
ROCKWALL CITY COUNCIL REGULAR MEETING**Monday, April 17, 2023 - 5:00 PM****City Hall Council Chambers - 385 Goliad St., Rockwall, TX 75087****I. CALL PUBLIC MEETING TO ORDER**

Mayor Fowler called the public meeting to order at 5:00 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem Trace Johannesen, and Councilmembers Dennis Lewis, Clarence Jorif, Anna Campbell, and Bennie Daniels. Assistant City Manager Joey Boyd was also present, and City Attorney Frank Garza was present for Executive Session via video teleconference (ZOOM). City Councilmember Mark Moeller and City Manager Mary Smith were absent from the meeting.

Mayor Fowler read the below-listed discussion items into the record before recessing the public meeting to go into Executive Session.

II. EXECUTIVE SESSION.

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

1. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees - specifically the N. TX Municipal Water District (NTMWD) - pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding process associated with filling upcoming vacancy for City Council Member - Place 4, pursuant to Section 551.074 (Personnel Matters) and Section §551.071 (Consultation with Attorney)
Discussion regarding status of *North TX Municipal Water District (NTMWD) v. City of Heath* lawsuit ,
3. pursuant to Section 551.071 (Consultation with Attorney)
4. Discuss and consider the approval of an **ordinance** amending Article IV, *Noise*, of Chapter 16, *Environment*, of the Municipal Code of Ordinances for the purpose of extending the applicability of this section, and take any action necessary. (1st Reading)

III. ADJOURN EXECUTIVE SESSION

Council adjourned Ex. Session at 5:57 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 DANIELS

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

VI. PROCLAMATIONS / AWARDS / RECOGNITIONS

1. "Happy 103rd, Harvey!" Day Proclamation
2. Citizen Lifesaving Award - Gustavo Rubio - Rockwall Fire Department Explorer
3. Outstanding Unit Citation – Rockwall Fire Department, Engine 2 Shift A & Rockwall County EMS
Firefighter Michael Sauder
Firefighter Julio Peralta
Firefighter Bogdan Rusmanica

Harvey Ladd came forth and was recognized for his 103rd birthday by Mayor Fowler and representatives from Representative Justin Holland's and Senator Bob Hall's office.

Regarding items #2 and #3 above, Fire Chief Kenneth Cullins came forth, along with representatives from Rockwall County EMS/Medic Rescue to recognize each of these individuals for saving lives. Gustavo Rubio, a high school student currently participating in the Rockwall Fire Department's "Explorers Program" was recognized for performing the Heimlich maneuver on a fellow student at his high school – North Forney High – and saving the student's life.

Regarding Firefighters Sauder, Peralta and Rusmanica, Chief Cullins read and presented an Outstanding Unit Citation, for this crew helping save the life of a patient who had been choking and was unresponsive when they arrived, yet ended up making a full recovery thereafter.

Regarding this same choking incident, Russ Warren, Chief of Operations with Rockwall County EMS, then read and presented awards to two paramedics – Riley Watson and Seth Bogard - who worked on the same patient, also helping to save the choking patient's life.

VII. OPEN FORUM

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

Scott Mullen
1190 Crestcove Drive
Rockwall, TX

Mr. Mullen shared that he is one of the business owners of "The Northside (Bar & Grill)," which he generally indicated is an outdoor, family friendly entertainment venue (located just outside of Rockwall's north city limits). His business caters to people ranging in age from 25 to 55 years old and their families. Mr. Mullen shared that his business has been more popular than expected. He is privy to comments made at a city council meeting a couple of meetings ago. He is here to set the record straight. He indicated his venue is not open until 2AM. He has cameras on site that will indicate otherwise. Furthermore, he has been on site since March 4, and only one person has reached out to him to ask about the noise. And, when that person did reach out, the music was turned down. It stays open until 9PM on weekdays and closes at 11PM on Fridays and Saturdays. Live music is played from 6-9PM on Fridays and from 5-8PM on Saturdays and from 2-5PM on Sundays. On Tuesdays, there is karaoke, and on Thursdays there are family friendly movies shown. He explained that he would like the opportunity to continue operating his business in a respectful manner here in Rockwall County.

