

# MINUTES

PLANNING AND ZONING COMMISSION MEETING  
CITY HALL, 385 SOUTH GOLIAD, ROCKWALL, TEXAS  
NOVEMBER 9, 2021 IN THE CITY COUNCIL CHAMBERS AT 6:00 PM

3 NOTES ABOUT PUBLIC PARTICIPATION = RED  
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5 I. CALL TO ORDER  
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7 **Chairman Chodun called the meeting to order at 6:00 PM. Commissioners present were John Womble, Jean Conway, Derek Deckard and Vice-**  
8 **Chairman Jerry Welch. Absent from the meeting were Commissioner Mark Moeller and Sedric Thomas. Staff members present were Planning**  
9 **and Zoning Director Ryan Miller, Planner Andrew Reyna, Planning and Zoning Coordinator Angelica Gamez, City Engineer Amy Williams and**  
10 **Civil Engineers Sarah Johnston. Absent from the meeting were Planner Henry Lee and Civil Engineer Jeremy White.**

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

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

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

26  
27 **Chairman Chodun explained how open forum is conducted and asked if anyone wished to speak to come forward at this time. There being no**  
28 **one coming forward, Chairman Chodun closed the open forum.**

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30 IV. CONSENT AGENDA  
31

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

- 34  
35 2. Approval of Minutes for the October 26, 2021 Planning and Zoning Commission meetings.  
36

37 3. **P2021-053 (ANDREW REYNA)**

38 Consider a request by Cameron Slown of Teague, Nall & Perkins, Inc. on behalf of Nick DiGiuseppe of Discovery Lakes, LLC for the approval of a *Final*  
39 *Plat* for Phase 1 of the Discovery Lakes Subdivision consisting of 31 single-family residential lots on a 36.42-acre tract of land identified as a portion of  
40 Tract 1 of the M. E. Hawkins Survey, Abstract No. 100, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 78 (PD-78) for  
41 Single-Family 10 (SF-10) District, generally located on the north side of SH-276 east of the intersection of SH-276 and Rochelle Road, and take any action  
42 necessary.  
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44 4. **P2021-054 (HENRY LEE)**

45 Consider a request by Chase Finch of Corwin Engineering, Inc. on behalf of Suresh Shridharani of Harlan Properties, Inc. for the approval of a *Final Plat*  
46 for the Emerson Farms Subdivision consisting of 107 single-family residential lots on a 138.756-acre tract of land identified as Tract 1 of the J. Lockhart  
47 Survey, Abstract No. 137, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 76 (PD-76) for Single-Family 1 (SF-1) District  
48 land uses, generally located on the east side of Dowell Road south of the intersection of Dowell Road and SH-276, and take any action necessary.  
49

50 5. **P2021-055 (ANDREW REYNA)**

51 Consider a request Ryan King of Engineering Concepts & Design on behalf of Jose Campos of Saddle Star South Holdings, LLC for the approval of a  
52 *Final Plat* for Phase 2 of the Saddle Star Subdivision consisting of 77 single-family residential lots on a 29.001-acre tract of land identified as Tracts 1, 1-  
53 05, 2-03, & 2-07 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 79 (PD-  
54 79) for Single-Family 8.4 (SF-8.4) District land uses, situated within the SH-205 By-Pass (SH-205 BY OV) District, generally located east of the intersection  
55 of Featherstone Drive and N. John King Boulevard, and take any action necessary.  
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57 6. **P2021-056 (HENRY LEE)**

58 Consider a request by Greg Helsel of Spiars Engineering, Inc. on behalf of Bill Gietema of Arcadia Lakes of Somerset Holdings, LLC for the approval of a  
59 *Final Plat* for Phase 2 of the Somerset Park Subdivision consisting of 165 single-family residential lots on a 82.809-acre tract of land identified as Tract 7  
60 of the A. Johnson Survey, Abstract No. 123, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 63 (PD-63) for Single-Family  
61 10 (SF-10) District land uses, generally located at the northwest corner of the intersection of S. Goliad Street [*SH-205*] and FM-549, and take any action  
62 necessary.  
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64 7. **SP2021-029 (HENRY LEE)**

