

MINUTES

PLANNING AND ZONING COMMISSION MEETING CITY HALL, 385 SOUTH GOLIAD, ROCKWALL, TEXAS JULY 11, 2023 IN THE CITY COUNCIL CHAMBERS AT 6:00 PM

2 **NOTES:** [1] ADDITIONAL CASE INFORMATION CAN BE FOUND AT
3 [HTTPS://SITES.GOOGLE.COM/SITE/ROCKWALLPLANNING/DEVELOPMENT-CASES](https://sites.google.com/site/rockwallplanning/development-cases), AND [2] TO PROVIDE INPUT ON A ZONING OR
4 SPECIFIC USE PERMIT CASE PLEASE [CLICK HERE](#) OR CLICK ON THE LINK ABOVE AND USE THE ZONING AND SPECIFIC USE PERMIT INPUT
5 FORM ON THE CITY'S WEBSITE.

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7 I.CALL TO ORDER

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9 **Chairman Deckard called the meeting to order at 6:00 PM. Commissioners present were John Womble, Jerry Welch, Brian Llewelyn, Ross Hustings and Kyle Thompson. Absent from the meeting was Commissioner Jean Conway. Staff members present were Director of Planning and Zoning Ryan Miller, Planners Bethany Ross and Henry Lee. Planning Technician Angelica Guevara, Planning Coordinator Melanie Zavala, City Engineer Amy Williams and Assistant City Engineer Jonathan Browning.**

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14 II.APPOINTMENTS

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

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19 III.OPEN FORUM

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21 *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 the
22 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 the OPEN
23 FORUM, please know that the Planning and Zoning Commission is not permitted to respond to your comments during the meeting per the Texas Open Meetings
24 Act.*

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26 **Chairman Deckard explained how the open forum is conducted and asked if anyone who wished to speak to come forward at this time; there being
27 no one indicating such, Chairman Deckard closed the open forum.**

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29 IV.CONSENT AGENDA

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

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34 2. Approval of minutes for the June 27, 2023 Planning and Zoning Commission meeting.

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36 3. **P2023-016 (HENRY LEE)**

37 Consider a request by Meredith Joyce of Michael Joyce Properties on behalf of John Vick of Qualico Development, Inc. for the approval of a *Master Plat* for
38 the Peachtree Meadows Subdivision consisting of 292 single-family residential lots on a 140.50-acre tract of land identified as Tract 5 of the J. R. Johnson
39 Survey, Abstract No. 128 and Tract 3 of the G. Wells Survey, Abstract No. 219, City of Rockwall, Rockwall County, Texas, zoned Planned Development District
40 101 (PD-101) [Ordinance No. 23-11] for Single-Family 10 (SF-10) District land uses, generally located on the southside of Mims Road west of the intersection
41 of Mims Road and National Drive, and take any action necessary.

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43 4. **P2023-017 (HENRY LEE)**

44 Consider a request by Meredith Joyce of Michael Joyce Properties on behalf of John Vick of Qualico Development, Inc. for the approval of a *Preliminary Plat*
45 for the Peachtree Meadows Subdivision consisting of 292 single-family residential lots on a 140.50-acre tract of land identified as Tract 5 of the J. R. Johnson
46 Survey, Abstract No. 128 and Tract 3 of the G. Wells Survey, Abstract No. 219, City of Rockwall, Rockwall County, Texas, zoned Planned Development District
47 101 (PD-101) [Ordinance No. 23-11] for Single-Family 10 (SF-10) District land uses, generally located on the southside of Mims Road west of the intersection
48 of Mims Road and National Drive, and take any action necessary.

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50 5. **P2023-019 (HENRY LEE)**

51 Consider a request by Greg Helsel of Spiars Engineering, Inc. on behalf of Katherine Hamilton of Arcadia Lakes of Somerset Holdings, LLC for the approval of
52 a *Replat* of Phase 2 of the Somerset Park Subdivision consisting of 165 single-family residential lots on a 82.809-acre tract of land identified as Tract 7 of the
53 A. Johnson Survey, Abstract No. 123, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 63 (PD-63) for Single-Family 10 (SF-10)
54 District land uses, generally located at the northwest corner of the intersection of S. Goliad Street [SH-205] and FM-549, and take any action necessary.

