

MINUTES



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

2 NOTES ABOUT PUBLIC PARTICIPATION = RED

3
4 I. CALL TO ORDER

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

10
11 II. OPEN FORUM

12
13 *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.*

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

18
19
20 **Christian Giadola**
21 **6 Winterhawk Drive**
22 **Rockwall, TX 75032**

23
24 **Mr. Giadola came forward and explained that he was there as a representative for the Glen Hill Preservation Society. The group is looking to revitalize the cemetery and wanted to bring their concerns regarding runoff from the development that is going in adjacent to it.**

25
26
27 **Chairman Chodun asked if anyone else wished to speak; there being no one else coming forward, Chairman Chodun closed the open forum.**

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31 III. APPOINTMENTS

- 32
33 1. Appointment with the Architectural Review Board (ARB) Chairman to receive the Architectural Review Board's recommendations and comments for items on the agenda requiring architectural review.

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

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39 IV. CONSENT AGENDA

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41 *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.*

- 42
43
44 2. Approval of Minutes for the February 9, 2021 and February 23, 2021 Planning and Zoning Commission meetings.

45
46 3. **P2021-004 (HENRY LEE)**

47 Discuss and consider a request by Dewayne Cain of EVSR (D), LLC for the approval of a Final Plat for Lots 1 & 2, Block A, DC Addition being a 22.27-acre tract of land identified as Tracts 2 & 2-4 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 777 Cornelius Road, and take any action necessary.

48
49
50 4. **P2021-005 (HENRY LEE)**

51 Discuss and consider a request by Bryan Connally of CBG Surveying Texas, LLC on behalf Helen Comeav Neller for the approval of a Preliminary Plat for Lots 1 & 2, Block A, Neller Addition being an 11.368-acre parcel of land identified as Lot 7, Block 1, Lofland Lake Estates Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estates 4.0 (SFE-4.0) District, addressed as 2380 FM-549, and take any action necessary.

52
53 5. **P2021-007 (DAVID GONZALES)**

54 Discuss and consider a request by Danielle Porten of REP Investments, LLC for the approval of a Preliminary Plat for Lots 1-5, Block A and Lot 1, Block X, Blackland Industrial Park Addition being a 10.27-acre tract of land identified as Tract 3-04 of the A. M. Wilson Survey, Abstract No. 223, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), addressed as 3500 Blackland Road, and take any action necessary.

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63 **Vice-Chairman Welch made a motion to approve the consent agenda. Commissioner Thomas seconded the motion which passed by a vote of 5-0 with Commissioners Deckard and Womble absent.**

66 Commissioner Conway brought up a correction to be made in the minutes from the February 9, 2021 meeting.

67
68 V. PUBLIC HEARING ITEMS

69
70 *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*
71 *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*
72 *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*
73 *speak. Please limit all comments to three (3) minutes out of respect for the time of other citizens.*

74
75 6. **Z2021-002 (DAVID GONZALES)**

76 Hold a public hearing to discuss and consider a request by Lisa White of Boing US HoldCo, Inc. on behalf of Donald L. Silverman of Rockwall 205-
77 552, LLC for the approval of a Specific Use Permit (SUP) for Self Service Car Wash and Auto Detail on a 0.89-acre tract of land identified as a
78 portion of Lot 2, Block A, Dalton Goliad Addition, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated within the
79 North SH-205 Overlay (N. SH-205 OV) District, addressed as 3611 N. Goliad Street [SH-205], and take any action necessary.

80
81 **Planning and Zoning Manager David Gonzales provided a brief summary in regards to the request. He added that the Planning and**
82 **Zoning Commission had forwarded a recommendation for approval to the City Council on February 9, 2021. The case was set to go**
83 **before the City Council on February 1, 2021 but, due to inclement weather, the meeting was cancelled. However, this case was remanded**
84 **back to the Planning and Zoning Commission by City Council because the applicants submitted new information to them that was not**
85 **presented to the Commission. According to the Unified Development Code (UDC), “(n)ew matters of evidence not presented to the**
86 **Planning and Zoning Commission shall not be heard or considered by the City Council ... [in] the event new evidence develops between**
87 **the date of the public hearing by the Planning and Zoning Commission and the hearing of the City Council ... the City Council shall refer**
88 **the zoning change, Specific Use Permit (SUP), or text amendment back to the Planning and Zoning Commission for a further public**
89 **hearing to consider the new evidence.” There was also a sound report that was requested was found to not be in compliance with the**
90 **noise ordinance. Although, the noise report was in the P&Z case memo it was not conveyed to the Planning and Zoning Commission at**
91 **that time for consideration. Staff reviewed the plans that were submitted and discussed them with the applicant. The revised plans were**
92 **then submitted to the Commission for the meeting. There are still five (5) items in the report that have been identified: 1) noise 2) building**
93 **elevations 3) side yard setback 4) screening 5) landscaping. Mr. Gonzales then advised the Commission that the applicant and Staff**
94 **were present and available to answer questions.**

95
96 Chairman Chodun asked the applicant to come forward.