65 Consider a request by Greg Helsel of Spiars Engineering, Inc. on behalf of Bill Gietema of Arcadia Lakes of Somerset Holdings, LLC for the approval of a  
66 *Site Plan* for Phase 2 of the Somerset Park Subdivision consisting of 165 single-family residential lots on a 82.809-acre tract of land identified as Tract 7

67 of the A. Johnson Survey, Abstract No. 123, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 63 (PD-63) for Single-Family  
68 10 (SF-10) District land uses, generally located at the northwest corner of the intersection of S. Goliad Street [SH-205] and FM-549, and take any action  
69 necessary.  
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71 **Vice-Chairman Welch made a motion to approve the consent agenda. Commissioner Womble seconded the motion which passed by a vote of**  
72 **5-0 with Commissioners Moeller and Thomas absent.**  
73

74 V. PUBLIC HEARING ITEMS  
75

76 *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,*  
77 *please submit a Request to Address the Planning and Zoning Commission (i.e. the yellow forms available at the podium or from staff). The Planning and*  
78 *Zoning Commission Chairman will call upon you to come forward at the proper time or will ask if anyone in the audience would like to speak. Please limit*  
79 *all comments to three (3) minutes out of respect for the time of other citizens.*  
80

81 8. **Z2021-043 (ANGELICA GAMEZ)**

82 Hold a public hearing to discuss and consider a request by Kenneth A. Selden on behalf of Johnathan Brown for the approval of a Specific Use Permit  
83 (SUP) for Residential Infill in an Established Subdivision for the purpose of constructing a single-family home on a 0.426-acre tract of land identified as a  
84 portion of Lot 3, Block B, F & M Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Old Town  
85 Rockwall (OTR) Historic District, addressed as 601 Kernodle Street, and take any action necessary.  
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87 **Planning and Zoning Coordinator Angelica Gamez provided a brief summary in regards to the request. The subject property is located at 601**  
88 **Kernodle Street which is situated in the F&M Subdivision in Old Town Rockwall Historic District. The applicant is requesting approval of a**  
89 **Specific Use Permit (SUP) for Residential Infill in an Established Subdivision for the purpose of constructing a single-family home. The Unified**  
90 **Development Code (UDC) states that an established subdivision consists of 5 or more lots, is 90% developed, and has been in existence for**  
91 **more than 10 years. The applicant originally came forward in 2015 and received approval for a Certificate of Appropriateness from the Historic**  
92 **Preservation Advisory Board to construct a single-family home in the Historic District. He also received a variance from the Board of**  
93 **Adjustments to minimize the front yard building setback from 20-feet to 15-feet. Besides that, the request does appear to be in compliance with**  
94 **all other zoning requirements. Ms. Gamez explained that the Commission's job today was to ensure that the proposed home is architecturally**  
95 **compatible with the surrounding homes in the area. For that reason, and for their convenience, a housing analysis was included in the packet.**  
96 **On October 22, 2021, staff mailed out 82 notices to property owners and occupants within 500-feet of the subject property. There was a sign**  
97 **posted on the property and the public hearing was advertised in the Rockwall Herald Banner. Staff had since received 3 notices from property**  
98 **owners within the notification area in favor of the applicant's request.**  
99

100 Jonathan Brown  
101 7814 Killarney Lane  
102 Rowlett, TX 75089  
103

104 **Mr. Brown came forward and provided additional details in regards to the request.**  
105

106 **Chairman Chodun opened the public hearing and asked anyone who wished to speak to come forward at this time; there being no one indicating**  
107 **such, Chairman Chodun closed the public hearing and brought the item back to the Commission for discussion or action.**  
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109 **Commissioner Welch made a motion to approve Z2021-043 with staff recommendations. Commissioner Conway seconded the motion which**  
110 **passed by a vote of 5-0.**  
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112 **Chairman Chodun advised that the item will go before the City Council on November 15, 2021.**  
113

114 9. **Z2021-044 (ANDREW REYNA)**

115 Hold a public hearing to discuss and consider a request by Alex Flores for the approval of a Specific Use Permit (SUP) for Residential Infill in an Established  
116 Subdivision for the purpose of constructing a single-family home on a 0.33-acre parcel of land identified as a Lot 2, Block M, Lake Rockwall Estates East  
117 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses,  
118 addressed as 478 Renee Drive, and take any action necessary.  
119

