

**MINUTES**  
**PLANNING AND ZONING COMMISSION PUBLIC HEARING**  
**City Hall, 385 South Goliad, Rockwall, Texas**  
**Council Chambers**  
**April 14, 2015**  
**6:00 P.M.**

I. CALL TO ORDER

Chairman Renfro called the meeting to order at 6:02pm. Present were Chairman Renfro, Commissioners Tracey Logan, Jonathan Lyons, Mike Jusko, John McCutcheon, Annie Fishman and Wendi Conley. Staff members present were Director of Planning and Zoning, Robert LaCroix, Planning Manager, Ryan Miller, Senior Planner, David Gonzales, and Planning and Zoning Coordinator, Laura Morales.

II. CONSENT AGENDA

1. P2015-012

Discuss and consider a request by Warren Corwin of Corwin Engineering on behalf of Ryan Joyce of the Skorburg Company (BH Phase V 80' POD, SF, LTD) for the approval of a preliminary plat for 79 single family residential lots, identified as Phase V of the Breezy Hill Subdivision, being a 25.597-acre tract of land situated within the J. Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 74 (PD-74) for Single Family 10 (SF-10) District land uses, situated on the west side of Breezy Hill Road north of the intersection Breezy Hill Road and FM-552, and take any action necessary.

Commissioner Jusko made motion to approve consent agenda. Commissioner Logan seconded motion, which passed with a 7-0 vote.

III. PUBLIC HEARINGS

2. Z2015-012

Hold a public hearing to discuss and consider a request by Cindy Levandowski on behalf of the owner Terry Rowe for the approval of an amendment to a Specific Use Permit [*Ordinance No. 09-28*] to allow for a *General Retail Store* within Planned Development District 50 (PD-50) for a 0.16-acre parcel of land identified as Lot 1, Block 1, Henry Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) for Residential-Office (RO) District land uses, situated within the North Goliad Corridor Overlay (NGC OV) District, addressed as 907 N. Goliad Street, and take any action necessary.

Senior Planner, David Gonzales, gave explanation of case stating the applicant, Cindy Levandowski on behalf of the owner Terry Rowe, is requesting a Specific Use Permit (SUP) to allow for a *General Retail Store* for the property located at 907 N. Goliad Street. This property has an existing SUP [*Ordinance No. 09-28*] that was approved in 2009 for a hair salon known as Renda's Place. The property was site planned in 2007 and later amended (2009) providing additional parking spaces and is considered sufficient for the proposed boutique. The property is within Planned Development District No. 50, the North Goliad Corridor Overlay District, and has an underlying zoning of Residential Office District.

Mr. Gonzales also talked of the merchandise to be sold, the hours of operation and the days the boutique will be open and noted that the current SUP [*Ord. No. 09-28*] limits business hours from 8:00 a.m. to 8:00 p.m. and was intended to be consistent with other hair salons in the RO district. Since the proposed hours of operation for the boutique are within this time frame (10:00 a.m. to 6:00 p.m. /Tue – Sat), it is not necessary to amend the hours of operation for this establishment.

Mr. Gonzales further stated that should the request be approved, the existing SUP would be amended to allow for the *General Retail Store* while keeping the use for a hair salon intact. A request for a Specific Use Permit (SUP) is a discretionary act upon the Planning and Zoning Commission and City Council.

Also Mr. Gonzales advised staff mailed ninety-eight notices to property owners within 500 feet of the subject property and e-mailed two HOA organizations [Caruth Lakes & Lakeview Summit] participating in the HOA/Neighborhood notification program that are within 1500 feet. Additionally, staff posted a sign on the property as required by the Unified Development Code. At this time, staff has received two notices "for" and one "opposed to" the zoning change requested.

Mr. Gonzales further stated that should the Specific Use Permit [Ord. No. 09-28] be amended, staff would offer the following additional conditions of approval:

- 1) Adherence to Engineering and Fire Department standards.
- 2) That all signage requires a separate permit and must conform to the standards established in the North Goliad Overlay District.

Chairman Renfro asked applicant to come forth and speak. .

Cynthia Levandowski  
131 Griffin Ave  
Fate Tx

Chairman offered questions from applicant she had none. Chairman Renfro asked if anyone would like to come forth and speak. There being no one indicating such, Chairman Renfro closed the public hearing.

Commissioner McCutcheon made motion to approve with staff recommendations. Commissioner Lyons seconded motion, which passed by a vote of 7-0.

