
ROCKWALL CITY COUNCIL REGULAR MEETING
Monday, September 18, 2023 - 5:00 PM
City Hall Council Chambers - 385 Goliad St., Rockwall, TX 75087

I. Call Public Meeting to Order

Mayor Johannesen called the public meeting to order at 6:00 p.m. Present were Mayor Trace Johannesen, Mayor Pro Tem Anna Campbell, and Councilmembers Sedric Thomas, Mark Moeller, Clarence Jorif, Dennis Lewis and Tim McCallum. Also present were City Manager, Mary Smith; Assistant City Manager, Joey Boyd; and City Attorney, Frank Garza. High school students from the city's Youth Advisory Council (YAC) program were also present during this meeting.

Councilmember Johannesen read the below listed discussion items into the record before recessing the public meeting to go into Executive Session at 5:01 p.m.

II. Executive Session

The City of Rockwall City Council will recess into executive session to discuss the following matter as authorized by chapter 551 of the Texas government code:

1. Discussion regarding (re)appointments to city regulatory boards and commissions, pursuant to §551.074 (Personnel Matters)
2. Discussion regarding Municipal Court operations, pursuant to Section 551.071 (Consultation with Attorney).
3. Discussion regarding candidates and associated election for the Rockwall Central Appraisal District (CAD) Board of Directors, pursuant to Section 551.074 (personnel matters)
4. **Pulled from public meeting agenda: Action Item #2** - Discuss and consider approval of the Rockwall Economic Development Corporation (REDC) budget for fiscal year 2024 and amended budget for fiscal year 2023, as well as the 'Annual Work Plan' for FY2024, and take any action necessary (pursuant to Section 551.087 (Economic Development)).

III. Adjourn Executive Session

Council adjourned from Executive Session at 5:35 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 - Councilmember McCallum

Councilmember McCallum delivered the invocation and led the Pledge of Allegiance.

VI. Proclamations / Awards / Recognitions

1. Constitution Week

Mayor Johannesen came forth, along with a few members of the Daughters of the American Revolution.

2. Swearing in of newly appointed Youth Advisory Council (YAC) members

City Secretary, Kristy Teague explained brief details regarding the “Oath of Office” in the State of Texas. She then asked the eleven Youth Advisory Council students who were present to rise, and she helped administer to them their Oaths of Office.

VII. Appointment Items

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

The P&Z Commission representative was not present for the meeting, so this agenda item was not addressed.

VIII. OPEN FORUM

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

**Pallete Weddle
1601 S. Alamo Road
Rockwall, TX 75087**

Mrs. Weddle indicated that she has lived in Rockwall for forty-seven years. She expressed she has some concerns about an Air B&B that has been recently established at 1400 Ridge Road, which is a home that used to be owned by Dan Bobst but he sold it. It is her understanding that the Air B&B has room for sixteen people, as it is quite a large house. The house has a very large garage by the alleyway, and Mrs. Weddle’s home backs up to the alley. She believes they are planning to use that garage as a ‘party barn.’ She went on to express concerns about this as well as a tennis court that may have been built without approval. She is hoping the city does not let that property get out of hand. She has a lot of concerns and will be fighting these concerns. Her other concern is related to the end of the alleyway near Becky Lane and South Alamo, as either the recycling truck or the garbage truck made a turn and fell into the hole. She explained that the alleyway is beginning to buckle, and this has been an eyesore for quite some time now.

Mayor Johannesen shared that the city has been discussing ‘short term rentals’ (such as Air B&B’s), trying to strike a balance between regulating those and private property rights. Mrs. Weddle shared that there are two additional short-term rentals near where she lives, and one of them in particular is not being maintained (dead trees and shrubs).

**Amy Herbst
1509 S. Alamo Road
Rockwall, TX 75087**

Mrs. Herbst stated that Mrs. Weddle is her neighbor. She explained that her home was fairly newly built,

and she has lived there for about three years. She also has concerns about the Air B&B Mrs. Weddle spoke of this evening. She too has concerns about the one at 1400 Ridge Road being utilized as a 'party barn,' as there is only about 10' between that property and her property. She is worried about her property values and is concerned that the Air B&B will not be properly maintained. She believes that a "use" like this should be more for "Commercial" use and that it should not be allowed within a residential neighborhood.

