

MINUTES

PLANNING AND ZONING COMMISSION WORK SESSION MEETING
CITY HALL, 385 SOUTH GOLIAD STREET, ROCKWALL, TEXAS
FEBRUARY 27, 2024 IN THE CITY COUNCIL CHAMBERS AT 6:00 PM

NOTES: [1] ADDITIONAL CASE INFORMATION CAN BE FOUND AT [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 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

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

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.

Commissioner Conway explained how the open forum is conducted and 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.

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 February 13, 2024 Planning and Zoning Commission meeting.

2. P2024-005 (HENRY LEE)

Consider a request by Juan J. Vasquez of Vasquez Engineering, LLC on behalf of Shane Shoulders of Kennor Rockwall Retail, LLC for the approval of a Replat for Lot 10, Block A, Dalton Goliad Addition being a 1.93-acre tract of land identified as Lots 8 & 9, Block A, Dalton Goliad Addition, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated within the N. SH-205 Overlay (N. SH-205 OV) District, generally located on the west side of SH-205 north of the intersection of SH-205 and FM-552, and take any action necessary.

Commissioner Hustings made a motion to approve Consent Agenda. Commissioner Thompson seconded the motion which passed by a vote of 4-0.

IV. ACTION ITEMS

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

3. MIS2024-003 (HENRY LEE)

Discuss and consider a request by Tommy Burns for the approval of a Miscellaneous Case for a Variance to allow artificial or synthetic plant materials on a 0.23-acre parcel of land identified as Lot 8, Block N, Northshore #1 Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, addressed as 320 Shepards Hill Drive, and take any action necessary.

Senior Planner Henry Lee provided a brief summary in regards to the request. The applicant is requesting an exception to allow the planting of synthetic plant material in this case being artificial turf in the front and rear of the yard. In the unified development code, it states that synthetic plant material shall be prohibited which would be the reason they are requesting this variance.

Tom Burns
320 Shepard's Hill Drive
Rockwall, TX 75087

Wesley Graves
407 S. Fannin
Rockwall, TX 75087

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

Commissioner Hustings asked if they would be able to approve if it was front yard.

Commissioner Odom asked if the fence is fully closed.

65
66 Commissioner Hustings asked if there are other drought landscaping options.

67
68 Commissioner Odom asked if there were artificial turfs in Rockwall.

69
70 Commissioner Odom made a motion to deny MIS2024-003. Commissioner Hustings seconded the motion to deny which passed by a vote of 3-1.
71 Commissioner Thompson dissenting.

72
73 V. DISCUSSION ITEMS

74
75 *These items are for discussion between staff and the Planning and Zoning Commission and relate to administrative information and/or cases*
76 *that will come forward for action or public hearing at a future Planning and Zoning Commission meeting. Public comment on these cases can*
77 *take place when these items are considered for action by the Planning and Zoning Commission. The anticipated Planning and Zoning*
78 *Commission public hearing and/or action date for the following cases is February 13, 2024.*

79
80 4. Z2024-006 (RYAN MILLER)

81 Hold a public hearing to discuss and consider a Text Amendment to Article 04, Permissible Uses, and Article 13, Definitions, of the Unified
82 Development Code (UDC) and to establish Chapter 13, Rental Housing, of the Municipal Code of Ordinances for the purpose of creating
83 requirements for Short-Term Rentals, and take any action necessary.