3. Z2015-013

Hold a public hearing to discuss and consider a request by Cole Franklin of the Skorburg Company on behalf of Breezy Hill 405, LTD for the approval of a zoning amendment to Planned Development District 74 (PD-74) to amend the concept plan to allow for additional single-family residential lots and allow for changes to the development standards contained in *Exhibit 'C'* of Ordinance 14-26 for 405.184-acres of land identified as Tract 7 & 7-1 of the J. Strickland Survey, Abstract No. 187, Rockwall, Rockwall County, Texas, generally located north of FM-552 and west of Breezy Hill Road, and take any action necessary.

Planning Manager, Ryan Miller, gave explanation of case stating the property was annexed in 2008 after three years of litigation that lead to the execution of a Chapter 212 Development Agreement. In accordance with this agreement, the property was zoned to Planned Development District 74 (PD-74) on April 20, 2009 with the intention of being a master planned residential community that offered tracts of land designated for retail/office, residential, and institutional land uses. The approval of this zoning change altered the existing 212 Development Agreement -- which originally permitted 810 single-family residential lots and did not contain any retail acreage -- to include 658 single-family residential lots and a 59-acre tract of land designated for general retail land uses. The retail tract of land is located at the northeast corner of the intersection of FM-552 and John King Boulevard (see Exhibit 'A' to view the original PD Concept Plan).

On October 1, 2012 the City Council approved an amendment to Planned Development District 74 (PD-74) modifying the concept plan to remove the school sites that were originally required by the Facilities Agreement and adjust the lot mix accordingly [i.e. increasing the number of lots from 658 to 691]. The lot mix was again increased on July 7, 2014 from 691 lots to 742 lots for the purpose of incorporating two (2) additional phases (i.e. Phases IXA & IXB) and to reduce the land designated as commercial/retail from 59.4-acres to 33.7-acres (see Figure 1 for the adjusted lot mix).

Mr. Miller further explained that on March 13, 2015, the applicant submitted an alternate concept plan depicting a reduction in the number of acres designated for retail land uses from 33.7-acres to 19.49-acres for the purpose of amending Planned Development District 74 (PD-74) to include an additional residential phase. With this submittal, the applicant has also submitted changes

to the development standards that include a modified lot mix that incorporates a new lot type, Lot Type 'E' (i.e. 50-foot by 120-foot lots), for the proposed phase.

The proposed PD Concept Plan is depicted in Exhibit 'D' and a copy of the proposed changes to the development standards is contained in Exhibit 'E'.

The 14.21-acres of land that the applicant is proposing to remove from the retail acreage will establish a new phase of the Breezy Hill Subdivision that will contain 47 single-family homes. The new phase will be located north of the remaining retail acreage, adjacent to Phase IIA. These new homes will be constructed on 50-foot by 120-foot lots that will be a minimum of 6,000 square feet in size. The development standards for this new lot type (identified below in Figure 2 as Lot Type 'E') are taken directly from the zoning ordinance that regulates the Stone Creek Subdivision (i.e. Planned Development District 70 [PD-70]) and are similar to the remaining lot types in Planned Development District 74 (PD-74) with respect to the development standards. The only major difference in this lot type will be the forward facing garages. This is due to the difficulty of incorporating a 'J' swing driveway into a 50-foot lot.

Mr. Miller also stated that considering the proposed new lot type and the proposed changes to the lot mix, the total number of single-family lots will be increased from 742 to 762. This proposed change does not alter the existing residential housing density, which is (and proposed to be) two (2) units per acre (i.e. currently the subdivision has 742 lots on ~379-acres, and the applicant is proposing 762 lots on ~381-acres). With this being said, it is important to note that the original Chapter 212 Development Agreement permitted the applicant 810 single-family residential lots, and the proposed concept plan has a total lot count that is 48 lots less than this number. With the exception of the proposed changes to the lot mix tables and subsequent changes to accommodate the new lot type, the applicant is not requesting any additional changes to Planned Development District 74 (PD-74).

The Future Land Use Map contained within the Comprehensive Plan designates the subject property for Commercial land uses. Should the City Council approve the applicant's request, the Future Land Use Map will be amended to reflect the proposed changes in land use from a Commercial designation to a Low Density Residential designation.

Mr. Miller also advised that on March 27, 2015, staff mailed 33 notices to property owners and residents within 500-feet of the subject property. Staff also emailed a notice to the Stoney Hollow and Breezy Hill 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 at the corner of FM-552 and John King Boulevard, and advertised the public hearings in the Rockwall Harold Banner as required by the Unified Development Code (UDC). At this time no responses were received by staff.