Don Mullen
814 Petterson Street
Royse City, TX

Mr. Mullen shared that he is the father of Scott Mullen (mentioned above). He fears that information previously provided to the city council at a prior council meeting was not accurate. Mr. Mullen shared that his venue has never been open until 2AM. He does not agree that they are open that late and that there is loud music and nuisances occurring. He shared that about 95% of the feedback he has heard regarding the venue has been very positive. He is not aware of a lot of complaints that have been brought to his or his son's attention. He believes his son's venue provides a much-needed entertainment venue to the north side of the community. He encouraged city leadership to come out to see and visit the venue

in person before making any ordinance-related changes that would restrict noise. He generally shared that he would like to work with everyone to make everyone happy.

Keith Austin
3918 Gatewick
(in the Castle Ridge Estates subdivision)

Mr. Austin came forth and shared that he lives in a home that directly abuts The Northside venue, and he and his wife hear no nuisance-related noise when sitting out on their back patio at night.

Jana Durfee
828 Cedarbluff Drive
Rockwall, TX 75087

Mrs. Durfree came forth and shared that her home also abuts The Northside, and she never hears the music while inside of her home. Also, on occasion, she can hear the noise while outside in her backyard, but it is no louder than what she would hear if a neighbor or herself were playing music while outdoors.

Jennifer Dayman
519 Cellars Court
Rockwall, TX
(the Harland Park subdivision)

Mrs. Dayman came forth and shared that she is glad to know that some of her neighbors are not having the issues that she and her family are experiencing related to loud music and noise coming from The Northside venue. However, where she personally lives, the noise is loud, and it happens even on weeknights. For example, she had to call the Sheriff's office because at 9:57 PM on a Tuesday night the noise was occurring, and it went on until about 10:45 p.m. that night. She went on to express that when she calls the venue, no one answers, and there is no ability to leave a message. So she remains frustrated, recognizing it may not be the best time to have dialogue (when she's frustrated). She invited Council Members to come visit her back yard and/or her home to listen to and experience the loud noise and music she is having to deal with on a regular, recurring basis at her home. She generally encouraged the Council to pass a noise-related ordinance that would help rectify the situation.

Dennis Dayman
519 Cellars Court
Rockwall, TX

Mr. Dayman came forth and shared sentiments that the owners of The Northside venue are not "neighbor friendly." He expressed the belief that the Northside Bar and Grill does not care about the neighbors or their concerns. He strongly encouraged the City to evaluate how to rectify – not only the loud music and noise – but also patrons parking in areas where they should not be parking and trespassing on private property. He generally expressed strong concern about public nuisance-related activities taking place in and around the Northside Bar and Grill venue.

Yvonne Sullivan
521 Cellars Court
Rockwall, TX

Mrs. Sullivan shared that she agrees with what The Dayman's have come forth and shared. She personally has a frustration level that is quite high, and she is at a loss to know what to do. Mrs. Sullivan shared that

she welcomes 'common sense.' She believes this is a matter of – “not what we *CAN* do” – but, rather “what we *should* do.” Mrs. Sullivan shared that windows in her living room bang and clatter due to the loud music.

Sulaine Callaway
517 Cellars Court
Rockwall, TX

Mrs. Callaway shared that she and some of her neighbors met with the owners of The Northside venue prior to it being established, and residents were assured that the things that are now occurring would in fact not occur. However, unfortunately, that is not true. She generally went on to describe the nature of the loud music that only seems to get worse and worse and louder and louder. Also, the music is not just on the weekends – it occurs on weekdays as well. She will appreciate any help that the City can possibly provide regarding these concerns.

Tisa White
3718 Huntcliff Drive
Rockwall, TX 75087

Mrs. White shared that she lives near The Northside venue. She asked ‘if there are no problems occurring, then what is the problem with the city passing a noise-related ordinance?’ Mrs. White shared that she and her family moved here in 1990. A few years ago, she and her husband bought their dream home in Castle Ridge, and they absolutely love their home. She speaks to folks about ‘death and dying’ a lot in her course of work. So, coming home is a reprieve, and – although she wants her home to be her ‘sanctuary’ – it is not able to be so due to the loud, awful noise / music. She begged the Council to do what they can to make the noise stop.

