

## ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, September 19, 2022 - 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 (re)appointments to city regulatory boards and commissions, pursuant to Section, §551.074 (Personnel Matters).
2. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development).
3. Discussion regarding possible purchase of real property in the vicinity of SH-205, generally located near Mims Road, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).

**III. Adjourn Executive Session**

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

**V. Invocation and Pledge of Allegiance - Councilmember Daniels**

**VI. Proclamations / Awards / Recognitions**

1. Introduction of 2022-2023 Youth Advisory Council (YAC) students
2. Constitution Week
3. Presentation of Life-Saving Awards - Rockwall Police Department
  - Officer Kristopher Adair - Life Saving Award
  - Officer Clayton Lamb - Life Saving Award
  - Officer Dylan Sparks - Life Saving Award
  - Officer Mitchell Attaway - Life Saving Award
  - Sergeant James Watson - Life Saving Award
4. Presentation of Life-Saving Awards - Rockwall Fire Department Engine 01 'Shift'
  - Captain Rodney Caudle - Life Saving Award
  - Driver Engineer Jacob Farrell - Life Saving Award
  - Firefighter Garrett Green - Life Saving Award

**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. 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).*

**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 September 6, 2022 regular city council meeting, and take any action necessary.
2. Consider approval of a resolution affirming the city's investment policy, and take an action necessary.
3. Consider authorizing the City Manager to execute an Interlocal Agreement with Rockwall Independent School District for School Resource Officer services for school calendar year 2022-2023, and take any action necessary. (Note: updated amount from ILA previously approved by Council on 08/15/22).
4. Consider authorizing the City Manager to execute a professional engineering services contract with Cardinal Strategies Engineering Services, LLP to perform a drainage study for Bass Road in an amount not to exceed \$31,600.00, to be funded out of the Engineering Consulting budget, and take any action necessary.
5. Consider authorizing the City Manager to execute a professional engineering services contract with Birkhoff, Hendricks, and Carter, L.L.P. to perform professional engineering for the Squabble Creek Wastewater Treatment Plant Decommissioning Project in an amount not to exceed \$45,100.00, to be funded out of the Water and Sewer Fund, and take any action necessary.
6. Consider authorizing the City Manager to execute an amendment to the current professional engineering services contract with Birkhoff, Hendricks, and Carter, L.L.P. in the amount of \$294,800.00 to expand the original scope and design of the Little Buffalo Creek & Lake Rockwall Estates Sanitary Sewer contract, and take any action necessary.
7. Consider authorizing the City Manager to execute a professional engineering services contract with Freese and Nichols to perform an evaluation of the Village Drive bridge in an amount not to exceed \$89,110.00, to be funded out of the Engineering Consulting budget, and take any action necessary.
8. **P2022-012** - Consider a request by the City of Rockwall for the approval of a *Final Plat* for Lots 1, 2, & 3, Block A, Arkoma Addition being a 2.90-acre parcel of land being a portion of a larger 11.723-acre tract of land identified as Tract 5 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, Planned Development District 65 (PD-65) for Single-Family 10 (SF-10) District land uses, addressed as 228, 302, & 306 W. Quail Run Road, and take any action necessary.
9. **P2022-037** - Consider a request by Humberto Johnson, Jr. of the Skorburg Company on behalf of Larry Hance of R & R Investments for the approval of a *Preliminary Plat* for the Quail Hollow Subdivision consisting of 250 single-family residential lots on a 85.63-acre tract of land identified as Tracts 2-01, 2-04, 2-05 & 2-06 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 96 (PD-96) for Single-Family 10 (SF-10) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, generally located at the southeast corner of the intersection of Hays Road and John King Boulevard, and take any action necessary.
10. **P2022-039** - Consider a request by Humberto Johnson, Jr. of the Skorburg Company on behalf of Larry Hance of R & R Investments for the approval of a *Master Plat* for the Quail Hollow Subdivision consisting of 250 single-family residential lots on a 85.63-acre tract of land identified as Tracts 2-01, 2-04, 2-05 & 2-06 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 96 (PD-96) for Single-Family 10 (SF-10) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, generally located at the southeast corner of the intersection of Hays Road and John King Boulevard, and take any action necessary.

11. **P2022-041** - Consider a request by Wayne Terry of R-Delta Engineers, Inc. on behalf of Stephen Geiger of Rayburn Country Electric Cooperation for the approval of a Preliminary Plat for Lots 1-4, Block A, REC Campus Addition being a 99.849-acre tract of land identified as a Lots 6-9, Block 1, Rayburn Country Addition and Tract 3 of the W. H. Barnes Survey, Abstract No. 26, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) and Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, located at the northwest corner of the intersection of S. Goliad Street [SH-205] and Mims Road, and take any action necessary.
12. **P2022-042** - Consider a request by Meredith Joyce of Michael Joyce Properties on behalf of Peter H. Shaddock, Jr. of SH Dev Klutts Rockwall, LLC for the approval of a Preliminary Plat for the Homestead Subdivision being a 196.009-acre tract of land identified as Tract 6 of the J. A. Ramsey Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 92 (PD-92), generally located at the northeast corner of the intersection of FM-549 and FM-1139, and take any action necessary.
13. **P2022-043** - Consider a request by Meredith Joyce of Michael Joyce Properties on behalf of Peter H. Shaddock, Jr. of SH Dev Klutts Rockwall, LLC for the approval of a Master Plat for the Homestead Subdivision being a 196.009-acre tract of land identified as Tract 6 of the J. A. Ramsey Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 92 (PD-92), generally located at the northeast corner of the intersection of FM-549 and FM-1139, and take any action necessary.

**X. Appointment Items**

1. Appointment with Lorna and Mark Kipphut to hear information on the "D Day for V Day" program, a joint effort between the Terry Fisher American Legion Post 117 and Dr. Stan Lowrance (local dentist) to provide dental services to any local veteran, and take any action necessary.
2. 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. **Z2022-039** - Hold a public hearing to discuss and consider a request by Brian Cramer of Corson Cramer Development on behalf of Scott Asbury of Rockwall Highgate LTD for the approval of an **ordinance** for a Zoning Change from an Agricultural (AG) District to a Planned Development District for Single Family 10 (SF-10) District and Commercial (C) District land uses on a 264.510-acre tract of land identified as Tracts 17-13 [50.0-acres], 17-14 [26.452-acres], 17-15 [134.33-acres], 17-16 [43.6-acres], & 40-8 [8.79-acres] of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, located on the east side of SH-205 (S. Goliad Street) south of the intersection of SH-205 and FM-549, and take any action necessary (**1st Reading**).
2. **Z2022-040** - Hold a public hearing to discuss and consider a request by Monica Hernandez and Richard Crossley for the approval of an **ordinance** for a Specific Use Permit (SUP) for a Guest Quarters/Secondary Living Unit and Detached Garage on a 1.4945-acre parcel of land identified as Lot 2, Block A, Oaks of Buffalo Way Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 1.5 (SFE-1.5) District, addressed as 2175 Arrowhead Court, and take any action necessary (**1st Reading**).
3. **Z2022-041** - Hold a public hearing to discuss and consider a request by Renee Ward, PE of Weir & Associates, Inc. on behalf of Conor Keilty, AIA of Structured REA-Rockwall Land, LLC for the approval of an **ordinance** for a Specific Use Permit (SUP) for a Golf Driving Range on an 7.955-acre tract of land being portions of a larger 18.131-acre tract of land and a 12.868-acre tract of land identified as Tract 22 & 22-2 of the R. Irvine Survey, Abstract No. 120, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, generally located near the terminus of Fit Sport Life Boulevard, and take any action necessary (**1st Reading**).

4. **Z2022-042** - Hold a public hearing to discuss and consider a request by Bowen Hendrix of DuWest Realty, LLC for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for a *Restaurant with 2,000 SF or more with a Drive-Through or Drive-In* on an 8.684-acre portion of a larger 36.428-acre tract of land identified as Tract 3 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, being zoned Planned Development District 70 (PD-70) for limited General Retail (GR) District land uses, situated within the North SH-205 Overlay (*N. SH-205 OV*) District, generally located at the northeast corner of the intersection of E. Quail Run Road and N. Goliad Street [*SH-205*], and take any action necessary **(1st Reading)**.
5. **Z2022-043** - Hold a public hearing to discuss and consider approval of an **ordinance** for a *Text Amendment* to Article 09, *Tree Preservation*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*], and take any action necessary **(1st Reading)**.

## XII. Action Items

*If your comments are regarding an agenda item below, you are asked to come forth and do so during the 'Open Forum' portion of the meeting (please limit to 3 minutes or less). 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.*

1. **P2022-040** - Discuss and consider a request by Harold Fetty of HD Fetty Land Surveyor, LLC on behalf of Felipe Garcia for the approval of a *Final Plat* for Lots 1, 2, & 3, Block A, Garcia-Herrera Addition being a 11.13-acre tract of land identified as Tract 8-02 of the Johnson Survey, Abstract No. 129, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), addressed as 675 Linda Lane, and take any action necessary.
2. **SP2022-044** - Discuss and consider a request by Bob Pruet of Urban Structure on behalf of Garrett Poindexter of Cambridge Properties, LLC for the approval of an *Exception* to the building height in conjunction with an approved site plan for a *Mini-Warehouse Facility* on a 3.682-acre tract of land being a portion of a larger 7.154-acre tract of land identified as Tract 3 of the J. M. Allen Survey, Abstract No. 2, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 10 (PD-10) for Commercial (C) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District and the SH-276 Overlay (SH-276 OV) District, situated at the southeast corner of the intersection of John King Boulevard and Discovery Boulevard, and take any action necessary.
3. Discuss and consider approval of an **ordinance** amending the budget for fiscal year 2022, and take any action necessary.
4. Discuss and consider approval of an **ordinance** adopting the proposed budget for fiscal year 2023, and take any action necessary.
5. Discuss and consider approval of the Rockwall Economic Development Corporation (REDC) budget for fiscal year (FY) 2023 and amended budget for fiscal year 2022, as well as the 'Annual Work Plan' for FY2023, and take any action necessary.
6. Discuss and consider approval of the Rockwall Technology Park Association budget for fiscal year 2023 and amended budget for fiscal year 2022, and take any action necessary.
7. Discuss and consider approval of an **ordinance** levying ad valorem taxes for the tax year 2022, and take any action necessary.
8. Discuss and consider the Hotel Tax Subcommittee recommendations for funding allocations in fiscal year 2023, including authorizing the City Manager to execute associated funding arrangements, and take any action necessary.

## 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 (re)appointments to city regulatory boards and commissions, pursuant to Section, §551.074 (Personnel Matters)
2. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development).

3. Discussion regarding possible purchase of real property in the vicinity of SH-205, generally located near Mims Road, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).

**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 Teague, 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 16th day of Sept., 2022 at 4:00 p.m. and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

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

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Date Removed



City of Rockwall  
*The New Horizon*

## MEMORANDUM

**TO:** Honorable Mayor and Council  
**FROM:** Kristy Teague, City Secretary/Assistant to the City Manager  
**DATE:** September 16, 2022  
**SUBJECT:** YAC Students at Monday’s city council meeting

Members of the Rockwall Youth Advisory Council (YAC) will be guests for a portion of the Monday, September 19 City Council meeting. YAC members will arrive about 5:15 p.m. to have dinner (upstairs, on their own) prior to the start of the 6:00 p.m. meeting. Each YAC member will be assigned to either a council or staff member to ‘shadow’ them and observe what they do during meetings. Below is the assigned pairing of YAC members for the meeting:

Council or Staff Member	Student’s Name	Grade, School
Mayor Kevin Fowler	Jaxson Stuart	Senior, RHS
Mayor Pro Tem Trace Johannesen	Maddoc Johnson	Junior, RHS
Council Member Clarence Joriff	Emily Nielsen	Junior, RHS
Council Member Dana Macalik	Bethellen McReynolds	Freshman, RHS
Council Member Anna Campbell	Kaylen Pruitt	Sophomore, RHS
Council Member Mark Moeller	Miriam Gamez	Junior, RHS
Council Member Bennie Daniels	Payton Larson	Junior, RHS
Mary Smith, City Manager	Contessa Barron	Sophomore, RHS
Denny Lassetter, IT Director	Morgan Crosby	Senior, RHS
Kristy Teague, City Secretary	Karmen Fumey-Nassah	Senior, RHHS
Travis Sales, Parks & Recreation Director	James Martinez	Junior, RHHS
Jeffrey Widmer, Building Official	Keaton Steen	Sophomore, RHHS

The mayor is asked to please excuse the students sometime between 6:45–7:00 p.m.

Please let me know if you have any questions.



# Proclamation

*Whereas*, the Constitution of the United States of America, the guardian of our liberties, embodies the principal of limited government in a Republic dedicated to rule by law; and

*Whereas*, September 17, 2022, marks the two hundred and thirty-fifth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

*Whereas*, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary and to recognize the patriotic celebrations which will commemorate the occasion; and

*Whereas*, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America, annually designating one week in September as "Constitution Week."

*Now, Therefore*, I, Kevin Fowler, Mayor of the City of Rockwall, Texas, by virtue of the authority vested in me, do hereby proclaim **September 17 through September 23, 2022** as

## CONSTITUTION WEEK

in the City of Rockwall, and urge all citizens to reaffirm the ideals that the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

*In Witness Whereof*, I hereunto set my hand and official seal this 19<sup>th</sup> day of September, 2022.

A handwritten signature in black ink, appearing to read "Kevin Fowler", is written over a horizontal line.

Kevin Fowler, Mayor



**SYNOPSIS FOR LIFE SAVING CERTIFICATE  
JUNE 24, 2022  
ROCKWALL POLICE DEPARTMENT**

On June 24, 2022, at approximately 6:15 p.m., Officer Kristopher Adair responded to 810 Nash Street in reference to a 2-year old that had fallen in the pool, was unconscious and not breathing. Upon, Officer Adair's arrival, family members were performing CPR on the child, Echo Quesnell. Officer Adair took over life-saving measures and began chest compressions. A short time later, the child regained consciousness and began breathing on his own. Rockwall County EMS rushed Echo to the ambulance and transported him to Baylor Scott & White Medical Center – Lake Pointe in Rowlett.

The Director of Operations, Rockwall County EMS, indicated, "There is no question that Officer Adair's actions led to the successful resuscitation of the patient. Officer Adair acted promptly and appropriately by helping clear the patient's airway and provided chest compressions". The Director of Operations further stated, "He believes that this video could be added to future training curriculums. It clearly shows that decisive action on the first to arrive can lead to successful outcomes".

Based on his swift action, Officer Adair is hereby awarded the Life-Saving Certificate for being directly responsible for saving a human life.



SYNOPSIS FOR LIFE SAVING AWARDS AND CERTIFICATE  
JULY 18, 2022  
ROCKWALL POLICE DEPARTMENT

On July 18, 2022, at approximately 2:20 a.m., officers responded to the Woodspring Suites, 1040 E. I-30, room 433, inference to a possible drug overdose. Officer Clayton Lamb arrived first, followed by Officer Dylan Sparks and Officer Mitchell Attaway. Once in the room, officers found a female victim unresponsive and not breathing. Officer Lamb could not rouse her, found no pulse, and immediately began CPR at 2:24 a.m. Officer Sparks deployed the AED, about a minute later, but the AED did not shock the victim; therefore, CPR was continued. After approximately two minutes of CPR, the female victim took a breath. Officer Lamb checked for and found a pulse.

While Officer Lamb and Sparks conducted CPR and deployed the AED, Officer Attaway provided a support role to Officer Lamb as he performed CPR.

The officers found she had a pulse, only took labored, infrequent breaths, while remaining unconscious. Officer Sparks checked her mouth and found that her tongue was obstructing her airway. The officers rolled her to her side and held her there, and she immediately began to breathe regularly. A short time later, she awoke. At 2:30 a.m., the victim was turned over to EMS and fire who deployed NARCAN, and transported the victim to the hospital.

The female was unconscious, unresponsive, and had no pulse when officers arrived on the scene. They immediately began CPR, deployed the AED, and ultimately regained a pulse. It is very likely the female victim would not have survived if not for the rapid and decisive intervention of Officers Lamb, Sparks, and Attaway.



**SYNOPSIS FOR LIFE SAVING CERTIFICATE  
AUGUST 8, 2022  
ROCKWALL POLICE DEPARTMENT**

On August 8, 2022, at approximately 10:08 p.m., officers were dispatched to The Harbor District in reference to a suicidal female. Caller advised police that the female was going to kill herself by jumping into the lake. Upon arrival, Sgt. James Watson observed the female in the water approximately 40 yards from the lighthouse. Two male subjects had also entered the water in an attempt to rescue the female. The female and one male subject struggled to stay afloat and were clearly exhausted. Sgt. Watson removed his duty equipment, dove into the water, and swam to the female. He was able to safely bring the female back over to the dock where other officers assisted in pulling her out of the water. Sgt. Watson then went back to assist the male subjects that was also struggling and brought them back to shore. There were no nearby boats to assist and the struggling males and female would likely have been unable to make it back to shore due to exhaustion.

Sgt. Watson committed a selfless and inherently dangerous act to save the lives to two subjects who would have drowned had it not been for his intervention. The female was cleared by Rockwall County EMS and subsequently transported to Richardson Methodist for a mental health evaluation.

# Lifesaving Award



ROCKWALL FIRE

## Rockwall Fire Department

*takes great pleasure in recognizing with pride and admiration the members of*

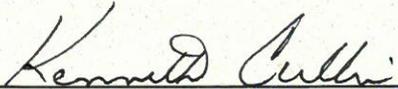
*Engine 01 "A" Shift  
CA Rodney Caudle  
DE Jacob Farrell  
FF Garrett Green*

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On June 24, 2022 at 6:15 PM the Rockwall Fire Department responded to a reported unconscious person at 810 Nash Street. While en route, Dispatch notified the crew that the patient was two years old, had been discovered in the swimming pool, and the family was performing CPR. A unit from the Rockwall Police Department, along with a unit from Rockwall County EMS, also responded. Upon arrival the crew quickly assessed the patient and continued resuscitation efforts that had been started by a police officer who was already on scene. The patient was blue in color and not breathing. The patient's airway was cleared and rescue breathing was performed until the arrival of a unit from Rockwall County EMS. The patient was then moved to the ambulance where it was noted that he had begun breathing on his own. He was then transported to a hospital and released the next day.

The resuscitative efforts demonstrated by all involved, including the crew of Engine 1 "A" shift, were key to the patient's survival and played a direct role in saving his life.

*Given in grateful appreciation this 19<sup>th</sup> day of September 2022.*

  
\_\_\_\_\_  
Fire Chief

9/19/22  
Date

**ROCKWALL CITY COUNCIL REGULAR MEETING**

**Tuesday, September 06, 2022 - 5:00 PM**

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

**I. CALL PUBLIC MEETING TO ORDER**

**Mayor Fowler called the meeting to order at 5:01 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem Trace Johannesen, and Councilmembers Clarence Jorif, Anna Campbell, Bennie Daniels and Mark Moeller. Also present were City Manager Mary Smith, Assistant City Manager Joey Boyd and City Attorney Frank Garza. Councilmember Dana Macalik was absent from the “call to order” portion of the meeting but joined Ex. Session at 5:05 p.m.**

**Mayor Fowler read the below listed discussion items into the record before recessing the public meeting to go into Executive Session at 5:02 p.m.**

**II. EXECUTIVE SESSION.**

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

- 1. Discussion regarding amendment(s) to 'Agreement for Professional Services & Employment as City Manager,' pursuant to Section 551.074 (Personnel Matters).**
- 2. Discussion regarding (re)appointments to city regulatory boards and commissions, pursuant to Section, §551.074 (Personnel Matters).**
- 3. Discussion regarding possible purchase of real property in the vicinity of the downtown area, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).**
- 4. Discussion regarding possible purchase of real property in the vicinity of SH-205, generally located near Mims Road, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).**
- 5. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development).**
- 6. Pulled from the public agenda: Appointment Item #1. Appointment with resident Tim Herriage to hear concerns related to the composition (board membership) of the City's Historic Preservation Advisory Board (HPAB), and take any action necessary**

**III. ADJOURN EXECUTIVE SESSION**

**Council adjourned from Executive Session at 5:45 p.m.**

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

**Mayor Fowler reconvened the public meeting at 6:00 p.m. with all seven councilmembers being present.**

**V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER CAMPBELL**

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

## VI. OPEN FORUM

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

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

Mayor Pro Tem Johannesen moved to approve the amendment to the contract for professional services with the city manager. Councilmember Macalik seconded the motion, which passed unanimously of Council (7 ayes to 0 nays).

## VIII. CONSENT AGENDA

1. Consider approval of the minutes from the August 15, 2022, regular city council meeting, and take any action necessary.
2. Consider approval of the minutes from the August 25, 2022 Special (Budget Work Session) Council Meeting, and take any action necessary.
3. **Z2022-036** - Consider a request by David Scott and Christine Fischer for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing an Agricultural Accessory Building on a ten (10) acre parcel of land identified as Lot 2, Block A, Breezy Hill Lane Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located at the terminus of Breezy Hill Lane, and take any action necessary (**2nd Reading**).
4. **Z2022-037** - Consider a request by Ryan Joyce on Michael Joyce Properties on behalf of Bill Bricker of Columbia Development Company for the approval of an **ordinance** for a Zoning Change from an Agricultural (AG) District, Two-Family (2F) District and Light Industrial (LI) District to a Planned Development District for Single-Family 8.4 (SF-8.4) District land uses on a 65.309-acre tract of land identified as the Oak Creek Subdivision; Tract 6 of the G. W. Redlin Survey, Abstract No. 183; and being portions of Tracts 1 & 6-1 of the G. W. Redlin Survey, Abstract No. 183, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, Two-Family (2F) District and Light Industrial (LI) District, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, generally bounded by John King Boulevard, E. Williams Street, E. Washington Street, and Harry Myers Park, and take any action necessary (**2nd Reading**).
5. **P2022-038** - Consider a request by Bill Bricker of Columbia Extrusion Corporation for the approval of a Conveyance Plat for Lot 1, Block A, Park Station Addition being a 16.26-acre tract of land identified as a Lot 1, Block 1, Indalloy Addition and Tract 31 of the R. Ballard Survey, Abstract No. 29, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 87 (PD-87) for Single-Family 10 (SF-10) District, General Retail (GR) District and Light Industrial (LI) District land uses, located on the southside of E. Washington Street east of the intersection of Park Place Boulevard and E. Washington Street, and take any action necessary.

Councilmember Jorif moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, and 5). Campbell seconded the motion. The ordinance captions were read as follows:

**CITY OF ROCKWALL  
ORDINANCE NO. 22-45  
SPECIFIC USE PERMIT NO. S-286**

**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 *AGRICULTURAL ACCESSORY BUILDING* ON A TEN (10) ACRE PARCEL OF LAND, IDENTIFIED AS LOT 2, BLOCK A, BREEZY HILL ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND 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.

CITY OF ROCKWALL  
ORDINANCE NO. 22-46

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT, TWO-FAMILY (2F) DISTRICT, AND LIGHT INDUSTRIAL (LI) DISTRICT TO PLANNED DEVELOPMENT DISTRICT 97 (PD-97) FOR SINGLE-FAMILY 8.4 (SF-8.4) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 65.309-ACRE TRACT OF LAND IDENTIFIED AS THE OAK CREEK SUBDIVISION; TRACT 6 OF THE G. W. REDLIN SURVEY, ABSTRACT NO. 183; AND PORTIONS OF TRACTS 1 & 6-1 OF THE G. W. REDLINE SURVEY, ABSTRACT NO. 183, 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 7 ayes to 0 nays.

IX. APPOINTMENT ITEMS

1. Appointment with resident Tim Herriage to hear concerns related to the composition (board membership) of the City's Historic Preservation Advisory Board (HPAB), and take any action necessary.

**Mr. Herriage came forth and introduced himself. He went on to share comments pertaining to two investment homes he and his wife previously purchased within the City, right near the downtown square. He subsequently purchased an additional home at 501 Kernoodle, and he has spent a great deal of time and money renovating the home.**

He went on to comment on what he perceives to be the dysfunction of the city's Historic Preservation Advisory Board (the "HPAB"). He went on to share details pertaining to research he has done related to the composition of the city's HPAB, generally expressing concern about some members' terms having recently expired the end of August and several who do not meet the qualifications to serve, according to the city's ordinance. He went on to formally and publicly ask the Council to investigate city staff and a current HPAB board member. He went on to cite several apparent quotes and related details contained within emails he obtained via public information ("open records") requests. He stated that there were no public agendas posted for meetings referenced within the e-mails he has reviewed through those Open Records. He went on to speak

about how the city replatted four properties into one without so much as a hearing from P&Z or Council review and that the matter was 'fast tracked' and approved without one public hearing.

Following his various accusations and extended commentary, Mr. Herriage asked the Council to suspend all HPAB's meetings unless or until appropriately qualified members are appointed to it to serve (according to requirements laid out in the city's UDC). He stated that the city ignoring his requests and complaints over the past many months has caused him significant financial damage, and he 'reserves the right to all remedies.'

Mayor Pro Tem Johannesen expressed that he is unclear regarding what the 'alleged fraud is' that Mr. Herriage is claiming occurred, asking Mr. Miller to explain. Mr. Miller went on to share details of how a 'cover sheet' is prepared when a case is initially submitted (before he personally even reviews a case) and how the staff member puts the dates that a case "would" go to the P&Z Commission and City Council if it ends up needing to go. In this particular instance (P2021-021), this was an 'amending plat,' which Mr. Miller explained he has the ability to approve because it was not creating any new lots, it was not creating any new entitlements, nor was it requiring any changes to any covenants or restrictions on the plats.

City Attorney Frank Garza shared that the city's regulations and state law do dictate which plats may be approved administratively. He went on to recommend that the Council limit its discussions this evening, in light of Mr. Herriage having indicated that he has an attorney and he has alluded that he may pursue litigation against the city. Mr. Miller shared that the cover sheet in question is not something that gets formally 'filed,' and the approval for P2021-021 was granted 'administratively' in accordance with the Texas Local Government Code.

Mayor Fowler asked that the ordinance that deals with the composition of the HPAB membership be revisited and possibly changed. Mr. Garza shared that, under the Texas Constitution, there is a 'hold over' provision that even if a board member's term expires, a board member may stay in place until a new person is named and takes the Oath of Office. Mr. Garza did agree it's a good idea to look at the existing ordinance and possibly change the classifications to serve. He clarified that when the Council appoints a board member, they are granting a variance to that ordinance, which they do have the authority to do. However, it would be best to change the ordinance provisions (re: board member requirements to serve / the composition of the board). Mayor Pro Tem Johannesen asked for clarification on the current board composition and associated provisions. Mrs. Smith, City Manager, shared that it is a nationwide model that is in place in case the city wants to be eligible to apply for historic preservation grant funds; however, she clarified that the city has never received any such grant funding and likely will never receive such grant funding.

Ryan Miller, Planning Director, provided Mr. Herriage with clarification regarding his specific set of circumstances (on the Kernodle property), sharing that in this instance there is right-of-way dedication involved that was put into a 'reserve.' Therefore, he legally cannot 'administratively' approve Mr. Herriage's replat like had been done with the P2021-021 case. So, Mr. Herriage would have to go before the P&Z and City Council. Mr. Miller also clarified that Mr. Herriage will need to replat the entire property. Mr. Miller explained that at the time of replatting, the right-of-way reserves have to be dedicated. So by going through the replatting process and meeting Chapter 38 of the city's Subdivision ordinance, he would be required to dedicate the right-of-way reservations.

Mayor Fowler encouraged Mr. Herriage to meet with Mr. Miller outside of this city council meeting to discuss technical details as well as the process associated with Mr. Herriage's specific set of circumstances.

Council took no formal action pertaining to this agenda item.

#### X. PUBLIC HEARING ITEMS

1. Hold a public hearing to receive comments regarding the Proposed FY2023 City of Rockwall Budget and tax rate, and take any action necessary.

City Manager, Mary Smith, provided background information regarding this agenda item. She shared that a work session was held with Council concerning the budget more than a week ago. It's been on the city's website, and this public hearing has been advertised publicly as well. The proposed tax rate for the city is being put forth as 29.25 cents, which meets what is needed related to the 'no new revenue rate' (it will result in the city collecting the same amount of money it collected in the prior year, with money also coming in – over and above that – associated with all the new properties that have been added on the tax rolls). Smith indicated that it is also the lowest tax rate the city has ever put forth. She explained that anything above this rate would be viewed as a tax increase and would require public hearings and votes. She suggested that the Council hear public comments on the budget and then discuss further thereafter.

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

Bob Wacker  
309 Featherstone  
Rockwall, TX 75087

Mr. Wacker came forth and shared that he believes that the city could still keep the tax rate under the 'no new revenue' rate by setting it at 29.90 cents, which he said will result in about \$308,000 in additional revenue for the city to utilize with residents still realizing a lower tax burden.

Following Mr. Wacker's comments and there being no one else wishing to come forth and speak, Mayor Fowler then closed the public hearing.

Mrs. Smith shared that Council does not need to take action this evening – action will transpire at a later meeting. So, no action was taken at this time.

#### XI. ACTION ITEMS

1. **Z2022-038** - Discuss and consider a request by Ryan Joyce on Michael Joyce Properties on behalf of Mike Peoples for the approval of an **ordinance** for a Zoning Change amending Planned Development District 93 (PD-93) [*Ordinance No. 22-22*] to incorporate a 21.83-acre tract of land into the existing 93.97-acre tract of land being identified as Tract 4-01 of the M. B. Jones Survey, Abstract No. 122 and Tracts 13 & 25 and a portion of Tracts 10-02, 10-03, 25-1 & 26 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District and Planned Development District 93 (PD-93) for Single-Family 10 (DF-10) District land uses, situated within the SH-66 Overlay (SH-66 OV) District, located south of the intersection of Cornelius Road and FM-1141, and take any action necessary (**2nd Reading**).

Mr. Miller shared that this did not receive unanimous approval at the last meeting. So that is why it is under “Action Items” and not “Consent” this evening.

Councilmember Daniels made a motion to approve Z2022-038. Councilmember Jorif seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL  
ORDINANCE NO. 22-47**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO AMEND PLANNED DEVELOPMENT DISTRICT 93 (PD-93) [*ORDINANCE NO. 22-22*], BEING A 115.80-ACRE TRACT OF LAND IDENTIFIED AS TRACT 4-01 OF THE M. B. JONES SURVEY, ABSTRACT NO. 122, AND TRACTS 13 & 25 AND A PORTION OF TRACTS 10-02, 10-03, 25-1, & 26 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 6 ayes with 1 nay (Macalik).**

2. Discuss and consider appointments to the city's Youth Advisory Council (YAC), and take any action necessary.

**City Secretary/Assistant to the City Manager, Kristy Teague provided comments related to this agenda item. She generally explained how many seats are being filled for this school year, how many applicants were received, interviews that were held this past Thursday, and the interview panel’s recommended slate of students for the 2022-2023 school year.**

**Following Mrs. Teague’s comments, Councilmember Jorif moved to appoint the returning students and the five new appointees for the 2022-2023 school year. Councilmember Campbell seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

3. Discuss and consider (re)appointments to non-regulatory city boards and commissions, and take any action necessary.

**Council did not discuss this item and took no action at this time.**

**XII. 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 Department Monthly Report - July 2022
2. Fire Department Monthly Report - July 2022
3. Parks & Recreation Department Monthly Report - July 2022
4. Police Department Monthly Report - July 2022
5. Sales Tax Historical Comparison
6. Water Consumption Historical Statistics

Mrs. Smith shared that the reopening of Kidz Zone will be held on September 17. In addition, the contractor hired by the city to install and erect the very large flagpole at IH-30 and Horizon is now moving forward. They will be onsite in one week from today to begin unloading their crane, and they expect the 190' flagpole will be erected by end of next week. There is still some electrical-related work yet to be done. So the flag will not be up and flying by next Friday, but they are rapidly working on it.

**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 amendment(s) to 'Agreement for Professional Services & Employment as City Manager,' pursuant to Section 551.074 (Personnel Matters).
2. Discussion regarding (re)appointments to city regulatory boards and commissions, pursuant to Section, §551.074 (Personnel Matters).
3. Discussion regarding possible purchase of real property in the vicinity of the downtown area, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
4. Discussion regarding possible purchase of real property in the vicinity of SH-205, generally located near Mims Road, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
5. 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**

**Council did not reconvene in Ex. Session following the close of the public meeting agenda.**

**XV. ADJOURNMENT**

**Mayor Fowler adjourned the meeting at 6:33 p.m.**

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 19<sup>th</sup> DAY OF SEPTEMBER, 2022.**

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**KEVIN FOWLER, MAYOR**

**ATTEST:**

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**KRISTY TEAGUE, CITY SECRETARY**



City of Rockwall  
*The New Horizon*

## MEMORANDUM

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**TO:** Mayor and Councilmembers  
**FROM:** Mary Smith, City Manager  
**DATE:** September 13, 2022  
**SUBJECT:** Investment Policy Resolution

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The City's investment policy is amended periodically to reflect changes in state law pertaining to the investment of public funds. The statute requires the City to annually re-adopt the policy and that is accomplished with the accompanying Resolution.

The policy includes language listing the types of investments the City can make. While the policy outlines a variety of authorized investments, we limit our portfolio to money markets, local government pools, and governmental securities. The policy also lists the bi-annual training requirements and the providers who can provide the training which in our case includes the UNT Center for Public Management and TML

Staff recommends adoption of the Resolution and will be available at the meeting to answer any questions Council may have.

**CITY OF ROCKWALL, TEXAS  
RESOLUTION NO. 22-04**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ADOPTING THE CITY OF ROCKWALL, TEXAS INVESTMENT POLICY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 2256 of the Texas Government Code, commonly known as the “Public Funds Investment Act,” requires the City to adopt an investment policy by resolution and any amendments thereto; and

**WHEREAS**, the Public Funds Investment Act requires the Investment Officer of the City to attend investment training; and

**WHEREAS**, City of Rockwall staff attends investment training courses sponsored by the Texas Municipal League and the University of North Texas Center for Public Management, as required by the Public Funds Investment Act; and

**WHEREAS**, the attached investment policy and incorporated revisions comply with the Public Funds Investment Act, as amended, and authorize the investment of city funds in safe and prudent investments.

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Rockwall, Texas:

**Section 1.** That the City of Rockwall has complied with the requirements of the Public Funds Investment Act, and the Investment Policy, attached hereto as ***Exhibit A***, which is hereby adopted as the official investment policy of the City of Rockwall.

**Section 2.** That this resolution shall become effective from and after its adoption, and it is so resolved.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 19TH DAY OF SEPTEMBER, 2022.**

**ATTEST:**

\_\_\_\_\_  
**Kevin Fowler, Mayor**

\_\_\_\_\_  
**Kristy Teague, City Secretary**

## EXHIBIT A

### **City of Rockwall Investment Policy**

#### Introduction:

It is the policy of the City of Rockwall to invest public funds in a manner which will provide the maximum security with the highest investment return while meeting the daily cash flow demands of the city and conforming to all requirements of Chapter 2256 of the Government Code, as amended.

#### Scope:

This investment policy applies to all financial assets of the City of Rockwall. These funds are reported in the City of Rockwall's Comprehensive Annual Financial Report.

#### Objectives:

The City of Rockwall shall manage its investments with the following objectives listed in order of priority: Preservation and Safety of principal, Liquidity, and Yield. All investments shall be managed in a manner responsive to the public trust and consistent with state and local law.

#### Investment Officer:

The Director of Finance is designated as the Investment Officer of the City. The Investment Officer shall be responsible for compliance with all City Investment Policies and shall develop procedures and controls to ensure policy compliance. The Investment Officer shall not buy or sell an investment, or use as a broker for any transaction, any person or entity with whom a personal business relationship exists or to whom they are related within the second degree by affinity or consanguinity. The Investment Officer shall be responsible for the preparation and submission of all required reports to the City Council and City Manager. The Investment Officer shall be responsible for making investments using judgment and care, under prevailing circumstances at the time of the investment that a person of prudence, discretion, and intelligence would exercise in the management of the person's own affairs. In determining whether the Investment Officer has exercised these traits, with respect to an investment decision, the following criteria should be taken into consideration:

1. The investment of all funds under the control of the Investment Officer rather than consideration of the prudence of a single investment.
2. Whether the investment decision was consistent with the written investment policies of the City.

The Investment Officer shall be required to obtain all training required under Chapter 2256 or as required by the City. Training must include education in investment control, security risks, strategy risks, market risks and compliance with Chapter 2256.

Authorized Investments:

The following are authorized investments for the City of Rockwall; provided, however that at no time shall assets of the City be invested in any instrument or security not authorized for investment under the Act, as the Act may from time to time be amended. Generally the philosophy of the City will be to purchase securities with maturity no longer than 5 years

1. Obligations of the United States or its agencies and instrumentalities with finite maturity dates, with a maximum maturity of not greater than 5 years. Laddering of investments should be considered.
2. Direct Obligations of the State of Texas or its agencies and instrumentalities, with stated finite maturity dates.
3. Other Obligations, with finite maturity dates, the principal and interest of which are unconditionally guaranteed or insured by or backed by the full faith and credit of the State of Texas or the United States or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States.
4. Obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent.
5. Certificates of deposits issued by a state or national bank domiciled in the State of Texas or a savings bank domiciled in the State of Texas provided that it is:
  - a. Guaranteed or insured by the Federal Deposit Insurance Corporation or its successor;
  - b. Secured by obligations outlined in items 1-4. The market value of all collateral must be marked to market on a daily basis and shall not be less than 102% of the principal amount of the certificate plus accrued interest.
  - c. Secured in any other manner and amount provided by law for deposits of the investing entity.
6. Repurchase agreements which are fully collateralized by obligations of the United States or its agencies and instrumentalities marked to market on a daily basis with a market value of at least 102% of the principal invested, including accrued interest, the securities being purchased must be pledged to the entity and held in the entities name by a third party selected and approved by the City. The repurchase agreement must have a defined termination date and be placed through a primary government

securities dealer or a financial institution doing business in the State. The repurchase agreements should be secured by obligations approved in this policy.

7. Banker acceptances having a stated maturity of 270 days or fewer, to be liquidated in full at maturity, which are rated not less than A-1 or P-1 (or an equivalent rating) by at least one nationally recognized credit rating agency provided that it is eligible for collateral for borrowing from a Federal Reserve Bank.
8. Commercial paper having a stated maturity of 270 days or less and is rated not less than A-1 or P-1 (or an equivalent rating) by at least two nationally recognized rating agencies or one nationally recognized rating agency and is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States.
9. No-load money market mutual fund registered with and regulated by the Securities and Exchange Commission (SEC), which has a dollar-weighted average stated maturity of 90 days or less. It must have included in its investment objectives its intent to maintain a stable net assets value of \$1 for each share. The fund must provide the City with a prospectus and other information required by the SEC.
10. No-load mutual funds, registered with and regulated by the SEC, having an average weighted maturity of less than two years, and which invests exclusively in investments approved by this policy.
11. Investment Pools which are approved by the City Council, provided they meet all the criteria for investment pools outlined in Chapter 2256 and maintain a continuous rating not lower than AAA or AAA-m (or an equivalent rating) from at least one nationally recognized rating service.

Unauthorized Investment:

1. Any investment not expressly authorized by this policy.
2. Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage backed security collateral and pays no principal.
3. Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest.
4. Collateralized Mortgage Obligations.

5. Diversification requirements:
  - a. Invest in aggregate more than 15% of its monthly average fund balance, excluding bond proceeds and reserves and other funds held for debt service in a no load money market mutual fund.
  - b. Invest any portion of bond proceeds, reserves and funds held for debt service in a non-money market mutual fund.
  - c. Invest in any one mutual fund an amount that exceeds 10% of the total assets of the mutual fund.
6. Guaranteed Investment Contracts.
7. Any investment that requires a minimum rating does not qualify as an authorized investment during the period the investment does not have the minimum rating. All prudent measures shall be taken consistent with this policy to liquidate an investment that does not have the minimum rating. Ratings are to be monitored on a weekly basis based on independent information from a nationally recognized rating agency.

#### Requirement and Selection of Broker/Dealers:

The governing body of the City shall at least annually review, revise & adopt a list of qualified brokers that are authorized to engage in investment transactions with the City of Rockwall. Persons seeking to sell to or purchase from the City investments must submit to the Investment Officer a written summary of their qualifications and the firm they represent. After the Investment Officer has conducted a thorough review, a copy of the City's Investment Policy shall be submitted for their review. The registered principal of the organization seeking to buy or sell an authorized investment must execute a written instrument agreement substantially to the effect that the registered principal as well as all brokers who may be in contact with the City have received and reviewed the policy thoroughly and that the business organization has implemented reasonable procedures and controls in an effort to preclude imprudent investment activities arising out of investment transactions conducted between the organization and the City. Upon written receipt of this instrument, the Investment Officer shall place their name on a list of authorized broker/dealers.

#### Clearing and Safekeeping:

Settlement transactions may be by electronic means to the contracted institution on a delivery versus payment basis with safekeeping at their location. SIPC insurance is required for safekeeping at the advisor institution.

## Investment Strategies:

Investment Strategies for all funds shall seek to provide the following objectives:

- a. Suitability of Investment
- b. Preservation of Capital and Protection of Principal
- c. Maintenance of sufficient liquidity to meet operating needs
- d. Marketability of each investment
- e. Diversification of Investments
- f. Maximization of Return (yield)

The overall investment strategy of the City is based on the premise that a certain amount of City funds will be needed to pay current year expenditures or for projects that are to be completed within a specific time frame. These funds are to be invested in the short end (less than 1 year) of the yield curve or in the immediate portion of the yield curve (1-3 years) in order to meet the cash needs of specific projects. Remaining funds are considered to be reserves and, barring any unforeseen emergencies or events beyond the City's control, it is considered that these funds may be invested in securities generally maturing within 5 years so that the City may meet cash flow needs while attaining a higher possible rate of return. It is understood that longer term investments are sensitive to changes in interest rates and other market conditions; however, it is the City's belief that such securities may be held to maturity if necessary.

The primary objective is safety and liquidity with a reasonable yield. Authorized securities will be of the highest credit quality. The portfolio will be diversified to avoid market and credit risk. Diversification requirements can be met by maintaining a maximum 6 months weighted average maturity.

The General Operating Fund and Water/Sewer Fund are the primary operating funds of the City. The investment strategy must allow for the investment of anticipated cash flows to meet the anticipated liabilities of the funds. This is accomplished through short term investments including, but not limited to, repurchase agreements, investment pools, agency notes, commercial paper, Certificates of Deposit, and money market funds. Reserves of these funds may be invested in longer-term investments.

The Capital Project Funds are for defined projects with specific liability time frames. The strategy for these funds is to time investment maturities to anticipated project payments. The projects may require investments with short to intermediate maturities.

The Debt Service Funds should consist of short-term investments whose stated maturities meet the scheduled debt service payment timelines. Reserves may be invested in longer-term investments. Special Revenues and Internal Service Funds investments should be in short-term instruments with maturities laddered to meet projected cash needs. Reserves are idle funds that may be invested in immediate to longer-term investments after analysis of future plans for use of the funds.



City of Rockwall  
*The New Horizon*

## MEMORANDUM

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**TO:** Mary Smith, City Manager  
**FROM:** Edward Fowler, Interim Chief of Police  
**DATE:** September 15, 2022  
**SUBJECT:** Rockwall ISD Interlocal Cooperation Agreement (ILA) 2022-2023

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Attached with this memo is an updated Interlocal Cooperation Agreement (ILA) between the City and the RISD for the 2022-2023 School Year. The updated agreement reflects a corrected cost associated with School Resource Officers (SRO) and their services provided by the Rockwall Police Department to Rockwall ISD (*i.e. updated amount of \$778,184.82 (\$86,464.98 per month) instead of \$741,215.30 (\$82,357.26 per month) previously approved by Council on 08.15.22*). This is the only change to the ILA that was previously approved by Council last month.

Council is asked to consider authorizing the City Manager to execute the updated ILA.

**INTERLOCAL COOPERATION AGREEMENT FOR GOVERNMENTAL  
SERVICES RELATING TO A SCHOOL RESOURCE OFFICER PROGRAM  
BETWEEN THE CITY OF ROCKWALL AND  
THE ROCKWALL INDEPENDENT SCHOOL DISTRICT**

**THE STATE OF TEXAS                   §  
  §       **KNOW ALL MEN BY THESE PRESENTS:**  
COUNTY OF ROCKWALL           §**

**THIS AGREEMENT** (the "**Agreement**"), entered into this \_\_\_ day of August, 2022, by and between the **CITY OF ROCKWALL** (hereinafter called "**CITY**") and the **ROCKWALL INDEPENDENT SCHOOL DISTRICT** (hereinafter called "**RISD**").

**WITNESSETH:**

**WHEREAS**, the CITY desires to enter into an agreement relating to providing certain professional police services to RISD in accordance with the program description and details as provided herein; and

**WHEREAS**, this Agreement is made pursuant to the authority granted to the parties pursuant to the Interlocal Cooperation Act, V.T.C.A. Government Code, Chapter 791 (the "Act").

**WHEREAS**, the primary purpose of the School Resource Officer (SRO) Program is the reduction and prevention of crime committed by juveniles and young adults and to promote the safety of children. This is accomplished by assigning Ten (10) fully outfitted and equipped police officers to school facilities on a semi-permanent basis while school is in session. The SRO Program accomplishes this purpose by achieving the established goals and objectives. Goals and objectives are designed to develop and enhance rapport between youth, police officers and school administrators. Officers who are chosen for this program are responsible for establishing the communication links and creating a free flow of information between all parties involved.

**WHEREAS**, the goals of the SRO Program are as follows:

1.     Reduction of criminal offenses committed by juveniles and young adults.
2.     Establish rapport with the students.
3.     Establish rapport with the parents, faculty, staff, administrators and other adults.

4. Create and expand programs with vision and creativity to increase student participation, which will benefit the students, the school district, the police department, and the community.
5. Present a positive role image for students and adults.
6. Provide safety for students, faculty, staff and all persons involved with the school district.

**NOW, THEREFORE,** the parties hereby do mutually agree as follows:

I.

**Scope of Agreement: Duties and Responsibilities:** CITY shall provide Ten (10) licensed police officers for the RISD School Resource Officer Program ("SRO") for the 2022-2023 school year. The effective date of this Agreement shall be the first day of instruction for the current school year, beginning with the first day of instruction for the 2022-2023 school year ("Effective Date"). The duties of the SROs and each party are described herein.

II.

**Term of Agreement:** The term of this Agreement shall be for a period beginning upon the Effective Date and ending on the last day of instruction for the current school year. This Agreement may be renewed for one (1) year periods beginning on the Effective Date, upon written consent of the parties, for five (5) years.

III.

**Payment for Services:** The RISD agrees to reimburse the CITY for certain costs associated with the City's placement of Police Officers on the School Grounds from the Effective Date of this Agreement. The parties have heretofore agreed that RISD shall remit payment to the CITY in the amount of \$778,184.82 (\$86,464.98 per month) for the months of September 2022 through May 2023 ("Payment"). This amount reflects the SROs salary, benefits and any equipment or materials and supplies required by the SROs in the performance of their duties. These Payments shall satisfy the RISD's obligation for payment of SRO services for the entire school year to the CITY. The first monthly Payment shall be made by RISD to CITY on the 15th day of the first month Payment is due.

RISD shall not be relieved of its obligation to pay the entire amount described in this Agreement in the event that CITY exercises its right to temporarily reassign the resource officer for a period not to exceed fifteen (15) business days when, in the sole judgment of CITY, their service is required in response to a CITY wide or major emergency, or in the event that the resource officer is absent due to sickness, injury, training or court

appearances. However, CITY is required to furnish replacement officers on days when regular SROs are absent for any period exceeding thirty (30) business days. Replacement Officers must meet the selection requirements of SRO Applicants as stated herein. RISD shall be relieved of its obligation to pay if an absence exceeds fifteen (15) business days.

From time to time the RISD has need of police officers to perform security services at extracurricular activities. It is understood and agreed that the District will engage Police Officers to perform such security services on a contract labor basis and this agreement does not address the District's arrangements for these independent security services in any manner whatsoever.

#### IV.

#### **Organizational Structure:**

1. Ten (10) uniformed police officers designated as School Resource Officers will be assigned to RISD campuses, and will directly report to the Chief of Police, or his designee. All requests from RISD personnel regarding new SRO assignments or temporary reassignments with exception of requests pertaining to emergencies, shall be made through the RISD Superintendent or his designee. The SROs shall have properly equipped police vehicles and other necessary equipment available for their use in performing their duties and responsibilities.
2. The SRO Program shall utilize the SRO Triad concept as set forth by NASRO (National Association of School Resource Officers). The SRO concept reflects the philosophy of the School Resource Officer Program and adheres to the roles of Law Enforcement Officer, Counselor, and Teacher. The SROs are first and foremost Law Enforcement Officers for the CITY Police Department and shall be responsible for carrying out all duties and responsibilities of a police officer and shall remain at all times under the control, through the chain of command, of the CITY Police Department. All acts of commission or omission shall conform to the guidelines of the CITY Police Department Policies and Procedures Manual
3. The SROs report directly to the Chief of Police, or his designee, regarding all matters pertinent to their position and function. The SROs are enforcement officers in regards to criminal matters only. Presence of an SRO is expected on his/her assigned campus on most school days before classes start in the morning, between most class changes, during most lunch periods, on most school days immediately after school and during most any other time during the school day when students assemble in large groups. The purpose of that presence is to deter criminal behavior and not perform school duty.
4. RISD campus principals shall have operational oversight to coordinate efforts for the needs of their respective campuses.
5. In the case of any unresolved conflict, the Chief of Police and the RISD Superintendent shall consult on the best course of action. The Chief of Police

shall have final authority and final responsibility for operational control of the SRO Program.

6. Local, State and Federal law will prevail over RISD policies and procedures.
7. Conflicts involving violence or other dangerous situations should be reported immediately to the Chief of Police and RISD Superintendent.

## V.

**Independent Contractor Relationship:** CITY is and at all times shall be deemed to be an independent contractor and shall be wholly responsible for the manner in which the SROs are assigned to the SRO Program and the way CITY performs the services required by the terms of this Agreement. Nothing herein shall be construed as creating the relationship of employer and employee, or principal and agent, between RISD and CITY or any of CITY's agents or employees. CITY assumes responsibility for the acts of its employees as they relate to the services provided during the course and scope of their employment. CITY, its agents and employees, shall not be entitled to any rights or privileges of RISD employees and shall not be considered in any manner to be RISD employees. RISD may or may not desire to evaluate the services provided to RISD by the SRO Program. Any such evaluation should be presented to the CITY on a prescribed form.

## VI.

**Selection of SRO:** CITY affirms that it has complied or will comply prior to the performance of any work for RISD, with the requirements regarding criminal background checks as provided under Texas Education Code, Chapter 22. This law requires the independent contractor to obtain all criminal history record information on all persons to whom the law applies through the Texas Department of Public Safety (DPS) clearinghouse. This process includes fingerprinting in order to submit the individuals to a national check. CITY must certify to RISD that the CITY has received all criminal history record information on all SROs, and that there were no positive hits. The cost of this requirement is to be paid by the CITY.

## VII.

**SRO Duties and Responsibilities:** Basic responsibilities of the SROs will include but will not be limited to:

General duties and responsibilities set forth by the Chief of Police through standard operating procedures ("S.O.P.").  
Planning and presentation of programs requested by the RISD or CITY Police personnel.

Any additional duties agreed upon the Chief of Police and the Superintendent of the Schools.

## VIII.

### **Student Consultation:**

The SROs are not formal counselors, and will not conduct or offer any formal or clinical psychological counseling, however they are to be used as a resource to assist students, faculty, staff and all persons involved with the RISD.

The SROs will advise students on responsibilities and procedures concerning criminal matters.

The SROs will give advice to help resolve issues between students that involve matters that may result in criminal violations, disturbances or disruptions.

Student confidentiality must be maintained in compliance with the Family Education Rights and Privacy Act ("FERPA").

## IX.

### **Transporting Students:**

The SROs shall not transport students in their vehicles except:

1. When the students are victims of a crime, under arrest, or some other emergency circumstance exists;
2. When the students are participants in a CITY Police Department program with parental consent;
3. When the students are suspended from school pursuant to school disciplinary action and the student's parents or guardian has refused or is unable to pick-up the student within a reasonable time period and the student is disruptive/disorderly and his/her continued presence on campus is a threat to the safety and welfare of other students and school personnel, as determined by the SRO or the SRO supervisor.

If the student to be transported off campus is not under arrest, a victim of a crime or violent/disruptive, the RISD shall provide transportation for the student and an SRO may accompany the school official in transporting the student.

SROs shall not transport students, excluding students who are participants in a CITY Police Department program including but not limited to the Police Explorer Program and the Campus Crime Stoppers Program, to any location other than the CITY Police Building, County Juvenile Detention Center, and or hospital unless it is determined that the student's parent, guardian or other responsible adult is at the

location to which the student is being transported.

SROs shall not transport students, excluding students who are participants in a CITY Police Department program including but not limited to the Police Explorer Program and the Campus Crime Stoppers Program, in their personal vehicles.

SROs shall notify the school principal before removing a student from campus.

## X.

### **Enforcement:**

Although the SROs have has been placed in a formal education environment, they are not relieved of their official duties as enforcement officers. Decisions to intervene normally will be made when it is necessary to prevent violence, a breach of the peace, personal injury or loss of property. Citations should be issued and arrests made when appropriate and in accordance with CITY Police Department policies and procedures. When immediate action is needed and an SRO is not available, another officer may be dispatched to the school.

The SROs, when on duty, should investigate and prepare reports on all criminal offenses committed at the schools. Other CITY Police Department personnel may be summoned by the SROs as they deem necessary and or by RISD during the SROs absence.

## XI.

### **Scheduling:**

**Hours** - The SROs will work a forty (40) hour work week, and will coordinate their hours with school hours Monday through Friday. However, there may be occasions when this schedule is altered because of court appearances, sickness, injury, training and special assignments. The SROs are still considered non-exempt employees under the Fair Labor Standards Act and are subject to its provisions as well as CITY Police Department and CITY policy relating to overtime. All overtime requests from the District will be reviewed and approved by the Chief of Police or his designee.

**Holidays and vacation** - The SROs will accrue holidays and vacation at the rate allowed by CITY policy. However, holidays and vacations may be scheduled to coincide with school holidays or when schools are closed. The SROS should accomplish as much of the required training as possible during these periods or during the summer when school is not in session, if reasonably practical. The Chief of Police in his sole discretion, shall have the power and authority to schedule all leave and training for the SROs as he deems necessary.

Substitution - Substitution for the SROs by other officers will only be considered through a request to the Chief of Police and only on the joint written approval of the Chief of Police and RISD. Typically, this will only be considered for an extended leave as discussed in Section III.

**XII.**

Availability of Funds: Each party shall make payments required hereunder from current revenues, as required by the Agreement.

**XIII.**

Insurance: CITY is insured, and upon request by RISD, shall provide RISD documentation of its coverage, said coverage to meet the reasonable approval of RISD. CITY shall also provide, during the term of this Agreement, worker's compensation insurance, including liability coverage, in the amounts required by Texas state law, for any employee engaged in work under this Agreement. As to all insurance provided by CITY, it shall provide RISD with documentation, upon request, indicating such coverage prior to the beginning of any activities under this Agreement.

**XIV.**

Termination: This Agreement may be terminated by either party at its sole option and without prejudice by giving thirty (30) days written notice of termination to the other party. Upon termination of this Agreement, the CITY will assume any and all fiscal responsibilities for the officer from and after the effective date of termination.

Replacement: RISD may, for cause, request a replacement of the SRO. Such a request shall be made through the CITY Chief of Police, shall be in writing and shall set forth the basis for the request. A replacement SRO shall be provided as soon as possible giving due consideration for the CITY's staffing level and time required to complete the outside hiring process as necessary.

**XV.**

Assignment of Agreement: Neither party shall assign, transfer, or sub-contract any of its rights, burdens, duties or obligations under this Agreement without the prior written permission of the other party to this Agreement.

**XVI.**

Waiver: No waiver of a breach or any provision of this Agreement by either party shall constitute a waiver of any subsequent breach of such provision. Failure of either party to enforce at any time, or from time to time, any provisions of this Agreement shall not be construed as a waiver thereof.

## XVII

**Place of Performance: Venue:** Venue shall be in Rockwall County, Texas. The laws of the State of Texas shall govern the interpretation, validity, performance, and enforcement of this Agreement and the exclusive venue for any legal proceedings involving this Agreement shall be Rockwall County, Texas.

## XVIII.

**Notices:** Notices to RISD shall be deemed given when delivered in person to the Superintendent of Schools of RISD, or on the next business day after the mailing of said notice addressed to said RISD by United States mail certified or registered mail, return receipt requested, and postage paid at 1050 Williams Street, Rockwall, Texas 75087.

Notices to CITY shall be deemed given when delivered in person to the CITY Manager or on the next business day after the mailing of said notice addressed to said CITY by United States mail, certified or registered mail, return receipt requested, and postage paid at 385 South Goliad, Rockwall, Texas 75087.

## XIX.

**Severability Provisions:** If any provisions of this Agreement are held to be illegal, invalid or unenforceable under present or future laws, (1) such provision shall be fully severable; (2) this Agreement shall be construed and enforced as if such illegal, invalid or unenforceable provisions had never been a part of this Agreement; and (3) the remaining provisions of this Agreement shall remain in full force and effect and shall not be affected by the illegal, invalid or unenforceable provision or by its severance from this Agreement.

## XX.

**Entire Agreement of Parties:** This Agreement and all exhibits shall be binding upon the parties hereto, their successors and assigns, and constitutes the entire agreement between the parties. No other agreements, oral or written, pertaining to the performance of the Agreement exists between the parties. This Agreement can be modified only by an agreement in writing, signed by both parties.

## XXI.

**Immunity:** CITY and RISD agree that neither party has waived its respective sovereign immunity by entering into and performing the obligations under this Agreement.

XX:11.

**Liability:**

Any claims by third parties arising as a result of the enforcement of Local, State or Federal law, including employment claims, shall be handled by, and be the responsibility of, the CITY. Any claims by third parties arising as a result of the enforcement of RISD policy or procedure shall be handled by, and be the responsibility of RISD.

**IN WITNESS WHEREOF**, the parties have executed this Agreement in the year and day first above written.

**Attest:**

\_\_\_\_\_

**Rockwall Independent School District**

By: \_\_\_\_\_

Dr. John Villarreal, Superintendent  
Rockwall Independent School District

**Attest:**

\_\_\_\_\_

**City of Rockwall**

By: \_\_\_\_\_

Mary Smith, City Manager  
City of Rockwall



## MEMORANDUM

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**TO:** Mary Smith, City Manager

**CC:** Honorable Mayor and City Council

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

**DATE:** September 19, 2022

**SUBJECT:** DRAINAGE STUDY FOR BASS ROAD IN LAKE ROCKWALL ESTATES

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### Attachments

Location Map  
Contract

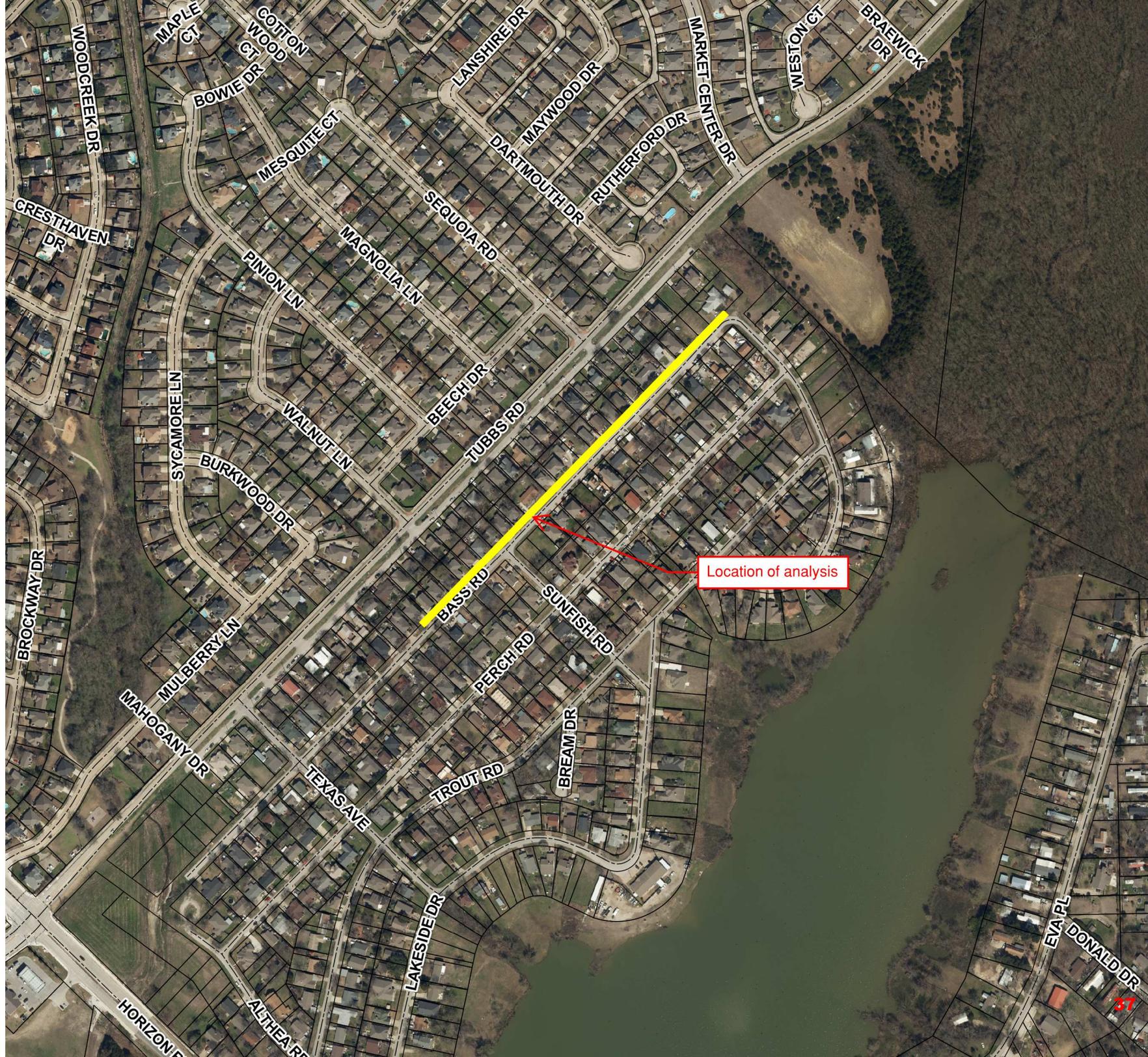
### Summary/Background Information

The City has received a complaint from a resident regarding the drainage along Bass Road in the Lake Rockwall Estates Subdivision. Specifically, the existing roadside drain ways (bar ditches) that serve this area have not been effectively draining into Lake Rockwall causing storm water to stand temporarily in resident's yard.

Staff requested a proposal from Cardinal Strategies to complete a feasibility study to confirm the drainage issue, identify alternatives to resolve any issue, and prepare a budgetary cost estimate for each alternative. The contract proposal for the engineering services contract is \$31,600.00.

### Action Needed

Staff requests the City Council consider authorizing the City Manager to execute the professional engineering services contract with Cardinal Strategies Engineering Services, LLC, to perform the engineering services in an amount of \$31,600.00. If approved, this will be paid out of the Engineering Consulting budget.



Location of analysis

WOODCREEK DR

MAPLE CT

COITON WOOD CT

BOWIE DR

MESQUITE CT

LANSHIRE DR

MAYWOOD DR

MARKET CENTER DR

WESTON CT

BRAEWICK DR

CRESTHAVEN DR

SEQUOIA RD

DARTMOUTH DR

RUTHERFORD DR

PINION LN

MAGNOLIA LN

SYCAMORE LN

WALNUT LN

BEECH DR

TUBBS RD

BURKWOOD DR

BROCKWAY DR

MULBERRY LN

BASS RD

SUNFISH RD

MAHOGANY DR

PERCH RD

BREAM DR

TEXAS AVE

TROUT RD

HORIZON F

ALTHEA RD

LAKESIDE DR

EVA PL

DONALD DR

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 Cardinal Strategies Engineering Services, LLC, (“ENGINEER”), located at 2770 Capital Street, Wylie, Texas, Engineers 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 the Lake Rockwall Estates Drainage Study.

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 Thirty-One Thousand Six Hundred dollars (\$31,600.00) 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 “C”. 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

1.

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 that has an agreement or is in negotiations of an agreement with CITY. CITY may waive this 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, PE, City Engineer**

City of Rockwall

385 S. Goliad Street

Rockwall, Texas 75087

**ENGINEER**

**Thomas Caffarel, PE, CFM, Principal, Engineering Services Manager**

Cardinal Strategies

2770 Capital Street

Wylie, TX 75098

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 9 day of SEPTEMBER 2022.

CARDINAL STRATEGIES ENGINEERING SERVICES, LLC

By: 

Name: THOMAS CAFFAREL

Title: PRINCIPAL

EXECUTED in triplicate originals on this \_\_\_\_\_ day of \_\_\_\_\_ 202  .

ATTEST:

City of Rockwall, Texas

\_\_\_\_\_  
Name: \_\_\_\_\_

Title: \_\_\_\_\_

**ATTACHMENT A  
SCOPE OF SERVICES**

**TO BE PROVIDED BY CARDINAL STRATEGIES ENGINEERING SERVICES, LLC, TO  
THE CITY OF ROCKWALL FOR  
THE LAKE ROCKWALL ESTATES DRAINAGE STUDY**

**Project Description:**

The City of Rockwall (“City”) has received complaints of drainage within the subject area. Specifically, the bar ditches that serve the area do not drain effectively to Rockwall Lake. The City has asked that a feasibility study be completed to confirm/deny the issue, identify a couple of alternatives to resolve, and prepare conceptual budgetary cost estimates for each alternative.

The scope of services and a cost estimate are included below:

**A. BASIC SERVICES**

**Task 1: Project Coordination and Meetings**

- a. Attend up to one (1) meeting with the City staff
- b. Project Management –
  - i. Prepare Monthly Progress Reports
  - ii. Prepare Monthly Invoice
  - iii. Provide QC for all Tasks
- c. Conduct one site visit to investigate site conditions
- d. Collect from the CITY and review the following data:
  - i. Most recently flown LiDAR data
  - ii. Plans for the subdivision

**Task 2: Hydrologic Modeling**

- a. Delineate the watershed and sub-divide to understand flow rates anticipated for the bar ditches along Texas Ave, Sunfish Road, and Lakeside Drive. If under 200 acres, use the Rational Method to estimate flow rates.
  - a. Delineate Basins
  - b. Develop longest flow paths for each subbasin
  - c. Establish Runoff C Factor for each basin based on weighted calculations
  - d. Establish flow rates for 100-YR, 25-YR, 10-YR, 5-YR, and 2-YR storm events

**Task 3: Hydraulic Modeling**

- a. Make a determination if existing sections have capacity or if any sections are considered sumps. Use engineering judgement and support with field photos.

**Task 4: Alternatives**

- a. Investigate improvements required to each bar ditch (ignoring driveway culverts) to safely convey the 100-YR storm event. Also investigate the capacity to convey the 10-YR event.
- b. Investigate number and placement of storm drain inlets as well as storm drain pipe to safely convey

**ATTACHMENT A**

- the required storm event to the Lake. Use Rockwall current Standards to size the underground pipe and use the surface to convey storm events beyond the requirements.
- c. Prepare conceptual cost estimates for construction of each alternative for consideration.

Task 5: Drainage Study Reporting

- a. Documentation of analyses and results including figures, tables, and digital models.

*Deliverable* - Cardinal will provide 2 hard copies and a digital copy of the Drainage Study Report to City of Rockwall Engineering Department for review and comment. The digital copy will include all GIS files, modeling files, a PDF of the report, and any other files needed to recreate the report at a later date.

**ATTACHMENT A**

**ATTACHMENT B  
COMPENSATION/PRICING SCHEDULE**

**PROFESSIONAL ENGINEERING SERVICES AGREEMENT  
BETWEEN THE CITY OF ROCKWALL AND CARDINAL STRATEGIES  
ENGINEERING SERVICES, LLC FOR  
THE LAKE ROCKWALL ESTATES DRAINAGE STUDY**

**II. COMPENSATION SUMMARY**

Basic Services (Lump Sum)	Amount
<b>Total Basic Services</b>	<b>\$31,600</b>

**HOURLY CHARGES FOR PROFESSIONAL SERVICES**

Rates include all salaries, salary expense, overhead, and profit.

Principal.....	\$200-\$250 per hour
Senior Project Manager.....	\$180-\$230 per hour
Project Manager.....	\$155-\$195 per hour
Senior Engineer.....	\$155-\$195 per hour
Engineer.....	\$140-\$175 per hour
Junior Engineer.....	\$120-\$140 per hour
CAD Professional.....	\$75-115 per hour
GIS Professional.....	\$95-\$130 per hour
Admin/Clerical.....	\$65-\$90 per hour
 Expense Items	
Supplies.....	Cost plus 10%
Travel.....	IRS rate per mile
Lodging and meals (US Government per diem plus taxes) .....	Actual Cost
Airfare and Rental Car.....	Cost plus 10%

**ATTACHMENT C  
PROJECT SCHEDULE**

**TO BE PROVIDED BY CARDINAL STRATEGIES ENGINEERING SERVICES, LLC, TO THE  
CITY OF ROCKWALL FOR  
THE LAKE ROCKWALL ESTATES DRAINAGE STUDY**

The consultant will prepare the initial modeling and preliminary findings within three (3) months from authorization. A technical report shall be submitted within one month after initial modeling has been completed.



## MEMORANDUM

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**TO:** Mary Smith, City Manager

**CC:** Honorable Mayor and City Council

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

**DATE:** September 19, 2022

**SUBJECT:** SQUABBLE CREEK WASTEWATER TREATMENT PLANT  
DECOMMISSIONING

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### Attachments

Location Map  
Contract

### Summary/Background Information

The Squabble Creek Wastewater Treatment Plant is owned by the City of Rockwall and operated and maintained by the North Texas Municipal Water District (NTMWD). This plant is permitted to treat 1.2 million gallons of sewage per day. This wastewater treatment plant (WWTP) is located at the end of Dickson Lane, in close proximity to residents located in the Lakeview Summit, Phase 4 Subdivision. Over the years, the odor of this treatment plant has become an issue for these residents. This treatment plant is also needing substantial improvements to sustain its long-term operation.

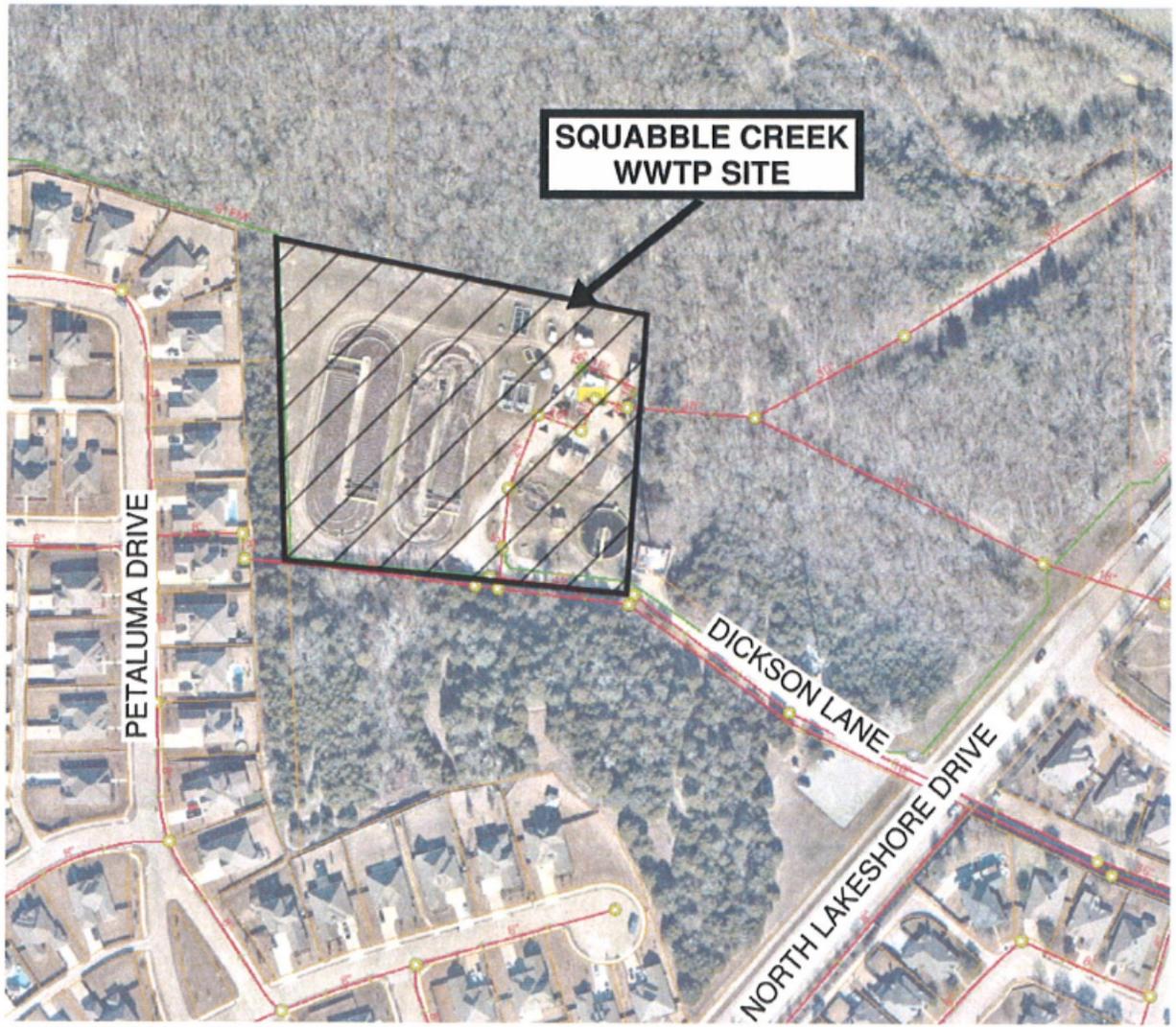
The NTMWD is currently constructing a parallel 36-inch diameter gravity sewer system from the Buffalo Creek WWTP in the City of Rockwall to a connection point north of the City of Forney, which will drain into the South Mesquite WWTP. After this system is constructed and functioning, the NTMWD sewer system will have capacity to accept the flows that are currently being treated at the Squabble Creek WWTP.

Staff has requested a proposal from Birkhoff, Hendricks, and Carter to provide engineering services for the decommissioning of the Squabble Creek WWTP. The amount of the contract proposal for this project is \$45,100.00.

### Action Needed

Staff requests the City Council consider authorizing the City Manager to execute the professional engineering services contract with Birkhoff, Hendricks, and Carter in the amount of \$45,500.00 to be funded from the Water & Sewer Fund.

A project location map is provided below.



LOCATION MAP – SQUABBLE CREEK WWTP DECOMMISSIONING

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 Birkhoff, Hendricks and Carter, L.L.P., (“ENGINEER”), located at 11910 Greenville Avenue, Suite 600, Dallas, Texas, Engineers 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 the Squabble Creek Wastewater Treatment Plant Decommissioning project.

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 defined 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 amount not to exceed Forty-Five Thousand One Hundred dollars and zero cents (\$45,100.00) and billed in accordance with the payment schedule 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 “C”. 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 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

Email: [awilliams@rockwall.com](mailto:awilliams@rockwall.com)

#### **ENGINEER**

**Derek B. Chaney, P.E., R.P.L.S.**

**Partner**

Birkhoff, Hendricks & Carter, L.L.P.

11910 Greenville Ave., #600

Dallas, Texas 75243

Email: [dchaney@bhcllp.com](mailto:dchaney@bhcllp.com)

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 8<sup>th</sup> day of September 2022.

BIRKHOFF, HENDRICKS & CARTER, L.L.P.  
A Texas Limited Liability Partnership  
TPBE Firm No. 526  
TBPLS Firm No. 100318-00

By:   
Name: Derek B. Chaney, P.E., R.P.L.S.  
Title: Partner

EXECUTED in triplicate originals on this \_\_\_\_ day of \_\_\_\_\_ 2022.

ATTEST:

City of Rockwall, Texas

\_\_\_\_\_  
Mary Smith  
City Manager

# ATTACHMENT “A”

## Scope of Services

### Squabble Creek Wastewater Treatment Plant Decommissioning

#### Project Description:

The City of Rockwall (City) desires to engage the services of Birkhoff, Hendricks, and Carter, L.L.P. (Consultant) to provide engineering services in connection with the Squabble Creek Wastewater Treatment Plant (WWTP) Decommissioning project.

The existing Squabble Creek WWTP is owned by the City of Rockwall and operated and maintained by the North Texas Municipal Water District (NTMWD). Considering the proximity to residential areas, the existing condition and improvements needed to sustain long-term operation, and availability of other options for conveyance and treatment, the City desires to Decommission the Squabble Creek WWTP. Flows currently treated at the Squabble Creek WWTP will be transferred to the NTMWD South Mesquite Regional WWTP.

A project location map is provided below.



LOCATION MAP – SQUABBLE CREEK WWTP DECOMMISSIONING

## **BASIC SERVICES**

### **1. Wastewater Treatment Plant Decommissioning**

- 1.1. Conduct project kickoff meeting with Consultant's Project Manager and City Staff at City Hall.
- 1.2. Prepare and submit projected project schedule to City Staff.
- 1.3. Obtain the following information from the City:
  - a) Discharge Permit for the WWTP.
  - b) Construction plans for the WWTP.
  - c) Intentions for post-decommission use of land occupied by WWTP.
- 1.4. Develop Draft Closure Plan
  - a) Perform site visit to observe existing conditions and basin integrity.
  - b) Review Existing Discharge Permit.
  - c) Review Existing WWTP Construction Plans.
  - d) Develop Bypass Plan to include the required modifications of existing structures necessary to allow flow to bypass the existing facility.
  - e) Develop schematic demolition plan for the existing WWTP facility.
  - f) Coordinate with TCEQ staff to determine requirements for decommissioning of the WWTP, including necessary decontamination, basin sampling and soil testing requirements.
  - g) Prepare Draft Closure Plan and submit to TCEQ for review.
  - h) Submit additional information to TCEQ if requested to support review of Draft Closure Plan.
- 1.5. Carry out Closure Plan
  - a) Following TCEQ acceptance of Closure Plan, notify the City in writing to proceed with carrying out the approved closure plan. Services in connection with closure activities such as site demolition, bypass improvements, and decontamination are excluded from this agreement.
  - b) Consultant will collect necessary site and soil samples required by closure plan.
  - c) Coordinate sending of samples to laboratory for applicable analysis. A budget of \$3,000 has been included for laboratory testing as an additional service.
- 1.6. Preparation of Final Closure Report
  - a) After closure is completed, prepare Final Closure Report.
  - b) Submit Final Closure Report to TCEQ for approval.
- 1.7. Permit Closeout
  - a) Prepare TCEQ TPDES Form 20029 including applicable documentation to decommission the treatment units and cancel the facility's permit.
  - b) Coordination with TCEQ to finalize decommissioning and permit cancellation.
- 1.8. Coordinate and attend one public meeting if required by TCEQ.

## 2. Exclusions

The intent of this scope of services is to include only the services specifically listed herein and none others. Services specifically excluded from this scope of services include, but are not necessarily limited to the following:

- A. Certification that work is in accordance with plans and specifications.
- B. Consulting services by others not included in Scope of Services.
- C. Contractor's means and methods.
- D. Environmental cleanup.
- E. Environmental impact statements and assessments.
- F. Fees for permits.
- G. Fees for publicly advertising the construction project.
- H. Fiduciary responsibility to the Client.
- I. On-site construction safety precautions, programs and responsibility (Contractor's responsibility).
- J. Phasing of Contractor's work.
- K. Preliminary engineering report.
- L. Quality control and testing services during construction.
- M. Title searches.
- N. Trench safety designs.
- O. Construction services in connection with wastewater treatment plant closure activities such as site demolition, bypass improvements, and decontamination of facility.

# ATTACHMENT “B”

## Payment Schedule

Compensation for Basic Services in Task 1 shall be on an hourly basis of salary cost times a multiplier of 2.45 for time expended on the task. Expenses shall be at invoice cost times a multiplier of 1.15. The tabulation below establishes the not to exceed amount for each category of contract service:

<u>Task</u>		<u>Fee Amount</u>
<b><u>BASIC SERVICES</u></b>		
1	Wastewater Treatment Plant Decomissioning	\$38,000.00
<b>Basic Services Subtotal:</b>		<b>\$38,000.00</b>
Compensation for additional services under Task 2 shall be on an hourly basis of salary cost times a multiplier of 2.45 for time expended on the task. Field survey crew shall be based on \$175.00 per hour, inclusive of all equipment rentals and software licensing; plus, mileage charge at the IRS established rate. Expenses shall be at invoice cost times a multiplier of 1.15.		
<b><u>ADDITIONAL SERVICES</u></b>		
2	Laboratory Testing of Soil and Basin Samples	\$3,000.00
<b>Additional Services Subtotal:</b>		<b>\$3,000.00</b>
<b>Basic + Additional Services Subtotal:</b>		<b>\$41,000.00</b>
<b>ENGINEERING SERVICES CONTINGENCY** (To be 10% of Services)</b>		<b>\$4,100.00</b>
<i>** (This service is a miscellaneous amount to be used at the discretion of the City for additional Services outside of the scope of the contract. This item will be controlled by the City and will only be used if the City chooses. The Engineer has no right or guarantee to the use of this Contingency)</i>		
<b>Project Total:</b>		<b>\$45,100.00</b>

# ATTACHMENT “C”

## Project Schedule

Notice to Proceed (NTP) .....	September 2022
Prepare Draft Closure Plan and Submit to TCEQ .....	November 2022
TCEQ Review and Approval of Draft Closure Plan .....	January 2023
Carry out Approved Closure Plan, including Testing .....	February 2023
Prepare Final Closure Report and Submit to TCEQ .....	April 2023
TCEQ Review and Approval of Final Closure Report .....	June 2023
Cancel Permit .....	June 2023

# ATTACHMENT “D”

## Sub-Consultants

The Sub-Consultants anticipated for the work included in the scope of services for this project are as follows.

Permit Closure Support:	Kasberg, Patrick & Associates, L.P. 19 North Main Street · Temple, TX 76501 Contact: Thomas D. Valley, P.E. Principal Cell: 254-760-8498, Office: 254-773-3731
Laboratory Testing:	To be Determined



## MEMORANDUM

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**TO:** Mary Smith, City Manager

**CC:** Honorable Mayor and City Council

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

**DATE:** September 19, 2022

**SUBJECT:** EXTENSION OF SEWER SERVICES IN LAKE ROCKWALL ESTATES  
CONTRACT AMENDMENT

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### Attachments

Location Map

Contract Amendment

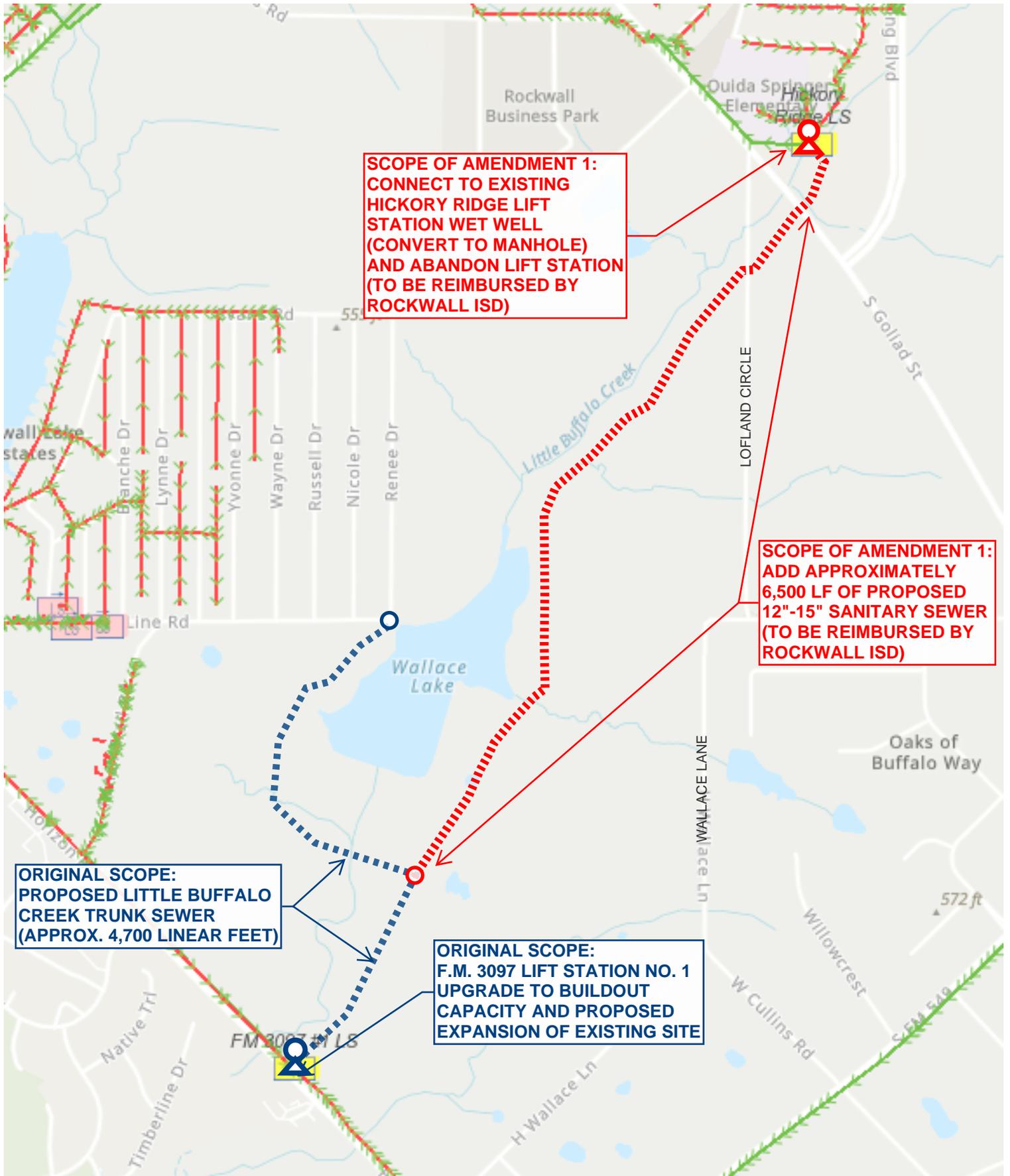
### Summary/Background Information

On April 18, 2022, City Council approved the engineering design contract with Birkhoff, Hendricks, and Carter (BHC) to design the sanitary sewer system for the unserved areas of Lake Rockwall Estates in the amount of \$744,920. *State and Local Fiscal Recovery Funds* are being used to fund this contract. After this contract was executed, the Rockwall Independent School District (RISD) received approval for a ninth-grade center along John King Boulevard, which would require an off-site sanitary sewer system. This system would need to be designed and constructed to connect into the Lake Rockwall Estates sewer system that is being designed by BHC. To assist the RISD and expedite the design and construction of the RISD off-site sewer, the City has offered to amend the BHC contract to include the design and construction of the off-site portion of the ninth-grade's sewer system.

Staff requested a proposal from BHC that would amend the original contract to extend the project limits of the Little Buffalo Creek & Lake Rockwall Estates Sanitary Sewer Improvements Project. Amendment #1 extends the project engineering design limits to include an additional 6,500 linear feet of proposed 12-inch and 15-inch diameter Little Buffalo Trunk Sewer, northeast from its original end point, to south of Wallace Lake. The extended limits will terminate northwest of the intersection of John King Boulevard and State Highway 205, where the proposed trunk sewer will intercept the sewer flows from the existing system and include the abandonment of the Hickory Ridge Lift Station. The additional amount for the extended engineering design is \$294,800 which would amend the total contract to \$1,039,720.

### Action Needed

Staff requests the City Council consider approving the amendment to the engineering contract with Birkhoff, Hendricks, and Carter in the additional amount of \$294,800 to be reimbursed by the Rockwall Independent School District (RISD).



**SCOPE OF AMENDMENT 1:  
CONNECT TO EXISTING  
HICKORY RIDGE LIFT  
STATION WET WELL  
(CONVERT TO MANHOLE)  
AND ABANDON LIFT STATION  
(TO BE REIMBURSED BY  
ROCKWALL ISD)**

**SCOPE OF AMENDMENT 1:  
ADD APPROXIMATELY  
6,500 LF OF PROPOSED  
12"-15" SANITARY SEWER  
(TO BE REIMBURSED BY  
ROCKWALL ISD)**

**ORIGINAL SCOPE:  
PROPOSED LITTLE BUFFALO  
CREEK TRUNK SEWER  
(APPROX. 4,700 LINEAR FEET)**

**ORIGINAL SCOPE:  
F.M. 3097 LIFT STATION NO. 1  
UPGRADE TO BUILDOUT  
CAPACITY AND PROPOSED  
EXPANSION OF EXISTING SITE**

**BIRKHOFF, HENDRICKS & CARTER, L.L.P.**  
**PROFESSIONAL ENGINEERS**

11910 Greenville Ave., Suite 600

Dallas, Texas 75243

Phone (214) 361-7900

www.bhcllp.com

JOHN W. BIRKHOFF, P.E.  
GARY C. HENDRICKS, P.E., R.P.L.S.  
JOE R. CARTER, P.E.  
MATT HICKEY, P.E.  
ANDREW MATA, JR., P.E.  
DEREK B. CHANEY, P.E., R.P.L.S.  
CRAIG M. KERKHOFF, P.E.  
JUSTIN R. IVY, P.E.

September 1, 2022

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

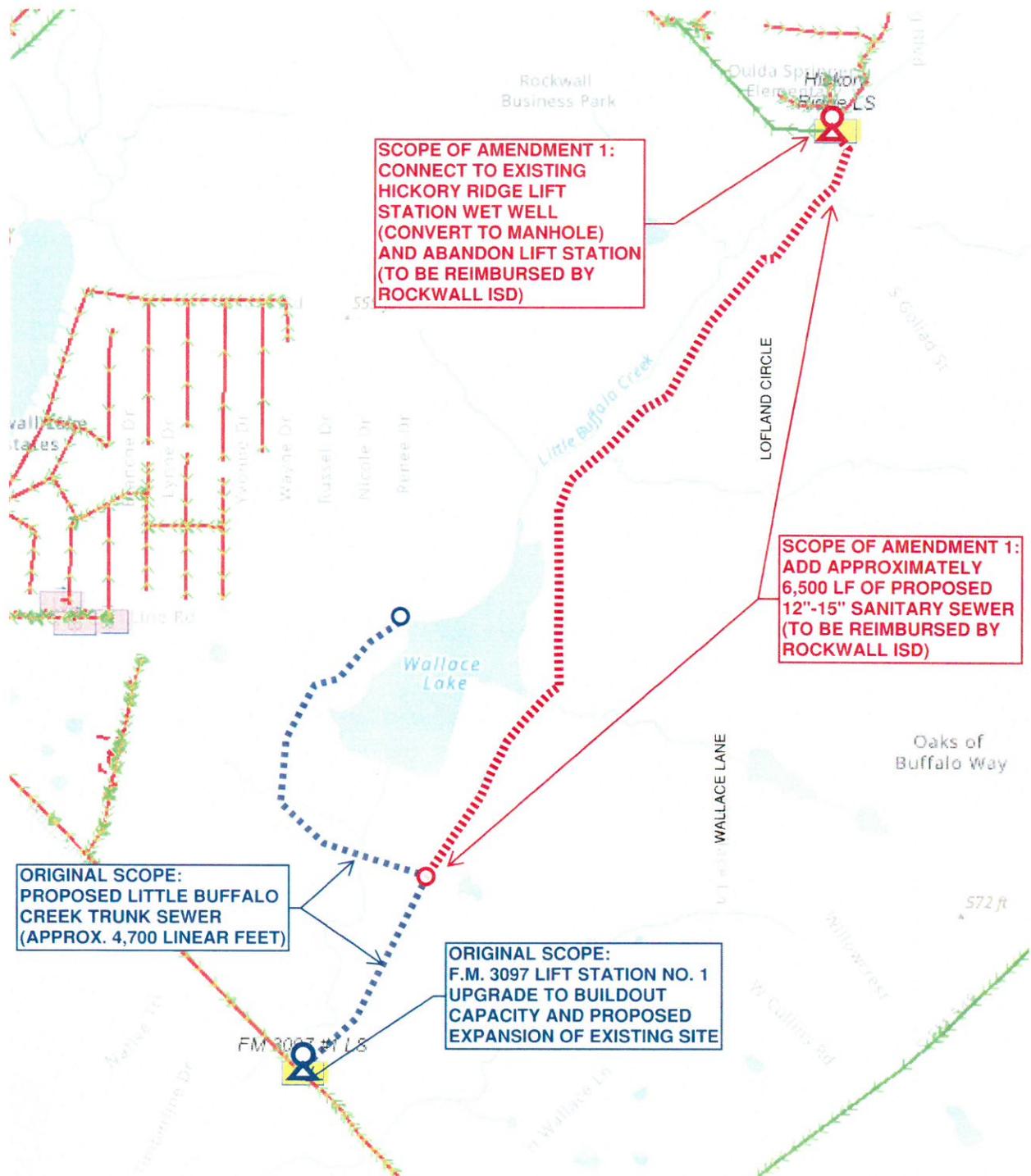
Re: Little Buffalo Creek & LRE Sanitary Sewer Improvements  
Professional Engineering Services Agreement – Amendment No. 1

Dear Ms. Williams:

As you requested, we are pleased to submit this Amendment No. 1 to our Engineering Services Agreement with the City of Rockwall for the Little Buffalo Creek & Lake Rockwall Estates (LRE) Sanitary Sewer Improvements project, dated April 22, 2022.

**Description of Change**

This Amendment No. 1 provides compensation for expanded scope of services associated with extending the project limits for the Little Buffalo Creek Trunk Sewer to include approximately 6,500 linear feet of additional 12-inch to 15-inch sanitary sewer. The extended project limits are identified on the location map provided on the following page and begin south of the Wallace Lake Dam and terminate at the connection to the existing Hickory Ridge Lift Station. The Hickory Ridge Lift Station is proposed to be relieved and abandoned as part of the expanded project scope. The extended project limits provide capacity for future development in the Little Buffalo Creek basin, including the proposed Rockwall Independent School District (RISD) Freshman Center located east of John King Boulevard and north of S.H. 205 (Goliad Street). It is our understanding that the City will be reimbursed by the RISD for the project costs associated with the expanded project limits. To meet the projected schedule for the RISD Freshman Center, this Amendment No. 1 also proposes to expedite design, bidding and construction of the Little Buffalo Creek Trunk Sewer and Extension, and the downstream F.M. 3097 Lift Station No. 1 and No. 2 Improvements. These projects will be included in the first bid package, with a second bid package to include the LRE Sanitary Sewer Improvements.



**Location Map – Amendment No. 1**

This Amendment No. 1 hereby modifies the Scope of Services, Payment Schedule, and Project Schedule in the original agreement as follows:

### **EFFECT OF CHANGE ON SCOPE OF SERVICES**

#### **Refer to Attachment “A” – Scope of Services**

Project Description: Add the following:

#### **Extension of Little Buffalo Creek Trunk Sewer Improvements**

The Extension of the Little Buffalo Creek Trunk Sewer includes approximately 6,500 linear feet of additional 12-inch to 15-inch diameter sanitary sewer located between the area south of the Lake Wallace Dam and the existing Hickory Ridge Lift Station. The existing Hickory Lift Station will be relieved by the proposed improvements and abandoned.

### **BASIC SERVICES**

#### **1. Preliminary Engineering**

The preliminary engineering effort now includes the Extension of Little Buffalo Creek Trunk Sewer as shown on the Location Map for Amendment No. 1 provided herein.

1.2.2 Strike the last sentence and replace with the following:

“Limited topographic field surveying will be completed during the preliminary engineering phase as may be required to determine approximate flow line elevation at crossings of creeks or channels and the horizontal location of top bank and edge of ponds.”

1.2.5. Add the following to the end of the first sentence:

“and Extension of the Little Buffalo Creek Trunk Sewer.”

#### **2. Final Design**

The final design effort now includes design of the Extension of the Little Buffalo Creek Trunk Sewer Improvements as shown on the Location Map for Amendment No. 1 provided herein.

2.3. Construction Plans

(b) Strike this item in its entirety and replace with the following:

“Two separate construction plan sets will be prepared. One plan set will include the Little Buffalo Creek Trunk Sewer, the Little Buffalo Creek Trunk Sewer Extension, and the FM 3097 Lift Station No. 1 and No. 2 Improvements. The second plan set will include the LRE Sanitary Sewer Improvements.”

#### 2.4 Specifications/Construction Contracts (90%)

Strike the first paragraph and replace with the following:

“Two separate sets of project specifications and contract documents will be prepared. One set will include the Little Buffalo Creek Trunk Sewer, the Little Buffalo Creek Trunk Sewer Extension, and the FM 3097 Lift Station No. 1 and No. 2 Improvements. The second set will include the LRE Sanitary Sewer Improvements.”

### 3. **Bidding Phase**

Strike the first paragraph and replace with the following:

“Two separate bid packages will be assembled, one will include the Little Buffalo Creek Trunk Sewer, the Little Buffalo Creek Trunk Sewer Extension, and the FM 3097 Lift Station No. 1 and No. 2 Improvements. The second bid package will include the LRE Sanitary Sewer Improvements.”

### 4. **Construction Administration Phase**

4.3 Strike the last sentence and replace with the following:

“Eight (8) site visits are included in the budget.”

## **ADDITIONAL SERVICES**

### 5. **Design and Property Surveys**

Additional design and property surveys to accommodate the expanded project limits and additional easement acquisitions.

### 6. **Easement Plat and Field Note Description Preparation**

Increase quantity of parcels requiring preparation of easement plat and field notes from eighteen (18) to twenty-three (23).

**7. Land Rights Acquisition Services**

Increase quantity of parcels for land rights acquisition agent to acquire permanent and temporary construction easements from eighteen (18) to twenty-three (23).

**8. Subsurface Utility Exploration (SUE) - Level A**

Increase quantity of SUE locates from six (6) to eight (8).

**9. Geotechnical Evaluation**

Increase quantity of soil borings from four (4) to six (6).

**10. Design for Standby Generator Upgrades**

No change.

**11. Construction Record Drawing Preparation**

Increase budget to accommodate the expanded project limits.

**EFFECT OF CHANGE ON PAYMENT SCHEDULE**

The payment schedule shown in **Attachment “B”** of the original agreement is hereby modified as follows:

**ATTACHMENT “B”**

**Payment Schedule**

	<b><u>Task</u></b>	<b><u>Original Fee Amount</u></b>	<b><u>Amendment No. 1 Amount</u></b>	<b><u>Revised Fee Amount</u></b>
	<b><u>BASIC SERVICES</u></b>			
1	Preliminary Engineering	\$85,300.00	\$39,600.00	\$124,900.00
2	Final Design Phase	\$272,300.00	\$120,500.00	\$392,800.00
3	Bidding Phase	\$16,600.00	\$3,800.00	\$20,400.00
4	Construction Administration Phase	\$58,600.00	\$24,500.00	\$83,100.00
	<b>Basic Services Subtotal:</b>	<b>\$432,800.00</b>	<b>\$188,400.00</b>	<b>\$621,200.00</b>
Compensation for additional services under Tasks 5-11 shall be on an hourly basis of salary cost times a multiplier of 2.45 for time expended on the task. Field survey crew shall be based on \$175.00 per hour, inclusive of all equipment rentals and software licensing; plus, mileage charge at the IRS established rate. Expenses shall be at invoice cost times a multiplier of 1.15.				
	<b><u>ADDITIONAL SERVICES</u></b>			
5	Design and Property Surveys	\$49,300.00	\$25,100.00	\$74,400.00
6	Easement Plat and Field Note Preparation	\$66,400.00	\$22,600.00	\$89,000.00
7	Land Rights Acquisition Agent Services	\$62,900.00	\$18,400.00	\$81,300.00
8	Subsurface Utility Exploration (SUE)	\$9,100.00	\$6,100.00	\$15,200.00
9	Geotechnical Evaluation	\$9,900.00	\$3,600.00	\$13,500.00
10	Design for Standby Generator Upgrades	\$40,000.00	\$0.00	\$40,000.00
11	Construction Record Drawing Preparation	\$6,800.00	\$3,800.00	\$10,600.00
	<b>Additional Services Subtotal:</b>	<b>\$244,400.00</b>	<b>\$79,600.00</b>	<b>\$324,000.00</b>
	<b>ENGINEERING SERVICES CONTINGENCY** (To be 10% of Services)</b>	<b>\$67,720.00</b>	<b>\$26,800.00</b>	<b>\$94,520.00</b>
<i>** (This service is a miscellaneous amount to be used at the discretion of the City for additional Services outside of the scope of the contract. This item will be controlled by the City and will only be used if the City chooses. The Engineer has no right or guarantee to the use of this Contingency)</i>				
	<b>Project Total:</b>	<b>\$744,920.00</b>	<b>\$294,800.00</b>	<b>\$1,039,720.00</b>

**EFFECT OF CHANGE ON PROJECT SCHEDULE**

The project schedule shown in **Attachment “C”** of the original agreement is hereby modified as follows.

