

ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, July 18, 2022 - 4:00 PM

City Hall Council Chambers - 385 Goliad St., Rockwall, TX 75087

I. CALL PUBLIC MEETING TO ORDER (4:00 P.M.)

Mayor Fowler called the meeting to order at 4:00 p.m. Present were Mayor Fowler, Mayor Pro Tem Trace Johannesen and Councilmembers Dana Macalik, Anna Campbell, and Bennie Daniels. Also present were City Manager Mary Smith, Assistant City Manager Joey Boyd and City Attorney Frank Garza. Councilmembers Mark Moeller and Clarence Jorif were absent from the entirety of the meeting.

II. WORK SESSION

1. Hold a work session with Brian Cramer of Corson Cramer Development to discuss potential residential development in the vicinity of SH-205 and FM-549.

Following brief, introductory comments by Mayor Fowler regarding setting up this work session with the developer, Mr. Cramer came forth and addressed the Council concerning this work session item. He gave a presentation to the City Council, providing a few introductory details on the project prior and then expounding on the following topics, in general: The Corson Cramer Team, the concept plan of the project; project facts; development highlights; density calculations; concept plan updates; proposed density; proposed lot mix; community concerns (traffic, schools, quality, price) timeline for development and construction of the project.

After completion of the presentation, Mayor Fowler stated that he has received feedback from nearby residents. In addition to traffic-related concerns and density, the city would like to work with the developer regarding in the layout of these lots, and what the neighborhood residents would like it to look like in the future. Residents have indicated they desire more of a buffer. In addition, several members of Council indicated that they do not want see 62' lots at all as part of this development. Councilmember Campbell shared that she personally would like to see even some 1-acre lots incorporated into the plans.

Several (unidentified) residents spoke from the audience regarding the proposed development, including comments pertaining to the lots the developer is proposing to build. They are generally concerned about the density and have a strong desire to not have the two smaller lot sizes at all whatsoever and instead see larger, 'estate size' lots. General discussion took place between councilmembers and the developer pertaining to the possibility of incorporating a smaller lot size product that everyone would be comfortable with (perhaps not 'townhomes,' per say, but perhaps some sort of housing product on smaller, say 50' lot sizes).

Leslie Wilson
535 Cullins Road
Rockwall, TX

Mrs. Wilson stated her house backs up to the far upper left corner of the greenbelt on the map being shown. Mrs. Wilson stated that she and her fellow neighbors who could not be present this afternoon are all in agreement. They do like the developer, they do understand this property will end up being developed, and they do support its development. However, they want the developer to stay consistent with existing housing already present in the area. They want to see the larger lots omitted and want to see the addition of 1-acre lots.

Tim McCallum
5140 Standing Oak
Rockwall, TX

Mr. McCallum is an adjacent resident and involved in the Oaks of Buffalo Way Homeowners Association. Mr. McCallum stated they met with the developers on two occasions and presented some questions to them regarding the development of the property. His group stated to the developer that what they see is important to them. They would like the developer to consider building a "slip street" right by "A" on the map. He acknowledged that the developer would have to omit lots in order to do so. He and his neighbors are all estate owners and have concerns regarding neighbors' views from their yards. He went on to express concerns about the proposed sizes of the lots, specifically the very small lots. He and his neighbors do not believe the smaller lots are appropriate, especially considering existing, nearby larger lots / homes. He suggested the developer perhaps look at other examples of small neighborhoods (i.e. Bentonwoods) that have larger lots and have all done a great job of developing. He understands this poses a "math problem," but that's not the city's problem, nor is it the existing residents' problem either.

Cody Barrett
5459 South FM549
(Property "B" on the map)
Rockwall, TX

Mr. Barrett stated his property is the most affected by this development and stated several items of concern. He believes the proposed plan is totally inconsistent with the existing, nearby community. There is not enough green space, and what is being proposed will undoubtedly significantly impact his property values and quality of life (he lives on a 'horse property'). The proposed density compared to the density of what currently exists nearby is not desirable. He commented that he does believe this is a reputable company, and he just hopes that the developer and the city will listen to his concerns.

Mr. Cramer (developer) came forth again and mentioned the values and anticipated pricing of these homes (minimum, starting price of \$600k initially with the larger lot homes being in excess of a \$1 million price point). In addition, he stated the developer would not be seeking any variances and will be following the City's Comp Plan and at the same time trying to be responsive to the community's concerns. He further stated that built into our plans and their discussions with City staff members is approximately \$8 million dollars in improvements to the public infrastructure, both in terms of water and sewer lines within the city's system. These are examples of additional 'values' that will be realized, beyond the homes and their values. Mr. Miller shared that the applicant's proposal is currently actually not totally in conformance with

the city's requirements and vision for this property. So to say no variances are being requested is not entirely accurate to state. Mr. Cramer acknowledged Mr. Miller's comments and thanked him for those.

