

REGULAR MEETING

Monday, December 18, 2023 - 5:00 PM

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

I. Call Public Meeting to Order

Mayor Johannesen called the 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.

II. Executive Session

1. Discussion regarding (re)appointments to city regulatory boards and commissions, pursuant to Section §551.074 (Personnel Matters).
2. Discussion regarding a petition to be released from the city's Extraterritorial Jurisdiction (ETJ) and S.B. No. 2038, pursuant to Section §551.071 (Consultation with Attorney).

III. Adjourn Executive Session

Council adjourned from Executive Session at 5:55 p.m.

IV. Reconvene Public Meeting (6:00 P.M.)

Mayor Johannesen reconvened the public meeting at 6:00 p.m. with all seven council members being present.

V. Invocation and Pledge of Allegiance - Councilmember Lewis

Councilmember Lewis delivered the invocation and led the Pledge of Allegiance.

VI. Appointment Items

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

VII. Open Forum

Mayor Johannesen explained how Open Forum is conducted, asking if anyone would like to come forth and speak at this time.

Scott Mason
275 Henry M. Chandler Drive
Rockwall, TX

Mr. Mason indicated he is the HOA President of Phase III of Chandler's Landing. He then shared photos of a retaining wall that was recently constructed in the neighborhood and about which he has

concerns. He expressed concerns regarding possible erosion over time, how well the retaining wall was constructed, and how long it may last and be effective over time.

Indication was given that Planning Director, Ryan Miller, will work to set a time to meet with Mr. Mason, along with City Engineer, Amy Williams, to further discuss this matter.

There being no one else wishing to come forth and speak at this time, Mayor Johannesen closed open forum.

VIII. Take Any Action as a Result of Executive Session

No action was taken as a result of Executive Session.

IX. Consent Agenda

1. Consider approval of the minutes from the December 4, 2023, city council meeting, and take any action necessary.

Councilmember McCallum moved to approve the Consent Agenda (item #1). Councilmember Thomas seconded the motion, which passed by a vote of 7 ayes to 0 nays.

X. Public Hearing Items

1. **Z2023-052** - Hold a public hearing to discuss and consider a request by Matt Wavering of the Rockwall Economic Development Corporation (REDC) on behalf of Paul Liechty of 36 Wagon Road, LLC and Shailesha Vora of Akshar 10, LLC for the approval of an ordinance for a Specific Use Permit (SUP) for an *Office Building* that will exceed 36-feet in the Scenic Overlay (SOV) District on a 9.9406-acre tract of land identified as Lots 22 & 23, Block A, La Jolla Pointe Addition, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District and the IH-30 Overlay (IH-30 OV) District, generally located west of the intersection of La Jolla Pointe Drive and Ridge Road [FM-740], and take any action necessary **(1st Reading)**.

Planning Director, Ryan Miller, provided background information concerning this agenda item. This property is at the southwest corner of Ridge Road and La Jolla Pointe Drive. It was annexed into the city back in the 1960's. The applicant in this case is the Rockwall EDC. The property is currently zoned "Commercial" (and has been prior to 1972) and is located within both the Scenic Overlay and the IH-30 Overlay Districts. It is currently vacant and has been vacant since its original annexation except for a detention pond on site, which was previously constructed on the property in 2003. A number of failed, previous requests have come forth on this property, mainly from those wanting to get 'multi-family' approved at this location (i.e. back in 2016). In 2018, an SUP was approved for a limited service hotel and two medical office buildings. However, both of those previous approvals expired in 2020, as the developer who received approval for those never moved forward with the hotel or office buildings.

The applicant tonight is requesting rezoning to allow for an office building in excess of 36' in height. Specifically they're requesting a 120' tall office building, which is essentially comparable to the "Trend Tower" currently in existence at The Harbor District. Mr. Miller explained that the applicant (the REDC) is putting forth this request at this time, showing renderings of what could possibly be built on this site in the future; however, they do not actually have any particular 'prospect' identified yet. This is more of preemptive case to help essentially facilitate recruitment of a pad-ready site. So, they're asking for the SUP, if approved, to be valid for a ten year period. Mr. Miller went on to describe the property itself in more detail, including the slope and 'fall' / elevation of this site, and the "views" that would be present if, in the future, a building of this height were actually constructed.

