



ROCKWALL CITY COUNCIL REGULAR MEETING**Tuesday, January 18, 2022 - 5:00 PM****City Hall Council Chambers - 385 Goliad St., Rockwall, TX 75087****I. CALL PUBLIC MEETING TO ORDER**

Mayor Fowler called the meeting to order at 5:00 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem John Hohenshelt and Councilmembers Clarence Jorif, Dana Macalik, Trace Johannesen, Bennie Daniels and Anna Campbell. Also present were City Manager, Mary Smith; Assistant City Manager, Joey Boyd; and City Attorney, Frank Garza. Mayor Fowler read the below listed discussion items into the record before recessing the public meeting to go into Executive Session at 5:01 p.m.

II. EXECUTIVE SESSION.

THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE FOLLOWING MATTER AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:

- 1. Discussion regarding appointments to city regulatory boards, commissions, and committees - specifically the Rockwall Economic Development Corporation (REDC) - pursuant to Section 551.074 (Personnel Matters)**
- 2. Discussion regarding possible sale/purchase/lease of real property in the Harbor District pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).**
- 3. Discussion regarding possible sale/purchase/lease of real property off of John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).**
- 4. Discussion regarding legal terms and conditions for application to SAFER grant program, pursuant to Section §551.071 (Consultation with Attorney).**

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Ex. Session at 6:00 p.m.

IV. RECONVENE PUBLIC MEETING (6:00 P.M.)

Mayor Fowler reconvened the public meeting at 6:02 p.m. with all councilmembers being present.

V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER DANIELS

Councilmember Bennie Daniels delivered the invocation and led the Pledge of Allegiance.

VI. PROCLAMATIONS / AWARDS / RECOGNITIONS

- 1. Rockwall Police Citizens on Patrol Appreciation Day**

Mayor Fowler called forth Police Chief, Max Geron, and read and presented the proclamation, recognizing the members and contributions of the Rockwall Police Department's Citizens on Patrol organization.

VII. OPEN FORUM

Mayor Fowler explained how Open Forum is conducted, asking if anyone would like to come forth and speak at this time.

Jim Turner
1691 Old East Quail Run
Rockwall, TX 75087

Mr. Turner came forth to discuss construction-related trash and debris. He specifically shared photographs to display trash that he and a friend spent a lot of time picking up along the area in and around where they live. He believes the debris and trash is being generated from adjacent construction sites. He pointed out the city's existing Code of Ordinances, which prohibits litter from being deposited on any construction site. He went on to share brief information on what other cities (i.e. Corpus Christi) do in order to help eliminate construction site debris and in fact fine contractors for non-compliance. He generally encouraged the City of Rockwall to essentially 'toughen up' on enforcing the elimination of construction site-related debris. He suggested the debris be kept in containers on site that have lids and can therefore not blow away in heavy winds.

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker encouraged the City to outlaw the 'dumping of concrete,' especially related to dumping it on residential home sites that are under construction.

Ben Weible
215 Trout Street
Rockwall, TX 75032

Mr. Weible came forth and initially indicated that he is generally not in favor of a city imposing additional regulations / restrictions. He also pointed out that there needs to be a consideration for distinguishing between construction sites and "private residents" who may be in need of a 'roll off dumpster' at their home (i.e. perhaps they are renovating an existing home and have a need). He also pointed out that his 'bulk trash' has still not yet been picked up.

There being no one else coming forth to speak, Mayor Fowler then closed Open Forum.

VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session.

IX. CONSENT AGENDA

1. Consider approval of the minutes from the January 3, 2022 regular City Council meeting, and take any action necessary.
2. **P2021-063** - Consider a request by Bart Carroll of Carroll Consulting Group, Inc. on behalf of Robert John Crowell for the approval of a *Final Plat* for the Landon Subdivision being a 126.903-acre tract of land identified as Tract 13 of the S. McFadgin Survey, Abstract No. 142, Rockwall County, Texas, situated

within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), generally located at the southwest corner of the intersection of S. Munson Street and Streetman Road, and take any action necessary.

3. **P2021-064** - Consider a request by Trey Braswell of Kimley-Horn on behalf of Jarrod Yates PS LPT Properties Investors for the approval of a Preliminary Plat for Lot 1, Block A, PS Rockwall County Addition being a 2.082-acre tract of land identified as Tract 25-03 of the J. Strickland Survey, Abstract No. 187, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), addressed as 4000 N. Goliad Street [SH-205], and take any action necessary.
4. **P2021-067** - Consider a request by Ryan King, PE of Engineering Concepts and Design on behalf of Jose Campos of Saddle Star South Holdings, LLC for the approval of a Preliminary Plat for the Saddle Star Estates North Subdivision consisting of 92 single-family residential lots on a 42.667-acre tract of land identified as Tract 3 of the T. R. Bailey Survey, Abstract No. 30, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 80 (PD-80) for Single-Family 8.4 (SF-8.4) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, generally located at the northwest corner of the intersection of FM-552 and John King Boulevard, and take any action necessary.
5. Consider awarding a bid to Siddons-Martin/Pierce and authorizing the City Manager to execute a Purchase Order for a new Fire Apparatus Pumper and Equipment in the amount of \$820,000, as approved in the FY2022 Budget, and take any action necessary.
6. Consider authorizing the City Manager to execute a Standard Utility Agreement with the Texas Department of Transportation for the IH-30 utility relocates from State Highway 205 to the city limits, and take any action necessary.

