

MINUTES

PLANNING AND ZONING COMMISSION MEETING
CITY HALL, 385 SOUTH GOLIAD, ROCKWALL, TEXAS
MAY 12, 2020 IN THE CITY COUNCIL CHAMBERS AT 6:00 PM

THE ROCKWALL PLANNING AND ZONING COMMISSION MEETING WILL BE HELD IN-PERSON AT ROCKWALL CITY HALL; HOWEVER, AS AN ALTERNATIVE TO ATTENDING THE MEETINGS APPLICANTS, CITIZENS AND INTERESTED PARTIES MAY JOIN REMOTELY VIA ZOOM (AUDIO PARTICIPATION ONLY). CITIZENS AND INTERESTED PARTIES MAY SUBMIT COMMENTS BY EMAIL.

SUBMIT COMMENTS VIA EMAIL

Citizens are encouraged to submit public forum comments at least 30 minutes in advance of the meeting by emailing them to Planning@Rockwall.com. Please include your name and address when submitting comments. Also, please be concise and limit your comments so that it may be read within three (3) minutes.

CITIZENS WATCHING THE MEETING

The public may watch the meeting live online by visiting the following link: <http://www.rockwall.com/meetings/video.asp>

NOTE: Please do not try to watch the meeting live and participate via ZOOM at the same time. There is a timing difference between the two streams. If you feel you need to watch live and also participate (as an applicant only) in the meeting via ZOOM, please mute the live stream audio (as it is delayed compared to ZOOM).

APPLICANTS AND CITIZENS PARTICIPATING IN THE MEETING

Applicants and citizens that wish to participate in the meeting virtually by joining with ZOOM, either via a computer, mobile device, and or telephone should follow the following instructions:

(1) Register in advance to participate in the Planning and Zoning Commission Work Session meeting at this link: https://us02web.zoom.us/webinar/register/WN_CwSi49f1QTck3xGzAaurtQ.

(2) After registering, you will receive a confirmation email containing information about joining the meeting. Alternatively, you can join via telephone at:

US: (301) 715-8592 or (312) 626-6799 or (888) 788-0099
Webinar ID: 841-7497-1526

NOTE: Once the agenda item you would like to speak on has been presented by staff, you may hit the raise hand button (or press *9 for telephone participants) to request to speak or to cancel your request. You will be acknowledged and prompted to provide comments when it is your turn to speak during the meeting.

SPECIAL NOTES: Only the two-way 'audio' feature of ZOOM will be utilized during the meeting. No ZOOM video will be used. If you are watching remotely via the live stream, please note there is a seven (7) second delay, whereas, ZOOM is in real time.

I. CALL TO ORDER

Vice-Chairman Jerry Welch called the meeting to order at 6:00 PM. The Commissioners present at the meeting were John Womble, Annie Fishman, Sedric Thomas, and Mark Moeller. Chairman Eric Chodun and Commissioner Tracey Logan were present via ZOOM. Staff members present were Planning and Zoning Director Ryan Miller, Planning and Zoning Manager David Gonzales, Planning and Zoning Coordinator Angelica Gamez and City Engineer Amy Williams. Absent from the meeting were Civil Engineers Sarah Johnston and Jeremy White.

II. OPEN FORUM

Vice-Chairman Welch explained how open forum is conducted and asked if anyone wished to speak to come forward at this time. There being no one coming forward, Vice-Chairman Welch closed the open forum.

III. APPOINTMENTS

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

A representative from the Architectural Review Board gave a brief explanation concerning the agenda items that were discussed at the Architectural Review Board meeting.

IV. CONSENT AGENDA

2. Approval of Minutes for the April 28, 2020 Planning and Zoning Commission meeting.

Commissioner Thomas made a motion to approve the Consent Agenda. Commissioner Fishman seconded the motion which passed by a vote of 7-0.

V. PUBLIC HEARING ITEMS

3. **Z2020-011 (RYAN MILLER)**

Hold a public hearing to discuss and consider a request by Marlyn Roberts for the approval of a Specific Use Permit (SUP) for an *accessory building that exceeds the maximum square footage and height* on an 0.1865-acre parcel of land identified as Lot 5, Block D, Waterstone Estates Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 323 Julian Drive, and take any action necessary.

