

ROCKWALL CITY COUNCIL MEETING

Monday, July 21, 2025 - 5:00 PM

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

I. Call Public Meeting to Order

Mayor McCallum called the public meeting to order at 5:00 p.m. Present were Mayor Tim McCallum, Mayor Pro Tem Mark Moeller, and Councilmembers Sedric Thomas, Melba Jeffus, Anna Campbell, Dennis Lewis and Richard Henson. Also present were City Manager Mary Smith, Assistant City Manager Joey Boyd and City Attorney Frank Garza.

Mayor McCallum read the below-listed 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 Harry Myers Park and in the vicinity of Lake Rockwall Estates, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney)
3. Discussion regarding *City Manager Agreement for Professional Services & Employment*, pursuant to Section 551.074 (Personnel Matters).

III. Adjourn Executive Session

Council adjourned from Executive Session at 5:41 p.m.

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

Mayor McCallum called the public meeting to order at 6:00 p.m. with all 7 councilmembers being present.

V. Invocation and Pledge of Allegiance - Councilmember Campbell

Councilmember Campbell 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.

Dr. Jean Conway, Chair of the city's P&Z Commission, came forth and addressed Council. She first briefed Council on an upcoming Shoes for Kids project she is personally involved in through First United Methodist Church, along with twenty other organizations. It's is part of a community-wide back to school event being held this coming Saturday, July 26. The event is co-sponsored by Rockwall County Helping Hands and over twenty organizations in town help financially support the event, which benefits approximately 2,000 children.

Dr. Conway then briefed the Council on recommendations of the Commission relative to planning-related items on tonight's meeting agenda. Following her briefing and some clarifying, subsequent discussions, Council took no action following Dr. Conway's report.

VII. Open Forum

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

Nancy Dankson
2790 Beacon Hill
Rockwall, TX 75087

Ms. Dankson came forth and spoke about 2800 Beacon Hill, expressing various concerns about code-enforcement related nuisance at the neighboring property located at 2800 Beacon Hill. Her concerns, she said, have been ongoing for the past five years and are related to stagnant pool water, pests (i.e. mosquitos, ants and a skunk), and general lack of upkeep that is causing negative impacts. She requested further action from the City.

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

VIII. Take Any Action as a Result of Executive Session

Mayor McCallum indicated that there would be no action as a result of Executive Session this evening.

IX. Consent Agenda

1. Consider approval of the minutes from the July 7, 2025 city council meeting, and take any action necessary.
2. Consider approval of an **ordinance** to prohibit parking along Kyle Drive between Yellow Jacket Lane and the IH-30 service road between the hours of 7:30 a.m. and 4:30 p.m. while school is in session, and take any action necessary. **(2nd reading)**
3. Consider approval of an **ordinance** amending the Code of Ordinances in Chapter 36, Article IV., Division 2., Section 36-77 to modify the composition of the art review team (ART) commission from seven regular members down to five, and take any action necessary. **(1st reading)**
4. Consider authorizing the City Manager to execute a grounds maintenance services contract with SLM Landscaping for a period of one-year with three one-year renewal options with a

2025-2026 projected cost in the amount of \$161,060.00 to be funded by the Parks Operations budget, and take any action necessary.

5. **P2025-021** - Consider a request by James Martin of Gardner Construction on behalf Khalid Motorwala of Tachtical Investment Group, LLC for the approval of a Preliminary Plat for Lot 1, Block A, Goliad Street Addition being a 4.998-acre tract of land identified as Tracts 25-7 & 25-8 of the J. Strickland Survey, Abstract No. 187, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), addressed as 4156 N. Goliad Street [SH-205], and take any action necessary.
6. Consider authorizing the City Manager to execute a contract with Birkhoff, Hendricks & Carter L.L.P. for engineering services for the Eastside Ground Storage Reservoir #3 in an amount of \$433,290.00 to be funded by 2024 Water / Sewer Bonds, and take any action necessary.

Councilmember Lewis moved to approve the entire Consent Agenda (item #s 1, 2, 3, 4, 5, and 6). Mayor Pro Tem Moeller seconded the motion. The ordinance captions were read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 25-39**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE MUNICIPAL CODE ORDINANCES OF THE CITY OF ROCKWALL, BY AMENDING SECTION 26-505, *PROHIBITED IN SPECIFIC PLACES*, OF ARTICLE VII, *STOPPING, STANDING OR PARKING*, OF CHAPTER 26, *MOTOR VEHICLES AND TRAFFIC*, TO INCORPORATE NO PARKING ON THE WEST SIDE OF KYLE DRIVE FROM 8:30 AM TO 4:30 PM WHILE ROCKWALL HIGH SCHOOL IS IN SESSION AS DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE MUNICIPAL CODE ORDINANCES OF THE CITY OF ROCKWALL IN CHAPTER 36 STREETS, SIDEWALKS AND PUBLIC PLACES; ARTICLE IV, DIVISION 2. ART REVIEW TEAM (ART) COMMISSION TO AMEND ITS COMPOSITION FROM SEVEN (7) MEMBERS TO FIVE (5) MEMBERS; PROVIDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC; PROVIDING FOR AN EFFECTIVE DATE.

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

X. Public Hearing Items

1. **Z2025-030** - Hold a public hearing to discuss and consider a request by Dyron Durham, Caroline Harklau, Sheli Hudson, and Mike Crawford for the approval of an **ordinance** for

a Zoning Change amending Planned Development District 50 (PD-50) [Ordinance No. 25-19] to incorporate an additional 2.57-acre tract 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: [1] Planned Development District 50 (PD-50) for Residential-Office (RO) District land uses, and [2] Single-Family 7 (SF-7) District, and [3] Single-Family 10 (SF-10) 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 regarding this agenda item. The original intent of PD-50 was to allow property owners along SH-205 the flexibility to convert their existing single-family homes to low-impact professional offices or to allow live-work arrangements. That's where you can live at the house and also work there, yet be exempt from the city's home occupation standards. Over the years, the district has been amended to add some additional commercial land uses, such as retail, restaurants, and banquet facilities. However, these land uses are only allowed through a specific use permit on a case-by-case basis. So, when considering this case, he pointed out there are currently no other properties in Plan Development District 50 that face onto Alamo Street, but there are several properties in the district that extend from South Goliad Street to Alamo Street. Although no properties face directly onto it, there are properties that do touch Alamo Street today. In addition, the base zoning for Plan Development District 50 is the residential office district, which is one of the city's most restrictive non-residential zoning classifications, and that's because the use set that's allowed in that district is very small, mostly only professional offices and then some of the additional uses that have been added.

