

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

I. CALL TO ORDER

Chairman Renfro called the meeting to order at 6:00. Present were Commissioners John McCutcheon, Patrick Trowbridge, Tracey Logan and Johnny Lyons. Absent were Commissioner Annie Fishman, and Mike Jusko. Also present were Planning Director, Ryan Miller, Senior Planner, David Gonzales, and Planning Coordinator, Laura Morales.

II. CONSENT AGENDA

1. Approval of Minutes for the October 27, 2015 Planning and Zoning Commission meeting.

Commissioner Logan made motion to pass the consent agenda. Commission McCutcheon seconded the motion, which passed by a vote of 5-0, with Commissioners Fishman and Jusko absent.

III. PUBLIC HEARINGS

2. MIS2015-009

Hold a public hearing to discuss and consider the approval of a special request by Michael Hunter on behalf of the Rockwall Housing Development Corporation (RHDC) to allow the construction of two (2) single-family attached homes on a 0.27-acre parcel of land identified as Lot 984A of the Rockwall Lake Estates #2 Subdivision, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single Family-7 (SF-7) District land uses, located at 112 Chris Street, and take any action necessary.

Planning Director, Ryan Miller, gave explanation of item stating the subject property is located at 112 Chris Dr. and it was brought to the Commission at the September 29, 2015 meeting under a different case number MIS2015-008. The case history started in June of this year when Rockwall experienced the flooding due to heavy rains. The property at 142 Renee Dr. was one of the properties that flooded and as a result The Rockwall Housing Authority worked with the applicant to bring forward case MIS2015-004, which was a case to replace a mobile home on that site thru the one time replacement; however, due to it being in the flood plain the City could not allow building a structure within the floodplain. The alternative to that case was for the applicant to rehabilitate the structure. This case went to Planning and Zoning Commission and was approved and was sent to Council but tabled in between Planning and Zoning and City Council when the applicant, staff, and RHDC met to discuss alternatives. That led to the RHDC submitting an alternative case MIS2015-2008. That alternative proposed constructing a single family attached structure taking the subject property of 112 Chris Dr. and subdividing it into two properties and building two single family attached structures. Each would have individual owners and would allow two families affected by the flooding to benefit. That case included a request in reduction of setbacks the single family attached use as well as to reduce the masonry and use Hardi Board instead of the typical 80 percent masonry requirement. That case was approved by the Commission by a vote of 4-0 and went back to City Council on October 5, 2015 and the single family use was denied by a vote of 2-3, however they did approve the reduced lot size, the lot frontage and the setbacks and masonry requirements by a vote of 3-2.

Mr. Miller went on to explain that would allow the applicant to build two single families attached houses as opposed to a single family attached structure. The mayor put the item for the work session for October 19th and it did come back before the City Council and at that time the RHDC requested to bring the case back and the Mayor directed staff to bring it back but advertise it as if it was a zoning case. Therefore, the item before the Commission is for the single family attached land use since the variances have already been approved by

62 the City Council. Mr. Miller stated representatives Michael Hunter and David Smith with the
63 RHDC are present to answer any questions.

64
65 Chairman Renfro asked representative to come forth and speak.

66
67 Michael Hunter
68 787 Hail Dr.
69 Rockwall, TX
70

71 Mr. Hunter came forth and explained Council's concern needing a Public Hearing process.
72 Mr. Hunter stated cost in construction, affordability in ownership by limiting the size is
73 taking away significant cost. He went on to state that the only area where the property
74 comes together in a zero lot line is a portion of about 15 feet of the two houses. Everything
75 else is either divided by the garages or the setbacks that will be in place.
76

77 Mr. Hunter expressed the main purpose of this request is to do all they can to help the
78 property owners who have been displaced by the flood.
79

80 Chairman Renfro asked for questions from Commissioners for representative.

81
82 Chairman Trowbridge had question concerning how detailed are the dimensions. Mr. Hunter
83 stated before starting construction they would have a pre-construction survey done as well
84 as a pre-build survey to ensure all is done correctly for title for the sale.
85

86 Commissioner Logan had concern how recent rains have affected the property on Renee Dr.
87 Mr. Hunter stated Lake Wallace held itself fairly well and there was no flow over.
88

