

MINUTES
PLANNING AND ZONING COMMISSION PUBLIC HEARING
City Hall, 385 South Goliad, Rockwall, Texas
Council Chambers
October 8, 2019
6:00 P.M.

I. CALL TO ORDER

Chairman Eric Chodun called the meeting to order at 6:01 p.m. The Commissioners present at the meeting were, Jerry Welch, Tracey Logan, Mark Moeller, and John Womble. Absent from the meeting was Annie Fishman and Sedric Thomas. Staff members present were Planning Manager, David Gonzales, Senior Planner, Korey Brooks, Planning Coordinator, Laura Morales, Civil Engineers Jeremy White and Sarah Hager.

Commissioners Fishman and Thomas arrived at the meeting at 6:03 p.m.

II. OPEN FORUM

Chairman Chodun explained how Open Forum is conducted and asked if anyone wished to speak to come forward at this time.

Dennis Denney
162 Meadowbrook Circle
Rockwall, TX

Mr. Denney came forward and shared his strong opposition to the County of Rockwall's proposed planned RV Park on Cornelius Road.

Chairman Chodun asked if anyone else wished to come forward and do so, there being no one indicating such; Chairman Chodun closed the open forum.

III. APPOINTMENTS

1. Appointment with Architectural Review Board representative to receive the Board's recommendations and comments for items on the agenda requiring architectural review.

Chairman Chodun indicated no cases went before the Architectural Review Board for their review.

IV. PUBLIC HEARING ITEMS

2. Z2019-021

Hold a public hearing to discuss and consider a request by Pat Atkins of KPA Consulting, Inc. on behalf of the owners Gwen Reed, Saddle Star South Holdings, LLC, and CDT Rockwall/2017, LLC for the approval of a zoning amendment to Planned Development District 79 (PD-79) [Ordinance No. 16-39] for the purpose of amending the development standards and concept plan on a 70.408-acre tract of land identified as Tracts 1, 1-03, 1-5 & 2-03 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 79 (PD-79) for Single-Family 8.4 (SF-8.4) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, located on the north side of John King Boulevard south of Featherstone Drive, and take any action necessary.

Planning Manager, David Gonzales, provided a brief explanation and background in regards to the request. On January 4, 2016, the City Council approved Planned Development District 79 Ordinance No. 16-07, which rezoned a 45.292-acre portion of the subject property from an Agricultural District to a Planned Development District establishing an entitlement for a single-family residential subdivision consisting of 113 single-family lots. On May 16, 2019, the applicant voluntarily annexed an additional 11.121-acre tract of land and amended Planned Development District 79, incorporating this property into the subdivision. The annexation created a 55.413-acre residential subdivision. The amendment to PD-79 also increased the lot count from 113 to 138 lots, and granted an increase in the maximum front entry garages from 0% to 50%. On January 22, 2019, the applicant voluntarily annexed an additional 14.995-acre tract of land with the intent

of incorporating it into Planned Development District 79. On September 13, 2019, the applicant submitted an application requesting to amend PD-79 for the purpose of amending the development standards and concept plan by incorporating the additional 14.995-acre tract of land into the existing 55.413-acre tract of land to create Phase III for the Saddle Star Estates Subdivision. This amendment would increase the total acreage of the subdivision to 70.408-acres.

Mr. Gonzales added that currently, Planned Development District 79 allows the applicant to construct 138, 70' x 125' single-family lots on 55.413-acres. The proposed amendment would increase the size of the proposed subdivision to 70.408-acres and add an additional five 70' x 125' lots and 33, 80' x 125' single family lots. The new lot product would be subject to all of the same standards as the existing lot type; however, the applicant would be incorporating 100% j-swing or traditional swing garages with the 80' x 125' as opposed to the 50% flat front entry currently permitted on 138, 70' x 125' lot product. Additionally the applicant will be adding an addition five lots of which 50% would be able to be flat front entry. Based on the applicant's request to rezone the subject property, the following infrastructure will be required to be constructed in order to provide adequate public services to the subject property. The City does not currently have the rights to serve the proposed 14.995-acre addition to Planned Development District 79. The applicant will need to work with Mt. Zion Water Supply Corporation to secure the right for the City of Rockwall to serve the additional acreage. Additionally the lift station located at John King Boulevard and FM-552 is not currently sized to serve the proposed 14.995-acre addition to Planned Development District 79. The applicant will be required to perform an infrastructure study to determine the upgrades necessary to meet the required capacity an all proposed infrastructure improvements must meet the Engineering Department's Standards of Design and Construction. The changes to Planned Development District 79 do not change the conformance of the proposed subdivision with regards to the City's existing codes.

