

## ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, July 19, 2021 - 4:00 PM

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

### I. CALL PUBLIC MEETING TO ORDER

Mayor Fowler called the meeting to order at 4:06 p.m. Present were Mayor Kevin Fowler and Councilmembers Clarence Jorif, Dana Macalik, Trace Johannesen, Bennie Daniels and Anna Campbell. Also present were Interim City Manager Mary Smith, and Assistant City Manager Joey Boyd. Mayor Pro Tem John Hohenshelt was absent from the majority of the work session but joined the meeting at 4:54 p.m. as noted below. City Attorney Frank Garza joined the meeting at 4:15 p.m.

### II. WORK SESSION

1. Hold work session with Clark Staggs to hear proposal related to hangar development on property located east of the Ralph M. Hall / Rockwall Municipal Airport

Clark Staggs came forth and briefed the Council on his proposal for a hangar development at the municipal airport. He pointed out that there is a notable shortage of airport hangars, sharing details of the waiting list for hangars at several smaller airports across the region. As part of this proposal, an office / terminal building would be constructed (about 2,800 or 3,000 sq. feet). All of the proposed work could be completed within about a year, and it would add about \$7 million dollars of taxable value to the tax role. Mr. Robert LaCroix joined the discussion. In part, he discussed a 'thru the fence' agreement and a 380 development agreement. Indication was given that an existing structure that serves a maintenance-related purpose would be removed, and council seemed to have some concern about its removal. General discussion ensued pertaining to this proposal, with Council ultimately giving an informal 'go ahead' to Mr. Staggs concerning moving forward with this project through the normal process.

Mayor Pro Tem Hohenshelt joined the meeting at 4:54 p.m.

Mayor Fowler read the below listed discussion items into the record before recessing the public meeting to go into Executive Session at 4:56 p.m.

### III. EXECUTIVE SESSION.

THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE FOLLOWING MATTER AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:

1. Discussion regarding the appointment/employment process for the position of City Manager, pursuant to Section 551.074 (Personnel Matters) and 551.071 (Consultation with Attorney).

### IV. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 5:25 p.m.

### V. RECONVENE PUBLIC MEETING (6:00 P.M.)

552 Granite Fields  
Rockwall, TX 75087

Mr. Jeffus came forth and shared that he is a Rockwall resident, and he used to serve on the Garland City Council. He went on to share his thoughts that apartments have a limited lifespan, and their value and vitality decline greatly over time. He urged the City Council to think hard about the impact this development will have on the downtown area. The current traffic in downtown is already 'a parking lot.' He is in opposition of these apartments being built.

Shirley Smith  
609 Amherst Drive  
Rockwall, TX 75087

Mrs. Smith shared that she has concerns that there was a lack of transparency associated with this proposed apartment complex in the downtown area. She does not understand why there hasn't been more public notice concerning this apartment complex and the associated 380 development agreement. She does not like that no public hearing has been held concerning this development. These apartments will change the look and feel of the downtown area from here on out. She urged Council to look into how and why this is a 'done deal,' and she would like Council to obtain a second opinion on this regard. She urged Council to be more transparent and make efforts to more proactively inform residents. She wants Council to be sure that it has done all it can do to be sure that this is for sure a 'done deal.'

James Smith  
609 Amherst Drive  
Rockwall, TX 75087

Mr. Smith provided praise to the Council concerning Planning Director, Ryan Miller. He wanted to be sure to provide positive comments. He generally seemed to empathize with the Council, as he acknowledged they are 'stuck between a rock and hard place' on this proposed, downtown apartment complex development. He feels as though this development was treated with less transparency than it should have been treated. He expressed that people on social media / NextDoor do not understand the situation, and it leaves a black mark on the city.

Nell Welborn  
810 Lake Meadows Circle  
Rockwall, TX 75087

Mrs. Welborn came forth and indicated that she is a former city council member and former P&Z Commission member. She reminisced about Barb Coleson and Claudette Hatfield, indicating that those two ladies were responsible for getting their two husbands to run for city council. She shared that these two ladies were responsible for getting our city designated as a "Main Street" city, and they also made large efforts towards getting the bond election passed to upgrade the entire downtown. She spoke in strong opposition of the apartment complex in the downtown area. She believes that Barb Coleson is probably "spinning in her grave" this evening.