**ATTACHMENT “C”**  
**Project Schedule**

	Original Agreement	This Amendment No. 1
Notice to Proceed (NTP) .....	April 2022	No Change
Submit Preliminary Engineering Report .....	August 2022	October 2022
Complete Field Surveys .....	September 2022	October 2022
Submit Prelim Alignment/Site Plans .....	October 2022	December 2022
Submit 60% Preliminary Plans .....	December 2022	March 2023
Submit 90% Preliminary Plans & Specifications	March 2023	June 2023
Submit 100% Final Plans & Specifications .....	May 2023	August 2023
Advertise Project for Bids .....	May 2023	August 2023
Construction Contract Award .....	June 2023	September 2023
Construction (Assumes 365 Calendar Days) .....	June 2023 – June 2024	Sept 2023-Sept 2024

If this Amendment No. 1 to our Professional Engineering Services Agreement with the City of Rockwall for the Little Buffalo Creek & LRE Sanitary Sewer Improvements project, dated April 22, 2022, meets with your approval, please have it executed on behalf of the City of Rockwall and returned to our office.

We look forward to the successful completion of this project and are available to discuss this amendment further at your convenience.

**APPROVED BY BIRKHOFF, HENDRICKS & CARTER, L.L.P.**



\_\_\_\_\_  
**By: Derek B. Chaney, P.E., R.P.L.S., Partner**

09/01/2022

\_\_\_\_\_  
**Date:**

**APPROVED BY THE CITY OF ROCKWALL, TEXAS**

\_\_\_\_\_  
**By: Mary Smith, City Manager**

\_\_\_\_\_  
**Date:**

cc: Mr. Jonathan Browning, P.E., CFM



## MEMORANDUM

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**TO:** Mary Smith, City Manager

**CC:** Honorable Mayor and City Council

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

**DATE:** September 19, 2022

**SUBJECT:** ENGINEERING SERVICES FOR THE VILLAGE DRIVE BRIDGE REPAIR

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### Attachments

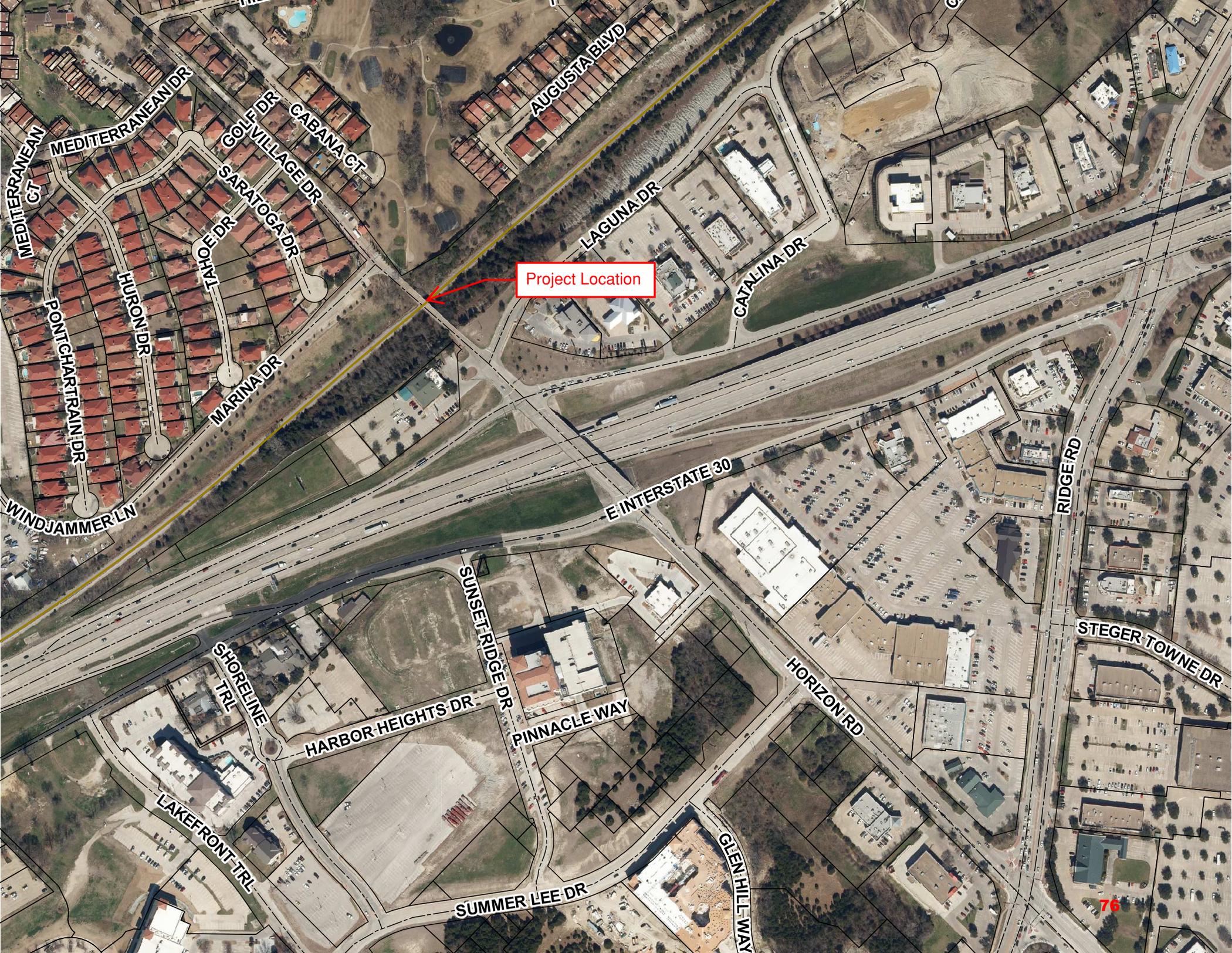
Location Map  
Contract

### Summary/Background Information

The Village Drive bridge, which spans the railroad track, is the primary access point for the Lakeside Village Subdivision and Harbor Bay Marina. This bridge was constructed over 50 years ago, and the bridge approach was repaired in 1999. Recently, the Texas Department of Transportation (TXDOT) performed an inspection of the Village Drive bridge. During this inspection, TXDOT identified issues in need of repair. Staff requested a proposal from Freese & Nichols to evaluate the bridge and prepare a plan for any issues discovered from the evaluation. After reviewing the options and additional services listed in the proposal, Staff is recommending Option #2 with additional services for bidding, construction services, and railroad permits. Option #2 repairs the items found on the TXDOT inspection as well as the southwestern approach slab.

### Action Needed

Staff requests the City Council consider authorizing the City Manager to execute the professional engineering services contract with Freese and Nichols in the amount of \$89,110.00 to be funded the Engineering Consulting budget.



Project Location

AUGUSTA BLVD

LAGUNA DR

CATALINA DR

E INTERSTATE 30

SUNSET RIDGE DR

HARBOR HEIGHTS DR

PINNACLE WAY

HORIZON RD

SUMMER LEE DR

GLEN HILL WAY

STEGER TOWNE DR

RIDGE RD

MEDITERRANEAN DR

GOLF VILLAGE DR

GABANA CT

SARATOGA DR

LA JOLIE DR

HURON DR

PONTICHARTRAIN DR

MARINA DR

WINDJAMMER LN

SHORELINE TRL

LAKEFRONT TRL

76

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 **Freese and Nichols, Inc.**, (“ENGINEER”), located at 801 Cherry Street, Suite 2800, Fort Worth, Texas 76102, Engineers 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 **Village Drive Bridge Repairs**.

**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**

Option #1 Basic Services shall be a lump sum amount of **Thirty-three Thousand Nine Hundred Sixty-Two Dollars (\$33,962.00)**. Option #2 Basic Services shall be a lump sum amount of **Forty-three Thousand One Hundred Nine Dollars (\$43,109.00)**. Additional Services shall be a lump sum amount of **Seventy-seven Thousand Three hundred Thirty-four Dollars (\$77,334.00)**. Compensation is further 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 “C”**. 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 as well as the Deliverables identified in **Attachment "A"**. 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 for bids incorporating any CITY standard provisions provided by Engineer, as well as Deliverables identified in **Attachment "A"**, 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 re-user'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 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**

Masoud Ghahremannejad, P.E.  
Freese and Nichols, Inc.  
801 Cherry Street, Suite 2800  
Fort Worth, Texas 76102

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

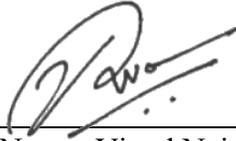
If it is necessary for either Party herein to file a cause of action at law or in equity against the other Party due to: (a) a breach of this Contract by the other Party and/or (b) any intentional and/or negligent act or omission by the other Party arising out of this Contract, the non-breaching or non-negligent 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 14 day of September 2022.

**FREESE AND NICHOLS, INC.**

By:   
Name: Vimal Nair, P.E.  
Title: Assistant Division Manager / Principal

EXECUTED in triplicate originals on this \_\_\_\_ day of \_\_\_\_\_ 2022.

ATTEST:

City of Rockwall, Texas

\_\_\_\_\_  
Mary Smith  
City Manager

# ATTACHMENT “A”

## Scope of Service

### Village Drive Bridge Repair For City of Rockwall

#### Freese and Nichols, Inc. (FNI)

##### Project Understanding

The Village Drive bridge is located just west of the Interstate 30 and Village Drive intersection. The bridge was recently inspected per TxDOT BRINSAP requirements.

For this proposal FNI was provided with the BRINSAP report and recommended repairs along with photographs by the inspector.

FNI proposes *basic services* with two options to select from to provide PS&E design documents based on the BRINSAP repairs listed in the Follow-Up Action Worksheet.

- Option 1 will address the BRINSAP Report “Follow-up Action Worksheet” recommendations as stated (Dated 06/23/2021) only; however, FNI does not recommend enlarging the riprap cutouts for long term stability as it could allow additional slope destabilization that caused the initial riprap movement.
- Option 2 will address the follow-up action recommendations on the aforementioned BRINSAP report but will include removal/replacement of the SW approach slab and the compacted fill beneath it to better address the settling relief joint and backwall cracking.

In addition, FNI proposes the following *Additional services*:

- 1) Bid phase support for the BRINSAP Repairs
- 2) Construction phase engineering support services for the BRINSAP Repairs with the level of effort associated with the option of *basic services* chosen
- 3) Structural Assessment for long-term sustainability

Regarding the Structural Assessment for long-term sustainability, it was noted in the BRINSAP report and photographs that lateral and vertical movement at the SE end of the bridge has resulted in the abutment backwall being pushed up against the bridge girders and the concrete riprap on the bridge abutment slope being pushed against the columns. The movement of the concrete riprap is the likely cause of the shear cracking of the bridge columns. FNI has proposed *special services* to provide a more in-depth structural assessment with recommended repairs to provide for long-term sustainability of the bridge with opinion of probable construction costs (OPCC).

Regardless of the *basic services* option and *special services* chosen, it is recommended that the City of Rockwall perform more frequent inspections on a yearly basis to monitor the progression of cracking in the SW abutment/backwall and SW bent columns.

Please note that it is assumed that all meetings between the City of Rockwall and FNI will be via video conference call and not in person.

### **Contingency Statement**

If during the construction/repair stage the extent of damage is discovered to be beyond the initial assessment based on the presently visible signs, FNI will notify the City of Rockwall engineering staff to discuss further required services.

### **Basic Services**

#### **1. BRINSAP Repairs: PS&E Design Option 1**

- 1.1. Scope of design to address the following items identified in the BRINSAP Report “Follow-up Action Worksheet” (Dated 06/23/2021)
  - 1.1.1. Providing details for removal of loose concrete and patch deck spalling
  - 1.1.2. Enlargement of the riprap cutouts around the columns if decided after meeting with City of Rockwall
  - 1.1.3. Provide details for reestablishing a relief joint at the SE end of the Bridge
  - 1.1.4. Provide details for delineators at bridge corners
- 1.2. Develop Initial construction plans for the agreed upon recommended repairs, which will include:
  - 1.2.1. Cover Sheet
  - 1.2.2. General Notes
  - 1.2.3. Bridge Repair Photos (estimated 1 sheet)
  - 1.2.4. Bridge Repair Details (estimated 2 sheets)
- 1.3. Prepare an estimate of opinion of probable construction cost (OPCC).
- 1.4. Submit Initial construction plans and OPCC to City of Rockwall.
- 1.5. Meet with City of Rockwall (Virtual Meeting) to discuss City’s review comments for Initial plans and OPCC
- 1.6. Develop Final construction plans and OPCC based on City’s review comments

- 1.7. Submit Final plans and OPCC to City for review. Provide three hard copies and one electronic copy in PDF format for each deliverable.
- 1.8. Prepare PS&E Final Bid Documents based on City's review comments
- 1.9. Submit signed and sealed plans to the City
  - 1.9.1. Electronic submittal only, PDF Format.

## **2. BRINSAP Repairs: PS&E Design Option 2**

- 2.1. Scope of design to address the following items identified in the BRINSAP Report "Follow-up Action Worksheet" (Dated 06/23/2021)
  - 2.1.1. Providing details for removal of loose concrete and patch deck spalling
  - 2.1.2. Enlargement of the riprap cutouts around the columns if decided after meeting with City of Rockwall
  - 2.1.3. Provide details for removing and replacing SW approach slab with cement stabilized backfill
  - 2.1.4. Provide details for delineators at bridge corners
- 2.2. Develop Initial construction plans for the agreed upon recommended repairs, which will include:
  - 2.2.1. Cover Sheet
  - 2.2.2. General Notes
  - 2.2.3. Bridge Repair Photos (estimated 1 sheet)
  - 2.2.4. Bridge Repair Details (estimated 4 sheets)
- 2.3. Prepare an estimate of opinion of probable construction cost (OPCC).
- 2.4. Submit Initial construction plans and OPCC to City of Rockwall.
- 2.5. Meet with City of Rockwall (Virtual Meeting) to discuss City's review comments for Initial plans and OPCC
- 2.6. Develop Final construction plans and OPCC based on City's review comments
- 2.7. Submit Final plans and OPCC to City for review. Provide three hard copies and one electronic copy in PDF format for each deliverable.
- 2.8. Prepare PS&E Final Bid Documents based on City's review comments
- 2.9. Submit signed and sealed plans to the City
  - 2.9.1. Electronic submittal only, PDF Format.

## **Additional Services**

### **3. BRINSAP Repairs: Bid Phase Services**

- 3.1. Provide the City with a construction bid set of plans and specifications
  - 3.1.1. Electronic submittal only, PDF Format.
- 3.2. Respond to contractor questions and provide design clarifications
- 3.3. Provide all Addenda items and design changes, submittal to City for review prior to issuing
- 3.4. Attend bid opening
- 3.5. Tabulate Bids and review for discrepancies
- 3.6. Review contractor references and qualification information for the low bidder and write a letter of recommendation for award of the contract.
- 3.7. Return Bid Bonds to all non-low bidders

### **4. BRINSAP Repairs: Construction Phase Engineering Support Services**

- 4.1. Coordinate with City on needs during construction phase. Services will include the following.
- 4.2. Coordinate execution of contractor construction documents with Contractor through the following:
  - 4.2.1. Prepare three (3) original hard copy Conformed Construction Contract Documents (2 – bound, 1 –unbound) and send to the Contractor to be executed.
  - 4.2.2. Verify returned executed copy of Construction Contract Documents from Contractor are executed properly.
  - 4.2.3. Provide the City with executed Construction Contract Documents.
- 4.3. For Pre-Construction Meeting:
  - 4.3.1. Prepare for and attend meeting
  - 4.3.2. Provided approved construction plans of (10) – half size plans, (5) – full size plans and (5) Spec Books (Bound)
- 4.4. Provide on-site construction observation services to clarify design concepts or assist with solutions needed. Observations are visual spot checks and are not exhaustive inspections nor inclusive of evaluating Contractor’s overall quality of execution and performance.
- 4.5. Make (2) visits to the Site during construction at intervals as directed by City.
- 4.6. Photos and Field Notes from the Visit will be submitted to the City for record.
- 4.7. Review and approve of up to 10 construction shop drawing submittals, material testing data and samples as required by contract documents

- 4.8. Evaluate and Approve (or) Reject substitutes proposed by Contractor as required by contract documents
- 4.9. Present at final construction walk through. Develop a final “punch-list” on behalf of the City for the contractor to use in achieving project acceptance.

## **5. Structural Assessment for long-term sustainability**

- 5.1. Review of original design drawings and specifications by senior structural engineer for bridges.
- 5.2. Review of original geotechnical report by senior geotechnical engineer.
- 5.3. Visual inspection by senior structural engineer for bridges and possibly senior geotechnical engineer
- 5.4. Photographs to document existing conditions
- 5.5. Record of field notes
- 5.6. Prepare a Bridge Condition Assessment Report. Report shall summarize condition assessment findings and provide repair recommendations for the long-term sustainability of the bridge.
- 5.7. Draft Submittal of report shall be submitted to the City of Rockwall post-inspection with summary findings and initial repair recommendations
- 5.8. Final Submittal of report (Bridge Condition Assessment Report), signed and sealed by an engineer registered in the State of Texas
- 5.9. All submittals for Condition Assessment will be electronic submittals only, PDF format.

## **6. Railroad Permitting**

The railroad tracks pass underneath the bridge are owned by Union Pacific, but leased by Dalla, Garland & Northeastern. FNI will prepare and submit permit documents including forms and required plans to relevant entities and attend all meetings to obtain necessary railroad permits for construction activities.

# ATTACHMENT “B”

## Payment Schedule

Compensation for *Basic and Additional Services* in Task 1 to 5 shall be on a lump sum basis. The tabulation below establishes the not to exceed amount for each category of contract service:

	<u>Task</u>	<u>Fee</u>
	<b>BASIC SERVICES</b>	
1.	BRINSAP Repairs: PS&E Design	
	OPTION#1	\$ 33,962
	OPTION#2	\$ 43,109
	<b>ADDITIONAL SERVICES</b>	
2.	BRINSAP Repairs: Bid Phase Services	\$ 8,185
3.	BRINSAP Repairs: Construction Support Services	\$ 13,758
4.	Structural Assessment for Long-Term Sustainability	\$ 31,333
5.	Railroad Permitting	\$ 24,058
	<b>Additional Services:</b>	<b>\$ 77,334.00</b>
	<b>ENGINEERING SERVICES CONTINGENCY** (Not Applicable)</b>	<b>\$ 0.00</b>
	<i>** (This service is a miscellaneous amount to be used at the discretion of the City for additional Services outside of the scope of the contract. This item will be controlled by the City and will only be used if the City chooses. The Engineer has no right or guarantee to the use of this Contingency)</i>	

Total project fee will be determined based upon Client selection of services for either Option 1 or Option 2 Basic Services, and any Additional Services for Tasks 2 through 5. The project fee will be invoiced monthly and based upon the percentage of services completed for each task.

ATTACHEMENT "C"

ID	Task Mode	Task Name	Duration	Start	Finish	Predecessors	Timeline															
							Sep	Qtr 4, 2022			Qtr 1, 2023			Qtr 2, 2023			Qtr 3, 2023			Qtr 4, 2023		
							Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov		
0		<b>Village Dr. Bridge Repair</b>	<b>264 days</b>	<b>Mon 10/17/22</b>	<b>Thu 10/19/23</b>																	
1		Notice to Proceed	0 days	Mon 10/17/22	Mon 10/17/22																	
2		Project Setup	1 day	Tue 10/18/22	Tue 10/18/22	1																
3		External kick-off Meeting	1 day	Wed 10/26/22	Wed 10/26/22	1																
4		Internal kick-off Meeting	1 day	Mon 10/31/22	Mon 10/31/22	2,3																
5		Pre-PS&E Final Design (60%)	19 days	Tue 11/1/22	Fri 11/25/22	4																
6		QC	5 days	Mon 11/28/22	Fri 12/2/22	5																
7		Devilable (60%)	1 day	Mon 12/5/22	Mon 12/5/22	6																
8		Review meeting	1 day	Tue 12/6/22	Tue 12/6/22	7																
9		Final Design (100%)	22 days	Wed 12/7/22	Thu 1/5/23	8																
10		QC	5 days	Fri 1/6/23	Thu 1/12/23	9																
11		Deliverable (100%)	1 day	Fri 1/13/23	Fri 1/13/23	10																
12		Structural assessment for long-term sustainability- Draft report	16 days	Mon 1/16/23	Mon 2/6/23																	
13		QC on the draft report	4 days	Tue 2/7/23	Fri 2/10/23	12																
14		Deliver Draft Report	1 day	Mon 2/13/23	Mon 2/13/23	13																
15		Review meeting with client	1 day	Tue 2/14/23	Tue 2/14/23	14																
16		Structural assessment for long-term sustainability- Final report	37 days	Wed 2/15/23	Thu 4/6/23	15																
17		QC on the final report	5 days	Fri 4/7/23	Thu 4/13/23	16																
18		Deliver Final Report	1 day	Fri 4/14/23	Fri 4/14/23	17																
19		<b>Bid Phase</b>	45 days	Fri 4/14/23	Thu 6/15/23	11,17																
20		<b>Construction Phase</b>	90 days	Fri 6/16/23	Thu 10/19/23	19																

Project: Village Dr. Bridge Repa Date: Mon 9/12/22	Task		Inactive Task		Manual Summary Rollup		External Milestone		Manual Progress	
	Split		Inactive Milestone		Manual Summary		Deadline			
	Milestone		Inactive Summary		Start-only		Critical			
	Summary		Manual Task		Finish-only		Critical Split			
	Project Summary		Duration-only		External Tasks		Progress			



## MEMORANDUM

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**TO:** Mary Smith, City Manager

**CC:** Honorable Mayor and City Council

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

**DATE:** September 19, 2022

**SUBJECT:** P2022-012; FINAL PLAT FOR LOTS 1-3, BLOCK A, ARKOMA ADDITION

---

### Attachments

Case Memo  
Development Application  
Location Map  
Final Plat

### Summary/Background Information

Consider a request by the City of Rockwall for the approval of a *Final Plat* for Lots 1, 2, & 3, Block A, Arkoma Addition being a 2.90-acre parcel of land being a portion of a larger 11.723-acre tract of land identified as Tract 5 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, Planned Development District 65 (PD-65) for Single-Family 10 (SF-10) District land uses, addressed as 228, 302, & 306 W. Quail Run Road, and take any action necessary.

### Action Needed

The City Council is being asked to approve, approve with conditions, or deny the proposed *Final Plat*.



# 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:** September 19, 2022  
**APPLICANT:** Ryan Miller; *City of Rockwall*  
**CASE NUMBER:** P2022-012; *Final Plat for Lots 1-3, Block A, Arkoma Addition*

---

### SUMMARY

Consider a request by the City of Rockwall for the approval of a Final Plat for Lots 1, 2, & 3, Block A, Arkoma Addition being a 2.90-acre parcel of land being a portion of a larger 11.723-acre tract of land identified as Tract 5 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, Planned Development District 65 (PD-65) for Single-Family 10 (SF-10) District land uses, addressed as 228, 302, & 306 W. Quail Run Road, and take any action necessary.

### PLAT INFORMATION

- The applicant is requesting the approval of a Final Plat for a 2.90-acre tract of land of land (*i.e. being a portion of Tract 5 of the S. King Survey, Abstract No. 131*) for the purpose of creating three (3) residential lots (*i.e. Lots 1, 2, & 3, Block A, Arkoma Addition*) on the subject property.
- The subject property was annexed on February 6, 1961 by *Ordinance No. 61-02 [i.e. Case No. A1961-002]*. According to the January 3, 1972 zoning map, the subject property was zoned Single-Family 2 (SF-2) District. Sometime between 1972 and 1983, the subject property changed to a Single-Family 10 (SF-10) District and then to Planned Development District 65 (PD-65) [*Ordinance No. 06-02*] on January 3, 2006. The subject property has since remained zoned Planned Development District 65 (PD-65).
- On September 7, 2022, the Parks and Recreation Board reviewed the Final Plat and made the following recommendations concerning the subject property:
  - (1) The property owner shall pay cash-in-lieu of land fees at \$575.00 per lot for the newly created lots.
  - (2) The property owner shall pay pro-rata equipment fees at \$544.00 per lot for the newly created lots.
- The surveyor has completed the majority of the technical revisions requested by staff, and this Final Plat -- *conforming to the requirements for plats as stipulated by the Subdivision Ordinance in the Municipal Code of Ordinances* -- is recommended for conditional approval pending the completion of final technical modifications and submittal requirements.
- Conditional approval of this Final Plat by the City Council shall constitute approval subject to the conditions stipulated in the *Conditions of Approval* section below.
- With the exception of the items listed in the *Conditions of Approval* section of this case memo, this plat is in substantial compliance with the requirements of the *Subdivision Ordinance* in the Municipal Code of Ordinances.

### CONDITIONS OF APPROVAL

If City Council chooses to approve of the Final Plat for the *Lots 1-3, Block A, Arkoma Addition*, staff would propose the following conditions of approval:

- (1) All technical comments from City Staff (*i.e. Engineering, Planning and Fire Department*) shall be addressed prior to submittal of civil engineering plans;
- (2) The development of the subject property shall adhere to the recommendations made by Parks and Recreation Board; and,
- (3) Any construction resulting from the approval of this Final Plat 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 September 13, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the Final Plat by a vote of 6-0, with Commissioner Jerry Welch absent.



# DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO. **PR022-012**

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

### SITE PLAN APPLICATION FEES:

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

### ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE) <sup>1</sup>
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) <sup>1&2</sup>
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) <sup>1</sup>

### OTHER APPLICATION FEES:

- TREE REMOVAL (\$75.00)
- VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) <sup>2</sup>

### NOTES:

<sup>1</sup>: 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.  
<sup>2</sup>: A \$1,000.00 FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.

## PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS **228, 302 & 306 W. QUAIL RUN ROAD**

SUBDIVISION **TRACT 5 OF THE S. KING SURVEY, ABS 131** LOT **N/A** BLOCK **N/A**

GENERAL LOCATION **SOUTH OF THE INTERSECTION OF W. QUAIL RUN RD. & RANDOM OAKS DR.**

## ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING **PD-65**

CURRENT USE **VACANT**

PROPOSED ZONING **PD-65**

PROPOSED USE **SINGLE-FAMILY**

ACREAGE **2.09**

LOTS [CURRENT] **1**

LOTS [PROPOSED] **3**

**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 **CITY OF ROCKWALL**

APPLICANT

CONTACT PERSON **RYAN MILLER**

CONTACT PERSON

ADDRESS **305 S. GOLIAD ST.**

ADDRESS

CITY, STATE & ZIP **ROCKWALL, TX 75087**

CITY, STATE & ZIP

PHONE **972-772-6441**

PHONE

E-MAIL **RMILLER@ROCKWALL.COM**

E-MAIL

## NOTARY VERIFICATION [REQUIRED]

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Ryan Miller [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 \$ 0.00 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 20TH DAY OF AUGUST, 2022 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 \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

OWNER'S SIGNATURE



NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES



Case Location Map = 

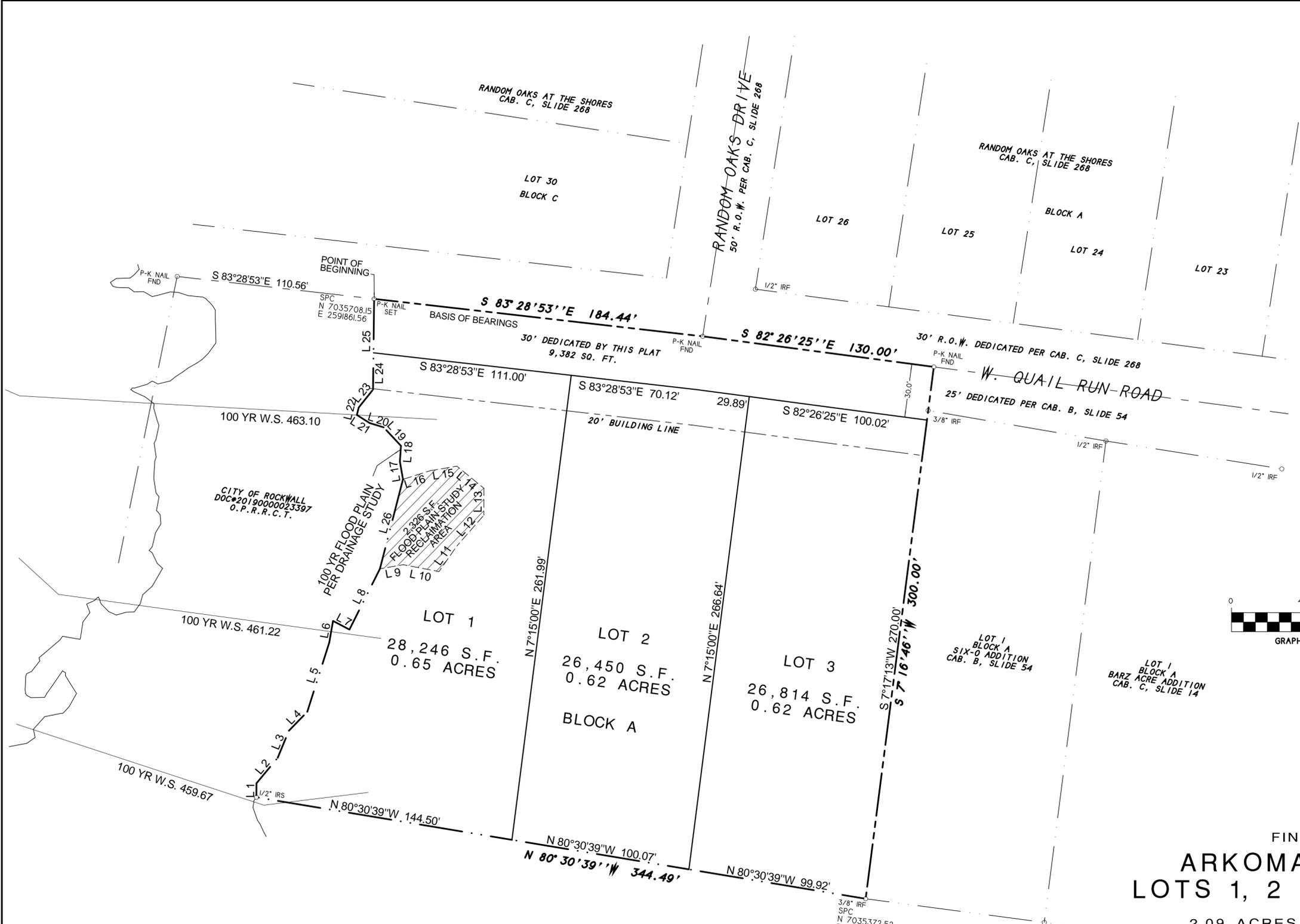
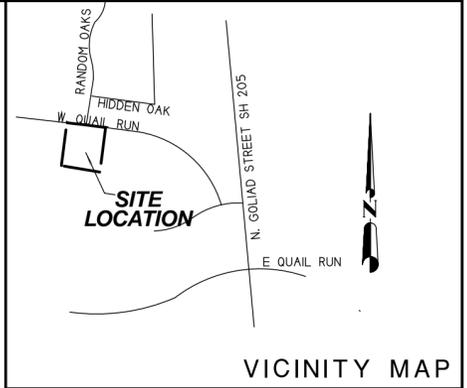


# City of Rockwall

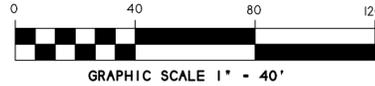
Planning & Zoning Department  
 385 S. Goliad Street  
 Rockwall, Texas 75032  
 (P): (972) 771-7745  
 (W): [www.rockwall.com](http://www.rockwall.com)

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.





Line	Bearing	Distance
1	N 0°16'03"E	7.82'
2	N 39°43'50"E	18.56'
3	N 22°21'43"E	16.37'
4	N 44°05'59"E	14.75'
5	N 17°33'11"E	40.64'
6	N 9°48'54"E	12.27'
7	S 62°15'09"E	10.35'
8	N 26°34'04"E	37.99'
9	N 79°55'18"E	13.21'
10	S 79°03'52"E	20.31'
11	N 34°54'39"E	17.47'
12	N 41°07'30"E	22.86'
13	N 0°04'48"E	15.06'
14	N 50°35'40"W	19.49'
15	S 80°15'46"W	15.10'
16	S 72°25'40"W	15.93'
17	N 9°55'43"W	10.08'
18	N 3°57'52"E	8.82'
19	N 42°58'52"W	14.15'
20	N 72°57'13"W	8.16'
21	N 57°37'37"W	8.46'
22	N 13°53'30"E	4.32'
23	N 38°33'17"E	12.79'
24	N 0°42'04"E	20.59'
25	N 0°42'04"E	50.75'
26	N 14°25'03"E	51.70'



**FINAL PLAT  
ARKOMA ADDITION  
LOTS 1, 2 & 3, BLOCK A**

2.09 ACRES OR 90,886 S.F.  
( 3 LOTS )  
S. KING SURVEY, A-131  
CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

SHEET 1 OF 2

- NOTES**
- 1) According to F.E.M.A. Flood Insurance Rate Map, Community Panel No. 48397C0030L dated SEPT 26, 2008, this property lies in Zone X. This property does not appear to lie within a 100-year flood plain.
  - 2) BEARING SOURCE: CITY OF ROCKWALL CONTROL MONUMENT SYSTEM.
  - 3) ALL 1/2" IRS ARE CAPPED WITH YELLOW PLASTIC CAPS "RPLS 5034."
  - 4) PROPERTY OWNER TO MAINTAIN, REPAIR, AND REPLACE DRAINAGE SYSTEMS ON SITE.

**OWNER:**  
CITY OF ROCKWALL  
385 S. GOLIAD STREET  
ROCKWALL, TEXAS 75087

SYMBOL LEGEND	
⊕	TV
⊗	TELEVISION CABLE RISER
⊙	GAS METER
⊚	TEL. METER
⊛	FIRE HYDRANT
⊜	POWER POLE
⊝	ELEC. METER
⊞	ELEC. SUBURFACE JUNCTION BOX
⊟	SC. METER
⊠	WATER METER
⊡	LP GAS METER
⊢	1/2" IRF
⊣	3/8" IRF
⊤	PROX. FOUND. T. CORNER
⊥	PROX. FOUND. T. CORNER
⊦	EXISTENT LINE
⊧	PROX. FOUND. T. CORNER
⊨	PROX. FOUND. T. CORNER
⊩	PROX. FOUND. T. CORNER
⊪	PROX. FOUND. T. CORNER
⊫	PROX. FOUND. T. CORNER
⊬	PROX. FOUND. T. CORNER
⊭	PROX. FOUND. T. CORNER
⊮	PROX. FOUND. T. CORNER
⊯	PROX. FOUND. T. CORNER
⊰	PROX. FOUND. T. CORNER
⊱	PROX. FOUND. T. CORNER
⊲	PROX. FOUND. T. CORNER
⊳	PROX. FOUND. T. CORNER
⊴	PROX. FOUND. T. CORNER
⊵	PROX. FOUND. T. CORNER
⊶	PROX. FOUND. T. CORNER
⊷	PROX. FOUND. T. CORNER
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⊽	PROX. FOUND. T. CORNER
⊾	PROX. FOUND. T. CORNER
⊿	PROX. FOUND. T. CORNER
⊿	PROX. FOUND. T. CORNER

**H.D. Fetty Land Surveyor, LLC**  
Firm Registration no. 101509-00  
6770 FM 1565 ROYSE CITY, TX 75189 972-635-2255 PHONE tracy@hdfetty.com

SURVEY DATE MARCH 8, 2022  
SCALE 1" = 40' FILE # 20200292  
CLIENT CITY OF ROCKWALL

OWNER'S CERTIFICATE  
(Public Dedication)

STATE OF TEXAS  
COUNTY OF ROCKWALL

WHEREAS CITY OF ROCKWALL, TEXAS, BEING THE OWNER OF A TRACT OF land in the County of Rockwall, State of Texas, said tract being described as follows:

All that certain lot, tract or parcel of land situated in the S. KING SURVEY, ABSTRACT NO. 131, City of Rockwall, Rockwall County, Texas, and being a part of that tract of land as described in a Warranty Deed from Arkoma Development, LLC to City of Rockwall, Texas, as recorded in Document no. 2019000023397 the Official Public Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a P-K nail set found for corner in the center of W. Quail Run Road, said point being S. 83 deg. 28 min. 53 sec. E. a distance of 110.56 feet from the Northwest corner of said City of Rockwall Texas tract and the south most southwest corner of Random Oaks at the Shores, an Addition to the City of Rockwall, Texas, according to the plat thereof recorded in Cabinet C, Slide 268 of the Plat Records of Rockwall County, Texas;

THENCE S. 83 deg. 28 min. 53 sec. E. along the south of said Addition and center of W. Quail Run Road, a distance of 184.44 feet to a P-K nail found found for corner;

THENCE S. 82 deg. 26 min. 25 sec. E. along the south of said Addition and center of W. Quail Run Road, a distance of 130.00 feet to a P-K nail found found for corner at the northwest corner of Six-O Addition, an Addition to the City of Rockwall, Texas, according to the Plat thereof recorded in Cabinet B, Slide 54 of the Plat Records of Rockwall County, Texas;

THENCE S. 07 deg. 16 min. 46 sec. W. along the west line of said Six-O Addition, a distance of 300.0 feet to a 3/8" iron rod found for corner at the southwest corner of said Six-O Addition;

THENCE N. 80 deg. 30 min. 39 sec. W. a distance of 344.49 feet to a 1/2" iron rod with yellow plastic cap stamped "RPLS 5034" set for corner in the 100 year flood plain per drainage study;

THENCE along said 100 year flood plain per drainage study as follows:

N 0°16'03"E, 7.82 feet; N 39°43'50"E, 18.56 feet; N 22°21'43"E, 16.37 feet; N 44°05'59"E, 14.75 feet;  
N 17°33'11"E, 40.64 feet; N 9°48'54"E, 12.27 feet; S 62°15'09"E, 10.35 feet; N 26°34'04"E, 37.99 feet;  
N 14°25'03"E, 51.70 feet; N 9°55'43"W, 10.08 feet; N 3°57'52"E, 8.82 feet; N 42°58'52"W, 14.15 feet;  
N 72°57'13"W, 8.16 feet; N 57°37'37"W, 8.46 feet; N 13°53'30"E, 4.32 feet; N 38°33'17"E, 12.79 feet;

THENCE N. 00 deg. 42 min. 04 sec. E. a distance of 50.75 feet to the POINT OF BEGINNING and containing 90,886 square feet or 2.09 acres of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

STATE OF TEXAS  
COUNTY OF ROCKWALL

I the undersigned owner of the land shown on this plat, and designated herein as ARKOMA ADDITION, LOTS 1, 2 & 3, BLOCK A, an Addition to the City of Rockwall, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements and public places thereon shown on the purpose and consideration therein expressed. I further certify that all other parties who have a mortgage or lien interest in ARKOMA ADDITION, LOTS 1, 2 & 3, BLOCK A have been notified and signed this plat.

I understand and do hereby reserve the easement strips shown on this plat for the purposes stated and for the mutual use and accommodation of all utilities desiring to use or using same.

I also understand the following:

- No buildings shall be constructed or placed upon, over, or across the utility easements as described herein.
- Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other growths or improvements which in any way endanger or interfere with construction, maintenance or efficiency of their respective system on any of these easement strips; and any public utility shall at all times have the right of ingress or egress to, from and upon the said easement strips for purpose of construction, reconstruction, inspecting, patrolling, maintaining, and either adding to or removing all or part of their respective system without the necessity of, at any time, procuring the permission of anyone.
- The City of Rockwall will not be responsible for any claims of any nature resulting from or occasioned by the establishment of grade of streets in the subdivision.
- The developer and subdivision engineer shall bear total responsibility for storm drain improvements.
- The developer shall be responsible for the necessary facilities to provide drainage patterns and drainage controls such that properties within the drainage area are not adversely affected by storm drainage from the development.
- No house dwelling unit, or other structure shall be constructed on any lot in this addition by the owner or any other person until the developer and/or owner has complied with all requirements of the Subdivision Regulations of the City of Rockwall regarding improvements with respect to the entire block on the street or streets on which property abuts, including the actual installation of streets with the required base and paving, curb and gutter, water and sewer, drainage structures, storm structures, storm sewers, and alleys, all according to the specifications of the City of Rockwall; or

Until an escrow deposit, sufficient to pay for the cost of such improvements, as determined by the city's engineer and/or city administrator, computed on a private commercial rate basis, has been made with the city secretary, accompanied by an agreement signed by the developer and/or owner, authorizing the city to make such improvements at prevailing private commercial rates, or have the same made by a contractor and pay for the same out of the escrow deposit, should the developer and/or owner fail or refuse to install the required improvements within the time stated in such written agreement, but in no case shall the City be obligated to make such improvements itself. Such deposit may be used by the owner and/or developer as progress payments as the work progresses in making such improvements by making certified requisitions to the city secretary, supported by evidence of work done; or

Until the developer and/or owner files a corporate surety bond with the city secretary in a sum equal to the cost of such improvements for the designated area, guaranteeing the installation thereof within the time stated in the bond, which time shall be fixed by the city council of the City of Rockwall.

I further acknowledge that the dedications and/or exaction's made herein are proportional to the impact of the subdivision upon the public services required in order that the development will comport with the present and future growth needs of the City; I, my successors and assigns hereby waive any claim, damage, or cause of action that I may have as a result of the dedication of exaction's made herein.

\_\_\_\_\_  
City Manager, City of Rockwall, Texas

STATE OF TEXAS  
COUNTY OF ROCKWALL

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_ known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein stated.

Given upon my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Texas

My Commission Expires: \_\_\_\_\_

SURVEYOR'S CERTIFICATE

NOW, THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT I, Harold D. Fetty, III, R.P.L.S. No. 5034, do hereby certify that I prepared this plat from an actual and accurate survey of the land, and that the corner monuments shown thereon were properly placed under my personal supervision.



\_\_\_\_\_  
Harold D. Fetty, III  
Registered Professional Land Surveyor No. 5034

RECOMMENDED FOR FINAL APPROVAL

\_\_\_\_\_  
Planning and Zoning Commission      Date

APPROVED

I hereby certify that the above and foregoing plat of ARKOMA ADDITION, LOTS 1, 2 & 3, BLOCK A, an addition to the City of Rockwall, Texas, an addition to the City of Rockwall, Texas, was approved by the City Council of the City of Rockwall on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

This approval shall be invalid unless the approved plat for such addition is recorded in the office of the County Clerk of Rockwall, County, Texas, within one hundred eighty (180) days from said date of final approval.

Said addition shall be subject to all the requirements of the Subdivision Regulations of the City of Rockwall.

WITNESS OUR HANDS, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Mayor, City of Rockwall

\_\_\_\_\_  
City Secretary City of Rockwall

\_\_\_\_\_  
City Engineer

\_\_\_\_\_  
Date

FINAL PLAT  
**ARKOMA ADDITION**  
**LOTS 1, 2 & 3, BLOCK A**

2.09 ACRES OR 90,886 S.F.  
( 3 LOTS )

S. KING SURVEY, A-131  
CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

OWNER:  
CITY OF ROCKWALL  
385 S. GOLIAD STREET  
ROCKWALL, TEXAS 75087

SYMBOL LEGEND			
⊗ TELEPHONE CABLE RISER	⊗ GAS METER	⊗ TEL RISER	⊗ FIRE HYDRANT
⊗ POWER POLE	⊗ ELEC. BOX	⊗ WATER METER	⊗ LIGHT POLE
⊗ ELEC. SUBSTATION	⊗ JUNCTION BOX	⊗ AIR COND. UNIT	⊗ PROPANE TANK
⊗ EASEMENT LINE	⊗ FENCE	⊗ PROPERTY LINES	

SURVEY DATE MARCH 8, 2022  
SCALE 1" = 40' FILE # 20200292  
CLIENT CITY OF ROCKWALL

H.D. Fetty Land Surveyor, LLC  
Firm Registration no. 101509-00  
6770 FM 1565 ROYSE CITY, TX 75189 972-635-2255 PHONE tracy@hdfetty.com

CASE NO. P2022-



## MEMORANDUM

---

**TO:** Mary Smith, City Manager

**CC:** Honorable Mayor and City Council

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

**DATE:** September 19, 2022

**SUBJECT:** P2022-037; PRELIMINARY PLAT FOR THE QUAIL HALLOW  
SUBDIVISION

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### Attachments

Case Memo  
Development Application  
Location Map  
Preliminary Plat  
Treescape Plan  
Preliminary Drainage Plan  
Preliminary Water and Wastewater Plan

### Summary/Background Information

Consider a request by Humberto Johnson, Jr. of the Skorburg Company on behalf of Larry Hance of R & R Investments for the approval of a *Preliminary Plat* for the Quail Hollow Subdivision consisting of 250 single-family residential lots on a 85.63-acre tract of land identified as Tracts 2-01, 2-04, 2-05 & 2-06 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 96 (PD-96) for Single-Family 10 (SF-10) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, generally located at the southeast corner of the intersection of Hays Road and John King Boulevard, and take any action necessary.

### Action Needed

The City Council is being asked to approve, approve with conditions, or deny the proposed *Preliminary Plat*.



# 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

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**TO:** Mayor and City Council  
**DATE:** September 19, 2022  
**APPLICANT:** Humberto Johnson Jr PE; *Skorburg Company*  
**CASE NUMBER:** P2022-037; *Preliminary Plat for the Quail Hollow Subdivision*

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### SUMMARY

Consider a request by Humberto Johnson, Jr. of the Skorburg Company on behalf of Larry Hance of R & R Investments for the approval of a *Preliminary Plat* for the Quail Hollow Subdivision consisting of 250 single-family residential lots on a 85.63-acre tract of land identified as Tracts 2-01, 2-04, 2-05 & 2-06 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 96 (PD-96) for Single-Family 10 (SF-10) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, generally located at the southeast corner of the intersection of Hays Road and John King Boulevard, and take any action necessary.

### PLAT INFORMATION

- The purpose of the applicant's request is to *Preliminary Plat* an 85.63-acre parcel of land (*i.e. Tract 4 & 4-01 of the M. B. Jones Survey, Abstract No. 122 and a portion of Tract 25-1 & 26 and all of Tract 13 & 25 of the W. M. Dalton Survey, Abstract No. 72*) to show the future establishment of 250 single-family residential lots and 17 open space lots. The proposed *Preliminary Plat* also lays out the necessary easements (*e.g. fire lane, public access/right-of-way, utilities, and drainage*) for the future development of the residential subdivision. Staff should note that the applicant has submitted a *Master Plat* [*i.e. Case No. P2022-039*] concurrently with this *Preliminary Plat*.
- The subject property was annexed on March 16, 1998 by *Ordinance No. 98-10* [*Case No. A1998-001*]. At the time of annexation, the subject property was zoned Agricultural (AG) District. According to the Rockwall Central Appraisal District (RCAD), currently situated on the subject property is: [1] a 2,236 SF single-family home, [2] a 64 SF storage building, [3] a 2,400 SF metal storage building, [4] a 2,208 SF barn, [5] an 897 SF storage shed, and [6] an 864 SF storage building. All of these improvements were constructed in 1975. On August 15, 2022, the City Council approved *Ordinance No. 22-44* rezoning the subject property from an Agricultural (AG) District to Planned Development District 96 (PD-96).
- The purpose of the preliminary plat is to provide sufficient information to evaluate and review the general design of the development and to ensure compliance with the density and dimensional requirements stipulated for a property that is situated within the Planned Development District 96 (PD-96) and the SH-205 By-Pass Overlay (SH-205 BY OV) District as required by the Unified Development Code (UDC). In addition, preliminary plats are also required to ensure conformance with the OURHometown Vision 2040 Comprehensive Plan, the Master Thoroughfare Plan, and the requirements of Chapter 38, *Subdivisions*, of the Municipal Code of Ordinances. The proposed preliminary plat appears to conform to these requirements.
- On September 7, 2022, the Parks and Recreation Board reviewed the *Preliminary Plat* and made the following recommendations concerning the proposed subdivision.
  - (1) The property owner shall pay pro-rata equipment fees of \$122,250 (*i.e. \$489.00 x 250 Lots*).
  - (2) The property owner shall pay cash-in-lieu of land fees of \$129,000.00 (*i.e. \$516.00 x 250 Lots*).

- ☑ The surveyor has completed the majority of the technical revisions requested by staff, and this plat -- *conforming to the requirements for plats as stipulated by the Subdivision Ordinance in the Municipal Code of Ordinances* -- is recommended for conditional approval pending the completion of final technical modifications and submittal requirements.
- ☑ Conditional approval of this plat by the City Council shall constitute approval subject to the conditions stipulated in the *Conditions of Approval* section below.
- ☑ With the exception of the items listed in the *Conditions of Approval* section of this case memo, this plat is in substantial compliance with the requirements of the *Subdivision Ordinance* in the Municipal Code of Ordinances.

### **CONDITIONS OF APPROVAL**

If the City Council chooses to approve the Preliminary Plat for the *Quail Hollow Subdivision*, staff would propose the following conditions of approval:

- (1) All technical comments from City Staff (*i.e. Engineering, Planning and Fire Department*) shall be addressed prior to submittal of civil engineering plans; and,
- (2) Any construction resulting from the approval of this plat 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 September 13, 2022, the Planning and Zoning Commission recommended approval of the Preliminary Plat with a vote of 6-0, with Commissioner Welch absent.



# DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO.

**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]:

<p><b>PLATTING APPLICATION FEES:</b></p> <input checked="" type="checkbox"/> MASTER PLAT (\$100.00 + \$15.00 ACRE) <input checked="" type="checkbox"/> PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) <input type="checkbox"/> FINAL PLAT (\$300.00 + \$20.00 ACRE) <input type="checkbox"/> REPLAT (\$300.00 + \$20.00 ACRE) <input type="checkbox"/> AMENDING OR MINOR PLAT (\$150.00) <input type="checkbox"/> PLAT REINSTATEMENT REQUEST (\$100.00) <p><b>SITE PLAN APPLICATION FEES:</b></p> <input type="checkbox"/> SITE PLAN (\$250.00 + \$20.00 ACRE) <input type="checkbox"/> AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN (\$100.00)	<p><b>ZONING APPLICATION FEES:</b></p> <input type="checkbox"/> ZONING CHANGE (\$200.00 + \$15.00 ACRE) <input type="checkbox"/> SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) <input type="checkbox"/> PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) <p><b>OTHER APPLICATION FEES:</b></p> <input type="checkbox"/> TREE REMOVAL (\$75.00) <input type="checkbox"/> VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) <p><b>NOTES:</b>        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.        A \$1,000.00 FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.</p>
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## PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS 1244 E Quail Run Rd Rockwall Texas 75087

SUBDIVISION

LOT

BLOCK

GENERAL LOCATION

## ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING AG

CURRENT USE AG

PROPOSED ZONING PD

PROPOSED USE PD

ACREAGE 85.629

LOTS [CURRENT] 1

LOTS [PROPOSED] 250

**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 R&R Hance Investments

APPLICANT Skorburg Company

CONTACT PERSON Larry Hance

CONTACT PERSON Humberto Johnson Jr. PE

ADDRESS 6946 Sperry St

ADDRESS 8214 westchester Dr STE 900

CITY, STATE & ZIP Dallas Texas 75214

CITY, STATE & ZIP Dallas, Tx 75225

PHONE 214-207-4362

PHONE 682-225-5834

E-MAIL

E-MAIL jrjohnson@skorburgcompany.com

## NOTARY VERIFICATION [REQUIRED]

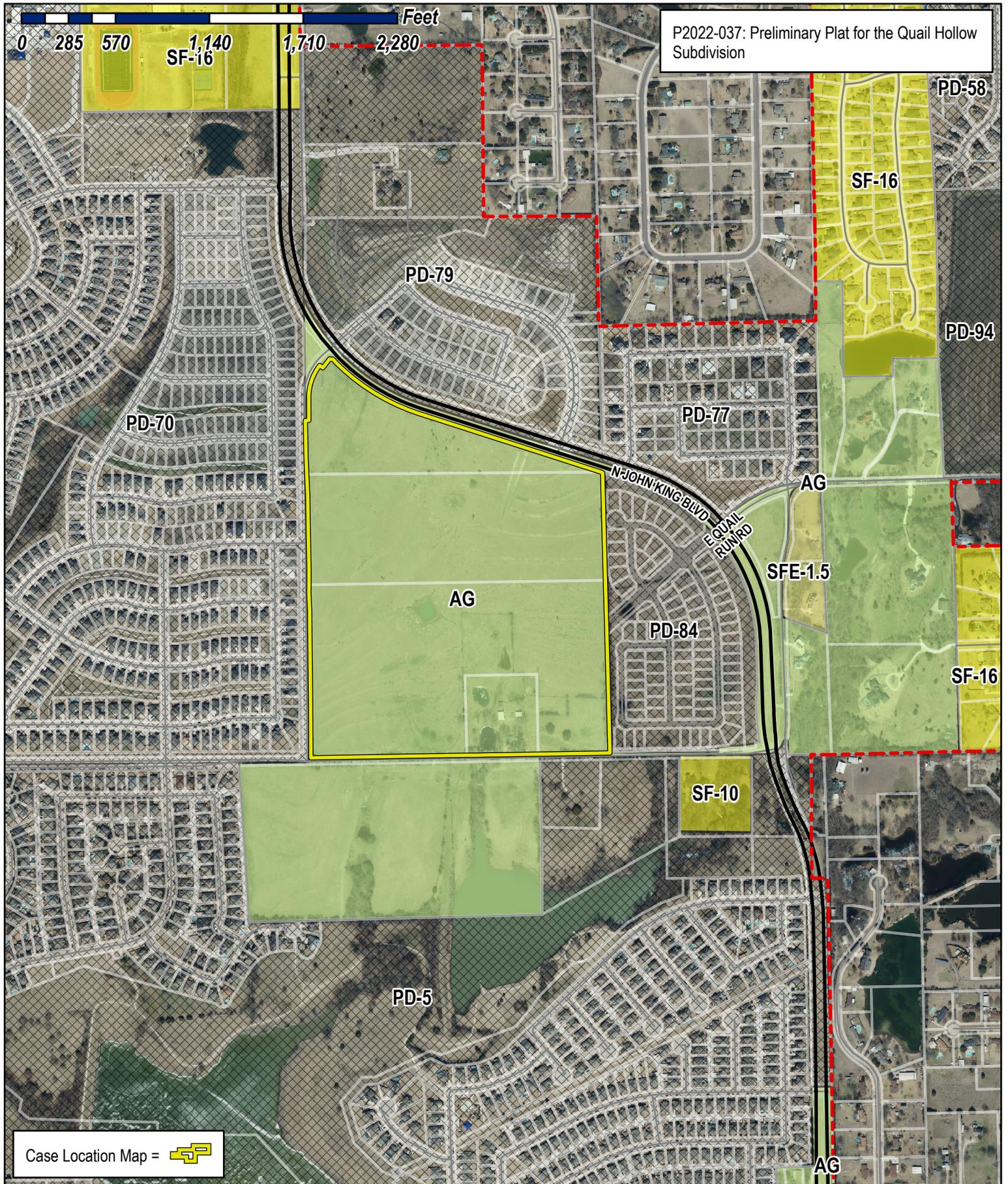
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Larry Hance [OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:

"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 \$ 2868.87 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 18<sup>th</sup> DAY OF AUGUST, 2022 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 11<sup>th</sup> DAY OF August, 2022

*[Signature]*  
OWNER'S SIGNATURE  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS  
DEVELOPMENT APPLICATION

JORDYN N TONEY  
Notary Public  
for the State of Montana  
Residing at:  
Livingston, Montana  
My Commission Expires:  
January 29, 2025



P2022-037: Preliminary Plat for the Quail Hollow Subdivision

Case Location Map = 



# 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.



QUAIL RUN VALLEY NO. 2 CAB. E. SLD. 185

WANETA DRIVE (50' R.O.W.)

STONE CREEK PHASE VIII DOC. NO. 20190000004513

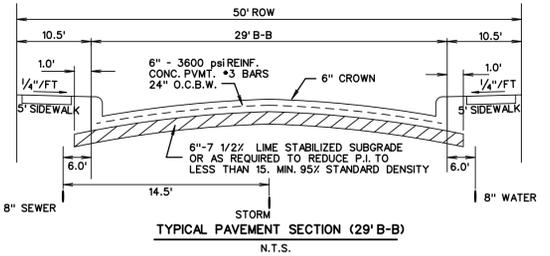
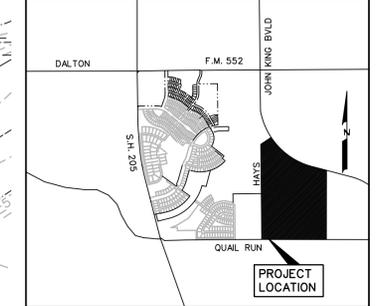
TOPAZ DRIVE (50' R.O.W.)

STONE CREEK PHASE X DOC. NO. 20200000028492

0 50 100 200 SCALE: 1" = 100'

CITY OF ROCKWALL GRID SYSTEM COORDINATES		
X	2598335.719	7037154.253
Y		
ELEV.	538.7	

$\Delta = 38^{\circ}06'45''$   
 $R = 320.00'$   
 $L = 212.86'$   
 $C = 208.96'$   
 $B = N18^{\circ}43'59''W$



$\Delta = 28^{\circ}29'34''$   
 $R = 1260.00'$   
 $L = 626.59'$   
 $C = 620.15'$   
 $B = S57^{\circ}49'05''E$

Reviewed for preliminary Approval:

Planning & Zoning Commission Chairman \_\_\_\_\_ Date \_\_\_\_\_

I hereby certify that the above and foregoing plat of an addition to the City of Rockwall, Texas, was approved by the City Council of the City of Rockwall, on the \_\_\_\_\_, 2022.

This approval shall be invalid unless the approved plat for such addition is recorded in the office of the County Clerk of Rockwall, County, Texas, within one hundred eighty (180) days from said date of final approval.

Mayor, City of Rockwall \_\_\_\_\_ City Secretary \_\_\_\_\_ City Engineer \_\_\_\_\_

PRELIMINARY PLAT OF  
**QUAIL HOLLOW**  
 LOTS 1-31, BLOCK A  
 LOTS 1-13, BLOCK B  
 LOTS 1-29, BLOCK C  
 LOTS 1-24, BLOCK D  
 LOTS 1-7, BLOCK E  
 LOTS 1-15, BLOCK F  
 LOTS 1-36, BLOCK G  
 LOTS 1-41, BLOCK H  
 LOTS 1-21, BLOCK I  
 LOTS 1-24, BLOCK J  
 LOTS 1-27, BLOCK K  
 TOTAL ACRES 86.157

LINE TABLE

LINE NO.	BEARING	DISTANCE
1.	N 89°40'38" E	28.47'
2.	N 00°19'22" W	136.79'
3.	S 52°12'38" E	24.00'
4.	N 37°47'22" E	66.65'
5.	S 87°00'28" E	19.25'

LEGEND

- B.L. - BUILDING LINE
- D.E. - DRAINAGE EASEMENT
- S.S.E. - SANITARY SEWER EASEMENT
- U.E. - UTILITY EASEMENT
- R.O.W. - RIGHT OF WAY
- SF - SQUARE FEET
- - STREET NAME CHANGE
- - MATCH LINE

NOTES:

- ALL OPEN SPACE AREAS WILL BE MAINTAINED BY THE HOA.
- HOA/PROPERTY OWNER TO MAINTAIN, REPLACE, AND REPAIR ALL DRAINAGE DETENTION, AND OPEN SPACE EASEMENTS AND LOTS.

TOTAL ACRES	85.157
TOTAL RESIDENTIAL LOTS	250
DENSITY	2.936
ZONING	PD
TOTAL OPEN SPACE ACRES	12.452
TOTAL AMENITY CENTER ACRES	4.817
PERCENTAGE OF OPEN SPACE	20.28%

LAND USE SINGLE FAMILY DEVELOPMENT

AUGUST 2022 SCALE 1" = 100' CASE #P2022-037

CITY OF ROCKWALL GRID SYSTEM COORDINATES		
X	2598387.341	7036150.262
Y		
ELEV.	523.0	

QUALICO DEVELOPMENT (US), INC.

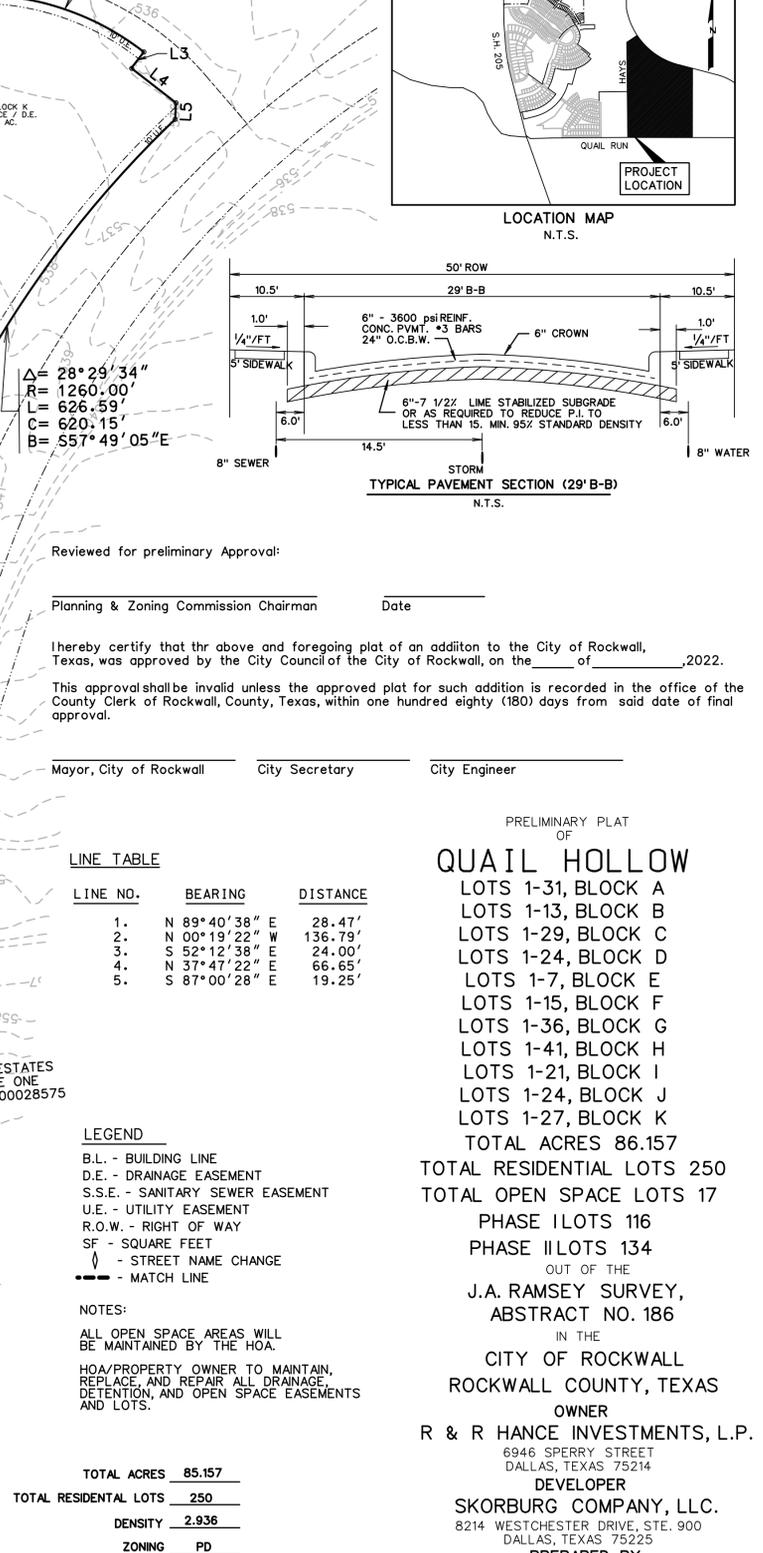
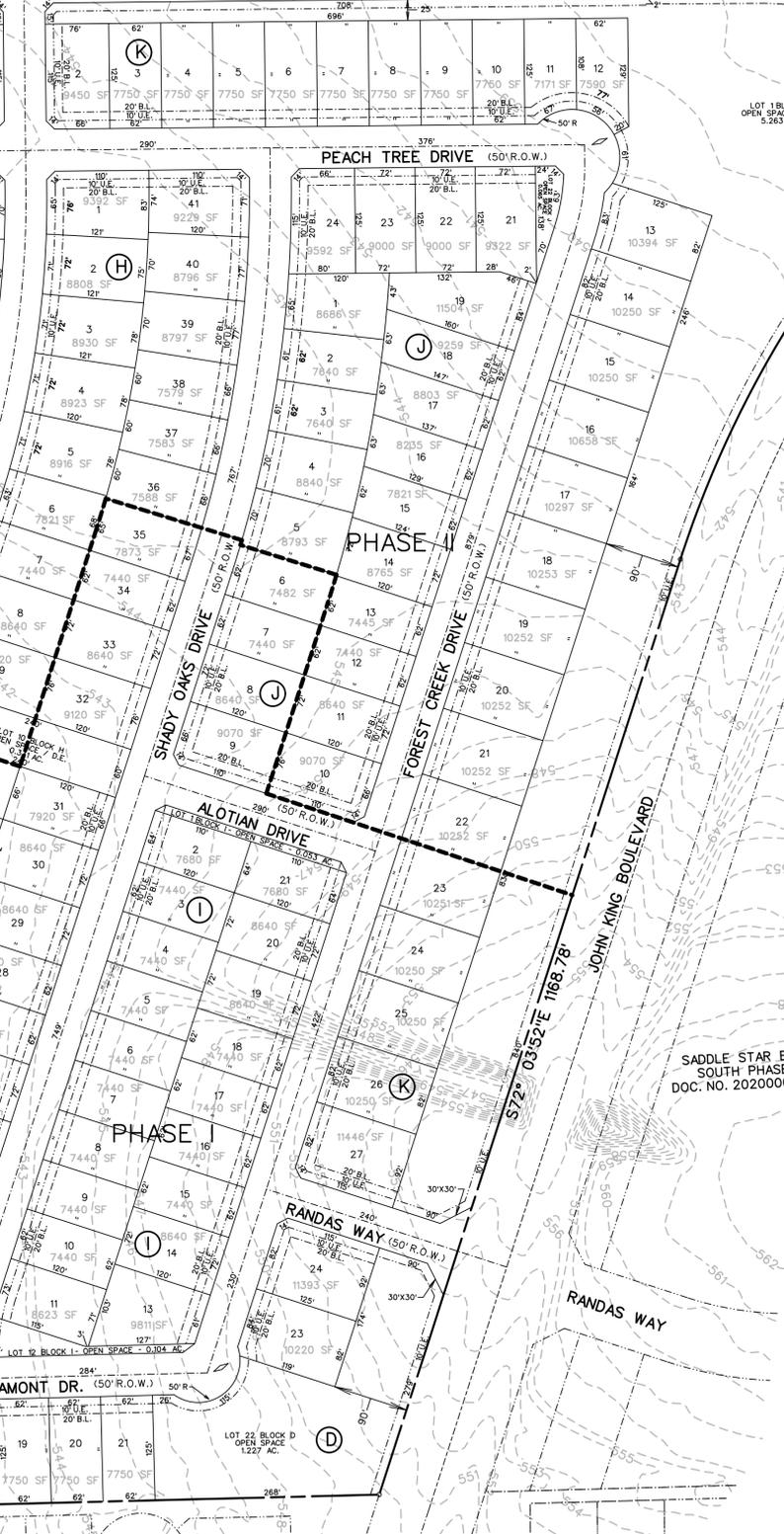
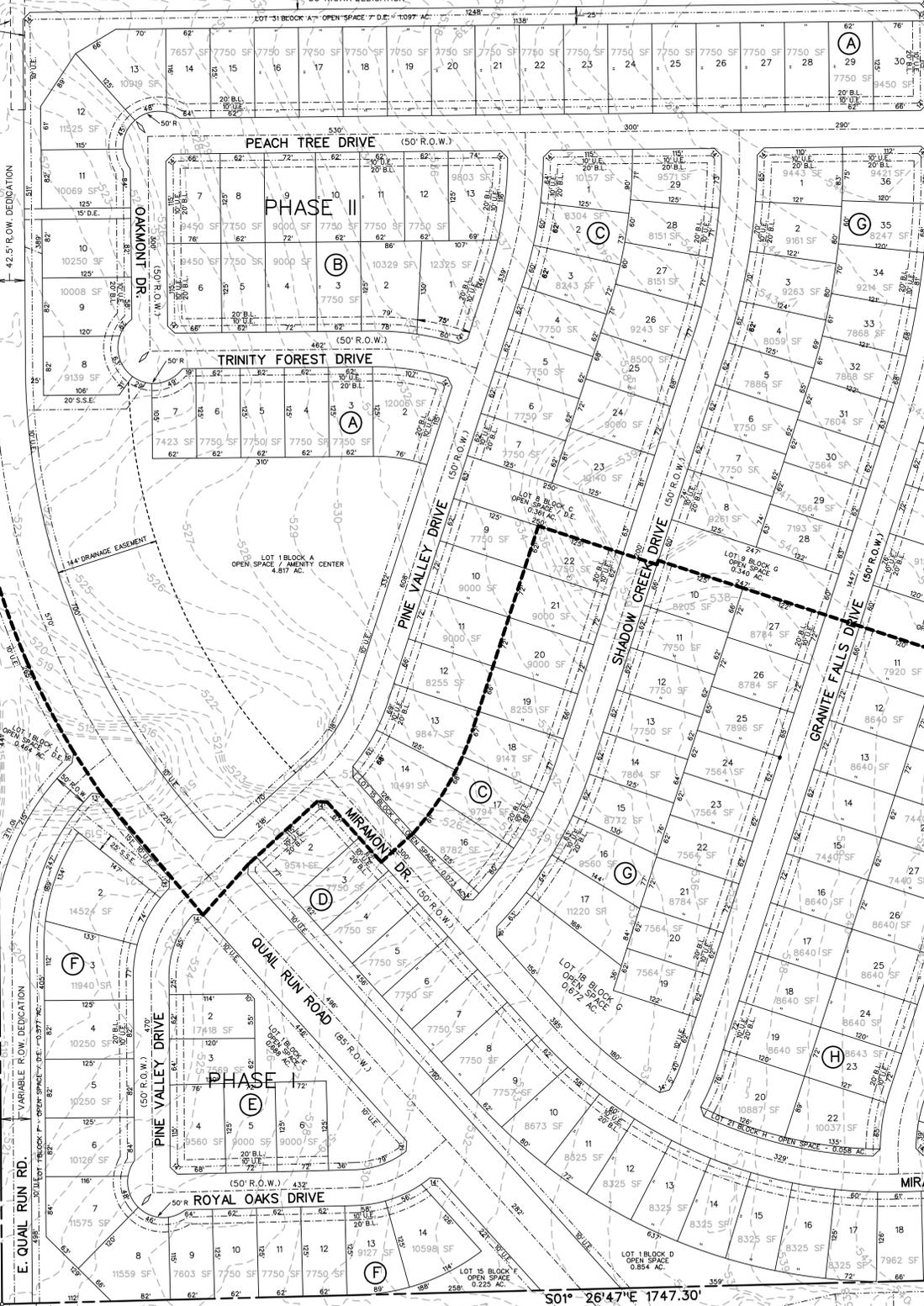
GIDEON GROVE NORTH DOC. NO. 20190000006883

R & R HANCE INVESTMENTS, L.P. VOL. 5-433, PG. 53

MICHEL & JENNIFER WILKINSON DOC. NO. 2020-0000003578

DRAINAGE EASEMENT DOC. NO. 2017000000568

DRAINAGE EASEMENT DOC. NO. 2020-0000003578



CITY OF ROCKWALL GRID SYSTEM COORDINATES		
X	2598387.341	7036150.262
Y		
ELEV.	523.0	

QUALICO DEVELOPMENT (US), INC.

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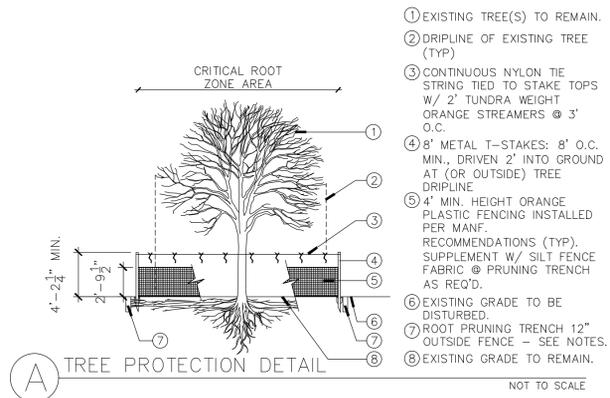
DRAINAGE EASEMENT DOC. NO. 2017000000568</

NO.	CALIPER INCH	COMMON NAME	REMAIN	REMOVE	MITIGATION TYPE
1	12.4	HACKBERRY	X		
2	31.2	HACKBERRY	X		
3	11.8	HACKBERRY	X		
4	27.6	HACKBERRY		X	FEATURED
5	20.6	HACKBERRY		X	SECONDARY
6	17.7	HACKBERRY		X	SECONDARY
7	24.3	HACKBERRY		X	SECONDARY
8	29.8	OSAGE-ORANGE		X	NON PROTECTED
9	11.2	HACKBERRY		X	SECONDARY
10	19.6	HACKBERRY		X	SECONDARY
11	15.3	HACKBERRY	X		
12	11.5	HACKBERRY	X		
13	35.4	LIVE OAK		X	FEATURED
14	13.5	HACKBERRY		X	SECONDARY
15	4.9	HERCULES-CLUB		X	PRIMARY
16	11.1	HACKBERRY		X	SECONDARY
17	5.2	HERCULES-CLUB		X	PRIMARY
18	14.3	HACKBERRY		X	SECONDARY
19	25.6	LIVE OAK		X	FEATURED
20	4.2	HERCULES-CLUB		X	PRIMARY
21	6.8	HERCULES-CLUB		X	PRIMARY
22	10.5	HERCULES-CLUB		X	PRIMARY
23	9.2	HERCULES-CLUB		X	PRIMARY
24	7.1	HERCULES-CLUB		X	PRIMARY
25	7.6	HERCULES-CLUB		X	PRIMARY
26	6.9	HERCULES-CLUB		X	PRIMARY
27	39.6	HACKBERRY		X	FEATURED
28	4.7	HERCULES-CLUB		X	PRIMARY
29	16.7	HACKBERRY		X	SECONDARY
30	15.4	HACKBERRY		X	SECONDARY
31	17.3	HACKBERRY		X	SECONDARY
32	23.9	HACKBERRY		X	SECONDARY
33	15.8	HACKBERRY		X	SECONDARY
34	13.8	HACKBERRY		X	SECONDARY
35	9.8	GUM BUMELIA		X	PRIMARY
36	12.4	HACKBERRY		X	SECONDARY
37	31.6	OSAGE-ORANGE	X		
38	23.2	OSAGE-ORANGE	X		
39	20.6	PECAN		X	PRIMARY
40	6.5	HERCULES-CLUB	X		
41	11.8	EASTERN RED CEDAR	X		
42	5.5	HERCULES-CLUB	X		
43	7.6	HERCULES-CLUB	X		
44	5.8	HERCULES-CLUB	X		
45	25.6	HACKBERRY	X		
46	17.5	EASTERN RED CEDAR	X		
47	8.2	HERCULES-CLUB		X	PRIMARY
48	4.9	HERCULES-CLUB		X	PRIMARY
49	16.3	HACKBERRY		X	SECONDARY
50	22.5	HACKBERRY		X	SECONDARY
51	11.9	EASTERN RED CEDAR	X		
52	17.1	GUM BUMELIA	X		
53	5.4	HERCULES-CLUB		X	PRIMARY
54	5.1	HERCULES-CLUB		X	PRIMARY
55	6.3	CHINESE PISTACHE		X	PRIMARY
56	10.2	HERCULES-CLUB		X	PRIMARY
57	5.9	GUM BUMELIA		X	PRIMARY
58	7.1	HERCULES-CLUB		X	PRIMARY
59	11.9	LIVE OAK		X	PRIMARY
60	28.1	SHUMARDS OAK		X	FEATURED
61	6.9	GUM BUMELIA	X		
62	6.1	GUM BUMELIA		X	PRIMARY
63	6.5	HERCULES-CLUB		X	PRIMARY
64	11.3	EASTERN RED CEDAR		X	SECONDARY
65	4.3	GUM BUMELIA		X	PRIMARY
66	4.7	GUM BUMELIA		X	PRIMARY
67	13.1	HERCULES-CLUB		X	PRIMARY
68	12.8	HACKBERRY		X	SECONDARY
69	18.6	GOTTENWOOD		X	NON PROTECTED
70	13.9	HACKBERRY		X	SECONDARY
71	5.7	HERCULES-CLUB		X	PRIMARY
72	11.9	HACKBERRY		X	SECONDARY
73	22.3	OSAGE-ORANGE		X	NON PROTECTED
74	11.2	HONEY-LOUST		X	NON PROTECTED
75	6.6	HERCULES-CLUB		X	PRIMARY
76	21.7	PECAN		X	PRIMARY
77	21.5	PECAN		X	PRIMARY
78	25.4	PECAN		X	FEATURED
79	9.8	GUM BUMELIA		X	PRIMARY
80	8.4	GUM BUMELIA		X	PRIMARY
81	5.8	HERCULES-CLUB		X	PRIMARY
82	34.6	OSAGE-ORANGE		X	NON PROTECTED
83	16.8	OSAGE-ORANGE		X	NON PROTECTED
84	15.7	AMERICAN ELM		X	PRIMARY
85	10.8	CEDAR ELM		X	PRIMARY
86	19.8	HACKBERRY		X	PRIMARY
87	6.3	GUM BUMELIA		X	PRIMARY
88	19.5	HACKBERRY		X	PRIMARY
89	5.2	HERCULES-CLUB		X	PRIMARY
90	21.1	HACKBERRY		X	PRIMARY
91	11.4	JUIUBE		X	PRIMARY
92	8.4	JUIUBE		X	PRIMARY
93	32.5	PECAN		X	FEATURED
94	23.6	PECAN		X	PRIMARY
95	15.8	JUIUBE		X	PRIMARY
96	17.0	LIVE OAK		X	PRIMARY
97	40.5	RED MULBERRY		X	FEATURED
98	35.7	SHUMARDS OAK		X	FEATURED
99	16.5	LIVE OAK		X	PRIMARY
100	14.6	LIVE OAK		X	PRIMARY
101	27.5	CEDAR ELM		X	FEATURED
102	19.2	SHUMARDS OAK		X	PRIMARY
103	18.1	LIVE OAK		X	PRIMARY
104	23.8	SHUMARDS OAK		X	PRIMARY
105	23.0	SHUMARDS OAK		X	PRIMARY
106	25.2	PECAN		X	FEATURED
107	15.7	SHUMARDS OAK		X	PRIMARY
108	43.6	GOTTENWOOD		X	NON PROTECTED
109	15.5	SHUMARDS OAK		X	PRIMARY
110	22.4	SHUMARDS OAK		X	PRIMARY
111	13.4	PECAN		X	PRIMARY
112	20.6	GOTTENWOOD		X	NON PROTECTED
113	35.3	GOTTENWOOD		X	NON PROTECTED
114	45.7	GOTTENWOOD		X	NON PROTECTED
115	25.4	PECAN		X	FEATURED
116	37.2	HACKBERRY		X	FEATURED
117	23.3	HACKBERRY		X	SECONDARY
118	30.6	PECAN		X	FEATURED

TOTAL CALIPER INCHES	1961.1
TOTAL NON PROTECTED CALIPER INCHES	333.3
TOTAL PROTECTED CALIPER INCHES	1627.8
TOTAL PROTECTED CALIPER INCHES TO REMAIN	198.4
TOTAL PROTECTED CALIPER INCHES TO BE REMOVED	1429.4
TOTAL MITIGATION REQUIRED	1686



NOTES:  
 1. PERFORM ROOT PRUNING ON ALL EXISTING TREES TO REMAIN WHERE CONSTRUCTION ACTIVITY FALLS WITHIN DRIP LINE OF EXISTING TREES.  
 2. ROOT PRUNING METHOD: 2 MONTHS MIN. PRIOR TO EXCAVATION & CONSTRUCTION ACTIVITIES, HAND CUT ROOTS BY DIGGING A 18"-24" DEEP x 8" WIDE TRENCH ALONG THE OUTSIDE PERIMETER OF EXISTING TREE(S) ADJACENT TO CONSTRUCTION AREAS. MAXIMIZE PRUNING TRENCH DISTANCE FROM TRUNK TO THE FULLEST EXTENT POSSIBLE, W/ THE ROOT PRUNING LINE PLACED @ THE EDGE OF CONSTRUCTION LIMITS.



KEY MAP  
SCALE: 1"=500'



**STOP!**  
**CALL BEFORE YOU DIG**  
 TEXAS ONE CALL SYSTEM  
 1-800-245-4545  
 (@ least 48 hours prior to digging)

CASE NO. P2022-037

INFORMATION ON THIS SHEET IS PERTINENT TO ALL OTHER DESIGN SHEETS IN THIS SET OF DRAWINGS. THE CONTRACTOR SHALL NOT SEPARATE DRAWINGS FROM THE SET FOR DISTRIBUTION TO SPECIFIC DISCIPLINES. EACH SUBCONTRACTOR SHALL BE PROVIDED WITH ALL SHEETS WITHIN THIS PLAN SET.

HANCE DEVELOPMENT  
ROCKWALL, TEXAS

OVERALL TREE PRESERVATION PLAN

No.	Date	Revision Description

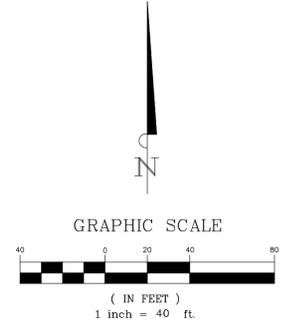


SHEET NO.

L-1.0

**BANNISTER**  
**ENGINEERING**  
 1696 Country Club Drive | Mansfield, TX 76063 | 817.842.2094 | 817.842.2095 fax  
 REGISTRATION # F-10599 (TEXAS)

PROJECT NO.: 090-22-009



MATCHLINE 'A' SHEET L-1.1

MATCHLINE 'B' SHEET L-1.8

KEY MAP  
SCALE: 1"=500'



**STOP!**  
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**TEXAS ONE CALL SYSTEM**  
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(@ least 48 hours prior to digging)

CASE NO. P2022-037

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REGISTRATION # F-10599 (TEXAS)

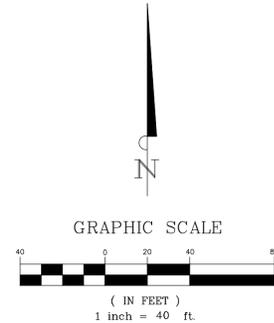
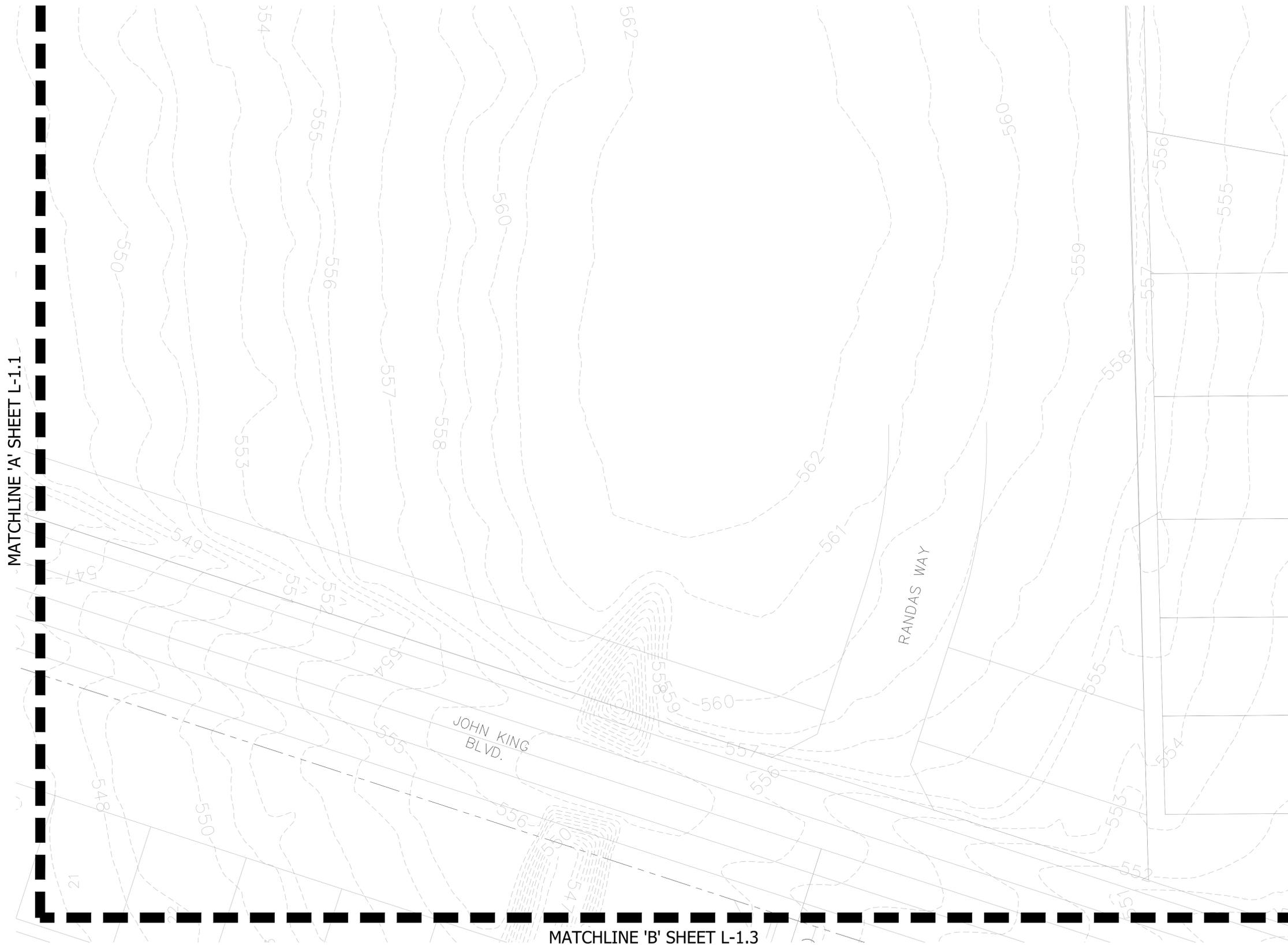
HANCE DEVELOPMENT  
ROCKWALL, TEXAS  
**TREE PRESERVATION PLAN**

No.	Date	Revision Description



SHEET NO.  
**L-1.1**

PROJECT NO.: 090-22-009



KEY MAP  
SCALE: 1"=500'



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HANCE DEVELOPMENT  
 ROCKWALL, TEXAS  
**TREE PRESERVATION PLAN**

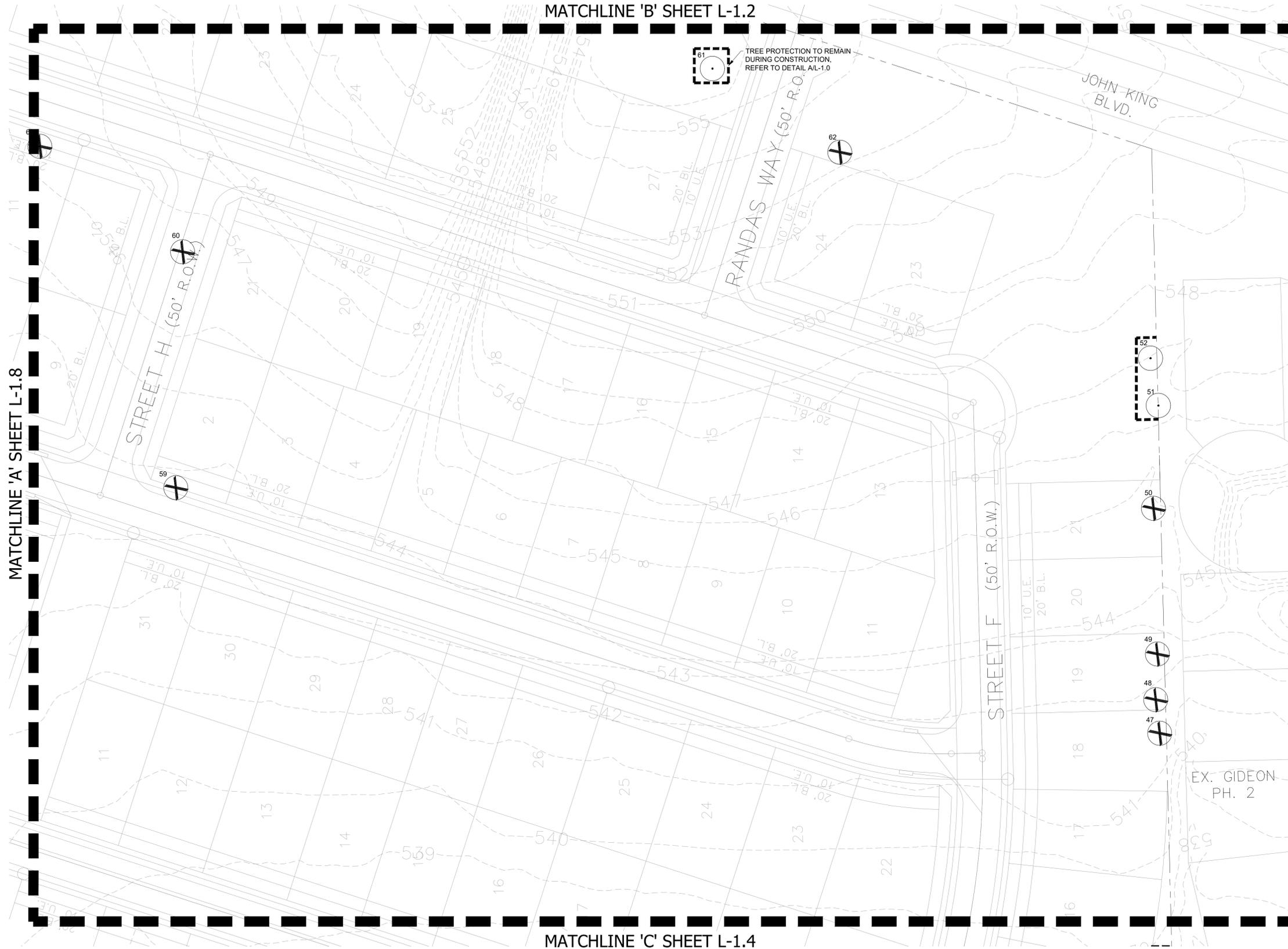
No.	Date	Revision Description

PROJECT NO.: 090-22-009

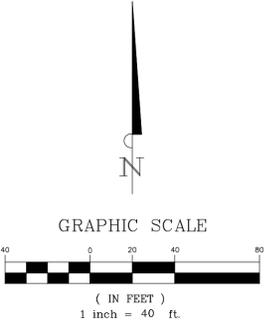


SHEET NO.

**L-1.2**



61  
TREE PROTECTION TO REMAIN DURING CONSTRUCTION. REFER TO DETAIL AL-1.0



KEY MAP  
SCALE: 1"=500'



MATCHLINE 'C' SHEET L-1.4

MATCHLINE 'B' SHEET L-1.2

MATCHLINE 'A' SHEET L-1.8

**STOP!**  
**CALL BEFORE YOU DIG**  
**TEXAS ONE CALL SYSTEM**  
**1-800-245-4545**  
(@ least 48 hours prior to digging)

CASE NO. P2022-037

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REGISTRATION # F-10599 (TEXAS)

HANCE DEVELOPMENT  
ROCKWALL, TEXAS

**TREE PRESERVATION PLAN**

No.	Date	Revision Description

PROJECT NO.: 090-22-009



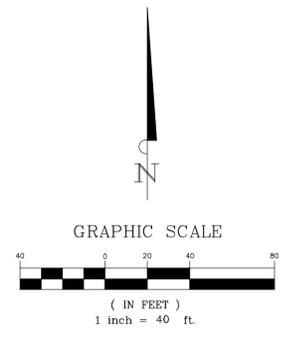
SHEET NO.  
**L-1.3**

MATCHLINE 'C' SHEET L-1.3

MATCHLINE 'A' SHEET L-1.7

MATCHLINE 'D' SHEET L-1.5

TREE PROTECTION TO REMAIN DURING CONSTRUCTION. REFER TO DETAIL A/L-1.0



KEY MAP  
SCALE: 1"=500'



**STOP!**  
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**TEXAS ONE CALL SYSTEM**  
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HANCE DEVELOPMENT  
 ROCKWALL, TEXAS

**TREE PRESERVATION PLAN**

No.	Date	Revision Description



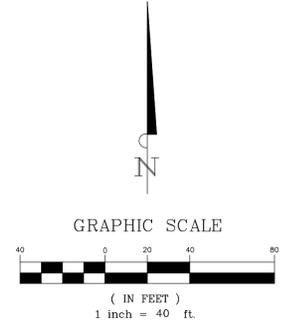
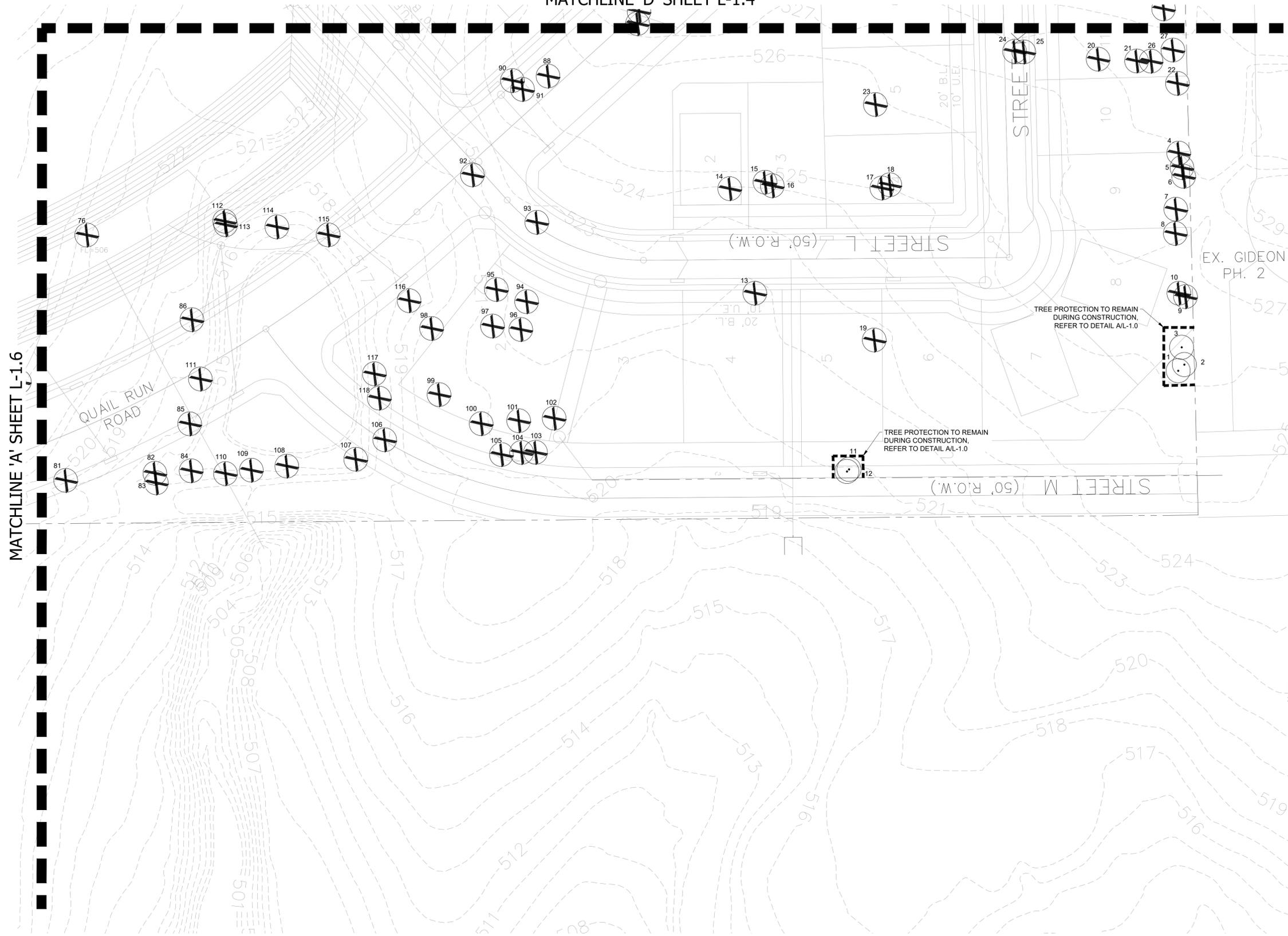
SHEET NO.

