

ROCKWALL CITY COUNCIL MEETING

Monday, March 17, 2025 - 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 City Attorney, Frank Garza. Mayor Pro Tem Johannesen then 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 sale/purchase/lease of real property in the vicinity of downtown, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
3. Discussion regarding legal advice associated with water supply contracts with City of Heath, pursuant to Section 551.071 (Consultation with Attorney)

III. Adjourn Executive Session

Council adjourned from Executive Session at 5:40 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 Campbell

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

VI. Proclamations / Awards / Recognitions

1. Surveyors Week Proclamation

Mayor Johannesen read and presented this proclamation to local resident, Craig Wallwork.

VII. Appointment Items

1. Appointment with Planning & Zoning Commission representative to discuss and answer any

questions regarding planning-related cases on the agenda.

Dr. Jean Conway, a member of the city's Planning & Zoning Commission, came forth and shared an updated with Council related to recommendations of the Commission concerning planning-related items on tonight's meeting agenda.

Following some clarifying comments pertaining to septic systems on ¾ acre versus 1-acre sized lots, Council took no action following Dr. Conway's update.

VIII. Open Forum

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

Jeffrey Baron
2324 Saddlebrook Lane
Rockwall, TX

Mr. Baron came forth and shared some observations over the last seven years. He commented that he hasn't seen any new parks. He acknowledged the new pickleball courts (with no bathrooms), but no new parks. He spoke about debris on the road, including gravel and sand alongside roadways, including on John King Boulevard and other thoroughfares. He pointed out that this type of debris is dangerous for motorcycle riders. He also has concerns about traffic, especially the lack of turn lanes into key areas, including into subdivisions. He has concerns about new subdivisions that will include a lot of landscaping. He believes we have a water supply shortage, and he does not think that these new subdivisions and associated landscaping is a good idea. He also has concerns about water drainage as well as landscaping that results in sprinkler systems that leave dangerous situations, such as black ice when that water freezes during very cold temperatures. He is concerned that there is truly no highspeed internet throughout the city.

Tim Conaway
838 Elgin Court
Rockwall, TX 75032

Mr. Conaway came forth and shared that he would like the City to consider lifting and/or at least modifying its ordinance related to backyard chickens. He urged Council to allow them, at least by some sort of permitting process that regulates things such as not allowing roosters, setbacks from property lines, size of coops and locations, food storage, etc. He spoke about the various reasons why Council should consider making these modifications as well as the various advantages that backyard chickens afford to those who have and house them. He urged Council to allow him to work with the city to come up with some viable regulations that will allow chickens while also ensuring some logical regulation are in place to manage their allowance.

Bob Wacker
309 Featherstone Drive
Rockwall, TX

Mr. Wacker came forth and shared that he has some concerns about 380 agreements. He is not opposed to them entirely, but he wishes there were more transparency concerning these sorts of agreements. He

went on to share some examples of 380 agreements, including the REDC agreeing to a 380 agreement with IKEA back in January of 2025. He went on to share his understanding of this particular agreement with IKEA; however, the city manager and/or the mayor had to correct Mr. Wacker several times during his presentation. He went on to share details of the various dates and votes during which the proposed IKEA development went before Planning & Zoning Commission and/or City Council. He went on to share concerns about the lack of transparency. Mayor Johannesen shared that when a major retailer is in negotiations to potentially come to the city, the city has to have discreetly worded agenda items to discuss these things in Executive Session. He urged Council to keep citizens better informed of these sorts of agreements. Johannesen shared that the city follows state law, and the city has a representative form of government so that those who are elected make decisions on behalf of its constituents for the good of the whole. Mr. Wacker wanted to know who voted against the IKEA deal. He was encouraged to find that answer within the publicly posted council meeting minutes.

IX. Take Any Action as a Result of Executive Session

Mayor Pro Tem Jorif moved to appoint Carin Brock to the city's Planning & Zoning Commission to fill a vacant seat left by former board member Derek Deckard, who recently resigned (for an initial term to expire in August of 2026). Mayor Johannesen seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Mayor Pro Tem Jorif moved to appoint Brandon Bushnell to the Rockwall EDC to fill the unexpired term (of Carin Brock). Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Mayor Pro Tem Jorif announced the acquisition of land from the Canup Family, land on which the famed "Rock Wall" formation was first discovered while digging a well. He indicated that this land purchase marks a significant milestone in preserving local history. On behalf of the City, Jorif extended sincere appreciation to the many individuals who made the land acquisition possible, especially the Canup Family. He shared that the property is generally located not far off SH-66 by the Walmart Neighborhood Market, and he urged the public to stay tuned for future updates regarding plans for the property.

X. Consent Agenda

1. Consider approval of the minutes from the March 3, 2025 city council meeting, and take any action necessary.
2. Consider the approval of an **ordinance** amending Article II, Park Land Dedication, of Chapter 38, Subdivisions, of the Municipal Code of Ordinances for the purpose of adopting updated Cash-Lieu of Land and Pro-Rata Equipment Fees, and take any action necessary. **(2nd Reading)**
3. **P2025-004** - Consider a request by Ryan Joyce of Michael Joyce Properties on behalf of John Vick of Qualico Developments (US), Inc. for the approval of a Preliminary Plat for Phase 1 & 2 of the Juniper Subdivision consisting of 366 single-family residential lots on a 195.685-acre tract of land identified as part of Tract 3 of the A. Johnson Survey, Abstract No. 123 [355.146-acres]; and Tract 7 of the W. H. Baird Survey, Abstract No. 25 [20.3942-acres], City of Rockwall, Rockwall County, Texas, zoned Planned Development District 103 (PD-103) for Single-Family 10 (SF-10) and limited General Retail (GR) District land uses, 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.

4. **P2025-005** - Consider a request by Ryan Joyce of Michael Joyce Properties on behalf of John Vick of Qualico Developments (US), Inc. for the approval of a Master Plat for the Juniper Subdivision consisting of 870 single-family residential lots on a 526.778-acre tract of land identified as Tracts 3 & 3-1 of the A. Johnson Survey, Abstract No. 123 [355.146-acres]; Tract 7 of the W. H. Baird Survey, Abstract No. 25 [20.3942-acres]; and Tracts 3 & 4 of the J. R. Johnson Survey, Abstract No. 128 [144.00-acres], City of Rockwall, Rockwall County, Texas, zoned Planned Development District 103 (PD-103) for Single-Family 10 (SF-10) and limited General Retail (GR) District land uses, 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.
5. Consider authorizing the City Manager to execute a maintenance and services agreement with Cummings Electrical, LP to provide maintenance and service for Supervisory Control and Data Acquisition (SCADA) for Water, Wastewater, and Street Divisions of Public Works, and take any action necessary.
6. Consider cancellation of P.O. No. 2024-00471 in the amount of \$2,066,658.00 and a new bid award for the purchase of a new Fire Department Ladder Truck to Siddons-Martin/Pierce for \$1,937,666.00 as well as pre-authorization to buy the loose equipment from various vendors and authorize the City Manager to execute a purchase order for the new apparatus and associated equipment, and take any action necessary.
7. Consider authorizing the City Manager to execute a grounds maintenance services contract with Yellowstone Landscape for a period of one-year with three one-year renewal options with a 2025-2026 projected cost in the amount of \$145,700.02 to be funded by the Parks Operations budget, and take any action necessary.
8. Consider approval of the Rockwall Police Department's 2024 Racial Profiling Report, and take any action necessary.