Stan Jeffus
2606 Cypress Drive
Rockwall, TX 75087

Mr. Jeffus came forth and expressed concern about traffic within our city. He generally expressed concerns about additional subdivisions that have recently been approved by the Council / the city and within the last few months and how those will be contributing to unfavorable and additional traffic within the city. He indicated that some folks are moving out of Rockwall because of all of the traffic. He generally spoke about concerns related to infrastructure and traffic accidents that are happening daily, and he wonders if there is anyway that additional development(s) could be avoided / not approved by the city moving forward.

Mayor Johannesen shared that on the 3rd Wednesday monthly a countywide Traffic Consortium meets to discuss the many state-owned roadways and

IX. Take Any Action as a Result of Executive Session

Councilmember Lewis moved to appoint Brook Roy to the city's ART Commission to fill a vacant seat with an initial term to run through August of 2024. Councilmember Moeller seconded the motion, which passed unanimously of those present (7 ayes to 0 nays).

Councilmember Thomas moved to appoint Eric Smith to the city's Board of Adjustments (in the 'Alternate Board Member' vacant seat, through August of 2024); Councilmember Jorif seconded the motion, which passed unanimously of those present (7 ayes to 0 nays).

X. Consent Agenda

1. Consider approval of the minutes from the September 5, 2023, city council meeting, and take any action necessary.
2. Consider authorizing the City Manager to execute an interlocal agreement between the City of Rockwall and the City of Fate for emergency dispatch and radio system support services for fiscal year 2024, and take any action necessary.
3. Consider authorizing the City Manager to execute an interlocal agreement between the City of Rockwall and the City of Heath for emergency dispatch and radio system support services for fiscal year 2024, and take any action necessary.
4. Consider authorizing the City Manager to execute an Interlocal Agreement with Rockwall Independent School District for School Resource Officer services for school calendar year 2023-2024, and take any action necessary.
5. Consider authorizing the City Manager and Fire Chief to execute an interlocal agreement with Rockwall County for Fire Protection Services for fiscal year 2024, and take any action necessary.

6. Consider approval of a resolution affirming the city's investment policy, and take an action necessary

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

XI. Public Hearing Items

1. **Z2023-038** - 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 3 (PD-3) [Ordinance No.'s 72-02, 77-19A, 80-33, 84-59, 86-23, 86-39, 89-04, 96-35 & 96-23] for the purpose of consolidating the regulating ordinances for a 639.264-acre tract of land situated within the T. Dean Survey, Abstract No. 69; S. King Survey, Abstract No. 131; N. Butler Survey, Abstract No. 21; and, A. Hanna Survey, Abstract No. 98, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 3 (PD-3), generally located south of Dalton Road, west of SH-205 [S. Goliad Street], and north of Lake Forest Drive, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information on this agenda item. On June 5, 2023, the City Council directed staff to begin the process of initiating zoning to amend the City's older Planned Development (PD) Districts in order to prepare consolidating ordinances (i.e. writing one ordinance that supersedes all previous ordinances for the Planned Development Districts). The purpose of this effort is to [1] make zoning easier to understand for the City's external customers (i.e. developers, homebuilders, and citizens), and [2] to make the zoning ordinances easier to interpret internally by City staff; however, the proposed consolidating ordinances are not intended to change any of the requirements, land uses, concept plans, or development standards stipulated for any Planned Development (PD) District. This was successfully done recently to the Planned Development (PD) District for the Chandler's Landing Subdivision (i.e. Planned Development District 8 [PD-8]). This ordinance serves the same purpose. Staff sent out 2,216 notices to all property owners and occupants of the Shores Subdivision and within 500-feet of the Shores Subdivision. In addition, staff notified the Rockwall Shores, the Shores on Lake Ray Hubbard, the Random Oaks/Shores, Promenade Harbor, Harlan Park, Stone Creek, Lakeview Summit, the Preserve, and the Hillcrest at the Shores Homeowner's Associations (HOAs), which were the only HOAs within 1,500-feet of the subject property. To date, staff has received

