

MINUTES



PLANNING AND ZONING COMMISSION WORK SESSION MEETING
CITY HALL, 385 SOUTH GOLIAD, ROCKWALL, TEXAS
AUGUST 31, 2021 IN THE CITY COUNCIL CHAMBERS AT 6:00 PM

2 I. CALL TO ORDER

3
4 Chairman Chodun called the meeting to order at 6:01 PM. Commissioners present were Derek Deckard, Sedric Thomas, Mark Moeller, Jean
5 Conway and Vice-Chairman Jerry Welch. Absent from the meeting was Commissioner John Womble. Staff members present were Planning
6 and Zoning Director Ryan Miller, Planning and Zoning Manager David Gonzales, Planning and Zoning Coordinator Angelica Gamez, Planner
7 Henry Lee, City Engineer Amy Williams, and Civil Engineers Jeremy White and Sarah Johnston.

8
9 II. APPOINTMENTS

- 10
11 1. Appointment with the Architectural Review Board (ARB) Chairman to receive the Architectural Review Board's recommendations and comments for
12 items on the agenda requiring architectural review.

13
14 A representative from the Architectural Review Board gave a brief explanation concerning the agenda items that were discussed at the
15 Architectural Review Board meeting.

16
17 III. OPEN FORUM

18
19 *This is a time for anyone to address the Planning and Zoning Commission on any topic that is not already listed on the agenda for a public hearing. Per
20 the policies of the City of Rockwall, public comments are limited to three (3) minutes out of respect for the time of other citizens. On topics raised during
21 the OPEN FORUM, please know that the Planning and Zoning Commission is not permitted to respond to your comments during the meeting per the
22 Texas Open Meetings Act.*

23
24 Chairman Chodun explained how open forum is conducted and asked if anyone wished to speak to come forward at this time.

25
26 Steve Curtis
27 2130 FM 1141
28 Rockwall, TX 75087

29
30 Mr. Curtis came forward and spoke in regards to the item number 1 on the agenda. He expressed his opposition to the request.

31
32 Jim Pruitt
33 209 Stonebridge
34 Rockwall, TX 75087

35
36 Mr. Pruitt came forward and provided a brief history in regards to the development around item number 9 on the agenda.

37
38 Chairman Chodun asked if there was anyone else who wished to speak. There being no one coming forward, Chairman Chodun closed the
39 open forum.

40
41 IV. CONSENT AGENDA

42
43 *These agenda items are administrative in nature or include cases that meet all of the technical requirements stipulated by the Unified Development
44 Code (UDC) and Chapter 38, Subdivisions, of the Municipal Code of Ordinances, and do not involve discretionary approvals.*

- 45
46 2. Approval of Minutes for the August 10, 2021 Planning and Zoning Commission meeting.

47
48 3. **P2021-045** (ANGELICA GAMEZ)

49 Discuss and consider a request by David Bond of Spiars Engineering on Andrew Melzer of Gingercrest Inc. for the approval of a Replat for Lot 8, Block
50 1, Meadowcreek Business Center, Phase 2 being a 8.240-acre tract of land identified as Lots 6 & 7, Block 1, Meadowcreek Business Center, Phase 2
51 Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District and the
52 SH-276 Overlay (SH-276 OV) District, addressed as 2301 S. Goliad Street, and take any action necessary.

53
54 Commissioner Thomas made a motion to approve the consent agenda. Vice-Chairman Welch seconded the motion which passed by a vote
55 of 6-0 with Commissioner Womble absent.

56
57 V. ACTION ITEMS

58
59 *These items are not advertised public hearings and deal with discretionary approvals for the Planning and Zoning Commission related to variances and
60 special exceptions to the technical requirements of the Unified Development Code (UDC) or Chapter 38, Subdivisions, of the Municipal Code of
61 Ordinances.*

- 62
63 4. **MIS2021-009** (HENRY LEE)

64 Discuss and consider a request by Francisco Alvarez for the approval of an *Exception* to allow the construction of a front yard fence for an existing
65 single-family home on a 0.628-acre parcel of land identified as Lot 61-R, Block A, Turtle Cove Addition, City of Rockwall, Rockwall County, Texas,
66 zoned Planned Development District 2 (PD-2) for single-family detached land uses, addressed as 751 Turtle Cove Boulevard, and take any action
67 necessary.
68