Mr. Miller went on to explain that staff mailed out notices to property owners and occupants within 500 feet of the city property and all HOAs within 1,500 feet of the property on June 18, 2025. This included 406 notices, and as of tonight, staff only received one notice response in favor and one notice response in opposition. Mr. Miller explained this request represents a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission. On July 15th, the Planning and Zoning Commission did review this item and voted unanimously by a vote of 7 to 0 to recommend approval of the zoning change.

One of the applicants- 975 N. Alamo – came forth to make himself available to answer questions.

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

Councilmember Jeffus expressed some concerns about the potential that this change may set a precedence and may generate the need for more parking even though the lots are not very wide and likely could not accommodate such. Also, she is concerned that nearby neighbors living in some very nice homes may not want offices to surround them.

Caroline Harklau – 924 N. Alamo – came forth to address Councilmember Jeffus' concerns. She shared that her property actually backs up to Goliad. So the house right next door to her is already commercial and includes a parking lot. She explained she believes it makes sense to be included in PD-50 because the house directly behind are already within the PD 50. So she just wants the opportunity to be

included, although she doesn't currently have any plans to turn the property into anything commercial. She indicated that she personally will not be living there – she plans to rent it out.

Following the comments, Councilmember Lewis moved to approve Z2025-030. Councilmember Campbell 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. 25-19] 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 2.57-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 to approve passed by a vote of 6 ayes with 1 nay (Jeffus).

2. **Z2025-029** - Hold a public hearing to discuss and consider a request by Johnathan Brown, AIA of JHP Architecture/Urban Design on behalf of Darlene Singleton of the Rockwall Community Playhouse for the approval of an ordinance for a Zoning Change from Single-Family 7 (SF-7) District to a Planned Development District for Single-Family 7 (SF-7) District land uses for a 1.0061-acre tract of land identified as a portion of Lot 120D and all of Lots 120C & 120G of the B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Old Town Rockwall (OTR) Historic District, addressed as 609 E. Rusk Street and 606, 610, & 612 Kaufman Street, and take any action necessary (1st Reading).

Mayor McCallum announced that this case has been withdrawn at the applicant's request.

3. **Z2025-031** - Hold a public hearing to discuss and consider a request by Tom and Patti Muggeo for the approval of an ordinance for a Specific Use Permit (SUP) for an Accessory Building that exceeds the maximum size for a one (1) acre parcel of land identified as Lot 5, Block A, Saddlebrook Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 16 (SF-16) District, addressed as 2317 Saddlebrook Lane, and take any action necessary (1st Reading).

Planning Director, Ryan Miller provided background information concerning this agenda item. On July 25, 1985, a subdivision plat for Saddlebrook Estates #2 Addition was filed with Rockwall County. This subdivision plat established 45 single-family homes on 51.47-acres, and established the subject property as Lot 5, Block A, Saddlebrook Estates #2 Addition. The subject property -- *along with the rest of the Saddlebrook Estates #2 Addition* -- was annexed into the City of Rockwall on August 30, 1999 by Ordinance No. 99-33 [Case No. A1999-002], and was zoned Agricultural (AG) District at the time of annexation. On November 5, 2001, the City Council approved Ordinance No. 01-58 rezoning the

Saddlebrook Estates #2 Subdivision -- *which included the subject property* -- from an Agricultural (AG) District to Single-Family 16 (SF-16) District. This remains the current zoning designation of the subject property. According to the Rockwall Central Appraisal District (RCAD), a 3,461 SF single-family home was constructed on the subject property in 2002. Also existing on the subject property is a 750 SF detached garage constructed in 2005, a 192 SF accessory building constructed in 2005, and a 291 SF pergola constructed in 2012.

Mr. Miller explained that the proposed accessory building will have an overall height of 12 feet 8 inches and be clad in an LP SmartSide OSB, which is typical of a tough shed design. According to the UDC, properties in a single family 16 district are permitted one detached garage up to 625 square feet in size and one accessory building that's 144 square feet in size. In this case, the applicant's request exceeds the number of accessory structures permitted on the property and slightly exceeds the maximum square footage by only 48 square feet; however, all aspects of the all other aspects of the applicant's request are considered to be conforming. Mr. Miller also noted that staff conducted a review of the surrounding properties in the Saddlebrook Estate subdivision and found that, out of the 57 accessory structures surveyed, the majority of these were much larger in size than what the applicant currently has or is proposing. Based on this and the size, architecture, and placement of the proposed accessory structure, it's not anticipated that the applicant's request will create any negative impacts on adjacent properties.

The P&Z Commission has voted 7 – 0 to recommend approval of this request to the City Council. Notices were sent out to twenty-five property owners and applicants within 500' of the subject property. Staff received back seven notices in favor of the applicant's request, and potential approval of this request is a discretionary decision on the part of Council.

The applicants – Patty and Tom Muggeo – came forth and explained that the purpose of this structure is to accommodate their gardening hobbies, and this will be a garden shed.

Mayor McCallum opened the public hearing, asking if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed the public hearing. Mayor McCallum then moved to approve Z2025-031. Councilmember Jeffus 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, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR AN ACCESSORY BUILDING ON A ONE (1) ACRE PARCEL OF LAND IDENTIFIED AS LOT 5, BLOCK A, SADDLEBROOK ESTATES #2 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;

PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

- 4. Z2025-032 - Hold a public hearing to discuss and consider a request by the City of Rockwall for the approval of an ordinance for a Zoning Change amending Planned Development District 11 (PD-11) [Ordinance No.'s 73-52, 80-13, 93-11, 94.28, 01-08 & 04-37] for the purpose of consolidating the regulating ordinances for a 118.53-acre tract of land situated within the A. Hanna Survey, Abstract No. 98 and the N. Butler Survey, Abstract No. 21, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 11 (PD-11), generally located west of N. Lakeshore Drive, north of North Hills Drive, south of Shores Boulevard, and take any action necessary (1st Reading).**

Planning Director, Ryan Miller provided background information concerning this agenda item. On June 5, 2023, the City Council directed staff to begin the process of initiating zoning to amend the City's older Planned Development (PD) Districts in order to prepare consolidating ordinances (i.e. writing one [1] ordinance that supersedes all previous ordinances for the Planned Development Districts). The purpose of this effort is to [1] make zoning easier to understand for the City's external customers (i.e. developers, homebuilders, and citizens), and [2] to make the zoning ordinances easier to interpret internally by City staff; however, the proposed consolidating ordinances are not intended to change any of the requirements, concept plans, or development standards stipulated for any Planned Development (PD) District. This was successfully done recently to the Planned Development (PD) Districts for the Chandler's Landing Subdivision (i.e. Planned Development District 8 [PD-8]), Lakeside Village/Turtle Cove Subdivisions (i.e. Planned Development District 2 [PD-2]), the Shores Subdivision (i.e. Planned Development District 3 [PD-3]), the Windmill Ridge Subdivision (i.e. Planned Development District 13 [PD-13]), and Planned Development District 9 (PD-9).

