

**MINUTES**  
**ROCKWALL CITY COUNCIL**

**Tuesday, January 20, 2015**

**4:00 p.m. Regular City Council Meeting**

**City Hall, 385 S. Goliad, Rockwall, Texas 75087**

**I. CALL PUBLIC MEETING TO ORDER**

Mayor Pruitt called the public meeting to order at 4:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Dennis Lewis and Council Members David White, Mike Townsend, and John Hohenshelt. Council Members Scott Milder and Bennie Daniels were absent from the meeting. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs and the city's legal counsel, Patrick Lindner.

Mayor Pruitt then read the below listed discussion items into the public record before recessing the meeting into Executive Session.

**II. EXECUTIVE SESSION.**

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

1. Discussion regarding the city's concession agreement with Suntex Marina / Suntex RHCL Marina, LLC pursuant to Section § 551.071 (Consultation with Attorney)
2. Discussion regarding the following legal claim: TF-Harbor LLC v. City of Rockwall, Texas and Rockwall Rental Properties L.P. pursuant to Section 551.071 (Consultation with Attorney)
3. Discussion regarding Economic Development prospects pursuant to Section 551.087 (Economic Development)
4. Discussion regarding proposed lease/sale of city land for possible private project pursuant to Sections 551.072 (Real Property) and Section 551.087 (Economic Development negotiations)

**III. ADJOURN EXECUTIVE SESSION**

Executive Session was adjourned at 5:20 p.m.

**MINUTES**  
**ROCKWALL CITY COUNCIL**  
**Tuesday, January 20, 2015**  
**6:00 p.m. Regular City Council Meeting**  
**City Hall, 385 S. Goliad, Rockwall, Texas 75087**

**IV. RECONVENE PUBLIC MEETING**

**Mayor Pruitt reconvened the public meeting at 6:00 p.m. with all council members except Daniels and Townsend being present.**

**V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

**Mayor Pro Tem Lewis indicated that no action was needed as a result of Executive Session.**

**VI. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRO TEM LEWIS**

**Mayor Pro Tem Lewis delivered the invocation and led the Pledge of Allegiance.**

**VII. CONSENT AGENDA**

1. Consider approval of the minutes from the January 5, 2015 regular city council meeting, and take any action necessary.
2. Consider of approval of contract with CrimeReports.com for the purchase of crime analysis software for the Police Department in the amount of \$40,355.30 to be funded by seized funds, and take any action necessary.
3. Consider approval of retaining the law firm of Lloyd Gosselink as required by City Charter Section 4.04 to assist the City with ongoing Oncor matters, and take any action necessary.
4. Consider approval of a resolution expressing support for the 84th Texas Legislature to increase funding for the Texas Recreation & Parks Account and the Large County and Municipality Recreation and Parks Account, which administer local park grant programs and funding, and take any action necessary.
5. Consider approval of a resolution updating and supporting the city's clean fleet vehicle policy, and take any action necessary.
6. **P2014-043** - Consider a request by Bryan Powell, PE of Westwood Professional Services on behalf of David Booth of D. R. Horton Texas, LTD for the approval of a final plat for Castle Ridge, Phase 3 containing 62 single family lots on a 19.521-acre tract of land currently identified as Tract 37 of the J. Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned Single Family Residential (SF-10) District, general located east of SH-205, and take any action necessary.

**Councilmember White made a motion to approve the entire Consent Agenda (#1, 2, 3, 4, 5, and 6). Mayor Pro Tem Lewis seconded the motion, which passed unanimously of those present (Milder and Daniels absent).**

89 VIII. APPOINTMENTS  
90

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

94 Chair of the Planning and Zoning Commission, Craig Renfro, came forth and briefed the  
95 council on recommendations of the Commission relative to planning-related items on  
96 tonight's city council meeting agenda. After brief discussion, the council took no action  
97 related to this agenda item.  
98

- 99 2. Appointment with representatives of the city council appointed Charter  
100 Review Commission to hear report regarding recommended changes to the  
101 City Charter, including a possible Charter Amendment Election, and take any  
102 action necessary.

103 Mr. Lofland, Chair of the Charter Review Commission appointed by the city council, came  
104 forth and provided a brief report to the council regarding proposed charter amendment  
105 language for several sections of the city's existing charter. Mr. Lofland indicated that the  
106 Commission recently held a public hearing to glean public input concerning the proposed  
107 changes. One member of the public, Mr. Sol Villasana, did come forth and speak in favor of  
108 single member districts for the city during that public hearing. Mr. Lofland explained that,  
109 although this topic is not a formal recommendation of the Charter Review Commission at  
110 this time, the Commission is urging the city council to begin studying this topic, as it will be  
111 something our city will face at some point in the future as it grows.