Councilmember McCallum pulled item # 3 and item #4. McCallum then moved to approve the remaining Consent Agenda items (#s 1, 2, 5, 6, 7, and 8), including a request for one, minor correction in the minutes on page 6. Councilmember Thomas seconded the motion, which passed by a vote of 7 ayes to 0 nays. The ordinance caption for #2 was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 25-13

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.

Regarding Consent Agenda item #3, Mayor Johannesen moved to approve this item. Councilmember Thomas seconded the motion, which passed by a vote of 5 ayes to 2 nays (McCallum and Jorif).

Regarding Consent Agenda item #4, Councilmember Thomas moved to approve this item. Mayor Johannesen seconded the motion, which passed by a vote of 5 ayes to 2 nays (McCallum and Jorif).

Mayor Johannesen then announced that Action Item #3 will be addressed next this evening.

XI. Public Hearing Items

1. **Z2025-004** - Hold a public hearing to discuss and consider a request by Corey Smith on behalf of Destiny Smith for the approval of an ordinance for a Specific Use Permit (SUP) allowing a *Guest Quarters/Secondary Living Unit* and an *Agricultural Accessory Building/Barn* on a 10.00-acre tract of land identified as Tract 1-5 of the J. W. Pitman Survey, Abstract No. 181, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 2201 E. FM-550, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller gave background information concerning this agenda item. On February 28, 2024 the Building Inspections Department issued a pool permit for the subject property. At the time of final inspection on April 28, 2024, the Building Inspection Department failed the permit due to a pool barrier not being installed meeting the requirements of the International Building Code (IBC). Following this, on December 18, 2024, the Neighborhood Improvement Services (NIS) Division initiated a code enforcement case for the lack of a pool barrier and for an unpermitted accessory building. The NIS Division subsequently issued three (3) citations and granted one (1) extension for the accessory building due to the failure to apply for a Specific Use Permit (SUP). This prompted the applicant to apply for the Specific Use Permit (SUP) on February 14, 2025. The applicants – Cory and Destiny Smith -- are requesting approval of a Specific Use Permit (SUP) for the purpose of allowing a 4,185 SF Guest Quarters and Agricultural Accessory Building to remain on the subject property, as they have already been constructed. The accessory structure is situated on a concrete foundation, has an approximate total height of 20-feet, and incorporates a 4:12 and 1:12 roof pitch. The floor plan provided by the applicant indicates that the Guest Quarters/Secondary Living Unit incorporates living spaces, a restroom, and a kitchen. In accordance with the Article 11, Development Applications and Review Procedures, of the UDC, the applicant was required to pay a \$1,000.00 non-compliant structure fee in addition to the Specific Use Permit (SUP) application fee.

Notices were sent out to four owners/occupants located within 500' of this subject property. No notices have been received back at this time. In addition, the City's Planning & Zoning Commission voted 7 – 0 to recommend approval of this request.

Mayor Johannesen opened the public hearing, asking if anyone would like to come forth and speak. The applicant, Destiny Smith, briefly came forth and stated that she and her husband believed they were actually located outside of the city limits. That is why they built such a big barn. Had they known they were actually inside of the city limits, they would not have done so.

There being no one else coming forth to speak, Mayor Johannesen closed the Public Hearing.

Councilmember McCallum then moved to approve Z2025-004. Councilmember Thomas seconded the

motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 25-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, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *GUEST QUARTERS/SECONDARY LIVING UNIT* AND AN *AGRICULTURAL ACCESSORY BUILDING* ON A 10.00-ACRE TRACT OF LAND, IDENTIFIED AS TRACT 1-5 OF THE J. W. PITMAN SURVEY, ABSTRACT NO. 181, 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.

2. **Z2025-005** - Hold a public hearing to discuss and consider a request by Adam Buczek of the Skorburg Company on behalf of Dr. Karl Erwin of the Estate of Karl W. Erwin 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) District land uses on a 98.40-acre tract of land identified as a portion of Tract 4 of the J. M. Gass Survey, Abstract No. 88, City of Rockwall, Rockwall County, Texas zoned Agricultural (AG) District, generally located on the southside of North Country Lane east of the intersection of North Country Lane and FM-1141, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller, provided background information concerning this agenda item. On February 14, 2025, the applicant submitted an application requesting to change the zoning of the subject property from an Agricultural (AG) District to a Planned Development District for Single-Family 10 (SF10) District land uses. Specifically, the applicant is proposing to entitle the subject property for a 123-lot single-family, residential subdivision that will consist of three (3) lot sizes (i.e. [A] 100, 100' x 120' lots; [B] 17, 120' x 230' lots; and [C] 6, 120' x 275' lots). The applicant has submitted a concept plan and development standards for the proposed residential subdivision. The concept plan shows that the 98.40-acre subject property will consist of 123 residential lots. These lots will consist of three (3) lot sizes (i.e. [A] 100, 100' x 120' lots; [B] 17, 120' x 230' lots; and [C] 6, 120' x 275' lots). This translates to a gross density of 1.25 dwelling units per gross acre (i.e. 123 lots/98.40-acres = 1.25 dwelling units per gross acre). The minimum dwelling unit size (i.e. air-condition space) will be 2,800 SF for all homes within the development. With regard to the proposed housing product, staff has incorporated anti-monotony and masonry standards into the proposed Planned Development District ordinance. Specifically, the ordinance will require a minimum of 100% masonry, and the homes will be subject to the City's upgraded antimonotony standards; however, the Planned Development District ordinance will also incorporate provisions that allow up to 50.00% cementitious fiberboard utilized in a horizontal lap-siding, board-and-batten siding, or decorative pattern to allow a variation of materials throughout the subdivision. Looking at the garage orientation proposed for the development, the applicant is proposing

to require all garage doors will be oriented in a J-Swing (or a Traditional Swing) configuration or Recessed Entry configuration (i.e. where the garage door is situated a minimum of 20-feet behind the front façade). In addition, the applicant is proposing to incorporate upgraded finishes on all garage doors that include: [1] coach lighting, [2] decorative wood doors or wood overlays on insulated metal doors, and [3] driveways that are constructed with ornamental stamped concrete brick paver, stained finish, or salt finished. The proposed concept plan shows that the development will consist of a total of 33.19-acres open space that includes 17.15acres of private open space, and 16.04-acres of floodplain. This translates to an open space percentage of 25.58% (i.e. $16.04\text{acres of floodplain} / 2 + 17.15\text{-acres of open space} = 25.17\text{-acres} / 98.40 = 25.579\%$). In addition, the applicant has incorporated an eight (8) foot trail along N. County Lane, Clem Road, the floodplain on the subject property, and connecting to Alma Williams Park. The applicant has also incorporated an eight (8) foot walking trail throughout the subdivision. With regard to the applicant's request for On-Site Sewage Facilities (OSSF), the City Rockwall has an Interlocal Agreement with Rockwall County for OSSF inspections. Per this agreement, Rockwall County will issue permits and perform OSSF inspections on new and existing septic systems per the County's Rules for Regulation of On-Site Sewage Facilities, which stipulates a minimum lot size of 1½-acres. According to Subsection 44-243(d) of Article IV, Sewers and Sewage Disposal, of the Municipal Code of Ordinances, "(n)o permit for the installation of an on-site sewage facility (OSSF) will be issued for property of less than 1½-acre, unless an exception is granted by the City Council on the grounds that undue hardship will be created if said lot is not connected to an OSSF." Staff should note that Rockwall County has stated that they will not inspect OSSF's that are on lots less than 1½-acres. It should also be noted that the City Council has granted OSSF systems for developments (e.g. Planned Development District 76 [PD-76], Planned Development District 78 [PD-78]) proposing lots less than 1½-acre in size, but greater than one (1) acre when the developer proposes [1] the OSSF systems are designed by a licensed OSSF professional (i.e. licensed engineer, sanitarian, etc.), [2] a stamped and signed copy of the OSSF plan indicating the full limits of the septic field be submitted to the City at the time of building permit on a lot-by-lot basis, and [3] all OSSF are inspected by a City approved inspector. In this case, the applicant is requesting to install OSSF's on lots that range in size from 0.75-acres to 1.00-acres (with the majority of the lots being less than one [1] acre in size), and has included language generally in compliance with the aforementioned stipulations. In addition, the applicant has included language that will [1] ensure all Septic Systems shall be designed by a licensed On-Site Sewage Facility (OSSF) professional (e.g. licensed engineer, sanitarian, etcetera), [2] ensure that a stamped and signed copy of the Septic System plans indicating the full limits of the septic field shall be submitted to the city at the time of building permit on a lot-by-lot basis, and [3] All Septic Systems shall be inspected and approved by the City's chosen inspector. The applicant has stated the reason for the OSSF request is to be able to incorporate the estate-sized lots at the south-end of the proposed subdivision.

