PLANNING AND ZONING CASE CHECKLIST

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

P&Z CASE # Z2018-016 **P&Z DATE**_____ **CC DATE**_____ **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
- ☐ RECIEPT
- ☐ LOCATION MAP
- ☐ HOA MAP
- ☐ PON MAP
- ☐ FLU MAP
- ☐ NEWSPAPTER 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:_____

Robert 972.754.9682

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. Z2018-016

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 (Resolution No. 05-22) [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)

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, only the "base fee" is required.

PROPERTY INFORMATION [PLEASE PRINT]

Address					
Subdivision	CHISUM SURVEY A 64	Lot		Block	
General Location	CORNER OF RIDGE ROAD & TURTLE COVE				

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

Current Zoning	COMMERCIAL	Current Use			
Proposed Zoning	PD	Proposed Use			
Acreage	9.7	Lots [Current]	0	Lots [Proposed]	2

[ ] ***Required for Plats:*** *By checking the box at the left you agree to waive the statutory time limit for plat approval in accordance with Section 212.009 of the Local Government Code.*

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

[ ] Owner	VINOD MIRANDA	[ ] Applicant	CLARK STAGGS
Contact Person		Contact Person	
Address	9105 BRIARCREST DR.	Address	1601 SEASCAPE CT.
City, State & Zip	ROWLETT, TX 75089	City, State & Zip	ROCKWALL TX 75087
Phone	915.276.4505	Phone	972.772.0858
E-Mail	~~VINOD@GMAIL.COM~~ VINODMIRANDA@YAHOO.COM	E-Mail	SCS@JOIMAIL.COM

NOTARY VERIFICATION [REQUIRED]

Before me, the undersigned authority, on this day personally appeared VINOD MIRANDA [*Owner/Applicant Name*] the undersigned, who stated the information on this application to be true and certified the following:

"I hereby certify that I am the owner, or duly authorized agent of 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 16th *day of* March *, 20* 18*. 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 16th *day of* March *, 20* 18*.*

DENISE A. GANG
My Notary ID # 129071653
Expires July 30, 2020

Owner's/Applicant's Signature

Notary Public in and for the State of Texas

My Commission Expires July 30, 2020

DEVELOPMENT REVIEW COMMITTEE (DRC)

CITY OF ROCKWALL, PLANNING & ZONING DEPARTMENT

Phone: (972) 771-7745
Email: Planning@Rockwall.com

External Review: Wayne Carter, Charter Communications
Jim Friske, Charter Communications
Dinah Wood, Atmos
Randy Voight, Oncor
Phillip Dickerson, Oncor
Brian Duncan, AT&T
Javier Fernandez, RISD
Brenda Callaway, TXDOT
Stephen Geiger, Farmer's Electric
Frank Spataro, Farmer's Electric

Internal Review: Amy Williams, Engineering
John Shannon, Building Inspections
Ariana Hargrove, Fire
Andy Hesser, Parks
Andy Villarreal, Police

From: Planning & Zoning Department

Date: 3/19/2018

To assist the Planning Department in evaluating the attached request, we are sending it to you for your review and comments. Please return any comments and/or plan mark-ups to us within five (5) days. Internal staff will also be required to have all comments input into CRW no later than Friday, 03/23/2018. Planning staff will assemble all comments received in time for our regularly scheduled DRC meeting on 3/27/2018 at 2:00 p.m. The Planning and Zoning Commission work session will be held on 3/27/2018 at 6:00 p.m. You are welcome to attend both meetings. If you have any questions, please contact us at (972) 771-7745.

Project Number: **Z2018-016**

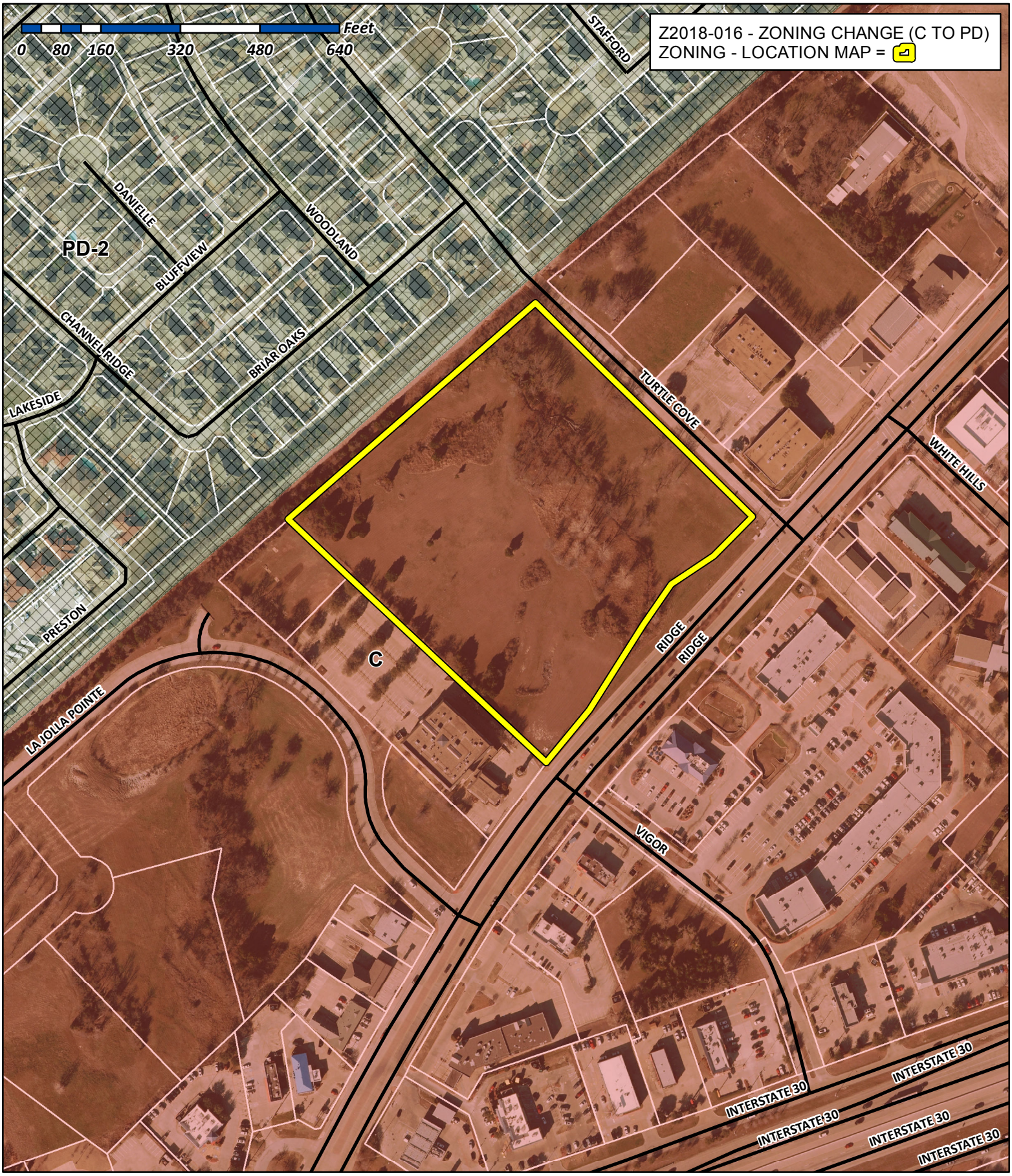
Project Name: **Waterview Ridge (C to PD)**

Project Type: **ZONING**

Applicant Name: **CLARK STAGGS**

Owner Name: **VINOD, MIRANDA**

Project Description:



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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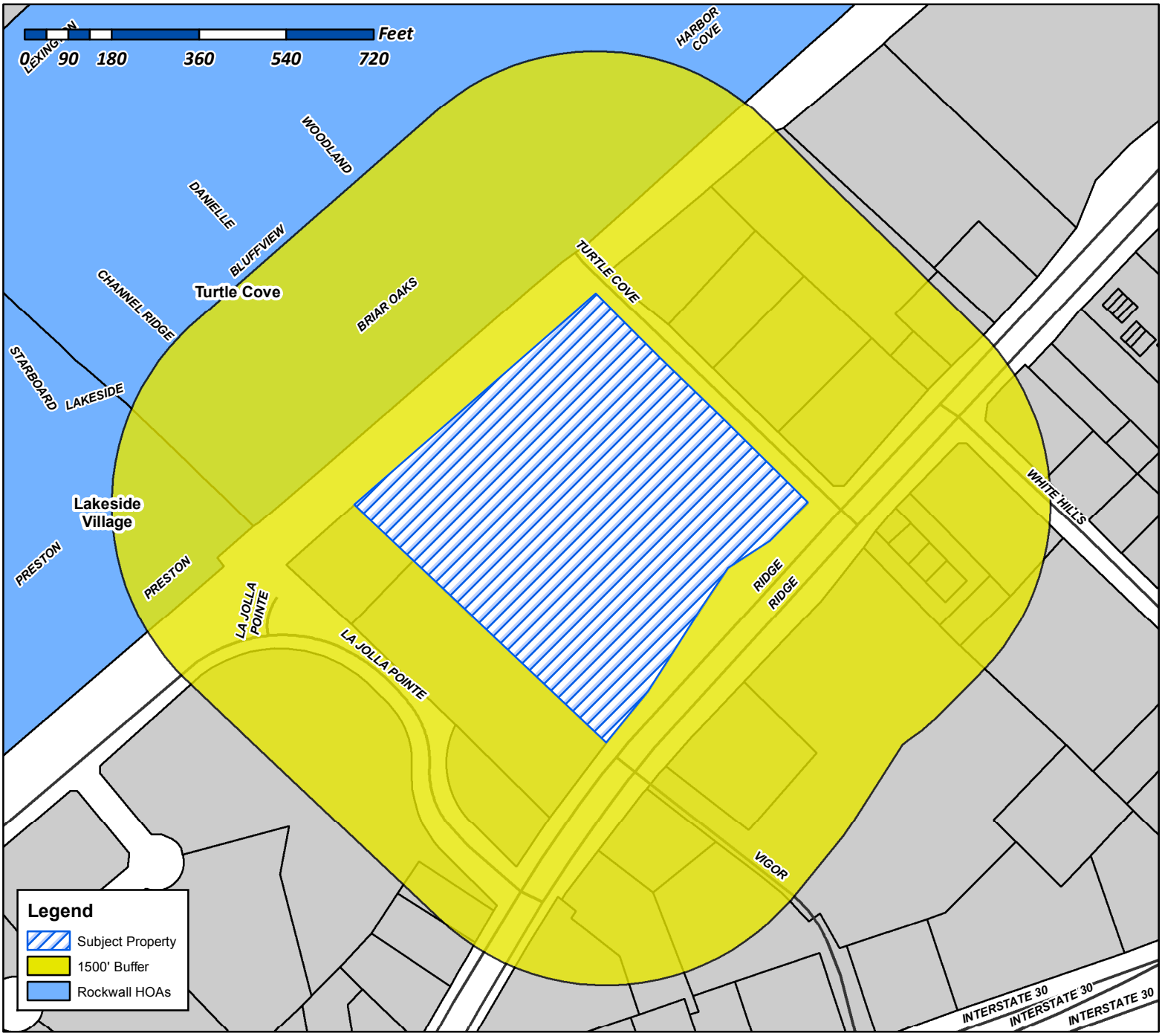
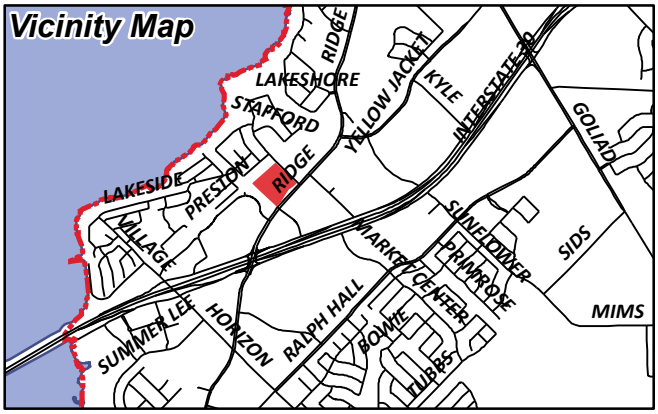


Case Number: Z2018-016
Case Name: Zoning Change (C to PD)
Case Type: Zoning
Zoning: Commercial (C) District
Case Address: NWC of Ridge Road and Turtle Cove Blvd.

Date Created: *03/14/2018*
For Questions on this Case Call (972) 771-7745



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(P): (972) 771-7745
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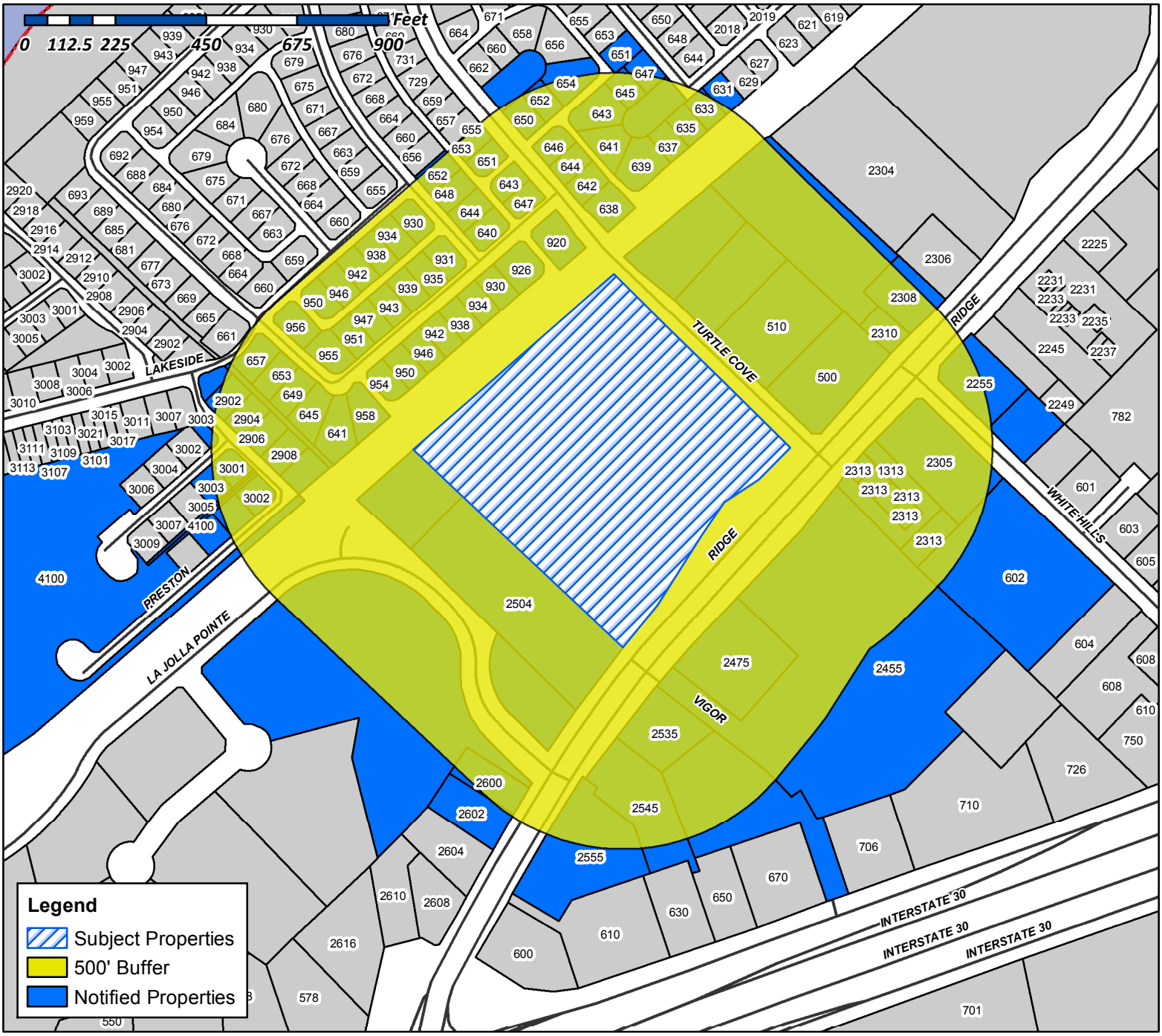
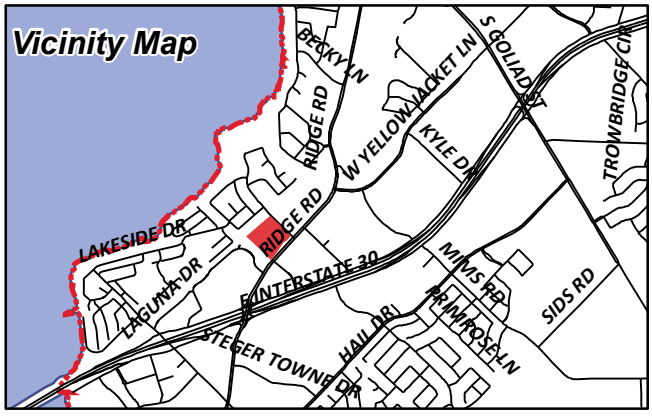


Case Number: Z2018-016
Case Name: Zoning Change (C to PD)
Case Type: Zoning
Zoning: Commercial (C) District
Case Address: NWC of Ridge Road and Turtle Cove Blvd.

Date Created: *08/21/2017*
For Questions on this Case Call (972) 771-7745



HOISINGTON TED & MARILYN
1102 SQUAW VALLEY
ROCKWALL, TX 75087

BOLD LLC
121 WYLER DR
DAKOTA, IL 61018

CURRENT RESIDENT
1313 RIDGE RD
ROCKWALL, TX 75032

VANDERSLICE ROBERT
1408 S LAKESHORE DR
ROCKWALL, TX 75087

MMF INVESTMENTS LLC
2255 RIDGE RD SUITE 333
ROCKWALL, TX 75087

MANGRIN CORPORATION
2255 RIDGE ROAD #208
ROCKWALL, TX 75087

HUDSPETH WARD
2304 RIDGE RD
ROCKWALL, TX 75087

CURRENT RESIDENT
2305 RIDGE RD
ROCKWALL, TX 75032

CURRENT RESIDENT
2308 RIDGE RD
ROCKWALL, TX 75032

CURRENT RESIDENT
2310 RIDGE RD
ROCKWALL, TX 75032

CURRENT RESIDENT
2313 RIDGE RD
ROCKWALL, TX 75032

CURRENT RESIDENT
2455 RIDGE RD
ROCKWALL, TX 75032

CURRENT RESIDENT
2475 RIDGE RD
ROCKWALL, TX 75032

BROOKS RICHARD L DR
2504 RIDGE RD STE 107
ROCKWALL, TX 75087

BROOKS RICHARD L MD
2504 RIDGE RD STE 101
ROCKWALL, TX 75087

CURRENT RESIDENT
2535 RIDGE RD
ROCKWALL, TX 75032

CURRENT RESIDENT
2545 RIDGE RD
ROCKWALL, TX 75032

CURRENT RESIDENT
2555 RIDGE RD
ROCKWALL, TX 75032

HANKINS NORMA A AND
2571 VIVROUX RANCH RD
SEGUIN, TX 78155

BELAC PROPERTIES LLC
2600 RIDGE RD STE 102
ROCKWALL, TX 75087

CURRENT RESIDENT
2602 RIDGE RD
ROCKWALL, TX 75032

AZZOUZI MOHAMED EL
2701 W PLANO PKWY SUITE 100
PLANO, TX 75075

LINDEMAN JULIE A & BOBBY L
2902 PRESTON TRL
ROCKWALL, TX 75087

LEE JAMES H AND BARBARA
2904 PRESTON TR
ROCKWALL, TX 75087

CURRENT RESIDENT
2906 PRESTON TR
ROCKWALL, TX 75032

CURRENT RESIDENT
2908 PRESTON TR
ROCKWALL, TX 75032

EHLERT GORDON W & LINDA K
3001 PRESTON CT
ROCKWALL, TX 75087

CURRENT RESIDENT
3002 PRESTON TR
ROCKWALL, TX 75032

STURCH GARY D & CANDACE F
3003 PRESTON CT
ROCKWALL, TX 75087

TURTLE COVE RESIDENTIAL ASSOC INC
3102 OAK LAWN AVE SUITE 202
DALLAS, TX 75219

ALLEN KIM L & LINDA
3510 LAKESIDE DR
ROCKWALL, TX 75087

LAKESIDE VILLAGE HOMEOWNERS
4100 VILLAGE DR
ROCKWALL, TX 75087

ROBERTS JAMES F
4112 VILLAGE DR
ROCKWALL, TX 75087

CBAX PROPERTIES LLC
465 W PRESIDENT GEORGE BUSH HWY
RICHARDSON, TX 75080

CURRENT RESIDENT
500 TURTLE COVE BLVD
ROCKWALL, TX 75032

PSB INDEMNITY FAMILY LTD PTRN
510 TURTLE COVE BLVD STE 200
ROCKWALL, TX 75087

CURRENT RESIDENT
602 WHITE HILLS DR
ROCKWALL, TX 75032

COIT RIDGE PROPERTIES LLC
6031 SHERRY LN SUITE C
DALLAS, TX 75225

DELAY MANAGEMENT TRUST DELORES
631 HARBOR COVE DRIVE
ROCKWALL, TX 75087

BARROW KYLE
633 HARBOR COVE DR
ROCKWALL, TX 75087

ALFORD JIM AND BARBARA
635 STAFFORD CIR
ROCKWALL, TX 75087

PACHECO ENRIQUE AND JOANN T
637 STAFFORD CIR
ROCKWALL, TX 75087

BOWMAN SCOTT & TAMARA L
638 TURTLE COVE BOULEVARD
ROCKWALL, TX 75087

HAYS DANNY & JOAN
639 STAFFORD CIR
ROCKWALL, TX 75087

ELLIS BETTY J
640 WOODLAND WAY
ROCKWALL, TX 75087

ZASTROW BRADLEY L & SANDRA D
641 CHANNEL RIDGE DR
ROCKWALL, TX 75087

GOODWIN HEATHER
641 STAFFORD CIR
ROCKWALL, TX 75087

SMITH RICHARD G EBERLE
642 TURTLE COVE BLVD
ROCKWALL, TX 75087

JOHNSON JOEL & LIZ
643 STAFFORD CIR
ROCKWALL, TX 75087

PHILLIPS SCOTT BRANNAN
643 TURTLE COVE BLVD
ROCKWALL, TX 75087

TARVER KIRK & JULIA
644 TURTLE COVE BLVD
ROCKWALL, TX 75087

DARNELL MELINDA K AND WELDON K
644 WOODLAND WAY
ROCKWALL, TX 75087

JOHNSTON LISA P & MARK
645 CHANNEL RIDGE DR
ROCKWALL, TX 75087

GALLI THOMAS J
645 STAFFORD CIR
ROCKWALL, TX 75087

BANZER JERRY L AND BARBARA
646 TURTLE COVE BLVD
ROCKWALL, TX 75087

FISH WADE W
647 STAFFORD CIR
ROCKWALL, TX 75087

MOORE KELLI M
647 TURTLE COVE BLVD
ROCKWALL, TX 75087

TOLLESON MATTHEW AND AMY
648 WOODLAND WAY
ROCKWALL, TX 75087

SVRCEK JOSEPH T
649 CHANNEL RIDGE DR
ROCKWALL, TX 75087

KATT WILLIAM CHARLES
650 TURTLE COVE BLVD
ROCKWALL, TX 75087

THORSEN LINDY N
651 STAFFORD CIR
ROCKWALL, TX 75087

LOFLAND SHERRIE
651 TURTLE COVE
ROCKWALL, TX 75087

MICKISH FAMILY LIVING TRUST
652 TURTLE COVE BLVD
ROCKWALL, TX 75087

SINGH PARAMJIT W
652 WOODLAND WAY
ROCKWALL, TX 75087

MCCOY RAYMOND & BELVA
653 CHANNEL RIDGE DR
ROCKWALL, TX 75087

SCOTT PHILLIP AND BETHANY
653 TURTLE COVE BLVD
ROCKWALL, TX 75087

CLAY DEBBRA S
654 TURTLE COVE BLVD
ROCKWALL, TX 75087

ZAHN TERRENCE T AND JENNIFER A
657 CHANNEL RIDGE DR
ROCKWALL, TX 75087

POP HOLDINGS LP
7750 N MACARTHUR BLVD STE 120-121
IRVING, TX 75063

DAVID HOGG BUILDING LLC
8652 W ROWEL RD
PEORIA, AZ 85383

ROCKWAY PARTNERS LLP
9071 E VASSAR AVE
DENVER, CO 80231

MIRANDA VINOD
9105 BRIARCREST DR
ROWLETT, TX 75089

CONFIDENTIAL
920 BRIAR OAK DR
ROCKWALL, TX 75087

FLOETER JOHN AND SHIRLEY
926 BRIAR OAKS DR
ROCKWALL, TX 75087

MAJORS WENDELL LEE AND SHIRLEY JEAN
930 BLUFFVIEW DR
ROCKWALL, TX 75087

WILLIAMS PAULA
930 BRIAR OAKS DRIVE
ROCKWALL, TX 75087

ANDERSEN SANDRA
931 BRIAR OAK DRIVE
ROCKWALL, TX 75087

HEARD WILLIAM & SYLVIA
934 BLUFFVIEW DR
ROCKWALL, TX 75087

COOPER JEFFREY BOONE
934 BRIAR OAK DR
ROCKWALL, TX 75087

HOOD KENNETH & JENNIFER
935 BRIAR OAK DR
ROCKWALL, TX 75087

MCKINNEY LEONARD L & MARLENE D
938 BLUFFVIEW DR
ROCKWALL, TX 75087

WEIN DAVID C AND CHRISTINE
938 BRIAR OAKS DR
ROCKWALL, TX 75087

MEEK SALLY C
939 BRIAR OAK DR
ROCKWALL, TX 75087

DAVIS LYNN R
942 BLUFFVIEW DR
ROCKWALL, TX 75087

PRICE BRIAN & SHANNON
942 BRIAR OAKS DRIVE
ROCKWALL, TX 75087

PULLIN STEPHEN M & KENDRA K
943 BRIAR OAK DR
ROCKWALL, TX 75087

KIRBY JOY F REV TRUST
946 BLUFFVIEW DR
ROCKWALL, TX 75087

KIRK JEFFREY S
946 BRIAR OAK DR
ROCKWALL, TX 75087

MORENO ROBERT JR AND SHERRI
947 BRIAR OAKS DR
ROCKWALL, TX 75087

GREEN LUCRETIA
950 BLUFFVIEW DR
ROCKWALL, TX 75087

SANDERS JOE D & JOLINDA
950 BRIAR OAK DR
ROCKWALL, TX 75087

EMMERSON PAULA KAY REVOCABLE TRUST
951 BRIAR OAKS
ROCKWALL, TX 75087

MUNIZ SYLVIA D
954 BRIAR OAK DR
ROCKWALL, TX 75087

GERRALD SCOTT W & JUDY A
955 BRIAR OAK DR
ROCKWALL, TX 75087

PYKE RONALD A & JANE L
956 BLUFFVIEW DR
ROCKWALL, TX 75087

DEEN LAUREN
958 BRIAR OAK DR
ROCKWALL, TX 75087

JAGH HOSPITALITY LP
996 E I-30
ROCKWALL, TX 75087

TURTLE COVE RESIDENTIAL ASSOC
C/O TURTLE COVE HOA 3102 OAK LAWN AVE
SUITE #202
DALLAS, TX 75219

WENDY'S PROPERTIES LLC
ONE DAVE THOMAS BLVD
DUBLIN, OH 43017

DAIKER PARTNERS LTD.
PO BOX 1059
ROCKWALL, TX 75087

ROCKWALL OCEANHILL LLC
PO BOX 1295
ROCKWALL, TX 75087

FIRST PRESBYTERIAN CHURCH
PO BOX 692
ROCKWALL, TX 75087

GLOBAL ADVANCE INC
PO BOX 742077
DALLAS, TX 75374

WATERVIEW RIDGE

ROCKWALL, TEXAS

M. K. & T. RAILROAD

31'-NEW CITY STREET - 60' R.O.W.

FUTURE DEVELOPMENT

WALKING TRAIL

DETENTION POND

NATURAL AREA

26'-0" FIRE LANE

GREAT LAWN

LANDSCAPED COURTYARD

WALKING TRAIL

EMS

TRASH

E.M.T.

26'-0" FIRE LANE

26'-0" FIRE LANE

160 UNIT, 4 STORY
INDEPENDENT LIVING

21 TUCK UNDER GARAGES

NATURAL AREA

7 - 1 STORY
VILLAS UNITS

26'-0" FIRE LANE

24'-0" FIRE LANE

RESORT-STYLE POOL

26'-0" FIRE LANE

FIRST FLOOR
SENIOR LIVING CLUBHOUSE

MAIN ENTRY

NATURAL AREA

26'-0" FIRE LANE

MONUMENT SIGN

TURTLE COVE BOULEVARD

RIDGE ROAD

CONCEPT PLAN

0' 30' 80' 180'

SCALE

ARRIVE 1 ARCHITECTURE GROUP

Architecture
Planning
Project Management

2344 Highway 121 - Suite 100 - Bedford, Texas 76021 - www.ArriveAG.com
Ph 817.514.0584 - Fx 817.514.0694

SEAL

REVISION
1.
2.
3.
4.
5.
6.
7.

DRAWN BY:	CHECKED BY:
STAFF	STAFF
PLOT DATE:	REV. DATE:
SUBMITTAL DATE: 2018	PROJECT NUMBER
ISSUED FOR: REVIEW	SHEET NO.
SCALE: AS NOTED	

X:\Other Projects\Vinod Mirandal\Rockwall\Drawings\Architecture\Rockwall Senior Site Plan.dwg

TURTLE COVE DRIVE
60' R.O.W.

(BASIS OF BEARINGS)
S 44°58'41" E 612.47'

480'

DRAINAGE POND

HEADWALL

OFFICE
GFA: 15,000 SQ FT

OFFICE
GFA: 20,700 SQ FT

OFFICE
GFA: 28,800 SQ FT

L1

L2

FH

L3

RIDGE ROAD

M.K. & T. RAILROAD
(CALLED 100' R.O.W.)

N 49°41'38" E 658.61'

RESIDENCE
GFA: 1650
SQ FT 1st
FLOOR

RESIDENCE
GFA: 1500
SQ FT 1st
FLOOR

OFFICE/RETAIL
2 LEVELS
GFA: 16,800 SQ FT

OFFICE
GFA: 21,600 SQ FT

S 33°36'36" W 203.84'

RESIDENCE
GFA: 1500
SQ FT 1st
FLOOR

RESIDENCE
GFA: 1590
SQ FT 1st
FLOOR

RESIDENCE
GFA: 1680
SQ FT 1st
FLOOR

RESIDENCE
GFA: 1766
SQ FT 1st
FLOOR

RESIDENCE
GFA: 1786
SQ FT 1st
FLOOR

OFFICE
GFA: 11,100
SQ FT

OFFICE
GFA: 23,100 SQ FT

L4

530'

FH

POINT OF BEGINNING

N 45°31'42" W 711.22'

DR. RICHARD BROOKS
VOLUME 898, PAGE 169
D.R.R.C.T.

LAKE POINTE HEALTH &
SCIENCE CENTER
LOT 1, BLOCK A
CABINET C, PAGE 216
P.R.R.C.T.

(IN FEET)
1 inch = 60 ft.

M. K. & T. RAILROAD
(CALLED 100' R.O.W.)
N 49°41'38" E 658.61'
480'
DRAINAGE POND
VOLUME 1881, PAGE 191
DR. RICHARD BROOKS
LAGUNA POINTE DRIVE
P.R.C.T.
N 42°13'47" W 711.22'
CABINET C, PAGE 212
LOT 1, BLOCK A
SCIENCE CENTER
LAKE POINTE HEALTH &
OFFICE/RETAIL
2 LEVELS
GFA: 16,800 SQ FT
OFFICE
GFA: 23,100 SQ FT
OFFICE
GFA: 21,800 SQ FT
OFFICE
GFA: 28,800 SQ FT
OFFICE
GFA: 15,000 SQ FT
OFFICE
GFA: 20,700 SQ FT
RESIDENCE
GFA: 1500 SQ FT 1st FLOOR
RESIDENCE
GFA: 1880 SQ FT 1st FLOOR
RESIDENCE
GFA: 1768 SQ FT 1st FLOOR
RESIDENCE
GFA: 1880 SQ FT 1st FLOOR
RESIDENCE
GFA: 1500

City of Rockwall

Project Plan Review History

Project Number	Z2018-016	**Owner**	VINOD, MIRANDA	**Applied**	3/14/2018 LM
Project Name	Waterview Ridge (C to PD)	**Applicant**	CLARK STAGGS	**Approved**	
Type	ZONING			**Closed**	
Subtype	PD			**Expired**	
Status	Staff Review			**Status**	

Site Address	**City, State Zip**	**Zoning**
RIDGE RD	ROCKWALL, TX 75087	

Subdivision	**Tract**	**Block**	**Lot No**	**Parcel No**	**General Plan**
LAKE POINTE HEALTH SCIENCE CENTER OF ROCK	\15	NULL	15	0064-0000-0015-00-0R	

Type of Review / Notes	Contact	Sent	Due	Received	Elapsed	Status	Remarks
BUILDING	John Ankrum	3/19/2018	3/26/2018	3/19/2018		APPROVED	
ENGINEERING	Amy Williams	3/14/2018	3/21/2018	3/21/2018	7	COMMENTS	See Comments

Type of Review / Notes	Contact	Sent	Due	Received	Elapsed	Status	Remarks
(3/21/2018 11:59 AM AW) - Need to show a phasing plan - Laguna Drive to be 41' back to back of curb, 60' ROW. The full width of roadway (41') can't have tree wells or striped parallel parking. Remove trees and striping out of the 41' back to back roadway. - Minimum of 24' of Laguna shall be built with Phase 1 and the remainder of the 41' will be built with Phase 2 - The fully developed Laguna (41' B-B) will be designed/engineered with the initial (Phase 1) engineering plans including drainage. - 4% Engineering Inspection Fees. - Impact fees. - Sidewalk assessment $10/LF along FM 740. - Traffic Impact Analysis for Turtle Cove Blvd. - Flood Study required (must pay retainer to City before review). - Waters of the US study for creek. - Erosion setback required along creek. - Detention is required. - No detention in 100yr flood plain. - No vertical walls allowed in the detention pond easement - Post-Development C value is 0.9 for the entire site. - Must have railroad approval for drainage. - Fire Lane to be 24' min, 20' curve radii. - Parking is 20'x9' min. No dead end parking. - Min 20' utility easements. - No structures in easements - No trees within 5' of public utilities. - Water and sewer available, will need to complete a water/sewer capacity study. (in process) - Must loop water line on site. - Walls 3' and over must be designed by a licensed engineer. - All walls to be rock or stone. No smooth concrete walls. - Must meet all City Engineering Standards.							
FIRE	Ariana Hargrove	3/14/2018	3/21/2018	3/23/2018	9	COMMENTS	see notes

Type of Review / Notes	Contact	Sent	Due	Received	Elapsed	Status	Remarks
(3/23/2018 12:58 PM AA) Notes regarding fire apparatus access (fire lane) 1) Two means of fire apparatus access shall be provided for the following a) Buildings or facilities exceeding 30-feet or three stories in height. b) Buildings or facilities having a gross building area of more than 62,000 square feet. (Exception: Projects having a gross building area of up to 124,000 square feet that have a single approved fire apparatus access road when all buildings are equipped throughout with approved automatic sprinkler systems.) c) Multiple-family residential projects having more than 100 dwelling units. (Exception: Projects having up to 200 dwelling units may have a single approved fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with approved automatic sprinkler systems) d) Multiple-family residential projects having more than 200 dwelling units. e) One- or two-family dwelling developments where the number of dwelling units exceeds 30. (Exception: Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the International Fire Code, access from two directions shall not be required.) 2) Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses. (Exception: Fire Code Official shall approve layout for multiple-family residential projects.)							
PLANNING	David Gonzales	3/14/2018	3/21/2018	3/20/2018	6	COMMENTS	See comments

Hold a public hearing to discuss and consider a request by Clark Staggs on behalf of Vinod Miranda for the approval of a zoning change from a Commercial (C) District to a Planned Development District for an age-restricted multi-family apartment complex and memory care facility on a on 9.699-acre tract of land identified as 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 southwestern corner of the intersection of Ridge Road [FM-740] and Turtle Cove Boulevard, and take any action necessary.

PLANNING COMMENTS - DAVID GONZALES - 03.21.2018

All staff comments are to be addressed and resubmitted by Tuesday, April 3, 2018. Please provide two large copies [FOLDED] and one PDF version for a subsequent review by staff:

Planning Department General Comments to be addressed are as follows:

• On all future submittals please include the Case Number Z2018-016 on the lower right hand corner.

• When provided, please review the Draft Ordinance prior to the Planning & Zoning public hearing scheduled for April 10, 2108 and return with red lined corrections and/or additions you feel may be necessary for staff review.

• Proposed building elevations are to meet the City's minimum standards as provided for within the Scenic Overlay (SOV) District:
a) please provide exterior materials calculations (i.e. stone % for each elevation, masonry %, fiber board %, etc.)
b) structures exceeding 36-ft in height within the SOV require approval (see Special Use Standards).

• The proposed building elevations and standards will require a recommendation from the Architectural Review Board

• Provide infrastructure study meeting City capacities based on the use for a high density devlopement as proposed

• Separate permit required for all exterior signage through the Building Inspections Department.

• Are you proposing any other uses as listed in the Permited By-Right uses in the PD Development Standards?

• Are you proposing any other uses as listed in the Permited as Accessory uses in the PD Development Standards? If so, are these uses intended for the residents only?

• Will there be a phasing plan for this development?

• Why are private streets being proposed as a by-right use?

• Provide a detailed break-out of the number of 1 bedroom, 2 bedroom, and 3 bedroom units being proposed?

Please make the following corrections/additions to the Concept Plan:

(1) Provide % of open space and label for each separate area on the concept plan (i.e. detention areas, landscape buffers, park area, etc.).

(2) Parking Required - Section 6.5, of Art. VI, of the UDC:Section - Requires a reommendation from the Planning and Zoning Commission and approval of the City Coucil for the following:
a) Reduction in amount of parking spaces provided per bedroom units:
i. One bedroom/efficiency requries 1.5 parking spaces for each 1-bedroom unit within the complex.
ii. Two bedroom requries two (2) parking spaces for each 2-bedroom unit within the complex.
iii. Townhouse requires two (2) parking spaces for each dwelling unit.
b) Provide calculations for EMS interior/living area facilities and remainder of all other land area's associated with EMS use in order to calculate parking requirements [EMS parking = 1:300 SF building & 1:750 SF of site area].

** Calculating at less than 1 parking space per dwelling unit as submitted**
-- A request to waive these requirement by the City Council may be approved through the PD Ordinance--

(3) Proposed Laguna Drive - is a Minor Collector and requries a minimum 60-ft right-of-way with a 41-ft back to back layout.
a) Niche parking not permitted as indicated (i.e. striped, bottle neck design).
b) Remove tree wells from within the ROW as depicted.
c) Remove striping as indicated.
d) Remove parking space count labels -- does not counttowards parking calculation.

(4) Verify and correct scale as represented. Does not scale to 1 inch = 30-ft.

(5) Relabel firelane as 24-ft Firelane and Public Access Easement.

(6) Provide calculation of density -- dwelling units per acre.

(7) Delineate and label total floodplain for development & include total acres.

(7) Provide a legend with the following information:
a) Total Gross Acres
b) Dwelling Units per Acre
c) Open Space Acres
d) Total Floodplain Acres
e) Number of Dwelling Units (i.e. 1 bedroom/2 bedroom)

** Planning Staff Additional Comments:

** 1. The Future Land Use Map contained within the Comprehensive Plan currently identifes this property as being designed for Commercial land uses. The proposed use requries the City Council to amend the Future Land Use Map to relect a High Density Residential land use designation. This will be listed as a condition of approval.

** 2. The following is a Comprehensive Plan (plan) policy that has not been satisfied or could benefit from clarification:

Type of Review / Notes	Contact	Sent	Due	Received	Elapsed	Status	Remarks

a) General Residetial policies: High density residential should be used as a transitional use from commercial (or existing retail) use, or where it will serve as a logical extension of an existing high density development.

**3. The property is within Park District No. 18. Parks fees for cash in lieu land and pro-rata equipement fees will be due at the time of final plat (fees subject to change).

The following are scheduled meeting dates that you and/or your representative(s) are required to attend regarding the PD request. If you have any quesitons regarding this case, please feel free to contact David Gonzales, AICP with the Planning Department at 972-771-7745.

Meeting Dates to Attend:

Planning - Work Session: March 27, 2018 (6:00 p.m.) [applicant to present case to P&Z for discussion]

Parks Board Meeting: April 3, 2018 (6:00 p.m.) [assessment of park fees and/or requirements]

Planning - Public Hearing: April 10, 2018 (6:00 p.m.) [P&Z to take action (i.e. approve, approve with conditions, etc.)

City Council - Pulblic Hearing: April 16, 2018 (6:00 p.m.) [1st Reading of PD Ordinance]

City Council - Concent/Action Item: May 7, 2018 (6:00 p.m.) [2nd Reading of PD Ordinance (if approved at 1st reading)]

- Need to show a phasing plan
- Laguna Drive to be 41' back to back of curb, 60' ROW. The full width of roadway (41') can't have tree wells or striped parallel parking. Remove trees and striping out of the 41' back to back roadway.
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- The fully developed Laguna (41' B-B) will be designed/engineered with the initial (Phase 1) engineering plans including drainage.
- 4% Engineering Inspection Fees.
- Impact fees.
- Sidewalk assessment $10/LF along FM 740.
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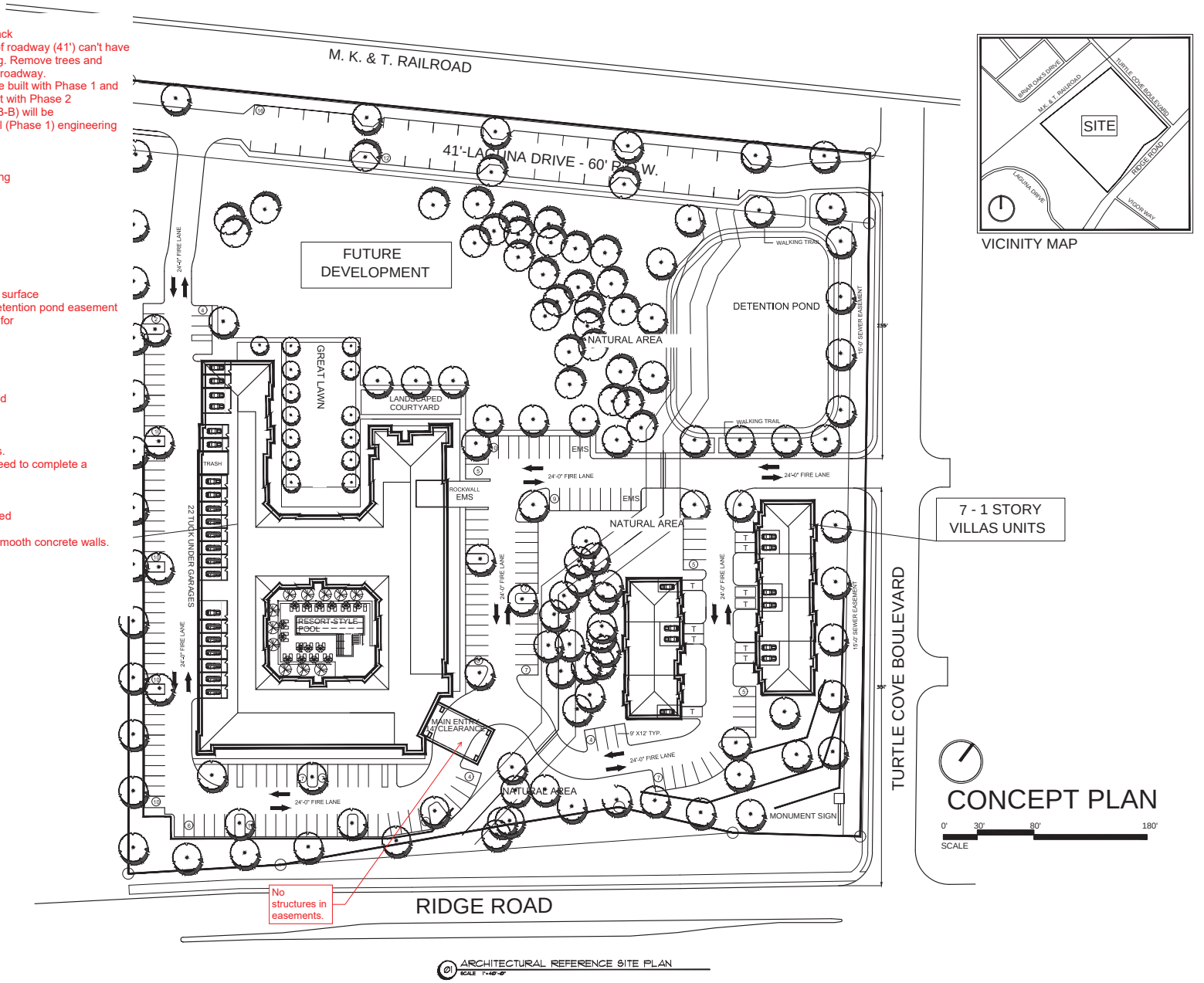
- Flood Study required (must pay retainer to City before review).
- Waters of the US study for creek.
- Erosion setback required along creek.
- No detention in 100yr flood water surface
- No vertical walls allowed in the detention pond easement
- Post-Development C value is 0.9 for the entire site.
- Must have railroad approval for drainage.
- Fire Lane to be 24' min, 20' curve radii.
- Parking is 20'x9' min. No dead end parking.
- Min 20' utility easements.
- No structures in easements
- No trees within 5' of public utilities.
- Water and sewer available, will need to complete a water/sewer capacity study. (in process)
- Must loop water line on site.
- Walls 3' and over must be designed by a licensed engineer.
- All walls to be rock or stone. No smooth concrete walls.
- Must meet all City Engineering Standards.



ARCHITECTURAL REFERENCE SITE PLAN
SCALE 1"=40'-0"

VICINITY MAP

WATERVIEW RIDGE

INDEPENDENT LIVING IN ROCKWALL, TEXAS

CONCEPT PLAN

0' 30' 80' 180'
SCALE

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2344 Highway 121 Suite 100 Bedford, Texas 76021 www.Arrive1AG.com
Ph 817.514.0584 Fx 817.514.0694

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SUBMITTAL DATE: 2018	PROJECT NUMBER
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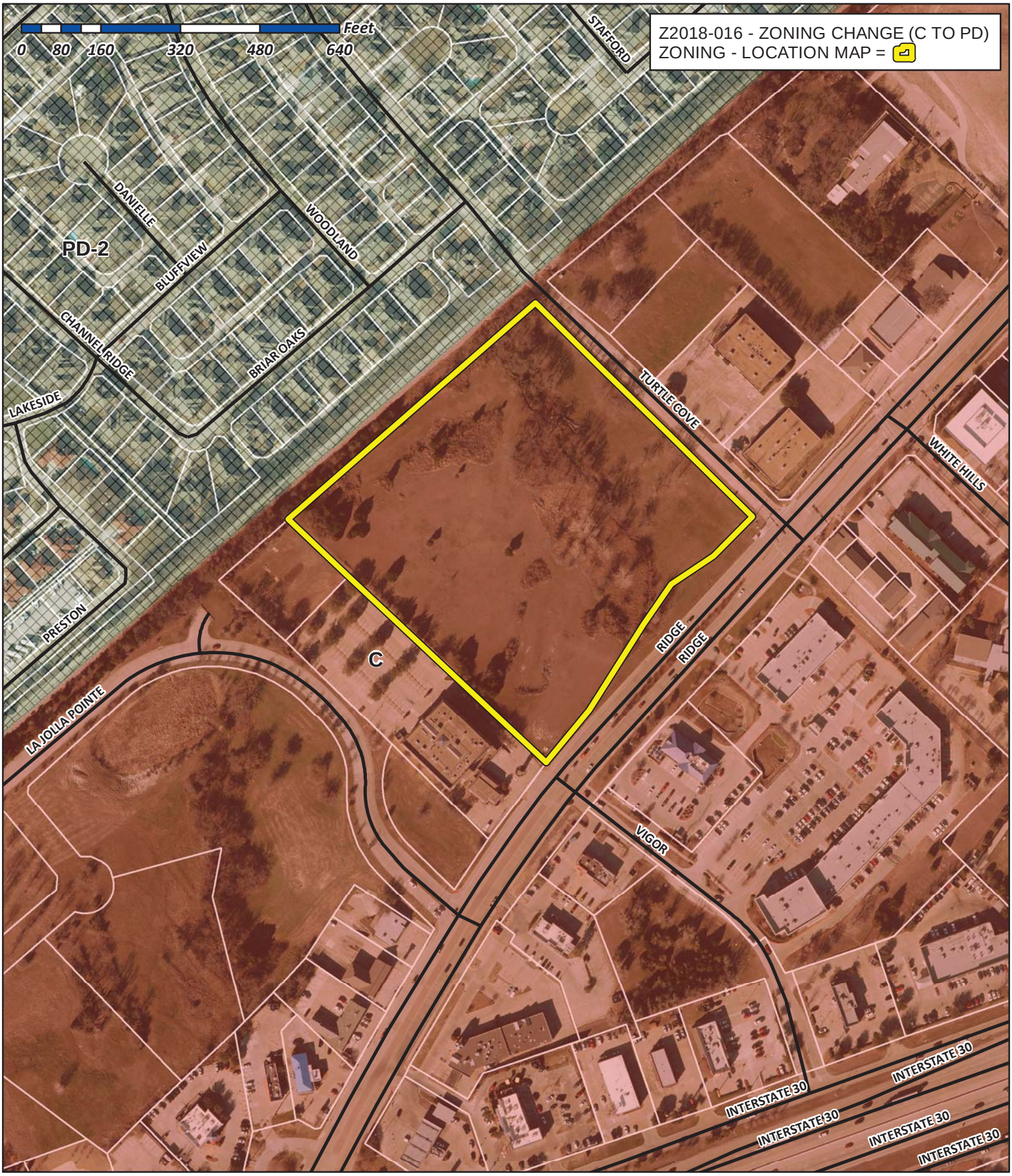

City of Rockwall

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

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March 16, 2018

Mr. Ryan Miller, Director
Planning Department
City of Rockwall
385 S. Goliad
Rockwall, TX 75087

Dear Mr. Miller:

This letter is written in behalf of Vinod Miranda, applicant for the proposed independent living facility on 9.7 acres at the corner of Ridge Road and Turtle Cove. The proposed project consists of a primary structure with 160 individual living units, primarily 1-bedroom and 2-bedrooms. Per the City's requirement, there will be 180 parking spaces, including all garages.

This 4-story structure would include a full complement of services for the residents including dining areas and a commercial kitchen. There would be fitness and activity areas, a theater, outdoor pool, meeting rooms and management offices. It is important to note that although the main structure will have four levels, because of the topography of the site, eye-level on Ridge Road will be near the mid-point of the second level. This will be only a few feet higher than the Medical Arts Building to the south.

Perhaps most important to the nearby communities will be a special garage and "crew space" for an ambulance and EMTs. The developer has signed a letter-of-intent with Rockwall Emergency Medical Service, proposing a renewable 5-year lease for equipment and living quarters.

Two small one-story buildings are proposed, one as a tri-plex, the other a four-plex. Each of these "villas" would have 2 bedrooms and private garages. They would be landscaped to the standards of the main building and would be professionally maintained.

In accordance with the Planned Development District Standards the property owner proposes deed restrictions to be filed concurrently with the Final Plat. These restrictions will govern the occupancy requirements of the age-restricted independent housing facility.

AVIA REALTY 1601 SEASCAPE CT. ROCKWALL, TX 972.772.0858

The following restrictions will be adopted into the deed restrictions that will run with the entire property:

1.) All of the occupied units will be occupied by at least one (1) person who is 62 years of age or older.

2.) Visitors and guests, including family members, such as adult children, grandchildren and siblings are allowed to stay with the resident for a continuous period, not to exceed 14 days within any 45-day period of time.

3.) All tenants shall be entitled to report any violations of the visitation and age-restrictive covenants to the facility management. Policies will be put in place so that appropriate corrective action will be required and initiated, if a violation is found.

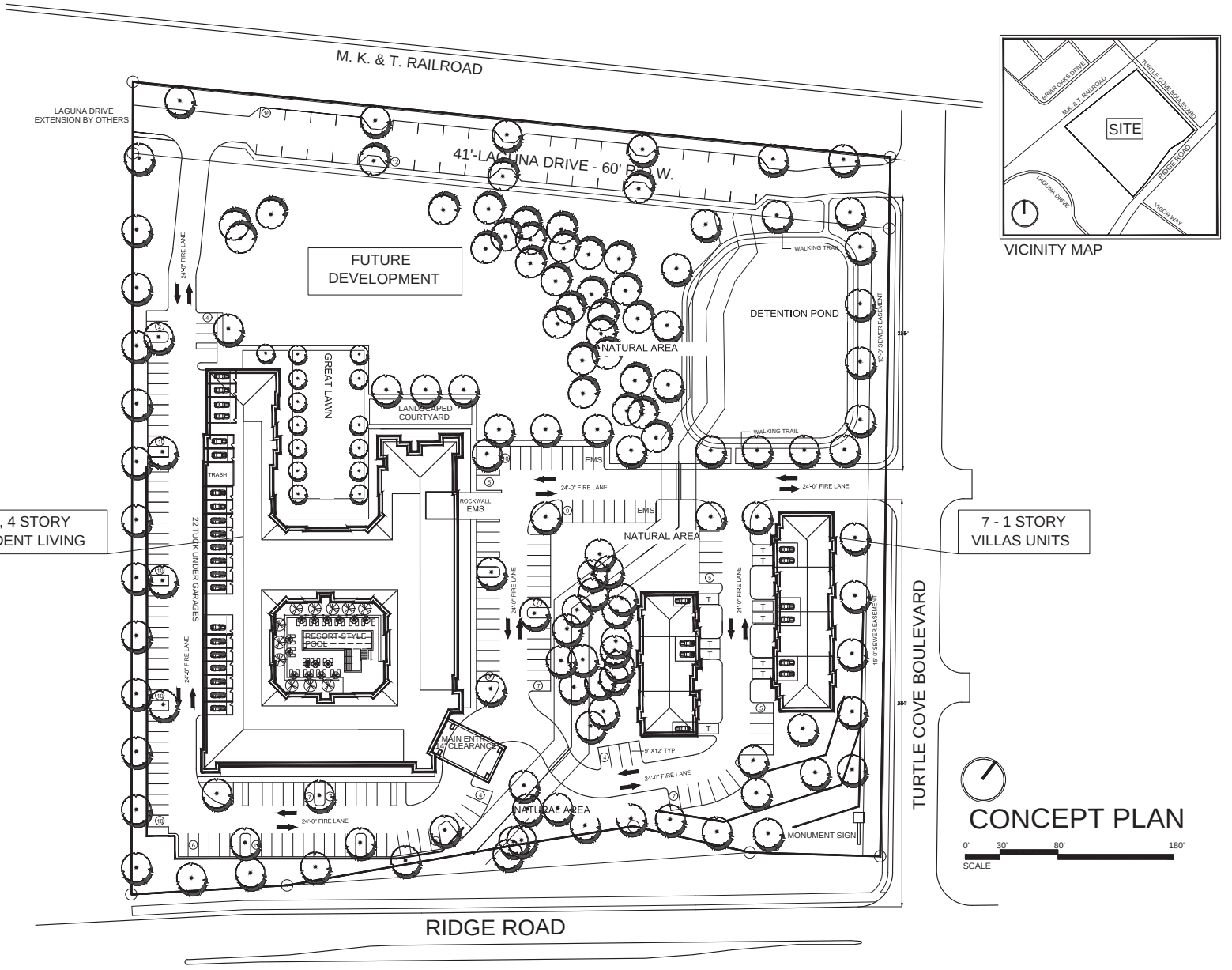
The developer agrees to have designed and install a 24-foot wide connector street on his property, parallel to the rail right-of-way, to alleviate traffic on Turtle Cove Boulevard. This is shown on the Concept Plan presented with this summary.

Finally, but of true significance, is the estimated total value and the property tax implications. The developer's architect estimates the value of the completed project to be just over $18,000,000. At the current Rockwall CAD combined tax rate of 2.146%, the annual property tax would be over $386,000.

Please direct any questions to Robert LaCroix, 972.754.9682.

Sincerely,

Clark Staggs



ARCHITECTURAL REFERENCE SITE PLAN
SCALE 1"=40'-0"

VICINITY MAP

WATERVIEW RIDGE

INDEPENDENT LIVING IN ROCKWALL, TEXAS

CONCEPT PLAN

0' 30' 80' 180'
SCALE

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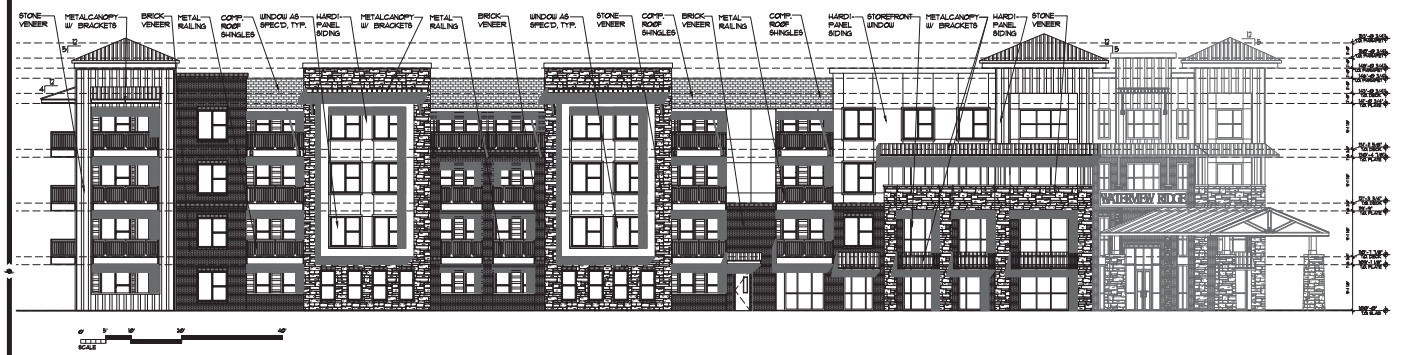

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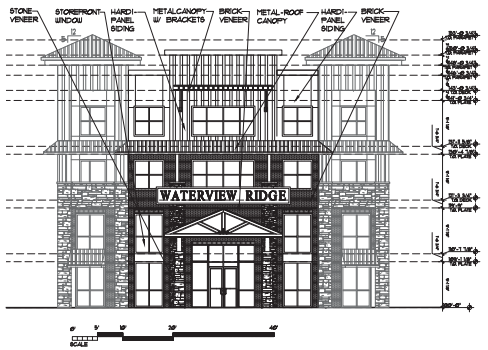
SCALE NTS



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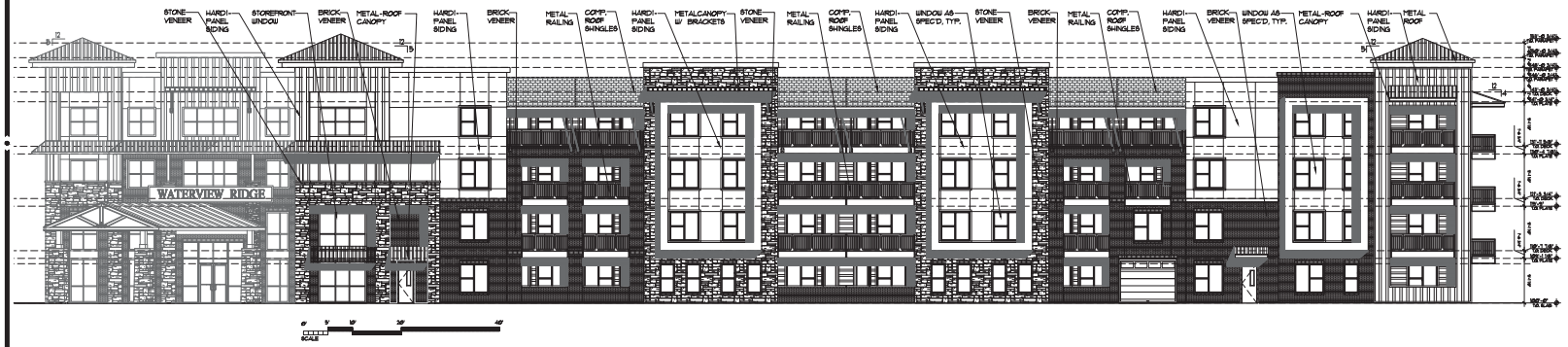

03 CONCEPT- EXTERIOR ELEVATION
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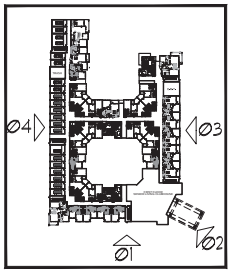
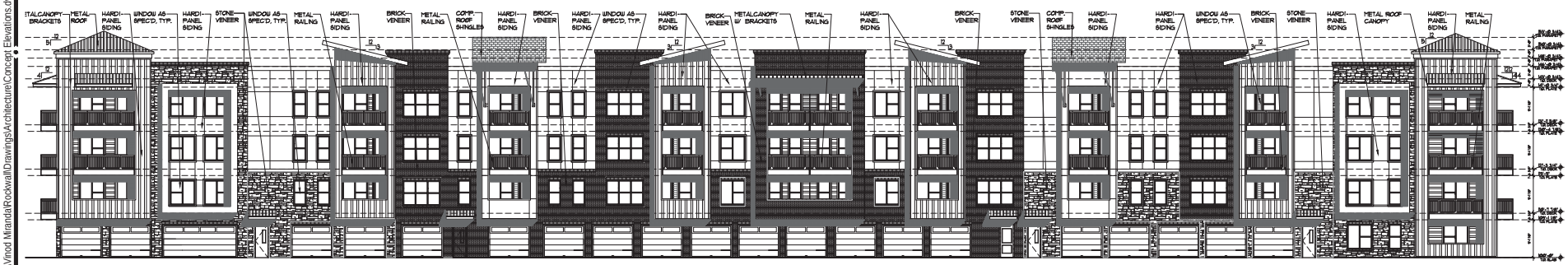


KEY PLAN



04 CONCEPT- EXTERIOR ELEVATION
SCALE NTS

WATERVIEW RIDGE

INDEPENDENT LIVING IN ROCKWALL, TEXAS

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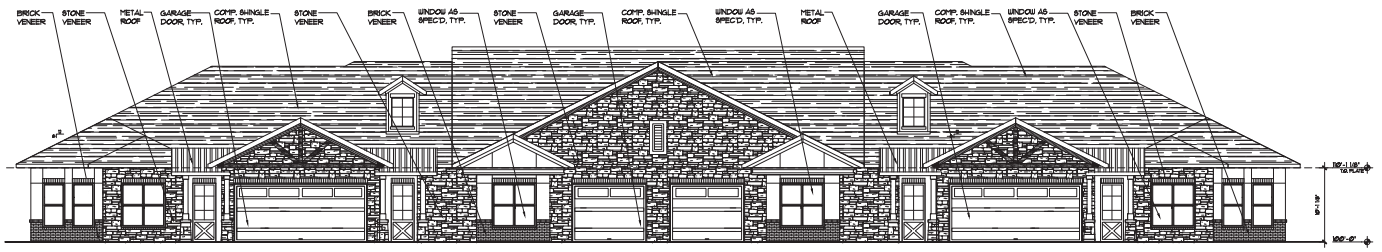
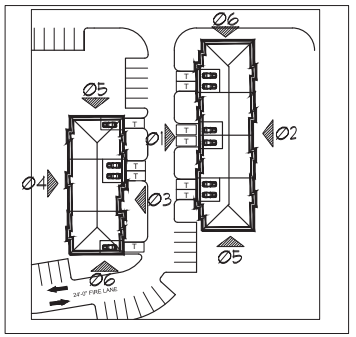


01 VILLA -FRONT EXTERIOR ELEVATIONS
SCALE 1/8" = 1'-0"



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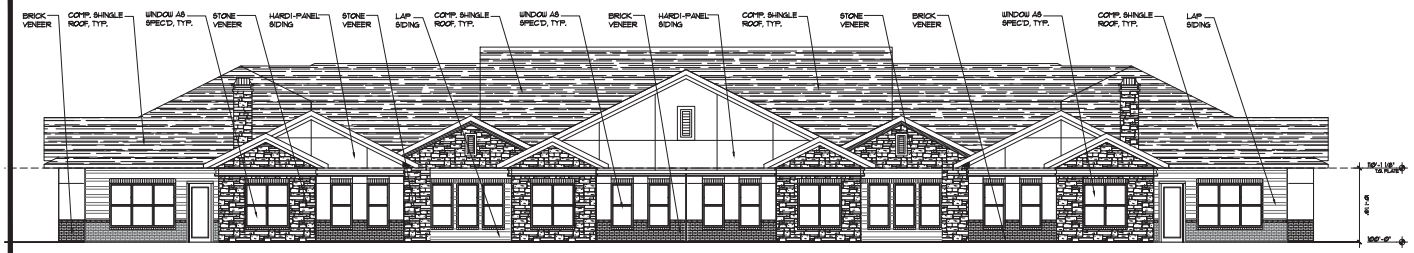

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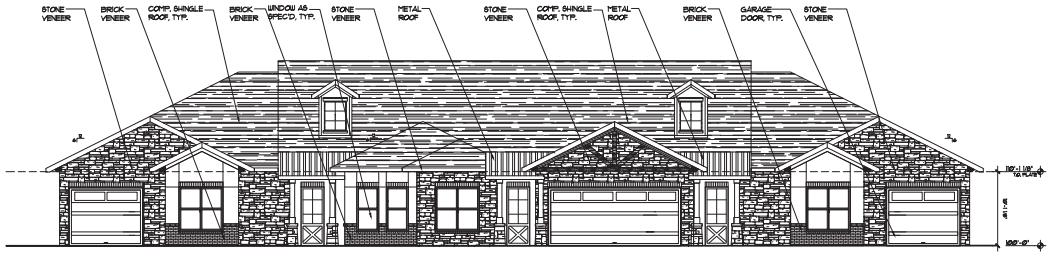

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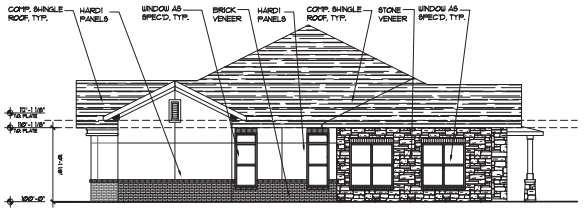
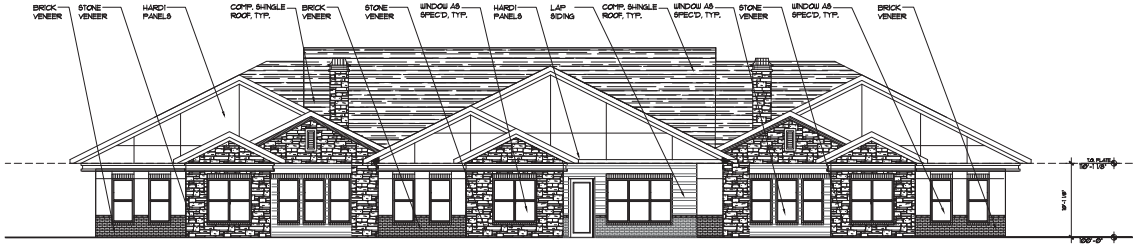


05 VILLA - SIDE EXTERIOR ELEVATIONS
SCALE 1/8" = 1'-0"



04 VILLA - BACK EXTERIOR ELEVATIONS
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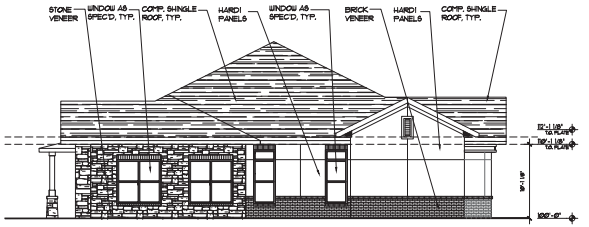

06 VILLA - SIDE EXTERIOR ELEVATIONS
SCALE 1/8" = 1'-0"

INDEPENDENT LIVING

FLOWER MOUND, TEXAS

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WaterView Ridge PD Development Standards

PD Development Standards:

(1) Permitted Uses: The property shall be subject to the development standards and land uses permitted in the Commercial (C) District as stipulated in the Rockwall Unified Development Code with the following exceptions:

Permitted By-Right. The following uses are permitted by-right.

(a) Age Restricted Independent Housing – which shall be defined in accordance with the State of Texas Federal Fair Housing Laws – shall include but not be limited to the following:

- All of the occupied units are occupied by at least one (1) person who is 62-years of age or older, or handicapped.
- The housing facility or community publishes and adheres to policies and procedures that demonstrate their intent to meet all provisions of the Housing for Older Persons Act of 1995.
- The housing facility or community complies with all rules issued by the Secretary of Housing and Urban Development for verification of occupancy.
- The housing facility has significant facilities and services specifically designated to meet the physical or social needs of older persons.

(b) Assisted Living/Memory Care Facility
(c) Villas/Townhouse
(d) General Office
(e) Medical Office/Clinic
(f) Emergency Medical Station (restricted to those contracted with Rockwall County)
(g) Convalescent and Nursing Care
(h) Hospice
(i) Private Streets

Permitted as Accessory Uses. The following uses shall be permitted as accessory uses to the Age Restricted Independent Housing:

(a) Barber and Beauty Shop
(b) Cafeteria/Common dining facilities
(c) Chapel
(d) Community Center (Room)
(e) Game Court
(f) Greenhouse
(g) Handcraft or Art Work Studio
(h) Health Studio
(i) Instructional Art Studio
(j) Medical Treatment Services
(k) Office

(l) Private Recreation Club or area
(m) Snack Bar
(n) Swimming Pool

Prohibited Uses: The following uses shall be prohibited:

(a) Animal Boarding/Kennel with or with Outside Pens
(b) Cemetery
(c) Billiard Parlor or Pool Hall
(d) Carnival, Circus or Amusement Ride
(e) Commercial Amusement Recreation (Inside or Outside)
(f) Gun club, sheet or Target Range (Indoor)
(g) Astrologer, Hypnotist or Psychic
(h) Night Club, Discotheque or Dance Hall
(i) Pawn Shop
(j) Secondhand Dealer
(k) Building and Landscape Material Sales with or without Outside Storage
(l) Research and Technology/Light Assembly
(m) Auto Repair Garage (Minor)
(n) Boat and Trailer Dealership (New and Used)
(o) Car Wash with Auto Detail
(p) Self Service Car Wash
(q) Motor Vehicle Dealership (New or Used)
(r) RV Sales and Service
(s) Service Station/convenience store
(t) Mining and Extraction (e.g. Sand, Gravel, Oil and/or Other)
(u) Helipad
(v) Railroad Yard or Shop

(2) Number of Units. The maximum number of Age Restricted Independent Housing units shall not exceed 160 units. The maximum number of villa/cottage units shall not exceed 7 units.

(3) Unit Size. The minimum unit size shall not be less than 580 square feet and the average unit size shall not be less than 840 square feet in the main structure.

(4) Building Height. The maximum building height for the Age Restricted Independent Housing shall be 55 feet from grade.

(5) Parking. No less than 1.2 parking spaces per unit shall be provided for the Age Restricted Independent Housing. All other proposed uses shall comply with parking requirements as prescribed by the City of Rockwall.

(6) Open Space. A minimum of 20% of the total property shall be developed as open space, which may include landscaping buffers and islands, landscaped detention areas, hardscape gathering areas, and pool and other outdoor recreational areas.

(7) Deed Restrictions. Prior to or concurrently with the recording of the final plat for the Subject Property, the owner of the Subject Property shall establish a restrictive covenant for the Age Restricted Independent Housing use by executing and recording an instrument approved by the City Attorney pursuant to which the Age Restricted Independent Housing use shall be limited to residential uses by people 62-years of age or older consistent with the Federal Fair Housing Act and all other applicable laws.

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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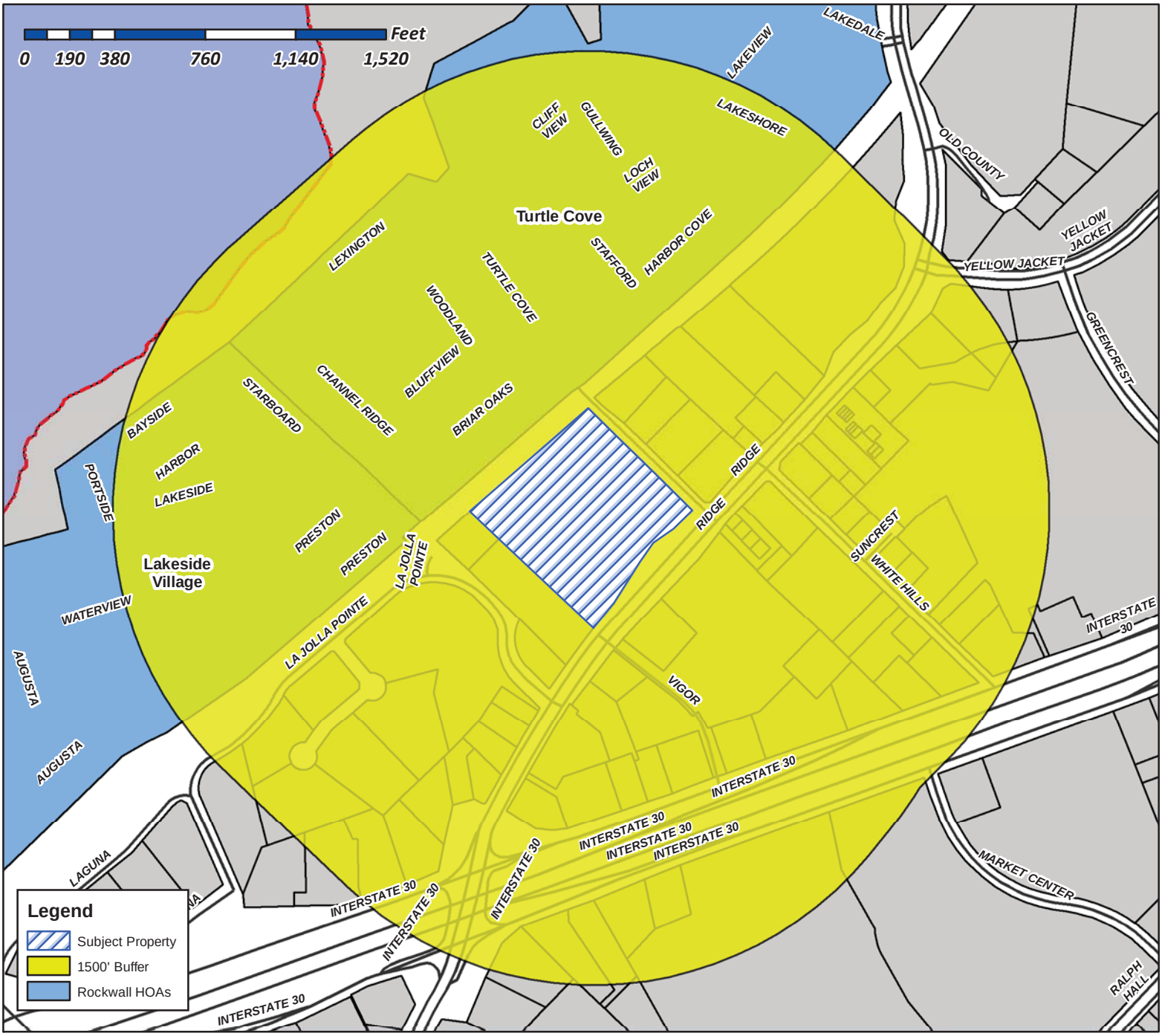
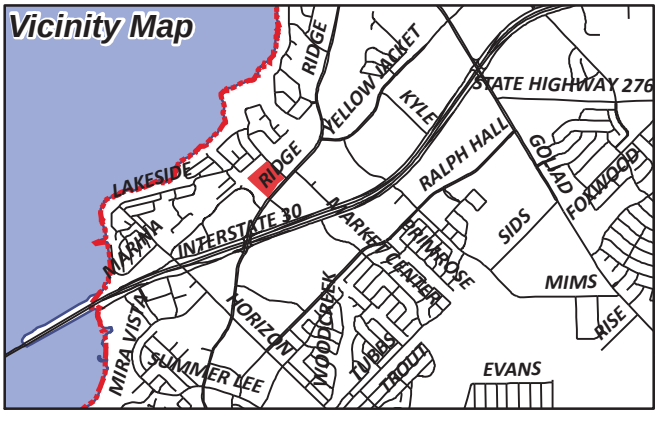


Case Number: Z2018-016
Case Name: Zoning Change (C to PD)
Case Type: Zoning
Zoning: Commercial (C) District
Case Address: NWC of Ridge Road and Turtle Cove Blvd.

