

ROCKWALL CITY COUNCIL REGULAR MEETING
Monday, March 20, 2023 - 5:00 PM
City Hall Council Chambers - 385 Goliad St., Rockwall, TX 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Fowler called the public meeting to order at 5:00 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem Trace Johannesen, and Councilmembers Dennis Lewis, Clarence Jorif, Anna Campbell, Bennie Daniels and Mark Moeller. Also present were City Manager Mary Smith, Assistant City Manager Joey Boyd, and City Attorney Frank Garza.

II. WORK SESSION

1. Hold a work session to discuss the regulation of *Short-Term Rentals*.

Planning Director, Ryan Miller came forth and provided a presentation to Council concerning the topic of 'short-term rentals' and their possible, future regulation within the city (i.e. Airbnbs, VRBOs, etc.). Indication was given that currently only about 10 short-term rentals within the City of Rockwall proactively pay their 'hotel / motel taxes' to the city; however, staff has extensively studied these booking sites online and has concluded that there may be around 90-95 short-term rentals actually located within our city limits. It is difficult to identify these establishments because the addresses are not shown on the booking sites unless/until a person actually goes in and books and pays for the rental. Staff has extensively studied what other cities are doing relative to regulating short-term rentals, with the City of Plano, for example, making attempts to 'ban' them altogether. Also, several bills may be forthcoming during this State legislative session. Several councilmembers seemed to generally indicate a desire for the city begin doing *something* related to short-term rentals (i.e. at least start requiring that they register with the city). Also, councilmembers generally seemed to express a desire for the city to keep a close eye on the State's legislative session in order to particularly watch proposed bills relative to this topic that may arise. Indication was given that the city likely can require that these short-term rental businesses register with the city and institute regulations related to life safety (i.e. require that they have proper smoke alarms and fire escapes in place).

Councilmember Daniels provided several comments of concern related to short-term rentals in the city. In his neighborhood – Lakeside Village – there are probably somewhere between four and seven 'short term rental' homes. The folks who are renting these out sometimes misconstrue that the neighborhood's HOA serves as a property management source for those units. Sometimes they come to the HOA and ask for a code and/or a key to get into the rental units. Also, sometimes there are occasions when there can be up to fifteen people visiting these rental units; however, parking is limited to two spaces per residence within the neighborhood. So, that causes a problem. Also, sometimes the HOA gets phone calls from folks who seem to be investors, asking what the neighborhood's short term rental regulations include. He believes that the city does need to do something about these short term rentals because they will only become more prominent and associated problems will only become worse.

City Attorney Frank Garza interjected that a piece of legislation has been introduced that will be heard next week in Austin. He is confident the city can institute health and safety-related regulations on short-

term rentals. It will allow a city to allow the city to require 'registration' of short term rentals; however, it does not allow for any prohibitions. It allows for the city to collect taxes due to it and for HOAs to institute some regulating rules. In addition, it allows for cities to regulate some life safety matters (i.e. fire alarms). It does also allow a city to regulate 'party houses' (i.e. you can have rentals but no 'events' may be held when renting).

Councilman Moeller believes the city should at least require these rentals to register with the city. Also, he would like to see them be required to carry commercial insurance.

Mr. Garza suggested the City of Rockwall wait to see what happens during this legislative session and then consider adopting some regulations thereafter, once the city has a better understanding of what state law will end up allowing us to do.

Councilmember Jorif generally expressed a desire for the City of Rockwall to be proactive in looking into what the city can do on short-term rentals, especially related to 'safety.'

Mayor Pro Tem Johannesen indicated that his focus is always to balance regulations with private property owner rights. He wonders what, if anything, is working well for some of the other cities who have already instituted some sorts of regulations on short term rentals. Mr. Miller shared that how 'short term rentals' versus 'long term rentals' is defined will be very important. An ability for the city to require registration and locate / identify the short term rentals within its jurisdiction will be important.

Mr. Garza indicated that he feels confident the State will continue to ensure that homeowners associations HOAs have a right and ability to regulate short-term rentals and that cities' regulatory authority will likely be limited. Cities will likely to be able to require registrations, mainly because the state wants to be able to collect taxes on short term rentals. Mrs. Smith, City Manager, interjected that HOAs within the city seem to be pretty aware of which units/houses within their subdivision are serving as short term rentals. Also, VRBO and some of the other online rental services have begun to collect the state taxes, but they do not collect the local taxes. Mrs. Smith pointed out that there are companies in existence that can be retained on behalf of a city to research short term rentals and try to identify what local taxes the city is missing out on, but – so far – our city has not gotten into that at this point.