Mayor Pro Tem Hohenshelt moved to approve the entire Consent Agenda, as presented (#s 1, 2, 3, 4, 5, and 6). Councilmember Jorif seconded the motion, which passed by a vote of 7 ayes to 0 nays.

X. APPOINTMENT ITEMS

1. Appointment with Planning & Zoning Commission representative to discuss and answer any questions regarding planning-related cases on the agenda.

Chairman of the P&Z Commission, Eric Chodun, came forth and briefed Council on recommendations of the Commission relative to cases on tonight's meeting agenda.

2. Appointment with Leadership Rockwall Class of 2022 to discuss the proposed improvements to Lofland Park, and take any action necessary.

Two representatives from Leadership Rockwall – Rob McAngus and Trevor Reed - came forth and presented their proposal for a 'community service' project that will aim to make improvements at Lofland Park, which is city-owned. One of the things they are proposing is to create "The Grove @ Lofland Park," which will help more readily identify the existing park and be part of the improvements that are proposed to be made (i.e. twelve Little Gem magnolia trees ("The Grove"); sidewalks; lighted paths, some solar illumination within the park, a memorial brick area (which is the fundraising mechanism for this proposed, improvement project). The pointed out that the new park benches and some of the new additions will visually 'match' other benches and fixtures that exist elsewhere in the downtown area (which is right nearby). Ongoing costs for the city will include things like watering, solar illumination, and the maintenance of the pavilions; however, rental of the pavilions could generate some money for the city and somewhat offset some of the ongoing costs. They would like to have this done by Arbor Day of 2022 (which falls on Friday, April 29) and have an "Arbor Day Reveal / Unveiling Event" to raise awareness of the park, promote it

to the public, etc. They spoke about the proposed budget, which is about \$73k, and they pointed out that they've already secured / raised about \$48k of the overall, estimated expense. The gentlemen formally requested the City's approval of their project proposal and support for the associated efforts:

Mayor Fowler asked some residents in the audience whose homes back up to this park if they are 'in favor' of what is being proposed related to these park improvements. Said residents generally indicated that they are in agreement with what's being proposed.

City Manager, Mary Smith asked Council to consider (informally) directing staff to bring back a budget-related amendment to fund some of what's being proposed, if Council is generally in agreement with and in support of this proposed Leadership Rockwall project to improve Lofland Park. Mayor Fowler asked Mrs. Smith to do so, and a future agenda item will be placed on a subsequent city council meeting for consideration.

3. Appointment with Chris Kosterman of the city's ART Commission to present the 'art in public places' butterfly designs, and take any action necessary.

Mr. Kosterman came forth, indicating that he is the current Chairman of the city's ART Commission. He very briefly indicated that the Council has been provided with proposed concepts and associated designs for the 'already approved' butterfly sculpture project, which is an "art in public places" effort.

Following brief, clarifying comments, Councilmember Macalik moved to approve the proposed concepts and designs for the butterfly sculptures. Councilmember Johannesen seconded the motion, which passed by a vote of 7 ayes to 0 nays.

4. Appointment with Parks Director, Travis Sales, to discuss and consider a Kidzone Celebration Day event on Feb. 5, 2022, and take any action necessary.

Parks Director, Travis Sales, came forth and briefed the Council on this proposed "Kidzone Celebration Day," to be held Feb. 5, 2022. Indication was given that the city will partner with Ebbly Halliday and with the local "Breakfast Rotary Group" on this event (i.e. to serve hotdogs and beverages). Council gave general indication that they are 'ok' with the event, and Mr. Sales shared that staff will move forward with the event and begin promoting it tomorrow.

No formal action was taken by Council regarding this item.

XI. PUBLIC HEARING ITEMS

1. **Z2021-050** - Hold a public hearing to discuss and consider approval of an ordinance for a Text Amendment to Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [Ordinance No. 20-02] for the purpose of amending the *Conditional Land Use Standards* for the *Bed and Breakfast* land use, and take any action necessary (1st Reading).

Planning Director, Ryan Miller, provided brief background information pertaining to this agenda item. The Planning & Zoning Commission did fail to approve a motion (it was a 'tie vote' on a motion to deny this request). As a result, by default the item is now coming before Council with a recommended "denial" from the Planning & Zoning Commission

Hayden Frasier
510 Williams St.
Rockwall, TX

He shared that he bought his house in “Old Town” in the year 2014, but he grew up in the neighborhood. He would like Council to remove the “by right” verbiage and instead make “Bed and Breakfast” use only allowable via a Special Use Permit (SUP).