97
98 Vice-Chairman Welch asked if they could table this item until they were able to review the sound report.

99
100 Director of Planning and Zoning Ryan Miller answered that the Commission was required to hold a public hearing regardless of tabling
101 the item or not. If a public hearing is not held then the case is automatically denied with prejudice.

102
103 Jimmy Eller
104 1402 Timber Ridge Drive
105 Euless, TX 76039

106
107 Lisa White
108 6300 S. Syracuse Way
109 Centennial, CO 80111

110
111 Cesar Segovia
112 4603 Opal Ridge Lane
113 Arlington, TX 76005

114
115 Ms. White came forward and provided additional details regarding the case. She added that there was going to be an adjacent retail
116 tenant to the north of them. The also included a 6-foot masonry wall on the site plan. She then explained the four different decibel level
117 readings provided by Vacutech on the vacuums that were on the side. The tunnel would be facing North Goliad and that is where the
118 fans would be when exiting the tunnel. They would not be near the residential area. Ms. White also added more plants and vegetation
119 along the front for screening purposes as well as larger trees. Parking was reduced to allow for more landscape in the area.

120 Director of Planning and Zoning Ryan Miller asked Ms. White about the different studies done and provided. Staff had received a dryer
121 study and case study but the applicant did not provide them with a vacuum study. Planning and Zoning Manager David Gonzales
122 explained that a vacuum study was received but was inconclusive due to the fact that it was based solely on one (1) vacuum.

123
124 Chairman Chodun asked if the applicants if they had a chance to review the issues turned in by the public. If so, he asked if they would
125 like to address any issues before opening the public hearing.

126
127 Commissioner Conway added that she had a question regarding the landscaping on the property.

128
129 Chairman Chodun wanted clarification as to why there was miscommunication between the applicants and Staff.

130
131 Mr. Miller explained that after the previous Planning and Zoning meeting, the applicant submitted various exhibits. After review, it was
132 determined that the exhibits did not meet any of our ordinances nor do they meet the Planning and Zoning Commission's requests. This
133 is the reason why Staff decided to go to City Council and explain that the exhibits turned in did not meet those things and would be
134 considered new information. Based on what the UDC states, the City Council had to remand the case back to the Planning and Zoning

135 Commission. Staff conveyed this to the applicant and they resubmitted exhibits which were brought forward but they still do not meet
136 the requirements. Parking spaces would have to go away and it does not meet the three tiered screening that was requested.

137
138 Chairman Chodun opened the public hearing and asked anyone who wished to speak to come forward at this time.

139
140 Dennis Dayman
141 519 Cellars Court
142 Rockwall, TX 75087

143
144 Mr. Dayman came forward and expressed his opposition to the request.

145
146 Bob Wacker
147 309 Featherstone
148 Rockwall, TX 75087

149
150 Mr. Wacker came forward and expressed his opposition to the request.

151
152 Chairman Chodun asked if anyone else wished to speak. There being no one doing such, Chairman Chodun closed the public hearing
153 and brought the item back to the Commission for discussion or action.

154
155 Chairman Chodun asked the applicants to come forward and address the concerns or comments made by the public.

156
157 Mr. Segovia wanted to at least be able to turn in their noise study.

158
159 Vice- Chairman Welch if the vacuums were individual units.

160
161 Commissioner Thomas asked if she understood the screening requirements mentioned in the last meeting. Ms. White answered that
162 she did not recall the mentioning of three tiered screening.

163
164 Commissioner Moeller stated that while he thought a car wash was necessary for the north part of town, the proposed project was not
165 good in this area for various reasons.

166
167 Commissioner Thomas explained that the Commission went thru great lengths to explain about what was required of the applicants in
168 regards to noise and screening and what was turned in still did not comply.

169
170 Vice-Chairman Welch made a motion to deny item Z2020-002. Chairman Conway seconded the motion to deny which passed by a vote
171 of 5-0.

172
173 Chairman Chodun advised that this case will go before the City Council on March 15, 2021.