Mr. Miller shared details about several aspects of the proposal that deviate from the goals of the city's Comprehensive Land Use Plan and some of the city's codes. For these reasons, approval of this request is a discretionary decision on the part of Council.

On March 11, 2025, the Planning and Zoning Commission approved a motion to recommend approval of the Zoning Change by a vote of 7-0. On February 21, 2025, staff mailed 125 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Dalton Ranch Homeowner's Association (HOA), which is the only HOA's within 1,500-feet of the subject property participating in the Neighborhood Notification Program. At the time this report was drafted, staff has received the following: Three notices (within the 500' buffer) that were opposed to the request; 8 notices from 7 property owners outside of the 500' in opposition of the request; and one notice from outside of the 500' buffer in favor of the request.

Mayor Johannesen sought and received clarification on why this is not a rezoning request, but – rather – it is a request for establishment of a Planned Development District. Mr. Miller generally explained that establishing a PD essentially locks the developer into what he has committed to do and to provide.

Adam Buczek
Skorburg Company
8214 Westchester Drive, Suite 900
Dallas, TX

Mr. Buczek came forth and extensively briefed the Council on this proposed development, which he indicated will be called the Erwin Farms subdivision. Following Mr. Buczek's briefing, Mayor Johannesen opened the public hearing, asking if anyone would like to come forth and speak at this time.

Jeffrey Baron
2324 Saddlebrook Lane
Rockwall, TX

Mr. Baron sought and received clarification regarding how density and open space is calculated. He has concerns about the landscaping that will be part of this development and the water that will be used as well as the septic systems and drainage. He has concerns about public parks having fences up around them and not being able to access, for example ball fields, in public parks. Parks Director, Travis Sales clarified that ball fields remain open to the public unless there are games schedule and the fields are reserved for those games or unless the weather has impacted the fields. Mr. Baron went on to share concerns about the FM 1141 roadway. He would like to see the roadway expanded / improved, especially considering the turns along the roadway.

Diane Autry
70 Orchard Lane
Rockwall, TX

Ms. Autry shared that this development is located right behind her home. She acknowledged she does live in the county (not within the city limits), and she was not notified of this development. Her neighbors and she live on two-acre lots. All of her neighbors and she are in opposition of this development due to traffic-related and utility-related concerns as well as things like the crowding of the schools. She just found out of this meeting tonight at 6:05 p.m., so she rushed to this meeting to speak. She has a lot of concerns about the traffic and negatively it is impacting our town. She suggested a moratorium on building until roadways and other concerns are addressed. She generally spoke in opposition of this request.

Stan Jeffus
2606 Cypress Drive
Rockwall, TX

Mr. Jeffus spoke about concerns he has relative to the on-site sewage facilities (septic systems) that are being proposed to be part of this subdivision. He shared that he personally has lived in a home that had a septic system. He explained that there are lateral lines that dictate the location of a septic system on a particular lot, and there has to be proper room for drainage as well as proper ground matter in order for

the soil to properly handle septic system waste and their drainage. He has concerns about the aroma that will be experienced as it is emitted from these types of septic systems. He shared the belief that a lot of people do not understand the expenses and responsibilities associated with owning a septic system serviced home. He would like to see the city provide adequate infrastructure that does not include septic systems.

Carlos Montoya
60 Orchard Lane
Rockwall, TX

Mr. Montoya shared that he lives in the county, but his home is right across the street from this proposed subdivision. He has concerns about the increased traffic already in existence in this area, and he pointed out that the curvature of the existing, two-lane roadways creates some dangerous driving situations. He is concerned about the lot sizes being what they are, and he wishes they were more like two-acre lot sizes. He generally spoke in opposition of this request.

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker shared he lives in Stonecreek Estates subdivision. He has concerns about the city requiring homeowner's associations (HOAs), which start out under the oversight of the land owner and/or the developer. In the beginning, there are no homeowners overseeing maintenance, and the HOA's do not initially have funding (HOA dues have not yet been paid by future homeowners). He would like to see the developer be responsible for the common areas until, perhaps 25% of the lots have been sold and the revenue is there to ensure proper maintenance of those areas. Mr. Miller, Planning Director, indicated that the city cannot get involved with deed restrictions. So, essentially this is out of the city's purview.

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

Councilmember Campbell acknowledged the developer having worked hard on this, for example, lowering the number of proposed lots by 79 lots. She has concerns about the proposed OSSFs (septic systems), and she sought clarification from the applicant, Mr. Buczek, on why he is proposing these systems instead of city sewer. Mr. Buczek went on to explain the various complications with installing the needed infrastructure if the lots were to be able to be serviced on city sewer as well as the very high, associated cost. The density, therefore had to be substantially reduced, and the number of proposed lots had to be notably reduced. He shared that a sewer study was done, and all of these factors went into what is being proposed this evening related to the on-site septic systems. Councilmember Campbell understands that Council may approve an exception to allow these systems on lots less than one-acre, including if there is a 'hardship' situation. Councilmember Campbell sought and received clarification on the proposed lot sizes and the reasoning(s) behind what's being proposed. Mr. Buczek assured that builders and buyers know about septic systems, and buyers purchasing homes at this price point are very much able to afford to maintain them. Campbell pointed out that drip septic systems (such as what's being proposed here) are different than aerobic systems. She understands that these types of septic systems can be more expensive to maintain. General discussion ensued with indication being given that those who inspect septic systems have to be certified by the state and meet certain requirements.

Inspection of these systems will be via a contractor chosen by the city, and there are no anticipated concerns related to the inspections.

Councilmember McCallum asked for clarification on the proposed drainage and the lot sizes. Indication was given that the city does not allow bar ditches, so everything will be curb and gutter within this subdivision. He briefly commented about lot sizes and also acknowledged that Windsor Homes is one of the builders. He asked if Mr. Buczek is open to any truly custom home builders. Mr. Buczek shared that he is very open to custom home builders, and he encouraged any of them that may be interested to please call him. McCallum sought and received clarification on the garage sizes. He went on to share that his own, personal home has septic system, and he and his neighbors do just fine with managing and maintaining them. He has no personal issues with the proposed septic systems. McCallum commended Mr. Buczek for listening to residents and to the P&Z Commission, including no 60' lots and also making modifications to his original (past) proposal for this subdivision, prior to getting to this point of being in front of Council this evening.

Mayor Johannsen indicated he is opposed to 'spot zoning.' He thanked Mr. Buczek for his having worked well with the citizens and their concerns.