**L-1.4**

PROJECT NO.: 090-22-009

MATCHLINE 'D' SHEET L-1.4

MATCHLINE 'A' SHEET L-1.6



KEY MAP  
SCALE: 1"=500'



**STOP!**  
**CALL BEFORE YOU DIG**  
**TEXAS ONE CALL SYSTEM**  
**1-800-245-4545**  
 (@ least 48 hours prior to digging)

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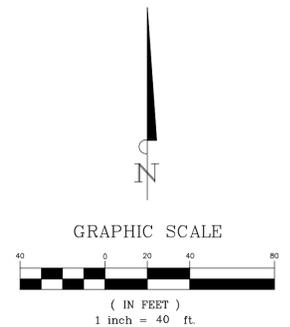
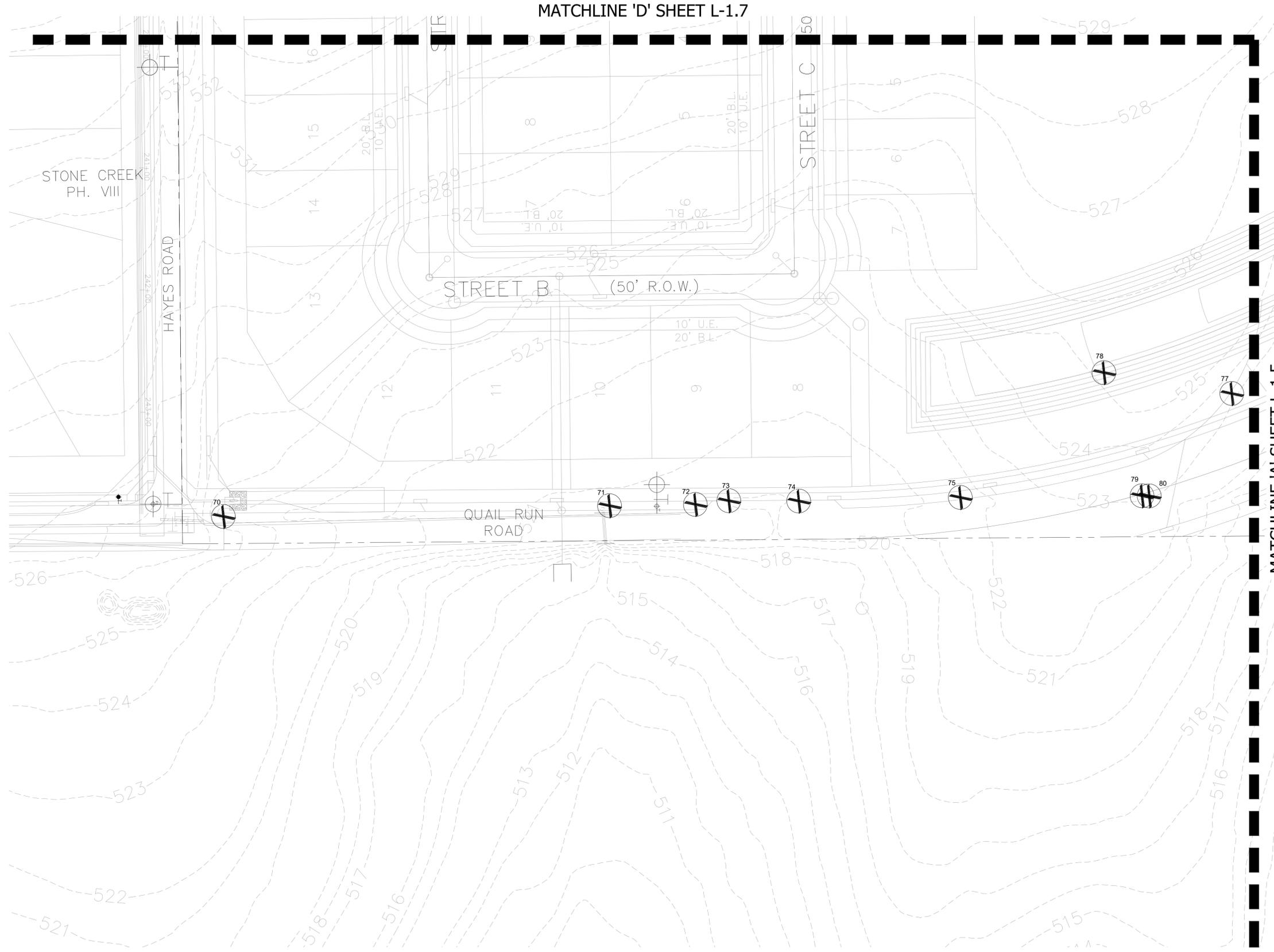
HANCE DEVELOPMENT  
 ROCKWALL, TEXAS  
**TREE PRESERVATION PLAN**

No.	Date	Revision Description

PROJECT NO.: 090-22-009



SHEET NO.  
**L-1.5**



MATCHLINE 'A' SHEET L-1.5

KEY MAP  
SCALE: 1"=500'



**STOP!**  
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**1-800-245-4545**  
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REGISTRATION # F-10599 (TEXAS)

HANCE DEVELOPMENT  
ROCKWALL, TEXAS

**TREE PRESERVATION PLAN**

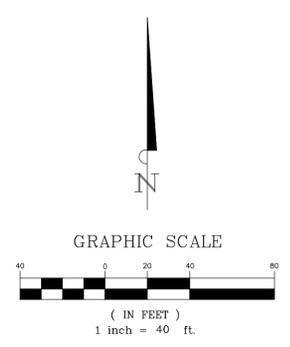
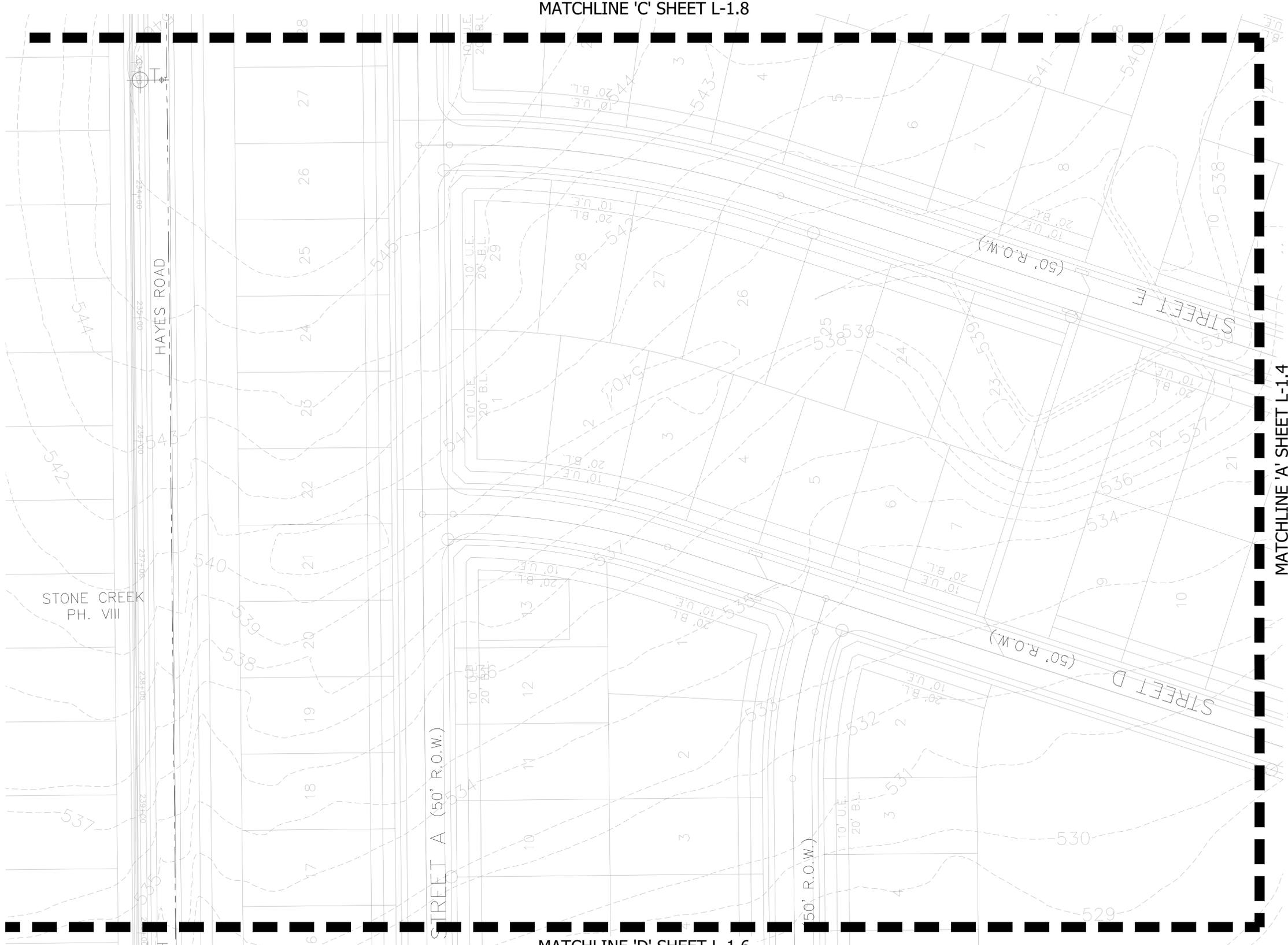
No.	Date	Revision Description

PROJECT NO.: 090-22-009



SHEET NO.  
**L-1.6**

MATCHLINE 'C' SHEET L-1.8



MATCHLINE 'A' SHEET L-1.4

KEY MAP  
SCALE: 1"=500'



MATCHLINE 'D' SHEET L-1.6

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 REGISTRATION # F-10599 (TEXAS)

HANCE DEVELOPMENT  
 ROCKWALL, TEXAS

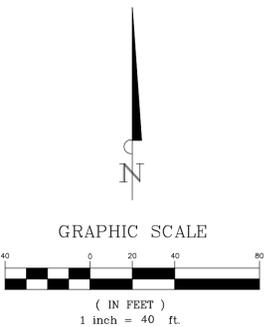
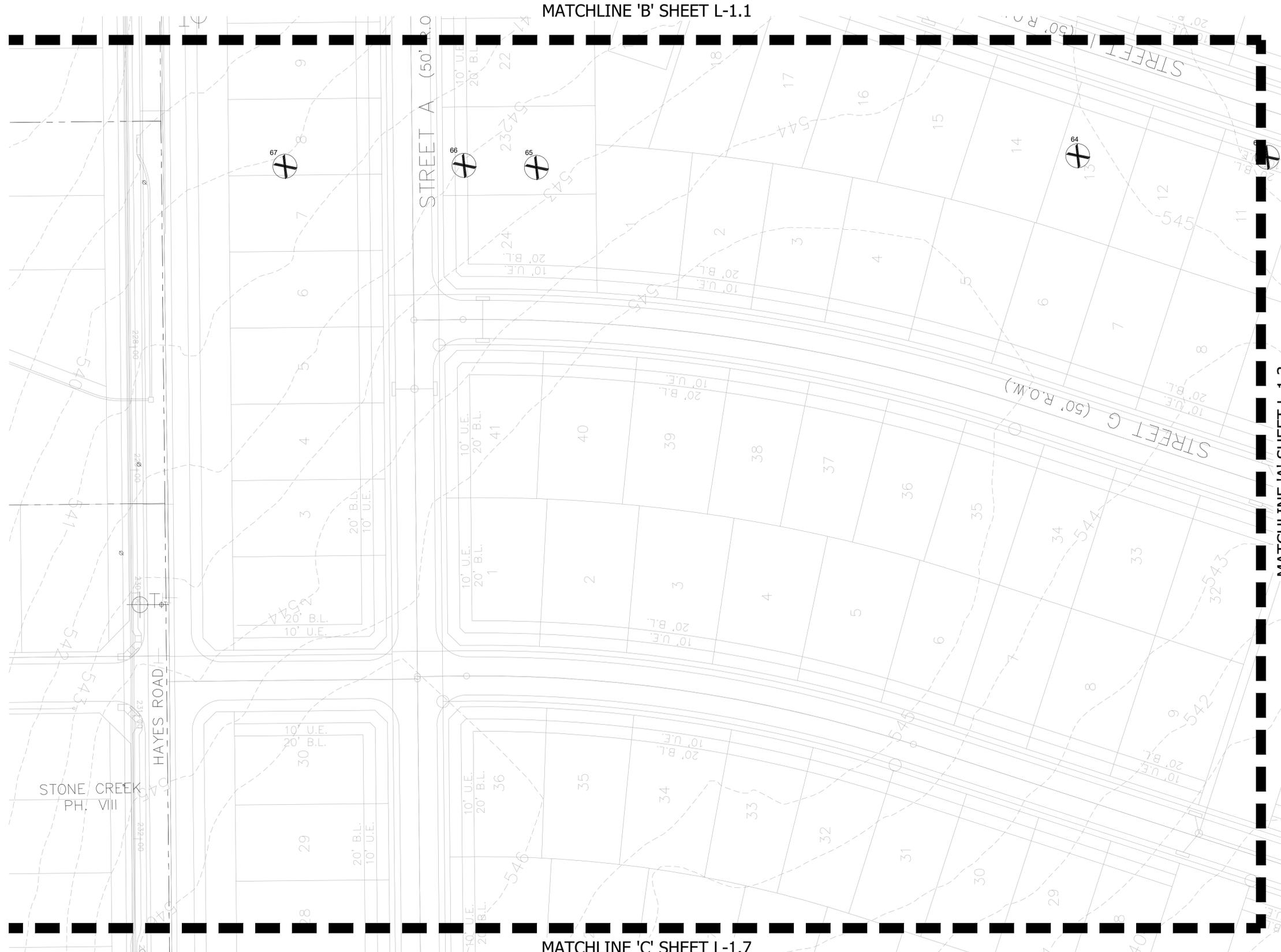
**TREE PRESERVATION PLAN**

No.	Date	Revision Description

PROJECT NO.: 090-22-009



SHEET NO.  
**L-1.7**



MATCHLINE 'A' SHEET L-1.3

KEY MAP  
SCALE: 1"=500'



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HANCE DEVELOPMENT  
ROCKWALL, TEXAS

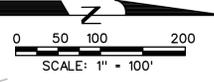
**TREE PRESERVATION PLAN**

No.	Date	Revision Description



SHEET NO.  
**L-1.8**

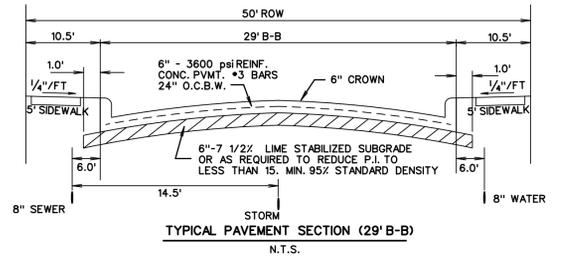
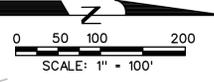
PROJECT NO.: 090-22-009



**RUNOFF COMPUTATIONS**

Area #	Area (sf)	Area (acres)	Runoff Coefficient	CA (mm)	Tc (100)	Q (cfs)
1	193803	4.45	0.50	2.22	10	9.80
2	113265	2.60	0.50	1.30	10	9.80
3	97397	2.24	0.50	1.12	10	9.80
4	71206	1.63	0.50	0.82	10	9.80
5	196648	4.51	0.50	2.26	10	9.80
6	106800	2.45	0.50	1.23	10	9.80
7	135902	3.12	0.50	1.56	10	9.80
8	211032	4.84	0.50	2.42	10	9.80
9	69165	1.59	0.50	0.79	10	9.80
10	41427	0.95	0.50	0.48	10	9.80
11	140794	3.23	0.50	1.62	10	9.80
12	85700	1.97	0.50	0.98	10	9.80
13	127081	2.92	0.50	1.46	10	9.80
14	114943	2.64	0.50	1.32	10	9.80
15	172385	3.96	0.50	1.98	10	9.80
16	62824	1.44	0.50	0.72	10	9.80
17	209177	4.80	0.50	2.40	10	9.80
19	119519	2.74	0.50	1.37	10	9.80
20	209829	4.82	0.50	2.41	10	9.80
21	70757	1.62	0.50	0.81	10	9.80
22	114490	2.63	0.50	1.31	10	9.80
23	127118	2.92	0.50	1.46	10	9.80
24	98571	2.26	0.50	1.13	10	9.80
25	29583	0.68	0.50	0.34	10	9.80
26	16200	0.37	0.90	0.33	10	9.80
27	16200	0.37	0.90	0.33	10	9.80
28	16200	0.37	0.90	0.33	10	9.80
29	19575	0.45	0.90	0.40	10	9.80
31	22494	0.52	0.90	0.46	10	9.80
32	22412	0.51	0.90	0.46	10	9.80
33	12879	0.30	0.90	0.27	10	9.80
34	14397	0.33	0.90	0.30	10	9.80
35	11649	0.27	0.90	0.24	10	9.80
36	9106	0.21	0.90	0.19	10	9.80
37	6484	0.15	0.90	0.13	10	9.80
38	8046	0.18	0.90	0.17	10	9.80
39	8004	0.18	0.90	0.17	10	9.80
40	11620	0.27	0.90	0.24	10	9.80
41	28382	0.65	0.90	0.59	10	9.80
42	150906	3.46	0.50	1.73	10	9.80
43	92024	2.11	0.50	1.06	10	9.80
44	48030	1.10	0.90	0.99	10	9.80
45	30874	0.71	0.90	0.64	10	9.80
46	190638	4.38	0.50	2.19	10	9.80
47	20254	0.46	0.50	0.23	10	9.80

PRELIMINARY DRAINAGE MAP  
OF  
**QUAIL HOLLOW**  
LOTS 1-31, BLOCK A  
LOTS 1-13, BLOCK B  
LOTS 1-29, BLOCK C  
LOTS 1-24, BLOCK D  
LOTS 1-7, BLOCK E  
LOTS 1-15, BLOCK F  
LOTS 1-36, BLOCK G  
LOTS 1-41, BLOCK H  
LOTS 1-21, BLOCK I  
LOTS 1-24, BLOCK J  
LOTS 1-27, BLOCK K  
TOTAL ACRES 86.157  
TOTAL RESIDENTIAL LOTS 250  
TOTAL OPEN SPACE LOTS 17  
PHASE I LOTS 116  
PHASE II LOTS 134  
OUT OF THE  
J.A. RAMSEY SURVEY,  
ABSTRACT NO. 186  
IN THE  
CITY OF ROCKWALL  
ROCKWALL COUNTY, TEXAS  
OWNER  
R & R HANCE INVESTMENTS, L.P.  
6946 SPERRY STREET  
DALLAS, TEXAS 75214  
DEVELOPER  
SKORBURG COMPANY, LLC.  
8214 WESTCHESTER DRIVE, STE. 900  
DALLAS, TEXAS 75225  
PREPARED BY  
CORWIN ENGINEERING, INC.  
200 W. BELMONT, SUITE E  
ALLEN, TEXAS 75013  
972-396-1200



PRELIMINARY WATER, SEWER, & STORM OF  
**QUAIL HOLLOW**  
 LOTS 1-31, BLOCK A  
 LOTS 1-13, BLOCK B  
 LOTS 1-29, BLOCK C  
 LOTS 1-24, BLOCK D  
 LOTS 1-7, BLOCK E  
 LOTS 1-15, BLOCK F  
 LOTS 1-36, BLOCK G  
 LOTS 1-41, BLOCK H  
 LOTS 1-21, BLOCK I  
 LOTS 1-24, BLOCK J  
 LOTS 1-27, BLOCK K  
 TOTAL ACRES 86.157

TOTAL RESIDENTIAL LOTS 250  
 TOTAL OPEN SPACE LOTS 17  
 PHASE I LOTS 116  
 PHASE II LOTS 134  
 OUT OF THE  
**J.A. RAMSEY SURVEY,**  
 ABSTRACT NO. 186  
 IN THE  
**CITY OF ROCKWALL**  
**ROCKWALL COUNTY, TEXAS**

OWNER  
**R & R HANCE INVESTMENTS, L.P.**  
 6946 SPERRY STREET  
 DALLAS, TEXAS 75214  
 DEVELOPER  
**SKORBURG COMPANY, LLC.**  
 8214 WESTCHESTER DRIVE, STE. 900  
 DALLAS, TEXAS 75225  
 PREPARED BY  
**CORWIN ENGINEERING, INC.**  
 200 W. BELMONT, SUITE E  
 ALLEN, TEXAS 75013  
 972-396-1200

- LEGEND**
- PROP. WATER LINE
  - PROP. FIRE HYDRANT AND VALVE
  - PROP. GATE VALVE
  - PROP. FLUSH VALVE
  - EXIST. WATER LINE
  - EXIST. FIRE HYDRANT AND VALVE
  - PROP. SANITARY SEWER
  - PROP. MANHOLE
  - PROP. CLEANOUT
  - EXIST. SANITARY SEWER
  - EXIST. MANHOLE
  - PROP. STORM SEWER
  - PROP. CURB INLETS
  - PROP. CONC. HEADWALL

Skorburg Company  
8214 Westchester Dr., Ste. 710  
Dallas, TX 75225  
Phone: 214/522-4945  
Fax: 214/522-7244



City of Rockwall  
385 S Goliad St  
Rockwall, Texas 75087

September 6, 2022

To whom it may concern,

The Quail Hollow proposed water, sanitary sewer, drainage, and pavement facilities will be serviced by the City of Rockwall existing infrastructure facilities. These proposed facilities are within the City of Rockwall existing service basin.

Regards,

A handwritten signature in black ink, appearing to read "HJ", with a long, sweeping horizontal line extending to the right.

Humberto Johnson Jr. P.E.  
Skorburg Company - Land Development Engineer



## MEMORANDUM

---

**TO:** Mary Smith, City Manager

**CC:** Honorable Mayor and City Council

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

**DATE:** September 19, 2022

**SUBJECT:** P2022-039; MASTER PLAT FOR THE QUAIL HALLOW SUBDIVISION

---

### Attachments

Case Memo  
Development Application  
Location Map  
Master Plat  
Concept Plan

### Summary/Background Information

Consider a request by Humberto Johnson, Jr. of the Skorborg Company on behalf of Larry Hance of R & R Investments for the approval of a *Master Plat* for the Quail Hollow Subdivision consisting of 250 single-family residential lots on a 85.63-acre tract of land identified as Tracts 2-01, 2-04, 2-05 & 2-06 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 96 (PD-96) for Single-Family 10 (SF-10) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, generally located at the southeast corner of the intersection of Hays Road and John King Boulevard, and take any action necessary.

### Action Needed

The City Council is being asked to approve, approve with conditions, or deny the proposed *Master Plat*.



# 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:** September 19, 2022  
**APPLICANT:** Humberto Johnson JR; Skorburg Company  
**CASE NUMBER:** P2022-039; *Master Plat for the Quail Hollow Subdivision*

---

### SUMMARY

Consider a request by Humberto Johnson, Jr. of the Skorburg Company on behalf of Larry Hance of R & R Investments for the approval of a *Master Plat* for the Quail Hollow Subdivision consisting of 250 single-family residential lots on a 85.63-acre tract of land identified as Tracts 2-01, 2-04, 2-05 & 2-06 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 96 (PD-96) for Single-Family 10 (SF-10) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, generally located at the southeast corner of the intersection of Hays Road and John King Boulevard, and take any action necessary.

### PLAT INFORMATION

- The applicant is requesting the approval of a *Master Plat* for the Quail Hollow Subdivision. The Quail Hollow Subdivision will be a two (2) phase, master planned community that will consist of 250 single-family residential lots on an 85.63-acre tract of land. The *Master Plat* indicates the location of the trails, canopy trees within the open space, and the amenities proposed for the public park. It should be noted that the applicant has also submitted a *Preliminary Plat* [*i.e.* Case No. P2022-037] concurrently with this *Master Plat*.
- The subject property was annexed on March 16, 1998 by *Ordinance No. 98-10* [Case No. A1998-001]. At the time of annexation, the subject property was zoned Agricultural (AG) District. According to the Rockwall Central Appraisal District (RCAD), currently situated on the subject property is: [1] a 2,236 SF single-family home, [2] a 64 SF storage building, [3] a 2,400 SF metal storage building, [4] a 2,208 SF barn, [5] an 897 SF storage shed, and [6] an 864 SF storage building. All of these improvements were constructed in 1975. On August 15, 2022, the City Council approved *Ordinance No. 22-44* rezoning the subject property from an Agricultural (AG) District to Planned Development District 96 (PD-96).
- On September 7, 2022, the Parks and Recreation Board reviewed the *Master Plat* and made the following recommendations concerning the proposed subdivision.
  - (1) The property owner shall pay pro-rata equipment fees of \$122,250 (*i.e.* \$489.00 x 250 Lots).
  - (2) The property owner shall pay cash-in-lieu of land fees of \$129,000.00 (*i.e.* \$516.00 x 250 Lots)
- The surveyor has completed the majority of the technical revisions requested by staff, and this plat -- *conforming to the requirements for master plats as stipulated by the Chapter 38, Subdivisions, of the Municipal Code of Ordinances* -- is recommended for conditional approval pending the completion of final technical modifications and submittal requirements.
- Conditional approval of this plat by the City Council shall constitute approval subject to the conditions stipulated in the *Conditions of Approval* section below.
- With the exception of the items listed in the *Conditions of Approval* section of this case memo, this plat is in substantial compliance with the requirements of Chapter 38, *Subdivisions*, of the Municipal Code of Ordinances.

## **CONDITIONS OF APPROVAL**

If the City Council chooses to approve the Master Plat for the *Quail Hollow Subdivision*, staff would propose the following conditions of approval:

- (1) All technical comments from the Engineering, Planning and Fire Departments shall be addressed prior to the filing of this plat;
- (2) The development shall adhere to the recommendations of the Parks and Recreation Board; and,
- (3) Any construction resulting from the approval of this Master Plat 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 September 13, 2022, the Planning and Zoning Commission recommended approval of the Master Plat with a vote of 6-0, with Commissioner Welch absent.



# DEVELOPMENT APPLICATION

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

### STAFF USE ONLY

PLANNING & ZONING CASE NO.

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

#### SITE PLAN APPLICATION FEES:

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

#### ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE)
  - SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE)
  - PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE)
- OTHER APPLICATION FEES:**
- TREE REMOVAL (\$75.00)
  - VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00)

#### NOTES:

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.  
A \$1,000.00 FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.

### PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS 1244 E Quail Run Rd Rockwall Texas 75087

SUBDIVISION

LOT

BLOCK

GENERAL LOCATION

### ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING AG

CURRENT USE AG

PROPOSED ZONING PD

PROPOSED USE PD

ACREAGE 85.629

LOTS [CURRENT] 1

LOTS [PROPOSED] 250

- 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 R&R Hance Investments

APPLICANT Skorburg Company

CONTACT PERSON Larry Hance

CONTACT PERSON Humberto Johnson Jr. PE

ADDRESS 6946 Sperry St

ADDRESS 8214 westchester Dr STE 900

CITY, STATE & ZIP Dallas Texas 75214

CITY, STATE & ZIP Dallas, Tx 75225

PHONE 214-207-4362

PHONE 682-225-5834

E-MAIL

E-MAIL jrjohnson@skorburgcompany.com

### NOTARY VERIFICATION [REQUIRED]

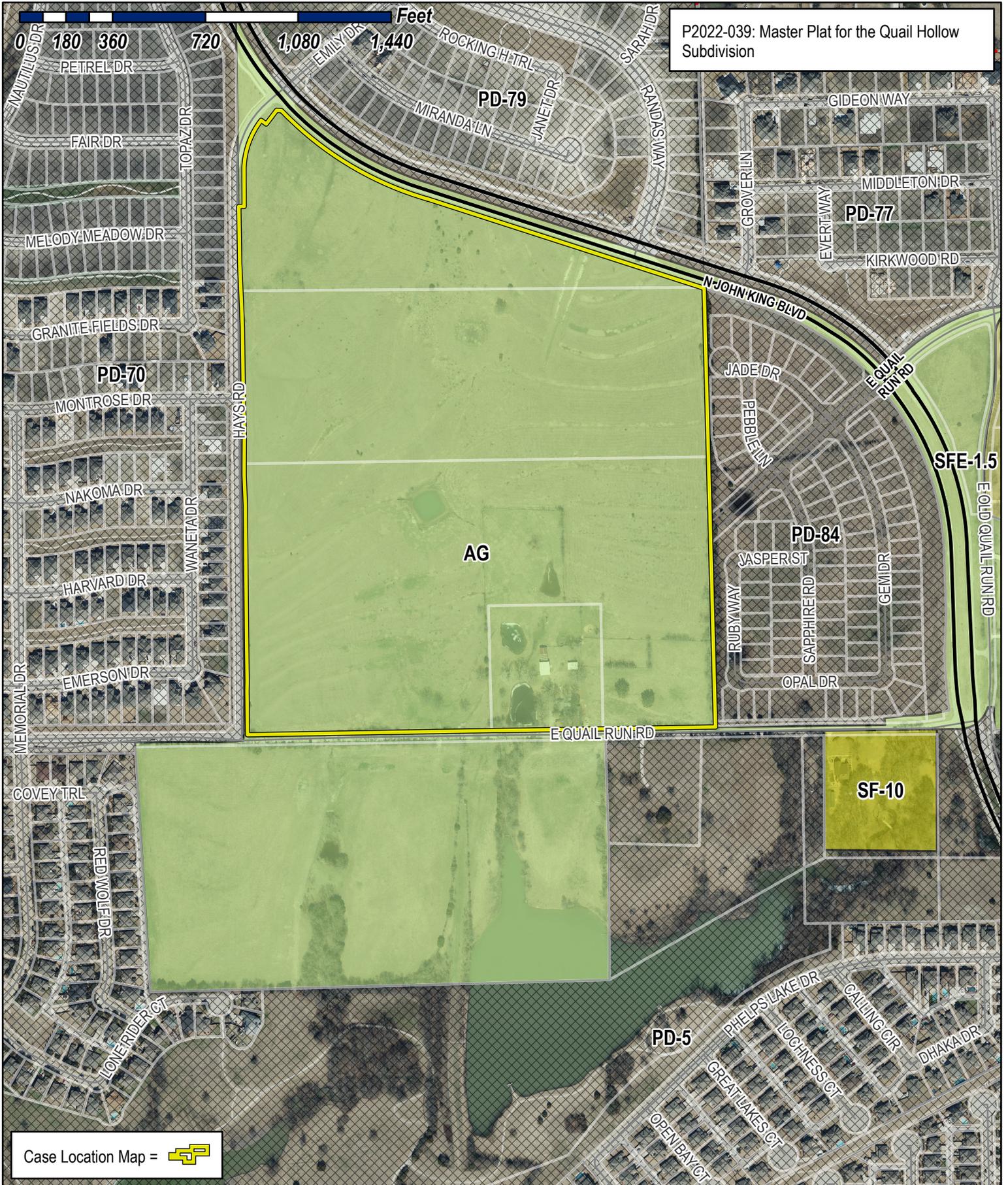
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Larry Hance [OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:

"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 \$ 2868.87 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 18 DAY OF AUGUST, 2022 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 11<sup>th</sup> DAY OF August, 2022.

*[Signature]*  
OWNER'S SIGNATURE  
NOTARY PUBLIC IN AND FOR THE STATE OF Montana  
JNT  
DEVELOPMENT APPLICATION

JORDYN N TONEY  
Notary Public  
for the State of Montana  
Residing at:  
Livingston, Montana  
My Commission Expires:  
January 29 2025



Case Location Map = 

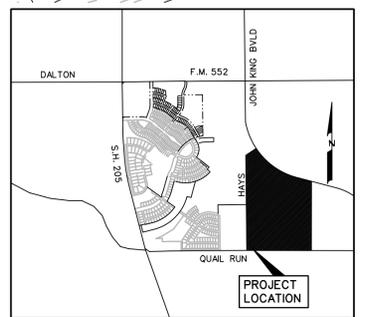
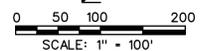
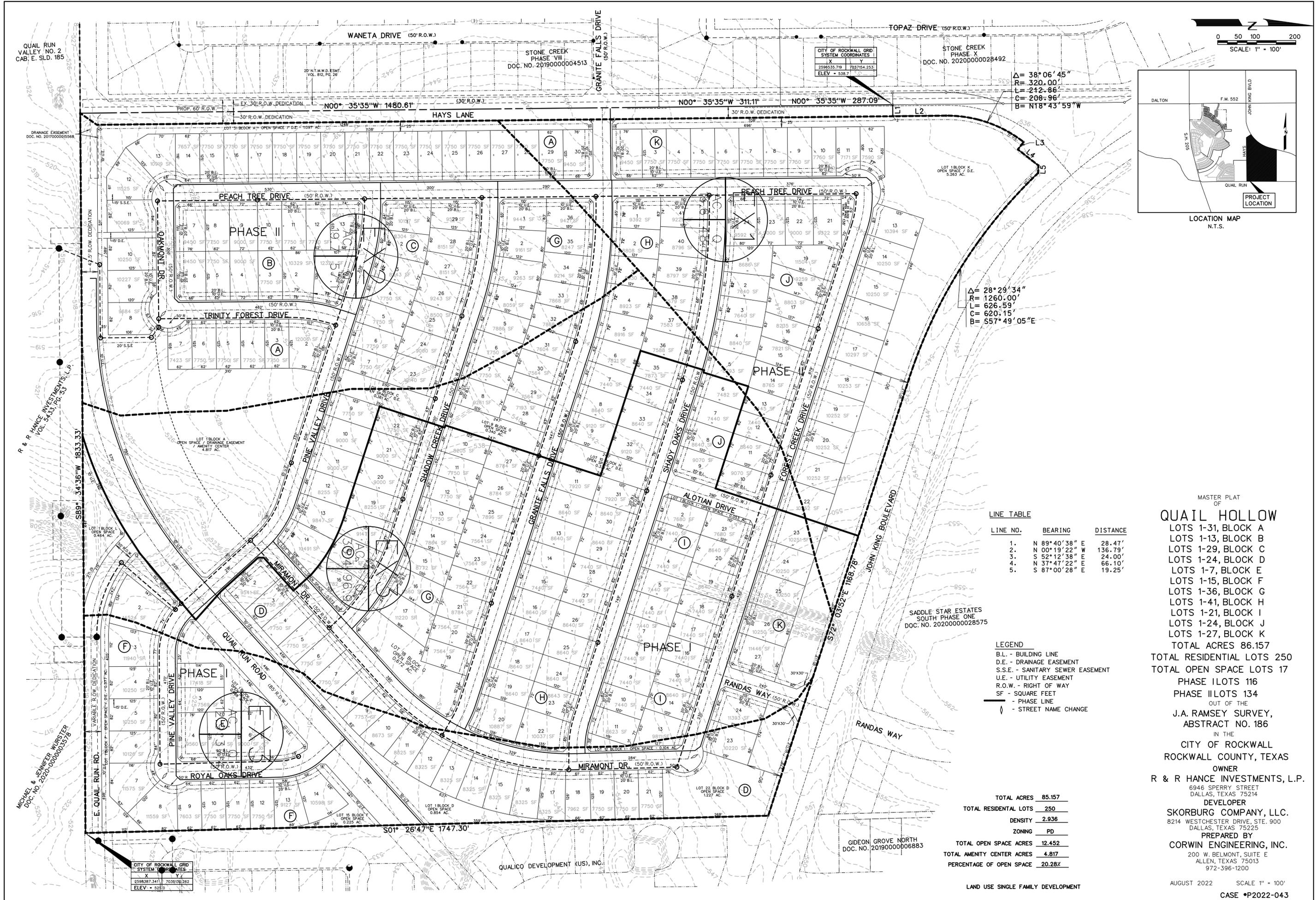


# City of Rockwall

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.





LOCATION MAP  
N.T.S.

$\Delta = 38^\circ 06' 45''$   
 $R = 320.00'$   
 $L = 242.86'$   
 $C = 208.96'$   
 $B = N18^\circ 43' 59'' W$

$\Delta = 28^\circ 29' 34''$   
 $R = 1260.00'$   
 $L = 626.59'$   
 $C = 620.15'$   
 $B = S57^\circ 49' 05'' E$

LINE TABLE

LINE NO.	BEARING	DISTANCE
1.	N 89° 40' 38" E	28.47'
2.	N 00° 19' 22" W	136.79'
3.	S 52° 12' 38" E	24.00'
4.	N 37° 47' 22" E	66.10'
5.	S 87° 00' 26" E	19.25'

LEGEND

- B.L. - BUILDING LINE
- D.E. - DRAINAGE EASEMENT
- S.S.E. - SANITARY SEWER EASEMENT
- U.E. - UTILITY EASEMENT
- R.O.W. - RIGHT OF WAY
- SF - SQUARE FEET
- PHASE LINE
- ↕ - STREET NAME CHANGE

TOTAL ACRES	85.157
TOTAL RESIDENTIAL LOTS	250
DENSITY	2.936
ZONING	PD
TOTAL OPEN SPACE ACRES	12.452
TOTAL AMENITY CENTER ACRES	4.817
PERCENTAGE OF OPEN SPACE	20.28%

MASTER PLAT  
 OF  
**QUAIL HOLLOW**  
 LOTS 1-31, BLOCK A  
 LOTS 1-13, BLOCK B  
 LOTS 1-29, BLOCK C  
 LOTS 1-24, BLOCK D  
 LOTS 1-7, BLOCK E  
 LOTS 1-15, BLOCK F  
 LOTS 1-36, BLOCK G  
 LOTS 1-41, BLOCK H  
 LOTS 1-21, BLOCK I  
 LOTS 1-24, BLOCK J  
 LOTS 1-27, BLOCK K  
 TOTAL ACRES 86.157  
 TOTAL RESIDENTIAL LOTS 250  
 TOTAL OPEN SPACE LOTS 17  
 PHASE I LOTS 116  
 PHASE II LOTS 134  
 OUT OF THE  
 J.A. RAMSEY SURVEY,  
 ABSTRACT NO. 186  
 IN THE  
 CITY OF ROCKWALL  
 ROCKWALL COUNTY, TEXAS  
 OWNER  
 R & R HANCE INVESTMENTS, L.P.  
 6946 SPERRY STREET  
 DALLAS, TEXAS 75214  
 DEVELOPER  
 SKORBURG COMPANY, LLC.  
 8214 WESTCHESTER DRIVE, STE. 900  
 DALLAS, TEXAS 75225  
 PREPARED BY  
 CORWIN ENGINEERING, INC.  
 200 W. BELMONT, SUITE E  
 ALLEN, TEXAS 75013  
 972-396-1200

LAND USE SINGLE FAMILY DEVELOPMENT

AUGUST 2022 SCALE 1" = 100'  
CASE #P2022-043

CITY OF ROCKWALL GRID SYSTEM COORDINATES

X	2598387.341	7036150.262
Y		
ELEV.	522.0	

CITY OF ROCKWALL GRID SYSTEM COORDINATES

X	2598335.719	7037154.253
Y		
ELEV.	538.7	

QUALICO DEVELOPMENT (US), INC.

GIDEON GROVE NORTH  
DOC. NO. 2019000006883

SADDLE STAR ESTATES  
SOUTH PHASE ONE  
DOC. NO. 20200000028575

QUAIL RUN VALLEY NO. 2  
CAB. E. SLD. 185

R & R HANCE INVESTMENTS, L.P.  
VOL. 5-433, PG. 23

MICHEL & JENNIFER WILSTER  
Doc. No. 2020-000003578

DRAINAGE EASEMENT  
DOC. NO. 2017000005568

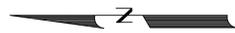
DRAINAGE EASEMENT  
DOC. NO. 2017000005568

R & R HANCE INVESTMENTS, L.P.  
VOL. 5-433, PG. 23

MICHEL & JENNIFER WILSTER  
Doc. No. 2020-000003578

CITY OF ROCKWALL GRID SYSTEM COORDINATES

X	2598387.341	7036150.262
Y		
ELEV.	522.0	

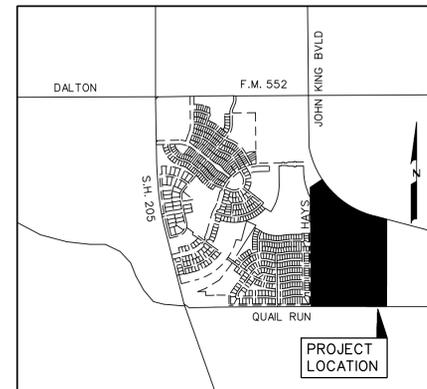


0 50 100 200  
SCALE: 1" = 100'

**LEGEND**

TYPICAL LOT SIZES

- 82' X 125' - 26 LOTS
- 72' X 120' - 74 LOTS
- 62' X 120' - 150 LOTS
- OPEN SPACE - 12.40 Ac.
- AMENITY CENTER - 4.8 Ac.



LOCATION MAP  
N.T.S.



TOTAL ACRES	85.63
TOTAL RESIDENTIAL LOTS	250
RESIDENTIAL DENSITY	2.92
OPEN SPACE PERCENTAGE	20.09%

OPEN SPACE  
MASTER PLAN  
OF  
**HANCE TRACT**  
SITUATED IN THE  
P.B. HARRISON SURVEY, ABSTRACT NO. 97  
IN THE  
CITY OF ROCKWALL  
ROCKWALL COUNTY, TEXAS  
OWNER  
R & R HANCE INVESTMENTS LP  
6946 SPERRY STREET  
DALLAS, TEXAS 75214  
PREPARED BY  
CORWIN ENGINEERING, INC.  
200 W. BELMONT, SUITE E  
ALLEN, TEXAS 75013  
972-396-1200  
SEPTEMBER 2022 SCALE 1" = 100'



## MEMORANDUM

---

**TO:** Mary Smith, City Manager  
**CC:** Honorable Mayor and City Council  
**FROM:** Ryan Miller, Director of Planning and Zoning  
**DATE:** September 19, 2022  
**SUBJECT:** P2022-041; PRELIMINARY PLAT FOR REC CAMPUS ADDITION

---

### Attachments

Case Memo  
Development Application  
Location Map  
Preliminary Plat  
Closure Report

### Summary/Background Information

Consider a request by Wayne Terry of R-Delta Engineers, Inc. on behalf of Stephen Geiger of Rayburn Country Electric Cooperation for the approval of a *Preliminary Plat* for Lots 1-4, Block A, REC Campus Addition being a 99.849-acre tract of land identified as a Lots 6-9, Block 1, Rayburn Country Addition and Tract 3 of the W. H. Barnes Survey, Abstract No. 26, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) and Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, located at the northwest corner of the intersection of S. Goliad Street [SH-205] and Mims Road, and take any action necessary.

### Action Needed

The City Council is being asked to approve, approve with conditions, or deny the proposed *Preliminary Plat*.



# 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:** September 19, 2022  
**APPLICANT:** Wayne Terry, R-Delta Engineers, Inc.  
**CASE NUMBER:** P2022-041; *Preliminary Plat for REC Campus Addition*

---

### SUMMARY

Consider a request by Wayne Terry of R-Delta Engineers, Inc. on behalf of Stephen Geiger of Rayburn Country Electric Cooperation for the approval of a Preliminary Plat for Lots 2-5, Block A, REC Campus Addition being a 99.849-acre tract of land identified as a Lot 1, Block 1, REC Campus Addition and Tract 3 of the W. H. Barnes Survey, Abstract No. 26, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) and Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, located at the northwest corner of the intersection of S. Goliad Street [SH-205] and Mims Road, and take any action necessary.

### PLAT INFORMATION

- The purpose of the applicant's request is to Preliminary Plat a 99.849-acre parcel of land (*i.e. Lot 1, Block 1, REC Campus Addition and Tract 3 of the W. H. Barnes Survey, Abstract No. 26*) to show the future establishment of four (4) non-residential lots (*i.e. Lots 2-5, Block A, REC Campus Addition*). The proposed Preliminary Plat lays out the necessary easements (*e.g. fire lane, public access/right-of-way, utilities, and drainage*) for the future development of the subdivision.
- The portion of the subject property located between Mims Road, Sids Road, and S. Goliad Street (SH-205) was annexed on May 19, 1986 by *Ordinance No. 86-37 [Case No. A1986-005]*. According to the December 7, 1993 zoning map the subject property was zoned Agricultural (AG) District, Commercial (C) District, and Heavy Commercial (HC) District. The remaining tract of land, located south of the intersection of Sids Road and Mims Road, was annexed on August 30, 1999 by *Ordinance No. 99-33 [Case No. A1999-001]*. According to the April 4, 2005 zoning map the remaining portion of the subject property was zoned Agricultural (AG) District. On August 11, 2014 the City Council approved a final plat of the subject property designating it as Lots 1-3, Block A, of Rayburn Country Addition. On May 15, 2018 the City Council approved to replat the subject property as Lots 4-7, Block A, Rayburn Country Addition. On January 30, 2019 the City Council approved a replat of the subject property establishing Lots 8 & 9, Block A, Rayburn Country Addition.
- The surveyor has completed the majority of the technical revisions requested by staff, and this Preliminary Plat -- *conforming to the requirements for plats as stipulated by the Subdivision Ordinance in the Municipal Code of Ordinances* - is recommended for conditional approval pending the completion of final technical modifications and submittal requirements.
- Conditional approval of this plat by the City Council shall constitute approval subject to the conditions stipulated in the *Conditions of Approval* section below.
- With the exception of the items listed in the *Conditions of Approval* section of this case memo, this plat is in substantial compliance with the requirements of the *Subdivision Ordinance* in the Municipal Code of Ordinances.

### CONDITIONS OF APPROVAL

If the City Council chooses to approve the Preliminary Plat for the *REC Campus Addition*, staff would propose the following conditions of approval:

- (1) All technical comments from City Staff (*i.e. Engineering, Planning and Fire Department*) shall be addressed prior to submittal of civil engineering plans; and,
- (2) Any construction resulting from the approval of this plat 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 September 13, 2022, the Planning and Zoning Commission recommended approval of the Preliminary Plat with a vote of 6-0, with Commissioner Welch absent.



# DEVELOPMENT APPLICATION

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

### STAFF USE ONLY

PLANNING & ZONING CASE NO. \_\_\_\_\_

**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) <sup>1</sup>
- PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) <sup>1</sup>
- FINAL PLAT (\$300.00 + \$20.00 ACRE) <sup>1</sup>
- REPLAT (\$300.00 + \$20.00 ACRE) <sup>1</sup>
- AMENDING OR MINOR PLAT (\$150.00)
- PLAT REINSTATEMENT REQUEST (\$100.00)

#### SITE PLAN APPLICATION FEES:

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

#### ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE) <sup>1</sup>
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) <sup>1&2</sup>
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) <sup>1</sup>

#### OTHER APPLICATION FEES:

- TREE REMOVAL (\$75.00)
- VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) <sup>2</sup>

#### NOTES:

<sup>1</sup>: 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.  
<sup>2</sup>: A **\$1,000.00** FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.

## PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS **980 Sids Road, Rockwall, Texas**

SUBDIVISION **Rayburn Country Addition**

LOT

BLOCK

GENERAL LOCATION

## ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING **AG, C and HC**

CURRENT USE **Rayburn Electric's Headquarters**

PROPOSED ZONING **AG, C and HC**

PROPOSED USE **Rayburn Electric's Headquarters**

ACREAGE **99.849**

LOTS [CURRENT] **Four (4)**

LOTS [PROPOSED] **Four (4)**

- 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 **Rayburn Country Electric Coop.**

APPLICANT **R-Delta Engineers, Inc.**

CONTACT PERSON **Stephen Geiger**

CONTACT PERSON **Wayne Terry**

ADDRESS **980 Sids Road**

ADDRESS **618 Main Street**

CITY, STATE & ZIP **Rockwall, Texas, 75087**

CITY, STATE & ZIP **Garland, Texas, 75040**

PHONE **(469) 402-2112**

PHONE **(972) 494-5031**

E-MAIL **sgeiger@rayburnelectric.com**

E-MAIL **wterry@rdelta.com**

## NOTARY VERIFICATION [REQUIRED]

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Stephen Geiger [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 \$ (469) 402-2112, TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 19th DAY OF August, 2022. 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."

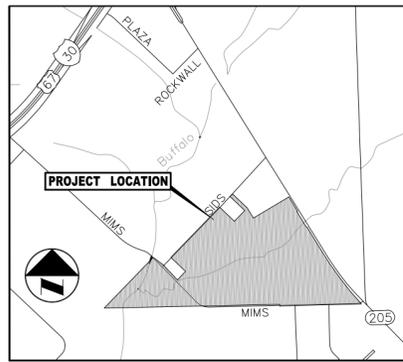
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 19th DAY OF August, 2022.

OWNER'S SIGNATURE

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES

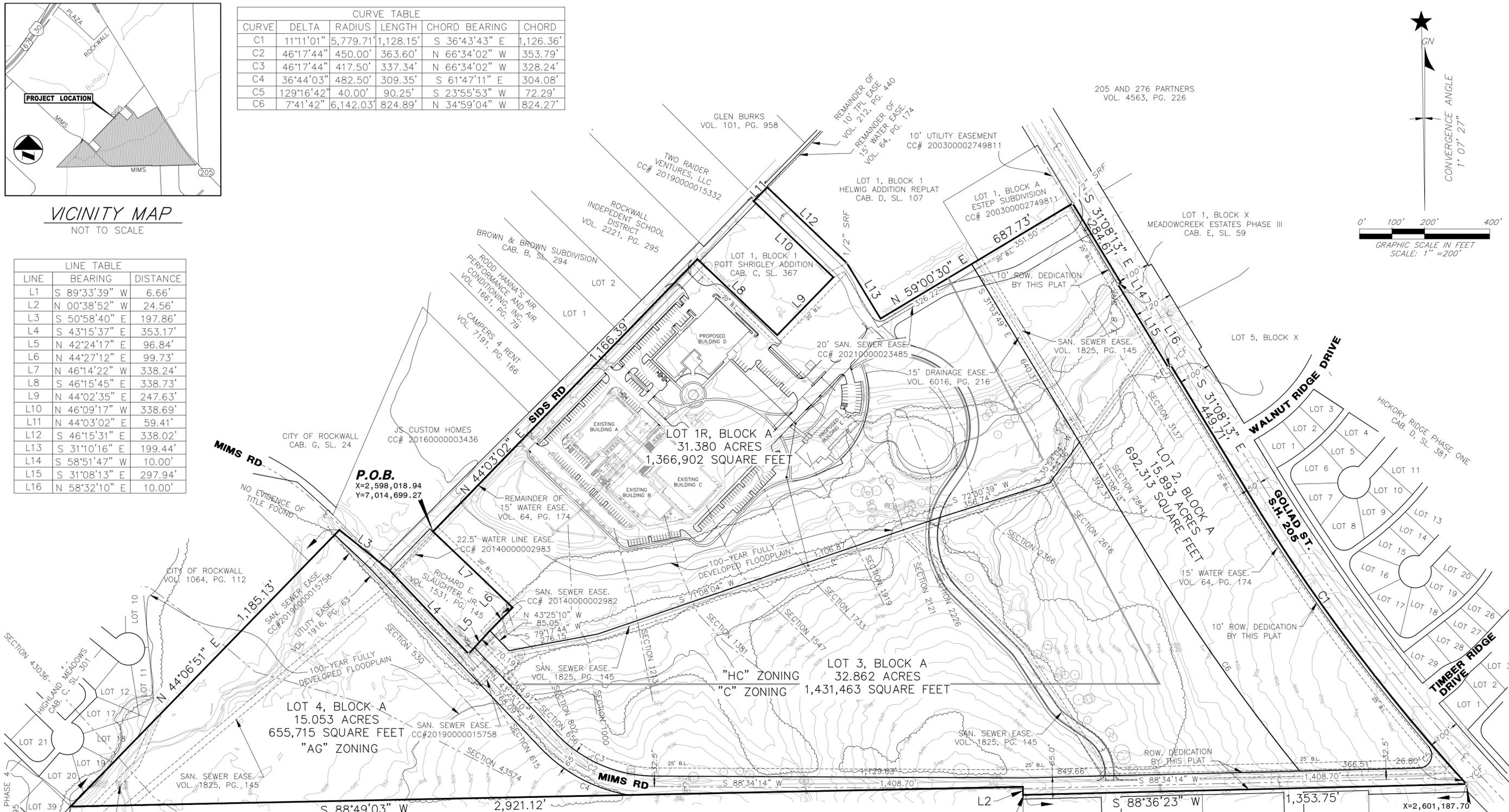




VICINITY MAP  
NOT TO SCALE

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	11°11'01"	5,779.71'	1,128.15'	S 36°43'43" E	1,126.36'
C2	46°17'44"	450.00'	363.60'	N 66°34'02" W	353.79'
C3	46°17'44"	417.50'	337.34'	N 66°34'02" W	328.24'
C4	36°44'03"	482.50'	309.35'	S 61°47'11" E	304.08'
C5	129°16'42"	40.00'	90.25'	S 23°55'53" W	72.29'
C6	7°41'42"	6,142.03'	824.89'	N 34°59'04" W	824.27'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 89°33'39" W	6.66'
L2	N 00°38'52" W	24.56'
L3	S 50°58'40" E	197.86'
L4	S 43°15'37" E	353.17'
L5	N 42°24'17" E	96.84'
L6	N 44°27'12" E	99.73'
L7	N 46°14'22" W	338.24'
L8	S 46°15'45" E	338.73'
L9	N 44°02'35" E	247.63'
L10	N 46°09'17" W	338.69'
L11	N 44°03'02" E	59.41'
L12	S 46°15'31" E	338.02'
L13	S 31°10'16" E	199.44'
L14	S 58°51'47" W	10.00'
L15	S 31°08'13" E	297.94'
L16	N 58°32'10" E	10.00'



- NOTES**
- It shall be the policy of the City of Rockwall to withhold issuing building permits until all streets, water, sewer and storm drainage systems have been accepted by the City. The approval of a plat by the City does not constitute and representation, assurance or guarantee that any building within such plat shall be approved, authorized or permit therefore issued, nor shall such approval constitute any representation, assurance or guarantee by the City of the adequacy and availability for water for personal use and fire protection within such plat, as required under Ordinance 83-54.
  - Property owner shall be responsible for maintaining, repairing, and replacing all systems within the drainage and detention easements.
  - The Bearings and Coordinates reported hereon are based on the Texas Coordinate System of 1983, North Central Zone (Zone 4202).  
All reported distances are surface distances. To obtain distances on the projection grid multiply the reported distances by the average combined factor of 0.999853886 as published by TxDOT for Rockwall County, Texas.  
The convergence or mapping angle at the P.O.B. is 1°07'27"
  - Abandoning all easements created by plats:  
Cab. 1, Sl. 69, and CC#2019000004594  
As shown on Sheet 2.
  - See Sheets 3-5 for proposed Easements by this plat.

VICMAR I, LTD  
TRACT 3  
VOL. 2016, PG. 200

**AREA SUMMARY REPORT:**

LOT 1	1,366,902 SQ FT	31.380 ACRES
LOT 2	692,313 SQ FT	15.893 ACRES
LOT 3	1,431,463 SQ FT	32.862 ACRES
LOT 4	655,715 SQ FT	15.053 ACRES
LOTS	4,146,392 SQ FT	95.188 ACRES

GOLIAD	2,846 SQ FT	0.065 ACRES
MIMS	200,174 SQ FT	4.595 ACRES
DED:	203,020 SQ FT	4.661 ACRES

PARTS: 4,349,412 SQ FT 99.849 ACRES  
BOUNDARY: 4,349,412 SQ FT 99.849 ACRES

**PRELIMINARY PLAT  
REC CAMPUS  
ADDITION**  
LOTS 1R, & 2-4, BLOCK A  
BEING 99.849 ACRES  
SITUATED IN THE  
WILLIAM H. BARNES SURVEY, ABSTRACT NO. 26,  
CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

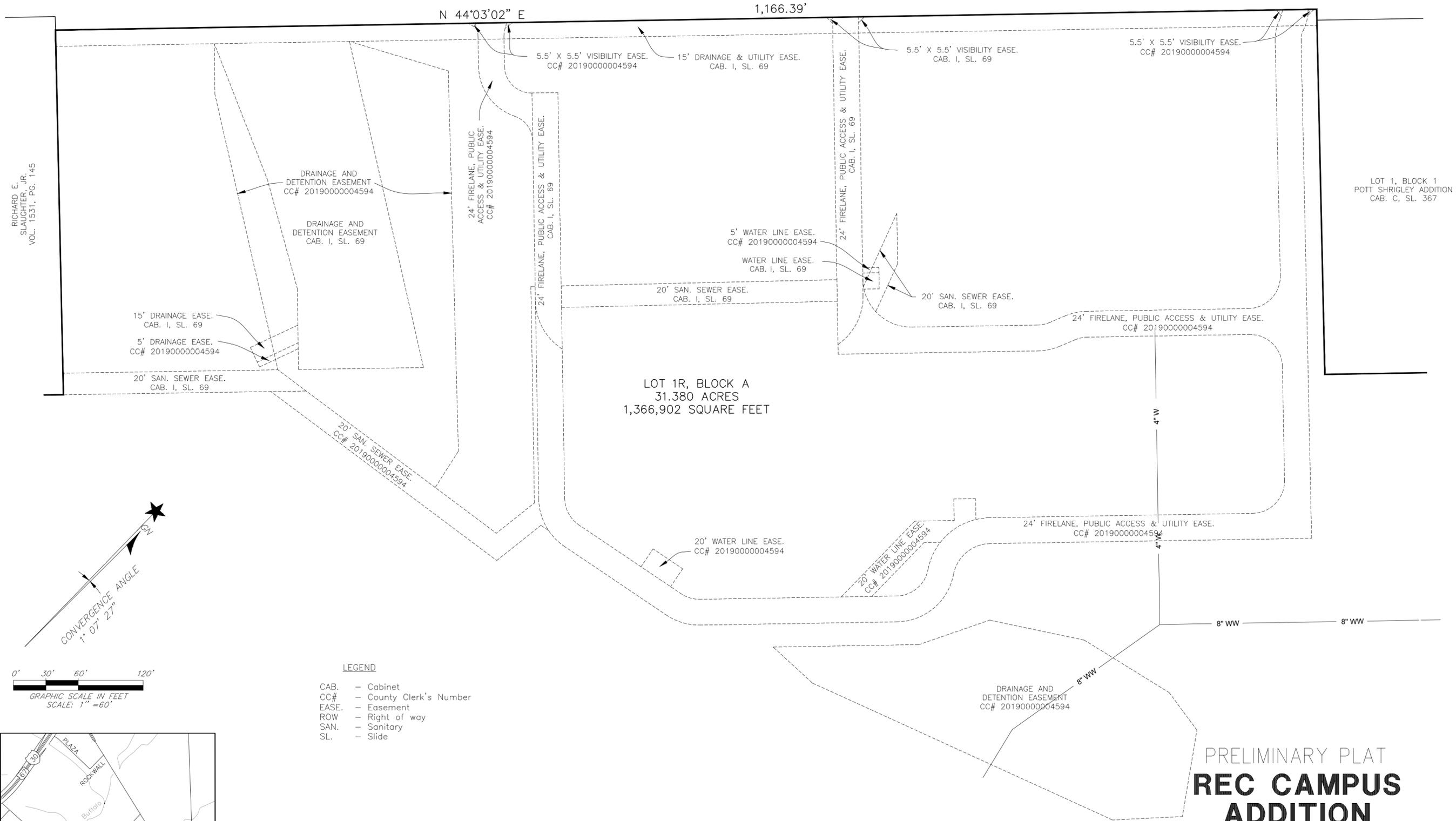
**SURVEYOR:**  
rdelta ENGINEERS  
618 Main Street  
Garland, TX 75040  
Ph. (972) 494-5031  
Fax (972) 487-2270  
www.rdelta.com  
TBPE No. F-1515  
TBPLS No. 10155000

**OWNER:** Rayburn Electric Cooperative  
950 Sids Road  
Rockwall, Texas 75032  
TEL (469) 402-2100

RDE Proj. No. 3036-22  
SHEET 1 OF 6

# EASEMENTS TO BE ABANDONED

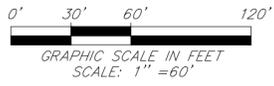
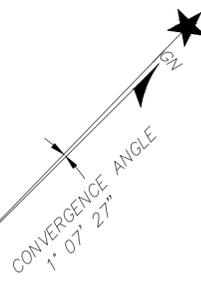
SIDS RD



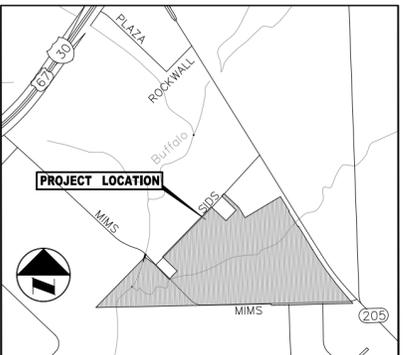
RICHARD E. SLAUGHTER, JR., VOL. 1531, PG. 145

LOT 1, BLOCK 1 POTT SHRIGLEY ADDITION CAB. C, SL. 367

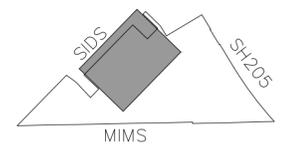
LOT 1R, BLOCK A  
31.380 ACRES  
1,366,902 SQUARE FEET



- LEGEND**
- CAB. - Cabinet
  - CC# - County Clerk's Number
  - EASE. - Easement
  - ROW - Right of way
  - SAN. - Sanitary
  - SL. - Slide



VICINITY MAP  
NOT TO SCALE



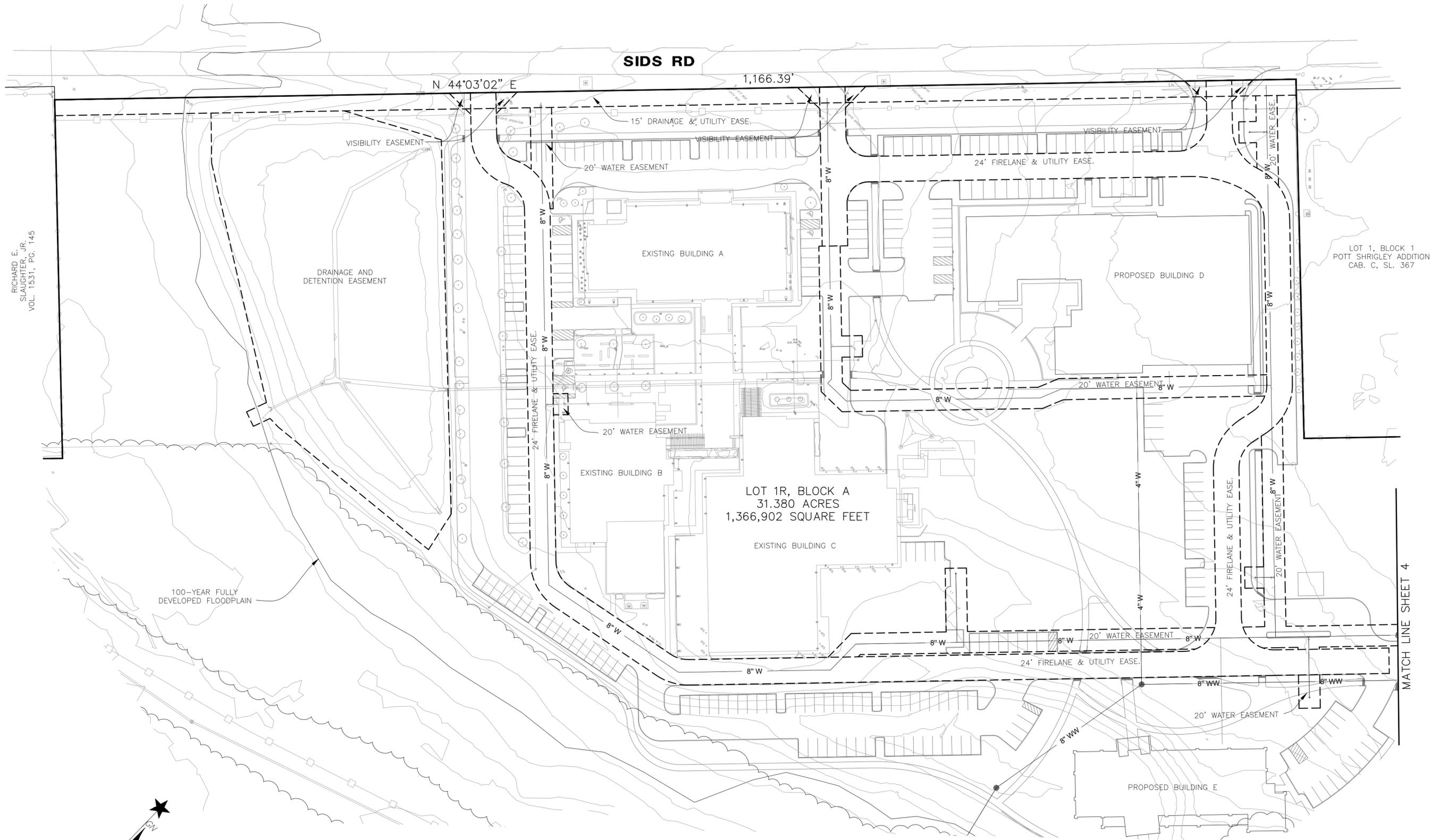
## PRELIMINARY PLAT REC CAMPUS ADDITION

LOTS 1R, & 2-4, BLOCK A  
BEING 99.849 ACRES  
SITUATED IN THE  
WILLIAM H. BARNES SURVEY, ABSTRACT NO. 26,  
CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

SURVEYOR:  
**rdelta**  
ENGINEERS  
618 Main Street  
Garland, TX 75040  
Ph. (972) 494-5031  
Fax (972) 487-2270  
www.rdelta.com  
TBPE No. F-1515  
TBPLS No. 10155000

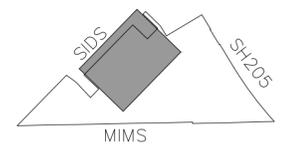
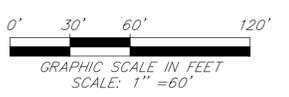
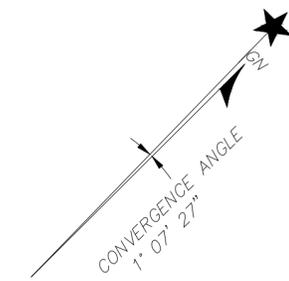
OWNER: Rayburn Electric Cooperative  
950 Sids Road  
Rockwall, Texas 75032  
TEL (469) 402-2100

# PROPOSED EASEMENTS BY THIS PLAT



RICHARD E. SLAUGHTER, JR.  
VOL. 1531, PG. 145

LOT 1, BLOCK 1  
POTT SHRIGLEY ADDITION  
CAB. C, SL. 367



**LEGEND**

- CAB. - Cabinet
- EASE. - Easement
- PG. - Page
- SL. - Slide
- VOL. - Volume

SURVEYOR:



618 Main Street  
Garland, TX 75040  
Ph. (972) 494-5031  
Fax (972) 487-2270  
www.rdelta.com  
TBPE No. F-1515  
TBPLS No. 10155000

OWNER:

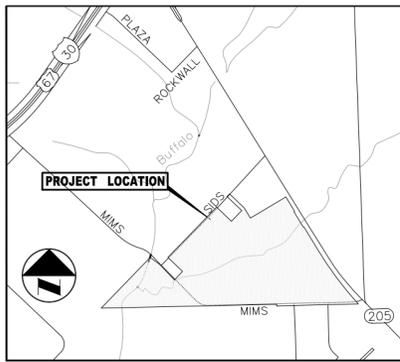
Rayburn Electric Cooperative  
950 Sids Road  
Rockwall, Texas 75032  
TEL (469) 402-2100

PRELIMINARY PLAT  
**REC CAMPUS  
ADDITION**

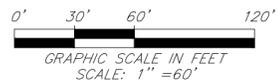
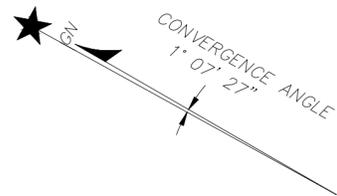
LOTS 1R, & 2-4, BLOCK A  
BEING 99.849 ACRES

SITUATED IN THE  
WILLIAM H. BARNES SURVEY, ABSTRACT NO. 26,  
CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

RDE Proj. No. 3036-22  
SHEET 3 OF 6



VICINITY MAP  
NOT TO SCALE



GOLIAD ST. S.H. 205

10' UTILITY EASEMENT  
CC# 200300002749811

10' ROW. DEDICATION  
BY THIS PLAT

# PROPOSED EASEMENTS BY THIS PLAT

LOT 1, BLOCK A  
ESTEP SUBDIVISION  
CC# 200300002749811

LOT 2, BLOCK A  
15.893 ACRES  
692,313 SQUARE FEET

LOT 1R, BLOCK A  
31.380 ACRES  
1,366,902 SQUARE FEET

LOT 3, BLOCK A  
32.862 ACRES  
1,431,463 SQUARE FEET

LOT 1, BLOCK 1  
HELWIG ADDITION REPLAT  
CAB. D, SL. 107

LOT 1, BLOCK 1  
POTT SHRIGLEY ADDITION  
CAB. C, SL. 367

50' ACCESS EASEMENT

20' WATER EASEMENT

DRAINAGE & DETENTION EASEMENT  
(AMENITY & DETENTION POND)

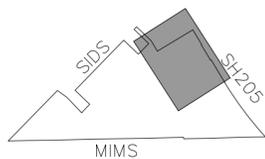
100-YEAR FULLY  
DEVELOPED FLOODPLAIN

MATCH LINE SHEET 5

MATCH LINE SHEET 3

LEGEND

- CC# - County Clerk's Number
- CM - Controlling Monument
- ROW - Right of way
- POB - Point of Beginning
- PG. - Page
- SRF - Steel rod found
- VOL. - Volume
- XF - "X" cut Found



PRELIMINARY PLAT  
**REC CAMPUS  
ADDITION**

LOTS 1R, & 2-4, BLOCK A  
BEING 99.849 ACRES

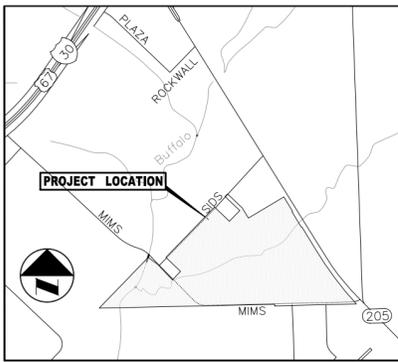
SITUATED IN THE  
WILLIAM H. BARNES SURVEY, ABSTRACT NO. 26,  
CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

SURVEYOR:

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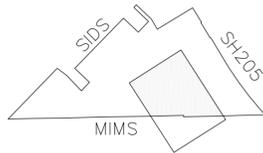
OWNER: Rayburn Electric Cooperative  
950 Sids Road  
Rockwall, Texas 75032  
TEL (469) 402-2100



VICINITY MAP  
NOT TO SCALE

LEGEND

- CC# - County Clerk's Number
- CM - Controlling Monument
- ROW - Right of way
- POB - Point of Beginning
- PG. - Page
- SRF - Steel rod found
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- XF - "X" cut Found

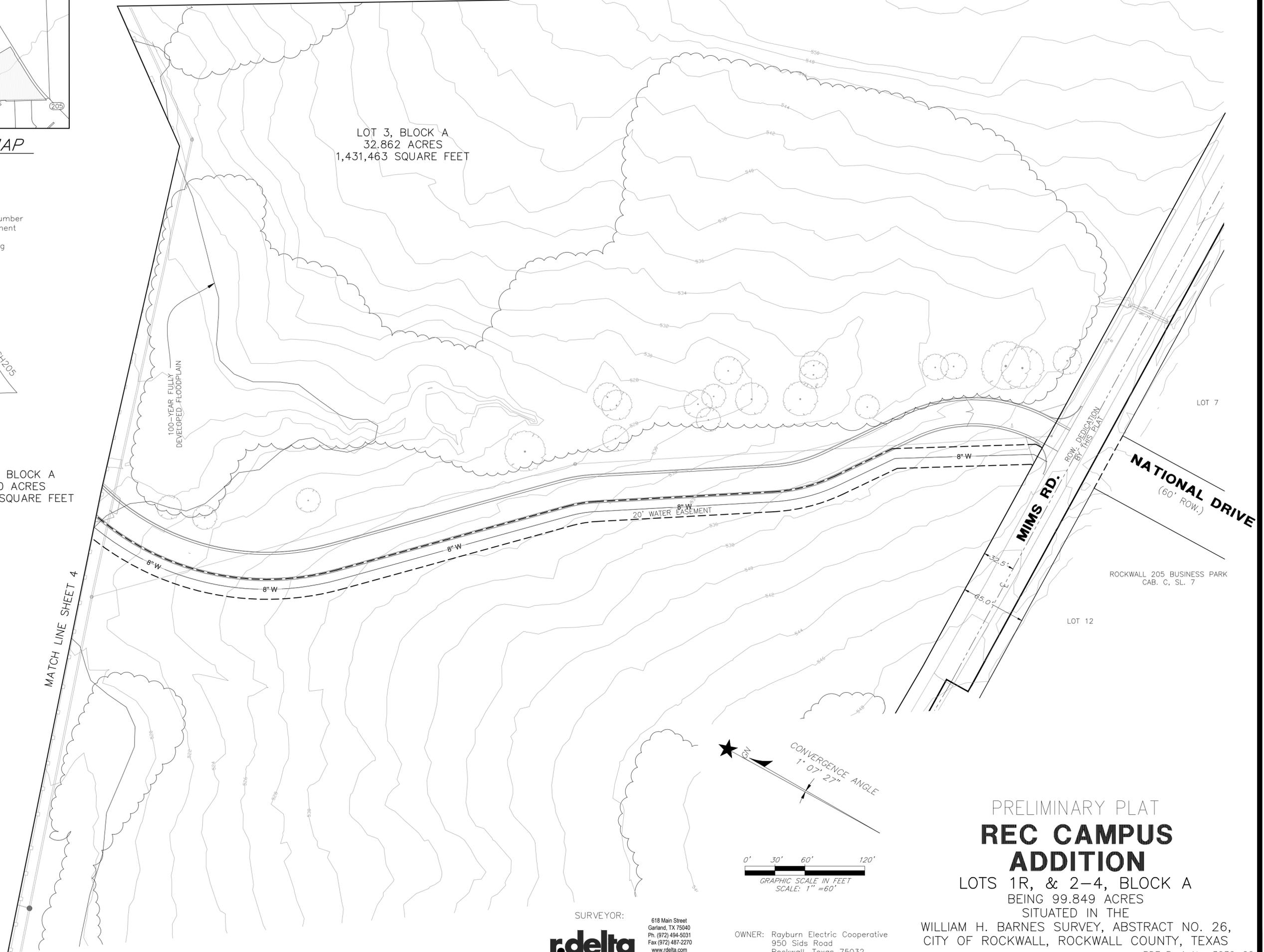


LOT 1R, BLOCK A  
31.380 ACRES  
1,366,902 SQUARE FEET

LOT 2, BLOCK 1  
15.893 ACRES  
692,313 SQUARE FEET

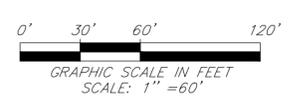
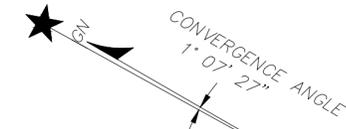
# PROPOSED EASEMENTS BY THIS PLAT

LOT 3, BLOCK A  
32.862 ACRES  
1,431,463 SQUARE FEET



MATCH LINE SHEET 4

100-YEAR FULLY DEVELOPED FLOODPLAIN



PRELIMINARY PLAT  
**REC CAMPUS ADDITION**

LOTS 1R, & 2-4, BLOCK A  
BEING 99.849 ACRES  
SITUATED IN THE  
WILLIAM H. BARNES SURVEY, ABSTRACT NO. 26,  
CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

SURVEYOR:  
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www.rdelta.com  
TBPE No. F-1515  
TBPLS No. 10155000

OWNER: Rayburn Electric Cooperative  
950 Sids Road  
Rockwall, Texas 75032  
TEL (469) 402-2100

OWNER'S CERTIFICATE

STATE OF TEXAS §  
 COUNTY OF ROCKWALL §

WHEREAS RAYBURN COUNTRY ELECTRIC COOPERATIVE, INC., is the owner of a tract of land in the County of Rockwall, State of Texas, said tract being a 99.849-acre tract of land situated within the City of Rockwall in the William N. Barnes Survey, Abstract No. 26 comprised of:

- Lot 6 and Lot 7, Block A, of the Replat of Rayburn Country Addition, Lots 4-7, Block A, according to the plat thereof recorded in Cabinet J, on Slide 342 of the Plat Records of Rockwall County, Texas (PRRCT) and also filed as Document Number 20180000008589 of the Official Public Records of Rockwall County, Texas (OPRRCT)
- Lot 8 and Lot 9, Block A, of the Replat of Rayburn Country Addition, Lot 8 and 9, Block A, according to the plat thereof recorded as Document Number 20190000004594 OPRRCT
- The called 63.708-acre tract of land described in the deed dated the 13<sup>th</sup> day of September, 2021, from Peggy's Folly, LP to Rayburn Country Electric Cooperative, Inc. (RCEC) and recorded as Document Number 20210000024965 OPRRCT

And being more particularly described as follows:

BEGINNING at a 5/8-inch steel rod set with a pink plastic cap stamped "R-DELTA | FIRM 10155000" (hereafter RDS) to replace a called 5/8-inch iron rod with a yellow cap stamped "RPLS 3963" which has been destroyed, marking the west corner of Lot 9, Block A of the above referenced Rayburn Country Addition, said RDS being in the northeast boundary line of a 1.50-acre tract of land described in the deed to Richard E. Slaughter, Jr. as recorded in Volume 1531, at Page 145 of the DRRCT and being on the southeasterly right-of-way line of Sids Road as dedicated to the City of Rockwall on the Final Plat of Rayburn Country Addition, Lots 1-3, Block A, according to the plat thereof recorded in Cabinet I, on Slide 169 PRRCT and also filed as Document Number 20140000011313 OPRRCT, and having coordinates of:  
 X = 2,598,018.94 feet,  
 Y = 7,014,699.27 feet;

THENCE N 44°03'02" E with the southeast right-of-way line of Sids Road (a variable width right-of-way) for a distance of 1,166.39 feet to a RDS in the southwest line of Lot 1, Block 1 of Pott Shrigley Addition, an addition to the City Rockwall according to the plat thereof for the north corner of Lot 4, Block A of the above referenced Rayburn Country Addition, Lots 4-7, Block A;

THENCE with the perimeter of the last mentioned Lot 1, Block 1 of Pott Shrigley Addition, the following three (3) courses and distances:  
 S 46°15'45" E for a distance of 338.73 feet to a RDS;  
 N 44°02'35" E for a distance of 247.63 feet to a RDS;  
 N 46°09'17" W for a distance of 338.69 feet to a RDS for a west corner of Lot 6, Block A and being on the southeast right-of-way line of Sids Road as dedicated on the aforementioned Replat of Rayburn Country Addition, Lots 4-7, Block A;

THENCE N 44°03'02" E with the southeast right-of-way line of Sids Road for a distance of 59.41 feet to a RDS in the southwest line of Lot 1, Block 1, of Helwig Addition Replat, according to the plat thereof recorded in Cabinet D, on Slide 107 of the PRRCT;

THENCE with the perimeter of said Lot 1, Block 1, of Helwig Addition, the following three courses and distances:  
 S 46°15'31" E for a distance of 338.02 feet to a 1/2-inch steel rod found;  
 S 31°10'16" E for a distance of 199.44 feet to a RDS;  
 N 59°00'30" E at a distance of 350.31 feet pass the east corner of said Lot 1, Block 1, of Helwig Addition, to a point in a rock fence pillar for the south corner of Lot 1, Block "A", Estep Subdivision, an addition to the city of Rockwall, Texas, according to the plat thereof recorded in Cabinet E, on Slide 273 of the PRRCT, and continue on the same course with the southeast line of said Lot 1, Block "A", Estep Subdivision an additional distance of 337.42 feet for a total distance of 687.73 feet to a 1/2-inch steel rod found at the east corner of said Lot 1, Block "A", Estep Subdivision in the southwesterly right-of-way line of State Highway (SH) No. 205 (a/k/a Goliad Street) as described in the RIGHT OF WAY DEED dated the 3<sup>rd</sup> day of October, 1935, from A. L. Moody, the State of Texas filed in Volume 517, at Page 205 of the Deed Records of Rockwall County, Texas (DRRCT);

THENCE S 31°08'13" E 284.61 feet to a RDS;

THENCE S 58°51'47" W continuing with the southwesterly right-of-way line of SH No. 205 for a distance of 10.00 feet to a 3/8-inch steel rod found;

THENCE S 31°08'13" E continuing with the southwesterly right-of-way line of SH No. 205 at a distance of 205.57 feet pass a 5/8-inch steel rod with a yellow plastic cap found marked "RPLS 3963" marking the east corner of Lot 7, Block A of the aforementioned Replat of Rayburn Country Addition, Lots 4-7, Block A, and continuing on the same course and with the southwesterly right-of-way line of SH No. 205 for an additional distance of 92.37 feet to for a total distance of 297.94 feet to a 5/8-inch steel rod with a yellow plastic cap marked "RPLS 3963";

THENCE N 58°32'10" E continuing with the southwesterly right-of-way line of SH No. 205 for a distance of 10.00 to a 5/8-inch steel rod with a yellow plastic cap marked "RPLS 3963";

THENCE S 31°08'13" E continuing with the southwesterly right-of-way line of SH No. 205 for at a distance of 447.62 feet pass a 5/8-inch steel rod with a yellow plastic cap marked "RPLS 3963", and continue on the same course an additional distance of 2.09 feet for a total distance of 449.71 feet to a RDS at the point of curvature of a curve to the left having a radius of 5,779.71 feet, a central angle of 11°11'01" and a chord that bears S 36°43'43" E for a distance of 1,126.36 feet to a 5/8-inch steel rod with a yellow plastic cap marked "RPLS 3963" found in the south margin of Sids Road (a variable width right-of-way) marking the east corner of the aforementioned 63.708-acre tract of land to RCEC;

THENCE S 88°36'23" W along and within Mims Road and with the south line of the said 63.708-acre tract of land to RCEC for a distance of 1,353.75 feet;

THENCE S 89°33'39" W continuing in the southerly margin of Mims Road and with the south line of the said 63.708-acre tract of land to RCEC for a distance of 6.66 feet to the point where said line intersects the east line of Tract 3 containing 141.3576 acres of land described in the deed dated November 21, 2000, from Victor Manson Wallace to VICMAR I, LTD. recorded in Volume 2016, at Page 200 of the DRRCT;

THENCE N 00°38'52" W with the east line of said VICMAR I, LTD. tract for a distance of 24.56 feet to the northeast corner thereof;

THENCE S 88°49'03" W along a line in the southerly margin of Mims Road, at approximately 1,210 feet depart the Mims Road public way and continue for a total distance of 2,921.12 feet to a RDS for the south corner of Lot 20, Block A of Highland Meadows NO. 1, an addition to the City of Rockwall, Texas, according to the plat thereof recorded in Cabinet C, on Slide 301 of the PRRCT, and also being the east corner of Lot 39, Block E of Lynden Park Estates Phase 4, an addition to the City of Rockwall, Texas, according to the plat there recorded in Cabinet E, on Slide 395 of the PRRCT and being on the northwesterly right-of-way line of Tubbs Road (an 85-foot Right-of-way dedicated by said plat of Lynden Park Estates Phase 4);

THENCE N 44°06'51" E with the southeasterly line of Lots 20, 19 and 18, Block A of said Highland Meadows NO. 1, at a distance of 301.68 feet pass an angle point in the easterly line of Lot 18, and continue along the accepted southeasterly line of a tract of land described in the deed dated June 28, 1995, from Raymond B. Cameron and wife, Elizabeth R. Cameron to the City of Rockwall recorded in Volume 1064, at Page 112 of the DRRCT for a total distance of 1,185.13 feet;

THENCE S 50°58'40" E for a distance of 197.86 feet to a point on the southwesterly line of a 1.50-acre tract of land described in the deed dated the 22<sup>nd</sup> day of December, 1998, from Edrich Development to Richard E. Slaughter, Jr. recorded in Volume 1531, at Page 145 of the DRRCT;

THENCE with the perimeter of the 1.5-acre tract to Richard E. Slaughter the following two (2) courses and distances:  
 S 43°15'37" E for a distance of 353.17 feet to an "X" found for its south corner; N 42°24'17" E for a distance of 96.84 feet to a RDS for the west corner of the aforementioned Lot 9, Block A of the Replat of Rayburn Country Addition, Lot 8 and 9;

THENCE N 44°27'12" E continuing with the southeasterly line of the 1.5-acre tract to Richard E. Slaughter for a distance of 99.73 feet to a RDS for the east corner of said Slaughter tract;

THENCE N 46°14'22" W continuing with the northeasterly line of the 1.5-acre tract to Richard E. Slaughter for a distance of 338.24 feet to the POINT OF BEGINNING and containing 4,349,412 square feet or 99.849 acres of land.

STATE OF TEXAS §  
 COUNTY OF ROCKWALL §

I (we) the undersigned owner(s) of the land shown on this plat, and designated herein as the REC CAMPUS ADDITION subdivision to the City of Rockwall, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements and public places thereon shown on the purpose and consideration therein expressed. I (we) further certify that all other parties who have a mortgage or lien interest in the REC CAMPUS ADDITION subdivision have been notified and signed this plat. I (we) understand and do hereby reserve the easement strips shown on this plat for the purposes stated and for the mutual use and accommodation of all utilities desiring to use or using same. I (we) also understand the following;

1. No buildings shall be constructed or placed upon, over, or across the utility easements as described herein.
2. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other growths or improvements which in any way endanger or interfere with construction, maintenance or efficiency of their respective system on any of these easement strips; and any public utility shall at all times have the right of ingress or egress to, from and upon the said easement strips for purpose of construction, reconstruction, inspecting, patrolling, maintaining, and either adding to or removing all or part of their respective system without the necessity of, at any time, procuring the permission of anyone.
3. The City of Rockwall will not be responsible for any claims of any nature resulting from or occasioned by the establishment of grade of streets in the subdivision.
4. The developer and subdivision engineer shall bear total responsibility for storm drain improvements.
5. The developer shall be responsible for the necessary facilities to provide drainage patterns and drainage controls such that properties within the drainage area are not adversely affected by storm drainage from the development.
6. No house dwelling unit, or other structure shall be constructed on any lot in this addition by the owner or any other person until the developer and/or owner has complied with all requirements of the Subdivision Regulations of the City of Rockwall regarding improvements with respect to the entire block on the street or streets on which property abuts, including the actual installation of streets with the required base and paving, curb and gutter, water and sewer, drainage structures, storm structures, storm sewers, and alleys, all according to the specifications of the City of Rockwall; or

Until an escrow deposit, sufficient to pay for the cost of such improvements, as determined by the city's engineer and/or city administrator, computed on a private commercial rate basis, has been made with the city secretary, accompanied by an agreement signed by the developer and/or owner, authorizing the city to make such improvements at prevailing private commercial rates, or have the same made by a contractor and pay for the same out of the escrow deposit, should the developer and/or owner fail or refuse to install the required improvements within the time stated in such written agreement, but in no case shall the City be obligated to make such improvements itself. Such deposit may be used by the owner and/or developer as progress payments as the work progresses in making such improvements by making certified requisitions to the city secretary, supported by evidence of work done; or

Until the developer and/or owner files a corporate surety bond with the city secretary in a sum equal to the cost of such improvements for the designated area, guaranteeing the installation thereof within the time stated in the bond, which time shall be fixed by the city council of the City of Rockwall.

I (we) further acknowledge that the dedications and/or exaction's made herein are proportional to the impact of the Subdivision upon the public services required in order that the development will comport with the present and future growth needs of the City; I (we), my (our) successors and assigns hereby waive any claim, damage, or cause of action that I (we) may have as a result of the dedication of exactions made herein.

\_\_\_\_\_  
 Property Owner Signature

STATE OF TEXAS §  
 COUNTY OF ROCKWALL §

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_\_ day of

\_\_\_\_\_, 2022.

\_\_\_\_\_  
 Notary Public for and in the State of Texas

My commission expires: \_\_\_\_\_

SURVEYOR:



618 Main Street  
 Garland, TX 75040  
 Ph. (972) 494-5031  
 Fax (972) 487-2270  
 www.rdelta.com  
 TBPE No. F-1515  
 TBPLS No. 10155000

OWNER: Rayburn Electric Cooperative  
 950 Sids Road  
 Rockwall, Texas 75032  
 TEL (469) 402-2100

SURVEYOR'S CERTIFICATE

STATE OF TEXAS §  
 COUNTY OF DALLAS §

THAT I, Wayne C. Terry, do hereby certify that I prepared this plat from an actual and accurate survey of the land, and that the corner monuments shown thereon were properly placed under my personal supervision.

FOR REVIEW ONLY

Wayne C. Terry  
 Registered Professional Land Surveyor  
 Registration No. 4184



STATE OF TEXAS §  
 COUNTY OF ROCKWALL §

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_\_ day of

\_\_\_\_\_, 2022.

\_\_\_\_\_  
 Notary Public for and in the State of Texas

My commission expires: \_\_\_\_\_

STATE OF TEXAS §  
 COUNTY OF ROCKWALL §

\_\_\_\_\_  
 Planning & Zoning Commission, Chairman Date

APPROVED:  
 I hereby certify that the above and foregoing plat of an addition to the City of Rockwall, Texas, was approved by the City Council of the City of Rockwall on the \_\_\_ day of \_\_\_\_\_, 2022.

This approval shall be invalid unless the approved plat for such addition is recorded in the office of the County Clerk of Rockwall, County, Texas, within one hundred eighty (180) days from said date of final approval.

WITNESS OUR HANDS, this \_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
 Mayor, City of Rockwall

\_\_\_\_\_  
 City Secretary

\_\_\_\_\_  
 City Engineer

PRELIMINARY PLAT  
**REC CAMPUS  
 ADDITION**  
 LOTS 1R, & 2-4, BLOCK A  
 BEING 99.849 ACRES  
 SITUATED IN THE  
 WILLIAM H. BARNES SURVEY, ABSTRACT NO. 26,  
 CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

```

*-----
* Prepared by: R-Delta Engineers, Inc
* Routine: Area Summary
* Coord File: A0026.cgc 8/16/22 8:53:08
* Input Scale Factor: 0.999853886
* Output Scale Factor: 1.000146135
*-----

```

## REC All Property

Point ID	Bearing	Distance	Point ID
MTF22	N 44°03'02" E	1166.39	MTF24
MTF24	S 46°15'45" E	338.73	MTF40
MTF40	N 44°02'35" E	247.63	MTF30
MTF30	N 46°09'17" W	338.69	MTF32
MTF32	N 44°03'02" E	59.41	MTF33
MTF33	S 46°15'31" E	338.02	MTF26
MTF26	S 31°10'16" E	199.44	MTF35
MTF35	N 59°00'30" E	687.73	MTF36
MTF36	S 31°08'13" E	284.61	MTF16
MTF16	S 58°51'47" W	10.00	MTF42
MTF42	S 31°08'13" E	205.57	MTF15
MTF15	S 31°08'13" E	92.37	MTF14
MTF14	N 58°32'10" E	10.00	MTF13
MTF13	S 31°08'13" E	449.71	MTF12

```

CURVE DEF: Arc
CURVE DIR: CCW
RAD: 5779.71
LEN: 1128.15
TAN: 565.87
CEN. ANG: 11°11'01"
CHORD: 1126.36

```

MTF12	N 58°51'47" E	5779.71	MTF11
MTF11	S 47°40'46" W	5779.71	MTF10
MTF12	S 36°43'43" E	1126.36	MTF10
MTF10	S 88°36'23" W	1353.75	MTF9
MTF9	S 89°33'39" W	6.66	MTF8
MTF8	N 00°38'52" W	24.56	MTF2
MTF2	S 88°49'03" W	2921.12	MTF1
MTF1	N 44°06'51" E	1185.13	MTF7
MTF7	S 50°58'40" E	197.86	MTF41
MTF41	S 43°15'37" E	353.17	RC102
RC102	N 42°24'17" E	96.84	MM100
MM100	N 44°27'12" E	99.73	MTF21
MTF21	N 46°14'22" W	338.24	MTF22

Total - Sq. Feet: 4349412 Acres: 99.849

\*-----  
 \* Prepared by: R-Delta Engineers, Inc  
 \* Routine: Area Summary  
 \* Coord File: A0026.cgc 8/17/22 8:23:31  
 \* Input Scale Factor: 0.999853886  
 \* Output Scale Factor: 1.000146135  
 \*-----

## LOT 1

Point ID	Bearing	Distance	Point ID
MTF33 S	46°15'31" E	338.02	MTF26
MTF26 S	31°10'16" E	199.44	MTF35
MTF35 N	59°00'30" E	326.22	CAL1
CAL1 S	31°03'49" E	640.37	CAL2
CAL2 S	35°54'04" W	154.36	MM103
MM103 S	72°30'39" W	356.74	MM102
MM102 S	71°08'04" W	1106.87	MTF37
MTF37 S	79°17'44" W	276.15	MTF38
MTF38 N	43°25'10" W	85.05	MM100
MM100 N	44°27'12" E	99.73	MTF21
MTF21 N	46°14'22" W	338.24	MTF22
MTF22 N	44°03'02" E	1166.39	MTF24
MTF24 S	46°15'45" E	338.73	MTF40
MTF40 N	44°02'35" E	247.63	MTF30
MTF30 N	46°09'17" W	338.69	MTF32
MTF32 N	44°03'02" E	59.41	MTF33

Sq. Feet: 1,366,902 Acres: 31.380

\*-----  
 LOT 2  

Point ID	Bearing	Distance	Point ID
CAL24 S	31°08'13" E	1032.24	CAL9

CURVE DEF: Arc  
 CURVE DIR: CCW  
 RAD: 5789.71  
 LEN: 967.14  
 TAN: 484.70  
 CEN. ANG: 9°34'15"  
 CHORD: 966.01

CAL9 N	58°51'47" E	5789.71	MTF11
MTF11 S	49°17'32" W	5789.71	CAL10
CAL9 S	35°55'20" E	966.01	CAL10

CURVE DEF: Arc  
 CURVE DIR: CW  
 RAD: 40.00

LEN: 90.25  
 TAN: 84.39  
 CEN. ANG: 129°16'42"  
 CHORD: 72.29

CAL10 S 49°17'32"W	40.00	CAL11
CAL11 S 01°25'46"E	40.00	CAL12
CAL10 S 23°55'53"W	72.29	CAL12
CAL12 S 88°34'14"W	366.51	CAL22

CURVE DEF: Arc  
 CURVE DIR: CW  
 RAD: 6142.03  
 LEN: 824.89  
 TAN: 413.06  
 CEN. ANG: 7°41'42"  
 CHORD: 824.27

CAL22 N 51°10'05" E	6142.03	MTF11
MTF11 S 58°51'47" W	6142.03	CAL3
CAL22 N 34°59'04" W	824.27	CAL3
CAL3 N 31°08'13" W	392.75	CAL2
CAL2 N 31°03'49" W	640.37	CAL1
CAL1 N 59°00'30" E	351.50	CAL24

Sq. Feet: 692,313 Acres: 15.893

\*-----

LOT 3

Point ID	Bearing	Distance	Point ID
CAL22 S 88°34'14" W		849.66	CAL13
CAL13 N 89°42'54" W		1129.63	CAL14

CURVE DEF: Arc  
 CURVE DIR: CW  
 RAD: 417.50  
 LEN: 337.34  
 TAN: 178.49  
 CEN. ANG: 46°17'44"  
 CHORD: 328.24

CAL14 N 00°17'06" E	417.50	CAL15
CAL15 S 46°34'50" W	417.50	CAL16

Point ID	Bearing	Distance	Point ID
CAL14 N 66°34'02" W		328.24	CAL16
CAL16 N 43°25'10" W		364.91	CAL17
CAL17 N 42°24'17" E		70.19	MM100

```

MM100 S 43°25'10" E      85.05      MTF38
MTF38 N 79°17'44" E      276.15      MTF37
MTF37 N 71°08'04" E     1106.87      MM102
MM102 N 72°30'39" E      356.74      MM103
MM103 N 35°54'04" E      154.36      CAL2
CAL2 S 31°08'13" E      392.75      CAL3
    
```

```

CURVE DEF: Arc
CURVE DIR: CCW
RAD: 6142.03
LEN: 824.89
TAN: 413.06
CEN. ANG: 7°41'42"
CHORD: 824.27
    
```

```

CAL3 N 58°51'47" E      6142.03      MTF11
MTF11 S 51°10'05" W      6142.03      CAL22

CAL3 S 34°59'04" E      824.27      CAL22
    
```

Sq. Feet: 1,431,463 Acres: 32.862

\*-----

LOT 4

```

Point ID   Bearing           Distance   Point ID
  MTF1 N 44°06'51" E     1163.71   CAL21
  CAL21 S 46°36'51" E     144.18   CAL20
  CAL20 S 43°25'10" E     767.40   CAL19
    
```

```

CURVE DEF: Arc
CURVE DIR: CCW
RAD: 482.50
LEN: 309.35
TAN: 160.20
CEN. ANG: 36°44'03"
CHORD: 304.08
    
```

```

CAL19 N 46°34'50" E      482.50      CAL15
CAL15 S 09°50'47" W      482.50      CAL18

CAL19 S 61°47'11" E      304.08      CAL18
CAL18 S 88°49'03" W     1710.60      MTF1
    
```

Sq. Feet: 655,715 Acres: 15.053

\*-----

Total - Sq. Feet: 41,46,392 Acres: 95.188

=====

\*-----

\* Prepared by: R-Delta Engineers, Inc  
 \* Routine: Area Summary  
 \* Coord File: A0026.cgc 8/19/22 7:31:56  
 \* Input Scale Factor: 0.999853886  
 \* Output Scale Factor: 1.000146135

-----  
 GOLIAD DEDICATION

Point ID	Bearing	Distance	Point ID
MTF36	S 31°08'13" E	284.61	MTF16
MTF16	S 58°51'47" W	10.00	MTF42
MTF42	N 31°08'13" W	284.64	CAL24
CAL24	N 59°00'30" E	10.00	MTF36

Sq. Feet: 2,846 Acres: 0.065

-----  
 GOLIAD MIMS ROAD

Point ID	Bearing	Distance	Point ID
MTF13	S 31°08'13" E	449.71	MTF12

CURVE DEF: Arc  
 CURVE DIR: CCW  
 RAD: 5779.71  
 LEN: 1128.15  
 TAN: 565.87  
 CEN. ANG: 11°11'01"  
 CHORD: 1126.36

MTF12	N 58°51'47" E	5779.71	MTF11
MTF11	S 47°40'46" W	5779.71	MTF10
MTF12	S 36°43'43" E	1126.36	MTF10
MTF10	S 88°36'23" W	1353.75	MTF9
MTF9	S 89°33'39" W	6.66	MTF8
MTF8	N 00°38'52" W	24.56	MTF2
MTF2	S 88°49'03" W	1210.53	CAL18

CURVE DEF: Arc  
 CURVE DIR: CW  
 RAD: 482.50  
 LEN: 309.35  
 TAN: 160.20  
 CEN. ANG: 36°44'03"  
 CHORD: 304.08

CAL18	N 09°50'47" E	482.50	CAL15
CAL15	S 46°34'50" W	482.50	CAL19
CAL18	N 61°47'11" W	304.08	CAL19

CAL19 N 43°25'10" W	767.40	CAL20
CAL20 N 46°36'51" W	144.18	CAL21
CAL21 N 44°06'51" E	21.42	MTF7
MTF7 S 50°58'40" E	197.86	MTF41
MTF41 S 43°15'37" E	353.17	RC102
RC102 N 42°24'17" E	26.66	CAL17
CAL17 S 43°25'10" E	364.91	CAL16

CURVE DEF: Arc  
 CURVE DIR: CCW  
 RAD: 417.50  
 LEN: 337.34  
 TAN: 178.49  
 CEN. ANG: 46°17'44"  
 CHORD: 328.24

CAL16 N 46°34'50" E	417.50	CAL15
CAL15 S 00°17'06" W	417.50	CAL14
CAL16 S 66°34'02" E	328.24	CAL14
CAL14 S 89°42'54" E	1129.63	CAL13
CAL13 N 88°34'14" E	1216.17	CAL12

CURVE DEF: Arc  
 CURVE DIR: CCW  
 RAD: 40.00  
 LEN: 90.25  
 TAN: 84.39  
 CEN. ANG: 129°16'42"  
 CHORD: 72.29

CAL12 N 01°25'46" W	40.00	CAL11
CAL11 N 49°17'32" E	40.00	CAL10
CAL12 N 23°55'53" E	72.29	CAL10

CURVE DEF: Arc  
 CURVE DIR: CW  
 RAD: 5789.71  
 LEN: 967.14  
 TAN: 484.70  
 CEN. ANG: 9°34'15"  
 CHORD: 966.01

CAL10 N 49°17'32" E	5789.71	MTF11
MTF11 S 58°51'47" W	5789.71	CAL9
CAL10 N 35°55'20" W	966.01	CAL9
CAL9 N 31°08'13" W	449.66	MTF14
MTF14 N 58°32'10" E	10.00	MTF13

Sq. Feet: 200,174 Acres: 4.595

\*-----

Total - Sq. Feet: 203,020 Acres: 4.661

=====

AREA SUMMARY REPORT:

LOT 1	1,366,902	SQ FT	31.380	ACRES
LOT 2	692,313	SQ FT	15.893	ACRES
LOT 3	1,431,463	SQ FT	32.862	ACRES
LOT 4	655,715	SQ FT	15.053	ACRES

\*-----

LOTS	4,146,392	SQ FT	95.188	ACRES
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GOLIAD	2,846	SQ FT	0.065	ACRES
--------	-------	-------	-------	-------

MIMS	200,174	SQ FT	4.595	ACRES
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\*-----

DED:	203,020	SQ FT	4.661	ACRES
------	---------	-------	-------	-------

Parts:	4,349,412	SQ FT	99.849	ACRES
--------	-----------	-------	--------	-------

Bndy:	4,349,412	SQ FT	99.849	ACRES
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## MEMORANDUM

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**TO:** Mary Smith, City Manager

**CC:** Honorable Mayor and City Council

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

**DATE:** September 19, 2022

**SUBJECT:** P2022-042; PRELIMINARY PLAT FOR THE HOMESTEAD SUBDIVISION

---

### Attachments

Case Memo  
Development Application  
Location Map  
Preliminary Plat

### Summary/Background Information

Consider a request by Meredith Joyce of Michael Joyce Properties on behalf of Peter H. Shaddock, Jr. of SH Dev Klutts Rockwall, LLC for the approval of a *Preliminary Plat* for the Homestead Subdivision being a 196.009-acre tract of land identified as Tract 6 of the J. A. Ramsey Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 92 (PD-92), generally located at the northeast corner of the intersection of FM-549 and FM-1139, and take any action necessary.

### Action Needed

The City Council is being asked to approve, approve with conditions, or deny the proposed *Preliminary Plat*.



# 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:** September 19, 2022  
**APPLICANT:** Meredith Joyce; *Michael Joyce Properties*  
**CASE NUMBER:** P2022-042; *Preliminary Plat for the Homestead Subdivision*

---

### SUMMARY

Consider a request by Meredith Joyce of Michael Joyce Properties on behalf of Peter H. Shaddock, Jr. of SH Dev Klutts Rockwall, LLC for the approval of a Preliminary Plat for the Homestead Subdivision being a 196.009-acre tract of land identified as Tract 6 of the J. A. Ramsey Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 92 (PD-92), generally located at the northeast corner of the intersection of FM-549 and FM-1139, and take any action necessary.

### PLAT INFORMATION

- ☑ The purpose of the applicant's request is to amend the existing Preliminary Plat for the Homestead Subdivision established by *Case No. P2021-044*. This subdivision is comprised of 490 single-family residential lots on a 196.009-acre tract of land. The proposed development will incorporate 13.6-acres of open space (*which includes a dog park*), a 1.606-acre amenity center, and a 50.8-acre public park. This represents a total of 66.006-acres (*or 33.67%*) of the site being dedicated to open space/amenity. Staff should note that the applicant has also submitted a Master Plat (*i.e. Case No. P2022-043*) concurrently with the Preliminary Plat for the development of the subdivision.
- ☑ A portion of the subject property (*i.e. 103.142-acres*) was annexed by the City Council on June 15, 1998 by *Ordinance No. 98-20*. The City Council annexed the remainder of the subject property on October 4, 2010, by *Ordinance No. 10-27*. At the time of annexation both of these portions of the subject property were zoned Agricultural (AG) District. On July 6, 2021, the City Council approved Planned Development District 92 (PD-92) [*Ordinance No. 21-24*] for Single-Family 8.4 (SF-8.4) District land uses on the subject property. On August 16, 2021, the City Council approved a preliminary plat and master plat that laid out future easements and phasing lines for the single-family subdivision. On June 14, 2022, the Planning and Zoning Commission approved a PD Site Plan that provided the required hardscaping and landscaping elements per the PD ordinance [*Ordinance No. 21-24*]. On August 16, 2021 the City Council approved a Master Plat [*Case No. P2021-041*] and a Preliminary Plat [*Case No. P2021-044*] for the Homestead Subdivision.
- ☑ On September 7, 2022, the Parks and Recreation Board reviewed the Preliminary Plat and made the following recommendations concerning the proposed subdivision:
  - (1) The property owner shall pay pro-rata equipment fees of \$233,240.00 (*i.e. \$476.00 x 490 Lots*), which will be due prior to the issuance of a building permit.
  - (2) The property owner shall pay cash-in-lieu of land fees of \$246,470.00 (*i.e. \$503.00 x 490 Lots*), which will be due prior to the issuance of a building permit.
- ☑ The surveyor has completed the majority of the technical revisions requested by staff, and this plat -- *conforming to the requirements for plats as stipulated by the Subdivision Ordinance in the Municipal Code of Ordinances* -- is recommended for conditional approval pending the completion of final technical modifications and submittal requirements.
- ☑ Conditional approval of this plat by the City Council shall constitute approval subject to the conditions stipulated in the *Conditions of Approval* section below.

- With the exception of the items listed in the *Conditions of Approval* section of this case memo, this plat is in substantial compliance with the requirements of the *Subdivision Ordinance* in the Municipal Code of Ordinances.

### **CONDITIONS OF APPROVAL**

If the City Council chooses to approve the Preliminary Plat for the *Homestead Subdivision*, staff would propose the following conditions of approval:

- (1) All technical comments from City Staff (*i.e. Engineering, Planning and Fire Department*) shall be addressed prior to submittal of civil engineering plans; and,
- (2) The development shall adhere to the recommendations of the Parks and Recreation Board; and
- (3) Any construction resulting from the approval of this plat 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 September 13, 2022, the Planning and Zoning Commission recommended approval of the Preliminary Plat with a vote of 6-0, with Commissioner Welch absent.



# DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO. \_\_\_\_\_

**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)<sup>1</sup>
- PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) **41018.155**
- FINAL PLAT (\$300.00 + \$20.00 ACRE)<sup>1</sup>
- REPLAT (\$300.00 + \$20.00 ACRE)<sup>1</sup>
- AMENDING OR MINOR PLAT (\$150.00)
- PLAT REINSTATEMENT REQUEST (\$100.00)

### SITE PLAN APPLICATION FEES:

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

### ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE)<sup>1</sup>
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE)<sup>1 & 2</sup>
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE)<sup>1</sup>

### OTHER APPLICATION FEES:

- TREE REMOVAL (\$75.00)
- VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00)<sup>2</sup>

#### NOTES:

<sup>1</sup>: 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.  
<sup>2</sup>: A **\$1,000.00** FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.

## PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS	A portion of JA Ramsey Survey, Abstract No. 186; Property ID 12255; FM 549		
SUBDIVISION	Homestead Phase 1	LOT	BLOCK
GENERAL LOCATION	FM 1139 and FM 549		

## ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING	PD-92, Ord No. 21-24	CURRENT USE	Single Family Residential	
PROPOSED ZONING	PD-92, Ord No. 21-24	PROPOSED USE	Single Family Residential	
ACREAGE	54.570	LOTS [CURRENT]	1	LOTS [PROPOSED] 175

**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	SH Dev Klutts Rockwall, LLC	<input type="checkbox"/> APPLICANT	Michael Joyce Properties
CONTACT PERSON	Peter H. Shaddock, Jr.	CONTACT PERSON	Meredith Joyce
ADDRESS	2400 Dallas Pkwy, Suite 460	ADDRESS	767 Justin Road
CITY, STATE & ZIP	Plano, TX 75093	CITY, STATE & ZIP	Rockwall, TX 75087
PHONE	214-240-6004	PHONE	512-694-6394
E-MAIL	land@shaddockhomes.com	E-MAIL	meredith@michaeljoyceproperties.com

## NOTARY VERIFICATION [REQUIRED]

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

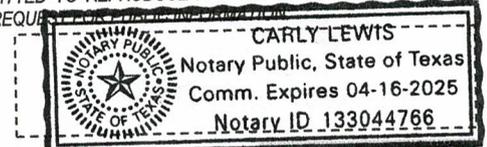
"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ 1018.55 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 19<sup>th</sup> DAY OF August, 2022. BY SIGNING 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 INFORMATION FROM THE PUBLIC."

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 19 DAY OF August, 2022

OWNER'S SIGNATURE

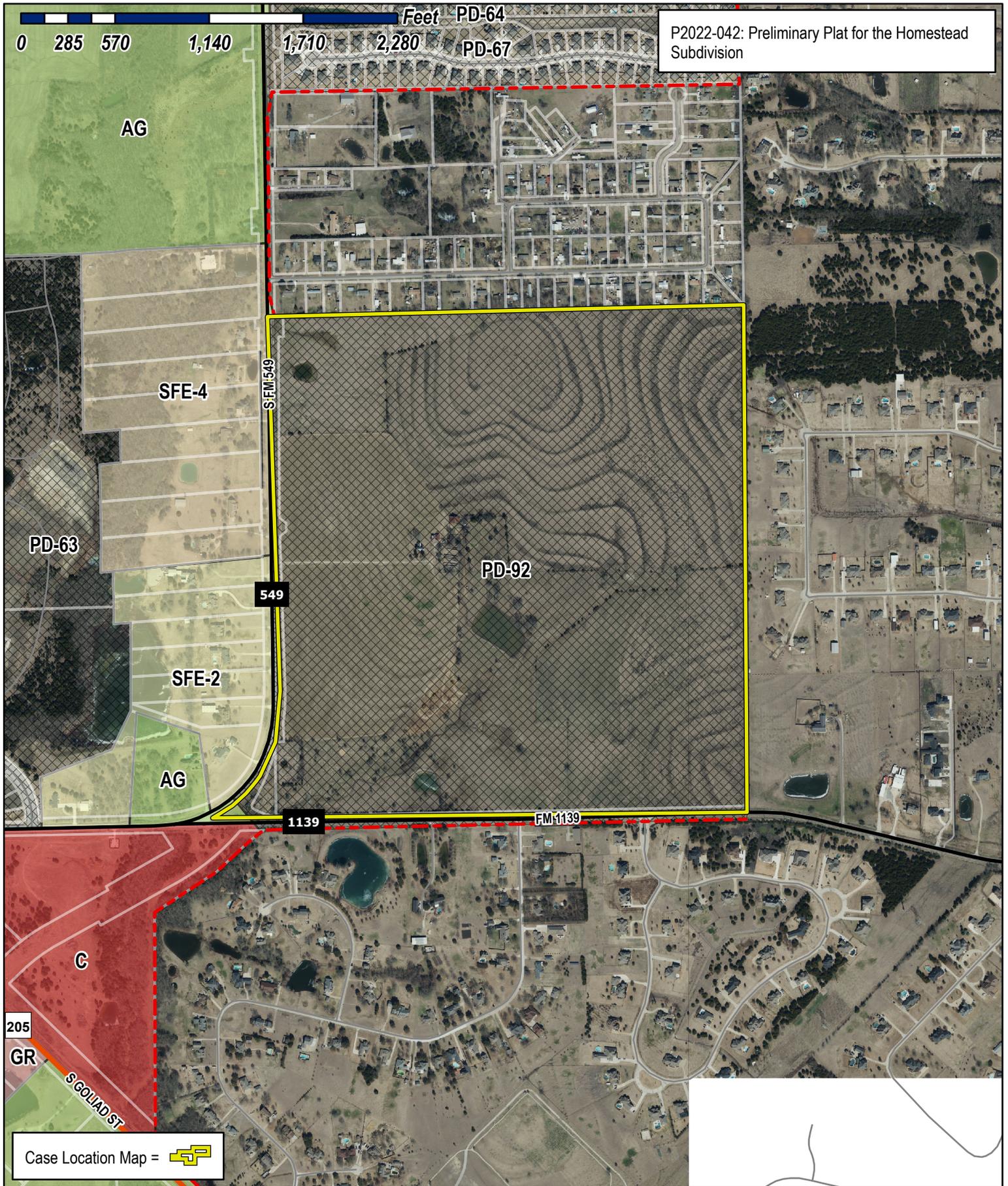
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

*[Signature]*  
*[Signature]*



MY COMMISSION EXPIRES

4-16-25



# 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.



N88° 26'14"E 2790.07'

CITY OF ROCKWALL 980  
SYSTEM COORDINATES  
X  
Y  
ELEV. = 532.0

NOTES:  
ALL OPEN SPACE AREAS WILL BE MAINTAINED BY THE HOA.  
HOA/PROPERTY OWNER TO MAINTAIN, REPLACE, AND REPAIR ALL DRAINAGE, DETENTION, AND OPEN SPACE EASEMENTS AND LOTS.  
WATER, WASTEWATER, ROADWAY & DRAINAGE FACILITIES WILL BE SERVED BY THE CITY OF ROCKWALL.

0 50 100 200  
SCALE: 1" = 100'

LEGEND  
B.L. - BUILDING LINE  
D.E. - DRAINAGE EASEMENT  
S.S.E. - SANITARY SEWER EASEMENT  
U.E. - UTILITY EASEMENT  
R.O.W. - RIGHT OF WAY  
H.O.A. - HOMEOWNERS ASSOCIATION  
--- - CITY LIMITS  
- - - - - PHASE LINE

Phase 1 - 175 Lots  
Phase 2 - 83 Lots  
Phase 3 - 232 Lots

PRELIMINARY PLAT  
OF

# HOMESTEAD

LOTS 1-31, BLOCK A  
LOTS 1-30, BLOCK B  
LOTS 1-28, BLOCK C  
LOTS 1-42, BLOCK D  
LOTS 1-22, BLOCK E  
LOTS 1-17, BLOCK F  
LOTS 1-28, BLOCK G  
LOTS 1-72, BLOCK H  
LOTS 1-22, BLOCK I  
LOTS 1-46, BLOCK J  
LOTS 1-39, BLOCK K  
LOTS 1-33, BLOCK L  
LOTS 1-7, BLOCK M  
LOTS 1-11, BLOCK N  
LOTS 1-17, BLOCK O  
LOTS 1-21, BLOCK P  
LOTS 1-37, BLOCK Q  
LOT 1, BLOCK R

TOTAL ACRES 196.008  
TOTAL RESIDENTIAL LOTS 490  
TOTAL DENSITY 2.4998  
TOTAL OPEN SPACE LOTS 11  
OUT OF THE

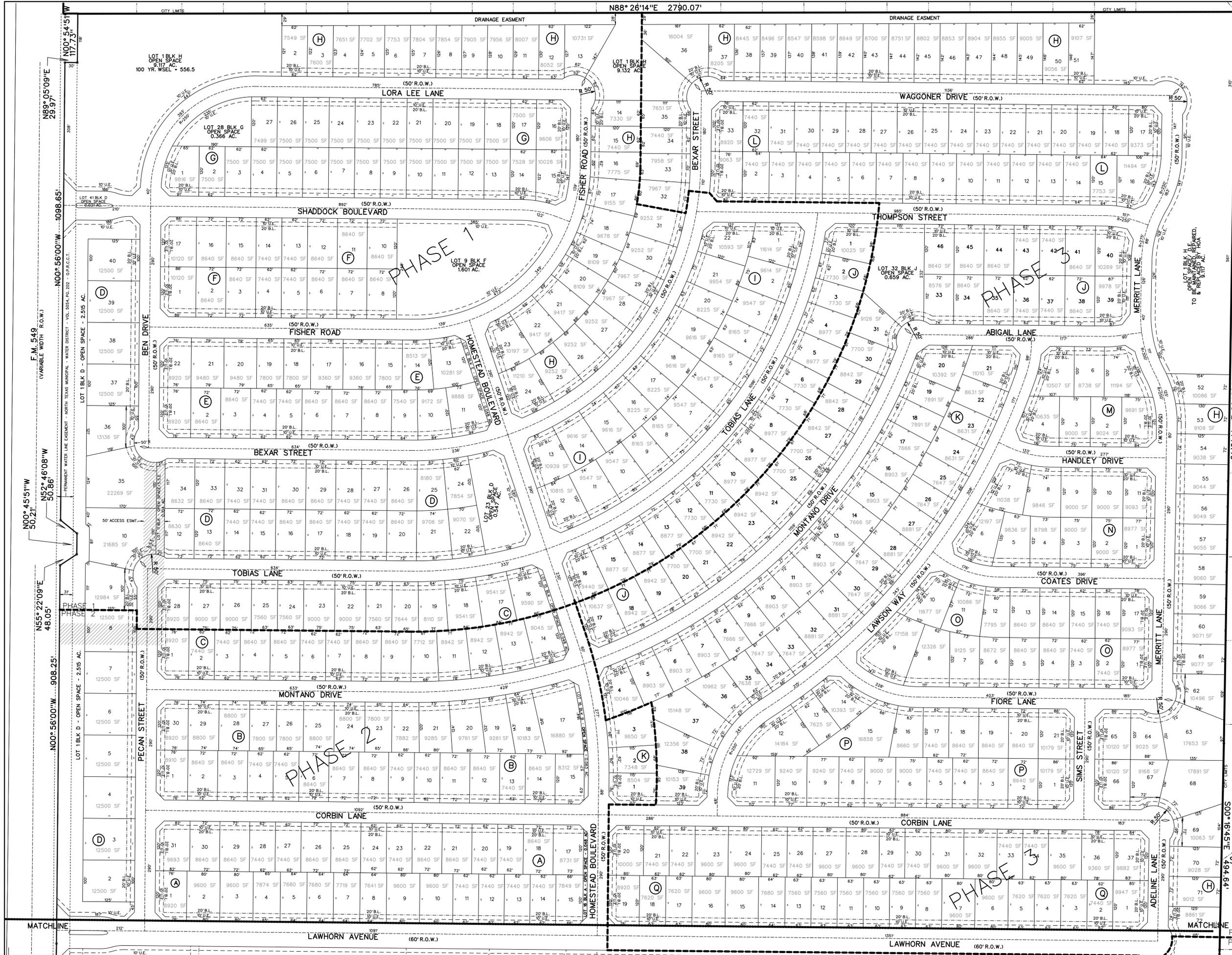
J.A. RAMSEY SURVEY,  
ABSTRACT NO. 186

IN THE  
CITY OF ROCKWALL  
ROCKWALL COUNTY, TEXAS

OWNER  
SH DEV KLUTTS ROCKWALL, LLC  
2400 DALLAS PARKWAY, STE. 460  
PLANO, TEXAS 75093

PREPARED BY  
CORVIN ENGINEERING, INC.  
200 W. BELMONT, SUITE E  
ALLEN, TEXAS 75013  
972-396-1200

PHASE 3  
PHASE 2  
AUGUST 2022  
SCALE 1" = 100'  
SHEET 1 OF 2  
CASE #P2022-042



PHASE 1

PHASE 2

PHASE 3

N89° 05'09"E  
29.97'

F.M. 549  
(VARIABLE WIDTH R.O.W.)

N5° 46'08"W  
50.86'

N55° 22'09"E  
48.05'

N00° 56'00"W  
908.25'

N00° 56'00"W  
2,515 AC.

N00° 56'00"W  
2,515 AC.

N00° 56'00"W  
2,515 AC.

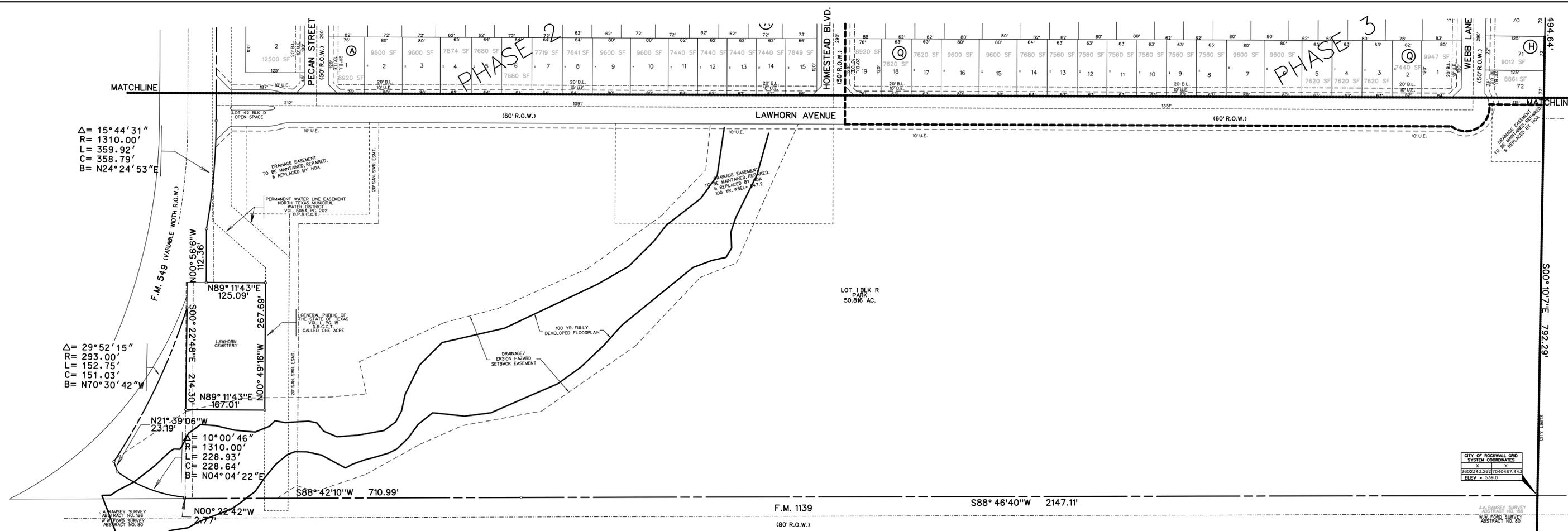
S01° 01'34"E  
309.76'

S00° 31'05"E  
1446.49'

S00° 16'45"E  
1994.64'

S00° 16'45"E  
1994.64'

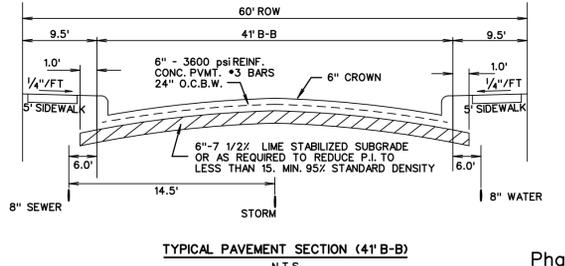
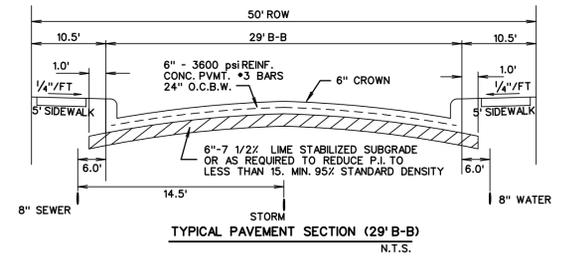
146



$\Delta = 15^\circ 44' 31''$   
 $R = 1310.00'$   
 $L = 359.92'$   
 $C = 358.79'$   
 $B = N24^\circ 24' 53'' E$

$\Delta = 29^\circ 52' 15''$   
 $R = 293.00'$   
 $L = 152.75'$   
 $C = 151.03'$   
 $B = N70^\circ 30' 42'' W$

$\Delta = 10^\circ 00' 46''$   
 $R = 1310.00'$   
 $L = 228.93'$   
 $C = 228.64'$   
 $B = N04^\circ 04' 22'' E$



Phase 1 = 175 Lots  
 Phase 2 = 83 Lots  
 Phase 3 = 232 Lots

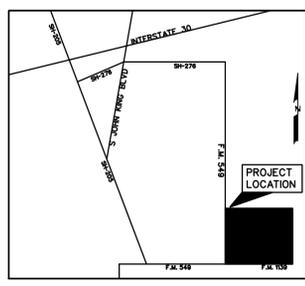
Reviewed for preliminary Approval:

Planning & Zoning Commission Chairman \_\_\_\_\_ Date \_\_\_\_\_

I hereby certify that the above and foregoing plat of an addition to the City of Rockwall, Texas, was approved by the City Council of the City of Rockwall, on \_\_\_\_\_ of \_\_\_\_\_, 2022.

This approval shall be invalid unless the approved plat for such addition is recorded in the office of the County Clerk of Rockwall, County, Texas, within one hundred eighty (180) days from said date of final approval.

Mayor, City of Rockwall \_\_\_\_\_ City Secretary \_\_\_\_\_ City Engineer \_\_\_\_\_



TOTAL ACRES	196.008
TOTAL RESIDENTIAL LOTS	490
DENSITY	2.4998
ZONING	PD-92
TOTAL OPEN SPACE ACRES	14.737
PERCENTAGE OF OPEN SPACE	7.52%
TOTAL PARK ACRES	50.816
PERCENTAGE OF PARK	25.93%
LAND USE	SINGLE FAMILY DEVELOPMENT

PRELIMINARY PLAT  
 OF  
**HOMESTEAD**

- LOTS 1-31, BLOCK A
- LOTS 1-30, BLOCK B
- LOTS 1-28, BLOCK C
- LOTS 1-42, BLOCK D
- LOTS 1-22, BLOCK E
- LOTS 1-17, BLOCK F
- LOTS 1-28, BLOCK G
- LOTS 1-72, BLOCK H
- LOTS 1-22, BLOCK I
- LOTS 1-46, BLOCK J
- LOTS 1-39, BLOCK K
- LOTS 1-33, BLOCK L
- LOTS 1-7, BLOCK M
- LOTS 1-11, BLOCK N
- LOTS 1-17, BLOCK O
- LOTS 1-21, BLOCK P
- LOTS 1-37, BLOCK Q
- LOT 1, BLOCK R

TOTAL ACRES 196.008  
 TOTAL RESIDENTIAL LOTS 490  
 TOTAL OPEN SPACE LOTS 11  
 OUT OF THE  
 J.A. RAMSEY SURVEY,  
 ABSTRACT NO. 186

IN THE  
 CITY OF ROCKWALL  
 ROCKWALL COUNTY, TEXAS  
 OWNER  
 SH DEV KLUTTS ROCKWALL, LLC.  
 2400 DALLAS PARKWAY, STE. 460  
 PLANO, TEXAS 75093

PREPARED BY  
 CORWIN ENGINEERING, INC.  
 200 W. BELMONT, SUITE E  
 ALLEN, TEXAS 75013  
 972-396-1200



## MEMORANDUM

---

**TO:** Mary Smith, City Manager

**CC:** Honorable Mayor and City Council

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

**DATE:** September 19, 2022

**SUBJECT:** P2022-043; MASTER PLAT FOR THE HOMESTEAD SUBDIVISION

---

### Attachments

Case Memo  
Development Application  
Location Map  
Master Plat

### Summary/Background Information

Consider a request by Meredith Joyce of Michael Joyce Properties on behalf of Peter H. Shaddock, Jr. of SH Dev Klutts Rockwall, LLC for the approval of a *Master Plat* for the Homestead Subdivision being a 196.009-acre tract of land identified as Tract 6 of the J. A. Ramsey Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 92 (PD-92), generally located at the northeast corner of the intersection of FM-549 and FM-1139, and take any action necessary.

### Action Needed

The City Council is being asked to approve, approve with conditions, or deny the proposed *Master Plat*.



# 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:** September 19, 2022

**APPLICANT:** Meredith Joyce; *Michael Joyce Properties*

**CASE NUMBER:** P2022-043; *Master Plat for the Homestead Subdivision*

### SUMMARY

Consider a request by Meredith Joyce of Michael Joyce Properties on behalf of Peter H. Shaddock, Jr. of SH Dev Klutts Rockwall, LLC for the approval of a Master Plat for the Homestead Subdivision being a 196.009-acre tract of land identified as Tract 6 of the J. A. Ramsey Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 92 (PD-92), generally located at the northeast corner of the intersection of FM-549 and FM-1139, and take any action necessary.

### PLAT INFORMATION

- The applicant is requesting the approval of an amended *Master Plat* for the Homestead Subdivision. This will amend the *Master Plat* established with *Case No. P2021-041*. The Homestead Subdivision is a three (3) phase, master planned community that will consist of 490 single-family residential lots on a 196.009-acre tract of land. The proposed *Master Plat* delineates the timing and phasing for the proposed development in order to determine compliance with Chapter 38, *Subdivisions*, of the Municipal Code of Ordinances. The *Master Plat* also indicates the location of the 50.80-acre public park, which is identified as a “*Regional Park*”, and which will be dedicated in lieu of the required cash-in-lieu of land fees. Additionally, the applicant intends to provide a dog park on the north eastern portion of the development. It should be known that the applicant has also submitted a *Preliminary Plat* (*i.e. Case No. P2022-042*) concurrently with this *Master Plat*. A summary of the proposed lot composition is as follows:

#### LOT COMPOSITION

Lot Type	Minimum Lot Size (FT)	Minimum Lot Size (SF)	Dwelling Units (#)	Dwelling Units (%)
A	62' x 120'	7,440 SF	226	46.12%
B	72' x 120'	8,640 SF	249	50.82%
C	100' x 120'	12,000 SF	15	03.06%
<i>Maximum Permitted Units:</i>			490	100.00%

- A portion of the subject property (*i.e. 103.142-acres*) was annexed by the City Council on June 15, 1998 by *Ordinance No. 98-20*. The City Council annexed the remainder of the subject property on October 4, 2010 by *Ordinance No. 10-27*. At the time of annexation both of these portions of the subject property were zoned Agricultural (AG) District. On July 6, 2021, the City Council approved Planned Development District 92 (PD-92) [*Ordinance No. 21-24*] for Single-Family 8.4 (SF-8.4) District land uses on the subject property. On August 16, 2021, the City Council approved a preliminary plat and master plat that laid out future easements and phasing lines for the single-family subdivision. On June 14, 2022, the Planning and Zoning Commission approved a PD Site Plan that provided the required hardscaping and landscaping elements per the PD ordinance [*Ordinance No. 21-24*]. On August 16, 2021 the City Council approved a *Master Plat* [*Case No. P2021-041*] and a *Preliminary Plat* [*Case No. P2021-044*] for the Homestead Subdivision.
- On September 7, 2022, the Parks and Recreation Board reviewed the Preliminary Plat and made the following recommendations concerning the proposed subdivision:

- (1) The property owner shall pay pro-rata equipment fees of \$233,240.00 (i.e. \$476.00 x 490 Lots), which will be due prior to the issuance of a building permit.
- (2) The property owner shall pay cash-in-lieu of land fees of \$246,470.00 (i.e. \$503.00 x 490 Lots), which will be due prior to the issuance of a building permit.

- The surveyor has completed the majority of the technical revisions requested by staff, and this plat -- *conforming to the requirements for master plats as stipulated by the Chapter 38, Subdivisions, of the Municipal Code of Ordinances* -- is recommended for conditional approval pending the completion of final technical modifications and submittal requirements.
- Conditional approval of this plat by the City Council shall constitute approval subject to the conditions stipulated in the *Conditions of Approval* section below.
- With the exception of the items listed in the *Conditions of Approval* section of this case memo, this plat is in substantial compliance with the requirements of Chapter 38, *Subdivisions*, of the Municipal Code of Ordinances.

### **CONDITIONS OF APPROVAL**

If the City Council chooses to approve the Master Plat for the *Homestead Subdivision*, staff would propose the following conditions of approval:

- (1) All technical comments from the Engineering, Planning and Fire Departments shall be addressed prior to the filing of this plat;
- (2) The development shall adhere to the recommendations of the Parks and Recreation Board; and,
- (3) Any construction resulting from the approval of this plat 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 September 13, 2022, the Planning and Zoning Commission recommended approval of the Master Plat with a vote of 6-0, with Commissioner Welch absent.



# DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO. \_\_\_\_\_

**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) <sup>1</sup> 3040.12
- PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) <sup>1</sup>
- FINAL PLAT (\$300.00 + \$20.00 ACRE) <sup>1</sup>
- REPLAT (\$300.00 + \$20.00 ACRE) <sup>1</sup>
- AMENDING OR MINOR PLAT (\$150.00)
- PLAT REINSTATEMENT REQUEST (\$100.00)

### SITE PLAN APPLICATION FEES:

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

### ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE) <sup>1</sup>
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) <sup>1 & 2</sup>
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) <sup>1</sup>

### OTHER APPLICATION FEES:

- TREE REMOVAL (\$75.00)
- VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) <sup>2</sup>

#### NOTES:

<sup>1</sup>: 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.  
<sup>2</sup>: A \$1,000.00 FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.

## PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS	A portion of JA Ramsey Survey, Abstract No. 186; Property ID 12255; FM 549		
SUBDIVISION	Shaddock Homestead	LOT	BLOCK
GENERAL LOCATION	FM 1139 and FM 549		

## ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING	PD-92, Ord No. 21-24	CURRENT USE	
PROPOSED ZONING	PD-92, Ord No. 21-24	PROPOSED USE	Single Family Residential
ACREAGE	196.008	LOTS [CURRENT]	LOTS [PROPOSED] 490

**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.

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<input type="checkbox"/> OWNER	SH Dev Klutts Rockwall, LLC	<input type="checkbox"/> APPLICANT	Michael Joyce Properties
CONTACT PERSON	Peter H. Shaddock, Jr.	CONTACT PERSON	Meredith Joyce
ADDRESS	2400 Dallas Parkway, Ste. 460	ADDRESS	767 Justin Rd
CITY, STATE & ZIP	Plano, TX 75093	CITY, STATE & ZIP	Rockwall, TX 75087
PHONE	214-240-6004	PHONE	512-694-6394
E-MAIL	land@shaddockhomes.com	E-MAIL	meredith@michaeljoyceproperties.com

## NOTARY VERIFICATION [REQUIRED]

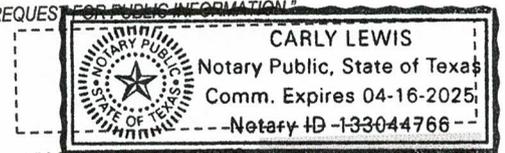
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GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 19 DAY OF August, 2022  
 OWNER'S SIGNATURE \_\_\_\_\_

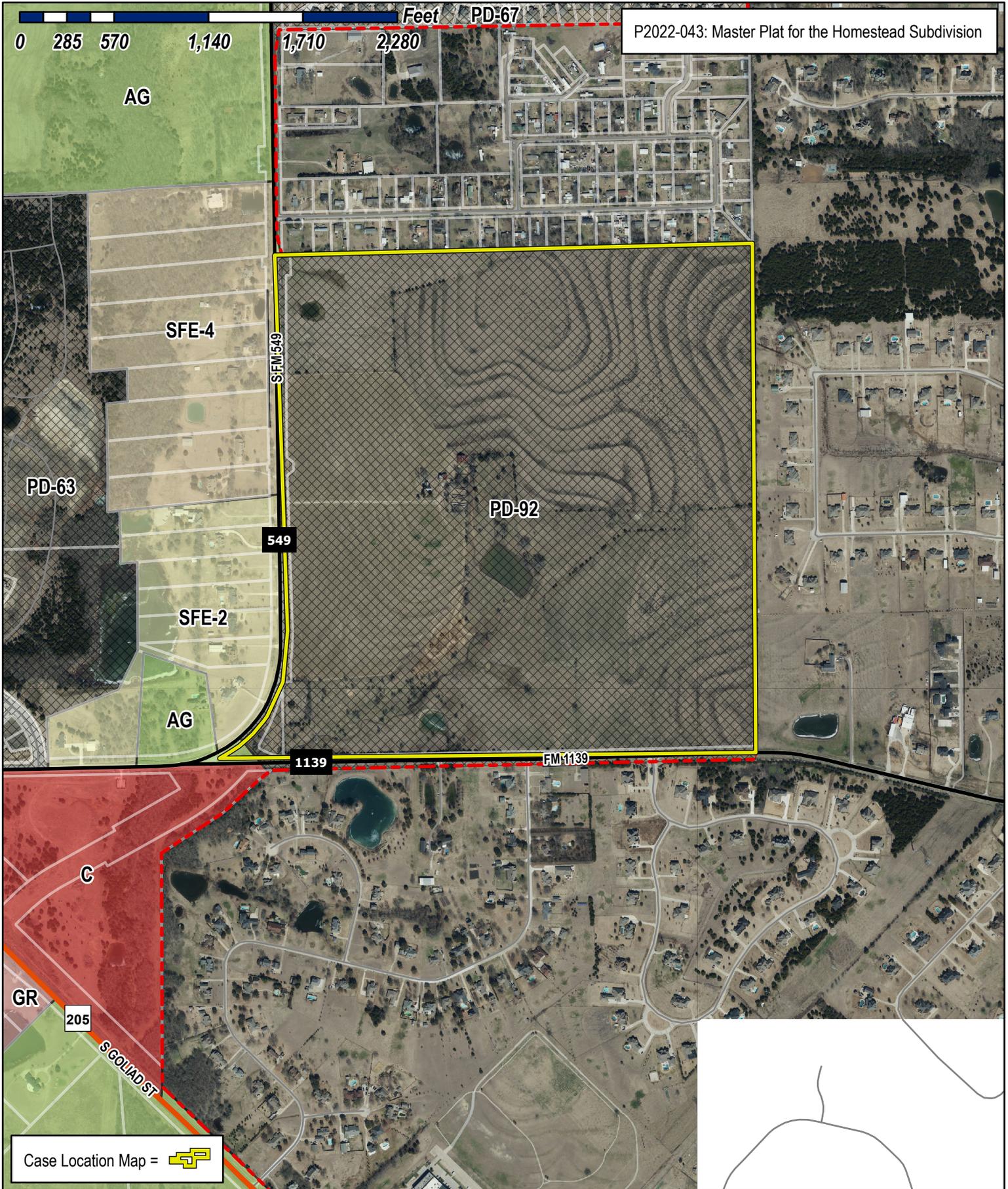
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

Carly Lewis



MY COMMISSION EXPIRES

4-16-25



Case Location Map = 

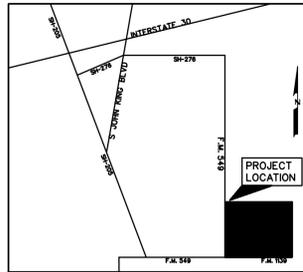


# City of Rockwall

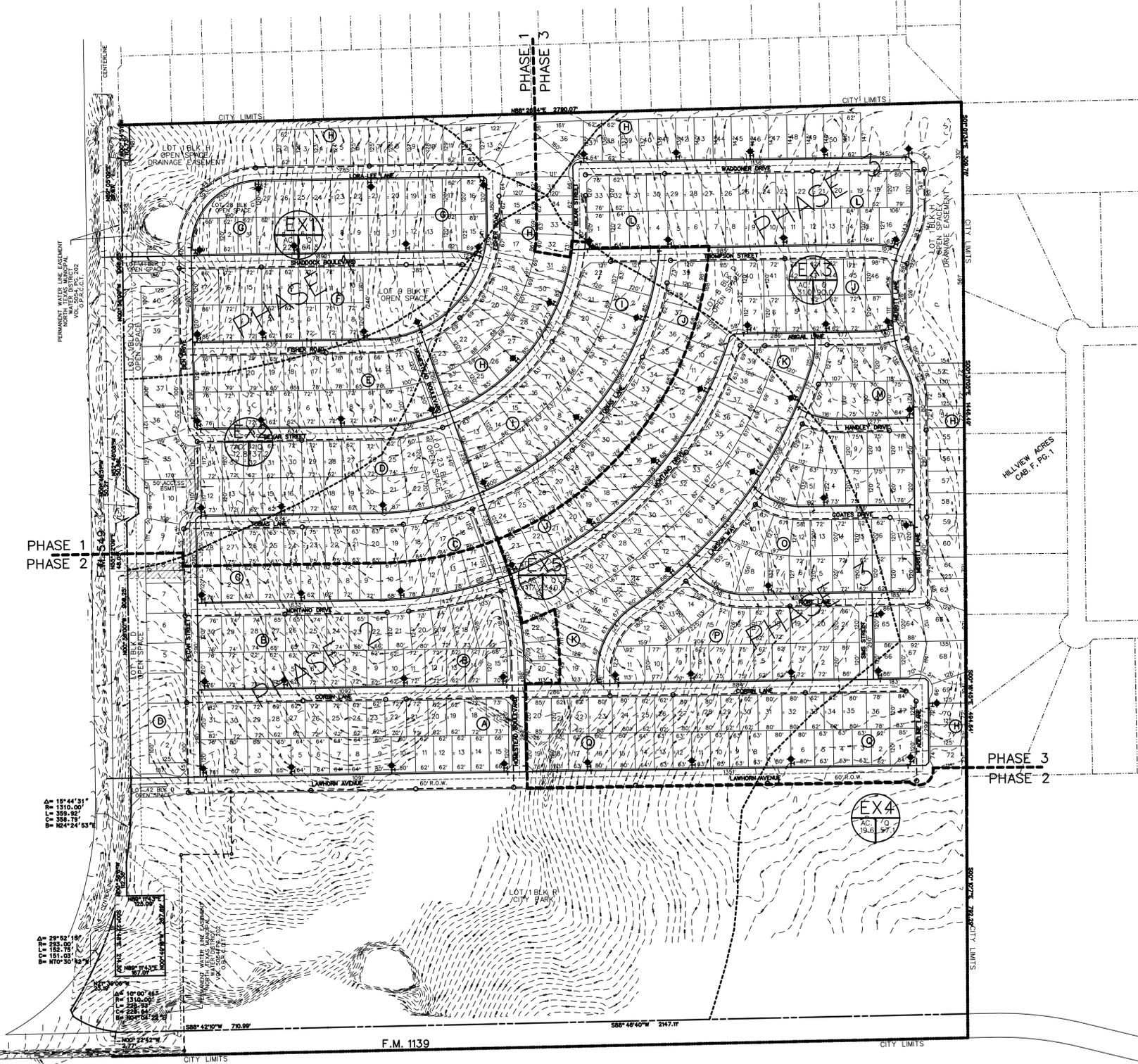
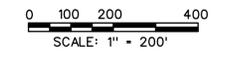
Planning & Zoning Department  
 385 S. Goliad Street  
 Rockwall, Texas 75032  
 (P): (972) 771-7745  
 (W): www.rockwall.com

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LOCATION MAP  
N.T.S.



- LEGEND**
- - - DRAINAGE AREA
  - PHASE LINE
  - CITY LIMITS

NOTE:  
WATER, WASTEWATER, ROADWAY & DRAINAGE FACILITIES  
WILL BE SERVED BY THE CITY OF ROCKWALL.

MASTER PLAT  
OF  
**HOMESTEAD**  
LOTS 1-31, BLOCK A  
LOTS 1-30, BLOCK B  
LOTS 1-28, BLOCK C  
LOTS 1-42, BLOCK D  
LOTS 1-22, BLOCK E  
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LOTS 1-17, BLOCK O  
LOTS 1-21, BLOCK P  
LOTS 1-37, BLOCK Q  
LOT 1, BLOCK R

TOTAL ACRES 196.008  
TOTAL SQUARE FOOTAGE 8,537,150.823  
TOTAL RESIDENTIAL LOTS 490  
TOTAL DENSITY 2.50  
TOTAL OPEN SPACE LOTS 11

OUT OF THE  
J.A. RAMSEY SURVEY,  
ABSTRACT NO. 186  
IN THE  
CITY OF ROCKWALL  
ROCKWALL COUNTY, TEXAS  
OWNER  
SH DEV KLUTTS ROCKWALL, LLC.  
2400 DALLAS PARKWAY, STE. 460  
PLANO, TEXAS 75093

TOTAL ACRES 196.008  
TOTAL RESIDENTIAL LOTS 490  
DENSITY 2.4998  
ZONING PD-92  
LAND USE SINGLE FAMILY DEVELOPMENT

PREPARED BY  
CORWIN ENGINEERING, INC.  
200 W. BELMONT, SUITE E  
ALLEN, TEXAS 75013  
972-396-1200

AUGUST 2022 SCALE 1" = 200'

CASE #P2022-043

# Free Dental Clinic for Vets, 11 Nov 2022

*Lowrance Dental and the Terry Fisher Post provide a free dental exam, cleaning and front-line care at no cost to Veterans*



- **Call or Text 520-609-4145 for an appointment**
  - Text "I want an appointment"
  - The Duty Officer will schedule your appointment
- **Appointments available 8:00 to 4:30**
- **Lowrance Dental – 1350 Summer Lee Drive, Rockwall, Texas**
- Bring your DD214, Retired Armed Forces ID Card, VA Medical Card, or Texas Drivers License with Veterans Status





## MEMORANDUM

---

**TO:** Mary Smith, City Manager

**CC:** Honorable Mayor and City Council

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

**DATE:** September 19, 2022

**SUBJECT:** Z2022-039; ZONING CHANGE (AG TO PD) FOR THE SOUTHSIDE HILLS SUBDIVISION

---

### Attachments

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

### Summary/Background Information

Hold a public hearing to discuss and consider a request by Brian Cramer of Corson Cramer Development on behalf of Scott Asbury of Rockwall Highgate LTD for the approval of an **ordinance** for a *Zoning Change* from an Agricultural (AG) District to a Planned Development District for Single Family 10 (SF-10) District and Commercial (C) District land uses on a 264.510-acre tract of land identified as Tracts 17-13 [50.0-acres], 17-14 [26.452-acres], 17-15 [134.33-acres], 17-16 [43.6-acres], & 40-8 [8.79-acres] of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, located on the east side of SH-205 (S. *Goliad Street*) south of the intersection of SH-205 and FM-549, and take any action necessary (**1st Reading**).

### Action Needed

The City Council is being asked to approve, approve with conditions, or deny the proposed *Zoning Change*.



# 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

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**TO:** Mayor and City Council  
**DATE:** September 19, 2022  
**APPLICANT:** Brian Cramer; *Corson Cramer Development*  
**CASE NUMBER:** Z2022-039; *Zoning Change (AG to PD) for the Southside Hills Subdivision*

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### SUMMARY

Hold a public hearing to discuss and consider a request by Brian Cramer of Corson Cramer Development on behalf of Scott Asbury of Rockwall Highgate LTD for the approval of a Zoning Change from an Agricultural (AG) District to a Planned Development District for Single Family 10 (SF-10) District and Commercial (C) District land uses on a 264.510-acre tract of land identified as Tracts 17-13 [50.0-acres], 17-14 [26.452-acres], 17-15 [134.33-acres], 17-16 [43.6-acres], & 40-8 [8.79-acres] of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, located on the east side of SH-205 (*S. Goliad Street*) south of the intersection of SH-205 and FM-549, and take any action necessary.

### BACKGROUND

The subject property is a 264.51-acre tract of land that was annexed into the City on November 4, 2010 by *Ordinance No. 10-27 [Case No. A2010-001]*. At the time of annexation, the subject property was zoned as an Agricultural (AG) District, and no changes to this designation have been approved since its adoption. According to the Rockwall Central Appraisal District (RCAD), there is an existing 8,567 SF single-family home, a 1,568 SF mobile home, a 61,200 SF metal building, and various other commercial buildings currently situated on the property. The subject property is currently being operated as a residence and equestrian center.

On December 18, 2021, the applicant -- *Brian Cramer of Corson Cramer Development* -- submitted an application requesting to change the zoning [*Case No. Z2021-057*] of the subject property from an Agricultural (AG) District to a Planned Development District for Single-Family 10 (SF-10) and limited Commercial (C) District land uses. Specifically, the applicant was proposing to entitle the subject property for a 495-lot single-family, residential subdivision that was to consist of five (5) lot sizes (*i.e. [A] 35, 120' x 200' lots; [B] 55, 90' x 125' lots; [C] 70, 80' x 115' lots; [D] 53, 80' x 110' lots; and [E] 282, 62' x 110' lots*), and approximately 28.40-acres of land zoned for limited Commercial (C) District land uses. After postponing the public hearing on January 11, 2022, the applicant ultimately requested that the Planning and Zoning Commission allow the case to be withdrawn. This request was granted by the Planning and Zoning Commission by a vote of 7-0 on January 25, 2022. According to the applicant's letter the reason the case was withdrawn was to allow more time to address the concerns raised by the adjacent neighborhoods prior to resubmitting the case.

Following this submittal, the applicant submitted a subsequent application on May 20, 2022. This application was requesting to change the zoning [*Case No. Z2022-028*] of the subject property from an Agricultural (AG) District to a Planned Development District for Single-Family 10 (SF-10) and limited Commercial (C) District land uses. Specifically, the applicant was proposing to entitle the subject property for a 490-lot single-family, residential subdivision that will consists of five (5) lot sizes (*i.e. [A] 27, 110' x 190' lots; [B] 51, 90' x 120' lots; [C] 60, 80' x 115' lots; [D] 84, 80' x 110' lots; and [E] 268, 62' x 110' lots*), and approximately 28.40-acres of land zoned for limited Commercial (C) District land uses. On June 14, 2022, the Planning and Zoning Commission held a public hearing and approved a motion to recommend approval of the applicant's request by a vote of 3-1, with Commissioner Chodun dissenting and Commissioners Womble, Thomas, and Conway absent. Despite this approval, the applicant sent an email requesting the City Council withdraw the case on June 20, 2022. This request was approved by a vote of 4-1, with Council Member Jorif dissenting and Council Members Campbell and Johannesen absent. According to the applicant's letter the purpose of the request was to schedule a work session with the

City Council to discuss the subject property. Following this withdraw request, the applicant held a work session with the City Council on July 18, 2022.

## **PURPOSE**

On August 19, 2022, the applicant -- *Brian Cramer of Corson Cramer Development* -- submitted a new application requesting to change the zoning of the subject property from an Agricultural (AG) District to a Planned Development District for Single-Family 10 (SF-10) and limited Commercial (C) District land uses. Specifically, the applicant is proposing to entitle the subject property for a 384-lot single-family, residential subdivision that will consists of five (5) lot sizes (*i.e. [A] 43, 130' x 240' lots; [B] 26, 110' x 190' lots; [C] 66, 80' x 115' lots; [D] 43, 80' x 110' lots; and [E] 206, 62' x 110' lots*), and approximately 28.40-acres of land zoned for limited Commercial (C) District land uses.

## **ADJACENT LAND USES AND ACCESS**

The subject property is generally located between FM-549, SH-205 (*S. Goliad Street*), Travis Lane, and Wylie Lane. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property is FM-549, which is identified as a TXDOT4D (*i.e. Texas Department of Transportation [TXDOT] roadway, four [4] lane, divided roadway*) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this thoroughfare is the Oaks of Buffalo Way and Willowcrest Estates Subdivisions, which consist of 91 single-family residential lots. These subdivisions are zoned Single Family Estate 1.5 (SFE-1.5) District and Planned Development District 51 (PD-51) for single-family estate land uses.

South: Directly south of the subject property are the corporate limits of the City of Rockwall, and the corporate limits of the City of McLendon-Chisholm. Beyond this are two (2) vacant tracts of land situated within the City of McLendon-Chisholm and its Extraterritorial Jurisdiction (ETJ).

East: Directly east of the subject property is SH-205 (*S. Goliad Street*), which is identified as a TXDOT4D (*i.e. Texas Department of Transportation [TXDOT] roadway, four [4] lane, divided roadway*) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this roadway are the corporate limits of the City of Rockwall, followed by a single-family subdivision situated within McLendon-Chisholm's Extraterritorial Jurisdiction (ETJ).

West: Directly west of the subject property is Travis Lane, which is identified as an R2U (*i.e. residential, two [2] lane, undivided roadways*) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are several residential properties zoned Agricultural (AG) District.

MAP 1: LOCATION MAP  
**YELLOW:** SUBJECT PROPERTY



## CHARACTERISTICS OF THE REQUEST

The applicant has submitted a concept plan and development standards for the proposed residential subdivision. The concept plan shows that the 264.51-acre subject property will incorporate *commercial* and *residential* land uses. This includes 28.40-acres of land dedicated to limited Commercial (C) District land uses and 236.11-acres consisting of 384 residential lots, a public park, and open space. The proposed 384 single-family residential lots will consist of five (5) lot types: [1] 43 Type 'A' lots that are a minimum of 130' x 240', [2] 26 Type 'B' lots that are a minimum of 110' x 190', [3] 66 Type 'C' lots that are a minimum of 80' x 115', [4] 43 Type 'D' lots that are a minimum of 80' x 110', and [5] 206 Type 'E' lots that are a minimum of 62' x 110'. Staff should note that the proposed 384-lots represent a 106-lot reduction from the concept plan proposed with Case No. Z2022-028, this translates to a gross density of 1.45 dwelling units per acre for the total proposed development (*i.e.* 1.63 dwelling units per acre less the 28.40-acre tract of land designated for commercial). The minimum dwelling unit size (*i.e.* air-condition space) will range from 2,200 SF to 3,800 SF. With regard to the proposed housing product, staff has incorporated anti-monotony and masonry standards into the proposed Planned Development District ordinance. Specifically, the ordinance will require a minimum of 90% masonry (*with a minimum of 85% masonry on each façade*), and be subject to the City's upgraded anti-monotony standards; however, the Planned Development District ordinance will also incorporate provisions that allow up to 80% cementitious fiberboard utilized in a horizontal lap-siding, *board-and-batten* siding, or decorative pattern to allow a more *Traditional Neighborhood Design* product (*also referred to as Gingerbread*). The proposed subdivision will be subject to the land uses and density and dimensional requirements stipulated for properties within a Single-Family 10 (SF-10) District unless otherwise specified in the Planned Development District ordinance. The following is a summary of the lot composition and density and dimensional standards contained in the proposed Planned Development District ordinance:

TABLE 1: LOT COMPOSITION

Lot Type	Minimum Lot Size (FT)	Minimum Lot Size (SF)	Dwelling Units (#)	Dwelling Units (%)
A	130' x 240'	43,560 SF	43	11.20%
B	110' x 190'	24,000 SF	26	06.77%
C	80' x 115'	11,000 SF	66	17.19%
D	80' x 110'	9,600 SF	43	11.20%
E	62' x 110'	7,200 SF	206	53.65%
<i>Maximum Permitted Units:</i>			384	100.00%

TABLE 2: LOT DIMENSIONAL REQUIREMENTS

Lot Type (see Concept Plan) ►	A	B	C	D	E
Minimum Lot Width <sup>(1)</sup>	130'	110'	80'	80'	62'
Minimum Lot Depth	240'	190'	115'	110'	110'
Minimum Lot Area (SF)	43,560	24,000	11,000	9,600	7,200
Minimum Front Yard Setback <sup>(2), (5) &amp; (6)</sup>	40'	30'	20'	20'	20'
Minimum Side Yard Setback	15'	10'	6'	6'	6'
Minimum Side Yard Setback (Adjacent to a Street) <sup>(2) &amp; (5)</sup>	15'	15'	15'	15'	15'
Minimum Length of Driveway Pavement <sup>(7)</sup>	20'	20'	20'	20'	20'
Maximum Height <sup>(3)</sup>	35'	35'	35'	35'	35'
Minimum Rear Yard Setback <sup>(4)</sup>	50'	50'	10'	10'	10'
Minimum Area/Dwelling Unit (SF) [Air-Conditioned Space]	3,800	3,200	2,500	2,500	2,200
Maximum Lot Coverage	50%	50%	65%	65%	65%

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: *J-Swing* or *Traditional Swing Garages* are permitted to encroach into the front yard building setback a maximum of five (5) feet.
- 7: *Type 'A', 'B', 'C' & 'D'* lots shall have a minimum of a three (3) car garage.

The proposed concept plan shows that the development will consist of 25.40-acres of private open space, a 1.30-acre amenity center, and a 11.60-acre public park. This -- with the 34.00-acres of floodplain -- represents a total of 72.30-acres of open space and which translates to 20.90% (i.e.  $[34.00\text{-acres of floodplain}/2] + 38.3 = 55.3\text{-acres}/264.51\text{-acres gross} = 20.90\%$ ) of the site being dedicated to open space/amenity. This exceeds the total required open space of 20.00% (or 52.902-acres) by 00.90% (or ~2.398-acres). In addition, the proposed development will incorporate a minimum of a 50-foot landscape buffer with a six (6) foot meandering trail for all residential adjacency to FM-549 and a 30-foot landscape buffer with a six (6) foot meandering trail along SH-205. The concept plan also depicts the provision of a six (6) foot trail that will be situated adjacent to the floodplain that traverses the site from the northeast corner of the subject property to the southwest corner of the subject property. In addition, the applicant has consented to incorporating a 50-foot landscape buffer, five (5) foot berm, and two (2) staggered rows of evergreen trees adjacent to 453 & 535 Cullins Road and 5459 FM-549. The applicant has also included a *Tree Preservation Easement* along Wylie Lane Road for the *Type 'C'* lots at the southwest corner of the subject property. All of these items have been included into the proposed Planned Development District ordinance and will be requirements of the proposed subdivision.

With regard to the proposed 28.40-acres designated for limited Commercial (C) District land uses, staff has identified all of the land uses within the Commercial (C) District that would be inconsistent with residential adjacency and specifically prohibited the land uses in the Planned Development District ordinance. Staff has also incorporated language in the Planned Development District ordinance requiring a 50-foot landscape buffer with a minimum of a 48-inch berm and three (3) tiered screening (i.e. [1] a row of small to mid-sized shrubs, [2] a row of large shrubs or accent trees, and [3] a row of canopy trees on 20-foot centers) to be situated between the commercial and residential land uses. Along SH-205, a landscape buffer meeting the SH-205 Overlay (SH-205 OV) District requirements has been required.

For the purposes of comparing this request with the two (2) previous zoning cases submittals (i.e. Z2021-057 & Z2022-028), staff has prepared the following summary:

TABLE 3: COMPARISON OF PREVIOUS AND CURRENT ZONING CASES

<i>Requirement</i>	<i>Case No. Z2021-057</i>	<i>Case No. Z2022-028</i>	<i>Current Request</i>
<i>Commercial Acreage</i>	28.40-Acres	28.40-Acres	28.40-Acres
<i>Residential Acreage</i>	236.11-Acres	236.11-Acres	236.11-Acres
<i>Number of Lots</i>	495	490	384
<i>Gross Dwelling Units/Acre</i>	1.87 DU/AC	1.85 DU/AC	1.45 DU/AC
<i>Net of Commercial Dwelling Units/Acre</i>	2.10 DU/AC	2.08 DU/AC	1.63 DU/AC
<i>Lot Sizes</i>			
130' x 240' (43,560 SF)	0	0	43
120' x 200' (30,000 SF)	35	0	0
110' x 190' (24,000 SF)	0	27	26
90' x 125' (14,000 SF)	55	0	0
90' x 120' (14,000 SF)	0	51	0
80' x 115' (11,000 SF)	70	60	66
80' x 110' (9,600 SF)	53	84	43
62' x 110' (7,200 SF)	282	268	206
<i>Dwelling Unit Sizes</i>	2,200 SF – 2,500 SF	2,200 SF – 2,500 SF	2,200 SF - 3,800 SF
<i>Open Space Percentage</i>	19.47%	20.57%	20.90%
<i>Amenity Center</i>	1.50-Acres	1.50-Acres	1.30-Acres
<i>Private Open Space</i>	20.40-Acres	23.20-Acres	25.40-Acres
<i>Public Park</i>	12.60-Acres	12.70-Acres	11.60-Acres
<i>Floodplain</i>	34-Acres	34-Acres	34-Acres

**INFRASTRUCTURE**

Based on the applicant’s concept plan and the proposed density, the following infrastructure is required to be constructed to provide adequate public services for the proposed development:

- (1) Roadways. According to the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan, Cullins Road is required to be a *Minor Collector*, which requires a 60-foot right-of-way with a 41-foot *back-to-back* street. The applicant only has a small adjacency to the roadway and has the option of [1] constructing 24-feet of the roadway or [2] escrowing their required portion of the roadway at 115%. In addition, a 30-foot right-of-way dedication -- *as measured from the centerline* -- will be required for Cullins Road, right-of-way dedication -- *25-feet as measured from the centerline* -- will be required for Travis Lane, and additional future right-of-way for FM-549 may be required to be reserved at the time of final plat. The applicant will also need to check and dedicate any additional right-of-way needed for Wylie Lane (*i.e. 50-feet of right-of-way or 25-feet as measured from the centerline*). All residential streets are required to be in a 50-foot right-of-way with a 29-foot *back-to-back* street, and all roadways adjacent to the proposed park will be required to be a 41-foot *back-to-back* street. The right-of-way along SH-205 will need to be check and any required dedication will be accounted for at the time of final plat.
- (2) Water. The *Water Distribution Master Plan* indicates that a 12-inch waterline will need to be constructed along S. Goliad Street (SH-205), Wylie Lane, and connect to the existing eight (8) inch water line located along Travis Lane. In addition, a 12-inch waterline will need to be extended from the *Rockwall College and Career Academy*, south along John King Boulevard, and follow the eastern right-of-way line of SH-205 to the southern property line of the subject property.
- (3) Wastewater. The *Wastewater Collection System Master Plan* shows that the applicant will be responsible for the construction of the Long Branch lift station (*location on the subject property to be determined at the time of civil engineering*), which will be located south of the subject property. This will require full upgrades -- *including appurtenances* -- to the ultimate capacity of lift stations #1 & #2 along FM-3097. In addition, the applicant will be required to pay a \$432.74 per acre pro-rata fee for the wastewater improvements that were previously installed.
- (4) Drainage. The applicant shall be required to perform a flood study to delineate the fully developed 100-year localized floodplain for all ponds, creeks or streams, and draws on the subject property. Detention will be required and sized per the required detention study. The applicant will also be required to perform a Wetlands and Waters of the United States (WOTUS) study for the existing ponds on the subject property.

### **CONFORMANCE TO THE CITY'S CODES**

The proposed Planned Development District conforms to the majority of the City's code requirements; however, it should be noted that the development standards contained within the Planned Development District ordinance deviate from the requirements of the Unified Development Code (UDC), the Municipal Code of Ordinances, and the Engineering Department's *Standards of Design and Construction Manual* in the following ways:

- (1) Alleyways. The Engineering Department's *Standards of Design and Construction Manual* stipulates that "(a)lleys shall be provided in all residential areas and shall be paved with steel reinforced concrete..." The code does grant the City Council the ability to "... waive the residential alley requirement, if it is in the best interest of the City." [Page 14; Section 2.11 of the *Standards of Design and Construction Manual*]
- (2) Garage Configuration. Section 04, *Residential Parking*, of Article 06, *Parking and Loading*, of the Unified Development Code (UDC) requires that, "(i)n single-family or duplex districts, parking garages must be located at least 20-feet behind the front building façade for front entry garages unless it is a *J-Swing [or traditional swing]* garage where the garage door is perpendicular to the street."

Applicant's Response to (1) & (2): In lieu of providing the required alleyways, the applicant is proposing to provide 80.21% *J-Swing* or *Traditional Swing* garages and 19.79% *Flat Front Entry* garages with a five (5) recess for the garage (*i.e. where the garage is setback five [5] feet from the front façade*). As a compensatory measure the applicant is proposing to provide additional architectural elements into all garage configurations in the form of: [A] divided garage by doors (*i.e. for two [2] car garages two [2] individual entrances and for three [3] car garages a standard two [2] bay garage door with a single by garage door adjacent*), [B] carriage style hardware and lighting, [C] decorative wood doors or wood overlays on insulated metal doors, and [D] driveway with ornamental stamped concrete brick pavers, broom finished, or salt finished. Staff should also point out that by providing a five (5) foot recess in the *Flat Front Entry* garages, a minimum of a 25-foot

driveway is being provided. The following image of an upgraded wood garage door was included in the Planned Development District ordinance:

FIGURE 1. EXAMPLES OF ENHANCED WOOD GARAGE DOOR



### **CONFORMANCE WITH OURHOMETOWN VISION 2040 COMPREHENSIVE PLAN**

According to the *Land Use Plan* contained in the OURHometown Vision 2040 Comprehensive Plan, the subject property is located within the Southwest Residential District and is designated for Low Density Residential land uses. The plan defines Low Density Residential land uses as "... residential subdivisions that are two (2) units per gross acre or less; however, a density of up to two and one-half (2½) units per gross acre may be permitted for developments that incorporate increased amenity and a mix of land uses ..." In addition, the Comprehensive Plan defines increased amenity as, "... developments that provide some of the following: (1) open space beyond the required 20%, (2) a golf course and/or other comparable recreation facilities, (3) amenity/recreation facilities, (4) school site integration, (5) dedication or development of park land beyond the required park land dedication, (6) additional development of trails, (7) other amenities deemed appropriate by the City Council." In this case the applicant is proposing a total density of 1.42 dwelling units per acre (or 1.63 dwelling units per acre less the 28.40-acre tract of land designated for commercial). In addition, the applicant is proposing to incorporate an amenities center, walking trails, and an 11.60-acre public park. Based on this the applicant's request appears to be in conformance with the Low Density Residential designation indicated for the subject property; however, the proposed 28.40-acres of land that is designated for limited Commercial (C) District land uses will require the City Council to change the Future Land Use Plan from a Low Density Residential land use designation to a Commercial/Retail designation. Staff should note that the Comprehensive Plan specifically states that the City should "(e)ncourage large master planned communities that incorporate a mixture of land uses (i.e. residential, commercial, etc.), unit types and lot sizes to create neighborhoods with unique identities and to facilitate the property transition between land uses." [Goal #1; Section 02.02, Chapter 08] In addition, staff should point out that the *commercial* area provides a buffer between the proposed residential land uses (i.e. the Type 'E' lots) adjacent to Wylie Lane and S. Goliad Street [SH-205]. Should the City Council choose to approve this case, staff has included a condition of approval that would make the required changes to the Future Land Use Map.

With regard to the policies and goals for residential and commercial development contained in the Comprehensive Plan, the applicant's request incorporates the majority of these policies and goals (e.g. minimum of six [6] foot side yard setbacks on all lot types, fronting of homes on to a park/open space, etc.); however, staff has identified the following non-conformities on the original concept plan and provided the following recommendations to the applicant:

RED: NOT INCORPORATED INTO THE PLANNED DEVELOPMENT DISTRICT ORDINANCE.

BLUE: INCORPORATED INTO THE PLANNED DEVELOPMENT DISTRICT ORDINANCE.

- (1) CH. 01 | Goal 02; Policy 1: Non-transparent fencing and masonry screening walls should be discouraged in areas between residential and commercial/retail shopping centers where a properly sized landscape buffer can be established.

- (2) [CH. 01 | Goal 02: Policy 2](#): Commercial/retail shopping centers should be screened from residential area utilizing landscape buffers that are composed of berms, landscaping and trees.
- (3) [CH. 01 | Goal 02: Policy 3](#): The design of commercial/retail shopping centers should incorporate streets, sidewalks and trails to ensure multi-modal access to adjacent residential and commercial developments.
- (4) [CH. 08 | Sec. 2.02 | Goal 04: Policy 2](#): Use berms and buffers to transition land uses as opposed to walls. This creates a natural transition in which trails can be incorporated to connect residential areas with non-residential areas.

Staff Response (1), (2), (3) & (4): Based on these sections of the Comprehensive Plan staff incorporated language into the Planned Development District ordinance addressing the design and size of the required buffers between residential and commercial land uses. In addition, staff incorporated a *PD Development Plan* requirement to ensure that there is connectivity provided between the two (2) land uses. [The applicant has consented to the language included in the Planned Development District ordinance.](#)

- (5) [CH. 04 | Sec. 02.01 | Goal 01: Policy 2](#): Discourage the use of *cul-de-sacs* in residential subdivisions in support of providing connected streets that offer multiple points of access to all single-family homes.

Staff Response to (5): When this concept plan was originally submitted there were six (6) cul-de-sacs proposed. Staff requested that the number of cul-de-sacs be reduced to better conform to the Comprehensive Plan. The applicant informed staff that the two (2) cul-de-sacs proposed off of the entryway at FM-549 were to accommodate the property owners of 5459 FM-549 (see Figure 2 & 3 below). Specifically, this property owners' house is directly adjacent to this area and preferred to have homes side as opposed to back to their house. In addition, they also requested that a cul-de-sac be incorporated at the rear of their property (see Figure 2 below); however, after reviewing this request staff requested that this cul-de-sac be removed in favor of having the houses face onto the proposed street (see Figure 3 below). In lieu of this cul-de-sac, staff requested that the developer incorporate a 50-foot landscape buffer, with a five (5) foot berm, and two (2) staggered rows of evergreen trees in this area. In making this request staff observed that by facing these homes onto the street it would [1] reduce the number of public streets the City would be required to maintain in the future, [2] provide a more pleasing aesthetic by having homes face onto a street as opposed to side to a street, and [3] move future homes further away from the existing home (i.e. from 734-feet to 857-feet). The applicant has stated that he agrees with staff's request and made the change to the plan. Excluding the cul-de-sacs that the property owners at 5459 FM-549 requested and the removal of the cul-de-sac requested by staff, the proposed concept plan only incorporates three (3) additional cul-de-sacs.

FIGURE 2. ORIGINAL CONCEPT PLAN



FIGURE 3. REVISED CONCEPT PLAN



- (6) [CH. 07 | Goal 01; Policy 1](#): Explore opportunities for the incorporation of gateway elements (e.g. signage, plantings, and/or architectural elements) that can be used to create a sense of destination or arrival.

Staff Response to (6): Staff has suggested to the applicant that the entry portal along S. Goliad Street [SH-205] -- in the area designated for commercial land uses -- would be an ideal location for entry signage for the City. Based on this, the applicant has incorporated language into the Planned Development District that would require a sign -- similar in design to the gateway sign constructed in the median of SH-66 -- to be constructed at the southwest corner of the intersection of S. Goliad Street [SH-205] and Wylie Lane (see Figure 2 below).

**FIGURE 2: STANDARD GATEWAY SIGNAGE FOR THE CITY OF ROCKWALL**



- (7) [CH. 08 | Sec. 02.03 | Goal 03; Policy 3](#): In cases where Flat Front Entry garages (i.e. even with the front façade of the primary structure) are requested as part of a development no greater than 20% should be incorporated into the development. In addition, Flat Front Entry garages should have a minimum of a 25-foot front yard building setback to allow vehicles to be parked in the driveway without overhanging public right-of-way. This type of garage may not be appropriate for all developments and should be generally discouraged.

Staff Response to (7): If a Flat Front Entry garage configuration with a recess of five (5) feet is being requested it should be limited to 20.00%. The applicant has chosen to request 19.79% Flat Front Entry garages and 80.21% J-Swing or Traditional Swing garages, and has consented to upgraded garage door and driveway requirements. In addition, the added five (5) foot recess provides a 25-foot driveway on the Flat Front Entry garage product, which has a similar effect as the 25-foot setback requested by the Comprehensive Plan.

Taking into account the applicant's concept plan, proposed density, and development standards, the request does appear to conform with the majority of the OURHometown Vision 2040 Comprehensive Plan and the Unified Development Code (UDC); however, the changes to the Future Land Use Map for commercial and the nature of this Planned Development District, makes this request a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission.

**NOTIFICATIONS**

On August 23, 2022, staff mailed 41 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Oaks of Buffalo Way Homeowner's Association (HOA), which is the only HOA 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 received nine (9) responses from nine (9) property owners inside the City limits and two (2) responses from people outside of the City limits. These responses were as follows:

#### Responses Inside of the City Limits

- (1) One (1) email from one (1) property owner within the 500-foot notification buffer in favor of the applicant's request.
- (2) One (1) property owner notification from one (1) property owner within the 500-foot notification buffer in favor of the applicant's request.
- (3) Seven (7) property owner notifications from five (5) property owners within the 500-foot notification buffer in opposition to the applicant's request.
- (4) One (1) response from the City's online *Zoning and Specific Use Input Form* from one (1) property owner outside of the 500-foot notification buffer in opposition to the applicant's request.
- (5) Two (2) emails from two (2) property owners outside of the 500-foot notification buffer in opposition to the applicant's request.

#### Responses Outside of the City Limits

- (1) Unknown. One (1) email from a property owner who did not provide an address stating they are opposed to the applicant's request.
- (2) Heath. One (1) email response from one (1) person in the City of Heath opposed to the applicant's request.

NOTE: According to Subsection 02.03(G), *Protest of a Zoning Change*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC), "(p)roperty owners adjacent to and within a radius of 200-feet of a property for which a zoning change or Specific Use Permit (SUP) is being considered have the right to file a written protest against the request. The land area of this 200-foot radius includes public right-of-way, open space and parkland. Whenever such written protest is signed by the owners of 20% or more of the area of the lots or land included in the request, or of the lots or land immediately adjoining the same and within the above mentioned 200-foot radius ... such zoning change or Specific Use Permit (SUP) shall require a supermajority vote (i.e. a three-fourths vote of those members present), with a minimum of four (4) votes in the affirmative required for approval." In accordance with this section of the Unified Development Code (UDC), staff has prepared a *For/Against Map* for the property owner notifications received within 200-feet of the subject property. Currently, the opposition to the applicant's request equates to 29.59% of the total land area within 200-feet of the subject property. This means that this case will require a supermajority vote of the City Council for approval.

### **CONDITIONS OF APPROVAL**

If the City Council chooses to approve the applicant's request to rezone the subject property from an Agricultural (AG) District to a Planned Development District for Single-Family 10 (SF-10) and limited Commercial (C) District land uses, then staff would propose the following conditions of approval:

- (1) The applicant shall be responsible for maintaining compliance with the concept plan and development standards contained in the Planned Development District ordinance.
- (2) By approving this Zoning Amendment, the City Council will effectively be approving changes to the Comprehensive Plan and Future Land Use Map. Specifically, this will change the designation of the 28.40-acre tract of *Commercial* land from a Low Density Residential designation to a Commercial/Retail designation.
- (3) A *PD Development Plan* for the 28.40-acre tract of *Commercial* land will be required prior to site plan. This *PD Development Plan* will be required to delineate a 1.402-acre tract of land dedicated to open space. This area should be amenitized and serve the *Commercial* development.
- (4) Building elevations and a construction schedule for the proposed monument sign shall be established with the *PD Development Plan* for the *Commercial* land.
- (5) Any construction resulting from the approval of this Zoning Change 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 September 13, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the Zoning Change by a vote of 6-0, with Commissioner Welch absent.



# DEVELOPMENT APPLICATION

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

### STAFF USE ONLY

PLANNING & ZONING CASE NO.

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

#### SITE PLAN APPLICATION FEES:

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

#### ZONING APPLICATION FEES:

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

#### OTHER APPLICATION FEES:

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

#### NOTES:

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 5565 Hwy 549 Rockwall, TX

SUBDIVISION

LOT

BLOCK

GENERAL LOCATION West of SH 205 & South of Fm 549

### ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING Hg

CURRENT USE Ag

PROPOSED ZONING PD

PROPOSED USE Single Family & Commercial

ACREAGE 264.5

LOTS [CURRENT]

LOTS [PROPOSED]

384

- SITE PLANS AND PLATS:** BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB316Z 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 Highgate, Ltd.

APPLICANT Corson Cramer Development

CONTACT PERSON Scott Asbury

CONTACT PERSON Brian Cramer

ADDRESS 13155 Noel Rd #900

ADDRESS 4925 Greenville Ave. #604

CITY, STATE & ZIP Dallas, TX 75240

CITY, STATE & ZIP Dallas, TX 75206

PHONE 214-566-8699

PHONE 214-734-5924

E-MAIL sasbury@3realtysgroup.com

E-MAIL bcramer@ccdevtx.com

### NOTARY VERIFICATION [REQUIRED]

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Scott Asbury (OWNER) THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:

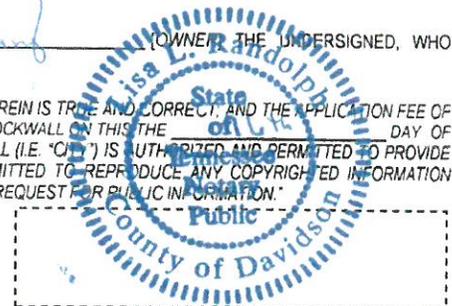
"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION. ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT, AND THE APPLICATION FEE OF \$ August 2022 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE August 2022 DAY OF August 2022. BY SIGNING 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 16<sup>th</sup> DAY OF August, 2022.

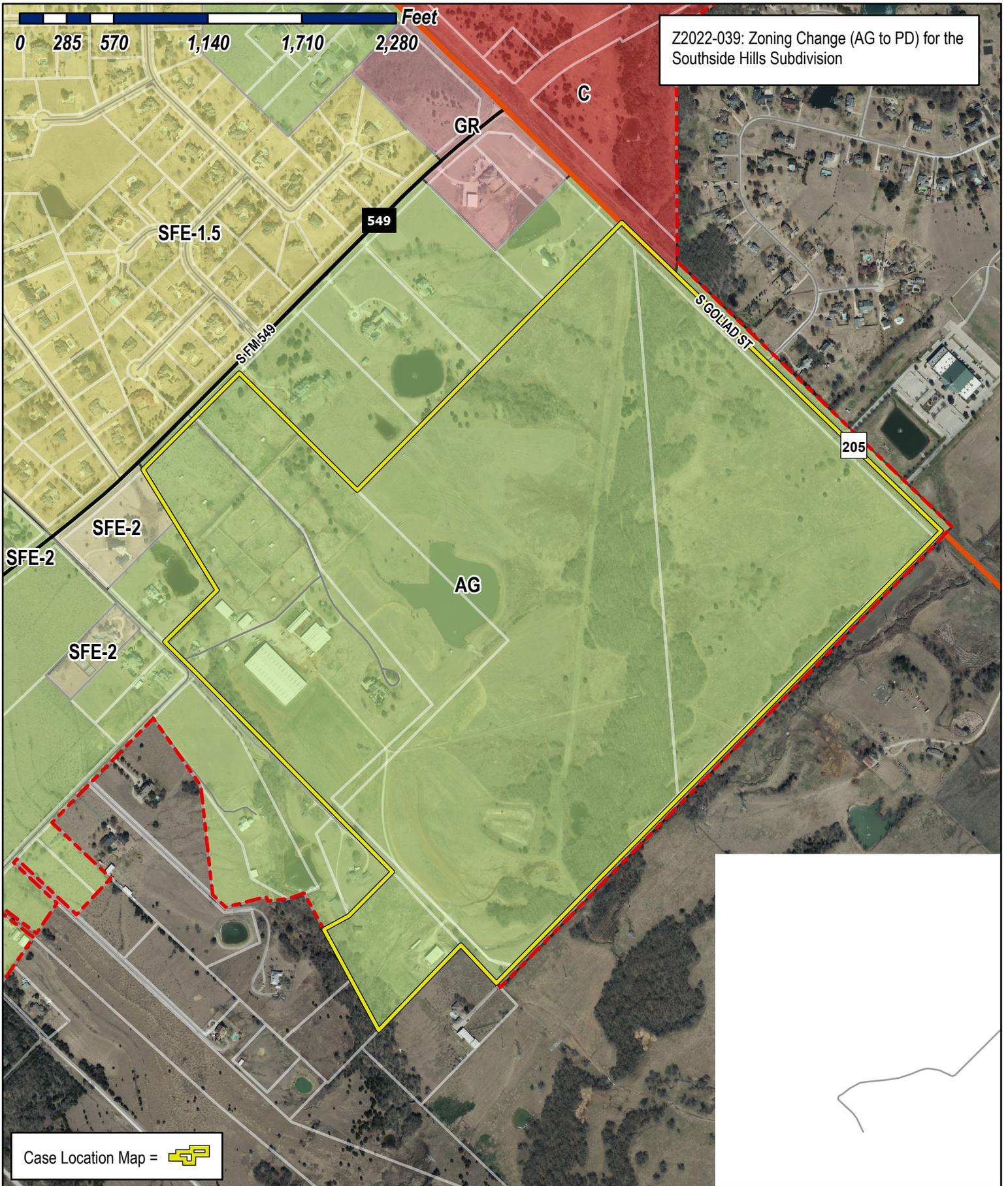
OWNER'S SIGNATURE Scott Asbury

NOTARY PUBLIC IN AND FOR THE STATE OF Texas

John D. Randolph



MY COMMISSION EXPIRES May 9, 2026



Z2022-039: Zoning Change (AG to PD) for the Southside Hills Subdivision

Case Location Map = 



# 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.





## Miller, Ryan

---

**From:** Gamez, Angelica  
**Sent:** Tuesday, August 23, 2022 4:40 PM  
**Cc:** Miller, Ryan; Ross, Bethany; Lee, Henry  
**Subject:** Neighborhood Notification Program [Z2022-039]  
**Attachments:** Public Notice (Z2022-039).pdf; HOA Map (08.19.2022).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 August 26, 2022. The Planning and Zoning Commission will hold a public hearing on Tuesday, September 13, 2022 at 6:00 PM, and the City Council will hold a public hearing on Monday, September 19, 2022 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](mailto: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>.

### **Z2022-039: Zoning Change from AG to PD for C & SF-10 district land uses**

Hold a public hearing to discuss and consider a request by Brian Cramer of Corson Cramer Development on behalf of Scott Asbury of Rockwall Highgate LTD for the approval of a *Zoning Change* from an Agricultural (AG) District to a Planned Development District for Single Family 10 (SF-10) District and Commercial (C) District land uses on a 264.510-acre tract of land identified as Tracts 17-13 [50.0-acres], 17-14 [26.452-acres], 17-15 [134.33-acres], 17-16 [43.6-acres], & 40-8 [8.79-acres] of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, located on the east side of SH-205 (*S. Goliad Street*) south of the intersection of SH-205 and FM-549, and take any action necessary.

Thank you,

*Angelica Gamez*

Planning & Zoning Coordinator

City of Rockwall

972.771.7745 Office

972.772.6438 Direct

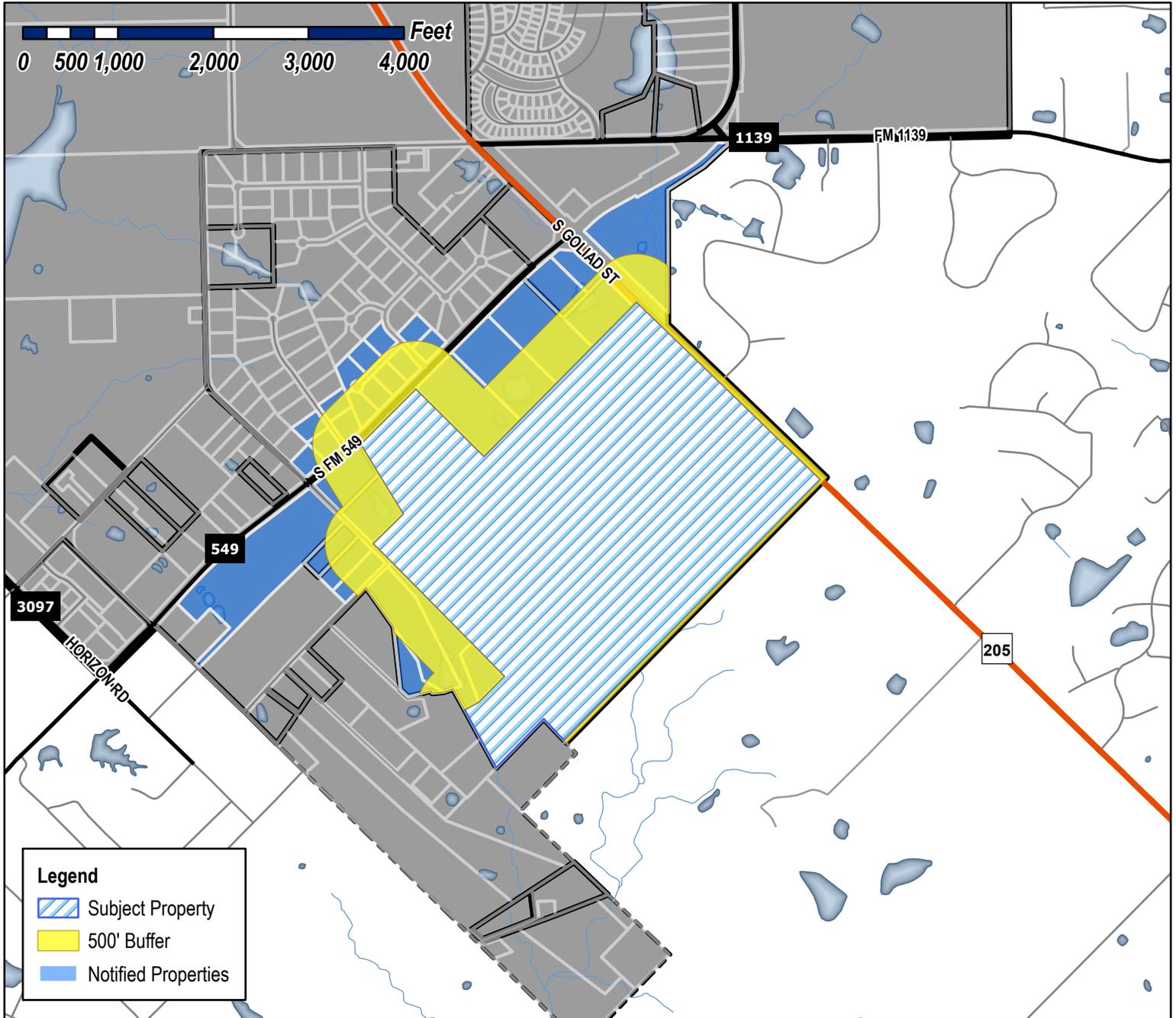
<http://www.rockwall.com/planning/>



# City of Rockwall

Planning & Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75087  
(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.



**Case Number:** Z2022-039  
**Case Name:** Zoning Change (AG to PD) for the Southside Hills Subdivision  
**Case Type:** Zoning  
**Zoning:** Agricultural (AG) District  
**Case Address:** SWC of FM 549 and Hwy 205

**Date Saved:** 8/18/2022  
 For Questions on this Case Call (972) 771-7745



ROCKWALL 205 INVESTORS LLC  
1 CANDLELITE TRAIL  
HEATH, TX 75032

ROCKWALL HIGHGATE LTD  
C/O SCOTT ASBURY  
13155 NOEL RD # 900  
DALLAS, TX 75240

ROCKWALL HIGHGATE LTD  
C/O SCOTT ASBURY  
13155 NOEL RD # 900  
DALLAS, TX 75240

ROCKWALL HIGHGATE LTD  
C/O SCOTT ASBURY  
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13155 NOEL RD # 900  
DALLAS, TX 75240

ROCKWALL HIGHGATE LTD  
C/O SCOTT ASBURY  
13155 NOEL RD # 900  
DALLAS, TX 75240

WHITEFIELD BRANDON AND SAMANTHA LYNN  
150 WILLOWCREST  
ROCKWALL, TX 75032

HADDOCK HOWARD J & JOAN W TRUSTEES  
HADDOCK FAMILY LIVING TRUST  
155 WILLOWCREST  
ROCKWALL, TX 75032

OCCUPANT  
200 WILLOWCREST  
ROCKWALL, TX 75032

MUELLER JOHN HERMAN AND MELANIE KAY  
ANN BEAR-MUELLER  
201 WILLOWCREST LN  
ROCKWALL, TX 75032

RUCKER ROY LYDELL AND MONIFA  
2155 ARROWHEAD CT  
ROCKWALL, TX 75032

GRAHAM M TODD AND SHANNA R  
2160 ARROWHEAD COURT  
ROCKWALL, TX 75032

FLEMING KATHI  
2165 ARROWHEAD CT  
ROCKWALL, TX 75032

CROSSLEY RICHARD  
2175 ARROWHEAD CT  
ROCKWALL, TX 75032

GREEN JACKIE & TAMI  
2180 ARROWHEAD CT  
ROCKWALL, TX 75032

RUMMEL STEVEN DAVID AND JANET L  
2230 ARROWHEAD CT  
ROCKWALL, TX 75032

LIVINGSTON ERIKA S & JACK E  
2235 ARROWHEAD COURT  
ROCKWALL, TX 75032

101 HUBBARD DR LLC  
2701 SUNSET RIDGE DR SUITE 610  
ROCKWALL, TX 75032

101 HUBBARD DR LLC  
2701 SUNSET RIDGE DR SUITE 610  
ROCKWALL, TX 75032

OCCUPANT  
326 CULLINS RD  
ROCKWALL, TX 75032

LEE SHERRIE  
363 CULLINS RD  
ROCKWALL, TX 75032

FOLEY-TRAVIS LE'ARDEN J  
403 TRAVIS LANE  
ROCKWALL, TX 75032

FOLEY-TRAVIS LE'ARDEN J  
403 TRAVIS LANE  
ROCKWALL, TX 75032

OCCUPANT  
C/O SCOTT ASBURY  
448 TRAVIS LN  
ROCKWALL, TX 75032

PRICE BOBBY DALE & BRETTE JEAN  
453 CULLINS RD  
ROCKWALL, TX 75032

BOYD WILKIE HUGH  
489 JEFF BOYD RD  
ROCKWALL, TX 75032

ZEB MOHIUDIN DR &  
NASREEN ZEB  
5128 S STATE HIGHWAY 205  
ROCKWALL, TX 75032

OCCUPANT  
5133 S FM549  
ROCKWALL, TX 75032

OCCUPANT  
5205 S FM549  
ROCKWALL, TX 75032

HEAGNEY SCOTT AND LISA  
5295 STANDING OAK LN  
ROCKWALL, TX 75032

KESSLER JAMES AND ANGELA  
5297 SOUTH FM 549  
ROCKWALL, TX 75032

HOPE LESLIE AND DARYL  
530 CULLINS RD  
ROCKWALL, TX 75032

SHIMKUS ANTHONY & SANDRA  
5315 STANDING OAK LN  
ROCKWALL, TX 75032

WILSON BRET A & LESLIE  
535 CULLINS RD  
ROCKWALL, TX 75032

BARRICK CODY ANDREW & AMY DENISE  
5459 S. FM 549  
ROCKWALL, TX 75032

OCCUPANT  
C/O SCOTT ASBURY  
5565 S FM549  
ROCKWALL, TX 75032

BLACKWOOD SCOTT W & GLENITA G  
5574 CANADA CT  
ROCKWALL, TX 75032

ABREU JORGE AND TASHA  
570 CULLINS RD  
ROCKWALL, TX 75032

POPE TONY & KAREN  
626 CULLINS RD  
ROCKWALL, TX 75032

BYRD GARY ETUX  
707 CULLINS RD  
ROCKWALL, TX 75032

BYRD GARY ETUX  
707 CULLINS RD  
ROCKWALL, TX 75032

# PUBLIC NOTICE



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

**Z2022-039: Zoning Change from AG to PD for C & SF-10 district land uses**

Hold a public hearing to discuss and consider a request by Brian Cramer of Corson Cramer Development on behalf of Scott Asbury of Rockwall Highgate LTD for the approval of a Zoning Change from an Agricultural (AG) District to a Planned Development District for Single Family 10 (SF-10) District and Commercial (C) District land uses on a 264.510-acre tract of land identified as Tracts 17-13 [50.0-acres], 17-14 [26.452-acres], 17-15 [134.33-acres], 17-16 [43.6-acres], & 40-8 [8.79-acres] of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, located on the east side of SH-205 (S. Goliad Street) south of the intersection of SH-205 and FM-549, 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, September 13, 2022 at 6:00 PM, and the City Council will hold a public hearing on Monday, September 19, 2022 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:

**Ryan Miller**  
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](mailto: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, September 19, 2022 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. Z2022-039: Zoning Change from AG to PD for C & SF-10 district land uses**

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.

[Redacted area]

Name: [Redacted]  
Address: [Redacted]

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

## Ross, Bethany

---

**From:** Leslie Wilson [REDACTED]  
**Sent:** Monday, September 12, 2022 12:10 PM  
**To:** Planning  
**Cc:** Miller, Ryan; Leslie Wilson; Bret Wilson  
**Subject:** Re: Case No. Z2022-039 Zoning Change from AG to PD for C & SF-10

To Whom It May Concern,

Bret and I reluctantly favor supporting the change of zoning for Highgate from AG to PD, ONLY as it pertains to the development plan put forth by Corson Cramer. Actually, we don't technically support it; the truth is, we have decided to stop fighting against this development and the desire of the owner to sell and for the parcel to be developed into a subdivision—again ONLY with the most recent plan submitted by Corson Cramer.

Along with our affected neighbors, we originally requested minimum 1-1.5 acre lots, but it doesn't seem like that is going to be a possibility.

Also, compared to past history with proposed developments with this parcel, which borders us on two sides, Corson Cramer has put forth a more palatable, less invasive planned development. They have met with, listened to, and worked with area residents to come up with a plan that takes into account our current lives and situation and does as little as possible to disrupt it. And because we have no idea what the next developer might propose, even though we would prefer to have it stay AG and be open space, we'd rather go with a planned development we can live with.

Many thanks to the current city council, Ryan Miller, and other P & Z employees for your steadfast support, listening ears, and encouragement of the area residents throughout this process.

Regards,  
Bret and Leslie Wilson  
535 Cullins Road  
Rockwall, TX 75032  
214-505-5336

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

# 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:

**Z2022-039: Zoning Change from AG to PD for C & SF-10 district land uses**

Hold a public hearing to discuss and consider a request by Brian Cramer of Corson Cramer Development on behalf of Scott Asbury of Rockwall Highgate LTD for the approval of a Zoning Change from an Agricultural (AG) District to a Planned Development District for Single Family 10 (SF-10) District and Commercial (C) District land uses on a 264.510-acre tract of land identified as Tracts 17-13 [50.0-acres], 17-14 [26.452-acres], 17-15 [134.33-acres], 17-16 [43.6-acres], & 40-8 [8.79-acres] of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, located on the east side of SH-205 (S. Goliad Street) south of the intersection of SH-205 and FM-549, and take any action necessary.

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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:

**Ryan Miller**  
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](mailto: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, September 19, 2022 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. Z2022-039: Zoning Change from AG to PD for C & SF-10 district land uses**

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.

*Please see attached document*

Name: *John Mueller*

Address: *201 W. Howcrest Rockwall TX 75032*

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

10 September 2022

Reference Rockwall Planning and Zoning Case No. Z2022-039 Rockwall Highgate LTD

We are strongly **OPPOSE** this Development for the following reasons:

1. The plan is to build 485 new homes with a density of 2 houses per acre. The existing housing around the proposed development is One (1) acre plus per house lots.
2. There will be an additional 970 to 1400 plus vehicles traveling on FM 549 two lane road, SH 205 two lane road, Horizon Road two lane road and I-30 every day - all of which are already highly congested.
3. The existing City and County Services Police, Fire, EMS will be overburdened to support this new development in addition to local infrastructure (municipal water system, drainage and power).
4. Property taxes will be increased to accommodate the expansion of services and infrastructure required to support this large development.
5. The local schools will also have to absorb the additional students.
6. Property values will go down in the area due to the addition of a high-density tract housing (HUD style) neighborhood.
7. This planned high-density tract housing **Development** project is in **incompatible with** the City of Rockwall's "**Hometown 2040**" Plan, Land Use and Growth Management Plan for the Southwest Residential District, Page 1-30, which has designated and planned for this area to be Low Density Residential (LDR) properties.
8. The land should **ONLY** be Developed In Accordance With the City of Rockwall's **Hometown 2040 Plan** which is Low Density Residential properties.
9. This project is similar to the Rezoning Plan proposed in 2011, 2019, 2021 and 2022 that were canceled to due overwhelming citizen objections.



John Mueller and Melanie Bear

201 Willowcrest

Rockwall, Texas 75032

Case No. Z2022-039: Zoning Change from AG to PD for C & SF-10 district land uses

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.

*See attached*

Name:

*Kathleen Fleming*

Address:

*2165 Arrowhead Ct., Rockwall, TX 75032*

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 6, 2022

To Whom it May Concern:

I have attended the meetings, I have addressed the panel, and I have seen the revised plans, but no one is addressing the issue of traffic. Traffic is the largest issue at hand.

When I spoke, I told the panel of the two vehicles that left 549 and landed in my backyard. The last one took out a 25 year old Live Oak Tree. One of the original trees planted when The Oaks of Buffalo Way, first came to be. The driver's truck was totaled.

The new intersection that is supposed to be happening at 205, and 549 will help move the traffic we currently have. It will not be adequate to deal with this development, or future developments.

Altura is working on a new development on Pullen Road. The Hodges family sold their property to the Huffines Group. That closed December of 2021. 895 acres to be developed. The Lofland property is right out the back gate of the Oaks of Buffalo Way, to be developed. The Wallace Property has sold.

Rockwall does not have the roads to handle this kind of developing.

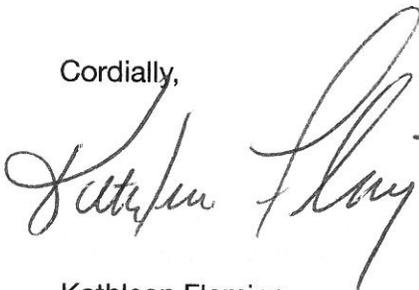
The roads to handle these developments are 205, 549, Lofland, 3097, and 550. All two lane roads, no shoulder, with the exception of a small portion of 3097. This is nothing more than a traffic nightmare, in the making.

Rockwall has had many, many years to look ahead, and take action, to prevent this nightmare. Does no one in this town understand the word infrastructure?

I am not opposed to development. I am opposed to irresponsible development, which is what is being proposed.

Widen the streets, and then bring in the developments.

Cordially,

A handwritten signature in cursive script, appearing to read "Kathleen Fleming". The signature is written in black ink and is positioned to the right of the word "Cordially,".

Kathleen Fleming  
2165 Arrowhead Court  
Rockwall, Texas. 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:

## Z2022-039: Zoning Change from AG to PD for C & SF-10 district land uses

Hold a public hearing to discuss and consider a request by Brian Cramer of Corson Cramer Development on behalf of Scott Asbury of Rockwall Highgate LTD for the approval of a Zoning Change from an Agricultural (AG) District to a Planned Development District for Single Family 10 (SF-10) District and Commercial (C) District land uses on a 264.510-acre tract of land identified as Tracts 17-13 [50.0-acres], 17-14 [26.452-acres], 17-15 [134.33-acres], 17-16 [43.6-acres], & 40-8 [8.79-acres] of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, located on the east side of SH-205 (S. Goliad Street) south of the intersection of SH-205 and FM-549, 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, September 13, 2022 at 6:00 PM, and the City Council will hold a public hearing on Monday, September 19, 2022 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:

**Ryan Miller**  
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](mailto: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, September 19, 2022 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. Z2022-039: Zoning Change from AG to PD for C & SF-10 district land uses

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.

Name: Ben Klutts  
Address: 5133 S. Fm 549 Rockwall, TX 75032

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. Z2022-039: Zoning Change from AG to PD for C & SF-10 district land uses

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.

There is already too much traffic on 205 S, can't get in + out of the house! It's like hell. + there won't be any privacy at all!

Name:

Mrs. Nasreen + Mo Zeb.

Address:

5128 - South 205 Rockwall TX. 75082

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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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.

TOO much traffic already. We have enough issues  
with water scarcity & electric grid. You, the city,  
put restrictions on water use but want to let developers  
build houses??? Explain that nonsense!

Name: Erika & Jack Livingston

Address: 2235 Arrowhead Ct. Rockwall, TX 75082

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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Ch

PLEASE RETURN THE BELOW FORM

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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.

TO MY VIEW IN THE RECENT PAST THE CITY GOVERNMENT HAS ACTED IRRESPONSIBLY IN GRANTING PERMISSION THAT ALLOWS UNCONTROLLED AND DAMAGING GROWTH TO ROCKWALL. IT IS TIME TO PUT A STOP TO THIS MADNESS. THOSE LAWYERS

Name: HOWARD HADDOCK  
Address: 155 WILLOWCREST, ROCKWALL

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

The reason we moved to Rockwall was for the Country, at the time.  
No one wants a track of homes cramped in next to them that came  
here for the acreage, quiet and peacefulness.

Name: Li Arden Foley-Travis

Address: 403 Travis Lane - Rockwall, TX 75082

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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PLANNING AND ZONING DEPARTMENT  
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**Ryan Miller**  
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](mailto: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, September 19, 2022 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. Z2022-039: Zoning Change from AG to PD for C & SF-10 district land uses

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.

*Inadequate infrastructure and too much traffic congestion; The area surrounding this proposed development already has a stressed water supply situation and the schools can not support the additional kids without severe overgrounding. The traffic on 205 and 549 is already horrendous and will only get much worse. Rockwall does NOT want or need this project.*

Name: *STEVE and JANET RUMMEL*

Address: *2230 ARROWHEAD CT. ROCKWALL TX 75032*

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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# Zoning & Specific Use Permit Input Form

## Case Number \*

Please provide the Case Reference Number of the Zoning or Specific Use Permit (SUP) request that you are providing input on (Example: Z2019-001).

Z2022-039

Please place a check mark on the appropriate line below: \*

I am in favor of the request.

I am in opposition to the request.

Please provide any additional information concerning your support or opposition to the request.

I writing to express my opposition to zoning case Z2022-039(Rockwall Highgate LTD Development project) scheduled for discussion by the City Council 19 Sept 22. Previously I expressed my opposition to the development to the Planning and Zoning Commission, but I am concerned that my neighbors' and my opposition is not being seriously considered.

I expressed to the Commission several objections to the proposed development, including the impact of traffic and city services anticipated from this high-density buildout.

My salient opposition point is that the development is not compatible with the Rockwall 2040 Development Plan, whose purpose is to guide the development of Rockwall. The 2040 plan clearly indicates that the proposed Highgate Development area is planned for a low-density housing, not the currently proposed high-density development. Following the intent of the 2040 plan requires the rejection of the Highgate Development plan as currently presented.

What is the intent and value of the 2040 plan if it is not used as the intended blueprint for a rational development of Rockwall?

In addition to the incompatibility of the project with the 2040 plan, I am concerned about the impact the traffic generated by the Development. Currently routes 205 and FM549 on both sides of the development are close to impassible during busy times of the day. Route 205 is routinely backed up in all directions with wait times to clear the FM549 intersection approach 15-20 minutes. Route 549 suffers from the same issues and adding more traffic without first upgrading the impacted routes is not reasonable. I have witnessed ambulances waiting an extended period simply because it was not possible to clear a path for them.

Adding traffic to FM549 from the northern exit of the development to FM549 will render it impossible to exit from Willowcrest. At the least, if the development is approved, mandate a traffic signal on FM549 from the Development's north exit to allow an opportunity for traffic from Willowcrest to enter FM549.

I understand that the traffic issues I cited are the responsibility of the State, but ignoring the traffic issues and just passing the issues off to the State is not a satisfactory solution. At the very least and if the development plan is approved, require an agreement with the State to improve the accesses and traffic control on both routes 549 and 205.

Just as a reminder, the mission of Rockwall's government is "... to provide responsible leadership and the services of the infrastructure necessary for a safe environment and a high quality of life for our citizens." The high-density proposal violates the mission statement in both the safe environment and quality of life aspects.

If the developer is guided to adhere to the low-density recommendations of the 2040 plan, works with the State to implement a traffic signal at the north exit on FM549, then I would find the proposed development not ideal, but acceptable.

## Respondent Information

Please provide your information.

First Name \*

james

Last Name \*

baugher

Address \*

362 willowcrest

City \*

rockwall

State \*

texas

Zip Code \*

75032

Please check all that apply: \*

- I live nearby the proposed Zoning or Specific Use Permit (SUP) request.
- I work nearby the proposed Zoning or Specific Use Permit (SUP) request.
- I own property nearby the proposed Zoning or Specific Use Permit (SUP) request.
- I own a business nearby the proposed Zoning or Specific Use Permit (SUP) request.
- Other: \_\_\_\_\_

How did you hear about this Zoning or Specific Use Permit (SUP) request? \*

- I received a property owner notification in the mail.
- I read about the request on the City's website.
- I saw a zoning sign on the property.
- I read about the request in the Rockwall Herald Banner.
- My neighbors told me about the request.
- Other: \_\_\_\_\_

This content is neither created nor endorsed by Google.

Google Forms

## Ross, Bethany

---

**From:** Bretta Price <bprice@keatax.com>  
**Sent:** Thursday, September 8, 2022 9:20 AM  
**To:** Planning  
**Subject:** FW: Opposition to Zoning Change - Z2022-039

Rockwall Planning and Zoning

Dale and Bretta Price  
453 Cullins Road  
Rockwall 75032

Dear P & Z members:

Here we are again with Corson and Cramer and not one thing has changed. However, the members of P & Z have a chance to correct a mistake they made on June 20.

I am writing this to express my opposition to the proposed zoning change request identified as Z2022-039.

We oppose this zoning change request because it does NOT meet Rockwall's very own OURhometown Comprehensive Plan 2040.

That plan calls for any development in our area to be Low Density and as such to be zoned SF-E. All of the surrounding properties around this proposed area meet this designation and any future development should be required to meet this zoning designation.

The plan the developer has presented are most in line with a high density development with a zoning designation of SF-10! Many of the homes in the developers plan are zero lot lines and front entry garages. This is unacceptable!

I'm asking that the members of the City Council please reject this zoning change. The city of Rockwall has no obligation to lower its standards to accommodate developers. There are other areas of Rockwall where the developers request is acceptable, but this one is NOT it!

Please respect the current residents opposition to the zoning change. Keep Rockwall beautiful by upholding the standards set forth in OURhometown Comprehensive Plan 2040.

Sincerely

Dale Price  
214 878-7614



**Bretta Price**  
**KE Andrews**

 469.298.1594  
 [bprice@keatax.com](mailto:bprice@keatax.com)  
 [www.keatax.com](http://www.keatax.com)



**Bretta Price**  
**KE Andrews**

 469.298.1594  
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## Ross, Bethany

---

**From:** Cade Smith [REDACTED] >  
**Sent:** Friday, September 9, 2022 4:55 AM  
**To:** Miller, Ryan; Planning; Lee, Henry; Ross, Bethany; Gamez, Angelica; Daniels, Bennie; Moeller, Mark; Jorif, Clarence; Johannesen, Trace; Macalik, Dana; Campbell, Anna  
**Subject:** OPPOSITION - Z2022-039

To whom it may concern

We would like to vote to oppose this development, mainly due to the change and type of zoning requested.

Rockwall is too congested as it is, especially at that intersection,

We are not opposed to development, just keeping Larger 1 & 2 acre lots would be ideal, not packing in 400 homes

Cade & Ashley Smith  
1454 Lochspring Dr Rockwall Tx 75032  
881 FM 1139 Rockwall Tx 75032



**Cade Smith**

*Owner at TRUTEX Roofing & Contracting Solutions*

[My Digital Business Card](#)

[2142123649](#)



Sent from my iPhone

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

**Miller, Ryan**

---

**From:** Morgan Collins [REDACTED]  
**Sent:** Wednesday, September 7, 2022 8:15 PM  
**To:** Miller, Ryan  
**Cc:** Morgan (personal) Collins  
**Subject:** Re: Proposal Z2022-039

Ryan,

I am writing in opposition to this zoning request.

I currently live at 2291 W FM 550 in Rockwall with my husband and son. We moved here in 2020 and have lived all over the southeast as well as out west.

We commute to Dallas some days for work and other days we are on 205 heading to the Rockwall pool for swim practice. Over the last two years traffic has exploded and little seems to be happening in terms of managing the explosion of growth. I'm not opposed to growing but with what appears to be a lack of infrastructure planning (roads, schools, utility improvements) it appears as though it's only about bringing more tax revenues to the city and county instead of preparing the area for the demands that this growth brings.

The process by which things are approved also feels less than transparent, which is unfortunate.

I look forward to a more thoughtful and transparent plan for infrastructure and growth prior to seeing more land being re-zoned for incremental housing, the county and city simply cannot handle the growth in it's current state.

Morgan & Jeremey Collins  
404.804.0763  
2291 W FM 550  
Rockwall

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

## UNKNOWN ADDRESS AND LOCATION

Miller, Ryan

---

**From:** Tonya Miller [REDACTED]  
**Sent:** Wednesday, September 7, 2022 12:42 PM  
**To:** Miller, Ryan  
**Subject:** Development

Mr. Miller,

I wanted to contact you to let you know that I definitely oppose the building of approximately 400 homes on the corner of 205/549. That area is way too congested already. Traffic would be horrible, well, more than it already is.

