acre tract known as Tract 25,
Abstract 77, E. M. Elliott Survey, located at 2180 Airport Road.

20 Davis seconded the motion. The motion was voted on and passed 7 to 0.

22 ACTION ITEMS

24 P2008-028

26 **Discuss and consider a request by Lloyd Arnsmeier of First Baptist Church**
28 **for approval of a replat of Lot 1, Block 1, Goliad Place Addition, being 1.92-**
30 **acres zoned (GR) General Retail district and located along the west side of SH**
205 (S. Goliad), south of Boydstun Avenue and north of Ross Street, and take
any action necessary.

32 Spencer outlined and stated that the re-plat of Lot 1, Block 1, Goliad Place Addition
34 is intended to accommodate a new parking lot and educational/youth building for the
First Baptist Church. The re-plat includes the dedication of all necessary fire lane,
36 access and utility easements. 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.

38 The proposed parking lot is being designed to retain all storm water and serve as the
40 required detention. The proposed re-plat is required to illustrate and label any and
all Drainage Easements.

42 At the July work session the Planning and Zoning Commission expressed their
44 concern for the number of trees that were proposed to be removed. With that in
mind the applicant has redesigned the proposed parking lot in an effort to save
46 additional trees. The Tree Plan presented at the work session proposed removing a
total of 356 caliper inches. The revised Tree Plan proposes to remove 146 caliper
48 inches of which requires 142 caliper inches of mitigation. The applicant is saving 90
caliper inches of protected trees over 24 inches in size. The preservation of these
50 trees qualifies the applicant for the 20% or 29 inches worth of mitigation credit. The
applicant is proposing to install twenty-six 4 inch caliper trees on-site for a total of

2 104 inches of mitigation. The outstanding balance of mitigation is 9 inches. The
4 mitigation totals do not include the twenty-four accent trees proposed to be planted
along N. Goliad.

6 Spencer stated that at the last work session, the discussion was that it may be more
8 appropriate to place the mitigation trees further into the site due to the proximity of
the overhead electric lines. The applicant is requesting that they be allowed to place
accent trees in front and the rest of the trees further into the site.

10 In addition to the tree mitigation associated with the proposed Tree Plan, the
12 applicant is proposing an ornamental wrought iron fence with brick columns along N.
Goliad, as suggested by the Commission at the work session.

14 Spencer stated he spoke with the applicant earlier in the day and the applicant has
16 submitted the exhibit that shows the wrought iron fence with brick columns as
requested. However, since they have re-designed the parking lot, the applicant
18 would like the commission's consideration to not have to put in the ornamental
wrought iron fence and brick columns. Spencer said the applicant is here to address
20 this and answer any questions the commission may have.

22 Spencer also said that staff recommends approval of the request with the following
conditions:

- 24 1. Adherence to all Engineering and Fire Department Standards.
26 2. Illustrate and label "Drainage Easement(s)" on the re-plat.
3. Brick Columns along N. Goliad to be constructed of the same color & style as the
brick on the existing First Baptist Church.

28 Hunter had questions concerning the right-of-way dedication, where the sidewalk will
30 be placed and who is responsible for maintaining the sidewalk. After brief
discussion, Hunter also had a question concerning the water detention on the
32 parking lot. Spencer outlined the retention aspects of the parking lot and that the
engineering department has reviewed the plans and has run all the calculations and
34 feel the parking lot could act as a detention device.

36 Chairman Bricker asked the applicant to come forward. Mr. Powell, the architect
representing the First Baptist Church, clarified the water retention issue by
38 explaining that this is a metered outflow, when the state completes their drainage
construction, they will connect to inlet boxes that will go below grade. He continued
40 that if the parking lot is complete prior to the state completing their project, it will be
metered outflow through saw cuts in the curb to allow surface flow out of the parking
42 lot.

44 Bricker asked if there were any other questions. Hearing none, Mr. Powell
addressed the commission and said the applicant would ask that the application be
46 approved without the requirement for the fence.

48 There was extensive discussion between commission members, the applicants and
staff concerning the screening of the parking lot with a either a berm or the proposed
50 wrought iron fence. Lloyd Arnsmeier, representing the First Baptist Church, stated
that the site will be beautiful, it will be done right and it will be maintained. The

property will not become an eyesore. There was more discussion concerning aesthetics, tree mitigation and landscaping along the fence.

LaCroix reminded the commission that this is a re-plat which includes a tree plan, and what is being suggested is, if you don't approve the tree plan and base it on the plat, then the plat would not be approved without the tree plan, which is a part of the plating process. LaCroix pointed out options towards the mitigation process and asked that this be the direction of the discussion. Site plan issues would be handled administratively.

The applicant stated that the proposed plan meets the City's requirements based on the landscape ordinance and they are still meeting the ordinance by mitigating the trees and enhancing the property. The applicant then asked that the fence not be included, but if it were to be a deal breaker, to go ahead and include it.

After further discussion concerning the trees, Bricker asked if anyone else wanted to comment. Steve Swafford, Pastor of First Baptist Church, approached the commission and commented on several properties along Goliad that do not have walls and have limited landscaping. The Church does not want to be the first to build a wall. He also said that the fence would draw more attention to the property than the landscaping. Mr. Swafford also said that they always meet code and will continue to do so, but wanted to be treated fairly.

After further discussion, Mr. Arnsmeyer, stated that they have met the requirements and would like to move forward with the request, that the Church will do everything it can to make this a beautiful site.

Chairman Bricker stated that we have received a plan that we can approve or disapprove. There was further discussion and comments concerning the fence and the tree plan.

Davis made a motion to accept staff recommendations including the fence as presented.

Lowry seconded the motion. The motion was voted on and failed 3 to 4.

Hunter made a motion to approve with staff recommendations excluding requirements for the fencing.

Herbst seconded the motion. The motion was voted on and passed 6 to 1.

DISCUSSION ITEMS

There being no further action items, the meeting continued to the following discussion items:

Z2008-020

Discuss and consider a request from Brandon Blythe of Legacy Coach, Inc., for approval of a Specific Use Permit (SUP) to allow for "Recreational Vehicle

2 (RV) Sales and Service" within the (LI) Light Industrial district, specifically
4 within the existing Premier Park Place RV Storage facility located at 1750 E. IH-
30, on a 5.02-acre tract known as Lot 1, Block A, McKeown-Belaustegui
Addition.

6 Hampton outlined the request from Brandon Blythe of Legacy Coach, Inc., for
8 approval of a Specific Use Permit (SUP) to allow for "Recreational Vehicle (RV)
10 Sales and Service" within the (LI) Light Industrial district, specifically within the
existing Premier Park Place RV Storage facility located at 1750 E. IH-30. Hampton
12 also stated that this application was received last week. The application will be
processed as a work session item tonight and will be scheduled as a public hearing
item at the next meeting.

14 Chairman Bricker asked the applicant to come forward. Brandon Blythe, owner of
16 Legacy Coach, Inc., approached the commission and stated that his business is
established with-in the Premier Park Place facility and he brokers for high end
18 customers, with a national clientele. He requests the ability to showcase a vehicle at
a specified area on the property, but that the vehicle would not be left outside during
20 the evening hours overnight.

22 Mark Drake, owner of Premier Park Place, approached and said that everything will
be self contained inside. The operation is strictly a high-end operation and he
24 supports Legacy Coach with-in his facility.

26 **ADDITIONAL DISCUSSION ITEMS**

- 28 • Planning Director's Report to discuss current City activities, upcoming meetings,
30 future legislative activities, and other related matters.

32 **ADJOURNMENT**

34 There being no further business, the meeting was adjourned at 8:20 p.m.

**Minutes of
PLANNING AND ZONING COMMISSION WORK SESSION
August 26, 2008**

CALL TO ORDER

The meeting was called to order by Chairman Bill Bricker at 6:05 p.m. with the following members present: Michael Hunter, Earl Milner, Lynn Davis and Barry Buchanan. Commissioners Dennis Lowry and Phillip Herbst were absent.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer and David Gonzales.

PUBLIC HEARING ITEMS

Z2008-020 Hold a public hearing and consider a request from Brandon Blythe of Legacy Coach, Inc., for approval of a Specific Use Permit (SUP) to allow for "Recreational Vehicle (RV) Sales and Service" within the (LI) Light Industrial district, specifically within the existing Premier Park Place RV Storage facility located at 1750 E. IH-30, on a 5.02-acre tract known as Lot 1, Block A, McKeown-Belaustegui Addition, and take any action necessary.

Hampton stated the applicant, Mr. Blythe, has submitted an application for an SUP to allow RV Sales & Service within the existing Premier Park Place RV storage facility located at 1750 E IH-30. The indoor storage use is allowed in the Light Industrial district; however, the addition of sales and service for RVs requires the SUP.

The applicant's business is primarily "consignment sales" of privately owned vehicles that are already being stored within the building, as well as cleaning / detailing and other similar service for those vehicles. The business, Legacy Coach, is based out of the existing front office of the facility, and other than an additional sign on the front facade of the building the appearance and operation of the facility would be generally unchanged. The applicant would utilize an existing wash bay that is located adjacent to the rear of the structure.

The Commission and City Council may recall the recently approved SUP for Walkabout RV Sales and Service on Mr. Jower's property; however, that was a stand-alone use with all display and storage areas being outside (which is typically the reason for the SUP requirement).

The third and final phase of the existing storage facility is nearing completion, and the buildout of the property allows for no outside storage or display areas given the presence of firelanes, landscaping, etc. At the Planning and Zoning Commission work session on August 12th, the applicant indicated that there is one potential display space adjacent to the front wall of the building, and that they would like to request the option of displaying a vehicle at that location on a limited basis. Given that the vehicles are typically of high value, the applicant informed the Commission that if and when that space was utilized for display the vehicle would be moved inside the facility during non-business hours for security purposes. Staff has requested the applicant provide a site

plan indicating the proposed display area so the Commission and City Council can evaluate that specific request in more detail.

Notices were mailed to three (3) owners within 200-ft of the subject property, and at the time of this report no responses had been received.

Staff Recommends approval of the request with the following conditions:

1. No outside display or storage shall be allowed on the subject property, except for one (1) display space in front of the building as shown on the site plan attached hereto as Exhibit "A."

2. 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.

Chairman Bricker had questions for staff concerning the one year right to review condition of the SUP and about the sign permit application. Hampton stated that the one year condition is standard language, but is always subject to review if there were any changes of the use or violations in the future. He also said the sign permit application is handled by the Code Enforcement Department.

The applicant, Brandon Blythe and his wife, Kalee, approached the commission. They provided information about their business operations and asked the commission for approval of the request and to include a display space for a single coach.

After brief discussion concerning the display of a single coach at the site, Chairman Bricker opened the public hearing and asked if anyone would like to speak.

Hearing no response, Chairman Bricker closed the public hearing at 6:19 p.m.

Davis made a motion to approve the request of the SUP with staff recommendations, and to allow for a single space for display of a motor coach from Brandon Blythe of Legacy Coach, Inc., for "Recreational Vehicle (RV) Sales and Service" within the (LI) Light Industrial district, specifically within the existing Premier Park Place RV Storage facility located at 1750 E. IH-30, on a 5.02-acre tract known as Lot 1, Block A, McKeown-Belaustegui Addition.

Milner seconded the motion. After brief discussion, the motion was voted on and passed 5 to 0.

DISCUSSION ITEMS

There being no further public hearing items, the meeting continued to the following discussion items:

Appointment with Architectural Review Board representative to receive the Board's recommendations and comments for items on the agenda requiring architectural review.

Chairman Bricker requested the recommendations from the Architectural Review Board. Spencer reported for the Architectural Review Board, that Logan's Roadhouse be approved with a suggestion, not a condition, that the peak form entry feature be

incorporated with a curve-a-linear eyebrow form to match the roof parapet. Hampton stated that the applicant is here to provide a history of the entry feature design. He also said the Architectural Review Board did not want to push for the modification, but wanted the commission to make the final decision.

Spencer also reported that the Architectural Review Board recommended approval of the request from Honda of Rockwall as submitted.

After brief discussion, Chairman Bricker continued the meeting to the following discussion items.

SP2008-027 Discuss and consider a request by Katie Simpson of Design and Engineering, Inc., for approval of a site plan for Logan's Roadhouse, being a 6,533-sf restaurant proposed on Lot 16, Block A, La Jolla Pointe Addition Phase 2, being 1.746-acres zoned (C) Commercial district and situated within the IH-30 Overlay district, located at 560 E IH-30, and take any action necessary.

P2008-030 Discuss and consider a request by Kevin Wier of Spiars Engineering, Inc., for approval of a preliminary plat of Lot 1, Block 1, Honda of Rockwall Addition, being 8.686-acres zoned (C) Commercial district situated along the south side of Interstate 30 east of Commerce St and west of John L. King Blvd (205 Bypass), and take any action necessary.

SP2008-028 Discuss and consider a request by Kevin Wier of Spiars Engineering, Inc., for approval of a site plan for Honda of Rockwall, located on the proposed Lot 1, Block 1, Honda of Rockwall Addition, being 8.686-acres zoned (C) Commercial district and situated within the IH-30 Overlay district, located along the south side of Interstate 30 east of Commerce St and west of John L. King Blvd (205 Bypass), and take any action necessary.

Z2008-021 Discuss and consider a request from CJ Rhodes for approval of a Specific Use Permit (SUP) to allow for an accessory building that does not meet the exterior materials requirements on Lot 1, Rolling Meadows Estates, which is zoned (SF-E/4.0) Single Family Estate district and located at 2855 Rolling Meadows Drive.

ADDITIONAL DISCUSSION ITEMS

Planning Director's Report to discuss current City activities, upcoming meetings, future legislative activities, and other related matters.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:35 p.m.

**Minutes of
PLANNING AND ZONING COMMISSION PUBLIC HEARING
September 9, 2008**

CALL TO ORDER

The meeting was called to order by Bill Bricker at 6:07 p.m. with the following members present: Barry Buchanan, Michael Hunter, Bill Bricker, Earl Milner, Lynn Davis. Dennis Lowry, Philip Herbst were absent.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer, David Gonzales and Irene Hatcher.

Approval of Minutes for August 12, 2008 Planning and Zoning Commission.

Commissioner Milner made a motion to approve the minutes. Commissioner Hunter seconded the motion. It was voted and passed 5 to 0.

Approval of Minutes of August 26, 2008 Planning and Zoning Commission.

Commissioner Milner made a motion to approve the minutes. Commissioner Hunter seconded the motion. It was voted and passed 5 to 0.

PUBLIC HEARING ITEMS

Z2008-021

Hold a public hearing and consider a request from CJ Rhodes for approval of a Specific Use Permit (SUP) to allow for an accessory building that does not meet the exterior materials requirements on Lot 1, Rolling Meadows Estates, which is zoned (SF-E/4.0) Single Family Estate district and located at 2855 Rolling Meadows Drive, and take any action necessary.

Spencer stated that the applicant is requesting a Specific Use Permit in order to construct an approximate 960-sf barn not meeting the materials requirements of the (SF-E/4.0) Single Family Estate district standards. 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 not exceeding 15-ft in height. The 32' x 30' barn is of metal construction. The standing seam metal roof and walls will be painted tan with white trim to match the house. Metal barns have been approved in the recent past on SF-E/4 lots, including lots in Rolling Meadows. 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 exterior materials for the accessory building on this property is ultimately a judgment call for the Planning Commission and City Council. Notices were mailed to five (5) property owners within 200-ft of the subject tract, and at the time of this report, no response had been returned.

If request is approved, Staff offers the following conditions:

1. The building will comply with the approved site plan and building elevations.
2. The maximum building size is limited to 960-square feet in area.
3. The maximum height of the building is limited to 15 feet.
4. 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.
5. 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.

2 The applicant, CJ Rhodes, 2855 Rolling Meadows, was present. He stated that the color will be a
4 little lighter than what's on the color chart.

6 Chairman Bricker opened the public hearing at 6:13 and asked if anyone wanted to speak. There
8 being no response, he closed the public hearing.

10 Davis made a motion to approve the request for a Specific Use Permit (SUP) to
12 allow for an accessory building that does not meet the exterior materials
14 requirements on Lot 1, Rolling Meadows Estates, which is zoned (SF-E/4.0) Single
16 Family Estate district and located at 2855 Rolling Meadows Drive, with the
18 recommendations of the staff and the following additional condition:

20 1. That the house color be matched as closely as possible.

22 Hunter seconded the motion. It was voted on and passed 5 to 0.

24 SITE PLANS / PLATS

26 SP2008-023

28 Discuss and consider a request by Allan Ross of Allan Ross Design Group for approval of
30 a site plan for an approximate 21,680-sf retail development located on Lot 2, The Larsen School
32 Addition, being 3.339-acres zoned (PD-10) Planned Development No. 10 district and designated for
34 (C) Commercial uses, located along the east side of Townsend Dr and north side of the future
36 alignment of SH 276, within the SH 276 Corridor Overlay district, and take any action necessary.

38 Spencer stated the applicant, Allan Ross, has submitted a proposed site plan for a retail/office
40 development. The proposed site plan proposes two buildings; building one, seventeen thousand four
42 hundred twenty square feet; building two, four thousand two hundred sixty square feet.

44 Both buildings one and two are proposed to be office, retail and restaurant uses. A drive thru is
46 being incorporated into the design for building two. Any restaurant less than 2,000-sq. ft. in floor area
48 with a drive thru requires a Specific Use Permit in the Commercial zoning district.

50 The site is accessed from TL Townsend by one existing drive (currently serving the Galaxy
52 Ranch Private School) and one proposed drive. Another drive is proposed to be constructed and provide
54 access from the future SH 276. As part of the site plan the applicant is providing cross access to the
56 adjacent vacant tract located along the northeast property line.

58 The applicant is proposing 20,280-sq. ft. of retail and 3,000-sq.ft. of restaurant requiring 111
60 parking spaces. The applicant is exceeding city requirements by proposing 146 parking spaces. The
62 additional parking spaces would permit the applicant the flexibility to increase the square footage of
64 restaurant usage or medical office usage as dictated by the market.

66 Throughout the site plan review process, general engineering and fire department comments
68 have been forwarded to the applicant. Detailed engineering plans must be submitted and approved prior
70 to approval of a final plat or replat of the property. Engineering and fire review will include approval of fire
72 lane and fire hydrant locations, driveway locations and required TXDOT permits, utility issues, turn lanes
74 and deceleration lanes, etc.

76 The applicant has submitted elevations for both buildings one and two. Both buildings are being
78 designed to compliment the existing Galaxy Ranch School next door.

80 Building one is proposed to have a maximum height of 28' and be constructed out of natural cut-
82 stone, stucco with a standing seam metal roof. The building as submitted meets the requirements of the
84 SH 276 Overlay and all other applicable sections of the Unified Development Code.

Building two is proposed to have a maximum height of 29' and be constructed out of natural cut-stone, stucco with a standing seam metal roof. The building as submitted meets the requirements of the SH 276 Overlay and all other applicable sections of the Unified Development Code.

The photometric plan submitted for the project appears to meet City requirements in that anticipated light levels do not exceed 0.2-FC at the property lines. The maximum mounting height for all exterior lighting is 20-ft in the SH 276 Overlay district, and all fixtures must be full or partial cut-off as defined in the Unified Development Code.

The applicant is proposing to install nineteen (19) large canopy trees and four (4) accent trees along T. L. Townsend and fourteen (14) large canopy trees and five (5) accent trees along SH 276. The applicant is exceeding the required number of large canopy trees on both T.L. Townsend and SH 276 but twelve (12) additional accent trees are needed to meet the seventeen (17) accent trees as required in the SH 276 Overlay district. In addition to the buffers along T.L. Townsend & SH 276 the applicant is installing Fraser Photinias and large caliper trees along the north side of the building. As currently submitted the landscape plan meets all the requirements of the Unified Development Code.

On 6/24/08 the Architectural Review Board recommend approval of the site plan subject to review of the building material samples by the Board. Staff Recommends approval of the request with the following conditions:

- 1.) Adherence to all Engineering and Fire Department Standards.
- 2.) Installation of the seventeen (17) accent trees along SH 276 as required by the SH 276 Overlay District.
- 3.) All mechanical equipment both roof-top and ground mounted shall be screened from adjacent properties and rights-of-ways.

Allan Ross, 14902 Preston Road, Dallas, came forward to address the commission and request approval. Mr. Ross stated that the colors on his example are the exact colors used on the school.

Hunter made a motion to approve the request made by Allan Ross of Allan Ross Design Group for approval of a site plan for an approximate 21,680-sf retail development located on Lot 2, The Larsen School Addition, being 3.339-acres zoned (PD-10) Planned Development No. 10 district and designated for (C) Commercial uses, located along the east side of Townsend Drive and north side of the future alignment of SH 276, within the SH 276 Corridor Overlay district with staff recommendations.

Milner seconded the motion. It was voted on and passed 5 to 0.

SP2008- 027

Discuss and consider a request by Katie Simpson of Design and Engineering, Inc., for approval of a site plan for Logan's Roadhouse, being a 6,533-sf restaurant proposed on Lot 16, Block A, La Jolla Pointe Addition Phase 2, being 1.746-acres zoned (C) Commercial district and situated within the IH-30 Overlay district, located at 560 E IH-30, and take any action necessary.

Hampton stated a site plan has been submitted for a Logan's Roadhouse restaurant to be located on Lot 16, Block A, La Jolla Pointe Phase 2 Addition. The original site plan for "Wilkinson Commons" included fire lanes, utilities and other infrastructure to serve Lots 15, 16 and 17, Block A, all of which has been constructed. Much like with the recent approval of Taco Cabana on Lot 17, the submittal for Logan's Roadhouse outlines the final details of the building elevations, landscape plan, and photometric plan for the subject property.

The proposed building includes 6,533-sf of restaurant space, requiring a minimum of 66 parking spaces. The developer is proposing 99 total spaces, including four (4) accessible. The development will be accessed from one shared drive from the IH-30 service road, and as well as existing cross access

2 drives from Taco Cabana. The site plan has been revised since the work session on August 26th to allow
4 for adequate parking space sizes and sidewalk widths around the building. Additionally, the applicant has
6 received approval from the landowner of Taco Cabana's property for a parking overhang (see attached
letter).

8 The applicant has informed staff that they have investigated alternative locations for their
10 dumpster and enclosure; however, because of the existing grades on the property and orientation of the
12 building, have maintained the location in the front part of the site. The applicant has indicated they will
provide a rendering/detail(s) of the dumpster enclosure at the meeting in an effort to better illustrate for
staff and the Commission the visual impact of the proposed location.

14 The photometric plan indicates that all light levels are at 0.2-FC or less at the property lines. All
16 fixtures (including wall mounted) shall be full or partial cut-off as specified in the Unified Development
Code, with a maximum mounting height of 30-ft (including base).

18 The landscape plan indicates approximately 32% of Lot 16 is open space, exceeding the City's
20 minimum 15% requirement. A 25-ft landscape buffer is provided along IH-30, and the landscape plan has
22 been revised to incorporate the required 4-inch canopy trees and 4-ft high accent trees within that buffer.
The locations of the existing stone columns that tie the 3-lots in Wilkinson Commons together have been
noted on the plan. The plan also includes mitigation trees previously approved with the Wilkinson
Commons project, which will be installed with this development. The applicant has supplemented various
other landscaping, shrubs and ground cover around the building to further enhance the site. All other
landscaping requirements appear to be addressed with the plan.

26 The building elevations indicate a single-story building with a maximum height of about 25-ft. The
28 materials consist of natural stone, brick, and stucco, with various accent materials such as cedar wood
and galvanized metal panels. A material board has been submitted to staff and will be available at the
P&Z meeting for review. It is staff's opinion that the elevations comply with the IH-30 Overlay standards
and building articulation standards of the City.

32 The building elevations were reviewed and approved by the Architectural Review Board on
34 August 26th, with the understanding that the applicant would devise a patio cover (e.g. pergola) and add
an element to the rear elevation as recommended by staff. The applicant has included details for the
pergola structure, and has added additional stone pilasters on the rear elevation to break up the brick
wall. The pilasters have been added in lieu of a faux "barn door" discussed at the work session, as there
was not a clear consensus on that idea. Additionally, the applicant has upgraded the exit doors on the
"left" and "right" side elevations to include glass. The Board also recommended the applicant and
Commission consider a change to the entry canopy structure from a "peaked" design to an "arched"
design. However, has proposed to maintain the original design after discussing the purpose of the design
with the Commission at the work session.

42 On 8/26/08 the Architectural Review Board recommended approval of the site plan and building
44 elevations as submitted, with the suggestion that the applicant consider an "arched" canopy over the front
door in lieu of the "peaked" entry shown on the elevation.

