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**ROCKWALL CITY COUNCIL REGULAR MEETING**  
**Monday, September 20, 2021 - 5:00 PM**  
**City Hall Council Chambers - 385 Goliad St., Rockwall, TX 75087**

**I. CALL PUBLIC MEETING TO ORDER**

Mayor Fowler called the public meeting to order at 5:00 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem John Hohenshelt, and Councilmembers Clarence Jorif, Dana Macalik, and Bennie Daniels. Also present were City Manager Mary Smith, Assistant City Manager Joey Boyd and City Attorney Frank Garza. Councilmember Trace Johannesen was absent from the entirety of the meeting. Councilmember Anna Campbell was absent from the first portion of the meeting (from 5:00 p.m. to 7:49 p.m.); however, she joined the meeting after the recess (at 7:49 p.m.), as noted below.

**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 ballot nominations associated with elections to the Rockwall Central Appraisal District (CAD) Board of Directors pursuant to Section 551.074 (personnel matters)
2. Discussion regarding possible lease of real property in the vicinity of Rockwall Technology Park pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
3. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development).
4. **Pulled from public meeting agenda: Public Hearing Item #2: Z2021-033** - Hold a public hearing to discuss and consider a request by Robert Weinstein of WB Companies on behalf of Richard Chandler of HFS Management, Inc. for the approval of an ordinance for a Zoning Change amending Planned Development District 4 (PD-4) [Ordinance No. 01-26] to allow a *Mixed-Use Development* (i.e. *Apartments, Retail/Restaurant, and Office land uses*) on a 12.1148-acre tract of land identified as Tract 2 of the D. Atkins Survey, Abstract No. 1, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 4 (PD-4) for General Retail (GR) District land uses, situated within the Scenic Overlay (SOV) District, generally located in between Lakedale Drive and Becky Lane on the eastside of Ridge Road [FM-740], and take any action necessary **(1st Reading)**.
5. **Pulled from public meeting agenda: Public Hearing Item #3: Z2021-034** - Hold a public hearing to discuss and consider a request by Maxwell Fisher of Masterplan on behalf of Saro Partners, LLC for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a Light Industrial (LI) District for a 5.07-acre tract of land identified as Tract 2-06 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 Bypass Overlay (SH-205 BY-OV) District, located at the southeast corner of the intersection of John King Boulevard and Airport Road, and take any action necessary **(1st Reading)**.
6. **Pulled from public meeting agenda: Public Hearing Item #4: Z2021-035** - Hold a public hearing to discuss and consider a request by Robert LaCroix and Brian Berry of BNSBS, L. P. on behalf of Bradley Gideon for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a Neighborhood Services (NS) District for a 2.751-acre identified as Tract 1-04 of the S. R. Barnes Survey, Abstract No. 13, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated

within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, located at the southeast corner of the intersection of John King Boulevard and Quail Run Road, and take any action necessary **(1st Reading)**.

**III. ADJOURN EXECUTIVE SESSION**

**Council adjourned from Executive 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.**

**V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER TRACE JOHANNESSEN**

**In the absence of Councilmember Johannesen, Mayor Fowler delivered the invocation and led the Pledge of Allegiance.**

**VI. PROCLAMATIONS / AWARDS / RECOGNITIONS**

1. "Happy 25th Anniversary, Rockwall School of Music!" Day

**Mr. and Mrs. Russ Porter came forth, and Mayor Fowler read and presented them with this proclamation.**

**VII. OPEN FORUM**

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

**Three young, minor children (about 10 years of age and younger) came forth and spoke in favor of a skate park being built in Rockwall.**

**Wade Hill  
4602 Chaha Road, Apt. 107  
Garland, TX 75043**

**Mr. Hill came forth and expressed that he is from Louisville, Kentucky, and when he lived there, they had to fight and battle in order to get a skate park constructed. He is over the age of 40, and he still skateboards and BMX bikes. He generally spoke in favor of a skate park being built within the City of Rockwall.**

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

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

**IX. CONSENT AGENDA**

1. Consider approval of the minutes from the September 7, 2021 regular city council meeting, and take any action necessary.
2. Consider authorizing a repair to Ladder Truck 2 in the amount not to exceed \$45,000 to Metro Fire Apparatus Specialists to be funded out of the General Fund, Fire Operations Vehicle Repair Budget, and take any action necessary.