Mr. Gonzales further noted that on September 20, 2019, staff mailed nine notices to property owners and residents within 500-feet of the subject property and also emailed notices to the Stone Creek and Stoney Hollow Homeowner's Associations. Staff did not received any notices regarding the applicant's request.

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

Chairman Chodun asked the applicant to come forward

Pat Atkins
3076 Hays Lane
Rockwall, TX

Mr. Atkins came forward and provided a brief explanation and power point presentation in regards to the request.

Chairman Chodun asked for questions from the Commission.

Chairman Chodun opened the public hearing and asked if anyone wished to speak to come forward and do so, there being no one wishing to do so; Chairman Chodun closed the public hearing and brought the item back to the Commission for discussion or action.

Commissioner Welch made a motion to approve Z2019-021 with staff recommendations. Commissioner Womble seconded the motion which passed by a vote of 7-0.

3. Z2019-022

Hold a public hearing to discuss and consider a request by Marty Wright for the approval of a Specific Use Permit (SUP) for an accessory building on a one (1) acre tract of land identified as Lot 10, Block B, Saddlebrook Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 16 (SF-16) District, addressed as 2340 Saddlebrook Lane, and take any action necessary.

Senior Planner, Korey Brooks, provided a brief explanation and background concerning the case. The applicant is requesting approval of a Specific Use Permit (SUP) for a detached garage that exceeds the maximum allowable size for properties located within a Single-Family 16 District. Currently situated on the subject property, there is a 3,397 square foot brick single-family home

and a 216 square foot accessory building that is clad with wood. The proposed building will be situated behind the main structure, will be 13' 8" in height, and will be constructed of metal. The building will include a 24' x 40' detached garage and a 6' x 40' porch that will be on the front of the building. The total footprint of the building will be 1,200 square feet, 35% of the size of the home. The porch will incorporate windows with shutters, double walk-in doors, and wooden posts. The applicant has stated that the purpose of the porch is to blend the building with the neighborhood by incorporating architectural elements that are typically seen on a single-family home. The building will have two roll-up doors located on each of the north and south façade and the applicant has stated that detached garage will be utilized to store several antique vehicles. The existing 12' x 18' accessory building will be relocated and will be situated adjacent to the northern side façade of the proposed detached garage.

Mr. Brooks further noted that according to the Unified Development Code, in a Single-Family 16 District a detached garage is permitted provided that it is no larger than 625 square feet. The detached garage should include a minimum of one garage bay door large enough to accommodate a standard size motor vehicle and shall be architecturally compatible with the primary structure. In this case, the proposed detached garage is 960 square feet and the porch is 240 a total building footprint of 1,200 square feet, which exceeds the maximum allowable size of a detached garage. Although the proposed building exceeds the maximum allowable size, the applicant has provided additional architectural elements such as the front porch, windows and shutters, and the double walk-in doors on the building in order for the building to be consistent with the main structure. Additionally, the proposed building incorporates two roll-up doors that are large enough to accommodate a standard passenger vehicle. Based on the proposed design of the building, the applicant's request appears to be in conformance with the requirements stipulated by the Unified Development Code with regard to detached garages; however, the Planning and Zoning Commission and City Council are tasked with determining if the proposed building is architecturally compatible with the primary structure. When looking at the applicant's request, it was observed that a large majority of property owners currently have a detached garage and/or accessory building on their properties. Of the existing accessory buildings within the Saddlebrook Estates #2 Addition, several are roughly the same size or larger than the proposed detached garage. It should be noted that most of the accessory buildings that are visible from the street utilize exterior materials similar to the main structure. Staff was able to determine that 30 building permits have been for accessory buildings within the Saddlebrook Estates #2 Addition and 27 of the permits are still active. A vast majority of the permits were issued between 2002 and 2009 shortly after this area was annexed. In this case, the proposed detached garage is larger than the maximum allowable detached garage; however, the design of the structure appears to be architecturally compatible with the main house and would resemble a residential building. The building will sit more than 100-feet from the front property line and be approximately four feet higher than the street. Due to this, visibility of the garage bay doors will be limited from the front of the property line. Should the detached garage be visible from the front of the property, the garage would likely resemble the existing detached garages on the surrounding properties. Given that a majority of the surrounding homes have a detached garage, an accessory building, and/or a portable building approval of this request does not appear to negatively impact the subject property or surrounding properties.

