



ROCKWALL CITY COUNCIL MEETING

Monday, October 21, 2024 - 5:00 PM

City Hall Council Chambers - 385 S. Goliad St., Rockwall, TX 75087

I. Call Public Meeting to Order

Mayor Johannesen called the public meeting to order at 5:00 p.m. Present were Mayor Trace Johannesen and Councilmembers Thomas Sedric, Mark Moeller, Anna Campbell, Dennis Lewis and Tim McCallum. Also present were City Manager Mary Smith, Assistant City Manager Joey Boyd and City Attorney Frank Garza. Mayor Pro Tem Clarence Jorif was absent from the meeting (and Johannesen and Moeller left the meeting before its final adjournment, as indicated below).

Mayor 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

1. Discussion regarding (re)appointments to city regulatory boards and commissions, pursuant to §551.074 (Personnel Matters)
2. Discussion regarding possible City Charter amendments and related legal advice, pursuant to §Section 551.071 (Consultation with Attorney)
3. Discussion regarding City Manager employee evaluation, pursuant to Section 551.074 (Personnel Matters)
4. Discussion regarding Economic Development prospects, projects, and/or incentives, pursuant to §Section 551.087 (Economic Development)
5. Discussion regarding City of Rockwall vs. Richard Brooks & Lake Pointe Health Science Center, pursuant to §551.071 (Consultation with Attorney)
6. Discussion regarding possible sale/purchase/lease of real property in the vicinity of downtown and in the vicinity of The Harbor, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).

III. Adjourn Executive Session

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

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

Mayor Johannesen reconvened the public meeting at 6:02 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. Introduction of Youth Advisory Council (YAC) members (guests at tonight's meeting)

Members of the YAC briefly introduced themselves, and Mayor Johannesen welcomed them to (a portion of) the meeting this evening.

2. Presentation by Rockwall Breakfast Rotary Club - Donation of Funds Raised for American Flag(s)

Bill Bricker and other members of the Breakfast Rotary Club came forth and presented a check for \$5,513.21 to go towards the city's (American) "flag fund," which was raised from a recent Car Show the club hosted.

3. Chamber of Commerce Week

Darby Nielsen, President/CEO of the Rockwall Area Chamber of Commerce came forth, along with Chairman Shane Hollas, and others came forth to receive this proclamation from the mayor.

VII. Appointment Items

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

VIII. Open Forum

**Fedor Minchuk
2315 Doe Xing
Caddo Mills, TX 75135**

Mr. Minchuk indicated he bought a lot at 19 Indian Trail in Rockwall back in 2021 while residing in Washington state and was told he could build on the lot. He went on to explain that after he began the project, when trying to employ an engineer, no one wanted to take the job. In 2022, he put the lot up for sale, but he got no buyers, so he began looking for a new engineer. He received price quotes from engineers, ranging from \$11k to \$22k. He explained he is paying taxes on the lot, and he does not know what to do about it.

There being no one else wishing to come forth and speak, he then closed Open Forum.

IX. Take Any Action as a Result of Executive Session

Councilmember Campbell moved to authorize the city manager to authorize the city manager to negotiate the purchase of a parcel of land in the Harbor District, authorize the city attorney to finalize all necessary documents to complete the transaction, and authorize the city manager to execute all necessary agreements on behalf of the city. Councilmember Lewis seconded the motion, which passed by a vote of 6 ayes with 1 absence (Jorif).

Councilmember Campbell moved to authorize the mayor and city attorney to finalize the amendment to the city manager's employment contract, as directed by Council in Executive Session. Councilmember Thomas seconded the motion, which passed by a vote of 6 ayes with 1 absence (Jorif).

X. Consent Agenda

1. Consider approval of the minutes from the October 7, 2024 city council meeting, and take any action necessary.
2. **MIS2024-001** - Consider approval of an **ordinance** adopting impact fees for water, wastewater, and roadway facilities by updating the land use assumptions and capital improvement plans for such facilities, establishing updated service areas for such facilities, providing definitions, providing for collection and assessment, and take any action necessary (**2nd Reading**).
3. Consider a bid award for a new fire engine to Siddons-Martin/Pierce in the amount of \$1,300,000.00, to be funded by the General Fund Reserves, as well as pre-authorization to buy the loose equipment from various vendors, authorizing the City Manager to execute purchase orders for the new apparatus and associated equipment, and take any action necessary.
4. Consider authorizing the City Manager to execute a professional engineering services contract with Cardinal Strategies Engineering Services, LLC, to provide general hydrology and hydraulic engineering services, to be paid for by the Engineering Consulting Budget, and take any action necessary.
5. Consider authorizing the City Manager to execute a professional engineering services contract with Birkhoff, Hendricks, & Carter, LLP, to provide general water and wastewater engineering services, to be paid for by the Engineering Consulting Budget, and take any action necessary.
6. Consider approving contract renewals for concrete and asphalt pavement repairs and maintenance and authorizing the City Manager to execute associated purchase orders to multiple vendors for a total of \$980,000 to be funded by the Streets & Drainage Operating Budget, and take any action necessary.
7. Consider authorizing the City Manager and Fire Chief to execute an interlocal agreement with Rockwall County for Fire Protection Services for fiscal year 2025, and take any action necessary.
8. Consider approval of a resolution ratifying the adoption of a city Information Technology (I.T.)-related policy banning certain social media applications in compliance with S.B. 1893, and take any action necessary.

