

ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, October 18, 2021 - 5:00 PM

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

I. Call Public Meeting to Order

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 off of John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
2. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development).

III. Adjourn Executive Session

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

V. Invocation and Pledge of Allegiance - Councilmember Campbell

VI. Proclamations / Awards / Recognitions

1. Parks Maintenance Champions Day
2. Certificate of Merit Award - Officer Garrett Stewart
3. Domestic Violence Awareness Month
4. Texas Chamber of Commerce Week
5. Breast Cancer Awareness Month

VII. Open Forum

This is a time for anyone to address the Council and public on any topic not already listed on the agenda or set for a public hearing. Per Council policy, public comments should be limited to three minutes out of respect for other citizens' time. If you have a topic that warrants longer time, please contact the City Secretary at kcole@rockwall.com to be placed on the Agenda during the "Appointment Items" portion of the meeting. This will allow your topic to be provided sufficient time for discussion and will permit proper notice to be given to the public. On topics raised during Open Forum, please know Council is not permitted to respond to your comments during the meeting since the topic has not been specifically listed on the agenda (the Texas Open Meetings Act requires that topics of discussion/deliberation be posted on an agenda not less than 72 hours in advance of the Council meeting). This, in part, is so that other citizens who may have the same concern may also be involved in the discussion.

VIII. Take any Action as a Result of Executive Session

IX. Consent Agenda

These agenda items are routine/administrative in nature, have previously been discussed at a prior City Council meeting, and/or they do not warrant Council deliberation. If you would like to discuss one of these items, please let the City Secretary know before the meeting starts so that you may speak during "Open Forum."

1. Consider approval of the minutes from the October 4, 2021 regular City Council meeting, and take any action necessary.
2. Consider awarding bids to Wireless CCTV LLC and authorizing the City Manager to execute a Purchase Order for a new Mini Dome Solar Camera Trailer and SkyWatch Wireless Camera System totaling \$44,144.56 to be funded out of the General Fund Police Patrol Equipment Budget, and take any action necessary.

3. Consider awarding bids to various vendors for 2022 model Vehicles totaling \$539,271, with \$359,734 to be funded out of the General Fund Reserves and \$179,537 to be funded out of the Water Sewer Fund, and authorizing the City Manager to approve associated Purchase Orders, and take any action necessary.
4. Consider authorizing the City Manager to execute an easement agreement between the City of Rockwall and Rockwall County for use of a portion of the Historic Courthouse grounds related to the Discovery Statue, and take any action necessary.
5. Consider awarding bids to various vendors and authorizing the City Manager to execute Purchase Orders for Concrete Pavement Repairs and Maintenance in the amount of \$1,075,000 to be funded out of the General Fund Streets Operations Budget, and take any action necessary.
6. Consider authorizing the City Manager to execute the 2021 Pavement Condition Assessment with Roadway Asset Services, LLC, in the amount of \$68,732.00 to perform a pavement assessment on the City's streets and alleys, to be funded by the Engineering Consulting Budget, and take any action necessary.
7. **Z2021-032** - Consider a request by Sam Moore of Main & Main on behalf of Jason Claunch of 7.1 Ridge LLC for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for *Restaurant with Less Than 2,000 SF with a Drive-Through or Drive-In* for the purpose of constructing a restaurant (*i.e. Dutch Bros. Coffee*) on a 0.57-acre portion of a larger 8.583-acre parcel of land identified as Lot 1, Block A, Sky Ridge Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within Scenic Overlay (SOV) District, generally located southeast of the intersection of Ridge Road [FM-740] and W. Yellow Jacket Lane, and take any action necessary **(2nd Reading)**.

X. Appointment Items

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

XI. Public Hearing Items

If you would like to speak regarding an item listed below, please turn in a (yellow) "Request to Address City Council" form to the City Secretary either before the meeting or as you approach the podium. The Mayor or Mayor Pro Tem will call upon you to come forth at the proper time. Please limit your comments to no more than three minutes.

1. **Z2021-038** - Hold a public hearing to discuss and consider a request by Darrell McCallum for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for a *Detached Garage* that exceeds the maximum permissible size for a detached garage on a 1.2080-acre parcel of land identified as Lot 6, Block A, Grady Rash Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family (SF-10) District, addressed as 1 Soapberry Lane, and take any action necessary **(1st Reading)**.
2. **Z2021-039** - Hold a public hearing to discuss and consider a request by Peter Muhl of Rockwall Habitat for Humanity 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 0.1650-acre parcel of land identified as Lot 888A of the Rockwall Lake Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 305 Blanche Drive, and take any action necessary **(1st Reading)**.
3. **Z2021-040** - Hold a public hearing to discuss and consider approval of an **ordinance** for a *Text Amendment* to Article 04, *Permissible Uses*, and Article 13, *Definitions*, of the Unified Development Code (UDC) [Ordinance No. 20-02] for the purpose of amending the *Permissible Use Charts* and definition for *Urban Residential*, and take any action necessary **(1st Reading)**.

4. **Z2021-041** - Hold a public hearing to discuss and consider a request by Aaron Hawkins on behalf of Tim Thompson of Metroplex Acquisitions for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for a *Restaurant with Less Than 2,000 SF with a Drive-Through or Drive-In* for the purpose of constructing a restaurant (*i.e. Salad and Go*) on a 0.81-acre portion of a larger 5.96-acre parcel of land identified as Lot 11, Block A, Stone Creek Retail Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 70 (PD-70) for General Retail (GR) District land uses, situated within North SH-205 Overlay (N. SH-205 OV) District, generally located northeast of the intersection of N. Goliad Street [SH-205] and Bordeaux Drive, and take any action necessary **(1st Reading)**.

XII. Action Items

If your comments are regarding an agenda item below, you are asked to wait until that particular agenda item is up for discussion, and the Mayor or Mayor Pro Tem will call you forth to the podium to hear your comments (please limit to 3 minutes or less). This allows for all public comments to be grouped with each specific agenda item for the Council to consider, and they are then easily referenced in meeting recordings.

1. **Z2021-036** - Discuss and consider a request by Adam Shiffer of the Skorburg Company on behalf of Gordon C. Fogg for the approval of an **ordinance** for a *Zoning Change* to amend Planned Development District 91 (PD-91) [Ordinance No. 21-36] to incorporate a 20.00-acre tract of land identified as Tracts 22-04 & 22-05 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 505 Clem Road, and take any action necessary **(2nd Reading)**.

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 off of John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
2. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development).

XIV. Reconvene Public Meeting & Take Any Action as Result of Executive Session

XV. Adjournment

This facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (972) 771-7700 or FAX (972) 771-7727 for further information.

The City of Rockwall City Council reserves the right to adjourn into executive session at any time to discuss any of the matters listed on the agenda above, as authorized by Texas Government Code ¶ 551.071 (Consultation with Attorney) ¶ 551.072 (Deliberations about Real Property) ¶ 551.074 (Personnel Matters) and ¶ 551.087 (Economic Development)

I, Kristy Cole, City Secretary for the City of Rockwall, Texas, do hereby certify that this Agenda was posted at City Hall, in a place readily accessible to the general public at all times, on the 15th day of October, 2021 at 4:00 p.m. and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Kristy Cole, City Secretary
or Margaret Delaney, Asst. to the City Sect.

Date Removed



Proclamation

Whereas, the Texas Recreation and Parks Society (TRAPS) is a nonprofit educational and professional organization founded in 1937 to advance the profession of parks, recreation and leisure services in Texas; and

Whereas, TRAPS annually hosts a “Maintenance Rodeo,” which consists of seven events - Truck & Trailer Competition, Zero Turn Mower Obstacle Course, Backhoe Competition, Blower Competition, Irrigation Assembly, Nail Driving Competition, and Plant Identification; and

Whereas, four, regional competitions are held annually, with City of Rockwall personnel participating in the North region’s competition, which was held October 7th in Rockwall; and

Whereas, Rockwall’s Parks Maintenance staff beat out their competitors, successfully achieving 1st place at the North Region competition for the third year in a row; and

Whereas, our City’s team will now advance to the State championship competition in Allen in March.

Now, Therefore, I, Kevin Fowler, Mayor of the City of Rockwall, Texas, do hereby proclaim October 18, 2020 as

Parks Maintenance Champions Day

in the City of Rockwall, and urge all citizens to applaud and celebrate City of Rockwall’s Parks & Recreation Department for this most notable achievement and wish them well as they move on to compete at “State” in March.

In Witness Whereof, I hereunto set my hand and official seal this 18th day of October, 2021.


Kevin Fowler, Mayor

SYNOPSIS FOR THE CERTIFICATE OF MERIT AWARD

On July 3, 2021, at approximately 11:15 a.m., several officers were working the Independence Day Parade. An individual who had arrived to drive a vintage tractor in the parade was acting disorderly, cursing, and flipping off other participants. Based on her actions and erratic behavior, parade officials expelled her from participation in the parade. The individual drove into the parade route behind the last participant and refused to follow the lawful orders of Officer Chris Cleveland when he initially contacted her at the parade starting area. Officer Cleveland radioed ahead to officers further down on the route and they formulated a plan to contact her at T.L. Townsend and Justin Road. When the individual arrived at that location, she again refused to stop, drove around several officers on foot and in squad cars, and began evading arrest on her tractor.

Sgt. Paul Johnson coordinated with Officer Cleveland to intervene since the tractor posed a high risk of injury to officers, parade participants, and parade spectators. Officer Cleveland was able to position his vehicle in front of the suspect's tractor in an attempt to get her to stop while Officers Cameron Parker and Detective Craig Goff pursued the tractor on foot. The suspect veered off the road into a construction fence, and her tractor became disabled.

Officers Parker and Goff along with Officer Ryan Jaurequi and Officer Garrett Stewart were able to gain safe control of the suspect and she was later transported to the jail and charged with Disorderly Conduct, Evading Arrest w/vehicle, Criminal Mischief, and Interruption of a Processional.

The officers involved in this incident are to be commended for their quick, decisive actions that helped bring a safe end to a very dynamic incident that was a true threat to the innocent public. The incident posed a high degree of risk and danger to the officer's personal safety and all involved acted with the highest degree of professionalism and service. For this incident, the five officers most directly involved are being recommended for the Certificate of Merit.

Rockwall, Texas Proclamation

Whereas, according to the National Coalition Against Domestic Violence:

- A woman is assaulted or beaten every 9 seconds in the U.S., an average of 20 people are physically abused by intimate partners every minute, and there are more than 10 million abuse victims annually;
- One in 3 women and 1 in 4 men has been physically abused by an intimate partner, with 1 in 5 women and 1 in 7 men having been severely physically abused;
- On a typical day, domestic violence hotlines, nationwide, receive about 21,000 calls;
- Twenty-one to 60% of victims lose their job due to reasons stemming from abuse; and

Whereas, domestic violence is prevalent in every community, affecting people regardless of age, socioeconomic status, sexual orientation, gender, race or nationality; and

Whereas, domestic violence was already an epidemic before COVID-19, but the health crisis has caused a tremendous spike in incidents of abuse, resulting in the need for greater awareness, education, and bystander intervention; and

Whereas, any external factors that add stress, isolation, and financial strain can create circumstances where a survivor's safety is further compromised; and

Whereas, those who are abused often don't leave the relationship for many reasons, such as fear that the abuser's violent behavior will escalate if he or she tries to leave; the hope that the abuser may change; or religious or cultural beliefs that prevent a person from leaving;

Whereas, domestic violence can result in physical injury, mental trauma, and even death, with children often falling victim as well.

Now, Therefore, I, Kevin Fowler, Mayor of the City of Rockwall, Texas, do hereby proclaim the month of **October** as **Domestic Violence Awareness Month** in the City of Rockwall and encourage all citizens to help raise awareness about domestic violence in our community, to support organizations that aim to eradicate this crime and to assist those affected.

In Witness Whereof, I hereunto set my hand and official seal this 18th day of October, 2021.



Kevin Fowler, Mayor

Rockwall, Texas Proclamation

Whereas, Chambers of Commerce work with area industry, businesses, and merchants to advance the civic, economic, industrial, professional, and cultural life of cities; and

Whereas, Chambers of Commerce were first chartered by the Republic of Texas in 1840 and have contributed to the civic and economic life of Texas for 181 years; and

Whereas, this year marks the 92nd anniversary of the Rockwall Area Chamber of Commerce and the 115th Anniversary of the Texas Association of Chamber of Commerce Executives, the state's longest standing association of Chamber professionals in the nation; and

Whereas, the Rockwall Area Chamber of Commerce, founded in 1929, is the leading broad-based business organization that serves as a unified voice for area business; and

Whereas, Chambers of Commerce encourage the growth of existing industries, services, and commercial firms and encourage new businesses and individuals to locate in Rockwall, acting as a liaison with the State of Texas, City and County of Rockwall, schools and business community; and

Whereas, Chambers of Commerce remain strong, viable organizations of professionals throughout the nation; and

Whereas, Chambers of Commerce provide guidance and leadership to communities across the state and serve as a career development organization for chamber of commerce professionals.

Now, Therefore, I, Kevin Fowler, Mayor of the City of Rockwall, Texas, do hereby proclaim **October 19 - 23** as

Chamber of Commerce Week

in the City of Rockwall and encourage all citizens to recognize and applaud this organization for its many professional endeavors which benefit our city and beyond.

In Witness Whereof, I hereunto set my hand and official seal this 18th day of October, 2021.



Kevin Fowler, Mayor

Rockwall,  Texas
Proclamation

Whereas, breast cancer is the most prevalent cancer and the second most common cause of cancer-related death among Texas women; and

Whereas, it's expected that over 18,000 new cases of female breast cancer and about 3,000 new cases of male breast cancer are expected to be diagnosed in Texas this year alone; and

Whereas, the statistics are staggering, yet we are encouraged by the physicians, researchers, public health professionals, and advocates who've made tremendous progress in the fight against this type of cancer, with mortality rates from this disease having declined nationwide; and

Whereas, each life is precious; therefore, we continue to pursue a greater understanding of this disease, support pioneering research, promote effective prevention strategies, and ensure broad access to healthcare screenings; and

Whereas, each October organizations throughout the nation promote awareness of breast cancer, prevention options, and ongoing steps toward a cure; and

Whereas, together, we can usher in a new era of hope in the fight against breast cancer and anticipate the victorious day when this disease is no longer prevalent.

Now, Therefore, I, Kevin Fowler, Mayor of the City of Rockwall, Texas, do hereby proclaim the month of **OCTOBER** as

Breast Cancer Awareness Month 

in the City of Rockwall and encourage all of our citizens to participate in efforts to support breast cancer patients, the families and friends affected by this disease, and the medical professionals who provide invaluable care.

In Witness Whereof, I hereunto set my hand and official seal this 18th day of October, 2021.



Kevin Fowler, Mayor

ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, October 04, 2021 - 5:00 PM

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

I. CALL PUBLIC MEETING TO ORDER

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

Mayor Fowler then read the below listed discussion items 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 ballot nominations associated with elections to the Rockwall Central Appraisal District (CAD) Board of Directors pursuant to Section 551.074 (personnel matters)
- 2.** Discussion regarding possible sale/purchase/lease of real property off of John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
- 3.** Pulled from Public Mtg. Agenda - City Manager's Report, Departmental Reports and related discussions pertaining to current city activities, upcoming meetings, future legislative activities, and other related matters. – **3.** IT / Technology Department - Recent Activities Report, pursuant to Section §551.071 (Consultation with Attorney).

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Ex. Session at 5:46 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 DANIELS

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

VI. PROCLAMATIONS / AWARDS / RECOGNITIONS

- 1.** Presentation of Certificate of Merit Awards to: Rockwall Police Department
Officer Chris Cleveland
Detective Craig Goff
Officer Ryan Jaurequi
Sergeant Paul Johnson
Officer Cameron Parker

Mayor Fowler called forth Police Chief, Max Geron, who proceeded to read a narrative pertaining to these Certificate of Merit Awards. He then called forth the officers (Goff and Johnson were not present) and presented them with their awards.

2. Building Officials Association of Texas' (BOAT) Recognition of Rockwall Building Official, Jeffrey Widmer

Representatives from the BOAT organization came forth and recognized Mr. Widmer for his years of service as "Past President" of BOAT and honored him as "Building Official of the Year."

3. Fire Prevention Month

Mayor Fowler called forth Fire Chief, Kenneth Cullins. He then read and presented the proclamation for "Fire Prevention Month."

VII. OPEN FORUM

**Howard Haddock
155 Willowcrest
Rockwall, TX**

Mr. Haddock came forth and expressed his concerns about the 'new (county) courthouse' project having been mismanaged in the past. He generally spoke in opposition of The Harbor project, both in the past and currently, expressing his belief that it is a hodgepodge of congestion, traffic and apartments. He hopes that building apartments and filling in every acre of 'open space' will not continue to be the 'the norm' for the City of Rockwall moving forward. He spoke also about the recent apartments project that was approved for construction in the downtown area, expressing that decisions made related to that project seemed to have been made in the shadows with very 'short-sighted views.' He indicated he supports the upcoming bond propositions for the local RISD school district. He urged the City to focus on 'planned growth' and public input.

**Bob Wacker
309 Featherstone Dr.
Rockwall, TX**

Mr. Wacker came forth and spoke about the upcoming renovations associated with the Police Department expansion at the Rockwall Technology Park and annual lease-related expenses associated with it. He shared that he believes maybe this needs to be a "Capital Improvement" type project instead of a budgetary item. Also - regarding the "Traffic Impact Analysis" related contract on tonight's Consent Agenda - he has various questions that are unanswered pertaining to this contract. He urged Council to ensure Traffic Impact Analyses continue to be conducted and then be presented to the public for review. He spoke in favor of more transparency from the City.

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

VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Council took no action as a result of Executive Session.

IX. CONSENT AGENDA

1. Consider approval of amended minutes from the September 7, 2021 regular city council meeting, and take any action necessary.
2. Consider approval of the minutes from the September 20, 2021 regular city council meeting, and take any action necessary.
3. **Z2021-037** - Consider a request by James Best for the approval of an **ordinance** for a Specific Use Permit (SUP) for an accessory building on a 2.60-acre parcel of land identified as Lot 1, Block A, Best Estate Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 16 (SF-16) District, addressed as 54 Shadydale Lane, and take any action necessary (**2nd Reading**).
4. **A2021-006** - Consider a request by Pat Atkins on behalf of Betty Thompson for the approval of an **ordinance** for the annexation of 6.70-acre tract of land identified as Tract 1-1 of the P. B. Harrison Survey, Abstract No. 97, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), contiguous to the existing corporate limits of the City of Rockwall, addressed as 911 E. FM-552, and take any action necessary (**2nd Reading**).
5. **P2021-047** - Consider a request by ClayMoore Engineering on behalf of the Rockwall Central Appraisal District (RCAD) for the approval of a Replat for Lot 2, Block A, Lofland Industrial Park Addition being a 1.707-acre parcel of land identified as Lot 1A-R, Block A, Lofland Industrial Park Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, addressed as 841 Justin Road, and take any action necessary.
6. **P2021-048** - Consider a request by Jeremy Epton for the approval of a Replat for Lots 2, 3, & 4, Block A, Epton Addition being a 4.95-acre parcel of land identified as Lot 1, Block A, Epton Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 1 (SF-1) District, addressed as 2075 Airport Road, and take any action necessary.
7. Consider awarding contracts for the build out of the new Police South Office at the Tech Park to include, remodel, data center, access control and security system and authorizing the City Manager to execute contracts totaling \$660,050 to be funded out of General Fund Reserves, Police Seized Fund and Tenant Finish-out Allowance, and take any action necessary.
8. Consider awarding a bid to Professional Turf Products and authorizing the City Manager to execute a Purchase Order for a new Toro Workman and Top Dresser in the amount of \$48,910.49 to be funded out of the General Fund Reserves, and take any action necessary.
9. Consider awarding a bid to Control Specialist Services and authorizing the City Manager to execute a Contract for Repairs to the In-Lake Pumps and Lines feeding water to the Harbor Waterfall feature in the amount of \$74,422 to be funded out of the Recreation Development Fund, and take any action necessary.
10. Consider approval of the Engineering Services Agreement with Birkhoff, Hendricks, and Carter, L.L.P. to provide general engineering services for water and wastewater improvements to the City, and take any action necessary.
11. Consider approval of the Engineering Services Agreement with Cardinal Strategies LLC to provide general engineering services for the preparation and review of all flood and detention studies submitted to the City, and take any action necessary.
12. Consider approval of the Engineering Services Agreement with Binkley & Barfield, Inc. to provide general engineering services for the preparation and review of all traffic impact analysis submitted to the City, and take any action necessary.
13. Consider authorizing the City Manager to execute a contract between the City of Rockwall and STAR Transit for transportation services for fiscal year 2022 in the amount of \$108,900 to be funded by the Administration Department Operating Budget, and take any action necessary.

14. Consider authorizing the City Manager to execute a contract with Meals on Wheels Senior Services for certain nutritional and senior service programs for fiscal year 2022 in the amount of \$45,000 to be funded from the Administration Department Operating Budget, and take any action necessary.
15. Consider authorizing the City Manager to execute a contract with the Texas Department of Transportation Aviation Division for participation in the Routine Airport Maintenance Program (RAMP) at the Ralph M. Hall / Rockwall Municipal Airport, with matching funds for the grant to be provided by the Airport Operating Budget, and take any action necessary.

Mayor Pro Tem Hohenshelt moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15). Councilmember Daniels seconded the motion. The ordinances were read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-46
SPECIFIC USE PERMIT NO. S-256**

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 AN ACCESSORY BUILDING THAT EXCEEDS THE MAXIMUM ALLOWABLE SIZE ON A 2.60-ACRE TRACT OF LAND, IDENTIFIED AS LOT 1, BLOCK A, BEST ESTATE ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND 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.

**CITY OF ROCKWALL
ORDINANCE NO. 21-47**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, GRANTING A REQUEST FOR ANNEXATION AND PROVIDING FOR THE EXTENSION OF MUNICIPAL BOUNDARY LIMITS TO INCORPORATE SUCH PROPERTY INTO THE CITY OF ROCKWALL, TEXAS WITH THE ANNEXATION OF A 6.70-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1-1 OF THE P. B. HARRISON SURVEY, ABSTRACT NO. 97, ROCKWALL COUNTY, TEXAS, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

X. APPOINTMENT ITEMS

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

Eric Chodun, current Chairman of the P&Z, came forth and briefed Council on recommendations of the Commission relative to planning-related items on tonight's meeting agenda. Following brief questions and answers, Council took no action as a result of this Appointment Item.

XI. PUBLIC HEARING ITEMS

1. **Z2021-032** - Hold a public hearing to discuss and consider a request by Sam Moore of Main & Main on behalf of Jason Claunch of 7.1 Ridge LLC for the approval of an **ordinance** for a Specific Use Permit (SUP) for *Restaurant with Less Than 2,000 SF with a Drive-Through or Drive-In* for the purpose of constructing a restaurant (*i.e. Dutch Bros. Coffee*) on a 0.57-acre portion of a larger 8.583-acre parcel of land identified as Lot 1, Block A, Sky Ridge Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within Scenic Overlay (SOV) District, generally located southeast of the intersection of Ridge Road [FM-740] and W. Yellow Jacket Lane, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller, provided brief background information pertaining to this agenda item. On August 20, 2021, staff mailed 46 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Turtle Cove Homeowner's Association (HOA), which is the only HOA/Neighborhood Organization within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time the staff report was drafted for inclusion in the informational Council meeting packet, staff had not received any notices (neither in favor nor opposed) back.

The applicant then came forth to speak.

Sam Moore
2505 Penshurst Ct.
Celina, TX 75009

He generally indicated that this project will still have to go thru an Architectural Review Board (ARB) process to get the renderings right and ensure they are aligned with the city's requirements, including those associated with this Scenic Overlay District. He went on to provide brief background information about the Dutch Bros. company in general. He clarified that this building is going to be built solely to run a drive-thru operation (no inside, 'in person' business will occur). People will be able to walk up to a side window to grab their drink (from outside); however, it will be a 'drive-thru only' type of operation.

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 asked for clarification on why the city requires an SUP to be obtained associated with drive-thru restaurant operations. Mr. Miller went on to provide clarification on how and under what conditions drive-thru restaurants under 2,000 square feet vs. over 2,000 square feet are reviewed and approved by Council.

Following brief, additional dialogue, Councilmember Macalik moved to approve Z2021-032. Councilmember Jorif seconded the motion. The ordinance caption 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 THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR A RESTAURANT LESS THAN 2,000 SF WITH DRIVE-THROUGH OR DRIVE-IN ON A 0.57-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 1, BLOCK A, SKY RIDGE 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 passed by a vote of 7 ayes to 0 nays.

2. **Z2021-036** - Hold a public hearing to discuss and consider a request by Adam Shiffer of the Skorburg Company on behalf of Gordon C. Fogg for the approval of an ordinance for a Zoning Change to amend Planned Development District 91 (PD-91) [Ordinance No. 21-36] to incorporate a 20.00-acre tract of land identified as Tracts 22-04 & 22-05 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 505 Clem Road, and take any action necessary (1st Reading).

Ryan Miller, Planning Director, provided background information pertaining to this agenda item. The subject property is located at southeast corner of the intersection of 505 Clem Road. On August 20, 2021, the applicant, Adam Shiffer of the Skorburg Company, submitted an application requesting to amend Planned Development District 91 (PD-91) [Ordinance No. 21-36] to incorporate an adjacent 20.00-acre tract of land (i.e. Tracts 22-04 & 22-05 of the W. M. Dalton Survey, Abstract No. 72] that is currently zoned Agricultural (AG) District. The proposed amendment, if approved, will increase the number of 16,000 SF lots permitted for this subdivision from 98-lots to 132-lots. These additional lots will result in a density change from 1.67 to 1.69 dwelling units per acre (which is less than the 2 units per acre 'low density' designation, as defined by the City). The proposed Planned Development District conforms to all of the requirements of the Unified Development Code (UDC) and the Engineering Department's *Standards of Design and Construction Manual*. On August 26, 2021, staff mailed 28 notices to property owners and occupants within 500-feet of the subject property. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). There were no Homeowner's Associations (HOAs) or Neighborhood Organizations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. At the time the report that was included in the City Council meeting packet was drafted, staff had received the following:

- 1) One (1) email from a property owner outside of the notification area opposed to the applicant's request
- 2) Eight (8) input forms from five (5) properties outside the notification area opposed to the applicant's request.

- 3) One (1) returned notice from a property owner within the notification area opposed to the applicant's request.
- 4) One (1) input form from a property owner outside the notification area in-favor of the applicant's request.

The Planning & Zoning Commission did recently review this case and voted 5-1 to recommend that the Council approve this request this evening.

Mayor Fowler called forth the applicant to speak at this time.

Kevin Harrell
8214 Westchester Drive, Ste. 900
Dallas, TX 75225

Mr. Harrell came forth and provided a PowerPoint presentation to further explain details pertaining to this agenda item and associated request. Following the applicant's presentation, Mayor Fowler opened the public hearing, asking if anyone would like to come forth and speak at this time.

Steven Curtis
2130 FM 1141
Rockwall (County), TX

Mr. Curtis shared that he lives directly across the street from this project, so he is very familiar with this property. He went on to speak about information he obtained from the City's Comprehensive Plan (generally pertaining to lot sizes and density associated with 'estate lots' and various zoning designations outlined in the Comp. Plan). He is opposed to the proposed lot sizes that are slated to be part of this development, as he believes 16,000 sq. foot lots are out of character with existing, surrounding residential lots. If the city is not going to approve 'estate lots' anywhere in the City, then he urged the Council to say so and remove that information from the city's Comp. Plan. He went on to share a video of what he indicated was flooding across FM-1141 that occurs every year on and around his property. He believes this type of flooding is imminent associated with the development's proposed 'fishing pond.'

Jim Turner
1691 E. Old Quail Run Road
Rockwall, TX

Mr. Turner believes in property owners' rights to sell and develop their property; however, he is generally opposed to this development, as he does not believe it 'fits' with the existing, surrounding area and existing, nearby residential homes. He pointed out that there are no plans to widen or improve FM-1141 anytime in the future, and adding this many additional homes is going to create a lot of unwanted traffic that will be problematic.

Bob Wacker
309 Featherstone Dr.
Rockwall, TX 75087

Mr. Wacker shared that he has an issue with how the city calculates density. He believes that density should be dispersed throughout the entirety of a piece of property rather than crammed into one end of the neighborhood. He shared that he has served on the city's Comprehensive Plan Advisory Committee (CPAC), and he believes the CPAC could have done a better job. He believes this meets the city's Comp. Plan as far as 'density' is concerned but not as far as 'lot size' is concerned. He acknowledged that it is in the interest of the developer to build higher density residential developments. He pointed out that no adjacent, existing lots are similar to these proposed sized lots. Mr. Wacker shared that he believes notable updates to the city's Comp. Plan should occur more frequently than once every five years, and brief dialogue took place between he and staff pertaining to this suggestion.

There being no one else wishing to come forth and speak, Mayor Fowler then closed the Public Hearing.

Mayor Pro Tem Hohenshelt provided various remarks, generally indicating that the city could re-write its zoning codes and/or the City's Comp Plan; however, there will always be people who will disagree with the content of those documents, and there will always be state and federal laws that the city will need to be mindful of. Also, there will always be developers who will challenge and push the limits. He generally indicated that these matters are complicated and will always be subject to disagreement.

Councilmember Johannesen moved to approve Z2021-036. Mayor Pro Tem Hohenshelt seconded the motion. 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 PLANNED DEVELOPMENT DISTRICT 91 (PD-91) [ORDINANCE NO. 21-17] 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. 21-17, BEING A 78.412-ACRE TRACT OF LAND IDENTIFIED AS TRACT 17, 17-01, 22, 22-04, & 22-05 OF THE W. M. DALTON SURVEY, ABSTRACT NO. 72, 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 5 ayes with 2 against (Jorif and Daniels).

XII. ACTION ITEMS

1. Discuss and consider approval of a resolution providing for the submission of names to the Rockwall Central Appraisal District (CAD) for nominations to the Board of Directors, and take any action necessary.

Councilmember Macalik moved to approve a resolution submitting the following names/individuals for nomination to the CAD Board of Directors: Councilmembers John Hohenshelt and Trace Johannesen. Councilmember Jorif seconded the motion, which passed by a vote of 7 ayes to 0 nays.

2. Discuss and consider the Hotel Tax Subcommittee recommendations for funding allocations in fiscal year 2022, including authorizing the City Manager to execute associated funding agreements, and take any action necessary.

Mary Smith, City Manager, provided brief background information regarding this agenda item. Councilmember Daniels moved to approve the HOT Committee recommendations with the exception of the CASA-related request (“Court Appointed Special Advocates”) and authorize the City Manager to execute associated funding agreements. Councilmember Macalik seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Councilmember Daniels then moved to approve the HOT Committee’s recommendations associated with CASA’s funding request, including authorizing the City Manager to execute associated agreements. Councilmember Jorif seconded the motion, which passed by a vote of 6 in favor with 1 abstention (Hohenshelt).

3. Discuss and consider approval of a resolution supporting the Rockwall County Transportation Road Improvement (Bond) Program ("TRIP '21"), and take any action necessary.

Mayor Fowler provided background information pertaining to this agenda item. He explained that these types of roadway bonds help position Rockwall County to be more likely to be prioritized for State and/or Federal roadway funding. Having countywide funds available (thru passage of these bonds) will allow Rockwall County to get started right away with things like design and infrastructure, right-of-way acquisition, etc. when TXDOT or the Feds approach Rockwall County with wanting to get started on a project.

**Cliff Sevier, Rockwall County Commissioner
2906 Greenway Drive
Rockwall, TX**

County Commissioner Sevier came forth and shared that all of the cities within Rockwall County work together diligently to discuss and prioritize roadway improvement projects on a countywide basis. So these bond funds will benefit all of the various cities within the County. Additional, clarifying dialogue took place between Sevier and Councilmember Macalik, generally regarding how projects are identified and prioritized. Note - Councilmember Johannesen left the meeting at this juncture (7:28 p.m.)

Following the additional dialogue, Councilmember Jorif moved to approve the resolution supporting the “TRIP ’21” countywide roadway improvement bond program. Mayor Fowler seconded the motion, which passed by a vote of 6 ayes with 1 absence (Johannesen).

XIII. CITY MANAGER’S REPORT, DEPARTMENTAL REPORTS AND RELATED DISCUSSIONS PERTAINING TO CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

1. Building Inspections Monthly Report - August 2021

2. Fire Department Monthly Report - August 2021
3. IT / Technology Department - Recent Activities Report
4. Parks & Recreation Department Monthly Report - August 2021
5. Police Department Monthly Report - August 2021
6. Sales Tax Historical Comparison
7. Water Consumption Historical Statistics

Mrs. Smith, City Manager, thanked Council and others for coming out to the annual Volunteers Appreciation event last Thursday evening. Mayor Fowler commented that the annual Rib Rub Run and Roll event that was held this past weekend went very well, and he thanked Parks Director, Travis Sales, for the work he and his staff did on the event.

XIV. 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 ballot nominations associated with elections to the Rockwall Central Appraisal District (CAD) Board of Directors pursuant to Section 551.074 (personnel matters)
2. Discussion regarding possible sale/purchase/lease of real property off of John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).

XV. 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.

XVI. ADJOURNMENT

Mayor Fowler adjourned the meeting at 7:31 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 18th DAY OF OCTOBER, 2021.

KEVIN FOWLER, MAYOR

ATTEST:

KRISTY COLE, CITY SECRETARY



MEMORANDUM

TO: Mary Smith, City Manager

CC: Honorable Mayor and City Council

FROM: Lea Ann Ewing, Purchasing Agent

DATE: October 18, 2021

SUBJECT: BID AWARDS FOR MINI DOME SOLAR CAMERA TRAILER AND SKYWATCH WIRELESS CAMERA SYSTEM

Attachments

Summary/Background Information

Approved in the General Fund, Police Patrol Equipment budget is \$44,150 to purchase a new Mini Dome Solar Camera Trailer and Wireless Camera System for the SkyWatch Trailer.

Wireless CCTV LLC is the vendor on the Federal Government's General Services Administration (GSA) Procurement schedule contract # GS-07F-031DA for this type of equipment. Wireless CCTV presented a price quote for both totaling \$44,144.56. The City, as a member and participant in the GSA cooperative purchasing program, has met all formal bidding requirements pertaining to the purchase of this new equipment.

Action Needed

For Council consideration are the bid awards for the new equipment and authorize the City Manager to execute a purchase order.



MEMORANDUM

TO: Mary Smith, City Manager
CC: Honorable Mayor and City Council
FROM: Lea Ann Ewing, Purchasing Agent
DATE: October 18, 2021
SUBJECT: PURCHASE OF VEHICLES

Attachments

Summary/Background Information

(Please see next page)

Fiscal year 2022 budgeted vehicles:

Department	Item/Description	Budget	Cost	Funding	Vendor
Fire Marshal	Truck half ton	47,000	35,610		Rockdale Country Ford
Police	CID Vehicle 2 ea Explorer	87,200	57,850		Rockdale Country Ford
	Admin SUV	37,000	32,287		Dodge City of McKinney
Parks/Rec	Recreation Truck 1/2 ton	37,500	37,487		Caldwell Country Chev
	Harbor Truck 3/4 ton	47,500	46,800		Caldwell Country Chev
	Animal Services Truck 3/4 ton	69,000	71,005		Caldwell Country Chev
Streets	Truck 1 ton	66,000	50,220		Caldwell Country Chev
	Truck 1/2 ton	36,000	28,475		Caldwell Country Chev
	Total	427,200	359,734	General Fund Reserves	
Water	Truck 2 ton	69,220	68,235		Rockdale Country Ford
	Truck 1/2 ton	26,500	27,402		Rockdale Country Ford
Sewer	Truck 1/2 ton	33,220	28,475		Caldwell Country Chev
	Truck 1 ton	56,300	55,425		Caldwell Country Chev
	Total	185,240	179,537	Water Sewer Fund	

The above stated vehicles are available from the vendor through the Texas Association of School Boards Buy Board purchasing cooperative contract 601-19. As a member and participant in this cooperative, the City has met all formal bidding requirements pertaining to the purchase of each vehicle. Any remaining budget dollars may be used to fit the vehicle with after-market equipment such as emergency lighting, wiring and install of computer hardware, radios, decals and safety equipment.

Action Needed

For Council consideration are bid awards to Caldwell Country Chevrolet \$317,887, Dodge City \$32,287 and Rockdale Country Ford \$189,097 for vehicle purchases and authorize the City Manager to execute purchase orders.



City of Rockwall
The New Horizon

MEMORANDUM

TO: City Council

FROM: Joey Boyd, Assistant City Manager

DATE: October 11, 2021

SUBJECT: Discovery Project Easement Agreement

In June 2021, the City Council approved funding for the Discovery Statue that will serve as a monument to the formation of our City through the depiction of the three early settlers who discovered one of the series of rock walls that cover the area. The City is working with local artist Jim Bryant and Schaefer Foundry to construct the statue as well as La Terra Studio to design the landscape amenities around the statue. The statue is planned to be placed in downtown on the southeast corner of the historic courthouse grounds.

Included for City Council review and consideration is the agreement between the City of Rockwall and Rockwall County for an easement to place the Discovery Statue on the southeast corner of the historic downtown courthouse.

As part of the agreement, the City will maintain the statue and all landscape, including grass, ornamental plantings, lighting, trees, sidewalks, and irrigation in this quadrant of the courthouse grounds. The initial term will be for 25 years and upon review, either party may terminate the agreement. If no action is taken to terminate the agreement, it lives in perpetuity from that point forward. The Rockwall County Commissioners Court unanimously approved the easement at their meeting on Friday, October 8, 2021.

The City Council is asked to consider approval of the easement agreement and authorize the City Manager to execute the agreement on behalf of the City.

NOTICE OF CONFIDENTIALITY RIGHTS: If you are a natural person, you may remove or strike any or all the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.

SCULPTURE AND LANDSCAPE EASEMENT AGREEMENT

This Sculpture and Landscape Easement (the "Agreement") is effective as of the Effective Date and is entered into by and between **ROCKWALL COUNTY, TEXAS**, a political subdivision of the State of Texas ("Grantor" or "County"), whose mailing address is 101 E. Rusk Street, Rockwall, Texas 75087 and the **CITY OF ROCKWALL**, a Texas home rule city and political subdivision of the State of Texas ("Grantee" or "City"), whose mailing address is 385 S. Goliad Street, Rockwall, Texas 75087.

RECITALS

WHEREAS, County is the owner of the Historic Rockwall Courthouse Square located in Rockwall County, Texas, and bounded by Rusk Street, Goliad Street, Kaufman Street, and San Jacinto Street within the corporate limits of the city of Rockwall, Texas; and

WHEREAS, City has commissioned Jim Bryant for production of a sculpture called "Discovery" consisting of life-sized, bronze-cast representations of Terry Utley Wade, Benjamin Boydstun, and William Clay Stevenson who first discovered Rockwall's titular rock "wall;" and

WHEREAS, City has proposed to locate the Discovery sculpture in the southeast corner of Historic Rockwall Courthouse Square; and

WHEREAS, County is agreeable to locating the Discovery sculpture on Rockwall Courthouse Square under the terms and conditions provided herein.

FOR AND IN CONSIDERATION of \$10.00 and other good and valuable consideration paid in hand, the receipt and sufficiency of which are hereby acknowledged, Grantor hereby grants, sells, and conveys unto Grantee, its successors and assigns, a non-exclusive easement, over, under, through and across Grantor's property in Rockwall County, Texas, being the property described as:

a 0.043-acre tract of land located in the BENJAMIM F. BOYDSTON SURVEY, ABSTRACT NO. 14, City of Rockwall, Rockwall County, Texas and being a portion of a 0.918 acre to the County of Rockwall, Rockwall OT, Courthouse Square; said 0.043-acre tract of land being more particularly described by metes and bounds in the survey attached in **EXHIBIT A** (the "Property" or "Easement").