Carol Crow
504 Williams St.
Rockwall, TX

Mrs. Crow shared that she has lived at this address since Sept. of 1995. She pointed out that “Old Town” is the oldest neighborhood in Rockwall, and Lofland Park is the oldest city park too. She is glad they are going to improve the park soon. Mrs. Crow went on to share some background about some guidelines that were previously put in place to help preserve “Old Town” and “historical structures” therein. She shared that “bed & breakfasts” were never included in previous discussions pertaining to the desire to preserve Old Town. She pointed out that Old Town is the only neighborhood where a ‘by right use’ for “bed & breakfasts” is allowed. Everywhere else in the city, an SUP to do so is required. She believes the “by right use” was added to the city’s provisions pertaining to Old Town sometime around the year 2004. She was unaware that this had occurred, and she feels as though many who live in the Old Town neighborhood have been unaware of this ‘by right’ use too. She went on to brief Council on the nature of some of the discussions that recently occurred at the city’s Planning & Zoning Commission meeting (she indicated she watched the P&Z meeting online but did not attend in person or speak at said meeting). She would like the City and its Historic Preservation Advisory Board to review all of the city’s current regulations pertaining to “Old Town” and more formally see – overall – if any said regulations are in need of reconsideration in any way. She respectfully asked the City to remove the ‘by right use’ language within the proposed regulation change and instead allow this use only via an approved “SUP” by City Council. She thanked Council for their time and service.

Patricia May
308 Williams Street
Rockwall, TX

Mrs. May shared that she moved to this address in the year 1995, and her home backs up to Lofland Park. Prior to purchasing her home, she visited with the Rockwall City Manager who was employed at that time (Julie Couch) to get information on this area, including future plans. She moved here purposefully based on those discussions and her research at the time, and she has since spent about \$50,000 renovating her house to accommodate her health-related condition. She pointed out that her father and uncle lived in Rockwall, and her great uncle was a former County Judge. She purposefully chose “Old Town,” and thereafter the city instituted additional rules by forming and establishing the ‘historic district.’ She generally expressed that the rules and regulations associated with the “historic district” are pretty strict; however, everyone abides by them because they generally know the rules are in the

best interest of "Old Town." She went on to urge the City and the Council to take steps in order to preserve Old Town, including not letting property usages go into her neighborhood that Councilmembers would not want next door to them in their own neighborhoods.

Debbie Wines
Lives at the corner of Williams and Kernoodle
(310 Williams St., per the Rockwall CAD)
Rockwall, TX

Mrs. Wines shared that she owns a house that was built in the year 1934, and she deliberately bought it to live in "Old Town." She likes the neighborhood and does not want any businesses next door. She wants it to remain a 'neighborhood.'

There being no one else wishing to come forth and speak, Mayor Fowler then closed the public hearing.

Councilmember Johannesen asked the Planning Director a series of questions pertaining to "bed and breakfasts" regulations and those that specifically pertain to the city's Historic District. Mr. Miller shared that "bed and breakfasts" are permitted elsewhere in the city in other districts, but only by Specific Use Permit (SUP). Currently, B&Bs are "allowed by right" in the downtown historic district. Mr. Miller indicated that – to the city's knowledge – no B&Bs currently exist in Rockwall. Additional regulations, specific to this downtown historic district are in place (that don't necessarily apply elsewhere in the city), but they mainly relate to design guidelines that were put in place at the recommendation of the city's Historic Preservation Advisory Committee. They mainly pertain to the exterior (visual look) of the structures.

Following the exchange between Mr. Miller and Councilmember Johannesen, Mayor Pro Tem Hohenshelt asked for clarification on (in general) where the city's "Historic District" lies, geographically. Mr. Miller, Planning Director, briefly explained where its boundaries lie. Mr. Miller shared that about 3-4 commercial properties are located within the city's "Historic District"; however, most of the 'downtown businesses' are actually NOT located within the city's "Historic District." This will mainly apply to residential properties located east of the downtown (business) area.

Councilmember Jorif provided brief comments, sharing that making this use only allowable via an approved SUP will allow Council more control over what goes in ("bed and breakfast" wise). City Attorney Frank Garza shared that "if" there is a current, operating 'bed and breakfast' operating in the city already (that the city is not aware of), that business would continue to be allowed to operate. However, after the ordinance is finally adopted (if it is), then any new applications for B&Bs would have to go thru the SUP process before they could be approved.

Councilmember Daniels moved to approve but strike from the ordinance the "by right" language. Councilmember Campbell seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 22-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING SUBSECTION 02.03, *CONDITIONAL LAND USE STANDARDS*, OF ARTICLE 04, *PERMISSIBLE USES*, AS DEPCITED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 7 ayes to 0 nays.

