

MINUTES

PLANNING AND ZONING COMMISSION MEETING
CITY HALL, 385 SOUTH GOLIAD, ROCKWALL, TEXAS
SEPTEMBER 14, 2021 IN THE CITY COUNCIL CHAMBERS AT 6:00 PM

2 NOTES ABOUT PUBLIC PARTICIPATION = RED

3
4 I. CALL TO ORDER

5 II.
6 Chairman Chodun called the meeting to order at 6:00 PM. Commissioners present were Sedric Thomas, John Womble, Jean Conway, Derek
7 Deckard and Vice-Chairman Jerry Welch. Absent from the meeting was Commissioner Mark Moeller. Staff members present were Planning
8 and Zoning Director Ryan Miller, Planning and Zoning Manager David Gonzales, Planning and Zoning Coordinator Angelica Gamez, Planner
9 Henry Lee, City Engineer Amy Williams and Civil Engineers Sarah Johnston and Jeremy White.

10
11 III. APPOINTMENTS

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

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

18
19 IV. OPEN FORUM

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

25
26 Chairman Chodun explained how open forum is conducted and asked if anyone wished to speak to come forward at this time.

27
28 Ron Mason
29 1402 Ridge Road
30 Rockwall, TX 75087

31
32 Mr. Mason came forward and wished to speak in regards to item Z2021-033. Due to it being a public hearing item, Mr. Mason was asked to
33 hold discussion.

34
35 Chairman Chodun asked if anyone else wished to speak to come forward at this time. There being no one coming forward, Chairman Chodun
36 closed the open forum.

37
38 V. CONSENT AGENDA

39
40 *These agenda items are administrative in nature or include cases that meet all of the technical requirements stipulated by the Unified Development*
41 *Code (UDC) and Chapter 38, Subdivisions, of the Municipal Code of Ordinances, and do not involve discretionary approvals.*

- 42
43 2. Approval of Minutes for the August 31, 2021 Planning and Zoning Commission meetings.

44
45 Commissioner Conway made a motion to approve the consent agenda. Commissioner Thomas seconded the motion which passed by a vote
46 of 6-0 with Commissioner Moeller absent.

47
48 VI. PUBLIC HEARING ITEMS

49
50 *This is a time for anyone to speak concerning their issues with a public hearing case. If you would like to speak regarding an item listed in this section,*
51 *please submit a [Request to Address the Planning and Zoning Commission](#) (i.e. the yellow forms available at the podium or from staff). The Planning*
52 *and Zoning Commission Chairman will call upon you to come forward at the proper time or will ask if anyone in the audience would like to speak. Please*
53 *limit all comments to three (3) minutes out of respect for the time of other citizens.*

- 54
55 3. Z2021-032 (HENRY LEE)

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

61
62 Planner Henry Lee provided a brief summary in regards to the request. The applicant is requesting a Specific Use Permit for a restaurant less
63 than 2,000 SF with a Drive Through. The applicant is stating that there will be no point of order for this business, rather employees will be
64 taking orders off tablets in the drive through line. The stacking plan shows a capacity for approximately 20 vehicles. The applicant has also
65 indicated that the bail out lane is designed to allow smaller orders to be processed quickly while allowing larger orders to utilize the drive

66 through window. The request does appear to conform to the requirements within the Unified Development Code (UDC). However, staff
67 incorporated an additional operation condition into the ordinance that mature landscaping and trees be planted along the entire length of the
68 proposed drive to provide headlight screening from Ridge Road and the adjacent properties. Staff made a recommendation that the drive-
69 through and the pick-up window be behind the building but the applicant chose not to do this because of their business model and site
70 constraints. Staff is also obligated to point out that the proposed building elevations submitted in this application don't meet the Scenic
71 Overlay requirements. This is a discretionary decision for City Council pending a recommendation from the Planning and Zoning
72 Commission. On August 20, 2021, staff mailed out 46 notices to property owners and occupants within 500-feet of the subject property. Staff
73 also notified all HOA's within 1500-feet of the subject property. There have not been any notices returned in regards to this case.
74

75 Commissioner Deckard asked about the recommendation made to move the drive through to the back of the building.
76 Vice-Chairman Welch asked if there were any renderings that would show what would be seen from Ridge Road.
77

78 Chairman Chodun asked the applicant to come forward.
79

80 Sam Moore
81 2505 Penshurst Court
82 Celina, TX 75009
83

84 Mr. Moore came forward and provided additional details in regards to the request. He also gave further explanation as to why they were not
85 able to orient the drive through away from the road.
86