City and County further agree that Easement will be subject to the following terms and conditions:

1. The Property may be used for any purpose related to the construction, reconstructing, re-aligning, inspecting, patrolling, maintaining, operating, altering, servicing, repairing,

adding, removing, updating, and replacing the sculpture described in APPENDIX A and appurtenant lighting, signage, landscaping, pedestrian walkways, and benches (the "Facilities"), together with:

- a) The right of ingress and egress over the Property;
 - b) The right to relocate and update the Facilities within the Property; and
 - c) The right to prepare easement property for installation of the Facilities, such as trimming trees, excavation, debris removal, and grading.
2. City will comply with all applicable statutes, laws, and regulations in its development of the Facilities.
 3. The Property will be accessible to the public at no charge and subject to the County's operational rules and regulations for the courthouse square. County further reserves the right to use the surface of the Property, provided such use does not materially interfere with the City's easements rights granted herein.
 4. The term of this Agreement is twenty-five (25) years. Thereafter, either party may terminate the Agreement without cause by giving notice to the other party and recording a Notice of Termination into the Official Public Deed Records of Rockwall County, Texas.
 5. Employees, representatives, agents and/or volunteers of City, while engaged in the performance of any of the work on the Facilities will not be considered employees, representatives, agents, or volunteers of the County. Any and all claims that may result from any obligation for which City may be held liable under any Workers' Compensation, Unemployment Compensation or Disability Benefits law or under any similar law on behalf of said employees, representatives, agents or volunteers will be the sole obligation and responsibility of City. Neither party is an employee, representative, agent, or volunteer of the other and this Agreement and performance hereunder will not be considered a joint venture or enterprise. City agrees to be responsible for all acts performed by City and the consequences thereof and Grantor agrees to be responsible for all acts performed by Grantor and the consequences thereof. In the event of litigation each party will pay its own attorney's fees.
 6. It is expressly understood and agreed that in the execution of this Agreement, neither Grantee nor Grantor is not waiving, nor shall it be deemed to have waived, any immunity or defense otherwise available to it against any claims arising out of the exercise of governmental powers and functions. This Agreement will be interpreted according to the Constitution and laws of the State of Texas.
 7. If the City hires a third-party contractor or organization to perform any of the work on the Facilities, City will require such third party to comply with all of the insurance provisions of this Section 7 and obtain insurance in the following amounts:

	TYPE	AMOUNT
1.	Workers' Compensation and Employer's Liability	Statutory \$500,000/\$500,000/\$500,000

<p>2. Commercial General (Public) Liability Insurance to include Coverage for the following:</p> <ul style="list-style-type: none"> a. Premises/Operations b. Independent Contractors c. Broad Form Contractual Liability d. Products/completed operations e. *Broad form property damage, to include fire legal liability f. Personal Injury g. *Explosion, collapse, underground 	<p>For Bodily Injury and Property Damage of \$500,000 per occurrence</p>
---	--

*If Applicable

Grantor will be entitled, upon request and without expense, to receive copies of the policies and all endorsements thereto.

City agrees that with respect to the above required insurance, all insurance contracts and Certificate(s) of Insurance will contain the following required provisions:

- a. Name the Grantor and its officers, employees, volunteers and elected representatives as additional insured as respects operations and activities of, or on behalf of, the named insured performing under contract with the City, with the exception of the workers' compensation and professional liability policies,
- b. Workers' Compensation and Employers' Liability policy will provide a waiver of subrogation in favor of the Grantor.

County acknowledges that City is a public entity and a political subdivision of the State of Texas and may self-insure for any or all work performed by city employees.

- 8. This Agreement sets forth all the agreements and stipulations of the parties pertaining to the terms of the easement granted herein, superseding all prior agreements, representations, or understandings, whether written or verbal, and may be modified or amended only by a written agreement signed by both parties.
- 9. In the event any provision or any portion of any provision of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable by reason of any law or public policy, such provision or portion thereof will be considered deleted, and the remainder of this Agreement will constitute the entire agreement between Grantor and City covering the subject matter hereof.
- 10. This Agreement may be executed by Grantor and Grantee in two or more counterparts, each of which will constitute an original, but all of which will constitute one and the same instrument. The original signature pages of such counterparts may be combined to form one instrument for recordation in the Official Public Records of Rockwall County, Texas.
- 11. The persons signing below on behalf of City and County, hereby represents that he or she has the authority to bind City or County, respectively, and is authorized to execute this

Agreement.

TO HAVE AND TO HOLD the easement unto Grantee, its successors and assigns, until terminated as provided above; Grantor does hereby bind Grantor and Grantor's heirs, executors, administrators, successors, and assigns to WARRANT AND FOREVER DEFEND, all and singular, the Easement unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, subject to all of the terms, conditions, provisions, and limitations set forth in this Agreement.

EXECUTED on the dates set forth in the acknowledgments below, but EFFECTIVE for all purposes as of the 8 day of October, 2021 (the "Effective Date").

ROCKWALL COUNTY, TEXAS

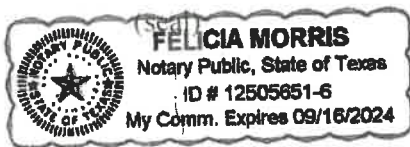
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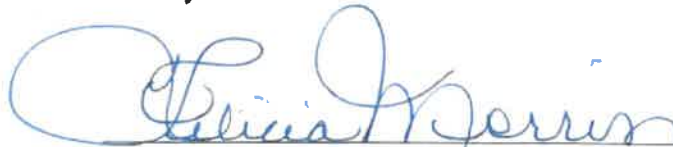
DAVID SWEET
COUNTY JUDGE

STATE OF TEXAS §
 §
COUNTY OF ROCKWALL §

The foregoing instrument was acknowledged before me this 8 day of October, 2021, by David Sweet, as County Judge of Rockwall, Texas, Grantor herein.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.





Notary Public in and for the State of Texas

Printed Name: Felicia Morris
Term Expires: 9/16/24

CITY OF ROCKWALL, TEXAS

By: _____
Mary Smith
City Manager

STATE OF TEXAS §
 §
COUNTY OF ROCKWALL §

Before me on this day personally appeared Mary Smith, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that Mary Smith executed the same as the act of City of Rockwall, a Texas municipal corporation, as its city manager, for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, 2021.

Notary Public, State of Texas
Printed Name: _____
My commission expires: _____

After recording return to:

City of Rockwall
385 S. Goliad Street
Rockwall, Texas 75087
Attn: City Manager

EXHIBIT A

DESCRIPTION OF EASEMENT PROPERTY

EXHIBIT A

**DISCOVERY EASEMENT
FIELD NOTE DESCRIPTION**

BEING a 0.042 acre tract of land located in the BENJAMIN F. BOYDSTON SURVEY, ABSTRACT NO. 14, City of Rockwall, Rockwall County, Texas and being a portion of a 0.918 acre to the County of Rockwall, Rockwall C T, Courthouse on Square and being more particularly described as follows:

COMMENCING at the southeast corner of said 0.918 acre tract and being at intersection of Rusk Street (Variable Width) and San Jacinto Street (60' Wide);

THENCE along the west line of said San Jacinto Street, *NORTH 00°50'38" WEST* a distance of 38.47 feet to a point for corner;

THENCE departing the west line of said San Jacinto Street, *SOUTH 89°05'29" WEST* a distance of 33.38 feet to the POINT OF BEGINNING;

THENCE *SOUTH 89°05'29" WEST* a distance of 45.81 feet to a point for corner;

THENCE *NORTH 01°37'14" WEST* a distance of 3.06 feet to a point for corner;

THENCE *SOUTH 88°39'03" WEST* a distance of 10.00 feet to a point for corner;

THENCE *NORTH 00°47'51" WEST* a distance of 27.78 feet to a point for corner;

THENCE *NORTH 89°12'09" EAST* a distance of 23.30 feet to a point for corner;

THENCE *NORTH 00°47'51" WEST* a distance of 4.86 feet to a point for corner;

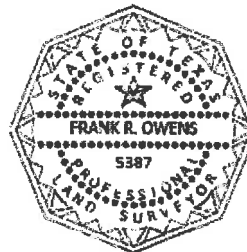
THENCE *NORTH 89°39'27" EAST* a distance of 33.17 feet to a point for corner;

THENCE *SOUTH 00°11'50" WEST* a distance of 95.25 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds 0.042 acres or 1,850 square feet of land more or less.



Frank R. Owens
Registered Professional Land Surveyor No. 5387
A.J. Bedford Group, Inc.
301 N. Alamo Road
Rockwall, Texas 75087



N:\ALL FILES\91 Rockwall, City of\OLD COURTHOUSE\OLD COURTHOUSE ESMT 6-30-21.dwg DISCOVERY ESMT. 11/8/21

SHEET 1 OF 2	SCALE: 1" = 40'	DATE: 07/08/2021
	TECHNICIAN: Spradling/Bedford	
	DRAWN BY: Spradling/Bedford	
	FILE: OLD COURTHOUSE ESMT 6-30-21	
	PROJECT No. 491-021	

0.042 Acre
Discovery Easement
CITY OF ROCKWALL
ROCKWALL COUNTY, TEXAS

TDLIS REG#10118200

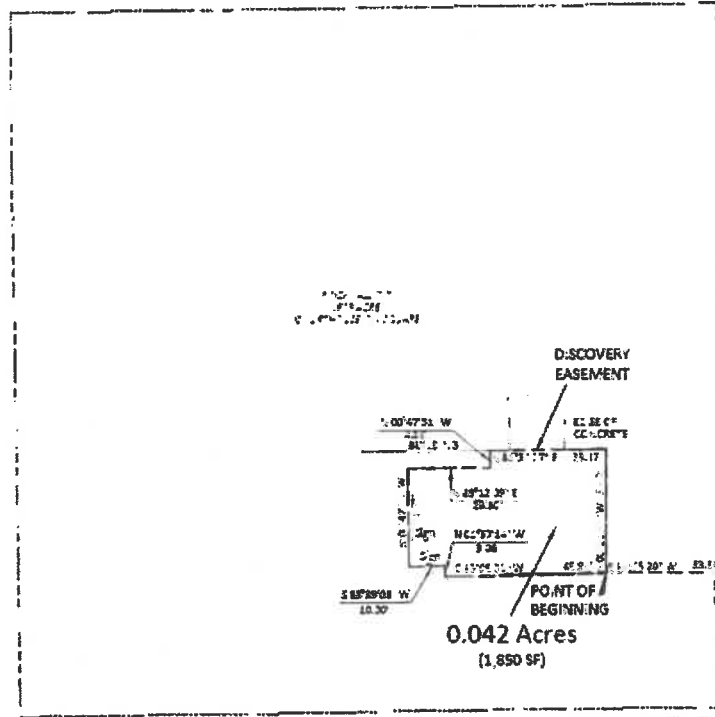


Registered Professional Land Surveyors

301 N. Alamo Road • Rockwall, Texas 75087
(972) 722-0225 www.ajbedfordgroup.com sjb@ajbedfordgroup.com

EXHIBIT A

KAUFMAN STREET
(Variable Width Right-of-Way)



0.042 Acres
(1,850 SF)

POINT OF COMMENCING

RUSK STREET
(Variable Width Right-of-Way)



GOLIAD STREET
(Variable Width Right-of-Way)

SAN JACINTO STREET
(Variable Width Right-of-Way)



N:\ALL FILES\31 Rockwall, City of\OLD COURTHOUSE\DISCOVERY EASMT 6 30 21.dwg DISCOVERY EASMT

SHEET 2 OF 2	SCALE: 1" = 40' DATE: 07/06/2021
	TECHNICIAN: Spradling/Bedford
	DRAWN BY: Spradling/Bedford
	FILE: OLD COURTHOUSE EASMT 6-30-21
PROJECT No. 495-021	

0.042 Acre
Discovery Easement
CITY OF ROCKWALL
ROCKWALL COUNTY, TEXAS

TSPLE REG#50110200



Registered Professional Land Surveyors

501 N. Alamo Road • Rockwall, Texas 75087
(877) 722-0225 www.a&jbedfordgroup.com ajb@ajbedfordgroup.com

APPENDIX A

Description of Sculpture and Appurtenant Improvements

1. City will furnish all labor, equipment, materials, and incidentals required for installation of the “Discovery” sculpture described in **Appendix A-1** (the “Sculpture”).
2. City will verify location of all utilities within a project area prior to digging or soil excavation. Utility considerations will include, but not be limited to, the following: gas, water, electricity, fiber optics, telephone, signals, lighting, traffic management systems, sanitary sewer, etc.
3. City may also undertake the following activities and install certain appurtenant facilities, including but not limited to:
 - (a) With the County Judge’s approval, the City may establish a schedule for regular maintenance of the Property including: (i) mowing grass and ground cover located on the Property; (ii) seeding or sodding grass and other installation of ground cover vegetation; (iii) trim and/or remove trees and bushes on the Property; and (iv) installing trees, plants, and shrubs; and
 - (b) install and maintain trash receptacles. City may from time to time collect litter, storm debris, or similar materials on the Property; and
 - (c) remove graffiti, storm, or vandalized damage, and/or other unauthorized modifications to the Sculpture.
 - (d) install, maintain, repair, and replace irrigation systems.
 - (e) install, repair, maintain and replace sidewalks, signage, benches, and lighting.

APPENDIX A-1 Description of Sculpture

Below is a photo of a model of the Discovery Sculpture. The sculpture consists of three men, two standing and one sitting. Each man has a tool for excavating dirt. The 1st man is standing on a small area of dirt this will be cast into the sculpture. The 2nd man is standing on the large mound above the rock wall area. A portion of what he is standing on is designed as dirt and will be cast as part of the sculpture. This sculpture will have a stainless frame work built to support this sculpture at the proper height as designed in the maquette. The 3rd man is sitting on a cross-tie wall. The cross-tie wall's front and sides will be cast as part of the sculpture.





MEMORANDUM

TO: Mary Smith, City Manager

CC: Honorable Mayor and City Council

FROM: Lea Ann Ewing, Purchasing Agent

DATE: October 18, 2021

SUBJECT: BID AWARDS FOR CONCRETE PAVEMENT REPAIRS AND MAINTENANCE CONTRACTS

Attachments

Summary/Background Information

Approved in the General Fund, Streets and Drainage Operating Budget are funds to make pavement, sidewalk and alley repairs. The scope of work for these contracts include materials, equipment and labor to make street, curb/gutter, alley, ramp, sidewalk/trail repairs, striping and all the incidentals that go with this type of work.

The annual repair work is estimated \$1,075,000 as budgeted. Staff is anticipating \$775,000 in concrete pavement and sidewalk work and \$125,000 in specialty work (curb and gutter, ramps, brick repairs, and excavation). Additional concrete lift work of \$125,000 and striping of \$50,000.

Urban Infraconstruction	\$ 900,000	City of Rockwall current concrete contractor
Nortex Concrete Lift agreement	\$ 125,000	City of Grand Prairie current contract through coop agreement
Road Master Striping	\$ 50,000	City of Allen current contract through coop agreement

The City, as a member and participant in these cooperative agreements with the City of Grand Prairie and Allen, has met all formal bidding requirements pertaining to the concrete lift and striping work.

Action Needed

For Council consideration are bid awards for this work to various contractors listed above and authorize the City Manager to execute purchase orders.



MEMORANDUM

TO: Mary Smith, City Manager

CC: Honorable Mayor and City Council

FROM: Amy Williams, P.E. Director of Public Works/City Engineer

DATE: October 18, 2021

SUBJECT: 2021 PAVEMENT CONDITION ASSESSMENT

Attachments
Contract

Summary/Background Information

The City of Rockwall currently maintains 288 miles of concrete and asphalt streets and 64 miles of concrete alleys. As a way to prioritize the maintenance and rehabilitation of these streets and alleys, the City has utilized a pavement condition assessment, which assists in ranking these assets strategically to allocate funds and resources to the appropriate areas. A paving assessment is recommended to be performed every three to five years to determine how the City's streets and alleys are deteriorating over time. The City has previously performed pavement condition assessments in 2008 and 2016.

Staff has requested that Roadway Asset Services, LLC provide a proposal for professional engineering services for the 2021 Pavement Condition Assessment. Roadway Asset Services, LLC will conduct a field survey of the pavement conditions on all the city streets and alleys following the ASTM Standard D6433-11 "Standard Practice for Roads and Parking Lots Pavement Condition Index (PCI) Surveys."

Staff requests the City Council consider approval of the 2021 Pavement Condition Assessment contract with Roadway Asset Services, LLC, in the amount of \$68,732.00 to perform a pavement assessment on the City's streets and alleys, to be funded by the Engineering Consulting budget.

Action Needed

STATE OF TEXAS



COUNTY OF ROCKWALL



PROFESSIONAL ENGINEERING SERVICES CONTRACT

This Agreement is made and entered into in Rockwall County, Texas, between City of Rockwall, Texas (“CITY”), a municipal corporation and political subdivision of the State of Texas, acting by and through its City Manager and Roadway Asset Services, LLC, ("ENGINEER"), located at 6001 W Parmer Lane, Suite 370-1102, Austin, Texas, duly licensed and practicing under the laws of the State of Texas.

WHEREAS, CITY desires to engage Engineer as an independent contractor to render certain technical and professional services necessary for performing:

PROFESSIONAL ENGINEERING SERVICES for 2021 Pavement Condition Survey

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained herein, the Parties hereby agree as follows:

1. Scope of Work

Engineer agrees to perform professional engineering services as specifically defined in this Contract as Attachment “A” and as authorized by CITY. Specifically, Engineer shall perform Professional services as requested by CITY and detailed in Attachment “A”.

The Parties by mutual agreement through contract amendments may provide for additional technical and professional services to be performed under the basic general terms and conditions of this Contract. CITY reserves the right to enter into another agreement with other engineering firms to provide the same or similar professional services during the term of this Contract for different projects.

2. Compensation & Term of Agreement

Cost for such services will be an annual amount not to exceed sixty-eight thousand seven hundred and thirty two dollars (\$68,732.00) and billed as a lump sum basis per rates provided in Attachment “B”. Engineer is not authorized to perform any work beyond the limited not to exceed amount without authorized written approval by CITY.

The term of this Agreement shall commence upon execution of this agreement and follow the schedule described in Attachment “B”. In the event of termination, Engineer will assist the CITY in arranging a smooth transition process. However, Engineer’s obligation to provide services to the CITY will cease upon the effective date of termination, unless otherwise agreed in writing.

3. Method of Payment

CITY shall pay Engineer its fees based on the presentation by Engineer to CITY of a correct monthly statement for all the amounts earned under the Contract together with reasonable supporting documentation verifying the accuracy of the fees and expenses. CITY shall then pay Engineer its fee within thirty (30) days after presentation of the accurate monthly statement by Engineer to CITY.

CITY is a State sales and use tax exempt political subdivision of the State of Texas. All records supporting payment shall be kept in the offices of Engineer for a period of not less than three (3) years and shall be made available to CITY for inspection, audit or copying upon reasonable request.

4. Engineer's Standard of Care

Engineer shall provide its services under this Contract with the same degree of care, skill and diligence as is ordinarily provided by a professional Engineer under similar circumstances for a similar project. Engineer represents that it has the capability, experience, available personnel, and means required to perform the services contemplated by this Contract. Services will be performed using personnel and equipment qualified and/or suitable to perform the work requested by the CITY.

CITY retains the right to report to Engineer any unsatisfactory performance of Engineer personnel for appropriate corrective action. Engineer shall comply with applicable federal, state, and local laws in connection with any work performed hereunder.

Engineer will seek written CITY approval to accept any contract or perform any services for any person, entity, or business working on this project. CITY may waive this potential conflict, but such waiver is at CITY's sole discretion and its decision shall be final.

5. Ownership of Documents

As part of the total compensation which CITY has agreed to pay Engineer for the professional services to be rendered under this Contract, Engineer agrees that hard copies of all finished and unfinished documents, data, studies, surveys, drawings, specifications, field notes, maps, models, photographs, preliminary reports, reports, bid packet/construction contract documents/advertisement for bids incorporating any CITY standard provisions provided by Engineer, will remain the property of the CITY. Engineer will furnish CITY with paper and electronic copies, to the extent they are available, of all of the foregoing to facilitate coordination, however, ownership of the underlying work product shall remain the intellectual property of the Engineer. Engineer shall have the right to use such work products for Engineer's purposes. However, such documents are not intended to be suitable for reuse by CITY or others on extension of the Project or on any other project. Any reuse without the express written consent of the Engineer will be at reuser's sole risk and without liability or legal exposure to the Engineer, and CITY to the extent allowed by law, shall hold harmless the Engineer from all claims, damages, losses, expenses, and costs, including attorneys' fees arising out of or resulting from the reuse of said documents without the Engineer's consent. The granting of such consent will entitle the Engineer to further compensation at rates to be agreed upon by CITY and the Engineer. The above notwithstanding,

Engineer shall retain all rights in its standard drawing details, designs, specifications, databases, computer software and any other proprietary and intellectual property information provided pursuant to this Contract, whether or not such proprietary information was modified during the course of providing the services.

6. Insurance

A. Engineer agrees to maintain Worker's Compensation and Employer's Liability Insurance to cover all of its own personnel engaged in performing services for CITY under this Contract in at least the following amounts:

Workmen's Compensation – Statutory
Employer's Liability – \$100,000
Bodily Injury by Disease - \$500,000 (policy limits)
Bodily Injury by Disease - \$100,000 (each employee)

B. Engineer also agrees to maintain Commercial General Liability, Business Automobile Liability, and Umbrella Liability Insurance covering claims against Engineer for damages resulting from bodily injury, death or property damages from accidents arising in the course of work performed under this Contract in not less than the following amounts:

\$2,000,000 General aggregate limit

\$1,000,000 each occurrence sub-limit for all bodily injury or property damage incurred all in one occurrence

\$1,000,000 each occurrence sub-limit for Personal Injury and Advertising

C. Engineer shall add CITY, its City Council members and employees, as an additional insureds on all required insurance policies, except worker's compensation, employer's liability and errors and omissions insurance. The Commercial General Liability Policy and Umbrella Liability Policy shall be of an "occurrence" type policy.

D. Engineer shall furnish CITY with an Insurance Certificate on the date this Contract is executed and accepted by CITY, which confirms that all above required insurance policies are in full force and effect.

E. Engineer agrees to maintain errors and omissions professional liability insurance in the amount of not less than one million dollars (\$1,000,000) annual aggregate, on a claims made basis, as long as reasonably available under standard policies.

7. INDEMNIFICATION

ENGINEER SHALL INDEMNIFY AND SAVE HARMLESS THE CITY AND ITS CITY COUNCIL MEMBERS AND EMPLOYEES FROM SUITS, ACTIONS, LOSSES,

DAMAGES, CLAIMS, OR LIABILITY, INCLUDING WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, ALL EXPENSES OF LITIGATION, COURT COSTS, AND REASONABLE ATTORNEY'S FEES FOR INJURY OR DEATH TO ANY PERSON, OR INJURY TO ANY PROPERTY, RECEIVED OR SUSTAINED BY ANY PERSON OR PERSONS OR PROPERTY, TO THE EXTENT CAUSED BY THE NEGLIGENT ACTS OF ENGINEER OR ITS AGENTS OR EMPLOYEES, IN THE EXECUTION OF PERFORMANCE OF THIS CONTRACT.

ENGINEER'S TOTAL LIABILITY TO CITY FOR ANY LOSS OR DAMAGES FROM CLAIMS ARISING OUT OF, OR IN CONNECTION WITH, THIS CONTRACT FROM ANY CAUSE INCLUDING ENGINEER'S STRICT LIABILITY, BREACH OF CONTRACT, OR PROFESSIONAL NEGLIGENCE, ERRORS AND OMISSIONS SHALL NOT EXCEED ONE MILLION DOLLARS (\$1,000,000). NEITHER PARTY TO THIS AGREEMENT SHALL BE LIABLE TO THE OTHER PARTY OR ANY THIRD PARTY CLAIMING THROUGH THE OTHER RESPECTIVE PARTY, FOR ANY SPECIAL, INCIDENTAL, INDIRECT, PUNITIVE, LIQUIDATED, DELAY OR CONSEQUENTIAL DAMAGES OF ANY KIND INCLUDING BUT NOT LIMITED TO LOST PROFITS OR USE OF PROPERTY, FACILITIES OR RESOURCES, THAT MAY RESULT FROM THIS AGREEMENT, OR OUT OF ANY GOODS OR SERVICES FURNISHED HEREUNDER.

8. Addresses for Notices and Communications

CITY

Amy Williams, P.E.
Director of Public Works/City Engineer
City of Rockwall
385 S. Goliad Street
Rockwall, Texas 75087

ENGINEER

Scot Gordon, P.E., IAM
President
Roadway Asset Services
6001 W Parmer Lane
Suite 370-1102
Austin, Texas 78727

All notices and communications under this Contract shall be mailed or delivered to **CITY** and **Engineer** at the above addresses.

9. Successors and Assigns

CITY and Engineer each binds itself and its successors, executors, administrators and assigns to the other parties of this Contract and to the successors, executors, administrators and assigns of

such other parties, in respect to all covenants of this Contract. Except as noted in the first part of this Paragraph, neither CITY nor Engineer shall assign, sublet or transfer its interest in this Contract without the written consent of the other. Nothing herein shall be construed as creating any personal liability on the part of any officer, council member, employee or agent of any public body which is a party hereto.

10. Termination for Convenience of the Parties

Engineer and CITY may terminate this Contract for their convenience at any time by giving at least thirty (30) days notice in writing to each other. If the Contract is terminated by CITY and/or Engineer as provided herein, Engineer will be paid for the Work provided and expenses incurred up to the termination date, if such final compensation is approved by CITY, in its sole discretion. If this Contract is terminated due to the fault of Engineer, Paragraph 10 hereof, relative to Termination for Cause, shall apply.

11. Changes

CITY may, from time to time, request changes in the Scope of Work of **Engineer** to be performed hereunder. Such changes, including any increase or decrease in the amount of **Engineer's** compensation, or time for performance, which are mutually agreed upon by and between **CITY** and **Engineer**, shall be incorporated in written amendments to this Contract. Any subsequent contract amendments shall be executed by the City Manager or other authorized representative as designated by the City Manager or City Council.

Any alterations, additions or deletions to the terms of this Contract, including the scope of work, shall be by amendment **in writing** executed by both CITY and Engineer.

13. Reports and Information

Engineer, at such times and in such forms as **CITY** may reasonably require, and as specified in the Scope of Work or in additional Contract Amendments shall furnish **CITY** periodic reports pertaining to the Work or services undertaken pursuant to this Contract, the cost and obligations incurred, or to be incurred in connection therewith, and any other matter covered by this Contract.

14. Entire Agreement

This Contract and its Attachments and any future Contract Amendments constitute the entire agreement, and supersede all prior agreements and understandings between the parties concerning the subject matter of this Contract.

15. Waiver

The failure on the part of either party herein at any time to require the performance by the other party, of any portion of this Contract, shall not be deemed a waiver of, or in any way affect that

party's rights to enforce such provision, or any other provision. Any waiver by any party herein of any provision hereof, shall not be taken or held to be a waiver of any other provision hereof, or any other breach hereof.

16. Severability

The invalidity or unenforceability of any provision of this Contract shall not affect the validity or enforceability of any other provision of this Contract.

17. Survival

Any and all representations, conditions and warranties made by Engineer under this Contract are of the essence of this Contract and shall survive the execution, delivery and termination of it.

18. Governing Powers and Law

Both Parties agree and understand that the City does not waive or surrender any of its governmental powers by execution of this Agreement. To that end, the parties further understand that this agreement shall not be considered a contract for goods or services under Texas Local Government Code, Section 271.151 and Contractor waives any right or entitlement granted said provisions. This Contract is governed by the laws of the State of Texas and all obligations of the parties under this Contract are performable in Rockwall County, Texas.

19. Attorney's Fees


If it is necessary for either Party herein to file a cause of action at law or in equity against the other Party due to: (a) a breach of this Contract by the other Party and/or (b) any intentional and/or negligent act or omission by the other Party arising out of this Contract, the non-breaching or non-negligent Party shall be entitled to reasonable attorney's fees and costs, and any necessary disbursements, in addition to any other relief to which it is legally entitled.

20. State or Federal Laws

This Contract is subject to all applicable federal and state laws, statutes, codes, and any applicable permits, ordinances, rules, orders and regulations of any local, state or federal government authority having or asserting jurisdiction, but nothing contained herein shall be construed as a waiver of any right to question or contest any such law, ordinance, order, rule or regulation in any forum having jurisdiction.

EXECUTED in triplicate originals on this 7th day of October 2021.

Roadway Asset Services, LLC

By: 
Name: Bart Williamson
Title: CEO

EXECUTED in triplicate originals on this ____ day of _____ 201_.

ATTEST:

City of Rockwall, Texas

Mary Smith
City Manager

Attachment A

Pavement Condition Survey

Section I - Scope of Work:

Roadway Asset Services, LLC. (RAS) understands that the City of Rockwall, Texas desires to conduct a field survey of the pavement conditions on all the City streets following the ASTM Standard D6433-11 “Standard Practice for Roads and parking Lots Pavement Condition Index (PCI) Surveys.” The PCI based pavement condition survey is to be conducted on approximately 242 centerline miles (288 test miles) of paved streets in the City limits on each street segment which is typically a block and tagged with a Facility-ID on the feature-class layer in GIS. This also includes 64 test miles of alley segments.

The CONSULTANT (Roadway Asset Services, LLC.) shall provide the following services to the OWNER (City of Rockwall, Texas):

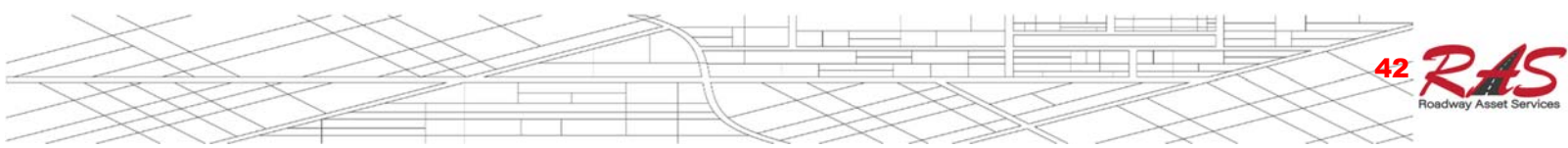
- Mobile data collection of roadway imagery and pavement distress for 288 test miles of roadway and 64 test miles of alley segments.
- Provide evaluation and data for a small pilot study (approximately 10 miles) during initial collection, including a site visit with OWNER and field evaluation of pavement distress and results.
- ASTM D6433 compliant pavement rating and assessment for 288 test miles of roadways and 64 test miles of alleys.
- Provide pavement final report summarizing the PCI results and statistical data.
- Inventory the following items: pavement condition and pavement width.
- Provide data in a format compatible with the OWNER’s Pavement Management System.
- Provide a final pavement report with results of PCI assessments and statistics.
- Provide assistance for preparation and delivery of two City Council meetings to provide findings of the project.

Description of the tasks to be performed.

Task 1 - Project Setup

1.1 Project Initiation

Upon notice to proceed the CONSULTANT will arrange a kick-off meeting to confirm the project requirements and scheduling. The kick-off meeting will include proposed key personnel and the OWNER’s project members. During the meeting, CONSULTANT will present the proposed Project Approach, which includes project equipment, software, methodology, schedules, and deliverables. The proposed approach will be finalized based on the OWNER requirements and decisions during the meeting. CONSULTANT will request that the OWNER provide any existing database, previous inventory of street conditions, street centerlines, Geographic Information System (GIS) layers, and aerial imagery for project use. Project communication protocol, documentation, accounting methodologies, data format, and will be confirmed during the meeting.



1.2 *GIS Centerline Identification*

CONSULTANT will use the existing centerline data provided by the OWNER and create a pavement database based on the centerline layer. Each street segment record in the centerline layer will have a corresponding record in the pavement database. The OWNER represents that the City maintains approximately 242 centerline miles of roadways.

CONSULTANT will work with the OWNER to maintain the unique identifier of each of the street and alley segments on the OWNER street network so that the pavement database can maintain a persistent link to the GIS data.

CONSULTANT will communicate with the OWNER to gather required information to define all the distress types and treatment selections. Based on this information, a Pavement Condition Index (PCI) rating and treatment selection manual will be created to identify and define each distress type and its severity, extent, and treatment selection (based on the ASTM-D6433 testing methodology for roads and parking lots). Each collected GIS street and alley segment will be populated with its respective PCI as well as any other derivative indices used to make up the PCI.

CONSULTANT will provide the OWNER with a GPS “breadcrumb” file of data collection routes and image locations.

1.3 *Project Management*

CONSULTANT will provide project management for the duration of the project, including coordinating and attending meetings via web meetings or in person with OWNER, data research and collection efforts as required, preparing weekly progress reports, and schedule updates. Weekly progress reports will include the total days collected and lost due to weather or mechanical issues for the current reporting period as well as cumulative totals. An exhibit displaying the streets collected and not yet collected will also be included.

Task 1 Deliverables:

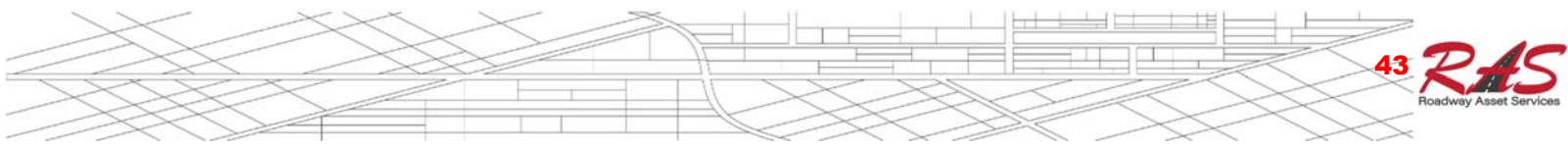
1. The CONSULTANT will deliver weekly progress reports and schedule updates.
2. The CONSULTANT will provide the OWNER with a centerline assessment document for review and approval.

Task 2 - Pavement Condition Assessment

The CONSULTANT will collect roadway data and images for the 288 test miles of roadway and 64 test miles of alleys using a Roadway Asset Collection (RAC) vehicle.

2.1 *System Setup, Mobilization and Pilot Project*

CONSULTANT will work with the OWNER to review and verify that the data is ready to proceed. CONSULTANT will work with the OWNER to setup a pilot project area so that some initial sample data can be collected and verified. CONSULTANT will collect data within the pilot project area and review the result with the OWNER and acquire approval for full size project implementation. The sample areas will be selected to match the previous survey areas to the best of our ability based upon the information available from the previous evaluation.



2.2 Collect Street and Alley Network

The RAS team consists of a driver and operator (CONSULTANT) who will systematically drive the automated data collection vehicle on the road segment listings provided by the OWNER. The CONSULTANT will collect pavement data with two passes, one in each direction, for arterials and collectors, and one pass in one direction for local roadways. The CONSULTANT will also collect pavement data in one direction for alleys. CONSULTANT proposes to use its collection vehicle line scan camera with laser illumination and right-of-way cameras to capture pavement and ROW images to be used during the pavement rating process. Unpaved streets will not be surveyed.



A RAS automated data collection vehicle

Roadway Asset Services (RAS) will perform data field collection on paved streets using a state-of-the-art International Cybernetics Corporation (ICC) data collection vehicle with following systems mounted:

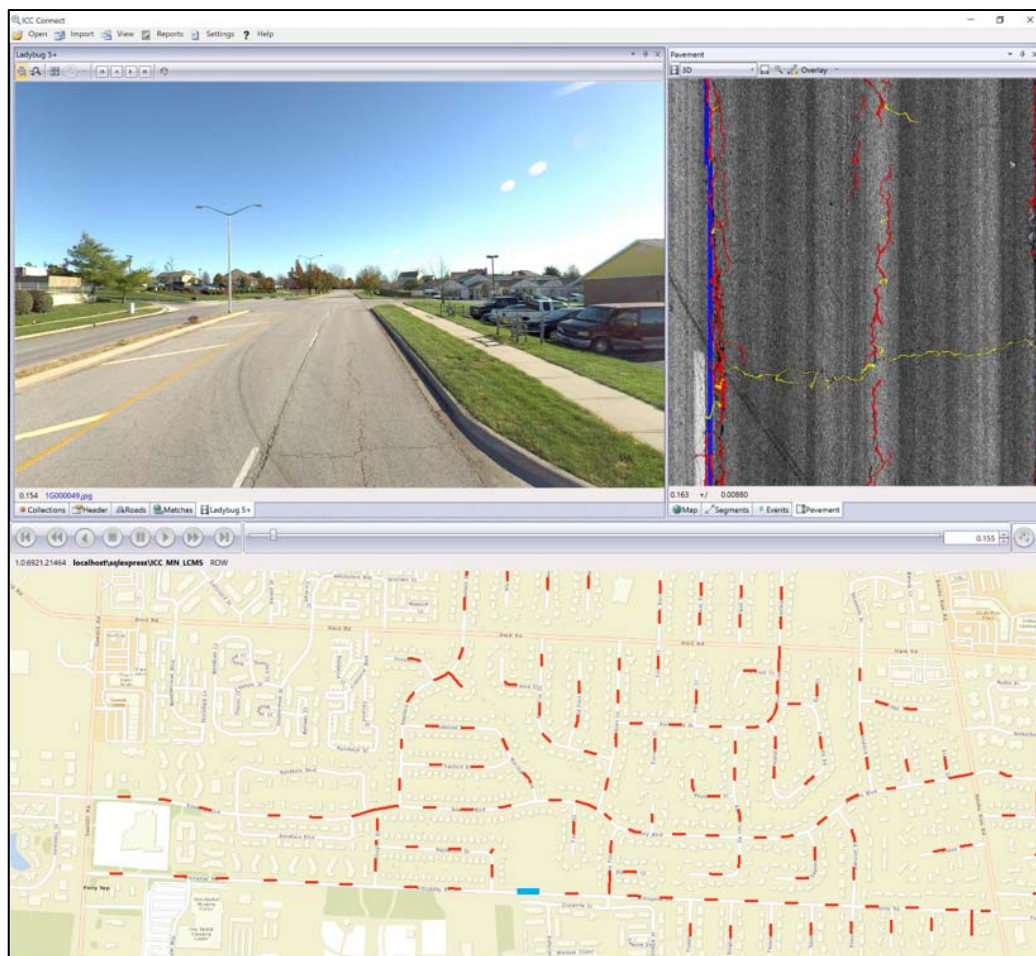
- Right-of-way georeferenced images with Ladybug 5+ camera: Forward, Left, Right, and 360-degree spherical images.
- LCMS-2 pavement 2D/3D imaging.
- Longitudinal profile with 2-line lasers (left and right wheelpaths) Distance measuring instrument (DMI) with an accuracy of +/- 0.1%.
- Differentially corrected GPS (DGPS) with an accuracy of +/- 2 feet.
- Applanix POS/LV 220 to compensate for difficult GPS conditions in urban environments.

The RAS system collects all pavement and right-of-way images, IMU, DMI and profiler data concurrently.

2.3 Pavement Condition Index Modified ASTM D6433

CONSULTANT will provide PCI assessment results in accordance with ASTM D6433 for all roadways and alleys. Experienced pavement engineers will review the resultant output for accuracy and make any corrections that may be needed. ICC connect software allows the pavement and right of way imagery to be synced and the distress data to be displayed geospatially to provide another layer of quality assurance.

CONSULTANT will provide a pilot study of approximately 10 miles of roadway, based on selection by the OWNER, to provide a preliminary review of the condition data and resulting PCI. CONSULTANT will perform a field evaluation, coordinated to include the OWNER, to review the field conditions and compare to the evaluation and PCI results. The OWNER can review the results and choose which method of survey is desirable.



Pavement Condition Evaluation within ICC Connect software

The international Roughness Index (IRI) will be collected using a class 1 road surface profiler manufactured by International Cybernetics Corporation (ICC). The road surface profiler meets all ASTM E-950 standards for evaluating the smoothness of pavement.