Planning and Zoning Director Ryan Miller provided a brief summary in regards to the request. The applicant is requesting a Specific Use Permit (SUP) for an accessory structure. This accessory structure was already installed and background information was provided to the Commission. The applicant did contact Staff after it was realized that the contractor did not pull a permit. The accessory structure itself is eleven (11) feet eight (8) inches making 192 square feet and it is located in the rear yard. The accessory building has a gabled roof and consists of a brown color making it match the trim of the primary structure. According to the Unified Development Code (UDC), accessory structures are allowed in a Single Family-7 (SF-7) District. We allow either two (2) structures that are 144 square feet each or one (1) accessory structure at 144 square feet and one (1) detached garage at 625 square feet. In this case, there are no other accessory structures on the property and the structure that was built exceeds the maximum allowable size by 48 square feet. There is another accessory structure that is the same size and nearly as high as the requested one in the neighboring properties. The structure that is requested here is not as visible as the one on the adjacent lot when driving down Yellowjacket Road. All Specific Use Cases are discretionary decisions for City Council pending a recommendation from the Planning and Zoning Commission. Mr. Miller explained that there was a draft ordinance included in the Commissioner's packets that detailed the specific operational conditions for this case. With this being a Zoning case, Staff sent out 61 notices to property owners and occupants within 500 feet of the subject property. Waterstone Estates Homeowners Association was also notified as it was the only homeowners association (HOA) within 1500 feet of the subject property. At the time of making the packet, there had only been two (2) notices received in favor of the request. There were three (3) additional notices received, all in favor, including one from the Waterstone Estates HOA. Mr. Miller then advised the Commission that the applicant and Staff were present and available for questions.

Vice-Chairman Welch asked the applicant to come forward.

Marlyn Roberts
323 Julian Drive
Rockwall, TX 75087

Mr. Roberts came forward and provided additional information in regards to the request.

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

Commissioner Logan had a question as to whether or not a warning had been issued to the contractor for building the structure without a permit. Planning Director Ryan Miller stated that a citation was not issued in this case and they were made aware of having an issue by the applicant and not from Code Enforcement. The applicant contacted Staff and submitted an application of their own volition so Staff did not send out anything to the contractor. Commissioner Moeller agreed that there needs to be a proper process in place to note if citations had been issued. Commissioner Thomas asked if the contractor had maybe reached out to the HOA and thought that was enough of an approval to install the accessory structure. Mr. Miller answered that, to his knowledge, that had not occurred and the applicant was the one who realized a permit was not issued.

Vice-Chairman Welch closed the public hearing and brought the item back to the Commission for discussion or action.

Commissioner Thomas made a motion to approve item Z2020-011 with staff recommendations. Commissioner Womble seconded the motion which passed by a vote of 7-0.

4. Z2020-016 (DAVID GONZALES)

Hold a public hearing to discuss and consider a request by Chris Kehrer of Titan Contractors on behalf of the owner David Choate for the approval of a Specific Use Permit (SUP) for a Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit and Carport that does not conform to the requirements of the Unified Development Code (UDC) on a one (1) acre parcel of land identified as Lot 8, Block B, Zion Hill Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 1 (SF-1) District, addressed as 844 Zion Hill Circle, and take any action necessary.

