

2 **Minutes of**
4 **PLANNING AND ZONING COMMISSION PUBLIC HEARING**
6 **NOVEMBER 10, 2009**

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 Mark Stubbs. Tony Hayes was absent.

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

14 **ACTION ITEMS**

16 ***Approval of Minutes for October 27, 2009 Planning and Zoning Commission meeting***

18 Herbst made a motion to approve the minutes for October 27, 2009.

20 Jackson seconded the motion.

22 A vote was taken, and the motion passed by a vote of 6-0.

24 **P2009-021**

26 **Discuss and consider a request by Mike Allen of Allen & Ridinger Consulting, Inc., for approval of a replat of Lot 2, Block 1, Horizon Village Addition, being 2.181-acres zoned (C) Commercial district and situated north of Ralph Hall Pkwy and east of FM 3097 (Horizon Rd).**

28 Gonzales stated that the applicant is requesting approval of a replat of Lot 2, Block 1, Horizon Village Addition, located at Ralph Hall Parkway and east of Horizon Road. The site is 2.181 acres and is zoned (C) Commercial district. Access to the site can be gained through cross access easements from Ralph Hall Parkway and Lowes Home Center.

32 Gonzales stated the purpose of the replat is to create two (2) lots, one for the proposed National Tire Battery (Lot 5) and the other will be for a future development (Lot 6). The replat will also dedicate firelane, cross access, and utility easements as-well-as abandon a portion of a 15-ft sanitary sewer easement located within the proposed Lot 5.

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

40 1. Adherence to all Engineering and Fire Department standards.

42 2. File off-site easements by separate instrument.

44 3. Correct meets and bounds at "BEGINNING" to read "Ralph Hall Parkway" instead of "Horizon Hall Parkway."

46 Mike Allen, 285 W. Southwest Parkway, Lewisville Texas appeared in person.

48 Stubbs inquired whether there are any future plans to add curb cuts for access. Gonzales stated that there will not be any additional curb cuts.

50 **Commissioner Minth made a motion to approve P2009-021, a request by Mike Allen of Allen & Ridinger Consulting, Inc., for approval of a replat of Lot 2, Block 1, Horizon Village Addition, being 2.181-acres zoned (C) Commercial district and situated north of Ralph Hall Pkwy and east of FM 3097 (Horizon Rd), with staff recommendations.**

54 **Commissioner Buchanan seconded the motion.**
It was voted on and passed 6 to 0.

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4 **DISCUSSION ITEMS**

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

8 a) **MIS2009-007: Special Exception for 142 Russell (Lake Rockwall Estates)**

10 LaCroix stated that he was not at the City Council meeting; however, Hampton had reported to him that City Council denied the request for a special exception. LaCroix stated Council does not want to perpetuate building onto a substandard structure that may not meet code itself. Hunter stated that he and Commissioner Stubbs were present at the Council meeting. He reiterated Council's reasons for not approving the Special Exception request.

14 Stubbs inquired about the requirement for the Hardi-board. LaCroix explained the minimum masonry standard and the replacement clause. There was discussion on how a case should be presented in the future when requesting a Special Exception. LaCroix stated that it is not possible to create a standard for every request that may come in. Hunter stated that Council had a hard time deciding this case. He stated they took many things into consideration in order to make their decision. Hunter stated that he is sure the issue will come up in the future regarding requirements and conditions on special exceptions.

22 Minth inquired whether the Commission can request City Council to amend the Special Exception Request to allow conditions to be added to the request like with an SUP. Hunter stated that he thinks it is up to the Planning and Zoning Commission to vote how they feel a case should be decided and then let the Council vote for or against it. Hunter inquired whether there is a way to add conditions to a Special Exception Request. LaCroix stated that there is no way to add conditions. LaCroix explained the zoning and gave some examples of situations that might come up in the future. He stated to add conditions you would have to have some legal way of enforcing the condition. LaCroix described the difference between a Special Exception and an SUP.

32 **Discuss allowed land uses within (PD-49) Planned Development No. 49 district.**

34 Stubbs stated that he has looked over the permitted uses and asked for clarification between a service station and an automobile repair minor. LaCroix explained the difference. LaCroix stated some of the things that can be built in PD-49. There was discussion regarding the access to the vacant property.

38 **ADJOURNMENT**

40 The meeting adjourned at 6:41 p.m.

42 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
44 ROCKWALL, Texas, this 24th day of November, 2009.

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48 Michael Hunter, Chairman

50 ATTEST:

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