

MINUTES
PLANNING AND ZONING COMMISSION PUBLIC HEARING
City Hall, 385 South Goliad, Rockwall, Texas
Council Chambers
May 12, 2015
6:00 P.M.

I. CALL TO ORDER

Chairman Renfro called the meeting to order at 6:04pm. Present were Chairman Renfro, Commissioners Tracey Logan, Craig Renfro, Mike Jusko, John McCutcheon, and Annie Fishman. Absent were Commissioners Wendi Conley and Johnny Lyons. 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. Approval of Minutes for the March 10, 2015 Planning and Zoning Commission meeting.

2. 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.

3. P2015-018

Discuss and consider a request by Justin Bosworth of Wier & Associates, Inc. on behalf of Gary Volovnik of Allen Foods, Inc. the approval of a replat Lot 3, Block B, Rockwall Technology Park Phase III Addition being a 38.932-acre parcel of land identified as Lot 2, Block B, Rockwall Technology Park Phase III, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, addressed as 3055 Discovery Boulevard & 3370 Springer Road, and take any action necessary.

Commissioner Renfro withdrew Item #3 P2015-018 from the consent agenda at the applicant's request. Commissioner McCutcheon made a motion to pass consent agenda items #1 and #2. Commissioner Logan seconded the motion. A vote was taken and passed unanimously by all Commissioners present, with Commissioner Conley and Commissioner Lyons absent.

III. PUBLIC HEARINGS

4. Z2015-014

Hold a public hearing to discuss and consider a request by Cole Franklin of the Skorgburg 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.

Planning Manager, Ryan Miller, provided information related to this agenda item explaining that on April 17, 2015, the applicant submitted an application requesting to rezone a 29.192-acre tract of land from an Agricultural (AG) District to a Planned Development District for a single-family, residential subdivision that will consist of 72 single-family lots, an amenities center and open space areas. The property, which was annexed into the City on March 16, 1998 by *Ordinance No. 98-10*, is located at the northeast corner of E. Quail Run Road and John King Boulevard and is currently vacant agricultural land

Mr. Miller explained that the land uses adjacent to the subject property are as follows:

62 **North:** Directly north of the subject property is the City's corporate boundaries followed by
63 a single family, residential development that is situated within Rockwall County.

64
65 **South:** Directly south of the subject property is John King Boulevard, which is designated
66 as a P6D (*principal, six [6] lane, divided roadway*), and a portion of E. Quail Run Road, which is
67 designated as a M4U (*minor, four [4] lane, undivided roadway*) according to the City's Master
68 Thoroughfare Plan. Beyond these roadways are the remaining tracts of land that are part of a
69 larger 62.192-acre tract of land that incorporates the subject property. All the properties are
70 vacant agricultural land that are zoned Agricultural (AG) District.

71
72 **East:** Directly east of the subject property are several single-family homes situated on
73 estate lots, and zoned Agricultural (AG) District. Beyond these properties is a vacant 76.577-
74 acre tract of land, zoned Agricultural (AG) District, and owned by the Rockwall Independent
75 School District (RISD) [*identified as Tract 14-11 of the J. M. Gass Survey, Abstract No. 88*].

76
77 **West:** Directly west of the subject property is a vacant 45.318-acre tract of land zoned
78 Agricultural (AG) District. Beyond this tract of land is John King Boulevard.

79
80 Along with the application, the applicant has submitted a concept plan and development
81 standards for the proposed residential subdivision. The concept plan shows the layout of the
82 subdivision, which will have access drives on John King Boulevard and E. Quail Run Road. The
83 development will consist of 45, 80' x 125' lots (*eight [8] of which will have a depth of 150-feet*)
84 and 27, 100' x 150' lots, and have a gross residential density of 2.46 units/acre. The subdivision
85 will incorporate 2.79-acres of open space (~9.56%) that will be adjacent to John King Boulevard
86 and E. Quail Run Road, and provide a buffer between the houses and the adjacent
87 thoroughfares. An amenities center will be provided to service the 72-lot subdivision.

