

MINUTES
PLANNING AND ZONING COMMISSION WORK SESSION
City Hall, 385 South Goliad, Rockwall, Texas
Council Chambers
April 28, 2015
6:00 P.M.

I. CALL TO ORDER

Chairman Renfro called the meeting to order at 6:00pm. Present were Chairman Renfro, Commissioners Wendi Conley, Tracey Logan, Johnny Lyons, Craig Renfro, Mike Jusko, John McCutcheon, and Annie Fishman. Staff members present were Planning and Zoning Director Robert LaCroix, Planning Manager Ryan Miller, and Senior Planner David Gonzales.

II. CONSENT AGENDA

1. P2015-013

Discuss and consider a request by Tony Rangel of Rangel Land Surveying Co. on behalf of Shawn Valk of Platinum Storage for the approval of a final plat for Lot 1, Block A, Platinum Storage Addition being a 5.549-acre tract of land identified as a portion of Tract 2 of the J. Cadle Survey, Abstract No. 65 and the N. M. Ballard Survey, Abstract No. 48, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Corridor (IH-30 OV) Overlay District, located on the west side of Townsend Road south of E. IH-30 and north of SH-276, and take any action necessary.

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

III. PUBLIC HEARINGS

2. 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.

Planning Manager, Ryan Miller, gave explanation of case explaining that the Planned Development District 70 (PD-70) [Ordinance No. 07-13] was approved by the City Council on April 2, 2007 under Case No. Z2007-006. The concept plan contained within the approved ordinance showed the subject property as being designated for residential land uses and being a portion of a future phase of the Stone Creek Subdivision. This designation was later changed to commercial/retail with limited General Retail (GR) District land uses by Case No. Z2009-018, which was approved on November 19, 2009. According to the case memo prepared for this case, the purpose of the zoning change was in response to the non-residential land uses (i.e. CVS Pharmacy and Fire Station No. 3) immediately adjacent to the subject property. This area was later enlarged from seven (7) acres to 8.402-acres by Case No. Z2011-016 [Ordinance No. 11-35], which was approved on August 1, 2011.

Mr. Miller further explained that the applicant, Noah Flabiano of the Skorborg Company, is requesting to change the zoning of the 10.142-acre tract of land -- located north of the CVS Pharmacy situated at the intersection of N. Goliad Street [N. SH-205] and Quail Run Road -- from Planned Development District 70 (PD-70) for limited General Retail (GR) District land uses to a Planned Development District for townhomes. According to the concept plan submitted by the applicant the development will consist of 52 townhomes situated on individual lots that will be a minimum of 2,250 SF. The proposed gross densities for the residential enclave will 5.13 units/acre; however, the applicant has requested that the ordinance reflect 5.50 units/acre. With this being said, staff has limited the number of units through the planned development district ordinance to a maximum of 52. The development will also incorporate 2.43-acres of open space and 2.225-acres of floodplain, which equate to approximately 34.93% of credited open space.

Also, the subdivision will have its primary access off Quail Run Road and provide a secondary access point that will connect to the cross access easement that was dedicated with the CVS Pharmacy, which is south of the subject property. This secondary access point will provide access for residents to N. Goliad Street. It should be noted that this development will be independent of the Stone Creek Subdivision and will not contain any cross connection between the two subdivisions. A summary of the proposed density and dimensional requirements is as follows:

The applicant has stated that the reason the change in zoning is being requested is the fact that the subject property has limited visibility from N. Goliad Street and Quail Run Road making it difficult to function as a commercial/retail property, and that due to the adjacent non-residential land uses traditional single family housing is not an ideal use of the property. A 100-year floodplain does buffer the property from the north (i.e. Phase 1 of the Stone Creek Subdivision) and west (i.e. SH-205), and all properties to the south are designated for non-residential land uses. The only adjacency to the Stone Creek Subdivision is east of the subject property, which is currently vacant but schedule to be a future phase of the development.

