



ROCKWALL CITY COUNCIL MEETING

Monday, December 16, 2024 - 5:15 PM

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

I. Call Public Meeting to Order

Mayor Johannesen called the meeting to order at 5:15 p.m. Present were Mayor Trace Johannesen, Mayor Pro Tem Clarence Jorif and Councilmembers Sedric Thomas, Mark Moeller, Anna Campbell, and Dennis Lewis. Also present were City Manager Mary Smith, Assistant City Manager Joey Boyd and the city's legal counsel, Lea Ram (filling in for City Attorney, Frank Garza). Councilmember Tim McCallum was absent from the meeting. Mayor Johannesen read the below listed discussion items into the record before recessing the public meeting to go into Executive Session.

II. 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 possible sale/purchase/lease of real property in the vicinity of SH-66, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney)
2. Discussion regarding (re)appointments to city boards and commissions, pursuant to §551.074 (Personnel Matters).
3. Discussion regarding possible land lease agreement for a cellular communication tower on real property owned by the City of Rockwall in the vicinity of Henry Chandler Drive, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).

III. Adjourn Executive Session

Council adjourned from Ex. Session at 5:40 p.m.

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

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

V. Invocation and Pledge of Allegiance - Councilmember Lewis

Councilmember Lewis 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.

Chairman of the P&Z Commission, Derek Deckard, came forth and briefed the Council on recommendations of the Commission regarding planning-related items on tonight's meeting agenda. Council took no action

following Mr. Deckard's comments.

VII. Open Forum

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

Mike Caffey
President of the Rockwall Professional Firefighter's Association
311 N. Fannin St
Rockwall, TX

Captain Caffey shared that he and other area firefighters just finished an "honor watch" for James Bobbitt, previous recipient for the Firefighter's Ball who passed away last week. An honor watch is where a firefighter stands watch, 24/7 while wearing his/her "Class A" uniform at the funeral home until the funeral transpires. Mrs. Bobbitt was very appreciative and sends her 'thanks' to the City of Rockwall, Council, and Fire Department for all of its support. He mentioned that a date for the next Firefighters Ball will be announced soon.

Bob Wacker
309 Featherstone Drive
Rockwall, TX

Mr. Wacker came forth and shared comments about members of the public becoming more involved in local concerns, including more and more people showing up to vote (i.e. in recent runoff elections and school bond election). He spoke briefly about how the city is growing rapidly and that the growth is probably more than infrastructure can keep up with. He has concerns about infrastructure, especially water, over time. He spoke briefly about residential growth, including lot sizes. He hopes the City Council does the right thing this evening.

Clyde Kelley
1136 Bayshore
Rockwall, TX

Mr. Kelley shared that he has lived at this location for 18 years. He recently learned about plans for parking expansion at the SH-66 boat ramp area. He shared that he did not previously have knowledge that this project was in the works, and he believes it occurring has been a bit of a 'sleuth operation.' He commented about what he seemed to express to be some past criminal related activities in the boat ramp area. He would like to maintain some green space between the residences and the boat ramp parking areas, and he does not believe the city needs to add additional parking, especially since additional boat ramps are not being added. He believes City of Rockwall not taking steps to better inform the public. He shared the Parks Director let him know that notice was advertised in a local newspaper, but he expressed that no one reads newspapers anymore. He went on to share the belief that Council should be cognizant of residents' concerns.

Mayor Johannesen shared that the city does not operate in 'sleuth' ways. He pointed out that notices are posted – not only in the newspaper (Herald Banner), as required by state law – but they are also posted outside of city hall and also online and on social media. He is proud of the transparency with which the city operates.

Kevin Folsom
1115 Bayshore
Rockwall, TX

Mr. Folsom thanked Council for its service and for bringing Jesus Christ into the decision making process. He shared about how he and neighbors previously worked together years ago to clean up the lakeshore (pulling out a lot of trash, brush, and even tires). He commented that the city's Parks Department has done a good job of keeping the lakeshore cleaned up. Today, eleven years later, the lakeshore is heavily utilized, including what his neighborhood calls 'the meadow.' A small pavilion exists where people can have a picnic. He and his neighbors enjoy the natural open space. He shared that he is personally a boater and utilizes the boat launch every week. He shared that folks utilizing the boat launch is not a nuisance. At the most, he has seen maybe ten trailers parking in the nearby field as overflow parking about three to four times per year. He wonders why the additional parking is going to be added and using the full five acres of open space to make more parking. He does not believe it is going to be used. He shared that Rowlett has removed a few boat ramps over the years. So now all that is left is the one in Rockwall, one in Garland at Zion and one at Terry Park. Terry Park has 8 acres, and they have about 31 trailer and 20 car spaces. In Rockwall, our boat area has about 41 trailer and 20 parking spaces on 11 acres, which he believes is already ample space. He does not believe expansion is necessary.

Dennis Vierling
1121 Bayshore Drive
Rockwall, TX

Mr. Vierling shared that he has lived at this location for over 40 years. He also spoke about the boat dock expansion. He indicated that he and his neighbors have not previously come forth to speak about this project because they were not aware of it until recently. He went on to quote a provision in a state code relative to newspapers in 'general circulation,' commenting that all the newspapers in Rockwall County combined do not have general circulation of 51 percent. In fact, all of them combined amount to less than 4 percent of the county's overall population. He generally expressed concern about lack of notification pertaining to the project, including pertaining to the recent environmental study done by TX Parks & Wildlife. He believes the residents have been improperly informed. He expressed concern about litter, and expanding the boat ramp area by adding more parking will also result in more litter. He has concerns about the beautiful meadow being changed into a concrete parking lot. He urged the Council to work with residents to find a different solution.

Angela Henry Jones
1133 Bayshore Drive
Rockwall, TX

Ms. Jones shared that she is a long term resident of Rockwall. She expressed concern about the planned boat ramp expansion, specifically the meadow being turned into an additional parking lot. She generally spoke against this project, including destruction of the ecosystem – the green space. She has concerns about the migration of monarch butterflies and how they'll be impacted if trees are torn down. She also has concern about how fireflies will be impacted. She has concerns about litter, traffic and also trash trucks that have damaged alleyways in this area. She has concerns about 'cut through' traffic, which poses safety concerns, especially drivers who fly down the alley. She experiences theft, loitering, privacy issues, noise, garbage in the alley, increased crime, drug trafficking and sex offenders. She suggested the city consider the lot that is currently for sale by the existing 7/11 store instead of this greenbelt area. She shared that there is a lot of riff raff that goes on down at the boat ramp area, and she has seen condoms (used ones) when taking her 3 year old nephew to the area. Bottom line - she is opposed to this parking expansion project for many reasons.

