

MINUTES
PLANNING AND ZONING COMMISSION PUBLIC HEARING
City Hall, 385 South Goliad, Rockwall, Texas
Council Chambers
August 11, 2015
6:00 P.M.

I. CALL TO ORDER

Chairman Renfro called the meeting to order at 6:00pm. Present were Chairman Renfro, Commissioners Mike Jusko, John McCutcheon, and Wendi Conley. Commissioners Annie Fishman and Johnny Lyons were absent. Staff members present were Director of Planning and Zoning, Ryan Miller, Senior Planner, David Gonzales, and Planning and Zoning Coordinator, Laura Morales.

II. CONSENT AGENDA

1. Approval of Minutes for the July 28, 2015 Planning and Zoning Commission meeting.

2. P2015-034

Discuss and consider a request by Joanne Vuckovic of the Pregnancy Resource Center for the approval of a replat for Lot 1, Block A, Pregnancy Resource Center being a 0.32-acre tract of land currently identified as Tract 21 of the B. J. T. Lewis Survey, Abstract No. 255, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 53 (PD-53) for Residential-Office (RO) District land uses, situated within the Scenic Overlay (SOV) District, addressed as 1010 Ridge Road, and take any action necessary.

Commissioner McCutcheon made motion to approve the consent agenda. Commissioner Logan seconded the motion, which passed by a vote of 4-0. Chairman Renfro noted Commissioner Lyons would arrive late, and Commissioner Fishman was absent.

III. PUBLIC HEARINGS

3. Z2015-023

Hold a public hearing to discuss and consider a request by Rich Darragh of the Skoburg Company on behalf of the owner James Syvrud for the approval of a zoning change from a Commercial (C) District to a Planned Development District for townhomes, on a 9.24-acre tract of land identified as Tract 9 of the D. Atkins Survey, Abstract No. 001, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District, located on the east side of Ridge Road north of the intersection of W. Yellow Jacket Lane and Ridge Road, and take any action necessary [*the Applicant has Requested that this Case be Withdrawn*].

Commissioner McCutcheon made motion to accept request to withdraw the case. Commissioner Jusko seconded the motion, which passed by a vote of 4-0 with Commissioner Fishman and Lyons absent.

4. Z2015-024

Hold a public hearing to discuss and consider a request by Rich Darragh of the Skoburg Company on behalf of the owner William Audy Riggs, SR 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 93.00-acre tract of land identified as Tract 33 of the J. Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, located on the east side of Breezy Hill Road north of FM-552, and take any action necessary [*the Applicant has Requested that this Case be Withdrawn*].

Commissioner Logan made motion to accept request to withdraw the case. Commissioner Conley seconded the motion which passed by a vote of 4-0 with Commissioners Lyons and Fishman absent.

IV. ACTION ITEMS

5. MIS2015-004

Discuss and consider the approval of a special request by David Smith on behalf of the owner Jose Contreras for a waiver to the Manufactured Home Replacement Minimum Standards as set forth in Exhibit 'C' of Planned Development District 75 (PD-75) [Ordinance No. 09-37] to allow a new manufactured home to be located within the floodplain on a 0.17-acre property identified as Lot 1376, Rockwall Lake Estates #2, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single Family-7 (SF-7) District land uses, located at 142 Rene Drive, and take any action necessary.

Planning Director, Ryan Miller, gave brief explanation of request explaining that on behalf of the owner the applicant, David Smith with the Rockwall Housing Development Corporation, has submitted a special request to the requirements stipulated for Manufactured Home Replacement Minimum Standards outline in Exhibit C of Planned Development District 75 PD-75 Ordinance No. 09-37. According to this section, if an existing property has a manufactured home situated on it then the property owner is eligible for a one time replacement of said manufactured home pending the replacement home meets the following criteria:

- 1) The replacement manufactured home shall be permanently affixed to a concrete foundation.
- 2) The replacement manufactured home shall have a minimum of a 3:12 roof pitch.
- 3) The replacement manufactured home shall be constructed of a minimum of 90% masonry materials on the exterior of the structure excluding windows and doors; including the skirting material. This includes Hardiboard lap siding, cemplank, lap siding, or a similar cementaceous durable lap siding material that has a minimum width of 6¼-inches.
- 4) The replacement manufactured home shall be a newer manufactured home and contain at least the same living space/square footage as the previous manufactured home