Mr. Miller further stated if the Planning and Zoning Commission recommends approval of the applicant's request to amend Planned Development District 74 (PD-74) then staff would propose the following conditions of approval:

- 1) The applicant shall be responsible for maintaining compliance with the conditions contained within the Planned Development District ordinance;
- 2) By approving this zoning change, the City Council will effectively be approving changes to the Comprehensive Plan and Future Land Use Map. Specifically, this will change the designation of the subject property from a Commercial designation to a Low Density Residential designation;
- 3) Prior to accepting a Final Plat for the proposed phase (i.e. depicted in purple of the PD Concept Plan in Exhibit 'D') the applicant shall be required to administratively amend the PD Site Plan in order to show all necessary entry features/signage, landscaping and hardscaping proposed for the new phase;
- 4) Prior to accepting a Preliminary Plat for the proposed phase (i.e. depicted in purple of the PD Concept Plan in Exhibit 'D') the applicant shall be required to administratively amend the Preliminary Plat for Phase IXA & IXB to show the new street layout;

- 183 5) Prior to accepting a Preliminary Plat and/or a Planned Development Site Plan for the  
184 remaining area designated as retail on the PD Concept Plan, a PD Development Plan must be  
185 approved by City Council; and,  
186  
187 6) Any construction resulting from the approval of this zoning amendment shall conform to the  
188 requirements set forth by the Unified Development Code (UDC), the International Building Code  
189 (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and  
190 with all other applicable regulatory requirements administered and/or enforced by the state and  
191 federal government.  
192

193 Chairman Renfro opened the public hearing and asked the applicant to come forth and speak  
194

195 Adam Buczek  
196 Westchester Dr. Suite 710  
197 Dallas, Tx 75225  
198

199 Applicant came forward and gave slide presentation of request.  
200

201 Chairman opened the floor for questions from commissioners, with no questions from the  
202 Commission; Chairman Renfro opened the floor to the public.  
203

204 Bob Wacker  
205 806 Miramar  
206 Rockwall, Tx 75087  
207

208 Mr. Wacker stated he is in opposition due to lot sizes, feels it will bring value of his home down.  
209 Also, overcrowding is a concern adding more houses will cause traffic issues.  
210

211 Lowell Moons  
212 19 Northridge Circle  
213 Rockwall, Tx  
214

215 Mr. Moons came forward and stated his concern is increasing volume of houses will increase  
216 the impact of the flood runoff.  
217

218 Chuck Nuytton  
219 304 Wooded Trail  
220 Rockwall, Tx 75087  
221

222 Mr. Nuytton came forward and stated he has been a long time resident of Rockwall as well as  
223 owning a business in Rockwall and feels this proposal does not keep with Rockwall's vision  
224 posted on the City's website. He believes the developer needs to continue with the plan they  
225 advertise of one and a half acre lots.  
226

227 Mark Slater  
228 18 S Ridge Circle  
229 Rockwall, Tx 75087  
230

231 Mr. Slater came forward and stated he moved to Rockwall in 1985 and the acre and half lots he  
232 feels have been ideal. Stated what is being proposed is not what he moved into originally. He  
233 feels traffic will be an issue as well.  
234

235 Mathew Bryan  
236 822 Calm Crest  
237 Rockwall, Tx 75087  
238

239 Mr. Bryan came forward and stated he was born and raised in Rockwall, but lived in Chicago 15  
240 years where overcrowding was an issue. He moved back and bought an acre and a half lot in  
241 Breezy Hill and is unhappy lots are getting smaller and smaller.  
242

243 David Renels



302 wooded trail  
Rockwall, Tx 75087

Mr. Renels came forward and stated he had similar concerns of that of his neighbors. He purchased an acre lot and feels high density residential areas may add crime. Believes if the developer is allowed to do this, the lot proposals in the future will continue to get smaller.

Mike Etley  
812 Calm Crest Dr.  
Rockwall, Tx

Mr. Etley came forward and stated he has only lived in his home two months and did not do much research on the proposal, but after seeing presentation is concerned smaller lots will decrease his current investment.

Bob Almond  
22 N Ridge Circle  
Rockwall, Tx

Mr. Almond came forward and stated his concern is with retention pond and additional runoff this may cause is asking this be looked into.

Katherine Odom  
303 wooded trail  
Rockwall, Tx

Ms. Odom came forward and stated her concern is that there is too much development and it is excavating all of Rockwall farm area and believes roads cannot take additional traffic. Believes proper research has not been done concerning possible flooding and such that this will create.

Chairman Renfro thanked the residents for their comments and asked the applicant to come forth with a rebuttal.

Mr. Buczek gave brief rebuttal of comments made by residents.

Chairman Renfro closed the public hearing and brought the case for discussion.

Commissioner Conley stated that due to her job, she feels there is a need for this size lot for families looking for a transition home and there is not enough of this to offer in Rockwall. For families that are trying to down size from larger lot homes, but do not want to give up the quality of the home these size lots cater to that. Commissioner Conley went on to ask staff what makes it a high density versus a low density. Planning Manager, Ryan Miller, advised that question could be answered after discussion.