Councilmember Moeller appreciates the proposed lot sizes. He shared that the city cannot prevent a landowner from selling his property, and – if the only buyer who can afford to purchase a big, huge plot of land – is a developer, the city cannot do anything about that private land sale / purchase deal. The city cannot stop that, and the city cannot control that. The only thing the city can control is zoning. He went on to point out that the state legislature is working hard to take away the city's ability to have oversight on zoning in its own city. So what is being proposed with this – 100' lots (that we are referring to as 'small lots') – the state legislature could begin forcing cities to allow things such as 40' lots by this time next year. He commented that he lived with a septic system situation for 17 years in Kaufman County, and he is not concerned about the septic system aspects of this proposal.

The Mayor shared that state legislators are currently pushing for 31 units per acre in Austin. So this proposal is pretty good.

Councilmember Lewis thanked Mr. Buczek for his proposal and provided him a few compliments.

Councilmember Thomas also thanked Mr. Buczek for balancing what is allowed against being a good neighbor. He believes that what is being proposed is something that can work well, all things considered. He pointed out that the developer, in this case, is paying for the infrastructure – not the city's taxpayers.

Councilmember Thomas then moved to approve Z2025-005. Mayor Pro Tem Jorif apologized to the residents who live in the county, explaining the city is not required to notify those individuals; however, the city does desire to be a good neighbor. He went on to share that the proposed septic systems can and will work. So, he went on to second the motion. The ordinance caption was then read as follows:

The ordinance caption was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 25-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 LAND USES ON THE SUBJECT PROPERTY, BEING A 98.316-ACRE TRACT OF LAND IDENTIFIED AS TRACT 4 OF THE J. M. GASS SURVEY, ABSTRACT NO. 88, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A' AND DEPICTED HEREIN BY EXHIBIT 'B'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

3. **Z2025-006** - Hold a public hearing to discuss and consider a request by Lisa Brooks and Rene'e Holland of Makeway, LLC for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a General Retail (GR) District for a 2.751-acre tract of land identified as Tract 1-04 of the S. R. Barnes Survey, Abstract No. 13, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, located at the southeast corner of the intersection of John King Boulevard and Quail Run Road, and take any action necessary (1st Reading).

Planning Director, Ryan Miller provided background information related to this agenda item. The subject property was annexed into the City on March 16, 1998 by Ordinance No. 98-10 [Case No. A1998-001]. At the time of annexation, the subject property was zoned Agricultural (AG) District. On September 20, 2021, the City Council denied a zoning change [Case No. Z2021-035] proposing to rezone the subject property from Agricultural (AG) District to Neighborhood Services (NS) District. Currently, the subject property is a 2.751-acre vacant tract of land. On February 14, 2025, the applicants -- Lisa Brooks and Rene'e Holland of Makeway, LLC -- submitted an application requesting to change the zoning of the subject property from an Agricultural (AG) District to a General Retail (GR) District. The purpose of this request is to accommodate the future construction of a daycare facility on the subject property. The subject property is located at the southeast corner of the intersection of John King Boulevard and Quail Run Road. The applicant is requesting to rezone the 2.751-acre parcel of land from an Agricultural (AG) District to a General Retail (GR) District for the purpose of constructing a daycare facility on the subject property. If approved, this development would then be subject to the land uses and development standards stipulated for the General Retail (GR) District as outlined by Article 04, Permissible Uses, and Subsection 04.04, General Retail (GR) District, of Article 05, District Development Standards, of the Unified Development Code (UDC). The applicant's request to rezone the subject property from Agricultural (AG) District to General Retail (GR) District aligns with the intended use for a daycare facility; however, given the proximity of existing residential neighborhoods, the proposed zoning change raises concerns regarding compatibility of the other land uses permitted within the General Retail (GR) District with surrounding land uses. While the General Retail (GR) District does allow for the proposed daycare facility, it also permits a broader range of commercial activities that may not be suitable adjacent to residential properties. The Neighborhood Services (NS) District, by contrast, is designed to accommodate small-scale retail and service establishments that support residential areas while maintaining a more appropriate transition between commercial and residential uses. The Neighborhood Services (NS) District also allows the daycare facility as a by-right, and provide the ability to request a Specific Use Permit (SUP) for buildings that exceed 5,000 SF in size. Staff should point out that per the concept plan the applicant does appear to be looking at a building that would exceed 5,000 SF in size, and that would

require a Specific Use Permit (SUP). The City's Comprehensive Plan designates this area for Low-Density Residential land uses. A change to Commercial/Retail would be required to support this request. While the Comprehensive Plan does recognize the need for neighborhood-serving commercial uses, it also emphasizes the importance of ensuring that commercial development remains compatible with adjacent residential areas by incorporating appropriate screening, buffering, and scaled-down development. This appears to be consistent with the Neighborhood Services (NS) District zoning designation. Given these considerations, staff recommends that the City Council evaluate whether the General Retail (GR) District is the most appropriate zoning district for this location. The Neighborhood Services (NS) District may offer a more balanced approach, providing the applicant the ability to establish the daycare facility while maintaining a scale and intensity of development that better integrates with the surrounding residential properties. Ultimately, the decision on rezoning remains a discretionary decision for the City Council, following a recommendation by the Planning and Zoning Commission. To assist in the decision making process, staff has provided a comparison of land use for both the General Retail (GR) District and the Neighborhood Services (NS) District for review.

Notices were mailed out to 71 adjacent land and property owners located within 500' of the subject property. So far, five notices of opposition have been received by the City. On March 11, 2025, the Planning and Zoning Commission approved a motion to recommend approval of the Zoning Change, but recommending the zoning designation be changed to Neighborhood Services (NS) District as opposed to General Retail (GR) District. This motion was approved by a vote of 7-0.

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

Craig Brooks
1215 Ridge Road W.
Rockwall, TX 75087

Mr. Brooks came forth and shared that his wife is the applicant, and he is speaking on her behalf. He went on to provide a brief presentation to Council concerning this rezoning request and the proposed child care facility. He shared that they have 17 years building, owning and operating a childcare facility in Hunt County providing care for over 250 children daily. They have repeatedly received recognition as Hunt County's Best Childcare Center.

The mayor asked if anyone else would like to come forth and speak at this time.

Sally Farrell
1319 Middleton Drive
Rockwall, TX

Ms. Farrell asked if there are plans for a traffic light on Quail Run at John King Boulevard sometime within the coming decade. Since the freshmen center opened, the traffic has notably increased in this area, and getting off Quail Run onto John King has proved quite challenging and unsafe for drivers. She is not sure this is the best place for this type of facility; however, she also does not desire a strip shopping center with a donut shop and a nail salon either.

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker sought and received clarification on this General Retail zoning designation. Mr. Wacker shared that this designation will limit the size of the structure.

The mayor then closed the public hearing.

Councilmember McCallum sought and received minor clarifications from both staff and from the applicant. The applicant shared that they already own the land and have owned it for a few years now. He is not certain what the timeframe will be associated with construction, but he does know that some pre-planning will need to transpire before building can occur.

Councilmember McCallum moved to approve Z2025-006, including the Neighborhood Services District designation. Councilmember Moeller seconded the motion.

The ordinance caption was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 25-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A NEIGHBORHOOD SERVICES DISTRICT FOR A 2.751-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1-04 OF THE S. R. BARNES SURVEY, ABSTRACT NO. 13, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED AND DEPICTED IN EXHIBIT 'A' AND 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 this item passed by a vote of 7 ayes to 0 nays.

