



ROCKWALL CITY COUNCIL MEETING

Monday, May 20, 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 5:30 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 Assistant City Manager Joey Boyd and City Attorney Frank Garza. City Manager Mary Smith was absent from the meeting.

Mayor Johannesen 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 on State Highway 66 pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
2. Discussion regarding appointment of Mayor Pro Tem, pursuant to Section, §551.074 (Personnel Matters)

III. Adjourn Executive Session

Council concluded Executive Session at 5:25 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 Moeller

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

VI. Proclamations / Awards / Recognitions

1. Administer Oaths of Office to Newly Elected City Council Members
 - Mark Moeller, Place 2
 - Sedric Thomas, Place 4
 - Anna Campbell, Place 6

City Secretary, Kristy Teague administered the Oath of Office to each of the three non-contested, re-elected city council members.

2. Police Week Proclamation

Mayor Johannesen read this proclamation, recognizing law enforcement officers who have lost their lives in

the line of duty and honoring those who serve our communities. Police Chief Ed Fowler then came forth with several members of the Rockwall Police Department. He briefly spoke, thanking his staff for all they do and expressing gratitude for the ability to serve as their Chief of Police.

3. Older Americans Month Proclamation

Mayor Johannesen then read this proclamation to recognize older members of our community. Margie Verhagen with Meals on Wheels Senior Services of Rockwall County then came forth and briefly spoke. She thanked the mayor and council members for all their support of senior and disabled members of our community. She shared that Meals on Wheels has purchased 6 acres of land on Airport Road, and they will be breaking ground by end of this year in order to construct a facility with a commercial kitchen and a senior center. She thanked the community for all its support.

VII. Appointment Items

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

The Planning & Zoning Commission Chairman was not present at the meeting. So, this item was not specifically addressed by Council.

VIII. Open Forum

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

Mrs. Shari Tirevold and her husband, Todd Tirevold
601 Monterey Drive
Rockwall, TX

Mrs. Tirevold shared that she and her husband have lived here a little over ten years, and East Fork used to be two lanes but was converted to four lanes a few years after they moved in. She explained that traffic has increased exponentially on East Fork, and there are a few four-way stops; however, people sometimes do not abide by the stop signs. She explained that it is a race way behind the Lakeview Summit neighborhood, and she's even seen drivers doing donuts. She is not sure what the solution is, but perhaps roundabouts would cause people to slow down. She has let the police department know, and sometimes the police cars have come and sat and watched. However, at those times, she explained that drivers essentially do not exhibit those poor driving behaviors. She indicated that some of her neighbors have come along to attend tonight's meeting. She shared that Reinhardt Elementary and Grace Hartman Elementary are each located in this area, each on opposite sides of East Fork. Also, when there is a shut down or back up on IH-30, drivers utilize this roadway as a pass through to Lakeshore.

Mayor Johannesen encouraged the Tirevolds to get their contact information to the City Secretary and allow staff to reach out to them to discuss the process for evaluating traffic concerns and potential solutions.

Chong Stocking
721 Monterey Drive
Rockwall, TX

Ms. Stocking shared that she has lived in this location since 2005. When they first bought their home almost 19 years ago, the realtor told them the area behind their home would never develop. However, not even

three months after they moved in, building did absolutely start to occur. She and her husband obey the law, and she doesn't even have one citation in her whole life. She daily observes that drivers do not stop at the stop signs along East Fork. She and her husband own a Tesla that has the ability to take photos. She is happy to sit there and take photos to document how many cars do not stop. The area is very dangerous, especially considering there are children in the area and elementary schools on both sides. She shared that about a month ago, a little boy around 4 years old got hit, and it knocked him over, the ambulance came and thank goodness he did not get killed. She urged the city to please do something to slow drivers down, even perhaps speed bumps.

Ronnie Howell
434 Jordan Farm Circle
Rockwall, TX

Mr. Howell came forth and shared that he has previously come before council to discuss STRs (short-term rentals), as he is an STR owner. He went on to ask that the Council consider modifying the proposed ordinance language for Consent Agenda item #2 to call for the background check to be performed the day of check-in and/or prior to check-in instead of no later than 24 hours prior to a guest check-in. He explained that he often has guests check in the 'day of' and last minute, in fact. He shared that requiring 24 hour advanced check-ins will cost him business. So he urged the Council to please consider modifying that language with the ordinance being considered this evening.

There being no one else wishing to come forth and speak at this time, Mayor Johannesen closed Open Forum.

