

ROCKWALL CITY COUNCIL REGULAR MEETING

Tuesday, February 21, 2023 - 5:00 PM

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

I. CALL PUBLIC MEETING TO ORDER

Mayor Fowler called the meeting to order at 5:00 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem Trace Johannesen, and Councilmembers Dennis Lewis, Clarence Jorif, Anna Campbell, Bennie Daniels and Mark Moeller. Also present were City Manager Mary Smith and Assistant City Manager Joey Boyd. City Attorney Frank Garza attended Ex. Session via video teleconference ("ZOOM") and listened in remotely during the public meeting.

Mayor Fowler read the below listed discussion item into the record before recessing the public meeting to go into Executive Session at 5:01 p.m.

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 legal advice associated with Special Improvement Districts, pursuant to Section 551.071 (Consultation with Attorney)

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Ex. Session at 5:23 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 LEWIS

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

VI. PROCLAMATIONS / AWARDS / RECOGNITIONS

1. Teen Dating Violence Awareness Month

Mayor Fowler called forth students from the city's Youth Advisory Council (YAC) as well as County District Attorney Kenda Culpepper, Heather Adams and Monica Ivener from Women in Need, and Rockwall Police Department Detective, Laurie Burks. He then read and presented this proclamation. Following brief comments from Ms. Culpepper, YAC Chairman Jaxson Stuart, and the Women in Need representatives, Mayor Fowler thanked everyone for their support in bringing awareness of this important topic to light.

VII. OPEN FORUM

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

Ryan Joyce

767 Justin Road
Rockwall, TX 75087

Mr. Joyce came forth and extended an invitation for the Council and the public to come on March 31st and April 1st to the youth agricultural fair that will be held at the county courthouse.

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

Mayor Fowler reopened Open Forum and called forth Derek Deckard from the City's Planning & Zoning Commission. Mr. Deckard briefly spoke about recommendations of the city's P&Z relative to planning-related items on tonight's meeting agenda. Council took no action regarding his briefing.

VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Council took no action as a result of Ex. Session.

IX. CONSENT AGENDA

1. Consider approval of the minutes from the February 6, 2023 regular city council meeting, and take any action necessary.
2. **P2023-001** - Consider a request by Ryan Moorman of Truman Heights, LLC for the approval of a Replat for Lot 26, Rainbo Acres Addition being a 1.222-acre parcel of land identified as Lot 24, Rainbo Acres Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, addressed as 259 & 263 Ranch Trail, and take any action necessary.
3. **P2023-003** - Consider a request by Nick Hobbs of BGE Engineering on behalf of USEF Rockwall Owner, LLC for the approval of a Replat for Lots 4 & 5, Block A, Rockwall Park 30 Addition being a 22.275-acre tract of land identified as Lots 1 & 2, Block A, Rockwall Park 30, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, generally located on the southside of the IH-30 Frontage Road east of the intersection of Corporate Crossing and IH-30, and take any action necessary.
4. **P2023-004** - Consider a request by Bryan Connally of CBG Surveying on behalf of Todd and Whitney Abbott for the approval of a Final Plat for Lot 1, Block A, Abbott Addition being a 1.25-acre tract of land identified as Tract 52 of the R. Ballard Survey, Abstract No. 29 and Lot 2 of the Renfro Place South Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 619 Renfro Street, and take any action necessary.

Councilmember Jorif moved to approve the Consent Agenda in its entirety (#s 1, 2, 3, and 4). Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Mayor Fowler briefly reopened Open Forum to hear a briefing from the Planning & Zoning representative. Thereafter, he reordered the meeting agenda to address Action Item #1 next.

X. PUBLIC HEARING ITEMS

1. **Z2022-060** - Hold a public hearing to discuss and consider approval of an ordinance for a Text Amendment to Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] for the purpose of making changes to the *Solar Collector Panels and Systems* requirements for residential properties, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information related to this agenda item. This text amendment will essentially ensure that solar panel installation for residential and small commercial businesses will have to meet the provisions contained within the International

Building Code. The P&Z Commission has recommended approval of this item by a vote of 6 to 0 (with one being absent).

