

2 **Minutes of**
3 **PLANNING AND ZONING COMMISSION PUBLIC HEARING**
4 **January 12, 2010**

6 **CALL TO ORDER**

8 The meeting was called to order by Michael Hunter at 6:00 p.m. with the following members
10 present: Barry Buchanan, Connie Jackson, Phillip Herbst, Kristen Minth, Mark Stubbs and Tony
Hayes.

12 Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Irene
14 Hatcher, David Gonzales and Chris Spencer.

16 Chairman Hunter introduced the (YAC) Youth Advisory Council. Glen Farris described the
18 qualifications required to be on the council and what the YAC's purpose is. Farris stated the
background of the organization.

20 The Planning and Zoning Commission introduced themselves and stated their background.

22 ***Approval of Minutes for December 8, 2009 Planning and Zoning Commission meeting***

24 Commissioner Jackson made a motion to approve the minutes from December 8, 2009.

26 Commissioner Minth seconded the motion.

28 The motion was voted on and passed 6-0. (Herbst Abstained)

30 **Appointment with Architectural Review Board representative to receive the Board's
recommendations and comments for items on the agenda requiring architectural review.**

32 Hampton stated that none of the Board members were present, but that the Board's
34 recommendations could be covered by staff as each item comes up later on the agenda.

36 *Hunter moved Item 6 and Item 4 to the front for the Youth Advisory Council to witness any action
taken.*

38 **PUBLIC HEARING ITEMS**

40 **Z2009-024**

42 **Hold a public hearing and consider a city-initiated request to amend Article II, Authority and
Administrative Procedures, of the Unified Development Code (Ord. No. 04-38), specifically to
44 change the length of terms for Planning and Zoning Commission members, and take any
action necessary.**

46 Hampton stated that at the December 7th City Council meeting the Council directed staff, by
48 a vote of 7-0, to initiate the zoning text amendment regarding the length of terms for Planning and
Zoning Commissioners.

50 The City Charter states that: "No member shall serve on the Commission for more than two
52 full consecutive terms. A member who has served for two consecutive terms may be reappointed
after a lapse in service of 12 months or more. Any vacancy occurring during the unexpired term of a
54 member shall be filled by appointment by the City Council for the remainder of the unexpired term."

2 The Unified Development Code (UDC) defines the length of the term, which is currently two
4 (2) years. Staff has attached the excerpt from Article II of the UDC that includes the proposed change
from two years to three (3) years.

6 Herbst inquired how this decision would affect the current appointment. Hampton stated that
8 it would not affect the current appointment. LaCroix stated that it will not be in effect until the next
appointments. Hunter stated that he is aware that it would not affect this term. Hunter clarified that it
matches the total time of the Commission and Council in term length.

10 Public hearing was opened at 6:17.

12 With no public comment, the public hearing was closed at 6:17.

14 **Commissioner Herbst made a motion to approve Z2009-024, a city-initiated request to
16 amend Article II, Authority and Administrative Procedures, of the Unified Development
Code (Ord. No. 04-38), specifically to change the length of terms for Planning and
18 Zoning Commission members.**

20 **Commissioner Jackson seconded the motion.**

22 **It was voted on and passed 7 to 0.**

24 a) Z2009-023

24 **Continue a public hearing and consider a request by Jeremy Yee of CEI Engineering
26 Associates for approval of a Specific Use Permit (SUP) to allow for a "retail store with gasoline
product sales with more than 2 dispensers" within (PD-9) Planned Development No. 9 district,
28 in association with a 7-Eleven proposed to be located on Lot 1, Block B, Horizon Ridge Center
North Addition, being a 0.9-acre tract situated at the southwest corner of Horizon Rd and
30 Tubbs Rd, and take any action necessary.**

32 Hampton stated the subject site is 0.9-acre and located at the southeast corner of FM 3097
and Tubbs Rd within (PD-9) Planned Development No. 9 district. The tract is part of the Horizon
34 Ridge Center North Addition, which was preliminary platted in 2006 as part of the Presbyterian
Hospital development north of Tubbs Rd. The underlying zoning for this part of PD-9 is "GR" General
Retail, which allows for a convenience store with up to two (2) gas pumps. However, since the
36 applicant is proposing six (6) gas pumps, a Specific Use Permit (SUP) is required.

38 Concurrently with the SUP application, the applicant has submitted a full site plan application
(SP2009-010). If the SUP were approved, staff would recommend attaching the site plan and
40 proposed building elevations to ensure that any future convenience store w/ gas pumps strictly
adhere to said plans. The site plan indicates a 2,940-sf convenience store. The site is proposed to be
42 accessed via one drive from FM 3097 (Horizon Rd.) and one drive from Tubbs Rd. These drives
would also provide access to the remaining GR tract south and east of the subject property
44 (tentatively proposed as future office/retail development).

46 As part of the SUP, staff would also recommend that the Planning Commission and City
Council consider specific standards relating to outside display of merchandise. The applicant has
48 indicated on their site plan exterior locations for an ice machine, propane sales and a "Red Box" DVD
rental kiosk. If these are allowed by ordinance, staff would propose that no other outside display or
50 storage be allowed on the premises.

52 Seven (7) notices were sent to property owners within 200 ft. of the site. Hampton stated that
one (1) noticed was returned in favor of the 7-Eleven. Hampton also stated that there have been
54 other emails and phone calls in response to the posted signs regarding this case.

56 If the Specific Use Permit (SUP) is approved, staff would offer the following conditions:

- 2 1. That the development shall strictly adhere to the approved site plan (Exhibit "A") and
4 building elevations (Exhibit "B").
6 2. No outside display of merchandise or outside storage shall be allowed on the property,
8 with the exception of the following items as indicated on the approved site plan: ice
10 machine, propane cage, and "red box" dvd rental kiosk.
3. TXDOT approval for proposed driveway off of FM 3097 (Horizon Rd).
4. Adherence to all engineering and fire department requirements.
5. With development of adjacent office/retail tract to south and east of subject site, the
12 dumpster enclosure should be re-oriented so that gates do not face a public street.

14 Hampton stated that staff would also recommend that no pole signs be allowed for this
16 location, instead limiting the site to monument signs with the SUP.

18 The Commission asked about the Architectural Review Board's recommendation. Hampton
20 stated that the Board would prefer that the applicant limit the synthetic materials to a maximum of
22 50% of the elevations and that the remaining rest be brick or stone to meet the City's code. However,
24 the Board felt that the Commission and Council should ultimately make that decision. Hampton stated
26 that the Board also discussed additional trees in the rear of the building. He clarified that the SUP is
28 the first thing that needs to be considered.

30 Herbst inquired if the Commission denies the SUP for six (6) pumps could they still go
32 forward with building the 7-Eleven. Hampton stated he did not know if they would be interested in
34 doing that, but that any gas station or convenience store could come in with two pumps or less
36 without an SUP. There was discussion regarding the orientation of the dumpster.

38 *Chairman Hunter opened the Public hearing was opened at 6:38.*

40 **Jeremy Yee, CEI Engineering, 3030 LBJ Freeway, Suite 100, Dallas and Steve Patten
42 Construction Manager for 7-Eleven,** were present to answer questions.

44 **Steve Patten, 7-Eleven Construction, Plano, Texas.** Mr. Patten gave an update on the
46 proposed material. He described the insulated panels that will be the structure of the building and stated
48 their benefits. He stated that the panels will meet the elevation requirement. Mr. Patten went on to explain
50 how the synthetic material will be attached to the panels. Mr. Patten stated that the material will be
52 warranted for 50 years. He further stated that it also has a warrantee of 15 years not to fade, crack, chip
54 or look poorly. Mr. Patten described the energy efficiency of the panels and stated that the cost of this
56 material is approximately one-third of what is a standard cost of a masonry building. He stated that the
energy savings with the new material is 30-40%. Mr. Patten stated this is the way they plan to build 7-
Elevens in the future because it is more cost effective.

58 Minth stated she has concerns about the 15-year warrantee. She stated that is not long enough.
60 Mr. Patten stated that the stone at the SH 205 location is already fading. He stated at that point the only
62 thing to do is consistently power wash it or paint over the stone. He stated the cost effectiveness of being
64 able to replace panels in 15 years versus the upkeep of stone.

66 Jackson inquired of the hours of operation. Mr. Patten stated that they would be requesting a 24-
68 hour operation. There was discussion regarding the material mildewing in damp weather. Mr. Patten
70 stated it would not mildew any more than any other concrete material.

72 Stubbs inquired about the northwest corner of the site plan and any landscaping that might
74 obstruct the view at the corner. He then inquired whether the store is going to sell alcohol. Mr. Patten
76 stated, yes, they are proposing to sell alcohol. There was discussion regarding the location of the rent
kiosk box for movies and the ice box location.

78 **Arlene Scott, 834 Hunters Glenn at Fox Chase.** She stated they are concerned about this
80 location. She stated they were told that from the hospital to the Arbor House there was going to be

2 professional buildings. She stated she is concerned about kids crossing the street to get to this store.
4 She stated that she is concerned about it being close to the park if alcohol is being sold. She stated that
6 the building is very unattractive and not appropriate for the neighborhood. She further stated her concerns
8 about the traffic this will bring.

10 **Rick Mace, 1160 Skylar Drive at Fox Chase**, stated that he feels the P&Z's job is to maintain
12 the look and integrity of Rockwall. Mr. Mace enumerated his reasons why he is opposed to this project.
14 He stated his dissatisfaction with the proposed material. He stated that it looks like a cheap knockoff. Mr.
16 Mace discussed the safety at the park and the probable traffic issues. He discussed the alcohol sales,
18 tobacco sales, adult content. He stated he is not in favor of a 24-hour operation being located there. He
20 stated that there are 40 gas pumps in this vicinity already. He stated there is no need for six (6) more gas
22 pumps on this corridor. He stated that he would like the P&Z to think about what we need in this
24 community. He stated that we do not need cheap knockoffs in Rockwall.

26 **Leonard Spinelli, 800 Trumpeter Lane**, stated he does not want a 24-hour operation with the
28 lights and noise. He stated that the 200-ft notification is not sufficient in this case. He stated that the
30 things that make a good city are police, fire, schools and good neighborhoods. He stated that you have a
32 right to use your property the way you want provided it does not infringe on the rights of his neighbors.
34 Mr. Spinelli discussed the possibility of alcohol use in the park. Mr. Spinelli discussed the proposed
36 material and stated that this will open the door to other people requesting material variances. He stated if
38 you start making allowances for one, you may as well take the ordinance out of the books. Mr. Spinelli
40 stated all of the other uses that are already in existence and stated that the 7-eleven does not fit.

42 **Olivia Britt, 831 Fox Glenn**, stated that she does not think that alcohol sales are good to have
44 close to the park. She stated she is concerned about oil spills.

46 **Paul Britt, 831 Fox Glenn**, stated that he is an ex-Rockwall police officer. He stated that there is
48 alcohol being used at the park. He discussed oil spills. He stated that the oil could get into the spray park
50 or the lake. He stated that this area does not need gas pumps, alcohol sales or a red box outside.

52 **Dr. Holly Fisher-Britt, 831 Fox Glenn**, stated she wants to know specifically how they came up
54 with this site. She stated she has a wonderful piece of property for sale. he stated she would like a Quick
56 Trip on her property and not a 7-Eleven. She stated she does not want a 7-Eleven backed up to her park.
She stated that her property is for sale and is already zoned for commercial use.

62 **Kristy Mace, 1160 Skylar at Fox Chase**, stated she has teenagers that do not drive, but are
64 allowed to walk in groups to the park. She stated she is comfortable that there are no alcohol sales and
66 there is not a 7-Eleven there. She stated that she knows that people might go to the park and drink. She
68 stated that children can go into a 7-Eleven a buy a Full Throttle or a Monster energy drink and there is no
70 reason why a minor should be able to buy those types of things. She is concerned that her daughter may
72 take her allowance and go buy energy drinks and cigarettes. She said this will take away one more level
74 as a parent to monitor her child.

76 Mr. Patten stated he appreciates the input. He stated he understand their concerns but does not
78 agree with everything. He stated that the site is zoned for a 24-hour operation and for two (2) gas pumps,
80 and stated that four (4) more will not mean anything. He went on to discuss the screening and the
82 underground storage. Mr. Patten went on to discuss the material and that he feels it is a great effort on
84 their part and would like the opportunity to build here.

86 Hayes inquired of the applicant what the purpose is for not having a pitched roof. Mr. Patten
88 stated that it is not energy efficient to have a pitched roof. He stated that this design insulates the store
90 completely. He stated that they are a business and they are out to make a profit. He stated that if they
92 spend 1.8 million to build a store like on SH 205, they cannot make a profit. He stated they can make a
94 profit if they spend 1.3 million. He said the materials are superior, more efficient and aesthetically
96 pleasing.

2 LaCroix stated the background for the North SH 205 building. Hampton stated also that the North
4 SH 205 Overlay does not allow for a flat roof on a building under 6000-sf. Stubbs inquired whether you
6 can build a house with a flat roof. LaCroix stated the circumstances where that may be allowed. Mr.
8 Patten inquired of the Commission what difference a pitched roof makes to the development. Stubbs
10 stated he thinks it looks better. Stubbs further stated that the applicant is trying to make a profit and the
Commission is trying to preserve a neighborhood. Minth stated that the location on the north side has less
around it and is making it, so she believes that this store would make it as well even if it cost more to build
it. Minth stated that the look of the roof does matter. Mr. Patten stated the North Goliad store is not being
maintained and it is not repeatable. He stated they cannot afford to do a store like that again.

12 *With no further public comment, the public hearing was closed at 7:22 pm.*

14 Buchanan stated that the building is just not pretty. He stated it is cheap looking and it just does
16 not fit Rockwall. He stated that the Commission works hard to keep up the look of the city. He stated that
18 he has stated in the past that he feels this is not the proper location for this type of business. He stated
that he will be opposed to it.

20 Hunter inquired for the record if they went to two pumps instead of six, is a convenience store
22 allowed at this location with alcohol sales with the proper building material. LaCroix stated, yes, all of that
is allowed and the material is a matter of opinion.

24 Minth stated she went and sat for a while to evaluate the location. She stated that she will be
26 opposed to this. Herbst stated that he is not opposed to six pumps, but he does have some comments on
the site plan.

28 Hunter stated that this is a hard decision because we are deciding whether or not to allow six gas
30 pumps over two pumps. He stated this is an issue of a profit margin for the station. He stated that he
supports six pumps at this location, even though he may have concerns about the site plan or building
design.

32 **Commissioner Stubbs made a motion to deny Z2009-023, a request by Jeremy Yee of**
34 **CEI Engineering Associates for approval of a Specific Use Permit (SUP) to allow for a**
36 **"retail store with gasoline product sales with more than 2 dispensers" within (PD-9)**
38 **Planned Development No. 9 district, in association with a 7-Eleven proposed to be**
located on Lot 1, Block B, Horizon Ridge Center North Addition, being a 0.9-acre tract
situated at the southwest corner of Horizon Rd and Tubbs Rd.

40 **Commissioner Buchanan seconded the motion.**

42 **It was voted on and denied 4 to 3, with Jackson, Hunter & Herbst opposing the motion.**

44 *Since the site plan case was related, Chairman Hunter asked staff to continue and that the*
Commission could act on both at the same time.

46 **b) SP2009-010**

48 **Discuss and consider a request by Jeremy Yee of CEI Engineering Associates for approval of**
a site plan for a 7-Eleven retail store with gasoline product sales, located on the proposed Lot
1, Block B, Horizon Ridge Center North Addition, being a 0.9-acre tract situated at the
southwest corner of Horizon Rd and Tubbs Rd, zoned (PD-9) Planned Development No. 9
district and designated for (GR) General Retail uses, and take any action necessary.

52 Hampton briefly outlined the site plan, which followed the SUP request that was just denied.
54 During the Architectural Review Board meeting earlier, the applicant presented an updated
56 photometric plan showing that all of the lighting is contained and meets the ordinance. Additionally, a
landscape plan has been submitted indicating additional plantings in the rear of the site that the
Board felt met their recommendation.

2 Herbst stated that he is disappointed in the appearance of the building. He stated that he
4 understands the cost savings and economics, but he cannot support the look of it. Jackson stated
6 that she does not think you can approve the site plan since the SUP was denied. LaCroix stated that
8 this is just a recommendation to Council. Buchanan inquired whether approving the site plan is
approving the look of the building. LaCroix stated that it will still have to go to City Council for the
variance to be approved. Buchanan stated that the site plan is not up to Rockwall standards so he will
not be in favor of this either.

10 Hunter stated that he is not opposed to the use of new material if it has a benefit to the
12 community. He stated that if the material maintains the look and provides a greater efficiency then he
14 does not have a problem with that. He stated that his personal opinion is that if you can achieve a
look and get better efficiency out of it then that is the way he would like to go. Jackson stated that she
agrees and went on to explain her preference regarding a pitched roof.

16 LaCroix stated that Council would be taking up a variance on the materials if they have an
18 approved site plan from this Commission. This is before the Commission for a recommendation on
the variance and approval of a site plan. If you do not approve the site plan the variance will not go
before the Council.

20 **Commissioner Minth made a motion to deny SP2009-010, a request by Jeremy Yee of
22 CEI Engineering Associates for approval of a site plan for a 7-Eleven retail store with
24 gasoline product sales, located on the proposed Lot 1, Block B, Horizon Ridge Center
26 North Addition, being a 0.9-acre tract situated at the southwest corner of Horizon Rd
and Tubbs Rd, zoned (PD-9) Planned Development No. 9 district and designated for
(GR) General Retail uses.**

28 **Commissioner Jackson seconded the motion.**

30 **It was voted on and was denied 7 to 0.**

32 *Recess was taken from 7:43 to 7:53.*

34 **P2009-023**

36 **Hold a public hearing and consider a request by Harold Fetty for approval of a residential
38 replat of Lot 2, Block B, Chandler's Landing Phase 14, zoned (PD-8) Planned Development No.
8 District, located at 5503 Ranger Drive, and take any action necessary.**

40 Gonzales outlined that the applicant, Harold Fetty, is requesting approval of a residential
42 replat of Lot 2, Block B, Chandlers Landing Phase 14 Addition. The property is zoned PD-8 with an
underlying zoning of SF-10 (Single-Family Residential) and is located at 5503 Ranger Dr. The
44 purpose of the replat is to abandon a 10-ft utility easement which is located to the rear of the lot. Mr.
Homayoun, the owner of the property, plans to build a carport that would encroach the area to be
46 abandoned. A set-back variance was requested by Mr. Homayoun and granted by the Board of
Adjustments in November 2009. Release letters from all utility companies have been received
granting approval to abandon this portion of the easement.

48 A residential replat requires notice to be mailed to all property owners of the subdivision
50 within 200-ft of the subject property. Twenty-eight (28) notices were mailed out and at the time of this
report, staff has not received any notices "in favor of" or "in opposition to" the residential replat
52 request.

54 Staff recommends approval of the request with the following conditions:

- 56 1. Adherence to all Engineering and Fire Department standards.

Public hearing was opened at 7:56.

Harold Fetty, Surveyor, appeared and requested approval of the requested replat.

2
4 With no further public comment, the public hearing was closed at 7:57.

6 **Commissioner Herbst made a motion to approve P2009-023, a request by Harold Fetty**
8 **for approval of a residential replat of Lot 2, Block B, Chandler's Landing Phase 14,**
zoned (PD-8) Planned Development No. 8 District, located at 5503 Ranger Drive, with
staff recommendations.

10 **Commissioner Jackson seconded the motion.**

12 **It was voted on and passed 7 to 0.**

14 **Z2009-025**

16 **Hold a public hearing and consider a request by James W. Valk for approval of a Specific Use**
18 **Permit (SUP) to allow for an accessory building exceeding the maximum size requirement of**
20 **2,000-sf (proposed 4,000-sf), exceeding the maximum height requirement of 15-feet (proposed**
18-feet) and not meeting the exterior materials requirements, specifically on his 8.54-acre
property located at 2730 N. FM 549 and currently described as Tract 3-1, Abstract 193, J E
Sherwood Survey, SF-E/4.0 Single Family Estate district, and take any action necessary.

22 Spencer outlined that the applicant is requesting a Specific Use Permit in order to construct
24 an approximate 4,000-sf shop not meeting the exterior materials requirements or maximum height
26 requirement of the (SF-E/4.0) Single Family Estate district standards. The SF-E/4.0 district allows for
28 two (2) accessory buildings up to 625-sf each or one (1) building up to 2,000-sf, with exterior
materials matching those of the primary house and not exceeding 15-ft in height. The 80' x 50' shop
is of metal construction. The applicant is proposing to brick the east and south elevations and utilize
metal panels for the west and north walls and the roof.

30 Large metal shops/barns have been approved in the recent past on SF-E/4 lots, including lots
32 in the area. The property resides in an area of the city that has a rural feel, with several owners
34 keeping horses, other large animals and farm equipment on their properties. However, staff feels
approval of the Specific Use Permit for the accessory building on this property is ultimately a
judgment call for the Planning Commission and City Council.

36 Notices were mailed to seven (7) property owners within 200-ft of the subject tract, and at the
38 time of this report, two (2) responses in opposition had been returned. The returned notices
constitute over 20% of the buffer area and will require a super-majority vote by the City Council for
approval of the SUP.

40 If request is approved, Staff offers the following conditions:

- 42 1. The accessory building will comply with the approved site plan and building elevations.
- 44 2. The maximum accessory building size is limited to 4,000-square feet in area.
- 46 3. The maximum height of the accessory building is limited to 18 feet.
- 48 4. The exterior metal panels be painted to match the existing primary house.
- 50 5. The accessory building be utilized only for those uses permitted by right within the (SF-
E/4.0) Single Family Estate zoning district.
- 52 6. The existing carport structure located on site shall not be enclosed.
- 54 7. No additional accessory buildings shall be permitted on the property without amending
this Specific Use Permit.
- 56 8. The accessory building is subject to administrative review in the event that the subject
property is sold or conveyed in any manner to another party, subdivided, or replatted.
9. The City Council reserves the right to review the Specific Use Permit granted herein upon
the expiration of one (1) year from the date hereof.

Herbst inquired if there are any other accessory buildings this large in this area. Spencer
stated that there are some a little bit larger in size that have been approved and showed their

2 locations on a map. Stubbs inquired of the height of the other approved buildings. Spencer stated
4 that in the past there have been buildings in excess of 15ft approved. Buchanan inquired whether the
other buildings on the site are still there. Spencer stated that it is a carport and it is still there.

6 Herbst inquired whether a commercial business is being run out of this residence. Spencer
8 stated that question is best reserved for the applicant. He stated if there is a commercial business
being run from the property, it would violate the SUP and also would be against ordinance.

10 *Public hearing was opened at 8:10.*

12 **James Valk, 2730 N. Hwy 549.** He stated that this is not a commercial venture. He stated he
14 has a car collection and he would like to store the cars in the building along with an RV. He stated
that he would like all of his equipment stored in there as well.

16 Buchanan inquired of the choice of location for the structure. Mr. Valk stated that it would fit in
18 that spot. Jackson inquired whether any of the existing structures will be coming down. Mr. Valk
stated no.

20 **Patty Watson, 2826 N. FM 549.** She stated when they moved there, the property was not
22 annexed. She stated the background of her property and the location of her children's houses. She
stated her background with the city and having her property platted. She said she does not want to be
24 a bad neighbor but the proposed structure is going to be bigger than her house and her children's
house. She said it is visible from the street. She stated that the country feel has been lost due to all of
the equipment out there and now a proposed 4000sf steel building. She is opposed to this.

26 With no further public comment, the public hearing was closed at 8:18.

28 Mr. Valk stated that it will not be a metal building. He stated it will be a metal building with brick
30 cladding. He stated that the building will have brick on the front and one side of the building. Hunter
inquired whether the applicant has thought of planting trees to screen the building. Mr. Valk stated he has
32 no problem planting trees to screen the structure. Buchanan stated that the structure in Rolling Meadows
blended in with the neighbors and fit in with the neighborhood. He stated that he is having a problem with
34 the size and look of the building. He stated that planting trees would go a long way. Hunter inquired
whether it is possible to require screening. LaCroix stated, yes.

36 There was discussion regarding the photographs of the site as it is today. Jackson inquired what
38 happens if there is a 4000-sf structure approved and all of the equipment is still left outside. LaCroix
stated that we cannot dictate that he actually put his equipment in the building after it is built. Hampton
40 and LaCroix discussed the different vehicle storage standards for 0-5 acres, and 5-acres and above.

42 Minth stated that the applicant is asking for a variance on every aspect of what the city allows.
44 She stated that there has to be some give and take. Stubbs stated that it matters to him how close
something is to a neighbor or a neighborhood. He stated that he could live with a larger building before he
46 can live with a taller one. Hunter inquired whether the Commission would consider this if the structure was
put in the back of the property and in the sightline of his own home. There was discussion regarding the
idea of moving the site to the rear of the property.

48 **Commissioner Hunter made a motion to approve Z2009-025, a request by James W. Valk**
50 **for approval of a Specific Use Permit (SUP) to allow for an accessory building**
52 **exceeding the maximum size requirement of 2,000-sf (proposed 4,000-sf), exceeding the**
54 **maximum height requirement of 15-feet (proposed 18-feet) and not meeting the exterior**
56 **materials requirements, specifically on his 8.54-acre property located at 2730 N. FM 549**
and currently described as Tract 3-1, Abstract 193, J E Sherwood Survey, SF-E/4.0
Single Family Estate district, with staff recommendations and the following
recommendations:

- 2 a. The building be screened on the north, south and east side with Cedar
4 that are at a minimum 6-ft tall at the time of planting.

6 *The motion died for lack of a second.*

8 Commissioner Herbst offered a motion to disapprove Z2009-025.

10 Commissioner Buchanan seconded the motion.

12 It was voted on and passed 6 to 1. (Hunter opposed)

14 **SITE PLANS / PLATS**

16 SP2009-011

18 Discuss and consider a request by David Walls of Wall & Associates, for approval of a site
20 plan for a 15,955-sf memory care center, a 24,707-sf medical office, and a 12,502-sf day care
center located on a 4.846-acre tract zoned (PD-54) Planned Development No. 54 district and
(PD-60) Planned Development No. 60, situated at the southeast corner of Ralph Hall Parkway
and Mims Rd, and take any action necessary.

22 Spencer stated that the detailed information can be found in the staff report. He discussed
24 the background of PD-54 and PD-60. He discussed that all of the site plans meet the parking
requirements. He discussed the tree mitigation and stated they are meeting the landscape
26 requirements and the screening. Spencer further stated the trees that will be removed. He stated the
options of mitigating the trees or putting \$125 per inch or set up a tree bank at a landscape supplier
28 for the parks department, et cetera.

30 Spencer stated the applicant has prepared the proposed elevations in an effort to incorporate
the materials/features from the Flagstone residential subdivision to the south and materials / features
32 from the Medical Office building (currently under construction) to the east. The proposed memory
care building is a 34'8" high single-story building, constructed primarily of Natural Stone Veneer, Lap
Hardiplank Siding, EIFS trim, and a pitched standing seam metal roof. The building elevations comply
34 with the standards outlined in the Unified Development Code and Planned Development No. 54.

36 The proposed office building is a 35-ft high two-story building, constructed primarily of
Quarried Stone, EIFS Finish, EIFS trim, Metal Trim, Metal sun screens, and a parapet flat roof. The
38 building elevations comply with the standards outlined in the Unified Development Code and Planned
Development No. 54.

40 The proposed day care building is a 25'4" high single-story building, constructed primarily of
42 quarried stone, stucco, EIFS trim, and a standing seam metal roof. The building elevations comply
with the standards outlined in the Unified Development Code and Planned Development No. 60.

44 All exterior lighting on lots 4 and 6 shall be a maximum of 20' in height (including the base)
46 and shall be directed downward with a maximum 1" reveal. All exterior lighting on lot 7 shall be a
maximum of 15' in height (including the base) and shall be directed downward with a maximum 1"
48 reveal. The photometric plan appears to meet all other city requirements.

50 The architect has indicated to staff that the entire development shall be illuminated by pole
lighting and no wall packs are being proposed. The addition of any wall packs in the future may
52 require that an amended photometric plan be submitted to the Planning and Zoning Commission for
approval.

54 Staff Recommends approval of the request with the following conditions:
56 1. Adherence to all Engineering and Fire Department Standards

- 2 2. Correct landscape plan to reflect the accurate number of trees required with the landscape buffers along Ralph Hall Parkway and Mims Road.
- 4 3. The following items be completed prior to acceptance of on-site drainage improvements by the City of Rockwall Engineering Department:
- 6 4. Wrought iron fence to be installed in its entirety as shown on the approved landscape plan.
- 8 5. The landscaping and screening to be installed in its entirety as shown on the approved landscape plan.
- 10 6. All outstanding tree mitigation be paid, installed or provided for by an agreement with the Parks Department.

12 Stubbs stated he thinks this project looks good. Herbst inquired what the opinion of the ARB is regarding the three buildings being dissimilar in appearance. Spencer stated that the ARB felt that all three buildings being of a common stone and having a pitched roof on two of the buildings created enough of a cohesive development. He further stated that the earth tone color tied them in also. Herbst stated that he did not want this to appear to be all roof like the Rockwall Surgery Center. Spencer indicated that it would not.

20 **David Walls, Grand Prairie, Texas.** Jackson inquired whether he would be in agreement with changing the size of the dormers. Mr. Walls stated there will not be a problem with that.

22 **Larry Crosby, 16980 Dallas Parkway, Suite 101, Dallas Texas.** Stated they would like the feel of the day care area and the memory care to keep the residential feel.

26 **Commissioner Jackson made a motion to approve SP2009-011, a request David Walls of Wall & Associates, for approval of a site plan for a 15,955-sf memory care center, a 24,707-sf medical office, and a 12,502-sf day care center located on a 4.846-acre tract zoned (PD-54) Planned Development No. 54 district and (PD-60) Planned Development No. 60, situated at the southeast corner of Ralph Hall Parkway and Mims Rd, with staff recommendations and the dormer size on the children's building be increased in width to twice the size of what is existing.**

34 **Commissioner Hayes seconded the motion.**

36 **It was voted on and passed 7 to 0.**

38 **P2009-022**
40 **Discuss and consider a request by Phillip Morse of Architecture+ for approval of a replat of Lots 5 & 6, Block A, Rainbo Acres Addition, being 4.8-acres zoned (C) Commercial district and situated at the southeast corner of FM 3097 (Horizon Rd) and Ranch Trail, and take any action necessary.**

44 Gonzales stated that the applicant, Phillip Morse of Architecture+, is requesting approval of a replat of Lots 5 and 6, Block A of the Rainbo Acres Addition. The property, being 4.8 acres, is zoned Commercial District and is located at the southeast corner of FM 3097 (Horizon Rd) and Ranch Trail. There is a proposed 9,996 sq-ft medical services/retail facility planned for the site. A site plan for this location was approved in October 2009. The site will be accessed via 2 entrances along Ranch Trail. The purpose of the replat is to dedicate firelane, access, drainage and utility easements.

50 Staff recommends approval of the request with the following conditions:

- 52 1. Adherence to all Engineering and Fire Department standards.

54 Mr. David Walls, engineer for the project, was present to answer questions and requested approval of the replat.

2 Commissioner Buchanan made a motion to approve P2009-022, a request by Phillip
4 Morse of Architecture+ for approval of a replat of Lots 5 & 6, Block A, Rainbo Acres
6 Addition, being 4.8-acres zoned (C) Commercial district and situated at the southeast
8 corner of FM 3097 (Horizon Rd) and Ranch Trail, with staff recommendations.

Commissioner Herbst seconded the motion.

It was voted on and passed 7 to 0.

DISCUSSION ITEMS

12 Planning Director's Report on the following Planning and Zoning Commission matters
14 that have been recently acted on by City Council:

16 a) **Approved changes to notification policy for Zoning/SUP cases**

18 LaCroix gave the Commission an update on the notification policy for zoning. LaCroix
20 stated that the city has an e-news that goes out to about 2000 people, and Council has
22 directed staff to send out new zoning cases using eNews and the city website. He stated
that our GIS department is working on rolling out an interactive mapping system in the
spring that may allow citizens to click on the map to follow cases and where they are in
the process of development.

24 LaCroix stated that council decided not to increase the notification area and explained the
26 different opinions, and the pros and cons of doing so. LaCroix stated the ways the city is
working to get the notices on our website which would be interactive.

28 Hunter described what went on in the City Council meeting during the vote on the
30 notification issue. He stated that the vote was split, 3-3. He stated that he would rather
over-notify people rather than under-notify.

32 There was discussion regarding the response or lack of response that comes back from
34 the notices. There was discussion regarding the newspaper versus website postings.

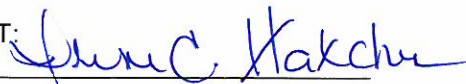
ADJOURNMENT

36 With no further business, the meeting adjourned at 9:35 p.m.

38
40 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
ROCKWALL, Texas, this 9th day of February, 2010

42 
44 Michael Hunter, Chairman

46 ATTEST:



2 **Minutes of**
3 **PLANNING AND ZONING COMMISSION WORK SESSION**
4 **JANUARY 26 2010**

6 **CALL TO ORDER**

8 The meeting was called to order by Michael Hunter at 6:00 p.m. with the following members
9 present: Barry Buchanan, Connie Jackson, Phillip Herbst and Mark Stubbs. Kristen Minth and
10 Tony Hayes were absent.

12 Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris
13 Spencer, David Gonzales and Irene Hatcher.

14 **DISCUSSION ITEMS**

16 1. **Z2010-001**

18 **Discuss and consider a request by Steve Himmelreich for approval of a change in zoning from**
19 **(Ag) Agricultural district to (SF-E/4.0) Single Family Estate district on a 8-acre tract located at**
20 **2620 White Road and currently described as Tract 7-5, Abstract 207, E Teal Survey.**

22 Spencer stated the background on the property. He discussed what happens when property is initially
23 annexed into the city. Spencer stated the description of this property and the zoning classification.
24 He stated the proposed zoning does meet the comprehensive plan.

26 *Commissioner Minth arrived at 6:02.*

28 Buchanan asked for clarification as to why it is necessary to ask for a zoning change to build a
29 structure. Spencer stated that anything under 10 acres is not considered agricultural. It is considered
30 single-family use and needs to be zoned that way if they want build additional structures.

32 Mr. Himmelreich inquired whether there would be any negative impact on him by changing the zoning
33 from agricultural to single family. LaCroix stated that it protects the property around him. He stated it
34 is to ensure that there are not too many buildings built on one property. There was discussion
35 regarding whether the applicant will be required to connect to city sewer. LaCroix stated there is
36 usually a certain period before a property owner would have to be connected to the city sewer, but he
37 would need to check with the city engineer. There was discussion regarding property taxes and the
38 appraisal district.

40 2. **Z2010-002**

42 **Discuss and consider a request by Brent Hamman for approval of a Specific Use Permit (SUP)**
43 **to allow for an accessory building not meeting the exterior materials requirements on his**
44 **property located at 315 Rolling Meadows, being a 4.02-acre tract known as Lot 7, Rolling**
45 **Meadows Estates Addition and zoned (SF-E/4.0) Single Family Estate district.**

46 Gonzales stated the background of this case and the ordinance for accessory buildings on property of
47 this size. Gonzales stated the proposed building materials for the requested structure. Gonzales
48 stated there have been approved building material variances in this subdivision.

50 Mr. Hamman stated initially he will have some skylight panels for lighting.

52 3. **Planning Director's Report on the following Planning and Zoning Commission matters that**
53 **have been recently acted on by City Council:**

54 a) **Z2009-023: 7-Eleven at Tubbs/Horizon**

LaCroix stated that this case was withdrawn by the applicant before the Council meeting.

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- b) **Z2009-024: UDC Amendment regarding P&Z Term Lengths**
LaCroix stated that the term limit was approved and will be up for second reading. He clarified the change in the length of term.
- c) **Z2009-025: Valk Accessory Building at N FM 549**
LaCroix stated this case was continued due to the applicant not being able to make it to the Council meeting.
- d) **P2009-022: Replat – Lots 5 and 6, Rainbo Acres**
LaCroix stated that this case was approved.
- e) **P2009-023: Residential Replat – Lot 2, Block B, Chandlers Landing Phase 14**
LaCroix stated that this case was approved.

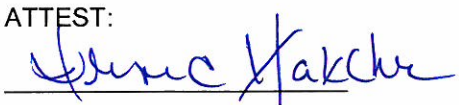
18 **ADJOURNMENT**

20 The meeting adjourned at 6:24 p.m.

22 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
ROCKWALL, Texas, this 9th day of February, 2010.

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Michael Hunter, Chairman

30 ATTEST:
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2 **Minutes of**
3 **PLANNING AND ZONING COMMISSION PUBLIC HEARING**
4 **February 9, 2010**

6 **CALL TO ORDER**

8 The meeting was called to order by Michael Hunter at 6:00 p.m. with the following members
10 present: Connie Jackson, Phillip Herbst, Kristen Minth and Mark Stubbs. Barry Buchanan and
Tony Hayes were absent.

12 Additionally, the following staff members were present: Robert LaCroix, Irene Hatcher, David
14 Gonzales and Chris Spencer.

- 16 1. **Approval of Minutes** for January 12, 2010 Planning and Zoning Commission meeting

18 Herbst made motion to approve. Jackson seconded the motion. The motion passed 5-0.

- 20 2. **Approval of Minutes** for January 26, 2010 Planning and Zoning Commission meeting

22 Herbst made a motion to approve. Stubbs seconded the motion. The motion passed 5-0.

24 **PUBLIC HEARING ITEMS**

- 26 3. **Z2010-001**

28 **Hold a public hearing and consider a request by Steve Himmelreich for approval of a change**
30 **in zoning from (Ag) Agricultural district to (SF-E/4.0) Single Family Estate district on a 8-acre**
32 **tract located at 2620 White Road and currently described as Tract 7-5, Abstract 207, E Teal**
34 **Survey, and take any action necessary.**

36 Spencer stated the applicant, Steven Himmelreich, is seeking a change in zoning from (Ag)
38 Agricultural district to (SF-E/4.0) Single Family Estate district. Though the property has been used as
residential for many years, it has been zoned (Ag) Agricultural district since its annexation in 1999.
40 Mr. Himmelreich has submitted the zoning change request in an effort to acquire a building permit for
an open air pavilion behind his home.

42 The City's Unified Development Code requires at least ten (10) acres for a new building
44 permit to be issued on a single-family lot in the Agricultural zoning district. Therefore, the applicant is
proposing to rezone their 8-acre tract to (SF-E/4) Single Family Estate district to accommodate their
46 plans. The City of Rockwall's Future Land Use Plan shows this area to be single-family.

48 Notices were mailed to thirty (30) property owners within 200-ft of the subject tract, and a sign
was also posted on the property in accordance with the Unified Development Code. At the time of this
50 report, no notices had been returned.

52 Staff recommends approval.

54 **Mr. Himmelreich, 2620 White Road,** requested approval of the rezoning of his property from
(AG) Agricultural to SF-E/4.0.

Chairman Hunter opened the public hearing at 6:06 pm.

Brad Buttermore stated the notice was not explained very well and stated that his questions
were answered in the presentation.

2 *With no further public comment, the public hearing was closed at 6:07pm.*

4 **Commissioner Stubbs made a motion to approve Z2010-001, a request by Steve**
6 **Himmelreich for approval of a change in zoning from (Ag) Agricultural district to (SF-**
8 **E/4.0) Single Family Estate district on a 8-acre tract located at 2620 White Road and**
 currently described as Tract 7-5, Abstract 207, E Teal Survey, with staff
 recommendations.

10 **Commissioner Minth seconded the motion.**

12 **It was voted on and passed 5 to 0.**

14
16 **4. Z2010-002**

18 **Hold a public hearing and consider a request by Brent Hamman for approval of a Specific Use**
20 **Permit (SUP) to allow for an accessory building not meeting the exterior materials**
 requirements on his property located at 315 Rolling Meadows, being a 4.02-acre tract known
 as Lot 7, Rolling Meadows Estates Addition and zoned (SF-E/4.0) Single Family Estate district,
 and take any action necessary.

22 Gonzales stated the applicant is requesting approval of a Specific Use Permit (SUP) to allow
24 for an accessory structure that does not meet the exterior requirements for his property located in the
26 Rolling Meadows Addition. The property is zoned SF-E/4.0 (Single-Family - Estate district), is situated
 on 4.02 acres, and is located at 315 Rolling Meadows Cir.

28 Under the use standards of the Unified Development Code, the accessory building shall be
30 accessory to a residential use and located on the same lot. By right, in the SF-E district, no more than
32 two (2) accessory buildings shall be allowed which are up to 625 sq-ft (each) and are 15 ft or less in
34 height; or a single building which is up to 2000 sq-ft in area (SF-E/4.0) and 15 ft or less in height,
 provided the exterior cladding contains the same materials, excluding glass, as is found on the main
 structure and generally in the same proportion. Accessory buildings not meeting these standards
 shall require approval of an SUP.