Task 2 Deliverables:

1. CONSULTANT will provide Right-of-Way imagery for all street and alley segments collected.
2. CONSULTANT will provide downward-facing Pavement Imagery for all street and alley segments collected.
3. CONSULTANT will provide evaluation and data for a small pilot study (approximately 10 miles) during initial collection, including a site visit with OWNER and field evaluation of pavement distress and results.
4. CONSULTANT will provide Geodatabase of distresses containing the Type, Severity and Extent of distresses along the street and alley segments as defined by the ASTM D6433 methodology.
5. CONSULTANT shall provide Pavement Condition Index (PCI) values for each delivered street and alley segment.

Task 3 Pavement Width

The CONSULTANT will use the images from the Ladybug 360 camera system to capture the width of pavement for each street segment and alley to compare with the existing database information. CONSULTANT will provide the widths for streets with width changes by noting locations of changes by stations and measuring each section of change, and the addition of lanes or turn lanes.

Task 3 Deliverables

1. CONSULTANT will provide the OWNER width measurements within the Pavement database.

Task 4 Pavement Final Report

CONSULTANT will deliver a Final Pavement Condition Index Report for the project including:

- Executive Summary.
- Project methodology and pavement data.
- Street segment PCI.
- Exhibits showing PCI and street segment length, lanes, and pavement type.

Task 4 Deliverables:

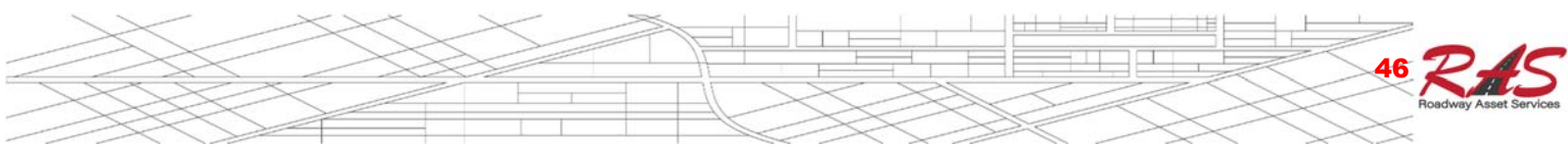
1. CONSULTANT will deliver a final GIS file geodatabase containing collected pavement data, and PCI value.
2. CONSULTANT will deliver a Final Pavement Condition Index Report.
3. CONSULTANT will deliver a final pavement report with results of the PCI assessment.
4. CONSULTANT will be available to assist and present at two City Council meetings to provide findings of the project.

Task 5 Pavement Condition Index and Geodatabase

CONSULTANT will provide final Pavement Condition Index and Distress data in a geodatabase.

Task 5 Deliverables:

1. CONSULTANT will deliver a final PCI in a geodatabase.



Task 6 Quality Assurance and Quality Control and Field Verification

The CONSULTANT will perform quality assurance and quality control on all data collected.

CONSULTANT has a proven Quality Assurance (QA)/Quality Control (QC) procedure for all mobile data collection projects. CONSULTANTS QC procedures begin with the collection vehicle collection process. For the OWNER, a calibration site(s) will be established that consists of up to 10 point locations nailed, painted and surveyed in a location easily accessible to the mobile data collection vehicle. This calibration site will be recorded in at least two perpendicular directions at the beginning and end of each collection day.



Number	Northing	Easting	Description	Latitude	Longitude	Elevation
10	1520841.17	605904.28	Nail & Disk	28.3102.56074	-81.0923.45205	67.49
11	1520832.20	605899.95	Nail & Disk	28.3102.47197	-81.0923.50046	67.58
12	1520819.80	605894.40	Nail & Disk	28.3102.34912	-81.0923.56246	67.47
13	1520835.95	605915.00	Nail & Disk	28.3102.50927	-81.0923.33175	67.56
14	1520826.92	605910.71	Nail & Disk	28.3102.41975	-81.0923.37968	67.65
15	1520789.93	605905.10	Nail & Disk	28.3102.30571	-81.0923.44241	67.50
16	1520831.65	605923.90	Nail & Disk	28.3102.46679	-81.0923.23189	67.51
17	1520822.57	605919.59	Nail & Disk	28.3102.37684	-81.0923.28011	67.52
18	1520811.42	605914.49	Nail & Disk	28.3102.26632	-81.0923.33712	67.42

Calibration Site Checked Daily to Ensure the Accuracy of Collection

The technician will check each camera's exposure rate, image quality and GPS and IMU operation to ensure the data collection system is recording the image, GPS, DMI and IMU data and that the GPS location is within the stated project tolerance. Each collection day's calibration collection will be documented in the collection log book. The collection log book also contains information such as date, location, technician and drivers name, any issue that developed during the collection day and DMI calibration runs. CONSULTANT will maintain a Microsoft Access database of any collection or other project issues. All project team personnel including OWNER personnel will have access to the database to log comments, check the status of issues and have one central repository to track project issues and resolutions.

During image collection, the technician reviews the images collected on-screen as they are collected and any issue with image clarity requires the collection run to end and the image quality issue to be resolved. Once resolved, the collection run begins from the beginning for the street segment collected. The

technician also monitors GPS reception during collection. If GPS reception is lost (measured using PDOP – positional dilution of precision), the technician stops the collection and resolves the GPS reception issue. Collection begins again once the GPS reception issue is resolved. All issues resulting in the collection run being stopped will be recorded in the collection log book along with the resolution.

With a completed collection drive delivered to CONSULTANT offices, images are post processed and provided to the image QC Officer who will perform quality control checks on each delivery provided. The QC Officer will visually review the collection routes for image quality. All collection runs that are considered of low quality will be marked for recollection before the data collection vehicle(s) is allowed to leave the City of Rockwall.

Additionally, CONSULTANT will provide independent quality checks via field verification to confirm accuracy of automated data collection.

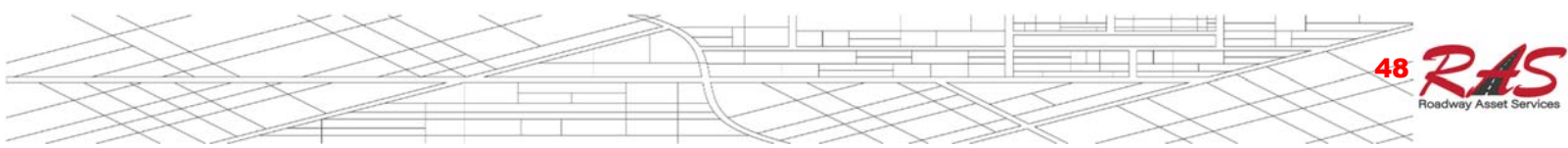
Acceptance Criteria

The results of the data collection shall be quality checked for rating consistency by CONSULTANT to ensure the accuracy and quality of deliverables. Additionally, deliverables will be checked for missing and/or duplicate assets. A 97% accuracy rate is expected, and Quality Control checks will be based on the batch/sample size of the delivery (see Table A below to determine sample size for the appropriate accuracy rate).

For any measurement that is needed it must be accurate to the nearest foot. If the data has more errors than allowable the set of data will be corrected. This process will be repeated until each set of data is within the allowable limits.

Method of measurement of acceptable quality level (AQL)

Each attribute captured for an asset counts as one unit of measure. Each physical measurement required for an asset location counts as one attribute or unit of measure. The following location information also counts as an attribute or unit of measure for each asset: Physical presence (when captured as per source = correct, not captured or missed = incorrect) In the event of a duplicate capture of an asset, the total number of attributes or units of measure for the duplicate asset(s) will be deducted from the total units of the sample set, and one error or unit of measure (incorrect physical presence) is charged.



Batch size			Sample Size (Normal)	Acceptance Rate (%)				
				99.0	98.5	97.5	96.0	93.5
2	to	8	2	≤ 0	≤ 0	≤ 0	≤ 0	≤ 0
9	to	15	3	≤ 0	≤ 0	≤ 0	≤ 0	≤ 0
16	to	25	5	≤ 0	≤ 0	≤ 0	≤ 0	≤ 1
26	to	50	8	≤ 0	≤ 0	≤ 0	≤ 1	≤ 1
51	to	90	13	≤ 0	≤ 0	≤ 1	≤ 1	≤ 2
91	to	150	20	≤ 0	≤ 1	≤ 1	≤ 2	≤ 3
151	to	280	32	≤ 1	≤ 1	≤ 2	≤ 3	≤ 5
281	to	500	50	≤ 1	≤ 2	≤ 3	≤ 5	≤ 7
501	to	1,200	80	≤ 2	≤ 3	≤ 5	≤ 7	≤ 10
1,201	to	3,200	125	≤ 3	≤ 5	≤ 7	≤ 10	≤ 14
3,201	to	10,000	200	≤ 5	≤ 7	≤ 10	≤ 14	≤ 21
10,001	to	35,000	315	≤ 7	≤ 10	≤ 14	≤ 21	≤ 21
35,001	to	150,000	500	≤ 10	≤ 14	≤ 21	≤ 21	≤ 21
150,001	to	500,000	800	≤ 14	≤ 21	≤ 21	≤ 21	≤ 21
500,001	and over		1250	≤ 21	≤ 21	≤ 21	≤ 21	≤ 21

Example: a delivery results in 100 assets – each asset has been determined to have 10 attributes to be captured (including the physical presence “attribute” for each asset) – thus total units of measure for the Batch size = 1,000 (100 x 10). Based on Table A, a Quality Control using a sample size of 80 units should be assessed for quality. With an expected accuracy of 97%, the allowable number of errors ≤ 5.

ATTACHMENT B

City of Rockwall, Texas City Wide Pavement Evaluation and Assessment				
Pavement Condition Inventory				
Task	Description	Units	Unit Cost	Fee
1	Centerline Identification, Field Set-Up & GPS Network Creation (lump sum) ¹	1	\$1,950	\$1,950
2.2a	Collect Street Network with 100% Coverage of driven lanes (test mile) ²	288	\$80	\$23,040
2.2b	Alley Inventory Paved with 100% Coverage of driven lanes (test mile) ⁵	64	\$60	\$3,840
2.3a	Pavement Condition Index Modified ASTM D6433 Artificial Intelligence with 100% Rating (test mile) ^{3,4}	288	\$40	\$11,520
2.3b	Alley PCI (Pavement Condition Index) with Modified ASTM D6433 Artificial Intelligence with 100% Rating (test mile)	64	\$40	\$2,560
3a	Pavement Width (centerline miles)	242	\$12	\$2,904
3b	Alley Width (centerline miles)	64	\$12	\$768
4	Pavement Report without multi-year budget scenarios (lump sum)	1	\$15,000	\$15,000
5	Sr. Pavement Consultant (Hourly)	26	\$275	\$7,150
Total Fee⁶				\$68,730



¹Assumes centerline file will be provided in GIS.

²Test Miles equate to driving Arterial and Collector roads with two passes and Residential with one pass.

³Assumes Client will import database into Cityworks AMS Software

⁴PCI assessment includes IRI values for roadway smoothness evaluation

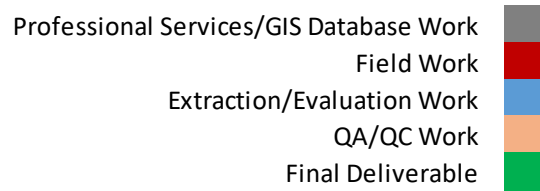
⁵One Pass Collection on all alleys

⁶Bill Monthly, lump sum based on percent complete for each task item.

ATTACHMENT “C”

Project Schedule

Task	Days	Months			
		1	2	3	4
GIS Centerline File Review, Project Initiation and Mobilization	5	■			
Mobile Data Collection using RAC Vehicle(s)	15	■			
Pilot Data review and visit	12		■		
Pavement Evaluation/Street Inventory Data	45		■	■	
QA/QC	12			■	
Final Database Preparation	18				■
Report and Deliverables	12				■



ATTACHMENT “D”

Sub-Consultants

Sub-Consultant work is not anticipated based on the scope of services for this project.

CITY OF ROCKWALL

ORDINANCE NO. 21-48

SPECIFIC USE PERMIT NO. S-257

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 A RESTAURANT LESS THAN 2,000 SF WITH DRIVE-THROUGH OR DRIVE-IN ON A 0.57-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 1, BLOCK A, SKY RIDGE 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.

WHEREAS, the City has received a request from Sam Moore of Main & Main for the approval of a Specific Use Permit (SUP) for a *Restaurant with Less Than 2,000 SF with Drive-Through or Drive-In* for the purpose of constructing a *drive-through restaurant* on a 0.57-acre parcel of land described as Lot 1, Block A, Sky Ridge Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District, generally located southeast of the intersection of Ridge Road [FM-740] and W. Yellow Jacket Lane, and being more specifically depicted in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code (UDC) [Ordinance No. 20-02] of the City of Rockwall should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rockwall, Texas;

SECTION 1. The Unified Development Code (UDC) [Ordinance No. 20-02] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) for a *Restaurant with Less Than 2,000 SF with Drive-Through or Drive-In* in accordance with Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [Ordinance No. 20-02] on the *Subject Property*; and,

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 04.05, *Commercial (C) District*, and Subsection 06.08, *Scenic Overlay (SOV) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 20-02] -- as heretofore amended and may be amended in the future -- and with the following conditions:

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *Restaurant with Less Than 2,000 SF with Drive-Through or Drive-In* on the *Subject Property* and conformance to these conditions is required for continued operation:

- 1) The development of the *Subject Property* shall generally conform to the Concept Plan as depicted in *Exhibit 'B'* of this ordinance.
- 2) Mature landscaping and additional trees shall be planted along the entire length of the proposed drive-through to provide headlight screening from Ridge Road [FM-740] and the adjacent properties.

2.2 COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, *Specific Use Permits (SUP)* of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) will require the *Subject Property* to comply with the following:

- 1) Upon obtaining a *Certificate of Occupancy (CO)*, should the business owner operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outlined in the Unified Development Code (UDC), the City may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Subsection 02.02(F), *Revocation*, of Article 11, *Development Applications and Revision Procedures*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*].

SECTION 3. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

SECTION 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

SECTION 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS (\$2,000.00)* for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 6. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

SECTION 7. That this ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 18TH DAY OF OCTOBER, 2021.

Kevin Fowler, Mayor

ATTEST:

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

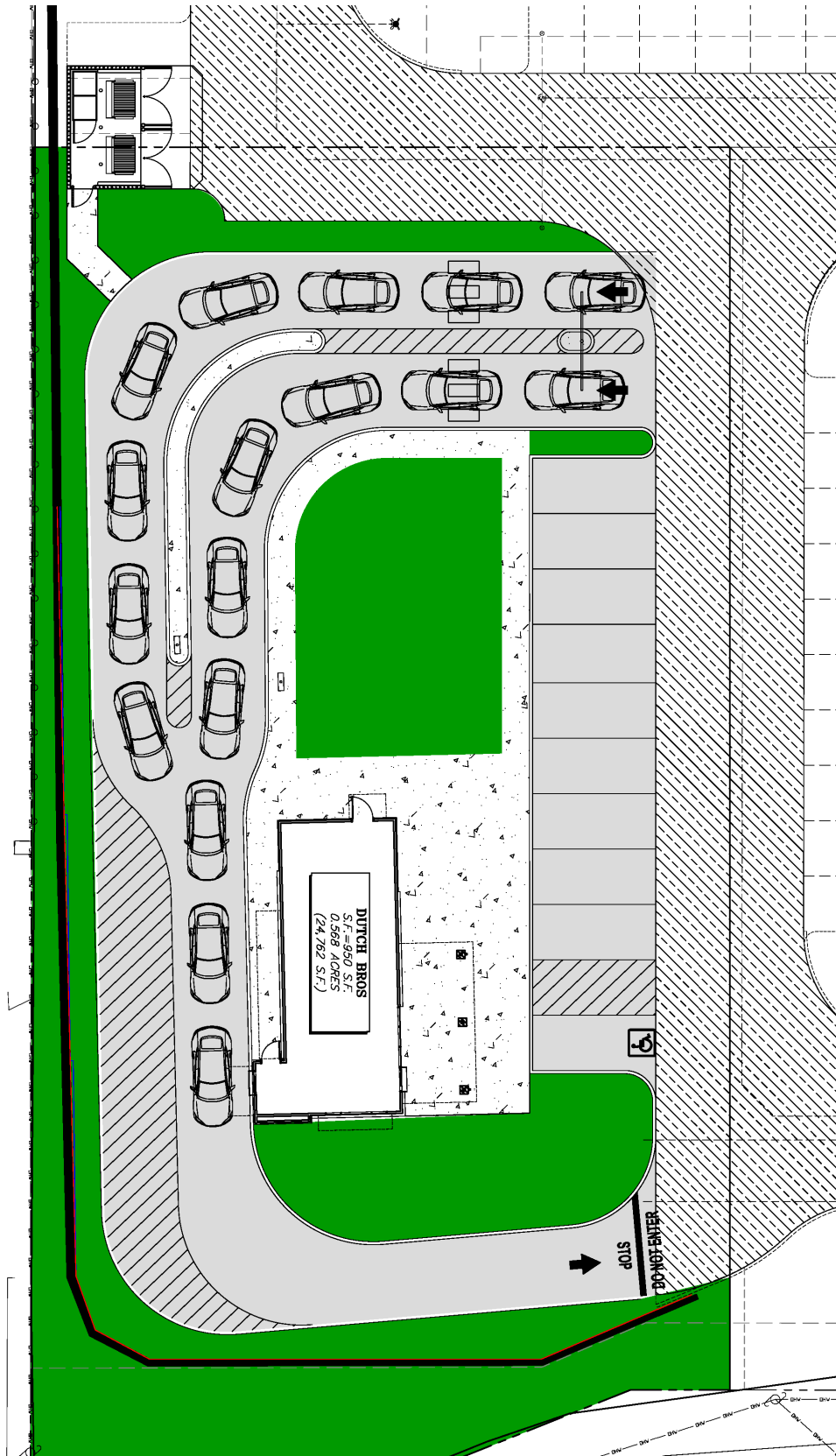
Frank J. Garza, City Attorney

1st Reading: October 4, 2021

2nd Reading: October 18, 2021

Address: Southeast of the intersection of Ridge Road and W. Yellow Jacket Lane
Legal Description: Lot 1, Block A, Sky Ridge Addition







MEMORANDUM

TO: Mary Smith, City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: October 18, 2021

SUBJECT: Z2021-038; SPECIFIC USE PERMIT FOR A DETACHED GARAGE AT 1 SOAPBERRY LANE

Attachments

Case Memo
Development Application
Location Map
HOA Notification Map
Property Owner Notification Map
Property Owner Notification List
Public Notice
Property Owner Notifications
Applicant's Letter
Existing Structure
Building Elevations
Draft Ordinance

Summary/Background Information

Hold a public hearing to discuss and consider a request by Darrell McCallum for the approval of a n **ordinance** for a *Specific Use Permit (SUP)* for a *Detached Garage* that exceeds the maximum permissible size for a detached garage on a 1.2080-acre parcel of land identified as Lot 6, Block A, Grady Rash Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family (SF-10) District, addressed as 1 Soapberry Lane, and take any action necessary (**1st Reading**).

Action Needed

The City Council is being asked to approve, approve with conditions, or deny the proposed Specific Use Permit (SUP).



CITY OF ROCKWALL

CITY COUNCIL CASE MEMO

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO: Mayor and City Council
DATE: October 18, 2021
APPLICANT: Darrell McCallum
CASE NUMBER: Z2021-038; *Specific Use Permit for a Detached Garage at 1 Soapberry Lane*

SUMMARY

Hold a public hearing to discuss and consider a request by Darrell McCallum for the approval of a Specific Use Permit (SUP) for a *Detached Garage* that exceeds the maximum permissible size for a detached garage on a 1.2080-acre parcel of land identified as Lot 6, Block A, Grady Rash Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family (SF-10) District, addressed as 1 Soapberry Lane, and take any action necessary.

BACKGROUND

On June 20, 1959, the City Council approved *Ordinance No. 59-02* annexing the subject property in to the City of Rockwall. Based on the City's historic zoning maps, the subject property was zoned Single-Family 2 (SF-2) District as of January 3, 1972. Between January 3, 1972 and March 16, 1983, the subject property was rezoned from a Single-Family 2 (SF-2) District to a Single-Family 10 (SF-10) District. On August 24, 1984, the City Council approved a final plat [*i.e. Case No. PZ1984-027-01*] for Lots 1-5, Block A, Grady Rash Subdivision. On June 1, 2015, the City Council approved a replat [*i.e. Case No. P2015-014*] for Lots 6-8, Block A, Grady Rash Subdivision creating the subject property. According to the Rockwall Central Appraisal District (RCAD), there is a 3,372 SF single-family home situated on the subject property that was constructed in 1972. Additionally, there is a 720 SF storage building that was constructed in 2000.

PURPOSE

The applicant -- *Darrell McCallum* -- is requesting the approval of a Specific Use Permit (SUP) to allow for the construction of a detached garage that exceeds the maximum allowable size as stipulated by Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC).

ADJACENT LAND USES AND ACCESS

The subject property is addressed as 1 Soapberry Lane. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property is Northshore, Phase 2A Subdivision, which was platted on June 4, 1984 and consists of 80 single-family residential lots. Beyond this is the Northshore, Phase 2B Subdivision, which was platted on March 3, 1986 and consists of 76 single-family residential lots. Both of these subdivisions are zoned Single-Family 10 (SF-10) District.

South: Directly south of the subject property are three (3) single-family residential lots (*i.e. Lots 2, 3, & 4, Block A, Grady Rash Subdivision*) that are zoned Single-Family 10 (SF-10) District. Beyond this is the takeline for Lake Ray Hubbard followed by the corporate limits of the City of Rockwall.

East: Directly east of the subject property are two (2) single-family residential lots (*i.e. Lots 7 & 8, Block A, Grady Rash Subdivision*). Beyond these lots is the Northshore, Phase 1A Subdivision, which was platted on March 25, 1981 and consists of 93 single-family residential lots. Both of these subdivisions are zoned Single-Family 10 (SF-10) District.

West: Directly west of the subject property is the takeline for Lake Ray Hubbard followed by the corporate limits for the City of Rockwall.

CHARACTERISTICS OF THE REQUEST

The applicant has submitted an application, survey, and building specifications proposing to construct a 30-foot by 40-foot (or 1,200 SF) detached garage on the subject property. The proposed structure will replace an existing metal 24-foot by 30-foot (or 720 SF) accessory building. The proposed building elevations indicate the façade of the accessory building will be metal, the structure will be less than 15-feet in height, and will incorporate a metal roof. At the Planning and Zoning Commission work session meeting the applicant indicated that he would be incorporating a stone wainscot along the northern and western boundaries of the structure. The accessory structure will be situated northwest of the primary structure and along the alleyway adjacent to the Northshore, Phase 2A Subdivision. The proposed detached garage will be situated more than 20-feet from the front façade of the primary structure and will be accessible from the existing concrete driveway via an extension of the driveway proposed by the applicant. The garage will incorporate two (2) garage bay doors allowing the storage of two (2) standard size vehicles.

CONFORMANCE WITH THE CITY'S CODES

According to Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC), the Single-Family 10 (SF-10) District allows a total of two (2) accessory structures. For accessory buildings, the Single-Family 10 (SF-10) District allows one (1) accessory building at 144 SF and one (1) detached garage at 625 SF, or two (2) accessory building at 144 SF each. In addition, if a property has an existing accessory building greater than 144 SF, no additional accessory buildings or detached garages shall be permitted. Detached garages are limited to a maximum height of 15-feet. The setbacks for a detached garage in a Single-Family 10 (SF-10) District are 20-feet from the rear property line and 6-feet from the side yard property line. Detached garages are also required to have a minimum of 10-feet of separation from any other building or structure. This section of the code goes on to state, "(a)ccessory buildings and structures shall be architecturally compatible with the primary structure, and be situated behind the front façade of the primary structure ... [and] (a)ccessory buildings and structures not meeting the size requirements stipulated by this section shall require a Specific Use Permit (SUP)." In addition, the section states that detached garages "...(s)hall include one (1) garage bay door large enough to pull and park a standard size motor vehicle (*i.e. a vehicle that is a minimum of nine [9] feet by 18-feet*) inside the structure. In addition, a detached garage must be accessible from the front, rear or side yard by a standard width, concrete driveway that has a minimum length of 20-feet of driveway pavement." The code also requires a detached garage to be situated a minimum of 20-feet behind the front façade of the primary structure.

STAFF ANALYSIS

In this case, the applicant's request generally conforms to the density, setback, and height requirements for a detached garage; however, the detached garage does not adhere to the maximum allowable size. Specifically, the detached garage will exceed the permitted 625 SF by 575 SF. If the applicant's Specific Use Permit (SUP) is approved, staff has included an operational condition in the Specific Use Permit (SUP) ordinance stating that no additional accessory buildings would be permitted on the subject property. This means that a total of one (1) accessory building/detached garage will be permitted on this property. Based on the proposed size and location of the detached garage, staff should point out that this structure will have very limited visibility from the adjacent properties. Staff should also point out that the proposed detached garage does not appear to be architecturally compatible with the primary structure; however, the applicant's proposal of including a stone wainscot will be an improvement over the existing metal accessory building. With this being said, the approval of a Specific Use Permit (SUP) request is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission.

NOTIFICATIONS

On September 23, 2021, staff mailed 30 notices to property owners and occupants within 500-feet of the subject property. There are no Homeowner's Associations (HOAs) or Neighborhood Organizations within the 1500-foot buffer participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was drafted, staff had received the following:

- (1) One (1) property owner notification from a property owner within the notification area (*i.e. within the 500-foot buffer*) that is opposed to the applicant's request.
- (2) Two (2) property owner notifications from a property owner within the notification area (*i.e. within the 500-foot buffer*) that is in favor of the applicant's request.

CONDITIONS OF APPROVAL

If the City Council chooses to approve the applicant's request for a Specific Use Permit (SUP) for a detached garage, then staff would propose the following conditions of approval:

- (1) The applicant shall be responsible for maintaining compliance with the operational conditions contained in the Specific Use Permit (SUP) ordinance and which are detailed as follows:
 - a) The *Detached Garage* shall generally conform to the concept plan and the conceptual building elevations depicted in *Exhibits 'B' & 'C'* of the ordinance.
 - b) The *Detached Garage* shall not exceed a maximum size of 1,200 SF.
 - c) The *Detached Garage* shall not exceed a maximum height of 15-feet.
 - d) The subject property shall be limited to one (1) *Detached Garage*, and no additional accessory buildings shall be constructed on the subject property.
- (2) Any construction resulting from the approval of this Specific Use Permit (SUP) shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

PLANNING AND ZONING COMMISSION

On October 12, 2021 the Planning and Zoning Commission approved a motion to approve the Specific Use Permit (SUP) with the conditions of approval by a vote of 6-0, with Commissioner Moeller absent.



DEVELOPMENT APPLICATION

City of Rockwall
Planning and Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087

STAFF USE ONLY

PLANNING & ZONING CASE NO. 22021-035

NOTE: THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.

DIRECTOR OF PLANNING:

CITY ENGINEER:

PLEASE CHECK THE APPROPRIATE BOX BELOW TO INDICATE THE TYPE OF DEVELOPMENT REQUEST [SELECT ONLY ONE BOX]:

PLATTING APPLICATION FEES:

- MASTER PLAT (\$100.00 + \$15.00 ACRE) ¹
- PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) ¹
- FINAL PLAT (\$300.00 + \$20.00 ACRE) ¹
- REPLAT (\$300.00 + \$20.00 ACRE) ¹
- AMENDING OR MINOR PLAT (\$150.00)
- PLAT REINSTATEMENT REQUEST (\$100.00)

SITE PLAN APPLICATION FEES:

- SITE PLAN (\$250.00 + \$20.00 ACRE) ¹
- AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN (\$100.00)

ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE) ¹
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) ¹
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) ¹

OTHER APPLICATION FEES:

- TREE REMOVAL (\$75.00)
- VARIANCE REQUEST (\$100.00)

NOTES:

¹ IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.

PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS 1 SOAPBERRY LANE

SUBDIVISION GRADY RASH SUBDIVISION LOT 6 BLOCK A

GENERAL LOCATION HWY. 66 & LAKESHORE

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING RESIDENTIAL A3 CURRENT USE STORAGE

PROPOSED ZONING RESIDENTIAL A3 PROPOSED USE GARAGE

ACREAGE 1.2 LOTS [CURRENT] LOTS [PROPOSED]

SITE PLANS AND PLATS: BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.

OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED]

<input checked="" type="checkbox"/> OWNER	<u>DARRELL M^cCALLUM</u>	<input checked="" type="checkbox"/> APPLICANT	<u>DARRELL M^cCALLUM</u>
CONTACT PERSON	<u>DARRELL M^cCALLUM</u>	CONTACT PERSON	<u>DARRELL M^cCALLUM</u>
ADDRESS	<u>1 SOAPBERRY LANE</u>	ADDRESS	<u>1 SOAPBERRY LANE</u>
CITY, STATE & ZIP	<u>ROCKWALL TX. 75087</u>	CITY, STATE & ZIP	<u>ROCKWALL TX. 75087</u>
PHONE	<u>214-208-3394</u>	PHONE	<u>214-208-3394</u>
E-MAIL		E-MAIL	

NOTARY VERIFICATION [REQUIRED]

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED DARRELL M^cCALLUM [OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:

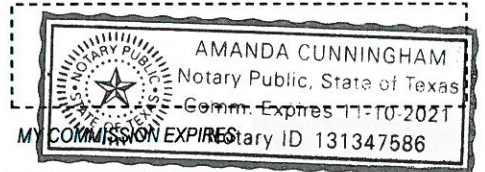
"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ _____ TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE _____ DAY OF _____, 20____. BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 13 DAY OF Sept, 2021.

OWNER'S SIGNATURE

Darrell M^cCallum

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS





Z2021-038- SUP FOR ACCESSORY BUILDING
 AT 1 SOAPBERRY LANE
 ZONING - LOCATION MAP = [icon]



City of Rockwall

Planning & Zoning Department
 385 S. Goliad Street
 Rockwall, Texas 75032
 (P): (972) 771-7745
 (W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.

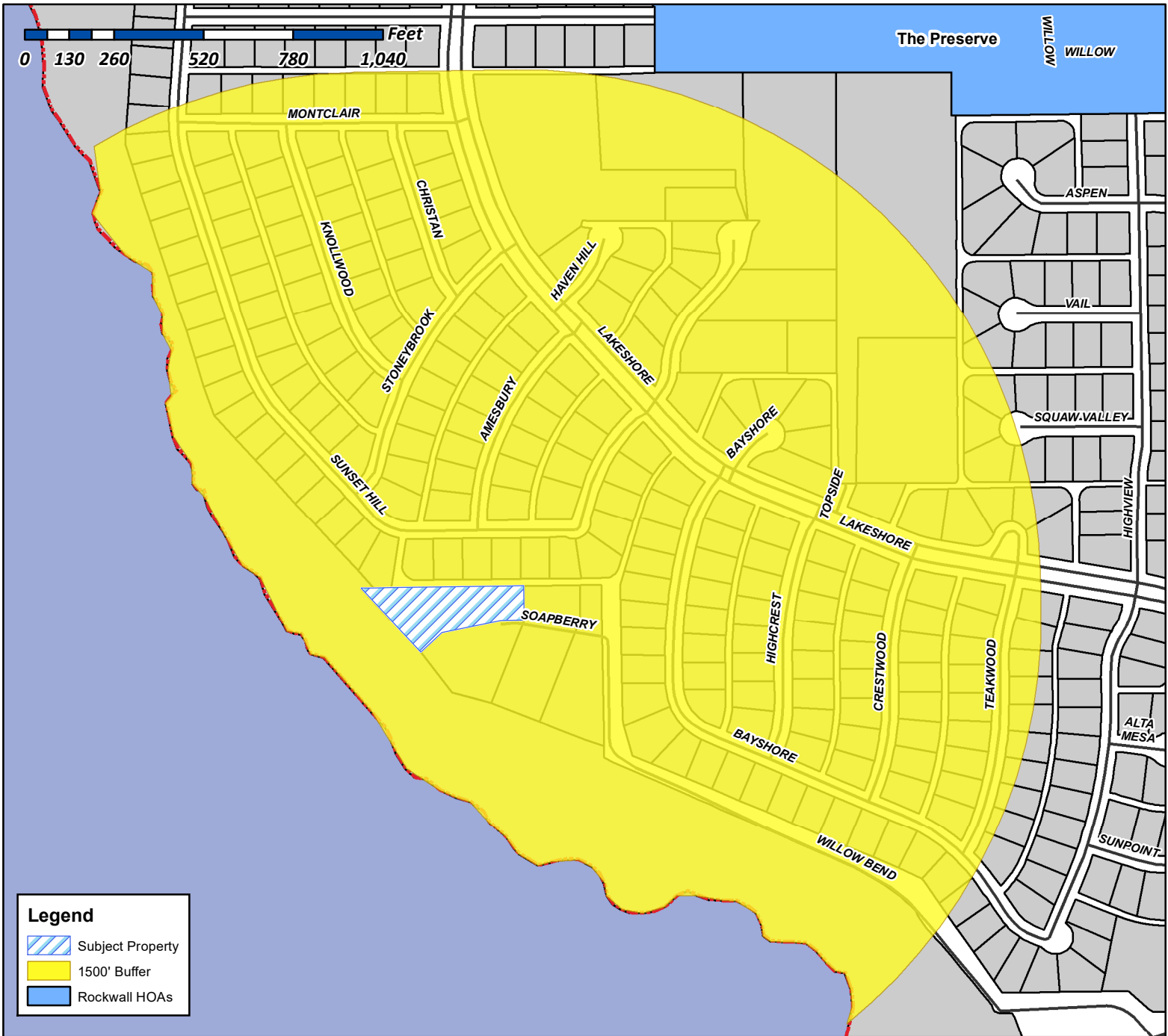




City of Rockwall

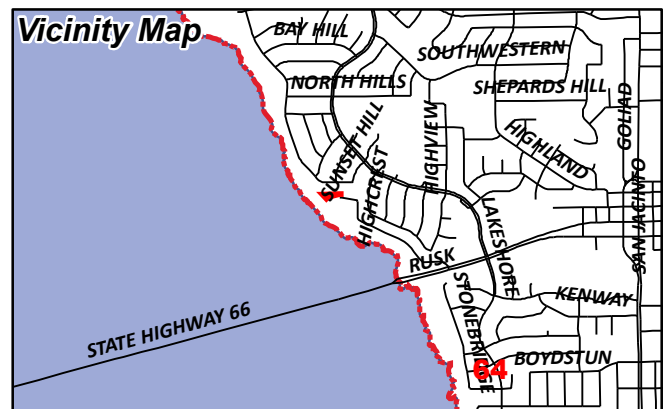
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
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Case Number: Z2021-038
Case Name: SUP for Accessory Structure
Case Type: Zoning
Zoning: Single-Family 10 (SF-10) District
Case Address: 1 Soapberry Lane

Date Created: 9/14/2021
 For Questions on this Case Call (972) 771-7745

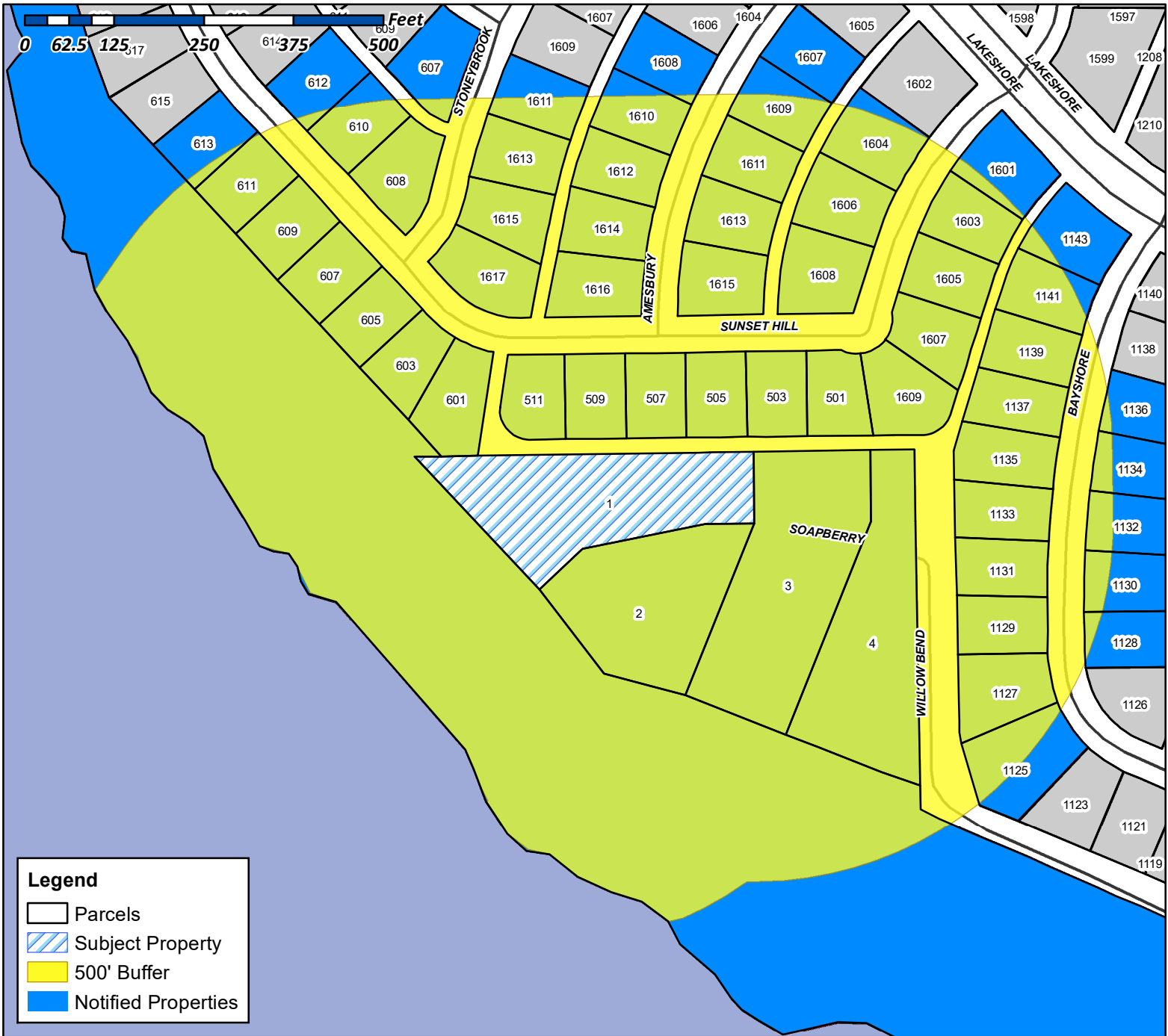




City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
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Date Created: 9/14/2021
 For Questions on this Case Call (972) 771-7745

MCCALLUM DARRELL A AND SHARON F
1 SOAPBERRY LN
ROCKWALL, TX 75087

WADDLE JOHNNY
1111 BAYSHORE DR
ROCKWALL, TX 75087

VOLPERT JOHN
1125 BAYSHORE DR
ROCKWALL, TX 75087

ELDRIDGE CHARLES E II & SHELBY M
1127 BAYSHORE DR
ROCKWALL, TX 75087

WADDLE JOHNNY
1128 BAYSHORE DR
ROCKWALL, TX 75087

WISE RICHARD ALLEN AND DONALD W RASBURY
REVOCABLE LIVING TRUSTE
RICHARD ALLEN WISE AND DONALD W RASBURY
TRUSTEES
1129 BAYSHORE DR
ROCKWALL, TX 75087