3. Consider approval of a lease agreement with JBC Land and Cattle Company, LLC for office space in the Rockwall Technology Park, authorizing the City Manager to execute the contract on behalf of the City of Rockwall, and take any action necessary.
4. Consider authorizing the City Manager to execute an annual interlocal agreement with Rockwall County related to fire protection services, and take any action necessary.
5. Consider awarding a bid to Grass Kisser and authorizing the City Manager to execute a contract for Neighborhood Improvement Services forced mowing in the amount of \$33,000 to be funded out of the General Fund NIS Code Enforcement Budget, and take any action necessary.
6. Consider awarding bids to Caldwell Country Chevrolet, Rockdale Country Ford and Pursuit Safety, authorizing the City Manager to execute Purchase Orders for six new Police Pursuit SUV's and aftermarket vehicle equipment in the amount of \$382,890 to be funded out of the General Fund Police Patrol Budget and take any action necessary.

**Mayor Pro Tem Hohenshelt moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, and 6). Councilmember Jorif seconded the motion, which passed by a vote of 5 in favor with 2 absent (Johannesen and Campbell).**

**X. APPOINTMENT ITEMS**

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

**Eric Chodun, Chairman of the P&Z Commission, came forth and briefed Council on recommendations of the Commission relative to planning-related items on this evening's meeting agenda. Council took no action following Mr. Chodun's comments.**

2. Appointment with Heath resident, Paul Field to hear comments pertaining to a possible skate park, and take any action necessary.

**Paul Field  
153 Yorkshire Drive  
Heath, TX**

**Mr. Field came forth and shared that a lot of his advocates could not attend this evening due to "Open House" at local schools and other, out-of-town obligations. He went on to thank Council for previously listening to his desires to have a skate park constructed within the City of Rockwall. He is working with two, separate skate park design companies, and he has networked and/or spoken with many individuals, including (among others) county commissioners, the county judge, the city's Parks Director, and the Chairman of the city's Park Board. In addition, his and his comrades' efforts pertaining to a desired skate park have been featured in Blue Ribbon news and Channel 8 news, as well as on various social media sites. He expressed that, in general, he has heard large support from the various people with whom he has spoken, both online and in person.**

**He went on to share lengthy comments regarding his suggestion that the City consider recent designs that he had created by a professional design company for placement of a skate park on the back portion of the city's existing Yellowjacket Park. He generally urged the Council to consider agreeing to this proposed placement of a future skate park so that he can move**

forward with fundraising efforts, including applying for grant funding, to help try and fund construction of this proposed park.

Following Mr. Field's remarks, Mayor Fowler provided various comments, in part, pertaining to why the city's existing 'neighborhood parks' are not well suited for a skate park and why Mr. Field's proposal at Yellowjacket park is also not feasible / not well suited for a skate park (i.e. it takes away 'open space' that is intentionally present; that area at Yellowjacket Park is utilized for kids 'warming up' to play baseball at the adjacent fields; that area of the park holds a lot of water / is in a low area, and a detention pond would need to be added due to all of the concrete (which, there is not sufficient space for)). He went on to clarify how 'planning' associated with future parks and future park amenities is handled within the City of Rockwall.

Mr. Fields acknowledged that this will be a 'long process,' so that is all the more reason why he would like to get started on moving forward with plans related to this desired skate park.

Mayor Fowler shared that he is not opposed to a skate park, but he strongly encouraged Mr. Field and his team members to 'work within the process' in order to try and get things moving on this.

Council took no action pertaining to this agenda item.

#### XI. PUBLIC HEARING ITEMS

1. **Z2021-032** - Hold a public hearing to discuss and consider a request by Sam Moore of Main & Main on behalf of Jason Claunch of 7.1 Ridge LLC for the approval of an **ordinance** for a Specific Use Permit (SUP) for *Restaurant with Less Than 2,000 SF with a Drive-Through or Drive-In* for the purpose of constructing a restaurant (i.e. *Dutch Bros. Coffee*) on a 0.57-acre portion of a larger 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 Scenic Overlay (SOV) District, generally located southeast of the intersection of Ridge Road [FM-740] and W. Yellow Jacket Lane, and take any action necessary (**1st Reading**).

