

# MINUTES

PLANNING AND ZONING COMMISSION MEETING  
CITY HALL, 385 SOUTH GOLIAD, ROCKWALL, TEXAS  
OCTOBER 10, 2023 IN THE CITY COUNCIL CHAMBERS AT 6:00 PM

2 **NOTES:** [1] ADDITIONAL CASE INFORMATION CAN BE FOUND AT  
3 [HTTPS://SITES.GOOGLE.COM/SITE/ROCKWALLPLANNING/DEVELOPMENT/DEVELOPMENT-CASES](https://sites.google.com/site/rockwallplanning/development/development-cases), AND [2] TO PROVIDE INPUT ON A ZONING OR  
4 SPECIFIC USE PERMIT CASE PLEASE [CLICK HERE](#) OR CLICK ON THE LINK ABOVE AND USE THE ZONING AND SPECIFIC USE PERMIT INPUT  
5 FORM ON THE CITY'S WEBSITE.  
6

## 7 I. CALL TO ORDER

8  
9 **Chairman Deckard called the meeting to order at 6:00 PM. Commissioners present were John Womble, Brian Llewelyn, Kyle Thompson, Jay Odom, Ross Hustings and Jean Conway. Staff members present were Director of Planning and Zoning Ryan Miller, Senior Planner Henry Lee, Planning Technician Angelica Guevara, Planning Coordinator Melanie Zavala, City Engineer Amy Williams, Assistant City Engineer Jonathan Browning and Civil Engineer Madelyn Price. Absent from the meeting was Planner Bethany Ross.**

## 14 II. OPEN FORUM

15  
16 *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.*

19  
20  
21 **Chairman Deckard asked if anyone who wished to speak to come forward at this time; there being no one indicating such, Chairman Deckard closed the open forum.**

## 24 III. CONSENT AGENDA

25  
26 *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.*

29 1. Approval of minutes for the September 12, 2023 Planning and Zoning Commission meeting.

### 31 2. P2023-029 (BETHANY ROSS)

32 Consider a request by Dakota and Claire Brewer for the approval of a Final Plat for Lots 1-3, Block A, Brewer Bend Addition being a 5.41-acre tract of land identified as Tract 4-2 and a portion of Tract 4-06, of the W.W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 4.0 (SFE-4.0) District, addressed as 626 Cullins Road, and take any action necessary.

36 **Commissioner Conway made a motion to approve the Consent Agenda. Commissioner Llewelyn seconded the motion which passed by a vote of 7-0.**

## 39 IV. PUBLIC HEARING ITEMS

40  
41 *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.*

### 46 3. Z2023-045 (HENRY LEE)

47 Hold a public hearing to discuss and consider a request by Cari Foote of CFPC Investments, LLC for the approval of a Zoning Change amending Planned Development District 50 (PD-50) [Ordinance No. 17-19] for the purpose of allowing the General Personal Services land use by Specific Use Permit (SUP) for all properties within the district, being a 21.266-acre tract of land situated within the S. S. McCurry Survey, Abstract No. 146 and B. F. Boydston Survey, Abstract No. 14, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) for Residential-Office (RO) District land uses, situated within the North Goliad Corridor Overlay (NGC OV) District, generally located along N. Goliad Street [SH-205] north of Olive Street and south of Live Oak Street, and take any action necessary.

54 **Senior Planner Henry Lee provided a brief summary in regards to the request. The applicant is requesting a zoning change to amend Planned Development District 50 (PD-50). They're wanting to add the general personal service land use to one of the permitted uses of land uses within the district. With the stipulation that they still have to get a specific use permit (SUP) approved by Planning and Zoning Commission and City Council before that use is allowed to go in. This general personal service use is a catch all land use where other land uses do not meet our definitions like a message therapist, esthetician. Staff and the applicant thought it was necessary to do the SUP process as well. Staff did mail out 378 notices to staff and property owners within 500-feet of the subject property. Staff received three (3) notices in opposition and two (2) notices in favor of the applicants request.**

62 **Commissioner Odom recused himself from the meeting.**

64 **Commissioner Llewelyn had a question in regards to one of the notices that was in opposition of the request.**

65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132

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

Cari Foote  
195 N Goliad  
Rockwall TX 75087

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

Vice-Chairman Womble made a motion to approve Z2023-045. Commissioner Conway seconded the motion which passed by a vote of 6-0.

**4. Z2023-046 (ANGELICA GUEVARA)**

Hold a public hearing to discuss and consider a request by Javier Silva of JMS Custom Homes, LLC on behalf of Ruben Fragoso of RSR Capital, LLC for the approval of a *Specific Use Permit (SUP)* for *Residential Infill Adjacent to an Established Subdivision* for the purpose of constructing a single-family home on a 0.22-acre parcel of land identified as Lot C, Block 112, B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 52 (PD-52) and Single-Family 7 (SF-7) District, situated within the Southside Residential Neighborhood Overlay (SRO) District, addressed as 715 Sherman Street, and take any action necessary.