Mayor Johannesen shared clarification, explaining that Council is not able to have discussion about concerns raised during Open Forum, as doing so would violate the Open Meetings Act.

Caren Williams

1113 Bayshore Drive
Rockwall, TX

Mrs. Williams has concerns about approval of a parking lot in the green space near the SH-66 boat ramp. She has concerns about the project. She expressed her belief that the city reached out to businesses to obtain 'letters of support,' yet never reached out to the citizens. The green space is a sanctuary cherished and used by nearby residents, and it offers an escape from everyday life. She believes turning this into a parking lot is short sided and not needed. It will provide no revenue to the city, but the cost to the residents will be great. The last remaining natural, public green space along the lake shore will be lost if this parking lot is built. She encouraged our city to pressure the City of Rowlett to open up additional amenities to help relieve our city's boat dock area. She urged the City to put the concerns of its constituents first and not take away that greenspace. She shared that only Councilmember Campbell and Mayor Pro Tem Jorif have met with residents. She urged every council member to meet with residents and to explore alternative options and not move forward with turning the green space into a parking lot.

There being no one else coming forth to speak at this time, Mayor Johannesen closed Open Forum.

VIII. Take Any Action as a Result of Executive Session

Mayor Pro Tem Jorif moved to authorize the city manager to execute a land acquisition agreement for a parcel of land located along SH-66, authorizing the city attorney to finalize all necessary documents to complete the transaction and authorizing the city manager to execute all necessary agreements on behalf of the city. The motion was seconded by Councilmember Campbell, and it passed unanimously (6 ayes with 1 absence – McCallum).

Mayor Pro Tem Jorif moved to authorize the city manager to negotiate and execute a land lease agreement for a cellular communications tower located at Henry M. Chandler Park. Councilmember Campbell seconded the motion, which passed unanimously (6 ayes with 1 absence – McCallum).

IX. Consent Agenda

1. Consider approval of the minutes from the December 2, 2024 city council meeting, and take any action necessary.
2. **P2024-040** - Consider a request by Meredith Joyce of Michael Joyce Properties on behalf of Jay Hankla of SH Dev Klutts Rockwall, LLC for the approval of a Final Plat for Phase 2 of the Homestead Subdivision being a 48.170-acre tract of land identified as a portion of Tract 6 of the J. A. Ramsey Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 92 (PD-92), generally located at the northeast corner of the intersection of FM-549 and FM-1139, and take any action necessary.
3. **P2024-041** - Consider a request by Johnathan McBride of NXG Services, LLC for the approval of a Final Plat for Lot 1, Block A, NXG Services Addition being a 1.799-acre tract of land identified as a Tract 2-8 of the J. R. Johnson Survey, Abstract No. 128, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, addressed as 227 National Drive, and take any action necessary.

Councilmember Lewis moved to approve all three Consent Agenda items (#s 1, 2, and 3). Councilmember Thomas seconded the motion, which passed unanimously (6 ayes with 1 absence – McCallum).

X. Public Hearing Items

1. **Z2024-053** - Hold a public hearing to discuss and consider a request by Amanda Dailey for the approval of an **ordinance** for a Zoning Change from Agricultural (AG) District to Single-Family 10 (SF-10) District being a 1.47-acre tract of land identified as Tract 3 of the N. Butler Survey, Abstract No. 183, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 205 Dial Lane, and take any action necessary **(1st Reading)**.

Planning Director, Ryan Miller, provided background information concerning this agenda item. This property was annexed into the city in 1998 and has remained zoned "AG" ever since. On November 15, 2024, the applicant -- Amanda Dailey -- submitted an application requesting to change the zoning of the subject property from an Agricultural (AG) District to a Single-Family 10 (SF-10) District for the purpose of constructing a single-family home on the property. The property is located on a private roadway and does not have frontage onto a public roadway. Furthermore, it cannot be subdivided in its current configuration. So, only one home could be built on the property. So, the request does appear to meet the city's Comp Plan. The Planning & Zoning Commission recently recommended approval of this request. Sixteen notices were sent to adjacent land owners and occupants; however, no notices have been received back by staff. Also, the one nearby HOA was notified as well.

Mayor Johannesen opened the public hearing, asking if anyone would like to speak, including the applicant. However, no one indicated a desire to speak. So he closed the Public Hearing.

Mayor Pro Tem Jorif moved to approve Z2024-053. Councilmember Lewis seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 25-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A SINGLE-FAMILY 10 (SF-10) DISTRICT FOR A 1.47-ACRE TRACT OF LAND IDENTIFIED AS TRACT 3 OF THE N. BUTLER SURVEY, ABSTRACT NO. 183, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED AND DEPICTED IN EXHIBITS 'A' & '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 then passed by a vote of 6 ayes with 1 absence (McCallum).

2. **Z2024-054** - 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 9 (PD-9) [Ordinance No.'s 73-49, 86-55, 87-30, 88-13, 88-20, 95-17, 01-43, 04-02, 11-31, & 13-43] for the purpose of consolidating the regulating ordinances for a 307.57-acre tract of land situated within the E. Teal Survey, Abstract No. 207, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 9 (PD-9), generally located south of Horizon Road [FM-3097], east of Ridge Road, and north of the southern corporate limits of the City of Rockwall, and take any action necessary **(1st Reading)**.

