I. CALL TO ORDER

AINUTES

Chairman Eric Chodun called the meeting to order at 6:00 PM. Commissioners present were John Womble, Derek Deckard, Sedric Thomas, Jean Conway, Mark Moeller, and Vice-Chairman Jerry Welch. 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, City Engineer Amy Williams and Civil Engineers Sarah Johnston and Jeremy White.

PLANNING AND ZONING COMMISSION MEETING

CITY HALL, 385 SOUTH GOLIAD, ROCKWALL, TEXAS

DECEMBER 8, 2020 IN THE CITY COUNCIL CHAMBERS AT 6:00 PM

Chairman Chodun advised that the Commission would recess to Executive Session and adjourned the meeting at 6:02 pm.

II. EXECUTIVE SESSION

The Planning and Zoning Commission will recess into Executive Session to discuss the following matters as authorized by Chapter 551, Open Meetings, of the Texas Government Code:

- (1) Discussion regarding matters that can be legally considered when reviewing zoning cases pursuant to Section 551.071 (Consultation with Attorney).
- ADJOURN EXECUTIVE SESSION/RECONVENE PUBLIC HEARING (6:30 PM)

Chairman Chodun brought the meeting back to order at 6:36 PM.

IV. OPEN FORUM

111.

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

Steve Curtis 2130 FM 1141 Rockwall, TX 75087

Mr. Curtis came forward and expressed his opposition to the case regarding FM 552 @ FM 1141 development.

Chairman Chodun asked if anyone else wished to speak; there being no one coming forward, Chairman Chodun closed the open forum.

- V. 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.

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

 Appointment with Adam Buczek of the Skorburg Co. on behalf of Ryan Joyce of Michael Joyce Properties, LLC to consider a request to submit a new zoning application for a zoning change in accordance with Section 02.05, *City Council Action*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC), and take any action necessary.

Director of Planning and Zoning Ryan Miller provided a brief summary in regards. The applicant had previously requested a zoning change for 121.16 acres of land located at the southeast corner of FM 1141and FM 552. The land was zoned Single-Family 16 (SF-16) District and Neighborhood Services and the applicant was requesting that it be changed to a Planned Development District. The proposed land will consist of a 264 residential lot subdivision. Ultimately, the Planning and Zoning Commission heard the case and recommended denial which then caused a super majority at the City Council. The City Council made a motion to approve the case but that failed by a vote of 5-2 due to not having a super majority. That denial restricts the applicant from submitting the same application for a period of one year. According to the Unified Development Code, an applicant is allowed to submit a written request to the Director of Planning and Zoning requesting to resubmit an application based on two (2) criteria: an actual change of conditions relating to the lot or if the new request is more restrictive or less intense land use than the previously denied request. After the Director of Planning and Zoning reviews the case and affirms that it meets the criteria, he must report to the Planning and Zoning Commission on whether or not the request meets the criteria and the Commission must then grant or deny the request for reapplication.

Adam Buczek 8214 Westchester Drive, Suite 900 Dallas, TX 75225

Mr. Buczek came forward and asked for a plea to be able to resubmit their application.

Commissioner Deckard made a motion to approve the resubmission of the Nelson Lakes development. Commissioner Moeller seconded the motion which passed by a vote of 6-1, with Vice-Chairman Welch dissenting.

VI. CONSENT AGENDA

3. Approval of Minutes for the <u>November 24, 2020</u> Planning and Zoning Commission meeting.

4. P2020-047 (DAVID GONZALES)

Discuss and consider a request by Pat Atkins of KPA Consulting on behalf of Pat Atkins of CDT Rockwall 2017, LLC for the approval of a <u>Preliminary Plat</u> for Phase 3 of the Saddle Star Subdivision consisting of 33 single-family residential lots on a 14.995-acre tract of land identified as Tract 1-03 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, generally located on the east side of John King Boulevard northeast of the intersection of John King Boulevard and Featherstone Drive, and take any action necessary.

Commissioner Moeller made a motion to approve the consent agenda. Commissioner Womble seconded the motion which passed by a vote of 7-0.

VII. PUBLIC HEARING ITEMS

5. Z2020-041 (RYAN MILLER)

Hold a public hearing to discuss and consider approval of a <u>Text Amendment</u> to Subsection 06.15, Lake Ray Hubbard Takeline Overlay (TL OV) District, of Article 05, District Development Standards, of the Unified Development Code (UDC) [Ordinance No. 20-02] for the purpose of amending the requirements for land use and development within the Lake Ray Hubbard Takeline, and take any action necessary.