120 **Planner Andrew Reyna provided a brief summary in regards to the request. The applicant is requesting the approval of an SUP for the**  
121 **construction of a single-family home in Lake Rockwall Estates addressed at 478 Renee Drive. The applicant is proposing to construct a 1-story**  
122 **brick single-family home. The proposed home meets all of the density and dimensional requirements for the Single-Family 7 District stipulated**  
123 **by Planned Development District 75 and the UDC with the exception of the garage setback requirements. Staff should note that this waive for**  
124 **the garage has been approved in the past in this subdivision. Staff mailed out 88 notices to property and occupants within 500-feet of the**  
125 **subject property. As of today, staff had not received any notices in regards to the applicant's request.**  
126

127 **Vice-Chairman Welch asked if all the homes in Lake Rockwall Estates were on septic.**  
128

129 Alex Flores  
130 1650 John King Blvd, Apt. 6710  
131 Rockwall, TX 75032  
132

133 **Mr. Flores came forward and provided additional details in regards to the request.**  
134

135 Chairman Chodun opened the public hearing and asked anyone who wished to speak to come forward at this time; there being no one indicating  
136 such, Chairman Chodun closed the public hearing and brought the item back to the Commission for discussion or action.  
137

138 Commissioner Conway made a motion to approve Z2021-044. Commissioner Deckard seconded the motion which passed by a vote of 5-0.  
139

140 Chairman Chodun advised that the item will go before the City Council on November 15, 2021.  
141

142 10. Z2021-045 (ANDREW REYNA)

143 Hold a public hearing to discuss and consider a request by Vanio Dilov for the approval of a Specific Use Permit (SUP) for Residential Infill in an Established  
144 Subdivision for the purpose of constructing a single-family home on a 0.1102-acre parcel of land identified as a Lot 40 of the Chandler's Landing Phase 2  
145 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8), addressed as 418 Columbia Drive, and take any action  
146 necessary.  
147

148 Planner Andrew Reyna provided a brief summary in regards to the request. The applicant is requesting approval of an SUP for the construction  
149 of a single-family home located in Chandlers Landing addressed as 418 Columbia Drive. The applicant is proposing to construct a two-story  
150 brick single-family home. The proposed home meets all of the density and dimensional requirements for Planned Development District 8 and  
151 the UDC with the exception of the garage setback requirements. The applicant is proposing to put the garage 4-feet 6-inches in front of the front  
152 façade of the home. If approved the Planning and Zoning Commission and City Council will be waiving that required 20-foot setback. Staff would  
153 like to point out that Planning and Zoning and City Council have waived this requirement in the past. Staff mailed out 97 notices to property  
154 owner and occupants within 50-feet of the subject property as well as notified all HOAs within 1500-feet of the subject property. At the time this  
155 report was drafted, staff had received one notice in favor of the applicant's request.  
156

157 Vanio Dilov  
158 7310 Lakeshore Drive  
159 Rowlett, TX 75089  
160

161 Mr. Dilov came forward and provided additional details in regards to the request.  
162

163 Chairman Chodun opened the public hearing and asked anyone who wished to speak to come forward at this time; there being no one indicating  
164 such, Chairman Chodun closed the public hearing and brought the item back to the Commission for discussion or action.  
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166 Commissioner Conway made a motion to approve Z2021-045. Commissioner Womble seconded the motion which passed by a vote of 5-0.  
167

168 Chairman Chodun advised that the item will go before the City Council on November 15, 2021.  
169

170 11. Z2021-046 (RYAN MILLER)

171 Hold a public hearing to discuss and consider a request by Mike Peoples for the approval of a Specific Use Permit (SUP) for two (2) Agricultural Accessory  
172 Buildings and an Animal Shelter/Loafing Shed on a 42.66-acre tract of land identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall,  
173 Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1700 E. SH-66, and take  
174 any action necessary.  
175

