

**MINUTES**  
**PLANNING AND ZONING COMMISSION PUBLIC**  
**HEARING**  
**City Hall, 385 South Goliad,**  
**Rockwall, Texas Council Chambers**  
**March 10, 2015**  
**6:00 P.M.**

I. CALL TO ORDER

The meeting was called to order by Chairman Craig Renfro at 6:02 p.m. with the following Commissioners present: Jonathan Lyons, Annie Fishman, Tracey Logan, Mike Jusko, John McCutcheon with Commissioner Conley absent.

II. CONSENT AGENDA

1. Approval of Minutes for the February 10, 2014 Planning and Zoning Commission meeting.
2. Approval of Minutes for the February 24, 2014 Planning and Zoning Commission meeting.

3. P2015-007

Discuss and consider a request by Dub Douphrate of Douphrate & Associates, Inc. on behalf of D. R. Horton Homes for the approval of a replat of Lakeview Summit, Phase IV for the purpose of reducing the number of single-family residential lots from 97 to 93 for a 38.056-acre subdivision currently composed of 97 single-family residential lots situated within the J. H. B. Jones Survey, Abstract No. 124 and the Nathan Butler Survey, Abstract No. 21, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 29 (PD-29) for Single-Family 10 (SF-10) District land uses, located north of the intersection of Petaluma Drive and N. Lakeshore Drive, and take any action necessary.

**Commissioner Jusko made a motion to approve all of the Consent Agenda (#1, 2, and 3). Commissioner Lyons seconded the motion, which passed unanimously 6-0 (Commissioner Conley absent).**

III. PUBLIC HEARINGS

4. Z2015-003

Hold a public hearing to discuss and consider a request by Cole Franklin of the Skorburg Company on behalf of the owner Larry Hance for the approval of a zoning change from an Agricultural (AG) District to a Planned Development District for Single Family 7 (SF-7) and General Retail (GR) District land uses for a 44.56-acre tract of land identified as Tract 3 of the T. R. Bailey Survey, Abstract No. 30, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, located at the northwest corner of FM-552 and John King Boulevard, and take any action necessary *[Requested Postponement to the March 31, 2015 Planning and Zoning Commission Meeting]*.

**Chairman Renfro announced that the applicant has requested this case to be postponed until the March 31st P&Z meeting. No action was taken.**

5. Z2015-007

Hold a public hearing to discuss and consider a request by Kevin Carr of GearHeads Hot Rod Garage for the approval of a Specific Use Permit (SUP) to allow truck rental in conjunction with an existing minor automotive repair garage on a two (2) acre tract of land identified as Tract 23-

01 of the R. Irvine Survey, Abstract No. 120, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 3920 E. IH-30, and take any action necessary .

Senior Planner, David Gonzales, provided information related to this agenda item explaining that U-Haul Co. of North East Dallas is proposing a Neighborhood Dealer location for the GearHeads Hot Rod Garage facility. U-Haul will provide the rental of no more than five (5) U-Haul trucks and five (5) trailers for this location at any given time. The applicant has indicated that the trucks and trailers will be parked at the rear of the facility where there is less visibility from IH-30. The purpose of the rental trucks and trailers is to provide their customers with an additional service associated with the existing automotive repair garage.

GearHeads Hot Rod Garage is located at 3920 E. IH-30, is within the IH-30 Overlay district and is zoned Light Industrial (LI) District. This particular location is adjacent to the eastern City Limits boundary line and is the last property seen as you travel east bound along IH-30 and/or the frontage road.

Mr. Gonzales stated that should the SUP be approved, staff would offer the following conditions of approval:

1. Adherence to all Engineering and Fire Department standards.
2. That the specific use permit (SUP) shall be valid for a period of three years from the date of passage of the SUP ordinance. If an extension to the 3-year time limit is desired, the owner shall petition the City Council for such extension at least 90 days prior the expiration of the SUP. The City Council shall review the SUP and determine if an extension of time is warranted.
3. That the commercial operation of a truck rental facility shall be limited to no more than five (5) U-Haul trucks and five (5) U-Haul trailers on the premises at any one time.
4. That the rental trucks and trailers be parked/stored on the premises, to the rear of the building, behind the fenced area as indicated on the conceptual site plan submitted so as to not be visible from the adjacent street rights-of-way (i.e. IH-30).

Chairman Renfro opened the public hearing and asked the applicant to come forth and speak.