112 After brief commentary, Mayor Pruitt made a motion to call a public hearing to allow for  
113 citizen input to be provided to the city council regarding the recommended Charter  
114 amendments and to place an item on the next city council meeting agenda to call a Charter  
115 Amendment election. The motion passed unanimously of those present (Daniels and Milder  
116 absent).

117 IX. PUBLIC HEARING ITEMS  
118

- 119 1. **Z2014-036** - Hold a public hearing to discuss and consider approval of an  
120 ordinance for a request by Rick Dirkse on behalf of D. W. Bobst of J-BR2,  
121 LLC for the approval of a zoning change from a Single Family 10 (SF-10)  
122 District to a Planned Development District allowing for office, medical office  
123 and single-family land uses on two (2) parcels of land, being 1.666-acres,  
124 identified as Lots 1 & 2, Block B, Eagle Point Estates Addition, City of  
125 Rockwall, Rockwall County, Texas, zoned Single Family 10 (SF-10) District,  
126 situated within the Scenic Overlay (SOV) District, addressed as 1312 & 1316  
127 Ridge Road [FM-740], and take any action necessary. **(1st Reading)**

128 Planning Director Robert LaCroix provided background information concerning this agenda  
129 item. Notices were mailed out to sixty-one property owners in this area, and signs were  
130 posted on the subject property. The homeowner's association for Waterstone Estate was  
131 also sent notice. Of those notices sent, six notices came back in opposition, and five  
132 notices came back in favor. In addition, three individuals sent in emails or notices in  
133 opposition of the request; however, they were located outside of the prescribed notification  
134 area. The Planning & Zoning Commission recommended denial, which failed by a 3 to 3  
135 vote. They next recommended approval of the request, but that motion also failed.



137 Councilmember Lewis asked how long the property has been zoned single family. Mr.  
138 LaCroix indicated that it has probably had a SF zoning designation for over thirty years.

139 Mayor Pruitt opened the public hearing and called forth the applicant.

140 Mr. Dirkse, the applicant, came forth to address the council. He explained that he and his  
141 wife have been residents and business owners in Rockwall for thirty-one years. He  
142 generally explained that he is requesting the following: a Planned Development with  
143 Residential Office Zoning with limited uses (single-family, professional offices or small  
144 medical offices); maximum sq. ft of 5,000 and 6,000; architectural style to blend with  
145 adjacent neighbors; shared parking with existing curb cuts; serve as transition between  
146 residential and high-intensity, non-residential uses; and the back of the property to generally  
147 conform to adjacent single-family residential.

148 After Mr. Dirkse's introductory comments, Mayor Pruitt called for members in the audience  
149 who would like to come forth and speak during the public hearing.

150 Ron Gilleland  
151 310 Meadowdale  
152 Rockwall, TX 75087

153  
154 Mr. Gilleland came forth and spoke in opposition of this request. He indicated that he has  
155 lived here for more than thirty years, and he believes that someone could very possibly  
156 purchase the property and build a large, single-family residential home on it.

157  
158 John White  
159 1929 S. Lakeshore Drive  
160 Rockwall, TX 75087

161  
162 Mr. White came forth and indicated that he is generally opposed to this request. He stated  
163 that eleven residents of the neighborhood spoke against the request, and only one resident  
164 spoke in favor of it. Mr. White indicated that the local government has a covenant with  
165 existing residential property owners and therefore has an associated obligation to help  
166 protect the resident's property rights.

167  
168 Madison Lyle  
169 1603 S. Alamo  
170 Rockwall, TX 75087

171  
172 Mr. Lyle spoke in opposition of this request. He is fearful that these lots may turn into  
173 Commercial zoning, and a parking lot may end up in the rear of these lots, which would  
174 basically be in and overlooking his back yard.

175  
176 Andrea Burke  
177 1724 Ridge Road  
178 Rockwall, TX 75087

179  
180 Mrs. Burke came forth and indicated that she has concerns about some of the signage in  
181 front of the residential office zoned properties currently located on Ridge Road. She  
182 expressed that she believes the Planning & Zoning Commission is intentionally working  
183 against residents. She desires to leave the zoning as "residential" in hopes that an actual  
184 residential home will end up being built on these lots. She would like to protect the integrity  
185 of her street.

186



187 Ron Mason  
188 1402 Ridge Road  
189 Rockwall, TX 75087

190 Mr. Mason came forth and indicated that his home was built on Ridge Road in 1954. He  
191 read a brief email from Council Member Bennie Daniels, in which Daniels indicated that he  
192 is in opposition of the proposal and will be disappointed if the request is approved by the  
193 city council. Mr. Mason went on to indicate that lots on Ridge Road have been purchased,  
194 and new homes have been built within the last ten years on this road. He strongly spoke in  
195 opposition of this rezoning request.  
196

