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**ROCKWALL CITY COUNCIL MEETING****Monday, August 19, 2024 - 5:00 PM****City Hall Council Chambers - 385 S. Goliad St., Rockwall, TX 75087****I. Call Public Meeting to Order**

Mayor Johannesen called the public meeting to order at 5:00 p.m. Present were Mayor Trace Johannesen, Mayor Pro Tem Clarence Jorif and Councilmembers Sedric Thomas, Mark Moeller, Anna Campbell, Dennis Lewis, and Tim McCallum. Mayor Johannesen then read the below listed discussion items into the record before recessing the public meeting to go into Executive Session.

**II. Executive Session**

1. Discussion regarding possible sale/purchase/lease of real property in the vicinity of FM 552 & John King Blvd. and in the vicinity of Caruth Lane to the North Texas Municipal Water District pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney)
2. Discussion regarding process associated with possible City Charter amendments and related legal advice, pursuant to Section §551.071 (Consultation with Attorney)
3. Discussion regarding possible land lease agreement for a cellular communication tower on real property owned by the City of Rockwall in the vicinity of Yellowjacket Lane, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
4. Discussion regarding Economic Development prospects, projects, and/or incentives, pursuant to §Section 551.087 (Economic Development)
5. Discussion regarding City of Rockwall vs. Richard Brooks & Lake Pointe Health Science Center, pursuant to §551.071 (Consultation with Attorney)
6. Discussion regarding (re)appointments to city regulatory boards and commissions, pursuant to §551.074 (Personnel Matters)

**III. Adjourn Executive Session**

Council adjourned from Ex. Session at 5:48 p.m.

**IV. Reconvene Public Meeting (6:00 P.M.)**

Mayor Johannesen reconvened the public meeting at 6:00 p.m.

**V. Invocation and Pledge of Allegiance - Mayor Johannesen**

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

**VI. Proclamations / Awards / Recognitions**

1. "Unit Citation" Recognition - Rockwall Fire Department - Eng. 04, C Shift (Captain Jimmy Cowan,

Driver Engineer Justin Barker, Firefighter Michael Sauder, and Firefighter Luke Speaker) and "Life Saving Award" - Rockwall Police Department (Sgt. Aaron Raymond)

A Unit Citation was issued to Fire Department personnel for the work they did to help with a patient needing CPR, resulting in the gentlemen's life being saved earlier this year in April. Sgt. Raymond, unfortunately, could not be present this evening, therefore, his award was not presented at this time.

**2. "Certificates of Merit"**

**Rockwall Police Department** (Lt. Jeff Lutes, Lt. Aaron McGrew, Sgt. Craig Goff, Officer Collin Hartman, Officer Barrett Morris, Officer Gunnor McGee, Sgt. Cameron Parker, Officer Jason Blackwood, Officer Clayton Lamb, Officer Garrett Stewart, Det. Laurie Burks, Officer Dylan Sparks, SRO Gil Lombana, Officer Sonja Doss, Officer Aaron Woolverton, Sgt. James Watson, Sgt. Mathew Joseph, Officer Thomas Bruce)

**Rockwall County EMS** (Tactical Dr. Adam Klaff, EMS Medic Seth Bogard, EMS Medic Russ Warren)

Rockwall SWAT team and EMS tactical team members were recognized for rescuing a hostage from a dangerous criminal during an event in which the SWAT team was assisting Rowlett Police Department back in June.

**VII. Appointment Items**

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

Derek Deckard, Chairman of the P&Z Commission came forth and briefed the Council on recommendations of the Commission concerning planning-related items on tonight's agenda. Council took no action as a result of his briefing.

**VIII. Open Forum**

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

There being no one indicating such, he then closed Open Forum.

**IX. Take Any Action as a Result of Executive Session**

Mayor Pro Tem Jorif moved to authorize the sale of a permanent easement, temporary construction and access easement to the North Texas Municipal Water District (NTMWD) for the Lavon #2 to Rockwall-Cash pipeline, identified as Parcel 5 in the amount of \$82,949 and authorize the city manager to execute all necessary agreements on behalf of the City. Councilmember Thomas seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Mayor Pro Tem Jorif moved to authorize the sale of a permanent easement, temporary construction and access easement to the North Texas Municipal Water District (NTMWD) for the Lavon #2 to Rockwall-Cash pipeline, identified as Parcel 6 in the amount of \$3,341 and authorize the city manager to execute all necessary agreements on behalf of the City. Councilmember Thomas seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Mayor Pro Tem Jorif moved to authorize the sale of a permanent easement, temporary construction and access easement to the North Texas Municipal Water District (NTMWD) for the Lavon #2 to Rockwall-Cash pipeline, identified as Parcel 12 in the amount of \$140,768 and authorize the city manager to execute all

necessary agreements on behalf of the City. Councilmember Thomas seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Councilmember Lewis moved to reappoint to the ART Commission Ginger Womble, Brook Roy, and Christopher Kingsley (all two-year term appointments through August 2026) and newly appoint Heidi Howard (replacing Susan Guzman) and Michael Rohlf (replacing Kathy Howard) (both to fill unexpired (partial) terms through August of 2025). Councilmember Thomas seconded the motion, which passed unanimously of Council (7 ayes to 0 nays).

Councilmember Campbell moved to appoint Fran Webb to the Historic Preservation Advisory Board (to fill a vacant seat left by Brandon Litton, with a partial term to run through August 2025). Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Councilmember Thomas moved to appoint Dennis Kirkpatrick to the Architectural Review Board, removing Taslow Roberts (term will expire August 2026). Councilmember Moeller seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Mayor Johannesen announced the Council will soon be forming a Charter Review Commission, and Councilmembers will come back to the next regular council meeting to discuss possible appointees on September 3. He encouraged those who may be interested in potentially serving on the Commission to be watching for details regarding how to apply.

Mayor Pro Tem Jorif moved to authorize the City Manager to negotiate and execute a land lease agreement for a cellular communications tower on city-owned real property located at Yellow Jacket Park. Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.