84
85 Director of Planning and Zoning Ryan Miller provided a brief summary in regards to the request. On November 6th the City Council approved a
86 motion to direct staff to prepare an ordinance creating regulations for short term rentals. The reason behind this was in regards to complaints that
87 came forth through a SUP for a Pickleball court. There were multiple work sessions on this at the City Council level. Staff tried to stay as close to the
88 lens that the state had provided us to look at this and that is in a residential light. The state hasn't provided much of a definition for short term rentals
89 (STR) other than it looks at it from a residential standpoint. The courts have agreed that these are residential. In preparing the ordinance they have
90 prepared it for both regulatory and zoning code. The zoning code is going to be where they're placed in the city and the requirements for that
91 particular use to be placed. The regulatory code is the conduct after they are established and what performance standards they have to meet. Staff
92 defined Short Term Rentals as being a residential dwelling unit, apartment, condominium or guest quarters/ secondary living unit in which the entire
93 portion thereof is offered for rent for a period exceeding 12 hours but less than 30 consecutive days to a particular occupant. This really is a definition
94 that matches what's in the tax code and that's what the state has provided us with this far. From there we create three different distinct categories
95 of STR. The three categories are an owner-occupied single-family home, town home or duplex a non-owner-occupied single-family home, townhome
96 or duplex and then an apartment and condominium. There are three distinct uses and what we've done is we've allowed them by right in all residential
97 districts same as you would a single-family home. The only two districts who we are proposing to require a specific use permit on are the downtown
98 district and the residential office district. The reason being is those are more mixed-use districts where we allow single-family housing. The STR may
99 or may not be appropriate in all properties that could be a short-term rental in those districts. They're proposing a specific use permit (SUP) as a
100 catalyst for those districts since they are mixed-use and the downtown especially has special consideration that should be looked at on a case by
101 case basis. In all residential districts they will be allowed by right under the land use conditions we have established. The land use conditions are
102 for non-owner-occupied single-family homes. They have to be not within 500 ft of an existing short-term rental. Staff original showed council a map
103 of 250, 500 and 1,000 ft. They ultimately decided on 500 ft was the most appropriate. This is only for the non-owner occupied. Staff heard from the
104 people in the Council Chambers is that non-owner occupied STR are the ones creating the most issues if the owners on site we don't see as many
105 regulatory issues with regards to the property maintenance code or the cities other regulatory requirements. Staff also created a conditional land
106 use standard that if you locate within 500 ft that there is a path to do so and that would be through a SUP. Staff also looked at creating a Short-Term
107 Rental permit and registration program. It would propose a \$500 application fee for a STR that will be valid for a period of three years. In the regulatory
108 code we start to create the general standards which regulate advertising, parking, temporary structures, trash, signage, life safety requirements,
109 conduct on premise, tenant notification and payment of hotel motel occupancy tax. These are the performance standards that they have to meet
110 once they're operating and any violations to those is a violation that can be they can be subject to a fine of \$500-\$2,000 per day for each offense.
111 Ultimately, we don't assess the fines that's assessed by a judge it just gives them the parameters in which they can look at. The way the ordinance
112 is set up is that if any STR crews 3 violations in a 12-month period that short term rental permit can be revoked and the property owner would be
113 barred from resubmitting a new application for 12 months. This is saying if you're not going to be a good neighbor and there's a track record of you
114 violating the ordinance over and over again that there is some kind of penalty. In addition, there is a permanent revocation clause that the city may
115 revoke the permit. If an STR permit is revoked 2 times and it does use the word may because if it's something associated with trash we're probably
116 not going to move to revoke the STR permit permanently but if it's something that is much more severe like repetitive noise violations or something
117 of that nature that is disruptive to the single-family nature of the adjacent properties then it may be something that warrants permanent revocation.
118 Other things that we've done is we've established a requirement for a responsible party and this is very common in the cities that we actually looked
119 at. A responsible party is somebody that lives in the county of Rockwall that can be reached within one hour of a violation or a tenant request. That
120 can be responsive to the tenant or the city. They have to be a tenant or an occupant of Rockwall County staff felt this would be appropriate in this
121 case. Beyond that we also established nonconforming rights. We of course don't want to ignore the fact that we have existing STR's in the community
122 and we wanted to provide a path for them to be able to bring themselves into conformance with the new requirements. The way the ordinance is set
123 up is it would give them a 90-day period to come in and register they would be exempt from the proximity requirements because in certain cases we
124 have existing STR's that are right across the street from each other. Once we started taking new applications any new STR would be subject to the
125 500 ft requirement and those existing STR's we would buffer off of those.

126
127 Commissioner Hustings asked if there would be a process for short term rental.

128
129 Commissioner Thompson asked about who would get punished for

130
131 Commissioner Odom asked if there will be any documentation on this.