88
89 Additionally, the applicant has agreed to incorporate the same anti-monotony standards that
90 were incorporated in Planned Development District 70 (PD-70) [*i.e. the Stone Creek subdivision*]
91 and Planned Development District 74 (PD-74) [*i.e. the Breezy Hill subdivision*]. *Copies of the*
92 *proposed PD Concept Plan and PD Development Standards have been provided in the attached*
93 *packet for the City Council and Planning & Zoning Commission's review.*

94
95 Mr. Miller further explained that the Future Land Use Map, contained within the Comprehensive
96 Plan, designates the subject property for *Low Density Residential* land uses. According to the
97 Comprehensive Plan, "(l)ow density residential is defined as less than two (2) units per acre;
98 however, a density up to two and one-half (2.5) units per gross acre may be allowed within a
99 residential Planned Development District that includes the dedication and/or development of
100 additional amenities exceeding the minimum standards for residential Planned Developments."
101 The additional amenities are described as: 1) Parks and Open Space, 2) Golf Course, 3)
102 Neighborhood Amenity/Recreation Center, 4) Integration of Schools into the Community Fabric,
103 5) Development of Trails and Parks in Floodplains, and 6) Development of Municipal Parks and
104 Recreation Facilities. Additionally, the Planned Development District standards contained
105 within the Unified Development Code (UDC) require a minimum of 20% of the gross land area be
106 dedicated to open space.

107
108 Mr. Miller also stated that in this case, the concept plan shows a total of 2.79-acres of open
109 space (~9.56%), which represents roughly half the compulsory amount required for this
110 development. Staff has calculated that the applicant would need an additional 3.05-acres of
111 open space to be in compliance with the Planned Development requirements. This would
112 equate to a reduction of approximately 13, 80' x 125' lots. The plan does indicate that the
113 development will incorporate an amenities center that could satisfy the additional amenity
114 requirement, and justify the disparity in the open space; however, the requested gross
115 residential density is 2.46 units/acre, and any additional density over two (2) units per acre is a
116 discretionary decision for the City Council based on the amenities provided by the proposed
117 development. It should also be noted that the applicant has agreed to include a ten (10) foot
118 sidewalk along John King Boulevard per the recommendations of the *John King Boulevard*
119 *Design Concept Plan* contained within the Comprehensive Plan. This has been included in the
120 proposed Planned Development District ordinance.

If the City Council chooses to grant the applicant's request, no changes to the Future Land Use Map would be required because the proposed density is in conformance with the range designated for the *Low Density Residential* designation (i.e. 2-2.5 units/acre).

Mr. Miller also noted that on April 24, 2015, staff mailed 19 notices to property owners and residents within 500-feet of the subject property. Staff also emailed a notice to the Stoney Hollow and Dalton Ranch 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 John King Boulevard and E. Quail Run Road, and advertised the public hearings in the Rockwall Harold Banner as required by the Unified Development Code (UDC). At the time this case memo was drafted no responses were received by staff.

If the Planning and Zoning Commission chooses to recommend approval of the applicant's request to rezone the subject property from an Agricultural (AG) District to a Planned Development District, 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; and,
- 2) 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 the applicant to come forth and speak.

Cole Franklin
8214 Westchester Dr.
Dallas, Tx 75225

Mr. Franklin came forth and presented a slide show of the proposal. The slide show included the property's location, proposed concept plan with detail of the proposed density and lot mix, future land use plan designation, zoning request information, development standards, requirements, projected price points, and an Amenity Center concept.

Chairman Renfro asked for discussion or questions from the commissioners. Commissioner Logan had question concerning the detention pond and reason for the proposed variance. Planning Director Robert LaCroix gave brief explanation.

Chairman Renfro opened the public hearing and asked if anyone would like to come forward and speak.