Councilmember McCallum moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7 and 8). Councilmember Campbell seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 24-41**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE MUNICIPAL CODE OF ORDINANCES OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING ARTICLE III, *IMPACT FEE REGULATIONS*, OF CHAPTER 38, *SUBDIVISIONS*, FOR THE PURPOSE OF AMENDING THE IMPACT FEES FOR WATER, WASTEWATER, AND ROADWAY FACILITIES BY UPDATING THE LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN FOR SAID FACILITIES; ESTABLISHING UPDATED SERVICE AREAS FOR SUCH FACILITIES; PROVIDING FOR DEFINITIONS; PROVIDING FOR COLLECTION AND ASSESSMENT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REMEDIES; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes with 1 absence (Jorif).

XI. Action Items

1. **Z2024-035** - Discuss and consider a request by William S. Dahlstrom of Jackson Walker, LLP on behalf of James J. 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 Commercial (C) District to a Planned Development District for Commercial (C) District land uses on a 67.475-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 Commercial (C) 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 (**2nd Reading**).

Mayor Johannesen moved to approve Z2024-035. Councilmember Thomas seconded the motion. Councilmember McCallum acknowledged this passed by a vote of 4 ayes to 3 nays at the last meeting. He went on to express concern about what he described as the 'second generation' of the multifamily development (when the developer decides to sell the property at some point in the future). He urged councilmembers who voted in favor of this item's approval last time to consider changing their vote this evening. The ordinance captions were read as follows:

CITY OF ROCKWALL ORDINANCE NO. 24-43

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, CLOSING, ABANDONING AND VACATING THE DEDICATED PUBLIC RIGHT-OF-WAY FOR CONVEYOR STREET MORE SPECIFICALLY DESCRIBED IN *EXHIBIT 'A'* AND DEPICTED *EXHIBIT 'B'* OF THIS ORDINANCE AND CONVEYING THE RIGHT-OF-WAY TO THE ADJACENT PROPERTY OWNER; IDENTIFYING A MUNICIPAL PURPOSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL ORDINANCE NO. 24-42

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 CHANGE THE ZONING FROM A COMMERCIAL (C) DISTRICT TO PLANNED

DEVELOPMENT DISTRICT 102 (PD-102) FOR COMMERCIAL (C) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 67.475-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 4 ayes, 2 nays (Campbell and McCallum), with 1 absence (Jorif).

Mayor Johannesen next addressed Public Hearing item #6.

XII. Public Hearing Items

1. **Z2024-041** - Hold a public hearing to discuss and consider a request by Quadri Akamo of QJ Development, LLC for the approval of an ordinance for a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* on a 0.154-acre parcel of land identified as Lot 6, Block D, Chandler's Landing #16 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8), addressed as 324 Valiant Drive, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information pertaining to this agenda item. The subject property was annexed into the City of Rockwall on October 29, 1973 by Ordinance No. 73-42, and rezoned to Planned Development District 8 (PD-8) by Ordinance No. 73-48. The subject property was platted as Lot 6, Block D, Chandler's Landing, Phase 16 Addition on August 5, 1985 by Case No. PZ1985-050-01. The subject property remains zoned Planned Development District 8 (PD-8) and has been vacant since it was originally platted. The applicant would like to construct a two-story 2,492 square foot home. Council is being asked to consider the size, location and architecture of the proposed home, compared to nearby existing homes. The proposed home does not conform to one requirement. In this case, the garage is setback evenly with the front façade of the single-family home. When looking at this non-conformity, staff should point out that since the construction range for housing in this phase of the Chandler's Landing Subdivision extends from 1992 to present, there are several examples of houses in this area that have a similar garage orientations. Staff mailed 106 notices to property owners and occupants within 500-feet of the subject property. Staff also sent a notice to the Water's Edge at Lake Ray Hubbard, Signal Ridge, Signal Ridge Phase 4, The Cabanas at Chandlers Landing and Chandler's Landing Homeowner's Associations (HOAs), which are the only HOA's or Neighborhood Organizations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Staff has received two (2) notices in opposition of the applicant's request. Also, the city's Planning and Zoning Commission approved a motion to recommend approval of the SUP by a vote of 6-0, with Commissioner Odom absent.