Mr. Miller shared that the Planning & Zoning Commission reviewed this case previously and has recommended approval of this request by a vote of 4 ayes with 2 nays (and one being absent). In addition, 85 notices were sent out to property owners and occupants located within 500' of the subject property. One notice was received back in favor, and two emails in opposition from property owners located within the 500' notification buffer; 1 email from someone in opposition from outside of the 500' notification area; 1 online response in opposition from a property owner not within the 500' notification area; and two returned notices of opposition sent in from those not within the 500' notification area. Also, the Lakeside Village and Turtle Cove Homeowners Associations are also notified.

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

Karin Brock
204 Chatfield
Rockwall, TX

Mrs. Brock shared that she, not only is a resident of the City, but she also currently serves on the REDC, and this is her third term on the board. She went on to express her support for this particular SUP request. She pointed out that the EDC focuses on bringing high-quality businesses and jobs to Rockwall. She pointed out that this proposal is characterized by 'office space only,' which is the least intrusive type of 'use' on the property, especially compared to what it otherwise could be built on this site. Also, the office space will only be used for an REDC project. That means that whomever comes in to develop it will have to bring high-quality jobs and has to contribute to our tax rolls to offset the tax burden on residents. She believes every citizen of Rockwall will benefit from this type of project, and – for those reasons - she is in favor of approval of this SUP request.

Harold Snyder
15919 Murphy Drive
Rockwall, TX

Mr. Snyder came forth and shared that he is opposed to this request, primarily due to traffic. He pointed out that La Jolla Pointe is a two-lane road that will already limit traffic. Also, he believes some of the traffic generated from this type of office building will dump out at Ridge Road. Some of that traffic will travel north, also impacting traffic that will be generated by the project that's up for consideration on the next public hearing tonight. He is concerned about the potential building height as well, believing that its occupants will generate more traffic. For these reasons, he is in opposition of this SUP request.

Karan Aulakh came forth, indicating he is a local resident and is with M&D Real Estate Group here in Rockwall (address given was 2500 Discovery Blvd.). He shared that he is representing the land owner of the property on La Jolla Pointe Road. He expressed complete support for the approval of this SUP, including the proposed height approval. He and his client (the property owner) much more prefer to work with the REDC on a potential, future project development instead of having, say for example, a Holiday Inn want to buy it and build a hotel. He also expressed that, hypothetically, if this site were to get approved for an "a class" multi-family development, that may not be as beneficial to the city as an "a class office space," such as something similar to Trend Tower.

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

Following brief questions and answers, Councilmember Lewis moved to approve Z2023-052. Councilmember McCallum seconded the motion. Following additional, brief comments from several council members sharing various reasons for being in support of approving this particular SUP request, the ordinance caption was eventually read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 24-___

SPECIFIC USE PERMIT NO. S-___

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 BUILDINGS THAT EXCEED 36-FEET IN HEIGHT ON A 9.9406-ACRE TRACT OF LAND IDENTIFIED AS LOTS 22 & 23, BLOCK A, LA JOLLA POINTE ADDITION, PHASE 2, 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 passed by a vote of 7 ayes to 0 nays.

2. Z2023-053 - Hold a public hearing to discuss and consider a request by Matt Wavering of the Rockwall Economic Development Corporation (REDC) on behalf of Richard Chandler of HFS Management, Inc. for the approval of an ordinance for a Zoning Change amending Planned Development District 4 (PD-4) [Ordinance No. 72-03 & 01-26] being a 12.1462-acre tract of land identified as Tract 2 of the D. Atkins Survey, Abstract No. 1, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 4 (PD-4) for General Retail (GR) District land uses, situated within the Scenic Overlay (SOV) District, generally located in between Lakedale Drive and Becky Lane on the eastside of Ridge Road [FM-740], and take any action necessary (1st Reading).