Mr. Miller also explained that currently, the Unified Development Code does not contain a zoning district that addresses standards for townhomes. As a result, staff has prepared a planned development district ordinance with an underlying zoning of Two-Family (2F) District and has expressly prohibited accessory buildings, duplexes, guest quarters/secondary living units, portable buildings, churches/houses of worship and day cares with seven (7) or more children as permitted uses. Copies of the development standards that will be contained within the planned development ordinance have been included within the attached packet for the review of the Planning and Zoning Commission and City Council. With this being said the proposed use and density is a discretionary review for the City Council upon recommendation by the Planning and Zoning Commission.

The Future Land Use Map contained within the Comprehensive Plan designates a portion of the subject property for Commercial land uses and the remainder for Medium Density Residential land uses. In this case, the applicant is proposing townhomes that will have a density of 5.13 units per gross acre, which is consistent with the High Density Residential designation (i.e. housing that exceeds three [3] units per acre). According to the Land Use Policies contained within the Comprehensive Plan, "(h)igh density housing should be used as a transitional use from commercial (or existing retail) uses, or where it will serve as a logical extension of an existing high density development." The proposed development would provide a transition of land uses from SH-205 and Quail Run Road toward the existing and proposed phases of the Stone Creek Subdivision, which are situated north and east of the subject property. Additionally, it is buffered on two (2) sides by 100-year floodplain that restricts the view of the development. 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 Commercial and Medium Density Residential designations to a High Density Residential designation.

Mr. Miller also stated that on February 20, 2015, staff mailed 56 notices to property owners and residents within 500-feet of the subject property. Staff also emailed notices to the Stone Creek, Quail Run Valley, Lakeview Summit, Random Oaks/Shores, and the Shores/Ray Hubbard 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 Quail Run Road, and advertised the public hearings in the Rockwall Harold Banner as required by the Unified Development Code (UDC). Staff received six notifications in opposition to the applicant's request. Additionally, staff received nine emails in opposition to the applicant's request from property owners outside of the notification area.

Mr. Miller further stated that if the Planning and Zoning Commission recommends approval of the applicant's request to rezone the subject property from Planned Development District 70 (PD-70) for limited commercial/retail land uses to a Planned Development District for Townhomes staff would propose the following conditions of approval:

- 1) The applicant shall be responsible for maintaining compliance with the conditions contained within the PD Development Plan 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 Commercial and Medium Density Residential designations to a High Density Residential designation; and,
- 3) Any construction resulting from the approval of this zoning amendment shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), 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 applicant to come forth and speak.

Adam Buczek
Westchester Dr. Suite 710
Dallas, Tx 75225

Applicant came forward to discuss the request, and provided slide show showing the Master Plan proposal. He stated that they had three (3) meetings with the HOA, which had a large showing of residents. They were able to express their concerns and had a good dialogue from these meetings. The proposed townhomes would be included in the Stone Creek HOA to ensure long-term control. Windsor Homes would be the builder. No adverse impact to the HOA will occur. To ensure townhomes remain for sale, deed restrictions would restrict that no more than 20% of the townhomes can be leased at any one time, and may not be leased for more than 12 consecutive months. After the expiration of the lease of any townhome it must be occupied by owner. Also there will be no direct traffic into the Stone Creek Subdivision. The applicant showed a short video of how visible the development would be driving along York Street at a 300-foot distance from the subject property. The video also showed traffic southbound on SH-205, and the applicant explained that the tree line along this roadway would be preserved and continue to act as a buffer. The tree line would essentially surround the site along three sides.

Chairman Renfro asked for questions from Commission. Commissioner Logan asked a question concerning tree preservation. The applicant explained that the tree line on three sides would be preserved as opposed to retail, which may choose to remove those trees. Commissioner Logan questioned HOA dues, and how lease/sale would be monitored/handled. The applicant stated that it would be a first come first serve basis and the HOA would be in control. Commissioner Jusko asked why not reconfigure land as premium lots and sell them. The applicant explained that the decision was based on finances. Commissioner McCutheon questioned lease/sale percentage and deed restrictions. Specifically if they have had used that model before. The applicant stated they had. Commissioner Fishman asked if they would have their own amenities center. The applicant explained it would be shared with Stone Creek. Commissioner McCutheon asked a question concerning amenities and how it would be shared with the Stone Creek Subdivision. How would that be handled and what all will be offered to the residents? The applicant explained that the current Stone Creek amenities center, as well as, the future city park would be offered. Trails would not have connection directly to York, sidewalk on Quail Run will be used to connect the two (2) neighborhoods. Commissioner McCutheon expressed concern about future connectivity through trails for the HOA. Commissioner Logan asked a question concerning the adjacent floodplain and how viable the site was for retail.