General and extensive discussion ensued with members of the audience, city council members, and Mr. Cramer, the developer concerning what he has proposed. The City Council took no formal action pertaining to this work session item.

2. Hold a work session to discuss citywide residential density.

Councilmember Macalik proposed moving this work session item to another City Council meeting (date unspecified at this time). Council did not discuss this and took no formal action pertaining to this work session item.

Mayor Fowler then read the below listed discussion items into the record before recessing the public meeting to go into Executive Session at 5:00 p.m.

III. 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 and commissions, pursuant to Section, §551.074 (Personnel Matters)
2. Discussion regarding appointment assignments for city council subcommittees and board liaisons, pursuant to Section, §551.074 (Personnel Matters).
3. Discussion regarding Buffalo Creek Interceptor System Contract, pursuant to Section §551.071 (Consultation with Attorney)
4. Discussion regarding RCH Water Supply Corp. and City of Heath water related contracts, pursuant to Section §551.071 (Consultation with Attorney)

IV. ADJOURN EXECUTIVE SESSION

Council adjourned from Ex. Session at 6:00 p.m.

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

Mayor Fowler called the public meeting back to order at 6:00 p.m. with 5 of seven council members being present (Moeller and Jorif were absent).

VI. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER MACALIK

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

VI. OPEN FORUM

Mayor Fowler explained how Open Forum is conducted, However, anyone who would like to speak on that item or anything else is welcome to come forth at this time and speak.

Keith Short

1525 Barrolo Drive
McLendon Chisholm, TX

Mr. Short is the Mayor of McLendon Chisholm. He spoke about the recent July 12th – July 13th RCH water supply shortage that resulted in water not being available to those living within his city. He generally explained that citizens are upset over the issue, and he shared that RCH is not forthcoming with information.

City Manager, Mary Smith generally explained that it is her understanding (“second and third hand”) that RCH’s water towers were draining faster than the rate at which water was able to be put into them. That is what caused RCH to turn the water off – to get them refilled. At Mayor Short’s request, Mrs. Smith indicated that the City of Rockwall can absolutely let the City of McLendon-Chisholm know specifics about how much water and when is being ‘pushed’ out to RCH.

Adrienne Balkum
1518 Firenze Court
Rockwall (McLendon-Chisholm), TX 75032

Mrs. Balkum thanked the City of Rockwall for its professional, responsive staff members. She explained that she has reviewed the contract in place between City of Rockwall and RCH, and she is aware that RCH is in need of some positive change in the area of ‘leadership.’ She hopes to meet with a representative of RCH to discuss the possibility of adding new membership to the RCH Board of Directors. She is hoping Mr. Pullen (RCH) will be responsive to her suggestions in this regard. She also hopes to be able to work with Mr. Pullen and the RCH Board on various improvements such as board membership, leadership, transparency in posting of agendas and minutes, infrastructure improvements, communication, etc. She and other residents, as well as the leadership of the City of McLendon-Chisholm are taking this matter seriously and are taking proactive steps to attempt to help.

Trudy Woessner
43 Fireside Drive
McLendon-Chisholm, TX

Mrs. Woessner shared that she has done business with members of the City of Rockwall for over 30 years, as she has lived in the Rockwall County area in various municipalities over time. She explained that she views everyone in the county as ‘family,’ and she expressed that she and members of McLendon-Chisholm truly need Rockwall’s assistance. So, they will appreciate any way that the City of Rockwall may be able to help them ‘slay the dragon’ related to the RCH Water Supply Corporation issues. She mentioned the new city manager of McLendon-Chisholm, Conrad, and she knows these issues arose on his first day on the job. She hopes he stays, and she will appreciate any help the City of Rockwall may be able to provide.

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

No action was taken as a result of Executive Session.

IX. CONSENT AGENDA

These agenda items are routine/administrative in nature, have previously been discussed at a prior City Council meeting, and/or they do not warrant Council deliberation. If you would like to discuss one of these items, please let the City Secretary know before the meeting starts so that you may speak during "Open Forum."

