

MINUTES

PLANNING AND ZONING COMMISSION MEETING
CITY HALL, 385 SOUTH GOLIAD, ROCKWALL, TEXAS
FEBRUARY 15, 2022 IN THE CITY COUNCIL CHAMBERS AT 6:00 PM

NOTES ABOUT PUBLIC PARTICIPATION = RED

NOTES: [1] ADDITIONAL CASE INFORMATION FOR THIS MEETING CAN BE FOUND AT [HTTP://WWW.ROCKWALL.COM/MEETINGS.ASP](http://www.rockwall.com/meetings.asp), AND [2] TO PROVIDE INPUT ON A ZONING OR SPECIFIC USE PERMIT CASE PLEASE [CLICK HERE](#) OR CLICK ON THE LINK ABOVE AND USE THE ZONING AND SPECIFIC USE PERMIT INPUT FORM ON THE CITY'S WEBSITE.

I. CALL TO ORDER

Chairman Chodun called the meeting to order at 6:00 PM. Commissioners present were John Womble, Derek Deckard, Sedric Thomas, Jerry Welch, Mark Moeller, and Jean Conway. Staff members present were Director of Planning and Zoning Ryan Miller and Planners Henry Lee and Bethany Ross, Planning Coordinator Angelica Gamez, Civil Engineer Sarah Johnston, and Assistant City Engineer Jeremy White. Absent from the meeting was City Engineer Amy Williams.

II. OPEN FORUM

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

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

III. CONSENT AGENDA

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

1. Approval of minutes for the January 11, 2022 Planning and Zoning Commission meeting.

2. Approval of minutes for the January 25, 2022 Planning and Zoning Commission meeting.

3. P2022-003 (HENRY LEE)

Consider a request by Chase Finch of Corwin Engineering, Inc. on behalf of Kyle Tressler of Qualico Development (US), Inc. for the approval of a Final Plat for the Nelson Lake Subdivision being a 120.90-acre tract of land identified as Tract 2 of the J. M. Gass Survey, Abstract No. 88, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 90 (PD-90) for Single-Family 10 (SF-10) District land uses, generally located at the southeast corner of the intersection of FM-1141 and FM-552, and take any action necessary.

4. SP2022-001 (HENRY LEE)

Consider a request by Chase Finch of Corwin Engineering, Inc. on behalf of Kyle Tressler of Qualico Development (US), Inc. for the approval of a Site Plan for the Nelson Lake Subdivision being a 120.90-acre tract of land identified as Tract 2 of the J. M. Gass Survey, Abstract No. 88, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 90 (PD-90) for Single-Family 10 (SF-10) District land uses, generally located at the southeast corner of the intersection of FM-1141 and FM-552, and take any action necessary.

5. MIS2022-003 (HENRY LEE)

Discuss and consider a request by Humberto Johnson, Jr. of the Skorburg Co. on behalf of John Arnold of Falcon Place SF, LTD for the approval of a Miscellaneous Case for a Treescape Plan for the Winding Creek Subdivision being on a 78.831-acre tract of land identified as Tracts 17, 17-01, 22, 22-04 & 22-05 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 91 (PD-91) for Single-Family 16 (SF-16) District land uses, generally located at the southeast corner of the intersection of FM-1141 and Clem Road, and take any action necessary.

Commissioner Moeller made a motion to approve the consent agenda. Commissioner Womble seconded the motion which passed by a vote of 7-0.

IV. PUBLIC HEARING ITEMS

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

6. Z2022-001 (RYAN MILLER)

Hold a public hearing to discuss and consider a request by Asher Hamilton of RIV Properties, LLC on behalf of Michael Gibson of Marion E. Wilson, Michael White, Dimensions Real Estates Services, LLC; Mark R. Carson; Allen Anderson; Gary Shultz of Culpepper/Spatex JV; and Robert Fields of In

67 the Estate of Ernest Fields for the approval of a *PD Development Plan* for a 176-unit condominium building on a 3.59-acre tract of land identified as Lots
68 1, 2, 3, & 4, Block 2; Lots 1, 2, 3, & 4, Block 3; Lots 1, 2, 3, & 4, Block 5; Lots 1 & 2 and a portion of Lots 3 & 4, Block 6; Lots 2, 3, & 4, Block 7; Lots 1 &
69 2, Block 8; and Lots 1, 2, 3, & 4, Block 9, Moton Addition, City of Rockwall, Rockwall County, Texas, situated within the *Hillside Mixed Use Subdistrict* and
70 the *Horizon/Summer Lee Subdistrict* of Planned Development District 32 (PD-32), generally located at the southwest corner of the intersection of Horizon
71 Road and Summer Lee Drive, and take any action necessary.
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73 **Chairman Chodun wanted to explain that Commissioner Womble had recused himself from the case.**