#### X. Consent Agenda

1. Consider approval of the minutes from the August 5, 2024 city council meeting, and take any action necessary.
2. Consider approval of an **ordinance** approving a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corporation, Mid-Tex Division regarding the 2024 Rate Review Mechanism filing, adopting tariffs as part of the settlement, and take any action necessary.
3. **P2024-027** - Consider a request by James Murphey on behalf of John Arnold of Falcon Place SF, LTD for the approval of a Replat for the Winding Creek Subdivision consisting of 132 single-family residential lots on a 78.831-acre tract of land identified as Tracts 17, 17-01, 22, 22-04 & 22-05 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 91 (PD-91) for Single-Family 16 (SF-16) District land uses, generally located at the southeast corner of the intersection of FM-1141 and Clem Road, and take any action necessary.
4. **MIS2024-001** - Consider approval of a **resolution** establishing a public hearing date for the consideration of an updated Land Use Assumptions Report, Capital Improvements Plan, and the adoption of Roadway, Water, and Wastewater Impact Fees, and take any action necessary.
5. **SP2024-014** - Consider a request by Dnyanada Nevgi of SRV Land Building and Real Estate, LLC on behalf of Naomi Freeman of Buffalo Country Properties, LLC for the approval of an Alternative

Tree Mitigation Settlement Agreement in conjunction with an approved *Site Plan* for a *Retail Building and Daycare Facility* on a 2.649-acre parcel of land identified as Lot 13 of the Rockwall Business Park East Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, generally located on the southside of E. Ralph Hall Parkway west of the intersection of E. Ralph Hall Parkway and S. Goliad Street [SH-205], and take any action necessary.

6. Consider authorizing the City Manager to execute an Interlocal Cooperation Agreement with Rockwall County for \$2,000,000 in funding associated with design planning/engineering related to State Highway 205 (SH 205), including authorizing staff to move forward with the Requests for Qualifications (RFQs) process, and take any action necessary.

Councilmember Thomas moved to approve the entire consent agenda. Councilmember Moeller seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL  
ORDINANCE NO. 24-33

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2024 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL.

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

Mayor Johannesen moved up Action Item #1 for discussion next on the agenda.

**XI. Public Hearing Items**

1. **Z2024-031** - Hold a public hearing to discuss and consider a request by Paul and Dioselina Curbow for the approval of an ordinance for a Specific Use Permit (SUP) for *Residential Infill Adjacent to an Established Subdivision* on a 0.2753-acre tract of land identified as a portion of Block 20 of the Lowe & Allen Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, addressed as 510 W. Kaufman Street, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information concerning this agenda item. The property is located at the terminus of W. Kaufman Street and is zoned SF-10 within the city’s SH-66 Overlay District. The applicant would like to obtain an SUP in order to construct a 4,221 square foot, two-story, single-family home at this location (510 W. Kaufman Street). He went on to share that the Council is being asked to consider the size, location and architecture of the proposed home when compared to existing homes in the area. Mr. Miller indicated the proposed home seems to be similar with the exception of its garage orientation. The city’s Planning & Zoning Commission did review this request and has made a recommendation (by a vote of 5 to 0) to Council that it be approved, which is a discretionary decision on



the part of Council. Staff sent out sixty-three notices to adjacent land/property owners located within 500' of the subject property; one notice in opposition was received back by staff.

Mayor Johannesen opened the public hearing, asking if anyone would like to speak. There being no one indicating such, he then closed the public hearing.

Councilmember Lewis then moved to approve Z2024-031. Councilmember Campbell seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL  
ORDINANCE NO. 24-XX  
SPECIFIC USE PERMIT NO. S-3XX**

**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 ADJACENT TO AN ESTABLISHED SUBDIVISION TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.2753-ACRE PARCEL OF LAND, IDENTIFIED AS A PORTION OF BLOCK 20 OF THE LOWE & ALLEN 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 to approve then passed unanimously of Council (7 ayes to 0 nays).

2. Z2024-034 - Hold a public hearing to discuss and consider a request by Kari J'Layne Mayfield for the approval of an ordinance for a Specific Use Permit (SUP) allowing a Short-Term Rental on a 0.1980-acre parcel of land identified as Lot 28, Block A, Windmill Ridge Estates, Phase 4B, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 13 (PD-13) for Single-Family 7 (SF-7) District land uses, addressed as 161 Walnut Lane, and take any action necessary (1st Reading).

Planning Director, Ryan Miller, shared background information concerning this agenda item. The property is located within the Windmill Ridge Subdivision at 161 Walnut Lane. The applicant -- Kari J'Layne -- is requesting the approval of a Specific Use Permit (SUP) for the purpose of allowing a Short-Term Rental (Non-Owner-Occupied Single-Family Home) on the subject property that is located within 1,000-feet of an existing Short-Term Rental (Non-Owner-Occupied Single-Family Home). A recently passed ordinance of the city (in April 2024) established regulations for permit and registration requirements for STRs. The ordinance contains a rule that stipulates that no non-owner occupied STR may be located within 1,000 of another, existing non-owner occupied STR. Existing STRs had a certain, specified time period during which to register their STR with the city; however, this STR neglected to do so within the timeframe allotted (April 1 thru July 1). The applicant acknowledges having received the information about the need to register, but she did not do so within the necessary timeframe. As such, when she did apply (after July 1), her request was then considered to be a request for a "new" STR (rather than an existing one). As such, she is now having to be brought through the SUP process to ask for permission to allow her STR to remain, even though it does not meet the newly established distance requirements, a decision which Council may review and potentially approve on a case-by-case basis. When the applicant submitted her application, along with photographs, staff noted that two accessory structures appeared in the photos of the backyard, both of which were not

city permitted/approved structures. So those would have to be addressed if Council were to approve her current request for an STR permit. Mr. Miller went on to share that two police reports have been filed at this address, but they were not associated with the STR itself. Also, it was found that this STR has not paid its hotel occupancy taxes. On July 23, staff sent out 157 notices to property owners/occupants located within 500' of the subject property. Staff received nine notices back in opposition of this request. Furthermore, the city's Planning & Zoning Commission recently reviewed this case and recommended to Council that it be denied (vote was 4 to 1 (Hagaman against with Conway and Thompson being absent) in favor of a denial recommendation). Any potential approval of this request will require that six of the seven Councilmembers present tonight vote in favor of its approval in order for it to 'pass' tonight.

Mayor Johannesen 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 came forth and sought clarification on whether or not the applicant is the owner or is a non-owner. Staff clarified that she is an owner but not an 'occupier.'

