

MINUTES



PLANNING AND ZONING COMMISSION MEETING
CITY HALL, 385 SOUTH GOLIAD, ROCKWALL, TEXAS
SEPTEMBER 15, 2020 IN THE CITY COUNCIL CHAMBERS AT 6:00 PM

I. CALL TO ORDER

Chairman Eric Chodun called the meeting to order at 6:01 PM. Commissioners present were John Womble, Sedric Thomas, Derek Deckard, Mark Moeller and Vice-Chairman Jerry Welch. Absent from the meeting was Commissioner Jean Conway. Staff members present were Planning and Zoning Director Ryan Miller, Planning and Zoning Manager David Gonzales, Planner Henry Lee, Planning and Zoning Coordinator Angelica Gamez, and City Engineer Amy Williams.

II. OPEN FORUM

Chairman Chodun 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, Chairman Chodun closed the open forum.

III. CONSENT AGENDA

1. Approval of Minutes for the August 25, 2020 Planning and Zoning Commission meeting.

2. P2020-034 (DAVID GONZALES)

Consider a request by Chad DuBose of JCDB Holdings, LLC for the approval of a Final Plat for Lots 1, Block A, Pecan Valley Retail Addition being a 2.356-acre tract of land identified as Tract 1 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 65 (PD-65) for General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, addressed as 150 Pecan Valley Drive and 3005 N. Goliad Street [SH-205], and take any action necessary.

3. SP2020-020 (DAVID GONZALES)

Discuss and consider a request by Todd Winters of Engineering Concepts & Design, LP on behalf of Clint Vincent of Bloomfield Homes LP for the approval of a Site Plan for Phase 1 of the Terracina Estates Subdivision consisting of 110 single-family lots on a 50.154-acre portion of a larger 81.49-acre tract of land identified as Tract 16 of the J. A. Ramsay Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, Planned Development District 82 (PD-82) for Single-Family 10 (SF-10) District land uses, situated on the west side of Rochell Road south of SH-276, and take any action necessary.

4. SP2020-022 (DAVID GONZALES)

Discuss and consider a request by Kevin Lawson of Lawson Real Estate Holdings, LLC for the approval of a Site Plan for an office building on a 0.47-acre parcel of land identified as Lot 5, Block A, Landing Point Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, addressed as 1507 Airport Road.

Vice-Chairman Welch made a motion to approve the consent agenda. Commissioner Thomas seconded the motion which passed by a vote of 6-0 with Commissioner Dr. Jean Conway absent.

IV. PUBLIC HEARING ITEMS

5. Z2020-033 (HENRY LEE)

Hold a public hearing to discuss and consider a request by Patrick Wells for the approval of a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision for the purpose of constructing a single-family home on a 0.216-acre parcel of land identified as Lot 3, Block A, Richard Harris #3 Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 210 Wade Street, and take any action necessary.

Planner Henry Lee provided a brief summary in regards to the request. The applicant is requesting the approval of a Specific Use Permit (SUP) for a single-family home in the Richard Harris Addition. The proposed home will face east onto Wade Drive and will be complementary to the surrounding housing. The request is due to the fact that the lots are in an established subdivision defined as being in existence for ten (10) years and being more than 90% developed. According to the Unified Development Code (UDC), the Planning and Zoning Commission must consider the proposed site location and architecture of the home compared to the existing housing. Staff sent out 50 notices to property owners and residents within 500-feet of the subject property but did not receive any back. The Park Place Homeowners Association was also notified as it is the only HOA within 1500-feet of the subject property.

Chairman Chodun asked the applicant to come forward.

Patrick Wells
711 Stillwater Drive
Rockwall, TX 75087

The applicant came forward and provided additional details regarding his request. Mr. Wells then advised the Commission that he had brought colored renderings, requested at the prior meeting, to show the Commission.

Chairman Chodun opened the public hearing and asked anyone who wished to speak to come forward at this time. There being no one doing such; Chairman Chodun closed the public hearing and brought the item back to the Commission for discussion or action.

Commissioner Womble asked to see the colored renderings and also asked if there were any variances associated with the request.

Commissioner Moeller made a motion to approve item Z2020-033 with staff recommendations. Commissioner Womble seconded the motion which passed by a vote of 6-0.

Chairman Chodun advised the applicant that the case would go before the City Council on September 21, 2020.

6. **Z2020-034 (RYAN MILLER)**

Hold a public hearing to discuss and consider a request by Major Rush for the approval of a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision for the purpose of constructing a single-family home on a 0.1637-acre parcel of land identified as Lot 12, Block A, Chandler's Landing, Phase 20, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single-family residential land uses, addressed as 118 Mischief Lane, and take any action necessary.