89 Chairman Renfro opened the public hearing and asked for anyone who wished to speak to
90 come forward.
91

92 James Merkel
93 420 Wayne Dr.
94 Rockwall, TX
95

96 Mr. Merkel came forth and stated when the area was being annexed into the City he served
97 as a resident on the Master Planning Board where they discussed multi-family homes in the
98 subdivision and were told they would not be allowed. He stated the deed restrictions of the
99 properties limit the area to follow only single family homes. Mr. Merkel stated he believes
100 deed restrictions need to be enforced. He has submitted copies of the deed restrictions to
101 the City Council and City lawyer for review. He generally expressed his opposition of any
102 multi-family dwellings being brought into the subdivision, and he believes this proposal is
103 two homes on one lot.
104

105 Planning Director, Ryan Miller, advised that deed restrictions are private covenants between
106 property owners when property is purchased. The City does not take those into account as
107 deed restrictions are typically more restrictive than those of the City and they are private
108 contracts between property owners. He further stated that what applicant is proposing is
109 two single-family homes. They only share a common wall, much like a townhome would be
110 on an individual lot. The property is being subdivided but the structures share a common
111 wall, there will be two ownerships, two different lots, separate metering and two separate
112 deeds.
113

114 Maria Guillen
115 382 Eva Place
116 Rockwall, TX
117

118 Ms. Guillen came forward and stated she is one of residents that would benefit from this
119 opportunity the RHDC is offering and this would be a great opportunity for home ownership.
120 She further stated it would allow her and her husband as well as her four children to
121 continue to live and thrive in Rockwall.
122

123 Elizabeth Silva

503 Chris Dr.
Rockwall, TX 75032

Ms. Silva came forward and expressed her support for the request. She would like the opportunity to split one lot to build two homes could be given to other residents as well, because it would greatly benefit the residents in Lake Rockwall Estates.

Freddie Jackson
1812 Bristol Lane
Rockwall, TX

Mr. Jackson came forward and stated his opposition for the request stating his general opinion for this area is for it to be allowed to stay only single-family.

Chairman Renfro asked for rebuttal from representative.

Mr. Hunter came forth and expressed his appreciation for residents to come forward and voice their opinion, but the reality of building only a single-family dwelling does not work for these families. This would allow the families to gain ownership and stay in the community. Mr. Hunter stated the product they are proposing will be one that will be pleasing to the community.

Chairman Renfro asked Commission for additional questions for representative.

Commissioner Lyons asked if there are any other houses that share a common wall. Mr. Hunter stated before annexation there was a rush to build multi-family apartment style homes. Since annexation there have not been any that he is aware of.

Commissioner McCutcheon had a question of how sewer will be handled. Mr. Hunter stated the City line ends right at the property line. Therefore would have to branch off of main line and it would be extended and each property would have its own connection with only long term maintenance being shared by both owners.

There being no further questions, Chairman Renfro closed the Public Hearing and brought item back to the Commission.

Commissioner Logan stated she feels this new proposal would fit nicely into the community.

Commissioner McCutcheon asked staff concerning sewer connectivity. Mr. Miller clarified that Chris Dr. does have sewer.

Commissioner McCutcheon gave general opinion of concern of setting precedent for allowing a request of this sort but feels each case that comes before the Commission should be considered as such, a case-by-case basis and this proposal is far better than the original one that was brought forward.

Commissioner Lyons expressed concern of setting precedent by allowing this proposal to move forward it would be allowing for future proposals of the same. Stated that although this proposal is an improvement to the last, he feels one house on each lot would be the ideal.

Commissioner Logan had question concerning minimum lot size allowed for this community should other residents come forward and want to propose a split of their lot, would they be required to have a minimum size before that would be taken into consideration. Mr. Miller stated the minimum size for a lot in this area is 50x100 foot lot. The applicant took the request thru and the only part of the request that failed was the single-family attached land use. Mr. Miller reiterated that the issue to be considered tonight is the land use.

Chairman Renfro made general comments concerning Lake Rockwall Estates being allowed to insert a set of building standards that may not otherwise be able to do in other parts of the City and that may be to accommodate residents that may not have the means to live in

Rockwall otherwise. Helping this community will help diversify the community of Rockwall. Chairman Renfro went on to state that with that being taken into consideration there is a protocol that has to be met, but the setback requirements do appear to have been met. Chairman asked for clarification from staff if the Commission approves the request it would not be approving something that the City Council has not already been brought to them.