EATMAN JAMES BERNARD AND GWENDOLYN
ESTHER
1130 BAYSHORE DR
ROCKWALL, TX 75087

SAUNDERS BRIAN AND LAUREN
1131 BAYSHORE DR
ROCKWALL, TX 75087

PAYNE ALLAN CLARK ETUX
1132 BAYSHORE DR
ROCKWALL, TX 75087

HENRY CHRIS S AND ANGELA D
1133 BAYSHORE DR
ROCKWALL, TX 75087

MURPHY JENNIFER E
1134 BAYSHORE DR
ROCKWALL, TX 75087

SCOTT PHILLIP AND BETHANY
1135 BAYSHORE DR
ROCKWALL, TX 75087

KELLEY CLYDE EUGENE INDIVIDUAL LIVING
TRUST
1136 BAYSHORE DR
ROCKWALL, TX 75087

HALE TERRY W AND CRYSTAL C
1137 BAYSHORE DRIVE
ROCKWALL, TX 75087

WRIGHT MICHAEL G & EDITH M
1139 BAYSHORE DR
ROCKWALL, TX 75087

GRAY JOE E ETUX
1141 BAYSHORE DR
ROCKWALL, TX 75087

KJT FLYING PROPERTIES LLC
1143 BAYSHOREDR
ROCKWALL, TX 75087

HESTER ROGER F II
1601 SUNSET HILL DR
ROCKWALL, TX 75087

HICKEY ALLEN AND TANYA
1603 SUNSET HILL DRIVE
ROCKWALL, TX 75087

STIEGELMAR RICHARD AND
STIEGELMAR JACK
1604 SUNSET HILL DR
ROCKWALL, TX 75087

DUBOSE CHRISTOPHER S AND RENEE L
1605 SUNSET HILL DRIVE
ROCKWALL, TX 75087

MULDER LINDA FAYE
1606 SUNSET HILL DR
ROCKWALL, TX 75087

JOHNSTON ALTON W & PEGGY F
1607 AMESBURY LN
ROCKWALL, TX 75087

MITCHELL DENNIS E ETUX
1607 SUNSET HILL DR
ROCKWALL, TX 75087

BURTON DAVID A & MARY KAY
1608 AMESBURY LN
ROCKWALL, TX 75087

LEAL JR FEDERICO MARTINEZ AND VERONICA
1608 SUNSET HILL DR
ROCKWALL, TX 75087

ADAMS BRAD AND KASHA
1609 AMESBURY
ROCKWALL, TX 75087

JACKSON DAMON AND TARA
1609 SUNSET HILL DR
ROCKWALL, TX 75087

TUCKER EARL W & MELINDA K
1610 AMESBURY LN
ROCKWALL, TX 75087

SCAMPERINO CHARLES AND
BRIDGETT ANN COOPER
1611 AMESBURY LANE
ROCKWALL, TX 75087

SARVER WANDA & DONALD
1611 STONEYBROOK DR
ROCKWALL, TX 75087

BURKS GLENN H & PAULETTE
1612 AMESBURY LN
ROCKWALL, TX 75087

ROGERS JOHN R & SHIRLEY J
1613 AMESBURY LN
ROCKWALL, TX 75087

HOLLY MARK A
1613 STONEYBROOK DR
ROCKWALL, TX 75087

LYNCH PATRICIA A
1614 AMESBURY LN
ROCKWALL, TX 75087

BREWER THOMAS D AND KASIE
1615 AMESBURY LN
ROCKWALL, TX 75087

CATHEY KITA
1615 STONEYBROOK DR
ROCKWALL, TX 75087

FRANK AND JOYCE BATHRICK FAMILY TRUST
FRANK T AND JOYCE E BATHRICK- CO-TRUSTEES
1616 AMESBURY LANE
ROCKWALL, TX 75087

ROTH BRIAN AND TRACY
1617 STONEYBROOK DR
ROCKWALL, TX 75087

RIDDELL RONALD SCOTT II AND SHANNON
MCCORD VRZAK
2 SOAPBERRY LN
ROCKWALL, TX 75032

RASH ROBERT D
3 SOAPBERRY LN
ROCKWALL, TX 75087

RASH RANDALL L & KAREN
4 SOAPBERRY LN
ROCKWALL, TX 75087

FERRENTINO WAYNE J
501 SUNSET HILL DR
ROCKWALL, TX 75087

MATTHEWS SYDNEY D AND BARBARA J
503 SUNSET HILL DR
ROCKWALL, TX 75087

DEAN GREG
505 SUNSET HILL DR
ROCKWALL, TX 75087

JACKSON CRAIG A & JULIEANN J
507 SUNSET HILL DR
ROCKWALL, TX 75087

PETERSON BRYCE M & SANDRA
509 SUNSET HILL DR
ROCKWALL, TX 75087

KING MARILYN
511 SUNSET HILL DR
ROCKWALL, TX 75087

STEGALL SHEY THOMAS AND REGAN LANE
601 SUNSET HILL DR
ROCKWALL, TX 75087

RANDLE CHANDLER BENTON AND SAMANTHA J
603 SUNSET HILL DR
ROCKWALL, TX 75087

HOOTON REVOCABLE TRUST
605 SUNSET HILL DR
ROCKWALL, TX 75087

GLADNEY CATHERINE DIANE SELBY
607 KNOLLWOOD DR
ROCKWALL, TX 75087

BARNETTE AMY MICHELLE AND GLENN RACHE
607 SUNSET HILL
ROCKWALL, TX 75087

KILLE ROLAND C & KAREN C
608 SUNSET HILL DR
ROCKWALL, TX 75087

ADAMS LYNWOOD D
609 SUNSET HILLDR
ROCKWALL, TX 75087

SILVA IRMA
610 SUNSET HILL DR
ROCKWALL, TX 75087

HEADRICK WILLIAM H III AND DIANNE C
611 SUNSET HILL DR
ROCKWALL, TX 75087

FLOURA EDWARD
612 SUNSET HILL
ROCKWALL, TX 75087

VANDEBURG MARK F AND PAULA R
613 SUNSET HILL DRIVE
ROCKWALL, TX 75087

STIEGELMAR RICHARD AND
STIEGELMAR JACK
7 MAGNOLIA DR
MEXICO BEACH, FL 32456

CITY OF DALLAS
DALLAS TX
, 0

KJT FLYING PROPERTIES LLC
PO BOX 1476
ROCKWALL, TX 75087

ADAMS LYNWOOD D
PO BOX 2286
ROWLETT, TX 75030

PUBLIC NOTICE



CITY OF ROCKWALL
PLANNING AND ZONING DEPARTMENT
PHONE: (972) 771-7745
EMAIL: PLANNING@ROCKWALL.COM

Property Owner and/or Resident of the City of Rockwall:

You are hereby notified that the City of Rockwall Planning and Zoning Commission and City Council will consider the following application:

Case No. Z2021-038: SUP for a Detached Garage

Hold a public hearing to discuss and consider a request by Darrell McCallum for the approval of a Specific Use Permit (SUP) for Detached Garage that exceeds the maximum permissible size for a detached garage on a 1.2080-acre parcel of land identified as Lot 6, Block A, Grady Rash Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family (SF-10) District, addressed as 1 Soapberry Lane, and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on Tuesday, October 12, 2021 at 6:00 PM, and the City Council will hold a public hearing on Monday, October 18, 2021 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

As an interested property owner, you are invited to attend these meetings. If you prefer to express your thoughts in writing please return the form to:

Andrew Reyna
Rockwall Planning and Zoning Dept.
385 S. Goliad Street
Rockwall, TX 75087

You may also email your comments to the Planning Department at planning@rockwall.com. If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by Monday, October 18, 2021 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning



MORE INFORMATION ON THIS CASE CAN BE FOUND AT: <https://sites.google.com/site/rockwallplanning/development/development-cases>

--- PLEASE RETURN THE BELOW FORM ---

Case No. Z2021-038: SUP for a Detached Garage

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

[Empty form area for comments]

Name: [Input field]
Address: [Input field]

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE

Case No. Z2021-038: SUP for a Detached Garage

Please place a check mark on the appropriate line below:

I am in favor of the request for the reasons listed below.

I am opposed to the request for the reasons listed below.

WE HAVE LIVED AT OUR LOCATION FOR 27 YEARS. WE WILL BE IN FAVOR AS LONG AS IT DOES NOT BLOCK OUR LAKE VIEW. IF THEY COULD ALSO LOWER & THIN OUT THE BUSHES & TREES IN FRONT OF THEIR EXISTING BUILDING WOULD ALSO HELP IN MAKING A VIEW OF LAKE

Name: BYCE M. & SANDRA PETERSON

Address: 509 SUNSET HALL DR. ROCKWALL, TX 75087

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

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Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning



MORE INFORMATION ON THIS CASE CAN BE FOUND AT: <https://sites.google.com/site/rockwallplanning/development/development-cases>

----- PLEASE RETURN THE BELOW FORM -----

Case No. Z2021-038: SUP for a Detached Garage

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

I un^{not}dimensional it will block more of my view.

Name: *MARILYN KING*
Address: *511 Sunset Hill Dr*

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

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PUBLIC NOTICE



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Director of Planning & Zoning



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----- PLEASE RETURN THE BELOW FORM -----

Case No. Z2021-038: SUP for a Detached Garage

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

The current residential building of 3,372 SF has an attached garage of 640 SF and a storage building of 720 SF which is proportionately adequate for a single-family residence.

Rezoning for an additional detached garage lends itself to create additional living space i.e., mother-in-law suite, thus creating a multifamily residence. Current zone and codes do not allow this.

Blocking views of the lake from the neighborhood street and/or alley is detrimental to the property values and overall look and feel of the area.

Frank Bathrick

1616 Amesbury Lane

must receive, in
s of at least 20

change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE

City of Rockwall
Planning and Zoning
Architectural Review Board

RE: Darrell & Sharon McCallum
Reconstruction of Metal Shed
1 Soapberry Lane, Rockwall, TX 75087

We wish to reconstruct a metal shed that has been on our property since the original owners built it in 1976. It is in deteriorating condition with a lot of overgrown brush. We also need a place to house two boats that we have acquired that currently don't have storage and will have to be kept outside. The new building will provide a much cleaner, more complimentary improvement to the property.

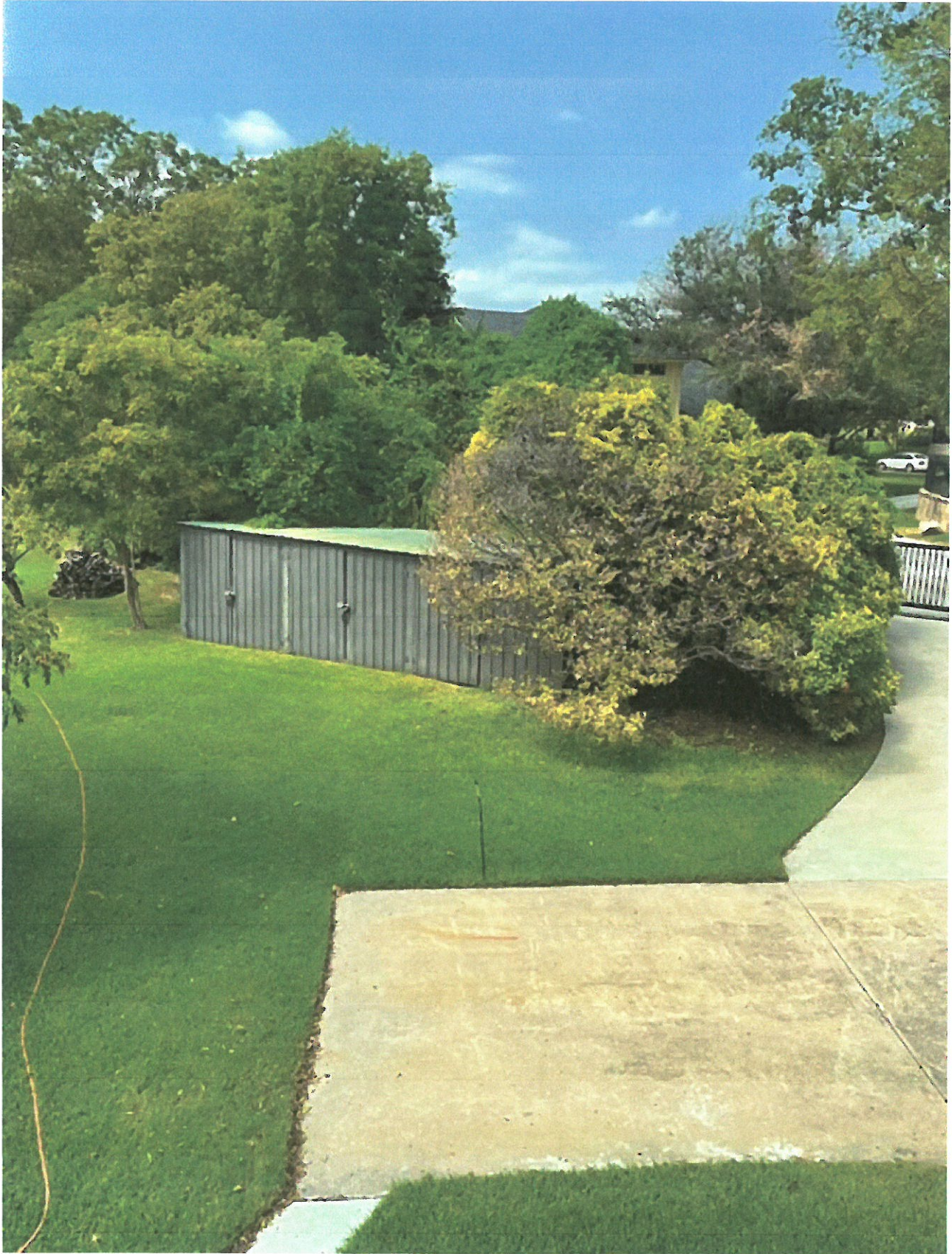
We plan to keep the building on the same footprint it now occupies, taking it to a 30' x 40' building with a concrete foundation.

Thank you for your consideration.

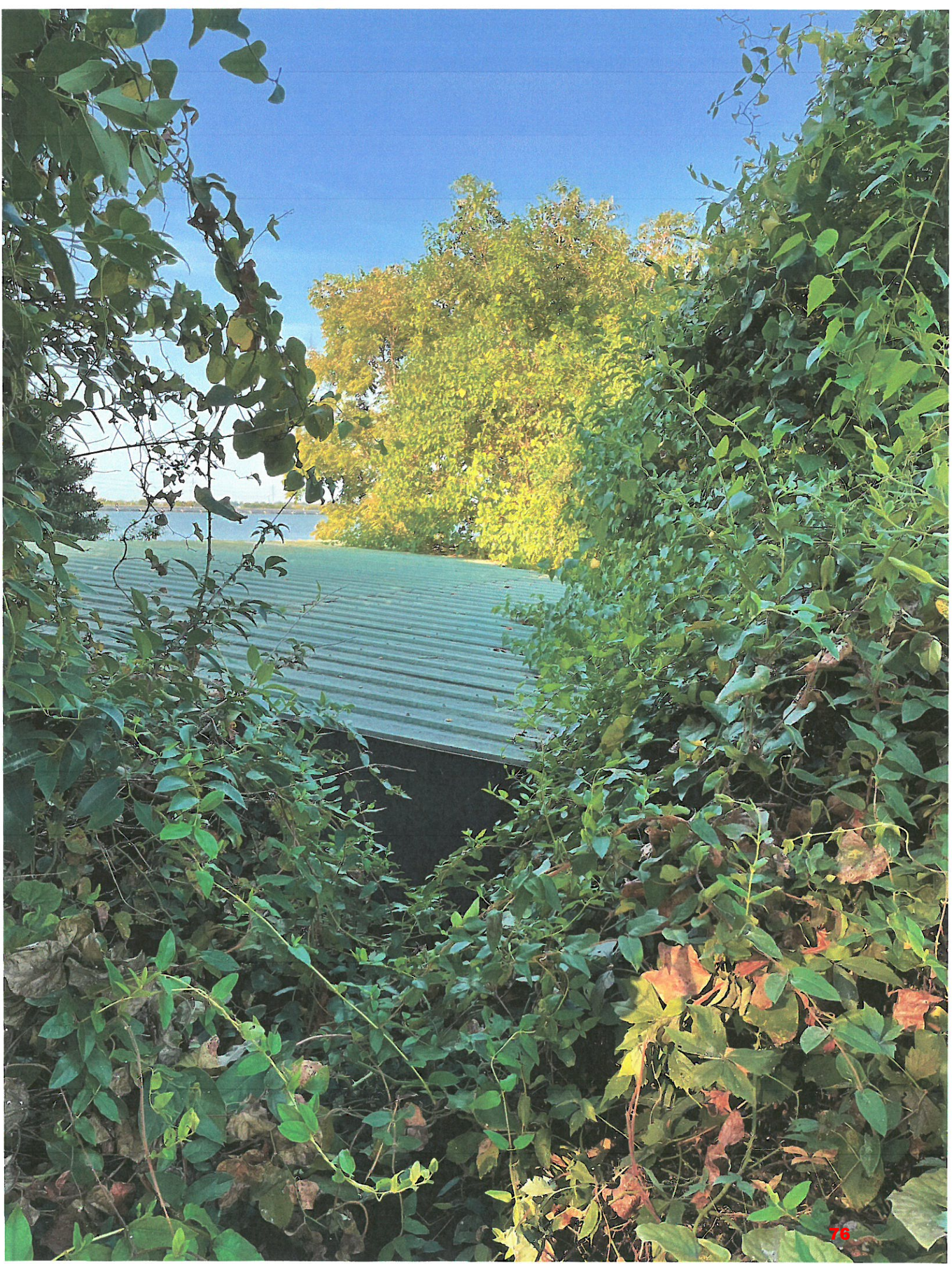
Respectfully,

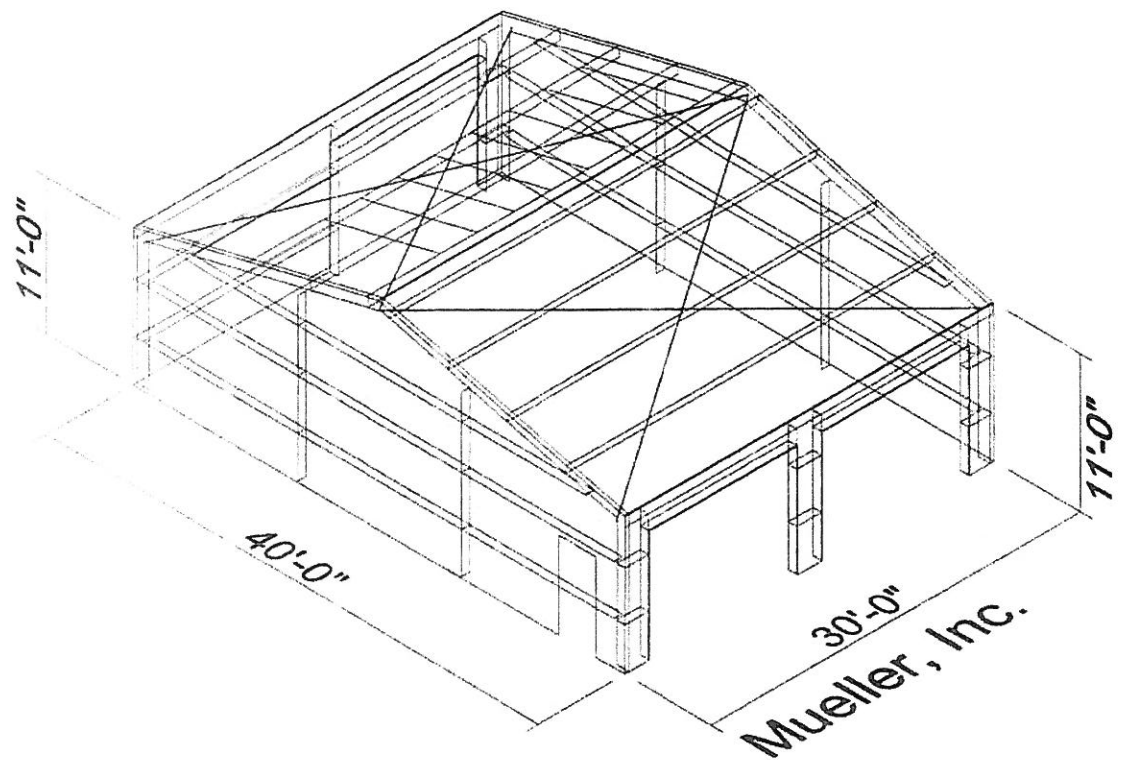
A handwritten signature in black ink that reads "Darrell McCallum". The signature is written in a cursive, flowing style.

Darrell McCallum









~~Take Note: Engineered Structure~~
~~Component Order Only~~

CITY OF ROCKWALL

ORDINANCE NO. 21-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 A *DETACHED GARAGE* THAT EXCEEDS THE MAXIMUM ALLOWABLE SIZE FOR A DETACHED GARAGE ON A 1.2080-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 6, BLOCK A, GRADY RASH ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND 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.

WHEREAS, the City has received a request from Darrell McCallum for the approval of a Specific Use Permit (SUP) to allow a *Detached Garage* that exceeds the maximum allowable size for an detached garage on a 1.2080-acre parcel of land described as Lot 6, Block A, Grady Rash Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, addressed as 1 Soapberry Lane, and being more specifically depicted and described in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code (UDC) [Ordinance No. 20-02] of the City of Rockwall should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rockwall, Texas;

SECTION 1. That the Unified Development Code (UDC) [Ordinance No. 20-02] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing a *Detached Garage* as stipulated by Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 20-02] on the *Subject Property*; and,

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 20-02] -- as

heretofore amended and as may be amended in the future --, and with the following conditions:

2.1. OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *Detached Garage* on the *Subject Property* and conformance to these conditions are required for continued operations:

- (1) The *Detached Garage* shall generally conform to the concept plan and the conceptual building elevations depicted in *Exhibits 'B' & 'C'* of this ordinance.
- (2) The *Detached Garage* shall not exceed a maximum size of 1,200 SF.
- (3) The *Detached Garage* shall not exceed a maximum height of 15-feet.
- (4) The subject property shall be limited to one (1) *Detached Garage*, and no additional accessory buildings shall be constructed on the subject property.

2.2. COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, *Specific Use Permits (SUP)*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) will require compliance to the following:

- (1) Upon obtaining a *Building Permit*, should the homeowner fail to meet the minimum operational requirements set forth herein and outline in the Unified Development Code (UDC), the City Council may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Section 2.02(F), *Revocation*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC).

SECTION 3. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

SECTION 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

SECTION 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS (\$2,000.00)* for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 6. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

SECTION 7. That this ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 1ST DAY OF NOVEMBER, 2021.

Kevin Fowler, *Mayor*

ATTEST:

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: October 18, 2021

2nd Reading: November 1, 2021

DRAFT
ORDINANCE
10.18.2021

Address: 1 Soapberry Lane
Legal Description: Lot 6, Block A, Grady Rash Addition



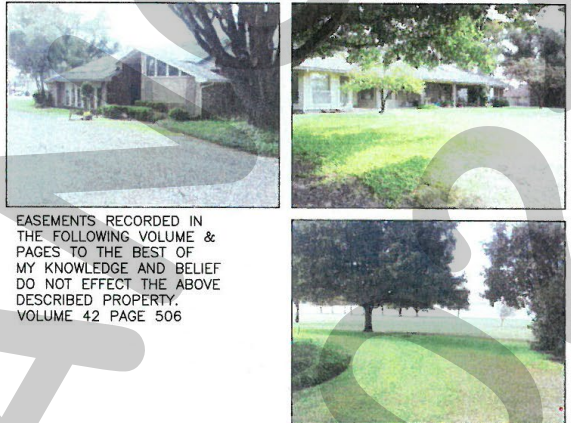
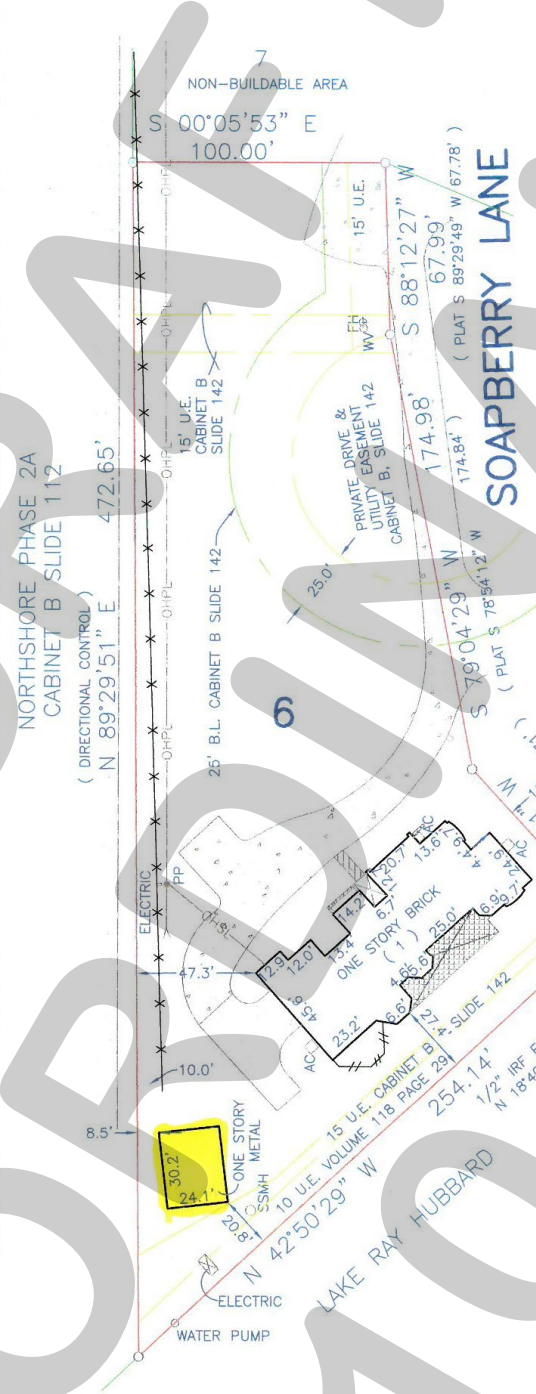
SURVEY PLAT



RHODES
Surveying ©

WWW.RHODESSURVEYING.COM

BRIAN S. RHODES Registered Professional Land Surveyor (972) 475-8940
 This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No. 1 SOAPBERRY LANE, in the city of ROCKWALL Texas.
 Lot No. 6, Block No. A
 of GRADY RASH SUBDIVISION, LOTS 6, 7, AND 8, BLOCK A, an addition in the city of ROCKWALL, ROCKWALL COUNTY Texas according to the PLAT THEREOF RECORDED in CABINET I at SLIDE 197 of the PLAT records of ROCKWALL COUNTY, TEXAS.

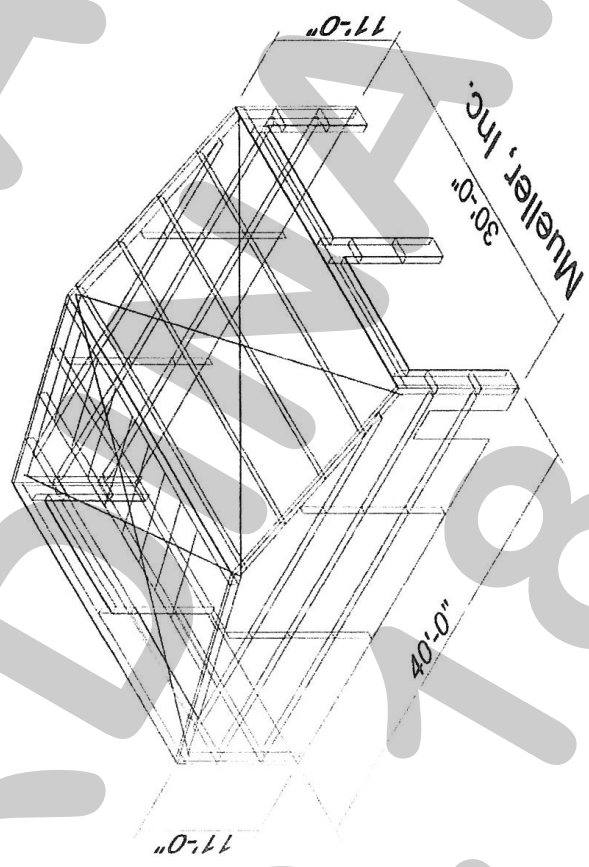


EASEMENTS RECORDED IN THE FOLLOWING VOLUME & PAGES TO THE BEST OF MY KNOWLEDGE AND BELIEF DO NOT AFFECT THE ABOVE DESCRIBED PROPERTY.
 VOLUME 42 PAGE 506

LOT 3, BLOCK A
 GRADY RASH SUBDIVISION
 CABINET B, PAGE 142



ACCEPTED BY: _____



11'-0"
30'-0"
40'-0"
Mueller, Inc.



MEMORANDUM

TO: Mary Smith, City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: October 18, 2021

SUBJECT: Z2021-039; SPECIFIC USE PERMIT (SUP) FOR A RESIDENTIAL INFILL FOR 305 BLANCHE DRIVE

Attachments

Case Memo
Development Application
Location Map
HOA Notification Map
Property Owner Notification Map
Property Owner Notification List
Public Notice
Property Owner Notifications
Residential Plot Plan
Building Elevations
Housing Analysis
Draft Ordinance

Summary/Background Information

Hold a public hearing to discuss and consider a request by Peter Muhl of Rockwall Habitat for Humanity 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 0.1650-acre parcel of land identified as Lot 888A of the Rockwall Lake Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 305 Blanche Drive, and take any action necessary (**1st Reading**).

Action Needed

The City Council is being asked to approve, approve with conditions, or deny the proposed Specific Use Permit (SUP).



CITY OF ROCKWALL

CITY COUNCIL CASE MEMO

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO: Mayor and City Council
DATE: October 18, 2021
APPLICANT: Peter Muhl; *Rockwall Habitat for Humanity*
CASE NUMBER: Z2021-039; *Specific Use Permit (SUP) for a Residential Infill for 305 Blanche Drive*

SUMMARY

Hold a public hearing to discuss and consider a request by Peter Muhl of Rockwall Habitat for Humanity for the approval of a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision for the purpose of constructing a single-family home on a 0.1650-acre parcel of land identified as Lot 888A of the Rockwall Lake Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 305 Blanche Drive, and take any action necessary.

BACKGROUND

The subject property was originally platted as Lot 888-A of the Rockwall Lake Properties Development No. 2 Addition, which was filed with Rockwall County on April 23, 1968. On February 17, 2009, the subject property -- *along with the rest of the Lake Rockwall Estates Subdivision* -- was annexed into the City of Rockwall by *Ordinance No. 09-07*. At the time of annexation, one (1) manufactured homes were situated on the subject property. On September 21, 2009, the City Council rezoned the Lake Rockwall Estates Subdivision from an Agricultural (AG) District to Planned Development District 75 (PD-75) [*Ordinance No. 09-37*] for Single-Family 7 (SF-7) District land uses. Based on aerial imagery the manufactured home that was situated on the subject property at the time of annexation was demolished between August 2012 and October 2013. On January 4, 2016, the City Council amended Planned Development District 75 (PD-75) with *Ordinance No. 16-01*, which made minor changes to the *Consideration of a Special Request* section of the ordinance.

PURPOSE

The applicant, is requesting the approval of a Specific Use Permit (SUP) for the purpose of constructing a single-family home on the subject property in accordance with Subsection 02.03(B)(11), *Residential Infill in or Adjacent to an Established Subdivision*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC).

ADJACENT LAND USES AND ACCESS

The subject property is located at 305 Blanche Drive. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property are multiple lots zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses. These properties are mostly developed with mobile/manufactured homes, with some of the lots being developed with single-family homes. Beyond this is Evans Road, which is classified as a *R2 (i.e. residential, two [2] lane, undivided roadway)* on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

South: Directly south of the subject property are multiple lots zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses. These properties are mostly developed with mobile/manufactured homes, with some of the lots being developed with single-family homes. Beyond this is County Line Road, which is classified as a *Minor Collector* on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

East: Directly east of the subject property are multiple lots zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses. These properties are mostly developed with mobile/manufactured homes, with some of the lots being developed with single-family homes. Beyond this is Lynne Drive, which is classified as a R2 (*i.e. residential, two [2] lane, undivided roadway*) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

West: Directly west of the subject property is Blanche Drive, which is identified as a R2 (*i.e. residential, two [2] lane, undivided roadway*) on the Master Thoroughfare Plan. Beyond this are multiple lots zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses. These properties are mostly developed with mobile/manufactured homes, with some of the lots being developed with single-family homes.

CHARACTERISTICS OF THE REQUEST AND CONFORMANCE TO THE CITY’S CODES

Article 13, *Definitions*, of the Unified Development Code (UDC) defines *Residential Infill in or Adjacent to an Established Subdivision* as “(t)he new development of a single-family home or duplex on an existing vacant or undeveloped parcel of land or the redevelopment of a developed parcel of land for a new single-family home or duplex within an established subdivision that is mostly or entirely built-out.” An *established subdivision* is further defined in Subsection 02.03(B)(11) of Article 04, *Permissible Uses*, of the UDC as “...a subdivision that consists of five (5) or more lots, that is 90% developed, and that has been in existence for more than ten (10) years.” The subject property is part of the Lake Rockwall Estates Subdivision, which has been in existence since before 1968 and is considered to be more than 90% developed. The *Permissible Use Charts* contained in Article 04, *Permissible Uses*, of the UDC, requires a Specific Use Permit (SUP) for *Residential Infill in or Adjacent to an Established Subdivision* in all single-family zoning districts, the Two-Family (2F) District, the Downtown (DT) District, and the Residential-Office (RO) District. This property, being in a Planned Development District for Single-Family 7 (SF-7) District land uses, requires a Specific Use Permit (SUP).

In addition, Subsection 02.03(B)(11) of Article 04, *Permissible Uses*, of the UDC states that, “...the Planning and Zoning Commission and City Council shall consider the proposed size, location, and architecture of the home compared to the existing housing ... [and] (a)ll housing proposed under this section [*i.e. Residential Infill in or Adjacent to an Established Subdivision*] shall be constructed to be architecturally and visually similar or complimentary to the existing housing ...” The following is a summary of observations concerning the housing on Blanche Drive, Diana Drive, and Donald Drive compared to the house proposed by the applicant:

Housing Design and Characteristics	Existing Housing on Blanche Drive, Diana Drive, and Donald Drive	Proposed Housing
Building Height	One (1) Story	One (1) Story
Building Orientation	All of the homes located along Blanche Drive are oriented toward Blanche Drive.	The front elevation of the home will face onto Blanche Drive.
Year Built	1975-2000	N/A
Building SF on Property	672 SF - 1,808 SF	1,522 SF
Building Architecture	Various (<i>Majority Mobile/Manufactured Homes</i>)	Comparable Architecture to Newer Single-Family Homes
Building Setbacks:		
Front	Estimated Between 15-Feet and 20-Feet	X>20-Feet
Side	The side yard setbacks appear to be between zero (0) and greater than six (6) feet.	X>5-Feet
Rear	The rear yard setbacks appear to be greater than ten (10) feet.	36.01-Feet
Building Materials	Hardie Board, Aluminum & Wood Siding, Modular Paneling, Masonite Siding, and Brick.	Combination of Hardie Board Siding and Brick
Paint and Color	Yellow, Tan, Brown, White, Green, and Teal	<i>Undefined by the Applicant</i>
Roofs	Composite Shingles and Metal	Asphalt Composite Shingle on Waferboard or Plywood decking
Driveways/Garages	Driveways are all in the front and visible from Blanche Drive; however, some are behind front yard fences. None of the homes have enclosed garages.	The proposed home does not include a garage/carport.

According to Section 04, *Residential Parking*, of Article 06, *Parking and Loading*, of the Unified Development Code (UDC), “(i)n single-family or duplex districts, parking garages must be located at least 20-feet behind the front façade for front entry garages ...” In this case, the applicant is not proposing a garage with the home. The addition of a garage or carport must meet the standards established in Subsection 07.04, *Accessory Structure Development Standards* of Article 04, of the Unified Development Code (UDC). With the exception of not having a garage, the proposed single-family home meets all of the density and dimensional requirements for the Single Family 7 (SF-7) District as stipulated by the Unified Development Code (UDC). For the purpose of comparing the proposed home to the existing single-family housing located adjacent to or in the vicinity of the *subject property*, staff has provided photos of the properties along Blanche Drive and the proposed building elevations in the attached packet. The approval of this request is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission and a finding that the proposed house will not have a negative impact on the existing subdivision.

NOTIFICATIONS

On September 23, 2021, staff mailed 141 notices to property owners and occupants within 500-feet of the subject property. There were no Homeowner’s Associations (HOAs) or Neighborhood Organizations within 1,500-feet of the subject property participating in the Neighborhood Notification Program to notify. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was drafted, staff had received one (1) notice in favor of the applicant’s request and one (1) notice in opposition of the applicant’s request.

CONDITIONS OF APPROVAL

If the City Council chooses to approve the applicant’s request for a Specific Use Permit (SUP) to construct a single-family home as a *Residential Infill within an Established Subdivision*, then staff would propose the following conditions of approval:

- (1) The applicant shall be responsible for maintaining compliance with the operational conditions contained in the Specific Use Permit (SUP) ordinance and which are detailed as follows:
 - (a) Development of the *Subject Property* shall generally conform to the *Residential Plot Plan* as depicted in *Exhibit ‘B’* of the draft ordinance.
 - (b) Construction of a single-family home on the *Subject Property* shall generally conform to the *Building Elevations* depicted in *Exhibit ‘C’* of the draft ordinance; and,
 - (c) Once construction of the single-family home has been completed, inspected, and accepted by the City, the Specific Use Permit (SUP) shall expire, and no further action by the property owner shall be required.
- (2) Any construction resulting from the approval of this Specific Use Permit (SUP) shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

CONDITIONS OF APPROVAL

On October 12, 2021, the Planning and Zoning Commission approved a motion to approve the Specific Use Permit (SUP) with the conditions of approval by a vote of 6-0, with Commissioner Moeller absent.



DEVELOPMENT APPLICATION

City of Rockwall
Planning and Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087

STAFF USE ONLY

PLANNING & ZONING CASE NO. 22021-039

NOTE: THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.

DIRECTOR OF PLANNING:

CITY ENGINEER:

PLEASE CHECK THE APPROPRIATE BOX BELOW TO INDICATE THE TYPE OF DEVELOPMENT REQUEST [SELECT ONLY ONE BOX]:

PLATTING APPLICATION FEES:

- MASTER PLAT (\$100.00 + \$15.00 ACRE) ¹
- PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) ¹
- FINAL PLAT (\$300.00 + \$20.00 ACRE) ¹
- REPLAT (\$300.00 + \$20.00 ACRE) ¹
- AMENDING OR MINOR PLAT (\$150.00)
- PLAT REINSTATEMENT REQUEST (\$100.00)

SITE PLAN APPLICATION FEES:

- SITE PLAN (\$250.00 + \$20.00 ACRE) ¹
- AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN (\$100.00)

ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE) ¹
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) ¹
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) ¹

OTHER APPLICATION FEES:

- TREE REMOVAL (\$75.00)
- VARIANCE REQUEST (\$100.00)

NOTES:

¹: IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.

PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS 305 Blanche Rd

SUBDIVISION Rockwall Lake Est #2 Lot 888A LOT 888A BLOCK

GENERAL LOCATION

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING Single Family Home

CURRENT USE Empty lot

PROPOSED ZONING Single Family Home

PROPOSED USE Home

ACREAGE .1650

LOTS [CURRENT] 1

LOTS [PROPOSED] 1

SITE PLANS AND PLATS: BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.

OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED]

OWNER Rockwall Habitat for Humanity APPLICANT

CONTACT PERSON Peter Muhl

CONTACT PERSON

ADDRESS 1101 Ridge Rd #4

ADDRESS

CITY, STATE & ZIP Rockwall, Tx 75087

CITY, STATE & ZIP

PHONE 214-704-3455

PHONE

E-MAIL peter@northmesquiteplumbing.com

E-MAIL

NOTARY VERIFICATION [REQUIRED]

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Sally Muhl [OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:

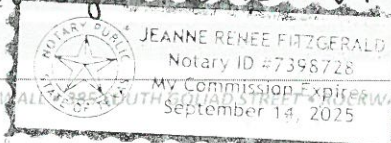
"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ 215.00 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 15th DAY OF September, 2021. BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 15th DAY OF September, 2021

OWNER'S SIGNATURE

Sally Muhl, VP

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



MY COMMISSION EXPIRES

September 14, 2025



Z2021-029- SUP FOR RESIDENTIAL INFILL
 AT 305 BLANCHE ROAD
 ZONING - LOCATION MAP = [icon]



City of Rockwall

Planning & Zoning Department
 385 S. Goliad Street
 Rockwall, Texas 75032
 (P): (972) 771-7745
 (W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.

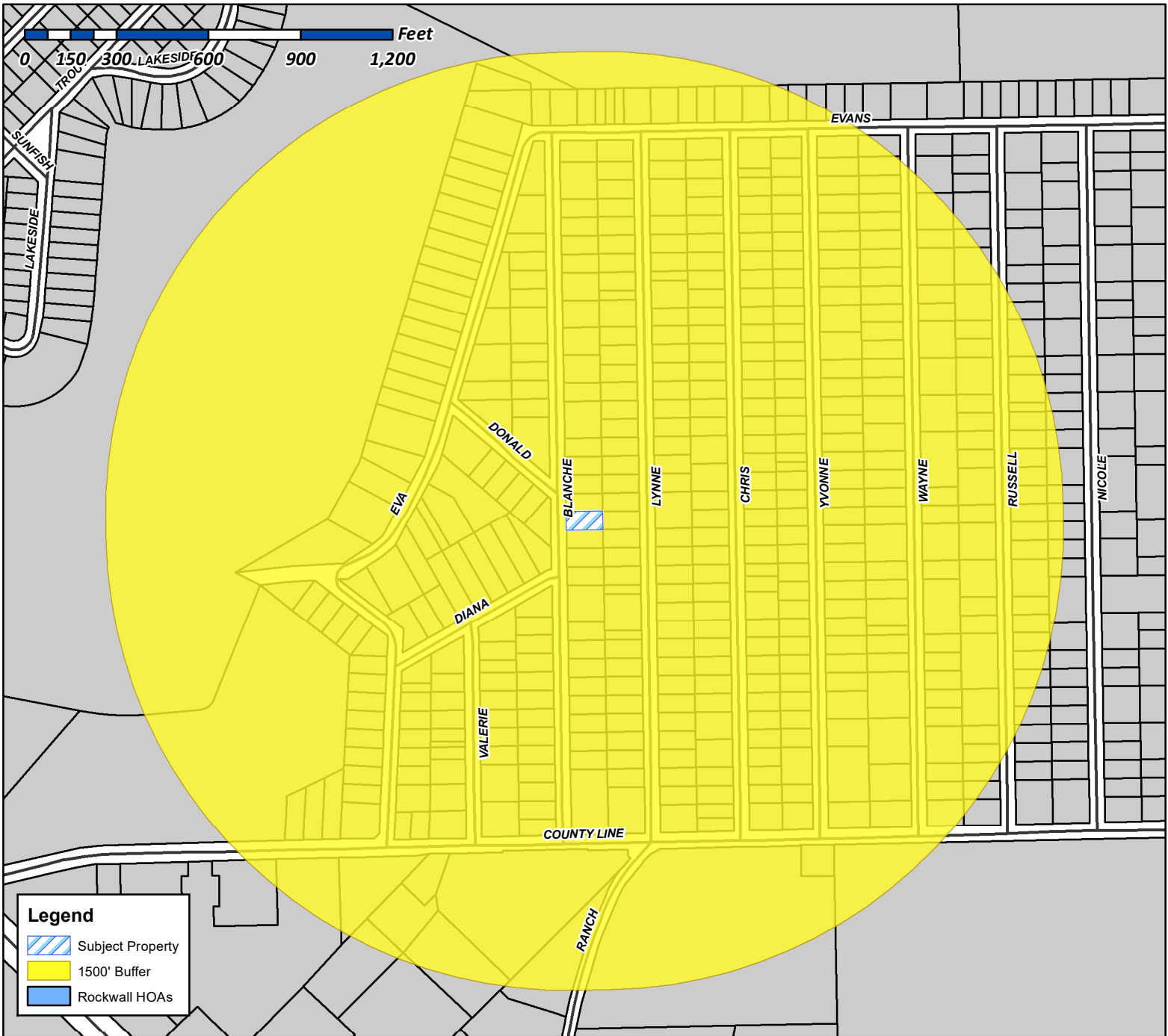




City of Rockwall

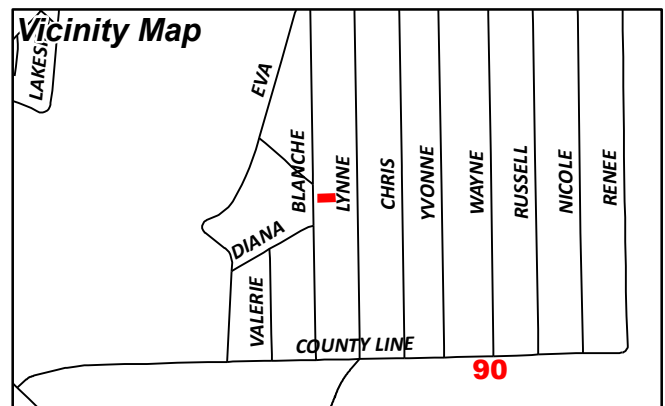
Planning & Zoning Department
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Case Number: Z2021-039
Case Name: SUP for Residential Infill
Case Type: Zoning
Zoning: Planned Development District 75 (PD-75)
Case Address: 305 Blanche Drive

Date Created: 9/16/2021
For Questions on this Case Call (972) 771-7745

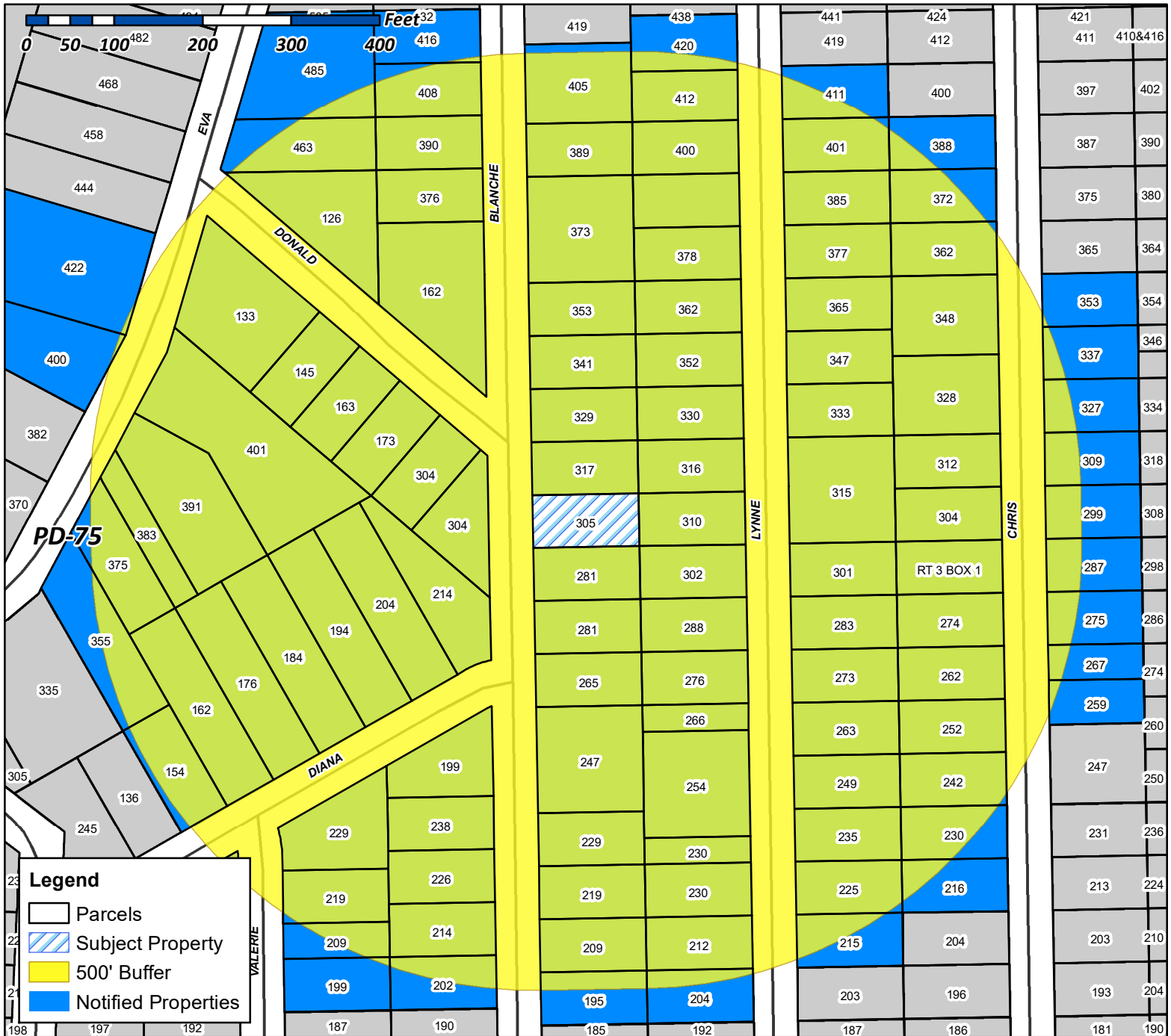




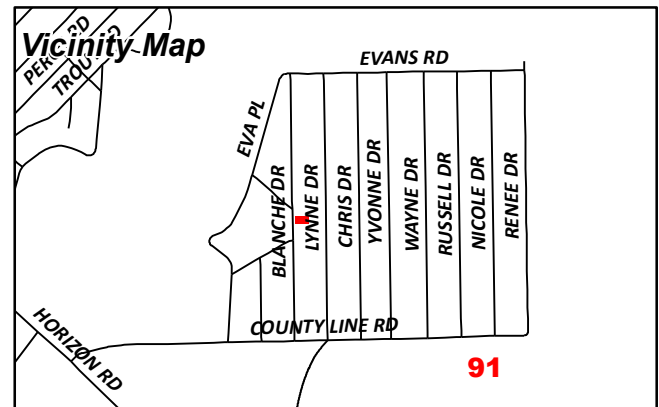
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Date Created: 9/16/2021
For Questions on this Case Call (972) 771-7745

SALAS HECTOR JABIER & CAROLINA ORTIZ
1000 W YELLOWJACKET LANE APT 2507
ROCKWALL, TX 75087

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ROCIO RUBIO DE TREJO
11540 SINCLAIR AVENUE
DALLAS, TX 75218

NAVA ANA L
1167 SMITH ACRES DR
ROYSE CITY, TX 75189

ESCOBAR SERGIO & ANABEL
118 ALTHEA RD
ROCKWALL, TX 75032

FERNANDEZ URBANO ALVARADOO &
SON ARMADO FERNANDEZ
1235 VZ COUNTY ROAD 3425
WILLS POINT, TX 75169

ADAMS JAMES W
126 DONALD DR
ROCKWALL, TX 75032

MORRIS AUBREY KEITH
133 DONALD DR
ROCKWALL, TX 75032

TONG VINCENT HIEU AND
TIFFANY PHU
1414 BUFFALO WOODS CT
KATY, TX 77494

CROWDER DAVID
145 BETHEL RD
GREENVILLE, TX 75402

MARTINEZ PERLA
145 DONALD DR
ROCKWALL, TX 75087

ESPARZA JUANA
15047 SE 152ND DR
CLACKAMAS, OR 97015

ROMAN JAIME A & MA GUADALUPE SANDOVAL
154 DIANA DR
ROCKWALL, TX 75032

LORENZ SABINA AND MICHAEL
162 DIANA
ROCKWALL, TX 75032

GRAY DOROTHY M
162 DONALD DR
ROCKWALL, TX 75032

MORENO FABIOLA
163 DONALD
ROCKWALL, TX 75032

LOZANO ISIDRO
1705 HIGH MEADOW DR
GARLAND, TX 75043

FIELDS JIMMIE
173 DONALD DR
ROCKWALL, TX 75032

LAKE POINTE BAPTIST CHURCH
176 DIANA
ROCKWALL, TX 75032

LAKE POINTE BAPTIST CHURCH
184 LILLIAN DR
ROCKWALL, TX 75032

SARABIA SILVESTRE
194 DIANA
ROCKWALL, TX 75032

GARCIA JOSE
195 BLANCHE DR
ROCKWALL, TX 75032

MELENDEZ HOPE
199 DIANA DR
ROCKWALL, TX 75032

CANADY JERRY ANN
199 VALERIE PL
ROCKWALL, TX 75032

ARROYO MARGARITO &
LUCIA ARROYO-ESPINOSA
202 BLANCHE DR
ROCKWALL, TX 75032

BALDERAS JOSE G
2027 MIDLAKE LN
ROCKWALL, TX 75032

WILSON JAMES F AND
TAMMY M UNDERWOOD AND CAITLIN A DAVIS-
WILSON
203 LYNNE DRIVE
ROCKWALL, TX 75032

BODEN ERIC
(MR)
204 DIANA
ROCKWALL, TX 75032

CRUZ MARIA D AND IGNACIO D
204 LYNNE DR
ROCKWALL, TX 75032

ADAMS JAMES & DEBBIE
208 SUMMIT RIDGE DR
ROCKWALL, TX 75087

URBINA ARACELI C
209 BLANCHE DR
ROCKWALL, TX 75032

CANADY JERRY ANN
209 VALERIE PL
ROCKWALL, TX 75032

CRUZ MARIA D AND IGNACIO D
212 LYNNE DR
ROCKWALL, TX 75032

RICO RUIZ CARLOS AND MARIA
212 VALERIE PL
ROCKWALL, TX 75032

SALAS HECTOR JABIER & CAROLINA ORTIZ
214 BLANCHE DR
ROCKWALL, TX 75032

BODEN ERIC
(MR)
214 DIANA
ROCKWALL, TX 75032

WILSON JAMES F AND
TAMMY M UNDERWOOD AND CAITLIN A DAVIS-
WILSON
215 LYNNE DR
ROCKWALL, TX 75032

QUEVEDO OSCAR F
216 CHRIS DR
ROCKWALL, TX 75032

MEJIA JOEL & EMMA HERRERA & JOEL MEJIA JR
218 LAKESIDE DR
ROCKWALL, TX 75032

GUADALUPE JOSE AND
ANGELA ANN GUTIERREZ
219 BLANCHE DR
ROCKWALL, TX 75032

RUIZ JOSE C
219 VALERIE PL
ROCKWALL, TX 75032

CARMONA JOEL
221 NICOLE DR
ROCKWALL, TX 75032

ESPARZA JUANA
225 LYNNE DR
ROCKWALL, TX 75032

MENDOZA ERICK CRUZ
226 BLANCHE DRIVE
ROCKWALL, TX 75032

GUADALUPE JOSE AND
ANGELA ANN GUTIERREZ
229 BLANCHE DR
ROCKWALL, TX 75032

MUK YAN CHING
229 VALERIE PL
ROCKWALL, TX 75032

YANEZ MARIA TERESA AND
MARIA DEL ROSARIO YANEZ
230 CHRIS DRIVE
ROCKWALL, TX 75032

PEREZ FERMIN
230 LYNN DRIVE
ROCKWALL, TX 75032

CONFIDENTIAL
230 LYNNE DR
ROCKWALL, TX 75032

UGALDE VICENTE R
234 BLANCHE DR
ROCKWALL, TX 75032

CARMONA MARTIN SALVADOR
235 LYNNE DR
ROCKWALL, TX 75032

RAMIREZ MARTHA E
235 LYNNE DRIVE
ROCKWALL, TX 75032

UGALDE VICENTE R
238 BLANCHE DR
ROCKWALL, TX 75032

MARTINEZ RUTH A
2418 HILLGLEN RD
DALLAS, TX 75228

CARRILLO JAIME
242 CHRIS DR
ROCKWALL, TX 75032

TONG VINCENT
247 BLANCHE DR
ROCKWALL, TX 75032

CARMONA EVELIA
249 LYNNE DR
ROCKWALL, TX 75032

MARTINEZ CARLOS ALONZO
252 CHRIS DR
ROCKWALL, TX 75032

RAMIREZ MARTHA E
254 LYNNE DR
ROCKWALL, TX 75032

MARTINEZ RUTH A
259 CHRIS DR
ROCKWALL, TX 75032

NAVA ANA L
262 CHRIS DR
ROCKWALL, TX 75032

SALAZAR-CARMONA MIRIAM GUADALUPE
263 LYNNE DR
ROCKWALL, TX 75032

TONG VINCENT HIEU AND
TIFFANY PHU
265 BLANCHE DR
ROCKWALL, TX 75032

CITY OF ROCKWALL
ATTN;MARY SMITH
266 LYNNE DR
ROCKWALL, TX 75032

MARTINEZ RUTH A
267 CHRIS DR
ROCKWALL, TX 75032

FERNANDEZ URBANO
273 LYNNE DR
ROCKWALL, TX 75032

CHAPELA AARON JAIME
274 CHRIS DR
ROCKWALL, TX 75032

MORENO LUCINA ALONSO DE AND RICARDO
MORENO OSORNIA
275 CHRIS DR
ROCKWALL, TX 75032

GUEVARA JOSE
276 LYNNE DR
ROCKWALL, TX 75032

CROWDER DAVID
281 BLANCHE DR
ROCKWALL, TX 75032

FERNANDEZ URBANO
283 LYNNE DR
ROCKWALL, TX 75032

SLEDGE PATTI RENE
287 CHRIS DR
ROCKWALL, TX 75032

GUEVARA JOSE
288 LYNNE DR
ROCKWALL, TX 75032

QUEVEDO OSCAR F
293 YVONNE
ROCKWALL, TX 75032

GREER RICHARD & MARLENE
299 CHRIS DR
ROCKWALL, TX 75032

RODRIGUEZ ANTONIO & LAURA
301 LYNNE DR
ROCKWALL, TX 75032

GUEVARA JOSE
302 LYNNE DR
ROCKWALL, TX 75032

VAZQUEZ JUAN MIGUEL & MARTHA PATRICIA
304 BLANCHE DR
ROCKWALL, TX 75032

CONTRERAS JOSE AND CANDELARIA
304 CHRIS DR
ROCKWALL, TX 75032

ROCKWALL HABITAT FOR HUMANITY
305 BLANCHE DR
ROCKWALL, TX 75032

MORENO LUCINA ALONSO DE AND RICARDO
MORENO OSORNIA
309 CHRIS DR
ROCKWALL, TX 75032

BARRON INOCENCIO & MARTHA
310 LYNNE DR
ROCKWALL, TX 75032

NEXTEL PARTS & SUPPLIES INC
311 E I-30
ROCKWALL, TX 75087

BALDERAS JOSE G
312 CHRIS DR
ROCKWALL, TX 75032

CARMONA JOEL
315 LYNNE DR
ROCKWALL, TX 75032

PALACIOS PEDRO & MARIA E
316 LYNNE DR
ROCKWALL, TX 75032

STRANGE MARY JANNETTE
317 BLANCHE DR
ROCKWALL, TX 75032

ROSAS ALEXANDRA
327 CHRIS DR
ROCKWALL, TX 75032

PADRON CELSA
328 CHRIS DR
ROCKWALL, TX 75032

UC F JOSE FAUSTO
329 BLANCHE DR
ROCKWALL, TX 75032

MORENO SALVADOR
330 LYNNE DR
ROCKWALL, TX 75032

CHAVEZ IGNACIO
333 LYNNE DR
ROCKWALL, TX 75032

JIMENEZ JOSE LUIS GARCIA AND
BERNARDA AGUILAR LEDEZMA
337 CHRIS DRIVE
ROCKWALL, TX 75032

ESCOBAR SERGIO & ANABEL
341 BLANCHE DR
ROCKWALL, TX 75032

DIAZ JUAN AND ANA
347 LYNN DRIVE
ROCKWALL, TX 75032

CONTRERAS JOSE L
348 CHRIS DR
ROCKWALL, TX 75032

MORENO SALVADOR
352 LYNNE DR
ROCKWALL, TX 75032

MARTINEZ FLORENTINO TREJO AND MARIA DEL
ROCIO RUBIO DE TREJO
353 BLANCHE DR
ROCKWALL, TX 75032

CONTRERAS JOSE L
353 CHRIS DR
ROCKWALL, TX 75032

BARNARD DANIEL
353 CHRIS DRIVE
ROCKWALL, TX 75032

LAKEPOINTE BAPTIST CHURCH
355 EVA
ROCKWALL, TX 75032

GALLEGOS MAURO & MARIA
362 CHRIS DR
ROCKWALL, TX 75032

LOZANO ISIDRO
362 LYNNE DR
ROCKWALL, TX 75032

PALACIOS PEDRO & MARIA E
365 LYNNE DR
ROCKWALL, TX 75032

MEJIA JOEL & EMMA HERRERA & JOEL MEJIA JR
372 CHRIS DR
ROCKWALL, TX 75032

RODRIGUEZ HERMAN & APRIL
373 BLANCHE DR
ROCKWALL, TX 75032

LAKE POINTE BAPTIST CHURCH
375 EVA
ROCKWALL, TX 75032

RAMIREZ RIGOBERTO AND
MARGARITA ESCOBAR
376 BLANCHE DR
ROCKWALL, TX 75032

SILVA ROBERTO
377 LYNNE DR
ROCKWALL, TX 75032

TOSCANO ANTONIA
378 LYNNE DR
ROCKWALL, TX 75032

LAKE POINTE BAPTIST CHURCH
383 EVA PL
ROCKWALL, TX 75032

ESPINOZA ROBERTO & MARIA
385 LYNNE DR
ROCKWALL, TX 75032

CARMONA-SANCHEZ CARLOS & CRISTINA
388 CHRIS DR
ROCKWALL, TX 75032

GUEVARA JOSE E & MARIS
389 BLANCHE DR
ROCKWALL, TX 75032

RAMIREZ RIGOBERTO AND
MARGARITA ESCOBAR
390 BLANCHE DR
ROCKWALL, TX 75032

LAKE POINTE BAPTIST CHURCH
391 EVA
ROCKWALL, TX 75032

PAY LESS 4 MORE LLC
400 EVA
ROCKWALL, TX 75032

CONTRERAS-AYALA JORGE
400 LYNNE
ROCKWALL, TX 75032

NEXTEL PARTS & SUPPLIES INC
401 EVA
ROCKWALL, TX 75032

VARGAS FRANCISCO
401 LYNNE DR
ROCKWALL, TX 75032

GUEVARA JOSE E
405 BLANCHE DR
ROCKWALL, TX 75032

GONZALEZ JOSE & LAUREN
408 BLANCHE DR
ROCKWALL, TX 75032

VARGAS FRANCISCO
411 LYNNE DR
ROCKWALL, TX 75032

DOMINGUEZ SALVADOR & DIANA
412 LYNNE DR
ROCKWALL, TX 75032

CARRILLO OMAR
ROSALES MARIA M
416 BLANCHE DR
ROCKWALL, TX 75032

DOMINGUEZ SALVADOR & DIANA
420 LYNNE DRIVE
ROCKWALL, TX 75032

PAY LESS 4 MORE LLC
4219 ASHMONT CT
DALLAS, TX 75287

RAOFPUR DAVID
4219 ASHMONT CT
DALLAS, TX 75287

RAOFPUR DAVID
422 EVA
ROCKWALL, TX 75032

ADAMS JAMES & DEBBIE
463 EVA PL
ROCKWALL, TX 75032

ADAMS JAMES W
485 EVA
ROCKWALL, TX 75032

LORENZ SABINA AND MICHAEL
513 BASS RD
ROCKWALL, TX 75032

GONZALEZ JOSE & LAUREN
5245 COUNTY ROAD 2515
ROYSE CITY, TX 75189

CARMONA-SANCHEZ CARLOS & CRISTINA
532 BLANCHE DRIVE
ROCKWALL, TX 75032

GUEVARA JOSE E & MARIS
6938 STATE HIGHWAY 50
COMMERCE, TX 75428

LAKE POINTE BAPTIST CHURCH
701 E INTERSTATE 30
ROCKWALL, TX 75087

SILVA ROBERTO
8766 CR 2586
ROYSE CITY, TX 75189

MUK YAN CHING
908 S WEATHERED DR UNIT 8
RICHARDSON, TX 75080

SARABIA SILVESTRE
929 S PEORIA ST APT G21S
AURORA, CO 80012

FIELDS JIMMIE
PO BOX 1115
ROYSE CITY, TX 75189

ROCKWALL HABITAT FOR HUMANITY
PO BOX 4
ROCKWALL, TX 75087

YANEZ MARIA TERESA AND
MARIA DEL ROSARIO YANEZ
RT 3 BOX 1 CHRIS DR
ROCKWALL, TX 75032

PUBLIC NOTICE



CITY OF ROCKWALL
PLANNING AND ZONING DEPARTMENT
PHONE: (972) 771-7745
EMAIL: PLANNING@ROCKWALL.COM

Property Owner and/or Resident of the City of Rockwall:

You are hereby notified that the City of Rockwall Planning and Zoning Commission and City Council will consider the following application:

Case No. Z2021-039: SUP for Residential Infill in an Established Subdivision

Hold a public hearing to discuss and consider a request by Peter Muhl of Rockwall Habitat for Humanity for the approval of a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision for the purpose of constructing a single-family home on a 0.1650-acre parcel of land identified as Lot 888A of the Rockwall Lake Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 305 Blanche Drive, and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on Tuesday, October 12, 2021 at 6:00 PM, and the City Council will hold a public hearing on Monday, October 18, 2021 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

As an interested property owner, you are invited to attend these meetings. If you prefer to express your thoughts in writing please return the form to:

Angelica Gamez
Rockwall Planning and Zoning Dept.
385 S. Goliad Street
Rockwall, TX 75087

You may also email your comments to the Planning Department at planning@rockwall.com. If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by Monday, October 18, 2021 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning



MORE INFORMATION ON THIS CASE CAN BE FOUND AT: <https://sites.google.com/site/rockwallplanning/development/development-cases>

--- PLEASE RETURN THE BELOW FORM ---

Case No. Z2021-039: SUP for Residential Infill in an Established Subdivision

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

Four horizontal grey bars for providing reasons for support or opposition.

Name: [Grey box]
Address: [Grey box]

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE

Case No. Z2021-039: SUP for Residential Infill in an Established Subdivision

Please place a check mark on the appropriate line below:

 I am in favor of the request for the reasons listed below. I am opposed to the request for the reasons listed below.

Increases Property Values / Encourage Clean-up
 Pave the way for sidewalks & street lights
 Our neighborhood is predominately LATINO
 and we love it here.

Name:

Richard / Marlene Greer

Address:

299 Chris Drive

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE

PUBLIC NOTICE



CITY OF ROCKWALL
PLANNING AND ZONING DEPARTMENT
PHONE: (972) 771-7745
EMAIL: PLANNING@ROCKWALL.COM

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Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning



MORE INFORMATION ON THIS CASE CAN BE FOUND AT: <https://sites.google.com/site/rockwallplanning/development/development-cases>

--- PLEASE RETURN THE BELOW FORM -----

Case No. Z2021-039: SUP for Residential Infill in an Established Subdivision

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

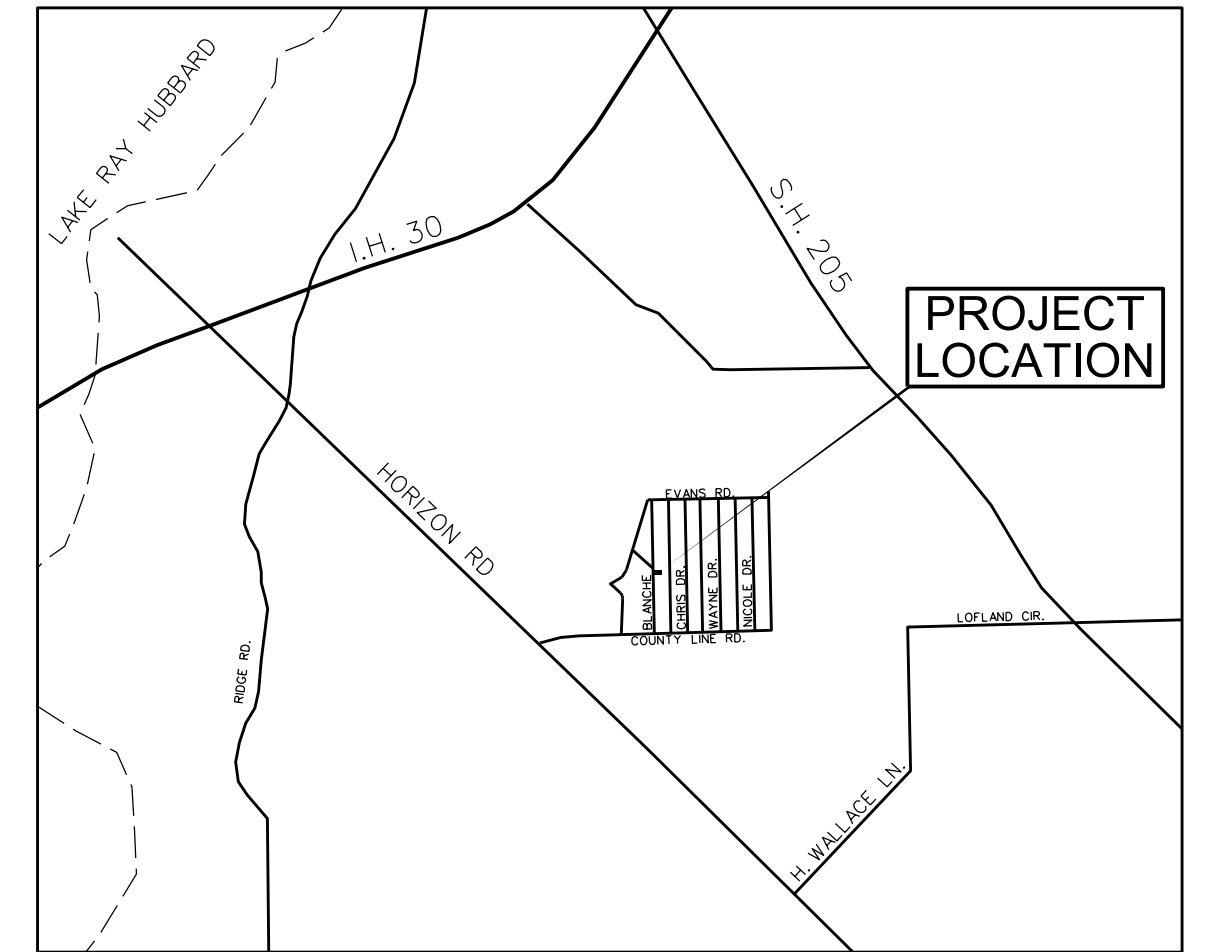
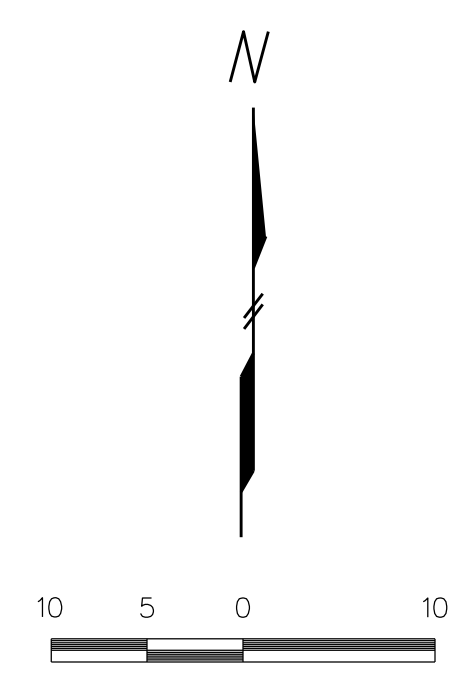
I am not confident that R#Fit will enforce their own standards for the property listed above.

Name: David Crowder
Address: 145 Bethel Rd Greenville Tx 75402

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

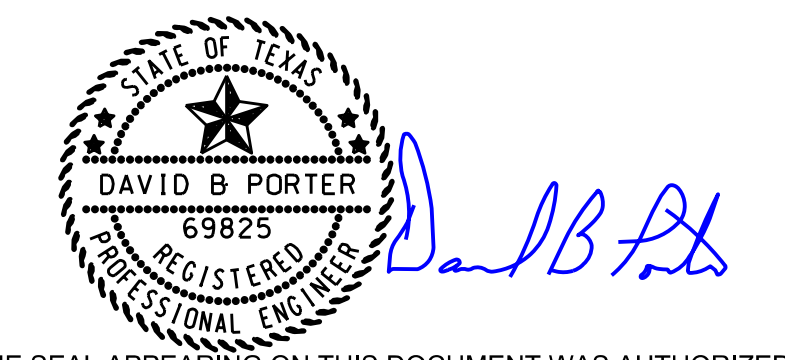
PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE

NOTE:
 CONTRACTOR SHALL FIELD VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES (SHOWN ON PLANS OR NOT) PRIOR TO CONSTRUCTION. IF FIELD CONDITIONS DIFFER SIGNIFICANTLY FROM LOCATIONS SHOWN ON PLANS, THE CONTRACTOR SHALL CONTACT THE ENGINEER PRIOR TO PROCEEDING WITH CONSTRUCTION. R-DELTA ENGINEERS, INC. WILL NOT BE RESPONSIBLE FOR ANY WORK BY THE CONTRACTOR NEGLECTING TO LOCATE THESE UTILITIES.

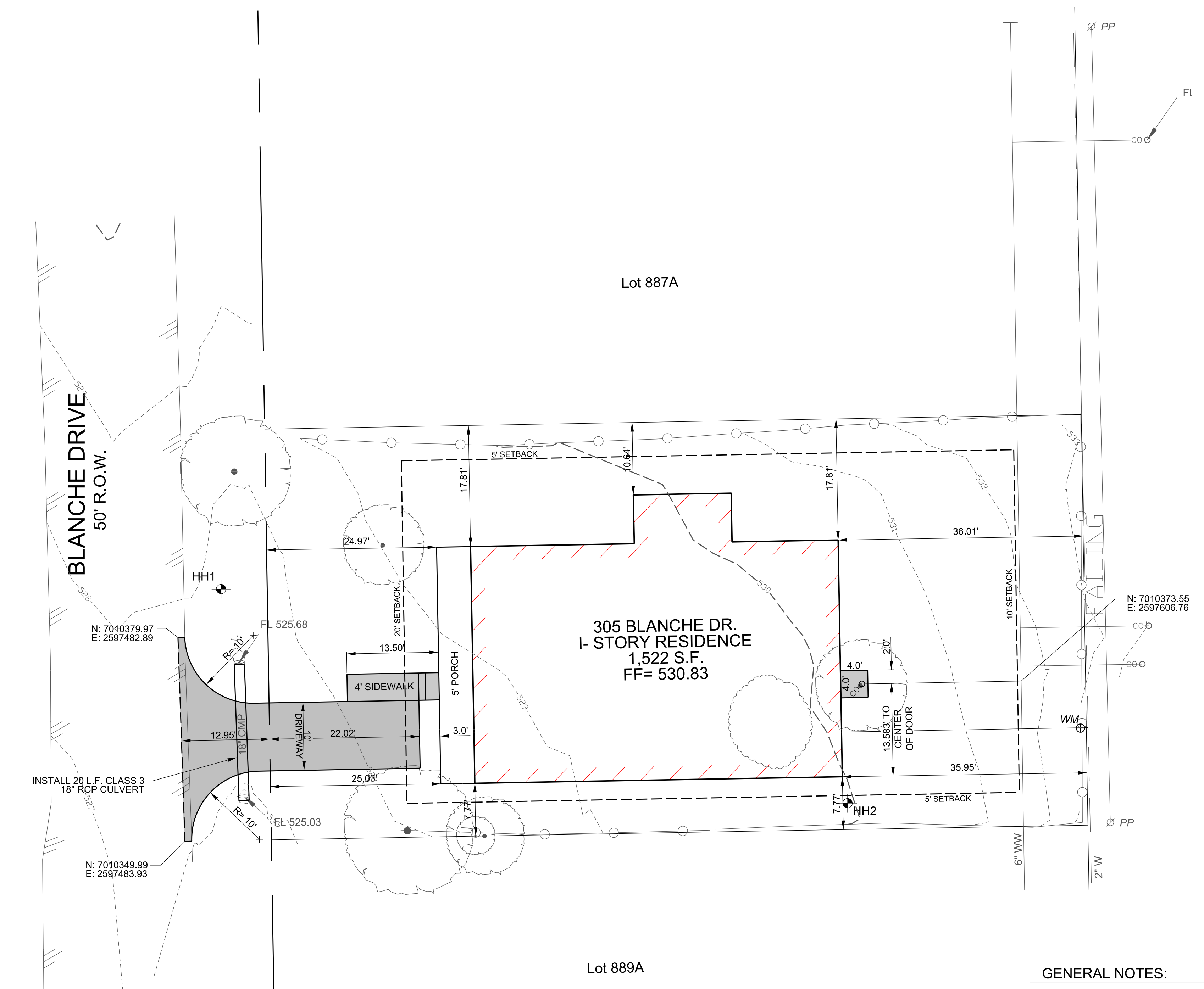


VICINITY MAP
 N.T.S. MAPSCO 30C-M

ZONING: PD-75 (AREA 2)
 SETBACKS: FRONT - 20'
 REAR - 10'
 SIDES - 5'
 MAXIMUM HEIGHT - 32'
 LOT COVERAGE - 30.3%
 OWNER:
 HABITAT FOR HUMANITY
 CONTACT - PETER MUHL (214)704-3455



THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY DAVID B. PORTER, P.E. 69825 ON JUNE 10, 2021. ALTERATION OF A SEALED DOCUMENT WITHOUT PROPER NOTIFICATION TO THE RESPONSIBLE ENGINEER IS AN OFFENSE UNDER THE TEXAS ENGINEERING PRACTICE ACT.



BASIS OF BEARINGS:
 All bearings and coordinates are shown on North Central Zone (4202) of the Texas Coordinate System of 1983, and were obtained using Global Navigational Satellite System methods. The orthometric heights reported here are based on the North American Vertical Datum of 1988 (NAVD88) using GEOID18. Monuments.

HH1	HH2
N = 7,010,387.08	N = 7,010,355.61
E = 2,597,489.23	E = 2,597,581.26
ELEV. = 527.21	ELEV. = 530.05

CONTRACTOR TO CONTACT R-DELTA SURVEY DEPARTMENT FOR SITE HORIZONTAL AND VERTICAL CONTROL.

GENERAL NOTES:

- All construction shall conform to the requirements set forth in the City of Rockwall's Engineering Department's "Standards of Design and Construction" and the "Standard Specifications for Public Works Construction" by the North Texas Central Council of Governments, 5th edition amended by the City of Rockwall. The CONTRACTOR shall reference the latest City of Rockwall standard details provided in the Rockwall Engineering Department's "Standards of Design and Construction" manual for details not provided in these plans. The CONTRACTOR shall possess one set of the NCTCOG Standard Specifications and Details and the City of Rockwall's "Standards of Design and Construction" manual on the project site at all times.
- The City of Rockwall Engineering Department's "General Construction Notes", Sheets 1 & 2 are incorporated to these plans by reference. The CONTRACTOR shall possess one copy of the General Construction notes on the project site at all times.