87 Commissioner Deckard asked if the building could be flipped.
88 Commissioner Conway asked if the pickup lane start at the back of the building and configure the building differently.
89

90 Chairman Chodun opened the public hearing and asked anyone who wished to speak to come forward at this time. There being no one
91 indicating such, Chairman Chodun closed the public hearing and brought the item back to the Commission for discussion or action.
92

93 Commissioner Womble asked if there was an option to table without denying the item.
94

95 Commissioner Thomas made a motion to table item Z2021-032 until the September 28, 2021 meeting. Commissioner Conway seconded the
96 motion which passed by a vote of 6-0.
97

98 4. **Z2021-033 (DAVID GONZALES)**

99 Hold a public hearing to discuss and consider a request by Robert Weinstein of WB Companies on behalf of Richard Chandler of HFS Management,
100 Inc. for the approval of a Zoning Change amending Planned Development District 4 (PD-4) [Ordinance No. 01-26] to allow a *Mixed-Use Development*
101 (i.e. Apartments, Retail/Restaurant, and Office land uses) on a 12.1148-acre tract of land identified as Tract 2 of the D. Atkins Survey, Abstract No. 1,
102 City of Rockwall, Rockwall County, Texas, zoned Planned Development District 4 (PD-4) for General Retail (GR) District land uses, situated within the
103 Scenic Overlay (SOV) District, generally located in between Lakedale Drive and Becky Lane on the eastside of Ridge Road [FM-740], and take any
104 action necessary.
105

106 Planning and Zoning Manager David Gonzales provided a summary in regards to the request. The applicant is requesting to amend the
107 Planned Development District 4 (PD-4) to allow for mixed-use development with multi-family units with retail office space and to allow for two
108 (2) restaurants as well to be located on the upper level of the facility. The concept plan shows it will be developed in two (2) phases and will
109 incorporate 600 multi-family dwelling units. It should be noted that the dwelling units would translate to a density of 49.52 dwelling units per
110 acre. The proposed amendment to Planned Development District 4 (PD-4) will be subject to the land uses, and density and dimensional
111 requirements stipulated for properties within the General Retail (GR) District with some specific restrictions to the land uses. Staff should
112 note that the proposed Planned Development District deviates from the requirements of the Unified Development Code (UDC) in three (3)
113 different areas such as the density, parking requirements, and maximum building height. The approval of the applicant's request would
114 amend Planned Development District 4 (PD-4) and would effectively waive these requirements. Based on the applicant's failure to conform
115 with the Future Land Use Map and the Housing policies contained within the Comprehensive Plan, staff is required to point out that this
116 request does not conform to the OURHometown Vision 2040 Comprehensive Plan. With this being said, zoning is discretionary decision for
117 the City Council pending a recommendation from the Planning and Zoning Commission. Should the City Council choose to approve the
118 applicant's request, staff has incorporated a condition of approval that would change the Future Land Use Map designation for the subject
119 property from a *Commercial/Retail* designation to a *Mixed-Use* designation. On August 26, 2021, staff mailed 80 notices to property owners
120 and occupants within 500-feet of the subject property as well as notified all HOAs within 1500-feet of the property. Staff has since received
121 the following: 10 notices opposed to the request and 1 email that was in favor of the request. Mr. Gonzales then advised the Commission
122 that the applicant and staff were present and available for questions.
123

124 Chairman Chodun asked City Engineer Amy Williams if there were any infrastructure issues with the project. She indicated that an
125 infrastructure study was turned in but they have not gotten anything back yet to determine what the infrastructure would be on this. The TIA
126 was submitted as well without any fees so that has not started review.
127

128 Chairman Chodun asked the applicant to come forward.
129

130 Robert Weinstein
131 495 Broadway
132 New York, NY 10012
133

134 Mr. Weinstein came forward and provided additional details in regards to the request as well as a PowerPoint presentation.
135 Commissioner Deckard asked what the expected price point was for a one (1) bedroom.

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

137
138
139 Steve Curtis
140 2130 FM 1141
141 Rockwall, TX 75087

142
143 Mr. Curtis came forward and expressed his opposition to the request.

144
145 Harold Snyder
146 1519 Murphy Drive
147 Rockwall, TX 75087

148
149 Mr. Snyder came forward and read a letter from the Waterstone Homeowners Association in opposition to the request.

150
151 Ron Mason
152 1402 Ridge Road
153 Rockwall, TX 75087

154
155 Mr. Mason came forward and expressed his opposition to the request.