36 The applicant has submitted elevations and a site plan for the accessory building. The
38 proposed structure will be a single story, 2000 sq-ft metal building, with an overall height of 15 ft. The
40 structure will be comprised primarily of a Galvalume metal siding and roof, a decorative rock faux
 panel at the base of the building on three sides, and wooden shutters to accent the windows. The
 colors are to match that of the primary structure.

42 Staff does feel the approval of the SUP is a judgment call for the Planning and Zoning
44 Commission and City Council. It should be noted that similar requests for exceptions to the materials
 requirements have been granted in the past, including several properties within the Rolling Meadows
 Addition.

46 Fourteen (14) notices were mailed to the property owners of record with-in 200-ft. of the
48 subject property. At the time of this report, staff has not received any notices either "in favor" or "in
 opposition" to the request.

50 If approved, Staff would offer the following conditions:

- 52 1. The accessory structure must meet all Fire Department, Building Inspections, and
54 Engineering standards.
56 2. The accessory structure shall comply with the approved site plan and building elevation.
 3. The accessory structure shall not exceed a maximum height of 15 ft.
 4. The accessory structure shall not exceed 2000 sq-ft in area.

- 2 5. The accessory structure is subject to administrative review in the event that the subject
4 property is sold to another party, conveyed in any manner to another party, subdivided, or
6 replatted.
6 6. The City Council reserves the right to review the Specific Use Permit granted herein upon
the expiration of one (1) year from the date hereof.

8 Herbst inquired about the form of the Rolling Meadows Architectural Committee, and if the
10 applicant will have to come back before the P&Z if he wants to eventually add plumbing and electrical
to his building. Gonzales stated that no P&Z approval is required for the plumbing or electrical work.

12 **Mr. Hamman, 315 Rolling Meadow Circle**, requested approval of the SUP. He stated that
14 he may eventually do the electrical, but he will not be needing that at this time.

16 *Chairman Hunter opened the Public hearing was opened at 6:14 pm.*

18 *With no further public comment, the public hearing was closed at 6:14pm*

20 **Commissioner Herbst made a motion to approve Z2010-002, a request by Phillip Morse
of Architecture+ for approval of a replat of Lots 5 & 6, Block A, Rainbo Acres Addition,
being 4.8-acres zoned (C) Commercial district and situated at the southeast corner of
22 FM 3097 (Horizon Rd) and Ranch Trail, with staff recommendations.**

24 **Commissioner Jackson seconded the motion.**

26 **It was voted on and passed 5 to 0.**

28 **DISCUSSION ITEMS**

- 30 5. **Planning Director's Report on the following Planning and Zoning Commission matters that
32 have been recently acted on by City Council:**

34 Z2009-025: Valk Accessory Building at N FM 549

36 LaCroix stated that the Council denied this case without prejudice due to Mr. Valk's
38 nonappearance at two scheduled Council meetings. He stated that if Mr. Valk wants to
submit his case again at a later time, he is free to do so.

40 **ADJOURNMENT**

42 *With no further business, the meeting adjourned at 6:17 p.m.*

44 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
ROCKWALL, Texas, this 9th day of March, 2010.

46 
48 Michael Hunter, Chairman

50 ATTEST: 

2 **Minutes of**
4 **PLANNING AND ZONING COMMISSION WORK SESSION**
6 **February 23, 2010**

8 **CALL TO ORDER**

10 The meeting was called to order by Michael Hunter at 6:00 p.m. with the following members present: Barry Buchanan, Connie Jackson, Phillip Herbst, and Tony Hayes. Kristen Minth and Mark Stubbs were absent.

12 Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer and David Gonzales.

14 **CONSENT AGENDA ITEMS**

16 1. **P2010-002**

18 Discuss and consider a request by David Walls of Walls & Associates for approval of a final plat for Lots 1-7, Block A, Flagstone Corners Addition, being 8.43-acres zoned (PD-54) Planned Development No. 54 district and (PD-60) Planned Development No. 60 district, located along the south side of Ralph Hall Parkway and east side of Mims Road, and take any action necessary.

22 2. **SP2010-004**

24 Discuss and consider a request by R. D. Vanderslice for approval of a site plan for the conversion of an existing home into a professional office at 1018 Ridge Road, being a 0.22-acre property zoned (PD-53) Planned Development No. 53 district and proposed as Lot 3, Block A, Rock Ridge Office Plaza Addition, and take any action necessary.

28 3. **P2010-003**

30 Discuss and consider a request by R. D. Vanderslice for approval of a replat of Lot 1, Block A, Rock Ridge Office Plaza Addition (1014 Ridge Rd), and an unplatted tract known as Tract 12, Abstract 255, B. J. T. Lewis Survey (1018 Ridge Rd), being 0.70-acre overall and zoned (PD-53) Planned Development No. 53 district, and take any action necessary.

32 Buchanan asked to pull Consent Agenda items #2 and #3.

34 Herbst then made a motion to approve Consent Agenda item #1 (P2010-002), with staff recommendations.

36 Jackson seconded the motion.

38 A vote was taken, and the motion passed by a vote of 5 to 0.

40 Regarding **SP2010-004**, Buchanan asked if there would be any outside lighting with this project. Hampton replied that he does not believe the applicant intends to install any exterior lighting. R.D. Vanderslice, applicant, of 1408 S. Lakeshore, stated that at this time he is not proposing to install any lighting on the property.

42 Jackson made a motion to approve **SP2010-004** with staff recommendations.

44 Herbst seconded the motion.

46 A vote was taken, and the motion passed by a vote of 5 to 0.

2 Regarding **P2010-003**, Buchanan asked if the property was under the same ownership, or two
4 different owners. Hampton replied that 1018 Ridge Rd is unplatted and owned by the applicant,
6 Mr. Vanderslice. 1014 Ridge Rd is the existing Rock Ridge Office Addition, and is owned by the
8 Cullins.

10 Buchanan also asked for clarification on the shared easement between the two lots. Hampton
12 explained that currently there is an easement that is entirely on the Cullins property, which is 1-ft
14 off the common property line and runs to their existing home/office structure. The replat would
16 remove the 1-ft gap, and dedicate another 5-ft easement on Mr. Vanderslice's property, creating
18 a shared easement that both property owners have the right to drive on and access their
20 respective parking on both sides of the drive.

22 **Jackson made a motion to approve P2010-003 with staff recommendations.**

24 **Hayes seconded the motion.**

26 **A vote was taken, and the motion passed by a vote of 5 to 0.**

28 **ACTION ITEMS**

30 4. **SP2010-001**

32 **Discuss and consider a request by Brad Court of CSA Concrete for approval a special**
34 **exception to the Unified Development Code, specifically Article V, Section 4.1, General**
36 **Commercial District Standards, in association with a proposed site plan for a proposed 2400-**
38 **sf building at the existing NBE commercial development located at 433 National Drive, being a**
40 **1.58-acre tract zoned (HC) Heavy Commercial district and known as Tract 2-13, Abstract 128,**
42 **J. R. Johnson Survey, and take any action necessary.**

44 Hampton outlined that the Planning Department has received a site plan application for a
46 proposed building at the existing "NBE" commercial facility located at 433 National Drive, which is zoned
48 Heavy Commercial. The NBE company stores and installs vaults, safes and other security elements for
50 banks and similar facilities. The property was annexed into the City about 10-12 years ago in its present
52 condition, with the exception of a concrete slab that according to the applicant was poured approximately
54 two years ago. At this time, the applicant is requesting to erect a steel building on the slab so that some of
56 their inventory and equipment can be stored within an enclosed building, both for security purposes and
to prevent deterioration from the weather.

The proposal is for a metal building, which would require a waiver to the City's masonry
standards outlined in Article V, Section 4.1 "General Commercial District Standards" of the Unified
Development Code. Approval of such a waiver would require a simple majority vote of the City Council,
upon recommendation of the Planning Commission. The basic requirement is for a minimum 90%
"masonry" construction on facades visible from the street, including a minimum 20% stone.

Hampton stated that there are many other metal buildings exist on National Drive, including the
existing building on the applicant's property. In addition, the last building constructed at 355 National
Drive was approved after the date of annexation and allowed to be a metal building via a Specific Use
Permit approved by Council in 2001. Hampton added that the process for approval of waivers to the
masonry requirements changed in 2004 with the adoption of the UDC).

Other waivers that the City Council must consider with the current request include waivers to the
firelane, fire hydrant and paving standards for the three (3) required parking spaces for the proposed new
building. These constitute waivers to the Fire Code and/or Engineering Construction Standards, and thus
do not require the recommendation of the Planning Commission.

Staff feels the approval of the metal building is a judgment call for the Commission and Council.

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Kevin Court, of CSA Concrete, was present to answer questions of the Commission.

Buchanan stated that after looking at an aerial of the area on National Drive, he believed most of the buildings are metal in this area. Hampton stated that was true. Buchanan stated he is usually a stickler for our zoning requirements, but to require a masonry building in that existing mesh of metal buildings did not seem reasonable.

Jackson asked how close the nearest fire hydrant was if there was a problem out there. Hampton replied there were two on the north side of National Drive, but both are outside the maximum spacing requirements for the proposed building.

Mr. Court, applicant, 1033 Timberline Drive, Heath, Texas, added that the fire hydrant was approximately 352-ft away from the back part of the building. Jackson asked if anything stored would be flammable. Mr. Court replied that there could be, but most of the items to be stored are safes, steel and other non-flammable items already placed on the existing slab.

Commissioner Buchanan made a motion to approve SP2010-001, a request by Brad Court of CSA Concrete for approval a special exception to the Unified Development Code, specifically Article V, Section 4.1, General Commercial District Standards, in association with a proposed site plan for a proposed 2400-sf building at the existing NBE commercial development located at 433 National Drive, being a 1.58-acre tract zoned (HC) Heavy Commercial district and known as Tract 2-13, Abstract 128, J. R. Johnson Survey.

Commissioner Jackson seconded the motion.

It was voted on and passed 5 to 0.

DISCUSSION ITEMS

**5. P2010-001
Discuss and consider a request by Kennis Ketchum of Rockwall Court, Ltd for approval of a replat of Lot 2R, Block A, Canyon Ridge-Canyon Ranch Addition (aka Pebblebrook Apartments Phase 2 Addition), being 8.9152-acres zoned (MF-14) Multi-Family Residential district and located along the north side of Yellow Jacket Lane east of Waterstone Estates and west of SH 205 (S Goliad).**

Hampton briefly discussed the history of the Canyon Ranch project that was originally considered and approved by the City in 2002-2003. A site plan was approved again in 2008, contingent upon the approval of a variance to the screening standards adjacent to the Waterstone Estates subdivision. However, the new developer/applicant has taken over the plan and has updated the 2008 site plan – which is still valid – to show a 6-ft masonry wall as required by the Unified Development Code. The replat is simply the last step of the development process that is required other than a building permit for the developer to move forward. Staff has provided some technical comments to the applicant to correct prior to the next meeting on March 9th. The final tree mitigation plan is also to be approved with the replat, and Hampton summarized the applicant’s proposal to mitigate for any remaining inches by setting up an account with their landscape supplier for the City’s Parks Department to access trees.

Kennis Ketchum, applicant, and Herb Meeks, a landscape architect who has been involved with the project since the beginning, were both present to answer any questions.

Buchanan inquired about the number of stories for the development. Hampton stated there are both two and three story buildings. Buchanan stated concerns about site lines from the adjacent subdivision. Hampton clarified that the site plan had been approved, and deemed to meet City zoning (e.g. height and setback) specifications, and is therefore not part of the replat consideration. Hampton

2 also added the applicant is providing an emergency access easement into the catholic church site, which
4 is new from the previous plat and addresses a longstanding City concern about getting a second point of
access into the church and HCA school.

6 Hunter asked about the tree mitigation. Hampton stated that the total number of trees removed is
8 about 1400 caliper inches, and they are preserving 529 inches. The landscape plan has taken care of
10 about 1000 inches of the mitigation, leaving just over 400 inches remaining to mitigate. Hunter asked if
the developer was planning on keeping trees or planting trees along the property line next to the housing.
12 Hampton stated yes, and showed the Commission the landscape plan. The bulk of the saved trees are in
the open space between the apartments and Waterstone, and that a line of new landscaping is shown in
14 conjunction with the 6-ft wall. Most of the new trees are shown to be 4-inches in size, which the applicant
is considering increasing to 6-inches if the landscape architect determines there is enough room for the
trees to survive. Hunter stated that the right trees planted in that area would serve as a better screen than
a 6-ft wall.

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18 **6. Z2010-003**
Discuss and consider a request by Matthew King for approval of a zoning change from (SF-10)
Single Family Residential district to (PD) Planned Development district, specifically to allow
for an assisted living development on the 2.642-acre subject tract, which is known as Lot AB,
Block 87, B. F. Boydston Survey and located south of the Highwood Addition at the
termination of Valley Drive.

24 Spencer outlined the applicant's request to provide for an assisted living facility, and discussed
some of the specific standards the staff is suggesting be considered with the PD. He also discussed the
26 traffic impact analysis the applicant submitted, showing the difference between the single family use that
is permitted versus the proposed use.

28
30 Matt King (applicant), Les Hansen (owner) and Chris Cuny (engineer), were present to answer
any questions.

32 Herbst asked if the community would be gated. Spencer stated that no, it is intended to be a City
park. The applicant wants to develop an entry feature. Herbst asked about what type of access is
34 proposed to the city-owned area and/or Wal-mart that has been discussed with previous plans on this
site. Spencer replied that staff did communicate with the applicant earlier in the day about ensuring there
36 was pedestrian access to the park site, but that there may be some grading issues in getting access to
the Wal-mart property.

38
40 The Commission further discussed the proposal and how it compares to the single-family use that
is currently allowed, including traffic, lighting and noise.

42 Matt King, applicant, addressed the Commission's comments, stating that any concerns about
ambulance noise could be addressed by a "no siren policy" that is used even by the EMS as they leave
44 their own station on Goliad. He also stated that the buildings would be residential in character.

46 Hayes asked if this would be a memory care facility. The applicant stated that it is not.

48 **7. Appointment with Architectural Review Board representative to receive the Board's**
recommendations and comments for items on the agenda requiring architectural review.

50
52 Gonzales stated that staff would cover the ARB's comments with each respective case, as none
of the Board members have stayed for the Commission meeting.

54 **8. SP2010-002**
Discuss and consider a request by Steven Reyes of Ramsay Architects for approval of a site
plan for the Dr. David Miller building, being a 3,628-sf medical office facility located on Lot 17,
Block A, Presbyterian Hospital of Rockwall Addition, being 0.499-acres zoned (PD-9) Planned

2 **Development No. 9 district and located along the south side of Rockwall Parkway east of**
4 **Summer Lee Drive, and take any action necessary.**

6 Gonzales discussed the proposed medical office building, and stated that the staff met with the
8 applicant earlier in the day to go over some of the requested technical changes to the plans. Gonzales
10 stated that the Architectural Review Board asked that there be some variation in the roof line and/or an
12 entry feature added to break up the elevations. In addition, they recommended that there be more
14 contrast between the stucco and stone colors.

16 Ross Ramsay, of Ramsay Architects was present to answer questions. He also further explained
18 and showed photos of some of the building's details such as canopies that are not currently shown well
20 on the elevations. He also discussed the building materials to be used and the hospital's separate
22 architectural review process.

24 **9. Z2010-004**

26 *Discuss and consider a request by Jeremy Yee of CEI Engineering Associates for approval of*
28 *a Specific Use Permit (SUP) to allow for a "retail store with gasoline product sales with more*
30 *than 2 dispensers" within (PD-9) Planned Development No. 9 district, in association with a 7-*
32 *Eleven proposed to be located on Lot 1, Block B, Horizon Ridge Center North Addition, being*
34 *a 0.9-acre tract situated at the southwest corner of Horizon Rd and Tubbs Rd.*

36 **10. SP2010-003**

38 *Discuss and consider a request by Jeremy Yee of CEI Engineering Associates for approval of*
40 *a site plan for a 7-Eleven retail store with gasoline product sales, located on the proposed Lot*
42 *1, Block B, Horizon Ridge Center North Addition, being a 0.9-acre tract situated at the*
44 *southwest corner of Horizon Rd and Tubbs Rd, zoned (PD-9) Planned Development No. 9*
46 *district and designated for (GR) General Retail uses.*

48 Hampton briefly discussed the SUP and site plan requests together, stating that the requests are
50 similar from the requests from 7-Eleven on the same site a couple months ago. The previous request for
52 an SUP was withdrawn before Council consideration. The one key change the applicant has made are
54 the building elevations, based on feedback received from the Commission and in the public hearing. The
56 applicant has added stone to the elevation, and intends to limit the fiber cement board to 50% to meet
Rockwall specifications for "synthetic" materials. Additionally, a pitched roof system has been added to
resemble the recently constructed 7-eleven on the north side of town.

38 Hampton also showed a concept plan showing that the proposed store is not immediately
40 adjacent to Foxchase Park. There is other developable land that will eventually accommodate an office or
42 retail development. In the short term, the City will be constructing temporary parking for Foxchase Park as
44 parking is now prohibited on Tubbs Rd in response to neighborhood concerns about parking on that
46 street.

48 Jeremy Yee (applicant), Jim Meara (representing the seller), and a couple representatives from 7-
50 Eleven were present to answer questions.

52 Hunter and Herbst both commented that the building design was much improved from the last
54 proposal. Herbst asked about the "Redbox" dvd kiosk. Hampton stated that the idea of any outside
56 display needs to be specified in any SUP approval, whether it is ok or not, where they need to be, etc.

58 **11. Planning Director's Report on the following Planning and Zoning Commission matters that**
60 **have been recently acted on by City Council:**

62 **a) Z2010-001: 2620 White Road (Ag to SF-E/4.0)**

64 LaCroix stated that the zoning request on White Rd was continued by City Council, as they
66 wanted all seven members there to consider the request.

2 **b) Z2010-002: SUP for Accessory Bldg (315 Rolling Meadows)**

4 LaCroix reported that the SUP was approved on first reading by City Council.

6 **12. Planning Director's Report to discuss the following City activities, upcoming meetings, future legislative activities, and/or other related matters:**

8 **a) Existing rules for attendance at Planning and Zoning Commission meetings**

10 LaCroix stated that the rules regarding attendance from both the City Charter and Unified
12 Development Code were in the Commissioner's packets. The Commission discussed the rules, and at
14 what point the Commission needs to consider taking action to determine a member's absences are
16 "excused" or not. LaCroix stated that in the past it really has not been an issue that a member, for
18 example, has missed three consecutive meetings. If that were to happen, the Commission might need to
20 take an action to excuse them. Hunter stated that he could not think of any "unexcused" absence, but the
22 Commission has never taken formal action to excuse a member's absence or not.

18 Buchanan stated that he thought when a Commissioner has three straight absences, or misses a
20 substantial amount of meetings, then maybe the Commission should bring that up and formally take an
22 action. But until that happens, he doesn't think we have an issue. LaCroix agreed that has been the
24 approach in the past.

22 Hunter asked if attendance records could be sent to Commissioners on occasion to let us know
24 where we stand. LaCroix stated they could.

26 **ADJOURNMENT**

28 The meeting adjourned at 7:36 p.m.

30 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
32 ROCKWALL, Texas, this 9th day of MARCH, 2010.



Michael Hunter, Chairman

38 ATTEST:

40 _____

2 **Minutes of**
4 **PLANNING AND ZONING COMMISSION PUBLIC HEARING**
6 **March 9, 2010**

8 **CALL TO ORDER**

8 The meeting was called to order by Michael Hunter at 6:02 p.m. with the following members
10 present: Barry Buchanan, Mark Stubbs, Connie Jackson and Phillip Herbst. Kristen Minth arrived
late, and Tony Hayes was absent.

12 Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris
14 Spencer and David Gonzales.

- 16 1. **Approval of Minutes** for February 9, 2010 Planning and Zoning Commission meeting

18 **Stubbs made a motion to approve the minutes for February 9, 2010.**

20 Jackson seconded the motion.

22 A vote was taken, and the motion passed by a vote of 5 to 0.

24 *Commissioner Minth arrived at 6:04 pm.*

- 26 2. **Approval of Minutes** for February 23, 2010 Planning and Zoning Commission meeting

28 **Herbst made a motion to approve the minutes for February 23, 2010.**

30 Jackson seconded the motion.

32 A vote was taken, and the motion passed by a vote of 4 to 0. (Minth and Stubbs abstained)

34 **PUBLIC HEARING ITEMS**

- 36 3. **Z2010-003**

38 **Hold a public hearing and consider a request by Matthew King for approval of a zoning**
40 **change from (SF-10) Single Family Residential district to (PD) Planned Development district,**
specifically to allow for an assisted living development on the 2.642-acre subject tract, which
is known as Lot AB, Block 87, B. F. Boydston Survey and located south of the Highway
Addition at the termination of Valley Drive, and take any action necessary.

42 Spencer outlined that the applicant is proposing to rezone the 2.642-acre tract to create a new
44 Planned Development district to allow for an assisted living facility. The applicant has submitted a concept
46 plan, conceptual elevations and development standards with the zoning change application. The
48 proposed concept plan indicates the site is located at the end of Valley Drive and immediately adjacent to
the Neighborhood Wal-Mart. Currently the subject site is zoned "SF-10" Single Family district and would
allow a density of approximately eight (8) lots using the density recommendation of the Comprehensive
Plan. Prior to the "SF-10" zoning, the property was zoned Planned Development "PD-61" for ten (10) zero
lot line lots, and "MF-15" before that.

50 The zoning exhibit illustrates that the subject tract is bordered by single-family zoning along the
52 north and east property lines, the Neighborhood Wal-Mart to the west, and City owned property to the
54 south. The applicant is proposing to construct two 8,000-s.f. buildings with 12 units in each building for a
total of 24 assisted living units. The site will be accessed by the continuation of Valley Drive into the site.
The site plan illustrates Valley Drive being constructed as a city street and terminating in the site as a cul-

2 de-sac. Any development regardless of type will have to construct at the very minimum a cul-de-sac turn
4 around for Valley Drive.

6 The applicant, with the Planned Development proposal, is attempting to provide access to open
8 City-owned open space by providing four public parking spaces and establishing a walking trail from the
adjacent neighborhood to the future city park located along the south property line.

10 At the request of city staff, the applicant has submitted a traffic study comparing the proposed use
12 of an assisted living facility to the buildable density of the Single Family (SF-10) zoning district. The traffic
14 engineers who completed the study utilized the conservative density of eight single-family dwellings
allowable under the SF-10 zoning district to conduct their analysis. The calculated total daily trips of a 24-
unit assisted living facility are 66 compared to 77 trips generated by eight single-family homes.

The assisted living facility also resulted in lower peak hour trips:

Morning A.M.

- 24-unit assisted living facility 3
- 8-single family homes 15

Evening P.M.

- 24-unit assisted living facility 5
- 8-single family homes 11

24 The applicant is proposing a residential style one story building constructed of hardiboard siding,
26 natural stone, standing seam metal roof, and an asphalt shingle roof.

28 The site located at the dead-end of Valley Drive currently takes on all of the storm water from the
30 adjacent subdivision. Any development again regardless of type will have to construct a storm water
32 system that can handle the on-site storm water as well as the storm water that flows down Valley from the
34 adjacent subdivision. The site is heavily treed and at the time of final plat for any type of development, a
36 tree mitigation plan must be approved by the Planning and Zoning Commission. If the property was ever
to develop as single-family, once the dwellings are occupied and owned by individual homeowners each
lot would be exempt from the tree preservation ordinance. This would permit the possible removal of all
trees located on single-family lots. If the property was to develop as assisted living the development
would be subject to the landscape plan, tree mitigation plan and tree preservation ordinance with no
exemptions.

38 The Comprehensive Plan includes the following Land Use Policies that staff feels are pertinent to
40 the zoning application:

42 *"A site's dominant natural features—topography, vegetation, drainage and their suitability for
particular uses or layouts—should be prime considerations in rezoning discussions."*

44 *"Provide for a more compact and integrated mix of land uses and densities that will encourage
46 economic vitality, more self-sufficient neighborhoods, efficient use of land and city services, and a
strong sense of community. Discourage development practices that result in sprawl."*

48 *"Preserve the majority of floodplains to reduce the risk of long term flooding and to provide
50 interconnectivity of residents and workers within the community through a citywide open space
and trail system."*

52 Staff feels the Planning and Zoning Commission and City Council should consider the assisted
54 living facility providing a low impact transition and buffer between the Neighborhood Wal-Mart and
existing single-family homes.

2 Notices were mailed to 23 property owners within 200-ft of the subject tract, and at the time of this
4 report, one response "in opposition" and 3 responses "in favor" have been returned from owners within
the buffer area.

6 Staff recommends approval with the following conditions and Development Standards:
8 Conditions of Approval:

- 10 1. Submittal of PD Site Plan
- 12 2. Adherence to the Concept/Development Plan, to be attached as Exhibit "B".
- 14 3. A preliminary tree survey at the time of Preliminary Plat.

14 Development Standards:

- 16 A. The development in the area indicated on Exhibit "B", attached hereto shall be subject to
the following conditions and restrictions:
 - 18 1) Subject to the permitted uses and development standards of Article V, Section 3.4
20 (SF-10) Single-Family Residential District of the City of Rockwall Unified
22 Development Code as heretofore amended, as amended herein by granting of this
zoning change, and as may be amended in the future, and subject to the following
additional conditions:
 - 24 a. Additional Permitted Land Uses-
 - 26 ▪ Assisted Living Facility
 - 28 2) The development shall adhere to the approved Site Plan, and Elevations attached
hereto as Exhibits "B," and "C" respectively.
 - 30 3) Maximum Number of Lots – 1
 - 32 4) All proposed buildings shall be subject to future site plan and Architectural review. All
four (4) facades of each building throughout the development shall be constructed
34 with a consistent design scheme and materials as approved by the Architectural
Review Board.
 - 36 5) In addition to the outdoor lighting requirements of the Unified Development Code, no
light pole, pole base or combination thereof shall exceed twenty (20) feet. All lighting
38 fixtures shall focus light downward and be contained on the site.
 - 40 6) All exterior lighting shall have a maximum of 0.2 foot-candles when measured three
feet above grade at the property line.
 - 42 7) All structures shall be constructed with a pitched roof system.
 - 44 8) All rooftop and ground mounted equipment must be orientated away from existing
46 single-family residences and screened from adjacent properties and rights-of-way.
 - 48 9) All landscaping and screening shall comply with Article VIII Landscape Standards of
the Unified Development Code.
 - 50 10) A landscape screen shall be provided adjacent to Single-Family zoning district(s),
52 and shall be reviewed in detail at the time of PD site plan.

54 Jackson asked if a clause could be added that if emergency vehicles access the property the
56 sirens not be used. Spencer replied that is something that can be covered by the EMS standards of
practice.

2 Jackson also asked about the location of the historic rock wall. Spencer stated that an in-
4 depth analysis has not been conducted, but he doesn't believe it is on the subject property.

6 Buchanan asked if Valley Drive is the only point of access to this property. Spencer stated
8 that currently that is the only available access, whether it is developed with single family or the
10 proposed assisted living.

12 Buchanan also asked if there are restrictions on signage. Spencer stated the Commission
14 could further restrict the sign requirements as part of the PD if they desire.

16 Hunter opened the public hearing at 6:21 pm.

18 **Matt King, applicant, 2319 Widsom Crest Circle, Heath,** made a brief presentation and
20 was present to answer questions.

22 Herbst asked what the target resident would be, and if the residents would drive.

24 **Mr. Les Hansen, 1020 Ridge Rd Ct, Rockwall (owner/developer),** stated that he had
26 toured about 32 assisting living facilities that they are looking to model this after. At each of those
28 facilities he never witnessed a resident drive. He expects the average age of the facility to be 82
30 years old. Additionally, the facility will not be a memory care facility.

32 Buchanan asked about the traffic study, and if it took into account all the physical therapists,
34 occupational therapists, visitors, etc that come with such facilities.

36 Jackson stated she has been involved with the design of similar facilities, and asked if a
38 shuttle bus would be utilized. Mr. Hansen stated that they would probably own a van to transport
40 residents when necessary.

42 Hunter asked about access to City property. King stated that the parking spaces are located
44 close to the city property, and a concrete sidewalk would probably be installed to provide the easiest
46 access.

48 Herbst asked about fire department requirements. Spencer stated the applicant has been in
50 contact with the fire department about using wall hydrants if necessary, but that the cul-de-sac is
52 designed to accommodate fire vehicles.

54 **James Mills, 207 Valley Drive,** stated there are 72 families in the vicinity that would be
56 affected by the access to the project. He asked if the City would eventually try to buy the property so
that they get the access to their property, or if they would try to come from Kaufman, or Wal-Mart.
LaCroix stated there is currently an access easement through the subject site to the City property. Mr.
Mills also expressed concerns about a lack of effort to protect the "rock wall."

Stubbs asked what Mr. Mills what he would like to see happen with the property. Mr. Mills
replied that he would be ok with the project if it was accessed from Rusk or Kaufman.

Lorraine Glover, 205 Valley Drive, stated she is concerned about traffic through the
neighborhood.

Robert Beaumont, 218 Alta Vista Dr, stated he is concerned about traffic impact and the
proposed tin roof of the facility. He does not want to look down on a shiny roof.

Autumn Quinton, 303 Valley Drive, stated she has concerns about traffic. Her grandmother
was a resident in the Summer Ridge assisted living facility, and that the applicant's report regarding
the number of trips generated by the assisted living seems incorrect. She also expressed concerns
about kids playing in the street and speeding ambulances.

2 LaCroix clarified that the traffic study is based on ITE standards and is compared to other
4 similar uses on a national level.

6 **Mary Sanders, Westway Drive**, discussed that at least eight people have tried to build on
8 the property over the years. She discussed the various locations of the "rock wall" and stated she has
10 some of the same concerns discussed by others.

12 **Merle Moon, 308 Valley Drive**, stated she does not want to see any more traffic in the
14 neighborhood.

16 **Bill Bricker, 505 Westway Drive**, stated it is not right to remove the access easement that
18 currently ensures access to the City property. He is opposed to the project, does not think it adds to
20 the economy for uptown and does not think this is the right location for the project.

22 Stubbs asked where the existing easement is. LaCroix stated that it aligns closely with the
24 proposed cul-de-sac, and clarified that if the road is platted with this project, it would be a public right-
26 of-way and access to the park would remain.

28 **Bob Carroll, 206 Alta Vista Drive**, stated he does not mind the use, but does not think it is
30 right for this location. He also had concerns about dumpsters for the development.

32 **Ron Walker, 212 Alta Vista Drive**, stated he is opposed with concerns about traffic
34 congestion and dumpster smells.

36 **Matt Welch, 202 Valley Drive**, expressed concerns about noise and traffic associated with
38 the proposed development.

40 **Paige Parks, 402 W. Kaufman**, stated she does not feel the project would not add to the
42 neighborhood and downtown area, and agreed with Mr. Carroll's statement that she does not like the
44 commercial creep into the neighborhood.

46 Matt King, applicant, addressed some of the issues brought up by the residents. A dumpster
48 would not be on site, but they are planning an outbuilding or area within the existing buildings to keep
50 trash until the normal residential pick-up. The streets were built to engineering standards in place at
52 the time they were developed. The metal roof is an accent material, while the majority of the building
54 will be asphalt roof. However, that can be changed to all asphalt if it's an offensive issue to neighbors.
56 He reminded that tin roofs could be placed without regulation on eight single family homes. Any
concerns with natural springs can be addressed through engineering, which is a common issue in the
north Rockwall. Food Service trucks can be scheduled so that it does not impact the neighborhood.

King also clarified with Mr. Hansen that there would be a 4:1 ratio of staff to resident, or 3 to 5
employees per building. They would change 3 times per day due to shift changes.

Buchanan asked for clarification on the size of the facility's staff, and the number of shifts.

Chris Cuny, 4 Terra Bella, Heath, engineer for the project, stated that Dunaway &
Associates had performed the traffic analysis based on ITE standards as LaCroix covered earlier. He
stated that they are not advocating there will not be a traffic impact, and that even with one additional
home on the property existing traffic is impacted. The study does point out the peak hour differences
between single family and the proposed assisted living use.

Ms. Quinton asked to readdress the Commission, and asked about the types of employees
on each shift. Mr. Hansen stated that the State mandates a caregiver for every four residents, and
there will also be a manager (Mr. Hansen's daughter, who is a nurse at Presbyterian currently) and
other personnel. There may be as many as 6 employees per building at certain times of the day.

2 With no further public comment, Hunter closed the public hearing at 7:14 pm.

4 The Commission further discussed the traffic analysis, as well as the City's plans for the
6 future park site and maintaining access to the site.

8 **Commissioner Stubbs made a motion to deny Z2010-003, a request by Matthew King for
10 approval of a zoning change from (SF-10) Single Family Residential district to (PD)
12 Planned Development district, specifically to allow for an assisted living development
14 on the 2.642-acre subject tract, which is known as Lot AB, Block 87, B. F. Boydston
16 Survey and located south of the Highwood Addition at the termination of Valley Drive.**

18 Commissioner Buchanan seconded the motion.

20 After further discussion, the motion voted on and passed 4 to 2, with Hunter and Jackson
22 voting against.

24 **4. Z2010-004**

26 **Hold a public hearing and consider a request by Jeremy Yee of CEI Engineering Associates
28 for approval of a Specific Use Permit (SUP) to allow for a "retail store with gasoline product
30 sales with more than 2 dispensers" within (PD-9) Planned Development No. 9 district, in
32 association with a 7-Eleven proposed to be located on Lot 1, Block B, Horizon Ridge Center
34 North Addition, being a 0.9-acre tract situated at the southwest corner of Horizon Rd and
36 Tubbs Rd, and take any action necessary.**

38 Hampton stated the subject site is 0.9-acre and located at the southeast corner of FM 3097
40 and Tubbs Td within (PD-9) Planned Development No. 9 district. The tract is part of the Horizon
42 Ridge Center North Addition, which was preliminary platted in 2006 as part of the Presbyterian
44 Hospital development north of Tubbs Rd. The underlying zoning for this part of PD-9 is General
46 Retail, which allows for a convenience store with up to two gas pumps. However, since the applicant
48 is proposing six gas pumps, a Specific Use Permit (SUP) is required.

50 Concurrently with the SUP application, the applicant has submitted a full site plan application.
52 If the SUP were approved, staff would recommend attaching the site plan and proposed building
54 elevations to ensure that any future convenience store w/ gas pumps strictly adhere to said plans.
The site plan indicates a 2,940-sf convenience store, and is similar to the previous SUP/site plan
application made by 7-Eleven in late 2009. The applicant has indicated outside locations for an ice
machine, propane sales and a "Red Box" DVD rental kiosk. If these are allowed by ordinance, staff
would propose that no other outside display or storage be allowed on the premises.

The building elevations have been significantly altered to incorporate a pitched roof system
and the addition of natural stone to each facade. The changes are intended to address comments
made by the Commission and the public at that time. Hampton added that there are no variances
associated with the building elevations.

Seven (7) notices were sent to property owners within 200 ft. of the site, and so far a total of
three notices "in favor" have been returned, including the property owner, the hospital, and the
original developer of Foxchase.

If the Specific Use Permit (SUP) is approved, staff would offer the following conditions:

1. That the development shall strictly adhere to the approved site plan (Exhibit "A") and building elevations (Exhibit "B").
2. No outside display of merchandise or outside storage shall be allowed on the property, with the exception of the following items as indicated on the approved site plan: ice machine, propane cage, and "red box" DVD rental kiosk.

3. TXDOT approval for proposed driveway off of FM 3097 (Horizon Rd).
4. Adherence to all engineering and fire department requirements.
5. With development of adjacent office/retail tract to south and east of subject site, the dumpster enclosure should be re-oriented so that gates do not face a public street.
6. No pole sign shall be allowed.

Hunter clarified that the only reason for the SUP is the additional pumps, 6 instead of 2. Hampton replied yes, that is the bottom line.

Herbst asked about the 6 pumps at Scotty's Exxon, and what the ramifications are to the City if we approved them for Scotty's but not this site. Hampton stated that the Scotty's site is zoned Commercial, which allows for more than 2 pumps. But the City has approved other SUPs for gas stations, such as the 7-Eleven in the north part of the City. LaCroix stated that the Kroger store was also granted 4 or 6 pumps, and it is also zoned PD-9. Those were never put in, however.

Hunter opened the public hearing at 7:49 pm

Jeremy Yee, applicant, CEI Engineering, 3030 LBJ Freeway, Suite 100, Dallas, TX, was present to answer questions. Mr. Yee showed an overall concept plan for the 5-acre tract next to the Foxchase Park, and clarified that 7-11 is only on the corner.

James Massey, 2508 Elk Trail, Plano, Texas, 7-Eleven Real Estate Manager, stated that 7-Eleven has listened to the City and neighbor's comments from before. The new store to the north was favorable to their original design, so they have brought back the current proposal which includes the pitched roof and stone elements. They have maintained some of the green elements such as building insulation which will make this a better store. He reiterated that the site will be a couple hundred yards away from the park and will eventually be shielded by future office buildings.

Buchanan asked about where the ice machine would be. Mr. Massey stated typically they are in front, and also that the Redbox machine is built as "weatherproof" and do not need to be under the canopy.

Rick Mace, 1160 Skylar Drive, thanked 7-Eleven for coming back with a little better product than before. He presented a map of other gas stations in the area showing 18 pumps – or 36 nozzles – within a 1-mile radius. Another 36 vehicles can be accommodated when you add in sites such as Costco which are further away. There doesn't seem to be a need for additional gas pumps, nor the retail and other associated products in the convenience store. He also expressed concerns about kids walking across Horizon Road to access the store.

Arlene Scott, 834 Hunters Glen, stated she is concerned about the traffic and the additional gas pumps. She also commended 7-Eleven for a better design, but pointed out it does not show the overall picture including gas canopy. She still believes this is not the best place for the use.

Rob Whittle, 2101 Summer Lee Drive, stated he is the original owner of the property who put the zoning in place in 1986. The zoning also included Foxchase and Rainbow Lake. He stated that 25 years ago, this is exactly what was in mind. The only reason the City went with the PD instead of Commercial zoning was so that the City could better dictate what the buildings would look like. He was not in favor of the first 7-eleven building brought to the City, but the new version with the roof and stone is exactly what the vision was for this corner. He stated that the real difference between 2 pumps and 6 pumps is that, 7-Eleven will be able to do a much better building and it makes more economical sense. If they are turned down, somebody else will grab the spot and do a 2-pump store that doesn't look as good and will likely fail.

2 **George Schuler, 5300 Seascapes Lane, Plano, TX**, stated he has owned the property for 10
4 years and is pleased Mr. Whittle supports the plan. He had a partial plan on property to the south that
6 Mr. Whittle did not support. Mr. Schuler also discussed that he has been working with the City for
8 many years, including the original gift that became Foxchase Park. He has met with the hospital, who
believes 7-eleven is a blue chip company that will add to the overall quality of the hospital district.

10 James Massey readdressed the Commission, and specifically discussed their research that
12 justifies that there is a considerable market for additional gas pumps. There are 8 pumps (EZ Mart
14 and Scotty's) that might compete, but all the other gas stations alluded to earlier are in a highway
16 market. The 7-Eleven is a convenience market that will accompany an already existing 24-hour use
18 hospital. He also stated there are plans for a traffic light to be installed at this intersection, which staff
confirmed. Mr. Massey also commented that in terms of alcohol sales, 7-eleven is a leader of
developing programs that ensure proper training of employees and store operations to ensure all age-
restricted items are sold appropriately. In his 25 years with 7-Eleven, they have always maintained
their stores and develop attractive stores.

20 With no further public comment, the public hearing was closed at 8:15 pm.

22 Herbst stated he believes we have the ability to approve a nice project with the 6-pumps, and
will not have as much control over the allowed 2-pump store.

24 Minth asked for what control the City would have on a 2-pump store. Hampton stated that the
26 City has general standards that would have to be met, such as articulation and 20% stone. However,
it's not in an Overlay district. The City does not require true stone on this site, or even a pitched roof.
28 The hospital has its own Architectural Review process that controls what goes on, but this site is not
part of that.

30 Minth continued that she still has concerns about the need for 6 pumps. If Kroger did not see
32 the need for building them, why are they needed now. LaCroix stated that Kroger in fact wants the
pumps, but they do not own the property where they were allowed. If Kroger were to come in to ask
34 for 6 pumps, the Commission should consider the request the same way.

36 Buchanan stated he does not think the City should approach a case with the idea that this is
the best we can get. He complemented the building changes, but still does not feel it is the right place
38 for the use.

40 Hunter stated he thinks it would seem better to have control over the use in this case. If it's
42 between 2 pumps and 6 pumps, and the convenience store is going to be there regardless, he would
rather see it be successful. In that regard, he would prefer the better designed, 6-pump store that
would be more likely to succeed.

