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**ROCKWALL CITY COUNCIL REGULAR MEETING**

**Monday, March 21, 2022 - 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, and Bennie Daniels. Also present were City Manager Mary Smith, Assistant City Manager Joey Boyd, and City Attorney Frank Garza. Councilmember Anna Campbell was absent from the meeting.

Mayor Fowler read the below listed discussion item into the record before recessing the public meeting to go into Ex. 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 off of North Goliad Street pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney)
2. **PULLED FROM PUBLIC MTG. AGENDA – Public Hearing Item # 7: Z2022-012** - Hold a public hearing to discuss and consider approval of an ordinance for a Text Amendment to Section 06, *Overlay Districts*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] for the purpose of incorporating Airport Overlay (AP OV) District, and take any action necessary (**1st Reading**).

**III. ADJOURN EXECUTIVE SESSION**

**Council adjourned from Ex. Session at 5:43 p.m.**

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

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

**V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER MACALIK**

**Councilmember Macalik delivered the invocation and led the Pledge of Allegiance.**

**VI. PROCLAMATIONS / AWARDS / RECOGNITIONS**

1. **Rockwall Police Department Awards**
  - Rookie of the Year - Dylan Sparks
  - Officer of the Year - Wener Perez
  - Supervisor of the Year - Steven Brassil
  - Civilian Professional of the Year - Kayla Sorenson

**Mayor Fowler and Rockwall Police Chief, Max Geron came forth and individually recognized each of the above named staff members for their respective awards.**

## VII. OPEN FORUM

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

Jerry Welch, Planning & Zoning Vice Chairman came forth and addressed the Council, providing a briefing on recommendations of the Commission relative to planning-related items on this evening's meeting agenda.

Ryan Joyce  
767 Justin Road  
Rockwall, TX

Mr. Joyce indicated that the Rockwall County 4H Club will be holding its annual, local event on April 1 and April 2 on the grassy area at the County Courthouse. He encouraged everyone to attend and support these young students for the hard work they have put in raising and caring for their animals.

Martin Ramirez  
972 Dogwood  
Rockwall, TX

Mr. Ramirez shared that several community races are coming up over the course of the upcoming months. He commented that race coordinators often paint directional markings in spray paint on the pavement and sidewalks in his neighborhood to assist race participants. He will appreciate an alternative (perhaps signage only in lieu of the spray paint), or possibly the paint markings being removed following the races.

Gary Freedman  
1404 Willow Lane  
Rockwall, TX 75087

Mr. Freedman came forth to speak to the Council regarding parking-related concerns at two businesses located across from City Hall – The Bagel Lady and Siren Rock Brewery. He suggested that a solution to the parking issues could be that the Siren Rock Brewery hire a valet service to park their patron's vehicles elsewhere (just not at the adjacent parking lot, as the owner of the lot does not want them parked there for liability reasons).

Revi Menasche  
The Bagel Lady business owner  
1588 N. Hills Drive

Ms. Menasche came forth and shared that she has engaged in several conversations with the owners of the brewery, trying to work out parking related concerns for patrons of both businesses. However, there has been no ability to reach a mutual agreement on parking-related concerns. She is greatly concerned because the Brewery owners are blasting her and her landlord (who owns the parking lot) on social media because the landlord is towing vehicles that belong to patrons of the brewery. Her business is being greatly and adversely impacted by these parking-related issues and the negative social media posts. She begged the City to figure out a viable solution.

Javier Gutierrez  
396 Bass Road  
Rockwall, TX 75032

Mr. Gutierrez came forth and expressed various concerns about his neighborhood, which is Lake Rockwall Estates. He has concerns about topics such as flooding, trash/debris, buildings that are in disrepair, junk vehicles, roadways in disrepair, etc. He believes that the City of Rockwall is too 'easy' on residents who live there and does not hold them accountable enough for being compliant with city codes and standards. He went on to show various photos that he took about 45 minutes before tonight's city council meeting. His desire is to have this neighborhood cleaned up and kept nicer.