46 Staff recommends approval of the site plan for Logan's Roadhouse with the following conditions:

- 48 1. Approval of engineering plans.
50 2. Adherence to all fire department and engineering department requirements.
52 3. All exterior lighting fixtures (including wall mounted) shall be full or partial cut-off as specified in
the Unified Development Code, with a maximum mounting height of 30-ft (including base).

54 Mark Brashears of Logan's Roadhouse was present.

56 The Commission discussed several issues with the applicant including dumpster location and
enclosure, patio and the building elevations. However, the Commission agreed the applicant had done
much of what they asked at the work session.

Hunter made a motion to approve the request by Katie Simpson of Design and Engineering, Inc., for approval of a site plan for Logan's Roadhouse, being a 6,533-sf restaurant proposed on Lot 16, Block A, La Jolla Pointe Addition Phase 2, being 1.746- acres zoned (C) Commercial district and situated within the IH-30 Overlay district, located at 560 E IH-30 with staff recommendations.

Davis seconded the motion. It was voted and passed 5 to 0.

P2008-030

Discuss and consider a request by Kevin Wier of Spiars Engineering, Inc., for approval of a preliminary plat of Lot 1, Block 1, Honda of Rockwall Addition, being 8.686-acres zoned (C) Commercial district situated along the south side of Interstate 30 east of Commerce St and west of John L. King Blvd (205 Bypass), and take any action necessary.

Spencer stated the preliminary plat for the Honda of Rockwall Addition is intended to accommodate development of an 8.7-acre tract for a Honda Car Dealership. The Site Plan for the site is running concurrently with the Preliminary Plat.

The subject property is zoned (C) Commercial district and is located within the I-30 Overlay District.

The applicant is requesting that the Planning and Zoning Commission and the City Council approve the Preliminary Plat as submitted with a variance to the recently approved Detention Pond requirements. With the Preliminary Plat the applicant is seeking approval to construct the detention pond with vertical walls around all or some portion of the perimeter. The recently approved standards for detention ponds allow a maximum slope of 5 to 1 with no fencing allowed. City Engineer, Chuck Todd, has attached a memo to the packet addressing the design of the detention pond and will be available at the meeting to answer questions.

The preliminary plat appears to conform to all area requirements specified in the Commercial (C) district.

The development will be accessed by two (2) proposed drives from I-30, one of which is a mutual access easement with the existing Yamaha Dealership located to the west.

Staff is recommending a final tree plan be approved with the final plat which should outline the developer's plan for any outstanding tree mitigation.

Staff believes that Preliminary Plat meets all the requirements of the Commercial (C) District with the exception of the Detention Pond Design Requirements.

A recess was taken. The meeting reconvened at 7:18 p.m.

Bennett Ratliff of the Ratliff Group came forward to address the commission and request approval. He discussed the impact it would have on the dealership to have a significant loss of parking. He compared losses depending on the grade of the slope needed. He gave a presentation comparing how many cars this lot would hold compared to other dealerships in Rockwall.

The Commission and Mr. Ratliff discussed the visibility of the detention pond from the apartments next door. There was discussion regarding planting trees to block the view from the third floor of the apartments and possibly planting some vines for aesthetic purposes. Chuck Todd advised that if there were trees planted that they would need to be trees that could withstand being under water for at least 90 minutes. The Commission asked, if the preliminary plan was approved, would they be willing to plant the green vines to cover the vertical walls of the pond. Mr. Weir stated that he couldn't imagine that that would be a problem.

2 There was some discussion as to what research on Rockwall was done prior to purchasing the property.
4 Mr. Weir stated that they did not know that the ordinance was going to change 30 days prior to the plat
6 application being finalized and that Honda corporate bought this property for the purpose of putting the
8 dealership on it.

10 Mr. Bricker noted that Honda was caught in the ordinance change during the design; that they had
12 previous approval with S.U.P.; that the change in the ordinance would cause significant harm to their
14 business plan and that the detention pond is not visible from the public streets.

16 **Hunter made a motion to approve the request by Kevin Wier of Spiars Engineering, Inc., for approval of a preliminary plat of Lot 1, Block 1, Honda of Rockwall Addition, being 8.686-acres zoned (C) Commercial district situated along the south side of Interstate 30 east of Commerce St and west of John L. King Blvd (205 Bypass) with staff recommendation and that Honda also grow green vines on the north wall of the detention pond for the aesthetic view.**

18 **Milner seconded the motion. It was voted on and passed 5 to 0.**

20 **SP2008-028**

22 **Discuss and consider a request by Kevin Wier of Spiars Engineering, Inc., for approval of a site**
24 **plan for Honda of Rockwall, located on the proposed Lot 1, Block 1, Honda of Rockwall Addition,**
26 **being 8.686-acres zoned (C) Commercial district and situated within the IH-30 Overlay district,**
located along the south side of Interstate 30 east of Commerce St and west of John L. King Blvd
(205 Bypass), and take any action necessary.

28 Spencer stated the site plan for the Honda of Rockwall Addition is intended to accommodate
30 development of an 8.68-acre tract for a Honda Car Dealership. With this development the applicant is
trying to obtain a LEED rated building.

32 The subject property is zoned (C) Commercial district and is located within the I-30 Overlay
34 District. A Preliminary Plat for the site is running concurrently with the Site Plan.

36 The site is proposed to be accessed from I-30 by two (2) proposed drives. The first drive is a
38 mutual access drive located on the adjacent property to the west and the second is a mutual access drive
40 located on the east property line. The proposed drives and the location of security fencing/gates will
provide for cross access as required by the I-30 Overlay District. The proposed dealership requires a
total of 187-parking spaces. The applicant is meeting city standards by proposing to install 187-parking
spaces.

42 The applicant is requesting a variance to the Unified Development Code to allow overhead (bay)
44 doors to face the street. The overhead doors are located on the west side of the building as part of the
46 dealership's oil & lube center. Staff feels that this is a judgment call for the Planning and Zoning
48 Commission and City Council. Consideration should be given to the distance the bay doors are setback
50 from the property line (305-feet), the horizontal articulation incorporated into the proposed design and the
waiver that was recently approved for the Toyota of Rockwall (January 2007). The applicant is proposing
three (3) trellises into their landscape plan in an effort to further screen the bay doors from the I-30
service road. The proposed trellises are comprised of 1" steel rods painted white to match the building
and will have concrete benches for seating.

52 The site plan also illustrates a wrought iron security fence located along the side and rear
54 property lines. The applicant is proposing an 8'4" high screen comprised of Split-Face CMU for both the
dumpster and fuel storage tanks.

56 Detailed engineering plans must be submitted and approved prior to approval of a final plat or
replat of the property. Engineering and fire review will include approval of firelane and fire hydrant

2 locations, driveway locations and required TXDOT permits, utility issues, turn lanes and deceleration
lanes, etc.

4 The applicant has submitted elevations for a 36' high typical building. The applicant is proposing
to use aluminum composite wall panels and a silicon glazed curtain wall for the store front and tilt-wall
6 panel for the remaining building. The applicant has expressed that the reason for the tilt-wall panel is to
allow for what is known as a "green wall". The "green wall" will use condensation collected from the roof-
8 top air conditioning units to irrigate a fast growing ivy that will eventually cover the tilt-wall panels. Both
the "green wall" and the recycled aluminum are being integrated into the development as part of the
10 LEED rated building concept. The applicant has also expressed to staff that the intent is not only to use
recycled building materials but also to use building materials that are easily recycled when the proposed
12 building is retired. The applicant has incorporated the proposed galvanized steel water cisterns into
architectural features and horizontal and vertical articulation.

14
16 The proposed car wash building (tunnel) is located behind the proposed Dealership toward the
western portion of the site. The proposed elevation is for a 15'4" high building comprised of split-face
CMU and a "green wall" system similar to the Dealership Building.

18
20 The proposed materials for both the Dealership & Car Wash Buildings require a variance to the I-
30 Overlay District Section (C) Architectural Standards, (1) Masonry Requirements. Any variance to the I-
30 Overlay district requires a recommendation from the Planning and Zoning Commission and a super-
22 majority (3/4) vote by City Council for approval.

24 The elevations as submitted meet the remaining requirements and standards of the Unified
Development Code.

26
28 All mechanical equipment both roof-top and ground mounted is required to be screened from city
rights-of-way and adjacent properties.

30 As part of the Photometric Plan the applicant is requesting the Planning and Zoning Commission
approve the use of a General Purpose Flood Light (GPF) to illuminate the United States of America Flag
32 and of a Framing Projector Light to illuminate the "H" on the buildings front façade (see attached cut-
sheets). The Flood Light used to light the flag is proposed to be directed inward to the site and the
34 Framing Projector is proposed to be pole mounted across the drive isle from the front façade and directed
at a 90-degree angle with no up lighting. At the work session the applicant informed staff that LEED does
36 not allow for up lighting and light pollution with the lone exception of lighting the United States of America
Flag. The photometric plan submitted for the project appears to meet City requirements. The maximum
38 mounting height for all exterior lighting is 30-ft in the IH-30 Overlay district, and all other fixtures not noted
above must be full or partial cut-off as defined in the Unified Development Code.

40
42 The overall site area of 378,362-sf requires a minimum of 10% (or 37,836-sf) of landscape area.
The proposed landscape plan exceeds the required 10% by providing for 99,856-sf or 26.39%. The
44 applicant is providing the minimum 20-ft buffer along I-30 and is meeting the requirement for both canopy
and accent trees. In addition the required trees the applicant is proposing to install shrubs and ground
cover within the required I-30 landscape buffer.

46
48 One tree per 750-sf of detention area, or 31 trees, has been included in the proposed landscape
plan. A row of trees are also provided along the rear property line to comply with Overlay standards. The
landscape plan illustrates 54 parking lot trees dispersed through out the required parking and display
50 areas. In addition to the trees the applicant has proposed various ground covers, shrubs, and ornamental
trees though out the site.

52
54 Staff would suggest that the Commission approve the proposed landscape plan with the condition
that evergreen landscaping be placed along the eastern property line to screen the proposed recycle bins
and loading area from the adjacent property.

2 On 8/26/08 the Architectural Review Board recommended approval of the site plan subject to
4 review of the building material samples by the Board.

6 Staff Recommends approval of the request with the following conditions:

- 8 1. Approval of Preliminary Plat by the City Council.
- 10 2. Adherence to Engineering and Fire Department standards.
- 12 3. All mechanical equipment both roof-top and ground mounted be screened from city
14 rights-of-way and adjacent properties.
- 16 4. Evergreen landscaping be placed along the eastern property line to screen the proposed
18 recycle bins and loading area from the adjacent property.
- 20 5. The Planning and Zoning Commission to approve variances for the use of a General
22 Purpose Flood Light (GPF) to illuminate the United States of America Flag and of a Framing
24 Projector Light to illuminate the "H" on the buildings front façade.
- 26 6. City Council to approve the variance to I-30 Overlay District Section (C) Architectural
28 Standards, (1) Masonry Requirements by a super majority (3/4) vote.
- 30 7. City Council to approve the variance for the bay doors by a simple majority vote.

20 Bennett Ratliff made a brief presentation of the project, including some of the architectural and
22 LEED concepts. The Commission inquired about the light illuminating the "H" on the building being
24 visible to the people living in the apartments. Mr. Ratliff stated that the light would be blocked by the
26 building and that it would not be visible from the apartments.

26 **Hunter made a motion to approve the request by Kevin Wier of Spiars Engineering,
28 Inc., for approval of a site plan for Honda of Rockwall, located on the proposed Lot
30 1, Block 1, Honda of Rockwall Addition, being 8.686-acres zoned (C) Commercial
district and situated within the IH-30 Overlay district, located along the south side
of Interstate 30 east of Commerce St and west of John L. King Blvd (205 Bypass)
with the staff recommendations.**

32 **Davis seconded the motion. It was voted on and passed 5 to 0.**

34 **DISCUSSION ITEMS**

36 **Z2008-022**

38 Discuss and consider a city-initiated revision to the City of Rockwall Unified Development Code (Ord. No.
04-38), specifically Article IV, Permissible Uses, and Article XIII, Definitions.

40 Robert LaCroix discussed the City's current definition of hotels, and explained that the City
42 Council directed staff to amend the Unified Development Code to require an SUP for all hotels. LaCroix
also briefly discussed other Cities' examples of how hotels are defined and regulated.

44 There was discussion regarding definitions of hotels, motels, extended stay, luxury and limited
46 services hotels as well as bed and breakfast facilities. It was stated that bed and breakfast facilities are
usually located in historic districts and already require an SUP.

48 There was concern about requiring SUPs across the board and that residents hotels should not
50 be negated completely. There was discussion about the changing of names of the hotels in the future but
the inability to change the level of service provided and that there may be code violations that could keep
that from happening.

52 This topic is still being reviewed and the Commission would like to be involved in the process.

54 **ADDITIONAL DISCUSSION ITEMS**

- 2 • Planning Director's Report to discuss current City activities, upcoming meetings, future legislative
4 activities, and other related matters.

6 Commissioner Milner brought up whether Rockwall's Planning and Zoning Department thought it
8 would be a good idea to meet with Royse City and Fate to discuss having a unified look up and down
I-30. The discussion continued and it was stated that if there was going to be a meeting that there would
have to be an agenda.

10 Robert LaCroix will look into what it would take to have a meeting with Royse City and Fate and
12 discuss what legal issues there may be.

14 **ADJOURNMENT at 8:52 p.m.**

16
18 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
ROCKWALL, Texas, this ____ day of _____, 2008.

20
22  _____

24 *Charles*

William (Bill) Bricker, Chairman

26 ATTEST:

28 _____

**Minutes of
PLANNING AND ZONING COMMISSION WORK SESSION
September 30, 2008**

CALL TO ORDER

The meeting was called to order by Chairman Bill Bricker at 6:30 p.m. with the following members present: Michael Hunter, Earl Milner, Barry Buchanan, Dennis Lowry and Lynn Davis. Phillip Herbst was absent.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer, David Gonzales and Irene Hatcher.

PUBLIC HEARING ITEMS

Z2008-022 Hold a public hearing and consider a city-initiated revision to the City of Rockwall Unified Development Code (Ord. No. 04-38), specifically Article IV, Permissible Uses, and Article XIII, Definitions, and take any action necessary.

On 8/18/08 the City Council directed staff to initiate an amendment to the Unified Development Code to require a Specific Use Permit (SUP) for all hotels in the City and to research/consider revised definitions for hotel use (e.g. "extended stay," "luxury," "limited service," etc), by a vote of 7 to 0.

Based on discussion at the P&Z worksession, staff has crafted the proposed definition for "Full Service Hotel" use to a minimum number of rooms (250), room size (380-sf), a full service restaurant, 24-hour staff, a meeting place and a swimming pool. With such standards, Staff would recommend that a full service hotel be permitted in the Commercial and Light Industrial district without the specific use requirement.

All hotels and motels, other than full service hotels, will have to go through the SUP process. Staff discussed facilities that are more resort-like going out east on I-30 rather than hotels and motels. Staff is also recommending adding the hotel, motel, residence hotel and full service hotel as a use in the "LI", Light Industrial District. Staff recommends approval of the amendments to the Unified Development Code.

There was discussion regarding outside courtyards versus inside courtyards and access to hotel rooms without going through the interior of the hotel. Michael Hampton stated that the wording can be changed to internal courtyard, lobby, etc.

The discussion continued with whether there should be a two-story restriction on residence hotels. Robert LaCroix explained the definition and said that they are not limited to two-story, but stated that that restriction can be excluded. Chairman Bricker suggested that two-story be replaced with multi-story.

The Commission raised the question regarding the requirements for a bed and breakfast. Michael Hampton clarified that there were no changes made to the bed and breakfast. It still has to be owner occupied.

After brief discussion, Commissioner Hunter made a motion to approve Z2008-022 a city-initiated revision to the City of Rockwall Unified Development Code (Ord. No. 04-38), specifically Article IV, Permissible Uses, and Article XIII, Definitions with the stipulation that the word "internal" be added before the word "courtyard" and that "two-story" be changed to "multi-story."

Commissioner Davis seconded the motion.

The motion was voted on and passed 6 to 0.

ACTION ITEMS

SP2008-008

Discuss and consider a request by Javier Barajas of Mulvanny G2 Architecture for approval of amended building elevations, specifically to replace the approved "Sandblasted CMU" material with "Smooth Face CMU" material, for the proposed CostCo Wholesale development located on Lot 1, Block 1, Rockwall Centre Corners Addition, being 20.29-acres zoned (C) Commercial district and situated within the IH-30 Overlay District, SH 205 Overlay District and the SH 276 Overlay District, and take any action necessary.

Javier Barajas of Mulvanny G2 Architecture has submitted a request for approval of amended building elevations, specifically to replace the approved "Sandblasted CMU" material with "Smooth Face CMU" material, for the proposed CostCo Wholesale development located on Lot 1, Block 1, Rockwall Centre Corners Addition.

The requested amended elevations require a Variance to the SH 276 Corridor Overlay, which states that each exterior wall shall consist of 90% masonry materials. "Smooth Face CMU" is not considered a primary masonry material. The City of Rockwall Unified Development Code defines "Masonry" as follows:

Masonry. *Masonry construction shall be defined as construction composed of materials in the categories listed below and shall not include hollow clay tile or exposed lightweight block such as cinder block.*

Modular:

- Brick
- Natural or quarried stone
- Cast or cultured stone
- Glass block or glass
- Tile
- Custom concrete masonry units (normal or heavy weight blocks with an integral color that is sandblasted, burnished or has a split face)

Approval of any variance to the SH 276 Overlay Corridor shall require City Council approval by a three-quarter (3/4) majority vote of those City Council members present with a minimum of four (4) affirmative votes.

In March of 2008, the Architectural Review Board and the Planning & Zoning Commission recommended approval of the site plan and in April of 2008, the City Council approved the following variances for the proposed CostCo by a vote of 7-0:

- Variances to the SH 276 Overlay District

1. More than two (2) rows of parking approximately 60-feet in width, between the primary building and the SH 276 right-of-way.
 2. Exterior lighting up to 30-ft in height (Max 20' in SH 276 Overlay).
 3. All four (4) sides of the building finished with same materials, detailing and features (East, and North Elevations).
 4. Each exterior wall shall consist of 90% masonry materials (West, East, South and North Elevations). (Approval of Granitstone Panels)
 5. Walls visible from a public street or open space must have a minimum 20% natural or quarried stone (East and North Elevations).
 6. All buildings under 6,000-sq. ft. (gas controller) require a pitched roof system (Gas Controller Enclosure).
- Variances to the General Commercial District Standards (simple majority vote required)
 1. Horizontal articulation (East Elevation)

Chairman Bricker inquired as to the purpose for the changes.

Greg McGahey was present and explained that they are asking for the changes because they have been unable to locate the sandblasted finish locally. The only sandblasted finish they can find comes out of Chicago. Greg McGahey explained what their alternatives are.

Commissioner Hunter inquired as to why the staff isn't making a recommendation. Chris Spencer stated that due to the elevations not meeting the ordinance, the staff feels it is a judgment call for the Planning and Zoning Commission and the City Council to decide if they should approve the changes.

There was discussion regarding the different color, richness and textures. The applicant also discussed the green building concept, getting supplies locally. The new material he is requesting is local to the DFW area.

Commissioner Davis was troubled by the word "smooth" and concerned about the color, Cocoa brown versus Navajo brown. The applicant assured the Commission that it's going to be a non issue once you look at the whole building.

Chairman Bricker stated that the smooth face is something that the Commission originally rejected. The applicant continued by stating that they agreed to do the sandblasted finish, but they can't find it locally. He stated that this comes down to either split face or smooth face. Bringing the sandblasted material in from Chicago is not an option. He stated that he thinks this is going to be a better looking building with smooth face than with split face.

Commissioner Milner questioned whether it's better to stay with the rule or look at the best vision for the next 30 years. He stated that he would rather get the true color in the smooth and get the accent colors than go to the split face. He also stated that had the Commission known this information in the first place, regarding the sandblasted material not being available locally, that he would have just said go

2 with the smooth from the beginning. He stated he is in favor of the smooth and of
4 going forward.

6 The applicant stated that the Architectural Review Board requested that the mortar
be similar in color.

8 After brief discussion, Commissioner Hunter made a motion to approve the
10 amended building elevations, specifically to replace the approved
12 "Sandblasted CMU" material with "Smooth Face CMU" material, for the
14 proposed Costco Wholesale development located on Lot 1, Block 1,
Rockwall Centre Corners Addition, being 20.29-acres zoned (C)
Commercial district and situated within the IH-30 Overlay District, SH 205
Overlay District and the SH 276 Overlay District with the request from the
ARB that the mortar be as similar in color as possible.

16 Commissioner Milner seconded the motion with the ARB recommendation.

18 The motion was voted on and passed 5 to 1, with Chairman Bricker voting
20 against.

22 DISCUSSION ITEMS

24 There being no further public hearing items, the meeting continued to the following
discussion items:

26 1. Appointment with Architectural Review Board representative to receive the
28 Board's recommendations and comments for items on the agenda requiring
architectural review.

30 2. SP2008-029

32 Discuss and consider a request by Ave Alagar of Alexander Marcus Design
Group for approval of a site plan for Comfort Inn and Suites, being a 46,232-sf
34 hotel located on Lot 8, Block A, Rockwall Towne Center Phase 4 Addition,
being a 1.78-acre tract zoned (C) Commercial and situated on Vigor Way
36 (private street) between IH-30 and Ridge Rd within the IH-30 Overlay and
Scenic Overlay districts, and take any action necessary.

38 Chris Spencer added that the parking space requirement is going to need to be
40 revisited.

42 3. P2008-032

44 Discuss and consider a request by Robert A. Howman of Glenn Engineering,
for approval of a replat of Lot 1, Block A, Rockwall High School Addition,
being 35.299-acres zoned (C) Commercial district and located at 901 Yellow
46 Jacket Lane, and take any action necessary.

48 David Gonzales explained what changes need to be made to the plat.

50 4. P2008-033

Discuss and consider a city-initiated request for approval of a residential replat of Lot 36, Block D, Hillcrest Shores Addition, being 0.25-acre zoned (PD-11) Planned Development No. 11 district and located at 721 Sunset Hill.

There was no discussion.

5. Z2008-024

Discuss and consider a request by Donna Orr and Roger Shank for approval of a Specific Use Permit (SUP) to allow for a reduction in the land area required for grazing farm animals on Lot 4, Rolling Meadows Estates, being 4.6-acres zoned (SF-E/4.0) Single Family Estate district and located at 2625 Rolling Meadows Drive.

Donna Orr was present and addressed the commission. She informed the Commission that she is not breaking any HOA regulations and that her neighbor shares three acres of their property for her to graze her animals. She also discussed the requirements of miniature horse grazing square footage in other areas being less than what Rockwall requires.

A recess was taken at 7:53 pm.

The meeting reconvened at 8:00 pm.

6. a) Z2008-025

Discuss and consider a request by Von and Carolyn Maynard for approval of a change in zoning from (Ag) Agricultural district to (SF-E/1.5) Single Family Estate district, for a 1.97-acre tract known as part of Tract 26-2, Abstract 77, E. M. Elliott Survey, located along the west side of FM 549 north of Airport Road.

b) P2008-034

Discuss and consider a request by Von and Carolyn Maynard for approval of a final plat of Lot 1, Block 1, Maynard Place Addition, being 1.97-acres that is proposed to be zoned (SF-E/1.5) Single Family Estate district, and currently known as part of Tract 26-2, Abstract 77, E. M. Elliott Survey, located along the west side of FM 549 north of Airport Road.

There were was no discussion.

7. Z2008-026

Discuss and consider a request by Rayburn Country Electric Cooperative, Inc., for approval of a Specific Use Permit (SUP) to allow for a "Utility Installation, Other Than Listed," specifically a wind turbine, on their property located at 960 Sids Road, being approximately 7.403-acres zoned (Ag) Agricultural district and known as Tract 3-6, Abstract 26, W. H. Barnes Survey.

John Kirkland appeared in person to answer the Commission's questions.

Andrew Trapanese from Entegry Wind, Boulder, Colorado, addressed the Commission and provided a sound study. He discussed battery backup and supplemental power source. He explained that it's not meant to power the entire facility. He discussed the miles per hour of sustained wind that the unit can withstand and that it shuts off at 50 mph for safety reasons.

Chairman Bricker questioned whether this is going to start a trend to allow these things within the city limits.

Robert LaCroix discussed the SUP process. He also discussed the height requirements and lighting requirements. Chairman Bricker asked John Kirkland if he ever stopped using this will he take it down? John Kirkland replied, yes.