156
157 Chairman Chodun asked if anyone else wished to speak to come forward at this time; there being no one indicating such, Chairman Chodun
158 closed the public hearing and brought the item back to the Commission for discussion or action.

159
160 Chairman Chodun asked the applicant to come forward to respond to the public's concerns or comments.

161
162 Commissioner Deckard expressed his opposition to this item.
163 Chairman Chodun expressed his being in favor of the request.

164
165 Chairman Chodun made a motion to approve item Z2021-033 with staff recommendations. Commissioner Womble seconded but that motion
166 to approve failed by a vote of 3-3 with Commissioners Deckard, Thomas, and Welch dissenting.

167
168 Chairman Chodun advised that the case will go before the City Council on September 20, 2021.

169
170 5. **Z2021-034 (DAVID GONZALES)**

171 Hold a public hearing to discuss and consider a request by Maxwell Fisher of Masterplan on behalf of Saro Partners, LLC for the approval of a Zoning
172 Change from an Agricultural (AG) District to a Light Industrial (LI) District for a 5.07-acre tract of land identified as Tract 2-06 of the D. Harr Survey,
173 Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay (SH-205 BY-
174 OV) District, located at the southeast corner of the intersection of John King Boulevard and Airport Road, and take any action necessary.

175
176 Director of Planning and Zoning Ryan Miller advised that the Commission to table item Z2021-034 until the October 12, 2021 meeting in order
177 to allow City Staff time to notify and solicit comments from the FAA concerning the proposed concept plan. He added that the Commission
178 would be required to take a motion to table the item.

179
180 Commissioner Deckard made a motion to table item Z2021-034. Commissioner Womble seconded the motion which passed by a vote of 6-0.

181
182 6. **Z2021-035 (DAVID GONZALES)**

183 Hold a public hearing to discuss and consider a request by Robert LaCroix and Brian Berry of BNSBS, L. P. on behalf of Bradley Gideon for the approval
184 of a Zoning Change from an Agricultural (AG) District to a Neighborhood Services (NS) District for a 2.751-acre identified as Tract 1-04 of the S. R.
185 Barnes Survey, Abstract No. 13, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay
186 (SH-205 BY-OV) District, located at the southeast corner of the intersection of John King Boulevard and Quail Run Road, and take any action necessary.

187
188 Planning and Zoning Manager David Gonzales provided a brief summary in regards to the request. The applicant is requesting to change the
189 zoning from Agricultural (AG) District to Neighborhood Services (NS) District in order to construct a 16,000 SF single-story office retail
190 building. The Neighborhood Services (NS) District requires an SUP for anything that is constructed over 5,000 SF. Based on the concept plan
191 submitted by the applicants, a Specific Use Permit (SUP) would be required if the zoning change was approved. The applicants' request does
192 make a compelling argument to change the Future Land Use Map based on the definition of the Commercial/Retail land use; however, the
193 concept plan provided by the applicants appears to propose a more intense development than what the goals and policies of the
194 Comprehensive Plan call for when being located adjacent to existing residential developments. Based on this staff is of the opinion that the
195 applicants' request does not meet the Comprehensive Plan, but this request does remain a discretionary decision for the City Council pending
196 a recommendation from the Planning and Zoning Commission. On August 26, 2021, staff mailed 32 notices to property owners and occupants
197 within 500-feet of the subject property. Staff also notified all HOA's within 1500-feet of the property. Since this report was drafted, staff has
198 received four (4) emails in opposition to the request as well as four (4) notices in opposition to the request.

199
200 Commissioner Conway added that it was an odd piece of property for it to continue to be residential.
201 Commissioner Thomas asked if there was already a similar space that was zoned this way near 552 and John King.
202 Commissioner Womble stated that he could not see putting houses there.

203
204 Chairman Chodun asked the applicant to come forward.

205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274

Robert LaCroix
4517 Scenic Drive
Rowlett, TX 75088

Mr. LaCroix came forward and provided additional details as well as a PowerPoint presentation in regards to the request.

Commissioner Thomas asked what type of service would take place there.

Brian Berry
2 Essex Court
Heath, TX 75032

Mr. Barry came forward and provided additional details in regards to the request.

Commissioner Conway asked if the applicant was meaning to get together with the surrounding neighbors to gather input from them about the project.

Commissioner Thomas asked what the vision was for the development.

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

Terry Clark
1183 Cold Harbor Lane
Dallas, TX 75244

Mrs. Clark came forward and expressed that she was here on behalf of the homeowners of Pacesetter Homes. She added that she was here to express opposition to the request on their behalf.