Planning Technician Angelica Guevara provided a brief summary in regards to the request. The applicant is requesting a specific Use Permit (SUP) for a residential infill. The proposed home meets all the density and dimensional requirements for a home in Single-Family 7 District (SF-7) with the exception of the garage orientation. The UDC states that garages should be located at least 20 feet behind the front facade of the home. In this case the garage will be approximately 11 feet in front of the front facade of the proposed single-family home. Staff should know this is not typical for this area, however waiver to the garage orientation is discretionary decision for the City Council pending a recommendation from Planning and Zoning commission. On September 28, staff mailed out 67 notices to property owners and occupants within 500 feet of the subject property. At this time staff has not received any notices back in regards to the applicants request.

Commissioner Hustings asked if the lot issue was resolved from previous meeting.

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

Commissioner Llewelyn made a motion to approve Z2023-046. Vice-Chairman Womble seconded the motion which passed by a vote of 7-0.

**5. Z2023-047 (BETHANY ROSS)**

Hold a public hearing to discuss and consider a request by Jeff Wolf of Nexcourt, Inc. on behalf of Rafael Hidalgo for the approval of a *Specific Use Permit (SUP)* for *Tennis Courts (Pickleball Courts)* on a 0.7940-acre parcel of land identified as Lot 3, Block B, Eagle Point Estates Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, situated within the Scenic Overlay (SOV) District, addressed as 1400 Ridge Road, and take any action necessary.

Director of Planning and Zoning Ryan Miller provided a brief summary in regards to the request. The applicant is requesting a Specific Use Permit (SUP) for a pickle ball court. This was a Code Enforcement referral, we were referred to this case by an external call. When Code Enforcement went out to go look at the property we later learned that they had started construction without a building permit. At that time, staff contacted the applicant/owner of the property and to let them know they would need a building permit as well as a specific use permit. The reason the Unified Development Code requires a SUP for private tennis court is it acknowledges that there are certain externalities associated with the use. The applicant has indicated that there will be 17 feet tall light poles associated with this. They did indicate that they will have shields to help with the glare from the light. One of the concerns staff has is the slope of the property. This being a zoning case staff mailed out 70 notices to property owners and occupants within 500-feet of the subject property. At this time staff has received 23 notices in return all in opposition of the applicants request. Staff also received a petition from the neighborhood. Staff wouldn't be able to verify the signatures, but we do verify the property owner notices. Staff did take the 23 property owner notices and determined that more than 27% of the property within 200-feet of the subject property is in opposition. What the means is the case will require a majority vote from City Council for this to be approved.

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

Chris Walker  
1428 Porto Bello Court  
Arlington TX 76012

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

Amy Herbst  
159 S Alamo Road  
Rockwall Tx 75087

Mrs. Herbst came forward and expressed her concerns in regards to the applicants request.

Melba Jeffus  
2606 Cypress Drive

133 Rockwall TX 75087  
134  
135 Mrs. Jeffus came forward and expressed her concerns in regards to the applicants request.  
136  
137 Howard Barrett  
138 1511 S Alamo Road  
139 Rockwall TX 75087  
140

141 Mr. Barrett came forward and expressed his concerns in regards to the applicants request.  
142  
143 Terri Nevitt  
144 201 Becky Lane  
145 Rockwall TX 75087  
146

147 Mrs. Nevitt came forward and expressed her concerns in regards to the applicants request.  
148  
149 Larry Jeffus  
150 552 Granite Fields Drive  
151 Rockwall TX 75087  
152

153 Mr. Jeffus came forward and expressed his concerns in regards to the applicants request.  
154  
155 Stacy Arciniega  
156 1423 S Alamo Road  
157 Rockwall TX 75087  
158

159 Mrs. Arciniega came forward and expressed her concerns in regards to the applicants request.  
160  
161 Joy Murphy  
162 209 Tanya Drive  
163 Rockwall TX 75087  
164

165 Mrs. Murphy came forward and expressed her concerns in regards to the applicants request.  
166  
167 Bob Wacker  
168 309 Featherstone  
169 Rockwall TX 75087  
170

171 Mr. Wacker came forward and expressed his concerns in regards to the applicants request.  
172  
173 Erica Lyle  
174 1603 S Alamo Road  
175 Rockwall TX 75087  
176

177 Mrs. Lyle came forward and expressed her concerns in regards to the applicants request.  
178  
179 Chairman Deckard made a motion to deny Z2023-047. Commissioner Llewelyn Seconded the motion to deny which passed by a vote of 7-0.  
180

181 6. Z2023-048 (ANGELICA GUEVARA)  
182 Hold a public hearing to discuss and consider a request by Clay Cristy of ClayMoore Engineering on behalf of Staci Bowen of Metroplex Acquisitions for the  
183 approval of a *Specific Use Permit (SUP)* for a *Restaurant with Less Than 2,000 SF with a Drive-Through or Drive-In* for the purpose of constructing a restaurant  
184 (i.e. HTeaO) on a 0.93-acre portion of a larger 5.16-acre parcel of land identified as Lot 13, Block A, Stone Creek Retail Addition, City of Rockwall, Rockwall  
185 County, Texas, zoned Planned Development District 70 (PD70) for General Retail (GR) District land uses, situated within North SH-205 Overlay (N. SH-205  
186 OV) District, generally located at the northeast corner of the intersection of N. Goliad Street [SH-205] and Bordeaux Drive, and take any action necessary.  
187