Mayor Fowler opened the public hearing. No one came forth to speak, so Mayor Fowler closed the public hearing.

Councilmember Moeller asked for clarification on if a Homeowners Association (HOA) can prohibit or otherwise regulate solar panels. Mr. Miller shared that – yes – the verbiage is referring to an HOA, and they can regulate them. There are seven, stringent installation criteria that an HOA can regulate.

Councilmember Jorif asked for clarification regarding the municipality cannot prohibit, but an HOA can – he wonders if that is a conflict. Mr. Miller shared that clarification on this topic may be found in the State of Texas Property Code in Section 202.101(d)1-7.

Councilmember Lewis asked for clarification on who has to provide a structural engineer's report to ensure the structure can handle the weight of the solar panels atop of shingles. Mr. Miller shared that the applicant has to provide this at the time of seeking a permit.

Councilmember Lewis moved to approve Z2022-060. Mayor Pro Tem Johannesen seconded the motion. The ordinance caption was read as follows:

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING SUBSECTION 02.03(K)(7), SOLAR ENERGY COLLECTOR PANELS AND SYSTEMS, OF ARTICLE 04, PERMISSIBLE USES, AS DEPCITED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

2. **Z2022-057** - Hold a public hearing to discuss and consider a request by Dub Douphrate of Douphrate and Associates, Inc. for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a Planned Development (PD) District for General Retail (GR) District and Single-Family 1 (SF-1) District land uses on a 25.87-acre tract of land identified as parcel of land identified as Tract 14 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the East SH-66 Overlay (E. SH-66 OV) District, generally located southside of SH-66 east of the intersection of SH-66 and Davis Drive, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information pertaining to this agenda item. This property is located on the south side of SH-66 just east of Davis Lane. It was annexed in 1998, has been zoned AG and is currently vacant. The applicant wants to rezone the property to a Planned Development District to construct six single-family one-acre residential lots, and one 1.68 acre general retail lot, with a site for a free-standing commercial (monopole) antennae. There will also be two open space lots. The applicant is requesting that these lots be able to have septic systems in lieu of sanitary sewer. Also, they would like to have septic on the non-residential tract.

The homes will be constructed with recessed front-entry or j-swing garages, which deviates from the city's 'alleyways' requirement. In addition, the request for septic systems on these 1 acre lots is less than what the city's UDC requires, which are 1.5 acre lots. The city council has granted these sorts of waivers or permissions in the past; however, a 'commercial' site that's less than 1.5 acres has never before been granted this type of exception in the past.

On December 14, 2022, staff mailed 36 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Rolling Meadows Estates Homeowner's Association (HOA). Five (5) property owner notifications from three (3) property owners who are in favor of the applicant's request. Staff should note that two (2) of the notices received back are from the property owner / applicant for this zoning case. The city's P&Z Commission voted 7-0 to recommend approval to the City Council.

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

Councilmember Jorif moved to approve Z2022-057. Councilmember Lewis seconded the motion.

The applicant came forth and addressed the Council. Councilmember Daniels shared that he understands the request for utilizing septic systems since no sewer lines are available. He is a little concerned about septic on the residential lots; however, he has an even greater concern about septic being utilized on the "commercial" portion of the development. Councilmember Daniels wonders if we could have the developer agree to tie into any future city sewer line if/when that opportunity becomes available. Indication was given that city regulations already require that the applicant will have to tie in if/when city sewer becomes available within 100' of the property.

Councilmember Daniels asked if Councilmember Jorif will consider amending his motion to make stipulations regarding the commercial portion of the property having to tie into city sewer if/when it becomes available nearby.

Councilmember Jorif withdrew his original motion, and Councilmember Lewis withdrew his 'second' to the original motion.

Councilmember Daniels then moved to approve Z2022-057, stipulating that the draft ordinance be amended to add a provision that the general retail property will connect to city sewer once it's brought within 100' of the subject property. Councilmember Jorif seconded the motion.