197  
198 Mr. Clark Staggs  
199 1601 Seascape Court  
200 Rockwall, TX  
201

202 Mr. Staggs indicated that he is a real estate broker, and he has done some research on the  
203 values of some of the properties located along Ridge Road and in this area. Generally  
204 speaking, values of the homes in this neighborhood have been depreciating. He does not  
205 believe an individual will spend this much money on a residential lot and then build a large,  
206 residential home on the property. He does believe these lots will eventually end up  
207 transitioning to commercial lots.  
208

209 Erica Lyle  
210 1603 S. Alamo Road  
211 Rockwall, TX 75087  
212

213 Mrs. Lyle generally spoke in opposition of this request, expressing concern that its  
214 approval will adversely affect her residential property value. She suggested that Mr. Dirkse  
215 consider constructing this type of building on his own property that he already currently  
216 owns elsewhere in town. She is strongly opposed to this request.  
217

218 Tom Hawkins  
219 201 Dartbrook Street  
220 Rockwall, TX 75087  
221

222 Mr. Hawkins indicated that he and his wife moved to Rockwall about seven years ago. He  
223 questioned if Mr. Dirkse is acting an agent on behalf of Mr. Bobst. Mr. Hawkins indicated  
224 that Mr. Bobst previously came forth to propose use for these lots, and his proposal was  
225 turned down and opposed by the residents at the time. He expressed that he is against this  
226 rezoning.  
227

228 Larry Wilcoxson  
229 301 Stonecrest  
230 Rockwall, TX 75087  
231

232 Mr. Wilcoxson indicated that he is in opposition of this request and has various concerns,  
233 including things like undesirable lighting, medical waste potentially being left out in the  
234 trash, parking limitations, animals getting into the trash / dumpsters. He encouraged the  
235 council to stop the spread of commercial businesses on this stretch of Ridge Road. He is  
236 opposed to this request.  
237  
238

239 Mr. Mike Rogers  
240 1404 Ridge Road  
241 Rockwall, TX 75087  
242

243 Mr. Rogers indicated the moved to Rockwall with his parents in 1951. He indicated he and  
244 his wife have lived in their home since 1983. He believes Ridge Road is a great place to live,  
245 raise a family, and have pets. He believes it is a valuable neighborhood. He has concerns  
246 about allowing an office building to be built in this residential area. He generally spoke in  
247 opposition of this request and urged the council to vote 'no' on the rezoning request.  
248

249 Mrs. Rella Rogers  
250 1404 Ridge Road  
251 Rockwall, TX 75087  
252

253 Mrs. Rogers spoke in opposition of this item, indicating, in part, that it would be 'spot  
254 zoning' and would add to the devaluation of her home if this request is approved. She  
255 indicated that her home is in direct proximity to her home, and the lots in question overlook  
256 her private back yard and pool area. She believes that her home will be significantly  
257 devalued if this rezoning is granted. She suggested that there are other, appropriate  
258 locations in Rockwall for Mr. Dirske's commercial business. She respectfully asked the  
259 council to vote 'no' to this request.  
260

261 Mr. Bill Lofland  
262 1200 Ridge Road  
263 Rockwall, TX 75087  
264

265 Mr. Lofland indicated he has lived on Ridge Road for at least thirty-five years. He also owns  
266 the properties from 1026 Ridge Road to 1202 Ridge Road. When the city agreed to allow  
267 some of the smaller homes on Ridge Road to turn into offices, this was stopped at 1024  
268 Ridge Road. He indicated he believes that approval of this rezoning would represent 'spot  
269 zoning.' He has nothing personal against Mr. Dirkse; however, he did speak in opposition  
270 of this request and urged the council to vote 'no.'  
271

272 Mr. Rod Holland  
273 536 Loma Vista  
274 Heath, TX  
275

276 Mr. Holland indicated that he owns property at 1510 South Alamo. He has been a resident  
277 of Rockwall since 1972, has been in real estate in this area since the early 1990s and is also  
278 a real estate broker. Mr. Holland indicated that he purchased a lot located behind these  
279 lots, not knowing what would end up going there, because he is not concerned about what  
280 may end up being built on these lots. He is a real estate broker, and he does not represent  
281 Dan Bobst. He does not have concerns about it possibly turning into Commercial. He is in  
282 favor of this request.  
283

284 Mr. Timothy Greenawalt  
285 335 Dalton Road  
286 Rockwall, TX 75087  
287

288 Mr. Greenawalt came forth to speak in favor of this request. He is a neighbor of Mr. Dirkse  
289 and has been for about eighteen years. He indicated that Mr. Dirske's business does not  
290 bring a lot of traffic, and there are no concerns of "trash," as he keeps his property very



well maintained. He indicated that Mr. Dirkse is a very good neighbor, and he urged the city council to vote in favor of this request.

Mr. Jeff Wong  
1410 Ridge Road  
Rockwall, TX 75087

Mr. Wong indicated that he and his wife used to live in Rockwall, but then they moved to a condo in Dallas, and thereafter moved back to Rockwall. Mr. Wong indicated that he and his wife purchased this home at 1410 Ridge Road, and they love living there. They love the view and the neighborhood, in general, but they would not like living immediately adjacent to the lots down the road that contain office-type businesses. He spoke in opposition of this rezoning request.