Nicholas Grant
1569 Quail Run
Rockwall, Tx

Mr. Grant came forward and stated his opposition and concern that the request submitted already required variances which he thought seemed premature and in disregard of the intent of the Overlay District ordinances. Mr. Grant also stated that the concept plan diagram although not to scale appears to show the proposed Amenity Center and three lots within the 50 foot John King Landscape Buffer.

Mr. Grant also stated that he is concerned with the building standards and masonry requirements, which he feels does not conform to city's architectural standards. He stated he expects that if the request is approved it be fully evaluated by city staff, and that any variances be out of necessity and not just convenience or profit.

Tim Turner
1691 E. Quail Run
Rockwall, Tx

Mr. Turner expressed desire to keep only large low-density lots as shown on the master plan. He also stated that he was concerned with the buffer provided when this many lots are crammed in one area. Also of concern is the proposal of building an amenity center at John King, which he feels is one of the busiest roads and will inevitably affect traffic flow in the area.

Kristy Utley
1815 E Quail Run Rd
Rockwall, Tx

Ms. Utley came forward and stated she had the same concerns already expressed by her neighbors and stated her desire to keep the same land pattern for this area by only allowing larger lots with a diversity of homes. She also stated a concern with the location of where the amenity center is proposed to be built.

Doug Utley
1815 E Quail Run Rd.
Rockwall, Tx

Mr. Utley stated he feels the bigger the lots the better.

Chairman Renfro asked applicant to come forth for rebuttal and answer additional questions.

Adam Buczek
8214 Westchester, Suite 710
Dallas, Tx 75225

Mr. Buczek came forward and explained that the proposal was trying to achieve the larger lots that the residents want; however, it being a 29-acre tract of land and not a 400 acre master plan like Stone Creek and Breezy Hill, it is difficult to meet the development standards stipulated by the Planned Development District ordinance. He also explained that with the utility concerns that the residents have, there is currently no sewer provided for the property and will require the utilities to be extended to the property.

Chairman Renfro asked whether the proposal was meeting the setback requirements that the resident stated earlier. Mr. Miller gave brief explanation of what the setback requirements for this area would be explaining the overlay district requires residential properties to be setback 30-feet if they are facing onto John King Boulevard. In this case, no properties are facing directly onto John King Boulevard and the setbacks would be 20-feet per the PD Ordinance. Additionally, they are providing a 50-foot landscape buffer off John King Boulevard. Chairman Renfro asked if the 2.46-acre flex space included the proposed amenity center. The applicant stated it would.

Chairman Renfro asked staff to explain the overall strategy and what the original intent was for this property in order to be able to clarify this request when he was presenting to the City Council. Additionally, he asked what the original intent of Comprehensive Plan showed and if it merits changing the Future Land Use contained in the . Planning Director Robert LaCroix gave an explanation of what the Comprehensive Plan refers to, including the ability to mix housing types together, which has been done in the Stone Creek and Breezy Hill Subdivisions. Additionally, Mr. LaCroix stated that in the future the surrounding land will be developed in similar manner according to the Comprehensive Plan.

Chairman Renfro closed the public hearing and asked if the Commission for direction or questions.

Commissioner Jusko motioned to approve the case with staff recommendations. Commissioner Fishman seconded the motion. A vote was taken and the motion was passed unanimously by all Commissioners present, with Commissioner Conley and Commissioner Lyons absent.