Director of Planning and Zoning Ryan Miller provided a brief summary in regards to the request. In response to the Mayor's request for clearer requirements to the Takeline ordinance, Mr. Miller rewrote the ordinance to make these changes along with incentives to help property owners take advantage of these leases. Staff has also included more visual graphics to assist in knowing what uses are allowed in that particular area and decreased the cost of the Takeline leases and renewal cost. Staff sent out a 15+-day notice in accordance with our Unified Development Code (UDC) and state law. Mr. Miller then advised that he was available to answer questions.

Commissioner Deckard wanted further explanation in regards to leasable and non-leasable areas.

Chairman Chodun asked what the basis was for generating rules and regulations.

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 Conway made a motion to approve item Z2020-041. Commissioner Thomas seconded the motion which passed by a vote of 7-0.

6. Z2020-048 (HENRY LEE)

Hold a public hearing to discuss and consider a request by Brenda Kennedy for the approval of a <u>Specific Use Permit (SUP)</u> for Residential Infill Adjacent to an Established Subdivision for the purpose of constructing a single-family home on a 0.34-acre parcel of land identified as Lot 1, Block A, Richard Harris Subdivision #5, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 701 T. L. Townsend Drive, 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 the purpose of constructing a single family home. This request is coming before the Commission due to it being within 500-feet of the Harris Subdivision and the B.F. Subdivision. Both of these neighborhood are considered established subdivisions due to them being greater than 10 years of age, greater than 5 lots, and greater than 90% developed. Staff mailed out 47 notices to property owners and residents living within 500-feet of the requested property and also alerted any homeowners associations within 1500-feet of the subject area. At the time this was drafted, Staff had received 4 emails and 3 notices in opposition of the applicant's request. Mr. Lee explained that this case was a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission.

Chairman Chodun asked the applicant to come forward.

Brenda Kennedy 1630 Shores Blvd. Rockwall, TX 75087

The applicant came forward and asked for approval of the request.

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 made a motion to approve Z2020-048. Commissioner Deckard seconded the motion which passed by a vote of 6-1 with Commissioner Conway dissenting.

Chairman Chodun advised that this case will go before the City Council on December 21, 2020.

7. Z2020-049 (HENRY LEE)

Hold a public hearing to discuss and consider a request Sam Hernandez for the approval of a <u>Specific Use Permit (SUP)</u> for Residential Infill in an Established Subdivision for the purpose of constructing a single-family home on a 0.2342-acre parcel of land identified as Lot 48 of the Canup's Subdivision, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Southside Residential Neighborhood Overlay (SRO) District, addressed as 304 E. Bourn Street, and take any action necessary.

Planner Henry Lee provided a summary in regards to the request. The applicant is requesting the approval of a Specific Use Permit to construct a two-story home facing E. Bourn Street. The applicants have stated that they were open to any changes that needed to be made. On November 18, 2020, Staff mailed out 108 notices to property owners and occupants within 500-feet and also to any homeowner associations within 1500-feet. This case is a discretionary decision to the City Council pending a recommendation from the Planning and Zoning Commission. Mr. Lee then advised the Commission that the applicant was present.

Chairman Chodun asked the applicant to come forward.

Sam Hernandez/ Vanessa Hernandez 1721 Caddo Drive Irving, TX 75060

The applicants came forward and were prepared to answer questions and make any changes as needed.

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 Thomas made a motion to approve item Z2020-049. Commissioner Welch seconded the motion which passed by a vote of 7-0.

Chairman Chodun advised that this case will go before the City Council on December 21, 2020.

8. Z2020-050 (HENRY LEE)

Hold a public hearing to discuss and consider a request Perry Bowen on behalf of Kyle Bryan for the approval of a <u>Specific Use Permit (SUP)</u> for *Residential Infill in an Established Subdivision* for the purpose of constructing a single-family home on a 0.9655-acre parcel of land identified as Lot A, Block 107, B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 501 S. Clark 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 to construct a single-family two-story home facing Clark Street. Staff sent out 87 notices to property owners and occupants living within 500-feet of the subject property and any homeowners associations within 1500-feet. Prior to the meeting, Staff had received 1 notice in favor of the request. As always, this request is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission.

Chairman Chodun asked the applicant to come forward.

Kyle Bryan 1303 Laurence Drive Heath, TX 75032

The applicant came forward and provided additional details to his request. He also brought building renderings to present to 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 Thomas made a motion to approve item Z2020-050. Commissioner Conway seconded the motion which passed by a vote of 7-0.

Chairman Chodun advised that this case will go before the City Council on December 21, 2020.