Jim Turner  
1691 E. Old Quail Run Road

**Rockwall, TX**

**Mr. Turner came forth and shared that he is a concerned citizen. He believes that 'transparency' did not occur pertaining to the past Executive Session item that was held when the 380 development agreement was previously approved. He pointed out that the city sold that police department parking lot for \$10, and he would have given the city more than that. He is mad because he believes that it was not transparent, and it was not ethical. He suggested that this go back through the process and see why the 380 development agreement was not given proper public notice and input.**

**Gary Freedman  
1404 Willow Lane  
Rockwall, TX 75087**

**Mr. Freedman shared that what occurred took place prior to this current city council. He shared that what happened is not something that can be retroactively changed (about the downtown apartment complex). He shared that sometimes people will need to accept things they cannot change and try to figure out a way to make the best of it (i.e. perhaps the developer could move it down the road further). He acknowledged that perhaps more transparency could have been exercised on the part of this and past city councils.**

**Les Chapman  
733 Sunset Hill Drive  
Rockwall, TX**

**Mr. Chapman spoke about the downtown apartment complex. He does not believe this development will not fiscally help the city or the downtown area. Envisioning a 7-story building is very difficult. He shared that the book depository in downtown Dallas is 7-stories tall. He shared that this proposed apartment complex and its height does not fit in downtown Rockwall. He urged Council to get involved in a lawsuit to fight the proposed downtown apartments.**

**Richard Borek  
2140 Hillcroft Drive  
Rockwall, TX**

**Mr. Borek came forth and shared that he and his family moved here about a year ago. He has concerns about the impact that the proposed downtown apartment complex will have on the local school system. He generally spoke in opposition of the apartments.**

**Mary Alice Caffarel  
304 Meadowdale  
Rockwall, TX 75087**

**Mrs. Caffarel is concerned about the apartments in downtown. She went on to explain that the traffic that sits at the light at the nearby intersection already sits there for a very long time. She has concerns about traffic, too many vehicles, and not enough streets to put them on. She believes that people will get fed up with this traffic in and around the intersection, and they will**

divert to Lakeshore (where the undesirable roundabouts were recently installed). She is in opposition of the apartment complex

**Brent Dunklau**  
2070 Belfrey Court  
Rockwall, TX 75087

Mr. Dunklau came forth and shared that he understands the city's hands are currently 'tied.' However, he would like to take steps to be sure that something like this (the apartments near downtown) does not happen again in the future. He would like to have a public meeting where rezoning can occur. He is against the apartment complex in the downtown area.

**Dana Wilson**  
1598 Sunset Hill Drive  
Rockwall, TX 75087

Ms. Wilson shared that she has concerns about speeding vehicles on Lakeshore Drive. She would like someone to do something about the traffic (i.e. some sort of speed trap, some sort of extra notification and/or extra police officers). She shared that she lives on the corner, and excessive and frequent speeding happens along Lakeshore at all different times of the day and night.

**Penelope Chapman**  
733 Sunset Hill Drive  
Rockwall, TX 75087

Mrs. Chapman came forth and shared that she understands the basics about the organizational chart for the City of Rockwall, and she understands the city's stated 'mission.' She believes that the Planning & Zoning Commission and City Council are not doing what is in the best of the citizens. She stated that the City needs to remember that citizens are who they work for, and the city cannot sell the citizens' parking lot without asking the citizens' permission. She was very mad and angry, and stated that this city

**Neil Langford**  
1597 Hill Haven Court  
Rockwall, TX

Mr. Langford came forth and spoke, providing some of his background information, including how long he has lived here, where he lived before, and why he and his family moved to Rockwall. He generally expressed concerns about the downtown apartment complex. He thanked the Council Members for their time and their commitment to the city.

