

ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, June 21, 2021 - 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 John Hohenshelt, and Council Members Clarence Jorif, Dana Macalik, Trace Johannesen, Anna Campbell and Bennie Daniels. Also present were Interim City Manager Mary Smith, Assistant City Manager Joey Boyd, and City Attorney Frank Garza. 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 a 212 Development Agreement and the possible annexation of land in the vicinity of FM-1141 and Clem Road pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
2. Discussion regarding city regulatory boards and commissions (re)appointments, pursuant to Section, §551.074 (Personnel Matters)
3. Discussion regarding a 212 Development Agreement on land in the vicinity of County Road 483 and SH-205 pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
4. ***Pulled from the public meeting agenda: Z2021-014*** - Hold a public hearing to discuss and consider a request by Kevin Harrell of the Skorburg Company on behalf of Ben Klutts, Jr. of the Klutts Farm, LLC for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a Planned Development District for Single-Family 8.4 (SF-8.4) District land uses on a 196.009-acre tract of land identified as Tract 6 of the J. A. Ramsey Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located at the northeast corner of the intersection of FM-549 and FM-1139, and take any action necessary **(1st Reading)**.

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Ex. Session at 5:50 p.m.

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

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

V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER DANIELS

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

VI. OPEN FORUM

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

Jerry Welch from the city's Planning & Zoning Commission came forth and briefed Council on planning-related items on this evening's city council meeting agenda, including associated recommendations of the Commission.

Oscar Espinosa
301 Winter Park
Rockwall, TX

Mr. Espinosa came forth and shared that he is a small business (restaurant) owner in Rockwall, he has been here twenty-six years, and he has five children. He indicated that he is in favor of the city constructing a skate park. Currently he has to travel far distances to other cities in order to take his children to have fun at skate parks, so he will appreciate having a skate park locally. He shared that he is happy to put work in to help with maintenance of a skate park in order to keep it in good condition.

Gabriel Benavides
3304 Perkins
Heath, TX

Mr. Benavides stated that not all kids are typical "team sport" type kids. Some kids prefer to do activities in a non-group setting. Currently he and his son have to travel an hour to get anywhere for him to skateboard. Since he begun skateboarding, his grades have notably improved, and he has found a purpose in life and an identity. He is in favor of Rockwall constructing its own skate park.

Chuck Smoden
2904 Greenway Drive
Rockwall, TX

Chuck indicated that he has been in the skate park business before, and he is in favor of Rockwall having a skate park. Providing kids with a dedicated skate park will allow them to participate in this type of 'action sport' without getting in trouble for skating in other areas of the city where it may be prohibited, and they may get fined for doing so. He is generally in favor of Rockwall constructing a skate park.

Jamie Napier
214 Rockwood
Rockwall, TX

Ms. Napier came forth and shared that she is the mother of 14 year old and 18 year old boys. Her oldest son has traditionally gotten in quite a bit of trouble (i.e. receiving tickets for criminal trespassing), and he has some mental health related issues too. She is generally in favor of her son having a skate park to go to so that he can have a positive outlet to channel his troubles and pass his time. If he had previously had such a place when he was in junior high, perhaps he would not have gotten into so much trouble over the years. She shared that not all kids who skate are

bad kids. She pointed out that there are not a lot of activities for middle school to high school aged kids to do here locally in Rockwall. She believes a skate park would be a beneficial asset to the City.

Matt Johnson
4781 Secret Cove Lane
Rockwall, TX

Mr. Johnson shared that he is Director of Marketing for one of the largest fitness management software companies in the U.S. He is also on the advisory board of the Richardson Boys & Girls Club, and part of their mission is to expose kids to a buffet of different activities for enrichment purposes. He pointed out that Rockwall has a great sense of community, which is one of the reasons he moved to Rockwall. He vowed to set up a 501 C-3 organization to begin raising funds to build a skate park within the City of Rockwall. He pointed out that there are some activities that are offered locally – such as bass fishing, frisbee golf and pickle ball – however, there are also people who would enjoy a skate park. He believes if they build a skate park, people will come, and it will be utilized.

