

**ROCKWALL CITY COUNCIL REGULAR MEETING**

**Monday, August 16, 2021 - 5:00 PM**

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

**I. CALL PUBLIC MEETING TO ORDER**

Mayor Kevin Fowler called the public meeting to order at 5:00 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem John Hohenshelt and Council Members Clarence Jorif, Dana Macalik, Anna Campbell, and Trace Johannesen. Also present were Assistant City Manager Joey Boyd and City Attorney Frank Garza. Council Member Bennie Daniels and City Manager Mary Smith were absent from the meeting.

Mayor Fowler then read the below listed discussion item into the record before recessing the public meeting to go into Executive Session.

**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 Airport Road & John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
2. Discussion regarding possible development at Rockwall Airport pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
3. Discussion regarding possible sale/purchase/lease of real property in the vicinity of Rockwall Technology Park pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
4. **Pulled from public agenda – Appointment Item #3:** Appointment with the City Attorney and staff to address questions raised by resident Bob Wacker during an appointment with the City Council on August 2, 2021, and take any action necessary

**III. ADJOURN EXECUTIVE SESSION**

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

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

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

**V. INVOCATION AND PLEDGE OF ALLEGIANCE - MAYOR PRO TEM HOHENSHELT**

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

**VI. OPEN FORUM**

**Mayor Fowler explained how Open Forum is conducted and asked if anyone would like to come forth and speak at this time.**

**Frank Tyminiski  
815 Oak Hollow Lane  
Rockwall TX**

Mr. Tyminiski came forth and shared that he has looked into some things concerning the 'downtown apartments' since the time of the last city council meeting. He spoke to a representative at TXDOT who indicated that a "TIA" (traffic impact analysis) *must* be done concerning these proposed apartments. He believes the proposed additions for turn lanes at this intersection will make it dangerous, and he does not believe that a TIA was conducted before the Siren Rock Brewery was built. It is the developer's responsibility to order and pay for a TIA, but – at this point – the developer has not indicated that he is doing one. He briefly explained the TIA process, as it was explained to him by the TXDOT representative with whom he recently spoke. Once the TIA has been conducted and the findings have been issued, he would like the City to do a 'public hearing' on the findings. He spoke with Cindy Tayem, an Oncor representative, about the power lines / power conductors, pointing out that one line will be within 10 feet of the roofline of the apartments. He has asked for a radiation and distance survey to be conducted, and Mrs. Tayem will be passing along his request to Oncor's "right-of-way department." He does not yet have an understanding of the microwave radiation that the lines will put out. He found out the developer will not be associated with HUD at all. He would also like to know when TXDOT will take over John King Boulevard, pointing out that it is already 'falling apart.'

Bob Wacker  
309 Featherstone Dr.  
Rockwall, TX

Mr. Wacker showed a presentation to the Council related to the apartments that are slated to be built in the downtown area. He is opposed to their construction, and he shared additional details to support his viewpoints on the matter (overall, he does not believe its architecture or scale will be complimentary to existing development in the downtown area). In addition, he does not believe that the apartments truly meet the city's technical requirements, and he referred back to prior P&Z Commission meetings and information that was stated in past P&Z informational meeting 'packets.' He spoke about the proposed parking garage portion of the apartment building, and believes that a major, notable change to its façade was made. He spoke about the building height and its calculation, insisting that the building will be five stories (not four stories). Overall, Mr. Wacker is opposed to the apartments that are slated to be built in the downtown area. He does not believe that they meet the city's technical requirements, and he does not believe that the waivers that were made could be made without the development going before the City Council for review and approval.

There being no one else wishing to come forth and speak at this time, Mayor Fowler then closed Open Forum.

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

Mayor Pro Tem Hohenshelt moved to authorize the sale of real property identified as Parcel 8 on John King Boulevard (SE corner of the road and the railroad tracks) owned by the City of Rockwall to TXDOT for the amount of \$125,192 and a Possession Use Agreement in the amount of \$12,519.20 for the purpose of widening the roadway, authorizing the City Attorney to finalize all necessary documents to complete the transaction and authorizing the City Manager to execute all necessary agreements on behalf of the city. Councilmember Johannesen seconded the motion, which passed by a vote of 6 ayes with 1 absence (Daniels).

