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**ROCKWALL CITY COUNCIL REGULAR MEETING**  
**Tuesday, February 22, 2022 - 5:00 PM**  
**City Hall Council Chambers - 385 Goliad St., Rockwall, TX 75087**

**I. CALL PUBLIC MEETING TO ORDER**

**Mayor Fowler called the meeting to order at 5:00 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem John Hohenshelt, and Councilmembers Clarence Jorif, Dana Macalik, Trace Johannesen, Anna Campbell and Bennie Daniels. Also present were City Manager Mary Smith, Assistant City Manager Joey Boyd, and City Attorney Frank Garza. Mayor Fowler read the below listed discussion items into the record before recessing the public meeting to go into Ex. 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 possible sale/purchase/lease of real property in the vicinity of the Harbor District pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).**
- 2. Discussion regarding legal advice associated with homeowners association (HOA) regulations within the city pursuant to Section 551.071 (Consultation with Attorney).**

**III. ADJOURN EXECUTIVE SESSION**

**Council adjourned from Ex. Session at 5:40 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 JORIF**

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

**VI. PROCLAMATIONS / AWARDS / RECOGNITIONS**

- 1. Parks Maintenance State Champions Day**

**Mayor Fowler called forth Parks Director, Travis Sales who provided an explanation of this competition and the various staff members of Rockwall Parks Department who 'placed' at the competition. Mayor Fowler then read and presented staff with this proclamation, recognizing them for their recent "State Championship" win.**

**VII. OPEN FORUM**

**Mayor Fowler explained how Open Forum is conducted and asked if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed Open Forum.**

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

**Council took no action as a result of Ex. Session.**

## IX. CONSENT AGENDA

1. Consider approval of the minutes from the February 7, 2022 regular City Council meeting, and take any action necessary.
2. Consider authorizing the City Manager to execute a proposal with Kofile, Inc. to preserve and scan the City's old, historic record books in the amount of \$31,740.09 to be paid for out of the Administration's Legal Budget, and take any action necessary.
3. Consider approval of the Rockwall Police Department's 2021 Racial Profiling Report, and take any action necessary.
4. **P2022-003** - Consider a request by Chase Finch of Corwin Engineering, Inc. on behalf of Kyle Tressler of Qualico Development (US), Inc. for the approval of a Final Plat for the Nelson Lake Subdivision being a 120.90-acre tract of land identified as Tract 2 of the J. M. Gass Survey, Abstract No. 88, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 90 (PD-90) for Single-Family 10 (SF-10) District land uses, generally located at the southeast corner of the intersection of FM-1141 and FM-552, and take any action necessary.

**Councilmember Johannesen moved to approve the entire Consent Agenda (#s 1, 2, 3, and 4), as presented. Councilmember Jorif seconded the motion, which passed unanimously (7 – 0).**

## X. APPOINTMENT ITEMS

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

**No one was present from the P&Z Commission, so this item was not addressed.**

2. Appointment with Rockwall resident, Joel Marlowe to hear request pertaining to keeping a set of stairs and pitching mound located on city property behind his home at 418 Sonoma Drive, and take any action necessary.

**Joel Marlowe  
418 Sonoma Drive  
Rockwall, TX 75087**

**Mr. Marlowe indicated that there are a set of stairs that he constructed on the rear of the retaining wall located at the back of his home. The stairs have been there about 4 years, and there is also a pitching mound he installed that has been there for about a year (that he utilizes to teach pitching lessons to local, special needs kids). He went on to share that city staff recently contacted him to let him know that these items were built on city-owned property and that they need to be removed. He is here this evening to request that city council allow him to keep these items in place, even though they are built on city property.**

**Mayor Fowler generally shared that he is not in favor of allowing Mr. Marlowe to keep the items in tact, as approving them to stay would essentially set a precedence that he is not interested in establishing. Councilmember Macalik generally expressed that she agrees with**

Mayor Fowler's sentiments. Councilmember Johannesen pointed out that the landowner on which the items are built/placed has legal 'liability,' so - in addition to approving this would be setting an undesirable precedence – he is not in favor of allowing the items to stay. Councilmember Jorif pointed out that if someone were to get hurt, the city would (by default) assume liability from a legal standpoint. General indication was given that Council would not be taking any action to grant permission for Mr. Marlowe to keep the stairs and pitching mound in place.

