
ROCKWALL CITY COUNCIL REGULAR MEETING
Monday, August 02, 2021 - 5:00 PM
City Hall Council Chambers - 385 Goliad St., Rockwall, TX 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Kevin Fowler called the public meeting to order at 5:03 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem John Hohenshelt and Council Members Clarence Jorif, Dana Macalik, Anna Campbell, and Bennie Daniels. Also present were City Manager Mary Smith, Assistant City Manager Joey Boyd, and City Attorney Frank Garza. Council Member Trace Johannesen was absent from the meeting.

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 the appointment of the City Manager, pursuant to Section 551.074 (Personnel Matters) and 551.071 (Consultation with Attorney).

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive 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.

V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER MACALIK

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

VI. PROCLAMATIONS

1. **Presentation of Citizen Lifesaving Awards to:**
Rockwall Fire Department
Greg Givens,
Andrew Burton, and
Zach Yates
2. **Presentation of Citizen Life Saving Awards to:**
Rockwall Police Department
Officer Aaron Raymond and Officer David Taylor

Mayor Fowler, Police Chief Max Geron and Fire Chief Kenneth Cullins came forth. Chief Geron read a synopsis of the recent life-saving act that his officers and members of the Rockwall Fire Dept. were involved in. Chief Geron then called forth his police staff members

and presented them with their honorary awards. Chief Cullins then read a similar synopsis (about the same incident), and his Fire Dept. staff members came forth and received their awards.

3. Professional Engineers Day

City Engineer/Director of Public Works, Amy Williams came forth along with a member of her staff and two, local engineers. Mayor Fowler then read and presented them with this proclamation.

VII. OPEN FORUM

Mayor Fowler explained how Open Forum is conducted. He indicated that he would first like the P&Z Chairman to come forth and brief the Council on the recent meeting that was held last week. Jerry Welch, a commissioner on the city's P&Z then came forth and briefed Council on recommendations of the Commission relative to planning-related items on tonight's meeting agenda.

Councilmember Macalik then recognized and thanked the City's Parks Department and Parks & Rec. Director, Travis Sales for their recent recognition of the late Scott Self. She explained that a brief ceremony was recently held at The Harbor during one of the city's recent Concerts by the Lake. During the ceremony, the lighthouse at The Harbor was dedicated in honor/memory of Mr. Self's. She thanked staff members for their professionalism and the wonderful tribute they delivered that evening.

Harry Green
1235 Waters Edge Drive
Rockwall, TX

Mr. Green came forth to speak about the apartments that are to set to be built in the downtown area. He spoke in strong opposition to the zoning and the construction of these apartments.

Josh Tucker
544 LaGrange Drive
Fate, TX

Mr. Tucker came forth and explained that he has concerns about the existing 380 development agreement that is in place concerning the apartments that are set to be constructed in the downtown area. He believes that the 380 development agreement is not enforceable, and he believes that any future 380 development agreements should not be discussed in Executive Session. He generally spoke in opposition of this agreement and the associated apartments.

Lesley Pettengill
2130 FM 1141
Rockwall, TX

Mrs. Pettengill came forth and expressed concern about residential lots that are set to be built directly across the street from her home. She explained that water has been continually flowing onto her property, and she was recently informed that the City has been flushing its fire hydrants frequently. This has caused her pond to be up to the brim, and she has concerns about this excess

water. She shared that she has lived there for 9 years, and she has never witnessed that much water coming onto her property from flushing of fire hydrants.

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

VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Hohenshelt moved to approve the employment contract with Mary Smith to have her "interim" title removed and promoting her to now be the permanent city manager. Mayor Fowler seconded the motion, which passed by a vote of 6 ayes with 1 absence (Johannesen). Following a few brief comments, Mrs. Smith and Mayor Fowler signed her employment contract, and Mrs. Smith introduced her daughter, Emily, who was present in the audience.