**Mayor Fowler announced that this case has been rescheduled for Public Hearing at the Monday, October 4, 2021 city council meeting.**

2. **Z2021-033** - Hold a public hearing to discuss and consider a request by Robert Weinstein of WB Companies on behalf of Richard Chandler of HFS Management, Inc. for the approval of an **ordinance** for a Zoning Change amending Planned Development District 4 (PD-4) [*Ordinance No. 01-26*] to allow a *Mixed-Use Development (i.e. Apartments, Retail/Restaurant, and Office land uses)* on a 12.1148-acre tract of land identified as Tract 2 of the D. Atkins Survey, Abstract No. 1, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 4 (PD-4) for General Retail (GR) District land uses, situated within the Scenic Overlay (SOV) District, generally located in between Lakedale Drive and Becky Lane on the eastside of Ridge Road [FM-740], and take any action necessary (**1st Reading**).

**Planning Director, Ryan Miller, provided background information concerning this agenda item. The applicant's attorney has submitted a letter requesting that Council consider remanding this case back to the Planning & Zoning Commission at this point in time. So, first, Council is being asked to take action on said request.**

City Attorney, Frank Garza, generally indicated that Council may take action as it sees fit this evening concerning this agenda item.

Mayor Fowler provided a brief synopsis of what happened with this case at last week's Planning & Zoning Commission meeting, indicating that he is inclined to move forward with holding the Public Hearing this evening and not remanding this back to the P&Z Commission at this juncture. The rest of the city councilmembers generally indicated concurrence with Fowler's suggestion to go ahead and hold the public hearing this evening, so that is what took place.

Mr. Miller went on to brief the Council on the more specific details pertaining to the applicant's requests associated with this case. On August 26, 2021, staff mailed 80 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Turtle Cove and Waterstone Estates Homeowner's Association (HOA's), which are the only HOA's within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time the report was drafted for the Council meeting packet, staff had received the following:

- Three (3) property owner notifications representing four (4) properties from property owners within the notification area (i.e. within the 500-foot buffer) that are opposed to the applicant's request.
- One (1) notification from the City's website portal from a property owner within the notification area (i.e. within the 500-foot buffer) that is opposed to the applicant's request.
- Four (4) notifications from the City's website portal from property owners that are not within the notification area (i.e. outside of the 500-foot buffer) that are opposed to applicant's request.
- Three (3) email notifications from property owners that are not within the notification area (i.e. outside of the 500-foot buffer) that are opposed to applicant's request.
- One (1) property owner notification representing two (2) properties from a property owner that is not within the notification area (i.e. outside the 500-foot buffer) that is opposed to the applicant's request.
- One (1) letter from the Waterstone Estates Homeowners Association representing property owners that are within and not within the notification area (i.e. inside and outside of the 500-foot buffer) that are opposed to applicant's request.
- One (1) email from a property owner that is not within the notification area (i.e. outside of the 500-foot buffer) that is in favor of the applicant's request.

Miller went on to indicate that on September 14, 2021, the Planning and Zoning Commission failed to approve a motion for the zoning amendment with a motion to approve failing by a vote of 3-3, with Commissioners Deckard, Thomas, and Welch dissenting and Commissioner Moeller being absent. As a result, City Council's approval of this request will require a super majority vote (in favor) of those councilmembers present this evening.

Mayor Fowler called forth the applicant to speak at this time.

Robert Weinstein of WB Property Group  
495 Broadway  
New York

Mr. Weinstein started out by asking Council if it will consider remanding this back to the P&Z Commission this evening. Mayor Fowler indicated that council will not remand this back to the Commission – instead, it will move forward with holding the public hearing and taking definitive action on this case this evening.

Mr. Weinstein went on to present a PowerPoint to the Council, describing in great detail his proposal for multi-family apartments and two, separate rooftop restaurants at this location.