1. Consider approval of the minutes from the July 5, 2022 regular city council meeting, and take any action necessary.
2. **P2022-031** - Consider a request by Terri Bedford of A. J. Bedford Group, Inc. on behalf of Jonathan Fox for the approval of a Replat for Lots 1 & 2, Block A, Fox Addition being a 0.50-acre tract of land identified as a part of Block 41 of the B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 205 S. Clark Street, and take any action necessary.
3. Consider approval of the construction contract amendment for Turtle Cove Boulevard and W. Yellowjacket Lane Reconstruction Project and authorize the City Manager to execute a change order to the construction contract with Quality Excavation, LLC, in the amount of \$202,029.33 to be funded by 2018 Street Bond funds, and take any action necessary

Councilmember Daniels moved to approve the entire Consent Agenda (#s 1, 2, and 3). Councilmember Campbell seconded the motion, which passed by a vote of 5 ayes with 2 absences (Moeller & Jorif).

X. APPOINTMENT ITEMS

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

No one from the P&Z Commission was present this evening. So this item was not heard by Council.

XI. PUBLIC HEARING ITEMS

1. **Z2022-027 - [POSTPONED TO AUGUST 1, 2022]** - Hold a public hearing to discuss and consider a request by Adam Buczek of the Skorburg Company on behalf of Bill Lofland of the Lofland Family for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a Planned Development District for Single-Family 10 (SF-10) and General Retail (GR) District land uses on a 544.89-acre tract of land identified as Tracts 3 & 3-1 of the A. Johnson Survey, Abstract No. 123 [355.146-acres]; Tracts 7 & 7-2 of the W. H. Baird Survey, Abstract No. 25 [45.744-acres]; and Tracts 3 & 4 of the J. R. Johnson Survey, Abstract No. 128 [144.00-acres], City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 Overlay (SH-205) and SH-205 By-Pass Overlay (SH-205 BY OV) District, generally located on the east and west side of S. Goliad Street [SH-205] at the corner of the intersection of John King Boulevard and S. Goliad Street [SH-205], and take any action necessary (1st Reading).

Mayor Fowler shared the applicant asked that this item be postponed to the August 1, 2022, regular city council meeting.

2. **Z2022-029** - Hold a public hearing to discuss and consider a request by Bill Bricker of Columbia Development Company, LLC for the approval of an ordinance for a Zoning Change amending Planned Development District 59 (PD-59) [Ordinance No. 19-08] being a 56.586-acre tract of land identified as a portion of R. Ballard Survey, Abstract No. 29, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 59 (PD-59) for Neighborhood Services (NS) District, Single-Family 7 (SF-7) District, and Residential-Office (RO) District land uses, located between W. Washington Street and T. L. Townsend Drive, and take any action necessary (**1st Reading**).

Mr. Miller, the city's Planning Director, provided background information concerning this agenda item. The subject property is generally located between E. Washington Street, Renfro Street, T. L. Townsend Drive, the Union Pacific/Dallas Garland N. E. rail line, and the old Columbia Extrusion facility. The applicant is currently requesting approval of a Zoning Change amending Planned Development District 59 (PD-59) [Ordinance No. 19-08] in order to change the phase lines between phase 3 and phase 4 to reduce the number of lots within phase 4 that would be zoned Residential Office (RO) District.

On June 17, 2022, staff mailed 284 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Park Place Homeowner's Association (HOA), which is the only HOA 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 staff's report was drafted, staff had received four (4) property owner notifications and one (1) email from five (5) property owners within the 500-foot notification area in favor of the applicant's request. In addition, on July 12, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the Zoning Change by a vote of 6-0, with Commissioner Llewellyn having been absent. Mr. Miller explained that the City Council is being asked to approve, approve with conditions, or deny the Zoning Change request.

Bill Bricker
505 Westway Drive
Rockwall TX

Mr. Bricker, the applicant came forth and gave a brief history on the project, explaining how the property was originally planned out versus how they would like to now modify what is planned. He believes that turning the space into 'residential homes' will be best, and he is requesting that the four lots essentially be 'down-zoned' at this time.

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.

Councilmember Campbell moved to approve Z2022-029. Councilmember Macalik seconded the motion. The ordinance caption was then read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 22-XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO AMEND PLANNED DEVELOPMENT DISTRICT 59 (PD-59) [ORDINANCE NO. 19-08] BEING A 56.70-ACRE TRACT OF LAND IDENTIFIED AS A PORTION OF THE R. BALLARD SURVEY, ABSTRACT NO. 29, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A' AND DEPICTED HEREIN BY EXHIBIT 'B'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN

EFFECTIVE DATE.

The motion passed by a vote of 5 ayes with 2 absences (Moeller & Jorif).

