

ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, December 20, 2021 - 5:00 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 5:00 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem John Hohenshelt and Councilmembers Clarence Jorif, Dana Macalik, Trace Johannesen, Bennie Daniels and Anna Campbell. Also present were City Manager Mary Smith, Assistant City Manager Joey Boyd and the city's legal counsel, Lea Ream.

Mayor Fowler then read the below listed discussion item 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 appointments to city regulatory boards, commissions, and committees - specifically the Rockwall Economic Development Corporation (REDC) Board - pursuant to Section 551.074 (Personnel Matters)
2. Consent #6 (pulled from regular agenda) - Consider a request by Kevin Lefere for the approval of a resolution abandoning the right-of-way for a portion of Third Street being a 0.083-acre tract of land situated within the Lowe & Allen Addition, City of Rockwall, Rockwall County, Texas, and take any action necessary.

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Ex. Session at 5:20 p.m.

IV. RECONVENE PUBLIC MEETING (6:00 P.M.)

Mayor Fowler reconvened the public meeting at 6:00 p.m. with all seven councilmember being present.

V. INVOCATION AND PLEDGE OF ALLEGIANCE - MAYOR FOWLER

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

VI. OPEN FORUM

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

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker came forth and commented that he was just informed that the only way input from a homeowner is accepted by the City is if it comes to the city through the formal channels established by the Planning Department. He generally expressed concern about this, explaining that he just spent time collecting signatures from homeowners pertaining to a Public Hearing case on tonight's meeting agenda. He questioned if all homeowners who are part of an HOA are notified of public hearing items.

There being no one else wishing to come forth and speak at this time, Mayor Fowler then closed Open Forum.

VII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session.

VIII. CONSENT AGENDA

1. Consider approval of the minutes from the December 6, 2021 regular city council meeting, and take any action necessary.
2. Consider awarding a bid to Electric Inc. and authorizing the City Manager to execute a Contract for the purchase and install of emergency power generators in the amount of \$831,040 to be funded from the Internal Operations budget in the amount of \$529,000; amend the IO budget to designate \$66,100 from General Fund Reserves; and Water Sewer Funds \$235,950, and take any action necessary.
3. Consider authorizing the City Manager to execute an agreement with Rockwall County for Municipal Court Judge services associated with upcoming 'No Refusal Weekends,' and take any action necessary.
4. Consider approval of a proposal from American Signal Corporation in the amount of \$17,525.25 for replacement of one outdoor emergency warning siren, amending the Internal Operation Department budget, and take any action necessary.
5. Consider approval of the construction contract for Williams Street/Squabble Creek Sanitary Sewer Slip Line Rehabilitation Project and authorize the City Manager to execute a construction contract with NO-DIGTEC, LLC., in the amount of \$127,002.30, to be paid for out of the Water/Sewer Fund, and take any action necessary.
6. Consider a request by Kevin Lefere for the approval of a resolution abandoning the right-of-way for a portion of Third Street being a 0.083-acre tract of land situated within the Lowe & Allen Addition, City of Rockwall, Rockwall County, Texas, and take any action necessary.
7. **P2021-060** - Consider a request by Pat Atkins of CDT Rockwall 2017, LLC for the approval of a Final Plat for Phase 3 of the Saddle Star Subdivision consisting of 33 single-family residential lots on a 14.995-acre tract of land identified as Tract 1-03 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 79 (PD-79) for Single-Family 8.4 (SF-8.4) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, generally located on the east side of John King Boulevard northeast of the intersection of John King Boulevard and Featherstone Drive, and take any action necessary.

Mayor Pro Tem Hohenshelt moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, and 7). Councilmember Jorif seconded the motion, which passed by a vote of 7 ayes to 0 nays.

IX. 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 P&Z 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 following Mr. Chodun's comments.

X. PUBLIC HEARING ITEMS

1. **P2021-058** - Hold a public hearing to discuss and consider a request by Tari Kinsey for the approval of a Final Plat for Lots 1-4, Block A, Kinsey Addition being a 0.76-acre tract of land identified as a portion of Blocks 9 & 10, F&M Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 802, 806, & 808 Kernodle Street, and take any action necessary.

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. He generally explained that this plat meets the city's technical requirements. In addition, notices were sent out to adjacent property and homeowners located within 200' of the subject property; however, no notices were received back by the city.