Staff mailed out 658 notices to property owners and occupants within planned development District 11, as well as everybody within 500 ft. Staff also notified a ton of HOAs in this area, all the ones within 1500 ft. And as of tonight, staff received three property owner notifications from three property owners. Two of these notices were in favor, and one notice was opposed. However, that opposed notice stated that they don't want any affordable housing on the park. We will not be allowing any affordable housing on the park, so that's a non-issue.

Mayor McCallum opened the public hearing, asking if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed the public hearing. Mayor Pro Tem Moeller then moved to approve Z2025-032. Councilmember Thomas 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 11 (PD-11) AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CONSOLIDATE THE REGULATING ORDINANCES OF THE PLANNED DEVELOPMENT DISTRICT, BEING A 118.53-ACRE TRACT OF LAND SITUATED WITHIN THE A. HANNA SURVEY, ABSTRACT NO. 98, AND THE

N. BUTLER SURVEY, ABSTRACT NO. 21, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED HEREIN BY *EXHIBIT 'B'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

5. **Z2025-033** - Hold a public hearing to discuss and consider a request by Cecilia Meca for the approval of an ordinance for a *Specific Use Permit (SUP)* for a *Guest Quarters/Secondary Living Unit* on a 0.2380-acre parcel of land identified as Lot 19, Block B, Wade Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 802 Jackson Street, and take any action necessary (**1st Reading**).

Mr. Miller, Planning Director, explained that this is a .2380 acre parcel of land, currently zoned Single Family 7 District, and according to the Rockwell Central Appraisal District, currently situated on the property is a 1,660 square foot single family home that was constructed in 1975. The applicant is requesting an SUP to establish a guest quarters or secondary living unit. Based on the exhibits provided by the applicant, the proposed structure will be 800 square feet, about 50% of the primary structure, and include two bedrooms, two bathrooms, a full kitchen area, living room, and laundry area. The structure will be situated approximately 6 feet from the northern or side property line and 10 feet from the eastern or rear property line. The structure will stand 12 feet 6 inches in total height and have a pitched roof that will be a 512 roof pitch. The exterior of the structure would be clad in stucco, and situated on a concrete foundation. Mr. Miller shared details of the city's regulations for this sort of structure and shared that the primary residence is 1,660 square feet, which would allow a maximum of 498 square feet, so the applicant is requesting a structure that exceeds this by a little over 300 square feet. He explained that the structure contains all elements of a dwelling unit, and if this request is approved, it would essentially violate the single-family SF-7 district zoning requirements that prohibit more than one dwelling unit per lot. So, based on this, staff recommended denial of the applicant's request. He pointed out that these concerns were communicated to the applicant prior to the P&Z Commission meeting on July 15th. However, the applicant failed to address the concerns. Namely, staff asked them to remove the kitchen and reduce the size to better conform to the intent of the UDC. The applicant failed to come to either the P&Z Work Session meeting or the public hearing, so staff has had no contact with them since they've submitted the application. Based on this, the P&Z Commission approved a motion to recommend denial. In making that denial recommendation, they cited the proposal's noncompliance with the UDC, specifically the size and self-sufficient nature of the proposed unit. Since a recommendation of denial is being forwarded by the P&Z Commission, Mr. Miller explained that potential approval of the case will require a supermajority vote of the City Council, or six out of the seven members. Should the City Council choose to approve this request tonight, staff has prepared conditions of approval that would limit the structure to the 800 square feet requested and prohibit the kitchen, meaning we would require an updated site plan removing the kitchen. The case does remain a discretionary decision for the City Council. Staff sent out 142 notices on June 18th to property owners and occupants within 500 feet. Staff also notified all the HOAs within 1,500 feet that are participating in the Neighborhood Notification Program. Staff has received one notice in favor and six notices opposed.

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

Councilmember Campbell then moved to deny Z2025-033. Councilmember Henson seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Mr. Miller shared that, since this has been denied this evening, the applicant cannot make the same request for a period of one year; however, if the applicant does potentially submit something that is substantially different, then the whole process would restart, and public notices would again be sent, the applicant would have to come before the P&Z Commission, etc.

6. **Z2025-034** - Hold a public hearing to discuss and consider a request by Himmat Chauhan of Homestay Rentals, LP for the approval of an ordinance for a Specific Use Permit (SUP) for a Non-Owner Occupied Short-Term Rental on a 0.2250-acre tract of land identified as a portion of Lot 609 and all of Lot 610, Rockwall Lake Estates #1 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 3985 Horizon Road, and take any action necessary (1st Reading).

Planning Director, Ryan Miller provided background information concerning this agenda item. The subject property was originally platted as Lot 610 with the Rockwall Lake Properties Development No. 1 Addition, which was filed with Rockwall County on June 15, 1956. According to the Rockwall County Appraisal District (RCAD), the subject property has a 1,876 SF single-family home situated on it that was built in 1982. On February 17, 2009, the subject property -- *along with the rest of the Lake Rockwall Estates Subdivision* -- was annexed into the City of Rockwall by *Ordinance No. 09-07*. On September 21, 2009, the City Council rezoned the Lake Rockwall Estates Subdivision from an Agricultural (AG) District to Planned Development District 75 (PD-75) [*Ordinance No. 09-37*] for Single-Family 7 (SF-7) District land uses. On January 4, 2016, the City Council amended Planned Development District 75 (PD-75) with *Ordinance No. 16-01*, which made minor changes to the *Consideration of a Special Request* section of the ordinance.

The applicant -- Himmat Chauhan of Homestay Rentals, LP -- is requesting the approval of a Specific Use Permit (SUP) for the purpose of allowing a Non-Owner-Occupied Short-Term Rental on the subject property, which is located within 1,000-feet of one (1) existing Non-Owner-Occupied Short-Term Rental.

Mr. Miller noted three distinguishing factors for this request. The first is the subject property is not located to the interior of the traditional subdivision, but rather it sits along a major roadway in Horizon Road, and that's considered to be a major arterial. Second, the property is adjacent to vacant floodplain lots to the north of the property, which help reduce direct neighborhood impact. And the third is that the proposed STR is in the Lake Rockwall State subdivision. The nearby existing STR is actually in the Windmill Ridge subdivision, and it's in the interior of the Windmill Ridge subdivision. So the two are not really in the same subdivision. With that being said, though, Mr. Miller reminded Council that approval of a specific use permit is a discretionary decision pending a recommendation from the P&Z Commission.

