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MINUTES
ROCKWALL CITY COUNCIL
Tuesday, January 19, 2016
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

7 I. CALL PUBLIC MEETING TO ORDER

8
9 Mayor Pro Tem Lewis called the meeting to order at 4:00 p.m. Present were Mayor Pro
10 Tem Dennis Lewis, Councilmembers David White, Mike Townsend, Scott Milder, John
11 Hohenshelt, and Kevin Fowler. Also present were City Manager Rick Crowley, Assistant
12 City Managers Mary Smith and Brad Griggs, and the city's legal counsel, Patrick Lindner
13 (filling in for City Attorney, Frank Garza). Mayor Jim Pruitt was absent from the meeting.
14

15 II. WORK SESSION

- 16
17 1. Hold work session with Dan Allgeier of NuRock Development to discuss
18 and consider an application for allocation of housing tax credits for a
19 proposed multi-family development, and take any action necessary.

20 Dan Allgeier, NuRock Development
21 4925 Greenville Avenue
22 Dallas, TX
23

24 Mr. Allgeier explained that he is proposing to build a 136 unit apartment project off
25 Goliad just south of the railroad track, either garden style, two story or townhomes if
26 they are able to fit on there, which is not yet known. It will be gated and fenced and have
27 amenities. He expressed that this would be a mixed income property, so rent will be very
28 dependent on the resident's income. His company has 10,000 units nationwide, with
29 2,000 being in Texas. His company develops, builds and manages its properties. He
30 shared some photos of other, similar properties located elsewhere in the metroplex area.
31 He indicated that a market study was performed two years ago for the area solely within
32 Rockwall's city limits, and it showed a need for this type of product (more specifically it
33 showed a need for 2,000 units). Rockwall's rents are high and occupancies are high.
34 This property is located right beside the existing Evergreen Rockwall. The reason for
35 this location is that it's close to shopping, banks and pharmacies, and it's next to an
36 existing, affordable property, Evergreen. Also, it is not near any existing, single-family
37 subdivisions. In addition, it already has storm water retention in place. A pre-application
38 has already been submitted to the Texas Department of Housing Community Affairs for
39 the 'credits,' and the city has already received a notice about this. There will be a
40 clubhouse with amenities, on-site management and maintenance, and after school
41 programs for school-aged children. Mr. Allgeier went on to share some potential floor
42 plans, sharing that there are laundry rooms in every unit, each unit is big, and
43 patios/balconies are included if the city's zoning allows such.
44

45 He explained that he is not sure that working with the city's housing authority would be
46 appropriate because this product is not the same type of housing, but the RHA could
47 have office space at this location for \$10 / year if they need it.
48

49 Regarding rents and incomes, Mr. Allgeier explained that the median household income
50 in Rockwall is \$70,400 for a family of four, which is 2015 data. Rents would be based on
51 incomes, and he believes there are a lot of residents currently living and working in
52 Rockwall that would enjoy a better place to live. Regarding resident screening, they do
53 check income, credit, and criminal background of their renters. NuRock stays involved
54 for a very long time, indicating the company has only sold two properties nationwide,
55 both in Atlanta, in the twelve years he has worked for the company.

56
57 He explained that housing tax credits would be used. These are federal income tax
58 credits that have been around since 1986 and are issued by the Texas Department of
59 Housing and Community Affairs. He explained that this is a very, very competitive
60 program in that about \$63 million of credits available statewide, and requests for over
61 \$400 million of credits were submitted associated with the pre-applications which went in
62 last week.

63
64 He explained that, if for example, he receives \$10 million worth of credits, he would
65 receive \$1 million / year of which his company would sell to publicly traded investor
66 companies who hope to make some money for those ten years. Then, those investors
67 use the credits to reduce income tax. He explained that he recently looked up who some
68 of the investors were on a recent property, and they included Google, Chase Bank,
69 Countrywide Mortgage, and Citibank. The equities use source funds, and less debt
70 results in the ability to charge lower rates. This program has been very successful in
71 providing housing to those who have jobs.

72
73 He went on to explain that their units must contain features and amenities; they are
74 required to be energy efficient, and they are checked and scored annually by the equity
75 and lender firms. The properties are scored on a 1-100 scale, and all of their properties
76 at least score an 80, with a lot of them scoring a 90 or more.

77
78 He explained that the company / this product is "for profit," so all property taxes are
79 paid. Impact fees would raise some funding for the city (estimated at about \$800,000 on
80 this particular project). Some jobs would be created, both short term and long term. In
81 addition, \$14.5 million in equity, which will be brought to the city.

82
83 He shared that the housing market is changing, with more and more people renting (over
84 63% living in the country rent), especially millennials who are getting married later in life,
85 are not having kids until later in life and desire to rent rather than own. Mr. Allgeier
86 indicated that he just read an article from Harvard Business that indicated that 60% of the
87 rental market is from individuals renting houses.

88
89 He shared that veterans and 'wounded warriors' get preference for rentals, meaning that
90 if they come in and pass the qualifications to rent, their name automatically gets bumped
91 to the top of the waiting list.

92
93 Mr. Allgeier respectfully requested that the Council consider putting this on a future
94 agenda to take action to issue a resolution of support for the project and a letter stating
95 that the city will give at least \$10 of local funding. He explained that these steps will
96 substantially aid him in getting approval in this highly competitive program.

97
98 He shared that his pre-application was submitted January 8, and a full application is due
99 March 1st. This is the deadline by which he would appreciate a letter of support from the

100 City and from State Rep. Scott Turner. He expressed that said letters of support do not
101 guarantee his project will get approved as part of this very competitive program;
102 however, not having said letters would likely be a great hindrance.

103
104 Mr. Allgeier explained that this is not "Section 8 housing," and it is not "HUD housing,"
105 indicating that this property would reflect much higher incomes than those.

106
107 Councilmember White asked if Representative Turner has issued a letter of support for
108 this project. Mr. Allgeier indicated that, no, he has not yet done so because he has
109 indicated he would like to wait until the City of Rockwall issues a letter of support prior to
110 him doing so.

111
112 Councilmember Fowler indicated that, regardless of whether or not there is a need for it,
113 the City Council needs to decide if it does or does not desire to have additional
114 multifamily housing be built in the city.

115
116 Councilmember Milder asked about the cost of construction on this project versus one
117 that is not based on income level of future occupants. Mr. Allgeier indicated that this
118 project could quite possibly cost more because he will have to adhere to several energy
119 efficient building standards that may not otherwise be required.

120
121 Councilmember Hohenshelt asked for clarification regarding the financial structure of
122 this proposal, asking if the rent will be subsidized. Mr. Allgeier explained that rents on
123 most of the units are adjusted based on the median household income of the area in
124 which it is being built.

125
126 Mayor Pro Tem Lewis asked for clarification regarding what the property is currently
127 zoned for. Mr. Miller, the city's Planning Director indicated that it is zoned for an assisted
128 living facility at this point, so it would need to be rezoned. Lewis indicated that he and
129 other members of the city council have been receiving a lot of e-mails expressing
130 opposition to this project (and this type of project).

131
132 After various questions and comments among the Council and Mr. Allgeier, the city
133 council took no action concerning this work session item and associated project.

- 134
135 2. Hold work session to hear presentation from Tom Kula, Executive
136 Director of the North TX Municipal District (NTMWD), and take any action
137 necessary.