Mr. Miller further explained that the property at 142 Rene Drive currently has an older manufactured home on the subject property that sustained considerable damage with the flooding in Lake Rockwall Estates earlier this spring. The RHDC did attempt to allow the applicant to build on land owned by the RHDC, but according to Mr. Smith's email this proved to be economically infeasible. At this point, the property at 142 Rene Drive is eligible for a one time replacement subject to the requirements listed above; however, the property is located within the 100-year floodplain and does not meet the fire hydrant coverage requirements. Mr. Smith has indicated that the RHDC is willing to assist the owner of the property in removing the existing manufactured home and securing a new manufactured home that will meet all the above mentioned criteria with the exception of the masonry requirements; however, in doing this he is asking that the City Council grant the following waivers/variances: 1) waiver of the masonry requirements, 2) allow construction within a 100-year floodplain, and 3) grant a variance to the fire hydrant coverage requirements. To off-set construction within the floodplain Mr. Smith has stated that the new manufactured home will be on a 24-inch engineered manufactured home foundation, the flooding was measured at 18-20 inches. The finished floor elevation of the property is estimated to be around 516'-518', approximately four to six feet below the 100-year floodplain elevation. With this being said it should be mentioned that the applicant does have the ability to rehabilitate the current structure, which would exempt him from all the waivers and variances requested.

Mr. Miller also noted that according to Section C, Consideration of Special Request, of Exhibit C of PD-75, the City Council may consider special requests on a case-by-case basis for properties located within the Lake Rockwall Estates subdivision pending a recommendation from the Planning and Zoning Commission. The approval of any special request shall preempt any other underlying zoning restrictions stipulated by the zoning ordinance. Additionally, City Council does have the authority to grant a waiver/variance for allowing a manufactured home to be placed on the subject property.

Mr. Miller stated staff, as well as applicant is available to answer any questions.

Chairman Renfro asked Engineer staff member Amy Williams for her comments on the case. Ms. Williams stated the request is not in compliance with Engineerings flood ordinance as well as the National Flood Insurance Program that the City has agreed to abide by which states no structure can be built on a floodplain and if there are, a flood study must be done to prove they are not increasing the water surface up or down stream, and if they do prove that, they have to be built two feet above the 100 year flood elevation which means this structure would have to be eight feet in the air to meet compliance. Engineering flood ordinance also states if any improvements are done fifty percent of value of the home has to comply with the flood ordinance which is two feet above the 100 year flood elevation as well as the flood study to prove that.

Chairman Renfro asked Fire Marshal Ariana Hargrove for her comments concerning the case. Ms. Hargrove stated their main concern is that there is no fire protection there, and the fire code states if a new structure is brought it must abide by the code requirement. Therefore there will be two variances that will be necessary for this request, not only fire hydrant coverage but fire flow coverage as well. Ms. Hargrove further stated there are no fire hydrants on Renee.

Chairman Renfro asked if variances and allowances are granted for this subdivision, on a case by case basis. Ms. Williams stated on a floodplain no allowances are allowed.

Mr. Miller stated variances on fire requirement have been allowed in the past and since there is an existing structure currently that can be rehabbed the variance can be granted to allow since they are bringing in a new and improved structure.

Chairman Renfro asked if variance is given and there is a flood in the future, that causes loss of life or property, who would be responsible. Staff will speak with City attorney to find out if there is a waiver of liability that the City could obtain if we were to allow a structure to be put back on this property.

Chairman Renfro asked concerning inspection analysis that was included in their packet. Mr. Miller stated that was requested by Building Inspection Department at the beginning to access the damage at the time of the flooding.

Chairman Renfro asked if the Planning and Zoning Department was recommending this request. Mr. Miller stated it was not making a recommendation but rather bringing it forward to the Commission for their recommendation to take forward to City Council.

David Smith
702 N Goliad St.
Rockwall, TX 75087

Mr. Smith came forward and stated he is on the board of the Rockwall Housing Development Corporation, and understands the concerns that have been brought forward. His concern is that currently this structure is going to be rehabilitated by the property owner, Mr. Contreras, and subsequently the structure will remain at its current level and be subject to the same kind of flooding if a similar rain occurs again.

Mr. Smith further stated that in his personal opinion the structure does need to be replaced. Mr. Contreras, owns all three of the lots and is very proud of his property, and wants to do something but is financially unable to. That is why the RHDC is offering to help in any way possible and the request in question is the far superior alternative to letting him rebuild the structure. The proposal is to bring in the new structure at 3 feet higher than the existing structure. The maximum water level that was reached in the flooding was 18 inches within the structure; this would put it above the maximum level of water penetration that occurred during the flooding. Also the new structure will be on an engineered manufactured foundation, which would be far superior than going in and doing a rehab.

