

MINUTES



PLANNING AND ZONING COMMISSION MEETING
CITY HALL, 385 SOUTH GOLIAD, ROCKWALL, TEXAS
MAY 10, 2022 IN THE CITY COUNCIL CHAMBERS AT 6:00 PM

3 NOTES ABOUT PUBLIC PARTICIPATION = RED

4

5 **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
6 PROVIDE INPUT ON A ZONING OR SPECIFIC USE PERMIT CASE PLEASE [CLICK HERE](#) OR CLICK ON THE LINK ABOVE AND USE THE ZONING AND
7 SPECIFIC USE PERMIT INPUT FORM ON THE CITY'S WEBSITE.

8

9 I. CALL TO ORDER

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

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16 II. OPEN FORUM

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18 *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
19 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
20 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
21 Act.*

22

23 **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
24 indicating such, Chairman Chodun closed the open forum.**

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26 III. CONSENT AGENDA

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

30

31 1. Approval of minutes for the April 26, 2022 Planning and Zoning Commission meeting.

32

33 2. **P2022-015 (HENRY LEE)**

34 Consider a request by Ryan Joyce on Michael Joyce Properties on behalf of Mike Peoples for the approval of a Preliminary Plat for the Vallis Greene Subdivision
35 consisting of 182 single-family residential lots on a 93.97-acre tract of land identified as Tract 4 & 4-01 of the M. B. Jones Survey, Abstract No. 122 and a portion
36 of Tract 25-1 & 26 and all of Tract 13 & 25 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Planned Development
37 District 93 (PD-93) for Single-Family 10 (SF-10) District land uses, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1936 SH-66, and take
38 any action necessary.

39

40 3. **P2022-016 (HENRY LEE)**

41 Consider a request by Ryan Joyce on Michael Joyce Properties on behalf of Mike Peoples for the approval of a Master Plat for the Vallis Greene Subdivision
42 consisting of 182 single-family residential lots on a 93.97-acre tract of land identified as Tract 4 & 4-01 of the M. B. Jones Survey, Abstract No. 122 and a portion
43 of Tract 25-1 & 26 and all of Tract 13 & 25 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Planned Development
44 District 93 (PD-93) for Single-Family 10 (SF-10) District land uses, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1936 SH-66, and take
45 any action necessary.

46

47 4. **P2022-017 (HENRY LEE)**

48 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 Final Plat for the
49 Winding Creek Subdivision consisting of 132 single-family residential lots on a 78.831-acre tract of land identified as Tracts 17, 17-01, 22, 22-04 & 22-05 of the
50 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)
51 District land uses, generally located at the southeast corner of the intersection of FM-1141 and Clem Road, and take any action necessary.

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53 5. **P2022-020 (HENRY LEE)**

54 Consider a request by Heather Cullins on behalf of Shirley Smith of Smith Family Acres, LLC for the approval of a Preliminary Plat for the Smith Family Acres
55 Subdivision consisting of four (4) single-family residential lots on a 44.525-acre tract of land identified as Tract 7-1 of the J. Strickland Survey, Abstract No. 187,
56 City of Rockwall, Rockwall County, Texas, zoned Planned Development District 74 (PD-74) for Single-Family 10 (SF-10) District land uses, generally located
57 on the west side of John King Boulevard north of the intersection of John King Boulevard and FM-552, and take any action necessary.

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59 6. **SP2022-015 (HENRY LEE)**

60 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 Site Plan for the
61 Winding Creek Subdivision consisting of 132 single-family residential lots on a 78.831-acre tract of land identified as Tracts 17, 17-01, 22, 22-04 & 22-05 of the
62 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)
63 District land uses, generally located at the southeast corner of the intersection of FM-1141 and Clem Road, and take any action necessary.

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65 **Commissioner Moeller made a motion to approve the consent agenda. Commissioner Thomas seconded the motion which passed by a vote of 6-0.**

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67 IV. PUBLIC HEARING ITEMS

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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.

