

MINUTES
PLANNING AND ZONING COMMISSION PUBLIC HEARING
City Hall, 385 South Goliad, Rockwall, Texas
Council Chambers
May 14, 2019
6:00 P.M.

I. CALL TO ORDER

Chairman Lyons called the meeting to order at 6:02 p.m. The Commissioners present at the meeting were, Jerry Welch, John Womble, Eric Chodun and Annie Fishman. Absent from the meeting were Commissioners Mark Moeller and Tracey Logan. Staff members present were Planning Director, Ryan Miller, Planning Manager, David Gonzales, Senior Planner Korey Brooks, Planning Coordinator, Laura Morales, City Engineer, Amy Williams, Civil Engineers, Jeremy White and Sarah Hager.

II. CONSENT AGENDA

1. Approval of Minutes for the April 9, 2019 Planning and Zoning Commission meeting.

2. SP2019-009

Discuss and consider a request by Cari Foote of Cari Foote & Associates, PLLC for the approval of a site plan for an office building on a one (1) acre parcel of land identified as Lot 1, Block A, Isaac Pena Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) for Residential-Office (RO) District land uses, situated in the North Goliad Corridor Overlay (NGC OV) District, addressed as 925 N. Goliad Street, and take any action necessary.

3. SP2019-010

Discuss and consider a request by Jason Lentz of Atticus Rockwall, LLC for the approval of an amended site plan for 42 townhomes on a 4.08-acre tract of land identified as Lot 2, Block A, Harbor Village Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District No. 32 (PD-32), situated within the *Residential Subdistrict* of the Harbor and within the Scenic Overlay (SOV) District, located north of the intersection of Ridge Road [FM-740] and Glen Hill Way, and take any action necessary.

Commissioner Chodun made a motion to approve the consent agenda. Commissioner Womble seconded the vote which passed by a vote of 5-0 with Commissioners Moeller and Logan absent.

III. PUBLIC HEARING ITEMS

4. Z2019-009

Hold a public hearing to discuss and consider a request by Chris Lam, PE of Lam Consulting Engineering on behalf of Price Pointer of TCB Construction Group, LLC for the approval of a Specific Use Permit (SUP) for a *restaurant less than 2,000 SF without a drive-through or drive-in* on a 0.23-acre parcel of land identified as Block 20B of the Amick Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) for Residential Office (RO) District land uses, situated within the North Goliad Corridor Overlay (NGC OV) District, addressed as 505 N. Goliad Street, and take any action necessary.

Planning Manager, David Gonzales, provided a brief explanation of the request. The applicant, is requesting a Specific Use Permit to allow a restaurant, without a drive-through or drive-in that is less than 2,000 square feet within Planned Development District 50. More specifically, the applicant is proposing to convert the existing single-family home to a commercial property to accommodate the proposed restaurant land use. Currently situated on the subject property is a 1,916 square foot single family home, which according to the Historic Resource Survey, that was performed by the City of Rockwall in 2017, was constructed circa 1915, and is identified as a Medium Contributing Property, a property that displays an architectural style, use unusual to construction methods, or for some other reason has a potentially significant historic significance. According to the City's historic zoning maps, the subject property has been zoned Planned Development District 50 for Residential Office District land uses since August 5, 2002.

Mr. Gonzales further noted that Bonafide Betties Pie Company is currently located at 103 S. San Jacinto Street, and is planning to relocate to a larger facility at 505 N. Goliad Street. This location is located with Planned Development District 50 with the Residential Office District, which is the underlying zoning designation for Planned Development District 50, requires a Specific Use Permit for a restaurant with additional restrictions that stipulate the restaurant be less than 2,000 square feet and not have a drive-through or a drive-in. The proposed restaurant is a limited service restaurant, and parking for the facility will be calculated at one parking space per 250 square feet of area. This means the restaurant would require eight parking spaces. Based on size of the site and the area taken up by the existing single-family home, the applicant is only able to incorporate a total of seven parking spaces on-site. Staff has included an operational condition allowing the reduced number of parking spaces. Staff has also included operational conditions requiring the installation of a minimum six foot tall, board-on-board, wood fence to be constructed along the western property boundary, and that the second floor be used only for storage purposes and these have been included as conditions of approval in the SUP ordinance. The intent of the Residential-Office District is to allow for the conversion of older residential homes into low-intensity professional office and/or retail businesses. This creates a transition from the adjacent residential neighborhoods to more intense land uses or higher intensity thoroughfares. In addition, conversion of this home would extend the economic life of the structure. The use as a limited service restaurant is consistent with other properties in the district. A limited service restaurant tends to operate in a similar way to a low-intensity retail establishment in that it usually involves customers that are picking up food or baked goods, and does not typically involve a dine-in experience. Included in the attached packet is a concept plan, floor plan, and a draft ordinance containing regulations for the proposed land use. Based on staff's review, the applicant's request does appear to be consistent with the intent of the district; however, the approval of a Specific Use Permit is a discretionary decision for the City Council.