Staff mailed 113 notices to property owners and occupants located within 500' of the subject property. Staff has received three notices from two properties in opposition of the applicant's request. Also, the

P&Z Commission approved a motion to recommend denial of the SUP request by a vote of 5 to 2, with Commissioners Hustings and Brock dissenting.

Himmat Chauhan who indicated he has lived in the Lakeside Village subdivision for the last fifteen years and has also run a hotel business for the last fifteen years as well. During that time, he has consistently paid his hotel occupancy taxes, which – collectively – have amounted to about \$1.5 million dollars. Also, for the last years, until he recently sold it, he ran another STR in the city, and that was during a time when there was no permit required. He went on to explain that, when he purchased this particular property, he did not realize there as a 1,000 ft. separation rule for STRs, and – had he known this rule existed – he would not have purchased the property. He explained that he runs his businesses ethically and will do the same with this property, should it be approved by Council. He went on to show a video of the interior and exterior of the home. After he showed the video, he explained that in the five years he ran the other STR, he never had one complaint to the city and there were no parties held either. He shared that he rents his properties for a minimum of five nights, and – whether he is running a \$500k house or a \$5 million hotel, he runs the business very nicely and is confident there will be no complaints. He even sends someone out to personally greet renters upon their arrival.

Mayor McCallum opened the public hearing, asking if anyone would like to come forth and speak at this time.

Cameron Fairchild
133 Alteha Road
Rockwall, TX

Mr. Fairchild came forth and shared that he lives one block away, or about 800 feet from this proposed STR. He wishes all short-term rental property owners were as conscientious and had such good-looking property as this one. However, he has some concerns, some of which are general, such as potential increase in crime, increases in property values and – therefore – increased taxes. He also has concerns about the potential for loud parties and noise at the STR. He went on to say that if this gets approved by Council this evening, he hopes the property owner will be held accountable and that the police will ensure quality of life continues in the area.

Mr. Miller pointed out that the STR ordinance requires that an owner have a local representative that can be reached any time the property is being rented for precisely that reason to address community concerns, potentially police or code enforcement violations. Another aspect of the ordinance is that it's kind of a "three strikes and you're out." If there are issues or problems with the property, and those are reported to the Police Department or Code Enforcement, an STR permit can be expired by staff, in which case the owner would not be eligible to potentially get another permit for a period of one year.

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

Councilmember Campbell spoke, expressing that the applicant in fact has a very nice, beautiful home, that – unfortunately – does not meet the 1,000 foot rule separating this home from another, nearby STR. It misses the 1,000 foot requirement by two homes / two lots. She acknowledged that the applicant lives here in the city, only about 5 minutes from Lake Rockwall Estates. The applicant has

been paying his hotel taxes for many years, so he has been compliant in that regard, and this home has added to the beautification of Lake Rockwall Estates. She thinks approval of this is a great idea.

Councilmember Lewis shared that he has voted against every STR, but he is not opposed to this one because it is in a separate neighborhood from the other STR that's within 1,000 square feet. There is a floodplain separating the two, and the applicant has a good track record of running these types of businesses and paying his taxes.

Councilmember Lewis moved to approve Z2025-034. Mayor McCallum shared that there are other Councilmember lights on for members of Council who are requesting to speak. So, he asked Councilmember Lewis to rescind his motion for now to allow some additional discussion. Councilmember Lewis did so.

Mayor Pro Tem Moeller went on to speak, generally expressing he shares some of the same sentiments expressed by Councilmembers Campbell and Lewis. Also, he believes the minimum 5 day rental requirement will likely discourage any possibility of loud parties at the location. He also likes that the applicant sends someone out to personally greet renters.

Councilmember Thomas asked the applicant to speak to how he evaluates individuals who want to rent the property. Mr. Chauhan explained he has house rules and regulations, so as soon as the reservation comes in, he sends the house rules and regulations to the client and tells them that rule number one is everybody has to provide their identification, age 18 and over, so that he knows who people are that are coming and going. He also goes and greets the people personally. Councilmember Thomas expressed an appreciation for the extra steps the applicant takes, and he believes this property adds value to the neighborhood, so he is in favor of this request.

Councilmember Jeffus shared that she has been a very strong advocate for 1,000 feet separating STRs. She believes that this particular request is an exception to this rule because there is a floodplain separating it from the next nearest STR, and the two of them are located within two separate subdivisions. She believes this applicant has a lovely home, has proved to run things well, and she will be happy to support this request this evening.

Mayor McCallum shared that he has only voted, so far, for one other exception to the STR regulations. He went on to share that he drives by this house every day, and this home is absolutely the nicest home on the block, especially compared to the four homes next door / on this same street that have junk showing in their front yards. He also pointed out that the applicant lives in our community and has a history of paying his hotel/motel (occupancy) taxes, so he will also be supporting this request.

Councilmember Lewis moved to approve Z2025-034. Councilmember Campbell 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 PLANNED DEVELOPMENT DISTRICT 75 (PD-75) [ORDINANCE NO.
16-01] AND THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-
02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS**

PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A *NON-OWNER-OCCUPIED SHORT-TERM RENTAL* ON A 0.2250-ACRE PARCEL OF LAND IDENTIFIED AS A PORTION OF LOT 609, AND ALL OF 610, ROCKWALL LAKE ESTATES #1 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND DESCRIBED 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.

7. **Z2025-035** - Hold a public hearing to discuss and consider a request by Gunnar Ledermann on behalf of Divine Peace Evangelical Lutheran Church for the approval of an ordinance for a *Specific Use Permit (SUP)* for a *Daycare Facility* on a 0.344-acre parcel of land identified as Lots 1, 2, 3 & 4, Block T, and Lots 1, 2 & 3, Block W, Rockwall OT Addition, City of Rockwall, Rockwall County, Texas, zoned Downtown (DT) District, addressed as 305 S. Fannin Street, and take any action necessary (1st Reading).