REV	DATE	DESCRIPTION

SITE PLAN
 305 BLANCHE DRIVE
 LOT 888A
 ROCKWALL LAKE ESTATES #2
 ROCKWALL, TEXAS

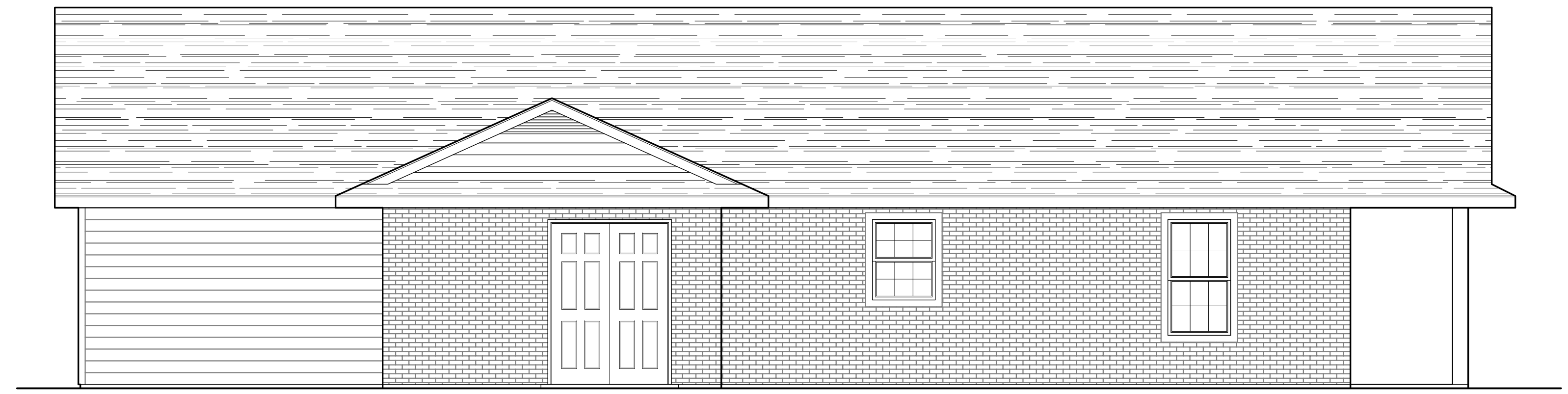
	618 Main Street Garland, TX 75040 Ph. (972) 694-5231 Fax (972) 487-2270 www.rdelta.com TBPE No. F-1515	HABITAT FOR HUMANITY OF GREATER GARLAND, INC. 2350 CRIST RD. SUITE 700 GARLAND, TEXAS 75040 TEL. (972) 272-8530
	DESIGN: DBP CHECK: DBP SCALE: AS SHOWN SHEET:	DRAWN: MDP DATE: JUNE 2021 PROJECT #: 2915-21



1 EXTERIOR ELEVATION - FRONT

0 4'-0" 8'-0" 12'-0"

SCALE: 1/4"=1'-0"



2 EXTERIOR ELEVATION - LEFT

0 4'-0" 8'-0" 12'-0"

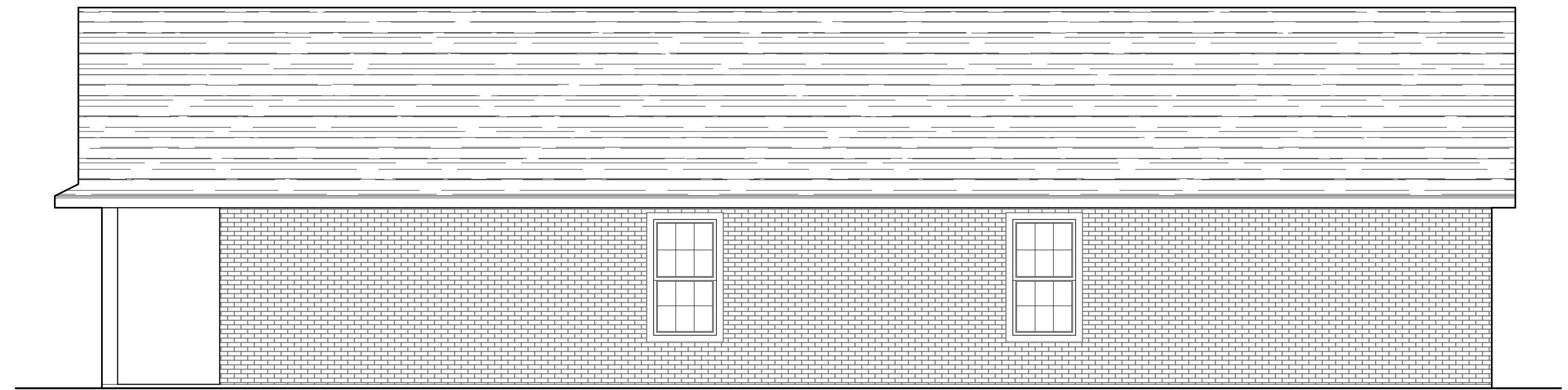
SCALE: 1/4"=1'-0"



3 EXTERIOR ELEVATION - BACK

0 4'-0" 8'-0" 12'-0"

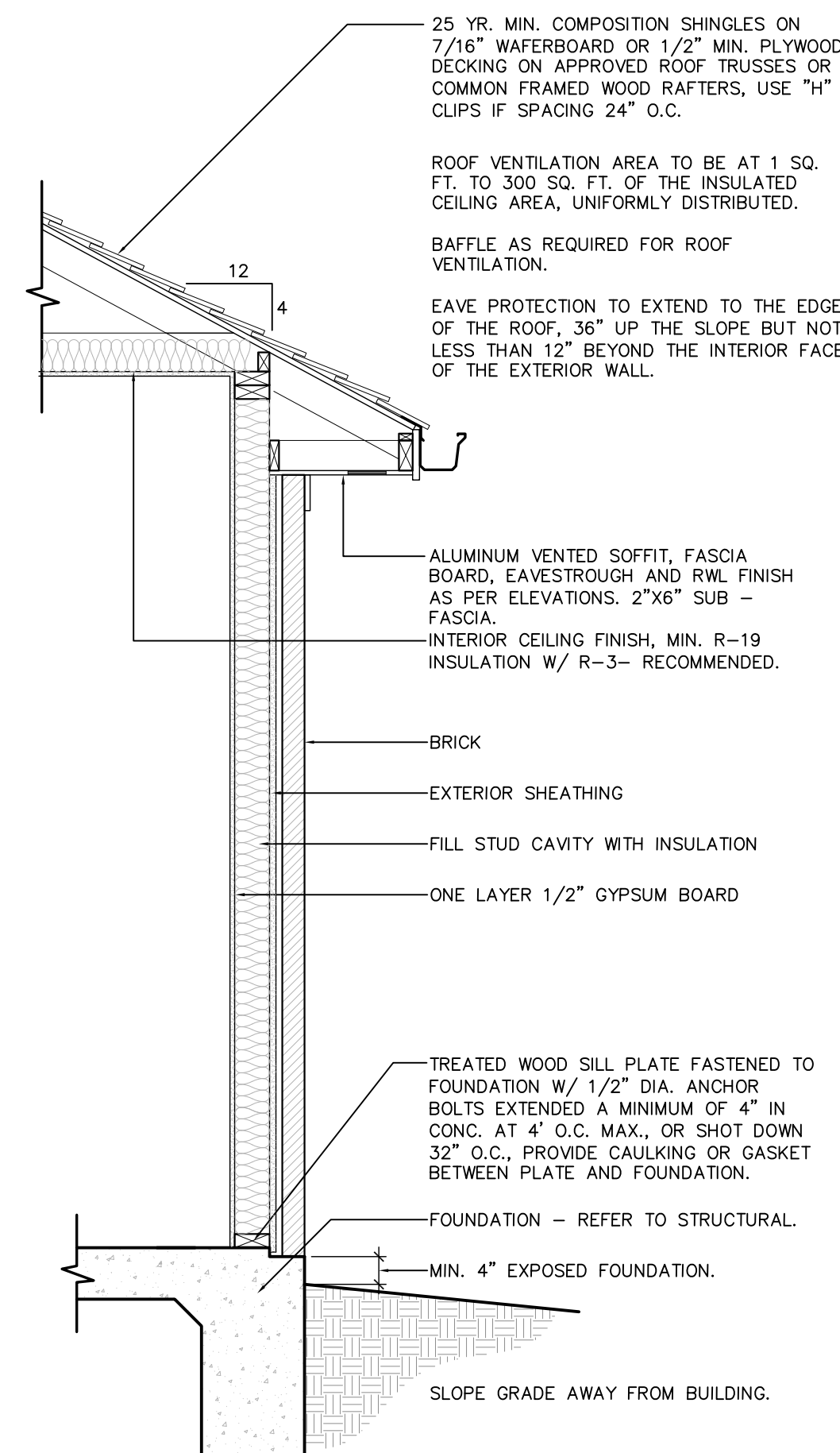
SCALE: 1/4"=1'-0"



4 EXTERIOR ELEVATION - RIGHT

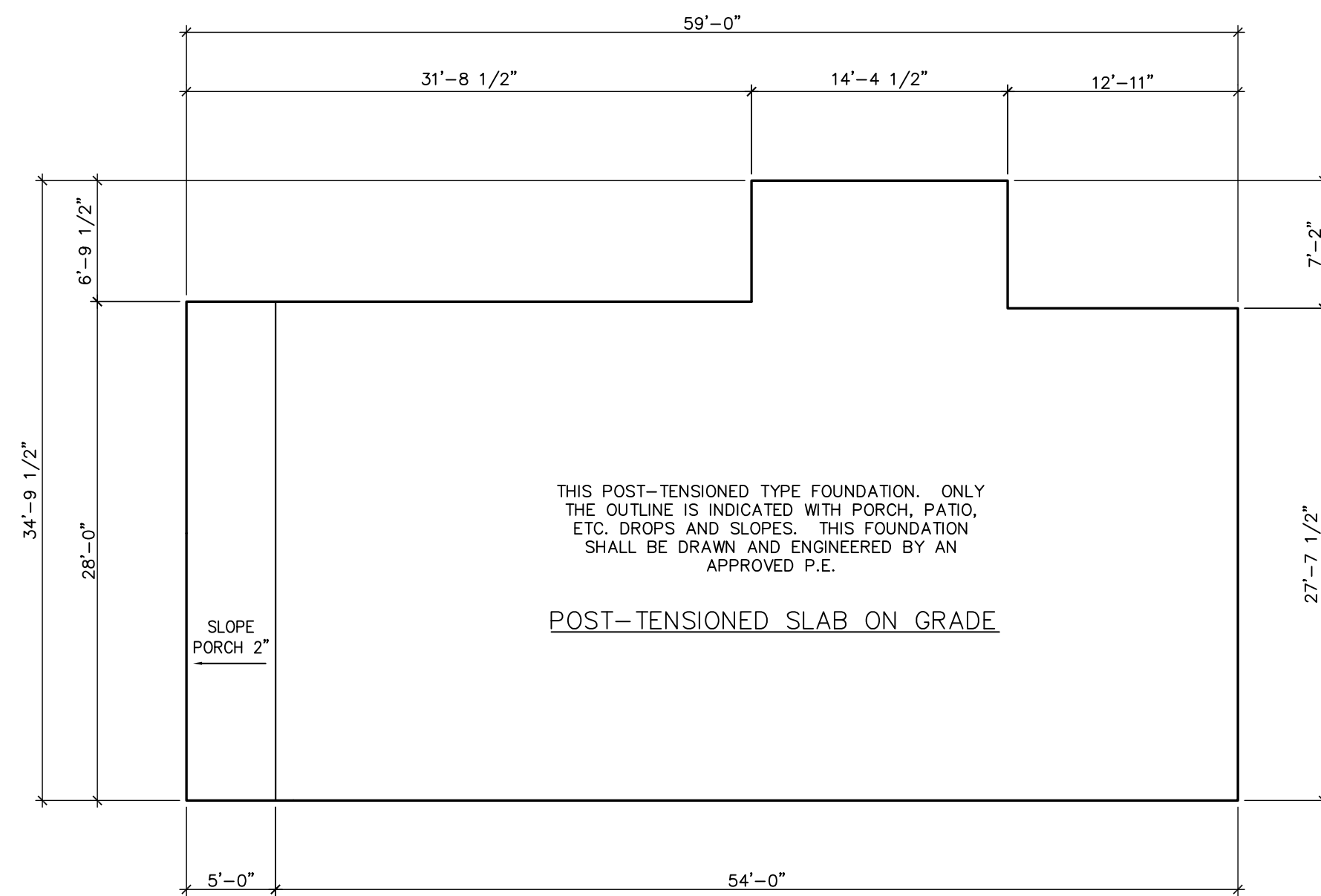
0 4'-0" 8'-0" 12'-0"

SCALE: 1/4"=1'-0"



5 TYPICAL WALL SECTION

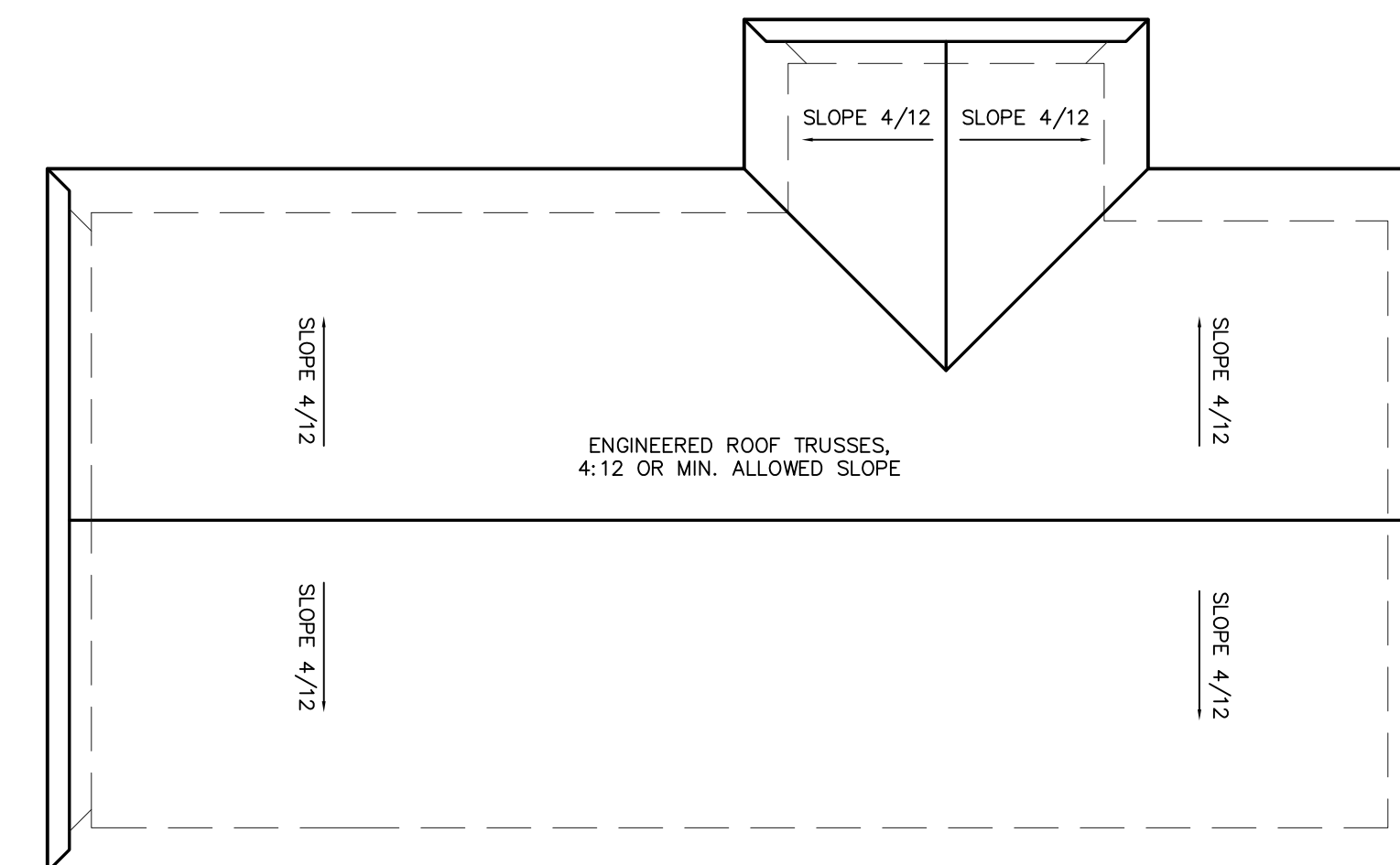
NOT TO SCALE



6 FOUNDATION PLAN

0 8'-0" 16'-0" 24'-0"

SCALE: 1/8"=1'-0"



7 ROOF PLAN

0 8'-0" 16'-0" 24'-0"

SCALE: 1/8"=1'-0"

Adjacent Housing Attributes

Address	Housing Type	Year Built	House SF	Accessory Building SF	Exterior Materials
229 Blanche	N/A	N/A	N/A	N/A	N/A
247 Blanche	Modular Home	1969	1310	976	Siding
265 Blanche	Vacant	N/A	N/A	N/A	N/A
281 Blanche	Modular Home	N/A	N/A	N/A	Siding
291 Blanche	Vacant	N/A	N/A	N/A	N/A
305 Blanche	Subject Property				
317 Blanche	Vacant	N/A	N/A	N/A	N/A
329 Blanche	N/A	N/A	N/A	N/A	N/A
341 Blanche	Storage Building	2003	N/A	252	N/A
353 Blanche	Vacant	2003	N/A	252	N/A
363 Blanche	Single-Family Home	1999	1664	1110	Siding
162 Donald	Modular Home	1990	1344	528	Siding
304 Blanche	Modular Home	1986	1568	592	Siding
214 Diana	Vacant	N/A	N/A	N/A	N/A
199 Diana	Single-Family Home	1980	1568	N/A	Siding
Averages:		1990	1490.8	618	



162 Donald



199 Diana



247 Blanche



281 Blanche



304 Blanche



341 Blanche



363 Blanche

CITY OF ROCKWALL

ORDINANCE NO. 20-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 AND PLANNED DEVELOPMENT DISTRICT 75 (PD-75) [*ORDINANCE NO. 16-01*], 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 0.1650-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 888-A, ROCKWALL LAKE ESTATES #2 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.

WHEREAS, the City has received a request from Peter Muhl for the approval of a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* to allow the construction of a single-family home on a 0.1650-acre parcel of land being described as Lot 888-A, Rockwall Lake Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 305 Blanche Drive, and being more specifically described and depicted in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code (UDC) [*Ordinance No. 20-02*] and Planned Development District 75 (PD-75) [*Ordinance No. 16-01*] of the City of Rockwall should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rockwall, Texas;

SECTION 1. That the Unified Development Code (UDC) [*Ordinance No. 20-02*] and Planned Development District 75 (PD-75) [*Ordinance No. 16-01*] of the City of Rockwall, as heretofore amended, be and the same is hereby 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 in an established subdivision in accordance with Article 04, *Permissible Uses*, the Unified Development Code (UDC) [*Ordinance No. 20-02*] on the *Subject Property*; and,

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 03.01, *General Residential District Standards*, and Subsection 03.07, *Single-Family 7 (SF-7) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 20-02] and to the requirements set forth in Planned Development District 75 (PD-75) [Ordinance No. 16-01] -- as heretofore amended and may be amended in the future - and with the following conditions:

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the construction of a single-family home on the *Subject Property* and conformance to these operational conditions are required:

- 1) The development of the *Subject Property* shall generally conform to the *Residential Plot Plan* as depicted in *Exhibit 'B'* of this ordinance.
- 2) The construction of a single-family home on the *Subject Property* shall generally conform to the *Building Elevations* depicted in *Exhibit 'C'* of this ordinance.
- 3) Once construction of the single-family home has been completed, inspected, and accepted by the City of Rockwall, this Specific Use Permit (SUP) shall expire, and no further action by the property owner shall be required.

2.2 COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, *Specific Use Permits (SUP)* of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) will require the *Subject Property* to comply with the following:

- 1) Upon obtaining a *Building Permit*, should the contractor operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outlined in the Unified Development Code (UDC), the City may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Subsection 02.02(F), *Revocation*, of Article 11, *Development Applications and Revision Procedures*, of the Unified Development Code (UDC) [Ordinance No. 20-02].

SECTION 3. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

SECTION 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

SECTION 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS (\$2,000.00)* for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 6. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full

force and effect.

SECTION 7. That this ordinance shall take effect immediately from and after its passage.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 1ST DAY OF NOVEMBER, 2021.**

Kevin Fowler, *Mayor*

ATTEST:

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: October 18, 2021

2nd Reading: November 1, 2021

Exhibit 'A'
Location Map and Survey

Address: 305 Blanche Drive

Legal Description: Lot 888-A, Rockwall Lake Estates #2 Addition

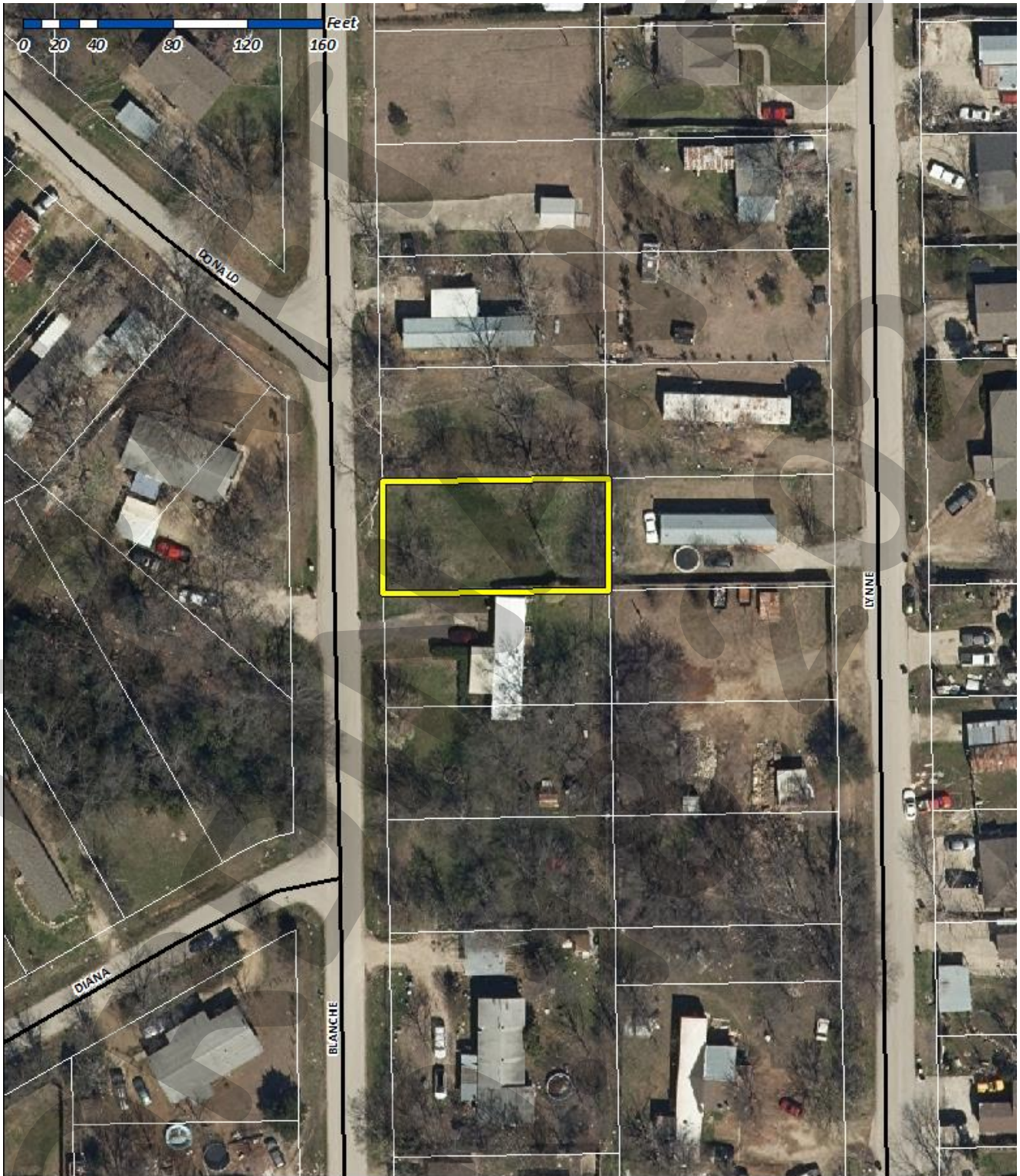
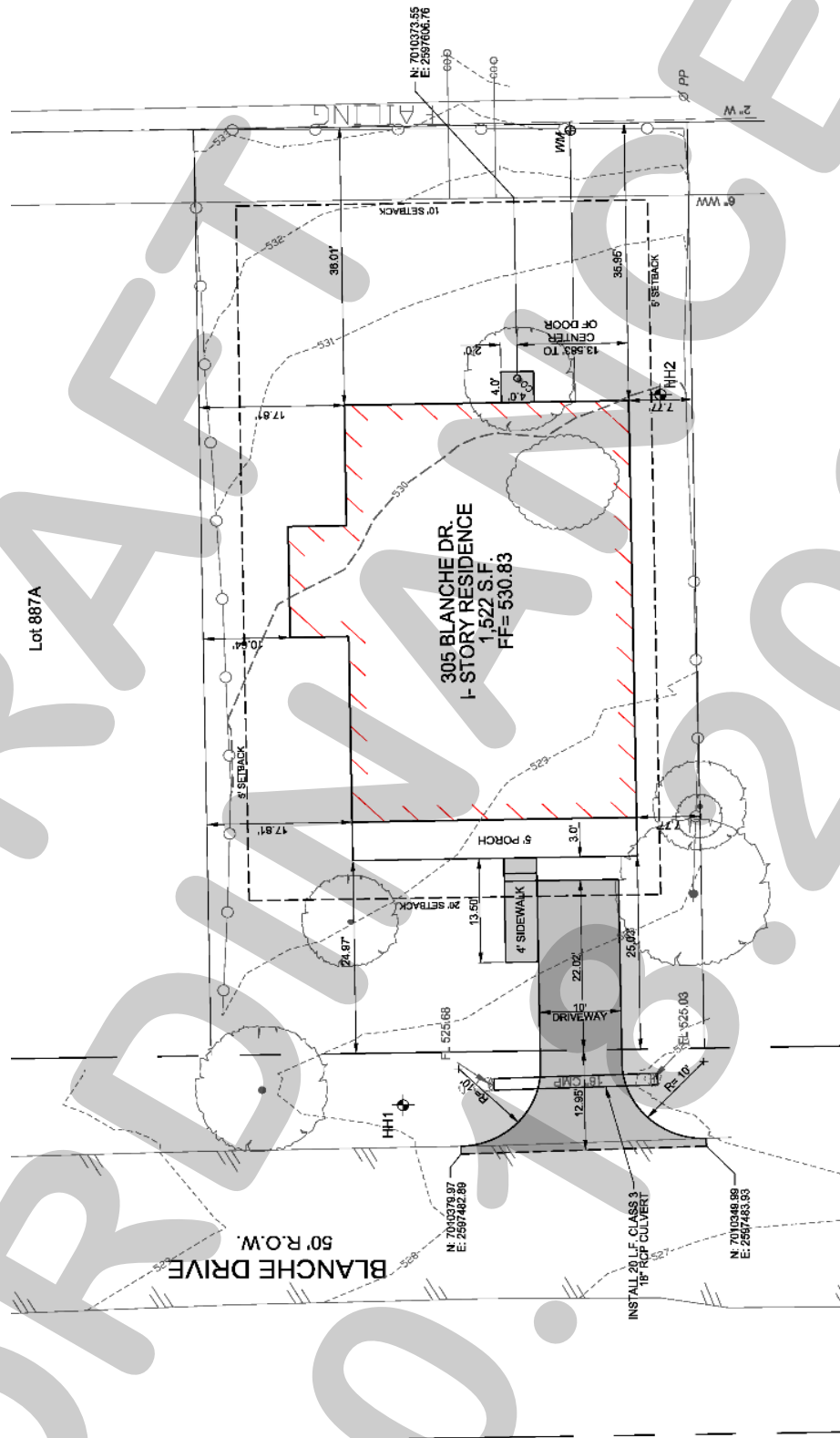


Exhibit 'B':
Residential Plot Plan





MEMORANDUM

TO: Mary Smith, City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: October 18, 2021

SUBJECT: Z2021-040; AMENDMENT TO ARTICLE 04, PERMISSIBLE USES, AND ARTICLE 13, DEFINITIONS, OF THE UNIFIED DEVELOPMENT CODE (UDC) FOR URBAN RESIDENTIAL

Attachments

Memorandum
Proposed Changes to Article 04
Proposed Changes to Article 13
Draft Ordinance

Summary/Background Information

Hold a public hearing to discuss and consider approval of an **ordinance** for a *Text Amendment* to Article 04, *Permissible Uses*, and Article 13, *Definitions*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] for the purpose of amending the *Permissible Use Charts* and definition for *Urban Residential*, and take any action necessary (**1st Reading**).

Action Needed

The City Council is being asked to approve or deny the proposed text amendment.



CITY OF ROCKWALL

CITY COUNCIL MEMORANDUM

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO: Mayor and City Council

CC: Mary Smith, *City Manager*
Joey Boyd, *Assistant City Manager*

FROM: Ryan Miller, *Director of Planning and Zoning*

DATE: October 18, 2021

SUBJECT: Z2021-040; *Amendment to Article 04, Permissible Uses, and Article 13, Definitions, of the Unified Development Code (UDC) for Urban Residential*

On September 7, 2021, the City Council directed staff to amend Article 04, *Permissible Uses*, and Article 13, *Definitions*, of the Unified Development Code (UDC) to make changes to the *Urban Residential* land use.

Background on the Urban Residential Land Use

The *Urban Residential* land use was originally created with the adoption of the Unified Development Code (UDC) on June 7, 2004 by *Ordinance No. 04-38*. At the time of adoption, this undefined land use was only permitted *by-right* in the Central Business District (CBD) and by Specific Use Permit (SUP) in the Multi-Family 14 (MF-14) District. The land use standards for this land use (*at that time of adoption and remaining unchanged today*) are as follows:

Urban Residential

- (1) *Urban Residential* includes residential development which at least partly face streets, public sidewalks, or common open space, or which are located above retail office or service uses.
- (2) Ground floor *Urban Residential* should have direct access to a sidewalk via a stoop or landing, and a majority of parking should be located in a structure.

Staff should note, that this land use was created as a result of the *Downtown Plan: Blueprint for a Downtown Village* [referred to as the *Downtown Plan*], which was drafted by a team of consultants and adopted by the City Council on November 15, 2004. This plan states that "(i)n the Downtown District, there should be a variety of housing including townhomes, lofts (*with or without retail at grade*) and "big home" style properties (*buildings and site plans which look like large homes, but may contain 2-6 or so living units*) ..." and that "... these properties should be targeted to young professionals, 'empty nesters' and retirees." When the Downtown (DT) District was created by *Ordinance No. 07-06* on February 5, 2007 the *Urban Residential* land use was indicated as being a permitted *by-right* land use in this ordinance (*subject to the land use standards above*). The reason for this was most likely due to the fact that the land use was previously allowed *by-right* in the Central Business District (CBD), and that the Downtown (DT) District was designed to replace this district moving forward.

On September 3, 2019, the City Council adopted *Ordinance No. 19-32*, which provided definitions for all land uses contained in the *Permissible Use Charts* as stipulated by Article 04, *Permissible Uses*, of the Unified Development Code (UDC). The change defined *Urban Residential* as "... (a) development situated within the City's Downtown (DT) District -- *which is also referred to as the urban core* -- that allows for multiple single-family dwelling units grouped into a single building."

Proposed Changes to Ensure a Public Hearing is Required

The following changes are being proposed to ensure that a public hearing is required for all *Urban Residential* requests moving forward:

LAND USE SCHEDULE		LAND USE DEFINITION REFERENCE [Reference Article XIII, Definitions]	CONDITIONAL USE REFERENCE Reference Article IV, Permissible Uses]	RESIDENTIAL DISTRICTS														MIXED USE DISTRICTS	NON-RESIDENTIAL DISTRICTS			OVERLAY DISTRICTS			
LAND USES	RESIDENTIAL AND LODGING LAND USES			Agricultural (AG) District	Single Family Estate 1.5 (SFE-1.5) District	Single Family Estate 2.0 (SFE-2.0) District	Single Family Estate 4.0 (SFE-4.0) District	Single Family 1 (SF-1) District	Single Family 16 (SF-16) District	Single Family 10 (SF-10) District	Single Family 8.4 (SF-8.4) District	Single Family 7 (SF-7) District	Zero Lot-Line (ZL-5) District	Two-Family (2F) District	Multi-Family 14 (MF-14) District	Downtown (DT) District	Residential Office (RO) District	Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District
Townhouse		(22)	(15)												P	P	P								
Urban Residential		(23)	(16)												S	PS									

ADDITIONS: **HIGHLIGHTED**; DELECTION: ~~HIGHLIGHTED STRIKETHROUGH~~

By making this change and requiring the *Urban Residential* land use to get a Specific Use Permit (SUP) in the Downtown (DT) District, the City Council will retain more discretion with each specific request. In addition, staff is also proposing to amend the definition of *Urban Residential* to include only certain types of housing. Specifically, the definition is being changed to "...(a) development situated within the City's Downtown (DT) District -- which is also referred to as the urban core -- that allows for single-family, single-family attached, townhomes, and lofts (i.e. one [1] story of residential above commercial only)."

Process for Text Amendment

In the attached packet, staff has provided the proposed changes to Article 04, *Permissible Uses*, and Article 13, *Definitions*, of the Unified Development Code (UDC). Staff has also sent out a 15-day notice to the Rockwall Herald Banner in accordance with all applicable state laws and Section 02.03(A)(3) of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC). In accordance, with Section 02.04(B) of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC), staff brought the text amendment forward for a recommendation from the Planning and Zoning Commission. On October 12, 2021, the Planning and Zoning Commission approved a motion to recommend approval of the text amendment by a vote of 4-2, with Commissioners Womble and Deckard dissenting and Commissioner Moeller absent. Should the City Council have any questions concerning this case staff will be available at the meeting on October 18, 2021.

LAND USE SCHEDULE

LEGEND:

	Land Use <i>NOT</i> Permitted
P	Land Use Permitted <i>By-Right</i>
P	Land Use Permitted with Conditions
S	Land Use Permitted Specific Use Permit (SUP)
X	Land Use Prohibited by Overlay District
A	Land Use Permitted as an Accessory Use

LAND USES	LAND USE DEFINITION REFERENCE (Reference Article 13, Definitions)	CONDITIONAL USE REFERENCE Reference Article 04, Permissible Uses	RESIDENTIAL DISTRICTS											MIXED USE DISTRICTS	NON-RESIDENTIAL DISTRICTS					OVERLAY DISTRICTS						
			Agricultural (AG) District	Single Family Estate 1.5 (SFE-1.5) District	Single Family Estate 2.0 (SFE-2.0) District	Single Family Estate 4.0 (SFE-4.0) District	Single Family 1 (SF-1) District	Single Family 16 (SF-16) District	Single Family 10 (SF-10) District	Single Family 8.4 (SF-8.4) District	Single Family 7 (SF-7) District	Zero Lot-Line (ZL-5) District	Two-Family (2F) District	Multi-Family 14 (MF-14) District	Downtown (DT) District	Residential Office (RO) District	Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District	IH-30 Overlay (IH-30 OV) District	
Limited-Service Hotel	(10)														S			S	S		S					
Full-Service Hotel	(11)	(8)													S			S	S		S					
Residence Hotel	(12)														S			S	S		S					
Motel	(13)														S			S	S		S					
Multi-Family Development or Structure	(14)	(9)													P											
Portable Building	(15)	(10)		P	P	P	P	P	P	P	P	P	P	P												
Residential Infill in an Established Subdivision	(16)	(11)	S	S	S	S	S	S	S	S	S	S	S	S	S											
Single-Family Attached Structure	(17)	(12)													P	P	P									
Single-Family Detached Structure	(18)	(13)	P	P	P	P	P	P	P	P	P	P	P	P												
Single-Family Zero Lot Line Structure	(19)	(14)													P	P	P									
Private Swimming Pool	(20)		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A									
Private Tennis Court	(21)		A	S	S	S	S	S	S	S	S	S	S	S			S									
Townhouse	(22)	(15)														P	P	P								
Urban Residential	(23)	(16)														S	PS									
INSTITUTIONAL AND COMMUNITY SERVICE LAND USES			2.02(C)	2.03(C)																						
Assisted Living Facility	(1)	(1)														P	S	S	S	S	S					
Blood Plasma Donor Center	(2)																	P	P	P	P	P				
Cemetery/Mausoleum	(3)		S															P	P	P	P	P	P			
Church/House of Worship	(4)	(2)	S	S	S	S	S	S	S	S	S	S	S	S	P	S		P	S	S	P	S	P			
College, University, or Seminary	(5)															P			S	P	P	P				
Convalescent Care Facility/Nursing Home	(6)															S	S	P	P	P	P	P	S			
Congregate Care Facility/Elderly Housing	(7)	(3)														P	S	S	S	S		S				
Crematorium	(8)																					S	P			
Daycare with Seven (7) or More Children	(9)	(4)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	S	S			
Emergency Ground Ambulance Services	(10)																					P	P	P	P	P

- (6) Commercial Garage. Any premises and/or structures used for housing more than three (3) motor vehicles or where any vehicles are kept for remuneration, hire, or sale and where a retail service station may be maintained as a secondary use.
- (7) Residential Garage. A residential accessory building used for the storage motor vehicles. These structures are typically attached to the primary structure; however, they may also be a detached structure.
- (8) Guest Quarters/Secondary Living Unit. An accessory building designed for the temporary occupancy of guests of the primary dwelling for which there is no remuneration and is not rented or otherwise used as a separate domicile.
- (9) Home Occupation. A commercial use customarily carried on in the home by members of the occupant family without structural alterations in the principal building or any of its rooms, without offering any commodity or service for sale on premises, without the installations of machinery or additional equipment other than that customary to normal household operations, without the employment of additional persons, without the use of a sign to advertise the occupations, and which does not cause the generation of other than normal noise, and pedestrian and vehicular traffic.
- (10) Limited-Service Hotel. A building or group of buildings used as a temporary dwelling place for individuals in exchange of financial consideration where customary hotel services such as linen, maid service, and telephone are provided. Hotel room units are accessed through doorways into an internal hallway, courtyard, or lobby. Financial consideration for hotel room units is generally calculated on a nightly basis.
- (11) Full-Service Hotel. A building or group of buildings designed for and occupied as a temporary dwelling place. Access to guestrooms shall be restricted exclusively to interior corridors, that shall be accessed via the main lobby of the building or entryways individually equipped with some form of security-controlled access system. Customary hotel services such as linen, maid service, telephone, and other guest amenities are provided and may also contain various personal service shops.
- (12) Residence Hotel. A building or group of buildings used as a temporary dwelling place for individuals in exchange for financial consideration where customary hotel services such as linen, maid service, and telephone are provided. Residence hotel room units are designed to be suitable for long-term occupancy with financial consideration being calculated on a nightly, weekly, and/or monthly basis. Typical residence hotel attributes include, but are not limited to, kitchen facilities, two-story design, and external doorways into room units.
- (13) Motel. A building or group of buildings used as a temporary dwelling place for individuals in exchange for financial consideration where customary hotel services such as linen, maid service, and telephone are provided. Each motel room unit has direct access to the outside. Financial consideration for motel room units is generally calculated on a nightly basis.
- (14) Multi-Family Structure or Development. A development consisting of at least three (3) single-family dwelling units

grouped into a single building or multiple buildings on an individual parcel of land. Examples of a *Multi-Family Development* include Triplexes, Quad or Fourplexes, apartments, condominiums, and etcetera.