Kevin Carr  
(No address given)

Applicant explained the number of vehicles he would be storing would not exceed combined total of ten (*i.e. a maximum of five trucks and five trailers*), and that he had cleared that with the U-Haul representative.

Chairman Renfro opened the floor for anyone wishing to come forward to speak for or against this with no one coming forth Chairman Renfro closed the public hearing and asked for questions or comments from the Board. Commissioner Lyons asked the applicant if the trailers and trucks would be screened from IH-30. The applicant explained he would be storing them outside, and stated that he was considering purchasing a tennis court style mesh that could serve as screening. Planning and Zoning Director, Robert LaCroix, explained it is the last property within the city limits, and is heavily treed providing a natural screening. Chairman Renfro asked if there were any additional questions from the Commissioners. With no further questions or discussion taking place Chairman Renfro called for motions.

Commissioner McCutcheon made a motion to approve Z2015-007 including any staff recommendations. Commissioner Lyons seconded the motion, which passed by a vote of 6-0 (Commissioner Conley absent).

6. Z2015-008

Hold a public hearing to discuss and consider a request by Herman Douglas Utley for the approval of a zoning change from an Agricultural (AG) District to a Single Family Estate 2.0 (SFE-2.0) District for a 4.502-acre tract of land identified as Tract 1 of the S. R. Barnes Survey, Abstract No. 13, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass (SH-205 BY OV) District, addressed as 1815 E. Quail Road, and take any action necessary.

Planning Manager, Ryan Miller, explained that the applicant is requesting a zoning change on 4.502-acre tract of land identified as Tract 1 of the S. R. Barnes Survey, Abstract No. 13. Specifically, the applicant, Herman Douglas Utley, is requesting to rezone the property from an Agricultural (AG) District to a Single-Family Estate (SFE 2.0) District for the purpose of subdividing the property into two (2) acre parcels of land (i.e. Lot 1: 2.172-acres and Lot 2: 2.33-acres). Currently, the subject property has an existing single-family home constructed in the southeast corner. According to the applicant's letter, the existing house will remain on one lot and a new single-family home will be constructed on the remainder lot. Mr. Miller also stated that staff mailed seven (7) notices to property owners and residents within 500-feet of the subject property and emailed notices to the Stoney Hollow and Caruth Lakes Homeowner's Associations (HOA's), which are the only HOA's located within 1,500-feet of the subject property. Additionally, staff posted a sign along E. Old Quail Run Road, and advertised the public hearings in the Rockwall Harold Banner. At the time the case memo was prepared staff had not received any responses in favor or opposed to the request. Mr. Miller stated the applicant was present to answer any questions.

Chairman Renfro opened the floor for questions and discussion for the Commission. Commissioner Logan asked about the remaining two acres. Mr. Miller stated that the whole property would be rezoned Single Family Estate (SFE 2.0) District and then be required to go through the platting process.

Chairman Renfro asked the applicant to come forth and speak.

Herman Utley  
1815 E. Quail Run  
Rockwall, Tx 75087

Chairman Renfro asked applicant if he had any additional comments, the applicant stated Mr. Miller covered it all. Chairman Renfro asked if there were any additional questions from the Board and asked for anyone to come forth and speak.

Tim Turner  
1691 E. Quail Run  
Rockwall, Tx 75087

Mr. Turner came forward and stated that he owned the property to the south of Mr. Utley and was in favor of the zoning change. Furthermore, that the change would have minimal if no impact on the area. No further questions or discussion took place.

Commissioner Lyons made a motion to approve Z2015-008 with staff recommendations. Commissioner McCutcheons seconded the motion, which passed by a vote of 6-0

(Commissioner Conley absent).

7. Z2015-009

Hold a public hearing to discuss and consider a request by Chris and Jill Blasé for the approval of a Specific Use Permit (SUP) for a detached garage that does not conform to the requirements as stipulated by Section 2.1.2, Residential and Lodging Use Conditions, of Article IV, Permissible Uses, of the Unified Development Code for a 4.05-acre parcel of land identified as Lot 1, Block 1, Blasé Addition, City of Rockwall, Rockwall County, Texas, zoned Single Family 10 (SF-10) District, addressed as 1220 East Fork Drive, and take any action necessary.