The ordinance caption was read as follows:

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO PLANNED DEVELOPMENT DISTRICT XX (PD-XX) FOR GENERAL RETAIL (GR) DISTRICT AND SINGLE-FAMILY 1 (SF-1) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 25.87-ACRE TRACT OF LAND IDENTIFIED AS TRACT 14 OF THE D. HARR SURVEY, ABSTRACT NO. 102, 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 to approve passed by a vote of 7 ayes to 0 nays.

- 3. Z2022-059 - Hold a public hearing to discuss and consider a request by Dewayne Zinn of Cross Engineering Consultants, Inc. on behalf of Chad Dubose of JCDB Goliad Holdings, LLC for the approval of an ordinance for a *Specific Use Permit (SUP)* for a *Restaurant with 2,000 SF or more with a Drive-Through (i.e. Smoothie King)* on a 0.579-acre portion of a larger 2.542-acre parcel of land identified as Lot 1, Block A, Pecan Valley Retail Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 65 (PD-65) for General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, located at the northwest corner of the intersection of Pecan Valley Drive and N. Goliad Street [SH-205], and take any action necessary **(1st Reading)**.**

Planning Director Ryan Miller provided background information related to this agenda item. This is currently a vacant piece of property, and the applicant would like to construct a restaurant with drive-thru in order to establish a Smoothie King. Staff noted that the same request for a *Restaurant with a Drive-Through or Drive-In* has previously been submitted twice by the owner of the subject property. On July 19, 2019, Jake Fears, PE of Weir & Associates, Inc., submitted an application for a Specific Use Permit (SUP) [i.e. Case No. Z2019-014] for a *Restaurant, Less than 2,000 SF, with a Drive-Through or Drive-In*. The applicant of this case ultimately requested to withdraw it after failing to address staff's comments. This withdraw request was granted by the Planning and Zoning Commission on August 13, 2019 by a vote of 7-0. Following this request, on June 19, 2020, Jake Fears, PE of Weir & Associates, Inc. submitted a subsequent application for a Specific Use Permit (SUP) [i.e. Case No. Z2020-026] for a *Restaurant, Less than 2,000 SF, with a Drive-Through or Drive-In*. On July 14, 2020, the Planning and Zoning Commission recommended denial by a vote of 5-1, with Commissioner Welch dissenting and Commissioner Moeller being absent. The Planning and Zoning Commission based the recommendation for denial on: [1] traffic concerns, [2] concerns about access to the property, and [3] public opposition. Ultimately the applicant requested that the City Council withdraw the case, and the City Council granted this request on July 20, 2020.

Regarding this current application / case for Z2022-059, twenty notices were sent out to adjacent property and land owners as well as nearby HOAs. Staff received one notice back in opposition of the request.

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

**Chad Dubose
7218 Colgate Ave.
Dallas, TX 75225**

Mr. Dubose indicated that he is here as the property owner and is in support of this request. He is also here to answer any questions.

**Cory Masters
203 S. Forum Drive, #331
Grand Prairie, TX 75052**

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

Councilmember Moeller acknowledged previous concerns that had been raised related to this piece of property and possible construction, specifically related to the size of the lot, the creek and drainage. Mr. Miller shared that the applicant will have to submit a flood study and a drainage and detention study. They discussed with staff the possibility of utilizing the city's pond on the old Arkoma property. If this were to come to fruition, it would have to be spelled out in a development agreement. They do have an option to provide underground detention, which would require that the existing creek be piped, but all of these matters will depend on the studies.

Mayor Pro Tem Johannesen moved to approve Z2022-059. Councilmember Daniels seconded the motion. The ordinance caption was read as follows:

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 65 (PD-65) [ORDINANCE NO. 17-03] AND THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR A RESTAURANT WITH 2,000 SF OR MORE WITH A DRIVE-THROUGH OR DRIVE-IN ON A 0.579-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 1, BLOCK A, PECAN VALLEY RETAIL ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

4. Z2023-001 - Hold a public hearing to discuss and consider a request by Ali Abedini on behalf of John Fenianos for the approval of an ordinance for a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision on a 0.20-acre parcel of land identified as Lot 16, Block C, Harborview Landing, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for Single-Family 7 (SF-7) District, addressed as 310 Harborview Drive, and take any action necessary (1st Reading).