- (15) Portable Building. A temporary building that may or may not have a foundation and is transportable.
 - (16) Residential Infill in or Adjacent to an Established Subdivision. The new development of a single-family home or duplex on an existing vacant or undeveloped parcel of land or the redevelopment of a developed parcel of land for a new single-family home or duplex within an established subdivision that is mostly or entirely built-out.
 - (17) Single-Family Attached Structure. A single-family residential structure that is occupied by one (1) family and shares a common wall or walls with another single-family residential structure, but that is on an individual lot and can be conveyed individually (*i.e. one [1] dwelling unit per lot*).
 - (18) Single-Family Detached Structure. A single-family residential structure that is occupied by one (1) family, is situated on a single parcel of land, does not share a common wall or wall with any adjacent structures, and can be conveyed individually (*i.e. one [1] dwelling unit per lot*).
 - (19) Single-Family Zero Lot Line Structure. A single-family detached structure that has a wall or walls that comes up to, or very near to, the edge of the property line on one (1) side of the property.
 - (20) Private Swimming Pool. A swimming pool constructed for the exclusive use of the property owner and/or residents of a single-family, duplex, multi-family structure or development. A private swimming pool shall not be operated as a business.
 - (21) Private Tennis Court. A surface designed and constructed for playing the game of tennis along with all fencing, nets and related appurtenances but excluding lighting for night play in residential areas except as may be otherwise permitted.
 - (22) Townhouse. A single-family residential structure that is occupied by one (1) family and shares a common wall or walls with another single-family residential structure, but that is on an individual lot and can be conveyed individually (*i.e. one [1] dwelling unit per lot*). These units are typically constructed in a series or group of units.
 - (23) Urban Residential. A development situated within the City's Downtown (DT) District -- *which is also referred to as the urban core* -- that allows for ~~multiple~~ single-family, single-family attached, townhomes, and lofts (*i.e. one [1] story of residential above commercial only*) dwelling units grouped into a single building. This type of structure typically contains a mix of office, retail, and residential land uses.
- (C) Institutional and Community Service Land Uses.
- (1) Assisted Living Facility. A facility that is licensed under Chapter 247, *Assisted Living Facilities*, of the Texas Health and Safety Code that furnishes -- *in one (1) or more buildings* -- food, shelter, and limited assistance to persons who are unrelated to the proprietor of the establishment, and also provides personal care services.

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 ARTICLE 04, *PERMISSIBLE USES*, AND ARTICLE 13, *DEFINITIONS*, 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.

WHEREAS, an amendment to the City of Rockwall's Unified Development Code [*Ordinance No. 20-02*] has been initiated by the City Council of the City of Rockwall to amend Article 04, *Permissible Uses*, and Article 13, *Definitions*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*]; and,

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the city's corporate boundaries, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code [*Ordinance No. 20-02*] should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

SECTION 1. That Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'A'* of this ordinance;

SECTION 2. That Article 13, *Definitions*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'B'* of this ordinance;

SECTION 3. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *Two Thousand Dollars (\$2,000.00)* for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense;

SECTION 4. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code [*Ordinance No. 04-38*], and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable;

SECTION 5. That this ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 1ST DAY OF NOVEMBER, 2021.

Kevin Fowler, *Mayor*

ATTEST:

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: October 18, 2021

2nd Reading: November 1, 2021

DRAFT
ORDINANCE
10.18.2021

Additions: **Highlighted**
 Deletions: **Highlighted, Strikeout**

LAND USE SCHEDULE	RESIDENTIAL DISTRICTS										MIXED USE DISTRICTS	NON-RESIDENTIAL DISTRICTS	OVERLAY DISTRICTS												
	LAND USE DEFINITION REFERENCE [Reference Article XIII, Definitions]	CONDITIONAL USE REFERENCE Reference Article IV, Permissible Uses]	Agricultural (AG) District	Single Family Estate 1.5 (SFE-1.5) District	Single Family Estate 2.0 (SFE-2.0) District	Single Family Estate 4.0 (SFE-4.0) District	Single Family 1 (SF-1) District	Single Family 16 (SF-16) District	Single Family 10 (SF-10) District	Single Family 8.4 (SF-8.4) District	Single Family 7 (SF-7) District	Zero Lot-Line (ZL-5) District	Two-Family (2F) District	Multi-Family 14 (MF-14) District	Downtown (DT) District	Residential Office (RO) District	Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District	IH-30 Overlay (IH-30 Ov) District
LAND USES																									
RESIDENTIAL AND LODGING LAND USES	2.02(B)	2.03(B)																							
Townhouse	(22)	(15)																							
Urban Residential	(23)	(16)																							

LEGEND:

	Land Use <u>NOT</u> Permitted
P	Land Use Permitted <i>By-Right</i>
P	Land Use Permitted with Conditions
S	Land Use Permitted Specific Use Permit (SUP)
X	Land Use Prohibited by Overlay District
A	Land Use Permitted as an Accessory Use

DRAFT
ORDINANCE 10.18.20

Additions: Highlighted

Deletions: Highlighted, Strikeout

SECTION 02 | WORDS, TERMS, AND LAND USES DEFINED
SUBSECTION 02.02: LAND USE DEFINITIONS

(B) Residential and Lodging Uses.

(23) *Urban Residential*. A development situated within the City's Downtown (DT) District -- which is also referred to as the urban core -- that allows for ~~multiple~~ single-family, single-family attached, townhomes, and lofts (i.e. one [1] story of residential above commercial only) ~~dwelling units grouped into a single building~~. This type of structure typically contains a mix of office, retail, and residential land uses.

DRAFT
ORDINANCE
10.18.2021



MEMORANDUM

TO: Mary Smith, City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: October 18, 2021

SUBJECT: Z2021-041; SPECIFIC USE PERMIT FOR A RESTAURANT WITH LESS THAN 2,000 SF WITH DRIVE-THROUGH OR DRIVE-IN

Attachments

Case Memo
Development Application
Location Map
HOA Notification Map
Neighborhood Notification Email
Property Owner Notification Map
Property Owner Notification List
Public Notice
Applicant's Letter
Legal Description
Concept Plan
Draft Ordinance

Summary/Background Information

Hold a public hearing to discuss and consider a request by Aaron Hawkins on behalf of Tim Thompson of Metroplex Acquisitions for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for a *Restaurant with Less Than 2,000 SF with a Drive-Through or Drive-In* for the purpose of constructing a restaurant (*i.e. Salad and Go*) on a 0.81-acre portion of a larger 5.96-acre parcel of land identified as Lot 11, Block A, Stone Creek Retail Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 70 (PD-70) for General Retail (GR) District land uses, situated within North SH-205 Overlay (N. SH-205 OV) District, generally located northeast of the intersection of N. Goliad Street [SH-205] and Bordeaux Drive, and take any action necessary (**1st Reading**).

Action Needed

The City Council is being asked to approve, approve with conditions, or deny the proposed Specific Use Permit (SUP).



CITY OF ROCKWALL

CITY COUNCIL CASE MEMO

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO: Mayor and City Council
DATE: October 18, 2021
APPLICANT: Aaron Hawkins; Jones/Carter Engineering
CASE NUMBER: Z2021-041; *Specific Use Permit for a Restaurant with less than 2,000 SF with Drive-Through or Drive-In*

SUMMARY

Hold a public hearing to discuss and consider a request by Aaron Hawkins on behalf of Tim Thompson of Metroplex Acquisitions for the approval of a Specific Use Permit (SUP) for a *Restaurant with Less Than 2,000 SF with a Drive-Through or Drive-In* for the purpose of constructing a restaurant (i.e. Salad and Go) on a 0.81-acre portion of a larger 5.96-acre parcel of land identified as Lot 11, Block A, Stone Creek Retail Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 70 (PD70) for General Retail (GR) District land uses, situated within North SH-205 Overlay (N. SH-205 OV) District, generally located northeast of the intersection of N. Goliad Street [SH-205] and Bordeaux Drive, and take any action necessary.

BACKGROUND

The subject property was annexed into the City of Rockwall on May 19, 1986 by *Ordinance No. 86-37*. On December 7, 1993, the City's historic zoning map indicates the subject property was zoned Agricultural (AG) District. On April 2, 2007, the City Council approved a zoning change for the subject property changing the zoning designation from an Agricultural (AG) District to Planned Development District 70 (PD-70) [*Ordinance No. 07-13*] for General Retail (GR) District land uses. On October 5, 2020, the City Council approved a replat [*Case No. P2020-038*] that replatted the subject property as Lot 11, Block A, Stone Creek Retail Addition.

PURPOSE

The applicant -- *Aaron Hawkins* -- is requesting the approval of a Specific Use Permit (SUP) to allow for a *Restaurant with less than 2,000 SF with Drive-Through or Drive-In* on the subject property.

ADJACENT LAND USES AND ACCESS

The subject property is generally located northeast of the intersection of N. Goliad Street [SH-205] and Bordeaux Drive. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject is a *Restaurant with more than 2,000 SF with a Drive-Through (i.e. McDonald's)*. Beyond this is a *Retail Store with Gasoline Sales (i.e. Tom Thumb Gas Station)*. North of this is approximately 6,681 SF shopping center (*i.e. Medpost Urgent Care, Smilemakers Orthodontics, The UPS Store*). All of these properties are zoned Planned Development District 70 (PD-70) for General Retail (GR) District land uses. Beyond this is FM-552, which is identified as a TXDOT4D (*i.e. Texas Department of Transportation, four [4] lane, divided roadway*) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

South: Directly south of the subject property is Bordeaux Drive, which is identified as a M4D (*i.e. major collector, four [4] lane, divided roadway*) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is Phase 1 of the Stone Creek Subdivision, which is an 83.57-acre residential subdivision zoned Planned Development District 70 (PD-70) for Single-Family 10 (SF-10) District land uses.

East: Directly east of the subject property is Stone Creek Drive, which is identified as a *Minor Collector* on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is Phases 2B & 6 of the Stone Creek Subdivisions, which are zoned Planned Development District 70 (PD-70) for Single-Family 10 (SF-10) District land uses. Beyond this is the Hamm Elementary School which is zoned Planned Development District 70 (PD-70) for Single-Family 10 (SF-10) District land uses.

West: Directly west of the subject property is N. Goliad Street [*SH-205*], which is identified as a M4D (*i.e. major collector, four [4] lane, divided roadway*) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are two (2) parcels of land (*i.e. 3069 and 3073 N. Goliad Street*), zoned Single-Family 16 (SF-16) District. Beyond this is Phase 6 of the Shores Subdivision, which consists of 70 lots and is zoned Planned Development District 3 (PD-3) for single-family land uses.

CHARACTERISTICS OF THE REQUEST

The applicant has submitted an application, letter, and a concept plan requesting a Specific Use Permit (SUP) for a *Restaurant with less than 2,000 SF with Drive-Through or Drive-In* for the purpose of establishing a Salad and Go restaurant. The drive-through lane on the south side of the building -- *as indicated on the concept plan* -- is an online order only pick-up window. The applicant indicated at the Planning and Zoning Commission work session that the maximum stacking capacity is ~15 vehicles. The bail out lane for the drive-through is located near the northeast side of the property and is depicted as a 16-foot cross access drive. This will be required to be signed as a one (1) way exit lane.

CONFORMANCE WITH THE CITY'S CODES

Article 13, *Definitions*, of the Unified Development Code (UDC), defines a *Restaurant with Drive Through or Drive-In* as "(a) place of business whose primary source of revenue is derived from the sale of prepared food to the general public for consumption on-premise or off-premises and/or in a personal vehicle or where facilities are provided on the premises that encourages the serving and consumption of food in a personal vehicle on or near the restaurant premises.." In this case, the applicant's proposed business -- *Salad and Go* -- falls under this classification. According to *Permissible Use Charts* contained in Article 04, *Permitted Uses*, of the Unified Development Code (UDC), a *Restaurant with Drive Through or Drive-In* requires a Specific Use Permit (SUP) in a General Retail (GR) District. The purpose of this requirement is to acknowledge that not all *Restaurant* operations are appropriate within the City's general retail areas, and that the City Council should have discretionary oversight with regard to the types of *Restaurant* operations and their impacts within these types of districts. In addition, Subsection 02.03(f)(9) places the following additional conditions on this land use:

- (1) Drive-through lanes shall not have access to a local residential street.
- (2) Additional landscape screening shall be installed adjacent to drive-through lanes to impair visibility and impact of headlights from motor vehicles in the drive-through lane on adjacent properties, rights-of-way, parks and open space.
- (3) Unless otherwise approved by the Planning and Zoning Commission, stacking lanes for a drive-through service window shall accommodate a minimum of six (6) standard sized motor vehicles.

The applicant's request does appear to conform to the requirements stipulated by the Unified Development Code (UDC); however, staff has incorporated an additional condition that will require mature landscaping be planted along the entire length of the proposed drive-through lane and along N. Goliad Street [*SH-205*] to provide headlight screening from N. Goliad Street [*SH-205*] and the adjacent properties. The Unified Development Code (UDC) requires headlight screening to be a minimum of three (3) feet in height.

STAFF ANALYSIS

The intent of the General Retail (GR) District is to provide limited retail and service uses for nearby residential neighborhoods. Development in these areas should not include intensive commercial land uses that carry large volumes of retail traffic. Developments should also be adequately buffered and screened from residential land uses. Since the General Retail (GR) District is located close to residential areas, the development standards are typically more stringent and similar to the Residential-Office (RO) and Neighborhood Services (NS) Districts. All of these districts are intended to create a transition from the adjacent residential neighborhoods to less intense non-residential land uses. When reviewing this case, the proposed land use does appear to be appropriate for this location due to the separation of the subject property from the nearby residential

development and its proximity to N. Goliad Street [SH-205] (which is identified as a M4D [major collector, four [4] lane, divided roadway] on the City's Master Thoroughfare Plan). With this being said, approval of a Specific Use Permit (SUP) is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission.

NOTIFICATIONS

On September 23, 2021, staff mailed 26 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Stone Creek and Harlan Park Homeowner's Associations (HOAs), which are the only HOAs/Neighborhood Organizations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was drafted staff had not received any notices.

CONDITIONS OF APPROVAL

If the City Council chooses to approve the applicant's request for a Specific Use Permit (SUP) for a *Restaurant, with less than 2,000 SF, with Drive-Through or Drive-In* then staff would propose the following conditions of approval:

- (1) The applicant shall be responsible for maintaining compliance with the operational conditions contained in the Specific Use Permit (SUP) ordinance and which are detailed as follows:
 - (a) The development of the *Subject Property* shall generally conform to the Concept Plan as depicted in *Exhibit 'B'* of the SUP ordinance.
 - (b) Mature landscaping shall be planted along the entire length of the proposed drive-through and along N. Goliad Street [SH-205] to provide headlight screening from N. Goliad Street [SH-205] and the adjacent property owners.
- (2) Any construction resulting from the approval of this Specific Use Permit (SUP) shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

PLANNING AND ZONING COMMISSION

On October 18, 2021, the Planning and Zoning Commission approved a motion to approve the Specific Use Permit (SUP) with the conditions of approval by a vote of 6-0, with Commissioner Moeller absent.



DEVELOPMENT APPLICATION

City of Rockwall
Planning and Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087

STAFF USE ONLY

PLANNING & ZONING CASE NO. 22021-041

NOTE: THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.

DIRECTOR OF PLANNING:

CITY ENGINEER:

PLEASE CHECK THE APPROPRIATE BOX BELOW TO INDICATE THE TYPE OF DEVELOPMENT REQUEST [SELECT ONLY ONE BOX]:

PLATTING APPLICATION FEES:

MASTER PLAT (\$100.00 + \$15.00 ACRE) ¹

PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) ¹

FINAL PLAT (\$300.00 + \$20.00 ACRE) ¹

REPLAT (\$300.00 + \$20.00 ACRE) ¹

AMENDING OR MINOR PLAT (\$150.00)

PLAT REINSTATEMENT REQUEST (\$100.00)

SITE PLAN APPLICATION FEES:

SITE PLAN (\$250.00 + \$20.00 ACRE) ¹

AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN (\$100.00)

ZONING APPLICATION FEES:

ZONING CHANGE (\$200.00 + \$15.00 ACRE) ¹

SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) ¹

PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) ¹

OTHER APPLICATION FEES:

TREE REMOVAL (\$75.00)

VARIANCE REQUEST (\$100.00)

NOTES:

¹: IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.

PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS 3068 N Goliad St.

SUBDIVISION Stone Creek Retail Addition LOT 11 BLOCK A

GENERAL LOCATION Property ID: 104324 (NE corner of SH 205 & Bordeaux)

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING PD-70 (Planned Development) CURRENT USE undeveloped

PROPOSED ZONING PD-70 (Planned Development) PROPOSED USE Drive through Restaurant

ACREAGE ~0.82 LOTS [CURRENT] 1 LOTS [PROPOSED] 1

SITE PLANS AND PLATS: BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.

OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED]

<input type="checkbox"/> OWNER <u>Metroplex Acquisition Fund, LP</u>	<input type="checkbox"/> APPLICANT <u>Aaron Hawkins</u>
CONTACT PERSON <u>Tim Thompson</u>	CONTACT PERSON <u>Aaron Hawkins</u>
ADDRESS <u>12720 Hillcrest Rd.</u>	ADDRESS <u>4500 Mercantile Plaza Dr.</u>
<u>Suite 650</u>	<u>Suite 210</u>
CITY, STATE & ZIP <u>Dallas, TX 75230</u>	CITY, STATE & ZIP <u>Fort Worth, Texas 76137</u>
PHONE <u>214/365-4682</u>	PHONE <u>682-268-2207</u>
E-MAIL <u>tthompson@creativecompanies.com</u>	E-MAIL <u>ahawkins@jmcscarter.com</u>

NOTARY VERIFICATION [REQUIRED]

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Tim Thompson [OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:

I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ 715.00 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE _____ DAY OF _____, 20____. BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONNECTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION.*

WITNESSED BY HAND AND SEAL OF OFFICE ON THIS THE 15th DAY OF September, 2021.

OWNER'S SIGNATURE [Signature]

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS Sheila Green

MY COMMISSION EXPIRES 9-15-2024





City of Rockwall

Planning & Zoning Department
 385 S. Goliad Street
 Rockwall, Texas 75032
 (P): (972) 771-7745
 (W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.

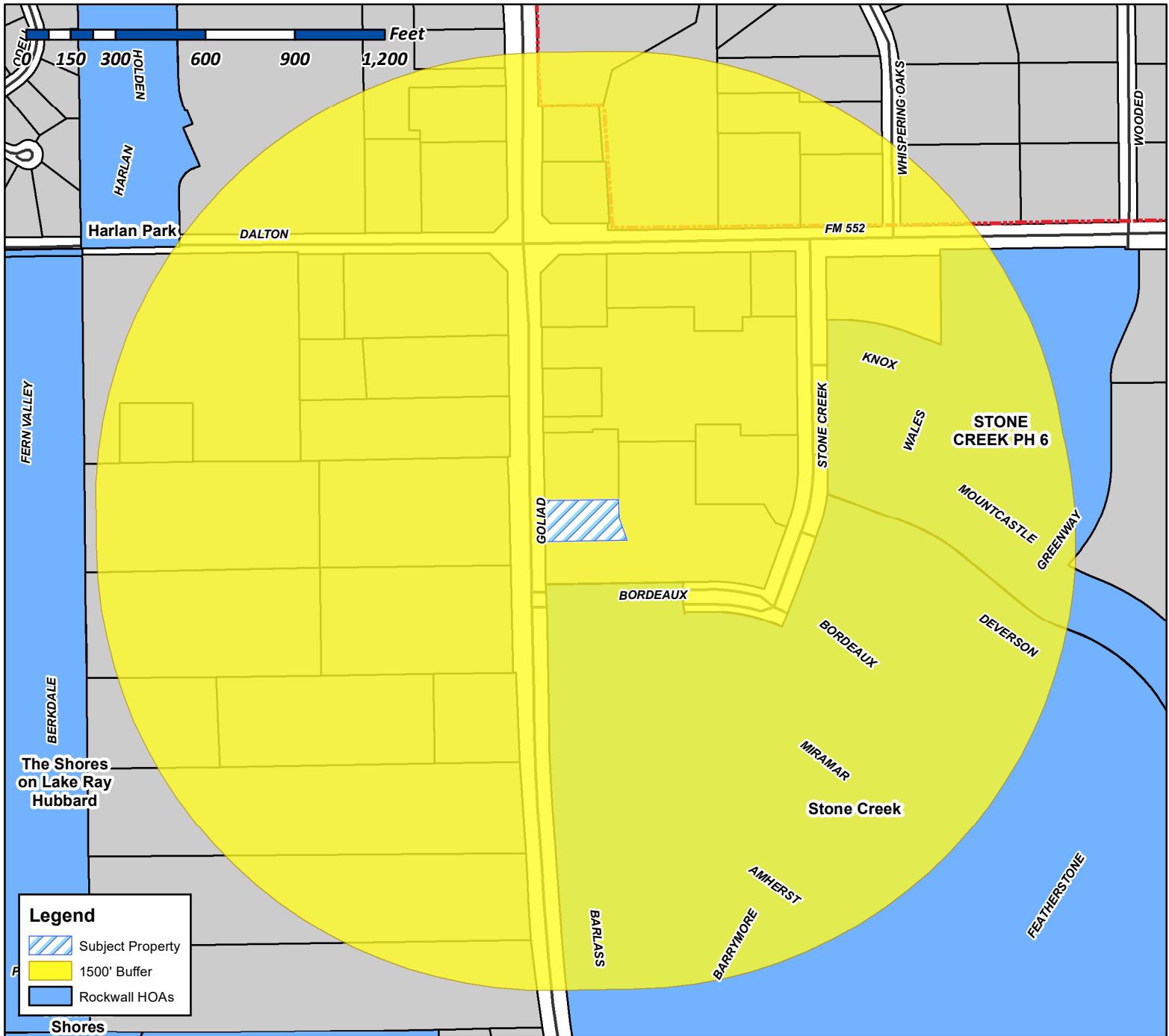




City of Rockwall

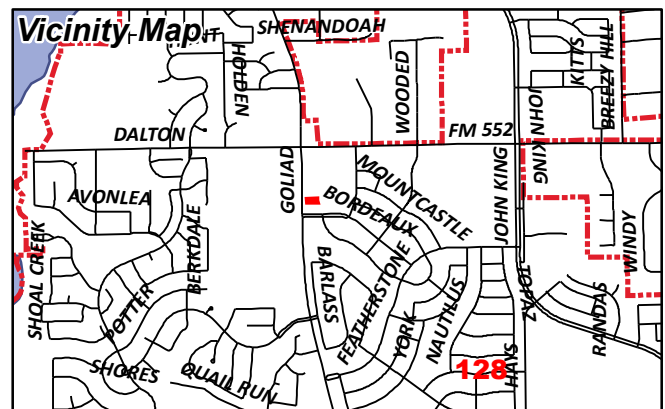
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
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Case Number: Z2021-041
Case Name: SUP for Salad and Go
Case Type: Zoning
Zoning: Planned Development District 70 (PD-70)
Case Address: 3068 N. Goliad Street

Date Created: 9/17/2021
 For Questions on this Case Call (972) 771-7745



Miller, Ryan

From: Gamez, Angelica
Sent: Thursday, September 23, 2021 3:37 PM
Cc: Miller, Ryan; Gonzales, David; Reyna, Andrew; Lee, Henry
Subject: Neighborhood Notification Program [Z2021-041]
Attachments: Public Notice (09.24.2021).pdf; HOA Map Z2021-041.pdf

HOA/Neighborhood Association Representative:

Per your participation in the *Neighborhood Notification Program*, you are receiving this notice to inform your organization that a zoning case has been filed with the City of Rockwall that is located within 1,500-feet of the boundaries of your neighborhood. As the contact listed for your organization, you are encouraged to share this information with the residents of your subdivision. Please find the attached map detailing the property requesting to be rezoned in relation to your subdivision boundaries. Additionally, below is the summary of the zoning case that will be published in the Rockwall Herald Banner on September 24, 2021. The Planning and Zoning Commission will hold a public hearing on Tuesday, October 12, 2021 at 6:00 PM, and the City Council will hold a public hearing on Monday, October 18, 2021 at 6:00 PM. Both hearings will take place at 6:00 PM at City Hall, 385 S. Goliad, Rockwall, TX 75087.

All interested parties are encouraged to submit public comments via email to Planning@rockwall.com at least 30 minutes in advance of the meeting. Please include your name, address, and the case number your comments are referring to. These comments will be read into the record during each of the public hearings. Additional information on all current development cases can be found on the City's website:

<https://sites.google.com/site/rockwallplanning/development/development-cases>.

Z2021-041- SUP for Restaurant with Less Than 2,000 SF

Hold a public hearing to discuss and consider a request by Aaron Hawkins on behalf of Tim Thompson of Metroplex Acquisitions for the approval of a *Specific Use Permit (SUP)* for *Restaurant with Less Than 2,000 SF with a Drive-Through or Drive-In* for the purpose of constructing a restaurant (*i.e. Salad and Go*) on a 0.81-acre portion of a larger 5.96-acre parcel of land identified as Lot 11, Block A, Stone Creek Retail Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 70 (PD-70) for General Retail (GR) District land uses, situated within North SH-205 Overlay (N. SH-205 OV) District, generally located northeast of the intersection of N. Goliad Street [SH-205] and Bordeaux Drive, and take any action necessary.

Thank you,

Angelica Gamez

Planning & Zoning Coordinator

City of Rockwall

972.771.7745 Office

972.772.6438 Direct

<http://www.rockwall.com/planning/>

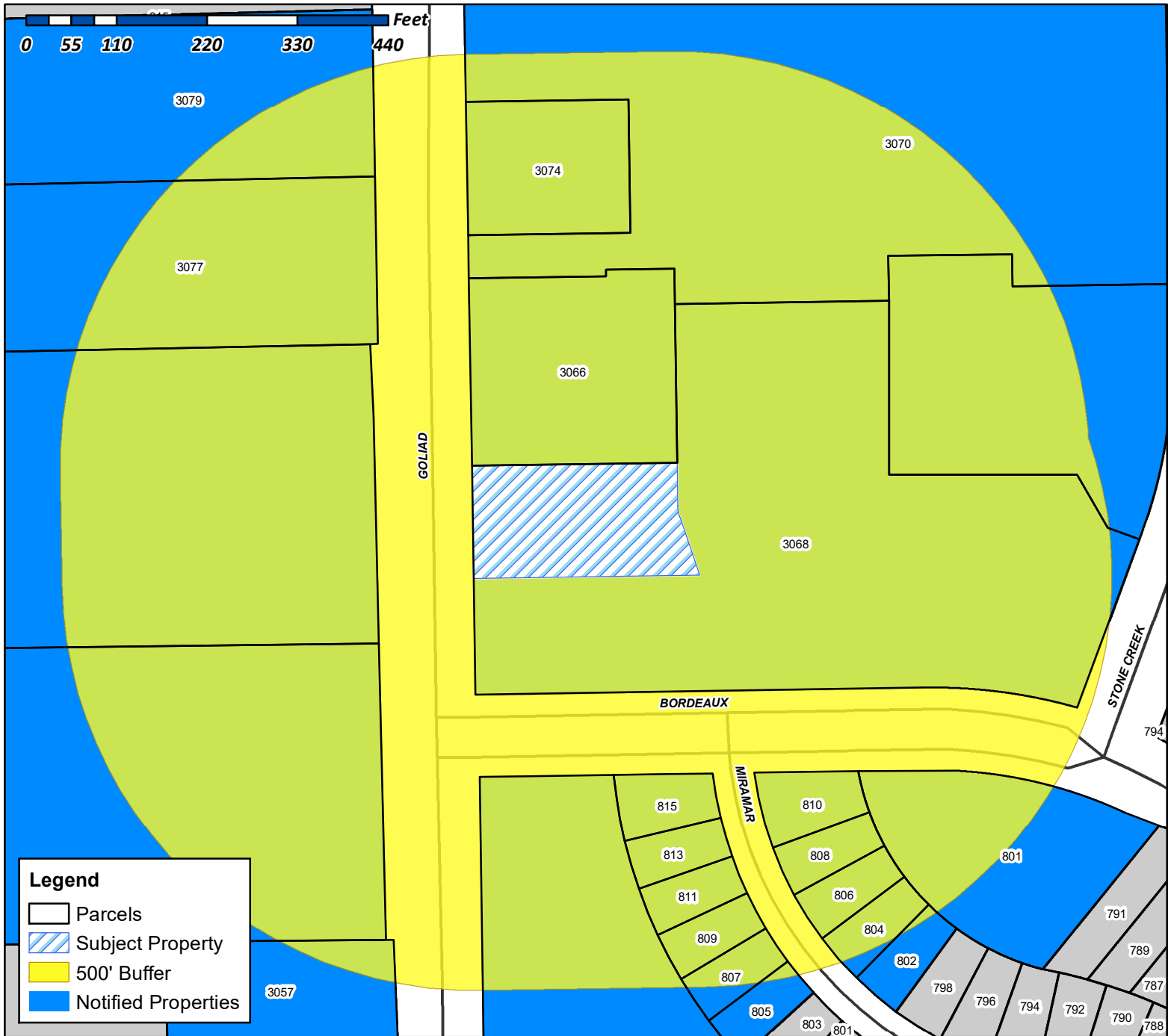
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City of Rockwall

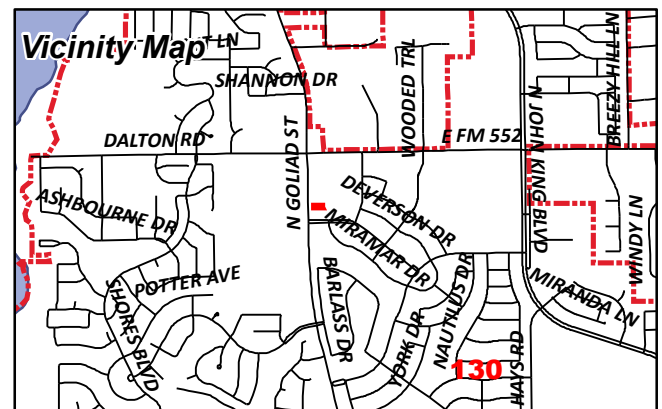
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

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Case Number: Z2021-041
Case Name: SUP for Salad and Go
Case Type: Zoning
Zoning: Planned Development District 70 (PD-70)
Case Address: 3068 N. Goliad Street

Date Created: 9/17/2021
 For Questions on this Case Call (972) 771-7745



ROCKWALL STONE CREEK ESTATES
HOMEOWNERS ASSOCIATION INC
C/O NEIGHBORHOOD MANAGEMENT INC
1024 S GREENVILLE AVE SUITE 230
ALLEN, TX 75002

METROPLEX ACQUISITION FUND, LP
1717 WOODSTEAD CT STE 207
THE WOODLANDS, TX 77380

STEED JASON & NATALIE MARIE
3065 N GOLIAD STREET
ROCKWALL, TX 75087

METROPLEX ACQUISITION FUND LP
C/O RONALD DRIBBEN
3066 N GOLIAD
ROCKWALL, TX 75087

METROPLEX ACQUISITION FUND, LP
3068 N GOLIAD ST
ROCKWALL, TX 75087

LIU JOHN AND CONNIE Q
3069 N GOLIAD
ROCKWALL, TX 75087

METROPLEX ACQUISITION FUND, LP
3070 N GOLIAD ST
ROCKWALL, TX 75087

METROPLEX ACQUISITION FUND, LP
3074 N GOLIAD
ROCKWALL, TX 75087

LIU JOHN & CONNIE
3077 N GOLIAD ST
ROCKWALL, TX 75087

FRENCH DONALD
3079 N GOLIAD ST
ROCKWALL, TX 75087

METROPLEX ACQUISITION FUND LP
C/O RONALD DRIBBEN
357 MARIAH BAY DRIVE
HEATH, TX 75032

GEISENDORFF ALBERT G AND ANN M
3057 N GOLIAD ST
ROCKWALL, TX 75087

NORTH ROCKWALL REAL-ESTATE LLC
6245 RYEWORTH DRIVE
FRISCO, TX 75035

ROCKWALL STONE CREEK ESTATES
HOMEOWNERS ASSOCIATION INC
C/O NEIGHBORHOOD MANAGEMENT INC
801 BORDEAUX DR
ROCKWALL, TX 75087

CRAWFORD KATHY
802 MIRAMAR DRIVE
ROCKWALL, TX 75087

KIM YUN HYUN & JIN HEE JUNG
804 MIRAMAR DRIVE
ROCKWALL, TX 75087

GODINEZ KAREN W
805 MIRAMAR DRIVE
ROCKWALL, TX 75087

CYPERT LYNDOL & JERE
806 MIRAMAR DRIVE
ROCKWALL, TX 75087

SN DFW LLC
807 MIRAMAR DR
ROCKWALL, TX 75087

BAILEY JERRY SCOTT & KAREN RENEE
808 MIRAMAR DRIVE
ROCKWALL, TX 75087

GREER KRISTEN N
809 MIRAMAR DR
ROCKWALL, TX 75087

SHING RICHARD L & IVEY D
810 MIRAMAR DR
ROCKWALL, TX 75087

HASSAN ALAA E & PATRICIA ANN HASSAN
IBRAHIM
811 MIRAMAR DRIVE
ROCKWALL, TX 75087

ZAMBRANA MICHAEL & GABRIELA
813 MIRAMAR DRIVE
ROCKWALL, TX 75087

RAJBHANDARI SANJAY KUMAR
815 MIRAMAR DRIVE
ROCKWALL, TX 75087

SN DFW LLC
8390 E VIA DE VENTURA F-110 #303
SCOTTSDALE, AZ 85258

PUBLIC NOTICE



CITY OF ROCKWALL
PLANNING AND ZONING DEPARTMENT
PHONE: (972) 771-7745
EMAIL: PLANNING@ROCKWALL.COM

Property Owner and/or Resident of the City of Rockwall:

You are hereby notified that the City of Rockwall Planning and Zoning Commission and City Council will consider the following application:

Case No. Z2021-041: SUP for Restaurant with Less Than 2,000 SF

Hold a public hearing to discuss and consider a request by Aaron Hawkins on behalf of Tim Thompson of Metroplex Acquisitions for the approval of a Specific Use Permit (SUP) for Restaurant with Less Than 2,000 SF with a Drive-Through or Drive-In for the purpose of constructing a restaurant (i.e. Salad and Go) on a 0.81-acre portion of a larger 5.96-acre parcel of land identified as Lot 11, Block A, Stone Creek Retail Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 70 (PD-70) for General Retail (GR) District land uses, situated within North SH-205 Overlay (N. SH-205 OV) District, generally located northeast of the intersection of N. Goliad Street [SH-205] and Bordeaux Drive, and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on Tuesday, October 12, 2021 at 6:00 PM, and the City Council will hold a public hearing on Monday, October 18, 2021 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

As an interested property owner, you are invited to attend these meetings. If you prefer to express your thoughts in writing please return the form to:

Henry Lee
Rockwall Planning and Zoning Dept.
385 S. Goliad Street
Rockwall, TX 75087

You may also email your comments to the Planning Department at planning@rockwall.com. If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by Monday, October 18, 2021 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning



MORE INFORMATION ON THIS CASE CAN BE FOUND AT: <https://sites.google.com/site/rockwallplanning/development/development-cases>

--- PLEASE RETURN THE BELOW FORM ---

Case No. Z2021-041: SUP for Restaurant with Less Than 2,000 SF

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

Four horizontal grey bars for providing reasons for support or opposition.

Name:
Address:

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE

September 14, 2021
Planning and Zoning
City of Rockwall
385 S Goliad St
Rockwall, TX 75087

**Salad and Go – Rockwall – Goliad and FM 522
Letter of Explanation**

Planning and Zoning,

This document shall serve as the Project Narrative to the City of Rockwall for the Special Use Permit Application submitted by Jones Carter Civil Engineering acting as applicant on behalf of the developer of Salad and Go, LLC. The current site is a vacant lot with zoning designation PD-70 (Planned Development). We are proposing to construct a new drive thru restaurant. The proposed restaurant will include an, approximately, 780 square foot building, canopy, drive thru lanes, along with associated parking and utilities.

The goal of Salad and Go is to provide better, healthier, and affordable food. The product is a small (~780 Square Foot) drive-thru with no dine in restaurant serving made to order salads, wraps, breakfast burritos, cold brew coffee and juices. Salad and Go does not

The operations of the development includes a delivery of fresh ingredients every morning outside of business hours. This delivery from local warehouses prevents the need for cooking in store which reduces the amount of waste produced on site. The meals are merely assembled on site.

Salad and Go operates with a maximum of nineteen employees with four working at any given time. Hours of operation are 6 a.m. - 9 p.m. every day. This development will not require outdoor storage or have other outdoor activities.

Overall, we believe this development will be a beneficial and exciting addition to the community.

Thank you for your consideration in the matter. Should you have any questions or require additional information, please call me.

Sincerely,



Aaron Hawkins, EIT

K:\17007\17007-0037-00 Salad and Go - Goliad and FM 522 - Rockw\Project Management\Applications

METES AND BOUNDS DESCRIPTION

Being a 0.81 acre tract of land out of the WILLIAM G. DEWEES SURVEY, ABSTRACT NUMBER 71, situated in the City of Rockwall, Rockwall County, Texas, being a portion of Lot 11, Block A of Stone Creek Retail Addition, a subdivision of record in Document Number 20200000028484 of the Plat Records of Rockwall County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING, at a 5/8-inch iron rod with yellow plastic cap stamped "POGUE" found in the East right-of-way line of State Highway 205 (100-foot right-of-way), being the Southwest corner of Lot 7, Block A of Stone Creek Retail Addition, a subdivision of record in Cabinet H, Slide 157 of said Plat Records, also being the most Westerly Northwest corner of said Lot 11 and hereof;

THENCE, N89°10'05"E, leaving the East right-of-way line of State Highway 205, along the South line of said Lot 7, being the common North line of said Lot 11, a distance of 249.46 feet to an "X" cut found at the Southeast corner of said Lot 7, being an interior ell corner of said Lot 11, and being the Northeast corner hereof, from which an "X" cut found at the most Northerly Northwest corner of said Lot 11 bears N00°49'55"W, a distance of 193.03 feet;

THENCE, over and across said Lot 11, the following four (4) courses and distances:

1. S00°49'55"E, a distance of 52.41 feet to a 1/2-inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set at the point of curvature of a tangent curve to the left;
2. Along said tangent curve to the left, having a radius of 44.00 feet, a chord bearing of S09°56'08"E, a chord length of 13.92 feet, a delta angle of 18°12'26", an arc length of 13.98 feet to a 1/2-inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set at the point of tangency of said curve;
3. S19°02'20"E, a distance of 74.57 feet to a 1/2-inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set for the Southeast corner hereof;
4. S89°10'05"W, a distance of 274.71 feet to a 1/2-inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set in the East right-of-way line of State Highway 205, being the common West line of said Lot 11, for the Southwest corner hereof, from which a 5/8-inch iron rod found at the intersection of the East right-of-way line of State Highway 205 and the North right-of-way line of Bordeaux Drive (100-foot right-of-way), being the Southwest corner of said Lot 11, bears S00°56'17"E, a distance of 141.27 feet;

THENCE, N00°56'17"W, along the East right-of-way line of State Highway 205 and the common West line of said Lot 11, a distance of 137.00 feet to the **POINT OF BEGINNING**, and containing an area of 0.81 Acres, (35,150 Square Feet) of land, more or less.

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 THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR A RESTAURANT LESS THAN 2,000 SF WITH DRIVE-THROUGH OR DRIVE-IN ON A 0.81-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 11, BLOCK A, STONE CREEK RETAIL 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.