69 Planner Henry Lee provided a brief summary in regards to the request. The applicant is proposing to install a 48-inch wrought iron fence with
70 a gate along the southwestern property line. According to the Unified Development Code (UDC), no fence shall be constructed in the front
71 yard of a residential property without being granted an exception by the Planning and Zoning Commission. Additionally, wrought iron fences
72 shall not exceed 48-inches in height. In this case, the applicant is requesting to construct a wrought iron fence that does meet the
73 requirements for a special exception request. However, front yard fences are a discretionary decision for the Planning and Zoning
74 Commission.
75

76 Commissioner Conway asked wanted clarification as to what part of the property was owned by the residential association.
77 Commissioner Deckard asked what reason was given to want to fence off the area.
78

79 Chairman Chodun asked the applicant to come forward.
80

81 Francisco Alvarez
82 751 Turtle Cove Blvd.
83 Rockwall, TX 75087
84

85 Mr. Alvarez came forward and provided additional details in regards to the request. His main reason for wanting this is due to a safety issue.
86

87 Vice-Chairman Welch asked what the purpose was for just having a fence on one side.
88 Commissioner Deckard wanted clarification in regards to the location of the floodplain.
89

90 Commissioner Thomas made a motion to deny item MIS2021-009. Commissioner Conway seconded the motion and the motion for denial
91 passed by a vote of 6-0.
92

93 5. MIS2021-010 (HENRY LEE)

94 Discuss and consider a request by James Best for the approval of an *Exception* to allow the construction of a front yard fence for a single-family home
95 on a 2.60-acre parcel of land identified as Lot 1, Block A, Best Estate Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 16 (SF-
96 16) District, addressed as 54 Shadydale Lane, and take any action necessary.
97

98 Planner Henry Lee provided a brief summary in regards to the request. The applicant is proposing approval of an exception to allow the
99 construction of an 8-foot cedar fence in the front yard, a 6-foot wrought iron fence in the front yard, and a 6-foot steel gate with 2 masonry
100 columns. According to the Unified Development Code (UDC), wrought iron fences shall not exceed 48-inches in height and opaque fences
101 are prohibited in front yard residential properties. Based on this, the applicant's request will require five variances to the fence requirements.
102 Mr. Lee provided additional details to the characteristics of the request. According to the Unified Development Code (UDC), no fence shall
103 be constructed in the front yard of a residential property without being granted an exception by the Planning and Zoning Commission. Staff
104 should note that this request does not meet the requirements set forth by the UDC. This request is a discretionary decision for the Planning
105 and Zoning Commission and it should be noted that the Commission can approve these variances individually.
106

107 Vice-Chairman Welch asked how many times the Commission has seen this property before.
108

109 Chairman Chodun asked the applicant to come forward.
110

111 Andrew Thomas
112 422 E. I-30, Suite F
113 Royse City, TX 75189
114

115 Mr. Thomas came forward and provided additional details in regards to his request.
116

117 Commissioner Thomas asked if the neighboring wrought iron fence would stay or if it would it be removed. He also wanted clarification as
118 to the use of the neighboring properties.
119

120 Commissioner Deckard wanted clarification as to the placement of the fences.
121

122 Commissioner Moeller stated he was not in agreement with the request.
123

124 Vice-Chairman Welch stated he found it hard to support the request.
125

126 Commissioner Thomas made a motion to deny item MIS2021-010. Commissioner Moeller seconded the motion to deny which passed by a
127 vote of 5-1 with Chairman Chodun dissenting.
128

129 6. MIS2021-011 (HENRY LEE)

130 Discuss and consider a request by Matt Waivering of the Rockwall Economic Development Corporation (REDC) for the approval of a *Treescape Plan*
131 and an *Alternative Tree Mitigation Settlement Agreement* for a 137.448-acre tract of land identified as Tracts 5 & 6 of the J. H. B. Jones Survey, Abstract
No. 125, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the SH-276 (SH-276 OV) District, generally located
at the northwest corner of the intersection of Springer Road and Rochelle Road, and take any action necessary.

132 Planner Henry Lec provided a brief summary in regards to the request. The proposed treescape plan and alternative tree mitigation settlement
133 agreement indicated that 2,198.5 caliper inches of trees would be removed from the site, 80-inches of trees would be planted in the future
134 right-of-way on Discovery Boulevard, and the franchise utilities would be relocated underground in lieu of paying a \$211,750 tree mitigation
135 fee. Based on the treescape plan, the total mitigation balance is 2,117.5 caliper inches. In lieu of the mitigation, which is calculated to be that
136 \$211,750, the applicant is requesting to put that money into undergrounding the existing utilities in accordance with the city ordinances at
137 an estimated cost of \$570,475. In this case, the applicant is proposing to do it thru an alternative tree mitigation settlement agreement.
138 According to the UDC, the City Council, upon recommendation from the Planning and Zoning Commission, may consider an alternative tree
139 mitigation settlement agreement. The alternative tree mitigation settlement agreement is a discretionary decision for the City Council pending
140 a recommendation from the Planning and Zoning Commission. In addition, the Planning and Zoning Commission has charged with acting
141 upon the Treescape Plan.