138 Tom Kula
139 Executive Director - NTMWD
140 501 East Brown Street
141 Wylie, TX 75098

142
143 Mr. Kula indicated that he is also a resident of Rockwall and has been for about 6 years.
144 He introduced some additional guests accompanying him this afternoon, including his
145 Public Relations Manager (Janet Rummel), Rockwall board member (NTMWD director),
146 Bill Lofland, and Deputy Director of Finance and Personnel (Judd Sanderson). He
147 explained that this area recently went through a very significant five year drought that
148 was accompanied by significant water restrictions. He expressed that over that five year
149 period, water rates got raised by 10% each year during that 5 year drought. Now that the

150 drought has improved, folks are watering their lawns more often, and they are really
151 feeling the impact of those rates having been raised over the years. He explained that
152 his organization provides two essential services to the citizens of Rockwall including
153 water and wastewater services. He explained that the organization has been in existence
154 for 60 years and is a non-profit. He expressed that rates are not 'padded' in any way, that
155 they are actual rates set in order to provide dependable, high-quality service at the
156 lowest price possible. He explained that there are lots and lots of expensive
157 infrastructure and high dollar equipment that goes into the water/wastewater systems to
158 provide services to this area and district wide. He shared that there has been
159 exponentially large growth that has occurred in the region served by NTMWD since its
160 inception 60 years ago. He explained that Rockwall is poised to grow substantially over
161 the next twenty to fifty years. Conservation and reuse make up about 23% of the
162 organization's future needs. New sources and reservoirs will make up about 24% of its
163 future needs. He explained that conservation has been very important because it has not
164 only bided time (while new infrastructure is being acquired and put into place), but it has
165 also saved money. Mr. Kula explained that water demands will increase 1.5 times over
166 the next 40 years. He explained the importance of getting an additional water source, the
167 Lower Bois d'Arc Creek reservoir (located in Fannin County), online as soon as possible,
168 an effort they have been working on for about the last decade (and are quite close at this
169 point). He explained that this reservoir will yield about the same amount of supply as
170 Lavon. The goal was to have the permitting all completed in the year 2016 and have the
171 reservoir come online as a treated water supply in 2020. However, at this point, it
172 appears as though there may be some delays. He explained that there have been many
173 attempts at getting these delays rectified such that the project stays on schedule;
174 however, it seems less and less likely that this will occur on schedule.

175
176 Mr. Kula went on to share additional information related to how the District does its
177 budgeting, explaining that dollars have traditionally not been being spent on things like
178 the building in which the District offices or on adding additional staff over the years. As
179 a result, the District recently had to address some of those things in order to ensure it
180 can meet the current demands while providing the highest, best quality of service to its
181 member cities and, ultimately, to the citizens. Various comments were made pertaining
182 to rates that have been charged in the past, those that are being charged now, and what
183 future increases in rates are projected to be moving forward.

184
185 The Council took no action concerning this work session item.
186

- 187 3. Hold work session to hear staff briefing regarding recent support provided
188 to the cities of Rowlett and Garland associated with the December 26,
189 2015 tornado, and take any action necessary.

190 Mayor Pro Tem Lewis indicated that this item will be delayed until the meeting
191 reconvenes at 6:00 p.m.

192
193 Lewis then read the below listed discussion items into the public record before recessing
194 the meeting into Executive Session at 5:36 p.m.

198 **III. EXECUTIVE SESSION.**

199
200 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
201 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
202 **CODE:**

- 203
204 **1. Discussion regarding land acquisition for South Community Park pursuant**
205 **to Section § 551.072 (Real Property).**
- 206 **2. Discussion regarding appointment of city council subcommittees and**
207 **board liaisons - Fire Dept. Pension Board - pursuant to Section, §551.074**
208 **(Personnel Matters).**
- 209 **3. Discussion regarding process associated with City Manager performance**
210 **evaluation pursuant to Section 551.074 (personnel matters)**

211
212 **IV. ADJOURN EXECUTIVE SESSION**

213
214 **Executive Session was adjourned at 5:52 p.m.**

215
216 **V. RECONVENE PUBLIC MEETING**

217
218 **Mayor Pro Tem Lewis reconvened the public meeting at 6:00 p.m. with all council**
219 **members except for Mayor Jim Pruitt present.**

220
221 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

222
223 **Councilmember Townsend made a motion to reappoint Kevin Fowler to the city's Fire**
224 **Department Pension Board (2 year term to expire Dec. 2017). Councilmember White**
225 **seconded the motion, which passed by a vote of 6 in favor with 1 absent (Pruitt).**

226
227 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER MILDER**

228
229 **Councilmember Milder delivered the invocation and led the Pledge of Allegiance.**

230
231 **VIII. OPEN FORUM**

232
233 **Mayor Pro Tem Lewis explained how Open Forum is conducted and asked if anyone**
234 **would like to come forward and speak.**

235
236 **Judy Harris**
237 **Representing the Rockwall Philharmonic Orchestra**
238 **(no address given)**

239
240 **Mrs. Harris came forth and thanked the city council and Park Board for helping with the**
241 **recent MusicFest this past September. She and the organization appreciate the city's**
242 **support.**

243
244 **There being no one else wishing to speak, Mayor Pro Tem Lewis then closed Open**
245 **Forum.**

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IX. CONSENT AGENDA

1. Consider approval of the minutes from the January 4, 2016 regular city council meeting, and take any action necessary.
2. Consider approval of an **ordinance** amending the Code of Ordinances in Chapter 8. Aviation by adding a new article, Article III, establishing an Airport Advisory Board at the Ralph M. Hall / Rockwall Municipal Airport to be appointed and removed by the city council, and take any action necessary. **(2nd reading)**
3. Consider awarding a bid to Barco Pump and authorizing the City Manager to execute a Purchase Order for a new Bypass Pump totaling \$38,306 to be funded out of the Water and Sewer Fund, Sewer Operations Budget, and take any action necessary.
4. Consider awarding a bid to Hall-Mark Fire Apparatus Texas LLC and authorizing the City Manager to execute a Purchase Order for a new Pumper totaling \$582,817 to be funded by Contractual Obligations, and take any action necessary.
5. **P2015-042** - Consider a request by Greg Helsel of Spiars Engineering on behalf of the owner Will Shaddock of Master Developers-SNB, LLC for the approval of a final plat for Phase 1 of the Preserve Subdivision, containing 132 single-family residential lots on a 52.545-acre tract of land identified as Phase 3 of the North Shore Addition and Tract 26-1 of the J. H. B. Jones Survey, Abstract No. 124, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 41 (PD-41) for Single Family 10 (SF-10) District land uses, located at the southeast corner of the intersection of Highland Drive and East Fork Drive, and take any action necessary.
6. **P2016-001** - Consider a request by Lori Stevens of Patriot PAWS Service Dogs for the approval of a replat for Lot 1, Block A, Patriot Paws Addition being a replat of a 3.466-acre tract of land currently identified as Lots 3 & 4, Block A, Maverick Ranch Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, and addressed as 254 Ranch Trail, and take any action necessary.
7. Consider authorizing the City Manager to execute an agreement with WME for Founder's Day headliner entertainment, and take any action necessary.

Councilmember Milder made a motion to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, and 7). Councilmember White seconded the motion. The ordinance for #2 was read as follows:

**CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 16-09**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN CHAPTER 8. AVIATION BY ADDING A NEW ARTICLE, ARTICLE III, ESTABLISHING AN AIRPORT ADVISORY BOARD TO BE APPOINTED AND REMOVED BY THE CITY

295 COUNCIL; PRESCRIBING TERMS FOR INITIAL BOARD MEMBERS;
296 ESTABLISHING THE PURPOSE & RESPONSIBILITIES OF THE BOARD; AND
297 PROVIDING FOR AN EFFECTIVE DATE.
298

299 The motion passed by a vote of 6 in favor with 1 absent (Pruitt).
300

301 X. APPOINTMENTS
302

- 303 1. Appointment with the Planning and Zoning Chairman to discuss and
304 answer any questions regarding cases on the agenda and related issues
305 and take any action necessary.

306 Mayor Pro Tem Lewis indicated that the P&Z Chairman, Mr. Craig Renfro, is stuck in
307 traffic. He was unable to make the meeting; therefore, this item was not addressed, and
308 no action was taken by Council.
309

- 310 2. Appointment with Kevin Lefere to discuss and consider an encroachment
311 on city property, and take any action necessary.

312 Mr. Lefere came forth and generally indicated that he has placed a dumpster and has
313 screened it at the back door of his restaurant (Zanata) not knowing that it encroaches on
314 city property. Councilmember Townsend expressed concern about the structure
315 covering up the electrical boxes and perhaps posing a fire hazard. Fire Chief Poindexter
316 indicated that he has not looked at it in person since the point in time when some
317 modifications were made to it. Furthermore, while he understands that a portion of the
318 structure may be able to be taken apart in order to have proper fire access, it is
319 supposed to be kept completely open and free from obstruction according to the Fire
320 Code. Mr. Crowley clarified that this exit serves as an alternative fire exit for the
321 business, and the handicap accessibility associated with this door may be in question.
322 Mr. Griggs, Assistant City Manager, explained that, although there are two other fire
323 exists, they are not far enough apart to meet the National Electric Code requirements.
324 So, this particular door would have to serve as the alternate exit.