Mr. Miller stated the case has already been through the Planning and Zoning Commission which made motion to approve with a vote of 4-0 with a positive recommendation. Once that occurred it went forward to the City Council where the single-family attached land use was denied, but variances for masonry exception and lot widths were approved. At the October Work Session City Council directed staff to bring the request back for the single-family attached use but this time advertised in the same manner as if it were a zoning case.

Chairman Renfro asked what the purpose of the Public Hearing was. Mr. Miller stated Councilman White pointed out that it is highly irregular for a Council to approve a land use without the public being involved. Council has had this discussion before in cases on the Southside where they have remanded them back to the Commission to evoke a Public Hearing to obtain public input since land use would be changing. That is the special exception clause that will be coming back to the Planning and Zoning Commission at the direction of Councilman White and the Council, which will be on the Commissions next agenda. Mr. Miller went on to explain that in terms of current requirements, the special exception clause allows an applicant to make a request to the City Council by a recommendation by the Planning and Zoning Commission on any matter associated with development, it leaves it very open at this point. Mr. Miller stated that will be looked at when the Zoning comes back at the next meeting.

Chairman Renfro had question as to what zoning coming back means for this particular case. Mr. Miller stated that at the direction of City Council, specifically Councilman White to bring a City initiated case to open PD-75 and remove the special exception clause.

General discussion between Commission and staff took place concerning the city initiated case and how it affects the decision of this request.

Chairman Renfro made a motion to deny the request. Commissioner Lyons seconded the motion, which passed by a vote of 3-5 with Commissioners Logan and McCutcheon dissenting and Commissioners Fishman and Jusko absent.

3. Z2015-027

Hold a public hearing to discuss and consider a request by Bobby Dale and Bretta Price for the approval of a zoning change from an Agricultural (AG) District to a Single Family Estate 2.0 (SFE-2.0) District for a 5.5-acre tract of land identified as Tract 17-7 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 453 Cullins Road, and take any action necessary.

Senior Planner, David Gonzales, gave explanation of request stating that the subject property is a 5.5-acre tract of land identified as Tract 17-7 of the W. W. Ford Survey, Abstract No. 80. The applicants, Bobby Dale & Bretta Price, are requesting to rezone the property from an Agricultural District to a Single Family Estate District for the purpose of constructing a combination mother-in-law suite and garage space. Based on the applicant's letter of request, the size of the new structure would exceed what the Unified Development Code would allow as an accessory use and would require a Specific Use Permit. Should the zoning request be approved, the applicant's intention will be to apply for an SUP in order to construct the new accessory building. The subject property is located on the northeast corner of FM-549 and Cullins Road.

Mr. Gonzales further explained that with the exception of the Oaks of Buffalo Way residential subdivision, the majority of the surrounding properties are zoned AG and have single family homes. Within approximately 315 feet of the subject property there are two properties that have been rezoned from AG to SFE-2.0 and a third property approximately 1,500 feet away designated as SFE-2.0. Based on this, a Single Family Estate District may be considered an appropriate zoning district for the property; however, a zoning change request is a discretionary act reserved for the Planning and Zoning Commission and City Council to

consider. Also, the Future Land Use Map, adopted with the Comprehensive Plan, designates the subject property for Low Density Residential land uses, which is defined as less than two single-family units per acre. This designation is in conformance with the applicant's request to rezone the subject property to a Single-Family Estate.

Mr. Gonzales also advised that staff mailed nineteen notices to property owners within 500 feet of the subject property and also notified the HOA for Oaks of Buffalo Way that is within 1,500 feet and participating in the notification program. Additionally, staff posted a sign on the property and has received no notices for or against the zoning change requested. Mr. Gonzales advised applicant was present to answer any questions.

Chairman Renfro asked applicant to come forth and speak.

Bobby Price
453 Cullins Rd.
Rockwall, TX

Mr. Price came forward and stated the purpose of his request was to allow him to allow his wife's elderly parents to come live with them, and the garage would be used for storage of his late father's belongings.

Chairman Renfro opened the public hearing and asked anyone who wished to come forward to speak to do so, there being no one indicating such Chairman Renfro closed the public hearing and asked questions from the Commissioners.