- (1) Two (2) property owner notifications from two (2) property owners located within the Shores Subdivision in favor of the proposed amendment.
- (2) Two (2) property owner notifications from two (2) property owners located within the Shores Subdivision opposed to the proposed amendment (staff should point out that neither notice seem to address the intent of the case).
- (3) Two (2) property owner notifications from two (2) property owners located within the 500-foot notification buffer, but outside of the Shores Subdivision in favor of the proposed amendment.
- (4) One (1) email from one (1) property owner outside of the Shores Subdivision in favor of the proposed amendment.
- (5) One (1) response from the online Zoning & Specific Use Permit Input Form from one (1) property owner in the Shores Subdivision in favor of the proposed amendment.
- (6) One (1) response from the online Zoning & Specific Use Permit Input Form from one (1) property owner in the Shores Subdivision indicating being both in favor and opposed to the proposed amendment.

Mr. Miller stressed that nothing about this ordinance will in any way change the fact that the streets within

The Shores subdivision will still remain public streets – they will not be privatized, and this ordinance will not affect the road ways in any way. On September 12, 2023, the Planning and Zoning Commission approved a motion to recommend approval of the case by a vote of 6-0, with Commissioner Womble absent.

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

Councilmember McCallum moved to approve Z2023-038. Councilmember Lewis 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, AMENDING PLANNED DEVELOPMENT DISTRICT 3 (PD-3) 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 639.264-ACRE TRACT OF LAND SITUATED WITHIN THE T. DEAN SURVEY, ABSTRACT NO. 69; S. KING SURVEY, ABSTRACT NO. 131; N. BUTLER SURVEY, ABSTRACT NO. 21; AND, A. HANNA SURVEY, ABSTRACT NO. 98, 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 unanimously (7 ayes to 0 nays).

2. **Z2023-039** - Hold a public hearing to discuss and consider approval of an ordinance for a Text Amendment to Subsection 06.16, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] for the purpose of creating a process to allow Homeowner's Associations (HOA's) the ability to lease certain portions of the takeline, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information on this agenda item. On August 7, 2023, the City Council directed staff to amend Subsection 06.16, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) to add language that would allow certain Homeowner's Associations (HOAs) the ability to lease non-leasable areas adjacent to their jurisdictional boundaries. The purpose of this proposal is to allow certain HOAs the ability to make improvements in the takeline area in exchange for the necessary erosion control improvements needed to prevent or fix erosion on non-leasable areas without subjugating the City to the maintenance of these structures moving forward. In researching this amendment, staff identified four HOAs that could be eligible to lease areas of the takeline that are currently unleasable. These include: [1] the Chandler's Landing Subdivision (i.e. adjacent to Blocks B & C, Chandler's Landing, Phase 17), [2] the Signal Ridge Subdivision (i.e. adjacent to Signal Ridge, Phase 4), [3] the Water's Edge Subdivision at Lake Ray Hubbard (aka Villas De Portofino), and [4] the Lakeside Village Subdivision. This ordinance, if approved, will create

certain requirements associated with lease of the takeline for these HOAs. Also, staff is presenting an updated "Sublease Agreement" that will allow HOAs to sublease takeline areas. On September 12, 2023, the Planning and Zoning Commission approved a motion to recommend approval of the text amendment as written by a vote of 6-0, with Commissioner Womble absent.

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

Mayor Pro Tem Campbell moved to approve Z2023-039. Councilmember Thomas 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, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING ARTICLE 05, *DISTRICT DEVELOPMENT STANDARDS*, AS DEPCITED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion to approve passed unanimously (7 ayes to 0 nays).

3. **Z2023-040** - Hold a public hearing to discuss and consider a request by Kaylee and Taylor Henson for the approval of an ordinance for a *Specific Use Permit (SUP)* for *Residential Infill Adjacent to an Established Subdivision* on a ten (10) acre parcel of land identified as Lot 1, Block A, Breezy Hill Lane Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 1325 Breezy Hill Lane, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information on this agenda item. He explained that the applicant is requesting an SUP in order to construct a single-family home on this 10 acre parcel of land, which is located at 1325 Breezy Hill Lane. In this case, the subject property shares a common boundary (i.e. the western property line) with the Breezy Hill Subdivision, which has been in existence since 2008, consists of more than five (5) lots, and is more than 90% developed. Council is being asked to consider the size, location and architecture of this proposed home as compared to the existing, nearby homes when making a discretionary decision regarding approval or disapproval of this SUP request. There are three (3) vacant parcels of land that are in close proximity to the home. These lots are estate style lots (i.e. larger lots) as opposed to the more traditional style lots with single-family homes in Phase 8 of the Breezy Hill Subdivision. Staff should note that the proposed single-family home meets all of the density and dimensional requirements for a home in an Agricultural (AG) District as stipulated by the Unified Development Code (UDC).