Please vote no, as that's what the majority wants.

Thank you,

Tonya Miller

[Sent from the all new AOL app for iOS](#)

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**



# City of Rockwall

Planning & Zoning Department  
 385 S. Goliad Street  
 Rockwall, Texas 75087  
 (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.



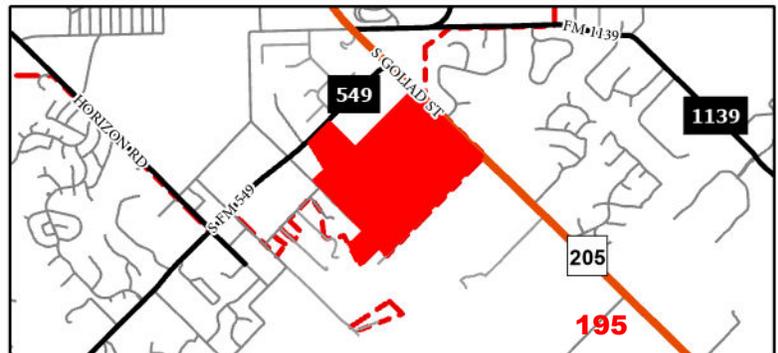
## Z2022-039 Zoning Change (AG to PD) for the Southside Hills Subdivision

	Subject Property		For 7.84% (3.46 Acres)
	Against 29.59% (13.06 Acres)		ROW 27.19% (12.001 Acres)
	No Response 35.38% (15.62 Acres)		

## Legend

Date Created: 9/14/2022

For Questions on this Case Call (972) 771-7745





**JOHNSON VOLK  
CONSULTING**

704 Central Parkway East | Suite 1200 | Plano, Texas 75074 | 972.201.3100

August 16, 2022

City of Rockwall  
Planning Department  
385 South Goliad  
Rockwall, TX 75087

**RE: Southside Hills – Zoning Application**

Dear Staff,

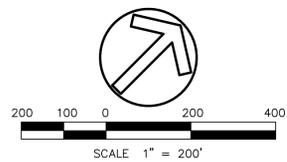
The purpose of this letter is to formally request a zoning change for the referenced property located at the south corner of FM 549 and SH 205. The subject development will consist of +/-384 single family lots and commercial uses along SH 205 located on a 264.5 acre tract. After meeting with staff at a Development Review Committee Meeting, the Concept Plan included with this submittal is representative of our proposed vision for the property.

Please feel free to contact us if you have any questions regarding this project or application.

Sincerely,

**Johnson Volk, Inc.**

Tom Dayton, PE



**LEGEND**

- TYPE A LOT
- TYPE B LOT
- TYPE C LOT
- TYPE D LOT
- TYPE E LOT
- AMENITY CENTER
- COMMERCIAL

**LAND USE TABLE**

LAND USE	AREA (AC)	PERCENT OF TOTAL
COMMERCIAL	28.4	10.7%
RESIDENTIAL	162.0	60.9%
PERIMETER ROAD ROW	3.2	1.2%
OPEN SPACE		
Public Park	11.6	4.4%
Private Open Space	25.4	9.6%
Amenity Center	1.3	0.5%
Floodplain	34.0	12.8%
<b>OPEN SPACE TOTAL</b>	<b>72.3</b>	<b>27.2%</b>
<b>TOTAL</b>	<b>265.9</b>	<b>100.0%</b>

Open Space Required (20%) = 264.5 x 20% = 52.9 acres  
 Open Space Provided (Including park and 1/2 of floodplain) = 55.3 Ac.

**LOT DIMENSION STANDARDS**

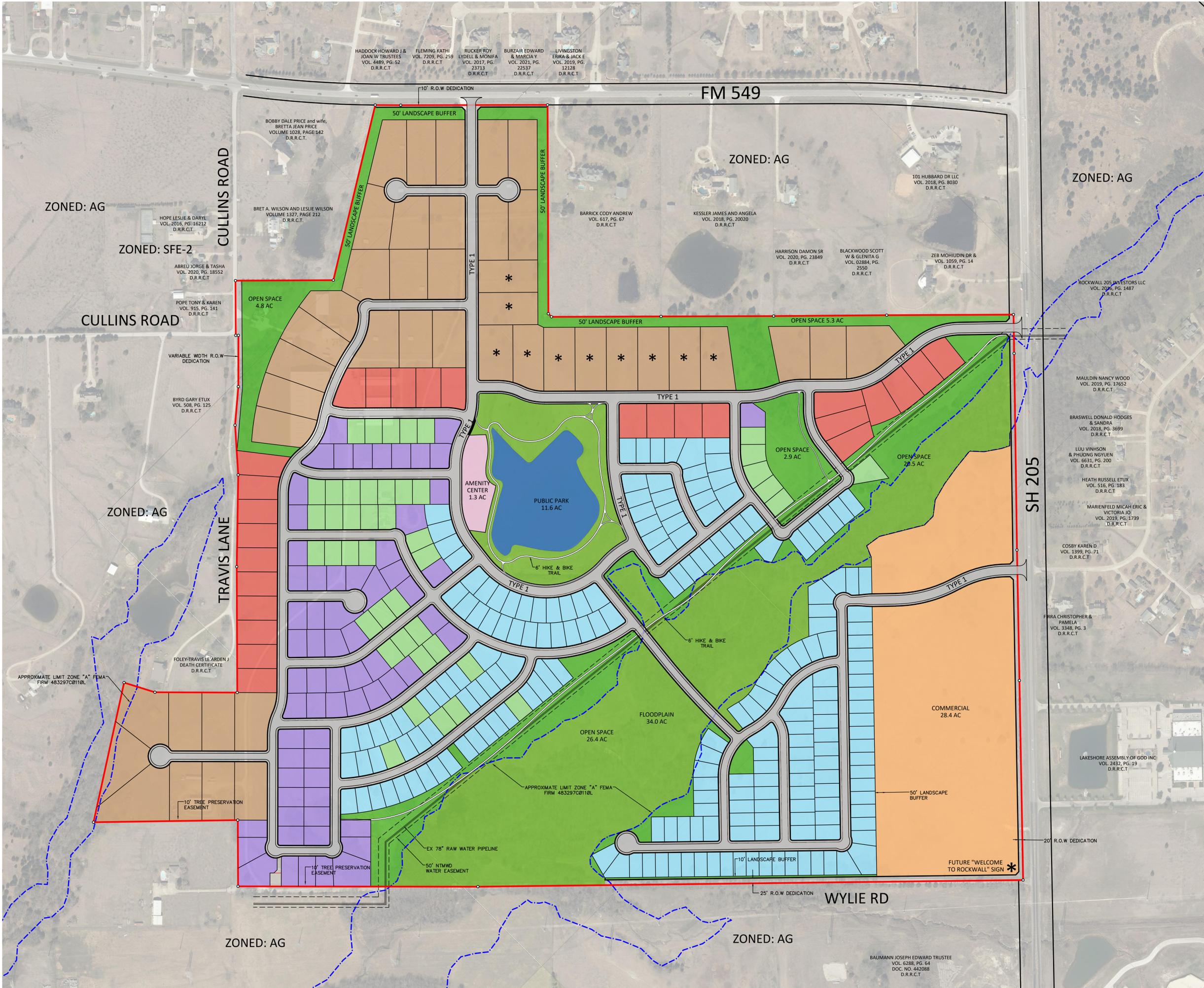
LOT TYPE	A	B	C	D	E
LOT COUNT	43	26	66	43	206
MINIMUM LOT AREA (SF)	43,560	24,000	11,000	9,600	7,200
MINIMUM LOT WIDTH (FT)*	130	110	80	80	62
MINIMUM LOT DEPTH (FT)	240	190	115	110	110
FRONT BUILDING SETBACK (FT)	40	30	20	20	20
REAR BUILDING SETBACK (FT)**	50	50	10	10	10
SIDE BUILDING SETBACK - INTERIOR (FT)	15	10	6	6	6
SIDE BUILDING SETBACK - CORNER (FT)	15	15	15	15	15
MAXIMUM BUILDING HEIGHT	35 FEET / 2.5 STORIES				
MAXIMUM LOT COVERAGE (%)	50	50	65	65	65

\*Measured at front building setback  
 \*\*Lots noted with an asterisk on Concept Plan shall have a 100' rear setback

**STREET DESIGNATIONS**

DESIGNATION	CLASSIFICATION	R.O.W. WIDTH	PAVEMENT WIDTH (B-B)
TYPE 1	MINOR COLLECTOR	60'	41'
TYPE 2	LOCAL RESIDENTIAL	50'	29'

NOTE: ALL INTERNAL STREETS SHALL BE TYPE 2 EXCEPT WHERE INDICATED



**CONCEPT PLAN**  
**SOUTHSIDE HILLS**  
 264.5 AC  
 Rockwall, Texas

**LEGAL DESCRIPTION**  
**264.5 ACRES**

BEING a 264.507 acre tract of land situated in the W.M. Ford Survey, Abstract Number 80, Rockwall County, Texas, and being all of a called 43.30 acre tract of land (Tract 1) and a called 212.55 acre tract of land (Tract 2) described by deed to Highgate Equestrian Center Property, L.P., recorded in County Clerk's File Number 2007-375596, Deed Records, Rockwall County, Texas, and being all of that certain tract of land described by deed to Rockwall Highgate, Ltd., recorded in County Clerk's File Number 2008-404731, Deed Records, Rockwall County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the Southeast corner of said called 212.55 acre tract, being at the intersection of the southwest right-of-way line of State Highway No. 205, and the northwest line of Wylie Lane;

THENCE South 44 Degrees 17 Minutes 59 Seconds West, along the northwest line of said Wylie Lane, a distance of 2608.84 feet, to a 1/2" iron rod found; THENCE South 45 Degrees 05 Minutes 26 Seconds West, continuing along said northwest line, a distance of 1147.78 feet, to the southwest corner of said called 43.30 acre tract;

THENCE North 45 Degrees 12 Minutes 46 Seconds West, departing said northwest line, and along the southwest line of said called 212.55 acre tract, a distance of 315.34 feet, to the easternmost corner of said called Rockwall Highgate tract;

THENCE South 44 Degrees 10 Minutes 18 Seconds West, departing said West line and along the southeast line of said Rockwall Highgate tract, a distance of 690.66 feet, to the southernmost corner of said Rockwall Highgate tract;

THENCE North 32 Degrees 34 Minutes 38 Seconds West, departing said southeast line and along the West line of Rockwall Highgate tract, a distance of 680.55 feet, to the northwest corner of said Rockwall Highgate tract;

THENCE North 62 Degrees 14 Minutes 58 Seconds East, departing said West line and along the northwest line of said Rockwall Highgate tract, a distance of 154.61 feet;

THENCE North 45 Degrees 14 Minutes 02 Seconds East, continuing along said northwest line, a distance of 393.74 feet, to a 1/2" iron rod found at the northernmost corner of said Rockwall Highgate tract, being on the southwest line of said called 43.30 acre tract and being on the northeast line of Travis Lane;

THENCE Northerly, departing said North line and along the northeast line of said Travis Lane, the following calls: North 45 Degrees 12 Minutes 46 Seconds West, a distance of 599.31 feet, to a point for corner;

North 44 Degrees 05 Minutes 31 Seconds West, a distance of 436.95 feet, to a point for corner;

North 48 Degrees 40 Minutes 03 Seconds West, a distance of 237.14 feet, to a 5/8" iron rod found;

North 40 Degrees 05 Minutes 31 Seconds West, a distance of 184.21 feet, to a 5/8" iron rod found;

North 44 Degrees 55 Minutes 09 Seconds West, a distance of 244.25 feet, to a 5/8" iron rod found;

South 44 Degrees 54 Minutes 30 Seconds West, a distance of 12.67 feet, to a point for corner;

North 45 Degrees 15 Minutes 44 Seconds West, a distance of 260.71 feet, to the lower northwest corner of said called 43.30 acre tract, same being the southwest corner of a that certain tract of land described by deed to Bret A. Wilson and Leslie Wilson, recorded in County Clerk's File Number 1998-181246, Deed Records, Rockwall County, Texas;

THENCE North 44 Degrees 44 Minutes 50 Seconds East, departing said East line and along the lower North line of said called 43.30 acre tract, being common with the South line of said Wilson tract, a distance of 468.08 feet, to the southeast corner of said Wilson tract;

North 31 Degrees 29 Minutes 15 Seconds West, departing said common line and along the upper West line of said called 43.30 acre tract, a distance of 857.52 feet, to the northwest corner of said called 43.30 acre tract, being on the South right-of-way line of F.M. Highway No. 549 and being at the beginning of a non-tangent curve to the left;

THENCE 121.99 feet, along said South right-of-way line and with said curve to the left, having a radius of 5796.43 feet, through a central angle of 01 Degrees 12 Minutes 21 Seconds, whose long chord bears North 45 Degrees 17 Minutes 37 Seconds East, a chord length of 121.99 feet, to a point for corner;

THENCE North 44 Degrees 52 Minutes 59 Seconds East, continuing along said South right-of-way line, a distance of 702.73 feet, to the upper northeast corner of said called 212.55 acre tract, same being the northwest corner of that certain tract of land described by deed to Cody A. Barrick and Wife, recorded in County Clerk's File Number 2010-436143, Deed Records, Rockwall County, Texas;

THENCE South 45 Degrees 12 Minutes 41 Seconds East, departing said South right-of-way line and along the upper East line of said called 212.55 acre tract, being common with the West line of said Barrick tract, a distance of 994.34 feet, to a point for corner;

THENCE North 89 Degrees 46 Minutes 45 Seconds East, continuing along said common line, a distance of 21.21 feet, to a point for corner;

THENCE North 44 Degrees 46 Minutes 11 Seconds East, departing said common line and along the lower North line of said called 212.55 acre tract, being common with the South line of said

Barrick tract, a distance of 524.23 feet, to the southeast corner of said Barrick tract, same being the southwest corner of that certain tract of land described by deed to Thomas Enloe and Wife, recorded in County Clerk's File Number 2014-16421, Deed Records, Rockwall County, Texas;

THENCE North 44 Degrees 50 Minutes 11 Seconds East, departing said common line and along the lower North line of said called 212.55 acre tract, being common with the South line of said Enloe tract, a distance of 538.89 feet, to the southeast corner of said Enloe tract, same being the southwest corner of a called 12.493 acre tract of land described by deed to Scott W. Blackwood and Glenita G. Blackwood, recorded in Volume 2884, Page 250, Deed Records, Rockwall County, Texas;

THENCE North 44 Degrees 31 Minutes 53 Seconds East, departing said common line and along the lower North line of said called 212.55 acre tract, being common with the South line of said called 12.493 acre tract, a distance of 541.35 feet, to the southeast corner of said called 12.493 acre tract, same being the southwest corner of that certain tract of land described by deed to Dr. Mohiudin Zeb, recorded in County Clerk's File Number 1995-156072, Deed Records, Rockwall County, Texas;

THENCE North 44 Degrees 44 Minutes 11 Seconds East, departing said common line and along the lower North line of said called 212.55 acre tract, being common with the South line of said Zeb tract, a distance of 606.36 feet, to the southeast corner of said Zeb tract, being on the West right-of-way line of said State Highway No. 205;

THENCE South 45 Degrees 54 Minutes 00 Seconds East, departing said common line and along said West right-of-way line, a distance of 185.25 feet, to a point for corner;

THENCE South 45 Degrees 49 Minutes 58 Seconds East, continuing along said East right-of-way line, a distance of 935.93 feet, to a point for corner; THENCE South 46 Degrees 04 Minutes 48 Seconds East, continuing along said East right-of-way line, a distance of 621.15 feet, to a point for corner;

THENCE South 46 Degrees 04 Minutes 07 Seconds East, continuing along said East right-of-way line, a distance of 950.08 feet, to the POINT OF BEGINNING, and containing 264.507 acres of land, more or less.

# 05 FUTURE LAND USE PLAN

## 01 LAND USE PLAN DESIGNATIONS

### 01.01 RESIDENTIAL ● ● ●

#### ● LOW DENSITY RESIDENTIAL (LDR)

The *Low Density Residential* land use category consists of residential subdivisions that are two (2) units per gross acre or less; however, a density of up to two and one-half (2½) units per gross acre may be permitted for developments that incorporate increased amenity and a mix of land uses (see Chapter 8, *Residential Developments, of this Comprehensive Plan*).

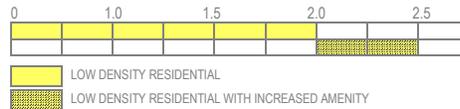
##### DESIGNATION CHARACTERISTICS

- 1 Primary Land Uses: Suburban, Estate and Rural Residential (i.e. *Single-Family Detached Homes*)
- 2 Secondary Land Uses: Amenities, Parks, Open Space, and Institutional/Civic Land Uses
- 3 Zoning Districts: All Single-Family Estate (SFE) Districts (i.e. SFE 1.5, 2.0 & 4.0), certain Planned Development (PD) Districts and the Single-Family One (SF-1) District.

##### EXISTING LAND USE EXAMPLES

- 1 Breezy Hill Subdivision
- 2 Stone Creek Subdivision
- 3 Oaks of Buffalo Way Subdivision

##### RESIDENTIAL DENSITY CHART



#### ● MEDIUM DENSITY RESIDENTIAL (MDR)

The *Medium Density Residential* land use category consists of residential subdivisions that are greater than two and one-half (2½) units per gross acre, but not higher than three (3) units per gross acre; however, a density of up to three and one-half (3½) units per gross acre may be permitted for developments that incorporate increased amenity and a mix of land uses (see Chapter 8, *Residential Developments, of this Comprehensive Plan*).

##### DESIGNATION CHARACTERISTICS

- 1 Primary Land Uses: Suburban Residential (i.e. *Single-Family Detached Homes*)
- 2 Secondary Land Uses: Amenities, Parks, Open Space, and Institutional/Civic Land Uses
- 3 Zoning Districts: Certain Planned Development (PD) Districts and the Single-Family 16 (SF-16) District

##### EXISTING LAND USE EXAMPLES

- 1 Caruth Lakes Subdivision
- 2 Lago Vista Subdivision
- 3 Park Place Subdivision

##### RESIDENTIAL DENSITY CHART



#### ● HIGH DENSITY RESIDENTIAL (HDR)

The *High Density Residential* land use category may consist of single-family residential homes, duplexes, townhomes, apartments, lofts, condominiums or other forms of housing that exceed three and one-half (3½) units per gross acre. These developments should contain increased amenities and open space, and incorporate pedestrian connectivity to adjacent land uses.

##### DESIGNATION CHARACTERISTICS

- 1 Primary Land Uses: Suburban and Urban Residential (i.e. *Single-Family Detached, Single-Family Attached, Zero Lot Line Homes, Townhomes, Duplexes, Condominiums and Multi-Family Apartments*)
- 2 Secondary Land Uses: Amenities, Parks, Open Space, and Institutional/Civic Land Uses
- 3 Zoning Districts: Certain Planned Development (PD) Districts, 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, and the Multi-Family 14 (MF-14) District.

##### EXISTING LAND USE EXAMPLES

- 1 Turtle Cove Subdivision
- 2 Sixteen50 @ Lake Ray Hubbard Apartments
- 3 Mission Rockwall Apartment Complex

##### RESIDENTIAL DENSITY CHART



## 01.02 COMMERCIAL ●●●●

### ● COMMERCIAL/RETAIL (CR)

The *Commercial/Retail* land use category is characterized by single to multi-tenant commercial retail centers along major arterials at key intersections. These areas are typically considered to be convenience shopping centers and service adjacent residential subdivisions. Zoning in conformance with the Commercial/Retail land uses category can be incorporated into a Planned Development (PD) District as part of a larger mix-use master planned community, and may vary in size depending on the adjacent service area. In certain cases where commercial land uses are eminent, it may be appropriate to incorporate zoning in conformance to the Commercial land use category on all four (4) corners of an intersection; however, this is not necessary in all cases. These areas should be designed with the pedestrian in mind, and provide connections between the commercial land use and the adjacent residential subdivision.

#### DESIGNATION CHARACTERISTICS

- 1 Primary Land Uses: Commercial Retail Buildings, Restaurants/Brew Pubs, Multi-Tenant Commercial Centers, Neighborhood Centers and Convenience Centers
- 2 Secondary Land Uses: Office/Financial Institutions, Parks, Open Space, and Institutional/Civic Land Uses
- 3 Zoning Districts: Neighborhood Services (NS) District, General Retail (GR) District, Commercial (C) District and certain mixed-use Planned Development (PD) Districts

#### EXISTING LAND USE EXAMPLES

- 1 Shops at Stone Creek
- 2 Corner of the Intersection of N. Lakeshore Drive and N. Goliad Street [SH-205]
- 3 Walmart Neighborhood Market Shopping Center



### ● COMMERCIAL/INDUSTRIAL (CI)

The *Commercial/Industrial* land use category typically is characterized by smaller business and industrial land uses that are focused around assembly, manufacturing and fabrication. This designation may also accommodate land uses that require outside storage. These areas are also appropriate for small business and business incubator arrangements. Land uses under this designation should be heavily screened by landscaping and should be separated from other land uses using large buffers and roadways. These areas are not appropriate adjacent to residential land use designations and should be separated from these areas using transitional land uses.

#### DESIGNATION CHARACTERISTICS

- 1 Primary Land Uses: Small Scale Manufacturing, Assembly, and Fabrication Businesses, Business Incubators, Contractors Shops, and Heavy Equipment/Truck Rental Businesses
- 2 Secondary Land Uses: Warehouse and Outside Storage
- 3 Zoning Districts: Heavy Commercial (HC) District and Heavy Industrial (HI) District

#### EXISTING LAND USE EXAMPLES

- 1 Areas Adjacent to National Drive
- 2 Areas Adjacent to Sids Road

### ● BUSINESS CENTERS (BC)

The Business Center land use designation is intended to provide areas with a variety of employment options. While focusing on employment land uses, these areas may also incorporate limited supporting land uses (*e.g. restaurants and commercial-retail*) that complement the primary land uses. These areas should be designed with public amenities and greenspaces, increased landscaping, and unique design features that will help create a sense of place.

#### DESIGNATION CHARACTERISTICS

- 1 Primary Land Uses: Professional Offices, Corporate Offices, General Offices, Institutional Land Uses, Research and Design/Development Businesses, and Technology/Data Centers.
- 2 Secondary Land Uses: Supporting Restaurants and Commercial-Retail Land Uses, Hotels, Parks, Open Space and Civic Uses
- 3 Zoning Districts: Commercial (C) District, Light Industrial (LI) District, and Planned Development (PD) Districts

#### EXISTING LAND USE EXAMPLES

- 1 Trend Tower

# 18 SOUTHWEST RESIDENTIAL DISTRICT

## DISTRICT DESCRIPTION

The *Southwest Residential District* contains a mixture of land uses that include existing medium and low density residential, heavy commercial/retail land uses (i.e. *National Drive, Sids Road, and Mims Road*) and commercial land uses. In the future, this district is expected to continue to function as it does today with additional low-density master planned communities filling in the vacant land remaining in the central and southern areas of the district. In addition, the areas that are in transition are expected to continue to improve adding additional value to the City.

## DISTRICT STRATEGIES

The strategies for the *Southwest Residential District* are as follows:

1 **Suburban Residential.** This district has several large tracts of land that can support highly amenitized master planned communities. Areas adjacent to the Oaks of Buffalo Way Subdivision should utilize larger lots adjacent to the subdivision to transition to a smaller lot sizes; however, these areas should incorporate a mix of larger to mid-sized lots.

2 **Commercial/Industrial Land Uses.** The areas around Sids Road, National Drive, and Mims Road are some of the only areas in the City that are designated for *Commercial/Industrial* land uses. As a result, these areas should be protected from the encroachment of incompatible land uses (i.e. *residential land uses -- higher density or otherwise*). This should protect the businesses that currently exist in these areas.

3 **Transitional Areas.** The areas designated as *Transitional Areas* are currently transitioning from interim land uses and building types to more permanent structures with conforming land uses. These areas should be given special consideration with regard to requests that further the establishment of uses and structures that will improve the property values of the adjacent properties; however, the City should look to continue to discourage uses and structures that are situated within established floodplains.

4 **Intersection of SH-276 and S. Goliad Street (Sids Road and S. Goliad Street).** The intersection at Sids Road and S. Goliad Street [SH-205] -- also identified as the future intersection of SH-276 and S. Goliad Street -- is anticipated to be a major commercial intersection due to the high traffic volumes carried by both SH-276 and S. Goliad Street [SH-205]. This intersection will most likely have commercial at all four (4) corners and will create a major node along both highways.



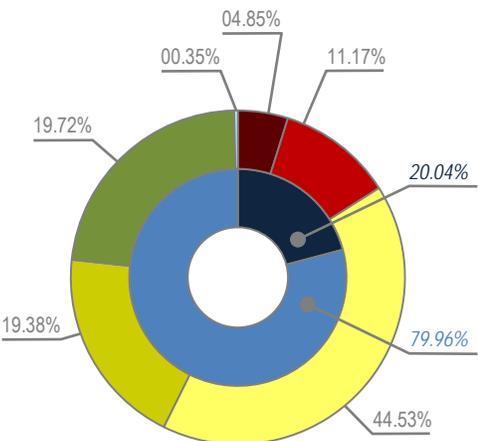
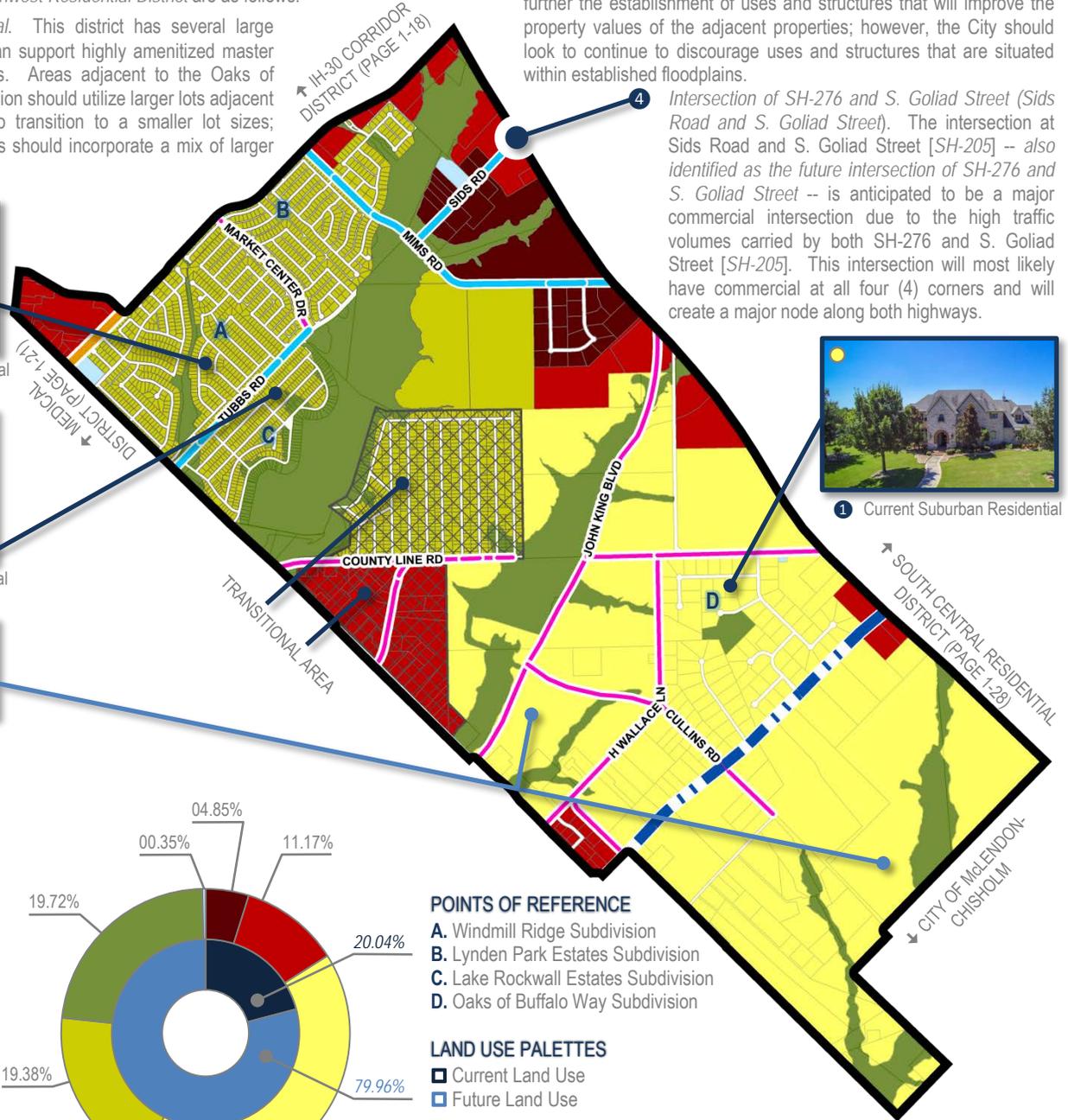
1 Current Suburban Residential



1 Current Suburban Residential



1 Future Suburban Residential



BUILD OUT	4,251
% OF ROCKWALL	10.95%
CURRENT	2,190
	188
	7,437

### POINTS OF REFERENCE

- A. Windmill Ridge Subdivision
- B. Lynden Park Estates Subdivision
- C. Lake Rockwall Estates Subdivision
- D. Oaks of Buffalo Way Subdivision

### LAND USE PALETTES

- Current Land Use
- Future Land Use

COMMERCIAL/INDUSTRIAL (CI)	120.50-ACRES
COMMERCIAL/RETAIL (CR)	277.44-ACRES
LOW DENSITY RESIDENTIAL (LDR)	1,106.20-ACRES
MEDIUM DENSITY RESIDENTIAL (MDR)	481.39-ACRES
PARKS AND OPEN SPACE (OS)	489.99-ACRES
QUASI-PUBLIC (QP)	8.67-ACRES

MINOR COLLECTOR
M4D
M4U
TXDOT 4D

CITY OF ROCKWALL

ORDINANCE NO. 22-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO PLANNED DEVELOPMENT DISTRICT XX (PD-XX) FOR SINGLE FAMILY 10 (SF-10) DISTRICT AND COMMERCIAL (C) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 264.510-ACRE TRACT OF LAND IDENTIFIED AS TRACTS 17-13, 17-14, 17-15, 17-16 & 40-8 OF THE W. W. FORD SURVEY, ABSTRACT NO. 80, 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 Brian Cramer of Corson Cramer Development on behalf of Scott Asbury of Rockwall Highgate, LTD for the approval of a zoning change from an Agricultural (AG) District to a Planned Development District for Single Family 10 (SF-10) District and Commercial (C) District land uses, on a 264.510-acre tract of land identified as Tracts 17-13 [50.00-Acres], 17-14 [26.452-Acres], 17-15 [134.33-Acres], 17-16 [43.60-Acres], & 40-8 [8.79-Acres] of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas and 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 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* depicted 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 residential development on 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 commercial development on the *Subject Property* shall be in conformance with the process and procedures stipulated by this Planned Development District ordinance, the City's subdivision regulations, and the Unified Development Code (UDC);

**SECTION 7.** 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 8.** 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 9.** 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 10.** 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 3<sup>RD</sup> DAY OF OCTOBER, 2022.**

\_\_\_\_\_  
Kevin Fowler, *Mayor*

**ATTEST:**

\_\_\_\_\_  
Kristy Cole, *City Secretary*

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Frank J. Garza, *City Attorney*

1<sup>st</sup> Reading: September 19, 2022

2<sup>nd</sup> Reading: October 3, 2022

*BEING* a 264.61-acre tract of land situated in the W. M. Ford Survey, Abstract Number 80, Rockwall County, Texas, and being all of a called 43.30-acre tract of land (*Tract 1*) and a called 212.55-acre tract of land (*Tract 2*) described by deed to Highgate Equestrian Center Property, L.P., recorded in County Clerk's *File Number 2007-375596*, Deed Records, Rockwall County, Texas, and being all of that certain tract of land described by deed to Rockwall Highgate, LTD., recorded in County Clerk's *File Number 2008-404731*, Deed Records, Rockwall County, Texas, and being more particularly described by metes and bounds as follows:

*BEGINNING* at the Southeast corner of said called 212.55-acre tract, being at the intersection of the southwest right-of-way line of State Highway No. 205, and the northwest line of Wylie Lane;  
*THENCE* South 44 Degrees 31Minutes 24 Seconds West, along the northwest line of said Wylie Lane, a distance of 2609.49 feet, to a point for corner;

*THENCE* South 45 Degrees 18 Minutes 48 Seconds West, continuing along said northwest line, a distance of 1,147.99 feet, to the southwest corner of said called 43.30-acre tract;

*THENCE* North 45 Degrees 02 Minutes 31 Seconds West, departing said northwest line, and along the southwest line of said called 212.55-acre tract, a distance of 315.56-feet, to the easternmost corner of said called Rockwall Highgate tract;

*THENCE* South 44 Degrees 22 Minutes 37 Seconds West, departing said West line and along the southeast line of said Rockwall Highgate tract, a distance of 690.66-feet, to the southernmost corner of said Rockwall Highgate tract;

*THENCE* North 32 Degrees 22 Minutes 19 Seconds West, departing said southeast line and along the West line of Rockwall Highgate tract, a distance of 680.55-feet, to the northwest corner of said Rockwall Highgate tract;

*THENCE* North 62 Degrees 32 Minutes 45 Seconds East, departing said West line and along the northwest line of said Rockwall Highgate tract, a distance of 110.73-feet;

*THENCE* North 62 Degrees 13 Minutes 29 Seconds East, continuing along said northwest line, a distance of 43.88-feet;

*THENCE* North 45 Degrees 26 Minutes 21 Seconds East, continuing along said North line, a distance of 393.74-feet, to the northernmost corner of said Rockwall Highgate tract, being on the southwest line of said called 43.30-acre tract and being on the northeast line of Travis Lane;

*THENCE* Northerly, departing said North line and along the northeast line of said Travis Lane, the following calls: North 45 Degrees 00 Minutes 29 Seconds West, a distance of 599.06-feet, to a point for corner;

North 43 Degrees 53 Minutes 14 Seconds West, a distance of 436.95-feet, to a point for corner;  
North 48 Degrees 27 Minutes 46 Seconds West, a distance of 237.14-feet, to a point for corner;  
North 39 Degrees 48 Minutes 03 Seconds West, a distance of 184.23-feet, to a point for corner;  
North 44 Degrees 40 Minutes 42 Seconds West, a distance of 244.69-feet, to a point for corner;  
South 45 Degrees 08 Minutes 57 Seconds West, a distance of 12.69-feet, to a point for corner;

North 45 Degrees 01 Minutes 43 Seconds West, a distance of 260.06-feet, to the lower northwest corner of said called 43.30-acre tract, same being the southwest corner of a that certain tract of land described by deed to Bret A. Wilson and Leslie Wilson, recorded in County Clerk's *File Number 1998- 181246*, Deed Records, Rockwall County, Texas;

*THENCE* North 44 Degrees 58 Minutes 51 Seconds East, departing said East line and along the lower North line of said called 43.30-acre tract, being common with the South line of said Wilson tract, a distance of 467.61-feet, to the southeast corner of said Wilson tract;

North 31 Degrees 15 Minutes 14 Seconds West, departing said common line and along the upper West line of said called 43.30-acre tract, a distance of 857.52-feet, to the northwest corner of said called 43.30-acre tract, being on the South right-of-way line of FM Highway No. 549;

*THENCE* North 45 Degrees 31 Minutes 38 Seconds East, a long said South right-of-way line, a distance of 121.99-feet, to a point for corner;

North 45 Degrees 00 Minutes 31 Seconds East, continuing a long said South right-of-way line, a distance of 703.71-feet, to the upper northeast corner of said called 212.55-acre tract, same being the northwest corner of that certain tract of land described by deed to Cody A. Barrick and Wife, recorded in County Clerk's *File Number 2010-436143*, Deed Records, Rockwall County, Texas;

*THENCE* South 45 Degrees 05 Minutes 09 Seconds East, departing said South right-of-way line and along the upper East line of said called 2 12.55-acre tract, being common with the West line of said Barrick tract, a distance of 995.00-feet, to a point for corner;

*THENCE* South 86 Degrees 43 Minutes 47 Seconds East, continuing along said common line, a distance of 21.21-feet, to a point for corner;

*THENCE* North 44 Degrees 53 Minutes 41 Seconds East, departing said common line and along the lower North line of said called 212.55-acre tract, being common with the South line of said Barrick tract, a distance of 524.11-feet, to the southeast corner of said Barrick tract, same being the southwest corner of that certain tract of land described by deed to Thomas Enloe and Wife, recorded in County Clerk's *File Number 2014-16421*, Deed Records, Rockwall County, Texas;

*THENCE* North 44 Degrees 59 Minutes 41 Seconds East, departing said common line and along the lower North line of said called 212.55-acre tract, being common with the South line of said Enloe tract, a distance of 539.08-feet, to the southeast corner of said Enloe tract, same being the southwest corner of a called 12.493-acre tract of land described by deed to Scott W. Blackwood and Glenita G. Blackwood, recorded in *Volume 2884, Page 250*, Deed Records, Rockwall County, Texas;

*THENCE* North 44 Degrees 44 Minutes 22 Seconds East, departing said common line and along the lower North line of said called 212.55-acre tract, being common with the South line of said called 12.493-acre tract, a distance of 541.09-feet, to the southeast corner of said called 12.493-acre tract, same being the southwest corner of that certain tract of land described by deed to Dr. Mohiudin Zeb, recorded in County Clerk's *File Number 1995-156072*, Deed Records, Rockwall County, Texas;

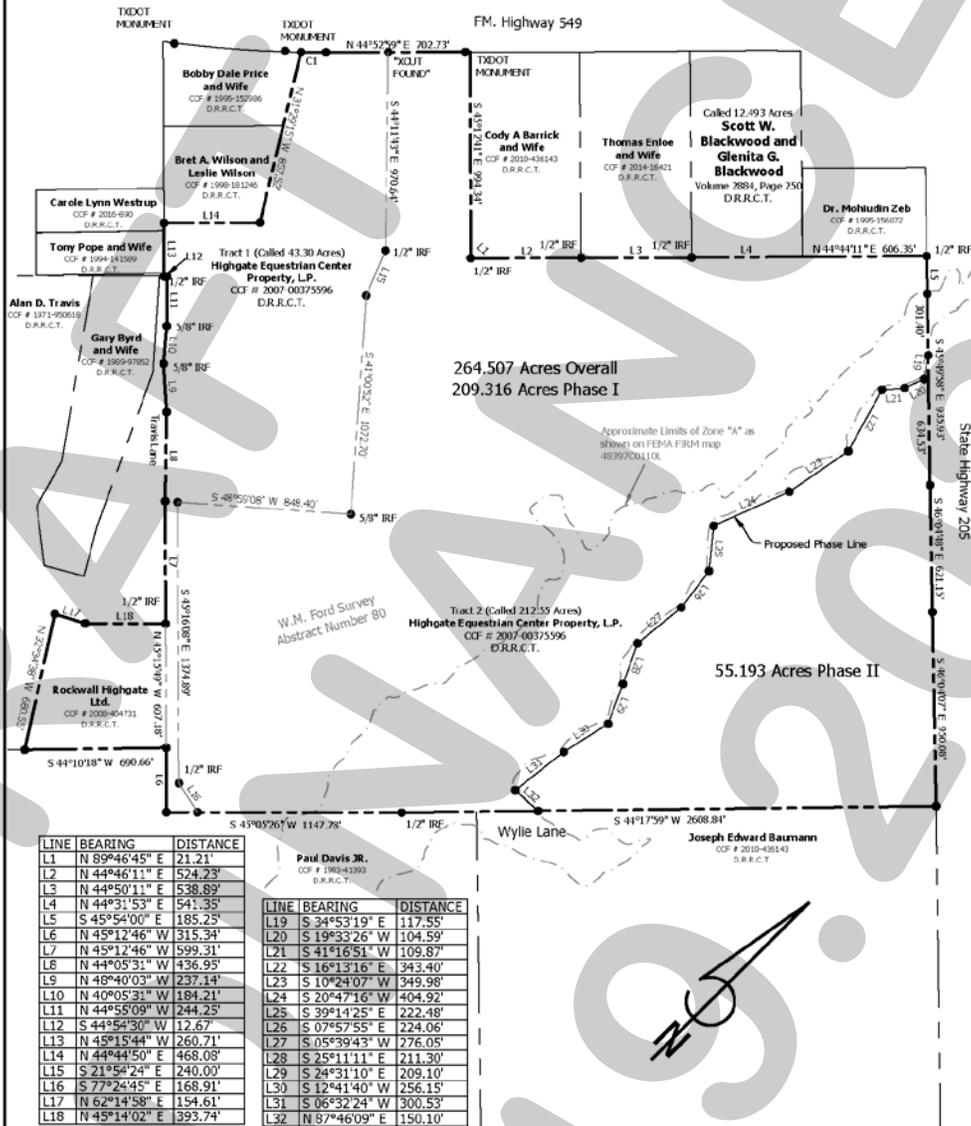
*THENCE* North 44 Degrees 56 Minutes 40 Seconds East, departing said common line and along the lower North line of said called 212.55-acre tract, being common with the South line of said Zeb tract, a distance of 606.32-feet, to the southeast corner of said Zeb tract, being on the West right-of-way line of said State Highway No. 205;

*THENCE* South 45 Degrees 37 Minutes 13 Seconds East, departing said common line and along said West right-of-way line, a distance of 1,121.18-feet, to a point for corner;

*THENCE* South 45 Degrees 51 Minutes 23 Seconds East, continuing along said East right-of-way line, a distance of 621.15-feet, to a point for corner;

*THENCE* South 45 Degrees 50 Minutes 42 Seconds East, continuing a long said East right-of-way line, a distance of 951.25-feet, to the *POINT OF BEGINNING*, and containing 264.61-acres of land, more or less.

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	121.99'	5796.43'	1°12'21"	N 45°17'37" E	121.99'



LINE	BEARING	DISTANCE
L1	N 89°46'45" E	21.21'
L2	N 44°46'11" E	524.23'
L3	N 44°50'11" E	538.89'
L4	N 44°31'53" E	541.35'
L5	S 45°54'00" E	185.25'
L6	N 45°12'46" W	315.34'
L7	N 45°12'46" W	599.31'
L8	N 44°05'31" W	436.95'
L9	N 48°40'03" W	237.14'
L10	N 40°05'31" W	184.21'
L11	N 44°55'09" W	244.25'
L12	S 44°54'30" W	12.67'
L13	N 45°15'44" W	260.71'
L14	N 44°44'50" E	468.08'
L15	S 21°54'24" E	240.00'
L16	S 77°24'45" E	168.91'
L17	N 62°14'58" E	154.61'
L18	N 45°14'02" E	393.74'

LINE	BEARING	DISTANCE
L19	S 34°53'19" E	117.55'
L20	S 19°33'26" W	104.59'
L21	S 41°16'51" W	109.87'
L22	S 16°13'16" E	343.40'
L23	S 10°24'07" W	349.98'
L24	S 20°47'16" W	404.92'
L25	S 39°14'25" E	222.48'
L26	S 07°57'55" E	224.06'
L27	S 05°39'43" W	276.05'
L28	S 25°11'11" E	211.30'
L29	S 24°31'10" E	209.10'
L30	S 12°41'40" W	256.15'
L31	S 06°32'24" W	300.53'
L32	N 87°46'09" E	150.10'

**EXHIBIT SHOWING**  
264.507 Acres of land situated in the W.M. Survey, Abstract Number 80, Rockwall County, Texas.

Project Number: 180164      Date: February 18, 2019  
 Revised Date:  
 Revision Notes:  
 Sheet 1 of 4

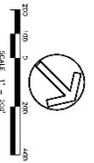
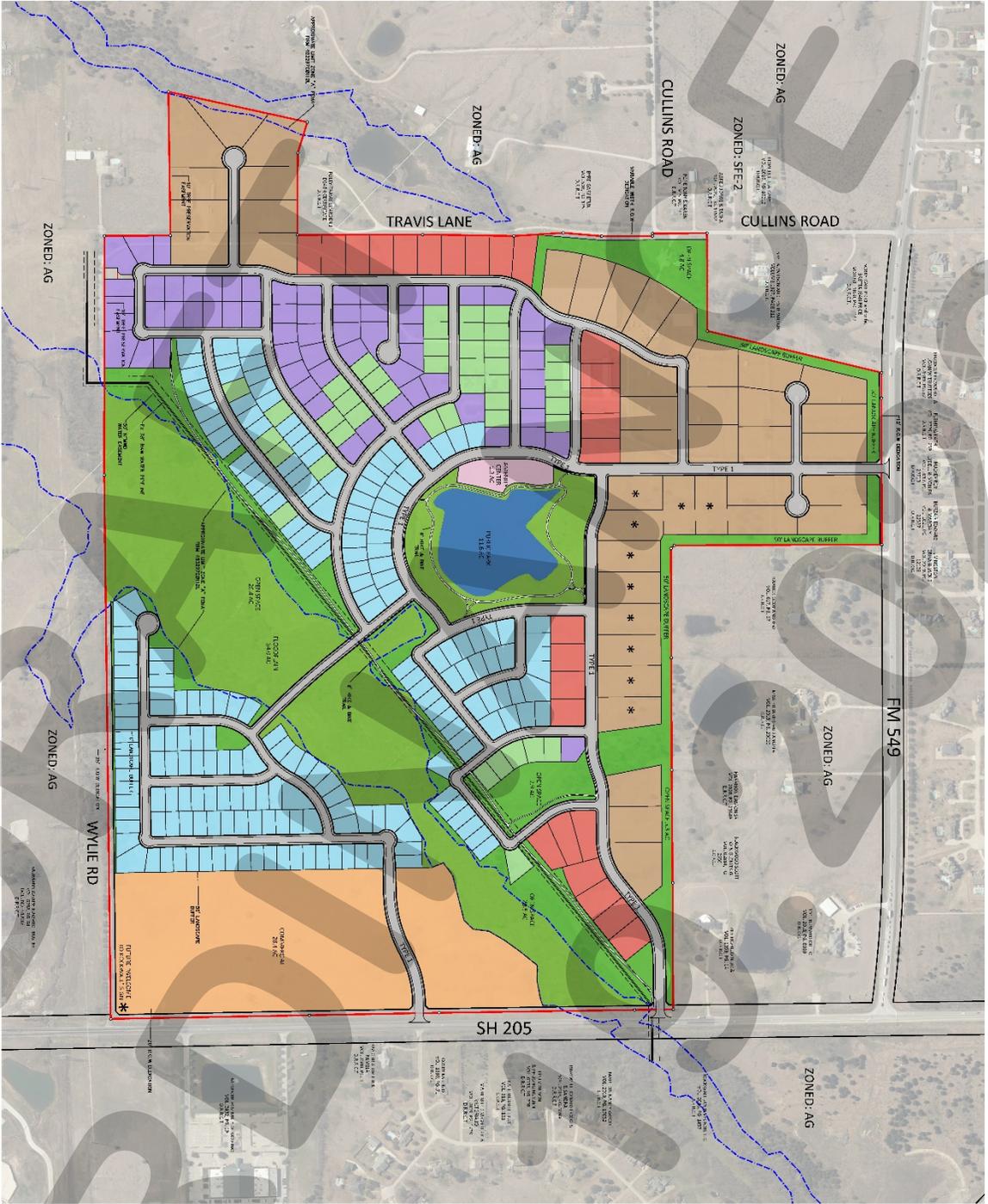


**REALSEARCH OF TEXAS, LLC**

P.O. Box 1006, Godley, Texas 76044  
 Ph. 817-937-2655, jdeal@realsearch.org, www.realsearch.org  
 "Thou shalt not remove thy neighbor's landmark" Deut. 19:14  
 TBPLS Firm Registration # 10158200      TBPE Firm Registration # 17968



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- LEGEND**
- TYPE A LOT
  - TYPE B LOT
  - TYPE C LOT
  - TYPE D LOT
  - TYPE E LOT
  - AMENITY CENTER
  - COMMERCIAL

**LAND USE TABLE**

LAND USE	AREA (AC)	PERCENT OF TOTAL
COMMERCIAL	28.6	12.7%
TYPE A LOT	102.0	42.9%
TYPE B LOT	2.2	1.2%
TYPE C LOT	12.8	5.3%
TYPE D LOT	20.8	8.6%
TYPE E LOT	1.3	0.5%
AMENITY CENTER	44.0	17.8%
COMMERCIAL	72.3	27.2%
<b>TOTAL</b>	<b>226.0</b>	<b>100.0%</b>

**LOT DIMENSION STANDARDS**

STREET	A	B	C	D	E
FRONT	30	30	30	30	30
REAR	30	30	30	30	30
LEFT SIDE	30	30	30	30	30
RIGHT SIDE	30	30	30	30	30
MINIMUM LOT AREA	1,500	1,500	1,500	1,500	1,500
MINIMUM LOT WIDTH	100	100	100	100	100
MINIMUM LOT DEPTH	50	50	50	50	50
MINIMUM LOT AREA PER ACRE	10,000	10,000	10,000	10,000	10,000
MINIMUM LOT WIDTH PER ACRE	100	100	100	100	100
MINIMUM LOT DEPTH PER ACRE	50	50	50	50	50

**STREET DESIGNATIONS**

CLASSIFICATION	QUALIFICATION	HOW MANY	COMMENTS
TYPE 1	MINIMUM WIDTH 40'	11	
TYPE 2	MINIMUM WIDTH 30'	41	
TYPE 3	MINIMUM WIDTH 20'	11	

**CONCEPT PLAN**  
**SOUTHSIDE HILLS**  
264.5 AC  
Rockwall, Texas

**JOHNSON YOLK CONSULTING**  
10000 Rockwall Road, Suite 100, Rockwall, Texas 75087  
ZONING CASE #2022-028

### **Density and Development Standards.**

(1) Permitted Uses. Unless specifically provided by this Planned Development District ordinance, the following uses are permitted on the *Subject Property*:

(a) Residential Land Uses. Residential land uses shall be allowed only within the area designated for residential lots as depicted on the *Concept Plan* in *Exhibit 'C'* of this ordinance. These areas are limited to those uses permit *by-right* or by Specific Use Permit (SUP) for the Single-Family 10 (SF-10) District, as stipulated by the *Permissible Use Charts* contained in Article 04, *Permissible Uses*, of the Unified Development Code (UDC).

(b) Non-Residential Land Uses. Non-residential land uses shall be allowed only within the area designated for *Commercial* land uses as depicted on the *Concept Plan* in *Exhibit 'C'* of this ordinance. These areas are limited to those uses permitted *by-right* or by Specific Use Permit (SUP) for the Commercial (C) District as stipulated by the *Permissible Use Charts* contained in Article 04, *Permissible Uses*, of the Unified Development Code (UDC) and subject to the approval of a *PD Development Plan* and *PD Site Plan* in accordance with the Planned Development District regulations contained in Article 10, *Planned Development District Regulations*, of the Unified Development Code (UDC); however, the following uses are expressly prohibited:

- Animal Boarding/Kennel without Outside Pens
- Animal Hospital or Clinic
- Convent, Monastery, or Temple
- Commercial Parking Garage
- Residence Hotel
- Motel
- Cemetery/Mausoleum
- Congregate Care Facility/Elderly Housing
- Emergency Ground Ambulance Services
- Hospital
- Mortuary or Funeral Chapel
- Temporary Carnival, Circus, or Amusement
- Private Sports Arena, Stadium, and or Track
- Portable Beverage Service Facility
- Temporary Christmas Tree Sales Lot and/or Similar Uses
- Copy Center
- Garden Supply/Plant Nursery
- Self Service Laundromat
- Night Club, Discotheque, or Dance Hall
- Pawn Shop
- Rental Store without Outside Storage and/or Display
- Retail Store with Gasoline Sales that has more than Two (2) Dispensers
- Bail Bond Service
- Building and Landscape Material with Limited Outside Storage
- Building Maintenance, Service, and Sales without Outside Storage
- Furniture Upholstery/Refinishing and Resale
- Rental, Sales, and Service of Heavy Machinery and Equipment
- Research and Technology or Light Assembly

- Trade School
- Minor Auto Repair Garage
- New or Used Boat and Trailer Dealership
- Self Service Car Wash
- New and/or Use Indoor Motor Vehicle Dealership/Showroom
- New Motor Vehicle Dealership-for Cars and Light Trucks
- Used Motor Vehicle Dealership-for Cars and Light Trucks
- Commercial Parking
- Non-Commercial Parking Lot
- Recreational Vehicle (RV) Sales and Service
- Service Station
- Mining and Extraction of Sand, Gravel, Oil and/or Other Materials
- Commercial Freestanding Antenna
- Helipad
- Railroad Yard or Shop
- Transit Passenger Facility

- (2) Residential Lot Composition and Layout. The lot layout and composition shall generally conform to the *Concept Plan* depicted in *Exhibit 'C'* and stated in *Table 1*, which is as follows:

Table 1: Lot Composition

<i>Lot Type</i>	<i>Minimum Lot Size (FT)</i>	<i>Minimum Lot Size (SF)</i>	<i>Dwelling Units (#)</i>	<i>Dwelling Units (%)</i>
<i>A</i>	130' x 240'	43,560 SF	43	11.20%
<i>B</i>	110' x 190'	24,000 SF	26	06.77%
<i>C</i>	80' x 115'	11, 000 SF	66	17.19%
<i>D</i>	80' x 110'	9,600 SF	43	11.20%
<i>E</i>	62' x 110'	7,200 SF	206	53.65%
<i>Maximum Permitted Units:</i>			<i>384</i>	<i>100.00%</i>

- (3) Variation in Residential Lot Composition. The allocation of single-family residential lot types may deviate from that in Subsection (2), *Residential Lot Composition and Layout*, provided that the maximum allowed total dwelling units does not exceed **384** units provided [1] a minimum of 46.40% of the total lot count be comprised of *Lot Types 'A', 'B', 'C' & 'D'*, [2] a minimum of 43 *Lot Type 'A'* lots and 26 *Lot Type 'B'* lots are provided, and [3] a maximum of 53.65% *Lot Type 'E'* lots can be provided.
- (4) Density and Dimensional Requirements. Unless specifically provided by this Planned Development District ordinance, the development standards stipulated for the *Subject Property* shall be as follows:
- (a) Residential. Except as modified by this Planned Development District ordinance, residential land uses on the *Subject Property* shall be required to meet the development standards for the Single-Family 10 (SF-10) District, as specified by Article 05, *District Development Standards*, of the Unified Development Code (UDC). The maximum permissible density for the *Subject Property* shall not exceed **1.45** dwelling units per gross acre of land; however, in no case should the proposed development exceed **384** units. All lots shall conform to the standards depicted in *Table 2*, which are as follows:

Table 2: Lot Dimensional Requirements

Lot Type (see Concept Plan) ►	A	B	C	D	E
Minimum Lot Width <sup>(1)</sup>	130'	110'	80'	80'	62'
Minimum Lot Depth	240'	190'	115'	110'	110'
Minimum Lot Area (SF)	43,560	24,000	11,000	9,600	7,200
Minimum Front Yard Setback <sup>(2), (5) &amp; (6)</sup>	40'	30'	20'	20'	20'
Minimum Side Yard Setback	15'	10'	6'	6'	6'
Minimum Side Yard Setback (Adjacent to a Street) <sup>(2) &amp; (5)</sup>	15'	15'	15'	15'	15'
Minimum Length of Driveway Pavement	20'	20'	20'	20'	20'
Maximum Height <sup>(3)</sup>	35'	35'	35'	35'	35'
Minimum Rear Yard Setback <sup>(4) &amp; (7)</sup>	50'	50'	10'	10'	10'
Minimum Area/Dwelling Unit (SF) [Air-Conditioned Space]	3,800	3,200	2,500	2,500	2,200
Maximum Lot Coverage	50%	50%	65%	65%	65%

General Notes:

- <sup>1</sup>: 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*.
- <sup>2</sup>: The location of the *Front Yard Building Setback* as measured from the front property line.
- <sup>3</sup>: The *Maximum Height* shall be measured to the eave or top plate (*whichever is greater*) of the single-family home.
- <sup>4</sup>: The location of the *Rear Yard Building Setback* as measured from the rear property line.
- <sup>5</sup>: 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.
- <sup>6</sup>: *J-Swing* or *Traditional Swing Garages* are permitted to encroach into the front yard building setback a maximum of five (5) feet.
- <sup>7</sup>: Type 'A', 'B', 'C' & 'D' lots shall have a minimum of a three (3) car garage.

(b) *Non-Residential*. Except as modified by this Planned Development District ordinance, the non-residential land uses on the *Subject Property* shall be required to meet the development standards stipulated by the *General Overlay District Standards*, *General Commercial District Standards*, and the standards required for the Commercial (C) District as stipulated by Article 05, *District Development Standards*, of the Unified Development Code (UDC) for a property in a Commercial (C) District. In addition, the *Commercial* area shall be designed to be pedestrian-oriented and easily accessible to the adjacent residential neighborhoods, and be constructed to be integrated with the adjacent uses, not be separated from them by screening walls or other physical barriers. This will be accomplished by creating paths from the adjacent development into the *Commercial* area and through the use of landscaping buffers utilizing a berm and three (3) tiered screening (*i.e. [1] a small to mid-sized shrub, [2] large shrubs or accent trees, and [3] canopy trees on 20-foot centers*), and building design and other urban design elements to create compatibility with the surrounding residential neighborhood.

(5) *Building Standards for Residential*. All residential development shall adhere to the following building standards:

(a) *Masonry Requirement*. The minimum masonry requirement for the exterior façade of all buildings shall be 90% (*excluding dormers and walls over roof areas*). For the purposes of this ordinance, the masonry requirement shall be limited to full width

brick, natural stone, and cast stone. Cementitious fiberboard (e.g. *HardiBoard* or *Hardy Plank*) in a horizontal lap-siding, *board-and-batten* siding, or a decorative pattern (see examples below) may be used for up to 80% of the masonry requirement; however, administrative approval from the Director of Planning and Zoning may be requested for housing plans that utilize cementitious fiberboard in excess of 80% of the masonry requirement on a *case-by-case* basis.

**FIGURE 1: EXAMPLES OF CEMENTITIOUS FIBERBOARD**



**FIGURE 2: EXAMPLES OF BOARD AND BATTEN**



**FIGURE 3: EXAMPLES OF HORIZONTAL LAP**



- (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. A total of 19.79% or 76 of the 384 lots may have garages that are oriented toward the street in a *Front Entry* garage configuration; however, the front façade of the garage must be situated a minimum of five (5) feet behind the front façade of the primary structure. The remaining 80.21% or 308 lots shall have garages that are oriented in a *J-Swing (or Traditional Swing)* configuration or be situated a minimum of 20-feet behind the front façade of the home. In addition, the following architectural elements must be incorporated into all garage configurations: [1] divided garage bay doors (*i.e. for two (2) car garages two (2) individual entrances and for three (3) car garages a standard two (2) bay garage door with a single bay garage door adjacent*), [2] carriage style hardware and lighting, [3] decorative wood doors or wood overlays on insulated metal doors, and [4] driveways must be constructed with ornamental stamped concrete brick pavers, broom finished, or salt finish. An example of a garage door meeting these standards is depicted in *Figure 4*.

Figure 4. Examples of Enhanced Wood Garage Door



- (6) Anti-Monotony Restrictions. The development shall adhere to the Anti-Monotony Matrix depicted in *Table 3* below (*for spacing requirements see Figures 5 & 6 below*).

Table 3: Anti-Monotony Matrix

<u>Lot Type</u>	<u>Minimum Lot Size</u>	<u>Elevation Features</u>
A	130' x 240'	(1), (2), (3), (4)
B	110' x 190'	(1), (2), (3), (4)
C	80' x 115'	(1), (2), (3), (4)
D	80' x 110'	(1), (2), (3), (4)
E	62' x 110'	(1), (2), (3), (4)

- (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-549 or Wylie 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 5: Properties line up on the opposite side of the street. Where **RED** is the subject property.



Figure 6: Properties do not line up on opposite side of the street. Where **RED** is the subject property.



(7) 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. *Type 'A' & 'B' Lots* shall incorporate wrought iron/tubular steel fencing exclusively; however, only *Type 'C', 'D', & 'E'* lots located along perimeter roadways (*i.e. FM-549 and Wylie Road*), abutting open spaces, greenbelts and parks shall be required to install wrought iron/tubular steel fence along the rear and side property lines and shall be allowed to install solid wood fence along the front fence line to allow for screening of condenser units and to reduce visibility of the backyard from the front of the home. The only exception to this standard shall be the *Type 'E'* lots that back to Wylie Lane, which shall be required to construct a wood fence in accordance with the requirements of this ordinance. 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.
- (f) Fence in Easements. No fencing shall be constructed in or across North Texas Municipal Water District (NTMWD) and/or City of Rockwall's easements.
- (8) 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-549). A minimum of a 50-foot landscape buffer shall be provided along FM-549 (*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 shrubbery shall have a minimum height of 48-inches each. 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 trail shall be constructed within the 50-foot landscape buffer.
- (2) Landscape Buffer (Adjacent to Residential Properties). A minimum of a 50-landscape buffer shall be provided along the *Type 'A'* lots adjacent to 453 & 535 Cullins Road and 5459 FM-549 (*as depicted in Exhibit 'C' of this ordinance*), and shall incorporate a berm a minimum of five (5) feet in height. On the berm, two (2), staggered rows of evergreen trees -- *either Eastern Red Cedar or Leland Cypress unless otherwise approved by the Director of Planning and Zoning* --, a minimum of six (6) feet in height shall be planted on ten (10) foot centers to create a solid living screen adjacent to these properties.
- (3) Landscape Buffer and Sidewalks (Residential SH-205). A minimum of a 30-foot landscape buffer shall be provided along SH-205 for the residential property (*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 shrubbery shall have a minimum 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 trail shall be constructed within the 30-foot landscape buffer.
- (4) Landscape Buffer and Sidewalks (Non-Residential SH-205). A minimum of a 20-foot landscape buffer shall be provided for the *Commercial* property along SH-205 (*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 shall have a minimum 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 trail shall be constructed within the 20-foot landscape buffer.
- (5) Commercial Landscape Buffer (Adjacent to Residential Properties). A minimum of a 50-foot landscape buffer with a minimum of a 48-inch berm and three (3) tiered screening (*i.e. [1] a small to mid-sized shrub, [2] large shrubs or accent trees, and [3] canopy trees on 20-foot centers*) shall be provided on commercial properties that have direct adjacency to residential properties as generally depicted in *Exhibit 'C'* of this ordinance.
- (6) Landscape Buffer in the Open Spaces and Public Park. The open space and public park shall require a ten (10) foot landscape buffer that incorporates ground cover, a *built-up* berm and shrubbery along the entire length of open space. In addition, one (1) canopy tree and one (1) accent tree per 50-linear feet shall be required to be planted.

- (7) Landscape Buffer (Adjacent to the Type 'E' Lots on Wylie Lane). A minimum of a ten (10) foot landscape buffer shall be provided adjacent to the Type 'E' along Wylie Lane. This landscape buffer shall incorporate a *built-up* berm and evergreen trees -- *either Eastern Red Cedar or Leland Cypress unless otherwise approved by the Director of Planning and Zoning* -- on 25-foot centers along entire length of the frontage.
- (8) Tree Preservation Easement Along Wylie Lane. A minimum of a ten (10) foot tree preservation easement shall be provided along Wylie Lane as depicted in *Exhibit 'C'* of this ordinance. This area shall be established to preserve the existing natural tree line along the southern property boundary for the benefit of the property directly south of the subject property (*i.e. 924 Wylie Lane*).
- (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 that are less than ten (10) inches and ten (10) feet from public water, sanitary sewer and storm lines that are greater than ten (10) inches. All street trees shall be reviewed with the *PD Site Plan*.
- (d) Residential Lot Landscaping. Prior to the issuance of a Certificate of Occupancy (CO), all residential lots depicted on *Exhibit 'C'* shall be landscaped with a minimum of two (2), four (4) inch caliper canopy trees (*as measured per Article 08, Landscape and Fence Standards, of the Unified Development Code [UDC]*) within the front yard. In addition, corner lots shall be required to add a minimum of two (2), four (4) inch caliper canopy trees (*as measured per Article 08, Landscape and Fence Standards, of the Unified Development Code [UDC]*) within the side yard facing the street.
- (e) Irrigation Requirements. Irrigation shall be installed for all required landscaping located within detention areas, 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).
- (f) Hardscape. Hardscape plans indicating the location of all sidewalks and trails shall be reviewed and approved with the *PD Site Plan*.
- (9) Street. All streets shall be built according to City street standards.
- (10) 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.
- (11) Sidewalks. All sidewalks adjacent to a street shall be a maximum of two (2) feet inside the right-of-way line and be a minimum of five (5) feet in overall width.
- (12) 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.

- (13) Park Improvements. All park improvements within this development -- *including all features outlined below* -- shall be maintained by the Homeowner's Association (HOA). The development of the 11.60-acre public park -- *as depicted in Exhibit 'C' of this ordinance* -- shall be developed with the first phase of the proposed subdivision and shall have fully established natural turf (*e.g. seeding process*) and be irrigated in accordance with the requirements of the Parks and Recreation Department of the City of Rockwall. This area shall also incorporate the following improvements:
- (a) A Six (6) Foot Concrete *Hike & Bike Trail*.
  - (b) A Playground.
  - (c) A Plaza Area.
  - (d) A Covered Pavilion.
  - (e) A Picnic Area.
  - (f) Benches.
  - (g) Landscape Features (*e.g. Trees and Other Vegetation*).

All improvement will need to be approved and accepted by the Parks and Recreation Board after being reviewed and recommended by the Director of Parks and Recreation. The dedication of the proposed public park shall satisfy all cash-in-lieu of land fees associated with this proposed development. In addition, if the above stated improvements are greater than or equal to the required pro-rata equipment fees, then this fee shall be considered to be satisfied as well. The costs/receipts for the improvements will need to be reviewed and compared to the cost of the pro-rata equipment fees -- *and ultimately accepted* -- by the Parks and Recreation Board in order to be considered to be satisfied.

- (14) Open Space/Public Park. The development shall consist of a minimum of 20% open space (*or a minimum of 52.902-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.
- (15) Amenity Center. An amenity center shall be constructed in generally the same area as depicted in *Exhibit 'C'* of this ordinance, and shall be maintained by the Homeowner's Association (HOA). The design and layout of the amenity center shall be approved with the *PD Site Plan*.
- (16) Trails. A minimum of a six (6) foot concrete trail system shall be constructed generally in the same location as the trail system depicted in *Exhibit 'C'* of this ordinance, and shall provide connectivity to the proposed *Public Park*.
- (17) Neighborhood Signage and Enhancements. Permanent subdivision identification signage shall be required at all major entry points for the proposed subdivision. 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*.

(18) *Homeowner's Association (HOA)*. A Homeowner's Association (HOA) 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*), detention and drainage easements, floodplain areas, irrigation, landscaping, screening fences and neighborhood signage associated with this development. These areas are required to be delineated on the *PD Site Plan*.

(19) *Gateway Signage*. The City of Rockwall's standard *Gateway Signage* shall be incorporated into the design of the commercial property at the southwest corner of the intersection of Wylie Lane and SH-205. The signage shall be situated in a visible location as generally depicted on the *Concept Plan* contained in *Exhibit 'C'* of this ordinance and shall generally conform to *Figures 7 & 8* below.

**FIGURE 7: STANDARD GATEWAY SIGNAGE FOR THE CITY OF ROCKWALL**



TWO (2) CUSTOM 1'-0" X 8'-0" CORTEN STEEL ENCLOSURE WITH ROUTED OUT 'ROCKWELL' LETTERS. CORTEN STEEL ENCLOSURE TO BE INTERNALLY ILLUMINATED WITH WHITE LEDS STRIPS TO DISPLAY A GLOW EFFECT FOR 'ROCKWELL'.

TWO (2) CUSTOM 2'-5" X 6'-0" ALUM. CABINET WITH 1" PUSH THRU ACRYLIC LOGO. W/ OPAQUE VINYL GRAPHICS APPLIED FIRST SURFACE. ALUM. CABINET TO BE INTERNALLY ILLUMINATED WITH WHITE LEDS TO DISPLAY LOGO IN A GLOW EFFECT. CABINET TO BE PAINTED SW7037 BALANCED BEIGE.

TWO (2) CUSTOM ALUM. MONUMENT STRUCTURE W/ TRIM CAPS.

NOTE: MONUMENT SHALL BE CONSTRUCTED OF THE SAME PRIMARY MASONRY MATERIALS AS THE FRONT BUILDING FACADE OR THE PRINCIPAL OR MAIN BUILDING ON THE SAME LOT OR SHALL BE STONE OR BRICK AND SHALL BE SIMILAR ARCHITECTURAL STYLE.

NOTE: ALL BRICK/MASONRY/STONE TO BE PROVIDED BY GC'S SUBCONTRACTOR.

Front Elevation Side Detail A & B - Custom Monument Sign Structure - Sign B  
1/2" = 1'-0"

Display Square Footage (Structure): 77.0

**FIGURE 8: STANDARD GATEWAY SIGNAGE FOR THE CITY OF ROCKWALL (NIGHT VIEW)**



Night View Detail - Custom Monument Sign Structure - Sign B  
1/2" = 1'-0"

Display Square Footage (Structure): 77.0

- (20) Variations. The variance procedures and standards for approval that are set forth in the Unified Development Code (UDC) shall apply to any application for variations to this ordinance.



## MEMORANDUM

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**TO:** Mary Smith, City Manager

**CC:** Honorable Mayor and City Council

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

**DATE:** September 19, 2022

**SUBJECT:** Z2022-040; SPECIFIC USE PERMIT FOR A GUEST  
QUARTERS/SECONDARY LIVING UNIT AND DETACHED GARAGE AT  
2175 ARROWHEAD COURT

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### Attachments

Case Memo  
Development Application  
Location Map  
HOA Notification Map  
Neighborhood Notification Email  
Property Owner Notification Map  
Property Owner Notification List  
Public Notice  
Property Owner Notifications  
Concept Plan  
Draft Ordinance

### Summary/Background Information

Hold a public hearing to discuss and consider a request by Monica Hernandez and Richard Crossley for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for a *Guest Quarters/Secondary Living Unit and Detached Garage* on a 1.4945-acre parcel of land identified as Lot 2, Block A, Oaks of Buffalo Way Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 1.5 (SFE-1.5) District, addressed as 2175 Arrowhead Court, 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:** September 19, 2022  
**APPLICANT:** Monica Hernandez and Richard Crossley  
**CASE NUMBER:** Z2022-040; *Specific Use Permit for a Guest Quarters/Secondary Living Unit and Detached Garage at 2175 Arrowhead Court*

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### SUMMARY

Hold a public hearing to discuss and consider a request by Monica Hernandez and Richard Crossley for the approval of a Specific Use Permit (SUP) for a Guest Quarters/Secondary Living Unit and Detached Garage on a 1.4945-acre parcel of land identified as Lot 2, Block A, Oaks of Buffalo Way Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 1.5 (SFE-1.5) District, addressed as 2175 Arrowhead Court, and take any action necessary.

### BACKGROUND

On July 21, 1997, the City Council approved *Ordinance No. 97-14 [Case No. A1997-001]* 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 Estates 1.5 (SFE-1.5) District as of April 5, 2005. The property has remained zoned Single Family Estate 1.5 (SFE- 1.5) District since this date. According to the Rockwall Central Appraisal District (RCAD), there is a 4,802 SF single-family home situated on the subject property that was constructed in 2000 and includes a 408.5 SF screened in porch that was added in 2017.

### PURPOSE

The applicants -- *Monica Hernandez and Richard Crossley* -- are requesting the approval of a Specific Use Permit (SUP) to allow for the construction of a *Guest Quarters/Secondary Living Unit and Detached Garage* that exceeds the overall maximum allowable square footage.

### ADJACENT LAND USES AND ACCESS

The subject property is addressed as 2175 Arrowhead Court. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property are several single-family homes, which are part of Oaks of Buffalo Way Subdivision. These properties are zoned Single-Family Estate 1.5 (SFE-1.5) District. Beyond this is Lofland Circle, which is identified as *Minor Collector* on the City's Master Thoroughfare Plan contained within the OURHometown Vision 2040 Comprehensive Plan. Beyond this is a 90.121-acre vacant tract of land (*i.e. Tract 3-1 of the A. Johnson Survey, Abstract No. 123*) zoned Agricultural (AG) District.

South: Directly south of the subject property is S. FM-549, which is identified as a TXDOT4D (*i.e. Texas Department of Transportation, four [4] lane, divided roadway*) on the City's Master Thoroughfare Plan contained within the OURHometown Vision 2040 Comprehensive Plan. Beyond this is a 26.452-acre vacant tract of land (*i.e. Tract 17-4 of the W. W. Ford Survey, Abstract No. 80*), a 43.3-acre tract of land (*i.e. Tract 17-16 of the W. W. Ford Survey, Abstract No. 80*), and a 5.697-acre tract of land (*i.e. Tract 17-9 of the W. W. Ford Survey, Abstract No. 80*) zoned Agricultural (AG) District. Beyond this is Travis Lane which is identified as a *Minor Collector* on the City's Master Thoroughfare Plan contained within the OURHometown Vision 2040 Comprehensive Plan.

East: Directly east of the subject property is S. FM-549, which is identified as a TXDOT4D (*i.e. Texas Department of Transportation, four [4] lane, divided roadway*) on the City's Master Thoroughfare Plan. Beyond this are five (5)

tracts of land of which three (3) are developed with single-family homes (i.e. *Tracts 17-11, 17-10, 17-14 of the W. W. Ford Survey, Abstract No. 80*) and two (2) are vacant (i.e. *Tracts 17-15 and 17-13 of the W. W. Ford Survey, Abstract No. 80*). Beyond this is S. Goliad Street, which is identified as a TXDOT6D (i.e. *Texas Department of Transportation, six [6] lane, divided roadway*) on the City's Master Thoroughfare Plan contained within the OURHometown Vision 2040 Comprehensive Plan.

West: Directly west of the subject property are two (2) single-family homes zoned Single-Family Estate 1.5 (SFE-1.5) District. Beyond this is a single-family residential subdivision (i.e. *Willowcrest Estates*) zoned Single-Family Estate 1.5 (SFE-1.5) District. Beyond this is W. Cullins Road, which is identified as a *Minor Collector* on the City's Master Thoroughfare Plan contained within the OURHometown Vision 2040 Comprehensive Plan.

## **CHARACTERISTICS OF THE REQUEST**

The applicant has submitted an application, residential plot plan, and conceptual building elevations. The applicant is requesting to construct a 4,230 SF *Guest Quarters/Detached Garage*. The *Guest Quarters/Detached Garage* will have 3,480 SF of enclosed area and a 750 SF outdoor living area facing the existing pool at the rear of the property. According to the applicant, the structure will be used as a garage/showroom for high end cars; however, there will be a bathroom and separate living area in the proposed garage, which are two (2) elements of a dwelling unit qualifying this request as a *Guest Quarters/Secondary Living Unit*.

## **CONFORMANCE WITH THE CITY'S CODES**

Article 13, *Definitions*, of the Unified Development Code (UDC) defines a *Guest Quarters* as "(a)n 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 separate domicile." According to the *Permissible Use Charts* contained in Article 04, *Permissible Uses*, of the Unified Development Code (UDC) a *Guest Quarters* requires a Specific Use Permit (SUP) in a Single-Family Estate 1.5 (SFE-1.5) District and -- according to Subsection 02.03 -- is subject to the following *Conditional Land Use Standards*: [1] the structure must be ancillary to a single-family home, [2] the square footage of the structure shall not exceed 30% of the square footage of the primary structure, and [3] the structure may not be sold or conveyed separately from the single-family home without meeting the zoning requirements for the district. With regard to the *Detached Garage*, Section 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) stipulates that the maximum size for a *Detached Garage* shall be 625 SF; however, this section of the code goes on to allow the City Council the ability to approve accessory structures that do not meet the minimum or maximum standards through a Specific Use Permit (SUP). In addition, the *Guest Quarters/Detached Garage* is required to meet the Single-Family Estate 1.5 (SFE-1.5) District density and dimensional requirements contained in Subsection 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC).

## **STAFF ANALYSIS**

*Guest Quarters/Secondary Living Unit* are permitted to be 30.00% of the square footage of the primary structure. In this case, the applicant is permitted by right a 1,440 SF *Guest Quarters/Secondary Living Unit* (i.e.  $4,802 \text{ SF} * 30\% = 1,440 \text{ SF}$ ). Staff should also point out that the maximum permissible size of a detached garage is 625 SF. With that being said the applicant is requesting a 4,230 SF *Guest Quarters/Detached Garage*, which exceeds the maximum permitted size of a *Guest Quarters/Secondary Living Unit* by 2,790 SF and represents 88.09% of the primary structure. This structure also exceeds the maximum permitted size of a *Detached Garage* by 3,605 SF. Based on this, the applicant is requesting a Specific Use Permit (SUP) to allow the construction of a *Guest Quarters/Detached Garage* that exceeds the maximum permissible size. Staff has reviewed all of the properties in the Oaks of Buffalo Way Subdivision, and has found two (2) *Detached Garages* that exceed 1,000 SF (i.e. a 1,600 SF *Detached Garage* at 2040 Broken Lance Lane and an 1,886 SF *Detached Garage* at 2235 Arrowhead Court -- directly adjacent to the subject property); however, there are no other structures of a similar size to what the applicant is proposing.

If the applicant's Specific Use Permit (SUP) is approved, staff has included operational conditions in the Specific Use Permit (SUP) ordinance that tie down the size, height, and general architecture of the proposed structure. 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 August 23, 2022, staff mailed 19 notices to property owners and occupants within 500-feet of the subject property. Staff also sent a notice to the Oaks of Buffalo Way Homeowners Association (HOA), which is the only HOA or 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 received the following:

- (1) Three (3) property owner notifications from within the 500-foot buffer in favor of the applicant's request.
- (2) One (1) property owner notification from within the 500-foot buffer in opposition of the applicant's request.

## **CONDITIONS OF APPROVAL**

If the City Council chooses to approve of the applicant's request for a Specific Use Permit (SUP) for a *Guest Quarters/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 development of the *Subject Property* shall generally conform to the *Concept Plan* as depicted in *Exhibit 'B'* of the Specific Use Permit (SUP) ordinance.
  - (b) The construction of a *Guest Quarters/Secondary Living Unit* and *Detached Garage* on the *Subject Property* shall generally conform to the *Building Elevations* depicted in *Exhibit 'C'* of the Specific Use Permit (SUP) ordinance.
  - (c) The *Guest Quarters/Secondary Living Unit* and *Detached Garage* shall not exceed a maximum size of 4,230 SF.
  - (d) The proposed building shall not have full kitchen facilities.
  - (e) The maximum height of the *Guest Quarters/Secondary Living Unit* and *Detached Garage* shall not exceed a total height of 15-feet.
  - (f) The *Guest Quarters/Secondary Living Unit* and *Detached Garage* shall not be sold or conveyed separately from the single-family home without meeting the requirements of the zoning district and the subdivision ordinance.
- (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 September 13, 2022, the Planning and Zoning Commission recommended denial of the *Specific Use Permit (SUP)* by a vote of 6-0, with Commissioner Jerry Welch absent. According to Subsection 02.03(G), *Protest of a Zoning Change*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC), "(i)f such change [*zoning change or Specific Use Permit (SUP)*] is recommended for denial by the Planning and Zoning Commission, such zoning change or Specific Use Permit (SUP) shall require a supermajority vote (*i.e. three-fourths vote of those members present*), with a minimum of four (4) votes in the affirmative required for approval."



# DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO. \_\_\_\_\_

**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) <sup>1</sup>
- PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) <sup>1</sup>
- FINAL PLAT (\$300.00 + \$20.00 ACRE) <sup>1</sup>
- REPLAT (\$300.00 + \$20.00 ACRE) <sup>1</sup>
- AMENDING OR MINOR PLAT (\$150.00)
- PLAT REINSTATEMENT REQUEST (\$100.00)

### SITE PLAN APPLICATION FEES:

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

### ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE) <sup>1</sup>
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) <sup>1 & 2</sup>
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) <sup>1</sup>

### OTHER APPLICATION FEES:

- TREE REMOVAL (\$75.00)
- VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) <sup>2</sup>

#### NOTES:

<sup>1</sup>: 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.  
<sup>2</sup>: A **\$1,000.00** FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.

## PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS 2175 Arrowhead Ct Rockwall, TX 75032

SUBDIVISION OAKS OF BUFFALO WAY

LOT

2

BLOCK

A

GENERAL LOCATION

## ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING

CURRENT USE

PROPOSED ZONING

PROPOSED USE

ACREAGE

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]

OWNER

RICHARD CROSSLEY

APPLICANT

CONTACT PERSON

Monica Hernandez

CONTACT PERSON

Monica Hernandez

ADDRESS

2175 ARROWHEAD CT

ADDRESS

7821 Pennington Ct

CITY, STATE & ZIP

ROCKWALL, TX 75032

CITY, STATE & ZIP

Plano, TX 75025

PHONE

469-756-7868

PHONE

469-756-7868

E-MAIL

monica@americapermits.com

E-MAIL

monica@americapermits.com

## NOTARY VERIFICATION [REQUIRED]

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

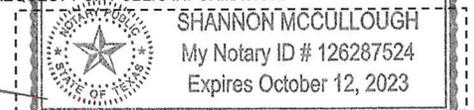
"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ \_\_\_\_\_, TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_. 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

7 DAY OF AUGUST, 2022

OWNER'S SIGNATURE

*[Signature]*



NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

*[Signature]*

MY COMMISSION EXPIRES

October 12, 2023



Z2022-040: Specific Use Permit for Guest Quarters at 2175 Arrowhead Court

Case Location Map = 



# 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.

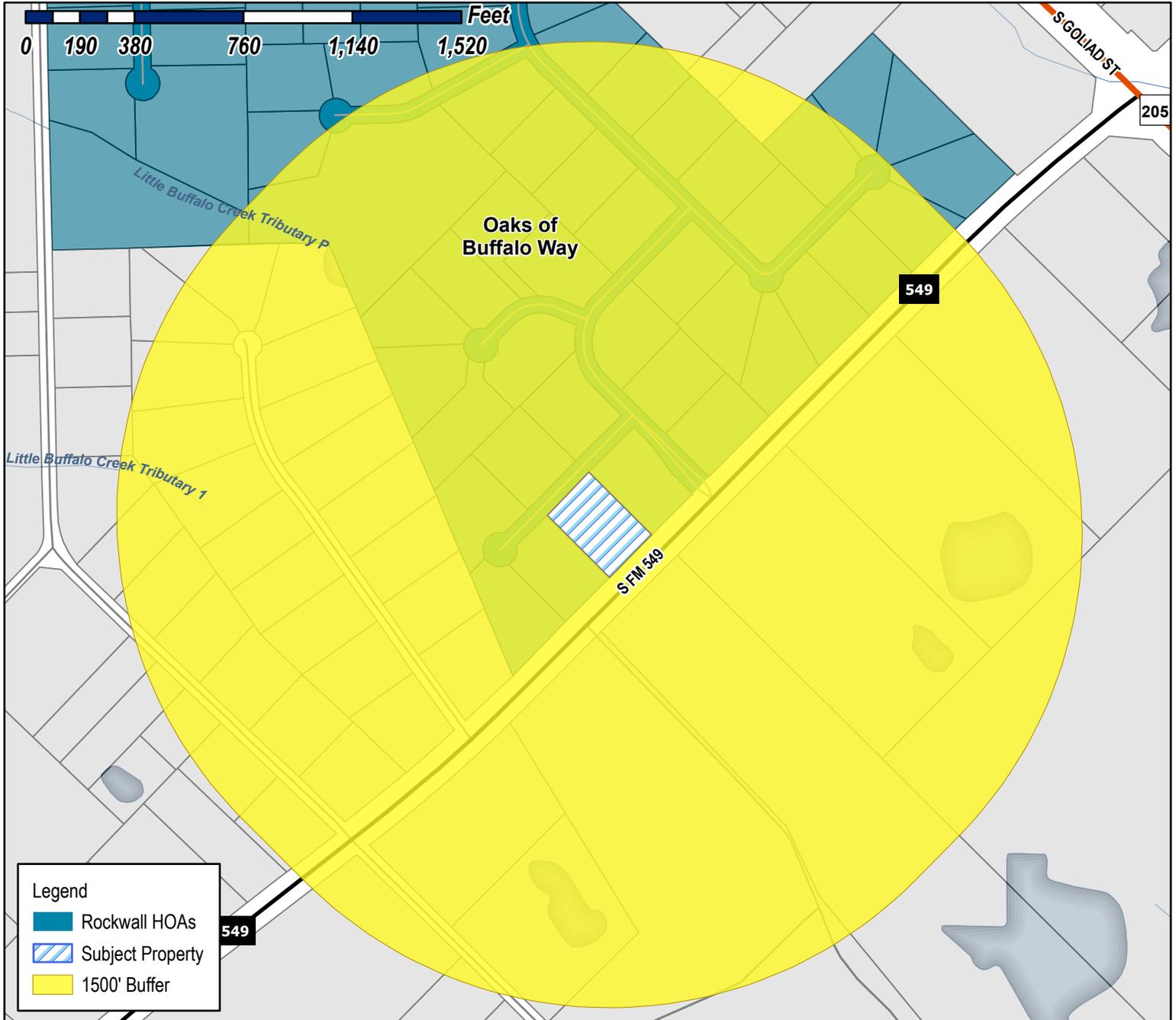




# City of Rockwall

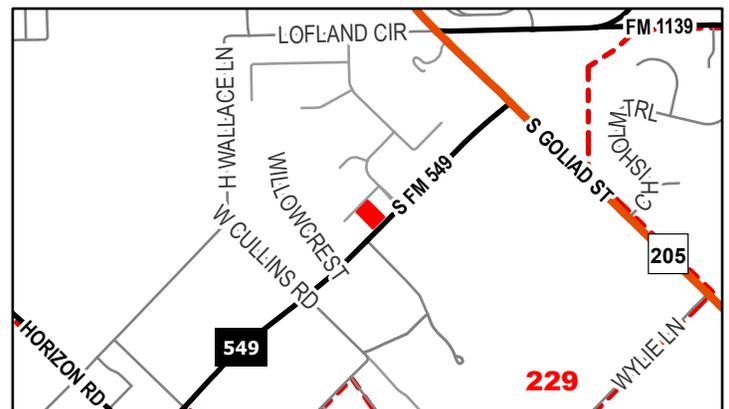
Planning & Zoning Department  
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**Case Number:** Z2022-040  
**Case Name:** SUP for Guest Quarters  
**Case Type:** Zoning  
**Zoning:** Single-Family Estate 1.5 (SFE-1.5)  
 District  
**Case Address:** 2175 Arrowhead Court

**Date Saved:** 8/18/2022  
 For Questions on this Case Call (972) 771-7745



## Miller, Ryan

---

**From:** Gamez, Angelica  
**Sent:** Tuesday, August 23, 2022 4:41 PM  
**Cc:** Miller, Ryan; Ross, Bethany; Lee, Henry  
**Subject:** Neighborhood Notification Program [Z2022-040]  
**Attachments:** Public Notice (Z2022-040).pdf; HOA Map Z2022-040.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 *August 26, 2022*. The Planning and Zoning Commission will hold a public hearing on *Tuesday, September 13, 2022 at 6:00 PM*, and the City Council will hold a public hearing on *Monday, September 19, 2022 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](mailto: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>.

### **Z2022-040: SUP for Guest Quarters/Secondary Living Unit and Detached Garage**

Hold a public hearing to discuss and consider a request by Monica Hernandez and Richard Crossley for the approval of a *Specific Use Permit (SUP)* for a *Guest Quarters/Secondary Living Unit and Detached Garage* on a 1.4945-acre parcel of land identified as Lot 2, Block A, Oaks of Buffalo Way Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 1.5 (SFE-1.5) District, addressed as 2175 Arrowhead Court, and take any action necessary.

Thank you,

*Angelica Gamez*

Planning & Zoning Coordinator

City of Rockwall

972.771.7745 Office

972.772.6438 Direct

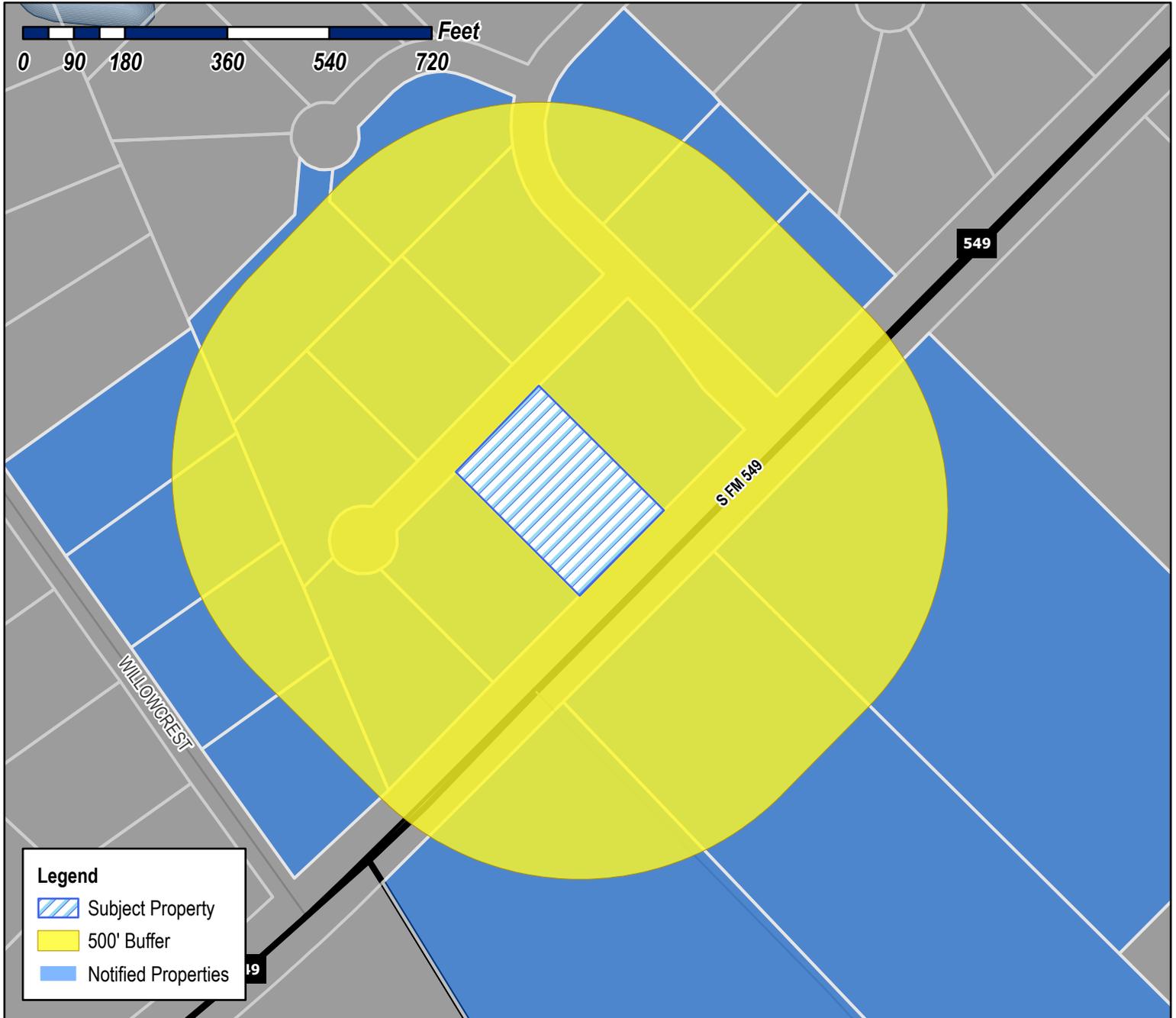
<http://www.rockwall.com/planning/>



# City of Rockwall

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

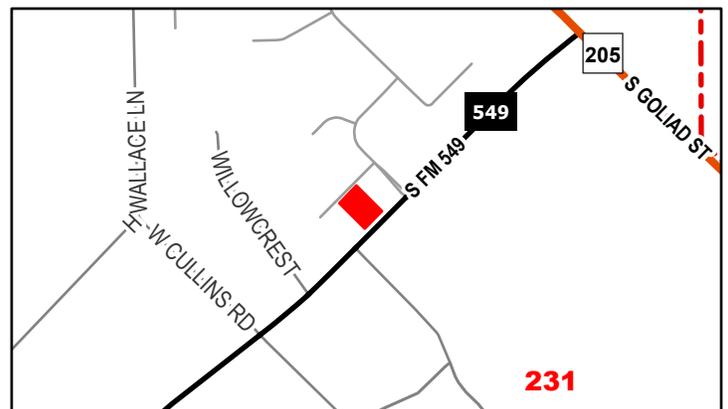
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**Case Number:** Z2022-040  
**Case Name:** SUP for Guest Quarters  
**Case Type:** Zoning  
**Zoning:** Single-Family Estate 1.5 (SFE-1.5)  
 District  
**Case Address:** 2175 Arrowhead Court

**Date Saved:** 8/18/2022

For Questions on this Case Call (972) 771-7745



ROCKWALL HIGHGATE LTD  
C/O SCOTT ASBURY  
13155 NOEL RD # 900  
DALLAS, TX 75240

ROCKWALL HIGHGATE LTD  
C/O SCOTT ASBURY  
13155 NOEL RD # 900  
DALLAS, TX 75240

HADDOCK HOWARD J & JOAN W TRUSTEES  
HADDOCK FAMILY LIVING TRUST  
155 WILLOWCREST  
ROCKWALL, TX 75032

MUELLER JOHN HERMAN AND MELANIE KAY  
ANN BEAR-MUELLER  
201 WILLOWCREST LN  
ROCKWALL, TX 75032

HURST CHRISTOPHER W AND  
LESTER HURST  
2045 SILVER HAWK ST  
ROCKWALL, TX 75032

LEE JAMES D & FONN C  
2065 SILVER HAWK CT  
ROCKWALL, TX 75032

RUCKER ROY LYDELL AND MONIFA  
2155 ARROWHEAD CT  
ROCKWALL, TX 75032

GRAHAM M TODD AND SHANNA R  
2160 ARROWHEAD COURT  
ROCKWALL, TX 75032

FLEMING KATHI  
2165 ARROWHEAD CT  
ROCKWALL, TX 75032

CROSSLEY RICHARD  
2175 ARROWHEAD CT  
ROCKWALL, TX 75032

GREEN JACKIE & TAMI  
2180 ARROWHEAD CT  
ROCKWALL, TX 75032

RUMMEL STEVEN DAVID AND JANET L  
2230 ARROWHEAD CT  
ROCKWALL, TX 75032

LIVINGSTON ERIKA S & JACK E  
2235 ARROWHEAD COURT  
ROCKWALL, TX 75032

NICHOLS JAMES AND  
LYNNE HOANG  
241 WILLOWCREST DR  
ROCKWALL, TX 75032

KOZIOL JOHN C & VIRGINIA R  
281 WILLOWCREST  
ROCKWALL, TX 75032

COLORADO CAMILO AND HALLIE N  
5265 STANDING OAK LN  
ROCKWALL, TX 75032

HEAGNEY SCOTT AND LISA  
5295 STANDING OAK LN  
ROCKWALL, TX 75032

SHIMKUS ANTHONY & SANDRA  
5315 STANDING OAK LN  
ROCKWALL, TX 75032

BARRICK CODY ANDREW & AMY DENISE  
5459 S. FM 549  
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:

**Z2022-040: SUP for Guest Quarters/Secondary Living Unit and Detached Garage**

Hold a public hearing to discuss and consider a request by Monica Hernandez and Richard Crossley for the approval of a *Specific Use Permit (SUP)* for a Guest Quarters/Secondary Living Unit and Detached Garage on a 1.4945-acre parcel of land identified as Lot 2, Block A, Oaks of Buffalo Way Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 1.5 (SFE-1.5) District, addressed as 2175 Arrowhead Court, 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, September 13, 2022 at 6:00 PM, and the City Council will hold a public hearing on Monday, September 19, 2022 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](mailto: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, September 19, 2022 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. Z2022-040: SUP for Guest Quarters/Secondary Living Unit and 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.

[Redacted comment area]

Name: [Redacted]  
Address: [Redacted]

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. Z2022-040: SUP for Guest Quarters/Secondary Living Unit and 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.

Will bring more value to property

Name:

Erika + Jack Livingston

Address:

2235 Arrowhead Ct. Rockwall, TX 75082

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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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.

SEEMS TO ME THIS IS A DECISION FOR THE OAK HORN  
I REITERATE THAT ROCKWALL CITY GOVERNMENT IS ACTING  
IRRESPONSIBLY WITH AN UNLAWFUL ZONING CHANGE. TIME TO MAO  
UP AND PROTECT OUR EXISTING COMMUNITY, THAT IS NOT HAPPENING

Name:

HOWARD HADDOCK

Address:

155 WILLOWHURST, ROCKWALL

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. Z2022-040: SUP for Guest Quarters/Secondary Living Unit and 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.

He is a good neighbor. Has sufficient property. Am sure it will be an asset to the neighborhood.

Name:

Kathleen Fleming

Address:

2165 Arrowhead Ct., Rockwall, TX 75082

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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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:

## Z2022-040: SUP for Guest Quarters/Secondary Living Unit and Detached Garage

Hold a public hearing to discuss and consider a request by Monica Hernandez and Richard Crossley for the approval of a Specific Use Permit (SUP) for a Guest Quarters/Secondary Living Unit and Detached Garage on a 1.4945-acre parcel of land identified as Lot 2, Block A, Oaks of Buffalo Way Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 1.5 (SFE-1.5) District, addressed as 2175 Arrowhead Court, and take any action necessary.

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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. Z2022-040: SUP for Guest Quarters/Secondary Living Unit and 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.

Neighboring home already has a structure very similar to the one being proposed.

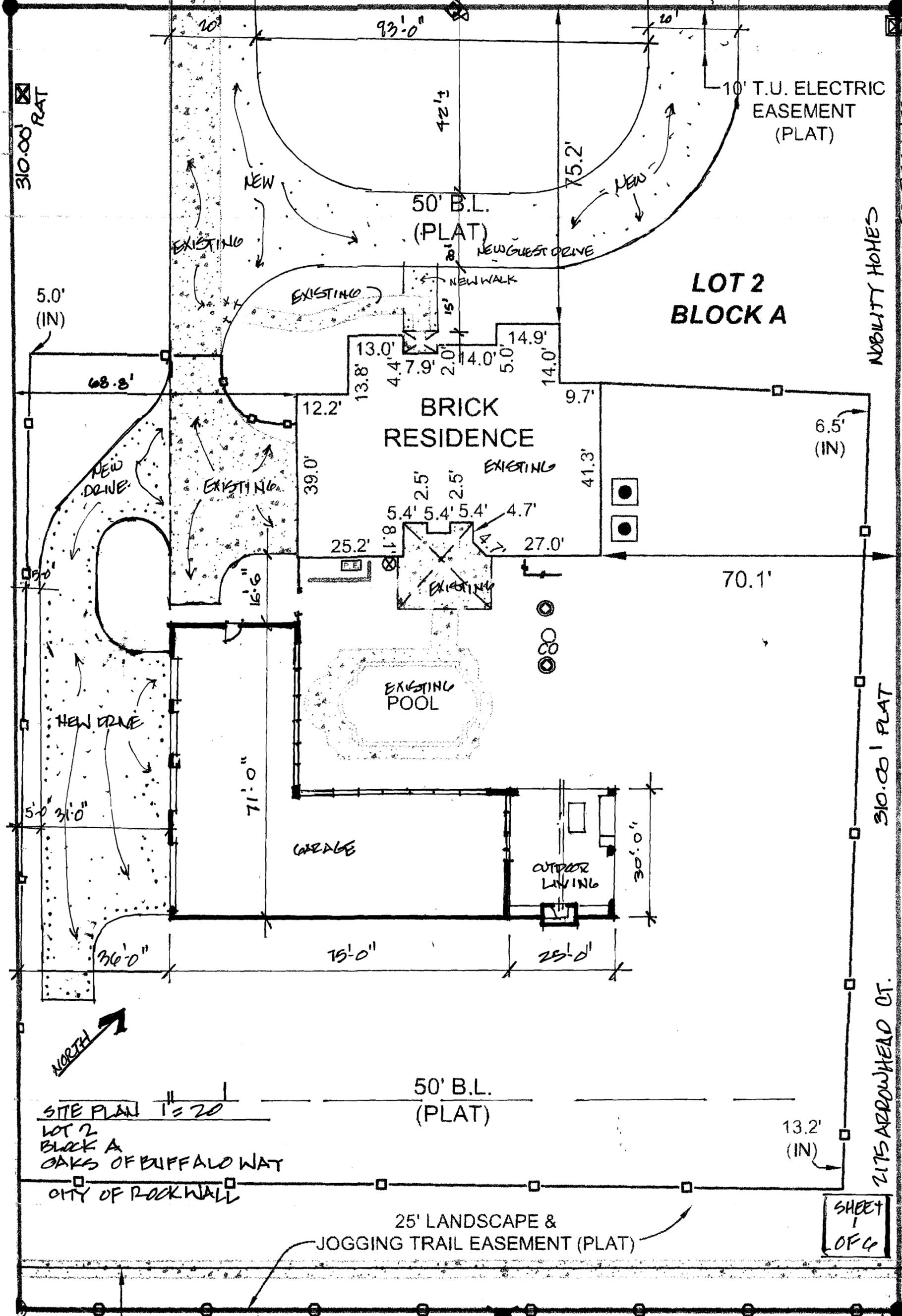
Name: Steve and Janet Rummel  
Address: 2230 Arrowhead Ct. Rockwall, TX 75032

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

2175 ARROWHEAD COURT

N 46°00'00" E 210.77' PLAT



LOT 2  
BLOCK A

BRICK  
RESIDENCE

EXISTING  
POOL

GARAGE

OUTDOOR  
LIVING

NOBILITY HOMES

MICHAEL S. MILLER DESIGNER 912-351-3372

310.00' PLAT

2175 ARROWHEAD CT.

SHEET  
1  
OF 4

12/21

210.77' PLAT

CITY OF ROCKWALL

ORDINANCE NO. 22-XX

SPECIFIC USE PERMIT NO. S-2XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *GUEST QUARTERS/SECONDARY LIVING UNIT AND DETACHED GARAGE* ON A 1.4945-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 2, BLOCK A, OAKS OF BUFFALO WAY 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 Monica Hernandez on behalf of Richard Crossley for the approval of a Specific Use Permit (SUP) for a *Guest Quarters/Secondary Living Unit and Detached Garage* to allow for the construction of an *Accessory Building* on a 1.4945-acre parcel of land being identified as Lot 2, Block A, Oaks of Buffalo Way Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 1.5 (SFE-1.5) District, addressed as 2175 Arrowhead Court, 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*] 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) for *Guest Quarters/Secondary Living Unit and Detached Garage* to allow for the construction of an *Accessory Building* 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 03.02, *Single-Family Estate 1.5 (SFE-1.5) 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 construction of a *Guest Quarters/Secondary Living Unit* and *Detached Garage* on the *Subject Property* and conformance to these operational conditions are required:

- (1) The development of the *Subject Property* shall generally conform to the Concept Plan as depicted in *Exhibit 'B'* of the Specific Use Permit (SUP) ordinance.
- (2) The construction of a *Guest Quarters/Secondary Living Unit* and *Detached Garage* on the *Subject Property* shall generally conform to the Building Elevations depicted in *Exhibit 'C'* of the Specific Use Permit (SUP) ordinance.
- (3) The *Guest Quarters/Secondary Living* and *Detached Garage* shall not exceed a maximum size of 4,230 SF.
- (4) The proposed building shall not have full kitchen facilities.
- (5) The maximum height of the *Guest Quarters/Secondary Living Unit* and *Detached Garage* shall not exceed a total height of 15-feet.
- (6) The *Guest Quarters/Secondary Living Unit* and *Detached Garage* shall not be sold or conveyed separately from the single-family home without meeting the requirements of the zoning district and subdivision ordinance.

