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MINUTES
PLANNING AND ZONING COMMISSION PUBLIC HEARING
City Hall, 385 South Goliad, Rockwall, Texas
Council Chambers
January 10, 2012
6:00 P.M.

I. CALL TO ORDER

The meeting was called to order by Chairman Phillip Herbst at 6:00 p.m. with the following members present: Barry Buchanan, Connie Jackson, Craig Renfro, Kristen Minth, John McCutcheon and Dennis Lewis.

Additionally, the following staff members were present: Robert LaCroix, Chris Spencer, David Gonzales and JoDee Sanford.

1. Approval of Minutes for December 27, 2011 Planning and Zoning Commission meeting

Commissioner Jackson made a motion to approve the minutes for December 27, 2011.

Commissioner Buchanan seconded the motion.

A vote was taken and the motion passed 6-0, with Herbst abstaining.

II. PUBLIC HEARING ITEMS

2. Z2011-026

Hold a public hearing and consider a request by Frank Conselman for approval of a Specific Use Permit (SUP) allowing for a landing/stairs exceeding the maximum requirements within the Lake Ray Hubbard Takeline Overlay (TL OV) District, in the take area adjacent to their property at 1210 Crestcove Drive, being Lot 26, Block B, Hillcrest Shores Phase 3 Addition, and take any action necessary.

Gonzales stated that Frank Conselman is requesting approval of a Specific Use Permit to allow for a "Landing/Stairs" that exceeds the 8-ft X 8-ft landing area, is not comprised of a natural stone wall with iron railings and stairs, and does not meet the 5-ft required set back. However, Mr. Conselman is requesting a more "natural" look with an earthen ramp/berm that will have an access point at the same grade as his rear property line. This will allow access to the takeline in order to provide maintenance for his portion of the sub-leased area. Mr. Conselman plans on providing landscaping for the earthen ramp to give the appearance of a "natural" area while providing erosion control as well.

The "natural" berm provides an aesthetical enhancement for the property along the takeline that blends in with the natural environment and would be consistent with 1160 Crestcove Dr, which was approved for an SUP in 2008 to allow for an earthen ramp/berm. Also in 2008, the Planning and Zoning Commission and the City Council approved an SUP for a similarly styled "ramp" at 1200 Crestcove. This particular property's "ramp" has the "appearance" of a typical landing/stairs with a natural stone wall and iron

2 railings. Based on case precedence from the neighboring properties, staff recommends
3 approval of the request.

4
5 A notice was published on December 30, 2011 in the Rockwall County News. Information
6 on the zoning case has also been posted on the City's website in accordance with City
7 policy. Also, nineteen (19) notices were mailed to property owners of record within 200-ft
8 of the subject property and at the time of this report, staff has received one (1) notice in
9 favor of the request.

10 Staff recommends approval with the following conditions:

- 11 1. Adherence to Engineering and Fire Department standards.
- 12 2. Submittal and approval of a building permit required.
- 13 3. The earthen ramp/berm landing may be located less than 5-ft from the side yard,
14 as shown on the site plan attached as Exhibit "A".
- 15 4. The proposed earthen ramp/berm landing is not to exceed a 40-ft X 40-ft area and
16 may include landscaping incorporated with the berm.
- 17 5. All other requirements for a Landing/Stairs in the Takeline Overlay shall be met
18 with the exception of the exterior materials being natural stone with iron railings
19 and stairs.

20
21 Commissioner Renfro asked if any safety hazards were a concern since no railing is
22 proposed for the ramp. LaCroix stated that if Mr. Conselman adheres to the engineering
23 requirements than no other fencing is required.

24
25 Chairman Herbst opened the public hearing at 6:10 p.m.

26
27 Frank Conselman
28 1210 Crestcove Drive
29 Rockwall, Texas

30
31 Commissioner Lewis asked if the ramp would look similar to the ramp located at 1160
32 Crestcove Drive. Mr. Conselman stated that he plans on it looking similar and that he will
33 abide by the engineering standards to maintain safety.

34
35 There being no others wishing to come forth and speak, Chairman Herbst closed the
36 public hearing at 6:12 p.m.