Commissioner Lyons made motion to approve the item. Commissioner McCutcheon seconded the motion, which passed by a vote of 5-0, with Commissioners Fishman and Jusko absent.

4. Z2015-028

Hold a public hearing to discuss and consider a request by Jimmy Strohmeier of Strohmeier Architects, Inc. on behalf of JBR-2, LLC for the approval of a Specific Use Permit (SUP) for *Commercial Amusement/Recreation (Outside)* to allow two (2) private baseball fields to be established on a 2.49-acre portion of a larger 7.32-acre tract of land identified as Tract 17-12 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated west of the intersection of SH-205 and FM-549, and take any action necessary *[Postponed to November 24, 2015 to Correct the Agenda Caption]*.

Chairman Renfro stated this agenda item would be postponed to the November 24th meeting.

5. Z2015-029

Hold a public hearing to discuss and consider a City initiated zoning request for the approval of a text amendment to various sections of Article V, *District Development Standards*, Article VIII, *Landscaping Standards*, and Article IX, *Tree Preservation*, and to create Appendix F, *Landscaping Guidelines*, of the Unified Development Code [Ordinance No. 04-38] for the purpose of incorporating recommendations made by the *Landscape Ordinance Review Committee*, and take any action necessary.

Planning Director, Ryan Miller, stated that as part of the New Volunteer Opportunity Program initiated by the City Manager's office, the Planning Department was tasked with leading a group of citizens through a comprehensive review of the City's landscape ordinances. The purpose of this exercise was to use local experts and interested citizens to make recommendations to ensure that the ordinances were conservation minded with regard to water usage requirements and policies. At the September 21, 2015 City Council meeting, staff presented the Committee's recommendations to the City Council. The Council directed staff to prepare text amendments to address six of the seven recommendations. The recommendations being sent forward are as follows:

- 1) The planting requirements for the City's Overlay Districts should be reduced from three canopy trees and four accent trees per 100-linear feet to two canopy trees and four accent trees per 100-linear feet.

- 2) The City's list of acceptable trees, trees to be planted within the landscape buffers of the City's Overlay Districts, and as replacement trees for tree preservation should be changed.
- 3) An appendix should be added to the Unified Development Code that includes recommended planting lists for trees, shrubs, grasses etc.
- 4) Xeriscaping standards should be established as an alternative to conventional landscaping standards for the purpose of incorporating low water use plants and/or pervious hardscapes. Additionally, xeriscaping should be incentivized by allowing a 2.5% reduction in the overall required landscaping percentage for the purpose of making it a more attractive option to developers.
- 5) The screening required of a commercial development when adjacent to a residential development should be changed to include an option to allow a wrought iron fence with landscape screening where applicable.
- 6) During drought or water emergency response stages the Director of Planning and Zoning or his designee can grant an applicant permission to delay the installation of required landscaping to a specified time and date.

Mr. Miller further stated that in accordance with Section 4.2 of Article XI, Zoning Related Applications, of the UDC, staff is bringing the proposed amendments forward to the Planning and Zoning Commission for a recommendation to the City Council. The schedule for this text amendment will be for the Planning and Zoning Commission to meet for a Public Hearing on November 10, 2015 and for the City Council to meet for a Public Hearing on November 16, 2015 and a 2nd Reading on December 7, 2015.

Chairman Renfro opened the Public Hearing and asked anyone who wished to speak to come forward, there being no one indicating such, Chairman Renfro closed the public hearing.

Commissioner Lyons made motion to approve the item. Commissioner McCutcheon seconded the motion, which passed by a vote of 5-0, with Commissioners Fishman and Jusko absent.

IV. DISCUSSION ITEMS

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

- ✓ P2015-038: Final Plat for Lots 1 & 2, Block 2, Life Springs Church Addition [Approved]
- ✓ P2015-039: Lots 51-57, Block D, Breezy Hill, Phases IIA & IIB Addition [Approved]

Planning Director Ryan Miller provided a brief update about the outcome of the above referenced cases at the City Council meeting. The Commission did not have any questions concerning this agenda item.

V. ADJOURNMENT

The meeting adjourned at 7:42 p.m.

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

Attest:

Laura Morales
Laura Morales, Planning Coordinator

Craig Renfro
Craig Renfro, Chairman