Rebecca & Edward Glantz
1412 Grace
Wylie, TX

Ms. Glantz came forth with her husband, and they both are in favor of Rockwall building a skate park. Ms. Glantz shared that their oldest son has been skateboarding since he was about 4-5 years old, and he has really excelled at it. If he could skate every single day, he would do so. In addition to their youngest son, their daughter rides scooters. She and her kids go to the one in Allen and in Wylie, and they would enjoy coming to one someday in Rockwall too. Sometimes activities like bowling or Shenanigans get boring, especially for kids who are more talented and creative. Mr. Glantz shared that he and his wife have lived in Wylie about 15 years. He stated that kids who use skate parks are not bad kids – there are some really good kids, and it is a pretty tight-knit community. A lot of kids don't play football or baseball – instead, skateboarding is their thing. He believes that skate parks can keep a lot of kids occupied and out of trouble. He mentioned a skate park in Colorado that is really neat, and he suggested the City might want to look into how much something like that would cost.

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker shared that he used to live for many years within the City of Plano. His previous home was located right next to soccer fields through the PSA (Plano Sports Association). He believes the City should invest in itself. He pointed out that the city has kept “flat taxes, flat taxes” for many years. He hopes the City Council will look at taxes in the coming budget year and consider investing in itself by providing some amenities that citizens want.

Casey Honeywell
4588 Mountain Laurel Drive
Grand Prairie, TX 75052

Ms. Honeywell stated she drove more than one hour to speak tonight in favor of Rockwall building a skate park. She pointed out that she is a former roller derby competitor, and she won “gold” at a worldwide competition. She retired from her roller derby career and began going to skate parks about two years ago. She knows that she and her husband can travel to any skate park in the metroplex and make friends and have a fun time. She believes that Rockwall is missing out on creating a ‘positive sense of community’ that will come if Rockwall creates a skate park for people to use and enjoy. She pointed out that skaters are not bad people - many of them are women and are educated professionals (such as herself who is a career professional with a master’s degree). She believes many folks, who would otherwise have no reason to come to Rockwall – would do so if they had a skate park to come visit in this community.

Steve Curtis
2130 FM 1141
Rockwall, TX (County)

Mr. Curtis came forth and shared that P2021-026 on tonight’s Consent Agenda will result in poor drainage if Council approves it without discussion this evening. He urged them to consider this more carefully before simply approving it on “Consent.”

Brittany Dean
1700 W. Hickory Street
Denton TX

Ms. Dean came forth and shared that she drove a long way this evening to speak - 1:36 minutes without toll roads and just over one hour with toll roads. Ms. Dean shared that she is a roller skater, and she would like to see Rockwall construct a skate park. She is working on a PhD in clinical psychology. Skate parks are no longer only for teenage boys. They are for older dads who are re-learning how to roller skate with their kids, and they are for females too. All ages participate in utilizing skate parks. She has been to every skate park in the metroplex except the one in Allen. She is strongly in favor of Rockwall building a skate park for others to enjoy.

Stan & Melba Jeffus
2606 Cypress Drive
Rockwall, TX 75087

Mr. Jeffus came forth and provided a slide show and described that his neighborhood is experiencing some drainage-related problems (his pictures showed culverts and associated storm drains – there are no ‘curb and gutters’ within his neighborhood). He also showed photos of tall weeds and grass and dead trees that are located in a greenbelt area beyond the wrought iron fencing that surrounds the perimeter of his subdivision and its homes. He also expressed concern about erosion. He pointed out that he believes the developer owns the greenbelt area (subdivision is called “Ridgecrest”); however, they won’t take responsibility for the area. The city won’t take responsibility for it either. It was pointed out by Mr. and Mrs. Jeffus that the retention pond was not properly designed, so water does not drain into it like it’s supposed to (poor and improper grading). Slimy, wet areas are present on pavement, and it creates safety concerns (i.e. folks may slip and fall). Indication was given that the head of their HOA is currently out of town but will

return soon. The residents in this neighborhood need help from the city in figuring out who is responsible for rectifying these various concerns.