Mayor Pro Tem Hohenshelt moved to authorize the sale of real property identified as Parcel 11 on John King Boulevard (frontage road) owned by the City of Rockwall to TXDOT for the amount of \$106,397 and a Possession Use Agreement in the amount of \$10,496.90 for the purpose of widening the roadway, authorizing the City Attorney to finalize all necessary documents to complete the transaction and authorizing the City Manager to execute all necessary agreements on behalf of the City. Councilmember Macalik seconded the motion, which passed by a vote of 6 ayes with 1 absence (Daniels).

Mayor Pro Tem Hohenshelt moved to authorize the sale of real property identified as Parcel 20 on John King Boulevard (SE corner of JK and Airport Road) owned by the City of Rockwall to TXDOT for the amount of \$4,610 and a Possession Use Agreement in the amount of \$3,000 for the purposes of widening the roadway, authorizing the City Attorney to finalize all necessary documents to complete the transaction and authorizing the City Manager to execute all necessary agreements on behalf of the City. Councilmember Jorif seconded the motion, which passed by a vote of 6 ayes with 1 absence (Daniels).

#### VIII. CONSENT AGENDA

1. Consider approval of the minutes from the August 2, 2021 regular city council meeting, and take any action necessary.
2. **Z2021-026** - Consider a request by Troy Lewis of Newstream Capital Partners for the approval of an ordinance for a Zoning Change amending Planned Development District 8 (PD-8) [*Ordinance No. 92-39*] for the purpose of allowing townhomes on a 6.88-acre tract of land identified as Lot 4, Block A, Spyglass Hill #4 Addition and Tract 134-12 of the E. Teal Survey, Abstract No. 207, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) [*Ordinance No. 92-39*] for Zero Lot Line (ZL-5) District land uses, generally located south on the south side of Henry M. Chandler Drive west of Ridge Road [*FM-740*], and take any action necessary (**2nd Reading**).
3. **P2021-037** - Consider a request by Isaac Peña for the approval of a Final Plat for Lots 1 & 2, Block A, Isaac Addition being a 6.388-acre tract of land identified as Tract 1 of the J. A. Ramsey Survey, Abstract No. 186, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), addressed as 2185 S. FM-549, and take any action necessary.
4. **P2021-040** - Consider a request by Jeremy Nelson of McAdams Co. on behalf of Spencer Byington of SWBC Rockwall, LP for the approval of a Final Plat for Lot 1, Block A, SWBC Rockwall Addition, Phase 2 being currently identified as a 21.275-acre tract of a larger 42.555-acre tract of land identified as Tract 1-4 of the J. M. Allen Survey, Abstract No. 2, City of Rockwall, Rockwall County, Texas, zoned Planned Development 83 (PD-83) District, situated within the SH-205 By-Pass Overlay (205 BY-OV) District, located east of the intersection of Discovery Boulevard and John King Boulevard, and take any action necessary.
5. **P2021-041** - Consider a request by Humberto Johnson, Jr. of the Skorburg Company on behalf of Ben Klutts, Jr. of the Klutts Farm, LLC for the approval of a Master Plat for the Homestead Subdivision being a 196.009-acre tract of land identified as Tract 6 of the J. A. Ramsey Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 92 (PD-92), generally located at the northeast corner of the intersection of FM-549 and FM-1139, and take any action necessary.
6. **P2021-044** - Consider a request by Kevin Harrell of the Skorburg Company on behalf of Ben Klutts, Jr. of the Klutts Farm, LLC for the approval of a Preliminary Plat for the Homestead Subdivision being a 196.009-acre tract of land identified as Tract 6 of the J. A. Ramsey Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 92 (PD-92), generally located at the northeast corner of the intersection of FM-549 and FM-1139, and take any action necessary.

7. Consider authorizing the City Manager to execute an Interlocal Cooperation Agreement with the Rockwall Independent School District (RISD) for School Resource Officer services for the upcoming school year, and take any action necessary.