44 **Commissioner Jackson made a motion to approve Z2010-004, a request by Jeremy Yee**
46 **of CEI Engineering Associates for approval of a Specific Use Permit (SUP) to allow for**
48 **a "retail store with gasoline product sales with more than 2 dispensers" within (PD-9)**
Planned Development No. 9 district, in association with a 7-Eleven proposed to be
50 **located on Lot 1, Block B, Horizon Ridge Center North Addition, being a 0.9-acre tract**
situated at the southwest corner of Horizon Rd and Tubbs Rd, with staff
recommendations.

52 Commissioner Herbst seconded the motion.

54 Minth stated she had concerns about the "Redbox" DVD kiosk being outside the building. She
56 would rather they not be allowed outside the building.

2 After discussion, the applicant stated they would be ok with having just the ice machine and
4 propane outside.

6 Commissioner Jackson amended her motion so that the Redbox kiosk not be allowed outside
but can be allowed inside the store. Commissioner Herbst amended his second.

8 The amended motion was voted on and FAILED by a vote of 3 to 3 (Buchanan, Stubbs and
10 Minth against).

12 Commissioner Jackson asked if it was possible to make a motion to table the item so that all
7 members of the Commission could be present.

14 *After some discussion, and at the request of staff, Hunter called for a recess so that the City
16 Attorney could be contacted about procedural options since the public hearing had been closed.*

18 **After the recess, Commissioner Jackson made a motion to approve Z2010-004, a
request by Jeremy Yee of CEI Engineering Associates for approval of a Specific Use
20 Permit (SUP) to allow for a "retail store with gasoline product sales with more than 2
dispensers" within (PD-9) Planned Development No. 9 district, in association with a 7-
22 Eleven proposed to be located on Lot 1, Block B, Horizon Ridge Center North Addition,
being a 0.9-acre tract situated at the southwest corner of Horizon Rd and Tubbs Rd,
with staff recommendations and the following additional conditions:**

- 24 1. Total number of fuel pumps be reduced from six (6) to four (4) pumps.
- 26 2. "Redbox" DVD kiosk not be allowed outside the building.

28 Commissioner Herbst seconded the motion.

30 It was voted on and FAILED by a vote of 3 to 3 (Buchanan, Stubbs and Minth against).

32 Commissioner Herbst made a motion to table Z2010-004, a request by Jeremy Yee of
CEI Engineering Associates for approval of a Specific Use Permit (SUP) to allow for a
34 "retail store with gasoline product sales with more than 2 dispensers" within (PD-9)
Planned Development No. 9 district, in association with a 7-Eleven proposed to be
36 located on Lot 1, Block B, Horizon Ridge Center North Addition, being a 0.9-acre tract
situated at the southwest corner of Horizon Rd and Tubbs Rd.

38 Commissioner Minth seconded the motion.

40 It was voted on and passed 5 to 1 (Jackson against).

42 SITE PLANS / PLATS

44 5. SP2010-003

46 Discuss and consider a request by Jeremy Yee of CEI Engineering Associates for approval of
a site plan for a 7-Eleven retail store with gasoline product sales, located on the proposed Lot
48 1, Block B, Horizon Ridge Center North Addition, being a 0.9-acre tract situated at the
southwest corner of Horizon Rd and Tubbs Rd, zoned (PD-9) Planned Development No. 9
district and designated for (GR) General Retail uses, and take any action necessary.

50 Hunter asked for a motion to table this item since the SUP for 7-Eleven was tabled.

52 Commissioner Minth made a motion to table SP2010-003, a request by Jeremy Yee of
54 CEI Engineering Associates for approval of a site plan for a 7-Eleven retail store with
gasoline product sales, located on the proposed Lot 1, Block B, Horizon Ridge Center
56 North Addition, being a 0.9-acre tract situated at the southwest corner of Horizon Rd

2 and Tubbs Rd, zoned (PD-9) Planned Development No. 9 district and designated for
4 (GR) General Retail uses.

6 Commissioner Herbst seconded the motion.

8 It was voted on and passed 6 to 0.

10 6. P2010-001

12 Discuss and consider a request by Kennis Ketchum of Rockwall Court, Ltd for approval of a
14 replat of Lot 2R, Block A, Canyon Ridge-Canyon Ranch Addition (aka Pebblebrook
Apartments Phase 2 Addition), being 8.9152-acres zoned (MF-14) Multi-Family Residential
district and located along the north side of Yellow Jacket Lane east of Waterstone Estates and
west of SH 205 (S Goliad), and take any action necessary.

16 Hampton stated that the applicant, Kennis Ketchum, has submitted a replat application that
18 would accommodate the development of the 124-unit multi-family residential complex known as
Sonoma Court. The 8.9-acre site is accessed from Yellow Jacket Lane, and is situated between the
20 existing Canyon Ridge apartments and Waterstone Estates.

22 A site plan and replat were originally approved for the project in early 2003 (then known as
"Canyon Ranch"). The replat was filed; however, construction never occurred on the property. A new
24 site plan for the project was approved in June 2008, and is valid until June 2010. While largely similar
to the earlier site plan, the new plan requires a replat to accommodate adjustments to several utility,
26 access and firelane easements to meet current Code requirements.

28 One significant change to the replat is that a 24-ft emergency access easement is proposed
on the west part of the site that would connect the development to the Our Lady of the Lake Catholic
Church. The applicant has agreed to provide the emergency access point, acknowledging a
30 longstanding concern of the City that a secondary point of access into the church and Heritage
Christian Academy sites does not exist. The ultimate connection would be a responsibility of the
32 church, and as proposed is intended to be a gated drive that would be open during emergency
situations only.

34 The replat appears to meet all requirements of the MF-14 district and Unified Development
36 Code, and staff would recommend approval. It should be noted that as of the time of this report, the
applicant has not signed the waiver to the 30-day statutory limit for plat consideration, so the
38 Commission must take action on this replat at the March 9, 2010 meeting.

40 Hampton further explained that a landscape plan was also approved in 2003 and 2008;
42 however, the final tree preservation/mitigation plan must be approved by the Planning and Zoning
Commission in conjunction with the replat. The applicant's approved site plan results in the removal of
44 1449-inches of protected trees, while 529-inches are to be preserved. The approved landscape plan
provides for 1022-inches of proposed onsite mitigation, leaving a "balance due" of 427-inches.

46 The applicant has stated their preference is to establish a "tree bank" at their landscape
48 supplier for the remaining 427-inches that would allow the Parks Department to obtain and plant the
trees in public areas on an as-needed basis. However, the applicant has also indicated to staff that
50 they would like to have the flexibility to install additional mitigation trees on the site or increase the
size of the mitigation trees (e.g. from 4" to 6"), if the landscape professionals determine that it's
52 feasible to do so at the time of construction.

54 On 3/2/10, the Park Board voted 5 to 0 to accept the replat and fees as submitted. The replat
is located in District 20. The pro-rata equipment fees are \$394 per dwelling unit for a total of \$48,856.
56 The cash-in-lieu of land fees are \$317 per unit for a total of \$39,308.

Staff recommends approval of the replat with the following conditions:

1. Adherence to all Engineering and Fire Department requirements.
2. Add signature/date line for Planning and Zoning Commission.
3. Adherence to Parks Board requirements.
4. Outstanding 427-inches of tree mitigation shall be addressed by one or a combination of the following methods, to be administered by the Planning Department:
 - a. Payment of \$125 per inch into the City's tree fund.
 - b. Additional trees to be added to the approved landscape plan and/or caliper sizes of new trees on the approved landscape plan to be increased (e.g. 4" to 6" caliper).
 - c. Developer shall be permitted to establish an account for any or all remaining caliper inches at their landscape supplier that would allow the City of Rockwall Parks Department to obtain the trees on an as-needed basis for installation at City park sites, right-of-ways, and other public areas.

Kennis Ketchum, applicant, and Herb Meeks, landscape architect, were both present to answer questions.

Hunter asked about the letter given to the Commission regarding tree types to be used. Hampton stated that if trees are set aside for the City to plant elsewhere, these are the types of trees that would be used.

Stubbs asked where the buildings would be. Hampton stated there are 8 buildings, and showed the approved site plan to illustrate the layout. Stubbs clarified that the plat meets our requirements and staff recommendation. Hampton stated it does meet our requirements, and recommends approval.

Buchanan stated he has concerns about the line of sight from the taller buildings into Waterstone, as well as the swimming pool location. He asked if there are spaces left on the landscape plan that additional landscaping be planted to mitigate those concerns.

Ms. Ketchum stated she has been in contact with the neighborhood and hopes to work something out. However, these issues are not part of the plat process and she would like to move forward with the approval. They intend to plant trees on the property as they would rather not have them go in a park. The approved location is the best location for the pool given how tight the site is.

The Commission and applicant discussed the elevation changes on the property. The applicant stated that the finished elevation of the pool should be below the grade of the adjacent backyards.

After further discussion, Commissioner Herbst made a motion to approve P2010-001, a request by Kennis Ketchum of Rockwall Court, Ltd for approval of a replat of Lot 2R, Block A, Canyon Ridge-Canyon Ranch Addition (aka Pebblebrook Apartments Phase 2 Addition), being 8.9152-acres zoned (MF-14) Multi-Family Residential district and located along the north side of Yellow Jacket Lane east of Waterstone Estates and west of SH 205 (S Goliad), with staff recommendations.

Commissioner Minth seconded the motion.

It was voted on and passed 6 to 0.

7. **SP2010-002**

Discuss and consider a request by Steven Reyes of Ramsay Architects for approval of a site plan for the Dr. David Miller building, being a 3,628-sf medical office facility located on Lot 17,

2 **Block A, Presbyterian Hospital of Rockwall Addition, being 0.499-acres zoned (PD-9) Planned**
4 **Development No. 9 district and located along the south side of Rockwall Parkway east of**
6 **Summer Lee Drive, and take any action necessary.**

6 Gonzales outlined that the applicant has submitted a site plan for a new 3628 sq. ft. medical
8 office building to be located within the Presbyterian Hospital of Rockwall Addition. The site will be
10 accessed via a mutual access easement connected to the existing private hospital driveway at
12 Rockwall Parkway. The currently platted access easement will need to be abandoned and the
14 proposed access point will need to be dedicated either by separate instrument or as a replat. Staff is
requiring a letter from Presbyterian Hospital granting access to the site from their private drive. The
parking requirements for a medical facility are calculated at 1 space per 200 sq. ft. of building area.
Based on the square footage, nineteen (19) spaces are required for the site, of which the applicant
has proposed including one space dedicated for handicapped parking.

16 The landscape plan submitted shows 38% of the site to be landscaped, which exceeds the
18 10% requirement established for PD-9. The proposed plan indicates three large 3" caliper trees along
20 Rockwall Parkway. During the 2/23/10 work session, staff recommended the addition of another large
22 tree towards the south end of the site, so that parking spaces would not exceed 80-feet from a large
24 tree. Staff also recommended screening around the 20X20 transformer box easement. The applicant
has proposed a large tree to be located at the southwest corner of the building, meeting the distance
requirements for the parking spaces as well as providing evergreen shrubbery to screen the
transformer. The remainder of the site will be landscaped with shrubbery, plants, and grass, as well
as 3 crape myrtles located to the northeast of the site.

26 A revised photometric plan and cut sheets were submitted during the work session that
28 indicates compliance with the City's standards of 0.2-foot candles at the property line. The one light
standard on site shows to be a maximum height of 15 feet and the wall packs are to be fully cut-off.

30 Finally, the building elevations submitted were revised based on the ARB and P&Z work
32 session. The Architectural Review Board recommended a variation to the roofline and entry features
34 to be incorporated into the design as well as provide more contrast to the stone, stucco and roof
36 colors. A 3-D color rendering has been submitted to indicate such changes. The maximum height of
the structure will be 18' 8" and will be comprised of stone, stucco and a standing seam metal roof.
Copper colored wrought iron canopies will be incorporated into the structure to provide shade for
some of the windows, as indicated by the applicant during the work session.

38 Staff recommends approval of the site plan request with the following conditions:

- 40 1. Adherence to all Engineering and Fire Department standards.
- 42 2. Abandon access easement that is currently platted by separate instrument or replat.
- 44 3. Provide letter from Presbyterian Hospital granting permission to access site from their
private drive.
- 46 4. Dedicate proposed access easement by separate instrument or replat.
- 48 5. All ground mounted mechanical equipment shall be screened from adjacent rights-of-way
and properties.
- 50 6. All exterior lighting (poles and wall mounted fixtures) shall be directed downward and
shielded (fully cut-off with a maximum 1 inch reveal).
- 52 7. Maximum light intensity of 0.2-foot candles at all property lines shall be maintained.

50 **Ross Ramsay, architect**, was present to answer questions. He also presented a revised
52 building elevation showing additional articulation to the roofline.

2 Commissioner Herbst made a motion to approve SP2010-002, a request by Steven
4 Reyes of Ramsay Architects for approval of a site plan for the Dr. David Miller building,
6 being a 3,628-sf medical office facility located on Lot 17, Block A, Presbyterian
8 Hospital of Rockwall Addition, being 0.499-acres zoned (PD-9) Planned Development
No. 9 district and located along the south side of Rockwall Parkway east of Summer
Lee Drive, with staff recommendations and including the applicant's revised elevation.

10 Commissioner Stubbs seconded the motion.

12 Minth asked if the Commission should approve both elevations in the event the hospital's
14 architectural committee does not approve the new one. LaCroix stated that unless the Commission
has an objection with either version of the elevations, it would not need to come back for further
review. No objections were stated.

16 It was voted on and passed 6 to 0.

18 **DISCUSSION ITEMS**

20 **8. Planning Director's Report on the following Planning and Zoning Commission matters that
22 have been recently acted on by City Council:**

24 a) Z2010-001: 2620 White Road (Ag to SF-E/4.0)

26 LaCroix stated that the City Council approved the zoning change for Mr. Himmelreich, though
28 only for a portion of the property that will allow him to build the pavilion.

30 b) SP2010-001: Exception to Masonry Standards (433 National Drive)

32 LaCroix stated that the Council denied the exceptions for 433 National Drive.

34 c) P2010-002: Flagstone Corners – Final Plat

36 d) P2010-003: Rock Ridge Office Park Addition – Replat

38 LaCroix stated that both plats had been approved by City Council.

40 **ADJOURNMENT**

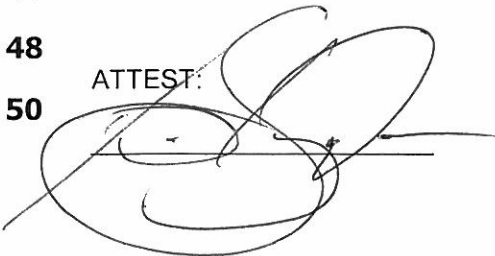
42 With no further business, the meeting adjourned at 9:33 p.m.

44 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
46 ROCKWALL, Texas, this 30th day of MARCH, 2010.

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48 Michael Hunter, Chairman

50 ATTEST:



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**Minutes of
PLANNING AND ZONING COMMISSION WORK SESSION
March 30, 2010**

CALL TO ORDER

The meeting was called to order by Michael Hunter at 6:01 p.m. with the following members present: Barry Buchanan, Connie Jackson, Phillip Herbst, and Tony Hayes. Mark Stubbs was absent, and Kristen Minth arrived late at 6:50 pm.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer, and David Gonzales.

CONSENT AGENDA ITEMS

1. Approval of Minutes for March 9, 2010 Planning and Zoning Commission meeting

Herbst made a motion to approve the minutes for March 9, 2010.

Jackson seconded the motion.

A vote was taken, and the motion passed by a vote of 4 to 0 (Hayes abstained).

Chairman Hunter noted that Action Items 2a and 2b were tabled at the last meeting, and that he will move these items to the end of tonight's agenda to give extra time for the absent Commissioners to arrive.

DISCUSSION ITEMS

2. P2010-004

Discuss and consider a request by Mike Allen of Allen & Ridinger Consulting, Inc., for approval of a replat of Lot 5, Block 1, Horizon Village Addition, being 0.943-acre zoned (C) Commercial district and located at 750 W. Ralph Hall Parkway, and take any action necessary.

Spencer briefly summarized the purpose of the replat request, stating that a portion of the existing drainage easement is being abandoned to accommodate the construction of a sign for NTB that is under construction.

J.D. Lawrence of Allen & Ridinger, was present to answer questions.

3. Z2010-005

Discuss and consider a request by Scott Jungels for approval of a Specific Use Permit (SUP) allowing for a gazebo (i.e. pergola) exceeding the maximum requirements within the Lake Ray Hubbard Takeline Overlay (TL OV) District, in the take area adjacent to his property at 1200 Crestcove Drive, being Lot 25, Block B, Hillcrest Shores Phase 3 Addition.

Gonzales discussed the purpose of the SUP, stating that the applicant is seeking to construct a gazebo/pergola within the takeline that exceeds the City requirements. The applicant has received two other SUPs in the past for landings that exceeded standards as well as a concrete patio. The concrete patio required the SUP as they are typically required to be wood or native stone. The applicant would like to construct the gazebo on the existing patio. It does not have a roof or cupola as required, and exceeds the 10-ft x 10-ft size. The structure will have to comply with other takeline specifications. Gonzales discussed other takeline requirements for gazebos, and explained that a public hearing will be held in two weeks.

Mr. Jungels was not in town for tonight's meetings.

2 Jackson asked if we would be setting ourselves up for other people to ask for larger
4 facilities. Gonzales explained this is the reason for the SUP provision, to give the City the ability
6 to consider them on a case by case basis. Gonzales added that there are 5 to 10 other pergola
8 type structures that were built prior to the takeline ordinance adoption.

10 Jackson asked if the material of the gazebo would match the material of the boat house,
12 in terms of color, roof, etc so that they at least blend together. Hampton stated there is not a roof
14 on the pergola. The issue is that the City does not have a standard for a pergola, but that gazebo
16 is the closest thing to it. The SUP request is for a gazebo without the required roof and cupola
18 elements. Jackson verified that the wood portions are weather treated. Gonzales explained that a
20 spec sheet for the materials had been turned in, but that staff would verify with the applicant
22 about the materials.

24 Buchanan asked what the height would be. Gonzales stated he did not know exactly how
26 high the pergola would be. Discussion followed about the landing stairs structures in this area and
28 the associated storage areas under those landings.

30 Herbst clarified the proposed roof, and also stated the height depicted in the applicant's
32 drawing appears to be incorrect.

34 **4. Z2010-006**

36 ***Discuss and consider a request by Jonathan Hake of Cross Engineering Consultants for
38 approval of a Specific Use Permit (SUP) to allow for "Automotive Repair, Minor" within (PD-9)
40 Planned Development No. 9 District, specifically a Christian Brothers Automotive on part of
42 Lot 1, Block A, Horizon Ridge Center Addition, being 0.63-acres and situated at the southeast
44 corner of FM 3097 and Rockwall Parkway.***

46 Hampton discussed the SUP for Christian Brothers, stating that the applicant has come
48 forward with this site after ultimately being denied by City Council on a different site near the Wal-
50 Mart Neighborhood Market in late 2009. The current proposal is near the Presbyterian Hospital.
52 Hampton described the history of the site and surrounding properties, and discussed the site plan
54 and proposed building elevations for Christian Brothers. A future site plan application will be
56 required if approved. The applicant, as well as Mr. Robert Vann (developer) and the project
architect, were present to answer any questions.

60 Buchanan asked if there were any plans on the lots on either side of the project.
62 Hampton stated no, and that the current owner would retain ownership of the hard corner. The
64 other side of the subject property is a small lot owned by the hospital group, but there are no
66 concrete plans at this time.

68 Hunter asked if the elevations were labeled incorrectly. Hampton determined that they
70 were, and clarified that the office/showroom side of the building is on the Horizon Road side of
72 the building.

74 Herbst asked if the applicant owned the tracts on both sides of the property. Jonathan
76 Hake stated no, and that Christian Brothers is looking to buy only .6-acre from the 1.5-acre
property at the corner. Herbst added that he agreed with staff that additional articulation was
needed on the back side of the building, and recommended they look at the Firestone
development in town as an example.

78 **ACTION ITEMS**

80 **5. a) Z2010-004**

82 ***Discuss and consider a request by Jeremy Yee of CEI Engineering Associates for approval of
84 a Specific Use Permit (SUP) to allow for a "retail store with gasoline product sales with more***

2 than 2 dispensers" within (PD-9) Planned Development No. 9 district, in association with a 7-
4 Eleven proposed to be located on Lot 1, Block B, Horizon Ridge Center North Addition, being
6 a 0.9-acre tract situated at the southwest corner of Horizon Rd and Tubbs Rd, and take any
8 action necessary.

10 Hampton briefly summarized the main issues relating to the SUP for 7-Eleven, including
12 outside display and the number of fuel pumps. The case was tabled at the March 9, 2010 meeting
14 after two motions to approve the SUP failed by votes of 3 to 3. The first motion was to approve
16 with six (6) pumps, and the second motion was to approve with four (4) pumps. In both motions
18 the Commission stipulated that the Redbox DVD kiosk not be allowed outside the convenience
20 store, and that the ice machine and propane sales be the only items allowed for outside display.

22 Hampton also summarized the building elevations for the case, which is significantly
24 different from the original application for this project which was denied earlier in the year. He
26 stated that there is no variance associated with the site plan or building elevations, which will be
28 discussed in more detail with the site plan case later.

30 There were seven (7) notices sent out around the property, and notices have been
32 returned representing five (5) of these tracts stating they are in favor of the request. Hampton
34 reminded the Commission that the public hearing for this case was closed on March 9th. He
36 stated that at this time, staff's recommendations remain the same, including the following
38 conditions of approval:

- 40 1. That the development shall strictly adhere to the approved site plan (Exhibit "A") and
42 building elevations (Exhibit "B").
- 44 2. No outside display of merchandise or outside storage shall be allowed on the
46 property, with the exception of the following items as indicated on the approved site
48 plan: ice machine, propane cage, and "red box" DVD rental kiosk.
- 50 3. TXDOT approval for proposed driveway off of FM 3097 (Horizon Rd).
- 52 4. Adherence to all engineering and fire department requirements.
- 54 5. With development of adjacent office/retail tract to south and east of subject site, the
dumpster enclosure should be re-oriented so that gates do not face a public street.
- 56 6. No pole sign shall be allowed.

58 Hunter acknowledged that two Commissioners were still absent, but with an odd number
60 the Commission will be ready to vote on this matter.

62 Hunter then asked the applicant to come forward, and asked for them to first address the
64 alternative plan submitted to the Commission prior to the meeting. The new plan shows four (4)
66 gas pumps and no Redbox dvd kiosk. Hunter asked the applicant to clarify what they are
68 requesting.

70 James Massey, Real Estate Manager for 7-Eleven, stated what they want first and
72 foremost is to be a good and responsible part of the Rockwall community. They feel that there is
74 enough demand to support 6 pumps at this location. This would provide the most convenient
76 service to their customers. He believes they have listened to the concerns of the City and
78 residents throughout the process, and one of those concerns was about the footprint of the gas
80 canopy in the front. They believe that demand can be served by 4 pumps, though it would not be
82 quite as convenient for their customers. In the spirit of cooperation and being a good neighbor, 7-
84 Eleven can live with 4 pumps if that is what makes the City more comfortable with the use. They
86 would also move the Redbox inside, or rather it would not be provided at this location at all. Mr.
88 Massey also discussed the locations where new stores have been well-received and have
90 complemented high-end neighborhoods, including in north Rockwall and several in Frisco.

2 Hunter asked if having 6 pumps as opposed to having 4 would be more profitable, or is it
4 more convenient. Mr. Massey stated that he believes that in this area they are close to the point
6 of diminishing returns when you go beyond 4 pumps, and so the request for 6 pumps is not a
profit issue. It is that when you have 6 pumps, there will almost always be a pump available which
makes it more convenient for the customer.

8 Hunter also asked about the Redbox being outside as opposed to being inside. Mr.
10 Massey stated the store will be well-lit and safe on the outside, and that they are comfortable with
the Redbox being outside. If it is allowed to be outside, the Redbox will be onsite. If it is required
12 to be inside the store, it will depend on space planning whether the service is offered or not.

14 Herbst stated that the proposed store is close to his neighborhood, and he would prefer
to have the Redbox at this location. He also pointed out that south of this location there are no
16 additional gas pumps until you get to Heath.

18 **Commissioner Herbst then made a motion to approve Z2010-004, a request by Jeremy
Yee of CEI Engineering Associates for approval of a Specific Use Permit (SUP) to allow
for a "retail store with gasoline product sales with more than 2 dispensers" within (PD-
20 9) Planned Development No. 9 district, in association with a 7-Eleven proposed to be
located on Lot 1, Block B, Horizon Ridge Center North Addition, being a 0.9-acre tract
22 situated at the southwest corner of Horizon Rd and Tubbs Rd, as originally submitted
with six (6) pumps and the Redbox DVD kiosk outside, and with all other staff
24 recommendations.**

26 **Commissioner Hayes seconded the motion.**

28 **It was voted on and passed 4 to 1, with Buchanan dissenting.**

30 **b) SP2010-003**

32 **Discuss and consider a request by Jeremy Yee of CEI Engineering Associates for approval of
a site plan for a 7-Eleven retail store with gasoline product sales, located on the proposed Lot
34 1, Block B, Horizon Ridge Center North Addition, being a 0.9-acre tract situated at the
southwest corner of Horizon Rd and Tubbs Rd, zoned (PD-9) Planned Development No. 9
36 district and designated for (GR) General Retail uses, and take any action necessary.**

38 Since the site plan and SUP were discussed in detail at the March 9th meeting and again
tonight, Hampton briefly summarized the site plan, landscape plan, lighting plan and building
40 elevations. He reiterated that no variances were being requested by the applicant, and that the
site plan package as submitted appears to meet all requirements of PD-9 and the underlying
42 General Retail zoning district.

44 Hampton stated that on 2/23/10, the Architectural Review Board recommended approval
of the site plan and elevations with the following conditions:

- 46 1. Roof color to be the dark bronze color as shown on the 7-Eleven sample board (i.e.
not brown depicted on computer rendering)
- 48 2. Stone to be added to the gas canopy columns (at least 50% to meet Code) and
dumpster enclosure.

50 The applicant has complied with both of the Architectural Review Board's requirements.

52 If the site plan is approved, staff would offer the following conditions:

- 54 1. Approval of the associated Specific Use Permit (Case # Z2010-004).
- 56 2. No outside display of merchandise or outside storage shall be allowed on the
property, with the exception of the following items as indicated on the site plan: ice
machine, propane cage and "red box" DVD rental kiosk.
3. TXDOT approval for proposed driveway off FM 3097 (Horizon Rd).

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4. Adherence to all engineering and fire department requirements.
 5. Clarification of ROW dedication requirements, if any, at time of final plat.
 6. With development of adjacent office/retail tract to south and east of subject site, the dumpster enclosure should be re-oriented so that gates do not face a public street.

Hunter noted that Commissioner Minth arrived to the meeting at 6:50 pm.

10 Commissioner Jackson made a motion to approve SP2010-003, a request by Jeremy Yee of CEI Engineering Associates for approval of a site plan for a 7-Eleven retail store with gasoline product sales, located on the proposed Lot 1, Block B, Horizon Ridge Center North Addition, being a 0.9-acre tract situated at the southwest corner of Horizon Rd and Tubbs Rd, zoned (PD-9) Planned Development No. 9 district and designated for (GR) General Retail uses, with staff recommendations.

16 Commissioner Herbst seconded the motion.

18 It was voted on and passed 6 to 0.

20 **DISCUSSION ITEMS**

- 22 6. Planning Director's Report on the following Planning and Zoning Commission matters that have been recently acted on by City Council:
- 24 a) Z2010-003: Cottages of Mary Rose (Proposed PD for Assisted Living)

26 LaCroix stated that the Z2010-003 was withdrawn by the applicant prior to consideration by City Council.

28 **ADJOURNMENT**

30 With no further business, the meeting adjourned at 6:52 p.m.

32 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF

34 ROCKWALL, Texas, this 27th day of APRIL, 2010.

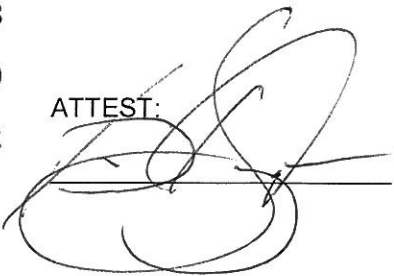
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Michael Hunter, Chairman

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42 ATTEST:



2 **Minutes of**
4 **PLANNING AND ZONING COMMISSION PUBLIC HEARING**
6 **April 13, 2010**

8 **CALL TO ORDER**

8 The meeting was called to order by Vice Chairman Phillip Herbst at 6:03 p.m. with the following
10 members present: Mark Stubbs, Connie Jackson, Kristen Minth and Barry Buchanan. Tony Hayes
was absent, and Michael Hunter arrived at 6:10 pm.

12 Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris
14 Spencer and David Gonzales.

16 **SITE PLANS / PLATS**

18 **1. P2010-004**

18 **Discuss and consider a request by Mike Allen of Allen & Ridinger Consulting, Inc., for**
20 **approval of a replat of Lot 5, Block 1, Horizon Village Addition, being 0.943-acre zoned (C)**
22 **Commercial district and located at 750 W. Ralph Hall Parkway, and take any action necessary.**

22 Spencer outlined that the applicant is requesting approval of a replat of Lot 5, Block 1,
24 Horizon Village Addition, located at Ralph Hall Parkway and east of Horizon Road. The site is
0.943-acres and is zoned (C) Commercial district. The purpose of the replat is to abandon a
26 portion of the drainage easement along Ralph Hall Parkway to allow for a detached sign.

28 Staff recommends approval subject to the following conditions:

- 28 1. Adherence to all Engineering and Fire Department standards.
- 30 2. Removal of the word "Amending" from the title block and note #4.

32 **After brief discussion, Commissioner Jackson made a motion to approve P2010-004, a**
34 **request by Mike Allen of Allen & Ridinger Consulting, Inc., for approval of a replat of**
36 **Lot 5, Block 1, Horizon Village Addition, being 0.943-acre zoned (C) Commercial**
38 **district and located at 750 W. Ralph Hall Parkway, with staff recommendations.**

36 Commissioner Minth seconded the motion.

38 It was voted on and passed by a vote of 5 to 0.

40 **PUBLIC HEARING ITEMS**

42 **2. Z2010-006**

44 **Hold a public hearing and consider a request by Jonathan Hake of Cross Engineering**
46 **Consultants for approval of a Specific Use Permit (SUP) to allow for "Automotive Repair,**
48 **Minor" within (PD-9) Planned Development No. 9 District, specifically a Christian Brothers**
Automotive on part of Lot 1, Block A, Horizon Ridge Center Addition, being 0.63-acres and
situated at the southeast corner of FM 3097 and Rockwall Parkway, and take any action
necessary.

50 Hampton outlined the case, stating that the applicant has submitted an application for a
52 Specific Use Permit to allow for a stand-alone "Auto Repair Garage, Minor" within the (PD-9)
Planned Development No. 9 district, which has an underlying "GR" General Retail classification.

2 Staff recommended that a conceptual site plan and building elevations be submitted for
4 the Planning and Zoning Commission and City Council to consider the proposed use. The
6 proposed building includes nine (9) service bays, and has been oriented in a manner that the
8 bays do not face Horizon Rd, which follows City specifications. The front of the proposed
10 structure closest to Horizon Rd features the office/showroom part of the building. The applicant
12 has provided adequate parking to meet City standards. The site will be accessed from a "right-
14 in/right-out only" drive from Horizon Rd, and also tie into an existing shared drive in the rear of the
16 site that connects to existing medical offices and the Presbyterian hospital development.

18 The conceptual building elevations appear to comply with City requirements, including
20 the standards for building articulation and minimum masonry/stone materials. The applicant has
22 revised the south and west elevations, extending the use of stone and additional architectural
24 design elements on those sides. Glass block elements have been added to give the building
26 more of a four-sided architectural design. It should be noted that a formal site plan review will be
28 required in the future, including Architectural Review, should the SUP be approved.

30 Hampton noted that SUPs have been approved in recent years for other Minor Auto
32 Repair developments in the vicinity, including the National, Tire & Battery (NTB) facility under
34 construction at Ralph Hall Pkwy and Horizon Rd. Prior to that, an SUP was approved for the
36 Horizon Rd Oil and Lube facility.

38 If approved, staff has included several conditions that would limit activity specific to the
40 Christian Brothers business model, including limitations on bulk storage of materials and type of
42 work performed. In addition, staff has included the standard conditions for minor auto repair use
44 as specified in the UDC, including no overnight outside display/storage on the property.

46 Staff has posted a zoning sign on the property, and mailed notices to fourteen (14)
48 owners within 200-ft of the subject property. One returned "in opposition" was sent out with the
50 Friday packets, and since then three additional responses "opposed" to the request have been
52 returned. The amount of opposition constitutes over 20% of the notice area, and thus will require
54 a super-majority vote of City Council to be approved.

Staff recommends approval of the SUP, but with the following conditions:

1. Future site plan submittal and approval shall be required, including review by the Architectural Review Board. However, development shall generally adhere to the conceptual site plan and building elevations.
2. No vehicles, equipment, parts or inventory shall be stored outside overnight.
3. There shall be no bulk storage of tires within the facility.
4. No welding or painting work shall take place within the facility.
5. The Specific Use Permit may be subject to periodic review by the Planning and Zoning Commission or City Council to ensure the business is in compliance with all conditions stated herein.

Note: Chairman Hunter arrived to the meeting at 6:10 pm.

Herbst opened the public hearing at 6:15 pm.

Robert Vann, of Main & Main Development, 1212 Corporate Drive, Irving, TX 75038, gave a presentation about the Christian Brothers company, including photo examples of their other developments in the Dallas area, and discussed the proposal for the subject tract. The normal hours of operation are between 7:00 am to 6:00 pm six days a week, and then after an initial period would scale down to five days a week. The building is 100% masonry, and is constructed in a manner to result in no sound issues. The building elevation has been revised to

2 incorporate several glass block windows, which have been found to add a substantial amount of
4 natural light and decrease energy use in their buildings. There are no hydraulics in the facility,
6 and it is all air-operated. Mr. Vann showed the self-latching gate for their dumpster enclosure,
8 which ensures it remains closed at all times.

10 Hunter inquired about the neighborhood concept for their operation, and asked which
12 area they anticipate serving. Mr. Vann stated that there are several neighborhoods in the
14 immediate vicinity, as well as visitors and employees of the hospital and surrounding businesses.
16 Hunter then asked about how long the average job takes. Mr. Vann stated that it varies, but on
18 average the majority of the work is completed within a single day.

20 **Ken Sterling, 444 Equestrian Drive, and owner of the business at 5335 Horizon Rd,**
22 **Rockwall, Texas,** addressed the Commission and discussed several concerns he had about the
24 project. He believes that the proposed business does not comply with the auto repair "minor"
26 classification. He provided a list of all the auto repair shops within 3 miles of the proposed site,
28 including his own auto repair "major" shop on Horizon Rd. He also discussed at length the City's
30 definition of minor repair, and his research of other Christian Brothers facilities around the
32 country. All 40+ facilities that he looked into offered major auto repair services, and even received
34 estimates for engine removal or rebuilding work from some of them. He does not believe that it is
36 economically possible to buy a piece of land, build the type of high quality building they are
38 proposing, and only offer minor auto repair services.

40 Hunter asked if Mr. Sterling is against minor repair being at the subject location, or if he is
42 only concerned that if it's approved they will not be minor repair. Mr. Sterling stated he feels that
44 Christian Brothers is in the major auto repair category, and would cause issues for the hospital
46 and other adjacent uses.

48 **Scott Asbury, General Partner of RockMed Partners, owner of the medical office**
50 **building just to the south of the proposed Christian Brothers on Horizon Road,** addressed
52 the Commission and expressed concerns about the project. He is trying to attract new doctors to
54 occupy the remaining vacancies in their building, and adjacency to an auto repair facility would
56 not bode well for this effort in his opinion. He stated that the subject property is the only parcel in
this area that is not medically zoned. LaCroix clarified that all this area is zoned for General Retail
as part of the PD-9 district, and both medical and retail uses are allowed. Mr. Asbury clarified that
perhaps what he meant is that the hospital parcels are deed restricted for medical only. LaCroix
stated that this may be case, though the City does not enforce private deed restrictions.

40 **Bob Long, of Trio Partners, who own the medical office building at 890 Rockwall**
42 **Pkwy,** addressed the Commission and outlined his concerns about the project. He also stated he
44 had not received a notice, but did issue a letter opposed to the request. Hampton informed Mr.
46 Long and the Commission that the notice to Trio Partners had been returned by the post office as
the address on record with the tax office is out of date. Mr. Long stated he had updated this
address, and Hampton stated that it often takes the tax office some time to update the records
that the City relies on. Mr. Long expressed concern that cars would be left on a long term basis,
and that there are no fences required around the development.

48 Mr. Robert Vann was given the opportunity to address comments made during the public
50 hearing. He is discouraged that some of the comments made by adjacent owners indicate that
52 mechanics are not professionals. He believes that their presentation displayed the level of
54 professionalism that Christian Brothers employs. There are quality doctors, and quality
56 mechanics, and we need both. On the issue of there being future plans for additional office
buildings in this area, Mr. Vann stated there is no guarantee that this will happen. The subject
tract itself was supposed to be a medical office. But there are other needs in the community. He
stated that Mr. Sterling is correct in that Christian Brothers does hire L1-certified mechanics. They
hire the best, and pay them well, as the customer will expect to be able to fix anything.

2 Discussion followed regarding the type of work that will be allowed with the SUP. Mr.
4 Vann expressed that they understand it's a minor auto use, but alluded to occasions when bigger
6 issues are discovered and a car cannot be left inoperable. Herbst asked if the proposed use is
8 minor auto repair, since it sounds like there is potential for major auto repair. Mr. Vann stated they
10 are qualified to do major auto repairs, and if a situation arises where major auto repairs are
detected, the car can be put back together and hauled off. Herbst asked staff for their opinion.
Hampton stated this could be an issue, and wanted to make sure that the applicant knew that if a
car needed a major auto repair, it could not occur at this location. Mr. Vann confirmed that this will
be minor auto repair only.

12 Herbst asked about potential violations. Hampton stated that if major auto repair occurs
14 at the location, it would be a zoning violation, with a potential fine up to \$2000. Even if major auto
16 repair is a rare occurrence at other Christian Brothers locations, it would simply not be allowed at
18 this location. LaCroix added that the other sites that Mr. Sterling investigated are in other cities,
20 and those cities may not regulate auto repair the same way. In Rockwall, it would strictly have to
be minor automotive repair. Hampton also stated that many of the auto repair businesses in
Rockwall are older, and predate the current definitions for major/minor auto repair. Mr. Sterling's
business was annexed in just a few years ago, and is a legal non-conforming use since he
performs major automotive repairs.

22 Herbst asked for clarification on why this tract is not included with the hospital
24 development's deed restrictions. LaCroix briefly discussed the history of the tract and the hospital
area.

26 Mr. Long addressed the Commission and questioned how the City polices whether major
28 or minor auto repair work is being performed. LaCroix stated that it would have to go through the
Code Enforcement procedure.

30 Mr. Sterling started to address the Commission again. LaCroix stated that procedural
32 wise, we are in effect starting the public hearing again, since the applicant has already made his
34 rebuttal. The Chairman can allow more testimony, but allow the applicant a chance to rebut once
36 again. Mr. Sterling continued by stating that he has owned four auto centers, and that mechanics
are not professionals. Also, if a car is brought in and it is discovered that major repairs are
necessary after the work has already been started, it is not likely that the owner will tow their car
away to a different shop.

38 Herbst asked the applicant to rebut, but Mr. Vann declined.

40 *Note: Commissioner Stubbs left the meeting for a family emergency at 7:05 pm.*

42 With no further public comment, the public hearing was closed at 7:07pm.

44 Minth thanked the audience for their input, and thanked Christian Brothers for coming
46 back. She stated that she voted for the SUP at the previous location, and comparing both sites
48 she feels like this is actually a better site. She would have a hard time voting against this when
she voted for it at the other site.

50 Buchanan stated he appreciated all the information presented, and he thinks Christian
52 Brothers is a good company. He thinks this a little better site than last time, but he still does not
think it's the right location. He feels the property values will go down around this business.

54 Jackson asked staff if a condition needs to be added to ensure no major auto repair use
is allowed. LaCroix stated this would be redundant as the SUP is for minor auto repair only.

56 Hunter asked about what type of screening could be appropriate if the Commission
wanted to require it. LaCroix stated it is up to the Commission, and that it depends on what you

2 are trying to screen. A combination of fencing or landscaping could help screen bay doors or
4 parking areas, but reiterated that no overnight storage is allowed.