Mayor Fowler announced that Action Item #1 has been withdrawn by the applicant. In addition, Public Hearing item #5 will be addressed next on the agenda by Council.

#### XI. PUBLIC HEARING ITEMS

1. **Z2022-001** - Hold a public hearing to discuss and consider a request by Asher Hamilton of RIV Properties, LLC on behalf of Michael Gibson of Marion E. Wilson, Michael White, Dimensions Real Estates Services, LLC; Mark R. Carson; Allen Anderson; Gary Shultz of Culpepper/Spatex JV; and Robert Fields of In the Estate of Ernest Fields 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, 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 on this agenda item. The applicant is asking to construct a 176 unit condominium subdivision with detached amenity center. The proposed condominium building will be a wrap product (*i.e. the building will wrap around a structured parking garage*) and consist of approximately 104, one (1) bedroom units and 72, two (2) bedroom units. As part of this development the applicant will be required to extend Glen Hill Way around the proposed building, connecting it to the section of Pinnacle Way Drive adjacent to Trend Tower and the stub of Pinnacle Way Drive of off Horizon Road. Based on the building configuration depicted on the applicant's concept plan, this portion of Pinnacle Way Drive (*i.e. the portion connecting to Horizon Road*) will be required to be renamed as a continuation of Glen Hill Way. Incorporated into the building will be an ~7,546 SF amenities center, pool area, and courtyard. The concept plan also has two (2) plaza spaces and a dog park labeled; however, no exhibits or concepts have been provided for these areas yet. Mr. Miller went on to point out that the intended use for this sub district has been slated as 'office use,' not residential, so this proposal does not meet the intent of this sub district; however, granting waivers for this request is at the discretion of Council.

On January 14, 2022, staff mailed 45 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Lakeside Village and Lago Vista Homeowner's Associations (HOAs), which were the only HOAs within 1,500-feet of the subject property participating in the Neighborhood Notification Program. At the time this report was drafted, staff had received the following:

(1) Three (3) property owner notifications and a letter from one (1) property owner within the 500-foot notification area indicating they are in favor of the applicant's request. Staff should

note that this property owner is the owner of 16 of the parcels of land that make up the subject property.

(2) One (1) letter from one (1) property owner within the 500-foot notification area indicating they are in favor of the applicant's request. Staff should note that this property owner is the owner of two (2) tract of land that make up the subject property.

The P&Z Commission did vote 6-0 to recommend approval of this request to City Council.

Mayor Fowler called forth the applicant to speak at this time (he did not provide a name/address). The applicant went on to provide a presentation to Council that gave additional details regarding this proposed 4-5 story condominium development.

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

The applicant indicated that this property will be individually deeded to one person (as in, all units will be rented from one individual).

At the request of Councilmember Johannesen, Mr. Miller provided a brief description of the various waivers that the applicant is seeking to obtain as part of Council approving this case (the intent of the sub-district (which was intended to be two office buildings, not 'residential') and a waiver related to the roadway).

Mayor Pro Tem Hohenshelt provided comments pertaining to changing the 'character' of the sub-district, as it was originally intended. He questions if there is any other space located in this area where office building(s) could be constructed within PD-32. Indication was given that there is no other location(s) where office buildings could/would be built. General discussion ensued pertaining to what additional parcels of land remain within this district and what those parcels could be used for. At the request of Councilmember Daniels, Mr. Miller provided more specific details about what the applicant is proposing to do regarding Pinnacle Way Drive and Glen Hill Way as well as the proposed placement of the amenity center.

Following extensive discussion, Mayor Pro Tem Hohenshelt moved to approve Z2022-001. Councilmember Jorif seconded the motion. Various comments were made, generally indicating that these are difficult pieces of property that are going to be combined in a way that makes sense. The ordinance caption was read as follows:

CITY OF ROCKWALL  
ORDINANCE NO. 22-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, 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 passed by a vote of 7 ayes to 0 nays.**