325 Mayor Pro Tem Lewis thanked Mr. Lefere for being a good, local business in our
326 community and for the various things he and his business have done for the City;
327 however, he does not believe the City Council is in a position to waive any National Fire
328 or National Electric Code requirements that may present life safety issues. Chief
329 Poindexter offered some additional comments, mainly indicating that this door will have
330 to remain the second / alternate fire exit door due to distance requirements and his 90
331 person occupant load.

332 Councilmember White expressed that he is open to the possibility of having the trash
333 container moved down some such that it is further away from the ramp and door and not
334 situated underneath the electrical boxes.

335 Mayor Pro Tem Lewis also suggested that Mr. Lefere get with staff on the possibility of
336 moving the trash receptacle. The Council took no formal action on this item at this time.
337

- 338 3. Appointment with representatives of the Rockwall Community Emergency
339 Response Team (CERT) to hear presentation regarding the program,
340 including report on past events in which CERT has been involved, and
341 take any action necessary.

342 Mayor Pro Tem Lewis indicated that a work session item, which was previously deferred
343 during the 4:00 p.m. portion of the meeting agenda, would be discussed at this point,
344 prior to the CERT Team making its presentation.
345

346 Kristy Cole, Emergency Management Coordinator for the City of Rockwall recapped
347 weather-related monitoring and related preparations that took place in the afternoon
348 hours, prior to the tornado occurring.
349

350 Fire Chief Mark Poindexter shared that the City of Rockwall FD was contacted by Rowlett
351 Fire asking for some assistance the night of the tornado. We arrived on scene at about
352 7:45 p.m. and were over there for about 7.25 hours. An engine company and ladder
353 company were sent with about twelve personnel. We were also asked to help shut down
354 the interstate at IH-30, so two pieces of apparatus were devoted to that effort. The
355 stations were backfilled to ensure coverage in our own city, resulting in about 20
356 personnel (total) being affected, with about half of those being volunteers. He explained
357 that his personnel assisted with search and rescue while in Rowlett that night.
358

359 Police Chief Riggs indicated that his department's After Action Report has been included
360 in the city council's informational meeting packet. His personnel assisted with shutting
361 down IH-30 and started directing drivers to detour north and south of the city. He
362 explained that 21 officers were involved over a two day period, and, after two days,
363 indication was given that no more assistance was needed. He summarized that about
364 142 hours of assistance were provided in the form of police officers at the needed
365 locations.
366

367 City Engineer Tim Tumulty expressed that Public Works spent 2 weeks and about 640
368 man hours (15 personnel) providing some heavy equipment and man power to assist
369 with clearing the streets following the tornado. He explained that a lot of the time was on
370 a "volunteer basis" only with some of the city's personnel volunteering their time, for
371 free, on New Years Day and the Saturday after.
372

373 Jeffrey Widmer, Building Official, came forth and briefed the Council on efforts that he,
374 city staff and members of the Building Officials Association of Texas (BOAT) participated
375 in starting the Monday following the tornado. He explained that several teams were
376 formed to conduct "rapid damage assessments" of every damaged structure. This
377 information is instrumental in assigning a monetary value to the damage done in order to
378 work towards disaster declarations.
379

380 Emergency Management Coordinator, Kristy Cole, shared that she assisted the City of
381 Rowlett in its Emergency Operations Center on New Years Eve, explaining that she spent
382 the day doing data entry related to damage assessments performed on the residential
383 homes. Subsequently, she spent one work day at the City of Garland Emergency
384 Operations Center serving in the "Planning Section," helping take notes related to daily
385 briefings and assisting with an Incident Action Plan for the next day's workers.
386

387 City Manager Rick Crowley indicated that staff in Rockwall remained sensitive to the
388 needs (and non-needs) of the City of Rowlett when offering assistance.
389

390 Chief Poindexter introduced Stan Jeffus, explaining that he is a member of CERT, and
391 several other CERT members are also present in the audience this evening. He
392 expressed that since the tornado on Dec. 26th, there has been a notable spike in interest

393 related to training and membership associated with the Rockwall CERT Team. A training
394 class was held since that time, with fifty people being signed up/trained. Additional
395 classes are scheduled.
396

397 Mr. Jeffus then came forth and explained to the City Council why CERT exists and what
398 services CERT offers to the community. He then briefed the Council on the various
399 response and community-related activities that the Rockwall CERT participated in during
400 the year 2015, including the following:
401

- 402 • Business Meetings: 8
- 403 • Training Meetings: 8
- 404 • Special Events: 22
- 405 • Drills/Exercises: 5
- 406 • Official Requests for Assistance: 15
- 407 • Total Events: 59
- 408 • Total Volunteer Hours 1125.5
- 409 • Monetary Value \$25,965.29

410
411 Mayor Pro Tem Lewis thanked the city's CERT members for all of the work they do. He
412 also thanked city staff for all of the work they performed related to the tornado event.
413

414 Before starting the public hearing items, Mayor Pro Tem Lewis indicated that there are
415 three different scenarios that exist that would require a $\frac{3}{4}$ (super majority) vote of the
416 council in order for a case/request to pass. Tonight, there are two such items on the
417 agenda, and these will require five of the six council members who are present tonight to
418 vote in favor of them in order for them to pass. Also, there is one case that met the "20%
419 rule" in that twenty percent (or more) of the property owners who live within the 200'
420 notification area have returned notices expressing opposition. Therefore, a $\frac{3}{4}$ majority
421 vote is required.
422

423 Patrick Lindner, the city's legal counsel, shared verbiage from a memo that was included
424 in the city council members' informational meeting packet as follows:
425

426 The protest from property owners as stated in the memo requires a
427 favorable three-fourths (3/4) vote from the City Council for approval. Article
428 II, Section 8.4 "Protest of Proposed Change in Zoning" of the City of
429 Rockwall Unified Development Code states:
430

431 *"Whenever such written protest is signed by the owners of twenty (20)*
432 *percent or more of the area of the lots or land included in such zoning*
433 *change, or of the lots or land immediately adjoining the same and within the*
434 *above mentioned two hundred (200) feet radius, or if such change is*
435 *recommended for denial by the Planning and Zoning Commission, such*
436 *change in zoning shall require a favorable vote of three-fourths (3/4) of all*
437 *eligible members of the Council."*
438

439 So this means that a $\frac{3}{4}$ majority vote of Council is required if the P&Z Commission
440 recommends denial of the zoning change, or denies the special use permit (SUP), or if
441 the P&Z Commission fails to recommend approval of the zoning change or SUP. Also a
442 $\frac{3}{4}$ majority vote of council is required if 20% or more of the property owners living within
443 200' of the subject property submit opposition to either the zoning change or the

444 granting of an SUP. A super majority (3/4 vote) tonight would mean that five of the six
445 council members would have to vote in favor of these such items tonight in order for
446 them to be approved/pass.

447
448 **XI. PUBLIC HEARING ITEMS**

- 449
450 1. **Z2015-028** - Hold a public hearing to discuss and consider a request by
451 Jimmy Strohmeyer of Strohmeyer Architects, Inc. on behalf of JBR-2, LLC
452 for the approval of an **ordinance** for a Specific Use Permit (SUP) for
453 Commercial Amusement/Recreation (Outside) to allow two (2) private
454 baseball fields to be established on a 2.49-acre portion of a larger 7.32-
455 acre tract of land identified as Tract 17-12 of the W. W. Ford Survey,
456 Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned
457 General Retail (GR) District, situated west of the intersection of SH-205
458 and FM-549, and take any action necessary **[1st Reading]**.

459 The applicant, Jimmy Strohmeyer of Strohmeyer Architects, Inc., is requesting a Specific
460 Use Permit (SUP) to allow for a Commercial Amusement/Recreation (Outdoor) training
461 facility for two (2) private baseball fields to be located on a 2.49-acre portion of a larger
462 7.32-acre tract of land. The property is zoned General Retail (GR) District and is located
463 at 5133 FM 549 and situated at the southwest corner of FM-549 and SH-205.

464
465 The private baseball fields (ball fields) the applicant is requesting to build on this
466 property are not regulation size and could not be used for normal game play or
467 tournament play. The layouts of the ball fields are designed for infield practice and will
468 be used only in that manner. The applicant has stated there will not be a need for exterior
469 lighting as the ball fields will only be used during daylight hours. If approved, the ball
470 fields will be available for rental and select team use for infield practice only. It was
471 noted that a request for an SUP is a discretionary act for the City Council.