Planning Director, Ryan Miller provided background information concerning this agenda item. The property is a 0.344-acre tract of land in the city's downtown district. It's addressed as 305 South Fannin Street. Currently situated on the subject property is a 3,920-square-foot church that was constructed in 1911, a 3,780-square-foot fellowship building constructed in 1970, and a single-family home, 1,472 square feet, constructed in 1978 that was converted to commercial in 2008. What the applicant is requesting is a specific use permit for the purpose of utilizing approximately 2,500 square feet of the existing fellowship building, which is the building in the middle there, for a daycare facility serving children aged 2 1/2, to 4 years old, and the applicant has stated that this is primarily for members of the church congregation. The site is surrounded by a mix of commercial, residential, and civic uses, including city hall and several city-owned parking lots. Access to the property is available from multiple directions via South Fannin Street and East Washington Street, and the site has adequate drop-off and pickup space consistent with our requirements for queuing of at least four vehicles. Per the city's UDC, a daycare serving seven or more children in the downtown district requires a specific use permit. It also mandates screening of outdoor play areas and adequate queuing be provided, both of which the applicant has addressed and committed to resolving through the future permitting process. The applicant has provided details of where he proposes the playground space on the right and a floor plan of how he plan on breaking up that fellowship hall to accommodate a daycare facility.

This request is a discretionary decision for the City Council pending a recommendation from the P&Z Commission. On July 15th, the P&Z Commission reviewed it and ultimately approved a motion to recommend approval by a vote of seven to zero. Staff also mailed out notices on June 18th. This included 140 notices to property owners and occupants within 500 feet, and all of the HOAs participating in the Neighborhood Notification Program. As of tonight, staff has received two notices in favor and four notices opposed. He noted that that the notices that were received opposed to the applicant's request wrongly cited that the approval of this case would lead to the automotive land use next door being forced to shut down. However, staff reviewed these concerns, and reported it doesn't have an impact on the adjacent property. Rather, they're actually referring to an abandonment that used to be a residential property, a topic which Council will hear more about at a future public hearing date. He again pointed out that this doesn't appear to have any negative impacts on any of the adjacent properties.

Ann Marie Sanford
245 Vernon Drive
Fate, TX

Mrs. Sanford indicated she is present on behalf of Pastor Lederman because he and his wife just had twins yesterday.

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

Councilmember Thomas moved to approve Z2025-035. Councilmember Campbell 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 [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A DAYCARE FACILITY IN CONJUNCTION WITH AN EXISTING CHURCH/HOUSE OF WORSHIP ON A 0.344-ACRE PARCEL OF LAND IDENTIFIED LOTS 1, 2, 3 & 4, BLOCK T, AND LOTS 1, 2, & 3, BLOCK W, OF THE ROCKWALL OT 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 passed by a vote of 7 ayes to 0 nays.

8. Z2025-036 - Hold a public hearing to discuss and consider a request by Javier Silva of JMS Custom Homes, LLC for the approval of an ordinance for a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* for the purpose of constructing a single-family home on a ~0.115-acre tract of land identified as a portion of Lot W, Block J, Sanger Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Southside Residential Neighborhood Overlay (SRO) District, addressed as 803 Sam Houston Street, and take any action necessary (1st Reading).

Planning Director, Ryan Miller provided background information concerning this agenda item. The subject property pictured here is a 0.1165-acre tract of land situated within the Sanger Addition. It's addressed as 803 Sam Houston Street, and the property is currently vacant. It's zoned single-family 7 and is located within the Southside neighborhood residential overlay district. The applicant is requesting a specific use permit for residential infill in an established subdivision for the purpose of facilitating the construction of a 1,997 square foot single-family home. According to the UDC, an established subdivision is defined as any subdivision that has been in existence for 10 years, consists of five or more lots, and is 90% developed. In this case, the Sanger addition was established on May 11, 1895, consists of 90 residential lots and is more than 90% developed. In reviewing requests for

residential infill, the City Council is asked to consider the size, location, and architecture of the proposed home compared to homes in the existing subdivision. The proposed home does appear to be consistent with newer homes that have been constructed nearby within this subdivision, and it does meet the majority of the zoning requirements, including density and dimensional requirements. However, the applicant is requesting an exception to the garage orientation, which – in this instance – is proposed to be twelve feet back (as opposed to the required 20' back) from the front façade. There are multiple other, older homes, with similar garage orientations. Staff mailed out 112 notices to owners and occupants within 500', and one notice of opposition was received. However, the notice of opposition cited something pertaining to a survey, which is a civil matter, so it cannot really be considered by Council as part of this case. In addition, the P&Z Commission did vote 7 to 0 to recommend approval of this request.

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

Javier Silva
58 Windsor Drive
Rockwall, TX

Mr. Silva indicated he has been building homes in Rockwall for the last twenty-five years.

Councilmember Campbell moved to approve Z2025-036. Councilmember Lewis seconded the motion. Mayor McCallum shared that every house Mr. Silva has built has been quality and has aligned with standards. He thanked Mr. Silva for the work he is doing, and he pointed out that the City will soon be updating the regulating ordinance standards for this area. 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, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION TO ALLOW FOR THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A ~0.115-ACRE PARCEL OF LAND, IDENTIFIED AS LOT W, BLOCK J, SANGER 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.

9. Z2025-037 - Hold a public hearing to discuss and consider a request by Javier Silva of JMS Custom Homes, LLC for the approval of an ordinance for a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* for the purpose of constructing a single-family home on a ~0.115-acre tract of land identified as a portion of Lot W, Block J, Sanger Addition,

City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Southside Residential Neighborhood Overlay (SRO) District, addressed as 805 Sam Houston Street, and take any action necessary (1st Reading).

Planning Director, Ryan Miller provided background information concerning this agenda item. He shared that this home is located 50' from the home that was just discussed during the previous item. This home is proposed to be a single-family home that is 2,673 square feet, and Council is asked to consider the size, location and architecture of the proposed home. He went on to share that it meets all the city's requirements other than the garage orientation. In this case the garage will be about 15' from the front of the home. The P&Z Commission voted 7 to 0 to recommend approval of this request to the Council. Also, staff mailed 107 notices to adjacent owners and occupants, and one notice of opposition was received. The opposition notice cited a survey, which is a civil matter that cannot be considered by Council when reviewing this request.

Mayor McCallum opened the public hearing, but no one wished to speak. So he closed the public hearing. Councilmember Campbell moved to approve Z2025-037. Mayor Pro Tem Moeller 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, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW FOR THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A ~0.115-ACRE PARCEL OF LAND, IDENTIFIED AS LOT W, BLOCK J, SANGER 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.