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

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

Council took no action as a result of Ex. Session.

#### IX. CONSENT AGENDA

1. Consider approval of the minutes from the March 7, 2022 regular City Council meeting, and take any action necessary.
2. Consider approval of an **ordinance** declaring unopposed candidates for the offices of City Councilmembers Places 2, 4, and 6 and cancelling the May 7, 2022 General Election, and take any action necessary. **(2nd reading)**
3. **P2022-005** - Consider a request by Humberto Johnson of the Skorburg Company on behalf of Glen and Rosie Cox for the approval of a Replat of Lots 3 & 4, Block A, Cox Acres Addition being a 17.51-acre parcel of land identified as Lot 1, Block A, Cox Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay (205 BY-OV) District, addressed as 1800 E. Quail Run Road, and take any action necessary.
4. **P2022-006** - Consider a request by Dnyanada Nevgi of the SRC Land Building and Real Estate, LLC on behalf of Rajesh Malviya of Buffalo Country Properties, LLC for the approval of a Replat for Lots 13 & 14 of the Rockwall Business Park East Addition being a 6.280-acre parcel of land identified as Lot 5 of the Rockwall Business Park East Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated on the southside of Ralph Hall Parkway west of the intersection of Ralph Hall Parkway and S. Goliad Street [*SH-205*], and take any action necessary.
5. **P2022-007** - Consider a request by Priya Acharya of Wier & Associates, Inc. on behalf of Ross Wood of Frost Bank for the approval of a Replat for Lot 3, Block A, Allen Anderson Addition being a 1.198-acre parcel of land identified as Lot 2, Block A, Allen Anderson Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 9 (PD-9) for General Retail (GR) District land uses, located at the southwest corner of the intersection of Horizon Road and Rockwall Parkway, and take any action necessary.
6. **P2022-008** - Consider a request by William Johnson of LTL Family Holdings, LLC for the approval of a Preliminary Plat for the Marina Village Subdivision being 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 on the south side of Henry M. Chandler Drive west of Ridge Road [FM-740], and take any action necessary.
7. Consider approval of the construction contract for IH-30 Utility Relocation Project from State Highway 205 to Farm to Market 3549 and authorize the City Manager to execute a construction contract with FM Utilities, LLC, in the amount of \$778,043.18, to be paid for out of *Water/Sewer Funds* and refunded by TXDOT after construction, and take any action necessary.

Councilmember Macalik pulled item #6 for individual discussion.

Mayor Pro Tem Hohenshelt then moved to approve the remaining items on Consent (#s 1, 2, 3, 4, 5, and 7). Councilmember Jorif seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL, TEXAS  
ORDINANCE NO. 22-16**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS DECLARING UNOPPOSED CANDIDATES FOR THE OFFICES OF CITY COUNCILMEMBER PLACE 2, CITY COUNCILMEMBER PLACE 4, AND CITY COUNCILMEMBER PLACE 6, AS ELECTED; PROVIDING THAT THE MAY 7, 2022 GENERAL MUNICIPAL ELECTION SHALL NOT BE HELD; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR AN EFFECTIVE DATE.**

The motion passed by a vote of 6 in favor with 1 absence (Campbell).

Regarding Consent Agenda item #6, Councilmember Macalik wanted to confirm that the concept plan associated with this preliminary plat matches details that were presented back during the zoning change request associated with this property. Mr. Miller confirmed that – yes – it does conform with the zoning that was previously approved.

Councilmember Macalik then moved to approve Consent Agenda item #6 (P2022-008), as presented. Councilmember Jorif seconded the motion, which passed unanimously of those present (6 ayes with 1 absence – Campbell).

**X. PUBLIC HEARING ITEMS**

- 1. Z2022-006** - Hold a public hearing to discuss and consider a request by Matt Wavering of the Rockwall Economic Development Corporation for the approval of an **ordinance** for a Zoning Change from Planned Development District 73 (PD-73) to a Light Industrial (LI) District for a 8.008-acre parcel of land identified as Lot 8, Block A, Rockwall Technology Park Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 73 (PD-73) for Commercial (C) District land uses, situated within the FM-549 Overlay (FM-549 OV) District and the SH-276 Overlay (SH-276 OV) District, located at the northwest corner of the intersection of Corporate Crossing and SH-276, and take any action necessary **(1st Reading)**.

