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MINUTES
ROCKWALL CITY COUNCIL
Monday, August 15, 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 Pruitt called the public meeting to order at 4:00 p.m. Present were Mayor Jim**
10 **Pruitt, Mayor Pro Tem Mike Townsend and Council Members David White, John**
11 **Hohenshelt, Kevin Fowler and Dennis Lewis. Also present were City Manager Rick**
12 **Crowley, Assistant City Manager Mary Smith and City Attorney Frank Garza. Council**
13 **Member Scott Milder was absent from the meeting.**

14
15 **II. WORK SESSION**

- 16
17 1. Hold work session to discuss report from the Fire Department Strategic
18 Planning Subcommittee regarding development of strategic direction /
19 initiatives for the department.

20 **Item #2 was addressed first, with this agenda item being addressed thereafter.**
21 **Regarding this item, Councilmember Hohenshelt briefed the Council on the work of the**
22 **subcommittee and the conclusions that have been arrived at based on data that was**
23 **studied as part of the process. He explained that input from the full council is needed on**
24 **some of the issues at hand. He indicated that the subcommittee has no disagreement**
25 **about keeping a mixed fire department (partially volunteers and partially full-time staff).**
26 **In addition, maintaining an ISO rating of 2 is also agreeable to the subcommittee;**
27 **however, there is a possibility that the criteria for an ISO 2 rating may change, so some**
28 **adjustments may be warranted in the future. Regarding "first responder" type**
29 **(paramedic) activities, Hohenshelt indicated that Councilmember Milder wanted to be**
30 **present to talk about this matter further, so it is unfortunate he is not present to be able**
31 **to do so today. He indicated that the goals of the fire department are to protect lives,**
32 **prevent collateral damage and put out fires.**

33 **He went on to explain that they evaluated driving distance from fire stations. As of right**
34 **now, 95% of residential structures are within a 4 minute drive time of any fire station (it**
35 **was clarified that this is within the city but does not include the ETJ areas (extra**
36 **territorial jurisdiction). He stated that 90% of commercial, non-sprinklered buildings are**
37 **within 4 minute drive from any station. Also, Hohenshelt indicated that the**
38 **subcommittee has no problem rolling out two fire stations for any structure fire.**

39 **He went on to explain that the "man power per station" is still something that needs to be**
40 **discussed. For example, right now, there is only one full-time person at Station 3. This**
41 **means the person responding has the responsibility for driving and navigating**
42 **simultaneously. So, there is some concern about this. To summarize, the subcommittee**
43 **would like input from the full council regarding relative criteria associated with**
44 **determining: (1) distance from each fire station; (2) man power; and (3) first responder /**
45 **EMS responsibilities.**

46 **Councilmember Lewis asked Fire Chief Mark Poindexter if our personnel have the**
47 **capability to perform "first responder" type of services. Poindexter indicated that all**

48 personnel currently have the proper training to do this; however, some minimal costs
49 would be associated with purchasing needed equipment (i.e. AEDs, bandaging, etc.). He
50 went on to provide some additional, clarifying comments pertaining to the city Fire
51 Department possibly providing “first responder” services and working in conjunction
52 with the local ambulance service provider to coordinate doing so. He believes that the
53 EMS company would likely be open to the Fire Department doing so, as they had
54 previously seemed receptive to this. Dialogue then took place related to response times.

55 Mr. Crowley indicated that the local professional firefighters association recently made a
56 presentation to some members of the Council subcommittee, the city manager, assistant
57 city manager and the fire chief. Mr. Crowley indicated that Councilmember Milder has
58 requested that an agenda item be placed on the next regular city council meeting agenda
59 in order for this group to make the same presentation before the full Council.

60 After lengthy discussions related to “first responder” and what all it would entail,
61 Councilmember Hohenshelt spoke about manpower and potential budgetary costs
62 associated with modifying this. He generally suggested that perhaps the city may want
63 to consider hiring a part time person for Fire Station 3 to be on duty during the peak call
64 volume days/hours. General indication was given that criteria should be established and
65 evaluated for all current fire stations and any future stations that may be built to help
66 determine true manpower and other needs.

67 The Council took no action following its discussion of this item.

68 2. Hold work session with the Fire Marshal and Building Official to discuss
69 corrugated stainless steel tubing (CSST).

70 City Manager Rick Crowley provided brief comments related to this work session item,
71 indicating that both the city’s Building Official, Jeffrey Widmer, and the Fire Marshal,
72 Ariana Hargrove, will be speaking to the Council concerning this item. In addition, Mr.
73 Craig Castleberry who represents the National Association of State Fire Marshals
74 (NASFM) will also be speaking. He pointed out that Mrs. Teel from the Brennen Teel
75 Foundation is also present for this work session item today.

76
77 Mrs. Hargrove came forth and played an informational video for the Council to educate
78 them on CSST, including what it is, where it is used, and the nature of the potential
79 dangers. Mrs. Hargrove explained that lightning as a heat source is a top reason for
80 home fires here locally in Rockwall. She then went on to share real life examples of
81 lightning strikes in Rockwall homes that were found to have caused punctures in CSST
82 within the homes.

83
84 Mr. Widmer came forth and provided the Council with additional information on the CSST
85 product itself, including talking points such as where/why it began being used,
86 installation guidelines, the International Building Code, and “bonding” of the product
87 (when it does exist in a home) in order to minimize potential dangers.

88
89 Mr. Craig Castleberry who represents the National Association of State Fire Marshals
90 (NASFM) then came forth and provided comments to the City Council. He requested that
91 the Council consider elevating the city’s standards related to CSST. He generally
92 stressed the importance of safety, not only related to bonding and grounding CSST, but
93 also regarding ensuring a higher level of testing and/or some product prohibitions in
94 order to ensure homeowners’ safety.

95

96 **Mr. Widmer again came forth and provided closing comments to the Council, explaining**
97 **various options that the city council here in Rockwall may wish to consider (i.e. possible**
98 **building code amendments and/or implementation of an educational program for**
99 **citizens).**

100
101 **Mayor Pruitt asked for some clarification related to builders currently using this product.**
102 **Mr. Widmer indicated that, in general, the city has not seen builders utilizing CSST in**
103 **several years now.**

104
105 **Councilmember Lewis then spoke, indicating that Brennen Teel, who lost his life in a**
106 **home fire following a lightning strike in a home that had CSST, grew up with his kids.**
107 **So, this issue is personal for him. He went on to share some thoughts and observations,**
108 **and he generally indicated a desire for the Rockwall City Council to pass an ordinance**
109 **banning the use of CSST in our city.**

110
111 **Councilmember White then asked several clarifying questions related to the bonding of**
112 **the product and the manufacturing of the product. Mrs. Hargrove and Mr. Widmer**
113 **answered each of his questions.**

114
115 **The Council took no formal action concerning this work session item. At 5:19 p.m., the**
116 **Mayor read the below listed items into the record before recessing the public meeting go**
117 **to into Executive Session.**

118
119 **III. EXECUTIVE SESSION.**

120
121 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
122 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
123 **CODE:**

- 124
125 1. Discussion regarding claim for reimbursement by developer for lift station
126 improvements pursuant to Section §551.071 (Consultation with Attorney)
- 127 2. Discussion regarding legal options available to the City pertaining to possible
128 violations of drainage and detention development standards pursuant to Section
129 §551.071 (Consultation with Attorney)
- 130 3. Discussion regarding the city's existing Fixed Based Operator airport agreement with
131 Texas Air Center, LLC pursuant to Section 551.071 (Consultation with Attorney)
- 132 4. Discussion regarding legal advice associated with homeowners association (HOA)
133 regulations within the city pursuant to Section 551.071 (Consultation with Attorney).

134
135 **IV. ADJOURN EXECUTIVE SESSION**

136
137 **The Council adjourned from Executive Session at 5:58 p.m.**

138
139 **V. RECONVENE PUBLIC MEETING (6:00 P.M.)**

140
141 **Mayor Pruitt called the public meeting back to order at 6:00 p.m.**
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145 VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

146
147 The Council took no action as a result of Executive Session.

148
149 VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER HOHENSHELT

150
151 Councilmember Hohenshelt delivered the invocation and led the Pledge of Allegiance.

152
153 VIII. OPEN FORUM

154
155 Mayor Pruitt explained how Open Forum is conducted and asked if anyone would like to
156 come forth and speak at this time.

157
158 Glen Turbyfill
159 1455 Memorial Drive
160 Rockwall, TX 75087

161
162 Mr. Turbyfill came forth and expressed concern regarding excessive traffic currently
163 taking place on Memorial Drive because drivers are using it as an alternative route to
164 avoid construction and/or the nearby traffic light. He would like more information on
165 possible installation of road humps. He is also curious about the plans pertaining to the
166 four lane extension of Quail Run Road from SH-205 to John King Boulevard. Mayor
167 Pruitt stated that the roadway extension will be done in time, after those properties
168 develop. With regards to road humps, Mayor Pruitt asked for Mr. Crowley to get with Mr.
169 Turbyfill to discuss this topic.

170
171 Mayor Pruitt reminded the audience about a public town hall meeting that will be held at
172 7:00 p.m. tomorrow evening at The Center. It will focus on public safety. He invited
173 everyone to attend and indicated that it will be finished by 9:00 p.m.

174
175 He then recognized a boy scout in attendance in the audience. The boy scout (guest)
176 indicated he is working on his Citizenship in the Community merit badge.

177
178 Ronnie Weigant
179 3714 Huntcliffe Drive
180 Rockwall, TX 75087

181
182 Mr. Weigant came forth and indicated that his property taxes have generally gone up
183 notably over the last several years (anywhere from 9.5% to 28%). He went on to explain
184 his interactions with the Central Appraisal District as he has protested his taxes on
185 various occasions. He explained that his attempts at having his assessed values
186 lowered have been unsuccessful. He shared that he is retired; however, he has had to
187 submit various employment applications in an effort to secure a job to help supplement
188 his income in order to afford his increased taxes.

189
190 IX. CONSENT AGENDA

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192 1. Consider approval of the minutes from the August 1, 2016 regular city
193 council meeting, and take any action necessary.

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2. **Z2016-020** - Consider a request by Sandra Peterson for the approval of an ordinance for a Specific Use Permit (SUP) to allow for a carport that does not meet the minimum setback requirements stipulated by Section 2.1.2, Residential and Lodging Use Conditions, of Article IV, Permissible Uses, of the Unified Development Code [Ordinance No. 04-38] for a 0.231-acre parcel of land identified as Lot 10, Block D of Northshore, Phase 2A Addition, City of Rockwall, Rockwall County, Texas, zoned Single Family 10 (SF-10) District, addressed as 509 Sunset Hill Drive, and take any action necessary. (2nd reading)
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3. Consider awarding a bid to North Texas Lawn & Landscape and authorizing the City Manager to execute a contract to remove 80 dead/diseased trees and replace them with new trees in the amount of \$56,845 to be funded with tree mitigation funds, and take any action necessary.
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4. Consider authorizing the City Manager to enter into an agreement with MHS Planning and Design to update the Parks, Recreation and Open Space Master Plan in the amount of \$20,000 as was approved in the FY 2015/2016 budget, and take any action necessary.
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5. Consider authorizing the City Manager to enter into an agreement with Mingling Mouth LLC for the purposes of providing food concession services at the Leon Tuttle Athletic Complex, and take any action necessary.
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6. Consider approval of an interlocal agreement between the City of Rockwall and the Rockwall Independent School District for School Resource Officer services for the 2016-2017 school year, and take any action necessary.
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7. **P2016-023** - Consider a request by Pat Atkins of the Saddle Star Land Development, LLC on behalf of the owners Gwen Reed and Randa Hance (R. & R. Hance Investments, LP) for the approval of a master plat/open space plan for the Saddle Star South Subdivision containing 138 single-family residential lots on a 55.413-acre tract of land identified as Tracts 1, 1-5 & 2-03 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District and Planned Development District 79 (PD-79) for Single-Family 8.4 (SF-8.4) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, located on the north side of John King Boulevard east of the intersection of Featherstone Drive John King Boulevard, and take any action necessary.
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8. **P2016-024** - Consider a request by Pat Atkins of the Saddle Star Land Development, LLC on behalf of the owners Gwen Reed and Randa Hance (R. & R. Hance Investments, LP) for the approval of a preliminary plat for the Saddle Star South Subdivision containing 138 single-family residential lots on a 55.413-acre tract of land identified as Tracts 1, 1-5 & 2-03 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District and Planned Development District 79 (PD-79) for Single-Family 8.4 (SF-8.4) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, located on the north side of John King Boulevard east of the

242 intersection of Featherstone Drive John King Boulevard, and take any
243 action necessary.

244 9. **P2016-035** - Consider a request by Matt Hibbitt of Spry Surveyors on
245 behalf of the owner Racetrac Petroleum, Inc. for the approval of a final
246 plat for Lot 1, Block 1, Carmel Carwash Addition being a 2.059-acre tract
247 of land currently identified as Lot 1, Block 1, Crossings Addition (i.e.
248 1.004-acres) and a 1.052-acre portion of Lot 1, Block 1, Rockwall
249 Business Park Addition, City of Rockwall, Rockwall County, Texas, zoned
250 Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV)
251 District, addressed as 2003 S. Goliad Street, and take any action
252 necessary.

253 **Councilmember Lewis made a motion to approve the entire Consent Agenda (#1, 2, 3, 4,**
254 **5, 6, 7, 8, and 9). Councilmember White seconded the motion.**

255
256 **The ordinance caption (for #2) was read into the public record as follows:**

257
258 **CITY OF ROCKWALL**
259 **ORDINANCE NO. 16-44**
260 **SPECIFIC USE PERMIT NO. S-154**

261
262 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
263 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE**
264 **04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY**
265 **AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW**
266 **FOR A CARPORT THAT DOES NOT CONFORM TO THE REQUIREMENTS**
267 **AS STIPULATED BY SECTION 2.1.2, RESIDENTIAL AND LODGING USE**
268 **CONDITIONS, OF ARTICLE IV, PERMISSIBLE USES, OF THE UNIFIED**
269 **DEVELOPMENT CODE, BEING A 0.231-ACRE TRACT OF LAND, ZONED**
270 **SINGLE-FAMILY RESIDENTIAL (SF-10) DISTRICT, AND ADDRESSED AS**
271 **509 SUNSET HILL DRIVE, AND IDENTIFIED AS LOT 10, BLOCK D OF**
272 **NORTHSHORE, PHASE 2A ADDITION, CITY OF ROCKWALL, ROCKWALL**
273 **COUNTY, TEXAS, AND MORE SPECIFICALLY DEPICTED IN *EXHIBIT 'A'***
274 **OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS;**
275 **PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF**
276 **TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;**
277 **PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A**
278 **REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

279
280 **The motion passed by a vote of 6 ayes with 1 absent (Milder).**

281
282 **X. APPOINTMENTS**

283
284 1. Appointment with the Planning and Zoning Chairman to discuss and
285 answer any questions regarding cases on the agenda and related issues
286 and take any action necessary.

287 **Chairman Craig Renfro was unable to be present. In his absence, Commissioner Patrick**
288 **Trowbridge came forth and briefed the council on recommendations of the Commission**
289 **relative to P&Z related items on tonight's agenda.**

290 2. Appointment with Mr. Leon Tuttle to hear comments pertaining to the
291 city's tax rate and the route for SH-205 / John King Boulevard, and take
292 any action necessary.

293 Mayor Pruitt called forth former mayor, Leon Tuttle, to address the Council concerning
294 this agenda item. Mr. Tuttle indicated that he spoke with Mayor Pruitt over the weekend
295 and learned that the city council has been discussing the possibility of adopting a lower
296 tax rate. He generally indicated that he was encouraged to hear this may be the case.
297

298 Mr. Tuttle went on to discuss the roadway route associated with the SH-205 / John King
299 Boulevard. He shared comments related to conversations that had taken place years ago
300 with the city and with TXDOT (in the year 1983), indicating that he and others were told
301 that there would not be a state bypass built around / in Rockwall. The next year, the city
302 hired a consultant to create a new thoroughfare plan, and a lot of public hearings were
303 held. He explained that this topic was very controversial, and the TXDOT district
304 engineer at that time attended all of the meetings, still indicating that TXDOT would never
305 build a state bypass. He understands, however, that former Mayor Bill Cecil ran for office
306 in 2005, in part, indicating that he would like to have a state bypass constructed around
307 Rockwall, and he would like to expand Goliad to four-lanes. However, TXDOT had not
308 agreed to this. Mr. Tuttle indicated that he had a conversation with Cecil some time
309 thereafter, and Cecil acknowledged that a bypass would not come to pass, so, instead,
310 John King Boulevard was constructed as a locally-owned street. He generally has
311 concerns about John King Boulevard potentially being turned into a state bypass. He
312 understands that expanding / widening the existing SH-205 north of the downtown area
313 will result in displacing some properties and impacting many property owners; however,
314 he believes that future widening of that area of roadway is inevitable. He went on to
315 provide various comments pertaining to future growth, especially in the north and
316 eastern parts of the city, as well as truck and other traffic. He pointed out that if tourists
317 visiting Rockwall begin taking John King Boulevard, it may result in a negative impact to
318 the local economy because they will miss out on visiting most all of the restaurants and
319 businesses.
320

321 Mr. Tuttle believes Rockwall has developed into a really nice city, and he would like to
322 keep it that way. He expressed appreciation to all past and current leadership in the city
323 who have all worked to make the city great. He then went on to share some very
324 complimentary thoughts concerning Mr. Rick Crowley, Rockwall's City Manager,
325 generally expressing that he is a great city manager.
326

327 Mayor Pruitt indicated that all public meetings regarding the proposed route options for
328 the future SH-205 bypass have already been held, and the time period for submitting
329 public comments has passed. Mayor Pruitt explained that the city will receive from
330 TXDOT the results of that public comment sometime, likely, within the next couple of
331 weeks. Also, on Monday there is a stakeholders meeting that will be held concerning IH-
332 30. He explained that at some point in the future, TXDOT will be evaluating installing
333 service roads on that cross the lake (on IH-30).
334

335 XI. PUBLIC HEARING ITEMS 336

- 337 1. Z2016-019 - Hold a public hearing to discuss and consider a request by
338 Miller Sylvan of JPI on behalf of the owner Gene Lambreth of Pneuma
339 Ventures, LTD for the approval of an ordinance for a zoning change from
340 a Light Industrial (LI) District to a Planned Development District for a
341 multi-family apartment complex on a 42.50-acre tract of land identified as
342 Tract 1-4 of the J. M. Allen Survey, Abstract No. 2, City of Rockwall,
343 Rockwall County, Texas, zoned Light Industrial (LI) District, situated

344 within the SH-205 By-Pass Overlay (205 BY-OV) District, located east of
345 the intersection of Discovery Boulevard and John King Boulevard, and
346 take any action necessary (1st Reading).

347 Mr. Ryan Miller, Planning Director for the city, briefed the Council on this agenda item.
348 He indicated that it is related to the Council considering approval of a zoning change
349 from a Light Industrial (LI) District to a Planned Development District for a multi-family
350 apartment complex on a 42.50-acre tract of land. On July 15, 2016, the applicant
351 submitted an application requesting to rezone a 42.50-acre tract of land from a Light
352 Industrial (LI) District to a Planned Development District for a multi-family apartment
353 complex that will consist of a maximum of 750 units (17.5 units / acre is the
354 approximate density being proposed). The subject property, which was annexed into
355 the City on December 3, 1985 by *Ordinance No. 85-69*, is located on the north side of
356 Discovery Boulevard -- *east of the intersection of Discovery Boulevard and John King*
357 *Boulevard* -- and is currently a vacant tract of land. The Council has the right to adjust the
358 proposed density as it sees fit. Mr. Miller mentioned that while the unit composition
359 above does indicate an average net unit area of 1,000 SF, the applicant has requested
360 that language allowing this to be reduced to 950 SF be included in the *PD Ordinance*.
361 The conceptual building renderings submitted by the applicant appear to be comprised
362 of a mixture of stucco and stone and will be subject to the architectural requirements
363 stipulated for the SH-205 By-Pass Corridor Overlay (205 BY-OV) District. The Future
364 Land Use Map, contained within the Comprehensive Plan, designates the subject
365 property for *Technology/Light Industrial* land uses, which "...may include technology,
366 research and development, office, and light industrial uses which may include light
367 manufacturing and/or light assembly ..." The proposed development would require this
368 designation to be changed to a *High Density Residential* designation, which according to
369 the Comprehensive Plan, is defined as any use that exceeds three (3) units per acre.

370
371 Mr. Miller went on to share that on July 22, 2016, staff mailed 26 notices to property
372 owners and residents located within 500-feet of the subject property. Staff also emailed
373 notices to the Lofland Farms and Meadow Creek Estates Homeowner's Associations
374 (HOA), which are the only HOA's located within 1,500 feet of the subject property.
375 Additionally, staff posted a sign on the subject property along Discovery Boulevard as
376 required by the Unified Development Code (UDC). At the time this case memo was
377 drafted, no responses were received by staff.

378
379 **Matt Brendel**
380 **JPI**
381 **600 E. Los Colinas Blvd.**
382 **Irving, TX 75039**
383

384 Mr. Brendel came forth and briefed the Council on his company, indicating that his
385 company is a privately held company that is local owned (in the DFW area) and has been
386 in existence for more than thirty years. He went on to explain that his company has an
387 in-house general contractor, which allows them to have control over the quality of the
388 communities that they build. He explained that they have completed over 300 projects
389 with about 4,000 homes in some stage of development, with about half of them being in
390 the DFW area. In total, his company has built 50 apartment communities and 18,000
391 homes in the DFW area. He explained some of the high-quality finishes, services and
392 space that are included in his company's apartment communities. He shared some
393 details concerning other apartment communities that his company has built in

394 neighboring cities. Mr. Brendel went on to share his reasoning for why his company
395 would like to move forward with building in Rockwall, generally explaining that the
396 demographics of the city line up well with the type of city in which his company likes to
397 build. He explained that the rent for these units will be between \$1,500 - \$1,600 / month
398 and went on to share some statistics related to average age and median incomes,
399 explaining that only 3-5% of the residents are typically school-aged children. Also, on
400 average, his properties are, on average, about \$500 more than other, nearby apartment
401 communities. He generally believes that there is a great demand for this type of housing
402 product in the Rockwall community, and he believes this is the right location.
403

404 **Miller Sylvan**
405 **JPI (Irving, TX)**
406

407 Mr. Sylvan came forth and shared a picture of the proposed site plan with the council,
408 briefly explaining what type of properties currently surround the location. He explained
409 that he believes this is an appropriate land use / transition for the area. He shared that
410 they are proposing to do this development in two phases. Buildings will be focused
411 along the green space with interconnected hike and bike trails. Also, the units will have
412 garages tucked in underneath them. He spoke a bit about parking and the overall
413 environment that would be present should these apartments be built. He spoke about
414 the amenities that would be included in the units, indicating that they would be top-of-
415 the-line, first class, and they would be unlike anything else in the market in Rockwall
416 today. He explained that the unit mix would be 55% one bedroom, 35% two bedrooms,
417 and 10% three bedrooms with an average unit size of 980 square feet. He explained that
418 Austin stone and stucco with a traditional yet modern look is being proposed.
419

420 After additional comments from Mr. Sylvan, Mayor Pruitt opened the public hearing and
421 asked if anyone would like to come forth and speak at this time. There being no one
422 indicating such, he then closed the public hearing.
423

424 Councilmember Lewis shared that he recently stopped by one of this company's
425 properties that is located near where he works. He expressed that he was very
426 pleasantly surprised and very impressed with the quality of everything he saw (from the
427 units to the finish outs to the amenities, etc.). He believes this is a good transitional
428 development for this area. He also spoke to some of the tenants where he visited, and
429 they all had very good feedback and positive comments about their apartment complex.
430

431 Councilmember Lewis made a motion to approve Z2016-019. Councilmember White
432 seconded the motion. Councilmember Fowler asked some questions of the applicant
433 pertaining to the density. He generally wanted to know if having a lower density in order
434 to meet the city's current standards would be possible. Mr. Sylvan explained various
435 reasons why they would generally rather not lower the density. Mr. Sylvan expressed
436 that he expects about 1,000 residents with about 3% - 5% being school aged children.
437 Mr. Fowler commented that he does not believe that would adversely affect the school
438 system.
439

440 Mayor Pruitt shared that he believes that a lot of people may in fact move to Rockwall
441 primarily so their kids can attend our schools. So, he is not sure that 3-5% is a feasible
442 estimate as it pertains to Rockwall. He expressed that he cannot and will not support a
443 multifamily housing development in any area of the city where the zoning does not
444 already allow for it.

445
446 Councilmember Hohenshelt generally expressed concern to the city council regarding
447 proposed densities and associated square footages. He believes the Council needs to
448 determine the direction it would like to go in, overall, with regards to these topics,
449 especially pertaining to making exceptions to these standards.

450
451 Mr. Miller, at the request of Mr. Crowley, provided some brief explanation pertaining to
452 the Architectural Review Board's involvement in a project like this as well as the
453 involvement of the City Council.

454
455 Councilmember Townsend generally expressed concern regarding the proposed
456 minimum square footage requirements. He does not like the idea of allowing the
457 applicant to have 980 square feet with the possibility of making them even smaller at 950
458 square feet in the future. He prefers that the higher square footage be adhered to.

459
460 Councilmember Hohenshelt shared that if the city is going to 'take away' about 45 acres
461 of "light industrially-zoned" property, he would like to know where else in the city land
462 might be located that could be (re)zoned LI in order to ensure that the overall
463 composition of the property tax base remains unchanged.

464
465 After the council members' comments, the ordinance was read as follows:

466
467 CITY OF ROCKWALL
468 ORDINANCE NO. 16-XX

469
470 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
471 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE
472 NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED,
473 SO AS TO CHANGE THE ZONING FROM A LIGHT INDUSTRIAL (LI)
474 DISTRICT TO PLANNED DEVELOPMENT DISTRICT XX (PD-XX) FOR A
475 MULTI-FAMILY APARTMENT COMPLEX ON THE SUBJECT PROPERTY,
476 BEING A 42.50-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1-4 OF
477 THE J. M. ALLEN SURVEY, ABSTRACT NO. 2, CITY OF ROCKWALL,
478 ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN
479 BY EXHIBIT 'A'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING
480 FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO
481 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING
482 FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
483 PROVIDING FOR AN EFFECTIVE DATE.

484
485 The motion to approve failed by a vote of 3 in favor with 3 against (Townsend,
486 Hohenshelt, and Pruitt) and one (1) absent (Milder).

- 487
488 2. Z2016-022 - Hold a public hearing to discuss and consider a request by
489 Mark W. Pross of Pross Design Group, Inc. on behalf of Robert Reece of
490 SPR Packaging, LLC for the approval of an ordinance for a Specific Use
491 Permit (SUP) to allow for a structure that exceeds 60-feet in height in a
492 Light Industrial (LI) District in conjunction with an existing manufacturing
493 facility situated on 10.1893-acre parcel of land identified as Lot 2, Block
494 A, SPR Packaging Addition, City of Rockwall, Rockwall County, Texas,
495 zoned Light Industrial (LI) District, addressed as 1480 Justin Road, and
496 take any action necessary (1st Reading).

497
498 **Mr. Miller provided background information pertaining to this agenda item. The applicant**
499 **is requesting a Specific Use Permit (SUP) to allow for a structure that exceeds the**
500 **maximum height requirements within a Light Industrial (LI) District for an existing**
501 **manufacturing facility. The property is located at the intersection of Justin Road and**
502 **Industrial Blvd. and is addressed as 1480 Justin Road.**

503 **The applicant plans to install three (3) new high-bays for the purpose of placing new**
504 **equipment (extruders) to meet its future manufacturing capabilities. Based on the site**
505 **plan and the building elevations submitted, the extruders will be placed adjacent to the**
506 **existing (60-ft height) high-bay area, which is located on the north (rear) side of the**
507 **building. The vertical expansion will be incorporated on top of the existing**
508 **manufacturing facility, and will increase the height of this portion of the facility by**
509 **approximately 35-ft. The newly constructed high-bay area will have an overall height of**
510 **71-ft. from grade, which will be approximately ten (10) feet higher than the existing,**
511 **adjacent metal high-bays. It was noted that the facilities' existing roof structure was**
512 **designed to extend upward to allow for the requested expansion.**

513
514 **Mayor Pruitt asked if the applicant would like to speak. Him not wishing to do so, Mayor**
515 **Pruitt then opened the Public Hearing and asked if anyone would like to come forth and**
516 **speak at this time. There being no one to come forth, he then closed the public hearing.**

517
518 **Councilmember White made a motion to approve Z2016-022. Councilmember Townsend**
519 **seconded the motion. The ordinance was read as follows:**

520 **CITY OF ROCKWALL**
521 **ORDINANCE NO. 16-**
522 **SPECIFIC USE PERMIT NO. S-155**
523

524 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
525 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE**
526 **NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY**
527 **AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP)**
528 **ALLOWING FOR A STRUCTURE TO EXCEED THE MAXIMUM HEIGHT**
529 **REQUIREMENT WITHIN A LIGHT INDUSTRIAL (LI) DISTRICT, BEING A**
530 **10.1893-ACRE PARCEL OF LAND IDENTIFIED AS LOT 2, BLOCK A, SPR**
531 **PACKAGING ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY,**
532 **TEXAS, ADDRESSED AS 1480 JUSTIN ROAD, AND MORE SPECIFICALLY**
533 **DESCRIBED IN EXHIBIT 'A' AND DEPICTED IN EXHIBIT 'B'; PROVIDING**
534 **FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT**
535 **TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR**
536 **EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;**
537 **PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE**
538 **DATE.**

539
540 **The motion passed by a vote of 6 in favor with 1 absent (Milder).**

- 541
542 **3. Z2016-025 - Hold a public hearing to discuss and consider a request by**
543 **Jason Lentz of Atticus Rockwall, LLC for the approval of an ordinance for**
544 **a PD Development Plan establishing a 245 unit, condo development**
545 **situated on a 3.453-acre portion of a larger 6.915-acre tract of land**
546 **identified as Lots 3A, 4A & 5A, Isaac Brown Addition, City of Rockwall,**
547 **Rockwall County, Texas, zoned Planned Development District 32 (PD-**

548 32), situated within the Interior Subdistrict, located adjacent to Summer
549 Lee Drive southwest of the intersection of Horizon Road [FM-3097] and
550 Summer Lee Drive, and take any action necessary **(1st Reading)**
551 **[Case postponed to the (Tues.) Sept. 6, 2016 City Council Meeting].**

552 **Mayor Pruitt announced that this Public Hearing has been postponed until the Tues.,**
553 **September 6th city council meeting. So it was not discussed and no action was taken at**
554 **this meeting.**

555
556 4. **Z2016-026 - Hold a public hearing to discuss and consider a request by**
557 **Jason Lentz of Atticus Rockwall, LLC for the approval of an ordinance for**
558 **a PD Development Plan establishing 36 townhomes on a 3.462-acre**
559 **portion of a larger 6.915-acre tract of land identified as Lots 3A, 4A & 5A,**
560 **Isaac Brown Addition, City of Rockwall, Rockwall County, Texas, zoned**
561 **Planned Development District 32 (PD-32), situated within the Residential**
562 **Subdistrict and within the Scenic Overlay (SOV) District, located north of**
563 **the intersection of Ridge Road [FM-740] and Glen Hill Way, and take any**
564 **action necessary (1st Reading) [Case postponed to the (Tues.) Sept.**
565 **6, 2016 City Council Meeting].**

566 **Mayor Pruitt announced that this Public Hearing has been postponed until the Tues.,**
567 **September 6th city council meeting. So it was not discussed and no action was taken at**
568 **this meeting.**

569
570 5. **Z2016-027 - Hold a public hearing to discuss and consider a City initiated**
571 **zoning request for the approval of an ordinance for a text amendment to**
572 **Section 2.1, Agriculture (AG) District; Section 3.3, Single-Family**
573 **Residential (SF-16) District; and Section 3.4, Single-Family Residential**
574 **(SF-10) District, of Article V, District Development Standards, of the**
575 **Unified Development Code for the purpose of increasing the minimum**
576 **square footage per dwelling unit in these zoning districts, and take any**
577 **action necessary (1st Reading).**

578 **Planning Director, Ryan Miller, explained that on July 5, 2016, the City Council directed**
579 **staff to prepare a text amendment increasing the minimum square footage**
580 **requirements for dwelling units in the Single Family 10 (SF-10) and Single Family 16**
581 **(SF-16) Districts. In addition, the Council directed staff to establish a minimum square**
582 **footage requirement for dwelling units in the Agriculture (AG) District. Specifically, the**
583 **motion by the City Council directed staff to establish the following:**

- 584 **Single Family 16 (SF-16) District: 2,400 SF**
585 **Single Family 10 (SF-10) District: 2,200 SF**
586 **Agricultural (AG) District: 1,600 SF**
587

588 **As part of this case, the Planning and Zoning Commission requested staff compile a**
589 **summary of previously approved building permit information for their review. Staff has**
590 **put together a summary of all building permits issued for a period starting on January 1,**
591 **2011 and ending July 27, 2016. This has been placed in the attached packet. It should be**
592 **noted that the square footages contained in this study include non-air-conditioned**
593 **spaces (e.g. covered porches, garages, roof overhangs, and etcetera), and that the UDC**
594 **requirement is for air-conditioned space only. This means these numbers could vary by**
595 **an estimated 200 SF – 600 SF. With that being said there is some evidence that the**
596 **proposed changes would not have an effect on the vast majority of the City's current**

597 single-family, building permits. In addition, staff has included the comparison of
598 comparable city's square footage requirements in similar zoning districts that was
599 provided to the City Council at the July 5, 2016 meeting. Staff has also included a
600 summary of all residential zoning districts' density and dimensional requirements (*with*
601 *the proposed modifications*), and a copy of the proposed draft ordinance for the City
602 Council's review.
603

604 Mayor Pruitt opened the Public Hearing and asked if anyone would like to come forth and
605 speak. There being no one, he then closed the public hearing.
606

607 Councilmember Hohenshelt made a motion to approve Z2016-027. Mayor Pruitt
608 seconded the motion. The ordinance was read as follows:
609

610 CITY OF ROCKWALL
611 ORDINANCE NO. 16-XX
612

613 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
614 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE
615 NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED,
616 BY AMENDING SECTION 2.1, AGRICULTURE (AG) DISTRICT; SECTION
617 3.3, SINGLE-FAMILY RESIDENTIAL (SF-16) DISTRICT; AND SECTION 3.4,
618 SINGLE-FAMILY RESIDENTIAL (SF-10) DISTRICT, OF ARTICLE V,
619 DISTRICT DEVELOPMENT STANDARDS, FOR THE PURPOSE OF
620 INCREASING THE MINIMUM SQUARE FOOTAGE PER DWELLING UNIT IN
621 THE SINGLE FAMILY 10 (SF-10) & SINGLE FAMILY 16 (SF-16) DISTRICTS
622 AND ESTABLISHING A MINIMUM SQUARE FOOTAGE PER DWELLING
623 UNIT IN THE AGRICULTURE (AG) DISTRICT; PROVIDING FOR A
624 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
625 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
626 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
627 PROVIDING FOR AN EFFECTIVE DATE.
628

629 The motion passed by a vote of 4 in favor, two against (Lewis and White), and 1 absent
630 (Milder).
631

632 XII. ACTION ITEMS
633

- 634 1. Z2016-021 - Discuss and consider a request by Mike Hogue for the
635 approval of an ordinance for a zoning amendment to Planned
636 Development District 52 (PD-52) for the purpose of allowing townhomes
637 on a 2.17-acre tract of land identified as Lot 1, Block 1, Allen Hogue
638 Subdivision (0.7910-acres) and Lots 67 & 68, Block B, B. F. Boydston
639 Addition (1.257-acres), City of Rockwall, Rockwall County, Texas, zoned
640 Planned Development District 52 (PD-52) for Heavy Commercial (HC)
641 District land uses, being addressed as 703, 705 & 709 E. Boydston
642 Avenue, and take any action necessary. (2nd reading)

643 Mr. Miller indicated that this item has been placed on Action Items for second reading
644 since the vote for its approval was not unanimous at the last city council meeting.
645 Councilmember White made a motion to approve Z2016-021. Councilmember Lewis
646 seconded the motion. The ordinance was read as follows:
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CITY OF ROCKWALL
ORDINANCE NO. 16-45

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING PLANNED DEVELOPMENT DISTRICT 52 (PD-52) [~~ORDINANCE NO. 02-14~~] AND THE UNIFIED DEVELOPMENT CODE [~~ORDINANCE NO. 04-38~~] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO GRANT A CHANGE IN ZONING BY AMENDING PLANNED DEVELOPMENT DISTRICT 52 (PD-52) TO ALLOW TOWNHOMES ON A 2.048-ACRE TRACT OF LAND IDENTIFIED AS LOT 1, BLOCK 1, ALLEN HOGUE SUBDIVISION (0.791-ACRES) AND LOTS 67 & 68, BLOCK B, B. F. BOYDSTUN ADDITION (1.257-ACRES), CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS BEING A PORTION OF A LARGER ~24.17-ACRE ZONING DISTRICT IDENTIFIED AS PLANNED DEVELOPMENT DISTRICT 52 (PD-52) WHICH IS MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF A 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 5 in favor, 1 against (Pruitt) and 1 absent (Milder).

2. **SP2016-015** - Discuss and consider a request by Jerry Monk of Monk Consulting on behalf of Dr. Steve Arze of Zaph & Ath Properties, LLC for the approval of exceptions to the masonry requirements in conjunction with an approved site plan for an indoor recreation facility on a 4.88-acre tract of land identified as Tract 4-01 of the N. Butler Survey, Abstract No. 20, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, located north of the intersection of Industrial Boulevard and Airport Road, and take any action necessary.

Mr. Miller explained that the applicant is requesting approval of exceptions to the masonry requirements as depicted in the building elevations submitted and in conjunction with an approved site plan for the purpose of constructing a 12,500 sq. ft. indoor recreation facility (*i.e. Adventure Sports*). The 4.88-acre parcel of land has a total of three (3) lots scheduled to be developed, with two (2) of the lots set for future development. The applicant is proposing the indoor recreation facility on Lot 2 (*i.e. the center lot*). It should be pointed out that the lot configuration depicted on the site plan will need to meet the minimum standards of the Commercial (C) District at the time of platting. This has been added as a condition of approval. The property is zoned Commercial (C) District and is generally located north of the intersection of Industrial Boulevard and Airport Road and is addressed as 1505 Airport Road.

Steve Arze, the applicant, came forth and addressed the Council concerning his request. He shared that, even with the metal portions of the building, the architect has worked diligently to ensure that it is visually pleasing.

697 Councilmember White made a motion to approve SP2016-015. Councilmember Lewis
698 seconded the motion, which passed unanimously of council present (6 ayes with 1
699 (Milder) being absent).
700

701 3. Discuss and consider a request from Mr. Bret Skirvin with Site
702 Enhancement Services representing Advanced Auto Parts for a height,
703 size, and setback variance for a new monument sign located at 1415 S.
704 Goliad, and take any action necessary.

705 Building Official, Jeffrey Widmer, came forth and briefed the Council on this agenda item.
706

707 After brief discussion, Councilmember White made a motion to approve the height, size,
708 and setback variances associated with this new monument sign. Mayor Pro Tem
709 Townsend seconded the motion, which passed by a vote of 6 ayes with 1 absent (Milder).
710

711 4. Discuss and consider a request from Mr. Dean Kraus with Comet Signs
712 representing Kroger's for a height and size variance for a new monument
713 sign located at 1950 N. Goliad, and take any action necessary.

714 Building Official, Jeffrey Widmer, came forth and briefed the Council on this agenda item.
715 After a few, brief comments, Councilmember White made a motion to approve this
716 variance request. Mayor Pro Tem Townsend seconded the motion, which passed by a
717 vote of 6 ayes with 1 absent (Milder).
718

719 5. Discuss and consider a request by Channel Corporation for a variance to
720 the International Fire Code and the International Building Code, and take
721 any action necessary.

722 Mayor Pruitt indicated that he is pulling this item off the agenda. So, this item was not
723 discussed, and no action was taken pertaining to it.

724
725 **XIII. EXECUTIVE SESSION**
726

727 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
728 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
729 CODE:
730

731 1. Discussion regarding claim for reimbursement by developer for lift station improvements
732 pursuant to Section §551.071 (Consultation with Attorney)

733 2. Discussion regarding legal options available to the City pertaining to possible violations
734 of drainage and detention development standards pursuant to Section §551.071
735 (Consultation with Attorney)

736 3. Discussion regarding the city's existing Fixed Based Operator airport agreement with
737 Texas Air Center, LLC pursuant to Section 551.071 (Consultation with Attorney)

738 4. Discussion regarding legal advice associated with homeowners association (HOA)
739 regulations within the city pursuant to Section 551.071 (Consultation with Attorney).

740

741

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

743
744 **The Council did not reconvene in Executive Session following the close of the 6PM**
745 **public meeting agenda.**

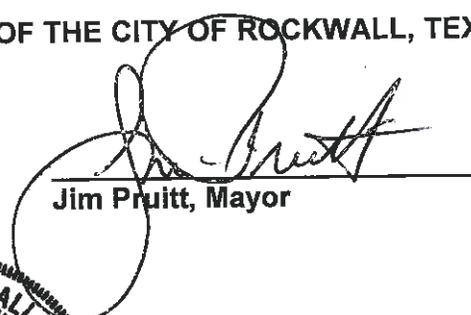
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747 **XV. ADJOURNMENT**

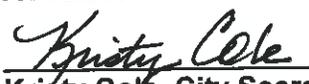
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749 **Mayor Pruitt adjourned the meeting at 7:31 p.m.**

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751

752 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**

753 **THIS 6th day of September, 2016.**

754
755 
756 **Jim Pruitt, Mayor**

757 **ATTEST:**
758 
759 **Kristy Cole, City Secretary**
760