The owner, Ms. Mayfield, then came forth and shared that she was perhaps one of the first short-term rentals in the Rockwall area. She did so in order to be able to afford and justify a home that is probably more than she needed for herself after her daughter moved out. She went on to provide comments related to how she operates her Airbnb, explaining that she did not get her application in on time because she received the information on the ordinance, but she was confused by what she received in the mail, explaining that it was marked "DRAFT." So she thought it was something being considered by the city but had not yet been approved. She explained that right after she received the information from the city in the mail, a close family member was experiencing health issues, so she went to stay in Little Elm to assist that relative. As a result, she neglected her own responsibilities, and when she returned back home in June, she did attempt to ask questions of the City regarding some things such as insurance requirements. She explained she was unable to speak with the Planning Director, Ryan, until after the deadline had already passed. She went on to explain she does not allow 'one night stays' or parties at her STR, and she has great reviews from anyone who has ever stayed there. She explained that she maintains her home in an immaculate condition so that she can keep the value of her home up and for her home to show well and keep resulting in good reviews. She expressed she hopes the Council will show her grace so that she can afford to keep this home in her family.

Councilmember Campbell shared that the city did receive some notices in opposition from adjacent property owners, and some of them did indicate that parties have been held at Ms. Mayfield's home, and they were disturbing to the neighbors / the neighborhood. Ms. Mayfield shared that she has had one daytime party for a one year old, and she limited it to six cars, even ensuring to converse with her neighbor about it beforehand. Her Airbnb rules stipulate that if a party is held, the renter will be asked to leave immediately. Ms. Mayfield did say that her 20-year-old daughter may have done something when she was out of town, as a lot of teens / those in their young 20s might do; however, that won't happen anymore, as her daughter now lives in Austin. Councilmember Campbell proceeded to ask Ms. Mayfield questions and received explanations concerning various topics such as the gazebos on her back yard that were built without first obtaining permits, unpaid hotel/motel occupancy tax information, and failure to register her Airbnb with the city as was required after the city passed its new ordinance several months ago.

Councilmember Lewis asked Ms. Mayfield if this is her home, if she lives there. Ms. Mayfield explained that it is her home; however, if and when she has a renter she leaves and goes to her boyfriend's to stay. Lewis asked for clarification on her attempts to reach out to the city by phone for more information and clarification. Ms. Mayfield explained she was told Mr. Miller was on vacation and unavailable (would not be returning until after the deadline passed), and other staff members could not answer her questions. Ms. Mayfield went on to explain how listing her property as a '30 day only' property really limits her prospects for renters. She shared that she began renting her property perhaps around the year 2018.

Mr. Miller provided detailed clarification on the letter and informational package that was mailed out by staff to all known existing STR owners, and – as part of it – it explained that STR owners had a three-month period (from April 1 thru July 1) to come to the city and get their STR registered. Mr. Miller clarified that if Ms. Mayfield had registered with the city by the specified deadline, as was required under the newly adopted ordinance, she would have been 'grandfathered in.' Ms. Mayfield explained that she prefers to not list her rental as a "30 (+) day only" property on Airbnb and the various reasons why.

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

Councilmember Jorif asked a few, additional questions and received clarification from the applicant and staff. He then moved to deny Z2024-034. Councilmember McCallum seconded the motion to deny. He went on to share that citizens at past public hearings came forth and asked Council to expand the limitation from 500' to 1,000', so Council did so in response to the requests expressed at public meetings when the ordinance provisions were being considered and adopted.

The applicant asked if she can keep checking back to see if the other, nearby short-term rental (within 1,000 feet of hers) ceases to exist, and then – if so – can she reapply?

Mr. Miller shared that if Council denies this request this evening "with prejudice," she will not be able to potentially reapply for a period of at least one year.

Following the brief, additional comments, the motion to deny passed by a vote of 7 ayes to 0 nays

3. Z2024-032 - Hold a public hearing to discuss and consider a request by the City of Rockwall for the approval of an ordinance for a Zoning Change amending Planned Development District 13 (PD-13) [Ordinance No.'s 81-05, 84-43, & 94-41] for the purpose of consolidating the regulating ordinances for a 149.97-acre tract of land situated within the James Smith Survey, Abstract No. 200, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 13 (PD-13) for Single-Family 7 (SF-7) District and Neighborhood Services (NS) District land uses, generally located in between W. Ralph Hall Parkway, Horizon Road [FM-3097], and Tubbs Road, and take any action necessary (1st Reading).

Planning Director, Ryan Miller provided background information regarding this case. He essentially explained that the purpose of this ordinance is to consolidate older, regulating ordinances (31 of them) into one, newer, more concise ordinance so that both members of the public and staff can more easily understand the regulations associated with PD-13. He went on to share that staff sent out 1,186 zoning notices to property / land owners located within 500' of the PD as well as nearby HOAs. Four notices were received back by staff from three property owners expressing they are 'in support' of this ordinance adoption. In addition, the city's Planning & Zoning Commission has recommended to Council approval of this ordinance.

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

closed the Public Hearing. Councilmember Campbell then moved to approve Z2024-032. Councilmember McCallum seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 24-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 13 (PD-13) AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CONSOLIDATE THE REGULATING ORDINANCES OF THE PLANNED DEVELOPMENT DISTRICT, BEING A 149.97-ACRE TRACT OF LAND SITUATED WITHIN THE JAMES SMITH SURVEY, ABSTRACT NO. 200, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED HEREIN BY *EXHIBIT 'B'*; 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 to approve passed by a vote of 7 ayes to 0 nays.

4. **Z2024-033** - Hold a public hearing to discuss and consider a request by Ryan Joyce of Michael Joyce Properties on behalf of Bill Lofland for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a Planned Development District for Single-Family 10 (SF-10) and General Retail (GR) District land uses on a 544.89-acre tract of land identified as Tracts 3 & 3-1 of the A. Johnson Survey, Abstract No. 123 [*355.146-acres*]; Tracts 7 & 7-2 of the W. H. Baird Survey, Abstract No. 25 [*45.744-acres*]; and Tracts 3 & 4 of the J. R. Johnson Survey, Abstract No. 128 [*144.00-acres*], City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 Overlay (SH-205) and SH-205 By-Pass Overlay (SH-205 BY OV) District, generally located on the east and west side of S. Goliad Street [*SH-205*] at the corner of the intersection of John King Boulevard and S. Goliad Street [*SH-205*], and take any action necessary (1st Reading).