Director of Planning and Zoning Ryan Miller advised the Commission that the applicant requested to withdraw the case as they would like more time to work with the Chandlers Landing Homeowners Association. Due to the case being advertised and notices being sent out, then Staff is required to put it on the agenda and the Planning and Zoning Commission is required to act on it.

Vice-Chairman Welch made a motion to accept the withdrawal of item Z2020-034. Commissioner Thomas seconded the motion which passed by a vote of 6-0.

7. **Z2020-035 (RYAN MILLER)**

Hold a public hearing to discuss and consider a request by Allen Anderson of Adlor Enterprises, LLC for the approval of a Specific Use Permit (SUP) for a Restaurant with 2,000 SF or More with Drive-Through/Drive-In for the purpose of constructing a restaurant with drive-through on a 1.1308-acre parcel of land identified as Lot 1, Block B, Jack Canup Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 62 (PD-62) for General Retail (GR) District, addressed as 902 & 906 S. Goliad Street [SH-205], and take any action necessary.

Director of Planning and Zoning Ryan Miller provided a brief summary in regards to the request. The applicant is requesting the approval of a Specific Use Permit (SUP) for a Restaurant with more than 2,000 square feet with a drive thru. Specifically, the applicant is proposing a 2,053 square foot fast food restaurant described as a Taco Bell. As shown in the concept plan, both the drive thru lane and the bail out lane will run adjacent to south side Goliad Street with the building being oriented towards W. Bourn Street. The parking area will be adjacent to the alleyway in the back. Based on the movement and widening that must be done, it will be required to seek TXDOT approval and will also require a variance which was listed as a condition of approval as well as a requirement for a traffic impact analysis. The reason for an SUP in a General Retail (GR) District is that generally these districts are in close proximity to residential districts. The UDC lays out specific criteria for this particular type of use in this district and states that drive thru lanes shall not be located on local residential streets. Also, additional screening shall be installed adjacent to drive thru lanes to impair visibility of headlights, and a minimum of six (6) standard size motor vehicles can be stacked on site from the point of order. In this case, the applicant is showing conformance to the screening and stacking requirements. The other aspect of this case is residential adjacency which is along the southern and western boundaries. Our ordinance states that anytime certain uses are over 150-feet of residential districts, they require additional screening. With this case, there are 2 aspects that are specifically called out in the ordinance that gives the Commission discretion to the screening being proposed. Staff also added noted as a condition of approval that a noise study be conducted on the property. Mr. Miller reminded Staff that they had asked the applicant to limit its business hours at the previous work session but the applicant has chosen not to limit hours and continue with the normal operating hours. Normally, Staff would like to limit those hours to something more reasonable due to the residential adjacency. Specific Use Permits are discretionary to the City Council pending a recommendation from the Planning and Zoning Commission. With this being a zoning case, Staff sent out 107 notices to property owners and residents living within 500-feet of the subject property. Staff also notified the Stone Bridge Meadows Association which was the only HOA within 1500-feet of the subject property. Mr. Miller advised the Commission that the applicant and Staff were present and available to answer questions.

Vice-Chairman Welch had a question in regards to the request of limiting hours.

Chairman Chodun asked the applicant to come forward.

Michael Stansbury
101 E. Cherokee
Jacksonville, TX 75766

Mr. Stansbury came forward and provided additional details and background in regards to the request. He pointed out some items regarding the original site plan and the updated plan where changes were made. Mr. Stansbury mentioned the hours of operation and how they could not change them due to the fact that 20% of all transactions were made between 9pm to close. He also addressed the other comments made about safety, crime, and loitering.

Commissioner Moeller asked about the driveway off of Goliad and what the timeline was in getting together with TXDOT to talk about the matter.

Commissioner Deckard also asked what the timeline was for talking to TX Dot. Mr. Miller addressed the question and explained what the process would be for getting together for TXDot.

Commissioner Thomas asked if the applicant if they had considered public density with the project

Commissioner Womble asked about the entrance and its placement and the reasoning behind it.

Commissioner Deckard wanted clarification in regards to traffic and streets patrons would be using.

Commissioner Womble asked if which entrance would be the most preferable one.

Chairman Chodun opened the public hearing and asked anyone who wished to speak to come forward.

Justin Scroggs
1512 S. Alamo Road
Rockwall, TX 75087

Mr. Scroggs came forward and expressed his opposition to the case. His main concerns are traffic, noise and light pollution, and loitering.

Chuck Scroggs
813 S. Alamo Road
Rockwall, TX 75087

Mr. Scroggs came forward and expressed his opposition in regards to the case. His main concern is his house losing value.