Senior Planner, David Gonzales, gave explanation of item stating that the applicants are requesting a Specific Use Permit (SUP) to allow for a 2-story detached garage that exceeds the area and height requirements of the *Residential and Lodging Use Conditions* for an accessory building within a residential district. The proposed structure will have a building footprint of 1,235 sq. ft. which exceeds the maximum area of 900 sq. ft. The overall height of the structure is 24ft - 10 7/8", exceeding the 15ft height requirement. The applicant stated it should be noted that the proposed structure has a gabled roof deign that is measured at the mid-point of the roof for height purposes. When measured at the mid-point, the roof is approximately 17 ½-ft in height, exceeding the 15ft maximum.

Furthermore, the detached garage does not meet the exterior material requirements of the *Residential and Lodging Use Conditions* for the detached garage. Rather, the applicants are proposing the structure to incorporate metal siding with a metal roof and metal roof elements (dormers) that will have stone matching the primary structure and appearing on the front façade.

The applicants have provided a site plan indicating the location of the detached garage to be directly behind the existing home and building elevations for the proposed 2-story structure. The applicants have proposed to use the structure for parking of vehicles, storage, and as a workshop. A request for a Specific Use Permit is a discretionary act upon the Planning and Zoning Commission and City Council

Mr. Gonzales also stated staff mailed sixty-six (66) notices to property owners and residents within 500 feet of the subject property as well as the Shores/Ray Hubbard, Lake View Summit and Hillcrest at the Shores Homeowner's Associations (HOA) via e-mail, which are located within 1,500 feet of the subject property. Additionally, staff posted a sign adjacent to the subject property on East Fork Dr. A public notice was published in the Rockwall Harold Banner and was posted on the City's web-site. Staff received two (2) notices "opposed" to the zoning change request.

Should the request for an SUP be approved, staff offers the following conditions:

1. Any construction or building allowed by this request must conform to the requirements set forth by the Unified Development Code, the 2009 International Building Code, the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.
2. That submittal and approval of a building permit is required prior to the construction of the detached garage.
3. That the detached garage shall generally conform to the site plan as submitted.
4. That the detached garage shall not exceed 1,235 sq. ft. in area or an overall height of 25 ft.



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5. That the detached garage shall generally conform to the building elevations as submitted, including the use of metal siding, a metal roof, and metal roof elements (dormers) as depicted.
  6. That the detached garage 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 within one (1) year from the date approval.

Chairman Renfro asked the representative for the applicant to come forth.

Jim Taylor  
1287 Mission Dr.  
Rockwall, Tx 75087

Mr. Taylor gave brief reason for request. Chairman Renfro asked if he Commission had any questions. Commissioner Logan asked if the use was associated with the adjacent business. Mr. Taylor explained that it will be used for storage of farm equipment and that the business will be relegated to the adjacent property.

David Gonzales clarified that the property is zoned residential and the garage will be for residential uses.

Chairman Renfro opened the public hearing and asked if anyone would like to come forward and speak. There being no one coming forth, Chairman Renfro closed the public hearing.

Commissioner McCutcheon made a motion to pass Z2015-009 with staff recommendations. Commissioner Fishman seconded the motion, which passed by a vote of 6-0 (Commissioner Conley absent).

#### 8. Z2015-010

Hold a public hearing to discuss and consider a request by Noah Flabiano of the Skorburg Company for the approval of a zoning change from Planned Development District 70 (PD-70) for limited commercial/retail land uses to a Planned Development District for townhomes on a 10.142-acre tract of land being identified as a portion of a larger 164.812-acre tract of land identified as Tract 3 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, being zoned Planned Development District 70 (PD-70), situated within the North SH-205 Overlay (N-SH205 OV) District, generally located at the northeast corner of the intersection of E. Quail Run Road and N. Goliad Street [N. SH-205], and take any action necessary [Requested Postponement to the March 31, 2015 Planning and Zoning Commission Meeting].

Chairman Renfro announced that the applicant has requested this case be postponed until the March 31st P&Z meeting.

#### IV. ACTION ITEMS

##### 9. SP2015-003

Discuss and consider a request by Jimmy Strohmeier of Strohmeier Architects on behalf of the owner Dr. Umar Burney of the North Dallas Rockwall Land Investors, LLC for the approval of a site plan for a medical office building on a 1.6121-acre tract of land identified as Lot 2, Block A,

Ridge/Summer Lee Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 9 (PD-9), situated within the Scenic Overlay (SOV) District, located east of the intersection Ridge Road and Summer Lee Drive, and take any action necessary.