4. **Z2025-007** - Hold a public hearing to discuss and consider a request by Tzemach Moshe Kalmenson for the approval of an ordinance for a Specific Use Permit (SUP) allowing a *Church/House of Worship* on a 0.5010-acre tract of land identified as Block 29 of the Gardner Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) [Ordinance No. 25-07], situated within the North Goliad Corridor Overlay (NGC OV) District, addressed as 917 N. Goliad Street, and take any action necessary **(1st Reading)**.

Planning Director, Ryan Miller provided background information regarding this agenda item. Based on the Historic Sanborn Maps, the subject property was annexed sometime between April 1934 and June 20, 1959. According to the Rockwall County Appraisal District (RCAD) there is a 906 SF single-family home, a 400 SF detached garage, and a 529 SF detached carport located on the subject property. According to the January 3, 1972 zoning map, the subject property was zoned Single-Family 2 (SF-2) District. This zoning designation changed to a Single-Family 3 (SF-3) District sometime between January 3, 1972 and January 22, 1982 based on the City's historic zoning maps. The zoning designation of the subject property again changed from a Single-Family 3 (SF-3) District to a Single-Family 7 (SF-7) District sometime between January 22, 1982 and May 16, 1983 based on the City's historic zoning maps. On

August 20, 2007, the City Council approved a zoning change [Case No. Z2007-018; Ordinance No. 07-29] that incorporate the subject property into Planned Development District 50 (PD-50). Since the property has been within Planned Development District 50 (PD-50), the ordinance has been amended four (4) times [Ordinance No. 16-15, 17-19, 23-60, & 25-07] in order to establish new permitted uses within the district. The last amendment was approved on February 3, 2025 [i.e. Case No. Z2024-060; Ordinance No. 25-07] by the City Council. This amendment to the Planned Development District updated the permitted land uses to allow a Church/House of Worship by Specific Use Permit (SUP). The applicant -- Tzemach Moshe Kalmenson -- is requesting the approval of a Specific Use Permit (SUP) to allow a Church/House of Worship within Planned Development District 50 (PD-50) on the subject property.

109 notices were sent out to adjacent property/land owners located within 500' of the subject property. Also, one HOA was notified. Staff has received back 1 notice in favor and 2 notices in opposition, all of which were from respondents within the 500' notification area. He also shared that the city's Planning & Zoning Commission has recommended approval of this request by a vote of 7 ayes to 0 nays.

The applicant was called forth at this time. Rabi Kalmenson came forth and shared that he and his wife have been hosting services within their home, and this will allow them an opportunity to move services outside of their home and have an independent space to meet. Services will be held on Saturday, and most attendees walk.

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

Councilmember Campbell moved to approve Z2025-007. Mayor Pro Tem Jorif seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 25-XX

SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 50 (PD-50) [ORDINANCE NO. 25-07] AND 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 AN CHURCH/HOUSE OF WORSHIP ON A 0.5010-ACRE TRACT OF LAND IDENTIFIED AS BLOCK 29 OF THE GARDNER 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 to approve then passed by a vote of 7 ayes to 0 nays.

5. **Z2025-008** - Hold a public hearing to discuss and consider a request by Pat Atkins of Saddle Star Land Development on behalf of Betty Thompson for the approval of an **ordinance** for a Zoning Change from an Agricultural (AG) District to a General Retail (GR) District for a 6.511-acre identified as Tract 1-1 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, located at the southeast corner of the intersection of John King Boulevard

and FM-552, and take any action necessary (1st Reading).

Planning Director, Ryan Miller, provided background information related to this agenda item. On October 4, 2021, the city council approved the voluntary annexation [Case No. A2021-006] of the subject property through Ordinance No. 21-47. Upon annexation, the subject property was zoned Agricultural (AG) District. According to Rockwall County Appraisal District (RCAD), there is a 2,930 SF single-family home that was built in 1992 currently situated on the property. On February 14, 2025, the applicant -- Pat Atkins of Saddle Star Land Development -- submitted an application requesting to change the zoning of the subject property from an Agricultural (AG) District to a General Retail (GR) District. The subject property is located at the southeast corner of the intersection of John King Boulevard and FM-552. On February 21, 2025, staff notified eight (8) property owners and occupants within 500-feet of the subject property. Staff also notified the Stone Creek Homeowners Association (HOA), which is the only Homeowner's Associations (HOAs) or Neighborhood Group 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 written, staff has received four (4) notices in opposition of the applicant's request (all were outside of the notification area). On March 11, 2025, the Planning and Zoning Commission approved a motion to recommend approval of the Zoning Change, but recommending the zoning designation be changed to Neighborhood Services (NS) District as opposed to General Retail (GR) District. This motion was approved by a vote of 6-1, with Commissioner Hagaman dissenting.

Pat Atkins, the applicant, then came forth (address given - 614 Summer Oaks (with Saddlestar Development)). He indicated he is happy to answer any questions Council may have at this time.

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

Mayor Pro Tem Jorif asked if Mr. Atkins knows what types of retail is expected to come. Mr. Atkins shared that they have not yet moved forward with any potential businesses at this time. However, it will likely be a restaurant and/or professional office type uses. Mr. Miller shared that a "quick service restaurant" with a drive-thru would require a Specific Use Permit, but a building under 5,000 square feet occupied by a restaurant (with no drive through) would be permitted by right.

Mayor Pro Tem Jorif moved to approve Z2025-008 to transition from "AG" to "GR" to include "Neighborhood Services." Councilmember Lewis seconded the motion. Councilmember McCallum shared that this is located next to estate lots, and he prefers to take a more conservative approach to zoning. "AG," he said allows Council the most control. He went on to share that he has concerns about Mr. Atkins not yet knowing what the concept will entail and who the occupants will be. So, therefore, he will be voting against this proposal this evening, especially in order to protect the nearby residences. Mr. Atkins shared that this 'base zoning' designation will be helpful first in order to market the property thereafter. McCallum does not believe this zoning change is necessary in order for the marketing of the property to occur. Councilmember Thomas commented that he does believe this change in zoning designation does make sense at this location. However, he has some similar concerns as those expressed by Councilmember McCallum. He would like to first know more about what types of businesses will end up being established there. Mr. Atkins shared that the existing house will stay in place and the owner will stay occupying it until "Neighborhood Services" type tenants are identified. He explained this is a starting point from which to market the property.

Following some clarification given to the mayor by Mr. Miller concerning some nearby properties (i.e. the Stonecreek subdivision and other nearby General Retail uses), the ordinance caption was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 25-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A GENERAL RETAIL (GR) DISTRICT FOR A 6.511-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1-1 OF THE P. B. HARRISON SURVEY, ABSTRACT NO. 97, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED AND DEPICTED IN EXHIBIT 'A' AND 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 4 ayes with 3 nays (Thomas, Campbell and McCallum).

6. **Z2025-009** - Hold a public hearing to discuss and consider a request by Caprice Michelle for the approval of an ordinance for a *Specific Use Permit (SUP)* for a *Short-Term Rental* on a 0.1237-acre parcel of land identified as Lot 1, Block B, Newport Place Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 19 (PD-19), addressed as 1827 Mystic Street, and take any action necessary **(1st Reading)**.