Jennifer Ziesk
7120 Hunt Lane
Rockwall, TX 75087

Mrs. Ziesk shared that she has been a resident at this address since 2013. She lives 2.9 miles from the venue, and – from her back yard – she can hear the entire musical playlist from The Northside venue. It is not fun to hear from her home. It is a complete nuisance. She invited Council to come visit her back yard and hear and observe what she hears and is experiencing. She believes that the loud music noise needs to be scaled back. She went on to read brief letters of concern from Robert and Connie Brennan at 505 Bessie Street and Gilbert and Georgia Pier at 7133 Hunt Lane. They are two neighbors who live even further away from the outdoor music venue than she does, and they too hear awfully loud music and noises from their homes. She generally expressed support for rectifying the noise and nuisances.

Chase Myrick
2224 Barlass Drive
Rockwall, TX 75087

Mr. Myrick came forth, indicating he is one of the owners of The Northside Bar & Grill. He shared that he is happy to adjust the sound volumes and redirect the speakers so as to help be respectful of neighbors.

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 Johannesen moved to reappoint Chip Imrie to serve an additional, two-year term on the North Texas Municipal Water District Board of Directors (from June 1 2023 – May 31, 2025). Councilmember Jorif seconded the motion, which passed by a vote of 6 ayes with 1 absence (Moeller).

IX. CONSENT AGENDA

1. Consider approval of the minutes from the April 3, 2023 regular city council meeting, and take any action necessary.
2. Consider approval of an **ordinance** amending Chapter 10. Building and Building Regulations, Articles III, IV, V, VI, VII, VIII, IX, X, and XI of the Municipal Code of Ordinances and adopting a new Article XVII, for the purpose of adopting the 2021 International Building, Residential, Mechanical, Plumbing, Fuel Gas, Energy Conservation, Electrical, Building, and Swimming Pool and Spa Codes, including reflecting local amendments, exceptions and related changes, and take any action necessary. **(2nd reading)**
3. Consider an **ordinance** repealing Article II. Fire Code Standards, Secs. 18-32 and 18-33 of Chapter 18. Fire Prevention and Protection of the Rockwall Municipal Code of Ordinances and adopting new Secs. 18-32 and 18-33 for the purpose of adopting the 2021 International Fire Code including certain Appendices (B, D, H, L and N) and reflecting local amendments, exceptions, and related changes while retaining Subsection (41) (2006 IFC, Section 903.2, as adopted by Ord. 11-24), and take any action necessary. **(2nd reading)**
4. Consider an **ordinance** amending Section 26-505, *Prohibited in Specific Places*, of Article VII, *Stopping, Standing, or Parking*, of Chapter 26, *Motor Vehicles & Traffic*, of the Municipal Code of Ordinances to include the prohibition of parking on N. Goliad Street from FM-552 to John King Boulevard and on Shenandoah Lane from All Angels Hill Lane to the eastern terminus of Shenandoah Lane, and take any action necessary. **(2nd reading)**
5. **P2023-006** - Consider a request by Matthew Deyermond on behalf of Donald Wallace for the approval of a Final Plat for Lots 1-3, Block A, Wallace Addition being a 8.17-acre tract of land being identified as all of Tracts 45-02 & 45-07 and a portion of Tract 44-01 of the W. W. Ford Survey, Abstract No. 80 of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 1.5 (SFE-1.5) District, generally located on the northside of Wallace Lane, and take any action necessary.
6. **P2023-007** - Consider a request by Ryan Joyce on Michael Joyce Properties on behalf of Bret Pedigo of TM Terraces, LCC for the approval of a Final Plat for the Terraces Subdivision consisting of 181 single-family residential lots on a 94.144-acre tract of land being identified as a portion of Tract 4 & 4-01 of the M. B. Jones Survey, Abstract No. 122 and Tracts 13 & 25 and a portion of Tracts 25-1 & 26 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District and Planned Development District 93 (PD-93) for Single-Family 10 (SF-10) District land uses, situated within the SH-66 Overlay (SH-66 OV) District, located south of the intersection of Cornelius Road and FM-1141, and take any action necessary.
7. Consider approval of a resolution affirming application for a 2023 Texas Parks and Wildlife Boating Access Grant in the amount of \$1,250,000.00 for parking expansion at the SH-66 Boat Ramp with City matching funds in the amount of \$312,500.00 to be funded by 'reserves,' and take any action necessary.