**Janice Carson**  
826 Oak Hollow Lane  
Rockwall, TX 75087

Ms. Carson came forth and shared that she is in agreement with Mr. Wacker's previous comments. She shared that he and others have done a ton of research into what has previously occurred that has led up to this downtown apartment complex. She acknowledged that she

knows this is not the fault of this current council; however, she implored the Council to figure out some way to rescind the 380 development agreement. She believes that if the city had 'held out,' they could have obtained additional land and could have placed a parking lot for the police department and for the public. She spoke briefly about the zoning, and she mentioned that she had previously emailed comments to the council members. She would like to have more information about any upcoming 'traffic impact analysis' that will be conducted pertaining to the construction of these apartments. She has concerns about the height of this apartment complex and the safety of residents. She understands that the developer wants to make money, but traffic is already so horrible, and this will only add to the congestion. She urged the Council to please see what it can do to stop this project.

Stan Jeffus  
2606 Cypress Drive  
Rockwall, TX 75087

Mr. Jeffus shared that the apartment complex development in downtown does not make sense, and he believes it is wrong 'all the way around.' He is very much against it.

Steven Curtis  
2130 FM 1131  
Rockwall, TX

Mr. Curtis shared that 'we don't do these things because they are easy – we do them because they are hard.' He indicated that citizens are asking Council to do a 'hard thing,' but he urged the Council to find the 'hard answer.' He pointed out that this apartment complex received a lot of negative commentary on social media.

Bob Wacker came forth again and shared that "urban residential" was added to the zoning in 2004. However, he pointed out that said development needs to have office space incorporated into it. He pointed out that this council voted at the last meeting on the 'conveyance of this land.' He pointed out that the 380 development agreement was approved out of an Executive Session in 2019, and he believes this whole thing started in 2018. He believes several of these council members

Mrs. Jeffus shared that she has raised a lot of money for local charities in this town, and she understands that taxpayers do not want to spend money on legal fees for a lawsuit. However, she is happy to raise money to provide the money to pay for the lawsuit.

Bruce Markham  
667 York Drive  
Rockwall, TX 75087

He came forth again and expressed that he wonders if the developer is aware that no one wants his apartment complex. Yes, he does know / is aware.

Mary Alice Caffarel  
304 Meadowdale  
Rockwall, TX 75087

Mrs. Caffarel shared that she has concerns about Code Enforcement not doing its job concerning various houses being in disrepair (i.e. yards unmowed, trash in the street) within the city (indicating she has seen several posts in this regard on social media sites). She has one behind her house that has been vacant for 18 months now, and the fence is falling down, the pool is black, it hasn't been mowed in a year-and-a-half. She shares that the city has called "code enforcement," but nothing seems to get addressed. She went on to acknowledge that someone from the City of Rockwall did recently visit that property (behind her house), and they did post a notice on the door; however, she does not know how the property owner would see it, as it is vacant and no one is currently living there. Mayor Fowler shared that there are legal steps that the City has to take in order to address a code-related concern.

Sharon Fields  
5920 Volunteer Place  
Rockwall, TX

Mrs. Fields shared that she has been dealing with a hoarder for 25 years in her neighborhood. However, she has been told that Code Enforcement only does 'drive bys' – they cannot go on a property and observe, and they do not get involved with hoarding situations. She is hoping the city or someone will get involved to get something done about the hoarding situation.

There being no one else wishing to speak during Open Forum, Mayor Fowler closed this portion of the meeting.

#### VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session.

#### IX. CONSENT AGENDA

1. Consider approval of the minutes from the July 6, 2021 regular city council meeting, and take any action necessary.
2. **P2021-033** - Consider a request by Aaron Selden for the approval of a *Final Plat* for Lots 1 & 2, Block A, Aaron Selden Addition being a 5.74-acre tract of land identified as Tracts 5-05, 5-06, & 5-12 of the J. Simmons Survey, Abstract No. 190, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), addressed as 260 Anna Cade Road, and take any action necessary.
3. **P2021-036** - Consider a request by Bart Carroll for the approval of a *Preliminary Plat* for Phase 2 of the Landon Subdivision being a 94.273-acre tract of land identified as a portion of Tract 13 of the S. McFadgin Survey, Abstract No. 142, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), generally located at the southwest corner of the intersection of S. Munson Street and Streetman Road, and take any action necessary.