IX. Take Any Action as a Result of Executive Session

Mayor Johannesen moved to name Clarence Jorif as Mayor Pro Tem for the coming year. He thanked Councilmember Campbell for having served in this capacity over the course of this past year. Councilmember McCallum 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 May 6, 2024 city council meeting, and take any action necessary.
2. Consider approval of an **ordinance** amending the Code of Ordinances in Chapter 38. Subdivisions; Article II. Park Land Dedication; Table 1. to set revised annual price per acre of land and total equipment costs for neighborhood parks (mandatory park land dedication fees), and take any action necessary. **(2nd reading)**
3. **P2024-012** - Consider a request by Brittany Rood of Stringfellow Holdings, LLC for the approval of a Replat for Lots 3, 4, & 5, Block A, North Alamo Addition a 1.989-acre tract of land identified as Lots 1& 2, Block A, North Alamo Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District and Single-Family 10 (SF-10) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 405 & 503 N. Alamo Street, and take any action necessary.
4. Consider authorizing the City Manager to execute a contract with Cardinal Strategies Engineering Services, LLC to perform Buffalo Creek Watershed Hydrologic & Hydraulic Update Phase 2 in an amount not to exceed \$95,000.00, to be funded by the Engineering Consulting Budget, and take any action necessary.

Councilmember McCallum moved to approve the entire Consent Agenda (#s 1, 2, 3, and 4). Councilmember

Thomas seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 24-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING ARTICLE II, *PARK LAND DEDICATION*, OF CHAPTER 38, *SUBDIVISIONS*, OF THE MUNICIPAL CODE OF ORDINANCES OF THE CITY OF ROCKWALL FOR THE PURPOSE OF UPDATING TABLE 1 WITH THE REVISED *ANNUAL PRICE PER ACRE OF LAND* AND THE *TOTAL EQUIPMENT COST FOR A NEIGHBORHOOD PARK*; 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.

XI. Public Hearing Items

1. **Z2024-016** - Hold a public hearing to discuss and consider a request by Keith Green for the approval of an ordinance for a *Specific Use Permit (SUP)* amending *Ordinance No. 23-65 (S-321)* for a *Guest Quarters/Secondary Living Unit* on a 0.22-acre parcel of land identified as Block 43A of the B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Old Town Rockwall (OTR) Historic District, addressed as 605 E. Washington Street, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information regarding this agenda item. The applicant is seeking approval of an SUP in order to construct a 355 square foot guest quarters/secondary living unit at 605 East Washington Street. The addition will be clad in hardie board with a composite shingle roof. The accessory structure is situated on a pier-and-beam foundation and has a height of approximately eight (8) feet, one (1) inch at the midpoint of the pitched roof. The applicant has indicated that the structure has a half-bath making this a Guest Quarters/Secondary Living Unit. The applicant has also indicated that electricity will be ran to the structure. Staff should note that there is an existing eight (8) foot by 14-foot (or 112 SF) accessory building on the subject property. If the applicant's request is approved, then there will be a total of two (2) structures on the subject property.

On April 26, 2024, staff mailed 83 property owner notifications to property owners and occupants within 500-feet of the subject property. There were no Homeowner's Associations (HOAs) or 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). At the time this report was drafted, staff had received one (1) email in favor and one (1) property owner notification in opposition of the applicant's request. On March 21, 2024, the Historic Preservation Advisory Board (HPAB) approved a motion to recommend approval for a Specific Use Permit (SUP) for a Guest Quarters/Secondary Living Unit and grant a Certificate of Appropriateness (COA) for the structure by a vote of 5-0, with Board Members Litton and Lewis absent. In addition, the city's P&Z Commission heard this case and has recommended its approval by a vote of 6 to 0 (with Chairman Deckard being absent).

Mayor Johannesen opened the public hearing. There being no one wishing to speak, he then closed the public hearing.

Mayor Pro Tem Jorif moved to approve Z2024-016. Councilmember Thomas 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 *ORDINANCE NO. 23-65 [S-321]* AND THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *GUEST QUARTERS/SECONDARY LIVING UNIT* ON A 0.22-ACRE PARCEL OF LAND, IDENTIFIED AS BLOCK 43A OF THE B.F. BOYDSTUN 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.

2. **Z2024-018** - Hold a public hearing to discuss and consider a request by Marisol Ortiz on behalf of Ricardo Alonso for the approval of an ordinance for a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* on a 0.121-acre parcel of land identified as Lot 49 of the Canup's Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Southside Residential Neighborhood Overlay (SRO) District, addressed as 302 E. Bourn Street, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information regarding this agenda item. The applicant is seeking an SUP for the construction of a single-family, residential home at 302 East Bourn Street.