472
473 Mr. Miller further explained that the applicant's request does not conform to the
474 residential setback requirements for a commercial amusement/recreation (outdoor)
475 facility. The Unified Development Code (UDC), under Article IV, Sec. 2.1.5, Recreation,
476 entertainment and amusement conditions requires a minimum 300-ft setback from
477 residentially zoned properties.

478
479 Staff mailed eleven (11) notices to property owners within 500 feet of the subject
480 property. Staff also notified one (1) HOA/Neighborhood Organization (Oaks of Buffalo
481 Way) that is within 1500 feet participating in the notification program. Additionally, staff
482 posted a sign on the property as required by the Unified Development Code (UDC). At the
483 time this report was drafted, staff has received two (2) notices "opposed to" the zoning
484 change request [one – written & one – verbally stated at the P&Z public hearing]. The two
485 (2) notices constitute a protest from over 20% of the property owners within 200-ft of the
486 proposed property requesting the zoning change and will require a super-majority vote
487 by the City Council for approval of the SUP (five of the six council members present this
488 evening).

489
490 On January 12, 2016, the Planning and Zoning Commission made a motion to approve
491 the SUP request, which failed by a vote of 3 to 3, with Commissioners Trowbridge,
492 Logan, and McCutcheon dissenting [Jusko - Absent].
493

494 **Jimmy Strohmeyer**
495 **1620 Fairlakes Point**
496 **Rockwall, TX**

497
498 **The owner of the property, Dan Bobst, came forward and provided a history of the**
499 **property since he purchased it years ago, indicating that at the time of purchase it was**
500 **located outside of the city limits in the county.**

501
502 **Mr. Strohmeyer indicated that a lot of parents drop off their kids for practice, and they**
503 **personally heard no complaints until the ‘back stops’ were installed.**

504
505 **After additional comments, Mayor Pro Tem Dennis Lewis then opened the public hearing.**

506
507 **Scott Blackwood**
508 **5205 S. FM-549**
509 **Rockwall, TX**

510
511 **Mr. Blackwood indicated that he is a neighbor who has complained about these ball**
512 **fields. He indicated that his property has been on and off the market (for sale) over the**
513 **course of the last several years. He stated that ever since the ball fields appeared, he**
514 **has had two potential buyers decide to not follow through because of concerns related to**
515 **the ball fields. He went on to explain that about two years ago, he personally**
516 **approached the city council to request rezoning of his property, which got turned down**
517 **at that time. He expressed that his residential home is zoned Agricultural, and some**
518 **realtor agents have indicated that listing his home with the ball fields being next door is**
519 **not ideal. He stated that the land owner next door told him the dirt that was being**
520 **brought in was for drainage improvements on the property. Also, he contacted city staff**
521 **at the time who also conveyed that the permits that were pulled for the dirt indicated it**
522 **was for drainage improvement reasons. Overall, he generally expressed concerns**
523 **related to the ball fields impeding his ability to sell his property. He generally expressed**
524 **opposition to approval of this request.**

525
526
527 **John Sutton**
528 **717 Starlight Pass**
529 **Heath, TX**

530
531 **Mr. Sutton spoke on behalf of Texas Sports, indicating that having additional practice**
532 **facilities, such as this one, would be beneficial for local teams seeking out such**
533 **locations.**

534
535 **Bryan Munson**
536 **6314 Warwick Drive**
537 **Rockwall, TX**

538
539 **Mr. Munson indicated that his son plays on a team that previously utilized Tuttle ball**
540 **fields; however, this past spring’s rains wiped out such opportunities for the team. He**
541 **expressed that baseball is very popular in this area, and teams are constantly looking for**
542 **fields. He encouraged the Council to approve this item.**

543
544 **Christian Comer**

545 604 Norwood Drive
546 Rockwall, TX

547
548 Christian came forth and expressed that he is a student and will soon be trying out for
549 the Rockwall Heath High School team, and he generally encouraged the city council to
550 vote in support of this item tonight.

551
552 Jake Thomas
553 2957 Clear Creek Drive
554 Rockwall, TX

555
556 Mr. Thomas indicated that he is a baseball coach for teams that seek out practice
557 locations such as this one. He is also a wrestling coach. This practice facility provides a
558 location, outside of Tuttle, for players to develop their skills. This need is a result of a
559 very fast growing community, and fields like this provide an opportunity for families to
560 develop the leadership and other talents of their children. He generally spoke in favor of
561 the council approving this request.

562
563 Jake Edwards
564 2412 White Road
565 Heath, TX

566
567 Mr. Edwards came forth, expressing that these fields are really important to Rockwall.
568 Tuttle fields are full quite often, and so this alternate location is really needed. Baseball
569 is a great sport, and supporting these baseball practice fields would be supporting local
570 kids who play the sport. He generally spoke in favor of approving this request tonight.

571
572 Jeff McMurtrey
573 3803 Juniper Hills Drive
574 Rockwall, TX

575
576 Mr. McMurtrey generally spoke in favor of approving this request, expressing that these
577 extra practice fields are needed in the community. He shared that parents usually drop
578 their kids off, so there are not a bunch of cars parked there. Also, he has never
579 personally seen more than about one team practicing there at one time.

580
581 Kelly McGee
582 (unknown house number) Windsor Drive
583 (unknown city)

584
585 Mrs. McGee expressed that the activity at these fields is quite minimal. She generally
586 encouraged the city council to vote in favor of approving this request.

587
588 There being no one else wishing to come forth and speak, Mayor Pro Tem Lewis closed
589 the public hearing.

590
591 The applicant, Mr. Strohmeyer, again came forth and expressed that he would like for the
592 metal building to remain as well as the ball fields so that those things and opportunities
593 are not taken away from the kids in the community and a Quick Trip is potentially put up
594 in its place.

595

596 Mr. Bobst (owner) indicated that this is not a “money maker” for him. Instead, it is solely
597 for the love of the kids in the community.
598

599 Councilmember Milder provided brief comments, generally indicating he is in favor of
600 these ball fields.
601

602 Milder made a motion to approve this SUP request as presented (Z2015-028).
603 Councilmember White seconded the motion. After brief comments, the ordinance was
604 read as follows:

605 CITY OF ROCKWALL
606 ORDINANCE NO. 16-XX
607 SPECIFIC USE PERMIT NO. S-144
608

609 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
610 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE
611 NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
612 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP)
613 ALLOWING FOR A COMMERCIAL AMUSEMENT/RECREATION FACILITY
614 (OUTDOOR) AND MORE SPECIFICALLY TWO (2) PRIVATE BASEBALL
615 FIELDS, WITHIN A GENERAL RETAIL (GR) DISTRICT, BEING A 2.49-
616 ACRE PORTION OF A LARGER 7.32-ACRE TRACT OF LAND IDENTIFIED
617 AS TRACT 17-12 OF THE W. W. FORD SURVEY, ABSTRACT NO. 80, AND
618 SITUATED WEST OF THE INTERSECTION OF SH-205 AND FM 549, CITY
619 OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE
620 SPECIFICALLY DESCRIBED IN EXHIBIT ‘A’ AND AS DEPICTED IN
621 EXHIBIT ‘B’; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A
622 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
623 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
624 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
625 PROVIDING FOR AN EFFECTIVE DATE.
626

627 The motion passed by a vote of 6 in favor with 1 absent (Pruitt).
628
629

- 630 2. **Z2015-036** - Hold a public hearing to discuss and consider a request by
631 Harry Chapman of Noble RE, LLC on behalf of the owners Robert &
632 Patrick Hughes and Sandra Ferguson for the approval of an ordinance
633 for a zoning amendment to Planned Development District 32 (PD-32)
634 [Ordinance No. 10-21] for the purpose of allowing a Financial Institution
635 with a Drive-Through within the Ridge Road Retail Subdistrict, being a
636 1.1755-acre portion of a larger ~78.89-acre area of land identified as the
637 Harbor District, being zoned Planned Development District 32 (PD-32),
638 situated within the Scenic Overlay (SOV) District, located at the northwest
639 corner of Cemetery Road and Ridge Road [FM-740], with the greater
640 Harbor District being generally located south of IH-30 and west of Horizon
641 Road [FM-3097], and take any action necessary [1st Reading].