Mayor Pro Tem Johannesen shared that he may be in favor of requiring them to register and pay a small fee, limiting the amount of staff time and city involvement. He believes that, for the most part, these 'neighbors' are likely not causing large issues / concerns within subdivisions. Mayor Fowler agreed that, likely most of these rentals are and likely won't be causing problems; however, some very limited number of them may (i.e. noise, 'party houses').

Councilmember Campbell asked staff what sorts of complaints the city has been receiving on short term rentals. Mr. Miller shared that the complaints have actually been far fewer than those who call to ask about what the city's short term rental regulations are. Mr. Miller shared that staff has received phone calls, for example, related to properties in the downtown area, the Bentonwoods subdivision and the Chandler's Landing subdivision.

Councilmember Daniels generally expressed that he has safety-related concerns, specifically related to the possibility that disagreements and associated disturbances may arise between individuals who are renting short term rentals and using neighboring homeowner's personal parking spaces while doing so. This could result in police-related disturbances (confrontations, arguments, and potentially even violence).

Councilmember Lewis shared that he lives in Chandler's Landing, and several months ago an email went out to all residents within the subdivision letting them know that "you cannot have short term rentals within our subdivision." Mr. Miller pointed out that, even though that may be the case, staff has still identified some of these units within Chandler's Landing. Councilmember Daniels went on to explain some of the challenges that existing HOAs have regarding updating their rules and regulations in order to address some of the concerns associated with short term rentals (i.e. his HOA needing 2/3 of property owners to vote on changing/updating bylaws, regulations, DCNRs).

Mayor Fowler suggested that staff begin working on a rough draft of an ordinance that can be modified and considered several months from now once the legislature is done with session and the city better knows what it can and cannot regulate.

2. Hold a work session to discuss the regulation of *Credit Access Businesses*.

Mr. Miller started out by providing a definition of these types of businesses, as follows: A *Credit Access Business* is a business or credit services organization that obtains for a consumer or assists a consumer in obtaining an extension of consumer credit in the form of a deferred presentment transaction or a motor vehicle title loan.

Mr. Miller shared that "pay day loan" and "auto title loan" companies are good examples of this. The City currently has two of these types of business – one in the downtown area and one off of IH-30. He explained that in 2021, the City of Dallas essentially placed additional regulations on these types of businesses. So, as a result, our suburb – City of Rockwall – has begun seeing more inquiries from these types of businesses potentially wanting to locate in our city. These types of businesses typically like to exist in clusters, usually along major roadways. The City utilizes "specific use permits" in order to try and avoid 'clusters' of the same types of businesses locating in one general area. He went on to explain that a lot of bigger cities have regulations in place to dictate how these businesses operate. Our city is likely not interested in instituting those types of regulations. However, we may be interested in instituting land use related controls thru conditional land use standards and/or registration requirements. Mr. Miller shared brief details on how the State legislature views and regulates these types of businesses and one of the bills being proposed in this legislative session. Mr. Miller shared that the City of Rockwall currently categorizes these businesses as "financial institutions without drive-thrus." If the City Council chooses to direct staff to regulate *Credit Access Businesses*, staff would propose that the text amendment include the following:

- (1) Definition of *Credit Access Business*.
- (2) The establishment of a new land use for a *Credit Access Business*.
- (3) The *Credit Access Business* land use would be permitted in all of the same districts as a *Financial Institution without Drive-Through*.
- (4) The *Conditional Land Use Standards* for a *Credit Access Business* would be required to located a minimum of 1,000-feet from any like land use as measured from property line to property line.

Mayor Pro Tem Johannesen asked if the city currently regulates other types of businesses in a similar manner. Mr. Miller shared that the city currently does so with 'group homes' in residential districts. Also, "SUPs" are also utilized as a tool to prevent certain types of businesses from clustering in one area (i.e. mini warehouses).