Mayor Johannesen opened the public hearing, asking if anyone would like to come forth and speak.

Kara Balderas
4602 Sky Harbor
Rockwall, TX

Mrs. Balderas came forth and indicated that she feels not enough information has been provided in the informational public meeting packets concerning this item. She wonders if they will be paving the roadway, and she has concerns about where the driveway at this property will be located. Her home backs up directly to this property. She stated that concrete was recently being poured at 3:00 a.m., and, although she called the police and sheriffs departments, no one showed up to address the issue. She also recently had to call the police about a suspicious vehicle. She has concerns about not having personally received a zoning notice in the mail, and some of her neighbors indicated that they did not receive their notices until last week. So she has concerns about when the notices were sent out, especially considering USPS delays.

Mr. Miller shared details of where the driveway is going to be situated (off of Breezy Hill Lane, about in the midpoint of the property). Also, they will not be paving the roadway. He explained that this property is subject to an agreement that has been in place long before this phase of the Breezy Hill subdivision was constructed. The agreement always stipulated that only two homes would be permitted, each on a 10-acre tract of land. He explained that these two properties are located within the city, so anything happening on them will be subject to city regulations. Just south of these properties, those tracts are located outside of the city's city limits. He explained that city staff mailed notices out one week after these cases were received. By law, staff must send them out 10 days prior to the public hearing; however, the city always sends out notices even earlier than what is called for. Unfortunately, the city cannot control the US post office. Also, there should not be any construction going on prior to 7:00 a.m., so Mr. Miller encouraged her to contact the city's police department in the future if anything like that is going on prior to 7:00 a.m.

Mayor Pro Tem Campbell moved to approve Z2023-040. Councilmember Jorif seconded the motion. Councilmember McCallum clarified that this property will remain as an "AG" zoned property. The ordinance caption was then read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 23-XX

SPECIFIC USE PERMIT NO. S-2XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL ADJACENT TO AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 10.00-ACRE TRACT OF LAND, IDENTIFIED AS LOT 1, BLOCK A, BREEZY HILL LANE 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.

4. **Z2023-041** - Hold a public hearing to discuss and consider a request by Anthony Loeffel of Kimley-Horn on behalf of James Melino of Rockwall 549/I-30 Partners, LP and Conveyor I30 Partners, LP for the approval of an ordinance for a Zoning Change from a Agricultural (AG) District and Light

Industrial (LI) District to a Commercial (C) District for a 66.057-acre tract of land identified as Lot 1, Block B; Lot 1R, Block C; and Lot 1, Block D, Rockwall Commercial Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District and Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, generally located at the northwest corner of Stodghill Road and the IH-30 Frontage Road, and take any action necessary **(1st Reading)**.

Planning Director, Ryan Miller provided background information on this agenda item. He shared that the property was originally annexed into the city in December of 1985 and was initially zoned AG. At this time the applicant is requesting a change in zoning from an AG and LI District to a Commercial district in order to facilitate future conveyance of the property. The property is generally located at the northwest corner of Stodghill Road (FM-3549) and the IH-30 westbound frontage road. Mr. Miller briefly described the zoning of adjacent properties. This zoning change request is consistent with the city's Unified Development Code and conforms to the OURHometown Vision 2040 Comprehensive Plan. In addition, this a discretionary decision on the part of Council, pending a recommendation from the city's Planning & Zoning Commission. Based on the proposed request, the applicant is not proposing to develop the subject property; however, when the property is developed the following infrastructure is required to be constructed to provide adequate public services for the subject property:

- (1) **Water Improvements.** The development of the subject property will require the construction of a 12-inch waterline per the Master Water Distribution Plan.
- (2) **Sewer Improvements.** The development of the subject property will require the extension of the existing 12-inch wastewater line in Justin Road to Stodghill Road [FM-3549].
- (3) **Roadways.** Justin Road is identified as an A4D (i.e. major arterial, four [4] lane, divided roadway), which requires a minimum of an 85-foot right-of-way and two (2), 25-foot back-to-back concrete streets with a 14-foot median. Currently, half of this roadway has been constructed. When developed the remaining portion of this roadway and any lights or appurtenances will need to be provided. In addition, the applicant will need to construct a five (5) foot sidewalk along Justin Road and/or any other public rights-of-way.
- (4) **Drainage.** Detention will be required and sized per the Engineering Department's *Standards of Design and Construction Manual*

On August 22, 2023, staff mailed 30 notices to property owners and occupants within 500-feet of the subject property. There are no Homeowner's Associations (HOAs) or Neighborhood Organizations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Staff received one notice in favor of the request and none in opposition. In addition, the city's Planning & Zoning Commission voted 6 – 0 on September 12, 2023 to recommend approval of this zoning change request.

Mayor Johannesen opened the public hearing, asking if anyone would like to come forth and speak.

Stan Jeffus
2606 Cypress Drive
Rockwall, TX 75087

Mr. Jeffus came forth and shared that this property is 'in his backyard.' He has spoken to several people who have told him that this location is slated for a 16,000 square foot IKEA store. He would like to know what is going on, as he believes this corner currently has horrible traffic, and an IKEA store will just exacerbate the issues. He has heard various rumors, but people he has talked to at the city have told him it is going to be an IKEA store. He wonders what decisions will be made to keep traffic under control.

Mayor Johannesen indicated that the original plans submitted to the City by an engineering firm

erroneously had a store name on them; however, that mistake was corrected immediately, and the store name was removed. Today, the applicant is solely asking to change the zoning, and the request is in compliance with the city's Comprehensive Plan. The city does not know for sure what business may end up going in at this location.

Mr. Jeffus acknowledged that notices were mailed to about 30 adjacent property owners, but he wonders why notices are not mailed to everyone who traverses that particular intersection / location. Or, perhaps the city could publicize it in the paper. Mayor Johannesen pointed out that the city would have no way to notify drivers who pass through that intersection. Also, these zoning cases are advertised in the newspaper, and they are also placed online and out front of city hall. Mr. Jeffus expressed that a lot of members of the public do not stay involved and do not know what is going on.

Councilmember Lewis asked Mr. Jeffus what sort of development he would prefer to see at this location, knowing that it will eventually be developed. Mr. Jeffus shared that he would prefer it be open space with cows, or – if that's not possible – then something that would not create a lot of additional traffic and/or traffic jams. Mrs. Melba Jeffus then spoke briefly, sharing large concerns that this location will become an IKEA store at some point. She was not happy about that possibility.

Councilmember McCallum shared that rumors fly all over this town, and he too has heard a lot of these rumors. However, all he can personally deal with related to this particular zoning case is the facts. If the city is going to keep taxes low, our sales taxes generate more revenue than the rooftops do in our city. If we want to continue keeping the tax rate low and/or lower it annually, the city has got to consider fantastic developments along IH-30. The Council does have an ability to make a lot of decisions, and developers have to follow the city's Comprehensive Plan. The elected officials have to ensure that good services are provided and that more sales tax growth along IH-30 is fueled. He does not want more car lots or additional business that do not result in increased sales tax revenue. If it is IKEA or if it is another business that buys and develops the land, the Council will make whatever wise decisions it needs to make at that point, moving forward. For now, this particular case tonight is just a zoning change case.

Having said that, Councilmember McCallum moved to approve Z2023-041. Councilmember Thomas seconded the motion. Mayor Johannesen echoed Councilman McCallum's sentiments that the Council can only consider the facts about what is currently being presented to it associated with this zoning change request tonight. 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, 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 AND A LIGHT INDUSTRIAL (LI) DISTRICT TO A COMMERCIAL (C) DISTRICT FOR A 66.057-ACRE TRACT OF LAND IDENTIFIED AS LOT 1, BLOCK B; LOT 1R, BLOCK C; AND LOT 1, BLOCK D, ROCKWALL COMMERCIAL ADDITION, 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 7 ayes to 0 nays.