- 3. Z2022-030 - Hold a public hearing to discuss and consider a request by Cory Cannon of Siren Rock Brewing Company for the approval of an ordinance for a Specific Use Permit (SUP) amending Ordinance No.18-34 (S-194) to allow a *Craft Winery* in conjunction with an existing *Craft Brewery* on a 1.233-acre parcel of land identified as Lot 2, Cain Properties No. 1 Addition, City of Rockwall, Rockwall County, Texas, zoned Downtown (DT) District, addressed as 310 S. Goliad Street, and take any action necessary (1st Reading).**

Mr. Miller, the city's Planning Director, provided background information concerning this agenda item: The applicant is requesting the approval of a Specific Use Permit (SUP) amending Ordinance No. 18-34 (S-194) to allow a *Craft Winery* in conjunction with an existing *Craft Brewery*. The subject property is currently zoned "Downtown (DT) District." The applicant would now like to amend their SUP (S-194) to allow a *Craft Winery* in conjunction with an existing *Craft Brewery*. To facilitate the applicant's request, Operational Condition #8 will be changed to remove the prohibition of a *Craft Winery*. Mr. Miller went on to explain that on July 12, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the Specific Use Permit (SUP) by a vote of 6-0, with Commissioner Llewellyn being absent.

Additionally, on June 17, 2022, staff mailed 112 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Stonebridge Meadows and Bent Creek Condos 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 staff's report was drafted for tonight's meeting, staff had not received any notices back related to the applicant's request. Mr. Miller further explained that the City Council is being asked to approve, approve with conditions, or deny the requested SUP.

The applicant, Eva Cannon came forth to state that the customers who do not like beer have been requesting wine. So if this new ordinance is approved, they will be able to fulfill their customers' wine requests. When asked by Mayor Fowler if the brewery will be making the wine themselves, Mrs. Cannon shared that she is unsure at this time. They are exploring options to determine what will work best for them.

Mayor Fowler opened the public hearing; however, no one indicated a desire to come forth and speak, so he closed the public hearing.

Mayor Pro Tem Johannesen moved to approve Z2022-030. Councilmember Macalik seconded the motion. The ordinance caption was then read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 22-XX
SPECIFIC USE PERMIT NO. S-194**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF

ROCKWALL, TEXAS, AMENDING *ORDINANCE NO. 18-34 [S-194]* AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A *CRAFT BREWERY, DISTILLERY AND/OR WINERY* ON A 1.16-ACRE PARCEL OF LAND IDENTIFIED AS LOT 2 OF THE CAIN PROPERTIES ADDITION #1 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 4 ayes and 1 nay (Daniels) with 2 absences (Moeller & Jorif).

4. **Z2022-031** - Hold a public hearing to discuss and consider a request by Mark and Veronica Combs for the approval of an ordinance for a *Specific Use Permit (SUP)* for an accessory *Guest Quarters/Detached Garage* on a 0.7379-acre parcel of land identified as Block 105A-1 of the B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Old Town Rockwall (OTR) Historic District, addressed as 401 S. Clark Street, and take any action necessary (**1st Reading**).

Mr. Miller, the city's Planning Director, provided background information concerning this agenda item. The applicant is requesting the approval of a Specific Use Permit (SUP) for a Guest Quarters/Detached Garage. The subject property 401 S. Clark Street is zoned Single-Family 7 (SF-7) District and is situated within the Old Town Rockwall (OTR) Historic District. Being within the OTR Historic District, the applicant first went to the Historic Preservation Advisory Board (HPAB) and received approval for a "certificate of appropriateness" (COA). Said approval by the HPAB was followed by a recommendation of the Planning and Zoning Commission that the proposed Guest Quarters/Detached Garage be approved. On July 12, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the SUP by a vote of 6-0, with Commissioner Llewellyn being absent. Additionally, on June 21, 2022, staff mailed 88 notices to property owners and occupants within 500-feet of the subject property. Staff also sent a notice to the Park Place Homeowner's Association (HOA), which is the only HOA or Neighborhood Organizations 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 staff's report was drafted, staff had received two (2) notices in favor of the applicant's request. Mr. Miller shared that the City Council is now being asked to approve, approve with conditions, or deny the requested SUP.

The applicant Mr. Combs (401 S. Clark Street) came forth and briefly addressed the City Council. Mr. Combs made comments regarding moving to this location (a 154 year old farmhouse) from the Buffalo Creek subdivision. He went on to explain the existing "backyard situation," which he stated is essentially a "hot mess." He generally spoke about the updates and renovations he plans to make to the house and the overall property.