The applicant was not present this evening. So, Councilmember Campbell opened the public hearing, asking if anyone would like to speak at this time. There being no one indicating such, she then closed the public hearing.

Councilmember Lewis then moved to approve Z2024-041. 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 8 (PD-8) AND THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.154-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 6, BLOCK D, OF THE CHANDLER'S LANDING #16 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 4 ayes, 0 nays, with 3 absences (Johannesen, Moeller, and Jorif).

2. **Z2024-042** - Hold a public hearing to discuss and consider a request by Nadia Ramos for the approval of an ordinance for a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* on a 1.80-acre parcel of land identified as Lot 8 of the Harris Addition, City of Rockwall, Rockwall County, Texas, zoned Two-Family (2F) District, addressed as 515 S. Clark Street, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. The subject property was annexed prior to 1934 based on the April 1934 Sanborn Map. At some point after April 1934 the subject property was platted as Lot 5 of the J.E. Harris Addition. According to the City's historic zoning maps, the subject property was zoned Commercial (C) District as of January 3, 1972. Based on the May 16, 1983 zoning map, this designation changed between January 4, 1972 and July 11, 1985 to a Heavy Commercial (HC) District. This designation changed again between July 12, 1985 and April 5, 2005 to a Two Family (2F) District. The subject property has remained vacant and zoned Two Family (2F) District. On October 10, 2022 the Director of Planning and Zoning approved a minor plat of the subject property establishing Lot 8 of the J.E. Harris Addition [Case No. P2022-045]. The applicant would like to construct a two-story, residential home that will be 2,573 square feet. It is non-conforming in one respect in that the proposed home does not incorporate a garage, which requires a variance from the Planning and Zoning Commission. When looking at this non-conformity, staff pointed out that most of the housing along S. Clark Street does not incorporate garages, and staff does not feel this will create a negative impact within the subdivision. In the informational meeting packet, staff provided details of nearby, existing houses. Council is being asked to consider the size, location and architecture of this proposed home. Staff mailed out 95 notices to property owners and occupants located within 500' of the subject property, and one notice was received back in opposition of the request. In addition, the city's Planning & Zoning Commission has

recommended approval of this request by a vote of 6 to 0.

Anthony Ramos
7968 County Road 2412
Quinlan, TX

The applicant shared that he purchased the property back in Sept. The rear of the property contains a floodplain area. So nothing can be built in that back area of the property. Also, easements have to be followed. So, they want to first see how the house will look on the lot before they consider a possible garage. Later on, they may consider a 1 or 1.5 car garage, if they end up thinking it will fit on the property and look nice.

Councilmember Campbell opened the public hearing, asking if anyone would like to speak at this time. There being no one indicating such, she then closed the public hearing.

Councilmember Lewis moved to approve Z2024-042. Councilmember McCallum seconded the motion. Following brief comments, the ordinance 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 1.80-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 8 OF THE HARRIS 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 4 ayes, with three absences (Johannesen, Jorif and Moeller).

3. **Z2024-043** - Hold a public hearing to discuss and consider a request by Russ and Kim Dignam for the approval of an ordinance for a *Specific Use Permit (SUP)* to allow more than the permitted number of accessory structures on a 0.6048-acre parcel of land identified as Lot 1, Block 7, Gideon Grove North Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 77 (PD-77) for Single-Family 10 (SF-10) District land uses, addressed as 1202 Gideon Way, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information pertaining to this agenda item. The applicant is requesting the approval of a Specific Use Permit (SUP) to allow an accessory building that exceeds the maximum allowable size and to construct an accessory structure that exceeds the maximum number of accessory structures as stipulated by Subsection 07.04, Accessory Structure

Development Standards, of Article 05, District Development Standards, of the Unified Development Code (UDC). The applicant's photos indicate that the existing accessory building has a building footprint of 200 SF (10' X 20') and the existing patio cover has a building footprint of 198 SF (11' X 18'). The applicant's building elevations indicate the proposed patio cover will be 450 SF (18' X 25'). On September 18, 2024, staff mailed 60 notices to property owners and occupants within 500-feet of the subject property. Staff also sent a notice to the Stoney Hollow Homeowner's Association (HOA). At the time this report was drafted, staff had received six (6) notices back in favor of the applicant's request.

Kim Dignam
1202 Gideon Way
Rockwall, TX

Ms. Dignam shared that she lives on the largest lot in the area. She would like to build a pool, and that is the reason for wanting to construct this accessory building. She asked Council to approve the request.