**Mayor Pro Tem Hohenshelt moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, and 7). Councilmember Jorif seconded the motion. The ordinance caption was read as follows:**

**CITY OF ROCKWALL  
ORDINANCE NO. 21-38**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 8 (PD-8) AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO AMEND THE PLANNED DEVELOPMENT CONCEPT PLAN AND DEVELOPMENT STANDARDS APPROVED WITH *ORDINANCE NO. 92-39*, BEING A 6.88-ACRE TRACT OF LAND IDENTIFIED AS LOT 4, BLOCK A, SPYGLASS HILL #4 ADDITION AND TRACT 134-12 OF THE E. TEAL SURVEY ABSTRACT NO 207, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED HEREIN BY *EXHIBIT 'B'*; 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 6 ayes with 1 absence (Daniels).**

**IX. APPOINTMENT ITEMS**

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

**Jerry Welch from the city's Planning & Zoning Commission came forth and briefed the Council on recommendations of the Commission relative to planning-related items on this evening's meeting agenda. Council took no action as a result of Mr. Welch's briefing.**

2. Appointment with Michael Mittman, Owner/Operator of DFWboatRide.com to hear update regarding the 'Harbor Lights' boat operations on Lake Ray Hubbard, and take any action necessary.

**Mr. Mittman came forth and showed a presentation to Council regarding "Harbor Lights" boat operations on Lake Ray Hubbard. He provided positive comments concerning his partnership with the City and its Parks Department (Director, Travis Sales). He mentioned that over 15,000 people annually take trips on his boats, and they have achieved close to a "5 star" rating online. A new boat ("Sapphire Moon") was recently added to his fleet, and it docks directly across from Harbor Lights at the lake. He mentioned that Harbor Lights was recently refurbished, and he spoke about the certifications of boat captains, staff, etc. as well as the insurance that his company carries for the boats. Following Mr. Mittman's presentation and positive comments, Councilmember Macalik indicated she believes Mr. Mittman has been doing a great job on the boats. Council took no action concerning Mr. Mittman's presentation.**

3. Appointment with the City Attorney and staff to address questions raised by resident Bob Wacker during an appointment with the City Council on August 2, 2021, and take any action necessary.

City Attorney Frank Garza came forth and provided a lengthy presentation, taking remarks presented by citizen Bob Wacker at the August 2, 2021 city council meeting and addressing each of them, one-by-one. Overall, Mr. Garza indicated that nothing about points raised by Mr. Wacker would invalidate the city's 380 Agreement (entered into with a developer pertaining to the apartments that are slated to be built near downtown (across from the Police Station) from a legal standpoint. City Planning Director, Ryan Miller then came forth and addressed some of the 'technical' aspects of points raised by Mr. Wacker back on August 2<sup>nd</sup>. Mr. Miller generally covered the development application; conveyance of the lots; building setbacks; ingress/egress associated with the proposed development; building height (and how it is calculated); staff granted waivers to the 'block face;' vehicular and pedestrian traffic, the city's Unified Development Code (the city's Permitted Land Use Charts), fire safety, power lines, major vs. minor waivers, etc. Following Mr. Garza's and Mr. Miller's presentations, Councilman Jorif sought clarification – based on a thorough review of all contracts and associated documents associated with this topic, has anything been done wrong that would preclude this process from going forward? Mr. Garza acknowledged that there were some errors made (i.e. with the newspaper notice(s)); however, in his review he found nothing substantive that would be cause to invalidate this (the "380 Development") agreement. Jorif asked Mr. Miller for clarification – based on the Code and definition of the "downtown area," and based on Mr. Garza's comments, will the project stand alone on its own and go forward? Mr. Miller shared that – yes – it will because it meets all of the technical requirements. Councilmember Maclik asked for clarification on calculating height by taking the average of all of the stories of the building – is this a common practice? Mr. Miller shared that, yes – this is the method by which the building height is calculated on all buildings, and there is no discretion to vary from this method of calculating height.

Council took no action as a result of this appointment item.

#### X. PUBLIC HEARING ITEMS

1. **Z2021-028** - Hold a public hearing to discuss and consider approval of an ordinance for a Text Amendment to Section 10, *Fee Schedule*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] for the purpose of creating a *Non-Compliant Structure* application fee for Specific Use Permit (SUP) applications (1st Reading).

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. This ordinance is being brought before Council for consideration at the request of City Council based on past discussions in recent months. The city's Planning & Zoning Commission has reviewed this proposed text amendment and has unanimously voted to recommend its approval by Council.

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

Following brief discussion, Mayor Pro Tem Hohenshelt moved to approve Z2021-028. Councilmember Campbell seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL  
ORDINANCE NO. 21-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, BY AMENDING SECTION 10, FEE SCHEDULE, OF ARTICLE 11, DEVELOPMENT APPLICATIONS AND REVIEW PROCEDURES, 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 absence (Daniels).