Councilmember Macalik asked if the homeowner ever sells this home with the guest quarters/detached garage, could it be turned into some type of short-term rental. Mr. Miller

responded that – yes, it could. Mr. Miller explained that this is one of the reasons the city establishes specific use permits – that, even though it’s not the current homeowner’s intent to make it into a ‘short-term rental,’ the city has to look at what could potentially happen to the structure in the future. Mr. Miller reminded Council that the city does not currently regulate short-term rentals within the City of Rockwall.

Mayor Fowler opened the public hearing, but no one came forth to speak, so it was closed.

Councilmember Campbell moved to approve Z2022-031. Councilmember Daniels seconded the motion. The ordinance caption was then read as follows:

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR GUEST QUARTERS AND DETACHED GARAGE ON A 0.7379-ACRE PARCEL OF LAND, IDENTIFIED AS BLOCK 105A-1 OF THE B. F. BOYDSTON 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 5 ayes with 2 absences (Moeller & Jorif).

5. **Z2022-032** - Hold a public hearing to discuss and consider a request by Kirk Eyring of Squirrel’s Real Estate, LLC on behalf of Jeff Newland for the approval of an ordinance for a Specific Use Permit (SUP) for a Self-Service Carwash on a 2.47-acre parcel of land identified as Lot 3, Block A, The Woods at Rockwall Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District, generally located at the southeast corner of the intersection of W. Yellow Jacket Lane and Ridge Road [FM-740], and take any action necessary (1st Reading).

Mr. Miller, the city’s Planning Director, provided background information concerning this agenda item. The applicant -- *Kirk Eyring of Squirrel’s Real Estate* -- is requesting the approval of a Specific Use Permit (SUP) for a *Self-Service Car Wash (i.e. Smitty’s Car Wash)* to operate on the subject property, which is generally located at the southeast corner of W. Yellow Jacket Lane and Ridge Road. The proposed carwash will consist of a single entrance tunnel that has three (3) lanes of queuing and a “bail out” lane. Based on the concept plan, the carwash tunnel will be oriented so that the entrance of the tunnel will be facing onto W. Yellow Jacket Lane, and the tunnel will be parallel to Ridge Road [FM-740]. The concept plan also indicates 20 vacuum stalls and five (5) parking spaces. Staff should note that ten (10) of the vacuum bays are located adjacent to the property line along Ridge Road [FM-740]. Based on the noise study provided by the applicant, it does not appear that they will meet the City of Rockwall noise requirements (*Chapter 16,*

Environment, Article IV, Noise, of the Municipal Code of Ordinances). Mr. Miller shared that these types of business establishments often have difficulty meeting the city's noise-related requirements.

If the City Council chooses to approve the applicant's request for a *Specific Use Permit (SUP)* for this proposed *Self-Service Car Wash*, the Council may want to consider the following conditions of approval: As operational conditions for the proposed car wash, the applicant would be required [1] to add additional landscaping adjacent to the vacuum bays, [2] to utilize landscaping to screen the tunnel entrance and exit, and [3] to have no outside display of merchandise or outside storage. On June 21, 2022, staff mailed 32 notices to property owners and occupants within 500-feet of the subject property. Staff also sent a notice to the Turtle Cove Homeowners Association (HOA), which is the only HOA's or Neighborhood Organization 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 this report was drafted, staff had received one (1) returned notice in opposition to the applicant's request. On July 12, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the SUP by a vote of 6- 0, with Commissioner Llewellyn being absent.

General discussion took place pertaining to topics including the trees, mitigating for those trees, the proposed materials, and ingress/egress into and out of the carwash. Councilmember Daniels expressed concern about an existing (oil change/minor car repair) business located across the road from this particular property, explaining that – in his opinion – that business is an 'eye sore.' He does not believe that particular business or this proposed business truly 'fit' within the intent of what is otherwise best suited for this Scenic Overlay District. Councilmember Macalik shared that she is curious about a traffic impact study, especially considering school-related traffic in and around this area. Mr. Miller shared that a traffic impact analysis will be required by TXDOT in conjunction with the 'site plan' phase of this potential development.

Following additional comments, Councilmember Daniels moved to deny Z2022-032. Councilmember Campbell seconded the motion. The motion to deny passed by a vote of 5 ayes with 2 absences (Moeller & Jorif).

6. **Z2022-033** - Hold a public hearing to discuss and consider a request by Patrick Filson of Kirkman Engineering on behalf of 101 Hubbard Dr., LLC for the approval of an ordinance for a *PD Development Plan* for a *Restaurant* on a 1.021-acre tract of land identified as Lot 4, Block A, Harbor District Addition, City of Rockwall, Rockwall County, Texas, situated within the *Summit Office Subdistrict* of Planned Development District 32 (PD-32), located within the IH-30 Overlay (IH-30 OV) District, generally located at the southwest corner of the intersection of Horizon Road [FM-3097] and the IH-30 Frontage Road, and take any action necessary (1st Reading).