Mr. Brooks shared that on September 20, 2019, staff sent 30 notices to all residents/property owners within 500-feet of the subject property and there are no Homeowner's Associations Neighborhood Associations located within 1,500-feet of the subject property. Staff received 3 emails and 1 notice in favor of the request and 1 email in opposition of the request.

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

Chairman Chodun asked for questions from the Commission.

Commissioner Thomas asked if there were any old ordinance that required brick to be incorporated in the building as seen in some of the surrounding properties with accessory buildings. Mr. Brooks explained that the ordinances have changed over the years and at one point in time masonry was a requirement however the City can no longer regulate masonry. However if the Planning and Zoning Commission determines that some masonry would make it more architecturally compatible, that could be something that the Commission could ask the applicant to do.

Commissioner Logan asked if the outside porch would be used as storage as well. Mr. Brooks shared that there would be no outside storage allowed and the ordinance would indicate that.

Chairman Chodun asked the applicant to come forward.

Marty Wright
2340 Saddlebrook Lane
Rockwall, TX

Mr. Wright came forward and provided a short presentation and additional comments in regards to the request. He shared that prior to a legislative change that took effect September 1st of this year it was a requirement to have masonry, however with that house bill the requirements have changed. Mr. Wright indicated he was available for questions.

Commissioner Logan shared concerns with the maintenance such a building would create in the future should there be a time when someone that does not take such owner prideship occupy the home.

Commissioner Moeller asked if the building would be visible from the street. Mr. Wright indicated that it would be visible.

Chairman Chodun opened the public hearing and asked if anyone wished to speak to come forward and do so.

Patty Muggeo
2317 Saddlebrook Lane
Rockwall, TX

Ms. Muggeo came forward and shared what an excellent neighbor Mr. Wright has been. However although she does not have a problem with the building itself, the issue she has is that it is not cohesive to the neighborhood what is being proposed. She generally expressed not being in favor of the request unless it is at least partially bricked.

Kevin Barger
2364 Saddlebrook Lane
Rockwall, TX

Mr. Barger came forward and said he shares Ms. Muggeo's opinion in regards to the request.

Eddie Smith
2312 Saddlebrook
Rockwall, TX

Ms. Smith came forward and shared she just built a large shop that required to have brick and they adhered to that requirement. She generally expressed not being in opposition of the structure as long as it has some brick and masonry to be cohesive to the neighborhood.

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

Chairman Chodun expressed concern with setting a precedent in approving a request such as this. General discussion took place between the Commission concerning the concerns expressed by those who spoke.

Commissioner Womble made a motion to deny Z2019-022. Commissioner Logan seconded the motion which passed by a vote of 7-0.

4. Z2019-024

Hold a public hearing to discuss and consider a request by Adam Buczek of Stone Creek Balance, LTD for the approval of a zoning amendment to Planned Development District 70 (PD-70) for the purpose of changing the number of hard-edged retention ponds required for the residential subdivision being a

~336.00-acre tract of land identified as the Stone Creek Subdivision and being situated within the W. T. Deweese Survey, Abstract No. 71 and the S. King Survey, Abstract No 131, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 70 (PD-70) for Single-Family 10 (SF-10) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) and SH-205 By-Pass Overlay (SH-205 BY-OV) Districts, generally located at the southeast corner of the intersection of FM-552 and SH-205 [N. Goliad Street], and take any action necessary.

Planning Manager, David Gonzales, provided a brief explanation and background of the request. The applicant submitted an application requesting to amend Planned Development District 70 for the purpose of reducing the number of required hard edged retention ponds from four ponds to three ponds. Additionally, the applicant has submitted a letter stating an intent to provide an additional fountain feature for the existing retention pond located adjacent to York Street. Planned Development District 70, in accordance with the original development agreement, requires the developer to provide a minimum of four retention ponds with hard edges and fountain features. According to the ordinance, the location and configuration of the proposed ponds is to be determined at the time of development. Currently, the developer has constructed three of the four ponds required by Planned Development District 70: [1] the first pond is located at the northeast corner of the intersection of N. Goliad Street and Featherstone Drive which is at the entry to the subdivision, [2] the second pond located south of and adjacent to homes along Crestbrook Drive, and [3] the third pond located within the public park located at the northwest corner of Featherstone Drive and John King Boulevard. The pond at the entryway to the subdivision is the only pond that incorporates both a hardedge and a fountain feature. The pond located south of and adjacent to Crestbrook Drive only incorporates a hardedge, and the pond in the public park does not incorporate either a hardedge or a fountain; however, this pond was exempted by the City to make the park eligible for matching grants through the State of Texas, which were applied to increase the amenity of the park. The applicant has requested to change the language in the Planned Development District 70 to reduce the number of ponds from three to four ponds, and has agreed to incorporate a fountain feature in the pond adjacent to Crestbrook Drive and another in a secondary pond along York Street. This means that the only thing the applicant is lacking to meet the current requirements would be a hardedge along the pond located adjacent to York Street; however, staff should point out that this pond is located within the 100-year floodplain and is not highly visible from the street. The applicant has stated the reason for the request is tied to the lengthy and indefinite permitting process required by the Texas Commission on Environmental Quality, and a desire to not put an additional cost burden on the Stone Creek Homeowner's Association. Additionally, as has been done with past requests to amend Planned Development District ordinances, staff has consolidated the two regulating ordinances into one regulating ordinances; however, the only change made in the attached draft ordinance is to the verbiage relating to the number of retention ponds permitted within the development. There are no infrastructure requirements associated with the proposed amendment. In addition, the additional retention pond is not needed to meet the stormwater detention requirements, as the retention ponds were not accounted for in the required detention for the subdivision since the development was required to provide detention in other areas of the subdivision to meet the City's engineering requirements. Since the request is only tied to a requirement of Planned Development District 70, the request remains in compliance with all of the requirements of the City's codes.