Mr. Smith also addressed concern of liability aspect stating a waiver could be designed between Mr. Contreras and the City and he would be willing to cooperate with the City in drafting if needed.

Mr. Smith further stated that although it is not a perfect fix it is a far better alternative than to have property owner rehab the existing structure. The first thing that needs to be done is to remove the existing trailer which is a 1981 model trailer house. The RHDC is going to assist in that process. In terms of the replacement structure, the RHDC has been working with property owner to find a newer structure as well as a few hundred square feet larger and it will be on an engineered foundation.

Chairman Renfro stated his concern is that although the property owner knows the risk and choosing to move forward, and is willing to give forward rights, it would be something that will need to be discussed in great detail thru the City Attorney during City Council to be prepared in the event of a future flood.

Mr. Smith also advised the Commission that the property owner's options are limited, if the variance is not granted he would be forced to rehab as he is not able to sell since he is in a floodplain, he bought the property under the assumption that it was not.

Commissioner Logan stated concerns with foundation, questioned if manufactured home foundation is designed to support that load. If for some reason foundation fails and it is not insured, her concern is how the property owner will handle that situation. Mr. Smith stated foundation would be a piered foundation, can't add dirt that would allow it to be higher. Mr. Smith stated currently property owner and his family are living in temporary trailers that the City has provided, but are eager to move forward.

Commissioner Lyons arrived at meeting at 6:27 p.m.

Commissioner Logan questioned how much sense it would make to invest into getting in debt with a new structure instead of rehabbing should another flood occur property owner would lose property again as well be in debt for the new structure.

Mr. Smith stated with engineered foundation, the risk is much less as opposed to rehabbing the existing structure that and the property owner is willing to take on that risk.

Commissioner Jusko, questioned whether it would be more sensible to allow rehabbing it as opposed to allowing a new structure should a flood occur again. Mr. Smith stated property owner does not have the ability to address all the existing repairs all at once and would be a timely process as opposed to being able to move into a new structure that is ready for his family as soon as it is brought in.

Commissioner McCutcheon stated concerns with liability would be handled by City Council as well as City Attorney. He feels if the property owner is willing to take the risk that's involved he should be given the right because the process of rehabbing will be extensive and living in a trailer until then is not ideal, therefor he is leaning toward approving it and allowing it to go forward to the City Council.

Chairman Renfro asked if it is a one-time replacement and it fails again what the outcome will be of that. Mr. Smith advised should this happen again all involved are more informed and educated and better equipped to remedy the situation.

Chairman Renfro asked what involved one time replacement. Mr. Miller stated the purpose of the one-time replacement is to slowly move towards more permanent structures and is allowed to allow them to upgrade with the idea that eventually they will move to a stick built house.

Commissioner Conley stated her concerns are with existing fire if rehab took place due to it not meeting the fire requirements.

Commissioner Jusko, stated concerns with allowing new structure instead of rehab.

Commissioner Conley asked should the structure be rehabbed would City inspectors be required to inspect it thru that process. Mr. Miller stated they would.

Commissioner Lyons stated concerns with recommending a new structure without being able to comply with all necessary codes.

Commissioner Lyons asked whether or not property owner knew at time of purchase if it was in a floodplain and he was advised by Mr. Miller that property owner did not know at time of purchase. Commissioner Lyons stated knowing that has swayed his opinion, and he would recommend it moving forward.

Chairman Renfro made motion to approve with staff recommendations. Commissioner McCutcheon seconded motion which passed by a vote of 4-2 with Commissioner Jusko and Commissioner Logan dissenting and Commissioner Fishman absent.

6. SP2015-016

Discuss and consider a request by Wayne Mershaw of Mershaw Architects on behalf of Rex Walker of Life Springs Church for the approval of a site plan for a church on a seven (7) acre portion of a larger 28.881-acre tract of land identified as Tract 15-01 of the J. Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Corridor Overlay (SH 205 BY-OV) District, located on the north side of John King Boulevard east of the intersection of John King Boulevard and SH-205, and take any action necessary.

Senior Planner, David Gonzales, gave brief explanation of request explaining that the applicant is requesting approval of a Site Plan for the purpose of new construction of an approximately 25,433 sq. ft. Church facility. The property is zoned Agricultural District and has been granted a Specific Use Permit on August 3, 2015 to allow for a Church development on the seven acre portion of the larger 28.811-acre tract of land. The property is also within the SH-205 By-Pass Corridor Overlay District and is generally located on the north side of John King Boulevard, east of the intersection of John King Boulevard and SH-205.