Luke Wims
1500 Coastal Drive
Rockwall, TX

Mr. Wims came forth and shared that he and his friends like to skateboard. They are safer doing so in a park. They are more likely to sustain injuries when they are skating in the street. He is in favor of the City constructing a skate park. He believes it is a great sport, and it brings friends together in a positive way.

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

VII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

No action was taken as a result of Ex. Session.

VIII. CONSENT AGENDA

1. Consider approval of the minutes from the June 07, 2021 regular city council meeting, and take any action necessary.
2. Consider an **ordinance** granting a Franchise Agreement to Si Energy, L.P. to provide natural gas service in the City of Rockwall, and take any action necessary. **(2nd reading)**
3. **P2021-026** - Consider a request by Humberto Johnson of the Skorburg Co. on behalf of Alex Freeman and Mark G. & Jessica K. Taylor for the approval of a Preliminary Plat for the Winding Creek Subdivision consisting of 56 single-family residential lots on a 38.012-acre tract of land identified as Tracts 17 & 17-01 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 91 (PD-91) for Single-Family 16 (SF-16) District land uses, generally located at the southeast corner of the intersection of FM-1141 and Clem Road, and take any action necessary.

Mayor Pro Tem Hohenshelt moved to approve the Consent Agenda (#s 1, 2, and 3). Councilmember Johannesen seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-23**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, GRANTING TO SIENERGY, L.P. A NON-EXCLUSIVE FRANCHISE FOR A PERIOD OF TEN (10) YEARS TO FURNISH AND SUPPLY GAS TO THE GENERAL PUBLIC IN THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND TO TRANSPORT, DELIVER, SELL, AND DISTRIBUTE GAS IN AND OUT OF AND THROUGH SAID MUNICIPALITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE STREETS, ALLEYS, AND PUBLIC WAYS; PROVIDING A SEVERABILITY CLAUSE, A PENALTY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

The motion passed by a vote of 7 ayes to 0 nays.

IX. APPOINTMENT ITEMS

1. Appointment with Michael Mittman, Owner/Operator of DFWboatRide.com to hear update regarding the 'Harbor Lights' boat operations on Lake Ray Hubbard, and take any action necessary.

**Erik Oistad
728 Turtle Cove
Rockwall, TX**

Mr. Oistand indicated that Mr. Mittman hurt his back today and is therefore unable to attend tonight's meeting. He respectfully asks to be placed on the next city council meeting agenda to address the Council on this topic. No discussion or action took place pertaining to this agenda item this evening.

2. Appointment with Russell Phillips with Harbor Lake Pointe Investors, LLC for the purpose of requesting a waiver of the roadway impact fees associated with the Harbor Heights Condominium project, and take any action necessary.

**Russell Phillips
521 Moraine Way
Heath, TX**

Mr. Phillips came forth and spoke, overall indicating that he is requesting the city waive the roadway impact fees associated with this project.

Following brief discussion and viewing of an aerial map of the area in question, Councilmember Daniels moved to waive the impact fees as requested. Councilmember Macalik seconded the motion, which passed by a vote of 6 in favor with 1 abstention (Hohenshelt).

3. Appointment with Paul Field to discuss and consider his request regarding development of a skate park within the City of Rockwall, and take any action necessary.

Paul Field came forth and shared that today is "International Go Skateboarding Day." He stated his address as 153 Yorkshire Drive - Heath, TX, and he is a pediatric dentist. He shared that during the COVID-19 pandemic, about the only type of family activity he could find to do together with his wife and kids was skateboarding. Mr. Field indicated that skateboarding provides many advantages for one's physical and mental health. Skateboarding within a skate park environment has many social benefits as well. He pointed out that skateboarding will be making its worldwide Olympic debut next month in Tokyo. It is beneficial for kids who are not interested or inclined to be involved in more traditional group sports (i.e. soccer, baseball, etc.). He shared that there is a tight knit skateboard culture, community and comradery. He believes that skateboarding and skate parks help reduce teen crimes. Currently, Rockwall families are having to drive an hour or more to visit skate parks in other cities. He has visited with every Parks & Rec Director in the DFW metroplex who has a skate park, and he has received positive feedback from those directors regarding their skate parks. He did acknowledge that Rockwall used to have a prefabricated, wooden 'skate park' of

