

**ROCKWALL CITY COUNCIL REGULAR MEETING**

**Tuesday, January 17, 2023 - 5:00 PM**

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

**I. CALL PUBLIC MEETING TO ORDER**

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

Mayor Fowler 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 (re)appointments to city regulatory boards, commissions, and committees - specifically the Rockwall Economic Development Corporation (REDC) - pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding legal advice associated with The Shores on Lake Ray Hubbard homeowners association (HOA) regulations, pursuant to Section 551.071 (Consultation with Attorney).
3. Discussion regarding legal advice associated with City of Heath v. North TX Municipal Water District, pursuant to Section 551.071 (Consultation with Attorney).

**III. ADJOURN EXECUTIVE SESSION**

**The Council adjourned from Ex. Session at 5:56 p.m.**

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

**Mayor Fowler reconvened the public meeting at 6:00 p.m.**

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

**Councilmember Moeller delivered the invocation and led the Pledge of Allegiance.**

**VI. PROCLAMATIONS / AWARDS / RECOGNITIONS**

**Mayor Fowler then reorganized this section of the agenda, calling forth Jeremy Standifer from the city's Main Street Advisory Board (MSAB) to address item #2 below.**

1. Health for Humanity Yogathon Proclamation

**Mayor Fowler called forth Ashwini Gurawale to receive this proclamation. Mrs. Gurawale came forth, along with a few additional representatives who accompanied her this evening. The mayor then read**

this proclamation and presented it to the guests in attendance. One of the guests provided several comments about yoga, its benefits, and about the Hindu / Indian community, thanking Mayor Fowler for the proclamation this evening.

**2. Main Street Legacy Award Presentation**

**Mr. Standifer provided several positive comments in appreciation of a particular individual within the community who is very involved in downtown-related events and efforts to help keep the downtown area of Rockwall alive and thriving. He then called forth and recognized Tammy Sharp, presenting her with the Main Street Legacy Award for 2022.**

**VII. OPEN FORUM**

**No one came forth to speak during Open Forum, so Mayor Fowler moved on to the next agenda item.**

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

**Mayor Pro Tem Johannesen moved to appoint John Hohenshelt to fill the vacant seat and finish out the unexpired term of Rick Johnson who recently resigned on the Rockwall Economic Development Corporation (REDC) Board. Councilmember Jorif seconded the motion, which passed by a vote of 7 ayes to 0 nays. (Note: the term will run thru December of 2023).**

**Daniels moved to appoint Herman Hudson to fill a vacant seat on the city's Architectural Review Board (ARB) for an unexpired term to run through August of 2024. Mayor Fowler seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

**IX. CONSENT AGENDA**

1. Consider approval of the minutes from the January 3, 2023 regular City Council meeting, and take any action necessary

**Mayor Pro Tem Johannesen moved to approve this Consent Agenda item. Councilmember Campbell seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

**X. APPOINTMENT ITEMS**

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

**Chairman of the P&Z Commission, Sedric Thomas, 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.**

**XI. PUBLIC HEARING ITEMS**

1. **Z2022-056** - Hold a public hearing to discuss and consider a request by Matthew Benedetto for the approval of an ordinance for a *Specific Use Permit (SUP)* for a *Detached Garage* on a three (3) acre parcel of land identified as Lot 19, Block A, Northgate Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 88 (PD-88) for Single-Family 1 (SF-1) District land uses, addressed as 835 Clem Road, and take any action necessary **(1st Reading)**.

**Planning Director Ryan Miller provided background information concerning this agenda item. The applicant is wanting to construct a detached garage that exceeds the city's height and size requirements. The applicant would like to construct a 2,247 square foot detached garage out of the**

same materials that were utilized on the primary structure (the home built in 2021). It would meet all of the city's setback requirements, and it would stand at 18 feet in height. The city's requirements call for a maximum size of 625 square feet and a maximum height of fifteen feet. Mr. Miller explained that the city's Unified Development Code allows the city council to review requests like this on a case-by-case basis. The applicant would also like the detached garage to have the same roof pitch as that of the primary structure (the home). Mr. Miller went on to explain that the city's Planning & Zoning Commission did review this case on Jan. 10 and voted 6-0 to recommend its approval to the Council. In addition, staff mailed 52 notices to adjacent land and property owners. Five notices were received back in favor of the request. In addition, one letter of support was received by staff.

Mayor Fowler opened the public hearing, but no one indicated a desire to come forth to speak. So he closed the Public Hearing.

Councilmember Jorif then moved to approve Z2022-056. Councilmember Moeller seconded the motion. The ordinance caption was read as follows:

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 88 (PD-88) [ORDINANCE NO. 19-26] AND THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR A *DETACHED GARAGE* ON A THREE (3) ACRE PARCEL OF LAND, IDENTIFIED AS LOT 19, BLOCK A, N ORTHGATE ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

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

Mayor Fowler announced that this public hearing will be held on February 21, 2023. So it was not heard or discussed at this time, and no action was taken.