The Planning Director, Ryan Miller, provided background information on 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]), and the Windmill Ridge Estates Subdivision (i.e. Planned Development District 13 [PD-13]). Planned Development District 9 (PD-9) was originally adopted in 1973, and currently consists of 66 pages of regulations within ten (10) regulating ordinances. The Planned Development District also consists of approximately 205 development cases. The proposed draft ordinance consolidates these regulating ordinances and development cases into a single document. Staff should note that under the proposed amendment, staff is required to initiate zoning; however, the proposed consolidating ordinance will not change any of the requirements, concept plans, or development standards stipulated for any property within Planned Development District 9 (PD-9). This being a zoning case, staff sent out 868 notices to all property owners and occupants within Planned Development District 9 (PD-9), and within 500-feet of the Planned Development District's boundaries. In addition, staff notified the Fox Chase, Benton Woods, Rainbow Lakes, Lago Vista, Lyndon Park, Water's Edge, Lake Ray Hubbard, Signal Ridge, Signal Ridge Phase 4, Chandler's Landing, The Cabanas at Chandlers, Match Point, Landing Townhomes, Cutter Hill Phase 3, Spyglass Phase 2 & 3 Homeowner's Associations (HOAs). Included with the notice was a link to the City's website -- which had all of the zoning documents associated with the case (i.e. the old Planned Development District 9 [PD-9] ordinances and the proposed draft ordinance) --, and included with the notice was a letter explaining the purpose of the zoning amendment. Currently, staff has received two (2) notices in opposition and one (1) in favor of the consolidated ordinance; however, as previously amended the consolidated ordinance does not change the current zoning ordinances. The City's Planning & Zoning Commission recently met and recommended approval of this case by a vote of 6 to 0.

Mayor Johannesen 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 Jorif moved to approve Z2024-054. 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 9 (PD-9) 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 307.57-ACRE TRACT OF LAND SITUATED WITHIN THE E TEAL SURVEY, ABSTRACT NO. 207, 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 then passed by a vote of 6 ayes with 1 absence (McCallum).

3. Z2024-055 - Hold a public hearing to discuss and consider a request by Bryan Cook for the approval

of an ordinance for a Specific Use Permit (SUP) for a *Detached Garage* on a one (1) acre parcel of land identified as Lot 13, Block A, Saddlebrook Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 16 (SF-16) District, addressed as 2348 Saddlebrook Lane, and take any action necessary (1st Reading).

The Planning Director, Ryan Miller, provided background information on this agenda item. The subject property was annexed into the City of Rockwall on August 30, 1999 by Ordinance No. 99-33 [Case No. A1999-002]. At the time of annexation, the subject property was zoned Agricultural (AG) District. On January 19, 2000, Saddlebrook Estates #2 Addition was adopted, establishing 45 single-family homes on 51.47-acres. Based on this information, at some point between the time of annexation and January 19, 2000, the subject property was rezoned 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 3,718 SF single-family home was constructed on the subject property in 2002. Also existing on the subject property is a 164 SF covered porch constructed in 2002, a 216 SF pergola constructed in 2008, and a 128 SF accessory building constructed in 2016. Staff was unable to locate a building permit for the accessory building that was constructed in 2016; however, after conveying this to the applicant, the applicant has applied for a building permit (i.e. RES2024-6198). On December 5, 2022, the City Council denied a Specific Use Permit (SUP) for the construction of a Guest Quarters/Secondary Living Unit and Detached Garage on the subject property. On January 3, 2023, a concrete permit [Case No. RES2022-7606] was approved for a 3,450 SF concrete pad that was constructed in the backyard of the subject property. The applicant is requesting the approval of a Specific Use Permit (SUP) to allow for the construction of a Detached Garage that exceeds the overall maximum allowable square footage for a Detached Garage and the maximum number of accessory structures permitted on a property. The Single-Family 10 (SF-10) District allows a maximum of two (2) accessory structures with a maximum square footage of 144 SF each. In addition, the Unified Development Code (UDC) allows one (1) of these accessory structures to be a detached garage with a maximum square footage of 625 SF. The proposed detached garage is 1,050 SF (i.e. 425 SF over the maximum allowable square footage) and currently there are two (2) existing accessory structures, with one (1) being an accessory building having a building footprint of 120 SF, and one (1) being a covered patio cover having a building footprint of 216 SF. In reviewing a Specific Use Permit (SUP), the Planning and Zoning Commission and City Council shall consider: [1] if the structure was constructed without a permit or under false pretenses, [2] the size of the proposed accessory structure compared to the size of other accessory structures in the area/neighborhood/subdivision, and [3] the size, architecture and building materials proposed for the structure compared to those of the primary structure. The proposed Accessory Structure submitted by the applicant does not appear to create a negative impact on any of the adjacent properties; however, it could set a precedence with regard to the size of the proposed structure, building materials, and number of accessory structures permitted per lot in this neighborhood. For the purpose of comparing the proposed Detached Garage for the subject to other Detached Garages constructed in the Saddlebrook Estates Subdivision, staff has identified 11 Detached Garages constructed in the subdivision. Three (3) of the structures are larger than what the applicant is proposing (i.e. an 1,836 SF detached garage at 2312 Saddlebrook Lane, and an 1,860 SF detached garage at 2364 Saddlebrook Lane, and a 1,156 SF Detached Garage at 2312 Saddlebrook Lane). Staff should point out that all three (3) of these Detached Garages were constructed with the same building materials as the primary structure, which was a requirement for Detached Garages under the previous zoning ordinance. With all that being said, a Specific Use Permit (SUP) is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission. On November 21, 2024, staff mailed 24 notices to property owners and occupants within 500-feet of the subject property. Staff also sent a notice to the Stoney Hollow Homeowners Association (HOA). Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was drafted, staff has received five (5) notices in favor of the applicant's request. In addition the Planning & Zoning Commission has recommended approval of this request by a vote of 6 to 0.

Mayor Johannesen opened the public hearing, but no one indicated a desire to speak. He then closed the public hearing.

Councilmember Campbell then moved to approve Z2024-055. Councilmember Thomas seconded the motion.

Mayor Pro Tem Jorif expressed several concerns about this request potentially being approved. Councilmember Campbell clarified that other nearby homes have larger structures on site compared to what is being proposed now. Mayor Johannesen expressed reasons why he is not opposed to approval of this request.

The ordinance caption was then 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 A *DETACHED GARAGE AND FOR MORE ACCESSORY STRUCTURES THAN PERMITTED* ON A ONE (1) ACRE PARCEL OF LAND IDENTIFIED AS LOT 13, BLOCK A, SADDLEBROOK ESTATES #2 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, ZONED SINGLE-FAMILY 16 (SF-16) DISTRICT, ADDRESSED AS 2348 SADDLEBROOK LANE, 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 5 ayes, 1 nay (Jorif) and 1 absence (McCallum).