Chris Brannon
810 S. Alamo Road
Rockwall, TX 75087

Mr. Brannon came forward and expressed his opposition in regards to the request.

Joe Rochier
901 S. Alamo Road
Rockwall, TX 75087

Mr. Rochier came forward and expressed his opposition in regards to the request.

Chairman Chodun asked if anyone else wished to speak; there being no one doing such. Chairman Chodun closed the public hearing and asked the applicant to come forward once again to respond to comments.

Mr. Stansberry (applicant) came forward and responded to comments made by property owners and residents.

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

Commissioner Deckard asked what the permitted use was at the moment. Commissioner Moeller expressed that he disagreed with the location of the restaurant. Chairman Chodun also expressed his disapproval to the request.

Vice-Chairman Welch made a motion to deny item Z2020-035. Commissioner Moeller seconded the motion to deny which passed by a vote of 6-0.

Director of Planning and Zoning Ryan Miller advised the applicant and Commission that based on tonight's motion that the case would go before the City Council on September 21, 2020 and will require a ¾ majority vote.

8. **Z2020-036 (RYAN MILLER)**

Hold a public hearing to discuss and consider a request by Nabih Saeed of Symonds Flags and Poles, Inc. on behalf of Clay Cooley for the approval of a *Specific Use Permit (SUP)* to allow a structure that exceeds 60-feet in height in a Light Industrial (LI) District for the purpose of constructing a flag pole on an existing motor vehicle dealership (i.e. Clay Cooley Hyundai) being a 4.39-acre parcel of land identified as Lot 1, Block 1, Rockwall Recreational Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 1540 E. IH-30, and take any action necessary.

Director of Planning and Zoning Ryan Miller provided a brief summary in regards to the request. Mr. Miller also provided background in regards to the variances requested in the past by the applicant. All of these were approved and the dealership was founded in 2012. This time the applicant is requesting to establish a flag pole up to 120-feet. According to the Unified Development Code, a flag pole is treated the same as any structure meaning it is subject to the same height requirements. With this property being in a Light Industrial (LI) district, structures are allowed to go up to 60-feet by right and also allows the ability for additional height up to 120-feet with a Specific Use Permit. In this case, the applicant is requesting the maximum at 120-feet for a flag pole. Since this requires an SUP, it is a discretionary decision to the City Council pending a recommendation from the Planning and Zoning Commission. Staff sent out 16

200 notices to property owners and resident within 500-feet of the subject property. Mr. Miller advised the Commission that the applicant and
201 Staff were present to answer questions.

202
203 Chairman Chodun asked the applicant to come forward.

204 Steve Symonds
205 7503 Flagstone
206 Fort Worth, TX 76118
207

208
209 Mr. Symonds (representative) came forward and advised that he was ready to answer questions.

210
211 Commissioner Deckard asked what the pole was rated for and how big the flag was that it could fly.

212
213 Chairman Chodun opened the public hearing and asked anyone who wished to speak to come forward at this time.

214
215 Bob Wacker
216 309 Featherstone
217 Rockwall, TX 75087
218

219 Mr. Wacker came forward and asked if staff could limit the permit to only display the American flag.

220
221 Chairman Chodun asked if anyone else wished to speak; there being no one doing such, Chairman Chodun closed the public
222 hearing and brought the item back for discussion or action.

223
224 Commissioner Thomas expressed his concern as to not being able to dictate what could be flown on the pole.

225
226 Commissioner Moeller expressed that the 60-foot limit is appropriate and did not support anything higher than 60 feet.

227
228 Commissioner Deckard asked if this would be the highest structure in Rockwall.

229
230 Commissioner Moeller made a motion to deny item Z2020-036. Commissioner Womble seconded the motion which passed by a vote of
231 5-1 with Vice-Chairman Welch dissenting.

232
233 Chairman Chodun advised the applicant that based on tonight's motion that the case would go before the City Council on September 21,
234 2020 and will require a ¾ majority vote.

235
236 9. **Z2020-037 (RYAN MILLER)**

237 Hold a public hearing to discuss and consider a request by Casey Orr, PE of Wier & Associates, Inc. on behalf of Chad DuBose of JCDB Goliad
238 Holdings, LLC for the approval of a Specific Use Permit (SUP) for a Restaurant with Less Than 2,000 SF with Drive-Through/Drive-In on a
239 0.579-acre parcel of land identified as Tract 1 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, zoned Planned
240 Development District 65 (PD-65) for General Retail (GR) District, situated within the North SH-205 Overlay (N. SH-205 OV) District, addressed
241 as 150 Pecan Valley Drive, and take any action necessary.