5. P2015-015

244 Hold a public hearing to discuss and consider a request by Bradley G. Bischof for the approval of a
245 residential replat creating Lot 26, Block C, Harbor Landing, Phase 2, being a 0.46-acre parcel of land
246 currently identified as Lots 21 & 22, Block C, Harbor Landing, Phase 2, City of Rockwall, Rockwall
247 County, Texas, zoned Planned Development District 8 (PD-8) for single family land uses, addressed as
248 320 & 322 Port View Place, and take any action necessary.
249

250 Senior Planner, David Gonzales, explained the objective of this request is to combine two
251 residential parcels (Lots 21 & 22) of the Harbor Landing Phase 2 Addition into one larger 20,000
252 sq. ft. residential parcel (Lot 26). It should be noted that in 1987 the City of Rockwall entered
253 into a settlement agreement with the plaintiffs in regards to a dispute concerning the height
254 restrictions established in Planned Development No. 8 (PD-8) District for certain lots identified
255 to be in Blocks B and C of the Harbor Landing Phase 2 Addition. Lots 21 and 22 are located in
256 Block C and meet this criterion. The court order establishes "maximums" for roof top
257 elevations, pad elevations, and house height for each lot and is referenced as "Exhibit C" in
258 your packet.
259

260 Mr. Gonzales further stated that since a home has been built on Lot 21, it is the City's
261 recommendation that the property owner adhere to the courts order in perpetuity for the more
262 restrictive maximums established for the roof top elevations, pad elevations, and house height
263 on what is designated and currently known as Lot 22. Conditional approval of this plat by the
264 City Council shall constitute approval subject to the conditions below. With the exception of the
265 items listed in the Recommendation section of this case memo, this plat is in substantial
266 compliance with the requirements of the Subdivision Ordinance in the Municipal Code of
267 Ordinances.
268

269 Mr. Gonzales stated that staff mailed thirty-nine (39) notices to property owners within 200 feet
270 of the subject property and a notice of Public Hearing was published in the Rockwall Herald-
271 Banner as required by law. At the time this report was drafted, staff has received one (1) notice
272 "For" the residential replat requested.
273

274 If the Planning & Zoning Commission and City Council choose to approve the residential replat
275 request, staff would recommend the following conditions of approval:
276

277 A) All the technical comments from the Engineering and Fire Departments shall be addressed
278 prior to the filing of this plat, including adherence to the following Planning Department
279 comments;
280

281 B) Any construction resulting from the approval of this final plat shall conform to the
282 requirements set forth by the Unified Development Code, the 2009 International Building Code,
283 the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with
284 all other applicable regulatory requirements administered and/or enforced by the state and
285 federal government.
286

287 Chairman Renfro opened the public hearing and asked the applicant to come forward.
288

289 Brad Bischof
290 320 Portview Place
291 Rockwall, Tx
292

293 The applicant came forward and gave brief explanation concerning the reason for the request.
294

295 Chairman Renfro asked if anyone in the audience would like to speak on this matter. With no
296 one coming forward Chairman Renfro closed the public hearing and brought the item back to
297 the Commission. Commissioner McCutcheon made motion to approve the case with staff
298 recommendations. Commissioner Jusko seconded the motion. A vote was taken and the
299 motion was passed unanimously by all Commissioners present, with Commissioner Conley and
300 Commissioner Lyons absent.
301

302 IV. ACTION ITEMS 303 304

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.

Planning Manager, Ryan Miller, gave a brief explanation of the item. The subject property is a 2.5877-acre tract that will be subdivided into three (3) parcels of land (*i.e. two [2] 0.75-acre parcels and one [1] 1.0877-acre parcel of land*). All of the proposed parcels are currently zoned Planned Development District 9 (PD-9) for General Retail (GR) District land uses. The purpose of the applicant's request is to layout the development of two (2) medical office buildings on two (2) of the three (2) newly created parcels of land. The remaining parcel will remain vacant.

For a matter of record keeping, the applicant has requested that the two (2) buildings have individual case numbers assigned to them and run as separate cases. The companion site plan case has been processed as *Case No. SP2015-010*.

Mr. Miller explained that the proposed use (*i.e. a medical office building*) is consider to be permitted *by-right*, and will not require any additional approvals by the Planning and Zoning Commission. Both office buildings will be approximately 4,900 SF (*i.e. ±4,900 SF & ±4,860 SF*), situated on individual 0.75-acre parcels of land, and be accessible from one (1) of the two (2) access drives that will be located off of Summer Lee Drive. The submitted site plan, building elevations, landscape plan, and photometric plan conform to the technical requirements contained within the Unified Development Code (UDC) and Planned Development District 9 (PD-9). Additionally, no tree mitigation is required for the development of the subject property.