IX. CONSENT AGENDA

1. Consider approval of the minutes from the July 19, 2021 regular city council meeting, and take any action necessary.
2. **Z2021-020** - Consider a request by St. Benedict's Anglican Church on behalf of Brett Hall for the approval of an ordinance for a Specific Use Permit (SUP) allowing a *House of Worship* on a 7.45-acre tract of land identified as Tract 3 & 10 of the W. B. Bowles Survey, Abstract No. 12 and A. Hanna Survey Abstract No. 98, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, 1500 Sunset Hill Drive, and take any action necessary **(2nd Reading)**.
3. **Z2021-021** - Consider a request by Stephen Seitz of Seitz Architects, Inc. on behalf of Jim Vaudagna of the Vault Self-Storage for the approval of an ordinance for a Specific Use Permit (SUP) allowing the expansion of an existing *Mini-Warehouse Facility* on a 6.06-acre parcel of land identified as Lot 1, Block C, Rockwall Business Park East Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, addressed as 1280 E. Ralph Hall Parkway, and take any action necessary **(2nd Reading)**.
4. **Z2021-022** - Consider a request by Ignacio Cardenas for the approval of an ordinance for a Specific Use Permit (SUP) allowing *Residential Infill in an Established Subdivision* on a 0.158-acre parcel of land identified as Lot 810-A0 of the Lake Rockwall Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 147 Eva Place, and take any action necessary **(2nd Reading)**.
5. **Z2021-024** - Consider a request by Greg Wallis of Mershawn Architects on behalf of Kris Sharp for the approval of an ordinance for a Zoning Change amending Planned Development District 46 (PD-46) to allow *Warehouse* as a permitted land use on a 1.90-acre parcel of land identified as Lot 5, Block A, Sharp Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 46 (PD-46) for Commercial (C) District land uses, addressed as 3301 Springer Road, and take any action necessary **(2nd Reading)**.
6. **Z2021-025** - Consider a request by Kevin Osornio for the approval of an ordinance for a Specific Use Permit (SUP) allowing *Residential Infill in an Established Subdivision* on a 0.1650-acre parcel of land identified as Lot 908A of the Lake Rockwall Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 154 Lynne Drive, and take any action necessary **(2nd Reading)**.
7. **A2021-005** - Consider approval of an ordinance reducing the City's Extraterritorial Jurisdiction (ETJ) by releasing a 3,475.20-acre tract of land generally located north of the boundary between Rockwall County and Collin County, and take any action necessary **(2nd Reading)**.
8. **P2021-038** - Consider a request by Bill Thomas of Engineering Concepts & Design on behalf of Josh Swiercinsky of 7.1 Ridge, LLC for the approval of a Replat for Lots 2-7, Block A, Sky Ridge Addition being a 8.583-acre parcel of land identified as Lot 1, Block A, Sky Ridge Addition, City of Rockwall, Rockwall

County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District, generally located west of the intersection of Ridge Road [FM-740] and W. Yellow Jacket Lane, and take any action necessary.

9. **P2021-039** - Consider a request by Shanon Thomas of Rockwall Friendship Baptist Church for the approval of a Final Plat for Lot 1, Block A, Rockwall Friendship Baptist Church Addition being a 3.94-acre tract of land identified as Tract 1-8 of the J. H. Bailey Survey, Abstract No. 22, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-276 Overlay (SH-276 OV) District, addressed as 5651 SH-276, and take any action necessary.
10. **P2021-042** - Consider a request by Justin Lansdowne of McAdams Co. on behalf of John Delin of RW Ladera, LLC for the approval of a Replat for Lot 2, Block A, Ladera Rockwall Addition being a 37.8-acre tract of land identified as Lot 1, Block A, Ladera Rockwall Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 85 (PD-85), situated within the 205 By-Pass Overlay (205 BY-OV) and the East SH-66 Overlay (E SH-66 OV) District, located at the northeast corner of the intersection of SH-66 and John King Boulevard, and take any action necessary.
11. **P2021-043** - Consider a request by Randall Eardley of Wier & Associates, Inc. on behalf of Stephen Doyle of Structured REA-Rockwall Land, LLC for the approval of a Conveyance Plat for Lots 1 & 2, Block B, Fit Sport Life Addition being a 12.807-acre portion of a larger 31.65-acre tract of land identified as Tract 22-2 of the R. Irvine Survey, Abstract No. 120, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, generally located at the southeast corner of the intersection of Corporate Crossing [FM-549] and the IH-30 Frontage Road, and take any action necessary.
12. **MIS2021-008** - Consider a request by Ronny Klingbeil of RLK Engineering, Inc. on behalf of Will Salee of Rockwall ISD for the approval of an Alternative Tree Mitigation Settlement Agreement for a 35.295-acre parcel of land identified as Lot 1, Block A, Rockwall High School Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 901 W. Yellow Jacket Lane, and take any action necessary.
13. Consider an **ordinance** approving a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corporation, Mid-Tex Division regarding the 2021 Rate Review Mechanism filing, adopting tariffs as part of the settlement, and take any action necessary.
14. Consider a resolution repealing Resolution No. 19-15 and approving a new resolution to establish an updated fee schedule for Permit, Health and Misc. Fees, for the city, and take any action necessary.
15. Consider authorizing the City Manager to negotiate an agreement with WME for Founders Day Festival 2022 entertainment to be paid from Hotel Occupancy Tax Funds in the amount of \$35,000, and take any action necessary.