General discussion from staff took place concerning settlement agreement involving the property.

Commissioner Logan stated concern if residents purchased home believing all development would be one and a half acres based on the concept plan the developer had, once it's changed what recourse do they have? Planning Manager, Ryan Mille, stated public hearing is the recourse residents would have to voice their opinion.

Commissioner Lyons asked if Phase 9 has been built and sold. Mr. Buczek stated Phase 9 is currently under construction and none has been sold. He further stated he believes 50 foot lots are needed and he is in favor of proposal.

Commissioner Jusko stated he agrees with Commissioners comments thus far, stating these size lots are needed for younger couples looking to move to Rockwall at a more affordable price.

General discussion took place from staff concerning Commissioner Conley's question of breakdown of low density versus high density.

Chairman Renfro asked if there was any additional discussion needed, with none taking place Commissioner McCutcheon made motion for approval with staff recommendations. Commissioner Jusko seconded motion. Motion passed with a vote of 6-1 with Commissioner Logan dissenting.

Chairman Renfro allowed for a five minute break at 7:17 reconvened at 7:31 for public items

4. P2015-008

Hold a public hearing to discuss and consider a request by Michael Clark for the approval of a residential replat for Lots 6 & 7, Block K, Sanger Brothers Addition, being a 0.23-acre parcel of land currently identified as the eastern ½ of Lot 3, Block K, Sanger Brothers Addition, City of Rockwall, Rockwall County, Texas, zoned Single Family 7 (SF-7) District, situated within the Southside Residential Neighborhood Overlay (SRO) District, addressed as 808 Sam Houston Street, and take any action necessary.

Senior Planner, David Gonzales, gave brief explanation of case stating that the objective of this request is to replat an existing residential lot creating two (2) single family residential lots. The 10,000 sq. ft. residential lot will be subdivided creating two (2) 5,000 sq. ft. lots for the purpose of constructing a single-family home on each site. The homes will be built under the SRO District and SF-7 standards as established in the Unified Development Code. Conditional approval of this plat by the City Council shall constitute approval subject to the conditions below. With the exception of the recommendations of staff, this plat is in substantial compliance with the requirements of the Subdivision Ordinance in the Municipal Code of Ordinances.

Mr. Gonzales further stated that staff mailed thirty-eight notices to property owners within 200 feet of the subject property and a notice of Public Hearing was published in the Rockwall Herald-Banner as required by law. At this time staff has received one notice "opposed to" the residential replat requested.

Mr. Gonzales also stated that if the Planning & Zoning Commission and City Council choose to approve the request for final plat, staff would recommend the following conditions of approval:

A) All the technical comments from the Engineering and Fire Departments shall be addressed prior to the filing of this plat, including the following Planning Comments;

1. Adherence to Engineering and Fire Department standards.

2. Tie at least two corners to City monumentation (one indicated).

B) Any construction resulting from the approval of this final plat shall 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.

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

Teresa Dabney  
(No address given)

Applicant came forward and gave brief explanation of request.

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

Commissioner McCutcheon made motion for approval. Commissioner Jusko seconded motion which passed by a vote of 7-0.

IV. ACTION ITEMS

5. SP2015-005

Discuss and consider a request by Mike Whittle of Caruth Lake Development for the approval of a site plan for a general office building on a 0.566-acre parcel of land identified as Lot 10, Block 2, Alliance Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 57 (PD-57) for Commercial (C) District land uses, addressed as 6525 FM-3097, and take any action necessary.

Senior Planner, David Gonzales, gave explanation of case stating that Mike Whittle of Caruth Lake Development has submitted an application for site plan approval of a 4,918 sq. ft. office building. The proposed office building will be situated within the Alliance Addition Development on a 0.566-acre parcel of land. The property is generally located at the N.E. quadrant of F. M. 3097 (Horizon Road) and Wallace Road and is zoned Planned Development No. 57 (PD-57) District.

The proposed site will house a 4,918 sq. ft. single story office building. Although fronting Horizon Road, the sites' design will provide access from Wallace Road and Andrews Drive by way of a 24-ft Firelane and Public Access Easement. The parking ratio for an office building is one (1) space per 300 sq. ft. This site requires sixteen (16) parking spaces and the applicant is providing twenty-seven (27) parking spaces exceeding the City's standards. Also, the building footprint meets the horizontal articulation requirements established in the Unified Development Code (UDC).

The site plan meets (or exceeds) the intent of PD-57 and the UDC as submitted.