142
143 Chairman Chodun asked what the requirements are with the utilities being underground for building purposes.
144 Commissioner Deckard asked what they were gaining with regards of letting them put them in now.

145
146 After brief discussion with Director Ryan Miller, Chairman Chodun asked the applicant to come forward.

147
148 **Matt Waivering**
149 2610 Observation Trail
150 Rockwall, TX 75032

151
152 Mr. Waivering came forward and provided additional details in regards to the request.

153
154 Commissioner Deckard did not understand why the issues weren't going to the developers for cost issues.

155
156 Vice-Chairman Welch made a motion to approve item MIS2021-011 with staff recommendations. Commissioner Conway seconded the motion
157 which passed by a vote of 5-1 with Commissioner Deckard dissenting.

- 158
159 7. Hold an election to elect a Chairman and Vice-Chairman for the Planning and Zoning Commission in accordance with Subsection 03.03(B) of Article
160 02, *Development Review Authority*, of the Unified Development Code (UDC), and take any action necessary.

161
162 **Planning and Zoning Director Ryan Miller explained how the Boards and Commissions are required to elect a Chair and a Vice-Chair every**
163 **August and how the process was.**

164
165 Chairman Chodun made a motion to re-elect Commissioner Welch as Vice-Chairman. Commissioner Thomas seconded the motion which
166 passed by a vote of 5-1 with Commissioner Deckard dissenting.

167
168 Commissioner Welch made a motion to re-elect Eric Chodun as Chairman. Chairman Chodun seconded the motion which passed by a vote
169 of 4-2 with Commissioner Womble absent.

170
171 VI. DISCUSSION ITEMS

172
173 *These items are for discussion between staff and the Planning and Zoning Commission and relate to administrative information and/or cases that will*
174 *come forward for action or public hearing at a future Planning and Zoning Commission meeting. Public comment on these cases can take place when*
175 *these items are considered for action by the Planning and Zoning Commission. The anticipated Planning and Zoning Commission public hearing and/or*
176 *action date for the following cases is September 14, 2021.*

177
178 8. **Z2021-032 (HENRY LEE)**

179 Hold a public hearing to discuss and consider a request by Sam Moore of Main & Main on behalf of Jason Claunch of 7.1 Ridge LLC for the approval
180 of a Specific Use Permit (SUP) for Restaurant with Less Than 2,000 SF with a Drive-Through or Drive-In for the purpose of constructing a restaurant
181 (i.e. Dutch Bros. Coffee) on a 0.57-acre portion of a larger 8.583-acre parcel of land identified as Lot 1, Block A, Sky Ridge Addition, City of Rockwall,
182 Rockwall County, Texas, zoned Commercial (C) District, situated within Scenic Overlay (SOV) District, generally located southeast of the intersection
183 of Ridge Road [FM-740] and W. Yellow Jacket Lane, and take any action necessary.

184
185 Chairman Chodun asked the applicant to come forward.

186
187 **Sam Moore**
188 2505 Penshurst Court
189 Celina, TX 75009

190
191 Mr. Moore came forward and provided a brief summary in regards to the request. They are requesting to construct a 950-square foot drive
192 through and walkup service coffee shop. There will not be any indoor seating at all.

193
194 Commissioner Conway wanted clarification in regards to the location of the subject property.

195 Planner Henry Lee added that this request would need headlight screening along Ridge Road. Staff also asked that the drive-thru be located
196 behind the building due to the visibility by Ridge Road.

197 Commissioner Thomas asked what variances they would be requesting.

198
199 Chairman Chodun advised this item will be brought back to the Commission for discussion or action on September 14, 2021.