Councilmember Hohenshelt moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15). Councilmember Daniels seconded the motion. The ordinance captions were read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-29
SPECIFIC USE PERMIT NO. S-250**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A CHURCH/HOUSE OF WORSHIP WITHIN A SINGLE-FAMILY 10 (SF-10) DISTRICT, ON A 7.45-ACRE TRACT OF LAND, IDENTIFIED AS TRACTS

3 & 10 OF THE W. B. BOWLES SURVEY, ABSTRACT NO. 12 AND THE A. HANNA SURVEY, ABSTRACT NO. 98, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 21-30
SPECIFIC USE PERMIT NO. S-251

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW THE EXPANSION OF AN EXISTING MINI-WAREHOUSE FACILITY WITHIN A COMMERCIAL (C) DISTRICT AS SPECIFIED WITHIN ARTICLE 04, *PERMISSIBLE USES*, OF THE UNIFIED DEVELOPMENT CODE, FOR A 6.06-ACRE PARCEL OF LAND ZONED COMMERCIAL (C) DISTRICT, AND DESCRIBED AS LOT 1, BLOCK C OF THE ROCKWALL BUSINESS PARK EAST ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND DESCRIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 21-31
SPECIFIC USE PERMIT NO. S-252

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 75 (PD-75) [*ORDINANCE NO. 16-01*] AND THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL , ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.158-ACRE TRACT OF LAND, IDENTIFIED AS LOT 810-A0, ROCKWALL LAKE ESTATES #2 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE;

PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 21-32

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING PLANNED DEVELOPMENT DISTRICT 46 (PD-46) [ORDINANCE NO. 99-05] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, FOR THE PURPOSE OF AMENDING PLANNED DEVELOPMENT DISTRICT 46 (PD-46), BEING A 47.37-ACRE TRACT OF LAND SITUATED WITHIN THE J. A. RAMSEY SURVEY, ABSTRACT NO. 186, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED AND DEPICTED HEREIN BY *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 21-33
SPECIFIC USE PERMIT NO. S-253

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 75 (PD-75) [ORDINANCE NO. 16-01] AND THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL , ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.165-ACRE TRACT OF LAND, IDENTIFIED AS LOT 908A, ROCKWALL LAKE ESTATES #2 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**CITY OF ROCKWALL
ORDINANCE NO. 21-35**

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

**CITY OF ROCKWALL
ORDINANCE NO. 21-37**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2021 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.

The motion passed by a vote of 6 ayes with 1 absent (Johannesen).

X. APPOINTMENT ITEMS

- 1. Appointment with Joy Bounds Murphy to present concerns regarding frequent power outages in the vicinity of Tanya Drive, and take any action necessary**

Jerry Welch

1509 S. Lakeshore Drive
Rockwall, TX

Mr. Welch came forth on behalf of Mrs. Murphy who was not able to be present this evening, and he is her neighbor. He went on to explain that about 28 homes in and around his and Mrs. Murphy's homes keep on losing power, and the reliability of Oncor's electric service has been very sketchy. He, Mrs. Murphy and their neighbors who have been impacted have had great concerns about the electricity's unreliability. He explained that he recently spoke to Cindy Tayem with Oncor, and she explained several things that the company will be doing in order to rectify the power outages that have been occurring.

Mayor Fowler then called for Cindy Tayem with Oncor to come forth and speak regarding this topic. Mrs. Tayem introduced a couple of other Oncor representatives who are with her this evening. Mrs. Tayem went on to explain the various causes and proposed remedies that the company will be undertaking to address these power outages. She explained that eight transformers will be replaced this fall (when it is cooler), and each transformer will result in 3-4 hours of power outage for the customers in that area during the time the work is being done to replace them. She went on to share the various exploratory efforts that the company has and continues to make in order to pinpoint the causes and solutions concerning power outages.