Mr. Gonzales further stated that the applicant has submitted a landscape plan indicating 10,537 sq. ft. of landscaping for the site which equates to an approximate total of 42% landscaping coverage. The proposed landscape plan exceeds the 15% minimum required by the UDC for a commercial development. The applicant is also meeting the standards established in PD-57 for canopy and accent trees planted on site. The applicant is providing additional trees, shrubs, and grasses throughout the site creating an aesthetically pleasing environment.

The landscape plan meets (or exceeds) the intent of PD-57 and the UDC as submitted.

Mr. Gonzales also explained that 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, PD-57 requires 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 PD-57 and the UDC as submitted.

The office building will incorporate Austin Stone with brick soldier course banding and brick accents along the window sills. The roof will be comprised of a prefinished metal standing seam canopy with gabled roof elements on the east and west corner bump-outs of the front and rear façades. The arched entryway features an inset that introduces a shadowing effect that may provide relief to the elevations. The proposed elevations for the office building indicates an overall building height of 21-ft. 6 inches and thematically represents colors and materials associated within the developed area of the PD.

The building elevations meet (or exceeds) the intent of the PD-57 and the UDC as submitted.

Mr. Gonzales further stated that on March 31, 2015, general discussion concerning the agenda item took place between the Board Members and city staff. The board expressed concern with the height of the pitched roof, and architectural elements of the building. To address these concerns the board recommended the following:

- 1) Lower the height of the pitched roof and remove the gabled elements on the front projections of each building. Also, recommended to incorporate a roof overhang around the building.
- 2) Remove the canopy/overhangs located on the front windows.
- 3) Incorporate a portico at the main entrance to provide relief.

425  
426 4) A second review of the changes made via e-mail.  
427

428 Based on the plans submitted, the applicant has revised the buildings' elevations by lowering  
429 the pitch of the roof and removing the canopy elements as requested; however, the applicant is  
430 unable to incorporate the portico due to the building size limitation that will require the structure  
431 to meet the fire code requirements for a 5000 sq. ft. or greater structure. Also, the building does  
432 not portray an overhanging roof element as suggested by the ARB.  
433

434  
435 Mr. Gonzales further stated that based on the conversation with the ARB, they like original  
436 submittal and would like to go forward with that. Mr. Gonzales stated applicant was present for  
437 any questions.  
438

439 Chairman Renfro had question as to different color stone. Mr. Gonzales, stated the stone, which  
440 is Austin, stone did not change. The material will still remain the same.  
441

442 General discussion took place concerning what original submittal and what changes were  
443 made.  
444

445 Chairman Lyons

446  
447 Mike Whittle  
448 7205 Ship Rd  
449 Rowlett TX  
450

451 Mr. Whittle came forward and stated he was pleased with ARB's recommendations and is  
452 looking forward to providing a high end product.  
453

454 Chairman Renfro made motion to approve with staff recommendation Commissioner Lyons  
455 seconded motion, which passed with a vote of 7-0.  
456

457 6. SP2015-006

458 Discuss and consider a request by Mike Whittle of Caruth Lake Development for the approval of a site  
459 plan for a general office building on a 0.57-acre parcel of land identified as Lot 4, Block 2, Alliance  
460 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 57 (PD-57)  
461 for Commercial (C) District land uses, addressed as 6540 Alliance Drive, and take any action  
462 necessary.  
463

464 Senior Planner, David Gonzales, stated for the record this case is the same as previous case,  
465 but requires separate vote.  
466

467 Chairman Lyons made motion for approval. Commissioner McCutcheon seconded motion,  
468 which passed by vote of 7-0.  
469  
470

471 7. SP2015-007

472 Discuss and consider a request by Maria Bonilla of Winkelmann and Associates, Inc. on behalf of Mark  
473 Matisse of MAKKO Goliad I, LP for the approval of a site plan for a grocery store and fuel center on a  
474 11.28-acre tract of land identified as Lots 2 & 3, Block A, Quail Run Retail Addition, City of Rockwall,  
475 Rockwall County, Texas, zoned Planned Development District 5 (PD-5) for General Retail (GR) District  
476 land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, located at the southeast  
477 corner of the intersection of N. Goliad Street (SH-205) and E. Quail Run Road, and take any action  
478 necessary.  
479

480 Planning Manager, Ryan Miller, gave explanation of case stating that the subject property is an  
481 11.28-acre tract of land situated at the southeast corner of the intersection of N. Goliad Street  
482 (SH-205) and E. Quail Run Road and is zoned Planned Development District 5 (PD-5) for General  
483 Retail (GR) District land uses (with the exceptions contained within Ordinance No. 00-28). The  
484 property has been zoned for General Retail (GR) District land uses since Planned Development  
485 District 5 (PD-5) was originally approved on September 4, 1973 under Ordinance No. 73-31.