Mayor Fowler expressed that he is in favor of instituting the regulations Mr. Miller has shared this evening. Councilmember Daniels and Mr. Miller briefly discussed 'parcel to parcel' measurements

versus 'door to door' measurements. Mr. Miller shared that, in general, 'parcel to parcel' measurements are easier for staff to conduct.

Mayor Fowler then adjourned the work sessions portion of the meeting and called for a brief recess at 5:47 p.m.

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

Mayor Fowler called the remainder of the public meeting to order at 6:00 p.m. (with all 7 councilmembers being present).

IV. INVOCATION AND PLEDGE OF ALLEGIANCE - MAYOR FOWLER

Mayor Fowler delivered the invocation and led the Pledge of Allegiance.

V. PROCLAMATIONS / AWARDS / RECOGNITIONS

1. Texas Police Chief's Association Foundation - Recognition/Accreditation of the Rockwall Police Department (Presented by Chief Steve Stanford, Bridgeport Police Department / Best Practices Accreditation Program, Team Leader)

Chief Stanford came forth and provided a brief presentation, generally explaining the accreditation process and how the Rockwall Police Department fared during its reaccreditation. He explained that less than 200 agencies in the State of Texas have been accredited, and even fewer have been reaccredited. He explained that he has personally conducted many, many of these accreditation evaluations, and our police department is the only one he has conducted that needed 'no modifications.' It meets or exceeds every category of evaluation associated with this program. He went on to congratulate and recognize Rockwall Police Chief, Ed Fowler, and the entire Rockwall Police Department for attaining this high honor / recognition.

2. 'Theater in Our Schools' Proclamation

Mayor Fowler called forth and recognized the local, youth chapter of the "Texas Thespians." He read and presented the group with this honorary proclamation.

3. 'Surveyors Week' Proclamation

Mayor Fowler called forth Craig Wallwork, a local land surveyor living in Rockwall. He then read and presented him with this proclamation.

VI. OPEN FORUM

Mayor Fowler asked if anyone would like to come forth and speak during Open Forum.

Dennis Dayman
519 Cellars Court
Rockwall, TX 75087

Mr. Dayman came forth and expressed concerns about a new business "The Northside Bar and Grill", which is an outdoor concert/dining venue that's located right outside of the city limits of Rockwall in the unincorporated portion of the County (in the city's extraterritorial jurisdiction). In 2022, the business applied for an alcohol license with TABC. At that time, many residents spoke at the County Commissioner's Court against this business. At that time, the business owners promised not to disturb the peace and to work with neighbors on concerns. However, now the owners will not even return phone calls. The company was granted their liquor license thru TABC. Mr. Dayman went on to express that he and his neighbors have many concerns. He shared that there is a lot of noise from generators and loud, bass-filled music, often times going on until 2:00 a.m. In Harlan Park, a subdivision within the City of Rockwall, residents are dealing with a lot of these concerns. Patrons to that business have been parking in the Tom Thumb parking lot and walking over. Also, some patrons have been trespassing in and around residential homes within his subdivision. He urged the city to evaluate what, if anything, the city can do to try and address some of the many concerns (noise, crime, parking, potential fire-related safety concerns, etc.). Mayor Fowler indicated that the city is definitely interested and willing to help, if possible.

John Brown

Mr. Brown came forth, indicating he owns Rudy's Aviation Services that operates at the Rockwall Municipal Airport at 1873 Airport Road. Mr. Brown shared brief background information on himself and his career in aviation as well as his current business, Rudy's. He went on to share that the current municipal airport manager has a business operation in Terrell (flight training and maintenance). He went on to express the belief that she (the airport manager) does anything possible to redirect business to Terrell instead of keeping the business local and encouraging it to remain at Rockwall's airport. He said he's been dealing with this for about 2 years now. He went on to share concerns about the airport manager recently changing up a room that's supposed to be conducive to training, with a distraction free environment. Mr. Brown provided two, short, type-written letters to City Secretary Kristy Teague – one from Ahmed Ismail ("FAA Certified Flight Instructor, Instrument Instructor, and Ground Instructor) and one from Adrian Weaver (2570 Wagonwheel Drive Rockwall, TX 75032). Both letters generally expressed concern about recent changes to a room at the municipal airport that used to have tables and chairs in it, and it was utilized for training / flight lessons, briefings, meetings, etc. However, recent changes to the room have resulted in it having couches and a desk, similar to a pilots' lounge type setting. Both letters generally indicated that the recent changes are undesirable and inhibit the ability for meetings, training, briefings, etc. to be held. Mr. Brown shared that he has expressed his concerns to the airport manager, but he has essentially been 'blown off' by her. Mayor Fowler shared that he, Mayor Pro Tem Johannesen, and Councilmember Jorif serve as the city's Airport Subcommittee, and the three of them are happy to visit with Assistant City Manager, Joey Boyd about the concerns. Mr. Brown indicated that six months ago he came to the city asking for permission to do a maintenance shop, but he's not heard anything from Mr. Boyd on that thus far. He did acknowledge that Mr. Widmer (Building Official for the city) has recently taken over some things, so he is now working with Mr. Widmer on this request. Also, he will appreciate if the city will update its website to point to a correct link that is currently pointing to an incorrect site online (re: airport services).