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56 6. **SP2023-019 (BETHANY ROSS)**

57 Consider a request by Ryan Joyce of Michael Joyce Properties on behalf of William Johnson of LTL Family Holdings, LLC for the approval of a *Site Plan* for the
58 Marina Village Subdivision being a 6.88-acre tract of land identified as Lot 4, Block A, Spyglass Hill #4 Addition and Tract 134-12 of the E. Teal Survey, Abstract
59 No. 207, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) [Ordinance No. 92-39] for Zero Lot Line (ZL-5) District land
60 uses, generally located on the south side of Henry M. Chandler Drive west of Ridge Road [FM-740], and take any action necessary.

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62 **Commissioner Welch made a motion to approve the Consent Agenda. Commissioner Llewelyn seconded the motion which passed by a vote of 6-0,
63 with Commissioner Conway absent.**

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V. PUBLIC HEARING ITEMS

This is a time for anyone to speak concerning their issues with a public hearing case. If you would like to speak regarding an item listed in this section, please submit a Request to Address the Planning and Zoning Commission (i.e. the yellow forms available at the podium or from staff). The Planning and Zoning Commission Chairman will call upon you to come forward at the proper time or will ask if anyone in the audience would like to speak. Please limit all comments to three (3) minutes out of respect for the time of other citizens.

7. Z2023-029 (RYAN MILLER)

Hold a public hearing to discuss and consider a request by the City of Rockwall for the approval of a Zoning Change amending Planned Development District 8 (PD-8) [Ordinance No.'s 73-48, 84-04, 84-16, 84-19, 85-43, 86-04, 86-64, 86-87, 87-45, 88-17, 88-51, 90-38, 91-43, 92-39, 92-41, 92-43, 02-50, 05-30, 14-15, & 21-38 and Resolution No.'s 87-19 & 87-20] for the purpose of consolidating the regulating ordinances and resolutions for a 230.80-acre tract of land situated within the E. Teal Survey, Abstract No. 207, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8), generally located south of Summer Lee Drive and west of Ridge Road [FM-740], and take any action necessary.

Director of Planning and Zoning Ryan Miller provided a brief summary in regards to the request. The City currently has 100 Planned Development Districts which regulate the majority of the properties in the city. He explained that when a Planned Development District is created an ordinance is written it acts as a mini zoning code for that area. Prior to 2015, when they started to amend the ordinances, they would write another ordinance that would supersede portions of the previous ordinances. However, over time when there was Planned Development that was created in the 1970s they would stack ordinances on top of each other and this became a problem when interpreting these because it is easy to miss sections. In 2015 they started writing consolidated ordinances when somebody would come in to develop a piece of property that was in an existing Planned Development District. They would write one (1) ordinance that would supersede the rest for the purpose of consolidating those ordinances and they would make the changes that were being requested by the applicant which would help staff be more efficient during the permitting process. The issue is that there's a lot of Planned Development Districts in the City that were written and had multiple ordinances but are no longer being amended because they are built out. The reason we proposed this program to the City Council is because in a residential area we continue to issue permits because homeowners will put in accessory structures, pools and retaining walls and properties will be re-developed. On June 5th, we proposed the program to the City Council to actually write consolidating ordinances for these PD's that are difficult for residents and Staff to interpret. In accordance with this, the first PD brought forward was Planned Development District 8 (PD-8) which is in Chandlers Landing and was put in place in the 1970s. Today it consists of 200 pages of regulations, 20 regulating ordinances, 2 resolutions and over 100 development cases. Staff should note that unless you know the timing of each of those cases it may be difficult to know what your side yard setbacks are. Staff drafted a consolidated ordinance for all of the 200 pages, 20 regulating ordinances and 2 resolutions and created a 163-page ordinance that is much clearer and is consolidated into one (1) document. The purpose of this is not to make any changes to the land use, standards, or development standards for any property in the Planned Development District. This did not change anything or have any new uses or changes in the standards. What they did was take what they had before and wrote an ordinance that could be easily interpreted by a property owner or developer. Since June 2022 to today there have been over 355 permit requests in the Chandler's Landing Subdivision. Staff mailed out 1,809 notices to occupants and property owners in the Chandlers Landing Subdivision as well as the residents within 500-feet of the subdivision. Staff also notified the Chandlers Landing, The Cabanas at Chandlers Landing, Cutter Hills Ph 2 and Ph 3, Spyglass PH 1, 2 and 3, Lago Vista, Fox Chase and Benton Woods and Rainbow Lakes HOAs.