188 Planning Technician Guevara provided a brief summary in regards to the request. The applicant is requesting a SUP for a restaurant with less than  
189 2,000 sqft with a drive-through. The UDC defines a restaurant with drive-through as a place of business whose primary source of revenue is derived  
190 from the sell of prepared food to the general public for consumption on premise or off premise. In this case the proposed business HTeaO falls under  
191 the classification and is required to meet the General Retail land uses. Staff should add that the intent of the General Retail district is to provide  
192 limited retail and service uses for nearby residential neighborhoods. Staff should note that it also appears to meet all residential adjacency standards.  
193 Staff has added a condition that requires additional landscaping to be planted along North Goliad Street. Staff did ask applicant for an updated  
194 landscape plan indicating this, however it has not yet been provided and is now listed as a condition of approval in their ordinance. Staff mailed out  
195 35 notices to property owners and occupants within 500-feet of the subject property. At this time staff has received one (1) notice in favor two (2)  
196 notices in opposition.  
197

198 Lynn Rowland  
199 1903 Central  
200 Bradford TX 76021

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

202  
203  
204 **Bob Wacker**  
205 **309 Featherstone**  
206 **Rockwall TX 75087**

207  
208 Mr. Wacker came forward and expressed his concerns in regards to the applicants request.

209  
210 Commissioner Llewelyn made a motion to approve Z2023-048. Vice-Chairman Womble seconded the motion which passed by a vote of 7-0.

211  
212 V. DISCUSSION ITEMS

213  
214 **7. Director's Report of post City Council meeting outcomes for development cases (RYAN MILLER).**

- 215  
216 • P2023-030: Final Plat for Lot 1, Block A, Reborn Skin Addition (**APPROVED**)  
217 • SP2023-029: Alternative Tree Mitigation Settlement Agreement for DuWest (**APPROVED**)  
218 • Z2023-038: Zoning Change for an Amendment to Planned Development District 3 (PD-3) (**2<sup>ND</sup> READING; APPROVED**)  
219 • Z2023-039: Text Amendment to Article 05, *District Development Standards*, of the Unified Development Code (UDC) (**2<sup>ND</sup> READING; APPROVED**)  
220 • Z2023-040: Specific Use Permit (SUP) for *Residential Infill Adjacent to an Established Subdivision* for 1325 Breezy Hill Lane (**2<sup>ND</sup> READING; APPROVED**)  
221 • Z2023-041: Zoning Change (AG & LI to C) (**2<sup>ND</sup> READING; APPROVED**)  
222 • Z2023-042: Specific Use Permit (SUP) for a *Restaurant, with 2,000 SF of More, with Drive-Through or Drive-In* at 3611 & 3775 N. Goliad Street [SH-205] (**2<sup>ND</sup>**  
223 **READING; APPROVED**)  
224 • Z2023-043: Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* for 303 Harborview Drive (**2<sup>ND</sup> READING; APPROVED**)

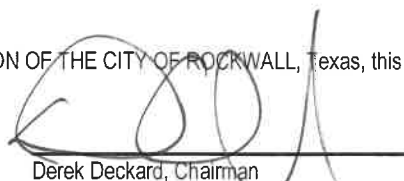
225  
226 **Director of Planning and Zoning Ryan Miller provided a brief update about the outcome of the above referenced cases at the City Council meeting.**

227  
228 VI. ADJOURNMENT

229  
230 **Chairman Deckard adjourned the meeting at 7:14PM.**

231  
232 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this 1<sup>st</sup> day of November  
233 \_\_\_\_\_, 2023.

234  
235  
236  
237 Attest:   
238 \_\_\_\_\_  
239 Melanie Zavala, Planning Coordinator

  
Derek Deckard, Chairman

240  
241 VII. WORK SESSION

242  
243 1. Work Session. The Planning and Zoning Commission will hold a work session with City staff in the City Council meeting room immediately following the  
244 adjournment of the October 10, 2023 Planning and Zoning Commission meeting to discuss the outcomes of the 88<sup>th</sup> Legislative Session.

245  
246 The City of Rockwall Planning and Zoning Commission reserves the right to adjourn into executive session at any time to discuss any matters listed on the  
247 agenda above, as authorized by Texas Local Government Code §55.071 (Consultation with City Attorney) or any other exception allowed under Chapter 551 of  
248 the Texas Local Government Code.

249  
250 This facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours  
251 prior to this meeting. Please contact the City Secretary's Office at (972) 772-6406 for further information.

252  
253 I, Melanie Zavala, Planning and Zoning Coordinator for the City of Rockwall, Texas, do hereby certify that this Agenda was posted at City Hall, in a place readily  
254 accessible to the general public at all times, on October 6, 2023 at 5:00 PM, and remained so posted for at least 72 continuous hours preceding the scheduled  
255 time of said meeting.