Planning Director, Ryan Miller provided background information concerning this agenda item. The subject property is located at the northwest corner of the intersection of SH-276 and Corporate Crossing (FM-549). According to Subsection 05.02, Light Industrial (LI) District, of Article 05, District Development Standards, of the Unified Development Code (UDC), “(t)he Light Industrial (LI) District is a zoning district intended to create a limited industrial zone that provides for modern types of industrial land uses ... [and] is intended for industrial parks and larger, cleaner types of industries.” In this case, the subject property is owned by the Rockwall Economic Development Corporation (REDC) and is considered to be a part of Phase 1 of the Rockwall Technology Park. Currently, the REDC is planning to use a portion of this property for a regional detention system to serve adjacent properties and to use the other portion of the property to incorporate it with

the property directly north of the subject property (i.e. Lot 7, Block A, Rockwall Technology Park) to create a larger parcel of land for a future prospect.

Staff mailed 102 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Lofland Farms Homeowner's Association (HOA), which was the only Homeowner's Association (HOA) or Neighborhood Organization within 1,500-feet of the subject property participating in the Neighborhood Notification Program. To date, staff had not received any responses concerning the applicant's request. The Planning & Zoning Commission has recommended approval of this request by a vote of 4 in favor with 3 absences.

Mayor Fowler opened the public hearing, asking if anyone would like to come forth and speak at this time. There being on one indicating such, he then closed the public hearing.

Mayor Pro Tem Hohenshelt moved to approve Z2022-006. Councilmember Daniels seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL  
ORDINANCE NO. 22-\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 73 (PD-73) [ORDINANCE NO. 09-09] AND 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 PLANNED DEVELOPMENT DISTRICT 73 (PD-73) TO A LIGHT INDUSTRIAL (LI) DISTRICT FOR AN 8.008-ACRE PARCEL OF LAND IDENTIFIED AS LOT 8, BLOCK A, ROCKWALL TECHNOLOGY PARK ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' AND FURTHER DEPICTED IN 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 passed by a vote of 6 ayes with 1 absence (Campbell).

2. **Z2022-007** - Hold a public hearing to discuss and consider a request by Juan Aguilar on behalf of Jose A. Contreras of Black Toro Custom Homes, LLC for the approval of an ordinance for a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* on a 0.1650-acre parcel of land identified as Lot 1096 of the Rockwall Lake 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 514 Yvonne Drive, and take any action necessary (1st Reading).

Planning Director, Ryan Miller briefed Council on this case. Essentially the applicant is requesting to construct a single-family home on this property. The proposed house is similar in nature to nearby, existing residential homes. The Planning & Zoning Commission did hear this case and has recommended its approval. 133 notices were sent to adjacent property and land owners; however, no notices – neither in favor, nor against – have been received back by staff to date.

Mayor Fowler 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 Hohenshelt moved to approve Z2022-007. Councilmember Macalik seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL  
ORDINANCE NO. 22-XX  
SPECIFIC USE PERMIT NO. S-2XX

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 AND PLANNED DEVELOPMENT DISTRICT 75 (PD-75) [*ORDINANCE NO. 16-01*], 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 0.1650-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 1096, 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 6 ayes with 1 absence (Campbell).

3. **Z2022-008** - Hold a public hearing to discuss and consider a request by Valerie Valdez of DDS Group on behalf of Blanca Canales of JCK Custom Homes, LLC for the approval of an ordinance for a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* on a 0.3990-acre parcel of land identified as Lot 7, Block A, Heritage Heights Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, addressed as 7106 Odell Avenue, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information on this agenda item. The subject property is vacant now, but it previously had a single-family home on it that was destroyed by fire. The applicant is now requesting to construct a new, residential home on this lot. This is one of two vacant lots within this subdivision. The Council is asked to look at the size, location and architecture of the proposed new home. A housing analysis has been provided to Council so that comparisons with existing homes in the neighborhood may be made. He pointed out that this proposed home is stucco, which is a little different than adjacent homes, but – overall – it is similar. Staff mailed out 46 notices to residents and homeowners within 500' of the property, and 3 adjacent HOAs were also notified. So far, two notices were received back in favor of the request.