- 2. Z2022-002 - Hold a public hearing to discuss and consider a request by Louis Clark of KinoD LLC on behalf of D. W. Bobst of 101 Hubbard Dr. LLC, Gary Shultz of Culpepper/Spatex JV, and Allen Anderson for the approval of an ordinance for a *PD Development Plan* for a 42-unit condominium and retail/office building on a 1.20-acre tract of land identified as Lot 1, Block D, Harbor District Addition and Lots 3 & 4, Block 11 and Lots 1, 2, 3, & 4, Block 12, Moton Addition, City of Rockwall, Rockwall County, Texas, situated within the *Hillside Mixed Use Subdistrict* of Planned Development District 32 (PD-32), generally located at the northeast corner of the intersection of Sunset Ridge Drive and Summer Lee Drive, and take any action necessary (1st Reading).**

**Planning Director, Ryan Miller provided background information pertaining to this agenda item. The applicant is requesting the approval of a PD Development Plan for 42 urban residential units for the purpose of constructing a condominium building. This is located within a mixed-use sub district within PD-32, and it basically situated right in the middle of the entire Harbor District. The proposed condominium building will be a podium product (i.e. the building will be constructed on top of a structured parking garage) and consist of approximately 12, one (1) bedroom units; 21, two (2) bedroom units; and nine (9), three (3) bedroom units. The applicant has stated that these units will be a for sale product (i.e. sold to different property owners as opposed to all the deeds being owned by one [1] property owner and rented out). There will be a 1,600-1,700 square foot amenity center with a swimming pool, basketball court and tennis court. Waivers such as lot coverage and driveways are addressed within the proposed PD Development Plan being proposed. The development does seem to conform to the intent of the sub-district. Twenty notices were sent out to adjacent land and property owners within 500' of the subject property. Staff received 11 notices back in favor from individuals located within the 500' buffer, and two emails from individuals not located within 500' were received in opposition of the project. Also, one reply 'in favor' of the proposal was received by staff via an online submission today. The P&Z Commission did vote 6-0 (with one recusal) to recommend approval of this request to City Council.**

**Mayor Fowler called forth the applicant/applicant's representatives. The applicant's architect and design/build engineer came forth and provided comments to Council, briefly explaining this proposed condominium development overall. (Note: the names and company names of the two speakers were verbally provided but were indistinguishable).**

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

**Councilmember Jorif asked for clarification on where the access road will be located on Summer Lee Drive. Mr. Miller pointed out that it is located at the back of the property. General discussion ensued pertaining to expected traffic flow and ingress/egress access points.**

Councilmember Daniels moved to approve Z2022-002. Councilmember Campbell seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL  
ORDINANCE NO. 22-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 1.20-ACRE TRACT OF LAND IDENTIFIED AS LOT 1, BLOCK D, HARBOR DISTRICT ADDITION AND LOTS 3 & 4, BLOCK 11 AND LOTS 1, 2, 3, & 4, BLOCK 12, 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 passed by a vote of 7 ayes to 0 nays.

3. **Z2022-003** - Hold a public hearing to discuss and consider a request by Bowen Hendrix of DuWest Realty, LLC on behalf of John Arnold of the Skorburg Company for the approval of an ordinance for a *Specific Use Permit (SUP)* for a *Restaurant 2,000 SF or More with Drive Through or Drive-In* for the purpose of constructing two (2) restaurants on an 8.684-acre tract of land identified as Tract 3-10 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, being zoned Planned Development District 70 (PD-70) for limited General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, generally located at the northeast corner of the intersection of E. Quail Run Road and N. Goliad Street [SH-205], and take any action necessary (**1st Reading**).

Mr. Miller provided background information on this agenda item, indicating that the subject property is located just north of an existing CVS store. Following the approval of Ordinance No. 22-01, the applicant -- Bowen Hendrix of DuWest Realty, LLC - submitted an application on January 18, 2022 requesting the approval of a Specific Use Permit (SUP) for a Restaurant, Less Than 2,000 SF with Drive-Through or Drive-In. The applicant changed the request on January 21, 2022 to a Specific Use Permit (SUP) for a Restaurant, 2,000 SF or More with Drive-Through or Drive-In. The purpose of these applications was to construct two (2) drive-through restaurants within the two (2) ~10,000 SF multi-tenant restaurant/retail buildings. The subject property is located north of the intersection of E. Quail Run Road and N. Goliad Street [SH-205]. Three-tiered screening is being proposed, and stacked drive-thrus are also being proposed. On January 14, 2022, staff mailed 62 notices to property owners and occupants within 500-feet of the subject property notifying them that the applicant was requesting a Specific Use Permit (SUP) for a Restaurant, Less Than 2,000 SF, with Drive-Through or Drive-In; however, on January 21, 2022 the applicant notified staff that the request was changing to a Specific Use Permit (SUP) for a Restaurant, 2,000 SF or More, with Drive-Through or Drive-In. In response to this change staff mail 62 updated notices on January 25, 2022 to property owners and occupants within 500-feet of the subject property. Staff also notified the Stone Creek, Quail Run Valley, the Shores on Lake Ray Hubbard, Random Oaks/Shores, and Lakeview

Summit Homeowner's Associations (HOAs), which were the only Homeowners' Association (HOAs) and/or Neighborhood Organizations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. At the time this report was drafted, staff had received the following:

- (1) One (1) property owner notification from a property owner within the 500-notification area in opposition to the applicant's request.
- (2) One (1) email from property owner within the 500-notification area in opposition to the applicant's request.
- (3) One (1) email from a property owner within the 500-notification area stating concerns with traffic and requesting that a traffic light be installed at the intersection of Quail Run Road and Audobon Lane.

Additionally, the P&Z Commission has recommended approval of this request by a vote of 7-0.

The applicants came forth and introduced themselves. Mayor Fowler then opened the public hearing, asking if anyone would like to come forth and speak at this time.

Bob Wacker  
309 Featherstone  
Rockwall, TX

Mr. Wacker indicated that neighbors are concerned about the view, and he would like the applicant to present some plans that show what the rear will look like and what the buffer will look like. He has concerns about ensuring that people stay out of the detention pond areas. He wants to also ensure residents have access to the hike and bike trails, and he would like residents to be able to access the development on their golf carts. He wants to ensure the floodplain study is completed and properly approved.

There being no one else wishing to come forth at this time, Mayor Fowler then closed the public hearing. Councilmember Johannesen asked for brief clarification on the process, following action on this item tonight. Mr. Miller explained 'next steps.' Then, Councilmember Jorif moved to approve Z2022-003. Councilmember Johannesen seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL  
ORDINANCE NO. 22-XX  
SPECIFIC USE PERMIT NO. S-2XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 70 (PD-70) [ORDINANCE NO. 19-41] 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 TWO (2) RESTAURANTS, 2,000 SF OR MORE, WITH DRIVE-THROUGH OR DRIVE-IN ON A 8.684-ACRE TRACT OF LAND IDENTIFIED AS TRACT 3-10 OF THE S. KING SURVEY, ABSTRACT NO. 131, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DESCRIBED IN EXHIBIT 'A' AND 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 7 ayes to 0 nays.**

- 4. Z2022-004 - Hold a public hearing to discuss and consider a request by Mike and Mary Frasier for the approval of an ordinance for a Specific Use Permit (SUP) for a *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* on a 0.74-acre parcel of land identified as Lot 13, Block E, Wade Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 704 Jackson Street, and take any action necessary (1st Reading).**

**Planning Director Ryan Miller provided background information on this agenda item. The applicant is asking for approval of an SUP to construct a two-story shop with storage that will incorporate a restroom facility. So, because it will have a restroom, that is why this is being presented as 'guest quarters.' It will be 1,000 sq. feet in size, and the exterior cladding will be complimentary to the façade of the existing (home's) structure. This secondary structure will be lower than the primary structure, as the property at the rear where this will be constructed has a downward land slope. 110 notices were sent out to adjacent property and land owners located within 500'. Two notices were received back in opposition. One was received back in favor, and one reply was from someone wanting additional information (not stating 'in favor' or 'opposed'). The P&Z Commission has recommended approval of this request by a vote of 7 ayes to 0 nays.**

**Mayor Fowler called the applicant forth, but the applicant did not speak.**

**Mayor Fowler opened the public hearing, asking if anyone in the audience would like to come forth and speak at this time. There being no one indicating such, Mayor Fowler then closed the public hearing.**

**Mayor Pro Tem Hohenshelt moved to approve Z2022-004. Councilmember Macalik seconded the motion. Councilmember Campbell asked if this addition could be rented out as living quarters at some point in the future. Mr. Miller indicated that - yes - it is possible; however, the applicant has indicated an intention to utilize it as a shop. The ordinance caption was read as follows:**

**CITY OF ROCKWALL  
ORDINANCE NO. 22-XX  
SPECIFIC USE PERMIT NO. S-2XX**

**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 *GUEST QUARTERS/SECONDARY LIVING UNIT/ACCESSORY DWELLING UNIT* TO ALLOW THE CONSTRUCTION OF A *GUEST QUARTERS* ON A 0.74-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 13, BLOCK E, WADE 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.

5. **Z2022-005** - Hold a public hearing to discuss and consider a request by Perry Bowen of Perry Bowen Homes, LLC for the approval of an ordinance for a *Specific Use Permit (SUP)* for Residential Infill Adjacent to an Established Subdivision on a 0.49-acre parcel of land identified as Lot 2, Block A, Haley & Kyle Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 503 S. Clark Street, and take any action necessary (1st Reading).

Planning Director, Ryan Miller provided background information pertaining to this agenda item. The applicant is wanting to construct a single-family home within an established, residential subdivision. Council is being asked to evaluate the size, location and architecture of the proposed home compared to other, existing homes within the community. Notices were sent out to 69 residents and property owners located within 500' of the subject property. Two notices were received back in favor. Also, the Park Place HOA was also notified. Planning & Zoning has recommended approval of this agenda item to the City Council.

Mayor Fowler opened the public hearing, but no one came forth to speak, so he closed the public hearing. Mayor Pro Tem Hohenshelt then moved to approve Z2002-005. Councilmember Campbell seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL  
ORDINANCE NO. 22-XX  
SPECIFIC USE PERMIT NO. S-2XX

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 RESIDENTIAL INFILL ADJACENT TO AN ESTABLISHED SUBDIVISION TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.49-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 2, BLOCK A, HALEY & KYLE 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.

## XII. ACTION ITEMS

1. **MIS2022-001** - Discuss and consider a request by Clark Staggs of Foxtrot 46 Development on behalf of Neil Gandy of ADD Real Estates for the approval of a *Miscellaneous Case* for an *Alternative Tree Mitigation Settlement Agreement* for a 6.60-acre tract of land being a portion of Tract 21 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally

located on the north side of Airport Road east of the intersection of Airport Road and John King Boulevard, and take any action necessary.

**Indication was given that the applicant has requested to withdraw this case. So it was not heard, and no action was taken.**

2. **A2022-001** - Discuss and consider the approval of an ordinance reducing the City of Rockwall's Extraterritorial Jurisdiction (ETJ) by releasing a 313.936-acre tract of land identified as Tracts 2 & 2-1 of the F. Baugess Survey, Abstract No. 7, Rockwall County, Texas, generally located adjacent to Edwards Road south of FM-550, and take any action necessary **(1st Reading)**.

**Planning Director, Ryan Miller provided background information concerning this agenda item. Staff has received a request for the city consider dropping this property from its ETJ and nullifying the existing 212 development agreement currently in place. Per the applicant's email, the reason the release is being requested is to allow for the development of future phases of the Sonoma Verde Subdivision.**

**Following brief discussion, Mayor Pro Tem Hohenshelt moved to approve A2022-001, removing this land from the city's ETJ per the ordinance. Councilmember Campbell seconded the motion. The ordinance caption was read as follows:**

**CITY OF ROCKWALL  
ORDINANCE NO. 22-XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, REDUCING ITS EXTRATERRITORIAL JURISDICTION (ETJ) BY RELEASING SUCH TERRITORY DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE TO THE COUNTY OF ROCKWALL; ESTABLISHING THE NEW CORPORATE BOUNDARIES OF THE CITY OF ROCKWALL; PROVIDING FOR AMENDING AND CORRECTING THE OFFICIAL CORPORATE AND EXTRATERRITORIAL BOUNDARIES OF THE CITY AS HERETOFORE ADOPTED AND CORRECTING THE OFFICIAL CITY MAPS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**XIII. 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 possible sale/purchase/lease of real property in the vicinity of the Harbor District pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
2. Discussion regarding legal advice associated with homeowners association (HOA) regulations within the city pursuant to Section 551.071 (Consultation with Attorney).

**XIV. 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.**

XV. ADJOURNMENT

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

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 7<sup>th</sup>  
DAY OF MARCH, 2022.



\_\_\_\_\_  
KEVIN FOWLER, MAYOR

ATTEST:

  
KRISTY TEAGUE, CITY SECRETARY