2. **Z2021-051** - Hold a public hearing to discuss and consider a request by Henok Fekadu for the approval of an ordinance for a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* on a 0.189-acre parcel of land identified as Lot 4, Block B, Chandlers Landing, Phase 19 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single-family land uses, addressed as 5108 Yacht Club Drive, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. The applicant is requesting the approval of a Specific Use Permit (SUP) for the purpose of constructing a single-family home on the subject property (within the Chandler's Landing subdivision). The city council is being asked to consider the size, location and architecture of the home that is currently being proposed at this location. Staff has provided to Council a housing analysis of existing homes in the area so that Council may compare those to that which is being proposed by this applicant. Staff meets all of the requirements of PD-8 with the exception of the garage orientation that's being proposed. However, that which is being proposed relative to the garage orientation is not atypical within the Chandler's Landing subdivision. Notices were sent out to adjacent residents and property owners located within 500' of the subject property. In addition, several HOAs were also notified, but no notices were received back by city staff, neither in favor nor in opposition. The city's Planning & Zoning Commission did unanimously vote to recommend approval of this request.

Fowler opened the public hearing; however, no one came forth to speak, so he closed the public hearing.

Mayor Pro Tem Hohenshelt moved to approve Z2021-051. Councilmember Macalik seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-XX
SPECIFIC USE PERMIT NO. S-2XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 8 (PD-8) AND THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT

(SUP) FOR RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.189-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 4, BLOCK B, CHANDLER'S LANDING, PHASE 19, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 7 ayes to 0 nays.

3. Z2021-052 - Hold a public hearing to discuss and consider a request by Mike Peoples for the approval of an ordinance for a *Specific Use Permit (SUP)* to allow *Chickens* on a 42.66-acre tract of land identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1700 E. SH-66, and take any action necessary (1st Reading).

Planning Director, Ryan Miller provided background information pertaining to this agenda item. He generally described that this applicant had previously worked with the city to gain approval of some certain 'uses' and 'structures' that the applicant had already been built on his property. During that process, it was discovered that the applicant had also built a small structure to house chickens (which are not currently allowed within the city limits). The applicant is now seeking approval of the structure that houses the chickens and is also seeking approval to keep 10 chickens on his property. Neighboring property owners and residents were notified of this request, but no notices were received back, neither 'for' nor 'against.' Also, the P&Z Commission did hear this case, and they have recommended approval of this item by a vote of 6-0 with one commissioner being absent. Indication was given that the applicant is not present in the audience this evening.

Mayor Fowler opened the public hearing, asking if anyone would like to come forth and speak at this time.

Ben Weible
215 Trout Street
Rockwall, TX

Mr. Weible came forth and shared that he personally had his property annexed into the city 'against his will' several years ago, so he sympathizes with someone telling a person what he can and cannot do with his own property. He went on to share that many, surrounding cities, including the City of Dallas, have changed their regulations and are actually allowing people to keep chickens within the city limits. He pointed out that, especially, considering COVID and associated food shortages, he wonders why the City of Rockwall does not allow people to keep chickens within the city limits. He generally spoke in favor of Council approving this request. He believes that approval of this request will be heading in the right direction, as he believes the City should allow chickens throughout the City of Rockwall.

There being no one else wishing to speak, Fowler then closed the public hearing.

Mayor Pro Tem Hohenshelt moved to approve Z2021-052. Councilmember Campbell seconded the motion.

Councilmember Daniels then sought clarification on some things from Mr. Miller (Planning Director). He went on to share that somehow property rights have to 'balance' with individual rights. He generally expressed that this property is zoned "Agricultural," so perhaps in this particular instance, allowing chickens may make sense. However, he pointed out that this structure was built without the applicant obtaining an approved SUP, in advance. This is an instance of the applicant building something (while likely 'knowing better') without pre-approval (an SUP) and then asking for forgiveness afterwards. Councilman Daniels shared this is a personal issue and problem he has related to this particular case (doing something while 'knowing better' – then asking for approval / forgiveness thereafter). Mayor Pro Tem Hohenshelt pointed out that this particular case is actually the third time this particular applicant has built something first and then sought approval afterwards.

The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 22-XX
SPECIFIC USE PERMIT NO. S-XXX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW CHICKENS ON A 42.66-ACRE TRACT OF LAND, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion then passed by a vote of 5 ayes with 2 against (Johannesen and Daniels).

4. **Z2021-053** - Hold a public hearing to discuss and consider a request by Javier Silva of JMS Custom Homes for the approval of an ordinance for a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision on a 0.23-acre tract of land identified as a portion of Block 9 of the F&M Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 803 Austin Street, and take any action necessary (1st Reading).