On April 26, 2024, staff mailed 109 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Highridge Estates Homeowners Association (HOA), which is the only homeowners association or neighborhood organization 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). At the time this report was drafted, staff had received one (1) notice back in favor of the applicant's request. In addition, on May 14, 2024, the Planning and Zoning Commission approved a motion to recommend approval of the Specific Use Permit (SUP) by a vote of 6-0, with Chairman Deckard having been absent.

Mayor Johannesen opened the public hearing. There being no one wishing to speak, he then closed the public hearing.

Councilmember Lewis expressed a desire to be sure that the home will not have multiple tenants; however, the applicant was not present to address this concern. Councilmember Lewis then moved to approve Z2024-018. Councilmember Moeller 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 IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.121-ACRE PARCEL OF

LAND, IDENTIFIED AS LOT 49 OF THE CANUP'S 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.

3. **Z2024-019** - Hold a public hearing to discuss and consider a request by Dewayne Cain for the approval of an ordinance for a Specific Use Permit (SUP) amending *Ordinance No. 19-23 (S-210)* to allow for the expansion of an existing *Guest Quarters/Secondary Living Unit and Barn or Agricultural Accessory Building* on a 10.80-acre parcel of land Lot 1, Block A, DC Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 839 Cornelius Road, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information regarding this agenda item. The applicant is wanting to expand an existing *Guest Quarters/Secondary Living Unit and Barn or Agricultural Accessory Building* on a 10.80-acre parcel of land at this residential location. On June 3, 2019, City Council approved a Specific Use Permit (SUP) [Case No. 2019-010], through Ordinance No. 19-23, for a 4,950 square foot Guest Quarters/Secondary Living Unit and Barn or Agricultural Accessory Building on the subject property. The applicant -- Dewayne Cain -- submitted a subsequent application on April 19, 2024 requesting to amend that Specific Use Permit (SUP) to allow for the expansion of the existing Guest Quarters/Secondary Living Unit and Barn or Agricultural Building. The structure will be increased by 1,005 square feet, which will bring the total size of the building to 5,955 square feet. The applicant is not proposing to change the ~576 square foot Guest Quarters/Secondary Living Unit portion of the building and has indicated that the proposed addition will be used as a trophy room and additional agricultural storage. The proposed addition will have one roll-up garage door, and be clad in metal matching the exterior of the existing building. The proposed building will primarily serve as storage for agricultural vehicles/equipment/trophies. Also, it will need to have fire sprinklers installed in it. Since the applicant is proposing a structure that exceeds the maximum size by 956 SF and is combining two (2) land uses (i.e. a Guest Quarters/Secondary Living Unit and an Agricultural Accessory Building), this request remains a discretionary decision for the City Council. The city's Planning and Zoning Commission did recently meet and has recommended approval of this request by a vote of 6 to 0. On April 24, 2024, staff mailed 19 notices to property owners and residents within 500-feet of the subject property. There are no Homeowner's Associations (HOA's)/Neighborhood Associations 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). At the time, staff has received one response back in favor of the applicant's request.

Mayor Johannesen opened the public hearing. There being no one wishing to speak, he then closed the public hearing.

Mayor Pro Tem Jorif asked if the applicant is present. Mr. Miller shared that a representative of the applicant is present at the meeting.

The applicant's representative then came forth:

Thomas Satterfield
503 Stonebridge Drive
Rockwall, TX

Mayor Pro Tem Jorif confirmed with the applicant's representative that the homeowner is able and willing to put in the required fire sprinkler system. Mr. Satterfield agreed. Regarding how compliance with this requirement will be ensured, Mr. Miller explained that the Fire Department will be involved in reviewing the proposed plans for the fire sprinklers. Then, it will be inspected prior to a certificate of occupancy being issued for the building by the city.

Mayor Pro Tem Jorif then moved to approve Z2024-019 Councilmember Moeller seconded the motion. The ordinance caption was then 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 [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW THE FOR A *GUEST QUARTERS/SECONDARY LIVING UNIT AND AGRICULTURAL ACCESSORY STRUCTURE* ON A 10.80-ACRE TRACT OF LAND IDENTIFIED AS LOT 1, BLOCK A, DC 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.