- 200 9. **Z2021-033 (DAVID GONZALES)**
201 Hold a public hearing to discuss and consider a request by Robert Weinstein of WB Companies on behalf of Richard Chandler of HFS Management,
202 Inc. for the approval of a Zoning Change amending Planned Development District 4 (PD-4) [*Ordinance No. 01-26*] to allow a *Mixed-Use Development*
203 (*i.e. Apartments, Retail/Restaurant, and Office land uses*) on a 12.1148-acre tract of land identified as Tract 2 of the D. Atkins Survey, Abstract No. 1,
204 City of Rockwall, Rockwall County, Texas, zoned Planned Development District 4 (PD-4) for General Retail (GR) District land uses, situated within the
205 Scenic Overlay (SOV) District, generally located in between Lakedale Drive and Becky Lane on the eastside of Ridge Road [*FM-740*], and take any
206 action necessary.
207
208 **Chairman Chodun asked the applicant to come forward.**
209
210 **Josh Barton**
211 **111 Hillside Drive**
212 **Lewisville, TX 75057**
213
214 **Mr. Barton came forward and provided a brief summary in regards to the request. The request is for a 700-unit complex with two sky top roof**
215 **top restaurants that are 3,000 square-foot each overlooking Lake Ray Hubbard. There will also be 4,000 square-feet of retail on each building**
216 **on Ridge Road.**
217
218 **Planning and Zoning Manager David Gonzales provided a brief summary in regards to the request. The project does not conform to the**
219 **current planned development (PD) which is why they're requesting the amendment to allow for 700-units on the property. Director Ryan Miller**
220 **also provided additional details in regards to the request.**
221 **Commissioner Thomas added that he would want the applicant to provide more information.**
222 **Commissioner Deckard asked how this change best fits the community and he looks forward to the presentation that the applicant will**
223 **provide at the public hearing.**
224
225 **Chairman Chodun advised this item will be brought back to the Commission for discussion or action on September 14, 2021.**
226
227 10. **Z2021-034 (DAVID GONZALES)**
228 Hold a public hearing to discuss and consider a request by Maxwell Fisher of Masterplan on behalf of Saro Partners, LLC for the approval of a Zoning
229 Change from an Agricultural (AG) District to a Light Industrial (LI) District for a 5.07-acre tract of land identified as Tract 2-06 of the D. Harr Survey,
230 Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay (SH-205 BY-
231 OV) District, located at the southeast corner of the intersection of John King Boulevard and Airport Road, and take any action necessary.
232
233 **Chairman Chodun asked the applicant to come forward.**
234
235 **Maxwell Fisher**
236 **2201 Main Street, #1280**
237 **Dallas, TX 75201**
238
239 **Mr. Fisher came forward and provided a brief summary in regards to the request.**
240
241 **Chairman Chodun advised this item will be brought back to the Commission for discussion or action on September 14, 2021.**
242
243 11. **Z2021-035 (DAVID GONZALES)**
244 Hold a public hearing to discuss and consider a request by Robert LaCroix and Brian Berry of BNSBS, L. P. on behalf of Bradley Gideon for the approval
245 of a Zoning Change from an Agricultural (AG) District to a Neighborhood Services (NS) District for a 2.751-acre identified as Tract 1-04 of the S. R.
246 Barnes Survey, Abstract No. 13, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay
247 (SH-205 BY-OV) District, located at the southeast corner of the intersection of John King Boulevard and Quail Run Road, and take any action necessary.
248
249 **Chairman Chodun asked the applicant to come forward.**
250
251 **Robert LaCroix**
252 **4517 Scenic Drive**
253 **Rowlett, TX 75088**
254
255 **Mr. LaCroix came forward and provided a PowerPoint presentation in regards to his request.**
256
257 **Chairman Chodun wanted further information as to what else would be required with the Neighborhood Services (NS) designation.**
258
259 **Brian Berry**
260 **2 Essex Court**
261 **Heath, TX 75032**
262
263 **Mr. Berry came forward and provided additional details in regards to his request.**
264
265 **Chairman Chodun advised this item will be brought back to the Commission for discussion or action on September 14, 2021.**
266
267 12. **Z2021-036 (HENRY LEE)**

268 Hold a public hearing to discuss and consider a request by Adam Shiffer of the Skorburg Company on behalf of Gordon C. Fogg for the approval of a
269 Zoning Change to amend Planned Development District 91 (PD-91) [*Ordinance No. 21-36*] to incorporate a 20.00-acre tract of land identified as Tracts
270 22-04 & 22-05 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as
271 505 Clem Road, and take any action necessary.