Councilmember Lewis moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6 and 7). Councilmember Jorif seconded the motion. The ordinance captions were read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 23-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 10 BUILDINGS AND BUILDING REGULATIONS, ARTICLES III, IV, V, VI, VII, VIII, IX AND X OF THE CODE OF ORDINANCES; REPEALING ARTICLES III, IV, V, VI, VII, VIII, IX, AND X IN THEIR ENTIRETY; AMENDING ARTICLE XI, DIVISION 2, SECTION 10-425; ADOPTING A NEW ARTICLE XVII. "SWIMMING POOL AND SPA CODE;" PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 23-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, REPEALING ARTICLE II. FIRE CODE STANDARDS, SEC. 18-32 AND SEC. 18-33 OF CHAPTER 18 FIRE PREVENTION AND PROTECTION OF THE ROCKWALL MUNICIPAL CODE OF ORDINANCES AND ADOPTING A NEW SEC. 18-32 AND A NEW SEC. 18-33 OF SAID CHAPTER AND ARTICLE, INCLUDING SPECIFIED LOCAL AMENDMENTS TO THE 2021 INTERNATIONAL FIRE CODE, INCLUDING APPENDICIES B, D, H, L, AND N WITH THE EXCEPTION OF SUBSECTION (41) (2006 IFC, SECTION 903.2, AS ADOPTED BY ORD. 11-24); PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 23-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE MUNICIPAL CODE ORDINANCES OF THE CITY OF ROCKWALL, BY AMENDING SECTION 26-505, *PROHIBITED IN SPECIFIC PLACES*, OF ARTICLE VII, *STOPPING, STANDING OR PARKING*, OF CHAPTER 26, *MOTOR VEHICLES AND TRAFFIC*, TO INCORPORATE ADDITIONAL STREETS SUBJECT TO THE PROHIBITED PARKING REQUIREMENTS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion to approve the Consent Agenda items passed by a vote of 6 ayes with 1 absence (Moeller).

X. APPOINTMENT ITEMS

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

Sedric Thomas, Chairman of the city's Planning & Zoning Commission, came forth and briefed the Council on recommendations of the Commission regarding planning-related items on tonight's agenda. Council took no action at this time as a result of Mr. Thomas' briefing.

At this time, Mayor Fowler reordered the meeting agenda to address Action Item #1 next.

XI. PUBLIC HEARING ITEMS

1. **Z2023-014** - Hold a public hearing to discuss and consider a request by Julius Waffer for the approval of an ordinance for a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* on a 1.0620-acre parcel of land identified as Lot 22 of the Canup Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Southside Residential Neighborhood Overlay (SRO) District, addressed as 512 Dickey Street, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller, provided background information concerning this agenda item. This is a request that will allow the applicant to construct a single-family home within the existing Southside Neighborhood. The city's P&Z Commission voted 6 to 0 to recommend approval of this request. In addition, following zoning notification letters being sent out to adjacent property and land owners located within 500' of the subject property, staff did receive one notice and one email back in favor of the applicant's request.

Council is being asked to consider the proposed size, location and architecture of the proposed home when compared to the existing, nearby housing.

In this case, the applicant's proposed garage is oriented in front of the front façade of the proposed single-family home; however, staff should point out that this is not atypical for this subdivision or properties located within the Southside Neighborhood Residential Overlay (SRO) District. A waiver to the garage orientation is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission. If this Specific Use Permit (SUP) request is approved by the Planning and Zoning Commission and City Council, the garage setback requirement will be waived. With the exception of the garage orientation, the proposed single-family home meets all of the density and dimensional requirements as stipulated by the Unified Development Code (UDC) for a property in a Single-Family 7 (SF-7) District and the Southside Residential Neighborhood Overlay (SRO) District.

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

Mrs. Dina Salgado
510 Dickie Street
Rockwall, TX

Mrs. Salgado came forth and expressed that she and her husband have concerns about where the driveway of this home may be placed / configured. Mr. Miller, Planning Director, invited Ms. Salgado to contact him, outside of the council meeting, to further discuss her concerns.

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

Councilmember Daniels moved to approve Z2023-014. Councilmember Johannesen seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 23-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 1.0620-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 22 OF THE CANUP 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 to 0 nays.