4. **Z2024-020** - Hold a public hearing to discuss and consider a request by Antonio Borjas for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a Single-Family Estate 1.5 (SFE-1.5) District and a Light Industrial (LI) District for a 9.4411-acre tract of land identified as Tract 3-4 of the J. H. Bailey Survey, Abstract No. 45, City of Rockwall, Rockwall, Texas, zoned Agricultural (AG) District, situated in the SH-276 Overlay (SH-276 OV) District, addressed 172 Zollner Road, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information regarding this agenda item. The property has frontage on both Zollner Road and also SH-276. According to the Rockwall Central Appraisal District (RCAD) a 2,814 SF single-family home was constructed on the subject property in 2006. The subject property was annexed by the City Council on December 22, 2008 by Ordinance No. 08-65 [Case No. A2008-003]. At the time of annexation, the subject property was zoned Agricultural (AG) District. Staff noted that the applicant had previously submitted this zoning case (i.e. Case No. Z2024-009); however, on March 18, 2024, the City Council denied this case without prejudice due to the applicant's failure to attend the City Council public hearing meeting. On April 19, 2024, the applicant – Antonio Borjas -- submitted a (new) application requesting to change the zoning of the subject property from an Agricultural (AG) District to a Single-Family Estate 1.5 (SFE-1.5) and Light Industrial (LI) District (designated for technology and employment land uses, per the city's Comprehensive Plan (under the "South Central Estates District" land uses). The purpose of this request is to facilitate the future conveyance of a portion of the subject property while retaining a residential land use related to the portion of the property on which the single-family home is currently located. On February 22, 2024, staff mailed 24 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. 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). At this time staff has received one notice from outside the city limits in regards to the applicant's request. In addition, the city's Planning & Zoning Commission did review his case and has issued a recommendation for its approval (by a vote of 6 ayes to 0 nays, with Commissioner Deckard having been absent).

The mayor opened the public hearing. The applicant came forth and addressed the Council. Indication was given that a letter was included in the informational meeting packet that explains the applicant's desire to rezone the property in hopes of it selling a portion of the lot so he can gain funds to help pay for his daughter's cancer treatments.

Councilmember Campbell generally asked the applicant if he thinks that the rezoning will help him more easily sell the property. The applicant indicated that, yes, he believes rezoning it will help him more easily sell it.

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

Councilmember Lewis shared that he went out in person and looked at this property and the adjacent properties as well. He went on to describe the various types of homes and / or businesses he observed that are already present next to this parcel of land. He indicated that, to him, the 'light industrial' designation fits the area, pointing out that this area will never be a 'gateway' to anything. He shared that this a house located just to the east, but it has commercial vehicles parked out front and looks like some sort of commercial business. Also, nearby there is an Allstate and several other businesses. He then went on to make a motion to approve Z2024-020. Councilmember McCallum spoke up, expressing complete disagreement with Councilmember Lewis and indicating he was not willing to 'second' the motion.

Councilmember Thomas seconded the motion. Councilmember McCallum then went on to share that the future land use shows this property to be 'technology.' He shared that once the zoning is changed away from "AG," he believes the city loses all control over what will go on this land. It could end up being the next TransAm Trucking or a junk car lot. While he empathizes with the land owner, he expressed that the Council's job is not to try and help a land owner gain a higher value for a piece of property. He stressed a desire for Council to be able to ensure that the zoning of this property is appropriate for "technology and light industrial" and that it fits the city's comprehensive plan. He expressed that he will not be supporting approval of this request. He wants the city to take a conservative approach by leaving it zoned "AG" for now, waiting for a potential developer to come forth, and then consider rezoning the property at that time. Councilmember Lewis shared that he is not willing to hold the property by tying it up 'in jail' when what the applicant is proposing fits in with everything surrounding and already in existence nearby this particular piece of property. Councilmember McCallum disagreed, indicating the city is not tying up this piece of property and that the applicant can still put it up for sale and negotiate its sale with any potential buyer(s). Councilmember McCallum then sought and received clarification from Planning Director, Ryan Miller, regarding the zoning on the property.

Councilmember Thomas shared that he has also had some concerns about this rezoning case. He did, however, point out that – at some point when a potential developer does come forth – the city / the city council will have an opportunity at that time to have the (then/future) applicant go through a site plan process to allow the city's Architectural Review Board, Planning & Zoning Commission and City Council more specifically evaluate what is proposed to be built on it at that (future) time.

Mayor Johannesen shared that councilmembers are not developers; however, they do need to try and ensure that all aspects are evaluated and that nothing could potentially result in the city (essentially) having something unexpectedly blind side it.