At 7:48 p.m., Mayor Pruitt recessed the meeting and called for a short break.

At 7:59 p.m., Mayor Pruitt called the meeting back to order.

Nathan Najmabadi  
1412 Ridge Road  
Rockwall, TX 75087

Mr. Najmabadi expressed that he and his wife have lived at this address for about a year-and-a-half. Noise, traffic and lights have not been problems. He believes the homes in this area are nice homes and have nice views. He and his wife both recently got out of the service, and they plan to have a family and stay for the long term. He loves his neighbors, and he is very against this rezoning request.

Joy Bounds Greenwalt  
209 Tanya Drive  
Rockwall, TX 75087

Mrs. Greenwalt indicated that she is a very longtime resident of Rockwall and has lived in this home for thirty-one years. She expressed that young couples and children are moving into her neighborhood, which is vibrant and growing and is in fact not declining as Mr. Bobst suggested back in 2012. She spoke against this zoning change request, and urged the city council to vote 'no' with prejudice. She wants the neighborhoods and homes to be kept separate from commercial development and indicated that combining them is inappropriate.

Marsha Mason

Ms. Mason explained that she currently lives at 1130 Sierra Pass in a rental home, but she owns a lot in Park Place and will be living there in the future. Mrs. Mason generally spoke in favor of this request. She indicated that she lived next to Mr. and Mrs. Dirkse for about twenty years, and it never posed any sort of problem (not traffic, not trash, not security, not lighting). She generally indicated that she believes the lots along Ridge Road and Goliad will eventually turn into Commercial. She spoke in favor of Mr. Dirkse's and supports his business and rezoning request. Trash, security and additional traffic were never of concern when living next to Mr. Dirkse's business, which looks like a home, for twenty years.

341 Ms. Mason indicated that she has a letter from 3055 North Goliad, Mr. Joel Steed, and is  
342 prepared to read it to the city council on his behalf. The mayor and council members  
343 indicated they did receive Mr. Steed's emailed letter.  
344

345 Mr. David Mitchell  
346 206 Dartbrook  
347 Rockwall, TX 75087  
348

349 Mr. Mitchell spoke in opposition of this request. He suggested that Mr. Dirkse should find  
350 an alternate location for his business, perhaps on his existing property or perhaps on the  
351 East side of Ridge Road. He strongly urged the council to reject this request.  
352

353 Ken Dickson  
354 205 Meadowdale  
355 Rockwall, TX  
356

357 Mr. Dickson came forth and spoke in opposition of this request. He spoke highly of his  
358 neighbors and his neighborhood. He expressed that his neighborhood is unique and has  
359 individual homes with varying architecture (no track homes). He indicated that the previous  
360 owner of this property, Mr. Mitchell, who passed away, was a good neighbor. After his  
361 passing, Dickson explained, Mr. Bobst purchased the property. He strongly urged the  
362 council to reject this request with prejudice.  
363

364 Freddie Jackson  
365 1812 Bristol Lane  
366 Rockwall, TX  
367

368 Mr. Jackson indicated that his wife is from Rockwall, and he loves this city. He expressed  
369 that nobody wants the Residential Office (RO) zonings that keep popping up in residential  
370 neighborhoods. He urged the council to vote against this request.  
371

372 Jim Greenwalt  
373 209 Tanya Drive  
374 Rockwall, TX  
375

376 Mr. Greenwalt indicated that he is a retired residential, commercial and shopping center  
377 developer, and he used to work for Dallas' Economic Development Department. He served  
378 on Rockwall's Planning & Zoning Commission for about eight years, some of which was as  
379 the "chair." He expressed that there is adequate office and retail space on the East side of  
380 Ridge Road and there will be for years to come. He believes approval of this request would  
381 be "spot zoning." Just because these lots may eventually and inevitably turn into  
382 Commercial does not mean that he desires for them to do so now. He expressed various  
383 concerns about this request, including 'spot zoning,' and urged the city council to not  
384 approve the request for a zoning change and deny it with prejudice.  
385

386 Gregg Napier  
387 1505 S. Lakeshore  
388 Rockwall, TX  
389

390 Mr. Napier indicated that he and his wife moved to this home about three years ago from  
391 Rowlett, and they put a lot of money into their home to improve it. He stated he often sees



cars driving slowly, and he believes they are people who are looking for homes in this neighborhood. He spoke in opposition of this request.