Mr. Miller, the city's Planning Director, provided background information concerning this agenda item. On June 17, 2022, the applicant came forth to request approval of a *PD Development Plan* for a mixed office and restaurant building. The applicant has submitted a concept plan showing the establishment of a 5,100 SF restaurant with a 1,800 SF patio, and 5,000 SF of office space. The proposed restaurant will be two (2) stories and incorporate a structured parking garage below the restaurant. The concept plan shows that 86 parking spaces are required, and 90 parking spaces will be provided. Mr. Miller shared that, taking into account all of the submitted materials, the applicant's request does appear to conform to the majority of the applicable standards and

design guidelines stipulated for the *Harbor District*; however, it should be noted that the proposed plan lacks conformance to the [1] maximum lot coverage, [2] building form, [3] land use location requirements, and [4] the surface parking requirements.

Mr. Miller explained that when evaluating a request for a waiver as part of a *PD Development Plan* the Planning and Zoning Commission and City Council are asked to consider if the request: “(a) Meets the general intent of the *PD District* or *Sub-District* that the property is located; and, (b) Will result in an improved project which will be an attractive contribution to the *PD District* or *Sub-District*; and (c) Will not prevent the implementation of the intent of this *PD District*.” In this case, the applicant’s request does not appear to change the intent of the *Sub-District* as approved in the City Council by *Ordinance No. 10-21 (currently Ordinance No. 17-22)*, or prevent the implementation of the intent of this *PD District*; however, a *PD Development Plan* is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission.

On July 12, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the *PD Development Plan* by a vote of 6-0, with Commissioner Llewellyn being absent. In addition, staff mailed 24 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Lakeside Village and Lago Vista 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 this report was drafted, staff had received two (2) property owner notifications from one (1) property owner that owns two (2) parcels of land within the 500-foot notification area in favor of the applicant’s request.

Councilmember Johannesen expressed concern regarding the many variances being requested for this property. Ryan Miller stated PD-32 was built around a large concept plan that basically laid out the district as a whole. As development is being approved in one particular area, it tends to affect another area because it essentially inhibits the ability of other properties to “meet” the plan. For example, this particular site in that concept plan showed a mid-rise office building that actually extends onto not only this property but also the property south of it. In addition, the parking field was set up in the corner of the “Care Now” property. That is one reason for variances being requested on this property. Again, approval of requested variances is at the discretion of the City Council.

Mayor Fowler asked if the parking is sufficient for the use and size of the building. Mr. Miller indicated that, yes, it is sufficient. Mr. Miller went on to add that most every project that has come forth within PD-32 has had to go thru a PD development plan because it did not meeting the overall concept plan.

It is noted that no one came forth to speak during the public hearing.

Councilmember Daniels moved to approve Z2022-033. Mayor Fowler seconded the motion. The ordinance caption was then read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 32 (PD-32) [ORDINANCE NO. 17-22] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A PD DEVELOPMENT PLAN FOR A RESTAURANT ON A 1.021-ACRE PARCEL OF LAND IDENTIFIED AS LOT 4, BLOCK A, HARBOR DISTRICT ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED AND DEPICTED HEREIN BY EXHIBIT 'A'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE

The motion passed by a vote of 5 ayes with 2 absences (Moeller & Jorif).

7. **Z2022-034** - Hold a public hearing to discuss and consider a request by Kevin Harrell of the Skorburg Company on behalf of Larry Hance of R & R Investments for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a Planned Development District for Single-Family 10 (SF-10) District land uses on a 85.63-acre tract of land identified as Tracts 2-01, 2-04, 2-05 & 2-06 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, generally located at the southwest corner of the intersection of Hays Road and John King Boulevard, and take any action necessary (**1st Reading**).

Mr. Miller, the city's Planning Director, provided background information concerning this agenda item. The subject property is located between N. John King Blvd and Hays Lane by E Quail Run Rd. It is between the Gideon Grove Phase II and Stone Creek subdivisions. The subject property is zoned Agricultural (AG) District, and is situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District. The subject property was annexed in 1998. At the time of annexation, the subject property had a [1] a 2,236 SF single-family home, [2] a 64 SF storage building, [3] a 2,400 SF metal storage building, [4] a 2,208 SF barn, [5] an 897 SF storage shed, and [6] an 864 SF storage building. Beyond these structures, the subject property has remained largely undeveloped, and the zoning designation has not changed since annexation.