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

Joy Bounds Murphy  
209 Tanya Drive  
Rockwall, TX 75087

Mrs. Murphy came forth and shared that she is a fifth generation Rockwall resident, and she is representing multiple families as she speaks this evening. She thanked the Council, staff and this country for allowing her an opportunity this evening to come forth and freely express her opinions this evening. She has lived at her address on Tanya Drive for the last thirty-eight years. She has lived in Rockwall for much longer than that, and she lived here before the manmade Lake Ray Hubbard was constructed. She went on to respectfully ask that Council not approve this proposal for apartments and rooftop restaurants this evening. She expressed concern about the many developers wanting to come in and pour concrete on over all of the open, green spaces within the City. She strongly urged Council to protect the sanctity of this community, and she reminded Council about the history of this particular piece of property. She pointed out that she had friends years ago who lost their lives on the nearby train tracks, and those railroad tracks are very dangerous. She urged Council to think hard before approving building anything this large on this particular piece of property. She pointed out that there are traffic-related concerns, especially when wrecks on the big IH-30 bridge occur. She expressed that this property is conducive to pretty green, open space. Overall, she spoke in opposition of this proposed development this evening.

Sherah Jackson  
1547 Murphy Drive  
Rockwall, TX

Mrs. Jackson came forth and urged the Council to vote “no” related to these proposed apartments this evening. The value of her and her neighbors’ properties are already degenerated by the existing, surrounding multi-family apartment complexes. She is opposed to approval of this case.

**Carly Farrelly**  
1505 S. Lakeshore Drive  
Rockwall, TX

Ms. Farrelly expressed that she and her family are new to Rockwall and recently moved here from Forney, by and large to escape undesired development. She spoke in opposition of this proposal and urged Council to vote against its approval.

**Andrea Burke**  
1406 A Ridge Road  
Rockwall, TX

Ms. Burke came forth and expressed that she is opposed to this proposal. She is strongly opposed to the restaurants, more so than she is opposed to the density; however, she is not really excited about the possibility of having 1,000 new neighbors across the street from her. She already deals with a lot of noise, lights and traffic where she currently lives. She is opposed to Council approving this proposed development this evening, and she generally urged them to vote against its approval.

**Steve Curtis**  
2130 FM 1141  
Rockwall (County), TX

Mr. Curtis came forth spoke about the zoning and underlying zoning associated with this piece of property. He indicated his understanding that this property has been poised to be 'general retail.' He went on to point out that his understanding is that, per the city's requirements, this land cannot have more than 500 dwelling units approved / constructed on it because it is too close to other, existing multifamily housing that is nearby, down the road, within one mile of this property.

**Harold Snyder**  
1519 Murphy Drive  
Rockwall, TX 75087

Mr. Snyder came forth and indicated that he lives within the Waterstone Estates subdivision in the city. He spoke about the extra vehicles and associated traffic that will be associated with a multifamily development of this type. He has sent emails to the Council expressing opposition to this case, and he has provided Council with a petition (of opposition) from residents within his subdivision. He expressed that Waterstone Estates and its homeowners hope that the Council will reject this development this evening.

**Ron Mason**  
1402 Ridge Road  
Rockwall, TX 75087

Mr. Mason shared that he has apartment drivers' headlights (from the existing "Commons" apartments residents) shining in the windows of his home regularly. He went on to describe

that he has a family member living in his home that has a lot of health-related issues, and the dirt and dust that would be kicked up by this proposed development would be detrimental to her health. His home was built in 1954, and this development will not only be overlooking nearby front yards, but it will also peer down into the back yards of nearby, existing residential homes too. He generally spoke in opposition of Council approving this proposal this evening.

Jim Turner  
1691 E. Old Quail Run  
Rockwall, TX 75087

Mr. Turner came forth and shared that any time a project comes forth where the developer is seeking approval of five, separate variances, the right thing for Council to do is to deny the request. He generally hopes the Council will say 'no' on approving this request this evening.

Ron Smith  
1140 Lake Glen Circle  
Rockwall, TX

Mr. Smith came forth and simply said, "ditto" (he is opposed to approval of this request this evening).

Bob Wacker  
309 Featherstone Drive  
Rockwall, TX

Mr. Wacker came forth and provided comments to the Council concerning this request. He indicated his belief that the allowed densities have been misstated. He shared information he has found related to "14 Scenic District" (the area where this development is being proposed). He went on to compare the histories associated with PD-1 and PD-4 within the city. He went on to share what he thinks could possibly be built on this piece of property. He acknowledged that the developer has recently submitted a 'traffic impact analysis' request to the city; however, he has not yet paid the fee, so said analysis has not yet transpired. He shared his belief that an analysis of the traffic generated by the proposed development will likely result in minimal impact on the existing, local roadway system. He urged Council to look at and consider information he has presented this evening when making its decision concerning this proposal. He had hoped this would be remanded back to the P&Z Commission. Mr. Wacker shared that he has spoken to this developer over the phone, and he provided some information to the developer that is available on the city's website in an effort to help him. He generally seemed to indicate that availability of apartments within the city is minimal, so he is 'in favor' of this request this evening. If the Council does want more people to move into the city, then approve this; however, if the Council does not want more people moving in, then deny it.