4. **Z2024-057** - Hold a public hearing to discuss and consider a request by Michael Jaquette of CED Rockwall on behalf of QA Logistics Rockwall, LP for the approval of an ordinance for a *Specific Use Permit (SUP)* for *General Retail Store* in conjunction with a *Wholesale Showroom Facility* on a portion of a larger 5.1292-acre parcel of land identified Lot 2, Block D, Ellis Centre #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, addressed as 1915 Alpha Drive, and take any action necessary (**1st Reading**).

The Planning Director, Ryan Miller, provided background information on this agenda item. The applicant has submitted an application and a zoning exhibit requesting a Specific Use Permit (SUP) for a General Retail Store on the subject property. According to the Rockwall Central Appraisal District (RCAD) there is an existing 50,400 SF multi-tenant industrial building situated on the subject property. Within this building the applicant is leasing a 6,213 SF space for their Wholesale Showroom Facility, which engages in the wholesale – primarily to contractors -- of electrical components and parts. As part of the applicant's operations, they sell Personal Protective Equipment (PPE) and individually packaged goods in the entry lobby. This component of the business is open to both contractors and the general public; however, a great number of patrons are not expected at any given time. The applicant is requesting to include an 812 SF General Retail Store as part of their Wholesale Showroom Facility. Staff mailed 15 notices to property owners and occupants within 500-foot

of the subject property, but no responses were received by the city. In addition, the Planning & Zoning Commission has recommended approval of this request by a vote of 6 to 0.

Mayor Johannesen invited the applicant forth. A representative of the applicant came forth and provided brief comments. The mayor then opened the public hearing, asking if anyone would like to come forth and speak at this time. There being no one indicating a desire to speak, Mayor Johannesen closed the public hearing.

Following brief clarification, Mayor Pro Tem Jorif moved to approve Z2024-057. Councilmember Lewis 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) TO ALLOW A *GENERAL RETAIL STORE* ON A 5.1292-ACRE PARCEL OF LAND IDENTIFIED AS LOT 2, BLOCK D, ELLIS CENTRE #2 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 the item passed by a vote of 6 ayes with 1 absence (McCallum).

5. **Z2024-058** - 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, shared background information on this item, explaining that the applicant would like approval of the requested SUP in order to build a 5,059 square foot, two-story, single-family home at this location. On November 19, 2024, staff mailed 69 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). However, staff has not received any replies back at this time. Council is asked to consider the size, location and architecture of this proposed home when compared to nearby, existing properties. Staff has provided a housing analysis for Council's consideration when comparing. It was noted that the applicant did not attend the Planning & Zoning Commission meeting, and he is also not present this evening. In addition, staff has been unable to reach the applicant, despite multiple attempts at doing so.

Mayor Johannesen expressed brief dissatisfaction at the applicant not being present and not responding to attempts by staff to reach him. He then opened the public hearing, asking if anyone would like to speak at this time.

Mary Smith
711 Forest Trace
Rockwall, TX

Mrs. Smith shared that her home is located directly behind this property. It bothers her greatly that the applicant has not shown up or responded to staff. This home is proposed to be significantly larger than other, nearby existing homes. The comparison provided to Council was done mainly with homes that are actually located in the neighborhood next to this one. So, it's really not an accurate analysis. She also commented that, although she knows for certain notices were mailed, neither she nor others ever received the notices in the mail. She spoke in opposition of approval of this request.

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

Due to failure to show up, respond and participate in the process, Mayor Pro Tem Jorif moved to deny Z2024-058. Councilmember Lewis seconded the motion, which was approved by a vote of 6 ayes with 0 nays and 1 absence (McCallum).

6. **Z2024-059** - Hold a public hearing to discuss and consider a request by Daryl Schroeder for the approval of an ordinance for a Specific Use Permit (SUP) for *Short-Term Rental* on a 0.1515-acre parcel of land identified as Lot 16, Block D, Lynden Park Estates, Phase 3, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 17 (PD-17), addressed as 117 Lanshire Drive, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information on this agenda item. The existing 3,591 SF single-family home situated on the subject property was constructed in 2003, and the applicant is requesting approval of an SUP to allow the home to be used as a STR. This SUP request is necessary since this property is located less than 1,000 feet from another, existing, non-owner occupied STR. This one, in fact is located 58.8 feet away from the other, existing one, which accommodates up to 8 guests. Approval of this request is discretionary on the part of Council. The Planning & Zoning Commission did review this request, and it has submitted a recommendation for denial (by a vote of 6 to 0). Notices were sent out to adjacent owners and occupants, and staff has received back 1 notice in favor of this request and 2 notices in opposition of the request. Any potential approval by Council this evening regarding this request will require a $\frac{3}{4}$ majority vote since the P&Z unanimously recommended its denial.

The mayor asked if the applicant is present and would like to come forth to speak.

Mayor Johannesen opened the public hearing, asking if anyone would like to speak at this time. There being no one indicating such, he then closed the public hearing. He then moved to deny Z2024-059. Mayor Pro Tem Jorif seconded the motion, which passed unanimously of those present (6 ayes with 1 absence (McCallum)).

7. **Z2024-060** - Hold a public hearing to discuss and consider a request by Ryan Joyce of Michael Joyce Properties on behalf of Bill Lofland for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a Planned Development District for Single-Family 10 (SF-10) and General Retail (GR) District land uses on a 544.89-acre tract of land identified as Tracts 3 & 3-1 of the A. Johnson Survey, Abstract No. 123 [355.146-acres]; Tracts 7 & 7-2 of the W. H. Baird Survey, Abstract No. 25 [45.744-acres]; and Tracts 3 & 4 of the J. R. Johnson Survey, Abstract No. 128 [144.00-acres], City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 Overlay (SH-205) and SH-205 By-Pass Overlay (SH-205 BY OV) District, generally located on the east and west side of S. Goliad Street [SH-205] at the corner of the intersection of John King Boulevard

and S. Goliad Street [SH-205], and take any action necessary (1st Reading).