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. This is located outside of the Old Town Historic District. The property is zoned "Single-Family 7," and the applicant is requesting to build a single-family, residential home in this

subdivision, which has been in place since the year 1896. The Council is being asked to review this case based on the size, location and architecture of the home that is being proposed. A housing analysis that describes other, existing, nearby homes has been provided to Council for review. This request does meet all of the zoning and all other requirements for the City of Rockwall. Notices were sent out to adjacent property owners and residents as well as applicable homeowners association(s). However, no notices have been received back by staff, neither 'for' or 'against.' The P&Z Commission did unanimously vote to recommend approval of this case to City Council.

Mayor Fowler opened the public hearing, but no one indicated a desire to speak. So, he closed the public hearing.

Mayor Pro Tem Hohenshelt moved to approve Z2021-054. Councilmember Jorif seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-XX
SPECIFIC USE PERMIT NO. S-2XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.23-ACRE PARCEL OF LAND, IDENTIFIED AS PORTION OF BLOCK 9 OF THE F&M ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 7 ayes to 0 nays.

5. **Z2021-054** - Hold a public hearing to discuss and consider a request by Robert Weinstein of WB Companies on behalf of Richard Chandler of HFS Management, Inc. for the approval of an ordinance for a Specific Use Permit (SUP) for a Congregate Care Facility that Exceeds 36-Feet in Height the Scenic Overlay (SOV) District on a 12.1148-acre tract of land identified as Tract 2 of the D. Atkins Survey, Abstract No. 1, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 4 (PD-4) for General Retail (GR) District land uses, situated within the Scenic Overlay (SOV) District, generally located in between Lakedale Drive and Becky Lane on the eastside of Ridge Road [FM-740], and take any action necessary (1st Reading).

Mayor Fowler pointed out that this applicant has requested to withdraw this case. Mr. Miller went on to explain that the City Council will need to take action to either accept or deny the applicant's request to withdraw. If the Council accepts the request to withdraw, the applicant

could submit again (even the exact same application), with no timeframe stipulation (he could do so right away). If Council hears the request (holds the public hearing) and approves the request, obviously it will be approved. If the Council hears the case and then “denies without prejudice,” the application could immediately resubmit an application. If Council “denies with prejudice” (or makes no indication of ‘prejudice,’ one way or the other), a subsequent request for the same application could not be resubmitted for a year.

Additional discussion took place, with Mayor Fowler expressing that City Council can either accept the withdraw request or deny the withdraw request and then decide whether or not to hear the public hearing.

Councilmember Jorif moved to deny the applicant’s request to withdraw and move forward with holding the public hearing. Councilmember Johannesen seconded the motion.

Councilmember Daniels shared that, traditionally, in the past Council has granted an applicant’s request to withdraw a case. He did acknowledge that he knows that past actions taken by Council(s) do not necessarily stipulate actions Council should or should not take this evening; however, he did want to point this out.

The vote to deny the applicant’s request to withdraw the case passed by a vote of 4 in favor with 3 against (Hohenshelt, Fowler and Daniels). Therefore, based on the motion and vote, Mayor Fowler indicated that the Council will move forward this evening with hearing the case and holding the public hearing.

Planning Director, Ryan Miller, then provided background information concerning the PD and this property, including describing previous proposals that were made and subsequently denied for this property. He went on to explain that the applicant, in this particular case (Z2021-054), is proposing to build a “congregate care facility,” which is allowed in this district thru approval of a Specific Use Permit (SUP). The applicant has submitted a concept plan and conceptual building elevations for the proposed congregate care facility. The concept plan shows that the 12.1148-acre tract of land would be developed in a single phase consisting of 300 dwelling units, a four (4) story parking garage, a rooftop restaurant, and various amenities. An estimated 3.82-acres of the subject property will be reserved for future General Retail (GR) District land uses. This means that the proposed congregate care facility will have an estimated residential density of 36.17 dwelling units per acre (i.e. 300-units/[12.1148-acres – 3.82-acres]). The proposed 300 dwelling units will be broken down into 180 Type ‘A’ or one (1) bedroom units and 120 Type ‘B’ or two (2) bedroom units. This equates to a 60%/40% one (1) bedroom to two (2) bedroom unit mix. In addition, the proposed development would incorporate 205 garage parking spaces and 116 surface parking spaces for a total of 321 parking spaces. The concept plan indicates that the proposed development would incorporate 20% open space and amenities that include a dog park, pool, and two (2) pickle ball courts. The applicant has indicated that the proposed rooftop restaurant -- which will serve all of the residents’ meals since the proposed dwelling units will not incorporate kitchen facilities -- will be closed to the general public. The conceptual building elevations show that the building will be four (4) stories adjacent to Ridge Road and extend back to five (5) stories at the rear of the subject property. This is to accommodate the slope of the property, which has a significant grade change from the western property line

(adjacent to Ridge Road) to the eastern property line (adjacent to the railroad). The overall height of the building will be 60-feet along Ridge Road. Staff should note that while the conceptual building elevations are being incorporated into the Specific Use Permit (SUP) ordinance, they do not appear to meet the minimum standards of the city's Unified Development Code (UDC). This incorporation does not grant any variances to the requirements of the Unified Development Code (UDC), and the applicant will be required to amend the elevations to bring them into conformance with the code prior to any potential site plan approval.