Jim Pruitt  
209 Stonebridge  
Rockwall, TX



Mr. Pruitt (former Mayor of Rockwall) came forth and shared that he disagrees with Bob Wacker's statements. He pointed out that over the years, the City has elected a conservative City Council that has traditionally not allowed multi-family housing to be approved (unless it has been 'age restricted' for older residents to live in). He pointed out that developers have come forth before wanting to develop this particular piece of property as "multi-family," and he has never been agreement with that zoning designation for this property. He urged Council to not approve the request this evening.

Mayor Fowler then closed the public hearing and recessed the public meeting at 7:41 p.m. to take a brief break.

Mayor Fowler reconvened the meeting at 7:49 p.m. Councilmember Campbell joined the meeting during the break. Fowler explained that this request is for a "zoning change" this evening, and it differs from the 'multifamily' housing that was most recently discussed pertaining to the downtown area (a development that, in that particular instance, was 'allowed by right').

Following Fowler's brief comments, Councilmember Jorif moved to deny Z2021-033. Mayor Fowler seconded the motion.

Mayor Pro Tem Hohenshelt shared that, at some point, this piece of land will be sold and it can be developed with something else "by right." He reiterated that – at some point – this particular piece of property will be developed. It will not always stay as "open space." He pointed out that a lot of multifamily housing is currently and will be in the future under construction in the area of The Harbor, so that housing type will in fact not be "lacking" within our city once those apartments are built. He shared that 'too much traffic' is not a valid argument as far as TXDOT is concerned. TXDOT allows a development to first be built, and then (thereafter) it conducts a 'traffic impact analysis' to decide on possibly putting in a traffic light. He pointed out that 'retail with restaurant space' is a land use that is allowed 'by right' on this piece of property.

The applicant, Mr. Weinstein, came forth again asking Council what changes, if any, it would like to see made to the proposal he has put forth this evening in order for it to be approved. Do councilmembers want to see 'retail' instead? Mayor Fowler shared that he will not utilize this meeting to have those types of discussions; however, he is happy to speak with the developer outside of this public meeting to discuss the possibilities.

Following additional, brief comments, the motion to deny this request passed by a vote of 6 ayes with 1 absent (Johannesen).

3. Z2021-034 - Hold a public hearing to discuss and consider a request by Maxwell Fisher of Masterplan on behalf of Saro Partners, LLC for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a Light Industrial (LI) District for a 5.07-acre tract of land identified as Tract 2-06 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, located at the southeast corner of the intersection of John King Boulevard and Airport Road, and take any action necessary (1st Reading).

Mayor Fowler indicated that this public hearing will be held at the Monday, October 18, 2021 city council meeting. So this case was not heard this evening, and no action was taken by Council.

4. **Z2021-035** - Hold a public hearing to discuss and consider a request by Robert LaCroix and Brian Berry of BNSBS, L. P. on behalf of Bradley Gideon for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a Neighborhood Services (NS) District for a 2.751-acre identified as Tract 1-04 of the S. R. Barnes Survey, Abstract No. 13, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, located at the southeast corner of the intersection of John King Boulevard and Quail Run Road, and take any action necessary (1st Reading).

Brief, introductory comments were made by Mayor Fowler and City Attorney Frank Garza. Fowler explained that the applicant has indicated a desire to redo his initial proposal; however, a modified proposal on the part of the applicant has not been properly posted on the public meeting agenda. So, he generally explained that the public hearing this evening will need to be held concerning this, current proposal. Then, thereafter, the applicant may resubmit a new proposal, and the entire process will need to start all over again. Planning Director, Ryan Miller, then provided background information concerning this current proposal and information related to this piece of property.