If Council approves the rezoning change, all of the various types of land uses under “Light Industrial” would be permissible on the piece of property either via obtaining an SUP or “by right.” He explained that a “by right” type of proposal that might come forth in the future on this property would still have to go through a site planning process and meet all of the requirements for a “light industrial” district as well as for the “SH-276 Overlay District.”

Mayor Pro Tem Jorif spoke briefly, indicating that this is a very difficult decision for him, particularly based on ‘the unknown’ associated with potentially granting this rezoning request. While he has compassion for the intent behind the applicant desiring to rezone it, he has concerns about changing it away from an AG zoned property. He feels that to do so would be putting the cart before the horse.

City Attorney Frank Garza pointed out in a majority of instances, when an applicant is asking the city to grant a rezoning request, they also tell the city what the intended use is going to be on the property. However, he explained, an applicant is not required by law to indicate what the ‘use’ will end up being on a piece of property. As long as the rezoning is consistent with the city’s Comprehensive Plan, revealing the actual specific land use on the piece of property is not legally required – an applicant does not have to tell the city. Mr. Miller went on to provide additional clarifications regarding ‘land uses.’

Councilmember McCallum shared that some of the city’s own property that has been bought has been left as ‘agriculturally zoned’ property for many, many years. He went on to express strong sentiments that he believes the Council needs to utilize a lot of discretion and leave this property zoned as “AG” at this time. He believes the conservative approach is to not grant this rezoning request now.

Councilmember Campbell shared that she is not in favor of granting a zoning change strictly for the purpose of assisting a property owner’s pocket book. However, as long as the rezoning request meets the city’s Comprehensive Plan, and there are processes in place to review what will eventually go on this property, she does not feel the city should deny the applicant the right to have his property rezoned at this time.

The ordinance caption was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 24-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO SINGLE-FAMILY ESTATE 1.5 (SFE-1.5) DISTRICT AND LIGHT INDUSTRIAL (LI) DISTRICT FOR A 9.4411-ACRE TRACT OF LAND IDENTIFIED AS TRACT 3-4 OF THE J. H. BAILEY SURVEY, ABSTRACT NO. 45, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED AND 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 to approve passed by a vote of 6 ayes with 1 nay (McCallum).

5. **Z2024-021** - Hold a public hearing to discuss and consider a request by Saul Perez for the approval of an ordinance for a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* on a 0.1650-acre parcel of land identified as Lot 1102 of the Rockwall Lake Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for

Single-Family 7 (SF-7) District land uses, addressed as 302 Evans Road, and take any action necessary (1st Reading).

Planning Director, Ryan Miller provided background information regarding this agenda item. The applicant is making this request for the purpose of constructing a 3,300 square foot single-family home on the subject property, which is located at 302 Evans Road in the Lake Rockwall Estates subdivision. The council is being asked to review the size, location and architectural style and as compared to existing homes in the area to determine if the proposed home will be architecturally compatible / similar to other, existing homes. The proposed home, Mr. Miller explained, is architecturally similar to newer homes in the subdivision. However, this particular home is proposed to have more than 50% Hardy Board on the structure's exterior. Also, the proposed home has a proposed (front facing) garage orientation that has a shorter setback than what the city would otherwise require. The city's Planning & Zoning Commission did recently recommend approval of this request to the Council. Also, (83) notices were sent out to property owners and occupants located within 500' of the property. One notice in favor has been received back by staff at this time.

Mayor Johannesen opened the public hearing. There being no one wishing to speak, he then closed the public hearing.

Councilmember Campbell moved to approve Z2024-021. Councilmember Thomas 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 PLANNED DEVELOPMENT DISTRICT 75 (PD-75) [ORDINANCE NO. 16-01] AND THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* ON A 0.1650-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 1102 OF THE LAKE ROCKWALL ESTATES #2 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

6. **Z2024-023** - Hold a public hearing to discuss and consider a request by Renee Ward, PE of Weir & Associates, Inc. on behalf of Conor Keilty, AIA of Structured REA-Rockwall Land, LLC for the approval of an ordinance for a Specific Use Permit (SUP) for a *Residence Hotel* on a 2.819-acre portion of a larger 4.767-acre parcel of land identified as Lot 6, Block B, Fit Sport Life Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the FM-549 Overlay (FM-549 OV) District, generally located east of the intersection of FM-549 and Fit Sport Life Boulevard, and take any action necessary (1st Reading).