Gerald Curtis
1302 Middleton
Rockwall, TX 75087

Mr. Curtis came forward and expressed his opposition to the request.

Steven Petty
448 Fremont Drive
Rockwall, TX 75087

Mr. Petty came forward and expressed his opposition to the request.

Tiffany Wolfgram
1313 Kirkwood
Rockwall, TX 75087

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

Karen Stock
124 Baldwin Drive
Fate, TX 75189

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

Jim Turner
1691 E. Old Quail Run Road
Rockwall, TX 75087

Mr. Turner came forward and provided a PowerPoint presentation to express his opposition to the request.

Nick Grant
1569 E. Old Quail Run Road
Rockwall, TX 75087

Mr. Grant came forward and expressed his opposition to the request.

Mike Larrivierre
1425 E. Old Quail Run Road
Rockwall, TX 75087

Mr. Larrivierre came forward and expressed his opposition to the request.
Steve Curtis

275 2130 FM 1141
276 Rockwall, TX 75087
277

278 Mr. Curtis came forward and expressed his opposition to the request.
279

280 Chairman Chodun asked if anyone else wished to speak to come forward at this time; there being no one indicating such, Chairman Chodun
281 closed the public hearing and brought the item back to the Commission for discussion or action.
282

283 Chairman Chodun asked the applicant to come forward and address the comments made by the public.
284

285 Mr. Barry came forward and provided feedback in regards to public's concerns.
286

287 After some discussion between the Commission, Chairman Chodun made a motion to deny item Z2021-035 with staff recommendations.
288 Commissioner Womble seconded that motion to deny which passed by a vote of 5-1 with Commissioner Welch dissenting.
289

290 Chairman Chodun advised that the case will go before the City Council on September 20, 2021.
291

292 7. Z2021-036 (HENRY LEE)

293 Hold a public hearing to discuss and consider a request by Adam Shiffer of the Skorburg Company on behalf of Gordon C. Fogg for the approval of a
294 Zoning Change to amend Planned Development District 91 (PD-91) [*Ordinance No. 21-36*] to incorporate a 20.00-acre tract of land identified as Tracts
295 22-04 & 22-05 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as
296 505 Clem Road, and take any action necessary.
297

298 Director of Planning and Zoning Director Ryan Miller advised the Commission to table item Z2021-035 to the September 28, 2021 meeting due
299 to finding an error in the notifications that were sent out. While meeting the state requirements, Staff would not be in compliance with the
300 Unified Development Code (UDC) requirements. He added that the Commission would be required to take a motion to table the item.
301

302 Commissioner Womble made a motion to table item Z2021-036. Commissioner Conway seconded the motion which passed by a vote of 6-0.
303

304 Chairman Chodun advised that the case will go before the City Council on September 20, 2021.
305

306 8. Z2021-037 (HENRY LEE)

307 Hold a public hearing to discuss and consider a request by James Best for the approval of a Specific Use Permit (SUP) for an accessory building on a
308 2.60-acre parcel of land identified as Lot 1, Block A, Best Estate Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 16 (SF-16)
309 District, addressed as 54 Shadydale Lane, and take any action necessary.
310

311 Planner Henry Lee provided a brief summary in regards to the request. The applicant is requesting an SUP for an accessory building that
312 exceeds the maximum square footage permitted. The request is to permit a 12' x 16' accessory building and would be a Tuff Shed Premier
313 Pro Tall Ranch. This does meet all of the density and dimensional requirements but does exceed that maximum permissible size by 48 square
314 feet. The approval of the SUP is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning
315 Commission. On August 26, 2021, staff mailed out 83 notices to property owners and occupants within 500-feet of the subject property. Staff
316 also notified all HOAs within 1500-feet of the subject property. Staff has since received two (2) notices in favor of the request and one (1) in
317 opposition.
318

319 Chairman Chodun asked if you would be able to see the shed from Ridge Road.
320

321 Chairman Chodun asked the applicant to come forward.
322

323 Andrew Thomas
324 346 Ridge Point Drive
325 Heath, TX 75032
326

327 Mr. Thomas came forward and provided additional details in regards to the request.
328

329 Chairman Chodun asked if anyone wished to speak to come forward at this time; there being no one indicating such, Chairman Chodun
330 closed the public hearing and brought the item back to the Commission for discussion or action.
331

332 Commissioner Thomas made a motion to approve item Z2021-037 with staff recommendations. Commissioner Deckard seconded the motion
333 which passed by a vote of 6-0.
334

