

**Minutes of
PLANNING AND ZONING COMMISSION WORK SESSION
NOVEMBER 24, 2009**

CALL TO ORDER

The meeting was called to order by Michael Hunter at 6:00 p.m. with the following members present: Barry Buchanan, Connie Jackson, Phillip Herbst, Kristen Minth and Tony Hayes. Mark Stubbs arrived late.

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

ACTION ITEMS

Approval of Minutes for November 10, 2009 Planning and Zoning Commission meeting

Herbst made a motion to approve the minutes for November 10, 2009, with a correction to the spelling of his first name in the first paragraph.

Jackson seconded the motion.

A vote was taken, and the motion passed by a vote of 5-0. (Hayes abstained)

(Mark Stubbs arrived at 6:05 p.m.)

PUBLIC HEARING ITEMS

Z2009-022

Hold a public hearing and consider a request by Janice Conover for approval of a change in zoning from (Ag) Agricultural district to (SF-E/2.0) Single Family Estate district, on a 5.62-acre property located at 421 Wallace Lane and currently described as Tract 8-6, Abstract 80, W. W. Ford Survey, and take any action necessary.

Spencer stated that the applicant Janice Conover is seeking a change in zoning from (Ag) Agricultural district to (SF-E/2.0) Single Family Estate district. Though the property has been used as residential for many years, it has been zoned (Ag) Agricultural district since its annexation in 2004. Due to recent health issues and living alone, Mrs. Conover is seeking to subdivide her property into two lots. The applicant has informed the planning staff that a second lot will allow for the construction of a single-family home for her adult daughter and family. This will allow her daughter's family to aid in the upkeep of the 5.62-acre 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 5.62-acre tract to (SF-E/2) Single Family Estate district to accommodate their plans. The City of Rockwall's Future Land Use Plan shows this area to be low density single-family, less than two units per acre.

If the zoning is approved, a final plat will have to be approved and filed prior to issuance of a building permit. The final plat will require dedication of right-of-way for Wallace Lane. On November 12, 2009, the Board of Adjustments approved a variance to the minimum street frontage for one of the lots, allowing for a minimum street frontage of 135-feet.

Notices were mailed to eight (8) 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 notices had been returned.

Chairman Hunter opened the public hearing at 6:10 p.m.

Mrs. Janice Conover, applicant, appeared and made the request to subdivide her property to allow her daughter to build a home on the lot to assist her with the maintenance of her property.

Rob Whittle appeared and stated he is in favor of the request.

With no further public comment, the public hearing was closed at 6:12 p.m.

Commissioner Jackson made a motion to approve Z2009-022, a request by Janice Conover for approval of a change in zoning from (Ag) Agricultural district to (SF-E/2.0) Single Family Estate district, on a 5.62-acre property located at 421 Wallace Lane and currently described as Tract 8-6, Abstract 80, W. W. Ford Survey.

Commissioner Stubbs seconded the motion.

It was voted on and passed 7 to 0.

ACTION ITEMS

MIS2009-009

Discuss and consider a request by Mike Whittle for approval of a tree removal plan for Lot 16, Block I, Foxchase Phase 6 Addition, which is a single-family lot located at 832 Trumpeter Way and zoned (PD-9) Planned Development No. 9 district, and take any action necessary.

Spencer outlined that Whittle Development has submitted a tree plan for 832 Trumpeter in anticipation of constructing a single-family home. The site was platted as a single-family lot being part of Fox Chase Phase 6, approved by the Planning and Zoning Commission and City Council in 1999. At that time the Commission and Council decided to review tree plans for the individual single-family home sites on a case-by-case basis. Due to the number of protected trees on site, the enforcement of tree mitigation requirements as defined in the Unified Development Code would render the site undevelopable. With that in mind the applicant has submitted an alternative tree plan. The applicant is proposing to remove 421-inches of protected trees, the majority of which are located within the driveway and building pad. The applicant is also proposing to save 285-inches of protected trees primarily located in the rear and side yards.

By approving the site as a single-family lot staff believes that the Commission and Council have already granted the developer a level of guarantee that the lot would be developed. The tree plan appears to illustrate a number of trees that could be relocated with a high level of success. Therefore, staff believes that the Commission should consider the alternative tree plan with the following conditions:

1. The developer to hold a tree transplant day.
 - a. Advertise the tree day a minimum one week prior with on-site signage and listing on the city website.