Mayor Pro Tem Hohenshelt moved to approve the entire Consent Agenda (#s 1, 2, and 3). Councilmember Jorif seconded the motion, which passed by a vote of 7 ayes to 0 nays.

#### X. APPOINTMENT ITEMS

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

Eric Chodun, Chairman of the Planning & Zoning Commission, came forth and briefed the Council on recommendations of the Commission relative to planning-related items on tonight's meeting agenda. Council took no action as a result of Mr. Chodun's report.

**XI. PUBLIC HEARING ITEMS**

1. **Z2021-020** - Hold a public hearing to discuss and consider a request by St. Benedict's Anglican Church on behalf of Brett Hall for the approval of an ordinance for a *Specific Use Permit (SUP)* allowing a *House of Worship* on a 7.45-acre tract of land identified as Tract 3 & 10 of the W. B. Bowles Survey, Abstract No. 12 and A. Hanna Survey Abstract No. 98, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, 1500 Sunset Hill Drive, and take any action necessary (1st Reading).

Planning Director Ryan Miller provided background information concerning this agenda item. Staff sent out 126 notices to adjacent residents and property owners located within 500' of the subject property. Thirteen notices were received back in favor, 15 notices were received back in opposition, and one notice was received from someone who is 'undecided.' He went on to share that the P&Z Commission voted 5 – 1 (nay) to recommend approval of this proposal.

Mayor Fowler called forth the applicant(s) to speak at this time.

Dub Douphrate  
2235 Ridge Road  
Rockwall, TX

Mr. Douphrate came forth and shared that this is a small (approximately 60 member) congregation, and it will remain a small congregation. They do hope to construct a 3,000 square foot chapel with about 40 parking spaces (initially). He kindly urged the Council to approve this proposal.

Brett Hall came forth on behalf of the Hall Family and executor of his father's estate. His father owned this property for 40-50 years. It is on about 7.5 acres, and he spent a great deal of his childhood there, and his children were essentially raised there. So he and his family have a great deal of connection to this home and this property. He shared that both of his parents died in this home, and his father has been deceased now for about 2.5 years. The home is about 8,000 square feet, and it took about one, solid year for him to go through all of the personal effects, furniture and other contents in order to get the house in order so that it could be listed for sale. About a week before he was going to list it, Brian Williams (another judge with whom he works), approached him and said that his mother, Alma Williams, wanted to talk to him about his dad's house. He went on to explain how things unfolded and how it came to be that this church purchased the property and has now owned it for about thirty days. He went on to express that he knows that traffic is always a concern; however, he does believe that the new owners (the church) will be very good neighbors. He strongly urged Council to consider approving this request this evening.

Alma Williams Howard  
219 Rush Creek Drive  
Heath, TX 75032

Mrs. Howard came forth and shared that she has been a part of the community for the last fifty years. She has always wanted – first and foremost – things that are for the good and the betterment of Rockwall. She explained that this church means a lot to her personally, and the church and its congregation feels totally blessed to have been able to purchase this church. She explained that she would like to have a “Hall Library” within the church / on the property in order to properly honor the Hall Family and its legacy. She stated that the church plans to have a prayer garden in honor of the late Mrs. Hall. She provided brief comments about traffic.

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

John White  
1929 S. Lakeshore Drive  
Rockwall, TX 75087

Mr. White shared that he is coming to speak in favor of this proposal. He indicated that these people are a blessing, and they are good people. He does not believe that traffic will be an issue at all.

Bill Lofland  
1 Topside Lane  
Rockwall, TX

Mr. Lofland came forth and shared that he is opposed to this proposal, and he does live within the 500’ buffer zone as far as those who received public notice of this proposal. He believes this property should remain ‘residential.’ He indicated that he likes to think ‘long-term,’ and he does not believe that rezoning this for a church is good on a long-term basis. This is a long established residential neighborhood, and this would be ‘spot zoning’ if Council approves this proposal. He is in favor of this church, and he hopes it grows and flourishes; however he would like to see them build a church elsewhere and not within this established, residential neighborhood.