174
175 7. **Z2021-003 (DAVID GONZALES)**

176 Hold a public hearing to discuss and consider a request by Jason Castro of Castro Development, LLC for the approval of a *Specific Use Permit*
177 *(SUP)* for Residential Infill in an Established Subdivision on a 0.165-acre parcel of land identified as Lot 6, Harris Addition, City of Rockwall,
178 Rockwall County, Texas, zoned Two-Family (2F) District, addressed as 511 S. Clark Street, and take any action necessary.

179
180 Planning and Zoning Manager David Gonzales provided a brief summary in regards to the case and announced the applicant has
181 requested to withdraw the case.

182
183 Commissioner Thomas made a motion to approve the withdrawal without prejudice for case Z2021-003. Commissioner Conway
184 seconded the motion which passed by a vote of 5-0.

185
186 8. **Z2021-004 (HENRY LEE)**

187 Hold a public hearing to discuss and consider a request by Juan Maldonado for the approval of a *Specific Use Permit (SUP)* for Residential Infill
188 in an Established Subdivision for the purpose of constructing a single-family home on a 0.1150-acre parcel of land identified as Lot 890, Block E,
189 Rockwall Lake Estates #1 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family
190 7 (SF-7) District land uses, addressed as 418 Perch Road, and take any action necessary.

191
192 Planner Henry Lee provided a brief summary in regards to the request. The applicant is requesting the approval of a specific use unit
193 for the purpose of constructing a single family home located at 418 Perch Road. Our code requires that the garage be 20-feet behind
194 the front façade and the request does not meet this requirement. However, this is not uncharacteristic of surrounding homes in the
195 area. On February 23, 2021, staff mailed out 196 notices to property owners and occupants within 500-feet of the subject property. All
196 homeowners association within 1500-feet were contacted as well. At this time, there have not been any notices returned to staff. Mr. Lee
197 advised that this was a public hearing and a discretionary decision for the Planning and Zoning Commission.

198
199 Chairman Chodun opened the public hearing and asked anyone who wish to speak to come forward at this time. There being no one
200 indicating such; Chairman Chodun closed the public hearing and brought the item back to the Commission for discussion or action.

201
202 Vice-Chairman Welch made a motion to approve item Z2021-004 with staff recommendations. Commissioner Thomas seconded the
203 motion which passed by a vote of 5-0.

204 Chairman Chodun advised that this case will go before the City Council on March 15, 2021.
205
206

207 9. **Z2021-005 (RYAN MILLER)**

208 Hold a public hearing to discuss and consider a request by Kevin Harrell of the Skorburg Company on behalf of Alex Freeman and Mark G. &
209 Jessica K. Taylor for the approval of a Zoning Change from an Agricultural (AG) District to a Planned Development District for Single-Family 16
210 (SF-16) District land uses on a 37.844-acre tract of land identified as Tracts 17 & 17-01 of the W. M. Dalton Survey, Abstract No. 72, City of
211 Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located at the southeast corner of the intersection of FM-1141 and
212 Clem Road, and take any action necessary.
213

214 Director of Planning and Zoning Ryan Miller provided a brief summary in regards to the request. The applicant is requesting to rezone
215 this property from an Agricultural District to a Planned Development District for a 56-lot residential subdivision. The minimum lot size
216 would be 90'x178' or 160'x100'. The proposed plan shown shows a density of 1.48 dwelling units per acre. The overall open space
217 provided by this development is 24.4% or 9.29 acres which is in compliance with the requirements for 20% open space. The applicant
218 has also provided a trail system that runs along FM1141 and Clem Road and runs through the internal of the site. It is important to note
219 that the applicant is proposing to bring city sewer to the development. As of right now, the proposed plan conforms to all the
220 requirements stipulated by the Engineering standards of Design and Construction and the Unified Development Code. Staff set out
221 notices to 17 property owners and residents of the City of Rockwall and has received the following: one email from a property owner
222 outside of the notification area but within the city limits opposed to the request, and four notices from property owners within the city
223 but outside of the notification area opposed to the request. Mr. Miller advised that the applicant and Staff were present and available to
224 answer questions.
225

226 Chairman Chodun asked the applicant to come forward.
227

228 Adam Buczek
229 8214 Westchester Drive, Suite 900
230 Dallas, TX 75225
231

232 Mr. Buczek came forward and provided a PowerPoint presentation in regards to his request.
233

234 Director of Planning and Zoning Ryan Miller wanted to clarify that the anticipated phase in this project is outside of the city and the
235 Commission would not be voting on that tonight. That request would require an annexation as well as a separate zoning request.
236