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

Chip Emery
323 Harbor Landing Drive
Rockwall, TX 75032

Mr. Emery came forward and added that he has lived in the community for 26 years and was also a Board Member for 13 years and a former Board Member for the Architectural Control Committee for Chandlers. He expressed being in favor of the request.

Mark Sutton
212 Rainbow Circle
Rockwall, TX 75032

Mr. Sutton came forward and had questions in regards to the process that was used to convert 200 pages of code to 63 pages.

Director of Planning and Zoning Ryan Miller explained that it took multiple months to go through the ordinances.

Shiratsuki Fontana
319 Columbia Drive
Rockwall, TX 75032

Mr. Fontana came forward and asked if there was a mechanism to correct any mistakes in case there were mistakes in the ordinance.

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

Vice-Chairman Womble asked if a discrepancy was found in the ordinance would it be handled during that case or would it need to go through the zoning process all over again.

Vice-Chairman Womble made a motion to approve Z2023-029. Commissioner Hustings seconded the motion which passed by a vote of 6-0.

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Chairman Deckard advised this item will go before City Council on July 17, 2023.

8. Z2023-030 (ANGELICA GUEVARA)

Hold a public hearing to discuss and consider a request by Christopher Touoboun on behalf of Dennis Lewis of Meals on Wheels Senior Service of Rockwall County for the approval of a Zoning Change from an Agricultural (AG) District to Light Industrial (LI) District on a 6.21-acre tract of land identified as a portion of Tract 4 and all of Tract 2 of the D Harr. Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the Airport Overlay (AP OV) District, addressed as 1780 Airport 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 to rezone the property from an Agricultural (AG) District to Light Industrial (LI) District for the purpose of subdividing the land. The subject property is designated for Technology/Employment Center which the Light Industrial (LI) District and fits that criteria. In addition, it is considered to be a transitional area designated by the cross hatch because of the proximity to the rail road and airport. With this being said, the request is in conformance with the Comprehensive Plan and Future Land Use map. Staff sent out 16 notices to property owners and occupants within 500-feet of the subject property. There were no HOA's within 1,500-feet of the subject property and, as of tonight, staff has not received any notices in regards to the applicant's request.

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

Commissioner Welch made a motion to approve Z2023-030 with staff recommendations. Commissioner Llewellyn seconded the motion which passed by a vote of 6-0.

Chairman Deckard advised this item will go before City Council on July 17, 2023.

9. Z2023-031 (ANGELICA GUEVARA)

Hold a public hearing to discuss and consider a request by Manuel Tijerina 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 0.248-acre parcel of land identified as Lot 13, Block A, Highridge Estate Subdivision, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, addressed as 709 Forest Trace, 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 a Specific Use Permit (SUP) for a Residential Infill for the purpose of constructing a single-family home. The Code defines an Established Subdivision as any subdivision that consists of five or more lots, is 90% developed, and has been in existence for ten (10) years. The Highridge Estates Subdivision has been in existence since 1972, consists of 99 lots and is more than 90% developed. In cases like these, the Planning and Zoning Commission and City Council are asked to consider the proposed size, location, and architecture of the home compared to the existing housing in the area. The applicants originally indicated 5-foot setbacks, which was the only area of non-compliance, but have since changed those back to 6-feet which is in conformance with the zoning requirements. Staff sent out 85 notices to property owners and occupants within 500-feet of the subject property. As of tonight, staff received only one (1) notice in opposition of the applicant's request.

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

Carol Mills
706 S. Alamo Rd
Rockwall, TX 75087

Mrs. Mills came forward and expressed her opposition to the applicant's request.

Maria Tijerina
7922 Garner Rd
Rowlett, TX 75088

Mrs. Tijerina came forward and provided additional details in regards to her request.

Director of Planning and Zoning Ryan Miller reminded the Commissioners to approve, approve with conditions or deny the request. He reiterated that it meets the standards for that zoning district.

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

Chairman Deckard asked if the applicant would be willing to change to a one-story structure and coming back with a different floor plan.