## 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 3<sup>rd</sup> DAY OF OCTOBER, 2022.**

\_\_\_\_\_  
Kevin Fowler, *Mayor*

**ATTEST:**

\_\_\_\_\_  
Kristy Teague, *City Secretary*

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Frank J. Garza, *City Attorney*

1<sup>st</sup> Reading: September 19, 2022

2<sup>nd</sup> Reading: October 3, 2022

**Exhibit 'A'**  
*Location Map and Legal Description*

Address: 2175 Arrowhead Court

Legal Description: Lot 2, Block A, Oaks of Buffalo Way Addition



Exhibit 'B':  
Concept Plan

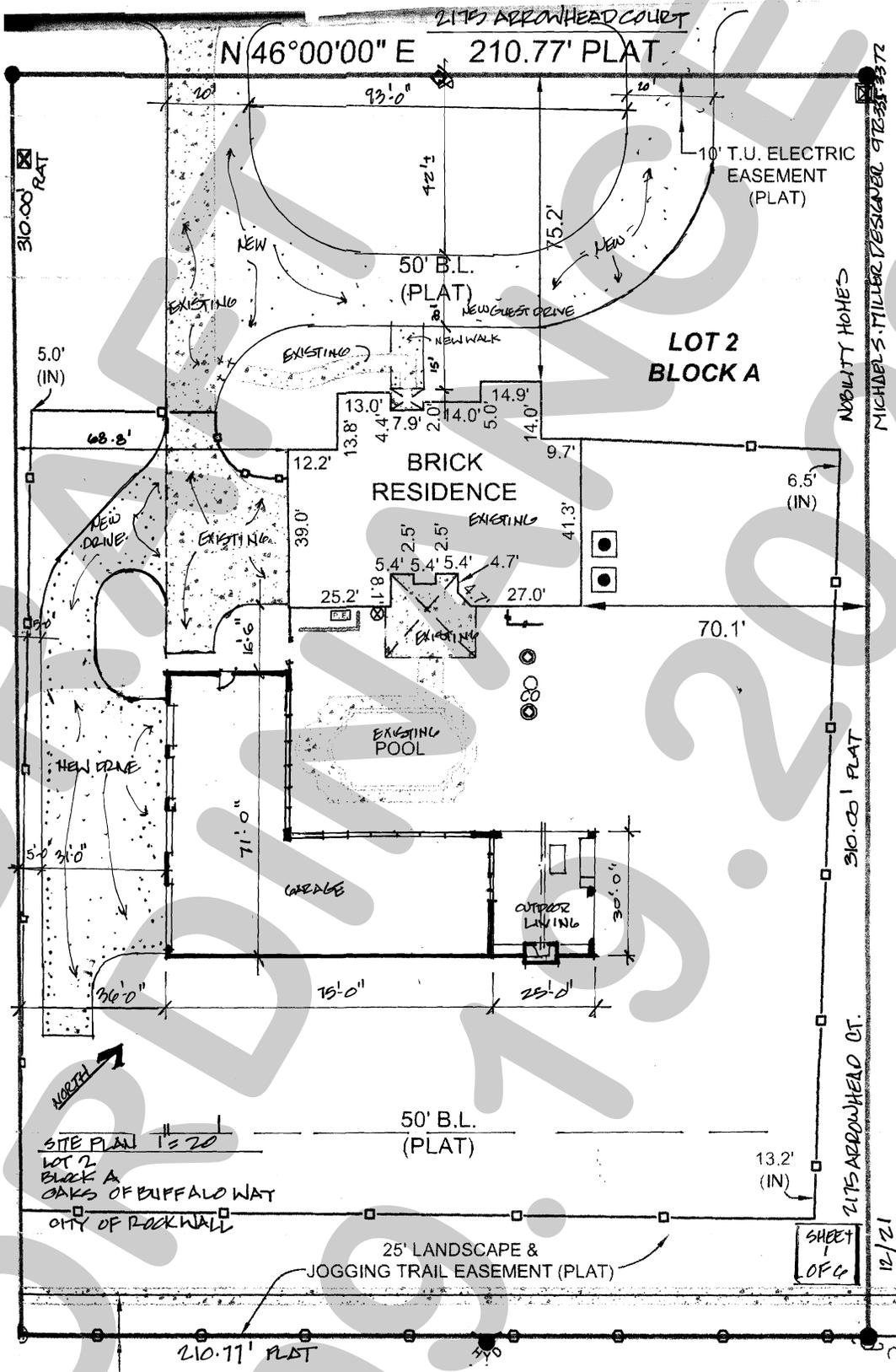
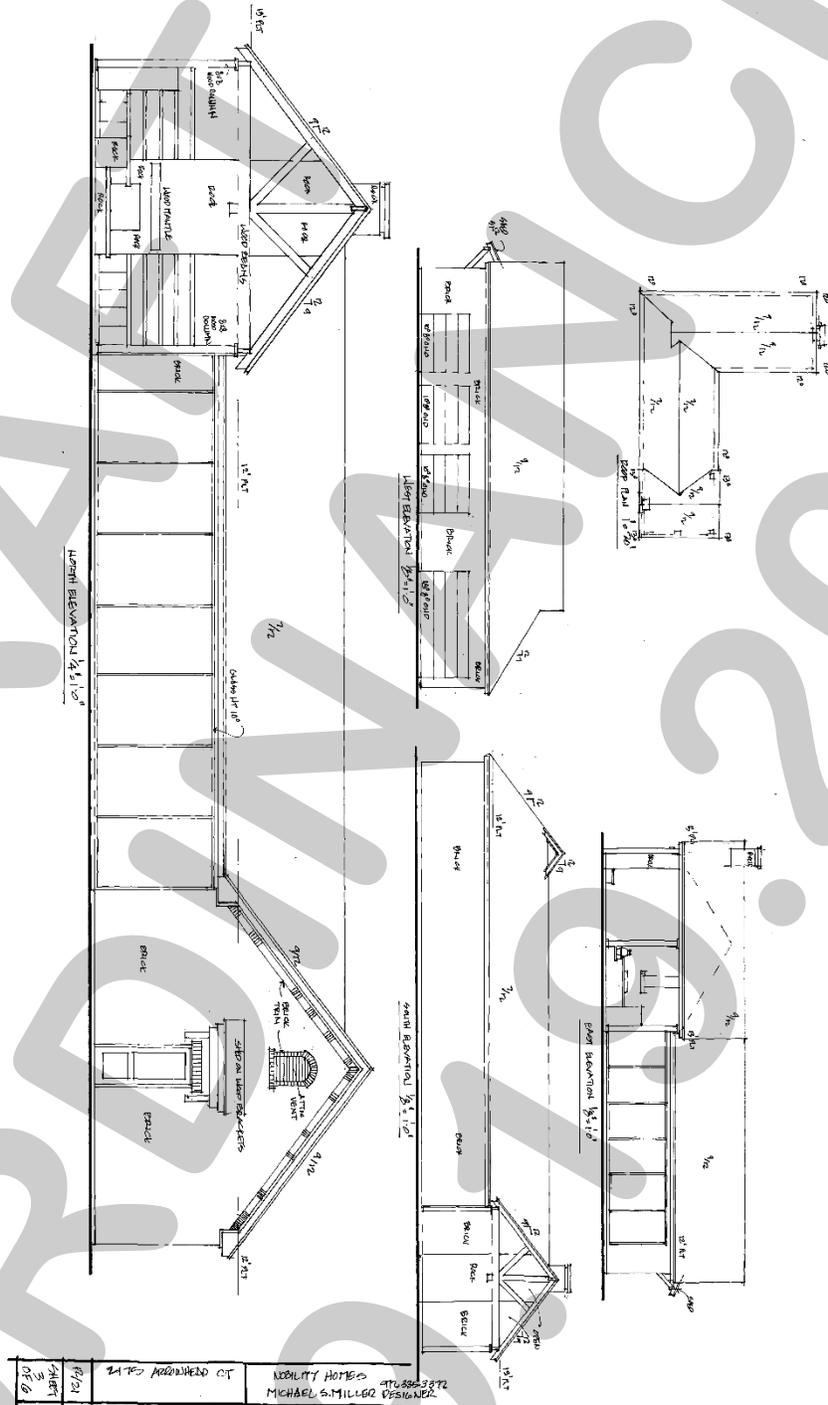


Exhibit 'C':  
 Concept Building Elevations



2175 ARROWHEAD CT  
 MOBILITY HOMES  
 MICHAEL S. MILLER DESIGNER



## MEMORANDUM

---

**TO:** Mary Smith, City Manager

**CC:** Honorable Mayor and City Council

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

**DATE:** September 19, 2022

**SUBJECT:** Z2022-041; SPECIFIC USE PERMIT (SUP) FOR A GOLF DRIVING RANGE

---

### Attachments

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

### Summary/Background Information

Hold a public hearing to discuss and consider a request by Renee Ward, PE of Weir & Associates, Inc. on behalf of Conor Keilty, AIA of Structured REA-Rockwall Land, LLC for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for a *Golf Driving Range* on an 7.955-acre tract of land being portions of a larger 18.131-acre tract of land and a 12.868-acre tract of land identified as Tract 22 & 22-2 of the R. Irvine Survey, Abstract No. 120, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, generally located near the terminus of Fit Sport Life Boulevard, 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:** September 19, 2022  
**APPLICANT:** Renee Ward, PE; *Weir & Associates*  
**CASE NUMBER:** Z2022-041; *Specific Use Permit (SUP) for a Golf Driving Range*

---

### **SUMMARY**

Hold a public hearing to discuss and consider a request by Renee Ward, PE of Weir & Associates, Inc. on behalf of Conor Keilty, AIA of Structured REA-Rockwall Land, LLC for the approval of a Specific Use Permit (SUP) for a *Golf Driving Range* on an 7.955-acre tract of land being portions of a larger 18.131-acre tract of land and a 12.868-acre tract of land identified as Tract 22 & 22-2 of the R. Irvine Survey, Abstract No. 120, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, generally located near the terminus of Fit Sport Life Boulevard, and take any action necessary.

### **BACKGROUND**

The subject property was annexed by the City Council on July 21, 1997 by *Ordinance No. 97-14 [Case No. A1997-001]*. At the time of annexation, the subject property was zoned Agricultural (AG) District. Based on the City's *Historic Zoning Maps*, at some point between annexation and April 5, 2005 the subject property was zoned Commercial (C) District. The subject property has remained vacant since annexation.

### **PURPOSE**

On July 15, 2022, the applicant -- *Renee Ward, PE of Weir & Associates* -- submitted an application requesting a Specific Use Permit (SUP) for a *Golf Driving Range* for the purpose of constructing an ~74,500 SF entertainment venue that will consist of *Commercial Indoor Amusement, Restaurants, Banquet Facility/Event Hall, and a Golf Driving Range*.

### **ADJACENT LAND USES AND ACCESS**

The subject property is located at the terminus of Fit Sport Life Boulevard. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property is: [1] a 4.4317-acre tract of land (*i.e. Tract 22-01 of the R. Irvine Survey, Abstract No. 120*), zoned Light Industrial (LI) District, and which has a *Truck/Trailer Rental facility (i.e. Big Tex Trailers)* situated on it, and [2] the remainder of a 12.868-acre tract of vacant land (*i.e. Tract 22-2 of the R. Irvine Survey, Abstract No. 120*) that is zoned Commercial (C) District. Beyond this is the eastbound *Frontage Road* for IH-30, followed by the main lanes of IH-30, and the westbound *Frontage Road* for IH-30.

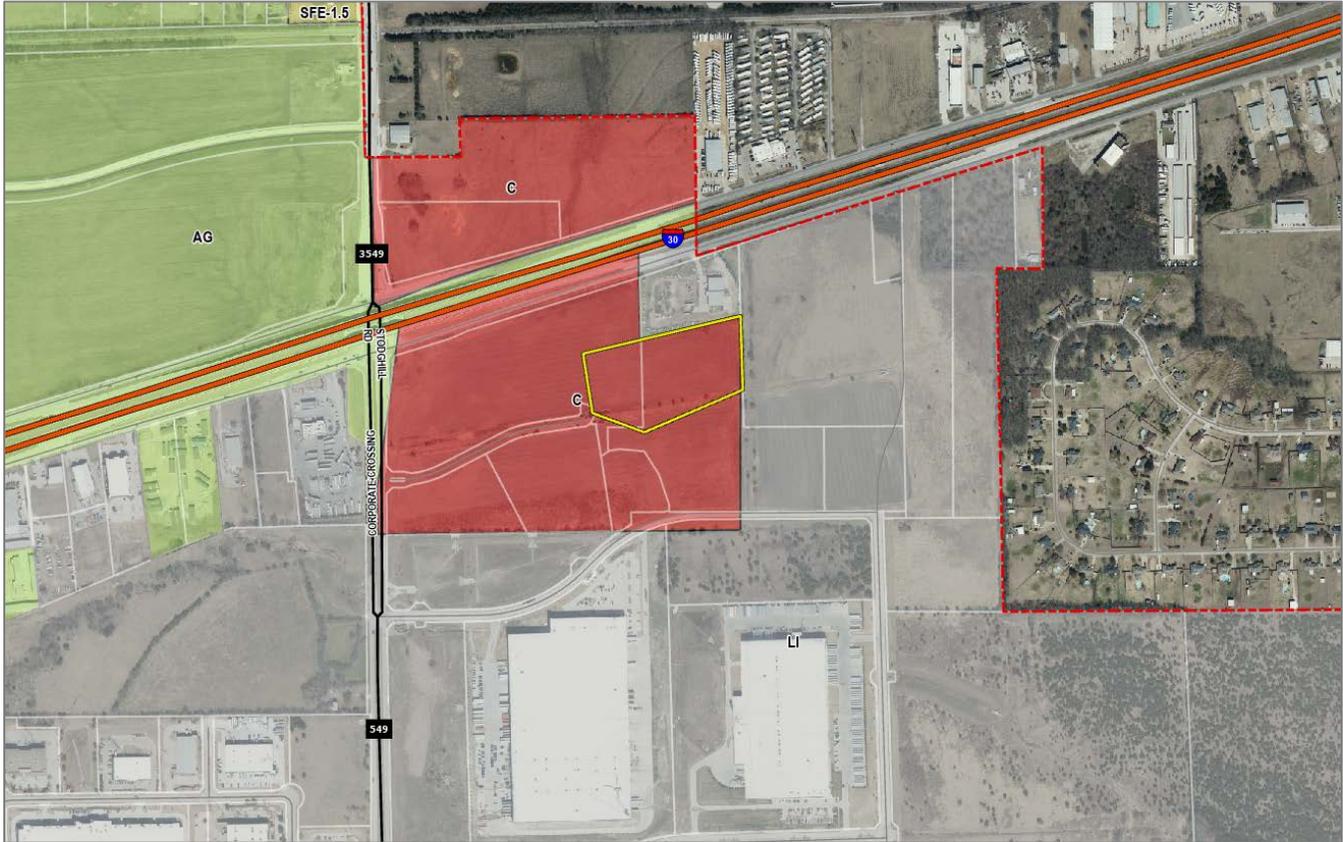
South: Directly south of the subject property is the remainder of an 18.131-acre tract of vacant land (*i.e. Tract 22 of the R. Irvine Survey, Abstract No. 120*). This property is zoned Commercial (C) District. Beyond this is Capital Boulevard, which is identified as a R2U (*i.e. residential, two [2] lane, undivided roadway*) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is a vacant 10.98-acre tract of land (*i.e. Tract 1 of the J. H. B. Jones Survey, Abstract No. 125*), situated within Phase 4 of the Rockwall Technology Park that is zoned Light Industrial (LI) District.

East: Directly east of the subject property is a 21.50-acre tract of vacant land (*i.e. Tract 24-2 of the R. Irvine Survey, Abstract No. 120*) zoned Light Industrial (LI) District. Beyond this is the right-of-way for Data Drive, which is

identified as a *Minor Collector* on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. East of this is an 11.12-acre tract of vacant land (i.e. *Tract 25 of the R. Irvine Survey, Abstract No. 120*) zoned Light Industrial (LI) District.

West: Directly west of the subject property is the remainder of a 12.868-acre tract of vacant land (i.e. *Tract 22-2 of the R. Irvine Survey, Abstract No. 120*) that is zoned Commercial (C) District. Beyond this is Corporate Crossing (i.e. *FM-549*) which is identified as a TXDOT4D (i.e. *Texas Department of Transportation, four [4] lane, roadway*) according to the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. West of this is a 6.1917-acre parcel of land (i.e. *Lot 1, Block A, Love's Addition*), zoned Light Industrial (LI) District, which is currently occupied with a *Truck Stop* (i.e. *Love's Truck Stop*).

MAP 1: LOCATION MAP  
**YELLOW:** SUBJECT PROPERTY



**CHARACTERISTICS OF THE REQUEST**

The applicant has submitted a concept plan for an entertainment venue that will consist of *Commercial Indoor Amusement, Restaurants, Banquet Facility/Event Hall, and a Golf Driving Range*. The concept plan shows that the facility will incorporate two (2) restaurants (i.e. *Culinary Wise Food Hall and the Nodding Donkey*) consisting of 15,700 SF, a bowling/arcade event space consisting of 7,400 SF, a roof top garden consisting of 2,000 SF, a kid's playground and family green space consisting of 20,000 SF, and a *Golf Driving Range* consisting of 162,500 SF

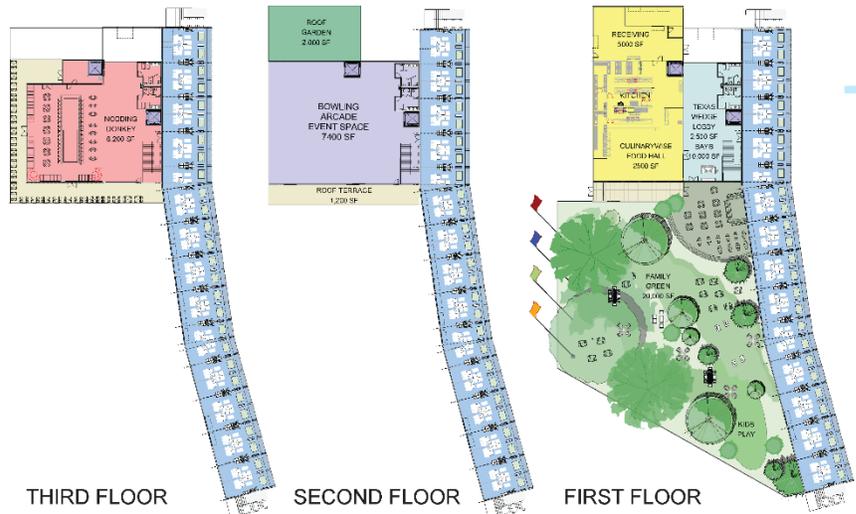
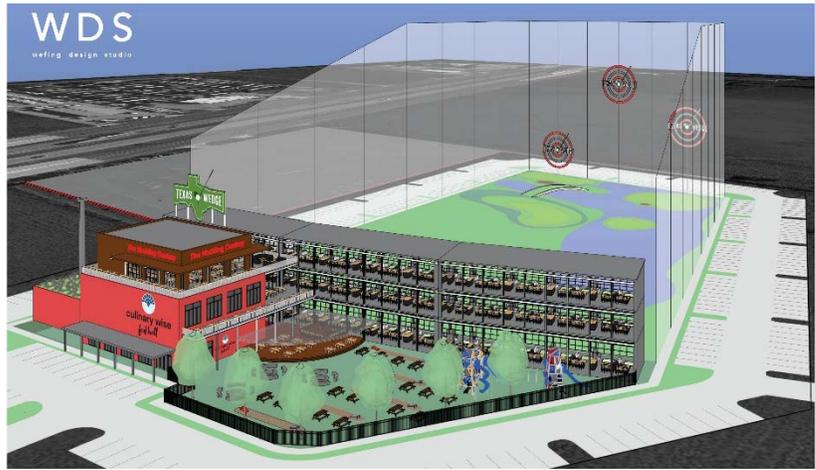


FIGURE 1: CONCEPT FLOOR PLAN FOR THE FACILITY

(i.e. 2,500 SF of enclosed driving bays and 30,000 SF of open-air driving bays, and 130,000 SF of driving range). The proposed facility will be three (3) stories in height and incorporate 430 parking spaces. In addition, the 130,000 SF of Golf Driving Range will extend 200-yards and be enclosed using nets that will be supported with poles that will be 175-feet in height.

### **CONFORMANCE WITH THE CITY'S CODES**

The subject property is zoned Commercial (C) District and is situated within the IH-30 Overlay (IH-30 OV) District. According to the *Permissible Use Charts* contained in Article 04, *Permissible Uses*, of the Unified Development Code (UDC) the *Commercial Indoor Amusement, Restaurant, and Banquet Facility/Event Hall* land uses are permitted by-right within the Commercial (C) District; however, the *Golf Driving Range* requires a Specific Use Permit (SUP) within the Commercial (C) District. The Unified Development Code (UDC) does not stipulate any *Conditional Land Use Standards* for this land use, and the purpose of the Specific Use Permit (SUP) requirement for the *Golf Driving Range* land use is to acknowledge that this land use may not be appropriate in all locations of the City. In addition to the land use standards, Article 05, *District Development Standards*, of the Unified Development Code (UDC) stipulates a maximum building height of 60-feet in the Commercial (C) District; however, the code goes on to grant the City Council the ability to increase the building height up to 240-feet through a Specific Use Permit (SUP). In this case, the proposed poles supporting the nets for the *Golf Driving Range* will be 175-feet in total height. In order to provide flexibility staff has included an operational condition in the Specific Use Permit (SUP) ordinance that the poles not exceed 200-feet in total height.



**FIGURE 2: CONCEPT BUILDING ELEVATIONS**

### **OURHOMETOWN VISION 2040 COMPREHENSIVE PLAN**

According to the *Land Use Plan* contained in the OURHometown Vision 2040 Comprehensive Plan, the subject is situated within the *IH-30 Corridor District* and is designated for *Special Commercial Corridor* land uses. This land use designation is defined as being "...intended to provide an area for commercial/retail and regional commercial/retail activity centers that are intended to support and serve the entire region." The primary land uses for this designation are listed as *Regional Shopping Centers, Entertainment, Retail, Personal Services, Restaurant, Corporate Offices, Employment* and *Recreation* land uses. In addition, the *IH-30 Corridor Plan* contained in Appendix B, *Corridor Plans*, of the OURHometown Vision 2040 Comprehensive Plan, identifies the subject property as being a *Strategically Located Property* and designated as a *Opportunity Zone* or "(a) segment of the existing corridor with vacant or strategically placed or underutilized land that could be developed or redevelopment with the highest and best use for the corridor."

### **STAFF ANALYSIS**

The location, access, surrounding land uses, and visibility of the subject property appear to be appropriate for a regional entertainment venue. Staff should point out that in other cities, land uses -- *similar to what the applicant is proposing* -- have proven to be regional destination centers (e.g. *Top Golf, Drive-Shack, etc.*). Based on this, the applicant's request does appear to conform to the types of land uses indicated for the subject property by the OURHometown Vision 2040 Comprehensive Plan. In addition, the subject property is located in an area of the City that is surrounded by commercial and industrial land uses, and does not have any residential adjacencies that would be inconsistent with the proposed land use. Taking this into consideration, the proposed additional height requested for the support poles *does not* appear to have a negative impact on any adjacent properties. With this being said, a request for a Specific Use Permit (SUP) is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission.

### **NOTIFICATIONS**

On August 23, 2022, staff mailed 12 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 (HOA's) or Neighborhood Organizations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. At the time this report was drafted, staff had not received any notices returned concerning 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 *Golf Driving Range*, 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 and operation of a *Golf Driving Range* shall generally conform to the *Concept Plan* depicted in *Exhibit 'B'* and *Concept Building Elevations* depicted in *Exhibit 'C'* of the Specific Use Permit (SUP) ordinance.
  - (b) The maximum height of the netting and support structures shall not exceed 200-feet and shall generally conform to *Exhibit 'D'* of the Specific Use Permit (SUP) ordinance.
- (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 September 13, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the *Specific Use Permit (SUP)* by a vote of 6-0, with Commissioner Welch absent.



# DEVELOPMENT APPLICATION

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

### STAFF USE ONLY

PLANNING & ZONING CASE NO. \_\_\_\_\_

**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) <sup>1</sup>
- PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) <sup>1</sup>
- FINAL PLAT (\$300.00 + \$20.00 ACRE) <sup>1</sup>
- REPLAT (\$300.00 + \$20.00 ACRE) <sup>1</sup>
- AMENDING OR MINOR PLAT (\$150.00)
- PLAT REINSTATEMENT REQUEST (\$100.00)

#### SITE PLAN APPLICATION FEES:

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

#### ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE) <sup>1</sup>
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) <sup>1 & 2</sup>
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) <sup>1</sup>

#### OTHER APPLICATION FEES:

- TREE REMOVAL (\$75.00)
- VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) <sup>2</sup>

#### NOTES:

<sup>1</sup>: 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.

<sup>2</sup>: A **\$1,000.00** FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.

### PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS **Fit Sport Life Boulevard**

SUBDIVISION **Structured REA-Rockwall Land LLC**

Inst. No. **2021000001622**

GENERAL LOCATION **350' South and 1050' East of intersection of I30 and Corporate Crossing**

### ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING **Commercial - C**

CURRENT USE **Vacant**

PROPOSED ZONING **Commercial - C with SUP**

PROPOSED USE **Restaurant & Golf**

ACREAGE **8.01 acres**

LOTS [CURRENT] **0**

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 **Structured REA-Rockwall Land LLC**

APPLICANT **Wier & Associates, Inc.**

CONTACT PERSON **Conor Keilty, AIA**

CONTACT PERSON **Renee Ward, P.E.**

ADDRESS **2801 E Camelback Road, Ste. 200**

ADDRESS **2201 E Lamar Boulevard, Ste. 200E**

CITY, STATE & ZIP **Phoenix, Arizona 85016**

CITY, STATE & ZIP **Arlington, Texas 76006**

PHONE **(480) 603-7577**

PHONE **(817) 467-7700**

E-MAIL **conork@structuredrea.com**

E-MAIL **ReneeW@wierassociates.com**

### NOTARY VERIFICATION [REQUIRED]

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

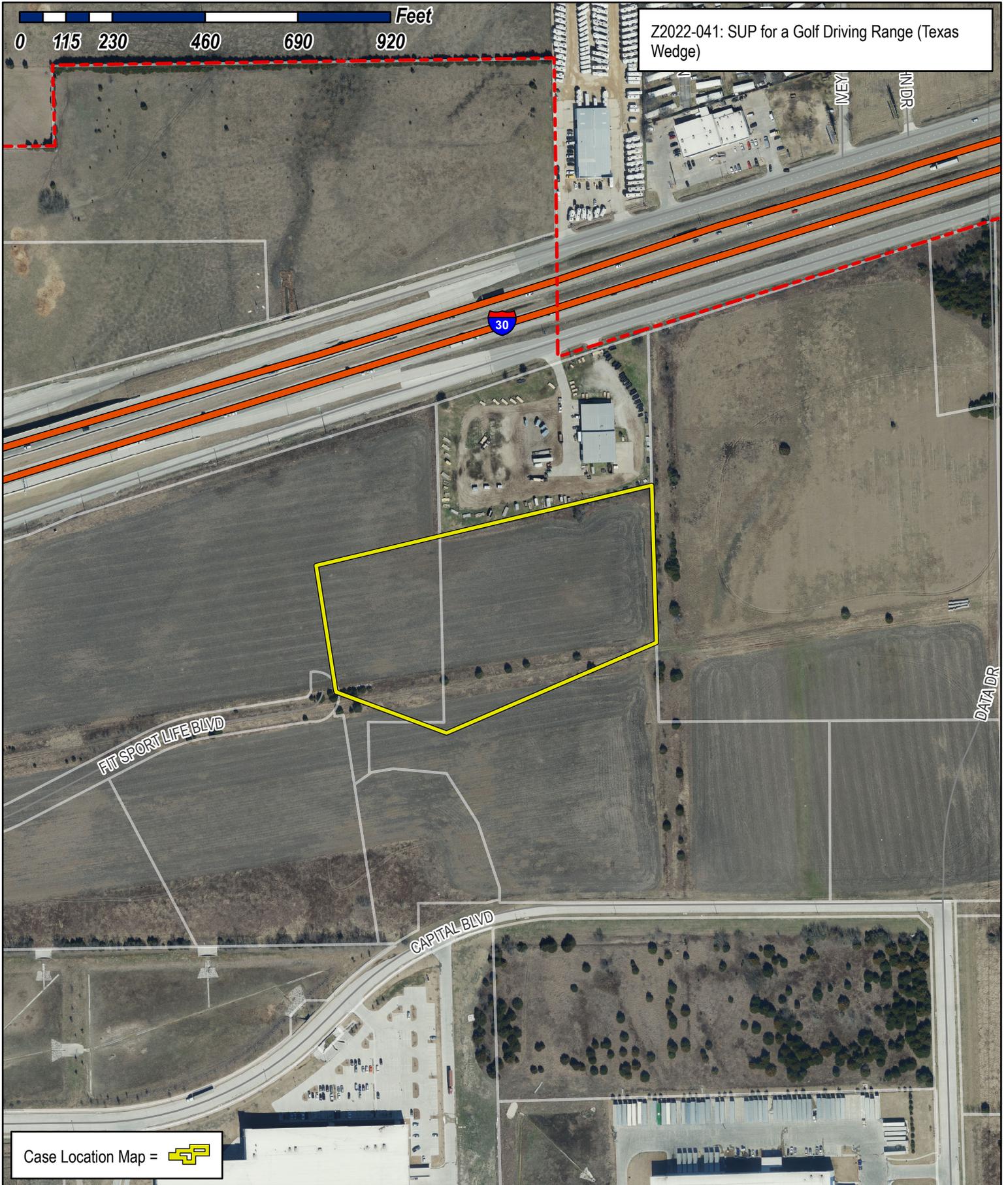
"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ \_\_\_\_\_, TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_. 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 \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

OWNER'S SIGNATURE \_\_\_\_\_

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS \_\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_



Case Location Map = 



# City of Rockwall

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

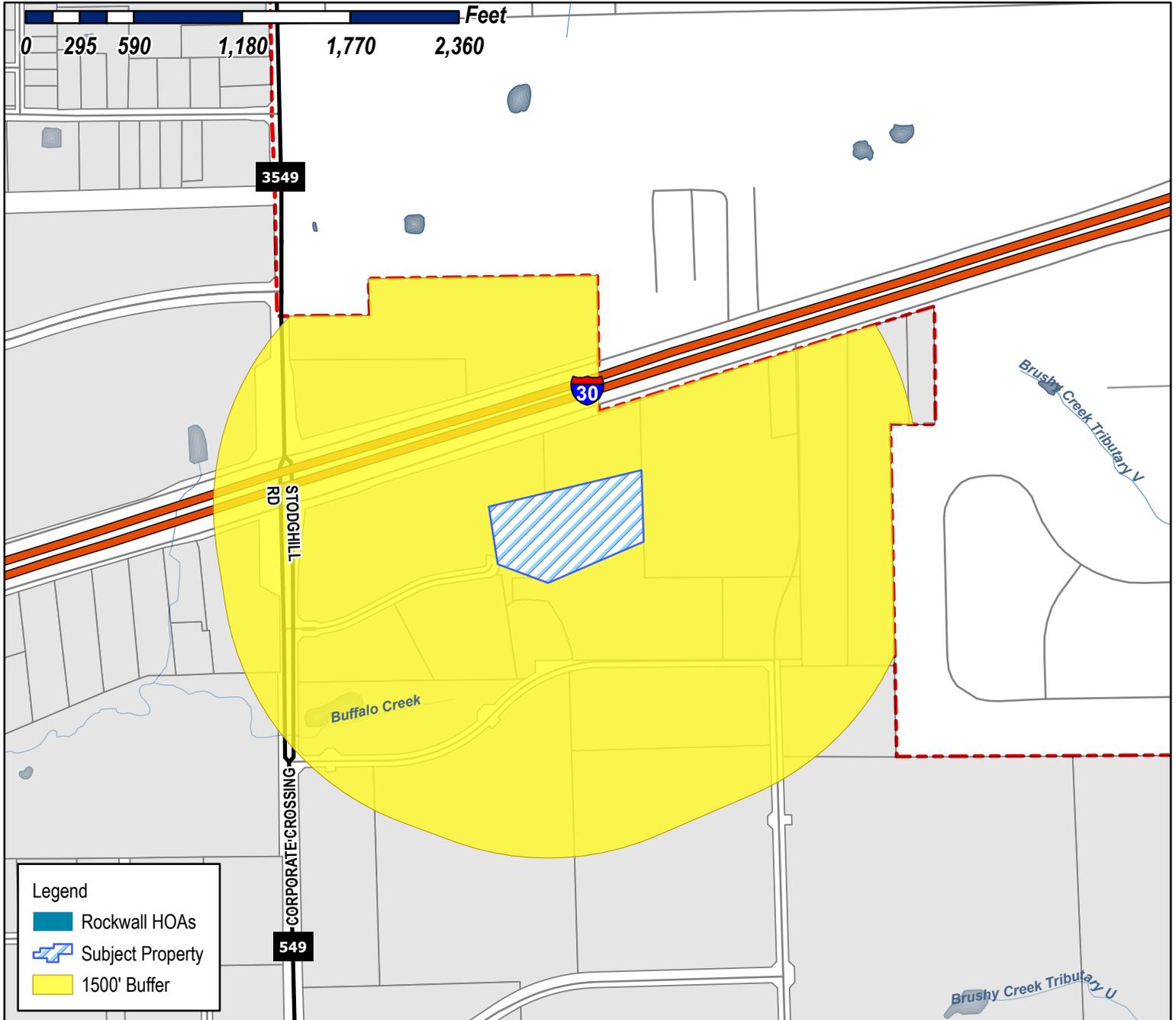




# City of Rockwall

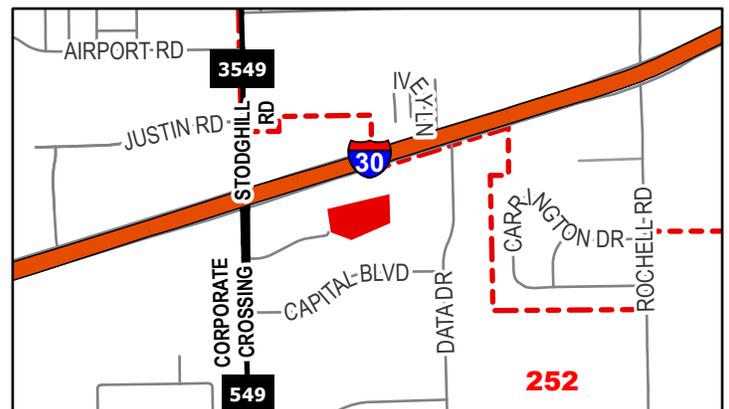
Planning & Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75087  
(P): (972) 771-7745  
(W): www.rockwall.com

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**Case Number:** Z2022-041  
**Case Name:** SUP for Golf Driving Range  
**Case Type:** Zoning  
**Zoning:** Commercial  
**Case Address:** SE of I-30 and Corporate Crossing

**Date Saved:** 8/22/2022  
 For Questions on this Case Call (972) 771-7745

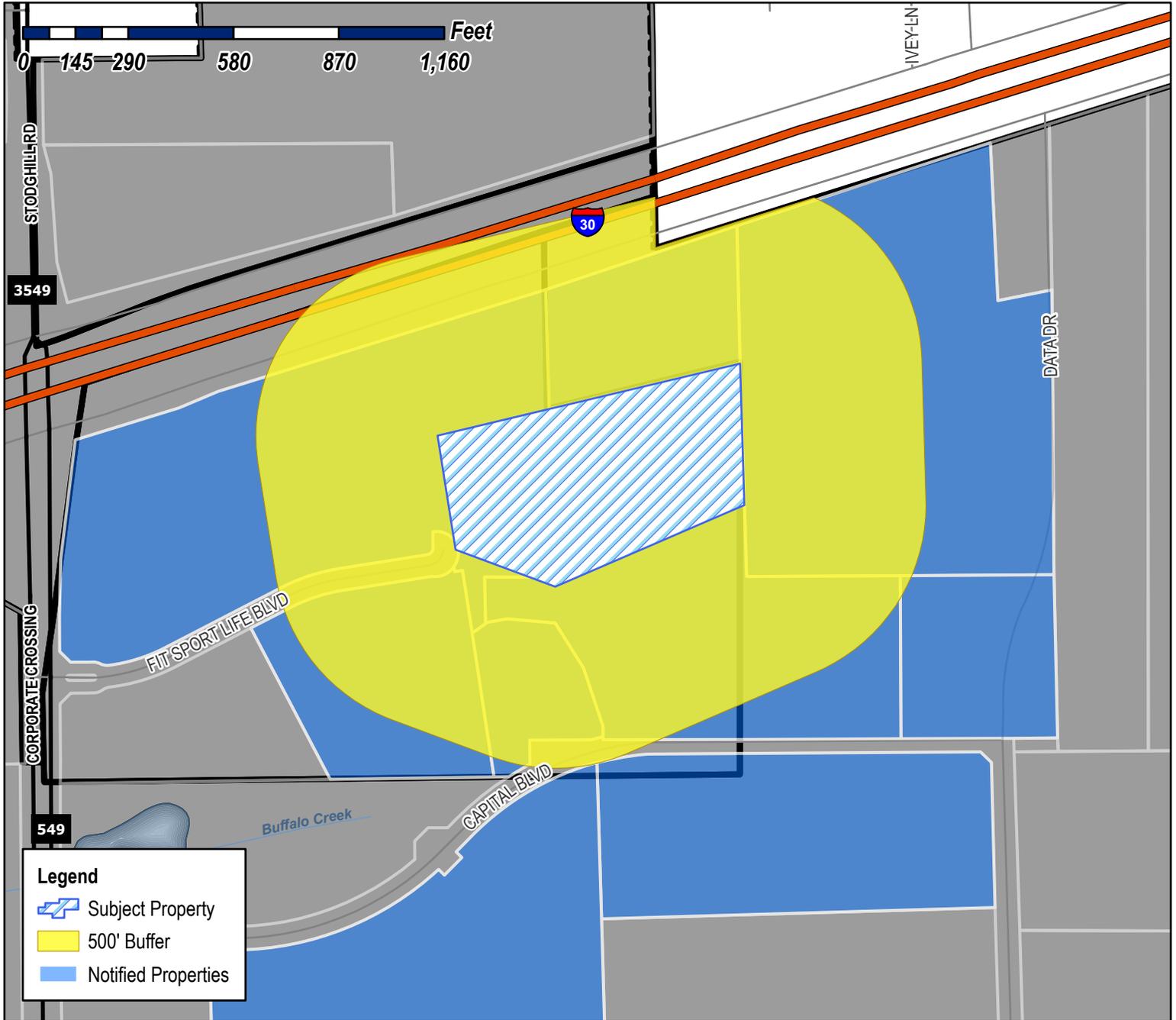




# City of Rockwall

Planning & Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75087  
(P): (972) 771-7745  
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CAPITAL BOULEVARD VENTURE LLC AND  
GLOBAL WELLS INVESTMENT GROUP LLC  
1225 W IMPERIAL HWY STE B  
BREA, CA 92821

WALLIS RUSTY FAMILY LTD PARTNERSHIP #2  
12277 SHILOH RD  
DALLAS, TX 75228

STRUCTURED REA- ROCKWALL LAND LLC  
171 N ABERDEEN STREET SUITE 400  
CHICAGO, IL 60607

STRUCTURED REA- ROCKWALL LAND LLC  
171 N ABERDEEN STREET SUITE 400  
CHICAGO, IL 60607

STRUCTURED REA- ROCKWALL LAND LLC  
171 N ABERDEEN STREET SUITE 400  
CHICAGO, IL 60607

STRUCTURED REA- ROCKWALL LAND LLC  
171 N ABERDEEN STREET SUITE 400  
CHICAGO, IL 60607

STRUCTURED REA- ROCKWALL LAND LLC  
171 N ABERDEEN STREET SUITE 400  
CHICAGO, IL 60607

OCCUPANT  
2260 E I30  
ROCKWALL, TX 75032

OCCUPANT  
3101 FIT SPORT LIFE BLVD  
ROCKWALL, TX 75032

OCCUPANT  
GLOBAL WELLS INVESTMENT GROUP LLC  
3201 CAPITAL BLVD  
ROCKWALL, TX 75032

ROCKWALL ECONOMIC DEVELOPMENT  
CORPORATION  
P O BOX 968  
ROCKWALL, TX 75087

JOWERS INC  
PO BOX 1870  
ROCKWALL, TX 75087

# PUBLIC NOTICE



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

## Z2022-041: SUP for Golf Driving Range

Hold a public hearing to discuss and consider a request by Renee Ward, PE of Weir & Associates, Inc. on behalf of Conor Keilty, AIA of Structured REA-Rockwall Land, LLC for the approval of a Specific Use Permit (SUP) for a Golf Driving Range on an 8.01-acre tract of land being a portion of a larger 18.131-acre tract of land identified as Tract 22 of the R. Irvine Survey, Abstract No. 120, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, generally located near the terminus of Fit Sport Life Boulevard, 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, September 13, 2022 at 6:00 PM, and the City Council will hold a public hearing on Monday, September 19, 2022 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:

**Ryan Miller**  
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](mailto: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, September 19, 2022 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. Z2022-041: SUP for Golf Driving Range

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.

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



**WIER & ASSOCIATES, INC.**

ENGINEERS  
SURVEYORS  
LAND PLANNERS

PRINCIPALS  
JOHN R. WIER, P.E., R.P.L.S.  
ULYS LANE III, P.E., R.P.L.S., CFM  
CARLO SILVESTRI, P.E.  
GREGG MADSEN, R.P.L.S.  
RANDALL S. EARDLEY, P.E.

SENIOR ASSOCIATES  
PHILIP L. GRAHAM, P.E.  
PRIYA ACHARYA, P.E.

ASSOCIATES  
TOBY W. RODGERS  
CASEY D. YORK

August 19, 2022

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

**Re: Texas Wedge at the SEC of I-30 & Corporate Crossing  
Special Use Permit Request**

Dear Planning Department,

We are requesting the following zoning changes with a SUP for the proposed Texas Wedge, 20,000 Green Space, The Nodding Donkey, and Culinary Wise Food Hall at the southeast corner of Interstate 30 and Corporate Crossing:

**Golf Driving Range**

Article 04 Section 01 of the Unified Development Code (UDC) requires a SUP for a golf driving range in the commercial zoning district.

The development plan for the proposed Texas Wedge includes a golf driving range.

We request a SUP to allow a golf driving range in the commercial zoning district.

**Netting around Golf Driving Range**

The development plan for the Texas Wedge golf driving range has proposed a 175 foot tall netting around the perimeter of the range.

We request a SUP to provide netting around the perimeter of the golf driving range.

We appreciate your acceptance of our Special Use Permit submittal and request your recommendation to the Planning and Zoning Commission and City Council for the approval of this SUP. If you have any questions or comments, please feel free to contact me at 817-467-7700 or ReneeW@WierAssociates.com.

Truly yours,

Renee Ward, PE  
Wier & Associates, Inc.  
Texas Firm Registration No. F-2776



INTERSTATE - 30

CAPITAL BLVD

FIT SPORT LIFE BLVD NORTH

FIT SPORT LIFE BLVD

69



**OVERALL 56 ACRES OF LAND**

**TEXAS WEDGE FACILITY**

**8 ACRES**

**430 PARKING SPACES**

**FitSport Life Building**  
Under Construction

**GRAND OPENING APRIL 2023**

Occupants		
	Cheer	200
	Volleyball	1235
	Basketball	1155
	Total Athletes	2590
	Assume 4 people/family	x 4
Total Using Bldg Yearly for Four Seasons		10,360

POTENTIAL SPORTS EXPANSION

FUTURE LIGHT INDUSTRIAL





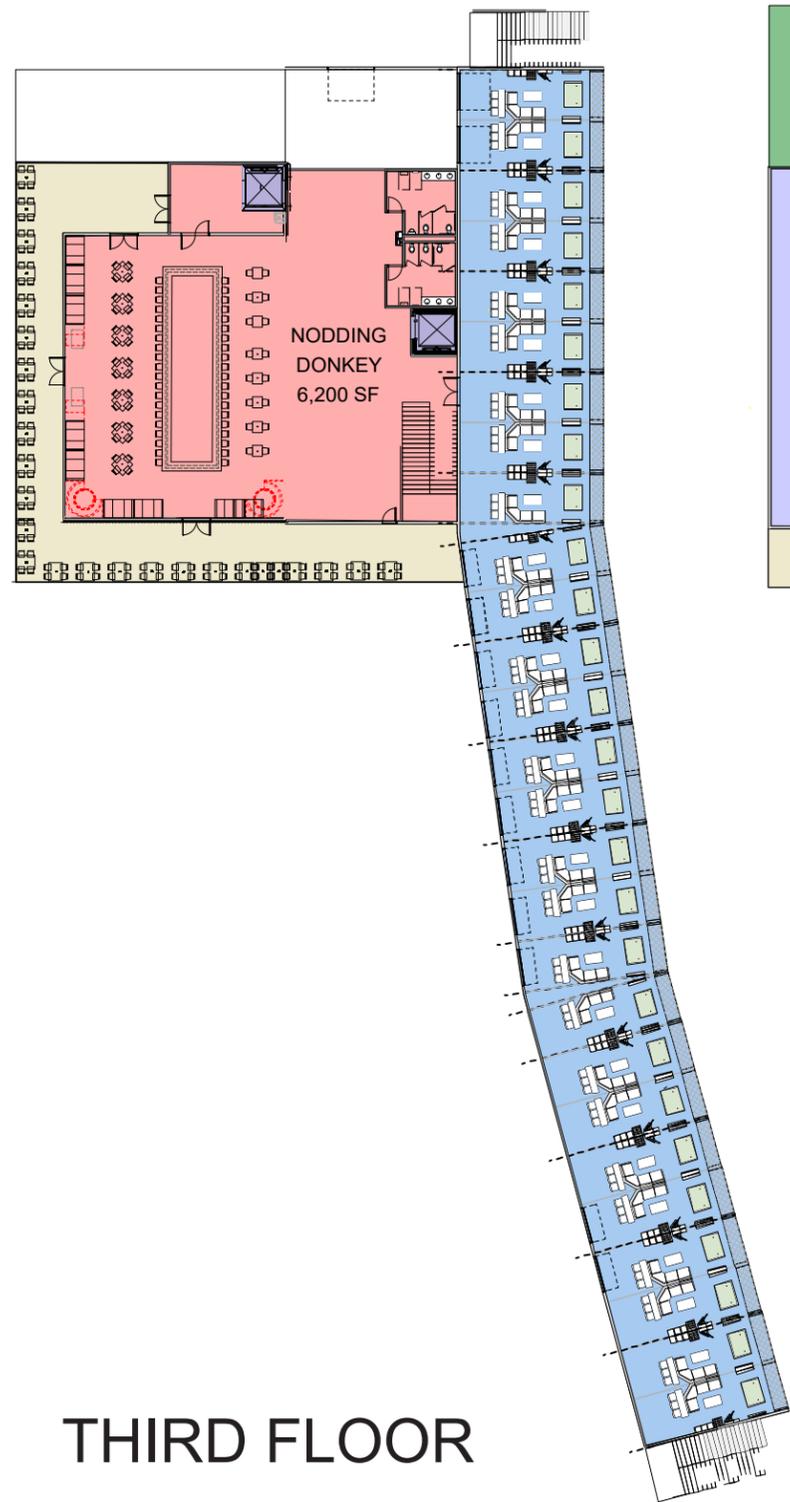
**20,000 Green Space**

Central secure green space for families to gather. Outdoor entertainment and shaded trees provide a safe and relaxing environment for family gathering. Canopy covered raised bar for live music.

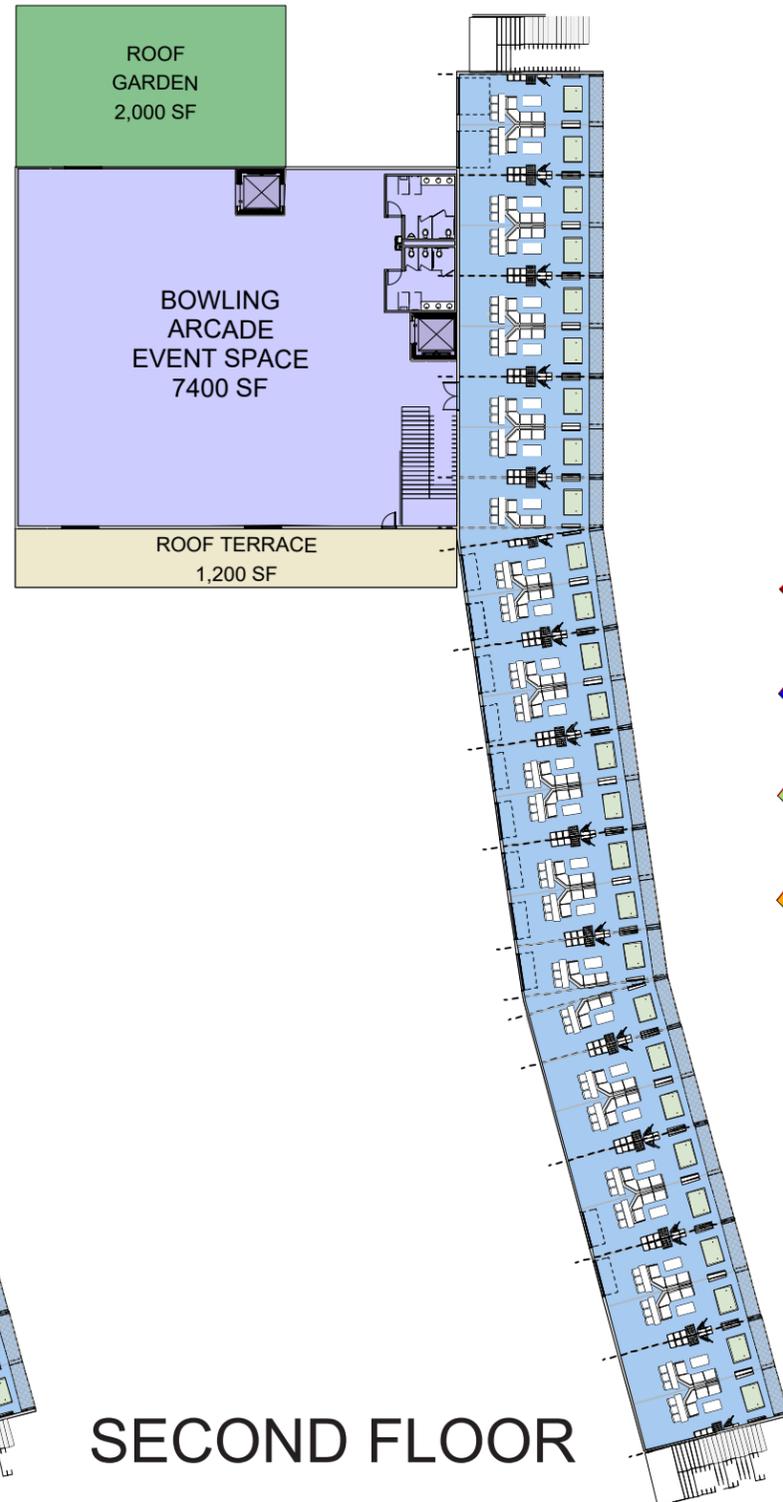
**Texas Wedge**

Texas Wedge has been designed to be an unforgettable experience for golf enthusiasts, amateurs, and families alike, focused on five-star guest service, the latest interactive golf technology and professional quality golf equipment. In each of the 81 bays, guests will swing Cleveland Wedges and drive Srixon golf balls as they play their choice of 200 of the most famous golf courses from around the world, thanks to Track Master technology. In the driving range area, guests will have access to 3-5 signature holes from some of the most well-known PGA courses.

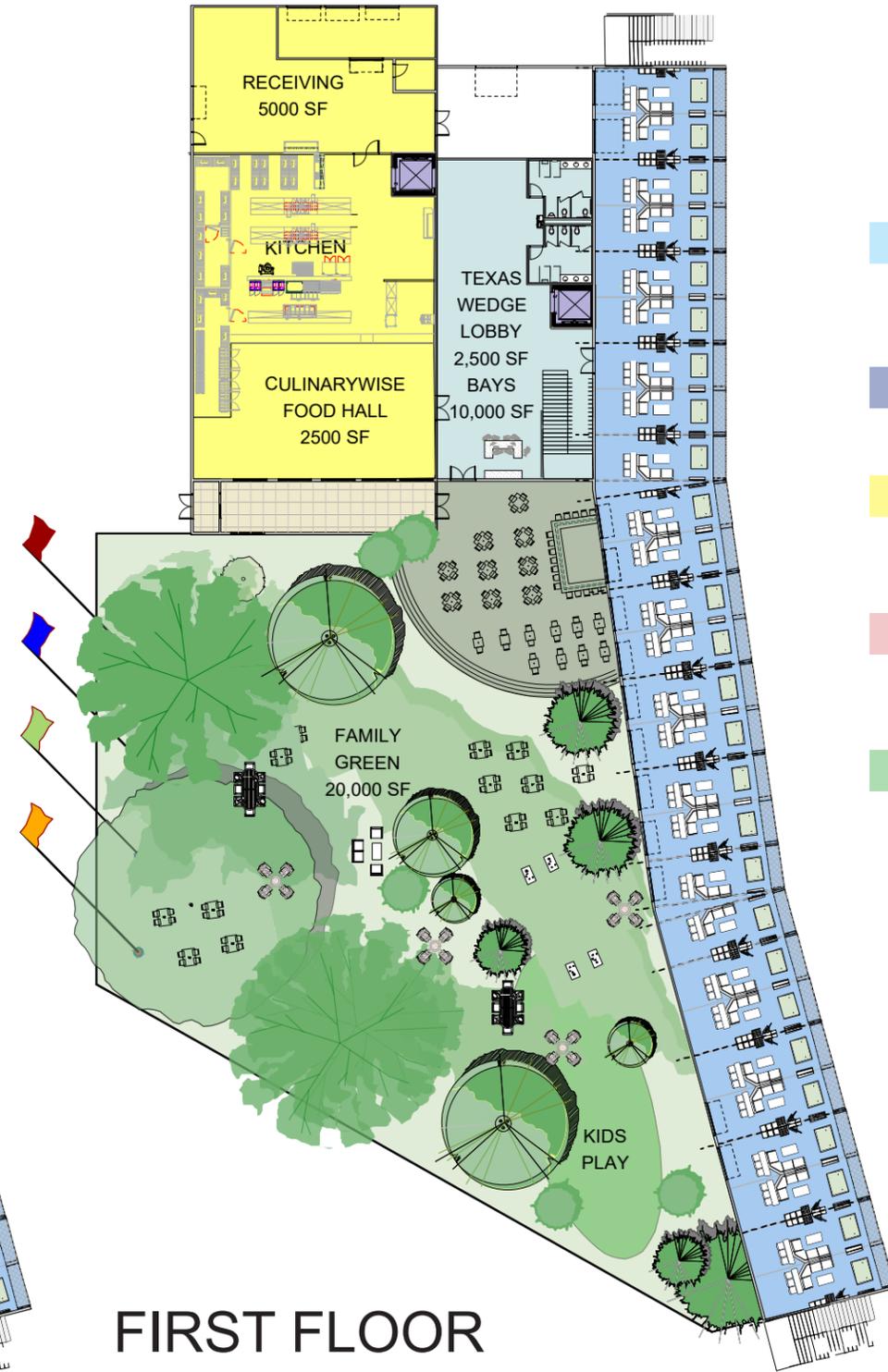
A true entertainment destination for families and adults alike, the fun doesn't stop at golf! The second floor of Texas Wedge will be home to 12 lanes of bowling, a full arcade and five party rooms, perfect for birthday parties, corporate events and more. Go up one more level and you'll find yourself in The Nodding Donkey Sports Saloon, a full-service bar and kitchen with two private rooms (The Bourbon Room & The Bubbly Room) exclusively for adults. Each room will have private bathrooms, a bar, a balcony and two golf bays. Texas Wedge has truly been designed to be the premiere entertainment destination for families and adults alike in beautiful Rockwall, TX.



THIRD FLOOR



SECOND FLOOR



FIRST FLOOR

- TEXAS WEDGE**  
2,500 SF ENCLOSED  
30,000 SF OPEN AIR
- BOWLING/ARCADE**  
7,400 SF ENCLOSED
- CULINARY WISE**  
2500 SF MARKET  
5000 SF SERVICE
- NODDING DONKEY**  
6,200 SF ENCLOSED  
2,000 SF OPEN AIR
- FAMILY GREEN**  
20,000 SF OPEN AIR
- TOTAL**  
22,500 SF ENCLOSED  
52,000 SF OPEN AIR



**Texas Wedge**

Texas Wedge has been designed to be an unforgettable experience for golf enthusiasts, amateurs, and families alike, focused on five-star guest service, the latest interactive golf technology and professional quality golf equipment. In each of the 81 bays, guests will swing Cleveland Wedges and drive Srixon golf balls as they play their choice of 200 of the most famous golf courses from around the world, thanks to Track Master technology. In the driving range area, guests will have access to 3-5 signature holes from some of the most well-known PGA courses.

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**20,000 Green Space**

Central secure green space for families to gather. Outdoor entertainment and shaded trees provide a safe and relaxing environment for family gathering. Canopy covered raised bar for live music.

**Culinary Wise Food Hall**

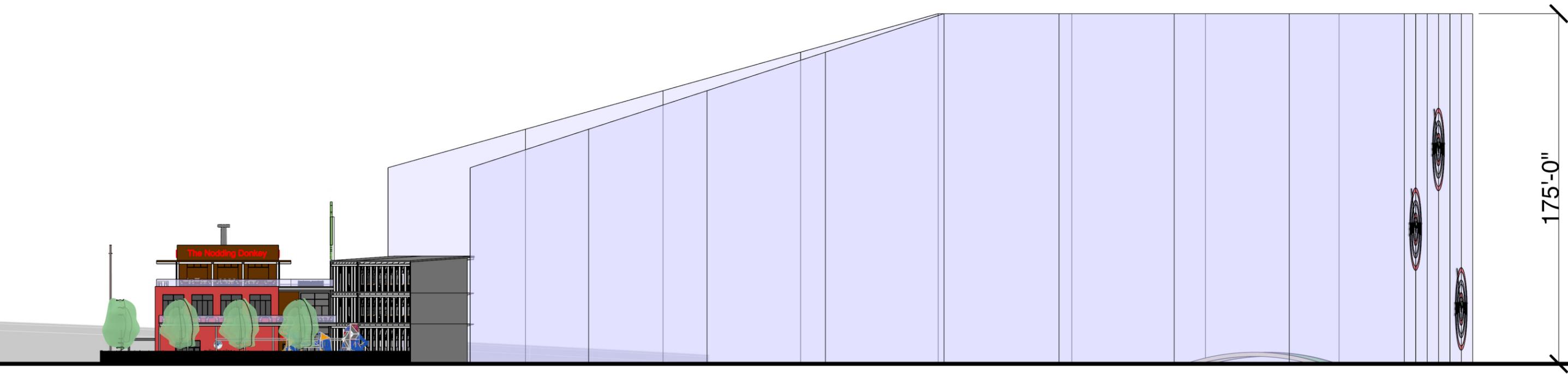


As the parent company of our restaurants, Culinary Wise unites our concepts as one brand. The Culinary Wise Food Hall is a literal physical representation of that unity, with four of our most popular restaurant concepts under one roof, as well as a few offerings that have been served through our catering business for over 20 years. As the sole owner and operator of the food hall, unlike other food halls which rent space to individual restaurant owners, we'll have full oversight of the quality and consistency in both our offerings and our service. The food hall will have 2,500 sq ft of kitchen and eatery space with 120 indoor seats and an indoor/outdoor bar that seats 12 on both sides. There will also be 80 seats outside along with a covered & gated playground for children aged 2-12 years.



**The Nodding Donkey - Texas Sports Saloon, Scratch Kitchen**

Opened in 2010, The Nodding Donkey quickly became the go to sports saloon in Uptown Dallas. Our menu offerings for the Texas Wedge outpost of The Nodding Donkey will be a hybrid of the restaurant's tex-mex and game day favorites, along with bistro items including steaks, pork chops & pasta from sister restaurant State & Allen. Located on the third floor of Texas Wedge as part of the 15,000 sq. foot open air design, The Nodding Donkey will have ample seating with 300+ seats inside, 200+ outside and 60 at the rectangular bar. With 60 tv's and a live concert venue sharing the 15,000 sq ft space, there will always be something to enjoy at The Nodding Donkey! Rockwall residents looking for a place to plan an event will also love our 5,000 sq ft private event hall overlooking the stage and outdoor bar. This larger space can also be rearranged into four 1,250 sq ft spaces to accommodate smaller parties.



NETTING HEIGHT

CITY OF ROCKWALL

ORDINANCE NO. 22-XX

SPECIFIC USE PERMIT NO. S-XXX

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, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A *GOLF DRIVING RANGE* ON A 7.955-ACRE TRACT OF LAND BEING A PORTION OF A LARGER 18.13-ACRE TRACT OF LAND AND A 12.868-ACRE TRACT OF LAND IDENTIFIED AS TRACT 22 & 22-2 OF THE R. IRVINE SURVEY, ABSTRACT NO 120, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR 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**, a request has been made by Renee Ward, PE of Weir & Associates on behalf of Conor Keilty, AIA of Structured REA-Rockwall Land, LLC for the approval of a Specific Use Permit (SUP) for a *Golf Driving Range* on a 7.955-acre parcel of land, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, being identified as a portion of a larger 18.13-acre tract of land and a 12.868-acre tract of land further identified as Tract 22 & 22-2 of the R. Irvine Survey, Abstract No. 120, City of Rockwall, Rockwall County, Texas, generally located near the terminus of Fit Sport Life Boulevard, and being more specifically 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 [*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 [*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 for the establishment of a *Golf Driving Range* as stipulated by Article 04, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 20-02*] on the *Subject Property*, and

**SECTION 2.** That the *Subject Property* shall be used and developed only in the manner and for the purposes described in this Specific Use Permit (SUP) ordinance and as specifically set forth in Subsection 01.01, *Land Use Schedule*, of Article 04, *Permissible Uses*, and Subsection 04.01, *General Commercial District Standards*; Subsection 04.05, *Commercial (C) District*; and Subsection 06.02, *General Overlay District Standards*, of Article 05, *District Development*

*Standards*, of the Unified Development Code [Ordinance No. 20-02] of the City of Rockwall -- 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 *Golf Driving Range* on the *Subject Property* and conformance to these requirements is necessary for continued operations:

- 1) The development and operation of a *Golf Driving Range* shall generally conform to the *Concept Plan* depicted in *Exhibit 'B'* and *Concept Building Elevations* depicted in *Exhibit 'C'* of this ordinance.
- 2) The maximum height of the netting and support structures shall not exceed 200-feet and shall generally conform to *Exhibit 'D'* of this ordinance.

## **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 Review 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 3<sup>RD</sup> DAY OF OCTOBER, 2022.**

Kevin Fowler, *Mayor*

**ATTEST:**

\_\_\_\_\_  
Kristy Teague, *City Secretary*

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Frank J. Garza, *City Attorney*

1<sup>st</sup> Reading: September 19, 2022

2<sup>nd</sup> Reading: October 3, 2022

DRAFT  
ORDINANCE  
09.19.2022

BEING A TRACT OF LAND LOCATED IN THE ROBERT BOYD IRVINE SURVEY, ABSTRACT NO. 120, ROCKWALL COUNTY, TEXAS, BEING A PORTION OF A TRACT OF LAND DESCRIBED IN A DEED TO STRUCTURED REA-ROCKWALL LAND, LLC, RECORDED IN INSTRUMENT NO. 20210000001622, OFFICIAL PUBLIC RECORDS, ROCKWALL COUNTY, TEXAS (O.P.R.C.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND, SAID IRON ROD BEING A NORTHEAST CORNER OF SAID STRUCTURED TRACT, THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN A DEED TO JOWERS, INC., RECORDED IN VOLUME 1215, PAGE 155, DEED RECORDS, ROCKWALL COUNTY, TEXAS (D.R.R.C.T.), AND IN THE WEST LINE OF A TRACT OF LAND DESCRIBED IN A DEED TO RUSTY WAWS FAMILY LIMITED, PARTNERSHIP #2. RECORDED IN VOLUME 4014, PAGE 173, D.R.R.C.T., FROM WHICH A 5/8" IRON ROD FOUND WITH A PINK CAP STAMPED "TXDOT" BEARS N 01'41'51" W, 384.88 FEET, SAID IRON ROD BEING THE NORTHEAST CORNER OF SAID JOWERS TRACT AND THE NORTHWEST CORNER OF SAID RUSTY WALLIS TRACT;

THENCE S 01'41'51" E, ALONG AN EAST LINE OF SAID STRUCTURED TRACT AND THE WEST LINE OF SAID RUSTY WAWS TRACT, 390.33 FEET TO A POINT;

THENCE S 66'40'31" W, DEPARTING AN EAST LINE OF SAID STRUCTURED TRACT AND THE WEST LINE OF SAID RUSTY WAWS TRACT, 554.53 FEET TO A POINT;

THENCE N 69'37'39" W, A DISTANCE OF 307.50 FEET TO A POINT, BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;

THENCE NORTHWESTERLY, AN ARC LENGTH OF 3.78 FEET ALONG SAID NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 20.00 FEET, A DELTA ANGLE OF 10'50'27", AND A CHORD BEARING OF N 14'22'25" W, 3.78 FEET TO A POINT;

THENCE N 08'57'11" W, A DISTANCE OF 303.51 FEET TO A POINT, FROM WHICH A 5/8" IRON ROD FOUND WITH A PINK CAP STAMPED "TXDOT" BEARS S 89'22'04" W, 996.58 FEET, SAID IRON ROD BEING THE NORTHWEST CORNER OF SAID STRUCTURED TRACT AND BEING THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF CORPORATE CROSSING (VARIABLE WIDTH RIGHT-OF-WAY) WITH THE SOUTH RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 30 (VARIABLE WIDTH RIGHT-OF-WAY):

THENCE N 76'34'05" E, AT A DISTANCE OF 316.84 FEET PASSING THE SOUTHWEST CORNER OF SAID JOWERS TRACT, AND CONTINUING ALONG THE SOUTH LINE OF SAID JOWERS TRACT AND A NORTH LINE OF SAID STRUCTURED TRACT A TOTAL DISTANCE OF 857.54 FEET TO THE PLACE OF BEGINNING AND CONTAINING 7.955 ACRES (346,532 SQUARE FEET) OF LAND, MORE OR LESS.



**20,000 Green Space**

Central secure green space for families to gather. Outdoor entertainment and shaded trees provide a safe and relaxing environment for family gathering. Canopy covered raised bar for live music.

**Texas Wedge**

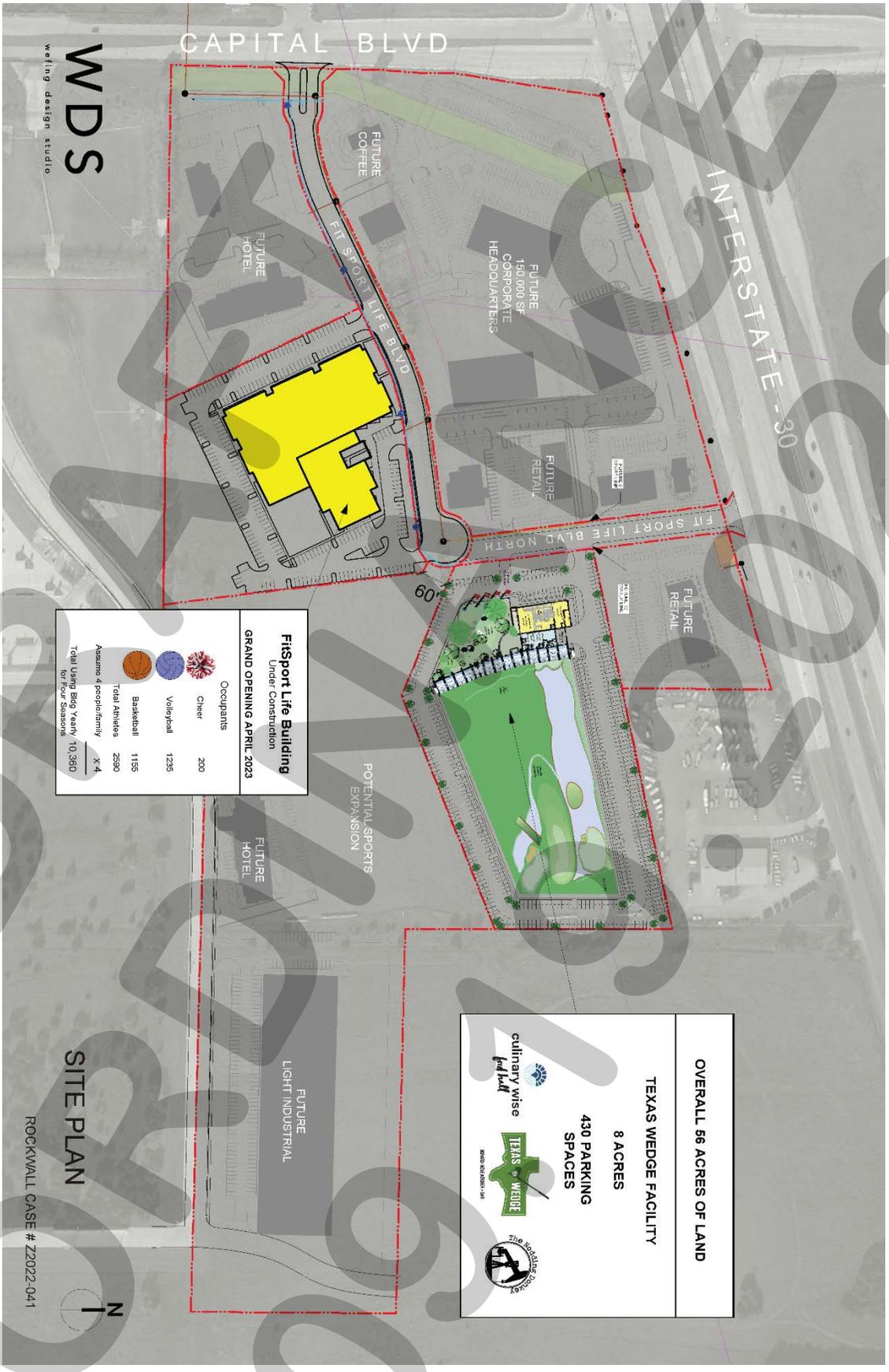
Texas Wedge has been designed to be an unforgettable experience for golf enthusiasts, amateurs, and families alike, focused on five-star guest service, the latest interactive golf technology and professional quality golf equipment. In each of the 81 boys' guest will swing Cleveland Wedges and drive Srixon golf balls as they play their choice of 200 of the most famous golf courses from around the world, thanks to Track Master technology. In the driving range area, guests will have access to 3-5 signature holes from some of the most well-known PGA courses.

A true entertainment destination for families and adults alike, the fun doesn't stop at golf. The second floor of Texas Wedge will be home to 12 lanes of bowling, a full arcade and five party rooms, perfect for birthday parties, corporate events and more. Go up one more level and you'll find yourself in The Nodding Donkey Sports Saloon, a full-service bar and kitchen with two private rooms (The Bourbon Room & The Bubblly Room) exclusively for adults. Each room will have private bathrooms, a bar, a balcony and two golf bays. Texas Wedge has truly been designed to be the premiere entertainment destination for families and adults alike in beautiful Rockwall, TX.

**WDS**

waving design studio

ROCKWALL CASE # Z2022-041



**WDS**  
welling design studio

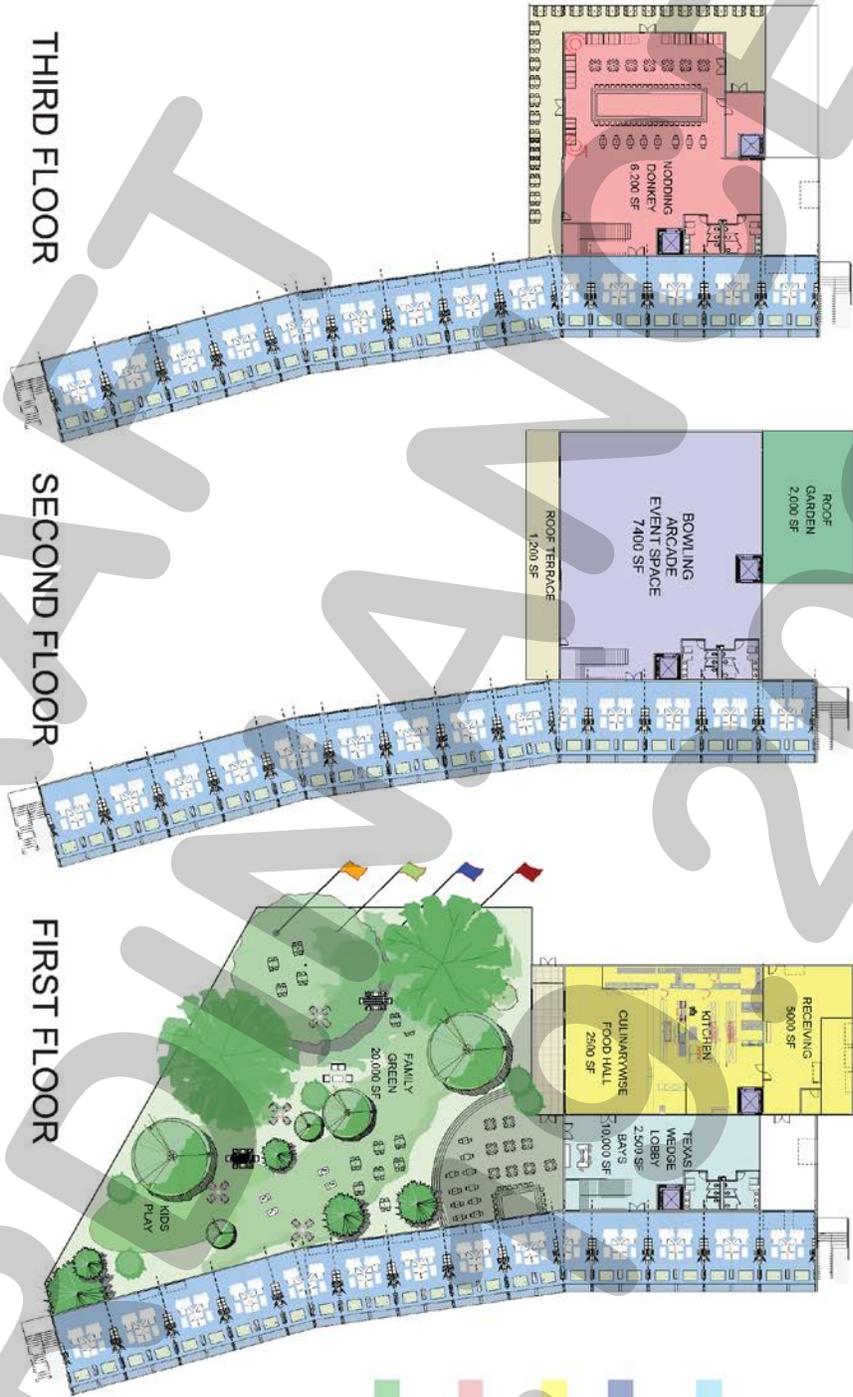
**Fisport Life Building**  
Under Construction  
GRAND OPENING APRIL 2023

Occupants	
	Cheer 200
	Volleyball 1225
	Basketball 1155
	Total Athletes 2590
	Assume 4 people/family
	Total Using Bldg Yearly 10,360 for four seasons

<p><b>OVERALL 56 ACRES OF LAND</b></p> <p><b>TEXAS WEDGE FACILITY</b></p> <p><b>8 ACRES</b></p> <p><b>430 PARKING SPACES</b></p>	
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**SITE PLAN**  
ROCKWALL CASE # Z2022-041





THIRD FLOOR

SECOND FLOOR

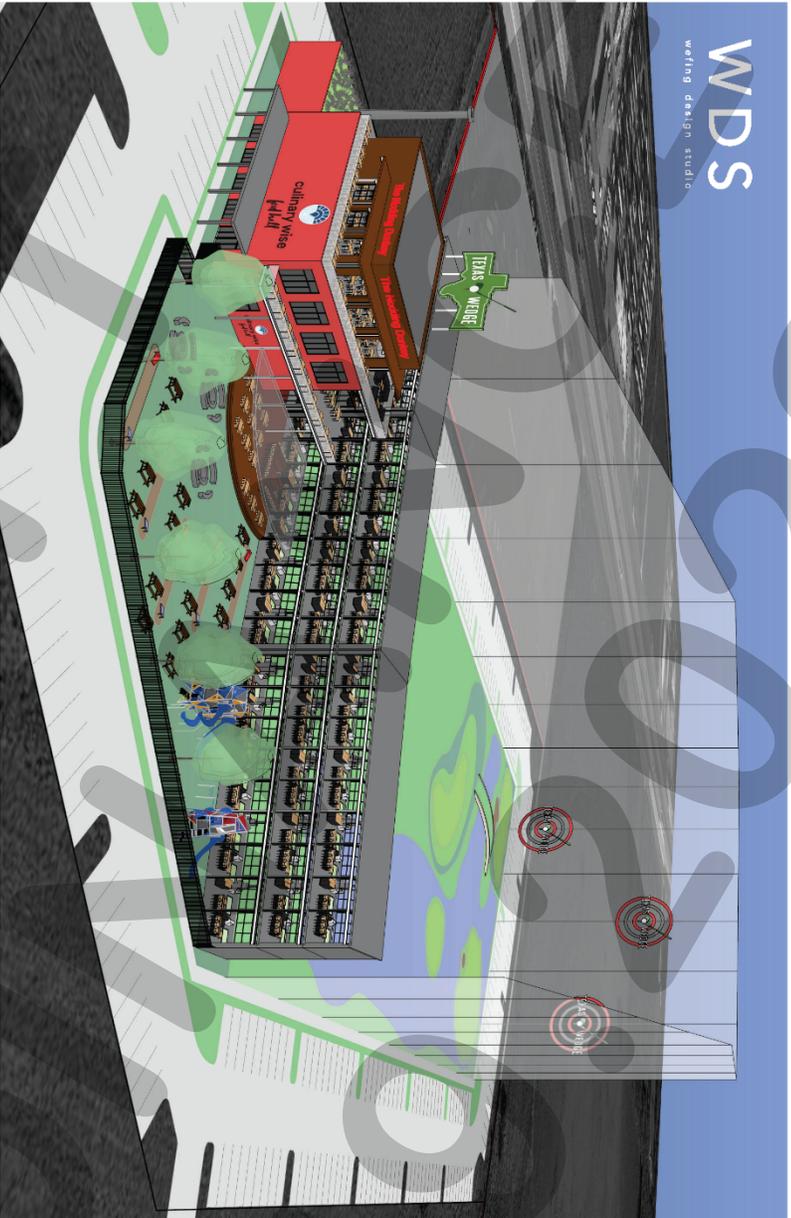
FIRST FLOOR

**WDS**

weiring design studio

- TEXAS WEDGE
- 2,300 SF ENCLOSED
- 30,000 SF OPEN AIR
- BOWLING/ARCADE
- 7,400 SF ENCLOSED
- CULINARY WISE
- 2,500 SF MARKET
- 5000 SF SERVICE
- NODDING DONKEY
- 6,200 SF ENCLOSED
- 2,000 SF OPEN AIR
- FAMILY GREEN
- 20,000 SF OPEN AIR
- TOTAL
- 22,300 SF ENCLOSED
- 52,000 SF OPEN AIR

ROCKWALL CASE # Z2022-041



**culinary wise**  
*food hall*

As the parent company of our restaurants, Culinary Wise unites our concepts as one brand. The Culinary Wise Food Hall is a literal physical representation of that unity, with four of our most popular restaurant concepts under one roof, as well as a few offerings that have been served through our catering business for over 20 years. As the sole owner and operator of the food hall, unlike other food halls which rent space to individual restaurant owners, we'll have full oversight of the quality and consistency in both our offerings and our service. The food hall will have 2,500 sq ft of kitchen and eatery space with 120 indoor seats and an indoor/outdoor bar that seats 12 on both sides. There will also be 80 seats outside along with a covered & gated playground for children aged 2-12 years.

**Culinary Wise Food Hall**



Opened in 2010, The Nodding Donkey quickly became the go-to sports saloon in Uptown Dallas. Our menu offerings for the Texas Wedge outpost of The Nodding Donkey will be a hybrid of the restaurant's tex-mex and game day favorites, along with bistro items including steaks, pork chops & pasta from sister restaurant Stele & Allen. Located on the third floor of Texas Wedge as part of the 15,000 sq. foot open air design, The Nodding Donkey will have ample seating with 300+ seats inside, 200+ outside and 60 at the rectangular bar. With 60 W's and a live concert venue sharing the 15,000 sq ft space, there will always be something to enjoy at The Nodding Donkey! Rockwall residents looking for a place to plan an event will also love our 5,000 sq ft private event hall overlooking the stage and outdoor bar. This larger space can also be rearranged into four 1,250 sq ft spaces to accommodate smaller parties.

**The Nodding Donkey - Texas Sports Saloon, Scratch Kitchen**

Central secure green space for families to gather. Outdoor entertainment and shaded trees provide a safe and relaxing environment for family gathering. Canopy covered raised bar for live music.

**20,000 Green Space**

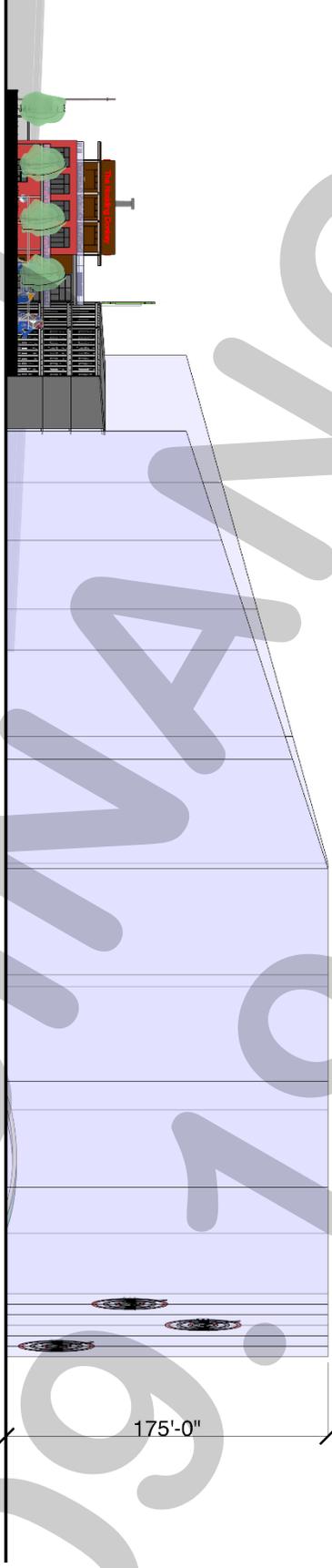
A true entertainment destination for families and adults alike, the fun doesn't stop at golf! The second floor of Texas Wedge will be home to 12 lanes of bowling, a full arcade and five party rooms, perfect for birthday parties, corporate events and more. Go up one more level and you'll find yourself in The Nodding Donkey Sports Saloon, a full-service bar and kitchen with two private rooms (The Bourbon Room & The Bubbly Room) exclusively for adults. Each room will have private bathrooms, a bar, a balcony and two golf bays. Texas Wedge has truly been designed to be the premiere entertainment destination for families and adults alike in beautiful Rockwall, TX.

**Texas Wedge**



ROCKWALL CASE # Z2022-041

DRAFT  
ORDINANCE  
09.19.2022



NETTING HEIGHT

175'-0"

**WDS**  
weifeng design studio

ROCKMALL CASE # Z2022-041



## MEMORANDUM

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**TO:** Mary Smith, City Manager

**CC:** Honorable Mayor and City Council

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

**DATE:** September 19, 2022

**SUBJECT:** Z2022-042; SPECIFIC USE PERMIT (SUP) FOR A RESTAURANT WITH 2,000 SF OR MORE WITH A DRIVE THROUGH OR DRIVE-IN

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### Attachments

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

### Summary/Background Information

Hold a public hearing to discuss and consider a request by Bowen Hendrix of DuWest Realty, LLC for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for a *Restaurant with 2,000 SF or more with a Drive-Through or Drive-In* on an 8.684-acre portion of a larger 36.428-acre tract of land identified as Tract 3 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, being zoned Planned Development District 70 (PD-70) for limited General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, generally located at the northeast corner of the intersection of E. Quail Run Road and N. Goliad Street [SH-205], and take any action necessary (**1st Reading**).

### 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

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**TO:** Mayor and City Council

**DATE:** September 19, 2022

**APPLICANT:** Bowen Hendrix; *DuWest Realty, LLC*

**CASE NUMBER:** Z2022-042; *Specific Use Permit (SUP) for a Restaurant with 2,000 SF or More with a Drive Through or Drive-In*

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### **SUMMARY**

Hold a public hearing to discuss and consider a request by Bowen Hendrix of DuWest Realty, LLC for the approval of a Specific Use Permit (SUP) for a Restaurant with 2,000 SF or more with a Drive-Through or Drive-In on an 8.684-acre portion of a larger 36.428-acre tract of land identified as Tract 3 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, being zoned Planned Development District 70 (PD-70) for limited General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, generally located at the northeast corner of the intersection of E. Quail Run Road and N. Goliad Street [SH-205], and take any action necessary.

### **BACKGROUND**

The subject property was annexed on February 6, 1961 by *Ordinance No. 61-02 [Case No. A1961-002]*. At the time of annexation, the subject property was zoned Agricultural (AG) District. On April 2, 2007, the City Council adopted *Ordinance No. 07-13 [Case No. Z2007-006]*, which rezoned a 395.075-acre tract of land -- *that included the subject property* -- from an Agricultural (AG) District to Planned Development District 70 (PD-70) for Single-Family 10 (SF-10) District and limited General Retail (GR) District land uses. The concept plan included with this Planned Development District designated the subject property for Single-Family 10 (SF-10) District land uses. On October 19, 2009, the City Council adopted *Ordinance No. 09-44 [Case No. Z2009-018]*, which amended the concept plan and development standards for Planned Development District 70 (PD-70). The amendment re-designated approximately seven (7) acres of the subject property to allow limited General Retail (GR) District land uses. This area was later expanded by *Ordinance No. 11-35 [Case No. Z2011-016]* to include the remainder of the subject property, re-designating the entire 8.63-acres for limited General Retail (GR) District land uses. On February 6, 2017, the City Council approved a *PD Development Plan [Ordinance No. 17-08; Case No. Z2016-049]* for the subject property in accordance with the requirements of Planned Development District 70 (PD-70). This development plan was for a proposed grocery store; however, the project was never pursued beyond the *PD Development Plan*, and the subject property has remained vacant since annexation.

More recently -- *on January 3, 2022* --, the City Council approved a *PD Development Plan [Ordinance No. 22-01; Case No. Z2021-048]*, which superseded *Ordinance No. 17-08* and provided a plan for two (2) ~10,000 SF multi-tenant restaurant/retail buildings, a ~5,400 SF retail building, and a ~4,000 SF drive-through restaurant. The purpose of this *PD Development Plan* was to layout the screening, pedestrian access, and amenities proposed for the anticipated development. Following the approval of *Ordinance No. 22-01*, the applicant -- *Bowen Hendrix of DuWest Realty, LLC* -- submitted an application on January 18, 2022 requesting the approval of a Specific Use Permit (SUP) for a *Restaurant, Less Than 2,000 SF with Drive Through or Drive-In*. The applicant changed the request [*Case No. Z2022-003*] on January 21, 2022 to a Specific Use Permit (SUP) for a *Restaurant, 2,000 SF or More with Drive-Through or Drive-In*. The purpose of these applications was to construct two (2) drive-through restaurants within the two (2) ~10,000 SF multi-tenant restaurant/retail buildings. A site plan [*Case No. SP2022-012*] was approved for these buildings by the Planning and Zoning Commission on April 12, 2022. Following this approval, the applicant requested and was granted a variance to the driveway spacing requirements [*Case No. MIS2022-016*] to allow an additional driveway off of Quail Run Road.

## PURPOSE

On August 19, 2022, Bowen Hendrix of DuWest Realty, LLC, submitted an application requesting the approval of a Specific Use Permit (SUP) for a *Restaurant, 2,000 SF or Greater, with Drive-Through or Drive-In* for the purpose of constructing a 2,325 SF drive-through restaurant.

## ADJACENT LAND USES AND ACCESS

The subject property is located north of the intersection of E. Quail Run Road and N. Goliad Street [SH-205]. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property is Phase 4 of the Stone Creek Subdivision, which was established on June 12, 2013 and consists of 59 single-family residential lots. Beyond this is Phase 1 of the Stone Creek Subdivision, which was established on August 28, 2008 and consists of 201 single-family residential lots. Both of these subdivisions are zoned Planned Development District 70 (PD-70) for Single-Family 10 (SF-10) District land uses.

South: Directly south of the subject property is a 2.519-acre parcel of land (*i.e. Lot 1R, Block B, Quail Run Retail*) with a pharmacy (*i.e. CVS Pharmacy*) situated on it. Beyond this is E. Quail Run Road, which is identified as a M4D (*i.e. major collector, four [4] lane, divided roadway*) on the City's Master Thoroughfare Plan contained within the OURHometown Vision 2040 Comprehensive Plan. Beyond this is a 11.236-acre parcel of land (*i.e. Lot 1, Block A, Kroger 205 Addition*) with a grocery store and gas station (*i.e. Kroger Grocery Store and Fuel Center*) situated on it. These properties are zoned Planned Development District 5 (PD-5) for General Retail (GR) District land uses.

East: Directly east of the subject property is a 1.512-acre parcel of land owned by the City of Rockwall, and which is occupied with a fire station (*i.e. Fire Station #3*). Beyond this is Phase 7 of the Stone Creek Subdivision, which was established on July 13, 2016 and consists of 80 single-family residential homes. These properties are zoned Planned Development District 70 (PD-70) for *Public* and 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 within the OURHometown Vision 2040 Comprehensive Plan. Beyond this is a 2.174-acre parcel of land (*i.e. Lot 1, Block A, Pecan Valley Retail Addition*), which is occupied by a multi-tenant retail building.

**FIGURE 1:** LOCATION MAP WITH ZONING DESIGNATIONS AND PARCELS  
**YELLOW:** SUBJECT PROPERTY



## **CHARACTERISTICS OF THE REQUEST**

The applicant has submitted a development application and concept plan depicting the layout of one (1), 2,325 SF drive-through restaurant on the subject property. Based on the concept plan, the building will be oriented so that the drive-through and *bailout* lanes will be located along the northern and western façade of the building. The ingress and egress for the property will be primarily taken off of two (2) drive approaches -- *one of which is existing on the CVS Pharmacy property* -- along Quail Run Road, and an existing drive approach along N. Goliad Street [SH-205] (*which is also an existing access point of the CVS Pharmacy*). Staff should also point out that the concept plan shows the use of three (3) tiered screening (*i.e. [1] a small to mid-sized shrub, [2] large shrubs or accent trees, and [3] canopy trees on 20-foot centers*) along the northern, eastern, and southern property lines of the subject property.

With regard to parking, Article 06, *Parking and Loading*, of the Unified Development Code (UDC) stipulates a parking requirement for a *Full-Service Restaurant* (*i.e. a restaurant that provides indoor ordering, seating and dining*) of one (1) parking space per 100 SF of floor area. When considering the proposed 2,325 SF restaurant shown on the concept plan, this translates to a parking requirement of 24 parking spaces. The concept plan indicates a total of 35 parking spaces (*33 spaces with 2 ADA parking spaces*) will be provided or 11 parking spaces more than the minimum requirement.

## **CONFORMANCE WITH THE CITY'S CODES**

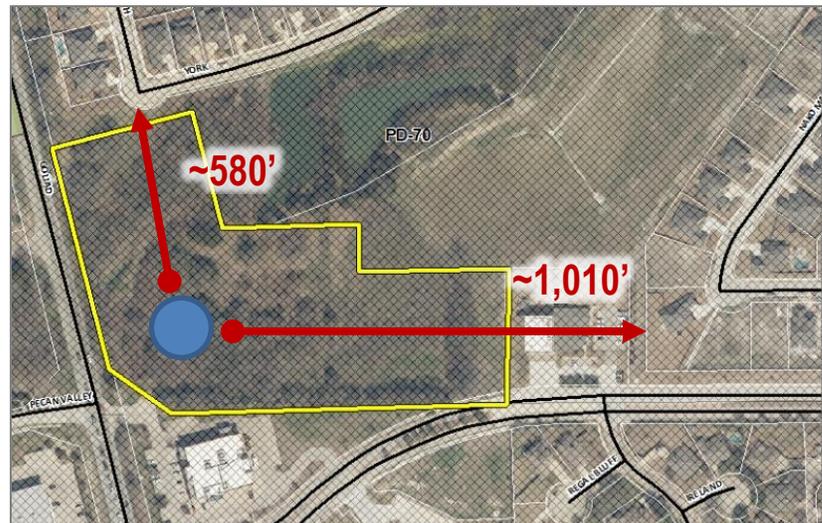
According to Planned Development District 70 (PD-70) [*Ordinance No. 19-41*], the subject property is subject to the land uses and development standards stipulated for the General Retail (GR) District as specified by the Unified Development Code (UDC), and according to the *Permissible Use Charts* contained in Article 04, *Permissible Uses*, of the UDC, the *Restaurant with 2,000 SF or More with a Drive-Through or Drive-In* land use requires a Specific Use Permit (SUP) in a General Retail (GR) District. The purpose of requiring a Specific Use Permit (SUP) for this land use in a General Retail (GR) District is tied to the fact that this zoning designation is typically located directly adjacent to or in close proximity to single-family residentially zoned districts. According to the Unified Development Code (UDC), "(t)he General Retail (GR) District is a zoning district intended to provide *limited* retail and service uses for one (1) or more neighborhoods ... [*it*] is not a major commercial/retail district and should try to avoid intensive commercial land uses that carry large volumes of retail traffic." In this case, Planned Development District 70 (PD-70) [*Ordinance No. 19-41*] specifically limits land uses that would be outside of the scope of providing *limited* retail and service uses and continues to require *Restaurants with a Drive-Through or Drive-In* (*of any square footage*) receive a Specific Use Permit (SUP). This requirement grants discretionary oversight from the Planning and Zoning Commission and City Council. In reviewing requests for a *Restaurant with a Drive-Through or Drive-In*, Article 04, *Permissible Use Charts*, of the Unified Development Code (UDC) lays out the following land use conditions:

- (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 the 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 lands for drive-through service window (*i.e. the food delivery/payment window*) shall accommodate a minimum of six (6) standard sized motor vehicles per lane.

In this case, the submitted site plan shows conformance to all of the *Land Use Conditions* stipulated by Article 04, *Permissible Uses*, of the Unified Development Code (UDC). Specifically, the concept plan demonstrates that the drive-through lane can accommodate a minimum of six (6) vehicles for the drive-through lane, and that three (3) tiered screening will be provided adjacent to the northern, eastern, and southern property lines. In addition, the proposed development will *only* have access from Quail Run Road and N. Goliad Street, both of which are identified as a M4D (*i.e. major collector, four [4] lane divided roadway*) on the City's Master Thoroughfare Plan and considered to be commercial roadways (*i.e. not local residential streets*).

According to the *Residential Adjacency Standards* contained in Article 05, *District Development Standards*, of the Unified Development Code (UDC), “(t)he residential adjacency standards shall apply when a use is proposed for a non-residential building or site that is adjacent to a residential district, and both of the following conditions apply: (a) An existing or proposed building, structure, or device on the lot is within 150-feet of a residential district boundary ... (b) One or more of the following uses are proposed: (2) Restaurants, including accessory outdoor seating, with drive-in or drive-through facilities.” In this case, the subject property is directly adjacent to a residentially zoned property along the northern (and parts of the eastern) boundary; however, staff should point out that this area is an open space/preservation area owned by the *Stone Creek Estates Homeowners Association*.

FIGURE 2: CLOSEST RESIDENTIAL ADJACENCY



BLUE CIRCLES: APPROXIMATE LOCATION OF BUILDINGS;  
 RED LINE: DISTANCE TO THE CLOSEST RESIDENTIALLY USED PROPERTY

In addition, the the building is ~580-feet away from the closest residentially used property. Regardless of this separation, the following *Residential Adjacency Standards* would apply:

- (1) **Noise.** Any use containing individual service speakers shall not be permitted within 150-feet of any residential district unless the speaker is appropriately screened and shall meet the standards established in Article IV, *Noise*, of Chapter 16, *Environment*, of the Municipal Code of Ordinances. The Planning and Zoning Commission may require wing walls, landscape screens, changes in building orientation, and/or other design elements to screen and minimize the impact of the individual service speakers.

### **STAFF ANALYSIS**

As stated above, this request appears to conform to all the requirements of Planned Development District 70 [*Ordinance No. 19-41*], the approved *PD Development Plan* [*Ordinance No. 22-01*], and the Unified Development Code (UDC). Specifically, the applicant’s request is: [1] not taking access to a local residential roadway, [2] is providing screening along the northern property boundary to reduce the possibility of creating a negative externality for the existing adjacent residential development, [3] is providing drive-through lanes that can accommodate a minimum stacking of six (6) standard size motor vehicles, [4] is providing *bailout* lanes adjacent to the drive-through lanes, and [5] all residential land uses are a minimum of ~580-feet from the proposed building. With this being said, all requests for a Specific Use Permit (SUP) are discretionary to the City Council pending a recommendation from the Planning and Zoning Commission.

### **NOTIFICATIONS**

On August 23, 2022, staff mailed 74 notices to property owners and occupants within 500-feet of the subject property notifying them that the applicant was requesting a Specific Use Permit (SUP) for a *Restaurant with More Than 2,000 SF with Drive-Through or Drive-In*. Staff also notified the Stone Creek, Quail Run Valley, the Shores on Lake Ray Hubbard, Random Oaks/Shores, and Lakeview Summit Homeowner’s Associations (HOAs), which were the only Homeowners’ Association (HOAs) and/or Neighborhood Organizations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearing in the Rockwall Herald Banner on August 26, 2022 as required by the Unified Development Code (UDC). At the time this report was drafted, staff had received the following:

- (1) Three (3) property owner notifications and three (3) emails from property owners within the 500-foot notification area in opposition to the applicant’s request.
- (2) One (1) response to the online Zoning and Sup Input Form from a property owner within the 500-foot buffer.
- (3) One (1) email from a property owner within the 500-foot notification area in favor of the applicant’s request.

- (4) One (1) email and one (1) response to the online Zoning and SUP Input Form from a property owner outside of the 500-notification area opposed to the applicant's request.

### **CONDITIONS OF APPROVAL**

If the City Council chooses to approve of the applicant's request for a Specific Use Permit (SUP) for a *Restaurant with 2,000 SF or More with Drive Through or Drive-In* on the subject property, 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* contained in *Exhibit 'B'* of the Specific Use Permit (SUP) ordinance.
  - (b) The applicant shall provide three tier screening on the north, south, and west sides of the concept plan.
- (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 September 13, 2022, the Planning and Zoning Commission recommended approval of the Specific Use Permit (SUP) by a vote of 6-0, with Commissioner Jerry Welch absent.