Planning Director Ryan Miller provided background information related to this agenda item. Mr. Miller shared that this is in the Harbor View Subdivision, which is part of the Chandler's Landing Subdivision. The applicant would like to construct a single-family home on this lot, and it is located within what is considered to be an 'established subdivision.' The Council is being asked to consider the size, location and architecture compared to existing, nearby homes. Staff has conducted said comparison and has provided information to the Council to that end. The applicant is wanting to construct the garage in a manner that is not setback 20' beyond the front façade but is – rather – just over 12' forward of the front façade. The Chandler's Landing Subdivision has been around since the 1970s and has been subject to various Codes over time. Ordinance 87-19 set minimum elevations for finish floor and for the housing height. The applicant is in conformance with these requirements at this time.

Eighty-six notices were sent out to residents and property owners located within 500' of the subject property. Staff received one notification and one email in opposition to this request. In addition, nearby HOAs were also notified, and the city's Planning & Zoning Commission voted 7-0 to recommend approval of this request. It was noted that the applicant was not present this evening.

Mayor Fowler opened the public hearing. No one came forth to speak, so Mayor Fowler closed the public hearing.

Councilmember Moeller moved to approve Z2023-001. Councilmember Campbell seconded the motion. The ordinance caption was read as follows:

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 8 (PD-8) [ORDINANCE NO. 84-30] AND THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.20-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 16, BLOCK C, HARBORVIEW LANDING, PHASE 2 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE

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

5. Z2023-002 - Hold a public hearing to discuss and consider a request by Matthew J. Peterson of DB Constructors, Inc. on behalf of Jeff Fleming for the approval of an ordinance for a Specific Use Permit (SUP) to allow a *New and/or Used Indoor Motor Vehicle Dealership/Showroom* on a 1.99-acre portion of a larger 3.853-acre tract of land identified as Tract 2-09 of the J. A. Ramsey Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, zoned Planned Development 46 (PD-46) District for Commercial (C) District land uses, situated within the SH-276 Overlay (SH-276 OV) District, generally located on the southside of Springer Road east of the intersection of Springer Road and Corporate Crossing, and take any action necessary (1st Reading).

Planning Director Ryan Miller provided background information concerning this agenda item. This property is located on Springer Road near Corporate Crossing. The applicant would like to establish New and/or Used Indoor Motor Vehicle Dealership/Showroom in a Commercial (C) District for the purpose of constructing a 22,726 SF Office and Indoor Motor Vehicle Dealership/Showroom on the subject property. The City's P&Z Commission has unanimously recommended approval of this request to the City Council. Notices were sent out to 27 adjacent property owners and nearby HOAs. No notices were received back (neither in favor, nor in opposition) by staff.

Matthew Petterson with DB Constructors came forth and clarified that, even though this is for a 'dealership,' the applicant will actually be utilizing this for his own, private vehicle collection (not for the public).

Mayor Fowler opened the public hearing. No one came forth to speak, so Mayor Fowler closed the public hearing.

Councilmember Lewis moved to approve Z2023-002. Councilmember Moeller seconded the motion. Mayor Pro Tem Johannesen shared that he is generally not in favor of approving more car dealerships; however, since this will be for someone's own, private collection, he does not have a problem with it. The ordinance caption was read as follows:

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 46 (PD-46) [ORDINANCE NO. 21-32] 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 A NEW AND/OR USED INDOOR MOTOR VEHICLE DEALERSHIP/SHOWROOM ON A 1.99-ACRE PORTION OF A LARGER 3.853-ACRE TRACT OF LAND IDENTIFIED AS TRACT 2-09 OF THE J. A. RAMSEY SURVEY, ABSTRACT NO 186, 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 to approve passed by a vote of 7 ayes to 0 nays.

6. **Z2023-003** - Hold a public hearing to discuss and consider a request by Ryan Joyce on Michael Joyce Properties on behalf of Vicmar I, LTD 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 140.50-acre tract of land identified as Tract 5 of the J. R. Johnson Survey, Abstract No. 128 and Tract 3 of the G. Wells Survey, Abstract No. 219, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located on the southside of Mims Road west of the intersection of Mims Road and National Drive, and take any action necessary (**1st Reading**).