On August 26, 2021, staff mailed 32 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Stoney Hollow and Caruth Ridge Estates Homeowner's Associations (HOA's), which are the only HOA's within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time the report was drafted for inclusion in the Council meeting packet, staff had received the following:

- Four (4) property owner notifications from property owners that are within the notification area (i.e. within the 500-foot buffer) that are opposed to the applicant's request.
- One (1) email from a property owner within the notification area (i.e. within the 500-foot buffer) that is opposed to the applicant's request.
- Twenty-one (21) input form notifications from the City's website portal from property owners within the notification area (i.e. within the 500-foot buffer) that are opposed to the applicant's request.
- Three (3) emails from property owners that did not provide an address in their response and are considered to be outside of the notification area (i.e. outside of the 500-foot buffer) that are opposed to applicant's request.
- Three (3) email notifications from property owners that are not within the notification area (i.e. outside of the 500-foot buffer) that are opposed to applicant's request.
- Forty-three (43) input form notifications from the City's website portal from property owners that is not within the notification area (i.e. outside the 500-foot buffer) that are opposed to the applicant's request.

The Planning & Zoning Commission did recently hear this case and voted 5 to 1 to recommend to Council that it be denied.

**Robert LaCroix**  
4517 Scenic Drive  
Rowlett, TX

Mr. LaCroix came forth on behalf of the applicant to address the City Council concerning this request this evening. He asked for and received clarification from the City Attorney concerning the Council's ability, legally, to approve something 'more restrictive' than what a developer is proposing. Mr. Garza clarified that, yes, Council can consider approving something more restrictive; however, in this instance, hearing public input on the 'more restrictive' proposal is discretionary this evening on the part of Council.

Mr. LaCroix went on to present background information concerning this piece of property over the years. He would like to propose two buildings (less than 5k square feet each), with desirable architecture, and a "daytime" type of retail operation.

Following brief comments, Mayor Fowler opened the public hearing, asking if anyone would like to come forth and speak at this time regarding the current, proposed plan that was included on the posted agenda and within the informational meeting packet this evening.

**Jerel Curtis**  
1302 Middleton  
Rockwall, TX 75087

Mr. Curtis came forth and shared his belief that this property is not conducive to what is being proposed to be built on this piece of property. He share that he and his wife are going to build a home in the upcoming "Gideon Grove" subdivision that is located there on the corner of Quail Run Road and John King Boulevard. He is opposed to the proposed zoning change, and he does not believe there is any need for commercial buildings of any type in this location at all whatsoever. He feels that no more "strip centers" are needed in and around this area. He urged Council to leave the green space on this corner.

**Jim Turner**  
1691 E. Old Quail Run  
Rockwall, TX 75087

Mr. Turner pointed Council to the city's Comprehensive Plan. He pointed out that in this area, low density residential has traditionally been present. As John King Boulevard was being planned, Mr. Gideon subdivided his land and sold it off to developers, and home are poised to be built in this area. He indicated that these two, residential developments that are currently under construction – Gideon I and Gideon II – are 'short' on open, green space. He generally urged Council to leave this as 'green space' and not approve development of it at all. He spoke about the various types of businesses that could go in there if this property zoning is changed. He shared that residents were promised that John King Blvd. would be developed with trails and rest stops with open, green space along the roadway. However, that promise that was made in the 2006 / 2008 timeframe has not yet come to fruition. He

is generally opposed to “residential office” to be used for ‘residential services’ types of businesses.

Nick Grant  
1569 E. Old Quail Run Road  
Rockwall, TX 75087

Mr. Grant came forth and shared that he lives four houses down from this piece of property, and he is very strongly opposed to any sort of retail or commercial development whatsoever being approved or constructed on this land. He urged Council to utilize the city’s Comprehensive Plan to protect adjacent property owners from land next door being developed in an undesirable way. He believes this property is part of what the city has pointed out would become a ‘future trail’ area. He is opposed to rezoning of this property.

Steven Curtis (mentioned earlier in the minutes) came forth again to address Council on this particular item. He is opposed to any sort of development on this property that would add more traffic. Also, he wonders when Quail Run Road will be widened to be more than a two-lane road.

Karen Stock  
124 Baldwin Drive  
Fate, TX 75189

Mrs. Stock came forth and indicated that, while she currently resides in Fate, she and her husband are ‘under contract’ for construction of a new home within the new Gideon Grove subdivision. She is opposed to this request being approved this evening.