Mayor Fowler opened the public hearing, asking if anyone would like to come forth and speak at this time. There was no one wishing to speak, so he closed the public hearing.

Councilmember Jorif moved to approve Z2022-008. Mayor Pro Tem Hohenshelt seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL  
ORDINANCE NO. 22-XX  
SPECIFIC USE PERMIT NO. S-2XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.3990-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 7, BLOCK A, HERITAGE HEIGHTS 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 6 ayes with 1 absence (Campbell).

4. **Z2022-009** - Hold a public hearing to discuss and consider a request by Jack Kurz of RSDGP, LLC on behalf of Allen Anderson of Adlor Enterprises, LLC for the approval of an ordinance for a Specific Use Permit (SUP) for a *Restaurant, Less Than 2,000 SF, with a Drive-Through/Drive-In* for the purpose of constructing a restaurant with drive-through on a 1.1308-acre parcel of land identified as Lot 1, Block B, Jack Canup Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 62 (PD-62) for General Retail (GR) District, addressed as 902 & 906 S. Goliad Street [SH-205], and take any action necessary (1st Reading).

Mayor Fowler announced that this item was tabled last week by the city's Planning & Zoning Commission. Therefore, this City Council public hearing has been delayed and will be heard on Monday, April 4 at the 6:00 p.m. meeting.

5. **Z2022-010** - Hold a public hearing to discuss and consider a request by Ryan Joyce on Michael Joyce Properties on behalf of Mike Peoples for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a Planned Development District for Single-Family 10 (SF-10) District land uses on a 93.97-acre tract of land identified as Tract 4-01 of the M. B. Jones Survey, Abstract No. 122, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1936 SH-66, and take any action necessary (1st Reading).

Planning Director, Ryan Miller provided background information concerning this agenda item. The applicant is proposing to entitle the subject property for a 182-lot single-family, residential subdivision that will consist of five (5) lot sizes (i.e. [A] 9, 100' x 130' lots; [B] 29, 82' x 120' lots; [C] 45, 72' x 115' lots; [D] 22, 72' x 110' lots; and [E] 77, 62' x 110' lots). The subject property is generally located between SH-66 and FM-1141 at the southwest corner of the intersection of FM-1141 and Cornelius Road. This translates to a gross density of 1.94 dwelling units per gross acre (i.e. 182 lots/93.97-acres = 1.93679 dwelling units per gross acre) for the total development. The minimum dwelling unit size (i.e. air-condition space) will range from 2,000 SF to 2,400 SF. With regard to the proposed housing product, staff has incorporated anti-monotony and masonry standards into the proposed Planned Development District ordinance. Specifically, the ordinance will require a minimum of 90% masonry (with a minimum of 85% masonry on each façade), and be subject to the City's upgraded anti-monotony standards; however, the Planned Development District ordinance will also incorporate provisions that allow up to 80% cementitious fiberboard utilized in a horizontal lap-siding, board-and-batten siding, or decorative pattern to allow a more Traditional Neighborhood Design product (also referred to as Gingerbread). Looking at the