Robert LaCroix stated that we may want to put something in there that says if it becomes a nuisance then we may have to look at it again and that we need a minimum distance they can be from residential neighborhoods. He also stated that there needs to be something regarding the ability to shut it down if there is a noise issue and the ability to take it down if it ever becomes unused. Those kinds of issues need to be addressed.

Andrew Trapanese suggested he may have examples of how other cities in the U.S have regulated such issues that he could share with staff.

8. Z2008-027 (Chris)

Discuss and consider a request by Tracy LaPiene of Allen and Ridinger Consulting, Inc., for approval of a Specific Use Permit (SUP) to allow for an "Auto Repair Garage, Minor" within the (C) Commercial zoning district, on Lot 2, Block 1, Horizon Village Addition, being a 2.181-acre tract located along the north side of Ralph Hall Pkwy east of Horizon Rd (FM 3097).

The applicant stated that they will work with the Staff to meet or exceed the standards. The Commission discussed their overall dissatisfaction with the proposed building elevations.

9. P2008-035

Discuss and consider a request by Harold Fetty of Rockwall Surveying, Inc., for approval of a replat of Lot 3, Block A, Hillcrest Center Addition, being a 0.91-acre tract located at 3260 N. Goliad and zoned (GR) General Retail district, and take any action necessary.

There was no discussion.

10. P2008-036

Discuss and consider a request by Adam Crump of Douphrate & Associates, Inc., for approval of a preliminary plat for Flagstone Corners Addition, being 8.2636-acres zoned (PD-54) Planned Development No. 54 district and (PD-60) Planned Development No. 60 district, and located at the southeast corner of Ralph Hall Pkwy and Mims Rd, and take any action necessary.

There was no discussion.

11. H2008-006 (Chris)

Discuss a city-initiated request for a Historic Landmark designation for the Rockwall Flower Shop located at 102 S. Goliad. The tract is zoned (DT) Downtown and is located outside of the Old Town Rockwall Historic District

2 and identified as a "Contributing Property" within the Downtown Historic &
Architectural Survey.

4 There was no discussion.

6
12.H2008-008

8 Discuss a city-initiated request for a Historic Landmark designation for the
Jordan House located at 109 St. Marys Street. The tract is zoned (SF-7) Single
10 Family and is located outside of the Old Town Rockwall Historic District and
identified as a "High Contributing Property" within the Historic survey.

12
14 Chairman Bricker requested that someone be present from the Historic Board at the
P & Z public hearing. Commissioner Davis said that this house doesn't look now like
it does in the pictures. Robert LaCroix stated that the owner does not want to
16 landmark the house if she has to put money into the outside.

18 Chairman Bricker is in favor of landmarking this house.

20
22
ADDITIONAL DISCUSSION ITEMS

- 24
- Planning Director's Report to discuss current City activities, upcoming meetings,
26 future legislative activities, and other related matters.

28 Commissioners Milner and Hunter discussed the North Goliad overlay.

30
32 The meeting was adjourned at 9:22 pm.

34
ADJOURNMENT

36 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
ROCKWALL, Texas, this ____ day of _____, 2008.

38
40 

42
44 

William (Bill) Bricker, Chairman

46 ATTEST:

**Minutes of
PLANNING AND ZONING COMMISSION PUBLIC HEARING
October 14, 2008**

CALL TO ORDER

The meeting was called to order by Bill Bricker at 6:02 p.m. with the following members present: Barry Buchanan, Michael Hunter, Earl Milner, Lynn Davis, Philip Herbst and Dennis Lowry.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer, David Gonzales and Irene Hatcher.

CONSENT AGENDA ITEMS

1) **Approval of Minutes for September 9, 2008 Planning and Zoning Commission.**

2) **Approval of Minutes for September 30, 2008 Planning and Zoning Commission.**

3) **P2008-032**

Discuss and consider a request by Robert A. Howman of Glenn Engineering, for approval of a replat of Lot 1, Block A, Rockwall High School Addition, being 35.299-acres zoned (C) Commercial district and located at 901 Yellow Jacket Lane, and take any action necessary.

4) **P2008-035**

Discuss and consider a request by Harold Fetty of Rockwall Surveying, Inc., for approval of a replat of Lot 3, Block A, Hillcrest Center Addition, being a 0.91-acre tract located at 3260 N. Goliad and zoned (GR) General Retail district, and take any action necessary.

Hunter pulled consent items one and two.

Hunter made a motion to approve items three and four of the consent agenda.

Milner seconded the motion to approve consent items three and four.

Vote was taken and the motion passed 7-0.

Bricker stated that the minutes were pulled because of attendance.

Commissioner Hunter made a motion to approve the minutes for September 9, 2008. Commissioner Davis seconded the motion. It was voted on and passed 5-0 with two abstentions. (Lowry & Herbst Abstained)

Commissioner Hunter made a motion to approve the minutes for September 30, 2008. Commissioner Davis seconded the motion. It was voted on and passed 6-0 with one abstentions. (Herbst Abstained)

PUBLIC HEARING ITEMS

P2008-033

Hold a public hearing and consider a city-initiated request for approval of a residential replat of Lot 36, Block D, Hillcrest Shores Addition, being 0.25-acre zoned (PD-11) Planned Development No. 11 district and located at 721 Sunset Hill, and take any action necessary.

The City has initiated a residential replat of Lot 36, Block D, Hillcrest Shores Addition, which is located at 721 Sunset Hill. The purpose of the replat is to dedicate a 10-ft sanitary sewer easement in the rear half of the property, as well as absorb an existing 4-ft pedestrian access right-of-way located along the northwest property line into the lot. The City has worked with the owner to sell

the 4-ft ROW as a tradeoff for the sewer easement, which was mistakenly left off the original plat for Hillcrest Shores approximately 15 years ago.

As required by state law for a residential replat, notifications have been sent to property owners within 200-ft of the subject tract. At the time of this report, one notice "in favor" has been returned, as well as one additional notice with comments that do not clearly relate to the replat request but rather a takeline matter.

Staff Recommends approval of the request with the following conditions:

1. Indication of ownership transfer (e.g. Vol/Pg) of 4-ft right-of-way.
2. Correction of Block "O" to Block "D" throughout the replat.

Herbst inquired as to what effect this has on the takeline area.

Hampton stated that the replat stops at the property line. There is a 4ft gap in the two lease areas. The 4ft would continue straight out. It would be incorporated into the lease area of the property owner at 721 Sunset Hill. It is a sidewalk to nowhere since the takeline is not technically a public area anymore.

Herbst inquired as to the abandoning of this access, and what it does to the takeline area.

Hampton stated that the 4ft easement was left out of the survey for those two adjacent properties as far as the takeline area. The 4ft gap would be absorbed into this property owner's area.

There were no further questions from the P & Z Commission and the hearing was opened to the public at 6:10.

Larry Vines, 751 Sunset Hill.

Mr. Vines indicated his house on the map and stated that the properties north of that easement area have less than 50ft of takeline property. He further stated that his property is also pie shaped and they lose the ability to build a boathouse. He inquired as to whether some of the 4ft easement area could be used by the other property owners that have less than 50ft. Mr. Vines stated that all of the properties south of that takeline are 50ft or over. Mr. Vines stated that his lot is the smallest lot and that this leaves him about 20ft for a boathouse and that he is concerned about the 4ft of the takeline property.

Bricker stated that the Planning and Zoning Commission does not have anything to say about the takeline lease area, as it is a Council issue.

Les Chapman, 733 Sunset Hill Drive.

Mr. Chapman indicated that he owns the property immediately north, and that he supports the replat and that it probably affects him the most.

The public Hearing was closed at 6:15.

Commissioner Hunter made a motion to approve a city-initiated request for approval of a residential replat of Lot 36, Block D, Hillcrest Shores Addition, being 0.25-acre zoned (PD-11) Planned Development No. 11 district and located at 721 Sunset Hill **with staff recommendations.**

Commissioner Davis seconded the motion with staff recommendations.
It was voted on and passed 7 to 0.

Cases H2008-006 and H2008-008 were not heard.

Spencer stated that there was an error in the notifications for this meeting, so to ensure that everyone who wanted to come and speak for or against or for anyone who wanted to attend, they will re-advertise the hearing for October 28th.

Bricker announced that public hearing cases H2008-006 and H2008-008 have been rescheduled for October 28th and anyone who is here for those cases will need to come back at that time.

Z2008-024

Hold a public hearing and consider a request by Donna Orr and Roger Shank for approval of a Specific Use Permit (SUP) to allow for a reduction in the land area required for grazing farm animals on Lot 4, Rolling Meadows Estates, being 4.6-acres zoned (SF-E/4.0) Single Family Estate district and located at 2625 Rolling Meadows Drive, and take any action necessary.

The applicants, Donna Orr and Roger Shank, have submitted a Specific Use Permit application to allow for a reduction in land area required for grazing animals. The City of Rockwall Unified Development Code (UDC) requires a minimum of 40,000-sf of "fenced or enclosed area" for each grazing animal larger than 500 pounds, and a minimum of 15,000-sf of fenced or enclosed area for each grazing animal less than 500 pounds.

The applicants have indicated they have approximately 218,000-sf of fenced, enclosed grazing area available for their animals. For some time the applicants have maintained 3 large animals (full-size horses) and 6 small animals (including donkeys and miniature horses) on their property, which collectively requires 210,000-sf. However, with Ms. Orr's involvement in horse rescue and cruelty investigations, from time to time they house other animals on the property. In fact, at this time they have a fourth large horse on the property that is up for adoption.

At the work session, the applicant indicated that the stables on their property would not accommodate more than this one additional animal. The Commission and City Council may recall that an SUP was approved on the subject tract for a 1700-sf barn/stable structure in 2005. The applicant has indicated that one of her adjacent neighbors has allowed for access to three (3) additional acres on their property that are often used by her animals, and has outlined in her explanation letter the control measures taken for odor, mosquitoes, flies, etc.

Notices were mailed to nine (9) property owners within 200-ft of the subject property, and at the time of this report one (1) response "in favor" and one (1) response "in opposition" to the request had been received. Additionally, the applicant has submitted letters of approval from the Rolling Meadows HOA and several property owners within the subdivision.

Hampton stated that two additional letters came in late Friday in favor of Ms. Orr's request.

If the request is approved, Staff would offer the following conditions:

1. The overall number of grazing animals on the property shall comply with the requirements of Article IV, Section 3.1 of the Unified Development Code, except that one (1) additional large grazing animal over 500 pounds shall be allowed on the property on an as-needed basis in correlation to the owner's horse rescue and animal cruelty investigations work.
2. The SUP shall be subject to administrative review in the event that any additional accessory building (e.g. barn) is proposed on the subject property.
3. The SUP shall be subject to administrative review in the event that the subject property is sold to another party, conveyed in any manner to another party, subdivided, or replatted.
4. 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.

Bricker opened the meeting to questions of staff by Commission and for the applicant to present her case.

2 Donna Orr, 2625 Rolling Meadows Drive, Rockwall, Texas.

4 Ms. Orr gave the Commission some background information and informed them that there is more
6 than one horse up for adoption. She stated that four of the horses are her personal horses and the
8 rest are up for adoption. She stated that at any point this SUP could be a non-issue. She further
10 stated that one of her quarter horses is 29 years old and is not doing very well. She stated that
12 they do not expect her to last much longer. When the next large horse is adopted, they would like
14 to get a tractor and use that stall for tractor storage, so they will be cutting down a stall at that point
16 in time.

18 In Section 3 of the Special Use Standards, among the square feet requirements, it states that the
20 City shall not grant a SUP unless it is convinced that the presence of such animals will not injure
22 the use and enjoyment of neighbors including dust, flies and odor. We have two insect control
24 systems on the property that get rid of mosquitoes, horse flies, just about any flying insect. We do
26 daily removal of manure and compost. Ms. Orr stated that there are no odors coming from the
28 property. She stated that they use special stall pellets to absorb the odors.

30 She further stated that their fence in the back is 54" pipe fencing, so the horses cannot get out.
32 She stated that her gates are pad locked. She said that her horses are not loud. The animals do
34 not injure any of the property around her neighborhood. She stated that in 1978 miniatures
36 became their own breed. They are specifically bred to be under 200 pounds and less than 34" high.
38 She illustrated through photographs the relevant size of her miniature horses next to the size of her
40 dogs.

42 Ms. Orr stated that her neighbors to the west, Gary and Becky Evans, have given her the option of
44 using their back three acres for grazing. She further stated that she is considered a horse expert.
46 She stated she is certified to work with law enforcement under cruelty investigation. She stated
48 that she is an expert at rehabbing horses. She stated that they are a certified foster home for
50 Habitat for Horses and states she is certified by FEMA. She stated that Ike brought them in an
52 additional 30 horses from Galveston. Ms. Orr explained that the intent of her work is to get the
54 horses healthy and adopted out to permanent homes.

56 She discussed the one opposed response to her SUP request. She stated the comment that too
many animals on too few acreage is unhealthy. She stated that that is not accurate. She explains
that all a healthy horse needs is healthy food, shelter, exercise and vet care, et cetera. She stated
that she does not understand the other comment regarding this situation not being conducive to
good neighbor relations. She stated that her neighbors had the option to come over and speak to
she and Roger, talk to the home owner's association and make a complaint or work through our
own homeowners architectural review board as opposed to phoning in or e-mailing in a complaint.

Ms. Orr stated that in 10 years this is the first complaint they have had. She stated that they are
surrounded by cattle, two horse ranches on the other side. She further stated that the letters
opposing her request state the exact opposite of what the ones in favor state.

Ms. Orr stated that she is here to ask the Commission to issue her the SUP so she can get that
horse a good home. Ms. Orr stated that this would not have been an issue two months ago if that
man that was going to adopt did not lose his job. She further stated that she has no problem with
Staff recommendations on the conditions. If we sell the property then the special use permit should
go with us and not the property because of the work we do.

Buchanan stated that he admires the work that Ms. Orr is doing. He inquired as to how large of an
area Ms. Orr gets her animals from.

Ms. Orr stated that she gets rescues from Rockwall, Kaufman, Collin and Hunt on investigations.
She stated that there are 250 foster homes for rescued horses and that Habitat for Horses is now
in five states. She stated that when the Texas Horse Park comes to Dallas, she's going to have a
barn down there working with school children, so their horses are going to be down there.

2 Buchanan inquired how Ms. Orr ended up with one extra horse if there are so many other places
4 for them to go. Ms. Orr stated that all of the foster homes are full at this time due to Hurricane Ike.
6 These two horses are from Man of War, War Admiral and Secretariat. Ms. Orr stated that they
8 happened to be rescue horses, but she wants them to go to the right homes. We do not want
10 people to know which horses they are because the mare especially would probably be stolen and
12 bred for her lineage. The last horse was adopted out but her guarantee is that if, for any reason,
14 you cannot keep the horse we take them back.

16 Bricker stated that the ordinance for limitation of animals on property is important and wanted to
18 know what guarantee does the Commission have that if they grant this SUP that this is not going to
20 come up again.

22 Ms. Orr stated that she is tired. She further stated that she has already talked to the foster
24 coordinator and that they are getting more homes to foster and that she is not going to do it
26 anymore. She stated that when she gets a call, she gets nervous about what she is going to find
28 when she gets to the location.

30 Buchanan asked Ms. Orr if she was getting out of rescuing horses. Ms. Orr stated that she will still
32 do her work as a cruelty investigator, but she does not want to personally take in any more
34 animals.

36 Hunter asked Hampton regarding Staff recommendations if item number two would trigger an
38 administrative review. Hampton stated that we could word it that way.

40 The public hearing was opened at 6:42.

42 Gary Evans, and wife Becky, 2585 Rolling Meadows.

44 Mr. Evans pointed to the map and stated that they are the closest house to Roger and Donna. He
46 also stated that at no time do they experience any noise, odors or flies and that everyone else is
48 probably twice the distance away. He discussed the amount of animals and that he believes that
50 Donna and Roger are knowledgeable enough to know how many animals they can accommodate.
52 He stated that if they take in animals that they think they can handle and take care of that they
54 should be allowed to do that. Mr. Evans stated that they do not experience any of the odors of
56 manure. He stated that they see Roger and Donna working out there daily. Mr. Evans stated that
they offered their back three acres for any future grazing. He stated that they do great work and
that they should not be restricted with what they think they can handle. She wants to get these
animals moved on and that he and his wife, Becky, are in favor of the SUP.

Robin Shaughnessy, 2580 Rolling Meadows.

Ms. Shaughnessy stated that they live across the street, one house down, and that they are in
favor of granting this SUP. She stated that these animals are better taken care of than probably 99
percent of the animals in this county. She further stated that she has never had a problem with
barking dogs, horse odors or flies in 3 ½ years of being their neighbors. She stated that Donna and
Roger have followed the proper procedure by asking for this SUP and that she and her husband
are in favor of granting this SUP.

With no further comment, the public hearing was closed at 6:47.

Milner stated that he is involved in a rescue operation of greyhounds. There are times where you
get inundated with animals. We are in that group of people who do not accept animals being put
down and are sometimes forced to take that extra dog in until you can get it adopted out. He
further stated that he totally understands. He stated that he is prepared to make a motion to accept
this SUP.

Buchanan inquired of Staff whether it is possible to approve an SUP for a limited time to take care of Ms. Orr's particular circumstances. Hampton stated that that could be done. You could put a time limit in there, but you would want to put a renewal opportunity. It could be a condition in the SUP ordinance.

Hunter stated that he is not sure he could agree to a time limit on the SUP in this case. He stated that to put a time limit on it would be artificial of the Commission. If the applicants want to cease doing the business that they are doing that is their decision, but I do not think that it is appropriate for us to say you should cease doing this rescue effort. I would be against setting a time limit.

Bricker summarized his understanding. His understanding is that they have one extra animal that is to be adopted and another that is kind of old and once one is gone the applicants are going to convert one stall into a storage area for a tractor.

Ms. Orr stated that the walls in the stall collapse. She stated that the actual buildings on her property will not be changing but that the stall walls could be collapsed to make storage inside the barn for her tractor.

Bricker clarified that she loses the ability to have so many animals in her shelter. He further stated that he does think that the change in the amount of stalls in the barn should be included in the SUP and clarifies the one year review included in the SUP.

Hunter does not want to put a stipulation in the SUP addressing the amount of stalls that Ms. Orr can have. He stated that there may become a circumstance in the future where she may need the stall. He stated that in the SUP it states the maximum amount of space which this deals with and that if she downsizes and gets out of rescuing horses that it is going to happen naturally and we don't need to artificially do that.

Commissioner Milner made a motion to approve a request by Donna Orr and Roger Shank for approval of a Specific Use Permit (SUP) to allow for a reduction in the land area required for grazing farm animals on Lot 4, Rolling Meadows Estates, being 4.6-acres zoned (SF-E/4.0) Single Family Estate district and located at 2625 Rolling Meadows Drive with staff recommendations.

Commissioner Hunter seconded the motion with staff recommendations.
It was voted on and passed 7-0.

Z2008-025

Hold a public hearing and consider a request by Von and Carolyn Maynard for approval of a change in zoning from (Ag) Agricultural district to (SF-E/1.5) Single Family Estate district, for a 1.97-acre tract known as part of Tract 26-2, Abstract 77, E. M. Elliott Survey, located along the west side of FM 549 north of Airport Road, and take any action necessary.

Hampton outlined that the applicants, Von and Carolyn Maynard, have submitted a zoning change application on their 1.97-acre property along the west side of FM 549 just north of Airport Road. The subject property is vacant and has been used as agricultural for many years. Until recently, the property was part of a larger, 9-acre parcel owned by the applicant's family; however, following a death in the family, the property has been split and the applicant would like to relocate to Rockwall from the Houston area and build a single-family home on their tract. The remaining 7-acres would be owned by a different sibling and continue to be zoned and used for agricultural purposes as they have no intent to build at this time.

The City's Unified Development Code requires at least ten (10) acres for a new single family home to be permitted on agriculturally zoned land. Therefore, the applicant is proposing to rezone their 1.97-acre tract to (SF-E/1.5) Single Family Estate district to accommodate their plans. The subject

tract is designated as "Single Family Low Density Residential" on the City's future land use plan. The zoning proposal complies with that designation.

The applicant is working with David Weekly Build-on-Your-Lot, and have submitted a concept plan that indicates compliance with the standards of the SF-E/1.5 district. If the zoning is approved, a building permit will be required prior to construction of the home. The applicant has submitted a final plat of the property concurrent with the zoning application.

Notices were mailed to seven (7) property owners within 200-ft of the subject tract, and a sign was also posted on the property in accordance with the Unified Development Code. At the time of this report, three (3) notices "in favor" of the request have been received.

Staff Recommends approval of the request.

Bricker opened the public hearing for questions for Staff and inquired as to zoning along 549.

Hampton stated that there is a church along FM 549 that is zoned agriculture with an SUP for the church use.

Bricker advised that the applicant needs to come up and make a request for the zoning change.

Carolyn Maynard, 2047 Grand Paris, Sugarland, Texas was present to answer questions.

Bricker asked Ms. Maynard if she wished to have this property re-zoned.

Ms. Maynard replied, yes, she did.

The public hearing was opened at 7:00.

With no one wishing to speak, the public hearing was closed at 7:00.

Commissioner Hunter made a motion to approve the request by Von and Carolyn Maynard for approval of a change in zoning from (Ag) Agricultural district to (SF-E/1.5) Single Family Estate district, for a 1.97-acre tract known as part of Tract 26-2, Abstract 77, E. M. Elliott Survey, located along the west side of FM 549 north of Airport Road.

Commissioner Davis seconded the motion.
It was voted on and passed 7-0.

P2008-034

Discuss and consider a request by Von and Carolyn Maynard for approval of a final plat of Lot 1, Block 1, Maynard Place Addition, being 1.97-acres that is proposed to be zoned (SF-E/1.5) Single Family Estate district, and currently known as part of Tract 26-2, Abstract 77, E. M. Elliott Survey, located along the west side of FM 549 north of Airport Road, and take any action necessary.

Hampton stated that the applicants, Von and Carolyn Maynard, have also submitted a final plat of their 1.97-acre property along the west side of FM 549 just north of Airport Road. The purpose of the final plat is to accommodate the construction of a single family home on the property. An application to rezone the property from Ag to SF-E/1.5 district is being reviewed concurrently.

Until recently, the property was part of a larger, 9-acre parcel owned by the applicant's family; however, following a death in the family the property has been split and the applicant would like to relocate to Rockwall from the Houston area and build a single-family home on their tract. The remaining 7-acres would be owned by a different sibling and continue to be zoned and used for agricultural purposes as they have no intent to build at this time.

2 A 15-ft right-of-way dedication is provided for the future widening of FM 549. The applicant intends
4 to utilize the existing driveway located on the adjacent 7-acre property, for which a cross access
6 easement has been dedicated via separate instrument. It is unlikely that an additional driveway
would be permitted from FM 549 due to TXDOT and City driveway spacing standards.

8 The final plat appears to conform to all requirements of the SF-E/1.5 zoning district, including the
10 minimum 150-ft frontage and lot area requirements.

12 Staff Recommends approval of the request with the following conditions:

- 14 1. Adherence to all fire and engineering department requirements.
- 16 2. At the time of building permit, the applicant will be required to connect to existing sanitary
18 sewer lines and pay all applicable impact fees (water, wastewater and/or roadway).
- 20 3. Adherence to Parks Board recommendations, including payment of cash-in-lieu of land fees
22 (\$732 per lot) and pro-rata equipment fees (\$910 per lot) as per Park District #10
24 requirements.

26 Bricker asked applicants if they had anything to add. They did not.

28 **Commissioner Davis made a motion to approve** the request by Von and Carolyn
30 Maynard for approval of a final plat of Lot 1, Block 1, Maynard Place Addition, being 1.97-
32 acres that is proposed to be zoned (SF-E/1.5) Single Family Estate district, and currently
34 known as part of Tract 26-2, Abstract 77, E. M. Elliott Survey, located along the west side
36 of FM 549 north of Airport Road **with staff conditions**.

38 **Commissioner Herbst seconded the motion.**
40 **It was voted on and passed 7-0.**

42 *A recess was taken at 7:00 p.m.*

44 *The meeting reconvened at 7:11 p.m.*

46 **Z2008-026**

48 **Hold a public hearing and consider a request by Rayburn Country Electric Cooperative, Inc.,**
50 **for approval of a Specific Use Permit (SUP) to allow for a "Utility Installation, Other Than**
52 **Listed," specifically a wind turbine, on their property located at 960 Sids Road, being**
54 **approximately 7.403-acres zoned (Ag) Agricultural district and known as Tract 3-6, Abstract**
56 **26, W. H. Barnes Survey, and take any action necessary.**

Hampton outlined that Rayburn Country Electric Cooperative has submitted a request for approval
of a Specific Use Permit (SUP) to allow for a wind turbine on their property at 960 Sids Road. The
7.403-acre property is currently vacant and zoned (Ag) Agricultural district. It is bordered
immediately to the northeast and southeast by two other lots owned by Rayburn, including their
office building and parking area as well as a separate tract with at least two existing antenna
structures.