Planning Director, Ryan Miller, gave background information on this agenda item. He explained that this is a 519 acre vacant piece of land. It was annexed into the city in the 1980s and has remained vacant since that time. Several cases have previously come forth since May of this year, and this submission is the fourth one at this time. What is being proposed this evening is an 870 lot residential subdivision on 495 acres that consists of lot sizes ranging from 1.5 acres down to 7,440 square feet in size. About 21 acres of general retail is being proposed at this time along with 65.78-acres of private open space, 6.40-acres of amenity centers (which includes two [2] amenity centers), a 1.97-acre site for a future City water tower, and the proposed two (2) public parks consisting of 33.00-acres. This -- with the 76.60-acres of floodplain -- represents a total of 183.75-acres of open space, which translates to 28.00% (i.e. $[76.60\text{-acres of floodplain}/2] + 65.78 + 6.40 + 1.97 + 33.00 = 145.45\text{-acres}/519.53\text{-acres gross} = 27.99645\%$) of the site being dedicated to open space/amenity. This exceeds the total required open space of 20.00% (or 103.906-acres) by 7.99645% (or ~41.544-acres). In addition, the proposed development will incorporate a minimum of an 80-foot landscape buffer with a ten (10) foot meandering trail for all residential adjacency to John King Boulevard, SH-205, and FM-549. The concept plan also depicts the provision of an eight (8) foot trail system that will be provided throughout the development to connect the future residential lots with the private open spaces, public parks, and non-residential developments. Staff also noted that the applicant has consented to incorporating a 50-foot landscape buffer, with a berm, and solid living screen consisting of evergreen trees along Lofland Circle (i.e. adjacent to the Oaks of Buffalo Way Subdivision). All of these items have been included into the proposed Planned Development District ordinance and will be requirements of the proposed subdivision. This translates to a gross density of 1.68 dwelling units per gross acre for the total development (i.e. 1.76 dwelling units per acre without the ~24.10-acre tracts of land designated for limited General Retail [GR] District land uses). The minimum dwelling unit size (i.e. air-condition space) will range from 2,750 SF to 3,500 SF. With regard to the proposed ~24.10-acres designated for limited General Retail (GR) District land uses, staff has identified all of the land uses within the General Retail (GR) District that would be inconsistent with residential adjacency and specifically prohibited these land uses in the Planned Development District ordinance. Staff has also incorporated language in the Planned Development District ordinance that requires a 50-foot landscape buffer with a minimum of a 48-inch berm and three (3) tiered screening (i.e. [1] a row of small to mid-sized shrubs, [2] a row of large shrubs or accent trees, and [3] a row of canopy trees on 20-foot centers) to be situated between the commercial and residential land uses. Along SH-205, FM-549, and John King Boulevard a landscape buffer meeting the General Overlay District Standards has been required. The applicant will have to ensure that all necessary water, wastewater, and drainage infrastructure is put into place in order to serve the property as well as be required to conduct a Traffic Impact Analysis.

On November 19, 2024, staff mailed 557 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Hickory Ridge, Hickory Ridge East, Lofland Farms, Fontanna Ranch, and the Oaks of Buffalo Way Homeowner's Associations (HOAs), which are the only HOAs within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). Staff had received the following notice responses from property owners inside the City limits. These responses were as follows:

- (1) Three (3) response from property owners within the 500-foot notification buffer in favor of the applicant's request.
- (2) Sixteen 16 responses from property owners within the 500-foot notification buffer opposed to

the applicant's request.

(3) Four (4) responses from property owners outside the 500-foot notification buffer in favor of the applicant's request.

(4) 244 responses from property owners outside the 500-foot notification buffer opposed to the applicant's request.

The City's Planning & Zoning Commission did recently hear this case and voted 5 to 1 (Hagaman against) to recommend approval of this case to the City Council.

Mayor Johannesen invited the applicant forth to speak at this time. Mr. Joyce Joyce (767 Justin Road – Rockwall, TX) came forth and provided a lengthy presentation to Council on some of the changes that have been made since he was previously before Council pertaining to this proposed master planned community ("Juniper").

Following Mr. Joyce's presentation, Mayor Johannesen opened the public hearing.

Matt Scott
4925 Bear Claw
Rockwall, TX

Mr. Scott mentioned he lives in the Oaks of Buffalo Way. He believes that this developer coming forward a fourth time is because he hopes that less and less people will show up to speak against it over time. He explained that each time the developer has been told 'no,' the proposal has been modified and it's gotten better and better. He expressed dissatisfaction with some aspects of the lot mix and lot sizes. He is unhappy about one of the streets being proposed as well, sharing that is in fact no curvilinear. He went on to urge Council to, once again, tell the developer 'no,' as he believes that what he is presenting this evening does not align with what the Council previously asked the developer to do.

Joe Ward
4920 Bear Claw
Rockwall, TX

Mr. Ward came forth and shared that after the P&Z Commission concluded, one of the Commissioners commented that – if this gets voted down – another developer may come forth with a far worse plan. Mr. Ward expressed consternation about that sentiment. He shared that since the last time the Council voted down this developer's proposal, very little changes have been made to the proposal coming forward for consideration this fourth time. The developer has not addressed several key concerns previously expressed by the Council and by nearby residents. The developer was asked to have lots similar to Kingsbridge and The Oaks of Buffalo Way with non-linear streets to avoid overcrowding of neighbors; however, they have failed to address this. For several reasons, Mr. Ward spoke against approval of this request, urging Council to slow down the growth and alleviate tax burdens on citizens.

Susan Langdon
5050 Bear Claw Lane
Rockwall, TX

Mrs. Langdon came forth and shared that she has come forth three prior times regarding this project, and she is worn out. She shared brief comments about having worked in the past with a different developer, generally indicating that the developer – in that instance – worked well with the neighbors, and the project ended up

being a quality one. Comparatively speaking, this developer is not working well with the neighbors, and he is not listening well. She is tired of having to come back over and over again. She would like to see effort put forth by the developer and property owner.

Richard Henson
2424 S FM 549
Rockwall, TX

Mr. Henson shared that he and Mr. Joyce, the developer, have a good relationship with one another, and they still will even after this is finished. Mr. Henson went on to share a presentation, commenting on the lot sizes that are being proposed this time as well as density. He essentially provided a history of past residential developments that have been considered and approved by previous Councils over the years. He went on to share many details regarding what was previously proposed when the developer came before Council before versus what is being proposed this evening as well as how what's being proposed this evening compares to desires expressed by nearby residents and other members of the public. Mr. Henson shared that he does not believe Mr. Lofland should do whatever he wants to do with his land.