Planning Director, Ryan Miller, provided background information concerning this agenda item. The subject property was annexed into the City of Rockwall on January 9, 1984 by Ordinance No. 84-05 [Case No. A1984-001]. At the time of annexation, the subject property was zoned Agricultural (AG) District. On July 20, 1987, the subject property was rezoned from Agricultural (AG) District to Planned Development District 19 (PD-19) for zero-lot-line residential homes. On March 18, 1997, the subject property was platted as Lot 1, Block B, Newport Place Addition as part of Case No. PZ1997-010-01. According to the Rockwall Central Appraisal District (RCAD), there is currently an 1,834 SF single-family home situated on the subject property that was constructed in 1998. The applicant -- Caprice Michelle -- is requesting the approval of a Specific Use Permit (SUP) for the purpose of allowing a Short-Term Rental (Non-Owner-Occupied Single-Family Home) on the subject property, which is located within 1,000-feet of two (2) existing Non-Owner-Occupied Short-Term Rentals.

Mr. Miller shared that 137 notices were sent to owners/occupants located within 500' of the property. As of today, 2 notices (one of which is from the applicant) have been received back in favor with 9 notices expressing opposition (all from within the 500'). Also, 11 notices in favor of the request were just received today, and all of those are from respondents located outside of the 500' buffer. The Planning and Zoning Commission recently made a recommendation to deny this request by a vote of 7 to 0. Therefore, any potential approval by Council this evening will require a super majority vote of councilmembers (6 of 7).

The applicant, Ms. Caprice Michelle, then came forth to speak. She shared that this is her house, and she

used to live there full-time and may again live there full-time someday. She said that neighbors right next door and behind the house have expressed support of this proposal. She explained it has been a rental for about eight years. She missed the deadline associated with the city's new short-term rental regulations. She shared that her renters sometimes rent for two months at a time, and sometimes the tenants will end up renting for eight months. So she just rents month-to-month. She went on to share that all monies received by renters gets reinvested back into improvements of the home. She pointed out that the one recently approved in Chandler's Landing is in a different subdivision than where this particular property is located.

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

Mayor Pro Tem Jorif moved to deny this request (Z2025-009). Councilmember McCallum seconded the motion. The motion to deny passed by a vote of 7 ayes to 0 nays.

7. **Z2025-010** - Hold a public hearing to discuss and consider a request by Price Pointer of TCB Construction on behalf of Jay Odom for the approval of an ordinance for a Zoning Change amending Planned Development District 50 (PD-50) [*Ordinance No. 25-07*] to incorporate an additional 1.65-acre parcel of land within the district being a 22.19-acre tract of land situated within the S. S. McCurry Survey, Abstract No. 146 and B. F. Boydston Survey, Abstract No. 14, City of Rockwall, Rockwall County, Texas, zoned: Planned Development District 50 (PD-50) for Residential-Office (RO) District land uses, Single-Family 7 (SF-7) District, and Downtown (DT) District, situated within the North Goliad Corridor Overlay (NGC OV) District and the Old Town Rockwall (OTR) Historic District, generally located along N. Goliad Street [*SH-205*], north of Olive Street and south of Live Oak Street, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller, provided background information concerning this agenda item. On February 14, 2025, the applicant -- Price Pointer -- submitted an application requesting to amend Planned Development District 50 (PD-50) to incorporate a 1.65-acre parcel of land (i.e. Lot 1, Block A, Olive-Fannin Addition) into the boundaries of the Planned Development District. The 1.65-acre parcel of land is currently zoned Downtown (DT) District and Single-Family 7 (SF-7) District, is situated within the Old Town Rockwall (OTR) Historic District, and is addressed as 201 Olive Street (see Figure 1). According to a letter provided by the property owner -- Jay Odom --, the purpose of the request is to build residentially scaled office buildings that will have a historic look, and that can blend with the adjacent residential properties in the Historic District. According to the OURHometown Vision 2040 Comprehensive Plan the subject property is located within the Downtown District, and according to the Future Land Use Map contained within this document the subject property is designated for Medium Density Residential (MDR) and Downtown (DT) land uses. The Downtown District is described as "...the cultural heart of the community and embodies the small town atmosphere that is characteristic of the City of Rockwall." This section goes on to describe Planned Development District 50 (PD-50) as being "... a unique Live/Work corridor that supports a range of small boutiques (with a SUP) and offices, and represents a successful adaptive reuse effort by the City." The requested zoning change would require the subject property to be reclassified from a Medium Density Residential (MDR) and Downtown (DT) land use designation to a Live/Work (LW) land use designation, which is defined by the Comprehensive Plan as an area that is "... considered to be transitional and require[s] added flexibility for the purpose of maintaining a specific small town aesthetic along major roadways. These areas are used to buffer residential areas from major roadways or more intense commercial land uses ..." Based on the

requested changes to the Future Land Use Map, the applicant's request does not conform to the Land Use Plan contained within the OURHometown Vision 2040 Comprehensive Plan; however, the requested zoning change may have merit based on the following: [1] the land uses directly west of the subject property are currently designated for Live/Work (LW) land uses and the change would be consistent with this designation; [2] the dual designation (i.e. MDR and DT designations) on the Future Land Use Plan and the current zoning designation (i.e. DT and SF-7) of the subject property are not aligned with how the property was platted (in addition this parcel may not be conducive for a single-family home based on its current configuration); and, [3] the subject property is located within the Old Town Rockwall (OTR) Historic District, which will require additional oversight from the Historic Preservation Advisory Board (HPAB). In addition, staff should point out that the Residential-Office (RO) District -- which is the base zoning district for Planned Development District 50 (PD-50) -- is considered to be the most restrictive non-residential zoning classification due to it only allowing a small subset of non-residential land uses. These uses are mostly restricted to office land uses; however, the Planned Development District does have some allowances for retail, restaurant, and banquet facility land uses through a Specific Use Permit (SUP). With all this being said, the fact that this is a request for a zoning change makes this a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission. The proposed change to the Future Land Use Plan can be considered a condition of approval of this case. On March 11, 2025, the Planning and Zoning Commission approved a motion to recommend approval of the zoning case by a vote of 6-0, with Commissioner Odom recusing himself from the case.

Since the proposed case involves modifying the boundaries of Planned Development District 50 (PD-50), staff has notified all property owners and residents within the Planned Development District. In addition, staff mailed out notifications to all property owners and occupants within 500-feet of the boundary of Planned Development District 50 (PD-50) and the 1.65-acre subject property, and to all Homeowner's Associations (HOAs) within 1,500-feet of the boundaries of the zoning change (i.e. Lakeview Summit, the Preserve, and the Caruth Lakes Homeowner's Associations). This was done in accordance with the requirements of Subsection 02.03(A), Notice of Public Hearing, of Article 11, Development Application and Review Procedures, of the Unified Development Code (UDC). Of the 375 property owner notices staff mailed on February 24, 2025, staff has received [1] two (2) responses in favor and two (2) responses in opposition to the applicant's request inside the buffer, and [2] and two (2) responses in favor of the applicant's request outside the buffer.

Mayor Johannesen opened the public hearing, asking if anyone would like to come forth and speak at this time. He first called forth the applicant.

Jay Odom
601 N. Fannin
Rockwall, TX

Mr. Odom shared that he has owned this property for the last twelve years. His personal home backs up to this property. He believes that this is the best use for this property -- to do offices in a bungalow type style.

Carol Crow
504 Williams Street

Rockwall, TX

Ms. Crow came forth and encouraged Council to approve this requested rezoning. She believes this is the highest and best use of this property. She does not believe a tiny residential subdivision, for example, would be appropriate at all. She went on to share the various reasons she is in favor of approval of this request. She has long worried that this property would eventually become a parking lot, so she is pleased that is not the case. She does not believe these office cottages will be an asset and not a detriment to Old Town. She generally spoke in favor of approval of this request.