proposed garage orientation proposed for the development, the applicant is requesting to allow a total of 50% of all the garages be orientated toward the street; however, the applicant is proposing to require a five (5) foot setback for the garage from the front façade. The remaining garage doors will be situated within a J-Swing (or a Traditional Swing) configuration or Recessed Entry configuration (i.e. where the garage door is situated a minimum of 20-feet behind the front façade). In addition, the applicant is proposing to incorporate upgraded finishes on all garage doors that include: [1] coach lighting, [2] decorative wood doors or wood overlays on insulated metal doors, and [3] driveways that are constructed with ornamental stamped concrete brick pavers, stained finish, or salt finished. The proposed concept plan shows that the development will consist of a total of 29.72-acres of floodplain and 13.06-acres of open space maintained by the Homeowner's Association (HOA). Staff should point out that a portion of the subject property is situated within the Runway Protection Zone (RPZ) of the Ralph Hall Municipal Airport. In addition, staff is currently bringing forward an Airport Overlay (AP OV) District [Case No. Z2022-012] that (if approved) will establish requirements for land uses in and around the Ralph Hall Municipal Airport. Based on this, staff sent a copy of the proposed plan to TXDOT Aviation for review and comment, and a copy of the proposed plan to Garver USA -- the City's Airport Consultant -- for review. TXDOT Aviation requested that the applicant [1] not have any development within the Runway Protection Zone (RPZ) and [2] establish an aviation easement over the property to ensure that future homeowners are aware they are purchasing a home in close proximity to the flight path of the Ralph Hall Municipal Airport. Garver USA requested that no development or amenity be constructed in the Runway Protection Zone (RPZ). In addition, staff requested that the applicant adhere to the future Airport Overlay (AP OV) District, and not locate any portion of any lot in the Airport Influence Zone (which if established is the zone that will prevent residential and assembly uses from being located within 500-feet of the airport). The applicant has taken these comments and adjusted the concept plan to ensure compliance with these recommendations. In addition, staff has added a condition of approval that will require the aviation easement be established at the time of final plat.

The applicant is complying with most all standards with the exception of the number of front-entry garages that are being proposed. The applicant is proposing to provide 50% J-Swing (or Traditional Swing) or Recessed Front Entry (i.e. where the garage is setback a minimum of 20-feet behind the front façade of the home) garages and 50% Flat Front Entry garages with a five (5) recess for the garage (i.e. where the garage is setback five [5] feet from the front façade). As a compensatory measure the applicant is proposing to provide additional architectural elements into all garage configurations: [A] coach lighting, [B] decorative wood doors or wood overlays on insulated metal doors, [C] driveways constructed with ornamental stamped concrete brick pavers, stained finished, or salt finished.

Notices were sent out to adjacent property owners located within 500' of the property. At the time of staff's report, the following replies had been received:

- (1) Two (2) notices from two (2) property owners situated within the 500-foot notification buffer in opposition to the applicant's request.
- (2) One (1) email from one (1) property owner situated within the 500-foot notification buffer in opposition to the applicant's request.
- (3) One (1) notice from one (1) property owner situated within the Extraterritorial Jurisdiction (ETJ) of the City of Rockwall in opposition to the applicant's request.
- (4) One (1) response from the City's Zoning & Specific Use Permit Input Form from a property owner in the City of Fate in favor of the applicant's request.



In addition, the Planning & Zoning Commission reviewed this case and has recommended approval of this request by a vote of 4 in favor with 3 absences.

The applicant then came forth:

Ryan Joyce  
767 Justin Road  
Rockwall, TX

Mr. Joyce came forth and indicated that he and his wife own and run a business working together as local land developers right here in Rockwall. He then went on to provide a PowerPoint presentation to Council, providing additional details concerning this proposed, single-family residential subdivision.

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

Amy Reeg  
1414 Dhaka Drive  
Rockwall, TX

She came forth and asked what the starting price point will be for homes within this subdivision. Mr. Joyce indicated that prices will likely start in the low to mid-400,000's.

Bob Wacker  
309 Featherstone  
Rockwall, TX

Mr. Wacker came forth and shared that, overall, he thinks what is being proposed is a nice product. He went on to share information on lot sizes within several other subdivisions located within the City (i.e. Stone Creek, Breezy Hill, Gideon Estates I and II, Nelson Lakes, etc.). He is concerned about there not being a proposed amenities center. He also has concerns about the proposed lot sizes and lot mix. He suggested that perhaps 'pods' of similarly sized-lots be placed near one another within the development. He has concerns about the proposed 50% flat entry garages (when the city only allows 20%).