SuLaine Callaway
517 Cellars Court
Rockwall, TX 75087

She too has concerns about "Northside Bar & Grill," the same sentiments that her neighbor, Mr. Dayman expressed a few minutes ago. She indicated that residents met with the company back in the summer to discuss their concerns; however, unfortunately, the owners have not followed thru on trying

to keep the noise levels down. Residents of Rockwall are not happy with these issues that are occurring and ongoing, and she will appreciate the City having knowledge of these issues and being in support of the issues getting resolved.

Yvonne Sullivan
521 Cellars Court
Rockwall, TX

Mrs. Sullivan shared that she 150% agrees with Mr. Dayman's sentiments pertaining to the Northside Bar & Grill. The music is extremely loud and 'booming' until late at night every weekend. She will appreciate anything the city can do in order to try and help with these concerns.

Tisa White
3718 Huntcliff Drive
Rockwall, TX

Mrs. White shared that she lives very near the location of the Northside Bar & Grill. She has seen golf carts with folks driving over to that location. She has concerns about those golf cars, children playing nearby and the noise and crowds. She will appreciate any help the city can provide.

VII. CONSENT AGENDA

1. Consider approval of the minutes from the March 6, 2023 regular City Council meeting, and take any action necessary.
2. **SP2023-005** - Consider a request by Dub Douphrate of Douphrate and Associates on behalf of Joanne Vockovic of the Pregnancy Resource Center for the approval of an Alternative Tree Mitigation Settlement Agreement in conjunction with an approved site plan for an *office building* on a 0.32-acre parcel of land identified as Lot 1, Block A, Pregnancy Resource Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 53 (PD-53) for Residential-Office (RO) District land uses, situated within the Scenic Overlay (SOV) District, addressed as 1010 Ridge Road, and take any action necessary.
3. **SP2023-008** - Consider a request by Asher Hamilton on behalf of RIV Properties, Alvin Moton Jr., James Moton, Terra Moton, Debra Heard, Beulah Robertson, Tony Moton, and Kathy Moton for the approval of an Alternative Tree Mitigation Settlement Agreement in conjunction with an approved site plan for a 176-unit *condominium building* on a 3.59-acre tract of land identified as Lots 1 & 2, Block1; Lots 1, 2, 3, & 4, Block 2; Lots 1, 2, 3, & 4, Block 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, Block 9, Moton Addition, City of Rockwall, Rockwall County, Texas, situated within the Hillside Mixed Use Subdistrict and the Horizon/Summer Lee Subdistrict of Planned Development District 32 (PD-32), generally located at the southwest corner of the intersection of Horizon Road and Summer Lee Drive, and take any action necessary.
4. Consider authorizing the City Manager to execute a change order with Crescent Constructors, Inc. for the Heath Street Pump Station Improvements in an amount of \$90,402.00 to be funded by Water/Sewer Bonds, and take any action necessary.

Councilmember Lewis moved to approve the entire Consent Agenda, as presented. Councilmember Campbell seconded the motion, which passed unanimously (7 ayes to 0 nays).

VIII. APPOINTMENT ITEMS

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

Sedric Thomas, Chairman of the city's P&Z Commission, came forth and briefed the Council on recommendations of the Commission pertaining to planning-related items. No discussion ensued and no action was taken following Mr. Thomas' brief comments.