642 Planning Director Ryan Miller provided background information as follows: On
643 December 16, 2015, the applicant Harry Chapman of Noble RE, LLC submitted an
644 application on behalf of the owners (Robert & Patrick Hughes and Sandra Ferguson)
645 requesting that Planned Development District 32 (PD-32) be amended to allow a Financial
646 Institution with a Drive-Through within the Ridge Road Retail Subdistrict. Currently, the
647 only property within the Ridge Road Retail Subdistrict is the subject property, which is a

648 1.1755-acre parcel of land at 2930 Ridge Road. He explained that this request is
649 associated with something similar to an ATM; however there would be an actual, live
650 person there (a bank teller of sorts). Staff mailed out 132 notices to all property owners
651 and residents within Planned Development District 32 (PD-32). In addition, staff mailed
652 out notifications to all property owners and residents within 500-feet of the district and to
653 all Homeowner's Associations within 1,500-feet of the district (i.e. Water's Edge, Signal
654 Ridge, Chandler's Landing, Fox Chase and Lakeside Village Homeowner's Associations)
655 per the requirements of Section 6.1, Notice of Public Hearing, of Article II, Authority and
656 Administrative Procedures, of the Unified Development Code. Of the 132 notices mailed,
657 staff has received five (5) notices returned, three (3) in favor of the request and two (2)
658 opposed to the request.

659
660 Mayor Pro Tem Lewis called the applicant forth. He came forward and provided brief
661 comments. Mayor Pro Tem Lewis then opened the public hearing and asked if anyone
662 would like to come forth and speak. There being no one indicating such, he then closed
663 the public hearing.

664
665 Councilmember Milder made a motion to approve Z2015-036. Councilmember
666 Hohenshelt seconded the motion. The ordinance was read as follows:

667
668 CITY OF ROCKWALL
669 ORDINANCE NO. 16-XX
670

671 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
672 ROCKWALL, TEXAS AMENDING PLANNED DEVELOPMENT
673 DISTRICT 32 (PD-32) [ORDINANCE NO. 10-21] AND THE UNIFIED
674 DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF
675 ROCKWALL, AS HERETOFORE AMENDED, FOR THE PURPOSE OF
676 AMENDING EXHIBIT 'D', SUBDISTRICT LAND USE CHART, OF
677 PLANNED DEVELOPMENT DISTRICT 32 (PD-50) TO ALLOW A
678 FINANCIAL INSTITUTION WITH DRIVE-THROUGH AS A PERMITTED
679 BY-RIGHT LAND USE WITHIN THE RIDGE ROAD RETAIL
680 SUBDISTRICT BEING A ~1.162-ACRE PORTION OF A LARGER
681 ~78.89-ACRE AREA OF LAND IDENTIFIED AS THE HARBOR
682 DISTRICT, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS
683 AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A' OF THIS
684 ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING
685 FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO
686 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
687 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
688 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

689
690 The ordinance passed unanimously of those present (6 ayes with Pruitt (1) absent).

691
692 Mayor Pro Tem Lewis recessed the meeting, calling for a short break at 7:48 p.m.

693
694 Mayor Pro Tem Lewis reconvened the meeting at 7:57 p.m.

695
696 3. Z2015-037 - Hold a public hearing to discuss and consider a request by
697 Arthur F. Beck of BSM Engineers, Inc. on behalf of the First United
698 Methodist Church for the approval of an ordinance for a Specific Use
699 Permit (SUP) for a structure that exceeds the maximum height
700 requirements for a 8.2983-acre parcel of land identified as Lot 7, Block 1,

701 First United Methodist Church Addition, City of Rockwall, Rockwall
702 County, Texas, zoned Commercial (C) District, addressed as 1200 E.
703 Yellow Jacket Lane, and take any action necessary [1st Reading].

704 Planning Director Ryan Miller explained that this item is regarding approval of a Specific
705 Use Permit (SUP) for a structure that exceeds the maximum height requirements,
706 specifically a church steeple that will have an overall height of 108-ft 6-inches. He
707 explained that a church steeple within a commercial zoning district may be constructed
708 up to a maximum height of 72-ft without an SUP; however, the proposed steeple for this
709 location will exceed this by 36-ft 6-inches and therefore requires a SUP. On December
710 22, 2015, staff mailed eleven (11) notices to property owners within 500 feet of the subject
711 property; however, there is no HOA/Neighborhood Organization within 1500 feet
712 participating in the notification program. Additionally, staff posted a sign on the property
713 as required by the Unified Development Code (UDC). At the time the staff report was
714 drafted, staff has not received any notices either "for" or "against" the request. On
715 January 12, 2016, the Planning and Zoning Commission made a motion to approve the
716 SUP request, which passed by a vote of 6 to 0 [Jusko – absent].
717

718 Mayor Pro Tem Lewis called the applicant forth to speak at this time.
719

720 Mr. Arthur Beck
721 BSM Engineers
722 4111 E. US Hwy 80
723 Mesquite, TX
724

725 Mr. Beck indicated that the original plans called for a steeple; however, money was not
726 sufficient at the time to construct said steeple. Since that time, money has become
727 available, so that is why it is being requested for construction at this time.
728

729 Councilmember Hohenshelt asked for clarification regarding what the tallest structure is
730 within the city currently. He expressed that he is trying to get a frame of reference for
731 how tall this truly will be. The applicant clarified that the nearby courthouse is taller, and
732 so is the nearby football stadium.
733

734 Mayor Pro Tem Lewis opened the public hearing, asking if anyone would like to speak.
735 There being no one indicating such, he then closed the public hearing.
736

737 Councilmember White made a motion to approve Z2015-037. Councilmember Townsend
738 seconded the motion. The ordinance was read as follows:
739

740 CITY OF ROCKWALL
741 ORDINANCE NO. 16-XX
742 SPECIFIC USE PERMIT NO. S-145
743

744 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
745 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE
746 NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
747 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP)
748 ALLOWING FOR A STRUCTURE TO EXCEED THE MAXIMUM HEIGHT
749 REQUIREMENT WITHIN A COMMERCIAL (C) DISTRICT, BEING AN 8.2983-
750 ACRE PARCEL OF LAND IDENTIFIED AS LOT 7, BLOCK 1, FIRST UNITED
751 METHODIST CHURCH ADDITION, ADDRESSED AS 1200 E. YELLOW

752 JACKET LANE, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND
753 MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' AND AS DEPICTED IN
754 EXHIBIT 'B'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A
755 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
756 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
757 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
758 PROVIDING FOR AN EFFECTIVE DATE.

759
760 The motion passed by a vote of 6 in favor with 1 absent (Pruitt).
761

- 762 4. **Z2015-038** - Hold a public hearing to discuss and consider a request by
763 Scott and Leslie Milder for the approval of an **ordinance** amending
764 Ordinance No. 07-29 for the purpose of allowing a Banquet Facility land
765 use to be a permitted use through a Specific Use Permit (SUP) for all
766 properties within Planned Development District 50 (PD-50), being 21.266-
767 acres of land in the S.S. McCurry Survey, Abstract No. 146 and B. F.
768 Boydston Survey, Abstract No. 14, City of Rockwall, Rockwall County,
769 Texas, zoned Planned Development District 50 (PD-50) for Residential-
770 Office (RO) District land uses, situated within the North Goliad Corridor
771 Overlay (NGC OV) District, and generally located along N. Goliad Street
772 [SH-205] north of Interurban Street, and take any action necessary [**1st**
773 **Reading**].