Jacqueline Nicholson
405 North Fannin
Rockwall, TX

Mrs. Nicholson shared that she and her husband have lived in their home, which they purchased from Mr. Odom, in 2021. She urged Council to ensure that nothing about approval of this request will result in anything detrimental to this area. She likes the idea of residential offices rather than homes because she believes home would be rented out, and that would not be ideal. She generally spoke in favor of this request, as long as it doesn't negatively impact existing, nearby residences.

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

Following brief, additional clarification, Mayor Pro Tem Jorif moved to approve Z2025-010. Councilmember McCallum seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 25-XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING PLANNED DEVELOPMENT DISTRICT 50 (PD-50) [ORDINANCE NO. 25-07] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, FOR THE PURPOSE OF AMENDING PLANNED DEVELOPMENT DISTRICT 50 (PD-50) TO INCORPORATE AN ADDITIONAL 1.65-ACRE PARCEL OF LAND INTO THE DISTRICT BEING A 22.19-ACRE TRACT OF LAND SITUATED WITHIN THE S. S. McCURRY SURVEY, ABSTRACT NO. 146 AND B. F. BOYDSTON SURVEY, ABSTRACT NO. 14, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A' AND DEPICTED IN EXHIBIT 'B' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF A 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.

8. **Z2025-011** - Hold a public hearing to discuss and consider a request by Tyler Adams of Greenlight Studio on behalf of Matt Zahm of ZAPA Investments, LLC for the approval of an ordinance for a PD Development Plan for eight (8) *Townhomes* on a 0.87-acre parcel of land identified as Lot 3, Block A, Harbor Hills Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 32 (PD-32), situated within the *Interior Subdistrict* and the

Residential Subdistrict, generally located on the northeast side of Glen Hill Way, northwest of the intersection of Glen Hill Way and Ridge Road [FM-740], and take any action necessary (1st Reading).

On March 11, 2025, the Planning and Zoning Commission held a public hearing on Case No. Z2025-011, and approved a motion to continue the public hearing to the April 15, 2025 Planning and Zoning Commission meeting. The purpose of this action was to allow the applicant time to make changes to their concept plan and building elevation in order to address concerns raised by the Planning and Zoning Commission during the public hearing.

The new public hearing date of April 21, 2025 was announced for this case, and no action was taken by Council at this time.

XII. Action Items

1. **MIS2025-004** - Discuss and consider a request by Phil Wagner of the Rockwall Economic Development Corporation (REDC) for the approval of a Miscellaneous Request for a *Variance* to the *Utility Placement* requirements of the *General Overlay District Standards* to allow overhead utilities along a portion of SH-276 between John King Boulevard and Rochelle Road and a portion of Corporate Crossing [FM-549] between the IH-30 Frontage Road and SH-276, City of Rockwall, Rockwall County, Texas, being right-of-way, and take any action necessary.

The applicant -- Phil Wagner of the Rockwall Economic Development Corporation (REDC) -- has submitted a request to table Case No. MIS2025-004. This request is being made after the Planning and Zoning Commission approved a motion to recommend denial of this case by a vote of 5-0 (with Commissioners Deckard and Thompson absent) at their February 25, 2025 meeting. According to the applicant's letter, the REDC is requesting to further table the case to the April 21, 2025 City Council meeting to allow for both staff and the REDC board members to be present at the meeting. Since the City Council meeting date was announced at the last City Council meeting, staff has placed this case on the agenda to announce the new meeting date of April 21, 2025

2. **MIS2025-002** - Discuss and consider an appeal by Cameron Thatcher on behalf of Jay Hankla of Shaddock Homes of a Planning and Zoning Commission decision concerning the approval of a Miscellaneous Case for an *Exception* to the *Fence Standards* on a 0.40-acre parcel of land identified as Lot 10, Block D, Winding Creek Subdivision, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 91 (PD-91) for Single-Family 10 (SF-10) District, addressed as 1511 Orion Drive, and take any action necessary.

Ryan Miller, Planning Director, provided background information concerning this agenda item. On February 25, 2025, the Planning and Zoning Commission denied Case No. MIS2025-002 by a vote of 4-1, with Commissioner Hagaman dissenting and Commissioners Thompson and Deckard absent. This case dealt with a request by Cameron Thatcher for an Exception to the fence requirements for the purpose of allowing a fence on a Keystone Lot to encroach ten (10) feet beyond the front yard building setback at 1511 Orion Drive. In the applicant's appeal letter -- which was written by Jon Thatcher -- the applicant states that "...the fact that Mr. Thatcher is one of two lots in a 132-lot residential subdivision that is significantly impacted by the regulations of the ordinance demonstrates that it is a unique or extraordinary condition that exists as it relates to this property and creates an unnecessary hardship for

the full use and enjoyment of the property.” In reviewing this case, the Unified Development Code (UDC) states “(u)nless otherwise specified by the Unified Development Code (UDC), an applicant may request the Planning and Zoning Commission grant an exception to the provisions contained in the Unified Development Code (UDC), where unique or extraordinary conditions exist or where strict adherence to the technical requirements of the Unified Development Code (UDC) would create an undue hardship.” It should also be pointed out that in the applicant’s appeal letter, Mr. Thatcher states “...I have included with this correspondence some photographs of a few residential properties in the City of Rockwall that demonstrate where such exceptions have been either approved or the properties were grandfathered or otherwise overlooked in the building inspection process.” Staff should note that three (3) of the examples provided were located in the City of Fate and that the remaining four (4) examples (of which only two [2] houses are depicted) were from the Stone Creek Subdivision, which was originally zoned in 2007 and did not have Keystone Lot requirements in the Planned Development District. The current fence standards were adopted by the City Council with the adoption of the updated Unified Development Code (UDC) in February 2020 by Ordinance No. 20-02. Regardless of this information, an appeal of a decision by the Planning and Zoning Commission is a discretionary decision for the City Council. Approval of an appeal by the City Council requires a supermajority vote (i.e. a three-fourths vote of those members present), with a minimum of four (4) votes in the affirmative required for approval.

Mayor Johannesen asked if anyone on Council has any questions. He confirmed that the city’s P&Z Commission approved a vote to deny this request by a vote of four in favor with 1 against (Hagaman).

Jon Thatcher
708 Fletcher Drive
Fate, TX

Mr. Thatcher shared that he is a municipal attorney by trade, so he is very familiar with dealing with municipal issues. He went on to share that this keystone lot has very specific restrictions on it, and there are not a whole lot of these types of lots within the city. He went on to share that the applicant has a ‘hardship’ in this instance because of the lot layout. He shared that the builder, Shaddock Homes, had told the buyer (Cameron) that his backyard was going to be much larger than it actually ended up being. This was a serious oversight on the part of the builder. He shared that they had hoped for a larger yard, as they intended to put in a pool, have an above ground garden, plus a play area for their children. This is why the 15’ extension is being requested. He went on to share additional comments in support of approval of this proposal.

Johannesen summarized that only three lots are keystone lots, and there are reasons why standards are in place for these sorts of lots. Mr. Thatcher shared that this particular lot creates a hardship because it removes a big amount of the backyard. He pointed out that this request is not extending a fence beyond a property line. Johannesen shared that this sounds more like a preference than a ‘hardship.’

Johannesen called for a motion. Mayor Pro Tem Jorif moved to deny the request. Councilmember Thomas seconded the motion, which passed by a vote of 7 ayes to 0 nays.

3. Discuss and consider a presentation by Pattillo, Brown & Hill, LLP of the city’s Annual Comprehensive Financial Report for Fiscal Year 2024, and take any action necessary.