sorts; however, he would like to see a concrete skate park that is better designed and (essentially) much more modernized. He pointed out that when there is not a designated skate park, kids are forced to skate in unsafe areas (i.e. the streets / roadways). A petition with over 1,300 signatures on it has been developed in favor of Rockwall building a skate park. Overall and in general, Mr. Field spoke highly in favor of Rockwall constructing a skate park.

Mayor Fowler shared that the reason the city has pickle ball courts is because the City conducts citizen surveys and focus groups, and those courts received the most favorable ratings. They are cheaper to construct and require less parking, etc. So, that's how pickle ball courts came to be built in our city. He went on to explain that if a skate park had ranked higher, then perhaps one would have been built. He pointed out that the big ticket items that are costly are land and money (funding).

Mr. Field expressed that he will appreciate the city allowing an account to be set aside and designated for skate park fund raising. Also, he would like to work with the city to find out what land might be available and properly zoned within the city for a skate park.

Mayor Fowler went on to share that most likely, an item like this would cost about \$2 million to construct (not including the land related costs), and the most viable way to do this would be to put this before voters in a bond election to allow citizens to vote on whether or not they want to raise and dedicate tax dollars to the construction of a skate park.

Mr. Field shared a few, brief comments regarding how other cities run their skate parks (i.e. hours of operation, maintenance and upkeep of the facility, admission fees (vs. no fees, which – he pointed out – typically cities do not charge an entry fee). He went on to show about a half dozen photos of himself and members of his family with their skateboards and at other skateboard parks (i.e. at the City of Frisco's skate park).

Fowler encouraged Mr. Field to follow the processes that we have in place by working with the Parks Director. He explained that something like this would need to go before the Park Board and then be brought to Council as a recommendation (most likely related to calling a bond election).

Following the discussion, no formal action was taken concerning this agenda item.

X. PUBLIC HEARING ITEMS

1. **Z2021-014** - Hold a public hearing to discuss and consider a request by Kevin Harrell of the Skorburg Company on behalf of Ben Klutts, Jr. of the Klutts Farm, LLC for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a Planned Development District for Single-Family 8.4 (SF-8.4) District land uses on a 196.009-acre tract of land identified as Tract 6 of the J. A. Ramsey Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located at the northeast corner of the intersection of FM-549 and FM-1139, and take any action necessary (1st Reading).

Planning Director, Ryan Miller, provided background information concerning this agenda item. This is undeveloped land that has been zoned "AG" since it was annexed. This property

previously came before Council back in March of this year (2021). At that time, the City Council was presented with a proposal by the developer that essentially did not meet the city's density requirements, and the Council voted in opposition of its approval at that time. The applicant has since resubmitted a new proposal / application, and the density now is less dense than was originally proposed (now 490 lots (2.5 units per gross acre) is being proposed). The proposed 50 acre park was taken before the City's Park Board, and it received a 6-0 approval vote by said board. In addition, the City's Planning & Zoning Commission has recommended approval of this (updated) proposal by a vote of 5 to 1 (against) with one being absent.

Adam Buzcek
Skorburg Co. and Windsor Homes
8214 Westchester Dr., Suite 900
Dallas, TX 75225

Mr. Buzcek came forth and provided a presentation to Council concerning details of this proposed residential development. He pointed out that 36 fewer lots are being proposed now versus when he previously came before Council back in March. He went on to share the various aspects of this proposal that are now in compliance with the city's regulations and its Comprehensive Plan. He explained that he is not asking for any variances as part of this proposal. He spoke about lot mix, open space, and amenities such as a regional park, 6' trails and a (HOA maintained) dog park, playground, community swimming pool, etc.