Date Created: *08/21/2018*
For Questions on this Case Call (972) 771-7745



City of Rockwall

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

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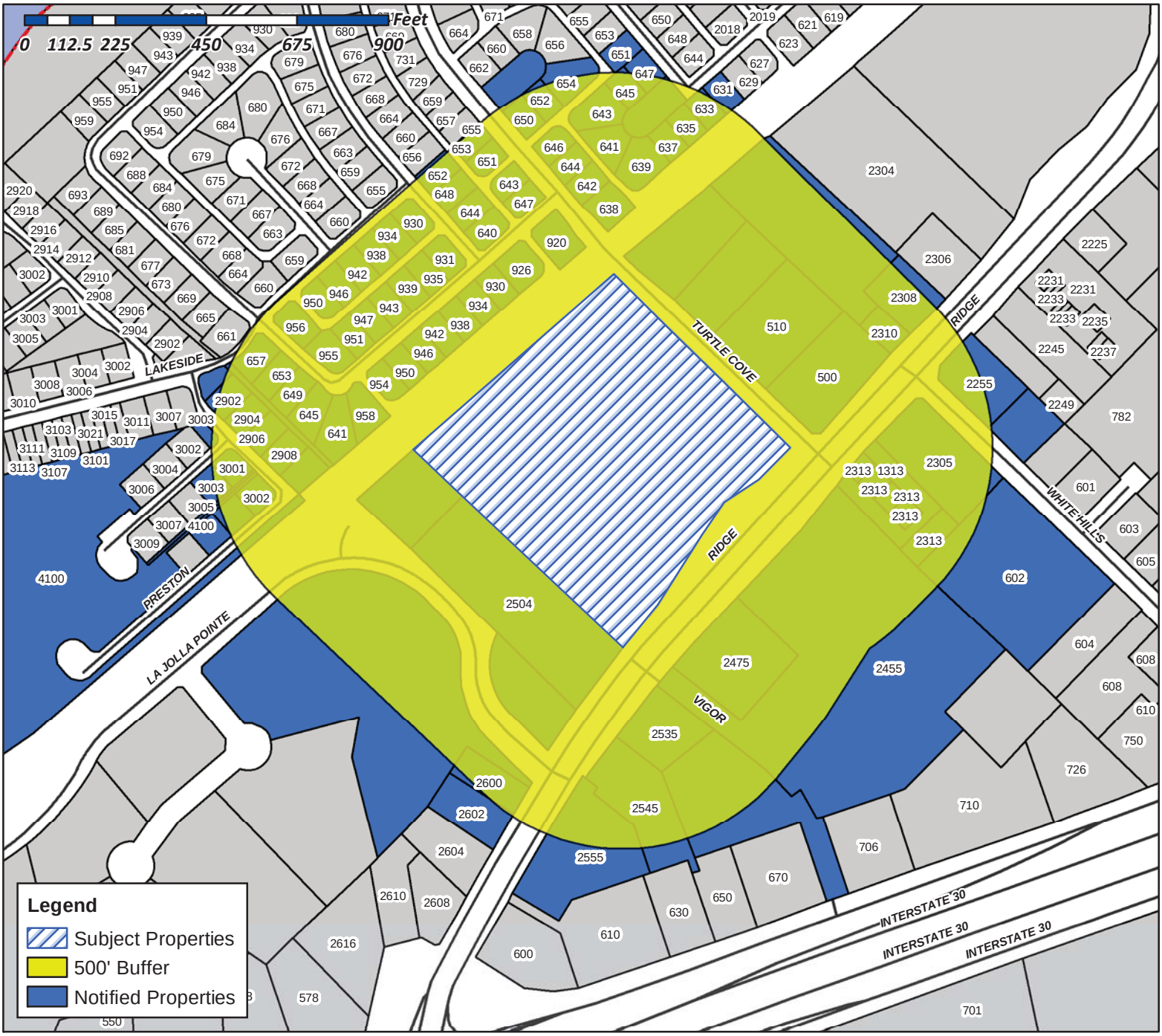

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Case Type: Zoning
Zoning: Commercial (C) District
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Date Created: *08/21/2017*
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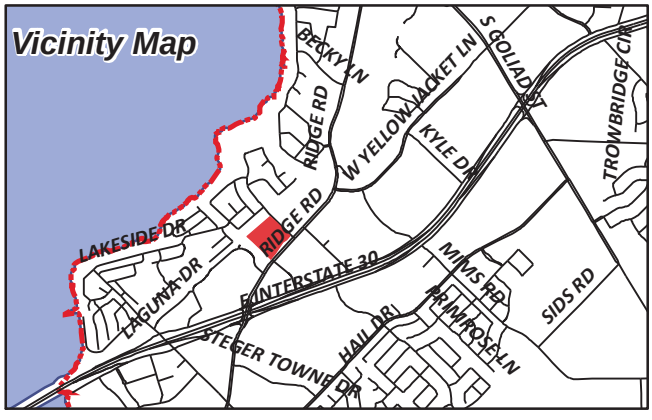

HOISINGTON TED & MARILYN
1102 SQUAW VALLEY
ROCKWALL, TX 75087

BOLD LLC
121 WYLER DR
DAKOTA, IL 61018

CURRENT RESIDENT
1313 RIDGE RD
ROCKWALL, TX 75032

VANDERSLICE ROBERT
1408 S LAKESHORE DR
ROCKWALL, TX 75087

MMF INVESTMENTS LLC
2255 RIDGE RD SUITE 333
ROCKWALL, TX 75087

MANGRIN CORPORATION
2255 RIDGE ROAD #208
ROCKWALL, TX 75087

HUDSPETH WARD
2304 RIDGE RD
ROCKWALL, TX 75087

CURRENT RESIDENT
2305 RIDGE RD
ROCKWALL, TX 75032

CURRENT RESIDENT
2308 RIDGE RD
ROCKWALL, TX 75032

CURRENT RESIDENT
2310 RIDGE RD
ROCKWALL, TX 75032

CURRENT RESIDENT
2313 RIDGE RD
ROCKWALL, TX 75032

CURRENT RESIDENT
2455 RIDGE RD
ROCKWALL, TX 75032

CURRENT RESIDENT
2475 RIDGE RD
ROCKWALL, TX 75032

BROOKS RICHARD L DR
2504 RIDGE RD STE 107
ROCKWALL, TX 75087

BROOKS RICHARD L MD
2504 RIDGE RD STE 101
ROCKWALL, TX 75087

CURRENT RESIDENT
2535 RIDGE RD
ROCKWALL, TX 75032

CURRENT RESIDENT
2545 RIDGE RD
ROCKWALL, TX 75032

CURRENT RESIDENT
2555 RIDGE RD
ROCKWALL, TX 75032

HANKINS NORMA A AND
2571 VIVROUX RANCH RD
SEGUIN, TX 78155

BELAC PROPERTIES LLC
2600 RIDGE RD STE 102
ROCKWALL, TX 75087

CURRENT RESIDENT
2602 RIDGE RD
ROCKWALL, TX 75032

AZZOUZI MOHAMED EL
2701 W PLANO PKWY SUITE 100
PLANO, TX 75075

LINDEMAN JULIE A & BOBBY L
2902 PRESTON TRL
ROCKWALL, TX 75087

LEE JAMES H AND BARBARA
2904 PRESTON TR
ROCKWALL, TX 75087

CURRENT RESIDENT
2906 PRESTON TR
ROCKWALL, TX 75032

CURRENT RESIDENT
2908 PRESTON TR
ROCKWALL, TX 75032

EHLERT GORDON W & LINDA K
3001 PRESTON CT
ROCKWALL, TX 75087

CURRENT RESIDENT
3002 PRESTON TR
ROCKWALL, TX 75032

STURCH GARY D & CANDACE F
3003 PRESTON CT
ROCKWALL, TX 75087

TURTLE COVE RESIDENTIAL ASSOC INC
3102 OAK LAWN AVE SUITE 202
DALLAS, TX 75219

ALLEN KIM L & LINDA
3510 LAKESIDE DR
ROCKWALL, TX 75087

LAKESIDE VILLAGE HOMEOWNERS
4100 VILLAGE DR
ROCKWALL, TX 75087

ROBERTS JAMES F
4112 VILLAGE DR
ROCKWALL, TX 75087

CBAX PROPERTIES LLC
465 W PRESIDENT GEORGE BUSH HWY
RICHARDSON, TX 75080

CURRENT RESIDENT
500 TURTLE COVE BLVD
ROCKWALL, TX 75032

PSB INDEMNITY FAMILY LTD PTRN
510 TURTLE COVE BLVD STE 200
ROCKWALL, TX 75087

CURRENT RESIDENT
602 WHITE HILLS DR
ROCKWALL, TX 75032

COIT RIDGE PROPERTIES LLC
6031 SHERRY LN SUITE C
DALLAS, TX 75225

DELAY MANAGEMENT TRUST DELORES
631 HARBOR COVE DRIVE
ROCKWALL, TX 75087

BARROW KYLE
633 HARBOR COVE DR
ROCKWALL, TX 75087

ALFORD JIM AND BARBARA
635 STAFFORD CIR
ROCKWALL, TX 75087

PACHECO ENRIQUE AND JOANN T
637 STAFFORD CIR
ROCKWALL, TX 75087

BOWMAN SCOTT & TAMARA L
638 TURTLE COVE BOULEVARD
ROCKWALL, TX 75087

HAYS DANNY & JOAN
639 STAFFORD CIR
ROCKWALL, TX 75087

ELLIS BETTY J
640 WOODLAND WAY
ROCKWALL, TX 75087

ZASTROW BRADLEY L & SANDRA D
641 CHANNEL RIDGE DR
ROCKWALL, TX 75087

GOODWIN HEATHER
641 STAFFORD CIR
ROCKWALL, TX 75087

SMITH RICHARD G EBERLE
642 TURTLE COVE BLVD
ROCKWALL, TX 75087

JOHNSON JOEL & LIZ
643 STAFFORD CIR
ROCKWALL, TX 75087

PHILLIPS SCOTT BRANNAN
643 TURTLE COVE BLVD
ROCKWALL, TX 75087

TARVER KIRK & JULIA
644 TURTLE COVE BLVD
ROCKWALL, TX 75087

DARNELL MELINDA K AND WELDON K
644 WOODLAND WAY
ROCKWALL, TX 75087

JOHNSTON LISA P & MARK
645 CHANNEL RIDGE DR
ROCKWALL, TX 75087

GALLI THOMAS J
645 STAFFORD CIR
ROCKWALL, TX 75087

BANZER JERRY L AND BARBARA
646 TURTLE COVE BLVD
ROCKWALL, TX 75087

FISH WADE W
647 STAFFORD CIR
ROCKWALL, TX 75087

MOORE KELLI M
647 TURTLE COVE BLVD
ROCKWALL, TX 75087

TOLLESON MATTHEW AND AMY
648 WOODLAND WAY
ROCKWALL, TX 75087

SVRCEK JOSEPH T
649 CHANNEL RIDGE DR
ROCKWALL, TX 75087

KATT WILLIAM CHARLES
650 TURTLE COVE BLVD
ROCKWALL, TX 75087

THORSEN LINDY N
651 STAFFORD CIR
ROCKWALL, TX 75087

LOFLAND SHERRIE
651 TURTLE COVE
ROCKWALL, TX 75087

MICKISH FAMILY LIVING TRUST
652 TURTLE COVE BLVD
ROCKWALL, TX 75087

SINGH PARAMJIT W
652 WOODLAND WAY
ROCKWALL, TX 75087

MCCOY RAYMOND & BELVA
653 CHANNEL RIDGE DR
ROCKWALL, TX 75087

SCOTT PHILLIP AND BETHANY
653 TURTLE COVE BLVD
ROCKWALL, TX 75087

CLAY DEBBRA S
654 TURTLE COVE BLVD
ROCKWALL, TX 75087

ZAHN TERRENCE T AND JENNIFER A
657 CHANNEL RIDGE DR
ROCKWALL, TX 75087

POP HOLDINGS LP
7750 N MACARTHUR BLVD STE 120-121
IRVING, TX 75063

DAVID HOGG BUILDING LLC
8652 W ROWEL RD
PEORIA, AZ 85383

ROCKWAY PARTNERS LLP
9071 E VASSAR AVE
DENVER, CO 80231

MIRANDA VINOD
9105 BRIARCREST DR
ROWLETT, TX 75089

CONFIDENTIAL
920 BRIAR OAK DR
ROCKWALL, TX 75087

FLOETER JOHN AND SHIRLEY
926 BRIAR OAKS DR
ROCKWALL, TX 75087

MAJORS WENDELL LEE AND SHIRLEY JEAN
930 BLUFFVIEW DR
ROCKWALL, TX 75087

WILLIAMS PAULA
930 BRIAR OAKS DRIVE
ROCKWALL, TX 75087

ANDERSEN SANDRA
931 BRIAR OAK DRIVE
ROCKWALL, TX 75087

HEARD WILLIAM & SYLVIA
934 BLUFFVIEW DR
ROCKWALL, TX 75087

COOPER JEFFREY BOONE
934 BRIAR OAK DR
ROCKWALL, TX 75087

HOOD KENNETH & JENNIFER
935 BRIAR OAK DR
ROCKWALL, TX 75087

MCKINNEY LEONARD L & MARLENE D
938 BLUFFVIEW DR
ROCKWALL, TX 75087

WEIN DAVID C AND CHRISTINE
938 BRIAR OAKS DR
ROCKWALL, TX 75087

MEEK SALLY C
939 BRIAR OAK DR
ROCKWALL, TX 75087

DAVIS LYNN R
942 BLUFFVIEW DR
ROCKWALL, TX 75087

PRICE BRIAN & SHANNON
942 BRIAR OAKS DRIVE
ROCKWALL, TX 75087

PULLIN STEPHEN M & KENDRA K
943 BRIAR OAK DR
ROCKWALL, TX 75087

KIRBY JOY F REV TRUST
946 BLUFFVIEW DR
ROCKWALL, TX 75087

KIRK JEFFREY S
946 BRIAR OAK DR
ROCKWALL, TX 75087

MORENO ROBERT JR AND SHERRI
947 BRIAR OAKS DR
ROCKWALL, TX 75087

GREEN LUCRETIA
950 BLUFFVIEW DR
ROCKWALL, TX 75087

SANDERS JOE D & JOLINDA
950 BRIAR OAK DR
ROCKWALL, TX 75087

EMMERSON PAULA KAY REVOCABLE TRUST
951 BRIAR OAKS
ROCKWALL, TX 75087

MUNIZ SYLVIA D
954 BRIAR OAK DR
ROCKWALL, TX 75087

GERRALD SCOTT W & JUDY A
955 BRIAR OAK DR
ROCKWALL, TX 75087

PYKE RONALD A & JANE L
956 BLUFFVIEW DR
ROCKWALL, TX 75087

DEEN LAUREN
958 BRIAR OAK DR
ROCKWALL, TX 75087

JAGH HOSPITALITY LP
996 E I-30
ROCKWALL, TX 75087

TURTLE COVE RESIDENTIAL ASSOC
C/O TURTLE COVE HOA 3102 OAK LAWN AVE
SUITE #202
DALLAS, TX 75219

WENDY'S PROPERTIES LLC
ONE DAVE THOMAS BLVD
DUBLIN, OH 43017

DAIKER PARTNERS LTD.
PO BOX 1059
ROCKWALL, TX 75087

ROCKWALL OCEANHILL LLC
PO BOX 1295
ROCKWALL, TX 75087

FIRST PRESBYTERIAN CHURCH
PO BOX 692
ROCKWALL, TX 75087

GLOBAL ADVANCE INC
PO BOX 742077
DALLAS, TX 75374

All that certain lot, tract or parcel of land situated in the E.P.G. CHISUM SURVEY, ABSTRACT NO. 64, City of Rockwall, Rockwall County, Texas, and being all of a tract of land as described in a Warranty deed from James W. Reese to LGI Properties. LTD, dated July 1, 2003 and being recorded in Volume 3075, Page 146 of the Real Property Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a TXDOT brass disk monument found for corner at the intersection of the southwest right-of-way line of Turtle Cove Drive, a 60 foot right-of-way, with the northwest right-of-way line of Ridge Road F.M. 740, a variable width right-of-way per Volume 1582, Page 317 of the Real Property Records of Rockwall County, Texas, and being at the east corner of the above cited tract of land;

THENCE in a southwesterly direction along the northwest right-of-way line of Ridge Road F.M. 740 as follows:

S. 45 deg. 59 min. 50 sec. W. a distance of 113.22 feet to a TXDOT brass disk monument found for corner;
S. 57 deg. 34 min. 20 sec. W. a distance of 103.07 feet to a TXDOT brass disk monument found for corner;
S. 35 deg. 01 min. 32 sec. W. a distance of 101.12 feet to a TXDOT brass disk monument found for corner;
S. 33 deg. 32 min. 12 sec. W. a distance of 204.12 feet to a TXDOT brass disk monument found for corner;
S. 40 deg. 08 min. 27 sec. W. a distance of 136.97 feet to a TXDOT brass disk monument found for corner at the south corner of said Reese to LGI Properties tract and being in the northeast boundary line of Lot 1, Block A, LAKE POINT HEATH AND SCIENCE CENTER ADDITION, an Addition to the City of Rockwall, Texas, according to the Plat thereof recorded in Cabinet C, Slide 216 of the Plat Records of Rockwall County, Texas;

THENCE N. 45 deg. 31 min. 12 sec. W. a distance of 711.59 feet to a 3/8" iron rod found for corner at the west corner of said Reese to LGI Properties tract and being in the southeast right-of-way line of the Union Pacific Railroad, a 100 foot right-of-way;

THENCE N. 49 deg. 42 min. 29 sec. E. along said railroad right-of-way, a distance of 658.84 feet to a 1/2" iron rod found for corner in the southwest right-of-way line of Turtle Cove Drive;

THENCE S. 44 deg. 58 min. 41 sec. E. along said right-of-way line, a distance of 612.21 feet to the POINT OF BEGINNING and containing 422,730 square feet or 9.70 acres of land.

CITY OF ROCKWALL
PLANNING AND ZONING COMMISSION MEMO

AGENDA DATE: 04/10/2018

APPLICANT: Clark Staggs

AGENDA ITEM: **Z2018-016**; Zoning Change (C *to PD) for Waterview Ridge*

SUMMARY:

Hold a public hearing to discuss and consider a request by Clark Staggs on behalf of Vinod Miranda for the approval of a zoning change from a Commercial (C) District to a Planned Development District for an age-restricted multi-family apartment complex and limited Commercial (C) District land uses on a on 9.70-acre tract of land identified as 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 southwestern corner of the intersection of Ridge Road [*FM-740*] and Turtle Cove Boulevard, and take any action necessary.

PURPOSE AND BACKGROUND:

On March 16, 2018, the applicant submitted an application requesting to rezone the subject property from a Commercial (C) District to a Planned Development District for an age restricted, multi-family apartment complex that will consist of 160 dwelling units and seven (7) townhomes. The subject property, which was annexed into the City on September 26, 1960 by *Ordinance No. 60-04*, is located at the southwestern corner of the intersection of Ridge Road [*i.e. FM-740*] and Turtle Cove Boulevard, and is currently a vacant unplatted tract of land.

ADJACENT LAND USES AND ACCESS:

The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property are four (4) parcels of land. Situated on two (2) of the parcels are multi-tenant office buildings, known as the Rockwall Executive Addition, which are zoned Commercial (C) District. The other two (2) adjacent parcels are vacant.

South: Directly south of the subject property are two (2) parcels of land (*i.e. 2.427-acres and 0.752-acres*), one (1) which is occupied by a medical facility (*i.e. Lake Pointe Health Science Center*) and the other is vacant. Both of these parcels are zoned Commercial (C) District. Beyond this is La Jolla Pointe Drive, which is identified as a *Minor Collector* (*i.e. 60-foot right-of-way, four [4] lane, undivided roadway*) on the City's *Master Thoroughfare Plan*.

East: Directly east of the subject property is Ridge Road [*FM-740*], which is identified as a M4D (*i.e. major arterial, four [4] lane, divided roadway*) on the City's Master Thoroughfare Plan. Beyond this are two (2) parcels of land containing 7.68-acres and 1.20-acres (*i.e. Rockwall Towne Center and Culvers Restaurant*) and zoned Commercial (C) District.

West: Directly west of the subject property is Planned Development 2 (PD-2) District, which was established by Ordinance No. 73-33 on September 4, 1973. This is known as Turtle Cove Subdivision.

CHARACTERISTICS OF THE REQUEST:

Along with the application, the applicant has submitted a concept plan, building elevations, and development standards for the proposed age restricted multi-family apartment complex, townhome, and limited Commercial (C) District land use development. The concept plan shows that the proposed 160-unit age restricted, multi-family apartment complex will be constructed as a four (4) story building. The proposed four (4) story building design will incorporate an architectural style that surrounds the courtyard and pool, which is located at the center of the facility. The concept plan also indicates the inclusion of two (2) separate buildings to be constructed as a three (3) unit and a four (4) unit residential cottage styled townhomes. If approved, the total unit count for this development will be 167 units (*i.e. 160 MF-units and seven [7] townhome units / 8.166-acres*) and will have a gross density of 20.45 dwelling units per acre. The total amount of dwelling units per acre proposed is not consistent with the City's development standards for a *Multi-Family 14* (MF-14) *District* (i.e. the City's highest density zoning designation), which allows for fourteen (14) units per acre. This is a deviation from the City's requirements and requires discretionary approval by the City Council.

The concept plan also includes the dedication of a minor collector *[i.e. 60-ft right-of-way, 41-ft back to back, four (4) lane undivided street*] street that will be built in two (2) phases. The minor collector street is to connect from La Jolla Pointe Drive and extend to and connect with the existing Turtle Cove Boulevard as depicted on the Concept Plan. The applicant intends to provide a 24-ft road section with the first phase of the development. The remainder of the street is to be constructed when Phase II of the development begins. A development agreement was approved and singed by the adjacent property owner allowing for the connection to La Jolla Ponte Drive.

The development will also include a walking trail, landscaped courtyards, pool amenity, and an indoor recreation area. Additional accessory uses listed in the ordinance (*i.e. barber and beauty shop, chapel, cafeteria/common dining facilities, health studio, etc.*) will be available to the residents. This will include the use of an on-site emergency ambulance service (*i.e. Rockwall EMS*) housed within the multi-family apartment complex. The use of an emergency ambulance service is a permitted by-right use within a Commercial (C) District; however, is not a permitted use within any of the City's residential districts, and could not be constructed as part of an existing multi-family development. A summary of the proposed product type and unit composition of the age restricted multi-family apartment complex is as follows:

Multi-Family Apartment Complex & Townhome Units::

Multi-Family	*Unit Type*	*Minimum Net Unit Area (SF)* [1]	*Number of Units (#)*	*Total Area (SF)*	*Units as Percentage (%)*
A1	*1 Bedroom*	580 SF	39	22,620 SF	16.82%
A2	*1 Bedroom*	692 SF	39	26,988 SF	20.05%
A3	*1 Bedroom*	782 SF	12	9,384 SF	6.97%
A4	*1 Bedroom*	900 SF	2	1,800 SF	1.34%
B1	*2 Bedroom*	1,054 SF	8	8,432 SF	6.26%
B2	*2 Bedroom*	1,055 SF	8	8,440 SF	6.27%
B3	*2 Bedroom*	1,078 SF	44	47,432 SF	35.24%
B4	*2 Bedroom*	1,100 SF	2	2,200 SF	1.64%
C1	*3 Bedroom*	1,214 SF	6	7,284 SF	5.41%
		Average Net Unit Area:		***~841 SF***	
		Maximum Permitted Units:	***160***		***100.00%***

Townhome	*Unit Type*	*Minimum Net Unit Area (SF)* [1]	*Number of Units (#)*	*Total Area (SF)*	*Units as Percentage (%)*
V1	*Townhome*	1,498 SF	4	5,992 SF	54.46%
V2	*Townhome*	1,670 SF	3	5,010 SF	45.54%
		Average Net Unit Area:		***~1,572 SF***	
		Maximum Permitted Units:	***7***		***100.00%***

The above unit composition equals a net average unit size of ~841 SF for the multi-family apartment complex and 1,572 SF for the townhome units. Based on the size of the *subject property* and the number of units proposed (*i.e. 160 MF units + 7 townhome units = 167 units/8.166-acres*), the requested density will be 20.45 units per acre, which does not meet the standards established for a *Multi-Family 14* (MF-14) *District*. However, the applicant is requesting the underlying zoning to remain as a Commercial (C) District. This would be considered a deviation from the City's requirements to have residential land uses within a Commercial (C) District, but a Planned Development District is considered to be flexible zoning and could allow the proposed change. This requires discretionary approval by the City Council.

Article VI, *Parking and Loading*, of the Unified Development Code (UDC) stipulates that multi-family apartment complexes be parked as follows: *[1]* one (1) bedroom or efficiency units require 1½ parking spaces per unit, *[2]* two (2) bedroom units require two (2) parking spaces per unit, and *[3]* three (3) bedroom units require 2½ parking spaces per unit. The applicant has indicated that the age restricted, multi-family apartment complex will have one (1) bedroom, two (2) bedroom, and three (3) bedroom units. This equates to 277 required parking spaces for the proposed multi-family apartment complex. The applicant is proposing a 1.2 spaces/unit parking standard for a total of 192 surface parking spaces for the multi-family apartment complex. This will require approval of the Planning and Zoning Commission and City Council for the reduced number of parking spaces (*i.e. 85 parking spaces less than required*). It should be noted that the reduced parking total has been included in the draft ordinance and is considered to be a condition of approval. The PD Concept Plan indicates that a mixture of 171 surface parking spaces, 21 garage parking spaces, and 4 surface parking spaces dedicated to the emergency ambulance service will be utilized (*i.e. 196 total surface parking spaces*), which means the development will incorporate 100% surface parking. The ratio of garages to parking units equals 21:192 or 10.94% of all parking spaces. The townhome units are required to be parked with a minimum of two (2) off-street parking spaces, and are not accounted for in the parking requirement. The townhomes meet the requirements stipulated by the UDC for off-street parking.

The building elevations submitted by the applicant show that both the multi-family apartment complex and the cottage styled townhomes will utilize a mixture of stone, brick, and HardiePlank lap siding on the exterior façades, and a composition shingled roof. In addition, the elevations appear to conform to the four (4) sided architecture requirements stipulated by the *Scenic Overlay* (SOV) *District* as required by the UDC. Staff has incorporated these elevations into the Planned Development District Ordinance, and general conformance to these elevations -- *pending a recommendation by the Architectural Review Board (ARB) at the time of site plan* -- is a requirement of the proposed zoning district.

With all this being said, staff has prepared a Draft Ordinance that includes all pertinent development standards and design guidelines based on the applicant's request. The Draft Ordinance is attached to this case memo for the City Council's review.

INFRASTRUCTURE:

Based on the request (*i.e. for a high density development*) the Engineering Department has contacted the City's engineering consultant, Birkhoff, Hendricks & Carter, LLP to review the City's 2014 Water Distribution and Wastewater Collection System Master Plans and determine the capacity necessary for the existing water and sanitary sewer system regarding the proposed planned development. This is required to ensure that any zoning change proposing a more intense land use than what is depicted on the City's Future Land Use Plan does not have negative implications for the City's existing infrastructure (i.e. streets, water, and wastewater) capacities. Based on the applicant's submittal the following infrastructure is required:

Water System
The City of Rockwall's water distribution system can provide adequate service for the proposed development.

Wastewater System

a) **Gravity Wastewater Line Improvements:**
Connection of the development to the City of Rockwall's wastewater system shall be into the existing eight (8)-inch line on Turtle Cove Blvd. The existing eight (8)-inch line goes from Turtle Cove Blvd where it connects to the existing 12-inch trunk line along Stream No. 5. This 12-inch trunk line along Stream No. 5 feeds downstream until it connects to the Turtle Cove Lift Station. Due to the lack of record drawings, the existing eight (8)-inch wastewater line that the development will connect to, needs to be field surveyed by the applicant to verify flowlines, grades and pipe sizes. This will determine if the existing system has the capacity to handle the proposed wastewater demand from the development. If the existing system does not have the capacity then approximately 1,000-linear feet of eight (8)-inch wastewater line will have to be reconstructed to provide adequate capacity. Other connections through the Turtle Cove Subdivision and La Jolla Pointe Drive do not have the capacity to handle the proposed development.

b) **Lift Station Improvements:**
The development will contribute flow to the existing NTMWD's Turtle Cove Lift Station. With the proposed flows from the development, the existing NTMWD's Turtle Cove Lift Station will be exceeding its current capacity. The applicant will need to coordinate with the NTMWD on requirements and upgrades required to adequately serve the development, due to an inadequate capacity of the lift station.

Roadways
The Master Thoroughfare Plan contained in the Comprehensive Plan indicates that certain roadways will need to be upgraded with this development. Specifically, the applicant would be responsible for the dedication of right-of-way and proportional improvements of minor collector thoroughfare from La Jolla Point Drive to Turtle Cove Blvd. The minor collector requires a minimum of a 60-foot right-of-way with a 41-foot, back-to-back roadway with five (5)-feet sidewalks on each side.

SUMMARY OF WAIVERS:

The following is a summary of all the requirements being requested as waivers with this Planned Development District that depart from the requirements of the UDC:

1) *Density*. The highest permitted density according to the UDC is 14 units/acre. The applicant is requesting a density of 20.45 units/acre, or an additional 6.55 units/acre.

2) *Traffic Impact Analysis.* The UDC requires a traffic impact analysis (TIA) be submitted to the City's transportation engineer with the proposed PD Development. In this case, the applicant is requesting the City Council waive this requirement. In lieu of a TIA, the applicant has provided a traffic signal warrant study performed in April of 2014 by the Texas Department of Transportation (TXDOT), specifically for the examination of the potential for improving the intersection operations at Ridge Road [*i.e. FM 740*] and Turtle Cove Boulevard.

3) *Structure Exceeding 36-ft in Height*. The Scenic Overlay (SOV) District of the UDC incorporates *special use standards* for structures exceeding 36-ft in height. Should the applicants request for the age restricted multi-family apartment complex be approved, staff has included a condition of approval allowing the structure to have an overall height of four (4) stories and not exceeding an overall height of 55-feet. The applicant has provided a site-line exhibit demonstrating the view of these buildings from Ridge Road.

4) *Parking.* Based on the number of multi-family units and the number of bedrooms for the development, the UDC requires a total of 277 parking spaces. The applicant is proposing to reduce the amount of required parking by 85 spaces and providing a total of 192 surface parking spaces (*i.e. 1.2 spaces/dwelling unit*).

5) *Limited Commercial (C) District uses*. The applicant is requesting that the underlying zoning remain as a Commercial (C) District for limited land uses, and certain uses to be permitted as of right -- not requiring a Specific Use Permit (SUP) or to allow a use that may not otherwise be allowed within this district (*i.e. residential uses, assisted living, etc*.). This would be considered a deviation from the City's requirements within a Commercial (C) District, but a Planned Development District is considered to be flexible zoning and could allow the proposed change being requested.

By approving the proposed Planned Development District, the City Council is waiving these standards. Attached to this case memo is a draft ordinance for the City Council's review.

CONFORMANCE WITH THE COMPREHENSIVE PLAN:

Conformance with Policies and Guidelines

In reviewing the concept plan for conformance to the policies and guidelines of the Comprehensive Plan, staff has made the following observation with regard to the trail system not meeting the intent of this policy as submitted for Phase I.

1) Retail areas should be pedestrian-oriented and easily accessible to adjacent residential neighborhoods [Land Use; Page 13; Policy #4].

The applicant's PD Concept Plan shows a walking trail connection from areas of the development that leads to the northwestern portion of the property (*i.e. detention pond*) providing opportunity for users of the trail to gain access to Turtle Cove Boulevard, Ridge Road and the minor collector street to be built at the rear of the property. With this being said, the applicant is proposing a sidewalk or trail extension that would connect to retail areas in *Phase II* and would meet the intent of this requirement.

Conformance with the Future Land Use Map

The Future Land Use Map, contained within the Comprehensive Plan, designates the subject property for *Commercial* land uses. Staff has verified that this designation has existed since at least 1986 (*the subject property was designated as Commercial/Retail on the 1986 Future Land Use Map*). The proposed development would require this designation to be changed on a portion of the property (*i.e. Phase I*) to a *High Density Residential* designation, which the Comprehensive Plan defines as any use that exceeds three (3) units per acre. In addition, the Comprehensive Plan states that "(h)igh density residential should be used as a transitional use from commercial (or existing retail) use, or where it will serve as a logical extension of an existing high density development." (*Land Use; Page 17; Policy #9.e).* The proposed density and any changes to the *Future Land Use Map* are discretionary decisions for the City Council. Should the City Council approve the applicant's request, staff has included a condition of approval that would amend the Future Land Use Map to reflect the proposed change in land use on a portion of the subject property from a *Commercial* designation to a *High Density Residential* designation for Area I and Area II. The remainder of the property will remain under the *Commercial* designation (*i.e. Area III*). As a note, the area designations are depicted on the Area Map attached to the PD Ordinance as *Exhibit 'C'.*

A Planned Development District is a discretionary approval for the City Council, and should the City Council choose to grant this request the applicant will still need to submit a PD site plan that will be reviewed by the Architectural Review Board (ARB) and the Planning and Zoning Commission.

NOTIFICATION:

On March 28, 2018, staff mailed 103 notices to property owners and residents within 500-feet of the subject property. Staff also emailed a notice to the Turtle Cove and Lakeside Village Homeowner's Associations (*HOA's*), which are the only HOA's located within 1,500-feet of the subject property participating in the 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 UDC. At the time this case memo was drafted staff has received one (1) notice in favor of, thirteen (13) notices opposed, and thirty (30) e-mails opposed to the applicant's request.

RECOMMENDATIONS:

If the Planning and Zoning Commission chooses to recommend approval of the applicant's request to rezone the subject property from a Commercial (C) District to a Planned Development District for an age restricted multi-family apartment complex and limited Commercial (C) District land uses, then staff would propose the following conditions of approval:

1) The applicant shall be responsible for maintaining compliance with the conditions contained within the *Planned Development District* ordinance;

2) By approving this zoning change, the City Council will effectively be approving changes to the Comprehensive Plan and Future Land Use Map. Specifically, this will change the designation of a portion of the subject property from a *Commercial* designation to a *High Density Residential* designation;

3) By approving this zoning change, the City Council will effectively be approving the waivers to the requirements for reduced parking, high density, traffic impact analysis, height restriction (*i.e. structure exceeding 36-ft in height*), and land uses generally not permitted as of right within a Commercial (C) District as outlined in staff's report;

4) Any construction resulting from the approval of this *zoning change* shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

City of Rockwall

Project Plan Review History

Revised Comments Highlighted

Project Number	Z2018-016	**Owner**	VINOD, MIRANDA	**Applied**	3/14/2018 LM
Project Name	Waterview Ridge (C to PD)	**Applicant**	CLARK STAGGS	**Approved**	
Type	ZONING			**Closed**	
Subtype	PD			**Expired**	
Status	Staff Review			**Status**	

Site Address	City, State Zip	Zoning
RIDGE RD	ROCKWALL, TX 75087	

Subdivision	Tract	Block	Lot No	Parcel No	General Plan
LAKE POINTE HEALTH SCIENCE CENTER OF ROCK	\15	NULL	15	0064-0000-0015-00-0R	

Type of Review / Notes	Contact	Sent	Due	Received	Elapsed	Status	Remarks
BUILDING	John Ankrum	3/19/2018	3/26/2018	3/19/2018		APPROVED	
ENGINEERING	David Gonzales	4/6/2018	4/13/2018				VOIDED (DG 4/6/2018)
ENGINEERING	Amy Williams	3/14/2018	3/21/2018	3/21/2018	7	COMMENTS	See Comments

Type of Review / Notes	Contact	Sent	Due	Received	Elapsed	Status	Remarks
(3/21/2018 11:59 AM AW) - Need to show a phasing plan - Laguna Drive to be 41' back to back of curb, 60' ROW. The full width of roadway (41') can't have tree wells or striped parallel parking. Remove trees and striping out of the 41' back to back roadway. - Minimum of 24' of Laguna shall be built with Phase 1 and the remainder of the 41' will be built with Phase 2 - The fully developed Laguna (41' B-B) will be designed/engineered with the initial (Phase 1) engineering plans including drainage. - 4% Engineering Inspection Fees. - Impact fees. - Sidewalk assessment $10/LF along FM 740. - Traffic Impact Analysis for Turtle Cove Blvd. - Flood Study required (must pay retainer to City before review). - Waters of the US study for creek. - Erosion setback required along creek. - Detention is required. - No detention in 100yr flood plain. - No vertical walls allowed in the detention pond easement - Post-Development C value is 0.9 for the entire site. - Must have railroad approval for drainage. - Fire Lane to be 24' min, 20' curve radii. - Parking is 20'x9' min. No dead end parking. - Min 20' utility easements. - No structures in easements - No trees within 5' of public utilities. - Water and sewer available, will need to complete a water/sewer capacity study. (in process) - Must loop water line on site. - Walls 3' and over must be designed by a licensed engineer. - All walls to be rock or stone. No smooth concrete walls. - Must meet all City Engineering Standards.							
FIRE	Ariana Hargrove	3/14/2018	3/21/2018	3/23/2018	9	COMMENTS	see notes

Type of Review / Notes	Contact	Sent	Due	Received	Elapsed	Status	Remarks
(3/23/2018 12:58 PM AA) Notes regarding fire apparatus access (fire lane) 1) Two means of fire apparatus access shall be provided for the following a) Buildings or facilities exceeding 30-feet or three stories in height. b) Buildings or facilities having a gross building area of more than 62,000 square feet. (Exception: Projects having a gross building area of up to 124,000 square feet that have a single approved fire apparatus access road when all buildings are equipped throughout with approved automatic sprinkler systems.) c) Multiple-family residential projects having more than 100 dwelling units. (Exception: Projects having up to 200 dwelling units may have a single approved fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with approved automatic sprinkler systems.) d) Multiple-family residential projects having more than 200 dwelling units. e) One- or two-family dwelling developments where the number of dwelling units exceeds 30. (Exception: Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the International Fire Code, access from two directions shall not be required.) 2) Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses. (Exception: Fire Code Official shall approve layout for multiple-family residential projects.)							
PLANNING	David Gonzales	3/14/2018	3/21/2018	3/20/2018	6	COMMENTS	See comments

Hold a public hearing to discuss and consider a request by Clark Staggs on behalf of Vinod Miranda for the approval of a zoning change from a Commercial (C) District to a Planned Development District for an age-restricted multi-family apartment complex and limited Commercial (C) District land uses on a on 9.699-acre tract of land identified as 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 southwestern corner of the intersection of Ridge Road [FM-740] and Turtle Cove Boulevard, and take any action necessary.

PLANNING COMMENTS - DAVID GONZALES - 03.21.2018

All staff comments are to be addressed and resubmitted by Tuesday, April 3, 2018. Please provide two large copies [FOLDED] and one PDF version for a subsequent review by staff:

Planning Department General Comments to be addressed are as follows:

• On all future submittals please include the Case Number Z2018-016 on the lower right hand corner.

• When provided, please review the Draft Ordinance prior to the Planning & Zoning public hearing scheduled for April 10, 2108 and return with red lined corrections and/or additions you feel may be necessary for staff review.

• Proposed building elevations are to meet the City's minimum standards as provided for within the Scenic Overlay (SOV) District:
a) please provide exterior materials calculations (i.e. stone % for each elevation, masonry %, fiber board %, etc.)
b) structures exceeding 36-ft in height within the SOV require approval (see Special Use Standards).

• The proposed building elevations and standards will require a recommendation from the Architectural Review Board

• Provide infrastructure study meeting City capacities based on the use for a high density devlopement as proposed

• Separate permit required for all exterior signage through the Building Inspections Department.

• Areyou proposing any other uses as listed in the Permited By-Right uses in the PD Development Standards?

• Are you proposing any other uses as listed in the Permited as Accessory uses in the PD Development Standards? If so, are these uses intended for the residents only?

• Will there be a phasing plan for this development?

• Why are private streets being proposed as a by-right use?

• Provide a detailed break-out of the number of 1 bedroom, 2 bedroom, and 3 bedroom units being proposed?

Please make the following corrections/additions to the Concept Plan:

(1) Provide % of open space and label for each separate area on the concept plan (i.e. detention areas, landscape buffers, park area, etc.).

(2) Parking Required - Section 6.5, of Art. VI, of the UDC:Section - Requires a reommendation from the Planning and Zoning Commission and approval of the City Coucil for the following:
a) Reduction in amount of parking spaces provided per bedroom units:
i. One bedroom/efficiency requries 1.5 parking spaces for each 1-bedroom unit within the complex.
ii. Two bedroom requries two (2) parking spaces for each 2-bedroom unit within the complex.
iii. Townhouse requires two (2) parking spaces for each dwelling unit.
b) Provide calculations for EMS interior/living area facilities and remainder of all other land area's associated with EMS use in order to calculate parking requirements [EMS parking = 1:300 SF building & 1:750 SF of site area].

** Calculating at less than 1 parking space per dwelling unit as submitted**
-- A request to waive these requirement by the City Council may be approved through the PD Ordinance--

(3) Proposed Laguna Drive - is a Minor Collector and requries a minimum 60-ft right-of-way with a 41-ft back to back layout.
a) Niche parking not permitted as indicated (i.e. striped, bottle neck design).
b) Remove tree wells from within the ROW as depicted.
c) Remove striping as indicated.
d) Remove parking space count labels -- does not counttowards parking calculation.

(4) Verify and correct scale as represented. Does not scale to 1 inch = 30-ft.

(5) Relabel firelane as 24-ft Firelane and Public Access Easement.

(6) Provide calculation of density -- dwelling units per acre.

(7) Delineate and label total floodplain for development & include total acres.

(7) Provide a legend with the following information:
a) Total Gross Acres
b) Dwelling Units per Acre
c) Open Space Acres
d) Total Floodplain Acres
e) Number of Dwelling Units (i.e. 1 bedroom/2 bedroom)

** Planning Staff Additional Comments:

** 1. The Future Land Use Map contained within the Comprehensive Plan currently identifes this property as being designed for Commercial land uses. The proposed use requries the City Council to amend the Future Land Use Map to relect a High Density Residential land use designation. This will be listed as a condition of approval.

** 2. The following is a Comprehensive Plan (plan) policy that has not been satisfied or could benefit from clarification:

Type of Review / Notes	Contact	Sent	Due	Received	Elapsed	Status	Remarks

a) General Residetial policies: High density residential should be used as a transitional use from commercial (or existing retail) use, or where it will serve as a logical extension of an existing high density development.

**3. The property is within Park District No. 18. Parks fees for cash in lieu land and pro-rata equipement fees will be due at the time of final plat (fees subject to change).

The following are scheduled meeting dates that you and/or your representative(s) are required to attend regarding the PD request. If you have any quesitons regarding this case, please feel free to contact David Gonzales, AICP with the Planning Department at 972-771-7745.

Meeting Dates to Attend:

Planning - Work Session: March 27, 2018 (6:00 p.m.) [applicant to present case to P&Z for discussion]

Parks Board Meeting: April 3, 2018 (6:00 p.m.) [assessment of park fees and/or requirements]

Planning - Public Hearing: April 10, 2018 (6:00 p.m.) [P&Z to take action (i.e. approve, approve with conditions, etc.)

City Council - Pulblic Hearing: April 16, 2018 (6:00 p.m.) [1st Reading of PD Ordinance]

City Council - Concent/Action Item: May 7, 2018 (6:00 p.m.) [2nd Reading of PD Ordinance (if approved at 1st reading)]

PLANNING	David Gonzales	4/6/2018	4/13/2018	4/6/2018		COMMENTS	See comments

Comments on Next Page

Type of Review / Notes	Contact	Sent	Due	Received	Elapsed	Status	Remarks

PLANNING COMMENTS - DAVID GONZALES - 04.06.2018

All staff comments are to be addressed and resubmitted by Friday, April 20, 2018 or ASAP. Please provide one large copy [FOLDED] and one PDF version for a final review by staff:

Planning Department General Comments to be addressed are as follows:

• When provided, please review the Draft Ordinance prior to the Planning & Zoning public hearing scheduled for April 10, 2108 and return with red lined corrections and/or additions you feel may be necessary for staff review.

• Provide infrastructure study meeting City capacities based on the use for a high density devlopement as proposed

• Separate permit required for all exterior signage through the Building Inspections Department

** Planning Staff Additional Comments:

** 1. The Future Land Use Map contained within the Comprehensive Plan currently identifes this property as being designed for Commercial land uses The proposed use requries the City Council to amend the Future Land Use Map to relect a High Density Residential land use designation. This will be listed as a condition of approval.

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City Council - Concent/Action Item: May 7, 2018 (6:00 p.m.) [2nd Reading of PD Ordinance (if approved at 1streading)]

- Need to show a phasing plan
- Laguna Drive to be 41' back to back of curb, 60' ROW. The full width of roadway (41') can't have tree wells or striped parallel parking. Remove trees and striping out of the 41' back to back roadway.
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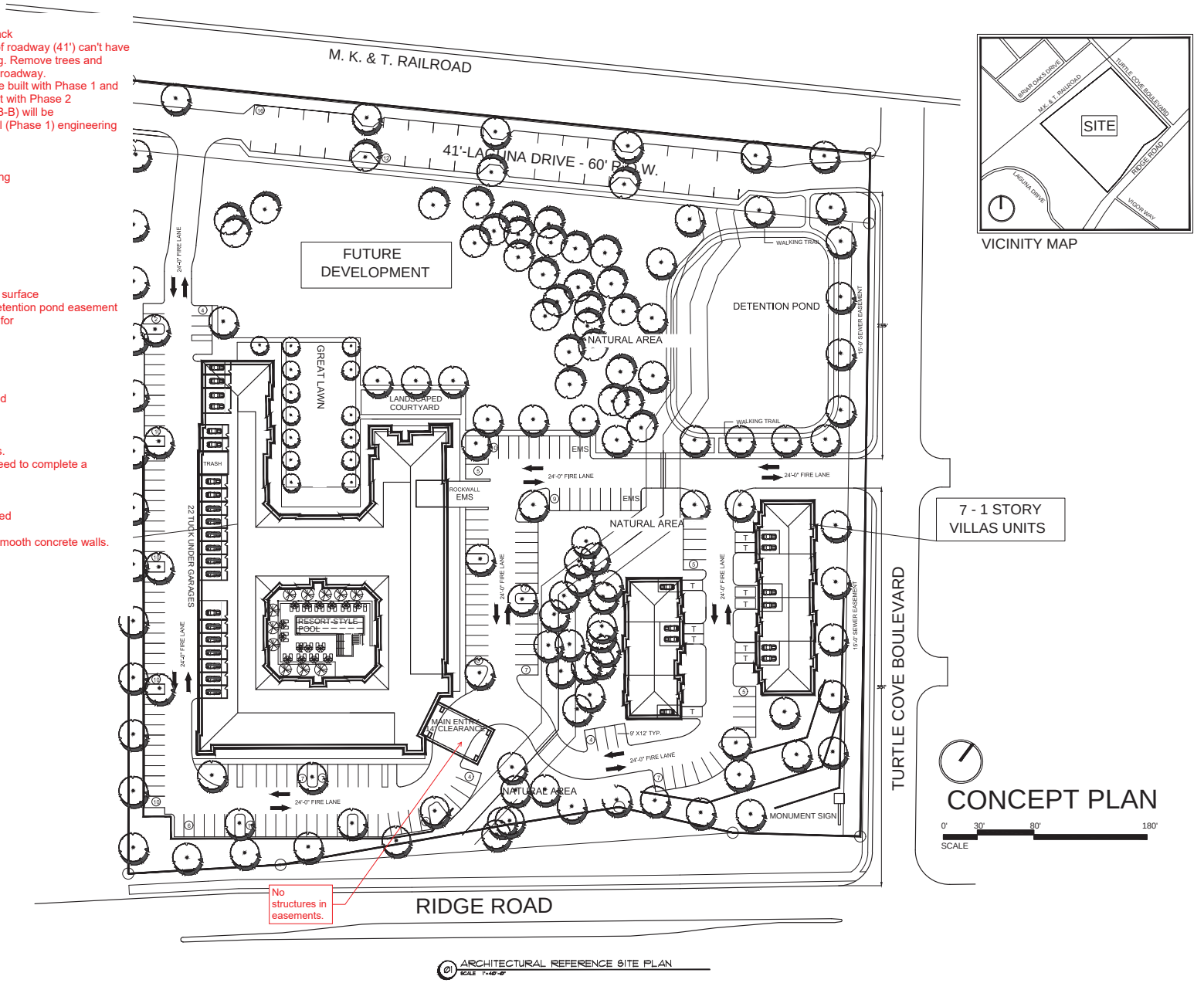
- 4% Engineering Inspection Fees.
- Impact fees.
- Sidewalk assessment $10/LF along FM 740.
- Traffic Impact Analysis for Turtle Cove Blvd.
- Flood Study required (must pay retainer to City before review).
- Waters of the US study for creek.
- Erosion setback required along creek.
- No detention in 100yr flood water surface
- No vertical walls allowed in the detention pond easement
- Post-Development C value is 0.9 for the entire site.
- Must have railroad approval for drainage.
- Fire Lane to be 24' min, 20' curve radii.
- Parking is 20'x9' min. No dead end parking.
- Min 20' utility easements.
- No structures in easements
- No trees within 5' of public utilities.
- Water and sewer available, will need to complete a water/sewer capacity study. (in process)
- Must loop water line on site.
- Walls 3' and over must be designed by a licensed engineer.
- All walls to be rock or stone. No smooth concrete walls.
- Must meet all City Engineering Standards.



ARCHITECTURAL REFERENCE SITE PLAN
SCALE 1"=40'-0"

VICINITY MAP

WATERVIEW RIDGE

INDEPENDENT LIVING IN ROCKWALL, TEXAS

CONCEPT PLAN

0' 30' 80' 180'
SCALE

ARRIVE 1 ARCHITECTURE GROUP
Architecture
Planning
Project Management
2344 Highway 121 Suite 100 Bedford, Texas 76021 www.Arrive1AG.com
Ph 817.514.0584 Fx 817.514.0694

SEAL

REVISION

DRAWN BY: STAFF	CHECKED BY: STAFF
PLOT DATE:	REV. DATE:
SUBMITTAL DATE: 2018	PROJECT NUMBER
ISSUED FOR: REVIEW	SHEET NO.
SCALE: AS NOTED	

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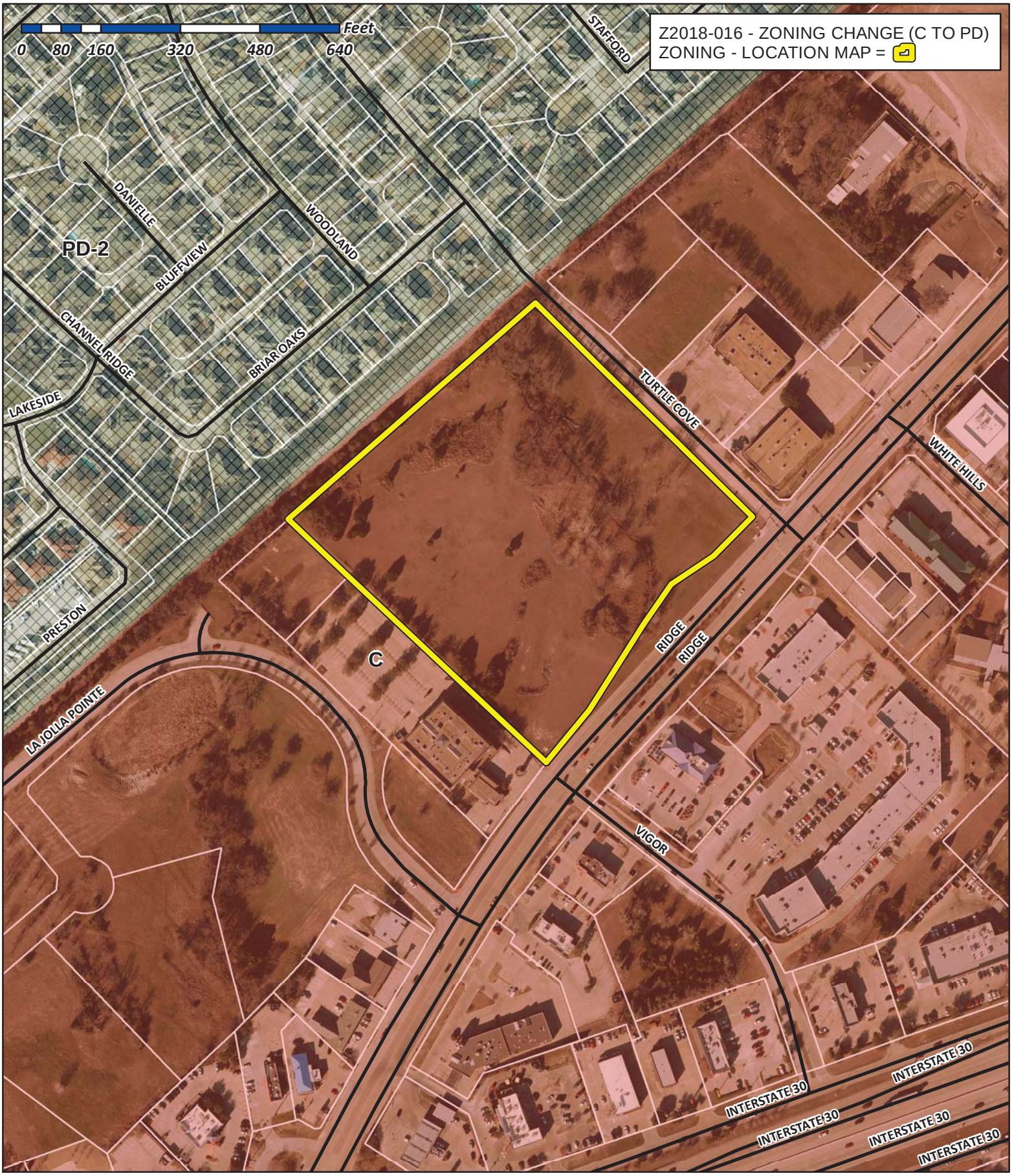


City of Rockwall

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.

March 16, 2018

Mr. Ryan Miller, Director
Planning Department
City of Rockwall
385 S. Goliad
Rockwall, TX 75087

Dear Mr. Miller:

This letter is written in behalf of Vinod Miranda, applicant for the proposed independent living facility on 9.7 acres at the corner of Ridge Road and Turtle Cove. The proposed project consists of a primary structure with 160 individual living units, primarily 1-bedroom and 2-bedrooms. Per the City's requirement, there will be 180 parking spaces, including all garages.

This 4-story structure would include a full complement of services for the residents including dining areas and a commercial kitchen. There would be fitness and activity areas, a theater, outdoor pool, meeting rooms and management offices. It is important to note that although the main structure will have four levels, because of the topography of the site, eye-level on Ridge Road will be near the mid-point of the second level. This will be only a few feet higher than the Medical Arts Building to the south.

Perhaps most important to the nearby communities will be a special garage and "crew space" for an ambulance and EMTs. The developer has signed a letter-of-intent with Rockwall Emergency Medical Service, proposing a renewable 5-year lease for equipment and living quarters.

Two small one-story buildings are proposed, one as a tri-plex, the other a four-plex. Each of these "villas" would have 2 bedrooms and private garages. They would be landscaped to the standards of the main building and would be professionally maintained.

In accordance with the Planned Development District Standards the property owner proposes deed restrictions to be filed concurrently with the Final Plat. These restrictions will govern the occupancy requirements of the age-restricted independent housing facility.

AVIA REALTY 1601 SEASCAPE CT. ROCKWALL, TX 972.772.0858

The following restrictions will be adopted into the deed restrictions that will run with the entire property:

1.) All of the occupied units will be occupied by at least one (1) person who is 62 years of age or older.

2.) Visitors and guests, including family members, such as adult children, grandchildren and siblings are allowed to stay with the resident for a continuous period, not to exceed 14 days within any 45-day period of time.

3.) All tenants shall be entitled to report any violations of the visitation and age-restrictive covenants to the facility management. Policies will be put in place so that appropriate corrective action will be required and initiated, if a violation is found.

The developer agrees to have designed and install a 24-foot wide connector street on his property, parallel to the rail right-of-way, to alleviate traffic on Turtle Cove Boulevard. This is shown on the Concept Plan presented with this summary.

Finally, but of true significance, is the estimated total value and the property tax implications. The developer's architect estimates the value of the completed project to be just over $18,000,000. At the current Rockwall CAD combined tax rate of 2.146%, the annual property tax would be over $386,000.

Please direct any questions to Robert LaCroix, 972.754.9682.

Sincerely,

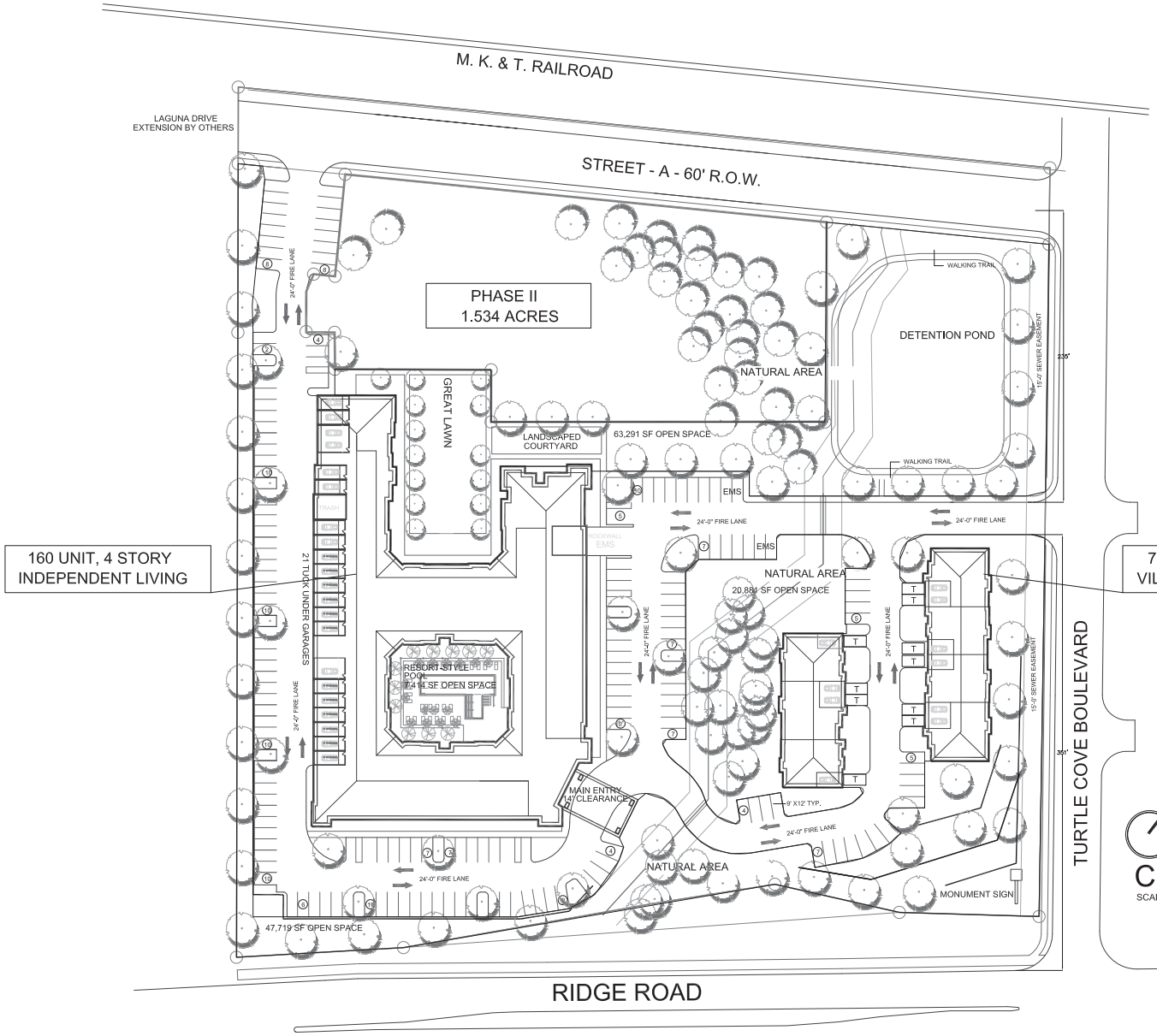
Clark Staggs

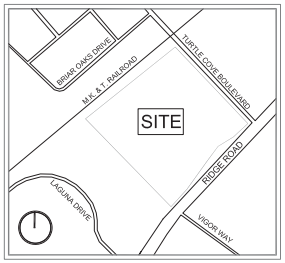
1/8/2018

Mayor Pruitt,

I hope that you and your family are doing well. It was my intent to accompany Mr. Clark Staggs to meet with you this afternoon. Unfortunately I was diagnosed with the Flu this morning. Several months ago Mr. Staggs approached me with the possibility of a space that could be made available to Rockwall County EMS for housing an ambulance. As Rockwall's population continues to grow outward, the placement of an ambulance in a central location would be ideal. This location could serve the I-30 business corridor well and would have a less than five minute response to Presbyterian Rockwall. A few weeks ago Mr. Staggs informed me that this plan may come to fruition. I hope that after this presentation you will find the plans to be sound and beneficial to the citizens of Rockwall. If so, please support this project.

Respectfully, Martin Ramirez Jr. Rockwall County EMS





VICINITY MAP

PARKING CHART:
160 UNIT INDEPENDENT LIVING:
SURFACE SPACES: 171 GARAGE SPACES: 21
192 TOTAL SPACES OR 1.2 PER UNIT
7 VILLA UNITS:
GARAGE SPACES: 10 TANDEM-DRIVEWAY SPACES: 10
20 TOTAL SPACES

TOTAL OPEN SPACE:
REQUIRED: 20% OF 9.70 ACRES = 85,546 SF
PROVIDED: 139,305 SF OR 32.95%

CONCEPT PLAN

SCALE: 1" = 40'

WATERVIEW RIDGE

INDEPENDENT LIVING IN ROCKWALL, TEXAS

ARRIVE
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ph 817.514.0644 fx 817.514.0894

SEAL

REVISION

DRAWN BY:	CHECKED BY:
STAFF	STAFF
PLOT DATE:	REV. DATE:
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ISSUED FOR: REVIEW	SHEET NO.
SCALE: AS NOTED	

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Waterview Ridge - Rockwall, TX — April 4, 2018

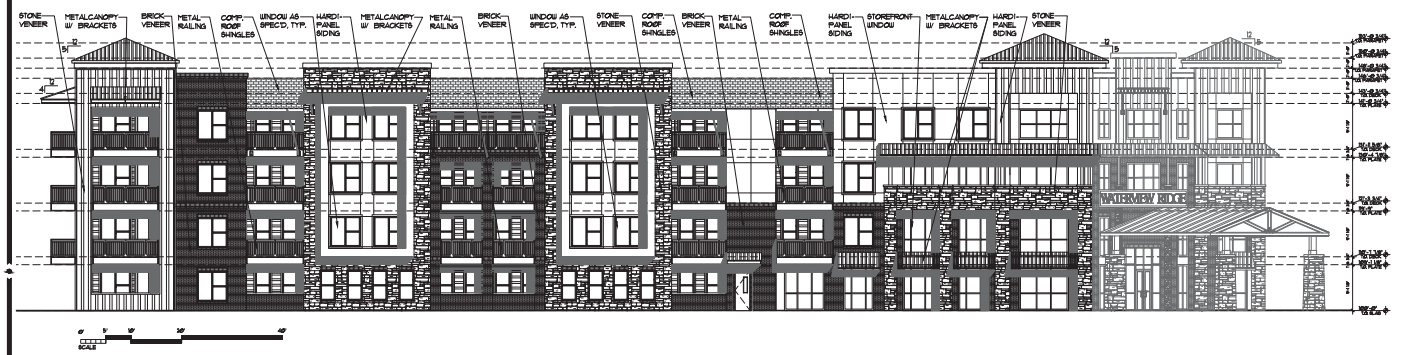
Living Units:	First Floor:		Second Floor:		Third Floor:		Fourth Floor:		Total # Units:
Unit SQ.FT.	UNIT TYPE	# OF UNITS	UNIT TYPE	# OF UNITS	UNIT TYPE	# OF UNITS	UNIT TYPE	# OF UNITS	
580	A-1	7	A-1	10	A-1	11	A-1	11	39
692	A-2	6	A-2	11	A-2	11	A-2	11	39
782	A-3	3	A-3	3	A-3	3	A-3	3	12
900	A-4	0	A-4	0	A-4	1	A-4	1	2
1,054	B-1	2	B-1	2	B-1	2	B-1	2	8
1,055	B-2	2	B-2	2	B-2	2	B-2	2	8
1,078	B-3	10	B-3	10	B-3	12	B-3	12	44
1,100	B-4	0	B-4	0	B-4	1	B-4	1	2
1,214	C-1	1	C-1	2	C-1	2	C-1	1	6
Total # of Living Units:		31		40		45		44	160
Total Sq.ft. Of units		26,770		33,184		37,920		36,706	134,580

		% Total # of Units:
Total 1 BR	92	57.50%
Total 2 BR	62	38.75%
Total 3 BR	6	3.75%
	160	100.00%

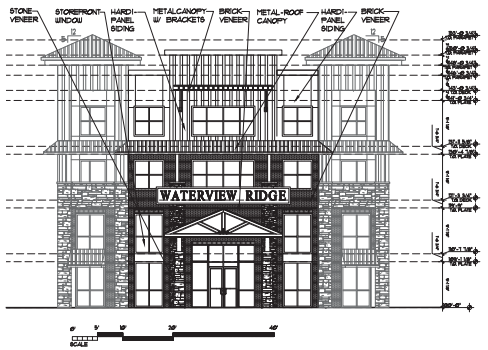
Villa Units:			Total # of Units:
Unit SQ.FT.	UNIT TYPE	# OF UNITS	
1,498	V-1	4	4
1,670	V-2	3	3
Total # of Living Units:		7	7
			TOTAL:
Total Sq.ft. Of units		11,002	11,002

Parking - IL / Villas	
160 Unit - Independent Living:	
171	Surface Spaces
21	Garage Spaces
192	Total Spaces
7 Villa Units:	
10	Garage Spaces
10	Tandem-Driveway Spaces
20	Total Spaces

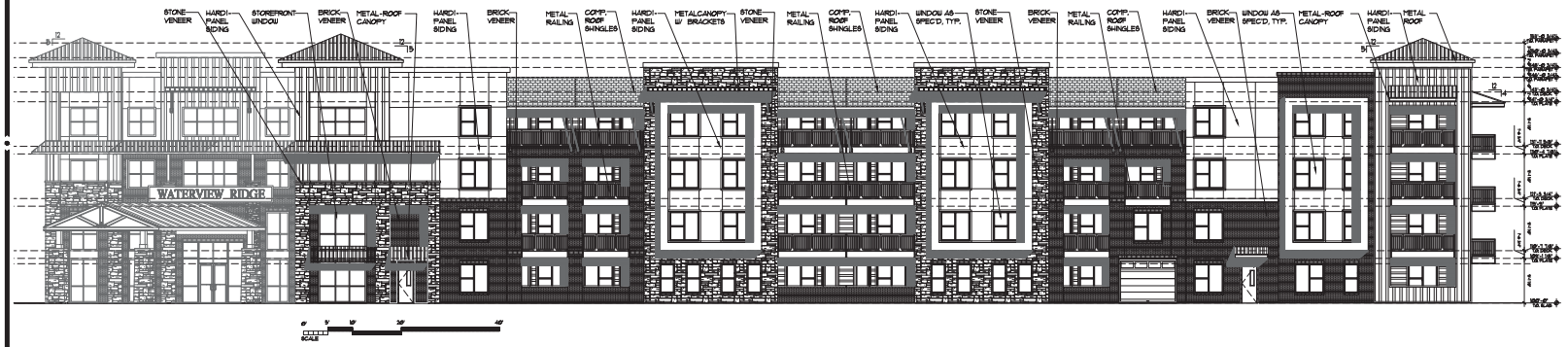
ARRIVE
ARCHITECTURE GROUP



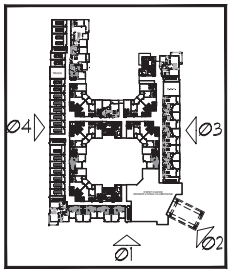
01 CONCEPT- EXTERIOR ELEVATION
SCALE NTS



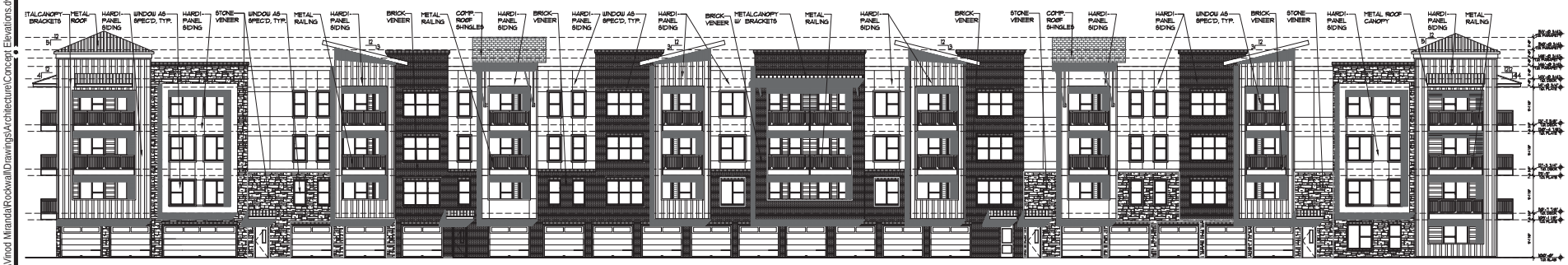
02 CONCEPT- EXTERIOR ELEVATION
SCALE NTS



03 CONCEPT- EXTERIOR ELEVATION
SCALE NTS



KEY PLAN



04 CONCEPT- EXTERIOR ELEVATION
SCALE NTS

WATERVIEW RIDGE

INDEPENDENT LIVING IN ROCKWALL, TEXAS

ARRIVE 1
ARCHITECTURE GROUP
Architecture
Planning
Project Management
2344 Highway 121 · Suite 100 · Bedford, Texas 76021 · www.Arrive1AG.com
Ph 817.514.0384 · Fx 817.514.0694

SEAL

REVISION

DRAWN BY: STAFF	CHECKED BY: STAFF
PLOT DATE:	REV. DATE:
SUBMITTAL DATE: 2018	PROJECT NUMBER
ISSUED FOR: REVIEW	SHEET NO.
SCALE: AS NOTED	

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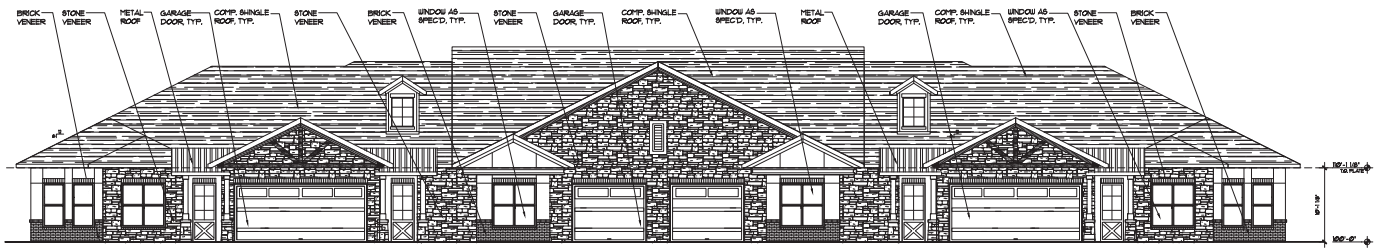
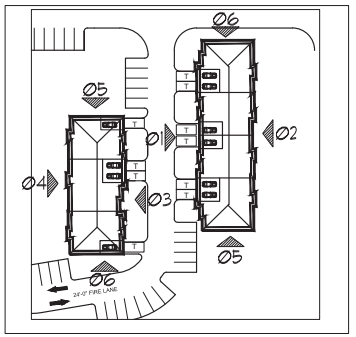


01 VILLA -FRONT EXTERIOR ELEVATIONS
SCALE 1/8" = 1'-0"



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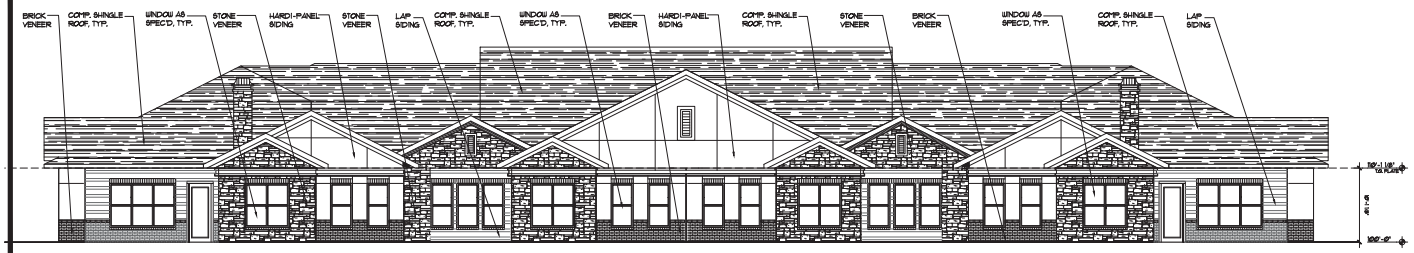
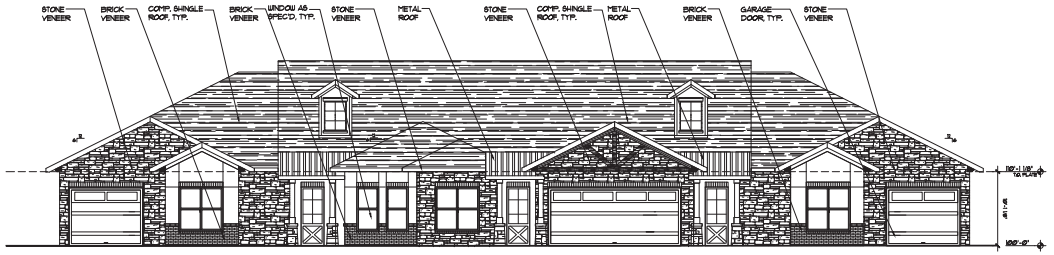
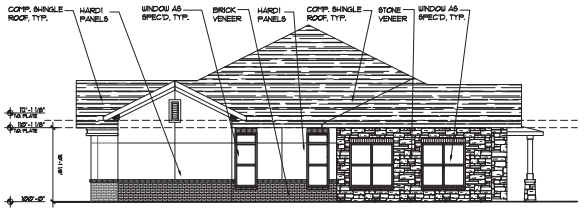


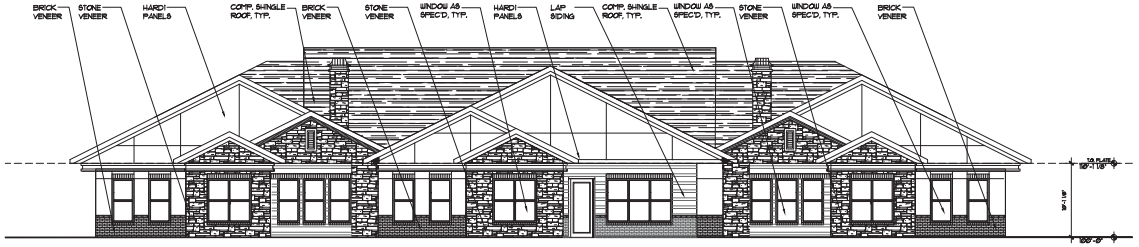
02 VILLA - BACK EXTERIOR ELEVATIONS
SCALE 1/8" = 1'-0"



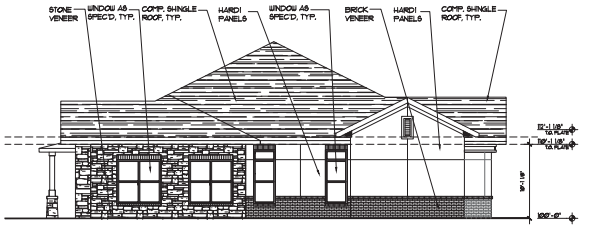
03 VILLA -FRONT EXTERIOR ELEVATIONS
SCALE 1/8" = 1'-0"



05 VILLA - SIDE EXTERIOR ELEVATIONS
SCALE 1/8" = 1'-0"



04 VILLA - BACK EXTERIOR ELEVATIONS
SCALE 1/8" = 1'-0"



06 VILLA - SIDE EXTERIOR ELEVATIONS
SCALE 1/8" = 1'-0"

INDEPENDENT LIVING

FLOWER MOUND, TEXAS

ARRIVE 1
ARCHITECTURE GROUP
Architecture
Planning
Project Management
2344 Highway 121 · Suite 100 · Bedford, Texas 76021 · www.Arrive1G.com
Ph 817.514.0584 · Fx 817.514.0604

SEAL

REVISION
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3.
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6.

DRAWN BY:	CHECKED BY:
AAG	JMT
PLOT DATE:	REV. DATE:
SUBMITTAL DATE: 2017	PROJECT NUMBER
ISSUED FOR: REVIEW	SHEET NO.
SCALE: AS NOTED	

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ARRIVE
ARCHITECTURE GROUP

MATERIAL LEGEND

STONE VENEER :
BUCKS COUNTY ROCK FACE

BRICK VENEER :
CHARCOAL GRAY

FIELD COLOR
VERTICAL HARDIE VENEER :
SW 6005 - FOLKSTONE

ACCENT COLOR
HARDIE VENEER :
SW 6073 - PERFECT GREIGE

FIELD COLOR
HARDIE VENEER :
SW 7011 - NATURAL CHOICE

ARRIVE
ARCHITECTURE GROUP

MATERIAL LEGEND

STONE VENEER :
BUCKS COUNTY ROCK FACE

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FIELD COLOR
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FIELD COLOR
HARDIE VENEER :
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ARCHITECTURE GROUP
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CHARCOAL GRAY
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SW 6005 - FOLKSTONE
ACCENT COLOR
HARDIE VENEER :
SW 6073 - PERFECT GREIGE
FIELD COLOR
HARDIE VENEER :
SW 7011 - NATURAL CHOICE
WATERVIEW RIDGE

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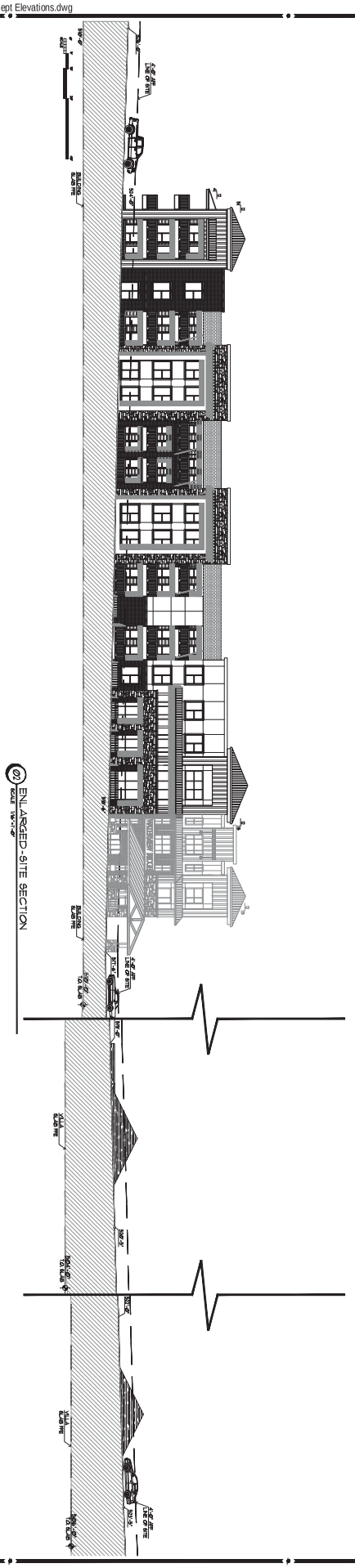
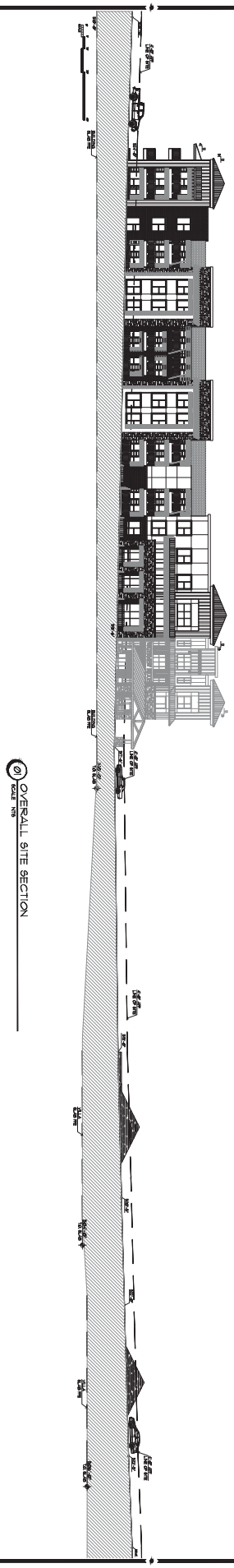


ENLARGED SITE SECTION
SCALE: 1/16"=1'-0"



OVERALL SITE SECTION
SCALE: 1/16"

DESIGNED BY	STAFF
DRAWN BY	STAFF
CHECKED BY	
PLOT DATE	
SUBMITTAL DATE	2018
PROJECT NUMBER	
SHEET NO.	
SCALE	AS NOTED

NO.	DESCRIPTION
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SEAL

ARRIVE ARCHITECTURE GROUP
Architecture
Planning
Project Management
2344 Highway 121 · Suite 100 · Bedford, Texas 76021 · www.ArriveAG.com
Ph 817.514.0584 · Fx 817.514.0694

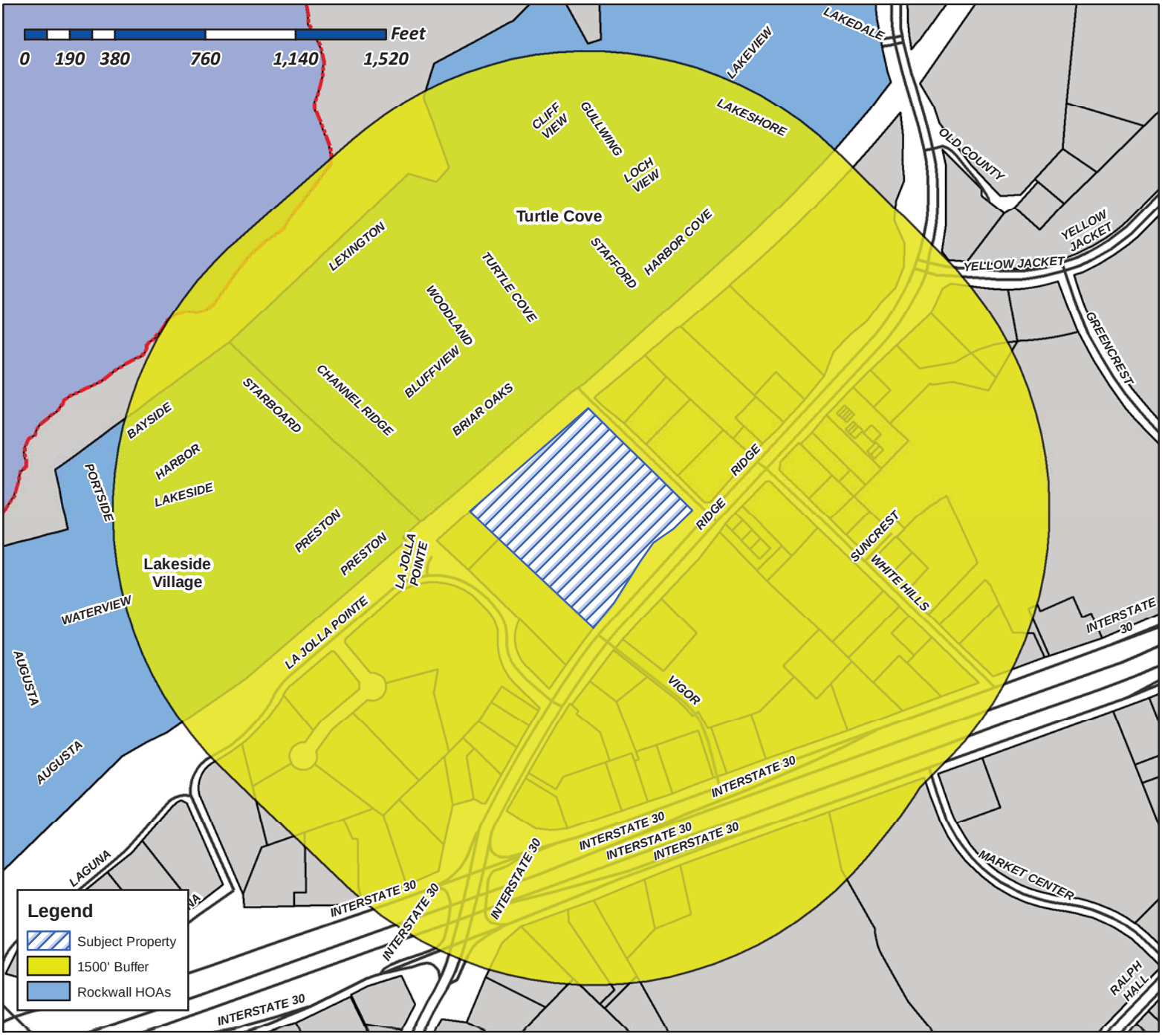
WATERVIEW RIDGE

INDEPENDENT LIVING IN ROCKWALL, TEXAS

City of Rockwall

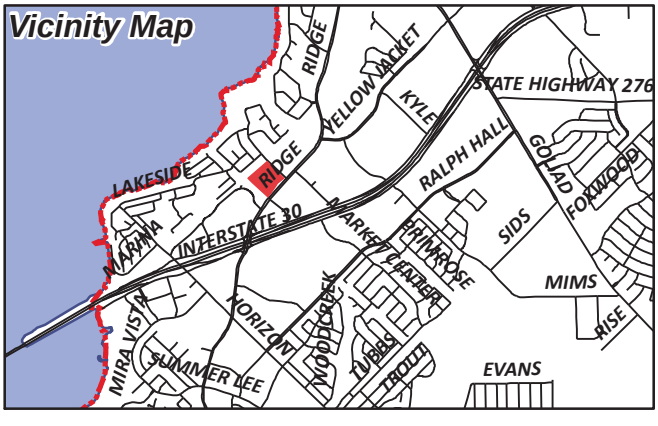
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

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: Z2018-016
Case Name: Zoning Change (C to PD)
Case Type: Zoning
Zoning: Commercial (C) District
Case Address: NWC of Ridge Road and Turtle Cove Blvd.

Date Created: *08/21/2018*
For Questions on this Case Call (972) 771-7745



Gonzales, David

From: Morales, Laura
Sent: Friday, March 23, 2018 4:47 PM
To: [redacted]
Cc: Miller, Ryan; Gonzales, David; Brooks, Korey
Subject: Neighborhood Notification Program: Notice of zoning request
Attachments: Z2018-016 HOA Map.pdf

To whom it may concern:

Per your participation in the Neighborhood Notification Program, you are receiving this notification to inform your organization and residents of a request for a zoning change that lies within 1,500 feet of the boundaries of your neighborhood or subdivision. As the primary contact for the organization, you are encouraged to share this information with the residents of your subdivision. Please find attached a map detailing the location of the subject property requesting the zoning change in relation to your subdivision boundaries. Additionally, below is a summary of the zoning request that was published in the Rockwall Herald Banner ***March 23, 2018***. The Planning and Zoning Commission will hold a public hearing on ***Tuesday 4/10/2018 at 6:00 p.m.***, and the City Council will hold a public hearing on ***Monday, 4/16/2018 at 6:00 p.m***. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street. If you have any questions or comments regarding this request, the contact information for the Planning Department is listed below. Additional information can also be found at https://sites.google.com/site/rockwallplanning/development/development-cases/03162018

Z2018-016- Hold a public hearing to discuss and consider a request by Clark Staggs on behalf of Vinod Miranda for the approval of a zoning change from a Commercial (C) District to a Planned Development District for an age-restricted multi-family apartment complex and memory care facility on a on 9.699-acre tract of land identified as 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 southwestern corner of the intersection of Ridge Road [*FM-740*] and Turtle Cove Boulevard, and take any action necessary.

If this email is reaching you in error, please forward it to your HOA or neighborhood group representative and update the contact information at http://www.rockwall.com/planning/hoa.asp.

Sincerely,

Laura Morales
Planning & Zoning Coordinator
City of Rockwall Planning & Zoning Department
972-771-7745 | 972-772-6438
Lmorales@rockwall.com | http://www.rockwall.com

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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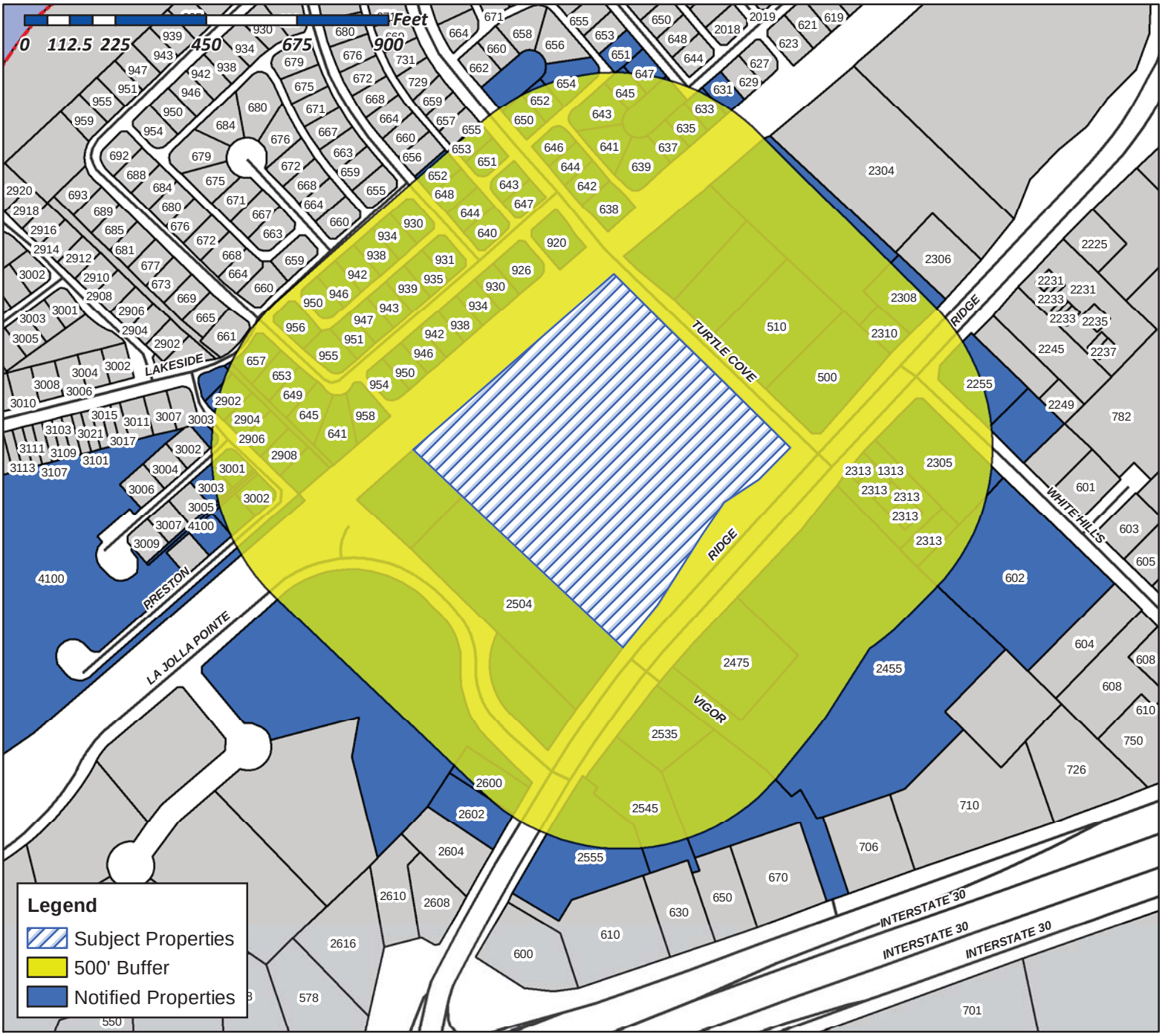
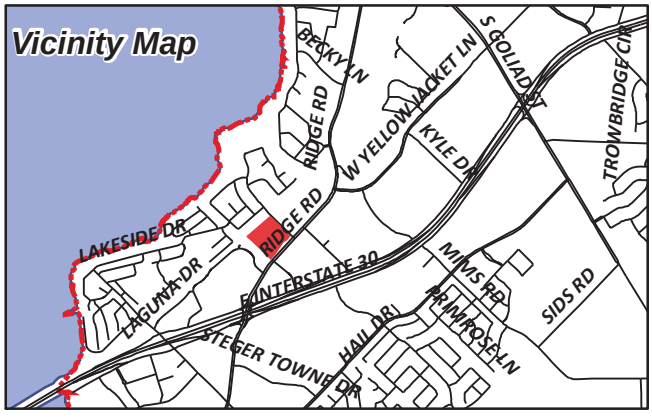


Case Number: Z2018-016
Case Name: Zoning Change (C to PD)
Case Type: Zoning
Zoning: Commercial (C) District
Case Address: NWC of Ridge Road and Turtle Cove Blvd.