10. Z2025-038 - Hold a public hearing to discuss and consider a request by Jerret R. Smith for the approval of an ordinance for a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* on a 0.1960-acre parcel of land identified as Lot 2, Block A, Highridge Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, addressed as 704 S. Alamo Road, 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 June 20, 1959 by *Ordinance No. 59-02 [Case No. A1959-002]*. According to the January 3, 1972 *Historic Zoning Maps*, the subject property was zoned Single-Family 2 (SF-2) District. Sometime between January 3, 1972 and May 16, 1983, the subject property was rezoned to Single-Family 10 (SF-10) District, and has remained zoned Single-Family 10 (SF-10) District since this change. The subject property has remained vacant since its annexation. On December 10, 2024, the Planning and Zoning Commission approved a motion to recommend approval

of the Specific Use Permit (SUP) by a vote of 6-0; however, on December 16, 2024, the City Council approved a motion to deny the *Specific Use Permit (SUP)* by a vote of 6-0. The stated reason for the denial was due to the applicant not being present at the meeting. On March 25, 2025, the Planning and Zoning Commission approved a motion by a vote of 7-0, permitting the applicant to resubmit the original request prior to the standard one (1) year waiting period. On April 17, 2025, the applicant resubmitted the application for the *Specific Use Permit (SUP)* for Residential Infill in an Established Subdivision. On May 13, 2025, the P&Z Commission approved a motion to recommend approval of the *Specific Use Permit (SUP)* by a vote of 4-0, with Commissioners Thompson and Hustings absent and one (1) vacant seat; however, on May 19, 2025, the City Council approved a motion to deny the *Specific Use Permit (SUP)* by a vote of 7-0. As with the first request, the stated reason for the denial was due to the applicant not being present at the meeting. Since the motion to deny passed without an indication of prejudice, the motion was once again considered to be a denial with prejudice. On June 3, 2025, the applicant submitted a letter to the Director of Planning and Zoning requesting to again resubmit an application stating that they "...sincerely apologize for missing the last meeting due to a scheduling conflict ... [and] that a representative or the applicant will be present at *all* meetings." On June 10, 2025, the P&Z Commission again approved a motion by a vote of 5-0, with Commissioner Womble absent and one (1) vacant seat, permitting the applicant to resubmit the original request prior to the standard one (1) year waiting period.

On June 18, 2025, staff mailed 66 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Stonebridge Meadows, Bent Creek Condos, and Highridge Estates Homeowners Associations (HOAs), which are the only HOAs 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 notices back regarding the applicant's request.

Mayor McCallum opened the public hearing, asking if anyone would like to speak and asking the applicant to come forth as well. No one in the audience indicated a desire to come forth and speak; however, the applicant did come forth.

Jerret Smith
15299 Hwy. 34
Terrell, TX

Mr. Smith shared this proposal is associated with what will be his own family home. Mayor McCallum asked him why he did not show up to the P&Z Commission meeting or the Council meeting when this topic was previously put forth for consideration. Mr. Smith shared that he did not show up in January because he was on vacation, and he most recently did not show up because he got his dates wrong and – therefore – inadvertently missed the meeting. He apologized.

There being no one wishing to speak, Mayor McCallum closed the public hearing.

Councilmember Campbell moved to approve Z2025-038. Mayor Pro Tem Moeller 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, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION TO ALLOW FOR THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.1960-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 2, BLOCK A, HIGHRIDGE 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.

- 11. Z2025-040 - Hold a public hearing to discuss and consider a request by Dylan Adame, PE of Kimley Horn & Associates on behalf of Clay Collier of James Collier Properties, Inc. for the approval of an ordinance for a Zoning Change from Agricultural (AG) District to Light Industrial (LI) District for an 80.50-acre tract of land identified as Tract 2-2, 2-5, 2-8, 2-9, & 20 of the D. Harr Survey, Abstract No. 102 and Lot 1, Block A, Rockwall Commercial Addition, City of Rockwall, Rockwall County, Texas, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District and the FM-549 Overlay (FM-549 OV) District, zoned Agricultural (AG) District, generally located on the northside of Justin Road in between John King Boulevard and FM-3549, and take any action necessary (1st Reading).**

Planning Director, Ryan Miller provided background information concerning this agenda item. He explained this case involves an 80.50 acre tract of land located on the north side of Justin Road in between John King and FM 3549. The applicant is requesting to change the zoning from an AGI district to a Light Industrial District to facilitate the future development of a corporate headquarters and manufacturing facility. The property has a detailed zoning history, but portions of it, most notably the ten-acre tract in the middle and the six-acre tract to the far left, were previously zoned light industrial district in 2005 and 2019. The remainder of the tracts have remained vacant and zoned AG districts since annexation in 1998. In terms of the adjacent land uses, to the north is the Union Pacific Railroad right-of-way with industrial and residential zoning beyond it. To the south, the property faces Justin Road, and further south towards I-30 is a mixture of commercial and vacant tracts. That area was also most recently approved for a planned development district for the Super Regional Shopping Center and the IKEA. To the east and west are major thoroughfares – FM 3549 and John King Boulevard, which flank the property and are both identified as arterial routes on the Master Thoroughfare Plan. The request is consistent with the UDC's intent for the Light Industrial District, which is to accommodate clean, modern industrial land uses with restrictions on externalities such as noise, smoke, and outside storage. To prove the development would be subject to all the standards for the Light Industrial District as defined by the UDC. Also, it would be subject to general overlay district standards, as it's located within two overlay districts - the John King Overlay District and the FM 549 Overlay District.

Mr. Miller went on to share that staff sent out 36 notices to property owners and occupants within 500 feet of the subject property, and as of tonight staff has received one notice in opposition of the applicant's request. Also, the P&Z Commission voted 7 to 0 to recommend approval of this request.

Mayor McCallum opened the public hearing and called forth the applicant.

Dylan Adame of Kimley Horn & Associates came forth, representing the applicant. The applicant indicated they are very excited to relocate their manufacturing facility to this light industrial area, if possible. They understand that there's an Ikea coming in front of the location. They will abide by all of the uses in the general light industrial district.

On person spoke during the public hearing, as follows:

Patty Griffin
2140 Airport Road
Rockwall, TX

Ms. Griffin shared that she lives directly behind this property. She and her neighbors who are present this evening at the meeting, as well as neighbors listening online who could not physically be present, are opposed to this request. She went on to share that she was unable to find information online related to this proposal. She then went on to also share extensive details of research she conducted online today, expressing many reasons why she is strongly opposed to this proposal. In summary, she cited serious concerns about safety, noise, pollution, lighting, property value loss, and quality of life for residents near Airport Road. She also expressed her belief that the plan violates local, state, and federal laws, including noise and environmental standards, and she claimed the city failed to provide legally required notice. She also highlighted conflicts of interest that she believes exist within the Planning and Zoning Commission. She urged the council to reject the rezoning, enforce existing regulations, and adopt measures to ensure fair, transparent, and resident-focused development.