Senior Planner, David Gonzales, discussed the action item Jimmy Strohmeier of Strohmeier Architects, LLC has submitted an application on behalf of the owner Dr. Umar Burney of the North Dallas Land Investors, LLC for site plan approval of a 14,200 sq. ft. medical office building.

The proposed facility will be situated on a 1.6121-acre tract of land that is adjacent to and east of the Aldi Grocery store and is generally located at the S.E. quadrant of Summer Lee and Ridge Road. The property is zoned Planned Development No. 9 (PD-9) District and is located within the Scenic Overlay (SOV) district.

The proposed site will house a 14,200 sq. ft. single story medical office. The sites' design is to allow for two points of access (along Summer Lee Drive and Oak Drive) and will share a drive with the Aldi location for better circulation and additional access. The parking ratio for a medical office is one (1) space per 200 sq. ft. This site requires seventy-one (71) parking spaces and the applicant is proposing to meet the City standards by providing the seventy-one (71) parking spaces required. The building footprint meets the four sided horizontal articulation requirements of the SOV districts standards. The site plan meets (or exceeds) the intent of the SOV and UDC as submitted.

The applicant has submitted a landscape plan indicating 13,220 sq. ft. of landscaping for the site which equates to an approximate total of 18.8% landscaping coverage. The proposed landscape plan exceeds the 15% minimum required by the UDC for a commercial development; however, since the site does not front Ridge Road, it is not required to meet the landscape buffering standards of the SOV district. Rather the general landscape standards for a commercial development will apply. However, there are parking spaces located within the 10-ft landscape buffer that requires a variance from City Council to allow for this design. With the exception to the requested variance, the landscape plan meets (or exceeds) the intent of the UDC as submitted.

The UDC requires all lighting to be contained on site at a maximum intensity of 20-FC and that lighting at the property lines are not to exceed 0.2-FC in order to control glare and spillover lighting. Also, the SOV districts require light poles not to exceed 20-ft in height (including the base) and that all light sources are to be shielded with a full cut-off source and directed down with a maximum one inch reveal.

The photometric plan meets (or exceeds) the intent of the SOV and UDC as submitted. The overall building design represents an urban modern look and will be comprised primarily of brick and Eldorado Stone European Ledge that provides for an image of tightly stacked ledge pieces. The building incorporates canopies in select locations at varying heights to create interest while the windows are trimmed to provide relief to the elevations. Wood is being used as an architectural accent on all elevations; however, wood is considered a secondary material and the north elevation exceeds the 10% maximum allowed by the SOV. This will require a variance by the City Council. The proposed elevations for the medical office indicates an overall building height of 22-ft. with a parapet roof design that incorporates varied heights meeting the articulation standards of the UDC. The building also has a portico supported by stone columns and is articulated by wood accents at the main entrance.

The SOV district requires a minimum of four (4) architectural elements to be incorporated in the design of the building. The color elevations depict several elements that meet this requirement such as the portico at the entrance, decorative metal awnings, varied roof heights, and recesses and projections that provide additional relief for the elevations.

With the exception of the requested variances, the building elevations meet (or exceeds) the intent of the SOV and UDC as submitted.

Mr. Gonzales explained the applicant is requesting the following variances to various sections of the Unified Development Code: Article V, District Development Standards and Article VIII, Landscape Standards as indicated below.

1. To allow for not meeting the 10-ft. landscape buffer requirements by allowing parking spaces to be located within the buffer as established in Art. VIII, Sec. 5.7, A. as depicted in the landscape plan submitted.

2. To allow for not meeting the 20 percent natural or quarried stone requirements established in Art. V, Sec. 6.8 of the Scenic Overlay (SOV) District standards, as depicted in the building elevations submitted.

3. To allow for not meeting the requirements for secondary materials and allowing an exterior wood product to exceed 10% as a secondary material as established in Art. V,

Chairman Renfro asked if the Commission had any questions of staff. General discussion took place concerning the landscaping buffer between staff and Commissioners. Mr. Gonzales explained that the applicant met the minimum requirements for parking and landscaping with the exception of 10-foot landscape buffer requirement.

Chairman Renfro asked the applicant to come forth and answer questions from the Commission.

Jimmy Strohmeier  
1620 Fair lakes Pointe  
Rockwall, Tx 75087

Applicant came forward and stated his name and address. General discussion took place concerning the proposed materials. Specifically the kind of wood that will be utilized. Staff stated the applicant had met all recommendations by the Architectural Review Board.