Jennifer Ziesk  
7120 Hunt Lane  
Rockwall, TX 75087

Mrs. Ziesk read a letter on behalf of:  
Mary Stacey  
912 N. Goliad  
Rockwall, TX 75087

Mrs. Ziesk read a letter from Mrs. Stacey, who now lives in a neighborhood by what is now the birthing center. The letter read generally seemed in favor of this rezoning request. She expressed in her letter that it has been her experience that businesses moving in near her residential home has had very little effect on her home and her quality of life. She expressed that her residential home has increased steadily in value over the last ten years. Afterwards, speaking on her own behalf, Mrs. Ziesk generally expressed support for this request. She expressed she has officed in the same building as Mr. Dirkse for the last five years, and she believes he is a good neighbor and will continue to be, whether he is a residential or a business neighbor.

Shannon Greenberg  
404 Driftwood  
Rockwall, TX 75087

Mrs. Greenberg spoke in favor of this request. She stated she recently began working for Dirkse and Associates. She believes the staff at Dirkse and Associates supports each other and works as a family. Ms. Greenberg explained she believes Mr. Dirkse is very conscientious about trash and ensuring things are cleaned up.

Kathy Oehler  
207 Tanya Drive  
Rockwall, TX

Mrs. Oehler came forth and expressed opposition to this request. She indicated that her neighborhood is not declining. She has observed many contractors working on upgrading homes in this neighborhood. She believes Mr. Bobst's inability to sell the property to an individual for a residential home to be built on it is essentially due to it being priced too high. She indicated that she had a conversation with Mr. Dirkse in which he expressed that he wants to build his office on this lot because he is "greedy and wants the view." She believes rezoning would diminish property values and would in fact contribute to the decline of the neighborhood.

Alexia Fields  
1603 Seascape Court (next to Clark Staggs)  
Rockwall, TX

Mrs. Fields indicated she is a dentist in the area and has lived here over twenty years. She spoke in opposition of this request, indicating that she and her neighbors feel they are being bullied every few years. She urged the council to not approve this request.

444 Tammy Tinkle  
445 1270 Antioch Drive  
446 Rockwall, TX 75087  
447

448 Mrs. Tinkle indicated that if she were to choose a residential lot, she would not choose this  
449 one. She would instead choose one close to a school where they can walk and ride their  
450 bikes to school. She has lived here in Rockwall for over seven years. She generally  
451 expressed that there would be no significant, negative impacts related to traffic or trash.  
452 The employees who work for Dirkse and Associates are conservative accountants. She  
453 generally spoke in favor of this request and believes approving it would be a good decision.  
454

455 Renee Sneed  
456 310 Orbit Drive  
457 Lavon, TX 75166  
458

459 Mrs. Sneed indicated that she grew up in Rockwall, and she is the daughter of Mr. Dirkse.  
460 She and her husband hope to live in Rockwall again someday. She works for Mr. Dirkse  
461 and believes the best use of these lots is for them to be rezoned with very specific,  
462 restrictive zoning. She and her father have been discussing the possibility of her taking  
463 over his business in a number of years down the road. She generally spoke in favor of this  
464 request.  
465

466 G. David Smith  
467 601 Stonebridge Drive  
468 Rockwall, TX  
469

470 Mr. Smith indicated that he is a close friend of Mr. Dirkse. He lives about a mile from this  
471 property. He believes Mr. Dirkse would be a tremendous asset to this area long Ridge  
472 Road. He stated that he and his wife purchased the property at 702 North Goliad Street  
473 some years ago (2002) and worked with the city to have the zoning changed from residential  
474 to residential office. He believes these lots are not well suited for residential lots, especially  
475 since they are located along a major, four-lane thoroughfare. He generally spoke in favor of  
476 this request for a zoning change.  
477

478 Mrs. Terri Nevitt  
479 201 Becky Lane  
480 Rockwall, TX  
481

482 Mrs. Nevitt indicated that she feels she is being bullied. She is currently in the process of  
483 trying to decide if she wants to refinance, rent out, or sell her home. She is not in favor of  
484 this request because it is "spot zoning." She expressed concerns about some of the  
485 representatives currently serving on the Planning & Zoning Commission. She spoke in  
486 opposition of this request, and she urged the council to deny this request.  
487

488 Greg Oehler  
489 207 Tanya  
490 Rockwall, TX  
491

492 Mr. Oehler expressed that his neighborhood is very desirable and it is the envy of other  
493 neighborhoods. He believes that in twenty years, this property will be diminished  
494 aesthetically and that it will not be well maintained if it is built as commercial. He believes  
495 homeowners in this neighborhood have invested a lot of time and money into their homes,



including improving and maintaining them. He indicated that commercial properties do not increase in value over time, and they are not as well maintained. He generally spoke strongly in opposition of this request and urged the council to vote "no" with prejudice.

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

Councilmember White made a motion to deny Z2014-036.

Mr. Dirkse asked Mayor Pruitt if he would have an opportunity to speak at this point (following the public comments). City Attorney Patrick Lindner indicated that it is ok to allow the applicant to speak again at this time. Mayor Pruitt then re-opened the public hearing to allow the applicant five minutes to wrap up and provide closing comments.