37
38 Commissioner Buchanan made a motion to approve Z2011-026, a request by Frank
39 Conselman for approval of a Specific Use Permit (SUP) allowing for a landing/stairs
40 exceeding the maximum requirements within the Lake Ray Hubbard Takeline Overlay (TL
41 OV) District, in the take area adjacent to their property at 1210 Crestcove Drive, being Lot
42 26, Block B, Hillcrest Shores Phase 3 Addition, with staff recommendations.

43
44 Commissioner Jackson seconded the motion

45
46 A vote was taken and the motion passed unanimously by all present.

47
48 *(At this time, the Commission decided to reconsider the minutes from December 27, 2011.)*

49
50 Commissioner Jackson made a motion to approve the minutes for December 27, 2011.

2
3 Commissioner Buchanan seconded the motion.

4
5 A vote was taken and the motion passed 5-0, with Herbst and Minth abstaining.

6
7 3. Z2011-025

8 Hold a public hearing and consider a request from Mushtak Khatri of T Rockwall
9 Commons, LLC for approval of an amendment to (PD-1) Planned Development No.
10 1 district, specifically for a PD Concept / Development plan for "Rockwall Commons
11 Phase II," being a proposed retail and residential mixed-use development on a 2.88-
12 acre tract currently described as Tract 6-2, Abstract 255, B. J. T. Lewis Survey,
13 located along the east side of Ridge Road immediately north of Rockwall Commons
14 Addition, and take any action necessary.

15
16 LaCroix stated that the applicant has submitted a zoning request to amend (PD-1)
17 Planned Development No. 1 District, specifically for consideration of a PD Concept /
18 Development Plan for a proposed mixed-use development. In May 2011, the applicant
19 purchased the adjacent Rockwall Commons development, which includes 202 residential
20 units and over 46,000-sf of retail/office space on 8.08-acres. The applicant would like to
21 continue the development pattern to the north on the subject 2.88-acre property, with
22 similar architectural styles and a mixed-use concept that includes 12,000-sf of ground
23 level retail/salon and 140 residential units.

24
25 History of PD-1

26 The PD includes the Rockwall Commons development, as well as the Brookshire's
27 shopping center, O'Reilly Auto Parts, American National Bank and over 7-acres of
28 undeveloped land. The undeveloped land includes the 2.88-acre subject property and
29 approximately 4.5-acres owned by the Cameron family that is situated both south of the
30 shopping center and along the frontage of Ridge Rd in front of the shopping center.

31
32 The original PD-1 zoning was adopted in 1972, and designated the area for "General
33 Retail" and "Multi-Family" uses. Site plans were approved in the late 1970s for several
34 phases of the Brookshire's shopping center, including a small phase of retail that was
35 never built on the Cameron family property to the south of Brookshire's (and immediately
36 north of the subject property). In 2005, a site plan for O'Reilly's Auto Parts store was
37 approved by the city.

38
39 In 1983, an amendment to PD-1 and a site plan for "office uses" was approved for the
40 subject property and the separate lot containing American National Bank. Obviously, no
41 additional office or retail development has taken place since that time on the remainder
42 tract.

43
44 In 2001, the entire PD-1 district was designated on the Hometown 2000 Future Land Use
45 Map as an area for "mixed use" development. Rockwall Commons was developed in 2004
46 following a 2002 amendment to PD-1 to apply the "Mixed Use Overlay" on that specific 8-
47 acre tract, and approval of a PD Site Plan shortly thereafter. A variance was approved
48 during the site plan review allowing for an increase in height from 3-stories to a 4-story
49 development.

50
51 Reason for Application

2 Somewhat unique to PD-1 and perhaps other older Planned Development districts in the
4 City is that, although the "GR" and "MF" uses are allowed by the underlying ordinance,
6 any changes to a previously approved concept/site plan within the PD requires City
8 Council approval via a zoning application process. Specifically, since the subject
10 property was "site planned" with an office concept in 1983, development of the
12 retail/residential mixed use concept requires a PD amendment.