Planning and Zoning Manager David Gonzales provided a brief summary and history in regards to the request. The single family home, constructed in 1978, holds a primary structure that's 2,871 square feet. The applicant is requesting a secondary structure that's 4, 812 square feet. In November of 2019, the applicant/contractor had submitted a building permit. They were proposing to construct the 4, 812 square foot accessory structure that consisted of a carport, a covered porch and a detached garage. During the permitting process, it was discovered that the carport and the detached garage were larger than what is allowed by the Unified Development Code (UDC). At that time, the applicant was told that a Specific Use Permit (SUP) would be required if he wanted to continue with that project. He then wanted to reduce the carport to avoid the SUP process but there were a couple of other things he could do to help out as well. He could reduce the detached garage to 625 square feet or less or he could attach the entire structure onto the primary structure and create an addition. At that time, he was asked to submit an additional permit to go forward. In January 2020, the applicant did provide a revised permit and proposed to remove the carport and add an eight (8) foot awning that would effectively attach that to the primary structure. Building Inspectors went out that day and realized that the accessory structure had already been mostly constructed so a stop-work order was issued and is still in effect today. The Inspector also noticed that there was plumbing and a living area inside the detached garage portion so three (3) citations were issued. Staff then moved in and started working with the applicant and giving him recommendations in regards to the project. One of them being to request an SUP for the structure as is and do two (2) things-those being to rezone the property from Agricultural to Single Family-1, which was approved in April 2020 and the other was to request a Specific Use Permit. According to UDC, they can have two (2) accessory units but if you exceed the square footage on that then no other structures may be permitted on the property as it is listed in the conditions of approval. Staff wanted to point out that the structure does need to be integrally attached to the primary structure. Had the applicant done that since the beginning then he would have avoided this process with the exception to the carport. If the structure is not integrally tied to the primary structure, then the applicant will be required to go before the Board of Adjustment because the structure itself is within ten (10) feet of the other structure. It would require the Board to make a positive ruling in favor of the applicant for that to remain as is. This is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission. Staff sent out notices to 29 property owners and occupants within 500 feet and did not receive any in favor or against. There are also no Homeowners Associations within 1500 feet. Mr. Gonzales then showed photos of the structure to the Commission. He then advised the Commission that the applicant and Staff were available for questions.

Commissioner Chodun was inquiring about the status of the second permit and wanted clarification as to what the outcome would be if the Specific Use Permit was approved tonight.

Planning Director Ryan Miller added brief details in regards to the case. He added that if the applicant attaches the structure then it technically falls within code regulations because it would then become integrated to the primary structure. He clarified that if the item gets approved by the Commission today then the applicant would be able to leave it as is. If the Commission were to deny it today then the applicant would have the ability to submit a permit showing it being integrated to the primary structure. Mr. Miller also pointed out that the roof of the accessory building was overhanging the primary structure and it was much taller.

Vice-Chairman Welch asked the applicant to come forward.

Chris Kehrer
410 Normandy Lane
Heath, TX 75032

The applicant came forward and provided further details in regards to the request. He apologized in regards to the situation and brought up a photo showing where there could be a breezeway crossing into the primary structure. If he is allowed to do that then they would be in compliance.

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

The applicant, Mr. Kehrer, added that he had not received any complaints from any neighbors.

Vice-Chairman Welch closed the public hearing and brought the item back to the Commission for discussion or action.

Commissioner Moeller stated that the item should be denied and go to Board of Adjustment. Chairman Chodun asked that they would be creating a bad precedent if they approved the item.

Planning Director Ryan Miller explained that if the Specific Use Permit were approved then the Commission would be approving two facets to that. The first being that the carport exceed the minimum requirements by 1,100 square feet and you would be allowing the guest quarters/detached garage/carport to maintain the way it is today. The proposed structure can stay as is unattached and the applicant would then have to go to Board of Adjustments if the motion is to approve. If the Board of Adjustments approves it and allows him to have a variance then it can stay as it is today without attaching it to the primary structure and does not need to attach it to the breezeway. If they deny it then he would have to attach it to the primary structure. If the Commission denies the request then the applicant would have to do the following: bring the structure into compliance meaning he would have to cut the carport down by 1,100 square feet, he would have to cut the accessory structure down to 30% of the primary structure, and separate the detached garage and cut it down to 625 square feet essentially removing the structure.

Chairman Chodun asked why they didn't require a breezeway in the ordinance. Planning Director Ryan Miller explained that having the breezeway installed could be instilled as a condition of approval.

Commissioner Womble made a motion to deny item Z2020-016. Commissioner Moeller seconded the motion which passes by a vote of 5-2 with Commissioner Thomas and Vice-Chairman Welch dissenting.

Planning and Zoning Manager David Gonzales explained that since the item was denied then it would go before the City Council on May 18, 2020 and would require $\frac{3}{4}$ of majority vote for approval.