335 Chairman Chodun advised that the case will go before the City Council on September 20, 2021.
336

337 VII. ACTION ITEMS
338

339 *These items are not advertised public hearings and deal with discretionary approvals for the Planning and Zoning Commission related to variances and*
340 *special exceptions to the technical requirements of the Unified Development Code (UDC) or Chapter 38, Subdivisions, of the Municipal Code of*
341 *Ordinances.*
342

343 9. SP2021-024 (DAVID GONZALES)

344 Discuss and consider a request by Dan Gallagher, PE of Kimley-Horn and Associates, Inc. on behalf of L. R. Tipton of the Hitt Family, LP for the approval
345 of a Site Plan for a warehouse/distribution center facility on a 43.237-acre tract of land identified as Tract 11 of the J. Lockhart Survey, Abstract No.
346 134, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the FM-549 Overlay (FM-549 OV) District, located east
347 of the intersection of Corporate Crossing [FM-549] and Capital Boulevard, and take any action necessary.
348

349 **Planning and Zoning Manager David Gonzales provided a brief summary in regards to the request. Earlier this year, the Commission had**
350 **approved a request for a zoning change from an Agricultural (AG) District to a Light Industrial (LI) District on the property. The applicants**
351 **are now here requesting a site plan for a 301,000 square foot warehouse/facility. The site plan that was submitted to Staff generally conforms**
352 **to the technical requirements for a property that's located within the Unified Development Code and also to be located within the FM549**
353 **Overlay District. The applicant is requesting three (3) variances and exceptions for screening. There is some floodplain here which provides**
354 **some natural screening for the applicant. The applicant did work on providing additional screening for outside storage of the trucking area**
355 **as well as providing additional trees for buffering. The Architectural Review Board did review this site plan with the variances and they are**
356 **forwarding a recommendation of approval. Mr. Gonzales then advised the Commission that the applicants and Staff were present and**
357 **available for questions.**

358
359 **Chairman Chodun asked the applicant to come forward.**

360
361 **Steve (Stream Realty Partners)**
362 **2001 Ross Avenue, Suite 400**
363 **Dallas, TX 75201**

364
365 **The applicant came forward and provided additional details in regards to the request.**

366
367 **Commissioner Conway made a motion to approve item SP2021-024. Commissioner Thomas seconded the motion which passed by a vote of**
368 **6-0.**

369
370 VIII. DISCUSSION ITEMS

371
372 *These items are for discussion between staff and the Planning and Zoning Commission and relate to administrative information and/or cases that will*
373 *come forward for action or public hearing at a future Planning and Zoning Commission meeting. Public comment on these cases can take place when*
374 *these items are considered for action by the Planning and Zoning Commission.*
375

376 10. Director's Report of post City Council meeting outcomes for development cases (RYAN MILLER).
377

- 378 • P2021-045: Replat for Lot 8, Block 1, Meadowcreek Business Center, Phase 2 Addition [APPROVED]
- 379 • MIS2021-011: Alternative Tree Mitigation Settlement Agreement for the REDC [APPROVED]
- 380 • Z2021-028: Text Amendment to Article 11, *Development Applications and Review Procedures*, of the UDC [APPROVED]; 2ND
381 *READING*
- 382 • Z2021-029: SUP for a Residential Infill at 104 Reliance Court [APPROVED; 2ND READING]
- 383 • Z2021-030: SUP for a Residential Infill at 118 Mischief Lane [APPROVED; 2ND READING]
- 384 • Z2021-031: Zoning Change AG to SF-1 for 2075 Airport Road [APPROVED; 2ND READING]
- 385

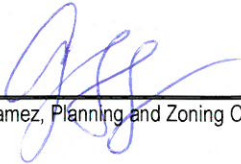
386 **Director of Planning and Zoning Ryan Miller provided a brief update about the outcome of the above referenced cases at the City Council**
387 **meeting.**

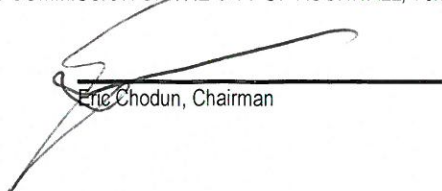
388
389 IX. ADJOURNMENT

390
391 **Chairman Chodun adjourned the meeting at 8:53 P.M.**

392
393 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this 28 day of September
394 , 2021.

395
396
397
398
399
400 Attest:

401 
402 _____
403 Angelica Gamez, Planning and Zoning Coordinator

404 
405 _____
406 Eric Chodun, Chairman