176 Planning and Zoning Director Ryan Miller provided a brief summary in regards to the request. This property was annexed in 1998 and has been  
177 zoned Agricultural District since its annexation. In October 2018, Code Enforcement Department issued a stop work order for work being done  
178 in an animal shelter which was directly adjacent to SH66. It was brought to the Planning Department and it was determined that there were two  
179 (2) other noncompliant structures on the property: a detached garage in the southwest corner of the property and an accessory building located  
180 in the southeast corner in the floodplain. Both of these were constructed without permits. In lieu of this, the applicant did submit two specific  
181 use permits for a detached garage and for an animal shelter/loafing shed. The accessory building was not able to be considered at that time  
182 because accessory buildings are not allowed in Agricultural (AG) Districts. Ultimately, the detached garage was denied and the animal shelter  
183 was approved with the condition that the detached garage and accessory building be removed from the property. However, the SUP did expire  
184 on June 22, 2020 due to inactivity and the structures were not removed from the property and remaining noncompliant. At that time, the City  
185 did pursue enforcement action but, due to Covid, this was delayed through the courts and this case is still active. Recently, there have been  
186 two changes that allows the Commission to reconsider this case thru a different lens. Those being that in 2019, the City Council added a land  
187 use to the Use Charts for Agricultural accessory structures and this allows the detached garage and accessory building to be considered.  
188 Another thing that changed was that HB2439 was adopted and it prohibited cities from regulating building materials. Another thing to note is  
189 that the City recently adopted the noncompliance structure fee associated with SUP applications. When Staff was reviewing the case, they came  
190 across some additional details that were worked thru with the applicant. One was an additional structure that had been constructed on the  
191 property and the other issue being that there is storage along the floodplain. Staff mailed out 33 notices to property owners and occupants  
192 within 500-feet of the subject property. Staff has since received 4 notices in favor of the applicant's request.  
193

194 Commissioner Womble asked if there were any drainage issues associated with the property.  
195

196 Mike Peoples  
197 1700 E. State Hwy 66  
198 Rockwall, TX 75087  
199

200 Mr. Peoples came forward and provided additional details in regards to the request.  
201

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

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Vice-Chairman Welch made a motion to approve Z2021-046. Commissioner Deckard seconded the motion which passed by a vote of 4-1 with Commissioner Womble dissenting.

Chairman Chodun advised that the item will go before the City Council on November 15, 2021.

12. Z2021-047 (RYAN MILLER)

Hold a public hearing to discuss and consider a request by Andrea Danley on behalf of Mike Peoples for the approval of a *Specific Use Permit (SUP)* for an *Animal Shelter/Loafing Shed* on a 14.219-acre tract of land identified as Tract 10-03 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 555 Cornelius Road, and take any action necessary.

Planning and Zoning Director Ryan Miller provided a brief summary in regards to the request. Currently situated on the property according to Rockwall Central Appraisal District is a 1,700 square foot single-family home that was constructed in 1960, a 390-square foot barn constructed in 1973, a 7,000-square foot barn constructed in 1985, and 400-square foot carport constructed in 2008. The applicant is requesting is an animal shelter/loafing shed and will be removing the old structure. The proposed animal shelter will be 35-feet by 40-feet which is only a little bigger than what is currently out there. Animal shelters are allowed in an Agricultural (AG) District but do require a Specific Use Permit. Currently, there are no conditional use standards associated with that, they just have to meet Agricultural District standards. In this case, the proposed structure will not change the conformance of the property and will comply with all the setback requirements. Staff mailed out 26 notices to property owners and occupants within 500-feet from the subject property. Staff has since received 3 notices from property owners within the notification area in favor of the applicant's request. Mr. Miller then advised that the applicant and Staff were present and available for questions.

Andrea Danley and Michael Danley  
300 S. Brown Avenue  
Fate, TX 75132

Mrs. Danley came forward and provided additional details in regards to the request.

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

Commissioner Deckard made a motion to approve Z2021-047. Vice-Chairman Welch seconded the motion which passed by a vote of 5-0.

Chairman Chodun advised that the item will go before the City Council on November 15, 2021.

VI. ACTION ITEMS

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

13. SP2021-027 (HENRY LEE)

Discuss and consider a request by Nick Hobbs of BGE Engineering on behalf of Randall Schwimmer of Baker Schwimmer Ventures, LP for the approval of a *Site Plan* for a *Warehouse/Distribution Facility* on a 23.071-acre tract of land identified as Tracts 25 & 25-1, of the R. B. Irvine Survey, Abstract No. 120, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, generally located on the southside of the IH-30 Frontage Road east of the intersection of Corporate Crossing and IH-30, and take any action necessary.