7. **P2022-018 (BETHANY ROSS)**

Hold a public hearing to discuss and consider a request by Brian Jones for the approval of a Replat for Lots 1 & 2, Block A, North Alamo Addition being a 2.1325-acre tract of land identified as Block 15, 15B, 15C & 16 of the Amick Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, addressed as 401, 405, 501 & 503 N. Alamo Road, and take any action necessary.

Planner Bethany Ross provided a brief summary in regards to the request. The applicant is proposing to do a residential replat for this lot by reconfiguring the two existing lots on the property. Staff mailed out 53 notices to property owners and occupants within 500-feet of the subject property and received one (1) back in favor of the applicant's request.

Chairman Chodun opened the public hearing and asked anyone who wished to speak to come forward at this time; there being no in 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 P2022-018. Vice-Chairman Welch seconded the motion which passed by a vote of 6-0.

Chairman Chodun advised that this item will go before the City Council on May 16, 2022.

8. **Z2022-016 (BETHANY ROSS)**

Hold a public hearing to discuss and consider a request by John and Rita Canavan for the approval of a Zoning Change from a Single-Family Estate 4.0 (SFE-4.0) District to a Single-Family 1 (SF-1) District for a five (5) acre tract of land identified as Lot 5 of the Mustang Acres Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 4.0 (SFE-4.0) District, addressed as 714 Clem Road, and take any action necessary.

Planner Bethany Ross provided a brief summary in regards to the request. The request is for a zoning change from Single-Family Estate 4.0 (SFE-4.0) District to Single Family 1 (SF-1) District. The proposed zoning change does conform to the Comprehensive Plan, On April 26, 2022, staff mailed out 19 notices to property owners and occupants within 500-feet of the subject property.

Chairman Chodun 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 Conway made a motion to approve Z2022-016. Commissioner Moeller seconded the motion which passed by a vote of 6-0.

Chairman Chodun advised that this item will go before the City Council on May 16, 2022.

9. **Z2022-017 (HENRY LEE)**

Hold a public hearing to discuss and consider a request by Kim Lemmond of Dallas Towboys for the approval of a Specific Use Permit (SUP) for a Towing and Impound Yard on a 1.8040-acre tract of land identified as Tract 2-8 of the J. R. Johnson Survey, Abstract No. 128, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, addressed as 227 National Drive, and take any action necessary.

Planner Henry Lee provided a brief summary and history in regards to the request. The applicant is requesting the SUP now to allow a Towing and Impound Yard at 227 National Drive to allow their business to operate there (Dallas Towboys) as they were in violation of their Certificate of Occupancy (CO). The applicant's concept plan does appear to meet the requirements of both the Unified Development Code and the Municipal Code of Ordinances. The applicant's request does not appear to be inconsistent with the adjacent land uses in the area. Planner Lee explained that this is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission. On April 25, 2022, staff mailed out 28 notices to property owners and occupants within 500-feet of the subject property. Staff also notified all HOAs within 1500-feet of the subject property. Staff did receive one (1) notice in favor of the applicant's request. Planner Lee then advised that the applicant and Staff were present and available to answer questions.

**Kim Lemmond
3410 Augusta Blvd.
Rockwall, TX 75087**

The applicant came forward and was prepared to answer questions.

Chairman Chodun 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 Z2022-017. Commissioner Thomas seconded the motion which passed by a vote of 6-0.

Chairman Chodun advised that this item will go before the City Council on May 16, 2022.

10. **Z2022-018 (ANGELICA GAMEZ)**

134 Hold a public hearing to discuss and consider a request by Carlos and Crystal Solis for the approval of a Specific Use Permit (SUP) for an Accessory Building
135 on a 3.02-acre parcel of land identified as Lot 7R of the Lofland Estates No. 2 Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate
136 2.0 (SFE-2.0) District, addressed as 2914 FM-549, and take any action necessary.
137