Christina Guevara
1925 Broken Lance Lane
Rockwall, TX

Mrs. Guevara shared that she and her husband are not against development outright; however, they are opposed to this proposal. She is tired of coming forth to speak concerning this property, but she is not going to give up and she wants to be heard by Council. She expressed that the proposal is too dense, and she believes it should be rejected until it can be developed right and responsibly.

Stan Jeffus
2606 Cypress Drive
Rockwall, TX

Mr. Jeffus came forth and spoke against this development, especially due to its proposed density. He generally spoke about how more and more often, developers are trying to put houses upon houses and limit open space and parks, and he does not believe that sort of density makes for an actual neighborhood. He went on to express the belief that only 43 lots in Phase 6 actually meet the density requirements of two houses per acre. He spoke against this proposal, expressing that it is not 'low density.' He wants the houses spread out more and a lot more green space incorporated.

Milton Wittig
1759 Baywatch Drive
Rockwall, TX

Mr. Wittig came forth and shared that he is concerned about the population density, particularly pertaining to the proposed smaller lots. He went on to share several calculations regarding density, urging Council to send this case back to the Planning & Zoning Commission and require the developer to make a lot more changes to what's being proposed.

Greg Hollon
2778 S. FM 549
Rockwall, TX

Mr. Hollon invited shared that The Homestead Addition is just outside his front door. He urged Council to come to his home and look to see what one home looks like on a large lot, as them seeing this would likely be very impactful. He urged Council to slow down and really make the right decisions pertaining to this developer and his request. He wants the Council to vote 'wait' for now. He commented about how traffic is very heavy, and the two-lane road adjacent to this area does not provide enough capacity. This will add more than 1,700 cars if there are two vehicles per household associated with this development, and that is a lot more cars.

Leslie Wilson
535 Cullins Road
Rockwall, TX

Mrs. Wilson shared that she has lived here for twenty-seven years. She thanked members of the Council for their service and for past conservative votes pertaining to Juniper. Mrs. Wilson asked the Planning Director to again vocalize the summary of 'replies' the city received back after mailing out zoning change notices to adjacent residences. Mrs. Wilson shared that residents are confused by having received multiple notices related to this property. Mr. Miller shared that staff worked diligently to omit duplicate replies/notices so that the numbers associated with replies are as accurate as possible. Many, many times the same people are sending in multiple replies over and over and over again. Indication was given that paid efforts transpired on social media, urging people to write in and/or express opposition to this case. Mr. Miller shared that this property has resulted in staff spending an inordinate amount of time sorting through notices. Mrs. Wilson urged the Council to vote 'no' on this request.

Rosemara Della Monica
4965 Bear Claw Lane
Rockwall, TX

Mrs. Monica shared that her daughter had a friend threaten suicide this morning, and so she had to call to report this regarding her daughter's 11 year old friend. She indicated that schools are overcrowded and teachers are overwhelmed, and this is getting worse and worse. What used to be a nine minute drive is now a thirty-five to forty minute drive for educators who live nearby. She spoke against this project due to overcrowding and traffic. Regarding the mayor not having been comfortable telling someone what he can or cannot do with his own land, she disagrees with these sentiments. She went on to share comments refuting prior comments made by council members when this project was considered the last time. She expressed that some of their comments were considered by her to be condescending and disrespectful. She spoke in opposition of this proposal this evening, urging Council to make the developer better consider the needs and well-being of the community.

Janice Morchower
144 Westwood
Rockwall, TX

Mrs. Morchower came forth and indicated that none of the propositions on a recent school bond election passed, and their failure has a huge impact on our school district. Her son in law is a teacher at one of our local schools, and he and his students have been in a portable building for a long time now. This development, "Juniper," is not the only new development that is in the works. Many have previously been approved but they have just not yet broken ground. She is concerned about the hundreds of new homes that are in the beginning stages and the impact they will have on our community and the schools. She generally spoke in opposition of this proposal this evening.

Leslie Hope

530 Cullins Road
Rockwall, TX

Mrs. Hope came forth and shared that a lot of citizens feel very passionate about this development. She thought that this project was 'dead,' as she had heard (a rumor) that someone was thinking of developing it as a retirement community with a golf course, and she was thrilled. She understands that approval of this case is 'discretionary' on the part of Council. She strongly urged Council to deny this request, as she believes Rockwall deserves a better plan – on that is less dense.

Randy Heinrich
4945 Bear Claw Lane
Rockwall, TX

Mr. Heinrich has lived in Rockwall twenty-five years. He pointed out that 97 percent of respondents are against this, so he urged Council to vote 'no' on this proposal. He is worried about this being a Canadian company and would like to see support for an American company instead. He has doubts about the timing the developer has indicated associated with this development. He has been dissatisfied with how the developer has handled meetings, especially their scheduling. He generally spoke in opposition of this request.

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker wonders if Council has more respect for property owners who show up or for ones that do not. He pointed out that the owner associated with this development has never shown up. He went on to share that citizens citywide are opposed to this case. He believes this proposal deviates from the city's future land use plan. Planning Director, Mr. Miller explained to Mr. Wacker how this proposal meets a majority of the city's future land use plan and how that plan is essentially a guiding document. The mayor also explained how the plan works and how the Planning & Zoning Commissioners are volunteers who do technical reviews of proposals and make a recommendation to the City Council. The Council then makes the very tough decisions, sometimes in situations where they are faced with pitchforks. Councilmember Thomas and Mr. Wacker had brief dialogue regarding Stone Creek (the subdivision in which Mr. Wacker currently resides) and if Mr. Wacker believes Stone Creek is a good development. Mr. Wacker shared that – at the time he moved there – he did believe Stone Creek to be a good development, but a lot has changed about Rockwall since that time. Mr. Wacker spoke in opposition of this proposal, especially due to the lot sizes, mixes and density.

Sergio Bento
2002 Lakeshore Drive
Rockwall, TX

Mr. Bento shared that he is a minister, and his company was responsible for a lot of the development associated with the Dallas Cowboys (now AT&T stadium), and he was personally responsible for a great deal of that particular economic development project and associated team. He articulated that, for several reasons, that development was not truly good. Truly, it should have been located at Fair Park in Dallas instead. But, he worked on behalf of the city council and the mayor in that city at the time to bring that project to fruition because that's what that city wanted. Many times, he knows that a project will not eventually prove to be good for a city in the long run. He commented about how the TX Constitution was amended so that certain development could occur before it really needed to occur. He recognizes sometimes individuals have to beg elected officials to truly do the will of the people. It is the responsibility of voters to keep in elected seats those who belong in those positions.