272 **Chairman Chodun asked the applicant to come forward.**

273
274
275 **Adam Buczek**
276 **8214 Westchester Drive, Suite 900**
277 **Dallas TX 75225**

278
279 **Mr. Buczek came forward and provided a brief summary and PowerPoint presentation in regards to the request.**

280
281 **Vice-Chairman Welch wanted clarification as to the amount of acres requested.**
282 **Commissioner Conway added that she would like to see some more curvature to the main streets.**
283 **Commissioner Moeller asked if drainage was a significant factor in this development.**

284
285 **Chairman Chodun advised this item will be brought back to the Commission for discussion or action on September 14, 2021.**

286
287 **13. Z2021-037 (HENRY LEE)**

288 Hold a public hearing to discuss and consider a request by James Best for the approval of a Specific Use Permit (SUP) for an accessory building on a
289 2.60-acre parcel of land identified as Lot 1, Block A, Best Estate Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 16 (SF-16)
290 District, addressed as 54 Shadydale Lane, and take any action necessary.

291
292 **Chairman Chodun asked the applicant to come forward.**

293
294 **Planner Henry Lee added that they are requesting a 12x16 accessory building which is 192-square feet, exceeding the maximum square feet**
295 **allowed. Other than that, this does meet all the density and dimensional requirements for accessory buildings.**

296
297 **Andrew Thomas**
298 **422 E. I-30, Suite F**
299 **Royse City, TX 75189**

300
301 **Mr. Thomas came forward and provided a brief summary in regards to the request.**

302
303 **Vice-Chairman Welch asked if there was a reason as to why you are allowed a certain number of buildings on lots.**

304
305 **Chairman Chodun advised this item will be brought back to the Commission for discussion or action on September 14, 2021.**

306
307 **14. SP2021-024 (DAVID GONZALES)**

308 Discuss and consider a request by Dan Gallagher, PE of Kimley-Horn and Associates, Inc. on behalf of L. R. Tipton of the Hitt Family, LP for the approval
309 of a Site Plan for a warehouse/distribution center facility on a 43.237-acre tract of land identified as Tract 11 of the J. Lockhart Survey, Abstract No.
310 134, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the FM-549 Overlay (FM-549 OV) District, located east
311 of the intersection of Corporate Crossing [FM-549] and Capital Boulevard, and take any action necessary.

312
313 **Chairman Chodun asked the applicant to come forward.**

314
315 **Dylan Adame**
316 **13445 Noel Road, Suite 700**
317 **Dallas, TX 75240**

318
319 **Mr. Adame came forward and provided a brief summary in regards to his request. He had additional questions to certain comments made by**
320 **Staff.**

321
322 **Planning and Zoning Manager David Gonzales added that the Architectural Review Board (ARB) made a few recommendations in regards to**
323 **the project.**

324
325 **After some discussion, Chairman Chodun advised this item will be brought back to the Commission for discussion or action on September**
326 **14, 2021.**

327
328 **15. Director's Report of post City Council meeting outcomes for development cases (RYAN MILLER).**

- 329
330
 - P2021-037: Final Plat for Lots 1 & 2, Block A, Isaac Addition [APPROVED]
 - P2021-040: Final Plat for Lot 1, Block A, SWBC Rockwall Addition [APPROVED]
 - P2021-041: Master Plat for the Homestead Subdivision [APPROVED]
 - P2021-044: Preliminary Plat for the Homestead Subdivision [APPROVED]
 - Z2021-026: Amendment to Planned Development District 8 (PD-8) for Townhomes [APPROVED; 2ND READING]
 - Z2021-028: Text Amendment to Article 11, *Development Applications and Review Procedures*, of the UDC [APPROVED; 1ST READING]

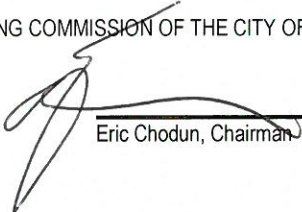
- 336 • Z2021-029: SUP for a Residential Infill at 104 Reliance Court [APPROVED; 1st READING]
337 • Z2021-030: SUP for a Residential Infill at 118 Mischief Lane [APPROVED; 1st READING]
338 • Z2021-031: Zoning Change AG to SF-1 for 2075 Airport Road [APPROVED; 1st READING]

339
340 **Director of Planning and Zoning Ryan Miller provided a brief update about the outcome of the above referenced cases at the City Council**
341 **meeting.**

342
343 VII. ADJOURNMENT

344 **Chairman Chodun adjourned the meeting at 8:10 P.M.**

345
346 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this 14 day of September
347 , 2021.

348
349 
350 _____
351 Eric Chodun, Chairman

352
353 Attest: 
354 _____
355 Angelica Gamez, Planning and Zoning Coordinator
356
357