Planning Director, Ryan Miller provided extensive background information concerning this agenda item. The applicant is requesting to change the zoning of the subject property from an Agricultural (AG) District to a Planned Development District for Single-Family 10 (SF-10) District and limited General Retail (GR) District land uses. Specifically, the applicant is proposing to entitle the subject property for 41.00-acres of limited General Retail (GR) District land uses, and a 960-lot single-family residential subdivision that will consist of seven (7) lot sizes (i.e. [A] 24, 185' x 200' lots; [B] 15, 100' x 200' lots; [C] 46, 100' x 140' lots; [D] 125, 82' x 125' lots; [E] 377, 72' x 125' lots; [F] 308, 62' x 125' lots; and, [G] 65, 52' x 120' lots). The subject property is generally located north and south of S. Goliad Street [*SH-205*]; with the northside being bounded by John King Boulevard, S. Goliad Street [*SH-205*], FM-549, and a property owned by the Rockwall Independent School District (RISD), and the southside being bounded by S. Goliad Street [*SH-205*], Lofland Circle, and the Lake Rockwall Estates Subdivision. Mr. Miller briefly mentioned the existing adjacent land uses next to the subject property. The concept plan shows that the 536.42-acre subject property will incorporate *commercial* and *residential* land uses. This includes ~41.00-acres of land dedicated to limited General Retail (GR) District land uses and ~495.42-acres of land consisting of 960 residential lots, two (2) public parks, private open space, two (2) amenities centers, and a proposed water tower site. The proposed 960 single-family residential lots will consist of seven (7) lot types: [1] 24 *Type 'A'* lots that are a minimum of 185' x 200' or a minimum of 43,560 SF, [2] 15 *Type 'B'* lots that are a minimum of 100' x 200' or a minimum of 21,780 SF, [3] 46 *Type 'C'* lots that are a minimum of 100' x 140' or a minimum of 12,000 SF, [4] 125 *Type 'D'*

lots that are a minimum of 82' x 125' or a minimum of 9,600 SF, [5] 377 Type 'E' lots that are a minimum of 72' x 125' or a minimum of 8,640 SF, [6] 308 Type 'F' lots that are a minimum of 62' x 125' or a minimum of 7,440 SF, and [7] 65 Type 'D' lots that are a minimum of 52' x 120' or a minimum of 6,000 SF. This translates to a gross density of 1.79 dwelling units per gross acre for the total development (i.e. 1.94 dwelling units per acre less the ~41.00-acre tract of land designated for limited General Retail [GR] District land uses). The minimum dwelling unit size (i.e. air-conditioned space) of the proposed home will range from 2,000 SF to 3,200 SF. With regard to the proposed housing product, staff has incorporated the upgraded anti-monotony standards and masonry requirements into the proposed Planned Development District ordinance. Specifically, the ordinance will require a minimum of 100.00% masonry; however, the Planned Development District ordinance will also incorporate provisions that allow up to 80.00% cementitious fiberboard utilized in a horizontal lap-siding, *board-and-batten* siding, or decorative pattern to allow a more *Traditional Neighborhood Design* product (also referred to as *Gingerbread* -- similar to what is allowed in the *Somerset Park Subdivision*). The proposed subdivision will be subject to the land uses and density and dimensional requirements stipulated for properties within a Single - Family 10 (SF-10) District unless otherwise specified in the Planned Development District ordinance. The proposed concept plan shows that the development will consist of 65.78-acres of private open space, 5.14-acres of amenity centers (which includes two [2] amenity centers), a 2.39-acre site for a future City water tower, and the proposed two (2) public parks consisting of 37.69-acres. This -- with the 79.85-acres of floodplain -- represents a total of 150.93-acres of open space, which translates to 28.14% (i.e. [79.85-acres of floodplain/2] + 65.78 + 5.14 + 2.39 + 37.69 = 150.93-acres/536.42-acres gross = 28.1356%) of the site being dedicated to open space/amenity. This exceeds the total required open space of 20.00% (or 107.28-acres) by 8.14% (or ~43.64-acres). In addition, the proposed development will incorporate a minimum of an 80-foot landscape buffer with a ten (10) foot meandering trail for all residential adjacency to John King Boulevard, SH-205, and FM-549. The concept plan also depicts the provision of an eight (8) foot trail system that will be provided throughout the development to connect the future residential lots with the private open spaces, public parks, and non-residential developments. Staff should also note that the applicant has consented to incorporating a 50-foot landscape buffer, with a berm, and solid living screen consisting of evergreen trees along Lofland Circle (i.e. adjacent to the Oaks of Buffalo Way Subdivision). All of these items have been included into the proposed Planned Development District ordinance and will be requirements of the proposed subdivision.

With regard to the proposed ~41.00-acres designated for limited General Retail (GR) District land uses, staff has identified all of the land uses within the General Retail (GR) District that would be inconsistent with residential adjacency and specifically prohibited these land uses in the Planned Development District ordinance. Staff has also incorporated language in the Planned Development District ordinance that requires a 50-foot landscape buffer with a minimum of a 48-inch berm and three (3) tiered screening (i.e. [1] a row of small to mid-sized shrubs, [2] a row of large shrubs or accent trees, and [3] a row of canopy trees on 20-foot centers) to be situated between the commercial and residential land uses. Along SH-205, FM-549, and John King Boulevard a landscape buffer meeting the General Overlay District Standards has been required.