9. **Z2020-051** (HENRY LEE)

Hold a public hearing to discuss and consider a request Travis Redden for the approval of a <u>Specific Use Permit (SUP)</u> for Residential Infill Adjacent to an Established Subdivision for the purpose of constructing a single-family home on a 0.30-acre parcel of land identified as Lot 8, Block A, Shadydale Estates Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 9 (PD-9) for Single-Family 8.4 (SF-8.4) District land uses, addressed as 38 Shady Dale Lane, and take any action necessary. Planner Henry Lee provided a summary in regards to the request. The applicants are requesting the approval of a Specific Use Permit for the purpose of constructing a single-family home facing Shadydale Lane. Staff should note that the proposed home meets all the requirements described by the Unified Development Code. Staff mailed out 81 notices to property owners and occupants living within 500-feet of the subject property and any homeowners associations within 1500-fee of the subject property. At the time this report was drafted, Staff had received 1 notice in support of the request and 14 in opposition of the request. This case is a discretionary decision to the City Council pending a recommendation from the Planning and Zoning Commission.

Chairman Chodun asked the applicant to come forward.

Travis Redden/ Chelsea Redden 1115 Concan Drive Forney, TX 75126

The applicants came forward and provided additional details in regards to the request.

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

Chris Pittman 42 Shadydale Lane Rockwall, TX 75032

He came forward and expressed his opposition to the request.

Terry Bybee 2 Shadydale Drive Rockwall, TX 75032

Mr. Bybee came forward and provided a brief history of the neighborhood. He also expressed his opposition to the request.

John Hackerman 30 Shadydale Lane Rockwall, TX 75032

He came forward and expressed his opposition to the request.

Karen Slabas 50 Shadydale Lane Rockwall, TX 75032

Mrs. Slagan came forward and expressed her opposition to the request.

Gerald Thornly 2996 Hunters Glen North Rockwall, TX 75032

Mr. Thornly came forward and expressed his opposition 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 return to address comments.

The applicants came forward once again and addressed comments made by the homeowners. She provided a USB drive to provide building elevations.

Vice-Chairman Welch made a motion to approve item Z2020-051. Commissioner Thomas seconded the motion which passed by vote of 6-1 with Commissioner Conway dissenting.

Chairman Chodun advised that this case will go before the City Council on December 21, 2020.

10. Z2020-052 (HENRY LEE)

Hold a public hearing to discuss and consider a request by Thomas Jones of Tomden Engineering, LLP on behalf of Shanon Thomas of Rockwall Friendship Baptist Church for the approval of a <u>Zoning Change</u> from an Agricultural (AG) District to a Commercial (C) District for a 3.94-acre tract of land identified as Tract 1-8 of the J. H. Bailey Survey, Abstract No. 22, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-276 Overlay (SH-276 OV) District, addressed as 5651 SH-276, 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 zoning change from Agricultural (AG) District to Commercial (C) District for the purpose of expanding their current house of worship. The

existing house of worship is proposing to construct an addition and increase the parking capacity to accommodate new and future improvements. On November 18, 2020, Staff mailed out 13 notices to occupants and property owners living within 500-feet of the subject property. Approval of this request is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission.

Chairman Chodun asked the applicant to come forward.

Thomas Jones 5815 Meadow Crest Drive Dallas, TX 75230

Mr. Jones came forward and provided additional details in regards to their applicant's request.

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 Thomas made a motion to approve item Z2020-052. Commissioner Conway seconded the motion which passed by a vote of 7-0.

Chairman Chodun advised that this case will go before the City Council on December 21, 2020.

11. Z2020-053 (RYAN MILLER)

Hold a public hearing to discuss and consider a request by David Meinhardt of Meinhardt & Associates, PLLC on behalf of Ed Burke of Channell Commercial Corporation for the approval of a <u>Zoning Change</u> from a Light Industrial (LI) District to a Planned Development District for Light Industrial (LI) District land uses on an 18.762-acre parcel of land identified as Lot 2, Block A, Channell Subdivision, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, addressed as 1700 Justin Road, 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 zoning change from Light Industrial (LI) District to a Planned Development District for Light Industrial (LI) District land uses. The site is currently corporate headquarters and manufacturing facility for the Channel Commercial Corporation. The building was constructed in 2015 and has seen subsequent site plans approved in the past. Those allowed the applicant to defer the landscaping in the front. Thru all of these site plans, the owner has indicated an intention to create a corporate campus that involved uses beyond usage office manufacturing. In one of the previous site plans, the owner indicated the incorporation of an amphitheater. Mr. Channel has since come forward with a new plan with an additional 55,760 square-foot building, amphitheater and pavilion. An issue that arose, was that the Light Industrial District is not written for those types of uses in mind. Staff decided that a Planned Development District would be best for this type of usage. Notices were mailed out to occupants and property owners within 500-feet of the subject property. Mr. Miller then advised that the applicant and Staff were present to answer questions.

Chairman Chodun asked the applicant to come forward.

David Meinhardt 14643 Dallas Parkway Dallas, TX 75254

The applicant came forward and was prepared 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 Z2020-053. Commissioner Welch seconded the motion which passed by a vote of 7-0.