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

Greg Hollon
2778 S. FM 549
Rockwall, TX

Mr. Hollon sought clarification on the density (2.5 units per GROSS acre...meaning that the 50 acre park is included in the density-related calculations). Mr. Hollon pointed out that 80' lots in Fontana Ranch make for a nice neighborhood. He is not in favor of 62' wide lots because he believes that over 200 of those sized lots being built within this subdivision constitutes 'high density.' He is not in opposition of the Klutts family selling their land to a developer. He is not opposed to the developer either; however, he does still believe that this proposal constitutes 'high density.' He is not in favor of the 62' lots, and he does not believe that 490 homes is reasonable.

Katie Welch
2844 S. FM-549
Rockwall, TX

Mrs. Welch explained a bit of history on what was originally proposed associated with the sale and development of this land (i.e. 50' lots originally proposed by the developer). She pointed out that all stakeholders have been involved in the process associated with navigating this development proposal from when it was originally brought forth to how it is

being proposed currently this evening. She went on to provide favorable comments, generally expressing support for this development as it is being proposed this evening. She generally expressed that this development will open up an opportunity for infrastructure related needs to be addressed in the future on the South side of I-30. She described it as being mutually beneficial and a “win-win-win” for all parties involved (i.e. the city, nearby existing residents, infrastructure, and the developer). She went on to ask the city council to vote “yes” tonight to this development proposal.

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker shared that he used to live on a 60’ lot in the Stone Creek subdivision. The positive thing is that you are close to your neighbors, and you get to know them well. However, he did not like it, so he moved. Mr. Wacker went on to share a lengthy presentation regarding existing city owned parks and open space amenities as well as the various neighborhood parks. He went on to explain that an additional ‘regional’ community park is needed, and it is specifically needed in the south side of the city.

David Schoen
3006 San Marcos
Rockwall, TX 75032
(He stated he is a Fontana Ranch subdivision resident.)

Mr. Schoen thanked everyone for his/her involvement in this process. He shared that he understands this plan complies with the city’s requirements and Comprehensive Plan. He explained that he is in favor of this development, and he realizes that it will be a benefit for him to live so close - about three minutes - from a large community park. However, he has concerns about 490 homes being built on the south side of the city as related to proximity to fire station, pointing out that we cannot rely solely on ‘mutual aid.’

Brett Maikowski
2592 FM 549
Rockwall, TX 75032

Mr. Maikowski shared that he and his family just purchased this empty lot that is directly impacted by this proposed development (he is hoping to someday build on it). He went on to point out some things (specifically related to lot size requirements and specific language) within the city’s Unified Development Code. He seemed to indicate that the UDC language supersedes language in the city’s Comp Plan (and that said language is conflicting).

Mayor Fowler recessed the meeting and called for a brief break at 8:15 p.m. He called the meeting back to order at 8:30 p.m.

Chris Duggan
2516 S. FM 549 and
2548 S. FM 549

Rockwall, TX 75032

Mr. Duggan shared that he owns two properties directly across from this proposed development. He looks forward to having a community park there; however, he is largely against the proposed development, overall, because of the density. He believes it is too dense, and including the 50 acres (of park land) in the density calculation is not right. It is misleading. He asked the Council to reconsider and not approve this proposal this evening.