Planning Director, Ryan Miller, provided background information concerning this agenda item. This property is located within the city's "Scenic Overlay District" on the south side of Ridge Road between Becky Lane and Lakedale Drive. It was originally annexed in as "AG" (zoning) in 1960 and sometime prior to 1972 it was then zoned PD-4 for Neighborhood Services and General Retail District land uses. Thereafter, in 2001, a city-initiated rezoning case occurred which removed the 'Neighborhood Services' land uses from PD-4. So today it is just zoned for "General Retail District" land uses. The property has remained vacant since annexation. He further explained that this property has had a number of failed requests in the past, mostly for proposed multi-family land uses. Most recent requests on this property were two requests from back in 2021. Both were for multi-family and mixed use development with retail and office spaces being proposed. However, both of those past requests failed. This current proposal is for an amendment to PD-4 to allow for a future office development on the property. A rendering was shown for how the property could possibly be developed in the future as part of a "General Retail" zoned office buildings. The applicant is requesting changes to the PD-4 itself, including allowance for 25,000 square foot (or more) office buildings (that would be allowed 'by right' in lieu of by SUP); an increase to the floor area ratio from 2:1 to 4:1, and to increase the maximum building height from 36' to 100'. For reference, Mr. Miller shared that other buildings

located nearby on Ridge Road are The Commons Apartments (which are 65' in height), and the Lakeview Apartments, which stand at 82' in height. He also mentioned that his particular piece of property slopes down towards the railroad tracks. In fact it slopes both from north to south and from east to west. Also, if approved, this change would limit the land uses currently allowed on the property.

Mr. Miller went on to explain that the City's Planning & Zoning Commission has reviewed this case and has recommended its approval by a vote of 6 ayes to 0 nays. Also, 80 notices were sent out to adjacent property and land owners located within 500' of the property. Staff has received several replies to those mailed notices, most of which have been provided to Council within the informational meeting packet. Additional notices include:

- 1 notice in favor from someone located within the 500' notification area
- 3 emails in opposition from property owners located inside of the 500' notification area
- 14 returned notices of opposition from property owners located within the 500' notification area
- 1 email of opposition and one online "opposition" response from a property owner not located within the 500' notification area
- 2 returned notices of opposition from three property owners located outside of the 500' notification area

Several respondents expressed they are in opposition of 'multi-family' housing at this location; however, to be clear – Mr. Miller shared that this request is solely for corporate offices.

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

Phil Wagner, the applicant and CEO of the Rockwall Economic Development Corporation (REDC), came forth and thanked Council for its consideration of this request. He pointed out that one goal of this project is 'diversification of the tax base.' He shared brief statistics about 'tax bases,' including the benefits of diversification of the tax base and how doing so benefits residential property owners in the city. He shared how this proposed project, if approved, will provide 'shovel ready,' future office space, which will create jobs within the community. He believes 800 potential jobs could ultimately be created if this project were to be approved.

Harold Snyder
1519 Murphy Drive
Rockwall, TX

Mr. Snyder came forth and spoke about the traffic-related impacts that are plausible if this project is approved. Mayor Johannesen thanked Mr. Snyder for his numbers-based approach at evaluating the possible traffic-related impact. Mr. Snyder went on to share additional details regarding the traffic that this project could have in the future if it gets approved. He agrees that everything the REDC has developed in the past has been 'first class.' However, he fears that as development continues, the traffic on Ridge Road will only worsen. Councilmember Thomas asked Mr. Snyder what type of development he feels would be ideal on this particular piece of property. He believes that perhaps a 90' limitation on the height would be ideal, as approving a lower building height (less 'floors') would perhaps postpone the need to widen Ridge Road in the future (as it would generate less traffic).