Date Created: 03/16/2018
For Questions on this Case Call (972) 771-7745



NOTICE OF PUBLIC HEARING
CITY OF ROCKWALL, PLANNING & ZONING DEPARTMENT

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

To Whom It May Concern:

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

Case No. Z2018-016: Waterview Ridge (C to PD)

Hold a public hearing to discuss and consider a request by Clark Staggs on behalf of Vinod Miranda for the approval of a zoning change from a Commercial (C) District to a Planned Development District for an age-restricted multi-family apartment complex and limited Commercial (C) District land uses on a on 9.699-acre tract of land identified as 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 southwestern corner of the intersection of Ridge Road [FM-740] and Turtle Cove Boulevard, and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on **Tuesday, 4/10/2018 at 6:00 p.m.,** and the City Council will hold a public hearing on **Monday, 4/16/2018 at 6:00 p.m.** 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:

David Gonzales
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 **4/16/2018** 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 ON THE CITY'S WEBSITE: HTTPS://SITES.GOOGLE.COM/SITE/ROCKWALLPLANNING/DEVELOPMENT-CASES

PLEASE RETURN THE BELOW FORM

Case No. Z2018-016: Waterview Ridge (C to PD)

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

HOISINGTON TED & MARILYN
1102 SQUAW VALLEY
ROCKWALL, TX 75087

BOLD LLC
121 WYLER DR
DAKOTA, IL 61018

CURRENT RESIDENT
1313 RIDGE RD
ROCKWALL, TX 75032

VANDERSLICE ROBERT
1408 S LAKESHORE DR
ROCKWALL, TX 75087

MMF INVESTMENTS LLC
2255 RIDGE RD SUITE 333
ROCKWALL, TX 75087

MANGRIN CORPORATION
2255 RIDGE ROAD #208
ROCKWALL, TX 75087

HUDSPETH WARD
2304 RIDGE RD
ROCKWALL, TX 75087

CURRENT RESIDENT
2305 RIDGE RD
ROCKWALL, TX 75032

CURRENT RESIDENT
2308 RIDGE RD
ROCKWALL, TX 75032

CURRENT RESIDENT
2310 RIDGE RD
ROCKWALL, TX 75032

CURRENT RESIDENT
2313 RIDGE RD
ROCKWALL, TX 75032

CURRENT RESIDENT
2455 RIDGE RD
ROCKWALL, TX 75032

CURRENT RESIDENT
2475 RIDGE RD
ROCKWALL, TX 75032

BROOKS RICHARD L DR
2504 RIDGE RD STE 107
ROCKWALL, TX 75087

BROOKS RICHARD L MD
2504 RIDGE RD STE 101
ROCKWALL, TX 75087

CURRENT RESIDENT
2535 RIDGE RD
ROCKWALL, TX 75032

CURRENT RESIDENT
2545 RIDGE RD
ROCKWALL, TX 75032

CURRENT RESIDENT
2555 RIDGE RD
ROCKWALL, TX 75032

HANKINS NORMA A AND
2571 VIVROUX RANCH RD
SEGUIN, TX 78155

BELAC PROPERTIES LLC
2600 RIDGE RD STE 102
ROCKWALL, TX 75087

CURRENT RESIDENT
2602 RIDGE RD
ROCKWALL, TX 75032

AZZOUZI MOHAMED EL
2701 W PLANO PKWY SUITE 100
PLANO, TX 75075

LINDEMAN JULIE A & BOBBY L
2902 PRESTON TRL
ROCKWALL, TX 75087

LEE JAMES H AND BARBARA
2904 PRESTON TR
ROCKWALL, TX 75087

CURRENT RESIDENT
2906 PRESTON TR
ROCKWALL, TX 75032

CURRENT RESIDENT
2908 PRESTON TR
ROCKWALL, TX 75032

EHLERT GORDON W & LINDA K
3001 PRESTON CT
ROCKWALL, TX 75087

CURRENT RESIDENT
3002 PRESTON TR
ROCKWALL, TX 75032

STURCH GARY D & CANDACE F
3003 PRESTON CT
ROCKWALL, TX 75087

TURTLE COVE RESIDENTIAL ASSOC INC
3102 OAK LAWN AVE SUITE 202
DALLAS, TX 75219

ALLEN KIM L & LINDA
3510 LAKESIDE DR
ROCKWALL, TX 75087

LAKESIDE VILLAGE HOMEOWNERS
4100 VILLAGE DR
ROCKWALL, TX 75087

ROBERTS JAMES F
4112 VILLAGE DR
ROCKWALL, TX 75087

CBAX PROPERTIES LLC
465 W PRESIDENT GEORGE BUSH HWY
RICHARDSON, TX 75080

CURRENT RESIDENT
500 TURTLE COVE BLVD
ROCKWALL, TX 75032

PSB INDEMNITY FAMILY LTD PTRN
510 TURTLE COVE BLVD STE 200
ROCKWALL, TX 75087

CURRENT RESIDENT
602 WHITE HILLS DR
ROCKWALL, TX 75032

COIT RIDGE PROPERTIES LLC
6031 SHERRY LN SUITE C
DALLAS, TX 75225

DELAY MANAGEMENT TRUST DELORES
631 HARBOR COVE DRIVE
ROCKWALL, TX 75087

BARROW KYLE
633 HARBOR COVE DR
ROCKWALL, TX 75087

ALFORD JIM AND BARBARA
635 STAFFORD CIR
ROCKWALL, TX 75087

PACHECO ENRIQUE AND JOANN T
637 STAFFORD CIR
ROCKWALL, TX 75087

BOWMAN SCOTT & TAMARA L
638 TURTLE COVE BOULEVARD
ROCKWALL, TX 75087

HAYS DANNY & JOAN
639 STAFFORD CIR
ROCKWALL, TX 75087

ELLIS BETTY J
640 WOODLAND WAY
ROCKWALL, TX 75087

ZASTROW BRADLEY L & SANDRA D
641 CHANNEL RIDGE DR
ROCKWALL, TX 75087

GOODWIN HEATHER
641 STAFFORD CIR
ROCKWALL, TX 75087

SMITH RICHARD G EBERLE
642 TURTLE COVE BLVD
ROCKWALL, TX 75087

JOHNSON JOEL & LIZ
643 STAFFORD CIR
ROCKWALL, TX 75087

PHILLIPS SCOTT BRANNAN
643 TURTLE COVE BLVD
ROCKWALL, TX 75087

TARVER KIRK & JULIA
644 TURTLE COVE BLVD
ROCKWALL, TX 75087

DARNELL MELINDA K AND WELDON K
644 WOODLAND WAY
ROCKWALL, TX 75087

JOHNSTON LISA P & MARK
645 CHANNEL RIDGE DR
ROCKWALL, TX 75087

GALLI THOMAS J
645 STAFFORD CIR
ROCKWALL, TX 75087

BANZER JERRY L AND BARBARA
646 TURTLE COVE BLVD
ROCKWALL, TX 75087

FISH WADE W
647 STAFFORD CIR
ROCKWALL, TX 75087

MOORE KELLI M
647 TURTLE COVE BLVD
ROCKWALL, TX 75087

TOLLESON MATTHEW AND AMY
648 WOODLAND WAY
ROCKWALL, TX 75087

SVRCEK JOSEPH T
649 CHANNEL RIDGE DR
ROCKWALL, TX 75087

KATT WILLIAM CHARLES
650 TURTLE COVE BLVD
ROCKWALL, TX 75087

THORSEN LINDY N
651 STAFFORD CIR
ROCKWALL, TX 75087

LOFLAND SHERRIE
651 TURTLE COVE
ROCKWALL, TX 75087

MICKISH FAMILY LIVING TRUST
652 TURTLE COVE BLVD
ROCKWALL, TX 75087

SINGH PARAMJIT W
652 WOODLAND WAY
ROCKWALL, TX 75087

MCCOY RAYMOND & BELVA
653 CHANNEL RIDGE DR
ROCKWALL, TX 75087

SCOTT PHILLIP AND BETHANY
653 TURTLE COVE BLVD
ROCKWALL, TX 75087

CLAY DEBBRA S
654 TURTLE COVE BLVD
ROCKWALL, TX 75087

ZAHN TERRENCE T AND JENNIFER A
657 CHANNEL RIDGE DR
ROCKWALL, TX 75087

POP HOLDINGS LP
7750 N MACARTHUR BLVD STE 120-121
IRVING, TX 75063

DAVID HOGG BUILDING LLC
8652 W ROWEL RD
PEORIA, AZ 85383

ROCKWAY PARTNERS LLP
9071 E VASSAR AVE
DENVER, CO 80231

MIRANDA VINOD
9105 BRIARCREST DR
ROWLETT, TX 75089

CONFIDENTIAL
920 BRIAR OAK DR
ROCKWALL, TX 75087

FLOETER JOHN AND SHIRLEY
926 BRIAR OAKS DR
ROCKWALL, TX 75087

MAJORS WENDELL LEE AND SHIRLEY JEAN
930 BLUFFVIEW DR
ROCKWALL, TX 75087

WILLIAMS PAULA
930 BRIAR OAKS DRIVE
ROCKWALL, TX 75087

ANDERSEN SANDRA
931 BRIAR OAK DRIVE
ROCKWALL, TX 75087

HEARD WILLIAM & SYLVIA
934 BLUFFVIEW DR
ROCKWALL, TX 75087

COOPER JEFFREY BOONE
934 BRIAR OAK DR
ROCKWALL, TX 75087

HOOD KENNETH & JENNIFER
935 BRIAR OAK DR
ROCKWALL, TX 75087

MCKINNEY LEONARD L & MARLENE D
938 BLUFFVIEW DR
ROCKWALL, TX 75087

WEIN DAVID C AND CHRISTINE
938 BRIAR OAKS DR
ROCKWALL, TX 75087

MEEK SALLY C
939 BRIAR OAK DR
ROCKWALL, TX 75087

DAVIS LYNN R
942 BLUFFVIEW DR
ROCKWALL, TX 75087

PRICE BRIAN & SHANNON
942 BRIAR OAKS DRIVE
ROCKWALL, TX 75087

PULLIN STEPHEN M & KENDRA K
943 BRIAR OAK DR
ROCKWALL, TX 75087

KIRBY JOY F REV TRUST
946 BLUFFVIEW DR
ROCKWALL, TX 75087

KIRK JEFFREY S
946 BRIAR OAK DR
ROCKWALL, TX 75087

MORENO ROBERT JR AND SHERRI
947 BRIAR OAKS DR
ROCKWALL, TX 75087

GREEN LUCRETIA
950 BLUFFVIEW DR
ROCKWALL, TX 75087

SANDERS JOE D & JOLINDA
950 BRIAR OAK DR
ROCKWALL, TX 75087

EMMERSON PAULA KAY REVOCABLE TRUST
951 BRIAR OAKS
ROCKWALL, TX 75087

MUNIZ SYLVIA D
954 BRIAR OAK DR
ROCKWALL, TX 75087

GERRALD SCOTT W & JUDY A
955 BRIAR OAK DR
ROCKWALL, TX 75087

PYKE RONALD A & JANE L
956 BLUFFVIEW DR
ROCKWALL, TX 75087

DEEN LAUREN
958 BRIAR OAK DR
ROCKWALL, TX 75087

JAGH HOSPITALITY LP
996 E I-30
ROCKWALL, TX 75087

TURTLE COVE RESIDENTIAL ASSOC
C/O TURTLE COVE HOA 3102 OAK LAWN AVE
SUITE #202
DALLAS, TX 75219

WENDY'S PROPERTIES LLC
ONE DAVE THOMAS BLVD
DUBLIN, OH 43017

DAIKER PARTNERS LTD.
PO BOX 1059
ROCKWALL, TX 75087

ROCKWALL OCEANHILL LLC
PO BOX 1295
ROCKWALL, TX 75087

FIRST PRESBYTERIAN CHURCH
PO BOX 692
ROCKWALL, TX 75087

GLOBAL ADVANCE INC
PO BOX 742077
DALLAS, TX 75374

NOTICE OF PUBLIC HEARING
CITY OF ROCKWALL, PLANNING & ZONING DEPARTMENT

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

To Whom It May Concern:

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

Case No. Z2018-016: Waterview Ridge (C to PD)

Hold a public hearing to discuss and consider a request by Clark Staggs on behalf of Vinod Miranda for the approval of a zoning change from a Commercial (C) District to a Planned Development District for an age-restricted multi-family apartment complex and limited Commercial (C) District land uses on a on 9.699-acre tract of land identified as 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 southwestern corner of the intersection of Ridge Road [FM-740] and Turtle Cove Boulevard, and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on **Tuesday, 4/10/2018 at 6:00 p.m.,** and the City Council will hold a public hearing on **Monday, 4/16/2018 at 6:00 p.m.** 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:

David Gonzales
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 **4/16/2018** 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 ON THE CITY'S WEBSITE: HTTPS://SITES.GOOGLE.COM/SITE/ROCKWALLPLANNING/DEVELOPMENT-CASES

PLEASE RETURN THE BELOW FORM

Case No. Z2018-016: Waterview Ridge (C to PD)

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.

This is a excellent use for this property — We need senior multi family and the commercial uses are needed in this area

Name: Rockwall Oceanhill LLC 2455 Ridge Road

Address: P.O. BOX 1295, Rockwall TX 75087

Jim Covine — Property Manager

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

Ridge Road
Towne Center

NOTICE OF PUBLIC HEARING
CITY OF ROCKWALL, PLANNING & ZONING DEPARTMENT

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

To Whom It May Concern:

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

Case No. Z2018-017: The Enclave (C and HC to PD)

Hold a public hearing to discuss and consider a request by Pat Atkins of Saddlestar Land Development on behalf of the Stagliano Family Trust for the approval of a zoning change from an Agricultural (AG) District, Commercial (C) District and Heavy Commercial (HC) District to a Planned Development District for commercial/retail, single-family and townhome land uses on a 63.72-acre tract of land identified as Tract 3 of the W. H. Barnes Survey, Abstract No. 26, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, Commercial (C) District and Heavy Commercial (HC) District, situated within the SH-205 Overlay (SH-205 OV) District, located at the northwest corner of S. Goliad Street [SH-205] and Mims Road, 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, 4/10/2018 at 6:00 p.m.,** and the City Council will hold a public hearing on **Monday, 4/16/2018 at 6:00 p.m.** These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

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Director of Planning & Zoning

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Case No. Z2018-017: The Enclave (C and HC to PD)

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.

Due To increase in Traffic, It is impossible to Get out on 205 now What will All The addition of more Cars dumping out on To 205 Due For the Except make it Harder To Get out.

Name: David R Jacobs

Address: 626 National Dr. Rockwall, Texas

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

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Please place a check mark on the appropriate line below:

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

This Property Zoned AS it is. I have Conferred this w/ Rockwall EDC, and other assoc. I own 510 Turtle Cove Land to N. Jan Planning & Doctors Bldg

Name: PAUL DAVIS

Address: 510 Turtle Cove SE 200, Rockwall TX 75087

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

NOT IN FAVOR OF APARTMENTS AT THAT LOCATION. TRAFFIC IS ALREADY HEAVY; DON'T NEED MORE!

Name: Jerry & Barbara Banzer

Address: 646 Turtle Cove Blvd.
Rockwall, Texas 75087

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

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Please place a check mark on the appropriate line below:

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

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

I do not want an apartment complex on that property.

Name: Lindy Thorsen

Address: 651 Stafford Circle Rockwall, TX 75087

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

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Please place a check mark on the appropriate line below:

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

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

Do not want apartments on this piece of land.

Name: Sherrie Lofland

Address: 651 Turtle Cove Blvd, Rockwall, 75087

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

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

No to Apartments! We moved to Rockwall from Garland many years ago to get away from a declining area surrounded by apartments. Apartments always decline over time and crime goes up, surrounding home values go down. Not to mention the effect on an already bad traffic situation.

Name: Mark & Lisa Johnston

Address: 645 Channel Ridge Dr. Rockwall, TX 75087

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

WE VERY STRONGLY OPPOSE ANY ZONING CHANGE FROM C TO PD.

4/1/18

Leonard L. & Marlene D. McKinney

Name: LEONARD L. & MARLENE D. MCKINNEY.

Address: 938 BLUFFVIEW DR, ROCKWALL, TX. 75087

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

No control on type of housing once zoning change is made. This property was purchase with the knowledge of commercial zoning. It should stay commercial.

Name: Sally Meek Sally C. Meek

Address: 939 Briar Oak Dr, Rockwall TX 75087

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

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

We do not want apartments by our house

Name: Robert + Sherri Moreno

Address: 947 Briar Oak Dr. Rockwall TX 75087

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

WE DONT WANT ANY NON-GOVERNMENT OWNED PROPERTY SUBSIDIZED BY THE FEDERAL GOVERNMENT. THE DEVELOPER IS A PRIVATE BUSINESS ENTERPRISE AND NEEDS TO USE PRIVATE FUNDS TO DEVELOP & MAINTAIN THE PROPERTY. IF THE DEVELOPER NEEDS to be subsidized by FEDERAL OR STATE govt. FUNDING AT ANY LEVEL, WE OPPOSE A ZONING CHANGE.

Name: RICHARD SMITH

Address: 642 TURTLE COVE BLVD ROCKWALL TX 75087

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

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

Noise + Traffic

Name: Joe + Jolinda Sanders

Address: 950 Briar Oaks Rockwall, TX 75087

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

DO NOT DESIRE MULTIFAMILY UNITS ON THIS PARCEL.

Name: THOMAS J. GALLI

Address: 645 STAFFORD CIRCLE, ROCKWALL, TX 75087

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

The parcel of land is not appropriate for a multi-family apartment complex. The (C) zoning was originally put in place for a reason.

Name: WADE & LEAH FISH

Address: 647 STAFFORD CR. ROCKWALL 75087

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Gonzales, David

From: Brooks, Korey
Sent: Monday, April 2, 2018 2:22 PM
To: Gonzales, David
Subject: FW: Case Number 22018-016 Waterview Ridge Rezoning

Follow Up Flag: Follow up
Flag Status: Flagged

City of Rockwall The New Horizon

Planning and Zoning Department

Korey M. Brooks
Planner
City of Rockwall
385 S. Goliad
Rockwall, Texas 75087
T 972.772.6434
kbrooks@rockwall.com
http://www.rockwall.com/planning/

From: [redacted]
Sent: Saturday, March 31, 2018 9:58 PM
To: Planning <planning@rockwall.com>
Subject: Case Number 22018-016 Waterview Ridge Rezoning

Planning & Zoning Committee Members,

I am opposed to re-zoning this tract of land (case number 22018-016) from commercial to multi-family dwelling.

I will support commercial development of the land as it is currently zoned.

Terrill Baughman
656 Stafford Circle
Rockwall, TX 75087
214-649-8253

Planning

From: Carine Rice [redacted]
Sent: Thursday, April 5, 2018 9:05 PM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

Mr. Gonzales,

I am **opposed** to the rezoning of the 9+ acre property adjacent to my neighborhood (Turtle Cove) from Commercial to Planned Development.

Please deny the rezoning request.

--
Carine Rice
629 Harbor Cove Dr.

Planning

From: Gina Celii [redacted]
Sent: Wednesday, April 4, 2018 5:13 PM
To: Planning
Subject: Subject: Case No. Z2018-016 Waterview Ridge (C to PD).

To Mr. David Gonzales
Rockwall Planning and Zoning

As a twenty year resident of Turtle Cove, I have build up a lot of equity in my home. A change in zoning of the property that is situated at the corner of Turtle Cove and Ridge Road to planned development for a senior residential apartment complex with villas and a senior memory care unit will drastically reduce the value of my home since the city can not enforce the deed restrictions that are being proposed by the developer.

I am not opposed to a well designed commercial business on this piece of property. The current businesses on Turtle Cove Blvd have been good neighbors to our community.

In conclusion, I am NOT in favor of the zoning change from commercial to planned development.

Thank You,

Gina Celii
667 Turtle Cove Blvd
Rockwall, TX 75087

Planning

From: Dannon Childs [redacted]
Sent: Thursday, April 5, 2018 8:08 PM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

Dear David Gonzales,

We live in the Turtle Cove subdivision and wish to register our strong opposition to rezoning property adjoining our subdivision from Commercial to Planned Development.

We understood when we bought our home that the adjoining undeveloped property was zoned Commercial but were not aware that the property was subject to rezoning for other purposes. If we had known, we would not have purchased in Turtle Cove and possibly not in Rockwall at all. This will have a very negative affect on our community and will put many people here in a difficult situation. There are many young families who chose to live here will suffer because of it.

Dannon and Heidi Childs
667 Woodland Way
Rockwall, TX

Planning

From: DD Hinkle [redacted]
Sent: Thursday, April 5, 2018 3:00 PM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

Mr Gonzales, I live in the Turtle Cove subdivision. I am writing regarding my major concern of the possible rezoning to an adjoining property. Sir, we moved to this area in July from Dallas because of the quaint neighbor feel and to be closer to our aging fathers. We invested a lot of our retirement money into this property and if this happens I feel we will lose our life's hard work. To think this could be rezoned for investors vs homeowners is beyond our reasoning. We understand progress when it helps all, not hurts one side. I ask you to please consider the many hard working families in this quiet community.

Sincerely,

Debbie Hinkle
2018 Gullwing

Planning

From: Dan Donihoo [redacted] >
Sent: Wednesday, April 4, 2018 1:02 PM
To: Planning
Subject: Subject: Case No. Z2018-016 Waterview Ridge (C to PD).

To: David Gonzales

From: Dan Donihoo (homeowner)

656 Turtle Cove Blvd

Rockwall TX 75087

972-772-9896

I am opposed of the rezoning of the 9+ acre property adjacent to my neighborhood from Commercial (C) to Planned Development (PD) so that multi- family apartments can be constructed.

This property was zoned Commercial when I purchased my home. I have looked forward to seeing responsible commercial development of this land.

The plan proposed by the applicant does not explain how the existing creek will be preserved and managed. I'm concerned that it will cause Turtle Cove to become a flood zone.

DAN L. DONIHOO,CSI, CCPR, LEED GREEN ASSOCIATE
656 TURTLE COVE BLVD | ROCKWALL, TX | 75087
CELL: 210.860.9820

Planning

From: Marion Duhamel [redacted]
Sent: Thursday, April 5, 2018 11:27 AM
To: Planning
Subject: Proposed rezoning of property at Turtle Cove Blvd. and Ridge Rd.

Mr. Gonzales and Mr. Miller:

My name is Marion Duhamel and I live at 656 Turtle Cove Blvd. in Turtle Cove. I have lived here for the past 11 years. I realize that the property that is being considered for re-zoning is presently zoned commercial and that eventually something will be built on that site. I'm not looking forward to that but as I'm told the owner of the property can build whatever he wants within the zoning requirements.

I want to state my objection to re-zoning that property from commercial to residential. I am not in favor of the "senior" housing development that is currently planned. It is my understanding that once the property is re-zoned it will stay that way forever. Therefore if the present owner eventually sells the property, the new owner can use it in whatever way the changed zoning states. Also my understanding is that there is a "cut-thru" road planned that would go from LaJolla to Turtle Cove. If this is a fact, I am definitely against that happening. Right now Turtle Cove is a pleasant, peaceful subdivision and I would not like to see that changed by more housing - especially on a piece of property that doesn't look suitable for 4-story buildings. I, along with other Turtle Cove residents, are very concerned about our property values decreasing if the proposed property is re-zoned.

Thank you for your attention and to my concerns.

Marion Duhamel

Planning

From: Mary Fugate [redacted]
Sent: Wednesday, April 4, 2018 5:42 PM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

To: David Gonzales

We live in the Turtle Cove subdivision and wish to register our strong opposition to rezoning property adjoining our subdivision from Commercial to Planned Development.

We understood when we bought our home that the adjoining undeveloped property was zoned Commercial but were not aware that the property was subject to rezoning for other purposes. If we had known, we would not have purchased in Turtle Cove and possibly not in Rockwall at all.

Victor and Mary Fugate
680 Woodland Way
Rockwall, TX 75087

Planning

From: Stephanie [redacted]
Sent: Wednesday, April 4, 2018 10:11 AM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

Attn: David Gonzales

As a resident of Turtle Cove I am writing to express my opposition to the rezoning of the 9+ acre property adjacent to my neighborhood. My understanding is that the proposed rezoning from Commercial to Planned Development would allow construction of multi family apartments.

This property was zoned Commercial when my husband and I purchased our home 15 years ago. One of my concerns is the existing creek and how that would be preserved and managed to avoid flooding of Turtle Cove. Another major concern of mine is that if the zoning is changed the proposed deed restriction for older residents could later be removed without public input.

My husband and I are opposed to changing the tract of land adjacent to Turtle Cove from Commercial to Planned Development. Please leave the land as it was zoned--Commercial.
William & Stephanie Gammon
664 Danielle Ct
Rockwall, TX. 75087

Sent from my iPad

Planning

From: John Gibson [redacted]
Sent: Thursday, April 5, 2018 11:19 AM
To: Planning
Subject: Attn: David Gonzales Re: Case No. Z2018-016 Waterview Ridge (C to PD)

Dear Mr. Gonzalez,

We are writing to express our opposition to the rezoning of the 9+ acre property adjacent to my neighborhood from Commercial (C) to Planned Development (PD) so that multifamily apartments can be constructed.

This property was zoned Commercial when we purchased our home and we have looked forward to seeing responsible commercial development of this land into something that will benefit those of us who have made a long-term commitment to the community of Rockwall. Had this land been zoned for multifamily residential we would not have purchased our home in Rockwall.

We understand that the proposed apartments will be deed restricted for older residents. We also understand that once this zoning is changed those restrictions can be removed without public input and any facilities constructed on this site could be used as unrestricted housing. Multi-family apartments are never beneficial to homeowners in a neighborhood of single-family homes. We have lived through this nearly exact scenario once before and it was a **NIGHTMARE**! It is in large part what drove us out of our prior community and led us to establish our family here in Rockwall.

Other properties near our neighborhood have nice buildings with medical and professional offices and we would like to keep it that way per the current zoning. Please help us maintain our high quality of living here in Turtle Cove by keeping the current zoning in place.

Sincerely,

John & Robin Gibson
612 Harbor Cove Drive (Turtle Cove)
972-529-8602

Planning

From: Janis Whiteside [redacted]
Sent: Friday, April 6, 2018 7:22 AM
To: Planning
Subject: Case # z2018-016 (Water Ridge)

From: Janis Whiteside ([redacted])
Date: April 6, 2018 at 7:30: AM CDT
To: planning@rockwall.com
Subject: Case No z2018-016 Waterview Ridge (C to PD)

Attn: David Gonzales,

Re: Case No z2018-016 Waterview Ridge (C to PD)

I am opposed to the rezoning of the 9+ acre property adjacent to my neighborhood from Commercial (C) to Planned Development (PD) so that multi-family apartments can be constructed. This property was zoned commercial when our home was purchased. I have looked forward to seeing responsible commercial development of this land.

Other properties near our neighborhood have nice buildings with medical offices and other businesses. Please help us by keeping the Commercial zoning. It is the best plan for our neighborhood.

The plan proposed by the applicant does not explain how the existing creek will be preserved and managed. I'm concerned that it will cause Turtle Cove to become a flood zone. That would be a tragedy.

Multi-family apartments are never beneficial to homeowners in a neighborhood of single family homes. Well planned and designed commercial property can be an asset to the neighborhood. I understand the proposed apartments will be deed restricted for older residents, but those restrictions can be removed without public input once the zoning is changed.

Please deny the rezoning request.

Sincerely,

Janis Whiteside

650 Stafford Cir.

Rockwall, TX 75087

Turtle Cove Resident

469 387-6178

--

Janis Whiteside
Ebby Halliday, Realtors
Multi-Million Dollar Producer
469-387-6178
[redacted]

CLICK LINK BELOW FOR INFORMATION ABOUT BROKER SERVICES and CONSUMER PROTECTION NOTICE

Texas Real Estate Commission Consumer Protection Notice
http://www.trec.state.tx.us/pdf/forms/Miscellaneous/CN1-2.pdf

Texas Real Estate Commission Information About Brokerage Services
http://media.ebby.com/iabs/?0475654

Planning

From: Jenny West [redacted]
Sent: Thursday, April 5, 2018 6:41 PM
To: Planning
Subject: Case No z2018-016 Waterview Ridge (C to PD)

Attn: David Gonzales,

Re: Case No z2018-016 Waterview Ridge (C to PD)

I am opposed to the rezoning of the 9+ acre property adjacent to my neighborhood from Commercial (C) to Planned Development (PD) so that multi-family apartments can be constructed. This property was zoned commercial when our home was purchased. I have looked forward to seeing responsible commercial development of this land.

Other properties near our neighborhood have nice buildings with medical offices and other businesses. Please help us by keeping the Commercial zoning. It is the best plan for our neighborhood.

The plan proposed by the applicant does not explain how the existing creek will be preserved and managed. I'm concerned that it will cause Turtle Cove to become a flood zone. That would be a tragedy.

Multi-family apartments are never beneficial to homeowners in a neighborhood of single family homes. Well planned and designed commercial property can be an asset to the neighborhood. I understand the proposed apartments will be deed restricted for older residents, but those restrictions can be removed without public input once the zoning is changed.

Please deny the rezoning request.

Sincerely,

Jennifer West
652 Stafford Circle
Rockwall, TX 75087
214-403-3665

Planning

From: Jonathan Anderson [redacted]
Sent: Friday, April 6, 2018 9:51 AM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

I live in the Turtle Cove subdivision and wish to protest the rezoning of the property adjoining our subdivision from Commercial to Planned Development.

We are concerned that the change in zoning will significantly affect our home and our neighbors' homes property values.

Thank you,

Jonathan Anderson
675 Turtle Cove Blvd
Rockwall, TX 75087

Planning

From: Keegan Williamson [redacted]
Sent: Thursday, April 5, 2018 5:15 PM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

To: David Gonzales

We were drawn to Rockwall because of its strong commitment to limiting the number of apartments in the city. We were unaware when we brought our home that a zoning change would ever be proposed for the property located next to Turtle Cove.

We are strongly opposed to the plans to rezone this piece of property from commercial to planned development.

Keegan and Terry Williamson
2014 Gullwing Dr.
Rockwall, Tx 75087

Keegan Williamson D.Min.
Seek First/Buscad Primero: International Director Leadership and Spiritual Formation
caminoglobal.me/williamson | [redacted]

PHONE: 214.239.9736 Cell: 214-862-4431
caminoglobal.org | hopecoffee.org | obrerofiel.com | BuscadPrimero.caminoglobal.org

Planning

From: Laura [redacted]
Sent: Thursday, April 5, 2018 3:02 PM
To: Planning
Subject: Case NO. Z2018-016 Waterview Ridge (C to PD)

Mr. Gonzales,

As a resident of Rockwall and the Turtle Cove community, I wish to voice my strong opposition to the re-zoning of the property at the corner of Ridge Road and Turtle Cove Boulevard from Commercial to Planned Development.

My family and I have lived in Rockwall for 25 years. We moved here to be in a community that places value in its residents and their welfare. I fully support the continuation of the Commercial zoning at Ridge Road and Turtle Cove Boulevard. It is important to remain mindful of our residents and the decisions which are detrimental to their wellbeing and the stability of the community. A change of zoning from Commercial to Planned Development would indeed be detrimental to us as residents of Rockwall and in the Turtle Cove community.

Thank you for your time and attention to this issue.

Regards,
Laura Carr
667 Stafford Circle
Rockwall, TX 75087

Sent from my iPad

Planning

From: Lorilee Litherland [redacted]
Sent: Friday, April 6, 2018 11:23 AM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

Dear Mr. Gonzales,
I am a resident of Turtle Cove and wish to express my concerns regarding the rezoning of the 9.6 acre parcel between the subdivision and Ridge Road. As a local real estate agent with over a decade of experience serving Rockwall, the zoning change will negatively affect property values in the neighborhood. When showing homes to buyers, adjacent multi-family units are often a deal breaker. The neighborhood already faces buyer objections over the railroad track and the single entry/exit. I also worry about unintended use once the zoning change is made and the fact that traffic studies have not been performed.

Respectfully submitted,

Lorilee Litherland
627 Harbor Cove Drive
Rockwall, TX 75087

Lorilee Litherland, Realtor®, CRS, ABR, CHMS, CNS, SFR, SRES
Coldwell Banker Apex, Realtors
Recognized in Texas Monthly and D Magazines
U.S. Marine Corps Veteran
214-697-0145
www.LorileeLitherland.com

WIRE FRAUD WARNING
During your representation by Coldwell Banker Apex, Realtors you will **NEVER** be asked, via email, to wire or send funds to **ANYONE**, not even a title company. **NEVER trust wiring instructions sent via email.** Cyber criminals are hacking email accounts and sending emails with fake wiring instructions. These emails are convincing and sophisticated. **ALWAYS** independently confirm wiring instructions in person or via a telephone call to a trusted and verified phone number. **NEVER** wire money without double-checking that the wiring instructions are correct.

Planning

From: Jared Manly [redacted]
Sent: Thursday, April 5, 2018 7:38 AM
To: Planning
Subject: Zoning

To: David Gonzales

We live in the Turtle Cove subdivision and wish to register our strong opposition to rezoning property adjoining our subdivision from Commercial to Planned Development.

We understood when we bought our home that the adjoining undeveloped property was zoned Commercial but were not aware that the property was subject to rezoning for other purposes. If we had known, we would not have purchased in Turtle Cove.

We feel the value of the property would be diminished.

Jared Manly
911 Lexington Dr
903 355 8984

Planning

From: Edgecomb, Michael [redacted]
Sent: Thursday, April 5, 2018 2:58 PM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

To: David Gonzales

David,
I've lived in Turtle Cove Subdivision for 12 years and I strongly oppose re-zoning the property adjacent from Commercial to Planned Development.

You have to remember we have only one road access to our sub-division. From what I've seen of the Planning Development Document it will remain the only way in/out plus add much more traffic.

Please Vote NO to this re-zoning change.

Michael & Beth Edgecomb
671 Woodland Way
Rockwall, TX 75087

Planning

From: Matt Myers [redacted]
Sent: Thursday, April 5, 2018 10:37 AM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

To: David Gonzales

My wife and I live in the Turtle Cove subdivision and wish to register our strong opposition to the planning for rezoning property adjacent our subdivision from Commercial to Planned Development.

This proposed rezoning is for the personal gain of one or a few at the cost of quality of life and property value for many of us. I hope the greed will not prevail here.

Matt and Cathy Myers
1959 Gullwing Drive
Rockwall, TX 75087

Planning

From: PATRICIA SCOTT [redacted]
Sent: Thursday, April 5, 2018 2:52 PM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

I am opposed to the zoning change in the above referenced case.

Patricia Scott
603 Cliff View Court
Rockwall, Tex 75087
318-465-3433

Sent from my iPhone

Planning

From: Paula Emmerson [redacted]
Sent: Friday, April 6, 2018 12:30 PM
To: Planning
Cc: [redacted]
Subject: Case No. Z2018-016 Waterview Ridge

ATTN: David Gonzales
I live in Turtle Cove at 951 Briar Oak Drive. I am concerned about the proposed zoning change from C to PD for the property adjacent to me and Ridge Road.
I moved here in March, 2017 and chose Turtle Cove due to the location and the safety of the neighborhood and the potential for my property value to increase.
I have been a resident of Rockwall, on and off, since 1984. I have seen many changes and most have been beneficial to the community. Rockwall can stand proud for becoming the prestigious city it is today. However, Rockwall didn't become this wonderful thriving area without the opinions of the property owners. Who would know better what is more beneficial for their town than those who are proud property owners, so thank you for listening to us.
ON my street, Briar Oak Drive, five homes have been for sale this past year and, so far, only two have sold, and that was months after being on the market with price reductions. This may be due partly to a railroad track running behind the houses. But, I feel assured the proposed zoning change has raised concern.
The Traffic on Turtle Cove Drive has remained consistent but manageable. I would think commercial building of doctor's offices, etc would still remain manageable. However, an apartment complex, whether age monitored or not, would substantially increase traffic to cause backups not only on Turtle Cove Drive, but coming and going out of our gate. No matter how nice the apartment community, it will still attract transients and people of questionable nature, even prior sex offenders. I think the safety of my neighborhood will be jeopardized. I am a senior citizen and live alone. I would like to continue to feel safe in my home.
Flooding is also a large concern for me. Not only will home insurance policies increase for flood insurance, but water damage can be devastating. Our homes have been built to withstand drainoff to the lake. Occasionally, someone will receive excessive rainwater, due to the railroad ditches not being maintained. Any changes, especially as large as apartments, will change the terrain and water will do exactly what it wants, which may include flooding.
Please keep this area of Rockwall consistent with the present trend. I have seen the decline of many areas in other towns, due to apartment buildings, such as Mesquite and Greenville, just to name a few. And, surely you will agree that Rockwall stands exemplary to other towns nearby.
Thank you for listening and careful consideration to keep the above mentioned area zoned C.

Paula K Emmerson
Get Outlook for Android

Planning

From: Charlie Pratt [redacted]
Sent: Thursday, April 5, 2018 8:01 AM
To: Planning
Subject: Case No. Z2018-016, Waterview Ridge (C to PD)

To: David Gonzales

Mr. Gonzales,

My wife Patsy and I live in Turtle Cove. We would like to voice our extreme opposition to the proposal for change in zoning on the tract just outside our gates to Planned Development from commercial. We love our community, but ingress and egress from Ridge Rd is already a problem. It not only will devalue our home prices, but make it next to impossible to get in and out of our subdivision. I strongly request that each city official involved drive to the area and take a firsthand look at the situation I am describing. The property should continue to be zoned commercial, or should be a nice city park, which we need more of. We appreciate the job you are doing and know that your first priority is the quality of life for our citizens. This project would make an extreme negative change to our quality of life.
Thank you,
Charlie & Patsy Pratt
619 Loch View Ct
Rockwall, TX 75087

Sent from my iPhone

Planning

From: Remona Wing [redacted]
Sent: Friday, April 6, 2018 10:03 AM
To: Planning
Subject: Case z2018-016 Waterview Ridge (C to PD)

Attn: David Gonzales,

Re: Case No z2018-016 Waterview Ridge (C to PD)

I am opposed to the rezoning of the 9+ acre property adjacent to my neighborhood from Commercial (C) to Planned Development (PD) so that multi-family apartments can be constructed. This property was zoned commercial when our home was purchased. I have looked forward to seeing responsible commercial development of this land.

Other properties near our neighborhood have nice buildings with medical offices and other businesses. Please help us by keeping the Commercial zoning. It is the best plan for our neighborhood.

The plan proposed by the applicant does not explain how the existing creek will be preserved and managed. I'm concerned that it will cause Turtle Cove to become a flood zone. That would be a tragedy.

Multi-family apartments are never beneficial to homeowners in a neighborhood of single family homes. Well planned and designed commercial property can be an asset to the neighborhood. I understand the proposed apartments will be deed restricted for older residents, but those restrictions can be removed without public input once the zoning is changed.

Please deny the rezoning request.

Sincerely,

Remona Wing
654 Stafford Circle
Rockwall, TX 75087

Planning

From: Eberle Smith [redacted]
Sent: Tuesday, April 3, 2018 9:19 AM
To: Planning
Cc: Richard Smith
Subject: Case No. Z2018-016: Waterview Ridge (C to PD)

Good morning, Mr. Gonzales:

I am opposed to a change in zoning for the Case number referenced above.

There are several reasons for my opposition. However, the major reason is I don't want **ANY** non-government owned property subsidized by the federal government. The developer is a private business enterprise and needs to use private funds to develop and maintain the property. If the developer needs to be subsidized by federal or state government funding **AT ANY LEVEL**, we say NO to a zoning change.

Virus-free. www.avast.com

Planning

From: Ron Hinkle [redacted]
Sent: Friday, April 6, 2018 7:57 AM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

Importance: High

Mr. Gonzales – I am sending you this email to strongly protest and reject the proposed rezoning changes that will adversely affect my neighborhood, Turtle Cove.

My wife and I purposely chose Rockwall and, more specifically, the Turtle Cove neighborhood as our place of choice to live. We have made important changes in our lives and have made significant investments to ensure we have the ability to enjoy our home and our neighborhood.

The changes that would rezone property adjoining our subdivision from Commercial to Planned Development will have a negative effect on my neighborhood and my home. Should the planning commission and the city council approve the zoning changes we will have no other recourse than to move since our investment will be considered worthless.

I hope the city government will respond in the appropriate way that supports its voting citizens in the community.

Ron Hinkle
2018 Gullwing Drive
Rockwall, Texas 75087

Ron Hinkle
Legislative Consultant
P.O. Box 11664
Austin, Texas 78711
www.RHinkle.com
(512)567-5250

Planning

From: Ron Pyke [redacted]
Sent: Thursday, April 5, 2018 4:56 PM
To: Planning
Cc: [redacted]
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

Attention: David Gonzales

Dear Mr. Gonzales,

I live in the Turtle Creek neighborhood at 956 Bluffview Drive (Rockwall, Texas 75087). My wife and I have owned our home there since 2009 and have enjoyed the neighborhood the entire time. We are one of the "prime" home owners that have received notification of a zoning change request. I believe that the city has the parcel on Ridge Road and Turtle Cove Drive properly zoned. There are numerous reasons not to grant this requested zoning change of which my neighbors and I are happy to present to the zoning board and city council.

Surely the purchaser of that parcel of land knew that it was zoned Commercial when he purchased the property. It would be nice if the city held him to that.

I am also happy to provide a more detailed explanation of my opposition to the change via email before or outside of the planned meetings if needed.

I would appreciate an acknowledgement of your receipt of this correspondence.

Sincerely,

Ron

RONpyke CPA
972.741.1157 *office*
214.714.0817 *cell*
www.RonaldAPykeCFO.com

Planning

From: Christie Rotramel [redacted]
Sent: Wednesday, April 4, 2018 2:01 PM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

David Gonzales,

I am opposed of the rezoning of the 9+ acre property to my neighborhood from Commercial (C) to Planned Development (PD)so that multi-family apartments can be constructed.

Christie Rotramel
621 Harbor Cove Drive
Rockwall,TX
Turtlecove Subdivision
214-869-4006

Sent from my iPhone

Planning

From: Steve and Cathy Boewe [redacted]
Sent: Thursday, April 5, 2018 11:49 AM
To: Planning
Subject: Case Z2018-016 Waterview Ridge (C to PD)

Dear David Gonzales,

My wife and I moved to Turtle Cove subdivision 6 years ago this July because we loved the location, gate and quiet neighborhood. We felt the property values would continue to rise. We knew the adjoining property was zoned commercial and have no issue with commercial being built on this site.

We do wish to state our strong opposition to rezoning the property adjoining our subdivision from Commercial to Planned Development for multi-family apartments.

Thank you,

Steve and Cathy Boewe
663 Stafford Circle
Rockwall, TX 75087

Planning

From: Tiffani Anderson [redacted]
Sent: Thursday, April 5, 2018 4:41 PM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

I live in the Turtle Cove subdivision and wish to protest the rezoning of the property adjoining our subdivision from Commercial to Planned Development.

We are concerned that the change in zoning will greatly affect our home and our neighbors' homes property values.

Thank you,

Tiffani Anderson
675 Turtle Cove Blvd
Rockwall, TX 75087

Planning

From: Yves Courbier [redacted]
Sent: Thursday, April 5, 2018 3:00 PM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

To: David Gonzales

We live in the Turtle Cove subdivision and wish to register our strong opposition to rezoning property adjoining our subdivision from Commercial to Planned Development.

We understood when we bought our home that the adjoining undeveloped property was zoned Commercial but were not aware that the property was subject to rezoning for other purposes. If we had known, we would not have purchased in Turtle Cove and possibly not in Rockwall at all.

Furthermore, the plan proposed by the applicant does not explain how the existing creek will be preserved and managed. We are concerned that it will cause Turtle Cove to become a flood zone. That would be a tragedy.

Sincerely yours,

Yves Courbier
907 Lexington Dr
Rockwall, TX 75087

Planning

From: Cathy Boewe [redacted]
Sent: Thursday, April 5, 2018 4:24 PM
To: Planning
Subject: Case Z2018-016 Waterview Ridge

Dear David Gonzales,

When I moved to the Turtle Cove subdivision almost 6 years ago, I was totally captivated by the location, the quiet gated community and the neatness of the subdivision. Those of us who live here take great pride in our "little piece of heaven"! However, now someone wants to spoil it with multi-level and multi-family apartments!! They may not start out as these, being presented as "age-restricted", but we all know that it will only be a matter of time before they become subsidized housing. I realize that the land is currently zoned commercial and even though I am not thrilled with that, zoning it multi family apartments would be so much worse! The added traffic alone would be awful. Often times you can barely get out on Ridge Road, the traffic is backed up so much!

I want to state my STRONG opposition to rezoning the property adjoining our subdivision from Commercial to Planned Development for multi-family apartments.

Thank you,
Cathy Boewe
663 Stafford Circle
Rockwall, TX 75087

Sent from Mail for Windows 10

Gonzales, David

From: Brooks, Korey
Sent: Tuesday, April 3, 2018 2:39 PM
To: Gonzales, David
Subject: FW: Case No. Z2018-016: Waterview Ridge (C to PD)

City of Rockwall
The New Horizon

Planning and Zoning Department

Korey M. Brooks
Planner
City of Rockwall
385 S. Goliad
Rockwall, Texas 75087
T 972.772.6434
kbrooks@rockwall.com
http://www.rockwall.com/planning/

From: Eberle Smith [redacted]
Sent: Tuesday, April 03, 2018 9:29 AM
To: Planning <planning@rockwall.com>
Cc: Richard Smith [redacted]
Subject: Fw: Case No. Z2018-016: Waterview Ridge (C to PD)

Mr. Gonzales - I forgot to identify myself and address:

Eberle Smith
642 Turtle Cove Blvd
Rockwall, TX 75087
214-697-2000
smith.er@sbcglobal.net

On Tuesday, April 3, 2018 9:18 AM, Eberle Smith <smith.er@sbcglobal.net> wrote:

Good morning, Mr. Gonzales:

I am opposed to a change in zoning for the Case number referenced above.

There are several reasons for my opposition. However, the major reason is I don't want **ANY** non-government owned property subsidized by the federal government. The developer is a private business enterprise and needs to use private funds to develop and maintain the property. If the developer needs to be subsidized by federal or state government funding **AT ANY LEVEL**, we say NO to a zoning change.

Virus-free. www.avast.com

Planning

From: Pyke, Jane [redacted]
Sent: Thursday, April 5, 2018 5:02 PM
To: Planning
Cc: Ron Pyke ([redacted]
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

Dear Mr. Gonzales -
I am writing to you to oppose the subject case to rezone the plot of land adjacent to the Turtle Cove subdivision. This area was zoned commercial when we purchased our home at 956 Bluffview Dr. in 2009 and we expected it to stay that way. Note, our home is in the "notification" zone. The city zoned it correctly and should hold the purchaser of the land to the zoning as it stood when they knowingly purchased the land. We do not appreciate the thought of a large multi-family (senior citizen or not) development being built on that land. The problems associated with that type of development are numerous. I have always appreciated the zoning committee's thoughtfulness in developing Rockwall. In fact, I know that your group won a state award for its thoughtfulness and I hope that it continues by disallowing, yet again, another inappropriate development on the land next to Turtle Cove. I can tell you that we have one way in and one way out of our neighborhood. This is often different from other neighborhoods when it comes to development. The realtors can't avoid driving prospective buyers past that plot of land and regardless of what the owner of the land is "promising", it is very unlikely that that could or would change anytime soon. Please oppose the building of this zoning change. Enough is enough. Thank you.

Jane Pyke
956 Bluffview Dr.
Rockwall, TX 75087
972-922-8153

Jane L. Pyke
Assistant Vice President, PHR, SHRM-CP
Human Resources
Office: 214-922-5563
[redacted]

Federal Reserve Bank of Dallas
2200 N. Pearl St. Dallas, TX 75201
dallasfed.org

Planning

From: Jennifer Courbier [redacted]
Sent: Thursday, April 5, 2018 7:52 PM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD

Dear Mr. Gonzales,

My family and I have lived in Turtle Cove for the last 12 years. It is a great place to live. The families here keep up their properties and we, as a community, take pride in the upkeep of our neighborhood. Our home owners dues go toward front lawn and common area lawn maintenance to ensure a clean, manicured landscape throughout the community. We do not allow cars to park along the streets. We care about increasing the value of our property.

I never tell people that I live in Turtle Cove without someone commenting on what a nice neighborhood it is. People know Turtle Cove homes as highly sought after real estate. This has been a well respected Rockwall neighborhood for many years.

As you probably know, Turtle Cove is a one entrance/exit neighborhood. That does increase the vulnerability of the area. The less traffic coming down Turtle Cove Blvd, the less opportunity for undesirable activity to make its way down into our neighborhood.

So, I'm respectfully petitioning you not to make a zoning change that would reduce the desirability of our neighborhood as a place to live in this great town. There can be no question that a change in zoning would have a detrimental impact on property values, safety and the general appeal of our neighborhood. Please, deny the application for a zoning change.

Respectfully,
Jennifer Courbier
Turtle Cove Resident

Sent from my iPhone

Gonzales, David

From: McKinney [redacted]
Sent: Thursday, April 5, 2018 5:16 PM
To: Gonzales, David
Subject: Case No. Z2018-016. Waterview Ridge C to PD

Mr. Gonzales: We are very much opposed to changing the above case from C to PD. As senior residents in Turtle Cove, the proposed development would overburden traffic on a short two lane street that is the only access/egress for residents. The problem of water drainage and possible flooding from the proposed development is a risk the City of Rockwall must avoid. These are only two of the issues that would harm this residential area. We would appreciate any assistance in not allowing this zoning change.

Respectfully submitted, Marlene and Lenny McKinney

Sent from my iPad

Planning

From: Lindy Thorsen [redacted]
Sent: Thursday, April 5, 2018 11:38 AM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

Mr. Gonzales:

I am opposed to the rezoning of the property on Ridge Road/Turtle Cove Blvd. by my Turtle Cove neighborhood.

Please help us keep the commercial zoning. I am concerned about numerous problems that multi-family apartments in this area would bring to our neighborhood as well as to the City of Rockwall--just to mention one major problem being the concern that our neighborhood could become a flood zone.

Thank you,

Lindy Thorsen
651 Stafford Circle
Rockwall, TX 75087

Planning

From: Martha Galli [redacted]
Sent: Thursday, April 5, 2018 2:59 PM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

Dear Mr. Gonzales,

I am Martha Galli and live at 645 Stafford Circle in the Turtle Cove Neighborhood in Rockwall.

I'm informed about the nature of the subject development and am against changing the zoning to allow High Density Residential development on this property. I believe there are many more suitable locations for developments of this nature in our city. Moreover, there are many permitted use commercial developments that are suitable improvements for this land. Mr. Miranda purchased this land knowing its commercial classification. He has the right to develop it in compliance with the commercial code. However, if he wants to re-zone the land, City Ordinances allow me to express my view. And I choose not to support the re-zoning from Commercial to Planned Development High Density Residential.

Sincerely,

Martha Galli

Planning

From: Thomas Galli [redacted]
Sent: Thursday, April 5, 2018 4:46 PM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

Dear Mr. Golzales,

I am Tom Galli and live at 645 Stafford Circle in the Turtle Cove Neighborhood.

I stand opposed to rezoning the 9.6 acres of land fronting my neighborhood from Commercial to Planned Development — High Density Residential. Such a development would not mesh well with existing commercial properties along the Ridge Road commercial corridor. It would look and feel very much out of place both architecturally and functionally.

That said, I have no objection to development of this land for a commercial purpose as delineated in our Unified Development Plan and code.

Sincerely,

Tom Galli

Gonzales, David

From: Gonzales, David
Sent: Wednesday, April 4, 2018 11:10 AM
To: 'Victor Salazar'
Subject: RE: document # Z2018-016

That street section should be built as required, and the city does have a facilities agreement in place with the property owner for the road to be built.

DAVID GONZALES, AICP
SENIOR PLANNER • PLANNING & ZONING DIVISION • CITY OF ROCKWALL
972.772.6488 OFFICE
GONZALES@ROCKWALL.COM
385 S. GOLIAD STREET • ROCKWALL, TX 75087

HELPFUL LINKS | CITY OF ROCKWALL WEBSITE | PLANNING & ZONING DIVISION WEBSITE | MUNICIPAL CODE WEBSITE
GIS DIVISION WEBSITE | CITY OF ROCKWALL INTERACTIVE MAPS | MAIN STREET DIVISION

From: Victor Salazar [redacted]
Sent: Wednesday, April 4, 2018 10:42 AM
To: Gonzales, David <DGonzales@rockwall.com>
Subject: Re: document # Z2018-016

David,
Thanks for your time .
Yes you can forward to anybody concerned?
I'm just trying to validate two different sides about the street being built to La Jolla? Developer representative says yes, those opposing the plan say no. Opposers say the medicinal building owner won't allow connection of street to Lajolla.
Thanks
Victor

Sent from my iPhone

On Apr 4, 2018, at 9:56 AM, Gonzales, David <DGonzales@rockwall.com> wrote:

> Good morning Victor,
>
> The concept plan is representative of the zoning change (*i.e. Planned Development District*) for the Planning Commission and City Council to consider at the public hearings, and if approved, could not be changed without going through another zoning change request to amend the ordinance. The request is for an age restricted multi-family apartment complex and limited commercial land uses for the property. The purpose of the public hearings is for property owners to voice their opinions about the change(s) being requested, and for the governing body to consider these during their deliberations and decision making process. As a note, zoning changes are discretionary upon the City Council.
>
> The minor collector street on the plan is placed on the concept plan to indicate compliance with the City's Master Thoroughfare Plan and is required to be built to city standards.

With this being said, is this e-mail to be forwarded to the Planning and Zoning Commission and City Council?

Thank you,

<image002.jpg>**DAVID GONZALES, AICP**
SENIOR PLANNER • PLANNING & ZONING DIVISION • CITY OF ROCKWALL
972.772.6488 OFFICE
GONZALES@ROCKWALL.COM
385 S. GOLIAD STREET • ROCKWALL, TX 75087

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GIS DIVISION WEBSITE | CITY OF ROCKWALL INTERACTIVE MAPS | MAIN STREET DIVISION

From: Victor Salazar [redacted]
Sent: Wednesday, April 4, 2018 9:15 AM
To: Gonzales, David <DGonzales@rockwall.com>
Subject: Re: document # Z2018-016

David,
Thank you for your response.
How much influence does the plan that has been presented by the developer to the P & Z have to do with the zoning change ?
If the zoning change is made can the developer change the plan to a different type of housing?
Is the street that is on the plan next to the rail road tracks is that already been approved to run and exit onto LaJolla st. ?
Victor

Sent from my iPhone

On Apr 3, 2018, at 3:27 PM, Gonzales, David <DGonzales@rockwall.com> wrote:

> Mr. Salazar,
>
> I am writing you to find out;
> a) if I answered your questions; and'
> b) if you intended this e-mail to be forwarded to the Planning and Zoning Commission and City Council.
>
> If so, you may also include whether you are "in favor of" or "opposed to" this request.
>
> Let me know if I can be of any f=further assistance,
>
> Thank you,
>
> <image002.jpg>**DAVID GONZALES, AICP**
> SENIOR PLANNER • PLANNING & ZONING DIVISION • CITY OF ROCKWALL
> 972.772.6488 OFFICE

GONZALES@ROCKWALL.COM
385 S. GOLIAD STREET • ROCKWALL, TX 75087

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GIS DIVISION WEBSITE | CITY OF ROCKWALL INTERACTIVE MAPS | MAIN STREET DIVISION

From: Gonzales, David
Sent: Monday, April 2, 2018 3:47 PM
To: [redacted]
Cc: Ryan Miller <rmiller@rockwall.com>
Subject: RE: document # Z2018-016

Mr. Salazar,

Thank you for your e-mail regarding the proposed age restricted multi-family apartment complex being requested. Yes, the property is currently zoned as Commercial, and will remain that way as an underlying zoning for the property; however, if approved, the property will allow for the multi-family apartment complex on the commercial zoned property. Also, the applicant is requesting to limit the commercial uses available within the remainder of the property. These uses will be listed in the proposed ordinance for the Planning Commission and City Council to review, and to consider for approval at their discretion.

These are the responses to your questions:

1. If granted, the uses on the property will be allowed indefinitely as prescribed by the Planned Development District Ordinance (or until a request is made to change the zoning).
2. I do not have an answer for this question as this does not pertain to the zoning case for this particular property. As a suggestion, you may do a search through the internet to located additional holdings by Mr. Miranda.
3. There is no provision in the Planned Development District Ordinance relating to a period of time for the development to occur.

If you have any additional questions, please feel free to contact me.

Thank you,

<image007.jpg>**DAVID GONZALES, AICP**
SENIOR PLANNER • PLANNING & ZONING DIVISION • CITY OF ROCKWALL
972.772.6488 OFFICE
GONZALES@ROCKWALL.COM
385 S. GOLIAD STREET • ROCKWALL, TX 75087

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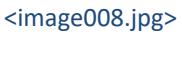
GIS DIVISION WEBSITE | CITY OF ROCKWALL INTERACTIVE MAPS | MAIN STREET DIVISION

From: Brooks, Korey
Sent: Monday, April 2, 2018 2:22 PM
To: Gonzales, David <DGonzales@rockwall.com>
Subject: FW: document # Z2018-016



Planning and Zoning Department

Korey M. Brooks
Planner
City of Rockwall
385 S. Goliad
Rockwall, Texas 75087
T 972.772.6434
kbrooks@rockwall.com
http://www.rockwall.com/planning/

From: Victor Salazar [redacted]
Sent: Thursday, March 29, 2018 5:34 PM
To: Planning <planning@rockwall.com>
Subject: document # Z2018-016

To whom it may concern,
Could you answer a few Questions about the document referenced in the subject line?
i understand that this is commercial property now and wants to be zoned to multi unit housing.
1. if granted, will it always be aged restricted throughout the development until completion?

2. Does Mr. Vinod Miranda have any other developments like this in the greater DFW area ?

3. Would there be a provision that the whole project has to be finished by a certain year? 5 years- 10 years - 15 years etc

Thank You
Victor A Salazar
Turtle Cove resident

CITY OF ROCKWALL

ORDINANCE NO. 18-XX

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, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM A COMMERCIAL (C) DISTRICT TO A PLANNED DEVELOPMENT DISTRICT XX (PD-XX) TO ALLOW AN AGE RESTRICTED MULTI-FAMILY APARTMENT COMPLEX, AGE RESTRICTED TOWNHOMES AND LIMITED COMMERCIAL (C) LAND USES ON THE SUBJECT PROPERTY, BEING A 9.70-ACRE TRACT OF LAND IDENTIFIED AS TRACT 15 OF THE E.P.G. CHISUM SURVEY, ABSTRACT NO. 64, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'*; 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 Clark Staggs on behalf of the owner Vinod Miranda for the approval of a zoning change from a Commercial (C) District to a Planned Development District for an age restricted multi-family apartment complex and limited Commercial (C) District land uses on a 9.70-acre tract of land identified as Tract 15 of the E. P. G. Chisum Survey, Abstract No. 64, City of Rockwall, Rockwall County, Texas and more fully described in *Exhibit 'A'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code [*Ordinance No. 04-38*] should be amended as follows:

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

Section 1. That the *Subject Property* shall be used only in the manner and for the purposes authorized by this Planned Development District Ordinance and the Unified Development Code [*Ordinance No. 04-38*] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future;

Section 2. That development of the *Subject Property* shall be in accordance with the *Area Map*, described in *Exhibit 'B'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'B'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

Section 3. That development of the *Subject Property* shall be in accordance with the *Planned Development Concept Plan*, described in *Exhibit 'C'* of this ordinance, attached hereto

Draft Ordinance 04.16.2018

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

Section 4. That development of the *Subject Property* shall generally be in accordance with the *PD Development Standards*, described in *Exhibit 'D'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'D'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

Section 5. That development of the *Subject Property* shall generally be in accordance with the *Concept Building Elevations*, contained in *Exhibit 'E' & 'F'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'E' & 'F'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

Section 6. That development of the *Subject Property* shall be in conformance with the schedule listed below (*except as set forth below with regard to simultaneous processing and approvals*).

(a) The procedures set forth in the City's subdivision regulations on the date this ordinance is approved by the City Council, as amended by this ordinance (*including Subsections 5(b) through 5(g) below*), shall be the exclusive procedures applicable to the subdivision and platting of the *Subject Property*.

(b) The following plans and plats shall be required in the order listed below (*except as set forth below with regard to simultaneous processing and approvals*). The City Council shall act on an application for an *Open Space Master Plan* in accordance with the time period specified in *Section 212.009* of the *Texas Local Government Code*.

(1) PD Development Plan [*required for commercial areas only* (*i.e. Area 3*)]
(2) Preliminary Plat
(3) PD Site Plan
(4) Open Space/Amenity Plan
(5) Final Plat

(c) *PD Development Plan.* A *PD Development Plan* must be approved for the areas designated as *Area 3* on the Area Map as depicted on *Exhibit 'B'* of this PD Ordinance, prior to submittal of a *PD Site Plan* application and/or preliminary plat application. A traffic impact analysis for the each phase of the development shall be submitted with the *PD Development Plan* to determine the extent and timing of any recommended facilities and/or improvements to the surrounding roadway network. The traffic impact analysis may be updated with each *PD Site Plan*.

(d) *Preliminary Plat.* A preliminary plat application shall be submitted for each phase of residential development. A *PD Site* Plan application, including a site plan application for improvements for parkland or trails, may be processed by the City concurrently with a preliminary plat application for that phase of the development.

(e) *PD Site Plan.* A *PD Site Plan* covering all of the *Subject Property* shall be submitted and shall include a *Site Plan*, *Building Elevations*, *Treescape Plan*, *Landscape Plan* and a *Photometric Plan*. A *PD Site Plan* application may be processed by the City concurrently with an *Open Space/Amenity Plan* for the development.

(f) *Open Space/Amenity Plan.* An *Open Space/Amenity Plan* covering all of the *Subject Property* shall be submitted and shall include a detailed depiction of all proposed public and private amenities. An *Open Space/Amenity Plan* may be processed by the City concurrently with a *PD Site Plan Application* for the development.

(g) *Deed Restrictions.* Prior to or concurrently with the recording of the final plat for the *Subject Property*, the owner of the *Subject Property* shall establish a restrictive covenant for the *Age Restricted Multi-Family Apartment Complex* by executing and recording an instrument approved by the City Attorney pursuant to which the *Age Restricted Multi-Family Apartment Complex* shall be limited to residential uses by people 62-years of age or older consistent with the Federal Fair Housing Act and all other applicable laws.

Draft Ordinance 05-21-2018

(h) *Final Plat.* Prior to the issuance of any building permits, a *Final Plat* for the *Subject Property* shall be submitted for approval.

Section 7. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *Two Thousand Dollars* ($2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense;

Section 8. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable;

Section 9. The standards in this ordinance shall control in the event of a conflict between this ordinance and any provision of the Unified Development Code or any provision of the City Code, ordinance, resolution, rule, regulation, or procedure that provides a specific standard that is different from and inconsistent with this ordinance. References to zoning district regulations or other standards in the Unified Development Code (including references to the *Unified Development Code*), and references to overlay districts, in this ordinance or any of the Exhibits hereto are those in effect on the date this ordinance was passed and approved by the City Council of the City of Rockwall, Texas;

Section 10. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides;

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 7TH DAY OF MAY, 2018.

_____
Jim Pruitt, *Mayor*

ATTEST:

_____
Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

_____
Frank J. Garza, *City Attorney*

1st Reading: *April 16, 2018*

2nd Reading: *May 7, 2018*

Draft Ordinance
04.16.2018

Exhibit 'A':
Legal Description

All that certain lot, tract or parcel of land situated in the E.P.G. CHISUM SURVEY, ABSTRACT NO. 64, City of Rockwall, Rockwall County, Texas, and being all of a tract of land as described in a Warranty deed from James W. Reese to LGI Properties. LTD, dated July 1, 2003 and being recorded in Volume 3075, Page 146 of the Real Property Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a TXDOT brass disk monument found for corner at the intersection of the southwest right-of-way line of Turtle Cove Drive, a 60 foot right-of-way, with the northwest right-of-way line of Ridge Road F.M. 740, a variable width right-of-way per Volume 1582, Page 317 of the Real Property Records of Rockwall County, Texas, and being at the east corner of the above cited tract of land;

THENCE in a southwesterly direction along the northwest right-of-way line of Ridge Road F.M. 740 as follows:

S. 45 deg. 59 min. 50 sec. W. a distance of 113.22 feet to a TXDOT brass disk monument found for corner;

S. 57 deg. 34 min. 20 sec. W. a distance of 103.07 feet to a TXDOT brass disk monument found for corner;

S. 35 deg. 01 min. 32 sec. W. a distance of 101.12 feet to a TXDOT brass disk monument found for corner;

S. 33 deg. 32 min. 12 sec. W. a distance of 204.12 feet to a TXDOT brass disk monument found for corner;

S. 40 deg. 08 min. 27 sec. W. a distance of 136.97 feet to a TXDOT brass disk monument found for corner at the south corner of said Reese to LGI Properties tract and being in the northeast boundary line of Lot 1, Block A, LAKE POINT HEATH AND SCIENCE CENTER ADDITION, an Addition to the City of Rockwall, Texas, according to the Plat thereof recorded in Cabinet C, Slide 216 of the Plat Records of Rockwall County, Texas;

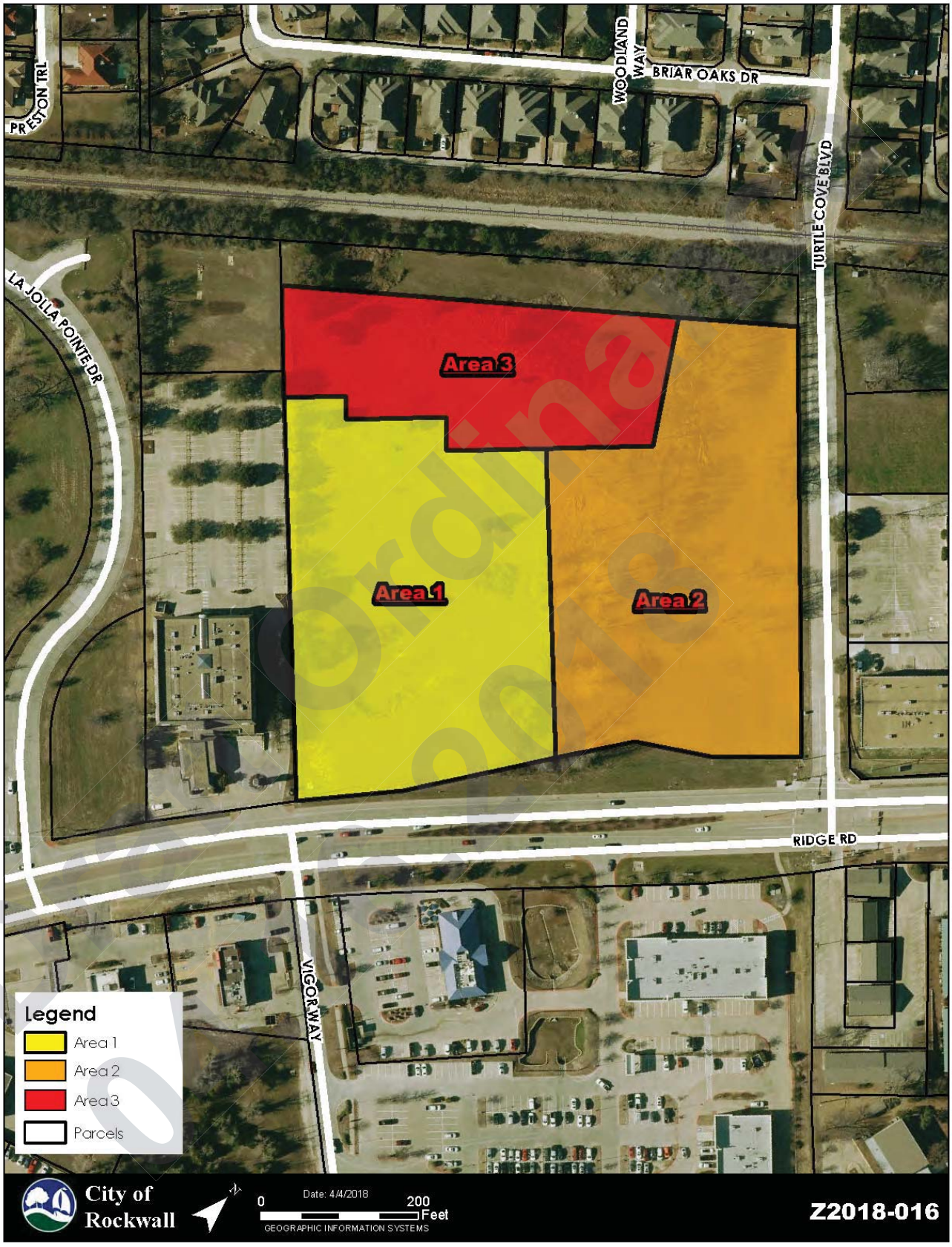
THENCE N. 45 deg. 31 min. 12 sec. W. a distance of 711.59 feet to a 3/8" iron rod found for corner at the west corner of said Reese to LGI Properties tract and being in the southeast right-of-way line of the Union Pacific Railroad, a 100 foot right-of-way;

THENCE N. 49 deg. 42 min. 29 sec. E. along said railroad right-of-way, a distance of 658.84 feet to a ½" iron rod found for corner in the southwest right-of-way line of Turtle Cove Drive;

THENCE S. 44 deg. 58 min. 41 sec. E. along said right-of-way line, a distance of 612.21 feet to the *POINT OF BEGINNING* and containing 422,730 square feet or 9.70 acres of land.

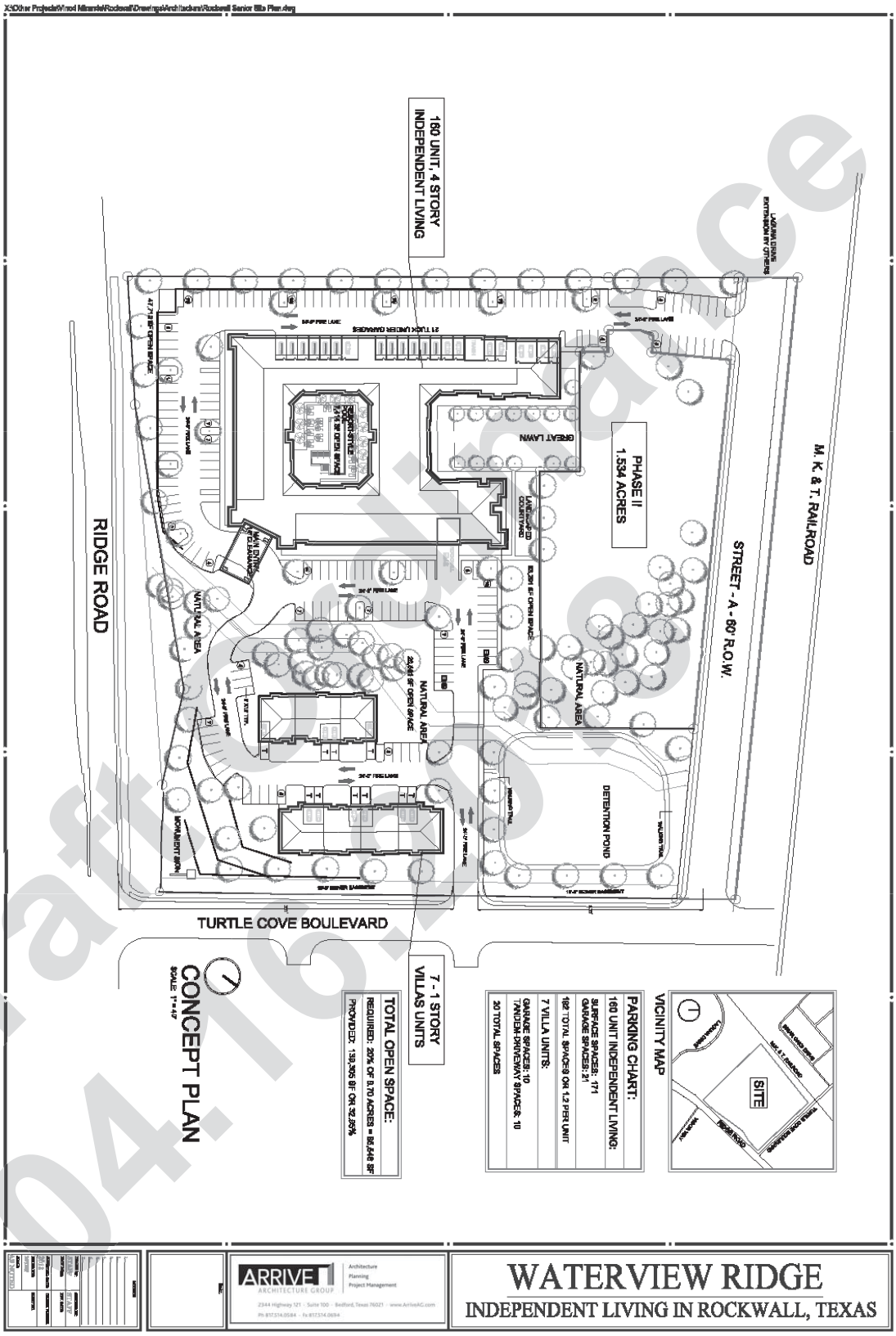
Draft Ordinance
04.16.2018

Exhibit 'B':
Area Map



Draft Ordinance 2018

Exhibit 'C':
Concept Plan



Draft Ordinance 04.16.19

Exhibit 'D':
PD Development Standards

PD Development Standards.

Area 1: Age Restricted, Multi-Family Apartment Complex

(1) Permitted Uses. Area 1 as depicted in *Exhibit 'B'* of this ordinance shall be subject to the development standards and land uses permitted in the Commercial (C) District as stipulated by Article IV, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 04-38*] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future, with the following additions:

Permitted By-Right. The following uses shall be permitted *by-right*:

- ☑ *Age Restricted, Multi-Family Apartment Complex*
- ☑ *Private Streets*

Permitted as Accessory Uses. The following uses shall be permitted as accessory uses to an *Age Restricted, Multi-Family Apartment Complex*:

- ☑ *Barber and Beauty Shop*
- ☑ *Cafeteria/Common dining facilities*
- ☑ *Chapel*
- ☑ *Community Center (Room)*
- ☑ *Game Court*
- ☑ *Greenhouse*
- ☑ *Handcrafted art work studio*
- ☑ *Health Studio*
- ☑ *Instructional Art Studio*
- ☑ *Medical Treatment Services (such as a medical clinic, physical therapy services, inhalation therapy, and other related uses)*
- ☑ *Office*
- ☑ *Private recreation club or area*
- ☑ *Retail Store (food and other goods)*
- ☑ *Snack Bar*
- ☑ *Swimming pool*

Prohibited Uses. The following uses shall be prohibited:

- ☑ *Animal Boarding/Kennel with or with Outside Pens*
- ☑ *Cemetery*
- ☑ *Billiard Parlor or Pool Hall*
- ☑ *Carnival, Circus or Amusement Ride*
- ☑ *Commercial Amusement Recreation (Inside or Outside)*
- ☑ *Gun club, sheet or Target Range (Indoor)*
- ☑ *Astrologer, Hypnotist or Psychic*
- ☑ *Night Club, Discotheque or Dance Hall*
- ☑ *Pawn Shop*
- ☑ *Secondhand Dealer*
- ☑ *Building and Landscape Material Sales with or without Outside Storage*
- ☑ *Research and Technology/Light Assembly*
- ☑ *Auto Repair Garage (Minor)*
- ☑ *Boat and Trail Dealership (New and Used)*
- ☑ *Car Wash with Auto Detail*
- ☑ *Self Service Car Wash*
- ☑ *Motor Vehicle Dealership (New or Used)*
- ☑ *RV Sales and Service*
- ☑ *Service Station*
- ☑ *Mining and Extraction (e.g. Sand, Gravel, Oil and/or Other)*
- ☑ *Helipad*
- ☑ *Railroad Yard or Shop*

(2) Unit Composition. The unit composition shall generally conform to the *Concept Plan* depicted in *Exhibit 'C'* and as stated in *Table 1* below for the *Age Restricted, Multi-Family Apartment* complex;

Draft Ordinance 10.16.2018

however, in no case should the minimum size unit for any *Age Restricted, Multi-Family Apartment* be less than *580* square feet and the average net unit area shall not decrease below *840* square feet.

Table 1: Unit Composition for Age Restricted, Multi-Family Apartment Complex

Unit Type	# of Bedrooms	Minimum Net Unit Area (SF) [1]	Number of Units (#)	Total Area (SF)	Units as Percentage (%)
A1	1 Bedroom	580 SF	39	22,620 SF	16.82%
A2	1 Bedroom	692 SF	39	26,988 SF	20.05%
A3	1 Bedroom	782 SF	12	9,384 SF	6.97%
A4	1 Bedroom	900 SF	2	1,800 SF	1.34%
B1	2 Bedroom	1,054 SF	8	8,432 SF	6.26%
B2	2 Bedroom	1,055 SF	8	8,440 SF	6.27%
B3	2 Bedroom	1,078 SF	44	47,432 SF	35.24%
B4	2 Bedroom	1,100 SF	2	2,200 SF	1.64%
C1	3 Bedroom	1,214 SF	6	7,284 SF	5.41%
		Average Net Unit Area:		*841 SF*	
		Maximum Number of Units:	*160*		

General Notes:

[1]: *The net square footage includes only air-condition space and is exclusive of patios, balconies and exterior storage areas.*

(3) *Density and Dimensional Requirements.* Unless specifically provided by this Planned Development Ordinance, the development standards stipulated by the Commercial (C) District and the Scenic Overlay (SOV) District, as specified by Article V, *District Development Standards*, of the Unified Development Code [*Ordinance No. 04-38*] are applicable to any development on the *Subject Property*. The maximum permissible number of units should not exceed 160 dwelling units for the *Age Restricted, Multi-Family Apartment Complex*. In addition, all lots shall conform to the density and dimensional standards depicted in *Table 2* below, and which are as follows:

Table 2: Lot Dimensional Requirements

Minimum Lot Width	60'
Minimum Lot Depth	100'
Minimum Lot Area	10,000 SF
Minimum Lot Area/Unit	2,000 SF
Minimum Front Yard Building Setback	25'
Minimum Side Yard Building Setback	10'
Minimum Rear Yard Building Setback	10'
Minimum Front Yard Carport/Parking Setback	15'
Minimum Side Yard Carport/Parking Setback	10'
Minimum Rear Yard Carport/Parking Setback	10'
Minimum Separation Between Main Buildings [1]	20'
Minimum Separation Between a Main Structure to an Accessory Structure	10'
Maximum Height [2]	55'
Maximum Lot Coverage	45%
Minimum Landscape	20%
Minimum Open Space [3]	20%

General Notes:

[1]: The minimum separation between two (2) buildings without doors or windows on facing walls shall be a minimum of 15-feet.

[2]: The height of the building shall be measured from the average elevation of the finished grade along the front of the building to the highest point of the roof, roof element, or parapet of the building if it is a flat, mansard or shed roof; or to the midpoint of the roof (*i.e. 55-ft for the multi-family unit complex*) if it is gable, hip or gambrel roof. Maximum height shall not exceed 4-stories or 55-feet overall height for the multi-family complex located on Phase I, and a maximum of 36-feet overall height for any other structures on the subject property.

[3]: The minimum open space area will be calculated based on the gross area of the lot, and will include both active and passive recreational areas.

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(4) *Parking and Loading Requirements.* The parking and loading requirements shall generally conform to the *Concept Plan* depicted in *Exhibit 'C'* of this ordinance, and a minimum of 1½ parking space per unit shall be provided. In addition, a minimum of 20 parking spaces in enclosed garages shall be provided.

(5) *Building Standards.* The proposed *Age Restricted, Multi-Family Apartment Complex* shall generally conform to the *Concept Building Elevations* contained in *Exhibit 'E'* of this ordinance; however all development shall adhere to the following building standards:

(a) *Masonry Requirements.* The minimum masonry requirement for the exterior façades of all buildings shall be 90%. For the purposes of this ordinance, the masonry requirement shall be limited to full width brick and natural stone. Cementaceous fiberboard horizontal lap-siding (*e.g. HardiBoard or Hardy Plank*) and, stucco (*i.e. three [3] part stucco or a comparable -- to be determined by staff*) may be used for up to 50% of the exterior of the building; however, stucco may not be used within the first four (4) feet above grade on a façade visible from a public street or open space. A minimum of 20% natural stone is required on all building façades.

(b) *Roof Design Requirements.* All buildings shall be designed such that no roof mounted mechanical equipment (*i.e. HVAC, satellite, vents, etc.*) shall be visible from any direction. *Note: Screening of mechanical equipment is necessary for all equipment regardless of location (i.e. roof mounted, ground mounted, or otherwise attached to the building and/or located on the site).*

Screening of roof mounted mechanical equipment and/or other rooftop appurtenances shall be accomplished through the construction of an architectural feature, which is integral to the building's design and ensures that such equipment is not visible from adjacent public rights-of-way.

(c) *Architectural Requirements.* All buildings shall be architecturally finished on all four (4) sides with the same materials, detailing and features. In addition, all buildings shall be subject to the architectural requirements of the Scenic Overlay (SOV) District contained in Section 6, *Overlay Districts*, of Article V, *District Development Standards*, of the Unified Development Code [*Ordinance No. 04-38*]. In addition, all development on the *Subject Property* shall be subject to review and recommendation by the Architectural Review Board (ARB).

(6) *Landscaping and Hardscaping Standards.*

(a) *Landscape Requirements.* Landscaping shall be reviewed and approved with the *PD Site Plan*. All *Canopy/Shade Trees* planted within this development shall be a minimum of four (4) caliper inches in size and all *Accent/Ornamental/Under-Story Trees* shall be a minimum of four (4) feet in height at the time of planting. The following tree species are approved for planting within this development:

i) *Canopy/Shade Trees*. Afghan Pine, Bald Cypress, Bur Oak, Cedar Elm, Eastern Red Cedar, Homestead Elm, Lacebark Elm, Little Gem Magnolia, Live Oak, October Glory Maple, Red Oak, Texas Ash, Texas Red Oak.

ii) *Accent/Ornamental/Under-Story Trees*. Desert Willow, Eastern Redbud, Eves Necklace, Mexican Buckeye, Possumhaw Holly, Shangtung Maple, Yaupon Holly.

(b) *Landscape Buffers.* A minimum of a twenty (20) foot landscape buffer shall be provided along the frontage of Ridge Road [*i.e. FM-740*]. The twenty (20) foot landscape buffer along Ridge Road [*i.e. FM-740*] shall incorporate a minimum of two (2) canopy trees and four (4) accent trees per 100-linear feet of right-of-way. The developer shall also be responsible for the construction of sidewalks and trails required along the public rights-of-way and within the development.

(c) *Parking Lot Landscaping.* All parking lot landscaping shall conform to the requirements of Article VII, *Landscape Standards*, of the Unified Development Code [*Ordinance No. 04-38*] with the exception of the following:

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i) One (1) canopy tree per ten (10) parking spaces shall be provided. Trees shall be planted within the required parking islands or within 20-feet of a parking space.

ii) Parking islands shall be provided at a spacing not to exceed a maximum distance of 20 parking spaces.

iii) No tree may be planted closer than 2½-feet to the pavement.

(d) Irrigation Requirements. Irrigation shall be installed for all required landscaping located within common areas, landscape buffers and/or open space. Irrigation installed in these areas shall be designed by a Texas licensed irrigator or landscape architect.