6 Hunter continued by stating that he understands what is developing around the site, but
8 has a hard time telling a landowner he cannot do this. He also stated that he has seen other
10 hospital districts around the area and noted that often there are other retail or service uses
12 around them. He has not necessarily seen those property values go down with those uses in the
14 vicinity. He stated the hospital has done a good job of deed restricting their land, but they did not
16 get this piece. Not to allow this use would be punishing the landowner.

18 Commissioner Minth made a motion to approve Z2010-006, a request by Jonathan Hake
20 of Cross Engineering Consultants for approval of a Specific Use Permit (SUP) to allow
22 for "Automotive Repair, Minor" within (PD-9) Planned Development No. 9 District,
24 specifically a Christian Brothers Automotive on part of Lot 1, Block A, Horizon Ridge
26 Center Addition, being 0.63-acres and situated at the southeast corner of FM 3097 and
28 Rockwall Parkway, with staff recommendations.

30 Commissioner Jackson seconded the motion.

32 It was voted on and passed by a vote of 3 to 2, with Buchanan and Herbst dissenting.

34 DISCUSSION ITEMS

36 3. Planning Director's Report on the following Planning and Zoning Commission matters that
38 have been recently acted on by City Council:

40 a) Z2010-004: SUP for 7-Eleven at Horizon and Tubbs

42 LaCroix reported that the City Council had approved the SUP for 7-Eleven for six pumps
44 with the P&Z's recommendations, by a vote of 5 to 2.

46 b) P2010-001: Replat for Sonoma Court (Canyon Ranch)

48 The replat for Sonoma Court was also approved, and LaCroix reported that the developer
50 had worked out a screening agreement with the adjacent homeowners association.

ADJOURNMENT

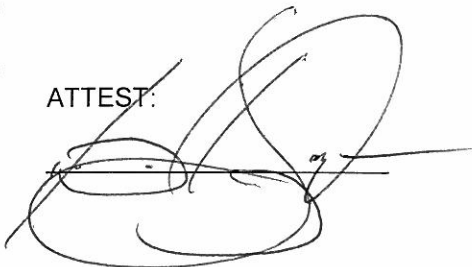
With no further business, the meeting adjourned at 7:16 p.m.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
ROCKWALL, Texas, this 27th day of APRIL, 2010.



Michael Hunter, Chairman

ATTEST:



2 **Minutes of**
4 **PLANNING AND ZONING COMMISSION WORK SESSION**
6 **April 27, 2010**

8 **CALL TO ORDER**

10 The meeting was called to order by Michael Hunter at 6:00 p.m. with the following members present: Barry Buchanan, Connie Jackson, Phillip Herbst, Kristen Minth, Mark Stubbs and Tony Hayes.

12 Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer and David Gonzales.

14 **CONSENT AGENDA ITEMS**

- 16 1. ***Approval of Minutes*** for March 30, 2010 Planning and Zoning Commission meeting

18 Commissioner Herbst made a motion to approve the minutes from March 30, 2010.

20 Commissioner Jackson seconded the motion.

22 The motion was voted on and passed 5-0. (Minth, Hayes Abstained)

- 24 2. ***Approval of Minutes*** for April 13, 2010 Planning and Zoning Commission meeting

26 Commissioner Minth made a motion to approve the minutes from April 13, 2010.

28 Commissioner Herbst seconded the motion.

30 The motion was voted on and passed 6-0. (Hayes Abstained)

32 **ACTION ITEMS**

- 34 3. **P2010-005**

36 **Discuss and consider a request by John Wardell for approval of a final plat for Renfro Creekside Estates, being two (2) lots on 1.43-acres zoned (SF-7) Single Family Residential district located at 606 Renfro Street and currently described as Tract 6, Abstract 29, R. Ballard Survey, and take any action necessary.**

38 Gonzales stated the applicant, John Wardell, is requesting approval of a final plat for the Renfro Creekside Estates Addition. The property is located at 606 Renfro, comprised of two (2) lots on 1.43 acres, and is zoned (SF-7) Single Family district. Currently, an existing single family residence is located on the proposed lot 1.

40 The purpose of the final plat is to accommodate a single family residential development and to dedicate 2,047 square feet of right-of-way along Renfro Street. Also, the applicant is requesting waivers to the Renfro Street improvements, as well as the sidewalk improvements. It should be noted that waivers to the street and sidewalk improvements have been granted in the past, most notably, in the Renfro Place South Subdivision, Las Primeras, and the Dabney Addition.

42 The proposed lots do conform to the standards established for the (SF-7) Single Family residential district.

- 2 Staff recommends approval of the final plat with the following conditions:
- 4 1. Adherence to Engineering and Fire Department standards.
 - 6 2. City Council approval of requested waiver for street improvements.
 - 8 3. City Council approval of requested waiver for sidewalk improvements.
 - 10 4. Adherence to Park Board requirements.
 5. Tree plan submitted to Building Inspections at time of development of lot 2.
 6. Tie two corners to City monumentation.
 7. Delineate P.O.B. on plat.
 8. Number of acres in title block must match owners certificate.

12 There was discussion regarding that replat that was requested in 2004 that showed the lot
14 being subdivided into three (3) lots and this final plat showing the being divided into two (2) lots.

16 John Wardell (880 Ivy Lane, Rockwall) stated he has a person interested in the lot and that is
18 why they are requesting that it be subdivided.

18 **Commissioner Herbst made a motion to approve P2010-005, a request by John Wardell
20 for approval of a final plat for Renfro Creekside Estates, being two (2) lots on 1.43-acres
22 zoned (SF-7) Single Family Residential district located at 606 Renfro Street and
24 currently described as Tract 6, Abstract 29, R. Ballard Survey, with staff
26 recommendations.**

24 **Commissioner Jackson seconded the motion.**

26 **It was voted on and passed 7 to 0.**

28 4. **P2010-006**
30 **Discuss and consider a request by Dub Douphrate of Douphrate & Associates, Inc., for**
32 **approval of a final plat for Conover Addition, being two (2) lots on 5.62-acres zoned (SF-E/2.0)**
Single Family Estate district located at 421 Wallace Lane and currently described as Tract 8-6,
Abstract 80, W. W. Ford Survey, and take any action necessary.

34 Gonzales stated the applicant, Dub Douphrate of Douphrate & Associates, Inc., is requesting
36 approval of a final plat for the Conover Addition. The property is located at 421 Wallace Lane, is
38 comprised of two (2) lots on 5.60 acres, and is zoned (SF-E/2.0) Single Family Estate district.
Currently, an existing single family residence is located on the proposed lot 2.

40 The purpose of the final plat is to accommodate a single family residential development on lot
42 1 and to dedicate thirty (30) feet of right-of-way along Wallace Lane. Also, the applicant is requesting
44 waivers to the Wallace Lane street improvements, as well as the sidewalk improvements. It should
46 be noted that waivers to the street and sidewalk improvements have been granted in the past.

44 The proposed lots do conform to the standards established for the (SF-E/2.0) Single Family
46 Estate district.

- 48 Staff recommends approval of the final plat with the following conditions:
- 50 1. Adherence to Engineering and Fire Department standards.
 - 52 2. City Council approval of requested waiver for street improvements.
 3. City Council approval of requested waiver for sidewalk improvements.
 4. Adherence to Park Board requirements.
 5. Correct number of acres on title block. (page 1)

54 There was discussion regarding the frontage on both lots and it was stated that they meet the
56 requirements.

2 Dub Douphrate (Douphrate & Associates) 2235 Ridge Road, Rockwall, stated he is here to
answer any questions. No questions were asked.

4
6 Commissioner Stubbs made a motion to approve P2010-006, a request by Dub
Douphrate of Douphrate & Associates, Inc., for approval of a final plat for Conover
8 Addition, being two (2) lots on 5.62-acres zoned (SF-E/2.0) Single Family Estate district
located at 421 Wallace Lane and currently described as Tract 8-6, Abstract 80, W. W.
Ford Survey, with staff recommendations.

10 Commissioner Jackson seconded the motion.

12 It was voted on and passed 7 to 0.

14
16 5. SP2010-005

18 Discuss and consider a request by Michael Powell of BMA Architects for approval of a) an
exception to the building articulation requirements specified in Section 4.1, Article V, District
20 Development Standards, of the Unified Development Code, and b) an exception to the
masonry screening requirements specified in Section 5.8, Article VIII, Landscape Standards,
22 of the Unified Development Code, in association with an administrative site plan application
for the First Baptist Church Rockwall Youth Building, located on Lot 2, Block 1, Goliad Place
Addition, being 1.92-acres zoned (GR) General Retail district, and take any action necessary.

24 Spencer stated that the First Baptist Church Rockwall has submitted an amended
administrative site plan for a new youth building. The site is proposed to be situated at the southwest
26 corner of North Goliad and W. Boydstun, directly across the street from the First Baptist Church of
Rockwall main campus facility. The applicant, Michael Powell of BMA Architects, has requested a
28 waiver to Article V, Section 4.1, General Commercial District Standards, which requires horizontal
articulation on each building façade, and Article VIII, Section 5.6, Screening from Residential Uses.

30 The proposed 12,340-sq. ft. building is a 30' high single-story building, constructed primarily
32 of Natural Stone, Brick, Stucco, and a standing seam metal roof. The building elevations comply with
the standards outlined in the Unified Development Code with the exception of Horizontal Articulation
34 on the west/rear elevation. The applicant has expressed to staff that the rear setback requirement of
20-feet is prohibiting the building from being articulated horizontally as required by the Unified
36 Development Code. The applicant has informed staff that the church has a desire to locate the
proposed building footprint in the approximate location of the existing building. The applicant is
38 proposing to install additional landscaping along the rear façade and utilize the space as an outdoor
patio area. The applicant is also requesting a variance to the six foot masonry screen wall required
40 along the west property line.

42 The UDC requires "any commercial or industrial use or parking lot that has a side or rear
contiguous to any residential district, or multi-family district with more than 5 dwelling units or parking
44 lot that has a side or rear contiguous to any single family, townhouse or duplex district, shall be
screened with a masonry fence (excluding tilt wall or concrete block unless approved by the City
46 Council), six (6) feet in height, unless otherwise approved by the City Council."

48 The applicant is proposing to utilize the existing board-on-board privacy fence located on the
west property line. In addition to the existing fence an alley providing rear access to the adjacent
50 residential lots also provides a level of separation between the existing residential dwellings and the
proposed youth building (see attached aerial).

52 Staff feels that these waiver requests have merit and should be considered by the Planning
54 and Zoning Commission and the City Council.

56 There was discussion regarding the previously approved parking lot and its landscaping and
what is now being requested. There was discussion regarding the gathering place at the church and

2 whether a masonry fence would provide more privacy for the homeowners. There was discussion
4 regarding the requirements of a masonry wall, its height and material. LaCroix stated that it would be
brick or stone. He stated that no masonry blocks would be allowed.

6 There was discussion regarding the landscaping requirement from the original design of the
8 parking lot and whether the applicant met those requirements. Spencer explained that there were
10 some things outstanding that the applicant needed to comply with. Spencer stated that staff sent the
applicant a letter stating what needed to be done. He stated that the applicant then contacted staff
regarding updating the building and bringing the whole site into compliance.

12 Mike Powell (BMA Architects) 219 N. Duncanville Road, Duncanville Texas. He explained the
14 intentions of the church. Mr. Powell discussed the youth facility and tree mitigation on the site. Mr.
Powell stated they intend to mitigate the trees that were there prior to this project.

16 There was discussion on how much the masonry wall may cost and the benefit of a masonry
18 wall to prevent noise from the youth facility to become a nuisance to the property owners around the
church property. There was some discussion regarding the location of the air conditioning units and
20 their screening. Mr. Powell stated that with either a masonry wall or a wood fence, there is always
going to be a noise issue. He further stated that that is not going to be a regular meeting place for the
22 youth. He said it will primarily be used for after school.

24 Jackson asked if they intend to have cookouts in the back area. Mr. Powell stated that he
cannot rule that out. There was discussion regarding the rear articulation of the building. Buchanan
26 stated he is not in favor of having just a plain straight wall. Buchanan stated that wood fences rot and
fall down. He stated that he is in favor of the masonry wall being a requirement.

28 Don French (Business Administrator, First Baptist Church) 3079 N. Goliad, Rockwall, stated
30 the church has had to repair the wood fence when neighbors have backed into it in the past. He
stated that it is a lot easier to repair a wood fence than it would be to repair a masonry fence. He
32 stated they will screen the wood fence with vegetation. He discussed the potential for youth to be out
in the back area. Mr. French stated that focusing on the rear articulation that no one is going to look
34 at seems fruitless. He stated that he does not want to have to modify the building in any way that
takes away from any of the church's parking area.

36 Hunter reiterated his concerns regarding the church not meeting its obligations that were set
38 forth previously regarding the landscape requirements and the parking lot. He stated that nothing was
said regarding replacing a building and possibly damaging existing vegetation. Hunter stated that
40 there needs to be more communication between the church and the planning department. Hunter
stated that extensions can be granted if needed and if requested, but there needs to be contact
42 made. Hunter further stated that this is the southern entryway to downtown and the way that looks will
affect the way the rest of the town looks.

44 Mr. French explained what happened to the property while the SH 205 expansion was taking
46 place. He stated oak trees were taken down and sprinkler systems were cut numerous times. He
stated that the church will meet all of the requirements for the trees and vegetation once the
48 construction is complete.

50 There was discussion regarding the articulation of the building that it looks like a brick wall
due to the lack of windows. It was stated that faux windows could be used to dress up the building
52 and make it a bit softer looking than just a brick wall. There was some discussion regarding the "R"
logo on the building and whether there is going to be any other identifier on it to make it clear that this
54 building is part of the church. It was stated that the "R" looks a lot like the Rockwall High School.

56 There was discussion regarding who originally put the fence up. It was suggested that
perhaps the fence should not be put on the property line, that it could be moved back a bit, so that
people would not run into it. There was discussion regarding the requirement of what the masonry

2 wall would look like. LaCroix stated that it has to meet the masonry standard of the city, but there is
4 no standard on where they can place the wall.

6 Stubbs stated that it is not necessarily what the fence is made out of that will affect the
8 residential area, but it is how tall the building is going to be.

8 Commissioner Hayes made a motion to approve SP2010-005, a request by Michael
10 Powell of BMA Architects for approval of a) an exception to the building articulation
12 requirements specified in Section 4.1, Article V, District Development Standards, of the
14 Unified Development Code, and b) an exception to the masonry screening requirements
16 specified in Section 5.8, Article VIII, Landscape Standards, of the Unified Development
18 Code, in association with an administrative site plan application for the First Baptist
20 Church Rockwall Youth Building, located on Lot 2, Block 1, Goliad Place Addition, being
22 1.92-acres zoned (GR) General Retail district, with staff recommendations.

18 Herbst asked Hayes to amend the motion to stipulate the replacement of the 6-ft wood fence
20 with an 8-ft wood fence. After brief discussion, Hayes agreed to the amendment, and
22 Herbst seconded the amended motion.

22 Minth asked Hayes to amend the motion to require the 8-ft fence to be "board-on-board" cedar
24 fencing. Hayes did not agree to amend his motion.

24 The motion was voted and failed 3 to 4 (Hayes, Herbst and Stubbs for; Buchanan,
26 Jackson, Hunter and Minth against)

28 Commissioner Minth then made a motion to approve both variances, with the condition
30 that the 6-ft wood fence be replaced with an 8-ft "board-on-board" cedar fence with
32 stone columns every 45-ft.

32 Commissioner Jackson seconded the motion.

34 It was voted on and passed 6 to 1. (Stubbs against)

36 *A break was taken at 7:30*

Chairman Hunter called the meeting back into session at 7:42

38 **DISCUSSION ITEMS**

40 6. Z2010-007

42 *Discuss* and consider a request by Bennett Ratliff of The Ratliff Group, LLC, to amend the
44 existing Specific Use Permit (i.e. Ordinance No. 07-26) allowing for a "Motor Vehicle
46 Dealership" on a 8.686-acre tract zoned Commercial (C) District and located along the south
48 side of IH-30 east of Commerce St and west of John King Blvd, specifically to extend the
50 expiration date of the SUP.

48 Spencer gave the background of the case and explained the request from the applicant asking for an
50 extension of the SUP. Jackson inquired whether Honda owns the property. Mr. Ratliff explained how
52 the real estate division works with Honda.

52 7. SP2010-006

54 *Discuss* and consider a request from Kevin Patel of The Dimension Group for approval of a
56 site plan for Racetrac Petroleum, being a 6,020-sf convenience store and fuel center located
on Lot 4, Block 1, Meadowcreek Business Center Phase 2 Addition, being 2.11-acres situated
at the southeast corner of SH 276 and SH 205, zoned (C) Commercial district and situated
within the SH 205 Overlay district and SH 276 Overlay district.

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Spencer stated the background of the case and where it is located. Spencer stated that the location is in two different overlay districts so there are some additional standards connected with developing the property. Spencer explained the color choices and what was recommended by the Architectural Review Board. Spencer also addressed the location of the billboard on the site plan.

Kevin Patel (The Dimension Group) was available for questions. There was discussion regarding the color of the awning and suggested that a picture be taken of the Rowlett store that was recently built.

8. Planning Director's Report on the following Planning and Zoning Commission matters that have been recently acted on by City Council:

a) Z2010-004: 7-Eleven at Horizon Rd & Tubbs Rd

LaCroix stated that the 7-Eleven SUP had been approved by Council.

b) Z2010-006: Christian Brothers Automotive

LaCroix reported that the SUP for Christian Brothers had been denied.


c) P2010-004: Replat for NTB (Horizon Village Addition)

LaCroix stated that the replat for NTB was approved.

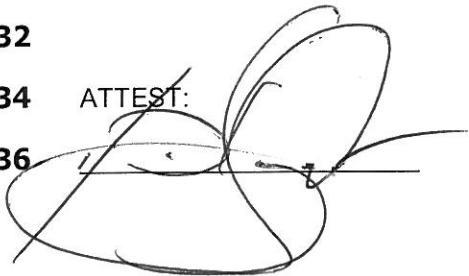
ADJOURNMENT

The meeting adjourned at 7:58 p.m.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this 8th day of June, 2010.


VICE
Michael Hunter, Chairman
PHILIP HERBST

ATTEST:



2 **Minutes of**
3 **PLANNING AND ZONING COMMISSION PUBLIC HEARING**
4 **May 11, 2010**

6 **CALL TO ORDER**

8 The meeting was called to order by Phillip Herbst at 6:02 p.m. with the following members present:
9 Barry Buchanan, Mark Stubbs, Connie Jackson, Tony Hayes and Kristen Minth. Michael Hunter
10 arrived late.

12 Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris
13 Spencer and David Gonzales.

14 **PUBLIC HEARING ITEMS**

16 1. Z2010-007

18 Hold a public hearing and consider a request by Bennett Ratliff of The Ratliff Group, LLC, to
19 amend the existing Specific Use Permit (i.e. Ordinance No. 07-26) allowing for a "Motor Vehicle
20 Dealership" on a 8.686-acre tract zoned Commercial (C) District and located along the south
21 side of IH-30 east of Commerce St and west of John King Blvd, specifically to extend the
22 expiration date of the SUP, and take any action necessary.

24 Spencer stated that the applicant, Bennett Ratliff of The Ratliff Group, LLC, has submitted an
25 application to amend the existing Specific Use Permit allowing for new car dealership within the
26 Commercial zoning district. The proposed dealership (Honda) is situated on 8.6-acres out of the
27 larger tract of land. The subject site is west of the future John King Blvd. and I-30 intersection, and
28 immediately east of the vacant former Church of Christ property.

30 The SUP approved in the summer of 2007 is set to expire on August 6, 2010. Over the past
31 couple of years the site has received city approval for a preliminary plat, site plan, engineering plans,
32 building plans and a final plat in an effort to construct a LEED "Gold" Honda Dealership. It is the
33 understanding of city staff in talking with the applicant, that the delay in starting construction stems
34 from the dealer selection process within the Honda Corporation.

36 Six notices were sent out and at the time of this meeting, none had come back.

38 Staff recommends approval of the SUP amendment subject to the following conditions:

- 40 1. Approval of the Specific Use Permit (SUP) is for the proposed land use only (i.e.
41 "Motor Vehicle Dealership, New").
- 42 2. The SUP shall expire if development has not commenced within three (3) years from
43 the approval date of the SUP ordinance.
- 44 3. The approved site plan shall be considered valid for the three (3) year period of this
45 SUP.

46 *Chairman Hunter arrived to the meeting at 6:05 pm.*

48 Herbst opened the public hearing at 6:06 p.m.

50 Rob James (The Ratliff Group), was present and requested the three-year extension and
51 explained the delay. He stated that their intention is to do what they came here three years ago to do.

52 Hunter inquired what the time frame is when they think the protest will be over. Mr. James
53 stated he has no idea.

56 With no public comment, the public hearing was closed at 6:08 p.m.

2 Commissioner Buchanan made a motion to approve Z2010-007, a request by Bennett
4 Ratliff of The Ratliff Group, LLC, to amend the existing **Specific Use Permit** (i.e.
6 Ordinance No. 07-26) allowing for a **"Motor Vehicle Dealership"** on a 8.686-acre tract
8 zoned Commercial (C) District and located along the south side of IH-30 east of
10 Commerce St and west of John King Blvd, specifically to extend the expiration date of
12 the SUP, with staff recommendations.

Hunter inquired whether there can be a condition that they report back in a year and gave an
update on where they are in the process. LaCroix stated that the Commission can do that, but
the staff does not think that the three years is an issue. LaCroix stated that there is still
communication between staff and the developer.

14 Commissioner Hunter seconded the motion.

16 It was voted on and passed 7 to 0.

18 SITE PLANS / PLATS

20 2. P2010-007

22 Discuss and consider a request by Stephen Crawford of Halff Associates for approval of a
24 final plat of Lots 1 and 2, Block A, Rockwall County Courthouse Addition, being 20.7-acres
zoned (C) Commercial district and situated along the north side of IH-30, west side of
Townsend Drive and south side of Yellowjacket Lane, and take any action necessary.

26 Hampton outlined that Rockwall County has submitted a final plat for a 20.7-acre tract located
28 at the northwest corner of IH-30 and Townsend Rd, adjacent to the existing Rockwall Library
Addition. The proposed plat indicates two (2) lots, with access from Yellowjacket Ln and Townsend
30 Dr. The final plat is intended to accommodate the development of the County Courthouse, and
includes all utility, access, firelane and drainage easements necessary for the development.

32 The property is zoned (C) Commercial, and both proposed lots meet the area requirements
34 for this zoning district. A replat of the adjacent Rockwall Library Addition will be required prior to filing
of the Courthouse plat, due to reconfiguration of easements and drainage infrastructure on the
36 existing library development. All detention / drainage for both developments will be accommodated in
a "regional" pond at the corner of Townsend and IH-30.

38 Staff recommends approval of the final plat subject to the following conditions:

- 40 1. Adherence to all engineering and fire department requirements.
- 42 2. Prior to filing final plat, a replat for the Rockwall Library Addition shall be submitted
and approved by the City of Rockwall that addresses any changes to existing
44 drainage, utility and other easements associated with the Courthouse development.
3. Change "Block 1" to "Block A" on this plat.
4. Need to label proposed firelane(s) as "access easement."

46 Stephen Crawford, applicant, was present and stated they are working on the replat of the
48 library tract right now. He gave a brief overview of the changes they are making.

50 Commissioner Herbst made a motion to approve P2010-007, a request by Stephen
52 Crawford of Halff Associates for approval of a final plat of Lots 1 and 2, Block A,
Rockwall County Courthouse Addition, being 20.7-acres zoned (C) Commercial district
54 and situated along the north side of IH-30, west side of Townsend Drive and south side
of Yellowjacket Lane, with staff recommendations.

56 Commissioner Minth seconded the motion.

58 It was voted on and passed 7 to 0.

3. SP2010-006

2 Discuss and consider a request from Kevin Patel of The Dimension Group for approval of a
4 site plan for Racetrac Petroleum, being a 6,020-sf convenience store and fuel center located
6 on Lot 4, Block 1, Meadowcreek Business Center Phase 2 Addition, being 2.11-acres situated
at the southeast corner of SH 276 and SH 205, zoned (C) Commercial district and situated
within the SH 205 Overlay district and SH 276 Overlay district, and take any action necessary.

8 Spencer outlined that the site plan submitted by the applicant is for a Racetrac retail store
with gasoline sales. The subject site is part of a larger development known as the Meadowcreek
10 Business Center. A final plat for the development was approved by the Planning and Zoning
Commission and the City Council in April of 2008.

12 The site will be accessed via one (1) proposed mutual access drive from SH 205 and one (1)
14 mutual access drive from SH 276. The proposed Racetrac is shown to be a 6,020-sq. ft. building
requiring twenty-four (24) parking spaces at a ratio of one (1) parking space for every 250 sq. ft. The
16 applicant is meeting city requirements by proposing to install thirty-two (32) parking spaces.

18 The applicant is proposing to install nineteen (19) large canopy trees and twenty-six (26)
accent trees in and adjacent to the landscape buffers along SH 205 and SH 276 in an effort to comply
20 with the SH 205 & SH 276 Overlay districts. As required by the SH 205 & SH 276 Overlay districts
the applicant is installing four (4) live oak trees along the east side (rear facade) of the building. In
22 addition to the proposed trees the applicant is showing the preservation of approximately twelve
existing cedars located in the southeast corner of the site. The parking along the building's front
24 facade fails to meet the landscape requirement of no parking space being further than 80-feet from a
large caliper tree. In addition staff would recommend that the applicant illustrate on the landscape
26 plan where the gasoline venting pipes are to be located and work with staff to provide adequate
screening from SH 205 and SH 276. As currently submitted the remaining portion of the landscape
28 plan meets all the requirements of the Unified Development Code.

30 All exterior lighting shall be a maximum of 20' in height (including the base), shall be directed
downward with a maximum 1" reveal and all canopy lighting recessed into the canopy. The
32 photometric plan appears to meet all other city requirements.

34 The proposed building is a 23'2" high single-story building, with two 27' high towers and one
23' high tower, constructed of Natural Stone veneer, brick, stucco and a standing seam metal roof.
36 On the rear (east) façade the applicant has proposed to install four (4) faux windows and to wrap the
northeast corner with a metal awning in an effort to comply with the four-sided architecture
38 requirement. As part of the project the applicant is proposing a 22' high gas canopy, with columns
constructed of Natural Stone veneer and brick.

40 Spencer stated that the Architectural Review Board approved the elevations at their April 27th
42 meeting.

44 Staff recommends approval of the site plan subject to the following conditions:

- 46 1. Adherence to all Engineering and Fire Department Standards.
- 48 2. Planting of a large caliper tree along the parking in front of the building to meet the
landscape requirement of "no parking space shall be further than 80-feet from a large caliper tree".
- 50 3. Applicant illustrate on the landscape plan where the gasoline venting pipes are to be
located and work with staff to provide adequate screening from SH 205 and SH 276.
- 52 4. All roof-top equipment be screened from adjacent properties and rights-of-ways.
5. Submittal and approval of replat.
6. Applicant to escrow cost for installation of future sidewalk for SH 276.

54 Herbst asked if there is required parking spaces for travel trailers. Spencer stated there is no
requirement.

56 Buchanan inquired about the lighting issue near the entrance. Spencer explained lot-to-lot
58 development of commercial properties have not always been held to the 0.2 foot candles standard.
Spencer stated that there may be an amendment to the lighting standards coming before the
60 Commission in the future.

2 Kevin Patel, applicant, stated the vent pipes will be screened with landscaping. Mr. Patel
4 also stated that revisions had been made on the photometric plan and that they are now meeting the
6 requirements. In regards to travel trailer parking, he stated that the last space is big enough for large
vehicles such as travel trailers.

8 Commissioner Minth made a motion to approve SP2010-006, a request from Kevin Patel
10 of The Dimension Group for approval of a site plan for Racetrac Petroleum, being a
12 6,020-sf convenience store and fuel center located on Lot 4, Block 1, Meadowcreek
14 Business Center Phase 2 Addition, being 2.11-acres situated at the southeast corner of
SH 276 and SH 205, zoned (C) Commercial district and situated within the SH 205
Overlay district and SH 276 Overlay district, with staff recommendations.

16 Commissioner Buchanan seconded the motion.

18 It was voted on and passed 6 to 0.

20 4. Planning Director's Report on the following Planning and Zoning Commission matters that
have been recently acted on by City Council:

22 a) P2010-005: Renfro Creekside Estates (Final Plat)

24 LaCroix stated this plat was approved by the City Council.

26 b) P2010-006: Conover Addition (Final Plat)

28 LaCroix stated this plat was approved by the City Council.

30 c) SP2010-005: First Baptist Church Youth Building

32 LaCroix stated that this was approved by City Council but they did not approve the Commission's
recommendation for the fencing. The fence will stay the way it is.

34 **ADJOURNMENT**

36 With no further business, the meeting adjourned at 6:35 p.m.

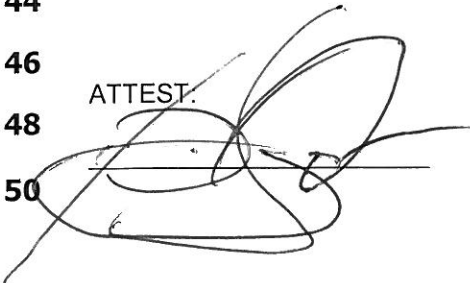
38 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
40 ROCKWALL, Texas, this 8th day of June, 2010.

42 
44 VICE

Michael Hunter, Chairman

PHILLIP HEARST

46 ATTEST.

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**Minutes of
PLANNING AND ZONING COMMISSION WORK SESSION
May 25, 2010**

CALL TO ORDER

The meeting was called to order by Michael Hunter at 6:00 p.m. with the following members present: Barry Buchanan, Connie Jackson, Phillip Herbst, Tony Hayes and Kristen Minth. Mark Stubbs was absent.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer, and David Gonzales.

CALL TO ORDER

ACTION ITEMS

1. **MIS2010-001** (*Applicant was late. This case was heard second.*)

Discuss and consider a request by Maria Rico for approval of a special exception request within (PD-75) Planned Development No. 75, specifically to allow for the reconstruction of a carport structure that does not meet the setback requirements on her property at 212 Valerie, being Lots 823 and 824, Rockwall Lakes Estates #2 Addition, and take any action necessary.

Gonzales stated that Maria Rico, the resident of 212 Valerie, is requesting a special exception to allow for the reconstruction of a carport that does not meet the setback requirements established in the Planned Development No. 75 (PD-75) district.

The proposed carport will be a 21 X 20 structure, will be built using wooden posts, a shingled roof, and will be located on the north side of the home, at Diana St and Valerie. The required front yard setback is 20-ft, as well as 20-ft behind the front facade. Meeting the setback requirements creates a hardship due to the configuration of the lot.

In the Unified Development Code, under the Use Standards, Article IV, Permissible Uses, Carport (Residential) states:

1. In residential districts, Carports must be open on at least two sides and be located at least 20 feet behind the corner of the front facade and meet the garage setback adjacent to an alley. It must also meet the minimum required side yard setbacks for a detached garage.

2. Carports which are visible from a public street must be constructed of materials matching those of the primary residential structure.

3. Carports not meeting these standards must obtain an SUP.

The PD-75 Development Standards for Lake Rockwall Estates, under the Additional Standards for Areas 1 and 2, Section C. Consideration of Special Request states:

The City Council may consider special requests in the Lake Rockwall Planned Development District in Areas 1 and 2. Such requests may include, but not limited to, the use of building materials not otherwise allowed, authorization of specific land uses not otherwise allowed, or other requests submitted for consideration.

Upon receipt of such special requests, the Planning and Zoning Commission shall review the same and forward its recommendation to the City Council for consideration. The City Council may approve special request and any such approval shall preempt any other underlying zoning restrictions in the Zoning Ordinance. Such special requests may be denied by the City Council by passage of a motion to deny.

2 Staff does feel the request for the proposed carport to merit consideration of the special
4 exception, and that this to be a judgment call for the Planning and Zoning Commission and the City
Council.

6 Should the special exception be approved, Staff recommends the following conditions:

- 8 1. Adherence to Engineering and Fire Department standards.
10 2. Submittal and approval of a building permit.
12 3. Drawings of the structure to accompany the building permit.
14 4. The carport must adhere to the structural and material requirements of the Build Code.
16 5. The carport shall be set back a minimum of 7-ft from Diana St. (front yard set-back)
18 6. The carport shall be set back a minimum of 7-ft from the front facade of the primary
20 structure.

22 There was discussion regarding the property setbacks. Gonzales described the property lines
24 and where the carport would be built. There was discussion regarding the porch that is shown on the
26 drawing. Gonzales stated that is a separate issue and is not part of this request. There was
28 clarification that there would not be any visibility issues with someone backing out of the carport.

30 There was discussion regarding this being two lots and the house being built on top of the
32 property line. LaCroix stated that the staff is treating it as a single lot of record.

34 Carlos Rico, 212 Valerie, son of the applicant appeared to answer any questions. Buchanan
36 inquired of Mr. Rico if the carport could be attached to the house rather than being a detached
38 carport. Mr. Rico stated his mom has not considered that but she would if it would make it easier to
40 be approved. Mr. Rico stated that there are windows on the house facing the carport that may prevent
the carport from being attached.

42 Minth inquired why this cannot be grandfathered since the original structure was damaged
44 and is simply being replaced. Spencer stated that the Unified Development Code states that if
46 something is damaged above a certain percentage in order to reconstruct it, it has to meet the
48 building code.

50 LaCroix stated that it was recognized when the PD was created that there would be some
52 requests made that do not meet the codes and that is why the special exception requests are
54 permitted. Hunter inquired if they approve the request, do they have to state which setbacks they
56 want to be approved and the required 10-ft gap between the buildings. LaCroix stated that the
structure has to meet the building code. LaCroix stated that we need to know the distance from Diana
Street.

58 Commissioner Buchanan made a motion to approve MIS2010-001, a request by Maria
60 Rico for approval of a special exception request within (PD-75) Planned Development
62 No. 75, specifically to allow for the reconstruction of a carport structure that does not
64 meet the setback requirements on her property at 212 Valerie, being Lots 823 and 824
66 Rockwall Lakes Estates #2 Addition, with staff recommendations and the additional
68 condition that a specific setback from Diana be determined prior to the City Council
meeting.

70 Commissioner Jackson seconded the motion.

72 It was voted on and passed 6 to 0.

74 **DISCUSSION ITEMS**

- 76 2. Z2010-009 (*This case was the first case heard*)

2 **Discuss and consider a request by DeAnna Davis of The Consignment Shop for approval of a**
4 **Specific Use Permit (SUP) to allow for "Antique/Collectible Sales" within the (DT) Downtown**
6 **district, specifically within the existing building located at 201 N. Alamo Rd, being a 0.28-acre**
8 **tract known as part of Lot 5 and all of Lots 7-8, Block H, Rockwall OT Addition.**

10 Spencer stated the applicant's request and stated where the property is located. He explained
12 how the requirement for the SUP came about for this use and explained the limited outside display
14 condition that staff is proposing. Spencer stated the only way they can have outside display is in
16 conjunction with a downtown event and that the area has to have a 6-ft passable clearance. There
18 was discussion whether the use is permitted and whether the building is up to code. There was
20 discussion regarding the definition of outside storage. There was discussion regarding the covered
22 porch on this building and whether there could be outside display on the porch. Spencer stated that
24 would be considered outside sales and it is not permitted unless it is during a downtown event.

26 DeAnna Davis, applicant, was present and stated they will not be putting anything outside. She stated
28 her items are high-end items and they will not be selling anything outside.

30 3. **Z2010-010**

32 **Discuss and consider a request by Kim Hoegger of Kim Hoegger HOME for approval of a**
34 **Specific Use Permit (SUP) to allow for "Antique/Collectible Sales" within the (DT) Downtown**
36 **district, specifically within the existing building located at 106 S. Goliad, being a .064-acre**
38 **tract known as part of Block N, Rockwall OT Addition.**

40 Spencer stated the request of the applicant. He stated the applicant is going to be doing apparel,
42 bakery and fresh flowers in addition to selling some antique collectibles. Herbst inquired whether
44 there is a possibility of different vendors renting space to sell their goods. Spencer stated that there
46 is the opportunity to have different vendors. LaCroix stated that the applicant informed him that
48 nothing will be prepared on site. He stated that, as it is now, everything sold will be prepackaged.

50 4. **Appointment with Architectural Review Board representative to receive the Board's**
52 **recommendations and comments for items on the agenda requiring architectural review.**

54 Hampton stated that the ARB looked at this request, but stated that the applicant is working on fine
56 tuning some of the elevations and articulation to try to connect it more to Phase 1 and will be
presenting to the Board at a subsequent meeting.

58 5. **SP2010-007**

60 **Discuss and consider a request by Karin Sumrall of CNLRS Rockwall, LP, for approval of a**
62 **site plan for Rockwall Plaza Phase II, being an approximately 126,000-sf retail/restaurant**
64 **development located on Lot 9, Block A, Rockwall Business Park East Addition, being 12.661-**
66 **acres zoned (C) Commercial district and situated within the IH-30 Overlay district, located**
68 **along the south side of IH-30 west of SH 205 and contiguous to the Rockwall Plaza Phase I.**

70 Hampton stated the history of this development. Hampton explained that some of the areas
72 surrounding this property have changed since the original plan. Hampton further stated that the old
74 site plan approved by P&Z in 2006 is available for review if anyone would like to look at it.

76 Buchanan stated that the rear elevation for buildings next to the truck stop is very plain and inquired
whether there has been any discussion with the applicant regarding that. Hampton stated that three
sides are being finished out with a lot of detail. He stated that the applicant will be asking for a
variance for finishing out the rear elevation. There was discussion regarding the landscape plan for
this property and also for the truck stop.

Jackson stated that on the 2006 plans there were plans for outdoor seating and gazebos and places
for family to gather and now the new plans are just showing a large parking lot. She stated she feels

2 as if it has been a bait and switch. Herbst stated that this plan is showing a significant amount of
4 parking which is more than was approved in 2006.

6 Karin Sumrall (Woodmont Company) 2100 W. 7th Street, Ft. Worth Texas, explained who the anchor
8 stores were that were in mind during the 2006 plans. She stated that due to the economy, those
10 anchor stores have now changed. She stated that everyone who is interested wants to be along I-30.
12 There was further discussion regarding the design of the development and the demand from the
14 tenants. There was further discussion regarding Belk and an issue with their view corridor. There
16 was discussion regarding the amount of parking versus designated park area that is shown on the
18 new design. There was discussion regarding the articulation on the rear of the building.

20 There was discussion regarding Olive Garden wanting to use 100% cultured stone. Hampton stated
22 that our ordinance allows for 10% cultured stone on the overlay district, and that it would require a
24 variance to get approved.

26 6. **Z2010-008**

28 *Discuss and consider a city-initiated request to amend the Unified Development Code (Ord.
30 No. 04-38), specifically Article I, General Provisions; Article II. Administrative Procedures;
32 Article III. Zoning District and Maps; Article IV. Permissible Uses; Article V. District
34 Development Standards; Article VI. Parking and Loading; Article VII. Environmental
36 Performance; Article VIII. Landscape Standards; Article IX, Tree Preservation Standards;
38 Article X. Planned Development Regulations; Article XI. Zoning-Related Applications; Article
40 XII. Administration and Enforcement; and Article XIII.*

42 Hampton stated the reasons for updating the Unified Development Code and how it will be
44 accomplished. Hampton stated that some of the definitions need to be updated. Hampton discussed
46 how lighting restrictions and spillover is enforced. He further stated some changes to the lighting
48 ordinance that staff is reviewing.

50 Hunter stated that he feels it is a mistake that the Planning and Zoning Commission is not responsible
52 for approving signs.

54 7. **Planning Director's Report on the following Planning and Zoning Commission matters that
56 have been recently acted on by City Council:**

a) **P2010-007:** Rockwall County Courthouse Addition (Final Plat)

LaCroix stated that the Rockwall County Courthouse Addition plat was approved.

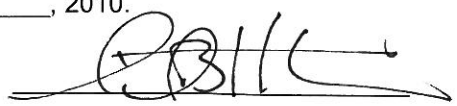
b) **Z2010-007:** Honda of Rockwall (Extension of SUP)

LaCroix stated that the Honda of Rockwall SUP was approved.

58 **ADJOURNMENT**

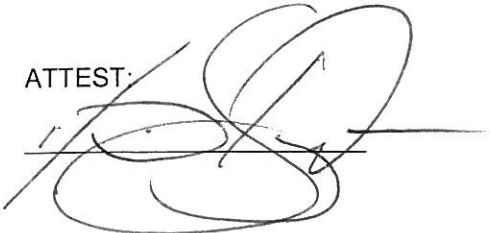
60 With no further business, the meeting adjourned at 8:19 p.m.

62 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
64 ROCKWALL, Texas, this 29th day of June, 2010.