Dave Guevara
1905 Broken Lance Lane
Rockwall, TX

Mr. Guevara thanked Council for hearing the concerns this evening. He wonders if consideration has been given to developing only a portion of this piece of land. He works on the finance end of projects like this, so he is very familiar with how these things work. He believes this is a developer who wants to stack as many homes as he possibly can because that will mean he makes the most money possible. And it is being done while completely disregarding what is best of the community. He acknowledged that voters elected city councilmembers to make decisions on behalf of them. He pointed out that, overwhelmingly, voters who put the councilmembers in their respective seats, have expressed huge opposition to what is being proposed with this development. He believes that the decision(s) Council makes should be representative of what the voters and the community have expressed they want or don't want. He believes this development could make sense, possibly sometime in the future, but not right now – now is not the time, especially with so much traffic already.

There being no one else wishing to come forth and speak, Mayor Johannesen then closed the public hearing. He asked if the applicant would like to come forth and speak again at this time.

Mr. Joyce came forth and thanked Council for everyone who has spoken this evening. He acknowledged this has been a very long process, and the residents are worn out, he is worn out and he knows the Council is worn out too. He stated this proposal is the last time he will be coming forth related to this project. He went on to share lengthy comments in an effort to address some outstanding questions and concerns. He explained that forty-seven different times were offered up to residents to meet to discuss concerns on this project.

Mayor Pro Tem Jorif thanked Mr. Joyce; however, he acknowledged that he has heard the voices of residents and their concerns. He sought and received clarification on the current proposed density, which Mr. Miller shared is at 1.68 dwelling units per acre. All things considered, he expressed that he cannot vote in favor of this proposal, and he does not support it.

Councilmember Thomas asked Mr. Joyce to speak about curvilinear streets in Phase 6 of the proposed development. Mr. Joyce provided requested clarification (at length).

Councilmember Lewis asked for and received clarification regarding trees and open space in Phase 6.

Mayor Pro Tem Jorif sought and received additional clarification on east – west connectivity with a certain thoroughfare within (and beyond) the development's border. Brief discussion also took place related to zoning notifications that were mailed out to residents and the very large influx of protests that were received back and sorted through by city staff. Mayor Johannesen shared that there recently were paid social media ads that asked "do you want high density housing," which were also accompanied by many, many text messages that went out – all paid pushes. Anyone who has ever designed a survey knows that responses are all related to how the question is asked. Jorif asked if we know the source of the media ads. Indication was given that – yes – we do know; however, that is not something to be discussed right now.

Mayor Johannesen then moved to approve Z2024-060. Councilmember Thomas seconded the motion.

Councilmember Thomas went on to provide lengthy comments, in part, articulating the city has a Comprehensive Development Plan, and at this corner / intersection, it calls for low density residential development. And that is what is being proposed in this instance. He shared that the city has responsibly

grown at about 3% per year, and the city is for sure best equipped to make its own development decisions (rather than allow those to be made by folks in Austin). The developer has worked to modify the proposal to reduce the number of homes while also ensuring they will be very nice, high-quality homes that are built. The developer will have to build and put in a lot of infrastructure. The city is not building it and placing that burden on tax payers. He shared that a property owner has a right to present a case for consideration regarding what he wants to do with his property. And a lot of modifications have been made to the proposals regarding this property over time. This is not high density. It is low density, and it will be a very high-quality development that meets the strategies of the city's Comp Plan and does, overall, comply with that plan.

Councilmember Moeller indicated he has laryngitis, so he apologized for his voice. He agrees with Councilmember Thomas that what is happening in Austin at the state legislature is very concerning. He has heard a lot of talk in Austin about 'affordable housing' and taking rights away from cities more and more to make their own decisions. He has a lot of concern about what may happen if Austin changes the laws and rules, which could potentially happen in this upcoming legislative session. If Austin changes the rules, it is possible we could be faced with 50' lots on this property, and that is very concerning. Although he is not in favor of all that is being proposed in this case, he is concerned about Austin. He is currently 'on the fence' on this at this time.

Councilmember Lewis provided extensive comments on bills and the types of bills that have been being proposed and – in some cases – adopted by the State Legislature in Austin. He absolutely believes Austin is limiting city's authorities more and more, as Austin is very anti-local control. The TX Municipal League is convinced that the legislature is going to limit cities' abilities to zone any property at all. It is very scary what is going on in Austin, and it is possible cities will not be able to 'zone' at all after this upcoming legislative session.

Councilmember Campbell shared that this case is probably the most difficult case she has ever had to vote on in her entire tenure on Council. What is going on at the legislature in Austin is very concerning, as is paid advertising that has recently occurred and is manipulating what is going out to the public. She originally had concerns that it was such a large project, and that has been prompting a lot of concerns from the community as well. Perhaps if it were not so large, the concerns of the community would not be so large. She shared that she has spoken with the Lofland Family, and the family member that lives here in the community - she has spoken to that one family member. She believes the Lofland Family does want good and wants what is best for the community. She acknowledged the Loflands have a right to do what they want with their property. However, our community does have a right to have and express concerns. She acknowledged that there is a whole lot of traffic – both on the roadways and within classrooms within our community – both of which are overcrowded. She is an educator at Rockwall High School, so she personally sees and experiences classrooms that are packed to capacity. Councilmember Campbell sought and received brief clarification regarding TXDOT projects and planned roadway expansions. She shared that she is very, very conflicted, and she feels everyone's pain with what is happening in our community. It all is very much a dilemma. She thanked the community and staff for all the time they've put into this case, as it has been a tough one. She believes that – regardless of anything – this development is still going to cause more congestion in our community. She ultimately shared that she is 'on the fence' about this one.