VI. ACTION ITEMS

5. SP2020-006 (RYAN MILLER)

Discuss and consider a request by Jared Helmberger, PE of Epsilon Land Development on behalf of Jim Vaudagna of Dallas East for the approval of a *Site Plan* for a *strip retail center and daycare facility* on a 6.28-acre parcel of land identified as Lot 5 of the Rockwall Business Park East Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, generally located on the southside of E. Ralph Hall Parkway west of the intersection of E. Ralph Hall Parkway and S. Goliad Street [SH-205], and take any action necessary.

Planning and Zoning Director Ryan Miller provided a brief summary in regards to the request. The applicant is proposing a site plan for an 11,000 square foot daycare facility and a 6,000 square foot multi-tenant retail strip building. The majority of the site plan meets all of the technical requirements but the applicant is requesting two variances in regards to the building elevations that will require discretionary approval from the Commission. Neither building meets the primary building façade articulation and the secondary building façade articulation. As compensatory measures, the applicant has provided a letter outlining what they are proposing such as 21% stone on the strip retail building, 30% stone on the daycare facility, and a 20 foot landscape buffer in lieu of the required 10 foot buffer, and additional landscaping above and beyond the minimum requirements. They are trying to adhere to as many of the Overlay District requirements even though this is in a straight zone property. There are no material requirements on this building so this is what they are offering in lieu of meeting exact articulation requirements. Mr. Miller then advised Staff that the applicant was present via ZOOM and both he and Staff were available for any questions.

Commissioner Womble inquired about what the Architectural Review Board's opinion was in regards to the case. Mr. Miller explained that the Architectural Review Board (ARB) reviewed this case on three (3) separate occasions and had several recommendations. The applicant was willing to comply with the majority of the recommendations but the only one they had difficulty complying with was bringing stone out on the strip retail building. Ultimately, the ARB voted unanimously to recommend approval to the Commission.

Chairman Chodun asked whether or not traffic would be an issue in that area but Mr. Miller replied that the roadway was built to handle that type of situation.

Jared Helmberger
811 S. Central Expressway
Richardson, TX 75080

239 The applicant went on via ZOOM and provided a brief summary in regards to the request.

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241 Commissioner Fishman inquired about whether or not the applicant had any secure tenants at the moment but the applicant
242 explained confirmed that he did not.

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244 Commissioner Chodun had a question in regards to the building's blue paint color but Mr. Miller explained that the applicant
245 sent in a paint swatch and the color was more of a muted blue than what came across the elevations.

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247 Commissioner Moeller made a motion to approve item SP2020-006 with staff recommendations. Commissioner Thomas
248 seconded the motion which passed by a vote of 7-0.

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250 VII. DISCUSSION ITEMS

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252 6. Director's Report of post City Council meeting outcomes for development cases (RYAN MILLER).

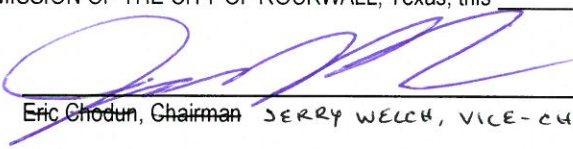
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254 ✓ P2020-018: Replat for Lots 2 & 3, Block D, Ellis Centre, Phase Two Addition [APPROVED]
255 ✓ Z2020-009: SUP for a New and/or Used Motor Vehicle Dealership/Showroom for Interstate Cars [APPROVED; 1st READING]
256 ✓ Z2020-010: SUP for an Accessory Building for 204 Lakehill Drive [APPROVED; 1st READING]
257 ✓ Z2020-012: SUP for a Residential Infill in an Established Subdivision for 706 Sherman Street [APPROVED; 1st READING]
258 ✓ Z2020-014: SUP for a Residential Infill in an Established Subdivision for 328 Harborview Drive [APPROVED; 1st READING]
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260 Planning and Zoning Director Ryan Miller provided a brief update about the outcome of the above referenced cases at the
261 City Council meeting.

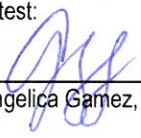
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263 VIII. ADJOURNMENT

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265 Vice-Chairman Welch adjourned the meeting at 6:47 pm.

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267 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this
268 26 day of May, 2020.

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272 Eric Chodun, Chairman JERRY WELCH, VICE-CHAIRMAN

273 Attest:

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276 Angelica Gamez, Planning and Zoning Coordinator
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