Michael Hunter, Chairman

66 ATTEST:



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**Minutes of
PLANNING AND ZONING COMMISSION PUBLIC HEARING
June 8, 2010**

CALL TO ORDER

The meeting was called to order by Phillip Herbst at 6:04 p.m. with the following members present: Mark Stubbs, Connie Jackson, Kristen Minth and Phillip Herbst. Tony Hayes and Michael Hunter were absent. *Barry Buchanan was present*

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer and David Gonzales.

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

Julien Meyrat from the Architectural Review Board stated that the Rockwall Plaza Phase II project designs are developing well. He further stated they are going to continue to work on some of the elevations and detailing. He stated that the development team is on board with revising the design and working with staff and the Board on reviewing some minor detail changes. He stated that the materials and colors are fine as they are.

CONSENT AGENDA ITEMS

2. Approval of Minutes for April 27, 2010 and May 11, 2010 Planning and Zoning Commission meetings

Jackson made a motion to approve the minutes for April 27, 2010 and May 11, 2010.

Minth seconded the motion.

A vote was taken, and the motion passed by a vote of 5-0.

PUBLIC HEARING ITEMS

3. Z2010-009

Hold a public hearing and consider a request by DeAnna Davis of The Consignment Shop for approval of a Specific Use Permit (SUP) to allow for "Antique/Collectible Sales" within the (DT) Downtown district, specifically within the existing building located at 201 N. Alamo Rd, being a 0.28-acre tract known as part of Lot 5 and all of Lots 7-8, Block H, Rockwall OT Addition, and take any action necessary.

Spencer stated the applicant, DeAnna Davis of The Consignment Shop, has submitted an application for a Specific Use Permit (SUP) to allow for "Antique/Collectible Sales" within the (DT) Downtown district, at 201 N. Alamo Rd.

The Unified Development Code requires that both "Antique/Collectible Sales" and a "Second Hand Dealer" obtain a specific use permit in the (DT) Downtown district. The applicant has informed staff that her intent is to have high end antiques and collectibles. In discussions with staff and the planning and zoning commission the applicant has expressed that there will be no outside display.

An "Antique/Collectible Sales" store was issued a certificate of occupancy in December of 2006 for 201 N. Alamo. At that time the property was zoned (GR) General Retail district and an "Antique/Collectible Sales" store was permitted by right. In September of 2007 the site was rezoned

2 from (GR) General Retail district to (DT) Downtown district. Subsequently the "Antique/Collectible
4 Sales" store that once occupied the building closed and has been for well over six months.

6 Staff is recommending approval of the SUP subject to the following conditions:

- 6 1. Adherence to all engineering and fire department standards.
- 8 2. Outside sales and displays shall only be allowed in conjunction with recognized City of
Rockwall and Downtown Merchant Association events.

10 *Herbst opened the public hearing at 6:16 pm.*

12 DeAnna Davis, 201 N. Alamo, stated she is requesting the SUP. She stated that the handrail
14 needs to be replaced with metal rails and the porch needs another plank. She stated they are
repainting and replacing the fixtures. She stated the outside will be repainted as well. She discussed
16 the windows. She stated the yard has been cleaned up and there will be landscaping done.

18 Jerry Holmes, 106 Kaufman, stated he owns the AT&T building. He stated he had some
opposition due to the previous business in that location. He stated that this may be different. He
20 described what used to be in that location and what an eye sore it was. He stated he has no objection
to the type of business that is going in as long as everything is kept inside.

22 Ms. Davis stated she heard many stories about the business that was there previous to her.
She went into detail regarding what her intention is and what her business is going to sell.

24 *With no further public comment, the public hearing was closed at 6:23 pm.*

26 Minth inquired if the outside paint is part of code enforcement. LaCroix stated that it is a
28 maintenance issue.

30 **Commissioner Minth made a motion to approve Z2010-009, a request by DeAnna Davis
32 of The Consignment Shop for approval of a Specific Use Permit (SUP) to allow for
"Antique/Collectible Sales" within the (DT) Downtown district, specifically within the
34 existing building located at 201 N. Alamo Rd, being a 0.28-acre tract known as part of
Lot 5 and all of Lots 7- 8, Block H, Rockwall OT Addition, with staff recommendations.**

36 **Commissioner Jackson seconded the motion.**

38 **It was voted on and passed 5 to 0.**

40 **3. Z2010-010**

42 **Hold a public hearing and consider a request by Kim Hoegger of Kim Hoegger HOME for
approval of a Specific Use Permit (SUP) to allow for "Antique/Collectible Sales" within the (DT)
44 Downtown district, specifically within the existing building located at 106 S. Goliad, being a
.064-acre tract known as part of Block N, Rockwall OT Addition, and take any action
46 necessary.**

48 Spencer stated the applicant, Kim Hoegger of Kim Hoegger HOME, has submitted an
application for a Specific Use Permit (SUP) to allow for "Antique/Collectible Sales" within the (DT)
Downtown district, at 106 S. Goliad.

50 The Unified Development Code requires that both "Antique/Collectible Sales" and a "Second
52 Hand Dealer" obtain a specific use permit in the (DT) Downtown district. The applicant has informed
staff that her intent is to combine high end antiques and collectibles with apparel, bakery goods, fresh
54 flowers and gifts to create a market. The applicant has also informed staff that she plans to lease
space within the market to vendors, allowing them to display and sell their items.

56 Staff is recommending approval of the SUP subject to the following conditions:

- 2 1. Adherence to all engineering and fire department standards.
- 4 2. Outside sales and displays shall only be allowed in conjunction with recognized City of Rockwall and Downtown Merchant Association events.

6 *Herbst opened the public hearing at 6:27 pm.*

8 Kim Hoegger, 106 S. Goliad, stated she is requesting and SUP and explained what will be sold in the
10 store. She stated it will have a nostalgic and vintage feel with new home decor and apparel being sold. She explained how the store will be split up with different vendors.

12 Claudette Hatfield, 1 Shadydale, stated she is here to support Kim. She stated that everything she
14 has done in Rockwall has been superb. She stated that her taste is impeccable. She further stated she is very picky and any city would be proud to have her.

16 Barbara Coleson, 228 Sovereign Court, Chandlers, stated that she is here in support of Kim. She
18 stated her taste is wonderful and she will bring great class to the downtown. She stated that she is on the Main Street Advisory Board and this is the type of business they want downtown.

20 Ms. Hoegger stated she does own the building and she takes great care of her building and they love
22 the downtown area. She stated she is glad to be back.

24 *With no further public comment, the public hearing was closed at 6:31 pm.*

26 **Commissioner Buchanan made a motion to approve Z2010-010, a request by Kim
28 Hoegger of Kim Hoegger HOME for approval of a Specific Use Permit (SUP) to allow for
30 "Antique/Collectible Sales" within the (DT) Downtown district, specifically within the
existing building located at 106 S. Goliad, being a .064-acre tract known as part of Block
N, Rockwall OT Addition, with staff recommendations.**

32 **Commissioner Stubbs seconded the motion.**

34 **It was voted on and passed 5 to 0.**

36 **3. Z2010-008**

38 **Hold a public hearing and consider a city-initiated request to amend the Unified Development
40 Code (Ord. No. 04-38), specifically Article I, General Provisions; Article II. Administrative
42 Procedures; Article III. Zoning District and Maps; Article IV. Permissible Uses; Article V.
District Development Standards; Article VI. Parking and Loading; Article VII. Environmental
44 Performance; Article VIII. Landscape Standards; Article IX, Tree Preservation Standards;
Article X. Planned Development Regulations; Article XI. Zoning-Related Applications; Article
XII. Administration and Enforcement; and Article XIII. Definitions, and take any action
necessary.**

46 Hampton stated that the City staff has been reviewing the Unified Development Code (UDC)
48 as well as the entire Code of Ordinances in an effort to prepare a comprehensive and updated
50 version of all City codes for use by employees, citizens and other customers of the City. In addition,
52 legal consultants with Municode have reviewed the codes to compare to current state/federal law and
have recommended many changes to them. While City administration and other departments
continue to prepare amendments for City Council consideration, the Planning staff have prepared
amendments to the UDC that must be considered by the Planning Commission and City Council after
public hearings.

54 Hampton stated that the Commission was provided a comprehensive outline of each change
56 proposed to the UDC. The majority of the amendments are minor in nature, such as wording changes
to ensure consistency throughout the document and/or intended to reflect current language utilized in
state law. There are also changes proposed that stem from underlying updates to an associated

2 Code of Ordinances regulation (e.g. Commercial Amusement requirements, "site visibility triangle"
4 requirements, etc) However, staff is also proposing several amendments unrelated to the Code of
Ordinances process that we feel warrant consideration at this time, such as but not limited to the
following:

- 6 - Removal of "CBD" district throughout the UDC, and replaced with "DT" Downtown district
where appropriate.
- 8 - Clarification changes and corrections to Article IV, Permissible Uses (see outline for more
detail)
- 10 - Reference "John King Blvd" road name for the 205 Bypass Corridor Overlay district.
- 12 - More comprehensive and stricter lighting standards for non-residential development

14 Highlighted in the outline are several changes that staff has made since the Planning
Commission work session on May 25th, and also attached are the affected pages showing those
changes in the context of the UDC.

16 Staff recommends approval of the proposed amendments to the Unified Development Code.

18 Buchanan stated that he read the entire packet that was handed out regarding the
20 amendments to the UDC. He stated that he had a question regarding the wattage or power that would
22 come off of a Ham radio antenna. LaCroix stated that if someone's Ham radio cuts into your radio or
T.V. signal then you report that disturbance to the FCC. There was discussion regarding whether
24 HOAs could restrict the use of Ham radios in subdivisions. Hampton stated that the FCC does not get
involved with that because they have held that homeowners enter into a voluntary agreement when
they move into an HOA subdivision.

26 There was discussion regarding the allowance of a portable building on a residential lot
28 versus portable buildings in commercial or industrial districts. There was discussion regarding
alcoholic beverage rules and measurement to public and private schools.

30 *Herbst opened the public hearing at 6:45 pm.*

32 *With no public comment, the public hearing was closed at 6:45 pm.*

34 Commissioner Minth made a motion to approve Z2010-008, a city-initiated request to
36 amend the Unified Development Code (Ord. No. 04-38), specifically Article I, General
Provisions; Article II. Administrative Procedures; Article III. Zoning District and Maps;
38 Article IV. Permissible Uses; Article V. District Development Standards; Article VI.
Parking and Loading; Article VII. Environmental Performance; Article VIII. Landscape
Standards; Article IX, Tree Preservation Standards; Article X. Planned Development
40 Regulations; Article XI. Zoning-Related Applications; Article XII. Administration and
Enforcement; and Article XIII definitions, with staff recommendations.

42 Commissioner Jackson seconded the motion.

44 It was voted on and passed 5 to 0.

46 **SITE PLANS / PLATS**

48 4. P2010-008

50 Discuss and consider a request by Stephen Crawford of Halff Associates for approval of a
replat of Lot 1, Block A, Rockwall Library Addition, being 5.909-acres zoned (C) Commercial
52 district and located at 1215 Yellow Jacket Lane, and take any action necessary.

54 Hampton stated that the applicant has submitted a replat of the Rockwall Library Addition that
is related to the development of the Rockwall County Courthouse Addition immediately west and
56 south of the subject 5.909-acre tract. The Planning Commission and City Council approved a final

2 plat for the Rockwall County Courthouse Addition in May 2010, and one of the conditions of approval
4 was that the Library tract be replatted.

6 The purpose of the replat is to reconfigure existing firelane, access and utility easements on
8 the tract so that they better relate and work with the proposed courthouse development. It is the
staff's intent that both plats be filed at the same time since they are dependent on one another for
proper access and circulation.

10 The replat appears to meet all requirements of the underlying Commercial zoning district, and
12 should be approved contingent on several technical corrections noted within the staff conditions.

14 Staff recommends approval of the replat with the following conditions:

- 16 1. Adherence to all engineering and fire department requirements.
- 18 2. Update lot number to next available number (e.g. Lot 2) prior to filing.
- 20 3. Annotate and label all existing easements, including bearing and distances.
- 22 4. Show portion of firelane/access easement to be abandoned via this replat.

24 **Commissioner Jackson made a motion to approve P2010-008, a request by Stephen
26 Crawford of Half Associates for approval of a replat of Lot 1, Block A, Rockwall Library
28 Addition, being 5.909-acres zoned (C) Commercial district and located at 1215 Yellow
30 Jacket Lane, with staff recommendations.**

32 **Commissioner Stubbs seconded the motion.**

34 **It was voted on and passed 5 to 0.**

36 **5. SP2010-007**

38 **Discuss and consider a request by Karin Sumrall of CNLRS Rockwall, LP, for approval of a
40 site plan for Rockwall Plaza Phase II, being an approximately 126,000-sf retail/restaurant
42 development located on Lot 9, Block A, Rockwall Business Park East Addition, being 12.661-
44 acres zoned (C) Commercial district and situated within the IH-30 Overlay district, located
46 along the south side of IH-30 west of SH 205 and contiguous to the Rockwall Plaza Phase I,
and take any action necessary.**

48 Hampton stated the subject property is zoned (C) Commercial district, and has been platted
50 as Lot 9 of the Rockwall Business Park East Addition. A site plan was approved for the entire
Rockwall Plaza development in 2006, with Phase I (including Best Buy, Belk, Dick's Sporting Goods,
52 JC Penney, etc) constructed shortly thereafter. The layout of Phase II of the shopping center,
54 including the "park/plaza area," has been redesigned under the current proposal to meet current
market demand and to fit the needs of prospective anchor tenants such as HomeGoods and JoAnn's
56 Fabrics. In addition, one new lot is proposed to accommodate the development of an Olive Garden
restaurant within Phase II. It should be noted that a future detailed site plan approval will be required
for the future "PBA" areas (Buildings 16-17) shown around the reconfigured park area in the central
part of the development.

The site plan for the Rockwall Plaza Phase 2 development consists of 103,074-sf of retail,
plus 23,040-sf of restaurant space. The proposed development will supplement the existing 332,435-
sf of retail space in Phase I. The site will be accessed from two existing drives from the IH-30 service
road, as well as additional shared access points from Phase I via SH 205 and Ralph Hall Pkwy.

Updated parking calculations have been provided by the applicant. The total parking required
is 1973 spaces, and the applicant is providing 2116 spaces. The total building area and parking
provided are comparable to the original 2006 site plan, and the 143 "extra" spaces provides the
developer with some flexibility to accommodate more higher intensity uses such as increased
restaurant space or medical office tenants.

2 Since the 5/25/10 work session, the developer has redesigned the location and connectivity
4 of the central "park area" located between future buildings 16 and 17. As suggested by
6 Commissioners, the park area is now situated in between the two buildings, and sited in between the
existing pedestrian walk with arbors deriving from Dick's Sporting Goods to the west and a new
proposed pedestrian walk with arbors that will terminate in front of Buildings 11-15 to the east.

8 A dumpster enclosure detail sheet has been providing showing the required 8-ft high
10 enclosures, which will be constructed with materials (e.g. stone) that matches the associated
12 buildings. Opaque metal gates are also indicated, and staff would further recommend that self-
latching gate mechanisms be required to ensure gates remain closed at all times.

14 The landscape architect, Tom Pritchett, has submitted a detailed landscape plan for the
16 reconfigured plan for Phase II. The plan incorporates approximately the same amount of plantings in
18 Phase II that were originally approved in 2006, and his tabulations on sheet L1.3 provide a summary
20 of the breakdown. The landscape plan continues the use of native plantings and low-water use
materials in lieu of extensive turf that was utilized throughout Phase 1 of the Plaza development.
Many of the trees and various groundcover are required for tree mitigation resulting from the original
development of the site in 2006.

22 The landscape plan indicates that 15% of the site is open space; however, this calculation
24 includes approximately 23,500-sf (or 2%) of "special paving area" in the park/plaza part of the
26 development. A similar area was considered as part of the open space calculation with the original
28 approval in 2006. All landscape buffer trees and plantings along IH-30 were installed as part of Phase
I, and meet City requirements. All main parking areas appear to be landscaped in accordance with
the spacing and quantity requirements set forth in the landscape ordinance. However, there are
parking spaces in the rear of Buildings 11-15 that are further than 80-ft from a tree. Unless a variance
is approved, landscape islands or tree wells need to be incorporated into these areas to meet the
minimum landscape standards.

30 In addition, the IH-30 Overlay requires a "row of large trees" in the rear of all buildings. The
32 applicant has added steel trellises with vine plantings in the rear of Building 10, but no large trees
34 have been incorporated. In addition, the rear of Olive Garden does not have large trees, but there
is an extensive amount of shrubs/groundcover. Staff feels both proposals warrant consideration, though
a variance is required by City Council.

36 The photometric plan submitted for Phase II appears to meet City requirements in that
38 anticipated light levels do not exceed 0.2-FC at the perimeter property lines. The plan shows
compliance with the maximum mounting height of 30-ft for all exterior lighting. The applicant has
40 indicated that all fixtures – including pole-mounted and wall packs – will match those utilized in Phase
I. A variance was approved by the Planning Commission to allow for the "antique style" pedestrian
42 lights in the development; otherwise, all fixtures must be full cut-off as defined in the Unified
Development Code.

44 The applicant has submitted elevations for Buildings 10-15 and the Olive Garden site. Future
46 "PBA" buildings 16-17 will be submitted at a later date and will require additional site plan/elevations
48 review. The building elevations and building material samples were presented to the Architectural
Review Board on May 25, 2010; however, the Board will review the revised elevations on June 8th
and should be prepared to make a recommendation to the Commission at the public hearing.

50 The primary materials used on Buildings 10-15 are natural stone (four variations) and a
52 stucco-like texture (three variations) to be applied to concrete tilt wall buildings. These buildings also
54 incorporate many of the same awnings, canopies and other architectural features utilized in Phase I.
While the tilt wall construction is a different construction method from the primarily split-face CMU
56 buildings in Phase I, the developer has stated their intent is to ensure both phases appear as if they
were built at the same time. The following is a summary of each group of buildings:

2 • Building 10A and 10B: These buildings feature approximately 30% of natural stone on each
4 façade, and 35-50% of stucco. The two buildings are connected by an overhead breezeway, with
6 proposed outside dining area(s) in between. Staff believes that the building is adequately articulated
8 on the north, east and west elevations; however, additional articulation is necessary on the south
10 elevation to meet General Commercial standards. In an effort to make the building “four-sided,” the
applicant has added steel trellises featuring vine plantings in the rear half of the building in lieu of
additional store-front windows, etc. Staff would recommend that similar awnings/canopies, light
sconces, and signage used on the north side be incorporated into the rear façade, particularly with
the extensive amount of parking and access to this building located in the rear.

12 • Buildings 11-15: Comprising the bulk of building area in Phase II, the front and sides of this
14 group of buildings are also well articulated and feature materials that meet IH-30 Overlay
16 requirements. These three sides provide a range of 27% to 38% natural stone, and approximately
18 50% of stucco-textured concrete. The developer is requesting a variance(s) to the architectural
20 requirements of the Overlay district for the rear (east) façade of Buildings 11-15. The rear is not
22 “finished” with the same level of detail as the other three sides, though the applicant’s architect has
24 “wrapped” architectural features and the high quality materials on the north and south corners of the
rear facades, arguing that these two areas will be the only portions visible to the general public. Given
its function as a loading and service side of the building, its proximity to the truck stop and the
proposed landscape screen along the property line at this location, the proposed elevations appear
reasonable. Nonetheless, variances to the minimum 20% natural stone requirement (7% provided),
the maximum 50% stucco requirement (90% proposed), and the “four-sided architecture” requirement
must be approved for the east elevation of Buildings 11-15.

26 • Olive Garden: The articulation and design of the proposed Olive Garden appears to meet all
28 UDC standards and the requirements of the IH-30 Overlay district, with one exception. The building is
30 proposed to be 100% “cultured stone.” The Overlay requires a minimum of 20% natural stone, and
classifies cultured stone as a “secondary material” – which is limited to 10% of any façade. The
32 Overlay district includes a provision that prototypical buildings or “corporate identities that conflict with
the building design criteria shall be reviewed as a variance as defined in this ordinance and reviewed
34 on a case-by-case basis by the Planning & Zoning Commission and approved by the City Council.” A
representative from Olive Garden attended the Architectural Review Board and Planning Commission
work session on 5/25/10, and will be present at the public hearing to further discuss the quality of the
36 proposed material along with the specific reasons for the request.

If the site plan were to be approved at this time, staff would offer the following conditions:

- 38 1. Submittal and approval of engineering plans.
- 40 2. Submittal and approval of a replat of Lot 9, Rockwall Business Park East Addition.
- 42 3. Adherence to all fire department requirements.
- 44 4. All dumpster enclosures to utilize the same exterior materials of the associated primary
46 building, and shall feature an opaque metal gate with self-latching mechanism.
- 48 5. All roof-top and/or ground-mounted mechanical equipment shall be completely screened
50 from horizontal view from public right-of-ways and adjacent properties.
- 52 6. All pole-mounted and wall-pack lighting shall be full cut-off type fixtures, with the
54 exception of the antique style pedestrian lights approved as part of Phase I.
- 56 7. The following conditions of approval related to the IH-30 Overlay district can be waived
upon approval by the City Council by a ¾ “super-majority” vote of Council members
present:
 - a. The east (rear) elevation of Buildings 11-15 shall provide a minimum 20% natural
stone, maximum 50% stucco, and be finished out with similar details to the other
three facades to comply with the “four-sided architecture” requirement.
 - b. Replacement of “cultured stone” product proposed for Olive Garden with a
natural, quarried stone and/or other materials that meet the requirements of the
IH-30 Overlay district.

2 *Note: Commissioner Stubbs left the meeting at 6:50 pm.*

4 Hampton noted that some of the staff conditions in the staff report have been addressed with
6 the applicant's revised submittal of elevations for Building 10A and 10B.

8 Herbst stated that there was nothing in the packet regarding the Olive Garden. Hampton
stated that it is in the presentation.

10 Karin Sumrall, 2100 W. 7th Street, Ft. Worth, Texas, gave a PowerPoint presentation and
12 stated that the park has been changed again and they are continuing to work on the design. Ms.
Sumrall went over the original site plan. Ms. Sumrall showed pictures of different views from the truck
14 stop and other areas facing the proposed location. She then showed pictures from the proposed
location looking out towards the truck stop.

16 Ms. Sumrall stated that they went back to Belk's regarding shifting their buildings to allow for
room for the park area. She stated that Belk's refused to give them the variance because it would be
18 within their view corridor. Ms. Sumrall demonstrated how they moved the buildings apart to allow
room for the park area. Ms. Sumrall showed all of the landscaping that is going into the park area
20 which allows for fountains with dancing waters and benches as well as landscaping. She stated that
the trellis area is widened and will have yellow jasmine growing up it with benches along the way.

22 Ms. Sumrall stated they will continue to work with the ARB on the articulation. She stated that
24 HomeGoods is very pleased with the building. Ms. Sumrall gave the background of the Olive Garden
and how the restaurant is designed and how the managers are trained. She went on to explain the
26 manmade stone that they are proposing to use on the Olive Garden and where the concept came
from. Ms. Sumrall showed examples of other existing Olive Garden restaurants in different parts of
28 the country.

30 There was discussion regarding the corner of Ralph Hall looking towards I-30. There was
further discussion regarding Olive Garden's façade and the material and color that is being proposed.
32 Minth stated that she likes the idea of a fountain being in the landscape, but she does not think that a
dancing fountain that kids could get in and get wet is a good idea. Buchanan suggested that the trees
34 that are planted next to the truck stop should be Evergreens and not trees that lose their leaves. Ms.
Sumrall said that will be changed.

36 There was further discussion regarding the park area and that not being nailed down yet. Ms.
38 Sumrall stated that until the tenants for buildings 16 and 17 are determined they do not know what the
final look of the park area is going to be. She stated that they will work with staff to determine what
40 they should put in in the meantime. LaCroix stated that a condition can be added that the location and
the trellis connection for future site plan review and that area would be part of Phase III. Ms. Sumrall
42 stated that hopefully buildings 16 and 17 will be restaurants. She stated that what they would like to
see in those two buildings are specialty restaurants and they will then work around their outdoor area
44 for the park space.

46 Jackson inquired of Bob Runyon (architect) what can be done with the backside of the
building that would be above the tree line and above the trucks. Mr. Runyon stated that it would be
48 very simple to do a little bit more variation in the parapet. He stated that that can also be done on the
fascia. There was discussion regarding the backside matching the front side.

50 Jackson inquired of Ms. Sumrall and Mr. Runyon why the Commission should compromise
52 and give a variance to the city ordinance regarding the natural stone required and allow them to use
fake stone. Mr. Runyon stated that that question might be better for Olive Garden.

54 There was further discussion regarding what Olive Garden's reason is for using cultured
56 stone instead of natural stone. Ms. Sumrall stated that you would have to redesign the building to
support real stone. Ms. Sumrall asked if she can send pictures or does the Commission have to make

2 a decision right now. LaCroix stated they have to make a recommendation to City Council or the case
4 will have to be brought back.

6 After further discussion, Commissioner Jackson made a motion to approve SP2010-007,
8 a request by Karin Sumrall of CNLRS Rockwall, LP, for approval of a site plan for
10 Rockwall Plaza Phase II, being an approximately 126,000-sf retail/restaurant
12 development located on Lot 9, Block A, Rockwall Business Park East Addition, being
14 12.661-acres zoned (C) Commercial district and situated within the IH-30 Overlay
16 district, located along the south side of IH-30 west of SH 205 and contiguous to the
18 Rockwall Plaza Phase I, with staff recommendations and the following additional
20 conditions / exceptions:

- 14 1. Additional vertical articulation and building colors to be added to the east
16 facades of Buildings 11-15 to mirror the articulation/color on the front of
18 the buildings.
- 20 2. Additional trees (of an evergreen variety) to be planted in the southern part
22 of the eastern landscape buffer to provide additional screening to the rear
24 of Buildings 11-15.
- 26 3. Future "plaza/park area" to be reviewed in detail at the time of site plan
28 review for Buildings 16-17, but the size of the park shall be equal to or
30 greater than currently shown on the landscape plan.
- 32 4. Developer to install pedestrian walkways with arbors, benches, etc as
34 currently depicted on landscape plan.
- 36 5. Replacement of cultured stone on Olive Garden with natural stone, unless
38 a variance is approved by City Council or an alternative elevation is
40 submitted to the ARB/P&Z for further review.

42 Commissioner Minth seconded the motion.

44 It was voted on and passed 4 to 0.

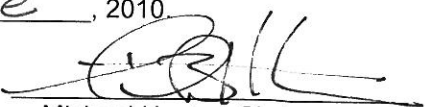
- 46 6. Planning Director's Report on the following Planning and Zoning Commission matters that
48 have been recently acted on by City Council:
- 50 a) MIS2010-001: Special Exception in LRE (212 Valerie)

LaCroix stated that City Council approved this case.


ADJOURNMENT

The meeting adjourned at 8:07 p.m.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
ROCKWALL, Texas, this 29th day of June, 2010.


Michael Hunter, Chairman

ATTEST:



2 **Minutes of**
4 **PLANNING AND ZONING COMMISSION WORK SESSION**
6 **June 29, 2010**

8 **CALL TO ORDER**

10 The meeting was called to order by Michael Hunter at 6:00 p.m. with the following members present: Barry Buchanan, Connie Jackson, Phillip Herbst, Kristen Minth and Tony Hayes. Mark Stubbs was absent.

12 Additionally, the following staff members were present: Robert LaCroix, David Gonzales and Chris Spencer.

14 1. **Approval of Minutes** for May 25, 2010 Planning and Zoning Commission meeting

16 Jackson made a motion to approve the minutes for May 25, 2010.

18 Herbst seconded the motion.

20 A vote was taken, and the motion passed by a vote of 4-0.

22 2. **Approval of Minutes** for June 8, 2010 Planning and Zoning Commission meeting

24 Buchanan requested the minutes be amended to state that he was present.

26 Buchanan made a motion to approve the minutes for June 8, 2010 with the amendment.

28 Herbst seconded the motion.

A vote was taken, and the motion passed by a vote of 3-0. (Hunter abstained)

30 *Commissioner Minth arrived at 6:05 p.m.*

32 **DISCUSSION ITEMS**

34 3. **P2010-009**

36 Discuss and consider a request by Kevin Patel of The Dimension Group for approval of a replat of Lots 4-5, Block 1, Meadowcreek Business Center Phase 2, being 8.23-acres zoned (C) Commercial district and located at the southeast corner of SH 205 and SH 276.

38 Spencer presented the case and stated its proposed location. He stated that it meets all the requirements. There was discussion regarding the detention pond. Kevin Patel stated that engineering has been approved. He stated that the building permit will be submitted after the replat is approved.

42 4. **P2010-010**

44 **Discuss** and consider a request by Jason DuBose for approval of a residential replat of Lot 1, Block Y, Lakeview Summit Phase 2 Addition, being 0.34-acre zoned (PD-29) Planned Development No. 29 district and located at 751 Monterey Drive.

48 Gonzales presented the case and stated the purpose of the replat.
Jason DuBose, 751 Monterey Drive, Rockwall was present.

50 5. **P2010-011**

52 Discuss and consider a request by Chris Cuny of F.C. Cuny Corp for approval of a preliminary plat of Eagle Point Estates, being 13 lots on 7.054-acres zoned (SF-10) Single Family Residential district and including the property currently addressed as 1310 Ridge Road (i.e. Tracts 16 and 16-1, Abstract 1, D. Atkins Survey) and 1400 Ridge Road (i.e. part of Lot 1, Block A, Carroll Estates Subdivision).

2
4 Spencer presented the case and stated its location. He stated the communication he has had with
6 the applicant. There was discussion regarding the accessibility for the fire department to reach the
8 property. The applicant was not present.

6. **P2010-012**

8 Discuss and consider a request by Pansak Sribhen of PSA Engineering, LLC for approval of a final
10 plat of Lots 1 and 2, Block B, Horizon Ridge Center – North Addition, being 4.966-acres zoned (PD-9)
12 Planned Development No. 9 district and located at the southwest corner of FM 3097 and Tubbs
14 Road, and take any action necessary.

16 Gonzales presented the case and stated the zoning. He stated that some corrections need to be
18 made to the plat prior to filing.

20 Jim Meara, 3515 Cedar Springs Road, Dallas was present.

7. Planning Director's Report on the following Planning and Zoning Commission matters that have been
recently acted on by City Council:

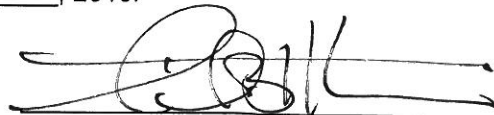
- 22 a) **P2010-008**: Rockwall Library Addition (Replat)
LaCroix stated City Council approved the plat.
- 24 b) **Z2010-008**: UDC Amendments
LaCroix stated City Council approved the amendments.
- 26 c) **Z2010-009**: The Consignment Shop (SUP for Antiques)
28 LaCroix stated City Council approved the SUP, and it will be going back for a second
30 reading.
- 32 d) **Z2010-010**: Kim Hoegger HOME (SUP for Antiques)
LaCroix stated City Council approved the SUP, and it will be going back for a second
34 reading.
- 36 e) **SP2010-007**: Rockwall Plaza Phase 2 – Variances
38 City Council approved the variances as presented. LaCroix stated the applicant brought
in sample materials for Council to see. LaCroix stated that they approved the variances
because the building is going to be 100% stone.

40 *Commissioner Hayes arrived at 6:21*

42 ADJOURNMENT

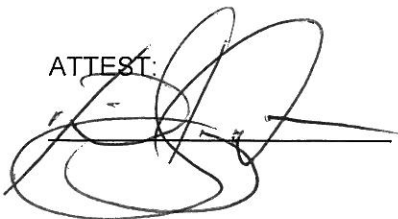
44 The meeting adjourned at 6:22 p.m.

46 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
ROCKWALL, Texas, this 13th day of July, 2010.

48
50 

52 Michael Hunter, Chairman

54 ATTEST:

56 

2 **Minutes of**
4 **PLANNING AND ZONING COMMISSION PUBLIC HEARING**
6 **July 13, 2010**

8 **CALL TO ORDER**

10 The meeting was called to order by Michael Hunter at 6:04 p.m. with the following members present: Barry Buchanan, Connie Jackson, Kristen Minth and Phillip Herbst. Mark Stubbs arrived late, and Tony Hayes was absent.

12 Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, David Gonzales and Chris Spencer.

14 *Approval of Minutes* for June 29, 2010 Planning and Zoning Commission meeting

16 Herbst made a motion to approve the minutes for June 29, 2010.

18 Minth seconded the motion.

20 A vote was taken, and the motion passed by a vote of 5-0.

22 **CONSENT AGENDA**

24 P2010-009

26 Discuss and consider a request by Kevin Patel of The Dimension Group for approval of a replat of Lots 4-5, Block 1, Meadowcreek Business Center Phase 2, being 8.23-acres zoned (C) Commercial district and located at the southeast corner of SH 205 and SH 276, and take any action necessary.

28 P2010-011

30 Discuss and consider a request by Chris Cuny of F.C. Cuny Corp for approval of a preliminary plat of Eagle Point Estates, being 13 lots on 7.054-acres zoned (SF-10) Single Family Residential district and including the property currently addressed as 1310 Ridge Road (i.e. Tracts 16 and 16-1, Abstract 1, D. Atkins Survey) and 1400 Ridge Road (i.e. part of Lot 1, Block A, Carroll Estates Subdivision), and take any action necessary.

36 P2010-012

38 Discuss and consider a request by Pansak Sribhen of PSA Engineering, LLC for approval of a final plat of Lots 1 and 2, Block B, Horizon Ridge Center – North Addition, being 4.966-acres zoned (PD-9) Planned Development No. 9 district and located at the southwest corner of FM 3097 and Tubbs Road, and take any action necessary.

42 Commissioner Herbst made a motion to approve all items on the Consent Agenda with staff recommendations.

44 Commissioner Jackson seconded the motion.

46 It was voted on and passed 5 to 0.

48 **PUBLIC HEARING ITEMS**

50 P2010-010

52 Hold a public hearing and consider a request by Jason DuBose for approval of a residential replat of Lot 1, Block Y, Lakeview Summit Phase 2 Addition, being 0.34-acre zoned (PD-29) Planned Development No. 29 district and located at 751 Monterey Drive, and take any action necessary.

2
4 Gonzales stated that the applicant was not present and requested that this item be
moved to the end of the agenda. He stated that the applicant was late to the last hearing and
thinks he may be on his way. Hunter moved item to the end of the agenda.

6
8 **DISCUSSION ITEMS**

10 **Z2010-012**

12 **Discuss and consider a city-initiated request to amend (PD-32) Planned Development No. 32**
14 **district (Ord. No. 08-11), specifically by rezoning the land described below to expand the**
16 **district boundaries; by incorporating a Concept Plan that applies to land now zoned PD-32**
18 **and the added land, and that divides the district into sub-districts; by establishing land uses**
20 **for each sub-district; by prescribing development standards for each sub-district; by defining**
22 **procedures for approving development within the district; and by defining types and locations**
for streets within the district, and establishing standards for the construction, design and
streetscape for such streets. The Commission and Council also will consider requests to
expand the boundaries of PD-32 by rezoning approximately 1.15-acres from (GR) General
Retail district, approximately 3.08-acres from (C) Commercial district, and approximately
11.21-acres from (PD-7) Planned Development No. 7 district, thereby increasing the size of PD-
32 to approximately 78.89-acres overall, generally located along the south service road of
Interstate 30 and west side of Horizon Road.

24 LaCroix stated the process of how PD-32 is going to develop and where we are in the
26 process, noting the work session the Commission had with the Council several months ago. He
discussed what the subdistricts will be and how they will be handled. Buchanan inquired about
28 the different architectural style for each subdistrict. LaCroix stated they are meant to guide the
development, but the architectural style is not necessarily going to be dictated to a builder.

30 There was discussion regarding the proposed concept plan. There was discussion
32 regarding how many land owners there are for this property. LaCroix stated that, at this point, the
ownership is changing frequently.

34 *Stubbs arrived at 6:20 p.m.*

36 **Planning Director's Report on the following Planning and Zoning Commission matters that**
38 **have been recently acted on by City Council:**

40 a) **Z2010-008: UDC Amendments – 2nd Reading**

42 LaCroix stated that the UDC Amendments were approved by City Council on 2nd
44 Reading.

46 b) **Z2010-009: The Consignment Shop (SUP for Antiques) – 2nd Reading.**

48 LaCroix stated that this case was approved by City Council on 2nd Reading.

50 c) **Z2010-010: Kim Hoegger HOME (SUP for Antiques) – 2nd Reading**

52 LaCroix stated that this case was approved by City Council on 2nd Reading.

54 *A break was taken at 6:21 p.m.*
56 *The meeting reconvened at 6:31 p.m.*

58 **P2010-010**

60 **Hold a public hearing and consider a request by Jason DuBose for approval of a residential**
62 **replat of Lot 1, Block Y, Lakeview Summit Phase 2 Addition, being 0.34-acre zoned (PD-29)**

2 **Planned Development No. 29 district and located at 751 Monterey Drive, and take any action**
4 **necessary.**

6 Chairman Hunter noted that the applicant had not yet arrived, and then opened the public
hearing at 6:31 p.m.

8 **Commissioner Herbst made a motion to continue P2010-010, a request by Jason**
10 **DuBose for approval of a residential replat of Lot 1, Block Y, Lakeview Summit Phase 2**
12 **Addition, being 0.34-acre zoned (PD-29) Planned Development No. 29 district and**
located at 751 Monterey Drive, to the July 27, 2010 meeting.

14 **Commissioner Minth seconded the motion.**

16 **It was voted on and passed 5 to 1, with Buchanan voting against.**

18 Buchanan stated that he feels the case should have been voted on. LaCroix stated that if an
applicant is not present at the public hearing, no action can be taken.

20 **ADJOURNMENT**

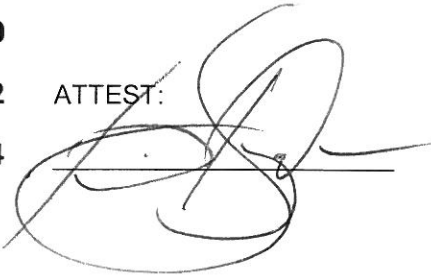
22 The meeting adjourned at 6:33 p.m.

24 **PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF**
ROCKWALL, Texas, this 27th day of July, 2010.

26
28 

Michael Hunter, Chairman

30
32 ATTEST:

34 

2 **Minutes of**
3 **PLANNING AND ZONING COMMISSION WORK SESSION**
4 **July 27, 2010**

6 **CALL TO ORDER**

8 The meeting was called to order by Michael Hunter at 6:00 p.m. with the following members
9 present: Barry Buchanan, Connie Jackson, Phillip Herbst, Kristen Minth and Tony Hayes. Mark
10 Stubbs was absent.

12 Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris
13 Spencer and David Gonzales.

14 **CONSENT AGENDA ITEMS**

16 ***Approval of Minutes*** for July 13, 2010 Planning and Zoning Commission meeting

18 Herbst made a motion to approve the minutes for July 13, 2010.

20 Minth seconded the motion.

22 A vote was taken, and the motion passed by a vote of 5 to 0. (Hayes abstained)

24 **PUBLIC HEARING ITEMS**

26 **P2010-010**

28 **Continue a public hearing and consider a request by Jason DuBose for approval of a
residential replat of Lot 1, Block Y, Lakeview Summit Phase 2 Addition, being 0.34-acre zoned
(PD-29) Planned Development No. 29 district and located at 751 Monterey Drive, and take any
action necessary.**

30
32 Gonzales stated that the applicant, Mr. Jason DuBose, has submitted a request for approval
of a residential replat of his property described as Lot 1, Block Y of the Lakeview Summit Phase 2
34 Addition. The purpose of the replat is to abandon a portion of a variable width sanitary sewer
easement located at the rear yard of the property. Mr. DuBose intends to fence the area in, provide
36 fill material to level the grade, and erect a play structure. The City engineering department has
reviewed the request and is in agreement that the portion to be abandoned is acceptable, contingent
38 on the appropriate permits.

40 Since this is a residential replat, notice is required to be mailed to all property owners of
record within the Lakeview Summit Phase 2 Addition, within 200-ft of the subject property. There
42 were 15 notices mailed and at the time of this report, staff has not received any responses.

44 Staff recommends approval of the request with the following conditions:

- 46 1. Adherence to all Building Inspection, Engineering, and Fire Department standards.
- 48 2. Pull permit if moving or replacing fence.
- 50 3. Pull permit if altering or replacing retaining wall. (if retaining wall is 4-ft or taller, it must be
engineered)
- 52 4. If providing fill material, a fill request must be approved by the Engineering Department.

54 Herbst asked for clarification on the location of the easement that is to be abandoned.

Mr. DuBose, 751 Monterey Drive, Rockwall, 75087 was present and requested approval of the
replat. Herbst asked for clarification on where the easement is located. Mr. DuBose stated its
location.