According to the *Future Land Use Plan* contained in the OURHometown Vision 2040 Comprehensive Plan, the subject property is located within the *South Central Residential District* and the *Southwest Residential District* and is primarily designated for *Low Density Residential* land uses. The plan defines *Low Density Residential* land uses as "... residential subdivisions that are two (2) units per gross acre or less; however, a density of up to two and one-half (2½) units per gross acre may be permitted for developments that incorporate increased amenity and a mix of land uses ..." In addition, the Comprehensive Plan defines increased amenity as, "... developments that provide some of the following: (1) open space beyond the required 20%, (2) a golf course and/or other comparable recreation facilities, (3) amenity/recreation



facilities, (4) school site integration, (5) dedication or development of park land beyond the required park land dedication, (6) additional development of trails, (7) other amenities deemed appropriate by the City Council." In addition, according to Subsection 01.04, *Calculation of Density*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC), "(t)he calculation of allowable density for residential developments shall be based on the *gross site area* including right-of-way, floodplain, open space and public/private parks that will be dedicated to the City or preserved and maintained by some other mechanism." In this case the applicant is proposing a total gross density of 1.79 dwelling units per acre [*i.e.*  $960/536.42 = 1.7896$  or 1.79] (or a gross residential density of 1.94 dwelling units per gross acre less the ~41.00-acre tracts of land designated for limited General Retail [GR] District land uses). Based on this, the applicant's request is in conformance with the required density for the *Low Density Residential* land use. Even though the gross density meets the requirements of the Comprehensive Plan, staff should point out that the applicant is proposing to provide two (2) amenities centers on 5.14-acres of land, dedicate two (2) public parks on 37.69-acres of land, dedicate a site for a future public water tower on 2.39-acres of land, provide 65.78-acres of private open space, and is providing an excess of 43.64-acres of open space beyond the 107.28-acres of required open space. In addition, the applicant is proposing to construct ten (10) foot trails along John King Boulevard and FM-549, and eight (8) foot trails internal to the site. This coupled with the ~41.00-acres of land -- 28.65-acres of which is developable -- dedicated to *Commercial/Retail* land uses, the applicant's request does appear to meet the criteria for increased amenity and a mix of land uses.

As previously stated, the Future Land Use Plan contained in the OURHometown Vision 2040 Comprehensive Plan designates the majority of the subject property for *Low Density Residential* land uses; however, there are areas adjacent to the intersection of John King Boulevard and S. Goliad Street [SH-205] that are designated for *Commercial/Retail* land uses. Currently, the concept plan only shows ~41.00-acres of land in this area that will be designated for limited General Retail (GR) District land uses. This represents a reduction of ~37.40-acres in the area designated for *Commercial/Retail* land uses. This reduction will require the City Council to change the Future Land Use Plan from the *Commercial/Retail* land use designation to a *Low Density Residential* land use designation. The proposed change in the Future Land Use Plan is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission.

If the City Council chooses to approve the applicant's request to rezone the subject property from an Agricultural (AG) District to a Planned Development District for Single-Family 10 (SF-10) District and limited General Retail (GR) District land uses, then staff would propose the following conditions of approval:

- (1) The applicant shall be responsible for maintaining compliance with the concept plan and development standards contained in the Planned Development District ordinance.
- (2) By approving this Zoning Change, the City Council will effectively be approving changes to the Comprehensive Plan and Future Land Use Map. Specifically, this will change the designation of ~37.40-acre tracts of land from a *Commercial/Retail* designation to a *Low Density Residential* designation.
- (3) Stableglen Drive shall be a divided roadway that matches the existing divided roadway section established with the Somerset Park Subdivision.
- (4) A PD Development Plan for the ~41.00-acre tracts of *Commercial* land will be required prior to site plan. This PD Development Plan will be required to delineate the required pedestrian connectivity between the *Residential* and *Commercial* land uses.
- (5) Any construction resulting from the approval of this Zoning Change shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with

all other applicable regulatory requirements administered and/or enforced by the state and federal government.

Staff mailed out 551 public notices related to this zoning case. Mr. Miller shared that staff received an influx of notice responses from outside of the city limits, and some of them were believed to be fraudulent. So, as best as staff has been able to tell, 366 notices were received from property owners who live within our city limits. Six of these responses were from property owners within the 500' notification buffer who were in favor of the applicant's request. Fifty-two were from property owners within the 500' notification buffer who were opposed to the applicant's request. One response was from a property owner outside of the 500' buffer who was in favor of the request, and 307 responses were from property owners outside of the 500' notification buffer who were opposed to the applicant's request. In addition, on August 13, 2024, the Planning and Zoning Commission approved a motion to recommend approval of the Zoning Change by a vote of 3 ayes to 2 nays, with Commissioners Hagaman and Hustings dissenting and Commissioners Conway and Thompson being absent.

Ryan Joyce, the applicant, then came forth to speak.  
767 Justin Road  
Rockwall, TX 75087.

Mr. Joyce went on to provide a very lengthy, extensive PowerPoint presentation (40+ minutes long) describing in great detail the various aspects of this proposed development / this case.

Following Mr. Joyce's very lengthy presentation, Mayor Johannesen recessed the meeting and called for a break at 7:57 p.m. He called the public meeting back to order at 8:08 p.m. He then opened up the Public Hearing and asked if anyone would like to come forth and speak at this time.

Matthew Scott  
4925 Bear Claw Lane  
Rockwall, TX

Mr. Scott came forth and shared that he has concerns regarding infrastructure and roads, explaining a lot of times it takes 15 minutes just to drive a mile-and-a-half. He went on to express this proposal is not 100% compliant with the city's Comprehensive Plan. He does not believe 2 units per acre is 'low density.' He does not believe that the proposed homes are consistent with the existing housing product located adjacent to this development. He believes the city has an ability to say 'no' to this and other developments, as the city has a say-so when it makes zoning decisions. He went on to ask Council to please not approve this 'as written,' and tell the developer to go back and work with the concerned community, then bring back something everyone can live with.

Richard Henson  
2424 S FM-549  
Rockwall, TX

Mr. Henson shared he works for a private equity firm out of downtown Dallas, so he is not 'against' developers. He shared a PowerPoint presentation, showing a history of how density in approved developments within the city has become more and more dense over time, just within the last twelve to fifteen years. He urged Council to vote 'no' tonight and send Mr. Joyce, the developer, back to the community to hear their concerns and rework his proposal.

Christian Guevara  
1905 Broken Lance Lane  
Rockwall, TX

Ms. Guevara came forth and shared that she loves this community, and she is opposed to approval of this request. She encouraged Councilmembers to call upon logic and reason and to listen to their constituents. She is not against development; however, she believes this proposal (as is) will negatively impact the community and the 'quality of life.' She believes this has density that is beyond reason. She wants this proposed development to consist of fewer homes and be more in line with what the community wants.