2. Z2023-015 - Hold a public hearing to discuss and consider a request by Martha Balleza and Ana Quezada 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 1290 of the Lake Rockwall Estates (LRE) #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District, addressed as 223 Russell Drive, and take any action necessary (1st Reading).

Mr. Miller, Planning Director, provided background information concerning this agenda item. The applicant would like to construct a single-family home with in the LRE Subdivision. Council is being asked to consider the size, location and architecture of the proposed home when compared to the existing,

nearby housing. According to Section 04, Residential Parking, of Article 06, Parking and Loading, of the Unified Development Code (UDC), “(i)n single-family or duplex districts, parking garages must be located at least 20-feet behind the front façade for front entry garages ...” In this case, the applicant’s proposed garage is oriented in front of the front façade of the proposed single-family home by six (6) feet, three (3) inches. Staff pointed out that this is not atypical for this subdivision. A waiver to the garage orientation is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission. If approved as part of the Specific Use Permit (SUP) request, the City Council will be waiving the garage orientation requirement. With this being said, staff pointed out -- that with the exception of the garage orientation -- the proposed single-family home meets all of the density and dimensional requirements stipulated by Planned Development District 75 (PD-75) [Ordinance No. 09-37] and the Unified Development Code (UDC).

Staff mailed 147 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. Staff received one (1) notification in favor of the request.

Mayor Fowler opened and then closed the public hearing, as no one wished to come forth and speak at this time. Councilmember Lewis then moved to approve Z2023-015. Councilmember Jorif seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 23-XX
SPECIFIC USE PERMIT NO. S-2XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 75 (PD-75) [ORDINANCE NO. 16-01] AND THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.1690-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 1290 OF THE LAKE ROCKWALL 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 (Moeller).

3. **Z2023-016** - Hold a public hearing to discuss and consider a request by Johnathan Martinez on behalf of Donna C. Pritchard for the approval of an ordinance for a *Specific Use Permit (SUP)* allowing a *Bail Bond Service* on a 0.423-acre parcel of land identified as Lot 1, Block 1, Garland Federal Savings & Loan Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 1901 S. Goliad Street [*SH-205*], and take any action necessary (1st Reading).

Mr. Miller, Planning Director, provided background information concerning this agenda item. The applicant would like to open a bail bond service in this “commercial” shopping center location. According to the Rockwall Central Appraisal District (RCAD) there is an existing 2,984 SF shopping center situated on the subject property. In this case, the applicant is requesting to operate out of one (1) of the three (3) suites in the existing building. According to the applicant’s letter, the applicant currently has four (4) employees that would work at this location. The business would operate seven (7) days a week from 8am-8pm, with the phone lines staying open 24-hours a day. There is another bail bond service business operating directly across from this property.

On March 21, 2023, staff mailed 34 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Waterstone Homeowner's Association (HOA), which is the only HOA/Neighborhood Organization within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Four notices were received back in opposition, and one was received back in favor of the request. The city's P&Z Commission denied this request by a vote of 6 to 0. Because of the denial, any potential approval will require a $\frac{3}{4}$ super majority vote of Council (5 of the 6 council members in attendance) in order to be approved.

Jonathan Martinez
3237 Tower Trail
Dallas, TX

Mr. Martinez indicated that this business exists at another location in Dallas County already, and there is also an office in Tarrant County. They get multiple calls for service out of Rockwall County. So that is why they are trying to do business here in Rockwall.

Nadia Godiness
10011 Pebble Valley Lane
Dallas, TX 75217

Ms. Godiness shared that she is the office manager of the other locations, and they are covered by insurance as a "financial casualty insurance." Their company helps all kinds of people in need. They work closely with the sheriff offices too. She is disappointed that the P&Z denied this request. She generally appealed to the Council to approve this request, despite it having been denied by the P&Z.

Mayor Pro Tem Johannesen shared that the City's Planning & Zoning Commission voted this request down because it is not in conformance with the city's overall, comprehensive plan that has been created by citizens of the City. Therefore, there would have to be an overwhelmingly compelling reason to overturn the recommendation of the P&Z Commission. He indicated that he is not in favor of approving this request.

Councilmember Jorif moved to deny Z2023-016. Councilmember Daniels seconded the motion. The motion to deny the item passed by a vote of 6 ayes with 1 absence (Moeller).