2 *Hunter stated the public hearing was open at 6:07 p.m.*
4 *With no public comment, the public hearing was closed at 6:07 p.m.*

6 Commissioner Minth made a motion to approve P2010-010, a request by Jason DuBose
8 for approval of a residential replat of Lot 1, Block Y, Lakeview Summit Phase 2 Addition,
being 0.34-acre zoned (PD-29) Planned Development No. 29 district and located at 751
Monterey Drive, with staff recommendations.

10 Commissioner Jackson seconded the motion.

12 It was voted on and passed 6 to 0.

14 Z2010-012

16 Hold a public hearing and consider a city-initiated request to amend (PD-32) Planned
18 Development No. 32 district (Ord. No. 08-11), specifically by rezoning the land described below
to expand the district boundaries; by incorporating a Concept Plan that applies to land now
20 zoned PD-32 and the added land, and that divides the district into sub-districts; by
establishing land uses for each sub-district; by prescribing development standards for each
22 sub-district; by defining procedures for approving development within the district; and by
defining types and locations for streets within the district, and establishing standards for the
24 construction, design and streetscape for such streets. The Commission and Council also will
consider requests to expand the boundaries of PD-32 by rezoning approximately 1.15-acres
26 from (GR) General Retail district, approximately 3.08-acres from (C) Commercial district, and
approximately 11.21-acres from (PD-7) Planned Development No. 7 district, thereby increasing
the size of PD-32 to approximately 78.89-acres overall, generally located along the south
28 service road of Interstate 30 and west side of Horizon Road, and take any action necessary.

30 LaCroix stated that since late 2008, the City has been working with Talley and Associates on
concept planning and development standards for PD-32. The original objective of the City Council
subcommittee appointed to work on this plan was to focus on the following points:

- 32
- Create a high-end mixed-use development concept plan consistent with Rockwall's
market position as a "move-up" market; and
 - Create a concept plan which will complement the Harbor project and together,
34 establish a unique Rockwall urban place attracting regional traffic giving the city a
36 strong commercial tax anchor.

38 Over the past two years, the study has included the drafting of several concept plan
alternatives, a market analysis study, a traffic study, and a comprehensive set of development
40 standards and guidelines. At this time, the City is ready to hold the required public hearings and
consider a proposed ordinance for the amendment of PD-32. The amendment includes an expansion
42 of the district to approximately 78.89-acres overall, the adoption of a PD concept plan, and the
adoption of the "form-based code."

44 LaCroix reported on the notices that have been received.

46 Staff is recommending approval of the amended ordinance for PD-32.

48 Herbst inquired about the interior sub-district. LaCroix stated that it can be used for office,
50 residential or an age-restricted residential area. He stated that the use can be any of those three.

52 *Hunter opened the public hearing at 6:16 p.m.*

54 Doyle Caine, Minneola, TX stated that he owns three (3) lots within PD-32. He is inquiring
56 what his property is going to be rezoned as. LaCroix stated the proposed uses for the property.

2 Tom Briscoe, 2320 Stevens Road, stated that he opposes the change of zoning on his
4 property. He stated that he bought the property with the intention of building a convenience store. He
6 with the new zoning, the use will be prohibited. LaCroix stated the land use for retail sales and gas is
8 still allowed on Mr. Briscoe's property.

10 Cathy Murphy, Murphy Plaza, 2910 Ridge Road, inquired about how the change is going to
12 impact her property. LaCroix explained the connection of the Harbor District and FM 740. He stated
14 part of the area will be the entrance and some could be developed as office space. There was
16 discussion regarding the location of the cemetery and how this concept plan will affect it.

18 Suzy Sapp, 2805 Marcie, inquired where the construction is going to be in relation to the
20 greenbelt area that is already there. LaCroix stated that the existing greenbelt will still be there. He
22 further stated that through developing this property, the greenbelt should actually get bigger and
24 provide a larger buffer between commercial and residential property. Ms. Sapp stated she is
26 concerned about the wildlife and inquired what will happen to it. LaCroix stated that the developers
28 are going to leave as many trees as they can. He stated there has to be some construction, but that
30 there is a tree ordinance and that they will leave as much as they can in its natural state. There was
discussion regarding crime from the Harbor. LaCroix stated that the additional lighting will allow the
visibility of people walking across the property.

32 Danny Murphy, 2910 Ridge Road, discussed concerns relating to the disrepair of the
34 cemetery and how this development might impact its condition.

36 Jennifer Briscoe, Briscoe Oil, 2323 Stevens Road, inquired whether the proposed concept
38 plan could be changed. LaCroix stated that if a piece of property was going to be developed
differently than what is on the concept plan, the developer would have to bring in a new concept plan
and it would then become a zoning case to amend the concept plan.

40 *With no further public comment, the public hearing was closed at 6:42 p.m.*

42 **Commissioner Minth made a motion to approve Z2010-012, a city-initiated request to**
44 **amend (PD-32) Planned Development No. 32 district (Ord. No. 08-11), as recommended**
46 **by City staff.**

48 **Commissioner Jackson seconded the motion.**

50 **It was voted on and passed 6 to 0.**

52 **DISCUSSION ITEMS**

54 Planning Director's Report on the following Planning and Zoning Commission matters that have been
recently acted on by City Council:

56 a) **P2010-009: Meadowcreek Business Center (Racetrac) – Replat**

LaCroix stated that City Council approved this case.

b) **P2010-011: Eagle Point Estates - Preliminary Plat**

LaCroix stated that City Council approved this case.

c) **P2010-012: Horizon Ridge Center (7-Eleven) – Final plat**

LaCroix stated that City Council approved this case.

LaCroix presented a Dedicated Service Award to Michael Hunter for his years of service.

2 **ADJOURNMENT**


4 The meeting adjourned at 6:50 p.m.

6 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
ROCKWALL, Texas, this 31st day of July, 2010.

8
10 

12 Michael Hunter, Chairman

14 ATTEST:

16 

2 **Minutes of**
4 **PLANNING AND ZONING COMMISSION WORK SESSION**
6 **August 31, 2010**

8 **CALL TO ORDER**

10 The meeting was called to order by Michael Hunter at 6:00 p.m. with the following members present: Barry Buchanan, Phillip Herbst, Kristen Minth and Mark Stubbs. Connie Jackson was absent, and one seat remains vacant.

12 Additionally, the following staff members were present: Michael Hampton, Irene Hatcher, David Gonzales and Chris Spencer.

14 ***Approval of Minutes*** for July 27, 2010 Planning and Zoning Commission meeting

16 Herbst made a motion to approve the minutes for July 27, 2010.

18 Buchanan seconded the motion.

20 A vote was taken, and the motion passed by a vote of 4 - 0 (Stubbs abstained)

22 Clark Staggs of the Architectural Review Board addressed the Commission. Mi Cocina restaurant was discussed. There was discussion regarding the architecture being excellent and that it is a very good project. The ARB highly recommends the approval of the plan and design.

24 Second project discussion is the restaurant location on the southeast quadrant of SH-205 and I-30. It was stated that location is one of the few remaining premier locations. The ARB stated that this location would justify a nicer design. Some photographs of some award-winning restaurant designs with a drive-thru were produced by the ARB to the applicant and they were asked to consider the ARB's request and that the P&Z Commission look at this in the same way. The ARB stated that they are looking for something better, not in concept, but in the architectural design.

32 **CONSENT AGENDA ITEMS**

34 **P2010-014**

36 **Discuss and consider a request by Christopher McCluskey of Pacheco Koch Consulting Engineers for approval of a replat of Lot 5, Block A, Rockwall Crossing Addition, being a 1.41-acre tract zoned (C) Commercial district, and take any action necessary.**

40 **P2010-015**

42 **Discuss and consider a request by Joshua Millsap of Bury + Partners DFW, Inc., for approval of a replat of Lot 9, Block A, Rockwall Business Park East Addition, being 12.661-acres zoned (C) Commercial district and situated along the south side of IH-30 west of SH 205, and take any action necessary.**

46 Herbst made a motion to P2010-014 and P2010-015 with staff recommendations.

48 Stubbs seconded the motion.

50 A vote was taken, and the motion passed by a vote of 5 - 0

52 **PUBLIC HEARING ITEMS**

54

2 Z2010-011

4 Hold a public hearing and consider a request by Eric Cotney of Axiom Solar for approval of a
6 Specific Use Permit (SUP) to allow for a "Utility Installation, Other Than Listed," specifically
8 the installation of solar panels on the roof of a home located at #4 Soapberry Lane, being Lot
10 5, Block A, Grady Rash Addition and zoned (SF-10) Single Family Residential district, and take
12 any action necessary.

14 Gonzales stated the applicant has submitted a request for approval of a Specific Use Permit
16 (SUP) to allow for a "Utility Installation, Other Than Listed," specifically for the installation of twenty-
18 three (23) solar panels on the roof of their clients' home. The property is zoned Single Family
20 Residential (SF-10) district and is located at #4 Soapberry in the Grady Rash Subdivision.

22 The purpose of the request is to allow solar panels to be mounted to the roof of the home.
24 Should the request be approved, the applicant proposes the installation of twenty-three (23) 175 dc
26 watt solar modules mounted on three (3) south facing roof surfaces for maximum exposure to the
sun. There will also be twenty-three (23) micro-inverters that will back feed an over current protection
device (OCPD) at the main electrical panel. This would result in a savings of approximately 30 % of
the electricity normally consumed, thereby reducing the amount of electricity demanded on the grid.

28 Mr. Rash's property abuts the Lake Ray Hubbard Takeline area and the south facing roof
30 surfaces (proposed location of panels) face the lake, therefore no properties will have a direct view of
32 the solar panels. Furthermore, the area along Soapberry Lane is heavily treed, thereby reducing
34 visibility for those properties to the east on Bay Shore Dr. The applicant has submitted specifications
36 of the equipment to be installed including a roof plan. There is no homeowner association within this
subdivision; therefore no approval letter is required from an H.O.A.

38 In staff's opinion, the applicant's request is worthy of consideration given his goal of reducing
40 the amount of energy consumed and the limited visibility of the proposed solar panels. However, staff
42 does feel this request to be a judgment call for the Planning and Zoning Commission as well as the
44 City Council until such time specific guidelines are adopted for solar power facilities. It should be
46 noted that SUPs for similar requests have been granted in the past, two of which were for solar
48 panels for residences and two wind turbines (one residential and one commercial). The most recent
requests were for eleven (11) solar panels at 748 Black Oak Lane in November 2009 and twenty-two
(22) solar panels at 606 Shoreview Lane in July of 2009. Staff is recommending the same conditions
for this case that were approved for these two residences.

38 Should the request be approved, staff would recommend the following conditions:

- 40 1. Twenty-three (23) solar panels shall be attached to the roof as shown on the roof plan
42 elevations submitted by the applicant.
- 44 2. All mechanical equipment (e.g. micro inverters) and batteries shall be completely screened
46 from adjacent rights-of-way and properties.
- 48 3. The solar panel equipment shall be the Suntech 175 watt mono-crystalline system or an
equivalent system with the physical specifications as submitted by the applicant.
- 40 4. Provide approval letter from Oncor Electric Delivery for interconnection to the electric utility
42 grid prior to the release of permit.

48 Mr. Cotney requested that the Commission approve the SUP permit as requested. He stated
50 that he is agreement with the facts presented by Gonzales.

52 There was discussion as to how the panels will be attached to the roof and whether or not
54 there needs to be any structural improvements made to the roof before installation. Mr. Cotney
stated that no improvements are needed and explained the installation process of the solar panels.

56 There was discussion regarding the funding from Oncor for this project. Mr. Cotney stated
that it is part of Oncor's program. He stated that the program is officially closed. Minth inquired

2 whether there is going to be a glare from the panels and, if so, to what degree. Mr. Cotney stated
4 that there will be zero glare from the modules. He stated there is a 25-year manufacturer's warranty
on the coating on the modules. He stated if it becomes defective at any time it is replaced.

Public Hearing was opened at 6:22.pm.

With no public comment, the hearing was closed at 6:22 pm.

8 **Commissioner Buchanan made a motion to approve Z2010-011, a request by Eric
10 Cotney of Axium Solar for approval of a Specific Use Permit (SUP) to allow for a "Utility
Installation, Other Than Listed," specifically the installation of solar panels on the roof
12 of a home located at #4 Soapberry Lane, being Lot 5, Block A, Grady Rash Addition and
zoned (SF-10) Single Family Residential district, with staff recommendations.**

14 **Commissioner Herbst seconded the motion.**

16 **It was voted on and passed 5 to 0.**

18 **SITE PLANS / PLATS**

20 **SP2010-011**

22 **Discuss and consider a request by Christopher McCluskey of Pacheco Koch Consulting
Engineers for approval of a site plan for Mi Cocina Restaurant to be located at 971 IH-30
24 (previously occupied by TGI Fridays), being a 1.41-acre tract known as Lot 5, Block A,
Rockwall Crossing Addition and zoned (C) Commercial district, and situated within the IH-30
Overlay district, and take any action necessary.**

26 Hampton stated that the applicant has submitted a revised site plan, landscape plan and
28 building elevations for the existing (vacant) TGI Friday's restaurant located in the Rockwall Crossing
development. The proposal is to convert the space into a Mi Cocina restaurant, including a total
30 remodel of the interior space, an expansion of over 1,000-sf and a renovation of the exterior "skin" of
the building. The TGI Friday's restaurant was approved in April 2005, and opened later that year.

32 The site plan indicates the existing footprint (approximately 5,000-sf) as well as the proposed
34 expansion area to the west side of the building. Also proposed on the west side is a patio area. To
accommodate this expansion, the existing firelane and parking spaces on that side of the site are to
36 be removed. The firelane is not necessary to meet city fire protection requirements. However, the
firelane must be abandoned via a replat, which has been submitted concurrently with the site plan
38 (see Project No. P2010-014). In addition, a portion of the existing drive aisle connecting this site to
the adjacent Chipotle/Buffalo Wild Wings "omni building" in Rockwall Crossing must be dedicated as
40 a firelane.

42 Despite the loss of parking spaces and proposed expansion, the site remains adequately
44 parked per City standards. The required parking for the 6,375-sf restaurant is 64 spaces, and the
applicant is proposing 74, including four (4) accessible spaces. The accessible spaces have been
46 relocated to line up with the new front entrance, located at the northeast corner of the building.

48 The dumpster location will remain in the rear of the building.

50 An amended landscape plan and tree protection plan has also been submitted. Because of
the extensive work to the building, nearly all the landscaping will be removed from adjacent to the
52 building; however, the landscape plan indicates that much more extensive landscaping will be
replanted. The applicant is also proposing to transplant four existing trees affected by the relocated
54 accessible parking spaces to other locations within the existing buffer along IH-30. All other trees and
shrubs on the site will be maintained.

2 The applicant has indicated that no new lighting will be installed on the property, with the
4 exception of some potential decorative wall sconces, etc. Staff has included a condition that any new
lighting shall be full cut-off type fixtures and comply with all City specifications.

6 It should be noted that the building elevations for TGI Friday's were approved shortly before
8 the update of the IH-30 Overlay district that mandated four-sided architecture and other stricter
design standards. However, the applicant's proposal to convert the restaurant into a Mi Cocina
10 includes an extensive overhaul of all four sides of the building that bring the building into compliance
with today's standards. Natural stone is now used on each facade, ranging in between 27% on the
12 rear/south elevation to 62% of the front/north elevation. The remaining materials are stucco and split-
face CMU, as well as a variety of design elements such as canopies in the front and trellis structures
14 over the new patio and down each side.

16 It is important to note that the TGI Friday's project did receive approval of the existing
mechanical equipment screen on the roof, which the applicant has maintained. However, the
18 applicant is proposing to paint this black to better match and complement the proposed design of the
restaurant.

20 Staff recommends approval of the amended site plan, landscape plan and building elevations
subject to the following conditions:

- 22 1. Adherence to all engineering department requirements.
- 24 2. Adherence to all fire department requirements.
- 26 3. Approval of replat by City Council.
- 28 4. Dedication of offsite firelane easement via separate instrument to connect existing firelane
on site to existing firelane on adjacent lot to the west.
- 30 5. Any new lighting, including pole- or wall-mounted, shall be full cut-off type fixtures and
comply with all City specifications.
- 32 6. Adherence to Architectural Review Board recommendations, if applicable.

34 There was discussion regarding the south façade. Hampton stated that they are adding
stone and resurfacing the building. There was discussion regarding the dumpster location staying the
36 same.

38 David Droese, Droese Raney Architecture, stated what they intend to do with the south
façade and the patio.

40 **Commissioner Minth made a motion to approve SP2010-011, a request by Christopher
McCluskey of Pacheco Koch Consulting Engineers for approval of a site plan for Mi
Cocina Restaurant to be located at 971 IH-30 (previously occupied by TGI Fridays),
42 being a 1.41-acre tract known as Lot 5, Block A, Rockwall Crossing Addition and zoned
(C) Commercial district, and situated within the IH-30 Overlay district, with staff
44 recommendations.**

46 **Commissioner Stubbs seconded the motion.**

48 **It was voted on and passed 5 to 0.**

50 **SP2010-010**

52 **Discuss and consider a request by David Hardin of Randall's Food & Drugs, LP for approval of
an amended site plan for the Tom Thumb Fuel Center located at 3074 N Goliad, specifically to
54 allow for the outside display of an ice machine, on a 0.733-acre tract known as Lot 3, Block A,
Stone Creek Retail Addition and zoned (PD-70) Planned Development No. 70 district, and take
any action necessary.**

2 Hampton stated the applicant has submitted a site plan amendment for the Tom Thumb Fuel
4 Center, which opened along with the Tom Thumb food store in May 2010. Specifically, the request is
to allow for outside display/merchandising of an ice machine in front of the fuel center's kiosk.

6 The Stone Creek Retail shopping center was first approved via a PD "Development Plan,"
8 then subsequently as a PD "Site Plan." The Development Plan, which was a zoning mechanism
approved by ordinance, stated the following:

10 "No outside storage, display or merchandising will be allowed, unless specifically shown and
approved on the PD Site Plan."

12 The PD Site Plan, approved in January 2009, did not indicate any specific outside display or
14 merchandising for the fuel center. The grocery store was authorized to refer to the "incidental display"
requirements specified in the Unified Development Code.

16 At this time, the applicant has submitted an amended site plan and elevations/photographs
18 showing the specific location and dimensions of the ice machine. To help mitigate concerns of the
visibility of the unit, the applicant is proposing that it be painted a shade of brown (in lieu of the typical
20 stark white) to better match the existing color/building materials of the kiosk.

22 If approved, the ice machine would be the only outside display to occur. No additional
24 merchandising of products would be permitted, unless specifically approved by the Planning
Commission or City Council via a future site plan review process.

26 Staff feels like the submitted site plan amendment for the addition of an ice machine is a
judgment call for the Planning Commission and City Council.

28 David Harden, Randall's Tom Thumb Food Markets, 311 Gabner Ct. Katy TX, stated that this
30 was an oversight when they built the fuel center. He stated it should have been on the site plan to
begin with. He stated there is no room to put the ice sales inside the kiosk.

32 Herbst inquired whether Walmart is going to want ice sales outside if this is approved.
34 Hunter gave the history of the ordinance that dictates outside storage and the difference in the zoning
in certain locations. Buchanan stated that this is the best ice box he has seen. He stated that every
36 gas station and grocery store has something outside and to not allow this would put Tom Thumb at a
marketing disadvantage.

38 **Commissioner Buchanan made a motion to approve SP2010-010, a request by David
40 Hardin of Randall's Food & Drugs, LP for approval of an amended site plan for the Tom
Thumb Fuel Center located at 3074 N Goliad, specifically to allow for the outside display
42 of an ice machine, on a 0.733-acre tract known as Lot 3, Block A, Stone Creek Retail
Addition and zoned (PD-70) Planned Development No. 70 district, with staff
44 recommendations.**

46 **Commissioner Herbst seconded the motion.**

48 **It was voted on and passed 5 to 0.**

50 **DISCUSSION ITEMS**

2 **Z2010-014**

4 **Discuss and consider a request by Walgreen Co. for approval of an amendment to (PD-65)**
6 **Planned Development No. 65 (Ord. No. 08-02), specifically to allow for outside display of**
8 **certain items in conjunction with the existing Walgreen retail store located on Lot 1, Block B,**
10 **North Lakeshore Valley Addition, being 2.02-acres zoned (PD-65) Planned Development No. 65**
12 **district and located at 2007 North Goliad.**

14 Gonzales stated the background of this request and the location of the store. He stated that PD-
16 65 specifically states no outside storage or display or merchandising will be allowed. He stated that if
18 this amendment passes, it will just be to lot 1 and not the entire PD. He stated that they are
20 requesting approval for an ice machine, propane tanks and a DVD Red Box.

22 Herbst inquired whether they are already selling propane at this location. Gonzales stated that
24 code enforcement has been out there for that reason.

26 Hunter inquired whether this would set a precedent for the rest of the development. Hampton
28 stated that it does not set a precedent. He stated it is something that you look at on a case-by-case
30 basis.

32 Maria Gonzales, Store Manager, stated when the store opened a year ago she thought
34 everything was taken care of. She stated that she did not know they were not in compliance with city
36 regulations. Hunter inquired where the Red Box would be located. Ms. Gonzales stated it would be
38 located between the two pillars. Hunter inquired if this request is denied, would they put the Red Box
40 inside. Ms. Gonzales stated that they would lose commission from the Red Box because it would not
42 be accessible after business hours.

44 Minth stated that she thinks the city is allowing too much. She stated she has a hard time
46 approving it just because it has been approved before. She stated she has a hard time approving it
48 the way it is being requested.

50 Hunter inquired what the limit is for outside storage. Hampton stated it is 5% of the building area
52 and it has to be covered. Minth suggested that they make the display look nicer and to have it not be
54 an eyesore.

56 Hunter suggested that the Commission and Council decide what type of outside storage is to be
allowed and not limit it to a percentage of the building area.

There was discussion regarding who will be notified of this request. Hampton stated that along
with the mailed notices, there will also be a sign posted. He stated that staff might get some calls
regarding the request due to placing the signs out.

60 **Z2010-015**

62 **Discuss and consider a request by Mostafa Setayesh of The Dimension Group for approval of**
64 **an amendment to the existing Specific Use Permit (Ord. No. 07-23), specifically to allow for**
66 **outside display of certain items in conjunction with the existing 7-Eleven convenience store**
68 **located on Lot 2, Block A, Hillcrest Center Addition, being 1.02-acres zoned (GR) General**
70 **Retail district and located at 3250 North Goliad.**

72 Gonzales stated the background of the request. He stated that this is an SUP. He stated that
74 they are requesting the DVD Red Box Kiosk and the propane sales. He stated that they are also
76 requesting merchandise display as well.

There was discussion regarding where it is stated that they are requesting merchandise display.
Gonzales stated that if it is not covered it has to be screened. There was discussion regarding when
the display must be covered and when it can be uncovered.

2 Mostafa Setayesh (The Dimension Group) stated he listened to the discussion on the Walgreens
4 and the 7-Eleven. He stated he is requesting this SUP to keep the consistency with all of the other
6 7-Elevens. Hunter inquired of the applicant if he could have his outside display placed in front of the
8 windows under the overhang. Mr. Setayesh stated that if the outside display is placed under the covered
area, it will cover the glass and prohibit the cashier's visibility. He stated that he would have to discuss
that with 7-Eleven Corporate office. Mr. Setayesh stated there may be a possibility of painting the
propane cage and the ice box display so it blends more with the building.

10 Hunter suggested to the applicant that he comes back with ideas of how to present to the
12 commission how he can do the outside display and meet the ordinance with the display being under
cover.

14 **SP2010-012**

16 **Discuss and consider a request by Brian Fetz of GHA Architecture / Development for approval**
18 **of a site plan for a 3,750-sf drive-thru restaurant on Lot 4, Block 1, Rockwall Centre Corners**
Addition, being a 1.293-acre tract zoned (C) Commercial district and situated at the southeast
corner of SH 205 and IH-30 within the SH 205 Overlay district and the IH 30 Overlay district.

20 Spencer stated the background of the case. He discussed the plans that have been submitted by the
22 applicant. Spencer stated the applicant is requesting a variance regarding the required pitch-roof
system. He explained the variance request. He stated that everything else meets the UDC
24 requirements. There was discussion regarding the height of the light poles and the drive-thru lanes.

26 Brian Fetz (GHA Architecture, Dallas) was present. He stated that he is in agreement with the
presentation so far. He stated that he is excited about the location. He stated they feel confident that
28 this is going to be a good site for them. There was discussion regarding the comments made by the
ARB. Mr. Fetz stated that they would prefer to come in with more of a prototypical building that they
30 have used in other states. He stated that he will go back to corporate and see what they can come
up with to come to a middle ground and still keep their corporate identity. Hunter stated that all of the
32 architecture in Rockwall does not have to be the same. He stated that it does have to say something
to people driving to make them want to stop and eat lunch. It should be eye popping.

34 There was discussion regarding what the ARB asked for. Mr. Fetz stated that the ARB asked for
36 more articulation. There was discussion regarding the patio and the screening between the
dumpster. There was also discussion regarding an entrance from the parking to the patio.

38 **Z2010-013**

40 **Discuss and consider a request by MWY, LLC for approval of a Specific Use Permit (SUP),**
42 **same being an amendment to the existing Conditional Use Permit (Ord. No. 02-13) and**
44 **including a proposal to allow for the outside display of boats at the existing Rockwall Honda**
motorcycle dealership located at 1030 E IH-30, being a 1.152-acre tract known as Lot 3, Block
A, Newman Center Addition and zoned (C) Commercial district.

46 Spencer stated the request of the applicant. There was discussion regarding landscape requirements
and maintenance. There was discussion regarding the ordinance and outside storage.

48 *Commissioner Stubbs left at 7:45 p.m.*

50 Buchanan stated how the ordinance for outside storage reads now and inquired whether it has
52 changed. Spencer explained that because the items to be displayed will be put inside every night,
the administration is considering it to be incidental display. He stated that the CUP will be amended
to delineate where the outside storage will be permitted. Spencer stated that the Commission can
54 recommend to Council to stipulate that the display be brought inside every night.

2 Hunter stated that if an ordinance is passed and then is put in the code, if administration or staff does
4 not like it or cannot enforce the code, it should go back to City Council or this Commission to amend
the code.

6 Michael Womell (Rockwall Honda Yamaha) was present. There was discussion regarding the length
8 of the boats that they are proposing to display. There was discussion regarding the number of boats
that the applicant is asking to display. The applicant stated that he has no intention of leaving the
boats outside on display over night. Mr. Whirl demonstrated where the display will be.

10

ADJOURNMENT

12

The meeting adjourned at 8:10 p.m.

14

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
16 ROCKWALL, Texas, this 12th day of OCTOBER, 2010.

18



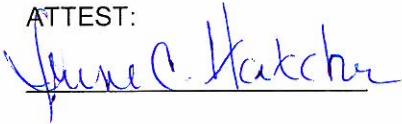
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Phillip Herbst, Chairman

22

ATTEST:

24



2 **Minutes of**
4 **PLANNING AND ZONING COMMISSION PUBLIC HEARING**
6 **September 14, 2010**

8 **CALL TO ORDER**

10 The meeting was called to order by Michael Hunter at 6:01 p.m. with the following members present: Barry Buchanan, Connie Jackson, Kristen Minth, Phillip Herbst and Mark Stubbs. One seat remains vacant.

12 Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, David Gonzales, Irene Hatcher and Chris Spencer.

14 **CONSENT AGENDA ITEMS**

16 **P2010-013**

18 **Discuss and consider a request by Dub Douphrate of Douphrate & Associates, Inc. for approval of a final plat for Carrier Drive, being a new right-of-way comprising 1.2654-acres and situated between SH 276 and Discovery Blvd, located within a vacant tract known as Tract 1-4, Abstract 2, J. M. Allen Survey and zoned (LI) Light Industrial district, and take any action necessary.**

24 **Commissioner Herbst made a motion to approve P2010-013, a request by Dub Douphrate of Douphrate & Associates, Inc. for approval of a final plat for Carrier Drive, being a new right-of-way comprising 1.2654-acres and situated between SH 276 and Discovery Blvd, located within a vacant tract known as Tract 1-4, Abstract 2, J. M. Allen Survey and zoned (LI) Light Industrial district, with staff recommendations.**

30 **Commissioner Jackson seconded the motion.**

32 **It was voted on and passed 6 to 0.**

34 **Chairman Hunter moved the Architectural Review Board report and related site plan up on the agenda.**

36 **Appointment with Architectural Review Board representative to receive the Board's recommendations and comments for items on the agenda requiring architectural review.**

40 Julien Meyrat stated the ARB reviewed the In-N-Out Burger project. He stated they would still like a little more variety in the materials and articulation. He stated that he spoke to the developer about making it a more interesting design than what they are proposing now. He stated that this is a prominent site in Rockwall and the ARB would like to see something a bit more inviting. He stated that what they have seen so far does not have enough color or articulation. He further stated that the developer agreed that there is a possibility of having more variety in the materials and color. He stated that the developer wants to put something together that the ARB is comfortable with.

48 Herbst inquired what other articulation the ARB is looking for. Julien Meyrat stated what the ARB is looking for. He stated that one of the suggestions was to add different kinds of stone with richer color. Buchanan stated that he does not want everything in the city looking exactly alike.

52 **SP2010-012**

54 **Discuss and consider a request by Brian Fetz of GHA Architecture / Development for approval of a site plan for a 3,750-sf drive-thru restaurant on Lot 4, Block 1, Rockwall Centre Corners Addition, being a 1.293-acre tract zoned (C) Commercial district and situated at the southeast**

2 corner of SH 205 and IH-30 within the SH 205 Overlay district and the IH 30 Overlay district,
4 and take any action necessary.

6 Brian Fetz (GHA Architecture) addressed the Commission and described the changes that have
8 been made. He stated they are willing to work with the ARB to come up with a design that they are
10 more comfortable with.

12 Buchanan inquired whether the developer has any thoughts as to what other changes can be
14 made. Mark Noack, of In N Out Burger, stated that they are looking at possibly changing the stone
16 colors and perhaps moving the patio back a little bit. He stated they do need to be consistent with
18 their look of the restaurant for recognition purposes. Jackson stated that they are going to be a
20 welcome addition to Rockwall.

22 Mr. Fetz requested a motion to table this case so they can go back and make some changes and
24 re-present to the Architectural Review Board.

26 Commissioner Jackson made a motion to table SP2010-012, a request Brian Fetz of
28 GHA Architecture / Development for approval of a site plan for a 3,750-sf drive-thru
30 restaurant on Lot 4, Block 1, Rockwall Centre Corners Addition, being a 1.293-acre tract
32 zoned (C) Commercial district and situated at the southeast corner of SH 205 and IH-30
34 within the SH 205 Overlay district and the IH 30 Overlay district.

36 Commissioner Herbst seconded the motion.

38 It was voted on and passed 6 to 0.

40 PUBLIC HEARING ITEMS

42 Z2010-013

44 Hold a public hearing and consider a request by MWY, LLC for approval of a Specific Use
46 Permit (SUP), same being an amendment to the existing Conditional Use Permit (Ord. No. 02-
48 13) and including a proposal to allow for the outside display of boats at the existing Rockwall
50 Honda motorcycle dealership located at 1030 E IH-30, being a 1.152-acre tract known as Lot 3,
52 Block A, Newman Center Addition and zoned (C) Commercial district, and take any action
54 necessary.

56 *Spencer stated that the applicant is running late and requested that this case be moved to the
end of the Public Hearings.*

58 Z2010-014

60 Hold a public hearing and consider a request by Walgreen Co. for approval of an amendment
62 to (PD-65) Planned Development No. 65 (Ord. No. 08-02), specifically to allow for outside
64 display of certain items in conjunction with the existing Walgreen retail store located on Lot 1,
66 Block B, North Lakeshore Valley Addition, being 2.02-acres zoned (PD-65) Planned
68 Development No. 65 district and located at 2007 North Goliad, and take any action necessary.

70 Gonzales stated that the applicant, Walgreen Co., has submitted a proposed amendment to (PD-
72 65) Planned Development No. 65, which was approved in 2006, amended in 2008 and includes the
74 parcel where Walgreen's is located (2007 N. Goliad St) along with several other parcels. The
76 purpose of the amendment is to allow outside display of an ice machine, propane cage, and a "Red
Box" DVD rental kiosk for this parcel (Lot 1, Block B). A site plan has been submitted indicating
specific area's where the display items are to be located, next to the building.

Planned Development No. 65 (Ord. No. 08-02) has several sections that address specific issues
for each separate parcel within the PD. Also, within each section of PD-65, it specifically states "no

2 outside storage/display or merchandising.” Walgreen’s request is lot specific and will only affect the
4 parcel where it is situated (Lot 1, Block B) and no others within PD-65. Staff received an e-mail from
6 Maria Gonzales, Store Manager, requesting the amendment due to a competitive advantage the CVS
8 store across the street has with their outside display (an ice machine and a propane cage). She also
cites the “Red Box” movie center as gaining a competitive advantage and providing a service for the
area.

10 As a note, the Planning and Zoning Commission and City Council recently approved a similar
12 request earlier this year, in the form of a Specific Use Permit, to allow outside display items for a 7-
14 Eleven that will be located at Horizon Rd & Tubbs. Staff does feel the request to warrant
16 consideration based on the recent SUP approval for the 7-Eleven at Horizon Rd & Tubbs and the
outside display at CVS on North Goliad St. Staff does recommend limiting the outside display to the
certain items that are in this request and to have the items dimensioned on their site plan, if
approved. However, staff does feel an approval to amend PD-65 to be a judgment call for the
Planning and Zoning Commission as well as the City Council.

18 Staff would recommend the following conditions, should the amendment be approved;

- 20 1. No outside display or outside storage shall be allowed on the property, with the
22 exception of the following items as indicated on the approved site plan, limiting the
location and dimensions: ice machine, propane cage and "red box" DVD rental kiosk.

24 Buchanan inquired whether the ordinance requires that outside storage be under cover.
26 Gonzales stated, yes, it is a requirement.

28 Maria Gonzales, store manager, is requesting that the Commission approve the outside storage
30 request. She stated that the propane cages have been moved under the canopy. Jackson inquired
32 whether the Reddy Ice is locked. Ms. Gonzales stated, yes. There was discussion regarding the
hours of operation. Ms. Gonzales stated they are not open 24/7 and stated the hours. Hunter
inquired whether there is any information on the ability to paint the Reddy Ice machine to a more
neutral color. Ms. Gonzales stated that she has not heard back from the Reddy Ice Company yet.

34 *Public Hearing was opened at 6:25 pm.*

36 *With no public comment, the Public Hearing was closed at 6:25 pm.*

38 There was discussion regarding whether CVS has a Reddy Ice machine. Buchanan stated that
40 he is disappointed in the City that there is such inconsistency in the regulations for outside storage.
42 Minth stated that she agrees with Commissioner Buchanan. She stated that she thinks the Red
Boxes are going to be obsolete very shortly due to the ability to download movies. Herbst stated he
does not have a problem with the Red Box being located outside.

44 **Commissioner Herbst made a motion to approve Z2010-014, a request by Walgreen Co.
46 for approval of an amendment to (PD-65) Planned Development No. 65 (Ord. No. 08-02),
48 specifically to allow for outside display of certain items in conjunction with the existing
Walgreen retail store located on Lot 1, Block B, North Lakeshore Valley Addition, being
2.02-acres zoned (PD-65) Planned Development No. 65 district and located at 2007 North
Goliad, with staff recommendations.**

50 Jackson inquired about the issue of painting the Reddy Ice machine. Hunter explained the
52 discussion regarding the Tom Thumb ice machine.

54 **Commissioner Jackson seconded the motion with staff recommendations.**

56 Hunter stated that he agrees with Buchanan in that the City needs to get some consistency
with the regulations for outside storage and display. Stubbs stated that he agrees. Stubbs
inquired of Robert what the direction of the City is.

2 LaCroix stated that there have been code enforcement issues with the outside display at
4 Kroger and Home Depot. He stated that we are being consistent because Walgreens is in a
6 district that does not allow outside storage, which is why the case is before the P&Z. He
further stated from now going forward all of these issues will be addressed in the site plan.

8 LaCroix explained what the direction of City Council has been to staff. He further explained
10 what the ordinance covers. Minth stated that the businesses know the restrictions before they
12 come to a location. She stated that she does not feel that every store has to have the same
outside display.

14 **The motion was voted on and passed 5 to 1. (Minth opposed)**

16 **Z2010-015**

16 **Hold a public hearing and consider a request by Mostafa Setayesh of The Dimension Group**
18 **for approval of an amendment to the existing Specific Use Permit (Ord. No. 07-23), specifically**
20 **to allow for outside display of certain items in conjunction with the existing 7-Eleven**
convenience store located on Lot 2, Block A, Hillcrest Center Addition, being 1.02-acres zoned
(GR) General Retail district and located at 3250 North Goliad, and take any action necessary.

22 Gonzales stated that the applicant, Mr. Mostafa Setayesh of The Dimension Group, has
24 submitted a proposed amendment to the Specific Use Permit (Ord. No. 07-23), which was approved
in 2007 for the 7-Eleven located at 3250 N. Goliad St. The purpose of the amendment is to allow
26 outside display of an ice machine, propane cage, a "Red Box" DVD rental kiosk, and an area for
general merchandise. A site plan has been submitted indicating the dimensions of each item and
28 specific area's where they are to be located next to the building. Also, the applicant has submitted a
letter from 7-Eleven requesting and explaining the purpose of having each item as outside display.

30 The current SUP (Ord. No. 07-23) specifically states "no outside storage or display shall be
32 allowed on the property." However, the Planning and Zoning Commission and the City Council have
recently approved a similar request earlier this year for the 7-Eleven to be located at Horizon Rd &
34 Tubbs. The SUP (Ord. No. 10-09) for this particular location states "No outside display of
merchandise or outside storage shall be allowed on the property, with the exception of the following
36 items as indicated on the approved site plan: ice machine, propane cage and "red box" DVD rental
kiosk." The only difference with the request is the additional display area for general merchandise the
38 applicant is seeking.

40 Staff does consider the applicants request to have merit based on the recent approval of limited
outside display allowed for the proposed 7-Eleven at Horizon Rd & Tubbs. Staff is also in favor of
42 allowing the same items to be displayed as was approved for the Horizon Rd. & Tubbs location.
However, staff does feel an approval to amend the existing SUP (Ord. No. 07-23) for this request to
44 be a judgment call for the Planning and Zoning Commission as well as the City Council.

46 Staff would recommend the following condition should the amendment be approved;

- 48 1. No outside display or outside storage shall be allowed on the property, with the exception
50 of the following items as indicated on the approved site plan: ice machine, propane cage
and "red box" DVD rental kiosk.

52 Stubbs inquired what other merchandise might be displayed. Gonzales stated general
merchandise, such as, soda, water and fire wood. Herbst inquired what the proposed location is for
54 the outside storage. There was clarification that the location is illustrated on page S1 and not on
Exhibit A.

56 Buchanan stated that the drawings are showing the storage being under awnings and inquired
whether they would be in violation if the awnings are not put up. Buchanan inquired why general

2 merchandise display at the 7-Eleven on the south side is not covered. LaCroix explained the
4 difference between the requests made for the two different locations. LaCroix asked the Commission
to consider whether the awnings are beneficial or not to the architecture of the building.

6 Mostafa Setayesh, Dimension Group, gave the dimensions of the proposed canopy and stated
8 that it will match the color of the roof on the building. There was discussion regarding the overhang
on the front. Mr. Setayesh stated that the overhang is not wide enough. Jackson inquired about the
10 general merchandise for sale. Mr. Setayesh stated that it would be items that would be on sale, such
as, Cokes, water and fire wood in the winter.

12 There was discussion regarding who is permitted to display general merchandise and who is not.
14 LaCroix stated that it is spelled out in the ordinance. LaCroix stated it is better to state exactly where
the merchandise is supposed to be so code enforcement can regulate it. Buchanan stated that he
16 does not have a problem with outside sales but he would like to see what the awnings are going to
look like.

18 *Public Hearing was opened at 7:00 pm.*
20 *With no public comment, the public hearing was closed at 7:00 pm.*

22 Herbst stated he sees no purpose of having the awnings. He further stated he has no problem
with the Red Box. Buchanan inquired what the intent was to have the outside storage covered.
24 LaCroix stated that it was applied mostly to grocery stores and home improvement stores, but stated
it has also been applied to smaller stores.

26 Hunter stated he does not think that every 7-Eleven store has the same right to have outside
28 display as another one. He further stated that the idea is to identify the location of outside storage
and to limit the amount of things that are allowed to be displayed. There was discussion regarding
30 the intent of the awning when the ordinance was written.

32 Minth stated that since this is a 24-hour facility, it is not necessary to have outside storage except
for the propane. Hunter stated that he can agree with the ice box, red box and the propane, but he
34 does not agree with outside merchandise.