Mayor Johannesen shared that he does not want 870 new homes either. Like many others who have expressed these sentiments, right after he and his wife moved to Rockwall, he too wished no one else could move here or come in. He went on to share that – thankfully a prior developer risked his time and money to invest in building The Shores subdivision, where he and his wife lived and raised three kids. Then, they sold that home and moved to Stone Creek, where another developer established a neighborhood. Now he and his family have moved to Stone Creek, and he is pretty sure they live on a 60' lot. It is not a lot of space, but he loves it – less mowing. He believes that, of the city council members in place today, there is just one who lives on an estate lot – just one. He cannot personally afford to live on an estate lot. So he is pretty sure the Council is

representative of the city at large. He went on to express how these decisions that Council is faced with are difficult ones, and he appreciates all of the time that has been invested by seated councilmembers who have studied and evaluated this issue, have spent time with the developer, with concerned citizens, listening remotely to P&Z Commission meetings, and then making very tough decisions while not just 'rubber stamping' a development proposal that comes before them. He prided himself in the time he and each of the council members invest towards discussing things and not just rubber stamping, things. He believes the developer made several concessions – not because he had to – but because he was trying to do the neighborly thing and because he lives in our community, and he does build a good product. He briefly explained his views on 'limited government,' which is not one extreme or the other. He believes 'limited government' should set the standards and then ensure somethings stays within those standards. He believes the developer has done so – he has stayed within the confines of the city's Comp Plan. He articulated his views on both the 'pros' and 'cons' associated with this development proposal. He shared that, "I don't like it" is not a compelling reason to vote against. He pointed out that – despite some articulating that it is 'high density' - it is actually considered 'low density' under the city's standards that it has in place (its future land use ("Comp") plan), and he has to go by those standards. He went on to share that he has not found any legal reason to deny this proposal, and – for this and other reasons – he is going to vote in favor of it.

The ordinance caption was then read as follows:

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO PLANNED DEVELOPMENT DISTRICT XX (PD-XX) FOR SINGLE FAMILY 10 (SF-10) DISTRICT AND GENERAL RETAIL (GR) DISTRICT LAND USES ON THE SUBJECT PROPERTY, *BEING* A 519.5402-ACRE TRACT OF LAND IDENTIFIED AS TRACTS 3 & 3-1 OF THE A. JOHNSON SURVEY, ABSTRACT NO. 123; TRACT 7 OF THE W. H. BAIRD SURVEY, ABSTRACT NO. 25; AND TRACTS 3 & 4 OF THE J. R. JOHNSON SURVEY, ABSTRACT NO. 128, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED HEREIN BY *EXHIBIT 'B'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion to approve Z2024-060 then passed by a vote of 4 ayes, 2 nays (Campbell and Jorif), and 1 absence (McCallum).

Mayor Johannesen briefly recessed the meeting for a short restroom break.

Mayor Johannesen then reconvened the public meeting at 9:31 p.m.

(As a result of Executive Session discussions), Councilmember Moeller explained that there are reappointments to be made to the city's Main Street Advisory Board (MSAB). He then moved to reappoint Chad Fogg and Grant English to continue serving on the MSAB. Since the desire is to bring the terms of MSAB members into alignment with annual terms associated with most all other city boards and commissions, each of these two reappointments will start in January of 2025 and will run through August of 2026. Councilmember Lewis seconded the motion, which passed by a vote of 5 ayes with 2 absences (McCallum and Jorif (note: Jorif was not yet back from break when the vote was taken)).

XI. Action Items

1. Discuss and consider the approval of an **ordinance** for a text amendment to Article III, *Impact Fee Regulations*, of Chapter 38, *Subdivisions*, of the Municipal Code of Ordinances for the purpose of adopting revised *Impact Fee Regulations*, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information on this agenda item. In accordance with Chapter 395 of the Texas Local Government Code, the City Council recently adopted Ordinance No. 24-41, which codified the updated Land Use Assumptions, Capital Improvements Plans, and impact fee collection rates for water, wastewater, and roadway impact fees. As part of this update -- and in response to recently adopted changes to the Texas Local Government Code approved with the 88th Legislative Session --, staff has also been in the process of reviewing, restructuring, and rewriting Article III, *Impact Fee Regulations*, of Chapter 38, *Subdivisions*, of the Municipal Code of Ordinances. The current Article was originally adopted as part of the 1982 Municipal Code of Ordinances and was amended on July 16, 1990 by Ordinance No. 90-22 for the purpose of establishing water and wastewater impact fees. On April 21, 2008, this section of the code was again amended by Ordinance No. 08-21 for the purpose of establishing roadway impact fees. These sections were adopted at different times, and were incorporated into two (2) different divisions of the code. Due to the overlapping content, staff has merged these divisions together to stream line the Article. In addition, staff included process and procedural changes to better account for how the City's development process has changed over the past 30-years, and how the City currently collects impact fees. Staff should note, that both the City's consultant -- Freese and Nichols, Inc. -- and the City Attorney have reviewed the proposed amendments, and have provided input and changes that have been incorporated into the attached draft ordinance.

Councilmember Campbell moved to approve the ordinance. Councilmember Lewis seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 24-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, REPEALING IN ITS ENTIRETY ARTICLE III, *IMPACT FEE REGULATIONS*, OF CHAPTER 38, *SUBDIVISIONS*, OF THE MUNICIPAL CODE OF ORDINANCES, ADOPTING ARTICLE III, *IMPACT FEE REGULATIONS*, OF CHAPTER 38, *SUBDIVISIONS*, AS DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE, AND AMENDING SECTION 38-9(5), *PROPORTIONALITY*, OF ARTICLE I, *IN GENERAL*, OF CHAPTER 38, *SUBDIVISIONS*, AS DEPICTED IN *EXHIBIT 'B'* OF THIS ORDINANCE; 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 absence (McCallum).

2. Discuss and consider approval of a resolution setting solid waste collection rates, and take any action necessary.

City Manager, Mary Smith, provided brief comments concerning this item. The contract spells out a 3% increase each new contract year. So, it is now time to adopt the new rate, in accordance with the contract, and pass on that rate increase to residents. Mayor Pro Tem Jorif moved to approve the resolution setting the solid waste collection rates. Councilmember Campbell seconded the motion, which passed by a vote of 6 ayes with 1 absence (McCallum).

XII. Adjournment

Mayor Johannesen adjourned the meeting at 9:38 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 6th DAY OF JANUARY, 2025.


Trace Johannesen, Mayor

ATTEST:


Kristy Teague, City Secretary