Councilmember Campbell opened the public hearing, but no one was present wanting to speak at this time. So, she closed the public hearing.

Councilmember Lewis asked for clarification on the fine associated with the other unpermitted accessory structures on the property. He asked for an agenda item to be placed on the next council meeting agenda to ask staff to research what other cities do regarding contractors and homeowners building things without pulling permits in advance. Mrs. Smith, City Manager, shared that staff will go ahead and get started on said, requested research.

Councilmember Lewis moved to approve Z2024-043. Councilmember McCallum seconded the motion. The ordinance 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 77 (PD-77) [*ORDINANCE NO. 15-20*] AND THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR AN ACCESSORY BUILDING THAT EXCEEDS THE MAXIMUM SQUARE FOOTAGE AND FOR MORE ACCESSORY STRUCTURES THAN PERMITTED ON A 0.6048-ACRE TRACT OF LAND IDENTIFIED AS LOT 1, BLOCK 7, GIDEON GROVE NORTH 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 4 ayes, 0 nays, and 3 absences (Johannesen, Moeller and

Jorif).

4. **Z2024-044** - Hold a public hearing to discuss and consider a request by Trenton Austin for the approval of an **ordinance** for a Specific Use Permit (SUP) for a *Short-Term Rental* on a 0.1950-acre parcel of land identified as Lot 4, Block 15A, F&M Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 806 Austin Street, and take any action necessary **(1st Reading)**.

Mr. Miller shared that the applicant could not be present this evening. So, he has asked that the Council consider allowing the applicant to table this item until the November 4 regular city council meeting. Councilmember McCallum moved to deny the applicant's request for Council to table this item and instead hear the case tonight. Councilmember Thomas shared various reasons why he is not in favor of the Council NOT tabling the item, as the applicant has requested. Because the motion did not receive a second, it died.

Councilmember Thomas then moved to table this item until the November 4 city council meeting. Councilmember Lewis seconded the motion, which passed by a vote of 3 ayes, 1 nay (McCallum), and 3 absences (Johannesen, Moeller and Jorif).

5. **Z2024-046** - Hold a public hearing to discuss and consider a request by Carl and Wendy Petersen for the approval of an **ordinance** for a Specific Use Permit (SUP) for a *Short-Term Rental* on a 0.6391-acre parcel of land identified as Lot 25-R, Block A, Chandler's Landing #20 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8), addressed as 108 Reliance Court, and take any action necessary **(1st Reading)**.

Planning Director, Ryan Miller, provided background information on this agenda item. On September 18, 2024, staff mailed 254 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Chandler's Landing, Signal Ridge, Signal Ridge Phase 4, Water's Edge, and Lago Vista Homeowners Associations (HOAs), which are the only homeowners associations 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). So far, staff had received two (2) notices back in favor and 25 notices back in opposition to the applicant's request. On October 15, 2024, the Planning and Zoning Commission approved a motion to recommend approval of the SUP by a vote of 6-0, with Commissioner Odom absent.

A representative of the applicant came forth to address the Council at this time.

Michael Lund (applicant's representative)
5425 Ranger Drive (in Chandler's Landing)
Rockwall, TX

Mr. Lund came forth and shared he is a friend of the Petersen's, who have temporarily moved out of state to care for their parents. Mr. Petersen is an internationally famous game designer. He understands the new ordinance has a 1,000 foot requirement on spacing between STRs. He shared that the applicant has invested a lot of time and effort to create a quality product and has arranged for a network of local friends to help take care of the house. He believes that if this is to get approved

in Chandler's Landing, he believes this applicant is the best candidate for approval.

Councilmember Campbell opened the public hearing, but no one was present to speak. So she closed the public hearing.

Councilmember Thomas provided brief comments before moving to approve Z2024-046. Councilmember Lewis seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 24-47
SPECIFIC USE PERMIT NO. S-347**

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] AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A *NON-OWNER-OCCUPIED SHORT-TERM RENTAL* ON A 0.6391-ACRE PARCEL OF LAND IDENTIFIED AS LOT 25-R, BLOCK A, CHANDLER'S LANDING #20 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 3 ayes, 1 nay (Lewis) and 3 absences (Johannesen, Moeller and Jorif).

At this point, the meeting was adjourned at 9:47 p.m.