According to the concept plan approved with this ordinance, the property was designation for a Community Mini Mall Shopping Center.

Mr. Miller also explained that on October 2, 2000, the City Council approved Ordinance No. 00-28, which amended the previous Planned Development District ordinance to allow for a Planned Shopping Center (on less than 19-acres) and Neighborhood Convince Center, restaurant with outdoor seating and drive-through facilities, pharmacy with drive-through facilities, and a retail convenience store limited to six (6) gas pump dispensers on the subject property. Additionally, the Planned Development District ordinance required site plan approval by the Planning and Zoning Commission and City Council, which was required on all site plan cases prior to the adoption of the current zoning ordinance (Ordinance No. 04-38). Submitted with the zoning change application was a preliminary concept plan that showed the construction of a 62,999 SF grocery store with attached retail store space estimated to be ±27,000 SF in size.

Mr. Miller further explained that a site plan (Case No. PZ2002-030-002) conforming to Ordinance No. 00-28 was approved by City Council on April 15, 2002. This site plan showed the subject property being subdivided into five (5) lots with a 61,508 SF grocery store and 8,900 SF of attached retail space being constructed on one of the lots. As part of this site planning process, the property was replatted and impact fees were paid. An outstanding tree mitigation balance of 691-inches was required to be satisfied as part of the approval of this site plan; however, no building permit was submitted.

It was also explained by Mr. Miller that on March 13, 2015, the applicant, Maria Bonilla of Winkelmann and Associates, Inc., submitted an application requesting approval of a site plan for a 90,000 SF Kroger grocery store and gas station on the subject property. The gas station will be located at the southeast corner of Quail Run Road and SH-205, and consist of a 352 SF convenience store and a fuel canopy that will house six (6) gas pump dispensers. The development will be accessible from two (2) access drives along Quail Run Road and one (1) along Memorial Drive, and will not have direct access to SH-205. According to the Parking Requirement Schedule in Article VI, Parking and Loading, of the Unified Development Code (UDC) the proposed development will require 362 parking spaces (i.e.  $90,000 \text{ SF} / 250 \text{ SF} = 360$  Parking Spaces;  $352 \text{ SF} / 250 \text{ SF} = 1.4$  or ~ 2 Parking Spaces). The submitted site plan shows that the development will incorporate 363 parking spaces and conform to all parking requirements.

With respect to the density and dimensional requirements contained in Planned Development District 5 (PD-5) and the UDC the applicant's plan, with the adoption of the conditions of approval, is in conformance with all applicable requirements with the exception of the aforementioned variance to the parking area restrictions.

Mr. Miller also explained that according to the UDC, properties within the General Retail (GR) District are required to provide a minimum landscape percentage of 15% (or net 10% with the maximum landscaping credits) of the subject property's total square footage (i.e.  $486,519 \text{ SF} * 15\% = 72,977 \text{ SF}$ ). The landscape plan provided by the applicant shows that ~28% of the total site would be landscaped, which equates to 135,980 SF landscaping. Included in this landscaping percentage is the N SH-205 OV District's landscape buffer requirements, which include: 1) a 20-foot landscape buffer adjacent to SH-205, 2) four (4) accent trees (i.e. 'Tuscarora' Crape Myrtle and Texas Redbud) per every 100 linear feet of street frontage, 3) three (3) canopy trees (i.e. Shumard Oak and Cedar Elm) per every 100 linear feet of street frontage, and 4) an 18"-24" berm and shrub row (i.e. Pfitzer Juniper). In addition, the plan shows that one (1) canopy tree (i.e. Texas Ash, Shumard Oak, and Southern Live Oak) will be planted for every 50 linear feet of frontage inside the ten (10) foot landscape buffers along Quail Run Road and Memorial Drive. These same canopy trees are also utilized as plantings around the drainage/detention pond located adjacent to Memorial Drive in the southeast corner of the subject property.

Per the requirements of the UDC the applicant is showing a 30-foot landscape buffer adjacent to the residential properties situated along the eastern property line. In this landscape buffer, the landscape plan shows that one (1) canopy tree (i.e. Southern Live Oak) will be placed every 25-feet adjacent to the residential properties and that a shrub row consisting of Pfitzer Juniper will be planted along the entire eastern property line. Additionally, the applicant is proposing to construct a precast masonry-screening wall in order to better screen the development from the

residential properties. According to the Article XI, Fences, of Chapter 10, Buildings and Building Regulations, of the Municipal Code of Ordinances, "(p)recast solid fencing shall require special approval by the Planning and Zoning Commission." By recommending approval of this site plan, per the conditions of approval below, the Planning and Zoning Commission will be approving the use of the proposed precast masonry screening fence (see the Recommendations section of this case memo). With the proposed 30-foot landscape buffer and the fire-lane that wraps around the building, the proposed grocery store will be approximately 60-feet from the residential properties located adjacent to the eastern property line.