Penelope Chapman  
733 Sunset Hill Drive  
Rockwall, TX 75087

Mrs. Chapman came forth and shared that she is ‘kind of in favor’ of the church. She went on to share that she believes she recalls a conversation with the late Congressman Hall in which he had expressed that he would like the home to someday become a museum and library for the people of the county. She knows this would be a big expense for the family. She loves the idea of a garden for the late Mrs. Hall.

Stacy Bassett  
1592 Sunset Hill Drive  
Rockwall, TX

She and her family have lived in this home for about twenty-six years. They live about three houses down, directly across from the ‘open land’ portion of the Hall property. She agrees with



everything that Mr. Lofland has said about this property. She opposes this SUP for a church and believes it should remain strictly residential.

Marilyn King  
511 Sunset Hill Drive  
Rockwall, TX 75087

Mrs. King shared that she has been here for thirty years. She recently spoke to John Vick and believes he had a good idea. She wonders if it would be possible to put a park at this location so that children could play there and so that it could be something for everyone to enjoy – not just one, small group.

Kimberly Hiles  
1460 White Sand Drive  
Rockwall, TX 75087

She shared that she lives in The Shores community. She is wholeheartedly in favor of this proposal for a “place of worship” at this location.

Della Vickers  
9006 Chimneywood Drive  
Rowlett, TX

Mrs. Vickers shared that this church started with about 7 or 8 people, and it is an amazing church. She is a member, and she pointed out that this started as a small church, and it desires to remain a small church. Its members do not desire to grow large and be like Lakepointe Church. She generally spoke in favor of Council approving this SUP request.

Jodi Vinson  
304 Glenn  
Rockwall, TX 75087

Mrs. Vinson came forth and shared that she is 100% in favor of this proposal. She shared that the church being able to purchase the property was a miracle. She is a member of this church, and she wants this property to remain ‘as it is’ and to honor the Hall Family.

Debra Kern  
1211 North Goliad  
Rockwall, TX

She urged Council to consider allowing this to be zoned only as a church. She has concerns about what it might turn into 20 or 30 years down the road if this Anglican church decides to sell it someday.

There being no one else wishing to come forth and speak, Mayor Fowler closed the Public Hearing.

Mr. Hall came forth and provided additional comments, generally and strongly urging the Council to consider approving this proposed 'house of worship.'

Councilmember Jorif asked how many churches are located within residentially zoned areas. Mr. Miller shared that nineteen of thirty-four churches are located within residentially zoned areas.

Following clarifying questions and answers between Council, staff, and the city attorney, Councilmember Macalik moved to approve Z2021-020. Councilmember Campbell seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL  
ORDINANCE NO. 21-XX  
SPECIFIC USE PERMIT NO. S-2XX**

**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 FOR A CHURCH/HOUSE OF WORSHIP WITHIN A SINGLE-FAMILY 10 (SF-10) DISTRICT, ON A 7.45-ACRE TRACT OF LAND, IDENTIFIED AS TRACTS 3 & 10 OF THE W. B. BOWLES SURVEY, ABSTRACT NO. 12 AND THE A. HANNA SURVEY, ABSTRACT NO. 98, 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 OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

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

Mayor Fowler recessed the public meeting and called for a break at 8:02 p.m. He reconvened the meeting at 8:19 p.m.

2. **Z2021-021** - Hold a public hearing to discuss and consider a request by Stephen Seitz of Seitz Architects, Inc. on behalf of Jim Vaudagna of the Vault Self-Storage for the approval of an ordinance for a Specific Use Permit (SUP) allowing the expansion of an existing Mini-Warehouse Facility on a 6.06-acre parcel of land identified as Lot 1, Block C, Rockwall Business Park East Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, addressed as 1280 E. Ralph Hall Parkway, and take any action necessary (1st Reading).

Planning Director Ryan Miller provided background information pertaining to this agenda item. Notices were sent out to adjacent property owners located within 500' of the subject property, and nearby HOAs were also notified. The P&Z Commission has recommended approval of this item by a vote of 6-0.