14 As stated earlier, the Future Land Use Map of the City does identify the subject property
16 as "mixed use." The Unified Development Code (UDC) was amended to include the Mixed
18 Use Overlay district which specifies certain standards for those properties identified as
20 mixed use on the Land Use Plan. These areas may be developed as a pedestrian-oriented
22 district which includes "urban residential" uses. Urban residential uses include
24 residential development which at least partly face streets or public sidewalks, and/or
26 located above retail, office or service uses. Ground floor urban residential should have
direct access to a sidewalk via a stoop or landing, and a majority of parking should be
located in a structure.

18 Staff Analysis

20 The applicant's concept plan indicates a single structure that, when viewed from Ridge
22 Road, contains one floor of retail/salon use and three (3) levels of residential use above
24 the retail. The "back half" of the building is proposed to be 5 levels of residential use,
26 with the first two levels built to the same height as the front retail space. Similar to the
existing Rockwall Commons, a 2-story parking garage is proposed below the mixed use
structure that is built into the slope of the property (i.e. below grade when viewed from
the front but above ground when viewed from the rear).

28 The overall 5-story structure would contain 12,000-sf retail/salon use and 140 residential
30 units with an average unit size of 980-sf. The unit mix is proposed to be 25% 1-bedroom,
32 50% 2-bedroom and 25% 3-bedroom. Access to the property would be obtained from the
existing northern driveway that serves Rockwall Commons Phase 1, though there is
potential to connect into the bank site and/or future development to the north.

34 For informational purposes, the following is a breakdown of the significant Mixed Use
36 Overlay (MUO) ordinance guidelines in terms of what was approved for Phase 1 and what
is proposed for Phase 2:

38 Permitted Uses: The MUO states that allowed uses may include town homes, urban
40 housing, retail, office, recreation and entertainment and that a list of allowed uses shall
42 be specified in the PD. Phase 1 was approved for residential, retail, and office uses, and
these are the same proposed for Phase 2.

44 Residential Standards: The MUO requires that residential uses must be integrated with
46 retail and/or office uses in terms of site planning, and cannot be perceived as separate or
48 discrete developments. Developments should not contain 4-sf of residential use for at
50 least 1-sf of non-residential use (unless approved as part of the PD). As in Phase 1, the
52 Phase 2 proposal clearly integrates the residential uses with the non-residential. Phase 1
was approved with a ratio of 4.5-sf of residential for every 1-sf of non-residential, slightly
above the MUO guidelines. For phase 2, the applicant has stated that since there is
limited frontage on or exposure from Ridge Road, there is not as much opportunity for
non-residential space; therefore, the 140-unit + 12,000-sf proposal would result in an
approximate ratio of 11.4-sf residential to 1-sf non-residential. Looking at Phases 1 and 2

2 together, however, would result in an overall ratio of 5.9-sf residential to 1-sf non-
residential.

4

6 **Open Space:** The minimum required 20% open space requirement was exceeded in
Phase 1 (35%) and will be met again in Phase 2. An additional pool area is proposed
8 along with a green plaza area, in addition to the required buffer along Ridge Rd and
parking lot landscaping. The applicant has agreed to extend the existing trail which was
10 started in Phase 1 along the rear of the site, adjacent to the railroad, so that ultimately a
second connection can be made to the shopping center.

12 **Height:** The MUO recommends that development should average 2-3 stories in height,
but not exceed 3 stories unless approved by the PD. Height was a significant issue
14 during consideration of Rockwall Commons Phase I, and ultimately a 4-story structure
was approved as noted earlier in this report. For the current proposal, the applicant has
16 submitted a cross section of the proposed development as well as a height comparison
diagram between Phase 1 and the proposed Phase 2. According to the applicant, Phase 2
18 would be built to the same “plate height” of 52-ft of the adjacent 4-story office building
constructed in Phase 1. Overall, the height of the building is proposed to be 63-ft, as
20 measured to the midpoint of the roof from the average grade in front (per UDC definition).

22 **Parking:** The MUO guidelines recommend that parking be primarily located behind the
building, that a majority of the parking be structured or decked, and that parking
24 reductions of 10% or more could be considered when shared by multiple uses. Some
reduction was granted in Phase 1, but staff has observed that even though almost fully
26 leased now, there has not been any noticeable parking issue due to the differences in
peak demand times between residential (night) and non-residential (daytime) uses. At
28 this time, however, the applicant is not requesting any reduction or variances in parking.
With the proposed mix of residential units, the parking requirement for the proposed
30 Phase 2 essentially is “2 per unit,” or 280 spaces. The parking requirement for the
12,000-sf of retail at “1 per 250-sf” is 48 spaces, which has been provided with surface
32 parking in the front of the development. The applicant’s concept plan shows 333 total
spaces, which exceeds the minimum requirement of 322 spaces.