Planning Director Ryan Miller provided background information related to this agenda item. This property is currently vacant. The applicant would like to establish a 292 single-family, residential subdivision that will consist of four (4) lot sizes (i.e. [A] 32, 82' x 120' lots; [B] 98, 72' x 120' lots; [C] 105, 62' x 120' lots; and [D] 57, 52' x 120' lots). This translates to a gross density of 2.08 dwelling units per gross acre (i.e. 292 lots/140.50-acres = 2.078 dwelling units per gross acre). The minimum home size will range from 2,000 SF to 2,500 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 materials be used on the exterior façade, 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 80% cementitious fiberboard utilized in a horizontal lap-siding, board-and-batten siding, or decorative pattern to allow a variation of materials throughout the subdivision. The approval of the ability to use over 20% cementitious materials will be an administrative approval from the

Director of Planning and Zoning. Looking at the garage orientation proposed for the development, the applicant is requesting to allow all of the Type 'D' lots (i.e. the 52' x 120' lots) or a total of 19.59% of the 292 lots (equating to a total of 57 lots) to be orientated toward the street in a Front Entry garage configuration; however, the applicant is proposing to require an additional five (5) foot setback from the front façade of the home for Front Entry garage configurations, which will create a 25-foot separation from the garage to the front property line. The applicant has stated that this is necessary due to the inability to provide a J-Swing or Traditional Swing garage orientation on a 52' x 120' lot. In addition, the applicant has stated that setting the garage back 20-feet behind the front façade of the home would shrink the building pad, and is making the request for Front Entry garages based on this rationale. 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).

Mr. Miller went on to share that the request deviates from the city's Engineering Standards of Design & Construction in that existing streets must connect to future, dedicated streets. In this case Renee Drive abuts the southern property line, but the applicant is requesting to not extend that street. Instead, he would like to install a 24' fire lane and emergency access point that can be closed off by bollards but still be accessed by the Fire Department, if necessary.

The applicant is also requesting to utilize board-on-board fencing on all of the 52' lots along the eastern (National Drive) and southern (Lake Rockwall Estates Subdivision) boundaries. Normally, a wrought iron fence and berms with screening would be required. Where the board-on-board fencing would be utilized, berms and screening would also be provided. Then on the southern boundary, a 30' tree preservation easement would be established to preserve the existing trees. Just today the applicant presented staff with plans to meet the city's open space requirements.

Mr. Miller shared that this request is in conformance with the city's future land use plan contained within the city's Comprehensive Plan. However, considering the deviation from some of the city's regulations, its approval is discretionary on the part of Council.

Twenty-seven notices were sent out to adjacent property owners and HOAs. Three notices of opposition have been received by staff (located within the 500' buffer zone). One notice of opposition was also received online (by someone located outside of the 500' zone). In addition, one more notice of opposition was received; however, it is not clear if that respondent is located within or outside of the 500' zone.

Mayor Fowler then called for the applicant.

Ryan Joyce
767 Justin Road
Rockwall, TX 75087

Mr. Joyce, the applicant, came forth and explained that this developer is the same one who has developed the Nelson Lake subdivision and the Gideon Grove subdivision (elsewhere within the City of Rockwall). He went on to provide a detailed presentation to Council to further describe details concerning this request.

Councilmember Daniels asked for clarification on who will maintain the board-on-board fencing (that will be in lieu of wrought iron fencing). Mr. Miller clarified that each, individual property owner will maintain the board-on-board fencing. Mr. Joyce went on to clarify that the subdivision's smaller lots will be the ones that will back up to the city's future water storage facility (lot).

Discussion ensued pertaining to lot sizes and lot placement and the aspects of the proposed plan that do and do not entirely conform to the city's existing regulations. Mr. Joyce shared that there is a small portion of the development that may include "Blackland Prairie" land. While they are working to preserve some of this, preserving all of it may not be possible; however, there will be some signage placed that does identify it as Blackland Prairie land.

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, Mayor Fowler closed the public hearing.