Mr. Gonzales went on to share that on May 2, 2019, staff mailed 34 notices to property owners and residents within 500-feet of the subject property. Staff did not send a neighborhood notification as there are no Home Owners Associations or neighborhood groups participating in the Neighborhood Notification Program within 1,500-feet of the subject property. Staff received one notice and two emails in favor of the applicant's request.

Mr. Gonzales advised the Commission that the applicant was present and available for questions as well as staff.

Chairman Lyons opened up the public hearing and asked the applicant to come forward.

Chris Lam
6884 Woodhill
Sachse, TX

Mr. Lam came forward and indicated they will follow staff recommendations and he was available for questions.

Commissioner Womble asked if the SUP would expire if it changed to a different use. Mr. Gonzales shared that if the land use were to change the Specific Use Permit would not be available to that particular use it is only for the limited use restaurant.

Commissioner Fishman asked what the second floor would be used for. Mr. Lam stated that would be used for storage.

Chairman Lyons asked if anyone wished to speak to come forward and do so there being no one indicating such Chairman Lyons closed the public hearing and brought the item back to the Commission for discussion or action.

Commissioner Womble made a motion to approve Z2019-009 with staff recommendations. Commissioner Fishman seconded the motion which passed by a vote of 5-0 with Commissioners Moeller and Logan absent.

5. Z2019-010

Hold a public hearing to discuss and consider a request by Dwayne Cain of EVSR (D), LLC for the approval of a Specific Use Permit (SUP) for a *guest quarters/secondary living unit and barn or agricultural accessory building* on a 10.61-acre portion of a larger 26.078-acre tract of land identified as Tract 2 & 2-4 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 777 & 839 Cornelius Road, and take any action necessary.

Senior Planner, Korey Brooks, provided a brief explanation and background pertaining to the request. Currently, there is a single-family home on the subject property and the applicant is requesting approval of a Specific Use Permit to allow a guest quarters/secondary living unit and barn or agricultural building in conjunction with this structure. The structure will be 4,950 square feet in total size, with 576 square feet being dedicated to the guest quarters/secondary living unit. The proposed building will be situated behind the main structure, have four roll-up garage doors, and be clad with metal on the exterior. The proposed building will primarily serve as storage for vehicles/equipment and contain a small bathroom with a shower. The subject property is addressed as 777 & 839 Cornelius Road and is zoned Agricultural District. It was annexed on January 4, 2010 by Ordinance No. 10-01. On January 7, 2019, the City Council directed staff to amend the Land Use Standards contained the Unified Development Code to incorporate the ability to request a Specific Use Permit for guest quarters/secondary living units not meeting the requirements stipulated in the Unified Development Code. In conjunction with this direction, the City Council also directed staff to create a new land use for barns and/or agricultural accessory buildings. This text amendment was approved on March 4, 2019 by Ordinance No. 19-12. Based on the approval of the text amendment, the applicant submitted a request for a Specific Use Permit for a guest quarters/secondary living unit and barn or agricultural accessory building.

Mr. Brooks further noted that according to the Unified Development Code, a guest quarters/secondary living unit is allowed as an accessory use in an Agricultural District. The Unified Development Code also stipulates that such a structure shall not exceed 30% of the main structure and shall not be sold or conveyed separately without meeting the requirements of the zoning district and subdivision ordinance. The Unified Development Code also provides the ability for a guest quarters/secondary living unit not meeting those requirements to request a Specific Use Permit. In this case, the proposed guest quarters is ancillary to the primary structure; however, since the proposed guest quarters/secondary living unit will be approximately 576 square feet, it will exceed 30% of the main structure and will require a Specific Use Permit. According to the UDC a barn or agricultural accessory building is permitted by Specific Use Permit in an Agricultural District. The UDC requires that the structure be between 2,000 and 4,999 square feet in total size, and be located behind the front façade of the primary structure. In addition, the code allows the structure to be constructed utilizing metal and or other materials, and specifically exempts these structures from the masonry requirements. In this case, the proposed barn or agricultural accessory building will be approximately 4,950 square feet, located behind the front façade of the main structure, and will be clad with metal. Additionally in order to have a barn in an Agricultural property the minimum lot size is 10 acres. The applicant initially did submit an exhibit showing the lot divided however it left a remainder tract in the back half which is not accessible therefore staff has requested an exhibit showing how the property can be subdivided by meeting the requirements of the UDC. Staff has not received that however that is a condition of approval. When analyzing the applicant's request and with the exception of the guest quarters exceeding the maximum allowable size the proposed accessory building is generally in conformance with the requirements of the Unified Development Code.