74
75 **Planning and Zoning Director Ryan Miller provided a brief summary and history in regards to the request. The applicant is requesting the**
76 **allocation of 176 units for the purpose of establishing a condominium building. This is a PD Development District which constitutes an**
77 **amendment to the zoning ordinance. The land use charts do allow for urban residential units through a specific use permit (SUP). In this case,**
78 **the SUP will be replaced by the PD Development plan since it actually constitutes an amendment to the approved development concept plan**
79 **and ordinance. The building will consist of a 176 units and the applicant will also be extending Glen Hill Way. Incorporated into the building**
80 **will be an approximate 7,500 square foot amenity center and pool. In addition to a courtyard and two entry plazas and a public plaza. Mr. Miller**
81 **then explained the different recommendations made to the applicant in regards to the project. Staff mailed out 45 notices to property owners**
82 **and occupants within 500-feet of the subject property. Staff also notified all HOAs within 1,500-feet of the subject property. As of today, staff**
83 **has received 3 property owner notifications from a property owner in favor of the request and 1 letter from a property owner in favor of the**
84 **request. Mr. Miller then advised that the applicant and staff were present and available to answer questions.**

85
86 **Matthew Peterson**
87 **8908 Perry Meadow Lane**
88 **McKinney, TX 75071**
89

90 **The applicant came forward and provided a PowerPoint presentation in regards to the request.**

91
92 **Chairman Chodun asked if the lower level was going to be for mixed use.**

93 **Commissioner Moeller asked about the placement of the amenity center.**

94
95 **Chairman Chodun opened the public hearing asked if anyone wished to speak; there being no one indicating such, Chairman Chodun closed**
96 **the public hearing and brought the item back to the Commission for discussion or action.**

97
98 **Commissioner Deckard made a motion to approve Z2022-001. Commissioner Thomas seconded the motion which passed by a vote of 6-0 with**
99 **Commissioner Womble recusing himself from the case.**

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101 **Chairman Chodun advised this item will go before City Council on February 22, 2022.**
102

103 **7. Z2022-002 (RYAN MILLER)**

104 **Hold a public hearing to discuss and consider a request by Louis Clark of KinoD LLC on behalf of D. W. Bobst of 101 Hubbard Dr. LLC, Gary Shultz of**
105 **Culpepper/Spatex JV, and Allen Anderson for the approval of a *PD Development Plan* for a 42-unit condominium and retail/office building on a 1.20-acre**
106 **tract of land identified as Lot 1, Block D, Harbor District Addition and Lots 3 & 4, Block 11 and Lots 1, 2, 3, & 4, Block 12, Moton Addition, City of Rockwall,**
107 **Rockwall County, Texas, situated within the *Hillside Mixed Use Subdistrict* of Planned Development District 32 (PD-32), generally located at the northeast**
108 **corner of the intersection of Sunset Ridge Drive and Summer Lee Drive, and take any action necessary.**
109

110 **Planning and Zoning Director Ryan Miller provided a brief summary and background in regards to the request. There are currently 218 urban**
111 **residential units remaining in the district. The applicant is requesting the approval of a PD Development Plan and for a 42-unit condominium**
112 **building. The applicant's request does actually appear to meet the intent of the district in that it is a mixed use development. In this case, the**
113 **parking garage will be built underneath the building and will have one-bedroom, two-bedroom, and three bedroom units. In addition, the**
114 **applicant has stated that these units will be a for-sale product. The applicant is also proposing to incorporate 1,350 square feet of commercial**
115 **space that will be accessible on the ground floor. The concept plan also shows an amenity center, pool, basketball court and tennis court. Staff**
116 **mailed out 20 notices to property owners and occupants within 500-feet of the subject property. Staff also notified all HOAs within 1,500-feet of**
117 **the subject property. Mr. Miller then advised that the applicant and staff were present and available to answer questions.**
118

119
120 **Chairman Chodun opened the public hearing and asked if anyone wished to speak; there being no one indicating such, Chairman Chodun**
121 **closed the public hearing and brought the item back to the Commission for discussion or action.**