Chairman Renfro asked for additional questions from the Commission. There being none Chairman invited the audience to come forward in support/opposition to the case, but that all comments would be limited to three (3) minutes.

Penny Graham
127 Deverson
Rockwall, Tx 75087

Ms. Graham came forward and stated she had researched the zoning before buying her home, and feels these townhomes will have a negative impact on her house value. Also, she feels the townhomes are being forced on to the HOA and allowing the addition of the townhomes residents to use the amenity center will create a congestion issue. She attended the HOA meetings where applicant was present, but was never told retail was also being added. She asked the Commission to please deny request.

Donna Adams
129 Crestview
Rockwall, Tx 75087

Ms. Adams came forward and stated her concern is over the additional duties the HOA will have to endure if townhomes are forced on them.

Richard Patterson
578 Amherst Dr.
Rockwall, Tx 75087

Mr. Patterson came forward and stated he moved from China to Rockwall and looked at many areas before deciding to buy in Stone Creek and although he appreciates open communication the developer has provided, he does not agree with proposal. He is concerned with the population density, and how amenities will be affected. Also, he is concerned with traffic and how the development will impact his property value.

Jim Smith
609 Amherst
Rockwall, Tx 75087

Mr. Smith came forward and stated it is clear that residents are not embracing the proposal after three (3) meetings they've had with the developer. He realizes the developer is limited in many regards, however he does not feel that it justifies the change put on them, (i.e. the proposed density area and potential to lower property values over time). Additionally, this development does not have its own amenities to provide. High density properties need a location with a large amenities center in a different area. Townhomes would not be desirable without enough amenities. He believes in time the community will suffer.

Shirley Smith
609 Amherst Dr.
Rockwall, Tx 75087

Ms. Smith came forward and stated empty nesters will be the selling point for these townhomes, but she believes that it will not be selling point for older people due to all bedrooms upstairs. This development will be undesirable to the HOA and create a burden with respect to dues. Additionally, it will make it harder to sell her house with townhomes being sold at a lower price. She also stated she is concerned with the retention and detention ponds currently on the site and that the developer is not maintaining them.

Heather Camune
784 Barrymore Dr.
Rockwall, Tx 75087

Ms. Camune came forward and stated she is concerned with the high cost of HOA fees and thinks that this development will negatively affect the selling point of her home. She feels commercial areas are done so well in the city it should not be a threat from developer.

Bob Whacker
806 Miramar Dr.
Rockwall, Tx 75087

Mr. Whacker came forward and stated his concern is the added traffic this will create. Also he doesn't agree with forcing the HOA to maintain these townhomes. One (1) pool with no clubhouse isn't enough to accommodate additional townhomes.

Steve Guthomson
671 Featherstone
Rockwall, Tx 75087

Mr. Guthomson came forward and stated he was concerned and fearful of taxes being affected. The HOA will be burdened by the development.

Chairman Renfro asked if anyone further would like to speak. With no one (1) indicating a desire to speak Chairman Renfro brought the applicant back to rebut on the neighborhoods comments. The applicant spoke concerning the pool and stated he has not witnessed the pool being overcrowded. Impact on pool would not be an issue. Additionally, the townhomes would create less traffic than if the property was developed with retail. Although the HOA dues may seem high it includes all front lawn maintenance and amenities.

Chairman Renfro asked for questions. The applicant stated that he feels when the CVS came in it restricted what could be built on the subject property. Renfro agreed that it is illogical to assume that the HOA will enforce the rental requirement and evict tenants or

check to make sure they are in compliance every 12 month. He feels there is a lot of room for error and that this might not be feasible.

