

MINUTES

PLANNING AND ZONING COMMISSION WORK SESSION MEETING
CITY HALL, 385 SOUTH GOLIAD, ROCKWALL, TEXAS
SEPTEMBER 29, 2020 IN THE CITY COUNCIL CHAMBERS AT 6:00 PM

I. CALL TO ORDER

Chairman Chodun called the meeting to order at 6:03 PM. Commissioners present were John Womble, Derek Deckard, Sedric Thomas, Mark Moeller, Jean Conway, and Vice-Chairman Jerry Welch. Staff present were Director of Planning and Zoning Ryan Miller, Planning Manager David Gonzales, Planner Henry Lee, Planning and Zoning Coordinator Angelica Gamez, City Engineer Amy Williams, and Civil Engineers Sarah Johnston and Jeremy White.

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. APPOINTMENTS

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

Director of Planning and Zoning Ryan Miller advised the Commission that the cases submitted did not require review by the Architectural Review Board.

IV. CONSENT AGENDA

2. Approval of Minutes for the September 15, 2020 Planning and Zoning Commission meeting.

3. P2020-035 (DAVID GONZALES)

Consider a request by Brad Williams of Winstead PC on behalf of Brian Thornton of Mountainprize, Inc. for the approval of a Replat for Lot 3, Block A, Woods at Rockwall Addition being a 2.46-acre parcel of land identified as a portion of Lots 1 & 2, Block A, Woods at Rockwall Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District, generally located at the intersection of Yellow Jacket Lane and Ridge Road [FM-740], and take any action necessary.

4. P2020-038 (HENRY LEE)

Consider a request by Clay Cristy of ClayMoore Engineering on behalf of Grey Stogner of Metroplex Acquisition Fund, LP for the approval of a Replat for Lots 10 & 11, Block A, Stone Creek Retail Addition being an eight (8) acre parcel of land identified as Lot 8, Block A, Stone Creek Retail Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 70 (PD-70) for General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, generally located north of the intersection of Stone Creek Drive and Bordeaux Drive, and take any action necessary.

5. P2020-041 (HENRY LEE)

Consider a request by Brad Bacon of Bacon Property, LLC for the approval of a Final Plat for Lot 1, Block A, Bacon Addition being a 3.57-acre tract of land identified as Lot 1-M of the Bodin Industrial Tract, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 2055 Kristy Lane, and take any action necessary.

6. P2020-042 (DAVID GONZALES)

Discuss and consider a request by Wesley & Carlee Kuenstler and Bandon & Pare Underwood for the approval of a Final Plat for Lots 1 & 2, Block A, K. U. Ranch and Rec Addition being a 6.83-acre tract of land identified as Tract 26 of the J. P. Davis Survey, Abstract No. 249, Collin County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), address 11644 County Road 536, and take any action necessary.

Commissioner Sedric Thomas made a motion to approve the consent agenda. Commissioner Derek Deckard seconded the motion which passed by a vote of 7-0.

V. ACTION ITEMS

7. MIS2020-012 (HENRY LEE)

Discuss and consider a request by Harold D. Fetty III on behalf of Robert Avalos and Latonia Baker for the approval of a Miscellaneous Case for a special request in accordance with the requirements of Planned Development District 75 (PD-75) [Ordinance No. 16-01] for a 0.179-acre tract of land identified as Lots 280 & 281, Block B, Rockwall Lake Estates #1 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 840 & 848 Lakeside Drive, and take any action necessary.

Planner Henry Lee provided a brief summary in regards to the request. Based on aerial imagery from 2005, the driveway on the on 848 Lakeside appears to slightly be on property 840 Lakeside Drive. According to the applicant, the property was about to be sold and the encroachment was discovered by the surveyor. This issue needs to be corrected on the replat in order to be considered complete. Right now, both of the properties are considered non-conforming to the Planned Development 75 (PD-75) District requirements. The applicant's request would increase the size of 848 Lakeside to 4,576 square feet but reduce the size of 840 to 3,238 square feet. This

change would bring 848 Lakeside closing to conforming to the lot size requirements for PD-75; however, it increases the non-conformance of 840 Lakeside. This comes before the Planning and Zoning Commission because in PD-75 allows City Council to consider all special requests for all issues not relating to land use. With this, City Council would be considering the request to allow 840 Lakeside Drive to a minimum lot size of 3,238 square feet. All other requirements concerning this request deem to be legally conforming or non-conforming. Staff does want to point out that Lake Rockwall Estates Subdivision has other similar non-conformities that have been documented in this area. Any special request is a discretionary for City Council pending a recommendation from the Planning and Zoning Commission. If this is approved, then the item must come back for approval of the replat.