Mr. Miller further explained that on April 28, 2015, the Architectural Review Board (ARB) reviewed the proposed site plan and building elevations. The ARB, stated that the proposed design of the buildings blended in well with the aesthetics of the area; however, they recommended that the applicant consider extending the eaves outward to highlight the roofline of the building and align the metal canopies to create uniformity in the building appearance. Since the recommendations have been made, the applicant has submitted building elevations that show compliance with the board's recommendations.

The site plan submitted by the applicant meets all the technical criteria stipulated the UDC and Planned Development District 9 (PD-9). Should the Planning and Zoning Commission choose to approve the applicant's request, 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) 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 forward and speak.

Cameron Slown
2316 Delmar Ave.
Dallas, Tx

The applicant came forward. With no questions from commissioners the Chairman asked for a motion. Commissioner Logan made motion to approve and Commissioner Jusko seconded motion. A vote was taken and the motion passed unanimously by all Commissioners present, with Commissioner Conley and Commissioner Lyons absent.

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.

Planning Manager, Ryan Miller, stated that this case was companion site plan to the previous case. The subject property that is a 2.5877-acre tract that will be subdivided into three (3) parcels of land (*i.e. two [2] 0.75-acre parcels and one [1] 1.0877-acre parcel of land*). All of the proposed parcels are currently zoned Planned Development District 9 (PD-9) for General Retail (GR) District land uses. The purpose of the applicant's request is to layout the development of two (2) medical office buildings on two (2) of the three (2) newly created parcels of land. The remaining parcel will remain vacant.

For a matter of record keeping, the applicant has requested that the two (2) buildings have individual case numbers assigned to them and run as separate cases. The companion site plan case has been processed as *Case No. SP2015-009*.

The proposed use (*i.e. a medical office building*) is consider to be permitted *by-right*, and will not require any additional approvals by the Planning and Zoning Commission. Both office buildings will be approximately 4,900 SF (*i.e. ±4,900 SF & ±4,860 SF*), situated on individual 0.75-acre parcels of land, and be accessible from one (1) of the two (2) access drives that will be located off of Summer Lee Drive. The submitted site plan, building elevations, landscape plan, and photometric plan conform to the technical requirements contained within the Unified Development Code (UDC) and Planned Development District 9 (PD-9). Additionally, no tree mitigation is required for the development of the subject property.

On April 28, 2015, the Architectural Review Board (ARB) reviewed the proposed site plan and building elevations. The ARB, stated that the proposed design of the buildings blended in well with the aesthetics of the area; however, they recommended that the applicant consider extending the eaves outward to highlight the roofline of the building and align the metal canopies to create uniformity in the building appearance. Since the recommendations have been made, the applicant has submitted building elevations that show compliance with the board's recommendations.

The site plan submitted by the applicant meets all the technical criteria stipulated the UDC and Planned Development District 9 (PD-9). Should the Planning and Zoning Commission choose to approve the applicant's request, 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) 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 called for discussion. Commissioner McCutcheon made motion for approval with staff recommendations and Commissioner Jusko seconded the motion. A vote was taken and the motion passed unanimously by all Commissioners present, with Commissioner Conley and Commissioner Lyons absent.

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, explained that the applicant is requesting approval of a Site Plan for the purpose of new construction of a 3,600 sq. ft. *General Retail Store* which also incorporates an office and photography studio uses on the subject properties. The subject project currently consists of two parcels of land and will require a final plat in order to combine the two (2) lots prior to the release of a building permit. The properties are within Planned Development District No. 50 (PD-50) and the North Goliad Corridor Overly (NGC OV) District, has an underlying zoning of Residential Office (RO) District, and is generally located at 503 N. Goliad Street.