6. **Z2024-048** – Hold a public hearing to discuss and consider a request by Ryan Joyce of Michael Joyce Properties on behalf of Bill Lofland for the approval of an **ordinance** for a Zoning Change from an Agricultural (AG) District to a Planned Development District for Single-Family 10 (SF-10) and General Retail (GR) District land uses on a 536.4297-acre tract of land identified as Tracts 3 & 3-1 of the A. Johnson Survey, Abstract No. 123 [355.146-acres]; Tracts 7 & 7-2 of the W. H. Baird Survey, Abstract No. 25 [45.744-acres]; and Tracts 3 & 4 of the J. R. Johnson Survey, Abstract No. 128 [144.00-acres], City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 Overlay (SH-205) and SH-205 By-Pass Overlay (SH-205 BY OV) District, generally located on the east and west side of S. Goliad Street [SH-205] at the corner of the intersection of John King Boulevard and S. Goliad Street [SH-205], and take any action necessary **(1st Reading)**.

Planning Director, Ryan Miller provided background information pertaining to this agenda item. This property is located to the north and south of SH-205 and is bound by FM-549 to the east; Lofland Circle to the south; Lake Rockwall Estates to the west; and the new 9th grade RISD freshman center to the north. The subject property is located within two, existing overlay districts. It was previously annexed, in phases, from 1986 through 1999, and it has remained vacant property (zoned "AG") since the time(s) of annexation. The applicant previously came forth before Council back in July/August of this year, wanting to change the zoning. At the previous Council meeting, the applicant was asked to go back and make changes to the original proposal, encouraging him to work closely with nearby homeowners on an updated proposal. Regarding the case this evening, the applicant is putting forth

a proposal for 41 acres of General Retail, along with 885 lot single-family subdivision that will consist of seven (7) lot sizes (i.e. [A] 12, 185' x 200' lots that are a minimum of 65,340 SF; [B] 13, 185' x 200' lots that are a minimum of 43,560 SF; [C] 18, 120' x 200' lots that are a minimum of 32,670 SF; [D] 66, 100' x 150' lots that are a minimum of 12,000 SF; [E] 168, 82' x 125' lots that are a minimum of 9,600 SF; [F] 339, 72' x 125' lots that are a minimum of 8,640 SF; and, [G] 269, 62' x 125' lots that are a minimum of 7,440 SF). This equates to a gross density of 1.65 dwelling units per acre, as calculated by requirements contained in the city's Unified Development Code. The minimum dwelling unit size (i.e. air-condition space) will range from 2,750 SF to 3,500 SF. The proposed concept plan shows that the development will consist of 65.78-acres of private open space, 6.40-acres of amenity centers (which includes two [2] amenity centers), a 1.97-acre site for a future City water tower, and the proposed two (2) public parks consisting of 33.00-acres. This -- with the 79.85-acres of floodplain -- represents a total of 187.00-acres of open space, which translates to 27.42% (i.e. $[79.85\text{-acres of floodplain}/2] + 65.78 + 5.14 + 2.39 + 37.69 = 147.075\text{-acres}/536.42\text{-acres gross} = 27.41788\%$) of the site being dedicated to open space/amenity. This exceeds the total required open space of 20.00% (or 107.28-acres) by 7.42% (or ~39.795-acres). In addition, the proposed development will incorporate a minimum of an 80-foot landscape buffer with a ten (10) foot meandering trail for all residential adjacency to John King Boulevard, SH-205, and FM-549. The concept plan also depicts the provision of an eight (8) foot trail system that will be provided throughout the development to connect the future residential lots with the private open spaces, public parks, and non-residential developments. Staff should also note that the applicant has consented to incorporating a 50-foot landscape buffer, with a berm, and solid living screen consisting of evergreen trees along Lofland Circle (i.e. adjacent to the Oaks of Buffalo Way Subdivision).

Mr. Miller went on to share that staff mailed out 551 notices to property owners and occupants located within 500' of the subject property. To date, staff has received the following replies in response to the notices:

From outside of the Property Owner Notification zone (but within the City limits):

Responses from 150 properties 'against' the proposal;

Responses from 6 properties 'for' the proposal.

From inside of the Property Owner Notification buffer:

Responses from 20 properties 'against' the proposal;

Responses from 5 properties 'for' the proposal.

Mr. Miller shared that the city's Planning & Zoning Commission approved a motion to recommend approval of this proposal / item by a vote of 5 to 1 (Commissioner Hagaman dissenting with Odom being absent).

Mayor Johannesen then called forth the applicant to speak at this time.

Ryan Joyce
767 Justin Road
Rockwall, TX 75087

Mr. Joyce came forth and provided a very lengthy presentation regarding this proposal.

Councilmember McCallum indicated he hosted a meeting at The Oaks of Buffalo Way with residents living there and with Mr. Joyce. He gave a summary of those discussions, then went on to seek clarification regarding certain lot sizes, explaining that some of the lot sizes being proposed this evening are in fact not aligned with residents' desires (of those living in the Oaks at Buffalo Way subdivision). Mr. Joyce agreed, clarifying that the lot sizes being put forth this evening do represent are a bit of a compromise. Councilmember McCallum and Mr. Joyce continued with additional dialogue related to the original proposal, the desires expressed by residents (especially related to the desire for larger lot sizes), and how those compare to that which is being put forth in the updated proposal this evening.