Mayor Fowler called forth the applicant to speak at this time.

Matthew Mulliken

Mulliken Construction Management  
105 St. Marys, Suite 300  
Rockwall, TX

He explained that he is the construction manager, and he is speaking on behalf of his client, the applicant. They would like to expand their facility, and they are trying to make it look consistent.

Mayor Fowler opened the public hearing, asking if anyone would like to speak. There being no one wishing to speak, Mayor Fowler then closed the public hearing.

Mayor Pro Tem Hohenshelt moved to approve Z2021-021. Councilmember Jorif seconded the motion. Following brief, additional discussion regarding the Spanish style tiled roof, the ordinance caption was read as follows:

CITY OF ROCKWALL  
ORDINANCE NO. 21-XX  
SPECIFIC USE PERMIT NO. S-XXX

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) TO ALLOW THE EXPANSION OF AN EXISTING MINI-WAREHOUSE FACILITY WITHIN A COMMERCIAL (C) DISTRICT AS SPECIFIED WITHIN ARTICLE 04, *PERMISSIBLE USES*, OF THE UNIFIED DEVELOPMENT CODE, FOR A 6.06-ACRE PARCEL OF LAND ZONED COMMERCIAL (C) DISTRICT, AND DESCRIBED AS LOT 1, BLOCK C OF THE ROCKWALL BUSINESS PARK EAST 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 passed by a vote of 7 ayes to 0 nays.

3. Z2021-022 - Hold a public hearing to discuss and consider a request by Ignacio Cardenas for the approval of an ordinance for a *Specific Use Permit (SUP)* allowing *Residential Infill in an Established Subdivision* on a 0.158-acre parcel of land identified as Lot 810-A0 of the Lake Rockwall Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 147 Eva Place, and take any action necessary (1st Reading).

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. Notices were sent out to property owners and residents within 500', and one notice was received back in opposition. Furthermore, the P&Z Commission has recommended approval of this request.

Mayor Fowler called forth the applicant, who briefly came forth and introduced himself.

Mayor Fowler opened the public hearing, asking if anyone would like to speak regarding this agenda item. There being no one indicating such, he then closed the public hearing.

Councilmember Daniels moved to approve Z2021-022. Mayor Pro Tem Hohenshelt seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL  
ORDINANCE NO. ~~21-XX~~  
SPECIFIC USE PERMIT NO. ~~S-2XX~~

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 75 (PD-75) [ORDINANCE NO. 16-01] AND THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.158-ACRE TRACT OF LAND, IDENTIFIED AS LOT 810-A0, ROCKWALL LAKE 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 passed by a vote of 7 ayes to 0 nays.

4. Z2021-023 - Hold a public hearing to discuss and consider a request by Don Holamon for the approval of an ordinance for a *Specific Use Permit (SUP)* allowing an *Accessory Building* on a 1.50-acre parcel of land identified as Lot 12, Block A, Sterling Farms Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 1.5 (SFE-1.5) District, addressed as 3221 Diamond Way Drive, and take any action necessary (1st Reading).

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. Notices were sent out to adjacent residents and property owners located within 500' of the subject property. Staff did not receive any notices back. The nearby HOAs were also notified, and the P&Z Commission voted by a vote of 5-1 to recommend approval of this proposal.

Mayor Fowler called forth the applicant, who was not present. He then opened the public hearing, asking if anyone would like to speak. No one came forth, so he closed the public hearing.

Brief clarification took place pertaining to the size and numbers of accessory buildings that the applicant is requesting associated with this case.

Mayor Pro Tem Hohenshelt moved to deny Z2021-023. Councilmember Johannesen seconded the motion. Following brief clarification, the motion to deny this case/request passed by a vote of 6 ayes with 1 against (Campbell).

5. **Z2021-024** - Hold a public hearing to discuss and consider a request by Greg Wallis of Mershawn Architects on behalf of Kris Sharp for the approval of an ordinance for a Zoning Change amending Planned Development District 46 (PD-46) to allow *Warehouse* as a permitted land use on a 1.90-acre parcel of land identified as Lot 5, Block A, Sharp Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 46 (PD-46) for Commercial (C) District land uses, addressed as 3301 Springer Road, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. Notices (70) were sent out to adjacent property owners located within 500' of the subject property. However, staff has not received any notices in response to those that were mailed out. The P&Z Commission voted 6-0 to recommend approval of this request.