The applicant is requesting approval of a Zoning Change from an Agricultural (AG) District to a Planned Development District for Single-Family 10 (SF-10) District land uses. Specifically, the applicant is proposing to entitle the subject property for a 252-lot single-family, residential subdivision that will consist of three (3) lot sizes (*i.e.* [A] 157, 62' x 120' lots; [B] 78, 72' x 120' lots; and [C] 17, 82' x 125' lots). This translates to a gross density of 2.94 dwelling units per gross acre. The minimum dwelling unit size (*i.e.* air-condition space) will range from 2,200 SF to 2,800 SF. With regard to the proposed housing product, staff has incorporated anti-monotony and masonry standards into the proposed Planned Development District ordinance. Specifically, the ordinance will require a minimum of 90% masonry, and be subject to the City's upgraded anti-monotony standards; however, the Planned Development District ordinance will also incorporate provisions that allow up to 50% cementitious fiberboard utilized in a horizontal lap-siding, *board-and-batten* siding, or decorative pattern to allow a variation of materials throughout the subdivision.

Looking at the garage orientation proposed for the development, the applicant is requesting to allow a total of 32.10% of the Type 'A' Lots (51 lots or 20% of all the garages) to be orientated

toward the street in a Flat Front Entry garage configuration; however, the applicant is proposing to require a 25-foot front yard building setback for all garages oriented in a Flat Front Entry garage configuration. The remaining garage doors will be oriented in a J-Swing (or a Traditional Swing) configuration or Recessed Entry configuration (i.e. where the garage door is situated a minimum of 20-feet behind the front façade). In addition, the applicant is proposing to incorporate upgraded finishes on all garage doors that include: [1] coach lighting, [2] decorative wood doors or wood overlays on insulated metal doors, and [3] driveways that are constructed with ornamental stamped concrete brick pavers, stained finish, or salt finished. The following are some of the examples of the upgrades required in the Planned Development District ordinance:

The proposed concept plan shows that the development will consist of a total of 17.2288-acres open space that includes a 4.80-acre amenity center. This translates to an open space percentage of 20.12% (*i.e. 17.2288-acres of open space/85.63- acres gross = 20.12%*). In addition, the applicant has incorporated a ten (10) foot hike/bike trail along John King Boulevard and five (5) foot walking trails throughout the subdivision.

On June 17, 2022, staff mailed 275 notices to property owners and occupants within 500 feet of the subject property. Staff also notified the Stone Creek, Quail Run Valley, and Caruth Lakes (*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. At the time staff's report was drafted, staff had received the following notice replies:

- (1) One (1) response from the City's online *Zoning and Specific Use Input Form* from one (1) property owner outside of the 500-foot notification buffer in favor of the applicant's request.
- (2) One (1) response from the City's online *Zoning and Specific Use Input Form* from one (1) property owner outside of the 500-foot notification buffer in opposition of the applicant's request.
- (3) Two (2) emails from two (2) property owners outside of the 500-foot notification buffer in opposition to the applicant's request.
- (4) One (1) email from one (1) property owner outside of the 500-foot notification buffer in favor of the applicant's request.

In addition, on July 12, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the Zoning Change by a vote of 6-0, with Commissioner Llewellyn being absent. The City Council is now being asked to approve, approve with conditions, or deny the Zoning Change.

The applicant(s) then came forth and addressed Council.

Bryan Holland
Skorburg Development Company
8214 Westchester Drive

Mr. Holland provide a slideshow and associated comments to Council, generally explaining what is being proposed for this residential housing development. He explained the density he is proposing; however, Mr. Miller spoke up, encouraging Mr. Holland to check his math because our city does not calculate density in the manner in which Mr. Holland has calculated it. Mr. Holland went on to provide additional details to Council, including the proposed housing product,

some of the builders who are proposed to be involved, the anticipated project timeline (approximately 7 years), etc.

Mayor Fowler opened the public hearing and invited the first speaker to come forth.

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker sought and received brief clarification on the older portion of Quail Run in this area. Mr. Wacker shared that he is in favor of this proposed development, in part, because he knows the roadway will be improved. He is comfortable with the developer, Skorburg, and he believes the larger homes will improve home values in the area. Mr. Wacker is concerned about water pressure, especially considering all of the new and upcoming residential development, and he briefly expounded upon these concerns.