36 **Commissioner Jackson made a motion to approve Z2010-015, a request by Mostafa
Setayesh of The Dimension Group for approval of an amendment to the existing
Specific Use Permit (Ord. No. 07-23) for the existing 7-Eleven convenience store located
38 on Lot 2, Block A, Hillcrest Center Addition, being 1.02-acres zoned (GR) General Retail
district and located at 3250 North Goliad, specifically to allow for outside display of all
40 requested items (including 8' x 4' general merchandising area), and that no additional
canopies or awnings are required.**

42 **Commissioner Herbst seconded the motion.**

44 **It was voted on and was denied 3 to 3. (Minth, Hunter & Buchanan opposed)**

46 **Commissioner Stubbs then made a motion to approve with staff recommendations (i.e.
48 no "general merchandising" area to be allowed).**

50 **Commissioner Herbst seconded the motion.**

52 **It was voted on and passes 4-2. (Buchanan & Minth opposed)**

54 **Z2010-013**

56 **Hold a public hearing and consider a request by MWY, LLC for approval of a Specific Use
Permit (SUP), same being an amendment to the existing Conditional Use Permit (Ord. No. 02-
13) and including a proposal to allow for the outside display of boats at the existing Rockwall**

2 **Honda motorcycle dealership located at 1030 E IH-30, being a 1.152-acre tract known as Lot 3,**
4 **Block A, Newman Center Addition and zoned (C) Commercial district, and take any action**
6 **necessary.**

6 Spencer stated that Michael Worrell of Rockwall Honda has requested approval of a Specific Use
8 Permit (SUP), same being an amendment to the existing Conditional Use Permit (Ord. No. 02-13)
10 and including a proposal to allow for the outside display of boats at the existing Rockwall Honda
motorcycle dealership located at 1030 E IH-30. The subject site is zoned Commercial (C) and
located within the I-30 Overlay district.

12 In 2000 the Planning and Zoning Commission and City Council approved a Conditional Use
14 Permit to allow for a motorcycle dealership.

16 In a letter addressed to the Planning and Zoning Commission Mr. Worrell explains the need to
grow his business in a time where motorcycle sales are down.

18 Staff has drafted an exhibit illustrating where the outdoor display for both motorcycles and boats
20 could be limited to. The exhibit limits the display to the front and east sides of the building, while
maintaining a 10' front yard setback along I-30. There has been no request by the applicant to alter
22 the landscape buffer along I-30 or add any additional hardscape as part of the proposed SUP. The
outdoor display areas identified by staff are based on the hand drawing provided by the applicant to
staff.

24 The applicant has indicated to staff and the commission at the work session that outdoor display
26 of both motorcycles and boats would only occur during normal business hours.

28 Staff feels this is a judgment call for the Planning and Zoning Commission and the City Council.
If approved staff would offer the following conditions:

- 30 1. Outdoor display of motorcycles and boats shall be limited to the area shown on Exhibit
"A".
- 32 2. Any changes to the site, including fencing of the display area, shall require an
amendment to this SUP.
- 34 3. The sale of used boats and trailers shall be prohibited.
- 36 4. The City Council reserves the right to review the Specific Use Permit granted herein
upon the expiration of one (1) year from the date hereof.

38 Herbst inquired what the dimensions are of the hatched area on the exhibit. Spencer stated the
40 dimensions of all sides. Jackson clarified that the eastside display would be on the grass. Spencer
stated that they did not want to disturb the landscaping. She clarified that the boats would be moved
42 and the grass would still be mowed. Spencer stated, yes, and described the existing landscaping.

44 Michael Worrell, 1030 E. I-30, is requesting an amendment to the existing PD. He stated that the
items will be stored inside or behind the building every night. Minth inquired whether the condition
46 should be put in the amendment that the boats will be stored each night. Herbst inquired how many
boats they are planning to display. Mr. Worrell stated that seven (7) will be the most and one (1) will
48 be the least. He stated that he is expecting 17 to 19 foot boats. There was discussion regarding the
possibility of the applicant selling larger boats and how he would go about doing that.

50 LaCroix stated that the size and number of boats stored will be dictated by the size of the area.
52 LaCroix stated he does not want to cause an issue for code enforcement to make sure that the boats
are actually stored behind the building every night. LaCroix clarified with the applicant what the
54 storage area behind the building is like. Minth stated that she would prefer having specifics regarding
the storage of the boats in writing so there is no mistake now or in the future. Mr. Worrell stated his
56 intent to fence the area in the back. He stated that the fence will be opened during the day for
parking.

2 Stubbs left at 7:42 pm.

4 Public hearing was opened at 7:45 pm.
With no public comment, the public hearing was closed at 7:45 pm.

6
8 Commissioner Herbst made a motion to approve Z2010-013, a request by MWY, LLC for
10 approval of a Specific Use Permit (SUP), same being an amendment to the existing
12 Conditional Use Permit (Ord. No. 02-13) and including a proposal to allow for the
14 outside display of boats at the existing Rockwall Honda motorcycle dealership located
at 1030 E IH-30, being a 1.152-acre tract known as Lot 3, Block A, Newman Center
Addition and zoned (C) Commercial district, with staff recommendations and the
following additions:

16 1. Display should only be during normal business hours.

18 Commissioner Jackson seconded the motion.

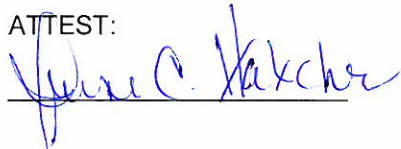
20 It was voted on and it passes 5 – 0.

22 ADJOURNMENT

24 The meeting adjourned at 7:55 p.m.

26 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
ROCKWALL, Texas, this 12 day of OCTOBER, 2010.

28
30 
32 Phillip Herbst, Chairman

34 ATTEST:


2 **Minutes of**
4 **PLANNING AND ZONING COMMISSION WORK SESSION**
6 **September 28, 2010**

8 **CALL TO ORDER**

10 The meeting was called to order by Philip Herbst at 6:00 p.m. with the following members present:
12 Barry Buchanan, Connie Jackson, Kristen Minth, Mark Stubbs, Craig Renfro and John
14 McCutcheon.

16 Additionally, the following staff members were present: Michael Hampton, Irene Hatcher, David
18 Gonzales and Chris Spencer.

20 **ELECTION of Planning and Zoning Commission Chair and Vice-Chair positions**

22 Buchanan nominated Phillip Herbst as Chairman.
24 Minth seconded the nomination.
26 A vote was taken and it passed 7 to 0.

28 Minth nominated Connie Jackson as Vice-Chairman.
30 Stubbs seconded the nomination.
32 A vote was taken and it passed 7 to 0.

34 **SITE PLANS / PLATS**

36 **Appointment with Architectural Review Board representative to receive the Board's
38 recommendations and comments for items on the agenda requiring architectural review.**

40 Spencer reported that the ARB recommends approval of case number SP2010-012.

42 **SP2010-012**

44 **Discuss and consider a request by Brian Fetz of GHA Architecture / Development for approval
46 of a site plan for a 3,750-sf drive-thru restaurant on Lot 4, Block 1, Rockwall Centre Corners
48 Addition, being a 1.293-acre tract zoned (C) Commercial district and situated at the southeast
50 corner of SH 205 and IH-30 within the SH 205 Overlay district and the IH 30 Overlay district,
52 and take any action necessary.**

54 Spencer stated that the site plan is for a 3,750-sf drive-thru restaurant on Lot 4, Block 1,
Rockwall Centre Corners addition. The proposed site is part of the same development as the existing
Costco, located on lot 1. At the time the Costco was constructed the developer installed the majority
of the infrastructure including firelanes, fire hydrants, water lines, sewer lines and storm water for the
entire site.

The site will be accessed from SH 205 and the IH-30 service road via the two existing mutual
access drives. The required parking for the restaurant is 48 spaces (one per 100-sf including outdoor
dining area), and the applicant is proposing 70 spaces, including three (3) handicap accessible
spaces. The development is meeting the requirement for drive-thru automobile stacking and is
proposing to install a drive-thru escape lane.

The dumpster enclosure is 8' in height, constructed of natural stone and stucco, and is being
architecturally integrated into the site with the inclusion of a canopy.

In an attempt to introduce some additional architectural interest the applicant has introduced a
seating/landscape area at the northwest corner of the building.

2 Approximately 29.5% of the site is landscaped, which exceeds the minimum 15% requirement
4 for commercial development. As per the IH-30 overlay requirement, the applicant is proposing a 20-ft
6 landscape buffer along the I-30 service road frontage and adequate canopy trees and accent trees
8 within this buffer. Other landscaping and trees are provided around the building and parking areas to
10 meet landscaping standards. In addition to the trees within the landscape buffer the applicant is also
meeting the IH-30 overlay requirement of trees along the rear of the building.
The maximum mounting height for all exterior lighting is 30-ft in the I-30 Overlay district, and all
fixtures must be full or partial cut-off as defined in the Unified Development Code. The photometric
plan indicates compliance with the City's lighting ordinance.

12 The proposed elevations for the restaurant indicate a maximum height of 28-ft. The building is
14 comprised of natural stone, with cast stone caps, stucco, and Spanish clay tile on the tower roofs.
The building far exceeds the 20% natural stone requirements as outlined in the SH 205 and IH-30
16 overlay.

18 The applicant has also submitted details of the outdoor dining canopy which is comprised of
natural stone and stucco to match the building.

20 The IH-30 overlay district also requires that any building of less than 6,000-s.f. have a pitched
22 roof system. As designed, the building will require the Planning Commission and City Council to
24 approve a variance allowing for the parapet roof system. Any variance to the IH-30 and SH 205
26 overlay standards requires a super majority (3/4) council vote for approval. It should be noted that
28 similar variances for the pitched roof requirement have been approved for restaurants in overlay
districts; Taco Cabana, two Sonics, Steak N Shake, and Logan's. The proposed building is in
compliance with the remaining requirements of the Unified Development Code Commercial district
and the I-30 Overlay.

30 At the request of the ARB the applicant has introduced a Leuders stone watertable in an
32 attempt to introduce some color variation to the natural stone materials. The stone watertable is
34 carried throughout the development on the building, outdoor dining canopy and dumpster enclosure.
The applicant has submitted a 3-D color rendering of the restaurant to better show the amount of
articulation proposed and demonstrate its compliance with the I-30 Overlay district and the landscape
ordinance.

36 Staff recommends approval of the site plan subject to the following conditions:

- 38 1. Adherence to all Engineering and Fire Department standards.
- 40 2. Approval of the variance to the I-30 Overlay pitched roof requirement.

42 Minth inquired about the neon lighting on the building and whether that is okay in this district.
Spencer stated that it is allowed if it is fewer than 15 watts. Hampton clarified that it is LED lighting
and not neon lighting. There was discussion regarding the landscaping and how tall it will grow.

44 Brian Fetz stated they will be happy to answer any questions from Commission. He stated
46 he is happy to be in Rockwall.

48 **Commissioner Jackson made a motion to approve SP2010-012, a request by Brian Fetz
50 of GHA Architecture / Development for approval of a site plan for a 3,750-sf drive-thru
52 restaurant on Lot 4, Block 1, Rockwall Centre Corners Addition, being a 1.293-acre tract
zoned (C) Commercial district and situated at the southeast corner of SH 205 and IH-30
within the SH 205 Overlay district and the IH 30 Overlay district, with staff
recommendations.**

54 **Commissioner Minth seconded the motion.**

56 **It was voted on and passed 7 to 0.**

2 **P2010-016**

3 **Discuss and consider a request by David Kochalka of Kimley-Horn and Associates, Inc., for**
4 **approval of a replat of Rockwall Commons Addition, being an 8.089-acre lot zoned (PD-1)**
5 **Planned Development No. 1 district and located at 1309 Ridge Road, and take any action**
6 **necessary.**

7
8 Spencer stated that a replat for Lot 1, Block A, Rockwall Commons has been submitted in an
9 effort to subdivide the three buildings located on the site into three lots. Rockwall Commons is a
10 mixed use project comprised of over 46,000-sf of office/retail space and 202 multi-family residential
11 units.

12
13 All of the required fire lane, utility, drainage and access easements were previous dedicated
14 with the final plat. The applicant has submitted a "Declaration of Restrictions and Reciprocal
15 Easements" agreement that will govern shared parking and the maintenance of common areas. The
16 "Declaration of Restrictions and Reciprocal Easements" agreement is required to be filed prior to city
17 signature of the replat.

18
19 The replat meets all of the requirements of Planned Development No. 1 (PD-1) and the
20 Unified Development Code.

21 Staff recommends approval of the replat subject to the following conditions:

- 22 1. Correct lot 1R to Lot 4.
23 2. Filing of shared parking agreement at the Rockwall County Clerk's Office prior to city
24 signature of the replat.

25
26 Buchanan inquired what purpose is of subdividing the property. Spencer stated that it is for
27 the possibility of selling some of the property later.

28
29 **Commissioner Jackson made a motion to approve P2010-016, a request by David**
30 **Kochalka of Kimley-Horn and Associates, Inc., for approval of a replat of Rockwall**
31 **Commons Addition, being an 8.089-acre lot zoned (PD-1) Planned Development No. 1**
32 **district and located at 1309 Ridge Road, with staff recommendations.**

33
34 **Commissioner Buchanan seconded the motion.**

35
36 **It was voted on and passed 7 to 0.**

37
38 **MIS2010-003**

39 **Discuss and consider a request by Lisa Gruner of Wholesale Homes, Inc., on behalf of Felipe**
40 **Saldana, for approval of a special request to the standards of the (PD-75) Planned**
41 **Development No. 75 district (Ord 09-37), specifically to allow for a residential home not**
42 **meeting the exterior materials requirements on the property located at 195 and 207 Nicole,**
43 **being Lots 1365 and 1366, Rockwall Lake Estates Phase 2, and take any action necessary.**

44
45 Hampton stated that the applicant, Lisa Gruner of Wholesale Homes, Inc., has submitted a
46 written request for an exception to the masonry standards in Area 2 of Lake Rockwall Estates. Ms.
47 Gruner has submitted the request on behalf of the owner (Felipe Saldana), who has recently
48 purchased two vacant lots at 195 and 207 Nicole (Lots 1365 and 1366, respectively).

49
50 According to tax records, it appears the lot has been vacant since at least 2000. The PD-75
51 ordinance allows for a "one-time replacement" of an older mobile/manufactured home in Area 2,
52 provided that it has at least 90% masonry (e.g. Hardi-plank lap siding). However, since the subject lot
53 did not have an existing mobile home at the time of annexation or zoning in 2009, any new
54 construction is required to meet the City's General Residential District standards, which require a
55 minimum of 80% masonry standard, of which up to 50% may be hardiboard, stucco or other
56 cementaceous materials.

2 The applicant's proposal is for a 100% vinyl siding manufactured home, which does not meet
the general masonry standards.

4
6 The PD-75 ordinance does provide a clause that allows the Planning Commission and City
Council to consider special requests that "... may include, but not necessarily be limited to, the use of
8 building materials not otherwise allowed, authorization of specific land uses not otherwise allowed, or
other requests submitted for consideration." In the year since PD-75 was adopted, no requests have
10 been approved (or submitted) for a structure not meeting the exterior materials requirements.

12 Staff would not recommend the exception to allow for 100% vinyl siding in lieu of masonry
materials as required by the PD-75 ordinance; however, should the request be considered for
approval by the Commission and Council staff would offer the following conditions:

- 14 1. Submittal and approval of a replat to combine the two lots prior to building permit.
- 16 2. Verification of Rockwall County approval of septic system prior to building permit.
- 18 3. Submittal and approval of the required City of Rockwall building permit(s).

20 Buchanan asked whether these masonry requirements are consistent throughout the city.
Hampton stated, yes, it is consistent with the rest of the city.

22 Marcy Clark, 6006 W. I-30, gave the background of the case. She stated that the siding is
more substantial and durable and cost effective for the consumer who is buying the product. She
24 stated that she contacted three other park owners and stated they would rather see vinyl siding than
Hardi-board. She further stated that the vinyl siding is lower maintenance for the owner.

26 She stated that the owner purchased the lot before she knew what the restrictions were. She
stated that there will be a slab poured and the applicant is willing to put on whatever porches and
28 other required features on the outside.

30 Renfro stated there were already rules attached to the property when the applicant
purchased it. Ms. Clark stated they feel the vinyl siding would be a great enhancement to what is
32 currently in the area. Buchanan inquired whether the ordinance allows for a manufactured home to
be put on a vacant lot. Hampton explained the ordinance and the requirements for manufactured
34 homes throughout the city. Buchanan stated that, in his experience, vinyl does not hold up well. He
stated that it cleans up well, but it does crack. Ms. Clark stated you can change one sheet of siding
36 at a time if it becomes defective.

38 Jackson asked staff to explain the difference between Hardi-panel versus vinyl siding.
Hampton explained the difference in Hardi-panel and Hardi-board. Spencer gave statements further
40 explaining the Hardi-board and Cemplank products and how they are installed.

42 Renfro stated that not holding everyone to the same standard would deflate the value of the
homes of the people who are held to the new standard. Minth stated that the allowances that were
44 made in the ordinance were for existing home owners and not for new people moving into the area.

46 **Commissioner Minth made a motion to deny MIS2010-003, a request Lisa Gruner of
Wholesale Homes, Inc., on behalf of Felipe Saldana, for approval of a special request to
48 the standards of the (PD-75) Planned Development No. 75 district (Ord. 09-37),
specifically to allow for a residential home not meeting the exterior materials
50 requirements on the property located at 195 and 207 Nicole, being Lots 1365 and 1366,
Rockwall Lake Estates Phase 2,.**

52 **Commissioner Buchanan seconded the motion.**

54 **The motion to deny passed by a vote of 6 to 1. (Stubbs dissenting)**

2 **DISCUSSION ITEMS**

Z2010-017

4 **Discuss and consider a request by Richard Skorburg of Stone Creek Balance, Ltd, for**
6 **proposed amendments to (PD-70) Planned Development No. 70 District (Ord. 07-13), being**
8 **395-acres overall and generally known as the Stone Creek development, located along the**
east side of SH 205, south side of FM 552, west side of Hays Rd and north side of Quail Run
Rd.

10 Hampton stated the applicant contacted him and stated they would not be able to be at the
12 meeting. He continued to give the background of the case. Hampton stated this case will be a public
hearing in two weeks.

14 Buchanan inquired about any future cuts for ingress or egress. Hampton stated that is one of
16 the issues the applicant wants to have an answer for before the public hearing. Buchanan stated he
18 would not be in favor of any further cuts on SH-205. Minth inquired whether there is a plan to have a
walking path to connect this site and the subdivision behind it. Hampton explained what was
discussed with the applicant in the past but stated that detail would be worked out with a future
development plan.

Z2010-016

22 **Discuss and consider a city-initiated request to amend the Unified Development Code (Ord.**
24 **No. 04-38), specifically Article IV. Permissible Uses and Article V. District Development**
Standards.

26 Hampton described the purpose of the requested amendments which included provisions for
28 pergolas in the Takeline, demolition delay in the historic district, wineries and solar panels.

30 Buchanan stated he has one concern on the demolition part. He stated he does not have any
32 problem with the waiting period. He inquired what happens when 60 days expires. Spencer stated
that the change does not require a 60-day waiting period. He stated that once a C of A is approved,
the 60 days gives the Historic Board a chance to look for an alternative option to demolishing a
building.

34 **Planning Director's Report on the following Planning and Zoning Commission matters that**
36 **have been recently acted on by City Council:**

- 38 a) **Z2010-012: PD-32 Amendment (Harbor District)**

40 Hampton reported that City Council approved this case as recommended by the Planning and
42 Zoning Commission.

- 44 b) **Z2010-013: Rockwall Honda (Boat Display)**

46 Hampton reported that City Council approved the boat display as recommended by the Planning
and Zoning Commission.

48 Buchanan stated that he will not be at the next meeting. Stubbs stated that he may not be in
50 attendance either.

52 **ADJOURNMENT**

54 With no further business, the meeting adjourned at 7:06 p.m.

56 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
ROCKWALL, Texas, this 12th day of OCTOBER 2010.

2

4

6 ATTEST:

8

Gene C. Hakcher



Phillip Herbst, Chairman

2 **Minutes of**
4 **PLANNING AND ZONING COMMISSION PUBLIC HEARING**
6 **October 12, 2010**

8 **CALL TO ORDER**

10 The meeting was called to order by Chairman Phillip Herbst at 6:00 p.m. with the following members present: Connie Jackson, Kristen Minth, Mark Stubbs, Craig Renfro and John McCutcheon. Barry Buchanan was absent.

12 Additionally, the following staff members were present: Michael Hampton, Irene Hatcher, David Gonzales and Chris Spencer.

14 ***Approval of Minutes for August 31, 2010 Planning and Zoning Commission meeting***

16 Minth made a motion to approve the minutes for August 31, 2010.

18 Stubbs seconded the motion.

20 **A vote was taken, and the motion passed by a vote of 3-0 (Jackson, McCutcheon & Renfro abstained)**

22 ***Approval of Minutes for September 14, 2010 Planning and Zoning Commission meeting***

24 Minth made a motion to approve the minutes for September 14, 2010.

26 Jackson seconded the motion.

28 **A vote was taken, and the motion passed by a vote of 4-0 (Renfro & McCutcheon abstained)**

30 ***Approval of Minutes for September 28, 2010 Planning and Zoning Commission meeting***

32 Jackson made a motion to approve the minutes for September 28, 2010.

34 Minth seconded the motion.

A vote was taken, and the motion passed by a vote of 6-0.

36 **PUBLIC HEARING ITEMS**

38 **Z2010-017**

40 **Hold a public hearing and consider a request by Richard Skorburg of Stone Creek Balance, Ltd, for proposed amendments to (PD-70) Planned Development No. 70 District (Ord. 07-13), being 395-acres overall and generally known as the Stone Creek development, located along the east side of SH 205, south side of FM 552, west side of Hays Rd and north side of Quail Run Rd, and take any action necessary.**

44 Hampton reported that the applicant is working on some of the requests from staff and requested that this case be continued until October 26, 2010.

46 *Herbst opened the public hearing at 6:04 pm.*

48 **Commissioner Minth made a motion to continue the public hearing for Case Z2010-017, a request by Richard Skorburg of Stone Creek Balance, Ltd, for proposed amendments to (PD-70) Planned Development No. 70 District (Ord. 07-13), being 395-acres overall and generally known as the Stone Creek development, located along the east side of SH 205, south side of FM 552, west side of Hays Rd and north side of Quail Run Rd.**

54 **Commissioner Jackson seconded the motion.**

2
4 It was voted on and passed 6 to 0.

6 Z2010-016

8 **Hold a public hearing and consider a city-initiated request to amend the Unified Development Code (Ord. No. 04-38), specifically Article IV. Permissible Uses, and Article V. District Development Standards, and take any action necessary.**

10 Hampton stated that staff has several amendments to the Unified Development Code for consideration.

12
14 The first amendment is the addition of "winery" as a permitted land use in certain zoning districts. Wineries are currently associated with Breweries and Distilleries in the UDC, and are allowed only in the industrial zoning districts. Staff has brought this forward due to increasing inquiries for "retail-style" wineries, particularly in the Downtown district and/or Harbor district. Staff is proposing to include the definition from State law and to allow a winery in the DT, GR and C zoning districts, but only after approval of a Specific Use Permit (SUP).

20 Hampton stated that the second amendment is the addition of "solar energy collector panels and systems" as a permitted accessory use in all zoning districts. Included is a list of standards intended to ensure quality installations and minimal impact to surrounding neighbors, while at the same time removing the timely SUP approval process that has been utilized in the past for all solar energy installations. The recommendations have derived from the City's Environmental Subcommittee.

26 Hampton stated that several months ago the City Council directed staff to look into the application process and requirements to become a "Certified Local Government" for historic preservation purposes. One of the requirements for becoming a CLG is the inclusion of a minimum 60-day "demolition delay" provision for properties in the local historic district(s). Using examples from other CLG cities and working directly with the Texas Historical Commission, staff has drafted language that would allow for a delay of up to 60 days after approval of a Certificate of Appropriateness (C of A) for the demolition of any structure within the Old Town Rockwall Historic District or on a designated Landmark property. The provision is intended to allow extra time for the structure(s) to be saved, relocated within the property or relocated to another site.

36 Also included is the proposed addition of a "Deck/Patio Cover - Pergola" to the list of permitted structures in the Lake Ray Hubbard Takeline Overlay district. The amendment stems from a recent request from a property owner who wanted to construct a pergola type structure on their existing patio in the takeline. However, with no provisions for this type of structure, the City Council directed staff to come up with some. As part of the process, staff has forwarded the proposed guidelines to the City of Dallas for their review, who has preliminarily approved the standards for pergolas. One key note is that, while there is no specific setback from the shoreline elevation in the takeline (i.e. similar to a deck/patio itself), a pergola cannot be placed in the view clear zone of a neighbor's view corridor.

46 A public notice was published in the Rockwall County News at least 15 days prior to the public hearings. In addition, information about the proposed amendments were published on the City's website and distributed via "eNews." At the time of this report, no public feedback has been received.

52 Staff recommends approval of the proposed amendments to the Unified Development Code.

54 Minth restated Buchanan's concern from the previous meeting regarding the historic district and what the 60-day waiting period for demolition. Hampton stated that staff forwarded the drafted language to the Texas State Historical Commission, but there has been no response yet. Spencer explained further the process for the 60-day waiting period and the approval process,

2 and that the drafted language was modeled after other CLG cities in the state. There was
4 discussion regarding the penalty for demolishing something in the historic district without permits.
It was stated that it would be a zoning violation.

6 *Herbst opened the public hearing at 6:15 pm.*

8 John Arbogast, 329 Columbia Drive, stated that the Chandler's Landing Home Owner's
10 Association is going to mirror the regulations of the City regarding the solar panels. He inquired
12 what the maximum size of the panel is. Hampton stated that there is no minimum or maximum
14 size for solar panels in the proposed ordinance. He further stated that there are building code
standards that would have to be adhered to by anyone installing solar panels. Hampton stated
that he could look into size requirements and any structural issues before the council meeting.

16 *With no further public comment, the public hearing was closed at 6:18 pm.*

18 Commissioner Jackson made a motion to approve Z2010-016, a city-initiated request to
amend the Unified Development Code (Ord. No. 04-38), specifically Article IV.
20 Permissible Uses, and Article V. District Development Standards, with staff
recommendations and the additional stipulation that staff investigate whether a
22 maximum solar collector panel size is necessary for ground- or pole-mounted panels,
and make any necessary changes to those provisions prior to the City Council hearing.

24 Commissioner Minth seconded the motion.

26 It was voted on and passed 6 to 0.

28 DISCUSSION ITEMS

30 1. Planning Director's Report on the following Planning and Zoning Commission matters that 32 have been recently acted on by City Council:

- 34 a) **Z2010-014:** Walgreens – 2007 N. Goliad (Outside Display)
- 36 b) **Z2010-015:** 7-Eleven – 3250 N. Goliad (Outside Display)
Hampton stated City Council decided that they will allow outside storage for propane only at
Walgreens and 7-Eleven.
- 38 c) **MIS2010-003:** Special Exception – 195 Nicole (Vinyl Siding on home)
Hampton stated City Council denied the variance for the special exception for vinyl siding.
- 40 d) **SP2010-012:** In N Out Burger – Variance Request for Roof Design
Hampton stated City Council approved the variance request by In N Out Burger.

42 **ADJOURNMENT**

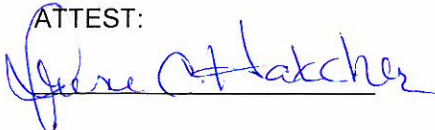
44 With no further business, the meeting adjourned at 6:22 p.m.

46 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
48 ROCKWALL, Texas, this 9 day of NOV, 2010.

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Phillip Herbst, Chairman

52 ATTEST:

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**Minutes of
PLANNING AND ZONING COMMISSION WORK SESSION
October 26, 2010**

CALL TO ORDER

The meeting was called to order by Chairman Phillip Herbst at 6:00 p.m. with the following members present: Barry Buchanan, Connie Jackson, John McCutcheon and Mark Stubbs. Craig Renfro and Kristen Minth were absent.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Irene Hatcher, David Gonzales and Chris Spencer.

DISCUSSION ITEMS

Z2010-018

Discuss and consider a request by Doug Patton for approval of a Specific Use Permit (SUP) to allow for a "Trailer Dealership" within the (LI) Light Industrial district, specifically on Lot 1, Block 1, Rockwall Recreational Addition, being a 4.40-acre lot located at 1540 IH-30 E.

Gonzales discussed the background of the case and its location, as well as the condition of the existing property including the asphalt and lighting. He explained that the requested trailer dealership requires an SUP. Gonzales stated staff will recommend that the applicant plant additional landscaping for screening on I-30 and Commerce Street. He stated the required standards for this property should be the same standards as the I-30 Overlay District. Gonzales stated the applicant is not present nor is any representative.

Stubbs inquired what the purpose of the landscape requirement is, as it would seem to contradict the proposed use of outside display. LaCroix stated the history of the landscape standards for this corridor. He stated the landscape is meant to screen any outside display.

Hampton added that the Honda dealership that has been approved but not yet built next door to the subject site, included a landscape buffer meeting the requirements of the I-30 Overlay.

Z2010-019

Discuss and consider a request by Dewayne Cain of Rest Haven for approval of a Specific Use Permit (SUP) to allow for a "Cemetery / Mausoleum" within the (Ag) Agricultural district, specifically for the existing Rest Haven cemetery located at 2720 SH 66 and comprised of Tracts 1, 2, 2-1, 2-3 and 11-1, Abstract 72, W. M. Dalton Survey.

Gonzales stated the request of the applicant and the location of the property. Gonzales stated through the SUP, staff would like to specify the required building materials and articulation. He stated the applicant is proposing to follow the look of existing buildings on the property such as the Flower Box.

Jackson inquired about any odor that the building would emit.

Mr. Dewayne Cain, applicant, stated that there are already two crematories on the property and this is an expansion of that, and that the new crematories have already received EPA approval.

P2010-018

Discuss and consider a request by Pann Sribhen of PSA Engineering, LLC for approval of a preliminary plat of Rockwall Market Center South Addition, being four (4) lots on a vacant 5.9-

2 acre tract zoned (C) Commercial district and situated at the northern corner of Ralph Hall
4 Pkwy and Market Center Blvd.

6 Spencer briefly discussed the request of the applicant, including issues that may arise out of the
8 access easement associated with this location. Spencer stated that the preliminary plat meets all of
10 the zoning requirements with a few adjustments and suggestions from staff. He also stated that a site
12 plan has been received for the Autumn Leaves memory care facility, which is under administrative
14 review by city staff since it is not within an Overlay or Planned Development district.

16 Spencer stated that representatives from PSA Engineering were in the audience, as well as Jim
18 Meara, broker representing the owner. The engineer and developer for the Autumn Leaves assisted
20 living facility were also in attendance.

22 The Commission further discussed the access easement and who it belongs to. There was
24 discussion regarding the use of Autumn Leaves whether it is a care facility or an extended stay
26 facility.

28 Kay Adkins, 1900 East Golf, Schaumburg, IL, explained the use for Autumn Leaves. She stated
30 that it will be a 38-unit facility and can accommodate up to 44 residents.

32 ADJOURNMENT

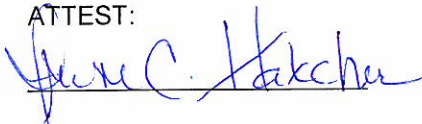
34 The meeting adjourned at 6:28 p.m.

36 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
ROCKWALL, Texas, this 9 day of Nov, 2010.



Phillip Herbst, Chairman

34 ATTEST:



2 **Minutes of**
3 **PLANNING AND ZONING COMMISSION PUBLIC HEARING**
4 **November 9, 2010**

6 **CALL TO ORDER**

8 The meeting was called to order by Phillip Herbst at 6:00 p.m. with the following members present:
9 Barry Buchanan, Connie Jackson, Craig Renfro, Kristen Minth and John McCutcheon. Mark
10 Stubbs was absent.

12 Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Irene
13 Hatcher, David Gonzales and Chris Spencer.

14 **CONSENT AGENDA ITEMS**

16 ***Approval of Minutes*** for October 12, 2010 Planning and Zoning Commission meeting

18 Jackson made a motion to approve the minutes for October 12, 2010.

20 Minth seconded the motion.

22 A vote was taken, and the motion passed by a vote of 5 - 0 (Buchanan abstained)

24 ***Approval of Minutes*** for October 26, 2010 Planning and Zoning Commission meeting

26 Jackson made a motion to approve the minutes for October 26, 2010.

28 Commissioner Minth stated that she was present at the October 26, 2010 meeting.

30 Jackson made a motion to approve the minutes for October 26, 2010 with the amendment that
32 Commissioner Minth was present.

34 McCutcheon seconded the motion.

36 A vote was taken, and the motion passed by a vote of 5 - 0 (Renfro abstained)

38 *After further review of notes taken on October 26, 2010 by staff, it was determined that Commissioner*
40 *Minth was not present at the October 26, 2010 meeting.*

42 **PUBLIC HEARING ITEMS**

44 **Z2010-019**

46 **Hold a public hearing and consider a request by Dewayne Cain of Rest Haven for approval of a**
47 **Specific Use Permit (SUP) to allow for a "Cemetery / Mausoleum" within the (Ag) Agricultural**
48 **district, specifically for the existing Rest Haven cemetery located at 2720 SH 66 and**
49 **comprised of Tracts 1, 2, 2-1, 2-3 and 11-1, Abstract 72, W. M. Dalton Survey, and take any**
50 **action necessary.**

52 Gonzales stated the applicant, Dewayne Cain, is requesting an approval of a (SUP) Specific
53 Use Permit to allow for a "Cemetery/Mausoleum," at the existing Rest Haven Cemetery located at
54 2720 SH 66. The property will combine several tracts (and portions thereof) and will be comprised of
approximately 41 acres, designating the boundary of the cemetery. Approximately eighteen (18)
acres was annexed in 2007 and the remainder of the property was annexed in January 2010. Upon

2 annexation, the property was zoned (AG) Agricultural district and the existing Rest Haven Cemetery
4 is considered a non-conforming use.

6 Under the Unified Development Code, Article IV, Permissible Uses, a Cemetery/Mausoleum
8 is a permitted use within the (AG) Agricultural district, with the approval of a (SUP) Specific Use
10 Permit. Furthermore, the Unified Development Code states under Article IV, Permissible Uses that:

12 Cemetery means land used or intended to be used for the burial of the human or animal dead
14 and dedicated for cemetery purposes, including crematories, mortuaries and funeral chapels if
16 operated in connection with and within the boundaries of such cemetery.

18 Mr. Cain is proposing to build a structure that will house a crematory and call center, and
20 therefore expand the non-conforming use. Within the (AG) Agricultural district, there are no
22 standards relating to accessory structures size and materials. The (SUP) Specific Use Permit should
24 establish controls for the property in regards to additional structures including articulation standards
26 and exterior materials. Also, Mr. Cain will have the ability to continue to expand his business within
28 the boundary of the cemetery without having to apply for additional SUPs.

30 Mr. Cain has submitted elevations of the proposed Crematory and Call Center, as well as a
32 concept plan for future expansion of the site. The structure will be a metal building, approximately
34 4800sq-ft in area, with a gabled metal roof. The front façade will consist primarily of split face block
36 with soldier brick course surrounding the windows and doors. Also, there will be an eifs/stucco finish
38 at the front entryway, trim, and chimneys. The proposed building matches other accessory
40 structures, such as the Flower Shop. However, staff feels the SUP should stipulate the minimum
42 building requirements and/or review process for other future improvements at the subject site. Staff is
44 in favor of the request to allow for the continued use and expansion of the Rest Haven Cemetery
46 based on the concept plan that has been submitted and the conditions as outlined.

48 Staff is in favor of the request to allow for the continued use and expansion of the Rest Haven
50 Cemetery based on the concept plan that has been submitted and the conditions as outlined. A
52 public notice was published in the Rockwall County News, as required by law, on October 29, 2010.
54 Also, fourteen (14) notices were mailed to the property owners of record within 200-ft of the subject
56 property. At the time of this report, staff has received one (1) notice "in favor" and none "opposed to"
the request.

Staff recommends approval of the request with the following conditions:
1. Must adhere to all Engineering and Fire Department standards.
2. Maximum height of structures shall not exceed 36-ft in height.
3. Administrative site plan approval is required for any new structures built within the
designated cemetery area.
4. The façade(s) of any new structures that are visible from a public street shall meet the
General Commercial District standards for materials and articulation within the designated cemetery
area, unless otherwise approved by the Planning and Zoning Commission and City Council.

There were no questions for staff.

Public hearing was opened at 6:10.

Dewayne Cain, 305 Stone Bridge, Rockwall TX, was present. Stated he is seeking approval
of this request.

With no further public comment, the public hearing was closed at 6:11.

**Commissioner Minth made a motion to approve Z2010-019, a request by Dewayne Cain
of Rest Haven for approval of a Specific Use Permit (SUP) to allow for a "Cemetery/
Mausoleum" within the (Ag) Agricultural district, specifically for the existing Rest Haven**

2 Cemetery located at 2720 SH 66 and comprised of Tracts 1, 2, 2-1, 2-3 and 11-1, Abstract
4 72, W. M. Dalton Survey, with staff recommendations.
6 Commissioner Jackson seconded the motion.
8 It was voted on and passed 6 to 0.

SITE PLANS / PLATS

P2010-018

10 Discuss and consider a request by Pann Sribhen of PSA Engineering, LLC for approval of a
12 preliminary plat of Rockwall Market Center South Addition, being four (4) lots on a vacant 5.9-
14 acre tract zoned (C) Commercial district and situated at the northern corner of Ralph Hall
16 Pkwy and Market Center Blvd, and take any action necessary.

18 Spencer stated the subject request is a preliminary plat for a 4-lot, 5.9-acre commercial
20 development to be known as the Rockwall Market Center South Addition. The development has
22 frontage on Market Center to the west and Ralph Hall Parkway to the south. The subject site is zoned
24 (C) Commercial district. All lots within the development shall be subject to site plan application
26 (including but not limited to: site plan, landscape plan, photometric plan, lighting cut-sheets, building
28 elevations, and building material samples) review/approval, engineering plan review/approval and
30 final plat application review/approval.

32 In conjunction with the preliminary plat, the applicant has submitted an administrative site
34 plan for a 25,380-sq. ft. memory care facility (Autumn Leaves) to be constructed on lot 1. The
36 proposed Ralph Hall Court and the first phase of development (potentially Autumn Leaves) must be
38 platted under one final plat application, due to access, drainage easements, utility easements and
40 other conditions common to the entire development. Additionally, Ralph Hall Court will be required to
42 be constructed in conjunction with the first phase of development.

44 The preliminary plat proposes five (5) drives to service the site. Two (2) drives will provide
46 access from Ralph Hall Parkway, one drive will provide access from Market Center and two drives will
48 provide access from the proposed Ralph Hall Court.

50 The proposed access from Market Center on lot 4 is subject to the developer receiving an off-
52 site access, firelane, drainage and utility easement from the adjacent Home Depot. If an off-site
54 easement cannot be obtained the preliminary plat will need to be modified to illustrate the access and
56 firelane requirements for lot 4 are contained entirely onsite. There exists currently in this location a
paved asphalt access way that provides a connection to the Kohl's department store and Amanda
Rochell Elementary School.

The preliminary plat illustrates the traffic improvements required by the City of Rockwall
Engineering Department in an effort to mitigate the additional traffic generated by the proposed
development including turn lanes along Ralph Hall Parkway.

The right-of-way for Ralph Hall Court is required to be dedicated in conjunction with the first
phase of development. No additional right-of-way is required for Ralph Hall Parkway or Market
Center.

Lots 1 and 4 are proposed to have their own detention facilities while; lots 2 and 3 will have a
common or shared detention pond. The City of Rockwall Engineering Design Standards require that
lots of less than 0.5-acre must be part of a shared detention facility or be contained completely
underground therefore; lots 2 & 3 are required to have common detention facilities.

The preliminary plat illustrates how water and sewer service will be provided. Other
engineering and fire department issues such as detailed utility line locations, firelane and fire hydrant
dimensions and locations, and so on will be addressed with submittal of full engineering plans and the
final plat for a lot as it develops.

2 A final Tree Mitigation plan is required to be included in the Final Plat application as part of
4 the approval process. The amount of trees are limited and contained primarily on lot 1. At the time of
final plat for lot 1 a tree mitigation plan will be required to be submitted and approved by the P&Z.

Staff recommends approval subject to the following conditions:

- 6 1. Adherence to all Engineering and Fire Department standards and regulations.
- 8 2. Filing of Access, Firelane, Utility and Drainage Easement on the adjacent Home Depot
tracts by separate instrument prior to Engineering Plan approval for Lots 3 and 4.
- 10 3. Dedication and construction of Ralph Hall Ct. is required in conjunction with the first
phase of development.
- 12 4. Remove all improvements and infrastructure from detention easements.
- 14 5. Correct the proposed 6" sanitary sewer line to an 8" line.
- 16 6. Correct parking spaces adjacent to the building to 20" in length.