237 Chairman Chodun opened the public hearing and asked anyone who wished to speak to come forward at this time.
238

239 Patricia Couch and Mitch Couch
240 1216 Marilyn Jane
241 Rockwall, TX 75087
242

243 Mrs. Couch came forward and expressed their opposition to the request.
244

245 Steve Curtis
246 2130 FM 1141
247 Rockwall, TX 75087
248

249 Mr. Curtis came forward and expressed his opposition to the request.
250

251 Lesley Pettengill
252 2130 FM 1141
253 Rockwall, TX 75087
254

255 Mrs. Pettengill came forward and expressed her opposition to the request.
256

257 Jim Turner
258 1691 E. Old Quail Run Road
259 Rockwall, TX 75087
260

261 Mr. Turner came forward and expressed his opposition to the request.
262

263 Jeri Fisher
264 170 Clem Rd
265 Rockwall, TX 75087
266

267 Mrs. Fisher came forward and expressed her opposition to the request.
268

269 Patti Muggeo
270 2317 Saddlebrook Lane
271 Rockwall, TX 75087
272

273 Mrs. Muggeo came forward and expressed her opposition to the request.
274

274
275 Martha Griffey
276 2325 Saddlebrook Lane
277 Rockwall, TX 75087
278

279 Mrs. Griffey came forward and expressed her opposition to the request.
280

281 Frankie Porter
282 2116 Saddlebrook Lane
283 Rockwall, TX 75087
284

285 Mr. Porter came forward and expressed his opposition to the request.
286

287 James Kelly
288 1217 Marilyn Jane
289 Rockwall, TX 75087
290

291 Mr. Kelly came forward and expressed his opposition to the request.
292

293 Bob Wacker
294 309 Featherstone
295 Rockwall, TX 75087
296

297 Mr. Wacker came forward and expressed his being in favor of the request.
298

299 Chairman Chodun asked if anybody else wished to speak; there being no one else indicating such, Chairman Chodun closed the public
300 hearing and brought the item back to the Commission for discussion or action.
301

302 Chairman Chodun asked Mr. Miller if there was anything peculiar about the notice requirements on this case. Mr. Miller explained that
303 Staff met the state's requirements, City requirements, and a newspaper notice was published in advertising the proposed case. He
304 added that he would check the QR code to ensure it is working appropriately.
305

306 Chairman Chodun asked the applicant to come forward to respond to any comments made.
307

308 Mr. Buczek came forward and answered the comments made by the public.
309

310 Chairman Chodun asked City Engineer Amy Williams if there were not any future road plans to improve in that area. Ms. Williams added
311 that that FM 1141 was on TxDot's cue list but a TIA would need to be done. If any left turn lanes are required then they will have to install
312 those.
313

314 Commissioner Thomas explained that the request met the standards for the Comprehensive Plan and most of the requests made by the
315 residents would have to be made by City Council.
316

317 Vice-Chairman Welch added that he does not see how the Commission has the ability to deny the project as the request meets all of the
318 requirements.
319

320 Chairman Chodun made a motion to approve item Z2021-005 with staff recommendations. Commissioner Thomas seconded the motion
321 which passed by a vote of 5-0.
322

323 Chairman Chodun advised that this case will go before the City Council on March 15, 2021.
324

325 VI. ACTION ITEMS
326

327 *These items are not advertised public hearings and deal with discretionary approvals for the Planning and Zoning Commission related to variances and*
328 *special exceptions to the technical requirements of the Unified Development Code (UDC) or Chapter 38, Subdivisions, of the Municipal Code of*
329 *Ordinances.*
330

331 10. SP2021-002 (DAVID GONZALES)

332 Discuss and consider a request by Jonathan Stites of Seefried Industrial Properties on behalf of Bill Lofland of Smartt Lofland & J Bond Partners
333 for the approval of a Site Plan for a Warehouse/Distribution Center on a 71.022-acre tract of land identified as Tract 20-1 of the A. Hanna Survey,
334 Abstract No. 99, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, generally located at the southwest corner of Justin
335 Road and Industrial Boulevard, and take any action necessary.
336

337 Planning and Zoning manager David Gonzales provided a brief summary in regards to the request. The applicant is looking to develop
338 a 220,800 square foot warehouse distribution center. The warehouse distribution is a permitted use by right in a Light Industrial District.
339 The proposed request meets the mitigation requirements because of the amount of trees shown on their landscape plan. The
340 Architectural Review Board (ARB) recommended that the applicant put in the three tiered screening which provides the screening to
341 the residential portion but all around the storage area as well. Also, the applicant is requesting a couple of exceptions: 1) building
342 materials and 2) articulation. ARB did recommend a unanimous recommendation of approval to the Planning and Zoning Commission.
343 Mr. Gonzales then advised the Commission that the applicant and Staff were present and available to answer questions.