Mr. Brooks went on to state that on May 1, 2019, staff mailed 16 notices to property owners and residents within 500-feet of the subject property and there are no Homeowner's Associations /Neighborhood Associations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Staff received four notices in favor of the request.

Mr. Brooks advised the Commission the applicant was present and available for questions as well as staff.

Chairman Lyons opened up the public hearing and asked the applicant to come forward.

Dwany Cain
305 Stonebridge Drive
Rockwall, TX

188 Mr. Cain came forward and provided additional details pertaining to the request and indicated he
189 was available for questions.
190

191 Chairman Lyons asked if anyone wished to speak to come forward and do so there being no one
192 indicating such Chairman Lyons closed the public hearing and brought the item back to the
193 Commission for discussion or action.
194

195 Commissioner Welch made a motion to approve Z2019-010 with staff recommendations.
196 Commissioner Womble seconded the motion which passed by a vote of 5-0 with Commissioners
197 Moeller and Logan absent.
198
199

200 6. Z2019-011

201 Hold a public hearing to discuss and consider a request by Scott Lewis of RRDC, LTD for the approval of
202 an amendment to Planned Development District 47 (PD-47) [*Ordinances 99-17 & 07-04*] being a
203 14.4715-acre tract of land identified as Tract 104 of the E. Teal Survey, Abstract No. 207 and Lot 1, Block
204 A, First Christian Church, Disciples of Christ Addition, City of Rockwall, Rockwall County, Texas, zoned
205 Planned Development District 47 (PD-47) for Single-Family 10 (SF-10) District land uses, situated within
206 the Scenic Overlay (SOV) District, generally located at the northeast corner of the intersection of Ridge
207 Road [*FM-740*] and White Road, and take any action necessary.
208

209 Senior Planner, Korey Brooks, provided a brief explanation and background pertaining to the
210 request. The applicant is requesting to amend the development standards contained in Planned
211 Development District 47 Ordinance No. 99-17. Specifically, the applicant is requesting three (3)
212 changes to the ordinance. 1) The minimum masonry requirement be 60% with all lap-siding
213 being a cementitious fiber material (e.g. HardiBoard or HardiPlank); 2) The maximum lot coverage
214 be 55%, and 3) Front-facing garages be allowed provided they are set back a minimum of 20-feet
215 from the front façade of the structure. Currently, Planned Development District 47 is comprised
216 of two (2) areas. Area 1 the Whisper Rock Subdivision is undeveloped and contains 28 single-
217 family residential lots on a 9.477-acre tract of land. Area 2 is currently occupied by First Christian
218 Church. The applicant is requesting changes to the development standards for Area 1.
219 Specifically, the applicant would like to reduce the minimum masonry requirement to 60% from
220 80%, change the maximum lot coverage from 45% to 55%, and change the garage standards to
221 allow front facing garages provided the garages are setback a minimum of 20-feet from the front
222 of the structure. Currently, the development standards for Planned Development District 47
223 require all garages to be in a J-Swing or Traditional Swing format with no garage doors facing the
224 street. According to the Unified Development Code in single-family districts, garages must be
225 located at least 20-feet behind the front building façade for front-entry garages. In this case, the
226 applicant's request conforms to the requirements of the Unified Development Code for garages,
227 and changing the Planned Development District ordinance does not appear to negatively impact
228 the subject property or surrounding properties. With regard to the masonry and lot coverage
229 requirements, the applicant is requesting to minimally reduce these standards; however, the
230 Planning and Zoning Commission have approved similar requests in previous cases, and if
231 approved it would not negatively impact surrounding or adjacent properties.
232

233 Mr. Brooks went on to state that on May 1, 2019, staff mailed 123 notices to property owners and
234 residents within 500-feet of the subject property and notified Spyglass Phases 2 & 3, the Rainbow
235 Lakes, Chandler's Landing, and Foxchase Homeowner's Associations, which are the only
236 HOA's/Neighborhood Associations within 1,500-feet of the subject property and participating in
237 the Neighborhood Notification Program. Staff received two notices in favor, one in opposition, and
238 one notice in favor with the exception of the front-facing garages.
239

240 Mr. Brooks advised the Commission that the applicant was present and available for questions as
241 well as staff.
242

243 Chairman Lyons opened up the public hearing and asked the applicant to come forward.
244

245 Matt Atkins
246 Engineering Concepts
247 201 Winco Circle
248 Wylie, TX
249

Mr. Atkins came forward and indicated he was representing the applicant Scott Lewis. He provided additional details pertaining to the request. He indicated he was available for questions.