Commissioner McCutcheon made a motion to pass Z2015-003 with staff recommendations. Commissioner Jusko seconded the motion, which passed by a vote of 6-0 (Commissioner Conley absent).

#### 10. SP2015-004

Discuss and consider a request by Jimmy Strohmeier of Stohmeyer Architects on behalf of the owner Russell Phillips for the approval of a site plan for a 265 unit, condo development situated on a 7.58-acre tract of land identified as Lots 6A, 7A & 8A, Isaac Brown Addition, and a portion of Lots 3 & 4, Block 16 and Lot 4, Block 18, Moton Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 32 (PD-32), situated within the Interior Subdistrict of PD-32, located south of the intersection of Summer Lee Drive and Sunset Ridge Drive, and take any action necessary.

Planning manager, Ryan Miller, explained the site plan submitted by the applicant shows the 7.58-acre tract of land being subdivided into two (2) lots, with Lot 1 being 5.32-acres and Lot 2 being 1.92-acres. The proposed 265-unit condominium facility will be situated on Lot 1 adjacent to Summer Lee Drive, and have a building footprint of 88,140 SF. According to Planned Development District 32 (PD-32) a condominium development requires 1.5 parking spaces per unit with a total of 10% of the required parking being permitted to be surface parking. Additionally, the Unified Development Code (UDC) requires one (1) parking space per 300 SF of office area. For the proposed development this translates to



408 parking spaces (i.e. 265-Units @ 1.5 Parking Spaces/Unit = 398; 3,000 SF of Office Space @ 1 Parking Space/300 SF of Office Area = 10). The site plan indicates that they will exceed the required number of parking spaces by providing 419; with only 18 surface parking spaces available (~4% surface parking).

With respect to the density and dimensional requirements contained in Planned Development District 32 (PD-32) [Ordinance 10-21] and the UDC the applicant's plan, with the adoption of the conditions of approval, is in conformance with all applicable requirements.

Mr. Miller went on to explain that the Landscape Plan submitted by the applicant indicates that a total of 26 canopy trees (i.e. three [3] Live Oaks, 13 Bald Cypress and ten [10] Chinese Pistache) and 59 accent trees (i.e. 14 Redbud, ten [10] Mexican Plum, 24 Crapemyrtle and 11 Yaupon Holly) will be planted around the development. Additionally, several landscaping beds containing shrubs, ground cover and perennials will be planted adjacent to the surface parking areas. With the exception of a few minor corrections, the Landscape Plan submitted by the applicant is in conformance with all applicable landscaping requirements as stipulated by Planned Development District 32 (PD-32) and by Article VIII, Landscape Standards, of the UDC. Additionally, no variances will be required to be approved with regard to landscaping.

The applicant has been unable to submit a Treescape Plan, and has agreed to submit a plan prior to the issuance of a grading permit. Additionally, the applicant has stated that they intend to meet the current mitigation requirements prior to the issuance of a building permit. These items have been added to the Conditions of Approval section of this case memo.

Mr. Miller further explained that the Photometric Plan submitted by the applicant generally demonstrates conformance to the requirements of Article VII, Environmental Performance, of the UDC. Staff has identified a few areas of concern where the lighting values drop off dramatically (e.g. 1.0-FC to 0.1-FC), and has asked the applicant to review the plan. The applicant has stated that he intends to meet all the ordinance requirements, and will review staff's concerns and resubmit a revised lighting plan if necessary. With the exception of the areas pointed out by staff, the plan indicates conformance to the requirements and guidelines stipulated by Planned Development District 32 (PD-32) [Ordinance No. 10-21]. The lighting cut sheets submitted by the applicant show that they will be utilizing the Amerlux Exterior D154-TS20, which was approved for use within Planned Development District 32 (PD-32) by Case No. MIS2013-010 (approved by City Council on December 2, 2013).

Mr. Miller proceeded to explain that the proposed building elevation submitted by the applicant depicts a five (5) to six (6) story condominium complex that will range in height from 72-feet to 86-feet, with the majority of the building height being between 62-feet and 77-feet (for the purposes of this ordinance the building height is calculated at 72-feet, which is the height of the building from grade at the point closest to Summer Lee Drive -- this is in compliance with the height requirements of Ordinance No. 10-21). The structure will incorporate a two (2) story-parking garage, with the first floor being located below grade. The remaining four (4) stories of the building will house the proposed 265-condo units. The exterior of the building will utilize a mix of three (3) part stucco and cultured stone (Mountain Ledge by Eldorado Stone) that are similar to the materials used on the Trend Tower and Harbor Heights Retail developments (i.e. Eldorado Stone and Dryvit Stucco). In addition, the roof will be clad in a clay tile roofing (Boral Tejas Espana-Brazos Blend) that is similar to the tile used on other buildings within the district. The building elevations submitted by the applicant will require variances to the stone and cementaceous material requirements as stipulated by Section 4.1, General Commercial District Standards, of Article V, District Development Standards, of the UDC.