Buchanan asked for clarification on which trees will be removed and which trees will stay. Gonzales laid out the tree plan and indicated which trees will stay and which will be removed.

Hunter inquired whether the tree day could be required instead of being suggested. Spencer described the policy and benefit of having a tree day. Buchanan stated if the umbrella of the tree that is closest to the building goes over the roof of the house, it should be removed.

Rob Whittle, of Whittle Development, addressed the Commission regarding the tree ordinance and the economic challenge to make it work. Mr. Whittle stated his preference is to have the tree mitigation waived for this lot. He stated if he cannot have that, then he will hold the tree transplant day and leave it as it is.

Commissioner Minth made a motion to approve MIS2009-009, a request by Whittle Development for approval of a tree removal plan for Lot 16, Block I, Foxchase Phase 6 Addition, which is a single-family lot located at 832 Trumpeter Way and zoned (PD-9) Planned Development No. 9 district, with staff recommendations.

Commissioner Buchanan seconded the motion.

LaCroix clarified that the motion is to approve the tree plan with the trees that Mr. Whittle is going to save, with the exception to the one closest to the building, and remove the approved trees without a mitigation factor and have a tree transplant day open to the public.

It was voted on and passed 7 to 0.

DISCUSSION ITEMS

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

Hampton stated that no one from the Architectural Review Board (ARB) stayed to attend the work session, but he can update the Commission about the ARB recommendations as part of the discussion on the next two cases relating to the 7-Eleven.

Z2009-023

Discuss and consider a request by Jeremy Yee of CEI Engineering Associates for approval of a Specific Use Permit (SUP) to allow for a "retail store with gasoline product sales with more than 2 dispensers" within (PD-9) Planned Development No. 9 district, in association with a 7-Eleven proposed to be located on Lot 1, Block B, Horizon Ridge Center North Addition, being a 0.9-acre tract situated at the southwest corner of Horizon Rd and Tubbs Rd.

Hampton stated the first issue is the zoning aspect of the cases and the second is the site plan. Hampton stated that an SUP is required since the applicant is proposing more than two (2) gasoline pumps. A convenience store with two pumps or less would be allowed by right. He further stated some issues pertaining to the SUP that were discussed with the applicant, such as, outside displays of ice machines and a DVD rental machine. Hampton stated that the applicant should specify on their site plan exactly what they want to display outside and this Commission and the City Council can approve that request or not.

SP2009-010

Discuss and consider a request by Jeremy Yee of CEI Engineering Associates for approval of a site plan for a 7-Eleven retail store with gasoline product sales, located on the proposed Lot 1, Block B, Horizon Ridge Center North Addition, being a 0.9-acre tract situated at the southwest corner of Horizon Rd and Tubbs Rd, zoned (PD-9) Planned Development No. 9 district and designated for (GR) General Retail uses, and take any action necessary.

Hampton discussed the site plan. He stated there is one driveway off of FM3097 that is shown on the site plan, but the location has not been approved by the State. He stated that the driveway needs to be approved by TXDOT before the site plan can be approved. Hampton briefly discussed the landscaping and lighting plans submitted by the applicant.

Hampton also commented on the discussion with the applicant regarding the building elevations and "fiber cement board" exterior material the applicant is proposing to use. He stated that the Architectural Review Board (ARB) does not particularly like the design of the building, and has asked for more articulation and creativity. He stated the ARB asked the applicant to reference other newly constructed medical buildings in the PD-9 district and try to incorporate similar design elements into this store. The ARB seemed open to the proposed building material, but wanted more elements to improve the design. Additionally, the Board suggested that some additional landscaping or screening

2 should be utilized on the rear and side property lines to help screen the development from Foxchase
4 Park and residential neighborhoods further away. If necessary, the Board has agreed to come back
6 for a special meeting on December 8 to review revised elevations so that the applicant's development
schedule is not affected.

8 Herbst inquired about the visibility on all four sides and dressing up the backside of the building.
Hampton stated that staff and the ARB did encourage the idea of four-sided architecture.

10 Hayes inquired about the proposed hours of operation. Hampton stated that has not come up yet,
12 but thinks it will be a 24-hour operation.