Planning Director, Ryan Miller provided background information regarding this agenda item. The applicant is seeking an SUP for the purpose of constructing a hotel, which will be a 61,496 square foot Home2Suites Hotel that will be located just west of the existing AmeriSports facility. It is proposed to be four-stories tall (65 feet high) and have 107 guest rooms. A residence hotel located within a 'commercial' district does require approval of an SUP. The guest rooms will include kitchen facilities, including a sink, microwave, refrigerator and food prep area, which will make it be classified as "a residence" hotel. Staff pointed out

that the current concept plan is short thirteen parking spaces. Also, the cross access easements between this location and the AmeriSports facility will result in the loss/removal of twelve parking spaces at that location. The applicant does understand they are 25 parking spaces short. Mr. Miller has spoken to the applicant about these shortages, and the applicant does have plans to address the shortage (to pipe a detention area and create more parking spaces there, to the west side of the property). Staff mailed out nine notices to property owners and occupants located within 500' of the subject property; however, staff has not received any responses at this time. In addition, the city's Planning & Zoning Commission has reviewed the case and has recommended its approval to Council.

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

Mayor Pro Tem Jorif moved to approve Z2024-023. Mayor Johannesen seconded the motion.

Councilmember Moeller asked for the applicant to come forth at this time.

Randy Eardley
Weir & Associates
2201 E Lamar Blvd. (Suite #200e)
Arlington, TX

The applicant with Weir & Associates came forth and shared that the same owners of the AmeriSports Facility are the same owners putting forth this particular request (although he believes they will have different "operators"). Councilmember Moeller shared that his two granddaughter plays volleyball, so he was recently at the AmeriSports facility to watch his granddaughters play. He expressed great concern about the existing parking conditions, indicating the parking conditions are 'horrendous.' He shared that the existing parking at the sports facility probably needs to be doubled, and the proposed parking at this hotel location is already being brought forth as insufficient. He went on to share extensive details regarding the extent of just how substantially insufficient parking currently is at the AmeriSports Facility, and he shared that patrons were parking off-pavement and were getting their vehicles stuck in the mud. Because of his noteworthy and strong concerns related to existing parking conditions, which are woefully inadequate, he cannot support approval of this request this evening. Moeller went on to share that the parking spaces at the hotel will very likely end up being occupied by patrons visiting the AmeriSports Facility. That facility is absolutely overwhelmed. He again stressed he believes the existing parking at that facility probably needs to be expanded to add double the amount of parking spaces.

The applicant suggested that Council might consider tabling this item until the parking can be evaluated further.

Councilmember Lewis indicated that he too shares some of the same parking-related concerns that Councilmember Moeller has expressed. He then sought clarification on if the owner of AmeriSports is the same owner that is wanting to develop the hotel next door (with this case). The applicant shared that, yes, they are the same owner.

Shane Keilty
Structured Real Estate
6831 North 73rd Street
Scottsdale, Arizona

Councilmember Lewis asked if a franchise application has been made yet and accepted. Mr. Keilty indicated that no, not yet. It has not even been applied for yet since they are waiting to get through the SUP process.

Shane indicated that Hilton will own and operate the hotel and will serve as the “franchisee.” Hilton will own the hotel and will hire an operator to actually run the hotel.

Mayor Pro Tem Jorif shared that he has also observed parking-related concerns at the AmeriSport facility. At the time the AmeriSports came forth, they were in compliance with the city’s parking requirements; however, staff did indicate to them that additional parking spaces would likely be needed, as it was anticipated that it would be a very busy and successful business, and that they should provide additional parking. Mr. Miller went on to share details concerning the additional twenty-five parking spaces that are needed, generally explaining that a parking agreement will have to be in place between AmeriSports and the hotel so that the sports facility will be able to be in compliance with having an adequate number of spaces at the time of final plat.

A great deal of additional discussion transpired related to existing parking, its inadequacy, and the fact that this request already reflects a parking deficit of 25 spaces. Discussion also included details related to existing and future businesses that are or will be located adjacent to this hotel site (i.e. Texas Wedge). The mayor generally indicated a desire for the hotel to come back at a later time and provide additional details concerning how the issue of parking space insufficiencies will eventually be addressed. Councilmember Moeller asked if the applicant has at all considered the possibility of moving the location of the hotel a little farther west on the property, closer to the drainage area. Mr. Keilty shared that the issue with this possibility is that they would then have to have two drive entrances (to meet fire entry/exit requirements on the site). Councilmember McCallum sought and received clarification regarding the fact that this one business owner owns a lot of these properties (i.e. the AmeriSports, the hotel and Texas Wedge). Councilmember McCallum suggested that the applicant consider some additional, off-site parking to help accommodate patrons at all of these businesses. (i.e. perhaps a parking garage across the street). He pointed out that the parking issues pose safety concerns (i.e. if emergency vehicle need to get in and out). He believes building an off-site parking solution nearby, perhaps across the street, might be a viable solution.