34

*It should be noted that the concept plan does indicate that if a 4-level structure were
36 built, 108 residential units would result, which obviously lowers the density of the
development, as well as reduce the minimum parking requirement and presumably the
38 overall height of the structure.

40 In assessing the proposal, staff feels that in general the applicant’s Concept Plan meets
the intent of the City’s Comprehensive Plan and Future Land Use Map. For a variety of
42 reasons, the subject property, as well as other parts of PD-1 were designated for “mixed
use” because of the difficulty in developing the property in a conventional method. First
44 and foremost, the severe slopes of these tracts make development very costly,
particularly in terms of grading and drainage. Access and visibility of the property are
46 also impacted by the slope and the adjacent railroad corridor, further limiting the retail
and other non-residential use of the property. It is worth noting that the vacant “PD-1”
48 properties, as well as the “PD-4” property south of Rockwall Commons and extending to
the railroad crossing, have each been zoned for retail/office uses for 40 years, and other
50 than the bank development in 1983, no serious development proposal has occurred other
than the mixed use product type.

52

2 Beyond the development issues, staff feels the Comprehensive Plan also acknowledged
4 these properties as being “infill opportunities” that when done correctly, help to bring
6 additional tax base and residents/employees into the core part of the City. During the
8 consideration of Rockwall Commons Phase 1, the shopping center owner and
10 Brookshire’s management both expressed support of that project given its likely positive
influence on their businesses. However, staff views these undeveloped properties along
the north part of Ridge Rd in a larger context; that is, as a “gateway” into downtown
where such a project could help bring additional shopping and other economic
development benefits into the entire downtown area.

12 Despite financial issues of the original developer of Rockwall Commons and foreclosure
14 proceedings that delayed the construction/completion of the project, the current owner
16 has made several enhancements to the property - particularly in the open space areas -
18 that has helped attain nearly 100% occupancy rates in the residential units. In addition,
the project is quickly approaching full occupancy of the non-residential space. The
single-story building on the south end has been sold off to another owner, who plans to
utilize the building for medical office.

20 Finally, at a current total tax value of \$18.9M (\$2.3M per acre), the project’s success has
22 proven a market need for the higher-ended product type affiliated with the mixed use
24 concept. By comparison, the American National Bank property yields a \$352K value on 1-
acre, while the Brookshire’s shopping center has a total value of \$5.25M on 11.45-acres
(\$458K per acre).

26 Because of these reasons, and because the project would continue (and strengthen) the
28 high quality design and open space featured with Rockwall Commons Phase 1, staff feels
30 the mixed use development would be a unique and positive asset to the community of
Rockwall and is recommending approval.

32 Staff has posted a sign on the subject property and published a notice in the newspaper
34 as required by law. In addition, information on the PD Concept Plan has been posted on
the City’s website.

36 Notices were also mailed to the owners of 12 tracts located within 200-ft of the subject
38 property. At the time of the report, one (1) response “in favor” (representing 3 of the
tracts) and no responses “in opposition” have been received.

40 Staff recommends approval of the PD-1 amendment to allow for the residential/retail
mixed use concept, subject to the following conditions:

- 42 1. Development of the 2.88-acre property shall adhere to the PD Concept and
Development Plan attached hereto as Exhibit “A” and the conceptual elevation
attached as Exhibit “B.”
- 44 2. Development of the 2.88-acre property shall also adhere to the Mixed Use Overlay
46 requirements (Section 6.5 of Article V, Unified Development Code), with the
following exceptions:
 - 48 a. Permitted uses shall be those uses authorized within the “GR” General Retail
district pursuant to Article IV of the Unified Development Code, and “Urban
Residential” housing as defined in the Unified Development Code.
 - 50 b. A maximum of 140 urban residential units shall be allowed.
 - c. The average dwelling unit size shall not be less than 980-sf.