Mr. Rick Dirkse then came forth and provided some closing comments. He generally and strongly urged the council to approve this request. He expressed that he would like the privilege of stewarding this property well by agreeing to place an office at this location that looks like a home.

Mayor Pruitt closed the public hearing and opened the floor up for Council discussion.

Councilmember White indicated that he is not in favor of zoning at all; however, he respects the process, and the residents in this neighborhood have indicated they do not want it.

Councilmember White then made a motion to deny Z2014-036. Mayor Pruitt seconded the motion.

Mayor Pro Tem Lewis indicated that he knows Mr. Dirkse, and they go to church together. If this matter was about Mr. Dirkse's character, he would vote to approve this request right now. He believes that Mr. Lofland's comments are 'spot on,' in that the commercial properties need to stop at his property. He expressed that his decision is solely based on what he believes is right, and it is not based on how he feels or what he thinks about Dan Bobst. He pointed out that by law the council has to consider zoning requests, and property owners have a right to request that zoning changes be considered. He indicated that he will be voting against this request.

Mayor Pruitt indicated that he lives not far from this property, and he and his wife own two homes in this general area/neighborhood. He expressed the belief that residents in this and other neighborhoods in Rockwall should get to control decisions related to what happens to their neighborhood. He believes it is important for the city council to make a statement that this is the way these properties are going to be – either we are going to allow Commercial zoning on these lots, or we are not going to allow it, and the lots will remain residential. Mayor Pruitt thanked the public for coming out to speak tonight. He then called for the vote.

The motion to deny the request passed unanimously of council present (5 ayes with 2 absent (Milder and Daniels)).

At 9:21 p.m., Mayor Pruitt recessed the public meeting and called for a short break.

Mayor Pruitt reconvened the meeting at 9:33 p.m.

- 548           **2.       Z2014-037** - Hold a public hearing to discuss and consider approval of an  
549                   **ordinance** for a request by Bill Bricker of Bricker Enterprise Company (DBA  
550                   Brick House Cars) on behalf of Rockwall Commercial Property Management  
551                   for the approval of a Specific Use Permit to allow for an Indoor Motor Vehicle  
552                   Dealership/Showroom on a one (1) acre portion of a larger 50.826-acre tract  
553                   of land, identified as Tract 31 of the R. Ballard Survey, Abstract No. 29, City  
554                   of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District,  
555                   addressed as 1200 E. Washington Street, and take any action necessary.  
556                   **(1st Reading)**

557   **Planning Director Robert LaCroix provided brief background information concerning this**  
558   **agenda item. He stated that 135 notices were sent out to adjacent property owners located**  
559   **within 500 feet, and five were received back in favor.**

560  
561   **Mr. Bill Bricker**  
562   **505 Westway Drive**  
563   **Rockwall, TX**  
564

565   **Mayor Pruitt asked if anyone else would like to come forth and speak. There being no one**  
566   **indicating such, he then closed the public hearing**  
567

568   **Councilmember White made a motion to approve Z2014-037. Councilmember Townsend**  
569   **seconded the motion. The ordinance was read as follows:**

570  
571                                   CITY OF ROCKWALL  
572                                   ORDINANCE NO. 15-  
573                                   SPECIFIC USE PERMIT NO. S-  
574

575                   AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
576                   TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO.  
577                   04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED,  
578                   SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) WITHIN A LIGHT  
579                   INDUSTRIAL (LI) DISTRICT ALLOWING FOR AN INDOOR MOTOR VEHICLE  
580                   DEALERSHIP/SHOWROOM LOCATED IN A 12,500 SQUARE FOOT BUILDING  
581                   INDICATED IN "EXHIBIT A" OF THIS ORDINANCE AND ADDRESSED AS 1200  
582                   E. WASHINGTON STREET, WHICH IS LOCATED ON A PORTION OF A  
583                   LARGER 50.826-ACRE TRACT OF LAND DESCRIBED AS TRACT 31 OF THE  
584                   R. BALLARD SURVEY, ABSTRACT NO. 29, CITY OF ROCKWALL,  
585                   ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS;  
586                   PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO  
587                   THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A  
588                   SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;  
589                   PROVIDING FOR AN EFFECTIVE DATE.

590  
591   **The motion passed by a unanimous vote.**  
592

- 593           **3.       Z2014-038** - Hold a public hearing to discuss and consider approval of an  
594                   **ordinance** for a request by Ben McMillian of Hazel & Olive on behalf of the  
595                   owner of the property for the approval of a Specific Use Permit to allow for a  
596                   General Retail Store in conjunction with an office and photography studio  
597                   within Planned Development District 50 (PD-50) for two (2) parcels of land,  
598                   being 0.43-acres of land, identified as Lots 19A & 19B of the Amick Addition,  
599                   City of Rockwall, Rockwall County, Texas, zoned Planned Development  
600                   District 50 (PD-50) for Residential-Office (RO) District land uses, addressed



as 503 N. Goliad Street [SH-205], and take any action necessary. (1st Reading)

Mr. LaCroix provided brief background information for this agenda item. He indicated that 110 notices were mailed out to adjacent property owners located within 500 feet. Three notices were received back in favor, and two were received back in opposition of this request. The P&Z Commission did recommend approval of this item by a vote of 6 to 0.