IX. PUBLIC HEARING ITEMS

1. **Z2023-008** - Hold a public hearing to discuss and consider a request by Brad Helmer on behalf of Heritage Christian Academy for the approval of an ordinance for a *Specific Use Permit (SUP)* allowing existing temporary educational buildings on a 6.64-acre parcel of land identified as Lot 1, Block A, Heritage Christian Academy Addition, City of Rockwall, Rockwall County, Texas, zoned Multi-Family 14 (MF-14) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 1408 S. Goliad Street [SH-205], situated within the SH-205 Overlay (SH-205 OV) District, and take any action necessary (1st Reading).

Mr. Miller, Planning Director, briefed the Council on this agenda item, generally indicating that the applicant is asking the city to consider allowing these temporary, portable buildings to remain for one, additional year. He went on to further explain the nature of this request and the options that are available to Council, indicating that its approval is discretionary. The P&Z Commission did recommend approval of this request by a vote of 6 to 0. In addition, 39 notices were sent out to adjacent property and land owners, and five responses from 2 property owners (i.e. four of them were from the applicant) were received in favor of the request.

**Brad Helmer
2917 Chuckwagon Drive
Rockwall, TX**

Mr. Helmer came forth and briefly addressed Council concerning this request, generally explaining the ongoing building efforts and future efforts that will ensue. He thanked the Council for its consideration of allowing these portable buildings to remain for one, additional year.

Mayor Fowler opened the public hearing, and the following came forth to speak:

**Tisa White
3718 Huntcliff Drive
Rockwall, TX**

Mrs. White is a parishioner at Our Lady of the Lake Catholic Church, which is a direct neighbor to these portable buildings. She and her fellow parishioners have no problem with these buildings remaining.

There being no one else coming forth to speak, Mayor Fowler then closed the Public Hearing.

Councilman Jorif asked for clarification on the timing of the elementary portion of the school. Mr. Helmer hopes to have it finished prior to the start of the 2024-2025 school year.

Councilmember Lewis moved to approve Z2023-008. Councilmember Campbell seconded the motion. Following brief comments from Councilmember Daniels (who commended Mr. Helmer for his work related to his school's building efforts), the ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 23-15
SPECIFIC USE PERMIT NO. S-297**

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, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW THREE (3) TEMPORARY EDUCATIONAL BUILDINGS ON A 6.64-ACRE PARCEL OF LAND ZONED MULTI-FAMILY 14 (MF-14) DISTRICT IDENTIFIED AS LOT 1, BLOCK A, HERITAGE CHRISTIAN ACADEMY ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR 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. **Z2023-009** - Hold a public hearing to discuss and consider a request by Jeff and Ginger Brock-Jones for the approval of an ordinance for a *Specific Use Permit (SUP)* to allow a *Guest Quarters/Detached Garage* on a 0.4170-acre parcel of land identified as all of Lot 1 and a portion of Lot 2, Block 2, Leonard and Adams Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 504 Nash Street, and take any action necessary (1st Reading).

Planning Director, Ryan Miller provided background information concerning this agenda item, generally explaining the nature of this request for a detached garage/guest quarters/secondary living unit on a property containing an existing 1,705 square foot home with a 360 square foot, existing detached garage. He explained that the applicant would like to establish a 28x39' detached garage that is 1,110 square feet (roughly in the same location as the existing detached garage). Above the garage will be a 28x39' guest quarters. The total combined square footage of the structure will be 1,900 square feet. The structure will stand 29' at the peak and be clad in siding, similar to the primary structure. So, the proposed structure exceeds the size limitations of the city's current regulations. In this case, the detached garage exceeds by 485 square feet and the guest quarters exceeds by 333.5 square feet. So, the applicant is seeking approval of an SUP. Mr. Miller went on to point out that two other residences not far from this location have similar, two-story structures built on them.

Mr. Miller shared that sixty-nine notices were sent out to property owners and occupants within 500' of the property as well as nearby HOAs. Staff has received one response in favor of the applicant's request. In addition, the city's P&Z Commission has recommended approval of this request.

Jeff Jones
504 Nash Street
Rockwall, TX

Mr. Jones came forth and shared that his existing garage is old, small and dilapidated. So they'd like to construct a new garage and build guest quarters too. He will be re-cladding the house to match the garage, and it will blend in well with the neighborhood. He believes it will end up looking very nice.