Mr. Frank Tyminski
643 Windy Ridge Lane
Rockwall, TX

Mr. Tyminski has concerns about John King eventually being 'swaped,' traffic wise, with SH-205. He has noise-related concerns pertaining to the increased traffic once that occurs someday in the future. He suggested that perhaps 'sound wall' barriers should be installed in the future in order to protect the homes from traffic-related noise.

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

Councilmember Daniels commented on the developer not agreeing to incorporate "Type C" lots, as has been requested and suggested by staff. Mr. Holland (applicant) went on to explain why his company has decided not to incorporate those lots. Councilman Daniels asked for clarification on the proposed 'evergreen trees,' and indication was given that those would be maintained by the HOA (not by the City).

Councilmember Campbell expressed concern about a larger percentage of smaller lots being proposed. She would like to see additional, larger lots incorporated, especially along the Quail Run portion of the proposed development. Mr. Holland believes that a person driving by will not be able to tell the difference between a smaller versus a larger lot.

Councilmember Daniels shared that evergreen trees will eventually die, and then it becomes a maintenance concern. He too also has a problem with more larger lots not being proposed for incorporation.

Councilmember Daniels then moved to table Z2022-034 until the August 1, 2022 city council meeting. Councilmember Macalik seconded the motion. City Attorney, Frank Garza, indicated that this will not need to go back to the P&Z Commission. The motion to table this item passed by a vote of 5 in favor with 2 absences (Moeller and Jorif).

XII. ACTION ITEMS

- 1. P2022-029** - Discuss and consider a request by Robert Howman of Glenn Engineering Corp. on behalf of William Salee of the Rockwall Independent School District (RISD) for the approval of a *Preliminary Plat* for Lot 2, Block A, Rockwall – CCA Addition being a 173.00-acre tract of land identified as Tract 7-1 of the W. H. Baird Survey, Abstract No. 25 and Lot 1, Block A, Rockwall CCA Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 95 (PD-95) for limited Neighborhood Services (NS) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, addressed as 2301 John King Boulevard, and take any action necessary.

Mr. Miller, the city's Planning Director, provided background information concerning this agenda item. The purpose of the applicant's request is to Preliminary Plat a 173.00-acre tract of land to establish the necessary easements (e.g. fire lane, public access/right-of-way, utilities, and drainage) for the future development of a school (a freshmen center). The applicant has submitted a letter requesting waivers to the required infrastructure as stipulated in Chapter 38, Subdivisions, of the Municipal Code of Ordinances. Mr. Miller explained that if the Planning and Zoning Commission chooses to recommend approval of a Preliminary Plat for Lot 2, Block A, Rockwall-CCA Addition, the Council may wish to consider the following conditions of approval: (1) All technical comments from City Staff (i.e. Engineering, Planning and Fire Department) shall be addressed prior to submittal of civil engineering plans; (2) Any construction resulting from the approval of this Preliminary Plat shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

Mr. Miller shared that the Planning and Zoning Commission previously approved a motion to recommend denial of the Infrastructure Waivers and Preliminary Plat by a vote of 7-0. Thereafter, on July 5, 2022, the City Council approved a motion to deny the requested Infrastructure Waivers and Preliminary Plat by a vote of 7-0.

The applicant then came forth to address council.

**Tim Lyssy
Rockwall Independent School District
1050 Williams Street
Rockwall, TX**

Mr. Lyssy indicated that the school district has gone back and looked at several aspects of the project. He shared that the ISD is now committing to building the 24' section of (roadway) infrastructure in accordance with what the city is requiring.

Mayor Fowler pointed out that Councilmember Anna Campbell has recused herself from the discussion and vote on this agenda item, as she is employed by the school district.

Mayor Pro Tem Johannsen thanked the applicant for making needed adjustments and then moved to approve P2022-029. Councilmember Macalik seconded the motion, which – after brief discussion – passed by a vote of 4 ayes, 1 abstention (Campbell), and 2 absences (Moeller & Jorif).

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 (re)appointments to city regulatory boards and commissions, pursuant to Section, §551.074 (Personnel Matters)
2. Discussion regarding appointment assignments for city council subcommittees and board liaisons, pursuant to Section, §551.074 (Personnel Matters).
3. Discussion regarding Buffalo Creek Interceptor System Contract, pursuant to Section §551.071 (Consultation with Attorney)
4. Discussion regarding RCH Water Supply Corp. and City of Heath water related contracts, pursuant to Section §551.071 (Consultation with Attorney)

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

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

XV. ADJOURNMENT

Mayor Fowler adjourned the meeting at 7:42 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 1st DAY OF AUGUST, 2022.



KEVIN FOWLER, MAYOR

ATTEST:


KRISTY TEAGUE, CITY SECRETARY