The reason for the proposed request is to allow for a 50KW wind turbine, that would be situated
atop a 100-ft lattice tower and have an overall height of approximately 127-ft. The turbine is
intended to provide a supplemental power source for the Rayburn facility, though as the applicant
indicated at the P&Z work session on September 30, would not supply energy into their grid that
supplies power to approximately 200,000 customers throughout North Texas. The applicant
indicated that approximately 80,000 to 100,000 kwh per year would be generated, and the turbine
would function as a "test" to educate their customers about the cost-effectiveness (or not) of such a
facility.

The turbine is manufactured by Entegri Wind of Boulder, Colorado, a representative of which was
present at the P&Z work session. One issue discussed by staff was the turbine height and the

context of its siting; however, those issues are perhaps mitigated by the two existing antenna structures on Rayburn's property that each exceeds 200-ft in height, as well as other existing cellular and/or radio towers located on properties along Sids Road. The visual impact may be minimal given that those structures are already in the vicinity.

Other issues discussed at the work session include anticipated noise levels, setback issues and maintenance issues over the life of the facility, particularly if it proved unsuccessful for Rayburn and potentially became an "unused eyesore." If approved, staff has included several recommended conditions intended to address those specific issues. The applicant has also submitted a spec sheet for the turbine that indicates compliance with the City's noise regulations.

It appears that the interest in wind and other alternative sources of energy is increasing, even in Rockwall, which was further evidenced by the recent submittal and approval of the residential-style wind turbine approved by City Council earlier this year for the Jeffus family on FM 549. The application for Rayburn is for a significantly larger structure, and it is still unknown whether such a structure would be a viable energy source in this area. The City has initiated several measures, including a Council subcommittee, that are currently examining green building standards, and it remains to be seen if any standards or policies will derive from those initiatives that address these types of requests. Until that time, however, staff feels the approval of such facilities is a case-by-case judgment call for the Commission and City Council.

Notices were mailed to 12 property owners within 200-ft of the subject property, and thus far staff has not received any responses.

If request is approved, Staff offers the following conditions:

1. The wind turbine shall be located on the property as indicated on the site plan attached as Exhibit "A".
2. The wind turbine shall have a maximum overall height of 130-feet (including tower and blade), as indicated on Exhibit "B".
3. The wind turbine shall be an Entegrety EW50 with the physical specifications listed in "Exhibit C" as submitted by the applicant.
4. Any mechanical equipment and/or batteries associated with the turbine shall be screened from adjacent right-of-ways and properties.
5. The wind turbine shall comply with all City noise regulations, including maximum sound levels at residential property lines. Any violation may result in the termination of the SUP.
6. If at any time the wind turbine ceases to operate or is no longer used by the property owner, the SUP shall be subject to review by City Council and, if voided, shall be removed from the property.

Milner inquired as to whether there is a possibility, at any point in the future, that Sids Road would be tied into the connection with 276.

Hampton stated that ultimately Sids Road will line up with Tubbs Road from the west, though across some floodplain areas as well as the undeveloped Lofland tract. He stated that it would be a fairly expensive extension to connect them, but it is shown as a 4-lane roadway as you move westward towards the hospital.

Milner and Hampton discussed the right-of-way and the setbacks and what the land is zoned for now.

Lowry inquired as to staff condition #6 and whether there would be a time frame if the wind turbine ceases to operate or is no longer in use. Lowry stated that there should be a trigger built in. Hampton stated that the Wisconsin ordinance that the applicant submitted included a 12-month provision and said that the Commission could consider having some kind of a time frame like that.

2 Mr. John Kirkland, President of Rayburn Electric at 980 Sids Road.

4 Mr. Kirkland addressed Mr. Stan Randall's letter, copies of which were provided to the
6 Commissioners prior to the meeting. He had inquired about the size of the tower, and Mr. Kirkland
8 presented a photograph to the Commissioners demonstrating the size of the tower and the turbine
10 that they plan to install. Mr. Kirkland stated that it was his understanding that many of his
12 comments were geared towards a larger unit, such as a 1.6 or 2.5 mega watt unit, and stated that
14 the one he would like to install is not that tall. He stated that he could have the engineers from
16 Entegriy here for the next hearing to address any concerns regarding noise.

18 Mr. Kirkland continued his presentation showing photographs of a wind turbine at a school near
20 Lubbock. He illustrated the size of the tower. He continued his presentation with photographs of a
22 technical college in Kansas, which has three of the same turbines on that property.

24 Hunter inquired as to whether there is a flicker effect with this turbine. Mr. Kirkland stated that this
26 turbine turns so slowly that you do not get the shafts of light. He stated that he could have Mr.
28 Trapanese of Entegriy here for the next meeting to go into that further if necessary.

30 The public hearing was opened at 7:30.

32 Stephen Martin, 4199 Lively Lane, Dallas.

34 Mr. Martin stated that he owns the property across the street and he stated that he is relieved that
36 it is not the larger model. He stated that he would be opposed to that. He went on to state that one
38 turbine might be okay, but any more than that would not be okay. He stated that he thinks having
40 more than one would adversely affect the property values. He stated that he would like some
42 assurance that there would never be more than one. Mr. Martin also asked Mr. Kirkland to provide
44 him with any information he can regarding the turbine for his own knowledge and so he can share
46 the information with his siblings that own the property with him.

48 Mr. Kirkland stepped back up and stated that he does not plan to have more than one wind turbine
50 and he would have no problem with the Commission stating in the SUP that that would be the only
52 one that he could put out there.

54 LaCroix stated that the SUP is only for one turbine.

56 With no further comments, the public hearing was closed at 7:34.

Bricker inquired about the literature and correspondence regarding the various sound levels and
measurements for the turbine. He pointed out that there are two houses within 600 feet that are not
zoned residential, but residents live there and he was questioning what the effect would be on
those people.

Mr. Kirkland stated that he talked to Entegriy about that and he stated that the 49 decibel
estimates are for the properties within 600 feet. He is not talking about the properties that are 1500
feet away. Bricker clarified that Mr. Kirkland's expert stated that 49 decibels is a whisper at that
point. Mr. Kirkland stated yes. Hampton stated that at 1465 feet, which is the closest
neighborhood, the estimated noise level is 40 decibels.

Davis inquired as to what Mr. Kirkland would do if the unit squeaks in the middle of the night. She
stated that anything that rotates has the potential for squeaking or squealing and keeping people
up all night.

Mr. Kirkland stated that they are going to purchase the initial 5-year warranty on the equipment,
and that they plan on continuing to keep the maintenance contract up after that. Mr. Kirkland
assured the Committee that they would be good neighbors to the people out there.

2 Bricker stated that in the ordinance from Wisconsin, it recommended a 1.125-mile radius from a
4 residence and he wondered if Mr. Kirkland's manufacturer had any retort to that.

6 Mr. Kirkland indicated that he did not know, but he can get the answer.

8 Bricker warned that having two of these requests recently, the Staff and Commission need to
10 address what needs to be done ordinance-wise and have some guidelines regarding how far apart
12 they need to be based on noise and other conditions.

14 LaCroix stated that since this company is running this as an experiment that they will have a period
16 of time to watch it and that it may not even be feasible in this area. He further stated that if it does
18 not look like it is doing anything, we could just stop it if another SUP came in.

20 Herbst inquired as to what wind speed does this shut off. Hampton responded saying that it's
22 designed to accommodate up to 133 mph, but it shuts off for safety reasons at 50 mph. Mr.
24 Kirkland further stated that it has air brakes at the end of the blade and it also has a mechanical
26 brake. They can also shut it down remotely from Boulder or we can stop it by just dialing in.

28 Buchanan stated that, as LaCroix pointed out, there is a difference in this one and the smaller one.
30 After looking at this populated area, and this populated area may be expanding, if this gets
32 approved we should put in the motion about regular monitoring of the noise level because the
34 noise may get irritating over time.

36 Bricker inquired whether we would need to get access to Rayburn's property.

38 LaCroix stated that the noise ordinance is only concerned with residential property lines, or in
40 industrial districts we could get it at their property line. LaCroix went on to discuss ambient noise in
42 general and issues with measuring the sounds. Once you get past a certain point, you will not
44 know what you are hearing.

46 Bricker stated that any monitoring could be done at the street and LaCroix agreed.

48 Davis inquired of Mr. Kirkland whether he has ever seen this turbine in person.

50 Mr. Kirkland stated that he had not, but that he would like to go to the school and see it in person.
52 He is not sure if it is in a residential area or not.

54 Hunter inquired of Mr. Kirkland whether he is willing to provide the City with copies of any reports
56 or results of any tests in the light of open cooperation with the City in terms of what we may do in
the future with these things.

Mr. Kirkland replied that he has no problem providing the City with that information and stated that
all of that information will also be on a website. He stated that you could see it on a daily basis and
per month and per year, including any complaints we might have.

Hunter stated that he thinks it is important to put that sharing of information with the City in the
SUP itself.

LaCroix inquired as to whether he wants to include the 12-month period of monitoring. Hunter
stated yes.

Commissioner Hunter made a motion to approve the request by Rayburn Country
Electric Cooperative, Inc., for approval of a Specific Use Permit (SUP) to allow for a
"Utility Installation, Other Than Listed," specifically a wind turbine, on their property
located at 960 Sids Road, being approximately 7.403-acres zoned (Ag) Agricultural

district and known as Tract 3-6, Abstract 26, W. H. Barnes Survey **with staff recommendations and the following additions:**

1. Staff Condition number 6 be revised to read "if at any time the wind turbine ceases to operate or is no longer used by the property owner for a continued period of 12 months the SUP shall be subject to be reviewed by Council and may be removed from the property."
2. The owner provide the City with copies of any reports analyzing the turbine's effectiveness, efficiency and concerns prepared by or for Rayburn Electric Cooperative

Commissioner Buchanan seconded the motion with staff recommendations and the changes.

It was voted on and passed 7-0.

Z2008-027

Hold a public hearing and consider a request by Tracy LaPiene of Allen and Ridinger Consulting, Inc., for approval of a Specific Use Permit (SUP) to allow for an "Auto Repair Garage, Minor" within the (C) Commercial zoning district, on Lot 2, Block 1, Horizon Village Addition, being a 2.181-acre tract located along the north side of Ralph Hall Pkwy east of Horizon Rd (FM 3097), and take any action necessary.

Spencer outlined that the applicant has submitted an application for a Specific Use Permit to allow for a stand-alone "Auto Repair Garage, Minor" within the (C) Commercial zoning district. The proposed National Tire & Battery (NTB) store on Lot 2, Block 1, Horizon Village Addition, being a 2.181-acre tract located along the north side of Ralph Hall Pkwy east of Horizon Rd (FM 3097). The subject site is south of the Lowe's, and north of the existing Sonic and Papillion Salon.

Staff recommended that a conceptual site plan and building elevations be submitted for the Planning and Zoning Commission and City Council to consider the proposed use. The building includes ten (10) service bays, all of which would face the rear facade of the Papillion Spa, and is accented in the front by a showroom. Due to the existing regional storm water detention pond location the proposed building is setback from Ralph Hall Parkway 200' at its closest point. The applicant is proposing a cross access drive that will connect the site to the existing spa located to the south.

The building elevations have been revised since the work session to address concerns stated by the Commission and Staff, including additional articulation and a pitched, standing seam metal roof design. However, formal elevation approval would be required with a future site plan review process.

Staff mailed notices to twelve (12) owners within 200-ft of the subject property, and at the time of this report no notices had been returned. Late Friday we got a notice back from Sonic, and it is in favor.

If request is approved, Staff offers the following conditions:

1. Future site plan submittal and approval shall be required, including adherence to all standards specified in the Unified Development Code.
2. No vehicles, equipment, parts or inventory shall be stored outside overnight.
3. Limitation of EIFS and other non-masonry materials to the maximum 10% as allowed by the Unified Development Code.
4. Any remainder or surplus property on the subject site shall only be used in accordance with Article IV, Permitted Uses of the Unified Development Code.

Bricker stated that there are no questions of staff from the Commission.

2 Tracy LaPiene, 285 West S.W. Parkway in Lewisville, Texas.

4 LaPiene stated that NTB has been looking to get into the Rockwall area for 6 or 7 years now. Mr. LaPiene discussed the elevations, stone and vertical articulation, the split-faced brick and stone.

6
8 Herbst discussed concerns about the cross access drive at the back of the salon. He also inquired as to the need for this connection.

10 LaPiene stated Lowe's has a drainage easement and there is a fire lane that goes parallel to their property line but there isn't any access through that side so the access to this site would be limited
12 to the access drive to the development along the western property line. Mr. LaPiene further stated
14 that coming in behind the day spa, their access road curves in and turns around and goes behind the day spa and the sonic, there is ample space there so there wouldn't be any vehicle conflict.

16 Spencer clarified that NTB is not connecting to the existing Lowe's drive. The connection to the
18 salon mutual access is something that our engineering department as well as our fire department is requiring. Spencer stated that at some point, the remainder of the 2.181 acres could develop
20 and cross access is required.

22 Herbst stated that he understands why, but he still thinks it is too many vehicles coming into one place.

24 Mr. LaPiene stated that at some point they will be subdividing the property and having that drive divided between the two properties.

26 The public hearing was opened at 8:06.

28 With no public comment, the public hearing was closed at 8:06.

30 Milner clarified whether at this point it needs to be said that there will not be another auto repair in
32 this request.

34 Spencer stated that the City is granting one auto repair minor SUP for the site and it does encompass the 2.181 acres.

36 Hunter clarified that by stating that this SUP is only good for one minor repair, if you want another
38 one there you have to come back through.

40 LaCroix stated that the SUP goes with the property, but they have the option to subdivide the property and the SUP is still on that property. We are putting this statement in to prevent someone
42 from trying to put another minor automotive repair business in there. He further stated that that could not happen without going through the SUP process. He stated that the SUP is not tied to a
44 site plan, it's tied to the land itself.

46 Spencer informed the Commission that if the SUP is approved by the P & Z and Council, the site plan application is going to be an administrative approval unless you make a condition that it
48 comes before the Architectural Review Board and the Planning and Zoning Commission.

50 Davis wanted to clarify whether that meant the architecture too or just the way it physically sits on the site. Spencer clarified that it is the whole site plan application. If any development comes in
52 without being in an overlay or in a PD, and if they are not seeking any exceptions, the whole site plan application has the ability to be approved at the Staff level.

54 LaCroix stated that what can happen is that the architectural plan that they are submitting can be
56 part of the specific use permit.

Hunter asked if staff has a problem with it coming back before the Architectural Review Board and the Planning and Zoning Commission.

LaCroix stated that he does not think they should have to come back if we're connecting it to the SUP, which can serve as the approval process.

Hunter clarified if the recommendation has to be included in the motion.

LaCroix stated that what should be included is that this is the elevation that the Planning and Zoning Commission is recommending, yes, and that's what we'll take to Council as a recommendation.

Davis stated that she likes the elevations, but it's missing the awnings.

Mr. LaPiene stated that the awnings were part of the Ridge Road site that was presented earlier. The awnings were included due to the professional offices that were around that site.

Commissioner Hunter made a motion to approve the request by Tracy LaPiene of Allen and Ridinger Consulting, Inc., for approval of a Specific Use Permit (SUP) to allow for an "Auto Repair Garage, Minor" within the (C) Commercial zoning district, on Lot 2, Block 1, Horizon Village Addition, being a 2.181-acre tract located along the north side of Ralph Hall Pkwy east of Horizon Rd (FM 3097), with staff recommendations and the added recommendation number five that the SUP include the submitted elevations as an exhibit.

**Commissioner Lowry seconded the motion.
It was voted on and passed 7-0.**

SITE PLANS / PLATS

P2008-036

Discuss and consider a request by Adam Crump of Douphrate & Associates, Inc., for approval of a preliminary plat for Flagstone Corners Addition, being 8.2636-acres zoned (PD-54) Planned Development No. 54 district and (PD-60) Planned Development No. 60 district, and located at the southeast corner of Ralph Hall Pkwy and Mims Rd, and take any action necessary.

Spencer stated the applicant, Adam Crump of Douphrate & Associates, Inc., has submitted an application for approval of a preliminary plat for a 9-lot Flagstone Corners Addition, being 8.2636-acres zoned (PD-54) Planned Development No. 54 district and (PD-60) Planned Development No. 60 district, and located at the southeast corner of Ralph Hall Pkwy and Mims Rd.

The applicant is showing a right-of-way dedication of 35-feet for Mims Road along lots 8 & 9. Mims Road is currently constructed and is currently in a prescriptive easement. Mutual access easements are shown throughout the plat for circulation between all future developments on the property.

Preliminary engineering plans have been submitted for the project and are currently being reviewed by the Engineering Department. The applicant is currently seeking approval for construction of a detention pond located within the 50' Landscape and Building Setback along the south property line of lots 1 & 4. Other engineering and fire department issues such as utility line locations, firelane and fire hydrant dimensions and locations, and so on will be addressed with submittal of full engineering plans and the final plat for a lot as it develops.

The existing Preliminary Plat and the PD Concept Plan for the entire Flagstone Creek Addition (both the residential and non-residential) were approved in April 2004. As approved the existing

development proposed the on-site storm water detention to be located in two ponds, one at the corner of Mims and Ralph Hall and the other on the southeast corner of the site along Flagstone Creek, thus saving the majority of the trees located within the 50' Landscape and Building Setback. The revised Preliminary Plat for the non-residential portion of Flagstone Creek is proposing to have the required storm water detention located within the 50' Landscape and Building Setback and removing all of the existing trees. The final tree survey and landscape plan indicates the required mitigation of 101.5-inches from the site at this time, with 81-inches of mitigation to be planted back on-site as each lot develops. The applicant is requesting to be allowed to pay up to 20% of the required tree mitigation into the tree fund at \$125 per inch (i.e. \$2,537.5).

The 26,730-sf of detention area requires a minimum of 36 trees (one per 750-sq. ft.). Staff would recommend that a "Developer's Agreement" be created to tie down any tree mitigation or detention pond tree placement requirements. The "Developer's Agreement" should be created by the applicant and forwarded to staff for review and approval by the City Council in conjunction with the Preliminary Plat.

All development within the subject tract will be subject to final platting and the site plan review process of the City. As part of the Preliminary Plat the applicant is also requesting a variance to the six foot masonry screen wall required along the south property line.

The UDC requires "any commercial or industrial use or parking lot that has a side or rear contiguous to any residential district, or multi-family district with more than 5 dwelling units or parking lot that has a side or rear contiguous to any single family, townhouse or duplex district, shall be screened with a masonry fence (excluding tilt wall or concrete block unless approved by the City Council), six (6) feet in height, unless otherwise approved by the City Council."

The applicant is proposing to place a four (4) foot high wrought iron fence located on the existing retaining walls. The applicant has provided an exhibit showing the proposed sections of several locations along the south property line (see attached).

The preliminary plat appears to conform to all requirements specified in the PD-54 and PD-60 districts.

Staff Recommends approval of the request with the following conditions:

1. Adherence to all Engineering and Fire Department Standards.
2. A "Developer's Agreement" be created by the applicant and approved by the City Council in conjunction with the Preliminary Plat.
3. A Variance to the "Six Foot Masonry Screen" be approved by the City Council.
4. Any drainage (and other) easements be dedicated via separate instrument prior to construction.
5. The rear yard setback on lot 8 be corrected to 30' as required in the Residential Office District.

Milner inquired as to which standard they will be held to for the detention pond, the old one or new one. Spencer stated that it would be the old standards since this is part of the larger Flagstone development which has remained active for several years.

Milner questioned whether this is going to be back towards Ralph Hall or down towards Mims Road.

Spencer demonstrated on the map where the detention pond and retaining wall is going to be.

Buchanan stated that he is concerned that we are eliminating the barrier between residential and commercial.

Spencer stated that we are not eliminating the barrier, but modifying it.

2 Buchanan stated that in order to keep property values from going down, you have to have the
4 screening.

6 Davis questioned whether the detention pond would have spillways.

8 Adam Crump, Douphrate & Associates, 2235 Ridge Road.
10 Crump assured the Commission that the 50-ft landscape buffer is still going to be there.

12 Bricker was concerned that whoever builds on the vacant lots will be in direct view of the
commercial property.

14 Spencer stated that the retaining wall is there as well.

16 Bricker stated any screening fence should be opaque rather than wrought iron.

18 Crump stated that the retaining wall height varies from 8ft to 3.5ft. He further stated that they are
20 adding the 4ft and the ivy screens on the fence. He stated that they would in effect have a 12ft
screen in place, not just the 6ft.

22 Herbst stated that he was on the P & Z back in 2004 when this was originally approved and that
24 there was quite a bit of time spent on keeping the existing trees as a screen between the
commercial and residential. He further stated that they are trying to count a retaining wall as the
fence and he is not buying that.

26 Crump described what they did for the Rockwall Medical Center development on the other side of
28 Flagstone Drive, including a wrought iron fence on top of the retaining wall.

30 Herbst stated that at this time he could not support this.

32 Crump discussed the height of the retaining wall, the height of the fence and the fact that if the
property were flat that this would not be an issue.

34 Herbst stated that if you take out the fence and take out the trees, you are losing double screening.

36 Crump discussed the tree mitigation and the landscape buffer. He stated that he likes trees too
38 and he does not want to take them out but they are mitigating for them and, in their opinion, they
are providing an ample amount of screening with the grade breaks and existing retaining walls.

40 Hunter clarified the difference between screening to keep people from going from one side to the
42 other and visual screening.

44 LaCroix stated that he does not totally disagree with Adam. He further stated that the wall is there
46 and you can add another element to the wall to meet the screening requirement, but the issue is
that Council has to make that decision. That is why it is before this Commission to make that
recommendation. He stated that it is not fulfilling the screening requirement in Staff's opinion
48 because it says it has to be masonry and 6ft.

50 LaCroix went on to say that we went through many issues about retaining the trees, and that
52 resulted in a landscaping buffer at 50ft. He stated that typically we would not require a 50ft buffer,
but that the 50ft width covered the trees and that became the buffer. He stated that you would not
54 see the buildings because that is the screening. He stated that now it has changed and the
developer has redesigned and want to use the area as detention and take 100 percent of the trees
out. We have lost that screening mechanism. He stated that is why staff has asked for some kind
56 of developer's agreement that can guarantee how the mitigation is going to occur. He stated that
he does not think it fulfills the screening mechanism. LaCroix stated that we need to tie down what

2 the trees and the landscape mechanism is going to be. LaCroix explained that he is skeptical
4 about trees in a vertical wall detention pond. He doesn't think it's going to work. He stated that we
6 have to figure out who is going to be responsible for putting that tree screen on the back side of
8 that detention pond.

Crump stated that the developer is working on that agreement.

Buchanan stated a 4ft masonry wall and wrought iron on top does not screen it. He stated that you
are still going to see through it. He stated that if you do not have a solid 6ft screen, it is not a
screen.

Crump inquired as to whether or not the Commission would be satisfied if they achieve the 6ft
masonry height all the way around the property line, would that meet the screening requirements.

LaCroix stated that we are still going to need that landscaping. He stated that he is not sure that
putting more masonry on the residential side is the answer. He stated that he thinks the plantings
are more important.

Herbst stated that those residents are counting on those trees as a screen. He stated that he just
could not support those trees coming out.

Crump stated that the trees look good. He stated that he likes them, but they are not the residents'
trees. He stated that the trees are on their property. He stated that they have to lose the trees to
make the property work.

Milner inquired as to why use wrought iron fence when the standard is masonry.

Crump stated that they could look at other fences. They usually use wrought iron because it
matches many things around the city and it is relatively inexpensive to put up. He stated that he
can talk to the developer about other fences.

Milner further stated that there was a plan for the detention ponds. He inquired as to why the
placement of the detention pond was changed and why we are now losing all of the trees.

Crump stated that many detention ponds are put in landscape buffers and this 50ft landscape
buffer is already put in place. He stated that because of the additional property that was added
onto it that there was an additional need for that detention pond. He further stated that they did not
want to use useable land that could be used for extra businesses or offices. They are trying to
maximize the sellable land.

Milner asked, what if we said you have to keep the trees and do the detention pond. The
Commission already approved this with a 50ft landscape buffer with the detention pond located
somewhere else. Can we say that you have to keep the 50ft landscape buffer put in the detention
pond and that's the way it's going to stay and they'll just have to figure something else out?