Richard Henson
2424 S. FM 549
Rockwall, TX

Mr. Henson came forth and shared that he is very passionate about relationships, with his neighbors, with members of the city council and with the developer. He believes this plan pushes the regulatory boundaries, and it is inconsistent with neighboring development, including where he lives. He acknowledged that he has been informed that this proposal meets the guidelines expressed in the city's Comprehensive Plan. He went on to show a PowerPoint and give a lengthy presentation. He pointed out a depiction of all of the property owners located directly across from the proposed development who are in opposition of this proposed development. He shared that he made some proposed changes to Skorburg's lot sizes at the entry way and near the clubhouse, and he shared those with Mr. Buzcek. However, Mr. Buzcek declined and opposed his proposed modifications. He believes the density calculation methodology is flawed. He has some concerns about the 50 acre park (for example, if very large, public events are held there), and he has traffic-related concerns. He went on to point out that the city's "Unified Development Code" calls for a minimum of 70' lots, and 226 lots are proposed to be 62' wide – therefore, this proposed development appears to be "not in compliance" with the city's UDC. He pointed out that Skorburg's original 'color key' (legend) depiction that differentiated the various, proposed lot sizes changed from the initial proposal to the current proposal (which is a bit misleading). He went on to share specific details regarding the proposed density of this development as compared to the existing "low density" residential lots located directly across from this land. He pointed out that 29 lots in this proposed development would fit onto his own, existing piece of land/property. He does not believe that both his property and the lots within this proposed development could possibly, truly be considered "low density." He believes the proposed development's density is way, way out of whack with the density of adjacent, existing properties that surround it. He believes that a proposed number of lots could be agreed upon somewhere between 375 lots and the proposed 490 lots, and everyone would potentially be happy. He generally urged Council to disapprove this proposal this evening.

Douglas Jones
2994 S. FM 549
Rockwall, TX

Mr. Jones shared that he is opposed to this proposal because of the density. He believes that if this is approved, it will not meet the 'intent' of the city's density requirements. He generally and briefly spoke in opposition of Council approving this proposal.

Stan Jeffus
2606 Cypress Drive
Rockwall, TX 75087

Mr. Jeffus shared that the post office wants 'centralized' mailboxes, so he wonders where mailboxes will be located. In addition to how mailboxes will be handled and placed, he has concerns about the proposed 'open spaces.' He believes that, based on how this development is laid out, kids will have to play in the street (since the park is located all the way on one end, and its amenities will likely not be developed for years to come). He is opposed to the proposed 'trails' because he does not believe they are long enough. He wonders about the dog park and the fact that there will be no parking there. The dog park would be convenient to a small number of residents who live nearby to the dog park, but it will not be conveniently accessible to the majority of residents. Barking dogs will be of concern too. He pointed out that the proposed park will be most convenient for McLendon-Chisholm residents because it will be closest to those residents rather than to Rockwall residents. He believes that the proposed design of this development is wrong on many levels.

Melba Jeffus came forth and thanked Council for taking time this evening to consider this development.

Brenda Neuwirt
139 Lafayette Landing
Heath, TX

Ms. Neuwirt came forth and shared that her grandfather was Ben Klutts, who was a former mayor of the City of Rockwall years ago. She explained that the family has spent many, many hours and a lot of time carefully considering selling this property to a developer. They have been very careful in choosing the right developer, the right plan, the right timing, circumstances, etc. as part of having this developer bring forth this proposal. She urged the Council to vote in favor of this proposed plan. She believes it is 'right' for the City of Rockwall.

Steve Curtis
2130 FM 1141
Rockwall (County), TX

Mr. Curtis came forth and provided comments pertaining to the proposed zoning change associated with this request. He generally pointed out that there is no 'density transition' dividing this proposed development from the low density properties located directly adjacent to this land. This is too dense, and the 62' lots should be removed from this proposal.

Casey Welch
2844 FM 549
Rockwall, TX 75032

Mr. Welch came forth and spoke, thanking the Council and staff for its assistance and 'due diligence' participation in this process. He is in support of this plan and of the proposed park.

He will be living directly across the street from the proposed park. He believes that this proposed development provides benefits to both the developer and the adjacent, existing property owners. He acknowledged that all existing homeowners bought homes 'in the country.' However, he also acknowledged that all of the homes do actually exist within the city limits. So, if some existing homeowners do not like a new, residential development nearby, they do have alternative options. Or, they can petition the Council (as they have been doing) and disagree with a proposal. He generally spoke in favor / in support of the property owner (Klutts family), the developer and the proposal before the Council this evening.

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

Councilmember Hohenshelt asked City Attorney, Frank Garza, to clarify the proposal as it relates to the city's UDC and / or Comprehensive Plan. Mr. Garza did so and also clarified that the city's practice has always been to include all open space and park land when calculating proposed density. He generally indicated that this proposal does comply with the density that is spelled out in the city's UDC.