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

Councilmember Henson thanked Mrs. Griffin for her well thought out comments this evening. He also thanked the mayor for allowing a lot of grace for Mrs. Griffin to speak beyond the allotted 3-minute timeframe. He sought and received clarification from the applicant, who indicated the Colmet business extrudes steel landscape edging and landscape planters and is actually not an aluminum extrusion facility. The company basically takes split steel coils and forms them into landscaping products that are purchased at a Lowe's or a Home Depot. So there is no smelting, there is no hot processing or hot rolling. Their product is simply just cold metal forms that then goes on the shelving at the local hardware store. He went on to share that the applicant will not be utilizing the entire site, and he mentioned that a creek that runs through the property does pose some complications in planning for the remainder of the site. Councilmember Henson shared that, since the use for the rest of the property is not yet known, he will not be voting in favor of its approval.

Mayor McCallum expressed reasons why he is opposed to this proposal this evening. He explained he takes a conservative approach to zoning, and he votes against rezoning property when there is not a certain, known plan for what will end up going there. He'd prefer that this property be considered as a Planned Development District. Mr. Miller agreed this could be facilitated as a PD property instead of in the manner in which it's being brought forth this evening. Mr. Miller went on to provide comments pertaining to potential zoning options and development options for the property. Mayor McCallum shared he believes this request should be denied this evening until a plan can be presented that shows details regarding use of the full, entire property, not just a portion.

Councilmember Jeffus shared that she believes this land should be left alone for now to allow time for the city's Comprehensive Plan to be reviewed.

Councilmember Lewis indicated he is in favor of economic development; however, he believes this should be denied this evening, and the applicant should come back with a proposal for a Planned Development District instead and with a firm plan for what the full property will be used for after potential approval.

Mayor McCallum then moved to deny Z2025-040. Councilmember Henson seconded the motion.

Councilmember Lewis asked if this is denied this evening, will the applicant have to wait one year before coming back. Mr. Miller shared that – no, the applicant could come back as soon as the next P&Z cycle.

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

12. Z2025-041 - Hold a public hearing to discuss and consider a request by Paul Arce on behalf of Shirley Soto for the approval of an ordinance for a Specific Use Permit (SUP) for a *Guest Quarters/Secondary Living Unit* on a 0.2480-acre parcel of land identified as Lot 1, Block B, Rockwall Lake Estates East Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 340 Evans Road, and take any action necessary (1st Reading).

Mr. Miller gave some background on this property, indicating it is in Lake Rockwall Estates, and it is a combined two lot property on which the applicant would like to construct a secondary living quarters on this site which already contains a single-family home. The proposed structure would be 685 square feet in size and would include an office or game room, storage area, and full bathroom. It would be on a concrete foundation and be about 12' 8" from the primary structure and would have an overall height of 14' 2" tall with brick cladding and siding. Mr. Miller went on to indicate that the proposed structure does not meet all the city's requirements in that it has a full bath and living area (but, so far, plans do not show a kitchen). The applicant's request is, therefore, not in conformance with the city's conditional land use standards for guest quarters. The City's P&Z Commission voted six to one to recommend approval of this request. Staff mailed out 85 notices to adjacent property owners and occupants located within 500', but no notices were received back.

Mayor McCallum opened the public hearing and asked if the applicant is present this evening. No one in the audience spoke up. So, given that the applicant was not present, Mayor McCallum closed the public hearing and moved to deny Z2025-041. Councilmember Jeffus seconded the motion, which passed by a vote of 7 ayes to 0 nays.

13. Z2025-042 - Hold a public hearing to discuss and consider a request by Tyler Adams of Greenlight Studio on behalf of Bill Bricker of Rockwall Property Corporation the approval of an ordinance for a Specific Use Permit (SUP) for *Outdoor Commercial Amusement/Recreation* in conjunction with a proposed *Restaurant with Drive-Through or Drive-In* on a 2.50-acre portion of a larger 4.50-acre parcel of land identified as Lot 1, Block A, Boardwalk Development Addition, City of Rockwall, Rockwall County, Texas, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, zoned Planned Development District 71 (PD-71) for limited Commercial (C) District land uses, generally located at the northwest corner of the intersection of Park Hills Boulevard and John King Boulevard, and take any action necessary (1st Reading).

Mr. Miller provided background information concerning this agenda item. The applicant is requesting a specific use permit for outdoor commercial amusement slash recreation in conjunction with a future restaurant with drive-thru. Specifically, the applicant has indicated that if the SUP is approved, they will be following this submittal up with a site plan, bringing forward a coffee shop, which is a permitted by right land use in Planned Development District 71. Also, their proposal will include two pickleball courts, which will be located behind the coffee shop.

Mayor McCallum opened the public hearing and also called the applicant forth to speak. The applicant, Tyler Adams (100 N. Cottonwood Drive – Richardson, TX), came forth and provided a brief presentation to Council concerning this request. His presentation included showing renderings of what the future coffee shop and two pickleball courts will look like, as well as the trees and vegetation that will provide screening and essentially help mitigate any potential impacts on adjacent properties.

Mayor McCallum asked if anyone in the audience would like to speak at this time.

Bill Bricker
505 Westway Drive
Rockwall, TX

Mr. Bricker provided brief comments of support for this zoning case this evening. He believes that the nearby subdivision will allow for about 400 rooftops that will be within walking distance. He generally likes this proposal.

Councilmember Henson shared that he believes Mr. Bricker has had some good vision for this area. Councilmember Henson shared that the outdoor cocktail bar known as “The Northside” has resulted in complaints of nearby residents who say that the business emits noise. He wonders how this might be differentiated from, say, an outdoor cocktail bar. Mr. Miller explained that this coffee shop would not be able to sell alcohol since, in order to do so, it would have to have a food and beverage certificate. In order to have a F&B certificate, it would have to have a full kitchen and menu. So, this is what differentiates it from what Councilman Henson has described.

Councilmember Jeffus shared that she is looking forward to this coffee shop, as it is right near her home. She, however, has concerns about the residents in Park Hills potentially being disturbed by the noise that may emit from these two pickleball courts. Discussion then ensued about the landscape plan and future installation of trees that will help dampen any noise. Also, city staff periodically inspects properties to ensure that any dead trees or landscaping is replaced and that properties stay in conformance with what is approved. The applicant shared the courts will not be open to the public, per say – just utilized by patrons of the coffee shop.

Following additional discussion, Councilmember Henson moved to approve Z2025-042. 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 PLANNED DEVELOPMENT DISTRICT 71 (PD-71) [ORDINANCE NO. 07-19] AND THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW AN OUTDOOR COMMERCIAL AMUSEMENT/RECREATION IN CONJUNCTION WITH A PROPOSED RESTAURANT WITH DRIVE-THROUGH OR DRIVE-IN ON A 2.50-ACRE PORTION OF A LARGER 4.50-ACRE PARCEL OF LAND IDENTIFIED AS LOT 1, BLOCK A, BOARDWALK DEVELOPMENT ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY 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 7 ayes to 0 nays.