Mayor Fowler opened the public hearing. No one came forth to speak at this time, so he then closed the public hearing.

Mayor Pro Tem Hohenshelt moved to approve P2021-058. Councilmember Campbell seconded the motion, which passed by a vote of 7 ayes to 0 nays.

2. **Z2021-048** - Hold a public hearing to discuss and consider a request by Bowen Hendrix of DuWest Realty, LLC on behalf of John Arnold of the Skorburg Company for the approval of an **ordinance** for a PD Development Plan for a *General Retail Development/Shopping Center* on an 8.63-acre portion of a larger 36.428-acre tract of land identified as Tract 3 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, being zoned Planned Development District 70 (PD-70) for limited General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, generally located at the northeast corner of the intersection of E. Quail Run Road and N. Goliad Street [*SH-205*], and take any action necessary (**1st Reading**).

Planning Director Ryan Miller provided background information pertaining to this agenda item. The subject property was annexed on February 6, 1961 by Ordinance No. 61-02 [Case No. A1961-002]. At the time of annexation, the subject property was zoned Agricultural (AG) District. On April 2, 2007, the City Council adopted Ordinance No. 07-13 [Case No. Z2007-006], which rezoned a 395.075-acre tract of land -- that included the subject property -- from an Agricultural (AG) District to Planned Development District 70 (PD-70) for Single-Family 10 (SF-10) District and limited General Retail (GR) District land uses. The concept plan included with this Planned Development District designated the subject property for Single-Family 10 (SF-10) District land uses. On October 19, 2009, the City Council adopted Ordinance No. 09-44 [Case No. Z2009-018], which amended the concept plan and development standards for Planned Development District 70 (PD-70). The amendment re-designated approximately seven (7) acres of the subject property to allow limited General Retail (GR) District land uses. This area was later expanded by Ordinance No. 11-35 [Case No. Z2011-016] to include the remainder of the subject property, re-designating the entire 8.63-acres for limited General Retail (GR) District land uses. On February 6, 2017, the City Council approved a PD Development Plan [Ordinance No. 17-08; Case No. Z2016-049] for the subject property in accordance with the requirements of Planned Development District 70 (PD-70). This development plan was for a proposed grocery store; however, the project was never pursued beyond the PD Development Plan, and the subject property has remained vacant since

annexation. On November 16, 2021, the applicant -- Bowen Hendrix of DuWest Realty, LLC -- submitted an application requesting the approval of a PD Development Plan for the subject property. Specifically, the concept plan provided by the applicant shows two (2) ~10,000 SF multi-tenant retail buildings, a ~5,400 SF multi-tenant retail building, and a ~4,000 SF drive-through restaurant.

Notices were sent out to 65 adjacent property and landowners located within 500' of the subject property. Staff also notified the Stone Creek, Quail Run Valley, The Shores on Lake Ray Hubbard, Random Oaks/Shores, and Lakeview Summit Homeowner's Associations (HOAs), which were the only Homeowners' Association (HOAs) and/or Neighborhood Organizations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. At the time this report was drafted, staff had received the following:

- (1) One (1) property owner notification in opposition from a property owner within the 500-notification area.
- (2) Five (5) notices from the City's online Zoning & Specific Use Permit Input Form in opposition to the request from property owners outside of the 500-foot notification area.
- (3) Two (2) emails in opposition to the request from property owners outside of the 500-foot notification area.
- (4) One (1) email in favor from a property owner outside of the 500-foot notification area.
- (5) One (1) email not stating a position, but requesting a [1] 48-inch tall berm with cedar trees, and [2] bollards be placed at the west and east entrances to prevent golf carts and all-terrain vehicles from accessing the development. This email was from a property owner outside of the 500-foot notification area. On December 14, 2021, the Planning and Zoning Commission approved a motion to recommend approval of the PD Development Plan by a vote of 6-1, with Commissioner Welch dissenting.

Mr. Miller noted that all but three (3) of the responses stated an opposition to the land use and not the screening or pedestrian access. He explained that the land use is 'permitted by right.' So the only thing Council is being asked to look at tonight is the pedestrian access and screening.

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

Jordan Cluff and Bowen Hendrix
4403 N. Central Expwy.
Dallas, TX

These two applicants came forth and briefly introduced themselves but did not speak further at this time.