Parking for a Church facility is calculated at one space per four seats in the sanctuary and the proposed Church will require eighty parking spaces. The applicant is proposing a total of 109 parking spaces, which includes five handicap parking spaces. The site will have two points of access along Life Spring Drive, which is accessed via John King Blvd. Both points of access are 24-ft Fire lane and Public Access Easements and are designed to provide proper circulation of traffic and fire protection.

The submitted site plan, building elevations, landscape plan, and photometric plan conform to the technical requirements contained within the Unified Development Code and the SH205 By-Pass Overlay District, 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.

1. 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 contrasting elements depicting offsets for the north and south elevations, the offsets do not meet the technical definition for horizontal

306 articulation. The variance requested by the applicant for not meeting the horizontal
307 articulation requires a simple majority vote in the affirmative of all council members present
308 for approval.
309

310 2. The applicant is also requesting a variance to Article VIII, Landscape Standards of
311 the Unified Development Code as indicated below.
312

313 a) To allow for not meeting the screening standards as established in Art. VIII, Sec. 5.6
314 Screening from Residential Uses which requires a minimum 6-ft high masonry screening
315 fence. The applicant is requesting to allow a 6-ft cedar fence along the perimeter of the
316 property to provide screening from the Breezy Hill Phase IV subdivision. It should be noted
317 that there is an approximately 12-ft downward slope towards the development and that the
318 parking spaces are approximately 90-ft from the property line adjacent to the residential
319 development.
320

321
322 Mr. Gonzales further stated that on August 28, 2015, the Architectural Review Board
323 reviewed the proposed building elevations for the site. The board expressed concern with
324 the lack of horizontal and vertical articulation of the building and the colors presenting no
325 contrast based on the stone/stucco combination in the color rendering. To address these
326 concerns the board recommended that the applicant increase the horizontal and vertical
327 projections and more particularly, the north and south elevations in order to provide relief.
328 Furthermore, the board recommended the applicant reduce the amount of stone and
329 incorporate brick that would provide a contrasting element to the visual appearance of the
330 building. Finally, the board recommended the applicant incorporate window treatments and
331 canopies in the projecting elements of the primary entrance to the church.
332

333 The applicant has revised the elevations by incorporating window treatments and canopies
334 with tie backs in the tower elements of the primary entrance, the west elevation, and has
335 increased the vertical projections of the north and south facing elevations. In order to break
336 up the linear appearance of the north and south elevations, the applicant has incorporated
337 pilaster elements that provide massing and canopies with tie backs as an architectural
338 feature, the south elevation, while using a stacked stone rather than brick to provide
339 contrast and the appearance of depth.
340

341 Mr. Gonzales also explained that based on the applicant's revised plans, the pilaster
342 elements do not meet the technical definition for horizontal articulation of the north and
343 south elevations, therefore, a variance will be required.
344

345 The site plan submitted by the applicant meets all the technical criteria stipulated by the
346 UDC and SH205 BY-OV, with the exception of the variances requested and the items listed
347 below. Should the Planning and Zoning Commission choose to approve the applicant's
348 request, then the following conditions of approval should be adopted with this case:
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350 1) All comments provided by the Planning, Engineering and Fire Department must be
351 addressed prior to the submittal of a building permit and to include the following Planning
352 comments;
353

354 a. All exterior signage requires submittal and approval of a separate permit through the
355 Building Inspections Department.
356

357 b. Submittal, approval, and filing of a final plat prior to the issuance of a Certificate of
358 Occupancy.
359

360 c. Approval of the variances requested from the City Council for not meeting the
361 horizontal articulation standards and requirements for screening from residential uses of
362 the Unified Development Code as noted in this report.
363

364 2) Any construction or building necessary to complete this Site Plan request must
365 conform to the requirements set forth by the UDC, the 2009 International Building Code, the
366 Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with

all other applicable regulatory requirements administered and/or enforced by the state and federal government.

Mr. Gonzales advised the Commission staff, as well as applicants who are present, are available for any questions.

Commissioner Logan had question as to why building appeared to be turned at about a 45 degree angle to the street if approaching from the south the flat side is what is visible. Mr. Gonzales stated applicant can answer with greater detail but it is looking at the seven acre portion and the way that it is oddly shaped, the applicant is using it as best as they can to provide for parking and detention area that's necessary as well as to be able to circulate the traffic.

Michael Mershawn
2313 Ridge Road.
Rockwall, TX

Mr. Mershawn came forward and stated it has to do with the grades the way it was chosen to orient that, as well as future expansion and the way the services and ministries flow and this is what would best fit his needs is reason for it to be layed out that way.