The Council took no action as a result of this appointment item and the associated discussion.

2. Appointment with Bob Wacker to hear his comments regarding SP2021-001, and take any action necessary.

Bob Wacker
309 Featherstone Dr.
Rockwall, TX

Mr. Wacker came forth and spoke about the above referenced case (regarding the sale of the parking lot that has been a police department parking lot and the future construction of 'apartments' ("Urban Residential") in its place (in the downtown area)). He generally shared various reasons why he believes the bid and associated documentation are invalid. He went on to share many concerns that he and others (who contributed to his PowerPoint presentation) have concerning construction of the apartments (i.e. variances, height, safety of pedestrians, no sidewalks, fire lanes and fire department access, etc.). He requested that the details of his presentation be put into the 'public record,' expressing concern that the city's meeting minutes are usually general and not specific. He strongly encouraged the Council to consider the concerns he has shared this evening, and he generally expressed a desire for the City to figure out a way to get out of this 'deal.'

Mayor Fowler provided follow-up comments, generally indicating that he has asked City Attorney Frank Garza to take detailed notes on Mr. Wacker's points and then address each one of them. Indication was given that the City Attorney and/or the city's Planning Director will address each of these points at a future Council meeting.

Councilmembers Jorif and Macalik generally thanked Mr. Wacker for his time in addressing the Council and for his passion for the City of Rockwall. Mayor Pro Tem Hohenshelt went on to provide various comments of concern in response to some of Mr. Wacker's comments.

No action was taken as a result of this Appointment Item.

XI. PUBLIC HEARING ITEMS

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

Planning Director Ryan Miller provided detailed background information concerning this agenda item. On July 2, 2021, staff mailed 1,752 notices to property owners and occupants within 500-feet of the subject property. In addition, staff notified the Lago Vista, Eater's Edge at Lake Ray Hubbard, Signal Ridge and Signal Ridge Phase 4, Fox Chase, Benton Woods, and Chandler's Landing 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. 19 notices have been received back expressing opposition to the applicant's request, and 17 notices have been received back in favor.

On July 13, 2021, the Planning and Zoning Commission voted 6-0 (with Commissioner Deckard absent) to table Case No. Z2021-026 to the July 27, 2021 Planning and Zoning Commission meeting. On July 27, 2021, the Planning and Zoning Commission approved a motion to recommend approval of the applicant's request by a vote of 7-0.

A gentleman representing the applicant then came forth to address the Council concerning this item.

Curtis Young
The Sage Group, on behalf of:
Newstream Capital Partners, Inc.
311 South Oak St., #250
Roanoke, TX 76262

Mr. Young mentioned that the applicant had a family emergency and could not be present this evening. He explained that they have been working on this project for about two years now; however, the pandemic last year did slow things down some. They have met numerous times with the Chandler's Landing HOA and its "Environmental Committee" to discuss this project. He went on to generally describe the history of this piece of property over the years. He indicated that this project will comply with the height limits that are defined within this "PD" (planned development district). He indicated that total open space is approaching 40%. He spoke about the lots (Qty: 36), the sidewalks and/or trails, 'anti-monotony' as far as the

look of the front facades, ingress and egress, amenities, minimum square footage of the units, etc.

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

Chip Imrie
323 Harbor Landing Drive
Rockwall, TX 75032

Mr. Imrie came forth and shared that he is on the Board of Directors for the Chandler's Landing Homeowner's Association (he is Vice President). The HOA's Environmental Subcommittee has extensively reviewed this and previous proposals concerning this piece of land. In the twenty-three years he has lived in Chandler's Landing, he believes this plan is one that most closely meets the intent of the zoning for this piece of land. There was really not too much objection to this proposal at a recent HOA meeting – just some residents who attended and asked clarifying questions (concerning amenities and which residents will have access to utilize said amenities). He shared that the HOA is not opposed to the project, but he would like the applicant to adhere to the architectural standards of not only the city but of the Chandler's Landing HOA as well. Former Councilman Lewis has expressed support of this project too. The price point of these proposed townhomes will be in the high \$400k's to low \$500k's. He went on to offer general comments in support of this proposal.