Mr. Miller pointed out that the following aspects of the applicant's request deviate from the requirements of the Unified Development Code (UDC): density, parking and maximum building height. Based on the proposed density of 36.17 residential dwelling units per acre -- is more characteristic of the "High Density" Residential land use designation. He pointed out that the city's only, other (existing) congregate care facility is designated as 'high density.' Mr. Miller went on to speak regarding mailed notices – notices were mailed out to adjacent property owners and residents located within 500' of the subject property. Nine notices were received back by staff in opposition of this proposal. In addition, two nearby Homeowners Associations were notified. Also, the city's P&Z Commission has recommended denial of this request by a vote of 4 to 2.

A representative of the applicant – Robert LaCroix – then came forth to address the council on Mr. Weinstein's behalf.

Robert LaCroix
4517 Scenic Drive
Rowlett, TX

Mr. LaCroix came forth and addressed the Council, generally comparing the city's only other "congregate care" facility – "Liberty Heights" – to that which is being proposed with this particular request. He also compared that which the applicant had previously proposed (apartments with a public, rooftop restaurant) to that which the applicant is currently proposing (a congregate care facility). He went on to speak about the proposed building height and the city's parking-related requirements. The applicant did ask to withdraw to have an opportunity to reduce the density that's being requested in order to conform to the city's parking requirements. He went on to share additional details related to this proposed, age-restricted congregate care facility. He also touched on a 'traffic impact analysis' that was previously submitted to the City pertaining to the applicant's (higher density) previous proposal, which was previously denied by Council. He shared a proposed site plan as well as building elevations that are being proposed currently, along with the number of units and proposed size of the one and two-bedroom units. He shared that this PD has been in place for future development as "retail and office space" uses for a very long time; however, it has not developed in over fifty years. He pointed out that for a single retailer to develop this particular piece of property, he believes it would be too expensive to do so (especially related to sewer). Although he knows the Council chose to not entertain the applicant's request to withdraw, the applicant would have liked an opportunity to come back with an even newer proposal that would reflect a lower-density and lower intensity use.

Mayor Fowler then opened the public hearing, asking if anyone would like to come forth and speak at this time.

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker shared that this proposed use involves older residents who are likely not going to be driving a lot. It looks like the proposed amenities are great and will aesthetically look nice. However, the proposed density is not feasible or desirable. He believes that 300+ units is too dense. Also, the parking will not be adequate, especially when people come to visit this facility on weekends. Mr. Wacker would like Mr. Weinstein to have an opportunity to bring this type of proposal back but with a lower, proposed density.

Nathan Najmabadi
1412 Ridge Road
Rockwall, TX

Mr. Najmabadi came forth and shared that he lives beside this property, and he and his family are greatly opposed to this proposed 'high rise' building. Sixty feet is a 'skyscraper' in Rockwall. He believes this is a great green space, and he would like to see it stay open – perhaps a park. He is ok with a one or two-story retail development; however, he is not in favor of these proposed "apartments in disguise." He spoke in opposition of this proposal being approved.

Dr. Jim Neufell
101 Becky Lane
Rockwall, TX

Dr. Neufell came forth and shared that this type of development on that piece of property is not in the city's 'best interest.' He briefly and generally spoke in opposition of its approval.

Andrea Burke
1406-A Ridge Road
Rockwall, TX

The speaker came forth and pointed out that this is the city's 'Scenic Overlay District.' So she feels it should be 'scenic' and better blend in with the surrounding, existing development. She is opposed to the city granting any height-related variances, as what is being proposed is too tall.

Harold Snyder
1519 Murphy Drive
Rockwall, TX

Mr. Snyder came forth as both a resident and as a representative of the Waterstone Estates Homeowners Association. He and his HOA are both admittedly opposed to the proposed

development as presented. He indicated that what is being proposed is far too high, height-wise, and they prefer for it to be retail / office space. He would hope that the city will reject this proposal.

John McAnally
1600 Ridge Road
Rockwall, TX

Mr. McAnally indicated that he and his wife are opposed to this proposal, especially because of the proposed density and height as well as the additional traffic that it will produce. He asked the Council to put themselves in his shoes and consider how they would feel if this proposal were approved next door to their own home. He generally spoke against approval of this request.