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

Mr. Jones shared that he has several kids and grandkids. So, when they come over, his 1,700 square foot main house is just a bit too crowded. So, this structure will only be utilized for family and close friends. It will not be rented out.

Councilmember Jorif moved to approve Z2023-009. Mayor Pro Tem Johannesen seconded the motion. Following brief comments, the ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 23-16
SPECIFIC USE PERMIT NO. S-298**

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 *GUEST QUARTERS/DETACHED GARAGE* ON A 0.4170-ACRE PARCEL OF LAND IDENTIFIED AS ALL OF LOT 1 AND A PORTION OF LOT 2, BLOCK 2, LEONARD AND ADAMS 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.

3. **Z2023-010** - Hold a public hearing to discuss and consider a request by Duane Piercy of Redeemer Church for the approval of an ordinance for a *Zoning Change* from an Agricultural (AG) District to Light Industrial (LI) District on a 6.17-acre tract of land identified as Tract 2-01 of the D Harr. Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the Airport Overlay (AP OV) District, addressed as 1760 Airport Road, and take any action necessary (**1st Reading**).

Mayor Fowler recused himself from this agenda item. So, Mayor Pro Tem Johannesen led this agenda item. Planning Director, Ryan Miller provided background information on this item. This is located east of the intersection of Airport Road and John King Boulevard. The applicant is wanting to rezone this property so that future development may occur on it (rezone from AG to Light Industrial). The city's future land use plan designates this property as technology and employment land uses, and "light industrial" is in conformance. Mr. Miller shared that the city's P&Z Commission did vote 6 to 0 to recommend approval of this request. In addition, 18 notices were sent out to adjacent land/property owners located within 500' of the property, but no notices were received back by staff.

Mayor Pro Tem Johannesen opened the public hearing, but no one indicated a desire to speak. So he then closed the public hearing.

Councilmember Moeller then moved to approve Z2023-010. Councilmember Daniels seconded the motion. The ordinance caption as read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 23-17**

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, SO AS TO APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO LIGHT INDUSTRIAL (LI) DISTRICT FOR A 6.17-ACRE TRACT OF LAND IDENTIFIED AS TRACT 2-01 OF THE D HARR. SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED IN *EXHIBIT 'A'* AND FURTHER DEPICTED IN *EXHIBIT 'B'* 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 6 ayes with 1 abstention (Fowler).

4. **Z2023-011** - Hold a public hearing to discuss and consider a request by Javier Silva of JMS Custom Homes, LLC on behalf of Ruben Fragoso of RSR Capital LLC for the approval of an ordinance for a *Specific Use Permit (SUP)* for Residential Infill in an Established Subdivision on a 0.24-acre parcel of land identified as Lot 5, Block 1, L & W Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, addressed as 104 Glenn Avenue, and take any action necessary (1st Reading).

Mr. Miller provided information on this agenda item, indicating that the applicant would like an SUP so that he may construct a single-family home (at 104 Glenn Avenue) in an existing subdivision. Mr. Miller shared that Council is being asked to evaluate size, location and architecture of the proposed home when compared to nearby, existing homes. Staff conducted the analysis and has provided that information to Council for review. Sixty-nine notices were sent out to nearby land and property owners, and two notices were received back "in favor of" and one "opposed to" this request. Nearby HOAs were also notified, and the city's P&Z Commission reviewed this and has recommended approval to Council by a vote of 6 to 0.

Mayor Fowler opened the public hearing, but no one expressed a desire to come forth and speak. So he closed the public hearing.

Mayor Pro Tem Johannesen moved to approve Z2023-011. Councilmember Jorif seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 23-18
SPECIFIC USE PERMIT NO. S-299**

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 0.24-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 5, BLOCK 1, L & W 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. **Z2023-012** - Hold a public hearing to discuss and consider a request by Timothy S. and Susan M. Mack for the approval of an ordinance for a *Specific Use Permit (SUP)* to allow a *Detached Garage* on a one (1) acre parcel of land identified as all of Lot 9, Block A, Saddlebrook Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 16 (SF-16) District, addressed as 2333 Saddlebrook Lane, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information concerning this agenda item. The requested garage, in this case, exceeds the city's regulations by 415 square feet, so the applicant will need to receive an SUP in order to construct it. Mr. Miller shared that the proposed detached garage is actually very similar in size and construction compared to other garages in the subdivisions. Nineteen notices were mailed out to adjacent land and property owners, and two notices were received back in favor of the request. One nearby HOA was also notified ("Caruth Lakes"). The City's P&Z Commission did vote 6 to 0 to recommend approval of this request.