Mr. Gonzales explained that the proposed use for a *General Retail Store* was approved via SUP Ord. No. 15-03 in January of this year; however, the office and photography studio are uses permitted by right. The site will incorporate eleven (11) parking spaces and have two (2) points of access [one (1) along North Goliad and one (1) along North Alamo] in order to circulate traffic. Also, the site plan indicates the parking spaces to be located behind the front façade of the building (at the rear of the property) meeting the requirements of PD-50 and the RO district.

The submitted site plan, building elevations, landscape plan, and photometric plan conform to the technical requirements contained within the Unified Development Code (UDC) and Planned Development District No. 50 (PD-50), with the exception of the conditions as listed in the Recommendations portion of this report. Additionally, the balance for tree mitigation for the removal of the 18" Elm will be satisfied based on the landscape plan submitted.

Mr. Gonzales stated that the NGC OV district establishes design standards to guide the new construction of buildings, streetscapes, and architectural styles to be consistent with the existing historical residential homes and businesses located along the corridor. Building elevations have been submitted as part of the site planning process and reviewed by the Historic Preservation Advisory Board (HPAB) to assure consistency with the architectural styles and the standards of the district. On April 16, 2015, the HPAB unanimously approved the buildings elevation and materials and is forwarding a recommendation of approval to the Planning and Zoning Commission.

Mr. Gonzales further stated that the site plan submitted by the applicant meets all the technical criteria stipulated by the UDC, NGC OV, and PD-50. Should the Planning and Zoning Commission choose to approve the applicant's request, 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 including the following Planning comments.
- 2) 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.

Commissioner McCutcheon made motion to approve the case with staff recommendations and Commissioner Fishman seconded the motion. A vote was taken and the motion was passed unanimously by all Commissioners present, Commissioner Conley and Commissioner Lyons absent.

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

Senior Planner, David Gonzales, explained that the applicant is requesting approval of a Site Plan for the purpose of new construction for a 6,889 sq. ft. *General Retail Store*. The property is zoned *Commercial (C) District* and is within the *SH-205 Overlay (SH205 OV) District*, has an underlying zoning of *Residential Office (RO) District*, and is generally located on the east side of S. Goliad Street north of the intersection of SH-205 and Yellow Jacket Lane.

The proposed use for a *General Retail Store* is a use permitted by right. The site will incorporate a total of thirty-seven (37) parking spaces and have one (1) point of access along South Goliad; however, access will also be available from the adjacent property to the south by way of a 24-ft. Fire lane and Public Access Easement in order to circulate traffic.

Mr. Gonzales further explained that the submitted site plan, building elevations, landscape plan, and photometric plan conform to the technical requirements contained within the *Unified Development Code (UDC)* and the *SH-205 Overlay (SH205 OV)*, with the exception of the conditions as listed in the Variance and Recommendations sections of this report. Additionally, the balance for tree mitigation will be satisfied based on the landscape plan submitted.

Mr. Gonzales also stated that the applicant is requesting a variance to the *Unified Development Code, Article V, Section 4.1 General Commercial District Standards*, to allow for not meeting the Horizontal Articulation requirements as established in *Art. V, Sec. 4.1, C.1.a.* and as depicted in the Building Elevations as submitted. The code reads as follows:

C. Building articulation.

1. *Requirements.* Facades shall meet the following minimum standards for articulation:

a. *Horizontal articulation.* No building wall shall extend for a distance equal to three times the wall's height without having an offset of 25 percent of the wall's height, and that new plane shall extend for a distance equal to at least 25 percent of the maximum length of the first plane.

Although the applicant has provided an offset (bump-out) on each wall, the offsets do not meet the technical definition for horizontal articulation. The variance requested by the applicant for not meeting the horizontal articulation requires a simple majority vote in the affirmative of all council members present for approval.