Dan Bobst
1400 Ridge Road
Rockwall, TX

Mr. Bobst came forth and shared that he has seen previous cases be denied by the Rockwall City Council "with prejudice," so he knows it has and can occur, contrary to what Councilman Daniels had previously indicated. He went on to say that he believes 'residential' should not be located along Ridge Road. He indicated that emergency sirens (i.e. from ambulances) run all the time. He lives on Ridge Road, and people utilizes his residential property all the time to make u-turns, and this will only get worse. He does not know what the answer is, and he feels sorry for Mr. Weinstein; however, he does not believe this proposal is desirable. He generally spoke in opposition of this request because he does not think it works correctly in this particular location.

Ben Weible
215 Trout
Rockwall, TX

Mr. Weible came forth and shared that he has passed by this particular patch of land for 45+ years. He does not own the land or the trees on the land or any part of it. However, the person who does own it and the person who wants to buy it should be able to make a transaction without the interference of local government. He would like to see the City let the private market work, and let the development take place without the city getting involved.

There being no one else wishing to come forth and speak, Mayor Fowler closed the public hearing, and he recessed the public meeting for a break (at 8:18 p.m.).

Mayor Fowler reconvened the meeting at 8:25 p.m.

The applicant's representative – Mr. Robert LaCroix – again came forth and shared that the applicant does understand the concerns that have been expressed regarding density and height. He pointed out that it is a land-use definition within the city's Unified Development

Code (UDC) that a person has to be 62 years of age to live in a 'congregate care' facility. Brief discussion ensued pertaining to how the City cannot truly enforce 'age restrictions,' and how it does not desire to be in the business of enforcing said restrictions. Mr. LaCroix went on to share that it appears Council may deny this request tonight. If it is denied, he asked Council to please consider denying it 'without prejudice' so the applicant may return and propose something 'less dense' and 'less high.'

Councilmember Johannesen pointed out that his job is not to be a developer and/or solve developer-related issues. However, his job as a councilmember is to listen to the concerns of constituents. He shared that none of the citizens appear to want this development, as it is being proposed, and – also – the city's P&Z Commission denied it too.

Councilmember Johannesen went on to make a motion to deny Z2021-054. Councilmember Jorif seconded the motion.

Brief discussion took place related to infrastructure (sewer), the potential traffic impact this proposal might have. Mayor Pro Tem Hohenshelt shared that the applicant is apparently 'deaf' and does not listen to what the council has been consistently conveying to him, which is – nothing that even remotely resembles a 'multi-family' development on this piece of property is going to be approved by this Council because it is not going to be well received or supported by the citizens. He went on to share past examples of residents not wanting a certain development to be built and then something else, even less favorable, ends up being built 'by right' thereafter (example: Kroger up North).

Following Hohenshelt's comments, the motion to deny passed by a vote of 7 ayes to 0 nays. Brief clarification was given that – since 'without prejudice' was not specified within the motion – then, by default, it is considered to be denied "with prejudice."

6. Z2021-055 - Hold a public hearing to discuss and consider a request by Patrick Filson of Kirkman Engineering on behalf of Marlyn Roberts for the approval of an ordinance for 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/retail building on a 0.799-acre portion of a larger 2.02-acre parcel of land identified as Lot 2, Block 1, Meadowcreek Business Center, Phase 1 Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within SH-205 Overlay (SH-205 OV) District, generally located east of the intersection of S. Goliad Street [SH-205] and Ralph Hall Parkway, and take any action necessary (1st Reading).

Planning Director, Ryan Miller, provided background information on this agenda item. The applicant has submitted a proposed concept plan that depicts a 5,130 SF restaurant/retail building that faces onto S. Goliad Street [SH-205]. The applicant has indicated that the drive through restaurant is less than 2,000 SF, which is the purpose for requesting the Specific Use Permit (SUP). The concept plan indicates that the drive through for the restaurant will wrap around the building, extending from the northeast side of the building to the northwest side of the building, and incorporate a maximum stacking capacity of seven (7) vehicles. The proposed concept plan also shows that a bail out lane, running parallel to the drive through, will be included. In addition, headlight screening will be provided adjacent to the northwest property line. Notices were sent out to adjacent property owners and residents, and the

Meadowcreek HOA was also notified; however, no notices have been received back by staff to date.

Mayor Fowler opened the public hearing, but no one wanted to speak. So, he then closed the public hearing.

Mayor Pro Tem Hohenshelt moved to approve Z2021-055. Councilmember Macalik seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 22-XX
SPECIFIC USE PERMIT NO. S-2XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR A RESTAURANT LESS THAN 2,000 SF WITH DRIVE-THROUGH OR DRIVE-IN ON A 2.02-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 2, BLOCK 1, MEADOWCREEK BUSINESS CENTER PHASE 1 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 7 ayes to 0 nays.