Jacob Bowman with Pattillo, Brown and Hill came forth and introduced himself. He then provided a briefing to Council concerning the recent audit performed by his firm related to the city's financials. He shared that an unmodified ("clean") opinion has been issued to the City regarding this audit. He explained that of the ratings that can be given related to an audit, an unmodified opinion (with "no findings") is the very best rating that can be granted. He went over a few more high points of the audit and associated report. He thanked City Manager, Mary Smith, and her team, explaining they were great to work with. Mrs. Smith thanked Mr. Bowan and his staff, indicating they were a pleasure to work with, and she enjoyed the audit process.

Council took no action as a result of Mr. Bowman's briefing. (Public Hearing item #1 was addressed next during the meeting).

4. Discuss and consider a presentation by Rick Bernas of Republic Services regarding proposed changes to the city's solid waste collection services contract, and take any action necessary.

Mr. Bernas came forth and provided a presentation concerning proposed changes to the city's solid waste services, including the various reasons and logic behind the proposed changes.

Following Mr. Bernas' presentation, Councilmember Lewis shared that the current rate is \$21.30 per month. The changes will include going to polycarts and once per week services as well as a limit on the amount of bulk that will be picked up. He acknowledged that staff riding on the back/outside of the trucks is dangerous. With this program, Mr. Bernas shared that everyone will get two carts, and the carts will be free (currently there is a charge for those who use them). He indicated that ordering new trucks has a lead time of several months. Councilmember Thomas thanked Mr. Bernas for his presentation, and he appreciates the Republic staff members who do come by and collect the trash. He understands that the changes will require a lot of citizen communication and education. Mayor Pro Tem Jorif acknowledged that Mr. Bernas does attend a lot of community events, and Republic does provide a lot of donations to charitable causes within the community. Councilmember McCallum thanked Mr. Bernas for his presentation. He expressed he has concerns, since he is a fiscal conservative. He recognizes that this is a 'pass thru' expense to the customers / end users. He understands that the new trucks will be big expenditure, and the commercial and residential customers will experience notable increases. He wonders what will happen if extra garbage is experienced in a home and the excess does not fit in the two receptacles. Mr. Bernas shared that a homeowner can come into city hall and purchase some tags for additional trash bags if they have occasional circumstances – like a house party – that results in extra bags of waste. He wonders if the city should be going out for bid on a seven million dollar contract. Mrs. Smith shared that going out for bid is up to the Council's discretion. She suspects the only companies that will end up bidding are those who provide automated services (such as what Republic is proposing to move to). He shared that Republic will experience efficiencies from going to automated trucks and reducing the number of employees. He went on to share his belief that the responsible thing to do is to go out for bid, especially considering the notable changes and price increases being proposed. Councilmember Campbell thanked Mr. Bernas for recently speaking to her and educating her on various topics. Campbell shared that we will be getting a price increase with services being cut by 50%. She acknowledged that a lot of positive changes are being proposed at this time, but she is not sure how to explain to citizens how this is a good deal. Mr. Bernas shared that past increases to customers has been left at 3% each year, when in actuality, it should have been much more noteworthy annual increases for the last several years. Rockwall customers should have already been at the \$24-25 dollar per month

price point. Some other municipalities are up to \$30 per month.

Mayor Johannesen asked what practical 'switching costs' may be. Mrs. Smith shared that all existing customer carts would have to go. The timing to get changes to a new vendor accomplished and the educational factors associated with that sort of potential change are difficult to quantify.

McCallum spoke about the possibility of having polycarts that are specifically marked with "City of Rockwall" instead of Republic-marked carts.

Councilmember McCallum moved to ask staff to put out an RFP and go out for bid for trash services. The motion died for lack of a second.

Indication was given that the value of the city's existing contract is about \$7-8 million.

Campbell asked if there is any way for the \$25 rate to be adjusted. Mr. Bernas basically indicated that, unfortunately, no it's not possible for various reasons.

Mayor Pro Tem Jorif provided brief comments on his understanding of these circumstances, including the fact that Republic did not exceed a 3% annual pricing increase over the course of 5 years; whereas, other companies likely had notably higher annual increases. So, Republic has been a good partner over the last five years.

Mr. Bernas shared that he personally lives here, and he essentially has high expectations for services, and he knows the types of services provided by Republic and he is familiar, comparatively speaking, with services provided by other companies. And the services provided are definitely not comparable or the same.

Councilmember Thomas offered positive comments, generally indicating that, all things considered, he believes the proposed changes are fair and the rates are not outstanding. Overall, he believes these changes will be a 'win' for the city.

Councilmember Thomas moved to approve the proposed changes. Mayor Pro Tem Jorif seconded the motion.

Mayor Johannesen asked what type of work would be required of staff if the Council does direct staff to issue a Request for Proposals (RFP) and go out for bid. Mrs. Smith shared that she has heard it said that going out for bid on garbage services, for staff, is as bad as navigating a tornado. She went on to comment, on a high level, what a bid process would look like and what all it would entail. The last time the garbage contract was bid was fifteen years ago.

Various comments were made by the mayor, city manager, and Councilmember McCallum regarding the possibility of going out for bid. McCallum shared that he believes going out for bid is the responsible thing to do, especially since it is one of the city's largest expenditures. He thinks Mr. Bernas and his company are great. But he believes that, as a fiscal conservative, the responsible thing to do is go out to bid before spending other people's money. He knows it will require a lot of work on the part of staff, but he believes the process is worth it. He pointed out that the last time the contract was bid was fifteen years ago. So, what he is asking is a once every seven years thing.

Councilmember Thomas shared that he does not believe we are being fiscally irresponsible with other people's money. The Council has seen the rates, and they can compare the rates to what other residents

are paying in other cities with companies in other cities. He offered to share his own, personal research with Councilmember McCallum if he would like to see the rate comparison studies he has personally done.

Councilmember Lewis shared that he is not ready to move forward with an approval this evening. He would, instead, like to see Mr. Bernas do the public education campaign first to allow the community to digest the changes. Mr. Bernas shared the reasons why this will not be viable, especially considering the lead time to purchase and get needed equipment in. Lewis shared that he is grappling with approval this evening.

Councilmember Thomas offered to rescind his motion to allow more time for evaluating these proposed changes and costs.

Councilmember Lewis shared that he would like to take a month or two to campaign and allow the community and Council an opportunity to digest the proposed changes.

Johannesen encouraged staff to do some research to essentially cost compare the services and associated costs being paid by customers in other cities. Mrs. Smith shared that staff has already begun doing that research. Mrs. Smith shared that Mr. Garza has indicated a city has to bid things like concrete services, but a city does not have to go out to bid for garbage services.

Mayor Pro Tem Jorif agreed to rescind the 'second' he provided to Thomas' motion to approve. He shared that he is in favor of the additional data and research on services and costs by other providers in other cities. However, he knows that Republic should have been raising rates above the annual 3% annual increase, and now they are just trying to come into alignment with actual costs of services.

Councilmember Campbell shared that she does not appreciate being told that she and other members of council are being irresponsible with other people's money. She shared that she has spent a lot of time speaking with Mr. Bernas and evaluating these matters.

Councilmember Moeller shared that he is in agreement with everything that has been said. He personally did some research himself, and he was feeling comfortable with the proposed changes that have been discussed; however, he is also ok with some additional research to do some cost comparisons.

Following the extensive comments, Council took no action concerning this agenda item.

XIII. Adjournment

Mayor Johannesen adjourned the meeting at 9:53 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 7th
DAY OF APRIL, 2025.


TRACE JOHANNESSEN, MAYOR

ATTEST:


KRISTY TEAGUE, CITY SECRETARY