Mr. Miller also explained the City Council Waivers which according to Ordinance No. 10-21, "(i)n order to provide flexibility and create high quality projects, an applicant for development within the PD District [PD-32] may request a waiver of the following District or Subdistrict standards: (1) Building Placement Requirements, (2) Landscape Standards, (3) Parking Requirements, (4) Parking Garage Design Standards, and (5) Increased Building Height in any Subdistrict." In this case, the applicant is requesting a waiver to the building height requirements for the first floor of a building as stipulated for the subdistrict. According to the Interior Subdistrict the maximum building height is five (5) stories at 75-feet, with the first floor being constructed to a commercial standard of 15-feet. In this case, the building elevations submitted by the applicant show a ten (10) foot first floor -- as measured from grade at the point closest to Summer Lee Drive --, and will require a waiver. The overall building height is in conformance with the requirements of Ordinance No. 10-21; being a five (5) story condominium complex that ranges in height from 72-feet to 86-feet, with the majority of the building height being at 62-feet to 77-feet (72-feet for the purposes of the height requirements established in Ordinance No. 10-21 [PD-32] -- height is measured from grade at the point closest to the Summer Lee Drive and is maintain throughout the development).

With regard to granting waivers, Ordinance No. 10-21 states that "... (w)aivers may only be approved by the City Council following a recommendation by the Planning and Zoning Commission ... [and] (i)n order to approve a waiver, the City Council must find that the waiver: Meets the general intent of the PD District or Subdistrict in which the property is located; and, Will result in an improved project which will be an attractive contribution to the PD District or Subdistrict; and, Will not prevent the implementation of the intent of this PD District."

Mr. Miller also noted that the applicant's original submittal could have met the ordinance requirements; however, the building was required to be lowered so that no "...floors used for human occupancy [were] located more than 55-feet above the lowest level of fire department vehicle access..." (Section 18-33, Article II; Code of Ordinances). If the applicant did not lower the building the structure would have been classified as a High-Rise Building, which would require different and more costly construction standards. This became an issue due to the grade of the subject property, which falls 12-feet from the grade adjacent to Summer Lee Drive extending southward. As a compensatory measure, the applicant has incorporated a 12-foot floor height on the garage, which is visibly the first floor on ~75% of the building (i.e. all areas not adjacent to Summer Lee Drive); however, it is below grade at the point of the building closest to Summer Lee Drive.

Mr. Miller explained that the purpose of requiring first floors to be constructed to a commercial standard of 15-feet was intended to add to the pedestrian nature of Planned Development District 32 (PD-32). This requirement would create the appearance of commercial storefronts for non-commercial buildings that were directly adjacent to a sidewalk or street. In addition, the Interior District requires that buildings fronting onto Summer Lee Drive be setback a minimum of 20-feet from the right-of-way. Furthermore, taking the property's grade differential into consideration and understanding that the intent of the Interior Sub-district is "to provide an area that can function as either office, residential, or senior living...", the proposed development does not appear to change the general objective of Planned Development District 32 (PD-32). Nor would it prevent the implementation of the remaining Interior Subdistrict plan.

Mr. Miller briefed the Commission concerning variances; based on the applicant's submittal staff has identified the following variances:

Stone Requirements. According to Section 4.1, General Commercial District Standards, of the UDC each exterior wall should incorporate a minimum of 20% stone (e.g. natural, quarried or cultured). The building elevations submitted by the applicant show stone

percentages on each building façade ranging from five (5) percent to 16.07% (i.e. East: 14%; North: 16.07%; South: 5%; West: 10.4%).

**Masonry Material Requirements.** According to Section 4.1, General Commercial District Standards, of the UDC exterior walls should be constructed utilizing a minimum of 90% masonry materials, with a minimum of 50% of the masonry requirement permitted to be a cementaceous product (e.g. stucco, Hardy Plan or similar material). The building elevations submitted by the applicant indicate that each building façade will be 83.93% to 95% stucco (i.e. East: 86%; North: 83.93%; South: 95%; West: 89.6%).