LaCroix stated that, yes, the Commission could do that.

Crump stated that if they did not put that detention pond there and they had to put it somewhere
else, it would take all of Lot 1. He further stated that if they had to go by the new detention pond
criteria, it would essentially take up all of Lot 1. That is a whole lot that could go to something else.
He stated that that is why they are trying to use the landscape buffer. He stated he understands
about the trees, but that they are trying to maximize the land.

LaCroix stated if they are able to build the detention pond, screening would eventually be there.
They could use some type of evergreens before they get these buildings started. Our goal was to
tie that down now if they are going to build that detention pond and not to wait for a developer to do

2 that. He stated that he thinks we can get more good trees out there. He stated we need a design
4 on the landscaping part of it.

6 Bricker stated that he does not think we are going to come to any kind of an agreement tonight.
8 We need a profile of the elevations to show us how that is going to work. He stated that he does
10 not think that anyone is comfortable.

12 As to the landscaping Crump stated that it could be argued which is more important for the
14 resident not to see the business or for the business not to be able to see the resident.

16 Buchanan stated to the applicant that if you are looking at this from the commercial end they do
18 not care what they see, the residential side does.

20 Davis inquired whether the residents would have to be notified of any changes that will be made to
22 the landscaping on the commercial property. Staff answered, no.

24 Crump explained if they had the existing 8ft retaining wall and if they went specifically to code and
26 built an 8ft wall on top of it, the residents would be looking at a 16ft wall in their backyard.

28 Hunter stated that the applicant needs to come back with some site lines and design to show the
30 Commission.

32 Spencer asked the Commission if they would like to see a conceptual landscape plan on both
34 sides of the detention pond and the vertical detention pond.

36 Bricker stated that the Commission would like site drawings. He further stated that if he can sit on
38 the patio of that house and can see people walking into the commercial site, he is not going to go
40 for it.

42 Davis stated that if she is sitting in her backyard she does not want to see a 16ft wall there. She
44 would rather see wrought iron and landscaping than bricks and mortar.

46 **Commissioner Hunter made a motion to table** the request made by Adam Crump of
48 Douphrate & Associates, Inc., until such time as the applicant brings back further
50 information.

52 **Commissioner Milner seconded the motion.**
54 **It was voted on and passed 7 - 0.**

56 **SP2008-029**

58 **Discuss and consider a request by Ave Alagar of Alexander Marcus Design Group for**
60 **approval of a site plan for Comfort Inn and Suites, being a 46,232-sf hotel located on Lot 8,**
62 **Block A, Rockwall Towne Center Phase 4 Addition, being a 1.78-acre tract zoned (C)**
64 **Commercial and situated on Vigor Way (private street) between IH-30 and Ridge Rd within the**
66 **IH-30 Overlay and Scenic Overlay districts, and take any action necessary.**

68 Spencer summarized that the applicant has submitted a site plan for a Comfort Inn & Suites hotel,
70 a proposed 70-room hotel located on Lot 8, Block A, Rockwall Towne Center Addition. The
72 required parking for the intended use is 70 spaces (one per room), and the applicant is providing --
74 spaces, including three accessible spaces. The site will be accessed from the existing Vigor Way.
76 In July and August of this year, the Planning and Zoning Commission and City Council approved a
Specific Use Permit for a four-story hotel exceeding 36-ft in height within the Scenic Overlay.

The site plan indicates approximately 15.9% of the site is open space, which exceeds the 15% City
requirement for the Commercial District. The site has minimal I-30 frontage (58') comprised of the
existing Vigor Way Access Easement and Private Street. With this in mind, staff would recommend

2 that the Commission consider upgrading the landscaping in the median of Vigor Way in place of
4 the Scenic & I-30 Overlay buffer requirements. The landscape plan complies with all City
6 standards. Three (3) Live Oaks, Six (6) Red Oaks and Eight (8) Crepe Myrtles, plus a large
8 number of shrubs and other plantings, are also provided through out the site.

10 The elevations propose a 4-story building consisting of natural stone and stucco. The building
12 appears to comply with all other City requirements for the existing Specific Use Permit, the Scenic
14 & IH-30 Overlay districts and commercial zoning. All rooftop and ground mounted mechanical
16 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).

18 The photometric plan indicates pole lights with an overall mounting height of 20' (including base),
20 which complies with the Scenic & I-30 Overlay districts. The maximum light level shall be 0.2-FC at
all property lines, and all fixtures (including wall mounted) shall be full or partial cut-off as specified
in the Unified Development Code.

22 On September 30, 2008, the ARB recommended approval subject to the following conditions:

- 24 1. The dumpster screen have a stucco finish to match the proposed building.
- 26 2. Submittal and approval of building material samples.

28 Staff Recommends approval of the request with the following conditions:

- 30 1. Adherence to all Engineering and Fire Department Standards.
- 32 2. Upgrading the landscaping in the median of Vigor Way and the I-30 Service Road with low
34 water plantings.

36 Herbst inquired as to the landscaping along Vigor Way and I-30. He asked if they are to upgrade
38 and maintain that landscaping.

40 Spencer stated that it is their property, so they would be subject to the landscape plan as well as
42 the property maintenance code.

44 Bricker inquired whether the parking spaces are still too narrow.

46 Spencer stated that they got all of that worked out.

48 Bricker asked if the applicant had anything to add.

50 Ava Alagar stated that they plan to work with the city staff after the site plan is approved.

52 Bricker stated that the applicant has done everything the Commission has asked for.

54 **Commissioner Herbst made a motion to approve** the request by Ave Alagar of
56 Alexander Marcus Design Group for approval of a site plan for Comfort Inn and Suites,
being a 46,232-sf hotel located on Lot 8, Block A, Rockwall Towne Center Phase 4
Addition, being a 1.78-acre tract zoned (C) Commercial and situated on Vigor Way
(private street) between IH-30 and Ridge Rd within the IH-30 Overlay and Scenic Overlay
districts **with staff recommendations.**

58 **Commissioner Hunter seconded the motion.**
60 **It was voted and passed 7-0**

62 **ADDITIONAL DISCUSSION ITEMS**

64 The meeting adjourned at 9:30 p.m.

2 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
4 ROCKWALL, Texas, this 14th day of November, 2008.

6 Ch Bricker

8 Charles W. (Bill) Bricker, Chairman

10 ATTEST:

12 Jane C. Hatch

**Minutes of
PLANNING AND ZONING COMMISSION WORK SESSION
October 28, 2008**

CALL TO ORDER

The meeting was called to order by Bill Bricker at 6:00 p.m. with the following members present: Lynn Davis, Dennis Lowry, Bill Bricker, Michael Hunter, Earl Milner, Philip Herbst. Barry Buchanan was absent.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer, David Gonzales and Irene Hatcher.

PUBLIC HEARING ITEMS

H2008-006

Hold a public hearing and consider a city-initiated request for a Historic Landmark designation for the Rockwall Flower Shop located at 102 S. Goliad, and take any action necessary. The tract is zoned (DT) Downtown and is located outside of the Old Town Rockwall Historic District and identified as a "Contributing Property" within the Downtown Historic & Architectural Survey.

Spencer outlined that the building at 102 S. Goliad is listed as a "Contributing" property within the City of Rockwall Downtown Historic and Architectural Survey. The structure, known as the "Rockwall Flower Shop" was constructed in 1893. The building was originally built as the First National Bank. Typical of banks this building is monumental in the town square setting, rising two stories, faced with pressed brick, tightly mortared; and decorative cornices. Its design sends a mighty business message, and yet it honors the scale and quality of the square.

Around the turn of the century (1900) the building was used to house a "Dry Goods" store until it later became a flower shop. The upper story of the building was occupied by the Masonic Lodge from around the turn of the century until the 1960's. O.L. Steger, a Master Mason and Rockwall Historian, estimated that some 5 or 6 thousand men had been made Master Masons on the second floor of 102 S. Goliad.

The subject site is zoned "DT" Downtown district.

In staff's opinion the "Rockwall Flower Shop" is significant to the built environment/architecture and the urban fabric of the City of Rockwall.

Twenty-six (26) notices were sent out to property owners within 200. At the time of this report one (1) notice in favor has been returned.

Staff recommends approval of the Historic Landmark Designation.

On 9/18/2008, the Historic Preservation Advisory Board recommended approval of the Landmark Designation for 102 S. Goliad by a vote of 4-0 (Harper & Whitley absent) subject to the following condition:

1. Staff work with the property owner to arrive at a Historic Name for the Landmark Designation prior to the Planning and Zoning Commission public hearing.

Hunter inquired if this property had been designated a historical landmark prior to the changes that Mr. Blacketer made, could he have made the changes. Spencer stated that you can always make changes to the building, but if it is a landmark you would have to go through the Historical Advisory Board and receive a Certificate of Appropriateness.

Bricker asked what the likelihood is of the Masonic Lodge being historically designated or remaining there over time. Chris stated that Ms. Seale listed it as a contributing property with historic integrity. He stated that the Staff has worked with the Historic Board to identify only one or two properties so not to inundate the board with meetings about historic designation, but it would qualify as a historic landmark if that's the direction the Commission would like to take.

Bricker stated that he was asking to find out whether it can be demolished and still have the other building left intact. Spencer stated that we have an ordinance downtown that delays any building from being demolished. He stated that we could ask for a structural engineer report and see what it says.

Herbst inquired whether the Masonic Lodge could be unbricked and brought back to its original state. Spencer stated that it may have been like that originally. He would have to have Ms. Seale come out and determine what it was prior to it being bricked up.

Hunter inquired as to whether the Masonic Lodge was determined to be historic for what it is now or for its original use. Spencer explained that it is always in the state that it is now. He further explained that the changes over time also become historic and that is the reason you landmark as it is now and then you go through the Certificate of Appropriateness application process.

Milner questioned whether what is on the side of the building is considered to be a mural and whether it has been approved by the Historic Preservation Board. Chris stated that that building has always had a mural on it, though different murals over time. He stated if it was ever changed or altered that that change could be considered a significant change to the building.

Davis stated that the mural currently is a black circle that has no picture on it. She stated that if the building is going to be landmarked that it would be interesting if it went back to the Coca-Cola mural. Davis stated that the Coca-Cola mural was there the entire time she was growing up. Spencer stated that he did not think the historic board would have a problem with that. It would just require a Certificate of Appropriateness.

Hunter inquired as to the rules stating that no murals will be allowed on the front façade of the building. He inquired as to what is considered the front façade of this building since the building is on the corner. Chris stated with respect to the front façade, it would be the side with the front door. The store front is considered the front façade.

The public hearing was opened at 6:14.

Larry Blacketer appeared in person.

Mr. Blacketer stated that he bought the building in May 2006 and began restoring the building in August 2006. He stated that he has tried preserving the wood. He reconditioned the floor. He stated that the windows have been changed in the upper floor because the old ones were rotted out. He stated that there are three cabinets from the original mercantile.

He stated that the upstairs was the Masonic Hall and he has a picture of the masons taken in the 1914. He stated that it is still configured basically that way now. He further described the condition of the building now. He stated that he has reconfigured the kitchen, but he has kept the restrooms as they were. He stated that the front of the building is now as it was. He stated that he tried to save the doors, but had to saw off and replace some boards so they would meet. He stated he kept all of the hardware on the front and back doors. He replaced the stairs going up the back because they were built crooked and now they are straight.

2 He stated that he talked with Coca-Cola about replacing the side mural with a Coca-Cola sign and
4 they said that they do not do building signs anymore because they would have to rent the space. He
6 stated that the windows on the north side of the building are the original windows. He stated that he
8 has tried his best to preserve the historic nature of the building.

10 Bricker inquired about the name of the building and as to whether it was ever a bank. Mr. Blacketer
12 stated that it has never been a bank because there is no security. The building across the street in
14 which he ran his art gallery, 101 North Goliad, still has the vault in it. He stated that when he tore
16 down one of the walls it still had the teller windows in it.

18 He stated that according to the history of the East Trinity Lodge, it was originally upstairs. He stated
20 that John Heath and a guy named Jones built a mercantile establishment, but prior to that, the first
22 floor was a school house and on the top floor were the masons. When the school was built and
24 moved out, it became the Heath-Jones Mercantile. He stated that that is what he believes the name
26 should be again.

28 Davis inquired as to whether Mr. Blacketer has spoken to Sherry Fowler. Mr. Blacketer stated that he
30 has not. She stated that Sherry Fowler has all of the historic records for Rockwall. Chris stated that
32 we do not have to know that tonight, but that he likes the Heath-Jones Mercantile name. Spencer
34 stated that we might alter our recommendation and take that name on to Council as a landmark name
36 if it pleases the Commission.

38 Ross Ramsey, 607 Stafford Circle, stated that it is obvious that the existing Masonic Lodge was
40 altered radically and that it is entirely possible that that building is older than the two story building.
42 He stated that all of the buildings on the east side of the square were probably built in the 1880s and
44 they were altered badly with aluminum siding and other things. He stated that for downtown to be
46 successful commercially it needs to look like it originally looked. He stated that he does not subscribe
48 to the theory that 50 years makes something historic. He thinks the Masonic Lodge is blatantly ugly
50 and is bad for the city.

52 The public hearing was closed at 6:27.

54 **After brief discussion, Commissioner Milner made a motion to approve H2008-006, a**
56 **city-initiated request for a Historic Landmark designation for the Rockwall Flower**
58 **Shop located at 102 S. Goliad with the recommendation that the building be given the**
60 **historic name the Heath-Jones Mercantile.**

62 **Commissioner Herbst seconded the motion.**

64 **The motion was voted on and passed 6 to 0.**

66 H2008-008

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

76 Spencer stated on August 21, 2008, the Historic Preservation Advisory Board (HPAB)
78 directed staff to begin the proceedings to designate the "Jordan House" located at 109 St. Mary's
80 Street as a City of Rockwall Historic Landmark. On September 2, 2008, City Council approved the
82 recommendation of the HPAB for application of Historical Landmark designation for 109 St. Mary's
84 Street by a vote of 6-0.

86 The house at 109 St. Mary's is listed as a "High Contributing" property within the City of
88 Rockwall Historical Survey and is located with the "SF-7" Single Family District. The structure, known
90 as the "Jordan House" was constructed in 1888 of lumber cut from 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 "Jordan House" is significant to the built environment/architecture and the urban fabric of the City of Rockwall.

Seventeen (17) notices were sent out to property owners within 200. At the time of this report no responses had been returned.

Staff recommends approval of the Historic Landmark Designation.

On 9/18/2008, the Historic Preservation Advisory Board recommended approval of the Landmark Designation for 109 St. Mary's by a vote of 4-0 (Harper & Whitley absent).

Spencer stated that Deanna Grandstaff stated that it is the request of Mrs. Jordan that the name be changed from the Jordan House to the Old Jones House.

Hunter clarified that Staff is recommending the name be changed from the Jordan House to the Old Jones House on behalf of the current owner, Deanna Grandstaff, who has spoken to Mrs. Jordan, who also said that that was okay. Spencer stated that that is correct.

Milner clarified that this only addresses this one house. Spencer agreed that that is correct.

Davis inquired as to whether this is the same Jones who was the first newspaperman in Rockwall. Spencer stated, yes, he believed so. Davis then questioned what it says in the first paragraph stating that City Council has already approved this. Spencer stated that because this is City initiated, City Council had to kick off the application. LaCroix further explained that they wanted buy-in from City Council before they brought it back to this Commission.

Herbst inquired as to whether it is the same Jones family as in the last case. Spencer stated that it might be.

The public hearing was opened at 6:37 p.m.
There being no public input, the public hearing was closed at 6:37 p.m.

After brief discussion, Commissioner Hunter made a motion to approve H2008-008 a city-initiated request for a Historic Landmark designation for the Jordan House located at 109 St. Mary's Street with the staff recommendation that it be known as the Old Jones House.

Commissioner Herbst seconded the motion.

Bricker questioned whether we are sure that the Jones house is right and feels that this is historically correct.

LaCroix stated, yes.

The motion was voted on and passed 6 to 0.

DISCUSSION ITEMS

H2008-007

Discuss a city-initiated request for a Historic Landmark designation for the Hall Office Building located at 102 San Jacinto, and take any action necessary. The tract is zoned (DT) Downtown and is located outside of the Old Town Rockwall Historic District and identified as a "Contributing Property" within the Downtown Historic & Architectural Survey.

Hunter inquired as to whether or not there is a recommendation for a name on this building. Spencer stated that there are no recommendations at this time. He stated that it was Farmers National Bank when it was constructed. He further stated that there have been other prominent businessmen who have officed out of this building. He stated that the historic board did not have a lot of input on a potential name. He further stated that the sign above it says "Bank." He stated that that is original and it is set into the cornice.

Milner inquired as to whether or not the sign in the front is historically significant. Spencer stated that he does not know. He stated that once it is approved, to remove that sign would require a Certificate of Appropriateness.

Herbst inquired as to the Hall building having glass block and wanted to know if it is being considered historic as is. Spencer stated that you have to freeze time right now and any changes, any alterations, even if you are bringing it back to its original period of significance, you have to do that by a Certificate of Appropriateness to prove that you are actually bringing it back.

Davis stated that any time a building is landmarked, it should be landmarked for what it was built as and not for what it has become. Davis stated that she thinks that when the building is named it should be the original bank name. She stated that she is concerned about taking out the paragraph about the building store front from the proposed guidelines all together because she thinks that if any work is ever done on the building in the future it should be brought back to the original look.

Milner inquired if they left the store front paragraph the way it is then the glass block can stay, but if any changes are made to the building then the glass block should have to come out and the restoration would be to bring the building back to historic at that point. LaCroix directed the Commission to the Rehabilitation Design Standards and explained what it meant.

Hunter stated his understanding of the way it is written now is that if someone wants to come in and rehab the front, they can come in and rehab it back to the glass brick. He stated that it should state that it has to be restored back to the original design. He stated that the word "pictorial" should stay in the description of how it should be restored. Hunter further explained that if someone keeps the building as is that it can stay that way forever, but if they want to change anything they have to restore it back to the original state.

Bricker agreed that this building has been changed and it does need to go back to the original design. He stated that it should say the "original" store front should be preserved or restored and not the "existing" store front. He also stated that Farmers Bank is the right name for the building, but it should be the Famers Bank / Hall Building.

Spencer stated that if the Commission gives the direction to have that section reinstated and state that the original store front should be preserved or restored, that the Commission can have that presented to them at the next meeting.

Spencer stated that he will talk to Blakeley Hall regarding the suggested name change.

2 Appointment with Architectural Review Board representative to receive the Board's
4 recommendations and comments for items on the agenda requiring architectural review.

6 Hampton made a brief statement regarding the tour by the ARB, and that they had approved the
8 McClintock Building of the "Classic Rock" facility.

8 **SP2008-030**

10 Discuss and consider a request by Ross Ramsay of Ramsay Architects for approval of a site
12 plan for Phase 2 of the McClintock Building, located on a Lot 5, Block A, Shoreline Plaza
14 Addition, being 0.574-acre zoned (PD-32) Planned Development No. 32 district and situated
16 within the IH-30 Overlay district, located at 2850 Shoreline Trail, and take any action
18 necessary.

20 Hampton explained in detail the history of this site and the demand of the Harbor. He discussed the
22 variance for the required parking. Hampton discussed the differences in the parking requirements for
24 restaurant use and office use. He discussed some other details, such as lighting, that he asked to be
26 produced and also the materials that have to match the building. He stated that the material used on
28 the existing building does not meet our standards. He stated that it should only be 50 percent stucco
30 and they used upwards of 80 percent. That will have to be approved by the P&Z and the City Council
32 as a variance.

34 Milner questioned the elevations on the existing building and the new building. He saw the elevation
36 plans for the new building and stated that he likes that much better.

38 Bricker inquired further about the parking requirements. Hampton explained what the parking
40 standard is between an office building and a restaurant. Bricker inquired whether Culpeppers and the
42 Oar House had adequate parking. Bricker questioned whether the City made sure that there was
44 enough parking for the Harbor. Bricker stated that there are things that are going to happen down at
46 the Harbor. He stated that he is concerned about there being no public space left.

48 LaCroix explained that this piece of property, prior to being zoned PD-32, was zoned commercial.
50 This property then was included in the master plan of PD-32, so anyone else who comes in out of the
52 Harbor will be under the concept plan for all of the parking and the access. LaCroix stated that there
54 will be adequate public parking to accommodate everybody.

56 Milner made sure that later they cannot come back and say that this public parking is reserved
parking for a certain place. LaCroix stated that they cannot take public property and designate it.

40 Ross Ramsay, 637 Stafford Circle, and Mr. McClintock, the owner, appeared in person.
42 Mr. Ramsay discussed the parking lot and that it is usually only half full. There is only one employee
44 and the business at the post office comes and goes very quickly. Mr. Ramsay stated that there was a
46 discussion between Mr. Clements, Julie Couch and himself regarding shared parking between the
Culpepper lot and the City lot. He discussed the fire lane between the building and the parking lot
and it being paid for by Mr. McClintock. He stated that it does belong to the City, but that Mr.
McClintock paid for it. He stated that he is not going to use EIFS, but stucco.

48 Mr. McClintock explained his perspective of this project and Shoreline Trail. He stated that it was
50 explained to him that anything west of Shoreline Trail is part of the Harbor District. He explained what
52 variance he is asking for. Mr. McClintock stated that he would designate the 27 parking spaces for
the restaurant parking first and then go to the public parking. He stated that this was always
something that was discussed before he started developing the property.

54 Bricker discussed the easements. Mr. Ramsay discussed what his conversations have been with
56 Chuck Todd.

2 Bricker stated that he is concerned about the history that will be created with this project and what is
4 the right thing to do and asked LaCroix to have a recommendation for the Commission at the next meeting.

6 LaCroix stated that Mr. McClintock did always plan on this second phase happening when he began
8 his project. He stated that shared parking with the City was implied, although there has never been a formal agreement. LaCroix stated that the parking needs to be tied down.

10 Davis stated that she heard that the City was going to close Lakefront Trail. LaCroix stated that it is
12 going to be a private drive, but you can still use it and park on it.

14 **ADDITIONAL DISCUSSION ITEMS**

- 16 • **Planning Director's Report to discuss current City activities, upcoming meetings, future legislative activities, and other related matters:**
 - 18 a) **Update on Texas Attorney General opinion regarding Open Meetings Act**

20 Robert discussed the decision from the Attorney General regarding the agenda.

22 Hunter stated that there should be a way that things can be discussed that are specific to the
24 operation of the Commission that should not have to be itemized on an agenda. He asked LaCroix to discuss that with the City Attorney. He further inquired how they are supposed to know what is going to come up in a meeting before it comes up. He stated that some of the items they discuss that are
26 not on the agenda are for the benefit of the Commission and not necessarily for the benefit of the general public.

28 Hunter further stated that the Commission should be able to discuss Commission business that
30 doesn't have to be open to the public. There has to be something that would fit the Open Records/Open Meetings Act.

32 LaCroix stated that there may be something that we can find the wording for to cover Commission
34 business to put in the agenda item. He stated that he will talk to the City Attorney and find out what that wording could be.

36 Hampton stated that we have to be careful not to reference a case that was handled previously. He
38 stated that once a case was voted on, there should be no further discussion regarding that case. He stated that there should not be any discussion about the cases after the public has left and the
40 hearing has been closed.

42 Bricker stated that he is going to ask for comments from the Commission prior to the vote for each
44 item.

46 Davis asked if we can go into executive session so they can discuss things freely. LaCroix stated that Council has executive session on their agenda, but he does not think that the P&Z can do that. LaCroix stated that what we cannot do is talk about a case that is not on the agenda. Hampton stated that it is not a matter of the Commission's free speech, but a matter of the applicant's due process. Hampton stated that if a previous case is relevant to the case being discussed then you can bring up old cases.

52 LaCroix stated that the rule should be when we are done with a case, there is no further discussion
54 regarding that case.

56 Bricker inquired as to whether there could be an agenda item stating that the last item should be a summary of the meeting. If anyone wants to stay for that, they can.

2 Milner inquired how the Commission would get an update on cases that they previously voted on
4 under the new ruling from the Attorney General.

6 Hunter inquired whether Pete Eckert should come in and talk to the Commission and see if what we
8 are doing is okay and address the Commission and hear their concerns about hampering their ability
10 to do a good job. We need to discuss the process and not necessarily the case itself.

12 LaCroix suggested that we put Pete Eckert on the agenda to come in and talk to the Commission.
14 Bricker requested that we send Pete Eckert our thoughts beforehand to give him some notice of what
16 we would like to discuss. LaCroix stated that that can be on the agenda for our next work session.