Chairman Chodun advised that this case will go before the City Council on December 21, 2020.

12. Z2020-054 (HENRY LEE)

Hold a public hearing to discuss and consider a request by Corky Belanger for the approval of a <u>Specific Use Permit</u> from an accessory structure on a 0.161-acre parcel of land identified as Lot 9, Block C, Foree Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 707 Parks Avenue, and take any action necessary.

Planner Henry Lee provided a brief summary in regards to the request. The applicant is [proposing a 20x30 or 600 square foot accessory building. According to the Unified Development Code, Single-Family 7 district is allowed 2 accessory structures each 144 square-feet or 1 accessory building at 144 square feet and 1 detached garage at 625 square feet. In this case, the applicant's request conforms to the setback and height requirements; however, the accessory building proposed exceeds the maximum size by 456 square-feet-which is almost half the size of the residential home. On November 18, 2020, Staff mailed out 150 notices to all residents and property owners within 500-feet of the subject property and notified all homeowner associations within 1500-feet of the subject property.

Chairman Chodun asked the applicant to come forward.

Corky Belanger 707 Parks Avenue Rockwall, TX 75087

The applicant came forward and was prepared to answer questions.

Commissioner Thomas asked if there was a reason why it was exceeding the requirement.

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 made a motion to deny item Z2020-054. Commissioner Thomas seconded the motion which passed by a vote of 7-0.

Chairman Chodun advised that this case will go before the City Council on December 21, 2020.

VIII. ACTION ITEMS

13. SP2020-031 (DAVID GONZALES)

Discuss and consider a request by Darrel Kotzur, PE of KSA Engineers on behalf of the owner Mary Courtin of Courtin Dental for the approval of a <u>Site Plan</u> for a daycare facility and a medial office on a 1.743-acre tract of land identified as a portion of Lot 9, Block A, Flagstone Corners Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 54 (PD-54) for Commercial (C) District land uses, situated at the southeast corner of the intersection of E. Ralph Hall Parkway and Mims Road, and take any action necessary.

Planning and Zoning Manager David Gonzales provided a brief summary in regards to the request. The applicant is proposing 2 facilities on this property. One is a medical office building and the other is a daycare facility. Mr. Gonzales added that there were a number of exceptions being asked: 1 for the medical office and 3 for the daycare facility. These were reviewed by the Architectural Review Board (ARB) and horizontal articulation is not being met. The ARB was pleased with the medical office building and they were wanting for the daycare to be similar and be blended in with a hill country type of look. Mr. Gonzales went into further discussion in regards to the details and articulation of the buildings. Staff wanted to indicate that the proposed plan does appear to conform to the comprehensive plan requirements. The daycare facility will not comply with the intent of the comprehensive plan. The ARB and applicant met and ARB is forwarding a recommendation of approval for the variances requested dental facility but forwarding a recommendation of denial for the variances being requested on the daycare facility. Mr. Gonzales advised that the applicant and Staff were present to answer questions.

Commissioner Womble asked for clarification in regards to this case being a site plan case only.

Commissioner Deckard asked there was a second floor to the building. He also asked if there was a flat roof option.

Vice-Chairman Welch asked if they could vote by building or by each exception.

Chairman Chodun asked the applicant to come forward.

Drew Hayes 3227 McKinney Ave Dallas, TX 75204

Mr. Hayes came forward and provided an explanation to his request.

Mary Courtin 3063 W FM 550 Rockwall, TX 75032 Ms. Courtin came forward and was prepared to answer questions.

Commissioner Deckard wanted clarification on how to vote on this item.

Commissioner Deckard made a motion to approve the site plan with staff recommendations for item SP2020-031. Commissioner Thomas seconded the motion which passed by a vote of 7-0.

Commissioner Deckard made a motion to approve the horizontal articulation variance for the medical office building on item SP2020-031. Commissioner Womble seconded the motion which passed by a vote of 7-0.

Commissioner Womble made a motion to approve the fence variance on item SP2020-031. Commissioner Conway seconded the motion which passed by a vote of 6-1 with Vice-Chairman Welch dissenting.

Commissioner Deckard made a motion to deny horizontal articulation on primary and secondary facades on item SP2020-031. Commissioner Thomas seconded the motion which passed by a vote of 7-0.

IX. DISCUSSION ITEMS

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

- P2020-048: Replat for Lots 4-7, Block A, Dalton Goliad Addition
- MIS2020-017: Variance to the Underground Utility Requirements for 2600 Lakefront Trail

Planning and Zoning Manager David Gonzales provided a brief update about the outcome of the above referenced cases at the City Council meeting.

X. ADJOURNMENT

Chairman Chodun adjourned the meeting at 8:33 PM.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this _29_ day of ______

Attest:

Chodun, Chairman

Angelica Gamez, Planning and Zoning Coordinator