5. **Z2023-042** - Hold a public hearing to discuss and consider a request by Juan J. Vasquez of Vasquez Engineering, LLC on behalf of Shane Shoulders of Kennor Rockwall Retail, LLC for the approval of an ordinance for a Specific Use Permit (SUP) for a *Restaurant, with 2,000 SF or More, with Drive-Through or Drive-In* on a 1.93-acre parcel of land identified as Lots 8 & 9, Block A, Dalton-Goliad Addition, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated within the North SH-205 Overlay (N. SH-205 OV) District, addressed as 3611 & 3775 N. Goliad Street [SH-205], and take any action necessary (1st Reading).

Planning Director, Ryan Miller provided background information on this agenda item. In 2017 Council approved an SUP that would allow a restaurant greater than 2k square feet with a drive-through or drive-in, and it was anticipated to be a Freddy's Frozen Custard; however, the restaurant was never constructed, and the site plan and SUP from then expired. Thereafter, in 2020, Council approved a conveyance plat that subdivided one lot into four. Then in 2021, Council denied an SUP request associated with a proposed Self-Service Car Wash on the property. At this time the applicant has submitted an application and concept plan, depicting the layout of two (2) Retail Building that are 6,300 SF and 6,065 SF. The 6,300 SF Retail Building will include a Restaurant with a Drive-through. The proposed restaurant will consist of a single drive-through lane. The concept plan shows that there will be 70 parking spaces provided for the proposed development. The concept plan also shows that the drive-through will be oriented so that the exit will be facing onto N. Goliad Street. Based on this, staff is requesting that the applicant provide additional landscape screening adjacent to drive-through lane and along N. Goliad Street [SH-205] to impair the visibility and impact of head-lights from motor vehicles in the drive-through lane on adjacent properties and rights-of-way. In addition, there is residential adjacency to the north, where the applicant has provided the required 20-foot landscape buffer. Staff should note that the additional landscaping has been included in the draft ordinance as operational conditions should the Specific Use Permit (SUP) be approved. In this case, the submitted concept plan appears to meet the Conditional Land Use Standards outlined within the UDC. Staff has included an operational condition within the draft ordinance that requires additional landscaping be provided adjacent to the drive through lane, N. Goliad Street, and in the northwestern corner of the site to impair the potential impacts of the proposed land use. Staff should note that a full site plan submittal including building elevations and a landscape plan will need to be reviewed by the Architectural Review Board (ARB) and Planning and Zoning Commission at the time of site plan. On August 22, 2023, staff mailed 44 notices to property owners and residents within 500-feet of the subject property. Staff also notified the Castle Ridge, Harlan Park, Stone Creek and Rockwall Shores Homeowner's Association (HOA), which are the only Homeowner's Associations (HOA's)/Neighborhood Organizations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). Two notices were received back in opposition of the applicant's request. In addition, on September 12, 2023, the Planning and Zoning Commission approved a motion to recommend approval of the SUP by a vote of 6-0 with Commissioner Womble absent.

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

The applicant then came forth and answered questions of Council.

Juan Vasquez
Vasquez Engineering

1919 South Shiloh Road
Garland, TX 75042

In response to inquiries from Councilmember Jorif, Mr. Vasquez expressed that, at this time, the developer does not have any particular restaurant established; however, he does know it will not end up being any of the major ones such as a Freddy's, Burger King, or McDonald's. Instead, the tenant will likely end up being a more local type place such as a sandwich, pizza place, or coffee shop; however, the developer does not have a tenant or lease in place with anyone at this time.

Following additional clarification by Mr. Vasquez at the request of Councilmember Jorif, Councilmember Moeller then moved to approve Z2023-042. Councilmember Lewis seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 23-XX
SPECIFIC USE PERMIT NO. S-XXX

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 A RESTAURANT, WITH 2,000 SF OR MORE WITH A DRIVE-THROUGH OR DRIVE-IN ON A 1.93-ACRE PARCEL OF LAND IDENTIFIED AS LOTS 8 & 9, BLOCK A, DALTON-GOLIAD 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.