18 Davis questioned whether the Historic Advisory Board should be on our agenda so the Commission is
20 up to date on what is going on. Bricker suggested that maybe we need an e-mail when things
22 change. LaCroix stated that Irene will send an updated list of all of the board members.

24 b) Vision in North Texas

26 LaCroix and Hampton briefly explained the Vision North Texas event to be held November 12th in
28 Garland.

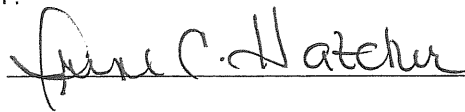
30 The meeting was adjourned at 7:56 pm.

32 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
34 ROCKWALL, Texas, this 11th day of November, 2008.

36 

Charles W. (Bill) Bricker, Chairman

ATTEST:



**Minutes of
PLANNING AND ZONING COMMISSION PUBLIC HEARING
November 11, 2008**

CALL TO ORDER

The meeting was called to order by Bill Bricker at 6:00 p.m. with the following members present: Barry Buchanan, Michael Hunter, Earl Milner, Philip Herbst and Dennis Lowry. Lynn Davis was absent.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer, David Gonzales and Irene Hatcher.

CONSENT AGENDA ITEMS

Approval of Minutes for October 14, 2008 Planning and Zoning Commission.

Commissioner Hunter made a motion to approve the minutes with the addition that the names of who abstained be added to the minutes. Commissioner Milner seconded the motion.

It was voted on and passed 6 to 0. (Davis Absent)

Approval of Minutes for October 28, 2008 Planning and Zoning Commission.

Commissioner Hunter made a motion to approve the minutes with the addition that the names of who abstained be added to the minutes. Commissioner Milner seconded the motion.

It was voted on and passed 5 to 0. (Buchanan Abstained, Davis Absent)

Bricker announced that Agenda Item #5 would be moved up.

Appointment with City Attorney, Pete Eckert, to discuss future agenda format and meeting procedures relative to the recent Texas Attorney General opinion regarding Open Meetings Act

Pete Eckert addressed the Commission about the opinion by the Attorney General regarding the Texas Open Meetings Act. He stated that the Attorney General cited that general items such as "City Manager's Report" or "Mayor's Report" or "Update on Current Activities" is not sufficient. The Attorney General stated that, as a matter of law, those types of postings on an agenda do not meet the requirements of the act.

Mr. Eckert stated that we have to reformulate the agendas in order to provide adequate notice to the public on what items are going to be discussed. He stated that if there is a topic that anyone would like to discuss at the P&Z meeting, it has to be put on the agenda.

Mr. Eckert stated if the Commission wants an update on a particular project and you put that on the agenda and a member of the audience raises a question concerning anything about that item, then that can be discussed. If various projects need to be updated to the Commission, they need to be on the agenda. Eckert stated that the Attorney General did not leave any room for interpretation. He stated that it is a matter of law.

Hunter inquired, if during another discussion another project comes into play, can we talk about that project. Eckert stated that it is okay to talk about other projects as long as it relates to the topic at hand. You just cannot talk about anything unrelated.

Hunter stated that there are times when there is discussion at the end of a meeting regarding what went on during the meeting and why a commissioner voted the way they did or what generally is going on inside the Planning and Zoning Commission. Hunter inquired whether that is okay. Eckert stated that you can go back and talk about a case at the end since the case was originally on the agenda.

2 Hunter inquired whether you can have a philosophical discussion regarding a case. Eckert stated,
4 no, you cannot. Hunter inquired whether there is a general category that could be put on an
6 agenda that would allow the Commission to discuss the business of the Planning and Zoning
Commission in general. Eckert stated not under the facts as they are now. He stated that it may
be fine tuned later.

8 Hunter asked if there is any kind of an appeal process following a decision by the Attorney
10 General. Eckert stated, no, there is no appeal process that is effective. Generally an attorney
12 general opinion carries a lot of weight and it usually remains the decision until there is a new
attorney general.

14 Milner asked how the Commission would get an update on a case that was decided in the past.
Eckert stated that if that particular case is not on the agenda for that night, the Commission can
ask that that case be put on the agenda for the next meeting.

16 Milner inquired whether something that is not related to any case that is on the agenda can be
18 discussed. Eckert stated that you can ask that it be put on the agenda for the next meeting.
Milner inquired how the Commission can get updates on what City Council has done with a
20 particular case. Eckert stated that it has to be placed on the agenda for discussion.

22 Bricker inquired whether there can be an item on the agenda saying "review council activities
24 between P&Z meetings" that would cover activities from the Council agenda. Eckert stated as long
as it is on the agenda, you can do that. Robert stated that we can always add the previous council
meeting items on the P&Z agenda.

26 Bricker asked Eckert if the Commission must discuss an agenda item with the public if they raise a
28 question. He stated that some of the items are not public items. He stated that on those items, the
Commission does not ask for public input. Eckert stated that that is up to the Chairman to decide
30 whether you call on the public or not.

32 LaCroix inquired whether, after you make a decision on a case and the public has already exited
34 the meeting, can there be a discussion about that case at the end of the meeting. Eckert stated
that you should try to have all of the discussion while the case is being heard, but if something
comes up with the Commission about a case you have already discussed, you can still talk about it
36 but you cannot have any input from the public.

38 Bricker inquired whether the P&Z Commission could have an executive session. Eckert stated that
if you have an executive session, the contents must be posted.

40 Bricker questioned whether the items can be taken out of order of the agenda. Eckert stated that it
42 can be taken in any order no matter how it is posted on the agenda.

44 Hunter questioned whether there should be a call for discussion prior to the time that a motion is
made. Eckert stated an item is still open for discussion after a motion is made and there is a
46 second. Eckert further stated that discussion can take place at any time prior to the chairman
calling for a vote.

48 Eckert stated that privileged motions are not debatable after the motion and the second. When
50 that happens, it cannot be discussed again.

52 Eckert meeting completed at 6:25 p.m.

54 **PUBLIC HEARING ITEMS**

56 **H2008-007**

58 Hold a public hearing and consider a city-initiated request for a Historic Landmark designation for the
Hall Office Building located at 102 San Jacinto, and take any action necessary. The tract is zoned
(DT) Downtown and is located outside of the Old Town Rockwall Historic District and identified as a
60 "Contributing Property" within the Downtown Historic & Architectural Survey.

Spencer stated the building at 102 San Jacinto is listed as a "Contributing" property within the City of Rockwall Downtown Historic and Architectural Survey. The structure, known as the "Hall Office Building" was constructed in 1916. The building was originally built as the Farmers National Bank. Typical of banks this building is monumental in the town square setting, rising two stories, faced with pressed brick, tightly mortared; and decorative cornices. Its design sends a mighty business message, and yet it honors the scale and quality of the square. The subject building is brick, with:

- Corner entrance
- Shaped parapet
- Decorative cornice band
- Bays defined by brick columns and glass brick infill on first floor
- Marble panel below sills
- Stone Accents on parapet
- Cornice hood molding and belt course
- The year "1916" and word "Bank" are inscribed on the upper facade.

The bank was chartered at its current location in 1906. The existing building was constructed on-site in 1916. The contractor was Mr. C Shuman, who also was co-contractor in building the Methodist Church in 1913.

Some of the Rockwall businessmen associate with the building are

- Hardin Chandler - President Farmers National Bank
- J.O. Wallace - Operated Bank
- H.B. Lofland - Operated Bank
- R.E. Benbrook - Cotton Buyer Occupied East Part of 2nd Floor
- Dr. Benbrook - Office
- Judge E.D. Foree - Occupied East End
- O.L. Steger - Abstract Plan Office East End
- Ralph Hall - Office/Owner

The subject site is zoned "DT" Downtown district.

In staffs opinion the "Hall Office Building" is significant to the built environment/architecture and the urban fabric of the City of Rockwall.

Thirty (30) notices were sent out to property owners within 200ft. At the time of this report no notices have been received.

Staff recommends approval of the Historic Landmark Designation.

On 9/18/2008, the Historic Preservation Advisory Board tabled the Landmark Designation for 102 San Jacinto until the regularly scheduled meeting in October by a vote of 4-0 (Harper & Whitley absent).

On October 16, 2008 the Historic Preservation Advisory Board recommended approval of the Landmark Designation for 102 San Jacinto by a vote of 5-1 (Stubbs against; Hayes absent), subject to amendments to the Landmark Guidelines.

On November 11, 2008 the Planning and Zoning Commission recommended approval of the Landmark Designation for 102 San Jacinto by a vote of 5 to 1 (Buchanan against; Davis absent), as recommended by the HPAB except that the "Building Store Front" guidelines should remain intact.

Hunter clarified that if this was approved, they would be approving the building as it sits now. Spencer stated, yes. Hunter asked Spencer if they wanted to change the windows only, will they be required then to redo the entire façade. Spencer stated, no. Spencer stated that they would be required to get a Certificate of Appropriateness before making any changes but that Certificate of Appropriateness would only be for the portions of the building that they are requesting to modify.

Buchanan read a portion of the Rehabilitation and Design Standards and inquired whether that is referring to the original material that it was when it was deteriorating or back to its original construction. Spencer stated back to its original construction. Spencer stated that sometimes the

original material is not available but at least the look and feel of the basic essence of the original material should be kept.

Blakeley Hall appeared in person. He stated that he has been in opposition of landmarking this building from the beginning. He stated that he has been in and out of the building for 48 years and he knows more about what is original and what is not than anyone else. He stated that it is original as it sits except for the windows and the door. Most everything is original on the building and it would be very difficult to make any changes on the building. He stated that, as the owner, he is opposed to it being landmarked. He does not want the oversight of any board.

The public hearing was opened at 6:35 p.m.

Buchanan inquired as to who initiated the landmark designation. Bricker stated that the city initiated it. Hunter asked Staff to give their reasoning for initiating the designation. LaCroix stated that they were directed by Council from the historic survey to indicate buildings that were eligible for landmarking and work with the historic board to start a landmarking process. LaCroix gave the Commission the background of initiating this case. He stated that if it goes to City Council it will need a three-quarter majority vote to pass since the property owner is not on board with it.

Hunter questioned how this landmark fits into the overall plan for downtown. LaCroix stated that the downtown plan is about new development but it is also about preserving the buildings and preserving the historic downtown. LaCroix explained the Form Base Code and explained that the intent is to keep the character of the old downtown.

Hunter explained what he remembers the plan to look like. He stated that he thought from the beginning that there would be a problem if, in fact, the downtown was going to be some sort of market center.

Hunter asked if a person came in and bought an entire block with a landmarked building included in the block, does the landmarked building preclude that person from demolishing the entire block and rebuilding. LaCroix stated that it would make it very difficult to take that building down and that is why you landmark it.

Herbst asked for clarification of what the downside to Mr. Hall would be if this building was landmarked. LaCroix stated that the downside would be if he wanted to remodel or do something different to the façade of the building, it would have to go through the historic board and get a Certificate of Appropriateness before there could be any changes made to the façade.

Buchanan asked Mr. Hall what his objection is to the building being landmarked. Mr. Hall stated he likes the idea of landmarking it so no one can ever take the building down. He stated that he wants the building to be restored back to its original state, but he wants a clear path and the freedom to work at his own pace and make his own decisions with no delay.

He stated it is unfair to put him through an additional process with his own building. He does not know who will be on the board in the future and what knowledge of history they will have. He does not know what kind of opposition he will run into. He stated that this seems to be a needless step.

Buchanan asked LaCroix how we accommodate Mr. Hall and help him restore the building the way he wants to and also keep it from being torn down. LaCroix reiterated what the purpose of landmarking the building is and that it protects the buildings from ever being demolished.

LaCroix stated that landmarking the building is about protecting the building from demolition in the future when ownership changes. Once the landmark is on there, it is perpetual. It is there until the Board takes it off. LaCroix further stated that it would be a review process, but the Council would not stand in his way if he wanted to restore it to its original state.

Mr. Hall stated that it is a needless step. He stated that you could landmark the building to keep it from being torn down, but he does not want to have to come in and ask for permission to do anything to his own building. He stated he may have different ideas of what is historic than someone on the board. He further stated that he does not see why he should have to come to the City and ask for permission to do anything from someone who knows the building less than he does.

2 LaCroix stated that there may be a mechanism for administrative approval to do a building permit.
4 That is a less cumbersome step. That is not currently in our ordinance.

6 Hunter inquired if landmarking affects the interior of the building as well. LaCroix stated, no, it does
8 not affect the inside. He can do whatever he wants to do to the inside, landmarked or not. Hunter
asked what if the same type of material is not available to go back to the exact period. LaCroix stated
that that is what the review process is for. They would look at alternative materials.

10 Hunter asked if every time Mr. Hall wants to do something to the building, does he have to go back to
12 the historic board. LaCroix stated that if it is something with the façade, yes, you would have to go
back under review especially with windows.

14 Hunter inquired if the building is landmarked now and the process changes to only needing a permit,
16 can this building be added to that later. LaCroix stated that if it is landmarked now and the process is
changed, yes, he can be included in that when the change happens.

18 LaCroix stated where Staff stands on this. He stated that the consultant said there were not enough
20 buildings to warrant a district in the downtown area. They were instructed to go out and pick the best
22 buildings in the area and maybe some day in the future there would be enough to make a district.
LaCroix stated that the Staff feels that Mr. Hall's building and the flower shop are the premier
buildings that warrant landmarking.

24 With no public comments, the public hearing closed at 7:05 pm.

26 Bricker stated that we have an obligation to protect things that belong and need to be landmarked to
28 show our heritage and history of our city. Bricker stated that the purpose of this is not to control Mr.
Hall but to control the building. Bricker further stated that these rules were meant for one and all and
30 if we are going to landmark it, we should landmark it. He stated that the landmark designation is
going to outlast more than one caretaker of the building.

32 Bricker stated we cannot go through every landmark situation and come up with a different scenario
34 to allow the owner to have leeway when it is really part of a system. He stated that we are here to
recommend to Council if we think it is worthy of landmarking or not and it is up to Council to decide
36 whether they are going to landmark it.

38 Bricker stated he is in favor of recommending to Council to landmark this building.

40 Hunter asked LaCroix if administrative approval is something that is really being considered. LaCroix
42 stated that that is not going to come from Staff. There would have to be a recommendation, maybe
from this Commission, recommending that we have some administrative approval and not have to go
to the advisory board for every decision, as long as the applicant meets the criteria.

44 Hunter inquired whether they could add in the recommendation that Council consider that the historic
46 preservation officer have the ability to administratively approve a modification without having to go to
the Historic Advisory Board. LaCroix stated that that could be an alternative, but it is not on this
48 agenda. That would have to be on the agenda to discuss the process at the next meeting.

50 Bricker stated that we do not want to condition the historic recommendation with the premise that
Council has to enact a new rule. Milner stated that he agrees with Chairman Bricker. He stated that
52 we have to look at the process and not an individual product. Milner stated that Council has been
asked to identify buildings that are significantly historic and determine if this building falls into that
54 category. He stated that he would recommend that this building get a historic landmark designation.

56 Milner further stated that a system should be created that whoever has a historic designation placed
upon them, as long as they were taking it to the original state and getting it back to look like a period,
58 that there could be an administrative approval so they do not have to jump through too many hoops.

60 Bricker stated that there should be a discussion of allowing administrative review on the agenda for
the next meeting. He stated that Staff is just as competent to make those types of decisions.

Commissioner Milner made a motion to approve H2008-007 a city-initiated request for a Historic Landmark designation for the Hall Office Building located at 102 San Jacinto, located outside of the Old Town Rockwall Historic District and identified as a "Contributing Property" within the Downtown Historic & Architectural Survey, with staff recommendations.

Commissioner Lowry seconded the motion.
It was voted on and passed 5 to 1. (Davis Absent) (Buchanan Against)

A recess was taken at 7:16 pm.
The meeting reconvened at 7:23 pm.

ACTION ITEMS

SP2008-030

Discuss and consider a request by Ross Ramsay of Ramsay Architects for approval of a site plan for Phase 2 of the McClintock Building, located on a Lot 5, Block A, Shoreline Plaza Addition, being 0.574-acre zoned (PD-32) Planned Development No. 32 district and situated within the IH-30 Overlay district, located at 2850 Shoreline Trail, and take any action necessary.

Hampton stated the applicant, Ross Ramsay, has submitted a site plan for the second phase of the McClintock Building located at 2850 Shoreline Drive. The proposal is to construct approximately 8,230-sf adjacent to the existing 6,439-sf Phase 1 Building, resulting in a total structure of 14,669-sf. Additionally, the applicant has indicated the location of an 800-sf deck location on the west side of the structure to take advantage of views to the lake and Harbor. Finally, there is a potential for a restaurant user on the 1st floor of Phase 2 that would utilize a total of 2,680-sf (including 300-sf of the deck area).

With this request, the applicant is requesting a reduction in the parking requirements for this site. There are 17 existing spaces and 10 new spaces proposed. However, the building with 2680-sf of restaurant use and 12,289-sf of professional office would require 68 spaces overall. The proposed restaurant would require 27 parking spaces alone, which is the total number provided. In effect, the owner is requesting that the remaining requirement be met with a "shared" arrangement given the availability of 500 public parking spaces to the south of his lot.

The development is part of PD-32, which is currently under study by the City, and it is anticipated that shared public parking could be a focus in the future development of the overall Harbor and "Hillside" district. With this in mind, and the fact that the availability of the public parking area(s) are highest during weekday periods when the proposed office building should be primarily used, staff feels consideration of the parking reduction is warranted. However, we would strongly recommend that the Planning Commission and City Council stipulate that any restaurant use be limited to 2700-sf (+/-) as indicated on the site plan. It should also be addressed that any medical office use (one space per 200-sf) or retail use (one per 250-sf) could create parking issues at this location.

The applicant has submitted elevations for Phase 2 that tie directly in with the existing stone and stucco Phase 1 building. A variance was approved by City Council for Phase 1 due to more than 50% of each facade being comprised of cementaceous material (e.g. stucco), and the approval of Phase 2 will require consideration of the same variance.

The applicant has also submitted details on proposed light fixtures for the building that appear to comply with the City's cut-off standards.

The landscaping for the site is already intact, and all new and existing trees will remain on the property with Phase 2. All other details on the site plan, including dumpster screening and mechanical equipment screening, have been properly addressed on the site plan and appear to meet City requirements.

On October 28, 2008, the Architectural Review Board recommended approval of the building elevations and site plan for Phase 2 as submitted.

Staff Recommends approval of the request with the following conditions:

1. Adherence to engineering and fire department requirements.
2. All lighting shall comply with City requirements.
3. City Council to approve a variance to the masonry requirements (i.e. maximum 50% cementaceous products such as stucco) of the IH-30 Overlay district. (3/4 vote for approval required)
4. City Council to approve a variance to the minimum parking requirements for this site.
5. If parking variance is approved, restaurant use shall be limited to 2700-sf of the overall building and/or deck area.

Hunter clarified that there is not an agreement in place right now for shared use of public parking. Hampton stated that that is correct. Hunter inquired whether there is going to be an agreement. Hampton stated that there might be. Hunter stated that one of the problems with the Harbor is there is not adequate parking.

After a brief discussion, Commissioner Hunter made a motion to approve SP2008-030 a request by Ross Ramsay of Ramsay Architects for approval of a site plan for Phase 2 of the McClintock Building, located on Lot 5, Block A, Shoreline Plaza Addition, being 0.574-acre zoned (PD-32) Planned Development No. 32 district and situated within the IH-30 Overlay district, located at 2850 Shoreline Trail, with staff recommendations, specifically that if the parking variance is approved the restaurant use should be limited to 2,700sf of the overall building and/or deck area.

Commissioner Milner seconded the motion with staff recommendations.

Bricker stated that we should be careful about making agreements with Mr. McClintock because, while there are compelling reasons to do this, it is not available to everybody who builds a new building.

It was voted on and passed 6 to 0. (Davis Absent)

ADDITIONAL DISCUSSION ITEMS

Requests for agenda items for the next meeting:

1. council items that were on the agenda before listed by case number
2. present cases by case number

LaCroix clarified which cases Bricker wants on the agenda and whether Bricker would like the consent items on the agenda. Bricker stated that he would leave that to LaCroix's discretion.

Bricker would like the items that they sent to Council placed on the agenda to give an update on what Council decided to do with the case. He would also like an update on the historic preservation case from tonight on the next meeting's agenda.

After a brief discussion, Hunter stated that we should list everything from the Council agenda and see if there is anything that anyone would like to discuss. He stated that he would like a report at the next meeting regarding things that have been approved in the past, but nothing obvious is going on with it.

LaCroix stated that sometimes the case cannot be updated because there are things being negotiated.

2 **ADJOURNMENT**

4 The meeting adjourned at 7:43 p.m.

6 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
ROCKWALL, Texas, this 9th day of December, 2008.

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10 

12 Charles W. (Bill) Bricker, Chairman

14 ATTEST:

16 

**Minutes of
PLANNING AND ZONING COMMISSION WORK SESSION
November 25, 2008**

CALL TO ORDER

The meeting was called to order by Bill Bricker at 6:01 p.m. with the following members present: Barry Buchanan, Lynn Davis, Dennis Lowry, Earl Milner & Philip Herbst. Michael Hunter was absent.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer, David Gonzales and Irene Hatcher.

ACTION ITEMS

P2008-036

Discuss and consider a request by Adam Crump of Douphrate & Associates, Inc., for approval of a preliminary plat for Flagstone Corners Addition, being 8.2636-acres zoned (PD-54) Planned Development No. 54 district and (PD-60) Planned Development No. 60 district, and located at the southeast corner of Ralph Hall Pkwy and Mims Rd, and take any action necessary.

Spencer stated the applicant, Adam Crump of Douphrate & Associates, Inc., has submitted an application for approval of a preliminary plat for a 9-lot Flagstone Corners Addition, being 8.2636-acres zoned (PD-54) Planned Development No. 54 district and (PD-60) Planned Development No. 60 district, and located at the southeast corner of Ralph Hall Pkwy and Mims Rd.

The applicant is showing a right-of-way dedication of 35-feet for Mims Road along lots 8 & 9. Mims Road is currently constructed and is currently in a prescriptive easement. Mutual access easements are shown throughout the plat for circulation between all future developments on the property.

Preliminary engineering plans have been submitted for the project and are currently being reviewed by the Engineering Department. The applicant is currently seeking approval for construction of a detention pond located within the 50' Landscape and Building Setback along the south property line of lots 1 & 4. Other engineering and fire department issues such as utility line locations, firelane and fire hydrant dimensions and locations, and so on will be addressed with submittal of full engineering plans and the final plat for a lot as it develops.

The existing Preliminary Plat and the PD Concept Plan for the entire Flagstone Creek Addition (both the residential and non-residential) were approved in April 2004. As approved the existing development proposed the on-site storm water detention to be located in two ponds, one at the corner of Mims and Ralph Hall and the other on the southeast corner of the site along Flagstone Creek, thus saving the majority of the trees located within the 50' Landscape and Building Setback. The revised Preliminary Plat for the non-residential portion of Flagstone Creek is proposing to have the required storm water detention located within the 50' Landscape and Building Setback and removing all of the existing trees. The final tree survey and landscape plan indicates the required mitigation of 101.5-inches from the site at this time, with 81-inches of mitigation to be planted back on-site as each lot develops. The applicant is requesting to be allowed to pay up to 20% of the required tree mitigation into the tree fund at \$125 per inch (i.e. \$2,537.5).

The 26,730-sf of detention area requires a minimum of 36 trees (one per 750-sq. ft.). Staff would recommend that a "Developer's Agreement" be created to tie down any tree mitigation or detention pond tree placement requirements. The "Developer's Agreement" should be created by the applicant and forwarded to staff for review and approval by the City Council in conjunction with the Preliminary Plat.

2 All development within the subject tract will be subject to final platting and the site plan review
4 process of the City. As part of the Preliminary Plat the applicant is also requesting a variance to the
6 six foot masonry screen wall required along the south property line.

8 The UDC requires "any commercial or industrial use or parking lot that has a side or rear
10 contiguous to any residential district, or multi-family district with more than 5 dwelling units or parking
12 lot that has a side or rear contiguous to any single family, townhouse or duplex district, shall be
14 screened with a masonry fence (excluding tilt wall or concrete block unless approved by the City
16 Council), six (6) feet in height, unless otherwise approved by the City Council."

18 The applicant is proposing to place a four (4) & five (5) foot high solid fence located on the
20 existing retaining walls. The applicant has provided an exhibit showing the proposed sections and
22 line of sight of several locations along the south property line. (see attached).