Vice-Chairman Welch asked if both parties were in agreement and Chairman Chodun asked how this issue came about.

Vice-Chairman Welch made a motion to approve item MIS2020-012 with staff recommendations. Commissioner Womble seconded the motion which passed by a vote of 7-0.

VI. PUBLIC HEARING ITEMS

8. Z2020-037 (RYAN MILLER)

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 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 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 Development District 65 (PD-65) for General Retail (GR) District, situated within the North SH-205 Overlay (N. SH-205 OV) District, addressed as 150 Pecan Valley Drive, and take any action necessary.

Director of Planning and Zoning Ryan Miller provided a brief summary in regards to the request. He advised the Commission that they had voted to deny this request twice in the past. The first time it was withdrawn and returned and the second time it was taken to City Council, where the applicant submitted changes last minute that reduced the square footage of the building. The reason why the change is important is that it reduced the number of variances requested. According to the Unified Development Code (UDC), new matters of evidence not presented to the Planning and Zoning Commission are required to be remanded back to the Commission for consideration. In this case, the only thing that has changed is the reduction of the building by 200 square feet, which does reduce the parking variance, but the applicant is still requesting variances to the land use requirements, the driveway spacing requirements, and the dumpster orientation. Staff would like to add that there was an additional notice received in opposition to the request. The Commission is required to hold a public hearing tonight and Mr. Miller advised that he was present and available to answer questions.

Commissioner Deckard asked if this was considered to go through a floodplain study or if there were any other engineering issues involved.

Chairman Chodun asked the applicant to come forward but the applicant was not present.

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

Bob Wacker
309 Featherstone
Rockwall, TX 75032

Mr. Wacker came forward and provided his opinion and summary in regards to the request.

Mr. Miller added that the applicant had not provided any additional information in regards to the case.

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

Vice-Chairman Welch made a motion to approve item Z2020-037 with staff recommendations. Deckard seconded the motion and a brief discussion took place.

Commissioner Moeller expressed his disapproval in regards to the request as did Commissioner Womble and Commissioner Thomas. Commissioner Conway found the turn onto Pecan Valley to be dangerous and could not support the request either. Chairman Chodun then indicated they would take a vote on the item.

After a vote, item Z2020-037 was denied by a vote of 5-2 with Commissioner Deckard and Vice-Chairman Welch dissenting.

VII. DISCUSSION ITEMS

9. Z2020-039 (RYAN MILLER)

Hold a public hearing to discuss and consider approval of a Text Amendment to Article 05, District Development Standards, of the Unified Development Code (UDC) [Ordinance No. 20-02] for the purpose of amending the accessory structure standards, and take any action necessary.

Director of Planning and Zoning Ryan Miller provided a brief summary in regards to the request. He explained that two weeks ago, Staff held a work session with City Council concerning accessory structures and specifically the data based on how many cases Staff has recently received without having the proper permits and how building standards were vague. Ultimately, it was decided that there

wasn't a problem with the ordinance but they wanted Staff to bring forward some clarifications to the ordinance. Since then, Staff has worked with the Plans Examiner to reexamine the ordinance further and Staff will later provide visual images of how or where accessory structures can fit. A finalized copy of the ordinance will be brought to the next meeting. As of right now, most of the clarifications deal with detached garages and what constitutes a driveway. This will also breakdown covered porches, carports, and pergolas into separate sections as well as explain the different standards for each. In addition, City Council also directed Staff to make changes to the Building Permit application, the building permit fee schedule, and Staff has already put in place a penalty for contractors who do work without a permit. At the moment, all contractors who do work within the City are required to register with us and are charged a \$100.00 fee. Any contractor that does work without a permit in the City of Rockwall will have their contractor's license revoked and will have to reapply for it. The fully developed amendment for the Unified Development Code will be presented at the next meeting. Mr. Miller advised the Commission that Staff sent out a 15-day notice as required by State law and he was available to answer questions.