With respect to the required landscape standards, the proposed landscape plan is in conformance with all requirements of the UDC and Planned Development District 5 (PD-5).

Mr. Miller further explained that as stated above, under Case No. PZ2002-030-002 a Treescape Plan was approved indicating an outstanding balance of 691-inches of trees needing mitigation. This mitigation total was calculated under the previous tree mitigation requirements, which preceded the current mitigation requirements that were adopted on June 21, 2004 by Ordinance No. 04-38 and amended on June 15, 2009 by Ordinance No. 09-23. Staff has recalculated the outstanding tree mitigation requirements under the current ordinance and determined that the total outstanding tree mitigation balance for the subject property is 548-inches. The applicant's landscape plans indicated that a total of 497-inches of trees will be planted as part of this development leaving an outstanding balance of 51-inches of trees. The applicant has submitted a letter stating that they intend to pay \$6,375.00 (i.e. 51-inches @ \$125.00/inch) into the Tree Fund to satisfy the remaining tree mitigation.

The applicant has submitted a photometric plan and lighting cut sheets that demonstrate conformance to all lighting requirements contained within Article 7, Environmental Performance, of the UDC.

Also, Mr. Miller explained the building elevations submitted by the applicant show the grocery store building utilizing a mixture of cultured stone veneer (i.e. Palo Pinto Cobble and Granbury Cobble), architectural concrete block (i.e. Quik Brik), cast stone and stucco. The applicant will be requesting a variance to the 20% natural or quarried stone requirement stipulated by the N SH-205 OV District for the purpose of allowing the proposed cultured stone veneer. The building will incorporate various architectural elements (e.g. canopies, recesses/projections, outdoor patios, varied roof heights, etc.) to meet the articulation requirements stipulated by the UDC; however, the applicant will be requesting a variance to the four (4) sided architectural requirements stipulated for properties within the N SH-205 OV District for the purpose of allowing the rear building elevation to be less ornate than the front and side elevations. Additionally, the rear of the building will require variances to the horizontal/vertical articulation requirements and to the minimum 20% natural, quarried or cultured stone material requirement. The purpose of the requested variance is due to the façade's lack of visibility from a public right-of-way. These variances are not uncommon for larger big-box developments (see the Variance section of this case memo), but are a discretionary decision for the City Council.

The proposed convenience store and fuel center will utilize the same architectural concrete block and cultured stone as the grocery store building. Both buildings will incorporate a mansard roof utilizing the same colored standing seam metal roof as the grocery store. The columns of the fuel canopy will be wrapped in the same masonry materials utilized on the convenience store building. With the exception of the requested variances, the building elevations for both buildings meet the requirements of the N SH-205 OV and the General Commercial District as stipulated by the UDC and Planned Development District 5 (PD-5).

Mr. Miller further stated that according to Section 4.1.C.7 of Article V, District Development Standards, of the UDC, buildings in excess of 80,000 SF are required to submit a plan demonstrating that the building can be subdivide (reasonably) into multi-tenant spaces. The applicant has submitted a plan indicating that the building could be subdivided into four (4) tenant spaces with a service corridor leading to the loading docks. Staff has reviewed the plan and determined that it does meet the requirements stipulated by the UDC.

Based on the applicant's submittal staff has identified the following variances:

(1) Building Materials.

(a) Masonry Material Requirements. According to Section 6.11.C.1 of Article V, District Development Standards, of the UDC, each exterior wall that is visible from an open space or public street should incorporate a minimum of 20% natural or quarried stone (i.e. excluding cultured or cast stone). The applicant is requesting a variance to this requirement for the purpose of utilizing cultured stone veneer (i.e. Palo Pinto Cobble and Granbury Cobble from Texas Stone Design, Inc.) on all the exterior walls of the proposed grocery store and convenience store. This variance will require a minimum of a ¾-majority vote to be approved by the City Council.

(b) 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 two (2) percent to 23.9% (i.e. East: 2%; North: 23.9%; South: 20.6%; West: 20.2%). The rear elevation (i.e. East Elevation) is the only elevation that is less than 20%. This variance will require a simple majority vote to be approved by the City Council.

(2) Building Form.