(e) Hardscape. Hardscape plans indicating the location of all sidewalks and trails shall be reviewed and approved with the *PD Site Plan* and/or *Master Open Space Plan*.

(7) Trash Receptacles. Trash and recycling receptacles shall be four (4) sided, with eight (8) foot walls constructed and cladded with materials matching the primary structures, and incorporate a self-latching gate. All trash and recycling receptacles shall be internal to the site and not be situated within any established building setbacks or landscape buffers.

(8) Fence Standards. Fences shall be constructed of a wrought iron or tubular steel fence material and be a minimum of six (6) feet in height. Fences shall not exceed a maximum of eight (8) feet in height.

(9) Minor Collector. At the time *Area 1* and/or *Area 2* -- *as depicted on Exhibit 'B' of this Planned Development District Ordinance* -- is developed, 24-feet of the *Minor Collector* extending from Turtle Cove Boulevard to La Jolla Pointe Drive will need to be constructed to the City's standards and extend from the *Subject Property's* northwestern boundary to the southeastern boundary as depicted of the City's Master Thoroughfare Plan contained in the Comprehensive Plan.

(10) Variances. The variance procedures and standards for approval that are set forth in the Unified Development Code [*Ordinance No. 04-38*] shall apply to any application for variances to this ordinance.

Area 2: Townhomes/Villas

(1) Permitted Uses. Area 2 as depicted in *Exhibit 'B'* of this ordinance shall be subject to the development standards and land uses permitted in the Commercial (C) District as stipulated by Article IV, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 04-38*] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future, with the following additions:

Permitted By-Right. The following uses shall be permitted *by-right*:

- ☑ *Townhomes/Villas*
- ☑ *Private Streets*

Prohibited Uses. The following uses shall be prohibited:

- ☑ *Animal Boarding/Kennel with or with Outside Pens*
- ☑ *Cemetery*
- ☑ *Billiard Parlor or Pool Hall*
- ☑ *Carnival, Circus or Amusement Ride*
- ☑ *Commercial Amusement Recreation (Inside or Outside)*
- ☑ *Gun club, sheet or Target Range (Indoor)*
- ☑ *Astrologer, Hypnotist or Psychic*
- ☑ *Night Club, Discotheque or Dance Hall*
- ☑ *Pawn Shop*
- ☑ *Secondhand Dealer*
- ☑ *Building and Landscape Material Sales with or without Outside Storage*

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- ☑ *Research and Technology/Light Assembly*
- ☑ *Auto Repair Garage (Minor)*
- ☑ *Boat and Trail Dealership (New and Used)*
- ☑ *Car Wash with Auto Detail*
- ☑ *Self Service Car Wash*
- ☑ *Motor Vehicle Dealership (New or Used)*
- ☑ *RV Sales and Service*
- ☑ *Service Station*
- ☑ *Mining and Extraction (e.g. Sand, Gravel, Oil and/or Other)*
- ☑ *Helipad*
- ☑ *Railroad Yard or Shop*

(2) *Unit Composition.* The unit composition shall generally conform to the *Concept Plan* depicted in *Exhibit 'C'* and as stated in *Table 3* below for the *Townhome/Villas*; however, in no case should the average net unit area decrease below *1,572* square feet.

Table 3: Unit Composition for Townhomes/Villas

Unit Type	# of Bedrooms	Minimum Net Unit Area (SF) [1]	Number of Units (#)	Total Area (SF)	Units as Percentage (%)
V1	Townhome	1,498 SF	4	5,992 SF	54.46%
V2	Townhome	1,670 SF	3	5,010 SF	45.54%
		Average Net Unit Area:		1,572 SF	
		Maximum Number of Units:	7		

General Notes:

[1]: *The net square footage includes only air-condition space and is exclusive of patios, balconies and exterior storage areas.*

(3) *Density and Dimensional Requirements.* Unless specifically provided by this Planned Development Ordinance, the development standards stipulated by the Commercial (C) District and the Scenic Overlay (SOV) District, as specified by Article V, *District Development Standards*, of the Unified Development Code [*Ordinance No. 04-38*] are applicable to any development on the *Subject Property*. The maximum permissible number of units should not exceed seven (7) dwelling units for the *Townhomes/Villas*. In addition, all lots shall conform to the density and dimensional standards depicted in *Table 4* below, and which are as follows:

Table 4: Lot Dimensional Requirements

Minimum Lot Width	60'
Minimum Lot Depth	100'
Minimum Lot Area	10,000 SF
Minimum Lot Area/Unit	2,000 SF
Minimum Front Yard Building Setback	25'
Minimum Side Yard Building Setback	15'
Minimum Rear Yard Building Setback	10'
Minimum Front Yard Carport/Parking Setback	15'
Minimum Side Yard Carport/Parking Setback	10'
Minimum Separation Between Main Buildings [1]	20'
Minimum Separation Between a Main Structure to an Accessory Structure	10'
Maximum Height [2]	36'
Maximum Lot Coverage	45%
Minimum Landscape	20%
Minimum Open Space [3]	20%

General Notes:

[1]: The minimum separation between two (2) buildings without doors or windows on facing walls shall be a minimum of 15-feet.

[2]: The height of the building shall be measured from the average elevation of the finished grade along the front of the building to the highest point of the roof, roof element, or parapet of the building if it is a flat, mansard or shed roof; or to the midpoint of the roof (*i.e. 55-ft for the multi-family unit complex*) if it is gable, hip or gambrel roof. Maximum height shall not exceed 4-stories or 55-feet overall height for the multi-family complex located on Phase I, and a maximum of 36-feet overall height for any other structures on the subject property.

[3]: The minimum open space area will be calculated based on the gross area of the lot, and will include both active and

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passive recreational areas.

(4) *Parking and Loading Requirements.* The parking and loading requirements shall generally conform to the *Concept Plan* depicted in *Exhibit 'C'* of this ordinance, and a minimum of two (2) off-street parking spaces shall be provided for each *Townhome/Villa* unit.

(5) *Building Standards.* The proposed *Townhome/Villa* shall generally conform to the *Concept Building Elevations* contained in *Exhibit 'F'* of this ordinance; however all development shall adhere to the following building standards:

(a) *Masonry Requirements.* The minimum masonry requirement for the exterior façades of all buildings shall be 90%. For the purposes of this ordinance, the masonry requirement shall be limited to full width brick and natural stone. Cementaceous fiberboard horizontal lap-siding (*e.g. HardiBoard or Hardy Plank*) and, stucco (*i.e. three [3] part stucco or a comparable -- to be determined by staff*) may be used for up to 50% of the exterior of the building; however, stucco may not be used within the first four (4) feet above grade on a façade visible from a public street or open space. A minimum of 20% natural stone is required on all building façades.

(b) *Roof Design Requirements.* All buildings shall be designed such that no roof mounted mechanical equipment (*i.e. HVAC, satellite, vents, etc.*) shall be visible from any direction. *Note: Screening of mechanical equipment is necessary for all equipment regardless of location (i.e. roof mounted, ground mounted, or otherwise attached to the building and/or located on the site).*

Screening of roof mounted mechanical equipment and/or other rooftop appurtenances shall be accomplished through the construction of an architectural feature, which is integral to the building's design and ensures that such equipment is not visible from adjacent public rights-of-way.

(c) *Architectural Requirements.* All buildings shall be architecturally finished on all four (4) sides with the same materials, detailing and features. In addition, all buildings shall be subject to the architectural requirements of the Scenic Overlay (SOV) District contained in Section 6, *Overlay Districts*, of Article V, *District Development Standards*, of the Unified Development Code [*Ordinance No. 04-38*]. In addition, all development on the *Subject Property* shall be subject to review and recommendation by the Architectural Review Board (ARB).

(6) *Landscaping and Hardscaping Standards.*

(a) *Landscape Requirements.* Landscaping shall be reviewed and approved with the *PD Site Plan*. All *Canopy/Shade Trees* planted within this development shall be a minimum of four (4) caliper inches in size and all *Accent/Ornamental/Under-Story Trees* shall be a minimum of four (4) feet in height at the time of planting. The following tree species are approved for planting within this development:

i) *Canopy/Shade Trees*. Afghan Pine, Bald Cypress, Bur Oak, Cedar Elm, Eastern Red Cedar, Homestead Elm, Lacebark Elm, Little Gem Magnolia, Live Oak, October Glory Maple, Red Oak, Texas Ash, Texas Red Oak.

ii) *Accent/Ornamental/Under-Story Trees*. Desert Willow, Eastern Redbud, Eves Necklace, Mexican Buckeye, Possumhaw Holly, Shangtung Maple, Yaupon Holly.

(b) *Landscape Buffers.* A minimum of a twenty (20) foot landscape buffer shall be provided along the frontage of Ridge Road [*i.e. FM-740*] and a minimum of a ten (10) foot landscape buffer shall be provided along the perimeter Turtle Cove Boulevard. The twenty (20) foot landscape buffer along Ridge Road [*i.e. FM-740*] shall incorporate a minimum of two (2) canopy trees and four (4) accent trees per 100-linear feet of right-of-way. The landscape buffer along Turtle Cove Boulevard shall incorporate a minimum of one (1) canopy tree per 50-linear feet of buffer area. The developer shall also be responsible for the construction of sidewalks and trails required along the public rights-of-way and within the development.

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(c) *Parking Lot Landscaping.* All parking lot landscaping shall conform to the requirements of Article VII, *Landscape Standards*, of the Unified Development Code [*Ordinance No. 04-38*] with the exception of the following:

i) One (1) canopy tree per ten (10) parking spaces shall be provided. Trees shall be planted within the required parking islands or within 20-feet of a parking space.

ii) Parking islands shall be provided at a spacing not to exceed a maximum distance of 20 parking spaces.

iii) No tree may be planted closer than 2½-feet to the pavement.

(d) *Irrigation Requirements*. Irrigation shall be installed for all required landscaping located within common areas, landscape buffers and/or open space. Irrigation installed in these areas shall be designed by a Texas licensed irrigator or landscape architect.

(f) *Hardscape.* Hardscape plans indicating the location of all sidewalks and trails shall be reviewed and approved with the *PD Site Plan* and/or *Master Open Space Plan*.

(7) *Trash Receptacles.* Trash and recycling receptacles shall be four (4) sided, with eight (8) foot walls constructed and cladded with materials matching the primary structures, and incorporate a self-latching gate. All trash and recycling receptacles shall be internal to the site and not be situated within any established building setbacks or landscape buffers.

(8) *Fence Standards*. Fences shall be constructed of a wrought iron or tubular steel fence material and be a minimum of six (6) feet in height. Fences shall not exceed a maximum of eight (8) feet in height.

(9) *Minor Collector*. At the time *Area 1* and/or *Area 2* -- *as depicted on Exhibit 'B' of this Planned Development District Ordinance* -- is developed, 24-feet of the *Minor Collector* extending from Turtle Cove Boulevard to La Jolla Pointe Drive will need to be constructed to the City's standards and extend from the *Subject Property's* northwestern boundary to the southeastern boundary as depicted of the City's Master Thoroughfare Plan contained in the Comprehensive Plan.

(10) *Variances*. The variance procedures and standards for approval that are set forth in the Unified Development Code [*Ordinance No. 04-38*] shall apply to any application for variances to this ordinance.

Area 3: Commercial/Retail/Office

(1) *Permitted Uses. Area 3* as depicted in *Exhibit 'B'* of this ordinance shall be subject to the development standards and land uses permitted in the Commercial (C) District as stipulated by Article IV, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 04-38*] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future, with the following additions:

Permitted By-Right. The following uses shall be permitted *by-right*:

- ☑ *Assisted Living/Memory Care Facility*
- ☑ *General Office*
- ☑ *Medical Office/Clinic*
- ☑ *Emergency Medical Station (restricted to those contracted with the City of Rockwall)*
- ☑ *Convalescent and Nursing Care*
- ☑ *Hospice*

Prohibited Uses. The following uses shall be prohibited:

- ☑ *Animal Boarding/Kennel with or with Outside Pens*
- ☑ *Cemetery*

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- ☑ *Billiard Parlor or Pool Hall*
- ☑ *Carnival, Circus or Amusement Ride*
- ☑ *Commercial Amusement Recreation (Inside or Outside)*
- ☑ *Gun club, sheet or Target Range (Indoor)*
- ☑ *Astrologer, Hypnotist or Psychic*
- ☑ *Night Club, Discotheque or Dance Hall*
- ☑ *Pawn Shop*
- ☑ *Secondhand Dealer*
- ☑ *Building and Landscape Material Sales with or without Outside Storage*
- ☑ *Research and Technology/Light Assembly*
- ☑ *Auto Repair Garage (Minor)*
- ☑ *Boat and Trail Dealership (New and Used)*
- ☑ *Car Wash with Auto Detail*
- ☑ *Self Service Car Wash*
- ☑ *Motor Vehicle Dealership (New or Used)*
- ☑ *RV Sales and Service*
- ☑ *Service Station*
- ☑ *Mining and Extraction (e.g. Sand, Gravel, Oil and/or Other)*
- ☑ *Helipad*
- ☑ *Railroad Yard or Shop*

(2) *Density and Dimensional Requirements.* Unless specifically provided by this Planned Development Ordinance, the development standards stipulated by the Commercial (C) District and the Scenic Overlay (SOV) District, as specified by Article V, *District Development Standards*, of the Unified Development Code [*Ordinance No. 04-38*] are applicable to any development on the *Subject Property*. In addition, all lots shall conform to the density and dimensional standards depicted in *Table 5* below, and which are as follows:

Table 5: Lot Dimensional Requirements

Minimum Lot Width	60'
Minimum Lot Depth	100'
Minimum Lot Area	10,000 SF
Minimum Front Yard Building Setback	15'
Minimum Side Yard Building Setback [4]	10'
Minimum Rear Yard Building Setback [5]	10'
Minimum Separation Between Main Buildings [1]	15'
Minimum Separation Between a Main Structure to an Accessory Structure	10'
Maximum Height [2]	36'
Maximum Lot Coverage	60%
Minimum Landscape	85%
Minimum Open Space [3]	20%

General Notes:

1: The minimum separation between two (2) buildings without doors or windows on facing walls shall be a minimum of 15-feet.

2: The height of the building shall be measured from the average elevation of the finished grade along the front of the building to the highest point of the roof, roof element, or parapet of the building if it is a flat, mansard or shed roof; or to the midpoint of the roof (*i.e. 55-ft for the multi-family unit complex*) if it is gable, hip or gambrel roof. Maximum height shall not exceed 4-stories or 55-feet overall height for the multi-family complex located on Phase I, and a maximum of 36-feet overall height for any other structures on the subject property.

3: The minimum open space area will be calculated based on the gross area of the lot, and will include both active and passive recreational areas.

4: a) Without fire retardant wall: ten feet, or as required by building and/or fire codes. b) With fire retardant wall: zero feet.

5: Abutting non-residentially zoned property, with fire retardant wall and alley separating: zero feet.

(3) *Building Standards.* All development shall adhere to the following building standards:

(a) *Masonry Requirements.* The minimum masonry requirement for the exterior façades of all buildings shall be 90%. For the purposes of this ordinance, the masonry requirement shall be limited to full width brick and natural stone. Cementaceous fiberboard horizontal lap-siding (*e.g. HardiBoard or Hardy Plank*) and, stucco (*i.e. three [3] part stucco or a comparable -- to be*

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determined by staff) may be used for up to 50% of the exterior of the building; however, stucco may not be used within the first four (4) feet above grade on a façade visible from a public street or open space. A minimum of 20% natural stone is required on all building façades.

(b) *Roof Design Requirements.* All buildings shall be designed such that no roof mounted mechanical equipment (*i.e. HVAC, satellite, vents, etc.*) shall be visible from any direction. *Note: Screening of mechanical equipment is necessary for all equipment regardless of location (i.e. roof mounted, ground mounted, or otherwise attached to the building and/or located on the site).*

Screening of roof mounted mechanical equipment and/or other rooftop appurtenances shall be accomplished through the construction of an architectural feature, which is integral to the building's design and ensures that such equipment is not visible from adjacent public rights-of-way.

(c) *Architectural Requirements.* All buildings shall be architecturally finished on all four (4) sides with the same materials, detailing and features. In addition, all buildings shall be subject to the architectural requirements of the Scenic Overlay (SOV) District contained in Section 6, *Overlay Districts*, of Article V, *District Development Standards*, of the Unified Development Code [*Ordinance No. 04-38*]. In addition, all development on the *Subject Property* shall be subject to review and recommendation by the Architectural Review Board (ARB).

(4) *Landscaping and Hardscaping Standards.*

(a) *Landscape Requirements.* Landscaping shall be reviewed and approved with the *PD Site Plan*. All *Canopy/Shade Trees* planted within this development shall be a minimum of four (4) caliper inches in size and all *Accent/Ornamental/Under-Story Trees* shall be a minimum of four (4) feet in height at the time of planting. The following tree species are approved for planting within this development:

i) Canopy/Shade Trees. Afghan Pine, Bald Cypress, Bur Oak, Cedar Elm, Eastern Red Cedar, Homestead Elm, Lacebark Elm, Little Gem Magnolia, Live Oak, October Glory Maple, Red Oak, Texas Ash, Texas Red Oak.

ii) Accent/Ornamental/Under-Story Trees. Desert Willow, Eastern Redbud, Eves Necklace, Mexican Buckeye, Possumhaw Holly, Shangtung Maple, Yaupon Holly.

(b) *Landscape Buffers. A* minimum of a ten (10) foot landscape buffer shall be provided along the perimeter of all streets. The landscape buffer shall incorporate a minimum of one (1) canopy tree per 50-linear feet of buffer area. The developer shall also be responsible for the construction of sidewalks and trails required along the public rights-of-way and within the development.

(c) *Irrigation Requirements*. Irrigation shall be installed for all required landscaping located within common areas, landscape buffers and/or open space. Irrigation installed in these areas shall be designed by a Texas licensed irrigator or landscape architect.

(g) *Hardscape.* Hardscape plans indicating the location of all sidewalks and trails shall be reviewed and approved with the *PD Site Plan*.

(5) *Trash Receptacles.* Trash and recycling receptacles shall be four (4) sided, with eight (8) foot walls constructed and cladded with materials matching the primary structures, and incorporate a self-latching gate. All trash and recycling receptacles shall be internal to the site and not be situated within any established building setbacks or landscape buffers.

(6) *Minor Collector*. At the time *Area 3 -- as depicted on Exhibit 'B' of this Planned Development District Ordinance* -- is developed, the *Minor Collector* extending from Turtle Cove Boulevard to La Jolla Pointe Drive will need to be fully constructed to the City's standards and extend from the *Subject Property's* northwestern boundary to the southeastern boundary as depicted of the City's Master Thoroughfare Plan contained in the Comprehensive Plan.

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(7) Variances. The variance procedures and standards for approval that are set forth in the Unified Development Code [*Ordinance No. 04-38*] shall apply to any application for variances to this ordinance.

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Exhibit 'E':
Concept Building Elevations
Area 1: Age Restricted, Multi-Family Apartments

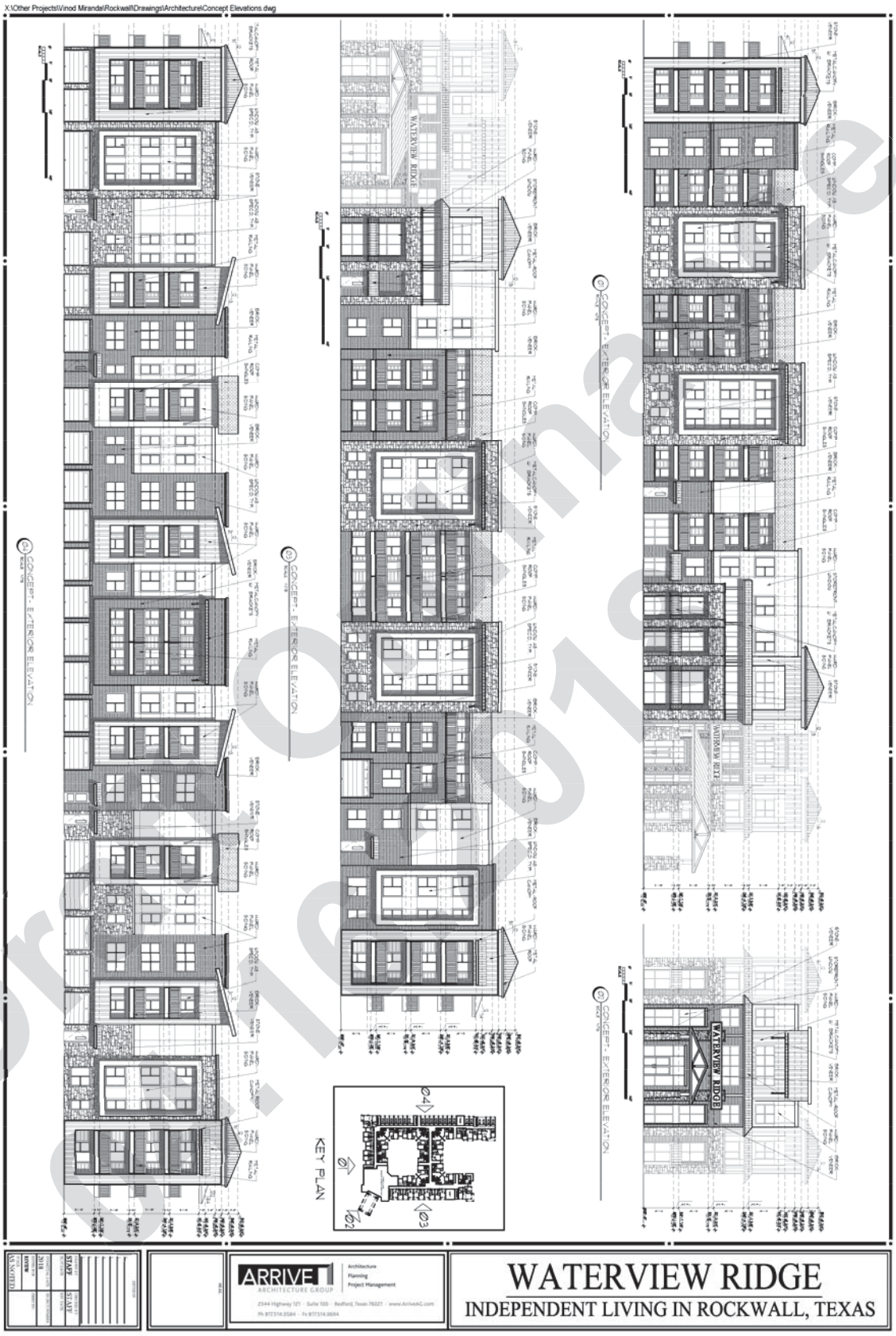

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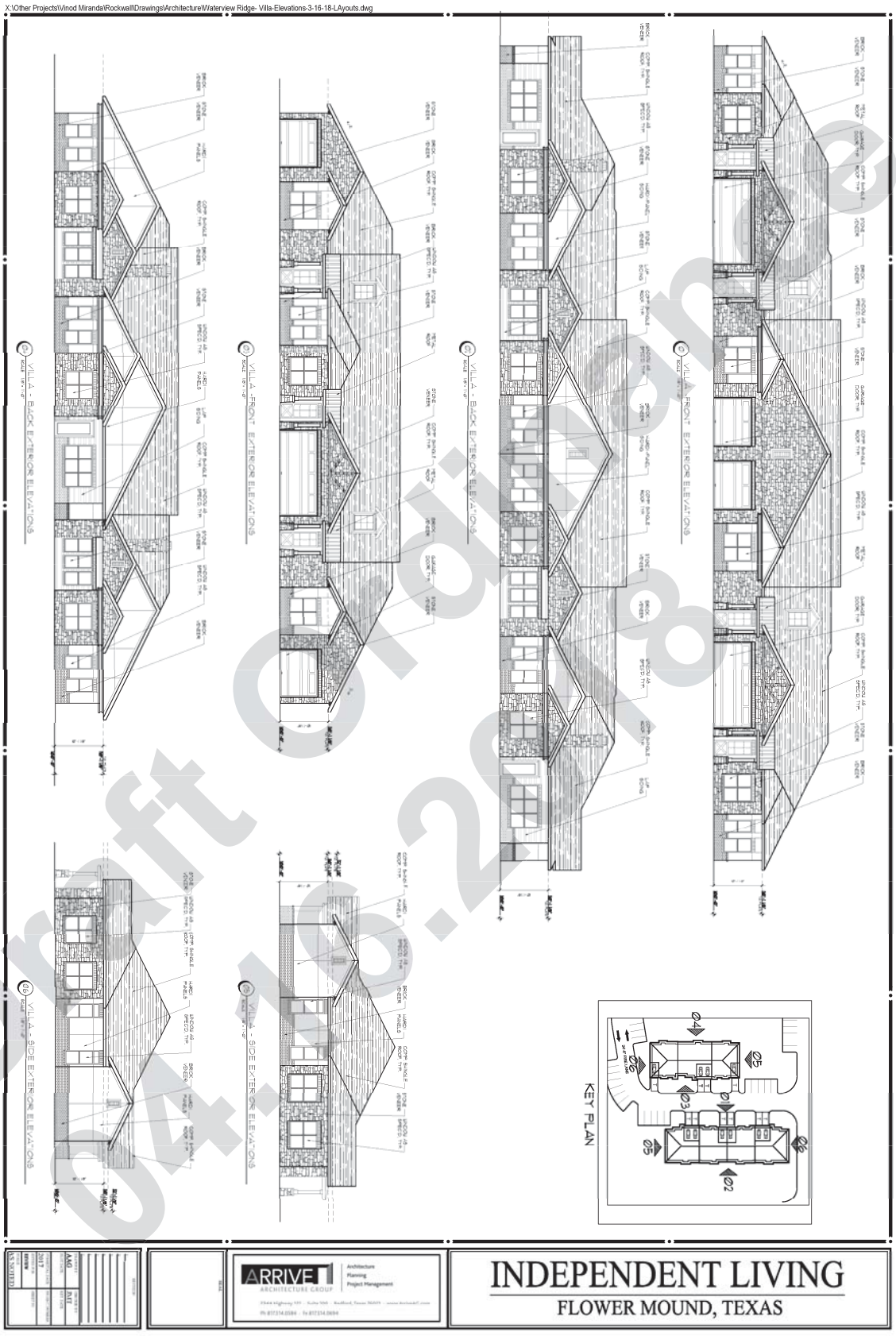
Exhibit 'F':
Concept Building Elevations
Area 2: Age Restricted, Townhomes



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ARIZONA
TEXAS
NEW MEXICO
OKLAHOMA

March 27, 2018

Mr. Thomas P. Jones, P.E.
Tomden Engineering, L.L.P.
12655 N. Central Expressway, Suite 307
Dallas, Texas 75243

Re: *Trip Generation Comparison for the Proposed Turtle Cove Senior Living Development in Rockwall, Texas*

Dear Mr. Jones:

Lee Engineering has analyzed the trip generation characteristics of the proposed Turtle Cove Senior Living development to be located on the northwest corner of the intersection of Ridge Road and Turtle Cove Boulevard in Rockwall, Texas, along with the trip generation characteristics of the site under existing zoning. The existing 9.7 acre site is currently zoned as Commercial.

The number of trips generated by a development is a function of the type and quantity of the land use of the development. The number of vehicle trips generated by the proposed development was estimated based on the trip generation rates provided in the publication entitled *Trip Generation Manual, 10th Edition*, by the Institute of Transportation Engineers (ITE). Estimates for the number of trips generated by the proposed development were made for the AM and PM peak hours, as well as on a daily basis.

The trip generation rates, entering/exiting splits, and trip generation results for the proposed Turtle Cove Senior Living development are shown in **Table 1** on the next page. Based on information from the developer, the proposed development will include 160 units of independent living, 7 villas, and a 90-unit assisted living facility in the future. As shown, the proposed development is predicted to generate approximately 908 trips on a daily basis, including 54 trips during the AM peak hour and 70 trips during the PM peak hour.

The trip generation rates, entering/exiting splits, and trip generation results for the existing zoning of the site are shown in **Table 2**. Based on conceptual development plans, the existing zoning could accommodate 96,000 square feet of office, 48,000 square feet of retail, and a small convenience store with gas pumps (assumed at 1,500 square feet with 4 pumps). As shown, if the site were developed under the existing zoning, it could generate approximately 5,608 trips on a daily basis, including 354 trips during the AM peak hour and 500 trips during the PM peak hour.

Finally, **Table 3** presents a comparison of the trips generated by the proposed senior living development to potential trips generated by the existing zoning. As shown, the proposed Turtle Cove Senior Living development is predicted to generate approximately 15% of the trips which could be generated by the existing zoning.

If you have any questions, please contact me at (972) 248-3006. We appreciate the opportunity to provide these services and are available to address any additional comments or concerns.

Sincerely,

Dharmesh Shah, P.E., PTOE
Vice President,
Lee Engineering, LLC (TBPE Firm F-450)

3030 Lyndon B Johnson Freeway, Suite1660, Dallas, TX 75234
(972) 248-3006 office (888) 298-3006 toll (972) 248-3855 fax | www.leeengineering.com

Table 1: Estimated Trip Generation for Turtle Cove Senior Living Development

Land Use	ITE Code	Average Weekday			AM Peak Hour			PM Peak Hour		
Trip Generation Rates/Equations[1]										
Senior Adult Housing - Detached	251	Ln(T) = 0.88Ln(X) + 2.28			Ln(T) = 0.76Ln(X) + 0.21			Ln(T) = 0.78Ln(X) + 0.28		
Senior Adult Housing - Attached	252	T = 4.02(X) - 25.37			T = 0.20(X) - 0.18			T = 0.24(X) + 2.26		
Assisted Living	254	T = 2.60 (Y)			T = 0.19 (Y)			T = 0.26 (Y)		
Directional Splits[2]										
Senior Adult Housing - Detached	251	50/50			33/67			61/39		
Senior Adult Housing - Attached	252	50/50			35/65			55/45		
Assisted Living	254	50/50			63/37			38/62		
Estimated Trip Generation for Turtle Cove Senior Living										
Land Use	**Variable**	**In**	**Out**	**Total**	**In**	**Out**	**Total**	**In**	**Out**	**Total**
Villas (Senior Adult Housing - Detached)	7 units	28	28	56	2	3	5	4	2	6
Independent Living (Senior Adult Housing - Attached)	160 units	309	309	618	11	21	32	23	18	41
Assisted Living	90 beds	117	117	234	11	6	17	9	14	23
TOTAL TRIPS		**454**	**454**	**908**	**24**	**30**	**54**	**36**	**34**	**70**

[1]T = Trips Ends; X = Dwelling Units; Y = Beds;

[2]XX / YY = % entering vehicles / % exiting vehicles;

Table 2: Estimated Trip Generation for Existing Zoning

Land Use	ITE Code	Average Weekday			AM Peak Hour			PM Peak Hour		
Trip Generation Rates/Equations[1]										
General Office Building	710	Ln(T) = 0.97Ln(X) + 2.50			T = 0.94(X) + 26.49			Ln(T) = 0.95Ln(X) + 0.36		
Shopping Center	820	Ln(T) = 0.68Ln(X) + 5.57			T = 0.50(X) + 151.78			Ln(T) = 0.74Ln(X) + 2.89		
Convenience Market with Gasoline Pumps	853	T = 624.20 (X)			T = 40.59 (X)			T = 49.29 (X)		
Directional Splits[2]										
General Office Building	710	50/50			86/14			16/84		
Shopping Center	820	50/50			62/38			48/52		
Convenience Market with Gasoline Pumps	853	50/50			50/50			50/50		
Estimated Trip Generation for Turtle Cove Senior Living										
Land Use	**Variable**	**In**	**Out**	**Total**	**In**	**Out**	**Total**	**In**	**Out**	**Total**
General Office Building	96,000 SF	510	510	1,020	101	16	117	18	92	110
Shopping Center	48,000 SF	1,825	1,825	3,650	109	67	176	152	164	316
Convenience Market with Gasoline Pumps[3]	1,500 SF	469	469	938	31	30	61	37	37	74
TOTAL TRIPS		**2,804**	**2,804**	**5,608**	**241**	**113**	**354**	**207**	**293**	**500**

[1]T = Trips Ends; X = 1,000 Square Feet

[2]XX / YY = % entering vehicles / % exiting vehicles;

[3]Note: ITE trip generation manual recommends a convenience market 2,000 SF or greater for this land use

Table 3: Comparison of Proposed Site Trips to Existing Zoning

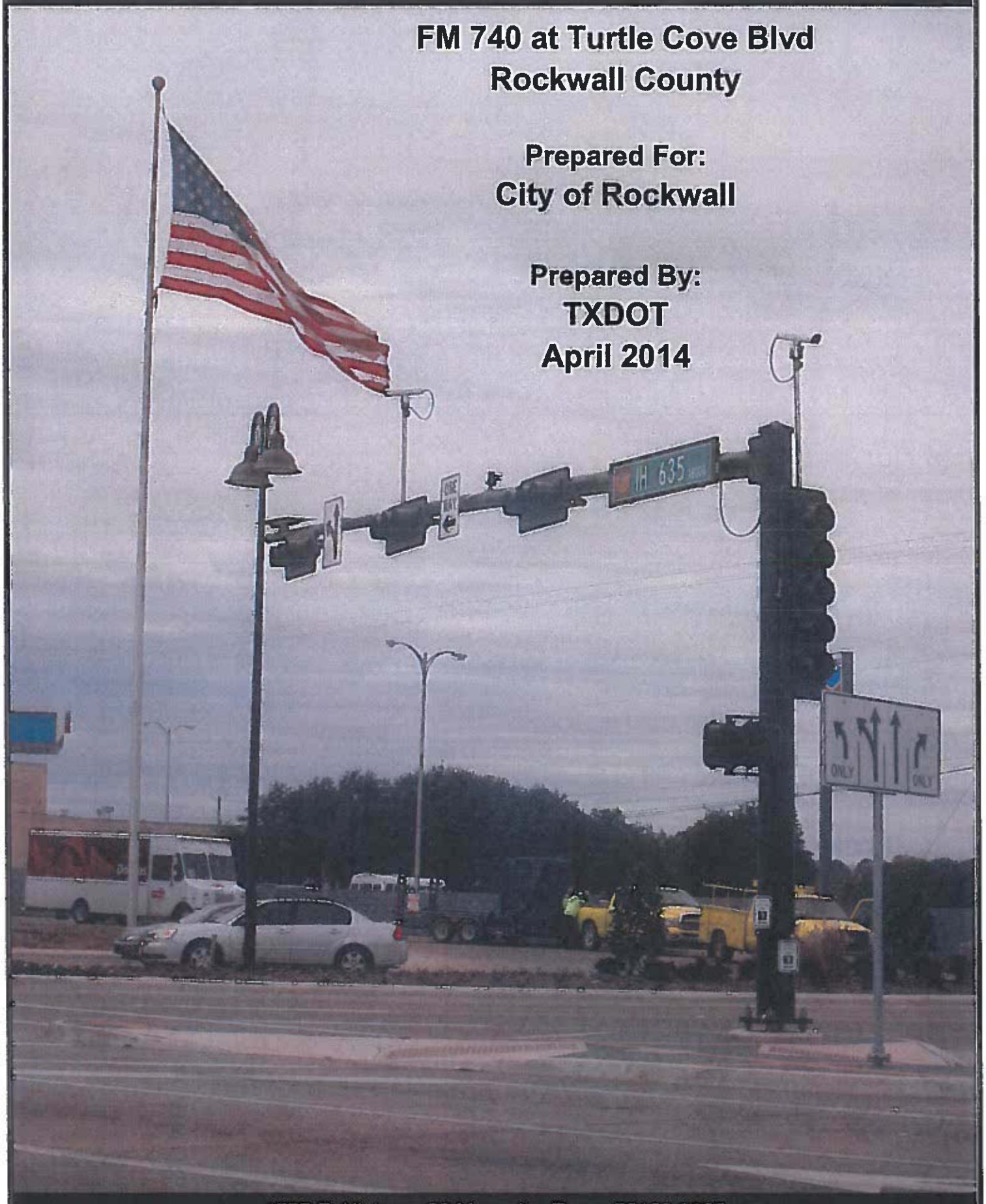
Scenario	Average Weekday			AM Peak Hour			PM Peak Hour		
	In	**Out**	**Total**	**In**	**Out**	**Total**	**In**	**Out**	**Total**
Total Trips – Turtle Cove Senior Living	454	454	908	24	30	54	36	34	70
Total Trips – Existing Zoning	2,804	2,804	5,608	241	113	354	207	293	500
Comparison (Proposed / Existing)	**16%**	**16%**	**16%**	**10%**	**27%**	**15%**	**17%**	**12%**	**14%**

TEXAS DEPARTMENT OF TRANSPORTATION

FM 740 at Turtle Cove Blvd
Rockwall County

Prepared For:
City of Rockwall

Prepared By:
TXDOT
April 2014



4777 E. Highway 80 Mesquite, Texas 75150-3067

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I. Introduction

The City of Rockwall requested the services of Texas Department of Transportation (TxDOT) Dallas District to conduct a traffic signal warrant study for the intersection of FM 740 at Turtle Cove Blvd. This report examines the potential for improving intersection operations at the unsignalized intersection through signalization based upon an engineering and traffic investigation.

The location of the intersection and its relation to other existing signalized intersections is shown in **Figure 1**.

II. Study Procedure

Chapter 4C, Traffic Control Signal Needs Studies, of Texas Manual on Uniform Traffic Control Devices (TMUTCD) was used as a guide for conducting this study. This report details a comprehensive investigation of traffic conditions and physical characteristics of the study location that are required to determine if signalization is warranted.

The TMUTCD provides the following guidance in regard to warrants for traffic signal installation:

"Traffic control signals should not be installed unless one or more of the factors described in the Manual are met.

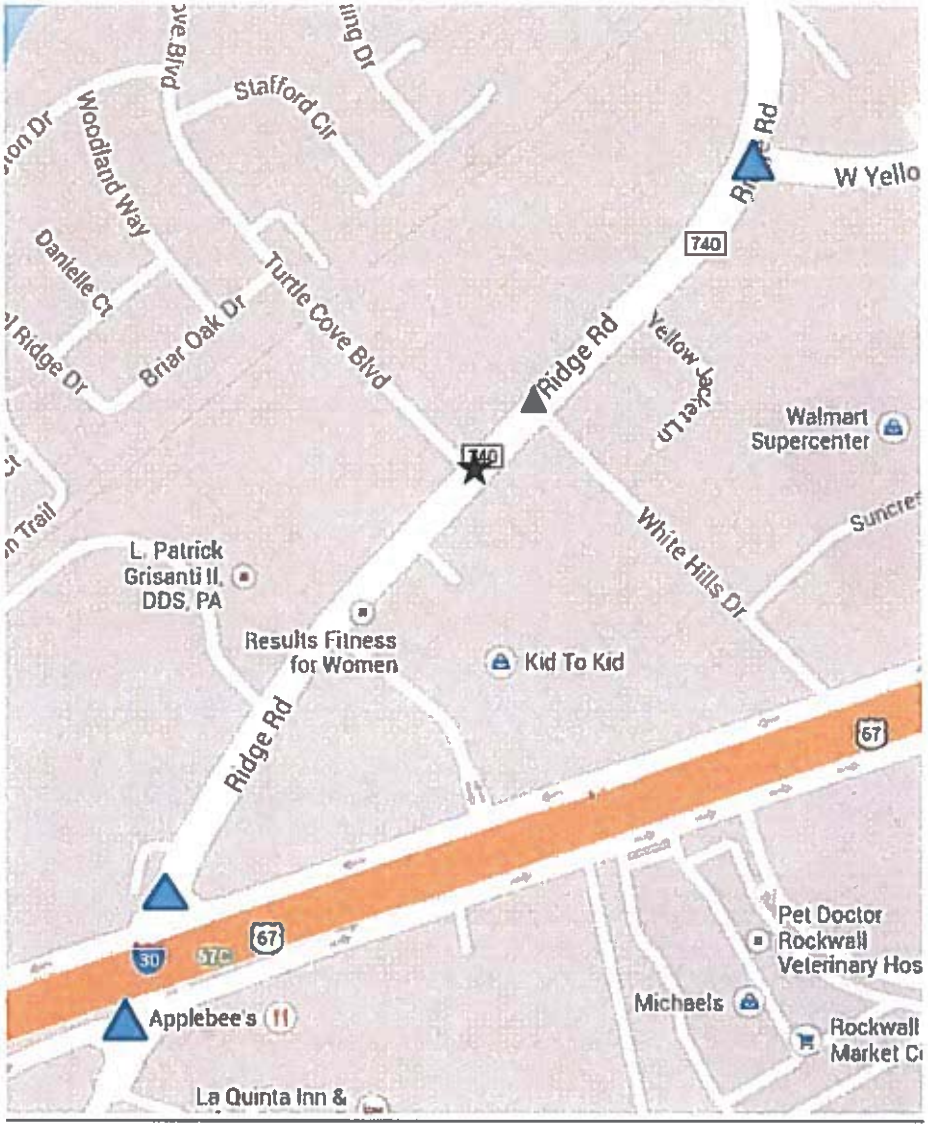
The satisfaction of a traffic signal warrant or warrants shall not in itself require the installation of a traffic control signal.

A traffic control signal should not be installed unless an engineering study indicates that installing a traffic control signal will improve the overall safety and/or operation of the intersection.

A traffic control signal should not be installed if it will seriously disrupt progressive traffic flow."

Figure 1: SITE LOCATION

FM 740 at Turtle Cove Blvd



LEGEND

★ STUDY INTERSECTION

▲ SIGNALIZED INTERSECTION

The following tasks were undertaken as part of this study:

1. A field survey was made at the site to examine the physical and operational aspects of the intersection.

2. Photographs of the intersection were taken to document existing conditions.

3. Weekday traffic volume counts were conducted on each of the approaches of the study intersection to determine traffic volume magnitudes and variations over the day. The collection times were 6:00 AM- 7:00 PM.

4. The intersection was evaluated to determine whether traffic conditions warranted signal control on the basis of TMUTCD Chapter 4C.

5. An intersection operational analysis was conducted for the study location.

6. Accident records for the previous thirty-six (36) month period were analyzed and a collision diagram was prepared.

7. A report of the study was generated.

III. Intersection Characteristics

The intersection of FM 740 at Turtle Cove Blvd. is located in Rockwall County. FM 740 is a four lane divided roadway in the north and southbound directions at the intersection and no shoulders. The current speed limit of FM 740 is 45 mph. Turtle Cove Blvd is a two lane undivided roadway with no shoulders and forms a T-intersection with FM 740. The current speed limit of Turtle Cove Blvd is 30 mph. The existing conditions of the intersection are shown in **Figure 2.**

Photographs depicting the existing physical conditions of the approaches leading to the intersection are shown in **Figures 3, 4, and 5.**

IV. Data Collection

Traffic counts at the study intersection were conducted on Tuesday, March 18, 2014. Detailed reports have been summarized and included in the Appendix for further reference. The existing peak period traffic volumes used for the traffic signal warrant study and capacity analyses are also presented in the appendix along with the critical AM and PM peak hour turning movement counts. The highest volume peak hour for the day occurred during the 5:15 pm – 6:15 pm time period.

V. Accident Analysis

Accident history at the study location over the last thirty-six (36) months listed on TxDOT's Crash Record Information System (CRIS) database, showed two (2) incidents. Warrant 7 requires a minimum of five (5) correctable crashes within a twelve (12) month timeframe.

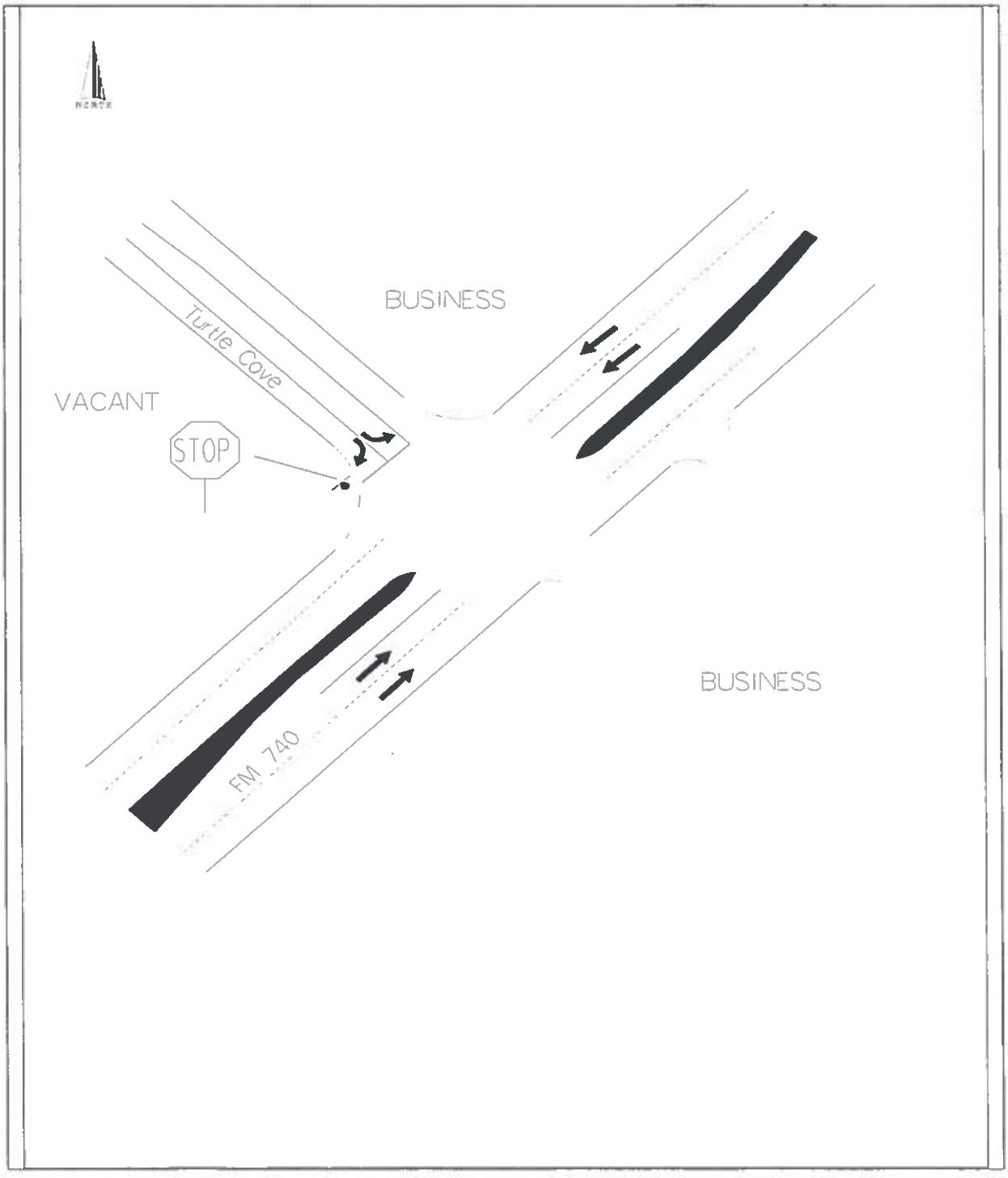


Figure 2: EXISTING CONDITIONS
FM 740 at Turtle Cove Blvd

Northbound FM 740 at Turtle Cove Blvd

Figure 3: PHOTOGRAPHS OF EXISTING CONDITIONS
FM 740 at Turtle Cove Blvd

Southbound FM 740 at Turtle Cove Blvd

Figure 4: PHOTOGRAPHS OF EXISTING CONDITIONS
FM 740 at Turtle Cove Blvd

Eastbound Turtle Cove Blvd at FM 740

Figure 5: PHOTOGRAPHS OF EXISTING CONDITIONS
FM 740 at Turtle Cove Blvd

VI. Observations

During the field visit, it was noted that the majority of traffic volumes belongs to through movements on FM 741 traveling in the north-south direction. Traffic on eastbound Turtle Cove Blvd has the peak hour at 5:15 pm to 6:15 pm.

VII. Conclusions and Recommendations

This study examined the potential for improving traffic operations at the un-signalized intersection of FM 740 at Turtle Cove Blvd. through traffic signalization. The study consisted of a traffic engineering investigation and related operational and capacity analysis. In summary, this intersection does meet the criteria for satisfying warrants 1B, 2 and 3B of the nine warrants. A traffic signal is warranted for this location because the eight (8) required hours were met for warrant 1B.

Appendix

FM 740 at Turtle Cove

Intersection Traffic Movement Counts - March 18, 2014

Roadway:	FM 740						Turtle Cove					
Approach:	Northbound			Southbound			Eastbound			Westbound		
Movement:	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Time Start												
6:00 AM	5	41	0	0	83	0	1	0	5	0	0	0
6:15 AM	8	77	0	0	112	0	3	0	1	0	0	0
6:30 AM	22	88	0	0	167	0	4	0	8	0	0	0
6:45 AM	14	95	0	0	138	0	1	0	12	0	0	0
Hour Total	**49**	**301**	**0**	**0**	**500**	**0**	**9**	**0**	**26**	**0**	**0**	**0**
7:00 AM	11	125	0	0	167	0	6	0	10	0	0	0
7:15 AM	16	126	0	0	217	0	7	0	10	0	0	0
7:30 AM	13	156	0	0	227	0	12	0	6	0	0	0
7:45 AM	22	172	0	0	254	0	14	0	13	0	0	0
Hour Total	**62**	**579**	**0**	**0**	**865**	**0**	**39**	**0**	**39**	**0**	**0**	**0**
8:00 AM	22	148	0	0	204	0	11	0	13	0	0	0
8:15 AM	17	170	0	0	178	0	5	0	17	0	0	0
8:30 AM	20	138	0	0	187	0	10	0	11	0	0	0
8:45 AM	16	104	0	0	159	0	8	0	10	0	0	0
Hour Total	**75**	**560**	**0**	**0**	**728**	**0**	**34**	**0**	**51**	**0**	**0**	**0**
9:00 AM	9	120	0	0	160	0	6	0	13	0	0	0
9:15 AM	21	94	0	0	152	0	7	0	7	0	0	0
9:30 AM	16	114	0	0	132	0	9	0	11	0	0	0
9:45 AM	11	103	0	0	122	0	7	0	12	0	0	0
Hour Total	**57**	**431**	**0**	**0**	**566**	**0**	**29**	**0**	**43**	**0**	**0**	**0**
10:00 AM	13	105	0	0	119	0	4	0	5	0	0	0
10:15 AM	14	87	0	0	106	0	7	0	9	0	0	0
10:30 AM	9	91	0	0	129	0	3	0	11	0	0	0
10:45 AM	13	115	0	0	91	0	8	0	13	0	0	0
Hour Total	**49**	**398**	**0**	**0**	**445**	**0**	**22**	**0**	**38**	**0**	**0**	**0**
11:00 AM	9	108	0	0	120	0	3	0	8	0	0	0
11:15 AM	15	112	0	0	98	0	8	0	12	0	0	0
11:30 AM	7	100	0	0	124	0	12	0	11	0	0	0
11:45 AM	13	129	0	0	111	0	14	0	17	0	0	0
Hour Total	**44**	**449**	**0**	**0**	**453**	**0**	**37**	**0**	**48**	**0**	**0**	**0**

FM 740 at Turtle Cove

Intersection Traffic Movement Counts - March 18, 2014

Roadway:	FM 740						Turtle Cove					
Approach:	Northbound			Southbound			Eastbound			Westbound		
Movement:	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Time Start												
12:00 PM	13	106	0	0	123	0	19	0	19	0	0	0
12:15 PM	19	91	0	0	131	0	16	0	16	0	0	0
12:30 PM	17	104	0	0	139	0	10	0	12	0	0	0
12:45 PM	30	127	0	0	138	0	13	0	10	0	0	0
Hour Total	**79**	**428**	**0**	**0**	**531**	**0**	**58**	**0**	**57**	**0**	**0**	**0**
1:00 PM	12	121	0	0	105	0	11	0	11	0	0	0
1:15 PM	13	111	0	0	120	0	8	0	15	0	0	0
1:30 PM	23	117	0	0	129	0	8	0	24	0	0	0
1:45 PM	17	101	0	0	113	0	9	0	12	0	0	0
Hour Total	**65**	**450**	**0**	**0**	**467**	**0**	**36**	**0**	**62**	**0**	**0**	**0**
2:00 PM	18	129	0	0	94	0	5	0	1	0	0	0
2:15 PM	28	128	0	0	130	0	9	0	21	0	0	0
2:30 PM	14	156	0	0	107	0	6	0	11	0	0	0
2:45 PM	18	185	0	0	111	0	15	0	20	0	0	0
Hour Total	**78**	**598**	**0**	**0**	**442**	**0**	**35**	**0**	**53**	**0**	**0**	**0**
3:00 PM	28	167	0	0	161	0	8	0	13	0	0	0
3:15 PM	19	195	0	0	149	0	13	0	9	0	0	0
3:30 PM	26	177	0	0	161	0	7	0	9	0	0	0
3:45 PM	33	187	0	0	168	0	2	0	7	0	0	0
Hour Total	**106**	**726**	**0**	**0**	**639**	**0**	**30**	**0**	**38**	**0**	**0**	**0**
4:00 PM	38	189	0	0	211	0	10	0	6	0	0	0
4:15 PM	40	186	0	0	154	0	7	0	11	0	0	0
4:30 PM	35	198	0	0	137	0	8	0	23	0	0	0
4:45 PM	38	206	0	0	165	0	9	0	11	0	0	0
Hour Total	**151**	**779**	**0**	**0**	**667**	**0**	**34**	**0**	**51**	**0**	**0**	**0**
5:00 PM	29	215	0	0	182	0	13	0	22	0	0	0
5:15 PM	39	222	0	0	179	0	9	0	16	0	0	0
5:30 PM	0	200	0	0	195	0	10	0	13	0	0	0
5:45 PM	53	219	0	0	182	0	9	0	18	0	0	0
Hour Total	**121**	**856**	**0**	**0**	**738**	**0**	**41**	**0**	**69**	**0**	**0**	**0**
6:00 PM	46	198	0	0	202	0	15	0	11	0	0	0
6:15 PM	55	199	0	0	177	0	6	0	12	0	0	0
6:30 PM	33	183	0	0	157	0	5	0	10	0	0	0
6:45 PM	39	161	0	0	154	0	5	0	17	0	0	0
Hour Total	**173**	**741**	**0**	**0**	**690**	**0**	**31**	**0**	**50**	**0**	**0**	**0**

13-Hour Total	**1,147**	**7,296**	**0**	**0**	**7,731**	**0**	**435**	**0**	**625**	**0**	**0**	**0**
% of Approach	13.6%	86.4%	0.0%	0.0%	100.0%	0.0%	41.0%	0.0%	59.0%	#DIV/0!	######	#####
% of Movements	49.0%			44.9%			6.2%			0.0%		
% of Intersection	93.8%						6.2%					

FM 740 at Turtle Cove

Peak Hour Intersection Traffic Movement Counts - March 18, 2014

Table 1

Roadway:	FM 740						Turtle Cove					
Approach:	Northbound			Southbound			Eastbound			Westbound		
Movement:	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Time Start												
7:30 AM	13	156	0	0	227	0	12	0	6	0	0	0
7:45 AM	22	172	0	0	254	0	14	0	13	0	0	0
8:00 AM	22	148	0	0	204	0	11	0	13	0	0	0
8:15 AM	17	170	0	0	178	0	5	0	17	0	0	0
AM Peak Hour	**74**	**646**	**0**	**0**	**863**	**0**	**42**	**0**	**49**	**0**	**0**	**0**
5:15 PM	39	222	0	0	179	0	9	0	16	0	0	0
5:30 PM	38	200	0	0	195	0	10	0	13	0	0	0
5:45 PM	53	219	0	0	182	0	9	0	18	0	0	0
6:00 PM	46	198	0	0	202	0	15	0	11	0	0	0
PM Peak Hour	**176**	**839**	**0**	**0**	**758**	**0**	**43**	**0**	**58**	**0**	**0**	**0**

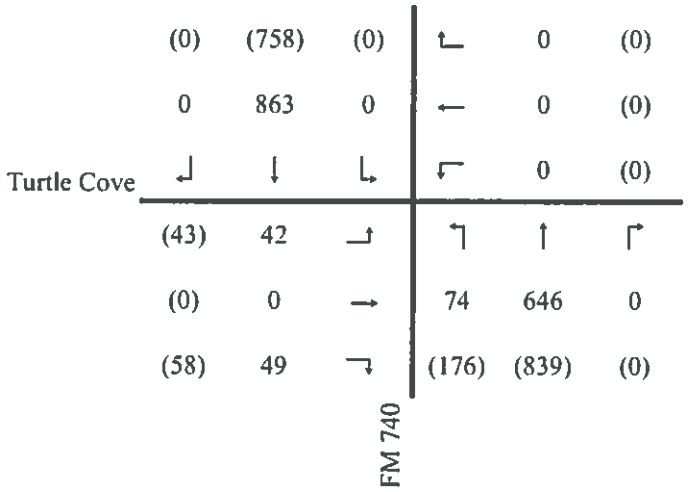


Figure 7

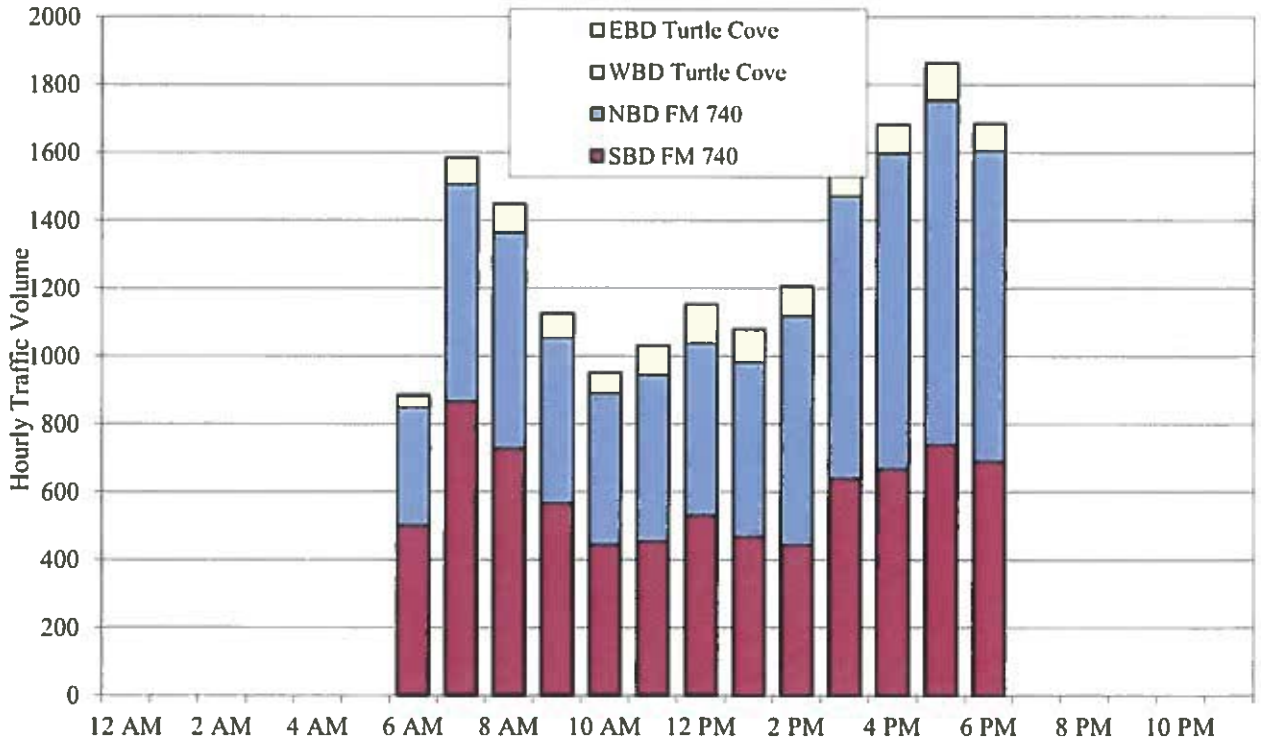
- A.M. Peak Period Turning Movements

(#) - P.M. Peak Period Turning Movements

FM 740 AT TURTLE COVE

Intersection Approach Counts - March 18, 2014

Time	NBD FM 740					SBD FM 740					EBD Turtle Cove					WBD Turtle Cove				
Start	:00	:15	:30	:45	Ttl.	:00	:15	:30	:45	Ttl.	:00	:15	:30	:45	Ttl.	:00	:15	:30	:45	Ttl.
12 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6 AM	46	85	110	109	350	83	112	167	138	500	6	4	12	13	35	0	0	0	0	0
7 AM	136	142	169	194	641	167	217	227	254	865	16	17	18	27	78	0	0	0	0	0
8 AM	170	187	158	120	635	204	178	187	159	728	24	22	21	18	85	0	0	0	0	0
9 AM	129	115	130	114	488	160	152	132	122	566	19	14	20	19	72	0	0	0	0	0
10 AM	118	101	100	128	447	119	106	129	91	445	9	16	14	21	60	0	0	0	0	0
11 AM	117	127	107	142	493	120	98	124	111	453	11	20	23	31	85	0	0	0	0	0
12 PM	119	110	121	157	507	123	131	139	138	531	38	32	22	23	115	0	0	0	0	0
1 PM	133	124	140	118	515	105	120	129	113	467	22	23	32	21	98	0	0	0	0	0
2 PM	147	156	170	203	676	94	130	107	111	442	6	30	17	35	88	0	0	0	0	0
3 PM	195	214	203	220	832	161	149	161	168	639	21	22	16	9	68	0	0	0	0	0
4 PM	227	226	233	244	930	211	154	137	165	667	16	18	31	20	85	0	0	0	0	0
5 PM	244	261	238	272	1015	182	179	195	182	738	35	25	23	27	110	0	0	0	0	0
6 PM	244	254	216	200	914	202	177	157	154	690	26	18	15	22	81	0	0	0	0	0
7 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
24 Hour	8,443					7,731					1,060					0				



WARRANTS FOR TRAFFIC SIGNAL INSTALLATION

for

FM 740 at Turtle Cove

April 15, 2014

Prepared by Texas Department of Transportation

Prepared for City of Rockwall

Warrants 1 through 8 for Traffic Signal Installation were analyzed for the intersection of FM 740 at Turtle Cove. The results are summarized below. Detailed analyses of all applicable warrants are contained in the following pages.

Warrant	Result	Comments
1A. Eight-Hour Vehicular Volume	Not Satisfied	
1B. Eight-Hour Vehicular Volume	*Satisfied*	
1A/B. Eight-Hour Vehicular Volume	Not Satisfied	
2. Four-Hour Vehicular Volume	*Satisfied*	
3A. Peak Hour Volume	Not Satisfied	
3B. Peak Hour Volume	*Satisfied*	
4. Pedestrian Volume	Not Satisfied	
5. School Crossing	Not Applicable	
6. Coordinated Signal System	Not Applicable	
7. Crash Experience	Not Satisfied	
8. Roadway Network	Not Applicable	
9. Intersection Near a Grade Crossing	Not Satisfied	

Based on Warrants 1 through 9, a traffic signal installation is warranted at the intersection of FM 740 at Turtle Cove.

TRAFFIC SIGNAL WARRANT 1: EIGHT-HOUR VEHICULAR VOLUME (CONDITION A - MINIMUM VEHICULAR VOLUME)

FM 740 at Turtle Cove

The Minimum Vehicular Volume warrant, Condition A, is intended for application where a large volume of intersecting traffic is the principal reason to consider installing a traffic control signal. The need for a traffic control signal shall be considered when the major-street and higher volume minor street approaches to the intersection both exceed the requirements for 8 hours of an average day. The major-street and the minor-street volumes shall be for the same 8 hours. The minor-street volume shall not be required to be on the same approach for each of the 8 hours. The volume requirements may be reduced by 30% if the posted or statutory speed limit or the 85th-percentile speed on the major road exceeds 40 mph, or if the intersection lies within the built-up area of an isolated community having a population of less than 10,000.

Yes — Is the 85th percentile speed on the major street greater than 40 mph?
No — Does the intersection lie within a built-up area of an isolated community having a population less than 10,000?
2 — Number of major street approach lanes.
2 — Number of minor street approach lanes.

Minimum traffic volume for major street approach = 420 vehicles.
Minimum traffic volume for minor street approach = 140 vehicles.

Start Hour	NBD FM 740	SBD FM 740	EBD Turtle Cove	WBD Turtle Cove	Major Street Total	High Volume Minor Street	Meets Requirement
12 AM	0	0	0	0	0	0	No
1 AM	0	0	0	0	0	0	No
2 AM	0	0	0	0	0	0	No
3 AM	0	0	0	0	0	0	No
4 AM	0	0	0	0	0	0	No
5 AM	0	0	0	0	0	0	No
6 AM	350	500	35	0	850	35	No
7 AM	641	865	78	0	1506	78	No
8 AM	635	728	85	0	1363	85	No
9 AM	488	566	72	0	1054	72	No
10 AM	447	445	60	0	892	60	No
11 AM	493	453	85	0	946	85	No
12 PM	507	531	115	0	1038	115	No
1 PM	515	467	98	0	982	98	No
2 PM	676	442	88	0	1118	88	No
3 PM	832	639	68	0	1471	68	No
4 PM	930	667	85	0	1597	85	No
5 PM	1015	738	110	0	1753	110	No
6 PM	914	690	81	0	1604	81	No
7 PM	0	0	0	0	0	0	No
8 PM	0	0	0	0	0	0	No
9 PM	0	0	0	0	0	0	No
10 PM	0	0	0	0	0	0	No
11 PM	0	0	0	0	0	0	No

The minimum requirements are met for 0 of the 13 hours observed.

Based on the above data, the intersection of FM 740 at Turtle Cove does not meet the minimum requirements of Warrant 1A.

TRAFFIC SIGNAL WARRANT 1: EIGHT-HOUR VEHICULAR VOLUME (CONDITION B - INTERRUPTION OF CONTINUOUS TRAFFIC)

FM 740 at Turtle Cove

The Interruption of Continuous Traffic warrant, Condition B, is intended for application where the traffic volume on a major street is so heavy that traffic on a minor intersecting street suffers excessive delay or conflict in entering or crossing the major street. The need for a traffic control signal shall be considered when the major-street and higher volume minor street approaches to the intersection both exceed the requirements for 8 hours of an average day. The major-street and the minor-street volumes shall be for the same 8 hours. The minor-street volume shall not be required to be on the same approach for each of the 8 hours. The volume requirements may be reduced by 30% if the posted or statutory speed limit or the 85th-percentile speed on the major road exceeds 40 mph, or if the intersection lies within the built-up area of an isolated community having a population of less than 10,000.

Yes — Is the 85th percentile speed on the major street greater than 40 mph?

No — Does the intersection lie within a built-up area of an isolated community having a population less than 10,000?

2 — Number of major street approach lanes.

2 — Number of minor street approach lanes.

Minimum traffic volume for major street approach = 630 vehicles.
Minimum traffic volume for minor street approach = 70 vehicles.

Start Hour	NBD FM 740	SBD FM 740	EBD Turtle Cove	WBD Turtle Cove	Major Street Total	High Volume Minor Street	Meets Requirement
12 AM	0	0	0	0	0	0	No
1 AM	0	0	0	0	0	0	No
2 AM	0	0	0	0	0	0	No
3 AM	0	0	0	0	0	0	No
4 AM	0	0	0	0	0	0	No
5 AM	0	0	0	0	0	0	No
6 AM	350	500	35	0	850	35	No
7 AM	641	865	78	0	1506	78	Yes
8 AM	635	728	85	0	1363	85	Yes
9 AM	488	566	72	0	1054	72	Yes
10 AM	447	445	60	0	892	60	No
11 AM	493	453	85	0	946	85	Yes
12 PM	507	531	115	0	1038	115	Yes
1 PM	515	467	98	0	982	98	Yes
2 PM	676	442	88	0	1118	88	Yes
3 PM	832	639	68	0	1471	68	No
4 PM	930	667	85	0	1597	85	Yes
5 PM	1015	738	110	0	1753	110	Yes
6 PM	914	690	81	0	1604	81	Yes
7 PM	0	0	0	0	0	0	No
8 PM	0	0	0	0	0	0	No
9 PM	0	0	0	0	0	0	No
10 PM	0	0	0	0	0	0	No
11 PM	0	0	0	0	0	0	No

The minimum requirements are met for 10 of the 13 hours observed.

Based on the above data, the intersection of FM 740 at Turtle Cove does meet the minimum requirements of Warrant 1B.

TRAFFIC SIGNAL WARRANT 1 - COMBINATION OF CONDITIONS A&B

FM 740 at Turtle Cove

The combination of Condition A and B should be applied only after an adequate trial of other alternatives that could cause less delay and inconvenience to traffic failed to solve the traffic problems. The need for traffic control shall be considered if the vehicles per hour for the major and minor streets satisfy 80% of Condition A and 80% of Condition B for any 8 hours of an average day. Conditon A and Condition B shall not be required to satisfy the same 8 hours. The minor street approach shall not be required to be the same approach during each of the 8 hours.

80% of minimum traffic volume for major street approach (Warrant 1) = 336 vehicles
80% of minimum traffic volume for minor street approach (Warrant 1) = 112 vehicles
80% of minimum traffic volume for major street approach (Warrant 2) = 504 vehicles
80% of minimum traffic volume for minor street approach (Warrant 2) = 56 vehicles

Start Hour	Major Street Total	High Volume Minor Street	80% of Warrant 1	80% of Warrant 2
12 AM	0	0	No	No
1 AM	0	0	No	No
2 AM	0	0	No	No
3 AM	0	0	No	No
4 AM	0	0	No	No
5 AM	0	0	No	No
6 AM	850	35	No	No
7 AM	1506	78	No	Yes
8 AM	1363	85	No	Yes
9 AM	1054	72	No	Yes
10 AM	892	60	No	Yes
11 AM	946	85	No	Yes
12 PM	1038	115	Yes	Yes
1 PM	982	98	No	Yes
2 PM	1118	88	No	Yes
3 PM	1471	68	No	Yes
4 PM	1597	85	No	Yes
5 PM	1753	110	No	Yes
6 PM	1604	81	No	Yes
7 PM	0	0	No	No
8 PM	0	0	No	No
9 PM	0	0	No	No
10 PM	0	0	No	No
11 PM	0	0	No	No
Volume Requirements			Not Satisfied	Satisfied

In order to satisfy the Combination Warrant, both portions of the warrant must be satisfied. Based on the above data, the intersection of FM 740 at Turtle Cove does not meet the minimum requirements for Warrant 1 (Combination).

TRAFFIC SIGNAL WARRANT 2 - FOUR HOUR VEH. VOLUME (70% Factor)

FM 740 at Turtle Cove

The Four-Hour Vehicular Volume signal warrant conditions are intended to be applied where the volume of intersecting traffic is the principal reason to consider installing a traffic control signal. The need for a traffic control signal shall be considered if an engineering study finds that, for each of any 4 hours of an average day, the plotted points representing the vehicles per hour for the total major street approaches and the high volume minor street approach fall above the applicable curve. On the minor street, the higher volume approach shall not be required to be the same approach during each of the four hours.

Yes — Is the 85th percentile speed on the major street greater than 40 mph?

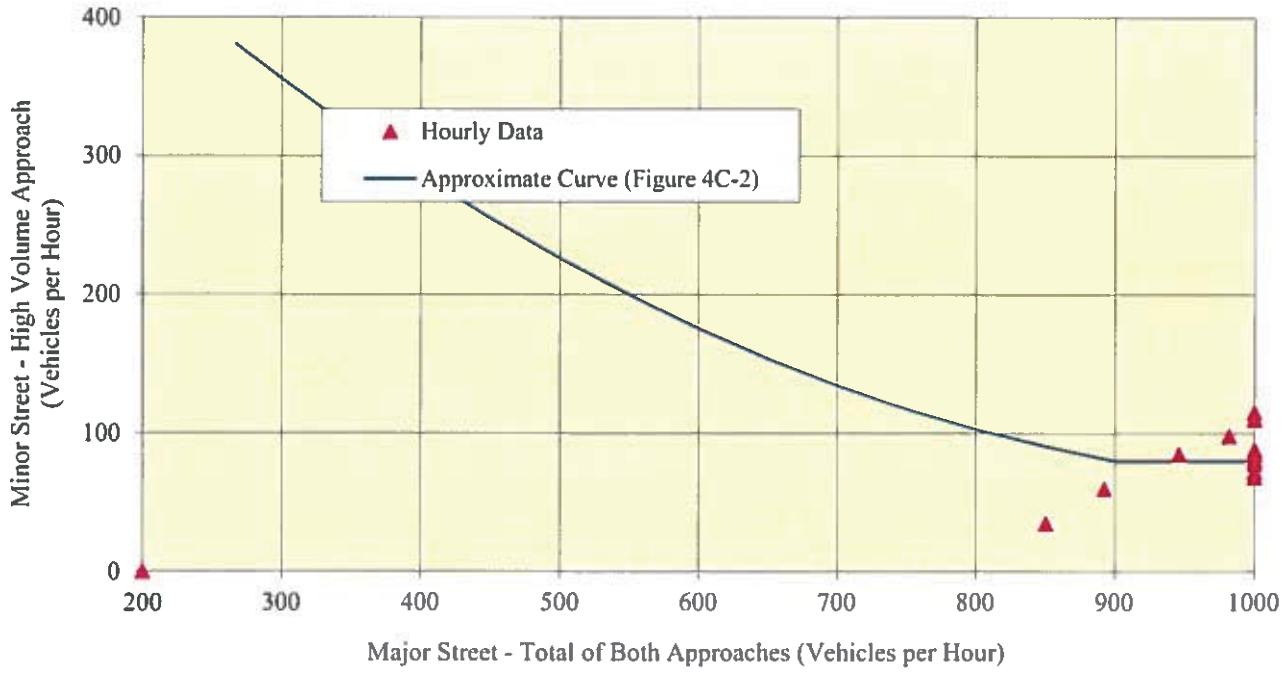
No — Does the intersection lie within a built-up area of an isolated community having a population less than 10,000?

2 — Number of major street approach lanes.

2 — Number of minor street approach lanes.

Start Hour	Major Street Total	High Volume Minor Street	Meets Requirement	Start Hour	Major Street Total	High Volume Minor Street	Meets Requirement
12 AM	0	0	No	12 PM	1038	115	Yes
1 AM	0	0	No	1 PM	982	98	Yes
2 AM	0	0	No	2 PM	1118	88	Yes
3 AM	0	0	No	3 PM	1471	68	No
4 AM	0	0	No	4 PM	1597	85	Yes
5 AM	0	0	No	5 PM	1753	110	Yes
6 AM	850	35	No	6 PM	1604	81	Yes
7 AM	1506	78	No	7 PM	0	0	No
8 AM	1363	85	Yes	8 PM	0	0	No
9 AM	1054	72	No	9 PM	0	0	No
10 AM	892	60	No	10 PM	0	0	No
11 AM	946	85	Yes	11 PM	0	0	No

Based on the above data, the intersection of FM 740 at Turtle Cove meets the minimum requirements of Warrant 2.



TRAFFIC SIGNAL WARRANT 3A - PEAK HOUR

FM 740 at Turtle Cove

The Peak Hour signal warrant is intended for use at a location where traffic conditions are such that for a minimum of 1 hour of an average day, the minor-street traffic suffers undue delay when entering or crossing the major street. This signal warrant shall be applied only in unusual cases in which traffic generators attract or discharge large numbers of vehicles over a short time. The need for a traffic control signal shall be considered when the following three conditions are satisfied.

Number of Approaches to the Intersection: 3
Number of Approach Lanes on Minor Street: 2

Condition	Existing	Required	Meets Requirement
The total delay experienced by the traffic on the minor street approach	2.9 hours	5 hours	No
Traffic Volume on Minor Street Approach	115 vehicles	150 vehicles	No
Total Entering Traffic Volume from all Three (3) Approaches	1153 vehicles	650 vehicles	Yes

Based on the above data, the intersection of FM 740 at Turtle Cove does not meet the minimum requirements of Warrant 3A.

TRAFFIC SIGNAL WARRANT 3B - PEAK HOUR (70% Factor)

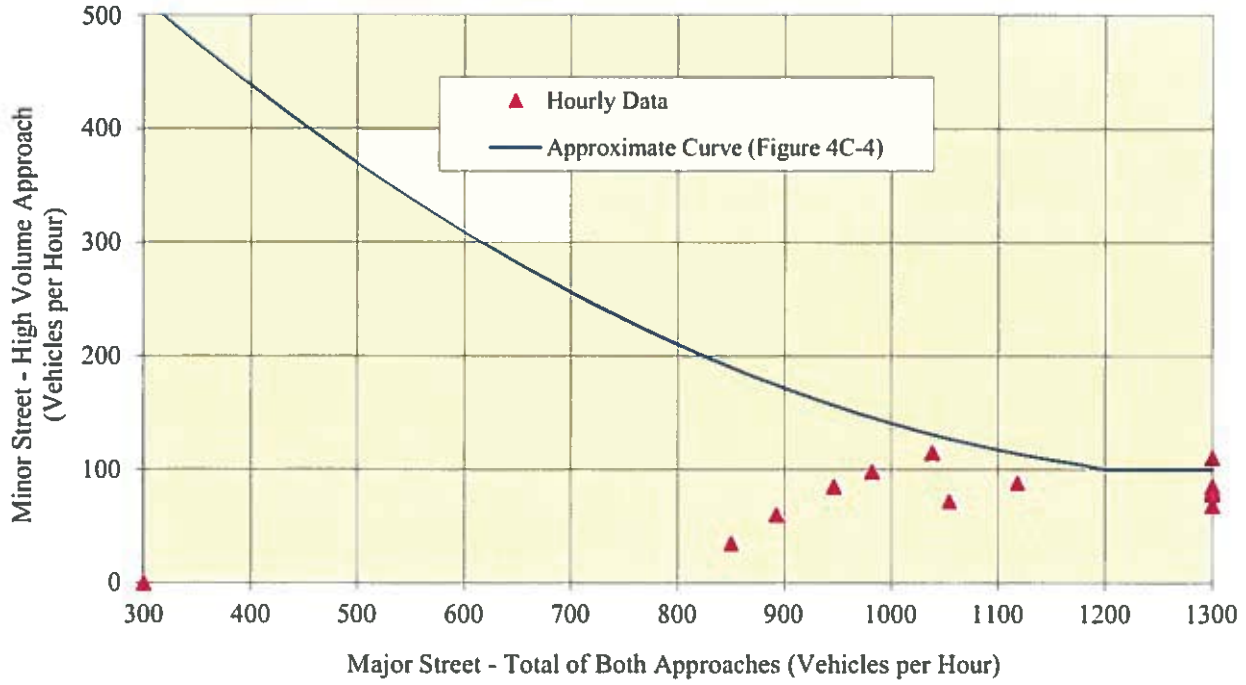
FM 740 at Turtle Cove

The Peak Hour signal warrant is intended for use at a location where traffic conditions are such that for a minimum of 1 hour of an average day, the minor-street traffic suffers undue delay when entering or crossing the major street. This signal warrant shall be applied only in unusual cases in which traffic generators attract or discharge large numbers of vehicles over a short time. The need for a traffic control signal shall be considered when the plotted point representing the major street (both approaches) and minor street (high volume approach) traffic volumes for 1 hour fall above the applicable curve.

Yes	Is the 85th percentile speed on the major street greater than 40 mph?
No	Does the intersection lie within a built-up area of an isolated community having a population less than 10,000?
2	Number of major street approach lanes.
2	Number of minor street approach lanes.

Start Hour	Major Street Total	High Volume Minor Street	Meets Requirement	Start Hour	Major Street Total	High Volume Minor Street	Meets Requirement
12 AM	0	0	No	12 PM	1038	115	No
1 AM	0	0	No	1 PM	982	98	No
2 AM	0	0	No	2 PM	1118	88	No
3 AM	0	0	No	3 PM	1471	68	No
4 AM	0	0	No	4 PM	1597	85	No
5 AM	0	0	No	5 PM	1753	110	Yes
6 AM	850	35	No	6 PM	1604	81	No
7 AM	1506	78	No	7 PM	0	0	No
8 AM	1363	85	No	8 PM	0	0	No
9 AM	1054	72	No	9 PM	0	0	No
10 AM	892	60	No	10 PM	0	0	No
11 AM	946	85	No	11 PM	0	0	No

Based on the above data, the intersection of FM 740 at Turtle Cove meets the minimum requirements of Warrant 3B.



TRAFFIC SIGNAL WARRANT 4 - PEDESTRIAN VOLUME

FM 740 at Turtle Cove

The Pedestrian Volume signal warrant is intended for applications where the traffic volume on a major street is so heavy that pedestrians experience excessive delay in crossing the major street. The Pedestrian Volume warrant shall not be applied at locations where the distance to the nearest traffic control signal along the major street is less than 300 feet, unless the proposed traffic control signal will not restrict the progressive movement of traffic.

No Is the average crossing speed of pedestrians less than 4 feet per second?

Minimum pedestrian volume per hour for one (1) hour on high volume crosswalk = 190 pedestrians.
Minimum pedestrian volume per hour for four (4) hours on high volume crosswalk = 140 pedestrians.

Start Hour	Pedestrian Volume Crossing Major Street	Number of Gaps in NBD Traffic	Number of Gaps in SBD Traffic	Meets 1 Hour Requirement	Meets 4 Hour Requirement
12 AM	0	100	100	No	No
1 AM	0	100	100	No	No
2 AM	0	100	100	No	No
3 AM	0	100	100	No	No
4 AM	0	100	100	No	No
5 AM	0	100	100	No	No
6 AM	0	100	100	No	No
7 AM	0	100	100	No	No
8 AM	0	100	100	No	No
9 AM	0	100	100	No	No
10 AM	0	100	100	No	No
11 AM	0	100	100	No	No
12 PM	0	100	100	No	No
1 PM	0	100	100	No	No
2 PM	0	100	100	No	No
3 PM	0	100	100	No	No
4 PM	0	100	100	No	No
5 PM	0	100	100	No	No
6 PM	0	100	100	No	No
7 PM	0	100	100	No	No
8 PM	0	100	100	No	No
9 PM	0	100	100	No	No
10 PM	0	100	100	No	No
11 PM	0	100	100	No	No
				Not Satisfied	Not Satisfied

Based on the above data, the intersection of FM 740 at Turtle Cove does not meet the minimum requirements of Warrant 4.

Warrant 4 was not evaluated for Pedestrian activity.

TRAFFIC SIGNAL WARRANT 5 - SCHOOL CROSSING

FM 740 at Turtle Cove

The school crossing signal warrant is intended for application where the fact that school children cross the major street is the principal reason to consider installing a traffic control signal. Before the decision is made to install a traffic control signal, consideration shall be given to the implementation of other remedial measures, such as warning signs and flashers, school speed zones, school crossing guards, or a grade-separated crossing. The School Crossing signal warrant shall not be applied at locations where the distance to the nearest traffic control signal along the major street is less than 300 feet, unless the proposed traffic control signal will not restrict the progressive movement of traffic.

_____ Is the number of gaps in the traffic stream during the period when the children are using the crossing less than the number of minutes in the same period?

_____ Are there at least 20 students crossing the major street during the highest hour?
crossing less than the number of minutes in the same period?

The school zone crossing warrant is not applicable to FM 740 at Turtle Cove.

TRAFFIC SIGNAL WARRANT 6 - COORDINATED SIGNAL SYSTEM

FM 740 at Turtle Cove

Progressive movement in a coordinated signal system sometimes necessitates installing traffic control signals at intersections where they would not otherwise be needed in order to maintain proper platooning of vehicles.

No Are the adjacent signals in a signal system?

_____ Would the resultant spacing be 1000 feet or more?

_____ On a one-way street or a street that has traffic predominantly in one direction, are the adjacent traffic control signals so far apart that they do no provide the necessary degree of vehicular platooning?
OR
On a two-way street, would the proposed and adjacent traffic control signals provide the necessary degree of platooning that is not currently provided by the adjacent traffic control signals.

The progressive movement warrant is not applicable to FM 740 at Turtle Cove.

TRAFFIC SIGNAL WARRANT 7 - CRASH EXPERIENCE

FM 740 at Turtle Cove

No — Have adequate trials of less restrictive remedies with satisfactory observance and enforcement failed to reduce the accident frequency?

No — Have five (5) or more accidents, of types susceptible to correction by traffic signal control, occurred within a 12-month period, each accident involving personal injury or property damage to an apparent extent of $250 or more?

Yes — A signal installation will not seriously disrupt progressive traffic flow.

80% of minimum traffic volume for major street approach (Warrant 1A) = 336 vehicles
80% of minimum traffic volume for minor street approach (Warrant 1A) = 112 vehicles
80% of minimum traffic volume for major street approach (Warrant 1B) = 504 vehicles
80% of minimum traffic volume for minor street approach (Warrant 1B) = 56 vehicles
80% of pedestrian traffic volume crossing major street (Warrant 4) = 152 vehicles
80% of pedestrian traffic volume crossing major street (Warrant 4) = 112 vehicles

Start Hour	Major Street Total	High Volume Minor Street	Pedestrian Volume Crossing Major Street	80% of Warrant 1 (Condition A)	80% of Warrant 1 (Condition B)	80% of Warrant 4 (1 Hour)	80% of Warrant 4 (4 Hour)
12 AM	0	0	0	No	No	No	No
1 AM	0	0	0	No	No	No	No
2 AM	0	0	0	No	No	No	No
3 AM	0	0	0	No	No	No	No
4 AM	0	0	0	No	No	No	No
5 AM	0	0	0	No	No	No	No
6 AM	850	35	0	No	No	No	No
7 AM	1506	78	0	No	Yes	No	No
8 AM	1363	85	0	No	Yes	No	No
9 AM	1054	72	0	No	Yes	No	No
10 AM	892	60	0	No	Yes	No	No
11 AM	946	85	0	No	Yes	No	No
12 PM	1038	115	0	Yes	Yes	No	No
1 PM	982	98	0	No	Yes	No	No
2 PM	1118	88	0	No	Yes	No	No
3 PM	1471	68	0	No	Yes	No	No
4 PM	1597	85	0	No	Yes	No	No
5 PM	1753	110	0	No	Yes	No	No
6 PM	1604	81	0	No	Yes	No	No
7 PM	0	0	0	No	No	No	No
8 PM	0	0	0	No	No	No	No
9 PM	0	0	0	No	No	No	No
10 PM	0	0	0	No	No	No	No
11 PM	0	0	0	No	No	No	No
Hours Required				8	8	1	4
Volume Requirements				Not Satisfied	Satisfied	Not Satisfied	Not Satisfied

Yes — Are one or more of the three volume warrants satisfied?

Based on the above data, the intersection of FM 740 at Turtle Cove does not meet the minimum requirements of Warrant 7.

TRAFFIC SIGNAL WARRANT 8 - ROADWAY NETWORK

FM 740 at Turtle Cove

A traffic signal installation at some intersections may be warranted to encourage concentration and organization of traffic flow networks.

No — Is the intersection an intersection of two or more major routes?

A major route as used in the above warrant has one or more of the following characteristics:

1. It is part of the street or highway system that serves as the principal network for through traffic flow.
2. It includes rural or suburban highways outside, entering, or traversing a city.
3. It appears as a major route on an official plan such as a major street plan in an urban area traffic and transportation study.

No — Does the intersection have a total existing, or immediately projected, entering volume of at least 1,000 vehicles per hour during the peak hour of a typical weekday and have 5-year projected traffic volumes, based on an engineering study, that meet one of more of Warrants 1, 2 and 3 during an average weekday?

OR

Does the intersection have a total existing, or immediately projected, entering volume of at least 1,000 vehicles per hour for each of any 5 hours of a nonnormal business day (Saturday or Sunday)?

The roadway network warrant is not applicable to FM 740 at Turtle Cove.

TRAFFIC SIGNAL WARRANT 9 - INTERSECTION NEAR A GRADE CROSSING

FM 740 at Turtle Cove

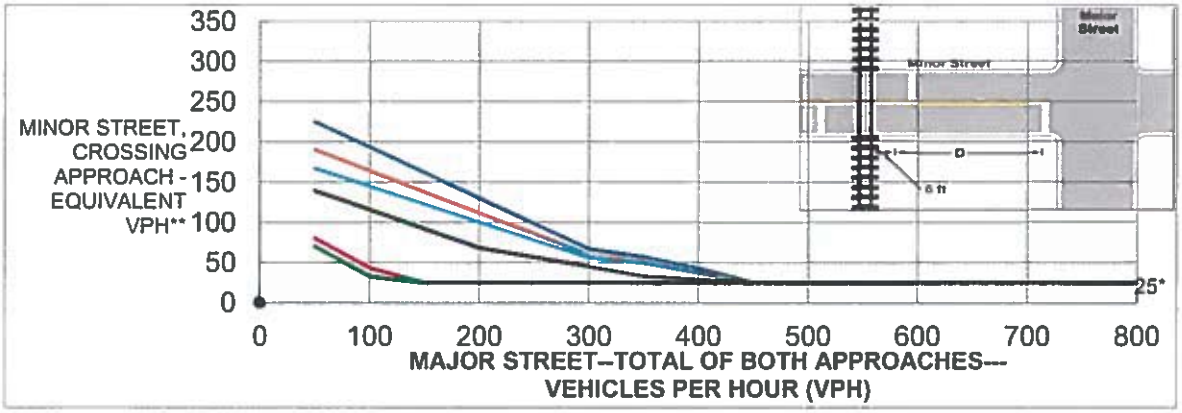
The Intersection Near a Grade Crossing signal warrant is intended for use at a location where none of the conditions described in the other eight traffic signal warrants are met, but the proximity to the intersection of a grade crossing on an intersection approach controlled by a STOP or YIELD sign is the principal reason to consider installing a traffic control signal.

no A grade crossing exists on an approach controlled by a STOP or YIELD sign and the center of the track nearest to the intersection is within 140 feet of the stop line or yield line on the approach:

no During the highest traffic volume hour during which rail traffic uses the crossing, the plotted point representing the vehicles per hour on the major street (total of both approaches) and the corresponding vehicles per hour on the minor-street approach that crosses the track (one direction only, approaching the intersection) falls above the applicable curve in Figure 7 or 8 for the existing combination of approach lanes over the track and the distance D, which is the clear storage distance as defined in Section 1A.13.

Warrant 9. Intersection Near a Grade Crossing (One Approach Lane at the Track Crossing)

☐ Yes ☐ No | Meets one High Hour (Warrant 9 — see Figure 5).

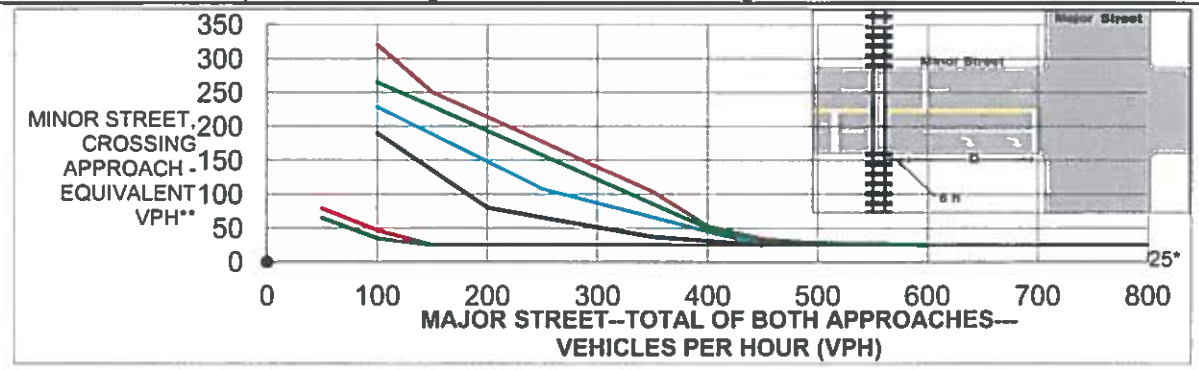


*25 mph applies as the lower threshold volume
** VPH after applying the adjustment factors in Tables 4C-2, 4C-3, and/or 4C-4, if appropriate

Figure 5. Railroad Grade Crossing (One Approach Lane at the Track Crossing). '(Warrant 9.)

Warrant 9. Intersection Near a Grade Crossing (Two or More Approach Lanes at the Track Crossing)

☐ Yes ☐ No | Meets one High Hour (Warrant 9 — see Figure 5).



*25 mph applies as the lower threshold volume
** VPH after applying the adjustment factors in Tables 4C-2, 4C-3, and/or 4C-4, if appropriate

Figure 5. Railroad Grade Crossing (Two or More Approach Lanes at the Track Crossing). (Warrant 9.)

Based on the above data, the intersection of FM 740 at Turtle Cove does not meet the minimum requirements of Warrant 9.

integrated environmental solutions

03 April 2018

Mr. Vinod Miranda
Vinod Miranda
9105 Briarcrest Drive
Rowlett, Texas 75089

Re: Waters of the United States Delineation & Section 404 Permit Assessment – Turtle Cove Drive and Ridge Road, City of Rockwall, Rockwall County, Texas

Dear Mr. Miranda,

Integrated Environmental Solutions, LLC (IES) performed a field survey to identify any aquatic resources that meet a definition of a water of the United States for the proposed development, approximately 9.7 acres, located at the southwest corner of Turtle Cover Drive and Ridge Road, Rockwall County, Texas (**Attachment A, Figure 1**). This report summarizes the field survey and assesses any issues regarding compliance with Sections 404 and 401 of the Clean Water Act (CWA).

INTRODUCTION

Agencies that regulate impacts to the nation's water resources within Texas include the U.S. Army Corps of Engineers (USACE), the U.S. Environmental Protection Agency (USEPA), the U.S. Fish and Wildlife Service (USFWS), and the Texas Commission on Environmental Quality (TCEQ). Jurisdictional waters of the United States are protected under guidelines outlined in Sections 401 and 404 of the Clean Water Act (CWA), in Executive Order 11990 (Protection of Wetlands), and by the review process of the TCEQ. The USACE has the primary regulatory authority for enforcing Section 404 requirements for waters of the United States, including wetlands.

The definition of waters of the United States, in 33 Code of Federal Regulations (CFR) 328.3, includes waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, wetlands, sloughs, wet meadows, or natural ponds and all impoundments of waters otherwise defined as waters of the United States. Also included are wetlands adjacent to waters (other than waters that are themselves wetlands). The term adjacent is defined as bordering, contiguous, or neighboring. Jurisdictional wetlands are a category of waters of the United States and have been defined by the USACE as areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Waters of the United States are defined in 33 CFR 328.3 (a) as:

1. All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
2. All interstate waters including interstate wetlands;

3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters:
    i. Which are or could be used by interstate or foreign travelers for recreational or other purposes; or
    ii. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
    iii. Which are used or could be used for industrial purpose by industries in interstate commerce;
4. All impoundments of waters otherwise defined as waters of the United States under the definition;
5. Tributaries of waters identified in paragraphs (a)(1)-(4) of this section;
6. The territorial seas;
7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs 1-6 above.
8. Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 123.11(m) which also meet the criteria of this definition) are not waters of the United States.

On 05 June 2007, the USACE and the USEPA issued joint guidance on delineation of waters on the United States based on the U.S. Supreme Court decisions in *Rapanos* and *Carabell*. Under this guidance, potential waters of the United States have been classified as traditional navigable waters (TNW), relatively permanent waters (RPW) (i.e., having flow most of the year or at least seasonally), or non-RPWs. This guidance states that TNWs and RPWs and contiguous or adjacent wetlands to these water features are waters of the United States. Wetlands that are bordering, contiguous, or neighboring another water of the United States is considered adjacent. Additionally, wetlands that are within the 100-year floodplain of another water of the United States are also considered adjacent. Non-RPWs, wetlands contiguous or adjacent to non-RPWs, and isolated wetlands must undergo a "significant nexus" test on a case-by-case basis to determine the jurisdictional nature of these water features. Under the "significant nexus" test a water feature must have substantial connection to a TNW by direct flow, or by indirect biological, hydrologic, or chemical connection. Under the "significant nexus" test the USACE District Engineer must submit the jurisdictional determination (JD) to the regional USEPA office, which makes the decision whether to move the JD to Headquarters USACE to make the final determination.

The new guidance does not void the January 2001 decision of the U.S. Supreme Court in Solid Waste Agency of Northern Cook County (SWANCC) v. USACE which disallowed regulation of isolated wetlands under the CWA through the "Migratory Bird Rule." Previously, the USACE assumed jurisdiction over isolated waters of the United States based on its 1986 preamble stating that migratory birds used these habitats. The "Migratory Bird Rule" provided the nexus to interstate commerce and thus protection under the CWA. However, the new guidance does require that the "significant nexus" test be performed in addition to an analysis of other potential interstate commerce uses for isolated waters.

METHODOLOGY

Prior to conducting fieldwork, the U.S. Geological Survey (USGS) topographic map (**Attachment A, Figure 2**), the *Soil Survey of Kaufman and Rockwall Counties, Texas*, and the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) digital soil database for Rockwall County (**Attachment A, Figure 3**), the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) (**Attachment A, Figure 4**), and recent aerial photographs of the survey area were studied to identify possible waters of the United States and areas prone to wetland development. Mr. Shae Kipp of IES conducted the delineation of the school site in the field in accordance with the USACE procedures on 12 March 2018.

Wetland determinations and delineations were performed on location using the methodology outlined in the 1987 *Corps of Engineers Wetland Delineation Manual* and the *Regional Supplement to the Corps of Engineer Wetland Delineation Manual: Great Plains Region (Version 2.0)*. The presence of a wetland is determined by the positive indication of three criteria (i.e., hydrophytic vegetation, hydrology, and hydric soils). Potential jurisdictional boundaries for other water resources (i.e., non-wetland) were delineated in the field at the ordinary high water mark (OHWM). The 33 Code of Federal Regulations (CFR) 328.3(e) defines OHWM as the line on the shore/bank established by flowing and/or standing water, marked by characteristics such as a clear, natural line impressed on the bank, erosion shelving, changes in the character of soil, destruction of terrestrial vegetation, presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Water feature boundaries were recorded using a Trimble GeoXT global positioning system (GPS) unit capable of sub-meter accuracy. Photographs were also taken at representative points within the survey area and their locations were recorded (**Attachment B**).

RESULTS

Literature Review

The USGS topographic map (Rockwall 7.5' Quadrangle, 1973) illustrates the survey area as a sloping hillside with a southeast to northwest orientation (see **Attachment A, Figure 2**). Two ponds are illustrated within the survey area. There are narrow "U"-shaped contours in the eastern portion, indicating a south to north drainage across the site.

The NRCS Digital Soils Database identifies two soil map units within the school site: Altoga silty clay, 3 to 12 percent slopes, eroded and Lewisville silty clay, 3 to 8 percent slopes (see **Attachment A, Figure 3**). Neither of the soil map units shown within the survey area are listed on the Hydric Soils of Texas list prepared by the National Technical Committee for Hydric Soils (accessed March, 2018). Hydric soils are described as those soils that are sufficiently wet in the upper part to develop anaerobic conditions during the growing season. The *Soil Survey of Kaufman and Rockwall Counties, Texas* maps an intermittent stream through the eastern side of the site; this stream is in the same location that the USGS topographic map illustrates the "U"-shaped contours.

The FEMA FIRM (Rockwall County, Map Panel: 48397C0040L, effective 09/26/2008) illustrates the entire survey area within Zone X (Areas determined to be outside the 0.2% annual chance floodplain) (see **Attachment A, Figure 4**). One small pond is illustrated as an isolated feature in the eastern portion of the survey area.

Site Survey

The plant community within the survey area was characterized by a riparian corridor and urban grassland. The urban grassland community was dominated by Johnsongrass (*Sorghum halepense*) and Bermudagrass (*Cynodon dactylon*) with scattered trees and shrubs including sugarberry hackberry (*Celtis laevigata*), gum bumelia (*Sideroxylon lanuginosum*), Osage-orange (*Maclura pomifera*), and eastern red cedar (*Juniperus virginiana*). The riparian community was primarily surrounding the drainage channel in the center of the survey area and was dominated by pecan (*Carya illinoinensis*) and sugarberry with American elm (*Ulmus americana*), cedar elm (*Ulmus crassifolia*), greenbrier (*Smilax bona-nox*), Japanese privet (*Ligustrum japonicum*), and cottonwood (*Populus deltoides*).

One water feature was identified within the survey area. The following paragraph and **Table 1** provide a brief description of the water feature.

Table 1. Aquatic Resources Delineated within the Survey Area

Water Identification	Water Feature Type	Water of the United States	Hydraulic Characteristics	Length (Linear Feet)	Area (Acre)
Tributary 1	RPW	Yes	Intermittent	703	0.07
			Jurisdictional Total	703	0.07

Tributary 1 was a small tributary observed with a southeast to northeast orientation located in a drainage way in the north-eastern portion of the survey area. The limits of the tributary were identified and delineated by OHWM characteristics including the destruction of terrestrial vegetation, bed and bank, waterline, a natural line impressed in the bank, and sediment sorting. The average OHWM width was between two and three feet wide. The tributary was incised into the landscape between one to four feet deep and water depths ranging between one and 24 inches. The channel substrate composition was largely silt and clay with sporadic gravel. Based on the amount of flowing water observed, the geomorphology of the channel, and the tributary's relatively impervious watershed with buried storm drain systems, it is IES' professional opinion that Tributary 1 would be considered an intermittent tributary and a RPW. As such, Tributary 1 meets a definition of a water of the United States and would be regulated under Section 404 of the CWA.

REGULATED ACTIVITIES AND SECTION 404 PERMIT ASSESSMENT

Activities that result in the discharge of dredge or fill material into waters of the United States are regulated under Section 404 of the CWA. The USACE has established the Nationwide Permit (NWP) program to efficiently authorize common activities that do not significantly impact waters of the United States. The USACE has the responsibility to authorize permitting under a NWP or to require an Individual Permit (IP). The most current NWPs were issued on 19 March 2017 and will expire on 18 March 2022.

The USACE requires potential Permittees to avoid and minimize impacts to waters of the United States where possible. Typically, if discharges result in the loss of less than 0.50 acre of waters of the United States, then the project could be authorized by a NWP with the potential for a pre-construction notification (PCN) to the USACE per General Condition 32. A PCN typically includes information such as the size and nature of the proposed project, reasons why the project is necessary, project purpose, the size and nature of impacts to the waters of the United States, and proposed compensatory mitigation, if necessary. If the total loss to waters of the United States is greater than 0.50 acre, an IP would likely be required, which typically requires the same information as a PCN but with a more in-depth discussion of project alternatives that is submitted for review by multiple Federal and State agencies. If impacts to tributaries are greater than 300 linear feet, typically a waiver must be requested from the district engineer concluding that the discharge will result in minimal adverse effects. A Section 401 Water Quality Certificate is provided with the NWP verification.

The activities proposed, which may result in impacts to WOUS, are directly associated with the construction of the senior living center and associated infrastructure. As such, these activities could be authorized under NWP 39 – *Commercial and Institutional Developments* (**Attachment D**). NWP 39 allows for the construction commercial developments and attendant features in waters of the United States, provided the activity does not result in the loss of greater than 0.50 acre of waters of the United States for each single and complete project, including the loss of 300 linear feet of stream bed (**Attachment D**). A waiver can be obtained from the district engineer for impacts greater than 300 linear feet of stream bed in cases where the tributary is considered intermittent or ephemeral with the determination that the discharges would result in minimum adverse effects. Through the use of NWP 39, permittees are required to notify the USACE before construction through a PCN. All impacts greater than 0.10 acre or 300 linear feet would require compensatory mitigation. Once a PCN is submitted, the USACE will have 45 calendar days to approve the proposed activities and compensatory mitigation will have no more than minimal adverse effects on the aquatic environment, unless a waiver of the 300 linear foot limitation is required.

NWP 39 requires that the permittee meet the requirements of the Endangered Species Act (ESA). According to the USFWS, four species are federally-listed as threatened or endangered, with the possibility of occurring, in Rockwall County (**Attachment C**). These species include Least Tern (*Sterna antillarum*), Piping Plover (*Charadrius melodus*), Red Knot (*Calidris canutus rufa*), and Whooping Crane (*Grus americana*). It is not anticipated that the proposed project would affect federally listed species, based on required habitat and probability of occurrence within a densely populated area.

NWP 39 also requires that the permittee meet the requirements of the National Historic Preservation Act, which typically requires either a pedestrian or desktop survey of the survey area. While neither a "desktop" nor pedestrian survey of the survey area was not conducted as a part of this assessment, it is unlikely based on the

previously impacted nature of the site that it contains historic properties. However, these requirements will still need to be met by the permittee during the permitting process.

CONCLUSIONS

One tributary was identified and delineated within the survey area; the summary of which is presented in Table 1. Tributary 1 was identified as an RPW and, as such, it is IES' professional opinion that discharges into this tributary would be subject to regulation under Section 404 of the CWA.

This delineation is based on professional experience in the approved methodology and from experience with the USACE Fort Worth District regulatory biologists; however, this delineation does not constitute a jurisdictional determination of waters of the United States. This delineation has been based on the professional experience of IES staff and our interpretation of USACE regulations at 33 CFR 328.3, the joint USACE/USEPA guidance regarding the *Rapanos* and *Carabell* decisions, and the Regulatory Guidance Letter (RGL) 08-02. While, IES believes our delineation to be accurate, final authority to interpret the regulations lies solely with the USACE and USEPA. The USACE Headquarters in association with the USEPA often issue guidance that changes the interpretation of published regulations. USACE/USEPA guidance issued after the date of this report has the potential to invalidate the report conclusions and/or recommendations, which may create the need to reevaluate the report conclusions. IES has no regulatory authority, as such, proceeding based solely upon this report does not protect the Client from potential sanction or fines from the USACE/USEPA. The Client acknowledges that they have the opportunity to submit this report to the USACE for a preliminary jurisdictional determination for concurrence prior to proceeding with any work within aquatic resources located on the survey area. If the Client elects not to do so, then the Client proceeds at their sole risk.

IES appreciates the opportunity to work with you and Tomden Engineering, LLP on this project, and hope we may be of assistance to you in the future. If you have any comments, questions, or concerns, please do not hesitate to contact me (skipp@intenvsol.com) or Rudi Reinecke at 972-562-7672 (rreinecke@intenvsol.com).

Sincerely,

Integrated Environmental Solutions, LLC.

Mr. Shae Kipp
Ecologist

IES Project Number: 04.240.087

ATTACHMENT A

Figures

Figure 1.
General Location Map

Turtle Cove Boulevard
City of Rockwall
Rockwall County, Texas

1 in = 0.3 miles

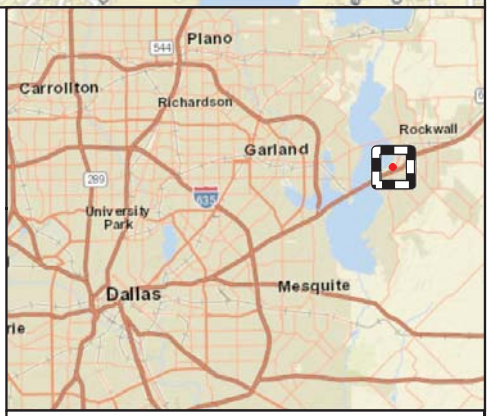
0 0.15 0.3
Miles

N
W E
S

File Ref. 04.240.087
Date: 3/6/2018

Legend

Survey Area



Area of Detail

Scale: 1 inch equals 13 miles

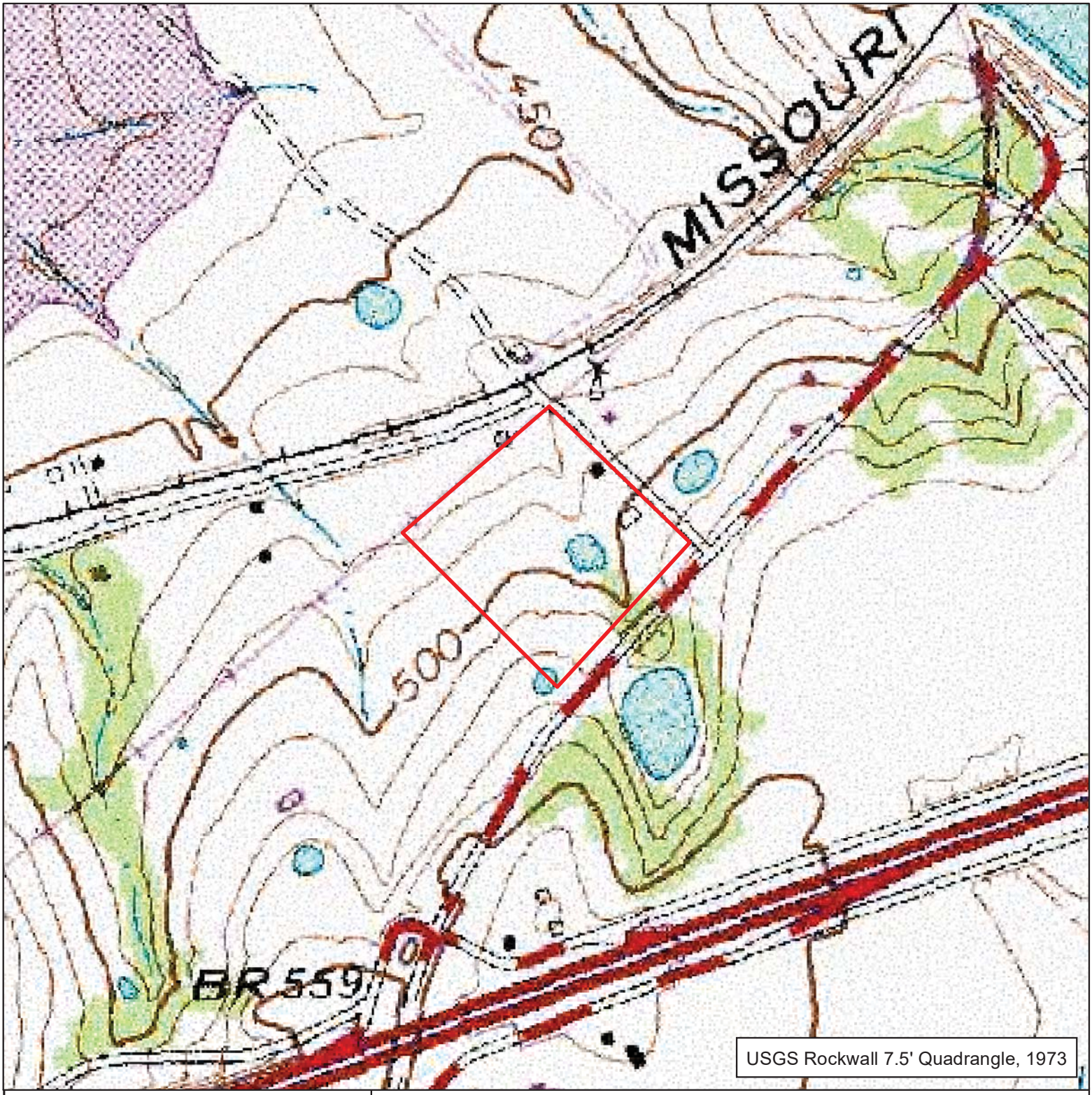


Figure 2.
USGS Topographic Map

Turtle Cove Boulevard Delineation
City of Rockwall
Rockwall County, Texas

1 in = 450 feet

0 225 450
Feet

N
W E
S

File Ref. 04.240.087
Date: 3/7/2018

Legend

Survey Area

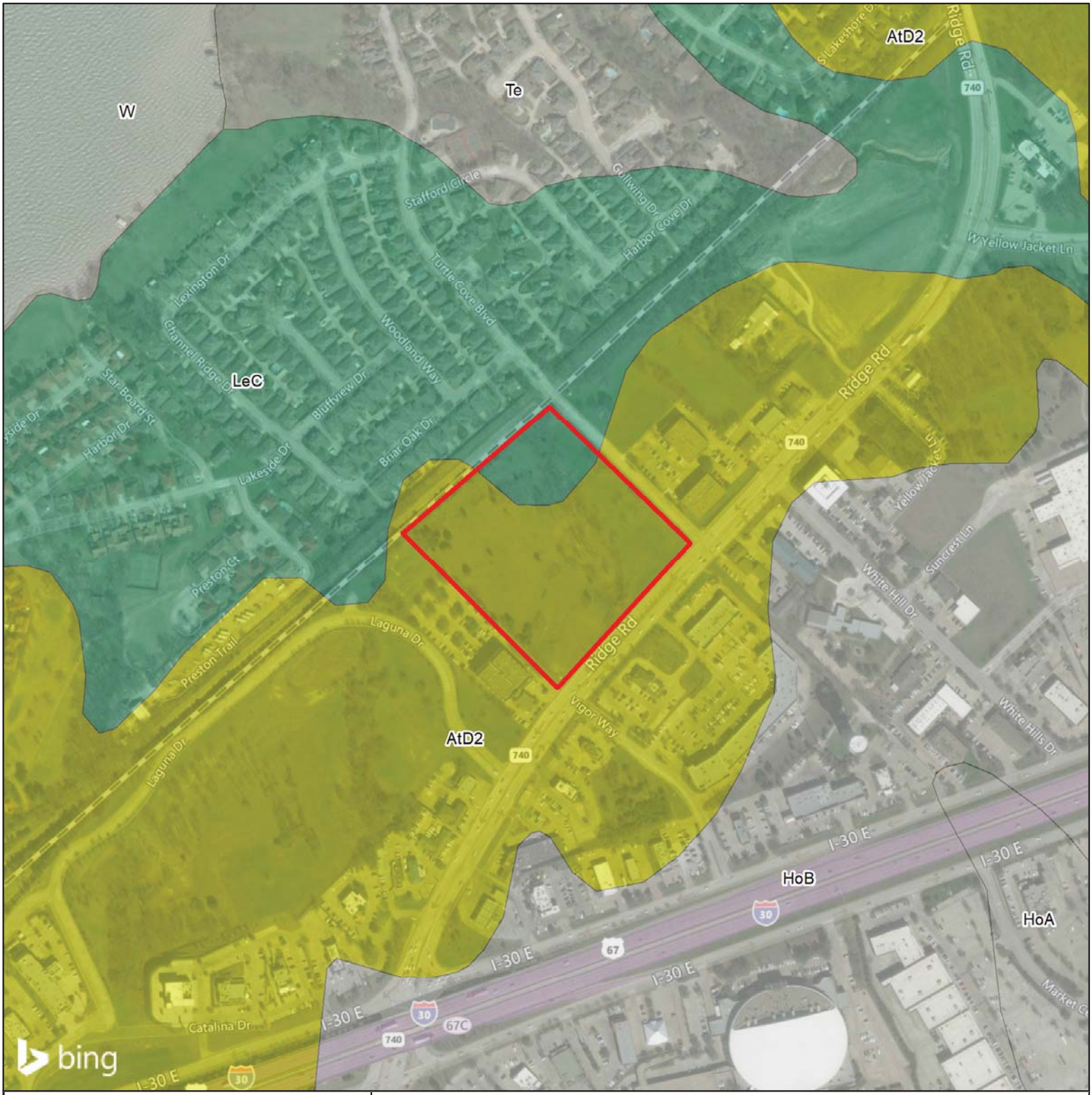


Figure 3.
Soils Map

Turtle Cove Boulevard
City of Rockwall
Rockwall County, Texas

1 in = 0.1 miles

0 0.04 0.08
Miles

N
W E
S

File Ref. 04.240.087
Date: 3/6/2018

Legend

Survey Area

Soil map units outside the survey area

Soils

AtD2 - Altoga silty clay, 3 to 12 percent slopes, eroded

LeC - Lewisville silty clay, 3 to 8 percent slopes

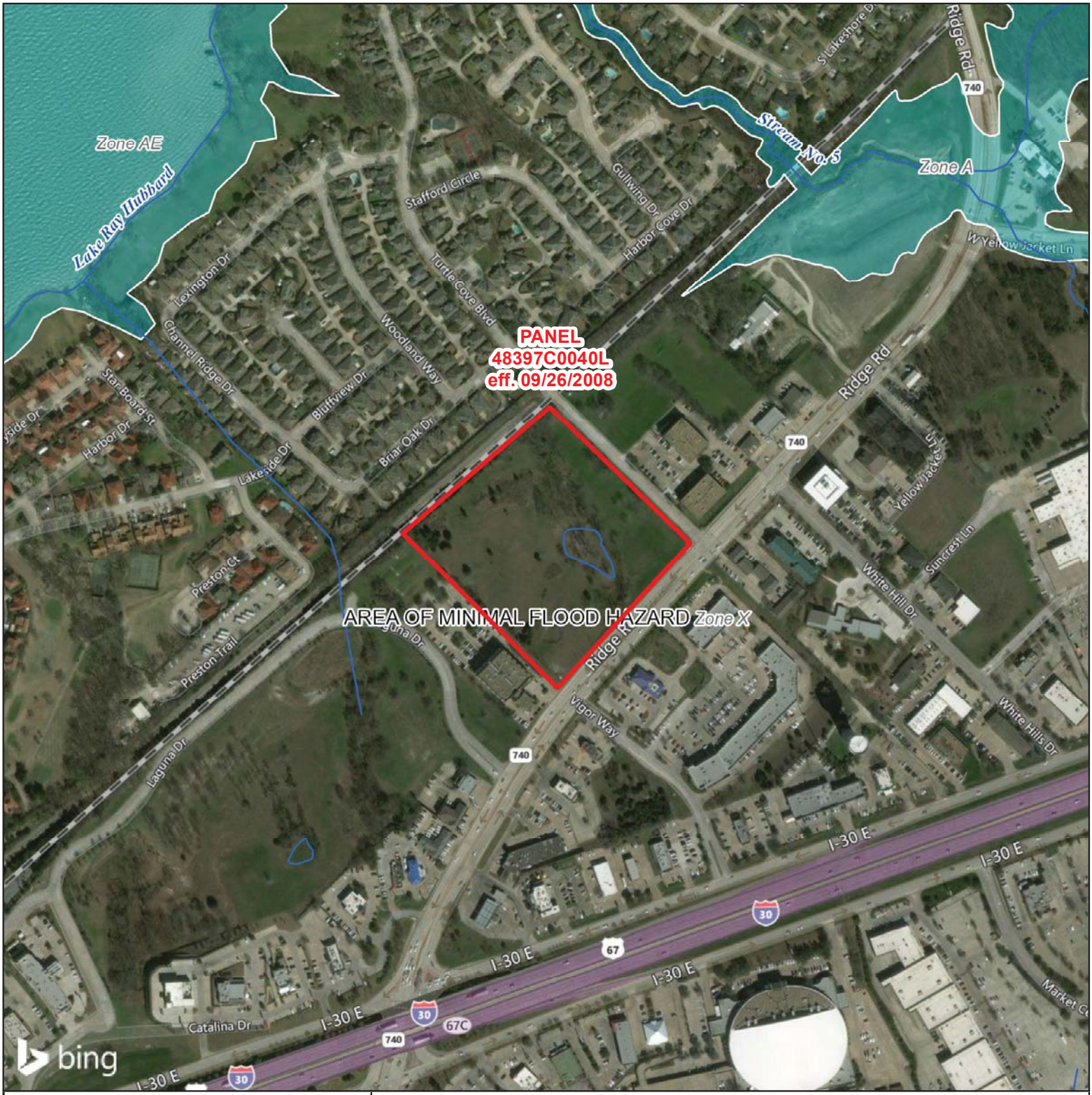


Figure 4.
Federal Emergency Management Agency Flood Insurance Rate Map

Turtle Cove Boulevard Delineation
City of Rockwall
Rockwall County, Texas

1 in = 450 feet

0 230 460
Feet

N
W E
S

File Ref. 04.240.087
Date: 3/6/2018

Legend

Survey Area

FEMA FIRM Zone Descriptions

- Zone X - Areas determined to be outside the 0.2% annual chance floodplain
- Zone X - Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood
- Zone A - Special Flood Hazard Areas subject to inundation by the 1% annual chance flood; No base flood elevations determined
- Zone AE - Special Flood Hazard Areas subject to inundation by the 1% annual chance flood; Base flood elevations determined
- Zone AE - Floodway areas in Zone AE

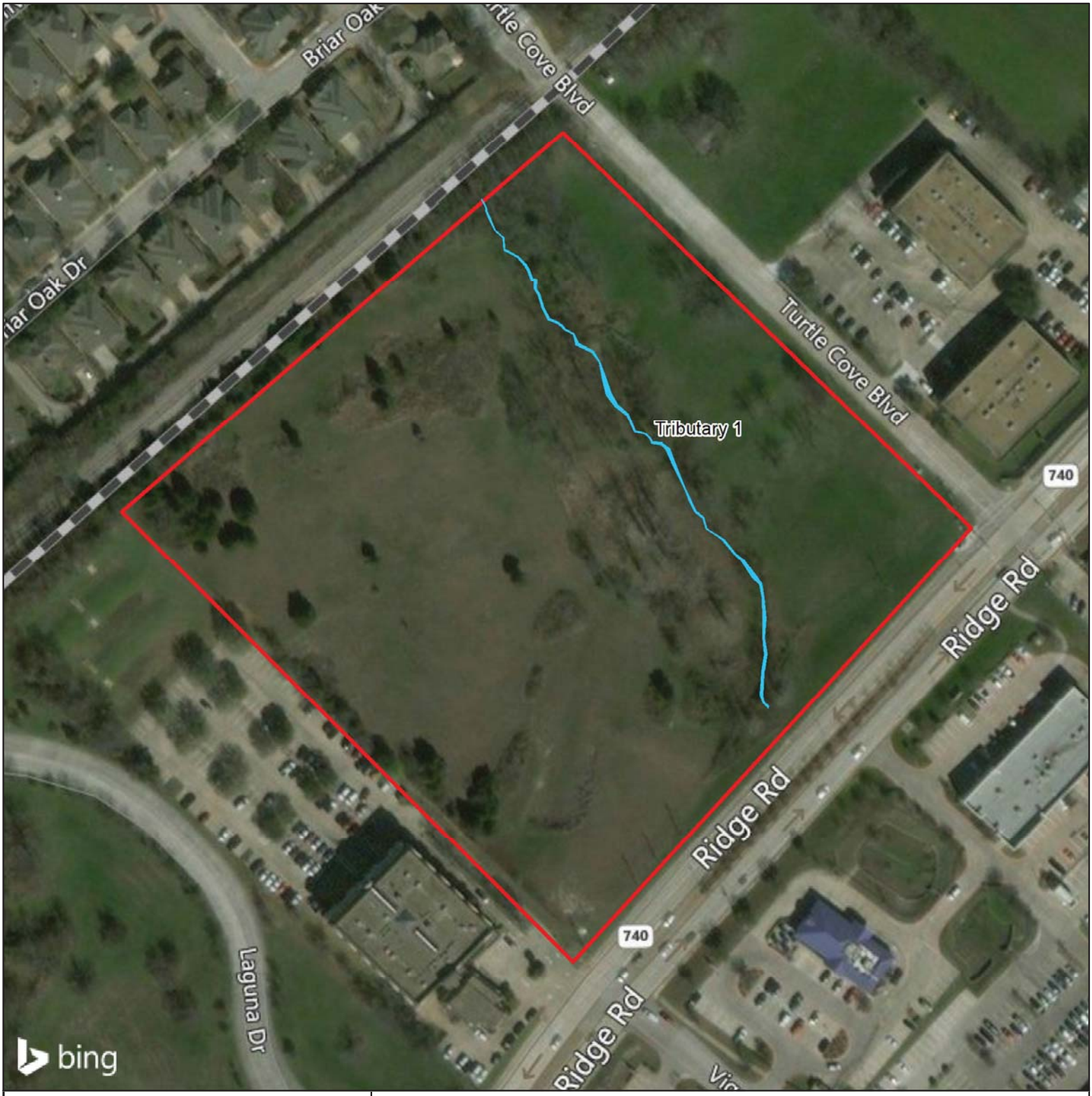


Figure 5.
Aquatic Resources Identified within the Survey Area

Turtle Cove Drive Delineation
City of Rockwall
Rockwall County, Texas

1 in = 150 feet

0 75 150
Feet

N
W E
S

File Ref. 04.274.002
Date: 3/15/2018

Legend

Survey Area

Aquatic resources that meet a definition of a water of the United States

Tributary

ATTACHMENT B

Representative Photographs

Photograph Locations Map

Turtle Cove Drive Delineation
City of Rockwall
Rockwall County, Texas

1 in = 150 feet

0 75 150
Feet

N
W E
S

File Ref. 04.274.002
Date: 3/15/2018

Legend

Survey Area

Photograph Locations

Aquatic resources that meet a definition of a water of the United States

Tributary

Photograph 1

Photograph 2

Photograph 3

Photograph 4

Photograph 5

Photograph 6

Photograph 7

Photograph 8

Photograph 9

Photograph 10

Photograph 11

Photograph 12

Photograph 13

Photograph 14

Photograph 15

Photograph 16

Photograph 17

Photograph 18

Photograph 19

Photograph 20

Photograph 21

Photograph 22

Photograph 23

Photograph 24

Photograph 25

Photograph 26

Photograph 27

Photograph 28

ATTACHMENT C

USFWS Protected Species List for Rockwall County

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Arlington Ecological Services Field Office
2005 Ne Green Oaks Blvd
Suite 140
Arlington, TX 76006-6247
Phone: (817) 277-1100 Fax: (817) 277-1129
http://www.fws.gov/southwest/es/arlingtontexas/
http://www.fws.gov/southwest/es/EndangeredSpecies/lists/

In Reply Refer To: April 02, 2018
Consultation Code: 02ETAR00-2018-SLI-0802
Event Code: 02ETAR00-2018-E-01807
Project Name: Turtle Cove Blvd Delineation

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed, and candidate species, as well as proposed and final designated critical habitat, which may occur within the boundary of your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under section 7(a)(1) of the Act, Federal agencies are directed to utilize their authorities to carry out programs for the conservation of threatened and endangered species. Under and 7(a)(2) and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to determine whether their actions may affect threatened and endangered species and/or designated critical habitat. A Federal action is an activity or program authorized, funded, or carried out, in whole or in part, by a Federal agency (50 CFR 402.02).

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For Federal actions other than major construction activities, the Service suggests that a biological evaluation (similar to a Biological Assessment) be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

After evaluating the potential effects of a proposed action on federally listed species, one of the following determinations should be made by the Federal agency:

1. *No effect* - the appropriate determination when a project, as proposed, is anticipated to have no effects to listed species or critical habitat. A "no effect" determination does not require section 7 consultation and no coordination or contact with the Service is necessary. However, the action agency should maintain a complete record of their evaluation, including the steps leading to the determination of affect, the qualified personnel conducting the evaluation, habitat conditions, site photographs, and any other related information.
2. *May affect, but is not likely to adversely affect* - the appropriate determination when a proposed action's anticipated effects are insignificant, discountable, or completely beneficial. Insignificant effects relate to the size of the impact and should never reach the scale where "take" of a listed species occurs. Discountable effects are those extremely unlikely to occur. Based on best judgment, a person would not be able to meaningfully measure, detect, or evaluate insignificant effects, or expect discountable effects to occur. This determination requires written concurrence from the Service. A biological evaluation or other supporting information justifying this determination should be submitted with a request for written concurrence.
3. *May affect, is likely to adversely affect* - the appropriate determination if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action, and the effect is not discountable or insignificant. This determination requires formal section 7 consultation.

The Service recommends that candidate species, proposed species, and proposed critical habitat be addressed should consultation be necessary. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at: http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/

eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (http://www.fws.gov/windenergy/) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm; http://www.towerkill.com; and http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html.

For additional information concerning migratory birds and eagle conservation plans, please contact the Service's Migratory Bird Office at 505-248-7882.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Arlington Ecological Services Field Office
2005 Ne Green Oaks Blvd
Suite 140
Arlington, TX 76006-6247
(817) 277-1100

Project Summary

Consultation Code: 02ETAR00-2018-SLI-0802

Event Code: 02ETAR00-2018-E-01807

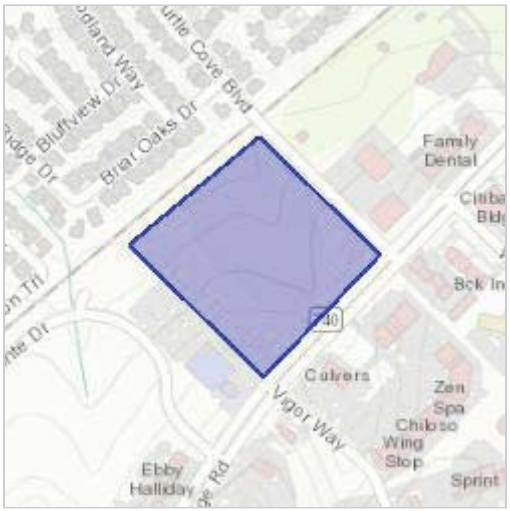
Project Name: Turtle Cove Blvd Delineation

Project Type: DEVELOPMENT

Project Description: Senior living center

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/place/32.90158063279634N96.4681511132303W



Counties: Rockwall, TX

Endangered Species Act Species

There is a total of 4 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 3 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

---

1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Birds

NAME	STATUS
Least Tern *Sterna antillarum*	Endangered
Piping Plover *Charadrius melodus*	Threatened
Red Knot *Calidris canutus rufa*	Threatened
Whooping Crane *Grus americana*	Endangered

Least Tern *Sterna antillarum*

Population: interior pop.

No critical habitat has been designated for this species.

This species only needs to be considered under the following conditions:

- Wind Energy Projects

Species profile: https://ecos.fws.gov/ecp/species/8505

Piping Plover *Charadrius melodus*

Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered.

There is **final** critical habitat for this species. Your location is outside the critical habitat.

This species only needs to be considered under the following conditions:

- Wind Energy Projects

Species profile: https://ecos.fws.gov/ecp/species/6039

Red Knot *Calidris canutus rufa*

No critical habitat has been designated for this species.

This species only needs to be considered under the following conditions:

- Wind Energy Projects

Species profile: https://ecos.fws.gov/ecp/species/1864

Whooping Crane *Grus americana*

Population: Wherever found, except where listed as an experimental population

There is **final** critical habitat for this species. Your location is outside the critical habitat.

Species profile: https://ecos.fws.gov/ecp/species/758

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

ATTACHMENT D

Nationwide Permit 39 - Commercial and Institutional Developments

NATIONWIDE PERMIT 39
Commercial and Institutional Developments
Effective Date: March 19, 2017
(NWP Final Notice, 82 FR 4)

39. Commercial and Institutional Developments. Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of commercial and institutional building foundations and building pads and attendant features that are necessary for the use and maintenance of the structures. Attendant features may include, but are not limited to, roads, parking lots, garages, yards, utility lines, storm water management facilities, wastewater treatment facilities, and recreation facilities such as playgrounds and playing fields. Examples of commercial developments include retail stores, industrial facilities, restaurants, business parks, and shopping centers. Examples of institutional developments include schools, fire stations, government office buildings, judicial buildings, public works buildings, libraries, hospitals, and places of worship. The construction of new golf courses and new ski areas is not authorized by this NWP.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. The discharge must not cause the loss of more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects. The loss of stream bed plus any other losses of jurisdictional wetlands and waters caused by the NWP activity cannot exceed 1/2-acre. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authorities: Sections 10 and 404)

Note: For any activity that involves the construction of a wind energy generating structure, solar tower, or overhead transmission line, a copy of the PCN and NWP verification will be provided to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

Nationwide Permit General Conditions

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter

the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers. (a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. The permittee shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: http://www.rivers.gov/.

17. Tribal Rights. No NWP activity may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.

18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless ESA section 7 consultation addressing the effects of the proposed activity has been completed. Direct effects are the immediate effects on listed species and critical habitat caused by the NWP activity. Indirect effects are those effects on listed species and critical habitat that are caused by the NWP activity and are later in time, but still are reasonably certain to occur.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed activity or that utilize the designated critical habitat that might be affected by the proposed activity. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have "no effect" on listed species or critical habitat, or until ESA section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWPs.

(e) Authorization of an activity by an NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide web pages at http://www.fws.gov/ or http://www.fws.gov/ipac and http://www.nmfs.noaa.gov/pr/species/esa/ respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. Historic Properties. (a) In cases where the district engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act. If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR

330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect. Where the non-Federal applicant has identified historic properties on which the activity might have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed.

(d) For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district

engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation to ensure that the activity results in no more than minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. Restored riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a

stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f)).

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an

NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

"When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

_____

(Transferee)

_____

(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

(a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the activity and mitigation.

The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States. If an NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission is not authorized by NWP until the appropriate Corps office issues the section 408 permission to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. Pre-Construction Notification. (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed activity;

(3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;

(4) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and

distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-Federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

(8) For non-Federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the “study river” (see general condition 16); and

(10) For an activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement

confirming that the project proponent has submitted a written request for section 408 permission from the Corps office having jurisdiction over that USACE project.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is an NWP PCN and must include all of the applicable information required in paragraphs (b)(1) through (10) of this general condition. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for: (i) all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of stream bed; (iii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iv) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

D. District Engineer's Decision

1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If a project proponent requests authorization by a specific NWP, the district engineer should issue the NWP verification for that activity if it meets the terms and conditions of that NWP, unless he or she determines, after considering mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity. For a linear project, this determination will include an evaluation of the individual crossings of waters of the United States to determine whether they individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings authorized by NWP. If an applicant requests a waiver of the 300 linear foot limit on impacts to streams or of an otherwise applicable limit, as provided for in NWPs 13, 21, 29, 36, 39, 40, 42, 43, 44, 50, 51, 52, or 54, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in only minimal individual and cumulative adverse environmental effects. For those NWPs that have a waivable 300 linear foot limit for losses of intermittent and ephemeral stream bed and a 1/2-acre limit (i.e., NWPs 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52), the loss of intermittent and ephemeral stream bed, plus any other losses of jurisdictional waters and wetlands, cannot exceed 1/2-acre.

2. When making minimal adverse environmental effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by NWP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse environmental effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns.

3. If the proposed activity requires a PCN and will result in a loss of greater than 1/10-acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for NWP activities with smaller impacts, or for impacts to other types of waters (e.g., streams). The district engineer will consider any proposed compensatory mitigation or other mitigation measures the applicant has included in the proposal in determining whether the net adverse environmental effects of the proposed activity are no more than minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are no more than minimal, after considering mitigation, the district engineer will notify the permittee and include any activity-specific conditions in the

NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure the NWP activity results in no more than minimal adverse environmental effects. If the net adverse environmental effects of the NWP activity (after consideration of the mitigation proposal) are determined by the district engineer to be no more than minimal, the district engineer will provide a timely written response to the applicant. The response will state that the NWP activity can proceed under the terms and conditions of the NWP, including any activity-specific conditions added to the NWP authorization by the district engineer.

4. If the district engineer determines that the adverse environmental effects of the proposed activity are more than minimal, then the district engineer will notify the applicant either: (a) that the activity does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (b) that the activity is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or (c) that the activity is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be authorized within the 45-day PCN period (unless additional time is required to comply with general conditions 18, 20, and/or 31, or to evaluate PCNs for activities authorized by NWPs 21, 49, and 50), with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation plan or a requirement that the applicant submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

E. Further Information

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.

2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.

3. NWPs do not grant any property rights or exclusive privileges.

4. NWPs do not authorize any injury to the property or rights of others.

5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31).

F. Definitions

Best management practices (BMPs): Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

Compensatory mitigation: The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Currently serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

Direct effects: Effects that are caused by the activity and occur at the same time and place.

Discharge: The term "discharge" means any discharge of dredged or fill material into waters of the United States.

Ecological reference: A model used to plan and design an aquatic habitat and riparian area restoration, enhancement, or establishment activity under NWP 27. An ecological reference may be based on the structure, functions, and dynamics of an aquatic habitat type or a riparian area type that currently exists in the region where the proposed NWP 27 activity is located. Alternatively, an ecological reference may be based on a conceptual model for the aquatic habitat type or riparian area type to be restored, enhanced, or established as a result of the proposed NWP 27 activity. An ecological reference takes into account the range of variation of the aquatic habitat type or riparian area type in the region.

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Ephemeral stream: An ephemeral stream has flowing water only during, and for a short duration after, precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.

Establishment (creation): The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

High Tide Line: The line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

Independent utility: A test to determine what constitutes a single and complete non-linear project in the Corps Regulatory Program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

Indirect effects: Effects that are caused by the activity and are later in time or farther removed in distance, but are still reasonably foreseeable.

Intermittent stream: An intermittent stream has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.

Loss of waters of the United States: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. The loss of stream bed includes the acres or linear feet of stream bed that are filled or excavated as a result of the regulated activity. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities that do not require Department of the Army authorization, such as activities eligible for exemptions under section 404(f) of the Clean Water Act, are not considered when calculating the loss of waters of the United States.

Navigable waters: Waters subject to section 10 of the Rivers and Harbors Act of 1899. These waters are defined at 33 CFR part 329.

Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open water: For purposes of the NWPs, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of flowing or standing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of “open waters” include rivers, streams, lakes, and ponds.

Ordinary High Water Mark: An ordinary high water mark is a line on the shore established by the fluctuations of water and indicated by physical characteristics, or by other appropriate means that consider the characteristics of the surrounding areas.

Perennial stream: A perennial stream has flowing water year-round during a typical year. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Pre-construction notification: A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases where pre-construction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit.

Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Protected tribal resources: Those natural resources and properties of traditional or customary religious or cultural importance, either on or off Indian lands, retained by, or reserved by or for, Indian tribes through treaties, statutes, judicial decisions, or executive orders, including tribal trust resources.

Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

Riffle and pool complex: Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a course substrate in riffles results in a rough flow, a turbulent surface,

and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

Riparian areas: Riparian areas are lands next to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects riverine, lacustrine, estuarine, and marine waters with their adjacent wetlands, non-wetland waters, or uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 23.)

Shellfish seeding: The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

Single and complete linear project: A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term "single and complete project" is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

Single and complete non-linear project: For non-linear projects, the term "single and complete project" is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete non-linear project must have independent utility (see definition of "independent utility"). Single and complete non-linear projects may not be "piecemealed" to avoid the limits in an NWP authorization.

Stormwater management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stormwater management facilities: Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream channelization: The manipulation of a stream's course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized stream remains a water of the United States.

Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

Tidal wetland: A tidal wetland is a jurisdictional wetland that is inundated by tidal waters. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line.

Tribal lands: Any lands title to which is either: 1) held in trust by the United States for the benefit of any Indian tribe or individual; or 2) held by any Indian tribe or individual subject to restrictions by the United States against alienation.

Tribal rights: Those rights legally accruing to a tribe or tribes by virtue of inherent sovereign authority, unextinguished aboriginal title, treaty, statute, judicial decisions, executive order or agreement, and that give rise to legally enforceable remedies.

Vegetated shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: For purposes of the NWPs, a waterbody is a jurisdictional water of the United States. If a wetland is adjacent to a waterbody determined to be a water of the United States, that waterbody and any adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)). Examples of "waterbodies" include streams, rivers, lakes, ponds, and wetlands.

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers. (a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. The permittee shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: http://www.rivers.gov/.

17. Tribal Rights. No NWP activity may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.

18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such

species. No activity is authorized under any NWP which “may affect” a listed species or critical habitat, unless ESA section 7 consultation addressing the effects of the proposed activity has been completed. Direct effects are the immediate effects on listed species and critical habitat caused by the NWP activity. Indirect effects are those effects on listed species and critical habitat that are caused by the NWP activity and are later in time, but still are reasonably certain to occur.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed activity or that utilize the designated critical habitat that might be affected by the proposed activity. The district engineer will determine whether the proposed activity “may affect” or will have “no effect” to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps’ determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have “no effect” on listed species or critical habitat, or until ESA section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWPs.

(e) Authorization of an activity by an NWP does not authorize the “take” of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with “incidental take” provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word “harm” in the definition of “take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to

determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide web pages at http://www.fws.gov/ or http://www.fws.gov/ipac and http://www.nmfs.noaa.gov/pr/species/esa/ respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. Historic Properties. (a) In cases where the district engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act. If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information

submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect. Where the non-Federal applicant has identified historic properties on which the activity might have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed.

(d) For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation to ensure that the activity results in no more than minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. Restored riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most

appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f)).

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b).

For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

"When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

_____
(Transferee)

_____
(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

(a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the activity and mitigation.

The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States. If an NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission is not authorized by NWP until the appropriate Corps office issues the section 408 permission to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. Pre-Construction Notification. (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN

complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed activity;

(3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;

(4) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic

sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-Federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

(8) For non-Federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and

(10) For an activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from the Corps office having jurisdiction over that USACE project.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is an NWP PCN and must include all of the applicable information required in paragraphs (b)(1)

through (10) of this general condition. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for: (i) all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of stream bed; (iii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iv) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

D. District Engineer's Decision

1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If a project

proponent requests authorization by a specific NWP, the district engineer should issue the NWP verification for that activity if it meets the terms and conditions of that NWP, unless he or she determines, after considering mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity. For a linear project, this determination will include an evaluation of the individual crossings of waters of the United States to determine whether they individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings authorized by NWP. If an applicant requests a waiver of the 300 linear foot limit on impacts to streams or of an otherwise applicable limit, as provided for in NWPs 13, 21, 29, 36, 39, 40, 42, 43, 44, 50, 51, 52, or 54, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in only minimal individual and cumulative adverse environmental effects. For those NWPs that have a waivable 300 linear foot limit for losses of intermittent and ephemeral stream bed and a 1/2-acre limit (i.e., NWPs 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52), the loss of intermittent and ephemeral stream bed, plus any other losses of jurisdictional waters and wetlands, cannot exceed 1/2-acre.

2. When making minimal adverse environmental effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by NWP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse environmental effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns.

3. If the proposed activity requires a PCN and will result in a loss of greater than 1/10-acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for NWP activities with smaller impacts, or for impacts to other types of waters (e.g., streams). The district engineer will consider any proposed compensatory mitigation or other mitigation measures the applicant has included in the proposal in determining whether the net adverse environmental effects of the proposed activity are no more than minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are no more than minimal, after considering mitigation, the district engineer will notify the permittee and include any activity-specific conditions in the NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar

days of receiving a complete PCN and determine whether the proposed mitigation would ensure the NWP activity results in no more than minimal adverse environmental effects. If the net adverse environmental effects of the NWP activity (after consideration of the mitigation proposal) are determined by the district engineer to be no more than minimal, the district engineer will provide a timely written response to the applicant. The response will state that the NWP activity can proceed under the terms and conditions of the NWP, including any activity-specific conditions added to the NWP authorization by the district engineer.

4. If the district engineer determines that the adverse environmental effects of the proposed activity are more than minimal, then the district engineer will notify the applicant either: (a) that the activity does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (b) that the activity is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or (c) that the activity is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be authorized within the 45-day PCN period (unless additional time is required to comply with general conditions 18, 20, and/or 31, or to evaluate PCNs for activities authorized by NWPs 21, 49, and 50), with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation plan or a requirement that the applicant submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

E. Further Information

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.

2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.

3. NWPs do not grant any property rights or exclusive privileges.

4. NWPs do not authorize any injury to the property or rights of others.

5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31).

F. Definitions

Best management practices (BMPs): Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

Compensatory mitigation: The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Currently serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

Direct effects: Effects that are caused by the activity and occur at the same time and place.

Discharge: The term "discharge" means any discharge of dredged or fill material into waters of the United States.

Ecological reference: A model used to plan and design an aquatic habitat and riparian area restoration, enhancement, or establishment activity under NWP 27. An ecological reference may be based on the structure, functions, and dynamics of an aquatic habitat type or a riparian area type that currently exists in the region where the proposed NWP 27 activity is located. Alternatively, an ecological reference may be based on a conceptual model for the aquatic habitat type or riparian area type to be restored, enhanced, or established as a result of the proposed NWP 27 activity. An ecological reference takes into account the range of variation of the aquatic habitat type or riparian area type in the region.

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Ephemeral stream: An ephemeral stream has flowing water only during, and for a short duration after, precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.

Establishment (creation): The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

High Tide Line: The line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

Independent utility: A test to determine what constitutes a single and complete non-linear project in the Corps Regulatory Program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility.

Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

Indirect effects: Effects that are caused by the activity and are later in time or farther removed in distance, but are still reasonably foreseeable.

Intermittent stream: An intermittent stream has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.

Loss of waters of the United States: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. The loss of stream bed includes the acres or linear feet of stream bed that are filled or excavated as a result of the regulated activity. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities that do not require Department of the Army authorization, such as activities eligible for exemptions under section 404(f) of the Clean Water Act, are not considered when calculating the loss of waters of the United States.

Navigable waters: Waters subject to section 10 of the Rivers and Harbors Act of 1899. These waters are defined at 33 CFR part 329.

Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open water: For purposes of the NWPs, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of flowing or standing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of "open waters" include rivers, streams, lakes, and ponds.

Ordinary High Water Mark: An ordinary high water mark is a line on the shore established by the fluctuations of water and indicated by physical characteristics, or by other appropriate means that consider the characteristics of the surrounding areas.

Perennial stream: A perennial stream has flowing water year-round during a typical year. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Pre-construction notification: A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases where pre-construction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit.

Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Protected tribal resources: Those natural resources and properties of traditional or customary religious or cultural importance, either on or off Indian lands, retained by, or reserved by or for, Indian tribes through treaties, statutes, judicial decisions, or executive orders, including tribal trust resources.

Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

Riffle and pool complex: Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a course substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

Riparian areas: Riparian areas are lands next to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects riverine, lacustrine, estuarine, and marine waters with their adjacent wetlands, non-wetland waters, or uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 23.)

Shellfish seeding: The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish

attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

Single and complete linear project: A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term "single and complete project" is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

Single and complete non-linear project: For non-linear projects, the term "single and complete project" is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete non-linear project must have independent utility (see definition of "independent utility"). Single and complete non-linear projects may not be "piecemealed" to avoid the limits in an NWP authorization.

Stormwater management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stormwater management facilities: Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream channelization: The manipulation of a stream's course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized stream remains a water of the United States.

Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

Tidal wetland: A tidal wetland is a jurisdictional wetland that is inundated by tidal waters. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no

longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line.

Tribal lands: Any lands title to which is either: 1) held in trust by the United States for the benefit of any Indian tribe or individual; or 2) held by any Indian tribe or individual subject to restrictions by the United States against alienation.

Tribal rights: Those rights legally accruing to a tribe or tribes by virtue of inherent sovereign authority, unextinguished aboriginal title, treaty, statute, judicial decisions, executive order or agreement, and that give rise to legally enforceable remedies.

Vegetated shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: For purposes of the NWPs, a waterbody is a jurisdictional water of the United States. If a wetland is adjacent to a waterbody determined to be a water of the United States, that waterbody and any adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)). Examples of "waterbodies" include streams, rivers, lakes, ponds, and wetlands.

ADDITIONAL INFORMATION

This nationwide permit is effective March 19, 2017, and expires on March 18, 2022.

Information about the U.S. Army Corps of Engineers regulatory program, including nationwide permits, may also be found at http://www.swf.usace.army.mil/Missions/Regulatory.aspx and http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx

2017 NATIONWIDE PERMIT (NWP) REGIONAL CONDITIONS

FOR THE STATE OF TEXAS

The following regional conditions apply within the entire State of Texas:

1. For all discharges proposed for authorization under Nationwide Permits (NWP) 3, 6, 7, 12, 14, 18, 19, 21, 23, 25, 27, 29, 39, 40, 41, 42, 43, 44, 49, 51, and 52, into the following habitat types or specific areas, the applicant shall notify the appropriate District Engineer in accordance with the NWP General Condition 32, Pre-Construction Notification (PCN). The Corps of Engineers (Corps) will coordinate with the resource agencies as specified in NWP General Condition 32(d) (PCN). The habitat types or areas are:

    a. Pitcher Plant Bogs: Wetlands typically characterized by an organic surface soil layer and include vegetation such as pitcher plants (*Sarracenia* spp.) and/or sundews (*Drosera* spp.).

    b. Bald Cypress-Tupelo Swamps: Wetlands dominated by bald cypress (*Taxodium distichum*) and/or water tupelo (*Nyssa aquatic*).

2. For all activities proposed for authorization under any Nationwide Permit (NWP) at sites approved as compensatory mitigation sites (either permittee-responsible, mitigation bank and/or in-lieu fee) under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899, the applicant shall notify the appropriate District Engineer in accordance with the NWP General Condition 32 - Pre-Construction Notification prior to commencing the activity.

3. For all activities proposed for authorization under NWP 16, the applicant shall notify the appropriate District Engineer in accordance with the NWP General Condition 32 (Pre-Construction Notification) and must obtain an individual water quality certification (WQC) from the TCEQ. Work cannot begin under NWP 16 until the applicant has received written approval from the Corps and WQC.

NOTE: For all activities proposing to use equipment that has operated or been stored in a water body on the Texas list of zebra mussel (*Dreissena polymorpha*) infected water bodies, equipment should be decontaminated prior to relocation in accordance with Texas Administrative Code, Title 31, Part 2, Chapter 57, Subchapter A. The following decontamination Best Management Practices (BMPs), as a minimum, are indicated:

    a. Clean: Clean both the inside and outside of equipment and gear, by removing all plants, animals, and mud and thoroughly washing the equipment using a high pressure spray nozzle.

    b. Drain: Drain all water from receptacles before leaving the area, including livewells, bilges, ballast, and engine cooling water on boats.

    c. Dry: Allow time for your equipment to dry completely before relocating in other waters. Equipment should be dried prior to relocation. High temperature pressure washing (greater than or equal to 140F) or professional cleaning may be substituted for drying time.

The following regional condition only applies within the Albuquerque, Fort Worth, and Galveston Districts:

4. For all activities proposed for authorization under Nationwide Permit (NWP) 12 that involve a discharge of fill material associated with mechanized land clearing of wetlands dominated by native woody shrubs, the applicant shall notify the appropriate District Engineer in accordance with the NWP General Condition 32 – Pre-Construction Notification prior to commencing the activity. For the purpose of this regional condition, a shrub dominated wetland is characterized by woody vegetation less than 3.0 inches in diameter at breast height but greater than 3.2 feet in height, which covers 20% or more of the area. Woody vines are not included.

The following regional conditions apply within the Albuquerque District.

5. Nationwide Permit (NWP) 23 – Approved Categorical Exclusions. A pre-construction notification (PCN) to the District Engineer in accordance with General Condition 32 - PCN is required for all proposed activities under NWP 23.

6. Nationwide Permit (NWP) 27 – Aquatic Habitat Restoration, Establishment, and Enhancement Activities. For all proposed activities under NWP 27 that require pre-construction notification, a monitoring plan commensurate with the scale of the proposed restoration project and the potential for risk to the aquatic environment must be submitted to the Corps. (See “NWP 27 Guidelines” at http://www.spa.usace.army.mil/Missions/RegulatoryProgramandPermits/NWP.aspx).

7. Channelization. Nationwide Permit (NWP) General Condition 9 for Management of Water Flows is amended to add the following: Projects that would result in permanent channelization to previously un-channelized streams require pre-construction notification to the Albuquerque District Engineer in accordance with NWP General Condition 32 – Pre-Construction Notification.

8. Dredge and Fill Activities in Intermittent and Perennial Streams, and Special Aquatic Sites: For all activities subject to regulation under the Clean Water Act Section 404 in intermittent and perennial streams, and special aquatic sites (including wetlands, riffle and pool complexes, and sanctuaries and refuges), pre-construction notification (PCN) to the Albuquerque District Engineer is required in accordance with Nationwide Permit General Condition 32 - PCN.

9. Springs. For all discharges of dredged or fill material within 100 feet of the point of groundwater discharge of natural springs located in an aquatic resource, a pre-construction notification (PCN) is required to the Albuquerque District Engineer in accordance with Nationwide Permit General Condition 32 - PCN. A natural spring is defined as any location where ground water emanates from a point in the ground and has a defined surface water connection to another waters of the United States. For purposes of this regional condition, springs do not include seeps or other groundwater discharges which lack a defined surface water connection.

10. Suitable Fill. Use of broken concrete as fill or bank stabilization material is prohibited unless the applicant demonstrates that its use is the only practicable material (with respect to cost, existing technology, and logistics). Any applicant who wishes to use broken concrete as bank stabilization must provide notification to the Albuquerque District Engineer in accordance with Nationwide Permit General Condition 32 - Pre-Construction Notification along with justification for such use. Use of broken concrete with rebar or used tires (loose or formed into bales) is prohibited in all waters of the United States.

The following regional conditions apply only within the Fort Worth District.

11. For all discharges proposed for authorization under all Nationwide Permits (NWP) into the area of Caddo Lake within Texas that is designated as a "Wetland of International Importance" under the Ramsar Convention, the applicant shall notify the Fort Worth District Engineer in accordance with the NWP General Condition 32 – Pre-Construction Notification (PCN). The Fort Worth District will coordinate with the resource agencies as specified in NWP General Condition 32(d) - PCN.

12. Compensatory mitigation is generally required for losses of waters of the United States that exceed 1/10 acre and/or for all losses to streams that exceed 300 linear feet. Loss is defined in Section F of the Nationwide Permits (NWP). Mitigation thresholds are cumulative irrespective of aquatic resource type at each single and complete crossing. Compensatory mitigation requirements will be determined in accordance with the appropriate district standard operating procedures and processes. The applicant shall notify the Fort Worth District Engineer in accordance with the NWP General Condition 32 - Pre-Construction Notification prior to commencing the activity.

13. For all activities proposed for authorization under Nationwide Permits (NWP) 12, 14 and/or 33 that involve a temporary discharge of fill material into 1/2 acre or more of emergent wetland OR 1/10 acre of scrub-shrub/forested wetland, the applicant shall notify the Fort Worth District Engineer in accordance with the NWP General Condition 32 - Pre-Construction Notification prior to commencing the activity.

14. For all discharges proposed for authorization under Nationwide Permits (NWP) 51 and 52, the Fort Worth District will provide the pre-construction notification (PCN) to the U.S. Fish and Wildlife Service as specified in NWP General Condition 32(d)(2) - PCN for its review and comments.

The following regional conditions apply only within the Galveston District.

15. No Nationwide Permits (NWP), except NWP 3, shall be used to authorize discharges into the habitat types or specific areas listed in paragraphs a through c, below. The applicant shall notify the Galveston District Engineer in accordance with the NWP General Condition 32 - Pre-Construction Notification prior to commencing the activity under NWP 3.

a. Mangrove Marshes. For the purpose of this regional condition, Mangrove marshes are those waters of the United States that are dominated by mangroves (*Avicennia* spp., *Laguncuaria* spp., *Conocarpus* spp., and *Rhizophora* spp.).
b. Coastal Dune Swales. For the purpose of this regional condition, coastal dune swales are wetlands and/or other waters of the United States located within the backshore and dune areas in the coastal zone of Texas. They are formed as depressions within and among multiple beach ridge barriers, dune complexes, or dune areas adjacent to beaches fronting tidal waters of the United States.
c. Columbia Bottomlands. For the purpose of this regional condition, Columbia bottomlands are defined as waters of the United States that are dominated by bottomland hardwoods in the Lower Brazos and San Bernard River basins identified in the 1997 Memorandum of Agreement between the U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, Natural Resource Conservation Service, and Texas Parks and Wildlife Department for bottomland hardwoods in Brazoria County. (For further information, see http://www.swg.usace.army.mil/Business-With-Us/Regulatory/Permits/Nationwide-General-Permits/)

16. A Compensatory Mitigation Plan is required for all special aquatic site losses, as defined in Section F of the Nationwide Permits (NWP), that exceed 1/10 acre and/or for all losses to streams that exceed 200 linear feet. Compensatory mitigation requirements will be determined in accordance with the appropriate district standard operating procedures and processes. The applicant shall notify the Galveston District Engineer in accordance with the NWP General Condition 32 - Pre-Construction Notification prior to commencing the activity.

17. For all seismic testing activities proposed for authorization under Nationwide Permit (NWP) 6, the applicant shall notify the Galveston District Engineer in accordance with the NWP General Condition 32 - Pre-Construction Notification (PCN). The PCN must state the time period for which the temporary fill is proposed, and must include a restoration plan for the special aquatic sites. For seismic testing under NWP 6 within the Cowardin Marine System, Subtidal Subsystem; as defined by the U.S. Fish and Wildlife Service, Classification of Wetlands and Deepwater Habitats of the United States, December 1979/Reprinted 1992, the Corps will coordinate with the resource agencies in accordance with NWP General Condition 32(d) - PCN.

18. For all activities proposed under Nationwide Permits (NWP) 10 and 11 located in vegetated shallows and coral reefs; as defined by 40 CFR 230.43 and 230.44 respectively, the applicant shall notify the Galveston District Engineer in accordance with the NWP General Condition 32 - Pre-Construction Notification. Examples include, but are not limited to: seagrass beds, oyster reefs, and coral reefs.

19. Nationwide Permit 12 shall not be used to authorize discharges within 500 feet of vegetated shallows and coral reefs; as defined by 40 CFR 230.43 and 230.44 respectively. Examples include, but are not limited to: seagrass beds, oyster reefs, and coral reefs.

20. For all activities proposed for authorization under Nationwide Permit 12 that involve underground placement below a non-navigable river bed and/or perennial stream bed there shall a minimum cover of 48 inches (1,219 millimeters) of soil below the river and/or perennial stream thalweg.

21. For all discharges and work proposed below the high tide line under Nationwide Permits (NWP) 14 and 18, the applicant shall notify the Galveston District Engineer in accordance with the NWP General Condition 32 - Pre-Construction Notification (PCN). The Galveston District will coordinate with the resource agencies in accordance with NWP General Condition 32(d) - PCN.

22. For all activities proposed for authorization under Nationwide Permit (NWP) 33 the applicant shall notify the Galveston District Engineer in accordance with the NWP General Condition 32 – Pre-Construction Notification (PCN). The PCN must include a restoration plan showing how all temporary fills and structures will be removed and the area restored to pre-project conditions. Activities causing the temporary loss, as defined in Section F of the NWPs, of more than 0.5 acres of tidal waters and/or 200 linear feet of stream will be coordinated with the agencies in accordance with NWP General Condition 32(d) - PCN.

23. No Nationwide Permits (NWP), except NWPs 3, 16, 20, 22, 37, shall be used to authorize discharges, structures, and/or fill within the standard setback and high hazard zones of the Sabine-Neches Waterway as defined in the Standard Operating Procedure - Permit Setbacks along the Sabine-Neches Waterway. The applicant shall notify the Galveston District Engineer in accordance with NWP General Condition 32 - Pre-Construction Notification for all discharge, structures and/or work in medium hazard zones and all NWP 3 applications within the standard setback and high hazard zones of the Sabine-Neches Waterway.

24. No Nationwide Permits (NWP), except 20, 22, and 37, shall be used to authorize discharges, structures, and/or fill within the standard setback exemptions of the Gulf Intracoastal Waterway as defined in the Standard Operating Procedure- Department of the Army Permit Evaluation Setbacks along the Gulf Intracoastal Waterway. The applicant shall notify the Galveston District Engineer in accordance with NWP General Condition 32 (Pre-Construction Notification) for all discharges, structures and/or work within the standard setback, shoreward of the standard setback, and/or standard setback exemption zones.

25. The use of Nationwide Permits in the San Jacinto River Waste Pits Area of Concern are revoked. (For further information, see http://www.swg.usace.army.mil/Business-With-Us/Regulatory/Permits/Nationwide-General-Permits/)

26. The use of Nationwide Permits 51 and 52 are revoked within the Galveston District boundaries.

27. Nationwide Permit (NWP) 53 pre-construction notifications will be coordinated with resource agencies as specified in NWP General Condition 32(d) – Pre-construction Notification.

28. For all activities proposed under Nationwide Permits (NWP) 21, 29, 39, 40, 42, 43, 44, and 50 that result in greater than 300 feet of loss in intermittent and/or ephemeral streams, as defined in Section F of the NWPs, require evaluation under an Individual Permit.

The following regional conditions apply only within the Tulsa District.

29. Upland Disposal: Except where authorized by Nationwide Permit 16, material disposed of in uplands shall be placed in a location and manner that prevents discharge of the material and/or return water into waters or wetlands unless otherwise authorized by the Tulsa District Engineer.

30. Major Rivers: The prospective permittee shall notify the Tulsa District Engineer for all Nationwide Permit 14 verifications which cross major rivers within Tulsa District. For the purposes of this condition, major rivers include the following: Canadian River, Prairie Dog Town Fork of the Red River, and Red River.

CITY OF ROCKWALL
CITY COUNCIL MEMO

AGENDA DATE: 04/16/2018

APPLICANT: Clark Staggs

AGENDA ITEM: **Z2018-016**; Zoning Change (C *to PD) for Waterview Ridge*

SUMMARY:

Hold a public hearing to discuss and consider a request by Clark Staggs on behalf of Vinod Miranda for the approval of a zoning change from a Commercial (C) District to a Planned Development District for an age-restricted multi-family apartment complex and limited Commercial (C) District land uses on a on 9.70-acre tract of land identified as 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 southwestern corner of the intersection of Ridge Road [*FM-740*] and Turtle Cove Boulevard, and take any action necessary.

PURPOSE AND BACKGROUND:

On March 16, 2018, the applicant submitted an application requesting to rezone the subject property from a Commercial (C) District to a Planned Development District for an age restricted, multi-family apartment complex that will consist of 160 dwelling units and seven (7) townhomes. The subject property, which was annexed into the City on September 26, 1960 by *Ordinance No. 60-04*, is located at the southwestern corner of the intersection of Ridge Road [*i.e. FM-740*] and Turtle Cove Boulevard, and is currently a vacant unplatted tract of land.

ADJACENT LAND USES AND ACCESS:

The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property are four (4) parcels of land. Situated on two (2) of the parcels are multi-tenant office buildings, known as the Rockwall Executive Addition, which are zoned Commercial (C) District. The other two (2) adjacent parcels are vacant.

South: Directly south of the subject property are two (2) parcels of land (*i.e. 2.427-acres and 0.752-acres*), one (1) which is occupied by a medical facility (*i.e. Lake Pointe Health Science Center*) and the other is vacant. Both of these parcels are zoned Commercial (C) District. Beyond this is La Jolla Pointe Drive, which is identified as a *Minor Collector* (*i.e. 60-foot right-of-way, four [4] lane, undivided roadway*) on the City's *Master Thoroughfare Plan*.

East: Directly east of the subject property is Ridge Road [*FM-740*], which is identified as a M4D (*i.e. major arterial, four [4] lane, divided roadway*) on the City's Master Thoroughfare Plan. Beyond this are two (2) parcels of land containing 7.68-acres and 1.20-acres (*i.e. Rockwall Towne Center and Culvers Restaurant*) and zoned Commercial (C) District.

West: Directly west of the subject property is Planned Development 2 (PD-2) District, which was established by Ordinance No. 73-33 on September 4, 1973. This is known as Turtle Cove Subdivision.

CHARACTERISTICS OF THE REQUEST:

Along with the application, the applicant has submitted a concept plan, building elevations, and development standards for the proposed age restricted multi-family apartment complex, townhome, and limited Commercial (C) District land use development. The concept plan shows that the proposed 160-unit age restricted, multi-family apartment complex will be constructed as a four (4) story building. The proposed four (4) story building design will incorporate an architectural style that surrounds the courtyard and pool, which is located at the center of the facility. The concept plan also indicates the inclusion of two (2) separate buildings to be constructed as a three (3) unit and a four (4) unit residential cottage styled townhomes. If approved, the total unit count for this development will be 167 units (*i.e. 160 MF-units and seven [7] townhome units / 8.166-acres*) and will have a gross density of 20.45 dwelling units per acre. The total amount of dwelling units per acre proposed is not consistent with the City's development standards for a *Multi-Family 14* (MF-14) *District* (i.e. the City's highest density zoning designation), which allows for fourteen (14) units per acre. This is a deviation from the City's requirements and requires discretionary approval by the City Council.

The concept plan also includes the dedication of a minor collector *[i.e. 60-ft right-of-way, 41-ft back to back, four (4) lane undivided street*] street that will be built in two (2) phases. The minor collector street is to connect from La Jolla Pointe Drive and extend to and connect with the existing Turtle Cove Boulevard as depicted on the Concept Plan. The applicant intends to provide a 24-ft road section with the first phase of the development. The remainder of the street is to be constructed when Phase II of the development begins. A development agreement was approved and singed by the adjacent property owner allowing for the connection to La Jolla Ponte Drive.

The development will also include a walking trail, landscaped courtyards, pool amenity, and an indoor recreation area. Additional accessory uses listed in the ordinance (*i.e. barber and beauty shop, chapel, cafeteria/common dining facilities, health studio, etc.*) will be available to the residents. This will include the use of an on-site emergency ambulance service (*i.e. Rockwall EMS*) housed within the multi-family apartment complex. The use of an emergency ambulance service is a permitted by-right use within a Commercial (C) District; however, is not a permitted use within any of the City's residential districts, and could not be constructed as part of an existing multi-family development. A summary of the proposed product type and unit composition of the age restricted multi-family apartment complex is as follows:

Multi-Family Apartment Complex & Townhome Units::

Multi-Family	*Unit Type*	*Minimum Net Unit Area (SF)* [1]	*Number of Units (#)*	*Total Area (SF)*	*Units as Percentage (%)*
A1	*1 Bedroom*	580 SF	39	22,620 SF	16.82%
A2	*1 Bedroom*	692 SF	39	26,988 SF	20.05%
A3	*1 Bedroom*	782 SF	12	9,384 SF	6.97%
A4	*1 Bedroom*	900 SF	2	1,800 SF	1.34%
B1	*2 Bedroom*	1,054 SF	8	8,432 SF	6.26%
B2	*2 Bedroom*	1,055 SF	8	8,440 SF	6.27%
B3	*2 Bedroom*	1,078 SF	44	47,432 SF	35.24%
B4	*2 Bedroom*	1,100 SF	2	2,200 SF	1.64%
C1	*3 Bedroom*	1,214 SF	6	7,284 SF	5.41%
		Average Net Unit Area:		***~841 SF***	
		Maximum Permitted Units:	***160***		***100.00%***

Townhome	*Unit Type*	*Minimum Net Unit Area (SF)* [1]	*Number of Units (#)*	*Total Area (SF)*	*Units as Percentage (%)*
V1	*Townhome*	1,498 SF	4	5,992 SF	54.46%
V2	*Townhome*	1,670 SF	3	5,010 SF	45.54%
		Average Net Unit Area:		***~1,572 SF***	
		Maximum Permitted Units:	***7***		***100.00%***

The above unit composition equals a net average unit size of ~841 SF for the multi-family apartment complex and 1,572 SF for the townhome units. Based on the size of the *subject property* and the number of units proposed (*i.e. 160 MF units + 7 townhome units = 167 units/8.166-acres*), the requested density will be 20.45 units per acre, which does not meet the standards established for a *Multi-Family 14* (MF-14) *District*. However, the applicant is requesting the underlying zoning to remain as a Commercial (C) District. This would be considered a deviation from the City's requirements to have residential land uses within a Commercial (C) District, but a Planned Development District is considered to be flexible zoning and could allow the proposed change. This requires discretionary approval by the City Council.

Article VI, *Parking and Loading*, of the Unified Development Code (UDC) stipulates that multi-family apartment complexes be parked as follows: *[1]* one (1) bedroom or efficiency units require 1½ parking spaces per unit, *[2]* two (2) bedroom units require two (2) parking spaces per unit, and *[3]* three (3) bedroom units require 2½ parking spaces per unit. The applicant has indicated that the age restricted, multi-family apartment complex will have one (1) bedroom, two (2) bedroom, and three (3) bedroom units. This equates to 277 required parking spaces for the proposed multi-family apartment complex. The applicant is proposing a 1.2 spaces/unit parking standard for a total of 192 surface parking spaces for the multi-family apartment complex. This will require approval of the Planning and Zoning Commission and City Council for the reduced number of parking spaces (*i.e. 85 parking spaces less than required*). It should be noted that the reduced parking total has been included in the draft ordinance and is considered to be a condition of approval. The PD Concept Plan indicates that a mixture of 171 surface parking spaces, 21 garage parking spaces, and 4 surface parking spaces dedicated to the emergency ambulance service will be utilized (*i.e. 196 total surface parking spaces*), which means the development will incorporate 100% surface parking. The ratio of garages to parking units equals 21:192 or 10.94% of all parking spaces. The townhome units are required to be parked with a minimum of two (2) off-street parking spaces, and are not accounted for in the parking requirement. The townhomes meet the requirements stipulated by the UDC for off-street parking.

The building elevations submitted by the applicant show that both the multi-family apartment complex and the cottage styled townhomes will utilize a mixture of stone, brick, and HardiePlank lap siding on the exterior façades, and a composition shingled roof. In addition, the elevations appear to conform to the four (4) sided architecture requirements stipulated by the *Scenic Overlay* (SOV) *District* as required by the UDC. Staff has incorporated these elevations into the Planned Development District Ordinance, and general conformance to these elevations -- *pending a recommendation by the Architectural Review Board (ARB) at the time of site plan* -- is a requirement of the proposed zoning district.

With all this being said, staff has prepared a Draft Ordinance that includes all pertinent development standards and design guidelines based on the applicant's request. The Draft Ordinance is attached to this case memo for the City Council's review.

INFRASTRUCTURE:

Based on the request (*i.e. for a high density development*) the Engineering Department has contacted the City's engineering consultant, Birkhoff, Hendricks & Carter, LLP to review the City's 2014 Water Distribution and Wastewater Collection System Master Plans and determine the capacity necessary for the existing water and sanitary sewer system regarding the proposed planned development. This is required to ensure that any zoning change proposing a more intense land use than what is depicted on the City's Future Land Use Plan does not have negative implications for the City's existing infrastructure (i.e. streets, water, and wastewater) capacities. Based on the applicant's submittal the following infrastructure is required:

Water System
The City of Rockwall's water distribution system can provide adequate service for the proposed development.