122
123 **Commissioner Deckard made a motion to approve Z2022-002. Commissioner Thomas seconded the motion which passed by a vote of 6-0 with**
124 **Commissioner Womble recusing himself.**

125
126 **Chairman Chodun advised this item will go before City Council on February 22, 2022.**
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128 **8. Z2022-003 (RYAN MILLER)**

129 **Hold a public hearing to discuss and consider a request by Bowen Hendrix of DuWest Realty, LLC on behalf of John Arnold of the Skorburg Company for**
130 **the approval of a *Specific Use Permit (SUP)* for a *Restaurant 2,000 SF or More with Drive Through or Drive-In* for the purpose of constructing two (2)**
131 **restaurants on an 8.684-acre tract of land identified as Tract 3-10 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, being**
132 **zoned Planned Development District 70 (PD-70) for limited General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205**
133 **OV) District, generally located at the northeast corner of the intersection of E. Quail Run Road and N. Goliad Street [SH-205], and take any action**
134 **necessary.**

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Planning and Zoning Director Ryan Miller provided a brief summary and history in regards to the request. The applicant is proposing approval of a Specific Use Permit (SUP) for two (2) restaurants 2,000 SF or more with a drive through. This request does have to adhere to some conditional land use standards and is also subject to the residency adjacency standards. The request does appear to meet all standards as proposed in the SUP. Staff mailed out 62 notices to property owners and occupants within 500-feet of the subject property. Staff also notified all HOAs within 1,500-feet of the subject property. Staff has since received 2 notices in opposition with the request and 1 notice stating a concern regarding traffic. Mr. Miller then advised that the applicant and staff were present and available to answer questions.

Vice-Chairman Welch asked about the amenity center shown in the concept plan.

Bowen Hendrix
4403 N. Central Expressway
Dallas, TX 75205

Drew Donosky
1903 Central Drive
Bedford, TX 76021

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

Vice-Chairman Welch had some questions regarding the drive through.

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

Vice-Chairman Welch made a motion to approve Z2022-003 with staff recommendations. Commissioner Conway seconded the motion which passed by a vote of 7-0.

Chairman Chodun advised this item will go before City Council on February 22, 2022.

9. Z2022-004 (RYAN MILLER)

Hold a public hearing to discuss and consider a request by Mike and Mary Frasier for the approval of a Specific Use Permit (SUP) for a Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit on a 0.74-acre parcel of land identified as Lot 13, Block E, Wade Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 704 Jackson Street, and take any action necessary.

Planning and Zoning Director Ryan Miller provided a brief summary in regards to the request. The applicant is requesting an SUP for the purpose of constructing guest quarters or secondary living unit. The proposed structure will be a 2-story, 20' x 25' structure and will stand 24 feet 8 inches at the peak. It will meet all of the setback requirements and will be situated behind the primary structure. The applicant has stated that the intent of this structure is to be used as a shop but it will incorporate a bathroom and could be used as a guest quarters or secondary living unit. The proposed structure does meet all of the applicable requirements. Staff should note that there are no comparable structures in homes in the same block but this property is situated in the older part of town and there are other similar structures to what the applicant is proposing in the surrounding area. Staff sent out 110 notices to property owners and occupants within 500-feet of the subject property. Staff also notified all HOA's within 1,500-feet of the subject property. Mr. Miller then advised the Commission that the applicant and staff were present and available to answer questions.

Commissioner Womble asked what the primary structure was built out of.

Mike Frasier
704 Jackson Street
Rockwall, TX 75087

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

Chairman Chodun opened the public hearing and asked if anyone wished to speak; 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 Womble made a motion to approve Z2022-004 with staff recommendations. Commissioner Moeller seconded the motion which passed by a vote of 7-0.

Chairman Chodun advised this item will go before City Council on February 22, 2022.

10. Z2022-005 (RYAN MILLER)

Hold a public hearing to discuss and consider a request by Perry Bowen of Perry Bowen Homes, LLC for the approval of a Specific Use Permit (SUP) for Residential Infill Adjacent to an Established Subdivision on a 0.49-acre parcel of land identified as Lot 2, Block A, Haley & Kyle Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 503 S. Clark Street, and take any action necessary.