2. **Z2021-029** - Hold a public hearing to discuss and consider a request by Ed Cavendish of Cavendish Homes 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 0.1465-acre parcel of land identified as Lot 28, Block A, Chandler's Landing, Phase 20, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single-family residential land uses, addressed as 104 Reliance Court, and take any action necessary (1st Reading).

Planning Director, Ryan Miller, provided background information concerning this agenda item. This proposed home does appear to be comparable to existing housing located elsewhere within the subdivision. The proposed garage will require a waiver of Council in order to be approved; however, this proposed garage is not uncharacteristic of other garages in the neighborhood. Notices were sent out to adjacent property and homeowners, as well as to the Homeowners' Associations (HOAs). The Planning & Zoning Commission has recommended approval of this item.

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, he then closed the Public Hearing. Councilmember Johannesen moved to approve Z2021-029. Councilmember Jorif seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL  
ORDINANCE NO. 21-XX  
SPECIFIC USE PERMIT NO. S-2XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 8 (PD-8) 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 RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A**

0.1465-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 28, BLOCK A, CHANDLER'S LANDING, PHASE 20, 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 6 ayes with 1 absence (Daniels).

3. **Z2021-030** - Hold a public hearing to discuss and consider a request by Ed Cavendish of Cavendish Homes 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 0.1637-acre parcel of land identified as Lot 12, Block A, Chandler's Landing, Phase 20, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single-family residential land uses, addressed as 118 Mischief Lane, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller, provided background information concerning this agenda item. The applicant is requesting to construct a house within the Chandler's Landing subdivision. The proposed house does appear to be similar to other, existing housing within the neighborhood. The proposed garage will require a waiver approval; however, what is being proposed is not uncharacteristic of other houses within the neighborhood. Adjacent property owners and residents were notified, as well as the HOAs. In addition, the Planning & Zoning Commission has recommended approval of this item.

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, he then closed the Public Hearing.

Councilmember Jorif moved to approve Z2021-030. Councilmember Macalik seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL  
ORDINANCE NO. 21-XX  
SPECIFIC USE PERMIT NO. S-2XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 8 (PD-8) 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 *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.1637-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 12, BLOCK A, CHANDLER'S LANDING, PHASE 20, 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 6 ayes with 1 absence (Daniels).**

4. **Z2021-031** - Hold a public hearing to discuss and consider a request by Tino and Judy Liscano on behalf of Jeremy Lance Epton 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 4.95-acre parcel of land identified as Lot 1, Block A, Epton Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 2065 & 2075 Airport Road, and take any action necessary (1st Reading).

Planning Director, Ryan Miller provided background information concerning this agenda item. The applicant is coming forth to request a rezoning of his property so that he may establish three, separate lots on this nearly 5 acre tract of land (one of which will include the existing, single-family home). Each of the lots would be a minimum of 1-acres each. This proposal will conform to the city's land use requirements, including density requirements. Notices were sent out to adjacent land owners and residents, and the Rolling Meadows Homeowners Association was also notified. Staff received five notices in opposition of the proposed request as well as five e-mails expressing opposition (from individuals not located within the 500 ft. buffer surrounding the property). Because of the opposition, approval of this request will require a  $\frac{3}{4}$  majority vote of Council (or 5 out of the 6 city council members present this evening). The Planning & Zoning Commission did review this request and has recommended its approval by a unanimous vote.

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

Mr. Jeremy Epton  
2075 Airport Road  
Rockwall, TX

Mr. Epton briefly came forth and indicated he would like to address the Council after others in the audience speak first.

Barbara Schueler  
2070 Airport Road  
Rockwall, TX

Mrs. Schueler came forth and expressed that she is opposed to this request because she believes that the SF-1 zoning would pose the possibility of too high a density on this property. She indicated that she has sent multiple e-mails to the Council expressing her opposition. She wants the Council to table this item and resubmit it to the Planning & Zoning Commission for reconsideration. She does not believe that the P&Z Commission gave it full consideration (as, she expressed, their recent meeting, overall, was only about 30 minutes long). She thinks this should be, at a minimum, "SF 1.5 zoning" instead of "SF-1" zoning. She desires to have the visual aspects of this property preserved, and she has concerns about the waterways on the property being home to many species of migrant



birds. She is generally in opposition of this request, and – again – she urged the Council to table this and kick it back to the city’s P&Z Commission for further consideration.