John McAnally
1600 Ridge Road
Rockwall, TX

Mr. McAnally indicated that his property is 4 acres in size and is located directly across from this property. He checked what this property could possibly be zoned as and/or developed as in the future when he purchased his property, before he decided to build his home. He is opposed to approval of this request, as having a tall, multi-story office building located right beside his residential home is not desirable. He is appalled and thinks this having been approved by the city's P&Z Commission is unbelievable. He walked and knocked on the doors of all residential homes in this area, every person he spoke with said they did not know this is being proposed, and all of them were opposed to its approval. This will just add more and more traffic to Ridge Road. This is not a project that should be built across the street from a residential neighborhood. Mayor Johannesen asked Mr. McAnally what he suggests might be suitable to be approved on this site (in lieu of this proposal). Mr. McAnally did not really answer this question but proceeded to share strong comments of opposition regarding this proposal's potential approval. He believes there is other land elsewhere in Rockwall that is a lot better suited for this type of tall office building.

Mayor Johannesen shared comments regarding private property ownership and how the council, as a body, has to attempt to make the best and wisest choices for the city as a whole. He expressed that this proposal is more ideal than previous multi-family housing proposals that previously came forth and were denied by past city councils.

Councilmember Jorif pointed out that this property has been zoned as "General Retail" for many years.

Mayor Johannesen expressed he hopes Mr. McAnally feels that he has been heard this evening. He sympathizes with his dislike of this proposal, but pointed out that the meeting does need to move along at this point.

James Neutell
101 Becky Lane
Rockwall, TX

Mr. Neutell indicated he shares some of the same concerns Mr. McAnally expressed, and he thanked Mr. Snyder for the traffic-related analyses that he has provided. He wonders if an actual traffic impact analysis has or will be conducted. He pointed out that traffic on Ridge Road is very congested currently, and drives existing the residential neighborhood sometimes have to wait long periods of time to even be able to get out onto Ridge Road.

Mayor Johannesen shared that a traffic impact analysis has not yet been conducted, as it is not yet time (in the process) to do so. Planning Director, Ryan Miller, provided clarification on what the process is and what is being requested tonight associated with this case.

Mr. Neutell shared that he would have no objection to seeing a residential neighborhood of 30-40 homes on this particular piece of property, but he knows that may not happen.

Francine Nuetell
101 Becky Lane
Rockwall, TX

Mrs. Nuetell shared concerns regarding the traffic-related statistics and how approval of things like this tonight will result in additional traffic.

Mayor Johannesen pointed out that the city is growing at about 3%, and growth is inevitable. The City

has to try and ensure that, as best as possible, it grows in the best way possible.

Mrs. Nuetell shared that she is retired, and she has only lived here a couple of years. She does not have to commute in and out of the city for work, but she knows some people who do have to do so.

Mayor Johannsen pointed out that the REDC being the applicant in this instance is advantageous because the city and its governing body (the city council) has control over the REDC and any future project that might get approved to be built at this location. He shared that the city council has to balance private property rights alongside smart growth for the city.

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

Councilmember McCallum thanked the citizens for giving the Council a lot to think about. The Council is not approving a 90' building today. It would be approving a zoning change. He went on to explain the mission of the REDC, which – in part – is to stabilize and keep our city's tax base diverse. Potential approval of this request by the REDC will along the Council a lot more input into what will eventually be built on this site. That is far different than if this site were developed by a private developer who has no real vested interest in our city. He went on to share more details about the REDC, its board, and how much the REDC, its appointed board members, and the city council do care about having only the highest quality development come to fruition at this location.

Councilmember McCallum then moved to approve Z2023-053. Councilmember Thomas seconded the motion. Councilmember Moeller shared that he knows the traffic is concerning in the city; however, growth is inevitable. He believes that if this site were developed as 'general retail,' the traffic that would be generated would probably actually be worse than if this zoning change gets approved and office spaces are built. Councilmember Campbell acknowledged that traffic in this area and along Ridge Road is very congested. Councilmember Jorif attempted to further clarify the process associated with this zoning change request and any potential, future development / building that would occur on this piece of property. He sympathizes with the concerns that residents have expressed regarding traffic concerns, as he too has to traverse Ridge Road daily to take his child to and from school. Councilmember Campbell pointed out that TXDOT is in control of Ridge Road, and TXDOT does nothing unless or until development actually occurs. Mayor Johannesen concurred with Campbell's comments, emphasizing that TXDOT, unfortunately, builds and expands roads in a reactive, rather than a proactive, manner.

The ordinance caption was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 24-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING PLANNED DEVELOPMENT DISTRICT 4 (PD-4) [ORDINANCE NO. 72-03 & 01-26] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, FOR THE PURPOSE OF AMENDING PLANNED DEVELOPMENT DISTRICT 4 (PD-4) BEING 12.1148-ACRE TRACT OF LAND IDENTIFIED AS TRACT 2 OF THE D. ATKINS SURVEY, ABSTRACT NO. 1, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED AND DEPICTED HEREIN BY EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion to approve the case passed unanimously of Council (7 ayes to 0 nays).

XI. Action Items

1. Discuss and consider approval of a resolution setting solid waste collection rates, and take any action necessary.

City Manager, Mary Smith, shared that the resolution will set the rates for our city residents. She explained that an annual CPI of 3% was included in the contract we have in place with Republic Waste. The last few years, that 3% has been very much to our (the city's) advantage. That 3% reflected in the contract automatically goes into effect annually. This resolution just sets those rates and applies them to our residents and businesses. The 3% increase is included in the resolution with the only thing having increased more than 3% is an additional 'yardage fee' where certain businesses – rather than having the dumpster size they need – let waste just pile up on the ground. So there is a fee imposed for those businesses, encouraging them to actually obtain the correct sized dumpster.

Following Mrs. Smith's comments, Councilmember Lewis moved to approve the resolution setting solid waste collection rates. Councilmember McCallum seconded the motion. Following brief additional positive commentary on how good (overall) the twice-weekly trash service is here in Rockwall, the motion to approve the resolution passed by a vote of 7 ayes to 0 nays.

2. Discuss and consider approval of a resolution setting water and wastewater rates and associated deposits, and take any action necessary

City Manager Mary Smith provided brief background information regarding this agenda item. She pointed out that, unfortunately, the City does not have a lot of control over what our costs are related to the provision of water and the treatment of wastewater provided to the city from the N. TX Municipal Water District (NTMWD). While we do try and keep our own, local expenses down as much as possible, those expenses overall do get extended to our residential and business customers in the city. She hates rate increases, both for resident and business customers who are impacted and also for city staff who have to address unhappy customers who are upset about rates being increased. Mrs. Smith indicated and an outside consultant will also soon be evaluating water and wastewater services to ensure the city is in a good position to be able to continue to run those utility-related services that we run. Mayor Johannesen pointed out that we are not just only paying for the water itself, we are also paying for the pipes and infrastructure to run these services, and those are very expensive. Following brief comments, Councilmember Jorif moved to approve the resolution. Councilmember Thomas seconded the motion, which passed by a vote of 7 ayes to 0 nays.

3. Discuss and consider authorizing the City Manager to execute an agreement extension with HHW Solutions for collection of household hazardous waste and e-waste items, and take any action necessary.

Mrs. Smith, City Manager, provided brief background information on this item. This agreement has been in place for the last few years, and – to her knowledge – city staff has heard no complaints at all regarding this service. She reminded Council that this service allows residents to call in and schedule a front-porch pick-up of these sorts of household hazardous waste items. So, it is very convenient for residents. Following brief comments, Councilmember McCallum moved to authorize the city manager to execute the agreement extension. He commented how fantastic this service is for our citizens. Councilmember Moeller seconded the motion, which passed unanimously of Council (7 ayes to 0

nays).

XII. Adjournment

Mayor Johannesen again congratulated City Manager Mary Smith on her twenty-five years of service with the City of Rockwall. Additionally, Councilmember Lewis thanked Fire Chief Cullins for the tremendous job Rockwall Fire Department did in assisting on recent fires that occurred in an adjacent municipality.

Mayor Johannesen adjourned the meeting at 7:29 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS
2nd DAY OF JANUARY, 2024.**


TRACE JOHANNESSEN, MAYOR

ATTEST:


KRISTY TEAGUE, CITY SECRETARY