6. **Z2023-043** - Hold a public hearing to discuss and consider a request by Angelina Nguyen for the approval of an ordinance for a Specific Use Permit (SUP) for *Residential Infill In an Established Subdivision* on a 0.16-acre parcel of land identified as Lot 18, Block B, Harbor Landing, Phase 2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8), addressed as 303 Harborview Drive, and take any action necessary **(1st Reading)**.

Planning Director, Ryan Miller provided background information on this agenda item. This applicant is seeking approval of an SUP in order to construct a two-story single-family home that is 3,990 square feet. This is within an established subdivision, and Council is being asked to consider the size, location and architecture of the proposed home as compared to nearby, existing homes. In this instance, the proposed home does not conform to two standards outlined in the city's Unified Development Code (UDC) – (1) the garage orientation and (2) the roof pitch. The applicant would like a front-facing garage that projects in front of the front façade of the home (instead of having it set back, as required). Also, the applicant is requesting a flat, metal roof. On August 22, 2023, staff mailed 53 notices to property owners and occupants within 500-feet of the subject property. Staff also sent a notice to the Chandler's Landing, The Cabana at Chandler's Landing, Match Point Townhomes, Cutter Hill Phase 1, Cutter Hill Phase 2, Cutter Hill Phase 3, Spyglass Phases 2 & 3, and Spyglass Phase 1 Homeowner's Associations (HOAs). Staff received an email from the Chandler's Landing Architectural Control Committee, stating that they do not allow a flat roof and expressing some concerns about deed restrictions. Staff conveyed those concerns to the applicant and included that letter in the information provided to Council in the meeting packet. Staff did not receive any

public notices returned, neither in favor nor against the request. In addition, on September 12, 2023, the Planning and Zoning Commission approved a motion to recommend approval of the SUP by a vote of 6-0 with Commissioner Womble absent.

Mayor Johannesen opened the public hearing, asking if anyone would like to come forth and speak. There being no one indicating such, he then closed the public hearing. Councilmember Lewis pointed out there are no flat roofs in the area, but it will have to have some sort of slope in order for water to drain off the roof. Mr. Miller shared that, yes, some degree of slope would need to be in place. Councilmember Lewis pointed out that there was a previous lawsuit from back in the 1990's that established how high structures can be in the Chandler's Subdivision.

Councilmember Lewis moved to approve Z2023-041. Mayor Pro Tem Campbell seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 23-XX
SPECIFIC USE PERMIT NO. S-2XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 8 (PD-8) [*ORDINANCE NO. 23-40*] 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 0.1519-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 18, BLOCK B, OF THE HARBOR LANDING PHASE 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 to approve passed by a vote of 7 ayes to 0 nays.

XII. Action Items

1. Discuss and consider approval of an ordinance establishing the Rockwall Municipal Court as a Court of Record, and take any action necessary (1st reading).

City Manager, Mary Smith provided background information concerning this agenda item, generally indicating that Councilmembers McCallum and Jorif previously asked staff to research the possibility of establishing the city's Municipal Court as a 'court of record.' Councilmember McCallum provided several comments, speaking briefly on the reasons why making our court a "court of record" would be advisable, what the costs would be (minimal, he indicated), and comparing the anticipated costs to other neighboring courts, such as in Royse City and Fate. He briefly drew additional comparisons between our municipal court and Royse City's, which has been a 'court of record' for the last fourteen years. He explained that our city's Municipal Court Judge is in favor of establishing ours as a 'court of record.' He went on to generally indicate he would like to see the Council move forward with adopting this ordinance. He believes that any potential

increase in staff workload would be minimal if the city's court does become a 'court of record.'

Councilmember Jorif shared that, from a law enforcement perspective, becoming a 'court of record' gives the city more enforcement oversight, especially related to appeals.

Mayor Pro Tem Campbell clarified the differences between a non 'court of record' versus a 'court of record.' She pointed out that both our existing (non-'court of record') court and a 'court of record' are legitimate courts.

Councilmember McCallum moved to approve this ordinance. Councilmember Jorif seconded the motion, which passed unanimously.

2. Discuss and consider approval of the Rockwall Economic Development Corporation (REDC) budget for fiscal year 2024 and amended budget for fiscal year 2023, as well as the 'Annual Work Plan' for FY2024, and take any action necessary.