Edward Stock  
124 Baldwin Drive  
Fate, TX 75189

Mr. Stock shared that he and his wife are ‘under contract’ to build a home in the Gideon Grove subdivision, right adjacent to this piece of property. He urged Council to prevent development of this property. He definitely feels that this piece of property should be preserved as ‘green space.’

Mayor Fowler clarified that this piece of property is ‘private property’ and it in fact is not part of the city’s future ‘trail plans.’

Tiffany Wolfram  
1313 Kirkwood Rd. (future resident)  
Rockwall, TX

Mrs. Wolfram indicated that her future home (under contract/future construction) will have a backyard that backs up directly to this piece of property. She spoke in opposition of development of this piece of property. She would like to see it remain ‘green space.’

Teri Clark  
11834 Cold Harbor Lane  
Dallas, TX 75244

Ms. Clark shared that she works for Gideon Grove, and she is in agreement with the buyers and residential property owners in Gideon Grove who are in opposition of development of this property. She urged Council to vote in opposition of development of this property.

Councilmember Macalik moved to deny Z2021-035 without prejudice. Councilmember Jorif seconded the motion. Mayor Fowler pointed out that this property is privately owned, and he believes it will eventually be developed at some point in time. The motion then passed by a vote of 6 in favor with 1 absence (Johannesen).

5. **Z2021-037** - Hold a public hearing to discuss and consider a request by James Best for the approval of an ordinance for a Specific Use Permit (SUP) for an accessory building on a 2.60-acre parcel of land identified as Lot 1, Block A, Best Estate Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 16 (SF-16) District, addressed as 54 Shadydale Lane, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller, provided background information concerning this agenda item. The applicant is essentially requesting approval to construct an accessory building in his back yard that does not entirely conform to the city's current requirements. He went on to explain more details associated with the request. Of the notices mailed out to adjacent residents and property owners, three notices were received back in favor of this request, and one notice was received back in opposition. The P&Z Commission has voted to recommend approval of this request to the Council this evening.

Andrew Thomas  
346 Ridge Point Drive  
Heath, TX

Mr. Thomas came forth and shared that he is representing the applicant. He generally urged the Council to approve this SUP this evening.

Mayor Fowler opened the public hearing. There being no one indicating a desire to come forth and speak at this time, he then closed the Public Hearing.

Councilmember Macalik then moved to approve Z2021-037. Councilmember Daniels seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL  
ORDINANCE NO. 21-XX  
SPECIFIC USE PERMIT NO. S-XXX**

**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 AN ACCESSORY BUILDING THAT EXCEEDS THE MAXIMUM**

ALLOWABLE SIZE ON A 2.60-ACRE TRACT OF LAND, IDENTIFIED AS LOT 1, BLOCK A, BEST ESTATE ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND 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 in favor with 1 absence (Johannesen).

6. **A2021-005** - Hold a public hearing to discuss and consider a request by Pat Atkins on behalf of Betty Thompson for the approval of an ordinance for the annexation of 6.70-acre tract of land identified as Tract 1-1 of the P. B. Harrison Survey, Abstract No. 97, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), contiguous to the existing corporate limits of the City of Rockwall, addressed as 911 E. FM-552, and take any action necessary (1st Reading).

Mayor Fowler opened the public hearing, asking if anyone would like to come forth and speak. There being no one indicating such, he then closed the public hearing.

Councilmember Jorif moved to approve A2021-005. 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, 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 6.70-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1-1 OF THE P. B. HARRISON SURVEY, ABSTRACT NO. 97, 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 to approve passed by a vote of 6 eyes with 1 absence (Johannesen).

7. **Z2021-036** - Hold a public hearing to discuss and consider a request by Adam Shiffer of the Skorburg Company on behalf of Gordon C. Fogg for the approval of an ordinance for a Zoning Change to amend Planned Development District 91 (PD-91) [Ordinance No. 21-36] to incorporate a 20.00-acre tract of land identified as Tracts 22-04 & 22-05 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 505 Clem Road, and take any action necessary (1st Reading).

Mayor Fowler announced that this case will be heard for Public Hearing at the Monday, October 4, 2021 city council meeting.