Planning and Zoning Director Ryan Miller provided a brief summary in regards to the request. The applicant is requesting an SUP for residential infill adjacent to an established subdivision for the purpose of constructing a single-family home. When reviewing a request for residential infill, the City Council and Planning and Zoning Commission are asked to look at the size, the area, and the architecture of the proposed home

204 compared to other houses in the area and see if it's compatible. The proposed house does meet all of the zoning requirements for the Single-
205 Family 7 (SF-7) District. Staff sent out 69 notices to property owners and occupants within 500-feet of the subject property. Staff also notified
206 all HOA's within 1,500-feet of the subject property. Mr. Miller then advised the Commission that the applicant and staff were present and available
207 to answer questions.

208
209 Perry Bowen
210 230 Myers Road
211 Heath, TX 75032

212
213 Mr. Bowen came forward and provided additional details in regards to the request.

214
215 Chairman Chodun opened the public hearing and asked if anyone wished to speak; there being no one indicating such, Chairman Chodun
216 closed the public hearing and brought the item back to the Commission for discussion or action.

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218 Commissioner Conway made a motion to approve Z2022-005. Vice-Chairman Welch seconded the motion which passed by a vote of 7-0.

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220 Chairman Chodun advised this item will go before City Council on February 22, 2022.

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222 V. ACTION ITEMS

223
224 *These items are not advertised public hearings and deal with discretionary approvals for the Planning and Zoning Commission related to variances and*
225 *special exceptions to the technical requirements of the Unified Development Code (UDC) or Chapter 38, Subdivisions, of the Municipal Code of Ordinances.*
226

227 11. MIS2022-001 (HENRY LEE)

228 Discuss and consider a request by Clark Staggs of Foxtrot 46 Development on behalf of Neil Gandy of ADD Real Estates for the approval of a Miscellaneous
229 Case for a Tree Mitigation Plan and an Alternative Tree Mitigation Settlement Agreement for a 6.60-acre tract of land being a portion of Tract 21 of the D.
230 Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located on the north side of Airport
231 Road east of the intersection of Airport Road and John King Boulevard, and take any action necessary.

232
233 Planner Henry Lee provided a brief summary in regards to the request. The applicant is requesting the approval of a Treescape Plan and an
234 Alternative Tree Mitigation Settlement Agreement. Based on the treescape plan the applicant provided, the total mitigation balance was 1,067.5
235 caliper inches. However, after Staff reviewed the Arborist's report and the treescape plan, staff found that the actual tree mitigation would be
236 628.75 inches. Per Unified Development Code (UDC) requirements, this would equate to a fee of \$125,750.00. Based in this fee, the applicant is
237 requesting an alternative tree mitigation settlement agreement that outlines an alternative fee schedule for the trees being removed. The
238 applicant is requesting to pay a mitigation fee of \$17,820.00 which would represent 14.2% of the total mitigation calculated. Staff should note
239 that typically the alternative tree mitigation settlement agreements have been used to allow the applicant to pay the full fee amount rather than
240 follow the 80/20 rule. Mr. Lee then advised that this was a discretionary decision for the City Council pending a recommendation from the
241 Planning and Zoning Commission.

242
243 Chairman Chodun asked if the City used an arborist when the fees were calculated.
244 Vice-Chairman Welch asked if we typically go by what the City refers for mitigation.
245 Commissioner Deckard asked what the lot is going to become.

246
247 Clark Staggs
248 1601 Seascapes Court
249 Rockwall, TX 75087

250
251 Mr. Staggs came forward and provided additional details in regards to the request.

252
253 Commissioners Thomas and Moeller expressed his opposition to the request.

254
255 After some discussion, Commissioner Womble made a motion to deny the alternative tree mitigation settlement for case MIS2022-001.
256 Commissioner Thomas seconded the motion to deny which passed by a vote of 7-0.

257
258 Commissioner Thomas made a motion to approve the tree mitigation plan (treescape plan) for case MIS2022-001. Vice-Chairman Welch
259 seconded the motion which passed by a vote of 7-0.

260
261 12. MIS2022-002 (HENRY LEE)

262 Discuss and consider a request by Patricia Edwards for the approval of a Miscellaneous Case for a Special Exception to the Fence Standards for an
263 existing single-family home situated on a 0.907-acre tract of land identified as a portion of Block 121 of the B. F. Boydston Addition, City of Rockwall,
264 Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Old Town Rockwall (OTR) Historic District, addressed as 602 Williams
265 Street, and take any action necessary.