Vice-Chairman Welch asked if the contractor registration fee was in place now or was it recently added. Commissioner Womble asked if there was any discussion in regards to the size of the accessory structures.

Commissioner Chodun asked if anyone had any other questions. There being none Chairman Chodun indicated the case will return to the Commission for action at the next scheduled meeting on October 13, 2020.

10. **Z2020-040 (RYAN MILLER)**

Hold a public hearing to discuss and consider approval of a Text Amendment to the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan for the purpose of changing the alignment and designation of Pecan Valley Drive, and take any action necessary.

Director of Planning and Zoning Ryan Miller provided a brief summary in regards to the request. Mr. Miller explained that the City recently got some land by Pecan Valley and was dedicated to the City by the owner of that property. As of right now, the City does not have any plans for the land but they are looking for ways to put the properties on the south side of West Quail Run on the City sewer system. In order to do that, one of the ideas was to take a portion of the property and adding on two (2) lots to facilitate that purchase in the future. Under the City's guidelines, it is believed that that piece of property will be a part of the Pettinger Preserve in the future or used in some similar manner. The roadway extending from Pecan Valley to Random Oaks is no longer in need of being a minor collector. What is being requested is potentially removing Random Oaks, Bending Oaks Trail, and Pecan Valley from the Master Thoroughfare Plan. That will allow Staff to move the two (2) lots over and put them outside of the flood plain before they are put out to bid. Mr. Miller then advised that he was available to answer questions.

Commissioner Chodun asked if anyone had any questions. There being none Chairman Chodun indicated the case will return to the Commission for action at the next scheduled meeting on October 13, 2020.

11. **P2020-036 (DAVID GONZALES)**

Discuss and consider a request by T. Zachary Grimes of Cross Engineering Consultants, Inc. on behalf of Russell Phillips of Harbor LakePointe Investors, LLC for the approval of a Final Plat for Lots 1, 2, & 3, Block A, Harbor Hills Addition being a 7.538-acre tract of land identified as Lots 6A, 7A & 8A, Isaac Brown Addition, and a portion of Lots 3 & 4, Block 16 and all of Lots 3 & 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 Manager David Gonzales advised the Commission that the only reason why the case was coming before them tonight was because it had to be presented at the Park Board meeting as well. It will be under the Consent Agenda portion at the next meeting.

Vice-Chairman Welch asked what the path was that ran by the cemetery and over into Summer Lee. Mr. Miller stated that it was dedicated as right-of-way at one point but it was never developed.

Commissioner Chodun asked if anyone had any questions. There being none Chairman Chodun indicated the case will return to the Commission for action at the next scheduled meeting on October 13, 2020.

12. **P2020-037 (DAVID GONZALES)**

Discuss and consider a request by Bart Carroll, RPCS of Carroll Consulting Group on behalf of Kurt Avery for the approval of a Preliminary Plat for Lots 1-9, Block A and Lot 1, Block X, Avery Farm Addition being a 48.583-acre tract of land identified as Tracts 5 & 5-1 of the J. Strickland Survey, Abstract No. 187, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), generally located at the terminus of Farm Lane east of Anna Cade Road, and take any action necessary.

Planning Manager David Gonzales explained that the property was in the Extraterritorial Jurisdiction (ETJ) and will go to Rockwall County for their review as well prior to approval. This is a request for a development of nine (9) 5-acre lots and once it goes thru all the technical requirements then it will return to the Commission for approval.

Commissioner Chodun asked if anyone had any questions. There being none Chairman Chodun indicated the case will return to the Commission for action at the next scheduled meeting on October 13, 2020.