132

133 Commissioner Conway advised that this item will go before the commission for discussion or action on March 12, 2024.

134

135 5. Z2024-008 (ANGELICA GUEVARA)

136 Hold a public hearing to discuss and consider a request by Marisol Ortiz on behalf of Ricardo Alonso for the approval of a Specific Use Permit
137 (SUP) for Residential Infill in an Established Subdivision on a 0.121-acre parcel of land identified as Lot 49 of the Canup Addition, City of
138 Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Southside Residential Neighborhood Overlay (SRO)
139 District, addressed as 302 E. Bourn Street, and take any action necessary.

140

141 Planning Technician Angelica Guevara provided a brief summary in regards to the request. The applicant is requesting a Specific Use permit (SUP)
142 for a residential infill to construct a single-family home. Staff is working through project comments with the applicant and at the moment she does
143 have a variance for the driveway spacing.

144

145 Marisol Ortiz
146 302 E Bourn St
147 Rockwall, TX 75087

148

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

150

151 Commissioner Conway advised that this item will go before the commission for discussion or action on March 12, 2024.

152

153 6. Z2024-009 (HENRY LEE)

154 Hold a public hearing to discuss and consider a request by Harold Fetty of H. D. Fetty Land Surveyor, LLC on behalf of Antonio Borjas for the
155 approval of a Zoning Change from an Agricultural (AG) District to a Single-Family Estate 1.5 (SFE-1.5) District and a Light Industrial (LI) District
156 for a 9.4411-acre tract of land identified as Tract 3-4 of the J. H. Bailey Survey, Abstract No. 45, City of Rockwall, Rockwall, Texas, zoned
157 Agricultural (AG) District, situated in the SH-276 Overlay (SH-276 OV) District, addressed 172 Zollner Road, and take any action necessary.

158

159 Senior Planner Henry Lee provided a brief summary in regard to the request. The applicant is requesting to change the zoning to two different zoning
160 classifications. The larger piece that faces SH 276 will be the Light Industrial piece, that will be in conformance with our future land use map that will
161 be changing to Light Industrial. The back piece that's off Zollner in the south east portion is where the applicant is residing and are requesting to
162 rezone that portion of the property to Single-Family estate 1.5. That would not be in conformance with the future land use map but this would be more
163 of an interim zoning to get to that future land use just because the property is currently being used as a residential property. That being said everything
164 else is in conformance. On March 12 when this comes back for action and is approved they'll have to come back and plat the property since currently
165 it is still one piece.

166

167 Commissioner Conway advised that this item will go before the commission for discussion or action on March 12, 2024.

168

169 7. P2024-006 (HENRY LEE)

170 Discuss and consider a request by Brad Boswell and Asher Hamilton of RIV Properties for the approval of a Final Plat of Lots 1, 2 & 3, Block A,
171 George Morton Estates Addition being a 3.59-acre tract of land identified as Lots 1 & 2, Block 1; Lots 1, 2, 3, & 4, Block 2; Lots 1, 2, 3, & 4, Block
172 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 & 2, Block 8; and Lots 1, 2, 3, & 4,
173 Block 9, Moton Addition, City of Rockwall, Rockwall County, Texas, situated within the Hillside Mixed Use Subdistrict and the Horizon/Summer
174 Lee Subdistrict of Planned Development District 32 (PD-32), generally located at the southwest corner of the intersection of Horizon Road and
175 Summer Lee Drive, and take any action necessary.

176

177 Senior Planner Henry Lee advised that this will go to parks board on March 5th therefore it will come back on Consent Agenda on March 12th

178

179 Commissioner Conway advised that this item will go before the commission for discussion or action on March 12, 2024.

180

181 8. SP2024-003 (ANGELICA GUEVARA)

182 Discuss and consider a request by Dub Douphrate of Douphrate & Associates, Inc. on behalf of Kevin Lloyd of 1800 Dalrock, LLC for the approval
183 of a Site Plan for two (2) metal buildings in conjunction with two (2) existing commercial/industrial buildings on a 1.55-acre parcel of land identified
184 as Lot 7, Block A, Maverick Ranch Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, addressed as 196 & 216
185 Ranch Trail, and take any action necessary.