**Patty Griffin**  
2140 and 2150 Airport Road  
Rockwall, TX

Mrs. Griffin explained that she is perhaps the ‘newcomer’ to this area, and she came in the year 1993. So, we have all lived in this area for a long time. This area has not changed a lot or experienced rapid growth. She acknowledged that the applicant has a right to sell his property, but he does not have a right to change the neighborhood or the neighbors’ ‘way of life.’ She asked the Council to consider making this property less dense. Migrant birds and potential protected species may need to be evaluated concerning this property. She spoke briefly about the past, city water shortage due to a drought, and she encouraged the Council to be careful with the city’s growth. She wants the zoning to be SF 1.5 instead of SF 1.0. She is in opposition of this proposal “as is.”

**Mike Puckett**  
2160 Airport Road  
Rockwall, TX

Mr. Puckett came forth and shared that he’s known Mr. Epton for many years, and he finds him to be an upstanding citizen. He shared that he moved here 21 years ago when a gentleman at that time subdivided his property into five, separate ones, and he personally purchased one of those five lots. He believes that Mr. Epton’s zoning request is in line with the surrounding area, he is in favor of this request, and he urged the Council to vote “yes” regarding this request.

**Robert McAlarin (note: unsure of spelling)**  
556 Stodgehill Road  
Rockwall, TX

Mr. McAlarin shared that he has known the applicant for about 4 years. He believes that this request would result a notable improvement for this area if it is approved. He believes that the new homes that will be built will beautify the area. He and his son-in-law live on seven acres that is located directly behind this (Jeremy’s) property. He shared that his son-in-law is also in favor of this rezoning request. He generally spoke in favor of the Council approving the applicant’s request to rezone his property.

**Mr. Jeremy Epton**  
2075 Airport Road  
Rockwall, TX

Mr. Epton (the applicant) came forth and shared that he would like to rezone this property in order to allow for three (total) lots to be formed and two additional single-family homes to be constructed on this property. He wants to sell the two, additional lots to the Liscano and the O’Conner families so that they may build their dream homes, each on one acre

tracts. This would leave his own, personal existing home on the other 3 acres. Mr. Epton pointed out that he is not selling his land to a developer – rather, he will be selling to two, individual families. He does not believe there will be any concerns with noise, pollution lighting, traffic, congestion, etc. He generally urged the City Council to approve his request for rezoning this evening.

Judy Liscano  
268 Cedar  
Fate, TX  
(also listed 2316 Anita Mesquite, TX 75149)

Mrs. Liscano came forth and indicated that she and her family would like to purchase one of the lots that Mr. Epton would like to sell. She and her husband have been married for twenty years, and they have rented homes for a number of years while saving money to purchase land and build. She spoke about her children and the various activities they are each involved in. She generally spoke in favor of the Council approving Mr. Epton's request to rezone this property.

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

Councilmember Jorif moved to approve Z2021-031. Councilmember Campbell seconded the motion. Councilman Johannesen provided brief comments, generally focusing on "property rights" and pointing out that this request is in conformance with all city requirements. He generally indicated that the property owner has a right to do with his land what he would like to do, especially considering that this meets the city's requirements and will be considered 'low density.' Mayor Fowler pointed out that he personally does not believe that this rezoning will result in adverse impacts to the existing area. Following the brief comments, the ordinance caption was read as follows:

CITY OF ROCKWALL  
ORDINANCE NO. 21-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 4.95-ACRE PARCEL OF LAND IDENTIFIED AS LOT 1, BLOCK A, EPTON ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBITS 'A' & '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 passed by a vote of 6 ayes with 1 absence (Daniels).

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 Airport Road & John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
2. Discussion regarding possible development at Rockwall Airport pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
3. Discussion regarding possible sale/purchase/lease of real property in the vicinity of Rockwall Technology Park pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).

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

Council did not reconvene in Executive Session following the close of the public meeting agenda. See action taken near the start of the 6:00 p.m. public meeting above for action taken as a result of the first Executive Session.

**XIII. ADJOURNMENT**


Mayor Fowler adjourned the meeting at 7:52 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ON THIS 7<sup>th</sup> DAY OF SEPTEMBER 2021.



KEVIN FOWLER, MAYOR

ATTEST:

  
KRISTY COLE, CITY SECRETARY