Wastewater System

a) **Gravity Wastewater Line Improvements:**
Connection of the development to the City of Rockwall's wastewater system shall be into the existing eight (8)-inch line on Turtle Cove Blvd. The existing eight (8)-inch line goes from Turtle Cove Blvd where it connects to the existing 12-inch trunk line along Stream No. 5. This 12-inch trunk line along Stream No. 5 feeds downstream until it connects to the Turtle Cove Lift Station. Due to the lack of record drawings, the existing eight (8)-inch wastewater line that the development will connect to, needs to be field surveyed by the applicant to verify flowlines, grades and pipe sizes. This will determine if the existing system has the capacity to handle the proposed wastewater demand from the development. If the existing system does not have the capacity then approximately 1,000-linear feet of eight (8)-inch wastewater line will have to be reconstructed to provide adequate capacity. Other connections through the Turtle Cove Subdivision and La Jolla Pointe Drive do not have the capacity to handle the proposed development.

b) **Lift Station Improvements:**
The development will contribute flow to the existing NTMWD's Turtle Cove Lift Station. With the proposed flows from the development, the existing NTMWD's Turtle Cove Lift Station will be exceeding its current capacity. The applicant will need to coordinate with the NTMWD on requirements and upgrades required to adequately serve the development, due to an inadequate capacity of the lift station.

Roadways
The Master Thoroughfare Plan contained in the Comprehensive Plan indicates that certain roadways will need to be upgraded with this development. Specifically, the applicant would be responsible for the dedication of right-of-way and proportional improvements of minor collector thoroughfare from La Jolla Point Drive to Turtle Cove Blvd. The minor collector requires a minimum of a 60-foot right-of-way with a 41-foot, back-to-back roadway with five (5)-feet sidewalks on each side.

SUMMARY OF WAIVERS:

The following is a summary of all the requirements being requested as waivers with this Planned Development District that depart from the requirements of the UDC:

1) *Density*. The highest permitted density according to the UDC is 14 units/acre. The applicant is requesting a density of 20.45 units/acre, or an additional 6.55 units/acre.

2) *Traffic Impact Analysis.* The UDC requires a traffic impact analysis (TIA) be submitted to the City's transportation engineer with the proposed PD Development. In this case, the applicant is requesting the City Council waive this requirement. In lieu of a TIA, the applicant has provided a traffic signal warrant study performed in April of 2014 by the Texas Department of Transportation (TXDOT), specifically for the examination of the potential for improving the intersection operations at Ridge Road [*i.e. FM 740*] and Turtle Cove Boulevard.

3) *Structure Exceeding 36-ft in Height*. The Scenic Overlay (SOV) District of the UDC incorporates *special use standards* for structures exceeding 36-ft in height. Should the applicants request for the age restricted multi-family apartment complex be approved, staff has included a condition of approval allowing the structure to have an overall height of four (4) stories and not exceeding an overall height of 55-feet. The applicant has provided a site-line exhibit demonstrating the view of these buildings from Ridge Road.

4) *Parking.* Based on the number of multi-family units and the number of bedrooms for the development, the UDC requires a total of 277 parking spaces. The applicant is proposing to reduce the amount of required parking by 85 spaces and providing a total of 192 surface parking spaces (*i.e. 1.2 spaces/dwelling unit*).

5) *Limited Commercial (C) District uses*. The applicant is requesting that the underlying zoning remain as a Commercial (C) District for limited land uses, and certain uses to be permitted as of right -- not requiring a Specific Use Permit (SUP) or to allow a use that may not otherwise be allowed within this district (*i.e. residential uses, assisted living, etc*.). This would be considered a deviation from the City's requirements within a Commercial (C) District, but a Planned Development District is considered to be flexible zoning and could allow the proposed change being requested.

By approving the proposed Planned Development District, the City Council is waiving these standards. Attached to this case memo is a draft ordinance for the City Council's review.

CONFORMANCE WITH THE COMPREHENSIVE PLAN:

Conformance with Policies and Guidelines

In reviewing the concept plan for conformance to the policies and guidelines of the Comprehensive Plan, staff has made the following observation with regard to the trail system not meeting the intent of this policy as submitted for Phase I.

1) Retail areas should be pedestrian-oriented and easily accessible to adjacent residential neighborhoods [Land Use; Page 13; Policy #4].

The applicant's PD Concept Plan shows a walking trail connection from areas of the development that leads to the northwestern portion of the property (*i.e. detention pond*) providing opportunity for users of the trail to gain access to Turtle Cove Boulevard, Ridge Road and the minor collector street to be built at the rear of the property. With this being said, the applicant is proposing a sidewalk or trail extension that would connect to retail areas in *Phase II* and would meet the intent of this requirement.

Conformance with the Future Land Use Map

The Future Land Use Map, contained within the Comprehensive Plan, designates the subject property for *Commercial* land uses. Staff has verified that this designation has existed since at least 1986 (*the subject property was designated as Commercial/Retail on the 1986 Future Land Use Map*). The proposed development would require this designation to be changed on a portion of the property (*i.e. Phase I*) to a *High Density Residential* designation, which the Comprehensive Plan defines as any use that exceeds three (3) units per acre. In addition, the Comprehensive Plan states that "(h)igh density residential should be used as a transitional use from commercial (or existing retail) use, or where it will serve as a logical extension of an existing high density development." (*Land Use; Page 17; Policy #9.e).* The proposed density and any changes to the *Future Land Use Map* are discretionary decisions for the City Council. Should the City Council approve the applicant's request, staff has included a condition of approval that would amend the Future Land Use Map to reflect the proposed change in land use on a portion of the subject property from a *Commercial* designation to a *High Density Residential* designation for Area I and Area II. The remainder of the property will remain under the *Commercial* designation (*i.e. Area III*). As a note, the area designations are depicted on the Area Map attached to the PD Ordinance as *Exhibit 'C'.*

A Planned Development District is a discretionary approval for the City Council, and should the City Council choose to grant this request the applicant will still need to submit a PD site plan that will be reviewed by the Architectural Review Board (ARB) and the Planning and Zoning Commission.

NOTIFICATION:

On March 28, 2018, staff mailed 103 notices to property owners and residents within 500-feet of the subject property. Staff also emailed a notice to the Turtle Cove and Lakeside Village Homeowner's Associations (*HOA's*), which are the only HOA's located within 1,500-feet of the subject property participating in the 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 UDC. At the time this case memo was drafted staff has received one (1) notice and three (3) e-mails in favor of, twenty-four (24) notices and forty-four (50) e-mails opposed to the applicant's request.

RECOMMENDATIONS:

If the Planning and Zoning Commission chooses to recommend approval of the applicant's request to rezone the subject property from a Commercial (C) District to a Planned Development District for an age restricted multi-family apartment complex and limited Commercial (C) District land uses, then staff would propose the following conditions of approval:

1) The applicant shall be responsible for maintaining compliance with the conditions contained within the *Planned Development District* ordinance;

2) By approving this zoning change, the City Council will effectively be approving changes to the Comprehensive Plan and Future Land Use Map. Specifically, this will change the designation of a portion of the subject property from a *Commercial* designation to a *High Density Residential* designation;

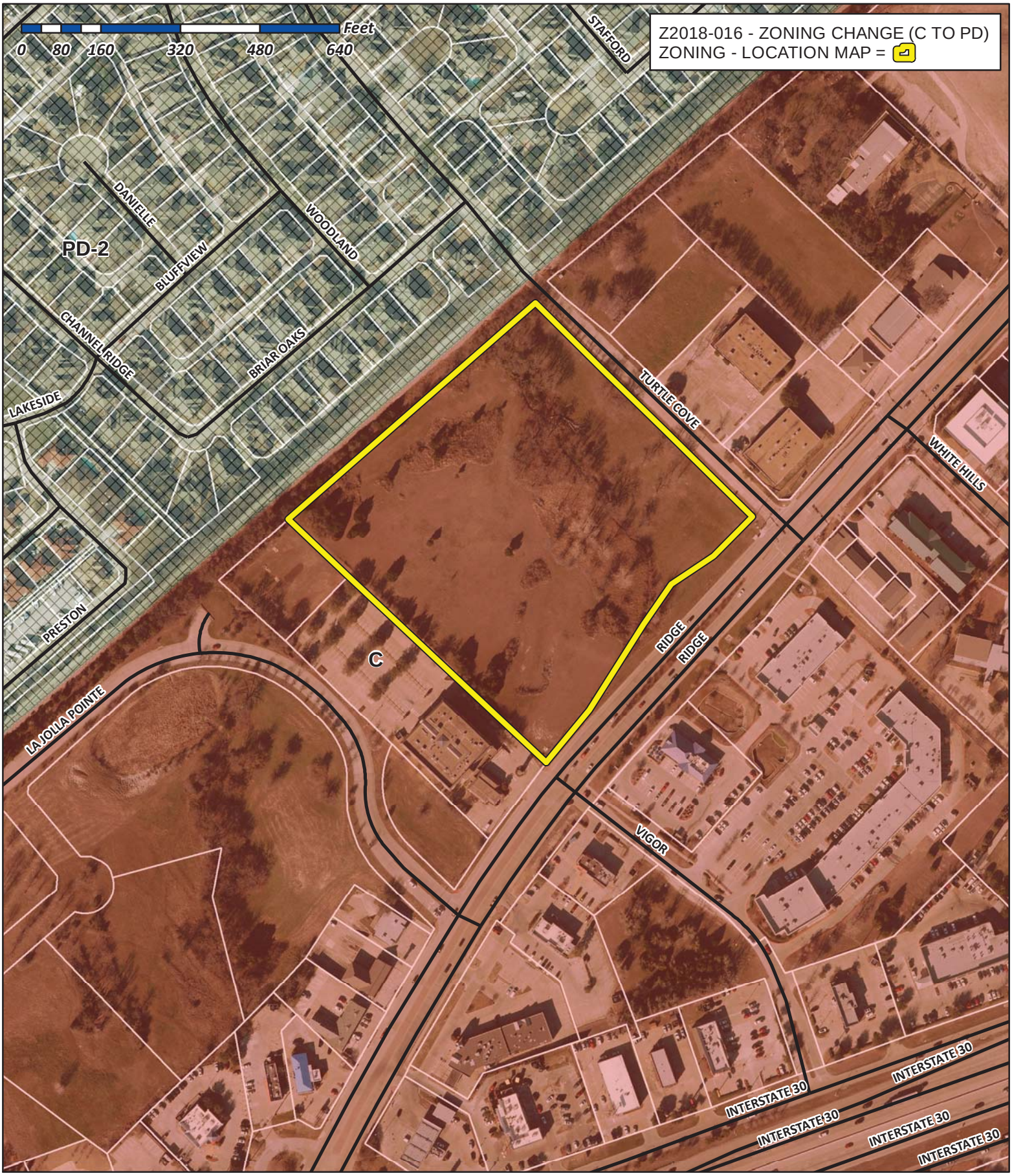
3) By approving this zoning change, the City Council will effectively be approving the waivers to the requirements for reduced parking, high density, traffic impact analysis, height restriction (*i.e. structure exceeding 36-ft in height*), and land uses generally not permitted as of right within a Commercial (C) District as outlined in staff's report;

4) Any construction resulting from the approval of this *zoning change* shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

5) Prior to submittal of a PD Site Plan, the developer/owner -- *at their own expense* -- shall be required to submit a revised Water & Wastewater System Capacity Study (*i.e. Infrastructure Study*) reevaluating the capacities necessary for the uses depicted on the Concept Plan and attached to the PD Ordinance as Exhibit 'C'.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

On April 10, 2018, the Planning and Zoning Commission approved a motion to recommend denial of the proposed Planned Development District by a vote of 5 to 0 with Commissioners Moeller and Fishman absent. According to Section 8.4, *Protest of Proposed Change in Zoning*, of Article II, *Authority and Administrative Procedures*, of the Unified Development Code (UDC), "(i)f such change [zoning change] is recommended for denial by the Planning and Zoning Commission, such change in zoning shall require a favorable vote of three-fourths [¾] of all eligible members of the Council."



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.

March 16, 2018

Mr. Ryan Miller, Director
Planning Department
City of Rockwall
385 S. Goliad
Rockwall, TX 75087

Dear Mr. Miller:

This letter is written in behalf of Vinod Miranda, applicant for the proposed independent living facility on 9.7 acres at the corner of Ridge Road and Turtle Cove. The proposed project consists of a primary structure with 160 individual living units, primarily 1-bedroom and 2-bedrooms. Per the City's requirement, there will be 180 parking spaces, including all garages.

This 4-story structure would include a full complement of services for the residents including dining areas and a commercial kitchen. There would be fitness and activity areas, a theater, outdoor pool, meeting rooms and management offices. It is important to note that although the main structure will have four levels, because of the topography of the site, eye-level on Ridge Road will be near the mid-point of the second level. This will be only a few feet higher than the Medical Arts Building to the south.

Perhaps most important to the nearby communities will be a special garage and "crew space" for an ambulance and EMTs. The developer has signed a letter-of-intent with Rockwall Emergency Medical Service, proposing a renewable 5-year lease for equipment and living quarters.

Two small one-story buildings are proposed, one as a tri-plex, the other a four-plex. Each of these "villas" would have 2 bedrooms and private garages. They would be landscaped to the standards of the main building and would be professionally maintained.

In accordance with the Planned Development District Standards the property owner proposes deed restrictions to be filed concurrently with the Final Plat. These restrictions will govern the occupancy requirements of the age-restricted independent housing facility.

AVIA REALTY 1601 SEASCAPE CT. ROCKWALL, TX 972.772.0858

The following restrictions will be adopted into the deed restrictions that will run with the entire property:

1.) All of the occupied units will be occupied by at least one (1) person who is 62 years of age or older.

2.) Visitors and guests, including family members, such as adult children, grandchildren and siblings are allowed to stay with the resident for a continuous period, not to exceed 14 days within any 45-day period of time.

3.) All tenants shall be entitled to report any violations of the visitation and age-restrictive covenants to the facility management. Policies will be put in place so that appropriate corrective action will be required and initiated, if a violation is found.

The developer agrees to have designed and install a 24-foot wide connector street on his property, parallel to the rail right-of-way, to alleviate traffic on Turtle Cove Boulevard. This is shown on the Concept Plan presented with this summary.

Finally, but of true significance, is the estimated total value and the property tax implications. The developer's architect estimates the value of the completed project to be just over $18,000,000. At the current Rockwall CAD combined tax rate of 2.146%, the annual property tax would be over $386,000.

Please direct any questions to Robert LaCroix, 972.754.9682.

Sincerely,

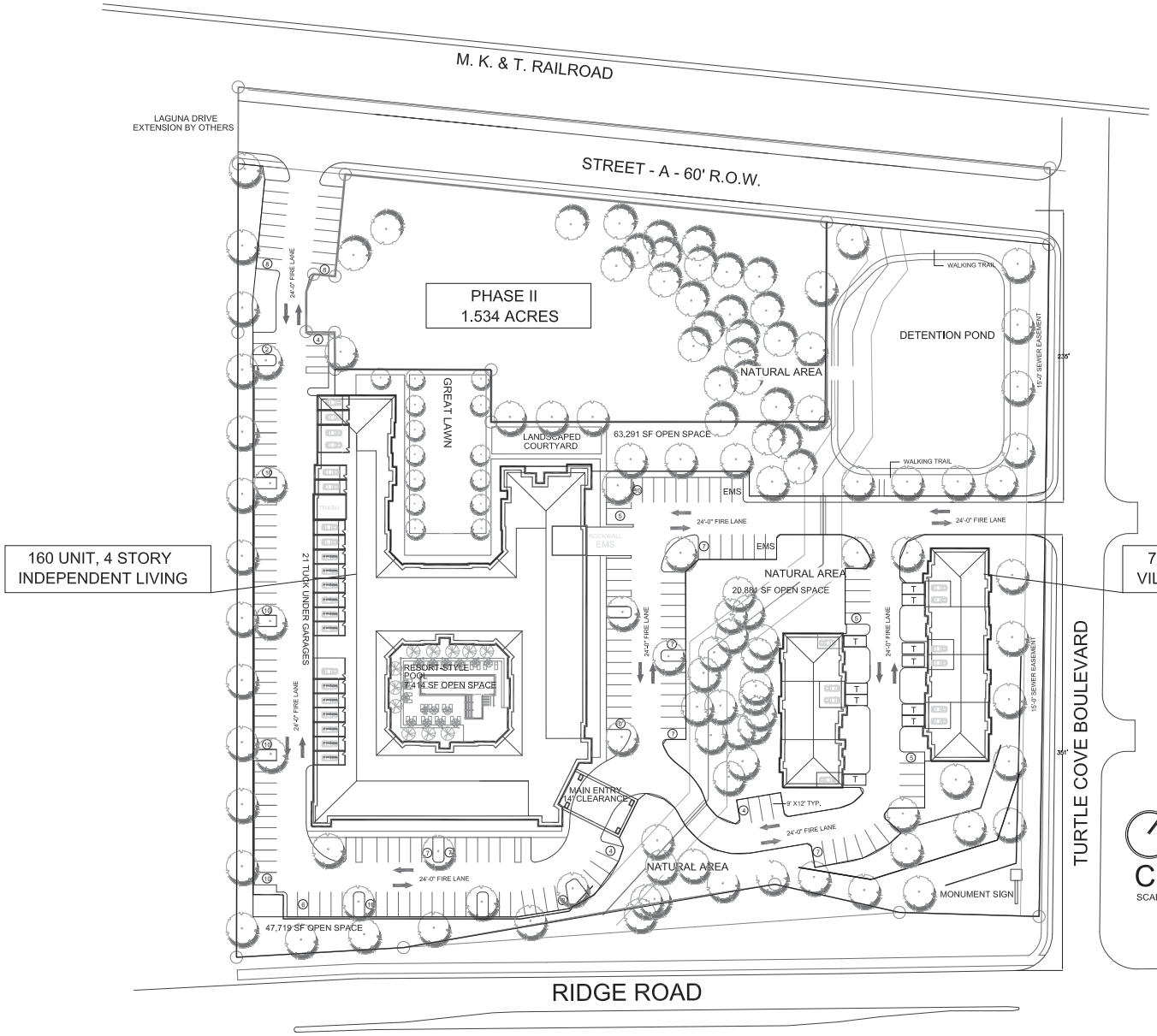
Clark Staggs

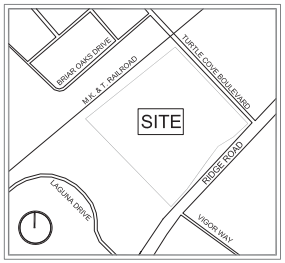
1/8/2018

Mayor Pruitt,

I hope that you and your family are doing well. It was my intent to accompany Mr. Clark Staggs to meet with you this afternoon. Unfortunately I was diagnosed with the Flu this morning. Several months ago Mr. Staggs approached me with the possibility of a space that could be made available to Rockwall County EMS for housing an ambulance. As Rockwall's population continues to grow outward, the placement of an ambulance in a central location would be ideal. This location could serve the I-30 business corridor well and would have a less than five minute response to Presbyterian Rockwall. A few weeks ago Mr. Staggs informed me that this plan may come to fruition. I hope that after this presentation you will find the plans to be sound and beneficial to the citizens of Rockwall. If so, please support this project.

Respectfully, Martin Ramirez Jr. Rockwall County EMS





VICINITY MAP

PARKING CHART:
160 UNIT INDEPENDENT LIVING:
SURFACE SPACES: 171 GARAGE SPACES: 21
192 TOTAL SPACES OR 1.2 PER UNIT
7 VILLA UNITS:
GARAGE SPACES: 10 TANDEM-DRIVEWAY SPACES: 10
20 TOTAL SPACES

TOTAL OPEN SPACE:
REQUIRED: 20% OF 9.70 ACRES = 85,546 SF
PROVIDED: 139,305 SF OR 32.95%

CONCEPT PLAN

SCALE: 1" = 40'

WATERVIEW RIDGE

INDEPENDENT LIVING IN ROCKWALL, TEXAS

ARRIVE
ARCHITECTURE GROUP
Architecture
Planning
Project Management
2344 Highway 121 Suite 100 Bedford, Texas 76021 www.ArriveAG.com
ph 817.514.0644 fx 817.514.0894

SEAL

REVISION

DRAWN BY:	CHECKED BY:
STAFF	STAFF
PLOT DATE:	REV. DATE:
SUBMITTAL DATE: 2018	PROJECT NUMBER
ISSUED FOR: REVIEW	SHEET NO.
SCALE: AS NOTED	

X:\Other Projects\Vinod Miranda\Rockwall\Drawings\Architecture\Rockwall Senior Site Plan.dwg

Waterview Ridge - Rockwall, TX — April 4, 2018

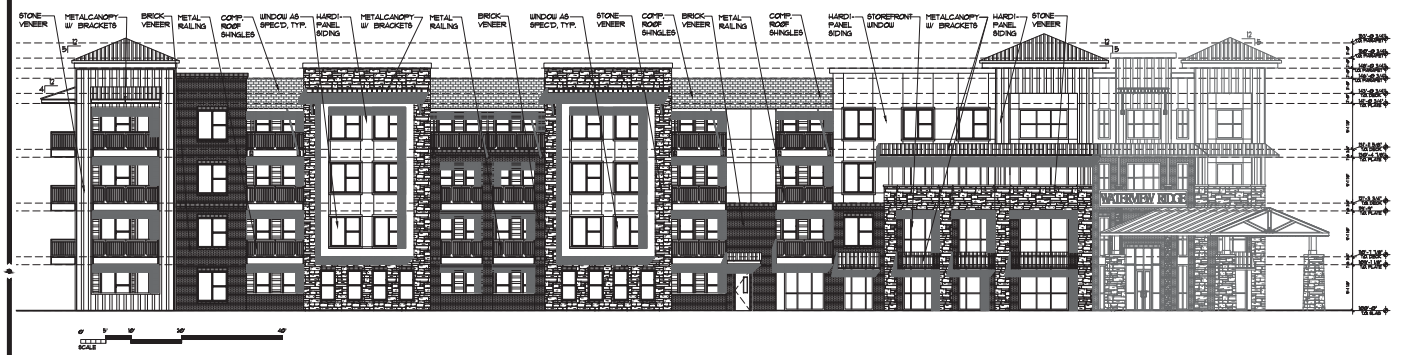
Living Units:	First Floor:		Second Floor:		Third Floor:		Fourth Floor:		Total # Units:
Unit SQ.FT.	UNIT TYPE	# OF UNITS	UNIT TYPE	# OF UNITS	UNIT TYPE	# OF UNITS	UNIT TYPE	# OF UNITS	
580	A-1	7	A-1	10	A-1	11	A-1	11	39
692	A-2	6	A-2	11	A-2	11	A-2	11	39
782	A-3	3	A-3	3	A-3	3	A-3	3	12
900	A-4	0	A-4	0	A-4	1	A-4	1	2
1,054	B-1	2	B-1	2	B-1	2	B-1	2	8
1,055	B-2	2	B-2	2	B-2	2	B-2	2	8
1,078	B-3	10	B-3	10	B-3	12	B-3	12	44
1,100	B-4	0	B-4	0	B-4	1	B-4	1	2
1,214	C-1	1	C-1	2	C-1	2	C-1	1	6
Total # of Living Units:		31		40		45		44	160
Total Sq.ft. Of units		26,770		33,184		37,920		36,706	134,580

		% Total # of Units:
Total 1 BR	92	57.50%
Total 2 BR	62	38.75%
Total 3 BR	6	3.75%
	160	100.00%

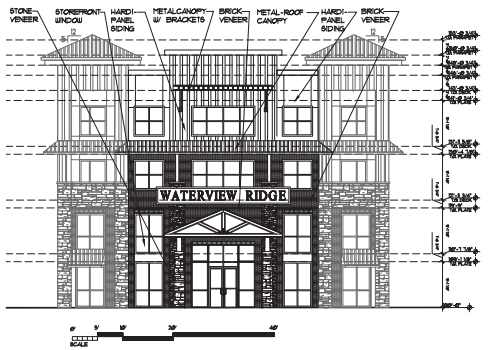
Villa Units:			Total # of Units:
Unit SQ.FT.	UNIT TYPE	# OF UNITS	
1,498	V-1	4	4
1,670	V-2	3	3
Total # of Living Units:		7	7
			TOTAL:
Total Sq.ft. Of units		11,002	11,002

Parking - IL / Villas	
160 Unit - Independent Living:	
171	Surface Spaces
21	Garage Spaces
192	Total Spaces
7 Villa Units:	
10	Garage Spaces
10	Tandem-Driveway Spaces
20	Total Spaces

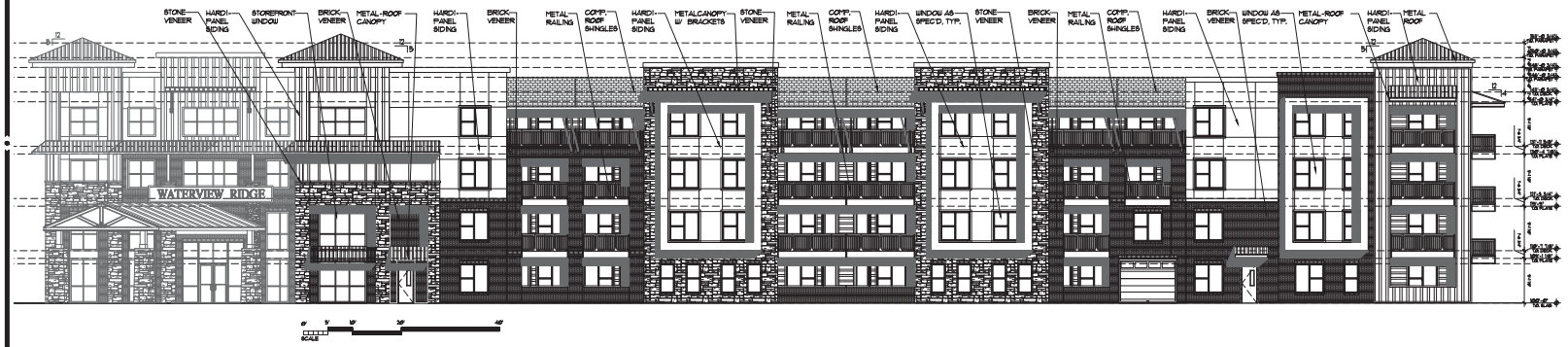
ARRIVE
ARCHITECTURE GROUP



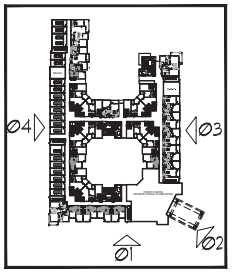
01 CONCEPT- EXTERIOR ELEVATION
SCALE NTS



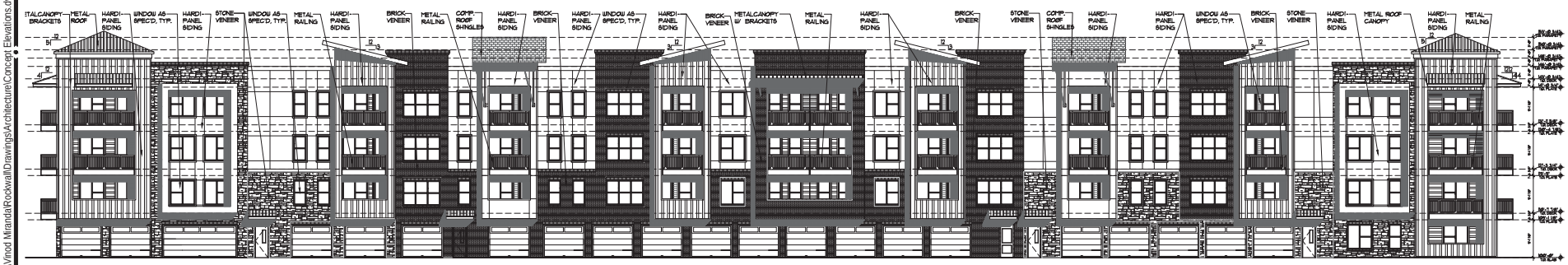
02 CONCEPT- EXTERIOR ELEVATION
SCALE NTS



03 CONCEPT- EXTERIOR ELEVATION
SCALE NTS



KEY PLAN



04 CONCEPT- EXTERIOR ELEVATION
SCALE NTS

WATERVIEW RIDGE

INDEPENDENT LIVING IN ROCKWALL, TEXAS

ARRIVE 1
ARCHITECTURE GROUP
Architecture
Planning
Project Management
2344 Highway 121 · Suite 100 · Bedford, Texas 76021 · www.Arrive1AG.com
Ph 817.514.0384 · Fx 817.514.0694

SEAL

REVISION

DRAWN BY: STAFF	CHECKED BY: STAFF
PLOT DATE:	REV. DATE:
SUBMITTAL DATE: 2018	PROJECT NUMBER
ISSUED FOR: REVIEW	SHEET NO.
SCALE: AS NOTED	

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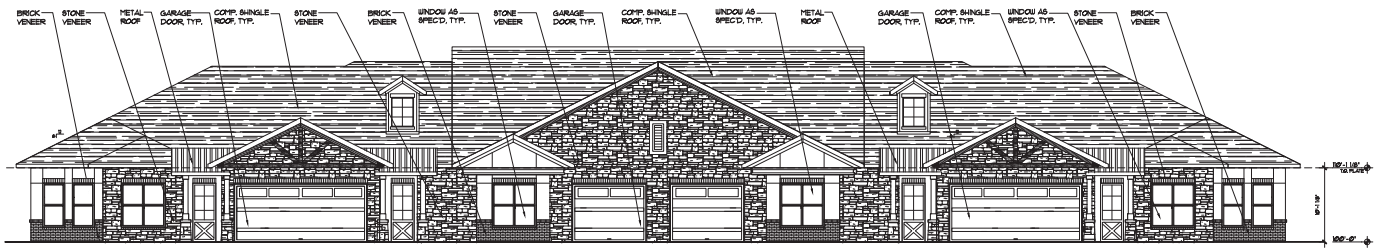
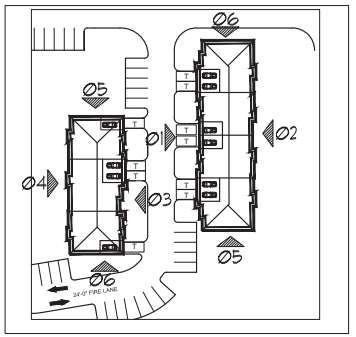


01 VILLA -FRONT EXTERIOR ELEVATIONS
SCALE 1/8" = 1'-0"



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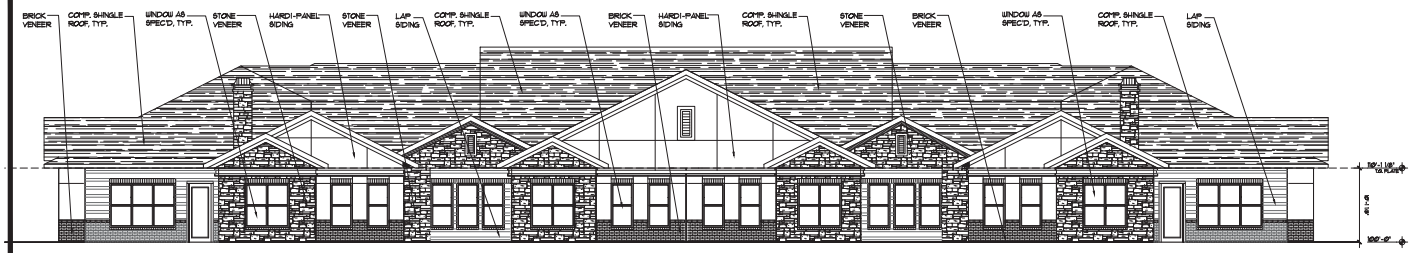
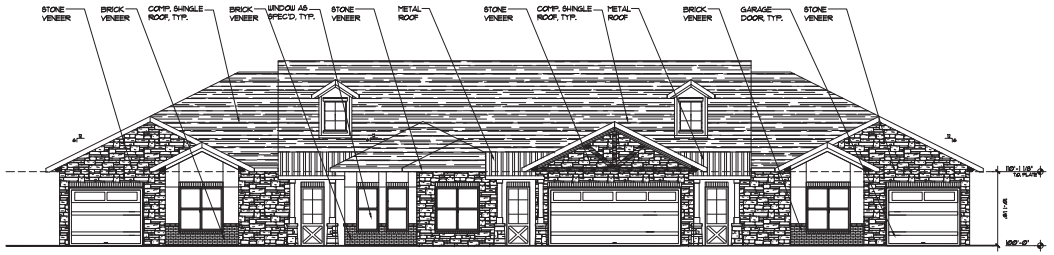
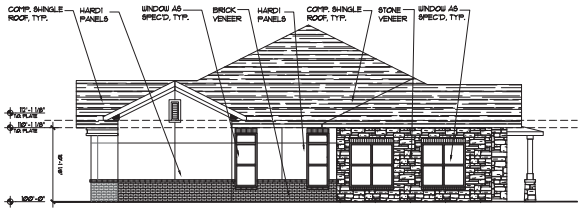


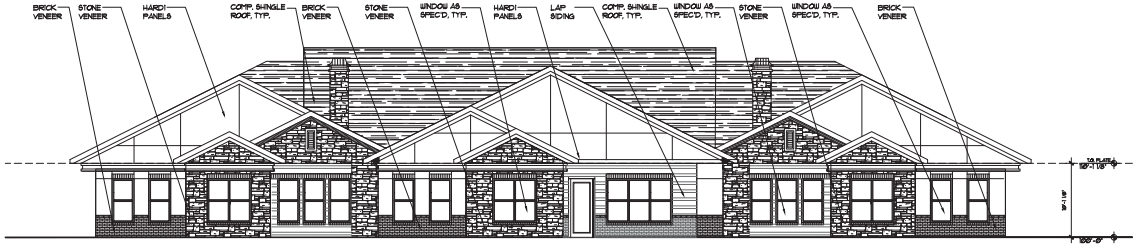
02 VILLA - BACK EXTERIOR ELEVATIONS
SCALE 1/8" = 1'-0"



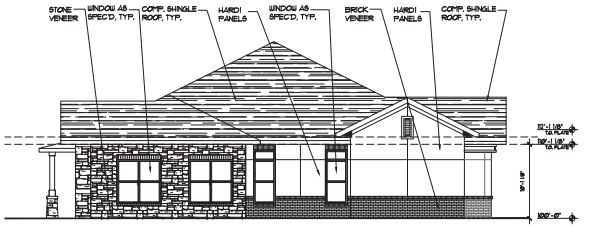
03 VILLA -FRONT EXTERIOR ELEVATIONS
SCALE 1/8" = 1'-0"



05 VILLA - SIDE EXTERIOR ELEVATIONS
SCALE 1/8" = 1'-0"



04 VILLA - BACK EXTERIOR ELEVATIONS
SCALE 1/8" = 1'-0"



06 VILLA - SIDE EXTERIOR ELEVATIONS
SCALE 1/8" = 1'-0"

INDEPENDENT LIVING

FLOWER MOUND, TEXAS

ARRIVE 1
ARCHITECTURE GROUP
Architecture
Planning
Project Management
2344 Highway 121 · Suite 100 · Bedford, Texas 76021 · www.Arrive1G.com
Ph 817.514.0584 · Fx 817.514.0604

SEAL

REVISION
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DRAWN BY:	CHECKED BY:
AAG	JMT
PLOT DATE:	REV. DATE:
SUBMITTAL DATE: 2017	PROJECT NUMBER
ISSUED FOR: REVIEW	SHEET NO.
SCALE: AS NOTED	

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ARRIVE
ARCHITECTURE GROUP

MATERIAL LEGEND

STONE VENEER :
BUCKS COUNTY ROCK FACE

BRICK VENEER :
CHARCOAL GRAY

FIELD COLOR
VERTICAL HARDIE VENEER :
SW 6005 - FOLKSTONE

ACCENT COLOR
HARDIE VENEER :
SW 6073 - PERFECT GREIGE

FIELD COLOR
HARDIE VENEER :
SW 7011 - NATURAL CHOICE

ARRIVE
ARCHITECTURE GROUP

MATERIAL LEGEND

STONE VENEER :
BUCKS COUNTY ROCK FACE

BRICK VENEER :
CHARCOAL GRAY

FIELD COLOR
VERTICAL HARDIE VENEER :
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HARDIE VENEER :
SW 6073 - PERFECT GREIGE

FIELD COLOR
HARDIE VENEER :
SW 7011 - NATURAL CHOICE

ARRIVE
ARCHITECTURE GROUP
MATERIAL LEGEND
STONE VENEER :
BUCKS COUNTY ROCK FACE
BRICK VENEER :
CHARCOAL GRAY
FIELD COLOR
VERTICAL HARDIE VENEER :
SW 6005 - FOLKSTONE
ACCENT COLOR
HARDIE VENEER :
SW 6073 - PERFECT GREIGE
FIELD COLOR
HARDIE VENEER :
SW 7011 - NATURAL CHOICE
WATERVIEW RIDGE

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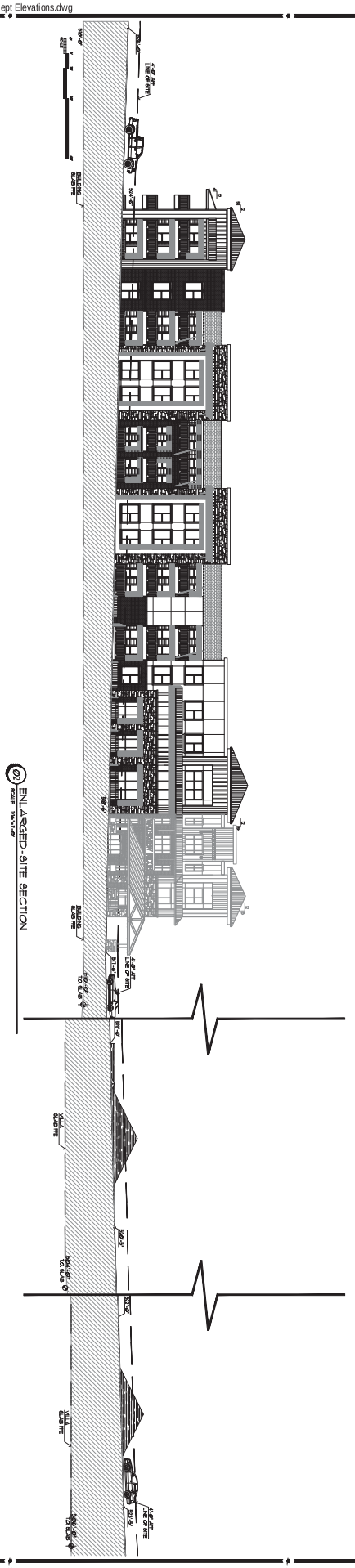
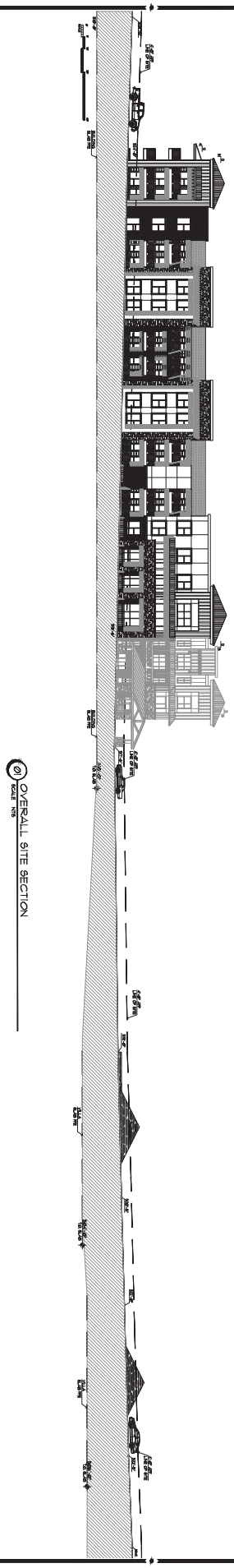


ENLARGED SITE SECTION
SCALE: 1/16"=1'-0"



OVERALL SITE SECTION
SCALE: 1/16"

DESIGNED BY	STAFF
DRAWN BY	STAFF
CHECKED BY	
PLOT DATE	
SUBMITTAL DATE	2018
PROJECT NUMBER	
SHEET NO.	
SCALE	AS NOTED

NO.	DESCRIPTION
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SEAL

ARRIVE ARCHITECTURE GROUP
Architecture
Planning
Project Management
2344 Highway 121 · Suite 100 · Bedford, Texas 76021 · www.ArriveAG.com
Ph 817.514.0584 · Fx 817.514.0694

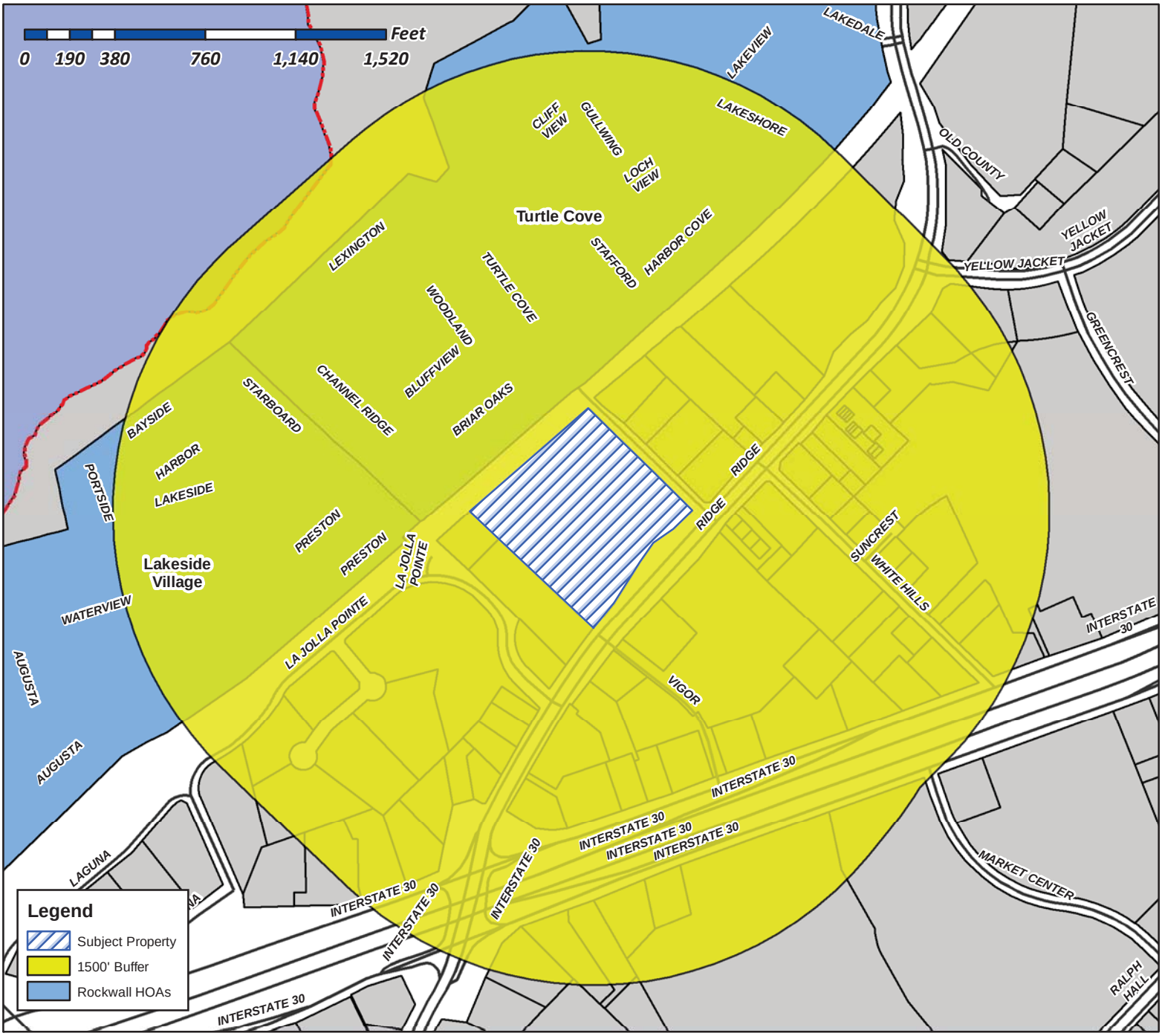
WATERVIEW RIDGE

INDEPENDENT LIVING IN ROCKWALL, TEXAS

City of Rockwall

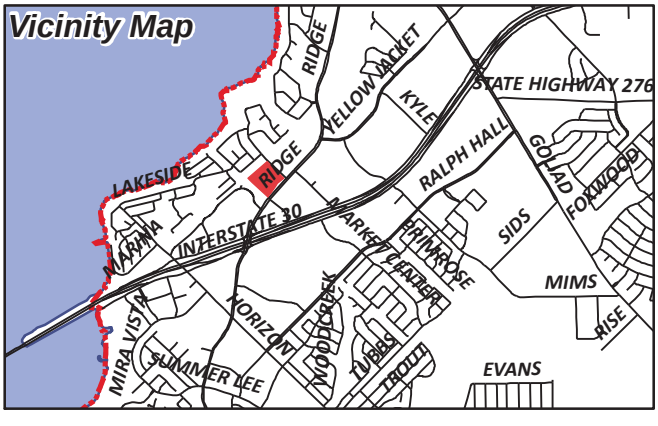
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

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: Z2018-016
Case Name: Zoning Change (C to PD)
Case Type: Zoning
Zoning: Commercial (C) District
Case Address: NWC of Ridge Road and Turtle Cove Blvd.

Date Created: *08/21/2018*
For Questions on this Case Call (972) 771-7745



Gonzales, David

From: Morales, Laura
Sent: Friday, March 23, 2018 4:47 PM
To: [redacted]
Cc: Miller, Ryan; Gonzales, David; Brooks, Korey
Subject: Neighborhood Notification Program: Notice of zoning request
Attachments: Z2018-016 HOA Map.pdf

To whom it may concern:

Per your participation in the Neighborhood Notification Program, you are receiving this notification to inform your organization and residents of a request for a zoning change that lies within 1,500 feet of the boundaries of your neighborhood or subdivision. As the primary contact for the organization, you are encouraged to share this information with the residents of your subdivision. Please find attached a map detailing the location of the subject property requesting the zoning change in relation to your subdivision boundaries. Additionally, below is a summary of the zoning request that was published in the Rockwall Herald Banner ***March 23, 2018***. The Planning and Zoning Commission will hold a public hearing on ***Tuesday 4/10/2018 at 6:00 p.m.***, and the City Council will hold a public hearing on ***Monday, 4/16/2018 at 6:00 p.m***. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street. If you have any questions or comments regarding this request, the contact information for the Planning Department is listed below. Additional information can also be found at https://sites.google.com/site/rockwallplanning/development/development-cases/03162018

Z2018-016- Hold a public hearing to discuss and consider a request by Clark Staggs on behalf of Vinod Miranda for the approval of a zoning change from a Commercial (C) District to a Planned Development District for an age-restricted multi-family apartment complex and memory care facility on a on 9.699-acre tract of land identified as 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 southwestern corner of the intersection of Ridge Road [*FM-740*] and Turtle Cove Boulevard, and take any action necessary.

If this email is reaching you in error, please forward it to your HOA or neighborhood group representative and update the contact information at http://www.rockwall.com/planning/hoa.asp.

Sincerely,

Laura Morales
Planning & Zoning Coordinator
City of Rockwall Planning & Zoning Department
972-771-7745 | 972-772-6438
Lmorales@rockwall.com | http://www.rockwall.com

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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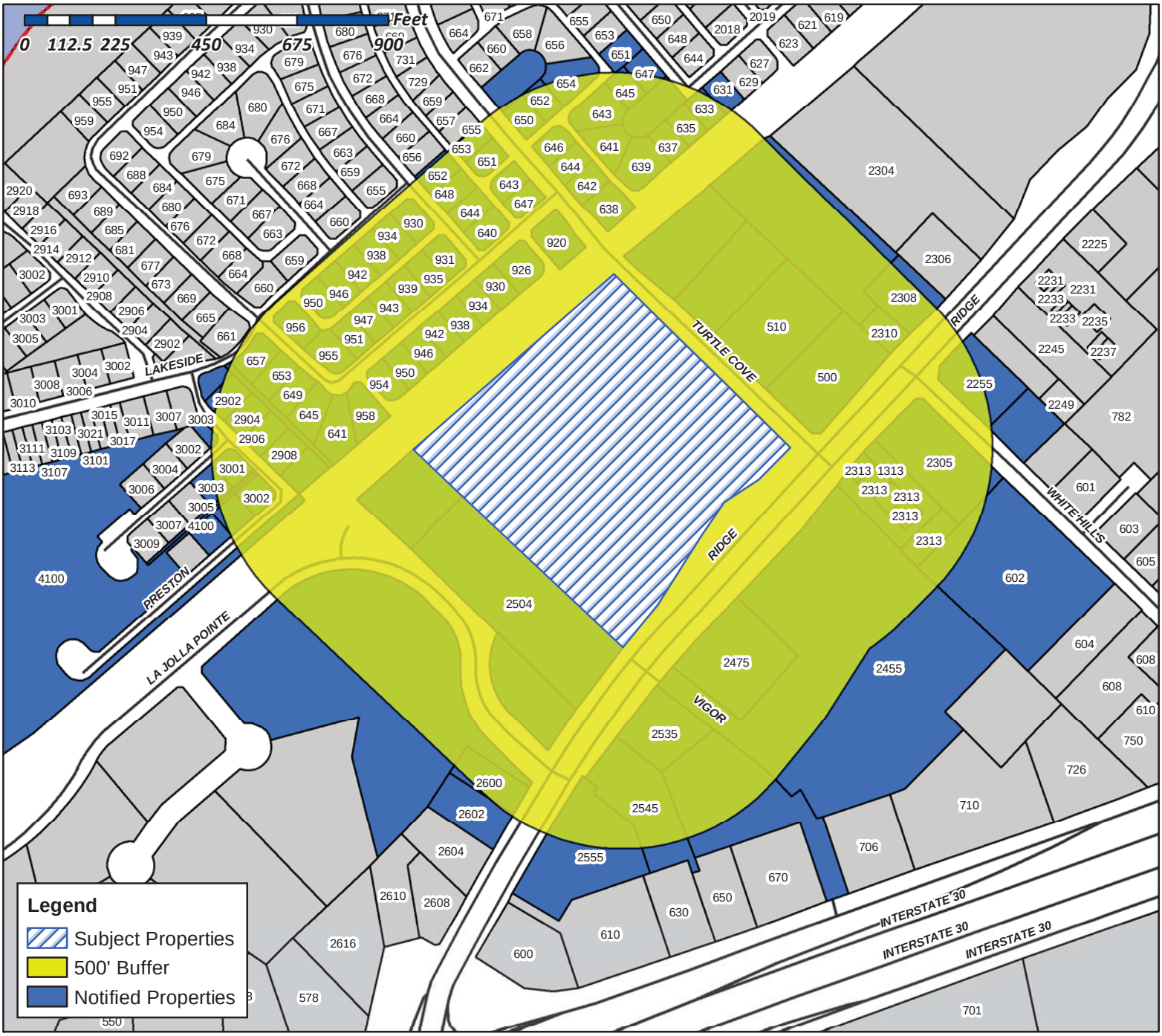
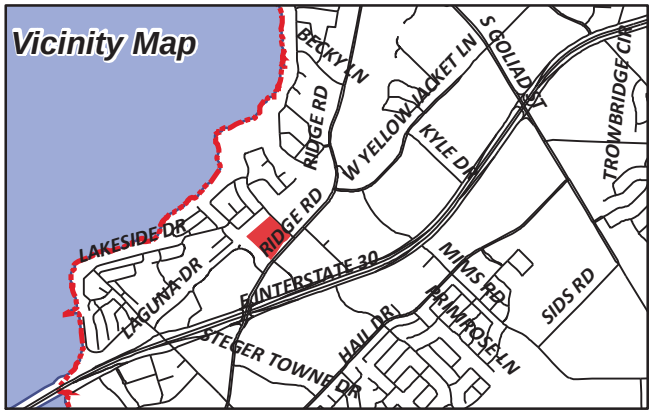


Case Number: Z2018-016
Case Name: Zoning Change (C to PD)
Case Type: Zoning
Zoning: Commercial (C) District
Case Address: NWC of Ridge Road and Turtle Cove Blvd.

Date Created: 03/16/2018
For Questions on this Case Call (972) 771-7745



NOTICE OF PUBLIC HEARING
CITY OF ROCKWALL, PLANNING & ZONING DEPARTMENT

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

To Whom It May Concern:

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

Case No. Z2018-016: Waterview Ridge (C to PD)

Hold a public hearing to discuss and consider a request by Clark Staggs on behalf of Vinod Miranda for the approval of a zoning change from a Commercial (C) District to a Planned Development District for an age-restricted multi-family apartment complex and limited Commercial (C) District land uses on a on 9.699-acre tract of land identified as 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 southwestern corner of the intersection of Ridge Road [FM-740] and Turtle Cove Boulevard, and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on **Tuesday, 4/10/2018 at 6:00 p.m.,** and the City Council will hold a public hearing on **Monday, 4/16/2018 at 6:00 p.m.** 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:

David Gonzales
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 **4/16/2018** 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 ON THE CITY'S WEBSITE: HTTPS://SITES.GOOGLE.COM/SITE/ROCKWALLPLANNING/DEVELOPMENT-CASES

PLEASE RETURN THE BELOW FORM

Case No. Z2018-016: Waterview Ridge (C to PD)

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

HOISINGTON TED & MARILYN
1102 SQUAW VALLEY
ROCKWALL, TX 75087

BOLD LLC
121 WYLER DR
DAKOTA, IL 61018

CURRENT RESIDENT
1313 RIDGE RD
ROCKWALL, TX 75032

VANDERSLICE ROBERT
1408 S LAKESHORE DR
ROCKWALL, TX 75087

MMF INVESTMENTS LLC
2255 RIDGE RD SUITE 333
ROCKWALL, TX 75087

MANGRIN CORPORATION
2255 RIDGE ROAD #208
ROCKWALL, TX 75087

HUDSPETH WARD
2304 RIDGE RD
ROCKWALL, TX 75087

CURRENT RESIDENT
2305 RIDGE RD
ROCKWALL, TX 75032

CURRENT RESIDENT
2308 RIDGE RD
ROCKWALL, TX 75032

CURRENT RESIDENT
2310 RIDGE RD
ROCKWALL, TX 75032

CURRENT RESIDENT
2313 RIDGE RD
ROCKWALL, TX 75032

CURRENT RESIDENT
2455 RIDGE RD
ROCKWALL, TX 75032

CURRENT RESIDENT
2475 RIDGE RD
ROCKWALL, TX 75032

BROOKS RICHARD L DR
2504 RIDGE RD STE 107
ROCKWALL, TX 75087

BROOKS RICHARD L MD
2504 RIDGE RD STE 101
ROCKWALL, TX 75087

CURRENT RESIDENT
2535 RIDGE RD
ROCKWALL, TX 75032

CURRENT RESIDENT
2545 RIDGE RD
ROCKWALL, TX 75032

CURRENT RESIDENT
2555 RIDGE RD
ROCKWALL, TX 75032

HANKINS NORMA A AND
2571 VIVROUX RANCH RD
SEGUIN, TX 78155

BELAC PROPERTIES LLC
2600 RIDGE RD STE 102
ROCKWALL, TX 75087

CURRENT RESIDENT
2602 RIDGE RD
ROCKWALL, TX 75032

AZZOUZI MOHAMED EL
2701 W PLANO PKWY SUITE 100
PLANO, TX 75075

LINDEMAN JULIE A & BOBBY L
2902 PRESTON TRL
ROCKWALL, TX 75087

LEE JAMES H AND BARBARA
2904 PRESTON TR
ROCKWALL, TX 75087

CURRENT RESIDENT
2906 PRESTON TR
ROCKWALL, TX 75032

CURRENT RESIDENT
2908 PRESTON TR
ROCKWALL, TX 75032

EHLERT GORDON W & LINDA K
3001 PRESTON CT
ROCKWALL, TX 75087

CURRENT RESIDENT
3002 PRESTON TR
ROCKWALL, TX 75032

STURCH GARY D & CANDACE F
3003 PRESTON CT
ROCKWALL, TX 75087

TURTLE COVE RESIDENTIAL ASSOC INC
3102 OAK LAWN AVE SUITE 202
DALLAS, TX 75219

ALLEN KIM L & LINDA
3510 LAKESIDE DR
ROCKWALL, TX 75087

LAKESIDE VILLAGE HOMEOWNERS
4100 VILLAGE DR
ROCKWALL, TX 75087

ROBERTS JAMES F
4112 VILLAGE DR
ROCKWALL, TX 75087

CBAX PROPERTIES LLC
465 W PRESIDENT GEORGE BUSH HWY
RICHARDSON, TX 75080

CURRENT RESIDENT
500 TURTLE COVE BLVD
ROCKWALL, TX 75032

PSB INDEMNITY FAMILY LTD PTRN
510 TURTLE COVE BLVD STE 200
ROCKWALL, TX 75087

CURRENT RESIDENT
602 WHITE HILLS DR
ROCKWALL, TX 75032

COIT RIDGE PROPERTIES LLC
6031 SHERRY LN SUITE C
DALLAS, TX 75225

DELAY MANAGEMENT TRUST DELORES
631 HARBOR COVE DRIVE
ROCKWALL, TX 75087

BARROW KYLE
633 HARBOR COVE DR
ROCKWALL, TX 75087

ALFORD JIM AND BARBARA
635 STAFFORD CIR
ROCKWALL, TX 75087

PACHECO ENRIQUE AND JOANN T
637 STAFFORD CIR
ROCKWALL, TX 75087

BOWMAN SCOTT & TAMARA L
638 TURTLE COVE BOULEVARD
ROCKWALL, TX 75087

HAYS DANNY & JOAN
639 STAFFORD CIR
ROCKWALL, TX 75087

ELLIS BETTY J
640 WOODLAND WAY
ROCKWALL, TX 75087

ZASTROW BRADLEY L & SANDRA D
641 CHANNEL RIDGE DR
ROCKWALL, TX 75087

GOODWIN HEATHER
641 STAFFORD CIR
ROCKWALL, TX 75087

SMITH RICHARD G EBERLE
642 TURTLE COVE BLVD
ROCKWALL, TX 75087

JOHNSON JOEL & LIZ
643 STAFFORD CIR
ROCKWALL, TX 75087

PHILLIPS SCOTT BRANNAN
643 TURTLE COVE BLVD
ROCKWALL, TX 75087

TARVER KIRK & JULIA
644 TURTLE COVE BLVD
ROCKWALL, TX 75087

DARNELL MELINDA K AND WELDON K
644 WOODLAND WAY
ROCKWALL, TX 75087

JOHNSTON LISA P & MARK
645 CHANNEL RIDGE DR
ROCKWALL, TX 75087

GALLI THOMAS J
645 STAFFORD CIR
ROCKWALL, TX 75087

BANZER JERRY L AND BARBARA
646 TURTLE COVE BLVD
ROCKWALL, TX 75087

FISH WADE W
647 STAFFORD CIR
ROCKWALL, TX 75087

MOORE KELLI M
647 TURTLE COVE BLVD
ROCKWALL, TX 75087

TOLLESON MATTHEW AND AMY
648 WOODLAND WAY
ROCKWALL, TX 75087

SVRCEK JOSEPH T
649 CHANNEL RIDGE DR
ROCKWALL, TX 75087

KATT WILLIAM CHARLES
650 TURTLE COVE BLVD
ROCKWALL, TX 75087

THORSEN LINDY N
651 STAFFORD CIR
ROCKWALL, TX 75087

LOFLAND SHERRIE
651 TURTLE COVE
ROCKWALL, TX 75087

MICKISH FAMILY LIVING TRUST
652 TURTLE COVE BLVD
ROCKWALL, TX 75087

SINGH PARAMJIT W
652 WOODLAND WAY
ROCKWALL, TX 75087

MCCOY RAYMOND & BELVA
653 CHANNEL RIDGE DR
ROCKWALL, TX 75087

SCOTT PHILLIP AND BETHANY
653 TURTLE COVE BLVD
ROCKWALL, TX 75087

CLAY DEBBRA S
654 TURTLE COVE BLVD
ROCKWALL, TX 75087

ZAHN TERRENCE T AND JENNIFER A
657 CHANNEL RIDGE DR
ROCKWALL, TX 75087

POP HOLDINGS LP
7750 N MACARTHUR BLVD STE 120-121
IRVING, TX 75063

DAVID HOGG BUILDING LLC
8652 W ROWEL RD
PEORIA, AZ 85383

ROCKWAY PARTNERS LLP
9071 E VASSAR AVE
DENVER, CO 80231

MIRANDA VINOD
9105 BRIARCREST DR
ROWLETT, TX 75089

CONFIDENTIAL
920 BRIAR OAK DR
ROCKWALL, TX 75087

FLOETER JOHN AND SHIRLEY
926 BRIAR OAKS DR
ROCKWALL, TX 75087

MAJORS WENDELL LEE AND SHIRLEY JEAN
930 BLUFFVIEW DR
ROCKWALL, TX 75087

WILLIAMS PAULA
930 BRIAR OAKS DRIVE
ROCKWALL, TX 75087

ANDERSEN SANDRA
931 BRIAR OAK DRIVE
ROCKWALL, TX 75087

HEARD WILLIAM & SYLVIA
934 BLUFFVIEW DR
ROCKWALL, TX 75087

COOPER JEFFREY BOONE
934 BRIAR OAK DR
ROCKWALL, TX 75087

HOOD KENNETH & JENNIFER
935 BRIAR OAK DR
ROCKWALL, TX 75087

MCKINNEY LEONARD L & MARLENE D
938 BLUFFVIEW DR
ROCKWALL, TX 75087

WEIN DAVID C AND CHRISTINE
938 BRIAR OAKS DR
ROCKWALL, TX 75087

MEEK SALLY C
939 BRIAR OAK DR
ROCKWALL, TX 75087

DAVIS LYNN R
942 BLUFFVIEW DR
ROCKWALL, TX 75087

PRICE BRIAN & SHANNON
942 BRIAR OAKS DRIVE
ROCKWALL, TX 75087

PULLIN STEPHEN M & KENDRA K
943 BRIAR OAK DR
ROCKWALL, TX 75087

KIRBY JOY F REV TRUST
946 BLUFFVIEW DR
ROCKWALL, TX 75087

KIRK JEFFREY S
946 BRIAR OAK DR
ROCKWALL, TX 75087

MORENO ROBERT JR AND SHERRI
947 BRIAR OAKS DR
ROCKWALL, TX 75087

GREEN LUCRETIA
950 BLUFFVIEW DR
ROCKWALL, TX 75087

SANDERS JOE D & JOLINDA
950 BRIAR OAK DR
ROCKWALL, TX 75087

EMMERSON PAULA KAY REVOCABLE TRUST
951 BRIAR OAKS
ROCKWALL, TX 75087

MUNIZ SYLVIA D
954 BRIAR OAK DR
ROCKWALL, TX 75087

GERRALD SCOTT W & JUDY A
955 BRIAR OAK DR
ROCKWALL, TX 75087

PYKE RONALD A & JANE L
956 BLUFFVIEW DR
ROCKWALL, TX 75087

DEEN LAUREN
958 BRIAR OAK DR
ROCKWALL, TX 75087

JAGH HOSPITALITY LP
996 E I-30
ROCKWALL, TX 75087

TURTLE COVE RESIDENTIAL ASSOC
C/O TURTLE COVE HOA 3102 OAK LAWN AVE
SUITE #202
DALLAS, TX 75219

WENDY'S PROPERTIES LLC
ONE DAVE THOMAS BLVD
DUBLIN, OH 43017

DAIKER PARTNERS LTD.
PO BOX 1059
ROCKWALL, TX 75087

ROCKWALL OCEANHILL LLC
PO BOX 1295
ROCKWALL, TX 75087

FIRST PRESBYTERIAN CHURCH
PO BOX 692
ROCKWALL, TX 75087

GLOBAL ADVANCE INC
PO BOX 742077
DALLAS, TX 75374

NOTICE OF PUBLIC HEARING
CITY OF ROCKWALL, PLANNING & ZONING DEPARTMENT

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

To Whom It May Concern:

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

Case No. Z2018-016: Waterview Ridge (C to PD)

Hold a public hearing to discuss and consider a request by Clark Staggs on behalf of Vinod Miranda for the approval of a zoning change from a Commercial (C) District to a Planned Development District for an age-restricted multi-family apartment complex and limited Commercial (C) District land uses on a on 9.699-acre tract of land identified as 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 southwestern corner of the intersection of Ridge Road [FM-740] and Turtle Cove Boulevard, and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on **Tuesday, 4/10/2018 at 6:00 p.m.,** and the City Council will hold a public hearing on **Monday, 4/16/2018 at 6:00 p.m.** 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:

David Gonzales
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 **4/16/2018** 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 ON THE CITY'S WEBSITE: HTTPS://SITES.GOOGLE.COM/SITE/ROCKWALLPLANNING/DEVELOPMENT-CASES

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Please place a check mark on the appropriate line below:

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

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

This is a excellent use for this property — We need senior multi family and the commercial uses are needed in this area

Name: Rockwall Oceanhill LLC 2455 Ridge Road

Address: P.O. BOX 1295, Rockwall TX 75087

Jim Covine — Property Manager

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Ridge Road
Towne Center

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

Case No. Z2018-017: The Enclave (C and HC to PD)

Hold a public hearing to discuss and consider a request by Pat Atkins of Saddlestar Land Development on behalf of the Stagliano Family Trust for the approval of a zoning change from an Agricultural (AG) District, Commercial (C) District and Heavy Commercial (HC) District to a Planned Development District for commercial/retail, single-family and townhome land uses on a 63.72-acre tract of land identified as Tract 3 of the W. H. Barnes Survey, Abstract No. 26, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, Commercial (C) District and Heavy Commercial (HC) District, situated within the SH-205 Overlay (SH-205 OV) District, located at the northwest corner of S. Goliad Street [SH-205] and Mims Road, and take any action necessary.

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Case No. Z2018-017: The Enclave (C and HC to PD)

Please place a check mark on the appropriate line below:

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

Due To increase in Traffic, It is impossible to Get out on 205 now What will All The addition of more Cars dumping out on To 205 Due For the Except make it Harder To Get out.

Name: David R Jacobs

Address: 626 National Dr. Rockwall, Texas

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This Property Zoned AS it is. I have Conferred this w/ Rockwall EDC, and other assoc. I own 510 Turtle Cove Land to N. Jan Planning & Doctors Bldg

Name: PAUL DAVIS

Address: 510 Turtle Cove SE 200, Rockwall TX 75087

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

NOT IN FAVOR OF APARTMENTS AT THAT LOCATION. TRAFFIC IS ALREADY HEAVY; DON'T NEED MORE!

Name: Jerry & Barbara Banzer

Address: 646 Turtle Cove Blvd.
Rockwall, Texas 75087

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

I do not want an apartment complex on that property.

Name: Lindy Thorsen

Address: 651 Stafford Circle Rockwall, TX 75087

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

Do not want apartments on this piece of land.

Name: Sherrie Lofland

Address: 651 Turtle Cove Blvd, Rockwall, 75087

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No to Apartments! We moved to Rockwall from Garland many years ago to get away from a declining area surrounded by apartments. Apartments always decline over time and crime goes up, surrounding home values go down. Not to mention the effect on an already bad traffic situation.

Name: Mark & Lisa Johnston

Address: 645 Channel Ridge Dr. Rockwall, TX 75087

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WE VERY STRONGLY OPPOSE ANY ZONING CHANGE FROM C TO PD.

4/1/18

Leonard L. & Marlene D. McKinney

Name: LEONARD L. & MARLENE D. MCKINNEY.

Address: 938 BLUFFVIEW DR, ROCKWALL, TX. 75087

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No control on type of housing once zoning change is made. This property was purchase with the knowledge of commercial zoning. It should stay commercial.

Name: Sally Meek Sally C. Meek

Address: 939 Briar Oak Dr, Rockwall TX 75087

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

We do not want apartments by our house

Name: Robert + Sherri Moreno

Address: 947 Briar Oak Dr. Rockwall TX 75087

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WE DONT WANT ANY NON-GOVERNMENT OWNED PROPERTY SUBSIDIZED BY THE FEDERAL GOVERNMENT. THE DEVELOPER IS A PRIVATE BUSINESS ENTERPRISE AND NEEDS TO USE PRIVATE FUNDS TO DEVELOP & MAINTAIN THE PROPERTY. IF THE DEVELOPER NEEDS to be subsidized by FEDERAL OR STATE govt. FUNDING AT ANY LEVEL, WE OPPOSE A ZONING CHANGE.

Name: RICHARD SMITH

Address: 642 TURTLE COVE BLVD ROCKWALL TX 75087

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Noise + Traffic

Name: Joe + Jolinda Sanders

Address: 950 Briar Oaks Rockwall, TX 75087

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DO NOT DESIRE MULTIFAMILY UNITS ON THIS PARCEL.

Name: THOMAS J. GALLI

Address: 645 STAFFORD CIRCLE, ROCKWALL, TX 75087

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The parcel of land is not appropriate for a multi-family apartment complex. The (C) zoning was originally put in place for a reason.

Name: WADE & LEAH FISH

Address: 647 STAFFORD CR. ROCKWALL 75087

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Director of Planning & Zoning

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PLEASE RETURN THE BELOW FORM

Case No. Z2018-016: Waterview Ridge (C to PD)

Please place a check mark on the appropriate line below:

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

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

We purchased our home based on Commercial zoning. Our property values will go down. Increased traffic will be a major problem. Possible flooding issues if the creek isn't preserved + managed.

Name: Liz + Joel Johnson

Address: 643 Stafford Circle

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

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Case No. Z2018-016: Waterview Ridge (C to PD)

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

Future traffic on Turtle Cove Dr. - Living behind a possible apartment community will decrease my property value - Types of individuals who will be living in apartments etc.

Name: PAULA K. Emmerson

Address: 951 Briar Oak Dr. 75087

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

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NOTICE OF PUBLIC HEARING
CITY OF ROCKWALL, PLANNING & ZONING DEPARTMENT

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

To Whom It May Concern:

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Case No. Z2018-016: Waterview Ridge (C to PD)

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David Gonzales
Rockwall Planning and Zoning Dept.
385 S. Goliad Street
Rockwall, TX 75087

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Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning

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

NEGATIVE EFFECT ON HOME VALUES. UNINTENDED CONSEQUENCES ONCE ZONING IS CHANGED. TRAFFIC

Name: Lorilee Litherland, REALTOR®

Address: 627 Harbor Cove Dr. Rockwall 75087

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

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Case No. Z2018-016: Waterview Ridge (C to PD)

Please place a check mark on the appropriate line below:

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

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

Please do not develop every square inch of this city!! If you must do so, then focus on the land you already tore up on Ridge Road & Yellow Jacket. Keep Rockwall beautiful and make smart decisions.

Name: Leah Fish

Address: 647 Stafford Circle

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

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PLEASE RETURN THE BE

Case No. Z2018-016: Waterview Ridge (C to PD)

Please place a check mark on the appropriate line below:

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

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

We are opposed because of noise, Traffic and we are afraid of flooding. We would like a Medical building or Medical offices

Name: Mr. & Mrs Joe D. Sanders

Address: 950 Briar Oaks Rockwall, TX 75087

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

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

WE ARE STRONGLY OPPOSED TO THE REQUESTED CHANGE OF ZONING ON CASE # Z2018-016: WATERVIEW RIDGE (C TO PD). IT WOULD DEVALUE OUR HOME IF APPROVED. THE ADDED TRAFFIC ON TURTLE COVE, AND THE ADDED WATER RUN-OFF ARE THE MAIN REASONS THAT WE OPPOSE IT.

Name: RICHARD CHEATHAM

Address: 631 HARBOR COVE DR, ROCKWALL, TX 75087

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

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

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

Property values + crime

Name: J. P. Hewitt

Address: 950 Bluffview Rockwall 75087

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Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning

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

I don't want apartments near my home especially HUD units
Get ready for a packed house on the 10th.

Name: Kenneth Hood

Address: 935 Briar Oaks Dr. Rockwall, TX 75087

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

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

I'm not in favor of apartments on that parcel of land.

Name: Kelli Moore

Address: 647 Turtle Cove Blvd., Rockwall, 75087

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

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

BIGGEST CONERN – FLOODING TO TURTLE COVE DUE TO WATER RUN OFF ; LACK OF PROPER FLOOD CONTROL FROM DEVELOPER. TRAFFIC ALSO – RESALE VALUE ISSUES. FIND A BETTER FIT AREA.

Name: JOSEPH & GEORGIA SVRCEK

Address: 649 CHANNEL RIDGE DR. ROCKWALL 75087

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

I'm concerned about possible flooding to our area caused by all the added structure, + impact on the creek, + added traffic on an already congested roadway + apartments at this location would not be desirable + likelyhood of a negative impact on value + quality of our neighborhood.

Name: Bobby + Barbara Willis

Address: 658 Turtle Cove Blvd, 75087

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

Traffic is already almost unmanageable on Ridge Road and Turtle Cove Blvd. A lot of times it takes 3 traffic light cycles to get from Turtle Cove Blvd to the South side of I30. I am also concerned about Flooding in Turtle Cove.

Name: Wendell and Shirley Majors

Address: 930 Bluffview Drive Rockwall Texas 75087

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Director of Planning & Zoning

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

As a former developer, I can see that entrance and egress via a steep, already congested intersection at Turtle Cove & Ridge Rd., would not be prudent for such a dense population plan.

Name: ROGER & JODIE LEBRESCU

Address: 644 STAFFORD CIR., ROCKWALL, TX 75087

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

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

There are other commercial properties near our neighborhood that compliment the area. Please help us by keeping the commercial zoning. It is the best plan for our neighborhood.

Name: Mr. & Mrs. Robert Mickish

Address: 652 Turtle Cove Blvd, Rockwall, TX. 75087-5381.

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Gonzales, David

From: Brooks, Korey
Sent: Monday, April 2, 2018 2:22 PM
To: Gonzales, David
Subject: FW: Case Number 22018-016 Waterview Ridge Rezoning

Follow Up Flag: Follow up
Flag Status: Flagged

City of Rockwall The New Horizon

Planning and Zoning Department

Korey M. Brooks
Planner
City of Rockwall
385 S. Goliad
Rockwall, Texas 75087
T 972.772.6434
kbrooks@rockwall.com
http://www.rockwall.com/planning/

From: [redacted]
Sent: Saturday, March 31, 2018 9:58 PM
To: Planning <planning@rockwall.com>
Subject: Case Number 22018-016 Waterview Ridge Rezoning

Planning & Zoning Committee Members,

I am opposed to re-zoning this tract of land (case number 22018-016) from commercial to multi-family dwelling.

I will support commercial development of the land as it is currently zoned.

Terrill Baughman
656 Stafford Circle
Rockwall, TX 75087
214-649-8253

Planning

From: Carine Rice [redacted]
Sent: Thursday, April 5, 2018 9:05 PM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

Mr. Gonzales,

I am **opposed** to the rezoning of the 9+ acre property adjacent to my neighborhood (Turtle Cove) from Commercial to Planned Development.

Please deny the rezoning request.

--
Carine Rice
629 Harbor Cove Dr.

Planning

From: Gina Celii [redacted]
Sent: Wednesday, April 4, 2018 5:13 PM
To: Planning
Subject: Subject: Case No. Z2018-016 Waterview Ridge (C to PD).

To Mr. David Gonzales
Rockwall Planning and Zoning

As a twenty year resident of Turtle Cove, I have build up a lot of equity in my home. A change in zoning of the property that is situated at the corner of Turtle Cove and Ridge Road to planned development for a senior residential apartment complex with villas and a senior memory care unit will drastically reduce the value of my home since the city can not enforce the deed restrictions that are being proposed by the developer.

I am not opposed to a well designed commercial business on this piece of property. The current businesses on Turtle Cove Blvd have been good neighbors to our community.

In conclusion, I am NOT in favor of the zoning change from commercial to planned development.

Thank You,

Gina Celii
667 Turtle Cove Blvd
Rockwall, TX 75087

Planning

From: Dannon Childs [redacted]
Sent: Thursday, April 5, 2018 8:08 PM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

Dear David Gonzales,

We live in the Turtle Cove subdivision and wish to register our strong opposition to rezoning property adjoining our subdivision from Commercial to Planned Development.

We understood when we bought our home that the adjoining undeveloped property was zoned Commercial but were not aware that the property was subject to rezoning for other purposes. If we had known, we would not have purchased in Turtle Cove and possibly not in Rockwall at all. This will have a very negative affect on our community and will put many people here in a difficult situation. There are many young families who chose to live here will suffer because of it.

Dannon and Heidi Childs
667 Woodland Way
Rockwall, TX

Planning

From: DD Hinkle [redacted]
Sent: Thursday, April 5, 2018 3:00 PM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

Mr Gonzales, I live in the Turtle Cove subdivision. I am writing regarding my major concern of the possible rezoning to an adjoining property. Sir, we moved to this area in July from Dallas because of the quaint neighbor feel and to be closer to our aging fathers. We invested a lot of our retirement money into this property and if this happens I feel we will lose our life's hard work. To think this could be rezoned for investors vs homeowners is beyond our reasoning. We understand progress when it helps all, not hurts one side. I ask you to please consider the many hard working families in this quiet community.

Sincerely,

Debbie Hinkle
2018 Gullwing

Planning

From: Dan Donihoo [redacted] >
Sent: Wednesday, April 4, 2018 1:02 PM
To: Planning
Subject: Subject: Case No. Z2018-016 Waterview Ridge (C to PD).

To: David Gonzales

From: Dan Donihoo (homeowner)

656 Turtle Cove Blvd

Rockwall TX 75087

972-772-9896

I am opposed of the rezoning of the 9+ acre property adjacent to my neighborhood from Commercial (C) to Planned Development (PD) so that multi- family apartments can be constructed.

This property was zoned Commercial when I purchased my home. I have looked forward to seeing responsible commercial development of this land.

The plan proposed by the applicant does not explain how the existing creek will be preserved and managed. I'm concerned that it will cause Turtle Cove to become a flood zone.

DAN L. DONIHOO,CSI, CCPR, LEED GREEN ASSOCIATE
656 TURTLE COVE BLVD | ROCKWALL, TX | 75087
CELL: 210.860.9820

Planning

From: Marion Duhamel [redacted]
Sent: Thursday, April 5, 2018 11:27 AM
To: Planning
Subject: Proposed rezoning of property at Turtle Cove Blvd. and Ridge Rd.

Mr. Gonzales and Mr. Miller:

My name is Marion Duhamel and I live at 656 Turtle Cove Blvd. in Turtle Cove. I have lived here for the past 11 years. I realize that the property that is being considered for re-zoning is presently zoned commercial and that eventually something will be built on that site. I'm not looking forward to that but as I'm told the owner of the property can build whatever he wants within the zoning requirements.

I want to state my objection to re-zoning that property from commercial to residential. I am not in favor of the "senior" housing development that is currently planned. It is my understanding that once the property is re-zoned it will stay that way forever. Therefore if the present owner eventually sells the property, the new owner can use it in whatever way the changed zoning states. Also my understanding is that there is a "cut-thru" road planned that would go from LaJolla to Turtle Cove. If this is a fact, I am definitely against that happening. Right now Turtle Cove is a pleasant, peaceful subdivision and I would not like to see that changed by more housing - especially on a piece of property that doesn't look suitable for 4-story buildings. I, along with other Turtle Cove residents, are very concerned about our property values decreasing if the proposed property is re-zoned.

Thank you for your attention and to my concerns.

Marion Duhamel

Planning

From: Mary Fugate [redacted]
Sent: Wednesday, April 4, 2018 5:42 PM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

To: David Gonzales

We live in the Turtle Cove subdivision and wish to register our strong opposition to rezoning property adjoining our subdivision from Commercial to Planned Development.

We understood when we bought our home that the adjoining undeveloped property was zoned Commercial but were not aware that the property was subject to rezoning for other purposes. If we had known, we would not have purchased in Turtle Cove and possibly not in Rockwall at all.

Victor and Mary Fugate
680 Woodland Way
Rockwall, TX 75087

Planning

From: Stephanie [redacted]
Sent: Wednesday, April 4, 2018 10:11 AM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

Attn: David Gonzales

As a resident of Turtle Cove I am writing to express my opposition to the rezoning of the 9+ acre property adjacent to my neighborhood. My understanding is that the proposed rezoning from Commercial to Planned Development would allow construction of multi family apartments.

This property was zoned Commercial when my husband and I purchased our home 15 years ago. One of my concerns is the existing creek and how that would be preserved and managed to avoid flooding of Turtle Cove. Another major concern of mine is that if the zoning is changed the proposed deed restriction for older residents could later be removed without public input.

My husband and I are opposed to changing the tract of land adjacent to Turtle Cove from Commercial to Planned Development. Please leave the land as it was zoned--Commercial.
William & Stephanie Gammon
664 Danielle Ct
Rockwall, TX. 75087

Sent from my iPad

Planning

From: John Gibson [redacted]
Sent: Thursday, April 5, 2018 11:19 AM
To: Planning
Subject: Attn: David Gonzales Re: Case No. Z2018-016 Waterview Ridge (C to PD)

Dear Mr. Gonzalez,

We are writing to express our opposition to the rezoning of the 9+ acre property adjacent to my neighborhood from Commercial (C) to Planned Development (PD) so that multifamily apartments can be constructed.

This property was zoned Commercial when we purchased our home and we have looked forward to seeing responsible commercial development of this land into something that will benefit those of us who have made a long-term commitment to the community of Rockwall. Had this land been zoned for multifamily residential we would not have purchased our home in Rockwall.

We understand that the proposed apartments will be deed restricted for older residents. We also understand that once this zoning is changed those restrictions can be removed without public input and any facilities constructed on this site could be used as unrestricted housing. Multi-family apartments are never beneficial to homeowners in a neighborhood of single-family homes. We have lived through this nearly exact scenario once before and it was a **NIGHTMARE**! It is in large part what drove us out of our prior community and led us to establish our family here in Rockwall.

Other properties near our neighborhood have nice buildings with medical and professional offices and we would like to keep it that way per the current zoning. Please help us maintain our high quality of living here in Turtle Cove by keeping the current zoning in place.

Sincerely,

John & Robin Gibson
612 Harbor Cove Drive (Turtle Cove)
972-529-8602

Planning

From: Janis Whiteside [redacted]
Sent: Friday, April 6, 2018 7:22 AM
To: Planning
Subject: Case # z2018-016 (Water Ridge)

From: Janis Whiteside ([redacted])
Date: April 6, 2018 at 7:30: AM CDT
To: planning@rockwall.com
Subject: Case No z2018-016 Waterview Ridge (C to PD)

Attn: David Gonzales,

Re: Case No z2018-016 Waterview Ridge (C to PD)

I am opposed to the rezoning of the 9+ acre property adjacent to my neighborhood from Commercial (C) to Planned Development (PD) so that multi-family apartments can be constructed. This property was zoned commercial when our home was purchased. I have looked forward to seeing responsible commercial development of this land.

Other properties near our neighborhood have nice buildings with medical offices and other businesses. Please help us by keeping the Commercial zoning. It is the best plan for our neighborhood.

The plan proposed by the applicant does not explain how the existing creek will be preserved and managed. I'm concerned that it will cause Turtle Cove to become a flood zone. That would be a tragedy.

Multi-family apartments are never beneficial to homeowners in a neighborhood of single family homes. Well planned and designed commercial property can be an asset to the neighborhood. I understand the proposed apartments will be deed restricted for older residents, but those restrictions can be removed without public input once the zoning is changed.

Please deny the rezoning request.

Sincerely,

Janis Whiteside

650 Stafford Cir.

Rockwall, TX 75087

Turtle Cove Resident

469 387-6178

--

Janis Whiteside
Ebby Halliday, Realtors
Multi-Million Dollar Producer
469-387-6178
[redacted]

CLICK LINK BELOW FOR INFORMATION ABOUT BROKER SERVICES and CONSUMER PROTECTION NOTICE

Texas Real Estate Commission Consumer Protection Notice
http://www.trec.state.tx.us/pdf/forms/Miscellaneous/CN1-2.pdf

Texas Real Estate Commission Information About Brokerage Services
http://media.ebby.com/iabs/?0475654

Planning

From: Jenny West [redacted]
Sent: Thursday, April 5, 2018 6:41 PM
To: Planning
Subject: Case No z2018-016 Waterview Ridge (C to PD)

Attn: David Gonzales,

Re: Case No z2018-016 Waterview Ridge (C to PD)

I am opposed to the rezoning of the 9+ acre property adjacent to my neighborhood from Commercial (C) to Planned Development (PD) so that multi-family apartments can be constructed. This property was zoned commercial when our home was purchased. I have looked forward to seeing responsible commercial development of this land.

Other properties near our neighborhood have nice buildings with medical offices and other businesses. Please help us by keeping the Commercial zoning. It is the best plan for our neighborhood.

The plan proposed by the applicant does not explain how the existing creek will be preserved and managed. I'm concerned that it will cause Turtle Cove to become a flood zone. That would be a tragedy.

Multi-family apartments are never beneficial to homeowners in a neighborhood of single family homes. Well planned and designed commercial property can be an asset to the neighborhood. I understand the proposed apartments will be deed restricted for older residents, but those restrictions can be removed without public input once the zoning is changed.

Please deny the rezoning request.

Sincerely,

Jennifer West
652 Stafford Circle
Rockwall, TX 75087
214-403-3665

Planning

From: Jonathan Anderson [redacted]
Sent: Friday, April 6, 2018 9:51 AM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

I live in the Turtle Cove subdivision and wish to protest the rezoning of the property adjoining our subdivision from Commercial to Planned Development.

We are concerned that the change in zoning will significantly affect our home and our neighbors' homes property values.

Thank you,

Jonathan Anderson
675 Turtle Cove Blvd
Rockwall, TX 75087

Planning

From: Keegan Williamson [redacted]
Sent: Thursday, April 5, 2018 5:15 PM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

To: David Gonzales

We were drawn to Rockwall because of its strong commitment to limiting the number of apartments in the city. We were unaware when we brought our home that a zoning change would ever be proposed for the property located next to Turtle Cove.

We are strongly opposed to the plans to rezone this piece of property from commercial to planned development.

Keegan and Terry Williamson
2014 Gullwing Dr.
Rockwall, Tx 75087

Keegan Williamson D.Min.
Seek First/Buscad Primero: International Director Leadership and Spiritual Formation
caminoglobal.me/williamson | [redacted]

PHONE: 214.239.9736 Cell: 214-862-4431
caminoglobal.org | hopecoffee.org | obrerofiel.com | BuscadPrimero.caminoglobal.org

Planning

From: Laura [redacted]
Sent: Thursday, April 5, 2018 3:02 PM
To: Planning
Subject: Case NO. Z2018-016 Waterview Ridge (C to PD)

Mr. Gonzales,

As a resident of Rockwall and the Turtle Cove community, I wish to voice my strong opposition to the re-zoning of the property at the corner of Ridge Road and Turtle Cove Boulevard from Commercial to Planned Development.

My family and I have lived in Rockwall for 25 years. We moved here to be in a community that places value in its residents and their welfare. I fully support the continuation of the Commercial zoning at Ridge Road and Turtle Cove Boulevard. It is important to remain mindful of our residents and the decisions which are detrimental to their wellbeing and the stability of the community. A change of zoning from Commercial to Planned Development would indeed be detrimental to us as residents of Rockwall and in the Turtle Cove community.

Thank you for your time and attention to this issue.

Regards,
Laura Carr
667 Stafford Circle
Rockwall, TX 75087

Sent from my iPad

Planning

From: Lorilee Litherland [redacted]
Sent: Friday, April 6, 2018 11:23 AM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

Dear Mr. Gonzales,
I am a resident of Turtle Cove and wish to express my concerns regarding the rezoning of the 9.6 acre parcel between the subdivision and Ridge Road. As a local real estate agent with over a decade of experience serving Rockwall, the zoning change will negatively affect property values in the neighborhood. When showing homes to buyers, adjacent multi-family units are often a deal breaker. The neighborhood already faces buyer objections over the railroad track and the single entry/exit. I also worry about unintended use once the zoning change is made and the fact that traffic studies have not been performed.

Respectfully submitted,

Lorilee Litherland
627 Harbor Cove Drive
Rockwall, TX 75087

Lorilee Litherland, Realtor®, CRS, ABR, CHMS, CNS, SFR, SRES
Coldwell Banker Apex, Realtors
Recognized in Texas Monthly and D Magazines
U.S. Marine Corps Veteran
214-697-0145
www.LorileeLitherland.com

WIRE FRAUD WARNING
During your representation by Coldwell Banker Apex, Realtors you will **NEVER** be asked, via email, to wire or send funds to **ANYONE**, not even a title company. **NEVER trust wiring instructions sent via email.** Cyber criminals are hacking email accounts and sending emails with fake wiring instructions. These emails are convincing and sophisticated. **ALWAYS** independently confirm wiring instructions in person or via a telephone call to a trusted and verified phone number. **NEVER** wire money without double-checking that the wiring instructions are correct.

Planning

From: Jared Manly [redacted]
Sent: Thursday, April 5, 2018 7:38 AM
To: Planning
Subject: Zoning

To: David Gonzales

We live in the Turtle Cove subdivision and wish to register our strong opposition to rezoning property adjoining our subdivision from Commercial to Planned Development.

We understood when we bought our home that the adjoining undeveloped property was zoned Commercial but were not aware that the property was subject to rezoning for other purposes. If we had known, we would not have purchased in Turtle Cove.

We feel the value of the property would be diminished.

Jared Manly
911 Lexington Dr
903 355 8984

Planning

From: Edgecomb, Michael [redacted]
Sent: Thursday, April 5, 2018 2:58 PM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

To: David Gonzales

David,
I've lived in Turtle Cove Subdivision for 12 years and I strongly oppose re-zoning the property adjacent from Commercial to Planned Development.

You have to remember we have only one road access to our sub-division. From what I've seen of the Planning Development Document it will remain the only way in/out plus add much more traffic.

Please Vote NO to this re-zoning change.

Michael & Beth Edgecomb
671 Woodland Way
Rockwall, TX 75087

Planning

From: Matt Myers [redacted]
Sent: Thursday, April 5, 2018 10:37 AM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

To: David Gonzales

My wife and I live in the Turtle Cove subdivision and wish to register our strong opposition to the planning for rezoning property adjacent our subdivision from Commercial to Planned Development.

This proposed rezoning is for the personal gain of one or a few at the cost of quality of life and property value for many of us. I hope the greed will not prevail here.

Matt and Cathy Myers
1959 Gullwing Drive
Rockwall, TX 75087

Planning

From: PATRICIA SCOTT [redacted]
Sent: Thursday, April 5, 2018 2:52 PM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

I am opposed to the zoning change in the above referenced case.

Patricia Scott
603 Cliff View Court
Rockwall, Tex 75087
318-465-3433

Sent from my iPhone

Planning

From: Paula Emmerson [redacted]
Sent: Friday, April 6, 2018 12:30 PM
To: Planning
Cc: [redacted]
Subject: Case No. Z2018-016 Waterview Ridge

ATTN: David Gonzales
I live in Turtle Cove at 951 Briar Oak Drive. I am concerned about the proposed zoning change from C to PD for the property adjacent to me and Ridge Road.
I moved here in March, 2017 and chose Turtle Cove due to the location and the safety of the neighborhood and the potential for my property value to increase.
I have been a resident of Rockwall, on and off, since 1984. I have seen many changes and most have been beneficial to the community. Rockwall can stand proud for becoming the prestigious city it is today. However, Rockwall didn't become this wonderful thriving area without the opinions of the property owners. Who would know better what is more beneficial for their town than those who are proud property owners, so thank you for listening to us.
ON my street, Briar Oak Drive, five homes have been for sale this past year and, so far, only two have sold, and that was months after being on the market with price reductions. This may be due partly to a railroad track running behind the houses. But, I feel assured the proposed zoning change has raised concern.
The Traffic on Turtle Cove Drive has remained consistent but manageable. I would think commercial building of doctor's offices, etc would still remain manageable. However, an apartment complex, whether age monitored or not, would substantially increase traffic to cause backups not only on Turtle Cove Drive, but coming and going out of our gate. No matter how nice the apartment community, it will still attract transients and people of questionable nature, even prior sex offenders. I think the safety of my neighborhood will be jeopardized. I am a senior citizen and live alone. I would like to continue to feel safe in my home.
Flooding is also a large concern for me. Not only will home insurance policies increase for flood insurance, but water damage can be devastating. Our homes have been built to withstand drainoff to the lake. Occasionally, someone will receive excessive rainwater, due to the railroad ditches not being maintained. Any changes, especially as large as apartments, will change the terrain and water will do exactly what it wants, which may include flooding.
Please keep this area of Rockwall consistent with the present trend. I have seen the decline of many areas in other towns, due to apartment buildings, such as Mesquite and Greenville, just to name a few. And, surely you will agree that Rockwall stands exemplary to other towns nearby.
Thank you for listening and careful consideration to keep the above mentioned area zoned C.

Paula K Emmerson
Get Outlook for Android

Planning

From: Charlie Pratt [redacted]
Sent: Thursday, April 5, 2018 8:01 AM
To: Planning
Subject: Case No. Z2018-016, Waterview Ridge (C to PD)

To: David Gonzales

Mr. Gonzales,

My wife Patsy and I live in Turtle Cove. We would like to voice our extreme opposition to the proposal for change in zoning on the tract just outside our gates to Planned Development from commercial. We love our community, but ingress and egress from Ridge Rd is already a problem. It not only will devalue our home prices, but make it next to impossible to get in and out of our subdivision. I strongly request that each city official involved drive to the area and take a firsthand look at the situation I am describing. The property should continue to be zoned commercial, or should be a nice city park, which we need more of. We appreciate the job you are doing and know that your first priority is the quality of life for our citizens. This project would make an extreme negative change to our quality of life.
Thank you,
Charlie & Patsy Pratt
619 Loch View Ct
Rockwall, TX 75087

Sent from my iPhone

Planning

From: Remona Wing [redacted]
Sent: Friday, April 6, 2018 10:03 AM
To: Planning
Subject: Case z2018-016 Waterview Ridge (C to PD)

Attn: David Gonzales,

Re: Case No z2018-016 Waterview Ridge (C to PD)

I am opposed to the rezoning of the 9+ acre property adjacent to my neighborhood from Commercial (C) to Planned Development (PD) so that multi-family apartments can be constructed. This property was zoned commercial when our home was purchased. I have looked forward to seeing responsible commercial development of this land.

Other properties near our neighborhood have nice buildings with medical offices and other businesses. Please help us by keeping the Commercial zoning. It is the best plan for our neighborhood.

The plan proposed by the applicant does not explain how the existing creek will be preserved and managed. I'm concerned that it will cause Turtle Cove to become a flood zone. That would be a tragedy.

Multi-family apartments are never beneficial to homeowners in a neighborhood of single family homes. Well planned and designed commercial property can be an asset to the neighborhood. I understand the proposed apartments will be deed restricted for older residents, but those restrictions can be removed without public input once the zoning is changed.

Please deny the rezoning request.

Sincerely,

Remona Wing
654 Stafford Circle
Rockwall, TX 75087

Planning

From: Eberle Smith [redacted]
Sent: Tuesday, April 3, 2018 9:19 AM
To: Planning
Cc: Richard Smith
Subject: Case No. Z2018-016: Waterview Ridge (C to PD)

Good morning, Mr. Gonzales:

I am opposed to a change in zoning for the Case number referenced above.

There are several reasons for my opposition. However, the major reason is I don't want **ANY** non-government owned property subsidized by the federal government. The developer is a private business enterprise and needs to use private funds to develop and maintain the property. If the developer needs to be subsidized by federal or state government funding **AT ANY LEVEL**, we say NO to a zoning change.

Virus-free. www.avast.com

Planning

From: Ron Hinkle [redacted]
Sent: Friday, April 6, 2018 7:57 AM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

Importance: High

Mr. Gonzales – I am sending you this email to strongly protest and reject the proposed rezoning changes that will adversely affect my neighborhood, Turtle Cove.

My wife and I purposely chose Rockwall and, more specifically, the Turtle Cove neighborhood as our place of choice to live. We have made important changes in our lives and have made significant investments to ensure we have the ability to enjoy our home and our neighborhood.

The changes that would rezone property adjoining our subdivision from Commercial to Planned Development will have a negative effect on my neighborhood and my home. Should the planning commission and the city council approve the zoning changes we will have no other recourse than to move since our investment will be considered worthless.

I hope the city government will respond in the appropriate way that supports its voting citizens in the community.

Ron Hinkle
2018 Gullwing Drive
Rockwall, Texas 75087

Ron Hinkle
Legislative Consultant
P.O. Box 11664
Austin, Texas 78711
www.RHinkle.com
(512)567-5250

Planning

From: Ron Pyke [redacted]
Sent: Thursday, April 5, 2018 4:56 PM
To: Planning
Cc: [redacted]
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

Attention: David Gonzales

Dear Mr. Gonzales,

I live in the Turtle Creek neighborhood at 956 Bluffview Drive (Rockwall, Texas 75087). My wife and I have owned our home there since 2009 and have enjoyed the neighborhood the entire time. We are one of the "prime" home owners that have received notification of a zoning change request. I believe that the city has the parcel on Ridge Road and Turtle Cove Drive properly zoned. There are numerous reasons not to grant this requested zoning change of which my neighbors and I are happy to present to the zoning board and city council.

Surely the purchaser of that parcel of land knew that it was zoned Commercial when he purchased the property. It would be nice if the city held him to that.

I am also happy to provide a more detailed explanation of my opposition to the change via email before or outside of the planned meetings if needed.

I would appreciate an acknowledgement of your receipt of this correspondence.

Sincerely,

Ron

RONpyke CPA
972.741.1157 *office*
214.714.0817 *cell*
www.RonaldAPykeCFO.com

Planning

From: Christie Rotramel [redacted]
Sent: Wednesday, April 4, 2018 2:01 PM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

David Gonzales,

I am opposed of the rezoning of the 9+ acre property to my neighborhood from Commercial (C) to Planned Development (PD)so that multi-family apartments can be constructed.

Christie Rotramel
621 Harbor Cove Drive
Rockwall,TX
Turtlecove Subdivision
214-869-4006

Sent from my iPhone

Planning

From: Steve and Cathy Boewe [redacted]
Sent: Thursday, April 5, 2018 11:49 AM
To: Planning
Subject: Case Z2018-016 Waterview Ridge (C to PD)

Dear David Gonzales,

My wife and I moved to Turtle Cove subdivision 6 years ago this July because we loved the location, gate and quiet neighborhood. We felt the property values would continue to rise. We knew the adjoining property was zoned commercial and have no issue with commercial being built on this site.

We do wish to state our strong opposition to rezoning the property adjoining our subdivision from Commercial to Planned Development for multi-family apartments.

Thank you,

Steve and Cathy Boewe
663 Stafford Circle
Rockwall, TX 75087

Planning

From: Tiffani Anderson [redacted]
Sent: Thursday, April 5, 2018 4:41 PM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

I live in the Turtle Cove subdivision and wish to protest the rezoning of the property adjoining our subdivision from Commercial to Planned Development.

We are concerned that the change in zoning will greatly affect our home and our neighbors' homes property values.

Thank you,

Tiffani Anderson
675 Turtle Cove Blvd
Rockwall, TX 75087

Planning

From: Yves Courbier [redacted]
Sent: Thursday, April 5, 2018 3:00 PM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

To: David Gonzales

We live in the Turtle Cove subdivision and wish to register our strong opposition to rezoning property adjoining our subdivision from Commercial to Planned Development.

We understood when we bought our home that the adjoining undeveloped property was zoned Commercial but were not aware that the property was subject to rezoning for other purposes. If we had known, we would not have purchased in Turtle Cove and possibly not in Rockwall at all.

Furthermore, the plan proposed by the applicant does not explain how the existing creek will be preserved and managed. We are concerned that it will cause Turtle Cove to become a flood zone. That would be a tragedy.

Sincerely yours,

Yves Courbier
907 Lexington Dr
Rockwall, TX 75087

Planning

From: Cathy Boewe [redacted]
Sent: Thursday, April 5, 2018 4:24 PM
To: Planning
Subject: Case Z2018-016 Waterview Ridge

Dear David Gonzales,

When I moved to the Turtle Cove subdivision almost 6 years ago, I was totally captivated by the location, the quiet gated community and the neatness of the subdivision. Those of us who live here take great pride in our "little piece of heaven"! However, now someone wants to spoil it with multi-level and multi-family apartments!! They may not start out as these, being presented as "age-restricted", but we all know that it will only be a matter of time before they become subsidized housing. I realize that the land is currently zoned commercial and even though I am not thrilled with that, zoning it multi family apartments would be so much worse! The added traffic alone would be awful. Often times you can barely get out on Ridge Road, the traffic is backed up so much!

I want to state my STRONG opposition to rezoning the property adjoining our subdivision from Commercial to Planned Development for multi-family apartments.

Thank you,
Cathy Boewe
663 Stafford Circle
Rockwall, TX 75087

Sent from Mail for Windows 10

Gonzales, David

From: Brooks, Korey
Sent: Tuesday, April 3, 2018 2:39 PM
To: Gonzales, David
Subject: FW: Case No. Z2018-016: Waterview Ridge (C to PD)

City of Rockwall
The New Horizon

Planning and Zoning Department

Korey M. Brooks
Planner
City of Rockwall
385 S. Goliad
Rockwall, Texas 75087
T 972.772.6434
kbrooks@rockwall.com
http://www.rockwall.com/planning/

From: Eberle Smith [redacted]
Sent: Tuesday, April 03, 2018 9:29 AM
To: Planning <planning@rockwall.com>
Cc: Richard Smith [redacted]
Subject: Fw: Case No. Z2018-016: Waterview Ridge (C to PD)

Mr. Gonzales - I forgot to identify myself and address:

Eberle Smith
642 Turtle Cove Blvd
Rockwall, TX 75087
214-697-2000
smith.er@sbcglobal.net

On Tuesday, April 3, 2018 9:18 AM, Eberle Smith <smith.er@sbcglobal.net> wrote:

Good morning, Mr. Gonzales:

I am opposed to a change in zoning for the Case number referenced above.

There are several reasons for my opposition. However, the major reason is I don't want **ANY** non-government owned property subsidized by the federal government. The developer is a private business enterprise and needs to use private funds to develop and maintain the property. If the developer needs to be subsidized by federal or state government funding **AT ANY LEVEL**, we say NO to a zoning change.

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Planning

From: Pyke, Jane [redacted]
Sent: Thursday, April 5, 2018 5:02 PM
To: Planning
Cc: Ron Pyke ([redacted]
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

Dear Mr. Gonzales -
I am writing to you to oppose the subject case to rezone the plot of land adjacent to the Turtle Cove subdivision. This area was zoned commercial when we purchased our home at 956 Bluffview Dr. in 2009 and we expected it to stay that way. Note, our home is in the "notification" zone. The city zoned it correctly and should hold the purchaser of the land to the zoning as it stood when they knowingly purchased the land. We do not appreciate the thought of a large multi-family (senior citizen or not) development being built on that land. The problems associated with that type of development are numerous. I have always appreciated the zoning committee's thoughtfulness in developing Rockwall. In fact, I know that your group won a state award for its thoughtfulness and I hope that it continues by disallowing, yet again, another inappropriate development on the land next to Turtle Cove. I can tell you that we have one way in and one way out of our neighborhood. This is often different from other neighborhoods when it comes to development. The realtors can't avoid driving prospective buyers past that plot of land and regardless of what the owner of the land is "promising", it is very unlikely that that could or would change anytime soon. Please oppose the building of this zoning change. Enough is enough. Thank you.

Jane Pyke
956 Bluffview Dr.
Rockwall, TX 75087
972-922-8153

Jane L. Pyke
Assistant Vice President, PHR, SHRM-CP
Human Resources
Office: 214-922-5563
[redacted]

Federal Reserve Bank of Dallas
2200 N. Pearl St. Dallas, TX 75201
dallasfed.org

Planning

From: Jennifer Courbier [redacted]
Sent: Thursday, April 5, 2018 7:52 PM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD

Dear Mr. Gonzales,

My family and I have lived in Turtle Cove for the last 12 years. It is a great place to live. The families here keep up their properties and we, as a community, take pride in the upkeep of our neighborhood. Our home owners dues go toward front lawn and common area lawn maintenance to ensure a clean, manicured landscape throughout the community. We do not allow cars to park along the streets. We care about increasing the value of our property.

I never tell people that I live in Turtle Cove without someone commenting on what a nice neighborhood it is. People know Turtle Cove homes as highly sought after real estate. This has been a well respected Rockwall neighborhood for many years.

As you probably know, Turtle Cove is a one entrance/exit neighborhood. That does increase the vulnerability of the area. The less traffic coming down Turtle Cove Blvd, the less opportunity for undesirable activity to make its way down into our neighborhood.

So, I'm respectfully petitioning you not to make a zoning change that would reduce the desirability of our neighborhood as a place to live in this great town. There can be no question that a change in zoning would have a detrimental impact on property values, safety and the general appeal of our neighborhood. Please, deny the application for a zoning change.

Respectfully,
Jennifer Courbier
Turtle Cove Resident

Sent from my iPhone

Gonzales, David

From: McKinney [redacted]
Sent: Thursday, April 5, 2018 5:16 PM
To: Gonzales, David
Subject: Case No. Z2018-016. Waterview Ridge C to PD

Mr. Gonzales: We are very much opposed to changing the above case from C to PD. As senior residents in Turtle Cove, the proposed development would overburden traffic on a short two lane street that is the only access/egress for residents. The problem of water drainage and possible flooding from the proposed development is a risk the City of Rockwall must avoid. These are only two of the issues that would harm this residential area. We would appreciate any assistance in not allowing this zoning change.

Respectfully submitted, Marlene and Lenny McKinney

Sent from my iPad

Planning

From: Lindy Thorsen [redacted]
Sent: Thursday, April 5, 2018 11:38 AM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

Mr. Gonzales:

I am opposed to the rezoning of the property on Ridge Road/Turtle Cove Blvd. by my Turtle Cove neighborhood.

Please help us keep the commercial zoning. I am concerned about numerous problems that multi-family apartments in this area would bring to our neighborhood as well as to the City of Rockwall--just to mention one major problem being the concern that our neighborhood could become a flood zone.

Thank you,

Lindy Thorsen
651 Stafford Circle
Rockwall, TX 75087

Planning

From: Martha Galli [redacted]
Sent: Thursday, April 5, 2018 2:59 PM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

Dear Mr. Gonzales,

I am Martha Galli and live at 645 Stafford Circle in the Turtle Cove Neighborhood in Rockwall.

I'm informed about the nature of the subject development and am against changing the zoning to allow High Density Residential development on this property. I believe there are many more suitable locations for developments of this nature in our city. Moreover, there are many permitted use commercial developments that are suitable improvements for this land. Mr. Miranda purchased this land knowing its commercial classification. He has the right to develop it in compliance with the commercial code. However, if he wants to re-zone the land, City Ordinances allow me to express my view. And I choose not to support the re-zoning from Commercial to Planned Development High Density Residential.

Sincerely,

Martha Galli

Planning

From: Thomas Galli [redacted]
Sent: Thursday, April 5, 2018 4:46 PM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

Dear Mr. Golzales,

I am Tom Galli and live at 645 Stafford Circle in the Turtle Cove Neighborhood.

I stand opposed to rezoning the 9.6 acres of land fronting my neighborhood from Commercial to Planned Development — High Density Residential. Such a development would not mesh well with existing commercial properties along the Ridge Road commercial corridor. It would look and feel very much out of place both architecturally and functionally.

That said, I have no objection to development of this land for a commercial purpose as delineated in our Unified Development Plan and code.

Sincerely,

Tom Galli

Gonzales, David

From: Gonzales, David
Sent: Wednesday, April 4, 2018 11:10 AM
To: 'Victor Salazar'
Subject: RE: document # Z2018-016

That street section should be built as required, and the city does have a facilities agreement in place with the property owner for the road to be built.

DAVID GONZALES, AICP
SENIOR PLANNER • PLANNING & ZONING DIVISION • CITY OF ROCKWALL
972.772.6488 OFFICE
GONZALES@ROCKWALL.COM
385 S. GOLIAD STREET • ROCKWALL, TX 75087

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GIS DIVISION WEBSITE | CITY OF ROCKWALL INTERACTIVE MAPS | MAIN STREET DIVISION

From: Victor Salazar [redacted]
Sent: Wednesday, April 4, 2018 10:42 AM
To: Gonzales, David <DGonzales@rockwall.com>
Subject: Re: document # Z2018-016

David,
Thanks for your time .
Yes you can forward to anybody concerned?
I'm just trying to validate two different sides about the street being built to La Jolla? Developer representative says yes, those opposing the plan say no. Opposers say the medicinal building owner won't allow connection of street to Lajolla.
Thanks
Victor

Sent from my iPhone

On Apr 4, 2018, at 9:56 AM, Gonzales, David <DGonzales@rockwall.com> wrote:

> Good morning Victor,
>
> The concept plan is representative of the zoning change (*i.e. Planned Development District*) for the Planning Commission and City Council to consider at the public hearings, and if approved, could not be changed without going through another zoning change request to amend the ordinance. The request is for an age restricted multi-family apartment complex and limited commercial land uses for the property. The purpose of the public hearings is for property owners to voice their opinions about the change(s) being requested, and for the governing body to consider these during their deliberations and decision making process. As a note, zoning changes are discretionary upon the City Council.
>
> The minor collector street on the plan is placed on the concept plan to indicate compliance with the City's Master Thoroughfare Plan and is required to be built to city standards.

With this being said, is this e-mail to be forwarded to the Planning and Zoning Commission and City Council?

Thank you,

<image002.jpg>**DAVID GONZALES, AICP**
SENIOR PLANNER • PLANNING & ZONING DIVISION • CITY OF ROCKWALL
972.772.6488 OFFICE
GONZALES@ROCKWALL.COM
385 S. GOLIAD STREET • ROCKWALL, TX 75087

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From: Victor Salazar [redacted]
Sent: Wednesday, April 4, 2018 9:15 AM
To: Gonzales, David <DGonzales@rockwall.com>
Subject: Re: document # Z2018-016

David,
Thank you for your response.
How much influence does the plan that has been presented by the developer to the P & Z have to do with the zoning change ?
If the zoning change is made can the developer change the plan to a different type of housing?
Is the street that is on the plan next to the rail road tracks is that already been approved to run and exit onto LaJolla st. ?
Victor

Sent from my iPhone

On Apr 3, 2018, at 3:27 PM, Gonzales, David <DGonzales@rockwall.com> wrote:

> Mr. Salazar,
>
> I am writing you to find out;
> a) if I answered your questions; and'
> b) if you intended this e-mail to be forwarded to the Planning and Zoning Commission and City Council.
>
> If so, you may also include whether you are "in favor of" or "opposed to" this request.
>
> Let me know if I can be of any f=further assistance,
>
> Thank you,
>
> <image002.jpg>**DAVID GONZALES, AICP**
> SENIOR PLANNER • PLANNING & ZONING DIVISION • CITY OF ROCKWALL
> 972.772.6488 OFFICE

GONZALES@ROCKWALL.COM
385 S. GOLIAD STREET • ROCKWALL, TX 75087

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From: Gonzales, David
Sent: Monday, April 2, 2018 3:47 PM
To: [redacted]
Cc: Ryan Miller <rmiller@rockwall.com>
Subject: RE: document # Z2018-016

Mr. Salazar,

Thank you for your e-mail regarding the proposed age restricted multi-family apartment complex being requested. Yes, the property is currently zoned as Commercial, and will remain that way as an underlying zoning for the property; however, if approved, the property will allow for the multi-family apartment complex on the commercial zoned property. Also, the applicant is requesting to limit the commercial uses available within the remainder of the property. These uses will be listed in the proposed ordinance for the Planning Commission and City Council to review, and to consider for approval at their discretion.

These are the responses to your questions:

1. If granted, the uses on the property will be allowed indefinitely as prescribed by the Planned Development District Ordinance (or until a request is made to change the zoning).
2. I do not have an answer for this question as this does not pertain to the zoning case for this particular property. As a suggestion, you may do a search through the internet to located additional holdings by Mr. Miranda.
3. There is no provision in the Planned Development District Ordinance relating to a period of time for the development to occur.

If you have any additional questions, please feel free to contact me.

Thank you,

<image007.jpg>**DAVID GONZALES, AICP**
SENIOR PLANNER • PLANNING & ZONING DIVISION • CITY OF ROCKWALL
972.772.6488 OFFICE
GONZALES@ROCKWALL.COM
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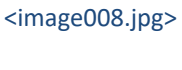
From: Brooks, Korey
Sent: Monday, April 2, 2018 2:22 PM
To: Gonzales, David <DGonzales@rockwall.com>
Subject: FW: document # Z2018-016



Planning and Zoning Department

Korey M. Brooks
Planner
City of Rockwall
385 S. Goliad
Rockwall, Texas 75087
T 972.772.6434
kbrooks@rockwall.com
http://www.rockwall.com/planning/

From: Victor Salazar [redacted]
Sent: Thursday, March 29, 2018 5:34 PM
To: Planning <planning@rockwall.com>
Subject: document # Z2018-016

To whom it may concern,
Could you answer a few Questions about the document referenced in the subject line?
i understand that this is commercial property now and wants to be zoned to multi unit housing.
1. if granted, will it always be aged restricted throughout the development until completion?

2. Does Mr. Vinod Miranda have any other developments like this in the greater DFW area ?

3. Would there be a provision that the whole project has to be finished by a certain year? 5 years- 10 years - 15 years etc

Thank You
Victor A Salazar
Turtle Cove resident

Gonzales, David

From: Miller, Ryan
Sent: Wednesday, April 11, 2018 7:50 AM
To: Gonzales, David
Subject: FW: Tonight's agenda

See below.

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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-----Original Message-----
From: Davelyn Davis [redacted]
Sent: Tuesday, April 10, 2018 5:09 PM
To: Miller, Ryan
Subject: Tonight's agenda

Good Afternoon Mr Miller,
I cannot attend the meeting tonight but I wanted to voice my opposition regarding the zoning change to be discussed this evening that affects Turtle Cove Blvd.
If you have any questions, please contact me at (469) 338-1106.
I have been a resident of Rockwall since 2002 and lived in Turtle Cove that entire length of time.
I've enjoyed living here and raising my children here as well.
I don't believe this change will bring future contentment to the residents in my neighborhood or Lakeside Village.
Sincerely
Davelyn Davis

Sent from my iPhone

Gonzales, David

From: Davelyn Davis [redacted]
Sent: Tuesday, April 10, 2018 5:05 PM
To: Gonzales, David
Subject: Hearing tonight

Mr. Gonzales,
I am not in favor of the zoning change this will be considered tonight during the planning & zoning meeting.
I have lived in Turtle Cove for sixteen years. I stand with my neighbors tonight whom are also opposed to this zoning change on your meetings agenda.
If you want any further information from me, please contact me at
469.338.1106
Sincerely
Davelyn Davis
672 Channel Ridge Drive Rockwall TX 75087.

Sent from my iPhone

Gonzales, David

From: karen4770 [redacted] >
Sent: Tuesday, April 10, 2018 4:39 PM
To: Gonzales, David
Cc: Me
Subject: 04/10/2018 Public Hearing Item #5 / Z2018-016

I am one of the home owners residing in the Turtle Cove community. I want to notify the Planning and Zoning Commission that I strongly oppose the proposed zoning change that it is referenced on the subject line of this email.
I planned to attend the public hearing, but may not be able due to last minute work meeting.

Vr,
Karen Lowery
9035135929
659 Turtle Cove Blvd.
Rockwall

Sent from my Verizon, Samsung Galaxy smartphone

Gonzales, David

From: Laura Parker [redacted]
Sent: Tuesday, April 10, 2018 4:37 PM
To: Gonzales, David
Subject: zoning change for property adjacent to Turtle Cove

I am a property owner in Turtle Cove and am very much opposed to change of zoning for property adjacent to Turtle Cove. I am unable to attend the meeting tonight but am voicing my opposition with this email. Hopefully I will attend the next meeting.

Thank you!

Laura Parker

Gonzales, David

From: Miller, Ryan
Sent: Tuesday, April 10, 2018 4:35 PM
To: Gonzales, David
Subject: FW: rezoning of property adjacent to Turtle Cove

See below.

RYAN C. MILLER, AICP
DIRECTOR OF PLANNING & ZONING • PLANNING & ZONING DIVISION • CITY OF ROCKWALL
972.772.6441 OFFICE
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From: Laura Parker [redacted]
Sent: Tuesday, April 10, 2018 4:34 PM
To: Miller, Ryan
Subject: rezoning of property adjacent to Turtle Cove

Hello,

I am a property owner in Turtle Cove. I am very much against zone change and building of apartments or senior housing on property adjacent to Turtle Cove. I am not able to attend the meeting this evening but want to voice my opinion to you.

Thank you,

Laura Parker

Gonzales, David

From: Lee Majors [redacted]
Sent: Tuesday, April 10, 2018 2:56 PM
To: Gonzales, David
Subject: Z2018-2016

Mr. Gonzales
I will not take much of your time. Just wanted to say that my wife and I are against the subject zoning change. Thanks
Lee and Shirley Majors
930 Bluffview Drive
Rockwall Texas

Sent from Lee Majors

Gonzales, David

From: Miller, Ryan
Sent: Wednesday, April 11, 2018 7:49 AM
To: Gonzales, David
Subject: FW: Turtle Cove Resident and request for zoning variances in adjoining property.

See below.

RYAN C. MILLER, AICP
DIRECTOR OF PLANNING & ZONING • PLANNING & ZONING DIVISION • CITY OF ROCKWALL
972.772.6441 OFFICE
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From: Philip Crouch [redacted]
Sent: Tuesday, April 10, 2018 5:53 PM
To: Miller, Ryan
Subject: Turtle Cove Resident and request for zoning variances in adjoining property.

Sir,

When I purchased my home in Turtle Cove a few years ago I knew adjoin property was zoned commercial. I fully accepted that an all that could come with it. I cannot accept or approve of the changes that have been requested. I do not approve of the change request or the additional variances. Please do not approve this change. Just leave the zoning as it is.

Respectfully,

Philip Crouch
675 Woodland Way
Rockwall, TX

Gonzales, David

From: Philip Crouch [redacted]
Sent: Tuesday, April 10, 2018 6:02 PM
To: Gonzales, David
Subject: Rezoning of property adjacent to Turtle Cove

Sir,

Please do not change the zoning on the property or the many variances requested by the developer. I fully accept the current zoning and what can be built there. I do not accept or want the developers change in zoning or variances approved. I am totally against the changes.

Phil Crouch
675 Woodland Way
Rockwall, TX

Gonzales, David

From: Sarah Carter [redacted]
Sent: Tuesday, April 10, 2018 3:35 PM
To: Gonzales, David
Subject: Turtle Cove Zoning Change

I live in the Turtle Cove neighborhood and have several concerns with the proposed zoning change. Last year, when the developer sent out a questionnaire to the neighborhood asking if we would support a retirement community at that location, I called the city's planning department. I wanted to make sure that this development would stay a senior facility and not convert to apartments after the zoning was approved. I learned that the city could not enforce a retirement age only facility and it could indeed become an apartment complex.

This, of course, gave me great concerns. Then the Rowlett developer who got the city to sell him the park land reneged on his proposed plan so this reinforced my concerns.

I am also concerned that this property can not handle the excess runoff especially since there already is a flooding issue due to the blocked railroad culvert.

Finally, four stories is way too tall of a proposal. Most of the property is on a hill and with that extra height, residents will be able to look into everyone's backyards.

Thanks so much.

Sincerely,

Sarah Carter

676 Woodland Way

Sent from my iPhone

Gonzales, David

From: Miller, Ryan
Sent: Tuesday, April 10, 2018 2:53 PM
To: Gonzales, David
Subject: FW: Z2018-016

See below ...

RYAN C. MILLER, AICP
DIRECTOR OF PLANNING & ZONING • PLANNING & ZONING DIVISION • CITY OF ROCKWALL
972.772.6441 OFFICE
RMILLER@ROCKWALL.COM
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-----Original Message-----
From: Lee Majors [redacted]
Sent: Tuesday, April 10, 2018 2:52 PM
To: Miller, Ryan
Subject: Z2018-016

Mr. Miller
I won't take much of your time. Just wanted to say my wife and I are against the subject zoning change. Thanks Lee & Shirley Majors
930 Bluffview Drive
Rockwall Texas

Sent from Lee Majors

Gonzales, David

From: Planning
Sent: Wednesday, April 11, 2018 10:47 AM
To: Gonzales, David
Subject: FW: Zoning change request

City of Rockwall
The New Horizon

Planning
and
Zoning Department

Korey M. Brooks
Planner
City of Rockwall
385 S. Goliad
Rockwall, Texas 75087
T 972.772.6434
kbrooks@rockwall.com
http://www.rockwall.com/planning/

From: Stuart Harstrom [redacted]
Sent: Tuesday, April 10, 2018 4:53 PM
To: Planning <planning@rockwall.com>
Subject: Zoning change request

Mr. Gonzales, I live in Turtle Cove. My wife and I are strongly opposed to the zoning request change to high density, multi family living. We've lived here for 11 1/2 yrs and we have an outstanding community in Turtle Cove. Apts. do not mix here at this location and we know, apts. are what will be built. The traffice is bad enough trying to get out of our area, as traffic in all of Rockwall. Also, we all know that crime does come with apts. I ask that you vote to deny this request so that our community will be a great place to live.
Thank you , Stuart & Susan Harstrom, 675 Danielle Ct.

Gonzales, David

From: Sivi Clark [redacted] >
Sent: Tuesday, April 10, 2018 6:04 PM
To: Gonzales, David
Subject: Independent Living Project

Hello. My name is Marcel Clark and I live in Turtle Cove. I approve of the Independent Living Project. I had my reservations about it in the beginning. Bu,t unlike the others, I like to go to the source of the problem, I had a sit down with Mr. Clark and the developer to find out exactly what Independent Living Project is all about. After talking to them, I got a clear understanding of what the project is about. But still yet,I was still not convinced that they were telling me everything. For instance, what if the project were sold to another contractor and it turned into apartments? Number 2, will it become section 8 apartment? Number 3, is the age limit truly 60 and over? Number 4, what is the number of people able to live in the apartments? Number 5, the beautification of the property, and Number 6, his honesty and his integrity. After several meetings with Mr. Clark, I see that he is a honest man and I feel he is straight forward with me. So yes, I approve of this Project. Thank You Marcel Clark.

Gonzales, David

From: Kenneth Hood [redacted] >
Sent: Tuesday, April 10, 2018 11:46 AM
To: Gonzales, David; Miller, Ryan
Subject: Proposed Zoning Change

Gentlemen:

I live at 935 Briar Oaks Dr. in Turtle Cove, and I strongly oppose the zoning change request from C to PD. The front of my house faces the adjacent property, and I don't want to look out my windows and see a four story building. A four story building will actually look five story building due to the elevation change. If I wanted that, I would move to Uptown Dallas. Please be prepared for a packed house tonight.

Sincerely,

Kenneth Hood
KWH Network Services
519 Interstate 30 PMB 133
Rockwall, TX 75087
214-507-1078
[redacted]

KWH Network Services
IT Solutions for Small Business

This message (including any attachments) is intended only for the use of the individual or entity to which it is addressed and may contain information that is non-public, proprietary, privileged, confidential, and exempt from disclosure under applicable law or may constitute as attorney work product. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, notify us immediately by telephone and (i) destroy this message if a facsimile or (ii) delete this message immediately if this is an electronic communication. Thank you.

Gonzales, David

From: Mike Jusko [redacted] >
Sent: Tuesday, April 10, 2018 11:45 AM
To: Gonzales, David
Subject: Case #Z2018-016 Waterview Ridge (C to PD)

Greetings David!

I live in Lakeside Village and I want to voice my opposition to this change in zoning.

I think this property could be better used as a commercial property as zoned.

Mike Jusko
4004 Mediterranean
Rockwall, TX 75087
469.323.6760

Gonzales, David

From: VIVIAN GRIFFITH [redacted]
Sent: Tuesday, April 10, 2018 1:47 PM
To: Gonzales, David
Cc: Miller, Ryan
Subject: Zoning changes

Hello Mr. Gonzales,
I live in the Turtle Cove subdivision and cannot attend the meeting tonight but would like to voice my concern about the proposed zoning change. My husband John and I live at 619 Harbor Cove Drive and our entire household is AGAINST this proposed change. We would like our concerns to be represented via this email.

If you have any questions, please feel free to contact me at 214-500-4559 Thanks,

Vivian Griffith

Gonzales, David

From: Miller, Ryan
Sent: Tuesday, April 10, 2018 1:11 PM
To: Gonzales, David
Subject: FW: Re-zoning of Turtle Cove @ Ridge Rd

See below.

RYAN C. MILLER, AICP
DIRECTOR OF PLANNING & ZONING • PLANNING & ZONING DIVISION • CITY OF ROCKWALL
972.772.6441 OFFICE
RMILLER@ROCKWALL.COM
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-----Original Message-----
From: Lisa Goodson [redacted]
Sent: Tuesday, April 10, 2018 1:00 PM
To: Miller, Ryan
Subject: Re-zoning of Turtle Cove @ Ridge Rd

Mr. Miller,

My name is Lisa Goodson. My husband and I just moved to the Turtle Cove subdivision two weeks ago. I found out Sunday night that there is a proposed re-zoning right next to the entrance of our neighborhood.

Unfortunately, I do not know all of the details.
I do know that we just moved from our home in Lake Highlands of 26 years due to apartment nightmares. They were nice when we bought our house. . Now, they are run down. They are riddled with crime and drugs. The crime has migrated into our neighborhood to the point you did not want to go out for walks. Our 75 year old next door neighbor had a home invasion about 6 months ago. The rest of the neighborhood is constantly having issues. Apartments always start nice but, they do run down after a while. There is always trash around and you can not control the noise level.

We chose to move to Rockwall and Turtle Cove specifically because it is so beautiful, quiet and there is a lot of wildlife around. The people are so friendly and the crime was so low. I especially was happy that there was not any apartments near by. We bought our home at a premium knowing that our home value would only go up. This HOA community really takes care of this property.

Please do not let developers come in and build apartments here. We bought this house to retire in at some point. It would devastate our home values. The traffic is already heavy on that part of the Ridge Road. It will only make things worse.

Thanks for your time,

Planning

From: Alexandria West [redacted]
Sent: Friday, April 6, 2018 3:20 PM
To: Planning
Subject: Case No z2018-016 Waterview Ridge (C to PD)

Attn: David Gonzales,

Re: Case No z2018-016 Waterview Ridge (C to PD)

I am opposed to the rezoning of the 9+ acre property adjacent to my neighborhood from Commercial (C) to Planned Development (PD) so that multi-family apartments can be constructed. This property was zoned commercial when our home was purchased. I have looked forward to seeing responsible commercial development of this land.

Other properties near our neighborhood have nice buildings with medical offices and other businesses. Please help us by keeping the Commercial zoning. It is the best plan for our neighborhood.

The plan proposed by the applicant does not explain how the existing creek will be preserved and managed. I'm concerned that it will cause Turtle Cove to become a flood zone. That would be a tragedy.

Multi-family apartments are never beneficial to homeowners in a neighborhood of single family homes. Well planned and designed commercial property can be an asset to the neighborhood. I understand the proposed apartments will be deed restricted for older residents, but those restrictions can be removed without public input once the zoning is changed.

Please deny the rezoning request.

Sincerely,

Alexandria West
652 Stafford Circle
Rockwall, TX 75087
214-507-5499

Planning

From: West, William [redacted]
Sent: Saturday, April 7, 2018 3:15 PM
To: Planning
Cc: [redacted]
Subject: Case No z2018-016 Waterview Ridge (C to PD)

Attn: David Gonzales,

Re: Case No z2018-016 Waterview Ridge (C to PD)

I am opposed to the rezoning of the 9+ acre property adjacent to my neighborhood from Commercial (C) to Planned Development (PD) so that multi-family apartments can be constructed. This property was zoned commercial when our home was purchased. I have looked forward to seeing responsible commercial development of this land.

Other properties near our neighborhood have nice buildings with medical offices and other businesses. Please help us by keeping the Commercial zoning. It is the best plan for our neighborhood.

The plan proposed by the applicant does not explain how the existing creek will be preserved and managed. I'm concerned that it will cause Turtle Cove to become a flood zone. That would be a tragedy.

Multi-family apartments are never beneficial to homeowners in a neighborhood of single family homes. Well planned and designed commercial property can be an asset to the neighborhood. I understand the proposed apartments will be deed restricted for older residents, but those restrictions can be removed without public input once the zoning is changed.

Please deny the rezoning request.

Sincerely,

William M. West
652 Stafford Circle
Rockwall, TX 75087

William M. West
Account Executive Distribution and Alternate Care
4 Hartwell Place
Lexington, MA 02421
USA
Customer/Tech. Service: 1.800.332.1042
Mobile: 214.938.7220
[redacted]
www.sekisuidiagnostics.com

Planning

From: elaine eubanks [redacted]
Sent: Sunday, April 8, 2018 12:10 PM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge(C to PD)

Elaine Eubanks
740 Turtle Cove Blvd
Rockwall, Tx. 75087

To: David Gonzales,
I oppose the construction of any apartment type dwellings built on this property not only because the additional traffic brought to our Turtle Cove addition, but we also expect with apartments, either senior dwelling or standard, this will be rental property and a real concern of decline in our property value. In addition, we also oppose commercial buildings, if the only in and out access is from turtle cove blvd. We have heard that a access rd from Laguna Dr may be built and if so, that would be huge difference maker in my decision for not only myself but for many other turtle cove residences.
Thank you,
Elaine Eubanks

Sent from Yahoo Mail for iPhone

Planning

From: garry eubanks [redacted]
Sent: Sunday, April 8, 2018 11:29 AM
To: Planning
Cc: Elaine Eubanks
Subject: case #: Z2018-016 waterridge ridge (C to PD)

Garry and Elaine Eubanks
740 Turtle Cove Blvd
Rockwall, Tx. 75087

We oppose the construction of any apartment type dwellings built on this property not only because the additional traffic brought to our turtle cove addition. but we also expect with apartments, either senior dwelling or standard, this will be rental property and a real concern of decline in our property value. In addition, we also oppose commercial buildings, if the only in and out access is from turtle cove blvd. We have heard that a access rd from Laguna Dr may may be built and if so, that would be huge difference maker in our decision for not only ourselves but for many other turtle cove residences.
Thank you,
Garry and Eubanks

Sent by ge from my cell mail

Planning

From: Jack Burnside [redacted]
Sent: Monday, April 9, 2018 8:25 AM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

Dear Mr. Gonzales,

My family recently moved into Turtle Cove this past Spring as a part of a relocation with American Airlines. The decision to be so far from the airport was not an easy one but was easily offset by what this community offered.

Had we been aware of the planned rezoning to something remotely similar to high density housing we would've move elsewhere.

We love the City of Rockwall and I am writing you today to register my strong opposition to the proposed rezoning of the property that fronts my community of Turtle Cove.

--
Sincerely,

Jack Burnside

727 Turtle Cove Blvd
Rockwall, TX 75087

Planning

From: John Floeter [redacted]
Sent: Saturday, April 7, 2018 8:36 AM
To: Planning
Subject: Case No. Z2018-016: Waterview Ridge (C to PD)

David,

Thank you for the notice you mailed about the subject case. My wife Shirley Floeter and I live at 926 Briar Oaks Dr., and we are both opposed to the request.

We purchased our home two years ago with the full knowledge that the 9-acre property was zoned Commercial.

Had this property been zoned for multi-family apartments, we would not have purchased a home in Turtle Cove. We can tell you from personal experience that apartments are never good for single-family neighborhoods. And the age 62+ deed restrictions proposed by the applicant are useless because they cannot be enforced.

We believe that responsible development of this property using Commercial zoning will be better for our neighborhood over the long term. Anyone can see several good examples of how this property might be developed by looking at the adjacent office and medical buildings. So please protect us and our neighbors.

We are also very concerned about flooding during heavy rainstorms. The plans shown for the apartment development appear to be inadequate in terms of water management. The stream that runs through this property is likely to fill the proposed detention pond, which will render it useless during storms.

Thank you.

John Floeter
926 Briar Oaks Dr.
Rockwall TX 75087
214.673.7383 (call or text)
[redacted]

Planning

From: marilyn hall [redacted]
Sent: Friday, April 6, 2018 5:05 PM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C

> I am a resident of Turtle Cove and am opposed to any hi density house on the land leading into the development. Traffic is impossible on to Ridge Road now. It can only get worse for everyone
Marilyn Hall
942 Lexington Dr

Sent from my iPhone

Planning

From: Mary Benton [redacted]
Sent: Monday, April 9, 2018 11:30 AM
To: Planning
Subject: Rezoning in Turtle Cove

Mr. Gonzales, I am a resident in Turtle Cove and have lived here since 2003. We are all very concerned with the property owners/ developer's desire to re-zone the property on Turtle Cove . These are my concerns : 1. Our homes will lose the natural water drainage and place us at risk for flood water and run off . That will greatly affect the value of this greatly desired community . The city should protect the existing residence over new development . 2. Turtle Cove Blvd is and will remain the only exit for the residents and any business. It can not serve the population he projects and the current volume. 3. I don't just speak for myself when I state this neighborhood will suffer greatly. I for one will move, if the value of our property declines and the sale of homes is greatly affected. We send a strong plea to our city electives to decline any and all of his current request to rezone and build the current housing project or any similar project. That land and our street cannot accommodate the volume of people, cars, and dwelling. Thank you for your time , concern, and attention to this matter.

Mary Benton , homeowner Turtle Cove

Planning

From: Marilyn [redacted]
Sent: Friday, April 6, 2018 5:10 PM
To: Planning
Subject: Zoning

David Gonzalez

My husband and I live in the Turtle Cove subdivision and wish to register our strong opposition to rezoning property adjoining our subdivision from Commercial to Planned Development.

Four story high density apartments were not what we expected when we moved here

Ronnie Clinton
Marilyn Hall

Sent from my iPhone

Planning

From: Scott Phillips [redacted] >
Sent: Sunday, April 8, 2018 3:52 PM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)

To: David Gonzales

We live in the Turtle Cove subdivision and wish to register our strong opposition to rezoning property adjoining our subdivision from Commercial to Planned Development.

We understood when we bought our home that the adjoining undeveloped property was zoned Commercial and understood that eventually there may be a commercial building built on it. If we had known that the city of Rockwall would entertain apartments by greedy developers, we would not have purchased in Turtle Cove and possibly not in Rockwall at all. These developers are not concerned with the damage that apartments do to a community over time. Just look at Garland for example. It's not fair to the residents of Rockwall to allow this to happen.

Collette Phillips
643 Turtle Cove Blvd
Rockwall, TX 75087

Planning

From: [redacted]
Sent: Saturday, April 7, 2018 3:39 PM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge (C to PD)
Attachments: Z2018-016 Waterview Ridge (C to PD).pdf

Mr. Gonzales,

Please find attached my response to the Notice of Public Hearing regarding the subject zoning change request. I am strongly opposed to the requested change. The original planning with this property zoned for commercial use was the correct choice and in the best interest of the city and our community. I respectfully urge you to deny this request for a change in zoning.

To be clear, I have no issue whatsoever with well planned commercial development in this area. I have been in my home for 20 years and am very concerned that a zoning change will forever change the character of our neighborhood, not to mention the inevitable decrease in our property values.

I plan to attend both upcoming public hearings addressing this issue as well.

Thank you for your time,

William Katt
650 Turtle Cove Blvd

Planning

From: West, William [redacted]
Sent: Saturday, April 7, 2018 3:15 PM
To: Planning
Cc: [redacted]
Subject: Case No z2018-016 Waterview Ridge (C to PD)

Attn: David Gonzales,

Re: Case No z2018-016 Waterview Ridge (C to PD)

I am opposed to the rezoning of the 9+ acre property adjacent to my neighborhood from Commercial (C) to Planned Development (PD) so that multi-family apartments can be constructed. This property was zoned commercial when our home was purchased. I have looked forward to seeing responsible commercial development of this land.

Other properties near our neighborhood have nice buildings with medical offices and other businesses. Please help us by keeping the Commercial zoning. It is the best plan for our neighborhood.

The plan proposed by the applicant does not explain how the existing creek will be preserved and managed. I'm concerned that it will cause Turtle Cove to become a flood zone. That would be a tragedy.

Multi-family apartments are never beneficial to homeowners in a neighborhood of single family homes. Well planned and designed commercial property can be an asset to the neighborhood. I understand the proposed apartments will be deed restricted for older residents, but those restrictions can be removed without public input once the zoning is changed.

Please deny the rezoning request.

Sincerely,

William M. West
652 Stafford Circle
Rockwall, TX 75087

William M. West
Account Executive Distribution and Alternate Care
4 Hartwell Place
Lexington, MA 02421
USA
Customer/Tech. Service: 1.800.332.1042
Mobile: 214.938.7220
[redacted]
www.sekisuidiagnostics.com

Planning

From: West, William [redacted]
Sent: Saturday, April 7, 2018 7:41 AM
To: Planning
Cc: [redacted]
Subject: Subject: Case No z2018-016 Waterview Ridge (C to PD)

Attn: David Gonzales,

Re: Case No z2018-016 Waterview Ridge (C to PD)

I am opposed to the rezoning of the 9+ acre property adjacent to my neighborhood from Commercial (C) to Planned Development (PD) so that multi-family apartments can be constructed. This property was zoned commercial when our home was purchased. I have looked forward to seeing responsible commercial development of this land.

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Sincerely,

William M. West
Account Executive Distribution and Alternate Care
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USA
Customer/Tech. Service: 1.800.332.1042
Mobile: 214.938.7220
[redacted]
www.sekisuidiagnostics.com

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Gonzales, David

From: Jameson Titus [redacted] >
Sent: Monday, April 9, 2018 4:23 AM
To: Gonzales, David
Subject: Turtle Cove - Independent Living project

Dear David ,

Thank you for your service to the citizens of Rockwall .

Regarding the proposed Independent Living project on Turtle Cove and Ridge.

I am in favor of the Independent Living project that will be coming up for your approval soon.

I have been a home owner and resident of 655 Turtle Cove Blvd. since me, my wife and children moved from Dallas to Rockwall in Oct of 1994.

We are one of the few homeowners who have been in this Turtle Cove neighborhood since 1994.

We as a family has seen many changes since we moved here, some good and much needed and some not so good in our neighborhood and in the city, and county.

The land for the Independent Living has been empty since we moved here in 1994, and seems over the last 24 years a few developments have proposed to develop , but seems that they were not either viable or not welcomed .

The current zoning on the land and all the possible uses and parking ,traffic vs. the proposed change , to me seems it is better to change and approve the zoning request.

The use of the independent living in this area and community to me seems a much better use than more box stores, traffic count , retail and more restaurants, etc..

As we have been living here over 24 years and are getting older, as we love the area, seems like a more logical area to move to independent as/if we may need the physical help based on our health in the future.

The potential to have the Rockwall EMS have a presence in this development is a great plus to my family and would also think to the community response time around us.

The potential new feeder road from Turtle Cove by the railroad track to freeway to help with the traffic flow also is a positive that may or not come with the existing zoning.

So recap , I am in favor of the zoning change request for the Independent living project on Ridge and Turtle Cove.

Thank you again for your service to the citizens of Rockwall,

Jameson Titus
655 Turtle Cove Blvd
Rockwall, Tx 75087

Planning

From: Trisha [redacted]
Sent: Monday, April 9, 2018 7:43 PM
To: Planning
Subject: Rezoning case # Z2018-016

I am opposed to rezoning the property at Turtle Cove and Ridge Road. I am not in favor of a change in zoning to mult-family apartments for this area.

I am concerned about any change in zoning that would effect our property values and increase traffic in this area.

Thank you for serving our community.

Trisha Baughman
655 Stafford Circle
Rockwall, TX

Sent from AOL Mobile Mail

Planning

From: Bob C [redacted]
Sent: Monday, April 9, 2018 11:54 PM
To: Planning
Cc: Cheryl Taylor
Subject: Z2018-016, Waterview Ridge

Good evening to all. Our Church, First Presbyterian Church of Rockwall, received notification of the Public Hearings before the Planning and Zoning Commission and the City Council as pertaining to the subject Zoning Change Request. I currently serve as one of the Church's Ruling Elders and as the Church Treasurer.

Our Pastor, Rev. Cheryl Taylor, and I had a discussion earlier today regarding this request and, unfortunately, neither of us are able to attend the March 10, 2018 P&Z Meeting. But we wish to assure the members of the Planning and Zoning Commission and the City Council that First Presbyterian Church of Rockwall has no objection to this zoning change and we fully support any effort undertaken to improve living opportunities for the community's Senior Citizens.

Please feel free to contact me if you have any questions or if I can be of service.

Sincerely,

Bob Cotti, 214-957-6150

Planning

From: West, William [redacted]
Sent: Saturday, April 7, 2018 3:15 PM
To: Planning
Cc: [redacted]
Subject: Case No z2018-016 Waterview Ridge (C to PD)

Attn: David Gonzales,

Re: Case No z2018-016 Waterview Ridge (C to PD)

I am opposed to the rezoning of the 9+ acre property adjacent to my neighborhood from Commercial (C) to Planned Development (PD) so that multi-family apartments can be constructed. This property was zoned commercial when our home was purchased. I have looked forward to seeing responsible commercial development of this land.

Other properties near our neighborhood have nice buildings with medical offices and other businesses. Please help us by keeping the Commercial zoning. It is the best plan for our neighborhood.

The plan proposed by the applicant does not explain how the existing creek will be preserved and managed. I'm concerned that it will cause Turtle Cove to become a flood zone. That would be a tragedy.

Multi-family apartments are never beneficial to homeowners in a neighborhood of single family homes. Well planned and designed commercial property can be an asset to the neighborhood. I understand the proposed apartments will be deed restricted for older residents, but those restrictions can be removed without public input once the zoning is changed.

Please deny the rezoning request.

Sincerely,

William M. West
652 Stafford Circle
Rockwall, TX 75087

William M. West
Account Executive Distribution and Alternate Care
4 Hartwell Place
Lexington, MA 02421
USA
Customer/Tech. Service: 1.800.332.1042
Mobile: 214.938.7220
[redacted]
www.sekisuidiagnostics.com

Planning

From: West, William [redacted]
Sent: Saturday, April 7, 2018 7:41 AM
To: Planning
Cc: [redacted]
Subject: Subject: Case No z2018-016 Waterview Ridge (C to PD)

Attn: David Gonzales,

Re: Case No z2018-016 Waterview Ridge (C to PD)

I am opposed to the rezoning of the 9+ acre property adjacent to my neighborhood from Commercial (C) to Planned Development (PD) so that multi-family apartments can be constructed. This property was zoned commercial when our home was purchased. I have looked forward to seeing responsible commercial development of this land.

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Please deny the rezoning request.

Sincerely,

William M. West
Account Executive Distribution and Alternate Care
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Lexington, MA 02421
USA
Customer/Tech. Service: 1.800.332.1042
Mobile: 214.938.7220
[redacted]
www.sekisuidiagnostics.com

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Gonzales, David

From: Kenneth Hood [redacted] >
Sent: Tuesday, April 10, 2018 11:46 AM
To: Gonzales, David; Miller, Ryan
Subject: Proposed Zoning Change

Gentlemen:

I live at 935 Briar Oaks Dr. in Turtle Cove, and I strongly oppose the zoning change request from C to PD. The front of my house faces the adjacent property, and I don't want to look out my windows and see a four story building. A four story building will actually look five story building due to the elevation change. If I wanted that, I would move to Uptown Dallas. Please be prepared for a packed house tonight.

Sincerely,

Kenneth Hood
KWH Network Services
519 Interstate 30 PMB 133
Rockwall, TX 75087
214-507-1078
[redacted]

KWH Network Services
IT Solutions for Small Business

This message (including any attachments) is intended only for the use of the individual or entity to which it is addressed and may contain information that is non-public, proprietary, privileged, confidential, and exempt from disclosure under applicable law or may constitute as attorney work product. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, notify us immediately by telephone and (i) destroy this message if a facsimile or (ii) delete this message immediately if this is an electronic communication. Thank you.

Planning

From: Marilyn [redacted]
Sent: Friday, April 6, 2018 5:10 PM
To: Planning
Subject: Zoning

David Gonzalez

My husband and I live in the Turtle Cove subdivision and wish to register our strong opposition to rezoning property adjoining our subdivision from Commercial to Planned Development.

Four story high density apartments were not what we expected when we moved here

Ronnie Clinton
Marilyn Hall

Sent from my iPhone

Planning

From: elaine eubanks [redacted]
Sent: Sunday, April 8, 2018 12:10 PM
To: Planning
Subject: Case No. Z2018-016 Waterview Ridge(C to PD)

Elaine Eubanks
740 Turtle Cove Blvd
Rockwall, Tx. 75087

To: David Gonzales,
I oppose the construction of any apartment type dwellings built on this property not only because the additional traffic brought to our Turtle Cove addition, but we also expect with apartments, either senior dwelling or standard, this will be rental property and a real concern of decline in our property value. In addition, we also oppose commercial buildings, if the only in and out access is from turtle cove blvd. We have heard that a access rd from Laguna Dr may be built and if so, that would be huge difference maker in my decision for not only myself but for many other turtle cove residences.
Thank you,
Elaine Eubanks

Sent from Yahoo Mail for iPhone

CITY OF ROCKWALL

ORDINANCE NO. 18-XX

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, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM A COMMERCIAL (C) DISTRICT TO A PLANNED DEVELOPMENT DISTRICT XX (PD-XX) TO ALLOW AN AGE RESTRICTED MULTI-FAMILY APARTMENT COMPLEX, AGE RESTRICTED TOWNHOMES AND LIMITED COMMERCIAL (C) LAND USES ON THE SUBJECT PROPERTY, BEING A 9.70-ACRE TRACT OF LAND IDENTIFIED AS TRACT 15 OF THE E.P.G. CHISUM SURVEY, ABSTRACT NO. 64, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'*; 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 Clark Staggs on behalf of the owner Vinod Miranda for the approval of a zoning change from a Commercial (C) District to a Planned Development District for an age restricted multi-family apartment complex and limited Commercial (C) District land uses on a 9.70-acre tract of land identified as Tract 15 of the E. P. G. Chisum Survey, Abstract No. 64, City of Rockwall, Rockwall County, Texas and more fully described in *Exhibit 'A'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code [*Ordinance No. 04-38*] should be amended as follows:

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

Section 1. That the *Subject Property* shall be used only in the manner and for the purposes authorized by this Planned Development District Ordinance and the Unified Development Code [*Ordinance No. 04-38*] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future;

Section 2. That development of the *Subject Property* shall be in accordance with the *Area Map*, described in *Exhibit 'B'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'B'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

Section 3. That development of the *Subject Property* shall be in accordance with the *Planned Development Concept Plan*, described in *Exhibit 'C'* of this ordinance, attached hereto

Draft Ordinance 04.16.2018

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

Section 4. That development of the *Subject Property* shall generally be in accordance with the *PD Development Standards*, described in *Exhibit 'D'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'D'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

Section 5. That development of the *Subject Property* shall generally be in accordance with the *Concept Building Elevations*, contained in *Exhibit 'E' & 'F'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'E' & 'F'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

Section 6. That development of the *Subject Property* shall be in conformance with the schedule listed below (*except as set forth below with regard to simultaneous processing and approvals*).

(a) The procedures set forth in the City's subdivision regulations on the date this ordinance is approved by the City Council, as amended by this ordinance (*including Subsections 5(b) through 5(g) below*), shall be the exclusive procedures applicable to the subdivision and platting of the *Subject Property*.

(b) The following plans and plats shall be required in the order listed below (*except as set forth below with regard to simultaneous processing and approvals*). The City Council shall act on an application for an *Open Space Master Plan* in accordance with the time period specified in *Section 212.009* of the *Texas Local Government Code*.

(1) PD Development Plan [*required for commercial areas only* (*i.e. Area 3*)]
(2) Preliminary Plat
(3) PD Site Plan
(4) Open Space/Amenity Plan
(5) Final Plat

(c) *PD Development Plan.* A *PD Development Plan* must be approved for the areas designated as *Area 3* on the Area Map as depicted on *Exhibit 'B'* of this PD Ordinance, prior to submittal of a *PD Site Plan* application and/or preliminary plat application. A traffic impact analysis for the each phase of the development shall be submitted with the *PD Development Plan* to determine the extent and timing of any recommended facilities and/or improvements to the surrounding roadway network. The traffic impact analysis may be updated with each *PD Site Plan*.

(d) *Preliminary Plat.* A preliminary plat application shall be submitted for each phase of residential development. A *PD Site* Plan application, including a site plan application for improvements for parkland or trails, may be processed by the City concurrently with a preliminary plat application for that phase of the development.

(e) *PD Site Plan.* A *PD Site Plan* covering all of the *Subject Property* shall be submitted and shall include a *Site Plan*, *Building Elevations*, *Treescape Plan*, *Landscape Plan* and a *Photometric Plan*. A *PD Site Plan* application may be processed by the City concurrently with an *Open Space/Amenity Plan* for the development.

(f) *Open Space/Amenity Plan.* An *Open Space/Amenity Plan* covering all of the *Subject Property* shall be submitted and shall include a detailed depiction of all proposed public and private amenities. An *Open Space/Amenity Plan* may be processed by the City concurrently with a *PD Site Plan Application* for the development.

(g) *Deed Restrictions.* Prior to or concurrently with the recording of the final plat for the *Subject Property*, the owner of the *Subject Property* shall establish a restrictive covenant for the *Age Restricted Multi-Family Apartment Complex* by executing and recording an instrument approved by the City Attorney pursuant to which the *Age Restricted Multi-Family Apartment Complex* shall be limited to residential uses by people 62-years of age or older consistent with the Federal Fair Housing Act and all other applicable laws.

Draft Ordinance 05-21-2018

(h) *Final Plat.* Prior to the issuance of any building permits, a *Final Plat* for the *Subject Property* shall be submitted for approval.

Section 7. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *Two Thousand Dollars* ($2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense;

Section 8. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable;

Section 9. The standards in this ordinance shall control in the event of a conflict between this ordinance and any provision of the Unified Development Code or any provision of the City Code, ordinance, resolution, rule, regulation, or procedure that provides a specific standard that is different from and inconsistent with this ordinance. References to zoning district regulations or other standards in the Unified Development Code (including references to the *Unified Development Code*), and references to overlay districts, in this ordinance or any of the Exhibits hereto are those in effect on the date this ordinance was passed and approved by the City Council of the City of Rockwall, Texas;

Section 10. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides;

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 7TH DAY OF MAY, 2018.

_____
Jim Pruitt, *Mayor*

ATTEST:

_____
Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

_____
Frank J. Garza, *City Attorney*

1st Reading: *April 16, 2018*

2nd Reading: *May 7, 2018*

Draft Ordinance
04.16.2018

Exhibit 'A':
Legal Description

All that certain lot, tract or parcel of land situated in the E.P.G. CHISUM SURVEY, ABSTRACT NO. 64, City of Rockwall, Rockwall County, Texas, and being all of a tract of land as described in a Warranty deed from James W. Reese to LGI Properties. LTD, dated July 1, 2003 and being recorded in Volume 3075, Page 146 of the Real Property Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a TXDOT brass disk monument found for corner at the intersection of the southwest right-of-way line of Turtle Cove Drive, a 60 foot right-of-way, with the northwest right-of-way line of Ridge Road F.M. 740, a variable width right-of-way per Volume 1582, Page 317 of the Real Property Records of Rockwall County, Texas, and being at the east corner of the above cited tract of land;

THENCE in a southwesterly direction along the northwest right-of-way line of Ridge Road F.M. 740 as follows:

S. 45 deg. 59 min. 50 sec. W. a distance of 113.22 feet to a TXDOT brass disk monument found for corner;

S. 57 deg. 34 min. 20 sec. W. a distance of 103.07 feet to a TXDOT brass disk monument found for corner;

S. 35 deg. 01 min. 32 sec. W. a distance of 101.12 feet to a TXDOT brass disk monument found for corner;

S. 33 deg. 32 min. 12 sec. W. a distance of 204.12 feet to a TXDOT brass disk monument found for corner;

S. 40 deg. 08 min. 27 sec. W. a distance of 136.97 feet to a TXDOT brass disk monument found for corner at the south corner of said Reese to LGI Properties tract and being in the northeast boundary line of Lot 1, Block A, LAKE POINT HEATH AND SCIENCE CENTER ADDITION, an Addition to the City of Rockwall, Texas, according to the Plat thereof recorded in Cabinet C, Slide 216 of the Plat Records of Rockwall County, Texas;

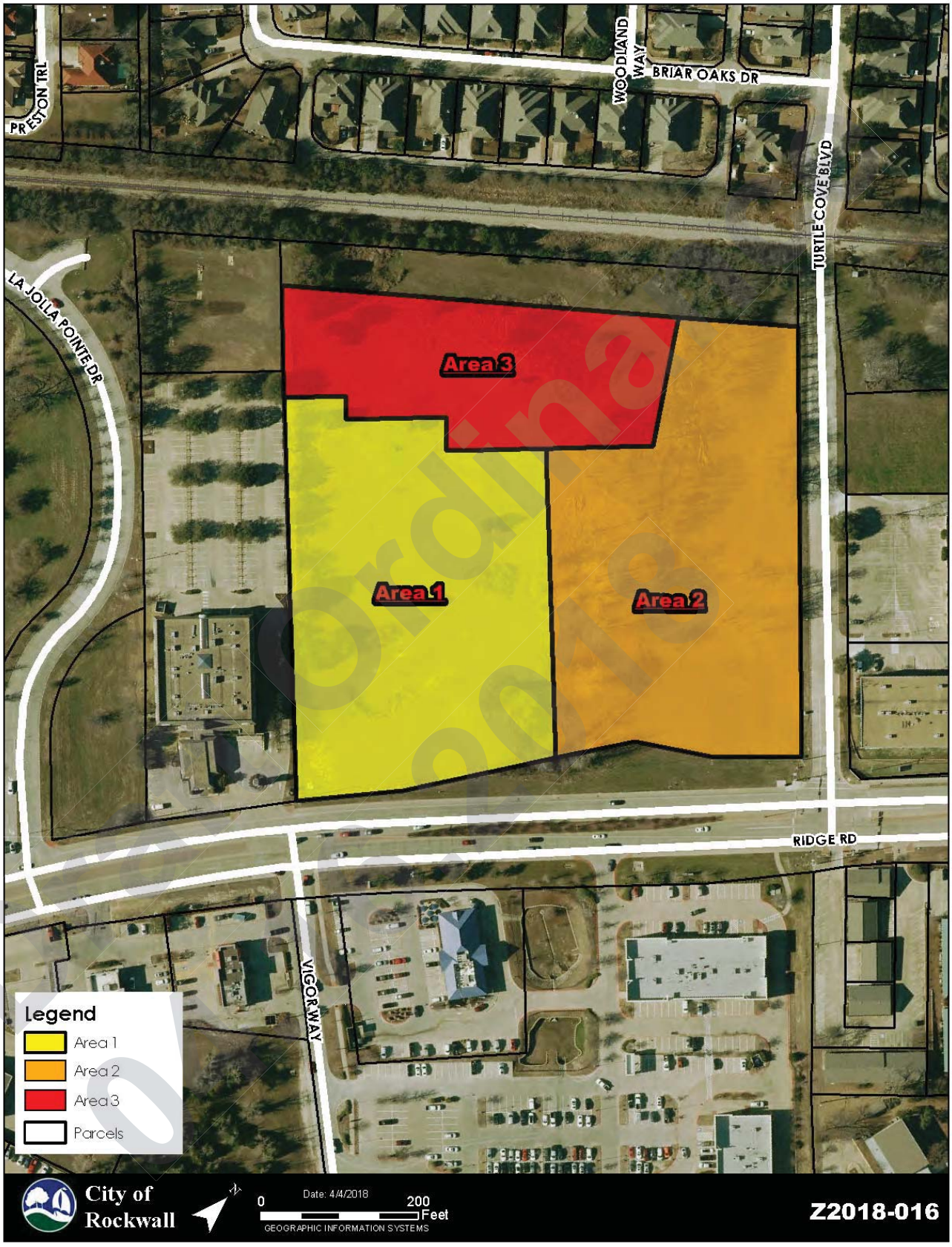
THENCE N. 45 deg. 31 min. 12 sec. W. a distance of 711.59 feet to a 3/8" iron rod found for corner at the west corner of said Reese to LGI Properties tract and being in the southeast right-of-way line of the Union Pacific Railroad, a 100 foot right-of-way;

THENCE N. 49 deg. 42 min. 29 sec. E. along said railroad right-of-way, a distance of 658.84 feet to a ½" iron rod found for corner in the southwest right-of-way line of Turtle Cove Drive;

THENCE S. 44 deg. 58 min. 41 sec. E. along said right-of-way line, a distance of 612.21 feet to the *POINT OF BEGINNING* and containing 422,730 square feet or 9.70 acres of land.

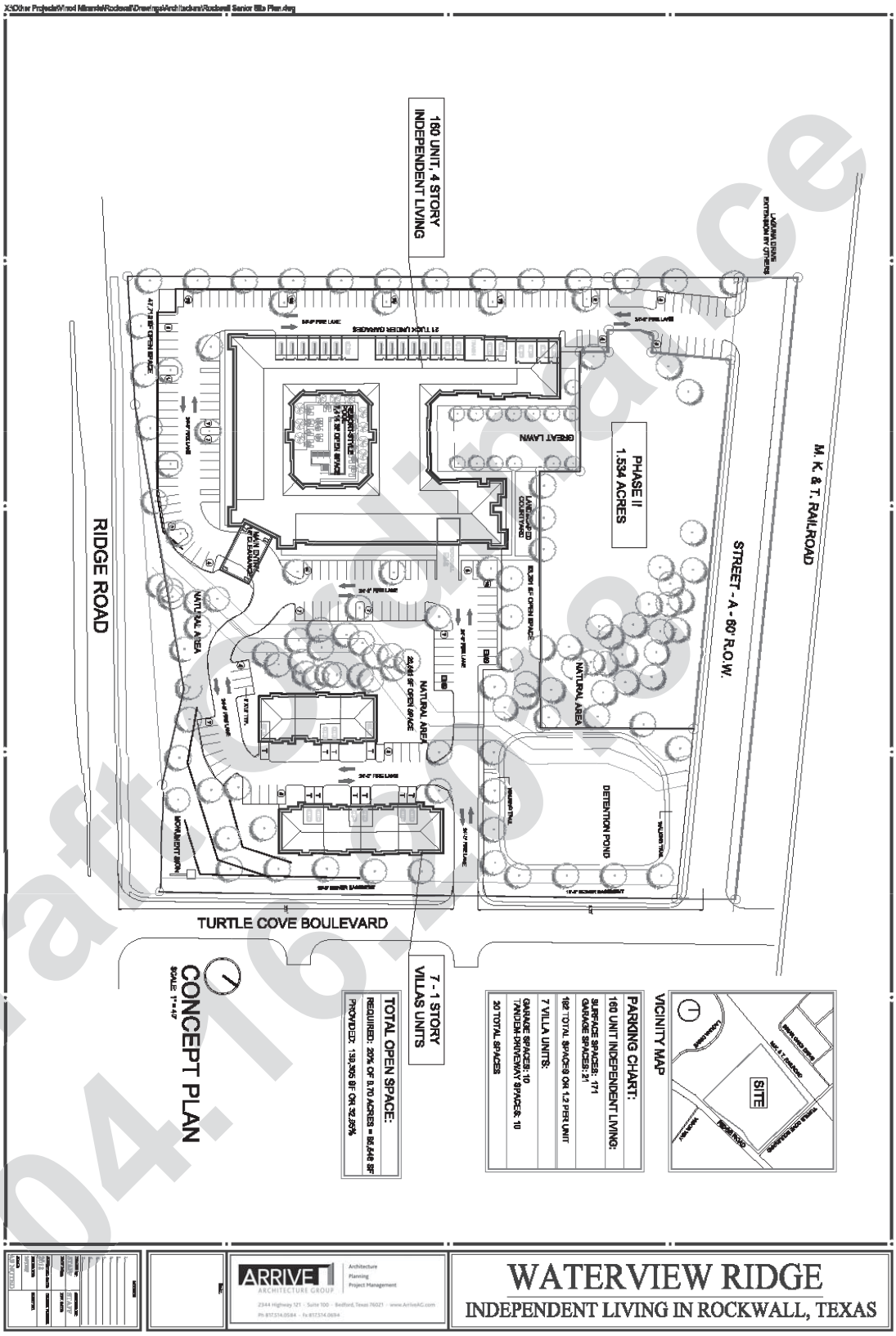
Draft Ordinance
04.16.2018

Exhibit 'B':
Area Map



Draft Ordinance 2018

Exhibit 'C':
Concept Plan



Draft Ordinance 04.16.19

Exhibit 'D':
PD Development Standards

PD Development Standards.

Area 1: Age Restricted, Multi-Family Apartment Complex

(1) Permitted Uses. Area 1 as depicted in *Exhibit 'B'* of this ordinance shall be subject to the development standards and land uses permitted in the Commercial (C) District as stipulated by Article IV, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 04-38*] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future, with the following additions:

Permitted By-Right. The following uses shall be permitted *by-right*:

- ☑ *Age Restricted, Multi-Family Apartment Complex*
- ☑ *Private Streets*

Permitted as Accessory Uses. The following uses shall be permitted as accessory uses to an *Age Restricted, Multi-Family Apartment Complex*:

- ☑ *Barber and Beauty Shop*
- ☑ *Cafeteria/Common dining facilities*
- ☑ *Chapel*
- ☑ *Community Center (Room)*
- ☑ *Game Court*
- ☑ *Greenhouse*
- ☑ *Handcrafted art work studio*
- ☑ *Health Studio*
- ☑ *Instructional Art Studio*
- ☑ *Medical Treatment Services (such as a medical clinic, physical therapy services, inhalation therapy, and other related uses)*
- ☑ *Office*
- ☑ *Private recreation club or area*
- ☑ *Retail Store (food and other goods)*
- ☑ *Snack Bar*
- ☑ *Swimming pool*

Prohibited Uses. The following uses shall be prohibited:

- ☑ *Animal Boarding/Kennel with or with Outside Pens*
- ☑ *Cemetery*
- ☑ *Billiard Parlor or Pool Hall*
- ☑ *Carnival, Circus or Amusement Ride*
- ☑ *Commercial Amusement Recreation (Inside or Outside)*
- ☑ *Gun club, sheet or Target Range (Indoor)*
- ☑ *Astrologer, Hypnotist or Psychic*
- ☑ *Night Club, Discotheque or Dance Hall*
- ☑ *Pawn Shop*
- ☑ *Secondhand Dealer*
- ☑ *Building and Landscape Material Sales with or without Outside Storage*
- ☑ *Research and Technology/Light Assembly*
- ☑ *Auto Repair Garage (Minor)*
- ☑ *Boat and Trail Dealership (New and Used)*
- ☑ *Car Wash with Auto Detail*
- ☑ *Self Service Car Wash*
- ☑ *Motor Vehicle Dealership (New or Used)*
- ☑ *RV Sales and Service*
- ☑ *Service Station*
- ☑ *Mining and Extraction (e.g. Sand, Gravel, Oil and/or Other)*
- ☑ *Helipad*
- ☑ *Railroad Yard or Shop*

(2) Unit Composition. The unit composition shall generally conform to the *Concept Plan* depicted in *Exhibit 'C'* and as stated in *Table 1* below for the *Age Restricted, Multi-Family Apartment* complex;

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however, in no case should the minimum size unit for any *Age Restricted, Multi-Family Apartment* be less than *580* square feet and the average net unit area shall not decrease below *840* square feet.

Table 1: Unit Composition for Age Restricted, Multi-Family Apartment Complex

Unit Type	# of Bedrooms	Minimum Net Unit Area (SF) [1]	Number of Units (#)	Total Area (SF)	Units as Percentage (%)
A1	1 Bedroom	580 SF	39	22,620 SF	16.82%
A2	1 Bedroom	692 SF	39	26,988 SF	20.05%
A3	1 Bedroom	782 SF	12	9,384 SF	6.97%
A4	1 Bedroom	900 SF	2	1,800 SF	1.34%
B1	2 Bedroom	1,054 SF	8	8,432 SF	6.26%
B2	2 Bedroom	1,055 SF	8	8,440 SF	6.27%
B3	2 Bedroom	1,078 SF	44	47,432 SF	35.24%
B4	2 Bedroom	1,100 SF	2	2,200 SF	1.64%
C1	3 Bedroom	1,214 SF	6	7,284 SF	5.41%
		Average Net Unit Area:		*841 SF*	
		Maximum Number of Units:	*160*		

General Notes:

[1]: *The net square footage includes only air-condition space and is exclusive of patios, balconies and exterior storage areas.*

(3) *Density and Dimensional Requirements.* Unless specifically provided by this Planned Development Ordinance, the development standards stipulated by the Commercial (C) District and the Scenic Overlay (SOV) District, as specified by Article V, *District Development Standards*, of the Unified Development Code [*Ordinance No. 04-38*] are applicable to any development on the *Subject Property*. The maximum permissible number of units should not exceed 160 dwelling units for the *Age Restricted, Multi-Family Apartment Complex*. In addition, all lots shall conform to the density and dimensional standards depicted in *Table 2* below, and which are as follows:

Table 2: Lot Dimensional Requirements

Minimum Lot Width	60'
Minimum Lot Depth	100'
Minimum Lot Area	10,000 SF
Minimum Lot Area/Unit	2,000 SF
Minimum Front Yard Building Setback	25'
Minimum Side Yard Building Setback	10'
Minimum Rear Yard Building Setback	10'
Minimum Front Yard Carport/Parking Setback	15'
Minimum Side Yard Carport/Parking Setback	10'
Minimum Rear Yard Carport/Parking Setback	10'
Minimum Separation Between Main Buildings [1]	20'
Minimum Separation Between a Main Structure to an Accessory Structure	10'
Maximum Height [2]	55'
Maximum Lot Coverage	45%
Minimum Landscape	20%
Minimum Open Space [3]	20%

General Notes:

[1]: The minimum separation between two (2) buildings without doors or windows on facing walls shall be a minimum of 15-feet.

[2]: The height of the building shall be measured from the average elevation of the finished grade along the front of the building to the highest point of the roof, roof element, or parapet of the building if it is a flat, mansard or shed roof; or to the midpoint of the roof (*i.e. 55-ft for the multi-family unit complex*) if it is gable, hip or gambrel roof. Maximum height shall not exceed 4-stories or 55-feet overall height for the multi-family complex located on Phase I, and a maximum of 36-feet overall height for any other structures on the subject property.

[3]: The minimum open space area will be calculated based on the gross area of the lot, and will include both active and passive recreational areas.

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(4) *Parking and Loading Requirements.* The parking and loading requirements shall generally conform to the *Concept Plan* depicted in *Exhibit 'C'* of this ordinance, and a minimum of 1½ parking space per unit shall be provided. In addition, a minimum of 20 parking spaces in enclosed garages shall be provided.

(5) *Building Standards.* The proposed *Age Restricted, Multi-Family Apartment Complex* shall generally conform to the *Concept Building Elevations* contained in *Exhibit 'E'* of this ordinance; however all development shall adhere to the following building standards:

(a) *Masonry Requirements.* The minimum masonry requirement for the exterior façades of all buildings shall be 90%. For the purposes of this ordinance, the masonry requirement shall be limited to full width brick and natural stone. Cementaceous fiberboard horizontal lap-siding (*e.g. HardiBoard or Hardy Plank*) and, stucco (*i.e. three [3] part stucco or a comparable -- to be determined by staff*) may be used for up to 50% of the exterior of the building; however, stucco may not be used within the first four (4) feet above grade on a façade visible from a public street or open space. A minimum of 20% natural stone is required on all building façades.

(b) *Roof Design Requirements.* All buildings shall be designed such that no roof mounted mechanical equipment (*i.e. HVAC, satellite, vents, etc.*) shall be visible from any direction. *Note: Screening of mechanical equipment is necessary for all equipment regardless of location (i.e. roof mounted, ground mounted, or otherwise attached to the building and/or located on the site).*

Screening of roof mounted mechanical equipment and/or other rooftop appurtenances shall be accomplished through the construction of an architectural feature, which is integral to the building's design and ensures that such equipment is not visible from adjacent public rights-of-way.

(c) *Architectural Requirements.* All buildings shall be architecturally finished on all four (4) sides with the same materials, detailing and features. In addition, all buildings shall be subject to the architectural requirements of the Scenic Overlay (SOV) District contained in Section 6, *Overlay Districts*, of Article V, *District Development Standards*, of the Unified Development Code [*Ordinance No. 04-38*]. In addition, all development on the *Subject Property* shall be subject to review and recommendation by the Architectural Review Board (ARB).