14 Hunter inquired about the material they are proposing to use and the City's building code. LaCroix
16 stated the applicant is considering it the equivalent of a cultured stone, but in a panel form. LaCroix
18 stated that it is a newer product that has not added to the list of approved products. He stated it
would be a cementitious product, and therefore limited to 50% of the elevation. Hunter inquired
whether this is a cost-saving factor to the applicant or if there is some energy-saving benefit to the
City as well.

20 Steve Patten (Division Construction Manager for 7-Eleven), Jeremy Yee (CEI Engineering
22 Associates), and Keith Coats (architect from Harrison French and Associates) were all present to
discuss the case and answer questions. Mr. Patten stated the material would not have any particular
24 benefit to the City, but it is cost effective for 7-Eleven. He stated cultured stone comes as individual
stones, which require more maintenance over the life of the building. He stated this material comes in
panels so it is easier and faster to install than cultured stone or true stone. He stated this material has
26 been around for roughly five to six years and is now becoming more popular. 7-Eleven has used it in
Maryland, and is now introducing it to the DFW area.

28 Hunter inquired whether there has been a study on how the new material is working. Mr. Coats
30 explained that the material has a 15-year warranty on the finish and a 50-year warranty on the panel
for durability. He stated that Sonic has been using these panels for about three years, and he does
32 not know of any problems.

34 Buchanan inquired about the color. Mr. Coats stated they are trying to match the colors of the
existing buildings in the area, and explained some of the energy-saving benefits for using the panels.

36 Minth inquired about the warranty on the finish and how the material is updated or maintained.
38 Mr. Coats stated he does not know and he will have to get back to the Commission on that. Mr. Coats
stated that the exterior material could be removed and replaced. Minth stated that the applicant is not
40 going to want to change the walls on their building every 15 years. She stated that a 15-year warranty
on the appearance is not a long time.

42 Buchanan inquired whether the color in the brick is superficial or whether it goes all the way
44 through. Mr. Coats stated that it is superficial. Hunter inquired whether this material has been tested
in the same elements as is in this area. Mr. Coats stated that it is manufactured in Georgia so he
46 would assume that it would. Hunter stated he is interested in the product, but he wants to make sure
it will sustain the elements.

48 Jackson gave suggestions on the elevations and design of the building and the possibility of
50 using faux windows. Mr. Coats asked for further comments regarding window placement. Mr. Coats
discussed the reasoning for the placement of the windows as they are now. There was discussion
52 regarding the "Redbox" DVD machine and its placement.

54 Stubbs and Buchanan each discussed the location of the store and expressed reservations about
56 the gas station use in the area, given the proximity to housing and Foxchase Park.

2 Discuss the scheduling of a "Joint Work Session" with City Council regarding the (PD-32) Planned
4 Development No. 32 district.

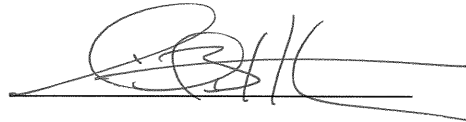
6 LaCroix updated the Commission on the PD-32 area, and stated that a lot of planning has been
8 going on over the last year and a half. He stated that this was a Council and staff-initiated study, but
10 now is the time to bring the Planning and Zoning Commission up to date on where PD-32 is and what
12 the concept plan is. He stated that it was recommended at the retreat that City Council have a joint
work session with the Planning and Zoning Commission to explain PD-32. LaCroix stated that the
consultant will be part of the presentation with the Commission and the City Council in the joint work
session. LaCroix stated that he would get some material together for the Commission to review. He
stated that he anticipates the joint work session to be scheduled for some time in late January.

14 Hunter inquired about other joint work sessions that need to be scheduled to get the Planning and
16 Zoning Commission and City Council on the same page, and asked that these be scheduled enough
18 in advance so that the Commissioners can plan for them. LaCroix stated that Council has approved
updating the Land Use Plan and the Thoroughfare Plan, which will be an update of the
Comprehensive Plan. This will also involve some public workshops and potentially future joint work
sessions with City Council.

20 ADJOURNMENT

22 With no further business, the meeting adjourned at 7:18 p.m.

24 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
26 ROCKWALL, Texas, this 8th day of December, 2009.

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30 Michael Hunter, Chairman

32 ATTEST:

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