Mr. Gonzales further noted that on September 20, 2019, staff mailed 928 notices to property owners and residents within 500-feet of Planned Development District 70 and also emailed notices to the Quail Run Valley, Lakeview Summit, Random Oaks, and Rockwall Shores Homeowner's Associations which are the only HOA's located within 1,500-feet of Planned Development District 70 participating in the Neighborhood Notification Program. Staff received seven in favor and seven in opposition of the request.

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

Chairman Chodun asked for questions from the Commission. Commissioner Logan asked for clarification that pond 4 would be getting the fountain not the hardedge. Mr. Gonzales indicated if the request was approved the ordinance would require the fountain to be included with pond 4.

Chairman Chodun asked the applicant to come forward and speak.

312 Adam Buzcek
313 8214 Westchester Drive, Suite. 710
314 Dallas, TX
315

316 Mr. Buzcek came forward and provided a power point presentation along with additional
317 comments in regards to the request. Mr. Buzcek indicated he was available for questions.
318

319 Chairman Chodun opened the public hearing and asked if anyone wished to speak to come
320 forward and do so.
321

322 Bob Wacker
323 309 Featherstone
324 Rockwall, TX
325

326 Mr. Wacker came forward and provided a brief presentation in regards to the request. Mr. Wacker
327 generally expressed being in favor of the request.
328

329 Shirley Smith
330 609 Amherst Drive
331 Rockwall, TX
332

333 Mrs. Smith came forward and shared her disappointment at the condition the ponds
334 were handed over to the HOA by the developer. She is asking that maintenance be kept up with
335 the existing ponds if the fourth pond will not have hardedge to better enhance the aesthetics of
336 the neighborhood. She generally expressed being against the request.
337

338 Jim Smith
339 609 Amherst Drive
340 Rockwall, TX
341

342 Mr. Smith came forward and shared that the current condition of the existing ponds are not being
343 maintained. Crestbrook Pond that is hard-edged is almost impossible for residents to reach it and
344 therefore does not meet the needs of amenities. He feels the TECQ requirements shouldn't play a
345 role because the developer was aware of those requirements when it first began the development.
346 He feels if the fourth pond will not be incorporated the developer then needs to better maintain
347 the ponds and make Crestbrook Pond accessible to the residents. He generally expressed not
348 being in favor of the request.
349

350 Sara Driscoll
351 306 Iris Drive
352 Rockwall, TX
353

354 Ms. Driscoll came forward and generally expressed being in favor of the request for another pond
355 and feels the ideal location for it would be the intersection of SH-205 and Featherstone.
356

357 Kate Wilke
358 129 Deverson Drive
359 Rockwall, TX
360

361 Ms. Wilke came forward and generally expressed not being in favor with the additional pond being
362 added.
363

364 Chairman Chodun asked if anyone else wished to speak to come forward and do so, there being
365 no one indicating such Chairman Chodun closed the public hearing and asked the applicant to
366 come forward with any rebuttal.
367

368 Mr. Buzcek came forward and provided rebuttal for the comments that were given by the residents
369 present.
370

371 Chairman Chodun brought the item back to the Commission for discussion or action.
372

After general discussion among the Commission, Commissioner Womble made a motion to approve Z2019-024 with staff recommendations. Commissioner Fishman seconded the motion which passed by a vote of 5-2 with Commissioners Welch and Thomas dissenting.