WHEREAS, the City has received a request from Aaron Hawkins for the approval of a Specific Use Permit (SUP) for a *Restaurant with Less Than 2,000 SF with Drive-Through or Drive-In* for the purpose of constructing a *drive-through restaurant* on a 0.81-acre parcel of land described as Lot 11, Block A, Stone Creek Retail Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 70 (PD-70) for General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, generally located northeast of the intersection of N. Goliad Street [SH-205] and Bordeaux Drive, and being more specifically depicted in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code (UDC) [Ordinance No. 20-02] of the City of Rockwall should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rockwall, Texas;

SECTION 1. The Unified Development Code (UDC) [Ordinance No. 20-02] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) for a *Restaurant with Less Than 2,000 SF with Drive-Through or Drive-In* in accordance with Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [Ordinance No. 20-02] on the *Subject Property*, and,

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 04.04, *General Retail (GR) District*, and Subsection 06.11, *North SH-205 Overlay (N. SH-205 OV) District*, of Article 05, *District Development Standards*, of the Unified Development

Code (UDC) [Ordinance No. 20-02] and to the requirements set forth in Planned Development District 70 (PD-70) -- as heretofore amended and may be amended in the future -- and with the following conditions:

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *Restaurant with Less Than 2,000 SF with Drive-Through or Drive-In* on the *Subject Property* and conformance to these conditions is required for continued operation:

- 1) The development of the *Subject Property* shall generally conform to the Concept Plan as depicted in *Exhibit 'B'* of this ordinance.
- 2) Mature landscaping shall be planted along the entire length of the proposed drive-through and along N. Goliad Street [SH-205] to provide headlight screening from N. Goliad Street [SH-205] and the adjacent property owners.

2.2 COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, *Specific Use Permits (SUP)* of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) will require the *Subject Property* to comply with the following:

- 1) Upon obtaining a *Certificate of Occupancy (CO)*, should the business owner operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outlined in the Unified Development Code (UDC), the City may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Subsection 02.02(F), *Revocation*, of Article 11, *Development Applications and Revision Procedures*, of the Unified Development Code (UDC) [Ordinance No. 20-02].

SECTION 3. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

SECTION 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

SECTION 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS (\$2,000.00)* for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 6. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

SECTION 7. That this ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 1TH DAY OF NOVEMBER, 2021.

Kevin Fowler, *Mayor*

ATTEST:

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: October 18, 2021

2nd Reading: November 1, 2021

Exhibit 'A'
Location Map

Address: Northeast of the intersection of N. Goliad Street [SH-205] and Bordeaux Drive
Legal Description: Lot 11, Block A, Stone Creek Retail Addition





MEMORANDUM

TO: Mary Smith, City Manager
CC: Honorable Mayor and City Council
FROM: Kristy Cole, City Sect./Asst. to the City Mgr.
DATE: October 18, 2021
SUBJECT: Z2021-036

Attachments

Ordinance 2nd Reading

Summary/Background Information

At the 10/04/2021 city council mtg. the motion to approve this item passed by a (non-unanimous) vote of 5 in favor with 2 against (Jorif and Daniels).

Action Needed

CITY OF ROCKWALL

ORDINANCE NO. 21-49

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE PLANNED DEVELOPMENT DISTRICT 91 (PD-91) [ORDINANCE NO. 21-17] 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. 21-17, BEING A 78.412-ACRE TRACT OF LAND IDENTIFIED AS TRACT 17, 17-01, 22, 22-04, & 22-05 OF THE W. M. DALTON SURVEY, ABSTRACT NO. 72, 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.

WHEREAS, the City has received a request by Kevin Harrell of the Skorburg Co. on behalf of Gordon Fogg for the approval of an amendment to the *Planned Development Concept Plan* and *Development Standards* contained within Planned Development District 91 (PD-91) [Ordinance No. 21-17] being a 78.412-acre tract of land identified as Tracts 17, 17-01, 22, 22-04, & 22-05 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas and being more fully described in *Exhibit 'A'* and depicted in *Exhibit 'B'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that Planned Development District 91 (PD-91) [Ordinance No. 21-17] and the Unified Development Code [Ordinance No. 20-02] should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

SECTION 1. That the *Subject Property* shall be used only in the manner and for the purposes authorized by this Planned Development District Ordinance and the Unified Development Code [Ordinance No. 20-02] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future;

SECTION 2. That development of the *Subject Property* shall generally be in accordance with the *Concept Plan*, depicted in *Exhibit 'C'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'C'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

SECTION 3. That development of the *Subject Property* shall generally be in accordance with the *Density and Development Standards*, outlined in *Exhibit 'D'* of this ordinance, attached hereto

and incorporated herein by reference as *Exhibit 'D'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

SECTION 4. That a *Master Parks and Open Space Plan* for the *Subject Property*, prepared in accordance with this ordinance and consistent with the *Planned Development Concept Plan* described in *Exhibit 'C'* of this ordinance, shall be considered for approval by the City Council following recommendation of the Parks and Recreation Board.

SECTION 5. That development of the *Subject Property* shall be in conformance with the schedule listed below (*except as set forth below with regard to simultaneous processing and approvals*).

- (a) The procedures set forth in the City's subdivision regulations on the date this ordinance is approved by the City, as amended by this ordinance [*including Subsections 5(b) through 5(g) below*], shall be the exclusive procedures applicable to the subdivision and platting of the *Subject Property*.
- (b) The following plans and plats shall be required in the order listed below (*except as set forth below with regard to simultaneous processing and approvals*). The City Council shall act on an application for a *Master Parks and Open Space Plan* in accordance with the time period specified in *Section 212.009* of the *Texas Local Government Code*.
 - (1) Master Parks and Open Space Plan
 - (2) Master Plat
 - (3) Preliminary Plat
 - (4) PD Site Plan
 - (5) Final Plat
- (c) *Master Parks and Open Space Plan.* A *Master Parks and Open Space Plan* for the *Subject Property*, as depicted in *Exhibit 'C'* of this ordinance, prepared in accordance with this ordinance, shall be considered for approval by the City Council following recommendation of the Parks and Recreation Board.
- (d) *Master Plat.* A *Master Plat* for the *Subject Property*, as depicted in *Exhibit 'C'* of this ordinance, shall be submitted and shall identify the proposed timing of each phase of the proposed development. A *Master Plat* application may be processed by the City concurrently with a *Master Parks and Open Space Plan* application for the development.
- (e) *Preliminary Plat.* A *Preliminary Plat* for each phase of the *Subject Property*, as depicted in *Exhibit 'C'* of this ordinance, shall be submitted in accordance with the phasing plan established by the *Master Plat* and shall include a *Treescape Plan* for the phase being *Preliminary Platted*. A *Preliminary Plat* application may be processed by the City concurrently with a *Master Plat* and a *Master Parks and Open Space Plan* application for the development.
- (f) *PD Site Plan.* A *PD Site Plan* for each phase of the development of the *Subject Property*, as depicted in *Exhibit 'C'* of this ordinance, shall be submitted and shall identify all site/landscape/hardscape plan(s) for all open space, neighborhood parks, trail systems, street buffers and entry features. A *PD Site Plan* application may be processed by the City concurrently with a *Final Plat* application for the development.

(g) *Final Plat*. Prior to the issuance of any building permits, a *Final Plat*, conforming to the *Preliminary Plat*, shall be submitted for approval.

SECTION 6. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *Two Thousand Dollars* (\$2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense;

SECTION 7. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable;

SECTION 8. The standards in this ordinance shall control in the event of a conflict between this ordinance and any provision of the Unified Development Code or any provision of the City Code, ordinance, resolution, rule, regulation, or procedure that provides a specific standard that is different from and inconsistent with this ordinance. References to zoning district regulations or other standards in the Unified Development Code (including references to the *Unified Development Code*), and references to overlay districts, in this ordinance or any of the Exhibits hereto are those in effect on the date this ordinance was passed and approved by the City Council of the City of Rockwall, Texas;

SECTION 9. That this ordinance shall take effect immediately from and after its passage;

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 18TH DAY OF OCTOBER, 2021.

Kevin Fowler, Mayor

ATTEST:

Kristy Cole, City Secretary

APPROVED AS TO FORM:

Frank J. Garza, City Attorney

1st Reading: October 4, 2021

2nd Reading: October 18, 2021

Tract 1 (±26.012-Acres)

All that certain lot, tract or parcel of land situated in the William Dalton Survey, Abstract No. 72, Rockwall County, Texas. Being a part of that certain tract of land conveyed to Glen D. Walker and wife, Nita A. Walker, recorded in *Volume 542, Page 12*, Real Property Records, Rockwall County, Texas, and being described by metes and bounds as follows:

BEGINNING at a 60D nail found for corner at the intersection near the center of Clem Road and the recognized southeast line of FM-1141, said point being the northwest corner of herein described tract;

THENCE North 89 Degrees 06 Minutes 09 Seconds East, within said Clem Road and the recognized north line of said *Walker Tract*, a distance of 533.77-feet to a point for corner, said point being the northeast corner of herein described tract and the northwest corner of a tract of land described in deed to Mark G. and Jessica K. Taylor, recorded in *Volume 7106, Page 191*, Official Public Records, Rockwall County, Texas;

THENCE South 01 Degrees 23 Minutes 21 Seconds West, along the west line of said *Taylor Tract*, passing a ½-inch iron rod found with yellow cap stamped *BG&A RPLS 5569* for witness at a distance of 17.18-feet and continuing for a total distance of 283.63-feet to a 4-inch metal fence corner for angle point;

THENCE South 05 Degrees 06 Minutes 43 Seconds West, along the west line of said *Taylor Tract*, a distance of 113.32-feet to a 4-inch metal fence corner for angle point;

THENCE South 05 Degrees 35 Minutes 13 Seconds West, along the west line of said *Taylor Tract*, a distance of 597.75-feet to a ½-inch iron rod found with yellow cap stamped *BG&A RPLS 5569* for corner, said point being an inner ell corner of herein described tract and the southwest corner of said *Taylor Tract*;

THENCE North 89 Degrees 06 Minutes 09 Seconds East, along the south line of said *Taylor Tract*, a distance of 574.09-feet to a ½-inch iron rod found with yellow cap stamped *BG&A RPLS 5569* for corner in the west line of a tract of land conveyed to Allen and Lisa Stevenson, recorded in *Volume 171, Page 885*, Real Property Records, Rockwall County, Texas, said point being the southeast corner of said *Taylor Tract* and the most southerly northeast corner of herein described tract;

THENCE South 00 Degrees 06 Minutes 20 Seconds East along the recognized east line of said *Walker Tract* and the west line of said *Stevenson Tract* a distance of 334.12-feet to a 3/8-inch iron rod found for corner, the apparent northeast corner of Lot 5 of Meadowview Ranch Estates, recorded in *Cabinet A, Slide 247*, Plat Records, Rockwall county, Texas, said point being the recognized southeast corner of said *Walker Tract* and the apparent southwest corner of said *Stevenson Tract*;

THENCE South 89 Degrees 13 Minutes 16 Seconds West, along the recognized south line of said *Walker Tract*, a distance 510.41-feet to a 3/8-inch iron rod found for angle point;

THENCE North 89 Degrees 58 Minutes 55 Seconds West, along the recognized south line of said *Walker Tract*, a distance of 778.67-feet to a ½-inch iron rod set with yellow cap stamped *BG&A RPLS 5569* for corner in the recognized east line of said FM-1141, said point being the southwest corner of herein described tract;

THENCE North, along the recognized east line of said highway, passing a 60D nail found on a wood highway monument for witness at a distance of 734.11-feet and continuing for a total distance of 810.94-feet to a ½-inch iron rod set with yellow cap stamped *BG&A RPLS 5569* at the beginning of a curve to right having a central angle of 39 Degrees 09 Minutes 01 Seconds, a radius of 533.14-feet and a chord bearing and distance of North 19 Degrees 34 Minutes 34 Seconds East - 357.25-feet;

THENCE along the recognized southeast line of said highway and said curve to the right an arc length of 364.29-feet to a ½-inch iron rod set with yellow cap stamped *BG&A RPLS 5569* at the end of said curve;

THENCE North 39 Degrees 09 Minutes 00 Seconds East along the recognized southeast line of said highway, a distance of 215.67-feet to the place of beginning and containing 1,133,124.22 square-feet or 26.012-acres of land.

Tract 2 (±12.0-Acres)

All that certain lot, tract or parcel of land situated in the William Dalton Survey, Abstract No. 72, Rockwall County, Texas, being a part of that certain tract of land conveyed to Glen D. Walker and wife, Nita A. Walker, recorded in *Volume 542, Page 12*, Real Property Records, Rockwall County, Texas, and being described by metes and bounds as follows:

BEGINNING at a point for corner near the center of Clem Road, said point being the northeast corner of said *Walker Tract* and the northwest corner of a tract of land conveyed to Allen and Lisa Stevenson, recorded in *Volume 171, Page 885*, Real Property Records, Rockwall County, Texas, from which a ½-inch iron rod found for witness bears South 00 Degrees 06 Minutes 20 Seconds East - 17.25-feet;

THENCE South 00 Degrees 06 Minutes 20 Seconds East along the east line of said *Walker Tract* and the west line of said *Stevenson Tract* a distance of 990.13-feet to a ½-inch iron rod set with yellow cap stamped *BG&A RPLS 5569* for corner;

THENCE South 89 Degrees 06 Minutes 09 Seconds West a distance 574.09-feet to a ½-inch iron rod set with yellow cap stamped *BG&A RPLS 5569* for corner;

THENCE North 05 Degrees 35 Minutes 13 Seconds East a distance of 597.75-feet to a 4-inch metal fence corner for angle point;

THENCE North 05 Degrees 06 Minutes 43 Seconds East a distance of 113.32-feet to a 4-inch metal fence corner for angle point;

THENCE North 01 Degrees 23 Minutes 21 Seconds East a distance of 283.63-feet to a point for corner in the north line of said *Walker Tract*, said point being near the center of Clem Road from which a ½-inch iron set with yellow cap stamped *BG&A RPLS 5569* for witness bears South 01 Degrees 23 Minutes 21 Seconds West - 17.18-feet;

THENCE North 89 Degrees 06 Minutes 09 Seconds East along the north line of said *Walker Tract* and within said Clem Road a distance of 497.09-feet to the *PLACE OF BEGINNING* and containing 522,720.00 square-feet or 12.000-acres of land.

Tract 3 (+20.83-Acres)

BEING a tract or parcel of Land situated in the William Dalton Survey, Abstract No. #72, Rockwall County, Texas, and being part of an 80 acre tract conveyed to E.L. Adams by T.H. Adams, by deed recorded in Volume 11, Page 475, Deed Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod in a County Road and at the Northwest corner of the above-mentioned 80 acre tract;

THENCE North 89 deg. 50 min. 30 sec. East, a distance of 684.33 feet along said Country Road to an iron rod for a corner, said iron rod bears South 89 deg. 50 min. 30 sec. West, a distance of 661 .40 feet from the Northeast Corner of said 80 acre tract;

THENCE South 0 deg. 16 min. 03 sec. East, a distance of 1319.86 feet traversing said 80 acre tract to an iron rod for a corner;

THENCE South 89 deg. 22 min. 53 sec. West, a distance of 687.71 feet to an iron rod for a corner on the West line of said 80 acre tract and at the Northeast corner of Meadowview Ranch Estates, an addition to the County of Rockwall;

THENCE North 0 deg. 07 min. 17 sec. West, a distance of 1325.38 feet along the West line of said 80 acre tract to the Point of Beginning and containing 20.83 acres of land.

Tract 4 (+19.57-Acres)

Being a tract or parcel of land situated in the William Dalton Survey, Abstract No. 72. Rockwall County, Texas. and being part of an 80 acre tract conveyed to E.L Adams to T. H Adams and wife. SE Adams by Deed recorded in Volume 11. Page 475, Deed Records. Rockwall County, Texas. and being more particularly described as follows:

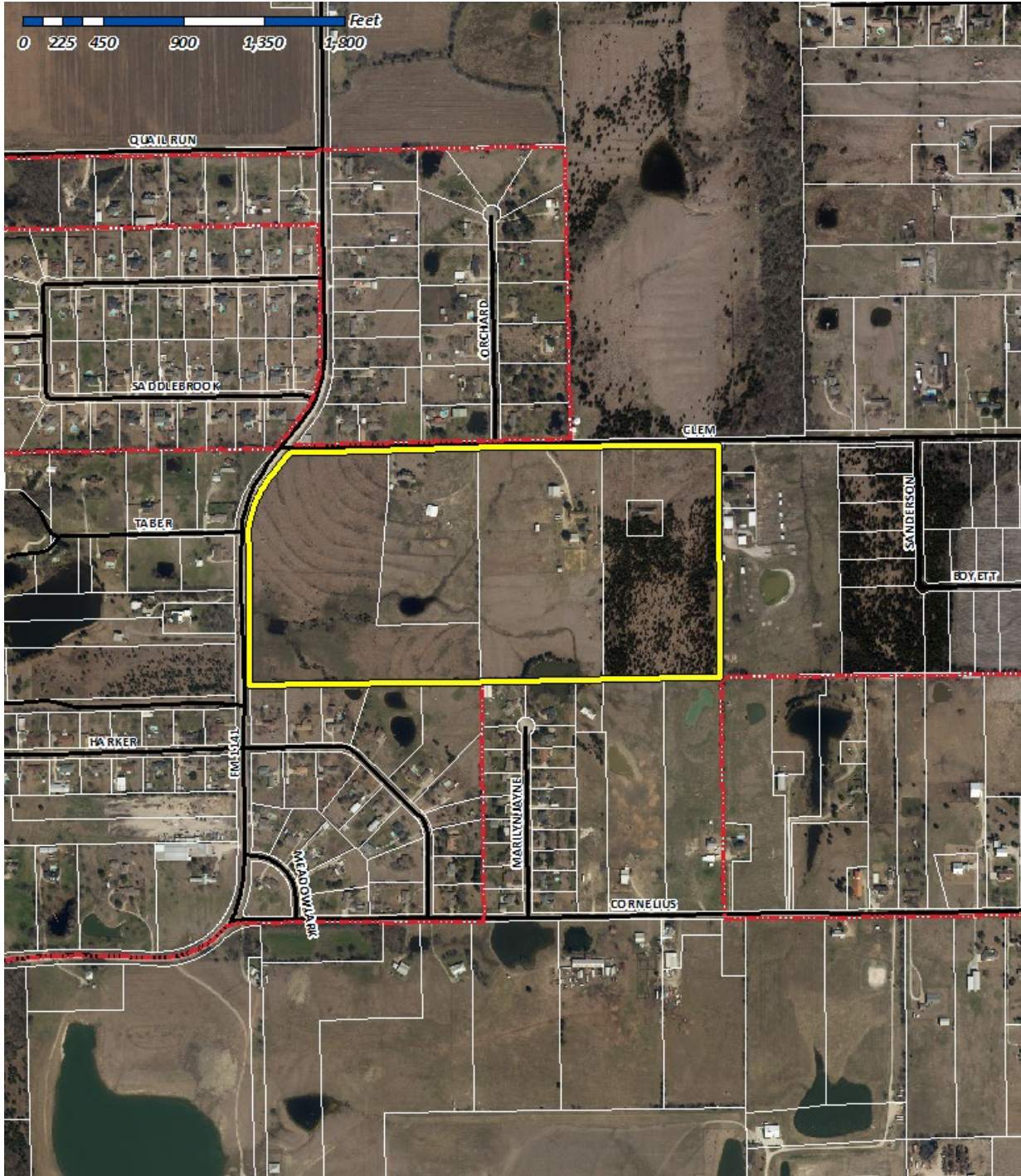
BEGINNING at an iron rod set for a corner on the Northeast corner of said 80 acre tract in a County Road;

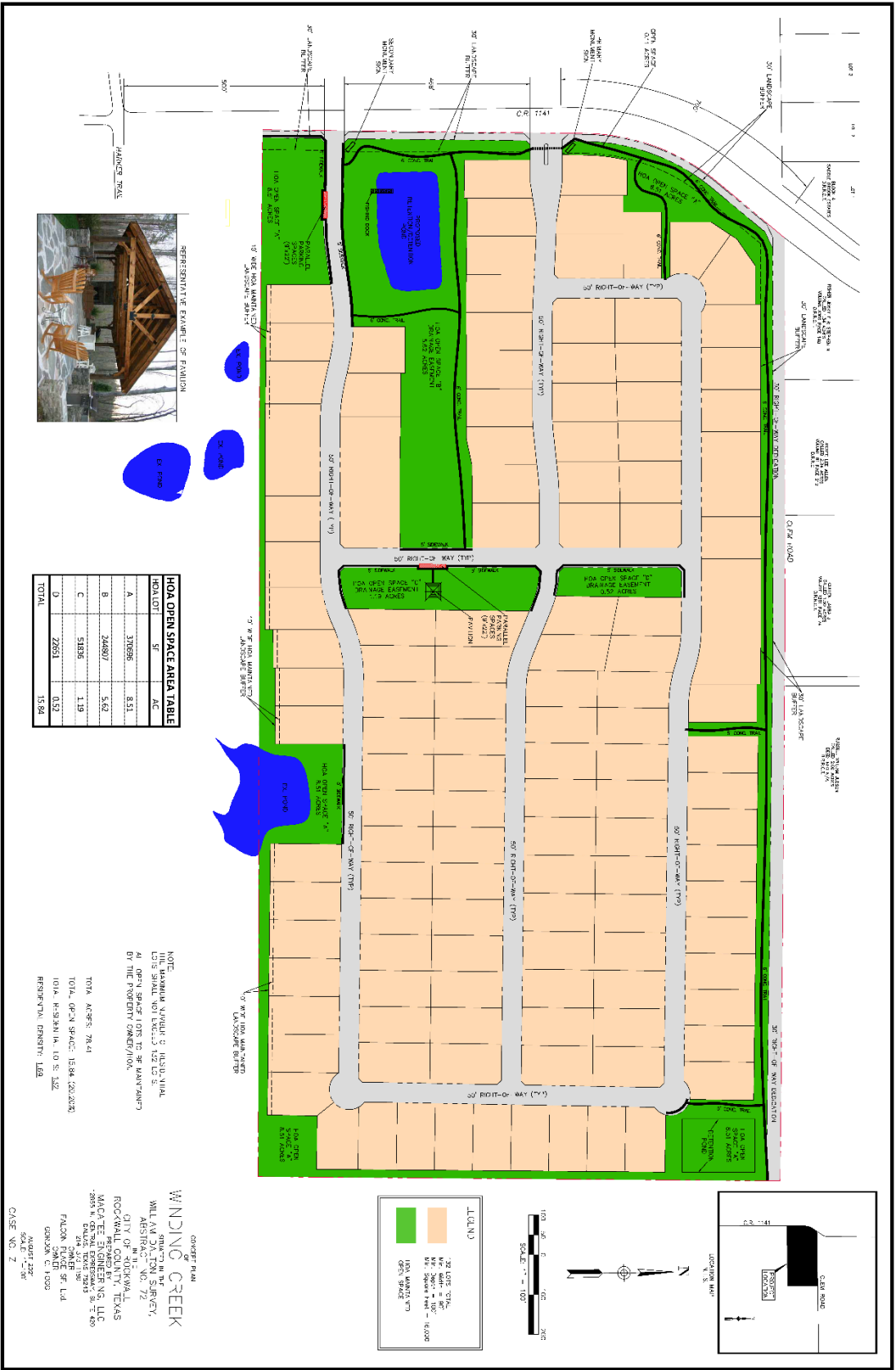
THENCE South 0 degrees 16 minutes 03 seconds East with a fence and the East line of said 80 acre tract a distance of 1314.55 feet to an iron rod found for corner:

THENCE South 39 degrees 22 minutes 33 seconds West with a fence a distance of 661.41 feet to an iron rod set for corner;

THENCE North 0 degrees 16 minutes 03 seconds West a distance of 1319.86 feet to an iron rod set for corner in a County Road;

THENCE North 89 degrees 50 minutes 30 seconds East with said County Road a distance of 661 .40 feet to the POINT OF BEGINNING and Containing 19.57 acres of land more or less.



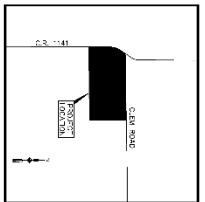
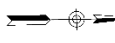
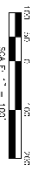
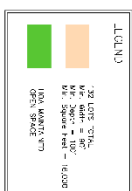


HOALOT	SF	AC
A	37096	8.51
B	24487	5.62
C	51836	1.19
D	28851	0.62
TOTAL	15268	3.94

NOTE:
 TOTAL NUMBER OF HOA OPEN SPACE AREAS SHALL NOT EXCEED 12% OF THE TOTAL AREA OF THE PROPERTY OWNERS/IOA.

TOTAL ACRES: 78.41
 TOTAL OPEN SPACE: 15268 SQ. FT.
 101A, HESBORN, LO S, 132
 RESIDENTIAL, DISTRICT: L24

CONCEPT PLAN
WINDING CREEK
 2885 W. GARDNER STREET
 SUITE 100
 ROCKWALL, TEXAS 75087
 PHONE: 972.241.1111
 FAX: 972.241.1112
 WWW.MACKAYENGINEERING.COM
 MACKAY ENGINEERING, LLC
 2885 W. GARDNER STREET, SUITE 100
 ROCKWALL, TEXAS 75087
 PHONE: 972.241.1111
 FAX: 972.241.1112
 CASE NO. Z



Density and Development Standards.

- (1) Permitted Uses. Unless specifically provided by this Planned Development District ordinance, only those uses permitted within the Single Family 16 (SF-16) District, as stipulated by the *Permissible Use Charts* contained in Article 04, *Permissible Uses*, of the Unified Development Code (UDC), are allowed on the *Subject Property*.
- (2) Lot Composition and Layout. The lot layout and composition shall generally conform to the *Concept Plan* depicted in *Exhibit 'C'* of this ordinance.
- (3) Density and Dimensional Requirements. Unless specifically provided by this Planned Development District ordinance, the development standards stipulated by the Single Family 16 (SF-16) District, as specified by Article 05, *District Development Standards*, of the Unified Development Code (UDC) are applicable to all development on the *Subject Property*. The maximum permissible density for the *Subject Property* shall not exceed 1.69 dwelling units per gross acre of land; however, in no case should the proposed development exceed 132 units. All lots shall conform to the standards depicted in *Table 2*, which are as follows:

Table 2: Lot Dimensional Requirements

Minimum Lot Width ⁽¹⁾	90'
Minimum Lot Depth	100'
Minimum Lot Area	16,000 SF
Minimum Front Yard Setback ^{(2) & (5)}	25'
Minimum Side Yard Setback	8'
Minimum Side Yard Setback (Adjacent to a Street) ^{(2) & (5)}	10'
Minimum Length of Driveway Pavement	25'
Maximum Height ⁽³⁾	36'
Minimum Rear Yard Setback ⁽⁴⁾	10'
Minimum Area/Dwelling Unit (SF) [Air-Conditioned Space] ⁽⁶⁾	3,000 SF
Maximum Lot Coverage	60%

General Notes:

- ¹: Lots fronting onto curvilinear streets, cul-de-sacs and eyebrows may have the front lot width reduced by 20% as measured at the front property line provided that the lot width will be met at the *Front Yard Building Setback*. Additionally, the lot depth on lots fronting onto curvilinear streets, cul-de-sacs and eyebrows may be reduced by up to ten (10) percent, but shall meet the minimum lot size for each lot type referenced in *Table 1*.
- ²: The location of the *Front Yard Building Setback* as measured from the front property line.
- ³: The *Maximum Height* shall be measured to the eave or top plate (*whichever is greater*) of the single-family home.
- ⁴: The location of the *Rear Yard Building Setback* as measured from the rear property line.
- ⁵: Sunrooms, porches, stoops, bay windows, balconies, masonry clad chimneys, eaves and similar architectural features may encroach beyond the *Front Yard Building Setback* by up to ten (10) feet for any property; however, the encroachment shall not exceed five (5) feet on *Side Yard Setbacks*. A sunroom is an enclosed room no more than 15-feet in width that has glass on at least 50% of each of the encroaching faces.
- ⁶: A maximum of ten (10) percent of the lots may have a minimum area/dwelling unit of 2,800 SF [*Air-Conditioned Space*].

- (4) Building Standards. All development shall adhere to the following building standards:
 - (a) Masonry Requirement. The minimum masonry requirement for the total exterior façade area of all buildings shall be 90% (*excluding dormers and walls over roof areas*); however, no individual façade shall be less than 85% masonry. For the

purposes of this ordinance, the masonry requirement shall be limited to full width brick, natural stone, and cast stone. Cementitious fiberboard horizontal lap-siding (e.g. *HardiBoard* or *Hardy Plank*) and stucco (i.e. *three [3] part stucco* or a comparable -- to be determined by staff) may be used for up to 50% of the masonry requirement; however, stucco (i.e. *three [3] part stucco* or a comparable -- to be determined by staff) shall be permitted through a Specific Use Permit (SUP) only. Excluding dormers and walls over roof areas, siding products (e.g. *HardiBoard* or *Hardy Plank*) shall not be visible on homes abutting any major thoroughfare (i.e. *FM-1141* as shown on *Exhibit 'C'* of this ordinance).

- (b) Roof Pitch. A minimum of an 8:12 roof pitch is required on all structures with the exception of dormers, sunrooms and porches, which shall have a minimum of a 4:12 roof pitch.
- (c) Garage Orientation and Garage Doors. Garages shall be oriented in a *traditional swing* (or *j-swing*) (i.e. where the two (2) car garage is situated facing the side property line and the driveway swings into the garage in a 'J' configuration). On *traditional swing* (or *j-swing*) garage configurations, a second single or double garage door facing the street is permitted if it is located behind the width of the double garage door. All garage configurations not conforming to this section shall meet the requirements of Article 09, *Parking and Loading*, of the Unified Development Code (UDC).

All garage doors shall be required to have decorative wood doors or wood overlays on insulated metal doors. The design between the garage door and home shall use the same or complementary colors and materials. All garages shall include carriage style hardware. An example of carriage style hardware is depicted in *Figure 1*.

Figure 1. Examples of Enhanced Garage Door



- (5) Anti-Monotony Restrictions. The development shall adhere to the following *Anti-Monotony* standards:
 - (a) Identical brick blends or paint colors may not occur on adjacent (*side-by-side*) properties along any block face without at least five (5) intervening homes of differing

materials on the same side of the street beginning with the adjacent property and six (6) intervening homes of differing materials on the opposite side of the street.

(b) Front building elevations shall not repeat along any block face without at least five (5) intervening homes of differing appearance on the same side of the street and six (6) intervening homes of differing appearance on the opposite side of the street. The rear elevation of homes backing to open spaces, FM-1141, or Clem Road shall not repeat without at least five (5) intervening homes of differing appearance. Homes are considered to have a differing appearance if any of the following two (2) items deviate:

- (1) Number of Stories
- (2) Permitted Encroachment Type and Layout
- (3) Roof Type and Layout
- (4) Articulation of the Front Façade

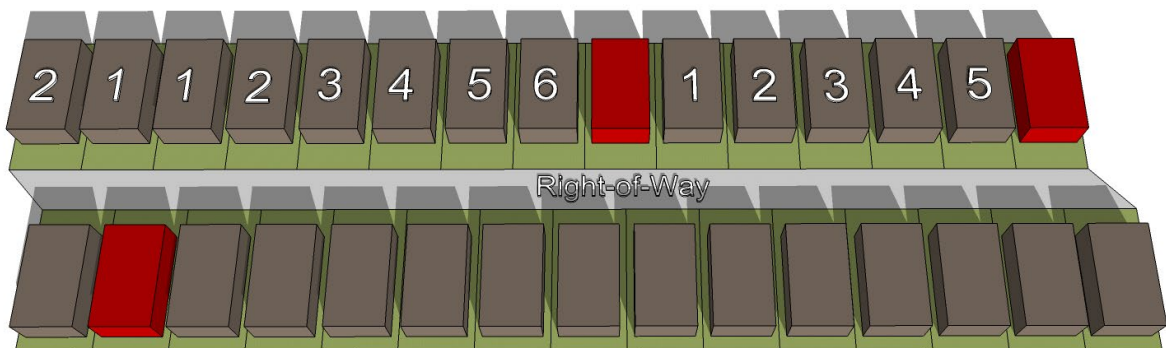
(c) Permitted encroachment (*i.e. porches and sunroom*) elevations shall not repeat or be the same along any block face without at least five (5) intervening homes of sufficient dissimilarity on the same side of the street beginning with the home adjacent to the subject property and six (6) intervening homes beginning with the home on the opposite side of the street.

(d) Each phase of the subdivision will allow for a maximum of four (4) compatible roof colors, and all roof shingles shall be an architectural or dimensional shingle (*3-Tab Roofing Shingles are prohibited*).

Figure 3: Properties line up on the opposite side of the street. Where **RED** is the subject property.



Figure 4: Properties do not line up on opposite side of the street. Where **RED** is the subject property.



- (6) Fencing Standards. All individual residential fencing and walls shall be architecturally compatible with the design, materials and colors of the primary structure on the same lot, and meet the following standards:
- (a) Front Yard Fences. Front yard fences shall be prohibited.
 - (b) Wood Fences. All solid fencing shall be constructed utilizing standard cedar fencing materials (*spruce fencing is prohibited*) that are a minimum of ½-inch or greater in thickness. Fences shall be *board-on-board* panel fence that is constructed a minimum of six (6) feet in height and a maximum of eight (8) feet in height. Posts, fasteners, and bolts shall be formed from hot dipped galvanized or stainless steel. All cedar pickets shall be placed on the public side (*i.e. facing streets, alleys, open space, parks, and/or neighboring properties*). All posts and/or framing shall be placed on the private side (*i.e. facing towards the home*) of the fence. All wood fences shall be smooth finished, free of burs and splinters, and be stained and sealed on both sides of the fence. Painting a fence with oil or latex based paint shall be prohibited.
 - (c) Wrought Iron/Tubular Steel. Lots located along the perimeter of roadways (*i.e. FM-1141 and Clem Road*), abutting open spaces, greenbelts and parks shall be required to install a wrought iron or tubular steel fence. Wrought iron/tubular steel fences can be a maximum of six (6) feet in height.
 - (d) Corner Lots. Corner lots fences (*i.e. adjacent to the street*) shall provide masonry columns at 45-feet off center spacing that begins at the rear of the property line. A maximum of six (6) foot solid *board-on-board panel* fence constructed utilizing cedar fencing shall be allowed between the masonry columns along the side and/or rear lot adjacent to a street. In addition, the fencing shall be setback from the side property line adjacent to a street a minimum of five (5) feet. The property owner shall be required to maintain both sides of the fence.
 - (e) Solid Fences (including Wood Fences). All solid fences shall incorporate a decorative top rail or cap detailing into the design of the fence.
- (7) Landscape and Hardscape Standards.
- (a) Landscape. Landscaping shall be reviewed and approved with the *PD Site Plan*. All *Canopy/Shade Trees* planted within this development shall be a minimum of four (4) caliper inches in size and all *Accent/Ornamental/Under-Story Trees* shall be a minimum of four (4) feet in total height. Any residential lot that sides or backs to a major roadway where wrought iron/tubular steel fencing is required, shall also be required to plant a row of shrubs adjacent to the wrought iron/tubular fence within the required 30-foot landscape buffer (*i.e. on the Homeowner's Associations' [HOAs] property*). These shrubs shall be maintained by the Homeowner's Association (HOA).
 - (b) Landscape Buffers. All landscape buffers and plantings located within the buffers shall be maintained by the Homeowner's Association (HOA).
 - (1) Landscape Buffer and Sidewalks (FM-1141). A minimum of a 30-foot landscape buffer shall be provided along FM-1141 (*outside of and beyond any required*

right-of-way dedication), and shall incorporate ground cover, a *built-up* berm and shrubbery along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. A meandering six (6) foot sidewalk shall be constructed within the 30-foot landscape buffer.

- (2) Landscape Buffers (Clem Road). A minimum of a 30-foot landscape buffer shall be provided along Clem Drive (*outside of and beyond any required right-of-way dedication*), and shall incorporate ground cover, a *built-up* berm and shrubbery along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. A meandering five (5) foot sidewalk shall be constructed within the 30-foot landscape buffer.
- (3) Landscape Buffers (Southern Property Line). A minimum of a 10-foot landscape buffer shall be incorporated at the rear of the residential lots that back to the southern property line of the subject property. This landscape buffer shall incorporate a solid living screen utilizing evergreen trees -- *either Eastern Red Cedar or Leland Cypress unless approved otherwise approved by the Director of Planning and Zoning* --, a minimum of four (4) caliper inches in size, that will be planted on 20-foot centers.
- (c) Street Trees. The Homeowner's Association (HOA) shall be responsible for the maintenance of all street trees and will be required to maintain a minimum of 14-foot vertical clearance height for any trees overhanging a public right-of-way. Street trees shall be planted a minimum of five (5) feet from public water, sanitary sewer and storm lines. All street trees shall be reviewed with the *PD Site Plan*.
- (d) Irrigation Requirements. Irrigation shall be installed for all required landscaping located within common areas, landscape buffers and/or open space. Irrigation installed in these areas shall be designed by a Texas licensed irrigator or landscape architect and shall be maintained by the Homeowner's Association (HOA).
- (e) Hardscape. Hardscape plans indicating the location of all sidewalks and trails shall be reviewed and approved with the *PD Site Plan*.
- (8) Street. All streets (*excluding drives, fire lanes and private parking areas*) shall be built according to City street standards.
- (9) Lighting. Light poles shall not exceed 20-feet in total height (*i.e. base and lighting standard*). All fixtures shall be directed downward and be positioned to contain all light within the development area.
- (10) Sidewalks. All sidewalks adjacent to a street shall be a maximum of two (2) feet inside the right-of-way line and be five (5) feet in overall width.
- (11) Buried Utilities. New distribution power-lines required to serve the *Subject Property* shall be placed underground, whether such lines are located internally or along the perimeter of the *Subject Property*, unless otherwise authorized by the City Council. Temporary

power-lines constructed across undeveloped portions of the *Subject Property* to facilitate development phasing and looping may be allowed above ground, but shall not be considered *existing lines* at the time the area is developed, and if they are to become permanent facilities, such lines shall be placed underground pursuant to this paragraph. Franchise utilities shall be placed within a ten (10) foot public utility easement behind the sidewalk, between the home and the property line.

- (12) Open Space. The development shall consist of a minimum of 20% open space (or a minimum of 15.682-acres -- as calculated by the formula stipulated in the *Comprehensive Plan*), and generally conform to the *Concept Plan* contained in *Exhibit 'C'* of this ordinance. All open space areas (including landscape buffers) shall be maintained by the Homeowner's Association (HOA).
- (13) Fishing Dock. Subject to the requirements of the *Engineering Standards of Design and Construction Manual* and approval from the Engineering Department, a fishing dock may be constructed generally in conformance with the location depicted in the *Concept Plan* in *Exhibit 'C'* of this ordinance. The fishing dock shall be constructed using composite materials (e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic materials) to prevent rot or decay, and shall be maintained in a good/usable condition by the Homeowner's Association (HOA).
- (14) Pavilion. A commercial grade pavilion shall be constructed generally in the same location and in the same manner as the image depicted in the *Concept Plan* in *Exhibit 'C'* of this ordinance. The pavilion shall be maintained in a good/usable condition by the Homeowner's Association (HOA).
- (15) Trails. A concrete trail system shall be constructed in generally the same areas and of the same sizes as what is depicted in *Exhibit 'C'* of this ordinance.
- (16) Neighborhood Signage and Enhancements. Permanent subdivision identification signage shall be permitted at all major entry points for the proposed subdivision and shall generally conform to the signage depicted in *Figures 1 & 2 (below)*. Final design and location of any entry features shall be reviewed and approved with the *PD Site Plan*. The developer shall provide enhanced landscaping areas at all entry points to the *Subject Property*. The final design of these areas shall be provided on the *PD Site Plan*.

See the Representative Signage on the Following Page.

Figure 1: Representative Primary Entry Signage



Figure 2: Representative Secondary Entry Signage



- (17) Homeowner's Association (HOA). A Homeowner's Association shall be created to enforce the restrictions established in accordance with the requirements of *Section 38-15* of the *Subdivision Regulations* contained within the Municipal Code of Ordinances of the City of Rockwall. The HOA shall also maintain all private neighborhood parks, trails, open space and common areas (*including drainage facilities*), floodplain areas, irrigation, landscaping, screening fences and neighborhood signage associated with this development.

(18) Variances. The variance procedures and standards for approval that are set forth in the Unified Development Code (UDC) shall apply to any application for variances to this ordinance.