Planning Director, Ryan Miller spent a few minutes explaining different types of garage styles and orientations and further explaining that which this applicant is proposing within this particular development.

Mr. Wacker went on to express that whatever Council approves for this development will set a precedence for other subdivisions that might be built in the north part of Rockwall. He acknowledged that this subdivision may allow an opportunity for more affordable homes for those wanting to live in Rockwall, but – overall – he seemed to not be in favor of several aspects of this proposed development.

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

Councilmember Daniels clarified that the only thing that does not conform to the city's existing standards is the number of proposed flat, front-entry garages. Mr. Miller confirmed this to be the case. Mr. Miller then spoke briefly about an 'amenities center,' generally explaining that this development is below the 2 units per acre threshold that the city has in place (for requiring amenity centers).

Mayor Pro Tem Hohenshelt spoke briefly about the flat, front-entry garage mix that is being proposed and the possibility of the City Council granting a waiver or variance in this regard.

Mr. Joyce, the applicant came forth and addressed the idea of an amenities center. He generally indicated that amenities are usually not built unless a development is around 280 to 300+ lots. The reason is that the burden of upkeep for an amenities center falls on the shoulders of the homeowners, and the financial burden is too large when a development is as small as this one is proposed to be.

Mr. Joyce went on to share additional details regarding lot sizes and lot mix as it pertains to the proposed front-facing garages. General discussion took place about the proposed garages and associated percentages.

Councilmember Daniels suggested that the applicant consider going back and reconsidering the garage-related waiver that he is requesting (to essentially decrease the 50% and come closer to the city's requirement of 20%). Councilmember Daniels then moved to table Z2022-010 for a later city council meeting date, not to exceed the one slated for Monday, April 18. Mayor Pro Tem Hohenshelt seconded the motion, which passed by a vote of 6 ayes with 1 absence (Campbell).

Mayor Fowler then called for a brief break and recessed the meeting at 7:28 p.m.

6. **Z2022-011** - Hold a public hearing to discuss and consider a City initiated request for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a General Retail (GR) District for a 5.812-acre tract of land identified as Tract 9 of the M. B. Jones Survey, Abstract No. 122, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay (205 BY-OV) District, located at the southwest corner of the intersection of FM-1141 and N. John King Boulevard, and take any action necessary (**1st Reading**).

Mayor Fowler reconvened the public meeting at 7:38 p.m.

Planning Director, Ryan Miller provided background information concerning this agenda item. He generally explained that earlier this year, the City Council authorized the city manager to enter into a 380 economic development agreement with a land owner who owned property within the municipal airport's 'runway protection zone.' Because of its location, the lot was essentially unable to be developed. The 380 agreement essentially facilitated a 'land swap' whereby the city acquired the land adjacent to the airport, and that landowner was given a city-owned parcel of land located on the corner of John King Boulevard and FM-1141. The land owner would like to construct a Boys & Girls Club on this piece property; however, it must first be rezoned.

On February 25, 2022, staff mailed 62 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Caruth Lakes (Caruth Ridge Estates) Homeowner's Association (HOA), which was the only Homeowner's Association (HOA) or Neighborhood Organization within 1,500-feet of the subject property participating in the Neighborhood

Notification Program. At the time the staff report was drafted for the informational council meeting packet, staff had received the following:

- (1) Four (4) property owner notifications from four (4) property owners within the 500-foot notification buffer opposed to the applicant's request.
- (2) One (1) email from one (1) property owner inside the 500-foot notification buffer opposed to the applicant's request.
- (3) Two (2) responses from the online Zoning & Specific Use Permit Input Form from two (2) property owners inside of the 500-foot notification buffer opposed to the applicant's request.
- (4) One (1) email from one (1) property owner outside the 500-foot notification buffer opposed to the applicant's request.
- (5) Three (3) emails from three (3) property owners outside of the 500-foot notification buffer stating an opposition to Commercial (C) District zoning. These emails indicate that General Retail (GR) District zoning is more appropriate for this request

In addition, the Planning & Zoning Commission has heard this case and has recommended its approval.