13. **P2020-039 (DAVID GONZALES)**

Discuss and consider a request by Cameron Slown, PE of Teague, Nall & Perkins, Inc. on behalf of the Nick DiGiuseppe of Discovery Lakes, LLC for the approval of a Master Plat and Open Space Master Plan for the Discovery Lakes Subdivision consisting of 428 single-family residential lots on a 316.315-acre tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract No. 100 and Tract 2 of the R. K. Brisco Survey, Abstract No. 16, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 78 (PD-78) for General Retail (GR) District and Single-

Family 10 (SF-10) District, generally located at the northeast corner of the intersection of SH-276 and Rochelle Road, and take any action necessary.

Planning Manager David Gonzales advised the Commission that the only reason why the case was coming before them tonight was because it had to be presented at the Park Board meeting as well.

Commissioner Chodun asked if anyone had any questions. There being none Chairman Chodun indicated the case will return to the Commission for action at the next scheduled meeting on October 13, 2020.

14. **P2020-040 (DAVID GONZALES)**

Discuss and consider a request by Cameron Slown, PE of Teague, Nall & Perkins, Inc. on behalf of the Nick DiGiuseppe of Discovery Lakes, LLC for the approval of a Preliminary Plat for Phase 1 of the Discovery Lakes Subdivision consisting of 31 single-family residential lots on a 36.42-acre tract of land identified as a portion of Tract 1 of the M. E. Hawkins Survey, Abstract No. 100, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 78 (PD-78) for Single-Family 10 (SF-10) District, generally located on the northside of SH-276 east of the intersection of SH-276 and Rochelle Road, and take any action necessary.

Planning Manager David Gonzales advised the Commission that the only reason why the case was coming before them tonight was because it had to be presented at the Park Board meeting as well. It will be under the Consent Agenda portion at the next meeting if they present a Master Plan of the project on time.

Commissioner Chodun asked if anyone had any questions. There being none Chairman Chodun indicated the case will return to the Commission for action at the next scheduled meeting on October 13, 2020.

15. **SP2020-025 (HENRY LEE)**

Discuss and consider a request Harper J. Kuper of SVEA Industrial II, LLC for the approval of a Site Plan for the expansion of an existing industrial facility on a 1.915-acre tract of land being identified as a portion of Lot 3 and all of Lot 3A-R, Block C, Ellis Centre #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, addressed as 1203 Sigma Court, and take any action necessary.

Planner Henry Lee provided a brief summary in regards to the request. This case is coming before the Commission due to Staff finding issues on their photometric plan. If the issues are resolved then the request will be approved administratively. If they are not resolved then the case will be presented again at the next meeting.

Commissioner Chodun asked if anyone had any questions. There being none Chairman Chodun indicated the case will return to the Commission for action at the next scheduled meeting on October 13, 2020.

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

- P2020-034: Final Plat for Lot 1, Block A, Pecan Valley Retail Addition [APPROVED]
- Z2020-033: SUP for a *Residential Infill in an Established Subdivision* for 210 Wade Drive [APPROVED; 1st READING]
- Z2020-035: SUP for a *Restaurant, 2,000 SF or More, with Drive-Through* for 902 & 906 S. Goliad Street [WITHDRAWN]
- Z2020-036: SUP for a *Structure that Exceeds 60-Feet in a Light Industrial (LI) District* for 1540 E. IH-30 [DENIED]
- Z2020-037: SUP for a *Restaurant, Less Than 2,000 SF, with Drive-Through* for 150 Pecan Valley Drive [REMANDED BACK TO THE PLANNING AND ZONING COMMISSION]
- Z2020-033: SUP for a *Residential Infill in an Established Subdivision* for 257 & 269 Russell Drive [APPROVED; 1st READING]

Planning and Zoning Director Ryan Miller provided a brief update about the outcome of the above referenced cases at the City Council meeting. Mr. Miller also mentioned that the city of Rockwall was recognized as the #4 Best Place to Live in the US by Money Magazine. He also recognized both of the new Commissioners, Derek Deckard and Dr. Jean Conway, and welcomed them to the Commission.

VIII. **ADJOURNMENT**

Chairman Chodun adjourned the meeting at 6:41 PM.

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

Attest:

Angelica Gomez, Planning and Zoning Coordinator

Eric Chodun, Chairman