344 Chairman Chodun asked the applicant to come forward.

345
346
347 Jeffrey Dolan
348 13455 Noel Rd
349 Dallas, TX 75240

350
351 Mr. Dolan came forward and provided and provided additional details in regards to the request.

352
353 Chairman Chodun asked how traffic would be impacted with this project.

354
355 City Engineer Amy Williams answered that they had already done a TIA on this project and they are going to build the other four lanes
356 of Justin all the way to Townsend.

357
358 Commissioner Moeller asked if there was a commercial project planned for the small triangle piece shown on the aerial map.

359
360 Commissioner Conway wanted to commend the applicants for the changing of the masonry wall to the three tiered siding.

361
362 Commissioner Thomas made a motion to approve item SP2021-002. Commissioner Conway seconded the motion which passed by a
363 vote of 5-0.
364

365 11. **SP2021-003 (HENRY LEE)**

366 Discuss and consider a request by Rolando R. Leal of Good Cluck, LLC on behalf of Charles Corson of CCP LJS Rockwall LP for the approval of
367 an *Amended Site Plan* for a *Restaurant with Drive Through/Drive-In* on a 0.448-acre tract of land identified as a portion of Lot 1 of the I-30 740
368 West Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District and
369 the Scenic Overlay (SOV) District, addressed as 2608 Ridge Road [FM-740], and take any action necessary.
370

371 Planner Henry Lee provided a brief summary in regards to the request. The applicant is proposing to renovate an existing 2, 759 square
372 foot restaurant with drive-thru. The proposed renovations include expanding the building footprint to 2, 835 square feet and recladding
373 the exterior to a combination of stone, brick, and stucco. The current building is considered to be legally non-conforming and the overall
374 site plan will remain the same for this site except for the landscaping. The landscaping will be upgraded to better conform to the Scenic
375 Overlay District standards. The proposed redesign does not meet the minimum vertical articulation standards for the commercial
376 building. Staff should point out that the proposed improvements to the building would bring this much close into conformance with the
377 Scenic Overlay District. Mr. Lee advised that this was a discretionary decision for the Planning and Zoning Commission.

378
379 Commissioner Conway asked if they would be changing the color on the roof. Mr. Lee answered that since the roof was blue then ARB
380 wanted them to paint it yellow to be more consistent with their elevations.
381

382 Chairman Chodun asked the applicant to come forward.

383
384 Rolando Leal
385 1207 El Dorado Avenue
386 Dallas, TX 75208
387

388 Mr. Leal came forward and provided additional details to the request. He explained that they are not changing the use of the building
389 rather just enhancing it and bring a different concept there. He added that they are fine with changing the roof color as advised by ARB.
390

391 Commissioner Thomas made a motion to approve item SP2021-003 with staff and ARB recommendations. Vice-Chairman Welch
392 seconded the motion which passed by a vote of 5-0.
393

394 VII. DISCUSSION ITEMS

395
396 *These items are for discussion between staff and the Planning and Zoning Commission and relate to administrative information and/or cases that will*
397 *come forward for action or public hearing at a future Planning and Zoning Commission meeting. Public comment on these cases can take place when*
398 *these items are considered for action by the Planning and Zoning Commission.*
399

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

- 401
402
 - P2021-001: Preliminary Plat for Lots 1-7, Block A, Sky Ridge Addition [APPROVED]
 - P2021-006: Replat for Lots 4 & 5, MTA Andrews Addition [APPROVED]
 - P2021-008: Replat for Lot 1, Block A, BLPB-Mims Addition [APPROVED]
 - Z2021-001: SUP for a Residential Infill in an Established Subdivision at 2825 Marcie Lane [APPROVED; 1ST READING]
 - Z2020-056: SUP for a Self-Service Car Wash and Auto Detail at 3611 N. Goliad Street [REMANDED BACK TO P&Z]

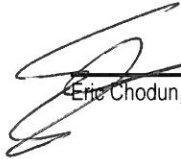
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408 Planning and Zoning Manager David Gonzales provided a brief update about the outcome of the above referenced cases at the City
409 Council meeting.
410

411 VIII. ADJOURNMENT

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423
424

Chairman Chodun adjourned the meeting at 8:07 PM.

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



Eric Chodun, Chairman

Attest: 

Angelica Gamez, Planning and Zoning Coordinator