At the request of Councilmember Campbell, Planning Director, Ryan Miller clarified what a "Planned Development District" is and how it relates to the SF 8.4 zoning district.

Councilmember Macalik sought clarification from the City Attorney, asking what legal liabilities the Council and City would take on if they were to vote in favor of those who are opposed to this development. Mr. Garza provided said clarification from a legal standpoint. He generally explained that if the city council denies / disapproves this proposal this evening, it could open the city up to potential litigation. Courts will want to know "what more could the developer have done? He developer has complied with all of the city's requirements. He asked for no variances, yet you still denied approval?"

Councilmember Jorif spoke, sharing that his biggest concern has been the density; however, as a result of various clarifications provided this evening, he acknowledged that the Klutts family is entitled to sell their property, and the city needs to do the right thing.

Following extensive discussion, Councilmember Johannesen provided brief comments, in part, explaining that the Klutts family has a right to sell their property, and the developer has a right to develop the land. He then made a motion to approve Z2021-014. Mayor Pro Tem Hohenshelt seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 21-__

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 __ (PD-__) FOR SINGLE-FAMILY 8.4 (SF-8.4) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 196.009-ACRE

TRACT OF LAND IDENTIFIED AS TRACT 6 OF THE J. A. RAMSEY SURVEY, ABSTRACT NO. 186, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A' AND DEPICTED HEREIN BY EXHIBIT 'B'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 7 ayes to 0 nays.

Mayor Fowler thanked everyone for coming and being a part of this process.

2. Z2021-015 - Hold a public hearing to discuss and consider a request by Jason Castro of Castro Development, LLC for the approval of an ordinance for a *Specific Use Permit (SUP)* allowing *Residential Infill in an Established Subdivision* on a 0.165-acre parcel of land identified as Lot 6, Harris Addition, City of Rockwall, Rockwall County, Texas, zoned Two-Family (2F) District, addressed as 511 S. Clark Street, and take any action necessary (1st Reading).

Planning Director, Ryan Miller provided background information pertaining to this agenda item. Staff mailed out 71 notices to adjacent property owners. Four notices were received back in opposition of this request. The Planning & Zoning Commission recommended approval by a vote of 5 ayes to 1 nay.

Mayor Fowler asked if anyone would like to come forth and speak at this time.

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker came forth and shared a series of photographs, mainly showing existing homes located adjacent to this proposed home. He pointed out that what is being proposed by this applicant is much nicer than anything that is currently in existence nearby.

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

Councilmember Johannesen moved to approve Z2021-015. Mayor Pro Tem Hohenshelt seconded the motion. Councilmember Jorif shared that he has problems with the variances that are being requested associated with this proposed duplex. Following brief, clarifying comments, the ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 21-_____
SPECIFIC USE PERMIT NO. S-2

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 DUPLEX ON A 0.165-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 6, HARRIS 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 7 ayes to 0 nays.

3. **Z2021-016** - Hold a public hearing to discuss and consider a request by Mike Mishler of Mishler Builders, Inc. on behalf of John Curanovic for the approval of an ordinance for a Specific Use Permit (SUP) allowing a detached garage that does not conform to the maximum square footage requirements on a 1.948-acre parcel of land identified as Lot 23 of the Willowcrest Estates Subdivision, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 1.5 (SFE-1.5) District, addressed as 361 Willowcrest, and take any action necessary (1st Reading).

Indication was given that the applicant approached the mayor this evening and requested to withdraw this request. Mayor Fowler made a motion to allow the owner to withdraw this request. Mayor Pro Tem Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

4. **Z2021-017** - Hold a public hearing to discuss and consider a request by Tyler Wood of Intrepid Equity Investments, LLC on behalf of Robert B. Baldwin III of RBB/GCF Properties, LP for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a Light Industrial (LI) District for a 17.03-acre tract of land identified as Tract 4 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located on the south side of Airport Road east of the intersection of Airport Road and John King Boulevard, and take any action necessary (1st Reading).