Mayor Fowler opened the public hearing, but no one expressed a desire to come forth and speak. So he closed the public hearing.

Councilmember Lewis the moved to approve Z2023-012. Councilmember Moeller seconded the motion. Following brief comments, the ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 23-19
SPECIFIC USE PERMIT NO. S-300**

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 *DETACHED GARAGE* ON A ONE (1) ACRE PARCEL OF LAND IDENTIFIED AS LOT 9, BLOCK A, SADDLEBROOK ESTATES #2 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.

6. **Z2023-013** - Hold a public hearing to discuss and consider a request by Kevin Osornio of MBA Custom Homes for the approval of an ordinance for a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* on a 0.1650-acre parcel of land identified as Lot 837A of the Lake Rockwall Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District, addressed as 118 Blanche Drive, and take any action necessary (1st Reading).

Mr. Miller provided background information concerning this agenda item. The applicant would like to construct a single-family home on what is now a vacant tract of land within the existing Lake Rockwall Estates subdivision. Council is again being asked to evaluate the size, location and architecture to ensure it is compatible with existing, nearby homes. The proposed home does meet all of the city's requirements with the exception of the proposed garage, which is a j-swing garage that protrudes in front of the home by 5 to 7'. However, this garage orientation is not a-typical within this subdivision. Ninety-two notices were sent out to adjacent land/property owners, and one notice was received back in favor and one notice in opposition was received as well. The city's P&Z Commission did review this case and recommended approval by a vote of 6 to 0.

Mayor Fowler opened the public hearing, but no one expressed a desire to come forth and speak. So he closed the public hearing.

Mayor Pro Tem Johannesen moved to approve Z2023-013. Councilmember Moeller seconded the motion. Following brief, additional comments the ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 23-20
SPECIFIC USE PERMIT NO. S-301**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 75 (PD-75) [ORDINANCE NO. 16-01] 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 0.1650-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 847A OF THE LAKE ROCKWALL ESTATES #2 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. Hold a public hearing to discuss and consider the approval of an ordinance for a text amendment to Chapter 38, *Subdivisions*, of the Municipal Code of Ordinances for the purpose of adopting a revised *Subdivision Ordinance*, and take any action necessary (1st Reading).

Planning Director, Ryan Miller provided background information pertaining to this agenda item. Mr. Miller explained that this section of the City's code regulates the division and assemblage of land within the City's corporate boundaries, and -- per the City's Interlocal Cooperation Agreement with Rockwall County -- the Extraterritorial Jurisdiction (ETJ) of the City of Rockwall. Contained within this document is the City's process for subdivision plats, the criteria for approval, and the role of City staff, the Planning and Zoning Commission, the Parks and Recreation Board, and City Council in the adoption of a subdivision plat. Also, contained within this chapter of the Municipal Code of Ordinances are sections pertaining to the adequate provisions of utilities, proportionality appeals, determination of vested rights, the Parkland Dedication Ordinance, impact fee regulations, enabling language for the City's Engineering Standards of Design and Construction, the City's engineering approval process, and regulations pertaining to disaster warning sirens. Mr. Miller then briefed the council on a summary of the major changes, as follows:

- Changed the processes to be in compliance with HB3167 [2019].
- Removed repetition and created a consolidated set of General Platting Requirements and Procedures.
- Consolidated the Engineering Standards and Procedures into a separate section. Also, provided updated enabling language for the proposed Engineering Standards of Design and Construction Manual.
- Incorporated design standards for subdivisions. This will help in regulating subdivisions in the ETJ where permitted by the Interlocal Cooperation Agreement.
- Created a section that addresses agreements, appeals, and relief. Outlined the process that is required by the City Council to grant relief from subdivision standards.
- Updated the Parkland Dedication Ordinance providing transparency with how fees are calculated and incorporating the Parks District Map.
- Conformance with all other City's codes and the Comprehensive Plan.

Mr. Miller explained that if Council adopts this document tonight, it will automatically include the "cost per acre" associated with mandatory parkland dedication requirements and fees that the city has in place, as those regulations are built into the ordinance that is being presented for consideration this evening.