774 Councilmember Milder expressed that he will be recusing himself from this item, as he is
775 the applicant/presenter.
776

777 On December 16, 2015, the applicants Scott and Leslie Milder submitted an application
778 requesting that Planned Development District 50 (PD-50) be amended to allow a Banquet
779 Facility or Event Venue through a Specific Use Permit (SUP). The intent of the request is
780 to allow the property at 803 N. Goliad Street to operate as a Banquet Facility or Event
781 Venue. This will allow any request for a Banquet Facility or Event Venue to be reviewed
782 on a case-by-case basis for the purpose of establishing operational conditions to safe
783 guard the character of the district and to mitigate for any potential negative impacts on
784 adjacent properties. Since the proposed case involves modifying the land uses
785 permitted within Planned Development District 50 (PD-50), Mr. Miller explained that staff
786 has notified all property owners and residents within the Planned Development District.
787 In addition, staff mailed out notifications to all property owners and residents within 500-
788 feet of the district and to all Homeowner's Associations within 1,500-feet of the district
789 (i.e. Lakeview Summit and Caruth Lakes Homeowner's Associations) in accordance with
790 the city's notification requirements. He explained that, of the 361 notices mailed, staff
791 initially received seven (7) notices returned (four [4] in favor of the request and three [3]
792 opposed). Additionally, staff has since received four (4) additional notices (3 opposed,
793 and 1 for) plus two more notices (both opposed). The Planning & Zoning commission
794 reviewed this on January 12 and has recommended approval by a vote of 6 to 0.
795

796 Councilmember Hohenshelt clarified that if this is approved, everyone in this PD could
797 potentially apply for this type of banquet facility SUP. Mr. Miller affirmed this clarification
798 as being true.
799

800 Mayor Pro Tem Lewis called the applicant forth to speak.
801

802 **Scott Milder**
803 **830 Shores Blvd.**
804 **Rockwall, TX 75087**
805

806 **Mr. Milder indicated that his wife, Leslie, was unfortunately unable to get out of an**
807 **obligation in Houston. Therefore she could not be present this evening to make the**
808 **presentation herself. He has, however, filled out and filed an affidavit of recusal with the**
809 **City Secretary, as advised by the city attorney. He explained that his own property would**
810 **be more like a “small events” such as birthday parties, teen showers, bridal or baby**
811 **showers, but no large groups or loud parties, particularly outdoors. He shared that the**
812 **fire code allows 49 people or less, and he does not wish to have events there that would**
813 **have more people than this number in attendance. He continued to brief the Council on**
814 **his own property, which he and his wife have named “Our House,” indicating that they**
815 **would like to use it as a very small event venue. He expressed a desire to be a “good**
816 **neighbor” to both the commercial and residential properties located adjacent to his own.**
817 **During his presentation, he shared numerous before and after photos of improvements**
818 **made to the home since he and his wife purchased it about three years ago. He indicated**
819 **that he has heard some of the opposition is related to concerns like noise, congestion**
820 **and parking. He explained that he and his wife were lead to believe by Mr. Miller’s**
821 **predecessor that the property was properly zoned for this sort of thing (events) under the**
822 **“meeting space” zoning. However, he later was told by staff that the zoning was not**
823 **proper, and they needed to take another look at the zoning. That is why this is being**
824 **brought forth to allow this type of facility with an approved SUP. He shared that the**
825 **city’s requirements call for him to have 16 parking spaces. He stated he has about eight**
826 **or ten spaces built, and there are some that could be included in the formula on the north**
827 **and south side, and a few more can be added if needed. He indicated that the adjacent**
828 **property owner on the South side is happy to share parking because she needs**
829 **additional parking during the day, and his facility will not be using a lot of spaces during**
830 **the day. He indicated that his particular property does have ample land available to**
831 **construct parking spaces on the Alamo side; however, he understands that a lot of**
832 **properties located in the historic district would not have enough land to build a sufficient**
833 **number of parking spaces. He shared that an 8’ privacy fence would be built in the back**
834 **in an effort to insulate neighbors from whatever events are being held at the facility.**
835

836 **At the close of his presentation, he shared that if this request is approved tonight, he will**
837 **be returning at a future date to request an SUP to allow his property to be utilized as an**
838 **event venue as he has described tonight.**
839

840 **Councilmember Townsend asked for clarification regarding The Johnsons who has**
841 **previously come before the council to discuss plans for this property. Mr. Milder**
842 **indicated that the Johnsons were previously planning to do a store on the property that**
843 **would benefit soldiers; however, that plan fell through. He also clarified that “Chris” did**
844 **want to do a food truck type trailer on the property. Mr. Miller clarified that the change**
845 **that was needed in the code was approved to allow said trailer; however, an SUP would**
846 **still be required, and the SUP process has not taken place at this point. Mr. Milder**
847 **indicated that the retail store will no longer be happening; however, “Chris” may desire**
848 **to pursue the food truck at some point in the future.**
849

850 **Councilmember Fowler expressed concern about how the noise would be managed, for**
851 **example, with kids whose parents may host graduation parties there with DJs and such.**
852 **He is concerned about how potential noise may be controlled. Mr. Milder indicated that**

853 hiring of a DJ would not be allowed, but a small sound system is indoors, and renters
854 could plug up their laptop or iPod and play music through that system. Also he, his wife,
855 Leslie, or someone will be there to manage that aspect of the rentals, explaining various
856 ways in which the noise will be managed such that it will not be problematic. Also, he
857 does not believe alcohol will be a problem, as the contract that a leaser would sign would
858 require a uniformed officer to be present if alcohol were involved. Plus, it would be a
859 "bring your own alcohol" type facility, as he will not be licensing it through TABC.
860 Regarding parking, he believes sufficient space will be available between the existing lot,
861 the additional spaces and the shared spaces on the north and south. He imagines there
862 may also be some curb parking along Alamo. Mr. Miller indicated that it is a public street
863 (in other words, curb parking would be ok).
864

865 Councilmember Fowler also asked about garage sales, explaining that there was one
866 held there in the parking lot this past Saturday, and it did not look good and it backed up
867 traffic. Mr. Milder indicated that it was a charity garage sale that was held, and others
868 may be held in the future, as it is a visible location for drivers-by to stop.
869 Councilmember Fowler asked if such garage sale violates an ordinance. Mr. Miller
870 indicated that they actually obtained a special event permit for the garage sale held this
871 past weekend.
872

873 Mayor Pro Tem Lewis opened the public hearing and asked if anyone would like to come
874 forth and speak at this time.
875

876 Heather Bullock
877 301 Wildwood Lane
878

879 Ms. Bullock came forth and expressed that she lives one street behind Alamo behind
880 where this home (Milder's) is located. She indicated that she has spoken to various
881 neighbors on Wildwood, and they have some concerns. She is not necessarily opposed;
882 however, there are concerns such as sufficiency of parking and the fact that
883 ingress/egress (the driveway) would be on Alamo. She explained that there are a lot of
884 children that live on Wildwood and Alamo, and a lot of them play in the street and
885 driveways along those streets. She is very concerned about the safety of these children
886 at play. She is also concerned about the noise, explaining that it is a relatively quiet
887 neighborhood; however, they can already hear noise from, for example, events
888 downtown and from the announcer at the football games. She would also be concerned
889 about noise from people perhaps hanging out in the parking lot after a party. He also has
890 concerns pertaining to hours of operation.
891

892 There being no one else wishing to come forth and speak, Mayor Pro Tem Lewis then
893 closed the public hearing.
894

895 Councilmember Townsend made a motion to approve Z2015-038. Councilmember White
896 seconded the motion. The ordinance was read as follows:
897

898 CITY OF ROCKWALL
899 ORDINANCE NO. 16-XX
900

901 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
902 ROCKWALL, TEXAS AMENDING PLANNED DEVELOPMENT
903 DISTRICT 50 (PD-50) AND THE UNIFIED DEVELOPMENT CODE

904 [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS
905 HERETOFORE AMENDED, FOR THE PURPOSE OF AMENDING
906 PLANNED DEVELOPMENT DISTRICT 50 (PD-50) TO ALLOW A
907 BANQUET FACILITY LAND USE TO BE PERMITTED BY A SPECIFIC
908 USE PERMIT (SUP) FOR THE SUBJECT PROPERTY, BEING A
909 21.266-ACRE TRACT OF LAND SITUATED WITHIN THE S. S.
910 McCURRY SURVEY, ABSTRACT NO. 146 AND B. F. BOYDSTON
911 SURVEY, ABSTRACT NO. 14, CITY OF ROCKWALL, ROCKWALL
912 COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY
913 EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL
914 CONDITIONS; PROVIDING FOR A PENALTY OF A FINE NOT TO
915 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR
916 EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
917 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
918 EFFECTIVE DATE.
919

920 The motion passed by a vote of 5 ayes, 1 abstention (Milder) and 1 absent (Pruitt).
921

- 922 5. Z2015-039 - Hold a public hearing to discuss and consider a request by
923 Dayne Ram of ADR Designs, LLC on behalf of the owner Majestic Cast,
924 Inc. for the approval of an ordinance for a Specific Use Permit (SUP) for
925 a Residence Hotel on a 2.003-acre parcel of land identified as Lot 4,
926 Block A, Wal-Mart Super Center Addition, City of Rockwall, Rockwall
927 County, Texas, zoned Commercial (C) District, situated within the IH-30
928 Overlay (OV) District, located on the east side of White Hills Drive south
929 of Ridge Road [FM-740], and take any action necessary [1st Reading].

930 Mr. Miller, Planning Director, explained that this case is associated with a request for the
931 approval of a Specific Use Permit (SUP) for a Residence Hotel on a 2.003-acre parcel of
932 land situated within the IH-30 Overlay (OV) District, located on the east side of White Hills
933 Drive south of Ridge Road [FM-740]. He explained that the applicant is proposing a 4-
934 story *Home 2 Suites by Hilton*. The proposed *Residence Hotel* will accommodate 91
935 rooms including a 1,600 sq. ft. meeting room and an indoor pool as an amenity. The
936 proposed hotel will be approximately 47,000 sq. ft. and will provide approximately 101
937 parking spaces. If approved, submittal of a full site plan (including elevations, landscape,
938 photometric plans, etc.) is required, including an Architectural Review Board
939 recommendation forwarded to the Planning and Zoning Commission for consideration.
940 Furthermore, the applicant is requesting a variance to allow for a driveway along White
941 Hills Drive that does not meet the spacing requirement as established in the
942 Engineering's Standards of Design (ESD) Manual. White Hills Drive is considered to be a
943 minor collector and the ESD requires a minimum spacing distance of 100-ft from each
944 driveway. The property line along White Hills Drive is approximately 135-ft in length. The
945 placement of the proposed driveway will be approximately 85-ft from the existing south
946 driveway (entrance to Wal-Mart) and approximately 40-ft from the exiting business at 605
947 White Hills Drive. With driveways on both sides of the property, the applicant will not
948 meet the driveway spacing requirement as prescribed. The applicant is seeking a
949 variance in order to have their primary entrance from White Hills Drive; however, based
950 on the conceptual site plan, access is available from Suncrest Drive. Should the City
951 Council approve this case per staff's recommendations they will be granting the
952 applicant a variance to this requirement. He explained that it should be noted that a
953 request for an SUP is a discretionary act for the City Council. On December 22, 2015,
954 staff mailed fifty-two (52) notices to property owners within 500 feet of the subject
955 property including one (1) HOA/Neighborhood Organization (Turtle Cove HOA) within

956 1500 feet participating in the notification program. Additionally, staff posted a sign on the
957 property as required by the Unified Development Code (UDC). At the time this report was
958 drafted, staff had not received any notices either “for” or “against” the zoning change
959 request; however, staff explained that just today a notice was received back in favor and
960 one was received back in opposition. On January 12, 2016, the Planning and Zoning
961 Commission made a motion to approve the SUP request; however, the motion failed to
962 obtain a second, and therefore died. After further discussion, the Planning and Zoning
963 Commission’s second motion to approve the request failed by a vote of 2 to 4, with
964 Commissioners Renfro, Trowbridge, McCutcheon, and Fishman dissenting [Jusko –
965 absent]. Since the Planning and Zoning Commission’s motion failed to be approved, it is
966 considered to be a Recommendation to Deny; therefore, approval of the SUP request will
967 require passage of a ¾ majority vote of City Council.
968

969 The applicant indicated that he is speaking on behalf of the business owner who is
970 proposing to build this hotel, explaining that he entered the hotel business in 2005 when
971 he purchased a hotel in Rockwall that was not doing well, turning it into a successful
972 LaQuinta Inn. He explained a little bit about the Home 2 Suites brand, which is a Hilton
973 extended stay product. He shared that this is a more up-scale hotel that caters to
974 business persons, such as those who come into town for extended periods of time to
975 work associated with businesses such as L-3 Communications. Also, a hotel like this
976 product will cater to those who may be moving to Rockwall yet need a nice, interim,
977 extended stay hotel for some amount of time. He shared some photos of other
978 Home2Suites that have already been built elsewhere across the nation, explaining that
979 these properties have very upscale, trendy décor and amenities. He mentioned that the
980 property will be pet friendly. He explained the various earth conscious, “green” aspects
981 that are a part of these properties. He spoke briefly about the cost that guests would pay
982 to stay at the facility, indicating that to stay there for 30 days would cost between \$3,000
983 and \$3,500. He also shared brief comments regarding positive feedback and ratings that
984 these properties receive on Trip Advisor online.
985

986 Patrick Short
987 603 Whitehills Drive
988 Rockwall, TX
989

990 Mr. Short indicated that he owns the property that abuts this property. He shared a
991 series of photos with the city council showing a representation of average traffic that
992 traverses White Hills Drive, including very large trucks that reroute off of IH-30 if / when a
993 traffic accident occurs on the interstate. He encouraged the deeds, covenants and
994 restrictions to be studied very closely to see what is or is not allowed on this property.
995 He explained that he has concerns about the property being pet friendly. He encouraged
996 the Council to very carefully consider this request, suggesting that it may even want to
997 consider tabling the item in order to study it further before making a decision. He
998 explained that he still has a lot of questions and is not 100% “sold,” so he is therefore
999 not in favor of this request.
1000

1001 The applicant came forth and shared that he questions why Mr. Short placed his law firm
1002 office along the service road of an interstate if he is truly concerned about 18 wheelers
1003 (large trucks) diverting off of IH-30 onto White Hills.
1004

1005 Tom Grunnah

1006 6806 Brookshire Drive
1007 Dallas, TX
1008

1009 Mr. Grunnah commented on the quality of this product. He indicated that some members
1010 of the P&Z commented that this hotel may be too nice for this location, especially
1011 compared to other buildings in the area, including the adjacent Walmart. He believes this
1012 produce would be well received in Rockwall. He generally spoke in favor of approving
1013 this request.
1014

1015 There being no one else wishing to come forth and speak at this time, Mayor Pro Tem
1016 Lewis closed the public hearing.
1017

1018 The applicant came forth and reminded the Council that this is a Hilton product, which is
1019 the flagship property located at The Harbor. He went on to share various photos and
1020 information concerning other Home 2 Hilton properties located elsewhere in the United
1021 States.
1022

1023 Councilmember Townsend asked for clarification regarding if the city can get involved
1024 with private deeds, covenants and restrictions. Mr. Miller indicated that, no, it cannot.
1025

1026 Councilmember Townsend made a motion to approve Z2015-039. Councilmember
1027 Hohenshelt seconded the motion. Councilman Milder expressed support for the request.
1028 The ordinance was read as follows:
1029

1030 CITY OF ROCKWALL
1031 ORDINANCE NO. 16-XX
1032 SPECIFIC USE PERMIT NO. S-146
1033

1034 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
1035 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE*
1036 *NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
1037 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP)
1038 ALLOWING FOR A RESIDENCE HOTEL, WITHIN A COMMERCIAL (C)
1039 DISTRICT, BEING A 2.003-ACRE PARCEL OF LAND IDENTIFIED AS LOT
1040 4, BLOCK A, WAL-MART SUPERCENTER ADDITION, CITY OF
1041 ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY
1042 DEPICTED IN EXHIBIT 'A'; PROVIDING FOR SPECIAL CONDITIONS;
1043 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF
1044 TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
1045 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
1046 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
1047

1048 The motion passed by a vote of 5 in favor, 1 against (Fowler) and 1 absent (Pruitt).
1049

1050 XII. ACTION ITEMS
1051

- 1052 1. Discuss and consider adoption of an ordinance authorizing the issuance
1053 of City of Rockwall, Texas, General Obligation Refunding and
1054 Improvement Bonds, Series 2016; establishing procedures and
1055 delegating authority for the sale and delivery of the bonds; providing an
1056 effective date; enacting other provisions relating to the subject. (2nd
1057 reading)

1058 Mayor Pro Tem Lewis indicated that refunding of these bonds will save the city a
1059 minimum of five percent. Councilmember Hohenshelt made a motion to approve the
1060 ordinance. Councilmember White seconded the motion. The ordinance was read as
1061 follows:

1062

CITY OF ROCKWALL

1063

ORDINANCE NO. _____

1064

ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF
1065 ROCKWALL, TEXAS, GENERAL OBLIGATION REFUNDING AND
1066 IMPROVEMENT BONDS, SERIES 2016; ESTABLISHING
1067 PROCEDURES AND DELEGATING AUTHORITY FOR THE SALE AND
1068 DELIVERY OF THE BONDS; PROVIDING AN EFFECTIVE DATE; AND
1069 ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT

1070

1071 The motion passed by a vote of 6 in favor with 1 absent (Pruitt).

1072

2. Discuss and consider adoption of an ordinance authorizing the issuance
1073 of City of Rockwall, Texas, Combination Tax and Surplus Revenue
1074 Certificates of Obligation, Series 2016; establishing procedures and
1075 delegating authority for the sale and delivery of the certificates; providing
1076 an effective date; and enacting other provisions relating to the subject.
1077 (2nd Reading).