266
267 Planner Henry Lee provided a brief summary and background in regards to the request. The applicant is requesting to allow the unpermitted
268 improvements to remain in place and allow a future expansion of the stone wall to continue south along the western property line. The original
269 wall is estimated to be about 5-feet tall and, after the unpermitted improvements, it is 10-feet tall. The applicant has stated that the additional
270 height is required to block headlights from the adjacent property to the west. Staff should note that the Neighborhood Improvement Services
271 did receive a complaint about these floodlights but they indicated that there was no violation in place. Mr. Lee advised that this was a
272 discretionary decision for the Planning and Zoning Commission. Based on the Historic Preservation Board's approving a Certificate of

Appropriateness for this case, they are sending a recommendation of approval to the Planning and Zoning Commission. To assist the Planning and Zoning Commission in their decision, Staff has provided information submitted by the applicant as part of that HPAB case. Staff should note that if this case is denied, the applicant will have to bring the fence and wall into conformance with the requirements of the UDC.

Commissioner Thomas asked if there was no adverse impact that was against the property. He also asked what the reason was for the HPAB Board member dissenting on the case.

Patricia Zayne Edwards
602 Williams Street
Rockwall, TX 75087

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

After brief discussion, Commissioner Deckard made a motion to approve the raised stone wall and cedar fence area but deny the proposed raised wall extension for MIS2022-002. Commissioner Thomas seconded the motion which passed by a vote of 7-0.

13. **SP2022-002 (HENRY LEE)**

Discuss and consider a request by David A. Morales of Pross Design Group, Inc. on behalf of Robert Reece of Alvaplast US (*SPR Packaging*) for the approval of an Amended Site Plan for an existing *Office/Warehouse/Manufacturing Facility* on a 10.1893-acre tract of land identified Lot 2, Block A, SPR Packaging Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, addressed as 1480 Justin Road, and take any action necessary.

Planner Henry Lee provided a brief summary in regards to the request. The applicant is requesting to expand their existing facility to expand production capacity. The applicant has two variances associated with the request and they are for parking and for screening. Mr. Lee advised that the variances and the amended site plan are a discretionary decision for the Planning and Zoning Commission.

Bobby Pross
5310 Harvest Hill Road, Suite 180
Dallas, TX 75230

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

Commissioner Womble made a motion to approve SP2022-002. Commissioner Moeller seconded the motion which passed by a vote of 7-0.

VI. 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.

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

- P2022-001: Conveyance Plat for Lots 1, 2, & 3, Block A, Seefried Addition [APPROVED]
- P2022-002: Final Plat for Lot 1, Block A, Roadside Addition [APPROVED]
- P2022-004: Replat for Lot 8, Block A, Sharp Addition [APPROVED]
- Z2021-050: Text Amendment to Article 04, *Permissible Uses*, of the UDC [APPROVED; 2ND READING]
- Z2021-051: SUP for *Residential Infill in an Established Subdivision* or 5108 Yacht Club Drive [APPROVED; 2ND READING]
- Z2021-052: SUP for *Chickens* at 1700 E. SH-66 [APPROVED; 2ND READING]
- Z2021-053: SUP for *Residential Infill in an Established Subdivision* or 803 Austin Street [APPROVED; 2ND READING]
- Z2021-055: SUP for *Restaurant, Less Than 2,000 SF, with Drive-Through or Drive-In* for Victory at Rockwall [APPROVED; 2ND READING]
- Z2021-056: Zoning Amendment for Planned Development District 85 (PD-85) [APPROVED; 2ND READING]

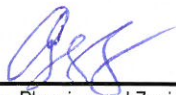
Director of Planning and Zoning Ryan Miller provided a brief update about the outcome of the above referenced cases at the City Council meeting.

VII. ADJOURNMENT

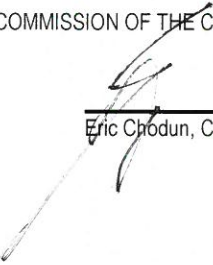
Chairman Chodun adjourned the meeting at 7:41 P.M.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this 15 day of March, 2022.

Attest:



Angelica Gamez, Planning and Zoning Coordinator



Eric Chodun, Chairman

VIII. WORK SESSION

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15. Work Session. A work session will be held in the City Council Conference Meeting Room immediately following the adjournment of the February 15, 2022 Planning and Zoning Commission meeting to recent AG opinions concerning plats and site plans.