242
243 Planning and Zoning Director Ryan Miller provided a brief summary in regards to the request. The applicant originally requested the
244 approval of an SUP for the restaurant with less than 2,000 square feet in a General Retail (GR) District. It went to the work session and
245 was withdrawn by the applicant at that time. The applicant resubmitted the same request and took it forward to which she was ultimately
246 denied by this Board and requesting to withdraw the case at City Council. The proposed request has now been submitted three times
247 and it is the same that was proposed last time with the exception of knowing what the restaurant is and the applicant adding a walking
248 trial. As was explained earlier, certain uses are not permitted in GR areas due to their close proximity to residential streets. In this case,
249 the applicant does meet the screening requirements and stacking requirements. Quail Run Road is considered to be a residential
250 roadway and what is not being met is that their only access road is off of that residential roadway. Other non-conformance issues are
251 the lack of parking spaces and the trash enclosure is facing Pecan Valley which, according to the ordinance, cannot be facing a public
252 street. Another waiver would be the driveway spacing requirement as it is only 37 feet from the intersection where the minimum is 100-
253 feet. Staff sent out 35 notices to property owners and residents within 500-feet of the subject property and 13 came back in opposition of
254 the case with 1 being in favor. Staff also notified the Shores at Lake Ray Hubbard, Random Oaks, Stone Creek, Quail Run, and Lakeview
255 Summit Homeowner Associations as they were the ones within 1500-feet from the subject property. Mr. Miller then advised that the
256 applicant and Staff were present and available to answer questions.

257
258 Commissioner Deckard asked what the max capacity would be at the restaurant.

259
260 Chairman Chodun asked if there was an issue with part of the property being in a flood zone.

261
262 Chairman Chodun asked the applicant to come forward.

263
264 Casey Orr (Engineer)
265 121 S. Main Street
266 Henderson, TX 75654
267

268 The applicant came forward and provided additional details and background in regards to the request. She addressed some of the
269 resident's concerns from the neighborhood responses. She also added that the busiest hour would consist of 24 transactions and their
270 busiest hour does not coincide with rush hour.

271
272 Commissioner Thomas asked what the proposed hours of operation and peak hours would be. Ms. Orr answered that she would defer to
273 the developer.

274
275 Chairman Chodun asked the developer to come forward.

276
277 Chad DuBose
278 7218 Colgate Avenue
279 Dallas, TX 75225
280

281 Mr. Dubose came forward and announced the hours of operation would be 9:00am- 9:00pm and the peak hours would be midday from
282 10:00am- 4:00pm. He also mentioned that 30% of the transactions would be in store and 70% would take place in the drive thru.

283
284 Director of Planning and Zoning Ryan Miller asked how many employees typically would be working in the establishment. Mr. Dubose
285 answered that there would be anywhere between 2-4 employees depending on the store volume or peak hours.

286
287 Commissioner Deckard asked if there was any access to the sidewalk from the north and south entries.

288
289 Chairman Chodun opened the public hearing and asked anyone who wished to speak to come forward at this time.

290
291 Lanty Dean
292 216 W. Quail Run Road
293 Rockwall, TX 75087
294

295 Mr. Dean came forward and expressed his opposition to the request.

296
297 Jim Turner
298 1691 E. Quail Run
299 Rockwall, TX 75087
300

301 Mr. Turner came forward and expressed his opposition to the request.

302
303 Bob Wacker
304 309 Featherstone Drive
305 Rockwall, TX 75087
306

307 Mr. Wacker came forward and expressed his opposition to the request.

308
309 Michael Hunter
310 220 N. Quail Run Road
311 Rockwall, TX 75087
312

313 Mr. Hunter came forward and expressed his opposition to the request.

314
315 Chairman Chodun asked if anyone else wished to speak to come forward at this time; there being no one doing such, Chairman Chodun
316 closed the public hearing and brought the item back to the Commission for discussion or action.

317
318 Cary Albert
319 14114 Dallas Parkway
320 Dallas, TX 75240
321

322 Mr. Albert came forward and provided additional details in regards to the request.

323
324 Mr. Dubose came forward and expressed details of concern in regards to the comments made on the architectural details of the
325 restaurant along with providing additional stacking requirements details.

326
327 Chairman Chodun asked if there were any other questions for the applicant.

328
329 Vice-Chairman Welch asked if Pecan Valley Drive was a dead end. He also wanted further information on the parking situation for
330 employees and customer; also whether or not the specific use permit would stay with the franchise or with the land.

331
332 Commissioner Deckard stated that his only concern was the parking deficiency in the situation.
333

Commissioner Thomas added that the applicant would not be able to do this without a drive thru since it would cut into their sales and he could not support the project.