Planning and Zoning Director Ryan Miller provided a brief summary in regards to the request. The applicant is requesting approval of a site plan for the purpose of constructing two (2) warehouse distribution facilities on the subject property. It will be divided into two (2) lots and they will be constructing a portion of Data Drive to access that property. This property is in conformance with all the applicable requirements for the Light Industrial (LI) District with the exception of the three variances they are requesting. They are a variance to the building façade, a variance to the Overlay District standards, and an exception to use tilt wall which is required in all Light Industrial (LI) Districts. As with all variances, compensatory measures are required. Variances are a discretionary decision to the Planning and Zoning Commission and do require a super majority vote in order to get approved. The property is in compliance with all other applicable standards and does meet the technical requirements.

Chairman Chodun had a question regarding compensatory measures.

Nick Hobbs  
2595 Dallas Parkway  
Frisco, TX 75034

Bobby Pross  
5310 Harvest Hill Road  
Dallas, TX 75230

The applicants came forward and provided additional details in regards to the request.

Commissioner Conway made a motion to approve SP2021-027 with staff recommendations. Commissioner Womble seconded the motion which passed by a vote of 5-0.

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14. **SP2021-030 (ANDREW REYNA)**

Discuss and consider a request by Patrick Hogan, PE of Kimley-Horn on behalf of Tyler Wood of Intrepid Equity Investments, LLC for the approval of a Site Plan for a Multi-Tenant Warehouse/Distribution Center on a 17.03-acre tract of land identified as Tract 4 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, generally located on the south side of Airport Road east of the intersection of Airport Road and John King Boulevard, and take any action necessary.

**Planner Andrew Reyna provided a brief summary in regards to the applicant's request. The applicant is proposing the construction of a warehouse distribution center which will be divided between three (3) separate buildings. The applicant is requesting three (3) exceptions for the subject property. These include building materials, an exception to the vertical and horizontal articulation standards, and a variance to the screening and residential requirements. In this case, the applicant is requesting the use of three-tiered screening adjacent to the western property line. Mr. Reyna explained that this case was also approved earlier by the Architectural Review Board. The Planning and Zoning Commission is tasked with determining if the compensatory measures properly offset the requested variances.**

**Patrick Hogan**  
13455 Noel Road, 2 Galleria Office Tower, Suite 700  
Dallas, TX 75240

**Bobby Pross**  
5310 Harvest Hill Road  
Dallas, TX 75230

**The applicants came forward and provided additional details in regards to the request.**

**Vice-Chairman Welch made a motion to approve SP2021-030 with staff recommendations. Chairman Chodun seconded the motion which passed by a vote of 5-0.**

VII. DISCUSSION ITEMS

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

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

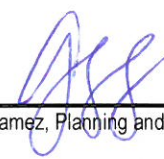
- P2021-049: Preliminary Plat for Lots 1 & 2, Block A, Seefried Addition [APPROVED]
- P2021-048: Replat for Lots 2 & 3, Block A, Pecan Valley Retail Addition [APPROVED]
- Z2021-038: SUP for an Accessory Building at 1 Soapberry Lane [APPROVED; 2<sup>ND</sup> READING]
- Z2021-039: SUP for Residential Infill in an Established Subdivision at 305 Blanche Drive [APPROVED; 2<sup>ND</sup> READING]
- Z2021-040: Text Amendment to Articles 04 & 13 for Urban Residential [APPROVED; 2<sup>ND</sup> READING]
- Z2021-041: SUP for a Restaurant, less than 2,000 SF, with a Drive-Through for Salads and Go [APPROVED; 2<sup>ND</sup> READING]

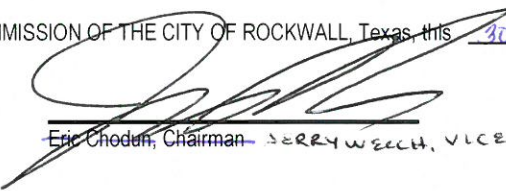
**Director of Planning and Zoning Ryan Miller provided a brief update about the outcome of the above referenced cases at the City Council meeting.**

VIII. ADJOURNMENT

**Chairman Chodun adjourned the meeting at 6:53 P.M.**

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this 30 day of November, 2021.

Attest:   
\_\_\_\_\_  
Angelica Gamez, Planning and Zoning Coordinator

  
\_\_\_\_\_  
~~Eric Chodun, Chairman~~ JERRY WELCH, VICE-CHAIRMAN