18 Herbst corrected the size of the parking spaces from 20" to 20'. There was discussion
regarding the location of the detention pond and if it is going to be an above ground pond or
underground detention. Spencer stated if they want to go underground they can, but he believes the
detention will be in the rear of the building and will be an at-grade pond. There was discussion
regarding the material that the access easement will be constructed of.

20 Pann Sribhen, PSA Engineering, 17819 Davenport Road, Dallas TX, was present. There
was discussion regarding the location of the drainage and dumpster on lots 2 and 3. McCutcheon
inquired whether there would be a conflict with drainage if there was an auto repair using the shared
drainage. LaCroix stated that auto repair is a possible use and stated there would not be a conflict
with the drainage.

26 Jim Meara, 3515 Cedar Springs Road, Dallas TX, was present. Stated if the auto repair use
28 is not approved on lot 2, they are prepared to bring in a different business.

30 Commissioner Jackson made a motion to approve P2010-018, a request by Pann
Sribhen of PSA Engineering, LLC for approval of a preliminary plat of Rockwall Market
32 Center South Addition, being four (4) lots on a vacant 5.9-acre tract zoned (C)
Commercial district and situated at the northern corner of Ralph Hall Pkwy and Market
34 Center Blvd, with staff recommendations and with the correction that the parking
spaces will be 20' and not 20".

36 Commissioner Renfro seconded the motion.

38 It was voted on and passed 6 to 0.

40 ADJOURNMENT

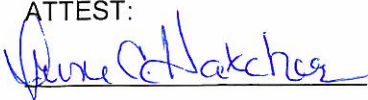
42 The meeting adjourned at 6:24 p.m.

44 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
46 ROCKWALL, Texas, this 30 day of Nov, 2010.

48 

50 Phillip Herbst, Chairman

52 ATTEST:

54 

2 **Minutes of**
4 **PLANNING AND ZONING COMMISSION WORK SESSION**
6 **November 30, 2010**

8 **CALL TO ORDER**

10 The meeting was called to order by Phillip Herbst at 6:00 p.m. with the following members present:
12 Barry Buchanan, Connie Jackson, Craig Renfro, Kristen Minth, John McCutcheon and Mark
14 Stubbs.

16 Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Irene
18 Hatcher, David Gonzales and Chris Spencer,

20 **CONSENT AGENDA ITEMS**

22 ***Approval of Minutes*** for November 9, 2010 Planning and Zoning Commission meeting

24 Jackson made a motion to approve the minutes for November 9, 2010.

26 Buchanan seconded the motion.

28 A vote was taken, and the motion passed by a vote of 6 to 0. (Stubbs abstained)

30 **ACTION ITEMS**

32 **MIS2010-004**

34 **Discuss and consider a request by Merion Miller for approval of a variance to the masonry**
36 **building requirements, specifically to allow for metal canopy structures in association with the**
38 **Paradise Burger Co. under construction within the Harbor development, which is zoned (PD-7)**
40 **Planned Development No. 7 district and located at 2109 Summer Lee Drive, and take any**
42 **action necessary.**

44 LaCroix stated the applicant has been working on the conversion of a previous retail space
46 (Harbor Girl) at the Harbor into the Paradise Burger Company restaurant. The project is nearing
48 completion and scheduled to open on December 6; however, there was an exterior modification that
50 goes beyond the scope of the building permit. Specifically, the applicant has constructed a
52 aluminum/metal canopy structure extending from the exterior wall of the tenant space approximately
54 10-15 feet out. The metal material exceeds the 10% maximum allowance under the City's commercial
masonry standards.

56 An earlier rendering of the subject development was approved by the owner of the
58 development, but illustrates an awning structure that does not project outward to the extent as has
60 actually been built.

62 Staff has met with the restaurant owner and contractor, and informed them that the only
64 mechanism available to allow the metal material to remain is to seek approval of a variance to the
66 standards from the Planning Commission and City Council. The applicant will be present at the 11/30
68 P&Z meeting and 12/6 Council meetings to discuss the improvements and more about their
restaurant.

70 Staff feels approval of the requested variance is a judgment call for the Planning Commission
72 and City Council.

74 Renfro inquired if there have been any complaints regarding the awning. LaCroix stated that
76 staff has not gotten any complaints. There was discussion regarding whether the canopy is
structurally sound and if it meets the health code due to the rust on the metal.

2 Merion Miller, 306 Shamrock Circle, stated he was trying to achieve a boardwalk feel with this
4 concept and create a relaxed feeling with the environment. He stated they would like to be an asset to
6 the Harbor and not detract from it. Mr. Miller presented photographs of chain restaurants that have
8 similar awnings. There was discussion regarding the 10% standard for metal on the exterior of the
10 building. LaCroix stated that canopies have been approved at the Harbor, but stated they have been
12 made out of canvas. LaCroix stated that some of the awnings that are at the Harbor have been
14 approved by staff. He stated the reason this is before the Commission is due to how far out the
16 awnings are. LaCroix stated that due to the amount of metal, staff could not approve this request.

18 Stubbs inquired whether the question is about safety or aesthetics. LaCroix stated if it is
20 engineered correctly, then it would be a question of aesthetics. Buchanan stated there is a place for
22 this look, but stated that he is not sure if it is right for the Harbor. He stated his concern is the volume
24 of the metal on the awning. There was discussion regarding the rust on the metal. The applicant
26 stated the metal is rusted and it is not painted and that there is another roof underneath the metal
28 awning.

30 Herbst stated that the Harbor is more of a Mediterranean feel and he is not sure if this
32 concept fits. Renfro stated he understands the concept and he feels it is great. He stated that people
34 need a place while waiting in line, look at the fountain and have a beverage. He stated that there is a
36 place for it at the Harbor, but inquired whether the applicant is willing to make changes if needed. The
38 applicant stated he wants to make everyone happy but does not want a cold feeling for this
40 restaurant.

42 Herbst inquired, if this is approved, would it open the door to other tenants wanting to do
44 crazy things with their canopies. LaCroix stated that each request stands on its own. He stated that it
46 would not be open to everybody. The applicant stated that the Harbor is very refined and that may be
48 one reason that it is not utilized. He stated that this is a concept that will invite family fun and will be
50 inviting for children.

52 The applicant stated his construction background and stated his reasons for wanting this
54 concept brought to the Harbor. He stated that his canopy is the same size as most of the other
56 canopies at the Harbor. He said the reason it looks larger is because of the material and not the
actual size.

LaCroix stated the different things the Commission can vote on and make recommendations
to Council on. Renfro stated that he is comfortable with the size. He stated that it enhances the area
on both sides of the building. He stated he is also fine with the metal. He stated that at first sight he
was surprised, but after seeing it he does like the look and thinks that it will bring people and families
to the Harbor. There was further discussion regarding the material and the size of the awning.

Commissioner Buchanan made a motion to deny MIS2010-004, a request by Merion Miller for approval of a variance to the masonry building requirements, specifically to allow for metal canopy structures in association with the Paradise Burger Co. under construction within the Harbor development, which is zoned (PD-7) Planned Development No. 7 district and located at 2109 Summer Lee Drive, with staff recommendations.

The motion fails due to lack of a second.

There was further discussion regarding the material.

After further discussion, Commissioner Jackson made a motion to approve MIS2010-004 with the following conditions:

1. **The structure's size can remain as is.**

- 2 2. That it be engineered to meet the structure and wind load requirements set out by
4 the City.
- 6 3. The appearance of the awning is constructed similar to Salt Grass Steakhouse
 (corrugated flat panel).

8 Commissioner Minth seconded the motion.

10 It was voted on and passed 7 to 0.

12 **DISCUSSION ITEMS**

14 **P2010-019**

16 Discuss and consider a request by Pann Sribhen of PSA Engineering, LLC for approval of a
final plat of Lot 1, Rockwall Market Center South Addition, and the right-of-way for Ralph Hall
18 Ct, being 3.780-acres overall zoned (C) Commercial district and situated along the north side
of Ralph Hall Pkwy east of Market Center Blvd.

20 Spencer stated the background of the case and stated the applicant's request.

22 **Z2010-020**

24 *Discuss and consider a request by Denise Dale for approval of a Specific Use Permit (SUP) to*
allow for a "Bed and Breakfast Operation" as an accessory to her existing single family home
26 located at 218 Autumn Ct, being Lot 26, Block M, Windmill Ridge Estates Phase 3B, which is
zoned (PD-13) Planned Development No. 13 district and designated for (SF-7) Single Family
28 Residential uses.

30 Gonzales stated the background of the case and the location of the property. Gonzales stated that
Ms. Dale was denied on a request for a bed and breakfast approximately eight (8) years ago. He
32 stated the parking requirements and the guidelines that go along with a bed and breakfast. Gonzales
stated that Ms. Dale is proposing to rent one (1) room on Fridays and Saturdays only.

34 There was discussion regarding whether or not a sprinkler system would be required. Gonzales
36 stated that no sprinkler system is required.

38 Denise Dale, 218 Autumn Court, gave the background of the concept and her passion to run a bed
and breakfast. There was discussion regarding what kind of research the applicant has done and
40 what the need might be for this at her location. The applicant stated that she went door-to-door and
received approval from her neighbors. There was discussion regarding what kind of demand there is
42 for a bed and breakfast in this location and what kind of clientele the applicant is expecting.
Buchanan stated that he is not opposed to the applicant's request. The applicant displayed a floor
44 plan of her house and explained where the room that will be rented out is located.

46 **Z2010-021**

48 *Discuss and consider a request by D. W. Bobst of JBR2, LLC for approval of a zoning change*
from (Ag) Agricultural district to (C) Commercial district on a 7.32-acre property known as
Tract 17-12, Abstract 80, W. W. Ford Survey and located at 5133 S FM 549.

50 Hampton stated the background of the case and what the applicant is requesting. He stated how the
applicant is currently using the property and how the property is currently shown in the land use plan.
52 Hampton stated the differences between straight commercial versus general retail zoning and what is
permitted in each. Hampton stated the uses of the surrounding property. He further explained the
54 process of 212 agreements during an annexation process.

56 Buchanan stated that due to the surrounding residential property, he will have a problem approving
the change of zoning to commercial. There was discussion regarding future plans for SH-205.

2 Dan Bobst, 916 Bridal Path, Heath, stated the background of his property and the business that is
4 currently there. He stated previous conversations he has had with city staff and city council regarding
6 what his plans were for the property. Mr. Bobst stated the growth in this area and that his plan is to
eventually have general retail on the property.

8 **Z2010-022**

8 **Discuss and consider a request by Randy McCurdy for approval of a Specific Use Permit**
10 **(SUP) to allow for a "Bail Bond Service" within the (C) Commercial district, specifically within**
12 **the existing shopping center at 811 Yellow Jacket Lane, being Lot 1, Rockwall Business Park**
14 **Addition.**

12 Gonzales stated the applicant's request and the background and location of the existing business.
14 Gonzales stated the zoning that bail bond offices are allowed to be located in. There was discussion
16 regarding whether neon lighting would be permitted. Gonzales stated that would be addressed in the
sign permit process.

18 **Z2010-023**

18 **Discuss and consider a request by Cameron Slown of Adams Engineering for approval of a**
20 **Specific Use Permit (SUP) to allow for a "Restaurant, 2000-sf or more, w/ Drive-Thru or Drive-**
22 **in" within (PD-70) Planned Development No. 70 district, specifically for a proposed 4,790-sf**
24 **McDonalds Restaurant to be located on a 1.05-acre portion of Lot 6, Block A, Stone Creek**
26 **Retail Addition, situated along the east side of North Goliad (SH 205) north of Bordeaux Drive.**

24 Hampton stated the background of this request. He stated that this request is for a drive-thru use and
26 that the look of the building would be addressed at the site plan level. He stated the applicant is
28 aware of the requirements in PD-70. Hampton further stated the idea at the Tom Thumb shopping
30 center is to be pedestrian friendly and have outside gathering areas. There was discussion regarding
what uses would not require an SUP in PD-70. There was discussion regarding the proposed hours
of operation and the loudness of the speaker system at the drive-thru.

32 John Christian, 9628 Heatherdale, Dallas, stated if there is a building that anyone has seen or a color
34 that anyone likes let him know and they can do it. He further stated that if the city does not want a
24-hour restaurant there then they will not be 24 hours. Minth stated that she would like to see them
bring in features from the existing development and add a good deal of landscaping and she thinks
36 that would look nice. There was discussion regarding the north elevation of the building.

38 David Larsen 633 Sorita Circle, Heath, and architect for the project, stated there are some elements
40 of the building that they cannot do anything with, but stated that appearance and articulation they can
do a lot with. He stated that the brick and the stone are the same as what is used at the existing
shopping center. He addressed the possibility of landscaping the property and having outside seating.
42 He stated that they can have enhanced sidewalks by using colored stamped concrete.

44 Cameron Slown, Adams Engineering, 3120 Steve Drive, Paris, TX, addressed the issue of food
46 deliveries. There was discussion on what changes have been made to the way deliveries are made
and how much storage room there is within the restaurant.

48 **ADJOURNMENT**

50 The meeting adjourned at 7:46 p.m.

52 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
ROCKWALL, Texas, this 14 day of DEC, 2010.

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6 ATTEST:

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Jane C. Hakche



Phillip Herbst, Chairman

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**Minutes of
PLANNING AND ZONING COMMISSION PUBLIC HEARING
December 14, 2010**

CALL TO ORDER

The meeting was called to order by Chairman Phillip Herbst at 6:03 p.m. with the following members present: Barry Buchanan, Craig Renfro, and Kristen Minth. Connie Jackson and John McCutcheon were absent. Mark Stubbs arrived late (6:16 pm).

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Irene Hatcher and David Gonzales.

Approval of Minutes for November 30, 2010 Planning and Zoning Commission meeting

Minth made a motion to approve the minutes for November 30, 2010.
Renfro seconded the motion.
A vote was taken, and the motion passed by a vote of 4 to 0.

SITE PLANS / PLATS

P2010-019

Discuss and consider a request by Pann Sribhen of PSA Engineering, LLC for approval of a final plat of Lot 1, Rockwall Market Center South Addition, and the right-of-way for Ralph Hall Ct, being 3.780-acres overall zoned (C) Commercial district and situated along the north side of Ralph Hall Pkwy east of Market Center Blvd, and take any action necessary.

LaCroix stated the subject request is a final plat for lot 1 of the Rockwall Market Center South Addition and the dedication of right-of-way for Ralph Hall Court. The subject site is zoned (C) Commercial district. An administrative site plan for a 25,380-sf memory care facility (Autumn Leaves) was recently approved on lot 1.

Lot 1 will have access via one drive on Ralph Hall Parkway and one drive on the proposed Ralph Hall Court. The proposed Ralph Hall Court will provide access to the existing paved asphalt drive that provides a connection to the Kohl's department store and Amanda Rochell Elementary School. Ralph Hall Court will be required to be constructed in conjunction with the first phase of development.

The final plat appears to conform to all area requirements specified in the Commercial (C) district. Staff recommends approval of the final plat subject to the following conditions:

1. Adherence to all Engineering and Fire Department Standards.
2. Approval of engineering plans for Ralph Hall Court and Lot 1 (Autumn Leaves) are required prior to approval of the final plat by the City Council.
3. Provide lot closure report.

Commissioner Minth made a motion to approve P2010-019, a request by Pann Sribhen of PSA Engineering, LLC for approval of a final plat of Lot 1, Rockwall Market Center South Addition, and the right-of-way for Ralph Hall Ct, being 3.780-acres overall zoned (C) Commercial district and situated along the north side of Ralph Hall Pkwy east of Market Center Blvd, with staff recommendations.

Commissioner Renfro seconded the motion.

It was voted on and passed 4 to 0.

2 SP2010-014

4 Discuss and consider a request by Terry Cunningham of TRC Architects for approval of an
6 exception to the exterior materials requirements of the Unified Development Code, specifically
8 Article V, Section 4.1, General Commercial District Standards, in association with the
administrative site plan for Homebank Rockwall, proposed to be located on Lot 4, Rockwall
Market Center South Addition, being 0.997-acre zoned (C) Commercial district and situated at
the northeast corner of Ralph Hall Pkwy and Market Center Blvd, and take any action
necessary.

10 Hampton stated the applicant has submitted a request for an exception to the masonry
12 requirements within the Unified Development Code, specifically to allow for wood siding. With the
subject site being zoned Commercial "C" and not located within an Overlay the site plan for the
14 proposed Homebank is an administrative application approved by city staff. Additionally,
consideration by the Architectural Review Board is not required and the requested variance requires
16 only a simple-majority vote for approval by the City Council.

18 The building materials on the proposed Homebank consist of natural stone veneer and wood
siding. The Unified Development Code requires a minimum 90% masonry, and moreover limits the
20 use of "wood siding" as a secondary material, or 10%, of any facade. The wood siding is found on all
four facades, ranging from 10.2% up to 39.5% of the façade.

22 The applicant has provided staff with a sample of building materials and pictures of a recently
24 constructed Homebank that will be available for review at the meeting. Additionally, the architect has
also provided color renderings for your review. A representative from Homebank will be in attendance
26 at the meeting to discuss the material in detail and answer questions.

28 Staff believes that the wood siding has been effectively integrated into the building as an
essential architectural element that compliments the natural stone and the other architectural features
30 of the building. The waiver however, is still a judgment call for the Planning and Zoning Commission
and the City Council.

32 Commissioner Renfro made a motion to approve the exception for SP2010-014, a
34 request by Terry Cunningham of TRC Architects for approval of an exception to the
exterior materials requirements of the Unified Development Code, specifically Article V,
36 Section 4.1, General Commercial District Standards, in association with the
administrative site plan for Homebank Rockwall, proposed to be located on Lot 4,
38 Rockwall Market Center South Addition, being 0.997-acre zoned (C) Commercial district
and situated at the northeast corner of Ralph Hall Pkwy and Market Center Blvd.
40 Commissioner Minth seconded the motion.

42 It was voted on and passed 4 to 0.

44 *Commissioner Stubbs arrived to the meeting at 6:16 pm.*

46 **PUBLIC HEARING ITEMS**

48 *Commissioner Renfro recused himself from hearing the following case and left the Council Chambers.*

50 Z2010-021

52 Hold a public hearing and consider a request by D. W. Bobst of JBR2, LLC for approval of a
zoning change from (Ag) Agricultural district to (C) Commercial district on a 7.32-acre
54 property known as Tract 17-12, Abstract 80, W. W. Ford Survey and located at 5133 S FM 549,
and take any action necessary.

2 Commission is to review requests and to follow the Comprehensive Plan for the City. He stated he
4 feels that he is moving in the right direction.

6 Minth inquired about what the deed restriction entails and asked whether it is an active
8 association. The applicant stated that the deed restriction states there can be a business located
there but there can be no traffic produced from that business. Mr. Bobst further stated that he has
most of the other owners on board with changing the deed restrictions.

10 Buchanan inquired whether the applicant planned on changing the use of the property in the
12 future. The applicant stated he is not anticipating changing the use, but he cannot say what will
happen in the future. Buchanan inquired why the applicant is seeking the change in zoning. The
14 applicant stated that he would like to bring the property into compliance with the City. He further
stated that if he ever decides to sell the property, he does not want to have to rezone the property a
16 second time. Buchanan stated he would rather have "GR" General Retail in that location and not have
it zoned "C" Commercial abutting residential property.

18 David Lee, 5170 Bear Claw Lane, stated that he feels changing the zoning is premature, that
20 he is strongly against the zoning change. He stated the long term effects would reduce the property
value of the people in the neighborhood and detract from the rural nature of the area. He stated it
22 would make the traffic worse. He further stated there needs to be a buffer between commercial and
residential zoning.

24 Dr. Zeb, 5128 S. Hwy 205, stated he is opposed to the zoning change. He stated he moved
here for the open space and the place for horses. He stated he wishes it to stay residential. He stated
26 he has filed suit against Mr. Bobst in the 38th Judicial District Court to enforce the deed restriction. He
stated if the deed restrictions are enforced, the applicant cannot have commercial use approved.

28 He further stated if the property was rezoned to Commercial it would destroy the beauty of
30 the residential area. He stated if this is allowed, it will open the door for other people to have the
same request and it will change the entire area.

32 Mr. Bobst stated he means no disrespect to his neighbors, but to think that there would be no
34 progress in this area would be wrong. He stated there are no actual deed restrictions, but there are
covenants. He stated if he did not feel that the issue with the deed restrictions would be resolved, he
36 would not be here asking for the zoning change.

38 There was discussion regarding the 20-ft sign on the property and the fact that it has been
40 there for two years. He stated there has been nothing mentioned about the sign until now, and he is
working to rectify that situation. Mr. Bobst stated that it will be rectified before the trial. He stated if he
42 did not think his request for Commercial zoning would pass, he would not have put in the time or
effort it took to go forward with the request. He stated with the updates he has put into this property,
44 the property has doubled in value.

46 LaCroix stated the future of this area and the possibility of General Retail (GR) and
Commercial (C) development. LaCroix reiterated what the Comprehensive Plan calls for in this area.
48 Stubbs stated he agrees that he is not sure if Agricultural is the best use of this land. There was
discussion regarding what the process is for developing in General Retail (GR) zoning. LaCroix stated
that property owners do have an expectation of value of the property due to the Comprehensive Plan.

50 *With no further public comment, the public hearing was closed at 6:43 pm.*

52
54 **Commissioner Minth made a motion to approve Z2010-021, a request by D. W. Bobst of
JBR2, LLC for approval of a zoning change from (Ag) Agricultural district to (C)
Commercial district on a 7.32-acre property known as Tract 17-12, Abstract 80, W. W.
56 Ford Survey and located at 5133 S FM 549, but with staff's recommendation of the more
restrictive (GR) General Retail district classification.**

2 Hampton stated the 7.32-acre subject property was part of an annexation completed by the
4 City in October 2010. As with all properties annexed into the City, the default zoning is Agricultural.
6 The applicant has an established office use on the property that is considered a legal, non-
conforming use and has submitted a zoning change request to (C) Commercial district in part to
remove the non-conforming status.

8 The intersection of FM 549 and SH 205 is designated on the City's Future Land Use Plan as
10 a potential commercial/retail node. It has also quickly become a significant intersection in terms of
12 traffic and circulation. Because of these factors, staff feels a change in zoning to a non-residential
category warrants strong consideration.

14 However, as discussed at the Planning Commission's work session on November 30th, staff
16 has reservations about rezoning the property to (C) Commercial district. Instead, staff would
18 recommend that the Commission and Council consider the more restrictive designation of (GR)
20 General Retail. Staff has attached to this report a brief outline of the differences between the two
zoning districts. The GR district would allow the applicant to continue (and expand) the existing office
use on the property, and also allows for many other office, retail, personal service and commercial
uses.

22 The staff's recommendation is based primarily on the site's proximity to established
24 residential uses to the south and west. A key difference between the two zoning districts is the
allowable maximum height requirement: 60-ft in Commercial vs. 36-ft in General Retail.

26 Additionally, the GR designation provides the City more oversight via a Specific Use Permit
28 requirement for certain land uses such as drive-thru restaurants, fuel stations, car washes and others
30 that are otherwise allowed by right in Commercial. Finally, the attached outline identifies other uses
(e.g. mini-warehouse, car dealerships, etc) that are potentially allowed within the Commercial district
that would not be allowed in the GR district; however, given the site's location these uses do not
appear to make sense from the Planning Department's perspective.

32 A zoning change sign was posted on the subject property, and notification was published in
34 the newspaper as required. In accordance with City policy, notifications of all zoning cases are also
published on the City's website and distributed through the "eNews" network.

36 Notices were mailed to six (6) owners located within 200-ft of the subject property and within
38 the City limits. At the time of this report, one (1) response "in opposition" has been returned.

40 Staff recommends approval of a change in zoning from (Ag) Agricultural district to (GR)
General Retail district on the 7.32-acre subject tract.

42 There was discussion regarding what the property around this property is zoned. There was
44 clarification on whether the Commission can approve General Retail (GR) and deny Commercial (C)
46 zoning. Herbst inquired whether there is usually a buffer zone between Commercial and Residential
48 zoning. Hampton stated there are instances where there is Commercial zoning that backs up to
Residential zoning. He stated there are provisions in the Unified Development Code that do protect
the Residential areas with buffers and screening, as well as residential adjacency restrictions. There
was discussion regarding deed restrictions on this property. Hampton stated that the City does not
enforce deed restrictions. He stated that would be a civil matter.

50 *The public hearing was opened at 6:21 pm.*

52 Dan Bobst, 5133 FM 549 S, Rockwall, stated he is seeking approval of Commercial zoning
54 for this property. He stated the reason he purchased the property was to make it his corporate office.
56 He stated that within ten (10) years he feels this will be one of the most used corners in Rockwall
County. Mr. Bobst stated that it his understanding that the job of the Planning and Zoning

2 Commissioner Stubbs seconded the motion.

4 It was voted on and passed 4 to 0. (Renfro abstained)

6 Z2010-020

8 Hold a public hearing and consider a request by Denise Dale for approval of a Specific Use
10 Permit (SUP) to allow for a "Bed and Breakfast Operation" as an accessory to her existing
12 single family home located at 218 Autumn Ct, being Lot 26, Block M, Windmill Ridge Estates
Phase 3B, which is zoned (PD-13) Planned Development No. 13 district and designated for
(SF-7) Single Family Residential uses, and take any action necessary.

14 Gonzales stated the applicant, Denise Dale, is requesting approval of a (SUP) Specific Use
16 Permit to allow for a "Bed and Breakfast Operation" in her existing single-family residential home
located at 218 Autumn Ct and within the Windmill Ridge Estates Subdivision (Phase 3B). The
property is zoned PD-13 with an underlying zoning of (SF-7) Single Family Residential use.

18 Under the Unified Development Code, Article IV, Permissible Uses, a Bed and Breakfast
20 Operation is a permitted use within the (SF-7) Single-family residential district, with the approval of a
(SUP) Specific Use Permit. Furthermore, the Unified Development Code states under Article IV,
Permissible Uses that:

- 22 1. Permitted in the Historic Overlay District by right, and in SF-7 by Specific Use Permit, and
must be located on an owner-occupied single family lot.
24 2. One parking space per bedroom to be rented shall be provided above the single family
parking requirement.
26 3. No outside advertising shall be allowed on the lot unless located in a non-residential
zoning district or permitted by an SUP.
28 4. A permanent wired smoke alarm system meeting all City codes shall be installed.

30 A public notice was published in the Rockwall County News, as required by law, on
32 December 3, 2010. Staff placed a zoning change sign in the front yard of the property. Also, twenty-
two (22) notices were mailed to the property owners of record within 200-ft of the subject property. At
34 the time of this report, staff received one three (4) notices "in favor of" and two (4) notice "opposed to"
the request.

36 Should the Specific Use Permit be approved, Staff would recommend the following
conditions:

- 38 1. Must adhere to all Health and Fire Department requirements.
40 2. The bed and breakfast shall be limited to one (1) bedroom for rent as shown on the
approved floor plan (Exhibit A).
42 3. No visible signage or advertising shall be allowed unless specifically authorized by the
SUP.
44 4. Maximum stay is limited to fourteen (14) consecutive days in any thirty (30) day period.
46 5. Applicable hotel/motel taxes shall be paid quarterly.
6. The SUP is subject to review after an initial 6 month period and annually thereafter.

48 *The public hearing was opened at 6:51 pm.*

50 Denise Dale, 218 Autumn Court, Rockwall, stated she has been to twelve (12) homes in her
neighborhood and they are in favor of her being approved for this request. She stated she is
52 passionate about having a bed and breakfast. She stated the background of this case. She further
stated her lifestyle and gave her expectations of how the bed and breakfast would be run.

54 Shannon Burnett, 201 Overbrook Court, stated she is in favor of this request. She stated
hotels are louder and less intimate. She stated that you can feel comfortable having children there.
56 She stated it is more intimate that a larger hotel.

2 Debbie Bookout, 314 Stroud Lane, Garland, stated that Ms. Dale is a gracious hostess and
4 she is passionate about opening the bed and breakfast. She stated it would be a benefit to Rockwall.
She stated it is a great alternative to the larger hotels.

6 Ms. Dale stated she would like to thank the people who are here in support for her. There
8 was discussion regarding how a bed and breakfast would impact the value of the homes surrounding
10 her. Renfro stated that your home is usually your largest investment. He inquired what impact Ms.
12 Dale foresees the impact of a bed and breakfast being on the values of her neighbors homes. She
stated that it will be "out of sight, out of mind." She stated it will be very low key. She stated that
people's lifestyles are so fast that her neighbors will not even notice. Ms. Dale stated that if she had
to move to make this come true then she would leave Rockwall and move to Florida.

14 *With no further public comment, the public hearing was closed at 6:58 pm.*

16 Buchanan stated due to the limited amount of nights involved, he does not see this as an
18 issue. Minth stated she does have an issue with this request. She stated she does not see the
business need. She does not see the research that was done to see the benefit of this to her
20 neighbors. Minth stated that the low key issue concerns her. She stated the applicant is not going to
know the people staying there, and she does not think it is a good idea. She stated she will not be in
22 favor of it.

24 Stubbs stated the reasons that he is not opposed to the applicant's request. He stated he
does not see it hurting anybody. He stated nobody on Autumn Court is opposed to the applicant's
26 request. There was discussion regarding disclosure when someone purchases a property in the
future in this neighborhood. Minth restated that she is not comfortable with the disclosure process.

28 LaCroix stated that the information will be available through an open records request.
LaCroix further stated the Commission can put whatever restrictions on the SUP that they want. He
30 stated that after six (6) months, the case can be brought back before City Council and have the SUP
rescinded if there are any issues with compliance of the conditions of the SUP. LaCroix explained the
32 SF-7 zoning which allows a little more flexibility to establish a bed and breakfast.

34 Gonzales stated that if the Commission approves the applicant's request, she would be
requesting a sign near her front door stating that she is a bed and breakfast. Buchanan explained
36 what disclosure means when you are selling a house. The Commission discussed what conditions
could be attached to the recommendation, specifically regarding signage and limiting how many
38 nights a guest could stay. There was further discussion regarding the appropriateness for this
application in this neighborhood.

40 **Commissioner Buchanan made a motion to approve the public hearing for Case Z2010-
42 020, a request by Denise Dale for approval of a Specific Use Permit (SUP) to allow for a
"Bed and Breakfast Operation" as an accessory to her existing single family home
44 located at 218 Autumn Ct, being Lot 26, Block M, Windmill Ridge Estates Phase 3B,
which is zoned (PD-13) Planned Development No. 13 district and designated for (SF-7)
46 Single Family Residential uses, with staff recommendations and the following
amendments:**

- 48 **1. The stays be limited to Friday and Saturday only.**
- 50 **2. There will be no signage on the house.**

52 Renfro asked for clarification on the review process on the SUP and who performs the review.
LaCroix explained the SUP review process.

54 **Commissioner Renfro seconded the motion.**

56 **It was voted on and passed 4 to 1. (Minth opposed.)**

2 **Z2010-022**

4 **Hold a public hearing and consider a request by Randy McCurdy for approval of a Specific**
6 **Use Permit (SUP) to allow for a "Bail Bond Service" within the (C) Commercial district,**
specifically within the existing shopping center at 811 Yellow Jacket Lane, being Lot 1,
Rockwall Business Park Addition, and take any action necessary.

8 Gonzales stated the applicant, Randy McCurdy, is requesting an approval of a (SUP) Specific
10 Use Permit to allow for a "Bail Bond Service" within the (C) Commercial district. The property is
12 located at 811 Yellowjacket Ln, Suite 113, within the Ridge Pointe Athletic Centers building, which is
14 at the southeast quadrant of S Goliad St. and Yellowjacket Ln. Mr. McCurdy is currently located at
1541 E. I-30, which is zoned (LI) Light Industrial district, and will be relocating his business should the
SUP be approved.

16 Under the Unified Development Code, a Bail Bond Service is a permitted use by right within
18 the (HC) Heavy Commercial and (LI) Light Industrial districts, but requires approval of a (SUP)
20 Specific Use Permit within the (C) Commercial district. Currently, there are two (2) bail bond services
22 located within the (C) Commercial district that have been in operation prior to the adoption of the
Unified Development Code in 2004, and are considered grandfathered. Prior to 2004, "Bail Bond
Service" was not a separately listed use and was permitted as a general office use. They are located
on Justin Rd. and S. Goliad St., within a two thousand (2000) foot proximity of the proposed location.
Based on this, Staff does feel the request to have merit and is in support of the applicant's request
with the proposed conditions.

24 A public notice was published in the Rockwall County News, as required by law, on
26 December 3, 2010. Also, thirteen (13) notices were mailed to the property owners of record within
28 200-ft of the subject property. At the time of this report, staff has not received any notices "in favor" or
"opposed to" the request.

30 Staff recommends approval of the request with the following conditions:

- 32 1. No outside storage of vehicles or other personal property shall be permitted.
34 2. Any additional signage shall meet the City's sign ordinance requirements.

36 *The public hearing was opened at 7:19 pm.*

38 Randy McCurdy, 5002 Petersburg, Rowlett, TX stated he is seeking approval of his request.
Buchanan inquired whether the applicant has any plans to have 24-hour neon signs. The applicant
40 stated he does not.

42 *With no further public comment, the public hearing was closed at 7:20 pm.*

44 **Commissioner Stubbs made a motion to approve the public hearing for Case Z2010-022,**
a request by Randy McCurdy for approval of a Specific Use Permit (SUP) to allow for a
"Bail Bond Service" within the (C) Commercial district, specifically within the existing
shopping center at 811 Yellow Jacket Lane, being Lot 1, Rockwall Business Park
Addition, with staff recommendations.

48 **Commissioner Renfro seconded the motion.**

50 **It was voted on and passed 5 to 0.**

52 **Z2010-023**

54 **Hold a public hearing and consider a request by Cameron Slown of Adams Engineering for**
approval of a Specific Use Permit (SUP) to allow for a "Restaurant, 2000-sf or more, w/ Drive-
Thru or Drive-in" within (PD-70) Planned Development No. 70 district, specifically for a
56 **proposed 4,790-sf McDonalds Restaurant to be located on a 1.05-acre portion of Lot 6, Block**

**2 A, Stone Creek Retail Addition, situated along the east side of North Goliad (SH 205) north of
4 Bordeaux Drive, and take any action necessary.**

6 Hampton stated the subject 1.05-acre property is situated within the Stone Creek Retail
8 development, immediately south of the main entrance into the shopping center from SH 205 (N
Goliad) and the existing Tom Thumb fuel center. The underlying zoning for PD-70 is "General Retail"
and a drive-thru restaurant requires a Specific Use Permit at this location.

10 The proposed McDonald's restaurant is approximately 4,790-sf and features a drive-thru
12 configuration with two menu boards/ordering locations that the applicant has stated is intended to
14 improve efficiency in operation and service. The two areas feed back into a single lane for payment
and food pickup, and in staff's opinion the overall design appears to meet or exceed the City's "6-car
stacking" requirement from the Unified Development Code.

16 Immediately to the east of the subject site remains vacant retail property that will ultimately be
18 a future phase of the Stone Creek Retail center. Thus, the drive-thru menu boards and speakers are
not oriented towards any existing residential districts or land uses. There are existing single family
20 estate lots to the west of the site across SH 205, but the distance separation along with landscape
22 buffers on both sides of the roadway should minimize or negate entirely any potential negative
impacts of the restaurant. There is a children's playground at this location; however, it is incorporated
24 more discreetly into the design of the restaurant and does not stand out in front of the structure like
older McDonalds prototypes.

26 Future site plan submittal and review - including architectural review - will be required with
28 this development to determine compliance with PD-70 and the North SH 205 Overlay district
requirements. At this stage, the conceptual site plan and elevations submitted by the applicant
30 illustrate efforts to tie the restaurant into the adjacent Tom Thumb center utilizing matching exterior
32 construction materials and design features. Since the P&Z work session on November 30th, the
applicant has revised the site plan to increase the outdoor seating area and has carried over the
enhanced paving walkways from the existing shopping center to address the "pedestrian connectivity"
requirement for retail development in PD-70.

34 Staff also visited and photographed a recent McDonald's development in Allen, TX that the
36 applicant stated is based on the same building prototype as proposed on the subject property. As the
Commission noted at the work session, the extensive use of landscaping within the street buffer and
38 drive-thru areas enhanced that development and it is anticipated that a similar landscape package
could be utilized at this location.

40 One final issue to note is the required parking for this development. The restaurant requires
42 48 parking spaces based on the 1 per 100-sf standard, but only 40 spaces (including two accessible)
are proposed. However, staff feels it is the intent of PD-70 to avoid "excessive" parking throughout
44 the overall shopping center and would support a shared parking arrangement between McDonalds
and the owner of the overall shopping center (Crestview). The applicant has indicated that the owner
46 is agreeable to installing eight (8) additional spaces on their property immediately east of the
McDonalds site to help meet the requirement; however, there are existing spaces in the outer
48 reaches of the grocery store that are being underutilized and may provide adequate overflow or
employee parking for the restaurant at the time being. In either scenario staff would recommend a
formal shared parking agreement be filed prior to construction of the restaurant.

50 A zoning change sign was posted on the subject property, and notification was published in
52 the newspaper as required. In accordance with City policy, notifications of all zoning cases are also
published on the City's website and distributed through the "eNews" network.

54 Notices were mailed to six (6) owners located within 200-ft of the subject property. At the time
56 of this report, no responses have been returned.

2 Staff would recommend approval of the SUP for a drive-thru restaurant with the following
conditions:

4 1. Future site plan submittal and review required, including Architectural Review, to determine
6 compliance with all requirements of (PD-70) Planned Development No. 70 district and the North SH
205 Overlay district.

8 2. The development should generally adhere to the approved concept plan attached hereto
as Exhibit "A," including the use of outdoor seating and enhanced paving walkways.

10 3. The drive-thru area(s) and outdoor seating area should be landscaped with diverse and
native plantings similar to the McDonalds development depicted in Exhibit "B."

12 4. Adherence to all engineering and fire department requirements.

14 5. A shared parking agreement between McDonalds and the Stone Creek Retail development
shall be required, and shall be submitted for City review and filing at the County Clerk's office prior to
or concurrently with the final replat.

16 Buchanan asked for clarification on where deliveries would be taking place. Hampton stated
18 that the applicant could answer that more appropriately, but that it's also something that could be
looked at more closely during the site plan review.

20 *The public hearing was opened at 7:30 pm.*

22 John Christen, 9628 Heatherdale, Dallas, discussed the parking, the site plan and the
24 elevations. Cameron Slown (Adams Engineering) 3120 Steve Drive, Hurst, TX, stated the trucks
would be coming through the non drive-thru side of the parking lot.

26 Grey Stogner (Crestview Real Estate) 15150 Preston Rd, Dallas, TX, explained how they
28 would accomplish the required parking. He would prefer that McDonalds provide their required
parking onsite as opposed to having to formalize a shared agreement.

30 *With no further public comment, the public hearing was closed at 7:37 pm.*

32 **Commissioner Renfro made a motion to approve the public hearing for Case Z2010-023,**
34 **a request by Cameron Slown of Adams Engineering for approval of a Specific Use**
36 **Permit (SUP) to allow for a "Restaurant, 2000-sf or more, w/ Drive-Thru or Drive-in"**
38 **within (PD-70) Planned Development No. 70 district, specifically for a proposed 4,790-sf**
McDonalds Restaurant to be located on a 1.05-acre portion of Lot 6, Block A, Stone
Creek Retail Addition, situated along the east side of North Goliad (SH 205) north of
Bordeaux Drive, with staff recommendations.

40 **Commissioner Buchanan seconded the motion.**

42 Hampton asked for clarification whether staff recommendation #5 regarding the shared parking
44 agreement should be amended.

46 **Renfro amended his motion to include the stipulation that a shared parking agreement**
48 **between McDonald's and the Stone Creek Retail Development shall be required unless**
eight (8) additional spots are provided at the time of the site plan.

50 **Commissioner Buchanan seconded the amended motion.**

52 **It was voted on and passed 5 to 0.**

DISCUSSION ITEMS

- 54 1. Planning Director's Report on the following Planning and Zoning Commission matters that have been
56 recently acted on by City Council:

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a) MIS2010-004: Variance for Paradise Burger (metal canopies)

LaCroix stated that City Council agreed with the Commission's recommendation with the canopy. He further stated that there are some other things on the building that the tenant has done with signage and other things that the Planning and Zoning Department has been working on with him to correct. He stated the restaurant opened yesterday.

b) Z2010-016: Amendments to Unified Development Code

LaCroix stated that City Council approved all of the amendments to the Unified Development Code.

c) Z2010-019: SUP for Rest Haven Cemetery

LaCroix stated that City Council approved the request at Rest Haven.

ADJOURNMENT

With no further business, the meeting adjourned at 7:47 p.m.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this 11 day of JAN, 2010.



Phillip Herbst, Chairman

ATTEST:

