



PLANNING AND ZONING CASE CHECKLIST

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

P&Z CASE # 22021-046 P&Z DATE 11/9/21 CC DATE 11/15/21 APPROVED/DENIED _____
ARCHITECTURAL REVIEW BOARD DATE _____ HPAB DATE _____ PARK BOARD DATE _____

ZONING APPLICATION

- ☒ SPECIFIC USE PERMIT
- ☐ ZONING CHANGE
- ☐ PD CONCEPT PLAN
- ☐ PD DEVELOPMENT PLAN

SITE PLAN APPLICATION

- ☐ SITE PLAN
- ☐ LANDSCAPE PLAN
- ☐ TREESCAPE PLAN
- ☐ PHOTOMETRIC PLAN
- ☐ BUILDING ELEVATIONS
- ☐ MATERIAL SAMPLES
- ☐ COLOR RENDERING

PLATTING APPLICATION

- ☐ MASTER PLAT
- ☐ PRELIMINARY PLAT
- ☐ FINAL PLAT
- ☐ REPLAT
- ☐ ADMINISTRATIVE/MINOR PLAT
- ☐ VACATION PLAT
- ☐ LANDSCAPE PLAN
- ☐ TREESCAPE PLAN

- ☐ COPY OF ORDINANCE (ORD.# _____)
- ☒ APPLICATIONS
- ☒ RECEIPT
- ☒ LOCATION MAP
- ☒ HOA MAP
- ☒ PON MAP
- ☐ FLU MAP
- ☐ NEWSPAPER PUBLIC NOTICE
- ☐ 500-FT. BUFFER PUBLIC NOTICE
- ☐ PROJECT REVIEW
- ☐ STAFF REPORT
- ☐ CORRESPONDENCE
- ☐ COPY-ALL PLANS REQUIRED
- ☐ COPY-MARK-UPS
- ☐ CITY COUNCIL MINUTES-LASERFICHE
- ☐ MINUTES-LASERFICHE
- ☐ PLAT FILED DATE _____
 - ☐ CABINET # _____
 - ☐ SLIDE # _____

NOTES: _____

ZONING MAP UPDATED _____



DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO.

2021-046

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

DIRECTOR OF PLANNING:

CITY ENGINEER:

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

PLATTING APPLICATION FEES:

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

SITE PLAN APPLICATION FEES:

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

ZONING APPLICATION FEES:

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

OTHER APPLICATION FEES:

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

+1000.00
1200.00

NOTES:

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

PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS

1700 East SH 66

SUBDIVISION

agricultural

LOT

BLOCK

GENERAL LOCATION

56 acres East of Ralph Hall Municipal Airport.

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

Mike Peoples

☐ APPLICANT

CONTACT PERSON

Mike Peoples

CONTACT PERSON

Same.

ADDRESS

*1700 East SH 66
Rockwall Tx 75087*

ADDRESS

CITY, STATE & ZIP

CITY, STATE & ZIP

PHONE

214-957-0807

PHONE

E-MAIL

MP Rockwall@yahoo.com

E-MAIL

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

Miller, Ryan

From: mike peoples <mprockwall@yahoo.com>
Sent: Friday, October 15, 2021 10:33 AM
To: Miller, Ryan
Subject: Fwd: Building permits - 1700 E. State Hwy. 66

Sent from my iPhone

Begin forwarded message:

From: "Peoples, Sheryl" <SPeoples@lockton.com>
Date: October 15, 2021 at 10:10:07 AM CDT
To: mike peoples <mprockwall@yahoo.com>
Subject: Building permits - 1700 E. State Hwy. 66

To whom it may concern:

This letter is in regards to the unpermitted buildings I have constructed over the past few years on my 56 acre property located at 1700 E. State Highway 66 located next to the airport.

Building #1 is next to my residence and is used for maintenance equipment storage, feed storage/deliveries and misc. equipment used for my agricultural operations.

Building #2 on the topo map is used for farm equipment/hay storage. This building is to be re-permitted and moved to a different location on the 56 acre property which is marked on the topo map.

Building #3 is a livestock barn for our 4-H show cattle. My 13 yr. old son & 11 yr. old daughter have been active members of the Rockwall 4-H Beef Club for 6 years and this barn is for their 4-H projects. This barn was constructed over an existing barn that was over 60 yrs old and in disrepair.

I am trying to resolve this permitting process peacefully and appreciate your willingness to work with me and my family.

Sincerely,
Mike Peoples
214-957-0807



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100 m

Camera: 878 m 32°55'44"N 96°26'...

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Imagery date: 11/15/20—newer

50 m

Camera: 510 m

32°55'51"N 96°25'58"W

170 m





DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO.

2021-046

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CITY ENGINEER:

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+ 1000.00
 1200.00

PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS

1700 EAST SH 66

SUBDIVISION

agricultural

LOT

BLOCK

GENERAL LOCATION

56 ACRES EAST OF RALPH HALL MUNICIPAL AIRPORT.

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING

CURRENT USE

PROPOSED ZONING

PROPOSED USE

ACREAGE

LOTS [CURRENT]

LOTS [PROPOSED]

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☐ OWNER

Mike Peoples

☐ APPLICANT

CONTACT PERSON

Mike Peoples

CONTACT PERSON

Same.

ADDRESS

1700 East SH 66
Rockwall Tx 75087

ADDRESS

CITY, STATE & ZIP

CITY, STATE & ZIP

PHONE

214-957-0807

PHONE

E-MAIL

MP Rockwall@yahoo.com

E-MAIL

NOTARY VERIFICATION [REQUIRED]

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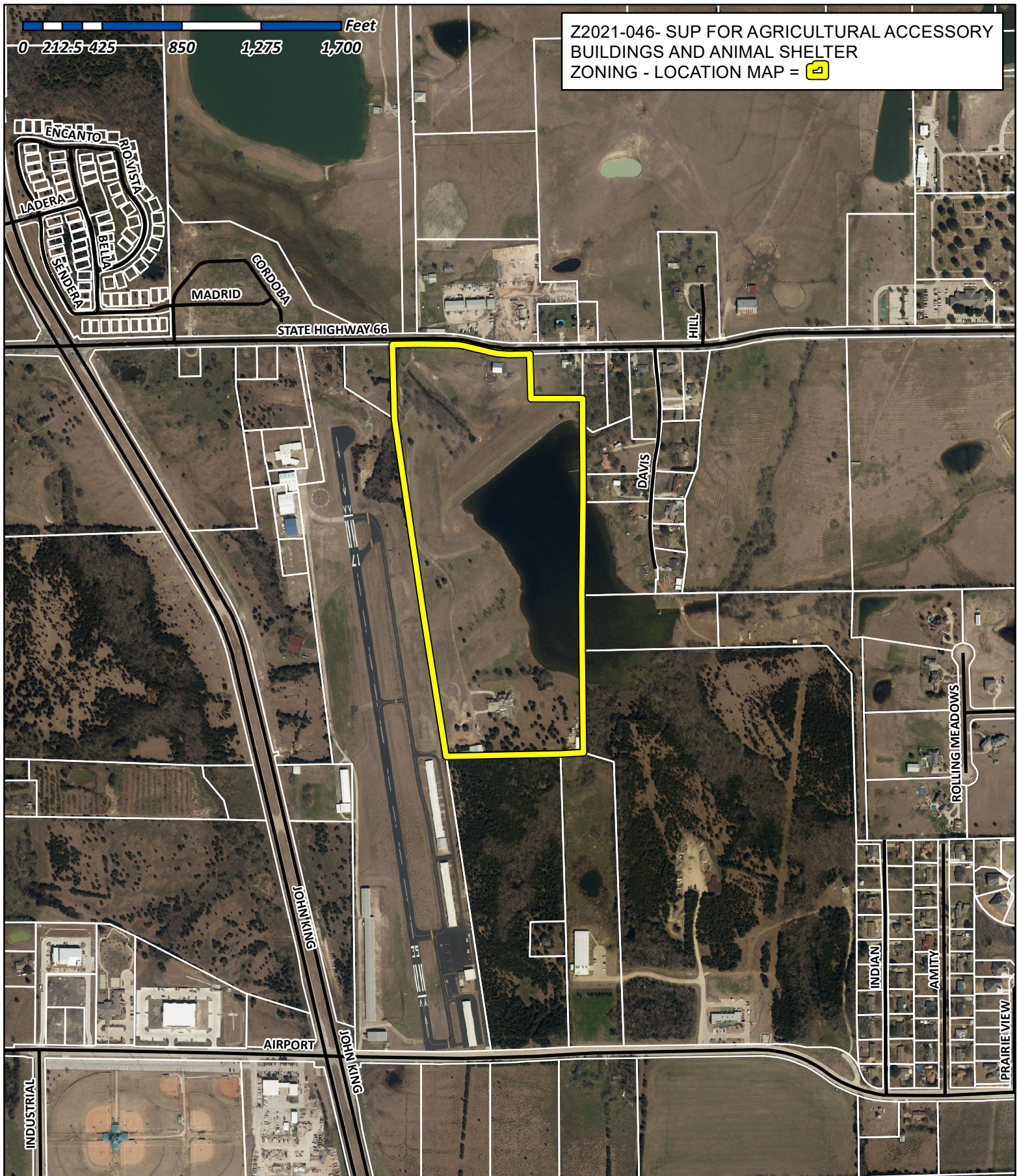
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NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES



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.

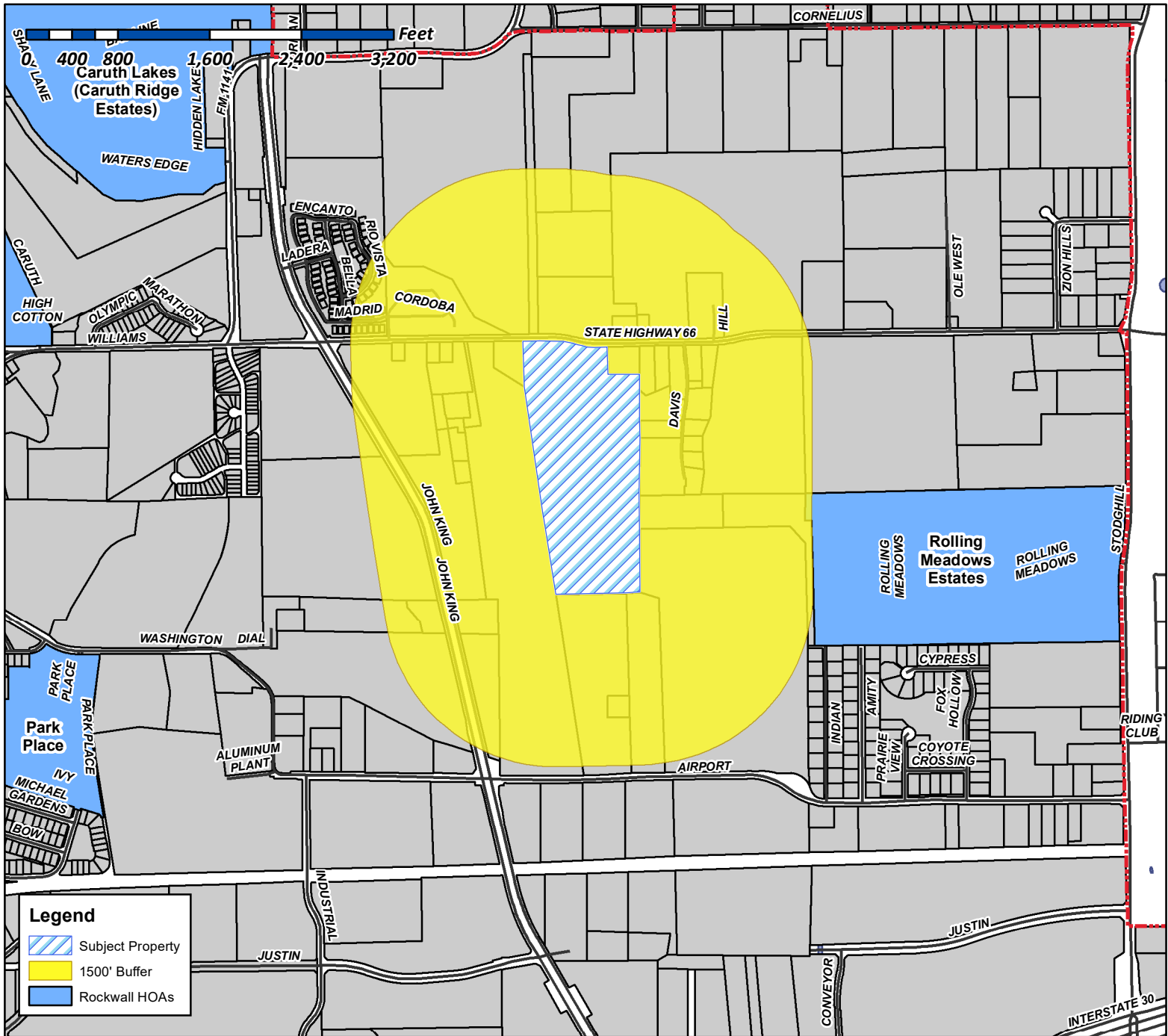




City of Rockwall

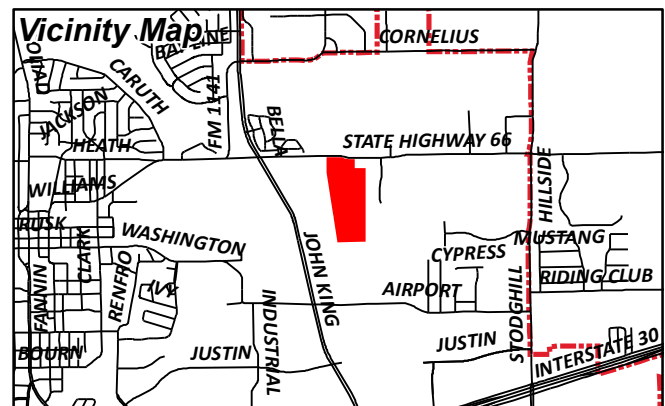
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Case Number: Z2021-046
Case Name: SUP for Agricultural Accessory Buildings and Animal Shelter
Case Type: Zoning
Zoning: Agricultural (AG) District
Case Address: 1700 E SH 66

Date Created: 10/18/2021
For Questions on this Case Call (972) 771-7745

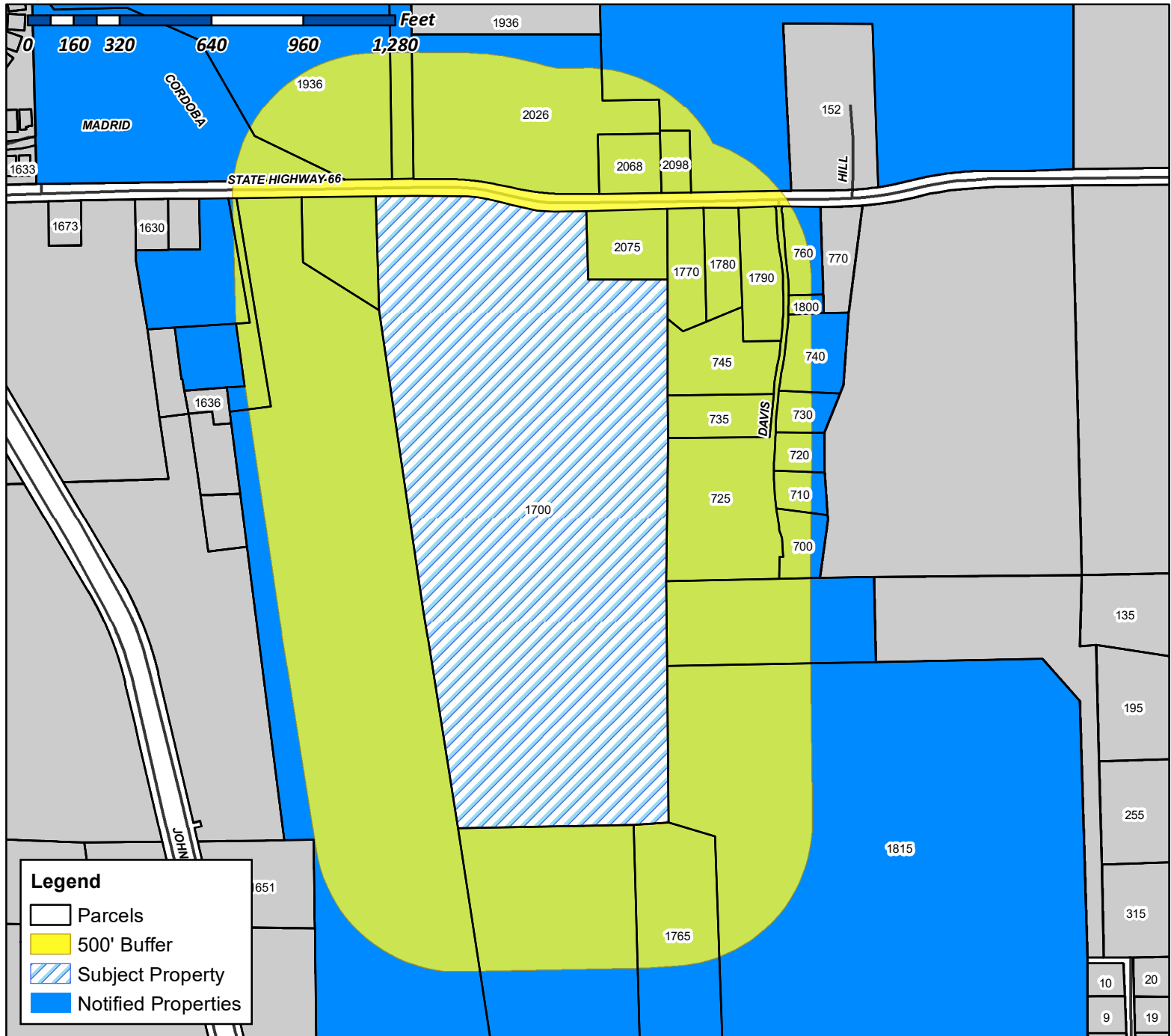
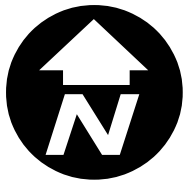




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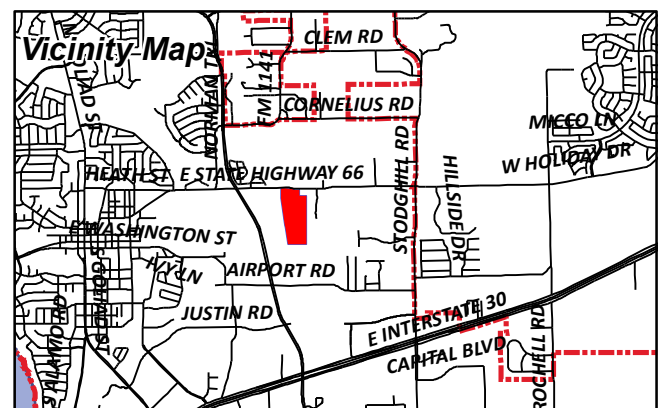
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Date Created: 10/18/2021

For Questions on this Case Call (972) 771-7745



Miller, Ryan

From: mike peoples <mprockwall@yahoo.com>
Sent: Friday, October 15, 2021 10:33 AM
To: Miller, Ryan
Subject: Fwd: Building permits - 1700 E. State Hwy. 66

Sent from my iPhone

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I am trying to resolve this permitting process peacefully and appreciate your willingness to work with me and my family.

Sincerely,
Mike Peoples
214-957-0807



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Camera: 878 m 32°55'44"N 96°26'...

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50 m

Camera: 510 m

32°55'51"N 96°25'58"W

170 m

CITY OF ROCKWALL

ORDINANCE NO. 19-06

SPECIFIC USE PERMIT NO. S-204

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ANIMAL SHELTER ON A 42.66-ACRE TRACT OF LAND ZONED AGRICULTURAL (AG) DISTRICT, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSTRACT NO. 102, 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 Mike Peoples for the approval of a Specific Use Permit (SUP) for the purpose of allowing a previously constructed animal shelter, situated on a 42.66-acre tract of land, zoned Agricultural (AG) District, and being identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, addressed 1700 E. SH-66, and being more specifically depicted in Exhibit 'A' of this ordinance, which herein after shall be referred to as the *Subject Property* 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. 04-38] 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. 04-38] 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 construction of an animal shelter structure within an Agricultural (AG) District as stipulated by Article IV, *Permissible Uses*, and Article V, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 04-38] on the *Subject Property*; and

SECTION 2. That the *Subject Property* shall be used only in the manner and for the purposes described in this Specific Use Permit (SUP) ordinance and as specifically set forth in Section 2.1, *Agricultural (AG) District*, of Article V, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 04-38] of the City of Rockwall as heretofore amended, as amended herein by the granting of this zoning change, and as may be amended in the future, and shall be subject to the following operational conditions and compliance standards:

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of an animal shelter, structure on the Subject Property and conformance to these requirements is necessary for continued operations:

- 1) The animal shelter structure shall generally conform to the elevations and site plan depicted in *Exhibits 'B' & 'C'* of this ordinance;
- 2) The animal shelter structure shall not exceed its current size of approximately 2,720 SF or an approximate height of 15-feet;
- 3) The existing accessory building located within the flood plain of this property, as depicted as #4 in *Exhibit 'D'* of this ordinance, shall be removed/demolished within six (6) months of the date of passage of this ordinance;
- 4) The existing detached garage located on the subject property, as depicted as #1, 2, & 3 in *Exhibit 'D'* of this ordinance, shall be removed/demolished within six (6) months of the date of passage of this ordinance;
- 5) The animal shelter structure shall not be operated as a commercial land use;
- 6) A detention system is required for the addition of structures on the subject property per the Engineering Standards of Design; and,
- 7) The animal shelter structure is subject to administrative review in the event that the *Subject Property* is sold, conveyed or altered in any manner.

2.2 COMPLIANCE

Approval of this ordinance in accordance with Section 8.3, *Council Approval or Denial*, of Article II, *Authority and Administrative Procedures*, of the Unified Development Code (UDC) [Ordinance No. 04-38] will require compliance to the following:

- 1) Upon obtaining a building permit, should the homeowner fail to meet the minimum operational requirements set forth herein and outline in the Unified Development Code (UDC) [Ordinance No. 04-38], the City Council may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Section 4.4.(3) of Article IV, *Permissible Uses*, of the Unified Development Code (UDC) [Ordinance No. 04-38].

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.

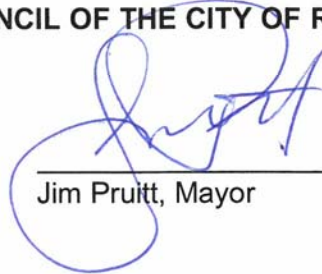
SECTION 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS (\$2,000.00)* for each offence and each and every day such offense 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 22ND DAY OF JANUARY, 2019.**



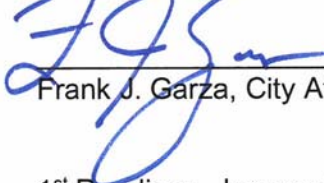
Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: January 7, 2019

2nd Reading: January 22, 2019

Exhibit 'A':
Legal Description and Property Location

Legal Description: Tract 7 of the D. Harr Survey, Abstract No. 102

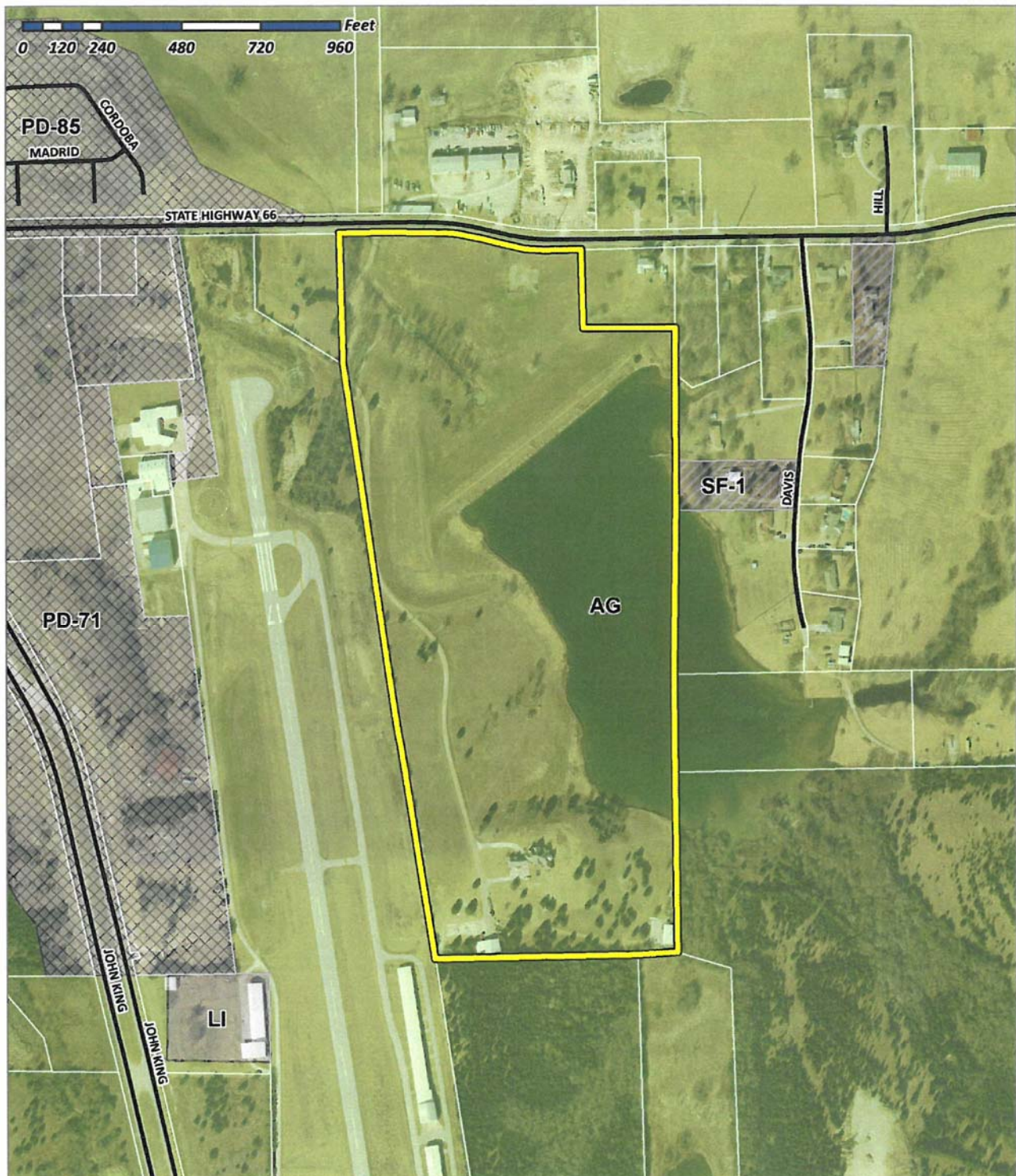
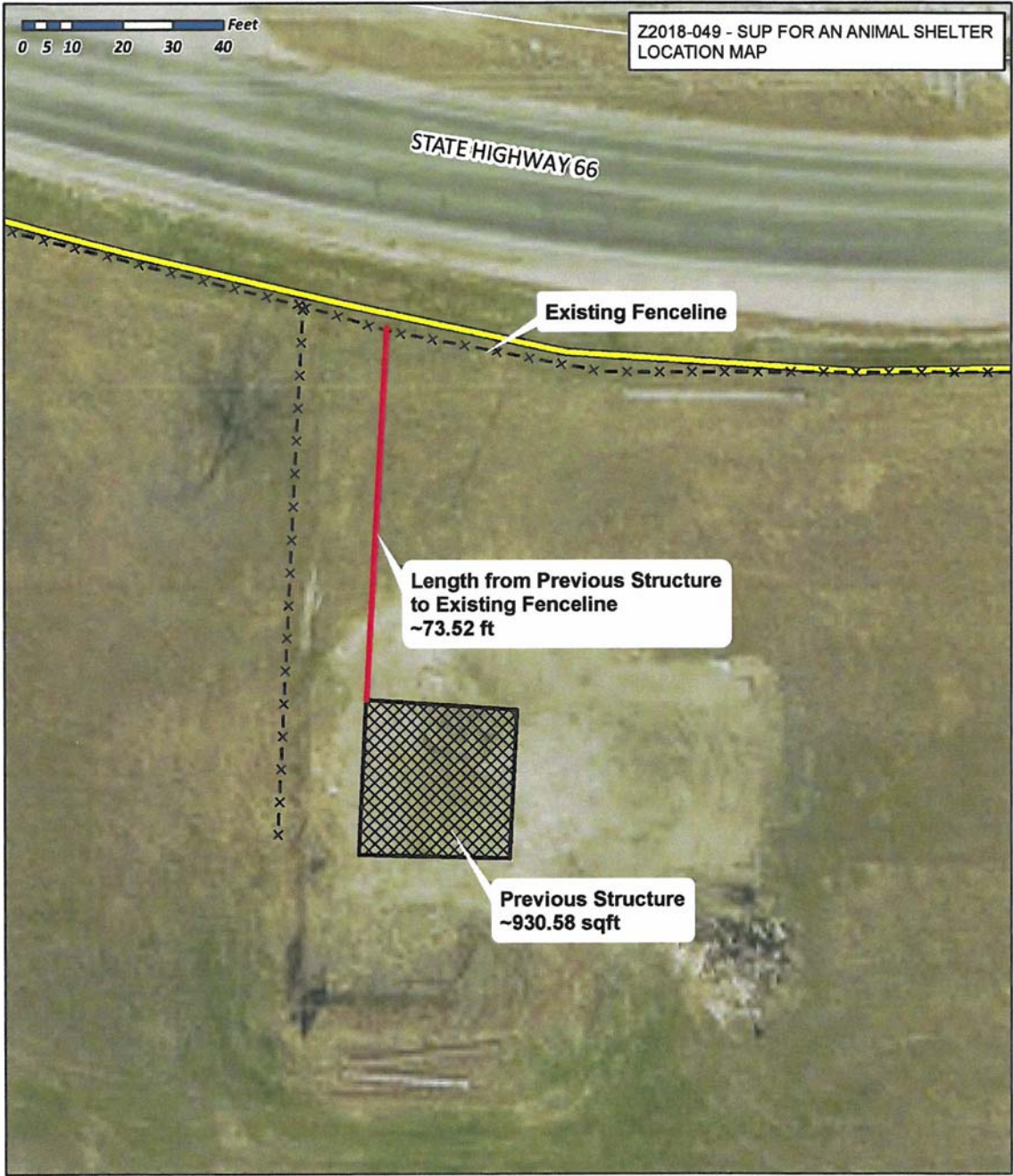


Exhibit 'B':
Animal Shelter – Elevations



Exhibit 'C':
Site Plan



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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Exhibit 'D';
Building Locations to be Removed

1. Existing Structure attached to Detached Garage
2. Existing Structure attached to Detached Garage
3. Detached Garage
4. Existing Structure Located within Designated 100-year Flood Plain



PROJECT COMMENTS



CITY OF ROCKWALL
385 S. GOLIAD STREET
ROCKWALL, TEXAS 75087
PHONE: (972) 771-7700

DATE: 10/21/2021

PROJECT NUMBER: Z2021-046
PROJECT NAME: SUP for Agricultural Accessory Structures and an Animal Shelter
SITE ADDRESS/LOCATIONS: 1700 E STATE HIGHWAY 66

CASE MANAGER: Ryan Miller
CASE MANAGER PHONE: 972-772-6441
CASE MANAGER EMAIL: rmiller@rockwall.com

CASE CAPTION: Hold a public hearing to discuss and consider a request by Mike Peoples for the approval of a Specific Use Permit (SUP) for two (2) Agricultural Accessory Buildings and an Animal Shelter/Loafing Shed on a 42.66-acre tract of land identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1700 E. SH-66, and take any action necessary.

DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
	Ryan Miller	10/21/2021	Approved w/ Comments

10/21/2021: Z2021-046; Specific Use Permit (SUP) for Agricultural Accessory Buildings and an Animal Shelter/Loafing Shed
Please address the following comments (M= Mandatory Comments; I = Informational Comments)

I.1 This request is for the approval of a Specific Use Permit (SUP) for two (2) Agricultural Accessory Buildings and an Animal Shelter/Loafing Shed on a 42.66-acre tract of land identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-66 Overlay (SH-66 OV) District, and addressed as 1700 E. SH-66.

I.2 For questions or comments concerning this case please contact Ryan Miller in the Planning Department at (972) 772-6441 or email rmiller@rockwall.com.

M.3 For reference, include the case number (Z2021-046) in the lower right-hand corner of all pages on future submittals.

I.4 According to the Subsection 01.02, Land Use Schedule, of Article 04, Permissible Uses, of the Unified Development Code (UDC), an Animal Shelter or Loafing Shed requires a Specific Use Permit (SUP) in an Agricultural (AG) District.

I.5 In this case the existing Animal Shelter or Loafing Shed is approximately 40-feet by 68-feet or ~2,720 SF, constructed out of metal, and stands approximately 15-feet in height. The structure does appear to be in compliance the setback requirements for the Agricultural (AG) District.

I.6 According to the Subsection 01.02, Land Use Schedule, of Article 04, Permissible Uses, of the Unified Development Code (UDC), a Barn or Agricultural Accessory Building requires a Specific Use Permit (SUP) in an Agricultural (AG) District. In addition, Subsection 02.03, Conditional Land Use Standards, of Article 04, Permissible Uses, of the Unified Development Code (UDC) states that Agricultural Accessory Buildings shall be [1] on property that is a minimum of ten (10) acres in size, [2] a minimum of 2,000 SF and a maximum of 4,999 SF in size, and [3] shall be located behind the front façade of the primary structure and meet the same setbacks as the primary structure.

I.7 Based on the aerials one (1) of the Agricultural Accessory Structures is estimated to be 30-feet by 60-feet or ~1,800 SF (i.e. the structure situated within the floodplain) and the other Agricultural Accessory Structure is estimated to be 20-feet by 60-feet and 40-feet by 60-feet or ~3,600 SF. The structure located within the floodplain is technically 200 SF less than what is permitted by the Unified Development Code (UDC); however, this can be considered by the City Council through the Specific Use Permit (SUP). The other structure is in compliance with the with the Conditional Land Use Standards of the Unified Development Code (UDC).

I.8 Based on the submitted materials, staff has included the following Operational Conditions in the Specific Use Permit (SUP) ordinance:

(1) The Agricultural Accessory Buildings and Animal Shelter or Loafing Shed shall generally conform to the concept plan and the conceptual building elevations depicted in Exhibits 'B' & 'C' of the SUP ordinance.

(2) The Agricultural Accessory Buildings shall not exceed their current building footprints (i.e. ~3,600 SF for Building #2 and ~1,800 SF for Building #3).

(3) The Animal Shelter or Loafing Shed (i.e. Building #1) shall not exceed a maximum size of 3,000 SF.

- (4) The Agricultural Accessory Buildings and Animal Shelter or Loafing Shed (i.e. Buildings #1, #2, & #3) shall not exceed their current heights which are depicted in Exhibit 'C' of the SUP ordinance.
- (5) The Agricultural Accessory Buildings and Animal Shelter or Loafing Shed (i.e. Buildings #1, #2, & #3) shall not be operated as of for commercial land uses.
- (6) The applicant will be required to apply for three (3) building permits from the Building Inspections Departments for the Agricultural Accessory Buildings and Animal Shelter or Loafing Shed (i.e. Buildings #1, #2, & #3) depicted in Exhibits 'B' & 'C' of the SUP ordinance.
- (7) The existing Agricultural Accessory Building located in the floodplain on the Subject Property, as depicted as Building #3 in Exhibits 'B' & 'C' of the SUP ordinance, shall be moved to the location depicted as Building #4 in Exhibit 'B' within six (6) months of the date of passage of the SUP ordinance and before building permits for Building #1 & #2 -- depicted in Exhibits 'B' & 'C' -- are issued.
- (8) The Agricultural Accessory Buildings and Animal Shelter or Loafing Shed (i.e. Buildings #1, #2, & #3) shall not be sold or conveyed separately without meeting the requirements of the Unified Development Code (UDC).
- (9) All buildings (i.e. Buildings #1, #2, and #3/#4) shall be required to meet all applicable setback requirements. This means that the subject property will need to be replatted prior to the issuance of a building permit for Building #2 as depicted in Exhibits 'B' & 'C' of the SUP ordinance.
- (10) Should the applicant fail to meet any of the requirements of this Specific Use Permit (SUP) within one (1) year of the approval date of the SUP ordinance Buildings #1, #2 and #3/#4 shall be removed from the Subject Property within six (6) months of the expiration date of the SUP ordinance.

M.9 Please review the attached Draft Ordinance prior to the October 26, 2021 Planning and Zoning Commission Work Session meeting, and provide staff with your markups by no later than November 2, 2021. In reviewing the Draft Ordinance, please pay close attention to staff's suggestions.

I.10 Staff has identified the aforementioned items necessary to continue the submittal process. Please make these revisions and corrections, and provide any additional information that is requested. Revisions for this case will be due on November 2, 2021; however, it is encouraged for applicants to submit revisions as soon as possible to give staff ample time to review the case prior to the November 9, 2021 Planning and Zoning Commission Public Hearing Meeting. The Planning and Zoning Commission Work Session Meeting for this case will be held on October 26, 2021.

I.11 The projected City Council meeting dates for this case will be November 15, 2021 (1st Reading) and December 6, 2021 (2nd Reading).

DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
ENGINEERING	Sarah Johnston	10/21/2021	Approved
No Comments			
DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
BUILDING	Rusty McDowell	10/21/2021	Approved
No Comments			
DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
FIRE	Ariana Kistner	10/20/2021	Approved
No Comments			
DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
GIS	Lance Singleton	10/18/2021	Approved
No Comments			
DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
POLICE	Ryan Miller	10/21/2021	N/A
No Comments			
DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
PARKS	Travis Sales	10/19/2021	Approved
10/19/2021: No comments			



DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO.

2021-046

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

DIRECTOR OF PLANNING:

CITY ENGINEER:

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

PLATTING APPLICATION FEES:

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

SITE PLAN APPLICATION FEES:

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

ZONING APPLICATION FEES:

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

OTHER APPLICATION FEES:

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

+1000.00
1200.00

NOTES:

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

PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS

1700 East SH 66

SUBDIVISION

agricultural

LOT

BLOCK

GENERAL LOCATION

56 acres East of Ralph Hall Municipal Airport.

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

Mike Peoples

☐ APPLICANT

CONTACT PERSON

Mike Peoples

CONTACT PERSON

Same.

ADDRESS

*1700 East SH 66
Rockwall Tx 75087*

ADDRESS

CITY, STATE & ZIP

CITY, STATE & ZIP

PHONE

214-957-0807

PHONE

E-MAIL

MP Rockwall@yahoo.com

E-MAIL

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:

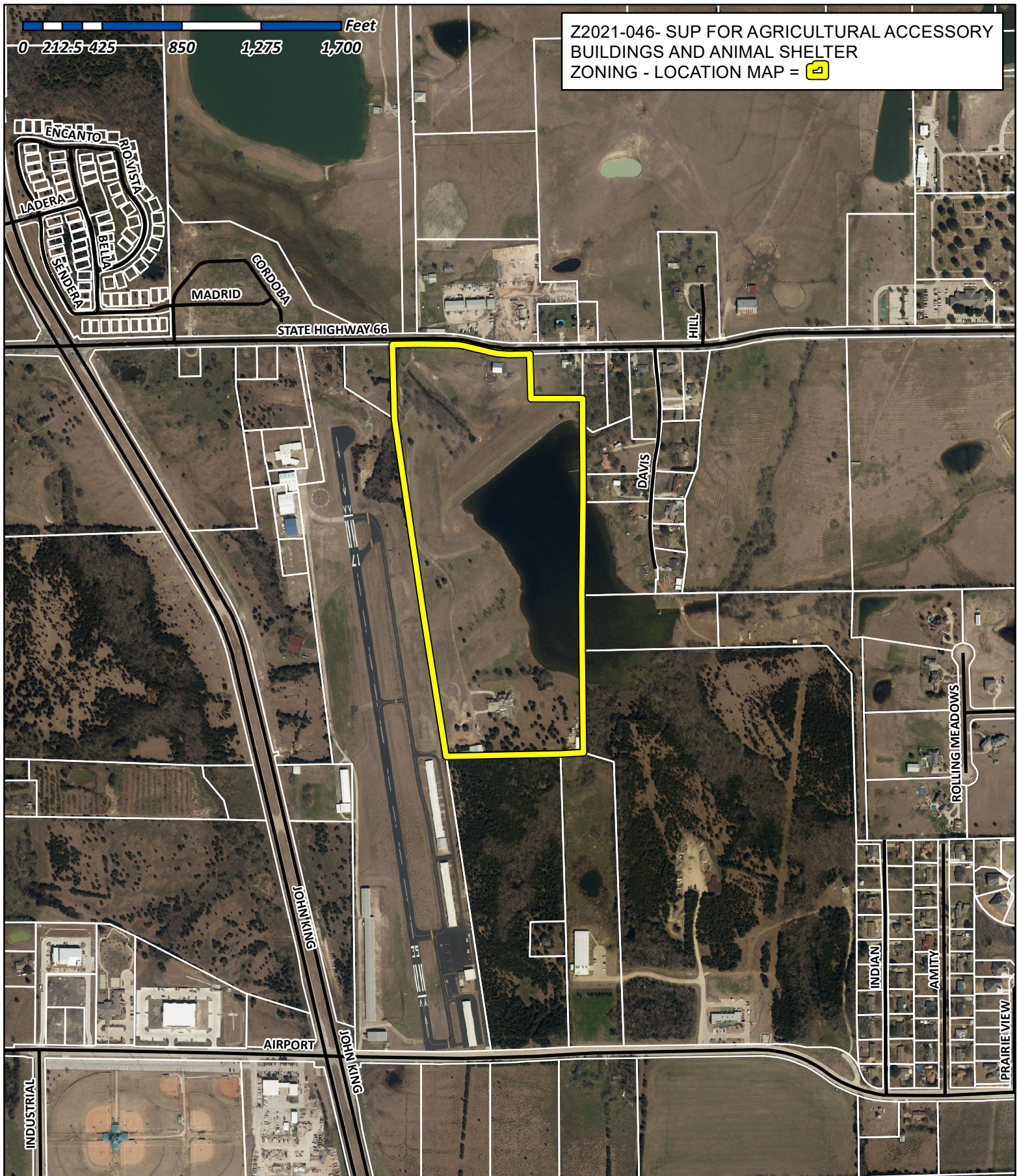
"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ _____ TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE _____ DAY OF _____, 20____. BY SIGNING THIS APPLICATION, 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



City of Rockwall

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

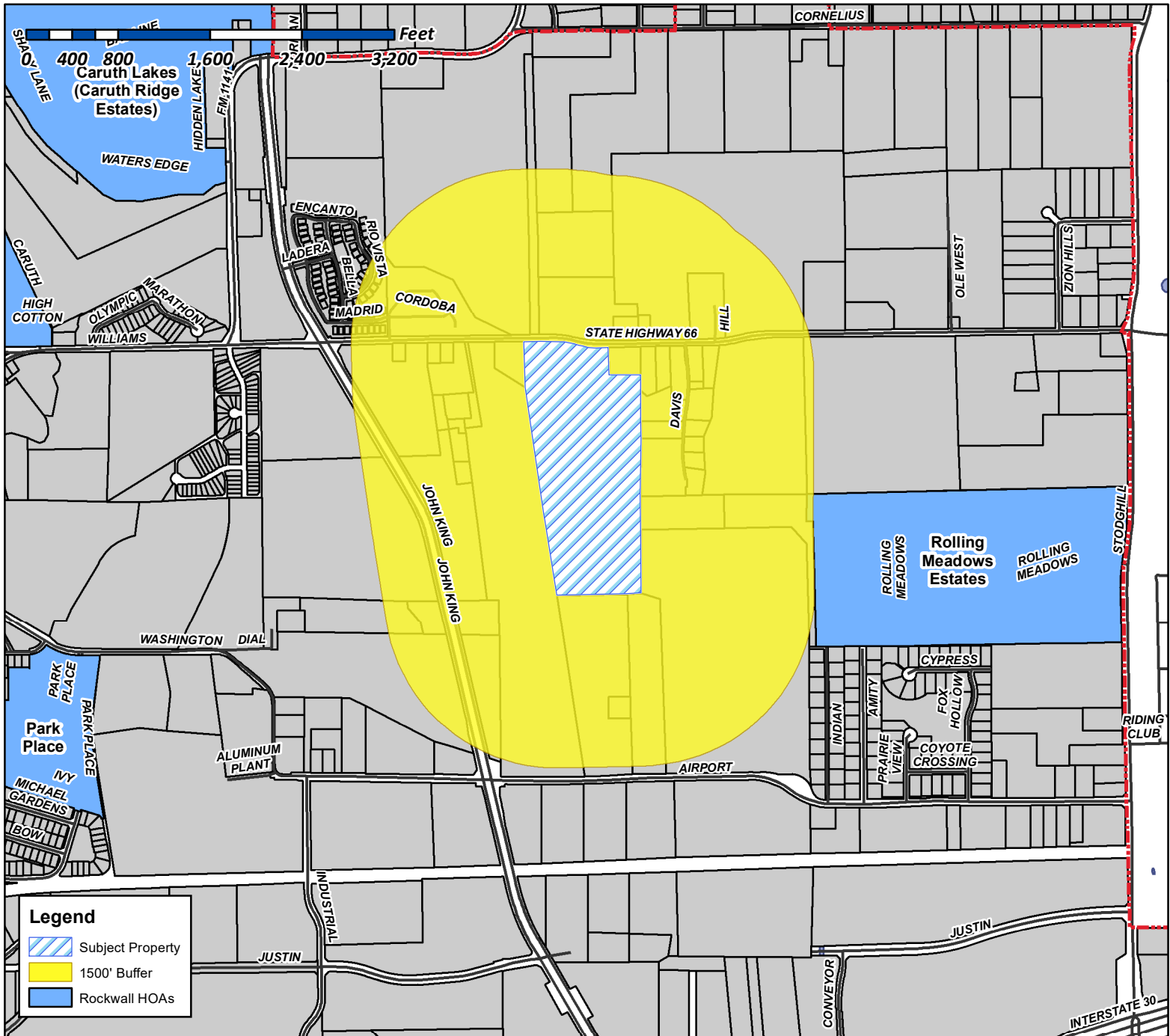
The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and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



City of Rockwall

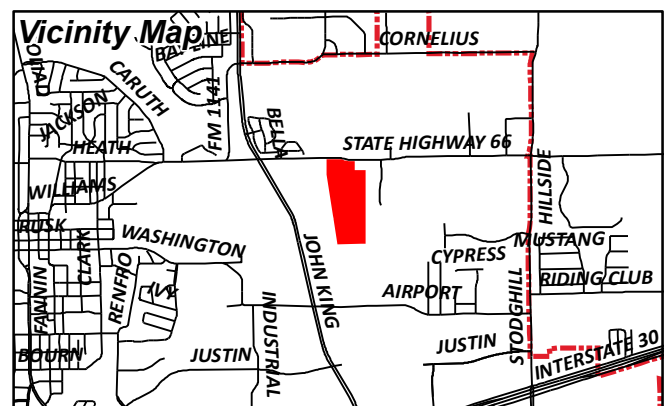
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

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Case Number: Z2021-046
Case Name: SUP for Agricultural Accessory Buildings and Animal Shelter
Case Type: Zoning
Zoning: Agricultural (AG) District
Case Address: 1700 E SH 66

Date Created: 10/18/2021
For Questions on this Case Call (972) 771-7745



Miller, Ryan

From: Gamez, Angelica
Sent: Friday, October 22, 2021 9:31 AM
Cc: Miller, Ryan; Reyna, Andrew; Lee, Henry
Subject: Neighborhood Notification Program [Z2021-046]
Attachments: Public Notice (10.20.2021).pdf; HOA Map (10.18.2021).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 *October 29, 2021*. The Planning and Zoning Commission will hold a public hearing on *Tuesday, November 9, 2021 at 6:00 PM*, and the City Council will hold a public hearing on *Monday, November 15, 2021 at 6:00 PM*. Both hearings will take place at 6:00 PM at City Hall, 385 S. Goliad, Rockwall, TX 75087.

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

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

Z2021-046: SUP for two (2) Agricultural Accessory Buildings and Animal Shelter/Loafing Shed

Hold a public hearing to discuss and consider a request by Mike Peoples for the approval of a *Specific Use Permit (SUP)* for two (2) *Agricultural Accessory Buildings* and an *Animal Shelter/Loafing Shed* on a 42.66-acre tract of land identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1700 E. SH-66, and take any action necessary.

Thank you,

Angelica Gamez

Planning & Zoning Coordinator

City of Rockwall

972.771.7745 Office

972.772.6438 Direct

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

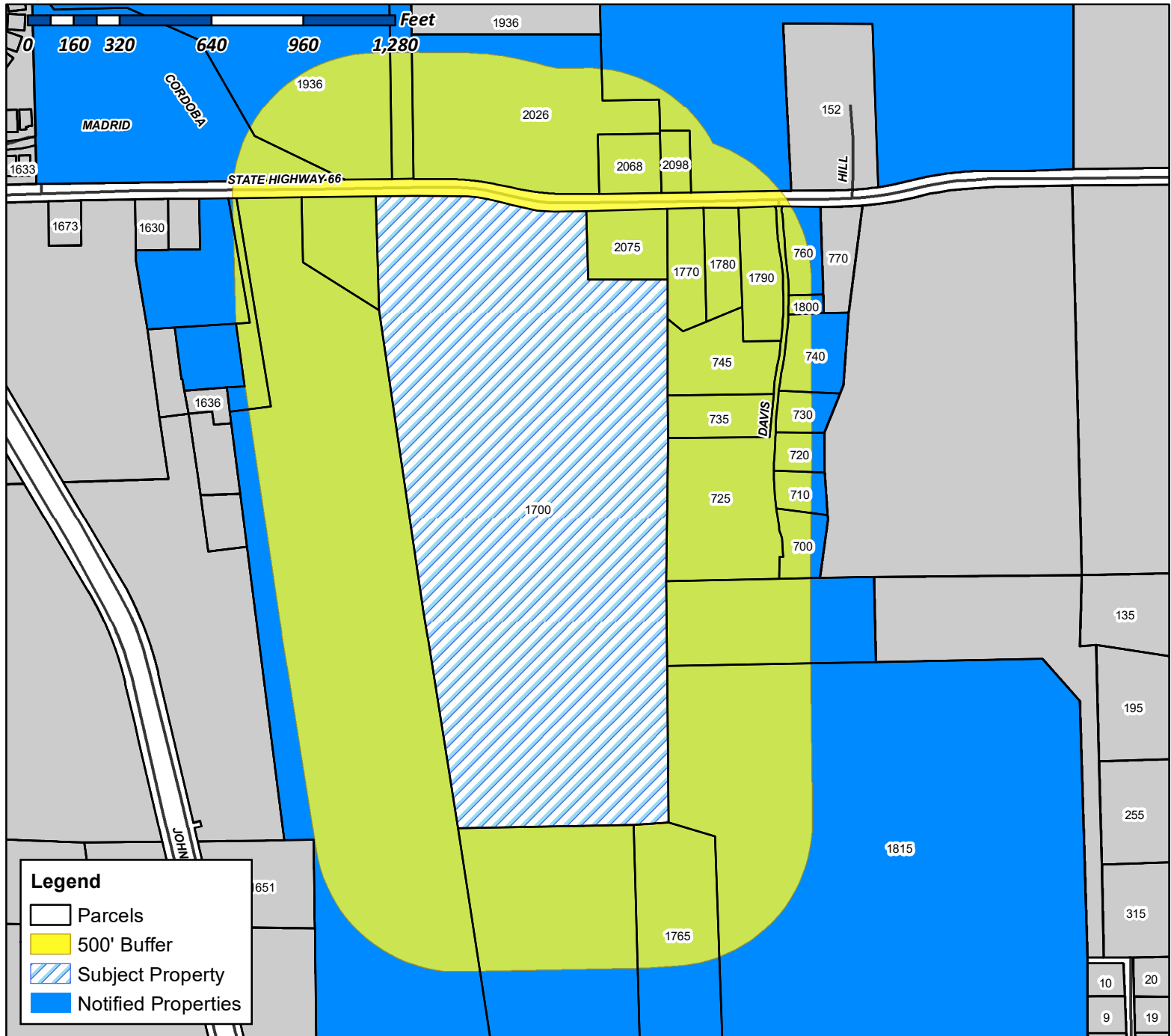
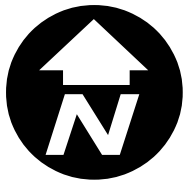
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City of Rockwall

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

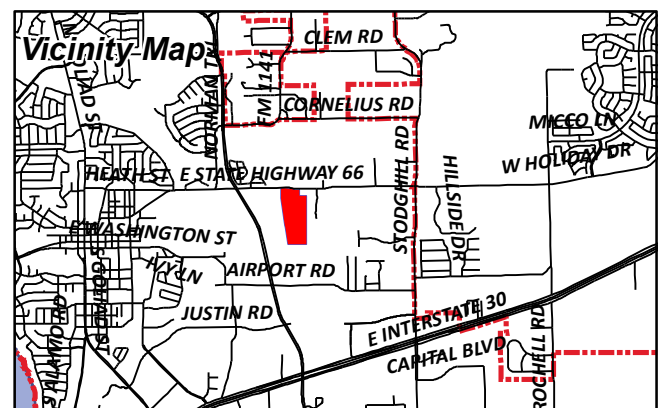
The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and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



Case Number: Z2021-046
Case Name: SUP for Agricultural Accessory Buildings and Animal Shelter
Case Type: Zoning
Zoning: Agricultural (AG) District
Case Address: 1700 E SH 66

Date Created: 10/18/2021

For Questions on this Case Call (972) 771-7745



PEOPLES MICHAEL L JR AND
SHERYL NEWMAN PEOPLES
1700 STATE HIGHWAY 66
ROCKWALL, TX 75087

CUMMINGS JOHN & LORI
1770 E HWY 66
ROCKWALL, TX 75087

COLLIER JUDY KAY AND
THERESA ROBBINS
1780 WILLIAMS ST
ROCKWALL, TX 75087

MCILRATH PROPERTIES LLC
1790 WILLIAMS ST
ROCKWALL, TX 75087

RYAN BILL K
1800 WILLIAMS ST
ROCKWALL, TX 75087

CITY OF ROCKWALL
1815 AIRPORT RD
ROCKWALL, TX 75087

PEOPLES MIKE L
1936 HWY 66
ROCKWALL, TX 75087

PEOPLES MICHAEL L
2026 HWY 66
ROCKWALL, TX 75087

CITY OF ROCKWALL
205 W RUSK ST
ROCKWALL, TX 75087

SALINAS HILSE S
2068 STATE HWY 66
ROCKWALL, TX 75087

PEOPLES MICHAEL L JR AND
SHERYL NEWMAN PEOPLES
2075 WILLIAMS
ROCKWALL, TX 75087

GILLILAND TOMMY JOE
2098 WILLIAMS
ROCKWALL, TX 75087

ROCKWALL PROPERTY CORP
ATTN: BILL BRICKER
305 PARK PLACE BLVD
ROCKWALL, TX 75087

CAIN FAMILY PARTNERSHIP LTD
305 STONEBRIDGE DR
ROCKWALL, TX 75087

CUMMINGS JOHN & LORI
308 STONEBRIDGE DR
ROCKWALL, TX 75087

RYAN BILL K
330 VZ CR 2207
CANTON, TX 75103

RW LADERA LLC
361 W BYRON NELSON BLVD SUITE 104
ROANOKE, TX 76262

RYAN GARY S AND CONSTANCE E
502 WILLIAMS ST
ROCKWALL, TX 75087

DAVIS WILLIAM PAUL JR
510 TURTLE COVE BLVD STE 200
ROCKWALL, TX 75087

MCILRATH PROPERTIES LLC
636 GRISHAM DR
ROCKWALL, TX 75087

SELLERS DONYA BEATRICE
700 DAVIS DR
ROCKWALL, TX 75087

RYAN GARY S AND CONSTANCE E
710 DAVIS DR
ROCKWALL, TX 75087

MOCK ALYSSA
720 DAVIS DR
ROCKWALL, TX 75087

MA MICHAEL D AND CAROLINE J G MOORE
725 DAVIS DR
ROCKWALL, TX 75087

DAILEY MARK L
730 DAVIS DR
ROCKWALL, TX 75087

BANUELOS SHERRI L
735 DAVIS DR
ROCKWALL, TX 75087

RINKEVICH FAMILY LIVING TRUST
JOSEPH W RINKEVICH- TRUSTEE
740 DAVIS DR
ROCKWALL, TX 75087

RAINES SHERYL
745 DAVIS DR
ROCKWALL, TX 75087

COOK SHERRY LYNN
760 DAVIS DRIVE
ROCKWALL, TX 75087

DIMISSEW SAMUEL
956 S WEATHERED DR
RICHARDSON, TX 75080

ATHEY JACK R
P.O. BOX 219
LAVON, TX 75166

PEOPLES MIKE L
PO BOX 41
ROCKWALL, TX 75087

RAINES SHERYL
PO BOX 412
ROCKWALL, TX 75087

PUBLIC NOTICE



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

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

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

Case No. Z2021-046: SUP for Two (2) Agricultural Accessory Buildings and an Animal Shelter/Loafing Shed

Hold a public hearing to discuss and consider a request by Mike Peoples for the approval of a Specific Use Permit (SUP) for two (2) Agricultural Accessory Buildings and an Animal Shelter/Loafing Shed on a 42.66-acre tract of land identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1700 E. SH-66, 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, November 9, 2021 at 6:00 PM, and the City Council will hold a public hearing on Monday, November 15, 2021 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

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

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. If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by Monday, November 15, 2021 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning



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

--- PLEASE RETURN THE BELOW FORM ---

Case No. Z2021-046: SUP for Two (2) Agricultural Accessory Buildings and an Animal Shelter/Loafing Shed

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](#)

Miller, Ryan

From: mike peoples <mprockwall@yahoo.com>
Sent: Friday, October 15, 2021 10:33 AM
To: Miller, Ryan
Subject: Fwd: Building permits - 1700 E. State Hwy. 66

Sent from my iPhone

Begin forwarded message:

From: "Peoples, Sheryl" <SPeoples@lockton.com>
Date: October 15, 2021 at 10:10:07 AM CDT
To: mike peoples <mprockwall@yahoo.com>
Subject: Building permits - 1700 E. State Hwy. 66

To whom it may concern:

This letter is in regards to the unpermitted buildings I have constructed over the past few years on my 56 acre property located at 1700 E. State Highway 66 located next to the airport.

Building #1 is next to my residence and is used for maintenance equipment storage, feed storage/deliveries and misc. equipment used for my agricultural operations.

Building #2 on the topo map is used for farm equipment/hay storage. This building is to be re-permitted and moved to a different location on the 56 acre property which is marked on the topo map.

Building #3 is a livestock barn for our 4-H show cattle. My 13 yr. old son & 11 yr. old daughter have been active members of the Rockwall 4-H Beef Club for 6 years and this barn is for their 4-H projects. This barn was constructed over an existing barn that was over 60 yrs old and in disrepair.

I am trying to resolve this permitting process peacefully and appreciate your willingness to work with me and my family.

Sincerely,
Mike Peoples
214-957-0807



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Google Earth

Imagery date: 11/15/...

100 m

Camera: 878 m 32°55'44"N 96°26'...

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[Send feedback](#)



Google Earth

Imagery date: 11/15/20—newer

50 m

Camera: 510 m

32°55'51"N 96°25'58"W

170 m

CITY OF ROCKWALL

ORDINANCE NO. 19-06

SPECIFIC USE PERMIT NO. S-204

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ANIMAL SHELTER ON A 42.66-ACRE TRACT OF LAND ZONED AGRICULTURAL (AG) DISTRICT, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSTRACT NO. 102, 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 Mike Peoples for the approval of a Specific Use Permit (SUP) for the purpose of allowing a previously constructed animal shelter, situated on a 42.66-acre tract of land, zoned Agricultural (AG) District, and being identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, addressed 1700 E. SH-66, and being more specifically depicted in Exhibit 'A' of this ordinance, which herein after shall be referred to as the *Subject Property* 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. 04-38] 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. 04-38] 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 construction of an animal shelter structure within an Agricultural (AG) District as stipulated by Article IV, *Permissible Uses*, and Article V, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 04-38] on the *Subject Property*; and

SECTION 2. That the *Subject Property* shall be used only in the manner and for the purposes described in this Specific Use Permit (SUP) ordinance and as specifically set forth in Section 2.1, *Agricultural (AG) District*, of Article V, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 04-38] of the City of Rockwall as heretofore amended, as amended herein by the granting of this zoning change, and as may be amended in the future, and shall be subject to the following operational conditions and compliance standards:

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of an animal shelter, structure on the Subject Property and conformance to these requirements is necessary for continued operations:

- 1) The animal shelter structure shall generally conform to the elevations and site plan depicted in *Exhibits 'B' & 'C'* of this ordinance;
- 2) The animal shelter structure shall not exceed its current size of approximately 2,720 SF or an approximate height of 15-feet;
- 3) The existing accessory building located within the flood plain of this property, as depicted as #4 in *Exhibit 'D'* of this ordinance, shall be removed/demolished within six (6) months of the date of passage of this ordinance;
- 4) The existing detached garage located on the subject property, as depicted as #1, 2, & 3 in *Exhibit 'D'* of this ordinance, shall be removed/demolished within six (6) months of the date of passage of this ordinance;
- 5) The animal shelter structure shall not be operated as a commercial land use;
- 6) A detention system is required for the addition of structures on the subject property per the Engineering Standards of Design; and,
- 7) The animal shelter structure is subject to administrative review in the event that the *Subject Property* is sold, conveyed or altered in any manner.

2.2 COMPLIANCE

Approval of this ordinance in accordance with Section 8.3, *Council Approval or Denial*, of Article II, *Authority and Administrative Procedures*, of the Unified Development Code (UDC) [Ordinance No. 04-38] will require compliance to the following:

- 1) Upon obtaining a building permit, should the homeowner fail to meet the minimum operational requirements set forth herein and outline in the Unified Development Code (UDC) [Ordinance No. 04-38], the City Council may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Section 4.4.(3) of Article IV, *Permissible Uses*, of the Unified Development Code (UDC) [Ordinance No. 04-38].

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.

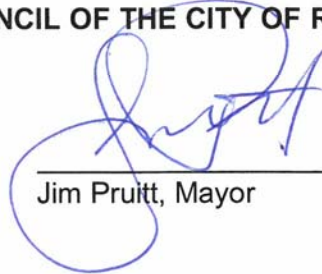
SECTION 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS (\$2,000.00)* for each offence and each and every day such offense 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 22ND DAY OF JANUARY, 2019.**



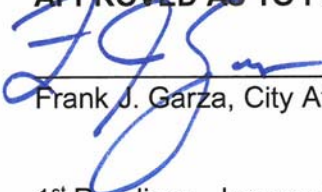
Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: January 7, 2019

2nd Reading: January 22, 2019

Exhibit 'A':
Legal Description and Property Location

Legal Description: Tract 7 of the D. Harr Survey, Abstract No. 102

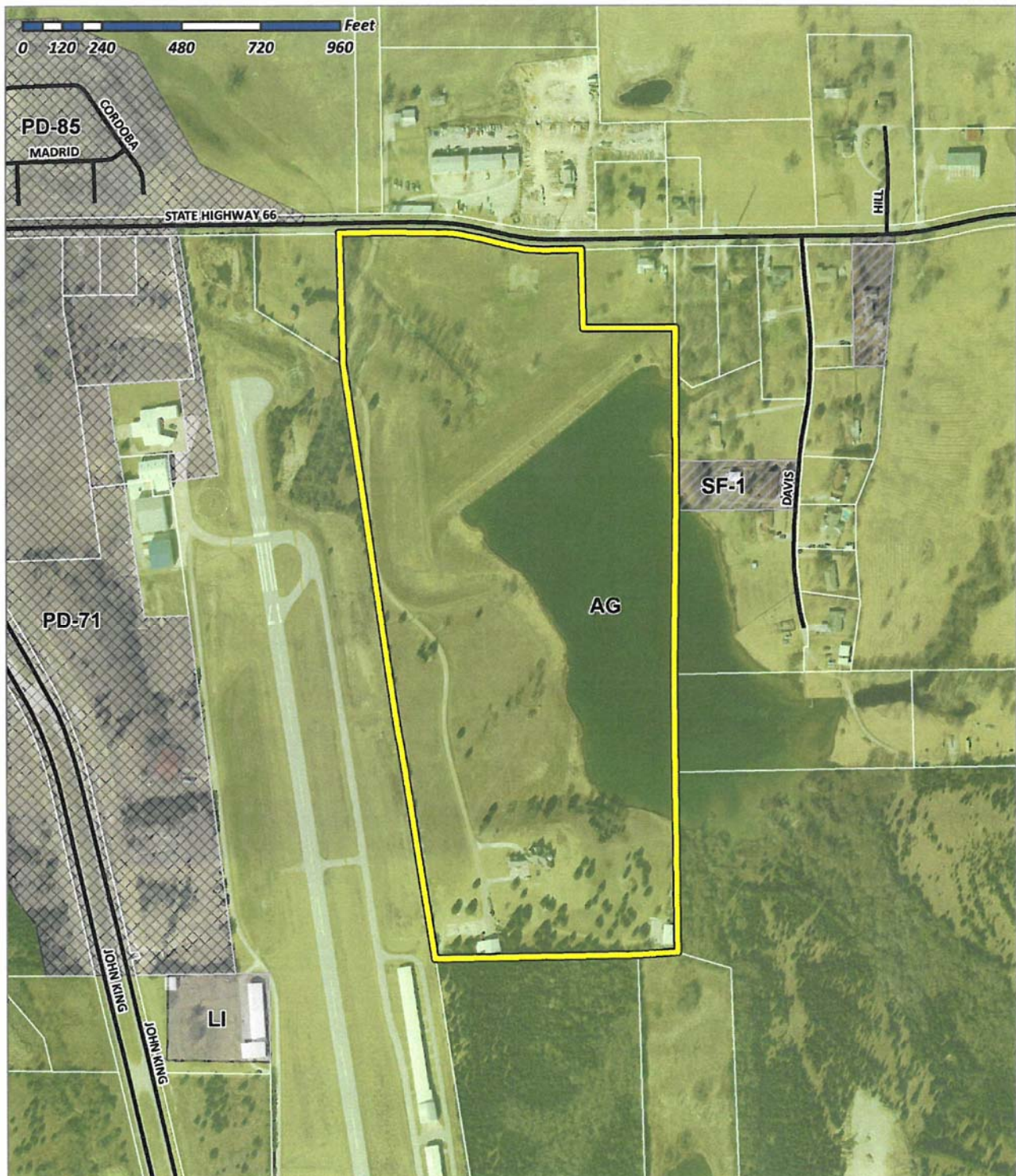
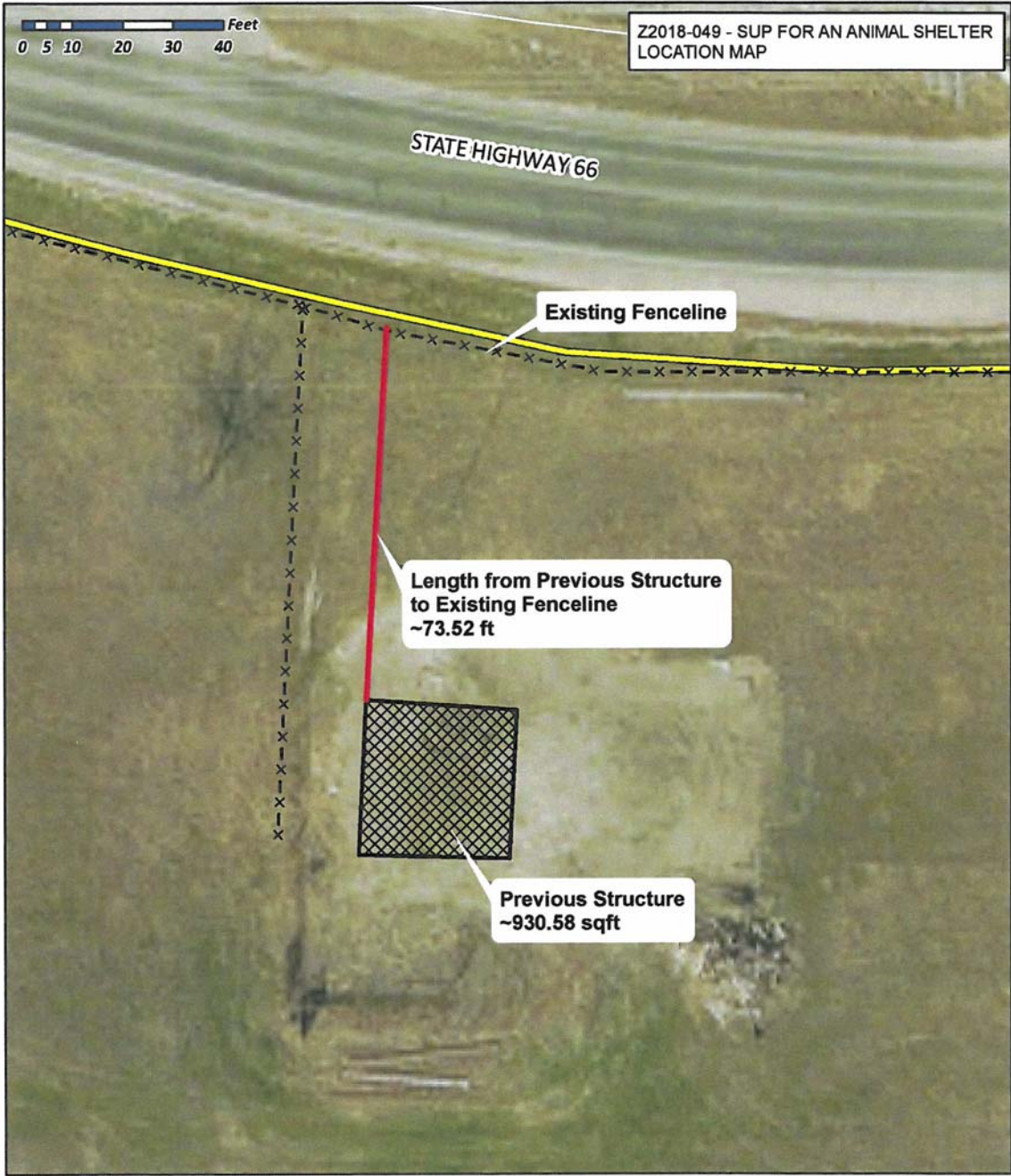


Exhibit 'B':
Animal Shelter – Elevations



Exhibit 'C':
Site Plan



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.



Exhibit 'D';
Building Locations to be Removed

1. Existing Structure attached to Detached Garage
2. Existing Structure attached to Detached Garage
3. Detached Garage
4. Existing Structure Located within Designated 100-year Flood Plain



CITY OF ROCKWALL

ORDINANCE NO. 21-XX

SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW TWO (2) AGRICULTURAL ACCESSORY BUILDINGS AND AN ANIMAL SHELTER OR LOAFING SHED ON A 42.66-ACRE TRACT OF LAND, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request from Mike Peoples for the approval of a Specific Use Permit (SUP) to allow two (2) *Agricultural Accessory Buildings* and an *Animal Shelter or Loafing Shed* on a 42.66-acre tract of land described as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1700 E. SH-66, and being more specifically depicted and described in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

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

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

SECTION 1. That the Unified Development Code (UDC) [Ordinance No. 20-02] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing two (2) *Agricultural Accessory Buildings* and an *Animal Shelter or Loafing Shed* as stipulated by Subsection 01.02, *Land Use Schedule*, and Subsection 02.03, *Conditional Land Use Standards*, of 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 02.03, *Conditional Land Use Standards*, of Article 04, *Permissible Uses*, and Subsection 02.01, *Agricultural (AG) District*, of Article 05, *District Development Standards*, of the

Unified Development Code (UDC) [Ordinance No. 20-02] -- as heretofore amended and as may be amended in the future --, and with the following conditions:

2.1. OPERATIONAL CONDITIONS

The following conditions pertain to the operation of an *Agricultural Accessory Structure* and an *Animal Shelter or Loafing Shed* on the *Subject Property* and conformance to these conditions are required for continued operations:

- (1) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed* shall generally conform to the concept plan and the conceptual building elevations depicted in *Exhibits 'B' & 'C'* of this ordinance.
- (2) The *Agricultural Accessory Buildings* shall not exceed their current building footprints (i.e. ~3,600 SF for *Building #2* and ~1,800 SF for *Building #3*).
- (3) The *Animal Shelter or Loafing Shed* (i.e. *Building #1*) shall not exceed a maximum size of 3,000 SF.
- (4) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed* (i.e. *Buildings #1, #2, & #3*) shall not exceed their current heights which are depicted in *Exhibit 'C'* of this ordinance.
- (5) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed* (i.e. *Buildings #1, #2, & #3*) shall not be operated as of for commercial land uses.
- (6) The applicant will be required to apply for three (3) building permits from the Building Inspections Departments for the *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed* (i.e. *Buildings #1, #2, & #3*) depicted in *Exhibits 'B' & 'C'* of this ordinance.
- (7) The existing *Agricultural Accessory Building* located in the floodplain on the *Subject Property*, as depicted as *Building #3* in *Exhibits 'B' & 'C'* of this ordinance, shall be moved to the location depicted as *Building #4* in *Exhibit 'B'* within six (6) months of the date of passage of this ordinance and before building permits for *Building #1 & #2* -- depicted in *Exhibits 'B' & 'C'* -- are issued.
- (8) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed* (i.e. *Buildings #1, #2, & #3*) shall not be sold or conveyed separately without meeting the requirements of the Unified Development Code (UDC).
- (9) All buildings (i.e. *Buildings #1, #2, and #3/#4*) shall be required to meet all applicable setback requirements. This means that the subject property will need to be replatted prior to the issuance of a building permit for *Building #2* as depicted in *Exhibits 'B' & 'C'* of this ordinance.
- (10) Should the applicant fail to meet any of the requirements of this Specific Use Permit (SUP) within one (1) year of the approval date of this ordinance *Buildings #1, #2 and #3/#4* shall be removed from the *Subject Property* within six (6) months of the expiration date 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 compliance to the following:

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

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

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

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

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

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

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 6TH DAY OF DECEMBER, 2021.

Kevin Fowler, *Mayor*

ATTEST:

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: November 15, 2021

2nd Reading: December 6, 2021

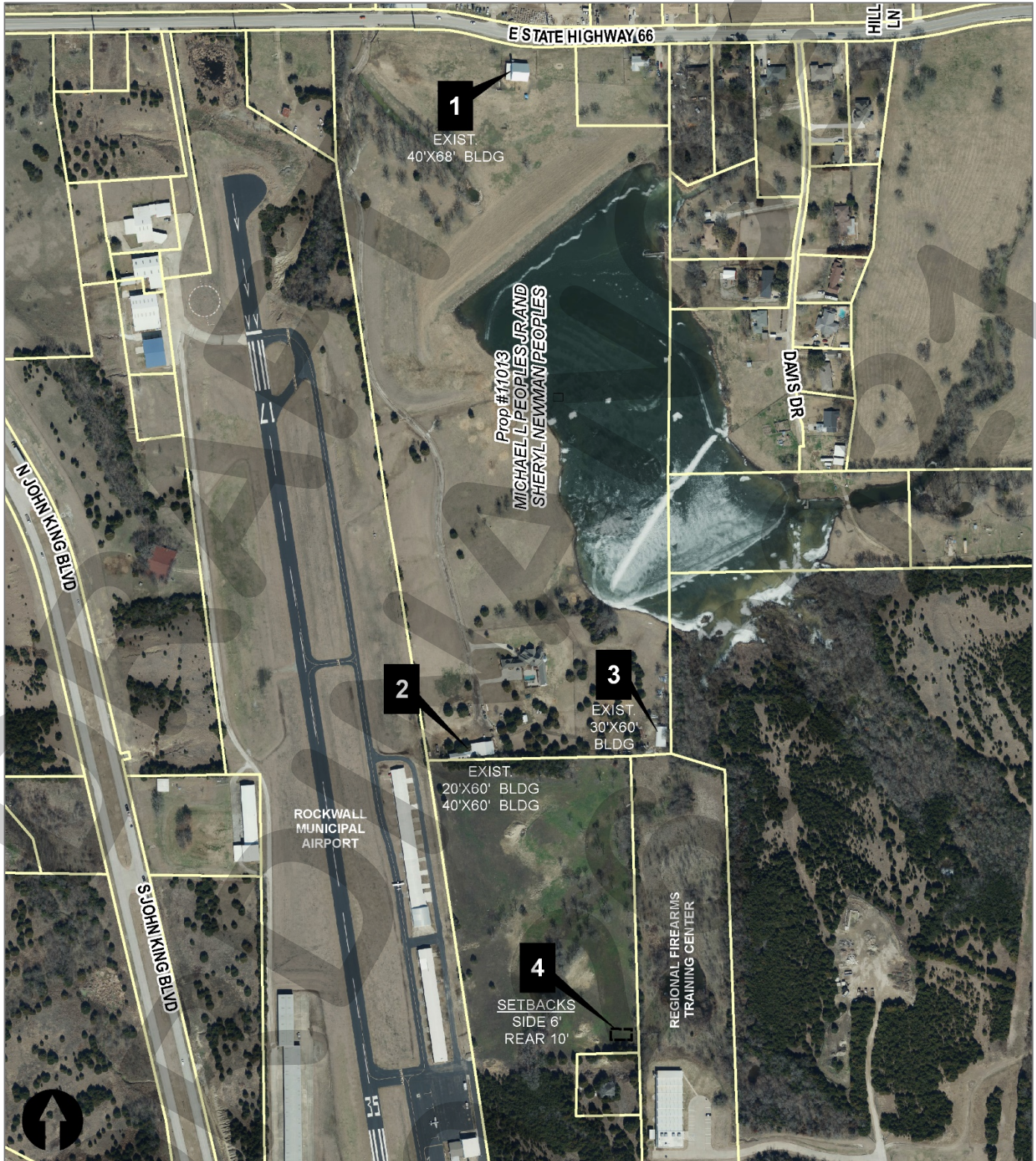
Exhibit 'A'
Zoning Exhibit

Address: 1700 E. SH-66

Legal Description: Tract 7 of the D. Harr Survey, Abstract No. 102



**Exhibit 'B':
Site Plan**



BUILDING #1: ANIMAL SHELTER OR LOAFING SHED

BUILDING #2: AGRICULTURAL ACCESSORY BUILDING

BUILDING #3: AGRICULTURAL ACCESSORY BUILDING CURRENTLY LOCATED IN THE FLOODPLAIN

BUILDING #4: PROPOSED NEW LOCATION FOR BUILDING #3

Exhibit 'C':
Building Elevations



BUILDING #1: ANIMAL SHELTER OR LOAFING SHED



BUILDING #2: AGRICULTURAL ACCESSORY BUILDING

PICTURE NEEDED FROM APPLICANT

BUILDING #3: AGRICUTLURAL ACCESSORY BUILDING SITUATED WITHIN THE 100-YEAR FLOODPLAIN



CITY OF ROCKWALL

PLANNING AND ZONING COMMISSION CASE MEMO

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

TO: Planning and Zoning Commission

DATE: November 11, 2021

APPLICANT: Mike Peoples

CASE NUMBER: Z2021-046; *Specific Use Permit (SUP) for Agricultural Accessory Buildings and an Animal Shelter or Loafing Shed*

SUMMARY

Hold a public hearing to discuss and consider a request by Mike Peoples for the approval of a Specific Use Permit (SUP) for two (2) *Agricultural Accessory Buildings* and an *Animal Shelter/Loafing Shed* on a 42.66-acre tract of land identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1700 E. SH-66, and take any action necessary.

BACKGROUND

The subject property was annexed into the City of Rockwall on March 16, 1998 by *Ordinance No. 98-10 [Case No. A1998-007]*. At the time of annexation, the subject property was zoned Agricultural (AG) District. This zoning designation has not changed since its adoption in 1998. According to the Rockwall Central Appraisal District (RCAD) currently situated on the subject property is: [1] a 3,836.50 SF single-family home that was constructed in 2010, [2] a ~2,500 SF barn that was constructed in 2017, [3] a ~4,000 SF barn constructed in 2017, and [4] a swimming pool constructed in 2019.

On October 24, 2018, the Building Inspections Department proactively recognized a structure (*i.e. an Animal Shelter/Loafing Shed*) being constructed without a permit on the subject property. The Building Inspections Department then proceeded to confer with Planning Department regarding the requirements for building a structure on the subject property. During this meeting, additional structures were found to exist based on aerial images dating back to 2013. These images depicted two (2) additional structures that were constructed without building permits. The aerial image indicated that one (1) of these structures -- *an Accessory Building* -- lied within the 100-year floodplain. The other structure was a *Detached Garage* that had been enlarged on at least two (2) separate occasions (*i.e. aerial images indicate that the structure was enlarged in December 2015 and September 2017*). City records indicated that no permits were requested for the construction of either of these structures or the following additions. Subsequently, the Building Inspections Department issued a *Stop Work Order* on October 25, 2018 for the *Animal Shelter/Loafing Shed*, requiring the applicant to submit a Specific Use Permit (SUP) and building permits for the *Animal Shelter*, *Detached Garage*, and *Accessory Building*. On November 6, 2018, the applicant applied for a Specific Use Permit (SUP) and building permit for the *Animal Shelter/Loafing Shed*. On November 19, 2018, the applicant applied for a Specific Use Permit (SUP) and building permit for the *Detached Garage*. Staff should note that at the time these applications were submitted, the *Permissible Use Charts* contained in Article 04, *Permissible Uses*, of the Unified Development Code (UDC) did not allow *Accessory Buildings* in an Agricultural (AG) District, and based on this -- *coupled with the fact that the Accessory Building was wholly situated within a 100-year floodplain* -- staff required that the *Accessory Building* be removed from the subject property.

On December 17, 2018, the City Council reviewed the Specific Use Permit (SUP) cases for the *Animal Shelter/Loafing Shed* [Case No. Z2018-049] and *Detached Garage* [Case No. Z2018-053]. Ultimately, the City Council continued (*i.e. postponed*) the public hearing for the *Animal Shelter/Loafing Shed* -- *for the purpose of allowing the applicant time to get a survey of the subject property completed* --, and failed to adopt a motion to approve the *Detached Garage* by a vote of 2-5 (*with Council Members Trowbridge, Hohenselt, Pruitt, Daniels, and Johannesen dissenting*). Some of the major concerns stated by staff and the City Council at the time of consideration were the fact that the proposed *Detached Garage* was constructed without a permit and that it did not conform to the building material requirements that were in place at the time. On January 7, 2019, the City Council continued the public hearing for the *Animal Shelter/Loafing Shed*. The City Council adopted a motion requiring

that additional operational conditions be added to the Specific Use Permit (SUP) ordinance to include the removal of the *Detached Garage* and *Accessory Building* within six (6) months of the adoption of the ordinance. The Specific Use Permit (SUP) ordinance [Ordinance No. 19-06; S-204] was adopted by the City Council on January 22, 2019 by a vote of 7-0. Staff has provided the minutes from these meetings and the adopted Specific Use Permit (SUP) ordinance [Ordinance No. 19-06] for the Planning and Zoning Commission and City Council's review.

On June 22, 2020, the Specific Use Permit (SUP) [S-204] expired due to inactivity in accordance with Subsection 02.02(D) of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) and the terms of Ordinance No. 19-06. At the time of expiration -- and due to the COVID-19 situation creating a backlog in the court system --, the three (3) citations written on August 1, 2019 [Case No. CE1546] had not been resolved and no fine had been issued. Based on this staff reengaged the applicant to try and work through the issues, and in August 2021 the applicant approached staff about resubmitting a Specific Use Permit (SUP) request. At the time, the City Council was considering an additional application fee for *Non-Compliant Structures*, and based on this staff requested that the applicant wait to make application until this new ordinance was in place. The *Non-Compliant Structure Fee* was adopted into Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) on September 7, 2021. Following this approval, the applicant submitted a Specific Use Permit (SUP) application on October 15, 2021.

In considering this new application, staff should point out that there have been two (2) substantial changes to the Unified Development Code (UDC) that change the way the applicant's request can be considered: [1] the addition of a land use for *Agricultural Accessory Buildings* was added to the *Permissible Use Charts* in Article 04, *Permissible Uses*, of the Unified Development Code (UDC), and [2] HB2439 was adopted as part of the 86th Legislative Session effectively restricting a City from enforcing or adopting regulations that prohibit or limit -- *directly or indirectly* -- the use or installation of a building product or material in the construction or renovation of residential and commercial buildings (*these changes are further explained in the Conformance with the City's Codes section of this case memo*). These two (2) changes allow both the *Detached Garage* and *Accessory Building* to be considered by Specific Use Permit (SUP) as *Agricultural Accessory Buildings*, and brings all of the buildings into closer compliance with the new requirements of the Unified Development Code (UDC).

PURPOSE

The applicant -- Mike Peoples -- is requesting the approval of a Specific Use Permit (SUP) to allow two (2) *Agricultural Accessory Buildings* and an *Animal Shelter or Loafing Shed* in accordance with the requirements of Subsection 01.01, *Use of Land and Buildings*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC). Staff should note that since these structures were previously constructed, the *Non-Compliant Structure Fee* was added to the application fees for this case in accordance with Section 10, *Fee Schedule*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC).

ADJACENT LAND USES AND ACCESS

The subject property is addressed as 1700 E. SH-66. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property is SH-66, which is identified as a TXDOT4D (*i.e. Texas Department of Transportation, four [4] lane, divided roadway*) according to the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is a 4.479-acre tract of land (*i.e. Tract 25-2 of the W. M. Dalton Survey, Abstract No 72*) with several legally non-conforming buildings that have multiple businesses in them (*e.g. Classic Rock Stone Yard, Auto Glass by Jerry, Special D Automotive, and etc.*). North of this is an 11.965-acre tract of vacant land (*i.e. Tract 25 of the W. M. Dalton Survey, Abstract No. 72*). All of these properties are zoned Agricultural (AG) District.

South: Directly south of the subject property is a 12.00-acre tract of vacant land (*i.e. a portion of Tract 21 of the D. Harr Survey, Abstract No. 102*), which is also owned by the applicant. South of this tract is a 5.96-acre tract of vacant land (*i.e. a portion of Tract 21 of the D. Harr Survey, Abstract No. 102*) and a one (1) acre tract of land (*i.e. Tract 21-01 of the D. Harr Survey, Abstract No. 102*) with a single-family home situated on it. Beyond this is Airport Road, which is identified as a M4U (*i.e. major collector, four [4] lane, divided roadway*) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

East: Directly east of the subject property are 14 single-family homes situated on 15 tracts of land (i.e. *Tracts 1, 3, 8, 10, 11, 11-01, 11-03, 11-4, 11-5, 12, 13, 16, 17, & 19 of the D. Harr Survey, Abstract No. 102 and Lot 1, Block A, Widboom Addition*). Also, east of the subject property is a 64.514-acre tract of land (i.e. *Tract 15 of the D. Harr Survey, Abstract No. 102*) that is owned by the City of Rockwall. All of these properties are zoned Agricultural (AG) District.

West: Directly west of the subject property is the Ralph Hall Municipal Airport, which is situated on a 47.89-acre parcel of land (i.e. *Lot 1 of the Rockwall Municipal Airport*) zoned Agricultural (AG) District. Beyond this are two (2) vacant tracts of land (i.e. *Tracts 1 & 6-1 of the G. W. Redlin Survey, Abstract No. 183*) zoned Planned Development District 71 (PD-71) for Commercial (C) District land uses. West of these tracts is John King Boulevard, which is identified as a P6D (i.e. *principal arterials, six [6] lane, divided roadway*) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

CHARACTERISTICS OF THE REQUEST

The applicant has submitted an application and an applicant's letter requesting that the City Council grant a Specific Use Permit (SUP) allowing: [1] an existing ~3,600 - ~4,000 SF *Agricultural Accessory Building*, [2] the relocation of an existing ~1,800 SF *Agricultural Accessory Building*, and [3] an existing ~2,720 SF *Animal Shelter or Loafing Shed*. The characteristics and locations of these buildings is as follows:

Animal Shelter or Loafing Shed: Depicted as Building #1 on the Ordinance Exhibit 'B'

The *Animal Shelter or Loafing Shed* is approximately 40-feet by 68 feet (or ~2,720 SF) and is constructed out of metal *R-Panel*. It is estimated that the existing structure is setback between 40-feet and 50-feet from the front property line adjacent to SH-66. The structure is approximately 15-feet in height. In front of the *Animal Shelter or Loafing Shed* is a bulk feed bin, which is estimated to stand approximately 13-feet in height and is setback approximately 45-feet from the front property line.

Agricultural Accessory Building: Depicted as Building #2 on the Ordinance Exhibit 'B'

The existing *Agricultural Accessory Building*, situated in the southwest corner of the subject property, is estimated to be between ~3,600 SF and ~4,000 SF (i.e. *the main portion of the structure is ~40-feet by ~60-feet and the addition to the southwest is estimated to be ~20-feet by ~60-feet*). The structure is built out of a combination of shipping containers, wood siding, and metal *R-Panel*. A portion of the structure is currently built on the rear yard property line of the subject property and violates the minimum ten (10) foot setback for rear yards stipulated by the Agricultural (AG) District standards contained in the Unified Development Code (UDC). Currently, the structure does not have any visibility from adjacent properties with the exception of the Ralph Hall Municipal Airport, where a portion of the structure is visible from the northern most point of the southeast taxiway.

Agricultural Accessory Building: Depicted as Building #3 & #4 on the Ordinance Exhibit 'B'

The existing *Agricultural Accessory Building*, situated in the southeast corner of the subject property, is wholly located within the 100-year floodplain. This structure is estimated to be ~1,800 SF (or ~30-feet by ~60-feet). The structure is constructed utilizing metal *R-Panel*, and is estimated to be less than 15-feet in height. The applicant is proposing to move this structure out of the floodplain on to the property directly south of the subject property (i.e. *a portion of Tract 21 of the D. Harr Survey, Abstract No. 102*). This new location would be in conformance with the setback requirements for the Agricultural (AG) District contained in the Unified Development Code (UDC), and would not have any visibility to adjacent properties.

CONFORMANCE WITH THE CITY'S CODES

On January 7, 2019, the City Council -- *in response to an appointment with Dewayne Cain* -- directed staff to change the Unified Development Code (UDC) to incorporate an *Agricultural Accessory Building* land use into Article 04, *Permissible Uses*. Based on this direction staff brought forward the requested changes on February 19, 2019, and the City Council adopted the new land use and operational conditions on March 4, 2019 through *Ordinance No. 19-12*. According to this new ordinance (*consolidated in Section 02.03, Conditional Land Use Standards, of Article 04, Permissible Uses, of the Unified Development Code [UDC]*) a *Barn or Agricultural Accessory Building* is permitted by a Specific Use Permit (SUP) in an Agricultural (AG) District subject to the following *Conditional Land Use Standards*:

- (1) The property shall be a minimum of ten (10) acres or more in size.
- (2) A *Barn or Agricultural Accessory Building* shall be a minimum of 2,000 SF and a maximum of 4,999 SF in total size (*i.e. under roof*).
- (3) The *Barn or Agricultural Accessory Building* shall be located behind the front façade of the primary structure, and be subject to the same building setbacks as the primary structure.

Staff has placed a table below (*i.e. Table 1: Subject Property's Current Conformance with the Conditional Land Use Standards for Agricultural Accessory Buildings*) showing how the two (2) *Agricultural Accessory Buildings* currently conform to the *Conditional Land Use Standards* stated above.

TABLE 1: SUBJECT PROPERTY'S CURRENT CONFORMANCE WITH THE CONDITIONAL LAND USE STANDARDS FOR AGRICULTURAL ACCESSORY BUILDINGS

CONDITIONAL USE STANDARD	AGRICULTURAL ACCESSORY BUILDING #2	AGRICULTURAL ACCESSORY BUILDING #3
MINIMUM LOT SIZE OF ONE (1) ACRE	42.66-ACRES; <i>IN CONFORMANCE</i>	42.66-ACRES; <i>IN CONFORMANCE</i> ¹
BUILDING SHALL BE 2,000 SF < X < 4,999 SF	~2,720 SF; <i>IN CONFORMANCE</i>	~1,800 SF; <i>NOT IN CONFORMANCE</i>
LOCATED BEHIND THE FRONT FACADE	YES; <i>IN CONFORMANCE</i>	YES; <i>IN CONFORMANCE</i>
MEETS SETBACK REQUIREMENTS	YES; <i>NOT IN CONFORMANCE</i> ²	YES; <i>IN CONFORMANCE</i> ³

NOTES:

- ¹: AFTER THE PROPERTY IS PLATTED THE SUBJECT PROPERTY WILL BE APPROXIMATELY 53.96-ACRES.
- ²: AFTER THIS PROPERTY IS PLATTED THE APPLICANT'S REQUEST WILL BE IN COMPLIANCE WITH THIS REQUIREMENT.
- ³: A CONDITION OF THE SPECIFIC USE PERMIT (SUP) ORDINANCE IS THAT WHEN THIS STRUCTURE IS MOVED IT WILL MEET THE MINIMUM SETBACKS FOR THE AGRICULTURAL (AG) DISTRICT.

With regard to an *Animal Shelter or Loafing Shed*, Subsection 01.01, *Use of Land and Buildings*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC) states an *Animal Shelter or Loafing Shed* requires a Specific Use Permit (SUP) in an Agricultural (AG) District. There are currently no *Conditional Land Use Standards* for the *Animal Shelter or Loafing Shed* land use, and these uses are only subject to the Agricultural (AG) District development standards stipulated by Subsection 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC), and which are summarized in *Table 2: Subject Property's Current Conformance with the Agricultural (AG) District Standards* below.

TABLE 2: SUBJECT PROPERTY'S CURRENT CONFORMANCE WITH THE AGRICULTURAL (AG) DISTRICT STANDARDS

DEVELOPMENT STANDARDS	AGRICULTURAL (AG) DISTRICT	SUBJECT PROPERTY CONFORMANCE
ABBREVIATION	AG	AG
DWELLING UNITS/LOTS	1.0 ¹	1.0; <i>IN CONFORMANCE</i>
DWELLING UNITS/ACRE	0.1	0.023; <i>IN CONFORMANCE</i>
MINIMUM DWELLING UNIT (SF)	1,600	3,836.50 SF; <i>IN CONFORMANCE</i>
MINIMUM LOT REQUIREMENTS	AREA (SF)	1,858,269.60 SF; <i>IN CONFORMANCE</i>
	WIDTH (FEET)	718.50-FEET; <i>IN CONFORMANCE</i> ²
	DEPTH (FEET)	2,162.50-FEET; <i>IN CONFORMANCE</i> ³
MINIMUM SETBACKS	FRONT (FEET)	X ≥ 40-FEET; <i>IN CONFORMANCE</i>
	REAR (FEET)	0-FEET; <i>NOT IN CONFORMANCE</i> ⁴
	(SIDE (FEET)	~10-FEET; <i>IN CONFORMANCE</i>
BETWEEN BUILDINGS (FEET)	12	X > 10-FEET; <i>IN CONFORMANCE</i>
BUILDING HEIGHT (FEET)	36	X ≤ 36-FEET; <i>IN CONFORMANCE</i>
MAXIMUM LOT COVERAGE (%)	N/A	<i>IN CONFORMANCE</i>

NOTES:

- ¹: A MINIMUM LOT SIZE OF TEN (10) ACRES IS REQUIRED FOR THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING.
- ²: AFTER THIS PROPERTY IS PLATTED THE MINIMUM LOT WIDTH WILL BE REDUCED TO 500.50-FEET; HOWEVER, THIS WILL NOT CHANGE THE COMPLIANCE OF THE LOT WITH THE AGRICULTURAL (AG) DISTRICT REQUIREMENTS.
- ³: AFTER THIS PROPERTY IS PLATTED THE MINIMUM LOT DEPTH WILL BE INCREASED TO 3,012.90-FEET.
- ⁴: AFTER THIS PROPERTY IS PLATTED THE APPLICANT'S REQUEST WILL BE IN COMPLIANCE WITH THIS REQUIREMENT.

Staff should note, that the existing *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed* either currently conform to or will conform to the Unified Development Code (UDC) if the *Operational Conditions* in the Specific Use Permit (SUP) ordinance are enacted.

STAFF ANALYSIS

In the process of preparing this case memo and draft ordinance it was realized that the applicant had constructed a fourth unpermitted accessory structure between September 2019 and November 2020 (see *Images 1 & 2*). This new accessory building appears to be 15-feet by 20-feet (or 300 SF). In staff's conversations with the applicant, staff has learned that this structure is a portable chicken coup. According to Section 6-162, *Keeping, Confining and Breeding Regulations*, of the Municipal Code of Ordinances, "(i)t shall be unlawful to own or keep chickens, ducks, turkeys, geese, peacocks, or guinea hens within the corporate limits of the city except in agricultural zone districts." In addition, Subsection 03.01(B), *Other Animals*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC), states that "(a)n SUP is required for other farm animals, including chickens ..." Staff has conveyed to the applicant that he will be required to submit an application for a Specific Use Permit (SUP) for the chickens, and this has been added as a *Condition of Approval* in the *Conditions of Approval* section of this case memo. Staff should also note that the applicant indicated a willingness to bring this non-conformity into conformance.



IMAGE 1: SEPTEMBER 2019



IMAGE 2: NOVEMBER 2020

Staff is also obligated to point out that the applicant has been storing materials within the 100-year floodplain, which is not permitted under Chapter 11, *Flood Hazard Damage Prevention and Control*, of the City's Municipal Code of Ordinances (see *Image 3*). According to this ordinance, *Development* is defined as "...any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials." This

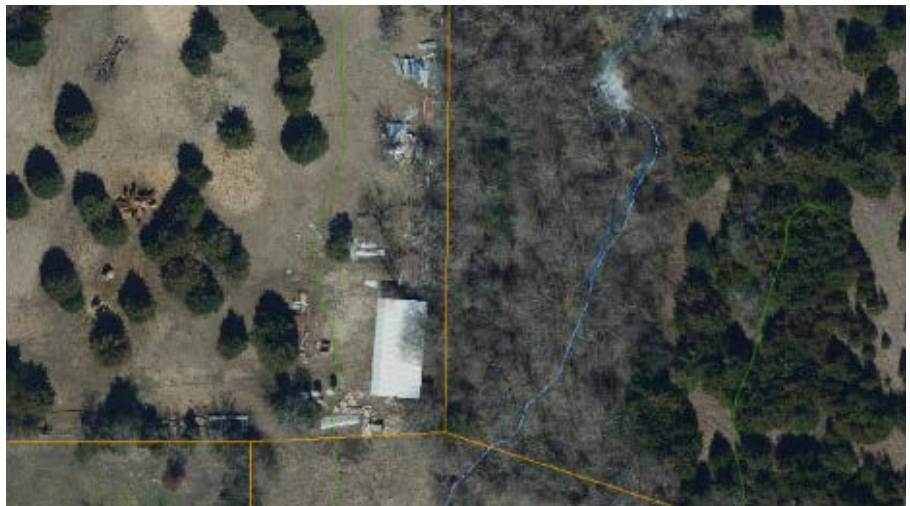


IMAGE 3: OUTSIDE STORAGE IN THE FLOODPLAIN

ordinance also defines a *Violation* as "... the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance ... is presumed to be in violation until such time as that documentation is provided." In this case, no documentation has been provided showing compliance, and staff has verified per aerial imagery that the storage in the floodplain started around March 2015 and has been increasing annually. Staff has conveyed to the applicant that the outside storage will need to be removed, and the applicant has indicated that if approved he is amenable to removing the materials from the floodplain. As part of the *Operational Conditions* in the Specific Use Permit (SUP) ordinance,

staff has included a requirement that all outside storage be removed from the floodplain prior to the issuance of any permits on the subject property.

With all this being said, when considering the size and visibility of the two (2) *Agricultural Accessory Buildings*, the applicant's request -- *if brought into conformance as stated in the Operational Conditions in the Specific Use Permit (SUP) ordinance* -- does not appear to negatively impact the adjacent properties. In addition, the *Animal Shelter or Loafing Shed* situated on SH-66 is similar to other *Animal Shelters or Loafing Sheds* on Clem Road and Cornelius Road, and does not appear to create a negative impact on any of the adjacent properties. Taking this into account, a Specific Use Permit (SUP) is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission. Staff is obligated to note that should the City Council fail to approve this Specific Use Permit (SUP) request, the applicant will be required to remove all three (3) structures from the subject property or enforcement actions will be taken.

NOTIFICATIONS

On October 22, 2021, staff mailed 33 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Rolling Meadows Homeowner's Association (HOA), which was the only Homeowner's Association (HOA)/Neighborhood Organization within 1,500-feet 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 four (4) notices/emails/letters within the 500-foot notification area in favor of the applicant's request.

CONDITIONS OF APPROVAL

If the Planning and Zoning Commission chooses to recommend approval of the applicant's request for a Specific Use Permit (SUP) for *Agricultural Accessory Buildings* and an *Animal Shelter or Loafing Shed*, 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 applicant is required to remove the outside storage that is currently situated around the *Agricultural Accessory Building (i.e. Building #3)* prior to the issuance of any permits on the *Subject Property*.
 - (b) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed* shall generally conform to the concept plan and the conceptual building elevations depicted in *Exhibits 'B' & 'C'* of the Specific Use Permit (SUP) ordinance.
 - (c) The *Agricultural Accessory Buildings* shall not exceed their current building footprints (*i.e. ~3,600 SF for Building #2 and ~1,800 SF for Building #3*).
 - (d) The *Animal Shelter or Loafing Shed (i.e. Building #1)* shall not exceed a maximum size of 3,000 SF.
 - (e) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed (i.e. Buildings #1, #2, & #3)* shall not exceed their current heights which are depicted in *Exhibit 'C'* of the Specific Use Permit (SUP) ordinance.
 - (f) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed (i.e. Buildings #1, #2, & #3)* shall not be operated as of for commercial land uses.
 - (g) The applicant will be required to apply for three (3) building permits from the Building Inspections Departments for the *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed (i.e. Buildings #1, #2, & #3)* depicted in *Exhibits 'B' & 'C'* of the Specific Use Permit (SUP) ordinance.
 - (h) The existing *Agricultural Accessory Building* located in the floodplain on the *Subject Property*, as depicted as *Building #3* in *Exhibits 'B' & 'C'* of the Specific Use Permit (SUP) ordinance, shall be moved to the location depicted as *Building #4* in *Exhibit 'B'* within six (6) months of the date of passage of the Specific Use Permit (SUP) ordinance and before building permits for *Building #1 & #2 -- depicted in Exhibits 'B' & 'C' --* are issued.

- (i) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed* (i.e. *Buildings #1, #2, & #3*) shall not be sold or conveyed separately without meeting the requirements of the Unified Development Code (UDC).
 - (j) All buildings (i.e. *Buildings #1, #2, and #3/#4*) shall be required to meet all applicable setback requirements. This means that the subject property will need to be platted prior to the issuance of a building permit for *Building #2* as depicted in *Exhibits 'B & 'C'* of the Specific Use Permit (SUP) ordinance.
 - (k) Should the applicant fail to meet any of the requirements of this Specific Use Permit (SUP) within one (1) year of the approval date of the Specific Use Permit (SUP) ordinance *Buildings #1, #2 and #3/#4* shall be removed from the *Subject Property* within six (6) months of the expiration date of the Specific Use Permit (SUP) ordinance.
- (2) The applicant will be required to submit a Specific Use Permit (SUP) for the chicken coop and chickens on the subject property by the December 17, 2021 application deadline.
 - (3) When the *Building # 3* is relocated to *Building #4* it shall maintain conformance with the Agricultural (AG) District requirements.
 - (4) 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.



DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO.

2021-046

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

DIRECTOR OF PLANNING:

CITY ENGINEER:

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

PLATTING APPLICATION FEES:

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

SITE PLAN APPLICATION FEES:

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

ZONING APPLICATION FEES:

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

OTHER APPLICATION FEES:

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

+1000.00
1200.00

NOTES:

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

PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS

1700 East SH 66

SUBDIVISION

agricultural

LOT

BLOCK

GENERAL LOCATION

56 acres East of Ralph Hall Municipal Airport.

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

Mike Peoples

☐ APPLICANT

CONTACT PERSON

Mike Peoples

CONTACT PERSON

Same.

ADDRESS

*1700 East SH 66
Rockwall Tx 75087*

ADDRESS

CITY, STATE & ZIP

CITY, STATE & ZIP

PHONE

214-957-0807

PHONE

E-MAIL

MP Rockwall@yahoo.com

E-MAIL

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:

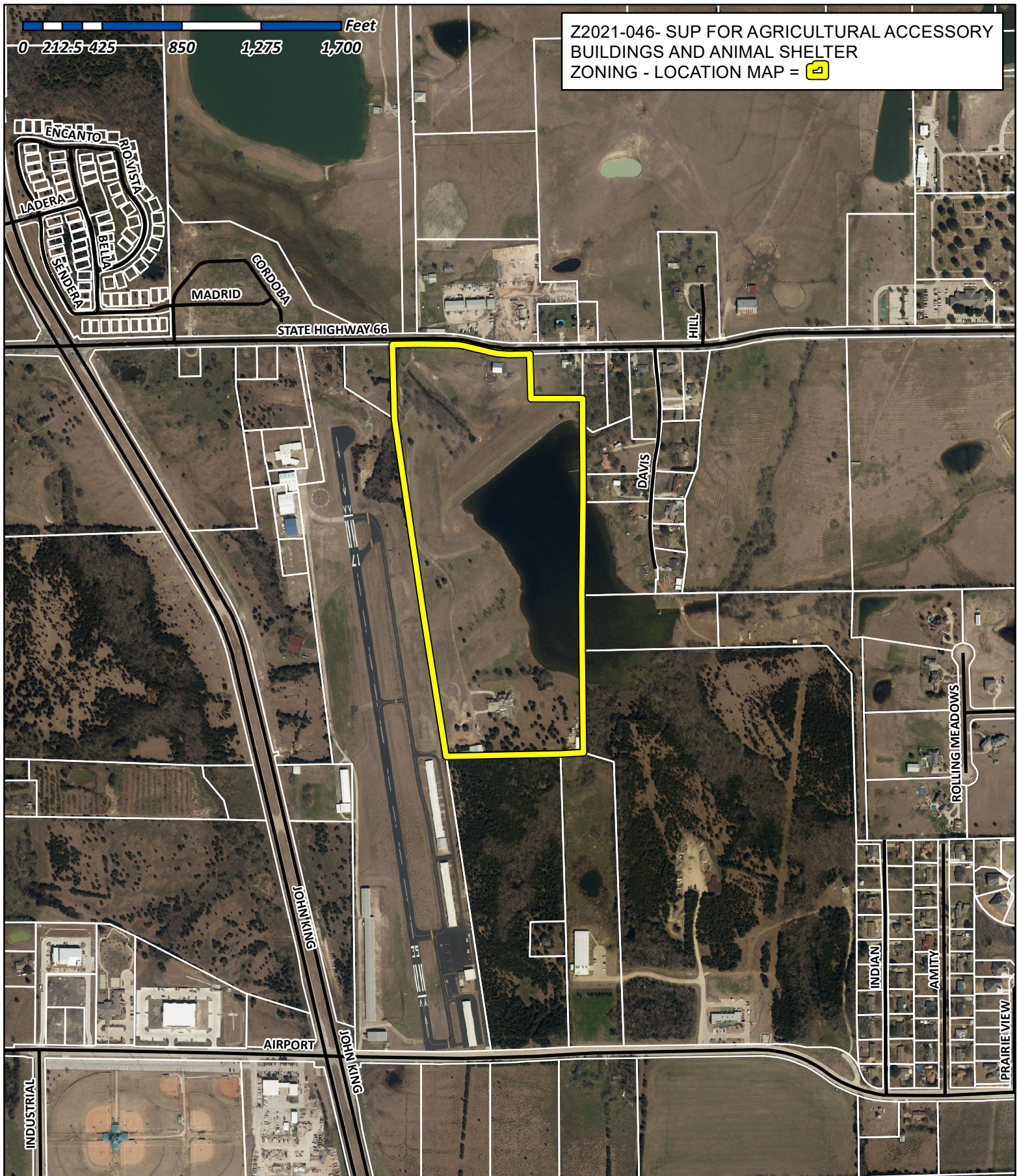
"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ _____ TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE _____ DAY OF _____, 20____. BY SIGNING THIS APPLICATION, 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



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.

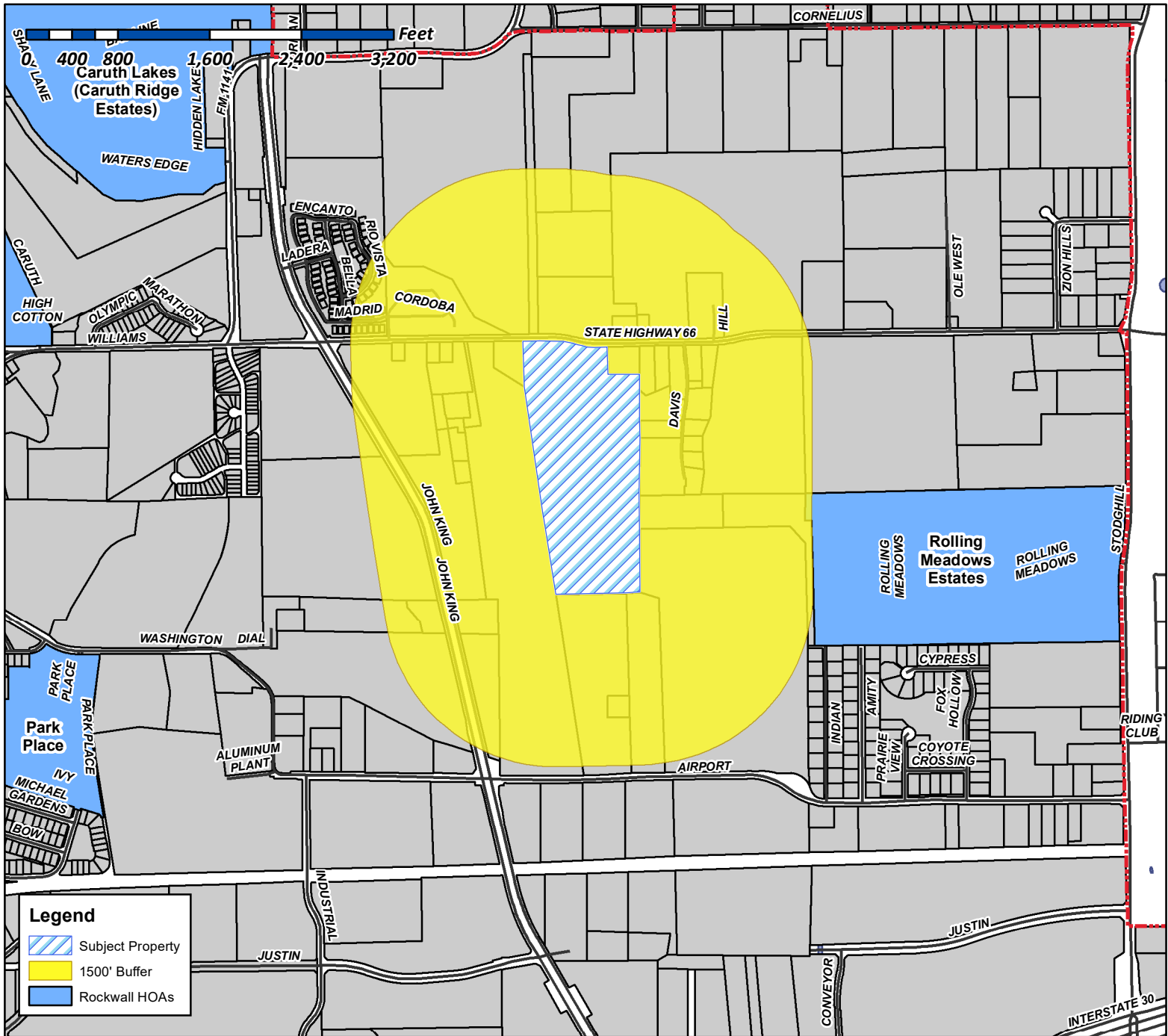




City of Rockwall

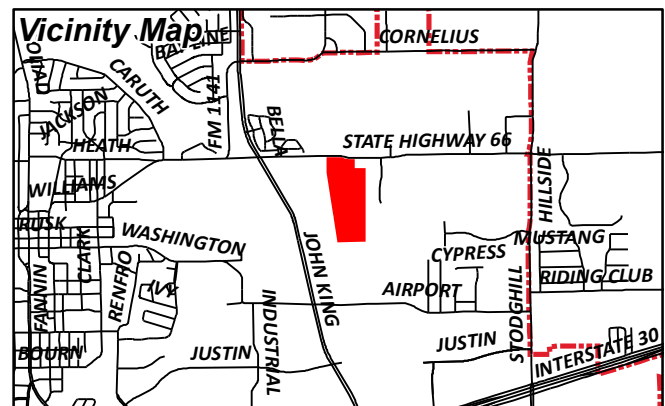
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Case Number: Z2021-046
Case Name: SUP for Agricultural Accessory Buildings and Animal Shelter
Case Type: Zoning
Zoning: Agricultural (AG) District
Case Address: 1700 E SH 66

Date Created: 10/18/2021
For Questions on this Case Call (972) 771-7745



Miller, Ryan

From: Gamez, Angelica
Sent: Friday, October 22, 2021 9:31 AM
Cc: Miller, Ryan; Reyna, Andrew; Lee, Henry
Subject: Neighborhood Notification Program [Z2021-046]
Attachments: Public Notice (10.20.2021).pdf; HOA Map (10.18.2021).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 *October 29, 2021*. The Planning and Zoning Commission will hold a public hearing on *Tuesday, November 9, 2021 at 6:00 PM*, and the City Council will hold a public hearing on *Monday, November 15, 2021 at 6:00 PM*. Both hearings will take place at 6:00 PM at City Hall, 385 S. Goliad, Rockwall, TX 75087.

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

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

Z2021-046: SUP for two (2) Agricultural Accessory Buildings and Animal Shelter/Loafing Shed

Hold a public hearing to discuss and consider a request by Mike Peoples for the approval of a *Specific Use Permit (SUP)* for two (2) *Agricultural Accessory Buildings* and an *Animal Shelter/Loafing Shed* on a 42.66-acre tract of land identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1700 E. SH-66, and take any action necessary.

Thank you,

Angelica Gamez

Planning & Zoning Coordinator

City of Rockwall

972.771.7745 Office

972.772.6438 Direct

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

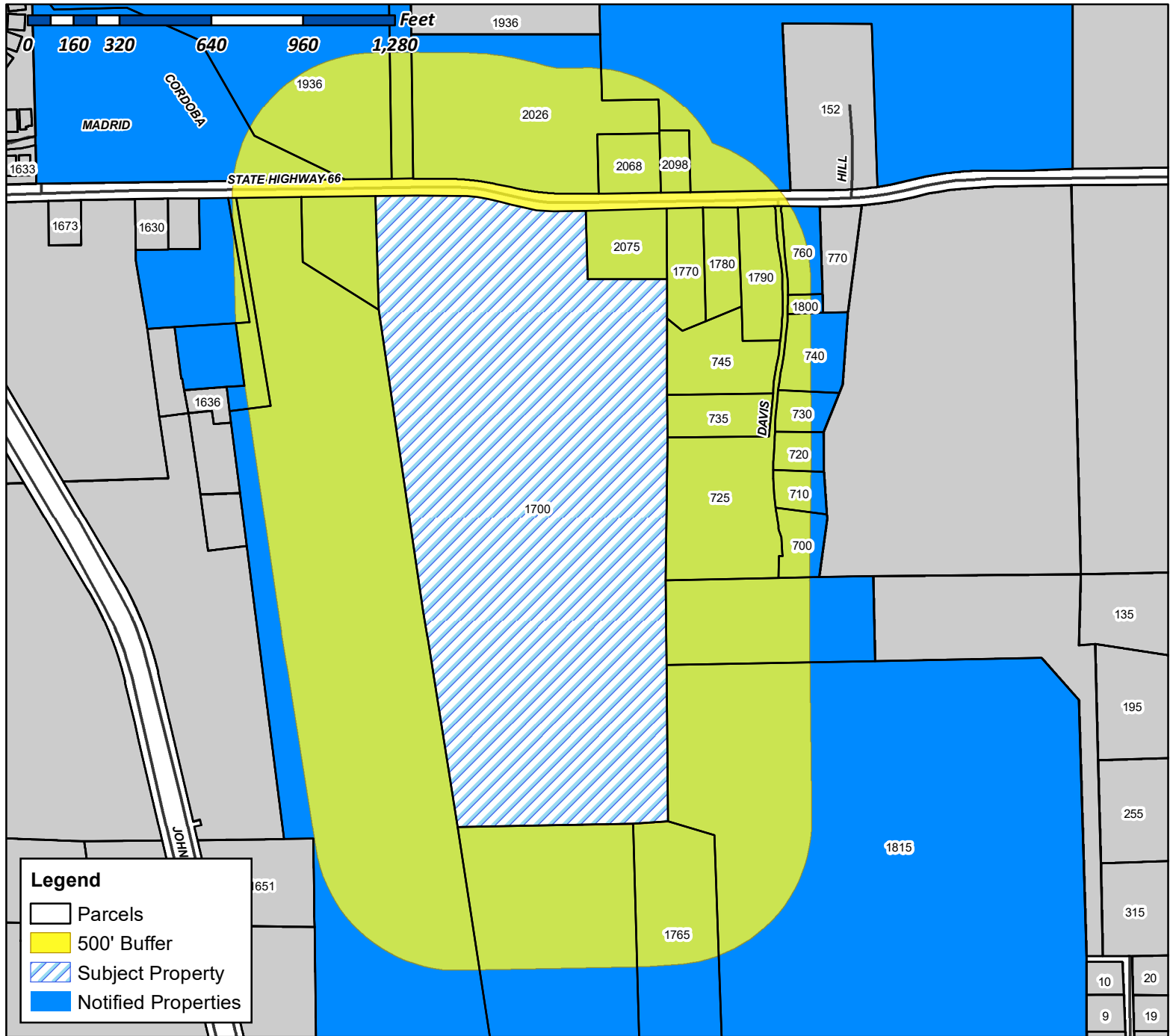
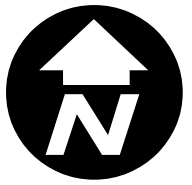
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City of Rockwall

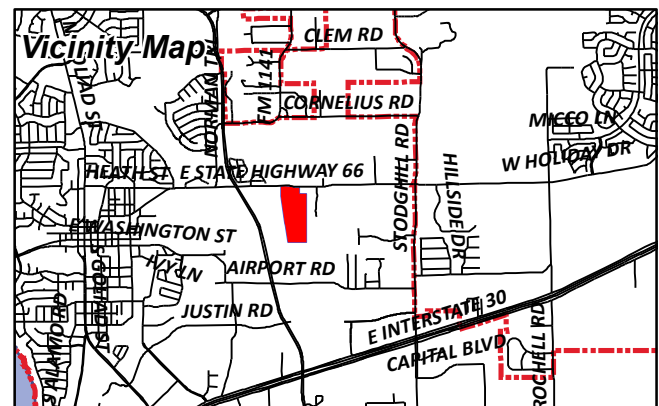
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
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Case Number: Z2021-046
Case Name: SUP for Agricultural Accessory Buildings and Animal Shelter
Case Type: Zoning
Zoning: Agricultural (AG) District
Case Address: 1700 E SH 66

Date Created: 10/18/2021
For Questions on this Case Call (972) 771-7745



PEOPLES MICHAEL L JR AND
SHERYL NEWMAN PEOPLES
1700 STATE HIGHWAY 66
ROCKWALL, TX 75087

CUMMINGS JOHN & LORI
1770 E HWY 66
ROCKWALL, TX 75087

COLLIER JUDY KAY AND
THERESA ROBBINS
1780 WILLIAMS ST
ROCKWALL, TX 75087

MCILRATH PROPERTIES LLC
1790 WILLIAMS ST
ROCKWALL, TX 75087

RYAN BILL K
1800 WILLIAMS ST
ROCKWALL, TX 75087

CITY OF ROCKWALL
1815 AIRPORT RD
ROCKWALL, TX 75087

PEOPLES MIKE L
1936 HWY 66
ROCKWALL, TX 75087

PEOPLES MICHAEL L
2026 HWY 66
ROCKWALL, TX 75087

CITY OF ROCKWALL
205 W RUSK ST
ROCKWALL, TX 75087

SALINAS HILSE S
2068 STATE HWY 66
ROCKWALL, TX 75087

PEOPLES MICHAEL L JR AND
SHERYL NEWMAN PEOPLES
2075 WILLIAMS
ROCKWALL, TX 75087

GILLILAND TOMMY JOE
2098 WILLIAMS
ROCKWALL, TX 75087

ROCKWALL PROPERTY CORP
ATTN: BILL BRICKER
305 PARK PLACE BLVD
ROCKWALL, TX 75087

CAIN FAMILY PARTNERSHIP LTD
305 STONEBRIDGE DR
ROCKWALL, TX 75087

CUMMINGS JOHN & LORI
308 STONEBRIDGE DR
ROCKWALL, TX 75087

RYAN BILL K
330 VZ CR 2207
CANTON, TX 75103

RW LADERA LLC
361 W BYRON NELSON BLVD SUITE 104
ROANOKE, TX 76262

RYAN GARY S AND CONSTANCE E
502 WILLIAMS ST
ROCKWALL, TX 75087

DAVIS WILLIAM PAUL JR
510 TURTLE COVE BLVD STE 200
ROCKWALL, TX 75087

MCILRATH PROPERTIES LLC
636 GRISHAM DR
ROCKWALL, TX 75087

SELLERS DONYA BEATRICE
700 DAVIS DR
ROCKWALL, TX 75087

RYAN GARY S AND CONSTANCE E
710 DAVIS DR
ROCKWALL, TX 75087

MOCK ALYSSA
720 DAVIS DR
ROCKWALL, TX 75087

MA MICHAEL D AND CAROLINE J G MOORE
725 DAVIS DR
ROCKWALL, TX 75087

DAILEY MARK L
730 DAVIS DR
ROCKWALL, TX 75087

BANUELOS SHERRI L
735 DAVIS DR
ROCKWALL, TX 75087

RINKEVICH FAMILY LIVING TRUST
JOSEPH W RINKEVICH- TRUSTEE
740 DAVIS DR
ROCKWALL, TX 75087

RAINES SHERYL
745 DAVIS DR
ROCKWALL, TX 75087

COOK SHERRY LYNN
760 DAVIS DRIVE
ROCKWALL, TX 75087

DIMISSEW SAMUEL
956 S WEATHERED DR
RICHARDSON, TX 75080

ATHEY JACK R
P.O. BOX 219
LAVON, TX 75166

PEOPLES MIKE L
PO BOX 41
ROCKWALL, TX 75087

RAINES SHERYL
PO BOX 412
ROCKWALL, TX 75087

PUBLIC NOTICE



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

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

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

Case No. Z2021-046: SUP for Two (2) Agricultural Accessory Buildings and an Animal Shelter/Loafing Shed

Hold a public hearing to discuss and consider a request by Mike Peoples for the approval of a Specific Use Permit (SUP) for two (2) Agricultural Accessory Buildings and an Animal Shelter/Loafing Shed on a 42.66-acre tract of land identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1700 E. SH-66, 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, November 9, 2021 at 6:00 PM, and the City Council will hold a public hearing on Monday, November 15, 2021 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

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

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. If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by Monday, November 15, 2021 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning



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

--- PLEASE RETURN THE BELOW FORM ---

Case No. Z2021-046: SUP for Two (2) Agricultural Accessory Buildings and an Animal Shelter/Loafing Shed

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

PUBLIC NOTICE



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

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PLEASE RETURN THE BELOW FORM

Case No. Z2021-046: SUP for Two (2) Agricultural Accessory Buildings and an Animal Shelter/Loafing Shed

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: CAIN FAMILY PARTNERSHIP, LTD.
Address: 305 Stonebridge Dr.

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

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

From: Donya Sellers <donyasellers@yahoo.com>
Sent: Wednesday, October 27, 2021 2:51 PM
To: Planning
Subject: Case No. Z2021-046 SUP for Two Agricultural Accessory Buildings and an Animal Shelter/Loafing Shed

My name is Donya Sellers, property owner at 700 Davis Drive, Rockwall TX. 972-689-3356

I am in favor of the request to allow the Two Agricultural Accessory Buildings and an Animal Shelter/Loafing Shed on Case No. Z2021-046 SUP.

These structures have not, and continue to not cause any issues. I very much enjoy observing the livestock on Mike's property, and wish for himself and his family to continue to be able to have full use of the property for it's original agricultural purpose. The buildings and shelter/loafing shed demonstrate that Mike wishes to provide the utmost care to the animals. His children's participation in 4H is an asset to everyone's future. It is a refreshing reflection of the history of Rockwall.

Thank you.

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INTEGRITY GROUP

Developing & Building Dreams

October 28, 2021

Mayor & City Council, and
Planning & Zoning Commission
City of Rockwall
368 S. Goliad Street
Rockwall, TX 75087

RE; Case No. Z2021-046: SUP for Two (2) Agricultural Accessory Buildings and an Animal Shelter/Loafing Shed

Honorable Mayor, Councilmembers & Members of P&Z Commission,

As the developers and builders of Ladera Rockwall Active Adult Community, 905 Bella Drive, we are in full support of the Proposed Agricultural Accessory Buildings and Animal Shelter/Loafing Shed.

Thank you for your consideration and we ask you to support and approve the case before you.

Respectfully Submitted,

John Delin

Case No. Z2021-046: SUP for Two (2) Agricultural Accessory Buildings and an Animal Shelter/Loafing Shed

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:

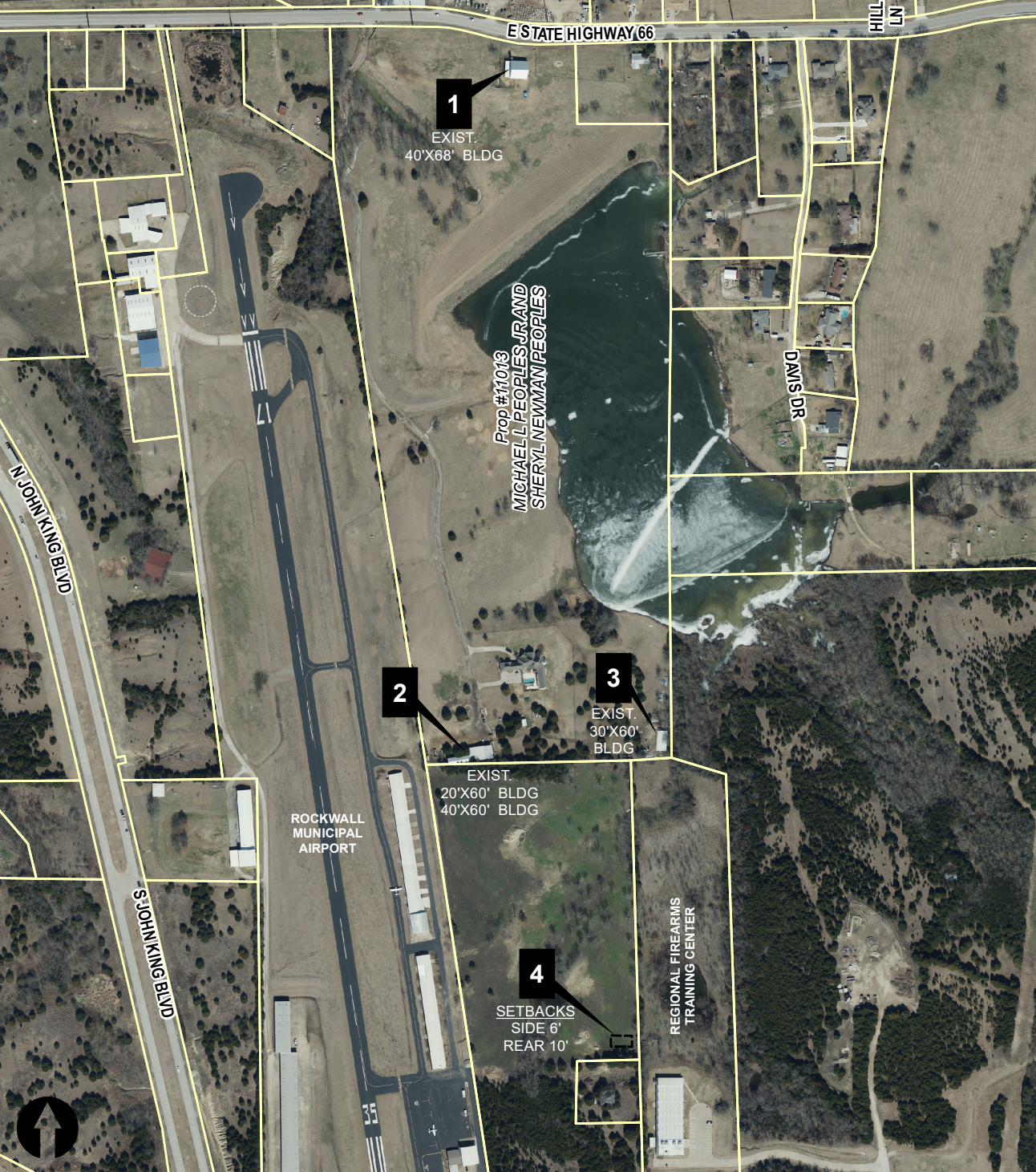
Michael Ma + CAROLINE MOORE

Address:

725 Davis Dr, Rockwall, TX, 78087

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



E STATE HIGHWAY 66

HILL LN

1

EXIST.
40'X68' BLDG

Prop #11013
MICHAEL L PEOPLES JR AND
SHERYL NEWMAN PEOPLES

DAVIS DR

2

EXIST.
20'X60' BLDG
40'X60' BLDG

3

EXIST.
30'X60' BLDG

ROCKWALL
MUNICIPAL
AIRPORT

S JOHN KING BLVD

4

SETBACKS
SIDE 6'
REAR 10'

REGIONAL FIREARMS
TRAINING CENTER

N JOHN KING BLVD



Miller, Ryan

From: mike peoples <mprockwall@yahoo.com>
Sent: Friday, October 15, 2021 10:33 AM
To: Miller, Ryan
Subject: Fwd: Building permits - 1700 E. State Hwy. 66

Sent from my iPhone

Begin forwarded message:

From: "Peoples, Sheryl" <SPeoples@lockton.com>
Date: October 15, 2021 at 10:10:07 AM CDT
To: mike peoples <mprockwall@yahoo.com>
Subject: Building permits - 1700 E. State Hwy. 66

To whom it may concern:

This letter is in regards to the unpermitted buildings I have constructed over the past few years on my 56 acre property located at 1700 E. State Highway 66 located next to the airport.

Building #1 is next to my residence and is used for maintenance equipment storage, feed storage/deliveries and misc. equipment used for my agricultural operations.

Building #2 on the topo map is used for farm equipment/hay storage. This building is to be re-permitted and moved to a different location on the 56 acre property which is marked on the topo map.

Building #3 is a livestock barn for our 4-H show cattle. My 13 yr. old son & 11 yr. old daughter have been active members of the Rockwall 4-H Beef Club for 6 years and this barn is for their 4-H projects. This barn was constructed over an existing barn that was over 60 yrs old and in disrepair.

I am trying to resolve this permitting process peacefully and appreciate your willingness to work with me and my family.

Sincerely,
Mike Peoples
214-957-0807



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Google Earth

Imagery date: 11/15/...

100 m

Camera: 878 m 32°55'44"N 96°26'...

You are currently running an experimental version of Earth.

[Learn more](#)

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Google Earth

Imagery date: 11/15/20-newer

50 m

Camera: 510 m

32°55'51"N 96°25'58"W

170 m

CITY OF ROCKWALL
ORDINANCE NO. 19-
SPECIFIC USE PERMIT NO. S-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A MINI-WAREHOUSE FACILITY WITHIN A COMMERCIAL (C) DISTRICT, ON A 7.489-ACRE PARCEL OF LAND BEING IDENTIFIED AS LOT 23, RAINBO ACRES ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE

The motion passed by a vote of 6 in favor with 1 abstention (Fowler).

7. **Z2018-053** - Hold a public hearing to discuss and consider a request by Mike Peoples for the approval of an ordinance for a Specific Use Permit (SUP) for a detached garage that does not meet the requirements stipulated by the Unified Development Code (UDC) on a 42.66-acre tract of land identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the East SH-66 Overlay (E. SH-66 OV) District, addressed as 1700 E. SH-66, and take any action necessary (1st Reading).

The applicant, Mike Peoples is requesting the approval of a Specific Use Permit (SUP) to allow for a detached garage that does not meet the requirements stipulated by Article VI, Permissible Uses, of the Unified Development Code (UDC). The ~2,500 SF [i.e. 50-ft x 50-ft] structure stands approximately 16-feet in height and is situated southwest of the primary structure, adjacent to the City of Rockwall Municipal Airport. The detached garage was built without a permit in 2013, and has increase in size by two (2) times structures according to aerial images (see Exhibit 'B' of the draft ordinance). These additions appear to have taken place in the years 2015 & 2017. This has created one (1) large structure, of which the exact measurements are not known. With this being said, there are a total of three (3) structures that have been built concurrently with this request [i.e. Z2018-049]. The other structure lies within the designated 100-year flood plain. This structure is required to be demolished and has been added as a condition of approval of the SUP for the third structure (i.e. the detached garage).

Although Section 2, of Article V, Agricultural (AG) District of the Unified Development Code (UDC), allows for an accessory use (i.e. detached garage) to be a permitted with a main use (i.e. single-family home) on more than ten (10)-acres within an Agricultural (AG) District, Section 2.1.2, of Article IV, Permissible Uses, of the UDC, allows for one (1) detached garage that does not exceed 900 SF in area or 15 feet in height provided the exterior cladding contains the same materials as is found on the main structure. In this case, the detached garage appears to be a metal structure (see attached photos). Accessory buildings (i.e. detached garage) not meeting these standards shall require approval of an SUP. The existing detached garage does not meet the material or size requirements as stipulated by the UDC. Approval of a SUP is discretionary for the City Council. On November 30, 2018 staff mailed 33 notices to property owners and residents within 500-feet of the subject property. Staff also notified the Rolling Meadows Homeowner's Association (HOA), which is the only HOA's/Neighborhood Organization that is within 1,500-feet of the subject property

participating in the Neighborhood Notification Program. Staff has received three noticed back in favor and one in opposition of the request.

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

Following additional dialogue, Mayor Pro Tem Fowler moved to approve Z2018-053. Councilmember Daniels seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. _____
SPECIFIC USE PERMIT NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A DETACHED GARAGE THAT DOES NOT MEET THE REQUIREMENTS OF THE UNIFIED DEVELOPMENT CODE (UDC), ON A 42.66-ACRE TRACT OF LAND ZONED AGRICULTURAL (AG) DISTRICT, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSTRACT NO. 102, 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.

The motion (to approve) failed by a vote of 2 in favor (Macalik and Fowler) with 5 against (Trowbridge, Hohenshelt, Pruitt, Daniels and Johannesen).

Mayor Pruitt called for a break and recessed the meeting at 7:41 p.m.

8. **Z2018-054** - Hold a public hearing to discuss and consider a request by Andrew Bennett of BOKA Powell, LLC on behalf of the owner Vinod Miranda for the approval of an ordinance for a Specific Use Permit (SUP) for an office building that will exceed 36-feet in height within the Scenic Overlay (SOV) District on a 9.7-acre tract of land identified at Tract 15 of the E. P. G. Chisum Survey, Abstract No. 64, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District, located at the southwest corner of Ridge Road [FM-740] and Turtle Cove Boulevard, and take any action necessary (1st Reading).

Planning Director Ryan Miller explained that the subject property is located at the southwest corner of Ridge Road [FM-740] and Turtle Cove Boulevard and is zoned Commercial (C) District. The proposed 80,000 SF office building will be comprised of three (3) stories of office space and a single-story of parking that will be located below grade. The office building will reach an overall height of 60-feet; however, the building will be located approximately 156-feet from the right-of-way of Ridge Road and due to the slope of the property the finished floor of the building will be set approximately five (5) to seven (7) feet below the surface of Ridge Road. This means that the first floor of the office building may not be visible from Ridge Road. According to the Special Use Standards located in Section 6.8, Scenic Overlay (SOV) District, of Article V, of the Unified Development Code (UDC), any

coming before the Council this evening to see if there is a way to work something out such that he would be allowed to build this large accessory building on his agriculturally zoned property.

Planning Director Ryan Miller provided clarifying comments to the Council concerning this matter. He generally explained that currently, there is no SUP process by which a property owner may request to approve a 'barn' type accessory structure on "agriculturally zoned" land, and there is also not a means by which an owner may build 'private guest quarters.' It was generally explained that the "agriculture" zoning designation is assigned to newly annexed land "by default" (essentially), and it is the most restrictive zoning designation within the city's regulations. It exists this way as a means by which annexed land will be eventually pushed into a different zoning land designation; however, it unfortunately has an (unintended) adverse effect on (larger parcels of) land that truly are more 'agricultural' in nature. One change that would need to occur is for SUPs to be able to be requested, on a case-by-case basis, for "guest quarters" which are proposed to be built on 'agriculturally zoned' land. Right now, no SUP process exists to potentially allow those types of structures.

Mr. Cain clarified that "guest quarters" is a little more elaborate than what he is wanting to build. He essentially wants to build a (large) "man cave" to have folks over and watch sports games and store some of his car collection.

Following extensive discussion, the Council generally expressed a desire for staff to bring back some options for the council to consider relative to making some changes to the UDC to allow requests (by SUP) for accessory buildings (both ones to be utilized as 'barns' and ones to be utilized for 'private guest quarters'), on a case-by-case basis, on agriculturally zoned land.

Council took no formal action related to this agenda item at this time.

X. PUBLIC HEARING ITEMS

1. **Z2018-049** - Hold a public hearing to discuss and consider a request by Mike Peoples for the approval of an ordinance for a Specific Use Permit (SUP) for an animal shelter on a 42.66-acre tract of land identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the East SH-66 Overlay (E. SH-66 OV) District, addressed as 1700 E. SH-66, and take any action necessary (1st Reading).

Planning Director, Ryan Miller, provided background information pertaining to this agenda item, indicating that back on December 17, 2018, the City Council continued the public hearing for Case No. Z2018-049 by a vote of 7 to 0. This case involved a request for a Specific Use Permit (SUP) that would allow for an animal shelter on the property. The purpose of the City Council's motion was to allow the applicant, Mike Peoples, additional time to prepare a schedule that outlined [1] the completion time for the animal shelter (which is currently partially constructed), and [2] the time needed to demolish the structure situated within the floodplain (which was constructed without a building permit). In response to the City Council's action, Mr. Peoples provided staff with a letter indicating that, weather permitting, he intends to complete the construction of the animal shelter by April 2019; however, Mr. Peoples has not indicated a timeframe for the demolition of the structure within the floodplain (see Exhibit 'B'). It should also be noted that staff requested that Mr. Peoples provide a timeframe for the demolition of the detached garage that was denied by the City Council on December 17, 2018; however, the letter submitted by Mr. Peoples indicates that he does not have a timeframe for the removal of this building either. Due to the applicant's inability to provide staff with a

reasonable timeframe for the demolition of the two (2) unpermitted structures, staff has amended the draft ordinance for the animal shelter to require that both structures be removed from the property within six (6) months of the adoption date of the proposed Specific Use Permit (SUP) ordinance.

Councilmember Hohenshelt and Mayor Pruitt both indicated that their preference is to require that Mr. Peoples demolish the existing structure (in the floodplain) prior to finishing the newest structure he wanting to complete.

Mr. Miller shared that Mr. Peoples has continued to work on the existing (unpermitted, unauthorized "animal shelter") structure during the time he has been going through the process associated with seeking formal approval of it being built. It was pointed out that when Mr. Peoples spoke to staff about the (currently under construction) structure needing an SUP and building permit, Mr. Peoples gave indication that he still planned to continue working on the structure. Staff explained to Mr. Peoples that if he continued working on the structure before it (potentially) received Council's approval, he would be doing so at his own risk. Mr. Peoples subsequently submitted a letter to staff, generally expressing that he understood that. General discussion took place pertaining to the existing structure (that Mr. Peoples has continued to work on) and how stopping its construction and having it torn down will be an enforcement-related issue, should it come to that in the future. Indication was given that, related to 'enforcement,' any daily or other fines would be up to the judge.

Following extensive discussion and clarifications, Councilmember Hohenshelt moved to call for all of the improper structures to be removed before this particular SUP may be granted and that Mr. Peoples must do so within six (6) months. The motion was clarified – that Mr. Peoples should not perform further work on this current structure and that the other, existing (improper) structures must be removed within six (6) months. Councilmember Trowbridge seconded the motion.

Pruitt reopened the public hearing (that was continued from the last council meeting) and asked if anyone would like to come forth and speak at this time. There being no one indicating such, he then called for the vote.

The above noted motion then passed by a vote of 7 ayes to 0 nays. The ordinance (caption) was read into the record as follows:

CITY OF ROCKWALL
ORDINANCE NO. 19-____
SPECIFIC USE PERMIT NO. S-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ANIMAL SHELTER ON A 42.66-ACRE TRACT OF LAND ZONED AGRICULTURAL (AG) DISTRICT, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSRACT NO. 102, 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.

XI. ACTION ITEMS

1. Z2018-052 - Discuss and consider a request by Russell Phillips on behalf of Rockwall Retail Investors, LLC for the approval of an ordinance for a Specific Use Permit (SUP) for a mini-warehouse facility on a 7.489-acre tract of land identified as Lot 23, Rainbow Acres Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, generally situated

Mayor Pro Tem Fowler authorized the city attorney to file intervention in the new rate case regarding the appeal to the Public Utility Commission. Councilmember Macalik seconded the motion, which passed by a vote of 6 ayes with 1 absence (Trowbridge).

Mayor Pro Tem Fowler made a motion to move Stuart Smith up from an "alternate" to a voting member to fill the vacancy on the city's Board of Adjustments (thru Aug. 2019). Mayor Pruitt seconded the motion, which passed by a vote of 6 ayes with 1 absence (Trowbridge).

Mayor Pro Tem Fowler moved to appoint Glenn Carr to fill the "second alternate position" on the city's Board of Adjustments (thru Aug. 2020). Mayor Pruitt seconded the motion, which passed by a vote of 6 ayes with 1 absence (Trowbridge).

VI. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER DANIELS

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

VII. PROCLAMATIONS

1. Health for Humanity Yogathon

Mayor Pruitt invited city resident Ashwini Gurwale and her husband to come forth at this time. He then read and presented this proclamation. Mrs. Gurwale then gave a brief yoga demonstration.

III. OPEN FORUM

Mayor Pruitt 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.

IX. CONSENT AGENDA

1. Consider approval of the minutes from the January 7, 2019 regular city council meeting, and take any action necessary.

2. **Z2018-049** - Consider a request by Mike Peoples for the approval of an ordinance for a Specific Use Permit (SUP) for an animal shelter on a 42.66-acre tract of land identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the East SH-66 Overlay (E. SH-66 OV) District, addressed as 1700 E. SH-66, and take any action necessary (2nd Reading).

3. **A2018-004** - Consider a request by Pat Atkins on behalf of the owner C.D.T. Rockwall/2017 LLC for the approval of an ordinance for the voluntary annexation of a 14.995-acre tract of land identified as Tract 1-03 of the P. B. Harrison Survey, Abstract No. 97, Rockwall County, Texas, and take any action necessary (2nd reading).

4. **P2018-047** - Consider a request by Chase Finch of Corwin Engineering, Inc. on behalf of John Arnold of BH West Pods, LTD for the approval of a preliminary plat for Breezy Hill, Phase XII containing 35 single-family residential lots on 44.525-acres of land identified as a portion of

Tract 7-1 of the J. Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 74 (PD-74) for Single Family 10 (SF-10) District land uses, located west of the intersection of John King Boulevard and Cozy View Drive, and take any action necessary.

5. Consider approval of the Contract Amendment #1 with Brinkley & Barfield, Inc., in the amount of \$87,030 to be funded from the 2018 Street Bond funds and water/wastewater funds, and take any action necessary.
6. Consider authorizing the City Manager to negotiate and execute a contract with Baseball Nation LLC regarding the city's baseball umpire services for an amount not to exceed \$120,000 to be funded from baseball registration proceeds in the Recreation Development Fund, and take any action necessary.
7. Consider authorizing the City Manager and the Chief of Police to execute an Interlocal Agreement (ILA) with NCT911 to provide 911 services in the City, and take any action necessary.

Councilmember Hohenshelt moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6 and 7). Councilmember Johannesen seconded the motion. The ordinances were read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 19-08
SPECIFIC USE PERMIT NO. S-204**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ANIMAL SHELTER ON A 42.66-ACRE TRACT OF LAND ZONED AGRICULTURAL (AG) DISTRICT, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSTRACT NO. 102, 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.

**CITY OF ROCKWALL
ORDINANCE NO. 19-07**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS AND THE ANNEXATION OF A 14.995-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1-03 OF THE P. B. HARRISON SURVEY, ABSTRACT NO. 97, ROCKWALL COUNTY, TEXAS, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes with 1 absence (Trowbridge).

CITY OF ROCKWALL

ORDINANCE NO. 19-06

SPECIFIC USE PERMIT NO. S-204

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ANIMAL SHELTER ON A 42.66-ACRE TRACT OF LAND ZONED AGRICULTURAL (AG) DISTRICT, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSTRACT NO. 102, 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 Mike Peoples for the approval of a Specific Use Permit (SUP) for the purpose of allowing a previously constructed animal shelter, situated on a 42.66-acre tract of land, zoned Agricultural (AG) District, and being identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, addressed 1700 E. SH-66, and being more specifically depicted in Exhibit 'A' of this ordinance, which herein after shall be referred to as the *Subject Property* 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. 04-38] 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. 04-38] 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 construction of an animal shelter structure within an Agricultural (AG) District as stipulated by Article IV, *Permissible Uses*, and Article V, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 04-38] on the *Subject Property*; and

SECTION 2. That the *Subject Property* shall be used only in the manner and for the purposes described in this Specific Use Permit (SUP) ordinance and as specifically set forth in Section 2.1, *Agricultural (AG) District*, of Article V, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 04-38] of the City of Rockwall as heretofore amended, as amended herein by the granting of this zoning change, and as may be amended in the future, and shall be subject to the following operational conditions and compliance standards:

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of an animal shelter, structure on the Subject Property and conformance to these requirements is necessary for continued operations:

- 1) The animal shelter structure shall generally conform to the elevations and site plan depicted in *Exhibits 'B' & 'C'* of this ordinance;
- 2) The animal shelter structure shall not exceed its current size of approximately 2,720 SF or an approximate height of 15-feet;
- 3) The existing accessory building located within the flood plain of this property, as depicted as #4 in *Exhibit 'D'* of this ordinance, shall be removed/demolished within six (6) months of the date of passage of this ordinance;
- 4) The existing detached garage located on the subject property, as depicted as #1, 2, & 3 in *Exhibit 'D'* of this ordinance, shall be removed/demolished within six (6) months of the date of passage of this ordinance;
- 5) The animal shelter structure shall not be operated as a commercial land use;
- 6) A detention system is required for the addition of structures on the subject property per the Engineering Standards of Design; and,
- 7) The animal shelter structure is subject to administrative review in the event that the *Subject Property* is sold, conveyed or altered in any manner.

2.2 COMPLIANCE

Approval of this ordinance in accordance with Section 8.3, *Council Approval or Denial*, of Article II, *Authority and Administrative Procedures*, of the Unified Development Code (UDC) [*Ordinance No. 04-38*] will require compliance to the following:

- 1) Upon obtaining a building permit, should the homeowner fail to meet the minimum operational requirements set forth herein and outline in the Unified Development Code (UDC) [*Ordinance No. 04-38*], the City Council may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Section 4.4.(3) of Article IV, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 04-38*].

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.

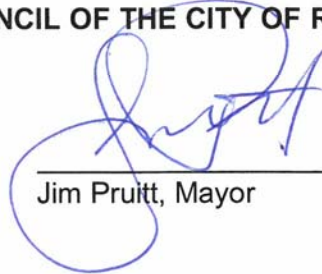
SECTION 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS (\$2,000.00)* for each offence and each and every day such offense 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 22ND DAY OF JANUARY, 2019.**



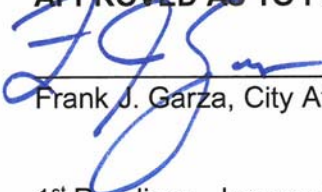
Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: January 7, 2019

2nd Reading: January 22, 2019

Exhibit 'A':
Legal Description and Property Location

Legal Description: Tract 7 of the D. Harr Survey, Abstract No. 102

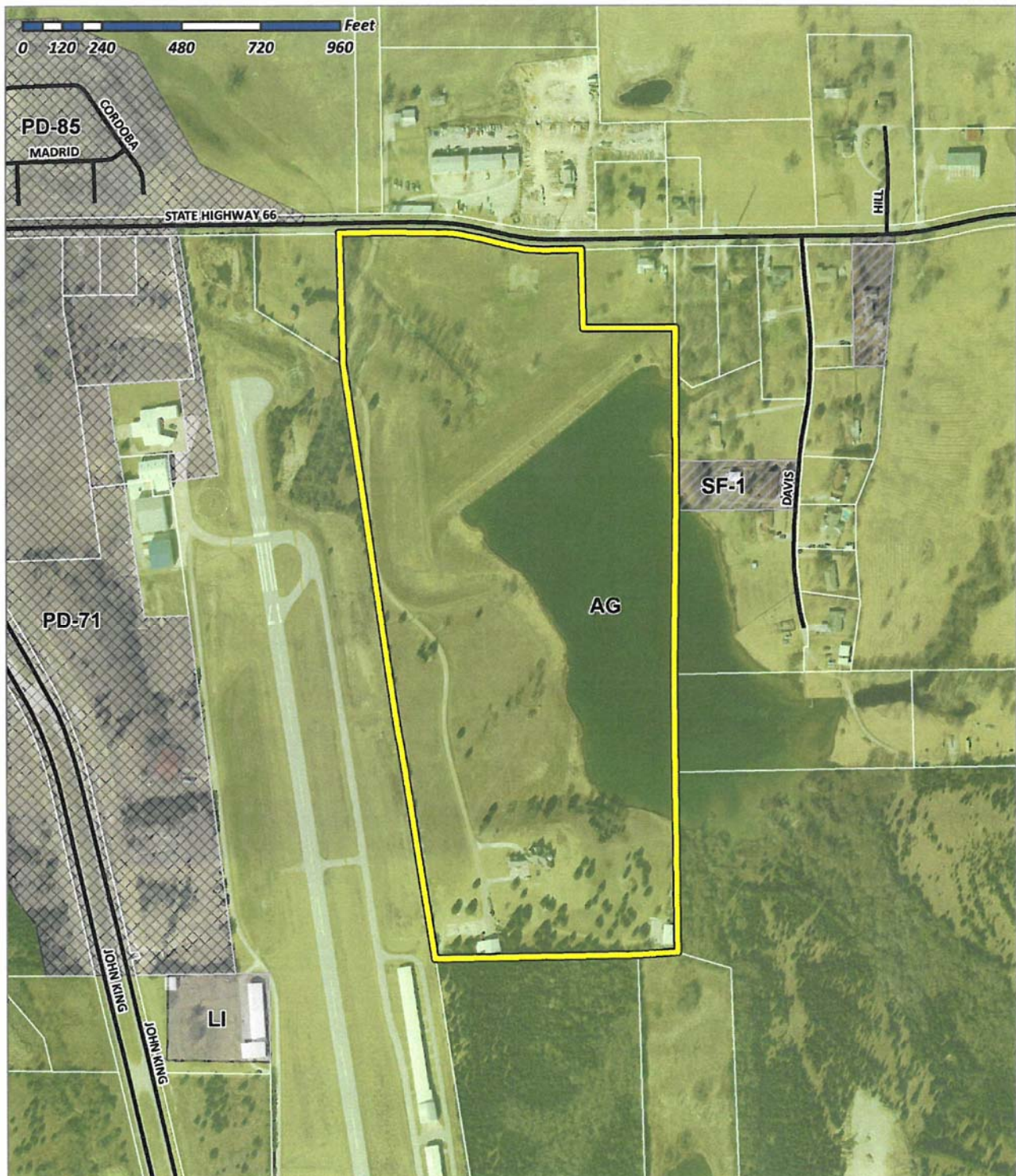
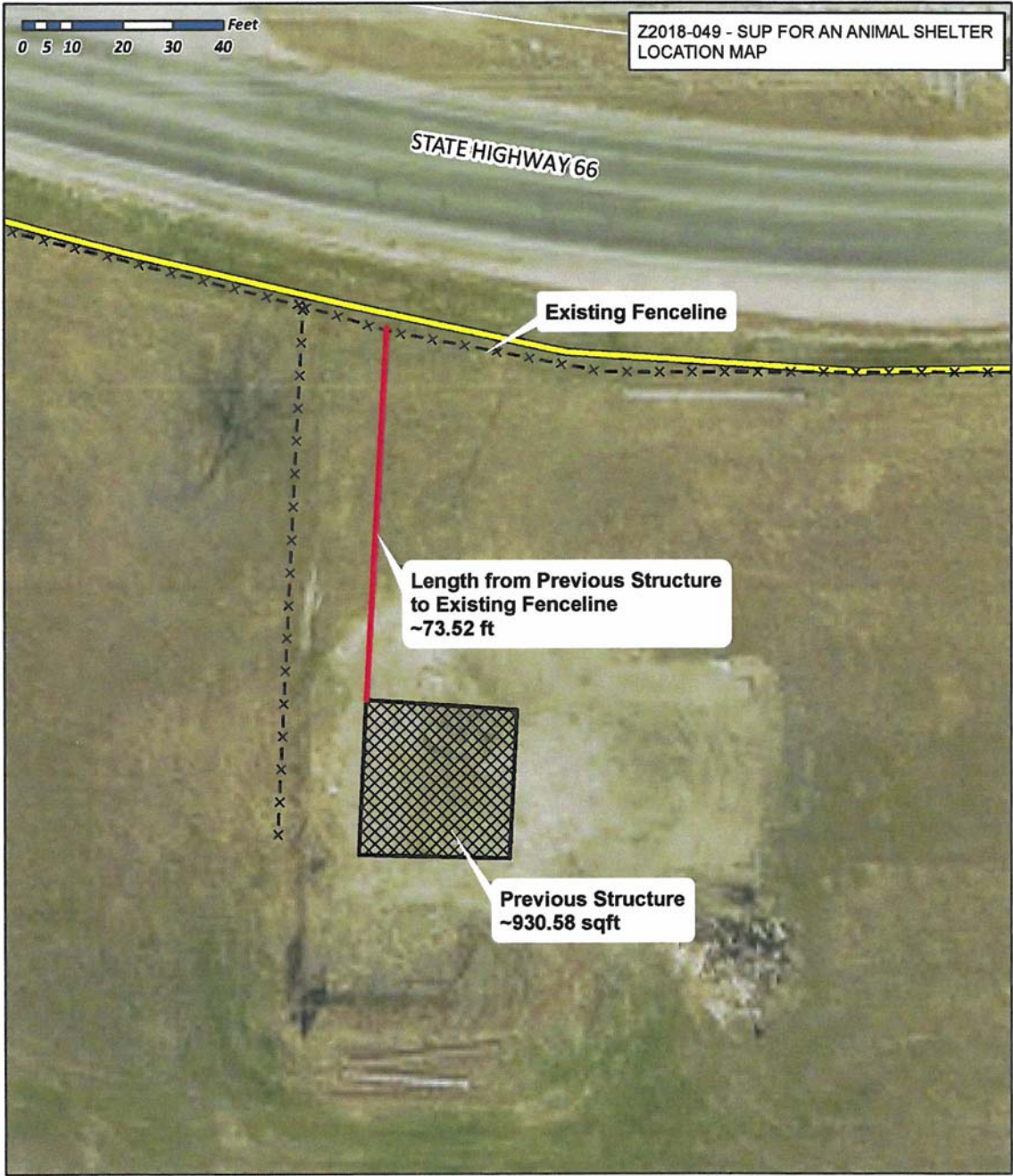


Exhibit 'B':
Animal Shelter – Elevations



Exhibit 'C':
Site Plan



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.



Exhibit 'D';
Building Locations to be Removed

1. Existing Structure attached to Detached Garage
2. Existing Structure attached to Detached Garage
3. Detached Garage
4. Existing Structure Located within Designated 100-year Flood Plain



CITY OF ROCKWALL

ORDINANCE NO. 21-XX

SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW TWO (2) AGRICULTURAL ACCESSORY BUILDINGS AND AN ANIMAL SHELTER OR LOAFING SHED ON A 42.66-ACRE TRACT OF LAND, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request from Mike Peoples for the approval of a Specific Use Permit (SUP) to allow two (2) *Agricultural Accessory Buildings* and an *Animal Shelter or Loafing Shed* on a 42.66-acre tract of land described as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1700 E. SH-66, and being more specifically depicted and described in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

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

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

SECTION 1. That the Unified Development Code (UDC) [Ordinance No. 20-02] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing two (2) *Agricultural Accessory Buildings* and an *Animal Shelter or Loafing Shed* as stipulated by Subsection 01.02, *Land Use Schedule*, and Subsection 02.03, *Conditional Land Use Standards*, of 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 02.03, *Conditional Land Use Standards*, of Article 04, *Permissible Uses*, and Subsection 02.01, *Agricultural (AG) District*, of Article 05, *District Development Standards*, of the

Unified Development Code (UDC) [Ordinance No. 20-02] -- as heretofore amended and as may be amended in the future --, and with the following conditions:

2.1. OPERATIONAL CONDITIONS

The following conditions pertain to the operation of an *Agricultural Accessory Structure* and an *Animal Shelter or Loafing Shed* on the *Subject Property* and conformance to these conditions are required for continued operations:

- (1) The applicant is required to remove the outside storage that is currently situated around the *Agricultural Accessory Building* (i.e. *Building #3*) prior to the issuance of any permits on the *Subject Property*.
- (2) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed* shall generally conform to the concept plan and the conceptual building elevations depicted in *Exhibits 'B' & 'C'* of this ordinance.
- (3) The *Agricultural Accessory Buildings* shall not exceed their current building footprints (i.e. ~3,600 SF for *Building #2* and ~1,800 SF for *Building #3*).
- (4) The *Animal Shelter or Loafing Shed* (i.e. *Building #1*) shall not exceed a maximum size of 3,000 SF.
- (5) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed* (i.e. *Buildings #1, #2, & #3*) shall not exceed their current heights which are depicted in *Exhibit 'C'* of this ordinance.
- (6) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed* (i.e. *Buildings #1, #2, & #3*) shall not be operated as of for commercial land uses.
- (7) The applicant will be required to apply for three (3) building permits from the Building Inspections Departments for the *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed* (i.e. *Buildings #1, #2, & #3*) depicted in *Exhibits 'B' & 'C'* of this ordinance.
- (8) The existing *Agricultural Accessory Building* located in the floodplain on the *Subject Property*, as depicted as *Building #3* in *Exhibits 'B' & 'C'* of this ordinance, shall be moved to the location depicted as *Building #4* in *Exhibit 'B'* within six (6) months of the date of passage of this ordinance and before building permits for *Building #1 & #2* -- depicted in *Exhibits 'B' & 'C'* -- are issued.
- (9) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed* (i.e. *Buildings #1, #2, & #3*) shall not be sold or conveyed separately without meeting the requirements of the Unified Development Code (UDC).
- (10) All buildings (i.e. *Buildings #1, #2, and #3/#4*) shall be required to meet all applicable setback requirements. This means that the subject property will need to be platted prior to the issuance of a building permit for *Building #2* as depicted in *Exhibits 'B' & 'C'* of this ordinance.
- (11) Should the applicant fail to meet any of the requirements of this Specific Use Permit (SUP) within one (1) year of the approval date of this ordinance *Buildings #1, #2 and*

#3/#4 shall be removed from the *Subject Property* within six (6) months of the expiration date 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 compliance to the following:

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

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

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

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

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

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

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 6TH DAY OF DECEMBER, 2021.

Kevin Fowler, *Mayor*

ATTEST:

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: November 15, 2021

2nd Reading: December 6, 2021

Exhibit 'A'
Zoning Exhibit

Address: 1700 E. SH-66

Legal Description: Tract 7 of the D. Harr Survey, Abstract No. 102

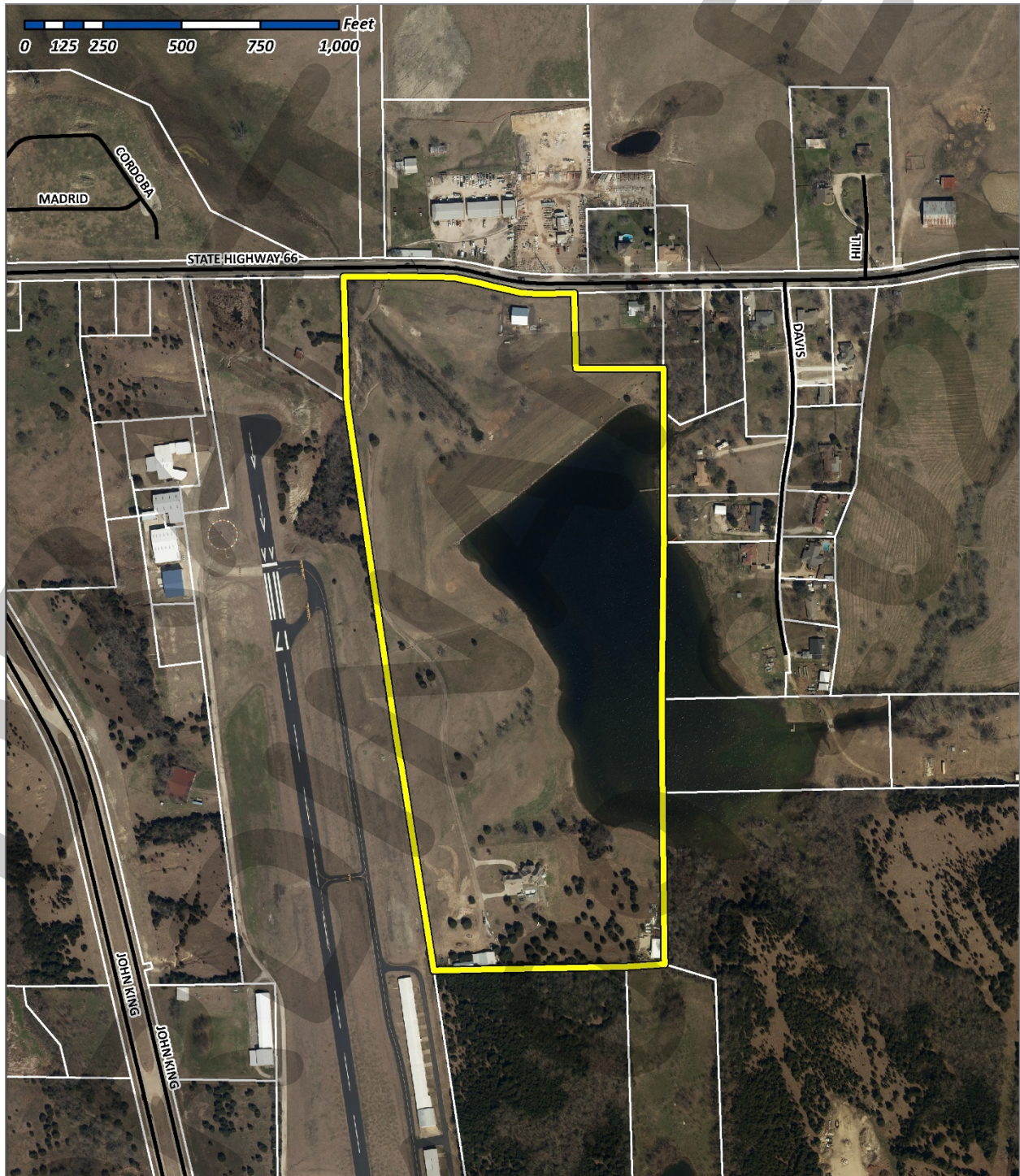
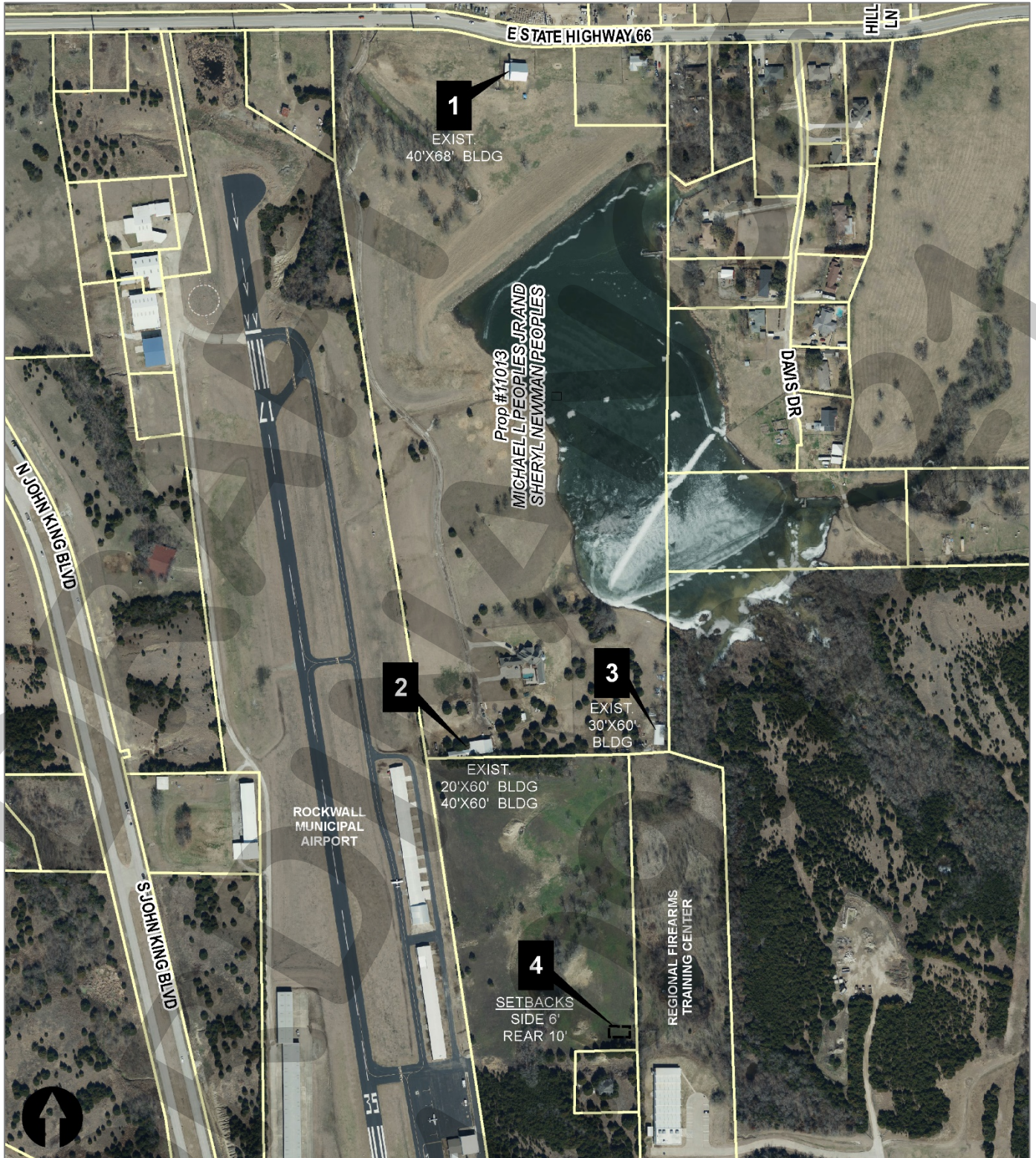


Exhibit 'B':
Site Plan



BUILDING #1: ANIMAL SHELTER OR LOAFING SHED

BUILDING #2: AGRICULTURAL ACCESSORY BUILDING

BUILDING #3: AGRICULTURAL ACCESSORY BUILDING CURRENTLY LOCATED IN THE FLOODPLAIN

BUILDING #4: PROPOSED NEW LOCATION FOR BUILDING #3

Exhibit 'C':
Building Elevations



BUILDING #1: ANIMAL SHELTER OR LOAFING SHED



BUILDING #2: AGRICULTURAL ACCESSORY BUILDING

PICTURE NEEDED FROM APPLICANT

BUILDING #3: AGRICUTLURAL ACCESSORY BUILDING SITUATED WITHIN THE 100-YEAR FLOODPLAIN



CITY OF ROCKWALL

PLANNING AND ZONING COMMISSION CASE MEMO

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

TO: Planning and Zoning Commission

DATE: November 11, 2021

APPLICANT: Mike Peoples

CASE NUMBER: Z2021-046; *Specific Use Permit (SUP) for Agricultural Accessory Buildings and an Animal Shelter or Loafing Shed*

SUMMARY

Hold a public hearing to discuss and consider a request by Mike Peoples for the approval of a Specific Use Permit (SUP) for two (2) *Agricultural Accessory Buildings* and an *Animal Shelter/Loafing Shed* on a 42.66-acre tract of land identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1700 E. SH-66, and take any action necessary.

BACKGROUND

The subject property was annexed into the City of Rockwall on March 16, 1998 by *Ordinance No. 98-10 [Case No. A1998-007]*. At the time of annexation, the subject property was zoned Agricultural (AG) District. This zoning designation has not changed since its adoption in 1998. According to the Rockwall Central Appraisal District (RCAD) currently situated on the subject property is: [1] a 3,836.50 SF single-family home that was constructed in 2010, [2] a ~2,500 SF barn that was constructed in 2017, [3] a ~4,000 SF barn constructed in 2017, and [4] a swimming pool constructed in 2019.

On October 24, 2018, the Building Inspections Department proactively recognized a structure (*i.e. an Animal Shelter/Loafing Shed*) being constructed without a permit on the subject property. The Building Inspections Department then proceeded to confer with Planning Department regarding the requirements for building a structure on the subject property. During this meeting, additional structures were found to exist based on aerial images dating back to 2013. These images depicted two (2) additional structures that were constructed without building permits. The aerial image indicated that one (1) of these structures -- *an Accessory Building* -- lied within the 100-year floodplain. The other structure was a *Detached Garage* that had been enlarged on at least two (2) separate occasions (*i.e. aerial images indicate that the structure was enlarged in December 2015 and September 2017*). City records indicated that no permits were requested for the construction of either of these structures or the following additions. Subsequently, the Building Inspections Department issued a *Stop Work Order* on October 25, 2018 for the *Animal Shelter/Loafing Shed*, requiring the applicant to submit a Specific Use Permit (SUP) and building permits for the *Animal Shelter*, *Detached Garage*, and *Accessory Building*. On November 6, 2018, the applicant applied for a Specific Use Permit (SUP) and building permit for the *Animal Shelter/Loafing Shed*. On November 19, 2018, the applicant applied for a Specific Use Permit (SUP) and building permit for the *Detached Garage*. Staff should note that at the time these applications were submitted, the *Permissible Use Charts* contained in Article 04, *Permissible Uses*, of the Unified Development Code (UDC) did not allow *Accessory Buildings* in an Agricultural (AG) District, and based on this -- *coupled with the fact that the Accessory Building was wholly situated within a 100-year floodplain* -- staff required that the *Accessory Building* be removed from the subject property.

On December 17, 2018, the City Council reviewed the Specific Use Permit (SUP) cases for the *Animal Shelter/Loafing Shed* [Case No. Z2018-049] and *Detached Garage* [Case No. Z2018-053]. Ultimately, the City Council continued (*i.e. postponed*) the public hearing for the *Animal Shelter/Loafing Shed* -- *for the purpose of allowing the applicant time to get a survey of the subject property completed* --, and failed to adopt a motion to approve the *Detached Garage* by a vote of 2-5 (*with Council Members Trowbridge, Hohenselt, Pruitt, Daniels, and Johannesen dissenting*). Some of the major concerns stated by staff and the City Council at the time of consideration were the fact that the proposed *Detached Garage* was constructed without a permit and that it did not conform to the building material requirements that were in place at the time. On January 7, 2019, the City Council continued the public hearing for the *Animal Shelter/Loafing Shed*. The City Council adopted a motion requiring

that additional operational conditions be added to the Specific Use Permit (SUP) ordinance to include the removal of the *Detached Garage* and *Accessory Building* within six (6) months of the adoption of the ordinance. The Specific Use Permit (SUP) ordinance [Ordinance No. 19-06; S-204] was adopted by the City Council on January 22, 2019 by a vote of 7-0. Staff has provided the minutes from these meetings and the adopted Specific Use Permit (SUP) ordinance [Ordinance No. 19-06] for the Planning and Zoning Commission and City Council's review.

On June 22, 2020, the Specific Use Permit (SUP) [S-204] expired due to inactivity in accordance with Subsection 02.02(D) of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) and the terms of Ordinance No. 19-06. At the time of expiration -- and due to the COVID-19 situation creating a backlog in the court system --, the three (3) citations written on August 1, 2019 [Case No. CE1546] had not been resolved and no fine had been issued. Based on this staff reengaged the applicant to try and work through the issues, and in August 2021 the applicant approached staff about resubmitting a Specific Use Permit (SUP) request. At the time, the City Council was considering an additional application fee for *Non-Compliant Structures*, and based on this staff requested that the applicant wait to make application until this new ordinance was in place. The *Non-Compliant Structure Fee* was adopted into Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) on September 7, 2021. Following this approval, the applicant submitted a Specific Use Permit (SUP) application on October 15, 2021.

In considering this new application, staff should point out that there have been two (2) substantial changes to the Unified Development Code (UDC) that change the way the applicant's request can be considered: [1] the addition of a land use for *Agricultural Accessory Buildings* was added to the *Permissible Use Charts* in Article 04, *Permissible Uses*, of the Unified Development Code (UDC), and [2] HB2439 was adopted as part of the 86th Legislative Session effectively restricting a City from enforcing or adopting regulations that prohibit or limit -- *directly or indirectly* -- the use or installation of a building product or material in the construction or renovation of residential and commercial buildings (*these changes are further explained in the Conformance with the City's Codes section of this case memo*). These two (2) changes allow both the *Detached Garage* and *Accessory Building* to be considered by Specific Use Permit (SUP) as *Agricultural Accessory Buildings*, and brings all of the buildings into closer compliance with the new requirements of the Unified Development Code (UDC).

PURPOSE

The applicant -- Mike Peoples -- is requesting the approval of a Specific Use Permit (SUP) to allow two (2) *Agricultural Accessory Buildings* and an *Animal Shelter or Loafing Shed* in accordance with the requirements of Subsection 01.01, *Use of Land and Buildings*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC). Staff should note that since these structures were previously constructed, the *Non-Compliant Structure Fee* was added to the application fees for this case in accordance with Section 10, *Fee Schedule*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC).

ADJACENT LAND USES AND ACCESS

The subject property is addressed as 1700 E. SH-66. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property is SH-66, which is identified as a TXDOT4D (*i.e. Texas Department of Transportation, four [4] lane, divided roadway*) according to the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is a 4.479-acre tract of land (*i.e. Tract 25-2 of the W. M. Dalton Survey, Abstract No 72*) with several legally non-conforming buildings that have multiple businesses in them (*e.g. Classic Rock Stone Yard, Auto Glass by Jerry, Special D Automotive, and etc.*). North of this is an 11.965-acre tract of vacant land (*i.e. Tract 25 of the W. M. Dalton Survey, Abstract No. 72*). All of these properties are zoned Agricultural (AG) District.

South: Directly south of the subject property is a 12.00-acre tract of vacant land (*i.e. a portion of Tract 21 of the D. Harr Survey, Abstract No. 102*), which is also owned by the applicant. South of this tract is a 5.96-acre tract of vacant land (*i.e. a portion of Tract 21 of the D. Harr Survey, Abstract No. 102*) and a one (1) acre tract of land (*i.e. Tract 21-01 of the D. Harr Survey, Abstract No. 102*) with a single-family home situated on it. Beyond this is Airport Road, which is identified as a M4U (*i.e. major collector, four [4] lane, divided roadway*) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

East: Directly east of the subject property are 14 single-family homes situated on 15 tracts of land (i.e. Tracts 1, 3, 8, 10, 11, 11-01, 11-03, 11-4, 11-5, 12, 13, 16, 17, & 19 of the D. Harr Survey, Abstract No. 102 and Lot 1, Block A, Widboom Addition). Also, east of the subject property is a 64.514-acre tract of land (i.e. Tract 15 of the D. Harr Survey, Abstract No. 102) that is owned by the City of Rockwall. All of these properties are zoned Agricultural (AG) District.

West: Directly west of the subject property is the Ralph Hall Municipal Airport, which is situated on a 47.89-acre parcel of land (i.e. Lot 1 of the Rockwall Municipal Airport) zoned Agricultural (AG) District. Beyond this are two (2) vacant tracts of land (i.e. Tracts 1 & 6-1 of the G. W. Redlin Survey, Abstract No. 183) zoned Planned Development District 71 (PD-71) for Commercial (C) District land uses. West of these tracts is John King Boulevard, which is identified as a P6D (i.e. principal arterials, six [6] lane, divided roadway) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

CHARACTERISTICS OF THE REQUEST

The applicant has submitted an application and an applicant's letter requesting that the City Council grant a Specific Use Permit (SUP) allowing: [1] an existing ~3,600 - ~4,000 SF *Agricultural Accessory Building*, [2] the relocation of an existing ~1,800 SF *Agricultural Accessory Building*, and [3] an existing ~2,720 SF *Animal Shelter or Loafing Shed*. The characteristics and locations of these buildings is as follows:

Animal Shelter or Loafing Shed: Depicted as Building #1 on the Ordinance Exhibit 'B'

The *Animal Shelter or Loafing Shed* is approximately 40-feet by 68 feet (or ~2,720 SF) and is constructed out of metal *R-Panel*. It is estimated that the existing structure is setback between 40-feet and 50-feet from the front property line adjacent to SH-66. The structure is approximately 15-feet in height. In front of the *Animal Shelter or Loafing Shed* is a bulk feed bin, which is estimated to stand approximately 13-feet in height and is setback approximately 45-feet from the front property line.



Agricultural Accessory Building: Depicted as Building #2 on the Ordinance Exhibit 'B'

The existing *Agricultural Accessory Building*, situated in the southwest corner of the subject property, is estimated to be between ~3,600 SF and ~4,000 SF (i.e. the main portion of the structure is ~40-feet by ~60-feet and the addition to the southwest is estimated to be ~20-feet by ~60-feet). The structure is built out of a combination of shipping containers, wood siding, and metal *R-Panel*. A portion of the structure is currently built on the rear yard property line of the subject property and violates the minimum ten (10) foot setback for rear yards stipulated by the Agricultural (AG) District standards contained in the Unified Development Code (UDC). Currently, the structure does not have any visibility from adjacent properties with the exception of the Ralph Hall Municipal Airport, where a portion of the structure is visible from the northern most point of the southeast taxiway.



Agricultural Accessory Building: Depicted as Building #3 & #4 on the Ordinance Exhibit 'B'

The existing *Agricultural Accessory Building*, situated in the southeast corner of the subject property, is wholly located within the 100-year floodplain. This structure is estimated to be ~1,800 SF (or ~30-feet by ~60-feet). The structure is constructed utilizing metal *R-Panel*, and is estimated to be less than 15-feet in height. The applicant is proposing to move this structure out of the floodplain on to the property directly south of the subject property (i.e. a portion of Tract 21 of the D. Harr Survey, Abstract No. 102). This new location would be in conformance with the setback requirements for the Agricultural (AG) District contained in the Unified Development Code (UDC), and would not have any visibility to adjacent properties.



CONFORMANCE WITH THE CITY'S CODES

On January 7, 2019, the City Council -- in response to an appointment with Dewayne Cain -- directed staff to change the Unified Development Code (UDC) to incorporate an *Agricultural Accessory Building* land use into Article 04, *Permissible Uses*. Based on this direction staff brought forward the requested changes on February 19, 2019, and the City Council adopted the new land use and operational conditions on March 4, 2019 through *Ordinance No. 19-12*. According to this new ordinance (consolidated in Section 02.03, *Conditional Land Use Standards, of Article 04, Permissible Uses, of the Unified Development Code [UDC]*) a *Barn or Agricultural Accessory Building* is permitted by a Specific Use Permit (SUP) in an Agricultural (AG) District subject to the following *Conditional Land Use Standards*:

- (1) The property shall be a minimum of ten (10) acres or more in size.
- (2) A *Barn or Agricultural Accessory Building* shall be a minimum of 2,000 SF and a maximum of 4,999 SF in total size (i.e. under roof).
- (3) The *Barn or Agricultural Accessory Building* shall be located behind the front façade of the primary structure, and be subject to the same building setbacks as the primary structure.

Staff has placed a table below (i.e. *Table 1: Subject Property's Current Conformance with the Conditional Land Use Standards for Agricultural Accessory Buildings*) showing how the two (2) *Agricultural Accessory Buildings* currently conform to the *Conditional Land Use Standards* stated above.

TABLE 1: SUBJECT PROPERTY'S CURRENT CONFORMANCE WITH THE CONDITIONAL LAND USE STANDARDS FOR AGRICULTURAL ACCESSORY BUILDINGS

CONDITIONAL USE STANDARD	AGRICULTURAL ACCESSORY BUILDING #2	AGRICULTURAL ACCESSORY BUILDING #3
MINIMUM LOT SIZE OF ONE (1) ACRE	42.66-ACRES; IN CONFORMANCE	42.66-ACRES; IN CONFORMANCE ¹
BUILDING SHALL BE 2,000 SF < X < 4,999 SF	~2,720 SF; IN CONFORMANCE	~1,800 SF; NOT IN CONFORMANCE
LOCATED BEHIND THE FRONT FACADE	YES; IN CONFORMANCE	YES; IN CONFORMANCE
MEETS SETBACK REQUIREMENTS	YES; NOT IN CONFORMANCE²	YES; IN CONFORMANCE ³

NOTES:

¹: AFTER THE PROPERTY IS PLATTED THE SUBJECT PROPERTY WILL BE APPROXIMATELY 53.96-ACRES.

²: AFTER THIS PROPERTY IS PLATTED THE APPLICANT'S REQUEST WILL BE IN COMPLIANCE WITH THIS REQUIREMENT.

³: A CONDITION OF THE SPECIFIC USE PERMIT (SUP) ORDINANCE IS THAT WHEN THIS STRUCTURE IS MOVED IT WILL MEET THE MINIMUM SETBACKS FOR THE AGRICULTURAL (AG) DISTRICT.

With regard to an *Animal Shelter or Loafing Shed*, Subsection 01.01, *Use of Land and Buildings*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC) states an *Animal Shelter or Loafing Shed* requires a Specific Use Permit (SUP) in an Agricultural (AG) District. There are currently no *Conditional Land Use Standards* for the *Animal Shelter or Loafing Shed* land use, and these uses are only subject to the Agricultural (AG) District development standards stipulated by Subsection 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC), and which are summarized in *Table 2: Subject Property's Current Conformance with the Agricultural (AG) District Standards* below.

TABLE 2: SUBJECT PROPERTY'S CURRENT CONFORMANCE WITH THE AGRICULTURAL (AG) DISTRICT STANDARDS

DEVELOPMENT STANDARDS		AGRICULTURAL (AG) DISTRICT	SUBJECT PROPERTY CONFORMANCE
ABBREVIATION		AG	AG
DWELLING UNITS/LOTS		1.0 ¹	1.0; <i>IN CONFORMANCE</i>
DWELLING UNITS/ACRE		0.1	0.023; <i>IN CONFORMANCE</i>
MINIMUM DWELLING UNIT (SF)		1,600	3,836.50 SF; <i>IN CONFORMANCE</i>
MINIMUM LOT REQUIREMENTS	AREA (SF)	43,560	1,858,269.60 SF; <i>IN CONFORMANCE</i>
	WIDTH (FEET)	100	718.50-FEET; <i>IN CONFORMANCE</i> ²
	DEPTH (FEET)	200	2,162.50-FEET; <i>IN CONFORMANCE</i> ³
MINIMUM SETBACKS	FRONT (FEET)	40	X ≥ 40-FEET; <i>IN CONFORMANCE</i>
	REAR (FEET)	10	0-FEET; <i>NOT IN CONFORMANCE</i> ⁴
	(SIDE (FEET)	6	~10-FEET; <i>IN CONFORMANCE</i>
BETWEEN BUILDINGS (FEET)		12	X > 10-FEET; <i>IN CONFORMANCE</i>
BUILDING HEIGHT (FEET)		36	X ≤ 36-FEET; <i>IN CONFORMANCE</i>
MAXIMUM LOT COVERAGE (%)		N/A	<i>IN CONFORMANCE</i>

NOTES:

¹: A MINIMUM LOT SIZE OF TEN (10) ACRES IS REQUIRED FOR THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING.

²: AFTER THIS PROPERTY IS PLATTED THE MINIMUM LOT WIDTH WILL BE REDUCED TO 500.50-FEET; HOWEVER, THIS WILL NOT CHANGE THE COMPLIANCE OF THE LOT WITH THE AGRICULTURAL (AG) DISTRICT REQUIREMENTS.

³: AFTER THIS PROPERTY IS PLATTED THE MINIMUM LOT DEPTH WILL BE INCREASED TO 3,012.90-FEET.

⁴: AFTER THIS PROPERTY IS PLATTED THE APPLICANT'S REQUEST WILL BE IN COMPLIANCE WITH THIS REQUIREMENT.

Staff should note, that the existing *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed* either currently conform to or will conform to the Unified Development Code (UDC) if the *Operational Conditions* in the Specific Use Permit (SUP) ordinance are enacted.

STAFF ANALYSIS

In the process of preparing this case memo and draft ordinance it was realized that the applicant had constructed a fourth unpermitted accessory structure between September 2019 and November 2020 (see *Images 1 - 3*). This new accessory building appears to be 15-feet by 20-feet (or 300 SF). In staff's conversations with the applicant, staff has learned that this structure is a portable chicken coop. According to Section 6-162, *Keeping, Confining and Breeding Regulations*, of the Municipal Code of Ordinances, "(i)t shall be unlawful to own or keep chickens, ducks, turkeys, geese, peacocks, or guinea hens within the corporate limits of the city except in agricultural zone districts." In addition, Subsection 03.01(B), *Other Animals*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC), states that "(a)n SUP is required for other farm animals, including chickens ..." Staff has conveyed to the applicant that he will be required to submit an application for a Specific Use Permit (SUP) for the chickens, and this has been added as a *Condition of Approval* in the *Conditions of Approval* section of this case memo. Staff should also note that the applicant indicated a willingness to bring this non-conformity into conformance.



IMAGE 1: CHICKEN COOP



IMAGE 2: SEPTEMBER 2019



IMAGE 3: NOVEMBER 2020

Staff is also obligated to point out that the applicant has been storing materials within the 100-year floodplain, which is not permitted under Chapter 11, *Flood Hazard Damage Prevention and Control*, of the City's Municipal Code of Ordinances (see Image 4). According to this ordinance, *Development* is defined as "...any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials." This

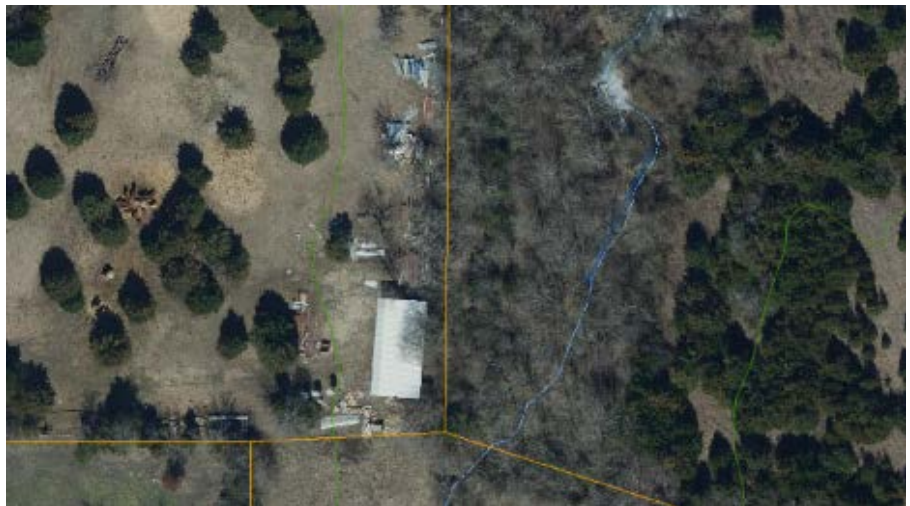


IMAGE 4: OUTSIDE STORAGE IN THE FLOODPLAIN

This ordinance also defines a *Violation* as "... the failure of a structure or *other development* to be fully compliant with the community's floodplain management regulations. A structure or *other development* without the elevation certificate, other certifications, or other evidence of compliance ... is presumed to be in violation until such time as that documentation is provided." In this case, no documentation has been provided showing compliance, and staff has verified per aerial imagery that the storage in the floodplain started around March 2015 and has been increasing annually. Staff has conveyed to the applicant that the outside storage will need to be removed, and the applicant has indicated that if approved he is amenable to removing the materials from the floodplain. As part of the *Operational Conditions* in the Specific Use Permit (SUP) ordinance, staff has included a requirement that all outside storage be removed from the floodplain prior to the issuance of any permits on the subject property.

With all this being said, when considering the size and visibility of the two (2) *Agricultural Accessory Buildings*, the applicant's request -- *if brought into conformance as stated in the Operational Conditions in the Specific Use Permit (SUP) ordinance* -- does not appear to negatively impact the adjacent properties. In addition, the *Animal Shelter or Loafing Shed* situated on SH-66 is similar to other *Animal Shelters or Loafing Sheds* on Clem Road and Cornelius Road, and does not appear to create a negative impact on any of the adjacent properties. Taking this into account, a Specific Use Permit (SUP) is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission. Staff is obligated to note that should the City Council fail to approve this Specific Use Permit (SUP) request, the applicant will be required to remove all three (3) structures from the subject property or enforcement actions will be taken.

NOTIFICATIONS

On October 22, 2021, staff mailed 33 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Rolling Meadows Homeowner's Association (HOA), which was the only Homeowner's Association (HOA)/Neighborhood Organization within 1,500-feet 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 four (4) notices/emails/letters within the 500-foot notification area in favor of the applicant's request.

CONDITIONS OF APPROVAL

If the Planning and Zoning Commission chooses to recommend approval of the applicant's request for a Specific Use Permit (SUP) for *Agricultural Accessory Buildings* and an *Animal Shelter or Loafing Shed*, 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 applicant is required to remove the outside storage that is currently situated around the *Agricultural Accessory Building (i.e. Building #3)* prior to the issuance of any permits on the *Subject Property*.
 - (b) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed* shall generally conform to the concept plan and the conceptual building elevations depicted in *Exhibits 'B' & 'C'* of the Specific Use Permit (SUP) ordinance.
 - (c) The *Agricultural Accessory Buildings* shall not exceed their current building footprints (*i.e. ~3,600 SF for Building #2 and ~1,800 SF for Building #3*).
 - (d) The *Animal Shelter or Loafing Shed (i.e. Building #1)* shall not exceed a maximum size of 3,000 SF.
 - (e) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed (i.e. Buildings #1, #2, & #3)* shall not exceed their current heights which are depicted in *Exhibit 'C'* of the Specific Use Permit (SUP) ordinance.
 - (f) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed (i.e. Buildings #1, #2, & #3)* shall not be operated as of for commercial land uses.
 - (g) The applicant will be required to apply for three (3) building permits from the Building Inspections Departments for the *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed (i.e. Buildings #1, #2, & #3)* depicted in *Exhibits 'B' & 'C'* of the Specific Use Permit (SUP) ordinance.
 - (h) The existing *Agricultural Accessory Building* located in the floodplain on the *Subject Property*, as depicted as *Building #3* in *Exhibits 'B' & 'C'* of the Specific Use Permit (SUP) ordinance, shall be moved to the location depicted as *Building #4* in *Exhibit 'B'* within six (6) months of the date of passage of the Specific Use Permit (SUP) ordinance and before building permits for *Building #1 & #2 -- depicted in Exhibits 'B' & 'C' --* are issued.
 - (i) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed (i.e. Buildings #1, #2, & #3)* shall not be sold or conveyed separately without meeting the requirements of the Unified Development Code (UDC).
 - (j) All buildings (*i.e. Buildings #1, #2, and #3/#4*) shall be required to meet all applicable setback requirements. This means that the subject property will need to be platted prior to the issuance of a building permit for *Building #2* as depicted in *Exhibits 'B' & 'C'* of the Specific Use Permit (SUP) ordinance.
 - (k) Should the applicant fail to meet any of the requirements of this Specific Use Permit (SUP) within one (1) year of the approval date of the Specific Use Permit (SUP) ordinance *Buildings #1, #2 and #3/#4* shall be removed from the *Subject Property* within six (6) months of the expiration date of the Specific Use Permit (SUP) ordinance.
- (2) The applicant will be required to submit a Specific Use Permit (SUP) for the chicken coop and chickens on the subject property by the December 17, 2021 application deadline.

- (3) When the *Building # 3* is relocated to *Building #4* it shall maintain conformance with the Agricultural (AG) District requirements.
- (4) 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.



DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO.

2021-046

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

DIRECTOR OF PLANNING:

CITY ENGINEER:

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

PLATTING APPLICATION FEES:

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

SITE PLAN APPLICATION FEES:

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

ZONING APPLICATION FEES:

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

OTHER APPLICATION FEES:

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

+1000.00
1200.00

NOTES:

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

PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS

1700 East SH 66

SUBDIVISION

agricultural

LOT

BLOCK

GENERAL LOCATION

56 acres East of Ralph Hall Municipal Airport.

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

Mike Peoples

☐ APPLICANT

CONTACT PERSON

Mike Peoples

CONTACT PERSON

Same.

ADDRESS

*1700 East SH 66
Rockwall Tx 75087*

ADDRESS

CITY, STATE & ZIP

CITY, STATE & ZIP

PHONE

214-957-0807

PHONE

E-MAIL

MP Rockwall@yahoo.com

E-MAIL

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:

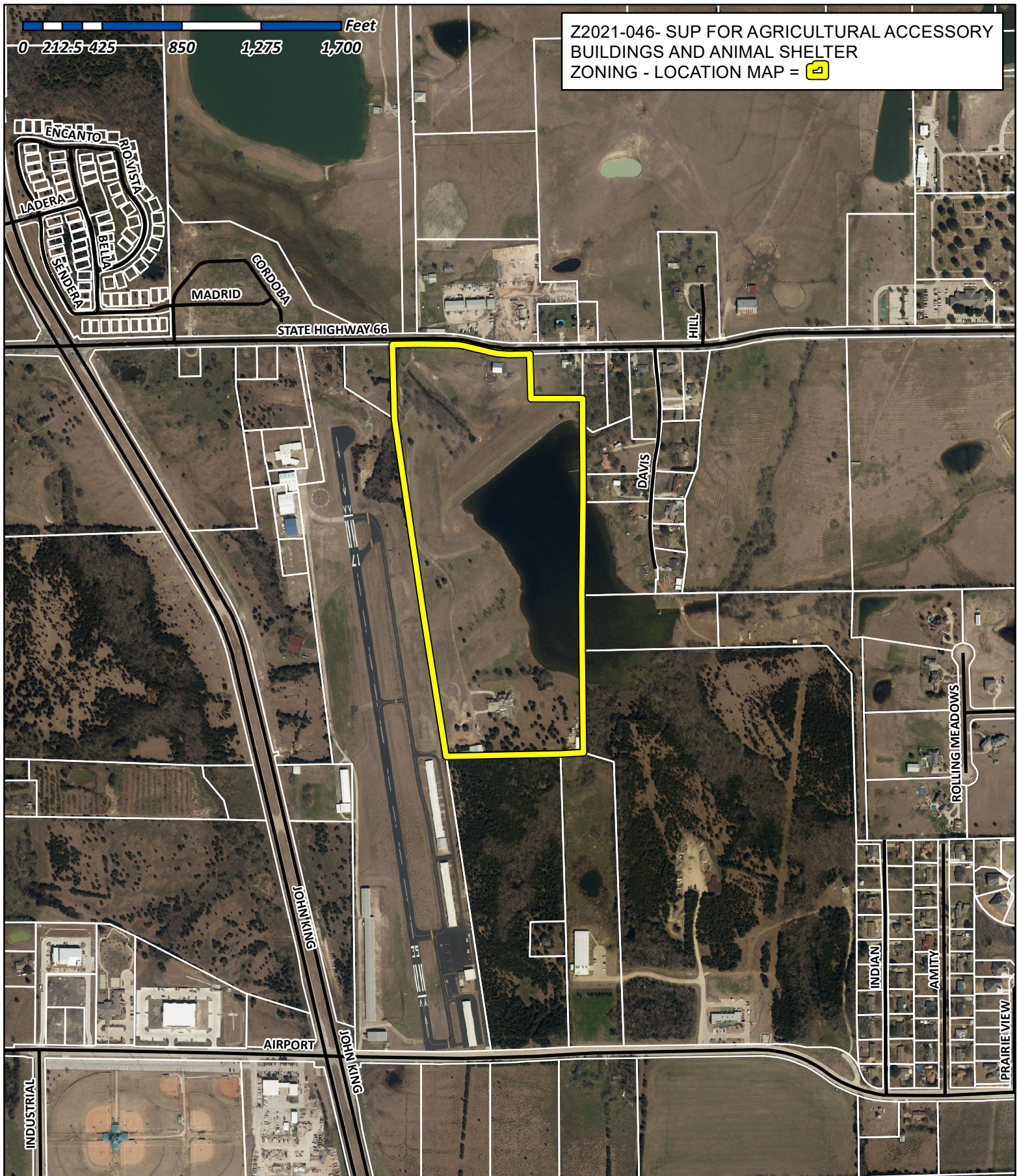
"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ _____ TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE _____ DAY OF _____, 20____. BY SIGNING THIS APPLICATION, 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



City of Rockwall

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

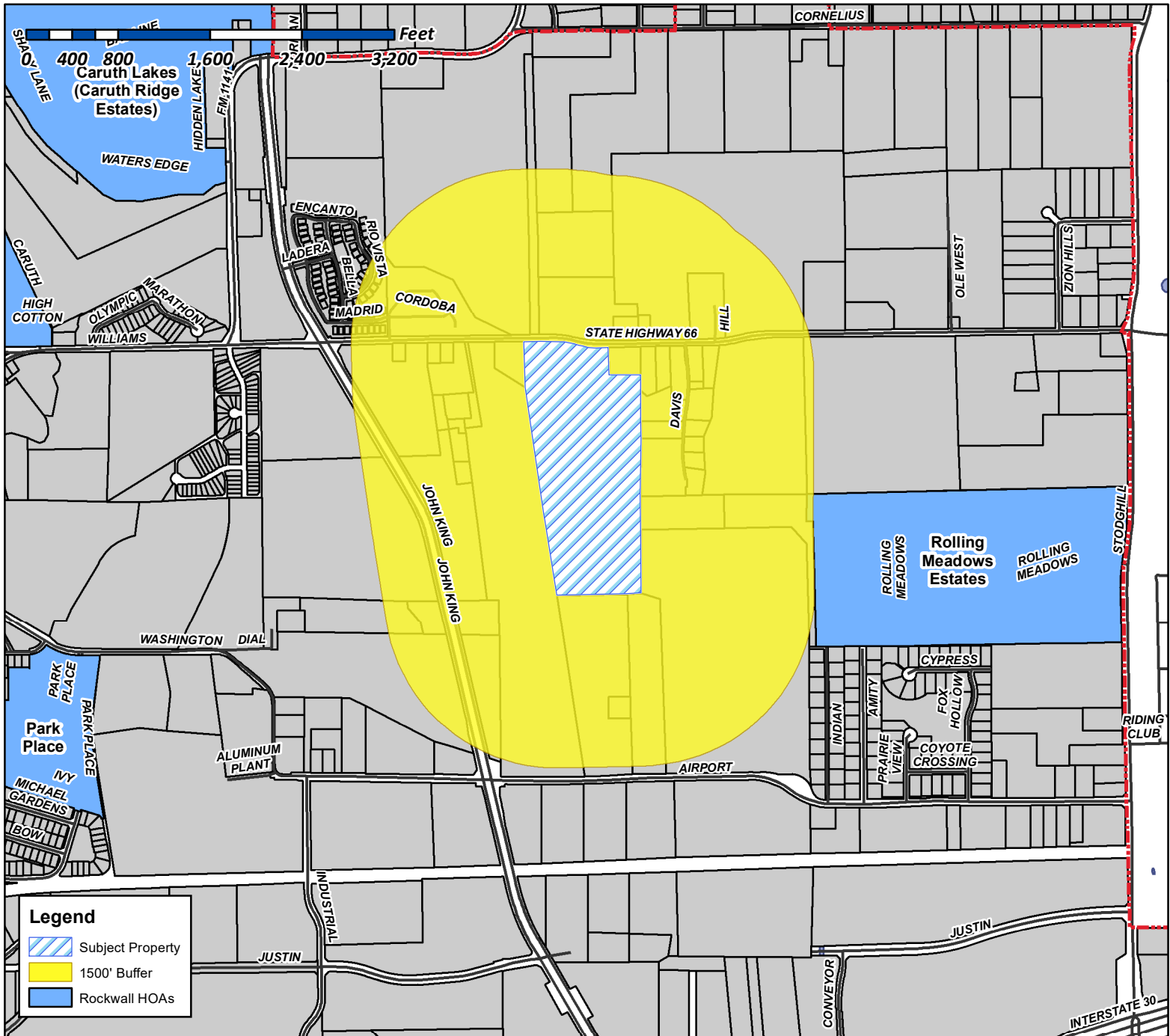
The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and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



City of Rockwall

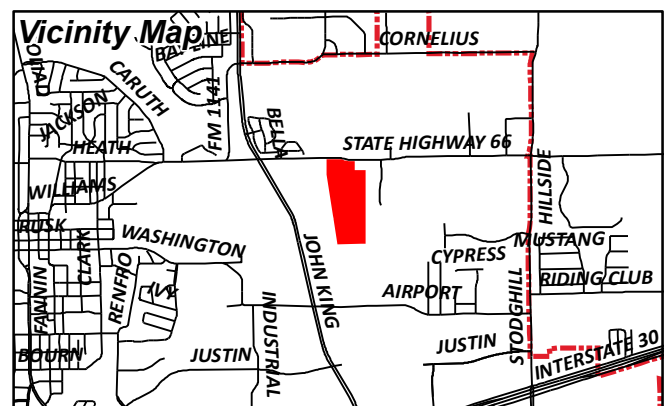
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
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Case Number: Z2021-046
Case Name: SUP for Agricultural Accessory Buildings and Animal Shelter
Case Type: Zoning
Zoning: Agricultural (AG) District
Case Address: 1700 E SH 66

Date Created: 10/18/2021
For Questions on this Case Call (972) 771-7745



Miller, Ryan

From: Gamez, Angelica
Sent: Friday, October 22, 2021 9:31 AM
Cc: Miller, Ryan; Reyna, Andrew; Lee, Henry
Subject: Neighborhood Notification Program [Z2021-046]
Attachments: Public Notice (10.20.2021).pdf; HOA Map (10.18.2021).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 *October 29, 2021*. The Planning and Zoning Commission will hold a public hearing on *Tuesday, November 9, 2021 at 6:00 PM*, and the City Council will hold a public hearing on *Monday, November 15, 2021 at 6:00 PM*. Both hearings will take place at 6:00 PM at City Hall, 385 S. Goliad, Rockwall, TX 75087.

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

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

Z2021-046: SUP for two (2) Agricultural Accessory Buildings and Animal Shelter/Loafing Shed

Hold a public hearing to discuss and consider a request by Mike Peoples for the approval of a *Specific Use Permit (SUP)* for two (2) *Agricultural Accessory Buildings* and an *Animal Shelter/Loafing Shed* on a 42.66-acre tract of land identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1700 E. SH-66, and take any action necessary.

Thank you,

Angelica Gamez

Planning & Zoning Coordinator

City of Rockwall

972.771.7745 Office

972.772.6438 Direct

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

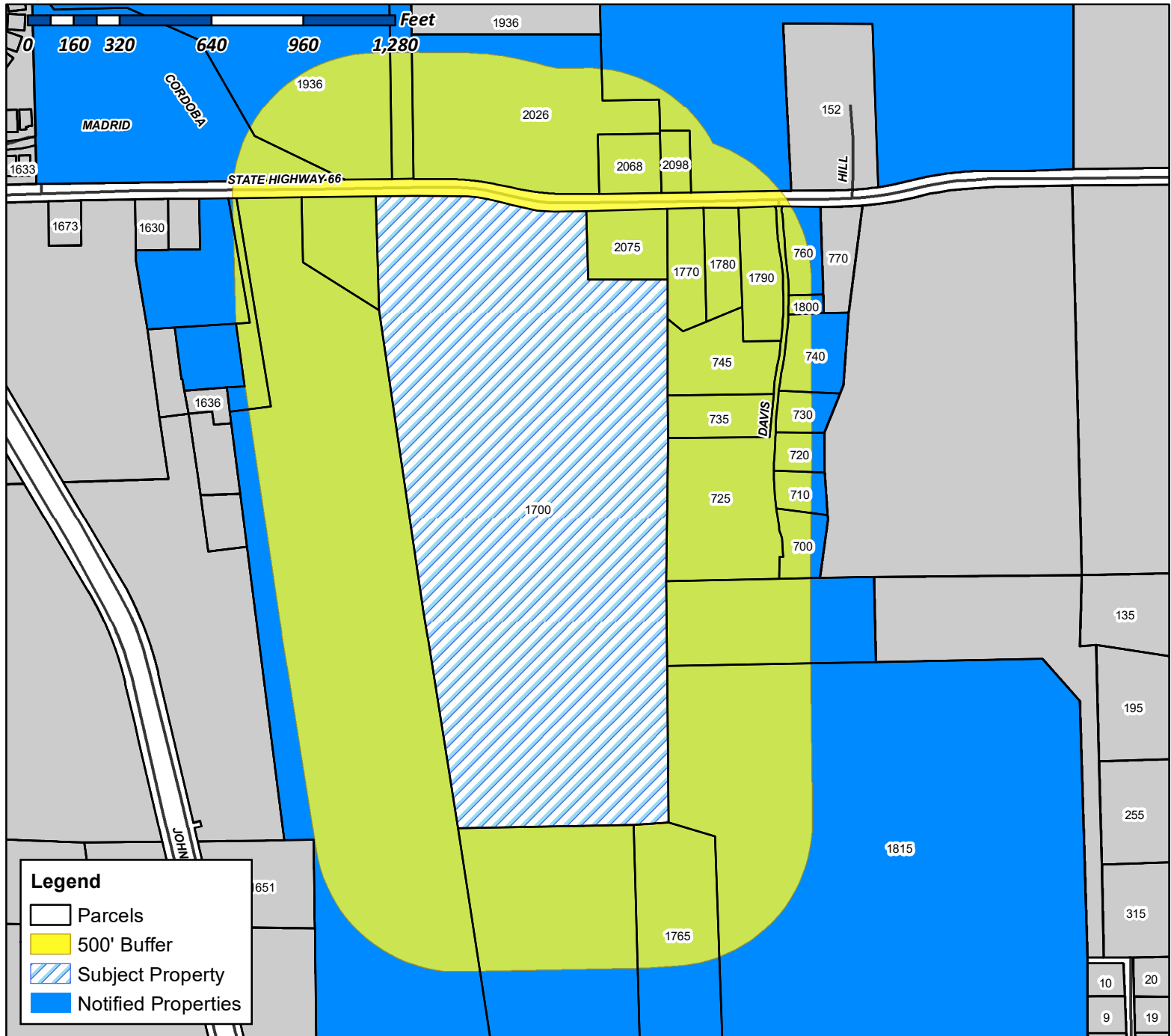
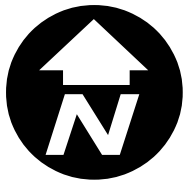
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City of Rockwall

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

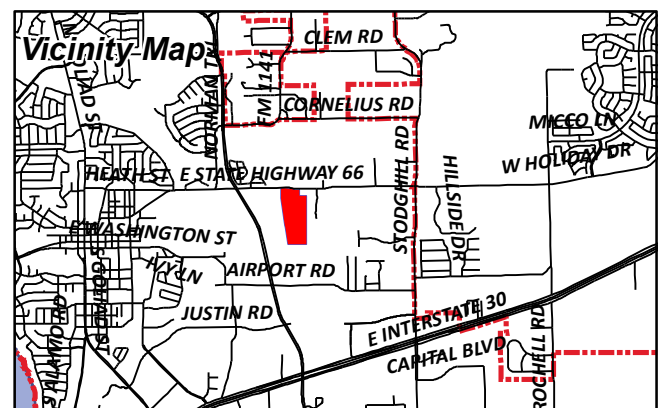
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Case Number: Z2021-046
Case Name: SUP for Agricultural Accessory Buildings and Animal Shelter
Case Type: Zoning
Zoning: Agricultural (AG) District
Case Address: 1700 E SH 66

Date Created: 10/18/2021

For Questions on this Case Call (972) 771-7745



PEOPLES MICHAEL L JR AND
SHERYL NEWMAN PEOPLES
1700 STATE HIGHWAY 66
ROCKWALL, TX 75087

CUMMINGS JOHN & LORI
1770 E HWY 66
ROCKWALL, TX 75087

COLLIER JUDY KAY AND
THERESA ROBBINS
1780 WILLIAMS ST
ROCKWALL, TX 75087

MCILRATH PROPERTIES LLC
1790 WILLIAMS ST
ROCKWALL, TX 75087

RYAN BILL K
1800 WILLIAMS ST
ROCKWALL, TX 75087

CITY OF ROCKWALL
1815 AIRPORT RD
ROCKWALL, TX 75087

PEOPLES MIKE L
1936 HWY 66
ROCKWALL, TX 75087

PEOPLES MICHAEL L
2026 HWY 66
ROCKWALL, TX 75087

CITY OF ROCKWALL
205 W RUSK ST
ROCKWALL, TX 75087

SALINAS HILSE S
2068 STATE HWY 66
ROCKWALL, TX 75087

PEOPLES MICHAEL L JR AND
SHERYL NEWMAN PEOPLES
2075 WILLIAMS
ROCKWALL, TX 75087

GILLILAND TOMMY JOE
2098 WILLIAMS
ROCKWALL, TX 75087

ROCKWALL PROPERTY CORP
ATTN: BILL BRICKER
305 PARK PLACE BLVD
ROCKWALL, TX 75087

CAIN FAMILY PARTNERSHIP LTD
305 STONEBRIDGE DR
ROCKWALL, TX 75087

CUMMINGS JOHN & LORI
308 STONEBRIDGE DR
ROCKWALL, TX 75087

RYAN BILL K
330 VZ CR 2207
CANTON, TX 75103

RW LADERA LLC
361 W BYRON NELSON BLVD SUITE 104
ROANOKE, TX 76262

RYAN GARY S AND CONSTANCE E
502 WILLIAMS ST
ROCKWALL, TX 75087

DAVIS WILLIAM PAUL JR
510 TURTLE COVE BLVD STE 200
ROCKWALL, TX 75087

MCILRATH PROPERTIES LLC
636 GRISHAM DR
ROCKWALL, TX 75087

SELLERS DONYA BEATRICE
700 DAVIS DR
ROCKWALL, TX 75087

RYAN GARY S AND CONSTANCE E
710 DAVIS DR
ROCKWALL, TX 75087

MOCK ALYSSA
720 DAVIS DR
ROCKWALL, TX 75087

MA MICHAEL D AND CAROLINE J G MOORE
725 DAVIS DR
ROCKWALL, TX 75087

DAILEY MARK L
730 DAVIS DR
ROCKWALL, TX 75087

BANUELOS SHERRI L
735 DAVIS DR
ROCKWALL, TX 75087

RINKEVICH FAMILY LIVING TRUST
JOSEPH W RINKEVICH- TRUSTEE
740 DAVIS DR
ROCKWALL, TX 75087

RAINES SHERYL
745 DAVIS DR
ROCKWALL, TX 75087

COOK SHERRY LYNN
760 DAVIS DRIVE
ROCKWALL, TX 75087

DIMISSEW SAMUEL
956 S WEATHERED DR
RICHARDSON, TX 75080

ATHEY JACK R
P.O. BOX 219
LAVON, TX 75166

PEOPLES MIKE L
PO BOX 41
ROCKWALL, TX 75087

RAINES SHERYL
PO BOX 412
ROCKWALL, TX 75087

PUBLIC NOTICE



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

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

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

Case No. Z2021-046: SUP for Two (2) Agricultural Accessory Buildings and an Animal Shelter/Loafing Shed

Hold a public hearing to discuss and consider a request by Mike Peoples for the approval of a Specific Use Permit (SUP) for two (2) Agricultural Accessory Buildings and an Animal Shelter/Loafing Shed on a 42.66-acre tract of land identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1700 E. SH-66, 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, November 9, 2021 at 6:00 PM, and the City Council will hold a public hearing on Monday, November 15, 2021 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

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

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. If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by Monday, November 15, 2021 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning



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

--- PLEASE RETURN THE BELOW FORM ---

Case No. Z2021-046: SUP for Two (2) Agricultural Accessory Buildings and an Animal Shelter/Loafing Shed

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

PUBLIC NOTICE



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

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Ryan Miller, AICP
Director of Planning & Zoning



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PLEASE RETURN THE BELOW FORM

Case No. Z2021-046: SUP for Two (2) Agricultural Accessory Buildings and an Animal Shelter/Loafing Shed

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: CAIN FAMILY PARTNERSHIP, LTD.
Address: 305 Stonebridge Dr.

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

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

From: Donya Sellers <donyasellers@yahoo.com>
Sent: Wednesday, October 27, 2021 2:51 PM
To: Planning
Subject: Case No. Z2021-046 SUP for Two Agricultural Accessory Buildings and an Animal Shelter/Loafing Shed

My name is Donya Sellers, property owner at 700 Davis Drive, Rockwall TX. 972-689-3356

I am in favor of the request to allow the Two Agricultural Accessory Buildings and an Animal Shelter/Loafing Shed on Case No. Z2021-046 SUP.

These structures have not, and continue to not cause any issues. I very much enjoy observing the livestock on Mike's property, and wish for himself and his family to continue to be able to have full use of the property for it's original agricultural purpose. The buildings and shelter/loafing shed demonstrate that Mike wishes to provide the utmost care to the animals. His children's participation in 4H is an asset to everyone's future. It is a refreshing reflection of the history of Rockwall.

Thank you.

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INTEGRITY GROUP

Developing & Building Dreams

October 28, 2021

Mayor & City Council, and
Planning & Zoning Commission
City of Rockwall
368 S. Goliad Street
Rockwall, TX 75087

RE; Case No. Z2021-046: SUP for Two (2) Agricultural Accessory Buildings and an Animal Shelter/Loafing Shed

Honorable Mayor, Councilmembers & Members of P&Z Commission,

As the developers and builders of Ladera Rockwall Active Adult Community, 905 Bella Drive, we are in full support of the Proposed Agricultural Accessory Buildings and Animal Shelter/Loafing Shed.

Thank you for your consideration and we ask you to support and approve the case before you.

Respectfully Submitted,

John Delin

Case No. Z2021-046: SUP for Two (2) Agricultural Accessory Buildings and an Animal Shelter/Loafing Shed

Please place a check mark on the appropriate line below:

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

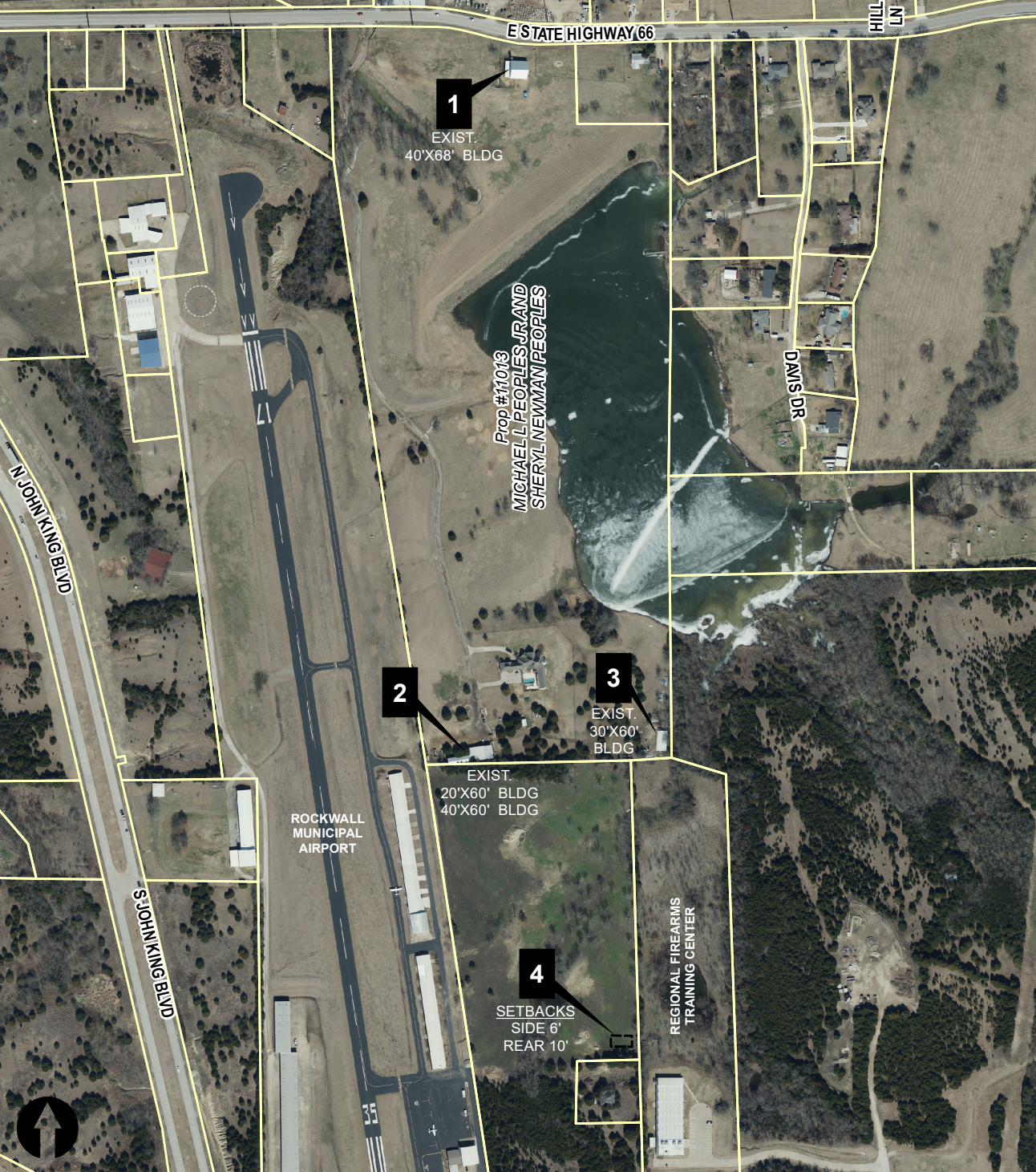
☐ I am opposed to the request for the reasons listed below.

Name: Michael Ma + CAROLINE MOORE

Address: 725 Davis Dr, Rockwall, TX, 78087

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



E STATE HIGHWAY 66

HILL LN

1

EXIST.
40'X68' BLDG

Prop #11013
MICHAEL L PEOPLES JR AND
SHERYL NEWMAN PEOPLES

DAVIS DR

2

EXIST.
20'X60' BLDG
40'X60' BLDG

3

EXIST.
30'X60' BLDG

ROCKWALL
MUNICIPAL
AIRPORT

S JOHN KING BLVD

4

SETBACKS
SIDE 6'
REAR 10'

REGIONAL FIREARMS
TRAINING CENTER

N JOHN KING BLVD

Miller, Ryan

From: mike peoples <mprockwall@yahoo.com>
Sent: Friday, October 15, 2021 10:33 AM
To: Miller, Ryan
Subject: Fwd: Building permits - 1700 E. State Hwy. 66

Sent from my iPhone

Begin forwarded message:

From: "Peoples, Sheryl" <SPeoples@lockton.com>
Date: October 15, 2021 at 10:10:07 AM CDT
To: mike peoples <mprockwall@yahoo.com>
Subject: Building permits - 1700 E. State Hwy. 66

To whom it may concern:

This letter is in regards to the unpermitted buildings I have constructed over the past few years on my 56 acre property located at 1700 E. State Highway 66 located next to the airport.

Building #1 is next to my residence and is used for maintenance equipment storage, feed storage/deliveries and misc. equipment used for my agricultural operations.

Building #2 on the topo map is used for farm equipment/hay storage. This building is to be re-permitted and moved to a different location on the 56 acre property which is marked on the topo map.

Building #3 is a livestock barn for our 4-H show cattle. My 13 yr. old son & 11 yr. old daughter have been active members of the Rockwall 4-H Beef Club for 6 years and this barn is for their 4-H projects. This barn was constructed over an existing barn that was over 60 yrs old and in disrepair.

I am trying to resolve this permitting process peacefully and appreciate your willingness to work with me and my family.

Sincerely,
Mike Peoples
214-957-0807



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Google Earth

Imagery date: 11/15/...

100 m

Camera: 878 m 32°55'44"N 96°26'...

You are currently running an experimental version of Earth.

[Learn more](#)

[Send feedback](#)



Google Earth

Imagery date: 11/15/20—newer

50 m

Camera: 510 m

32°55'51"N 96°25'58"W

170 m

CITY OF ROCKWALL
ORDINANCE NO. 19-
SPECIFIC USE PERMIT NO. S-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A MINI-WAREHOUSE FACILITY WITHIN A COMMERCIAL (C) DISTRICT, ON A 7.489-ACRE PARCEL OF LAND BEING IDENTIFIED AS LOT 23, RAINBO ACRES ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE

The motion passed by a vote of 6 in favor with 1 abstention (Fowler).

7. **Z2018-053** - Hold a public hearing to discuss and consider a request by Mike Peoples for the approval of an ordinance for a Specific Use Permit (SUP) for a detached garage that does not meet the requirements stipulated by the Unified Development Code (UDC) on a 42.66-acre tract of land identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the East SH-66 Overlay (E. SH-66 OV) District, addressed as 1700 E. SH-66, and take any action necessary (1st Reading).

The applicant, Mike Peoples is requesting the approval of a Specific Use Permit (SUP) to allow for a detached garage that does not meet the requirements stipulated by Article VI, Permissible Uses, of the Unified Development Code (UDC). The ~2,500 SF [i.e. 50-ft x 50-ft] structure stands approximately 16-feet in height and is situated southwest of the primary structure, adjacent to the City of Rockwall Municipal Airport. The detached garage was built without a permit in 2013, and has increase in size by two (2) times structures according to aerial images (see Exhibit 'B' of the draft ordinance). These additions appear to have taken place in the years 2015 & 2017. This has created one (1) large structure, of which the exact measurements are not known. With this being said, there are a total of three (3) structures that have been built concurrently with this request [i.e. Z2018-049]. The other structure lies within the designated 100-year flood plain. This structure is required to be demolished and has been added as a condition of approval of the SUP for the third structure (i.e. the detached garage).

Although Section 2, of Article V, Agricultural (AG) District of the Unified Development Code (UDC), allows for an accessory use (i.e. detached garage) to be a permitted with a main use (i.e. single-family home) on more than ten (10)-acres within an Agricultural (AG) District, Section 2.1.2, of Article IV, Permissible Uses, of the UDC, allows for one (1) detached garage that does not exceed 900 SF in area or 15 feet in height provided the exterior cladding contains the same materials as is found on the main structure. In this case, the detached garage appears to be a metal structure (see attached photos). Accessory buildings (i.e. detached garage) not meeting these standards shall require approval of an SUP. The existing detached garage does not meet the material or size requirements as stipulated by the UDC. Approval of a SUP is discretionary for the City Council. On November 30, 2018 staff mailed 33 notices to property owners and residents within 500-feet of the subject property. Staff also notified the Rolling Meadows Homeowner's Association (HOA), which is the only HOA's/Neighborhood Organization that is within 1,500-feet of the subject property

participating in the Neighborhood Notification Program. Staff has received three noticed back in favor and one in opposition of the request.

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

Following additional dialogue, Mayor Pro Tem Fowler moved to approve Z2018-053. Councilmember Daniels seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. _____
SPECIFIC USE PERMIT NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A DETACHED GARAGE THAT DOES NOT MEET THE REQUIREMENTS OF THE UNIFIED DEVELOPMENT CODE (UDC), ON A 42.66-ACRE TRACT OF LAND ZONED AGRICULTURAL (AG) DISTRICT, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSTRACT NO. 102, 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.

The motion (to approve) failed by a vote of 2 in favor (Macalik and Fowler) with 5 against (Trowbridge, Hohenshelt, Pruitt, Daniels and Johannesen).

Mayor Pruitt called for a break and recessed the meeting at 7:41 p.m.

8. **Z2018-054** - Hold a public hearing to discuss and consider a request by Andrew Bennett of BOKA Powell, LLC on behalf of the owner Vinod Miranda for the approval of an ordinance for a Specific Use Permit (SUP) for an office building that will exceed 36-feet in height within the Scenic Overlay (SOV) District on a 9.7-acre tract of land identified at Tract 15 of the E. P. G. Chisum Survey, Abstract No. 64, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District, located at the southwest corner of Ridge Road [FM-740] and Turtle Cove Boulevard, and take any action necessary (1st Reading).

Planning Director Ryan Miller explained that the subject property is located at the southwest corner of Ridge Road [FM-740] and Turtle Cove Boulevard and is zoned Commercial (C) District. The proposed 80,000 SF office building will be comprised of three (3) stories of office space and a single-story of parking that will be located below grade. The office building will reach an overall height of 60-feet; however, the building will be located approximately 156-feet from the right-of-way of Ridge Road and due to the slope of the property the finished floor of the building will be set approximately five (5) to seven (7) feet below the surface of Ridge Road. This means that the first floor of the office building may not be visible from Ridge Road. According to the Special Use Standards located in Section 6.8, Scenic Overlay (SOV) District, of Article V, of the Unified Development Code (UDC), any

coming before the Council this evening to see if there is a way to work something out such that he would be allowed to build this large accessory building on his agriculturally zoned property.

Planning Director Ryan Miller provided clarifying comments to the Council concerning this matter. He generally explained that currently, there is no SUP process by which a property owner may request to approve a 'barn' type accessory structure on "agriculturally zoned" land, and there is also not a means by which an owner may build 'private guest quarters.' It was generally explained that the "agriculture" zoning designation is assigned to newly annexed land "by default" (essentially), and it is the most restrictive zoning designation within the city's regulations. It exists this way as a means by which annexed land will be eventually pushed into a different zoning land designation; however, it unfortunately has an (unintended) adverse effect on (larger parcels of) land that truly are more 'agricultural' in nature. One change that would need to occur is for SUPs to be able to be requested, on a case-by-case basis, for "guest quarters" which are proposed to be built on 'agriculturally zoned' land. Right now, no SUP process exists to potentially allow those types of structures.

Mr. Cain clarified that "guest quarters" is a little more elaborate than what he is wanting to build. He essentially wants to build a (large) "man cave" to have folks over and watch sports games and store some of his car collection.

Following extensive discussion, the Council generally expressed a desire for staff to bring back some options for the council to consider relative to making some changes to the UDC to allow requests (by SUP) for accessory buildings (both ones to be utilized as 'barns' and ones to be utilized for 'private guest quarters'), on a case-by-case basis, on agriculturally zoned land.

Council took no formal action related to this agenda item at this time.

X. PUBLIC HEARING ITEMS

1. **Z2018-049** - Hold a public hearing to discuss and consider a request by Mike Peoples for the approval of an ordinance for a Specific Use Permit (SUP) for an animal shelter on a 42.66-acre tract of land identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the East SH-66 Overlay (E. SH-66 OV) District, addressed as 1700 E. SH-66, and take any action necessary (1st Reading).

Planning Director, Ryan Miller, provided background information pertaining to this agenda item, indicating that back on December 17, 2018, the City Council continued the public hearing for Case No. Z2018-049 by a vote of 7 to 0. This case involved a request for a Specific Use Permit (SUP) that would allow for an animal shelter on the property. The purpose of the City Council's motion was to allow the applicant, Mike Peoples, additional time to prepare a schedule that outlined [1] the completion time for the animal shelter (which is currently partially constructed), and [2] the time needed to demolish the structure situated within the floodplain (which was constructed without a building permit). In response to the City Council's action, Mr. Peoples provided staff with a letter indicating that, weather permitting, he intends to complete the construction of the animal shelter by April 2019; however, Mr. Peoples has not indicated a timeframe for the demolition of the structure within the floodplain (see Exhibit 'B'). It should also be noted that staff requested that Mr. Peoples provide a timeframe for the demolition of the detached garage that was denied by the City Council on December 17, 2018; however, the letter submitted by Mr. Peoples indicates that he does not have a timeframe for the removal of this building either. Due to the applicant's inability to provide staff with a

reasonable timeframe for the demolition of the two (2) unpermitted structures, staff has amended the draft ordinance for the animal shelter to require that both structures be removed from the property within six (6) months of the adoption date of the proposed Specific Use Permit (SUP) ordinance.

Councilmember Hohenshelt and Mayor Pruitt both indicated that their preference is to require that Mr. Peoples demolish the existing structure (in the floodplain) prior to finishing the newest structure he wanting to complete.

Mr. Miller shared that Mr. Peoples has continued to work on the existing (unpermitted, unauthorized "animal shelter") structure during the time he has been going through the process associated with seeking formal approval of it being built. It was pointed out that when Mr. Peoples spoke to staff about the (currently under construction) structure needing an SUP and building permit, Mr. Peoples gave indication that he still planned to continue working on the structure. Staff explained to Mr. Peoples that if he continued working on the structure before it (potentially) received Council's approval, he would be doing so at his own risk. Mr. Peoples subsequently submitted a letter to staff, generally expressing that he understood that. General discussion took place pertaining to the existing structure (that Mr. Peoples has continued to work on) and how stopping its construction and having it torn down will be an enforcement-related issue, should it come to that in the future. Indication was given that, related to 'enforcement,' any daily or other fines would be up to the judge.

Following extensive discussion and clarifications, Councilmember Hohenshelt moved to call for all of the improper structures to be removed before this particular SUP may be granted and that Mr. Peoples must do so within six (6) months. The motion was clarified – that Mr. Peoples should not perform further work on this current structure and that the other, existing (improper) structures must be removed within six (6) months. Councilmember Trowbridge seconded the motion.

Pruitt reopened the public hearing (that was continued from the last council meeting) and asked if anyone would like to come forth and speak at this time. There being no one indicating such, he then called for the vote.

The above noted motion then passed by a vote of 7 ayes to 0 nays. The ordinance (caption) was read into the record as follows:

CITY OF ROCKWALL
ORDINANCE NO. 19-____
SPECIFIC USE PERMIT NO. S-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ANIMAL SHELTER ON A 42.66-ACRE TRACT OF LAND ZONED AGRICULTURAL (AG) DISTRICT, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSRACT NO. 102, 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.

XI. ACTION ITEMS

1. Z2018-052 - Discuss and consider a request by Russell Phillips on behalf of Rockwall Retail Investors, LLC for the approval of an ordinance for a Specific Use Permit (SUP) for a mini-warehouse facility on a 7.489-acre tract of land identified as Lot 23, Rainbow Acres Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, generally situated

Mayor Pro Tem Fowler authorized the city attorney to file intervention in the new rate case regarding the appeal to the Public Utility Commission. Councilmember Macalik seconded the motion, which passed by a vote of 6 ayes with 1 absence (Trowbridge).

Mayor Pro Tem Fowler made a motion to move Stuart Smith up from an "alternate" to a voting member to fill the vacancy on the city's Board of Adjustments (thru Aug. 2019). Mayor Pruitt seconded the motion, which passed by a vote of 6 ayes with 1 absence (Trowbridge).

Mayor Pro Tem Fowler moved to appoint Glenn Carr to fill the "second alternate position" on the city's Board of Adjustments (thru Aug. 2020). Mayor Pruitt seconded the motion, which passed by a vote of 6 ayes with 1 absence (Trowbridge).

VI. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER DANIELS

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

VII. PROCLAMATIONS

1. Health for Humanity Yogathon

Mayor Pruitt invited city resident Ashwini Gurwale and her husband to come forth at this time. He then read and presented this proclamation. Mrs. Gurwale then gave a brief yoga demonstration.

III. OPEN FORUM

Mayor Pruitt 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.

IX. CONSENT AGENDA

1. Consider approval of the minutes from the January 7, 2019 regular city council meeting, and take any action necessary.

2. **Z2018-049** - Consider a request by Mike Peoples for the approval of an ordinance for a Specific Use Permit (SUP) for an animal shelter on a 42.66-acre tract of land identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the East SH-66 Overlay (E. SH-66 OV) District, addressed as 1700 E. SH-66, and take any action necessary (2nd Reading).

3. **A2018-004** - Consider a request by Pat Atkins on behalf of the owner C.D.T. Rockwall/2017 LLC for the approval of an ordinance for the voluntary annexation of a 14.995-acre tract of land identified as Tract 1-03 of the P. B. Harrison Survey, Abstract No. 97, Rockwall County, Texas, and take any action necessary (2nd reading).

4. **P2018-047** - Consider a request by Chase Finch of Corwin Engineering, Inc. on behalf of John Arnold of BH West Pods, LTD for the approval of a preliminary plat for Breezy Hill, Phase XII containing 35 single-family residential lots on 44.525-acres of land identified as a portion of

Tract 7-1 of the J. Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 74 (PD-74) for Single Family 10 (SF-10) District land uses, located west of the intersection of John King Boulevard and Cozy View Drive, and take any action necessary.

5. Consider approval of the Contract Amendment #1 with Brinkley & Barfield, Inc., in the amount of \$87,030 to be funded from the 2018 Street Bond funds and water/wastewater funds, and take any action necessary.
6. Consider authorizing the City Manager to negotiate and execute a contract with Baseball Nation LLC regarding the city's baseball umpire services for an amount not to exceed \$120,000 to be funded from baseball registration proceeds in the Recreation Development Fund, and take any action necessary.
7. Consider authorizing the City Manager and the Chief of Police to execute an Interlocal Agreement (ILA) with NCT911 to provide 911 services in the City, and take any action necessary.

Councilmember Hohenshelt moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6 and 7). Councilmember Johannesen seconded the motion. The ordinances were read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 19-08
SPECIFIC USE PERMIT NO. S-204**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ANIMAL SHELTER ON A 42.66-ACRE TRACT OF LAND ZONED AGRICULTURAL (AG) DISTRICT, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSTRACT NO. 102, 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.

**CITY OF ROCKWALL
ORDINANCE NO. 19-07**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS AND THE ANNEXATION OF A 14.995-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1-03 OF THE P. B. HARRISON SURVEY, ABSTRACT NO. 97, ROCKWALL COUNTY, TEXAS, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes with 1 absence (Trowbridge).

CITY OF ROCKWALL

ORDINANCE NO. 19-06

SPECIFIC USE PERMIT NO. S-204

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ANIMAL SHELTER ON A 42.66-ACRE TRACT OF LAND ZONED AGRICULTURAL (AG) DISTRICT, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSTRACT NO. 102, 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 Mike Peoples for the approval of a Specific Use Permit (SUP) for the purpose of allowing a previously constructed animal shelter, situated on a 42.66-acre tract of land, zoned Agricultural (AG) District, and being identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, addressed 1700 E. SH-66, and being more specifically depicted in Exhibit 'A' of this ordinance, which herein after shall be referred to as the *Subject Property* 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. 04-38] 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. 04-38] 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 construction of an animal shelter structure within an Agricultural (AG) District as stipulated by Article IV, *Permissible Uses*, and Article V, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 04-38] on the *Subject Property*; and

SECTION 2. That the *Subject Property* shall be used only in the manner and for the purposes described in this Specific Use Permit (SUP) ordinance and as specifically set forth in Section 2.1, *Agricultural (AG) District*, of Article V, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 04-38] of the City of Rockwall as heretofore amended, as amended herein by the granting of this zoning change, and as may be amended in the future, and shall be subject to the following operational conditions and compliance standards:

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of an animal shelter, structure on the Subject Property and conformance to these requirements is necessary for continued operations:

- 1) The animal shelter structure shall generally conform to the elevations and site plan depicted in *Exhibits 'B' & 'C'* of this ordinance;
- 2) The animal shelter structure shall not exceed its current size of approximately 2,720 SF or an approximate height of 15-feet;
- 3) The existing accessory building located within the flood plain of this property, as depicted as #4 in *Exhibit 'D'* of this ordinance, shall be removed/demolished within six (6) months of the date of passage of this ordinance;
- 4) The existing detached garage located on the subject property, as depicted as #1, 2, & 3 in *Exhibit 'D'* of this ordinance, shall be removed/demolished within six (6) months of the date of passage of this ordinance;
- 5) The animal shelter structure shall not be operated as a commercial land use;
- 6) A detention system is required for the addition of structures on the subject property per the Engineering Standards of Design; and,
- 7) The animal shelter structure is subject to administrative review in the event that the *Subject Property* is sold, conveyed or altered in any manner.

2.2 COMPLIANCE

Approval of this ordinance in accordance with Section 8.3, *Council Approval or Denial*, of Article II, *Authority and Administrative Procedures*, of the Unified Development Code (UDC) [Ordinance No. 04-38] will require compliance to the following:

- 1) Upon obtaining a building permit, should the homeowner fail to meet the minimum operational requirements set forth herein and outline in the Unified Development Code (UDC) [Ordinance No. 04-38], the City Council may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Section 4.4.(3) of Article IV, *Permissible Uses*, of the Unified Development Code (UDC) [Ordinance No. 04-38].

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.

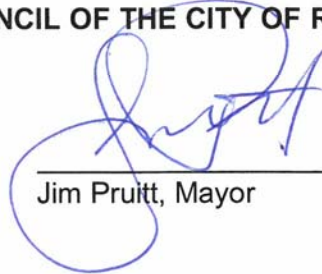
SECTION 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS (\$2,000.00)* for each offence and each and every day such offense 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 22ND DAY OF JANUARY, 2019.**



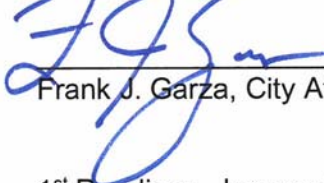
Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: January 7, 2019

2nd Reading: January 22, 2019

Exhibit 'A':
Legal Description and Property Location

Legal Description: Tract 7 of the D. Harr Survey, Abstract No. 102

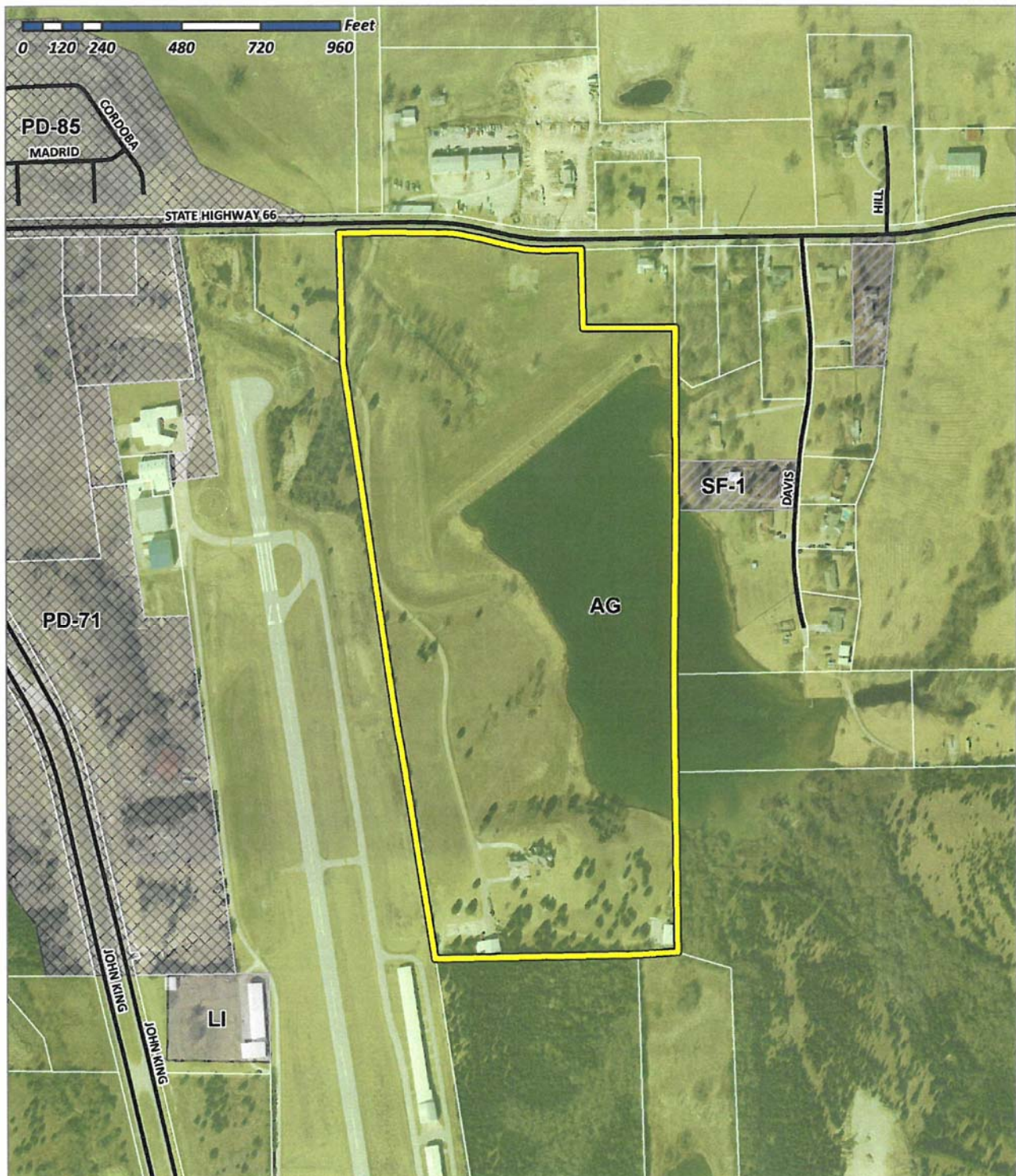
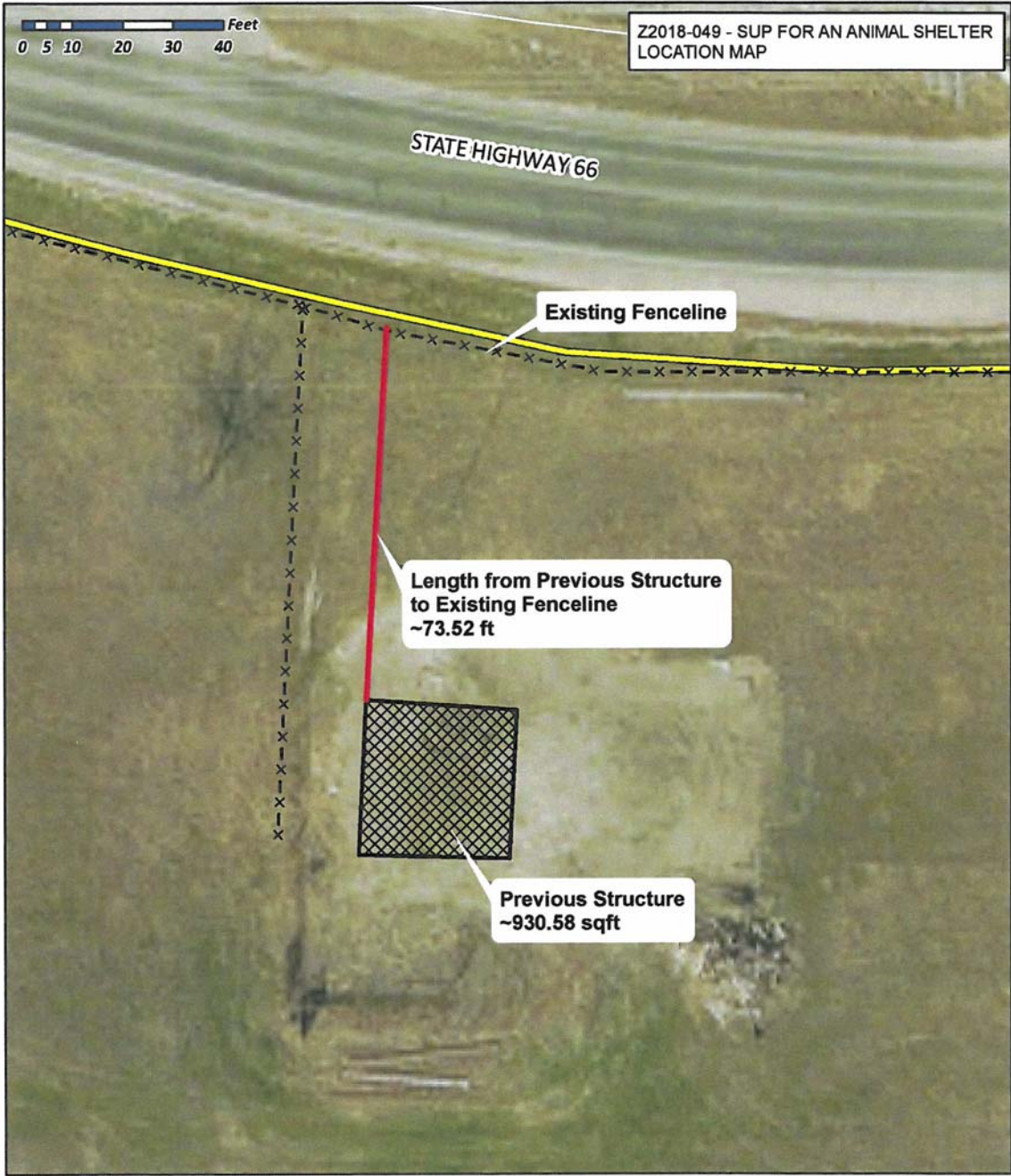


Exhibit 'B':
Animal Shelter – Elevations



Exhibit 'C':
Site Plan



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.



Exhibit 'D';
Building Locations to be Removed

1. Existing Structure attached to Detached Garage
2. Existing Structure attached to Detached Garage
3. Detached Garage
4. Existing Structure Located within Designated 100-year Flood Plain



CITY OF ROCKWALL

ORDINANCE NO. 21-XX

SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW TWO (2) AGRICULTURAL ACCESSORY BUILDINGS AND AN ANIMAL SHELTER OR LOAFING SHED ON A 42.66-ACRE TRACT OF LAND, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request from Mike Peoples for the approval of a Specific Use Permit (SUP) to allow two (2) *Agricultural Accessory Buildings* and an *Animal Shelter or Loafing Shed* on a 42.66-acre tract of land described as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1700 E. SH-66, and being more specifically depicted and described in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

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

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

SECTION 1. That the Unified Development Code (UDC) [Ordinance No. 20-02] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing two (2) *Agricultural Accessory Buildings* and an *Animal Shelter or Loafing Shed* as stipulated by Subsection 01.02, *Land Use Schedule*, and Subsection 02.03, *Conditional Land Use Standards*, of 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 02.03, *Conditional Land Use Standards*, of Article 04, *Permissible Uses*, and Subsection 02.01, *Agricultural (AG) District*, of Article 05, *District Development Standards*, of the

Unified Development Code (UDC) [Ordinance No. 20-02] -- as heretofore amended and as may be amended in the future --, and with the following conditions:

2.1. OPERATIONAL CONDITIONS

The following conditions pertain to the operation of an *Agricultural Accessory Structure* and an *Animal Shelter or Loafing Shed* on the *Subject Property* and conformance to these conditions are required for continued operations:

- (1) The applicant is required to remove the outside storage that is currently situated around the *Agricultural Accessory Building* (i.e. *Building #3*) prior to the issuance of any permits on the *Subject Property*.
- (2) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed* shall generally conform to the concept plan and the conceptual building elevations depicted in *Exhibits 'B' & 'C'* of this ordinance.
- (3) The *Agricultural Accessory Buildings* shall not exceed their current building footprints (i.e. ~3,600 SF for *Building #2* and ~1,800 SF for *Building #3*).
- (4) The *Animal Shelter or Loafing Shed* (i.e. *Building #1*) shall not exceed a maximum size of 3,000 SF.
- (5) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed* (i.e. *Buildings #1, #2, & #3*) shall not exceed their current heights which are depicted in *Exhibit 'C'* of this ordinance.
- (6) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed* (i.e. *Buildings #1, #2, & #3*) shall not be operated as of for commercial land uses.
- (7) The applicant will be required to apply for three (3) building permits from the Building Inspections Departments for the *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed* (i.e. *Buildings #1, #2, & #3*) depicted in *Exhibits 'B' & 'C'* of this ordinance.
- (8) The existing *Agricultural Accessory Building* located in the floodplain on the *Subject Property*, as depicted as *Building #3* in *Exhibits 'B' & 'C'* of this ordinance, shall be moved to the location depicted as *Building #4* in *Exhibit 'B'* within six (6) months of the date of passage of this ordinance and before building permits for *Building #1 & #2* -- depicted in *Exhibits 'B' & 'C'* -- are issued.
- (9) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed* (i.e. *Buildings #1, #2, & #3*) shall not be sold or conveyed separately without meeting the requirements of the Unified Development Code (UDC).
- (10) All buildings (i.e. *Buildings #1, #2, and #3/#4*) shall be required to meet all applicable setback requirements. This means that the subject property will need to be platted prior to the issuance of a building permit for *Building #2* as depicted in *Exhibits 'B' & 'C'* of this ordinance.
- (11) Should the applicant fail to meet any of the requirements of this Specific Use Permit (SUP) within one (1) year of the approval date of this ordinance *Buildings #1, #2 and*

#3/#4 shall be removed from the *Subject Property* within six (6) months of the expiration date 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 compliance to the following:

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

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

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

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

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

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

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 6TH DAY OF DECEMBER, 2021.

Kevin Fowler, *Mayor*

ATTEST:

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: November 15, 2021

2nd Reading: December 6, 2021

Exhibit 'A'
Zoning Exhibit

Address: 1700 E. SH-66

Legal Description: Tract 7 of the D. Harr Survey, Abstract No. 102

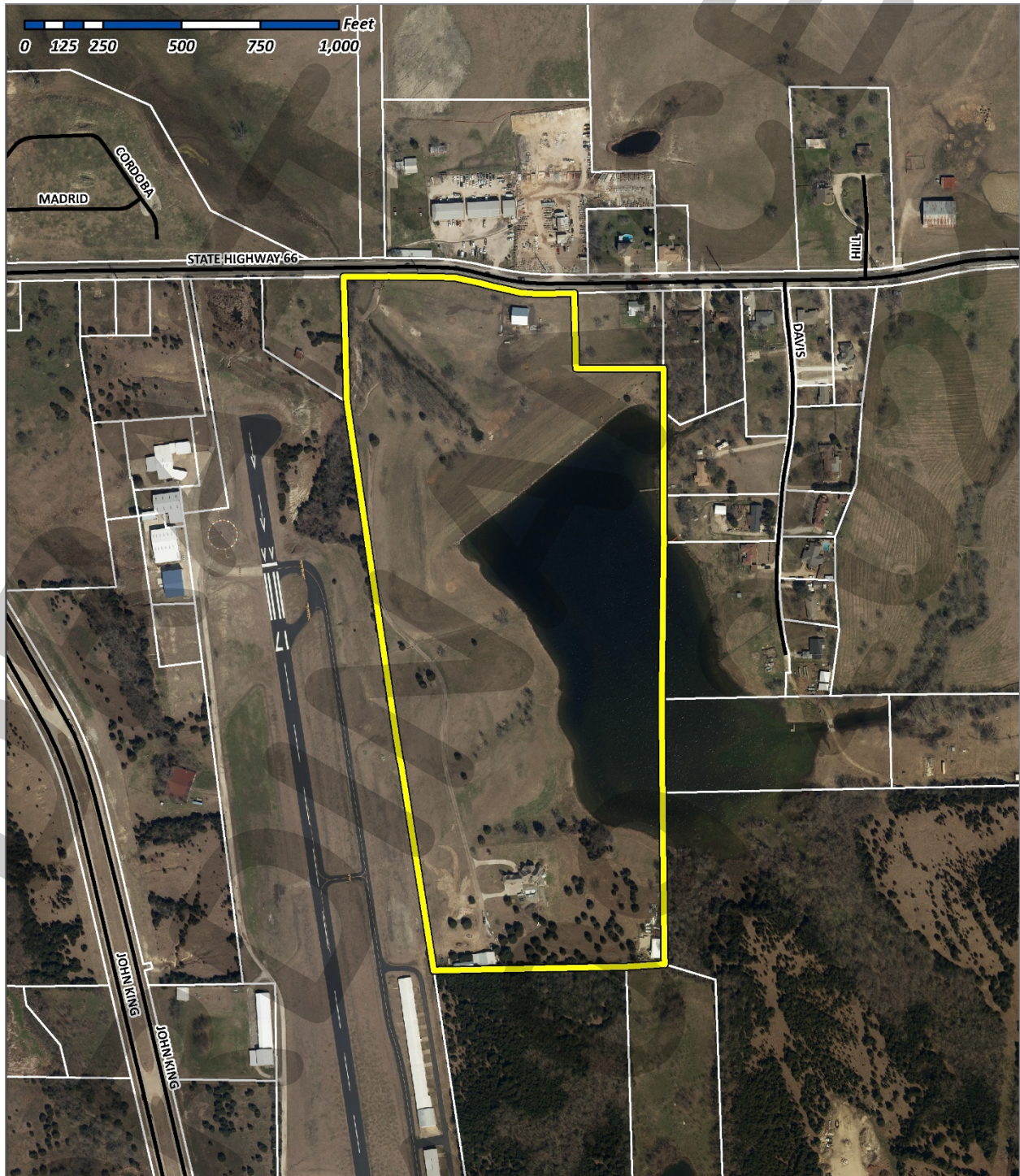
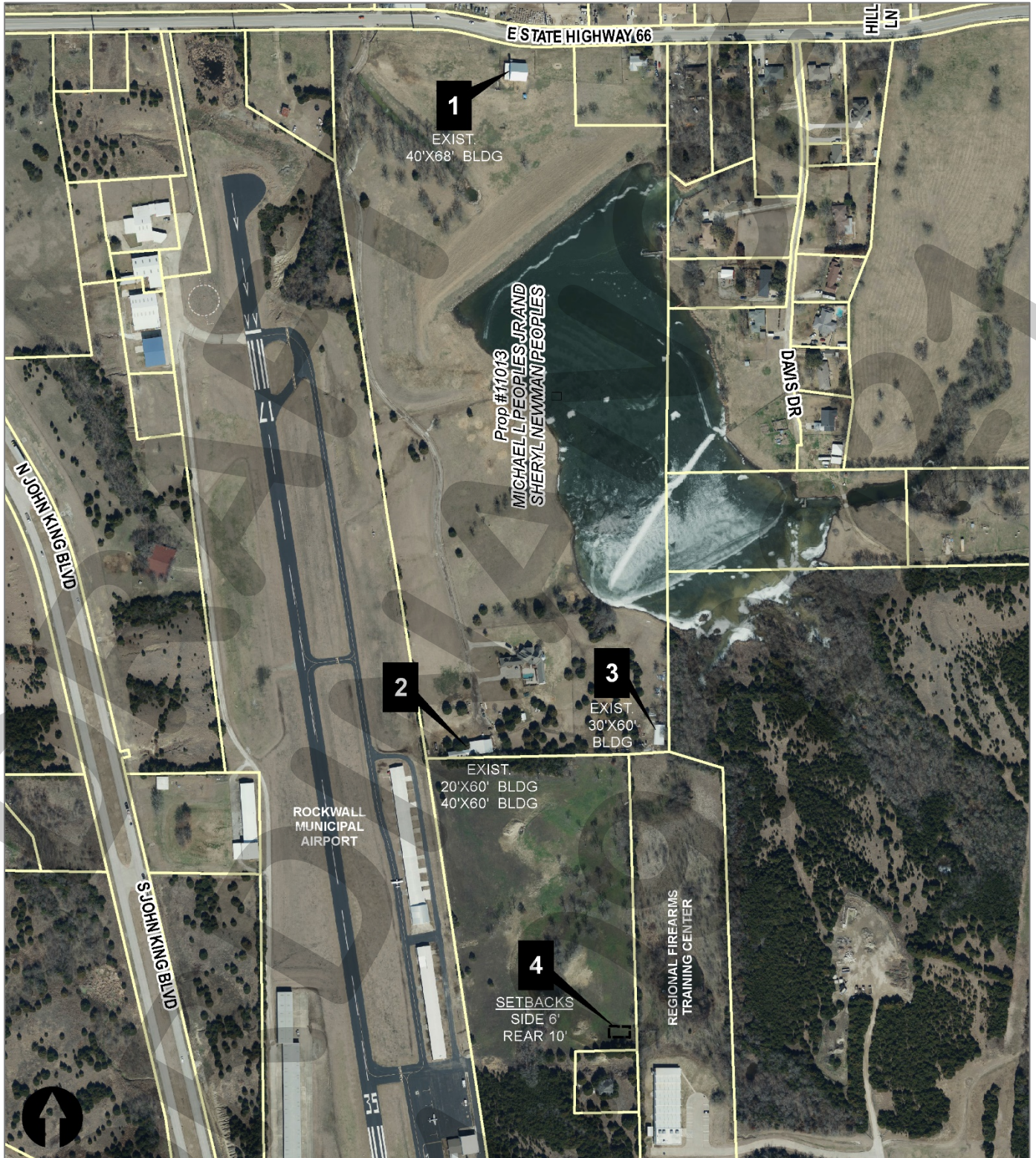


Exhibit 'B':
Site Plan



BUILDING #1: ANIMAL SHELTER OR LOAFING SHED

BUILDING #2: AGRICULTURAL ACCESSORY BUILDING

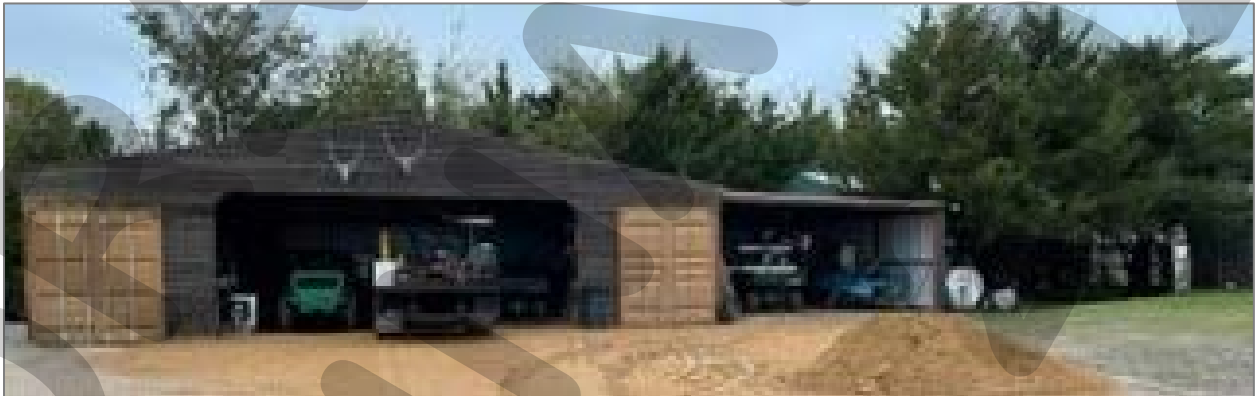
BUILDING #3: AGRICULTURAL ACCESSORY BUILDING CURRENTLY LOCATED IN THE FLOODPLAIN

BUILDING #4: PROPOSED NEW LOCATION FOR BUILDING #3

Exhibit 'C':
Building Elevations



BUILDING #1: ANIMAL SHELTER OR LOAFING SHED



BUILDING #2: AGRICULTURAL ACCESSORY BUILDING



BUILDING #3: AGRICUTLURAL ACCESSORY BUILDING SITUATED WITHIN THE 100-YEAR FLOODPLAIN



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: November 15, 2021

APPLICANT: Mike Peoples

CASE NUMBER: Z2021-046; *Specific Use Permit (SUP) for Agricultural Accessory Buildings and an Animal Shelter or Loafing Shed*

SUMMARY

Hold a public hearing to discuss and consider a request by Mike Peoples for the approval of a Specific Use Permit (SUP) for two (2) *Agricultural Accessory Buildings* and an *Animal Shelter/Loafing Shed* on a 42.66-acre tract of land identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1700 E. SH-66, and take any action necessary.

BACKGROUND

The subject property was annexed into the City of Rockwall on March 16, 1998 by *Ordinance No. 98-10 [Case No. A1998-007]*. At the time of annexation, the subject property was zoned Agricultural (AG) District. This zoning designation has not changed since its adoption in 1998. According to the Rockwall Central Appraisal District (RCAD) currently situated on the subject property is: [1] a 3,836.50 SF single-family home that was constructed in 2010, [2] a ~2,500 SF barn that was constructed in 2017, [3] a ~4,000 SF barn constructed in 2017, and [4] a swimming pool constructed in 2019.

On October 24, 2018, the Building Inspections Department proactively recognized a structure (*i.e. an Animal Shelter/Loafing Shed*) being constructed without a permit on the subject property. The Building Inspections Department then proceeded to confer with Planning Department regarding the requirements for building a structure on the subject property. During this meeting, additional structures were found to exist based on aerial images dating back to 2013. These images depicted two (2) additional structures that were constructed without building permits. The aerial image indicated that one (1) of these structures -- *an Accessory Building* -- lied within the 100-year floodplain. The other structure was a *Detached Garage* that had been enlarged on at least two (2) separate occasions (*i.e. aerial images indicate that the structure was enlarged in December 2015 and September 2017*). City records indicated that no permits were requested for the construction of either of these structures or the following additions. Subsequently, the Building Inspections Department issued a *Stop Work Order* on October 25, 2018 for the *Animal Shelter/Loafing Shed*, requiring the applicant to submit a Specific Use Permit (SUP) and building permits for the *Animal Shelter*, *Detached Garage*, and *Accessory Building*. On November 6, 2018, the applicant applied for a Specific Use Permit (SUP) and building permit for the *Animal Shelter/Loafing Shed*. On November 19, 2018, the applicant applied for a Specific Use Permit (SUP) and building permit for the *Detached Garage*. Staff should note that at the time these applications were submitted, the *Permissible Use Charts* contained in Article 04, *Permissible Uses*, of the Unified Development Code (UDC) did not allow *Accessory Buildings* in an Agricultural (AG) District, and based on this -- *coupled with the fact that the Accessory Building was wholly situated within a 100-year floodplain* -- staff required that the *Accessory Building* be removed from the subject property.

On December 17, 2018, the City Council reviewed the Specific Use Permit (SUP) cases for the *Animal Shelter/Loafing Shed* [Case No. Z2018-049] and *Detached Garage* [Case No. Z2018-053]. Ultimately, the City Council continued (*i.e. postponed*) the public hearing for the *Animal Shelter/Loafing Shed* -- *for the purpose of allowing the applicant time to get a survey of the subject property completed* --, and failed to adopt a motion to approve the *Detached Garage* by a vote of 2-5 (*with Council Members Trowbridge, Hohenselt, Pruitt, Daniels, and Johannesen dissenting*). Some of the major concerns stated by staff and the City Council at the time of consideration were the fact that the proposed *Detached Garage* was constructed without a permit and that it did not conform to the building material requirements that were in place at the time. On January 7, 2019, the City Council continued the public hearing for the *Animal Shelter/Loafing Shed*. The City Council adopted a motion requiring

that additional operational conditions be added to the Specific Use Permit (SUP) ordinance to include the removal of the *Detached Garage* and *Accessory Building* within six (6) months of the adoption of the ordinance. The Specific Use Permit (SUP) ordinance [Ordinance No. 19-06; S-204] was adopted by the City Council on January 22, 2019 by a vote of 7-0. Staff has provided the minutes from these meetings and the adopted Specific Use Permit (SUP) ordinance [Ordinance No. 19-06] for the Planning and Zoning Commission and City Council's review.

On June 22, 2020, the Specific Use Permit (SUP) [S-204] expired due to inactivity in accordance with Subsection 02.02(D) of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) and the terms of Ordinance No. 19-06. At the time of expiration -- and due to the COVID-19 situation creating a backlog in the court system --, the three (3) citations written on August 1, 2019 [Case No. CE1546] had not been resolved and no fine had been issued. Based on this staff reengaged the applicant to try and work through the issues, and in August 2021 the applicant approached staff about resubmitting a Specific Use Permit (SUP) request. At the time, the City Council was considering an additional application fee for *Non-Compliant Structures*, and based on this staff requested that the applicant wait to make application until this new ordinance was in place. The *Non-Compliant Structure Fee* was adopted into Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) on September 7, 2021. Following this approval, the applicant submitted a Specific Use Permit (SUP) application on October 15, 2021.

In considering this new application, staff should point out that there have been two (2) substantial changes to the Unified Development Code (UDC) that change the way the applicant's request can be considered: [1] the addition of a land use for *Agricultural Accessory Buildings* was added to the *Permissible Use Charts* in Article 04, *Permissible Uses*, of the Unified Development Code (UDC), and [2] HB2439 was adopted as part of the 86th Legislative Session effectively restricting a City from enforcing or adopting regulations that prohibit or limit -- *directly or indirectly* -- the use or installation of a building product or material in the construction or renovation of residential and commercial buildings (*these changes are further explained in the Conformance with the City's Codes section of this case memo*). These two (2) changes allow both the *Detached Garage* and *Accessory Building* to be considered by Specific Use Permit (SUP) as *Agricultural Accessory Buildings*, and brings all of the buildings into closer compliance with the new requirements of the Unified Development Code (UDC).

PURPOSE

The applicant -- Mike Peoples -- is requesting the approval of a Specific Use Permit (SUP) to allow two (2) *Agricultural Accessory Buildings* and an *Animal Shelter or Loafing Shed* in accordance with the requirements of Subsection 01.01, *Use of Land and Buildings*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC). Staff should note that since these structures were previously constructed, the *Non-Compliant Structure Fee* was added to the application fees for this case in accordance with Section 10, *Fee Schedule*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC).

ADJACENT LAND USES AND ACCESS

The subject property is addressed as 1700 E. SH-66. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property is SH-66, which is identified as a TXDOT4D (*i.e. Texas Department of Transportation, four [4] lane, divided roadway*) according to the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is a 4.479-acre tract of land (*i.e. Tract 25-2 of the W. M. Dalton Survey, Abstract No 72*) with several legally non-conforming buildings that have multiple businesses in them (*e.g. Classic Rock Stone Yard, Auto Glass by Jerry, Special D Automotive, and etc.*). North of this is an 11.965-acre tract of vacant land (*i.e. Tract 25 of the W. M. Dalton Survey, Abstract No. 72*). All of these properties are zoned Agricultural (AG) District.

South: Directly south of the subject property is a 12.00-acre tract of vacant land (*i.e. a portion of Tract 21 of the D. Harr Survey, Abstract No. 102*), which is also owned by the applicant. South of this tract is a 5.96-acre tract of vacant land (*i.e. a portion of Tract 21 of the D. Harr Survey, Abstract No. 102*) and a one (1) acre tract of land (*i.e. Tract 21-01 of the D. Harr Survey, Abstract No. 102*) with a single-family home situated on it. Beyond this is Airport Road, which is identified as a M4U (*i.e. major collector, four [4] lane, divided roadway*) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

East: Directly east of the subject property are 14 single-family homes situated on 15 tracts of land (i.e. Tracts 1, 3, 8, 10, 11, 11-01, 11-03, 11-4, 11-5, 12, 13, 16, 17, & 19 of the D. Harr Survey, Abstract No. 102 and Lot 1, Block A, Widboom Addition). Also, east of the subject property is a 64.514-acre tract of land (i.e. Tract 15 of the D. Harr Survey, Abstract No. 102) that is owned by the City of Rockwall. All of these properties are zoned Agricultural (AG) District.

West: Directly west of the subject property is the Ralph Hall Municipal Airport, which is situated on a 47.89-acre parcel of land (i.e. Lot 1 of the Rockwall Municipal Airport) zoned Agricultural (AG) District. Beyond this are two (2) vacant tracts of land (i.e. Tracts 1 & 6-1 of the G. W. Redlin Survey, Abstract No. 183) zoned Planned Development District 71 (PD-71) for Commercial (C) District land uses. West of these tracts is John King Boulevard, which is identified as a P6D (i.e. principal arterials, six [6] lane, divided roadway) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

CHARACTERISTICS OF THE REQUEST

The applicant has submitted an application and an applicant's letter requesting that the City Council grant a Specific Use Permit (SUP) allowing: [1] an existing ~3,600 - ~4,000 SF *Agricultural Accessory Building*, [2] the relocation of an existing ~1,800 SF *Agricultural Accessory Building*, and [3] an existing ~2,720 SF *Animal Shelter or Loafing Shed*. The characteristics and locations of these buildings is as follows:

Animal Shelter or Loafing Shed: Depicted as Building #1 on the Ordinance Exhibit 'B'

The *Animal Shelter or Loafing Shed* is approximately 40-feet by 68 feet (or ~2,720 SF) and is constructed out of metal R-Panel. It is estimated that the existing structure is setback between 40-feet and 50-feet from the front property line adjacent to SH-66. The structure is approximately 15-feet in height. In front of the *Animal Shelter or Loafing Shed* is a bulk feed bin, which is estimated to stand approximately 13-feet in height and is setback approximately 45-feet from the front property line.



Agricultural Accessory Building: Depicted as Building #2 on the Ordinance Exhibit 'B'

The existing *Agricultural Accessory Building*, situated in the southwest corner of the subject property, is estimated to be between ~3,600 SF and ~4,000 SF (i.e. the main portion of the structure is ~40-feet by ~60-feet and the addition to the southwest is estimated to be ~20-feet by ~60-feet). The structure is built out of a combination of shipping containers, wood siding, and metal R-Panel. A portion of the structure is currently built on the rear yard property line of the subject property and violates the minimum ten (10) foot setback for rear yards stipulated by the Agricultural (AG) District standards contained in the Unified Development Code (UDC). Currently, the structure does not have any visibility from adjacent properties with the exception of the Ralph Hall Municipal Airport, where a portion of the structure is visible from the northern most point of the southeast taxiway.



Agricultural Accessory Building: Depicted as Building #3 & #4 on the Ordinance Exhibit 'B'

The existing *Agricultural Accessory Building*, situated in the southeast corner of the subject property, is wholly located within the 100-year floodplain. This structure is estimated to be ~1,800 SF (or ~30-feet by ~60-feet). The structure is constructed utilizing metal *R-Panel*, and is estimated to be less than 15-feet in height. The applicant is proposing to move this structure out of the floodplain on to the property directly south of the subject property (i.e. a portion of Tract 21 of the D. Harr Survey, Abstract No. 102). This new location would be in conformance with the setback requirements for the Agricultural (AG) District contained in the Unified Development Code (UDC), and would not have any visibility to adjacent properties.



CONFORMANCE WITH THE CITY'S CODES

On January 7, 2019, the City Council -- in response to an appointment with Dewayne Cain -- directed staff to change the Unified Development Code (UDC) to incorporate an *Agricultural Accessory Building* land use into Article 04, *Permissible Uses*. Based on this direction staff brought forward the requested changes on February 19, 2019, and the City Council adopted the new land use and operational conditions on March 4, 2019 through *Ordinance No. 19-12*. According to this new ordinance (consolidated in Section 02.03, *Conditional Land Use Standards, of Article 04, Permissible Uses, of the Unified Development Code [UDC]*) a *Barn or Agricultural Accessory Building* is permitted by a Specific Use Permit (SUP) in an Agricultural (AG) District subject to the following *Conditional Land Use Standards*:

- (1) The property shall be a minimum of ten (10) acres or more in size.
- (2) A *Barn or Agricultural Accessory Building* shall be a minimum of 2,000 SF and a maximum of 4,999 SF in total size (i.e. under roof).
- (3) The *Barn or Agricultural Accessory Building* shall be located behind the front façade of the primary structure, and be subject to the same building setbacks as the primary structure.

Staff has placed a table below (i.e. *Table 1: Subject Property's Current Conformance with the Conditional Land Use Standards for Agricultural Accessory Buildings*) showing how the two (2) *Agricultural Accessory Buildings* currently conform to the *Conditional Land Use Standards* stated above.

TABLE 1: SUBJECT PROPERTY'S CURRENT CONFORMANCE WITH THE CONDITIONAL LAND USE STANDARDS FOR AGRICULTURAL ACCESSORY BUILDINGS

CONDITIONAL USE STANDARD	AGRICULTURAL ACCESSORY BUILDING #2	AGRICULTURAL ACCESSORY BUILDING #3
MINIMUM LOT SIZE OF ONE (1) ACRE	42.66-ACRES; IN CONFORMANCE	42.66-ACRES; IN CONFORMANCE ¹
BUILDING SHALL BE 2,000 SF < X < 4,999 SF	~2,720 SF; IN CONFORMANCE	~1,800 SF; NOT IN CONFORMANCE
LOCATED BEHIND THE FRONT FACADE	YES; IN CONFORMANCE	YES; IN CONFORMANCE
MEETS SETBACK REQUIREMENTS	YES; NOT IN CONFORMANCE ²	YES; IN CONFORMANCE ³

NOTES:

¹: AFTER THE PROPERTY IS PLATTED THE SUBJECT PROPERTY WILL BE APPROXIMATELY 53.96-ACRES.

²: AFTER THIS PROPERTY IS PLATTED THE APPLICANT'S REQUEST WILL BE IN COMPLIANCE WITH THIS REQUIREMENT.

³: A CONDITION OF THE SPECIFIC USE PERMIT (SUP) ORDINANCE IS THAT WHEN THIS STRUCTURE IS MOVED IT WILL MEET THE MINIMUM SETBACKS FOR THE AGRICULTURAL (AG) DISTRICT.

With regard to an *Animal Shelter or Loafing Shed*, Subsection 01.01, *Use of Land and Buildings*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC) states an *Animal Shelter or Loafing Shed* requires a Specific Use Permit (SUP) in an Agricultural (AG) District. There are currently no *Conditional Land Use Standards* for the *Animal Shelter or Loafing Shed* land use, and these uses are only subject to the Agricultural (AG) District development standards stipulated by Subsection 07.01, *Residential District Development Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC), and which are summarized in *Table 2: Subject Property's Current Conformance with the Agricultural (AG) District Standards* below.

TABLE 2: SUBJECT PROPERTY'S CURRENT CONFORMANCE WITH THE AGRICULTURAL (AG) DISTRICT STANDARDS

DEVELOPMENT STANDARDS		AGRICULTURAL (AG) DISTRICT	SUBJECT PROPERTY CONFORMANCE
ABBREVIATION		AG	AG
DWELLING UNITS/LOTS		1.0 ¹	1.0; <i>IN CONFORMANCE</i>
DWELLING UNITS/ACRE		0.1	0.023; <i>IN CONFORMANCE</i>
MINIMUM DWELLING UNIT (SF)		1,600	3,836.50 SF; <i>IN CONFORMANCE</i>
MINIMUM LOT REQUIREMENTS	AREA (SF)	43,560	1,858,269.60 SF; <i>IN CONFORMANCE</i>
	WIDTH (FEET)	100	718.50-FEET; <i>IN CONFORMANCE</i> ²
	DEPTH (FEET)	200	2,162.50-FEET; <i>IN CONFORMANCE</i> ³
MINIMUM SETBACKS	FRONT (FEET)	40	X ≥ 40-FEET; <i>IN CONFORMANCE</i>
	REAR (FEET)	10	0-FEET; <i>NOT IN CONFORMANCE</i> ⁴
	(SIDE (FEET)	6	~10-FEET; <i>IN CONFORMANCE</i>
BETWEEN BUILDINGS (FEET)		12	X > 10-FEET; <i>IN CONFORMANCE</i>
BUILDING HEIGHT (FEET)		36	X ≤ 36-FEET; <i>IN CONFORMANCE</i>
MAXIMUM LOT COVERAGE (%)		N/A	<i>IN CONFORMANCE</i>

NOTES:

¹: A MINIMUM LOT SIZE OF TEN (10) ACRES IS REQUIRED FOR THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING.

²: AFTER THIS PROPERTY IS PLATTED THE MINIMUM LOT WIDTH WILL BE REDUCED TO 500.50-FEET; HOWEVER, THIS WILL NOT CHANGE THE COMPLIANCE OF THE LOT WITH THE AGRICULTURAL (AG) DISTRICT REQUIREMENTS.

³: AFTER THIS PROPERTY IS PLATTED THE MINIMUM LOT DEPTH WILL BE INCREASED TO 3,012.90-FEET.

⁴: AFTER THIS PROPERTY IS PLATTED THE APPLICANT'S REQUEST WILL BE IN COMPLIANCE WITH THIS REQUIREMENT.

Staff should note, that the existing *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed* either currently conform to or will conform to the Unified Development Code (UDC) if the *Operational Conditions* in the Specific Use Permit (SUP) ordinance are enacted.

STAFF ANALYSIS

In the process of preparing this case memo and draft ordinance it was realized that the applicant had constructed a fourth unpermitted accessory structure between September 2019 and November 2020 (see *Images 1 - 3*). This new accessory building appears to be 15-feet by 20-feet (or 300 SF). In staff's conversations with the applicant, staff has learned that this structure is a portable chicken coop. According to Section 6-162, *Keeping, Confining and Breeding Regulations*, of the Municipal Code of Ordinances, "(i)t shall be unlawful to own or keep chickens, ducks, turkeys, geese, peacocks, or guinea hens within the corporate limits of the city except in agricultural zone districts." In addition, Subsection 03.01(B), *Other Animals*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC), states that "(a)n SUP is required for other farm animals, including chickens ...". Staff has conveyed to the applicant that he will be required to submit an application for a Specific Use Permit (SUP) for the chickens, and this has been added as a *Condition of Approval* in the *Conditions of Approval* section of this case memo. Staff should also note that the applicant indicated a willingness to bring this non-conformity into conformance.



IMAGE 1: CHICKEN COOP



IMAGE 2: SEPTEMBER 2019



IMAGE 3: NOVEMBER 2020

Staff is also obligated to point out that the applicant has been storing materials within the 100-year floodplain, which is not permitted under Chapter 11, *Flood Hazard Damage Prevention and Control*, of the City's Municipal Code of Ordinances (see Image 4). According to this ordinance, *Development* is defined as "...any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials." This

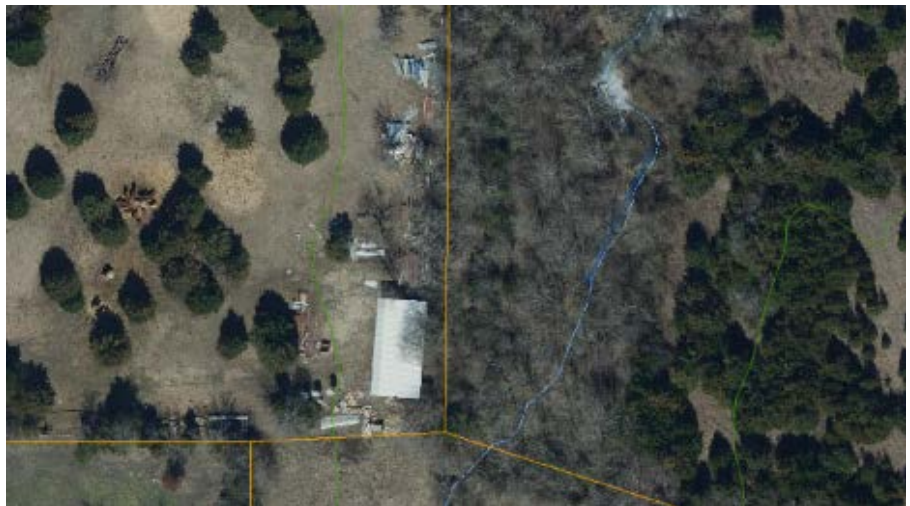


IMAGE 4: OUTSIDE STORAGE IN THE FLOODPLAIN

This ordinance also defines a *Violation* as "... the failure of a structure or *other development* to be fully compliant with the community's floodplain management regulations. A structure or *other development* without the elevation certificate, other certifications, or other evidence of compliance ... is presumed to be in violation until such time as that documentation is provided." In this case, no documentation has been provided showing compliance, and staff has verified per aerial imagery that the storage in the floodplain started around March 2015 and has been increasing annually. Staff has conveyed to the applicant that the outside storage will need to be removed, and the applicant has indicated that if approved he is amenable to removing the materials from the floodplain. As part of the *Operational Conditions* in the Specific Use Permit (SUP) ordinance, staff has included a requirement that all outside storage be removed from the floodplain prior to the issuance of any permits on the subject property.

With all this being said, when considering the size and visibility of the two (2) *Agricultural Accessory Buildings*, the applicant's request -- *if brought into conformance as stated in the Operational Conditions in the Specific Use Permit (SUP) ordinance* -- does not appear to negatively impact the adjacent properties. In addition, the *Animal Shelter or Loafing Shed* situated on SH-66 is similar to other *Animal Shelters or Loafing Sheds* on Clem Road and Cornelius Road, and does not appear to create a negative impact on any of the adjacent properties. Taking this into account, a Specific Use Permit (SUP) is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission. Staff is obligated to note that should the City Council fail to approve this Specific Use Permit (SUP) request, the applicant will be required to remove all three (3) structures from the subject property or enforcement actions will be taken.

NOTIFICATIONS

On October 22, 2021, staff mailed 33 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Rolling Meadows Homeowner's Association (HOA), which was the only Homeowner's Association (HOA)/Neighborhood Organization within 1,500-feet 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 four (4) notices/emails/letters within the 500-foot notification area in favor of the applicant's request.

CONDITIONS OF APPROVAL

If the City Council chooses to approve the applicant's request for a Specific Use Permit (SUP) for *Agricultural Accessory Buildings* and an *Animal Shelter or Loafing Shed*, 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 applicant is required to remove the outside storage that is currently situated around the *Agricultural Accessory Building (i.e. Building #3)* prior to the issuance of any permits on the *Subject Property*.
 - (b) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed* shall generally conform to the concept plan and the conceptual building elevations depicted in *Exhibits 'B' & 'C'* of the Specific Use Permit (SUP) ordinance.
 - (c) The *Agricultural Accessory Buildings* shall not exceed their current building footprints (*i.e. ~3,600 SF for Building #2 and ~1,800 SF for Building #3*).
 - (d) The *Animal Shelter or Loafing Shed (i.e. Building #1)* shall not exceed a maximum size of 3,000 SF.
 - (e) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed (i.e. Buildings #1, #2, & #3)* shall not exceed their current heights which are depicted in *Exhibit 'C'* of the Specific Use Permit (SUP) ordinance.
 - (f) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed (i.e. Buildings #1, #2, & #3)* shall not be operated as of for commercial land uses.
 - (g) The applicant will be required to apply for three (3) building permits from the Building Inspections Departments for the *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed (i.e. Buildings #1, #2, & #3)* depicted in *Exhibits 'B' & 'C'* of the Specific Use Permit (SUP) ordinance.
 - (h) The existing *Agricultural Accessory Building* located in the floodplain on the *Subject Property*, as depicted as *Building #3* in *Exhibits 'B' & 'C'* of the Specific Use Permit (SUP) ordinance, shall be moved to the location depicted as *Building #4* in *Exhibit 'B'* within six (6) months of the date of passage of the Specific Use Permit (SUP) ordinance and before building permits for *Building #1 & #2 -- depicted in Exhibits 'B' & 'C' --* are issued.
 - (i) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed (i.e. Buildings #1, #2, & #3)* shall not be sold or conveyed separately without meeting the requirements of the Unified Development Code (UDC).
 - (j) All buildings (*i.e. Buildings #1, #2, and #3/#4*) shall be required to meet all applicable setback requirements. This means that the subject property will need to be platted prior to the issuance of a building permit for *Building #2* as depicted in *Exhibits 'B' & 'C'* of the Specific Use Permit (SUP) ordinance.
 - (k) Should the applicant fail to meet any of the requirements of this Specific Use Permit (SUP) within one (1) year of the approval date of the Specific Use Permit (SUP) ordinance *Buildings #1, #2 and #3/#4* shall be removed from the *Subject Property* within six (6) months of the expiration date of the Specific Use Permit (SUP) ordinance.
- (2) The applicant will be required to submit a Specific Use Permit (SUP) for the chicken coop and chickens on the subject property by the December 17, 2021 application deadline.

- (3) When the *Building # 3* is relocated to *Building #4* it shall maintain conformance with the Agricultural (AG) District requirements.
- (4) 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 November 9, 2021, the Planning and Zoning Commission approved a motion to recommend approval of the Specific Use Permit (SUP) per staff's recommendations by a vote of 4-1, with Commissioner Womble dissenting and Commissioners Moeller and Thomas absent.



DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO.

2021-046

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

DIRECTOR OF PLANNING:

CITY ENGINEER:

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

PLATTING APPLICATION FEES:

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

SITE PLAN APPLICATION FEES:

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

ZONING APPLICATION FEES:

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

OTHER APPLICATION FEES:

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

NOTES:

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

+1000.00
 1200.00

PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS

1700 EAST SH 66

SUBDIVISION

agricultural

LOT

BLOCK

GENERAL LOCATION

56 ACRES EAST OF RALPH HALL MUNICIPAL AIRPORT.

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

Mike Peoples

☐ APPLICANT

CONTACT PERSON

Mike Peoples

CONTACT PERSON

Same.

ADDRESS

1700 East SH 66

ADDRESS

Rockwall Tx 75087

CITY, STATE & ZIP

CITY, STATE & ZIP

PHONE

214-957-0807

PHONE

E-MAIL

MP Rockwall@yahoo.com

E-MAIL

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:

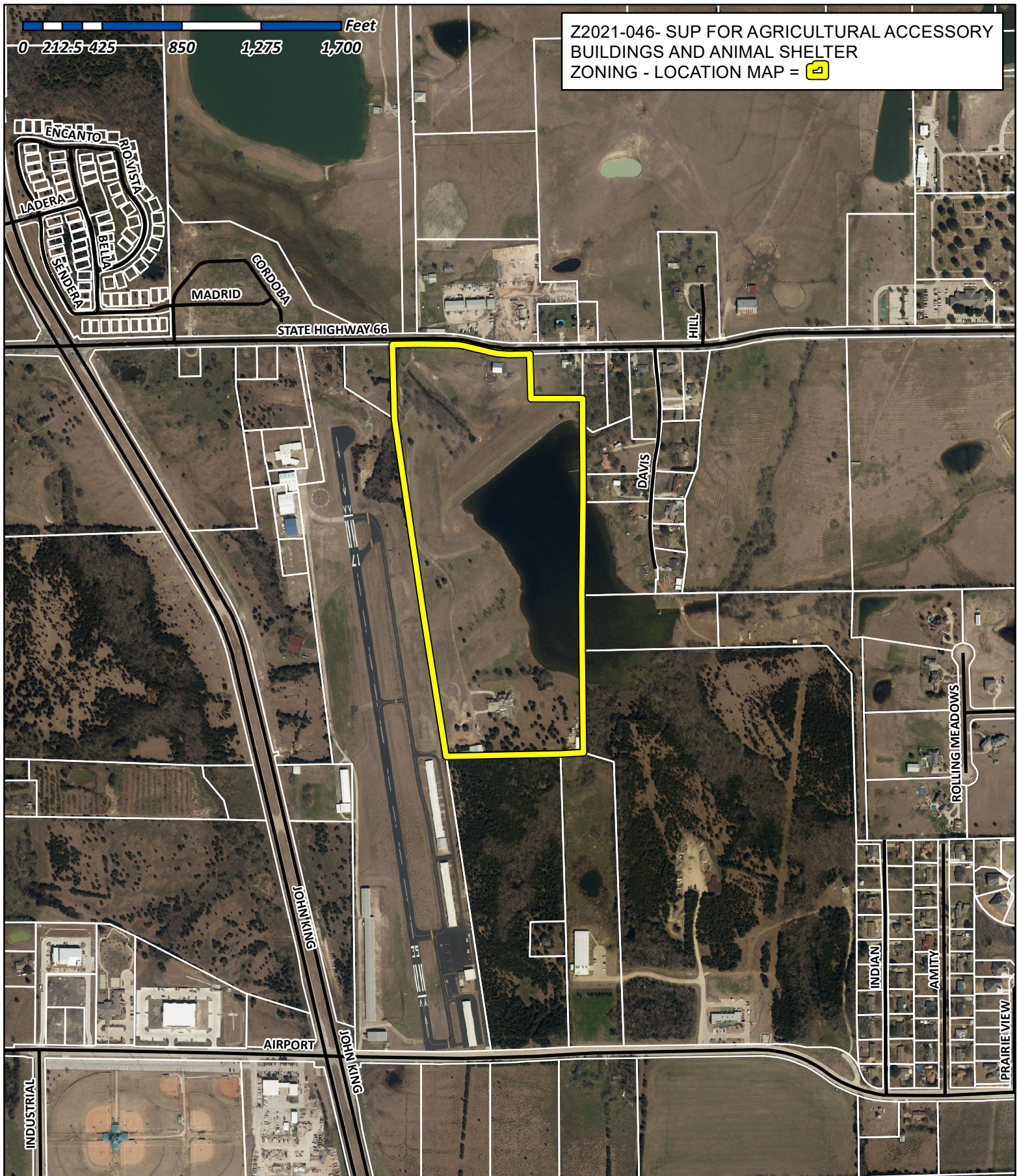
"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ _____ TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE _____ DAY OF _____, 20____. BY SIGNING THIS APPLICATION, 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



City of Rockwall

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

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

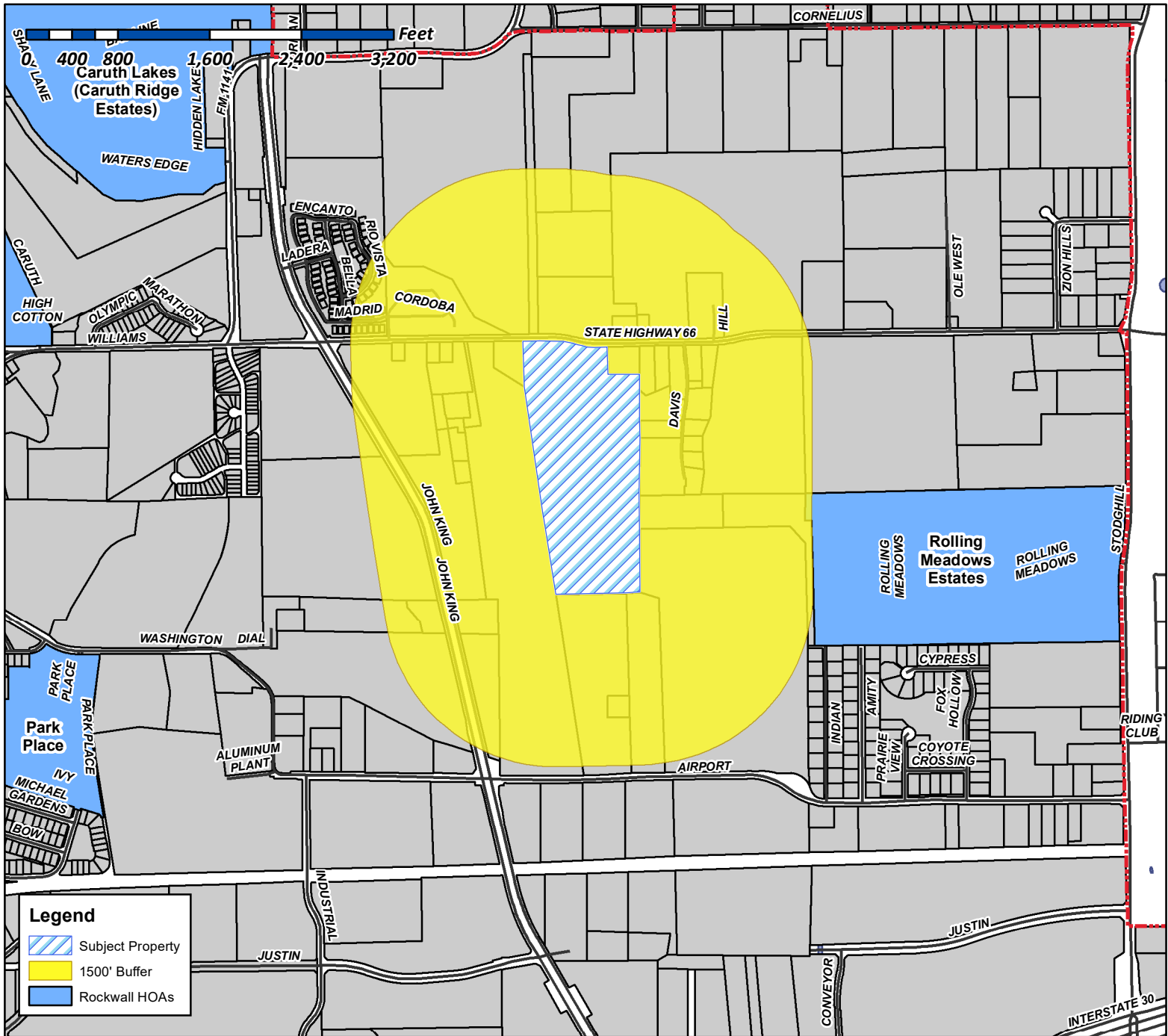




City of Rockwall

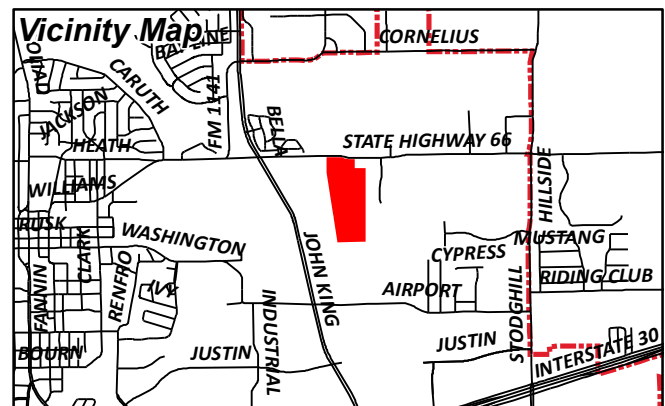
Planning & Zoning Department
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Case Number: Z2021-046
Case Name: SUP for Agricultural Accessory Buildings and Animal Shelter
Case Type: Zoning
Zoning: Agricultural (AG) District
Case Address: 1700 E SH 66

Date Created: 10/18/2021
For Questions on this Case Call (972) 771-7745



Miller, Ryan

From: Gamez, Angelica
Sent: Friday, October 22, 2021 9:31 AM
Cc: Miller, Ryan; Reyna, Andrew; Lee, Henry
Subject: Neighborhood Notification Program [Z2021-046]
Attachments: Public Notice (10.20.2021).pdf; HOA Map (10.18.2021).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 *October 29, 2021*. The Planning and Zoning Commission will hold a public hearing on *Tuesday, November 9, 2021 at 6:00 PM*, and the City Council will hold a public hearing on *Monday, November 15, 2021 at 6:00 PM*. Both hearings will take place at 6:00 PM at City Hall, 385 S. Goliad, Rockwall, TX 75087.

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

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

Z2021-046: SUP for two (2) Agricultural Accessory Buildings and Animal Shelter/Loafing Shed

Hold a public hearing to discuss and consider a request by Mike Peoples for the approval of a *Specific Use Permit (SUP)* for two (2) *Agricultural Accessory Buildings* and an *Animal Shelter/Loafing Shed* on a 42.66-acre tract of land identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1700 E. SH-66, and take any action necessary.

Thank you,

Angelica Gamez

Planning & Zoning Coordinator

City of Rockwall

972.771.7745 Office

972.772.6438 Direct

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

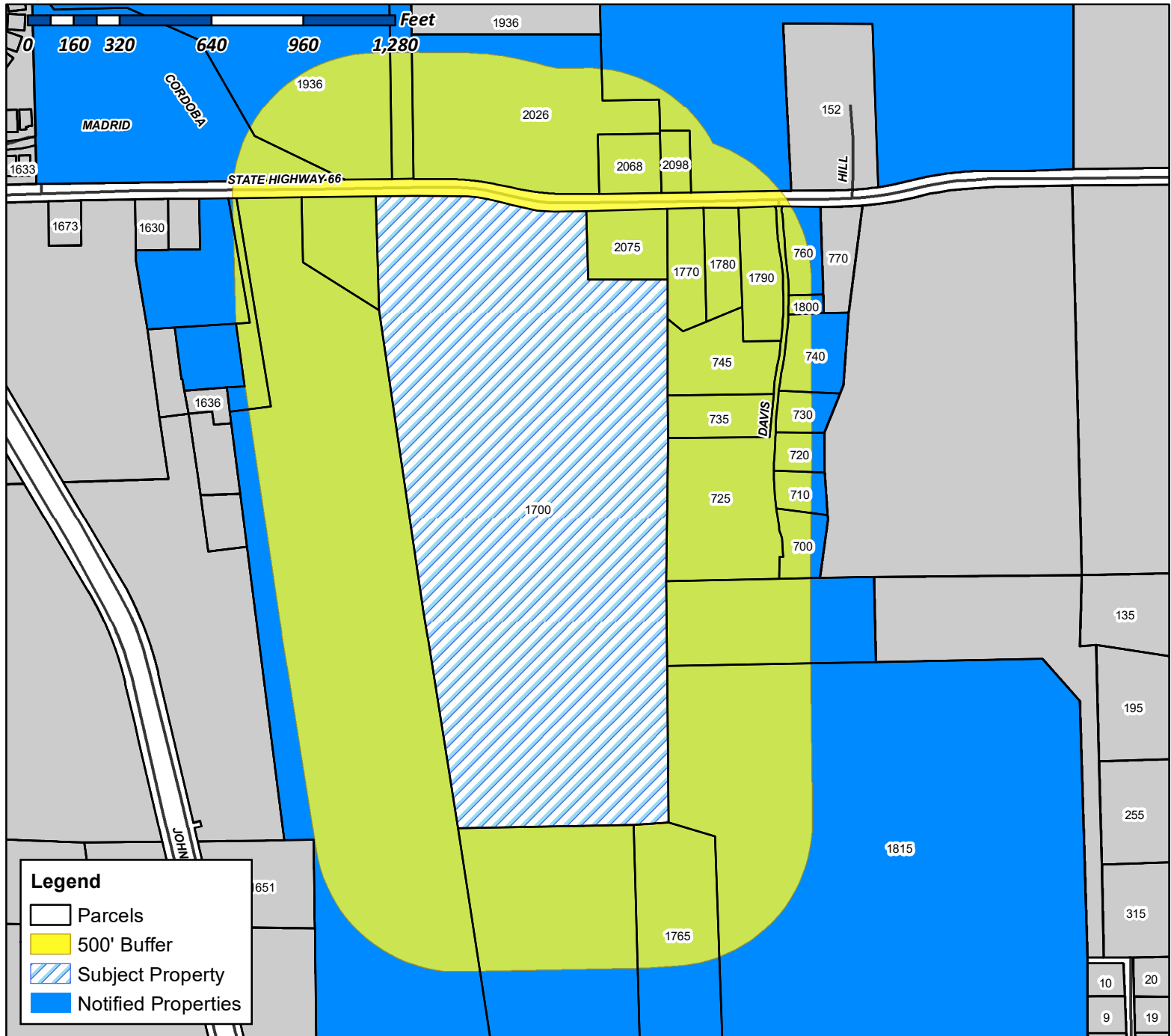
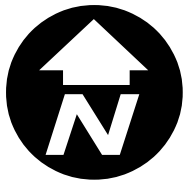
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City of Rockwall

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

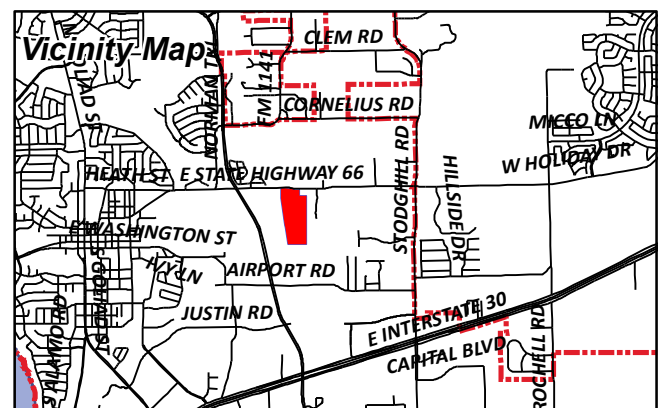
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Case Number: Z2021-046
Case Name: SUP for Agricultural Accessory Buildings and Animal Shelter
Case Type: Zoning
Zoning: Agricultural (AG) District
Case Address: 1700 E SH 66

Date Created: 10/18/2021

For Questions on this Case Call (972) 771-7745



PEOPLES MICHAEL L JR AND
SHERYL NEWMAN PEOPLES
1700 STATE HIGHWAY 66
ROCKWALL, TX 75087

CUMMINGS JOHN & LORI
1770 E HWY 66
ROCKWALL, TX 75087

COLLIER JUDY KAY AND
THERESA ROBBINS
1780 WILLIAMS ST
ROCKWALL, TX 75087

MCILRATH PROPERTIES LLC
1790 WILLIAMS ST
ROCKWALL, TX 75087

RYAN BILL K
1800 WILLIAMS ST
ROCKWALL, TX 75087

CITY OF ROCKWALL
1815 AIRPORT RD
ROCKWALL, TX 75087

PEOPLES MIKE L
1936 HWY 66
ROCKWALL, TX 75087

PEOPLES MICHAEL L
2026 HWY 66
ROCKWALL, TX 75087

CITY OF ROCKWALL
205 W RUSK ST
ROCKWALL, TX 75087

SALINAS HILSE S
2068 STATE HWY 66
ROCKWALL, TX 75087

PEOPLES MICHAEL L JR AND
SHERYL NEWMAN PEOPLES
2075 WILLIAMS
ROCKWALL, TX 75087

GILLILAND TOMMY JOE
2098 WILLIAMS
ROCKWALL, TX 75087

ROCKWALL PROPERTY CORP
ATTN: BILL BRICKER
305 PARK PLACE BLVD
ROCKWALL, TX 75087

CAIN FAMILY PARTNERSHIP LTD
305 STONEBRIDGE DR
ROCKWALL, TX 75087

CUMMINGS JOHN & LORI
308 STONEBRIDGE DR
ROCKWALL, TX 75087

RYAN BILL K
330 VZ CR 2207
CANTON, TX 75103

RW LADERA LLC
361 W BYRON NELSON BLVD SUITE 104
ROANOKE, TX 76262

RYAN GARY S AND CONSTANCE E
502 WILLIAMS ST
ROCKWALL, TX 75087

DAVIS WILLIAM PAUL JR
510 TURTLE COVE BLVD STE 200
ROCKWALL, TX 75087

MCILRATH PROPERTIES LLC
636 GRISHAM DR
ROCKWALL, TX 75087

SELLERS DONYA BEATRICE
700 DAVIS DR
ROCKWALL, TX 75087

RYAN GARY S AND CONSTANCE E
710 DAVIS DR
ROCKWALL, TX 75087

MOCK ALYSSA
720 DAVIS DR
ROCKWALL, TX 75087

MA MICHAEL D AND CAROLINE J G MOORE
725 DAVIS DR
ROCKWALL, TX 75087

DAILEY MARK L
730 DAVIS DR
ROCKWALL, TX 75087

BANUELOS SHERRI L
735 DAVIS DR
ROCKWALL, TX 75087

RINKEVICH FAMILY LIVING TRUST
JOSEPH W RINKEVICH- TRUSTEE
740 DAVIS DR
ROCKWALL, TX 75087

RAINES SHERYL
745 DAVIS DR
ROCKWALL, TX 75087

COOK SHERRY LYNN
760 DAVIS DRIVE
ROCKWALL, TX 75087

DIMISSEW SAMUEL
956 S WEATHERED DR
RICHARDSON, TX 75080

ATHEY JACK R
P.O. BOX 219
LAVON, TX 75166

PEOPLES MIKE L
PO BOX 41
ROCKWALL, TX 75087

RAINES SHERYL
PO BOX 412
ROCKWALL, TX 75087

PUBLIC NOTICE



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

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

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

Case No. Z2021-046: SUP for Two (2) Agricultural Accessory Buildings and an Animal Shelter/Loafing Shed

Hold a public hearing to discuss and consider a request by Mike Peoples for the approval of a Specific Use Permit (SUP) for two (2) Agricultural Accessory Buildings and an Animal Shelter/Loafing Shed on a 42.66-acre tract of land identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1700 E. SH-66, 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, November 9, 2021 at 6:00 PM, and the City Council will hold a public hearing on Monday, November 15, 2021 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

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

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. If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by Monday, November 15, 2021 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning



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

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

Case No. Z2021-046: SUP for Two (2) Agricultural Accessory Buildings and an Animal Shelter/Loafing Shed

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

PUBLIC NOTICE



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

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Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning



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PLEASE RETURN THE BELOW FORM

Case No. Z2021-046: SUP for Two (2) Agricultural Accessory Buildings and an Animal Shelter/Loafing Shed

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: CAIN FAMILY PARTNERSHIP, LTD.
Address: 305 Stonebridge Dr.

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

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

From: Donya Sellers <donyasellers@yahoo.com>
Sent: Wednesday, October 27, 2021 2:51 PM
To: Planning
Subject: Case No. Z2021-046 SUP for Two Agricultural Accessory Buildings and an Animal Shelter/Loafing Shed

My name is Donya Sellers, property owner at 700 Davis Drive, Rockwall TX. 972-689-3356

I am in favor of the request to allow the Two Agricultural Accessory Buildings and an Animal Shelter/Loafing Shed on Case No. Z2021-046 SUP.

These structures have not, and continue to not cause any issues. I very much enjoy observing the livestock on Mike's property, and wish for himself and his family to continue to be able to have full use of the property for it's original agricultural purpose. The buildings and shelter/loafing shed demonstrate that Mike wishes to provide the utmost care to the animals. His children's participation in 4H is an asset to everyone's future. It is a refreshing reflection of the history of Rockwall.

Thank you.

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INTEGRITY GROUP

Developing & Building Dreams

October 28, 2021

Mayor & City Council, and
Planning & Zoning Commission
City of Rockwall
368 S. Goliad Street
Rockwall, TX 75087

RE; Case No. Z2021-046: SUP for Two (2) Agricultural Accessory Buildings and an Animal Shelter/Loafing Shed

Honorable Mayor, Councilmembers & Members of P&Z Commission,

As the developers and builders of Ladera Rockwall Active Adult Community, 905 Bella Drive, we are in full support of the Proposed Agricultural Accessory Buildings and Animal Shelter/Loafing Shed.

Thank you for your consideration and we ask you to support and approve the case before you.

Respectfully Submitted,

John Delin

Case No. Z2021-046: SUP for Two (2) Agricultural Accessory Buildings and an Animal Shelter/Loafing Shed

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:

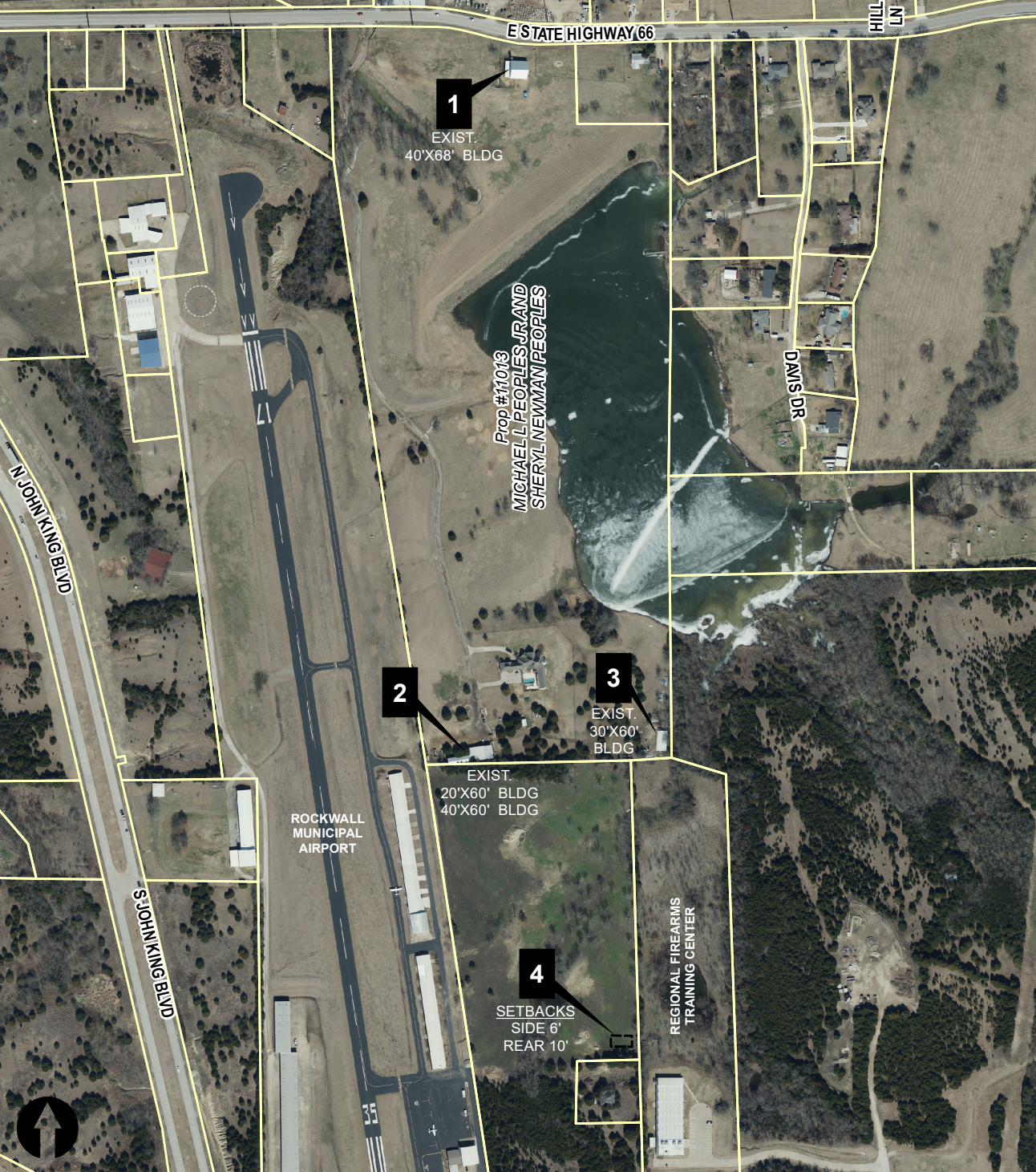
Michael Ma + CAROLINE MOORE

Address:

725 Davis Dr, Rockwall, TX, 78087

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



E STATE HIGHWAY 66

HILL LN

1

EXIST.
40'X68' BLDG

Prop #11013
MICHAEL L PEOPLES JR AND
SHERYL NEWMAN PEOPLES

DAVIS DR

N JOHN KING BLVD

2

EXIST.
20'X60' BLDG
40'X60' BLDG

3

EXIST.
30'X60' BLDG

ROCKWALL
MUNICIPAL
AIRPORT

S JOHN KING BLVD

4

SETBACKS
SIDE 6'
REAR 10'

REGIONAL FIREARMS
TRAINING CENTER



Miller, Ryan

From: mike peoples <mprockwall@yahoo.com>
Sent: Friday, October 15, 2021 10:33 AM
To: Miller, Ryan
Subject: Fwd: Building permits - 1700 E. State Hwy. 66

Sent from my iPhone

Begin forwarded message:

From: "Peoples, Sheryl" <SPeoples@lockton.com>
Date: October 15, 2021 at 10:10:07 AM CDT
To: mike peoples <mprockwall@yahoo.com>
Subject: Building permits - 1700 E. State Hwy. 66

To whom it may concern:

This letter is in regards to the unpermitted buildings I have constructed over the past few years on my 56 acre property located at 1700 E. State Highway 66 located next to the airport.

Building #1 is next to my residence and is used for maintenance equipment storage, feed storage/deliveries and misc. equipment used for my agricultural operations.

Building #2 on the topo map is used for farm equipment/hay storage. This building is to be re-permitted and moved to a different location on the 56 acre property which is marked on the topo map.

Building #3 is a livestock barn for our 4-H show cattle. My 13 yr. old son & 11 yr. old daughter have been active members of the Rockwall 4-H Beef Club for 6 years and this barn is for their 4-H projects. This barn was constructed over an existing barn that was over 60 yrs old and in disrepair.

I am trying to resolve this permitting process peacefully and appreciate your willingness to work with me and my family.

Sincerely,
Mike Peoples
214-957-0807



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Google Earth

Imagery date: 11/15/...

100 m

Camera: 878 m 32°55'44"N 96°26'...

You are currently running an experimental version of Earth.

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Google Earth

Imagery date: 11/15/20-newer

50 m

Camera: 510 m

32°55'51"N 96°25'58"W

170 m

CITY OF ROCKWALL
ORDINANCE NO. 19-
SPECIFIC USE PERMIT NO. S-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A MINI-WAREHOUSE FACILITY WITHIN A COMMERCIAL (C) DISTRICT, ON A 7.489-ACRE PARCEL OF LAND BEING IDENTIFIED AS LOT 23, RAINBO ACRES ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE

The motion passed by a vote of 6 in favor with 1 abstention (Fowler).

7. **Z2018-053** - Hold a public hearing to discuss and consider a request by Mike Peoples for the approval of an ordinance for a Specific Use Permit (SUP) for a detached garage that does not meet the requirements stipulated by the Unified Development Code (UDC) on a 42.66-acre tract of land identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the East SH-66 Overlay (E. SH-66 OV) District, addressed as 1700 E. SH-66, and take any action necessary (1st Reading).

The applicant, Mike Peoples is requesting the approval of a Specific Use Permit (SUP) to allow for a detached garage that does not meet the requirements stipulated by Article VI, Permissible Uses, of the Unified Development Code (UDC). The ~2,500 SF [i.e. 50-ft x 50-ft] structure stands approximately 16-feet in height and is situated southwest of the primary structure, adjacent to the City of Rockwall Municipal Airport. The detached garage was built without a permit in 2013, and has increase in size by two (2) times structures according to aerial images (see Exhibit 'B' of the draft ordinance). These additions appear to have taken place in the years 2015 & 2017. This has created one (1) large structure, of which the exact measurements are not known. With this being said, there are a total of three (3) structures that have been built concurrently with this request [i.e. Z2018-049]. The other structure lies within the designated 100-year flood plain. This structure is required to be demolished and has been added as a condition of approval of the SUP for the third structure (i.e. the detached garage).

Although Section 2, of Article V, Agricultural (AG) District of the Unified Development Code (UDC), allows for an accessory use (i.e. detached garage) to be a permitted with a main use (i.e. single-family home) on more than ten (10)-acres within an Agricultural (AG) District, Section 2.1.2, of Article IV, Permissible Uses, of the UDC, allows for one (1) detached garage that does not exceed 900 SF in area or 15 feet in height provided the exterior cladding contains the same materials as is found on the main structure. In this case, the detached garage appears to be a metal structure (see attached photos). Accessory buildings (i.e. detached garage) not meeting these standards shall require approval of an SUP. The existing detached garage does not meet the material or size requirements as stipulated by the UDC. Approval of a SUP is discretionary for the City Council. On November 30, 2018 staff mailed 33 notices to property owners and residents within 500-feet of the subject property. Staff also notified the Rolling Meadows Homeowner's Association (HOA), which is the only HOA's/Neighborhood Organization that is within 1,500-feet of the subject property

participating in the Neighborhood Notification Program. Staff has received three noticed back in favor and one in opposition of the request.

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

Following additional dialogue, Mayor Pro Tem Fowler moved to approve Z2018-053. Councilmember Daniels seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. _____
SPECIFIC USE PERMIT NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A DETACHED GARAGE THAT DOES NOT MEET THE REQUIREMENTS OF THE UNIFIED DEVELOPMENT CODE (UDC), ON A 42.66-ACRE TRACT OF LAND ZONED AGRICULTURAL (AG) DISTRICT, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSTRACT NO. 102, 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.

The motion (to approve) failed by a vote of 2 in favor (Macalik and Fowler) with 5 against (Trowbridge, Hohenshelt, Pruitt, Daniels and Johannesen).

Mayor Pruitt called for a break and recessed the meeting at 7:41 p.m.

8. **Z2018-054** - Hold a public hearing to discuss and consider a request by Andrew Bennett of BOKA Powell, LLC on behalf of the owner Vinod Miranda for the approval of an ordinance for a Specific Use Permit (SUP) for an office building that will exceed 36-feet in height within the Scenic Overlay (SOV) District on a 9.7-acre tract of land identified at Tract 15 of the E. P. G. Chisum Survey, Abstract No. 64, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District, located at the southwest corner of Ridge Road [FM-740] and Turtle Cove Boulevard, and take any action necessary (1st Reading).

Planning Director Ryan Miller explained that the subject property is located at the southwest corner of Ridge Road [FM-740] and Turtle Cove Boulevard and is zoned Commercial (C) District. The proposed 80,000 SF office building will be comprised of three (3) stories of office space and a single-story of parking that will be located below grade. The office building will reach an overall height of 60-feet; however, the building will be located approximately 156-feet from the right-of-way of Ridge Road and due to the slope of the property the finished floor of the building will be set approximately five (5) to seven (7) feet below the surface of Ridge Road. This means that the first floor of the office building may not be visible from Ridge Road. According to the Special Use Standards located in Section 6.8, Scenic Overlay (SOV) District, of Article V, of the Unified Development Code (UDC), any

coming before the Council this evening to see if there is a way to work something out such that he would be allowed to build this large accessory building on his agriculturally zoned property.

Planning Director Ryan Miller provided clarifying comments to the Council concerning this matter. He generally explained that currently, there is no SUP process by which a property owner may request to approve a 'barn' type accessory structure on "agriculturally zoned" land, and there is also not a means by which an owner may build 'private guest quarters.' It was generally explained that the "agriculture" zoning designation is assigned to newly annexed land "by default" (essentially), and it is the most restrictive zoning designation within the city's regulations. It exists this way as a means by which annexed land will be eventually pushed into a different zoning land designation; however, it unfortunately has an (unintended) adverse effect on (larger parcels of) land that truly are more 'agricultural' in nature. One change that would need to occur is for SUPs to be able to be requested, on a case-by-case basis, for "guest quarters" which are proposed to be built on 'agriculturally zoned' land. Right now, no SUP process exists to potentially allow those types of structures.

Mr. Cain clarified that "guest quarters" is a little more elaborate than what he is wanting to build. He essentially wants to build a (large) "man cave" to have folks over and watch sports games and store some of his car collection.

Following extensive discussion, the Council generally expressed a desire for staff to bring back some options for the council to consider relative to making some changes to the UDC to allow requests (by SUP) for accessory buildings (both ones to be utilized as 'barns' and ones to be utilized for 'private guest quarters'), on a case-by-case basis, on agriculturally zoned land.

Council took no formal action related to this agenda item at this time.

X. PUBLIC HEARING ITEMS

1. **Z2018-049** - Hold a public hearing to discuss and consider a request by Mike Peoples for the approval of an ordinance for a Specific Use Permit (SUP) for an animal shelter on a 42.66-acre tract of land identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the East SH-66 Overlay (E. SH-66 OV) District, addressed as 1700 E. SH-66, and take any action necessary (1st Reading).

Planning Director, Ryan Miller, provided background information pertaining to this agenda item, indicating that back on December 17, 2018, the City Council continued the public hearing for Case No. Z2018-049 by a vote of 7 to 0. This case involved a request for a Specific Use Permit (SUP) that would allow for an animal shelter on the property. The purpose of the City Council's motion was to allow the applicant, Mike Peoples, additional time to prepare a schedule that outlined [1] the completion time for the animal shelter (which is currently partially constructed), and [2] the time needed to demolish the structure situated within the floodplain (which was constructed without a building permit). In response to the City Council's action, Mr. Peoples provided staff with a letter indicating that, weather permitting, he intends to complete the construction of the animal shelter by April 2019; however, Mr. Peoples has not indicated a timeframe for the demolition of the structure within the floodplain (see Exhibit 'B'). It should also be noted that staff requested that Mr. Peoples provide a timeframe for the demolition of the detached garage that was denied by the City Council on December 17, 2018; however, the letter submitted by Mr. Peoples indicates that he does not have a timeframe for the removal of this building either. Due to the applicant's inability to provide staff with a

reasonable timeframe for the demolition of the two (2) unpermitted structures, staff has amended the draft ordinance for the animal shelter to require that both structures be removed from the property within six (6) months of the adoption date of the proposed Specific Use Permit (SUP) ordinance.

Councilmember Hohenshelt and Mayor Pruitt both indicated that their preference is to require that Mr. Peoples demolish the existing structure (in the floodplain) prior to finishing the newest structure he wanting to complete.

Mr. Miller shared that Mr. Peoples has continued to work on the existing (unpermitted, unauthorized "animal shelter") structure during the time he has been going through the process associated with seeking formal approval of it being built. It was pointed out that when Mr. Peoples spoke to staff about the (currently under construction) structure needing an SUP and building permit, Mr. Peoples gave indication that he still planned to continue working on the structure. Staff explained to Mr. Peoples that if he continued working on the structure before it (potentially) received Council's approval, he would be doing so at his own risk. Mr. Peoples subsequently submitted a letter to staff, generally expressing that he understood that. General discussion took place pertaining to the existing structure (that Mr. Peoples has continued to work on) and how stopping its construction and having it torn down will be an enforcement-related issue, should it come to that in the future. Indication was given that, related to 'enforcement,' any daily or other fines would be up to the judge.

Following extensive discussion and clarifications, Councilmember Hohenshelt moved to call for all of the improper structures to be removed before this particular SUP may be granted and that Mr. Peoples must do so within six (6) months. The motion was clarified – that Mr. Peoples should not perform further work on this current structure and that the other, existing (improper) structures must be removed within six (6) months. Councilmember Trowbridge seconded the motion.

Pruitt reopened the public hearing (that was continued from the last council meeting) and asked if anyone would like to come forth and speak at this time. There being no one indicating such, he then called for the vote.

The above noted motion then passed by a vote of 7 ayes to 0 nays. The ordinance (caption) was read into the record as follows:

CITY OF ROCKWALL
ORDINANCE NO. 19-____
SPECIFIC USE PERMIT NO. S-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ANIMAL SHELTER ON A 42.66-ACRE TRACT OF LAND ZONED AGRICULTURAL (AG) DISTRICT, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSRACT NO. 102, 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.

XI. ACTION ITEMS

1. Z2018-052 - Discuss and consider a request by Russell Phillips on behalf of Rockwall Retail Investors, LLC for the approval of an ordinance for a Specific Use Permit (SUP) for a mini-warehouse facility on a 7.489-acre tract of land identified as Lot 23, Rainbow Acres Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, generally situated

Mayor Pro Tem Fowler authorized the city attorney to file intervention in the new rate case regarding the appeal to the Public Utility Commission. Councilmember Macalik seconded the motion, which passed by a vote of 6 ayes with 1 absence (Trowbridge).

Mayor Pro Tem Fowler made a motion to move Stuart Smith up from an "alternate" to a voting member to fill the vacancy on the city's Board of Adjustments (thru Aug. 2019). Mayor Pruitt seconded the motion, which passed by a vote of 6 ayes with 1 absence (Trowbridge).

Mayor Pro Tem Fowler moved to appoint Glenn Carr to fill the "second alternate position" on the city's Board of Adjustments (thru Aug. 2020). Mayor Pruitt seconded the motion, which passed by a vote of 6 ayes with 1 absence (Trowbridge).

VI. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER DANIELS

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

VII. PROCLAMATIONS

1. Health for Humanity Yogathon

Mayor Pruitt invited city resident Ashwini Gurwale and her husband to come forth at this time. He then read and presented this proclamation. Mrs. Gurwale then gave a brief yoga demonstration.

III. OPEN FORUM

Mayor Pruitt 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.

IX. CONSENT AGENDA

1. Consider approval of the minutes from the January 7, 2019 regular city council meeting, and take any action necessary.

2. **Z2018-049** - Consider a request by Mike Peoples for the approval of an ordinance for a Specific Use Permit (SUP) for an animal shelter on a 42.66-acre tract of land identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the East SH-66 Overlay (E. SH-66 OV) District, addressed as 1700 E. SH-66, and take any action necessary (2nd Reading).

3. **A2018-004** - Consider a request by Pat Atkins on behalf of the owner C.D.T. Rockwall/2017 LLC for the approval of an ordinance for the voluntary annexation of a 14.995-acre tract of land identified as Tract 1-03 of the P. B. Harrison Survey, Abstract No. 97, Rockwall County, Texas, and take any action necessary (2nd reading).

4. **P2018-047** - Consider a request by Chase Finch of Corwin Engineering, Inc. on behalf of John Arnold of BH West Pods, LTD for the approval of a preliminary plat for Breezy Hill, Phase XII containing 35 single-family residential lots on 44.525-acres of land identified as a portion of

Tract 7-1 of the J. Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 74 (PD-74) for Single Family 10 (SF-10) District land uses, located west of the intersection of John King Boulevard and Cozy View Drive, and take any action necessary.

5. Consider approval of the Contract Amendment #1 with Brinkley & Barfield, Inc., in the amount of \$87,030 to be funded from the 2018 Street Bond funds and water/wastewater funds, and take any action necessary.
6. Consider authorizing the City Manager to negotiate and execute a contract with Baseball Nation LLC regarding the city's baseball umpire services for an amount not to exceed \$120,000 to be funded from baseball registration proceeds in the Recreation Development Fund, and take any action necessary.
7. Consider authorizing the City Manager and the Chief of Police to execute an Interlocal Agreement (ILA) with NCT911 to provide 911 services in the City, and take any action necessary.

Councilmember Hohenshelt moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6 and 7). Councilmember Johannesen seconded the motion. The ordinances were read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 19-08
SPECIFIC USE PERMIT NO. S-204**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ANIMAL SHELTER ON A 42.66-ACRE TRACT OF LAND ZONED AGRICULTURAL (AG) DISTRICT, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSTRACT NO. 102, 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.

**CITY OF ROCKWALL
ORDINANCE NO. 19-07**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS AND THE ANNEXATION OF A 14.995-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1-03 OF THE P. B. HARRISON SURVEY, ABSTRACT NO. 97, ROCKWALL COUNTY, TEXAS, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes with 1 absence (Trowbridge).

CITY OF ROCKWALL

ORDINANCE NO. 19-06

SPECIFIC USE PERMIT NO. S-204

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ANIMAL SHELTER ON A 42.66-ACRE TRACT OF LAND ZONED AGRICULTURAL (AG) DISTRICT, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSTRACT NO. 102, 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 Mike Peoples for the approval of a Specific Use Permit (SUP) for the purpose of allowing a previously constructed animal shelter, situated on a 42.66-acre tract of land, zoned Agricultural (AG) District, and being identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, addressed 1700 E. SH-66, and being more specifically depicted in Exhibit 'A' of this ordinance, which herein after shall be referred to as the *Subject Property* 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. 04-38] 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. 04-38] 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 construction of an animal shelter structure within an Agricultural (AG) District as stipulated by Article IV, *Permissible Uses*, and Article V, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 04-38] on the *Subject Property*; and

SECTION 2. That the *Subject Property* shall be used only in the manner and for the purposes described in this Specific Use Permit (SUP) ordinance and as specifically set forth in Section 2.1, *Agricultural (AG) District*, of Article V, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 04-38] of the City of Rockwall as heretofore amended, as amended herein by the granting of this zoning change, and as may be amended in the future, and shall be subject to the following operational conditions and compliance standards:

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of an animal shelter, structure on the Subject Property and conformance to these requirements is necessary for continued operations:

- 1) The animal shelter structure shall generally conform to the elevations and site plan depicted in *Exhibits 'B' & 'C'* of this ordinance;
- 2) The animal shelter structure shall not exceed its current size of approximately 2,720 SF or an approximate height of 15-feet;
- 3) The existing accessory building located within the flood plain of this property, as depicted as #4 in *Exhibit 'D'* of this ordinance, shall be removed/demolished within six (6) months of the date of passage of this ordinance;
- 4) The existing detached garage located on the subject property, as depicted as #1, 2, & 3 in *Exhibit 'D'* of this ordinance, shall be removed/demolished within six (6) months of the date of passage of this ordinance;
- 5) The animal shelter structure shall not be operated as a commercial land use;
- 6) A detention system is required for the addition of structures on the subject property per the Engineering Standards of Design; and,
- 7) The animal shelter structure is subject to administrative review in the event that the *Subject Property* is sold, conveyed or altered in any manner.

2.2 COMPLIANCE

Approval of this ordinance in accordance with Section 8.3, *Council Approval or Denial*, of Article II, *Authority and Administrative Procedures*, of the Unified Development Code (UDC) [Ordinance No. 04-38] will require compliance to the following:

- 1) Upon obtaining a building permit, should the homeowner fail to meet the minimum operational requirements set forth herein and outline in the Unified Development Code (UDC) [Ordinance No. 04-38], the City Council may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Section 4.4.(3) of Article IV, *Permissible Uses*, of the Unified Development Code (UDC) [Ordinance No. 04-38].

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.

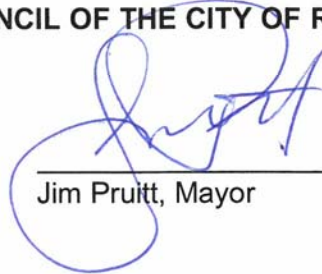
SECTION 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS (\$2,000.00)* for each offence and each and every day such offense 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 22ND DAY OF JANUARY, 2019.**



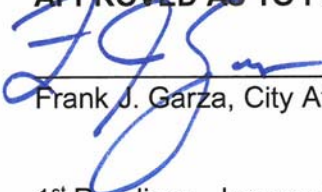
Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: January 7, 2019

2nd Reading: January 22, 2019

Exhibit 'A':
Legal Description and Property Location

Legal Description: Tract 7 of the D. Harr Survey, Abstract No. 102

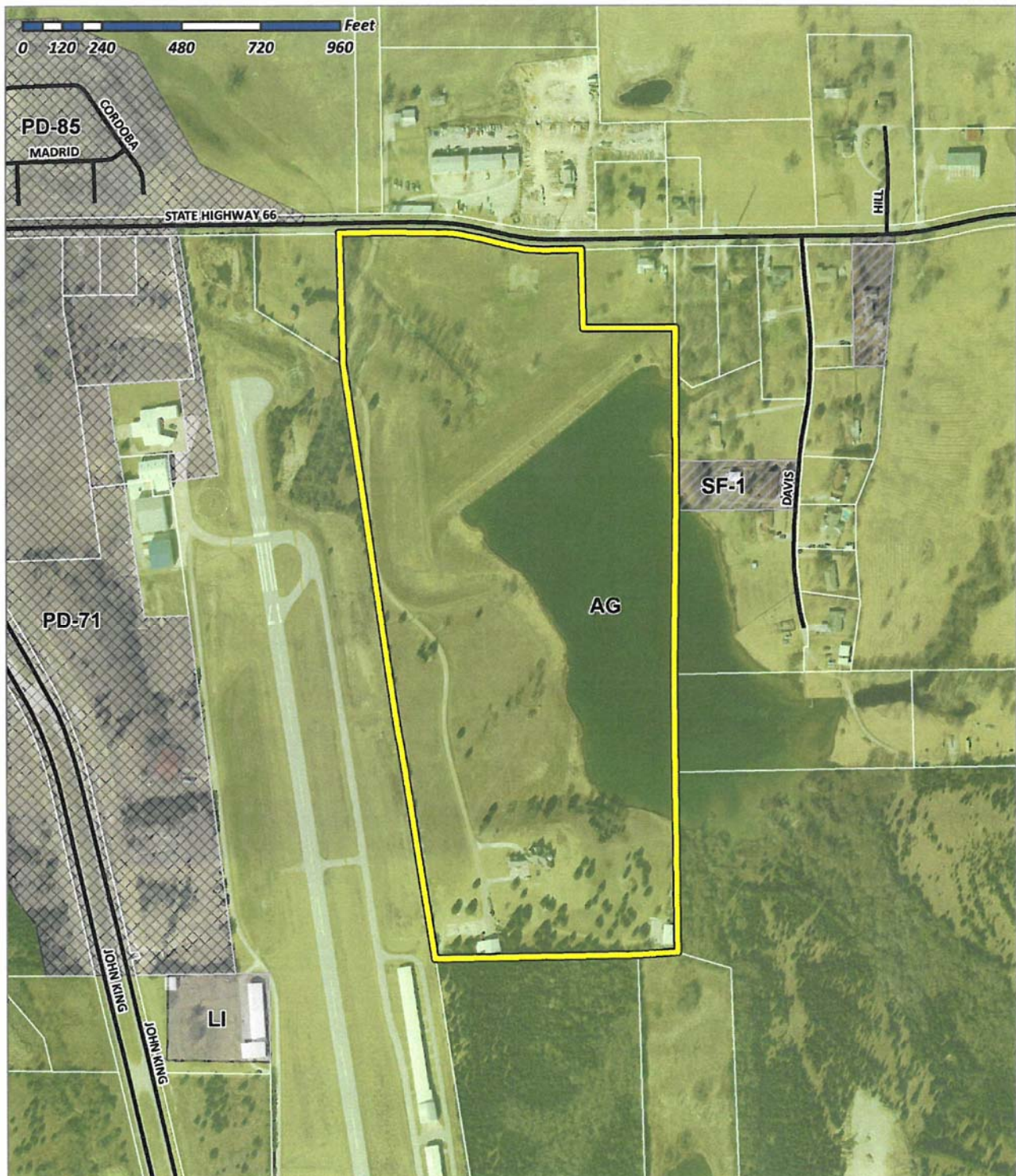
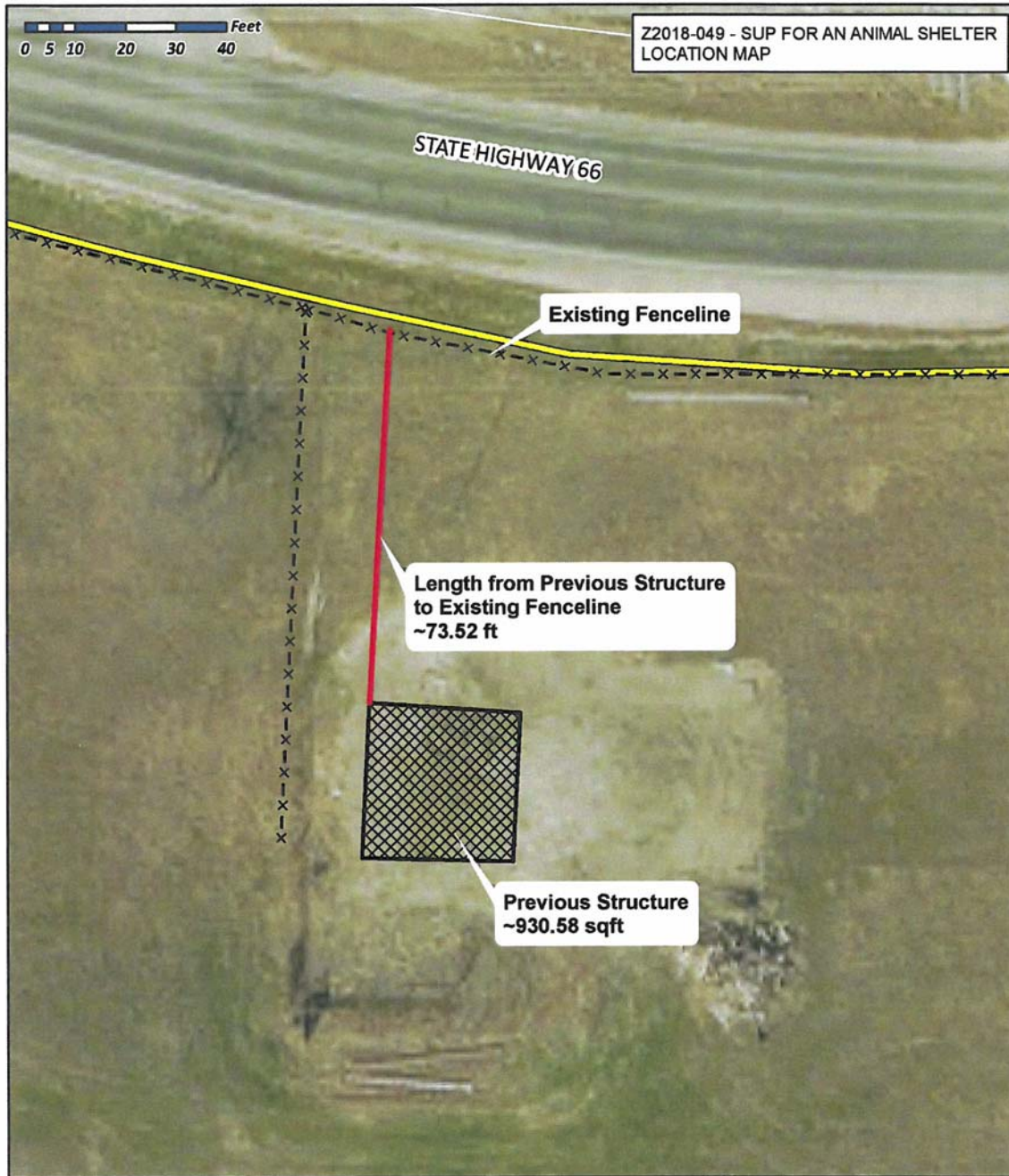


Exhibit 'B':
Animal Shelter – Elevations



Exhibit 'C':
Site Plan



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.



Exhibit 'D';
Building Locations to be Removed

1. Existing Structure attached to Detached Garage
2. Existing Structure attached to Detached Garage
3. Detached Garage
4. Existing Structure Located within Designated 100-year Flood Plain



CITY OF ROCKWALL

ORDINANCE NO. 21-XX

SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW TWO (2) AGRICULTURAL ACCESSORY BUILDINGS AND AN ANIMAL SHELTER OR LOAFING SHED ON A 42.66-ACRE TRACT OF LAND, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request from Mike Peoples for the approval of a Specific Use Permit (SUP) to allow two (2) *Agricultural Accessory Buildings* and an *Animal Shelter or Loafing Shed* on a 42.66-acre tract of land described as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1700 E. SH-66, and being more specifically depicted and described in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

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

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

SECTION 1. That the Unified Development Code (UDC) [Ordinance No. 20-02] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing two (2) *Agricultural Accessory Buildings* and an *Animal Shelter or Loafing Shed* as stipulated by Subsection 01.02, *Land Use Schedule*, and Subsection 02.03, *Conditional Land Use Standards*, of 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 02.03, *Conditional Land Use Standards*, of Article 04, *Permissible Uses*, and Subsection 02.01, *Agricultural (AG) District*, of Article 05, *District Development Standards*, of the

Unified Development Code (UDC) [Ordinance No. 20-02] -- as heretofore amended and as may be amended in the future --, and with the following conditions:

2.1. OPERATIONAL CONDITIONS

The following conditions pertain to the operation of an *Agricultural Accessory Structure* and an *Animal Shelter or Loafing Shed* on the *Subject Property* and conformance to these conditions are required for continued operations:

- (1) The applicant is required to remove the outside storage that is currently situated around the *Agricultural Accessory Building* (i.e. *Building #3*) prior to the issuance of any permits on the *Subject Property*.
- (2) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed* shall generally conform to the concept plan and the conceptual building elevations depicted in *Exhibits 'B' & 'C'* of this ordinance.
- (3) The *Agricultural Accessory Buildings* shall not exceed their current building footprints (i.e. ~3,600 SF for *Building #2* and ~1,800 SF for *Building #3*).
- (4) The *Animal Shelter or Loafing Shed* (i.e. *Building #1*) shall not exceed a maximum size of 3,000 SF.
- (5) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed* (i.e. *Buildings #1, #2, & #3*) shall not exceed their current heights which are depicted in *Exhibit 'C'* of this ordinance.
- (6) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed* (i.e. *Buildings #1, #2, & #3*) shall not be operated as of for commercial land uses.
- (7) The applicant will be required to apply for three (3) building permits from the Building Inspections Departments for the *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed* (i.e. *Buildings #1, #2, & #3*) depicted in *Exhibits 'B' & 'C'* of this ordinance.
- (8) The existing *Agricultural Accessory Building* located in the floodplain on the *Subject Property*, as depicted as *Building #3* in *Exhibits 'B' & 'C'* of this ordinance, shall be moved to the location depicted as *Building #4* in *Exhibit 'B'* within six (6) months of the date of passage of this ordinance and before building permits for *Building #1 & #2* -- depicted in *Exhibits 'B' & 'C'* -- are issued.
- (9) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed* (i.e. *Buildings #1, #2, & #3*) shall not be sold or conveyed separately without meeting the requirements of the Unified Development Code (UDC).
- (10) All buildings (i.e. *Buildings #1, #2, and #3/#4*) shall be required to meet all applicable setback requirements. This means that the subject property will need to be platted prior to the issuance of a building permit for *Building #2* as depicted in *Exhibits 'B' & 'C'* of this ordinance.
- (11) Should the applicant fail to meet any of the requirements of this Specific Use Permit (SUP) within one (1) year of the approval date of this ordinance *Buildings #1, #2 and*

#3/#4 shall be removed from the *Subject Property* within six (6) months of the expiration date 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 compliance to the following:

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

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

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

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

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

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

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 6TH DAY OF DECEMBER, 2021.

Kevin Fowler, *Mayor*

ATTEST:

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

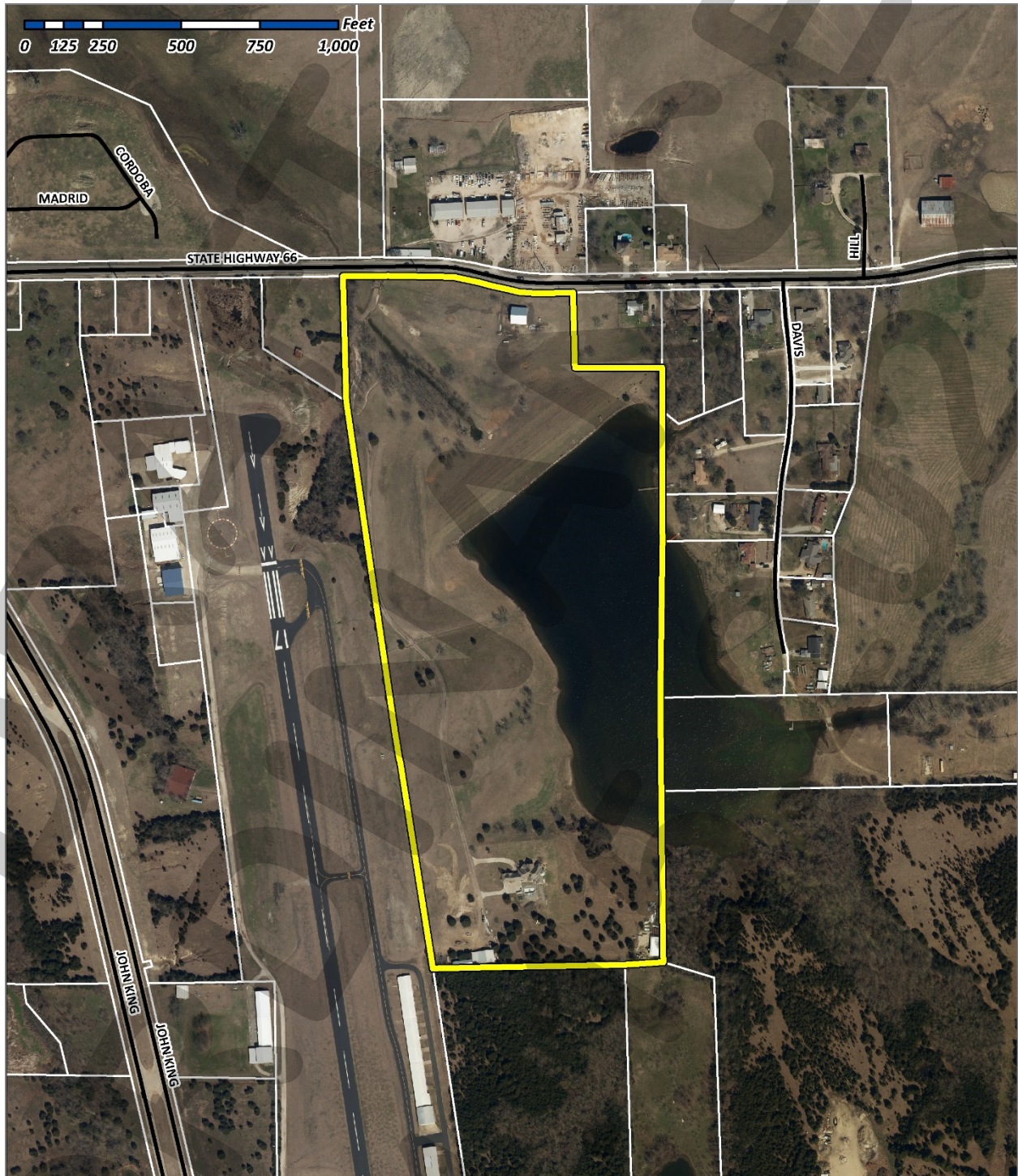
1st Reading: November 15, 2021

2nd Reading: December 6, 2021

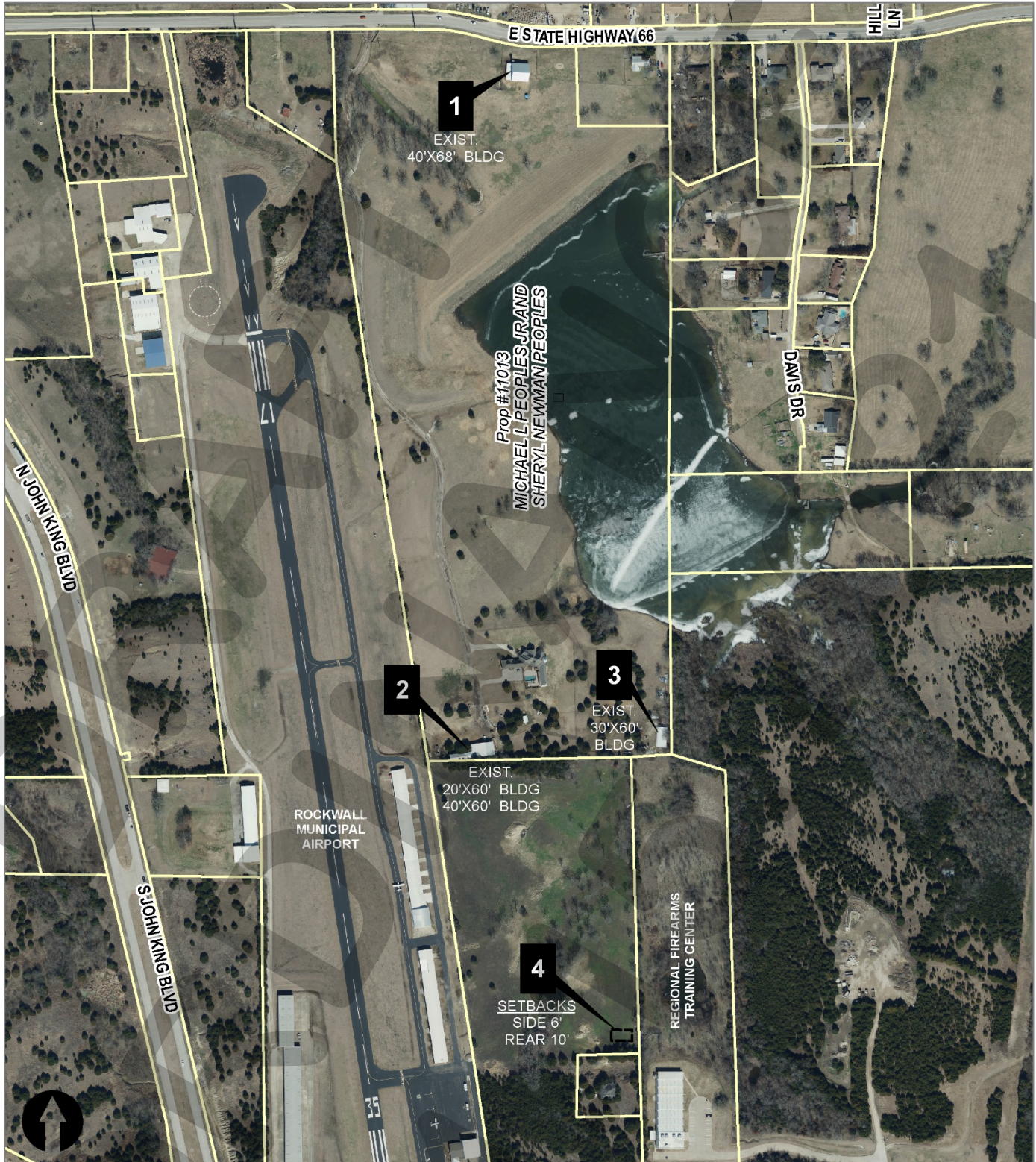
Exhibit 'A'
Zoning Exhibit

Address: 1700 E. SH-66

Legal Description: Tract 7 of the D. Harr Survey, Abstract No. 102



**Exhibit 'B':
Site Plan**



BUILDING #1: ANIMAL SHELTER OR LOAFING SHED

BUILDING #2: AGRICULTURAL ACCESSORY BUILDING

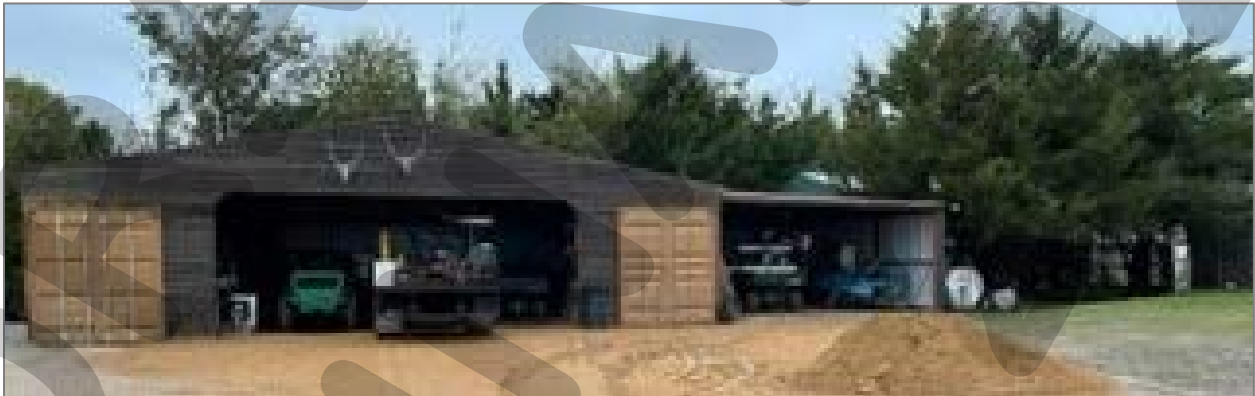
BUILDING #3: AGRICULTURAL ACCESSORY BUILDING CURRENTLY LOCATED IN THE FLOODPLAIN

BUILDING #4: PROPOSED NEW LOCATION FOR BUILDING #3

Exhibit 'C':
Building Elevations



BUILDING #1: ANIMAL SHELTER OR LOAFING SHED



BUILDING #2: AGRICULTURAL ACCESSORY BUILDING



BUILDING #3: AGRICUTLURAL ACCESSORY BUILDING SITUATED WITHIN THE 100-YEAR FLOODPLAIN

Miller, Ryan

From: mike peoples <mprockwall@yahoo.com>
Sent: Friday, October 15, 2021 10:33 AM
To: Miller, Ryan
Subject: Fwd: Building permits - 1700 E. State Hwy. 66

Sent from my iPhone

Begin forwarded message:

From: "Peoples, Sheryl" <SPeoples@lockton.com>
Date: October 15, 2021 at 10:10:07 AM CDT
To: mike peoples <mprockwall@yahoo.com>
Subject: Building permits - 1700 E. State Hwy. 66

To whom it may concern:

This letter is in regards to the unpermitted buildings I have constructed over the past few years on my 56 acre property located at 1700 E. State Highway 66 located next to the airport.

Building #1 is next to my residence and is used for maintenance equipment storage, feed storage/deliveries and misc. equipment used for my agricultural operations.

Building #2 on the topo map is used for farm equipment/hay storage. This building is to be re-permitted and moved to a different location on the 56 acre property which is marked on the topo map.

Building #3 is a livestock barn for our 4-H show cattle. My 13 yr. old son & 11 yr. old daughter have been active members of the Rockwall 4-H Beef Club for 6 years and this barn is for their 4-H projects. This barn was constructed over an existing barn that was over 60 yrs old and in disrepair.

I am trying to resolve this permitting process peacefully and appreciate your willingness to work with me and my family.

Sincerely,
Mike Peoples
214-957-0807



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Miller, Ryan

From: Miller, Ryan
Sent: Thursday, October 21, 2021 3:20 PM
To: 'mike peoples'
Subject: Project Comments: Z2016-046
Attachments: Draft Ordinance (10.19.2021).pdf; Project Comments (10.21.2021).pdf

Mike ... Attached is the draft ordinance and project comments for your case. Please review the draft ordinance and let me know if you have any issues. I will also need updated pictures of all the buildings for the ordinance. The meeting schedule for this case is as follows:

P&Z Work Session: October 26, 2021
P&Z Public Hearing: November 9, 2021
City Council Public Hearing (1st Reading): November 15, 2021
City Council (2nd Reading): December 6, 2021

A representative will be required to be at each meeting. All meetings are at 6:00 PM at City Hall (385 S. Goliad Street, Rockwall, TX 75087). If you have any questions please let me know. Thanks.



RYAN C. MILLER, AICP

DIRECTOR OF PLANNING & ZONING • PLANNING & ZONING DIVISION • CITY OF ROCKWALL
972.772.6441 OFFICE
RMILLER@ROCKWALL.COM
385 S. GOLIAD STREET • ROCKWALL, TX 75087

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[GIS DIVISION WEBSITE](#) | [CITY OF ROCKWALL INTERACTIVE MAPS](#) | [UNIFIED DEVELOPMENT CODE](#)

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- 2) PLEASE NOTE THAT ANY CORRESPONDENCE SENT TO CITY STAFF MAY BECOME PUBLIC RECORD

Miller, Ryan

From: Gamez, Angelica
Sent: Friday, October 22, 2021 9:31 AM
Cc: Miller, Ryan; Reyna, Andrew; Lee, Henry
Subject: Neighborhood Notification Program [Z2021-046]
Attachments: Public Notice (10.20.2021).pdf; HOA Map (10.18.2021).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 *October 29, 2021*. The Planning and Zoning Commission will hold a public hearing on *Tuesday, November 9, 2021 at 6:00 PM*, and the City Council will hold a public hearing on *Monday, November 15, 2021 at 6:00 PM*. Both hearings will take place at 6:00 PM at City Hall, 385 S. Goliad, Rockwall, TX 75087.

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

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

Z2021-046: SUP for two (2) Agricultural Accessory Buildings and Animal Shelter/Loafing Shed

Hold a public hearing to discuss and consider a request by Mike Peoples for the approval of a *Specific Use Permit (SUP)* for two (2) *Agricultural Accessory Buildings* and an *Animal Shelter/Loafing Shed* on a 42.66-acre tract of land identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1700 E. SH-66, 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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Miller, Ryan

From: Sheryl Peoples <sherylnewman2002@yahoo.com>
Sent: Thursday, November 4, 2021 6:40 PM
To: Miller, Ryan
Cc: Mike Peoples
Subject: Fwd: Building permits - 1700 E. State Hwy. 66

Attached are the requested pictures





From: "Miller, Ryan" <RMiller@rockwall.com>
Date: November 3, 2021 at 7:44:09 AM CDT
To: mike peoples <mprockwall@yahoo.com>
Subject: RE: Building permits - 1700 E. State Hwy. 66

Mike ... Thanks and Happy Birthday ... When you get a chance can you give me a call? I have a couple of questions. Thanks.



Ryan C. Miller, AICP
DIRECTOR OF PLANNING & ZONING • PLANNING & ZONING DIVISION • CITY OF
ROCKWALL
972.772.6441 OFFICE
RMILLER@ROCKWALL.COM
385 S. GOLIAD STREET • ROCKWALL, TX 75087

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From: mike peoples <mprockwall@yahoo.com>
Sent: Tuesday, November 2, 2021 10:24 PM
To: Miller, Ryan <RMiller@rockwall.com>
Subject: Re: Building permits - 1700 E. State Hwy. 66

Sorry just checked been out of pocket for my birth day I will take in the morning and email

Sent from my iPhone

On Nov 2, 2021, at 11:05 AM, Miller, Ryan <RMiller@rockwall.com> wrote:

Mike ... I just left you a voicemail and am following up with this email. As a reminder we will need pictures of the three (3) buildings today in order to move forward with your case. For the pictures we just need a picture of the outside of the building showing the entire building. Once you have them you can either drop them off or email them. If you have any questions please let me know. Thanks.

<image005.jpg>

Ryan C. Miller, AICP

DIRECTOR OF PLANNING & ZONING • PLANNING & ZONING DIVISION

• CITY OF ROCKWALL

972.772.6441 OFFICE

RMILLER@ROCKWALL.COM

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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Website | Municipal Code Website

GIS Division Website | City of Rockwall Interactive Maps | UNIFIED

DEVELOPMENT CODE

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From: mike peoples <mprockwall@yahoo.com>

Sent: Friday, October 15, 2021 10:33 AM

To: Miller, Ryan <RMiller@rockwall.com>

Subject: Fwd: Building permits - 1700 E. State Hwy. 66

Sent from my iPhone

Begin forwarded message:

From: "Peoples, Sheryl" <SPeoples@lockton.com>
Date: October 15, 2021 at 10:10:07 AM CDT
To: mike peoples <mprockwall@yahoo.com>
Subject: Building permits - 1700 E. State Hwy. 66

To whom it may concern:

This letter is in regards to the unpermitted buildings I have constructed over the past few years on my 56 acre property located at 1700 E. State Highway 66 located next to the airport.

Building #1 is next to my residence and is used for maintenance equipment storage, feed storage/deliveries and misc. equipment used for my agricultural operations.

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Sincerely,
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<~WRD349.jpg>

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Miller, Ryan

From: Sheryl Peoples <sherylnewman2002@yahoo.com>
Sent: Tuesday, November 9, 2021 11:25 AM
To: Miller, Ryan
Cc: Mike Peoples
Subject: Re: Building permits - 1700 E. State Hwy. 66
Attachments: Peoples_Sheds.pdf

Here you go! Let us know if anything else is needed

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Sent from my iPhone

On Nov 8, 2021, at 8:46 AM, Miller, Ryan <RMiller@rockwall.com> wrote:

Mike/Sheyl ... I will also need a picture of the structure in the floodplain. Depicted as #3 on the attached map. Thanks.



Ryan C. Miller, AICP

DIRECTOR OF PLANNING & ZONING • PLANNING & ZONING DIVISION • CITY OF ROCKWALL

972.772.6441 OFFICE

rmiller@rockwall.com

385 S. Goliad Street • Rockwall, TX 75087

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Ryan C. Miller, AICP

DIRECTOR OF PLANNING & ZONING • PLANNING & ZONING DIVISION

• CITY OF ROCKWALL

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Sent from my iPhone

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<image005.jpg>

Ryan C. Miller, AICP

DIRECTOR OF PLANNING & ZONING • PLANNING &
ZONING DIVISION • CITY OF ROCKWALL

972.772.6441 OFFICE

rmiller@rockwall.com

385 S. Goliad Street • Rockwall, TX 75087

<image006.png>

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<mprockwall@yahoo.com>

**Subject: Building permits - 1700 E.
State Hwy. 66**

To whom it may concern:

This letter is in regards to the
unpermitted buildings I have

constructed over the past few years on my 56 acre property located at 1700 E. State Highway 66 located next to the airport.

Building #1 is next to my residence and is used for maintenance equipment storage, feed storage/deliveries and misc. equipment used for my agricultural operations.

Building #2 on the topo map is used for farm equipment/hay storage. This building is to be re-permitted and moved to a different location on the 56 acre property which is marked on the topo map.

Building #3 is a livestock barn for our 4-H show cattle. My 13 yr. old son & 11 yr. old daughter have been active members of the Rockwall 4-H Beef Club for 6 years and this barn is for their 4-H projects. This barn was constructed over an existing barn that was over 60 yrs old and in disrepair.

I am trying to resolve this permitting process peacefully and appreciate your willingness to work with me and my family.

Sincerely,
Mike Peoples
214-957-0807

<~WRD349.jpg>

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December 13, 2021

TO: Mike Peoples
1700 E. SH-66
Rockwall, Texas 75087

FROM: Ryan Miller, AICP
Director of Planning and Zoning
City of Rockwall Planning and Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087

SUBJECT: Z2021-046; *Specific Use Permit (SUP) for an Agricultural Accessory Building and Loafing Shed*

Mr. Peoples:

This letter serves to notify you that the above referenced zoning case, that you submitted for consideration by the City of Rockwall, was approved by the City Council on December 6, 2021. The following is a record of all recommendations, voting records and conditions of approval:

Staff Recommendations

- (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 applicant is required to remove the outside storage that is currently situated around the *Agricultural Accessory Building (i.e. Building #3)* prior to the issuance of any permits on the *Subject Property*.
 - (b) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed* shall generally conform to the concept plan and the conceptual building elevations depicted in *Exhibits 'B' & 'C'* of the *Specific Use Permit (SUP)* ordinance.
 - (c) The *Agricultural Accessory Buildings* shall not exceed their current building footprints (*i.e. ~3,600 SF for Building #2 and ~1,800 SF for Building #3*).
 - (d) The *Animal Shelter or Loafing Shed (i.e. Building #1)* shall not exceed a maximum size of 3,000 SF.
 - (e) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed (i.e. Buildings #1, #2, & #3)* shall not exceed their current heights which are depicted in *Exhibit 'C'* of the *Specific Use Permit (SUP)* ordinance.
 - (f) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed (i.e. Buildings #1, #2, & #3)* shall not be operated as of for commercial land uses.
 - (g) The applicant will be required to apply for three (3) building permits from the Building Inspections Departments for the *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed (i.e. Buildings #1, #2, & #3)* depicted in *Exhibits 'B' & 'C'* of the *Specific Use Permit (SUP)* ordinance.
 - (h) The existing *Agricultural Accessory Building* located in the floodplain on the *Subject Property*, as depicted as *Building #3* in *Exhibits 'B' & 'C'* of the *Specific Use Permit (SUP)* ordinance, shall be moved to the location depicted as *Building #4* in *Exhibit 'B'* within six (6) months of the date of passage of the *Specific Use Permit (SUP)* ordinance and before building permits for *Building #1 & #2 -- depicted in Exhibits 'B' & 'C' --* are issued.
 - (i) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed (i.e. Buildings #1, #2, & #3)* shall not be sold or conveyed separately without meeting the requirements of the Unified Development Code (UDC).
 - (j) All buildings (*i.e. Buildings #1, #2, and #3/#4*) shall be required to meet all applicable setback requirements. This means that the subject property will need to be platted prior to the issuance of a building permit for *Building #2* as depicted in *Exhibits 'B' & 'C'* of the *Specific Use Permit (SUP)* ordinance.
 - (k) Should the applicant fail to meet any of the requirements of this *Specific Use Permit (SUP)* within one (1) year of the approval date of the *Specific Use Permit (SUP)* ordinance *Buildings #1, #2 and #3/#4* shall be removed from the *Subject Property* within six (6) months of the expiration date of the *Specific Use Permit (SUP)* ordinance.

- (2) The applicant will be required to submit a Specific Use Permit (SUP) for the chicken coop and chickens on the subject property by the December 17, 2021 application deadline.
- (3) When the *Building # 3* is relocated to *Building #4* it shall maintain conformance with the Agricultural (AG) District requirements.
- (4) 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

- (1) On November 9, 2021, the Planning and Zoning Commission approved a motion to recommend approval of the Specific Use Permit (SUP) per staff's recommendations by a vote of 4-1, with Commissioner Womble dissenting and Commissioners Moeller and Thomas absent.

City Council

- (1) On November 15, 2021, the City Council approved a motion to approve the SUP with the conditions of approval by a vote of 5-0, with Council Members Johannesen and Jorif absent.
- (2) On December 6, 2021, the City Council approved a motion to approve the SUP with the conditions of approval by a vote of 7-0.

Included with this letter is a copy of *Ordinance No.21-57*, which is the regulating ordinance adopted with the City Council's approval of this case. Should you have any questions or concerns regarding your zoning case, please feel free to contact me a (972) 771-7745.

Sincerely,



Ryan Miller, AICP
Director of Planning and Zoning

CITY OF ROCKWALL

ORDINANCE NO. 21-57

SPECIFIC USE PERMIT NO. S-264

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 TWO (2) AGRICULTURAL ACCESSORY BUILDINGS AND AN ANIMAL SHELTER OR LOAFING SHED ON A 42.66-ACRE TRACT OF LAND, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request from Mike Peoples for the approval of a Specific Use Permit (SUP) to allow two (2) *Agricultural Accessory Buildings* and an *Animal Shelter or Loafing Shed* on a 42.66-acre tract of land described as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1700 E. SH-66, and being more specifically depicted and described in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

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

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

SECTION 1. That the Unified Development Code (UDC) [Ordinance No. 20-02] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing two (2) *Agricultural Accessory Buildings* and an *Animal Shelter or Loafing Shed* as stipulated by Subsection 01.02, *Land Use Schedule*, and Subsection 02.03, *Conditional Land Use Standards*, of 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 02.03, *Conditional Land Use Standards*, of Article 04, *Permissible Uses*, and Subsection 02.01, *Agricultural (AG) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 20-02] -- as heretofore amended and as may

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

2.1. OPERATIONAL CONDITIONS

The following conditions pertain to the operation of an *Agricultural Accessory Structure* and an *Animal Shelter or Loafing Shed* on the *Subject Property* and conformance to these conditions are required for continued operations:

- (1) The applicant is required to remove the outside storage that is currently situated around the *Agricultural Accessory Building* (i.e. *Building #3*) prior to the issuance of any permits on the *Subject Property*.
- (2) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed* shall generally conform to the concept plan and the conceptual building elevations depicted in *Exhibits 'B' & 'C'* of this ordinance.
- (3) The *Agricultural Accessory Buildings* shall not exceed their current building footprints (i.e. ~3,600 SF for *Building #2* and ~1,800 SF for *Building #3*).
- (4) The *Animal Shelter or Loafing Shed* (i.e. *Building #1*) shall not exceed a maximum size of 3,000 SF.
- (5) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed* (i.e. *Buildings #1, #2, & #3*) shall not exceed their current heights which are depicted in *Exhibit 'C'* of this ordinance.
- (6) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed* (i.e. *Buildings #1, #2, & #3*) shall not be operated as of for commercial land uses.
- (7) The applicant will be required to apply for three (3) building permits from the Building Inspections Departments for the *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed* (i.e. *Buildings #1, #2, & #3*) depicted in *Exhibits 'B' & 'C'* of this ordinance.
- (8) The existing *Agricultural Accessory Building* located in the floodplain on the *Subject Property*, as depicted as *Building #3* in *Exhibits 'B' & 'C'* of this ordinance, shall be moved to the location depicted as *Building #4* in *Exhibit 'B'* within six (6) months of the date of passage of this ordinance and before building permits for *Building #1 & #2* -- depicted in *Exhibits 'B' & 'C'* -- are issued.
- (9) The *Agricultural Accessory Buildings* and *Animal Shelter or Loafing Shed* (i.e. *Buildings #1, #2, & #3*) shall not be sold or conveyed separately without meeting the requirements of the Unified Development Code (UDC).
- (10) All buildings (i.e. *Buildings #1, #2, and #3/#4*) shall be required to meet all applicable setback requirements. This means that the subject property will need to be platted prior to the issuance of a building permit for *Building #2* as depicted in *Exhibits 'B' & 'C'* of this ordinance.
- (11) Should the applicant fail to meet any of the requirements of this Specific Use Permit (SUP) within one (1) year of the approval date of this ordinance *Buildings #1, #2 and #3/#4* shall be removed from the *Subject Property* within six (6) months of the expiration

date 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 compliance to the following:

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

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


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

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

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

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

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 6TH DAY OF DECEMBER, 2021.



Kevin Fowler, Mayor

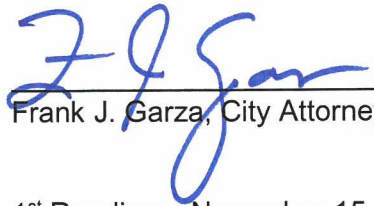
ATTEST:



Kristy Cole, City Secretary



APPROVED AS TO FORM:


Frank J. Garza, City Attorney

1st Reading: November 15, 2021

2nd Reading: December 6, 2021

Exhibit 'A'
Zoning Exhibit

Address: 1700 E. SH-66

Legal Description: Tract 7 of the D. Harr Survey, Abstract No. 102



**Exhibit 'B':
Site Plan**



BUILDING #1: ANIMAL SHELTER OR LOAFING SHED

BUILDING #2: AGRICULTURAL ACCESSORY BUILDING

BUILDING #3: AGRICULTURAL ACCESSORY BUILDING CURRENTLY LOCATED IN THE FLOODPLAIN

BUILDING #4: PROPOSED NEW LOCATION FOR BUILDING #3

Exhibit 'C':
Building Elevations



BUILDING #1: ANIMAL SHELTER OR LOAFING SHED



BUILDING #2: AGRICULTURAL ACCESSORY BUILDING



BUILDING #3: AGRICUTLURAL ACCESSORY BUILDING SITUATED WITHIN THE 100-YEAR FLOODPLAIN