Susan Langdon
5050 Bear Claw Lane
Rockwall, TX 75032

Ms. Langdon came forth, expressing concerns / opposition related to this proposal. She shared that residents are growing tired of having to show up and be involved in this proposal. She believes the proposal is too dense, even with this updated proposal. She shared that she does not believe the property owner is not compromising, even though the residents are being constantly asked to compromise. She spoke in opposition of this request being approved this evening.

Richard Henson
2424 South FM 549
Rockwall, TX 75032

Mr. Henson shared that he lives within the property notification buffer. He went on to speak to the YAC students who are present this evening, providing some background information regarding this case. He shared information concerning meetings that transpired between the developer and property owners. He expressed concerns related to the proposed entryways for this neighborhood and the density (pointing out that nearby lots are 'estate lots' – homes on multiple acres of land). He expressed strong opposition to this request this evening. He showed visuals comparing the proposed lot sizes to the size of his own home / lot. He encouraged councilmembers to vote "no," also expressing concerns related to traffic.

Bob Lyon
1900 Broken Lance Lane
Rockwall, TX

Mr. Lyon shared that he has multiple concerns about this proposal, and he expressed dissatisfaction about the developer who has claimed that he has had 'discussions' with other nearby property owners; however, he does not know the true nature of those discussions. He is concerned about the amenity centers and what size they will be and what amenities they will include. He spoke in opposition of approval of this request this evening, asking that it be denied and that the developer be made to return to the 'bargaining table.'

Leslie Wilson
535 Cullins Road
Rockwall, TX 75032

Ms. Wilson shared that she has lived at this location for almost 30 years. When she first built, there was one business located on Horizon Road (a carwash). She went on to share that the process has been very long and very tiring, and citizens are very tired of what she views as a 'bait and switch' when dealing with the developer. She believes the developer is 'thumbing his nose' at the residents. She encouraged Council to be on the side of the citizens and advocate for them. She generally spoke in opposition of this request.

Milton Wittig
1759 Bay Watch Drive

Mr. Wittig came forth expressing concerns regarding density and traffic pertaining to this proposal. He urged Council to send this back and require less density.

Leslie Hope
530 Cullins Road
Rockwall, TX 75032

Mrs. Hope came forth and shared that Mr. Henson did a really good job of explaining the realities of the density pertaining to this proposed development. She shared that it's been 15 years since the City of Rockwall added any fire stations. Many apartments have been added since then, many new residential developments have been added, and the populations of both the city and county have notably grown. She is very concerned about the infrastructure and potential impacts on the schools. She believes the density is too high, and she urged the Council to pump the brakes on potentially approving developments such as this one, as she does not believe we have the infrastructure to support them.

Joe Ward
4920 Bear Claw Lane
Rockwall, TX

Mr. Ward shared that he understands this proposal is 'at the discretion' of the Council, acknowledging that it will require exercise of good judgement on the part of councilmembers tonight. He does not believe there was an equal amount of integrity between the developer and those he was working with in the community when considering modifications to the original proposal. He urged Council to have good judgement and to clearly understand the position of the neighbors (homeowners) this evening.

Markus Bader
1940 Broken Lance Lane
Rockwall, TX

Mr. Bader shared he is on the HOA of the Oaks of Buffalo Way subdivision, and he is generally opposed to this proposal. He shared that there are certain aspects to the proposal that he is actually on board with; however, as a whole, he is opposed to this proposal.

Randy Heinrich
4945 Bear Claw Lane

Rockwall

Mr. Heinrich came forth and shared frustrations about the process associated with neighboring homeowners having met with the developer over time. He feels there has been a lot of 'bait and switch,' and he indicated that the homeowners are saying a very strong "no." He is opposed to this request.

Scott Benners
4940 Bear Claw Lane
Rockwall, TX

Mr. Benners shared that he is currently the acting HOA President of the Oaks of Buffalo Way subdivision. He pointed out he has not observed anyone, outside of the applicant, who is rooting in favor of this proposal. Rather, overwhelmingly it appears as though individuals are opposed to the request. He went on to speak in opposition of the proposal this evening.

Christina Guevara
1905 Broken Lance Lane
Rockwall, TX

Mrs. Guevara came forth and shared that she and her husband are not in opposition to development, and they are both in the finance business. She went on to share some numbers estimates her husband ran (he could not be present himself tonight) regarding the estimated profit the developer stands to earn related to the development. She spoke in opposition of the request, especially concerning its high density.