It should be noted that variances similar to the ones requested by the applicant have been approved throughout the Harbor District. The applicant has stated that the purpose of requesting these variances is to maintain consistency with the development scheme established within Ordinance No. 10-21 [PD-32] and established with the Trend Tower development; however, approval of variances to the building material requirements is a discretionary decision for the City Council pending a recommendation by the Planning and Zoning Commission.

Mr. Miller also advised the Commission that on February 24, 2015, the Architectural Review Board (ARB) reviewed the proposed site plan and building elevations. The ARB, having no issues with the proposed building elevations or site plan, recommended approval of the applicant's request. In addition, the board stated that they had no issues with the proposed variances, and that the increased stucco and cultured stone would match other projects within Planned Development District 32 (PD-32).

Mr. Miller also explained that if the Planning & Zoning Commission chooses to approve the applicant's request, the following conditions of approval should be adopted with this case:

Prior to the issuance of a grading permit, a Treescape Plan shall be submitted and approved by City staff. Additionally, any mitigation requirements shall be satisfied prior to the issuance of a building permit;

A facilities agreement addressing the construction of Summer Lee Drive (situated on Lot 2) will need to be approved by City Council at the time of final plat and signed by the applicant prior to final plat approval; and, Any construction or building necessary to complete this Site Plan request must conform to the requirements set forth by the UDC, the 2009 International Building Code, the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government. Mr. Miller advised the Commission that the applicant was present and available for any questions.

Chairman Renfro asked if there were any question from staff. Commissioner Logan asked questions about the current zoning and general discussion took place of the proposed use. Mr. LaCroix explained that PD32 is broken into sub-districts and residential uses are included. Additionally this is a flexible sub-district planning district. The master concept plan showed a building very similar to this, and the variance is due to the height of the first floor. Commissioner Lyons questioned what the percentage of stone being used was. Mr. Miller stated that stone percentage ranges from 5 to 16 percent and that the UDC requires a minimum of 20 percent, however in this district several buildings had received similar variances with respect to the stone requirements. Specifically Trend Towers and Harbor Heights have received variances to the stone percentage requirement and to use cultured stone in lieu of natural stone. McCutcheon questioned, concerning the proposed lot line being divided. Staff explained the proposed lot line was being put in adjacent to summer lee and there's artificial lot line where the property will be subdivided in the future. If approved the property would need to be subdivided and the remainder property

would need to go through the same site planning process. A possible use for this remainder property could be residential or possibly medical offices. It was explained that property could not be subdivided until the roadway goes through because street frontage must be established. No further questions were asked of staff.

Chairman Renfro asked applicant to come forward to speak.

Jimmy Strohmeier  
(No address given)

General discussion with the applicant took place.

Russell Phillips  
Sterling One Properties

Russell Phillips advised that at some point the condos could be sold, a requirement in PD32 is for each individual unit to be constructed with separate utilities to allow them to be sold separately. However at this time due to financing a condominium project is difficult to get built unless they lease all the units. They may consider selling the units in the future. Commissioner Fishman questioned size and price points. Mr. Phillips advised the condos range from 700 to 1500 square feet and will be 1, 2, and 3 bedrooms. Price range will be from \$200,000 to \$325,000. Chairman Renfro asked the applicant to explain unit mix between the bedrooms. Mr. Phillips also explained 45% would be one bedroom, 50% two bedrooms and 5% one bedrooms and that was done through a market analysis of demand of market place. Commissioner Logan questioned sale price/rental fees. Mr. Phillips explained they wanted to go above what the average market is currently and believes it will be around the \$1.65 ft. for rental fee. Mr. Phillips explained they had the opportunity to review three different concept plans, and the proposed Tuscan style is the most costly to build. Also the plan is to blend the aesthetics of existing building from the Harbor. Mr. Phillips indicated that the plan is to sell it to one owner who can maintain it by a strong group, as opposed to each individual unit being sold; he believes this would help with the overall maintenance and at a good value.

It was discussed by staff that the ARB's findings established that the Tuscan style matches other buildings in the district and that the variance were not causing it to have any additional disparities in the district.

Chairman Renfro asked the applicant to discuss the possibility of boat and RV storage on the site as he has received numerous phone calls and emails pertaining to that. Mr. Russell stated that outside storage would not be allowed due to space concerns.

Chairman Renfro asked if the applicant intended to establish an HOA. Mr. Russell indicated that PD32 requires an HOA be established and that it will be implemented from day one.