McCutheon asked if the HOA has been handed to residents. The developer stated that he will be in charge of the HOA until construction is complete.

Commissioner Conley asked a question concerning retail being brought in as well as if the applicant could clarify what retail would be offered as an alternative. Additionally, Conley expressed a need for such a product, but asked if the HOA dues were too high. The applicant explained that with the high price homes that are currently being built these dues would not be uncommon. Due to the trails, city park, future elementary schools, and other amenities it was an ideal situation for future residents.

Chairman Renfro asked for additional comments from the applicant. With none being offered the item was brought back to commission.

Commissioner Conley stated that she was struggling with this decision due to a need for townhomes in the community.

Commissioner Jusko expressed a desire for such a product, but feels this is not the proper location for such.

Commissioner Logan stated that the product was very beautiful, but feels that the adjacent residents bought into their homes under the current master plan and that the change may not be warranted.

Commissioner McCutheon expressed a need for this type of product, but looking at the map he feels it does not belong there. He does appreciate what they want to do and the approach, but feels that all in all he does not see how putting this product on the subject property is the best use of it. Due to it being retail this long, he feels this is how it needs to stay.

Commissioner Lyons expressed concern with the price range and layout of the product, and doesn't feel it targets the buyers that would be interested in paying the proposed HOA dues. He also agrees with the opinions relating to the master plan, that it is zoned retail and it should stay as that.

Commissioner Fishman is living in that part of town and expressed a need for retail in that area. She believes most people want that and that people that bought in that area knew it was retail.

Chairman Renfro expressed that although flexibility is something that the Commission is open to, it is in favor of keeping it commercial.

Applicant came forward and stated he believed the majority appeared to be in favor of denying the request and therefore he asked if the case could be withdrawn to save time.

Planning Director Robert LaCroix explained the withdrawal process stating it would be up to the applicant to formerly withdraw.

Chairman Renfro closed public hearing.

Commissioner McCutheon made motion to accept the withdraw request and Commissioner Conley seconded the motion. The motion to withdraw passed unanimously with a vote of 7-0.

IV. DISCUSSION ITEMS

3. Z2015-014

Hold a public hearing to discuss and consider a request by Cole Franklin of the Skorburg Company on behalf of the owner Lonnie Gideon Estate for the approval of a zoning change from an Agricultural (AG) District to a Planned Development District for Single Family 10 (SF-10) District land uses, on a 29.192-acre tract of land identified as a portion of Tract 1-01 of the S. R. Barnes Survey, Abstract No. 13, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the 205 By-Pass Corridor Overlay (205 BY-OV) District, located at the northeast corner of the intersection of E. Quail Run Road and John King Boulevard, and take any action necessary.

Chairman Renfro asked applicant to come forth to speak.

Cole Franklin
8214 Westchester Dr. Suite 710
Dallas, Tx 75225

The applicant came forward and discussed the current projects in Rockwall. The subject property at John King Boulevard and Quail Run Road is currently zoned Agricultural (AG) District. The applicant explained the proposed concept plan and zoning requirements. Additionally, an amenities center would be included in the development.

The P&Z having no questions, no discussion took place on this item.

4. P2015-015

Hold a public hearing to discuss and consider a request by Bradley G. Bischof for the approval of a residential replat creating Lot 26, Block C, Harbor Landing, Phase 2, being a 0.46-acre parcel of land currently identified as Lots 21 & 22, Block C, Harbor Landing, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single family land uses, addressed as 320 & 322 Port View Place, and take any action necessary.

Chairman Renfro asked applicant to come forth and speak.

Bradley Bischof
320 Portview Place
Rockwall, Tx 75032

The applicant came forward and gave brief explanation for the request stating that he currently put a house on the market but the lender will not buy the house unless both lots are platted as one.

The P&Z having no questions, no discussion took place on this item.

5. P2015-017

Discuss and consider a request by Ashley Malone on behalf of Lay Construction, LLC for the approval of a final plat for Lots 1 & 2, Block 1, HJG Plaza Addition being a 2.064-acre tract of land identified as Tract 36 of the B. J. T. Lewis Survey, Abstract No. 255, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, located on the east side of SH-205 [S. *Goliad Street*] north of the intersection of SH-205 and Yellow Jacket Lane, and take any action necessary.