186

187 Planning Technician Angelica Guevara provided a brief summary in regards to the request. The applicant is requesting a site plan for two metal
188 buildings. The applicant is going through the process again since his previous site plan has expired. Staff did want to mention that ARB did look at
189 this and they were okay with variances provided which were the roof pitch standards, primary and secondary articulation as long as they were able
190 to continue the wainscoting on the existing building on all four (4) sides.

191

192 Dub Douphrate
193 2235 Ridge Rd
194 Rockwall, TX 75087

195

196 Mr. Douphrate came forward and provided additional details in regards in the request.

197

198 Commissioner Hastings asked if this was previously approved.

199

200 Commissioner Conway advised that this item will go before the commission for discussion or action on March 12, 2024.

201

202 9. SP2024-004 (BETHANY ROSS)

203 Discuss and consider a request by Jeff Carroll of Carroll Architects, Inc. on behalf of Brian Berry of PRBBS, LLC for the approval of a Site Plan
204 for a commercial building on a 1.745-acre parcel of land being identified as Lot 1, Block A, BW Plus Executive Residency Addition City of Rockwall,
205 Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 700 Vigor Way, and
206 take any action necessary.

207

208 Planner Bethany Ross provided a brief summary in regards to the request. The applicant is requesting two (2) variances to the four (4) sided
209 architecture and articulation standards of the overlay district.

210

211 Jeff Carroll
212 750 E Interstate
213 Rockwall, TX 75087

214

215 Mr. Carroll came forward and provided additional details ion regards to the request.

216

217 Commissioner Conway advised that this item will go before the commission for discussion or action on March 12, 2024.

218

21910. SP2024-005 (BETHANY ROSS)

220 Discuss and consider a request by Jeff Carroll of Carroll Architects, Inc. on behalf of Akhil Vats of Vedanta Estates, LLC for the approval of a Site
221 Plan for a medical office building on a 0.70-acre parcel of land being identified as Lot 6, Block A, Ellis Centre #2 Addition, City of Rockwall,
222 Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 1940 Alpha Drive,
223 and take any action necessary.

224

225 Planner Bethany Ross provided a brief summary in regards to the request. The applicant is requesting a site plan for medical office building. This
226 has gone through before and is coming back since it has expired. They are requesting three (3) variances to the four (4) sided architecture articulation
227 and natural stone. As well as one exception to the residential adjacency standards since the school/ football field is behind it. The ARB did look at
228 this and recommended they carried the brick all around the front of the building as opposed of having the stone at the front.

229

230 Jeff Carroll
231 750 E Interstate 30
232 Rockwall, TX 75087

233

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

235

236 Commissioner Conway advised that this item will go before the commission for discussion or action on March 12, 2024.

237

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

239

- 240 • P2024-001: Final Plat for Phase 1 of the Peachtree Meadows Subdivision (APPROVED)
- 241 • P2024-002: Final Plat for Lots 1 & 2, Block A, Cruse Addition (APPROVED)
- 242 • P2024-003: Preliminary Plat for Phase 2 of the Terracina Estates Subdivision (APPROVED)
- 243 • Z2024-001: Amendment to Planned Development District 2 (PD-2) (1ST READING; APPROVED)
- 244 • Z2024-002: Specific Use Permit (SUP) for a *Guest Quarters/Secondary Living Unit* for 715 Sherman Street (1ST READING; APPROVED)
- 245 • Z2024-003: PD Development Plan and Amendment to Planned Development District 74 (PD-74) (POSTPONED TO THE MARCH 18, 2024
- 246 CITY COUNCIL MEETING);
- 247 • Z2024-004: Specific Use Permit (SUP) for an *Accessory Building and Carport* at 9 Crestview Circle (1ST READING; APPROVED)

248

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

250

251 VI. ADJOURNMENT

252

253 Commissioner Conway adjourned the meeting at 7:00PM

254

255 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this 12th day of March
256 _____, 2024.

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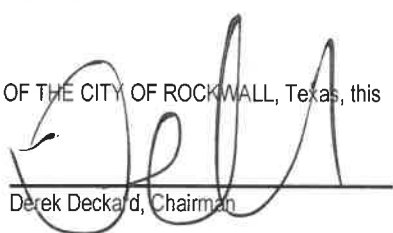
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262

Attest:



Melanie Zavala, Planning Coordinator


Derek Deckard, Chairman