Bob Lyon  
1900 Broken Lance Lane  
Rockwall, TX

Mr. Lyon shared that he is a trial lawyer by profession. He went on to share that a large number of the proposed lots within this development (over 71% of them, he stated) are not in compliance with the city's Comprehensive Plan. He also does not know how most individuals could be able to afford such expensive homes as those which are being proposed in this development. He urged Council to exercise its discretion wisely.

Monica Huerta  
2040 Silver Hawk Court  
Rockwall, TX

Ms. Huerta commented she lives in the Oaks of Buffalo Way subdivision. She commented she moved to Rockwall because it is close to Dallas and has a more country feel. She went on to comment that she breaks down property values on a daily basis. She believes the price of the proposed homes is essentially too high and unreasonable. She has concern about infrastructure, noise and pollution. She expressed that a lot of people love Rockwall because of its more 'country' feel, and this number of homes going in by her neighborhood reduces her and her neighbors' quality of life.

David Guevara  
1905 Broken Lance Lane  
Rockwall, TX

Mr. Guevara spoke against this development, encouraging it to be delayed for some time, especially considering that the infrastructure is not in place to accommodate this and other, additional developments, especially the roadways. There has been no traffic impact study done in order to determine the true impact of these proposed homes. He went on to express that adjacent communities have 'overbuilt,' and that has negatively impacted our city. He went on to express that the number one problem at the ballot box is an uninformed, uneducated electorate. He commits to ensuring that voters know which elected officials are actually in favor of supporting citizens' quality of life (which is impacted a lot by 'traffic') and which are not.

Jason Schuette  
1925 Broken Lance Lane  
Rockwall, TX

Mr. Schuette indicated he and his wife came from Garland, and they got out of that city as soon as possible. He seemed to speak unfavorably of Garland and Mesquite. He spoke in opposition of approval of this

proposed development this evening, rhetorically asking if Council would like to more so move in the direction of development characteristic of that found in Garland and Mesquite or more so of that found in Heath. He urged Council to carefully consider the direction it wants our city to go as far as development is concerned. He encouraged Council they can say "no" to this development, strongly urging a vote against approval of this proposal this evening.

**Terrance Tippett**  
2060 Broken Lance Lane  
Rockwall, TX

Mr. Tippett shared this proposed development backs up to his back yard, and he looks at it very morning off his back porch. He said the developer had one meeting with nearby residents. Residents gave suggestions, and the developer came back with some revisions; however, he did not seem willing to tweak things and meet again thereafter. He said that the developer hears the residents; however, he did not truly listen. He went on to speak in strong opposition of approval of this development. He is not against development, but he does not want this type of development – not like this.

**Leslie Hope**  
530 Cullins Road  
Rockwall, TX

Mrs. Hope shared a bit about a past experience she had watching the developer with High Gate trying to get approved in years past at a city council meeting. She believes that this tract of land will drastically impact this area and set the tone for the little bit of land that is left to be developed later on in the future. She urged Council to recognize they have a duty to handle this property very wisely. She has concerns about Pacesetter Homes potentially being one of the builders in this proposed community, and she wonders who the other, additional home builder (companies) would be. She spoke in strong opposition of approval of this development this evening as it is currently being proposed. She wants Council to 'send the developer back to the drawing board' and bring back something Council can be proud of.

**Kristin Ash**  
599 Deverson Drive  
Rockwall, TX

Mrs. Ash shared she now lives in the Stonecreek subdivision. She is in favor of development, as she acknowledged she would not have her own home if it weren't for development. She shared that, for a bit, when she first moved here (within a different neighborhood) back in 2008, a 7-11 went in nearby, and crime increased. She went on to say she moved here from the wealthiest community in California, and she had a mountain view there. When she first moved to her home, she had grass and cows and a view outside her home; however, due to the Saddlestar Development, her view was taken away. She does not believe that an \$800,000 home is not a 'starter home,' especially not when it has carpet in the bathroom areas. She also believes there are not enough and not quality home inspectors in place. She spoke strongly in opposition of approval of this development, indicating that if it is approved she will have to move and leave her home.

**Bob Wacker**  
309 Featherstone  
Rockwall, TX

Mr. Wacker came forth and shared a PowerPoint with various reasons why Council should turn down this

proposal and not approve it this evening. He pointed out several aspects of this proposal that is not in compliance with the city's Comprehensive Plan. He believes Council should 'vote this down,' especially due to lack of adequate infrastructure.

Melba Jeffus  
2606 Cypress Drive  
Rockwall, TX

Mrs. Jeffus came forth and expressed that twenty years ago she began attending Planning & Zoning and City Council meetings and started fighting against this sort of thing. She passionately urged Council to vote this down this evening. She has huge concerns related to traffic and how long it takes drivers to drive to certain places within the city. She is not opposed to new homes, but she believes this will negatively impact the community and the nearby Oaks of Buffalo Way. She believes it will diminish the property values of those nearby homes. She expressed strong opposition to Council's approval of this request. She urged Council to recognize this is too dense and to table this and require the developer to modify what is being proposed.

Stan Jeffus  
2606 Cypress Drive  
Rockwall, TX

Mr. Jeffus asked what is considered "high density." Mr. Miller, Planning Director shared that 35. Units (per acre) or higher is considered to be "high density." Mr. Jeffus went on to share that he believes this proposal equates to more houses per acre than that which would warrant it as "low density." He expressed the various ways in which he believes this proposal equates to "high-density," and too many houses will be stacked on top of each other, row after row after row. He does not believe open space (a park) should be included when calculating density. He believes what is being proposed is not aesthetically pleasing, it is totally 'off the wall,' and it does not conform to the density that's required. He knows this is not what the citizens of the city want. He urged Council to please stop over building and to ensure that subdivisions are aesthetically pleasing.

Erika Livingston  
2235 Arrowhead Court  
Rockwall, TX

Mrs. Livingston read a statement, sharing a love of Rockwall and pointing out various ways in which our community is vibrant and has thrived. She lives in the Oaks of Buffalo Way subdivision and believes that a developer wanting to build 900 new homes at her doorstep is not a good idea related to smart growth that promotes quality of life and positively impacts the future of our community. This development, if approved, will adversely impact infrastructure and traffic, as well as water/sewer systems, etc. She is not anti-development but she believes responsible growth is vital.