3. **Z2022-058** - Hold a public hearing to discuss and consider a request by Asher Hamilton on behalf of RIV Properties, Alvin Moton Jr., James Moton, Terra Moton, Debra Heard, Beulah Robertson, Tony Moton, and Kathy Moton for the approval of an ordinance for a PD Development Plan for a 176-unit condominium building on a 3.59-acre tract of land identified as Lots 1 & 2, Block1; Lots 1, 2, 3, & 4, Block 2; Lots 1, 2, 3,

& 4, Block 3; Lots 1, 2, 3, & 4, Block 5; Lots 1 & 2 and a portion of Lots 3 & 4, Block 6; Lots 2, 3, & 4, Block 7; Lots 1 & 2, Block 8; and Lots 1, 2, 3, & 4, Block 9, Moton Addition, City of Rockwall, Rockwall County, Texas, situated within the *Hillside Mixed Use Subdistrict* and the *Horizon/Summer Lee Subdistrict* of Planned Development District 32 (PD-32), generally located at the southwest corner of the intersection of Horizon Road and Summer Lee Drive, and take any action necessary **(1st Reading)**.

Planning Director, Ryan Miller provided background information concerning this agenda item. The subject property is located on the NW corner of Summer Lee Drive and Horizon Road. Back in March of last year, the City Council approved a PD development plan for a 176-unit condominium building on the subject property. This case allocated the final, remaining units in PD-32. The district was built around having 1,161 condo units, and there are no more units in the District. In July, the applicant returned and amended the plan in order to realign Pinnacle Way and Glen Hill Way. Again, that case did not make any changes to the number of units allocated to the project. The applicant was working on purchasing four small lots on the corner of Pinnacle Way and Horizon Road, and the applicant did secure the rights to purchase those. The applicant would like to incorporate those lots into the project. This would (1) eliminate having small, adjacent outparcels that could create inconsistent development next to a large building, and (2) it will allow the applicant to reduce the height of the building from 4-5 stories down to 3-4 stories. This does not change the unit count, and it does not allocate any additional units within the District. This is simply making a cosmetic change to the building. Notices were sent out to 37 notices to adjacent land and property owners. One was received in favor, and one was received back in opposition. In addition, two adjacent HOAs were also notified. The city's Planning & Zoning Commission did recommend approval of this item by a vote of 5 ayes, 1 abstention, and 1 absence.

Mr. Miller further explained that the applicant has provided building elevations, and those have been incorporated into the draft ordinance, so that will tie down the 'look' of the building, and they do appear to adhere to PD-32's design standards.

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

Mayor Pro Tem Johannesen asked for some clarification from Mr. Miller, who provided said clarification regarding there being no future 'allocations' of these sorts of properties within the city's "Harbor District" in the future. The last of the apartment allocations occurred in March of 2022.

Mayor Pro Tem Johannesen moved to approve Z2022-058. Councilmember Daniels seconded the motion.

Mayor Fowler then asked Mr. Miller to explain what "condos" mean within the PD-32 District ("The Harbor"). Mr. Miller explained that staff has worked closely with the city attorney to identify what the city can and cannot legally regulate concerning 'condominiums.' He generally explained that the city can only regulate to ensure the condominiums are built to a condominium standard, meaning that they are individually metered and individually deeded. The city does have deeds for every single unit that has been built and has received a 'certificate of occupancy.' Mr. Miller shared that the city cannot regulate ownership and/or who can or cannot rent or lease private property. Mr. Miller shared that these condos are individually deeded and metered; however, the city has experienced that they are usually under ownership of one entity, and they do tend to function much like an apartment. And the city has no ability to regulate that.

Following additional, brief comments 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 32 (PD-32) [ORDINANCE NO. 17-22] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A PD DEVELOPMENT PLAN FOR A CONDOMINIUM BUILDING ON A 3.59-ACRE TRACT OF LAND IDENTIFIED AS LOTS 1 & 2, BLOCK 1; LOTS 1, 2, 3, & 4, BLOCK 2; LOTS 1, 2, 3, & 4, BLOCK 3; LOTS 1, 2, 3, & 4, BLOCK 5; LOTS 1 & 2 AND A PORTION OF LOTS 3 & 4, BLOCK 6; LOTS 2, 3, & 4, BLOCK 7; LOTS 1 & 2, BLOCK 8; AND LOTS 1, 2, 3, & 4, BLOCK 9, MOTON ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED AND DEPICTED HEREIN BY 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 to approve passed by a vote of 7 ayes to 0 nays.

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

Mayor Fowler announced that this public hearing will transpire on February 21, 2023. So the case was not heard or discussed this evening, and no action was taken at this time.

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

Mayor Fowler shared that he is opening the Public Hearing on this item, and he is going to leave it 'open' at this time; however, Council is going to revisit this item at a later date. Mr. Miller asked the Council to consider remanding this item back to the Planning & Zoning Commission for further consideration.

Following brief comments, Councilmember Jorif moved to remand Z2022-060 back to the Planning & Zoning Commission to be considered at their January 31<sup>st</sup> meeting at 6:00 p.m. (which is the last Tues. of the month). Mayor Pro Tem Johannesen seconded the motion, which passed by a vote of 7 ayes with 0 absences.

**XII. 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 (re)appointments to city regulatory boards, commissions, and committees - specifically the Rockwall Economic Development Corporation (REDC) - pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding legal advice associated with The Shores on Lake Ray Hubbard homeowners association (HOA) regulations, pursuant to Section 551.071 (Consultation with Attorney).
3. Discussion regarding legal advice associated with City of Heath v. North TX Municipal Water District, pursuant to Section 551.071 (Consultation with Attorney).

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

**Council did not reconvene in Ex. Session following the close of the public meeting agenda.**

**XIV. ADJOURNMENT**

**Following brief announcements, Mayor Fowler adjourned the meeting at 6:36 p.m.**

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



**KEVIN FOWLER, MAYOR**

**ATTEST:**

  
**KRISTY TEAGUE, CITY SECRETARY**