Mayor Pruitt opened the public hearing and called the applicant forth.

Ben McMillian  
176 Hampton Drive  
Fate, TX

Mr. McMillian indicated that he and his wife own this business currently, and it has been very successful for the last year or so that they have been in operation. They would like to move and expand the business because they currently only have about 700 square feet of retail space at the current location.

Mayor Pruitt asked if anyone would like to come forth and speak. There being no indication of such, Mayor Pruitt then closed the public hearing.

Councilmember Townsend made a motion to approve this item. Councilmember White seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL  
ORDINANCE NO. 15-XX  
SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A  
A GENERAL RETAIL STORE IN CONJUNCTION WITH AN OFFICE AND PHOTOGRAPHY STUDIO IN A RESIDENTIAL-OFFICE (RO) DISTRICT, ON TWO (2) PARCELS OF LAND, BEING 0.43-ACRES AND IDENTIFIED AS LOTS 19A & 19B OF THE AMICK ADDITION, AND GENERALLY LOCATED AT 503 NORTH GOLIAD STREET, ZONED PLANNED DEVELOPMENT DISTRICT NO. 50 (PD-50); AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed unanimously of those present (5 ayes with 2 absent (Daniels and Milder)).

4. **Z2014-039** - Hold a public hearing to discuss and consider approval of an ordinance for a request by Zack Amick of Gordon Rockwall Investments, LLC for the approval of a zoning change from an Agricultural (AG) District to a Light Industrial (LI) District for a 21.684-acre tract of land identified as Tract 4 of the N. M. Ballard Survey, Abstract No. 24, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, located in between

Commerce Street and T. L. Townsend Drive, and take any action necessary.  
(1st Reading)

Mr. LaCroix provided brief background information related to this agenda item. He stated that the surrounding zoning is mainly commercial and light industrial with the exception of multi-family housing located to the east. Forty-eight notices were sent out to adjacent property owners within five hundred feet, and two notices have been returned back in favor. The P&Z Commission has recommended approval of this request by a vote of 6 to 0.

Mayor Pruitt opened the Public Hearing and called the applicant forth.

Michael Amick  
1957 Stevens Road  
Rockwall, TX

Mr. Amick explained that this zoning change is being requested to allow the property to have some improvements made on it so something can be done with it (other than AG).

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

Councilmember White made a motion to approve this item (Z2014-039). Councilmember Hohenshelt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL  
ORDINANCE NO. 15-\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A LIGHT INDUSTRIAL (LI) DISTRICT FOR A 21.684-ACRE TRACT OF LAND IDENTIFIED AS TRACT 4 OF THE N.M. BALLARD SURVEY, ABSTRACT NO. 24, CITY AND COUNTY OF ROCKWALL, TEXAS AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed unanimously of council present (5 ayes with 2 absent (Daniels and Milder)).

5. **Z2014-040** - Hold a public hearing to discuss and consider approval of an ordinance for a request by Cameron Slown of FC Cuny Corporation on behalf of Tom Kirkland of Tekmak Development Company for the approval of a Specific Use Permit (SUP) for a hotel on a 2.968-acre tract of land identified as Lot 3A, Block A, Shoreline Plaza Addition and Lot 1-1, Block A, Henry Africa Subdivision, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 32 (PD-32), situated within the IH-30 Overlay (IH-30 OV) District, located at the southeast corner of the intersection of the IH-30 Frontage Road and Lakefront Trail, and take any action necessary.  
(1st Reading)



Mr. LaCroix provided brief background information related to this agenda item, indicating that this request is related to building a hotel. It is recommended that the hotel be accompanied with some restrictions such that it cannot be utilized as an "extended stay," "residence," or "transient-oriented" type hotel. Eighteen notices were sent out to adjacent property owners located within 500 feet, but no replies have been received back by staff at this time. The P&Z Commission did recommend approval of this item by a vote of 5 to 1.

Mayor Pruitt opened the public hearing and called the applicant forth to speak.

Tom Kirkland  
613 Willow Springs  
Heath, TX

Mr. Kirkland indicated that he and his wife started their hotel business by constructing a first one in College Station, TX. He generally indicated that he has been in consultation with Marriott regarding the possibility of constructing this hotel in Rockwall as a "Springhill" property.

Mayor Pruitt asked if anyone would like to come forth and speak during the public hearing.