- 2 d. The development must contain a minimum of 12,000-sf of non-residential
space.
- 4 e. The overall height may not exceed 65-ft as measured to the midpoint of the
6 sloped roof from the average grade along the front of the building, and as
depicted on the "Section Through Center of Site" drawing attached hereto as
"Exhibit C."
- 8 f. A minimum of 20% open space shall be provided, and the open space shall be
10 developed to the extent reflected on the Concept Plan. A pool for the use of the
residents shall be provided.
- 12 3. Submittal and approval of a detailed PD Site Plan, for review and approval by the
Architectural Review Board and Planning and Zoning Commission.
- 14 4. Submittal and approval of engineering plans and adherence to all engineering
requirements.
- 16 5. Adherence to all fire department requirements.
6. Submittal and approval of a final plat.

18 Commissioner Buchanan asked if any road construction such as turn lanes would be
20 necessary. LaCroix stated that none would be required.

22 Chairman Herbst asked about the connectivity between the property and adjacent
properties. LaCroix stated this will be addressed with any site plan.

24 Chairman Herbst opened the public hearing at 6:35 p.m.

26 Mushtak Khatri
9919 Avalon Creek Court
28 Dallas, Texas

30 Mr. Kahtri stated that they acquired Phase I in May and they have been working to lease
out the balance of the retail space. They have 2,500 square feet of office space available
32 in the tower and 1,000 square feet of retail space in the apartment complex. The
apartment complex is occupied at 100%. Due to the success of Phase I, they are looking
34 to expand and bring development to Rockwall.

36 Commissioner Buchanan asked when construction might begin, if approved. Mr. Kahtri
stated that he would like to begin construction as soon as possible and would look to
38 break ground as soon as he could obtain a permit.

40 Commissioner Renfro asked about the plan for the new development in terms of types of
businesses. Mr. Kahtri stated that a salon boutique would like to lease all 12,000 square
42 feet. They would offer several different cosmetic and beauty services and believes that
this will cause increased activity in the Rockwall area. He also stated that this is a high
44 end concept.

46 Commissioner Renfro asked about increase traffic and if there may be a need for a traffic
light at some point. LaCroix stated that the applicant will need to use the existing
48 entrance to access the property and he does not believe that increased traffic will cause
a concern.

50 DW Bobst
52 1310 / 1400 / 1408 Ridge Road

2 Rockwall, Texas

4 Mr. Bobst stated that he is mostly in favor of the development. However, his concern is
6 traffic and he believes that it will become more of an issue and will require a traffic light
at some point. He also asked that the same high development standards and materials
be required.

8
10 Chairman Herbst stated that the applicant would need to come back with a site plan.
Chairman Herbst also asked if TxDot would need to address constructing a light since it
is on a state roadway. LaCroix responded that TxDot would be involved.

12
14 There being no others wishing to come forth and speak, Chairman Herbst closed the
public hearing at 6:44 p.m.

16 Commissioner Jackson stated that the finish out of the development will be high end
with granite and stone and stainless steel appliances.

18
20 Commissioner Jackson made a motion to approve Z2011-025, a request by Mushtak
Khatri of T Rockwall Commons, LLC for approval of an amendment to (PD-1) Planned
22 Development No. 1 district, specifically for a PD Concept / Development plan for
"Rockwall Commons Phase II," being a proposed retail and residential mixed-use
24 development on a 2.88-acre tract currently described as Tract 6-2, Abstract 255, B. J. T.
Lewis Survey, located along the east side of Ridge Road immediately north of Rockwall
Commons Addition, with staff recommendations.

26
28 Commissioner Buchanan seconded the motion

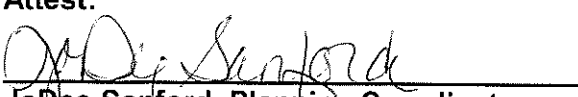
30 A vote was taken and the motion passed unanimously by all present.

32 III. ADJOURNMENT

34 The meeting adjourned at 6:56 p.m.

36 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
ROCKWALL, Texas, this 31 day of JANUARY, 2012.

38
40 
Phillip Herbst, Chairman

42 Attest:
44 
JoDee Sanford, Planning Coordinator