Mayor Fowler called forth Greg Wallis of Mershawn architects, who briefly came forth and introduced himself. Fowler then opened the public hearing, asking if anyone would like to speak. There being no one indicating such, he then closed the public hearing.

Councilmember Jorif moved to approve Z2021-024. Councilmember Johannesen seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL  
ORDINANCE NO. 21-XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING PLANNED DEVELOPMENT DISTRICT 46 (PD-46) [ORDINANCE NO. 99-05] 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 46 (PD-46), BEING A 47.37-ACRE TRACT OF LAND SITUATED WITHIN THE J. A. RAMSEY SURVEY, ABSTRACT NO. 186, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED AND DEPICTED HEREIN BY *EXHIBIT 'A'* 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.

6. **Z2021-025** - Hold a public hearing to discuss and consider a request by Kevin Osornio for the approval of an ordinance for a Specific Use Permit (SUP) allowing *Residential Infill in an Established Subdivision* on a 0.1650-acre parcel of land identified as Lot 908A of the Lake Rockwall Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 154 Lynne Drive, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information on this agenda item. He explained that Council is being asked to look at the location, size and architecture of this proposed single-family home in comparison to the existing housing. In late June, 130 notices were sent out to adjacent residents and property owners. One notice was received back in opposition of this request, and the P&Z Commission did recommend approval of this request by a vote of 6-0.

Mayor Fowler opened the public hearing. There being no one indicating a desire to speak, he then closed the public hearing.

Councilmember Johannesen moved to approve Z2021-025. Councilmember Macalik seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL  
ORDINANCE NO. 21-XX  
SPECIFIC USE PERMIT NO. S-2XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 75 (PD-75) [ORDINANCE NO. 16-01] AND THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.165-ACRE TRACT OF LAND, IDENTIFIED AS LOT 908A, ROCKWALL LAKE 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 passed by a vote of 7 ayes to 0 nays.

7. **Z2021-026** - Hold a public hearing to discuss and consider a request by Troy Lewis of Newstream Capital Partners for the approval of an ordinance for a Zoning Change to amend Planned Development District 8 (PD-8) [Ordinance No. 92-39] for the purpose of allowing townhomes on a 6.88-acre tract of land identified as Lot 4, Block A, Spyglass Hill #4 Addition and Tract 134-12 of the E. Teal Survey, Abstract No. 207, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) [Ordinance No. 92-39] for Zero Lot Line (ZL-5) District land uses, generally located south on the south side of Henry M. Chandler Drive west of Ridge Road [FM-740], and take any action necessary (**1st Reading**).

Mayor Fowler announced that the P&Z Commission recently voted to table this item. So this item will be postponed until the August 2, 2021 city council meeting.

8. **A2021-004** – Hold a public hearing to discuss and consider the approval of an ordinance annexing a 20.83-acre tract of land in accordance with a 212 Development Agreement and identified as Tract 22 of the W. M. Dalton Survey, Abstract No. 72, Rockwall County, Texas, addressed as 427 Clem Road, and take any action necessary (**1<sup>st</sup> Reading**).

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. Mayor Fowler then opened the public hearing, asking if anyone would like to come forth and speak at this time.

**John Canavan  
714 Clem Road**

Rockwall, TX

Mr. Canavan came forth and shared that he is strongly opposed to this item being approved this evening. In addition, his elderly neighbors are also opposed to it; however, due to health reasons, they are unable to be here to express their opposition this evening.

Mr. Steven Curtis  
(FM 1141)

Mr. Curtis came forth again during this portion of the meeting (see above for full name/address), and he spoke in opposition of Council approving this case this evening.