Markus Bader  
1940 Broken Lance Lane  
Rockwall, TX

Mr. Bader shared he is on the HOA in his neighborhood (the Oaks of Buffalo Way). He believes that not one person in his neighborhood believes this proposal is a good idea. He believes the proposal represents too much residential density. He urged Council to consider the greatest natural resource, which is water, and



this is a big consideration. He expressed he is opposed to this, but he is not opposed to actual development.

Richard Wilkinson  
1970 Broken Lance Lane  
Rockwall, TX

Mr. Wilkinson indicated his home backs up to this property, so this is something he would be looking at every day. He is not opposed to this property being built on. However, he is opposed to this development, pointing out the home sizes being proposed are the size that will require fire sprinkler systems to be installed. Fire sprinkler systems are not cheap to install or to maintain. He owns a fire sprinkler company, so he knows how expensive they are, and the city will have to deal with those systems quite a bit. He went on to point out that he and an entire room full of people are expressing they are opposed to this development, and he will appreciate if Council will listen to the people and what they've expressed tonight.

Ashley Krueger  
1970 Broken Lance Lane  
Rockwall, TX

Ms. Krueger shared that there are community members who had to leave because they have families and needed to get home to them. So she hopes they are not discounted even though they had to leave. She knows that "if we build it, they will come," but she encouraged Council to not allow them to be built. She has concerns that there no actual, retained builders – only speculation on who the builders might be. She believes these homes will devalue the properties within her neighborhood, the Oaks of Buffalo Way. She pointed out that many, many people are coming forth and saying 'no' to this development. She believes the lots are too small and now is not the right time either. She is in opposition of this development being approved this evening, and she gave many, impassioned reasons why.

Susan Langdon  
5050 Bear Claw Lane  
Rockwall, TX

Mrs. Langdon shared that she is in opposition of approval of this development request as it is being proposed this evening. She believes what is being proposed is far too dense, especially when compared to that which she and her neighbors are used to and enjoy within her own neighborhood (the Oaks of Buffalo Way), which does truly have large estate lots that have a country-like feel. She is concerned this developer has not worked with the community in order to come up with something that is acceptable to the community. She urged Council to consider all of the opposition and respect all the time that residents have put in to expressing their opposition to this request from the developer. She pointed out some concerned individuals were not able to stay and express their concerns this evening; however, their concerns should not be discounted.

Gregg Podleski  
1950 Broken Lance Lane  
Rockwall, TX

Mr. Podleski came forth and expressed he has been here since 1996 and used to serve on the school board. He has been here a long time, has a great love for this town, and he is not against development. He has a lot of respect and appreciation for our local police and fire personnel. He and his neighbors are totally against this particular development, and they are battling, asking for Council to listen to what he and others are

saying – “we don’t want this.” He is not against development; however, he wants it to be done in a wise fashion. He spoke in opposition of the approval of this request this evening.

Joe Ward  
4920 Bear Claw Lane  
Rockwall, TX

Mr. Ward knows the city does have high standards in place; however, he pointed out that right now the city is actually below the standard with regards to this developer and what is being proposed right now. There is not a lot of land remaining in Rockwall, and what the Council does right now will set a precedence. He is in opposition of approval of this request tonight.

John Hagaman  
30 Shady Dale Lane  
Rockwall, TX

Mr. Hagaman came forth and shared that he was one of two votes on the Planning & Zoning Commission that voted ‘no’ regarding this development. He pointed out he voted against this because it “meets *most* of the requirements.” He is not okay with it not meeting ALL of the requirements. He and others do not desire to stop the bulldozers, but – rather- steer them. He pointed out there are a lot of people in opposition of this proposal, and all of those individuals have a right to be heard and have their representatives follow their direction. He urged Council to listen to the residents, especially since over three hundred of them have said ‘no.’

Belinda Green  
246 E FM-552  
Rockwall, TX

Ms. Green shared she attended the recent P&Z meeting, which was her first, and this is her first council meeting too. She recently moved back to Rockwall last year. She is sad and fearful about the direction Rockwall is going, especially related to its standard of living. She went on to share that Rockwall does not have adequate resources / infrastructure to support this, especially related to roadways that are already inadequate. She believes the density equates to “dense,” and it will cause a greater burden on existing residents. She urged Council to listen to the voice of the community, and she spoke in opposition of this request being approved.

There being no one else wishing to come forth and speak, Mayor Johannesen closed the public hearing and called the applicant forth again.

Mr. Joyce came forth and acknowledged a lot of notices have been received concerning this proposal. However, that is not the full story. He believes that 10% of residents who received a city notice in their mailbox returned one that said ‘no.’ He knows there are over 61k people on the Rockwallian Facebook page, but there were only 350 notices that were received back by the city. He shared several comments, pointing out that several other steps have to take place such as flood analysis and traffic impact analysis. So, this is not exactly what necessarily will happen – rather, it’s just an example of what could happen.

Councilmember Lewis shared that he knows there is no way for everyone to always be satisfied. He pointed out that he will never make any decision while serving on Council in response to a threat. He understands concerns that have been expressed, and he knows this development is massive. He wonders if Mr. Joyce

has considered building this out in phases rather than all at once. Mr. Joyce pointed out that there are phases that are planned for the development. Councilmember Lewis asked for clarification from Mr. Miller on how 'units per acre' is developed, which is by that which is defined within the city's Unified Development Code.

Councilmember McCallum asked Mr. Joyce to comment more on the proposed park land, asking to speak about development of the parkland area being cost-prohibitive. Councilmember McCallum had asked about expanding lots into the proposed parkland areas in order to make bigger lots, but Mr. Joyce had shared that to do so would make the cost of the lots cost prohibitive. McCallum shared that over 350 notices received back by the city is not a small number or a small response. In fact, that number represents the most responses received on a development case in the twelve years our current Planning Director has been here. He went on to comment on the proposed lot sizes and various things that nearby community residents had asked the developer to consider and adjust. He believes the goal post keeps on moving, and that this plan being proposed tonight is not even that which the P&Z was asked to consider. He pointed out that as the proposal has changed, sixteen of the lowest density lots were taken away. He does not think a lot of the residents do not want Mr. Joyce to develop this property. Rather, they just believe he is not listening to their desires.

