



ROCKWALL CITY COUNCIL MEETING

Monday, November 18, 2024 - 5:00 PM

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

I. Call Public Meeting to Order

Mayor Johannesen called the public meeting to order at 5:00 p.m. Present were Mayor Trace Johannesen, Mayor Pro Tem Clarence Jorif and Councilmembers Sedric Thomas, Mark Moeller, Anna Campbell, Dennis Lewis and Tim McCallum. Also present were City Manager Mary Smith and Assistant City Manager Joey Boyd. City Attorney Frank Garza was absent from the public portion of the meeting but did attend Executive Session remotely via video teleconference.

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 boards and commissions, pursuant to §551.074 (Personnel Matters).
2. Discussion regarding possible settlement re: City of Rockwall vs. Richard Brooks & Lake Pointe Health Science Center, pursuant to §551.071 (Consultation with Attorney).
3. Discussion regarding possible City Charter amendments and related legal advice, pursuant to §Section 551.071 (Consultation with Attorney).

III. Adjourn Executive Session

Council concluded Executive Session at 5:30 p.m.

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

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

V. Invocation and Pledge of Allegiance - Mayor Johannesen

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

VI. Appointment Items

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

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

VII. Open Forum

No one came forth to speak during Open Forum.

VIII. Take Any Action as a Result of Executive Session

Mayor Pro Tem Jorif moved to approve the settlement regarding the City of Rockwall v. Dr. Richard Brooks Estate lawsuit for the City to receive \$332,500, authorizing the City Manager to execute all necessary documents to finalize the settlement. Councilmember Thomas seconded the motion, which passed unanimously of those present (7 ayes to 0 nays).

Councilmember McCallum moved to appoint Stan Jeffus to serve on the city's Charter Review Commission. Councilmember Thomas seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Mayor Johannesen moved to reappoint the following individuals to serve an additional two-year term on the Rockwall Economic Development Corporation (REDC) Board of Directors (term to expire December of 2026): Carin Brock, Justin Lee, Eric Burress and Darren Shue. Councilmember McCallum seconded the motion, which passed unanimously of those present (7 ayes to 0 nays).

IX. Consent Agenda

1. Consider approval of the minutes from the November 4, 2024 city council meeting, and take any action necessary.
2. Consider approval of a recommendation from the Hotel Occupancy Tax (HOT) Subcommittee awarding funding for the Children's Advocacy Center in the amount of \$30,000, and the Rockwall Summer Musicals in the amount of \$10,000 authorizing the City Manager to execute the associated agreements, and take any action necessary.
3. Consider authorizing the City Manager to execute a one-year contract with Evoqua Water Technologies for chemical injections for \$90,000 annually to be funded by the Wastewater Operations Budget, and take any action necessary.
4. Consider approval of the material testing contract for Little Buffalo Wastewater System Extension and authorize the City Manager to execute a construction contract with Henley Johnston & Associates in the amount of \$19,050 to be funded by the State and Local Fiscal Recovery Funds, and take any action necessary.
5. Consider approval of the contract for the purchase and installation of video surveillance equipment for the City of Rockwall's water facilities and authorize the City Manager to execute a contract with Enterprise Security Solutions of Texas, Inc., in the amount of \$282,802.46, to be funded by the State and Local Fiscal Recovery Funds, and take any action necessary.

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

X. Public Hearing Items

1. **Z2024-049** - 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 subject property has remained vacant since its annexation into the City of Rockwall in July of 1997. On June 17, 2024, the City Council denied a Specific Use Permit (SUP) for a Residence Hotel [Case No. Z2024-023] without prejudice to allow the applicant to resubmit the request after the developer increased the parking area on the Amerisports property. On October 7, 2024, a building permit [Case No. COM2024-4701] was approved allowing an additional 101 parking spaces on the Amerisports property. This parking lot is currently under construction. The applicant has submitted a concept plan for a Residence Hotel (see Figure 1). According to the concept plan, the proposed hotel will consist of a four (4) story building with a 61,496 SF building footprint and a total of 107 guest rooms. The first floor will consist of 16,586 SF, and the second, third, and fourth floors will consist of 14,970 SF each. The total proposed square footage of all the floors is 61,496 SF. In addition to the Residence Hotel, the concept plan (see Figure 1) also shows the location of the pool, parking areas, and a pet area. The proposed facility will have access off of Fit Sport Life Boulevard and a cross access easement from the western and eastern properties (i.e. the future 7/11 Gas Station and the AmeriSports Facility). In this case, the proposed Residence Hotel will incorporate kitchen facilities, be fully furnished, and have internal corridors leading to the doorways for each unit. According to the Permissible Use Charts contained in Article 04, Permissible Uses, of the Unified Development Code (UDC), a Residence Hotel requires a Specific Use Permit (SUP) in a Commercial (C) District. In addition, according to the UDC, the maximum height for a building in a Commercial (C) District is 60-feet; however, the building height may be increased up to 240 feet if approved through a Specific Use Permit (SUP). In this case, the applicant is requesting a height of 65-feet. Mr. Miller indicated the provided concept plan currently conforms to the parking requirements for a Residence Hotel. Specifically, Article 06, Parking and Loading, of the Unified Development Code (UDC) requires that a Hotel provide one (1) parking space per each unit and 50.00% of the accessory uses provided in the Hotel. Based on the provided concept plan, the required parking for the proposed Residence Hotel is 125 parking spaces. Currently, the concept plan shows the provision of 144 parking spaces or 12 parking spaces over the requirement. Staff also pointed out that the concept plan shows that they will be removing 12 spaces from the adjacent property sports complex (i.e. AmeriSports), and has indicated to staff that these will be provided through the additional parking being added to the sports complex. If the Residence Hotel is constructed prior to the construction of the 101 parking spaces on the adjacent property (i.e. Amerisports), this will require the applicant to setup a parking agreement to utilize the 12 excess parking spaces on the proposed hotel property. This can be accomplished through the final plat process for this property in accordance with the requirements of the Unified Development Code (UDC); however, it is anticipated that the additional parking for the sports complex will be complete prior to the construction of the hotel.