Councilmember Jorif moved to approve Z2023-003. Mayor Pro Tem Johannensen seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 23-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO PLANNED DEVELOPMENT DISTRICT XX (PD-XX) FOR SINGLE FAMILY 10 (SF-10) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 140.50-ACRE TRACT OF LAND IDENTIFIED AS TRACT 5 OF THE J. R. JOHNSON SURVEY, ABSTRACT NO. 128 AND TRACT 3 OF THE G. WELLS SURVEY, ABSTRACT NO. 219, 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 to approve passed by a vote of 7 ayes to 0 nays.

7. Z2023-004 - Hold a public hearing to discuss and consider a request by Mike Pizzola of Designhaus Architecture on behalf of Viper Development for the approval of an ordinance for a *Specific Use Permit (SUP)* to allow a *Mini-Warehouse* on a 3.15-acre tract of land identified as Lots 1 & 2, Block A, Eastshore Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 68 (PD-68) for Commercial (C) District land uses, situated within the SH-205 Overlay (SH-205 OV) District, generally located on the eastside of S. Goliad Street [*SH-205*] south of the intersection of Community Lane and S. Goliad Street [*SH-205*], and take any action necessary (**1st Reading**).

Planning Director Ryan Miller indicated that, as of this afternoon, the applicant has asked the Council to consider tabling this item this evening. According to the UDC, action of the Council will need to be taken accordingly. Mayor Fowler asked for clarification of 'next steps.' Mr. Miller shared that the applicant has had trouble addressing staff's comments in a timely manner. It is really up to Council on whether or not they want to remand this back to the P&Z Commission or hear the case and approve or deny without prejudice. Mayor Fowler shared that he prefers to proactively remand this back to the city's P&Z Commission.

Councilmember Lewis expressed consternation regarding the applicant not timely responding to / addressing staff's comments. Mr. Miller explained what will happen if Council remands this back to P&Z. Councilmembers Lewis and Campbell shared that they personally prefer to move forward with hearing this case tonight.

With that being said, Mr. Miller provided background information concerning this agenda item. The applicant would like to construct two buildings associated with a mini warehouse storage facility. The applicant had not originally been meeting the city's parking requirements; however, the applicant did subsequently submit revisions that they thought helped meet the parking requirements. That is actually not so, however, as the additional spaces are located behind a locked fence area, so they still are not in compliance. Mr. Miller shared that the city has traditionally desired to conceal these sorts of facilities behind facades that are more aesthetically appealing from street views. The applicant was originally wanting a flat roof design; however, the applicant has indicated recently that they will adhere to the city's pitched roof requirements, but staff has not actually seen those plans at this point. There is an existing facility like this (mini storage) directly south of this location. Fifty-five notices were sent out to adjacent land owner and property owners as well as the nearby Waterstone Estates HOA. Two notices by two non-residential properties have been received back in favor of the request. The City's P&Z Commission did meet on this case and voted 6 to 1 to recommend its denial. Therefore, a ¾ super majority vote of Council would be required in order for this to be approved this evening.

Mayor Fowler opened the public hearing. No one came forth to speak, so Mayor Fowler closed the public hearing.

Regarding Z2023-004, Councilmember Lewis moved to deny the item. Councilmember Moeller seconded the motion. Mayor Pro Tem Johannesen provided brief comments, supporting denial of this request this evening. The motion to deny this item passed unanimously of Council (7 ayes, 0 nays).

8. Z2023-005 - Hold a public hearing to discuss and consider a request by Peter and Janyce Gardner for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a Single-Family Estate 2.0 (SFE-2.0) District on a 6.019-acre parcel of land identified as Lot 11 of the Dowell Road Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 548 Dowell Road, and take any action necessary (1st Reading).

Planning Director Ryan Miller provided background information related to this agenda item. The property is at 548 Dowell Road. It was annexed in 2008 and is currently zoned AG. The purpose of this request is to facilitate the construction of a future accessory building on the subject property. The zoning change would be in conformance with the city's Comprehensive Plan since it is all low-density residential. Fourteen property owner notifications were sent out to adjacent land/property owners; however, no notices have been received back by staff so far. P&Z Commission has recommended approval of this item by a vote of 7 to 0.