Mr. Gonzalez advised that on April 28, 2015, the Architectural Review Board (ARB) reviewed the proposed building elevations for the site. General discussion concerning the agenda item took place between the Board Members and city staff. The board expressed concern with the lack of horizontal and vertical articulation for the building as well as their desire to retain the pilaster elements at the corners. To address these concerns the board recommended that the applicant increase the horizontal and vertical projections of the front entry element and to lower the cornice of the pilaster to be in line with the lower (main) parapet.

The applicant has revised the front elevation by increasing the horizontal and vertical projections, which meets the ARB's concern for articulation on the front façade; however, the pilaster elements are not on the revised elevations, and therefore do not meet the ARB's overall recommendation. It should be noted that the applicant's revised plans indicate vertical elements on each wall that meet the intent of the UDC with regard to vertical articulation; however, a variance to the horizontal articulation is still required.

The ARB requested to review the revised elevations via e-mail. At the time of this report, staff has not received comments from the ARB members.

Mr. Gonzalez further explained that the site plan submitted by the applicant meets all the technical criteria stipulated by the UDC, NGC OV, and PD-50, with the exception of the variance requested and the items listed below. Should the Planning and Zoning Commission choose to

548 approve the applicant's request, then the following conditions of approval should be adopted
549 with this case:

- 550
- 551 1) All comments provided by the Planning, Engineering and Fire Department must be
552 addressed prior to the submittal of a building permit and to include the following Planning
553 comments.
- 554
- 555
- 556 2) Any construction or building necessary to complete this *Site Plan* request must conform to
557 the requirements set forth by the UDC, the 2009 International Building Code, the Rockwall
558 Municipal Code of Ordinances, city adopted engineering and fire codes and with all other
559 applicable regulatory requirements administered and/or enforced by the state and federal
560 government.
- 561

562

563 Chairman Renfro asked applicant to come forward and speak.

564

565 Jennifer Castillo

566

567 The applicant came forward and gave a brief explanation of the request.

568

569 Commissioner McCutcheon questioned if the articulation was meeting the requirements.
570 General discussion took place concerning the articulation requirements.

571

572 Roger Nims

573

574 Mr. Nims came forward and stated he was representing the owner and that the property was
575 specifically bought to build this building. Mr. Nims further stated that he would work with staff
576 to try and meet the requirements while conforming to the square footage constraints of the site.

577

578 Commission McCutcheon made motion to approve SP2015-012 for general retail store without
579 the variance request and Commissioner Jusko seconded the motion. A vote was taken and
580 passed unanimously by all Commissioners present (Commissioner Conley and Commissioner
581 Lyons absent).

582

583 General discussion then continued concerning the articulation and elevation requirements, and
584 the requested variance.

585

586 Chairman Renfro made motion to remand the variance request back to ARB for further review.
587 Commissioner McCutcheon seconded motion. A vote was taken and the motion passed
588 unanimously by all Commissioners present, with Commissioner Conley and Commissioner
589 Lyons absent.

590

591 V. DISCUSSION ITEMS

592

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

594

595 P2015-013: Lot 1, Block A, Platinum Storage Addition [Approved]
596 Z2015-012: SUP for 907 N. Goliad Street (2nd Reading) [Approved]
597 Z2015-013: Amendments to PD-74 (1st Reading) [Denied]

598

599 Planning Director Robert LaCroix provided a brief update about the outcomes of the above
600 referenced cases at the City Council meeting The Commission did not have any questions
601 concerning this agenda item.

602

603 VI. ADJOURNMENT

604

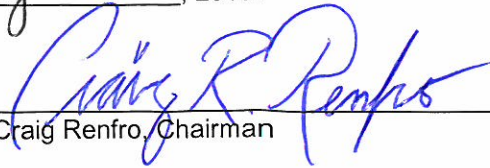
605 Meeting adjourned at 7:58 p.m.

606

607

608 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
609 ROCKWALL, Texas, this 24 day of May, 2015.

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Craig Renfro, Chairman

Attest: