

**ROCKWALL CITY COUNCIL REGULAR MEETING**

**Monday, July 17, 2023 - 5:00 PM**

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

**I. CALL PUBLIC MEETING TO ORDER**

Mayor Johannesen called the public meeting to order at 5:00 p.m. Present were Mayor Trace Johannesen, Mayor Pro Tem Anna Campbell, and Councilmembers Sedric Thomas, Mark Moeller, Clarence Jorif, Dennis Lewis, and Tim McCallum. Also present were City Manager Mary Smith, Assistant City Manager Joey Boyd and City Attorney Frank Garza.

Mayor Johannesen then read the below-listed discussion items into the record before recessing the public meeting to go into Executive Session at 5:01 p.m.

**II. EXECUTIVE SESSION.**

THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE FOLLOWING MATTER AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:

1. Discussion regarding RCH Water and Blackland Water Supply contracts, pursuant to §551.071 (Consultation with Attorney)
2. Discussion regarding Brandy Lutz v. The Shores at Lake Ray Hubbard Homeowners Association, Cause No. I-22-0425, pursuant to §551.071 (Consultation with Attorney)
3. Discussion regarding (re)appointments to city regulatory boards and commissions, pursuant to §551.074 (Personnel Matters)

**III. ADJOURN EXECUTIVE SESSION**

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

**IV. RECONVENE PUBLIC MEETING (6:00 P.M.)**

**Mayor Johannesen called the public meeting back to order at 6:04 p.m.**

**V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER MOELLER**

**VI. PROCLAMATIONS / AWARDS / RECOGNITIONS**

**1. Parks & Recreation Month**

In the absence of Parks & Rec Director, Travis Sales, who was away at a work conference, Mayor Johannesen called forth Cory Dentler (Recreation Superintendent) and a few additional staff members. He then read and presented them with this proclamation, in recognition of Parks & Recreation Month.

2. Lifesaving Award - Rockwall Fire Department - Engine 2 Shift B  
Mike Burden - Captain  
Tony Raymond - Driver Engineer  
Zach Yates - Firefighter  
Ben Sumrak - Firefighter

Mayor Johannesen called forth Fire Chief Kenneth Cullins. Chief Cullins, along with two of the above-listed staff members came forth to be recognized for helping to save a patient's life back in May of this year. The

patient was not breathing and had no pulse. So these fire personnel / first responders began performing CPR and utilized an AED, shocking the patient and resulting in circulation beginning again.

3. Lifesaving Award - Rockwall Fire Department - Engine 3 Shift B  
Jason Arrington - Driver Engineer  
Jason Frankenfield - Firefighter  
Connor Campbell - Firefighter

Fire Chief, Kenneth Cullins and the above-named fire department personnel came forth to be recognized for recently helping to save a patient's life back in May of 2023 after the patient had been stabbed in the neck.

#### VII. APPOINTMENT ITEMS

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

Derek Deckard came forth and briefed the Council on recommendations of the Commission relative to planning-related items on tonight's meeting agenda. Council took no action following his briefing.

#### VIII. OPEN FORUM

Adriene Balkum  
1518 Firenza Court  
McLendon-Chisholm, TX 75032

Mrs. Balkum, Mayor Pro Tem of the City of McLendon-Chisholm, came forth and briefed Council on the status of water-related issues pertaining to her city (with RCH Water Supply). She generally indicated that they are currently in a "request for proposals" (RFP) process currently. They are ensuring they follow laws, including the Water Code and Public Utility Commission regulations, very closely. She indicated that the city's ultimate goal is to become a direct customer of the N. TX Municipal Water District (NTMWD).

Colin Huffines  
8200 Douglas Avenue  
Dallas, TX 75225

Mr. Huffines came forth indicating that he is speaking on behalf of several meter holders within the RCH / CCN area to express support for the City of McLendon-Chisholm taking over the water service in that city.

#### IX. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Regarding the city's Board of Adjustments, Councilmember Jorif moved to reappoint Glenn Carr and Kevin Hadawi to serve an additional two-year term. Regarding Joseph Wright – he would like to move that he be moved up and named a regular, voting (instead of "alternate") board member – taking the place of former member, Kyle Thompson - for a one year term to expire in August of 2024. Also, he would like to move James Smith up from an "alternate" board member to a regular board member, taking the place of David Lowrey, for a two-year term to expire in August of 2025. Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Regarding the Architectural Review Board, Councilmember Thomas moved to reappoint Patra Phillips and Robert Miller to an additional two-year term on the ARB (expiring August of 2025). Mayor Pro Tem Campbell seconded the motion, which passed unanimously.

Councilmember Thomas moved to reappoint Ross Hustings and Jean Conway to an additional (three-year) term on the P&Z Commission. Councilmember Thomas seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Councilmember Lewis moved to reappoint the following members to serve an additional two-year term on the ART Commission: Kathy Howard; Ashlei Neill, Susan Guzman, and Kindsay Carter. Councilmember Jorif seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Regarding the Airport Advisory Board, Councilmember Jorif moved to reappoint Fred Hansen, Tim Wolf and Guy White to serve an additional, two-year term (expiring August of 2025). Councilmember Moeller seconded the motion, which passed by a vote of 7 ayes to 0 nays.

#### X. CONSENT AGENDA

1. Consider approval of the minutes from the June 19, 2023 city council meeting, and take any action necessary.
2. **Z2023-025** - Consider a request by Gene McCorkle of Tuff Shed on behalf of Deborah Julian for the approval of an ordinance for a Specific Use Permit (SUP) for an Accessory Building on a 0.1515-acre parcel of land identified as Lot 11, Block C, Highland Meadows #1 Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 3065 Winecup Lane, and take any action necessary **(2nd Reading)**.
3. **Z2023-026** - Consider a request by Gerzim Daniel for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a Single-Family 16 (SF-16) District for a 0.93-acre tract of land identified as Tract 17 of the E. M. Elliott Survey, Abstract No. 77, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 2065 Airport Road, and take any action necessary **(2nd Reading)**.
4. **Z2023-027** - Consider a request by Vanio Dilov for the approval of an ordinance for a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision for the purpose of constructing a single-family home on a 0.2250-acre parcel of land identified as Lot 16, Block A, Chandler's Landing, Phase 20 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single-family homes, addressed as 110 Mischief Lane, and take any action necessary **(2nd Reading)**.
5. **Z2023-028** - Consider a request by Alex Flores for the approval of an ordinance for a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision for the purpose of constructing a single-family home on a 0.1650-acre parcel of land identified as Lot 873-A, Rockwall Lake Estates Phase 2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 481 Blanche Drive, and take any action necessary **(2nd Reading)**.
6. **P2023-015** - Consider a request by Robert Howman of Glenn Engineering on behalf of Tim Lyssy of Rockwall Independent School District (RISD) for the approval of a Final Plat for Lot 1, Block A, Rochell Elementary School Addition being a 10.664-acre tract of land identified as Tract 17- 01 of the E. P. G. Chisum Survey, Abstract No. 64, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 899 Rochell Court, and take any action necessary.
7. **P2023-016** - Consider a request by Meredith Joyce of Michael Joyce Properties on behalf of John Vick of Qualico Development, Inc. for the approval of a Master Plat for the Peachtree Meadows Subdivision consisting of 292 single-family residential lots on a 140.50-acre tract of land identified as Tract 5 of the J. R. Johnson Survey, Abstract No. 128 and Tract 3 of the G. Wells Survey, Abstract No. 219, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 101 (PD-101) [*Ordinance No. 23-11*] for Single-Family 10 (SF-10) District land uses, generally located on the southside of Mims Road west of the intersection of Mims Road and National Drive, and take any action necessary.
8. **P2023-017** - Consider a request by Meredith Joyce of Michael Joyce Properties on behalf of John Vick of Qualico Development, Inc. for the approval of a Preliminary Plat for the Peachtree Meadows Subdivision consisting of 292 single-family residential lots on a 140.50-acre tract of land identified as Tract 5 of the J. R. Johnson Survey, Abstract No. 128 and Tract 3 of the G. Wells Survey, Abstract No. 219, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 101 (PD-101) [*Ordinance No. 23-11*] for Single-Family 10 (SF-10) District

land uses, generally located on the southside of Mims Road west of the intersection of Mims Road and National Drive, and take any action necessary.

9. **P2023-018** - Consider a request by Wayne Terry of R-Delta Engineers, Inc. on behalf of Stephen Geiger of Rayburn Country Electric Cooperation for the approval of a Final Plat for Lots 1-3, Block A, REC Campus Addition being a 84.796-acre tract of land identified as a Lots 6-9, Block A, Rayburn Country Addition and Tract 3 of the W. H. Barnes Survey, Abstract No. 26, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) and Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, located at the northwest corner of the intersection of S. Goliad Street [SH-205] and Mims Road, and take any action necessary.
10. **P2023-019** - Consider a request by Greg Helsel of Spiars Engineering, Inc. on behalf of Katherine Hamilton of Arcadia Lakes of Somerset Holdings, LLC for the approval of a Replat of Phase 2 of the Somerset Park Subdivision consisting of 165 single-family residential lots on a 82.809-acre tract of land identified as Tract 7 of the A. Johnson Survey, Abstract No. 123, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 63 (PD-63) for Single-Family 10 (SF-10) District land uses, generally located at the northwest corner of the intersection of S. Goliad Street [SH-205] and FM-549, and take any action necessary.
11. **P2023-020** - Consider a request by Fred Gans of Garages of America for the approval of a Replat for Lot 22, Block A, Rainbo Acres Addition being a 13.53-acre tract of land identified as Lots 8R, 9R & 10 of the Rainbo Acres Subdivision, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 96 (PD-96) for limited Commercial (C) District land uses, addressed as 5879, 5917 & 5981 Horizon Road [FM-3097], and take any action necessary.
12. Consider approval of a recommendation from the Hotel Occupancy Tax (HOT) Subcommittee awarding funding for the RPFA Charities Firefighters Ball in the amount of \$20,000 and authorize the City Manager to execute the associated contract, and take any action necessary.
13. Consider authorizing the City Manager to execute an interlocal agreement with the North Central TX Emergency Communications District ('NCT9-1-1') for regional 9-1-1 dispatch services, and take any action necessary.
14. Consider a resolution denying an application by Oncor Electric Delivery Company LLC to amend its Distribution Cost Recovery Factor and Update Generation Rider to increase distribution rates in the City, authorizing participation with the Steering Committee of Cities Served by Oncor to evaluate the filing, to negotiate on the City's behalf, and take any action necessary.
15. Consider approval of a proposal by Bluefrog Plumbing in the amount of \$31,750 for plumbing repairs at the Rockwall Police Department, amending the FY 23 Internal Operations Department Operating Budget for the same amount, utilizing General Fund Reserves, and take any action necessary.
16. Consider approval of expenditures associated with emergency repairs to The Harbor pump control room and panels in the amount of \$77,885.00 to be funded by General Fund Reserves, and take any action necessary.

**Councilmember McCallum pulled items #7 and #8 for further discussion.**

**Councilmember Jorif moved to approve the remaining Consent Agenda items (#s 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, and 16). He briefly provided commentary regarding Consent Agenda #16 and the expense related to The Harbor pump control room. Councilmember McCallum seconded the motion. The ordinance captions were read as follows:**

**CITY OF ROCKWALL  
ORDINANCE NO. 23-36  
SPECIFIC USE PERMIT NO. S-306**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR AN ACCESSORY STRUCTURE ON A 0.1515-ACRE PARCEL OF LAND IDENTIFIED AS LOT 11, BLOCK C, HIGHLAND MEADOWS #1 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN**

**EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

**CITY OF ROCKWALL  
ORDINANCE NO. 23-37**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO SINGLE-FAMILY 16 (SF-16) DISTRICT FOR A 0.93-ACRE TRACT OF LAND IDENTIFIED AS TRACT 17 OF THE E. M. ELLIOT SURVEY, ABSTRACT NO. 77, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' AND FURTHER DEPICTED IN EXHIBIT 'B' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

**CITY OF ROCKWALL  
ORDINANCE NO. 23-38  
SPECIFIC USE PERMIT NO. S-307**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 8 (PD-8) AND THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.2250-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 16, BLOCK A, OF THE CHANDLER'S LANDING PHASE 20 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

**CITY OF ROCKWALL  
ORDINANCE NO. 23-39  
SPECIFIC USE PERMIT NO. S-308**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 75 (PD-75) [ORDINANCE NO. 16-01] AND THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.1650-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 873-A OF THE LAKE ROCKWALL ESTATES PHASE 2 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

Following the ordinance caption readings, the motion to approve passed by a vote of 7 ayes to 0 nays.

Regarding Consent Agenda items #7 and #8, Councilmember McCallum asked for and received some clarifications from Planning Director, Ryan Miller regarding this 292 home development (i.e. regarding what this development backs up to; screening / landscape buffering (to create division from the 'heavy commercial' that exists adjacent to this in the rear; 'cash in lieu of land' fees and equipment fees that will be paid by the developer; Renee Drive being bollarded off and how emergency personnel will access the area / the street; heavily trafficked gravel road beyond Mims Road; paving work that will go a little beyond Sids Road). Councilmember McCallum expressed that he is not in favor of this subdivision, so – therefore – he will be voting against these agenda items this evening.

Regarding Consent Agenda items #7 and #8, Mayor Johannesen moved to approve both of them, as presented. Councilmember Lewis seconded the motion, which passed by a vote of 6 ayes with 1 nay (McCallum).

#### XI. PUBLIC HEARING ITEMS

1. **Z2023-024** - Hold a public hearing to discuss and consider a request by Chris Curra for the approval of an ordinance for a *Specific Use Permit (SUP) for Residential Infill in an Established Subdivision* for the purpose of constructing a single-family home on a 0.1278-acre parcel of land identified as Lot 6, Block C, Chandler's Landing #16 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for zero lot line homes, addressed as 311 Valiant Drive, and take any action necessary (1st Reading).

Planning Director, Ryan Miller provided background information regarding this agenda item. He explained that Council is being asked to consider the size, location and architecture of the proposed home when compared to adjacent, existing housing currently in existence related to this SUP request. Mr. Miller expressed that the architecture of the proposed home does *not* appear to be similar when compared to existing architecture immediately adjacent to this home. The building elevations that were submitted by the applicant do not seem to blend with existing, surrounding housing. The city's P&Z Commission reviewed this case and voted 5 ayes to 1 nay to recommend denial of this request to the City Council. Staff sent out 120 notices to nearby homeowners and land owners. Two notices in opposition with one notice in favor were received back by staff.

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

Jeff Macalik  
6102 Volunteer Place  
Rockwall, TX 75032

Mr. Macalik came forth and indicated that he serves on the subdivision's Homeowners Association (HOA) board. He is Chairman of the Architectural Committee within the Chandler's Landing HOA, and his team met last week. His committee unanimously voted in opposition of the approval of this proposed home.

There being no one else wishing to come forth and speak at this time, Mayor Johannesen closed the public hearing.

Councilmember Lewis echoed that there are no other existing houses in this particular area that look architecturally similar to this proposed home. Therefore, Councilmember Lewis moved to deny Z2023-024 based on it being architecturally incompatible with the surrounding housing product currently in existence. Councilmember Moeller seconded the motion. Moeller then asked for clarification regarding drainage-related concerns. Mr. Miller shared that the applicant would have to adhere to all of the city's drainage requirements too, should this get approved. Following additional, brief comments, the motion to deny passed by a vote of 7 ayes to 0 nays.

2. **Z2023-029** - Hold a public hearing to discuss and consider a request by the City of Rockwall for the approval of an ordinance for a Zoning Change amending Planned Development District 8 (PD-8) [*Ordinance No.'s 73-48, 84-04, 84-16, 84-19, 85-43, 86-04, 86-64, 86-87, 87-45, 88-17, 88-51, 90-38, 91-43, 92-39, 92-41, 92-43, 02-50, 05-30, 14-15, & 21-38 and Resolution No.'s 87-19 & 87-20*] for the purpose of consolidating the regulating ordinances and resolutions for a 230.80-acre tract of land situated within the E. Teal Survey, Abstract No. 207, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8), generally located south of Summer Lee Drive and west of Ridge Road [*FM-740*], and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information related to this agenda item. Staff has prepared a consolidating ordinance (i.e. writing one [1] ordinance that superseded all previous ordinances for a Planned Development District) for Planned Development District 8 (PD-8), also known as the Chandler's Landing Subdivision. Indication was given that Planned Development District 8 (PD-8) currently consists of over 200 pages of regulations within 20 regulating ordinances and two (2) resolutions and over 100 development cases (see attached Planned Development District 8 [PD-8]). To give an idea of the size of this Planned Development District, the current Unified Development Code (UDC) (i.e. the zoning code for the City of Rockwall) is only 248 pages. The proposed draft ordinance consolidates these regulating ordinances, resolutions, and development cases into a single document. Staff should note that under the proposed amendment, staff is required to initiate zoning; however, the proposed consolidating ordinance will not change any of the requirements, concept plans, or development standards stipulated for any property in the Chandler's Landing Subdivision. The main purpose of this consolidated ordinance is to [1] make the document easier for residents, homebuilders, and City staff to interpret, and [2] to make staff more efficient when reviewing and issuing permits in the subdivision. Currently, there are only 37 vacant lots left in the Chandler's Landing Subdivision; however, from June 2022 to the date of this memorandum the City has received 355 permit requests for properties in the subdivision. These permits consist of requests for new homes, remodels of existing homes, and accessory structures. Due to the number of ordinances associated with the existing Planned Development District and the disjointed nature of these ordinances, it can take staff an extended amount of time and effort to research zoning requirements for simple permits in this Planned Development District. The consolidated ordinance should alleviate this moving forward. This being a zoning case, staff sent out 1,809 notices to all property owners and occupants of the Chandler's Landing Subdivision and within 500-feet of the Chandler's Landing Subdivision. In addition, staff notified the Chandler's Landing, The Cabana's at Chandler's Landing, Cutter Hill, Spyglass, Benton Woods, Rainbow Lakes, Fox Chase, Signal Ridge, Water's Edge at Lake Ray Hubbard, and the Lago Vista Homeowner's Associations (HOA's), which were the only HOA's within 1,500-feet of the subject property. Included within the notice was a link to the City's website -- which has all of the zoning documents (i.e. the old Planned Development District 8 (PD-8) ordinances and the proposed draft ordinance) associated with the case --, and included with the notice was a letter explaining the purpose of the zoning amendment. To date, staff has received nine (9) property owner notifications from nine (9) property owners in the Chandler's Landing Subdivision. Three (3) of these notices were in favor of the amendment and six (6) notices were opposed to the amendment. Staff should note that two (2) of the notices stated opposition to the amendment indicating that the amendment would create an unsafe condition or was suspicious; however, as stated by staff the proposed amendment does not change any of the requirements, concept plans, or development standards stipulated for any property in the Chandler's Landing Subdivision. In addition, staff received one (1) email from a resident of the subdivision requesting a work session with the neighborhood, City staff, and the Chandler's Landing Homeowner's Association (HOA); however, staff did not receive a request for a work session from the Chandler's Landing Homeowner's Association (HOA), and as a result did not hold a work session. Mr. Miller emphasized that the purpose of this ordinance is to consolidate hundreds of pages of prior ordinances into one, more easily-to-understand ordinance that is far shorter in length.

Following Mr. Miller's comments, Mayor Johannesen opened the public hearing, asking if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed the public hearing.

Mayor Pro Tem Campbell expressed that she does understand some citizens being suspicious. She thanked staff for helping to citizens better understand, commenting that staff has done a good job addressing their concerns. Councilmember Jorif reiterated that nothing about this new ordinance changes past ordinances – it only essentially consolidates them into one, more concise document. Councilmember Lewis received clarification from Mr. Miller that the city can amend this matter further at a later date if the need to do so were to ever arise. Councilmember Lewis then moved to approve Z2023-029. Councilmember Thomas seconded the motion. The ordinance caption was read as follows:

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 8 (PD-8) AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CONSOLIDATE THE REGULATING ORDINANCES OF THE PLANNED DEVELOPMENT DISTRICT, BEING A 230.80-ACRE TRACT OF LAND SITUATED WITHIN THE E. TEAL SURVEY, ABSTRACT NO. 207, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A' AND DEPICTED HEREIN BY EXHIBIT 'B'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

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

3. **Z2023-030** - Hold a public hearing to discuss and consider a request by Christopher Touoboun on behalf of Dennis Lewis of Meals on Wheels Senior Service of Rockwall County for the approval of an **ordinance** for a Zoning Change from an Agricultural (AG) District to Light Industrial (LI) District on a 6.21-acre tract of land identified as a portion of Tract 4 and all of Tract 2 of the D Harr. Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the Airport Overlay (AP OV) District, addressed as 1780 Airport Road, and take any action necessary (**1st Reading**).

Councilmember Lewis recused himself from this discussion and associated vote, and he filed the appropriate affidavit of recusal with the City Secretary. Planning Director, Ryan Miller then went on to provide background information related to this agenda item. This is located on the South side of Airport Road just east of the intersection of John King Boulevard and Airport Road. The applicant would like to change the zoning for the purpose of subdividing this land into two, separate parcels. The designated land usage is “technology/employment,” so the proposal does adhere to the city’s future land use map and is in conformance with the city’s Comprehensive Plan. Adjacent properties have already been rezoned to “Light Industrial” districts. Staff sent out 16 notices to adjacent land and property owners; however, no notices were received back by staff to date. In addition, the P&Z Commission did review this case and has recommended its approval by a vote of 6 to 0.

Mayor Johannesen opened the public hearing, but no one came forth to speak. So he close the public hearing.

Councilmember McCallum moved to approve Z2023-030. Councilmember Moeller seconded the motion. The ordinance caption was read as follows:



CITY OF ROCKWALL  
ORDINANCE NO. 23-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO LIGHT INDUSTRIAL (LI) DISTRICT FOR A 6.21-ACRE TRACT OF LAND IDENTIFIED AS A PORTION OF TRACT 4 AND ALL OF TRACT 2 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED IN *EXHIBIT 'A'* AND FURTHER DEPICTED IN *EXHIBIT 'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion to approve passed by a vote of 6 ayes with 1 recusal (Lewis).

4. **Z2023-031** - Hold a public hearing to discuss and consider a request by Manuel Tijerina for the approval of an ordinance for a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* for the purpose of constructing a single-family home on a 0.248-acre parcel of land identified as Lot 13, Block A, Highridge Estate Subdivision, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, addressed as 709 Forest Trace, and take any action necessary (**1st Reading**).

Mayor Johannesen announced that this item will be heard for Public Hearing and considered by Council at the Monday, August 7 city council meeting.

5. **Z2023-032** - Hold a public hearing to discuss and consider a request by Drew Donosky of Claymoore Engineering on behalf of Clay Cooley of 1540 East IH-30 Rockwall, LLC for the approval of an ordinance for a *Specific Use Permit (SUP)* superseding *Ordinance No. 22-02 [S-266]* and allowing the expansion of an existing *Motor Vehicle Dealership (i.e. Clay Cooley Hyundai)* being a 7.17-acre tract of land identified as Lot 2, Block 1, Rockwall Recreation Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 1540 E. IH-30, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller, provided brief comments pertaining to this agenda item. He shared that the city's P&Z Commission reviewed this case and voted 6 to 0 to recommend its denial. The P&Z Commission noted the applicant's failure to address staff's comments, and that was the primary reason for denial. Immediately following that meeting, the applicant requested that the case be remanded back to the P&Z Commission to allow them more time to address staff's comments. So, Council may either decide to remand this back to the P&Z Commission for further consideration; or, Council may hold the public hearing and proceed with deciding on the case tonight.

Councilmember Jorif moved to remand Z2023-032 back to the Planning & Zoning Commission to be reconsidered at its July 25 regular P&Z Meeting. Councilmember Moeller seconded the motion to remand it back. Following brief comments by Councilmember Thomas, the motion passed by a vote of 6 ayes with 1 nay (Campbell). Councilmember Thomas expressed the hope that the applicant will take steps to come into compliance with the city's Unified Development Code (UDC) when they return to the P&Z Commission.

## XII. ACTION ITEMS

1. **MIS2023-008** - Discuss and consider a request by Guicherme Credidio Braga for the approval of a *Miscellaneous Case* for a *Special Exception* to the *Minimum Lot Width/Frontage* requirements stipulated by *Ordinance No. 16-01* to allow a lot less than 50-feet in width on a 0.495-acre tract of land identified as a portion of Lots 1354 & 1359 and all of Lots 1355 & 1356 of Rockwall Lake Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned

Development District 75 (PD-75) [Ordinance No. 16-01] for Single-Family 7 (SF-7) District land uses, addressed as 327 Nicole Drive, and take any action necessary.

Planning Director, Ryan Miller provided background information concerning this agenda item. This case deals with a property that is located on the east side within the Lake Rockwall Estates subdivision. Currently the lot contains a single-family home that is about 900 square feet and also has about a 900 square feet, attached garage and a 390 square foot carport, roughly all built in 1975. The applicant is essentially asking to subdivide the existing lot into three, separate lots. While the applicant's request does not appear to create a negative or adverse effect on any of the adjacent properties, the case could create a precedence in the area. In addition, the request is considered to be a self-created hardship; however, the approval of a Special Request in the Lake Rockwall Estates Subdivision is a discretionary decision for City Council pending a recommendation from the Planning and Zoning Commission. In the attached packet, staff has included a copy of the applicant's letter and an exhibit showing the proposed three (3) lots. On July 11, 2023, the Planning and Zoning Commission passed a motion to approve the Special Exception by a vote of 4-2, with Commissioners Welch and Llewellyn dissenting and Commissioner Conway being absent. No public hearing is required in order for Council to consider this item, and its potential approval is discretionary on the part of Council.

Following brief questions and answers between Council and staff and additional commentary on the part of Council, Councilmember shared he is not in support of this request because of the 'self-created hardship' that exists associated with this request.

Councilmember McCallum then moved to deny MIS2023-008. Councilmember Thomas seconded the motion. The motion to deny this request/case passed by a vote of 7 ayes to 0 nays.

2. Discuss and consider approval of a resolution (of intent) to establish the City of Rockwall Property Assessed Clean Energy ('PACE') Program, and direct the City Manager to publish the program report on the city's website, as required by statute, and take any action necessary.

City Manager Mary Smith shared that the gentlemen from the PACE Program are here tonight to answer any additional questions Council may have. Mrs. Smith shared that, even if Council is in support of moving forward with this program this evening, notices will need to be published and public hearings will need to be held. Those would be 'next steps.' Councilmember Thomas shared (again) that he has been pretty pessimistic of this proposed program. He (again) indicated he would like the program overseers to provide a list of benefits the City itself will experience / realize if it moves forward with support of this program.

Councilmember McCallum moved to approve the resolution of intent and move forward with scheduling the required public hearing. Councilmember Lewis seconded the motion. Lewis shared that he has a myriad of unanswered questions related to this program, some of which are related to indemnification clauses mentioned in the documents. Following additional comments, the motion passed by a vote of 7 ayes to 0 nays.

**XIII. CITY MANAGER'S REPORT, DEPARTMENTAL REPORTS AND RELATED DISCUSSIONS PERTAINING TO CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**

1. Building Inspections Department Monthly Report - May 2023
2. Fire Department Monthly Report - May 2023
3. Parks & Recreation Monthly Report - May 2023
4. Police Department Monthly Report - May 2023
5. Sales Tax Historical Comparison - May 2023
6. Water Consumption Historical Statistics - May 2023

Mrs. Smith, City Manager, indicated she is happy to answer any questions regarding monthly reports provided to the Council. She shared that two, additional Concerts by the Lake are scheduled. Also, Farmers Market will run through September, and the San Jacinto Music Series will run through October.

XIV. ADJOURNMENT

Mayor Johannesen adjourned the meeting at 7:23 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 7<sup>th</sup> DAY OF AUGUST, 2023.

  
TRACE JOHANNESSEN, MAYOR

ATTEST:

  
KRISTY TEAGUE, CITY SECRETARY