Vice-Chairman Womble made a motion to table the item to the next P&Z meeting on July 25, 2023. Chairman Deckard seconded the motion which passed by a vote of 5-1, with Commissioner Llewellyn dissenting.

10. Z2023-032 (BETHANY ROSS)

Hold a public hearing to discuss and consider a request by Drew Donosky of Claymoore Engineering on behalf of Clay Cooley of 1540 East IH-30 Rockwall, LLC for the approval of a Specific Use Permit (SUP) superseding Ordinance No. 22-02 [S-266] and allowing the expansion of an existing Motor Vehicle Dealership (i.e. Clay Cooley Hyundai) being a 7.17-acre tract of land identified as Lot 2, Block 1, Rockwall Recreation Addition, City of Rockwall, Rockwall

200 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
201 necessary.
202

203 **Planner Bethany Ross provided a brief summary in regards to the request. In 2017 the current owner of Clay Cooley Hyundai purchased the property**
204 **and, in 2021, staff engaged the property owner on building a metal fence without a permit used for outside storage. In addition, automotive work was**
205 **being performed in an open area which is prohibited by the UDC. In 2022, City Council approved a SUP for an expansion of the dealership and**
206 **addition of a minor automotive repair garage, a car wash, and outside storage. This then led to a site plan that was approved in 2022 as well. However,**
207 **the applicant recently approached staff about increasing the size of the expansion. The applicant submitted a new concept plan and building**
208 **elevations to amend the SUP that included increasing the automotive repair garage from three to eight bays, rotating the garage to face Commerce**
209 **Street, and to change the repair garage from minor to major automotive repair. The concept plan also shows the proposed transformer and fuel**
210 **storage to be moved to a parking island along the south end of the parking lot. The canopy structure to the west of the building will be increased by**
211 **one bay and Staff recommended that they consider combining two rows of parking which would allow the ability to place additional landscaping to**
212 **an island between the two parking isles. However, the applicant chose not to include this in the plans. Planner Ross explained that this building was**
213 **converted from a house of worship and, as a result, many aspects of the site plan are considered legally non-conforming. The applicants current**
214 **request increases the non-conformities existing on the site. Staff has identified five (5) deficiencies in the proposed concept plan and building**
215 **elevations which include variances to the cementitious materials, to the stone, the four-sided architectural requirement, and the screening and**
216 **exception to the garage orientation. Staff mailed out 17 notices to property owners and occupants within 500-feet of the subject property. As of now**
217 **staff has received one (1) notice in favor of the request.**

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

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221 **Drew Donosky**
222 **1903 Central Drive**
223 **Bedford, TX 76021**

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225 **Mr. Donosky came forward and provided additional details in regards to the request.**

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227 **Chairman Deckard asked if anyone else wished to speak; there being no one indicating such, Chairman Deckard closed the public hearing and**
228 **brought the item back to the Commission for discussion or action.**

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230 **Commissioner Welch made a motion to deny Z2023-032. Vice-Chairman Womble seconded the motion to deny which passed by a vote of 6-0.**

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232 **Chairman Deckard advised this item will go before City Council on July 17, 2023.**

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234 VI. ACTION ITEMS

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

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239 **11. MIS2023-008 (BETHANY ROSS)**

240 Discuss and consider a request by Guicherme Credidio Braga for the approval of a *Miscellaneous Case* for a *Special Exception* to the *Minimum Lot*
241 *Width/Frontage* requirements stipulated by *Ordinance No. 16-01* to allow a lot less than 50-feet in width on a 0.495-acre tract of land identified as a portion of
242 Lots 1354 & 1359 and all of Lots 1355 & 1356 of Rockwall Lake Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development
243 District 75 (PD-75) [*Ordinance No. 16-01*] for Single-Family 7 (SF-7) District land uses, addressed as 327 Nicole Drive, and take any action necessary.