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

Steven Curtis
2130 FM 1141
Rockwall (County), TX

Mr. Curtis came forth and explained that he is not opposed to the project itself; however, he has concerns about the proposed pedestrian access / sidewalks. He generally explained that the pedestrian access and sidewalks are in sufficient, and some of the sidewalks abruptly end. He is in favor of the retail, but he wants the sidewalk concerns to be addressed.

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker came forth and expressed that he generally supports this idea; however, he has some concerns related to the floodplain and pedestrian access / sidewalk-related connectivity. He wonders how well the city's Master Thoroughfare Plan has predicted the traffic-related impact of the many restaurants and retail establishments that have emerged in this area over time. Mr. Wacker went on to share details pertaining to a (informal) survey he recently conducted via social media pertaining to what residents would like to see (i.e. York sidewalk; Quail Run sidewalk; bike/hike trail). He encouraged the City Council to consider the survey he conducted when making decisions related to this case this evening. He encouraged Council to approve what is being proposed tonight, minus the York-related sidewalks.

Vicki Williams
330 Nakoma Drive
Rockwall, TX 75087

Mrs. Williams came forth and explained where her home is located. She is generally in favor of the proposed retail project; however, she has some concerns about limited parking. She worries that some people who visit the retail area will end up parking in the Stone Creek neighborhood and then walk over. She shared that there have been some concerning gatherings in and around the floodplain area over the last year or two (ATV vehicles, drinking, illegal activities). She is generally concerned that this will bring more people and more foot and vehicular traffic.

Shirley Smith
609 Amherst Drive
Rockwall, TX 75087

Mrs. Smith shared that this new proposed plan only has a proposed 'berm' to separate it from Stone Creek. She believes that adding pedestrian sidewalks and associated access may provide easy access for criminals. She would like to see the development constructed in a way that inhibits the ability for "ATV" type vehicles to come and go. She urged for improved, better landscaping to be installed associated with this development.

Carin Brock
204 Chatfield
Rockwall, TX

Mrs. Brock came forth and spoke about pedestrian access and how it is impacted by the existing floodplain. She is in favor of adding a York sidewalk so that people do not have to

traverse a berm to walk to the proposed retail area. She is also in favor of a hike / bike trail. She is in favor of pedestrian access points and walkability, as she believes it adds value to the homes located within Stone Creek.

Kate Wilke
129 Deverson Drive
Rockwall, TX

Mrs. Wilke came forth and shared that she is the one and only homeowner that sits on the existing Stone Creek Homeowners Association Board (the other two seats on the board are occupied by developers). She went on to share that she conducted an informal survey of homeowners in Stone Creek, and she briefed the Council on her findings. She shared that a lot of the homeowners seem to generally be in favor of the additional retail, and they believe it will add value to their homes. She and others are in favor of sidewalks and a hike/bike trail. As an HOA board member, she expressed that she personally votes 'yes,' in favor of this proposal.

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

General, extensive discussion ensued among and between Council, staff and the applicant (re: the potential for bollards being erected; landscaping; sidewalks; walkable access; ATVs (i.e. golf carts) in and around the detention / floodplain area).

Following extensive discussion, Mayor Pro Tem Hohenshelt moved to approve Z2021-048, accepting all 3 access points and the screening, as presented. Councilmember Johannesen seconded the motion (it was noted that nothing re: "bollards" was included in the motion).

The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 70 (PD-70) [*ORDINANCE NO.'S 17-08, & 19-41*] AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A PD DEVELOPMENT PLAN FOR A GENERAL RETAIL SHOPPING CENTER ON AN 8.63-ACRE PORTION OF A LARGER 36.428-ACRE TRACT OF LAND IDENTIFIED AS TRACT 3 OF THE S. KING SURVEY, ABSTRACT NO. 131, 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 7 ayes to 0 nays.