1078

Mrs. Smith, Assistant City Manager and Finance Director, indicated that issuance of
1079 these COs is associated with new dollars for water and sewer projects. Councilmember
1080 Hohenshelt made a motion to approve the ordinance. Councilmember Milder seconded
1081 the motion. The ordinance was read as follows:

1082

1083

CITY OF ROCKWALL

1084

ORDINANCE NO. _____

1085

ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF ROCKWALL,
1086 TEXAS, COMBINATION TAX AND SURPLUS REVENUE CERTIFICATES OF
1087 OBLIGATION, SERIES 2016; ESTABLISHING PROCEDURES AND
1088 DELEGATING AUTHORITY FOR THE SALE AND DELIVERY OF THE
1089 CERTIFICATES; PROVIDING AN EFFECTIVE DATE; AND ENACTING
1090 OTHER PROVISIONS RELATING TO THE SUBJECT

1091

The motion passed by a vote of 6 in favor with 1 absent (Pruitt).

1092

3. Discuss and consider the City's ordinance provisions related to the
1093 Structure Tax Preservation Incentive, and take any action necessary.

1094

City Manager Rick Crowley indicated that this item was included on the agenda for
1095 discussion and consideration this evening as a result of Council expressing a desire at
1096 the last city council meeting to review provisions of these ordinance regulations. Mr.
1097 Miller generally explained that staff is seeking clarification from the Council at this time
1098 concerning what it would like to do, moving forward, concerning these provisions (e.g.
1099 use its provisions as a reinvestment tool or as a historic restoration tool). He indicated
1100 that since these ordinance provisions were put into place in 2002, only three requests
1101 have come forth before council for consideration.

1102 Councilmember Fowler suggested that the Council may wish to discuss this issue at
1103 another time, under different circumstances since it is after 9:00 p.m. at night at this
1104 point. Also, he would like to have some input from property owners that may be affected
1105 by provisions of this ordinance and have some additional information and time to
1106 consider this.

1107
1108 Councilmember Hohenshelt instructed staff to move this topic to a future (standalone)
1109 work session, perhaps at the next city council meeting, if possible.

- 1110 4. Discuss and consider a request by Jay & Alison Odom for the approval of
1111 a structure preservation tax exemption application seeking to have the
1112 assessed value for ad valorem taxation fixed for a period of seven (7)
1113 years on the subject property at 503 N. Fannin Street, further identified as
1114 Block 122, Lot A, B. F. Boydston Addition, City of Rockwall, Rockwall
1115 County, Texas, zoned Single Family 7 (SF-7) District, located within the
1116 Old Town Rockwall (OTR) Historic District, and take any action
1117 necessary.

1118 Planning Director Ryan Miller provided background information related to this agenda
1119 item. Jay and Alison Odom, are requesting to have the assessed value for ad valorem
1120 taxation "frozen" for a period of seven (7) years on the subject property at 503 N. Fannin
1121 Street for the purpose of renovating/rehabilitating the existing single-family home.
1122 Specifically, the applicants have submitted paper work indicating that an investment of
1123 approximately \$56,575.31 will be made into the property in order to make
1124 improvements/repairs to the foundation, siding, roofing, sheetrock, and to repair/remove
1125 all wood-rot. On November 19, 2015, the applicants received approval from the Historic
1126 Preservation Advisory Board (HPAB) for a Certificate of Appropriateness (COA) [Case
1127 No. H2015-006] for the proposed restoration of the exterior of the home. The board
1128 approved the request finding that the proposed scope of work would not have an
1129 adverse impact on the essential character of the neighborhood, nor would it have a
1130 negative impact on the historic nature of the adjacent properties. It should be noted that
1131 while this is classified as a *Non-Contributing* home, the Rockwall Central Appraisal
1132 District (RCAD) identifies an original construction date of 1940 for the property.
1133

1134 Councilmember White asked for and received clarification regarding the photos that staff
1135 included in the city council members' informational packet. Councilmember White made
1136 a motion to approve this request. Councilmember Fowler seconded the motion, which
1137 passed by a vote of 6 in favor with 1 absent (Pruitt).
1138

- 1139 5. Discuss and consider a request by Worth Williams on behalf of Arkoma
1140 Development, LLC regarding the use parkland adjacent to N. Lakeshore
1141 Drive for the purpose of floodplain mitigation and take any action
1142 necessary.

1143 Assistant City Manager Brad Griggs provided background information concerning this
1144 agenda item. Indication was provided that the city's Park Board recently voted
1145 unanimously to recommend to Council that the grading changes proposed by Arkoma do
1146 not substantially change the use of the land and further recommended the following
1147 conditions apply:
1148

- 1149 • Any excavation adjacent to the trail takes care not to create any potential for
1150 erosion.
- 1151 • Does not create an unsafe drop off along the trail edge. All building and
1152 engineering codes apply regarding slopes and drop offs.
- 1153 • Vegetation must be re-established to at least 95% coverage using native
1154 vegetation approved by the City.
- 1155 • Excavation must be done in such a way as to keep a natural appearance using
1156 gradual slopes, non-linear edges and not hold water for an extended period of
1157 time.
- 1158 • Any damage done to the trail as a result of the excavation must be repaired
1159 immediately so as not to impede use of the trail by the public.

1160
1161 **Councilmember White made a motion to approve Action Item #5 as**
1162 **presented/recommended by Park Board. Councilmember Townsend seconded the**
1163 **motion, which passed unanimously of those present (6 ayes with Pruitt absent).**

- 1164 6. Discuss and consider inclement weather and lightning safety policy for
1165 Rockwall Baseball Softball League and other City outdoor programs,
1166 events and activities and take any action necessary.

1167 **Parks Manager, Andy Hesser, provided background information concerning this agenda**
1168 **item. He explained that, in an effort to provide the safest possible conditions during**
1169 **baseball and softball games at Leon Tuttle Athletic Complex for participants, staff and**
1170 **visitors, the FY 2016 budget provided for a lighting prediction system. This system called**
1171 **Thor Guard, has been purchased and installed in preparation of the spring**
1172 **baseball/softball season. Councilmember Townsend made a motion to approve the**
1173 **policy and recommendations put forth by the Park Board. Mayor Pro Tem Lewis**
1174 **seconded the motion, which passed by a vote of 6 in favor with 1 absent (Pruitt).**

1175
1176 **The Council did not reconvene in Executive Session following the close of the public**
1177 **meeting agenda.**

1178
1179 **XIII. EXECUTIVE SESSION**

1180
1181 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
1182 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
1183 **CODE:**

- 1184
1185 1. Discussion regarding land acquisition for South Community Park pursuant to
1186 Section § 551.072 (Real Property).
- 1187 2. Discussion regarding appointment of city council subcommittees and board
1188 liaisons - Fire Dept. Pension Board - pursuant to Section, §551.074
1189 (Personnel Matters).
- 1190 3. Discussion regarding process associated with City Manager performance
1191 evaluation pursuant to Section 551.074 (personnel matters)

1192 **XIV. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

1193
1194 **The Council did not reconvene in Executive Session following the close of the public**
1195 **meeting agenda.**

1196

1197 XV. ADJOURNMENT

1198

1199 The Council meeting was adjourned at 9:38 p.m.

1200

1201

1202

1203 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,

1204 THIS 1st day of February, 2016.

1205

1206

1207

1208 ATTEST:

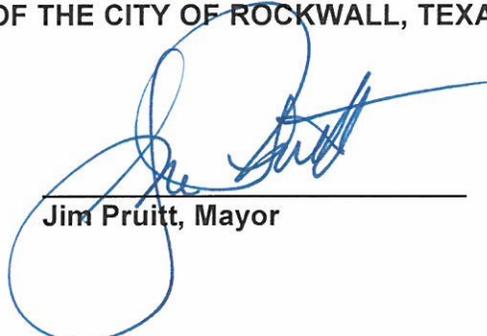
1209

1210

1211



Kristy Cole, City Secretary



Jim Pruitt, Mayor