Mayor Fowler closed the public hearing and brought the proposal before Council for discussion. Councilmember Daniels spoke about the anti-monotony standards of the city as compared to what this developer is proposing, generally expressing concerns in this regard. Mr. Young agreed that every unit and every-other-unit should not look the same; however, he has concerns, from an architectural standpoint, of it not looking so 'tricked up' (essentially having too much variation in how the units look). Discussion then ensued pertaining to sidewalks and 'trails.'

Councilmember Macalik shared that there are no sidewalks located anywhere elsewhere within the Chandler's Landing subdivision, so this development will be the only place where sidewalks are present. She generally spoke in favor of the anti-monotony that is proposed as far as the look and façade of the proposed townhomes.

Mayor Pro Tem Hohenshelt moved to approve Z2021-026. Councilmember Macalik seconded the motion. The ordinance was read as follows:

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 8 (PD-8) AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO AMEND THE PLANNED DEVELOPMENT CONCEPT PLAN AND DEVELOPMENT STANDARDS APPROVED WITH ORDINANCE NO. 92-39, 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 AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED HEREIN BY *EXHIBIT 'B'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes with 1 absence (Johannesen).

XII. ACTION ITEMS

1. **A2021-004** - Discuss and consider the approval of an ordinance annexing a 20.83-acre tract of land in accordance with a 212 Development Agreement and identified as Tract 22 of the W. M. Dalton Survey, Abstract No. 72, Rockwall County, Texas, addressed as 427 Clem Road, and take any action necessary (2nd Reading).

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

CITY OF ROCKWALL ORDINANCE NO. 21-34

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

The motion passed by a vote of 5 in favor, 1 against (Campbell), and 1 absence (Johannesen).

2. **Z2021-027** - Discuss and consider approval of an ordinance amending Planned Development District 91 (PD-91) [*Ordinance No. 21-17*] to incorporate a 20.83-acre tract of land in accordance with a 212 Development Agreement and identified as Tract 22 of the W. M. Dalton Survey, Abstract No. 72, Rockwall County, Texas, addressed as 427 Clem Road, and take any action necessary (2nd Reading).

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

CITY OF ROCKWALL ORDINANCE NO. 21-36

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO PLANNED DEVELOPMENT DISTRICT 91 (PD-91) FOR SINGLE-FAMILY 16 (SF-16) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 58.842-ACRE TRACT OF LAND IDENTIFIED AS TRACT 17, 17-01, & 22 OF THE W. M. DALTON SURVEY, ABSTRACT NO. 72, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A' AND DEPICTED HEREIN BY EXHIBIT 'B'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 5 ayes, 1 against (Campbell) and 1 absence (Johannesen).

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

Mayor Pro Tem Hohenshelt explained that Carolyn Francisco is 'termining out' on the city's Historic Preservation Advisory Board (HPAB). He thanked her for her many years of service on the board. He then moved to appoint Marci Hall to replace Carolyn Francisco on the city's Historic Preservation Advisory Board (term to run thru August of 2023).

Also regarding the HPAB, Hohenshelt moved to reappoint the following board members:

- Sarah Freed**
- Jay Odom and**
- Brad Adams**

Mayor Fowler seconded the motion, which passed by a vote of 6 in favor with 1 absence (Johannesen).

XIII. CITY MANAGER'S REPORT, DEPARTMENTAL REPORTS AND RELATED DISCUSSIONS PERTAINING TO CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

- 1.** Building Inspections Monthly Report - June 2021
- 2.** Fire Department Monthly Report - June 2021
- 3.** Parks & Recreation Department Monthly Report - June 2021
- 4.** Police Department Monthly Report - June 2021
- 5.** Sales Tax Historical Comparison
- 6.** Water Consumption Historical Statistics

City Manager Mary Smith thanked Travis Sales and the Parks Department for another excellent "Concerts by the Lake" music series that recently concluded for the season. She

also thanked Police Chief Geron for his staff providing good crowd control and policing at the concerts. Parks & Rec staff will be preparing for "Rib Rub," and the Budget Work Session will be held the evening of August 24 here in the Council Chambers.

XIV. EXECUTIVE SESSION.

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

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

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

Council did not reconvene in Executive Session following the close of the public meeting agenda. See minutes above, just after the start of the 6:00 p.m. public meeting, for action taken at that time.

XVI. ADJOURNMENT

Mayor Fowler adjourned the meeting at 8:12 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ON THIS 16th DAY OF AUGUST, 2021.



KEVIN FOWLER, MAYOR

ATTEST:


KRISTY COLE, CITY SECRETARY