Craig Renfro  
1556 Parkside Circle  
Rockwall, TX 75032

Mr. Renfro indicated that he lives in Lago Vista and was in the notification area for the public notice that was sent out. He generally spoke in favor of this request.

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

Councilmember Townsend how big of an event a 3,000 square foot conference center will accommodate. Mr. Kirkland indicated that about 150-200 people can be seated in a classroom style. For a dinner type setting with round tables, about 100 can be accommodated. He explained that there is a "pre-function" area that is about 1,000 additional square feet (for example, if you want to set up a buffet out in this area). Councilmember Townsend indicated that he would like to see a hotel that can compete with the existing Hilton Hotel as far as event space is concerned. He would like to see a larger conference center space that would be better able to compete with the existing Hilton.

Lengthy discussion took place related to Hilton, Hampton, and high end versus lower end hotel properties.

Mayor Pruitt expressed concerns that, with this hotel and what it offers related to meeting space, it will never be able to compete with the existing Hilton. He asked if the size of the building could be changed to size it up. He generally indicated that several on the council have previously expressed an interest in attracting another full-service type of hotel. Mr. Kirkland indicated that the market is moving away from full-service hotels. In his opinion, Mr. Kirkland expressed, it would be difficult for Rockwall to attract an additional full-service hotel.

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

Councilmember Lewis made a motion to table this item until the next city council meeting. Mayor Pruitt seconded the motion, which passed by a vote of 5 in favor with 2 absent (Milder and Daniels).

**X. ACTION ITEMS**

1. **MIS2014-018** - Discuss and consider a request by Michael Swiercinsky of Sky Investment Property, Inc. for the approval of an alternative method for purchasing trees associated with an approved tree mitigation plan for two (2) tracts of land, being 7.969-acres, identified as Tracts 4 & 19, E. P. G. Chisum Survey, Abstract No. 64, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District, located at the northwest corner of the intersection of Ridge Road [FM-740] and W. Yellow Jacket Lane, and take any action necessary.

Planning Director Robert LaCroix provided background information related to this agenda item, explaining that Mr. Swiercinsky has a large number of trees that he must mitigate for concerning these tracts of land. Under the city's tree mitigation ordinance, the applicant may either donate trees or make a monetary payment to the city in order to mitigate for the trees. Mr. LaCroix explained that the applicant would like to make a lump sum payment of \$111,262.00, which represents the applicant's costs to purchase the required trees and pay to have them delivered to the City. Staff has verified the estimate listed on the invoice for the trees and delivery costs. If the applicant's request is approved the lump sum payment would need to be satisfied prior to filing a final plat for the subject property; however, if the request is denied the applicant would be required to provide the Parks Department with the required mitigation.

Michael Swiercinsky  
307 Russwood  
Rockwall, TX

Mr. Swiercinsky expressed that he would be complying with the city's tree mitigation policy. It will just be monetarily rather than buying and delivering trees to the city.

Councilmember White made a motion to approve MIS2014-018. Councilmember Townsend seconded the motion, which passed by a vote of 5 in favor with 2 absent (Daniels and Milder).

2. Discuss and consider appointments to city advisory boards including the Art Review Team (ART) Commission and Architectural Review Board (ARB), and take any action necessary.

Councilmember White made a motion to appoint Enid Reyes to the Architectural Review Board (ARB) (to fill a partial term vacancy left by former member Mike Mershawn to expire in August of 2015). Councilmember Lewis seconded the motion, which passed by a vote of 5 ayes with 2 absent (Milder and Daniels).

3. Discuss and consider authorizing the City Manager to proceed with development, scheduling, and recruiting for expanding participation by citizen volunteers, and take any action necessary.



City Manager Rick Crowley provided brief comments related to this agenda item. Councilmember Townsend made a motion to authorize the city manager to proceed with this recruiting project as described. Councilmember Lewis seconded the motion, which passed by a vote of 5 ayes with 2 absent (Milder and Daniels).

The council did not reconvene into Executive Session following the close of the public meeting agenda.

#### XI. EXECUTIVE SESSION

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

1. Discussion regarding the city's concession agreement with Suntex Marina / Suntex RHCL Marina, LLC pursuant to Section § 551.071 (Consultation with Attorney)
2. Discussion regarding the following legal claim: TF-Harbor LLC v. City of Rockwall, Texas and Rockwall Rental Properties L.P. pursuant to Section 551.071 (Consultation with Attorney)
3. Discussion regarding Economic Development prospects pursuant to Section 551.087 (Economic Development)
4. Discussion regarding proposed lease/sale of city land for possible private project pursuant to Sections 551.072 (Real Property) and Section 551.087 (Economic Development negotiations)

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

The council did not reconvene into Executive Session following the close of the public meeting agenda.

#### XIII. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 11:08 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 2nd day of February, 2015.

ATTEST:

  
Kristy Ashberry, City Secretary

  
Jim Pruitt, Mayor