Chairman Lyons asked if anyone wished to speak to come forward and do so there being no one indicating such Chairman Lyons closed the public hearing and brought the item back to the Commission for discussion or action.

Commissioner Welch made a motion to approve Z2019-011 with staff recommendations. Commissioner Fishman seconded the motion which passed by a vote of 5-0 with Commissioners Moeller and Logan absent.

IV. ACTION ITEMS

7. SP2019-012

Discuss and consider a request by Kyle McCullah of Callaway Architecture on behalf of Jason Lee of Lollicup USA, Inc. for the approval of an amended site plan for an existing manufacturing facility on a 34.23-acre tract of land identified as Lot 2, Block A, Rockwall Technology Park, Phase 4 Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the FM-549 Overlay (FM-549 OV) District, addressed as 3201 Capital Boulevard, and take any action necessary.

Planning Manager, David Gonzales, provided a brief explanation and background pertaining to the request. The applicant is requesting approval of an amended site plan for the purpose of constructing 22, 60-foot tall storage silos that will be located adjacent to the rear façade (i.e. south elevation). The silos will be visible from Discovery Boulevard, Corporate Crossing, and IH-30. According to the Unified Development Code, the proposed silos are considered ground mounted appurtenances, mechanical equipment, which require screening. The UDC goes on to say that loading and service areas shall be located on the rear and side of buildings where possible. In the event that a loading or service area faces towards the Primary Roadway, additional screening of the loading and service area may be required by the Architectural Review Board and Planning and Zoning Commission. The applicant has submitted a landscaping plan showing an additional row of mature evergreen trees that planted along the southern property boundaries. Staff should point out that as compensatory measure of the original site plan case, the applicant agreed to plant a single row of mature evergreen trees along this boundary to help mitigate for the lack of vertical and horizontal articulation on the southern and western building façade, which faces onto Discovery Boulevard. The additional row of evergreen trees will not create a complete screening of the silos; however, there are intervening properties to the south and west of the subject property that could potentially be developed in the future that could provide additional screening of the silos. The variance to the screening requirements for the use of landscape screening for the silos remains a discretionary decision for the Planning and Zoning Commission. On April 30, 2019, the Architectural Review Board reviewed the amended building elevations and sightline studies provided by the applicant and recommended approval of the amended building elevations.

Mr. Gonzales advised the Commission that the applicant was present and available for questions as well as staff.

Chairman Lyons asked the applicant to come forward.

Kyle McCullah
1207 Hampshire Lane, Suite 105
Richardson, TX

Mr. McCullah came forward and provided a brief explanation of the request. The request is for 22 silos that will be 60 feet in height and will be adding a coating to the silos to match the existing building. They recently added new landscaping along Discovery Blvd. Their goal is to blend them in and not it as an eyesore. Mr. McCullah indicated he was available for questions.

Chairman Lyons brought the item back to the Commission for discussion or a motion.

Commissioner Chodun shared that although the height is of some concern, with it being in the Technology Park he generally expressed being in favor of the request.

312 Commissioner Womble generally expressed not being in favor of the request.
313

314 Commissioner Chodun made a motion to approve SP2019-012 with staff recommendations.
315 Chairman Lyons seconded the motion which passed by a vote of 4-1 with Commissioner Womble
316 dissenting and Commissioners Logan and Moeller absent.
317

318
319 V. DISCUSSION ITEMS
320

321 8. Director's Report of post Council meeting outcomes of Planning & Zoning cases.
322

- 323 ✓ P2019-018: Replat for Park Place, Phase III Addition [Approved]
324 ✓ P2019-019: Final Plat for Lot 11, Block A, SH-205 Business Park Addition [Approved]
325 ✓ Z2019-006: SUP for a Structure Exceeding 60-Feet in a Light Industrial (LI) District (2nd Reading)
326 [Approved]
327 ✓ Z2019-007: SUP for Outdoor Commercial Amusement/Recreation (2nd Reading) [Approved]
328 ✓ Z2019-008: Amended PD Development Plan for Planned Development District 32 (PD-32) (2nd
329 Reading) [Approved]
330

331
332 Planning Director, Ryan Miller, provided a brief update about the outcome of the above referenced
333 case at the City Council meeting.
334

335
336 VI. ADJOURNMENT
337

338 Chairman Lyons adjourned the meeting at 6:42 p.m.
339
340
341

342 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
343 ROCKWALL, Texas, this 11 day of June, 2019.
344

345
346 
347 _____
348 Johnny Lyons, Chairman

349 Attest:

350 
351 _____
352 Laura Morales, Planning Coordinator
353
354