138 **Planning Coordinator Angelica Gamez provided a brief summary in regards to the request. The applicant is proposing to construct a 384-SF**
139 **accessory building on the property for a home office. Previously an SUP was approved in 2018 to allow the construction of a detached garage on**
140 **the subject property. According to the UDC, two (2) accessory buildings are allowed in Single-Family Estates 2.0 (SFE-2.0) District with the maximum**
141 **allowable size being 1,000 SF. In this case, with the existing detached garage and the proposed accessory building, this exceeds the total**
142 **requirements by 279-SF. Staff should note that the request generally conforms to the building setbacks and height requirements for an accessory**
143 **building. On April 25, 2022, staff mailed out 12 notices to property owners and occupants within 500-feet of the subject property. As of tonight, staff**
144 **had received one (1) email in opposition to the applicant's request and one (1) notice in favor of the applicant's request.**
145

146 **Chairman Chodun asked anyone who wished to speak to come forward at this time; there being no one indicating such, Chairman Chodun closed**
147 **the public hearing and brought the item back to the Commission for discussion or action.**
148

149 **Commissioner Thomas made a motion to approve Z2022-018. Commissioner Conway seconded the motion which passed by a vote of 6-0.**
150

151 **Chairman Chodun advised that this item will go before the City Council on May 16, 2022.**
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153 **11. Z2022-019 (RYAN MILLER)**

154 Hold a public hearing to discuss and consider a request by Fred Gans of CDC Equities, LLC for the approval of a Zoning Change from an Agricultural (AG)
155 District and Commercial (C) District to a Planned Development District for limited Commercial (C) District land uses on a 13.55-acre tract of land identified as
156 Lots 8R, 9R & 10 of the Rainbow Acres Subdivision, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District and Commercial (C) District,
157 addressed as 5879, 5917 & 5981 FM-3097 [Horizon Road], and take any action necessary.
158

159 **Director of Planning and Zoning Ryan Miller provided a brief summary in regards to the request. The applicant is requesting to rezone the property**
160 **from an Agricultural (AG) and Commercial (C) District to a Planned Development District for limited Commercial (C) District land uses. Specifically,**
161 **the applicant has submitted a concept plan showing that the property will be developed with a mini-warehouse and flex office warehouse space**
162 **consisting of 12 buildings and have a total building area of 161,000 SF. In all, they are proposing a total of 58 mini-warehouse units, 42 mini-warehouse**
163 **units and/or flex office warehouse units, and 11 dedicated flex office warehouse units. This product is geared toward providing a luxury auto garage.**
164 **On April 25, 2022, staff mailed out 16 notices to property owners and occupants within 500-feet of the subject property. Director Miller then advised**
165 **that the applicant and staff were present and available to answer questions.**
166

167 **Mathias Albert**
168 **6017 Main Street**
169 **Frisco, TX 75034**
170

171 **The applicant came forward and provided additional details in regards to the applicant's request.**
172

173 **Chairman Chodun asked anyone who wished to speak to come forward at this time; there being no one indicating such, Chairman Chodun closed**
174 **the public hearing and brought the item back to the Commission for discussion or action.**
175

176 **Commissioner Deckard made a motion to approve Z2022-019. Commissioner Thomas seconded the motion which passed by a vote of 6-0.**
177

178 **Chairman Chodun advised that this item will go before the City Council on May 16, 2022.**
179

180 **12. Z2022-020 (RYAN MILLER)**

181 Hold a public hearing to discuss and consider a request by Hellen Byrd on behalf of Donald Valk for the approval of a Zoning Change from an Agricultural (AG)
182 District to a Light Industrial (LI) District for a 14.78-acre tract of land identified as Tracts 8 & 8-1 of the J. H. Bailey Survey, Abstract No. 34, City of Rockwall,
183 Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-276 Overlay (SH-276 OV) District, addressed as 4649 SH-276, and take any
184 action necessary.
185

186 **Director of Planning and Zoning Ryan Miller provided a brief summary in regards to the request. The applicant requesting to rezone the property**
187 **from an Agricultural (AG) District to Light Industrial (LI) District. The concept plan shows that the property will be developed with mini-warehouse**
188 **and flex office warehouse. The developer will be required to meet the land uses and density and dimensional requirements of a Light Industrial (LI)**
189 **District if City Council chooses to approve this case. On April 25, 2022, staff mailed out 12 notices to property owners and occupants within 500-feet**
190 **of the subject property. Director Miller then advised that the applicant and staff were present and available to answer questions.**
191