(a) Articulation Requirements. According to Section 4.1 of Article V, District Development Standards, of the UDC, all the facades of a building are required to meet minimum vertical and horizontal articulation requirements. In this case, the proposed grocery store building meets the horizontal and vertical articulation requirements on three (3) of the four (4) sides of the building. The only exception is the rear of the building in which the projections and off-sets are not deep enough to meet the minimum requirements. This variance will require a simple majority vote to be approved by the City Council.

(b) 4-Sided Architecture Requirements. According to Section 6.11.C.5 of Article V, District Development Standards, of the UDC, buildings shall be designed so that they are architecturally finished on all four (4) sides. This means that buildings are required to utilize the same materials, detailing and features on all four (4) sides of the building. In this case, the only side of the building that is not meeting this requirement is the rear of the building. This variance will require a minimum of a ¾-majority vote to be approved by the City Council.

Mr. Miller stated that with respect to the requested variances, all of the variances are typical on larger big-box developments. The one exception is the variance request for cultured stone in lieu of natural or quarried stone. As part of this request, staff requested that at a minimum the applicant utilize a cultured stone product that contains pigment throughout the product. This is similar to the cultured stone products that have been granted in the Harbor District. While these variances are typical of a larger development, variances in general require recommendation by the Planning and Zoning Commission and discretionary approval by the City Council.

Mr. Miller further explained that on March 31, 2015, the Architectural Review Board (ARB) reviewed the building elevations provided with the original submittal. The board expressed concern that the building did not translate well in relation to comparable development within the City and did not adhere to the overlay district requirements. The board members specifically stated that the building lacked material variation, articulation, and architectural elements. Prior to making a recommendation the board asked the applicant to reconsider the building in relation to comparable development within the City and provide a product that better addressed the City's requirements. The applicant has since provided staff with updated building elevations that better address the ARB's comments and the City's codes. This project will be re-reviewed by the board prior to the Planning and Zoning Commission meeting on April 14, 2015. Any recommendations from the board will be provided by the ARB Chairman prior to staff presenting the case.

Mr. Miller also stated that should the Planning and Zoning Commission choose to recommend approval to the City Council, then the following conditions of approval should be adopted with this case:

- 1) All comments provided by the Planning, Engineering and Fire Department must be addressed prior to the submittal of a building permit;

- 2) All proposed grading, drainage and utility improvements will need to adhere to the Engineering Department's Standards of Design Manual.
- 3) Per the requirements of the N SH-205 OV District no light pole, pole base or combination thereof shall exceed 20-feet. Additionally, all lighting fixtures shall focus light downward and/ or be shielded;
- 4) Prior to the issuance of a building permit the applicant will need to satisfy all outstanding tree mitigation;
- 5) A recommendation to approve this request by the Planning and Zoning Commission constitutes acceptance of the precast masonry screening fence proposed to be constructed with this development; and,
- 6) 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.

Chairman Renfro asked applicant to come forth and speak.

Kristina Conrad  
1331 E Airport Fwy.  
Irving TX

Ms. Conrad came forward and stated she would like to thank the ARB as well as City staff for their recommendations throughout the process.

Chairman Renfro opened up for questions for commissioners.

Chairman Logan had question of precast panel fence versus masonry fence. Ms. Conrad explained that due to type of soil in our area, precast fences provide more movement, which allows for easier repair or replacement of panels.

Chairman Renfro gave additional comments concerning masonry fence.

Chairman Renfro asked for general discussion.

Commissioner McCutcheon made motion to approve with the variances and staff recommendations. Commissioner Lyons seconded motion, which passed by a vote of 7-0.

V. DISCUSSION ITEMS

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

- ✓ Z2015-007: SUP for a U-Haul Facility (2<sup>nd</sup> Reading) [Approved]
- ✓ Z2015-008: Zoning Change AG to SFE-2.0 (2<sup>nd</sup> Reading) [Approved]
- ✓ Z2015-009: SUP for Detached Garage (2<sup>nd</sup> Reading) [Approved]
- ✓ Z2015-010: Zoning Change PD-70 to PD for Townhomes [Postponed]
- ✓ Z2015-011: Text Amendment to Article IX (1<sup>st</sup> Reading) [Approved]
- ✓ P2015-011: Lot 1, Block A, Piercy Place Addition [Approved]

Planning Director Robert LaCroix provided a brief update about the outcomes of the above referenced cases. The Commission did not have any questions concerning this agenda item.

9. Planning and Zoning Commission Training Session Continued from 03/31/2015: Site Plans  
Postponed for next work session



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VI. ADJOURNMENT

The meeting adjourned at 8:09 pm.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF  
ROCKWALL, Texas, this 28 day of July, 2015.

  
\_\_\_\_\_  
Craig Renfro, Chairman

Attest:

  
\_\_\_\_\_  
Laura Morales, Planning Coordinator