244
245 **Planner Bethany Ross provided a brief summary in regards to the request. The applicant is requesting a special exception to facilitate the subdivision**
246 **of the existing tract into three (3) parcels of land. One of the three lots proposed will have a lot width of 45-feet, which is 5-feet less of the required**
247 **minimum lot width of 50-feet. Staff would like to note that this would only allow a 35-foot building envelope for the 45-foot lot. Planner Ross explained**
248 **that City Council and P&Z have not approved any lots with this width before. However, she indicated that this is a discretionary decision for City**
249 **Council.**

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251 **Commissioner Hustings asked if there are lots smaller than what the applicant is requesting.**

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253 **Commissioner Welch asked if they are trying to build on both lots.**

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255 **Guicherme Braga**
256 **327 Nicole Drive**
257 **Rockwall, TX 75032**

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259 **Mr. Braga came forward and provided additional details in regards to the request.**

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261 **Commissioner Hustings made a motion to approve MIS2023-008. Commissioner Thompson seconded the motion which passed by a vote of 4-2, with**
262 **Commissioners Welch and Llewelyn dissenting.**

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264 **Chairman Deckard advised this item will go before City Council on July 17, 2023.**

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266 **12. SP2023-020 (HENRY LEE)**

267 Discuss and consider a request by Veronica O'Neal on behalf of Ashwani Agarwal and Azul Kumar for the approval of a Site Plan for a Daycare Facility on a
268 2.308-acre tract of land identified as Lot 21 of the Rainbow Acres Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, addressed
269 as 5811 Horizon Road [FM-3097], and take any action necessary.
270

271 **Planner Henry Lee provided a brief summary in regards to the request. The applicant is requesting a site plan for the expansion of an existing parking**
272 **lot for the purpose of establishing a daycare facility. The landscaping meets the requirements for the landscape buffer and onsite landscaping;**
273 **however, it is not meeting the parking requirements. Additionally, the Code says that if you're not in an Overlay District, parking shall be behind the**
274 **primary structure. In this case, their expanding is non-conforming because there is already parking in front of the primary structure.**
275

276 **Vice-Chairman Womble asked if it meets the fire requirements.**
277

278 **Dr. Veronica O'Neal**
279 **5485 FM 3097**
280 **Rockwall, TX 75032**
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282 **Dr. O'Neal came forward and provided additional details in regards to the request.**
283

284 **Commissioner Llewelyn made a motion to approve SP2023-020. Commissioner Hustings seconded the motion which passed by a vote of 6-0.**
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286 **13. SP2023-021 (HENRY LEE)**

287 Discuss and consider a request by Matthew J. Peterson of DB Constructors, Inc. on behalf of Jeff Fleming for the approval of a Site Plan for a New and/or Used
288 Indoor Motor Vehicle Dealership/Showroom on a 1.99- acre portion of a larger 3.853-acre tract of land identified as Tract 2-09 of the J. A. Ramsey Survey,
289 Abstract No. 186, City of Rockwall, Rockwall County, Texas, zoned Planned Development 46 (PD-46) District for Commercial (C) District land uses, situated
290 within the SH-276 Overlay (SH-276 OV) District, generally located on the southside of Springer Road east of the intersection of Springer Road and Corporate
291 Crossing, and take any action necessary.
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293 **Planner Henry Lee provided a brief summary in regards to the request. The applicant is requesting approval of a site plan. He indicated that the**
294 **elevations of the building have not changed. The ARB looked at this item tonight and wanted additional landscaping for this site. The applicant will**
295 **be adding 5-inch accent trees. Also, they will be providing 30% landscaping instead of 15% and will be adding additional landscaping to the front of**
296 **the building.**
297

298 **Mathew Peterson**
299 **DB Constructors**
300 **2400 Great Southwest Parkway**
301 **Fort Worth, TX 76106**
302

303 **Mr. Peterson came forward and provided additional details in regards to the request.**
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305 **Commissioner Welch made a motion to approve SP2023-021 with staff recommendations. Commissioner Llewelyn seconded the motion which**
306 **passed by a vote of 6-0.**
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308 **VII. DISCUSSION ITEMS**
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310 **14. Director's Report of post City Council meeting outcomes for development cases (RYAN MILLER).**
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312 **Director of Planning and Zoning Ryan Miller provided a brief update about the outcome of the above referenced cases at the City Council meeting.**
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314 **VIII. ADJOURNMENT**
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316 **Chairman Deckard adjourned the meeting at 7:12 PM.**
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318 **PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this 25th day of July**
319 **_____ 2023.**

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323 **Attest:** 
324 **Melanie Zavala, Planning Coordinator**
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Jerry Welch, Commissioner