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

Amy Reeg  
1414 Dhaka Drive  
Rockwall, TX 75087

She shared that she currently resides in Caruth Lakes and recently moved there in October to downsize after selling her home in Stone Creek. She briefly spoke about housing prices in the Stone Creek and Breezy Hill subdivisions, generally indicating that homes are in the \$500k and \$700k range within subdivisions that exist between IH-30 up John King to Dalton Road. She generally indicated that although the Boys & Girls Club is a great organization, she believes that there are better locations (elsewhere) that would be more convenient, better suited, and/or more accessible for an organization that helps lower income kids and families.

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

Councilmember Johannesen briefly summarized details of this request before then making a motion to approve Z2022-011. Councilmember Jorif seconded the motion. Following brief comments by the Mayor and Councilmember Macalik, in which they seemed to generally express disagreement with Mrs. Reeg's comments, 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 THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A GENERAL RETAIL (GR) DISTRICT FOR A 5.812-ACRE TRACT OF LAND IDENTIFIED AS TRACT 9 OF THE M. B. JONES SURVEY, ABSTRACT NO. 122,**

**CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' AND FURTHER DEPICTED IN 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 passed by a vote of 6 ayes with 1 absence (Campbell).**

- 7. Z2022-012 - Hold a public hearing to discuss and consider approval of an ordinance for a *Text Amendment* to Section 06, *Overlay Districts*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] for the purpose of incorporating Airport Overlay (AP OV) District, and take any action necessary (1st Reading).**

**Planning Director, Ryan Miller provided background information pertaining to this agenda item. In response to a recommendation by the Airport Subcommittee of the City Council, staff created the framework for an Airport Overlay (AP OV) District in 2014. This document was prepared in accordance with Chapter 241, Municipal and County Zoning Authority Around Airports, of the Texas Local Government Code, which enables municipalities to draft land use restrictions for properties adjacent to airports -- which are used in the interest of the general public -- to prevent the creation of an airport hazard (§214.012). The City Council reviewed this text amendment on September 15, 2014 after being unanimously recommended for approval by the Airport Zoning Commission (i.e. the Planning and Zoning Commission) on September 9, 2014. Ultimately, the City Council chose not to act on the text amendment (Case No. Z2014-022) citing that "... after further discussion with the Airport Subcommittee, they [the Airport Subcommittee] are comfortable with recommending that the City Council leave the zoning 'as is' at this time ..."** More recently, the City has seen an increase in air traffic at the Ralph Hall Municipal Airport and the development of vacant land in and around the airport. In working with TXDOT Aviation and the City's Airport Consultants -- Garver USA and the Solco, Group -- to address concerns with development in the area, the idea of an Airport Overlay (AP OV) District was revisited as a way to: [1] protect the City's grant assurances and [2] to prevent inconsistent development from being approved around the airport. Based on this, staff has revised the 2014 Airport Overlay (AP OV) District document to ensure that it meets all the current standards of TXDOT Aviation and the Texas Local Government Code. Garver USA has also reviewed and helped staff revise the document to ensure compliance. Staff has sent the revised document to TXDOT Aviation for review and has received a response stating they have no major changes to the document. In accordance, with Section 02.04(B) of Article 11, Development Applications and Review Procedures, of the Unified Development Code (UDC) and Ordinance No. 14-28, staff brought the proposed amendment forward to the Planning and Zoning Commission (i.e. the Airport Zoning Commission) for a recommendation to the City Council. On March 15, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the text amendment by a vote of 4-0, with Commissioners Chodun, Thomas and Conway absent. Staff has sent out a 15-day notice to the Rockwall Herald Banner in accordance with all applicable state laws and Section 02.03(A)(3) of Article 11, Development Applications and Review Procedures, of the Unified Development Code (UDC). In addition, on February 25, 2022 staff sent out property owner notifications to the 28 properties that could be affected by the proposed Airport Overlay (AP OV) District. This was done in accordance with the procedures and requirements of the Texas Local Government Code.