XI. Action Items

1. **SP2025-023** - Discuss and consider a request by Frank A. Polma, PE of R-Delta Engineers, Inc. on behalf of David Naylor of Rayburn Electric Cooperative for the approval of an Alternative Tree Mitigation Settlement Agreement in conjunction with a site plan for a *Soccer Complex and Parking Lot Expansion* for an existing *Corporate Campus* (i.e. Rayburn Electric Cooperative) being an 18.00-acre tract of land identified as a portion of Lots 2, & 3, Block A, REC Campus Addition, City of Rockwall, Rockwall County, Texas, situated within the SH-205 Overlay (SH-205 OV) District, zoned Planned Development District 44 (PD-44) for Heavy Commercial (HC) District and Commercial (C) District land uses, generally located at the northwest corner of the intersection of S. Goliad Street [SH-205] and Mims Road, and take any action necessary.

Mr. Miller provided background information on this item. The subject property is a portion of the Rayburn corporate campus. It was recently approved for a site plan for a soccer facility with a concession area. What the applicant is requesting is an alternative tree mitigation settlement agreement as allowed under article 8 of the Unified Development Code and really there's two key components to what they're requesting. The first is to allow the use of sample areas to estimate the tree mitigation impact rather than conducting a full tree survey. The reason they're proposing this is there are several very densely populated areas of trees. So, in lieu of spending the money to identify all of those trees, they'd rather put the money into this public sports complex, which would be a public soccer complex. The second is they're requesting to waive the mitigation requirements for the eastern red cedar trees. This site has a lot of eastern red cedar trees, and they state that those are typically considered to be invasive and typically not credited towards high value species under our code. Mr. Miller went on to share more details about the city's existing tree mitigation requirements. He explained that site development usually is required to have trees mitigated by planting caliber inches of trees back on site or paying a fee in lieu of doing so; however, this site does not have the space to absorb tree plantings given that it is going to be used as soccer fields and, therefore, has to remain open and without trees.

The applicant then came forth to address Council.

Frank Polma
618 Main Street

Garland, TX

Mr. Polma explained they would like to construct, maintain, and operate this facility. for use by Rockwall youth soccer, schools, and local organizations . He explained that there will be no public funding and that all development costs be funded by Rayburn. Also, post construction, the cost operationally will be heavily subsidized by Rayburn with only very minimal fees charged to users. He shared that this is clearly not a "for-profit" venture but is, rather, keeping with Rayburn's commitment to the City of Rockwall and to being a good corporate citizen. Mr. Polma explained that there will be a gate around the fields, and the gates will be open when soccer is transpiring, and they will be closed and secured when not in use. He explained that Rayburn will oversee the soccer scheduling and will likely not contract that out.

Mayor McCallum understands that the cost of mitigating for the Eastern Red Cedar trees is notable. He wonders if the applicant is open to potentially scheduling and holding multiple tree transplanting days as part of efforts to mitigate for the trees. Mr. Polma shared that Rayburn Electric would be wide open to this.

Councilmember Jeffus indicated that she drives by Rayburn Electric daily, and she has been impressed with the development of the Rayburn campus. She is glad that local kids will soon have a place to play soccer, which is a need she heard expressed many, many times by voters when she was running her campaign.

Mayor McCallum moved to approve SP2025-023 with the understanding that the applicant will be required to advertise and hold three Tree Transplanting Days. Councilmember Thomas seconded the motion, which passed by a vote of 7 ayes to 0 nays.

2. Discuss and consider Resolution 05-06 (adopted Jan. 18, 2005) pertaining to the city's Tree Transplanting Day, and take any action necessary.

Councilmember Lewis shared that he requested this item be placed on tonight's agenda for discussion. He shared that Meals on Wheels is about to break ground on its new facility, and its Tree Transplanting Day was held this past Friday. No one showed up, though. He explained that, as part of the process, he discovered some problems with the Tree Transplanting Days that are concerning. One thing of concern is the difficulties involved in digging up and transporting a tree, and it essentially requires that someone hire a professional to do so. Also, he has concerns about the city requiring a private property owner to host an event on the property owner's land. He knows that the City has immunity and would not be held liable if someone were to go onto the land and get hurt while digging up and transplanting a tree. So, the property owner would likely be the one to get sued, and it essentially is a liability issue for the property owner – one that the property owner should not have to be forced to take on. Therefore, he believes this program should be eliminated.

Mayor McCallum shared that he was the councilman back in 2005 who came up with this Tree Transplanting Day idea, and he disagrees with Councilmember Lewis. He actually believes this program and associated opportunities should actually be expanded rather than done away with.

Extensive discussions ensued. Councilmember Lewis shared that it only takes one event that could be devastating to a property owner and to a family who might have someone either injured or killed by going onto a property to dig up and relocate a tree during one of these events.

Mayor McCallum shared that he has had conversations with Mr. Miller, Planning Director, to let him know that we should revisit and reevaluate the city's current Tree ordinance. He went on to share that the average cost is less than \$400 to pay a professional to dig up, burlap, transfer and replant a tree, and this is less expensive than what would be paid if someone were going to purchase a tree at a nursery. He also emphasized that the program helps developers save money on tree mitigation costs.

Councilmember Lewis moved to do away with the city's current Tree Transplanting resolution. Councilmember Campbell shared that, although she believes that it sounds good to save trees, she has to agree with Councilmember Lewis' concerns. So, she seconded the motion.

Mayor McCallum went on to share additional reasons for disagreeing with stopping this program. The topic of liability and possible waivers was discussed. In addition, City Manager, Mary Smith suggested that perhaps the city could make a Tree Transplanting Day optional for a property owner. That way it could be made available as an option to a property owner if he needs to mitigate for trees and wants to allow for this sort of opportunity. Councilmember Lewis shared that his stance remains the same regarding his concerns. However, Councilmember Lewis went on to subsequently withdraw his original motion, and Councilmember Campbell withdrew her second.

Following additional, lengthy discussion, Councilmember Lewis again made a motion to rescind the resolution that established the Tree Transplanting Day program, as he had stated in his original motion. Councilmember Campbell seconded the motion. Following further discussion, the motion to rescind (do away with) the city's existing Tree Transplanting Day resolution failed by a vote of two in favor with five against (Thomas, Jeffus, Moeller, McCallum and Henson).

XII. Adjournment

The meeting was adjourned at 8:39 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS
4th DAY OF AUGUST, 2025.**


TIM McCALLUM, MAYOR

ATTEST:



KRISTY TEAGUE, CITY SECRETARY