On October 19, 2024, staff mailed 10 notices to property owners and occupants 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. At the time this report was drafted, staff had not received any responses in favor or opposition of the applicant's request. Approval of an SUP is a discretionary decision on the part of Council. The City's Planning & Zoning Commission has recommended approval of this request by a vote of 4-1, with Commissioner Hagaman dissenting and Commissioners Womble and Hustings being absent.

Mayor Johannesen asked for some clarification. Mr. Miller shared that any hotel in a commercial district requires a specific use permit. This hotel is somewhat in between a residence and limited service hotel. The reason it's being put forth as a 'residence' one is because of the kitchen facilities and food preparation area, which are very specific to the 'residence' related definition (and not included in the definition of a 'limited

service hotel).

Mayor Johannesen then opened the public hearing and called forth the applicant.

Renee Ward
Weir & Associates
2201 E. Lamar Boulevard
Arlington, TX

Ms. Ward shared that her company the engineering firm on the project, and she is happy to answer any questions.

There being no questions of Ms. Ward and no members of the public indicating a desire to speak, Mayor Johannesen then closed the public hearing.

Councilmember Lewis asked what the anticipated completion timing is for the parking lot (the additional 101 spaces at AmeriSports). Tom Kelty, co-owner of the project who state he lives in Livingston, TX, came forth and shared that they are slated to pour concrete this Friday, and the parking lot is expected to be completed sometime in January. By June of 2025, they hope to be submitting for building permits. Mr. Miller shared that they still have additional processes (site plan, engineering and final platting) to go through prior to applying for / obtaining building permits for the hotel.

Pen Collins
Gatehouse Capital (co-developer and the hotel partner)
5603 Matalee Avenue
Dallas, TX

Councilmember Thomas asked why this is being put forth as an 'extended stay.' Mr. Collins shared that the expected stay will likely be 2.7 and 3.5 days is the average expected length of stay. So they're not excessively long timeframes, and no discounts are given for longer stays. The other option was a "Hampton Inn," but essentially they did not find this most desirable for several reasons. A "Home 2" seemed to be the best option, all things considered. He shared that for someone to stay an entire month would cost roughly \$3,900, so it is not anticipated that many will do so.

Councilmember Thomas moved to approve Z2024-049, with the stipulation that the parking be completed prior to the building / construction beginning on the hotel. Councilmember Lewis concurred he would like to see the 101 parking spaces by AmeriSports be complete prior to building permits being issued. Planning Director, Ryan Miller, generally shared that this sort of stipulation really cannot be made, as zoning cannot have certain conditions placed on it.

Councilmember Thomas then amended his initial motion to approve Z2024-049, with the requirement that the parking spaces (12 spaces) being removed from AmeriSports be added back. Councilmember Moeller seconded the motion and briefly commented. 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 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; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBITS 'A' AND '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 7 ayes to 0 nays.

2. **Z2024-050** - Hold a public hearing to discuss and consider a request by Jim Joyce on behalf of JFI Series 1, LLC for the approval of an ordinance for a Specific Use Permit (SUP) for *Residential Infill Adjacent to an Established Subdivision* on a 0.1340-acre parcel of land identified as Lot 5A-R of the Lofland Addition, City of Rockwall, Rockwall County, Texas, zoned Two-Family (2F) District, generally located on the west side of Bost Street north of the intersection of St. Mary's Street and Bost Street, and take any action necessary (**1st Reading**).