Chairman Renfro asked applicant to come forth and speak.

Ashley Malone
(No address given)

Ms. Malone came forward and gave brief explanation of request.

The P&Z having no questions, no discussion took place on this item.

6. SP2015-009

Discuss and consider a request by Cameron Slown of F. C. Cuny Corporation on behalf of Stan Lowrance, DDS for the approval of a site plan for a medical office building on a 0.75-acre portion of a larger 2.5877-acre tract of land identified as Tract 4-9 of the E. Teal Survey, Abstract No. 207, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 9 (PD-9) for General Retail (GR) District land uses, situated within the Scenic Overlay (SOV) District, located on the north side of Summer Lee Drive, and take any action necessary.

This item was combined with Case No. SP2015-017.

7. SP2015-010

Discuss and consider a request by Cameron Slown of F. C. Cuny Corporation on behalf of Greg Young of Hall and Lee Land Company, LLC for the approval of a site plan for a medical office building on a 0.75-acre portion of a larger 2.5877-acre tract of land identified as Tract 4-9 of the E. Teal Survey, Abstract No. 207, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 9 (PD-9) for General Retail (GR) District land uses, situated within the Scenic Overlay (SOV) District, located on the north side of Summer Lee Drive, and take any action necessary.

Chairman Renfro asked applicant to come forth and speak.

Cameron Slown
4360 Delmar Avenue
Dallas TX

Mr. Slown came forward and gave brief explanation of request.

The P&Z having no questions, no discussion took place on this item.

8. SP2015-011

Discuss and consider a request by Ben McMillian of Ben McMillian Properties, LLC for the approval of a site plan for a general retail store, photography studio and office building situated on two (2) parcels of land being 0.43-acres identified as Lots 19A & 19B of the Amick Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) for Residential-Office (RO) District land uses, addressed as 503 N. Goliad Street [SH-205], and take any action necessary.

Senior Planner, David Gonzales, gave brief summary of item and stated ARB did approve.

Ben McMillian
304 San Jacinto
Rockwall, TX

Mr. McMillian came forward and gave brief explanation of request.

The P&Z having no questions, no discussion took place on this item.

9. SP2015-012

Discuss and consider a request by Jennifer Garcia of KBGE on behalf of Rockwall Ice Cream Holdings, LLC for the approval of a site plan for a general retail store on a 0.91-acre tract of land identified as Tract 36 of the B. J. T. Lewis Survey, Abstract No. 255, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, located on the east side of SH-205 [S. Goliad Street] north of the intersection of SH-205 and Yellow Jacket Lane, and take any action necessary.

Chairman Renfro asked applicant to come forth and speak.

Ed Copleand
(No address given)

Mr. Copeland came forward and gave brief explanation of request.

The P&Z having no questions, no discussion took place on this item.

10. Director's Report of post Council meeting outcomes of Planning & Zoning cases (Robert).

- ✓ P2015-012: Breezy Hill, Phase V [Approved]
- ✓ P2015-008: Lots 6 & 7, Block K, Sanger Brothers Addition [Approved]
- ✓ Z2015-011: Text Amendment to Article IX, Tree Preservation, of the UDC (2nd Reading) [Approved]
- ✓ Z2015-012: 907 N. Goliad Street SUP (1st Reading) [Approved]
- ✓ SP2015-007: Kroger Site Plan [Approved]

Robert LaCroix gave a summary of City Council actions for the above mentioned items.

The P&Z having no questions, no discussion took place on this item.

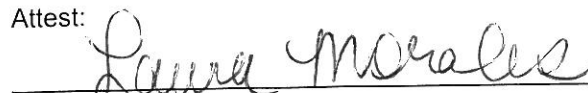
V. ADJOURNMENT

Meeting was adjourned at 8:09 p.m.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
ROCKWALL, Texas, this 30 day of June, 2015.


Craig Renfro, Chairman

Attest:


Laura Morales