Jason G. Schuette
1925 Broken Lance Lane
Rockwall, TX 75032

Mr. Schuette shared that he is the Treasurer of the Oaks of Buffalo Way HOA. Mr. Schuette gave credit to the developer, Mr. and Mrs. Joyce, sharing that some efforts were made and a few meetings were held between them and the homeowners. He does not believe that this revised proposal actually addresses the concerns of existing, nearby homeowners. He shared that there are limits on what someone can and cannot do on his/her own property. He spoke in opposition of this request, encouraging Council to vote 'no' on this proposal this evening.

Michelle McCann
304 Shoreview
Rockwall, TX

She shared that she has a lot of concerns about the various subdivisions that are being approved by the City, indicating that there is not enough infrastructure to support the growth. She expressed that both roadways and schools are overcrowded, and she is tired of sitting in so much traffic throughout the city. She urged Council to think about infrastructure and the fact that it is not very pleasant to living in the city right now due to all the traffic.

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker came forth and shared that he supports the developer, The Joyce's; however, he has a problem with the Lofland Family (the land owner(s)). He has various concerns, such as the proposed entryways; the lot sizes/mix; the density; and retention/detention ponds. He generally spoke in opposition of this request this evening.

Stan Jeffus
2606 Cypress Drive
Rockwall, TX 75087

Mr. Jeffus expressed concern about putting 100 houses on 15 acres. He spoke about the proposed commercial property on one of the corners of this proposed development. He explained that large, estate lots on acreage are currently in existence just across from this proposed commercial area. He expressed a desire for this proposed commercial area to be changed to large, estate (residential) lots instead. He generally expressed opposition to this request.

Melba Jeffus
2606 Cypress Drive
Rockwall, TX 75087

Mrs. Jeffus shared that several meetings occurred between existing, nearby homeowners and the developer. She expressed they were very productive; however, she believes that not enough has been done to incorporate desired changes. She shared that a large bond (\$1 million) election is going to be before Rockwall voters soon. She has strong concerns about infrastructure and the rising costs associated with the ability to live in Rockwall. She indicated the Council does not have to approve everything that comes before it for consideration. She is opposed to approval of this development and urged Council to vote against it this evening.

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

He then recessed the public meeting, calling for a brief break at 8:05 p.m.

Mayor Johannesen reconvened the public meeting at 8:12 p.m., calling forth the developer, Mr. Joyce to address some of the comments made during the Public Hearing session.

Mr. Joyce clarified that Qualico Communities has not hired his company (Michael Joyce Properties) to pitch this and try and get it approved. He shared that he and his company are very active and invested in this community and very much care about the community. He went on to share TXDOT plans for widening roadways, including eventually doubling the capacity of SH-205 and FM-549, which he noted with greatly assist with infrastructure and traffic-related concerns. He clarified information about the proposed entry features / monuments included in this proposal. He went on to share more details related to the open spaces, the parkland areas, and the amenity centers that will be included in this development. He shared that The Wallace Family is against this development.

Councilmember McCallum provided comments pertaining to meetings that transpired between the developer and residents several years ago on a different, prior development proposal, generally commenting that those sort of negotiations and that sort of process does actually work. Councilmember McCallum went on to share a PowerPoint presentation, expressing his various concerns pertaining to the proposal (i.e. lot sizes; traffic and how drivers will get moved around, especially 10-15+ years from now; the density; and various additional concerns expressed by the numerous nearby, existing homeowners).

Mr. Joyce pointed out that not all surrounding properties are large estate lots, and he has been doing his best to make modifications to the lot sizes, lot mixes, and associated street layouts.

Councilmember Moeller believes that great strides have been made as far as this proposal when compared to the original proposal, and a lot of the concerns have been addressed; however, he would still like to see some additional work done, especially pertaining to the proposed lots (sizes, mix). He believes Phase 4 looks pretty good, and he would like to see more mix in 1, 2, and 3.

Councilmember Thomas asked for and received clarification from Mr. Miller (Planning Director) on how the density of this proposal compares to previously approved residential subdivisions within the City. Mr. Miller shared that the city has only approved two, prior developments that are less dense than this one, and both of them did not have sewer infrastructure. So, what drove the lot sizes in those instances was the need for on-site septic sewage systems (the Discovery Lakes and Dowell Road projects). Discussion also took place related to the adjacent collector roads. Councilmember Thomas believes this proposal does represent 'low density residential housing' as far as what is defined in our city's long-term Comprehensive Development Plan. He shared that people make decisions often to move off, for example two acre lots, onto 62' lots – many times because they and their kids want to live closer to friends. A lot of homes on 62' lots (i.e. in Nelson Lakes) are being advertised for sale for \$700-800k. He shared that a whole lot of residents live in homes that are on 62' to 80' lots. He shared that this developer builds high-quality developments. He shared various reasons why he is in support of this proposal this evening.