Mayor Pro Tem Hohenshelt moved to approve A2021-004. Councilmember Jorif seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL  
ORDINANCE NO. 21-XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, GRANTING A REQUEST FOR ANNEXATION AND PROVIDING FOR THE EXTENSION OF MUNICIPAL BOUNDARY LIMITS TO INCORPORATE SUCH PROPERTY INTO THE CITY OF ROCKWALL, TEXAS WITH THE ANNEXATION OF A 20.83-ACRE TRACT OF LAND IDENTIFIED AS TRACT 22 OF THE W. M. DALTON SURVEY, ABSTRACT NO. 72, ROCKWALL COUNTY, TEXAS, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

The motion to approve passed by a vote of 6 ayes with 1 nay (Campbell).

**XII. ACTION ITEMS**

1. **Z2021-027** - Discuss and consider approval of an ordinance amending Planned Development District 91 (PD-91) [*Ordinance No. 21-17*] to incorporate a 20.83-acre tract of land in accordance with a 212 Development Agreement and identified as Tract 22 of the W. M. Dalton Survey, Abstract No. 72, Rockwall County, Texas, addressed as 427 Clem Road, and take any action necessary (**1st Reading**).

Planning Director Ryan Miller provided background information pertaining to this agenda item.

Mayor Pro Tem Hohenshelt moved to approve Z2021-027. Councilmember Johannesen seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL  
ORDINANCE NO. 21-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 91 (PD-91) FOR SINGLE-FAMILY 16 (SF-16) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 58.842-ACRE TRACT OF LAND IDENTIFIED AS TRACT 17, 17-01, & 22 OF THE W. M. DALTON SURVEY, ABSTRACT NO. 72, 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 passed by a vote of 6 ayes with 1 against (Campbell).**

- 2. A2021-005 - Discuss and consider approval of an ordinance reducing the City's Extraterritorial Jurisdiction (ETJ) by releasing a 3,475.20-acre tract of land generally located north of the boundary between Rockwall County and Collin County, and take any action necessary (1st Reading).**

**Planning Director Ryan Miller provided background information on this agenda item. Indication was given that this property is of no value to the City of Rockwall, and release of it to Collin County is actually a favorable move. Hohenshelt pointed out that this land is not located within our city, our county or our school district. He then moved to approve A2021-005. Councilmember Macalik seconded the motion. The ordinance caption was read as follows:**

**CITY OF ROCKWALL  
ORDINANCE NO. 21-XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, REDUCING ITS EXTRATERRITORIAL JURISDICTION (ETJ) BY RELEASING SUCH TERRITORY DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE TO THE COUNTY OF COLLIN; ESTABLISHING THE NEW CORPORATE BOUNDARIES OF THE CITY OF ROCKWALL; PROVIDING FOR AMENDING AND CORRECTING THE OFFICIAL CORPORATE AND EXTRATERRITORIAL BOUNDARIES OF THE CITY AS HERETOFORE ADOPTED AND CORRECTING THE OFFICIAL CITY MAPS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

- 3. Discuss and consider (re)appointments to non-regulatory city boards and commissions (Historic Preservation Advisory Board, ART Commission, and Comprehensive Plan Advisory Committee), and take any action necessary.**

**Councilmember Macalik thanked Kathleen Morrow for her extensive contributions to the city's ART Commission, pointing out that she will be terming out in August. She then recommended appointing Ashlie Neill to replace Mrs. Morrow, indicating such in the form of a motion. Mayor Fowler seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

**Councilmember Campbell moved to appoint Richard Henson to the city's Comprehensive Plan Advisory Commission. Councilmember Jorif seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

**XIII. EXECUTIVE SESSION.**

**THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE FOLLOWING MATTER AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:**

- 1. Discussion regarding the appointment/employment process for the position of City Manager, pursuant to Section 551.074 (Personnel Matters) and 551.071 (Consultation with Attorney).**



XIV RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Council did not reconvene in Executive Session following the close of the public meeting agenda.  
No action was taken as a result of Executive Session.

XV. ADJOURNMENT

Mayor Fowler adjourned the meeting at 9:05 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ON THIS 2<sup>nd</sup>  
DAY OF AUGUST, 2021.



KEVIN FOWLER, MAYOR

ATTEST:

  
KRISTY COLE, CITY SECRETARY