4. **Z2023-017** - Hold a public hearing to discuss and consider a request by Javier Silva on behalf of Nixon Estate and Judy Wible the approval of an ordinance for a *Specific Use Permit (SUP)* for Residential Infill in an Established Subdivision on a 0.16-acre parcel of land identified as Lot 11, Block C, Foree Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 711 Parks Avenue, and take any action necessary (1st Reading).

Mr. Miller, Planning Director, provided background information concerning this agenda item. The applicant would like to construct a single-family home near Parks Avenue and Heath Street. Council is being asked to consider the size, location and architecture of the proposed home when compared to the existing, nearby housing. In this case, the applicant's proposed garage is oriented in front of the front façade of the proposed single-family home. A waiver to the garage orientation is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission. If approved as part of the Specific Use Permit (SUP) request, the City Council will be waiving the garage orientation requirement. With this being said, staff pointed out that, with the exception of the garage orientation, the proposed single-family home meets all of the density and dimensional requirements for a property located in a Single-Family 7 (SF-7) District. Also, it is believed that the proposed house will not have a negative impact on the existing subdivision.

On March 21, 2023, staff mailed out 115 notices to property owners and occupants within 500-feet of the subject property. Staff also sent a notice to the Caruth Lakes Homeowner's Association (HOA),

which is the only HOAs or Neighborhood Organizations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Staff received two (2) notices from one (1) property owner in favor of the applicant's request. Also, the Planning & Zoning Commission has unanimously voted to recommend approval of this request.

Mayor Fowler opened the public hearing, but no one wished to come forth and speak, so he closed the Public Hearing.

Councilmember Lewis moved to approve Z2023-017. Councilmember Campbell seconded the motion.

Councilmember Daniels asked the city engineer about the water runoff, as was mentioned in one of the 'notices' the city received back following the notification process. Ms. Amy Williams generally indicated that when they turn in their building plans, they will have to turn in a grading plan. In these older subdivisions, the lots drain 'lot to lot,' and so the water will have to continue to drain as it currently drains. She indicated that the home's downspouts can be pointed towards the back or the front of the lot. Ms. Williams indicated that the person who submitted the notice expressing concern about water drainage does live 'downstream' of this location. So that water has always gone towards their lots. So staff will ask that the downspouts be configured to face either the back or the front of the property so that way the water will at least go across part of the yard before it gets into the property downstream.

There being no further discussion, the ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 23-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 0.16-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 11, BLOCK C, FOREE 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 to approve passed by a vote of 6 ayes with 1 absence (Moeller).

5. **Z2023-019** - Hold a public hearing to discuss and consider the approval of an ordinance for a *Text Amendment* to Article 04, *Permissible Uses*, and Article 13, *Definitions*, of the Unified Development Code (UDC) to create a *Credit Access Business* land use, and take any action necessary (1st Reading).

Mr. Miller, Planning Director, provided brief background information concerning this agenda item. Mr. Miller explained that the city council previously directed staff to look into adding a 'credit access business land use' to the city's use charts. Examples of these types of businesses are auto title loan and payday lending. Currently there are only two businesses in Rockwall that fall under this land use category. Typically they tend to like to congregate in shopping centers and along major roadways. He generally explained that our city is not looking to overly restrict these types of business; however, the city is attempting to specifically identify where, within the city, that these types of business can be established. Staff did put notice of this public hearing / case into the newspaper as required by state law. In addition, the P&Z Commission did unanimously recommend approval of this item.

Mayor Fowler opened the public hearing but then closed it, as no one was present to speak.

Councilmember Johannesen moved to approve Z2023-019. Councilmember Lewis seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 23-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 04, *PERMISSIBLE USES*, AND ARTICLE 13, *DEFINITIONS*, 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 to approve this item passed by a vote of 6 ayes with 1 absence (Moeller).

6. **Z2023-020** - Hold a public hearing to discuss and consider the approval of an ordinance for an *Amendment* to the Comprehensive Plan for the purpose of adopting changes to the Master Thoroughfare Plan contained in Appendix 'C', *Maps*, and take any action necessary (1st Reading).