24 The preliminary plat appears to conform to all requirements specified in the PD-54 and PD-60
26 districts.

28 Staff Recommends approval of the request with the following conditions:

- 30 1. Adherence to all Engineering and Fire Department Standards.
- 32 2. A "Developer's Agreement" be created by the applicant and approved by the City Council
34 in conjunction with the Preliminary Plat.
- 36 3. A Variance to the "Six Foot Masonry Screen" be approved by the City Council.
- 38 4. The solid fence along the south property line be a masonry screen wall.
- 40 5. Any drainage (and other) easements be dedicated via separate instrument prior to
42 construction.
- 44 6. The rear yard setback on lot 8 be corrected to 30' as required in the Residential Office
46 District.

48 On October 14, 2008, the Planning and Zoning Commission tabled the Preliminary Plat until
50 such time as the applicant could prepare and provide additional information by a vote of 7-0.

52 Davis requested that Spencer define what is meant by masonry. She asked whether the applicant
54 would be required to match the stone on the existing retainer walls. Spencer stated that that would
56 be aesthetically pleasing but we would have to talk to the applicant to see if they are willing to do that.

58 Buchanan questioned what screening is going to be used between the residential and commercial
60 property on lots 8 and 9. Spencer stated that he does not know, but agrees that that needs to be tied
62 down at this point. Spencer stated that Council will have to address the applicant on that issue.

Bricker stated that there was a previous discussion that included planting trees along the front of the
retaining pond on the other side of the wall. Bricker asked if they have taken that out of the plans and
are now planning on paying into the tree fund. Spencer stated that they can only put 20 percent into
the tree fund of the onsite mitigation. They are still going to have to put in the required detention
trees. Spencer stated that as these lots develop, they will have to meet the landscape requirements.
Bricker inquired whether there should be a landscape plan tonight. Spencer stated we do not and
that is why we need to have the development agreement.

Adam Crump, 2235 Ridge Road, Suite 200, Rockwall Texas. Crump stated that they are proposing a
60ft landscape buffer towards the north of the detention pond for planting trees. He stated that he
does not want it on the south side because of the retaining wall and the detention pond wall. He
explained that it would not be a good idea to have a root system going through there.

In addition, he stated that he does not agree with the staff recommendation of the 6ft masonry fence.
He wants to steer away from that because of the added weight on top of the detention pond retaining
wall. It would not be designed for the extra weight. He stated that he is looking at a lighter weight
fence, such as wood fence, in place of the masonry wall.

Bricker clarified that they are willing to do a developer's agreement with the City. Crump stated, yes,
they are willing to do that. Bricker clarified that Crump is looking for a variance from the masonry
screening. Crump stated yes. He stated that they can do a 6ft solid fence.

2 Milner asked a 6ft solid what? Milner stated that he does not want to put wood in. Crump stated that
4 usually they use wrought iron, but the P&Z did not want that. He stated that he is looking for a staff
recommendation on what is preferred. He stated the only thing he can think of is a wood fence.

6 Davis asked Crump if the retaining wall was on the property line. Crump stated, yes. Davis asked
8 how far back is the screening wall going to be set. Crump illustrated on the map exactly where he is
proposing to have it. Davis stated that they could do a masonry wall back by the detention pond.
10 Davis asked what is going to be between the detention pond wall and the retaining wall for
landscaping. She asked whether it is an area that is going to be maintained. Crump stated that it
12 could be something that will be maintained.

14 Crump stated that to build a 6ft wall on top of the detention wall is going to become roughly a 12ft wall
and the cost goes extremely high. He acknowledged that that may not be an issue for the P&Z but
16 that he would like to find a more practical, cheaper fence for his client. Davis stated that she does not
like the idea of a wood fence for a commercial property because the wood will eventually rot out.

18 Buchanan questioned the screening for lots 8 and 9. Crump stated that they are not proposing
anything for that right now. He stated that whatever they do along lots 5 through 11 they can match it
20 and do on lots 8 and 9. Buchanan inquired as to whether or not they are required to do screening
between residential and commercial. Spencer stated that that would be looked at with site plans at
22 the time of developing those lots.

24 Milner questioned how high the retaining wall of the detention pond is. Crump stated that the average
height is 6ft. Spencer explained that the detention pond wall is in the ground. Crump stated that
26 roughly one foot is going to be above ground. Crump stated that the cost for his client to put an
additional 5ft on top of that would be extremely high.

28 Milner inquired whether the barrier wall has to be in the same place as the retaining wall. LaCroix
30 explained that there may be some structural issues if you get too close to the retaining wall with
another wall. Milner stated that we do not care where that fence is as long as it is between the
32 residential and commercial site. LaCroix stated that it does not matter where it is, no.

34 LaCroix discussed the line-of-sight study and what it means. Milner inquired whether there is a norm
of what a person would be looking at in a line of sight. LaCroix stated that there is no norm, no. He
36 further explained what the requirements are in the ordinance.

38 Crump stated that they have to have a fence around the detention pond so they are proposing that
they use one fence to screen the views and hopefully meet the requirements. Milner stated that there
40 is already a good residential and commercial barrier just by using the existing trees. He stated that
with the current proposal, we are losing a great natural barrier by removing all of the trees. He stated
42 that he is struggling with the thought of taking that many trees out. Crump stated that he is
appreciative of the trees out there too, but he is going to replace them. Crump stated that there is
44 give and take.

46 Davis clarified that they were grandfathered in on the detention pond, so they can have the deeper
pond, but it does have to be fenced. Spencer confirmed that they were grandfathered in on the
48 detention pond design.

50 Bricker stated that the only thing he is struggling with is the material on the fence. Bricker suggested
that a pre-cast concrete could be used. Crump stated that the wood fence is not the only fence out
52 there. It is just the first one that they thought of.

54 Bricker stated that between now and City Council he would have to come up with a material that City
Council would approve. LaCroix agreed that that has to be decided before City Council. Bricker
56 stated that we could have the developer's agreement but also send it to Council with the
recommendation that the applicant bring a substitute for masonry or masonry material that would
58 work for all purposes.

60 Herbst stated that he has been on the commission for a number of years. He stated that the city has
been criticized for removing trees. The fence blocking the sightline is well and good, but it is not a
62 tree. He further stated that four years ago there was an approved plan that saved the trees and that

there is an opportunity to stay with that plan. He stated that he cannot support this and he is staying with his original vote.

Bricker stated to the Commissioners that they have to either come up with a solution to pass this or a recommendation to have Crump come back with another view on the fence. He stated that, of course, any motion can take Commissioner Herbst's stand. He stated that he is looking for help.

Davis inquired whether there is any way to save part of the trees in the natural barrier and still put the detention pond and then add some new trees. She also asked if there is any way that that masonry wall can match the existing stone and have landscaping behind it. Crump stated that they can match the existing wall, yes. He stated that the Limestone and Cedar look nice together and is very popular in Texas.

Davis asked Crump what prompted the move of the detention pond. Crump explained that the detention pond came to be a lot larger because of another property. He stated that they have to figure out how to get water to the original location. He stated that he is sure there are many different solutions, but this is the one they came up with. He stated that he knows that it does not save the trees, but that he also has to maximize the site.

After brief discussion, Bricker made a motion to approve **P2008-036** a request by Adam Crump of Douphrate & Associates, Inc., for approval of a preliminary plat for Flagstone Corners Addition, being 8.2636-acres zoned (PD-54) Planned Development No. 54 district and (PD-60) Planned Development No. 60 district, and located at the southeast corner of Ralph Hall Pkwy and Mims Rd, with Staff recommendations and the following additional conditions:

Developer's agreement condition as well as a condition that at the time of Council they have a proposal for a masonry wall that works for council and staff.

Lowry seconded the motion. It was voted on and approved 4 to 2. (Milner & Herbst against) (Hunter Absent.)

P2008-039

Discuss and consider a request from Sy Pham of SP Design & Build for approval of a final plat for Lot 3, Block 1, Meadowcreek Business Center Phase 3 Addition, being a 1.35-acre tract zoned (C) Commercial district and located along the east side of SH 205, south of SH 276, and take any action necessary.

Gonzales stated the applicant Sy Pham of SP Design & Build has submitted a request for approval of a final plat for Lot 3, Block 1, Meadowcreek Business Center Phase 3 Addition, which is 1.35 acres. The property is zoned (C) Commercial district and is located along the east side of SH 205, south of SH 276.

A site plan was approved in March of this year. The site will accommodate a 12,700-sf commercial development and will be accessed via a proposed mutual access drive from SH 205, a mutual access drive from SH 276 via the proposed Walgreens and from a mutual access to the existing lube center.

Included on the plat are all required fire lane, access and utility easements. The plat complies with all UDC requirements.

Staff Recommends approval of the request with the following conditions:

1. Adherence to all Engineering and Fire Department Standards.

Milner inquired if the common access with the lube center is just to have cross access? Gonzales stated, yes. Applicant stated they he had nothing to add.

After brief discussion, Herbst made a motion to approve **P2008-039** a request from Sy Pham of SP Design & Build for approval of a final plat for Lot 3, Block 1, Meadowcreek Business Center Phase 3 Addition, being a 1.35-acre tract zoned (C) Commercial district and located along the east side of SH 205, south of SH 276, with Staff recommendations.

Milner seconded the motion.
It was voted on and approved 6 to 0. (Hunter Absent)

Commissioner Milner excused himself at 6:38 p.m.

DISCUSSION ITEMS

Z2008-028

Discuss a request by Sheri Franza of Rockwall Economic Development Corp. for approval of a change in zoning from (LI) Light Industrial District to (PD) Planned Development District for an 8.405-acre property known as Lot 8, Block A, Rockwall Technology Park Addition, located at the northwest corner of FM 549 and SH 276.

Hampton stated that the applicant is not present. Hampton explained that the applicant wants to change the zoning from light industrial (LI) to Commercial (C) and what the future of that area might be. Hampton went on to explain what is not allowed in a light industrial district. He stated that there are guidelines for the PD included in the packets. Hampton stated that there are two overlay districts, 549 and 276, included in this and that those would apply to this property.

LaCroix explained the prohibitive uses portion of the document. He explained that these are specific uses that they do not want in that area. He stated that they want a very high quality building standard on that corner.

Bricker stated that he does not have a problem with the proposed zoning. He stated that he is curious about the REDC being involved in retail development.

Z2008-029

Discuss a request by John Bledsoe of Trans Am Trucking, Inc., for approval of a change in zoning from (C) Commercial district to (PD-44) Planned Development No. 44 district, on a 1.57-acre tract known as part of Lot 1, Block A, James Helwig Addition, located along the southwest side of SH 205 south of Sids Road.

Spencer gave the background on the site and how it is zoned. Bricker asked if this is in an overlay district. Spencer stated it is in the 205 Overlay. He stated that if they are going to construct anything, they will have to comply with the buffer requirements.

Buchanan asked which is the most restrictive, the PD or the commercial zoning. Spencer stated that amending the PD allows for more control over what goes there.

Bricker asked to have the PD-44 ordinance added to the packet for the next hearing. Spencer stated that he would include that PD with the packet.

Z2008-030

Discuss a request by Brandon Cox of Pogue Engineering & Development Co., Inc., for approval of a PD Development Plan for Stone Creek Retail, being a 23.44-acre tract zoned (PD-70) Planned Development No. 70 District (Ord. 07-13) and situated at the southeast corner of FM 552 and SH 205.

Hampton gave the background of this development. Hampton discussed the general retail and residential zoning. He discussed the PD development plan. Hampton stated that there should be discussion regarding the layout to make it pedestrian friendly.

Hampton stated that he did talk to the applicant about the parking requirement. He showed the architectural features for the entrance. Hampton also showed conceptual designs of the landscape and elevations of the grocery store and the gas canopy area and the park area on the southeast corner.

Bricker pointed out that they mentioned eight (8) multi purpose dispensers and the drawing is only showing six (6) dispensers. Hampton stated that there was an earlier drawing that had eight (8) on the drawing. Bricker also stated that they are over parked by about 200 spaces and inquired as to

the reason for that. Hampton stated that he has discussed the parking with the applicant. He further stated that we do not really have a max code. Bricker stated that 20 percent over parking seems like an excessive amount. He stated that he would like to hear from the applicant.

John Rose 16475 Dallas Pkwy, Suite 220, Addison. Mr. Rose commented on the parking issue. Bricker questioned what other things are variances. They have tried to provide a buffer out front and a more heavily landscaped area. He stated that the applicant has been asked to produce some pictures to show what that looks like. LaCroix stated that this is the only shopping center on the north side of town and we want to start with something more than normal.

Bricker and LaCroix discussed the positioning of the gas pumps. Mr. Rose stated that they have drawn a line in the sand that they will not put it on 552. It has to be on 205. Buchanan stated he is concerned about visibility issues and the traffic that these things generate.

Davis stated that we need to be careful about cutting too much parking out. Because this is the only thing on this side of town, we are going to draw people from all over Rockwall and the surrounding area and we will need enough parking to accommodate the center.

P2008-037

Discuss a request by Chase Finch of Corwin Engineering for approval of a residential replat of Stone Creek Phase 1 Addition, being 201 lots on 83.393-acres zoned (PD-70) Planned Development No. 70 district and located along the east side of SH 205, south of FM 552 and north of Quail Run Road.

Herbst inquired as to what the requirements are for alleys. Gonzales stated that Council did approve the variance to allow for front-entry garages and that is why alleys are not shown in certain areas.

SP2008-032

Discuss a request by Leonard Reeves of Studio 13 Design Group for approval of a site plan for the Stone Creek Amenity Center, located on Lot 1, Block O, Stone Creek Phase 1 Addition, being 2.82-acres zoned (PD-70) Planned Development No. 70 district and located at 475 Featherstone Drive.

Hampton discussed the parking issue regarding pulling in and having to back out onto the street. He suggested that they may need to change that to some parallel parking or some other options.

Bricker asked if this amenity center is primarily an outdoor center. Applicant stated, yes, it is.

P2008-040

Discuss a request by Joseph Domeier of QuikTrip Corporation for approval of a preliminary plat of Lot 1, Block 1, QT 991 Addition, being a 1.7334-acre tract zoned (C) Commercial district and (PD-10) Planned Development No. 10 district, located along the east side of John King Blvd south of IH-30.

Spencer gave the background of the case and discussed where they are with the plans that have been turned in and what is still needed. Spencer discussed the tree mitigation requirement and the additional buffering required for the 205 Overlay District.

LaCroix stated that they may not be doing anything immediately. They are going to solidify their plans and hold off until the development of that intersection happens. Bricker inquired about the zoning. LaCroix explained the PD and the commercial zoning on the same property.

ADDITIONAL DISCUSSION ITEMS

- Summary discussion of the following current Action Items:
 - a) **P2008-036:** Flagstone Corners preliminary plat
 - b) **P2008-039:** Meadowcreek Business Center Phase 3 final plat

No comments on the summary discussion. 7:32

- 2 • Planning Director's Report on the following Planning and Zoning Commission matters that have
4 been recently acted on by City Council:
6 a) **H2008-006**: Landmark Case – "Heath-Jones Mercantile" (102 South Goliad)
8 b) **H2008-007**: Landmark Case – "Hall Office Building" (102 San Jacinto)
10 c) **H2008-008**: Landmark Case – "Old Jones House" (109 St Mary Street)
12 d) **SP2008-030**: McClintock Building Phase 2 site plan

LaCroix gave updates. a) approved.
b) approved.
c) denied and explained what happened at the City Council meeting.
d) approved

Bricker stated that his personal opinion is he is considering the building and not the people involved. At the commission level, he has got to consider the building that was going to be landmarked and not the family that is involved with the case.

- **Discuss the requirements and process for implementing "administrative review procedures" for Certificate of Appropriateness applications, and take any necessary action.**

LaCroix stated that this came up during Mr. Hall's case. He stated that one of Mr. Hall's objections was that he would have to jump through too many hoops for the historic board in order to get anything done on his own property. He stated that it would be an easier process if the person with the historic property was going to put the appropriate materials back in, if they met with the historic preservation officer and what they wanted to do met the requirements, that they should not be required to go to a hearing with the historic board. LaCroix suggested that some of those things might be better handled with some sort of an administrative review process.

Bricker stated that he has heard about fear of getting involved with historic buildings because of the process. He agrees that there should be a staff review if the property is being restored to correct historic time. Herbst agrees with Bricker that it should be a staff review and a building permit. He stated that there would not be so much resistance if the process was changed so they did not have to jump through too many hoops.

Lowry suggested that there could be two categories, discretionary and administrative. The administrative category would be where you met the plan and you did not have to jump through any hoops. The discretionary action would require a formal review. This would streamline the process and remove the hesitation of the individuals.

LaCroix stated that typically the things that come in on the residential side of the historic board, sometimes it is not renovation, but it is additions. He stated that that does warrant going to the historic board. But if somebody wanted to replace a door with a period door they should not have to go through the hoops to do that. He stated that puts people off, and they don't want to do that.

Bricker stated that we took this through the process before and historic board did not go for it. Bricker asked Spencer if he thinks that there is more of a helpful board now. Spencer stated that he feels that if it was a well defined process that is well spelled out for the applicant, for staff and the historic board, we would have a good reaction from them.

Bricker asked LaCroix to write something up for review and then we can review it with the Historic Preservation Board.

Hampton stated that it would be very important to make sure it is in there that staff is qualified to make such decisions. He stated that that would make people feel more comfortable.

Herbst moved that we direct the City Staff to come up with an administrative procedure to handle landmark designations to allow staff approval rather than go through the review board.

Lowry seconded the motion.

A vote was taken and it passed 5-0. (Hunter & Milner Absent)

- Planning Director's Report to discuss the following City activities, upcoming meetings, future legislative activities, and/or other related matters:
 - a) December 30, 2008 Planning and Zoning Commission work session

LaCroix inquired of the Commission whether we should have a P&Z meeting between Thanksgiving and Christmas. Bricker stated he is okay with having the meeting. Bricker stated if there is something to do, we will have a meeting.

Mayor Cecil questioned the staff review of the historic properties.

Bricker explained what we are trying to do is simplify one step.

ADJOURNMENT

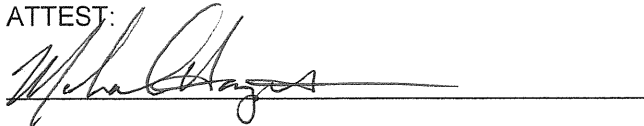
The meeting was adjourned at 7:55 pm.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this 9th day of December, 2008.



Charles W. (Bill) Bricker, Chairman

ATTEST:



**Minutes of
PLANNING AND ZONING COMMISSION PUBLIC HEARING
December 09, 2008**

CALL TO ORDER

The meeting was called to order by Bill Bricker at 6:01 p.m. with the following members present: Barry Buchanan, Michael Hunter, and Dennis Lowry. Earl Milner and Philip Herbst were absent. (Lynn Davis arrived at 6:06 pm).

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer, David Gonzales and Irene Hatcher.

CONSENT AGENDA ITEMS

1. *Approval of Minutes for November 25, 2008 Planning and Zoning Commission meeting.*

2. *Approval of Minutes for November 11, 2008 Planning and Zoning Commission meeting.*

3. **SP2008-032**

Discuss a request by Leonard Reeves of Studio 13 Design Group for approval of a site plan for the Stone Creek Amenity Center, located on Lot 1, Block O, Stone Creek Phase 1 Addition, being 2.82-acres zoned (PD-70) Planned Development No. 70 district and located at 475 Featherstone Drive, and take any action necessary.

Commissioner Hunter requested that Consent Agenda Items #1 and #2 be pulled from the agenda.

Commissioner Lowry made a motion to approve Consent Agenda item #3 with staff recommendations.

Hunter seconded the motion.

Hunter made a motion to approve the minutes for the November 11, 2008 meeting. Lowry seconded. It was voted on and passed 4 to 0.

Lowry made a motion to approve the minutes for the November 25, 2008 meeting. Commissioner Buchanan seconded. It was voted on and passed 3 to 0 (Hunter abstained).

PUBLIC HEARING ITEMS

P2008-037

Hold a public hearing and consider a request by Chase Finch of Corwin Engineering for approval of a residential replat of Stone Creek Phase 1 Addition, being 201 lots on 83.393-acres zoned (PD-70) Planned Development No. 70 district and located along the east side of SH 205, south of FM 552 and north of Quail Run Road, and take any action necessary.

Gonzales stated that Chase Finch of Corwin Engineering is requesting approval of a residential replat for the Stone Creek Phase 1 Addition, being 201 lots on 83.393-acres. The property is zoned (PD-70) Planned Development No. 70, and is located on the east side of SH 205, south of FM 552 and north of Quail Run Road. The final plat for Phase I was approved by City Council on November 5, 2007 and contained 200 lots.

The purpose of the replat is to correct scrivener errors, for lots within Block A, from the final plat and to create an additional lot in Block K. New lot lines have been established for lots 8, 9, 10, 11 & 12 in-order to create the additional lot #13 of Block K. Developers will show case model homes on these lots, which will front the Amenity Center on Miramar Dr.

2 The additional lot will not affect the overall maximum lot count (935) for the subdivision, but
4 the PD allows for flexibility. In fact, the developer has worked with staff on enhancing the entrance
6 from John King Blvd., which resulted in a loss of lots in that area and will be reflected in a future
8 phase.

10 In accordance with state law relating to residential replats, notices were mailed to all owners
12 of the subdivision, which at this time is only the developer (Stone Creek SF, Ltd.).

14 Staff Recommends approval of the request with the following conditions:

- 16 1. Adherence to all Engineering and Fire Department requirements.

18 Jed Dolson, of the Skorburg Company (developer), addressed the Commission and made a formal
20 request for approval.

22 **Commissioner Davis arrived at 6:06 p.m.**

24 Chairman Bricker opened the public hearing at 6:08 pm.

26 With no public comment, the public hearing was closed at 6:09 pm.

28 **Commissioner Hunter made a motion to approve P2008-037, a request by Chase Finch
30 of Corwin Engineering for approval of a residential replat of Stone Creek Phase 1
32 Addition, being 201 lots on 83.393-acres zoned (PD-70) Planned Development No. 70
34 district and located along the east side of SH 205, south of FM 552 and north of Quail
36 Run Road, with staff recommendations.**

38 **Commissioner Buchanan seconded the motion.**

40 **It was voted on and passed 5-0.**

42 **Z2008-028**

44 **Hold a public hearing and consider a request by Sheri Franza of Rockwall Economic
46 Development Corp. for approval of a change in zoning from (LI) Light Industrial District to (PD)
48 Planned Development District for an 8.405-acre property known as Lot 8, Block A, Rockwall
50 Technology Park Addition, located at the northwest corner of FM 549 and SH 276, and take
52 any action necessary.**

54 Hampton stated that the Rockwall Economic Development Corporation (REDC) has
56 submitted a zoning application to rezone 8.404-acres from (LI) Light Industrial district to (PD) Planned
Development district. The underlying zoning for the PD is proposed to be (C) Commercial; however,
REDC has worked with City staff on developing additional standards for the PD and to eliminate
many potential uses that would typically be allowed in straight Commercial zoning.

The City's Future Land Use plan identifies the subject property as "Technology/Light
Industrial," matching the balance of the Rockwall Technology Park and other land owned by REDC in
this area. Part of the tract is also shown as Open Space on the Land Use Plan due to existing
floodplain conditions on the property - which will have to be addressed at the time of development in
the future.

However, the subject tract is somewhat unique to other properties in the Tech Park in that it's
the only tract located at the hard intersection of two major arterials (SH 276 and FM 549), and its
primary frontage and points of access will be from those arterials rather than the interior roads that
serve the rest of the Tech Park. Moreover, this intersection has begun to transform into a commercial
node with recent development (e.g. Gateway Shell and Sonic development) intended to serve the
growing residential and employment populations in the southeast part of the City.

2
4 It should be noted that, if the zoning change were approved, many uses that are currently
6 allowed in the LI zoning district would no longer be allowed. However, REDC has indicated that the
8 subject tract has been contemplated for some time as a more viable site for general retail/personal
10 service uses, and in fact has received serious inquiries from potential retail/commercial developers.
12 Typically, however, general retail and/or personal service uses are not allowed or require an SUP in
14 the LI district, and the applicant is requesting to remove that obstacle with this proposed Planned
16 Development.

18
20 Notices were mailed to nine (9) owners within 200-ft of the subject property, and at the time
22 of this report no responses had been received. Signage has also been posted on the property in
24 accordance with the UDC.

26
28 Staff Recommends approval of the request, subject to the attached Planned Development
30 District standards.

32
34 Hunter clarified that the highlighted items in the PD standards are not excluded items.
36 Hampton discussed what the REDC was asking for and what the staff has recommended. The
38 highlighted land uses were originally proposed to be prohibited by REDC, but staff believes should be
40 allowed. Many are accessory uses, such as a satellite dish, which are common in commercial
42 restaurants and offices as well. Hunter also asked for clarification on the access to this site. Hampton
44 stated that the access would be directly from highways FM 549 and SH 276.