Mayor Pro Tem Jorif then rescinded his motion, and Mayor Johannesen also rescinded his ‘second’ to the original motion.

Mayor Johannesen then moved to table this item (Z2024-023) and reconsider it at a later date (within 30 days of this public hearing) once the applicant is ready to bring back additional information to address the Council’s parking-related concerns. Councilmember Thomas seconded the motion (to table), which passed by a vote of 7 ayes to 0 nays. Mr. Miller noted that it would be brought back to council by the June 17 regular meeting.

7. **Z2024-017** - Hold a public hearing to discuss and consider approval of an **ordinance** for a Text Amendment amending various *Articles* of the Unified Development Code (UDC) for the purpose of clarifying and consolidating certain requirements related to *Commercial Antennas*, changing the *Private Tennis Court* land use to *Private Sports Court with Standalone or Dedicated Lighting* and providing new conditional land use standards, making certain clarifications associated with the approved landscape materials, and clarifying and correcting grammatical errors in various other sections, and take any action necessary (**1st Reading**).

Mr. Miller, Planning Director, provided background information regarding this agenda item. He provided details on the proposed major changes and proposed minor changes, as follows:

PROPOSED MAJOR CHANGES

(1) PRIVATE SPORTS COURT WITH STANDALONE OR DEDICATED LIGHTING (ARTICLE 4)

- CREATES A NEW LAND USE THAT REPLACES THE *PRIVATE TENNIS COURTS* LAND USE
 - ESTABLISHES *OPERATION CONDITIONS* FOR THIS LAND USE THAT: [1] EXEMPTS BASEKETBALL COURTS ON RESIDENTIAL DRIVEWAYS, [2] PROVIDES LOCATION AND SETBACK REQUIREMENTS, AND [3] REGULATES LIGHTING ASSOCIATED WITH THE LAND USE.
- (2) COMMERCIAL ANTENNAS AND WIRELESS COMMUNICATION TOWERS (ARTICLE 4)
- SIMPLIFIES THE EXISTING LAND USES ASSOCIATED WITH THESE TYPES OF FACILITIES.
 - REMOVES ANY OVERLAP IN THE DEFINITIONS AND REQUIREMENTS FOR THESE FACILITIES.
- (3) COMMERCIAL DRONE DELIVERY HUB (ARTICLE 4)
- CREATES A NEW LAND USE FOR *DRONE DELIVERY HUBS* THAT ARE Standalone or accessory land uses.
 - ALLOWS THIS LAND USE IN THE C, HC, AND LI DISTRICTS BY SPECIFIC USE PERMIT (SUP).
 - ESTABLISHES *OPERATIONAL CONDITIONS* THAT ADDRESS SIZE, LOCATION, AND SCREENING REQUIREMENTS FOR THE DRONE STAGING AREA.
 - FOR ACCESSORY LAND USES, ALLOWS A 10% REDUCTION IN PARKING REQUIREMENTS.
- (4) ARTIFICIAL OR SYNTHETIC PLANT MATERIALS (ARTICLE 8)
- CLARIFIES THE PROHIBITION ON ARTIFICIAL TURF ON RESIDENTIAL AND NON-RESIDENTIAL PROPERTIES.
 - FOR RESIDENTIAL PROPERTIES, ALLOWS ARTIFICIAL TURF IN [1] AREAS THAT ARE NOT VISIBLE FROM PUBLIC RIGHT-OF-WAY OR PUBLIC PARKS/OPEN SPACE, AND [2] ALLOWS ALL RESIDENTIAL PROPERTIES A MAXIMUM OF 400 SF REGARDLESS OF VISIBILITY.
 - GRANTS NON-RESIDENTIAL PROPERTIES THE ABILITY TO REQUEST AN EXCEPTION FROM P&Z WHERE IT IS AN AMENITY OR INTEGRAL TO OPERATIONS.