Planning Director, Ryan Miller indicated that on January 10, 2022, the City of Rockwall entered into a Professional Services Engineering Contract with Freese and Nichols, Inc. to review the City's Master Thoroughfare Plan (MTP) and provide recommendations concerning the classification of the City's roadways. Due to some issues concerning the North Central Texas Council of Government's (NCTOG's) regional model, the project was delayed; however, on February 28, 2023, the City's consultant provided staff with the final recommendations, and their memorandum has been provided to the City Council. On March 20, 2023, the City Council reviewed these changes and directed staff to proceed with amending the Comprehensive Plan in accordance with the City's Charter and the Texas Local Government Code. In accordance with this direction, 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), and taken the proposed amendment to the Planning and Zoning Commission for a recommendation. On April 11, 2023, the Planning and Zoning Commission approved a motion to recommend approval of the amendment by a vote of 6-0, with Commissioner Womble absent.

Mayor Fowler opened the public hearing but then closed it, as no one was present to speak.

Councilmember Lewis moved to approve Z2023-010. Councilmember Campbell seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 23-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ADOPTING REVISIONS TO THE MASTER THOROUGHFARE PLAN CONTAINED WITHIN THE OURHOMETOWN VISION 2040 COMPREHENSIVE PLAN IN ACCORDANCE WITH THE CITY'S HOME RULE CHARTER.

The motion to approve passed unanimously of Council present (Moeller – absent).

XII. ACTION ITEMS

1. Discuss and consider the approval of an ordinance amending Article IV, *Noise*, of Chapter 16, *Environment*, of the Municipal Code of Ordinances for the purpose of extending the applicability of this section, and take any action necessary. (1st Reading)

Mr. Miller, Planning Director, explained that the proposed ordinance would extend the city's noise related regulations into the extraterritorial jurisdiction by 500'. Mr. Miller further shared that the city attorney has reviewed the draft ordinance, and he has provided input regarding its contents. At the request of Councilmember Jorif, Mr. Miller further explained that state law allows a city to extend nuisance-related ordinances into the extraterritorial jurisdiction (ETJ) by up to 5,000 feet. So, again - this ordinance will extend the city's noise ordinance in to the ETJ area by 500'.

Councilmember Daniels generally shared that he would like to see the city's impacted residents and The Northside Bar & Grill owners get together to sit down and talk to each other and try and satisfactorily resolve these issues and concerns. At this point, he personally feels he does not have a sufficient amount of information to make an informed decision concerning this draft ordinance. So he would like to table action concerning this ordinance. Mayor Fowler shared that he wonders 'what level of compliance' is acceptable. The city and city staff can insert certain decibel levels into an ordinance, but – to some extent – that is arbitrary. The business owner has a right to own and operate the business. Also, the neighbors have a right to have quiet, but some level of music might be okay. He, like Councilmember Daniels, encouraged the impacted parties to get together in a room – perhaps with an arbitrator – to discuss the various concerns and try to come to an amicable resolution.

Councilmember Jorif pointed out that this ordinance would not only impact this particular area of the city's ETJ but also all of the ETJ surrounding the entirety of the city's city limits. He also strongly encouraged the parties to get together and attempt to work out the concerns on their own. He also does not feel he has enough information to make an informed decision at this point. He too prefers to table this item and allow for additional discussions to take place between those impacted (the neighbors and the business owners). Mayor Pro Tem Johannesen generally expressed that he prefers to not have government involvement, when possible. He too seemed to generally agree that he prefers to not take any action this evening on this proposed ordinance.

Councilmember Jorif indicated that he is willing to sit down with the neighbors and with the business owner(s) of The Northside Bar and Grill to try and mediate the various concerns and arrive at a mutually amicable resolution to concerns expressed by both sides.

Council took no formal action concerning this agenda item.

Public Hearing item were addressed next.

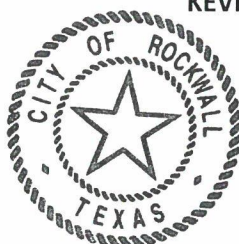
XIV. ADJOURNMENT

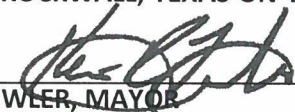
Mayor Fowler adjourned the meeting at 7:46 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 1st DAY OF MAY, 2023.

ATTEST:


KRISTY TEAGUE, CITY SECRETARY




KEVIN FOWLER, MAYOR