# DEVELOPMENT APPLICATION

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

STAFF USE ONLY  
PLANNING & ZONING CASE NO.

**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)<sup>1</sup>
- PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE)<sup>1</sup>
- FINAL PLAT (\$300.00 + \$20.00 ACRE)<sup>1</sup>
- REPLAT (\$300.00 + \$20.00 ACRE)<sup>1</sup>
- AMENDING OR MINOR PLAT (\$150.00)
- PLAT REINSTATEMENT REQUEST (\$100.00)

### SITE PLAN APPLICATION FEES:

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

### ZONING APPLICATION FEES:

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

### OTHER APPLICATION FEES:

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

### NOTES:

<sup>1</sup>: 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 not yet assigned\*

SUBDIVISION

LOT

BLOCK

GENERAL LOCATION NEC E Quail Run Road and 205

## ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING PD-70

CURRENT USE Undeveloped land

PROPOSED ZONING PD-70

PROPOSED USE Commercial (Retail)

ACREAGE 8.684 AC

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]

OWNER

APPLICANT DuWest Realty, LLC

CONTACT PERSON

CONTACT PERSON Bowen Hendrix

ADDRESS

ADDRESS 4403 North Central Expressway  
Suite 200

CITY, STATE & ZIP

CITY, STATE & ZIP Dallas, TX 75025

PHONE

PHONE (214) 918-1804

E-MAIL

E-MAIL bowen@duwestrealty.com

## NOTARY VERIFICATION [REQUIRED]

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

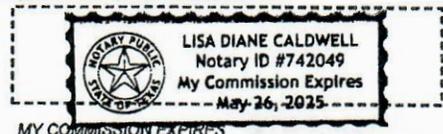
"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ 330.25 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 11 DAY OF January 2022. BY SIGNING THIS APPLICATION, 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."

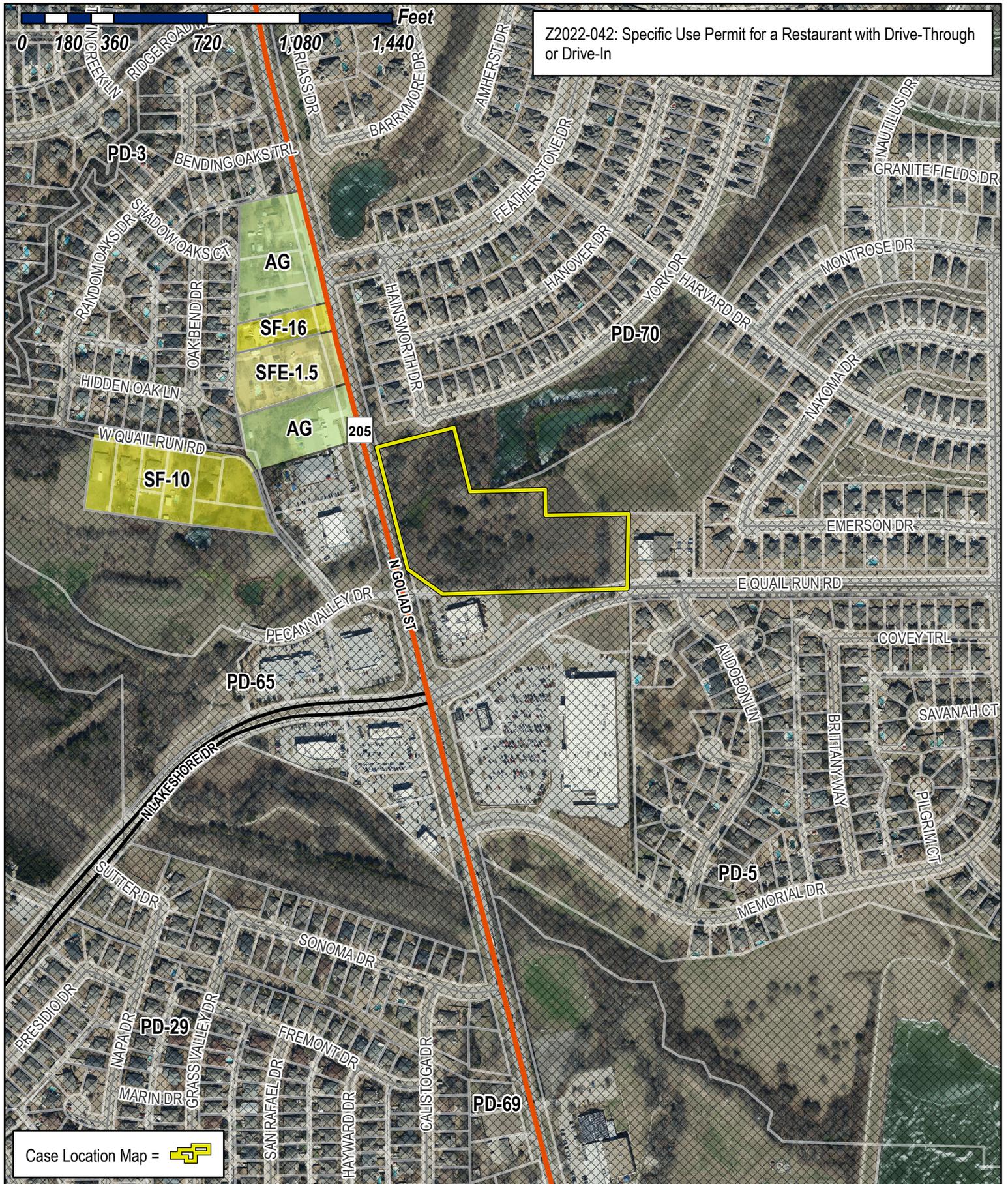
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 11 DAY OF January 2022

OWNER'S SIGNATURE Bowen Hendrix

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

Lisa Caldwell





Z2022-042: Specific Use Permit for a Restaurant with Drive-Through or Drive-In

Case Location Map = 



# 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.

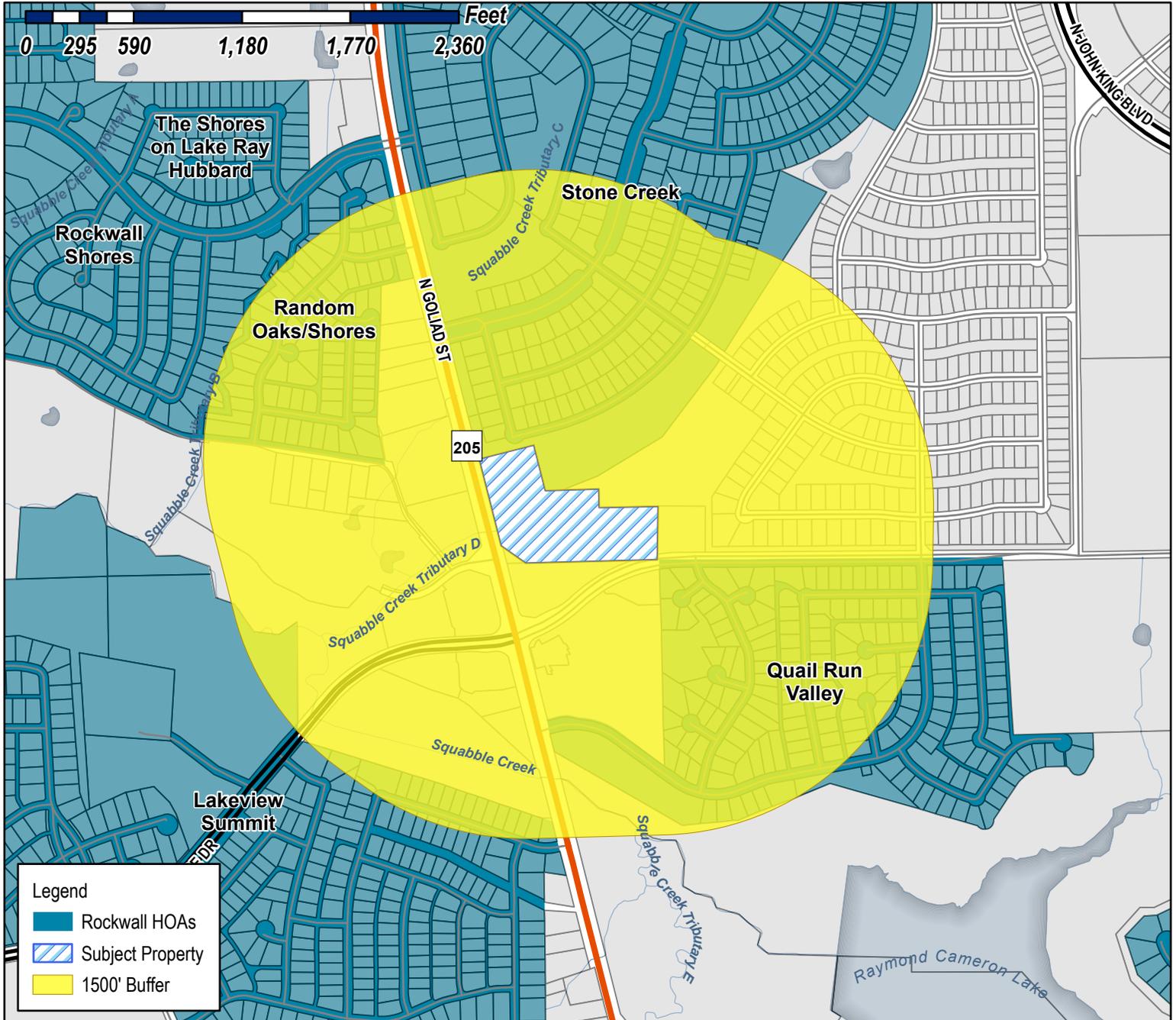




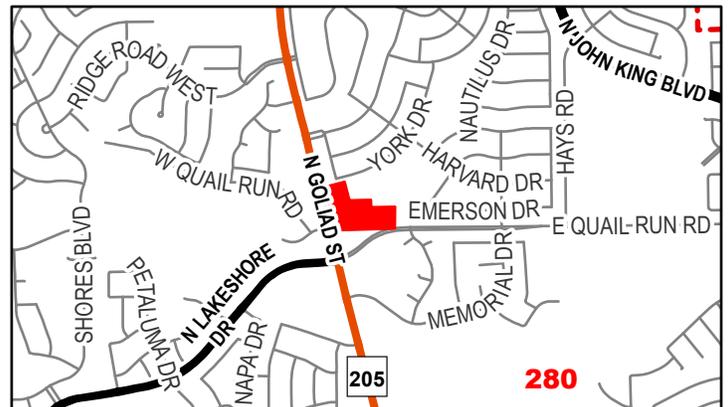
# City of Rockwall

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

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**Case Number:** Z2022-042  
**Case Name:** SUP for Restaurant w/Drive-Through or Drive-In  
**Case Type:** Zoning  
**Zoning:** Planned Development District 70 (PD-70)  
**Case Address:** NEC of E. Quail Run Rd. & SH-205  
**Date Saved:** 8/22/2022  
 For Questions on this Case Call (972) 771-7745



**From:** [Gamez, Angelica](#)  
**Cc:** [Miller, Ryan](#); [Ross, Bethany](#); [Lee, Henry](#)  
**Bcc:** [REDACTED]  
**Subject:** FW: Neighborhood Notification Program [Z2022-042]  
**Date:** Tuesday, August 23, 2022 4:49:52 PM  
**Attachments:** [Public Notice \(Z2022-042\).pdf](#)  
[HOA Map \(08.19.2022\).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 August 26, 2022. The Planning and Zoning Commission will hold a public hearing on Tuesday, September 13, 2022 at 6:00 PM, and the City Council will hold a public hearing on Monday, September 19, 2022 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](mailto: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>.

Z2022-042: SUP for Restaurant w/2,000 SF or More w/Drive-Through or Drive-In  
Hold a public hearing to discuss and consider a request by Bowen Hendrix of DuWest Realty, LLC for the approval of a Specific Use Permit (SUP) for a Restaurant with 2,000 SF or more with a Drive-Through or Drive-In on an 8.684-acre portion of a larger 36.428-acre tract of land identified as Tract 3 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, being zoned Planned Development District 70 (PD-70) for limited General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, generally located at the northeast corner of the intersection of E. Quail Run Road and N. Goliad Street [SH-205], and take any action necessary.

Thank you,

*Angelica Gamez*

Planning & Zoning Coordinator

City of Rockwall

972.771.7745 Office

972.772.6438 Direct

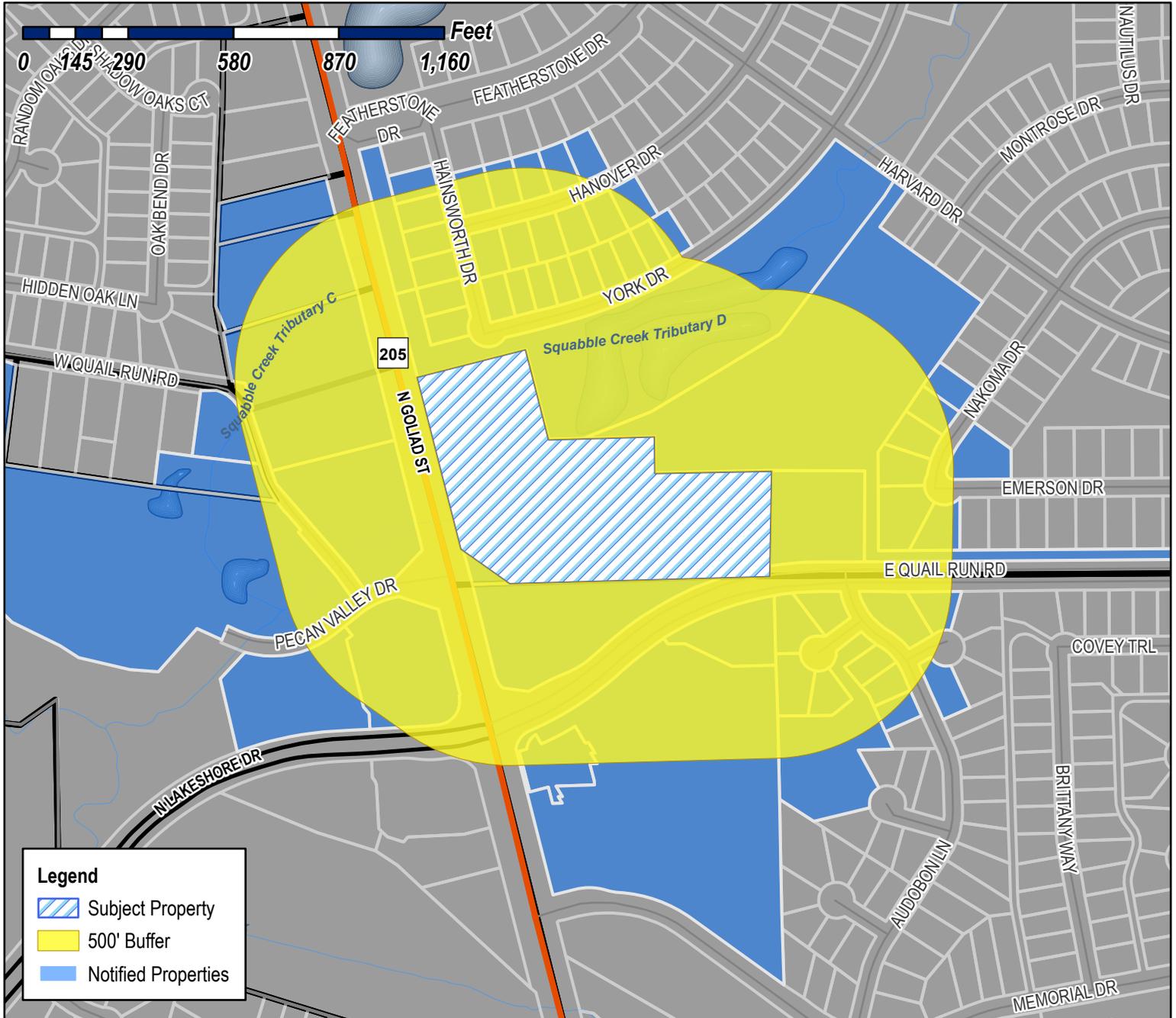
<http://www.rockwall.com/planning/>



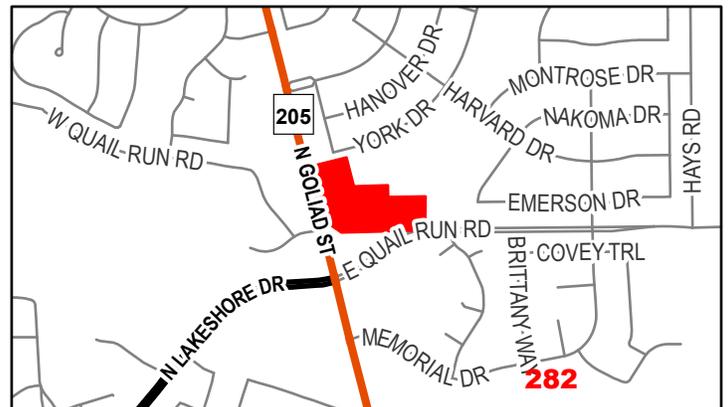
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 For Questions on this Case Call (972) 771-7745



KROGER TEXAS LP  
1014 VINE STREET  
CINCINNATI, OH 45202

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CINCINNATI, OH 45202

KROGER TEXAS LP  
1014 VINE STREET  
CINCINNATI, OH 45202

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

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

ROCKWALL STONE CREEK ESTATES  
HOMEOWNERS ASSOCIATION  
1024 S GREENVILLE AVE SUITE 230  
ALLEN, TX 75002

HAMPTON GEORGE T & BRENDA J  
109 REGAL BLF  
ROCKWALL, TX 75087

MCMILLAN GARY AND SANDI  
112 REGAL BLUFF  
ROCKWALL, TX 75087

HOWLETT NEVA RAE  
115 REGAL BLUFF  
ROCKWALL, TX 75087

RAMOS RAMON A & DELMA P  
120 IRELAND CT  
ROCKWALL, TX 75087

HPA TEXAS SUB 2018-1 ML LLC  
120 S RIVERSIDE SUITE 2000  
CHICAGO, IL 60606

OCCUPANT  
122 REGAL BLUFF  
ROCKWALL, TX 75087

CULPEPPER DANNA JOHNSON  
122 REGAL BLUFF  
ROCKWALL, TX 75087

HEIDENREICH ERIN K AND ADAM  
123 IRELAND COURT  
ROCKWALL, TX 75087

SCOTT MARK ALAN SR &  
DOREEN  
130 IRELAND CT  
ROCKWALL, TX 75087

HELMER KALENA  
1501 AUDOBON LN  
ROCKWALL, TX 75087

FUNK AUDRA JOY  
1509 AUDOBON LN  
ROCKWALL, TX 75087

HARRIS PATRICIA A  
1517 AUDOBON LN  
ROCKWALL, TX 75087

OCCUPANT  
165 E QUAIL RUN RD  
ROCKWALL, TX 75087

CHAPMAN BOBBY E II AND AMY L CHAMPMAN  
1821 HAINSWORTH DRIVE  
ROCKWALL, TX 75087

MOORE MICHAEL RAY JR & STEPHANIE  
1823 HAINSWORTH DRIVE  
ROCKWALL, TX 75087

MILLER MATHIEL JR  
1825 HAINSWORTH DRIVE  
ROCKWALL, TX 75087

ESCOBEDO OMAR & MARIA C  
1827 HAINSWORTH DRIVE  
ROCKWALL, TX 75087

HUA ALEXANDER AND THU THUY  
1829 HAINSWORTH DR  
ROCKWALL, TX 75087

OCCUPANT  
1831 HAINSWORTH DR  
ROCKWALL, TX 75087

OCCUPANT  
191 E QUAIL RUN RD  
ROCKWALL, TX 75087

OCCUPANT  
1950 N GOLIAD  
ROCKWALL, TX 75087

OCCUPANT  
1950 N GOLIAD  
ROCKWALL, TX 75087

OCCUPANT  
1950 N GOLIAD  
ROCKWALL, TX 75087

OCCUPANT  
2004 N GOLIAD  
ROCKWALL, TX 75087

OCCUPANT  
2007 N GOLIAD  
ROCKWALL, TX 75087

DEAN LANTY W & MARY F  
216 W QUAIL RUN RD  
ROCKWALL, TX 75087

DEAN LANTY W & MARY F  
216 W QUAIL RUN RD  
ROCKWALL, TX 75087

OCCUPANT  
2265 NORTH LAKESHORE DR  
ROCKWALL, TX 75087

QUAIL RUN VALLEY OWNERS ASSOC  
C/O ASSURED MGT INC  
2500 LEGACY DR STE 220  
FRISCO, TX 75034

STINSON EMILY & ANDREW  
300 NAKOMA DRIVE  
ROCKWALL, TX 75087

OCCUPANT  
3005 N GOLIAD ST  
ROCKWALL, TX 75087

OCCUPANT  
3009 N GOLIAD  
ROCKWALL, TX 75087

CLARK TROY & JANICE  
3025 N GOLIAD ST  
ROCKWALL, TX 75087

ROSS JODY ALAN & KAREY  
3027 N GOLIAD ST  
ROCKWALL, TX 75087

ADCOCK ISAAC AND CHRISTINA  
306 NOKOMA DRIVE  
ROCKWALL, TX 75087

HUFF ELLIOTT AND TOBIE  
312 NAKOMA DRIVE  
ROCKWALL, TX 75087

CLARK ALLAN JR  
313 NAKOMA DR  
ROCKWALL, TX 75087

COLE HC ROCKWALL TX LLC  
C/O ROCKWALL REGIONAL HOSPITAL, LLC; ATTN  
LEGAL DEPT.  
3150 HORIZON RD  
ROCKWALL, TX 75032

CARLSON CURT AND MARIA  
318 NAKOMA DRIVE  
ROCKWALL, TX 75087

CITY OF ROCKWALL  
385 S GOLIAD ST  
ROCKWALL, TX 75087

TYSON STEPHANIE AND CARY  
401 EMERSON DRIVE  
ROCKWALL, TX 75087

ETHERIDGE CHRIS  
407 EMERSON DRIVE  
ROCKWALL, TX 75087

JAVKER REALTY CORP  
42 BOND ST  
NEW YORK, NY 10012

AFFINITY DEVELOPMENT COMPANY LLC  
480 WILDWOOD FOREST DRIVE SUITE 801  
THE WOODLANDS, TX 77380

ROCKWALL BROXY LLC  
C/O KABATECK LLP  
633 WEST FIFTH STREET SUITE 3200  
LOS ANGELES, CA 90071

LAND GEOFFREY ALLISON & ERNANI MAXINE  
787 HANOVER DR  
ROCKWALL, TX 75087

OCCUPANT  
788 HANOVER DR  
ROCKWALL, TX 75087

HOOVER THOMAS E AND CHELSEA L  
789 HANOVER DRIVE  
ROCKWALL, TX 75087

OCCUPANT  
790 HANOVER DR  
ROCKWALL, TX 75087

KELLY TIMOTHY  
790 YORK DRIVE  
ROCKWALL, TX 75087

ALBRITTON MICHAEL H & ELAINE W LIVING  
TRUST  
MICHAEL H & ELAINE W ALBRITTON TRUSTEES  
791 HANOVER DRIVE  
ROCKWALL, TX 75087

DAVISON CHARLES DAVID AND NANCY JOAN  
792 HANOVER DR  
ROCKWALL, TX 75087

WILSON BRANDON CRAIG AND EMILY MARIE  
792 YORK DR  
ROCKWALL, TX 75087

HARP CHRISTOPHER J AND PENNY  
793 HANOVER DR  
ROCKWALL, TX 75087

HENRY JUSTIN WILLIAM AND MARIA  
794 HANOVER DR  
ROCKWALL, TX 75087

NUTTER GREG AND KRISTIN LARSON-NUTTER  
794 YORK DRIVE  
ROCKWALL, TX 75087

NURMI DOUGLAS B & LISA R  
795 HANOVER DRIVE  
ROCKWALL, TX 75087

CHAMBLESS WILLIAM AND HELEN GOMEZ-  
SALVADOR  
796 HANOVER DR  
ROCKWALL, TX 75087

WEMPE MARK STEVEN AND SUSAN SPENCER  
796 YORK DR  
ROCKWALL, TX 75087

TUMULTY TIMOTHY M & KIM A  
797 HANOVER DRIVE  
ROCKWALL, TX 75087

DAVIS JAN ANNETTE AND DARRYL WAYNE  
798 YORK DR  
ROCKWALL, TX 75087

PODINA LAUREN ADRIA & MICHAEL  
802 YORK DRIVE  
ROCKWALL, TX 75087

CRANDALL BRANT  
804 YORK DRIVE  
ROCKWALL, TX 75087

REY LUIS SR AND JUDY L  
806 YORK DR  
ROCKWALL, TX 75087

ODEYEMI ADETUNJI  
808 YORK DR  
ROCKWALL, TX 75087

STONE CREEK BALANCE LTD  
8214 WESTCHESTER STE 900  
DALLAS, TX 75225

OCCUPANT  
825 GOLIAD ST  
ROCKWALL, TX 75087

JCDB GOLIAD HOLDINGS LLC C/O DA GOLIAD  
PARTNERS LP AND  
DAVID R NELSON-ROTH IRA AND DAVID NELSON  
8350 N CENTRAL EXPRESSWAY SUITE 1300  
DALLAS, TX 75206

# 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:

**Z2022-042: SUP for Restaurant w/2,000 SF or More w/Drive-Through or Drive-In**

Hold a public hearing to discuss and consider a request by Bowen Hendrix of DuWest Realty, LLC for the approval of a Specific Use Permit (SUP) for a Restaurant with 2,000 SF or more with a Drive-Through or Drive-In on an 8.684-acre portion of a larger 36.428-acre tract of land identified as Tract 3 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, being zoned Planned Development District 70 (PD-70) for limited General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, generally located at the northeast corner of the intersection of E. Quail Run Road and N. Goliad Street [SH-205], and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on Tuesday, September 13, 2022 at 6:00 PM, and the City Council will hold a public hearing on Monday, September 19, 2022 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](mailto: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, September 19, 2022 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. Z2022-042: SUP for Restaurant w/2,000 SF or More w/Drive-Through or Drive-In**

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.

[Redacted area]

Name: [Redacted]  
Address: [Redacted]

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](#)

**From:** Bobby Chapman [REDACTED]  
**Sent:** Saturday, September 3, 2022 5:02 PM  
**To:** Gamez, Angelica; Planning; Miller, Ryan; Lee, Henry  
**Cc:** Amy Email  
**Subject:** Z2022-042 (Chapman, Bobby)

Hello,

I'm including several people on this email due to its length in the hopes at least one person will read it.

I'm sending in the mailer you sent to residents as well, but the space to write is really small.

I'm writing in response to a request for feedback on this proposed development: Z2022-042

I am opposed to the request.

Reasons:

1. We were initially led to believe this was a greenbelt property when we purchased our home. Drees homebuilder lied to us and told us they contacted the city and confirmed this property was not able to be developed commercially.
2. Earlier this year, the president of our HOA promised us this would be a building for "doctors offices with a potential restaurant on the other side by the CVS". They misled us.
3. We don't need another fast food joint, especially one directly connected to our community. We already have a Chick-fil-a, McDonald's, American Cookie Co, Donut Shop, Fat Chicken, Mogios Pizza, and Starbucks within walking distance (less than a 1-2 minute walk from our neighborhood).

<https://www.countyhealthrankings.org/take-action-to-improve-health/what-works-for-health/strategies/zoning-regulations-for-fast-food>

Older but the stats are probably even worse now: [https://www.roysecityheraldbanner.com/opinion/community-partnership-addressing-a-serious-community-problem/article\\_47325dc1-b3d7-5c5f-9063-8825909517ae.html](https://www.roysecityheraldbanner.com/opinion/community-partnership-addressing-a-serious-community-problem/article_47325dc1-b3d7-5c5f-9063-8825909517ae.html)

<https://www.washingtonpost.com/business/2019/10/29/what-parents-should-know-about-how-living-near-fast-food-outlets-could-affect-their-kids/>

There are lots of children in this neighborhood, giving them another option for fast food will directly impact their health (type 2 diabetes, obesity, and cardiovascular disease). Please don't make outside school options easier for them to obtain very unhealthy food options.

4. There is a pond that will backup to this fast food location. Kids from the neighborhood love fishing in this pond, a fast food restaurant will almost certainly cause pollution and trash to harm or even kill the natural wildlife in the area.

I could provide more data, but will stop here. Please don't let them install another fast food joint so close to our home - if I wanted to be surrounded by these types of establishments I'd move to a less desirable city (or a major city like Dallas).

Best,

Bobby Chapman



Sent from my iPhone

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

**Ross, Bethany**

---

**From:** Danna Culpepper [REDACTED]  
**Sent:** Wednesday, September 7, 2022 9:02 AM  
**To:** Planning  
**Subject:** Z2022-042 SUP for Restaurant w/2000 SF or More 2/Drive-through or Drive in

I am opposing to the request for the reasons below:

- 1) The proposed site would literally be in my back yard
- 2) The traffic has been increased tremendously since sub divisions have been built and the noise has been magnified since the building of the Kroger North store, Chick-fil and the other eating establishments have been built because of the increased traffic.

**My answer is no.**

Thank you  
Danna Culpepper  
[REDACTED]

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Case No. Z2022-042: SUP for Restaurant w/2,000 SF or More w/Drive-Through or Drive-In

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.

Do we really need another fast food joint? Look at I-30 access road. Places come & go. Get the flow of traffic figured out on 205 & J. King. I really do not appreciate the pathetic job of traffic management in Rockwall

Name: Douglas B. Nunn

Address: 795 Hanover 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.

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

# PUBLIC NOTICE



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

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**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](mailto: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, September 19, 2022 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. Z2022-042: SUP for Restaurant w/2,000 SF or More w/Drive-Through or Drive-In**

**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.

Blank lines for providing reasons for the response.

Name: LANTY DEAN  
Address: 216 W. Quail Run Rd.

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

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:

**Z2022-042: SUP for Restaurant w/2,000 SF or More w/Drive-Through or Drive-In**

Hold a public hearing to discuss and consider a request by Bowen Hendrix of DuWest Realty, LLC for the approval of a Specific Use Permit (SUP) for a Restaurant with 2,000 SF or more with a Drive-Through or Drive-In on an 8.684-acre portion of a larger 36.428-acre tract of land identified as Tract 3 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, being zoned Planned Development District 70 (PD-70) for limited General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, generally located at the northeast corner of the intersection of E. Quail Run Road and N. Goliad Street [SH-205], and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on Tuesday, September 13, 2022 at 6:00 PM, and the City Council will hold a public hearing on Monday, September 19, 2022 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](mailto: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, September 19, 2022 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. Z2022-042: SUP for Restaurant w/2,000 SF or More w/Drive-Through or Drive-In**

**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.

Name: MARY F. DEAN  
Address: 216 W. QUAIL RUN RD

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



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:

## Z2022-042: SUP for Restaurant w/2,000 SF or More w/Drive-Through or Drive-In

Hold a public hearing to discuss and consider a request by Bowen Hendrix of DuWest Realty, LLC for the approval of a Specific Use Permit (SUP) for a Restaurant with 2,000 SF or more with a Drive-Through or Drive-In on an 8.684-acre portion of a larger 36.428-acre tract of land identified as Tract 3 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, being zoned Planned Development District 70 (PD-70) for limited General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, generally located at the northeast corner of the intersection of E. Quail Run Road and N. Goliad Street [SH-205], and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on Tuesday, September 13, 2022 at 6:00 PM, and the City Council will hold a public hearing on Monday, September 19, 2022 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

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

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Your comments must be received by Monday, September 19, 2022 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. Z2022-042: SUP for Restaurant w/2,000 SF or More w/Drive-Through or Drive-In

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.

Commercial development in such close proximity to established residential homes will drive critters and other wildlife into our yards and homes. As well, it will generate increased traffic which already exceeds capacity. The solitude that our community is supposed to provide will have an increase noise level from this development. And property values decline with nearby commercial development.

Name: **Mathel Miller, Jr.**

Address: **1825 Hainsworth Drive, Rockwall, Texas 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.

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

**From:** [elaine albritton](#)  
**To:** [Planning](#)  
**Cc:** [Elaine Albritton](#)  
**Date:** Saturday, August 27, 2022 3:27:23 PM

---

Once again, we have to point out that the intersection of E. Quail Run DR. and State 205 is one of the most dangerous pieces of road in the county. There are already 4 major structures at every corner of the intersection: CVS SE, Walgreens NW, Chick Fillet W. and Kroger's SE. If this was not bad enough E Quail Run is not divided all the way to John King but turns into a very dangerous two lane, small, non-divided, highway that will soon have structures on both sides of it before it intersects John King. This is a receipt for disaster on a grand scale!

The planned Restaurant w/Drive -Through does not show the intersections on it. Will the traffic come out and go in on Quail Run Drive or State 205 (North Goliad)? Will there be a walkway from York Drive to the proposed structure? How will this structure effect Squabble Creek and the deeply wooded areas bordering York Drive? Will the increase of traffic effect the response time of the Fire Station on E. Quail Run?

As everyone knows that uses State 205 (North Goliad) the road turns into a mile long parking lot from about 3PM and even gets worse about 5PM or 6PM or later. The proposed structure will only increase this hazard.

For the reasons stated above I will have to say I am opposed to this request until there is a more inadept study transmitted to the residents in the effected, yellow area, of the map.

Michael H. Albritton

[REDACTED]

[REDACTED]

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

**Ross, Bethany**

---

**From:** Robert Brown [REDACTED]  
**Sent:** Tuesday, August 30, 2022 2:23 PM  
**To:** Planning  
**Subject:** Case No. Z2022-042: SUP for Restaurant w/2,000 SF or More w/Drive-Through or Drive-In

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

1. I desire an additional restaurant choice in the northern section of Rockwall.
2. The current appearance of the tract of land identified is undesirable and needs improvement.

Robert Brown, [REDACTED]

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

# Zoning & Specific Use Permit Input Form

## Case Number \*

Please provide the Case Reference Number of the Zoning or Specific Use Permit (SUP) request that you are providing input on (Example: Z2019-001).

Z2022-042 SUP REQUEST

Please place a check mark on the appropriate line below: \*

I am in favor of the request.

I am in opposition to the request.

Please provide any additional information concerning your support or opposition to the request.

Heavy traffic on 205/Goliad's 2-lanes all day every day is not conducive to turning safely into this property. Traffic will back up even worse than it does already and too close to already dangerous intersection. I'm also opposed to filling in natural flood plains and catchment basins.

## Respondent Information

Please provide your information.

## First Name \*

Janice

Last Name \*

Carson

Address \*

826 Oak Hollow Lane

City \*

Rockwall

State \*

TX

Zip Code \*

75087

Please check all that apply: \*

- I live nearby the proposed Zoning or Specific Use Permit (SUP) request.
- I work nearby the proposed Zoning or Specific Use Permit (SUP) request.
- I own property nearby the proposed Zoning or Specific Use Permit (SUP) request.
- I own a business nearby the proposed Zoning or Specific Use Permit (SUP) request.
- Other: I drive on 205/Goliad daily from Ridge Road West, and traffic is already horrendous!

How did you hear about this Zoning or Specific Use Permit (SUP) request? \*

- I received a property owner notification in the mail.
- I read about the request on the City's website.
- I saw a zoning sign on the property.
- I read about the request in the Rockwall Herald Banner.
- My neighbors told me about the request.
- Other: City sends me Development Request list

This content is neither created nor endorsed by Google.

Google Forms

**From:** [REDACTED]  
**To:** [Planning](#)  
**Date:** Thursday, August 25, 2022 10:16:03 AM

---

We live at [REDACTED] and we oppose the restaurant request at Quail Run and 205. Traffic getting in and out of our neighborhood is already ridiculous and another restaurant wouldn't help that any. The Kroger store is in our backyard and we deal with constant noise including trucks starting at 4am daily, the weed smell coming from the docks makes using our backyard nearly impossible. We have enough restaurants and business at that already very busy corner, please do not build anymore.

Jon and Ann Vance  
[REDACTED]

Sent from my iPhone

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

**Ross, Bethany**

---

**From:** Lacie Gibraltar [REDACTED]  
**Sent:** Wednesday, September 7, 2022 9:45 AM  
**To:** Planning  
**Subject:** Z2022-042 SUP for Restaurant w/2000 SF or More 2/Drive-through or Drive in

I am opposing to the request for the reasons below:

- 1) I live on the edge of the neighborhood & the proposal site would significantly increase traffic on Quail Run. It is already difficult to get out of my neighborhood as it is.
- 2) The traffic has been increased tremendously since sub divisions have been built. The noise has been magnified since the building of the Kroger North store, Chick-fil-A and the other eating establishments (i.e. Starbuck & Mod Pizza).

**My answer is no.**

Thank you.

Lacie Gibraltar  
[REDACTED]



L A C I E G I B R A L T E R  
[REDACTED]

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**



August 17, 2022

Planning Dept.  
City of Rockwall  
385 S Goliad St.  
Rockwall, Texas 75087

Re: SUP Site Plan  
Letter of Intent

To Whom It May Concern,

Please let this letter serve as the Letter of Intent for the SUP Site Plan request of approximately 8.684 acres of land located off SH205 in Rockwall, Texas. It is our understanding that a SUP Site Plan is required to allow drive thru uses on the subject tract. The proposed development will include one restaurant with a drive thru, The property is currently vacant. This SUP requests that drive thru uses be permitted for the building as shown on the SUP Site Plan.

Should you have any questions, please feel free to contact me.

Sincerely,

Claymoore Engineering, Inc.  
1903 Central Drive Ste. 406  
Bedford, TX 76021  
817-281-0572

A handwritten signature in blue ink that reads "Drew Donosky".

Drew Donosky , P.E.



CITY OF ROCKWALL

ORDINANCE NO. 22-XX

SPECIFIC USE PERMIT NO. S-2XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 70 (PD-70) [ORDINANCE NO. 19-41] AND THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR ONE (1) RESTAURANT WITH 2,000 SF OR MORE WITH DRIVE-THROUGH OR DRIVE-IN ON A 8.684-ACRE TRACT OF LAND IDENTIFIED AS TRACT 3-10 OF THE S. KING SURVEY, ABSTRACT NO. 131, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DESCRIBED IN EXHIBIT 'A' AND DEPICTED IN EXHIBIT 'B' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City has received a request from Bowen Hendrix of DuWest Realty, LLC for the approval of a Specific Use Permit (SUP) for a *Restaurant with 2,000 SF or More with Drive-Through or Drive-In* for the purpose of constructing one (1) restaurant on a 8.684-acre tract of land described as Tract 3-10 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 70 (PD-70) for limited General Retail (GR) District land uses, situated within the SH-205 Overlay (SH-205 OV) District, generally located north of the intersection of N. Goliad Street [SH-205] and E. Quail Run Road, and being more specifically described in *Exhibit 'A'* and depicted in *Exhibit 'B'* 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 Planned Development District 70 (PD-70) [Ordinance No. 19-41] and the Unified Development Code (UDC) [Ordinance No. 20-02] of the City of Rockwall should be amended as follows:

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

**SECTION 1.** Planned Development District 70 (PD-70) [Ordinance No. 19-41] and the Unified Development Code (UDC) [Ordinance No. 20-02] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) for a *Restaurant with 2,000 SF or More, 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 06.07, *SH-205 Overlay (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) [Ordinance No. 19-41] -- 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 2,000 SF or More 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) The applicant shall provide three tier screening on the north, south, and west sides of the concept plan.

### 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 3<sup>rd</sup> DAY OF OCTOBER, 2022.**

\_\_\_\_\_  
Kevin Fowler, *Mayor*

**ATTEST:**

\_\_\_\_\_  
Kristy Teague, *City Secretary*

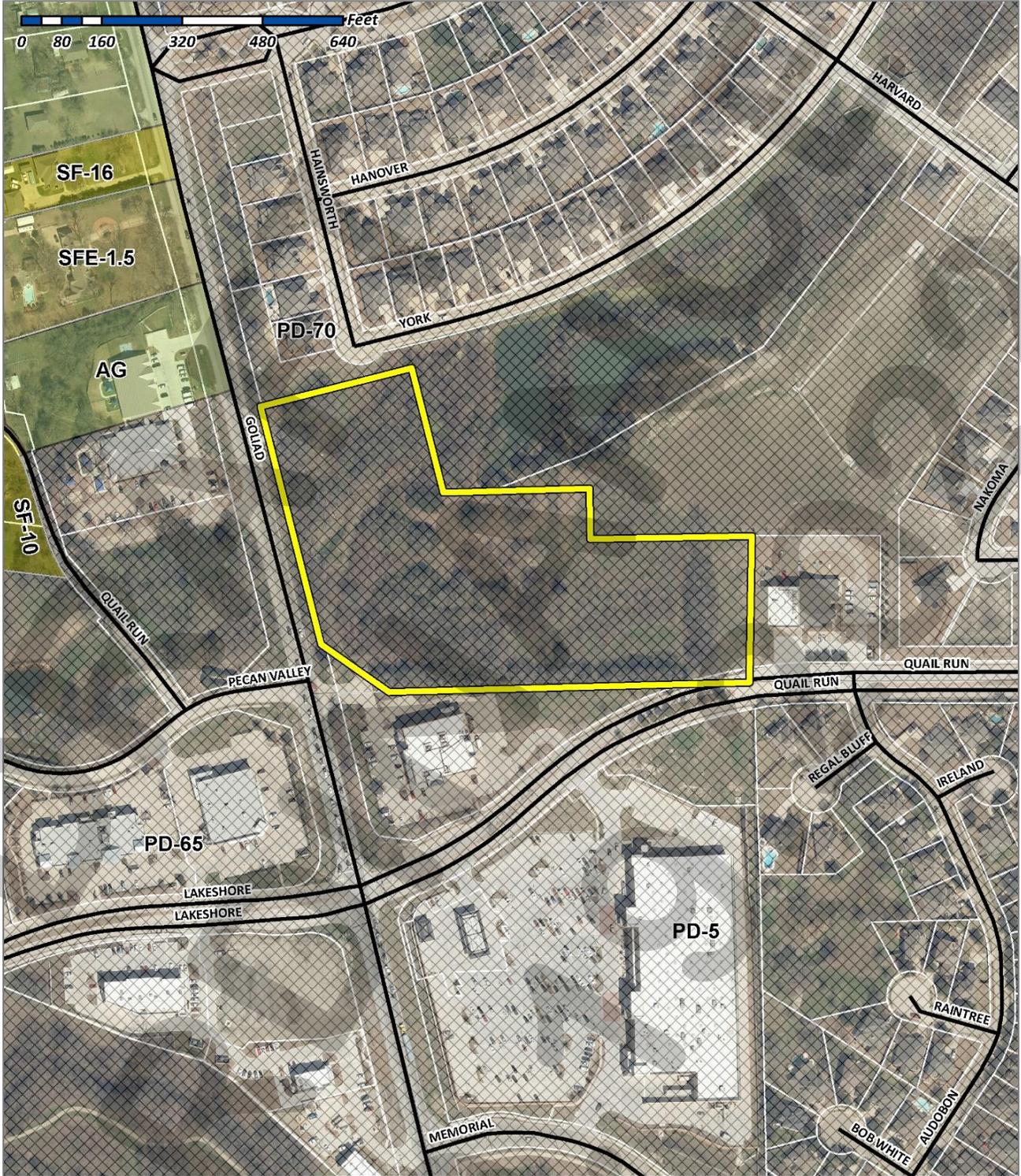
**APPROVED AS TO FORM:**

\_\_\_\_\_  
Frank J. Garza, *City Attorney*

1<sup>st</sup> Reading: September 19, 2022

2<sup>nd</sup> Reading: October 3, 2022

Exhibit 'A'  
Location Map







## MEMORANDUM

---

**TO:** Mary Smith, City Manager

**CC:** Honorable Mayor and City Council

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

**DATE:** September 19, 2022

**SUBJECT:** Z2022-043; AMENDMENT TO ARTICLE 09, TREE PRESERVATION, OF THE UNIFIED DEVELOPMENT CODE (UDC)

---

### Attachments

Memorandum  
Proposed Text Amendment  
Draft Ordinance

### Summary/Background Information

Hold a public hearing to discuss and consider approval of an **ordinance** for a *Text Amendment* to Article 09, *Tree Preservation*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*], and take any action necessary (**1st Reading**).

### Action Needed

The City Council is being asked to approve, approve with conditions, 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:** September 19, 2022  
**SUBJECT:** Z2022-043; *Amendment to Article 09, Tree Preservation, of the Unified Development Code (UDC)*

---

In accordance with Subsection 02.01(C), *Authority to Order Changes to the Unified Development Code (UDC)*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC), the Director of Planning and Zoning has initiated a text amendment. The purpose of the text amendment is to make minor changes, identified by the Director of Parks and Recreation and Director of Planning and Zoning, to the *Tree Preservation* requirements contained within Article 09, *Tree Preservation*, of the UDC. Specifically, staff is proposing the following changes for the consideration of the Planning and Zoning Commission and City Council:

- (1) Add an exemption to Subsection 01.03, *Exemptions*, addressing trees that have been clearance pruned by a utility company.
- (2) Add a definition of *Cedar Tree* to Section 02, *Definitions*.
- (3) Remove Hackberry Trees from the *Secondary Protected Tree* classification, and make them *Non-Protected Trees*.
- (4) Amend the *Treescape Plan* requirements.
- (5) Amend the *Secondary Protected Tree* mitigation requirements to stipulate that any *Cedar Tree* eight (8) feet or taller be mitigated with one (1), four (4) inch caliper tree on-site.
- (6) Provide references to the *ANSI* number.

A redlined copy of the proposed changes along with a draft ordinance has been provided in the attached packet for the City Council's review. In accordance with Subsection 02.04(B) of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC), staff brought the proposed text amendment to the Planning and Zoning Commission for a recommendation to the City Council, and on September 13, 2022 the Planning and Zoning Commission approved a motion to recommend approval by a vote of 6-0 (*with Commissioner Welch absent*). In addition, staff has sent out a 15-day notice to the Rockwall Herald Banner in accordance with all applicable state laws and Subsection 02.03(A)(3) of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC). Should the Planning and Zoning Commission have any questions staff will be available at the meeting on September 13, 2022.

## ARTICLE 09 | TREE PRESERVATION

- SECTION 01 | PURPOSE, APPLICABILITY, AND EXEMPTIONS
- SECTION 02 | DEFINITIONS
- SECTION 03 | TREESCAPE PLAN
- SECTION 04 | TREE REMOVAL PERMIT
- SECTION 05 | TREE MITIGATION REQUIREMENTS
- SECTION 06 | TREE PLANTING AND TRANSPLANTING REQUIREMENTS
- SECTION 07 | TREE PROTECTION DURING CONSTRUCTION
- SECTION 08 | TREE PRUNING
- SECTION 09 | TREE FUND
- SECTION 10 | VIOLATIONS



## SECTION 01 | PURPOSE, APPLICABILITY, AND EXEMPTIONS

### SUBSECTION 01.01: PURPOSE

The purpose of this Article is to secure the preservation of mature, healthy trees and natural areas, and to ensure the consideration of protected trees during the planning and design process for development and/or redevelopment within the City. In addition, this Article is intended to layout procedures for the protection of trees during the construction process, and outline the requirements for the replacement and replanting of trees that have been removed. This Article also provides protection for the indiscriminate clearing of any property within the City.

### SUBSECTION 01.02: APPLICABILITY

The terms and provisions of this Article shall apply to all real property within the City's corporate limits that meets one of the following criteria:

- (A) The establishment of a new subdivision of land.
- (B) The replatting of undeveloped land for the purpose of combining and/or subdividing real property.
- (C) The development of a residential tract of land that is greater than or equal to three (3) acres.
- (D) The development and/or removal of trees on a non-residential tract of land that is greater than or equal to one acre.
- (E) A submission of a site plan and/or plat for the purpose of developing, subdividing or combing non-residential land.

### SUBSECTION 01.03: EXEMPTIONS

The terms and provisions of this Article shall not apply if the following conditions exist:

- (A) Agricultural Property. Property zoned Agricultural (AG) District and being actively used for agricultural purposes shall be exempt from the requirements specified by this Article; however, clear-cutting of land on property zoned Agricultural (AG) District that is not being actively used for agricultural purposes is prohibited.
- (B) Damaged/Diseased Trees. If a certified arborist establishes that the tree is dead, diseased, damaged beyond the point of recovery, or in danger of falling the tree maybe removed.
- (C) Residential Property. The owner of a property with an existing single-family home shall be exempt from the tree protection and replacement requirements specified by this Article as it pertains to that property on which the home is located.
- (D) Public Safety. If the City determines that a tree or trees create unsafe vision clearance or conflicts with other ordinances or regulations, or the tree or trees are determined to be in a diseased, dead, hazardous or dangerous condition so as to endanger the public health, safety or welfare of the general public, the City or property owner may remove the tree or trees without being required to follow the terms and provisions of this ordinance.
- (E) Utility Service Interruption. The tree has disrupted a public utility service due to tornado, flood or another act of God. Removal shall be limited to the part of the tree that is found necessary to be removed to reestablish and maintain the utility service.
- (F) Utility Companies, Utility Service and or Distribution/Transmission Lines. Utility companies shall not be subject to the tree protection or

replacement requirements in this Article when establishing distribution and transmission lines. When establishing new utility service, services should be routed between the service pole or transmission and distribution lines and the building being served in a manner that does not require the removal of a protected of feature tree. All right-of-way, easements or similar types of public property maintained by utility companies shall not be subject to the tree protection or replacement requirements of this Article.

- (G) Public Property. All right-of-way, easements or similar types of public property maintained by the City shall not be subject to the terms and provisions of this Article.

~~(G)~~(H) Trees Clearance Pruned by a Utility. At the discretion of the City Arborist or the Director of the Parks and Recreation Department, trees that are located under existing powerlines or within an ONCOR easement that have clearance pruned by a utility (i.e. that have been walled or "V-cut") may be exempted from the mitigation requirements stipulated by this Article.

## SECTION 02 | DEFINITIONS

- (1) Cedar Tree. A Cedar Tree referenced in this Article shall mean Eastern Red Cedar.

~~(1)~~(2) Critical Root Zone (CRZ). The area of undisturbed natural soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line but not less than a one-foot radius for each one-inch DBH.

~~(2)~~(3) Clear-Cutting. The removal of all trees or a significant majority of the trees within an area.

~~(3)~~(4) Diameter at Breast Height (DBH). The diameter in inches of a tree as measured through the main trunk at a point 4½-feet above the natural ground level.

~~(4)~~(5) Drip Line. A vertical line running through the outermost portion of the crown of a tree and extending down to the ground.

~~(5)~~(6) Feature Tree. Any tree -- excluding non-protected trees -- that has a DBH of greater than 25-inches. Feature trees may not be removed without approval of the Planning and Zoning Commission.

~~(6)~~(7) Limits of Construction. A delineation on the treescape plan that shows the boundary of the area within which all construction activity will occur.

~~(7)~~(8) Non-Protected Tree. All Bois d'Arc, ~~willow~~Willow, ~~cottonwood~~Cottonwood, Honey locust,Locust, and Chinaberry, and Hackberry trees regardless of size, and ~~hackberry~~ and cedar trees less than ~~11-inch~~eight (8) feet in height shall be considered non-protected trees and do not require mitigation to be removed.

~~(8)~~(9) Primary Protected Tree. Any tree -- excluding non-protected trees and hackberry and cedar trees -- that have a DBH of four (4) inches or greater. The removal of any protected tree shall require the approval of the Planning and Zoning Commission. The diameter of a multi-trunk tree shall be determined by adding the total diameter of the largest trunk at DBH to one-half (½) the diameter of each additional trunk.

~~(9)~~(10) Protective/Temporary Fencing. Snow fencing, chain-link fencing, orange vinyl construction fencing or similar fencing with a four-foot approximate height. The Director of Planning and Zoning

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and zoning or his/her designee, shall determine the appropriate type of fencing for any particular property or portion thereof.

~~(10)~~(11) **Replacement Tree.** A tree from the reclamation/tree preservation list contained in *Table 1.1: Required Trees by District* contained in [Appendix C, Landscape Guidelines and Requirements, of the Unified Development Code \(UDC\)](#) with a minimum caliper size of four (4) inches and height of seven (7) feet. For the purpose of determining size, replacement trees should be measured at DBH.

~~(14)~~(12) **Secondary Protected Tree.** Any ~~hackberry or~~ cedar tree that ~~measures 11 inches or more is eight (8) feet in height or greater.~~ The removal of any protected tree shall require the approval of the Planning and Zoning Commission. The diameter of a multi-trunk tree shall be determined by adding the total diameter of the largest trunk at DBH to one-half the diameter of each additional trunk.

~~(12)~~(13) **Tree.** Any self-supported woody perennial plant that will attain a trunk diameter of three (3) inches DBH and normally attains an overall height of at least 15-feet at maturity; usually with one main stem or trunk and many branches.

**SECTION 03 | TREESCAPE PLAN**

**SUBSECTION 03.01: TREESCAPE**

A treescape plan is a plan showing the exact location, size (*i.e. trunk diameter and height*), and common name of all trees, four (4) inches and greater and indicating the trees that are proposed to be removed, transplanted or replaced. A treescape plan shall be prepared by a landscape architect or design professional, be drawn to the largest scale practical, and incorporate the following elements:

- (A) The location of all existing and/or proposed structures, or building pads as shown on the grading plan and all improvements properly dimensioned and referenced to the property lines.
- (B) The building setbacks.
- (C) All existing and proposed site elevations, grades, major contour lines and the limits of construction.
- (D) The location of all existing or proposed utilities and easements.
- (E) The location of all protected and feature trees.
- (F) The location of all trees to be removed from the site and the location of all replacement trees.
- (G) A spreadsheet indicating all trees by species, ~~the location ID or tree tag number - key as shown on the treescape plan, the DBH/caliper inch, the physical condition of health of the tree, and an indication of whether or not the applicant is proposing to remove that tree if the tree has a disease or an insect infestation, if it is structurally sound, and the mitigation necessary if the tree is to be~~

~~removed.~~ Each column with numeric values shall be totaled, ~~(see Table 2: Example of Treescape Plan Spreadsheet below).~~

(H) A title block stating street address, lot and block, subdivision name, date and project number.

(I) The name, address, and phone number of the person preparing the plan and the developer/property owner.

~~(J)~~(J) **Tree survey shall be performed by an arborist, horticulturalist, or landscape architect with a preference for an arborist certified by the International Society of Arboriculture (ISA).**

**SUBSECTION 03.02: TREESCAPE PLAN REQUIRED**

No person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging, any tree situated on a property regulated by this Article without first submitting and receiving approval of a treescape plan unless otherwise allowed by this Article.

For properties that have no protected or feature trees or where the development of the property will not require the removal of any protected or feature trees, the developer or property owner may submit a letter certifying that no protected or feature trees will be affected as a result of the proposed development. This letter will be submitted with the understanding that if it is determined that there are protected or feature trees on the property any violation of the provisions of this Article shall be subject to the violation provisions and fines stipulated in [Section 10, Violations](#).

Staff may administratively approve any treescape plan or letter that does not involve the removal of any protected or feature trees.

**SUBSECTION 03.03: TREESCAPE APPLICATION**

All applications for treescape plans shall be submitted to the Director of Planning and Zoning or his/her designee. In addition to the application, an applicant shall also submit [7] a treescape plan conforming to the requirements of this Article and [2] a letter from the applicant or property owner indicating the reason for the removal of any protected or feature trees. A treescape plan may also be required with an application for a site plan and/or a preliminary plat, replat, or final plat.

**SUBSECTION 03.04: TREESCAPE PLAN REVIEW PROCESS**

The Director of Planning and Zoning, or his/her designee, shall review the treescape plan and approve the plan per the requirements of this Article, or forward any recommendations to the Planning and Zoning Commission. As part of the treescape plan review process, the City has the right to request changes or adjustments in the layout and design of a development to save trees. The Planning and Zoning Commission will review and approve or disapprove the treescape plan. The decision of the Planning and Zoning Commission may be appealed to the City Council.

**TABLE 2: EXAMPLE OF TREESCAPE PLAN SPREADSHEET**

#	SPECIES	CALIPER	PROTECT OR REMOVE	TREE HEALTH (1-5)	DISEASE (Y/N)	INSECT (Y/N)	STRUCTURAL (Y/N)	MITIGATION REQUIRED
1	Live Oak	4" Caliper	Remove	2	Y	Y	Y	0
2	Cedar	10' Tall	Remove	4	N	N	N	4"
3	Red Oak	26" Caliper	Remove	3	N	N	N	52"
<b>TOTAL:</b>								<b>56"</b>

~~TREE HEALTH: 1: DEAD; 2: DISEASE/STRUCTURAL ISSUES; 3: VIABLE TREE WITH CARE; 4: GOOD HEALTH; 5: EXCELLENT HEALTH  
TREE GRADES: 1-2: NOT PROTECTED; 3-5: PROTECTED~~

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**SUBSECTION 03.05: TREESCAPE PLAN EXPIRATION**

A treescape plan shall be valid for two years from the approval date. A treescape plan that is approved in conjunction with a preliminary plat, final plat, site plan, and/or building permit shall be valid for the same amount of time as the corresponding plan and/or permit.

**SUBSECTION 03.06: BUILDER/CONTRACTOR RESPONSIBILITY**

It shall be the responsibility of the builder/contractor to verify that a parcel of land has an approved treescape plan prior to commencing work on a property. In addition, the builder/contractor shall be responsible for ensuring that all construction activities meet the requirements of this Article.

**SECTION 04 | TREE REMOVAL PERMIT**

Once a treescape plan has been approved for a property, a tree removal permit will be required to remove any tree(s). Tree removal permits may be approved administratively by the Director of Planning and Zoning or his/her designee, or forwarded on to the Planning and Zoning Commission for approval. Feature trees may not be removed without the approval of the Planning and Zoning Commission. All trees removed through this process will require mitigation in accordance with the sections contained in this Article.

**SECTION 05 | TREE MITIGATION REQUIREMENTS**

The tree mitigation requirements shall apply for all properties that do not fall under the exemptions listed in [Section 01.03, Exemptions](#), of this Article. In addition, if a treescape plan or tree removal permit allows for the removal of a protected or feature tree(s), the applicant and/or property owner shall account for the number of inches of tree being removed using the following criteria:

- (A) Primary Protected Trees. Primary protected trees measuring four inches through 25-inches DBH shall be replaced on an inch-for-inch basis (i.e. the total number of caliper inches of tree being replaced shall equal the total number of caliper inches being removed).
- (B) Secondary Protected Trees. ~~Hackberry and cedar trees measuring 11 inches through 25 inches DBH shall be replaced with a half-inch for every inch removed (i.e. the total number of caliper inches of tree required to be replaced shall be half (1/2) of the inches being removed).~~ Cedar Trees measuring eight (8) feet or greater in height shall be replaced with a single, four (4) inch caliper tree
- (C) Featured Trees. Featured trees (i.e. all trees greater than 25-inches) shall be replaced with twice the number of inches being removed (i.e. the total number of caliper inches of tree being replaced shall be twice the number of caliper inches being removed).
- (D) Non-Protected Tree. No mitigation will be required for the removal of any tree that is less than four (4) inches DBH or a Cedar Tree less than eight (8) feet in height ~~11 inches DBH for hackberry and cedar trees~~. In addition, no mitigation shall be required for the removal of Bois d'Arc, willow Willow, cottonwood Cottonwood, Honey locust-Locustand, Chinaberry, and Hackberry trees.

TABLE 42: SUMMARY OF MITIGATION REQUIREMENTS

Type of Tree	Mitigation Value	Mitigation Requirement	Example of Mitigation Requirements
Primary Protected Trees	4" – 25"	1"-1"	A 20-inch tree would require 20-inches of mitigation.
Secondary Protect Trees	11" – 25" or Greater	1"-1/2" or 1"-0.5" x 4" Caliper Tree	A 20-inch tree would require ten (10) inches of mitigation. An eight (8) foot tree would require one (1), four (4) inch caliper tree.
Featured Trees	Greater Than 25"	1"-2"	A 30-inch tree would require 60-inches of mitigation.

- (E) Tree preservation-Preservation creditsCredits. For each saved oak, pecan or elm tree(s) 25-inches DBH or greater the mitigation balance can be reduced on an inch-for-inch basis for up to 20% of the total mitigation balance (i.e. total mitigation balance x 20% = total eligible tree preservation credit).
- (F) Mitigation balanceBalance. The total mitigation balance (i.e. mitigation balance – tree preservation credits = total mitigation balance) may be satisfied through one or a combination of the following:
  - (1) The developer/property owner can provide the required number of trees -- four (4) inch caliper DBH minimum -- on the subject property to offset the total mitigation balance (e.g. if the total mitigation balance is 12-inches then three (3), four (4) inch caliper trees could be planted on-site to satisfy the mitigation requirements).
  - (2) The developer/property owner may petition the parks and recreation department to accept the required number of trees - four (4) inch caliper DBH minimum -- to offset the total mitigation balance (e.g. if the total mitigation balance is 12-inches then three (3), four (4) inch caliper trees could be submitted to the parks and recreation department to satisfy the mitigation requirements). Depending on the number of trees being submitted the Director of Parks and Recreation or his/her designee could require a facilities agreement be approved prior to accepting the trees.
  - (3) Tree preservation credits may be purchased at a rate of \$200.00 per inch for up to 20% of the total replacement inches. For example, if total mitigation required was 100-inches the developer/property owner could pay a total of \$4,000.00 [i.e. (20% x 100) x \$200.00 = \$4,000.00] into the City's tree fund; however, the developer/property owner would still be required to satisfy a remaining tree mitigation balance of 80-inches. In addition, if the developer/property owner plants a tree on [1] the property for which the tree preservation credit was assessed or [2] a location that is mutually agreed upon by the City and the developer/property owner, the developer/property owner shall be eligible for a reduction in the cost of tree preservation credits of up to 50%. These funds will be deposited in the City's tree mitigation fund and will be used for planting trees in the City's parks, medians, street rights-of-way, or other similar areas as determined by the parks and recreation department.
  - (4) Trees required by [Article 08, Landscape Standards, of the Unified Development Code \(UDC\)](#) shall be permitted to be subtracted from the total mitigation balance if provided on site as part of the required landscaping.

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(G) *Alternative tree mitigation settlement agreements.* In certain cases, the City Council -- upon recommendation from the Planning and Zoning Commission -- may consider an alternative tree mitigation settlement agreement where, due to hardship, the applicant is unable to meet the requirements of this Article or where it is determined that adherence to the tree mitigation requirements will create a hardship for an applicant. These funds will be deposited in the City's tree mitigation fund and will be used for planting trees in the City's parks, medians, street rights-of-way, or other similar areas as determined by the parks and recreation department.

## SECTION 06 | TREE PLANTING AND TRANSPLANTING REQUIREMENTS

### SUBSECTION 06.01: REPLACEMENT TREES

All replacement trees shall be subject to the following planting requirements:

- (A) All replacement trees must be maintained in a healthy growing condition for a minimum of two (2) years from the date of planting.
- (B) Replacement trees shall not be planted within an area such that the mature root zone will interfere with underground public utility lines, and/or where the mature canopy of the tree will interfere with overhead utility lines. In addition, no tree shall be planted within five (5) feet of an existing fire hydrant, water line or sewer line.
- (C) Replacement trees shall be selected from the reclamation/tree preservation section of *Table 1.1: Required Trees by District* contained in [Appendix C, Landscape Guidelines and Requirements, of the Unified Development Code \(UDC\)](#).
- (D) All replacement trees shall be a minimum of four (4) caliper inches DBH.

~~REFERENCE: AMERICAN STANDARD FOR NURSERY STOCK; ANSI Z60.1-2014 STANDARDS~~

### SUBSECTION 06.02: TRANSPLANTING TREES

All trees conforming to the species permitted in the reclamation/tree preservation section of *Table 1.1: Required Trees by District* contained in [Appendix C, Landscape Guidelines and Requirements, of the Unified Development Code \(UDC\)](#) can be transplanted to meet the replacement requirements and shall be subject to the following planting requirements:

- (A) All trees three (3) caliper inches DBH through six (6) caliper inches DBH are eligible for transplanting.  
~~REFERENCE: TREE CARE INDUSTRY ASSOCIATION; ANSI A300 STANDARDS~~
- (B) All transplanted trees must survive and be maintained in a healthy condition for a minimum of two (2) years from the date of transplanting. The developer/property owner who received the transplanting credit must replace trees that do not meet these criteria.
- (C) Transplanted protected trees will be listed in the tree survey with the notation that they are being transplanted.

## SECTION 07 | TREE PROTECTION DURING CONSTRUCTION

### SUBSECTION 07.01: TREE PROTECTION

(A) Prior to any construction or land development, the developer shall clearly mark all protected and feature trees with an aluminum tag -- indicating the trees relationship to the treescape plan -- and flag (i.e. bright fluorescent red vinyl tape). The red tape should be wrapped around the main trunk of the protected and/or feature tree at a height of approximately five (5) feet so that the tape is clearly visible during construction. In those instances where a protected tree is so close to the construction area that construction equipment could possibly damage the tree, a protective fence shall be required. The protective fence must be maintained during all construction phases until the project is finished.

(B) The developer or property owner shall be responsible for preserving all protected and feature trees during construction. This includes hiring an arborist, if necessary.

### SUBSECTION 07.02: MATERIAL AND EQUIPMENT STORAGE

The developer or contractor shall not store any material or equipment under the canopy of any protected or featured tree. During the construction stage of the development no cleaning or storage of equipment or material shall be allowed within the drip line of any tree scheduled to be preserved on an approved treescape plan. Those materials include, but are not limited to, oils, solvents, mortar, asphalt and concrete.

### SUBSECTION 07.03: SIGNS

No signs, wire or other attachments shall be affixed to any tree scheduled to be preserved on an approved treescape plan.

### SUBSECTION 07.04: TRAFFIC

No vehicular traffic, construction equipment traffic or parking shall take place within the drip line of any tree unless on existing street pavement. This restriction does not apply to single incident access for purposes of clearing underbrush, establishing the building pad and associated lot grading, vehicular traffic necessary for routine utility maintenance or emergency restoration of utility service or routine mowing operations.

### SUBSECTION 07.05: GRADE

No grade change in excess of two (2) inches shall be allowed within the drip line of any protected or featured tree unless adequate construction methods are approved beforehand. If approved, major grade changes (i.e. two [2] inches or greater) within the critical root zone of a protected or featured tree will require additional measures to maintain proper oxygen and water exchange with the roots. Root pruning will be required when disturbance will result in root exposure.

### SUBSECTION 07.06: TREE FLAGGING

At the time of submittal of a treescape plan all protected trees or feature trees should be marked with an aluminum tag, which indicates its relationship to the treescape plan, and clearly flagged with bright fluorescent red vinyl tape. The red tape should be wrapped around the main trunk of the protected tree at a height of approximately four (4) feet so that the tape is clearly visible.

### SUBSECTION 07.07: BORING

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Boring of utilities under protected or feature trees shall be required in those circumstances where it is not possible to trench around the critical root zone of a protected or feature tree. When required, the length of the bore shall be the width of the critical root zone plus two (2) feet on either side of the critical root zone and shall be at a minimum depth of 48-inches.

**SUBSECTION 07.08: DAMAGE**

Any physical damage to a tree being preserved for a tree credit that is considered to place the survival of the tree in doubt shall be eliminated as a credited tree and will require additional trees to be planted in its place at the required ratio. A certified arborist shall be consulted to determine whether physical damage to a tree places the survival of the tree in doubt.

**SECTION 08 | TREE PRUNING**

**SUBSECTION 08.01: GENERAL**

No protected or featured tree shall be pruned in a manner that would significantly disfigure the tree, or in a manner that would lead to the death of the tree.

**REFERENCE: TREE CARE INDUSTRY ASSOCIATION; ANSI A300 STANDARDS**

**SUBSECTION 08.02: PRUNING BY UTILITY COMPANIES**

Utility companies may prune trees as necessary to reestablish disrupted service or maintain existing service without obtaining a permit.

**REFERENCE: TREE CARE INDUSTRY ASSOCIATION; ANSI A300 STANDARDS**

**SUBSECTION 08.03: ALLOWED PRUNING**

A protected or featured tree may be pruned in cases where it is necessary to remove branches broken during the course of construction, or where protected or featured trees must be pruned to allow construction of a structure. Pruning should be done in a manner that does not significantly disfigure the tree or lead to the death of the tree.

**SECTION 09 | TREE FUND**

**SUBSECTION 09.01: ADMINISTRATION OF THE TREE FUND**

The City shall administer the tree fund. The funds shall be used to purchase plant material as permitted by this ordinance, install (*including the equipment or labor necessary to install the plant materials*) and maintain trees on public property including the necessary irrigation equipment, to acquire wooded property that remains in a naturalistic state in perpetuity, to perform and maintain a city-wide tree inventory and to educate citizens and developers on the benefits and value of trees. The City Council shall have the ability to adopt alternative methods of creating tree credits and methods of distribution of trees and/or funds for purchasing trees.

Funds collected as a result of the mitigation of trees may be used to purchase trees, both deciduous and coniferous, any woody type plant or any perennial appropriate for the climatic conditions of the north Texas region.

**SUBSECTION 09.02: COLLECTION OF MONEY FOR THE TREE FUND**

Money contributed to the tree fund shall be paid prior to the issuance of a building permit and/or prior to the filing of a final plat.

**SECTION 10 | VIOLATIONS**

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this Article shall be fined \$500.00 for each offense. The unlawful damage, destruction or removal of each tree shall be considered a separate incident and each offense subjects the violator to the maximum penalty of \$500.00 for the first tree with each subsequent tree increasing by \$500.00 increments.

No acceptance of public improvements shall be authorized and no Certificates of Occupancy (CO) shall be issued until all fines for violations of this Article have been paid to the City.

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CITY OF ROCKWALL

ORDINANCE NO. 22-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 09, TREE PRESERVATION, 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 09, *Tree Preservation*, of the Unified Development Code [*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 09, *Tree Preservation*, of the Unified Development Code [*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 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 3.** 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. 20-02*], 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 4.** 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 3<sup>RD</sup> DAY OF OCTOBER, 2022.**

\_\_\_\_\_  
Kevin Fowler, *Mayor*

**ATTEST:**

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Kristy Cole, *City Secretary*

**APPROVED AS TO FORM:**

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Frank J. Garza, *City Attorney*

*1<sup>st</sup> Reading:* September 19, 2022

*2<sup>nd</sup> Reading:* October 3, 2022

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See Next Page ...

## ARTICLE 09 | TREE PRESERVATION

- SECTION 01 | PURPOSE, APPLICABILITY, AND EXEMPTIONS
- SECTION 02 | DEFINITIONS
- SECTION 03 | TREESCAPE PLAN
- SECTION 04 | TREE REMOVAL PERMIT
- SECTION 05 | TREE MITIGATION REQUIREMENTS
- SECTION 06 | TREE PLANTING AND TRANSPLANTING REQUIREMENTS
- SECTION 07 | TREE PROTECTION DURING CONSTRUCTION
- SECTION 08 | TREE PRUNING
- SECTION 09 | TREE FUND
- SECTION 10 | VIOLATIONS



## SECTION 01 | PURPOSE, APPLICABILITY, AND EXEMPTIONS

### SUBSECTION 01.01: PURPOSE

The purpose of this Article is to secure the preservation of mature, healthy trees and natural areas, and to ensure the consideration of protected trees during the planning and design process for development and/or redevelopment within the City. In addition, this Article is intended to layout procedures for the protection of trees during the construction process, and outline the requirements for the replacement and replanting of trees that have been removed. This Article also provides protection for the indiscriminate clearing of any property within the City.

### SUBSECTION 01.02: APPLICABILITY

The terms and provisions of this Article shall apply to all real property within the City's corporate limits that meets one of the following criteria:

- (A) The establishment of a new subdivision of land.
- (B) The replatting of undeveloped land for the purpose of combining and/or subdividing real property.
- (C) The development of a residential tract of land that is greater than or equal to three (3) acres.
- (D) The development and/or removal of trees on a non-residential tract of land that is greater than or equal to one acre.
- (E) A submission of a site plan and/or plat for the purpose of developing, subdividing or combing non-residential land.

### SUBSECTION 01.03: EXEMPTIONS

The terms and provisions of this Article shall not apply if the following conditions exist:

- (A) Agricultural Property. Property zoned Agricultural (AG) District and being actively used for agricultural purposes shall be exempt from the requirements specified by this Article; however, clear-cutting of land on property zoned Agricultural (AG) District that is not being actively used for agricultural purposes is prohibited.
- (B) Damaged/Diseased Trees. If a certified arborist establishes that the tree is dead, diseased, damaged beyond the point of recovery, or in danger of falling the tree may be removed.
- (C) Residential Property. The owner of a property with an existing single-family home shall be exempt from the tree protection and replacement requirements specified by this Article as it pertains to that property on which the home is located.
- (D) Public Safety. If the City determines that a tree or trees create unsafe vision clearance or conflicts with other ordinances or regulations, or the tree or trees are determined to be in a diseased, dead, hazardous or dangerous condition so as to endanger the public health, safety or welfare of the general public, the City or property owner may remove the tree or trees without being required to follow the terms and provisions of this ordinance.
- (E) Utility Service Interruption. The tree has disrupted a public utility service due to tornado, flood or another act of God. Removal shall be limited to the part of the tree that is found necessary to be removed to reestablish and maintain the utility service.
- (F) Utility Companies, Utility Service and or Distribution/Transmission Lines. Utility companies shall not be subject to the tree protection or

replacement requirements in this Article when establishing distribution and transmission lines. When establishing new utility service, services should be routed between the service pole or transmission and distribution lines and the building being served in a manner that does not require the removal of a protected of feature tree. All right-of-way, easements or similar types of public property maintained by utility companies shall not be subject to the tree protection or replacement requirements of this Article.

- (G) Public Property. All right-of-way, easements or similar types of public property maintained by the City shall not be subject to the terms and provisions of this Article.

~~(G)~~(H) Trees Clearance Pruned by a Utility. At the discretion of the City Arborist or the Director of the Parks and Recreation Department, trees that are located under existing powerlines or within an ONCOR easement that have clearance pruned by a utility (i.e. that have been walled or V-cut) may be exempted from the mitigation requirements stipulated by this Article.

## SECTION 02 | DEFINITIONS

- (1) Cedar Tree. A Cedar Tree referenced in this Article shall mean Eastern Red Cedar.

~~(1)~~(2) Critical Root Zone (CRZ). The area of undisturbed natural soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line but not less than a one-foot radius for each one-inch DBH.

~~(2)~~(3) Clear-Cutting. The removal of all trees or a significant majority of the trees within an area.

~~(3)~~(4) Diameter at Breast Height (DBH). The diameter in inches of a tree as measured through the main trunk at a point 4½-feet above the natural ground level.

~~(4)~~(5) Drip Line. A vertical line running through the outermost portion of the crown of a tree and extending down to the ground.

~~(5)~~(6) Feature Tree. Any tree -- excluding non-protected trees -- that has a DBH of greater than 25-inches. Feature trees may not be removed without approval of the Planning and Zoning Commission.

~~(6)~~(7) Limits of Construction. A delineation on the treescape plan that shows the boundary of the area within which all construction activity will occur.

~~(7)~~(8) Non-Protected Tree. All Bois d'Arc, ~~willow~~Willow, ~~cottonwood~~Cottonwood, Honey locust,Locust, and Chinaberry, and Hackberry trees regardless of size, and ~~hackberry~~ and cedar trees less than ~~11 inches~~eight (8) feet in height shall be considered non-protected trees and do not require mitigation to be removed.

~~(8)~~(9) Primary Protected Tree. Any tree -- excluding non-protected trees and hackberry and cedar trees -- that have a DBH of four (4) inches or greater. The removal of any protected tree shall require the approval of the Planning and Zoning Commission. The diameter of a multi-trunk tree shall be determined by adding the total diameter of the largest trunk at DBH to one-half (½) the diameter of each additional trunk.

~~(9)~~(10) Protective/Temporary Fencing. Snow fencing, chain-link fencing, orange vinyl construction fencing or similar fencing with a four-foot approximate height. The Director of Planning and Zoning

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and zoning or his/her designee, shall determine the appropriate type of fencing for any particular property or portion thereof.

~~(10)~~(11) **Replacement Tree.** A tree from the reclamation/tree preservation list contained in *Table 1.1: Required Trees by District* contained in [Appendix C, Landscape Guidelines and Requirements, of the Unified Development Code \(UDC\)](#) with a minimum caliper size of four (4) inches and height of seven (7) feet. For the purpose of determining size, replacement trees should be measured at DBH.

~~(14)~~(12) **Secondary Protected Tree.** Any ~~hackberry or~~ cedar tree that ~~measures 11 inches or more is eight (8) feet in height or greater.~~ The removal of any protected tree shall require the approval of the Planning and Zoning Commission. The diameter of a multi-trunk tree shall be determined by adding the total diameter of the largest trunk at DBH to one-half the diameter of each additional trunk.

~~(42)~~(13) **Tree.** Any self-supported woody perennial plant that will attain a trunk diameter of three (3) inches DBH and normally attains an overall height of at least 15-feet at maturity, usually with one main stem or trunk and many branches.

**SECTION 03 | TREESCAPE PLAN**

**SUBSECTION 03.01: TREESCAPE**

A treescape plan is a plan showing the exact location, size (*i.e. trunk diameter and height*), and common name of all trees, four (4) inches and greater and indicating the trees that are proposed to be removed, transplanted or replaced. A treescape plan shall be prepared by a landscape architect or design professional, be drawn to the largest scale practical, and incorporate the following elements:

- (A) The location of all existing and/or proposed structures, or building pads as shown on the grading plan and all improvements properly dimensioned and referenced to the property lines.
- (B) The building setbacks.
- (C) All existing and proposed site elevations, grades, major contour lines and the limits of construction.
- (D) The location of all existing or proposed utilities and easements.
- (E) The location of all protected and feature trees.
- (F) The location of all trees to be removed from the site and the location of all replacement trees.
- (G) A spreadsheet indicating all trees by species, ~~the Location ID or tree tag number—key as shown on the treescape plan, the DBH/caliper inch, the physical condition of health of the tree, and an indication of whether or not the applicant is proposing to remove that tree if the tree has a disease or an insect infestation, if it is structurally sound, and the mitigation necessary if the tree is to be~~

~~removed.~~ Each column with numeric values shall be totaled, ~~(see Table 2: Example of Treescape Plan Spreadsheet below).~~

(H) A title block stating street address, lot and block, subdivision name, date and project number.

(I) The name, address, and phone number of the person preparing the plan and the developer/property owner.

~~(J)~~(J) **Tree survey shall be performed by an arborist, horticulturalist, or landscape architect with a preference for an arborist certified by the International Society of Arboriculture (ISA).**

**SUBSECTION 03.02: TREESCAPE PLAN REQUIRED**

No person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging, any tree situated on a property regulated by this Article without first submitting and receiving approval of a treescape plan unless otherwise allowed by this Article.

For properties that have no protected or feature trees or where the development of the property will not require the removal of any protected or feature trees, the developer or property owner may submit a letter certifying that no protected or feature trees will be affected as a result of the proposed development. This letter will be submitted with the understanding that if it is determined that there are protected or feature trees on the property any violation of the provisions of this Article shall be subject to the violation provisions and fines stipulated in [Section 10, Violations](#).

Staff may administratively approve any treescape plan or letter that does not involve the removal of any protected or feature trees.

**SUBSECTION 03.03: TREESCAPE APPLICATION**

All applications for treescape plans shall be submitted to the Director of Planning and Zoning or his/her designee. In addition to the application, an applicant shall also submit [7] a treescape plan conforming to the requirements of this Article and [2] a letter from the applicant or property owner indicating the reason for the removal of any protected or feature trees. A treescape plan may also be required with an application for a site plan and/or a preliminary plat, replat, or final plat.

**SUBSECTION 03.04: TREESCAPE PLAN REVIEW PROCESS**

The Director of Planning and Zoning, or his/her designee, shall review the treescape plan and approve the plan per the requirements of this Article, ~~or forward any recommendations to the Planning and Zoning Commission. As part of the treescape plan review process, the City has the right to request changes or adjustments in the layout and design of a development to save trees. The Planning and Zoning Commission will review and approve or disapprove the treescape plan. The decision of the Planning and Zoning Commission may be appealed to the City Council.~~

**TABLE 2: EXAMPLE OF TREESCAPE PLAN SPREADSHEET**

#	SPECIES	CALIPER	PROTECT OR REMOVE	TREE HEALTH (1-5)	DISEASE (Y/N)	INSECT (Y/N)	STRUCTURAL (Y/N)	MITIGATION REQUIRED
1	Live Oak	4" Caliper	Remove	2	Y	Y	Y	0
2	Cedar	10' Tall	Remove	4	N	N	N	4"
3	Red Oak	26" Caliper	Remove	3	N	N	N	52"
<b>TOTAL:</b>								<b>56"</b>

~~TREE HEALTH: 1: DEAD; 2: DISEASE/STRUCTURAL ISSUES; 3: VIABLE TREE WITH CARE; 4: GOOD HEALTH; 5: EXCELLENT HEALTH~~

~~TREE GRADES: 1-2: NOT PROTECTED; 3-5: PROTECTED~~

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**SUBSECTION 03.05: TREESCAPE PLAN EXPIRATION**

A treescape plan shall be valid for two years from the approval date. A treescape plan that is approved in conjunction with a preliminary plat, final plat, site plan, and/or building permit shall be valid for the same amount of time as the corresponding plan and/or permit.

**SUBSECTION 03.06: BUILDER/CONTRACTOR RESPONSIBILITY**

It shall be the responsibility of the builder/contractor to verify that a parcel of land has an approved treescape plan prior to commencing work on a property. In addition, the builder/contractor shall be responsible for ensuring that all construction activities meet the requirements of this Article.

**SECTION 04 | TREE REMOVAL PERMIT**

Once a treescape plan has been approved for a property, a tree removal permit will be required to remove any tree(s). Tree removal permits may be approved administratively by the Director of Planning and Zoning or his/her designee, or forwarded on to the Planning and Zoning Commission for approval. Feature trees may not be removed without the approval of the Planning and Zoning Commission. All trees removed through this process will require mitigation in accordance with the sections contained in this Article.

**SECTION 05 | TREE MITIGATION REQUIREMENTS**

The tree mitigation requirements shall apply for all properties that do not fall under the exemptions listed in Section 01.03 - Exemptions, of this Article. In addition, if a treescape plan or tree removal permit allows for the removal of a protected or feature tree(s), the applicant and/or property owner shall account for the number of inches of tree being removed using the following criteria:

- (A) Primary Protected Trees. Primary protected trees measuring four inches through 25-inches DBH shall be replaced on an inch-for-inch basis (i.e. the total number of caliper inches of tree being replaced shall equal the total number of caliper inches being removed).
- (B) Secondary Protected Trees. ~~Hackberry and cedar trees measuring 11 inches through 25 inches DBH shall be replaced with a half inch for every inch removed (i.e. the total number of caliper inches of tree required to be replaced shall be half (1/2) of the inches being removed).~~ Cedar Trees measuring eight (8) feet or greater in height shall be replaced with a single, four (4) inch caliper tree
- (C) Featured Trees. Featured trees (i.e. all trees greater than 25-inches) shall be replaced with twice the number of inches being removed (i.e. the total number of caliper inches of tree being replaced shall be twice the number of caliper inches being removed).
- (D) Non-Protected Tree. No mitigation will be required for the removal of any tree that is less than four (4) inches DBH or a Cedar Tree less than eight (8) feet in height. ~~11 inches DBH for hackberry and cedar trees.~~ In addition, no mitigation shall be required for the removal of Bois d'Arc, willow Willow, cottonwood Cottonwood, Honey locust-Locustand, Chinaberry, and Hackberry trees.

TABLE 42: SUMMARY OF MITIGATION REQUIREMENTS

Type of Tree	Mitigation Value	Mitigation Requirement	Example of Mitigation Requirements
Primary Protected Trees	4" – 25"	1"-1"	A 20-inch tree would require 20-inches of mitigation.
Secondary Protect Trees	11" – 25'8" or Greater	1"-1/2" or 1"-0.5" x 4" Caliper Tree	A 20-inch tree would require ten (10) inches of mitigation. An eight (8) foot tree would require one (1), four (4) inch caliper tree.
Featured Trees	Greater Than 25"	1"-2"	A 30-inch tree would require 60-inches of mitigation.

- (E) Tree preservation-Preservation creditsCredits. For each saved oak, pecan or elm tree(s) 25-inches DBH or greater the mitigation balance can be reduced on an inch-for-inch basis for up to 20% of the total mitigation balance (i.e. total mitigation balance x 20% = total eligible tree preservation credit).
- (F) Mitigation balanceBalance. The total mitigation balance (i.e. mitigation balance - tree preservation credits = total mitigation balance) may be satisfied through one or a combination of the following:
  - (1) The developer/property owner can provide the required number of trees -- four (4) inch caliper DBH minimum -- on the subject property to offset the total mitigation balance (e.g. if the total mitigation balance is 12-inches then three (3), four (4) inch caliper trees could be planted on-site to satisfy the mitigation requirements).
  - (2) The developer/property owner may petition the parks and recreation department to accept the required number of trees - four (4) inch caliper DBH minimum -- to offset the total mitigation balance (e.g. if the total mitigation balance is 12-inches then three (3), four (4) inch caliper trees could be submitted to the parks and recreation department to satisfy the mitigation requirements). Depending on the number of trees being submitted the Director of Parks and Recreation or his/her designee could require a facilities agreement be approved prior to accepting the trees.
  - (3) Tree preservation credits may be purchased at a rate of \$200.00 per inch for up to 20% of the total replacement inches. For example, if total mitigation required was 100-inches the developer/property owner could pay a total of \$4,000.00 (i.e. (20% x 100) x \$200.00 = \$4,000.00) into the City's tree fund; however, the developer/property owner would still be required to satisfy a remaining tree mitigation balance of 80-inches. In addition, if the developer/property owner plants a tree on [1] the property for which the tree preservation credit was assessed or [2] a location that is mutually agreed upon by the City and the developer/property owner, the developer/property owner shall be eligible for a reduction in the cost of tree preservation credits of up to 50%. These funds will be deposited in the City's tree mitigation fund and will be used for planting trees in the City's parks, medians, street rights-of-way, or other similar areas as determined by the parks and recreation department.
  - (4) Trees required by Article 08, Landscape Standards, of the Unified Development Code (UDC) shall be permitted to be subtracted from the total mitigation balance if provided on site as part of the required landscaping.

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(G) *Alternative tree mitigation settlement agreements.* In certain cases, the City Council -- upon recommendation from the Planning and Zoning Commission -- may consider an alternative tree mitigation settlement agreement where, due to hardship, the applicant is unable to meet the requirements of this Article or where it is determined that adherence to the tree mitigation requirements will create a hardship for an applicant. These funds will be deposited in the City's tree mitigation fund and will be used for planting trees in the City's parks, medians, street rights-of-way, or other similar areas as determined by the parks and recreation department.

## SECTION 06 | TREE PLANTING AND TRANSPLANTING REQUIREMENTS

### SUBSECTION 06.01: REPLACEMENT TREES

All replacement trees shall be subject to the following planting requirements:

- (A) All replacement trees must be maintained in a healthy growing condition for a minimum of two (2) years from the date of planting.
- (B) Replacement trees shall not be planted within an area such that the mature root zone will interfere with underground public utility lines, and/or where the mature canopy of the tree will interfere with overhead utility lines. In addition, no tree shall be planted within five (5) feet of an existing fire hydrant, water line or sewer line.
- (C) Replacement trees shall be selected from the reclamation/tree preservation section of *Table 1.1: Required Trees by District* contained in [Appendix C, Landscape Guidelines and Requirements, of the Unified Development Code \(UDC\)](#).
- (D) All replacement trees shall be a minimum of four (4) caliper inches DBH.

~~REFERENCE: AMERICAN STANDARD FOR NURSERY STOCK; ANSI Z60.1-2014 STANDARDS~~

### SUBSECTION 06.02: TRANSPLANTING TREES

All trees conforming to the species permitted in the reclamation/tree preservation section of *Table 1.1: Required Trees by District* contained in [Appendix C, Landscape Guidelines and Requirements, of the Unified Development Code \(UDC\)](#) can be transplanted to meet the replacement requirements and shall be subject to the following planting requirements:

- (A) All trees three (3) caliper inches DBH through six (6) caliper inches DBH are eligible for transplanting.  
**REFERENCE: TREE CARE INDUSTRY ASSOCIATION; ANSI A300 STANDARDS**
- (B) All transplanted trees must survive and be maintained in a healthy condition for a minimum of two (2) years from the date of transplanting. The developer/property owner who received the transplanting credit must replace trees that do not meet these criteria.
- (C) Transplanted protected trees will be listed in the tree survey with the notation that they are being transplanted.

## SECTION 07 | TREE PROTECTION DURING CONSTRUCTION

### SUBSECTION 07.01: TREE PROTECTION

(A) Prior to any construction or land development, the developer shall clearly mark all protected and feature trees with an aluminum tag -- indicating the trees relationship to the treescape plan -- and flag (i.e. bright fluorescent red vinyl tape). The red tape should be wrapped around the main trunk of the protected and/or feature tree at a height of approximately five (5) feet so that the tape is clearly visible during construction. In those instances where a protected tree is so close to the construction area that construction equipment could possibly damage the tree, a protective fence shall be required. The protective fence must be maintained during all construction phases until the project is finished.

(B) The developer or property owner shall be responsible for preserving all protected and feature trees during construction. This includes hiring an arborist, if necessary.

### SUBSECTION 07.02: MATERIAL AND EQUIPMENT STORAGE

The developer or contractor shall not store any material or equipment under the canopy of any protected or featured tree. During the construction stage of the development no cleaning or storage of equipment or material shall be allowed within the drip line of any tree scheduled to be preserved on an approved treescape plan. Those materials include, but are not limited to, oils, solvents, mortar, asphalt and concrete.

### SUBSECTION 07.03: SIGNS

No signs, wire or other attachments shall be affixed to any tree scheduled to be preserved on an approved treescape plan.

### SUBSECTION 07.04: TRAFFIC

No vehicular traffic, construction equipment traffic or parking shall take place within the drip line of any tree unless on existing street pavement. This restriction does not apply to single incident access for purposes of clearing underbrush, establishing the building pad and associated lot grading, vehicular traffic necessary for routine utility maintenance or emergency restoration of utility service or routine mowing operations.

### SUBSECTION 07.05: GRADE

No grade change in excess of two (2) inches shall be allowed within the drip line of any protected or featured tree unless adequate construction methods are approved beforehand. If approved, major grade changes (i.e. two [2] inches or greater) within the critical root zone of a protected or featured tree will require additional measures to maintain proper oxygen and water exchange with the roots. Root pruning will be required when disturbance will result in root exposure.

### SUBSECTION 07.06: TREE FLAGGING

At the time of submittal of a treescape plan all protected trees or feature trees should be marked with an aluminum tag, which indicates its relationship to the treescape plan, and clearly flagged with bright fluorescent red vinyl tape. The red tape should be wrapped around the main trunk of the protected tree at a height of approximately four (4) feet so that the tape is clearly visible.

### SUBSECTION 07.07: BORING

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Boring of utilities under protected or feature trees shall be required in those circumstances where it is not possible to trench around the critical root zone of a protected or feature tree. When required, the length of the bore shall be the width of the critical root zone plus two (2) feet on either side of the critical root zone and shall be at a minimum depth of 48-inches.

**SUBSECTION 07.08: DAMAGE**

Any physical damage to a tree being preserved for a tree credit that is considered to place the survival of the tree in doubt shall be eliminated as a credited tree and will require additional trees to be planted in its place at the required ratio. A certified arborist shall be consulted to determine whether physical damage to a tree places the survival of the tree in doubt.

**SECTION 08 | TREE PRUNING**

**SUBSECTION 08.01: GENERAL**

No protected or featured tree shall be pruned in a manner that would significantly disfigure the tree, or in a manner that would lead to the death of the tree.

**REFERENCE: TREE CARE INDUSTRY ASSOCIATION; ANSI A300 STANDARDS**

**SUBSECTION 08.02: PRUNING BY UTILITY COMPANIES**

Utility companies may prune trees as necessary to reestablish disrupted service or maintain existing service without obtaining a permit.

**REFERENCE: TREE CARE INDUSTRY ASSOCIATION; ANSI A300 STANDARDS**

**SUBSECTION 08.03: ALLOWED PRUNING**

A protected or featured tree may be pruned in cases where it is necessary to remove branches broken during the course of construction, or where protected or featured trees must be pruned to allow construction of a structure. Pruning should be done in a manner that does not significantly disfigure the tree or lead to the death of the tree.

**SECTION 09 | TREE FUND**

**SUBSECTION 09.01: ADMINISTRATION OF THE TREE FUND**

The City shall administer the tree fund. The funds shall be used to purchase plant material as permitted by this ordinance, install (including the equipment or labor necessary to install the plant materials) and maintain trees on public property including the necessary irrigation equipment, to acquire wooded property that remains in a naturalistic state in perpetuity, to perform and maintain a city-wide tree inventory and to educate citizens and developers on the benefits and value of trees. The City Council shall have the ability to adopt alternative methods of creating tree credits and methods of distribution of trees and/or funds for purchasing trees.

Funds collected as a result of the mitigation of trees may be used to purchase trees, both deciduous and coniferous, any woody type plant or any perennial appropriate for the climatic conditions of the north Texas region.

**SUBSECTION 09.02: COLLECTION OF MONEY FOR THE TREE FUND**

Money contributed to the tree fund shall be paid prior to the issuance of a building permit and/or prior to the filing of a final plat.

**SECTION 10 | VIOLATIONS**

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this Article shall be fined \$500.00 for each offense. The unlawful damage, destruction or removal of each tree shall be considered a separate incident and each offense subjects the violator to the maximum penalty of \$500.00 for the first tree with each subsequent tree increasing by \$500.00 increments.

No acceptance of public improvements shall be authorized and no Certificates of Occupancy (CO) shall be issued until all fines for violations of this Article have been paid to the City.

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## MEMORANDUM

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**TO:** Mary Smith, City Manager

**CC:** Honorable Mayor and City Council

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

**DATE:** September 19, 2022

**SUBJECT:** P2022-040; FINAL PLAT FOR LOTS 1-3, BLOCK A, GARCIA-HERRERA ADDITION

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### Attachments

Case Memo  
Development Application  
Location Map  
Final Plat

### Summary/Background Information

Discuss and consider a request by Harold Fetty of HD Fetty Land Surveyor, LLC on behalf of Felipe Garcia for the approval of a *Final Plat* for Lots 1, 2, & 3, Block A, Garcia-Herrera Addition being a 11.13-acre tract of land identified as Tract 8-02 of the Johnson Survey, Abstract No. 129, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), addressed as 675 Linda Lane, and take any action necessary.

### Action Needed

The City Council is being asked to approve, approve with conditions, or deny the proposed *Final Plat* and *Variance*.



**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

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**TO:** Mayor and City Council  
**DATE:** September 19, 2022  
**APPLICANT:** Harold Fetty; *HD Fetty Land Surveyor, LLC*  
**CASE NUMBER:** P2022-040; *Final Plat for Lots 1-3, Block A, Garcia-Herrera Addition*

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**SUMMARY**

Discuss and consider a request by Harold “Tracy” Fetty of HD Fetty Land Surveyor, LLC on behalf of Felipe Garcia for the approval of a Final Plat for Lots 1, 2, & 3, Block A, Garcia-Herrera Addition being a 11.13-acre tract of land identified as Tract 8-02 of the Johnson Survey, Abstract No. 129, Rockwall County, Texas, situated within the City of Rockwall’s Extraterritorial Jurisdiction (ETJ), addressed as 675 Linda Lane, and take any action necessary.

**PLAT INFORMATION**

- The applicant is requesting the approval of a Final Plat of an 11.13-acre tract of land (*i.e. Tract 8-02 of the Johnson Survey, Abstract No. 129*) for the purpose of creating three (3) lots (*i.e. Lots 1-3, Block A, Garcia-Herrera Addition*). The applicant is also requesting an exception under Subsection D, *Exception Requests*, of Exhibit ‘A’ of the *Interim Interlocal Agreement By and Between the City of Rockwall and Rockwall County*. According to Subsection C.2, *Minimum Lot Frontage on a Street*, of the agreement, the minimum lot frontage for a lot that is greater than one (1) acre but less than three (3) acres is 150-feet. In this case, Lot 2 originally showed 103.76-feet of frontage, which is 46.24-feet less than the requirement. Staff contacted the applicant, and the applicant stated that they cannot increase the size of the lot greater than 130-feet due to the existing layout of the buildings; however, the applicant stated that he would revise the plat to show 130-feet. This would still be 20-feet less than the requirement. Staff has not received these revisions depicting this change, but has made this a conditional of approval in the *Conditions of Approval* section of this case memo. Staff should note that the requested exception does not meet the *Administrative Exemptions* requirements of Subsection D.1 and must be approved by the City Council per Subsection D.2, of the *Interim Interlocal Agreement By and Between the City of Rockwall and Rockwall County*. Staff should also point out that the lots directly across the street appear to have similar to smaller lot widths as to the what is being proposed for Lot 2, Block A, Garcia-Herrera Addition.
- On August 19, 2022 the applicant submitted the proposed final plat depicting Lot 2 as being 103.76-feet, which is 46.24-foot short of the requirements within the *Interim Interlocal Agreement By and Between the City of Rockwall and Rockwall County*. Staff sent the proposed plat to Rockwall County for review and they determined that Lot 2 should meet the 150-foot lot width requirement. The applicant responded to staff that the maximum width they could achieve is 130-feet due to existing buildings on the property. Staff sent this information to Rockwall County, where they responded that they would need to see this adjustment on the plat, then they would review; however, due to the requirements of Chapter 212 of the Texas Local Government Code, the City has 30-days to act on this application. Staff is currently waiting for this revised plat showing the revision to a 130-foot lot width for Lot 2, and a response from the County concerning this variance.
- The subject property is situated within the Extraterritorial Jurisdiction (ETJ) of the City of Rockwall and is subject to the requirements of the *Interim Interlocal Cooperation Agreement Between Rockwall County and the City of Rockwall for Subdivision Regulation in the City of Rockwall’s Extraterritorial Jurisdiction (ETJ)*. On August 22, 2022 -- *in accordance with this agreement* --, staff sent Rockwall County the Final Plat for review. Staff is still waiting on a response from Rockwall County concerning the 130-foot lot width.
- The surveyor has completed the majority of the technical revisions requested by staff, and this Final Plat -- *conforming to the requirements for plats as stipulated by the Subdivision Regulation for Review of Plats in the Extraterritorial Jurisdiction*

(ETJ) of the City -- is recommended for conditional approval pending the completion of final technical modifications and submittal requirements.

- ☑ Conditional approval of this Final Plat by the City Council shall constitute approval subject to the conditions stipulated in the *Conditions of Approval* section below.
- ☑ With the exception of the items listed in the Conditions of Approval section of this case memo, this plat is in substantial compliance with the requirements of the Subdivision Regulation for Review of Plats in the Extraterritorial Jurisdiction (ETJ) of the City.

### **CONDITIONS OF APPROVAL**

If the City Council chooses to approve the Final Plat for *Lots 1-3, Block A, Garcia-Herrera Addition*, staff would propose the following conditions of approval:

- (1) All technical comments from the Engineering, Planning and Fire Departments shall be addressed prior to the filing of this plat.
- (2) The applicant will need to provide a revised Final Plat showing a lot width of 130-feet for Lot 2.
- (3) The development of the subject property shall adhere to the recommendations made by Parks and Recreation Board.
- (4) Any construction resulting from the approval of this Final Plat 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 September 13, 2022, the Planning and Zoning Commission recommended approval of the Final Plat with a vote of 6-0, with Commissioner Welch absent.



# DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO.

P2022-040

**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) <sup>1</sup>
- PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) <sup>1</sup>
- FINAL PLAT (\$300.00 + \$20.00 ACRE) <sup>1</sup>
- REPLAT (\$300.00 + \$20.00 ACRE) <sup>1</sup>
- AMENDING OR MINOR PLAT (\$150.00)
- PLAT REINSTATEMENT REQUEST (\$100.00)

### SITE PLAN APPLICATION FEES:

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

### ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE) <sup>1</sup>
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) <sup>1 & 2</sup>
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) <sup>1</sup>

### OTHER APPLICATION FEES:

- TREE REMOVAL (\$75.00)
- VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) <sup>2</sup>

#### NOTES:

<sup>1</sup>: 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.  
<sup>2</sup>: A \$1,000.00 FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.

## PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS 675 E. LINDA LANE

SUBDIVISION GARCIA-HERRERA ADDITION

LOT 1,2+3 BLOCK A

GENERAL LOCATION LINDA LN. AND ~~BLACKLAND~~ ROAD A-129 JOHNSON TR 8-3

## ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING AG

CURRENT USE RESIDENTIAL / AG

PROPOSED ZONING AG

PROPOSED USE SAME

ACREAGE 11.13

LOTS [CURRENT] 1

LOTS [PROPOSED] 3

**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 FELIPE GARCIA

APPLICANT HD FETTY LAND SURVEYOR LLC

CONTACT PERSON

CONTACT PERSON HAROLD "TRACY" FETTY

ADDRESS 675 E. LINDA LANE

ADDRESS 6770 FM 1565

CITY, STATE & ZIP ROYSE CITY, TX 75789

CITY, STATE & ZIP ROYSE CITY, TX 75789

PHONE

PHONE 972-740-4618

E-MAIL

E-MAIL tracy@hdfetty.com

## NOTARY VERIFICATION [REQUIRED]

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED \_\_\_\_\_ [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 \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

OWNER'S SIGNATURE

MY COMMISSION EXPIRES

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

0 180 360 720 1,080 1,440 Feet

P2022-040: Final Plat for Lots 1-3, Block A, Garcia-Herrera Addition



Case Location Map = 



# City of Rockwall

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

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OWNER'S CERTIFICATE  
(Public Dedication)

STATE OF TEXAS  
COUNTY OF ROCKWALL

All that certain lot, tract or parcel of land situated in the R.E. JOHNSON SURVEY, ABSTRACT NO. 129, Rockwall County, Texas, and being all of a 11.121 acres tract of land as described in a Warranty deed from MilWay Investors, LLC to Felipe Garcia, as recorded in Document no. 2014000002159 of the Official Public Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a P-K Nail found in the center of Linda Lane, at the northeast corner of said 11.121 acres tract of land, said point being the northwest corner of a tract of land as described in a Warranty deed to Kenneth Fawcett and Reita Fawcett, as recorded in Volume 130 Page 607 Official Public Records of Rockwall County, Texas;

THENCE S. 00 deg. 09 min. 55 sec. E. along the east boundary of said 11.121 acres tract, at 30.00 feet pass a 1/2" iron rod found for witness and continuing for a total distance of 759.82 feet to a 1/2" iron rod found for corner;

THENCE N. 89 deg. 52 min. 26 sec. W. along the south boundary of said 11.121 acres tract, a distance of 638.14 feet to a 1/2" iron rod found for corner at its southwest corner;

THENCE N. 00 deg. 06 min. 31 sec. W. at 730.0 feet pass a 1/2" iron rod found for witness and continuing for a total distance of 760.01 feet to a P-K Nail found for corner in the center of Linda Lane;

THENCE S. 89 deg. 51 min. 23 sec. E. along the center of said road, a distance of 637.39 feet to the POINT OF BEGINNING and containing 484,642 square feet or 11.13 acres of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

STATE OF TEXAS  
COUNTY OF ROCKWALL

I the undersigned owner of the land shown on this plat, and designated herein as GARCIA-HERRERA ADDITION, LOTS 1, 2 & 3, BLOCK A, an Addition to the City of Rockwall, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements and public places thereon shown on the purpose and consideration therein expressed. I further certify that all other parties who have a mortgage or lien interest in GARCIA-HERRERA ADDITION, LOTS 1, 2 & 3, BLOCK A have been notified and signed this plat.

I understand and do hereby reserve the easement strips shown on this plat for the purposes stated and for the mutual use and accommodation of all utilities desiring to use or using same.

I also understand the following:

- No buildings shall be constructed or placed upon, over, or across the utility easements as described herein.
- Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other growths or improvements which in any way endanger or interfere with construction, maintenance or efficiency of their respective system on any of these easement strips; and any public utility shall at all times have the right of ingress or egress to, from and upon the said easement strips for purpose of construction, reconstruction, inspecting, patrolling, main taining, and either acting to or removing all or part of their respective system without the necessity of, at any time, procuring the permission of anyone.
- The City of Rockwall will not be responsible for any claims of any nature resulting from or occasioned by the establishment of grade of streets in the subdivision.
- The developer and subdivision engineer shall bear total responsibility for storm drain improvements.
- The developer shall be responsible for the necessary facilities to provide drainage patterns and drainage controls such that properties within the drainage area are not adversely affected by storm drainage from the development.
- No house dwelling unit, or other structure shall be constructed on any lot in this addition by the owner or any other person until the developer and/or owner has complied with all requirements of the Subdivision Regulations of the City of Rockwall regarding improvements with respect to the entire block on the street or streets on which property abuts, including the actual installation of streets with the required base and paving, curb and gutter, water and sewer, drainage structures, storm structures, storm sewers, and alleys, all according to the specifications of the City of Rockwall; or

Until an escrow deposit, sufficient to pay for the cost of such improvements, as determined by the city's engineer and/or city administrator, computed on a private commercial rate basis, has been made with the city secretary, accompanied by an agreement signed by the developer and/or owner, authorizing the city to make such improvements at prevailing private commercial rates, or have the same made by a contractor and pay for the same out of the escrow deposit, should the developer and/or owner fail or refuse to install the required improvements within the time stated in such written agreement, but in no case shall the City be obligated to make such improvements itself. Such deposit may be used by the owner and/or developer as progress payments as the work progresses in making such improvements by making certified requisitions to the city secretary, supported by evidence of work done; or

Until the developer and/or owner files a corporate surety bond with the city secretary in a sum equal to the cost of such improvements for the designated area, guaranteeing the installation thereof within the time stated in the bond, which time shall be fixed by the city council of the City of Rockwall.

I further acknowledge that the dedications and/or exaction's made herein are proportional to the impact of the subdivision upon the public services required in order that the development will comport with the present and future growth needs of the City; I, my successors and assigns hereby waive any claim, damage, or cause of action that I may have as a result of the dedication of exaction's made herein.

FELIPE GARCIA \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF ROCKWALL

Before me, the undersigned authority, on this day personally appeared FELIPE GARCIA, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein stated.

Given upon my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Notary Public \_\_\_\_\_

FINAL PLAT  
**GARCIA-HERRERA ADDITION**  
**LOTS 1, 2 & 3, BLOCK A**

11.13 ACRES  
3 LOTS IN THE  
E.T.J. OF CITY OF ROCKWALL  
R.E. JOHNSON SURVEY, ABST. 129  
ROCKWALL COUNTY, TEXAS

OWNER:  
FELIPE GARCIA  
675 E LINDA LANE  
ROYSE CITY, TEXAS 75189

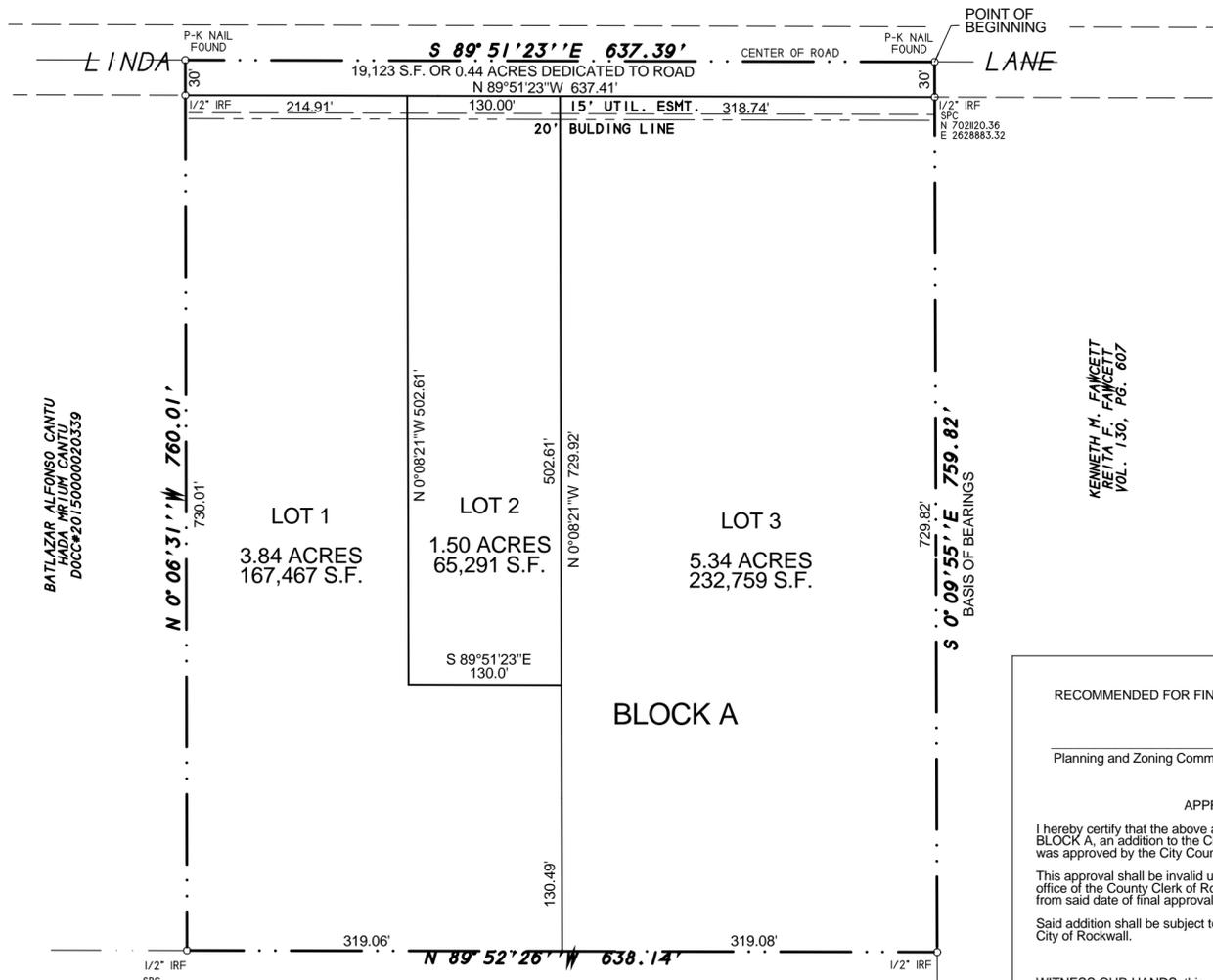
**H.D. Fetty Land Surveyor, LLC**

Firm Registration no. 101509-00  
6770 FM 1565 ROYSE CITY, TX 75189 972-635-2255 PHONE tracy@hdfetty.com

SYMBOL LEGEND	
	1/2" IRF FOR ROD FOUND (CORNER)
	Property Lines

SURVEY DATE JULY 15, 2022  
SCALE 1" = 100' FILE # 20220057  
CLIENT HERRERA

CASE NO. P2022-



RECOMMENDED FOR FINAL APPROVAL

Planning and Zoning Commission \_\_\_\_\_ Date \_\_\_\_\_

APPROVED

I hereby certify that the above and foregoing plat of GARCIA-HERRERA ADDITION, LOTS 1, 2 & 3, BLOCK A, an addition to the City of Rockwall, Texas, an addition to the City of Rockwall, Texas, was approved by the City Council of the City of Rockwall on the \_\_\_\_\_ day of \_\_\_\_\_.

This approval shall be invalid unless the approved plat for such addition is recorded in the office of the County Clerk of Rockwall, County, Texas, within one hundred eighty (180) days from said date of final approval.

Said addition shall be subject to all the requirements of the Subdivision Regulations of the City of Rockwall.

WITNESS OUR HANDS, this \_\_\_\_\_ day of \_\_\_\_\_.

Mayor, City of Rockwall \_\_\_\_\_ City Secretary City of Rockwall \_\_\_\_\_

City Engineer \_\_\_\_\_ Date \_\_\_\_\_

SURVEYOR'S CERTIFICATE

NOW, THEREFORE KNOW ALL MEN BY THESE PRESENTS:

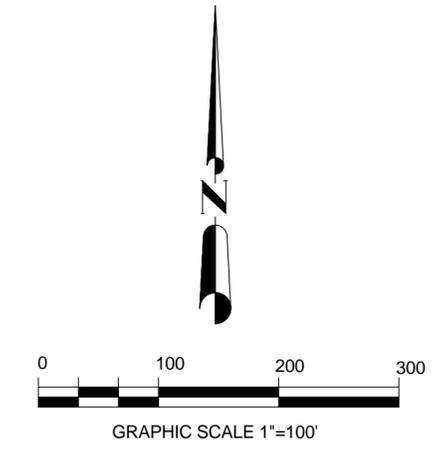
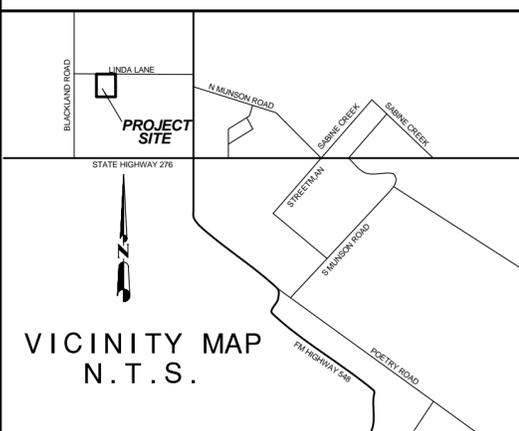
THAT I, Harold D. Fetty, III, R.P.L.S. No. 5034, do hereby certify that I prepared this plat from an actual and accurate survey of the land, and that the corner monuments shown thereon were properly placed under my personal supervision.

Harold D. Fetty, III  
Registered Professional Land Surveyor No. 5034



- NOTES
- According to F.E.M.A. Flood Insurance Rate Map, Community Panel No. 48397C0065 L dated Sept. 26, 2008, this property lies in Zone X. This property does not appear to lie within a 100-year flood plain.
  - BEARING SOURCE: RECORDED PER INSTRUMENT NO. 2014000002159, O.P.R.R.C.T.
  - ALL 1/2" IRS ARE CAPPED WITH YELLOW PLASTIC CAPS "RPLS 5034."
  - 15' UTILITY EASEMENT ALONG FRONT OF ALL LOTS.
  - SEPTIC SYSTEMS- INDIVIDUAL FACILITIES LICENSED BY ROCKWALL COUNTY AND INSTALLED PRIOR TO OCCUPANCY.
  - DEVELOPMENT PERMIT AND SEPTIC SYSTEM PERMIT ARE REQUIRED PRIOR TO ANY CONSTRUCTION OF IMPROVEMENTS.
  - PROPERTY OWNER TO MAINTAIN, REPAIR, AND REPLACE DRAINAGE SYSTEMS ON SITE.

NOTE: It shall be the policy of the City of Rockwall to withhold issuing building permits until all streets, water, sewer and storm drainage systems have been accepted by the City. The approval of a plat by the City does not constitute any representation, assurance or guarantee that any building within such plat shall be approved, authorized or permit therefore issued, as required under Ordinance 83-54.





## MEMORANDUM

---

**TO:** Mary Smith, City Manager

**CC:** Honorable Mayor and City Council

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

**DATE:** September 19, 2022

**SUBJECT:** SP2022-044; SITE PLAN FOR ADVANTAGE STORAGE

---

### Attachments

Memorandum  
Development Application  
Location Map  
Site Plan  
Building Elevations  
Building Rendering

### Summary/Background Information

Discuss and consider a request by Bob Pruett of Urban Structure on behalf of Garrett Poindexter of Cambridge Properties, LLC for the approval of an *Exception* to the building height in conjunction with an approved site plan for a *Mini-Warehouse Facility* on a 3.682-acre tract of land being a portion of a larger 7.154-acre tract of land identified as Tract 3 of the J. M. Allen Survey, Abstract No. 2, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 10 (PD-10) for Commercial (C) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District and the SH-276 Overlay (SH-276 OV) District, situated at the southeast corner of the intersection of John King Boulevard and Discovery Boulevard, and take any action necessary.

### Action Needed

The City Council is being asked to approve, approve with conditions, or deny the proposed *Exception*.



# 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

**FROM:** Ryan Miller; *Director of Planning*

**DATE:** September 19, 2022

**SUBJECT:** SP2022-044; Site Plan Exception for Advantage Storage

---

The applicant, *Bob Pruett of Urban Structure*, is requesting the approval of an exception for a three (3) story storage facility on a 3.682-acre tract of land being a portion of a larger 7.154-acre tract of land situated at the southeast corner of the intersection of John King Boulevard and Discovery Boulevard. The applicant's *Site Plan* and *Building Elevations* indicate that Building A will be three (3) stories and 42-feet in height. According to Section D.5.A, *Permitted Land Uses*, of *Exhibit C, PD Development Standards*, of Planned Development District 10 (PD-10), the *Mini-Warehouse* land use is permitted *by-right* on the subject property with the requirements listed in the *Conditional Land Use Standards* section of the Unified Development Code (UDC). One of the conditional land use standards for a *Mini-Warehouse* listed in Subsection 02.02, *Land Use Standards*, of Article 13, *Definitions*, of the Unified Development Code (UDC), states that "(o)nly single-story units are allowed; however, no multistory buildings will be permitted unless an exception is approved by the Planning and Zoning Commission and City Council." On September 13, 2022, the Planning and Zoning Commission approved the exception along with the *Site Plan*, and recommended approval of the exception to Building Height in the *Conditional Land Use Standards*, by a vote of 6-0, (with Commissioner Welch absent). Requests for exceptions are discretionary decisions for both the Planning and Zoning Commission and City Council. Staff should note that a supermajority vote (*e.g. six [6] out of the seven [7] council members*) -- with a minimum of four (4) votes in the affirmative -- is required for the approval of this exception. Should the City Council have any questions, staff will be available at the September 19, 2022 City Council meeting.



# DEVELOPMENT APPLICATION

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

STAFF USE ONLY  
PLANNING & ZONING CASE NO.

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

### SITE PLAN APPLICATION FEES:

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

### ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE) <sup>1</sup>
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) <sup>1 & 2</sup>
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) <sup>1</sup>

### OTHER APPLICATION FEES:

- TREE REMOVAL (\$75.00)
- VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) <sup>2</sup>

### NOTES:

<sup>1</sup>: 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.  
<sup>2</sup>: A \$1,000.00 FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT

## PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS

SUBDIVISION

NA

LOT

BLOCK

GENERAL LOCATION

NE QUAD JAMES KING & US 276

## ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING

R01W HIGHWAY OVERLAY

CURRENT USE

VACANT

PROPOSED ZONING

" " "

PROPOSED USE

MINI-STORAGE

ACREAGE

3.682

LOTS [CURRENT]

0

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

CAMBRIDGE PROPERTIES INC

APPLICANT

BOB PRUETT

CONTACT PERSON

GARRETT POINDEXTER

CONTACT PERSON

URBAN STRUCTURE

ADDRESS

8750 N. CENTRAL EXP.  
SUITE 1735

ADDRESS

8140 WALNUT HILL  
SUITE 905

CITY, STATE & ZIP

DALLAS TX 75231

CITY, STATE & ZIP

DALLAS TX 75231

PHONE

972-832-8933

PHONE

214-295-5347

E-MAIL

RJONES@ADVANTAGESTORAGE.NET

E-MAIL

BPRUETT@URBANSTRUCT.COM

## NOTARY VERIFICATION [REQUIRED]

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JAMES J. MELINDO [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."

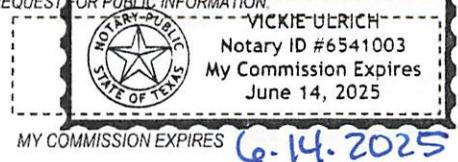
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 15th DAY OF JULY, 2022

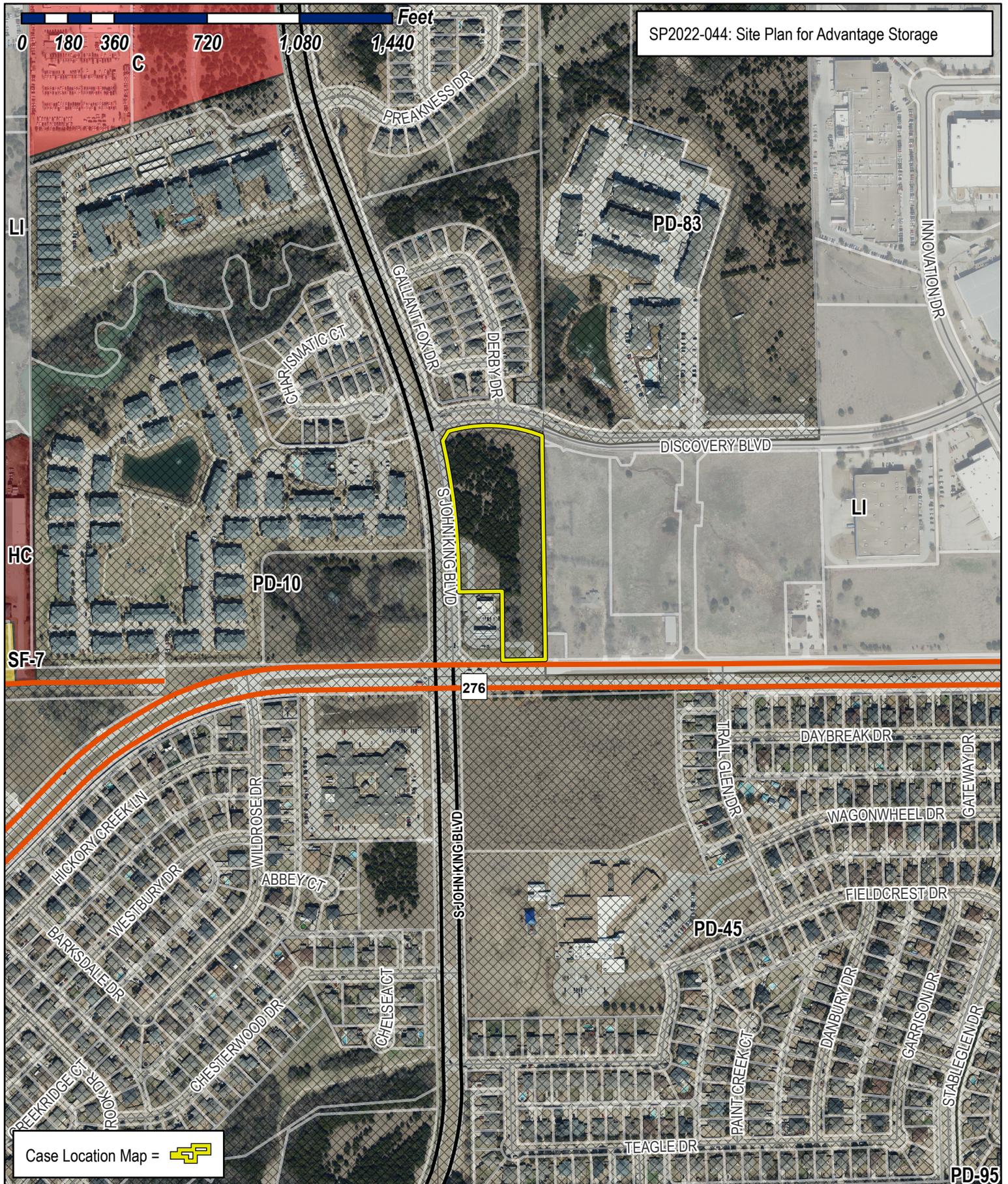
OWNER'S SIGNATURE

*James J. Melindo*

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

*Vickie Uelrich*





SP2022-044: Site Plan for Advantage Storage

Case Location Map = 



# City of Rockwall

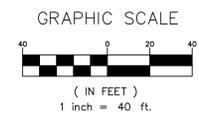
Planning & Zoning Department  
 385 S. Goliad Street  
 Rockwall, Texas 75032  
 (P): (972) 771-7745  
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PAVEMENT LEGEND	
	EXISTING PAVEMENT
	HEAVY DUTY CONCRETE PAVEMENT
	LIGHT DUTY CONCRETE PAVEMENT

SITE DATA TABLE	
EXISTING USE:	VACANT
PROPOSED USE:	MINI-WAREHOUSE & OFFICE SUITES
EXISTING ZONING DISTRICT:	PLANNED DEVELOPMENT (PD-10)
SITE AREA (LOT 2):	3.682 AC (160,388 SF)
SITE AREA (LOT 3):	2.565 AC (111,719 SF)
TOTAL SITE AREA:	6.247 AC (272,107 SF)
FOR LOT 2 ONLY	
BUILDING AREA:	MINI-WAREHOUSE OFFICE SUITES
BUILDING A (3 STORIES):	62,250 SF 4,400 SF
BUILDING B (1 STORY):	11,350 SF 0 SF
BUILDING C (1 STORY):	4,000 SF 0 SF
BUILDING D (1 STORY):	13,100 SF 2,800 SF
TOTAL BUILDING AREA:	104,900 SF
TOTAL BUILDING FOOTPRINT AREA:	55,800 SF
TOTAL STORAGE UNITS:	635 UNITS
	REQUIRED PROVIDED
MAXIMUM LOT COVERAGE:	96,233 SF (60%) 56,000 SF (35%)
FLOOR TO AREA RATIO:	4.1 0.66:1
MAXIMUM BUILDING HEIGHT:	60 FT 42 FT
LANDSCAPE AREA:	32,078 SF (20%) 58,982 SF (36.8%)
PARKING REQUIRED:	MINI-WAREHOUSE OFFICE SUITES
	9 STALLS 25 STALLS
	(3 STALLS + 1/100 UNITS) (1/300 SF)
TOTAL PARKING REQUIRED:	34 STALLS
TOTAL PARKING PROVIDED:	34 STALLS
NOTE: PD-10 REQUIRES COMMERCIAL (C) ZONING STANDARDS TO BE FOLLOWED FOR A NON-RESIDENTIAL DEVELOPMENT.	



**TOCS**  
1-800-245-4545  
tdticket@1-call.com

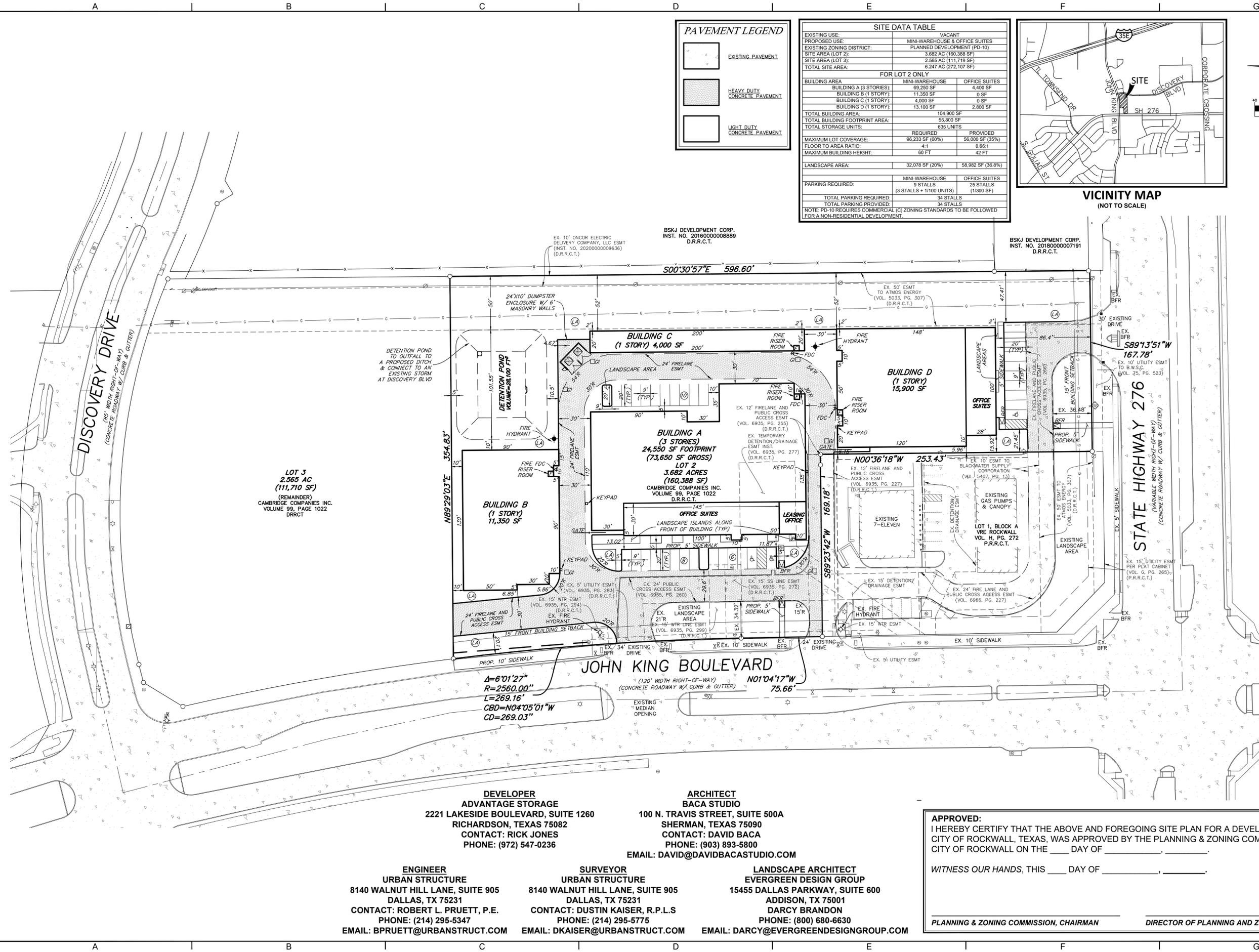


**PRELIMINARY**  
NOT FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSE.  
PREPARED UNDER THE SUPERVISION OF ROBERT L. PRUETT, JR. P.E. #53862 ON 08/19/2022

**ADVANTAGE STORAGE**  
STATE HIGHWAY 276  
OUT OF THE JAMES M. ALLEN SURVEY, ABSTRACT NO. 2  
CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

PROJECT:	SHEET TITLE:
ADVANTAGE STORAGE	SITE PLAN

**SHEET SP-1**



**DEVELOPER**  
ADVANTAGE STORAGE  
2221 LAKESIDE BOULEVARD, SUITE 1260  
RICHARDSON, TEXAS 75082  
CONTACT: RICK JONES  
PHONE: (972) 547-0236

**ARCHITECT**  
BACA STUDIO  
100 N. TRAVIS STREET, SUITE 500A  
SHERMAN, TEXAS 75090  
CONTACT: DAVID BACA  
PHONE: (903) 893-5800  
EMAIL: DAVID@DAVIDBACASTUDIO.COM

**ENGINEER**  
URBAN STRUCTURE  
8140 WALNUT HILL LANE, SUITE 905  
DALLAS, TX 75231  
CONTACT: ROBERT L. PRUETT, P.E.  
PHONE: (214) 295-5347  
EMAIL: BPRUETT@URBANSTRUCT.COM

**SURVEYOR**  
URBAN STRUCTURE  
8140 WALNUT HILL LANE, SUITE 905  
DALLAS, TX 75231  
CONTACT: DUSTIN KAISER, R.P.L.S.  
PHONE: (214) 295-5775  
EMAIL: DKAISER@URBANSTRUCT.COM

**LANDSCAPE ARCHITECT**  
EVERGREEN DESIGN GROUP  
15455 DALLAS PARKWAY, SUITE 600  
ADDISON, TX 75001  
DARCY BRANDON  
PHONE: (800) 680-6630  
EMAIL: DARCY@EVERGREENDESIGNGROUP.COM

**APPROVED:**  
I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING SITE PLAN FOR A DEVELOPMENT IN THE CITY OF ROCKWALL, TEXAS, WAS APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL ON THE \_\_\_\_ DAY OF \_\_\_\_.

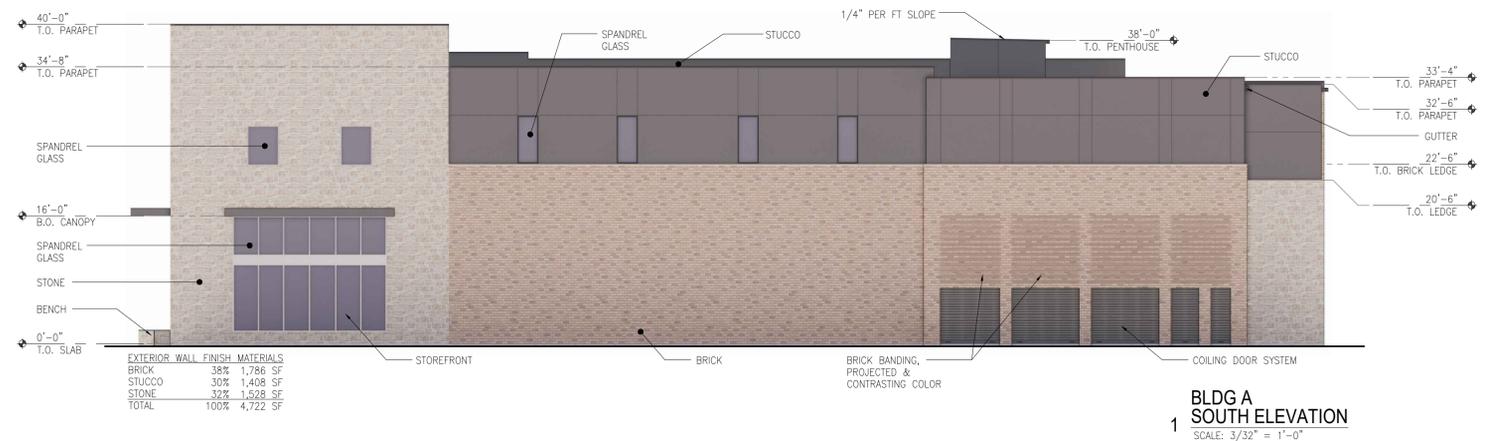
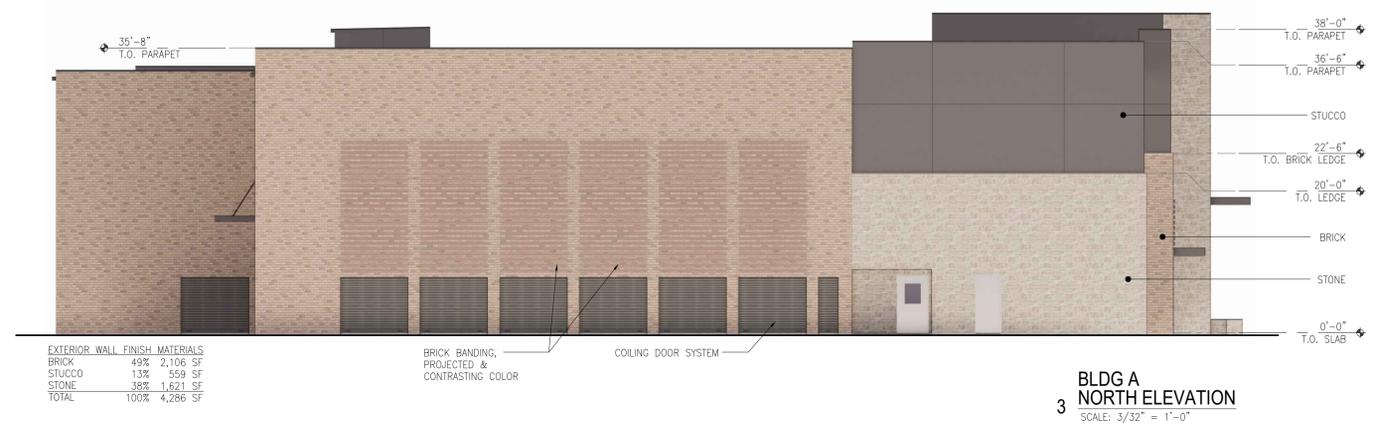
WITNESS OUR HANDS, THIS \_\_\_\_ DAY OF \_\_\_\_.

\_\_\_\_\_  
PLANNING & ZONING COMMISSION, CHAIRMAN

\_\_\_\_\_  
DIRECTOR OF PLANNING AND ZONING

FILE NAME: C:\SITE DWG...  
LAST MODIFIED BY: VAKCOTY...  
LAST MODIFIED ON: 8/17/2022 12:13 PM  
PLOTTED ON: 8/19/2022 12:11 PM

NO.	DESCRIPTION	DATE



**APPLICANT INFORMATION**  
**APPLICANT:** BOB PRUETT  
**CONTACT PERSON:** URBAN STRUCTURE  
**ADDRESS:** 8140 WALNUT HILL LANE, SUITE 905  
 DALLAS, TEXAS 75231  
**EMAIL:** BPRUETT@URBANSTRUCT.COM  
**PHONE:** 214.295.5347

**OWNER INFORMATION**  
**OWNER:** CAMBRIDGE PROPERTIES INC.  
**CONTACT PERSON:** GARRETT POINDEXTER  
**ADDRESS:** 8750 N. CENTRAL EXP., SUITE 1735  
 DALLAS, TEXAS 75231  
**EMAIL:** RJONES@ADVANTAGESTORAGE.NET  
**PHONE:** 972.832.8933

**PROJECT INFORMATION**  
**NAME:** ADVANTAGE STORAGE  
**ADDRESS:** 1701 STATE HIGHWAY 276  
 ROCKWALL, TEXAS 75032  
**CASE #:** \_\_\_\_\_

exterior elevations - bldg a

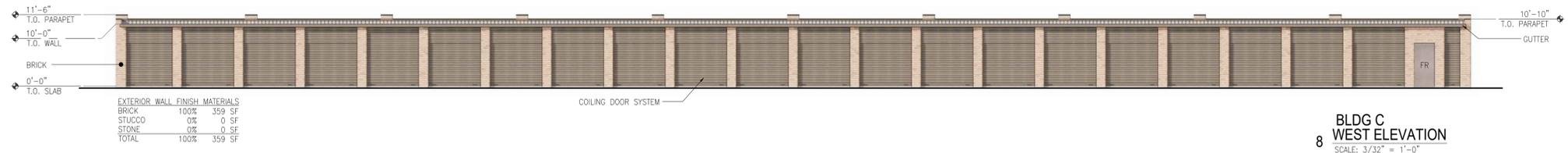
**Advantage Storage**  
 Contact: Advantage Construction - 214.308.5225  
 1701 State Highway 276  
 Rockwall, Texas

PROJECT NUMBER  
**2225**  
 DATE  
**09.08.22**  
 SHEET NUMBER  
**A6.0**

**APPLICANT INFORMATION**  
 APPLICANT: BOB PRUETT  
 CONTACT PERSON: URBAN STRUCTURE  
 ADDRESS: 8140 WALNUT HILL LANE, SUITE 905  
 DALLAS, TEXAS 75231  
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 PHONE: 214.295.5347

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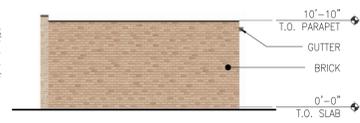
**PROJECT INFORMATION**  
 NAME: ADVANTAGE STORAGE  
 ADDRESS: 1701 STATE HIGHWAY 276  
 ROCKWALL, TEXAS 75032  
 CASE #:



**BLDG C WEST ELEVATION**  
 SCALE: 3/32" = 1'-0"

BUILDING TOTALS		
BRICK	92%	3,030 SF
STONE	8%	278 SF
TOTAL	100%	3,308 SF

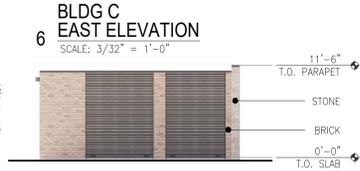
EXTERIOR WALL FINISH MATERIALS		
BRICK	99%	261 SF
STUCCO	0%	0 SF
STONE	1%	12 SF
TOTAL	100%	273 SF



**BLDG C NORTH ELEVATION**  
 SCALE: 3/32" = 1'-0"

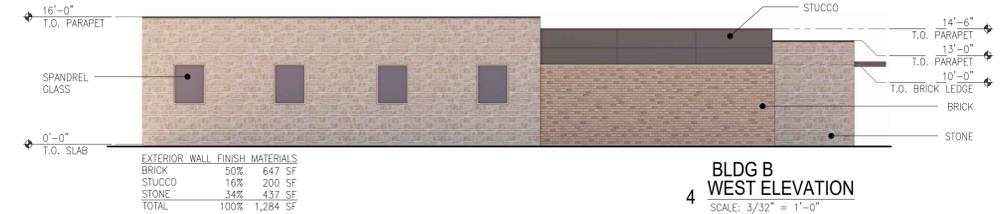
EXTERIOR WALL FINISH MATERIALS		
BRICK	89%	2,149 SF
STUCCO	0%	0 SF
STONE	11%	254 SF
TOTAL	100%	2,403 SF

EXTERIOR WALL FINISH MATERIALS		
BRICK	88%	80 SF
STUCCO	0%	0 SF
STONE	12%	12 SF
TOTAL	100%	92 SF



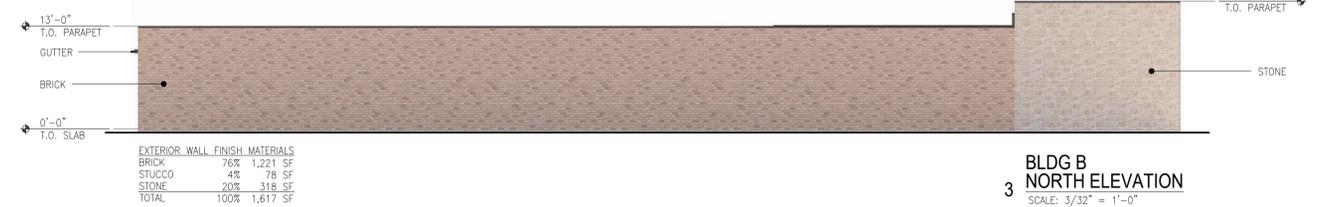
**BLDG C EAST ELEVATION**  
 SCALE: 3/32" = 1'-0"

**BLDG C SOUTH ELEVATION**  
 SCALE: 3/32" = 1'-0"

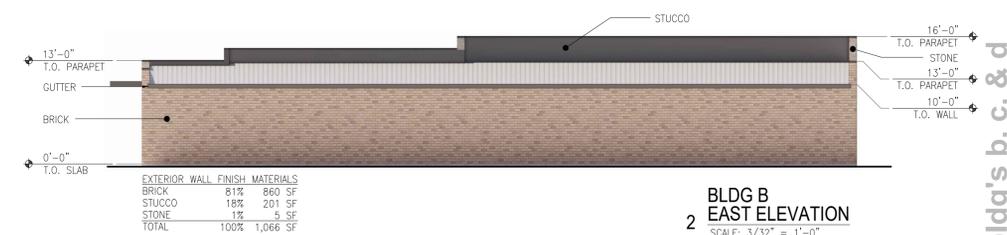


**BLDG B WEST ELEVATION**  
 SCALE: 3/32" = 1'-0"  
 (FACES JOHN KING BLVD.)

BUILDING TOTALS		
BRICK	68%	3,193 SF
STUCCO	6%	302 SF
STONE	26%	1,256 SF
TOTAL	100%	4,751 SF



**BLDG B NORTH ELEVATION**  
 SCALE: 3/32" = 1'-0"  
 (FACES DISCOVERY DR.)

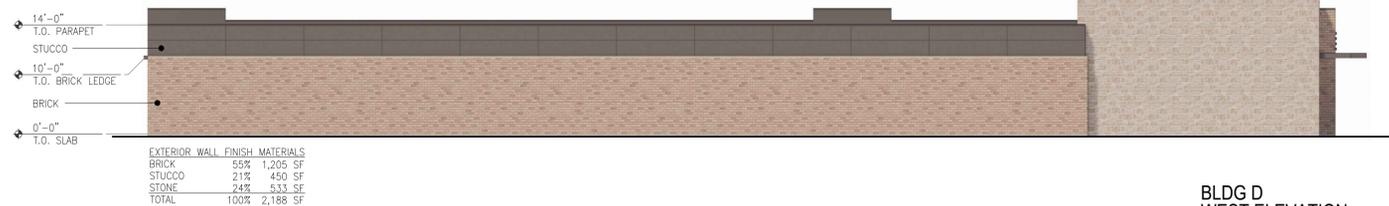


**BLDG B EAST ELEVATION**  
 SCALE: 3/32" = 1'-0"



**BLDG D SOUTH ELEVATION**  
 SCALE: 3/32" = 1'-0"  
 (FACES HWY 276)

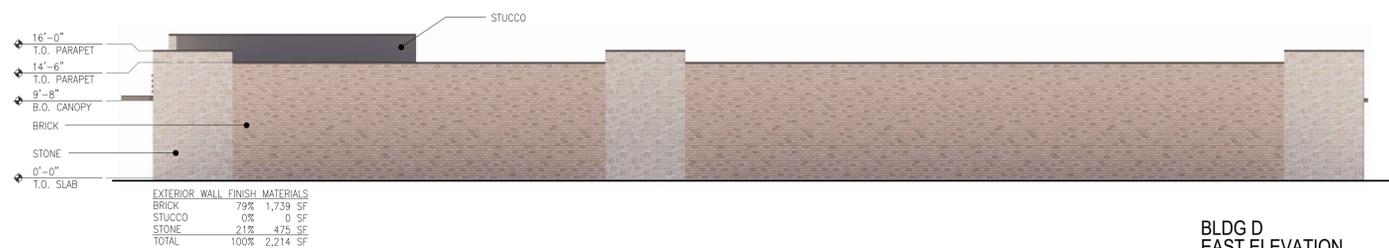
BUILDING TOTALS		
BRICK	65%	3,774 SF
STUCCO	8%	473 SF
STONE	27%	1,589 SF
TOTAL	100%	5,836 SF



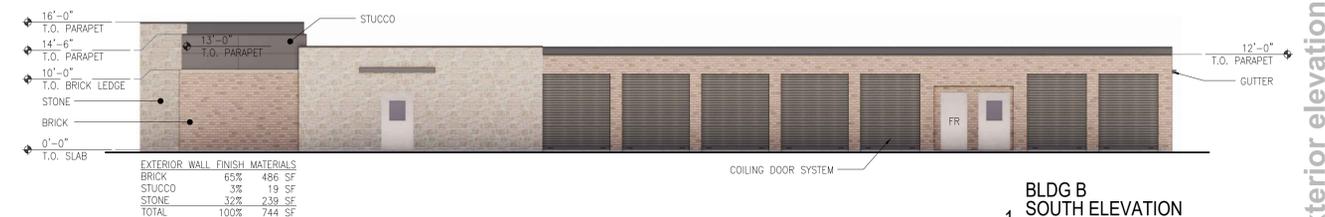
**BLDG D WEST ELEVATION**  
 SCALE: 3/32" = 1'-0"



**BLDG D NORTH ELEVATION**  
 SCALE: 3/32" = 1'-0"



**BLDG D EAST ELEVATION**  
 SCALE: 3/32" = 1'-0"



**BLDG B SOUTH ELEVATION**  
 SCALE: 3/32" = 1'-0"

**BACA**  
 100 NORTH TRAVIS STREET  
 SUITE NO.500  
 SHERMAN, TEXAS 75090  
 903.893.5800  
 www.BACA.team

**SCHEMATIC DESIGN REVIEW**  
 NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION

NO.	DESCRIPTION	DATE

**Advantage Storage**  
 Contact: Advantage Construction - 214.308.5225  
 1701 State Highway 276  
 Rockwall, Texas

PROJECT NUMBER  
**2225**  
 DATE  
**09.08.22**  
 SHEET NUMBER  
**A6.1**

exterior elevations - bldg's b, c, & d

**SCHEMATIC  
DESIGN  
REVIEW**

NOT FOR REGULATORY  
APPROVAL, PERMITTING, OR  
CONSTRUCTION

REVISIONS		DATE
NO.	DESCRIPTION	



**4 OVERALL  
WEST ELEVATION**  
SCALE: 1/16" = 1'-0"  
(FACES JOHN KING BLVD.)



**3 OVERALL  
NORTH ELEVATION**  
SCALE: 1/16" = 1'-0"  
(FACES DISCOVERY DR.)



**2 OVERALL  
EAST ELEVATION**  
SCALE: 1/16" = 1'-0"



**1 OVERALL  
SOUTH ELEVATION**  
SCALE: 1/16" = 1'-0"  
(FACES HWY 276)

exterior elevations - overall

**APPLICANT INFORMATION**  
APPLICANT: BOB PRUETT  
CONTACT PERSON: URBAN STRUCTURE  
ADDRESS: 8140 WALNUT HILL LANE, SUITE 905  
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**PROJECT INFORMATION**  
NAME: ADVANTAGE STORAGE  
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ROCKWALL, TEXAS 75032  
CASE #: \_\_\_\_\_

**Advantage Storage**  
Contact: Advantage Construction - 214.308.5225  
1701 State Highway 276  
Rockwall, Texas

PROJECT NUMBER  
**2225**  
DATE  
**09.08.22**  
SHEET NUMBER  
**A6.2**



City of Rockwall  
*The New Horizon*

## MEMORANDUM

---

**TO:** Mayor and City Council  
**FROM:** Mary Smith, City Manager  
**DATE:** September 9, 2022  
**SUBJECT:** Amending the Fiscal Year 2022 Budget

---

The final General fund budget summary sheets for the fiscal year 2022 amended and fiscal year 2023 proposed budget are included in the Council packet with the budget adoption agenda item. The amended budget was not changed during budget discussions.

**See p.343 of this packet**

CITY OF ROCKWALL, TEXAS

ORDINANCE NO. 22-48

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE BUDGET OF THE CITY FOR THE FISCAL YEAR OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2022; PROVIDING FOR AN EFFECTIVE DATE.

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

**Section 1.** That the budget of the City of Rockwall for the fiscal year October 1, 2021, through September 30, 2022, be and the same is hereby amended and such amendments are indicated and shown on **Exhibit "A"** attached hereto and made a part hereof for all purposes.

**Section 2.** 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 19<sup>th</sup> day of September, 2022.

ATTEST:

\_\_\_\_\_  
Kevin Fowler, Mayor

\_\_\_\_\_  
Kristy Teague, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Frank Garza, City Attorney



City of Rockwall  
*The New Horizon*

## MEMORANDUM

---

**TO:** Mayor and City Council  
**FROM:** Mary Smith, City Manager  
**DATE:** September 9, 2022  
**SUBJECT:** Adopting the Fiscal Year 2023 Budget

---

Notebook. It is included by reference only, rather than presented again in its entirety.

### General Fund

The General Fund budget will anticipate tax collections based on a 29.25 cent tax rate.

No changes have been made to the proposed budget since our discussion at the August 25<sup>th</sup> budget workshop.

An electronic version of the budget is available on the city's website [HERE](#)

### Water – Sewer Fund

The budget as proposed reflects an increase in water or wastewater rates, which is being developed at this time and will be brought back for consideration by the Council in November. The large majority of our expenses are set by the North Texas Municipal Water District and they will set their rates at the end of September.

**CITY OF ROCKWALL**

**ORDINANCE NO. 22-49**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, APPROVING AND ADOPTING A BUDGET FOR THE CITY FOR THE FISCAL YEAR OCTOBER 1, 2022, THROUGH SEPTEMBER 30, 2023; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Manager of the City of Rockwall, Texas has heretofore filed with the City Secretary a proposed General Budget for the City covering the fiscal year aforesaid, and

**WHEREAS**, the governing body of the City has concluded its public hearing on said budget,

**WHEREAS**, in accordance with Section 7.06 of the City Charter, the budget for fiscal year 2022-23 is being adopted in a timely manner,

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

**Section 1.** That said budget for the fiscal year October 1, 2022, through September 30, 2023 be and the same is hereby attached to this ordinance and made a part hereof for all purposes and marked “**Exhibit A.**”

**Section 2.** That said budget attached hereto and marked “**Exhibit A**” be, and the same hereby is, approved and adopted by fund, by the City Council, as the official budget for the City for the fiscal year aforesaid.

**Section 3.** That expenditures during the fiscal year shall be made in accordance with the budget approved by this ordinance unless otherwise amended by a duly enacted ordinance of the city.

**Section 4.** 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 19<sup>th</sup> day of September, 2022.**

\_\_\_\_\_  
**Kevin Fowler, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Kristy Teague, City Secretary**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Frank Garza, City Attorney**

## SUMMARY OF OPERATIONS

**Fund**

01 General

	Actual 20-21	Budgeted 21-22	Amended 21-22	Adopted 22-23
Total Revenues	53,403,864	44,545,650	51,282,400	49,142,900
Total Operating Expenditures	36,729,946	44,643,500	45,678,450	45,879,150
Capital Reserve Expenditures	-	794,100	1,599,100	2,419,050
Excess Revenues Over (Under) Expenditures	16,673,918	(891,950)	4,004,850	844,700
Net Other Financing Sources (Uses)	(2,593,350)	(3,749,500)	(4,036,500)	(3,000,450)
Net Gain (Loss)	14,080,568	(4,641,450)	(31,650)	(2,155,750)
Fund Balance - Beginning	16,655,538	14,057,403	30,736,106	30,704,456
Fund Balance - Ending	30,736,106	9,415,953	30,704,456	28,548,706

## SUMMARY OF REVENUES

**Fund**

01 General

Account	Description	Actual 20-21	Budgeted 21-22	Amended 21-22	Adopted 22-23
4100	Current Taxes	13,498,845	13,388,800	13,388,800	13,897,350
4105	Delinquent Taxes	82,909	80,000	80,000	80,000
4110	Penalty & Interest	62,845	60,000	60,000	60,000
Total Property Taxes		13,644,599	13,528,800	13,528,800	14,037,350
4150	Sales Taxes	23,561,022	22,700,000	25,800,000	25,800,000
4155	Beverage Taxes	321,760	200,000	200,000	200,000
4160	Sales Tax Rebate	(731)	-	-	-
Total Sales Taxes		23,882,050	22,900,000	26,000,000	26,000,000
4201	Electrical Franchise	2,010,039	1,960,000	2,045,000	2,065,000
4203	Telephone Franchise	92,234	95,000	70,000	70,000
4205	Gas Franchise	503,312	500,000	706,000	650,000
4207	Cable TV Franchise	269,640	295,000	295,000	295,000
4209	Garbage Franchise	369,728	350,000	360,000	360,000
Total Franchise Fees		3,244,952	3,200,000	3,476,000	3,440,000
4250	Park & Recreation Fees	48,853	15,000	27,000	18,000
4251	Municipal Pool Fees	11,120	22,000	22,000	22,000
4253	Center Rentals	28,529	10,000	21,000	15,000
4255	Harbor Rentals	2,800	1,000	1,000	1,000
4270	Code Enforcement Fees	31,444	10,000	52,150	15,000
4280	Zoning Request Fees	81,060	50,000	88,000	75,000
4283	Construction Inspection	470,881	500,000	1,302,850	500,000
4295	Fire - Plans	5,950	4,500	4,500	4,500
Total Fees		680,637	612,500	1,518,500	650,500

## SUMMARY OF REVENUES

**Fund**

01 General

Account	Description	Actual 20-21	Budgeted 21-22	Amended 21-22	Adopted 22-23
4300	Building Permits	1,486,636	1,150,000	1,150,000	1,150,000
4302	Fence Permits	24,149	20,000	20,000	20,000
4304	Electrical Permits	34,498	25,000	42,000	25,000
4306	Plumbing Permits	62,441	50,000	50,000	50,000
4308	Mechanical Permits	34,430	55,000	30,000	55,000
4310	Daycare Center Permits	2,890	5,500	5,500	5,500
4312	Health Permits	108,789	132,000	120,000	132,000
4314	Sign Permits	14,025	20,000	20,000	20,000
4288	Beverage Permits	-	15,000	15,000	15,000
4320	Miscellaneous Permits	76,322	50,000	94,000	65,000
<b>Total Permits</b>		<b>1,844,180</b>	<b>1,522,500</b>	<b>1,546,500</b>	<b>1,537,500</b>
4400	Court Fines	251,339	250,000	250,000	275,000
4402	Court Fees	65,027	50,000	50,000	60,000
4404	Warrant Fees	31,103	30,000	25,000	30,000
4406	Court Deferral Fees	103,893	80,000	80,000	90,000
4408	Animal Registration Fees	3,770	5,000	5,000	5,000
4414	Alarm Fees and Fines	54,356	59,000	59,000	62,000
<b>Total Municipal Court</b>		<b>509,488</b>	<b>474,000</b>	<b>469,000</b>	<b>522,000</b>
4001	Interest Earnings	-	50,000	50,000	50,000
4007	Sale of Supplies	178	500	500	500
4010	Auction/Scrap Proceeds	110,499	20,000	20,000	20,000
4019	Miscellaneous	40,364	20,000	215,000	30,000
4450	Land Sales	12,482	-	-	-
4480	Tower Leases	24,644	25,000	25,000	25,000
4680	Developer Contributions	10,000	30,000	30,000	30,000
<b>Total Miscellaneous</b>		<b>198,167</b>	<b>145,500</b>	<b>340,500</b>	<b>155,500</b>
4500	Grant Proceeds	8,169,046	1,013,850	3,244,450	1,463,150
4510	School Patrol	621,891	621,850	632,000	741,200
4520	County Contracts	240	1,000	1,000	1,000
4530	City Contracts	608,614	525,650	525,650	594,700
<b>Total Intergovernmental</b>		<b>9,399,791</b>	<b>2,162,350</b>	<b>4,403,100</b>	<b>2,800,050</b>
<b>Total Revenues</b>		<b>53,403,864</b>	<b>44,545,650</b>	<b>51,282,400</b>	<b>49,142,900</b>

## SUMMARY OF OPERATING TRANSFERS

**Fund**

01 General

	Actual 20-21	Budgeted 21-22	Amended 21-22	Adopted 22-23
Other Financing Sources				
Operating Transfers In:				
From Water & Sewer	300,000	300,000	300,000	300,000
<b>Total Other Financing Sources</b>	<b>300,000</b>	<b>300,000</b>	<b>300,000</b>	<b>300,000</b>
Other Financing Uses				
Operating Transfers Out:				
To Rec. Dev. Fund	-	800,000	837,000	-
To Employee Benefit Fund (Ins.)	2,250,000	2,750,000	2,750,000	2,750,000
To Workers Compensation Fund	180,000	200,000	200,000	225,000
To Tech. Replacement Fund	213,350	299,500	299,500	325,450
To Vehicle Replacement Fund	250,000	-	250,000	-
<b>Total Other Financing Uses</b>	<b>2,893,350</b>	<b>4,049,500</b>	<b>4,336,500</b>	<b>3,300,450</b>
Less Capital Reserve	-	-	-	-
<b>Net Other Financing Sources (Uses)</b>	<b>(2,593,350)</b>	<b>(3,749,500)</b>	<b>(4,036,500)</b>	<b>(3,000,450)</b>

## SUMMARY OF EXPENDITURES

**Fund**

01 General

Dept.	Div.		Actual 20-21	Budgeted 21-22	Amended 21-22	Adopted 22-23
10	01	Mayor/Council	111,916	125,550	125,550	147,850
10	05	Administration	2,076,611	2,019,250	2,029,250	2,308,150
10	06	Administrative Services	438,896	495,600	495,600	473,050
10	07	Information Technology	-	998,800	1,232,750	1,140,650
10	09	Internal Operations	2,670,075	2,867,600	3,545,950	2,774,000
15	11	Finance	705,939	1,048,250	1,048,250	1,146,200
15	15	Municipal Court	412,238	500,500	500,500	526,150
20	25	Fire Operations	5,521,267	6,172,200	6,271,200	7,313,650
20	29	Fire Marshal	668,320	772,200	778,200	887,550
30	31	Police Administration	1,275,359	1,561,250	1,646,250	1,657,550
30	32	Communications	1,295,684	1,465,000	1,465,000	1,738,500
30	33	Patrol	6,020,385	7,015,150	7,631,350	8,171,750
30	34	CID	1,576,277	2,203,000	2,205,000	2,316,450
30	35	Community Services	1,454,344	1,756,750	1,783,750	2,146,750
30	36	Warrants	239,033	259,050	259,050	282,250
30	37	Records	515,678	338,500	338,500	357,350
40	41	Planning	809,351	852,200	852,200	957,800
40	42	Neighborhood Improv.	534,731	588,600	588,600	600,500
40	43	Building Inspections	802,984	781,500	861,000	955,800
45	45	Parks	2,958,969	3,265,750	3,313,250	3,657,550
45	46	Harbor O&M	466,901	640,300	641,800	627,000
45	47	Recreation	903,706	1,174,400	1,174,400	1,181,500
45	48	Animal Services	682,671	739,700	658,650	650,700
50	53	Engineering	986,792	1,290,350	1,300,350	1,317,900
50	59	Streets	3,601,819	6,506,150	6,531,150	4,961,600
			36,729,946	45,437,600	47,277,550	48,298,200
Less Capital Reserve			-	794,100	1,599,100	2,419,050
<b>Total Operating Expenditures</b>			<b>36,729,946</b>	<b>44,643,500</b>	<b>45,678,450</b>	<b>45,879,150</b>



City of Rockwall  
*The New Horizon*

## MEMORANDUM

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**TO:** Mayor and City Council  
**FROM:** Mary Smith, City Manager  
**DATE:** September 16, 2022  
**SUBJECT:** REDC Budget

---

The Rockwall Economic Development Corporation Board approved the attached budget at their Board meeting on September 15, 2022.

Included in the Council packet is the Board's Annual Workplan and List of Accomplishments which will be reviewed during

REDC President, Phil Wagner, will be available at the Council meeting to present aspects of the budget and answer any questions. His memo to the Board is included in the Council packet. Phil will also review the Board's Annual Workplan and list of Accomplishments.

Council action will be needed to approve the REDC annual budget for FY2023.



# Memo

**To:** RTPA Board of Directors  
**From:** Matt Wavering   
**cc:** REDC Staff   
**Date:** September 8, 2022  
**Re:** RTPA Fiscal Year 2023 Budget Review

---

The proposed Fiscal Year 2023 budget for the Rockwall Technology Park Association (RTPA) is attached. The following summary has been provided for review and consideration.

## Overall Budget

The budget to maintain the RTP Common Area Maintenance (CAM) areas totals \$203,350. This is up from \$180,450 in FY22 due primarily to increases in landscaping and irrigation maintenance, non-annual improvement expenses, water, and flags as identified below.

## Landscape/Irrigation Maintenance

This line item totals \$145,600 (up from \$133,450 in FY22) and includes the following:

- Grounds and irrigation maintenance of CAM areas: \$118,581.00 (rounded up to \$118,600). This covers maintenance of the CAM areas within the RTP including mowing, trimming, fertilizer, plantings, inspection & adjustment of flags, trash pick-up, and irrigation system maintenance.
- Additional non-annual improvements to CAM areas: \$24,000.00. This includes a budget for repair or replacement of the existing halogen flag pole light fixtures (\$5,000) at the Discovery Blvd & John King Blvd entry. The ballasts for these halogen fixtures have been replaced on a rotating basis, and the repairs have been cost effective. However, staff anticipates that there could be continued repairs, at which point it may become more cost effective to upgrade the fixtures with modern LED units. Other non-annual improvements include replacement of dead or damaged perennials (\$5,000), detention pond silt & vegetation cleanout (\$7,000), replenishment of mulch in various landscape beds (\$4,000), and removal and stump grinding of two dead trees (\$3,000).
- Landscape damage reserve: \$3,000.00. A reserve fund to cover the cost of potential repairs due to damage caused by trucks or joyriders displacing landscape boulders and/or ruts in landscaping beds. Staff has observed a consistent yet sporadic occurrence of damage to flower beds, irrigation systems, and the displacement of boulders annually that results in additional unbudgeted costs to repair. Beginning in FY21 and continuing in FY22 and FY23, an additional reserve has been budgeted in anticipation of these expenses.

**Auditing, Insurance, Administrative Services**

These line items collectively total \$3,500. These contractual expenses are mostly unchanged for FY23, with just a \$100 increase in insurance expenses.

**Supplies & Utilities**

These line items collectively total \$54,250 (up from \$43,500 in FY22). Increased water costs made up the biggest change, increasing by \$10,000 to a new budgeted amount of \$40,000. Additionally, flags are now \$11,000 (an increase of \$2,000), as staff has proposed budgeting for 24 sets of flags to accommodate the addition of two new sets of flag poles in Phase III of the RTP.

Staff recommends approval of the draft FY23 RTPA budget as presented. If approved by the RTPA Board of Directors, the budget will become effective on October 1, 2022. The REDC serves as declarant of the RTPA pursuant to the Rockwall Technology Park Covenants, Conditions and Restrictions, and in this capacity, is authorized to approve budgets on behalf of the RTPA.

attachment

## SUMMARY OF OPERATIONS

**Fund**

21 Economic Development

	Actual 20-21	Budgeted 21-22	Amended 21-22	Proposed 22-23
Total Revenues	8,146,460	7,652,550	8,602,550	8,602,550
Total Expenditures	5,091,907	29,414,300	8,167,150	37,715,500
Excess Revenues Over (Under) Expenditures	3,054,553	(21,761,750)	435,400	(29,112,950)
Net Other Financing Sources (Uses)	-	21,800,000	-	21,800,000
Net Gain (Loss)	3,054,553	38,250	435,400	(7,312,950)
Fund Balance - Beginning	9,676,100	10,785,211	12,730,653	13,166,053
Fund Balance - Ending	12,730,653	10,823,461	13,166,053	5,853,103

## SUMMARY OF REVENUES

**Fund**

21 Economic Development

71 EDC Administration

Account	Description	Actual 20-21	Budgeted 21-22	Amended 21-22	Proposed 22-23
4150	Sales Tax	7,927,932	7,650,000	8,600,000	8,600,000
4001	Interest Earnings	7,050	50	50	50
4019	Miscellaneous Revenue	5,839	-	-	-
4020	Interest/Reserve Fund	927	2,500	2,500	2,500
4450	Technology Park Sales	204,713	-	-	-
4460	Parking Lease Revenue	-	-	-	-
<b>Total Revenues</b>		<b>8,146,460</b>	<b>7,652,550</b>	<b>8,602,550</b>	<b>8,602,550</b>

## SUMMARY OF OTHER FINANCING SOURCES (USES)

**Fund**

21 Economic Development

	Actual 20-21	Budgeted 21-22	Amended 21-22	Proposed 22-23
Other Financing Sources (Uses)				
Bond Proceeds	-	21,800,000	-	21,800,000
<b>Total Other Financing Sources</b>	-	21,800,000	-	21,800,000
Total Other Financing Uses	-	-	-	-
Net Other Financing Sources (Uses)	-	21,800,000	-	21,800,000

## SUMMARY OF EXPENDITURES

**Fund**

21 Economic Development

	Actual 20-21	Budgeted 21-22	Amended 21-22	Proposed 22-23
REDC Administration	996,996	958,600	1,038,600	1,285,750
Promotions & Marketing	79,469	421,600	421,600	480,000
Incentives	952,025	1,495,600	246,100	5,515,000
Capital Projects	491,825	21,908,000	1,830,350	26,155,800
Debt Service	2,571,592	4,630,500	4,630,500	4,278,950
<b>Total Expenditures</b>	<b>5,091,907</b>	<b>29,414,300</b>	<b>8,167,150</b>	<b>37,715,500</b>

## DIVISION SUMMARY

<b>Fund</b>	<b>Department</b>	<b>Division</b>
21 Economic Development	70 Economic Development	71 Economic Develop.

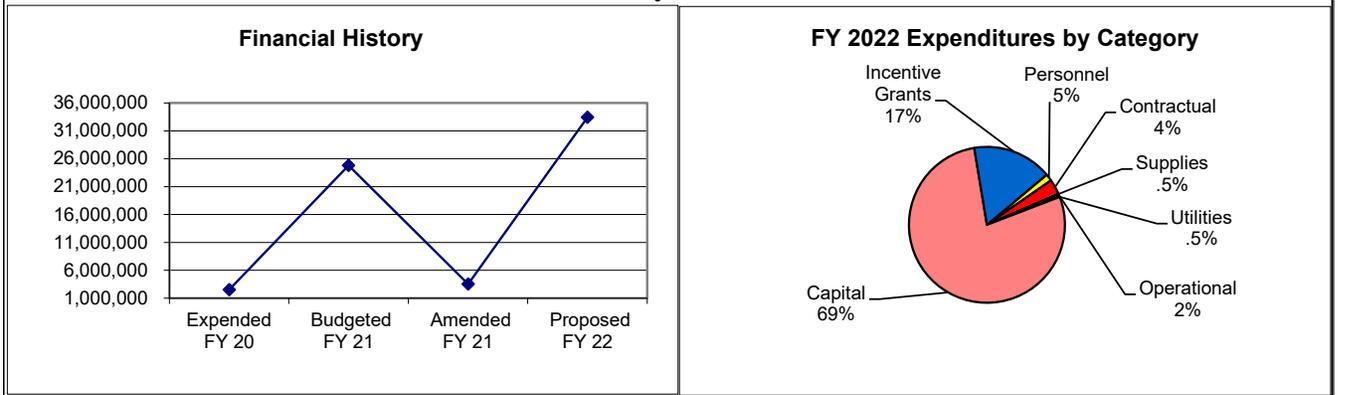
### Expenditure Summary

	Actual 20-21	Budgeted 21-22	Amended 21-22	Proposed 22-23
Personnel	412,577	447,800	447,800	490,150
Contractual	556,370	775,150	855,150	1,055,950
Supplies	3,043	6,500	6,500	8,000
Operational	95,529	144,950	144,950	201,900
Utilities	8,945	5,800	5,800	9,750
Capital	491,825	21,908,000	1,830,350	26,155,800
Incentive Grants	952,025	1,495,600	246,100	5,515,000
				-
<b>Total</b>	<b>2,520,316</b>	<b>24,783,800</b>	<b>3,536,650</b>	<b>33,436,550</b>

### Personnel Schedule

<u>Position</u>	<u>FY 21 Approved</u>	<u>FY 22 Proposed</u>
Economic Development Corporation President	1	1
Director of Project Development	1	1
Office Manager/Marketing Coordinator	1	1

### Activity Trends



## ECONOMIC DEVELOPMENT

Fund	Department	Division
21 Economic Development	70 Economic Develop.	71 Economic Develop.

Account Description	Actual 20-21	Budgeted 21-22	Amended 21-22	Proposed 22-23
<b>Personnel</b>				
Salaries - Wages & Incentives	316,246	342,100	342,100	376,250
<b>Total Salaries - Wages Incentives</b>	<b>316,246</b>	<b>342,100</b>	<b>342,100</b>	<b>376,250</b>
120 FICA & Medicare	22,867	26,200	26,200	28,800
122 Retirement	51,754	56,000	56,000	61,600
128 Ins. Unemployment	210	2,000	2,000	2,000
224 Workers Comp.	500	500	500	500
230 Health Insurance	21,000	21,000	21,000	21,000
<b>Total Benefits</b>	<b>96,331</b>	<b>105,700</b>	<b>105,700</b>	<b>113,900</b>
<b>Total Personnel Costs</b>	<b>412,577</b>	<b>447,800</b>	<b>447,800</b>	<b>490,150</b>
<b>Contractual</b>				
210 Auditing	1,500	1,500	1,500	1,500
211 Legal	49,994	75,000	125,000	175,000
213 Consulting Fees	198,598	194,000	224,000	333,000
217 Cable and Internet	11,673	12,000	12,000	12,000
223 Insurance - Blanket Surety Bond	100	100	100	100
227 Insurance - Property	1,800	1,800	1,800	2,000
229 Insurance - Liability	500	500	500	550
232 Temporary Labor	-	5,200	5,200	5,200
234.01 Marketing - Consulting	69,534	101,000	101,000	68,000
234.02 Marketing - Ad Placement	17,008	73,500	73,500	193,000
234.03 Marketing - REDC Events	54,588	79,000	79,000	72,000
234.04 Marketing - Subscriptions Memberships	58,595	133,100	133,100	92,000
242 Copier Rental and Lease	4,967	5,100	5,100	5,100
243 Building Lease, Cleaning, Storage	67,513	70,350	70,350	73,500
244 Building Repairs	-	3,000	3,000	3,000
299 Administrative Services	20,000	20,000	20,000	20,000
<b>Total Contractual</b>	<b>556,370</b>	<b>775,150</b>	<b>855,150</b>	<b>1,055,950</b>

Annual Budget, Economic Development Cont'd

Account Description	Actual 20-21	Budgeted 21-22	Amended 21-22	Proposed 22-23
<b>Supplies</b>				
301 Office Supplies	2,654	5,000	5,000	5,000
307 Postage	390	500	500	2,000
310 Printing & Binding	-	1,000	1,000	1,000
347 Gen. Maint. Supplies	-	-	-	-
<b>Total Supplies</b>	<b>3,043</b>	<b>6,500</b>	<b>6,500</b>	<b>8,000</b>
<b>Operational</b>				
410.01 News Subscriptions	383	700	700	700
410.02 Professional Memberships	2,444	3,000	3,000	3,000
428 Meeting Expenses	1,916	5,000	5,000	5,000
430 Tuition & Training	491	3,000	3,000	3,000
436 Travel	2,464	20,000	20,000	25,000
437 Trade Shows	2,547	15,000	15,000	30,000
438 Prospect Visits/Business Retention	4,923	20,000	20,000	25,000
439.01 Common Area Maintenance-REDC Portion	53,400	52,000	52,000	59,000
439.02 Maintenance of Undeveloped Park Land	23,810	22,650	22,650	27,600
439.03 Maintenance of Undeveloped Justin Road	3,150	3,600	3,600	3,600
439.04 Maintenance of Phase III	-	-	-	20,000
<b>Total Operational</b>	<b>95,529</b>	<b>144,950</b>	<b>144,950</b>	<b>201,900</b>
<b>Utilities</b>				
501 Electricity	4,960	4,800	4,800	6,000
507 Telephone	3,986	1,000	1,000	3,750
<b>Total Utilities</b>	<b>8,945</b>	<b>5,800</b>	<b>5,800</b>	<b>9,750</b>
<b>Capital</b>				
601 Land Acquisition	4,627	100,000	100,000	5,065,000
610 Furniture & Fixtures	-	5,000	5,000	5,000
612 Computer Equipment	1,021	3,000	3,000	3,000
633 Power line undergrounding	-	-	-	1,500,000
671 Trade Show Booth	-	-	-	17,000
678 Phase III Eng/Construction	486,177	21,800,000	1,722,350	19,565,800
<b>Total Capital</b>	<b>491,825</b>	<b>21,908,000</b>	<b>1,830,350</b>	<b>26,155,800</b>
<b>Incentives</b>				
661 Contracted Incentives	952,025	1,495,600	246,100	5,515,000
<b>Total Incentives</b>	<b>952,025</b>	<b>1,495,600</b>	<b>246,100</b>	<b>5,515,000</b>
<b>Division Total</b>	<b>2,520,316</b>	<b>24,783,800</b>	<b>3,536,650</b>	<b>33,436,550</b>

## ECONOMIC DEVELOPMENT

<b>Fund</b>	<b>Department</b>	<b>Division</b>
21 Economic Development	70 Economic Develop.	71 Economic Develop.

Account	Description	Actual 20-21	Budgeted 21-22	Amended 21-22	Proposed 22-23
<b>Debt Service</b>					
750	Administration Fees	3,750	4,500	4,500	4,500
752	Principal - Bonds	1,760,000	2,375,000	2,375,000	2,440,000
754	Interest - Bonds	807,842	2,251,000	2,251,000	1,834,450
<b>Total Debt Service</b>		<b>2,571,592</b>	<b>4,630,500</b>	<b>4,630,500</b>	<b>4,278,950</b>

Detail	Principal	Interest
2013- Infrastructure	360,000	202,738
2013 Land Purchase	210,000	33,324
2015 Ref Bonds (2006)	355,000	26,224
2016 Ref Bonds (2008)	345,000	96,825
2017 Sales Tax Bonds	300,000	57,600
2019 Sales Tax Ref Bonds	320,000	267,300
2022 New Debt	550,000	1,150,400
	2,440,000	1,834,411

# Fiscal Year 2022 List of Accomplishments from Annual Work Plan

## Goal 1: Expand and Diversify Tax Base

- Completed Land Acquisition, Development, and Incentive Agreement with Project Cowboy Camp, a Southern California-based machine shop that will invest at least \$7M of additional taxable value between equipment and the construction of a new 21,000 SF headquarter facility in Phase I of the Rockwall Technology Park; additionally, the REDC is on track to execute another Land Acquisition, Development, and Incentive Agreement with Project Bullseye, a global firearms manufacturer that will add \$34M of taxable value between manufacturing equipment and a new 120,000 SF US headquarter facility that will also be located in Phase I of the Rockwall Technology Park
- Work has begun on Phase III of the Rockwall Technology Park by the REDC's selected contractor Mario Sinacola & Sons Excavating out of Frisco; clearance has been provided by regulatory agencies including TCEQ, FEMA, USACE, and the City of Rockwall, and a ceremonial groundbreaking occurred in August

## Goal 2: Retain and Expand Existing Business

- Letters of Intent approved and on schedule to complete Development and Incentive Agreement for Project Succulent and Project Crackle & Pop; Project Succulent is an expansion to a Rockwall Technology Park manufacturer that will result in additional \$10M in taxable value primarily as a result of a 70,000 SF addition, while Project Crackle & Pop is an existing office employer that will add over \$2M in taxable value with the creation of a 13,000 SF office facility in southern Rockwall
- Hosted Rockwall Employee Appreciation Event in June, providing 1,510 complimentary food truck meals for employees of 27 primary employers (plus the City of Rockwall), across a two-day event, as a way for the REDC to show appreciation for the contributions the local workforce provides to the area economy; event grew in popularity with nearly 500 additional meals claimed from the inaugural event in 2021

## Goal 3: Attract New Business & Investment

- On schedule to facilitate an estimated \$73M of investment between Project Bullseye, Project Cowboy Camp, Project Succulent, Project Crackle & Pop, and Project Fried Okra – where a minor amount of non-usable REDC land, along with

easements, were granted to assist a speculative industrial development project north of the Rockwall Technology Park

- Engaged in significant discussions with prospects across the food and beverage manufacturing, aerospace, energy, textile, automotive, technology and packaging industries
- Attended seven national conferences or meetings - including events in Los Angeles, CA; Raleigh, North Carolina; Tampa, Florida; Columbus, Ohio; Chicago, Illinois, and Dallas Texas – all in efforts to grow relationships with prospective businesses and site selectors / commercial brokers

#### Goal 4: Enhance Existing Job Opportunities and Create New Ones

- On schedule to facilitate the creation of 110 high quality jobs between Project Cowboy Camp, Project Bullseye, Project Succulent, and Project Crackle & Pop; high quality jobs are defined by the REDC in FY2022 as a job earning more than \$54,000 in annual salary,
- Rockwall saw median household income increase approximately 5.4%, from \$95,653 in summer 2021 to \$100,894 in summer 2022 (according to US Census Bureau); Rockwall County was recognized as having the highest median household income in the entire state of Texas
- Due to a decline in attendance at the 2021 Rockwall Job Fair, the REDC reallocated a portion of funding to provide grants to local primary employers to host and market their own in-house job fairs; additionally, REDC has increased County-wide marketing efforts for RockwallJobs.com, which promotes in-house job fairs and employment opportunities for any employers in the County

#### Goal 5: Ensure all Business of the REDC is Conducted Appropriately

- REDC established new incentive guidelines, addressing issues such as incentive standards for business retention projects and office tenant projects, as well as increasing the minimum threshold for qualified taxable investment in the Rockwall Technology Park
- As a result of appraisals and market comparables, the market rate value of Rockwall Technology Park property was revised to \$6.25 per square feet
- Nearing completion of five-year strategic plan update by TIP Strategies, covering 2023-2027, that has involved over 50 community stakeholders

## **Goal 1: Expand and Diversify Tax Base**

- Objective 1: Support a diversified tax ratio by assisting in the growth of commercial taxable values

*Benchmark: Maintain at least a 30% non-residential tax ratio of the entire property tax base within the City of Rockwall, with the goal of reaching or exceeding 33%*

- Objective 2: Pursue development agreements at the Rockwall Technology Park and/or Justin Road site

*Benchmark: Execution of at least one land development agreement*

- Objective 3: Complete Rockwall Technology Park Phase III infrastructure

*Benchmark: Work is completed and accepted by the City of Rockwall, all payments have been made to Mario Sinacola & Sons Excavating, Inc. and a ribbon cutting ceremony has occurred*

- Objective 4: At the Board's approval and subject to desirable market conditions, make bona fide efforts for the acquisition of additional property – whether land or buildings – where the REDC believes it can eventually create additional tax value for the community, above typical development

*Benchmark: Revise Land Acquisition Plan to focus on office and redevelopment opportunities, or light industrial opportunities with a path forward for suitable infrastructure – should any become available; If property is put under contract, REDC will perform all due diligence efforts to ensure development possibilities*

## **Goal 2: Retain & Expand Existing Business**

- Objective 1: Encourage growth of existing primary employers in Rockwall

*Benchmark: Facilitate or incentivize at least one new business expansion per year*

- Objective 2: Establish and grow relationships with existing primary employers by frequently reaching out to promote relevant information, as well as take part in discussions regarding each company's opportunities and threats and how the REDC can better support their efforts

*Benchmark: Proactively contact every primary employer individually at least once; engage in at least three business tours as a sign of growing relationships, with at least one tour for which staff has never participated*

- Objective 3: Continually serve as advocate for existing primary employers by serving as a liaison between company and governmental agencies, utilities, and local organizations on various public-facing issues

*Benchmark: Assist at least five companies – and respond to all inquiries – by helping facilitate a positive, streamlined, and/or transparent response from governmental entity, public utility, or local organization*

- **Objective 4:** Host third annual Rockwall employee appreciation event, inviting employees of primary sector employers in the community to enjoy a complementary food truck meal over a two-day period

*Benchmark: Grow the event by at least two additional primary employers represented, or 10% greater number of attendees from the 2022 event. Additionally, receive mostly positive feedback from participants*

- **Objective 5:** Host one event annually recognizing the executives and management of primary sector employers in the community, along with continuing the REDC awards program

*Benchmark: Host the event and receive mostly positive feedback from participants*

- **Objective 6:** Create opportunities to develop enhanced connections with existing businesses between both the REDC staff and Board members, including utilizing events and gatherings to further build relationships

*Benchmark: Pursue at least four opportunities to host and entertain local businesses to deepen relationships, utilizing events like the Chamber of Commerce Golf Tournament, Chamber Clay Shoot, Rockwall ISD Education Foundation Bowling Tournament, BRE event at Globe Life Field, potential suite or pavilion rental for RHS / RHHS football game, etc.*

- **Objective 7:** Utilize planned business travel and trade shows opportunities to gather information and make connections to suppliers or customers on behalf of existing businesses that may not be at the conference; additionally, when travelling staff should schedule headquarter visits for local primary employers when appropriate and convenient

*Benchmark: Offer service to at least five companies that may gain valuable information from the REDC's business travel.*

- **Objective 8:** Host at least three roundtable discussions for primary employers to engage on specific subject matter – potentially provided by guest speakers - while benefiting from general networking, sharing experiences, and talking about the advantages and disadvantages of conducting business in Rockwall

*Benchmark: Host the events and receive an average attendance of at least five companies*

### **Goal 3: Attract New Business & Investment**

- **Objective 1:** REDC facilitation or incentivizing of direct commercial investment

*Benchmark: Facilitate or incentivize at least \$40M in private investment*

- Objective 2: Development and execution of recruitment strategy, including utilization of prospecting vendors, local and regional partnerships, responding to leads and requests for proposals, growing relationships with brokers, attendance at trade shows, recruitment missions, and site selector conferences, and direct communication with companies as a result of database inquiries, predictive analytics, BRE information and news articles

*Benchmark: Establish at least five qualified prospects for recruitment consideration through work conducted, relationships established, or vendors procured by the REDC staff (i.e. not purely inbound leads)*

- Objective 3: Establish relationships with commercial real estate brokers and/or site selectors to promote services provided by the REDC and the benefits of conducting business in Rockwall

*Benchmark: Attend or host at least 15 local gatherings, conference calls, or virtual meetings with brokers or site selectors*

- Objective 4: Promote Rockwall on a national basis through attendance at various trade shows, marketing trips and recruitment missions, and/or site selector/commercial real estate conferences

*Benchmark: Attend at least six events that hold national exposure opportunities for the REDC including at least one national show where the entire REDC staff attends and hosts a booth throughout the conference*

- Objective 5: Develop a comprehensive video that REDC staff can place on the website, social media channels, and provide to prospects that showcase the business advantages of relocating to Rockwall, as well as the quality of life in the community

*Benchmark: Complete the video and receive positive feedback*

- Objective 6: Maintain updated marketing information

*Benchmark: Ensure collateral and print advertisements are updated annually (or as needed) with the potential for new collateral, REDC website and social media performance is tracked showing general growth, and that both feature fresh content – with a minimum of at least one social media post per week*

- Objective 7: Initiate process to bury all overhead powerlines within the Rockwall Technology Park

*Benchmark: Execute contract with project manager for management of project, as well as agree to terms with Oncor and any other utility providers on the burial of all lines along SH276*

#### **Goal 4: Enhance Job Opportunities and Address Workforce Development / Recruitment Challenges**

- Objective 1: Maintain or grow median household income in Rockwall  
*Benchmark: Increase median household income by at least 2% from previous year (\$100,894 in August 2022, with new goal \$102,912)*
- Objective 2: Utilize REDC grant dollars to assist in workforce recruitment, as well as the hosting of in-house job fairs  
*Benchmark: Award a combination of at least 6 REDC Job Fair and Workforce Recruitment grants*
- Objective 3: Continue to gain exposure for RockwallJobs.com as the “one-stop shop” for job opportunities in Rockwall County  
*Benchmark: Add at least five new employers to the jobs page, and/or show at least 25% year-over-year growth in website visits for each month tracked*
- Objective 4: REDC facilitation or incentivizing of high-quality jobs within Rockwall  
*Benchmark: Facilitate or incentivize at least 50 jobs with annual salary greater than 10% higher than half the desired median household income listed above (\$57,000 per job)*
- Objective 5: Continue to support both local businesses and the general community by hosting the Rockwall job fair online  
*Benchmark: Depending on the success of the 2022 event and the desire of the Board, continue to host the event*
- Objective 6: Address pertinent workforce recruitment or development challenges by identifying issues and facilitating employer partnerships with various community organizations (ex: public, non-profit, educational or other institutions) to ascertain programs or educational opportunities that exist, or can be developed, that will allow those issues to be addressed or gaps to be narrowed  
*Benchmark: Actively facilitate at least one partnership where workforce recruitment and/or development challenges are addressed*
- Objective 7: Seek to facilitate the development of new, high-quality office inventory in Rockwall that will lead to further growth in white collar jobs  
*Benchmark: Execute at least one development agreement where the REDC will incentivize the construction of additional office inventory; secure at least one commitment for an office tenant to relocate to a Rockwall office project (assuming one is available), or execute a contract to close on land for a future office development project*

**Goal 5: Ensure all Business of the Rockwall Economic Development Corporation is Conducted**

- Objective 1: Meet all requirements of organizational bylaws and policies  
*Benchmark: Achieve 100% compliance with bylaws and REDC policies*
  
- Objective 2: Keep updated on all germane provisions state law relating to economic development sales tax corporations, open meetings law, and the public information act.  
*Benchmark: One staff member (on a rotational basis) to attend a day long sales-tax training seminar hosted by the Texas Economic Development Council*
  
- Objective 3: Negotiate all REDC agreements and incentives with acceptable rate of return and payback periods pursuant to REDC Incentive Guidelines to safeguard the interest of the Rockwall taxpayer  
*Benchmark: All agreements are compliant with Incentive Guidelines, unless exemption is granted by Board of Directors*
  
- Objective 4: Ensure all parties maintain compliance with all active REDC development and incentive agreements  
*Benchmark: Achieve all standards for taxable value, jobs and wages set in REDC agreements, or enforce clawback provisions as articulated in each agreement (unless waived by the Board of Directors); additionally, ensure each company with an active development agreement is proactively contacted about their agreement responsibilities, at least 30 days in advance of a due date*
  
- Objective 5: Maintain a detailed and accurate budget, and ensure that all expenditures are appropriately processed and Technology Park assessments are billed in an accurate and timely fashion  
*Benchmark: Maintain compliance with annual budget, along with no complaints from vendors for late payments that were within the REDC's control*
  
- Objective 6: Ensure the REDC is an attractive and competitive employer for talented staff  
*Benchmark: Achieve 100% retention of staff, with each staff member being encouraged to explore a professional development opportunity related to the REDC's mission*



City of Rockwall  
*The New Horizon*

## MEMORANDUM

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**TO:** Mayor and City Council  
**FROM:** Mary Smith, City Manager  
**DATE:** September 16, 2022  
**SUBJECT:** RTPA Budget

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The Rockwall Technology Park Association Board met Thursday September 15, 2022 to approve the budget for maintenance of the Tech Park.

EDC President, Phil Wagner, will be available at the Council meeting to answer any questions about the proposed budget.



# Memo

**To:** RTPA Board of Directors  
**From:** Matt Wavering   
**cc:** REDC Staff   
**Date:** September 8, 2022  
**Re:** RTPA Fiscal Year 2023 Budget Review

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The proposed Fiscal Year 2023 budget for the Rockwall Technology Park Association (RTPA) is attached. The following summary has been provided for review and consideration.

## Overall Budget

The budget to maintain the RTP Common Area Maintenance (CAM) areas totals \$203,350. This is up from \$180,450 in FY22 due primarily to increases in landscaping and irrigation maintenance, non-annual improvement expenses, water, and flags as identified below.

## Landscape/Irrigation Maintenance

This line item totals \$145,600 (up from \$133,450 in FY22) and includes the following:

- Grounds and irrigation maintenance of CAM areas: \$118,581.00 (rounded up to \$118,600). This covers maintenance of the CAM areas within the RTP including mowing, trimming, fertilizer, plantings, inspection & adjustment of flags, trash pick-up, and irrigation system maintenance.
- Additional non-annual improvements to CAM areas: \$24,000.00. This includes a budget for repair or replacement of the existing halogen flag pole light fixtures (\$5,000) at the Discovery Blvd & John King Blvd entry. The ballasts for these halogen fixtures have been replaced on a rotating basis, and the repairs have been cost effective. However, staff anticipates that there could be continued repairs, at which point it may become more cost effective to upgrade the fixtures with modern LED units. Other non-annual improvements include replacement of dead or damaged perennials (\$5,000), detention pond silt & vegetation cleanout (\$7,000), replenishment of mulch in various landscape beds (\$4,000), and removal and stump grinding of two dead trees (\$3,000).
- Landscape damage reserve: \$3,000.00. A reserve fund to cover the cost of potential repairs due to damage caused by trucks or joyriders displacing landscape boulders and/or ruts in landscaping beds. Staff has observed a consistent yet sporadic occurrence of damage to flower beds, irrigation systems, and the displacement of boulders annually that results in additional unbudgeted costs to repair. Beginning in FY21 and continuing in FY22 and FY23, an additional reserve has been budgeted in anticipation of these expenses.

**Auditing, Insurance, Administrative Services**

These line items collectively total \$3,500. These contractual expenses are mostly unchanged for FY23, with just a \$100 increase in insurance expenses.

**Supplies & Utilities**

These line items collectively total \$54,250 (up from \$43,500 in FY22). Increased water costs made up the biggest change, increasing by \$10,000 to a new budgeted amount of \$40,000. Additionally, flags are now \$11,000 (an increase of \$2,000), as staff has proposed budgeting for 24 sets of flags to accommodate the addition of two new sets of flag poles in Phase III of the RTP.

Staff recommends approval of the draft FY23 RTPA budget as presented. If approved by the RTPA Board of Directors, the budget will become effective on October 1, 2022. The REDC serves as declarant of the RTPA pursuant to the Rockwall Technology Park Covenants, Conditions and Restrictions, and in this capacity, is authorized to approve budgets on behalf of the RTPA.

attachment

## SUMMARY OF OPERATIONS

**Fund**

22 Tech Park Association

	Actual 20-21	Budgeted 21-22	Amended 21-22	Proposed 22-23
Total Revenues	178,950	180,450	180,450	203,350
Total Expenditures	173,791	180,450	189,800	203,350
Excess Revenues Over (Under) Expenditures	5,159	-	(9,350)	-
Net Other Financing Sources (Uses)	-	-	-	-
Net Gain (Loss)	5,159	-	(9,350)	-
Fund Balance - Beginning	7,748	28,438	12,907	3,557
Fund Balance - Ending	12,907	28,438	3,557	3,557

## SUMMARY OF REVENUES

**Fund**

22 Tech Park Association

RTPA

Account	Description	Actual 20-21	Budgeted 21-22	Amended 21-22	Proposed 22-23
4470	RTP Dues - Tenants	125,550	128,400	128,400	144,350
	REDC Cam Dues	53,400	52,050	52,050	59,000
	<b>Total Revenues</b>	<b>178,950</b>	<b>180,450</b>	<b>180,450</b>	<b>203,350</b>

## DIVISION SUMMARY

Fund	Department	Division
22 Tech Park Association	70 Economic Development	RTPA

### Expenditure Summary

	Actual 20-21	Budgeted 21-22	Amended 21-22	Proposed 22-23
Contractual	136,431	136,950	136,950	149,100
Supplies	5,736	10,000	10,000	12,000
Utilities	31,624	33,500	42,850	42,250
<b>Total</b>	173,791	180,450	189,800	203,350

## ECONOMIC DEVELOPMENT

<b>Fund</b>	<b>Department</b>	<b>Division 75</b>
22 Tech Park Association	70 Economic Develop.	RTPA Developed Phases

Account	Description	Actual 20-21	Budgeted 21-22	Amended 21-22	Proposed 22-23
<b>Contractual</b>					
210	Auditing	500	500	500	500
227	Insurance - Property	900	900	900	1,000
247	Landscape/Irrig Maint	133,031	133,550	133,550	145,600
299	Administrative Svcs	2,000	2,000	2,000	2,000
<b>Total Contractual</b>		<b>136,431</b>	<b>136,950</b>	<b>136,950</b>	<b>149,100</b>
<b>Supplies</b>					
329	Flag Replacements	5,736	9,000	9,000	11,000
347	Gen. Maint. Supplies	-	1,000	1,000	1,000
<b>Total Supplies</b>		<b>5,736</b>	<b>10,000</b>	<b>10,000</b>	<b>12,000</b>
<b>Utilities</b>					
501	Electric	2,830	3,500	1,800	2,250
513	Water	28,794	30,000	41,050	40,000
<b>Total Utilities</b>		<b>31,624</b>	<b>33,500</b>	<b>42,850</b>	<b>42,250</b>
<b>Division Total</b>		<b>173,791</b>	<b>180,450</b>	<b>189,800</b>	<b>203,350</b>



City of Rockwall  
*The New Horizon*

## MEMORANDUM

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**TO:** Mayor and City Council  
**FROM:** Mary Smith, City Manager  
**DATE:** September 9, 2022  
**SUBJECT:** Tax Rate Adoption

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The Council agenda for Monday September 19, 2022 includes the ordinance to adopt the Ad Valorem tax rate of 29.25 cents per one hundred dollars of assessed value. Specific language in the motion is not required this year since we are adopting a rate less than the No New Revenue tax rate.

CITY OF ROCKWALL, TEXAS

ORDINANCE NO. 22-50

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, LEVYING THE AD VALOREM TAXES FOR THE YEAR 2022 AT A RATE OF \$.2925 PER ONE HUNDRED DOLLARS (\$100.00) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY AS OF JANUARY 1, 2022 TO PROVIDE REVENUES FOR THE PAYMENT OF CURRENT EXPENSES AND TO PROVIDE AN INTEREST AND SINKING FUND ON ALL OUTSTANDING DEBTS OF THE CITY; PROVIDING FOR DUE AND DELINQUENT DATES, TOGETHER WITH PENALTIES AND INTEREST; APPROVING THE 2022 TAX ROLL; PROVIDING FOR EXEMPTIONS OF PERSONS OVER SIXTY-FIVE (65) YEARS; PROVIDING AN EFFECTIVE DATE.

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

**Section 1.** That there be and is hereby levied for the year 2022 on all taxable property, real, personal and mixed, situated within the limits of the City of Rockwall, Texas, and not exempt by the Constitution of the state and valid State Laws, a tax of \$.2925 on each **ONE HUNDRED DOLLARS** (\$100.00) assessed value of taxable property and shall be apportioned and distributed as follows:

- a. For the purpose of defraying the current expenses of municipal government of the City, a tax of \$.172000 each ONE HUNDRED DOLLARS (\$100.00) assessed value of all taxable property.
- b. For the purpose of creating a sinking fund to pay the interest and principal on all outstanding bonds of the City not otherwise provided for, a tax of \$.120500 each ONE HUNDRED DOLLARS (\$100.00) assessed value of all taxable property, within the city which shall be applied to the payment of such interest and maturities of all outstanding bonds.

**Section 2.** That all ad valorem taxes shall become due and payable on October 1, 2022, and all ad valorem taxes for the year shall become delinquent after January 31, 2023. If any person fails to pay the ad valorem taxes on or before the 31<sup>st</sup> of January, 2023, the following penalties shall be payable thereon, to wit:

During the month of February, six percent (6%); during the month of March, seven percent (7%); during the month of April, eight percent (8%); during the month of May, nine percent (9%); during the month of June, ten percent (10%); and on or after the first day of July, twelve percent (12%).

**Section 3.** Taxes are payable in Rockwall, Texas, at the office of the designated Tax Collector. The City shall have available all rights and remedies provided by law for the enforcement of the collection of taxes levied under this ordinance.

**Section 4.** All delinquent taxes shall bear the maximum rate of interest per annum as provided by law, in addition to the penalties provided herein.

**Section 5.** All taxes for the year 2022 which remain delinquent on July 1, 2023 shall incur an additional penalty of twenty percent (20%) of the amount of taxes, penalty and interest due to defray cost of collection.

**Section 6.** That pursuant to Article VIII-1b of the Constitution of Texas, \$60,000 of the appraised value of residence homesteads of any married or unmarried persons, including those living alone, who were sixty-five (65) years of age or older on January 1, 2005, shall be exempt from ad valorem taxes.

**Section 7.** This ordinance is enacted in order to authorize the collection of ad valorem taxes for the year 2022 and shall take effect immediately from and after its passage.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 19<sup>th</sup> day of September, 2022.**

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**Kevin Fowler, Mayor**

**ATTEST:**

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**Kristy Teague, City Secretary**

**APPROVED AS TO FORM:**

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**Frank Garza, City Attorney**



City of Rockwall  
*The New Horizon*

## MEMORANDUM

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**TO:** Mayor and Councilmembers

**FROM:** City Council HOT Subcommittee  
Mary Smith, City Manager

**DATE:** September 13, 2022

**SUBJECT:** Hotel/Motel Funding Recommendation

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The Hotel Occupancy Tax subcommittee comprised of Council members Daniels, Macalik and Campbell met to discuss funding requests for budget year 2022-23. The Council received a notebook including the organization's requests along with their required reporting for FY 2022 funded events. Attached is a summary of the requests with the previous year's allocations to the organizations. This summary also includes the subcommittee recommendations for funding. Generally, after a funding contract is executed with an organization the funding is released about 3 months in advance of the event in order to fund upfront costs.

### Revenues and Fund Balance

Staff continues to be conservative in the projection of revenues. At the end of FY 2022, a fund balance reserve of \$1,336,211 is anticipated.

### Funding Levels

Funding requests for fiscal year 2023 totaled \$1,121,809, which is a small increase from the 2022 funding awards. Several organizations that typically sponsor an event and request funds are still working through their internal planning processes and did not request funds by the deadline. We expect to see supplemental requests during the year. Each specific application was discussed and whether they met our stated purposes and the state statute's requirement for "heads in beds". The subcommittee's recommendations for funding are attached.

### Contract Language/Documentation

Each organization will continue to be required to provide documentation such as a log, guestbook, registration list, or other documentation that specifically notes attendees are spending the night in a hotel establishment.

The Chamber of Commerce has requested they be able to contract for two years since they are paying employees with the funds. The City Attorney is working on a contract that will allow that to happen subject of course to annual appropriation.

The Subcommittee and Staff will be available at the Council meeting to answer any questions.

## Hotel Occupancy Tax Funding Proposed Budget for FY 2023

	2021 Actual	2022 Budget	2023 Request	2023 Event/Program	Council Subcommittee Recommendation
<b>Tourism</b>					
Aspasians	2,000	3,000	3,000	Market Place (April & Oct)	3,000
Boys & Girls Club	7,000	7,000	25,000	Rubber Duck Regatta	15,000
Chamber of Commerce	197,350	314,550	465,000	CVB function	465,000
Children's Advocacy Center		2,000		Go Blue for Kids Gala	-
Downtown Association	30,000	35,000	45,000	Hometown Christmas/Mktg Media	40,000
Helping Hands	11,500	11,500	20,000	Festival of Trees	11,500
Kiwanis	12,000	12,000	12,000	Tri-Rock Triathlon	12,000
Lone Star CASA	11,500	11,000	13,500	Car Show	11,000
Meals on Wheels		13,000	20,000	Gala	15,000
No. TX Crime Prev Assoc.			30,000	Conference	30,000
Oasis Pickleball Club	15,300	20,500		National Tournament	-
RHS Gymnastics		18,000		State Tournament	13,770
RHS Robotics			13,770	N. Texas Tournament	-
Rockwall 7ers		10,000		Basketball Team	-
Rockwall Prof Fire Fighters	66,341	-		Conference	5,000
Soroptimist		5,000	10,000	Casino Night	-
Texas K-9 Conference	13,600	20,600		Conference	-
SubTotal	366,591	483,150	657,270		621,270
<b>Cultural</b>					
Art League	4,000	4,000	5,035	Fine Art Show	5,000
Community Playhouse	7,000	7,000	13,325	Theatre Productions	10,000
Music Fest	10,000	using 10K from 2021		Patriotic Concert	-
SubTotal	21,000	11,000	18,360		15,000
<b>Historical</b>					
Historical Foundation	9,335	500	2,764	Advertising and promo	2,764
	-	11,570	20,500	Program Manager	13,500
	9,640	5,930	44,500	Restoration/Maint/Preservation	44,500
SubTotal	18,975	18,000	67,764		60,764
<b>City</b>					-
Art in Public Places		194,400		Discovery Statue	
Concerts by the Lake	42,499	57,000	60,000	Concerts	60,000
Founders Day	182,595	200,000	196,500	Concerts	196,500
Memorial Day	-	7,000		Concert	-
Rib Rub	15,778	36,000	42,000	BBQ contest and 5K	42,000
July 4th			20,500	Concert	-
Main Street	25,325	16,000	16,000	Downtown concerts	16,000
Main Street	4,160	17,500	17,300	Advertising	17,300
SubTotal	270,357	527,900	352,300		331,800
<b>Totals</b>	<b>676,923</b>	<b>1,040,050</b>	<b>1,095,694</b>		<b>1,028,834</b>

**Fund Summary**

<b>Fund Balance 10-01-22</b>	<b>1,336,211</b>	
<b>Projected Revenue FY23</b>	<b>1,000,000</b>	
<b>Less Expenses FY 23</b>		<b>1,028,834</b>
<b>Fund Balance 09-30-23</b>		<b><u>1,307,377</u></b>