3. **Z2021-049** - Hold a public hearing to discuss and consider a request by Drew Donosky of Claymoore Engineering on behalf of Clay Cooley of 1540 East IH-30 Rockwall, LLC for the approval of an **ordinance** for a *Specific Use Permit (SUP)* superseding *Ordinance No. 12-11 [S-094]* and allowing the expansion of an existing *Motor Vehicle Dealership (i.e. Clay Cooley Hyundai)* being a 7.17-acre tract of land identified as Lot 1, Block 1 and Lot 1, Block 2, Rockwall Recreation Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 1540 E. IH-30, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information pertaining to this agenda item. The subject property was annexed on December 3, 1985 by Ordinance No. 85-69 (Case No. A1985-002). At the time of annexation, the subject property was zoned Agricultural (AG) District. The subject property remained zoned Agricultural (AG) District until June 6, 2005 when the City Council approved Ordinance No. 05-25 (Case No. Z2005-019) changing the zoning to a Light Industrial (LI) District. The building on the subject property was constructed as a house of worship (i.e. Church of Christ) in 1990 and was remodeled in 2012-2013 after the City Council approved Ordinance No. 12-11 (Case No. Z2012-005) -- on June 18, 2012 -- allowing a New Motor Vehicle Dealership on property. The changes to the exterior of the building were approved under site plan Case No. SP2012-010 on June 12, 2012. On January 14, 2013, the then owner of the property applied for a sign variance to [1] allow two (2) pole signs along the IH-30 frontage road (i.e. a 40-foot tall sign with 400 SF of sign area and a 50-foot tall sign with 600 SF of sign area), [2] to have the 40-foot tall pole sign situated one (1) foot from the property line, [3] allow a 600 SF electronic message display, and [4] to have a 16-foot tall by 16-foot wide (i.e. 256 SF) wall sign. At the time, the code allowed one (1) pole sign a maximum of 30-foot tall and 167 SF in size to be situated on a property as long as it was setback a minimum of ten (10) feet from all property lines. In addition, wall signs were permitted to be a maximum of six (6) feet tall and six (6) feet wide. This request was approved by the City Council on January 22, 2013 and the permits for these signs (Case No.'s SGN2013-015 & SGN2013-0017) were issued on February 7, 2013. In 2017, the current owner purchased the property, and no additional changes have been made to the subject property since the completion of the remodel in 2013. Recently, the applicant came in to speak to staff about changing the building elevations as part of Hyundai's new 'branding.' Any changes to the exterior elevations of the building would require a complete amendment to the previously approved SUP. It was also discovered that several activities on site were out of compliance with the city's codes and the previously approved SUP (i.e. a metal screening fence constructed without a permit; outside storage of tires; an outside 'lift' (for automotive work to be performed outside); storage of inventory along Commerce street and on unimproved surfaces at the rear of the building). The applicant is now proposing a masonry fence to screen the outside, long-term storage of vehicles; additional concrete storage areas to provide for existing inventory; a minor automotive building and carwash (to allow automotive work to be done inside, rather than outdoors). In addition, staff has added additional provisions within the SUP to prohibit various things.

On October 24, 2021, staff mailed 17 notices to property owners and occupants within 500-feet of the subject property. There are no Homeowner's Associations (HOAs) or Neighborhood Organizations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. At the time this report was drafted, staff had received

no notices back regarding the applicant's request. The city's P&Z Commission did vote to recommend approval of this request to the City Council.

Mayor Fowler opened the public hearing, but no one indicated a desire to speak. So, he closed the public hearing.

Mayor Pro Tem Hohenshelt moved to approve Z2021-049. Councilmember Jorif seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-XX
SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING *ORDINANCE NO. 12-11 [S-094]* AND THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A *NEW MOTOR VEHICLE DEALERSHIP FOR CARS AND LIGHT TRUCKS* ON A 7.17-ACRE PARCEL OF LAND IDENTIFIED AS LOT 1, BLOCK 1 AND LOT 1, BLOCK 2, ROCKWALL RECREATIONAL 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.

XI. ACTION ITEMS

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

City Manager, Mary Smith indicated that the existing solid waste collection contract allows for Republic Waste to receive a 3% CPI increase each year. This resolution simply passes that increase along to the customer. The increase will essentially equate to about a \$.75 cent increase per month, per customer. Following brief comments, Mayor Pro Tem Hohenshelt moved to approve the resolution, as presented. Councilmember Macalik seconded the motion, which passed by a vote of 7 ayes to 0 nays.

XII. 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 appointments to city regulatory boards, commissions, and committees - specifically the Rockwall Economic Development Corporation (REDC) Board - pursuant to Section 551.074 (Personnel Matters)

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

Council did not reconvene in Ex. Session following the close of the public meeting agenda.

XIV. ADJOURNMENT

Mayor Fowler adjourned the meeting at 7:07 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 3rd
DAY OF JANUARY, 2021.



KEVIN FOWLER, MAYOR

ATTEST:



KRISTY COLE, CITY SECRETARY