Commissioner Thomas made a motion to deny item Z2020-037. Commissioner Moeller seconded the motion to deny which passed by a vote of 4-2 with Commissioner Deckard and Vice-Chairman Welch dissenting.

Based on the motion made tonight, item Z2020-037 will go before City Council on September 21, 2020 and will require a ¾ majority vote.

10. **Z2020-038 (HENRY LEE)**

Hold a public hearing to discuss and consider a request by Ruben Segovia on behalf of Jose E. Valerio for the approval of a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision for the purpose of constructing a single-family home on a 0.33-acre tract of land identified as Lots 1286 & 1287, Block A, Rockwall Lake Properties Development No. 2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 257 & 269 Russell Drive, and take any action necessary.

Planner Henry Lee provided a brief summary in regards to the request. He explained that the applicant is requesting an approval for an SUP for a single-family home facing west on Russell Drive and will be complementary to the existing housing. Due to the Lake Rockwall Estates being an established subdivision, then the request of a residential infill requires an SUP. An established subdivision is defined as one that is more than 90% developed and has been in existence for 10 years. The UDC requires that the Commission consider the location, size, and architectural build to the existing housing. Staff sent out 144 notices to property owners and residents living within 500-feet of the subject property.

Chairman Chodun asked the applicant to come forward

Ruben Segovia
710 Teagarden
Dallas, TX 75217

Mr. Segovia came forward and advised the Commission that he was available to answer questions.

Chairman Chodun opened the public hearing and asked anyone who wished to speak to come forward at this time. There being no one doing such; Chairman Chodun closed the public hearing and brought the item back to the Commission for discussion or action.

Commissioner Moeller made a motion to approve item Z2020-038 with staff recommendations. Commissioner Womble seconded the motion which passed by a vote of 6-0.

Chairman Chodun advised the applicant that the case would go before the City Council on September 21, 2020.

V. ACTION ITEMS

11. **SP2020-018 (DAVID GONZALES)**

Discuss and consider a request by Jimmy Strohmeier of Strohmeier Architects, Inc. on behalf of Russell Phillips of Harbor LakePointe Investors, LLC for the approval of an Amended Site Plan for a 265-unit condominium development situated on a 7.58-acre tract of land identified as Lots 6A, 7A & 8A, Isaac Brown Addition, and a portion of Lots 3 & 4, Block 16 and Lot 4, Block 18, Moton Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 32 (PD-32), located south of the intersection of Summer Lee Drive and Glen Hill Way, and take any action necessary.

Planning and Zoning Manager David Gonzales provided a brief summary and background in regards to the request. The applicant is amending the site plan but, technically, he is only changing the colors of the building. The architecture is the same and the only change would be in the color of the stucco and a change in stone. The applicant is proposing a white building with gray accents. This case went before the Architectural Review Board three (3) weeks ago and the Board is forwarding a recommendation of approval. Also, the colors in the stone were a part of the original approval in 2018 so it needed to come back before the Commission to take it into consideration. Staff is also including all the recommendations of approval that were approved in 2018. Mr. Gonzales then advised the Commission that he was available to answer questions.

Chairman Chodun asked what the vote at ARB was. He also asked if this was going to be the first building in that Planned Development that was allowed a color change like the one proposed.

Vice-Chairman Welch asked for the reasoning behind the change of color.

Commissioner Womble advised that he agreed with the recommendation from ARB.

Commissioner Womble made a motion to approve item SP2020-018 with ARB recommendations. Commissioner Thomas seconded the motion which passed by a vote of 6-0.

VI. DISCUSSION ITEMS

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

- P2020-031: Final Plat for Lot 1, Block A, Sparks Six Addition [APPROVED]
- P2020-033: Replat for Lot 6, Block A, Harbor District Addition [APPROVED]
- Z2020-030: SUP for an Accessory Building for 1748 Lake Breeze Drive [APPROVED; 2ND READING]
- Z2020-031: Zoning Amendment to Planned Development District 79 (PD-79) [APPROVED; 2ND READING]
- Z2020-032: SUP for a Residential Infill in an Established Subdivision for 481 Blanche Drive [APPROVED; 2ND READING]

Planning and Zoning Director Ryan Miller provided a brief update about the outcome of the above referenced cases at the City Council meeting. He also welcomed Derek Deckard to the Planning and Zoning Commission and advised that a new member will be present at the next meeting.

VII. ADJOURNMENT

Chairman Chodun adjourned the meeting at 8:04 PM.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this
29 day of September, 2020.

Attest:

Angelica Gamez, Planning and Zoning Coordinator

Eric Chodun, Chairman