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

Councilmember Jorif moved to approve Z2023-006. Councilmember Lewis seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 23-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG)

DISTRICT TO A SINGLE-FAMILY ESTATE 2.0 (SFE-2.0) DISTRICT FOR A 6.019-ACRE PARCEL OF LAND IDENTIFIED AS LOT 11 OF THE DOWELL ROAD ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* AND *EXHIBIT 'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

9. Z2023-006 - Hold a public hearing to discuss and consider a request by Harold Fetty of HD Fetty Land Surveyor on behalf of Gene and Brooke Rogers for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a Single-Family Estate 4.0 (SFE-4.0) District on a 5.41-acre parcel of land identified as a portion of Tract 4-06 and all of Tract 4-2 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 626 Cullins Road, and take any action necessary (1st Reading).

Planning Director Ryan Miller provided background information concerning this agenda item. The property is located at 626 Cullins Road. The applicant would like to change the zoning from AG to SF 4.0 in order to facilitate the submittal of a final plat to expand the subject property. Staff mailed out thirteen notifications to adjacent property and land owners within 500' of the subject property and to the Oaks of Buffalo Way HOA. Staff received no notice back, neither 'for' or 'against' this request. The City's P&Z Commission has recommended approval of this request by a vote of 7 ayes to 0 nays.

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

Mayor Pro Tem Johannesen moved to approve Z2023-006. Councilmember Campbell seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 23-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A SINGLE-FAMILY ESTATE 4.0 (SFE-4.0) DISTRICT FOR A 5.41-ACRE TRACT OF LAND IDENTIFIED AS A PORTION OF TRACT 4-06 AND ALL OF TRACT 4-2 OF THE W. W. FORD SURVEY, ABSTRACT NO. 80, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* AND *EXHIBIT 'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

10. Z2023-007 - Hold a public hearing to discuss and consider a request by Urbano Fernandez for the approval of an ordinance for a Specific Use Permit (SUP) for Residential Infill in an Established

Subdivision on a 0.27-acre parcel of land identified as Lot 905A of the Lake Rockwall Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District, addressed as 124 Lynne Drive, and take any action necessary (1st Reading).

Planning Director Ryan Miller provided background information concerning this agenda item. The applicant would like to construct a single-family home that is comparable to existing, adjacent homes within the Lake Rockwall Estates Subdivision. Staff mailed out 111 notices to adjacent property owners. So far, staff has not received any notices in response. In addition, the city's P&Z Commission voted 7 to 0 to recommend approval of this request to Council.

Mayor Fowler opened the public hearing. There being no one wanting to speak at this time, Mayor Fowler closed the public hearing. Mayor Fowler clarified that this parcel is *not* located within the floodplain.

Following brief comments, Councilmember Campbell moved to approve Z2023-007. Councilmember Jorif seconded the motion. The ordinance caption was read as follows:

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 75 (PD-75) [ORDINANCE NO. 16-01] AND THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.27-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 905A OF THE LAKE ROCKWALL ESTATES #2 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

XI. ACTION ITEMS

1. Discuss and consider approval of a request by the City's Art Commission for the *Picture This* public art project, authorizing \$6,000 to be paid from the city's Art in Public Places fund, and take any action necessary.

Ginger Womble, Chairperson of the city's ART Commission came forth and briefed the Council on this new project, explaining that the Commission is seeking \$6,000 in funding for the project. Following brief comments, Councilmember Daniels moved to approve the project and the associated \$6,000 in funding, as requested. Councilmember Campbell seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Following this item, Mayor Fowler returned to the order of the agenda, as posted (Public Hearing Item #1, et. al.)

XII. ADJOURNMENT

Mayor Fowler shared that he and some staff members went and visited the artists who are working diligently on the bronze "Discovery" statue, which is slated to be completed within about three weeks.

Councilmember Moeller provided brief congratulatory comments pertaining to the City Manager's recent promotion of (Police) Chief Ed Fowler.

Mayor Fowler adjourned the meeting at 7:50 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS
6th DAY OF MARCH, 2023.



KEVIN FOWLER, MAYOR

ATTEST:



KRISTY TEAGUE, CITY SECRETARY