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. This zoning request is in conformance with the city's Comprehensive Plan. Notices were sent out to 26 property owners and residences located within 500' of the property. 1 notice was received back in favor (within that buffer). 2 notices from outside the buffer were received in favor. 1 letter from a property owner within the buffer was received in opposition.

Mayor Fowler opened the public hearing, but no one was present to speak, so he closed the public hearing. Councilmember Jorif moved to approve Z2021-017. Councilmember Macalik seconded the motion. Councilmember Campbell sought clarification on if this could possibly be used as a 'distribution center' at some point in the future. Mr. Miller generally indicated that, yes, it could be used for that purpose someday. It was pointed out, however, that it is only 17 acres, so it could not be an overly large operation in that regard. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 21-

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 LIGHT INDUSTRIAL (LI) DISTRICT FOR A 17.03-ACRE TRACT OF LAND IDENTIFIED AS TRACT 4 OF THE D. HARR SURVEY, ABSTRACT NO. 102, 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 7 ayes to 0 nays.

5. **Z2021-018** - Hold a public hearing to discuss and consider a request by Dan Gallagher, PE of Kimley-Horn and Associates, Inc. on behalf of L. R. Tipton of the Hitt Family, LP for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a Light Industrial (LI) District for a 43.237-acre tract of land identified as Tract 11 of the J. Lockhart Survey, Abstract No. 134, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the FM-549 Overlay (FM-549 OV) District, located east of the intersection of Corporate Crossing [*FM-549*] and Capital Boulevard, and take any action necessary (1st Reading).

Planning Director, Ryan Miller, provided brief background information concerning this agenda item. 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 Z2021-018. Councilmember Daniels seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 21-

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 LIGHT INDUSTRIAL (LI) DISTRICT FOR A 43.237-ACRE TRACT OF LAND IDENTIFIED AS TRACT 11 OF THE J. LOCKHART SURVEY, ABSTRACT NO. 134, 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 7 ayes to 0 nays.

6. **Z2021-019** - Hold a public hearing to discuss and consider the approval of an ordinance adopting the annual update to the OURHometown Vision 2040 Comprehensive Plan (*i.e. 2019 & 2020 Comprehensive Plan Update*), and take any action necessary (**1st Reading**).

Bob Wacker, local resident who serves as a member of the city's Comprehensive Plan Advisory Committee, came forth and briefed the Council on achievements of the CPAC.

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 Z021-019. Councilmember Jorif seconded the motion. The ordinance caption was read as follows:

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
ROCKWALL, TEXAS, AMENDING THE OURHOMETOWN VISION
2040 COMPREHENSIVE PLAN IN ACCORDANCE WITH THE CITY'S
HOME RULE CHARTER; PROVIDING FOR AN EFFECTIVE DATE.**

The motion passed by a vote of 7 ayes to 0 nays.

XI. ACTION ITEMS

1. Discuss and consider authorizing the Interim City Manager to enter into a 212 Development Agreement with Allen and Lisa Stevenson and the Skorburg Company concerning the annexation and zoning of a 20.83-acre tract of land identified as Tract 22 of the W. M. Dalton Survey, Abstract No. 72, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction, addressed as 427 Clem Road, and take any action necessary.

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. Mayor Fowler moved to direct the Interim City Manager to enter into a 212 Development Agreement (as stated in the agenda caption). Councilmember Johannesen seconded the motion, which passed by a vote of 7 ayes to 0 nays.

XII. EXECUTIVE SESSION.

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

1. Discussion regarding a 212 Development Agreement and the possible annexation of land in the vicinity of FM-1141 and Clem Road pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
2. Discussion regarding city regulatory boards and commissions (re)appointments, pursuant to Section, §551.074 (Personnel Matters)
3. Discussion regarding a 212 Development Agreement on land in the vicinity of County Road 483 and SH-205 pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).

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

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

XIV. ADJOURNMENT

Mayor Fowler adjourned the meeting at 10:02 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ON THIS 6th
DAY OF JULY, 2021.



KEVIN FOWLER, MAYOR

ATTEST:


KRISTY COLE, CITY SECRETARY