192 **Chairman Chodun asked anyone who wished to speak to come forward at this time; there being no one indicating such, Chairman Chodun closed**
193 **the public hearing and brought the item back to the Commission for discussion or action.**
194

195 **Commissioner Thomas made a motion to approve Z2022-020. Vice-Chairman Welch seconded the motion which passed by a vote of 6-0.**
196

197 **Chairman Chodun advised that this item will go before the City Council on May 16, 2022.**
198

199 **13. Z2022-021 (ANGELICA GAMEZ)**

200 Hold a public hearing to discuss and consider a request by Ruben Chapa for the approval of a Specific Use Permit (SUP) for Residential Infill in an Established
201 Subdivision for the purpose of constructing a single-family home on a 0.1214-acre parcel of land identified as Lot 22, Block B, Chandler's Landing, Phase 4

202 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single-family residential land uses, addressed as 5405
203 Ranger Drive, and take any action necessary.

204
205 **Planning Coordinator Angelica Gamez provided a brief summary in regards to the request. The applicant is requesting approval of an SUP for**
206 **Residential Infill in an Established Subdivision with the purpose of constructing a single-family home. According to the UDC, an Established**
207 **Subdivision consists of 5 or more lots, is more than 90% developed, and has been in existence for more than 10 years. The proposed home adheres**
208 **to the PD-8 standards for the majority of the development with the exception of the garage orientation. On April 25, 2022, staff mailed out 134 notices**
209 **to property owners and occupants within 500-feet of the subject property. As of tonight, staff had received one (1) notice opposed to the applicant's**
210 **request. Planning Coordinator Gamez then advised that the applicant and staff were present and available to answer questions.**

211
212 **Chairman Chodun asked anyone who wished to speak to come forward at this time; there being no one indicating such, Chairman Chodun closed**
213 **the public hearing and brought the item back to the Commission for discussion or action.**

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215 **Commissioner Moeller made a motion to approve Z2022-021. Commissioner Thomas seconded the motion which passed by a vote of 6-0.**

216
217 **Chairman Chodun advised that this item will go before the City Council on May 16, 2022.**

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219 V. ACTION ITEMS

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

224 14. **SP2022-016 (HENRY LEE)**

225 Discuss and consider a request by Charles Smith of Incognito Winery on behalf of Charles Smith of Dynacap Holdings, LTD the approval of a Site Plan for a
226 Craft Winery on a 2.202-acre tract of land identified as Tract 12 of the A. Hanna Survey, Abstract No. 99, City of Rockwall, Rockwall County, Texas, zoned Light
227 Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 1541 IH-30, and take any action necessary.

228
229 **Planner Henry Lee provided a brief summary and background in regards to the request. The applicant is requesting two (2) exceptions and one (1)**
230 **variance to the UDC. The applicant has indicated that the House of Worship and the Craft Winery will have hours of operation that will not coincide**
231 **so their customers can use the parking that is already there for the existing House of Worship. Planner Lee advised that Staff was available to answer**
232 **questions.**

233
234 **After some discussion, Vice-Chairman Welch made a motion to approve SP2022-016 with staff recommendations. Chairman Chodun seconded the**
235 **motion which tied by a vote of 3-3, with Commissioners Chodun, Thomas, and Deckard dissenting. Director Miller then informed the Commission**
236 **that the vote resulted in a denial of the request.**

237
238 15. **SP2022-019 (RYAN MILLER)**

239 Discuss and consider a request by Richard Sullivan on behalf of Reid Caldwell of Rockwall Urban Industrial, LP for the approval of an Amended Site Plan for
240 Outside Storage on a 1.89-acre parcel of land identified as Lot 3, Block D, Ellis Centre #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Light
241 Industrial (LI) District, addressed as 1910 Alpha Drive, and take any action necessary.