Phil Wagner, current President and CEO of the REDC, then briefly came forth, pointing out that details concerning the REDC's accomplishments over the course of this fiscal year as well as a proposed "Work Plan" for the upcoming fiscal year have been provided to Council for review.

Councilmember Jorif moved to approve both the amended budget for FY2023 and the proposed budget for FY2024 for the REDC as well as the REDC annual Work Plan for 2024. Councilmember Lewis seconded the motion, which passed unanimously of those present (7 ayes to 0 nays).

3. Discuss and consider approval of the Rockwall Technology Park Association budget for fiscal year 2024 and amended budget for fiscal year 2023, and take any action necessary.

Phil Wagner, President and CEO of the REDC was present to provide comments or answer questions; however none were asked. Councilmember McCallum then moved to approve both the amended budget for FY2023 and the proposed budget for FY2024 for the Rockwall Tech Park. Councilmember Lewis seconded the motion, which passed unanimously of those present (7 ayes to 0 nays).

4. Discuss and consider approval of an ordinance amending the budget for fiscal year 2023, and take any action necessary.

Councilmember Lewis moved to approve the ordinance amending the budget. Councilmember Jorif seconded the motion. The caption was read as follows:

**CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 23-50**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING
THE BUDGET OF THE CITY FOR THE FISCAL YEAR OCTOBER 1, 2022 THROUGH
SEPTEMBER 30, 2023; PROVIDING FOR AN EFFECTIVE DATE.**

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

5. Discuss and consider approval of an ordinance adopting the proposed budget for fiscal year 2024, and take any action necessary.

Councilmember Lewis moved to approve the ordinance. Councilmember McCallum seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 23-51**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, APPROVING AND ADOPTING A BUDGET FOR THE CITY FOR THE FISCAL YEAR OCTOBER 1, 2023, THROUGH SEPTEMBER 30, 2024; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH THE SAID BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

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

6. Discuss and consider approval of an ordinance levying ad valorem taxes for the tax year 2023, and take any action necessary.

Mayor Pro Tem Campbell moved to approve the ordinance, which set the tax rate at 27.0245 cents per one hundred dollars of assessed value. Councilmember Jorif seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 23-52**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, LEVYING THE AD VALOREM TAXES FOR THE YEAR 2023 AT A RATE OF \$.270245 PER ONE HUNDRED DOLLARS (\$100.00) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY AS OF JANUARY 1, 2023 TO PROVIDE REVENUES FOR THE PAYMENT OF CURRENT EXPENSES AND TO PROVIDE AN INTEREST AND SINKING FUND ON ALL OUTSTANDING DEBTS OF THE CITY; PROVIDING FOR DUE AND DELINQUENT DATES, TOGETHER WITH PENALTIES AND INTEREST; APPROVING THE 2023 TAX ROLL; PROVIDING FOR EXEMPTIONS OF PERSONS OVER SIXTY-FIVE (65) YEARS; PROVIDING AN EFFECTIVE DATE.

The motion passed unanimously of those present (7 ayes to 0 nays).

7. Discuss and consider the Hotel Tax Subcommittee recommendations for funding allocations in fiscal year 2024, including authorizing the City Manager to execute associated funding arrangements, and take any action necessary.

Councilmember McCallum made a motion to approve the funding recommendations of the HOT subcommittee, excluding the requests for Meals on Wheels and Helping Hands. Councilmember Thomas seconded the motion, which passed unanimously of those present (7 ayes to 0 nays).

Councilmember Jorif moved to approve the funding request for Meals on Wheels. Councilmember McCallum seconded the motion, which passed by a vote of 6 ayes with 1 abstention (Lewis).

Councilmember McCallum moved to approve the recommended funding for Helping Hands. Mayor Pro Tem

Campbell seconded the motion, which passed by a vote of 6 ayes with 1 abstention (Thomas).

XIII. Adjournment

Mayor Johannesen adjourned the public meeting at 7:44 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 2nd DAY OF OCTOBER, 2023.


TRACE JOHANNESSEN, MAYOR

ATTEST: 
KRISTY TEAGUE, CITY SECRETARY