Planning Director Ryan Miller provided background information regarding this agenda item. The applicant is requesting the approval of a Specific Use Permit (SUP) for the purpose of constructing a duplex on the subject property. The structure is proposed to be a two-story, 3,446 SF residence. Council is being asked to look at and evaluate the proposed location, size and architecture of the proposed duplex when compared to other, existing nearby residences. With the exception of the proposed garage orientation and the city's anti-monotony standards, the proposed duplex does meet city requirements. Staff mailed out 120 notices to property owners and occupants located within 500' of the subject property. Also, nearby HOAs participating in the Neighborhood Notification Program were also given notice. Staff has not received any replies as a result of those notices. The Planning & Zoning Commission has recommended approval of this item by a vote of 5 to 0.

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

Councilmember Lewis moved to approve Z2024-050. Councilmember Campbell seconded the motion, and the ordinance caption was read as follows:

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL ADJACENT TO AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A DUPLEX ON A 0.1340-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 5A-R OF THE LOFLAND 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. **Z2024-051** - Hold a public hearing to discuss and consider a request by Jim Joyce on behalf of JFI Series 1, LLC for the approval of an ordinance for a Specific Use Permit (SUP) for *Residential Infill Adjacent to an Established Subdivision* on a 0.1340-acre parcel of land identified as Lot 6A-R of the Lofland Addition, City of Rockwall, Rockwall County, Texas, zoned Two-Family (2F) District, generally located on the west side of Bost Street north of the intersection of St. Mary's Street and Bost Street, and take any action necessary (**1st Reading**).

Planning Director Ryan Miller provided background information regarding this agenda item. He indicated that this request is almost entirely identical to the request above, and it is located 50' directly south of the previous property / previous agenda item. As was with the previous case, it does not totally meet the city's garage standards or anti monotony standards. Staff mailed out 124 notices to adjacent property owners and occupants, but not notices were received back. The Planning & Zoning Commission has recommended approval of this item by a vote of 5 to 0.

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

Councilmember Lewis moved to approve Z2024-051. Councilmember Thomas seconded the motion, and the ordinance caption was read as follows:

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL ADJACENT TO AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A DUPLEX ON A 0.1340-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 6A-R OF THE LOFLAND 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.

4. **Z2024-052** - Hold a public hearing to discuss and consider a request by Chad and Cindy Shirley for the approval of an ordinance for a Specific Use Permit (SUP) for a *Private Sports Court with Standalone or Dedicated Lighting* on a 0.3444-acre parcel of land identified as Lot 6, Block 2, Gideon Grove 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 1313 Gideon Way, and take any action necessary (**1st Reading**).

Planning Director Ryan Miller provided background information regarding this agenda item. Any potential approval of this request will require a super majority vote of Council. The address of the location is 1313

Gideon Way, and the applicant is requesting the approval of a Specific Use Permit (SUP) to allow the construction of a Private Sports Court with Dedicated or Standalone Lighting. The applicant has submitted an application, concept plan, and photometric plan proposing to construct a 45' 2" X 28' 6" (or 1287.25 SF) Private Sports Court with Standalone or Dedicated Lighting on the subject property. The proposed structure will be situated on a concrete pad. The applicant has also indicated that there will be four (4), 14-foot light poles with a LED Shoebox Area Light mounted to each pole. Each of the light standards will be directed downward toward the middle of the Sports Court; however, the applicant's submitted materials do not show that the lights will be shielded. On October 19, 2024, staff mailed 64 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), which is the only HOA's 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 has received four (4) notices back in opposition of the applicant's request. In addition, on November 12, 2024, the Planning and Zoning Commission approved a motion to recommend denial of the Specific Use Permit (SUP) by a vote of 5-0, with commissioners Womble and Hastings absent.

Following Mr. Miller's briefing, Mayor Johannesen opened the public hearing, but with no one indicating a desire to come forth and speak, he then closed the public hearing.

Councilmember Thomas briefly commented he knows several neighbors have opposition to this request, specifically because of the lighting and that it will not be shielded. Also, the HOA did not approve this. For these reasons, Councilmember Thomas then made a motion to deny Z2024-052. Councilmember Lewis seconded the motion. Mayor Pro Tem Jorif shared that he knows the applicants and will, therefore, be abstaining from the vote. The motion to deny the item then passed by a vote of 6 ayes with 1 abstention (Jorif).

XI. Adjournment

Mrs. Smith, City Manager, briefly reminded Council of the "State of the City" prestaton slated for this Wednesday at the monthly Chamber of Commerce lunch. She shared that a "Notice of a Quorum" was posted, as city business will be discussed, and – even though no action is anticipated – all seven councilmembers have indicated they plan to attend. So, it was appropriate to post this notice.

Mayor Johannesen adjourned the meeting at 6:31 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 2nd DAY OF DECEMBER, 2024.

ATTEST:


Kristy Teague, City Secretary




Trace Johannesen, Mayor