7. **Z2021-056** - Hold a public hearing to discuss and consider a request by John Delin of Integrity Group, LLC for the approval of an ordinance for a Zoning Amendment to Planned Development District 85 (PD-85) [Ordinance No. 18-32] for a 47.694-acre tract of land identified as Lot 1, Block A, and Lot 1, Block B, Ladera Rockwall Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 85 (PD-85), situated within the 205 By-Pass Overlay (205 BY-OV) and the East SH-66 Overlay (E SH-66 OV) District, located at the northeast corner of the intersection of SH-66 and John King Boulevard, and take any action necessary (1st Reading).

Planning Director, Ryan Miller provided background information pertaining to this agenda item. The subject property is located on both sides of John King Boulevard north of SH-66. The majority of the subject property was annexed into the City of Rockwall and zoned Agricultural (AG) District on March 16, 1998 by Case No. A1998-001 (Ordinance No. 98-10). The remainder of the property was annexed on March 2, 1960 by Case No. A1960-001 (Ordinance No. 60-01). In 2007-2008, the City of Rockwall acquired a portion of the property for the future right-of-way for John King Boulevard. This divided the property into two (2) tracts of land, a 9.894-acre tract of land on the west side of John King Boulevard (i.e. Tract 1) and a 28.011-acre tract of land on the east side of John King Boulevard (i.e. Tract 2). On October 16, 2017, the City Council approved Planned Development District 85 (PD-85)

[Ordinance No. 17-55] establishing limited General Retail (GR) District land uses on Tract 1, and Single-Family 7 (SF-7) District land uses on Tract 2. As part of this approval, Tract 2 was approved for an age restricted, senior living community that consisted of 84-89 single-family homes setup in a condominium regime (i.e. the single-family homes were individually owned but were situated on a single lot owned and maintained by the homeowner's association). This plan also laid out 12.80-acres of open space, and provided for a ten (10) foot hike/bike trail along John King Boulevard and an intersection enhancement at the corner of John King Boulevard and SH-66 in accordance with the John King Boulevard Design Concept Plan. After receiving approval for the Planned Development District, the applicant -- John Delin of Integrity Group, LLC -- contacted staff to notify them that the title company had missed locating a 30' North Texas Municipal Water District (NTMWD) easement on the survey that runs parallel to SH-66. This inhibited the applicant's ability to provide the required landscape and hardscape elements required by Ordinance No. 17-55. In response to this, the applicant filed an application requesting a variance to these requirements and proposing an alternative landscape plan. This was approved by the City Council on February 19, 2018. On June 15, 2018, the applicant submitted an application proposing to amend Planned Development District 85 (PD-85) for the purpose of incorporating an additional 9.789-acre tract of land into Tract 2 and expanding the total single-family lot count to a maximum of 122 single-family homes. This was approved by the City Council on August 6, 2018 through the adoption of Ordinance No. 18-32. In November of 2021, staff contacted the applicant to inform him that a portion of the lots proposed for Phase 2 of the Ladera Subdivision were situated within the Runway Protection Zone of the Ralph Hall Municipal Airport. This was discovered by staff when working with Aviation Division of the Texas Department of Transportation (TXDOT) on a proposed project in the southern RPZ. To remedy this issue, staff and the applicant have been working with the TXDOT Aviation Division to revise the concept plan to conform to the Federal Aviation Administration's (FAA's) guidelines. He went on to describe additional details of this proposal, generally indicating that what is being proposed actually more closely conforms to the city's Comprehensive Plan.

Notices were sent out to adjacent property owners and residents, as well as nearby HOAs. However, staff has received no notices in response. The city's P&Z Commission has recommended approval of this by a vote of 6-0.

Mayor Fowler opened the public hearing, but no one indicated a desire to speak. So, he then closed the public hearing. Councilmember Jorif then moved to approve Z2021-056. Councilmember Johannesen seconded the motion. The ordinance caption was read as follows:

The motion passed by a vote of 7 ayes to 0 nays.

XII. ACTION ITEMS

1. Discuss and consider (re)appointments to the city's Main Street Advisory Board, and take any action necessary.

Johannesen moved to reappoint Eva Cannon, Jennifer Hoffman and Jeremy Standifer to the Main Street Advisory Board. Mayor Pro Tem Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

XIII. EXECUTIVE SESSION.

THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE FOLLOWING MATTER AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:

1. Discussion regarding appointments to city regulatory boards, commissions, and committees - specifically the Rockwall Economic Development Corporation (REDC) - pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding possible sale/purchase/lease of real property in the Harbor District pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
3. Discussion regarding possible sale/purchase/lease of real property off of John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
4. Discussion regarding legal terms and conditions for application to SAFER grant program, pursuant to Section §551.071 (Consultation with Attorney).

XIV. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Council did not reconvene in Executive Session following the close of the public meeting.

XV. ADJOURNMENT

Mayor Fowler adjourned the meeting at 8:46 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 7th DAY OF FEBRUARY, 2022.



KEVIN FOWLER, MAYOR

ATTEST:


KRISTY TEAGUE, CITY SECRETARY