Commissioner Lyons asked questions concerning where the HVAC condenser units would be located. Mr. Russell stated HVAC units would be on the roof and be screened from all sides. This is also a requirement of the UDC.

Chairman Renfro asked the Commission for any additional questions or comments. Mr. LaCroix brought to the Commissions attention that Chief Point Dexter wanted to put on the record there are still additional steps that need to be taken to meet fire requirements. Chief Pointdexter stated they were still working through some issues and the applicant is aware of them, such as location of fire lanes not meeting the requirements fire hydrants not in the correct locations and additional information that needs to be submitted concerning cross slope and slope of the fire lanes and information concerning hose

coverage. Chief Poindexter pointed out those issues needed to be addressed before building permits can be obtained.

Chairman Renfro brought the agenda item back to discussion, and pointed out that his residence was in a close proximity to the subject property and would abstain from the vote.

Commissioner Lyons made a motion to approve the site plan with staff recommendations and Chief Poindexter's comments regarding the Fire Department's concerns. Commissioner Fishman seconded the motion. A vote was taken, and the motion passed 4-1, with Commissioner Jusko dissenting and Chairman Renfro abstaining (Commissioner Conley absent).

#### V. DISCUSSION ITEMS

##### 11. Z2015-011

Hold a public hearing to discuss and consider a City initiated zoning request for the approval of a text amendment to Article IX, Tree Preservation, Section 11.1, Tree fund administration, of the Unified Development Code [Ordinance No. 04-38] for the purpose of modifying this section of the code, and take any action necessary.

Planning Manager Ryan Miller gave a brief explanation of the item explaining that in the last month, the City Council has voted to accept two (2) alternative tree mitigation plans that allowed the applicants to pay the remaining tree credits in cash to the Tree Fund. The additional revenue added to the fund as a result of these actions totals \$234,136.00. With the current drought situation, it is not opportune to use this money to plant trees without the irrigation and equipment (e.g. a large auger, etc.) necessary to properly install and sustain the trees. In response to this situation staff has prepared an amendment to Section 11.1, Tree Fund Administration, of Article IX, Tree Preservation, of the Unified Development Code (UDC) that would expand how the funds could be allocated while continuing to allow the City Council the flexibility of considering and approving an alternative tree mitigation plan. Specifically, this amendment would allow for the funds collected to be used for labor, equipment, and irrigation associated with installing and sustaining landscaping. The proposal further defines the types of landscaping that qualifies to be purchased with these funds. Mr. Miller stated he was available for any questions.

Commissioner Fishman asked what percentage of the tree mitigation was going into the fund. Mr. Miller explained there are several ways to satisfy tree mitigation requirements per the current ordinance and that a cash payment was one way.

Commissioner Logan asked how much percentage of the money would go to trees versus irrigation and equipment. Mr. Miller explained that as the ordinance is written now money could be used for equipment for planting trees, and noted that at a certain point only so much equipment will actually be needed.

No further discussion or comments concerning this item took place.

##### 12. Director's Report of post Council meeting outcomes of Planning & Zoning cases.

P2015-005: Lot 1, Block A, Hoardstroms Addition [Approved]

P2015-006: Lot 3, Block A, Blasé Addition [Approved]

Z2015-001: SUP for Jackson Automotive (2nd Reading) [Approved]

Z2015-002: SUP for Avis Rental Car (2nd Reading) [Approved]

Z2015-003: Hance Property Rezoning [AG to PD] [Postponed]



673 Z2015-004: SUP for New Car Dealership (2nd Reading) [Approved]  
674 Z2015-005: Landmarking of the Downtown Courthouse (1st Reading) [Approved]  
675 Z2014-040: SUP for a Hotel in PD-32 (2nd Reading) [Approved]  
676 SP2014-034: Variance/Waivers for a Hotel in PD-32 [Approved]  
677

678 **Planning Director Robert LaCroix provided brief update to the Commissioners concerning**  
679 **the outcomes of the above referenced cases at the City Council level. The Commission**  
680 **neither discussed nor took action concerning this agenda item.**  
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682  
683 VI. ADJOURNMENT  
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685 **The meeting adjourned at 7:37 p.m.**  
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687 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF  
688 ROCKWALL, Texas, this 12 day of May, 2015.

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694 Craig Renfro, Chairman  
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694 Attest:

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697 Laura Morales, Planning Coordinator