V. ACTION ITEMS

5. SP2019-035

Discuss and consider a request by Greg Wallis of Mershawn Architects on behalf of the owner for the approval of a site plan for the expansion of an existing Minor Auto Repair Garage on a 1.1107-acre parcel of land identified as Lot 4, Block 1, Horizon Village Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, addressed as 2581 Horizon Road [FM-3097], and take any action necessary.

Senior Planner, Korey Brooks, provided a brief explanation of the request. The applicant is requesting approval of a site plan for the purpose of expanding an existing minor automotive repair garage, Kwik Kar. The applicant has stated that constructing a second building on the subject property will help manage the current volume of vehicles being serviced. According to the Unified Development Code, a Minor Auto Repair Garage is permitted by Specific Use Permit in a Commercial District. In this case, on September 3, 2019, the City Council approved a Specific Use Permit and no additional approvals regarding land use are necessary. Currently, there is an 8,431 square foot building on the subject property and the applicant is proposing to construct a second building that will be approximately 1,440 square feet and located behind the existing building. According to the submitted building elevations, the new structure will match the existing structure with regard to design and materials. With the exception of the exceptions being requested the submitted site plan, landscape plan, and building elevations generally conform to the technical requirements contained within the UDC for a property located within a Commercial District.

Mr. Brooks went over the exceptions the applicant is requesting to the requirements of the Unified Development Code. According to the Unified Development Code, garage doors or bays shall not face the street or a residential lot. In this case, since the bays of proposed building face the street, approval of an exception to the Conditional Land Use Standards is required. Additionally according to the UDC, the maximum wall length of primary building facades shall not exceed three times the wall height without incorporating a secondary entryway/architectural element. In this case, the south and north elevations are 48-feet in length and do not incorporate a secondary entryway/architectural element. Since this exceeds the maximum allowable wall length of 42-feet in length, approval of an exception to the building articulation standards is required. In this case, the applicant is providing additional canopy trees and plants on site adjacent to the new building. Additionally, the applicant is including 24-38% natural stone on each façade. Staff should note, the front of the building will consist of bay doors, which provide some relief on the façade. Since there is an existing building on the property, it seems appropriate for the design and materials of the new building to be consistent. Further, the Unified Development Code, gives the Planning and Zoning Commission the ability to grant exceptions to the general standards should the request meet one of the following; [1] where unique or extraordinary conditions exist or [2] where strict adherence to the technical requirements of the Unified Development Code would create an undue hardship. When exceptions are being requested, the applicant shall provide two compensatory measures that directly offset each requested exception. In this case, the applicant is providing a combination of a berm, shrubs and plants in the landscape buffer and is utilizing 100% masonry. In addition, the applicant is incorporating 24%-38% natural stone on each building façade. Staff should note, that the property is adjacent to other automotive land uses. The proposed building will be located behind the main structure, which will limit visibility of the bays; however, the bays may still be slightly visible from the street. It should also be noted, that the bay doors on the front of the building provide some relief to the buildings' façade. Since there is an existing building on the property, it seems appropriate for the design and materials of the new building be consistent with the existing building. With this being said these exceptions are discretionary decisions for the Planning and Zoning Commission and require approval by a supermajority vote. In the event that the exception is denied, the applicant has the ability to appeal the Planning and Zoning Commission's decision to the City Council by filing a written request with the Planning and Zoning Department.

Mr. Brooks further noted that the Architectural Review Board reviewed the proposed building elevations and recommended approval. Mr. Brooks advised the Commission that the applicant was unable to be present however staff was available for questions.

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

Commissioner Moeller made a motion to approve SP2019-035 with staff recommendations. Commissioner Logan seconded the motion which passed by a vote of 7-0.

VI. DISCUSSION ITEMS

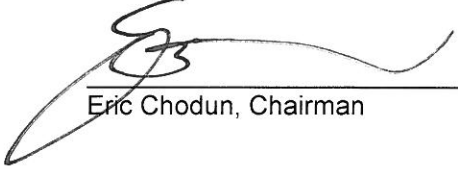
6. Director's Report of post Council meeting outcomes of Planning & Zoning cases.

Planning Manager, David Gonzales, advised the Commission that the City Council meeting was held the night before and the outcome of items brought forward will be discussed at the next scheduled meeting.

VII. ADJOURNMENT

Chairman Chodun adjourned the meeting at 8:16 p.m.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this 12 day of November, 2019.


Eric Chodun, Chairman

Attest:


Laura Morales, Planning Coordinator