Councilmember Lewis shared that there is an existing city fire station located not far from this development. He shared that he observed a lot of changes that the developer has made between the first proposal and this current one, and he does not believe enough credit has been afforded to him for those changes. Brief discussion took place related to 'transitions' (such as landscape buffers and landscaping) between the commercial area and the adjacent residential areas.

Councilmember Campbell shared that she does observe quite a few changes within this proposal. She sought and received clarification on the city's Comprehensive Plan. Mr. Miller shared that the plan is essentially a guideline and bar by which to measure; however, no development will ever check all the boxes and be in total sync with that which is written within the Comp Plan. Mr. Miller shared that he is at 1.65 units per acre, which is below the city's maximum 2.5 units per acre contained within the Comp Plan. Councilmember Campbell shared various additional comments (i.e. pertaining to the proposed amenity centers (which is of concern to her). She believes this case is a tough one. She acknowledged he builds good products; however, she wishes there was more lot mix, she wishes the 'General Retail' portion was 'residential' instead.

Mayor Johannesen acknowledged that this case is a tough one. He believes many people in Rockwall prefer no more development at all, while others desire unlimited development. He believes this proposal is somewhere in the middle. He briefly acknowledge property owner rights and the right for them to develop their property. He is in support of 'limited government.' He knows that the city's Comprehensive Plan was developed very thoughtfully and by many professionals, such as the city's Planning Director, Ryan Miller, and others. Mayor Johannesen shared that he does not personally like 62' lots; however him not liking it is not enough reason to vote in opposition of it. He acknowledged that Council sometimes has to make very, very tough decisions. He went on to share the various reasons why he will be supporting approval of this proposal this evening. He knows that there is no such thing as 'consensus,' and not everyone will be happy.

Mayor Johannesen moved to approve Z2024-048. Councilmember Thomas seconded the motion. Councilmember McCallum went on to share his opposing views in response to some expressed by Mayor Johannesen. He believes the developer still has more, additional work to do, especially concerning the density. He shared that a lot of concerns expressed by nearby existing homeowners have been largely ignored. He believes the Council should ask Mr. Joyce to go back and do even more. He urged the Council to vote "no" and bring back further changes to reflect something the community can truly be proud of.

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 UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO PLANNED DEVELOPMENT DISTRICT XX (PD-XX) FOR SINGLE FAMILY 10 (SF-10) DISTRICT AND GENERAL RETAIL (GR) DISTRICT LAND USES ON THE SUBJECT PROPERTY, *BEING* A 536.4297-ACRE TRACT OF LAND IDENTIFIED AS TRACTS 3 & 3-1 OF THE A. JOHNSON SURVEY, ABSTRACT NO. 123; TRACTS 7 & 7-2 OF THE W. H. BAIRD SURVEY, ABSTRACT NO. 25; AND TRACTS 3 & 4 OF THE J. R. JOHNSON SURVEY, ABSTRACT NO. 128, 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.

Councilmember Moeller asked for clarification on what will transpire this evening if there is possibly a 3 to 3 tie vote. Mr. Garza, City Attorney, indicated that if it is tie vote, the current motion on the floor – which is to approve – would fail. Then there could be a subsequent motion made.

The motion to approve failed by a vote of 3 in favor with 3 against (Moller, Campbell, and McCallum).

Councilmember McCallum provided some words of advice to the developer and the moved to deny Z2024-048 without prejudice. Councilmember Moeller seconded the motion. Councilmember Thomas encouraged Council to remember that when this comes back, no one is ever going to get everything they want. He pointed out this is a 'free enterprise' country. So, if you want 100% of what you want,

buy the land from Lofland and build it. He pointed out this is not a communist country and the government doesn't overrun people. The motion to deny without prejudice passed with a vote of 4 in favor with two against (Johannesen and Thomas).

Mayor Johannesen recessed the meeting and called for a break at 9:00 p.m. He shared that he has to excuse himself from the meeting at this point, as he needs to catch a flight. Also, Councilmember Moeller excused himself from the meeting at this (break) time too.

Councilmember Anna Campbell called the meeting back to order at 9:12 p.m. and then addressed Public Hearing Item #2 next. At this point, Mayor Johannesen and Councilmember Moeller were absent from the duration of the meeting (in addition to Mayor Pro Tem Jorif, who was absent from the meeting in its entirety).

XIII. Adjournment

Councilmember Campbell adjourned the meeting at 9:47 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS
4th DAY OF NOVEMBER, 2024.


Trace Johannesen, Mayor

ATTEST:


KRISTY TEAGUE, CITY SECRETARY