Chairman Renfro asked concerning hesitation to not meet all recommendations from the Architectural Review Board after meeting with them. Mr. Mershawn stated they felt some recommendations would not work. Some of the architectural elements they wanted added on the back of the building there's an existing tree line, on the other side of the building where variance for the fence is being asked for, there is a cedar tree line which is already a natural landscape and he stated he didn't feel it was necessary to spend the money on something that will not be seen very well. He further stated they did go back and added some elements, but the hope was that they could compromise but did incorporate as much as they could on the front of the building that faces John King that will be more visible.

Chairman Renfro asked if the Architectural Review Board wanted to see more horizontal articulation. Mr. Gonzales stated that was correct and that is the reason they added columns, windows and broke stucco on the side of the building.

Mr. Mershawn stated they tried to add the articulation to the sides that would be most visible.

Rex Walker
Pastor of Life Springs Church
2105 Berkdale
Rockwall, TX

Mr. Walker stated the reason for requesting the variance of the masonry wall, is that Breezy Hill elevation is twelve feet in the air, and even putting a 6 foot cedar fence is not going to do anything for sound. There is an existing natural tree line that he is suggesting be kept to block noise if that is a concern. Mr. Walker also stated concerning requirement to build stone wall, there is an existing stone wall that Breezy Hill had to build, therefor building a stone wall in front of another stone wall did not make sense.

General discussion took place concerning variance request with existing tree line as well as elevation of Breezy Hill stone wall.

Commissioner Jusko asked if cedar fence will have masonry columns. Applicant stated no.

Commissioner McCutcheon asked concerning tree line is solely on owned property. Mr. McShawn stated they are.

Commissioner Logan asked if south side wall meets articulation required by the Architectural Review Board. Mr. Gonzales stated south, north

Chairman Renfro asked what other Architectural Review Board recommendations were not met. Applicant stated only thing lacking was horizontal articulation.

Chairman Renfro asked what building could be used in the future should it no longer be a church.

Commissioner Lyons asked concerning color rendering.

Commissioner Conley asked concerning height variances. Mr. Gonzales explained the fence would be a sound barrier but property faces homes with back fences and tree line.

Chairman Renfro asked if in the future a commercial entity would come in what would happen to the fence requirement. Mr. Gonzales explained it is currently zoned AG and it would have to go to go thru a zone change in the future if a commercial request came in.

Mr. McShawn explained he feels fence is not cost worthy due to existing tree line and fences that are provided in the back of the property.

Commissioner Logan asked concerning variance of fence to use rod iron fence, what would be negative effect of just having natural tree line as opposed to fence. Mr. Gonzales explained the purpose of the buffer is to screen from sound and headlights.

Commissioner Lyons stated he did not feel fence was necessary with existing slope.

Commissioner McCutcheon asked to north of property, will it be developed, will a fence be placed to add separation. Mr. Gonzales stated that will be determined in the future.

Commissioner McCutcheon made motion to pass with staff recommendations to include variances that include barrier, either natural or supplemented along east line of property. Commissioner Jusko seconded motion which passed by a vote of 6-0 with Commissioner Fishman absent.

V. DISCUSSION ITEMS

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

- ✓ P2015-029: Lots 1, 2 & 3, Block A, Kroger 205 Addition [Approved]
- ✓ P2015-031: Lot 13, Block 2, Alliance Addition, Phase 2 [Approved]
- ✓ P2015-032: Lots 1, 2 & 3, Block A, Temunovic Addition [Approved]
- ✓ P2015-033: Lot 1, Block A, Marriott Addition [Approved]
- ✓ Z2015-016: Discovery Lakes (LI to PD) [Approved]
- ✓ Z2015-020: SUP of Life Springs Church (2nd Reading) [Approved]
- ✓ Z2015-021: SUP for Children's Lighthouse (2nd Reading) [Approved]
- ✓ Z2015-022: Text Amendment to Article IV & V of the UDC [Approved]

Planning Director Ryan Miller provided a brief update about the outcomes of the above referenced cases at the City Council meeting. Commissioner Lyons had question concerning the Discovery Lakes case Z2015-016. Mr. Miller advised it had been approved by City Council.

No further discussion took place concerning this agenda item.

VI. ADJOURNMENT

Meeting was adjourned at 8:00 p.m.

488 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
489 ROCKWALL, Texas, this 25 day of August, 2015

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Craig Renfro, Chairman

Attest:



Laura Morales, Planning Coordinator