Councilmember Campbell shared that in the two workshops and meetings that the developer has had with the community has resulted in community members repeatedly stating they feel they are not being listened to and their concerns are not being taken into consideration. She has concerns about what is proposed by a developer actually ending up being not near as good of a product as that which was originally proposed. She pointed out the residents want something nice, and she wonders why the developer is just not seeming to come close to what the community is asking for. Mr. Joyce pointed out a lot of the infrastructure that is required is very expensive, and there has to be a way to pay for all of that while giving an equivalent, if not better, product than what exists currently.

Councilmember Moeller spoke about the commercial / retail area that is proposed, pointing out the residents in Fontana Ranch do not want it there. He knows Mr. Joyce has done a lot to improve upon the original plan. He would rather scrap the entire plan and go with something more like the development known as Kingsbridge. He thinks the developer can do better and get a little closer to what the Oaks of Buffalo Way is like. He would like to see the developer address some more of the lots. He knows a lot of work has been done and a lot of concessions have been made by the developer; however, he believes more can be done.

Councilmember Thomas thanked the developer, city staff and all of the residents who have put work into this. He is grateful for the ability of citizens to be heard. Our country, state and community are a great place to live. He is from Mesquite previously, and since living in this community, he knows of the love both he and others have for this community. He highly praised city staff for their expertise in their various areas (police, fire, engineering, planning, etc.). He does not want to hear 'there is no more room for you here,' whether it's related to our city, a church or Heaven. He went on to share some of what he likes about the Oaks of Buffalo Way and the little enclave. He wonders if those homes within Mr. Joyce's proposal can be addressed and tweaked some. He does believe the developer could do some additional work to rework things even more and get a little closer to what the community has expressed it wants.

Mayor Pro Tem Jorif shared that he has taken time to go look into the project, visit the area, the nearby neighborhoods and visit with existing, nearby residents. He believes he and others have to look out for existing residents and also for the future of Rockwall. He went on to express that his vote is going to be 'no' tonight.

Mayor Johannesen shared that the land owner has not been mentioned once tonight, especially considering a land owner has property rights. If the future land use map is being met but we didn't like what the future land use map spells out, then we should have gone back and adjusted that document before this proposal came forth. He went on to say he has a hard time when the city sets a certain vision but then comes back later and disagrees with it (the future land use map). He would rather have seen that document amended rather than have a developer come in, meet what the document says, but then get beat up for what he is proposing. He believes that this proposal is not 'tract homes.' They are very nice homes with a trusted, good developer. It meets the city's future land use map standards. So he is having a very hard time, philosophically, on saying "no" to this land owner who wants to develop this property.

Councilmember McCallum shared that he believes Mr. Joyce is the right developer, but he believes that Pacesetter Homes is not the right potential builder. He pointed out that company gets poor / low reviews on the Better Business Bureau.

Councilmember McCallum then moved to deny this case without prejudice tonight, encouraging the developer to go back to do the homework he needs to do and to put in further effort, including working with the existing community members. Councilmember Moeller seconded the motion.

Councilmember Thomas shared he wants to make sure that – if this is the decision the Council moves forward with (with the motion that has been made) – that the applicant and property owner get fair, due process. He does not believe that what transpired on social media equated to 'due process.' He believes some of it was slanderous concerning what is being proposed. He wants to be sure everyone sticks to the facts and remains transparent in what our intentions are. He does not want to see our (Council's) involvement in the process with respect to the P&Z Commission. (i.e. going before P&Z speaking on behalf of Council) or influencing any motions towards the Council. He wants to make sure the body promotes due process and that things are done right on behalf of all citizens of Rockwall.

Councilmember Campbell thanked Mr. Joyce for the work he has done. She indicated that this is not a personal thing, and – even though a lot of work has been done – more is needed to be done. It is necessary to go back to the community and rework things and keep fighting for something that can be agreed upon, knowing that not everyone will ever be fully satisfied. She encouraged the developer and members of the community to go back and fight some more for the very best for the community as a whole. This is a large piece of property, and we need to be sure we do what is right.

Mayor Johannesen provided comments related to the issue of "sidewalks" being a big topic when he first came onto the council several years ago. He generally pointed out that the residents who were concerned about sidewalks at the time could never actually come to a mutual agreement on the topic. He pointed out that Council has 53k bosses, and sometimes councilmembers have to make hard decisions on behalf of everyone, especially in instances where others cannot come to an agreement. He, again, expressed major concern about this proposal meeting the city's Future Land Use map yet it getting scrutinized so much. If the desire was to have different density calculations and a different way for density to be calculated, then the future land use map should have been changed.

The motion to deny Z2024-033 without prejudice then passed by a vote of 6 ayes with 1 nay (Johannesen).

## **XII. Action Items**

1. Discuss and consider a request from SPR Packaging, LLC regarding approval of a nominating resolution for participation in the Texas Enterprise Zone Program in the Office of the Governor Economic Development and Tourism, and take any action necessary.

Assistant City Manager, Joey Boyd provided background information on this agenda item, indicating that SPR is a local company in our city, and it is applying to be a participant in the TX Enterprise Program through the Office of the Governor. As part of the process, the local community must nominate the company for the program. A resolution to this end has been included in the Councilmembers' meeting packet for consideration. Caitlin Glenn with KE Andrews is present this evening to answer any questions Council may have concerning this request.

Ms. Glenn came forth and provided brief comments, indicating that this program provides accepted participants with a sales tax benefit in the form of state sales taxes being refunded for purchases made at the local facility (6.25% as opposed to the full 8.25%). Application submission initially requires 'nomination' by the local jurisdiction. The company plans to submit its application to the Governor's Office on September 3, and they are hoping the application will be successful.

Councilmember McCallum moved to approve the nominating resolution. Councilmember Thomas seconded the motion, which then passed by a vote of 7 ayes to 0 nays.

### XIII. Adjournment

Mayor Johannesen adjourned the meeting at 10:03 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 3<sup>rd</sup> DAY OF SEPTEMBER, 2024.

  
TRACE JOHANNESEN, MAYOR

ATTEST:

  
KRISTY TEAGUE, CITY SECRETARY