Mr. Miller shared that both the City's Planning & Zoning Commission and Park Board have reviewed the document, and both have recommended approval of this document. In addition, the city's attorney has reviewed the draft to ensure all legal language and references are sound.

Mayor Fowler opened the public hearing, but no one expressed a desire to come forth and speak. So he closed the public hearing.

Councilmember Lewis moved to approve the ordinance for the text amendments, as presented. Councilmember Campbell seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 23-21**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, REPEALING IN ITS ENTIRETY CHAPTER 38, *SUBDIVISIONS*, OF THE MUNICIPAL CODE OF ORDINANCES, AS HERETOFORE AMENDED, AND ADOPTING CHAPTER 38, *SUBDIVISIONS*, WHICH PROVIDES THE FOLLOWING RULES AND REGULATIONS RELATING TO APPLICATION PROCESSING PROCEDURES, SUBDIVISION AND PLATTING PROCEEDURES, ENGINEERING STANDARDS AND PROCEDURES, SUBDIVISION REQUIREMENTS, APPEALS AND RELIEF PROCEDURES, PARKLAND DEDICATION, DISASTER WARNING SIRENS, GRADING, EXCAVATION, EARTHWORK, AND EROSION CONTROL FOR THE PURPOSE OF PROTECTING THE PUBLIC'S HEALTH, SAFETY, AND GENERAL WELFARE INSIDE THE CITY'S CORPORATE LIMITS AND THE EXTRATERRITORIAL JURISDICTION (ETJ); 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 to approve passed by a vote of 7 ayes to 0 nays.

X. ACTION ITEMS

1. Discuss and consider adopting the March 2023 updates to the Engineering Department's Standards of Design and Construction Manual, and take any action necessary.

City Engineer, Amy Williams, briefed the Council on this document, indicating that – for the most part – the updates are minor. The last time this document was updated, reviewed and approved was in 2019. Council is now asked to review and consider the recommended updates reflected in the very large document presented to Council in their informational meeting packet in draft form.

Following brief comments, Councilmember Jorif moved to approve the ordinance adopting the March 2023 Engineering Standards of Design and Construction Manual (on 1st reading). Mayor Pro Tem Johannesen seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 23-XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, REPEALING IN ITS ENTIRETY THE CITY'S *OCTOBER 2019 STANDARDS OF DESIGN AND CONSTRUCTION MANUAL* AND ADOPTING THE *MARCH 2023 STANDARDS OF DESIGN AND CONSTRUCTION MANUAL* FOR THE PURPOSE OF PROTECTING THE PUBLIC'S HEALTH, SAFETY, AND GENERAL WELFARE INSIDE THE CITY'S CORPORATE LIMITS AND THE EXTRATERRITORIAL JURISDICTION (ETJ); 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 to approve passed by a vote of 7 ayes to 0 nays.

2. Discuss and consider directing staff to make changes to the Master Thoroughfare Plan (MTP) contained in the OURHometown Vision 2040 Comprehensive Plan based on recommendations from the City's consultants, and take any action necessary.

Mr. Miller, Planning Director, indicated that in January of 2022 the City of Rockwall entered into a Professional Services Engineering Contract with Freese and Nichols, Inc. to review the City's Master Thoroughfare Plan (MTP) and provide recommendations concerning the classification of the city's roadways. Due to some issues concerning the North Central Texas Council of Government's (NCTOG's) regional model, the project was delayed; however, on February 28, 2023, the City's consultant provided staff with the final recommendations and their memorandum to the City Council, which has been provided in tonight's informational meeting packet. Several recommendations were made related to 'downgrading' and 'upgrading' various street classifications.

Should the City Council choose to direct staff to proceed with amendments to the MTP, indication was given that staff will advertise the case and hold the necessary public hearings in accordance with State law.

Following brief comments, Mayor Pro Tem Johannesen moved to approve this agenda item, as presented (directing staff to move forward with making changes to the city's Master Thoroughfare Plan). Councilmember Jorif seconded the motion, which passed unanimously (7 ayes to 0 nays).

XI. ADJOURNMENT

Mayor Fowler adjourned the meeting at 7:17 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 3rd DAY OF APRIL, 2023.



KEVIN FOWLER, MAYOR

ATTEST:



KRISTY TEAGUE, CITY SECRETARY