46
48 Sherri Franza, 2408 Rachael Drive, Heath, Texas 75032, stated what the REDC vision is for
50 this corner and what type of retail they would like to see there. Mrs. Franza explained the uses that
52 the REDC does and does not want to see on this corner. Mrs. Franza stated that currently the REDC
54 owns the property. The REDC put together a list of 80-plus uses that they did not want to see on the
56 property. She stated that, in working with staff, staff made a list of the 40-plus uses that would be
permitted on the property and then broadened it a little bit.

32
34 Davis requested clarification as to what the staff was trying to do with the highlighted list.
36 Davis inquired of staff whether they are trying to expand or contract the list of allowed things from
38 what the REDC had requested. LaCroix stated the REDC did not want some uses that are allowed in
40 (LI), Light Industrial, to be allowed on this piece of property. LaCroix stated that the intent of the
42 REDC for this corner is to become a commercial corner rather than a Light Industrial corner. LaCroix
44 stated from a developer's standpoint, it is easier for them to look at a list of things that are allowed
46 rather than a list of things that are prohibited. LaCroix stated that this is a simplified version of the
48 PD, but it is all we need to control it from the city standpoint.

42
44 Davis clarified that the yellow highlights are what staff wants to put back in the PD and take
46 off the prohibitive use list. LaCroix stated, yes, that is correct. Lowry questioned whether this is
48 something that you can use CC&Rs for, instead of rezoning. LaCroix stated if you put a PD on it then
50 the City would have more control over the property even after the property was sold. Sheri Franza
52 stated that the REDC board would like to see a PD put on this piece of property. She further stated
54 that this is the most valuable piece of property that the REDC owns in the technology park and they
56 want to make sure it is used the way that they envisioned it being used.

50
52 Hunter inquired why the REDC is not using this corner for industrial use. Mrs. Franza stated
54 that the REDC would rather have retail or commercial on this corner and that is what they envisioned
56 when they purchased the property.

54
56 Hunter asked if there is a chance of the City running into an issue later for purchasing a piece
of property that they knew they were going to move to a commercial use rather than an industrial use.
Ms. Franza stated not to her knowledge. She added they would not offer any kind of incentive for
anyone to build on this property.

2 Bricker clarified the intent of the REDC is not to develop this property. Mrs. Franza stated
4 that the idea is not for the REDC to develop the land themselves. They would prefer selling the
6 property and having the purchaser develop it. Bricker stated that many times Council wants a
development plan before a property is re-zoned.

8 Mrs. Franza stated that the REDC board has not seen the revised list of accepted uses. She
10 stated that they will see it at the next board meeting. She stated that she does not know if they will
12 have any problem with it. Hunter stated that he would like to have something that everyone has
14 bought into so we do not have to go back and correct something later. She assured Hunter that the
REDC has seen and approved all of the plans so far. She stated that the Planning and Zoning staff
for the city just saw things that the REDC overlooked and they put those things in their
recommendation.

16 LaCroix stated that this is a recommendation that the staff is making to the Planning and
18 Zoning Commission and then the Commission can make their recommendation to the Council.
Hunter stated that he feels that all of the government entities should be able to come together and
figure out what they want and just go and do it as opposed to everybody making their
recommendations.

20 LaCroix stated that the staff is recommending what has been presented to the Commission at
22 this meeting.

24 The public hearing was opened at 6:38 p.m.

26 With no public comment, the public hearing was closed at 6:38 p.m.

28 **Commissioner Buchanan made a motion to approve Z2008-028, a request by Sheri**
30 **Franza of Rockwall Economic Development Corp. for approval of a change in zoning**
32 **from (LI) Light Industrial District to (PD) Planned Development District for an 8.405-acre**
property known as Lot 8, Block A, Rockwall Technology Park Addition, located at the
northwest corner of FM 549 and SH 276, as recommended by staff.

34 **Commissioner Lowry seconded the motion.**

36 Hunter stated that generally he is not opposed to this. He stated that he is a little concerned,
38 knowing how strict the law is on sales tax revenue for economic development corporations,
he wants to make sure that whatever we do, we do not get in trouble for it later.

40 Bricker stated that he has concerns that the REDC is competing with other developers in a
42 retail sense. He stated that he understands the commercial component and the industrial side
44 that we have worked on for years and the benefit to the city, but when the REDC starts
developing property in competition with others in the same corner and the same area, that's a
concern to him. However, Bricker further stated that he does agree that commercial is the best
use of the property. He stated that he will support this issue with the concerns he has stated
and that he will bring that up with Council.

48 **The motion was voted on and passed 5-0.**

50 **Z2008-029**
52 **Hold a public hearing and consider a request by John Bledsoe of Trans Am Trucking, Inc., for**
54 **approval of a change in zoning from (C) Commercial district to (PD-44) Planned Development**
No. 44 district, on a 1.57-acre tract known as part of Lot 1, Block A, James Helwig Addition,
located along the southwest side of SH 205 south of Sids Road, and take any action
56 **necessary.**

Spencer stated that the applicant, John Bledsoe of Trans Am Trucking, Inc., has submitted a request for approval of a change in zoning from (C) Commercial district to (PD-44) Planned Development No. 44 district, on a 1.57-acre tract known as part of Lot 1, Block A, James Helwig Addition, located along the southwest side of SH 205 south of Sids Road.

The subject site is part of the 8.868-acres that is owned by Trans Am Trucking. In 1997 the previous owner, James Helwig, acquired the subject site and an additional 80' of property along the southwest property line of the "Fuji Dental Lab" site. In that same year Mr. Helwig rezoned the existing Helwig and Sons Trucking site and the 80' strip (total of 7.5-acres) to Planned Development No. 44 (PD-44). At that time the previous owner did not rezone the 1.57-acre subject site but instead left it as a Commercially (C) zoned property, thus allowing the church that was occupying the site at the time to continue using it as a church. In conjunction with the rezoning of the 7.5-acres Mr. Helwig was also granted a variance by the Board of Adjustment to construct a metal shop/office building.

In 1998 the previous owner replatted the entire 8.868-acres as one lot, being the James Helwig Addition. Within the platted tract are currently two (2) zoning classifications, PD-44 and (C) Commercial Zoning. Some years later the church vacated the building and Helwig and Sons Trucking conducted their office operations from the site. The building that was located on the subject site was recently demolished by the current owner.

The current owner visited with City Staff regarding expanding the trucking operation to allow for an outdoor driving training facility on the subject tract. It was then that Staff discovered that the subject site was indeed zoned Commercial (C) and would not allow for a trucking operation or any accessory uses that accompany such a use. The current owner has submitted the zoning application to rezone the site to PD-44 to allow for the proposed expansion.

Notices were mailed to three (3) property owners within 200-ft of the subject tract, and a sign was also posted on the property in accordance with the Unified Development Code. At the time of this report, no responses had been returned.

Staff Recommends approval of the request with the following conditions:

1. That all development within (PD-44) Planned Development No. 44 district be subject to the requirements of the (C) Commercial 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 4.5 of "Article V, District Development Standards."
2. As approved via Ordinance No. 97-28, the additional permitted uses shall be allowed:
 - a. Commercial Trucking Operation
 - b. Outdoor Storage of Vehicles used in association with the trucking operation.
3. Any development and/or expansion of existing development shall be subject to site plan review and the requirements of the 205 Overlay district.

Hunter summarized that what the applicant is asking for is the entire piece of property be zoned PD-44. Spencer explained the existing zoning and what the applicant is asking for.

Juan Vasquez, of Tomden Engineering, 12655 North Central Expressway, Suite 1016, Dallas, Texas requested that the 1.57-acre tract be zoned from commercial to PD-44 to match the rest of the property.

The public hearing was opened at 6:47 p.m.

With no public comment, the public hearing was closed at 6:47.

Commissioner Hunter made a motion to approve Z2008-029, a request by John Bledsoe of Trans Am Trucking, Inc., for approval of a change in zoning from (C) Commercial district to (PD-44) Planned Development No. 44 district, on a 1.57-acre tract known as part of Lot 1, Block A, James Helwig Addition, located along the southwest side of SH 205 south of Sids Road, with staff recommendations.

Commissioner Lowry seconded the motion.

It was voted on and passed 5-0.

Z2008-030

Hold a public hearing and consider a request by Brandon Cox of Pogue Engineering & Development Co., Inc., for approval of a PD Development Plan for Stone Creek Retail, being a 23.44-acre tract zoned (PD-70) Planned Development No. 70 District (Ord. 07-13) and situated at the southeast corner of FM 552 and SH 205, and take any action necessary.

Hampton presented that as required by the PD-70 Ordinance, a PD Development Plan has been submitted by the applicant, on behalf of Crestview Real Estate and Q Stone Creek Retail, LP, for the retail/commercial tract within the Stone Creek development. The subject 23.44-acres was designated for General Retail purposes within the PD (see enclosed excerpt of PD-70) and shown as such on the concept plan. However, the PD Development Plan step was implemented to allow the developer the flexibility to defer specification of all development standards for the subject tract. As a public hearing process, the PD Development Plan also provides an opportunity for the Planning and Zoning Commission and City Council to review the proposal to ensure it complies with the overall intent of PD-70.

Following approval of the PD Development Plan, a PD Site Plan(s) is required for each phase of development and will entail more specific review of details such as landscaping, building materials and Architectural Review, photometric and lighting details, etc. At this time, the developer has submitted the following plans and concepts, which if approved will set the parameters for future PD Site Plan(s) and platting submittals associated with the development.

The site plan for "Stone Creek Retail" indicates a series of retail/restaurant buildings on two (2) separate tracts of land. The predominant "Tract 1" is 21.1522-acres and located along the east side of SH 205, south side of FM 552, north of the newly constructed Bordeaux Drive and west of the future Fairfax Drive. "Tract 2" is 2.2881-acres and located along the south side of FM 552 and east of Fairfax Drive.

Overall, the applicant is proposing an approximate total of 165,526-sf of retail and restaurant development on the property. A 59,313-sf grocery anchor (Tom Thumb) is located on Tract 1, and would likely comprise the majority of Phase 1 construction. The site is accessed from one proposed drive from SH 205 and one drive from FM 552, with additional points of access from Bordeaux and Fairfax Drive.

Using the conceptual layout provided by the applicant, staff has calculated that there is approximately 47,827-sf of restaurant and 117,699-sf of retail space proposed, requiring 950 parking spaces overall. The applicant is currently proposing 1032 parking spaces. The Commission discussed the overall design and particularly the parking for the project at the November 25th work session. The original plan proposed 1181 spaces for roughly the same building area. The applicant has revised the concept plan since that time, resulting in 149 fewer spaces and the addition of larger landscaped islands and open space features on the south and north halves of the property, respectively. The drive entrance from SH 205 has been reconfigured - and the building size on Pad 3 reduced - to improve the traffic flow in/out of the center.

One of the critical requirements of PD-70 for this site is the call for pedestrian connection(s) from the Stone Creek neighborhood and overall "walkability" throughout the shopping center. In staff's

opinion, the developer has provided a key connection to the Stone Creek neighborhood with the open space feature at the southeast corner of their site. The siting and orientation of this feature should directly tie-in with the main boulevard of Stone Creek (to be built with Phase 2) and the future amenity center. In addition, the developer will be constructing the required sidewalks around the entire perimeter of the development, and is indicating several interior walkways and/or enhanced paving areas intended to improve the pedestrian experience within the development.

Staff would recommend that, at the time of PD Site Plan approval for each property – particularly those indicated as restaurant “pad sites” – special consideration be given towards providing adequate pedestrian connections to the basic sidewalk framework that the developer is showing, as well as incorporating features such as outdoor dining and enhanced paving walkways to further encourage pedestrian activity throughout the development.

As part of the development plan process, it must be noted that the applicant is requesting approval of a gasoline sales area as an accessory use to the Tom Thumb grocery store. The PD-70 zoning for this site requires a Specific Use Permit for more than two (2) gas pumps; however, if approved, the PD Development Plan would in effect grant the accessory gas use. The developer has proposed six (6) pumps under a canopy that is oriented parallel to the SH 205 frontage, just north of the primary entrance. The developer has also submitted a “cross section” drawing depicting a conceptual elevation of the gas kiosk and canopy structure, and how it would relate to the proposed landscape buffer and berming adjacent to SH 205.

The applicant has indicated to staff that the proposed gas pumps and the specific location along SH 205 are a critical component for Tom Thumb. While not necessarily concerned about the allowance for gas pumps as an accessory to the grocery store, staff has expressed reservations of the location and the orientation of the canopy to the developer, and feels that locating the canopy along FM 552 would be a preferred alternative. It is staff’s opinion that the location as presented diminishes the architectural presentation of the shopping center, including the Tom Thumb store, as viewed from SH 205. We feel it also negatively affects the aesthetics and may disrupt traffic flow at the primary entrance from SH 205. Moreover, staff has concerns about the potential lighting associated with the gas canopy that could negatively impact the existing residential development across SH 205.

Short of moving the gas canopy away from SH 205, staff encouraged the applicant to consider turning the canopy perpendicular to the roadway to minimize the aforementioned issues.

In conjunction with the development plan, a conceptual landscape plan has been submitted showing compliance with the landscape buffer requirements along SH 205 (minimum 20-ft required) and FM 552 (minimum 10-ft). The buffer is approximately 40-ft in width and heavily bermed immediately adjacent to the proposed gas canopy, which does help ease some of staff’s concerns described above. Buffers are also provided on Bordeaux and, more importantly, Fairfax Drive to help screen what will in effect be the rear of the proposed buildings. Four-sided architecture will be required at the time of PD Site Plan review; however, there are loading and service areas required for the development and the proposed screening and berming as shown on the cross-sections are how the applicant plans to mitigate for those. Full landscape plans and details will be reviewed for compliance with the City’s landscape ordinance and N SH 205 Overlay district at the time of site plan approval.

As part of the development plan process, the applicant has also noted that a variance is being sought for the required six (6) foot masonry screening wall along the south property line of “Tract 2” of the plan. In lieu of the masonry fence, the applicant has proposed a 6-ft “living screen” and an approximate 30-ft buffer strip along that property line, which will be adjoined by single-family residential lots in a future phase of Stone Creek. It should be noted that the PD-70 ordinance does discourage the use of solid barrier walls between the commercial and residential portions of the development; however, the Commission and Council may also choose to defer a decision on this variance until there is a more concrete development proposal on this tract.

2 The conceptual building elevations for the project show a well-articulated front façade for the
4 Tom Thumb structure and adjoining retail. The building appears to feature a combination of stone,
6 brick, stucco and standing seam metal roofing elements, along with additional architectural features
8 such as canopy and arbor structures. The developer has worked with staff to enhance the rear
elevation of the Tom Thumb building since the original submission. It should be noted again that full
Architectural Review and verification of compliance to N SH 205 Overlay district standards will occur
at the time of PD Site Plan submittal.

10 Finally, as part of the Development Plan, the developer has proposed "Development
12 Monument Signs" for consideration and approval for the project. Conceptual elevations have been
submitted, which show the monument style signs that are intended to identify the shopping center
14 (e.g. "the Shops at Stone Creek") but would not include individual business signage. The signs are
located at the southwest, northwest and northeast corners of the larger "Tract 1". As discussed
16 above, the southeast corner is comprised of similar architectural features and arbor structures that
are incorporated into an open space element, though no signage is shown at that corner.

18 All other signage for the project would be required to adhere to the City's sign ordinance,
20 unless a variance was sought by the developer and approved by City Council at a future date. Staff
feels the proposed development signs are more of an architectural feature that tie the shopping
22 center together, as well as to various entry elements approved with the Stone Creek neighborhood,
and would recommend approval at this time.

24 Notices were mailed to ten (10) property owners within 200-ft of the subject property, and
26 thus far one (1) response "in favor" had been received. Staff has also posted zoning change signage
on the property as required by the Unified Development Code.

28 Staff Recommends approval with the following conditions:

- 30
- 32 1. Submittal and approval of engineering plans.
 - 34 2. Adherence to all fire department requirements.
 - 36 3. PD Site Plan(s) submittal and approval required for each parcel indicated on the
Development Plan.
 - 38 a. At the time of PD Site Plan approval, Architectural Review will be required for
40 compliance to the standards of the N SH 205 Overlay requirements.
 - 42 b. Any variances to the N SH 205 Overlay district (e.g. building materials and four-sided
44 architecture requirements) and/or other requirements of the Unified Development
Code shall be considered at the time of PD Site Plan approval, and shall NOT be
46 considered approved with this Development Plan.
 - 48 c. Pad sites and subsequent building phases of the development will be connected to
one another to encourage pedestrian access between these areas. Further,
50 development on all lots shall incorporate elements (e.g. outdoor dining areas)
52 intended to further enhance and encourage pedestrian activity throughout the
shopping center.
 - 54 d. No outside storage, display or merchandising shall be allowed, unless specifically
shown and approved on the PD Site Plan.
 - 56 4. City Council approval of the accessory gas sales use shall be included as part of the
Development Plan, including the location and orientation of the gas canopy and kiosk
structures.
 5. City Council to approve the variance to the masonry screening requirements along the
south property line of Tract 2 with this Development Plan (unless specifically deferred
until time of PD Site Plan approval on that tract).
 6. City Council to approve the proposed "Development Monument Signage" features as part
of this Development Plan.

2 Hunter inquired about vehicle and pedestrian access. Hampton verified that there would be
4 one access point off of S.H. 205 and one off of FM 552, and stated that that is the maximum the State
6 will allow. Hunter inquired about pedestrian access. LaCroix stated there are going to be sidewalks
8 along Fairfax and Bordeaux that lead up to the shopping center.

10 Hunter discussed the recommendation of the masonry wall in Tract Two and that the
12 developer is asking for a living barrier. He inquired whether it is staff's recommendation that the
14 Commission approve the living barrier. Hampton stated the PD does try to get away from masonry
16 walls. LaCroix stated that the developer of the residential area will probably put up either a wall or
18 privacy fence at the back of the properties to screen them from the shopping center.

20 Bricker inquired if the entrance off of 205 can be further from the intersection. Hampton
22 stated that there is a spacing standard, but he thinks that the driveway location is approximately
24 halfway between FM 552 and Bordeaux Drive to the south. This is what has been conceptually
26 approved by Engineering and TXDOT. Bricker asked if the PD Development Plan is locking anything
28 in. LaCroix stated that this step is more advanced than the concept plan but there is still going to be
30 a site plan review. He stated that we are looking at architecture and parking lot orientation and some
32 things should be looked at during this stage.

34 Lowry questioned the placement of the gas station. LaCroix explained the access point given
36 the locations of the driveways into the shopping center.

38 John Rose, 16475 Dallas Pkwy, Addison, Texas and Grey Stogner, of Crestview Real Estate,
40 developers of the property were present to answer questions and seek approval.

42 Mr. Rose discussed the fuel center and the fact that most all new grocery stores have them.
44 He discussed the location of the fuel center on the property. He discussed the need to have the
46 entrance on 205 rather than on 552. Mr. Rose discussed the center being pedestrian friendly and the
48 serpentine walks. He went on to discuss the screening variance and stated that they felt the look
50 more meets with the general look of the area. He stated that using a variety of citrus trees with some
52 type of Cypress would provide screening year around and would enhance the neighborhood and
54 keep it from looking plain.

56 Davis stated she does not have a problem with the gas pumps being located where they are,
but she does have a problem with the orientation of the pumps. She stated there is a safety issue
with the way the plans show them now.

Davis also questioned whether there can be mandatory irrigation going to the landscaping in
the islands in the parking lot. She stated that there is nothing worse than seeing dead grass and
landscaping because there is no way to get water to the islands. Hampton stated that anything new
does now have irrigation requirements, and that ensuring those areas stay maintained is more of a
code enforcement issue.

LaCroix stated that if you rotate the canopy in the other direction, you may get into the
parking a little, but the presentation to the road would be reduced. Bricker stated we are trying to
protect the view from the road. He stated that if you rotate the pumps it will tone them down and you
will get better visibility into the anchor store. He also inquired about such a large entry into the gas
pumps off of 205. Mr. Stogner and Bricker discussed a barrier being inserted in the center of the
entryway to keep traffic flowing in a controlled manner.

Bricker discussed moving the entrance from 205 to 552. He inquired whether the traffic study
they had done took into account the bypass and how that is going to affect the pattern of traffic. Mr.
Stogner stated that he would be surprised to see a huge change in the traffic pattern due to the
school zone in between 205 and the bypass. Mr. Rose stated that the anchor, Tom Thumb, will not go
in there unless the gas is on 205.

2 Hunter inquired how long the plan is good for if it is approved tonight. LaCroix stated that it
4 will be good forever. Hunter asked the applicant if they are aware of the county's plan to widen 552.
He stated that a road bond was just passed and that that is included in it.

6 Hunter stated that if the pumps are turned north or south that you will see the pumps more
8 not less because you are driving north and south. Hunter further commented on raised curbs being
needed at the entrance to control traffic flow.

10 Bricker opened the public hearing at 7:50 p.m.

12 Tim Brooks, 1 Park Central, Rockwall, Texas, stated he does support this development.

14 Rick Dirkse, 3077 North Goliad, Rockwall, stated that he does like the design. He likes the
pedestrian access of walking over to it. However, he did have concerns about the orientation of the
16 gas pumps, which is directly across Goliad from his driveway and residence. Mr. Dirkse inquired
whether the City is planning on swapping 205 and the bypass in terms of maintenance and control.
18 LaCroix stated that that is not going to happen. He stated that the City was unable to build the
bypass to the state standards. He stated that they made the standards so difficult after the bond
20 election that economically we could not build it. He stated that the maintenance of 205 may be taken
over by the City in the future, but he does not know if or when that would happen. Mr. Dirkse
22 reiterated that his only concern is the traffic in front of his property because that is also where his
business is.

24 Hunter inquired whether the left turn lane for the development is going to block Mr. Dirkse's
26 property. LaCroix stated that he does not know right now, but it can create some stacking effect.

28 Jed Dolson, representing the Stone Creek residential developer, stated he is in support of
this plan. He stated that he bought 800 acres and they plan on being here for a while. He is looking
30 forward to this development coming to help sell houses in this area. He stated that the pharmacy
used to be the important thing with the grocery stores and now it is fuel centers. Hunter inquired of
32 Mr. Dolson whether he has concerns about the pedestrian access to this shopping center. Mr.
Dolson stated that he is impressed with the pedestrian accessibility. He stated that he likes it the way
34 it is. He further stated that he supports the living screening. He stated that a masonry wall will always
be 6 or 8 ft, while trees will provide more shade and privacy throughout the years.

36 Butch Jones, 565 Anna Cade, Rockwall Texas stated he is in support of this development.

38 The public Hearing was closed at 8:03 p.m.

40 The Commission briefly discussed and clarified additional conditions to staff
42 recommendations that may need to be included in any motion to approve.

44 **Commissioner Hunter made a motion to approve Z2008-030, a request by Brandon Cox**
46 **of Pogue Engineering & Development Co., Inc., for approval of a PD Development Plan**
48 **for Stone Creek Retail, being a 23.44-acre tract zoned (PD-70) Planned Development No.**
70 District (Ord. 07-13) and situated at the southeast corner of FM 552 and SH 205, with
staff recommendations and the following additional conditions:

- 50 1. Pad sites and subsequent building phases of the development will utilize the same
materials and color palette, and shall be architecturally compatible, with the
buildings shown on the conceptual elevations.
- 52 2. The gas canopy and kiosk structure shall be rotated 90-degrees so that it is
perpendicular to SH 205.
- 54 3. Traffic control measures (e.g. curb or medians) be utilized at the entrance from SH
205 and into the gas kiosk area from the main drive aisle.

Commissioner Lowry seconded the motion.

It was voted on and passed 5-0.

ADDITIONAL DISCUSSION ITEMS

- Discuss the requirements and process for implementing “administrative review procedures” for Certificate of Appropriateness applications, and take any necessary action.

LaCroix went over the recommendation for administrative review of historic cases that the Commission may want to present the Historic Preservation Advisory Board. Bricker stated that it is a good idea to bring it to the historic board, but he stated that whether they buy into it or not he would like to take it to Council because he thinks it is the right thing to do.

Bricker made a motion to take this issue to the historic board at their regular meeting in January.

Hunter seconded the motion.

The motion was voted on and passed 5-0.

ADJOURNMENT

The meeting adjourned at 8:21 p.m.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
ROCKWALL, Texas, this 27th day of January, 2009.



Charles W. (Bill) Bricker, Chairman

ATTEST:

