

MINUTES



ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, March 16, 2020 - 5:00 PM

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

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the meeting to order at 6:00 p.m. with the following council members and staff being present: Mayor Jim Pruitt, Mayor Pro Tem Dana Macalik, Council Members Patrick Trowbridge, John Hohenshelt, Kevin Fowler, Trace Johannesen, and Bennie Daniels, City Manager Rick Crowley, Assistant City Manager Joey Boyd. City Attorney Frank Garza was absent from the meeting.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER HOHENSHELT

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

III. PROCLAMATIONS

1. Hometown Hero - Marilyn King
2. Autism Awareness Day
3. Medal of Honor Day

Mayor Pruitt introduced our next Hometown Hero, Marilyn King, explaining that this recognition will be postponed until a later meeting because of everything going on with the COVID-19 virus outbreak.

The mayor then read into the record the proclamation for Autism Awareness Month.

Pruitt provided comments of encouragement to parents pertaining to RISD extending Spring Break for an additional week and perhaps for the remainder of this school year.

Next, he read the proclamation for Medal of Honor Day.

IV. OPEN FORUM

Kristy Cole read the comments submitted via email by Ms. Tamara Hurd.

"Many of our neighboring cities and counties are being proactive in an effort to flatten the curve of COVID-19, including closing restaurants and bars (excluding drive-thru/carry outs). What is Rockwall doing to do its part?"

Tamara Hurd
2908 Panhandle Dr, Rockwall, TX 75087"

There being no further public comments, Mayor Pruitt then closed Open Forum.

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

See action taken at the end of the meeting (as Council did not convene in Executive Session prior to the start of the 6:00 p.m. meeting agenda).

VI. CONSENT AGENDA

1. Consider approval of the minutes from the March 2, 2020 regular City Council meeting, and take any action necessary.
2. Consider approval of an ordinance cancelling the May 2, 2020 General Election, and take any action necessary. (2nd Reading)
3. Consider approval of a professional engineering services contract with Birkhoff, Hendricks, & Carter, L.L.P., to perform the Risk and Resilience Analysis and the Emergency Response Plan for the City of Rockwall's water system in an amount not to exceed \$79,570.00, to be funded out of the Water and Sewer Fund, and take any action necessary.
4. Consider approval of a professional engineering services contract with Volkert, Inc., to perform the utility relocation analysis for the construction of Interstate 30 in an amount not to exceed \$52,315.00, to be funded out of the Water and Sewer Fund, and take any action necessary.
5. Consider awarding a bid to Magnum Manhole and authorizing the City Manager to execute a contract for the Manhole Rehabilitation Project totaling \$125,000 to be funded out of the Water and Sewer Fund, Sewer Operations Budget, and take any action necessary.
6. **P2020-010** - Consider a request by Rob Whittle for the approval of a Replat for Lot 24, Block E, Chandlers Landing, Phase 16 Addition being a 0.16-acre parcel of land identified as Lot 16, Block E, Chandlers Landing, Phase 16 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single-family land uses, addressed as 295 Victory Lane, and take any action necessary.
7. **P2020-011** - Consider a request by Jim Ziegler of Pegasus Ablon for the approval of a Replat for Lots 10, 11, & 12, Block A, Harbor-Rockwall Addition being a 6.119-acre parcel of land identified as Lot 9, Block A, Harbor-Rockwall Addition, 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 southwest corner of the intersection of Lakefront Trail and the IH-30 frontage road, and take any action necessary.

Councilmember Daniels pulled Consent Agenda item #4 for discussion. Councilmember Daniels moved to approve the Consent Agenda, less item #4 (#s 1, 2, 3, 5, 6 and 7). Councilman Trowbridge seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 20-04**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS DECLARING UNOPPOSED CANDIDATES FOR THE OFFICES OF CITY COUNCILMEMBER PLACE 2, CITY COUNCILMEMBER PLACE 4, AND CITY COUNCILMEMBER PLACE 6, AS ELECTED; PROVIDING THAT THE MAY 2, 2020 GENERAL MUNICIPAL ELECTION SHALL NOT BE HELD; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR AN EFFECTIVE DATE.

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

Regarding Consent Agenda item #4, Councilmember Daniels sought clarification on this expenditure. Mrs. Williams clarified that this is related to 'utility conflicts,' if there are any. The State will reimburse the city – if there are any – but the city has to pay for this upfront and then be reimbursed. Mayor Pruitt moved to approve Consent Agenda item #4. Councilman Daniels seconded the motion, which passed unanimously of those present (7 ayes to 0 nays).

VII. APPOINTMENT ITEMS

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

This item was not addressed by Council.

- 2. Appointment with Kevin Post of the NRA Foundation regarding waiving a the fees for renting The Lone Star Room at The Center on July 18th for their 3rd annual fundraising event, and take any action necessary.**

This item was not addressed by Council.

VIII. PUBLIC HEARING ITEMS

- 1. Z2020-001 - Hold a public hearing to discuss and consider a request by Chris Kehrer of Titan Contractors on behalf of the owner David Choate for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a Single-Family 1 (SF-1) District for a one (1) acre parcel of land identified as Lot 8, Block B, Zion Hill Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 844 Zion Hill Circle, and take any action necessary (1st Reading).**

Planning Director, Ryan Miller provided background information pertaining to this agenda item. Notices were sent out to adjacent property owners and residents located within 500' of the subject property. One notice was received back in favor. There were no homeowners associations (HOAs) to notify.

Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and address the Council at this time. There being no one indicating such, he then closed the Public Hearing.

Councilman Hohenshelt sought and received clarification regarding this request and the anticipated, future request that the applicant will be submitting.

Hohenshelt moved to approve Z2020-001. Councilmember Trowbridge seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 20-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A SINGLE-FAMILY 1 (SF-1) DISTRICT FOR A ONE (1) ACRE PARCEL OF LAND IDENTIFIED AS LOT 8, BLOCK B, ZION HILL ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, ADDRESSED AS 844 ZION HILL CIRCLE AND BEING MORE SPECIFICALLY 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. Z2020-002 - Hold a public hearing to discuss and consider a request by Reese Baez on behalf of the owner Amanda Henry for the approval of an ordinance for a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision for the purpose of constructing a single-family home on a 0.161-acre parcel of land identified as Lot 8, Block D, Foree Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 702 Parks Avenue, and take any action necessary (1st Reading).

Planning Director, Ryan Miller provided background information pertaining to this agenda item. He indicated, in part, that notices were sent out to adjacent land and property owners (115 of them) located within 500' of the subject property, and the Caruth Lakes HOA was also notified. Two notices in favor and two notices and four emails in opposition were received by staff related to this request. The Planning & Zoning Commission has recommended approval of this item.

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

Alison Odom
405 N. Fannin Street
Rockwall, TX

Ms. Odom came forth and shared that she wore her downtown Rockwall shirt today, and she has lived near downtown Rockwall since 2002. She feels it is important to note that there likely may be a 3rd item coming forth for placement of a structure on two, existing lots. She went on to quote the UDC, specifying the need for things to be visually and architecturally similar. She believes that the homes being proposed are 2,600 sq. Ft. and 2,200 sq. Ft., which she feels are too large. She generally feels like the Council should deny this SUP. She acknowledged that the applicant likely also loves downtown; however, she believes that approval of these two requests would result in structures that will not be visually similar to existing homes in the area. She believes that two or three homes on this/these lots would not be visually similar. She urged the Council to deny these requests.

Jeff Carroll
Carroll Architects
750 E. Interstate 30^{SEP} Rockwall, TX

Mr. Carroll came forth and shared that he is not the architect on this particular item - he is, however, the architect for the house associated with the next agenda item. He clarified that the square footage given for each of these homes includes the garage, porch, patio, etc. The actual square footage of these two houses is less than what has been specified within the request. He went on to compare the square footage of these two homes with the square footage of other, nearby homes, which he pointed out have similar square footages. He believes the 'craftsman' style of these two homes will fit in with the architecture of other, existing, nearby homes in this downtown area. He asked that Council consider his comments as part of their approval of these two requests this evening.

Jay Odom
405 N. Fannin St.
Rockwall, TX

Mr. Odom shared data from the remainder of the street (number of stories, sq. Footage, lot size, lot frontage size, etc). He expressed that he lives in this area and has a business in this area. So he has a specific interest in these two requests. He spoke briefly about tearing down homes versus improving existing homes. He believes that these homes will be favorable in some ways; however, he has concerns about density, and he believes that approval of these requests would set a precedence of 'tear down' and 'build new' as far as future homes and requests are concerned. He believes the density being this high is related to 'making money.' He thinks these homes would look better on larger lots, rather than putting them on two, separate, narrow lots. He went on to express that the data he has shared supports non-support / non-approval of these two requests this evening. He generally spoke in opposition of approval of these two requests.

Elizabeth Trowbridge
601 Parks Avenue
Rockwall, TX

Mrs. Trowbridge came forth and shared that she is completely in agreement with the sentiments previously expressed by the Odoms. She went on to share that the density concerns her. She pointed out that the proposed house are 150% larger than the other, nearby homes. Also, the density is notably larger. She wants something visually similar to other homes in the neighborhood. She has concerns about these homes being torn down in favor of developers coming in and building "McMansions." She generally spoke in opposition of these items tonight.

Reese Baez
102 S. Goliad
Suite 108
Triton General Contractor

Mr. Baez shared that Mr. Carroll pointed out that the square footages shown are not the actual square footage of the homes being proposed to be built. The square footages given include non-air conditioned spaces. Also, at least one of the homes that was torn down was not historic – it was built in the 1980s, so it's not truly a historic house. He shared that both of the applicants will be living in the houses – they are not building them to turn around and sell them. He generally spoke in favor of approval of these requests this evening.

Mark Fuqua
604 Parks Avenue
Rockwall, TX

Mr. Fuqua came forth and shared that he echoes the Odom's and Mrs. Trowbridge's concerns. He lives two doors down from these proposed homes. He has concerns about these houses taking up a lot more lot size than other, existing homes nearby. He is not in favor of older homes being torn down with massive houses being built in their place. He believes these homes are so large in comparison to the lot size. He does not have a problem with some of the houses being torn down; however, he does have a problem with the proposed size of the homes. He is generally not in favor of approval of these two requests.

Jim Turner
1691 E. Quail Run Road
Rockwall, TX

City Secretary Kristy Cole read Mr. Turner's comments (submitted via email) aloud. Mr. Turner has concern about the size of these homes in comparison to the lot size and the size of the nearby homes. He generally spoke in opposition of approval of these two requests.

Taylor & Price Pointer
602 Williams St.
Rockwall, TX

The Pointers wrote, expressing concern about the two homes to be placed on two of three lots on the old address of 702 Parks. They asked that the owner of the land build only the proposed two houses on the land that is available (so use the three lots as just two). Under the Unified Development Code, which was recently updated to protect established neighborhoods with no HOA, building only two houses spaced appropriately on the land available would remain "architecturally and visually similar or complementary to existing housing in the established subdivision." If three houses must be approved, we ask that they match the surrounding houses by decreasing the square footage to about 1600 sq ft to, again, match the neighborhood. They believe that approval of these requests may set a precedence that will encourage investors to buy homes, tear them down, and built large, newer homes. They believe this would change the look and charm of Old Town. They indicated that huge homes on small lots do NOT preserve the integrity of Old Town. They asked Council to please deny the SUP, or request the owner to build three smaller homes.

Council and staff further discussed the nature of this SUP request and sought and received some clarification regarding language included in the existing Unified Development Code (UDC) related to homes needing to be architecturally and visually similar to nearby structures.

Mr. Miller clarified that the only factors Council may consider when deciding to approve or disapprove this request is whether or not it is architecturally and visually similar to nearby structures. Clarification was given that the two dissenting votes related to the Planning & Zoning Commission recommending approval of the request were related to height concerns (but the height is conforming, per Mr. Miller).

Mr. Crowley, City Manager, further clarified that some recent legislative changes were made related to building materials.

Councilmember Hohenshelt clarified that we are talking about land coverage ratios....we regulate the "foot print" (the lot coverage ratio). Clarification took place regarding square footage numbers being discussed and shared this evening. The lot coverage ratio and height are both in compliance with our requirements. So the only thing to consider is visual similarity of these homes as compared to ones nearby.

Pruitt asked if anyone would like to make a motion at this time. He (Pruitt) then moved to deny this SUP request because it is difficult to decide if this proposed home is "visually similar" to other, nearby structures. Councilmember Daniels seconded the motion. It was pointed out that Councilman Trowbridge has recused himself from this agenda item tonight. Following additional discussion regarding the 'ramifications of denial' and a clarification of the motion to deny this request, the motion to deny failed by a vote of 2 in favor (of denial) (Pruitt and Johannesen) and 4 against (Daniels, Fowler, Hohenshelt, Macalik) and 1 recusal (Trowbridge).

Councilman Hohenshelt then moved to approve the SUP request. Councilmember Macalik seconded the motion. Mayor Pruitt asked if anyone else would like to speak. There being no one indicating such, he then closed the public hearing. The ordinance was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 20-XX
SPECIFIC USE PERMIT NO. S-1XX**

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 IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.161-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 8, BLOCK D, FOREE ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, 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 by a vote of 4 in favor with 2 against (Pruitt and Johannesen) and 1 recusal (Trowbridge).

3. **22020-003** - Hold a public hearing to discuss and consider a request by Reese Baez on behalf of the owner Amanda Henry for the approval of an ordinance for a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision for the purpose of constructing a single-family home on a 0.161-acre parcel of land identified as Lot 7, Block D, Foree Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 610 Parks Avenue, and take any action necessary **(1st Reading)**.

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. Rick Carroll came forth with Meg Murphy, new owner of Lot 16, to address Council concerning this Public Hearing item. He indicated that he is the architect of this home that is being proposed. This new landowner (Mrs. Murphy) grew up three blocks away, within this general neighborhood, and she is a Rockwall High School graduate. He pointed out that even though trees will have to be mowed down in order to actually construct this home, new trees will be planted as replacements. He pointed out that he and the landowner worked closely to ensure the Craftsman style and wood siding would fit in well with the existing neighborhood. The building elevations shown are the actual elevations that you will see once this home is built. He pointed out that existing homes could add additional square footage (i.e. a 3rd story) just by pulling a building permit.

Meg Murphy

Now owns "Lot 7" (the property in question)

Mrs. Murphy pointed out that she grew up nearby and her grandparents live two blocks away. She went on to share how important this request is to her and her family and the many reasons why. She pointed out that she and the architect (who is her dad) worked extremely hard to ensure the proposed home would match and compliment many of the other homes that are in the Old Town area of Rockwall. She pointed out that she is not asking for any variances. She shared that trees that were removed will be replaced with native, Texas, mature trees. She generally urged Council to approve this SUP request this evening.

There being no further public comments, Mayor Pruitt closed the public hearing.

Councilmember Macalik moved to approve the SUP request. Councilmember Hohenshelt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 20-XX

SPECIFIC USE PERMIT NO. S-1XX

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 IN AN ESTABLISHED SUBDIVISION TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.161-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 7, BLOCK D, FOREE ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, 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 to approve passed by a vote of 4 in favor, 2 against (Pruitt and Johannesen), and 1 recusal (Trowbridge).

4. **Z2020-004** - Hold a public hearing to discuss and consider a request by Ambrocio Ibarra on behalf of the owners Arturo and Jeaniffer Osornio for the approval of an ordinance for a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision for the purpose of constructing a single-family home on a 0.11-acre parcel of land identified as Lot 1, Block A, Sanger Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Southside Residential Neighborhood Overlay (SRO) District, addressed as 705 Peters Colony, and take any action necessary (1st Reading).

Planning Director, Ryan Miller provided background information pertaining to this agenda item. Notices were sent out (121 notices) to property owners within 500' of the subject property, and one notice in opposition was received back by the city.

Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak. There being none, he closed the public hearing.

Councilman Hohenshelt asked and received brief clarification regarding this request.

Councilman Hohenshelt moved to approve the item. Councilman Trowbridge seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 20-XX
SPECIFIC USE PERMIT NO. S-XXX

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 IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTIN OF A SINGLE-FAMILY HOME ON A 0.11-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 1, BLOCK A, SANGER ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, 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 by a vote of 7 ayes to 0 nays.

5. **Z2020-005** - Hold a public hearing to discuss and consider a request by Ambrocio Ibarra on behalf of the owners Arturo and Jeaniffer Osornio for the approval of an **ordinance** for a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision for the purpose of constructing a single-family home on a 0.11-acre parcel of land identified as Lot 1, Block A, Sanger Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Southside Residential Neighborhood Overlay (SRO) District, addressed as 703 Peters Colony, and take any action necessary **(1st Reading)**.

Planning Director, Ryan Miller provided background information pertaining to this agenda item. Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak. There being no one present indicating such, he then closed the public hearing.

Councilman Trowbridge moved to approve Z2020-005. Councilman Hohenshelt seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 20-XX
SPECIFIC USE PERMIT NO. S-XXX**

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 IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTIN OF A SINGLE-FAMILY HOME ON A 0.11-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 2, BLOCK A, SANGER ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, 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 by a vote of 7 ayes to 0 nays.

6. **22020-006** - Hold a public hearing to discuss and consider a request by the owner Greg Givens for the approval of an **ordinance** for a Specific Use Permit (SUP) for an accessory building that exceeds the maximum size requirements on a one (1) acre parcel of land identified as Lot 2, Block B, Saddlebrook Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 16 (SF-16) District, addressed as 2308 Saddlebrook Lane, and take any action necessary **(1st Reading)**.

Marty Wright
2340 Saddlebrook Lane

431 **Rockwall, TX**

432
433 **Mr. Wright came forth and shared that he had previously, personally come forth to ask for approval of**
434 **a detached garage. He pointed out that the square footage of what Mr. Givens is proposing does fall**
435 **within the same size of square footage of other detached garages that council has previously approved**
436 **in the past. He urged Council to use the same methodology of previously approved requests of this**
437 **nature in order to compare 'apples to apples.' Mr. Wright generally spoke in favor of Council approving**
438 **Mr. Givens' request this evening. He did, however, point out what he suspects are the real reasons why**
439 **his previously requested detached garage was denied by Council in the past (because it was proposed**
440 **to be a metal building). If this is all about square footage, he urged Council to approve Mr. Givens'**
441 **request this evening.**

442
443 **Jeff Barron**
444 **2324 Saddlebrook Lane**
445 **Rockwall, TX**

446
447 **Mr. Barron shared that he has only lived in this neighborhood for about 3 years. He went on point out**
448 **that they live near the county, not 'in' the county, and he has concerns about a metal building being**
449 **approved within the city limits. He does not believe that a metal building like this and of this size will**
450 **aesthetically look appealing and fit in with the surrounding neighborhood. He believes this metal**
451 **building will deteriorate faster than if it were brick. He urged Council not to approve this request**
452 **tonight.**

453
454 **Joyce Whisenhunt**
455 **2381 Saddlebrook**
456 **Rockwall, TX**

457
458 **This neighborhood began being built in 2001. She and her husband moved into their home in 2002. This**
459 **is a subdivision of about 45 homes, and it is a horseshoe shaped neighborhood that is surrounded by**
460 **the County, yet it is in the city. She shared that she believes the Givens are very nice people, and she**
461 **acknowledged they maintain their property very well. She and her husband acknowledge that the**
462 **Council cannot regulate building material any longer due to recent, new State law. However, she has**
463 **concerns about the large size of the proposed structure.**

464
465 **Mayor Pruitt called for a brief break and recessed the meeting at this point (7:40 p.m.).**
466 **He called the meeting back to order at 7:50 p.m.**

467
468 **Mrs. Whisenhunt came forth again to address Council. She showed a handout of information she**
469 **gathered on her own regarding detached garages that she obtained from the Central Appraisal District**
470 **website. She shared that there are 9 detached garages in the neighborhood, but she only has**
471 **information on 7 of them. All of them, she pointed out, are brick, and they all match the existing homes'**
472 **structures. She generally spoke in opposition to approval of this request this evening.**

474 **Lee Harvey**
475 **2361 Saddlebrook Lane**
476 **Rockwall, TX**
477

478 **He shared that he moved into this neighborhood back in 2012. He explained that the neighborhood**
479 **does not have an HOA, so the residents rely heavily on the City to help protect them. He pointed out**
480 **that several neighbors are in opposition of this request. He generally expressed concern about the**
481 **Council possibly approving this request this evening. He spoke in opposition of this request.**
482

483 **Kevin Berger**
484 **2364 Saddlebrook Lane**
485 **Rockwall, TX**
486

487 **Mr. Berger came forth and expressed he agrees with those other neighbors who have expressed**
488 **opposition to this being approved. He is against it and believes one that is smaller and less obtrusive**
489 **would be more desirable.**
490

491 **Steve and Kristi Arenas**
492 **2377 Saddlebrook Lane**
493 **Rockwall, TX**
494

495 **The Arenas' indicated that they are opposed to the 30'x40' oversized metal building (detached garage)**
496 **being proposed within their neighborhood. It will not conform to the overall appearance of their**
497 **community, and will be an eyesore to the neighborhood. They went on to ask Council to vote against**
498 **all oversized metal buildings (detached garages) within their lovely neighborhood.**
499

500 **Steve Griffin**
501 **2348 Saddlebrook Ln.**
502 **Rockwall, TX**
503

504 **Mr. Griffin wrote in support of the applicant's proposed accessory building. He believes it is the right of**
505 **the property owner to build whatever structure they feel they need in order to protect their property.**
506 **He does not believe Mr. Givens will build a big, ugly structure, but – rather – one that has character,**
507 **features and enhancements that will coordinate with the rest of his beautiful property. He generally**
508 **spoke / wrote in favor of the Council approving Mr. Givens' request this evening.**
509

510 **Patti Muggeo**
511 **2317 Saddlebrook Lane**
512

513 **Mrs. Muggeo wrote in opposition of approval of this request this evening. She realizes that State law**
514 **has recently changed, but metal buildings can still be regulated. She urged Council to vote against**
515 **oversized metal buildings in her neighborhood**
516

517 Mr. Willard Thomas
518 2337 Saddlebrook Lane
519 Rockwall, TX 75087
520

521 Mr. Thomas wrote in favor of approval of this request, stating he has no problem with this proposal.
522

523 One e-mail that did not provide a name or address was read by Mrs. Cole. The email stated that she
524 and her husband are NOT in opposition. In fact, they may appreciate receiving the builder's information
525 because they may want to build one for themselves.
526

527 One, additional e-mail from someone who desired to remain anonymous was read by Mrs. Cole, with
528 the writer generally stating that they are in support of Council approving Mr. Givens' request this
529 evening.
530

531 Mayor Pruitt then read some of the emails he received concerning this Public Hearing item this evening.
532

533 Shawn and Wendy Minich
534 (no address given)
535

536 The couple expressed concern about the size and metal material of the proposed structure. They
537 generally wrote in opposition of the request, urging Council to deny it.
538

539 Dawn Defebaugh
540 2380 Saddlebrook Lane
541 Rockwall, TX
542

543 Mrs. Defebaugh wrote, expressing concern about the large size of the structure being proposed. She
544 wrote in opposition of its approval.
545

546 Martha Griffey
547 2325 Saddlebrook Lane
548 Rockwall, TX
549

550 Ms. Griffey indicated concerns related to the large size and outside appearance (metal) of the proposed
551 building. She pointed out that there are larger detached garages in the neighborhood; however, they
552 are bricked. She is generally opposed to approval of this request.
553

554 Kevin & Debbie Berger
555 2364 Saddlebrook Lane
556 Rockwall
557

558 Mr. and Mrs. Berger wrote, generally expressing opposition to this request being approved this evening.
559 They pointed out several neighbors are in opposition of approval of this request. She believes it will

not be aesthetically pleasing and will decrease the property values. They are opposed to approval of this request.

Mr. and Mrs. Harvey
2361 Saddlebrook Lane

The Harveys wrote an email that Mayor Pruitt read, generally expressing opposition to this proposed metal building being approved this evening.

There being no one else wishing to come forth and speak and no other e-mailed, public comments to be read, Mr. Givens - the applicant - then came forth to address the Council concerning his request. Mr. Givens generally expressed that he is asking for this detached garage in an effort to get all of his vehicles out of the outdoor elements and 'under cover' to protect them from the elements and possible theft associated with them. He shared that he plans to put a 'porch' on the metal structure, which is solely in an effort to make it look better - he is not going to go out and sit on the porch of this structure. Mr. Givens shared aerial photographs he obtained from Google Earth that shows comparisons of existing structures in the neighborhood as compared to the size of the structure he is proposing to build. He went on to show a couple of photos of a building that is very similar to the one he would like to build. He pointed out that it will have a 30 year paint warranty, and it will be welded - not bolted. He does not believe that this building will decrease property values. In fact, he believes that any realtor will agree that accessory buildings only increase the value of a property. He expressed that the metal building he is proposing will not deteriorate over time. He works hard to maintain his property in a nice condition. If he had the money to brick it, he would; however, he cannot afford to do so. He asked Council to consider approving his request to build this detached garage this evening.

At the request of Councilman Trowbridge, Mr. Givens provided some clarification regarding the size of the structure, pointing out that it will take up less than 3% of his one acre lot's yard.

Clarification took place regarding the recent State law changes associated with disallowing a city to regulate building materials. Mr. Miller clarified that materials can be considered in this instance because the request was a Specific Use Permit (SUP), which allows the City Council to review all aspects of a proposal. If it were attached to the home, the material could not be regulated / considered by Council.

Councilmember Johannesen spoke, generally expressing a conundrum associated with the decision related to either approval or denial of this particular request this evening.

Clarification took place related to potential 'denial' and 'denial with prejudice' associated with Council action on this request.

General discussion took place pertaining to previous accessory buildings / detached garages that had been approved by Council in the past.

601 Following the discussion, Councilman Trowbridge moved to approve Z2020-006. Councilmember
602 Hohenshelt seconded the motion. The ordinance was read as follows:

603
604 CITY OF ROCKWALL
605 ORDINANCE NO. 20-XX
606 SPECIFIC USE PERMIT NO. S-XXX
607

608 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
609 AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*]
610 OF THE CITY OF ROCKWALL, ROCKWALL COUNTY TEXAS, AS PREVIOUSLY
611 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A
612 *DETACHED GARAGE* THAT EXCEEDS THE MAXIMUM ALLOWABLE SIZE AND
613 HEIGHT ON A ONE (1) ACRE PARCEL OF LAND, IDENTIFIED AS LOT 2, BLOCK
614 B, SADDLEBROOK ESTATES #2 ADDITION, CITY OF ROCKWALL, ROCKWALL
615 COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED IN *EXHIBIT 'A'* OF THIS
616 ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A
617 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
618 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
619 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
620

621 The motion failed by a vote of 2 ayes with 5 nays (Macalik, Hohenshelt, Pruitt, Daniels and Johannesen).
622

623 Mayor Pruitt then moved to deny the request for an SUP associated with Z2020-006. Councilman
624 Hohenshelt seconded the motion. The motion passed by a vote of 5 in favor with 2 against (Trowbridge
625 and Fowler).
626

- 627 7. Z2020-007 - Hold a public hearing to discuss and consider a request for the approval of an
628 ordinance for a Text Amendment to amend Article 08, Landscape and Screening, of the
629 Unified Development Code (UDC) for the purpose of changing the fence standards for existing
630 and infill single-family and duplex properties, and take any action necessary (**1st Reading**).

631 Planning Director, Ryan Miller provided background information pertaining to this agenda item. Mayor
632 Pruitt opened the public hearing. There being no one present to address the Council, he then closed the
633 public hearing.

634 Councilman Trowbridge moved to approve Z2020-007. Councilmember Hohenshelt seconded the
635 motion. The ordinance was read as follows:

636
637
638 CITY OF ROCKWALL
639 ORDINANCE NO. 20-XX
640

641 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
642 AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE
643 CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING SECTION

08.03(B), *FENCE STANDARDS FOR EXISTING AND INFILL SINGLE-FAMILY AND DUPLEX PROPERTIES*, OF ARTICLE 08, *LANDSCAPE AND FENCE STANDARDS*, AS DEPCITED IN *EXHIBIT 'A'* OF THIS ORDINANCE; 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 6 ayes with 1 nay (Fowler).

8. Z2020-008 - Hold a public hearing to discuss and consider a request by Scott Mommer of Lars Andersen & Associates, Inc. on behalf of Suzanne Russo of Home Depot USA, Inc. for the approval of an ordinance for a Specific Use Permit (SUP) to allow the Rental, Sales and Service of Heavy Machinery and Equipment in conjunction with an existing general retail store on an 11.389-acre parcel of land identified as Lot 1, Block A, Home Depot-Rockwall Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 765 E. IH-30, and take any action necessary (**1st Reading**).

Mr. Miller, Planning Director provided background information pertaining to this agenda item. He explained that this is related to a desire for the local Home Depot to have outside storage and sales of heavy equipment. Mr. Miller pointed out that this the storage will be required to be screened. This is not a high visibility location - it is located next to an existing building at the South of the property that is currently a salon.

Mayor Pruitt opened the public hearing and invited the applicant to come forth and speak at this time.

Reese Beerhalter
6308 Wincrest Drive
Plano, TX

Reese came forth, indicating he was happy to entertain any questions. There being no questions and no one else wanting to speak, Mayor Pruitt closed the public hearing.

Councilman Johannesen moved to approve Z2020-008. Councilmember Hohenshelt seconded the motion. The ordinance was then read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 20-XX
SPECIFIC USE PERMIT NO. S-XXX

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) TO ALLOW RENTAL, SALES, AND SERVICE OF HEAVY MACHINERY AND EQUIPMENT ON AN 11.389-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 1, BLOCK A, HOME DEPOT-ROCKWALL ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS;

689 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
690 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
691 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
692

693 The motion passed by a vote of 7 ayes to 0 nays.
694

695 Mayor Pruitt addressed Appointment Items next during the meeting.
696

697 **IX. ACTION ITEMS**

- 698 1. Discuss and consider repealing Resolution No. 19-23 to adopt a new resolution to increase
699 the number of members on the Comprehensive Plan Advisory Committee (CPAC), and take
700 any action necessary.

701 Councilman Fowler shared that a citizen has come forth, expressing an interest in serving on this
702 committee. So, the proposed resolution is to allow for an increase in the number of members allowed
703 to serve on the CPAC. Mr. Miller shared that the word "minimum" was added to the resolution, so it
704 now calls for a 'minimum of 7 members.' Councilmember Fowler moved to approve the resolution.
705 Mayor Pruitt seconded the motion, which passed unanimously of those present (7 ayes to 0 nays).
706

707 At 8:56 p.m., Mayor Pruitt recessed the public meeting. He read the following discussion items into
708 the public record for Executive Session.
709

710 **X. EXECUTIVE SESSION**

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

- 713 1. Discussion regarding City of Rockwall vs. Richard Brooks pursuant to Section §551.071
714 (Consultation with Attorney).
715 2. Discussion regarding a Temporary Access License Agreement for Breezy Hill Road pursuant to
716 § Section 551.071 (Consultation with Attorney).
717 3. Discussion regarding possible acquisition of real property in the vicinity of the municipal
718 airport pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with
719 Attorney).
720 4. Discussion regarding appointment of city council subcommittees and board liaisons pursuant
721 to Section, §551.074 (Personnel Matters).
722 5. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland,
723 Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD)
724 regarding water rates pursuant to Section §551.071 (Consultation with Attorney)

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

726 Mayor Pruitt reconvened the public meeting at 9:09 p.m.

727 Pruitt moved to approve and authorize the execution of a temporary access license agreement for
728 Breezy Hill Road. Trowbridge seconded the motion, which passed unanimously of those present (7 ayes
729 to 0 nays).

730 Pruitt moved to appoint Travis Sales as the city's designated representative on the Rockwall County
731 Open Space Alliance. Fowler seconded the motion, which passed unanimously of those present (7 ayes
732 to 0 nays).

733 XII. ADJOURNMENT

734 The meeting was adjourned at 9:10 p.m.

735

736 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 6th DAY OF
737 APRIL, 2020.

738

739

740


741 ATTEST:

742

743

744


KRISTY COLE, CITY SECRETARY


JIM PRUITT, MAYOR