242
243 **Director and Planning and Zoning Ryan Miller provided a brief summary and history in regards to the request. The property has since been subdivided**
244 **and on April 12th, the NIS had to issue (2) notices of violation to the tenant in the building. One for the construction of a fence and gate without a**
245 **building permit and the second for the establishment of outside storage without a valid CO. Basically, a process was in the process of moving in**
246 **and did some unpermitted improvements. The applicant sent in a new plan right before this meeting not giving sufficient time for staff to review.**
247 **After reviewing it at the meeting, Staff explained that there was a portion of the wall that is situated in the water easement and that wall will have to**
248 **be moved. Director Miller then advised that the applicant and staff were present and available for questions.**

249
250 **Commissioner Deckard asked what the applicant is doing in regards to the gating off of the fire lane.**

251 **Commissioner Thomas asked how long the TCO worked for.**

252
253 **Richard Sullivan**
254 **5322 Huffines Blvd.**
255 **Royse City, TX 75189**

256
257 **The applicant came forward and provided additional details in regards to the request.**

258
259 **After further review, Director Miller expressed that, due to staff not being able to fully examine this new plan, he recommended that the Commission**
260 **deny this item without prejudice. This would allow the applicant to resubmit a new application and return at the work session to present a new plan.**
261 **The main issue is that there is not a space for the masonry wall and it may not be possible to put one in at that location.**

262
263 **Commissioner Thomas made a motion to deny SP2022-019 without prejudice. Commissioner Deckard seconded the motion which passed by a vote**
264 **of 6-0.**

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266 16. **SP2022-020 (HENRY LEE)**

267 Discuss and consider a request by Mark Griffin of Linear Architecture, LLC on behalf of Roland C. Spongberg of WKS Frosty Corp. for the approval of an
268 Amended Site Plan for an existing Restaurant with Drive-Through on a 0.964-acre parcel of land identified as Lot 3R, Block A, Rockwall Towne Center, Phase
269 1 Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District, addressed as 2545
270 Ridge Road, and take any action necessary.

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Planner Henry Lee provided a brief summary in regards to the request. The applicant is requesting approval of an amended site plan to change the building elevations for the existing Wendy's restaurant. The site plan does generally conform to the technical requirements within the UDC. That being said, they are requesting a variance to allow stucco on the building façade. Staff was informed that as part of this new remodel, the Wendy's will be cleaning up the landscaping onsite and provide new landscaping around the building. On April 26th, ARB looked at the elevations and they did vote for approval.

Commissioner Thomas made a motion to approve SP2022-020 with staff recommendations. Commissioner Conway seconded the motion which passed by a vote of 6-0.

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.

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

- Z2022-013: Specific Use Permit (SUP) for Residential Infill at 130 Chris Drive [APPROVED; 2ND READING]
- Z2022-014: Zoning Change (AG to PD) for the RISD [APPROVED; 2ND READING]
- Z2022-015: Zoning Change (AG to PD) for the RISD [APPROVED; 2ND READING]
- P2022-013: Replat for Lots 12 & 13, Block A, Stone Creek Retail Addition [APPROVED]
- P2022-014: Final Plat for Lot 1, Block A, St. Benedict's Anglican Church Addition [APPROVED]
- P2022-019: Replat for Lots 2 & 3, Block A, Ladera Rockwall Addition [APPROVED]
- P2022-021: Preliminary Plat for Lot 1, Block A, Revelation Addition [APPROVED]
- P2022-022: Replat for Lots 10 & 11, Block A, First United Methodist Church Addition [APPROVED]
- SP2022-021: Alternative Tree Mitigation Settlement Agreement for 810 N. Goliad Street [APPROVED]
- MIS2022-007: Alternative Tree Mitigation Settlement Agreement for 1775 Airport Road [APPROVED]
- MIS2022-009: Special Exception to the Fence Requirements for Rayburn Electric Cooperative, Inc. [APPROVED]
- MIS2022-010: Variance to the Utility Requirements for 7-Eleven [APPROVED]

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

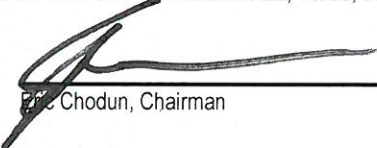
VII. ADJOURNMENT

Chairman Chodun adjourned the meeting at 7:03 pm.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this 31 day of May, 2022.

Attest: 

Angelica Gamez, Planning and Zoning Coordinator



Chairman Chodun, Chairman