PROPOSED MINOR CHANGES

- (1) ARTICLE 03. CLARIFIES THE ZONING UPON ANNEXATION PROCESS AND CHANGES OFFICE ZONING MAP TO OFFICIAL ZONING MAP.
- (2) ARTICLE 04. ADDS OPERATIONAL CONDITIONS FOR RETAIL STORE W/ GASOLINE SALES, GUEST QUARTERS/SECONDARY LIVING UNIT, AND DAYCARE FACILITIES.
- (3) ARTICLE 05. ADDS CLARIFICATIONS HOW TO CALCULATE BUILDABLE AREA FOR AN IRREGULARLY SHAPED LOT, BETTER DEFINES WHERE LANDSCAPE BUFFERS ARE REQUIRED IN OVERLAY DISTRICTS, ADDS CLARIFICATIONS TO THE RESIDENTIAL DEVELOPMENT STANDARDS (ADDED PASSIVE HOUSING), AND ALLOWS GREENHOUSE THE ABILITY TO NOT HAVE A PERMEANT FOUNDATION.
- (4) ARTICLE 06. BETTER DEFINES HOW TO CALCULATE PARKING SPACE.
- (5) ARTICLE 07. CHANGES LIGHTING EXEMPTIONS.
- (6) ARTICLE 08. MAKES CHANGES TO THE APPLICATION OF THE ARTICLE, AND CLARIFIES THE FENCING MATERIALS.

- (7) ARTICLE 09. CHANGES REPLACEMENT TREES FROM 4" TO 3".
- (8) ARTICLE 11. PROVIDE A PROCESS FOR FAILURE TO ADDRESS COMMENTS, AND ADDS SITE PLANS TO THE NON-COMPLIANT STRUCTURE FEE.
- (9) ARTICLE 13. VARIOUS CHANGES AND CLARIFICATIONS TO DEFINITIONS.
- (10) APPENDIX C. CHANGES TO THE PROHIBITED TREE LIST.

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

Councilmember McCallum shared that he read the entire text amendment proposal. He then sought and received clarification regarding various areas of the proposed ordinance language. (i.e. "guest quarters" on large tracts of land). Mr. Miller shared that this has always been a difficult thing. The city does have an SUP process in place that allows an applicant to come to Council for approval. A lot of times they have a kitchenette but lack a stove, so the city has not considered that to be a true, actual kitchen. McCallum also sought and received clarification regarding sport court facilities as well as 'community gardens,' the language regarding which he noticed was struck out in red from the document. Mr. Miller shared that that strike through was essentially a scrivener's error. He also sought and received clarification regarding landscape buffers and the language therein, suggesting one slight modification to the language in that section. "Artificial turf" was also briefly discussed.

Following the discussion, Councilmember Lewis moved to approve Z2024-017 with the incorporation of Councilmember McCallum's suggestion that the language reflect the city's current Comprehensive Plan. Councilmember Thomas seconded the motion. The ordinance caption as read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 24-21

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 VARIOUS ARTICLES AS DEPCITED IN *EXHIBITS 'A' THROUGH 'J'* 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).

XII. Action Items

1. Discuss and consider approval of an ordinance amending Chapter 13, *Rental Housing*, of the Municipal Code of Ordinance for the purpose of requiring background checks in conjunction with the permitting requirements for *Short-Term Rentals (STRs)*, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information regarding this agenda item. The Council recently adopted an ordinance to regulate some aspects of Short-Term Rentals. This proposed amendment to the ordinance provisions will prohibit STR owners from renting to sex offenders and will require the property owners to utilize the National Sex Offender Registry to preform a quick check on renters to ensure their name is not listed on said registry. Failure of an owner to preform said, required background check will eventually result in the city revoking an STR property owner's city-issued permit.

City Attorney Frank Garza suggested that the language be modified to reflect “no later than *prior* to guest check-in” or “prior to occupancy by the guest.”

Mayor Pro Tem Jorif moved to approve the ordinance with the caveat that the one statement be changed to “no later than prior to guest check-in / occupancy.” Councilmember Lewis seconded the motion. He shared that there is no way to ‘catch’ if a guest of the person who has secured the reservation is or is not on the sex offender registry. Following brief comments, 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 THE MUNICIPAL CODE OF ORDINANCES OF THE CITY OF ROCKWALL, BY AMENDING CHAPTER 13, *RENTAL HOUSING*, OF THE MUNICIPAL CODE OF ORDINANCES 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 by a vote of 7 ayes to 0 nays.

XIII. Adjournment

Mayor Johannesen briefly shared that the city’s Founder’s Day Festival over the weekend was a huge success, with far more attendees than in any previous year. He thanked staff for all of their hard work on the event. He then adjourned the meeting at 8:06 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 3rd DAY OF JUNE, 2024.


TRACE JOHANNESSEN, MAYOR

ATTEST:


KRISTY TEAGUE, CITY SECRETARY