**XII. ACTION ITEMS**

1. Discuss and consider approval of the Rockwall Economic Development Corporation (REDC) budget for fiscal year 2022 and amended budget for fiscal year 2021 and take any action necessary.

**Mayor Pro Tem Hohenshelt moved to approve the REDC budget for FY2022 and amended FY2021 budget. Councilmember Daniels seconded the motion, which passed unanimously of those present (Johannesen absent).**

2. Discuss and consider approval of the Rockwall Technology Park Association budget for fiscal year 2022 and amended budget for fiscal year 2021, and take any action necessary

**Mayor Pro Tem Hohenshelt moved to approve the Tech Park budget for FY2022 and amended Tech Park budget for FY2021. Councilmember Daniels seconded the motion, which passed unanimously of those present (Johannesen absent).**

3. Discuss and consider approval of an ordinance amending the budget for fiscal year 2021, and take any action necessary.

**Mayor Pro Tem Hohenshelt moved to approve the ordinance amending the FY2021 budget. Councilmember Jorif seconded the motion, which passed unanimously of those present (Johannesen absent).**

**Prior to the vote being taken, the ordinance caption was read as follows:**

**CITY OF ROCKWALL  
ORDINANCE NO. 21-43**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
AMENDING THE BUDGET OF THE CITY FOR THE FISCAL YEAR OCTOBER 1,  
2020 THROUGH SEPTEMBER 30, 2021; PROVIDING FOR AN EFFECTIVE  
DATE.**

4. Discuss and consider approval of an ordinance adopting the proposed budget for fiscal year 2022, and take any action necessary.

**Councilmember Macalik moved to approve the ordinance adopting the proposed FY2022 budget. Mayor Fowler seconded the motion, which passed unanimously of those present (Johannesen absent).**

**Prior to the vote being taken, the ordinance caption was read as follows:**

**CITY OF ROCKWALL  
ORDINANCE NO. 21-44**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
APPROVING AND ADOPTING A BUDGET FOR THE CITY FOR THE FISCAL  
YEAR OCTOBER 1, 2021, THROUGH SEPTEMBER 30, 2022; PROVIDING**

THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH THE SAID BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

5. Discuss and consider approval of an ordinance levying ad valorem taxes for the tax year 2021, and take any action necessary.

Mayor Pro Tem Hohenshelt moved to approve the ordinance levying ad valorem taxes for tax year 2021. Councilmember Jorif seconded the motion, which passed unanimously of those present (Johannesen absent).

Prior to the vote being taken, the ordinance caption was read as follows:

CITY OF ROCKWALL  
ORDINANCE NO. 21-45

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, LEVYING THE AD VALOREM TAXES FOR THE YEAR 2021 AT A RATE OF \$.3500 PER ONE HUNDRED DOLLARS (\$100.00) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY AS OF JANUARY 1, 2021 TO PROVIDE REVENUES FOR THE PAYMENT OF CURRENT EXPENSES AND TO PROVIDE AN INTEREST AND SINKING FUND ON ALL OUTSTANDING DEBTS OF THE CITY; PROVIDING FOR DUE AND DELINQUENT DATES, TOGETHER WITH PENALTIES AND INTEREST; APPROVING THE 2021 TAX ROLL; PROVIDING FOR EXEMPTIONS OF PERSONS OVER SIXTY-FIVE (65) YEARS; PROVIDING AN EFFECTIVE DATE.

6. Discuss and consider approval of a resolution providing for the submission of names to the Rockwall Central Appraisal District (CAD) for nominations to the Board of Directors, and take any action necessary.

Mayor Fowler and Mayor Pro Tem Hohenshelt indicated that no action will be taken on this item tonight. Instead, it will be placed back on the agenda for consideration at the Monday, October 4 regular city council meeting.

**XIII. 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 ballot nominations associated with elections to the Rockwall Central Appraisal District (CAD) Board of Directors pursuant to Section 551.074 (personnel matters)
2. Discussion regarding possible lease of real property in the vicinity of Rockwall Technology Park pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
3. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development).

**XIV. 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.

XV. ADJOURNMENT

Mayor Fowler adjourned the meeting at 8:53 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 4<sup>th</sup>  
DAY OF OCTOBER, 2021.



KEVIN FOWLER, MAYOR

ATTEST:



KRISTY COLE, CITY SECRETARY