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

Dennis Lewis  
310 Harbor Landing Drive  
Rockwall, TX 75032

Margie Verhagen,  
Executive Director of Rockwall County Meals on Wheels located on SH-276

Mr. Lewis came forth and shared that he is head of the Board of the local Meals on Wheels organization, and that organization owns a piece of property right near this location (he pointed it out on a map). He went on to explain some of the Meals on Wheels partners and how Meals on Wheels currently depends on other organizations to prepare all the meals they end up delivering to their clients. Eventually, though, Meals on Wheels desires to have its own offices built on the piece of property that it owns in this area. They also desire to have cooking facilities on-site where they can oversee preparing their own meals. Mr. Lewis indicated that hopefully in about three years or so, Meals on Wheels will have raised enough money to build such a facility on its own. Mr. Lewis expressed that he and Mrs. Verhagen want to be sure that everyone is on the 'same page' and that – eventually, in the future – Meals on Wheels will be allowed to build its one-story building. Mrs. Verhagen generally expressed that the organization would like to get something in writing saying that the balance of the land will have no restrictions placed on it (which is something needed when the organization is seeking to secure funding).

Mr. Miller shared, on the record, that the balance of the property will not be affected by the Airport Overlay District. Only the triangular piece that is depicted on the map will be affected.

Martin Ramirez  
972 Dogwood Lane  
Rockwall, TX

Mr. Ramirez shared that he has been fortunate to be able to rent a hangar at the municipal airport for many years. He went on to share details of the types of aircraft that operate at the municipal airport and the associated hangar sizes that would be needed in order to accommodate said aircraft. He generally expressed a desire to keep any hangars that may be constructed in the future having door widths of 40' instead of 50'.

Bill Bricker  
505 Westway Drive  
Rockwall, TX

Mr. Bricker came forth and shared that he owns quite a bit of property that will likely be impacted by this Airport Overlay District. His son is a pilot, and he and his son fly in and out of this municipal airport quite a bit. They have both studied this proposed text amendment (ordinance). They do not believe it would adversely impact the property they own. He went on to stress the importance of safety and briefly express concerns related to to briefly comment about the width of the hangar doors that may ultimately be constructed. He generally spoke in favor of approval of this ordinance.

Clark Staggs  
1601 Seascape Court  
Rockwall, TX

Mr. Staggs indicated that he is in favor of the Overlay District. He mentioned that he is unaware of the specific amount of increased air traffic at the airport, but he does acknowledge that its use has in fact increased. He has some concerns about a couple of airplane crashes that have happened in recent years. He went on to encourage Council to allow the developers to decide what width of airport hangar entrance would be best suited to fit the aircraft that will be housed within future-constructed hangars. He generally requested that the one paragraph within the proposed ordinance that deals with the airport hangar width be deleted entirely from the ordinance language so as to eliminate any potential future problems. He went on to also express that he prefers to have something lesser than 90% brick or masonry as a requirement.

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

Councilmember Johannesen clarified that city staff surveyed other municipal airports to aid in developing the language contained within this proposed ordinance.

Councilmember Johannesen moved to approve Z2022-012. Mayor Pro Tem Hohenshelt seconded the motion. Councilmember Macalik shared that if a developer comes in at a later date and wants to propose something different (width-wise on the hangar openings), then the developer will need to seek a variance. Mr. Miller explained that any multi-hangar developments proposed in the future would be coming before the council for consideration as "Planned Development Districts."

Following brief discussion, 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 THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING ARTICLE 05, *DISTRICT DEVELOPMENT STANDARDS*, AS DEPCITED IN *EXHIBIT 'A'* 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 (Campbell).

**XI. 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 off of North Goliad Street pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney)

**XII. 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.

XIII. ADJOURNMENT

Mayor Fowler adjourned the meeting at 8:18 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 4<sup>th</sup> DAY  
OF APRIL, 2022.



\_\_\_\_\_  
KEVIN FOWLER, MAYOR

ATTEST:

  
\_\_\_\_\_  
KRISTY TEAGUE, CITY SECRETARY