(6) *Landscaping and Hardscaping Standards.*

(a) *Landscape Requirements.* Landscaping shall be reviewed and approved with the *PD Site Plan*. All *Canopy/Shade Trees* planted within this development shall be a minimum of four (4) caliper inches in size and all *Accent/Ornamental/Under-Story Trees* shall be a minimum of four (4) feet in height at the time of planting. The following tree species are approved for planting within this development:

i) *Canopy/Shade Trees*. Afghan Pine, Bald Cypress, Bur Oak, Cedar Elm, Eastern Red Cedar, Homestead Elm, Lacebark Elm, Little Gem Magnolia, Live Oak, October Glory Maple, Red Oak, Texas Ash, Texas Red Oak.

ii) *Accent/Ornamental/Under-Story Trees*. Desert Willow, Eastern Redbud, Eves Necklace, Mexican Buckeye, Possumhaw Holly, Shangtung Maple, Yaupon Holly.

(b) *Landscape Buffers.* A minimum of a twenty (20) foot landscape buffer shall be provided along the frontage of Ridge Road [*i.e. FM-740*]. The twenty (20) foot landscape buffer along Ridge Road [*i.e. FM-740*] shall incorporate a minimum of two (2) canopy trees and four (4) accent trees per 100-linear feet of right-of-way. The developer shall also be responsible for the construction of sidewalks and trails required along the public rights-of-way and within the development.

(c) *Parking Lot Landscaping.* All parking lot landscaping shall conform to the requirements of Article VII, *Landscape Standards*, of the Unified Development Code [*Ordinance No. 04-38*] with the exception of the following:

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i) One (1) canopy tree per ten (10) parking spaces shall be provided. Trees shall be planted within the required parking islands or within 20-feet of a parking space.

ii) Parking islands shall be provided at a spacing not to exceed a maximum distance of 20 parking spaces.

iii) No tree may be planted closer than 2½-feet to the pavement.

(d) Irrigation Requirements. Irrigation shall be installed for all required landscaping located within common areas, landscape buffers and/or open space. Irrigation installed in these areas shall be designed by a Texas licensed irrigator or landscape architect.

(e) Hardscape. Hardscape plans indicating the location of all sidewalks and trails shall be reviewed and approved with the *PD Site Plan* and/or *Master Open Space Plan*.

(7) Trash Receptacles. Trash and recycling receptacles shall be four (4) sided, with eight (8) foot walls constructed and cladded with materials matching the primary structures, and incorporate a self-latching gate. All trash and recycling receptacles shall be internal to the site and not be situated within any established building setbacks or landscape buffers.

(8) Fence Standards. Fences shall be constructed of a wrought iron or tubular steel fence material and be a minimum of six (6) feet in height. Fences shall not exceed a maximum of eight (8) feet in height.

(9) Minor Collector. At the time *Area 1* and/or *Area 2* -- *as depicted on Exhibit 'B' of this Planned Development District Ordinance* -- is developed, 24-feet of the *Minor Collector* extending from Turtle Cove Boulevard to La Jolla Pointe Drive will need to be constructed to the City's standards and extend from the *Subject Property's* northwestern boundary to the southeastern boundary as depicted of the City's Master Thoroughfare Plan contained in the Comprehensive Plan.

(10) Variances. The variance procedures and standards for approval that are set forth in the Unified Development Code [*Ordinance No. 04-38*] shall apply to any application for variances to this ordinance.

Area 2: Townhomes/Villas

(1) Permitted Uses. Area 2 as depicted in *Exhibit 'B'* of this ordinance shall be subject to the development standards and land uses permitted in the Commercial (C) District as stipulated by Article IV, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 04-38*] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future, with the following additions:

Permitted By-Right. The following uses shall be permitted *by-right*:

- ☑ *Townhomes/Villas*
- ☑ *Private Streets*

Prohibited Uses. The following uses shall be prohibited:

- ☑ *Animal Boarding/Kennel with or with Outside Pens*
- ☑ *Cemetery*
- ☑ *Billiard Parlor or Pool Hall*
- ☑ *Carnival, Circus or Amusement Ride*
- ☑ *Commercial Amusement Recreation (Inside or Outside)*
- ☑ *Gun club, sheet or Target Range (Indoor)*
- ☑ *Astrologer, Hypnotist or Psychic*
- ☑ *Night Club, Discotheque or Dance Hall*
- ☑ *Pawn Shop*
- ☑ *Secondhand Dealer*
- ☑ *Building and Landscape Material Sales with or without Outside Storage*

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- ☑ *Research and Technology/Light Assembly*
- ☑ *Auto Repair Garage (Minor)*
- ☑ *Boat and Trail Dealership (New and Used)*
- ☑ *Car Wash with Auto Detail*
- ☑ *Self Service Car Wash*
- ☑ *Motor Vehicle Dealership (New or Used)*
- ☑ *RV Sales and Service*
- ☑ *Service Station*
- ☑ *Mining and Extraction (e.g. Sand, Gravel, Oil and/or Other)*
- ☑ *Helipad*
- ☑ *Railroad Yard or Shop*

(2) *Unit Composition.* The unit composition shall generally conform to the *Concept Plan* depicted in *Exhibit 'C'* and as stated in *Table 3* below for the *Townhome/Villas*; however, in no case should the average net unit area decrease below *1,572* square feet.

Table 3: Unit Composition for Townhomes/Villas

Unit Type	# of Bedrooms	Minimum Net Unit Area (SF) [1]	Number of Units (#)	Total Area (SF)	Units as Percentage (%)
V1	Townhome	1,498 SF	4	5,992 SF	54.46%
V2	Townhome	1,670 SF	3	5,010 SF	45.54%
		Average Net Unit Area:		1,572 SF	
		Maximum Number of Units:	7		

General Notes:

[1]: *The net square footage includes only air-condition space and is exclusive of patios, balconies and exterior storage areas.*

(3) *Density and Dimensional Requirements.* Unless specifically provided by this Planned Development Ordinance, the development standards stipulated by the Commercial (C) District and the Scenic Overlay (SOV) District, as specified by Article V, *District Development Standards*, of the Unified Development Code [*Ordinance No. 04-38*] are applicable to any development on the *Subject Property*. The maximum permissible number of units should not exceed seven (7) dwelling units for the *Townhomes/Villas*. In addition, all lots shall conform to the density and dimensional standards depicted in *Table 4* below, and which are as follows:

Table 4: Lot Dimensional Requirements

Minimum Lot Width	60'
Minimum Lot Depth	100'
Minimum Lot Area	10,000 SF
Minimum Lot Area/Unit	2,000 SF
Minimum Front Yard Building Setback	25'
Minimum Side Yard Building Setback	15'
Minimum Rear Yard Building Setback	10'
Minimum Front Yard Carport/Parking Setback	15'
Minimum Side Yard Carport/Parking Setback	10'
Minimum Separation Between Main Buildings [1]	20'
Minimum Separation Between a Main Structure to an Accessory Structure	10'
Maximum Height [2]	36'
Maximum Lot Coverage	45%
Minimum Landscape	20%
Minimum Open Space [3]	20%

General Notes:

[1]: The minimum separation between two (2) buildings without doors or windows on facing walls shall be a minimum of 15-feet.

[2]: The height of the building shall be measured from the average elevation of the finished grade along the front of the building to the highest point of the roof, roof element, or parapet of the building if it is a flat, mansard or shed roof; or to the midpoint of the roof (*i.e. 55-ft for the multi-family unit complex*) if it is gable, hip or gambrel roof. Maximum height shall not exceed 4-stories or 55-feet overall height for the multi-family complex located on Phase I, and a maximum of 36-feet overall height for any other structures on the subject property.

[3]: The minimum open space area will be calculated based on the gross area of the lot, and will include both active and

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passive recreational areas.

(4) *Parking and Loading Requirements.* The parking and loading requirements shall generally conform to the *Concept Plan* depicted in *Exhibit 'C'* of this ordinance, and a minimum of two (2) off-street parking spaces shall be provided for each *Townhome/Villa* unit.

(5) *Building Standards.* The proposed *Townhome/Villa* shall generally conform to the *Concept Building Elevations* contained in *Exhibit 'F'* of this ordinance; however all development shall adhere to the following building standards:

(a) *Masonry Requirements.* The minimum masonry requirement for the exterior façades of all buildings shall be 90%. For the purposes of this ordinance, the masonry requirement shall be limited to full width brick and natural stone. Cementaceous fiberboard horizontal lap-siding (*e.g. HardiBoard or Hardy Plank*) and, stucco (*i.e. three [3] part stucco or a comparable -- to be determined by staff*) may be used for up to 50% of the exterior of the building; however, stucco may not be used within the first four (4) feet above grade on a façade visible from a public street or open space. A minimum of 20% natural stone is required on all building façades.

(b) *Roof Design Requirements.* All buildings shall be designed such that no roof mounted mechanical equipment (*i.e. HVAC, satellite, vents, etc.*) shall be visible from any direction. *Note: Screening of mechanical equipment is necessary for all equipment regardless of location (i.e. roof mounted, ground mounted, or otherwise attached to the building and/or located on the site).*

Screening of roof mounted mechanical equipment and/or other rooftop appurtenances shall be accomplished through the construction of an architectural feature, which is integral to the building's design and ensures that such equipment is not visible from adjacent public rights-of-way.

(c) *Architectural Requirements.* All buildings shall be architecturally finished on all four (4) sides with the same materials, detailing and features. In addition, all buildings shall be subject to the architectural requirements of the Scenic Overlay (SOV) District contained in Section 6, *Overlay Districts*, of Article V, *District Development Standards*, of the Unified Development Code [*Ordinance No. 04-38*]. In addition, all development on the *Subject Property* shall be subject to review and recommendation by the Architectural Review Board (ARB).

(6) *Landscaping and Hardscaping Standards.*

(a) *Landscape Requirements.* Landscaping shall be reviewed and approved with the *PD Site Plan*. All *Canopy/Shade Trees* planted within this development shall be a minimum of four (4) caliper inches in size and all *Accent/Ornamental/Under-Story Trees* shall be a minimum of four (4) feet in height at the time of planting. The following tree species are approved for planting within this development:

i) *Canopy/Shade Trees*. Afghan Pine, Bald Cypress, Bur Oak, Cedar Elm, Eastern Red Cedar, Homestead Elm, Lacebark Elm, Little Gem Magnolia, Live Oak, October Glory Maple, Red Oak, Texas Ash, Texas Red Oak.

ii) *Accent/Ornamental/Under-Story Trees*. Desert Willow, Eastern Redbud, Eves Necklace, Mexican Buckeye, Possumhaw Holly, Shangtung Maple, Yaupon Holly.

(b) *Landscape Buffers.* A minimum of a twenty (20) foot landscape buffer shall be provided along the frontage of Ridge Road [*i.e. FM-740*] and a minimum of a ten (10) foot landscape buffer shall be provided along the perimeter Turtle Cove Boulevard. The twenty (20) foot landscape buffer along Ridge Road [*i.e. FM-740*] shall incorporate a minimum of two (2) canopy trees and four (4) accent trees per 100-linear feet of right-of-way. The landscape buffer along Turtle Cove Boulevard shall incorporate a minimum of one (1) canopy tree per 50-linear feet of buffer area. The developer shall also be responsible for the construction of sidewalks and trails required along the public rights-of-way and within the development.

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(c) *Parking Lot Landscaping.* All parking lot landscaping shall conform to the requirements of Article VII, *Landscape Standards*, of the Unified Development Code [*Ordinance No. 04-38*] with the exception of the following:

i) One (1) canopy tree per ten (10) parking spaces shall be provided. Trees shall be planted within the required parking islands or within 20-feet of a parking space.

ii) Parking islands shall be provided at a spacing not to exceed a maximum distance of 20 parking spaces.

iii) No tree may be planted closer than 2½-feet to the pavement.

(d) *Irrigation Requirements*. Irrigation shall be installed for all required landscaping located within common areas, landscape buffers and/or open space. Irrigation installed in these areas shall be designed by a Texas licensed irrigator or landscape architect.

(f) *Hardscape.* Hardscape plans indicating the location of all sidewalks and trails shall be reviewed and approved with the *PD Site Plan* and/or *Master Open Space Plan*.

(7) *Trash Receptacles.* Trash and recycling receptacles shall be four (4) sided, with eight (8) foot walls constructed and cladded with materials matching the primary structures, and incorporate a self-latching gate. All trash and recycling receptacles shall be internal to the site and not be situated within any established building setbacks or landscape buffers.

(8) *Fence Standards*. Fences shall be constructed of a wrought iron or tubular steel fence material and be a minimum of six (6) feet in height. Fences shall not exceed a maximum of eight (8) feet in height.

(9) *Minor Collector*. At the time *Area 1* and/or *Area 2* -- *as depicted on Exhibit 'B' of this Planned Development District Ordinance* -- is developed, 24-feet of the *Minor Collector* extending from Turtle Cove Boulevard to La Jolla Pointe Drive will need to be constructed to the City's standards and extend from the *Subject Property's* northwestern boundary to the southeastern boundary as depicted of the City's Master Thoroughfare Plan contained in the Comprehensive Plan.

(10) *Variances*. The variance procedures and standards for approval that are set forth in the Unified Development Code [*Ordinance No. 04-38*] shall apply to any application for variances to this ordinance.

Area 3: Commercial/Retail/Office

(1) *Permitted Uses. Area 3* as depicted in *Exhibit 'B'* of this ordinance shall be subject to the development standards and land uses permitted in the Commercial (C) District as stipulated by Article IV, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 04-38*] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future, with the following additions:

Permitted By-Right. The following uses shall be permitted *by-right*:

- ☑ *Assisted Living/Memory Care Facility*
- ☑ *General Office*
- ☑ *Medical Office/Clinic*
- ☑ *Emergency Medical Station (restricted to those contracted with the City of Rockwall)*
- ☑ *Convalescent and Nursing Care*
- ☑ *Hospice*

Prohibited Uses. The following uses shall be prohibited:

- ☑ *Animal Boarding/Kennel with or with Outside Pens*
- ☑ *Cemetery*

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- ☑ *Billiard Parlor or Pool Hall*
- ☑ *Carnival, Circus or Amusement Ride*
- ☑ *Commercial Amusement Recreation (Inside or Outside)*
- ☑ *Gun club, sheet or Target Range (Indoor)*
- ☑ *Astrologer, Hypnotist or Psychic*
- ☑ *Night Club, Discotheque or Dance Hall*
- ☑ *Pawn Shop*
- ☑ *Secondhand Dealer*
- ☑ *Building and Landscape Material Sales with or without Outside Storage*
- ☑ *Research and Technology/Light Assembly*
- ☑ *Auto Repair Garage (Minor)*
- ☑ *Boat and Trail Dealership (New and Used)*
- ☑ *Car Wash with Auto Detail*
- ☑ *Self Service Car Wash*
- ☑ *Motor Vehicle Dealership (New or Used)*
- ☑ *RV Sales and Service*
- ☑ *Service Station*
- ☑ *Mining and Extraction (e.g. Sand, Gravel, Oil and/or Other)*
- ☑ *Helipad*
- ☑ *Railroad Yard or Shop*

(2) *Density and Dimensional Requirements.* Unless specifically provided by this Planned Development Ordinance, the development standards stipulated by the Commercial (C) District and the Scenic Overlay (SOV) District, as specified by Article V, *District Development Standards*, of the Unified Development Code [*Ordinance No. 04-38*] are applicable to any development on the *Subject Property*. In addition, all lots shall conform to the density and dimensional standards depicted in *Table 5* below, and which are as follows:

Table 5: Lot Dimensional Requirements

Minimum Lot Width	60'
Minimum Lot Depth	100'
Minimum Lot Area	10,000 SF
Minimum Front Yard Building Setback	15'
Minimum Side Yard Building Setback [4]	10'
Minimum Rear Yard Building Setback [5]	10'
Minimum Separation Between Main Buildings [1]	15'
Minimum Separation Between a Main Structure to an Accessory Structure	10'
Maximum Height [2]	36'
Maximum Lot Coverage	60%
Minimum Landscape	85%
Minimum Open Space [3]	20%

General Notes:

1: The minimum separation between two (2) buildings without doors or windows on facing walls shall be a minimum of 15-feet.

2: The height of the building shall be measured from the average elevation of the finished grade along the front of the building to the highest point of the roof, roof element, or parapet of the building if it is a flat, mansard or shed roof; or to the midpoint of the roof (*i.e. 55-ft for the multi-family unit complex*) if it is gable, hip or gambrel roof. Maximum height shall not exceed 4-stories or 55-feet overall height for the multi-family complex located on Phase I, and a maximum of 36-feet overall height for any other structures on the subject property.

3: The minimum open space area will be calculated based on the gross area of the lot, and will include both active and passive recreational areas.

4: a) Without fire retardant wall: ten feet, or as required by building and/or fire codes. b) With fire retardant wall: zero feet.

5: Abutting non-residentially zoned property, with fire retardant wall and alley separating: zero feet.

(3) *Building Standards.* All development shall adhere to the following building standards:

(a) *Masonry Requirements.* The minimum masonry requirement for the exterior façades of all buildings shall be 90%. For the purposes of this ordinance, the masonry requirement shall be limited to full width brick and natural stone. Cementaceous fiberboard horizontal lap-siding (*e.g. HardiBoard or Hardy Plank*) and, stucco (*i.e. three [3] part stucco or a comparable -- to be*

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determined by staff) may be used for up to 50% of the exterior of the building; however, stucco may not be used within the first four (4) feet above grade on a façade visible from a public street or open space. A minimum of 20% natural stone is required on all building façades.

(b) *Roof Design Requirements.* All buildings shall be designed such that no roof mounted mechanical equipment (*i.e. HVAC, satellite, vents, etc.*) shall be visible from any direction. *Note: Screening of mechanical equipment is necessary for all equipment regardless of location (i.e. roof mounted, ground mounted, or otherwise attached to the building and/or located on the site).*

Screening of roof mounted mechanical equipment and/or other rooftop appurtenances shall be accomplished through the construction of an architectural feature, which is integral to the building's design and ensures that such equipment is not visible from adjacent public rights-of-way.

(c) *Architectural Requirements.* All buildings shall be architecturally finished on all four (4) sides with the same materials, detailing and features. In addition, all buildings shall be subject to the architectural requirements of the Scenic Overlay (SOV) District contained in Section 6, *Overlay Districts*, of Article V, *District Development Standards*, of the Unified Development Code [*Ordinance No. 04-38*]. In addition, all development on the *Subject Property* shall be subject to review and recommendation by the Architectural Review Board (ARB).

(4) *Landscaping and Hardscaping Standards.*

(a) *Landscape Requirements.* Landscaping shall be reviewed and approved with the *PD Site Plan*. All *Canopy/Shade Trees* planted within this development shall be a minimum of four (4) caliper inches in size and all *Accent/Ornamental/Under-Story Trees* shall be a minimum of four (4) feet in height at the time of planting. The following tree species are approved for planting within this development:

i) Canopy/Shade Trees. Afghan Pine, Bald Cypress, Bur Oak, Cedar Elm, Eastern Red Cedar, Homestead Elm, Lacebark Elm, Little Gem Magnolia, Live Oak, October Glory Maple, Red Oak, Texas Ash, Texas Red Oak.

ii) Accent/Ornamental/Under-Story Trees. Desert Willow, Eastern Redbud, Eves Necklace, Mexican Buckeye, Possumhaw Holly, Shangtung Maple, Yaupon Holly.

(b) *Landscape Buffers. A* minimum of a ten (10) foot landscape buffer shall be provided along the perimeter of all streets. The landscape buffer shall incorporate a minimum of one (1) canopy tree per 50-linear feet of buffer area. The developer shall also be responsible for the construction of sidewalks and trails required along the public rights-of-way and within the development.

(c) *Irrigation Requirements*. Irrigation shall be installed for all required landscaping located within common areas, landscape buffers and/or open space. Irrigation installed in these areas shall be designed by a Texas licensed irrigator or landscape architect.

(g) *Hardscape.* Hardscape plans indicating the location of all sidewalks and trails shall be reviewed and approved with the *PD Site Plan*.

(5) *Trash Receptacles.* Trash and recycling receptacles shall be four (4) sided, with eight (8) foot walls constructed and cladded with materials matching the primary structures, and incorporate a self-latching gate. All trash and recycling receptacles shall be internal to the site and not be situated within any established building setbacks or landscape buffers.

(6) *Minor Collector*. At the time *Area 3 -- as depicted on Exhibit 'B' of this Planned Development District Ordinance* -- is developed, the *Minor Collector* extending from Turtle Cove Boulevard to La Jolla Pointe Drive will need to be fully constructed to the City's standards and extend from the *Subject Property's* northwestern boundary to the southeastern boundary as depicted of the City's Master Thoroughfare Plan contained in the Comprehensive Plan.

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(7) Variances. The variance procedures and standards for approval that are set forth in the Unified Development Code [*Ordinance No. 04-38*] shall apply to any application for variances to this ordinance.

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Exhibit 'E':
Concept Building Elevations
Area 1: Age Restricted, Multi-Family Apartments

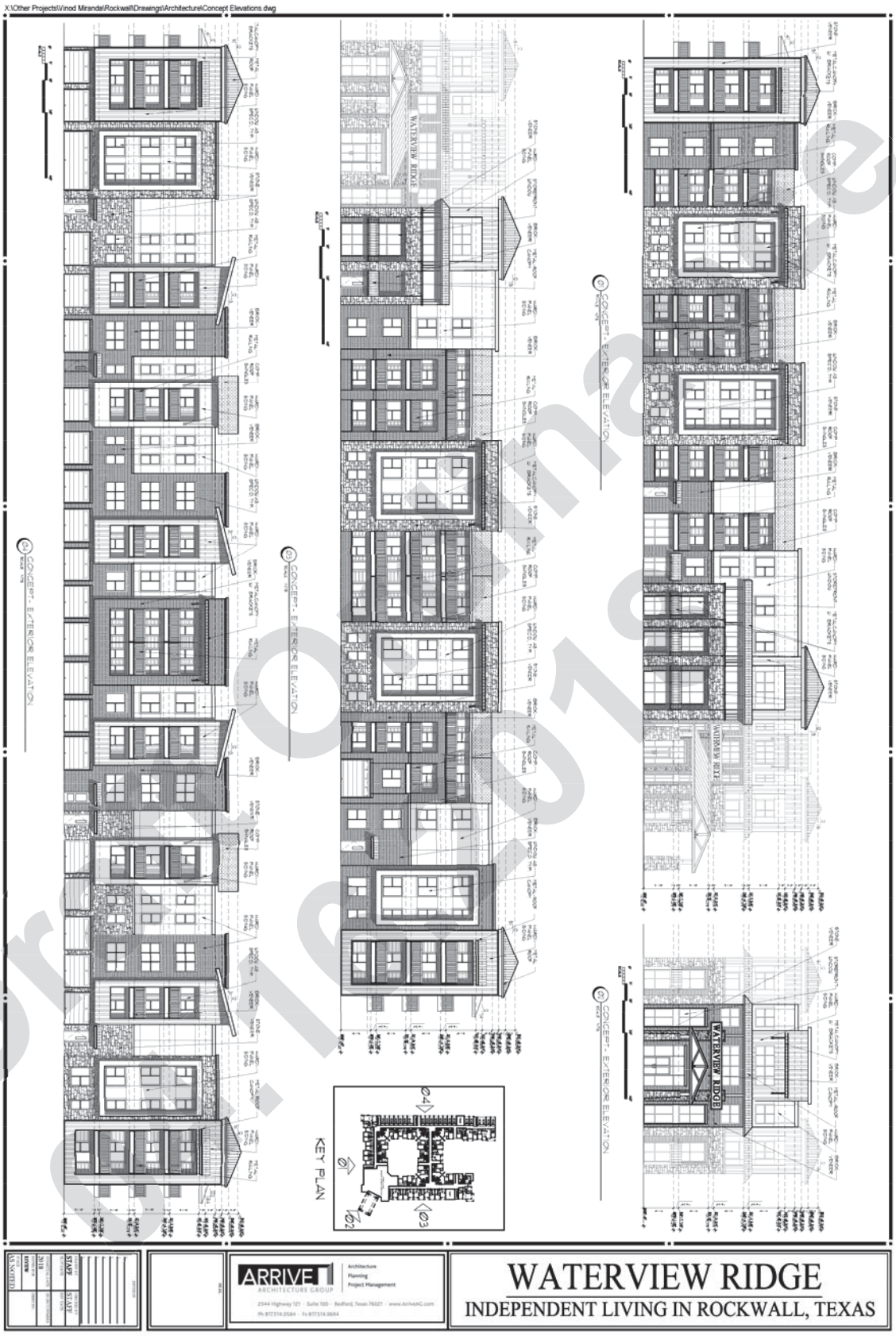

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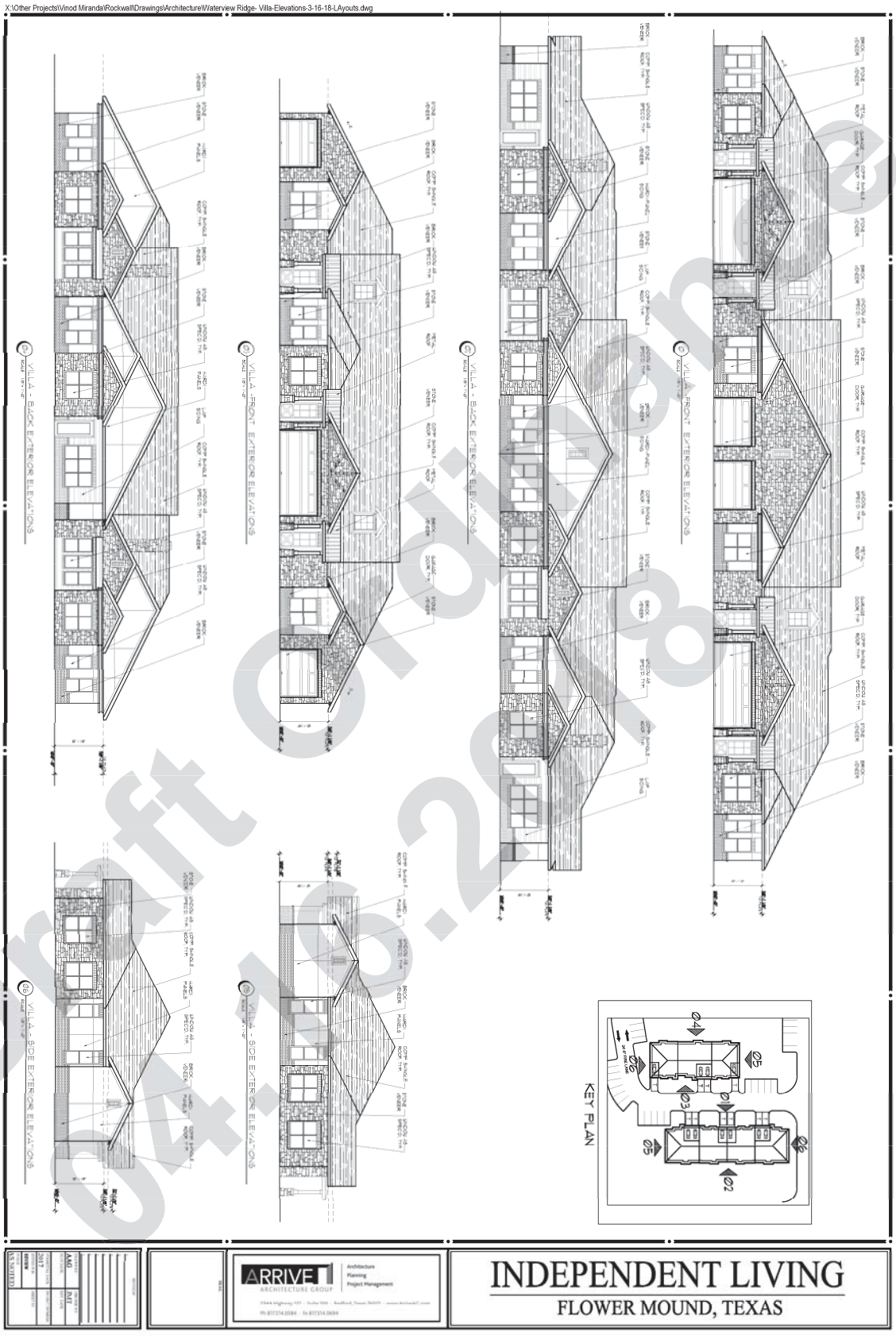
Exhibit 'F':
Concept Building Elevations
Area 2: Age Restricted, Townhomes



Draft Ordinance 04.16.2018

ARIZONA
TEXAS
NEW MEXICO
OKLAHOMA

March 27, 2018

Mr. Thomas P. Jones, P.E.
Tomden Engineering, L.L.P.
12655 N. Central Expressway, Suite 307
Dallas, Texas 75243

Re: *Trip Generation Comparison for the Proposed Turtle Cove Senior Living Development in Rockwall, Texas*

Dear Mr. Jones:

Lee Engineering has analyzed the trip generation characteristics of the proposed Turtle Cove Senior Living development to be located on the northwest corner of the intersection of Ridge Road and Turtle Cove Boulevard in Rockwall, Texas, along with the trip generation characteristics of the site under existing zoning. The existing 9.7 acre site is currently zoned as Commercial.

The number of trips generated by a development is a function of the type and quantity of the land use of the development. The number of vehicle trips generated by the proposed development was estimated based on the trip generation rates provided in the publication entitled *Trip Generation Manual, 10th Edition*, by the Institute of Transportation Engineers (ITE). Estimates for the number of trips generated by the proposed development were made for the AM and PM peak hours, as well as on a daily basis.

The trip generation rates, entering/exiting splits, and trip generation results for the proposed Turtle Cove Senior Living development are shown in **Table 1** on the next page. Based on information from the developer, the proposed development will include 160 units of independent living, 7 villas, and a 90-unit assisted living facility in the future. As shown, the proposed development is predicted to generate approximately 908 trips on a daily basis, including 54 trips during the AM peak hour and 70 trips during the PM peak hour.

The trip generation rates, entering/exiting splits, and trip generation results for the existing zoning of the site are shown in **Table 2**. Based on conceptual development plans, the existing zoning could accommodate 96,000 square feet of office, 48,000 square feet of retail, and a small convenience store with gas pumps (assumed at 1,500 square feet with 4 pumps). As shown, if the site were developed under the existing zoning, it could generate approximately 5,608 trips on a daily basis, including 354 trips during the AM peak hour and 500 trips during the PM peak hour.

Finally, **Table 3** presents a comparison of the trips generated by the proposed senior living development to potential trips generated by the existing zoning. As shown, the proposed Turtle Cove Senior Living development is predicted to generate approximately 15% of the trips which could be generated by the existing zoning.

If you have any questions, please contact me at (972) 248-3006. We appreciate the opportunity to provide these services and are available to address any additional comments or concerns.

Sincerely,

Dharmesh Shah, P.E., PTOE
Vice President,
Lee Engineering, LLC (TBPE Firm F-450)

3030 Lyndon B Johnson Freeway, Suite1660, Dallas, TX 75234
(972) 248-3006 office (888) 298-3006 toll (972) 248-3855 fax | www.leeengineering.com

Table 1: Estimated Trip Generation for Turtle Cove Senior Living Development

Land Use	ITE Code	Average Weekday			AM Peak Hour			PM Peak Hour		
Trip Generation Rates/Equations[1]										
Senior Adult Housing - Detached	251	Ln(T) = 0.88Ln(X) + 2.28			Ln(T) = 0.76Ln(X) + 0.21			Ln(T) = 0.78Ln(X) + 0.28		
Senior Adult Housing - Attached	252	T = 4.02(X) - 25.37			T = 0.20(X) - 0.18			T = 0.24(X) + 2.26		
Assisted Living	254	T = 2.60 (Y)			T = 0.19 (Y)			T = 0.26 (Y)		
Directional Splits[2]										
Senior Adult Housing - Detached	251	50/50			33/67			61/39		
Senior Adult Housing - Attached	252	50/50			35/65			55/45		
Assisted Living	254	50/50			63/37			38/62		
Estimated Trip Generation for Turtle Cove Senior Living										
Land Use	**Variable**	**In**	**Out**	**Total**	**In**	**Out**	**Total**	**In**	**Out**	**Total**
Villas (Senior Adult Housing - Detached)	7 units	28	28	56	2	3	5	4	2	6
Independent Living (Senior Adult Housing - Attached)	160 units	309	309	618	11	21	32	23	18	41
Assisted Living	90 beds	117	117	234	11	6	17	9	14	23
TOTAL TRIPS		**454**	**454**	**908**	**24**	**30**	**54**	**36**	**34**	**70**

[1]T = Trips Ends; X = Dwelling Units; Y = Beds;

[2]XX / YY = % entering vehicles / % exiting vehicles;

Table 2: Estimated Trip Generation for Existing Zoning

Land Use	ITE Code	Average Weekday			AM Peak Hour			PM Peak Hour		
Trip Generation Rates/Equations[1]										
General Office Building	710	Ln(T) = 0.97Ln(X) + 2.50			T = 0.94(X) + 26.49			Ln(T) = 0.95Ln(X) + 0.36		
Shopping Center	820	Ln(T) = 0.68Ln(X) + 5.57			T = 0.50(X) + 151.78			Ln(T) = 0.74Ln(X) + 2.89		
Convenience Market with Gasoline Pumps	853	T = 624.20 (X)			T = 40.59 (X)			T = 49.29 (X)		
Directional Splits[2]										
General Office Building	710	50/50			86/14			16/84		
Shopping Center	820	50/50			62/38			48/52		
Convenience Market with Gasoline Pumps	853	50/50			50/50			50/50		
Estimated Trip Generation for Turtle Cove Senior Living										
Land Use	**Variable**	**In**	**Out**	**Total**	**In**	**Out**	**Total**	**In**	**Out**	**Total**
General Office Building	96,000 SF	510	510	1,020	101	16	117	18	92	110
Shopping Center	48,000 SF	1,825	1,825	3,650	109	67	176	152	164	316
Convenience Market with Gasoline Pumps[3]	1,500 SF	469	469	938	31	30	61	37	37	74
TOTAL TRIPS		**2,804**	**2,804**	**5,608**	**241**	**113**	**354**	**207**	**293**	**500**

[1]T = Trips Ends; X = 1,000 Square Feet

[2]XX / YY = % entering vehicles / % exiting vehicles;

[3]Note: ITE trip generation manual recommends a convenience market 2,000 SF or greater for this land use

Table 3: Comparison of Proposed Site Trips to Existing Zoning

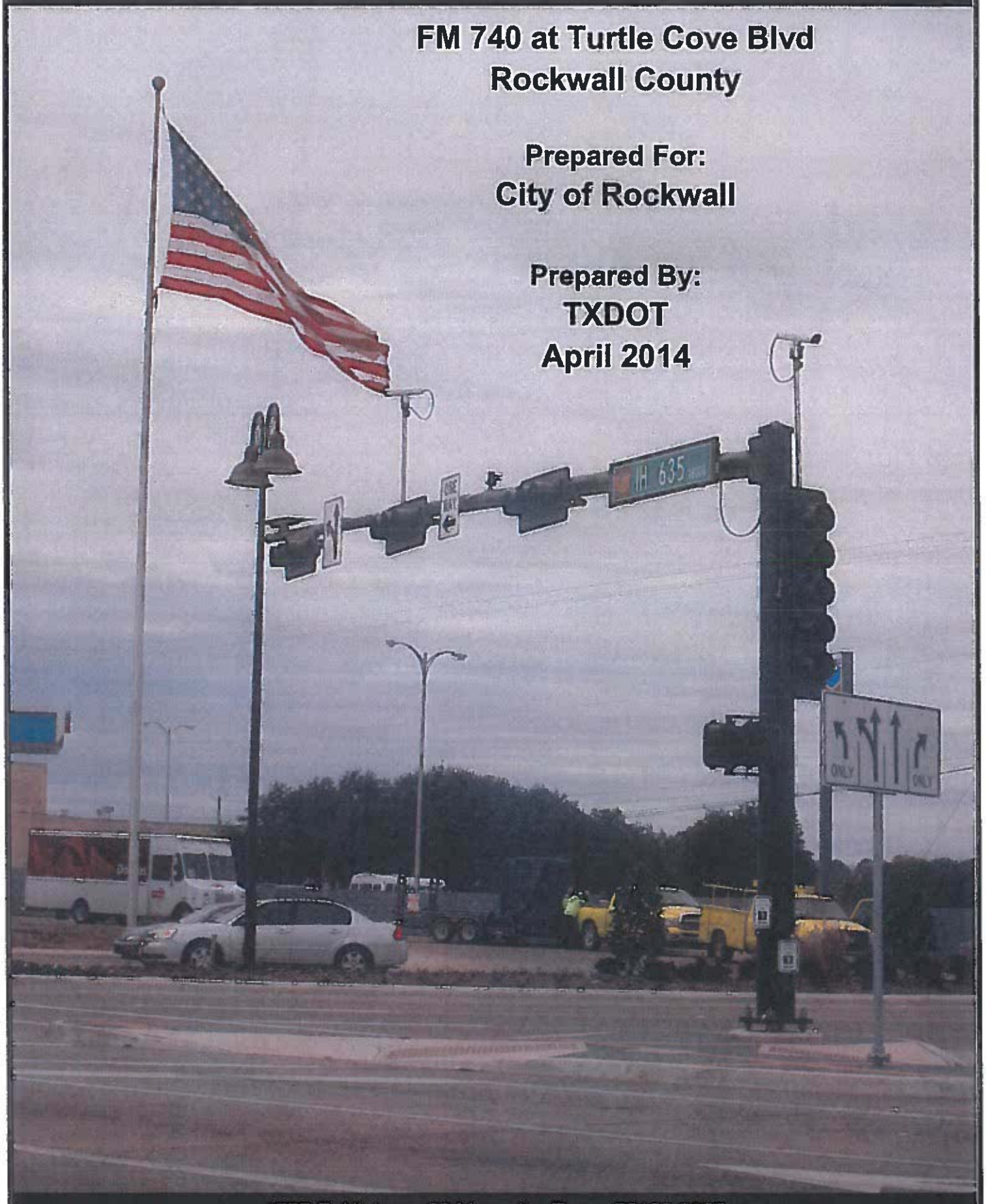
Scenario	Average Weekday			AM Peak Hour			PM Peak Hour		
	In	**Out**	**Total**	**In**	**Out**	**Total**	**In**	**Out**	**Total**
Total Trips – Turtle Cove Senior Living	454	454	908	24	30	54	36	34	70
Total Trips – Existing Zoning	2,804	2,804	5,608	241	113	354	207	293	500
Comparison (Proposed / Existing)	**16%**	**16%**	**16%**	**10%**	**27%**	**15%**	**17%**	**12%**	**14%**

TEXAS DEPARTMENT OF TRANSPORTATION

FM 740 at Turtle Cove Blvd
Rockwall County

Prepared For:
City of Rockwall

Prepared By:
TXDOT
April 2014



4777 E. Highway 80 Mesquite, Texas 75150-3067

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I. Introduction

The City of Rockwall requested the services of Texas Department of Transportation (TxDOT) Dallas District to conduct a traffic signal warrant study for the intersection of FM 740 at Turtle Cove Blvd. This report examines the potential for improving intersection operations at the unsignalized intersection through signalization based upon an engineering and traffic investigation.

The location of the intersection and its relation to other existing signalized intersections is shown in **Figure 1**.

II. Study Procedure

Chapter 4C, Traffic Control Signal Needs Studies, of Texas Manual on Uniform Traffic Control Devices (TMUTCD) was used as a guide for conducting this study. This report details a comprehensive investigation of traffic conditions and physical characteristics of the study location that are required to determine if signalization is warranted.

The TMUTCD provides the following guidance in regard to warrants for traffic signal installation:

"Traffic control signals should not be installed unless one or more of the factors described in the Manual are met.

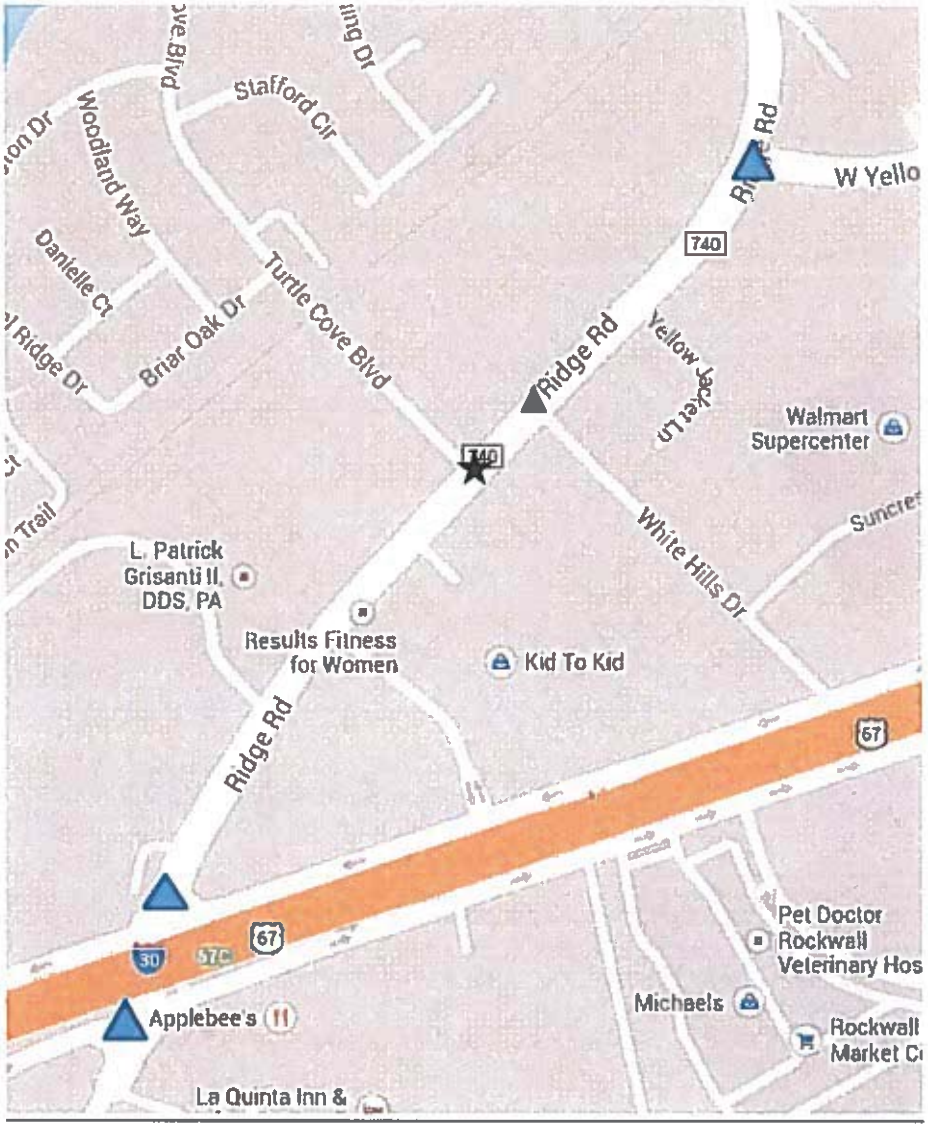
The satisfaction of a traffic signal warrant or warrants shall not in itself require the installation of a traffic control signal.

A traffic control signal should not be installed unless an engineering study indicates that installing a traffic control signal will improve the overall safety and/or operation of the intersection.

A traffic control signal should not be installed if it will seriously disrupt progressive traffic flow."

Figure 1: SITE LOCATION

FM 740 at Turtle Cove Blvd



LEGEND

★ STUDY INTERSECTION

▲ SIGNALIZED INTERSECTION

The following tasks were undertaken as part of this study:

1. A field survey was made at the site to examine the physical and operational aspects of the intersection.

2. Photographs of the intersection were taken to document existing conditions.

3. Weekday traffic volume counts were conducted on each of the approaches of the study intersection to determine traffic volume magnitudes and variations over the day. The collection times were 6:00 AM- 7:00 PM.

4. The intersection was evaluated to determine whether traffic conditions warranted signal control on the basis of TMUTCD Chapter 4C.

5. An intersection operational analysis was conducted for the study location.

6. Accident records for the previous thirty-six (36) month period were analyzed and a collision diagram was prepared.

7. A report of the study was generated.

III. Intersection Characteristics

The intersection of FM 740 at Turtle Cove Blvd. is located in Rockwall County. FM 740 is a four lane divided roadway in the north and southbound directions at the intersection and no shoulders. The current speed limit of FM 740 is 45 mph. Turtle Cove Blvd is a two lane undivided roadway with no shoulders and forms a T-intersection with FM 740. The current speed limit of Turtle Cove Blvd is 30 mph. The existing conditions of the intersection are shown in **Figure 2.**

Photographs depicting the existing physical conditions of the approaches leading to the intersection are shown in **Figures 3, 4, and 5.**

IV. Data Collection

Traffic counts at the study intersection were conducted on Tuesday, March 18, 2014. Detailed reports have been summarized and included in the Appendix for further reference. The existing peak period traffic volumes used for the traffic signal warrant study and capacity analyses are also presented in the appendix along with the critical AM and PM peak hour turning movement counts. The highest volume peak hour for the day occurred during the 5:15 pm – 6:15 pm time period.

V. Accident Analysis

Accident history at the study location over the last thirty-six (36) months listed on TxDOT's Crash Record Information System (CRIS) database, showed two (2) incidents. Warrant 7 requires a minimum of five (5) correctable crashes within a twelve (12) month timeframe.

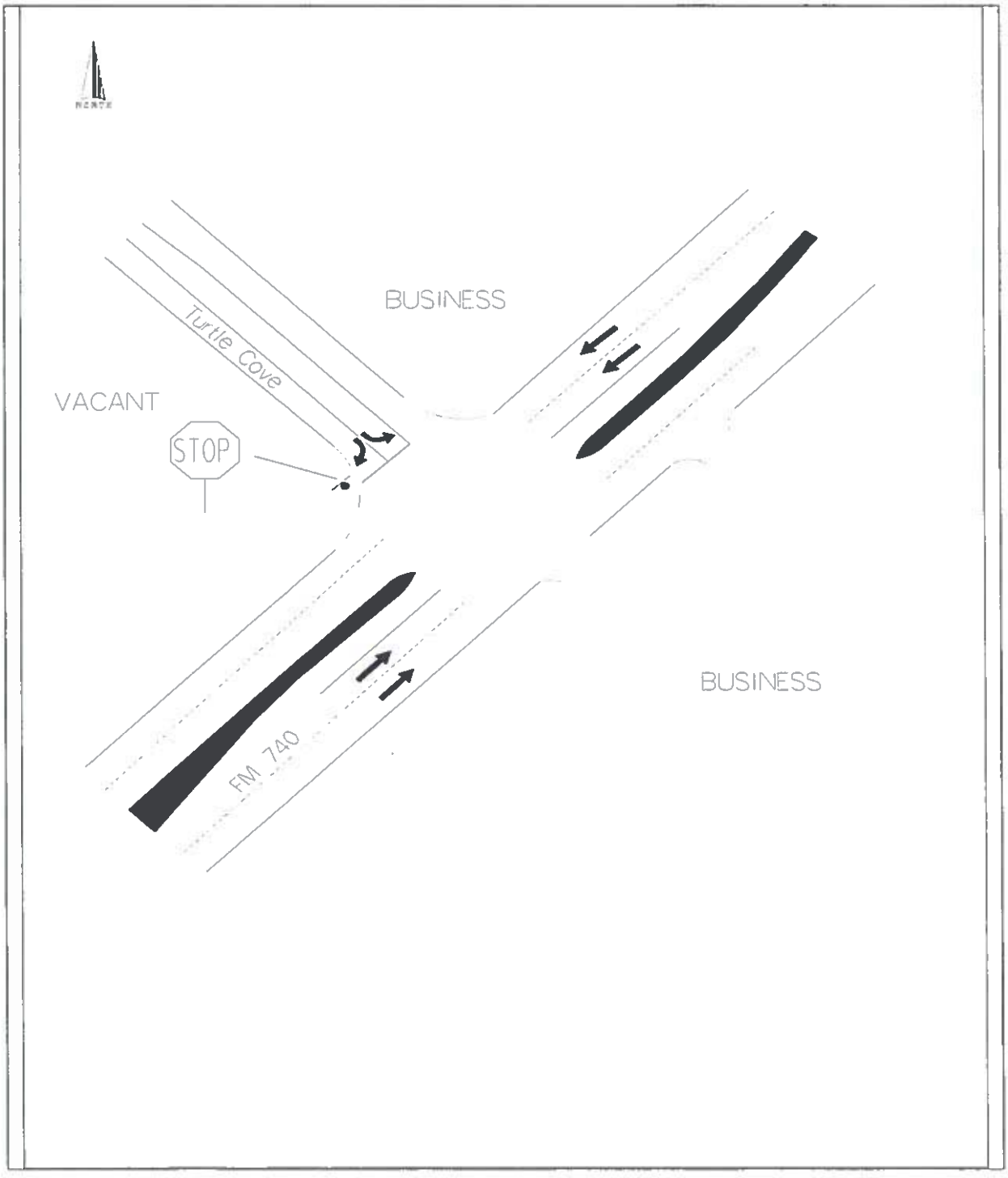


Figure 2: EXISTING CONDITIONS
FM 740 at Turtle Cove Blvd

Northbound FM 740 at Turtle Cove Blvd

Figure 3: PHOTOGRAPHS OF EXISTING CONDITIONS
FM 740 at Turtle Cove Blvd

Southbound FM 740 at Turtle Cove Blvd

Figure 4: PHOTOGRAPHS OF EXISTING CONDITIONS
FM 740 at Turtle Cove Blvd

Eastbound Turtle Cove Blvd at FM 740

Figure 5: PHOTOGRAPHS OF EXISTING CONDITIONS
FM 740 at Turtle Cove Blvd

VI. Observations

During the field visit, it was noted that the majority of traffic volumes belongs to through movements on FM 741 traveling in the north-south direction. Traffic on eastbound Turtle Cove Blvd has the peak hour at 5:15 pm to 6:15 pm.

VII. Conclusions and Recommendations

This study examined the potential for improving traffic operations at the un-signalized intersection of FM 740 at Turtle Cove Blvd. through traffic signalization. The study consisted of a traffic engineering investigation and related operational and capacity analysis. In summary, this intersection does meet the criteria for satisfying warrants 1B, 2 and 3B of the nine warrants. A traffic signal is warranted for this location because the eight (8) required hours were met for warrant 1B.

Appendix

FM 740 at Turtle Cove

Intersection Traffic Movement Counts - March 18, 2014

Roadway:	FM 740						Turtle Cove					
Approach:	Northbound			Southbound			Eastbound			Westbound		
Movement:	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Time Start												
6:00 AM	5	41	0	0	83	0	1	0	5	0	0	0
6:15 AM	8	77	0	0	112	0	3	0	1	0	0	0
6:30 AM	22	88	0	0	167	0	4	0	8	0	0	0
6:45 AM	14	95	0	0	138	0	1	0	12	0	0	0
Hour Total	**49**	**301**	**0**	**0**	**500**	**0**	**9**	**0**	**26**	**0**	**0**	**0**
7:00 AM	11	125	0	0	167	0	6	0	10	0	0	0
7:15 AM	16	126	0	0	217	0	7	0	10	0	0	0
7:30 AM	13	156	0	0	227	0	12	0	6	0	0	0
7:45 AM	22	172	0	0	254	0	14	0	13	0	0	0
Hour Total	**62**	**579**	**0**	**0**	**865**	**0**	**39**	**0**	**39**	**0**	**0**	**0**
8:00 AM	22	148	0	0	204	0	11	0	13	0	0	0
8:15 AM	17	170	0	0	178	0	5	0	17	0	0	0
8:30 AM	20	138	0	0	187	0	10	0	11	0	0	0
8:45 AM	16	104	0	0	159	0	8	0	10	0	0	0
Hour Total	**75**	**560**	**0**	**0**	**728**	**0**	**34**	**0**	**51**	**0**	**0**	**0**
9:00 AM	9	120	0	0	160	0	6	0	13	0	0	0
9:15 AM	21	94	0	0	152	0	7	0	7	0	0	0
9:30 AM	16	114	0	0	132	0	9	0	11	0	0	0
9:45 AM	11	103	0	0	122	0	7	0	12	0	0	0
Hour Total	**57**	**431**	**0**	**0**	**566**	**0**	**29**	**0**	**43**	**0**	**0**	**0**
10:00 AM	13	105	0	0	119	0	4	0	5	0	0	0
10:15 AM	14	87	0	0	106	0	7	0	9	0	0	0
10:30 AM	9	91	0	0	129	0	3	0	11	0	0	0
10:45 AM	13	115	0	0	91	0	8	0	13	0	0	0
Hour Total	**49**	**398**	**0**	**0**	**445**	**0**	**22**	**0**	**38**	**0**	**0**	**0**
11:00 AM	9	108	0	0	120	0	3	0	8	0	0	0
11:15 AM	15	112	0	0	98	0	8	0	12	0	0	0
11:30 AM	7	100	0	0	124	0	12	0	11	0	0	0
11:45 AM	13	129	0	0	111	0	14	0	17	0	0	0
Hour Total	**44**	**449**	**0**	**0**	**453**	**0**	**37**	**0**	**48**	**0**	**0**	**0**

FM 740 at Turtle Cove

Intersection Traffic Movement Counts - March 18, 2014

Roadway:	FM 740						Turtle Cove					
Approach:	Northbound			Southbound			Eastbound			Westbound		
Movement:	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Time Start												
12:00 PM	13	106	0	0	123	0	19	0	19	0	0	0
12:15 PM	19	91	0	0	131	0	16	0	16	0	0	0
12:30 PM	17	104	0	0	139	0	10	0	12	0	0	0
12:45 PM	30	127	0	0	138	0	13	0	10	0	0	0
Hour Total	**79**	**428**	**0**	**0**	**531**	**0**	**58**	**0**	**57**	**0**	**0**	**0**
1:00 PM	12	121	0	0	105	0	11	0	11	0	0	0
1:15 PM	13	111	0	0	120	0	8	0	15	0	0	0
1:30 PM	23	117	0	0	129	0	8	0	24	0	0	0
1:45 PM	17	101	0	0	113	0	9	0	12	0	0	0
Hour Total	**65**	**450**	**0**	**0**	**467**	**0**	**36**	**0**	**62**	**0**	**0**	**0**
2:00 PM	18	129	0	0	94	0	5	0	1	0	0	0
2:15 PM	28	128	0	0	130	0	9	0	21	0	0	0
2:30 PM	14	156	0	0	107	0	6	0	11	0	0	0
2:45 PM	18	185	0	0	111	0	15	0	20	0	0	0
Hour Total	**78**	**598**	**0**	**0**	**442**	**0**	**35**	**0**	**53**	**0**	**0**	**0**
3:00 PM	28	167	0	0	161	0	8	0	13	0	0	0
3:15 PM	19	195	0	0	149	0	13	0	9	0	0	0
3:30 PM	26	177	0	0	161	0	7	0	9	0	0	0
3:45 PM	33	187	0	0	168	0	2	0	7	0	0	0
Hour Total	**106**	**726**	**0**	**0**	**639**	**0**	**30**	**0**	**38**	**0**	**0**	**0**
4:00 PM	38	189	0	0	211	0	10	0	6	0	0	0
4:15 PM	40	186	0	0	154	0	7	0	11	0	0	0
4:30 PM	35	198	0	0	137	0	8	0	23	0	0	0
4:45 PM	38	206	0	0	165	0	9	0	11	0	0	0
Hour Total	**151**	**779**	**0**	**0**	**667**	**0**	**34**	**0**	**51**	**0**	**0**	**0**
5:00 PM	29	215	0	0	182	0	13	0	22	0	0	0
5:15 PM	39	222	0	0	179	0	9	0	16	0	0	0
5:30 PM	0	200	0	0	195	0	10	0	13	0	0	0
5:45 PM	53	219	0	0	182	0	9	0	18	0	0	0
Hour Total	**121**	**856**	**0**	**0**	**738**	**0**	**41**	**0**	**69**	**0**	**0**	**0**
6:00 PM	46	198	0	0	202	0	15	0	11	0	0	0
6:15 PM	55	199	0	0	177	0	6	0	12	0	0	0
6:30 PM	33	183	0	0	157	0	5	0	10	0	0	0
6:45 PM	39	161	0	0	154	0	5	0	17	0	0	0
Hour Total	**173**	**741**	**0**	**0**	**690**	**0**	**31**	**0**	**50**	**0**	**0**	**0**

13-Hour Total	**1,147**	**7,296**	**0**	**0**	**7,731**	**0**	**435**	**0**	**625**	**0**	**0**	**0**
% of Approach	13.6%	86.4%	0.0%	0.0%	100.0%	0.0%	41.0%	0.0%	59.0%	#DIV/0!	######	#####
% of Movements	49.0%			44.9%			6.2%			0.0%		
% of Intersection	93.8%						6.2%					

FM 740 at Turtle Cove

Peak Hour Intersection Traffic Movement Counts - March 18, 2014

Table 1

Roadway:	FM 740						Turtle Cove					
Approach:	Northbound			Southbound			Eastbound			Westbound		
Movement:	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Time Start												
7:30 AM	13	156	0	0	227	0	12	0	6	0	0	0
7:45 AM	22	172	0	0	254	0	14	0	13	0	0	0
8:00 AM	22	148	0	0	204	0	11	0	13	0	0	0
8:15 AM	17	170	0	0	178	0	5	0	17	0	0	0
AM Peak Hour	**74**	**646**	**0**	**0**	**863**	**0**	**42**	**0**	**49**	**0**	**0**	**0**
5:15 PM	39	222	0	0	179	0	9	0	16	0	0	0
5:30 PM	38	200	0	0	195	0	10	0	13	0	0	0
5:45 PM	53	219	0	0	182	0	9	0	18	0	0	0
6:00 PM	46	198	0	0	202	0	15	0	11	0	0	0
PM Peak Hour	**176**	**839**	**0**	**0**	**758**	**0**	**43**	**0**	**58**	**0**	**0**	**0**

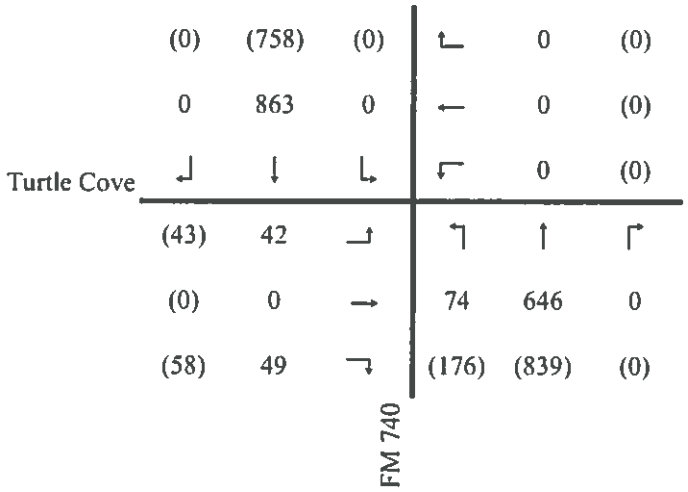


Figure 7

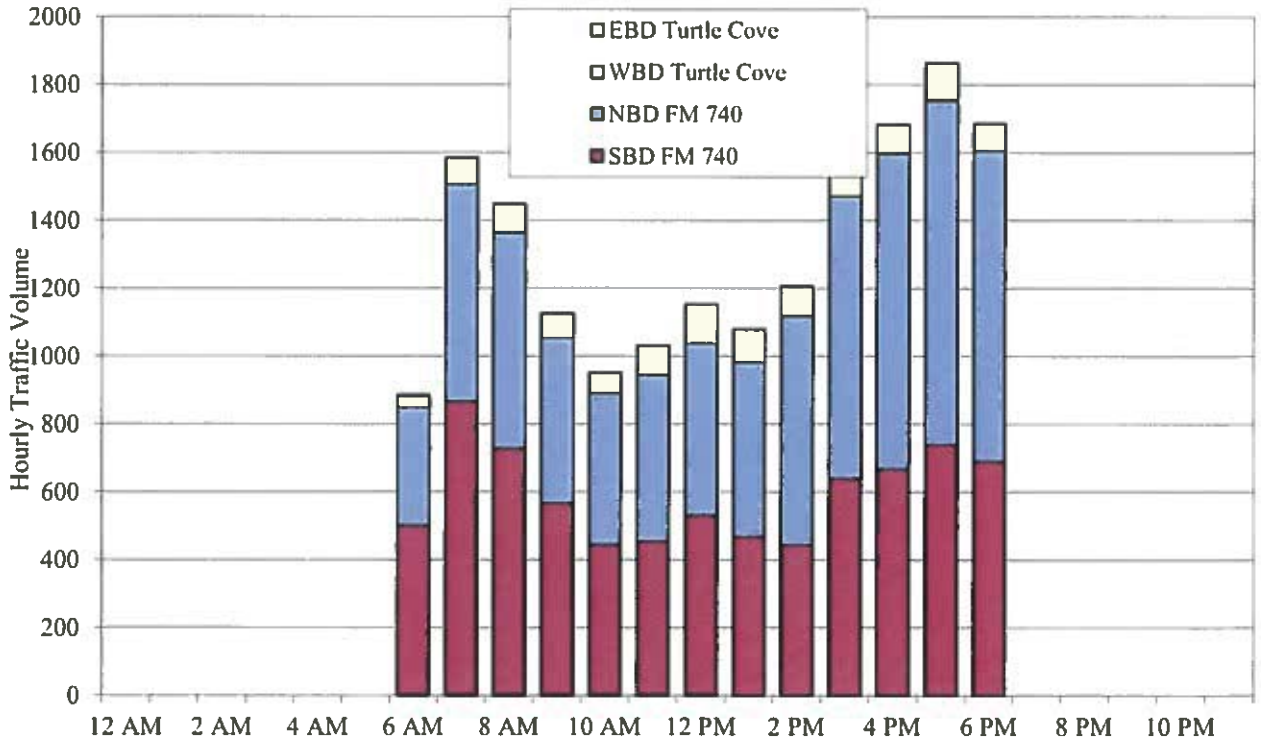
- A.M. Peak Period Turning Movements

(#) - P.M. Peak Period Turning Movements

FM 740 AT TURTLE COVE

Intersection Approach Counts - March 18, 2014

Time	NBD FM 740					SBD FM 740					EBD Turtle Cove					WBD Turtle Cove				
Start	:00	:15	:30	:45	Ttl.	:00	:15	:30	:45	Ttl.	:00	:15	:30	:45	Ttl.	:00	:15	:30	:45	Ttl.
12 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6 AM	46	85	110	109	350	83	112	167	138	500	6	4	12	13	35	0	0	0	0	0
7 AM	136	142	169	194	641	167	217	227	254	865	16	17	18	27	78	0	0	0	0	0
8 AM	170	187	158	120	635	204	178	187	159	728	24	22	21	18	85	0	0	0	0	0
9 AM	129	115	130	114	488	160	152	132	122	566	19	14	20	19	72	0	0	0	0	0
10 AM	118	101	100	128	447	119	106	129	91	445	9	16	14	21	60	0	0	0	0	0
11 AM	117	127	107	142	493	120	98	124	111	453	11	20	23	31	85	0	0	0	0	0
12 PM	119	110	121	157	507	123	131	139	138	531	38	32	22	23	115	0	0	0	0	0
1 PM	133	124	140	118	515	105	120	129	113	467	22	23	32	21	98	0	0	0	0	0
2 PM	147	156	170	203	676	94	130	107	111	442	6	30	17	35	88	0	0	0	0	0
3 PM	195	214	203	220	832	161	149	161	168	639	21	22	16	9	68	0	0	0	0	0
4 PM	227	226	233	244	930	211	154	137	165	667	16	18	31	20	85	0	0	0	0	0
5 PM	244	261	238	272	1015	182	179	195	182	738	35	25	23	27	110	0	0	0	0	0
6 PM	244	254	216	200	914	202	177	157	154	690	26	18	15	22	81	0	0	0	0	0
7 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
24 Hour	8,443					7,731					1,060					0				



WARRANTS FOR TRAFFIC SIGNAL INSTALLATION

for

FM 740 at Turtle Cove

April 15, 2014

Prepared by Texas Department of Transportation

Prepared for City of Rockwall

Warrants 1 through 8 for Traffic Signal Installation were analyzed for the intersection of FM 740 at Turtle Cove. The results are summarized below. Detailed analyses of all applicable warrants are contained in the following pages.

Warrant	Result	Comments
1A. Eight-Hour Vehicular Volume	Not Satisfied	
1B. Eight-Hour Vehicular Volume	*Satisfied*	
1A/B. Eight-Hour Vehicular Volume	Not Satisfied	
2. Four-Hour Vehicular Volume	*Satisfied*	
3A. Peak Hour Volume	Not Satisfied	
3B. Peak Hour Volume	*Satisfied*	
4. Pedestrian Volume	Not Satisfied	
5. School Crossing	Not Applicable	
6. Coordinated Signal System	Not Applicable	
7. Crash Experience	Not Satisfied	
8. Roadway Network	Not Applicable	
9. Intersection Near a Grade Crossing	Not Satisfied	

Based on Warrants 1 through 9, a traffic signal installation is warranted at the intersection of FM 740 at Turtle Cove.

TRAFFIC SIGNAL WARRANT 1: EIGHT-HOUR VEHICULAR VOLUME (CONDITION A - MINIMUM VEHICULAR VOLUME)

FM 740 at Turtle Cove

The Minimum Vehicular Volume warrant, Condition A, is intended for application where a large volume of intersecting traffic is the principal reason to consider installing a traffic control signal. The need for a traffic control signal shall be considered when the major-street and higher volume minor street approaches to the intersection both exceed the requirements for 8 hours of an average day. The major-street and the minor-street volumes shall be for the same 8 hours. The minor-street volume shall not be required to be on the same approach for each of the 8 hours. The volume requirements may be reduced by 30% if the posted or statutory speed limit or the 85th-percentile speed on the major road exceeds 40 mph, or if the intersection lies within the built-up area of an isolated community having a population of less than 10,000.

Yes — Is the 85th percentile speed on the major street greater than 40 mph?
No — Does the intersection lie within a built-up area of an isolated community having a population less than 10,000?
2 — Number of major street approach lanes.
2 — Number of minor street approach lanes.

Minimum traffic volume for major street approach = 420 vehicles.
Minimum traffic volume for minor street approach = 140 vehicles.

Start Hour	NBD FM 740	SBD FM 740	EBD Turtle Cove	WBD Turtle Cove	Major Street Total	High Volume Minor Street	Meets Requirement
12 AM	0	0	0	0	0	0	No
1 AM	0	0	0	0	0	0	No
2 AM	0	0	0	0	0	0	No
3 AM	0	0	0	0	0	0	No
4 AM	0	0	0	0	0	0	No
5 AM	0	0	0	0	0	0	No
6 AM	350	500	35	0	850	35	No
7 AM	641	865	78	0	1506	78	No
8 AM	635	728	85	0	1363	85	No
9 AM	488	566	72	0	1054	72	No
10 AM	447	445	60	0	892	60	No
11 AM	493	453	85	0	946	85	No
12 PM	507	531	115	0	1038	115	No
1 PM	515	467	98	0	982	98	No
2 PM	676	442	88	0	1118	88	No
3 PM	832	639	68	0	1471	68	No
4 PM	930	667	85	0	1597	85	No
5 PM	1015	738	110	0	1753	110	No
6 PM	914	690	81	0	1604	81	No
7 PM	0	0	0	0	0	0	No
8 PM	0	0	0	0	0	0	No
9 PM	0	0	0	0	0	0	No
10 PM	0	0	0	0	0	0	No
11 PM	0	0	0	0	0	0	No

The minimum requirements are met for 0 of the 13 hours observed.

Based on the above data, the intersection of FM 740 at Turtle Cove does not meet the minimum requirements of Warrant 1A.

TRAFFIC SIGNAL WARRANT 1: EIGHT-HOUR VEHICULAR VOLUME (CONDITION B - INTERRUPTION OF CONTINUOUS TRAFFIC)

FM 740 at Turtle Cove

The Interruption of Continuous Traffic warrant, Condition B, is intended for application where the traffic volume on a major street is so heavy that traffic on a minor intersecting street suffers excessive delay or conflict in entering or crossing the major street. The need for a traffic control signal shall be considered when the major-street and higher volume minor street approaches to the intersection both exceed the requirements for 8 hours of an average day. The major-street and the minor-street volumes shall be for the same 8 hours. The minor-street volume shall not be required to be on the same approach for each of the 8 hours. The volume requirements may be reduced by 30% if the posted or statutory speed limit or the 85th-percentile speed on the major road exceeds 40 mph, or if the intersection lies within the built-up area of an isolated community having a population of less than 10,000.

Yes — Is the 85th percentile speed on the major street greater than 40 mph?

No — Does the intersection lie within a built-up area of an isolated community having a population less than 10,000?

2 — Number of major street approach lanes.

2 — Number of minor street approach lanes.

Minimum traffic volume for major street approach = 630 vehicles.
Minimum traffic volume for minor street approach = 70 vehicles.

Start Hour	NBD FM 740	SBD FM 740	EBD Turtle Cove	WBD Turtle Cove	Major Street Total	High Volume Minor Street	Meets Requirement
12 AM	0	0	0	0	0	0	No
1 AM	0	0	0	0	0	0	No
2 AM	0	0	0	0	0	0	No
3 AM	0	0	0	0	0	0	No
4 AM	0	0	0	0	0	0	No
5 AM	0	0	0	0	0	0	No
6 AM	350	500	35	0	850	35	No
7 AM	641	865	78	0	1506	78	Yes
8 AM	635	728	85	0	1363	85	Yes
9 AM	488	566	72	0	1054	72	Yes
10 AM	447	445	60	0	892	60	No
11 AM	493	453	85	0	946	85	Yes
12 PM	507	531	115	0	1038	115	Yes
1 PM	515	467	98	0	982	98	Yes
2 PM	676	442	88	0	1118	88	Yes
3 PM	832	639	68	0	1471	68	No
4 PM	930	667	85	0	1597	85	Yes
5 PM	1015	738	110	0	1753	110	Yes
6 PM	914	690	81	0	1604	81	Yes
7 PM	0	0	0	0	0	0	No
8 PM	0	0	0	0	0	0	No
9 PM	0	0	0	0	0	0	No
10 PM	0	0	0	0	0	0	No
11 PM	0	0	0	0	0	0	No

The minimum requirements are met for 10 of the 13 hours observed.

Based on the above data, the intersection of FM 740 at Turtle Cove does meet the minimum requirements of Warrant 1B.

TRAFFIC SIGNAL WARRANT 1 - COMBINATION OF CONDITIONS A&B

FM 740 at Turtle Cove

The combination of Condition A and B should be applied only after an adequate trial of other alternatives that could cause less delay and inconvenience to traffic failed to solve the traffic problems. The need for traffic control shall be considered if the vehicles per hour for the major and minor streets satisfy 80% of Condition A and 80% of Condition B for any 8 hours of an average day. Conditon A and Condition B shall not be required to satisfy the same 8 hours. The minor street approach shall not be required to be the same approach during each of the 8 hours.

80% of minimum traffic volume for major street approach (Warrant 1) = 336 vehicles
80% of minimum traffic volume for minor street approach (Warrant 1) = 112 vehicles
80% of minimum traffic volume for major street approach (Warrant 2) = 504 vehicles
80% of minimum traffic volume for minor street approach (Warrant 2) = 56 vehicles

Start Hour	Major Street Total	High Volume Minor Street	80% of Warrant 1	80% of Warrant 2
12 AM	0	0	No	No
1 AM	0	0	No	No
2 AM	0	0	No	No
3 AM	0	0	No	No
4 AM	0	0	No	No
5 AM	0	0	No	No
6 AM	850	35	No	No
7 AM	1506	78	No	Yes
8 AM	1363	85	No	Yes
9 AM	1054	72	No	Yes
10 AM	892	60	No	Yes
11 AM	946	85	No	Yes
12 PM	1038	115	Yes	Yes
1 PM	982	98	No	Yes
2 PM	1118	88	No	Yes
3 PM	1471	68	No	Yes
4 PM	1597	85	No	Yes
5 PM	1753	110	No	Yes
6 PM	1604	81	No	Yes
7 PM	0	0	No	No
8 PM	0	0	No	No
9 PM	0	0	No	No
10 PM	0	0	No	No
11 PM	0	0	No	No
Volume Requirements			Not Satisfied	Satisfied

In order to satisfy the Combination Warrant, both portions of the warrant must be satisfied. Based on the above data, the intersection of FM 740 at Turtle Cove does not meet the minimum requirements for Warrant 1 (Combination).

TRAFFIC SIGNAL WARRANT 2 - FOUR HOUR VEH. VOLUME (70% Factor)

FM 740 at Turtle Cove

The Four-Hour Vehicular Volume signal warrant conditions are intended to be applied where the volume of intersecting traffic is the principal reason to consider installing a traffic control signal. The need for a traffic control signal shall be considered if an engineering study finds that, for each of any 4 hours of an average day, the plotted points representing the vehicles per hour for the total major street approaches and the high volume minor street approach fall above the applicable curve. On the minor street, the higher volume approach shall not be required to be the same approach during each of the four hours.

Yes — Is the 85th percentile speed on the major street greater than 40 mph?

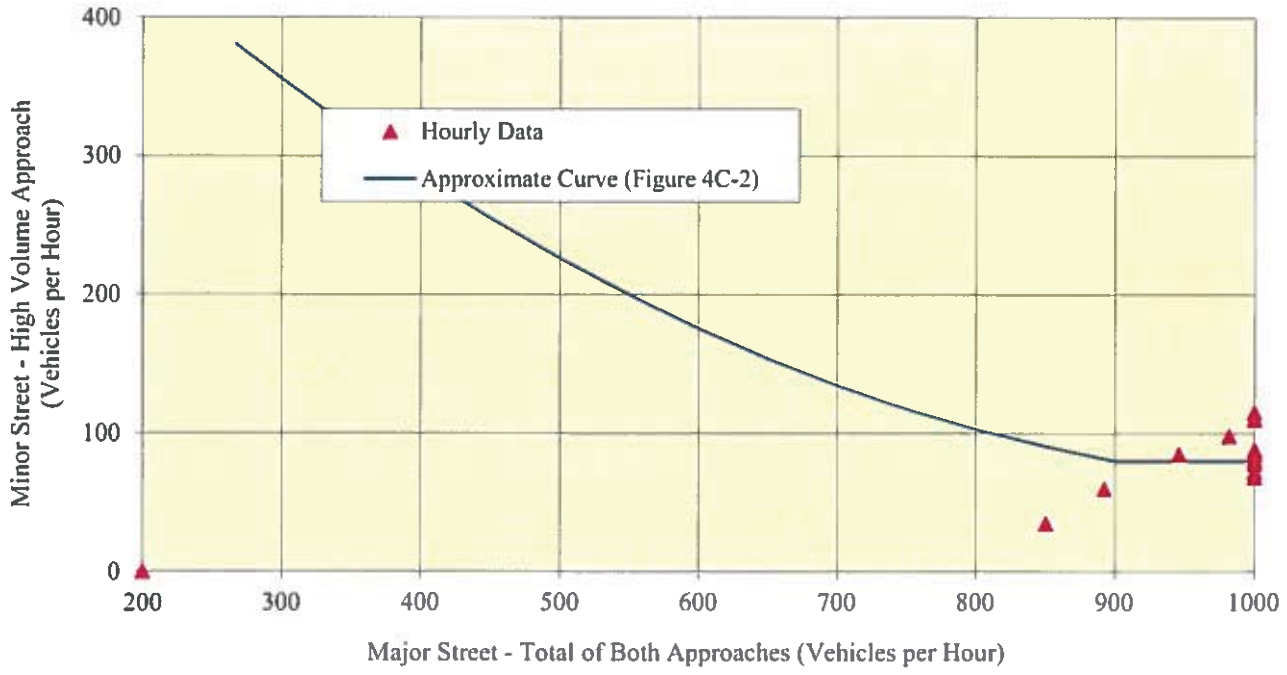
No — Does the intersection lie within a built-up area of an isolated community having a population less than 10,000?

2 — Number of major street approach lanes.

2 — Number of minor street approach lanes.

Start Hour	Major Street Total	High Volume Minor Street	Meets Requirement	Start Hour	Major Street Total	High Volume Minor Street	Meets Requirement
12 AM	0	0	No	12 PM	1038	115	Yes
1 AM	0	0	No	1 PM	982	98	Yes
2 AM	0	0	No	2 PM	1118	88	Yes
3 AM	0	0	No	3 PM	1471	68	No
4 AM	0	0	No	4 PM	1597	85	Yes
5 AM	0	0	No	5 PM	1753	110	Yes
6 AM	850	35	No	6 PM	1604	81	Yes
7 AM	1506	78	No	7 PM	0	0	No
8 AM	1363	85	Yes	8 PM	0	0	No
9 AM	1054	72	No	9 PM	0	0	No
10 AM	892	60	No	10 PM	0	0	No
11 AM	946	85	Yes	11 PM	0	0	No

Based on the above data, the intersection of FM 740 at Turtle Cove meets the minimum requirements of Warrant 2.



TRAFFIC SIGNAL WARRANT 3A - PEAK HOUR

FM 740 at Turtle Cove

The Peak Hour signal warrant is intended for use at a location where traffic conditions are such that for a minimum of 1 hour of an average day, the minor-street traffic suffers undue delay when entering or crossing the major street. This signal warrant shall be applied only in unusual cases in which traffic generators attract or discharge large numbers of vehicles over a short time. The need for a traffic control signal shall be considered when the following three conditions are satisfied.

Number of Approaches to the Intersection: 3
Number of Approach Lanes on Minor Street: 2

Condition	Existing	Required	Meets Requirement
The total delay experienced by the traffic on the minor street approach	2.9 hours	5 hours	No
Traffic Volume on Minor Street Approach	115 vehicles	150 vehicles	No
Total Entering Traffic Volume from all Three (3) Approaches	1153 vehicles	650 vehicles	Yes

Based on the above data, the intersection of FM 740 at Turtle Cove does not meet the minimum requirements of Warrant 3A.

TRAFFIC SIGNAL WARRANT 3B - PEAK HOUR (70% Factor)

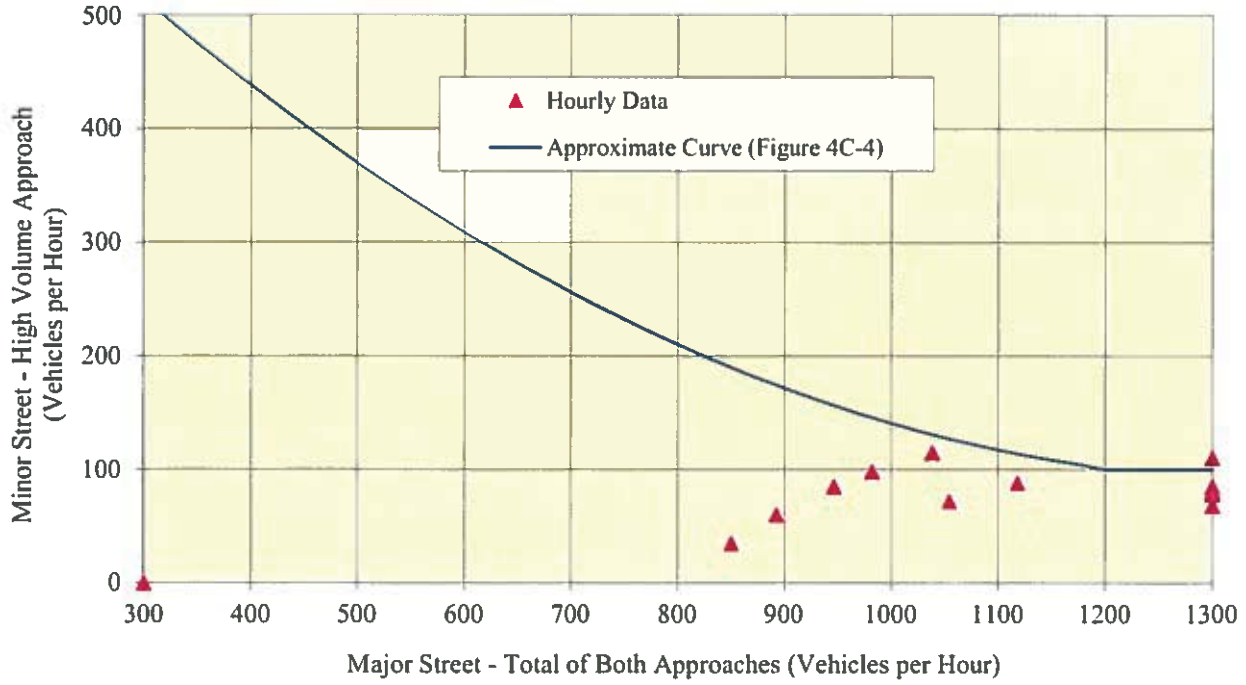
FM 740 at Turtle Cove

The Peak Hour signal warrant is intended for use at a location where traffic conditions are such that for a minimum of 1 hour of an average day, the minor-street traffic suffers undue delay when entering or crossing the major street. This signal warrant shall be applied only in unusual cases in which traffic generators attract or discharge large numbers of vehicles over a short time. The need for a traffic control signal shall be considered when the plotted point representing the major street (both approaches) and minor street (high volume approach) traffic volumes for 1 hour fall above the applicable curve.

Yes	Is the 85th percentile speed on the major street greater than 40 mph?
No	Does the intersection lie within a built-up area of an isolated community having a population less than 10,000?
2	Number of major street approach lanes.
2	Number of minor street approach lanes.

Start Hour	Major Street Total	High Volume Minor Street	Meets Requirement	Start Hour	Major Street Total	High Volume Minor Street	Meets Requirement
12 AM	0	0	No	12 PM	1038	115	No
1 AM	0	0	No	1 PM	982	98	No
2 AM	0	0	No	2 PM	1118	88	No
3 AM	0	0	No	3 PM	1471	68	No
4 AM	0	0	No	4 PM	1597	85	No
5 AM	0	0	No	5 PM	1753	110	Yes
6 AM	850	35	No	6 PM	1604	81	No
7 AM	1506	78	No	7 PM	0	0	No
8 AM	1363	85	No	8 PM	0	0	No
9 AM	1054	72	No	9 PM	0	0	No
10 AM	892	60	No	10 PM	0	0	No
11 AM	946	85	No	11 PM	0	0	No

Based on the above data, the intersection of FM 740 at Turtle Cove meets the minimum requirements of Warrant 3B.



TRAFFIC SIGNAL WARRANT 4 - PEDESTRIAN VOLUME

FM 740 at Turtle Cove

The Pedestrian Volume signal warrant is intended for applications where the traffic volume on a major street is so heavy that pedestrians experience excessive delay in crossing the major street. The Pedestrian Volume warrant shall not be applied at locations where the distance to the nearest traffic control signal along the major street is less than 300 feet, unless the proposed traffic control signal will not restrict the progressive movement of traffic.

No Is the average crossing speed of pedestrians less than 4 feet per second?

Minimum pedestrian volume per hour for one (1) hour on high volume crosswalk = 190 pedestrians.
Minimum pedestrian volume per hour for four (4) hours on high volume crosswalk = 140 pedestrians.

Start Hour	Pedestrian Volume Crossing Major Street	Number of Gaps in NBD Traffic	Number of Gaps in SBD Traffic	Meets 1 Hour Requirement	Meets 4 Hour Requirement
12 AM	0	100	100	No	No
1 AM	0	100	100	No	No
2 AM	0	100	100	No	No
3 AM	0	100	100	No	No
4 AM	0	100	100	No	No
5 AM	0	100	100	No	No
6 AM	0	100	100	No	No
7 AM	0	100	100	No	No
8 AM	0	100	100	No	No
9 AM	0	100	100	No	No
10 AM	0	100	100	No	No
11 AM	0	100	100	No	No
12 PM	0	100	100	No	No
1 PM	0	100	100	No	No
2 PM	0	100	100	No	No
3 PM	0	100	100	No	No
4 PM	0	100	100	No	No
5 PM	0	100	100	No	No
6 PM	0	100	100	No	No
7 PM	0	100	100	No	No
8 PM	0	100	100	No	No
9 PM	0	100	100	No	No
10 PM	0	100	100	No	No
11 PM	0	100	100	No	No
				Not Satisfied	Not Satisfied

Based on the above data, the intersection of FM 740 at Turtle Cove does not meet the minimum requirements of Warrant 4.

Warrant 4 was not evaluated for Pedestrian activity.

TRAFFIC SIGNAL WARRANT 5 - SCHOOL CROSSING

FM 740 at Turtle Cove

The school crossing signal warrant is intended for application where the fact that school children cross the major street is the principal reason to consider installing a traffic control signal. Before the decision is made to install a traffic control signal, consideration shall be given to the implementation of other remedial measures, such as warning signs and flashers, school speed zones, school crossing guards, or a grade-separated crossing. The School Crossing signal warrant shall not be applied at locations where the distance to the nearest traffic control signal along the major street is less than 300 feet, unless the proposed traffic control signal will not restrict the progressive movement of traffic.

_____ Is the number of gaps in the traffic stream during the period when the children are using the crossing less than the number of minutes in the same period?

_____ Are there at least 20 students crossing the major street during the highest hour?
crossing less than the number of minutes in the same period?

The school zone crossing warrant is not applicable to FM 740 at Turtle Cove.

TRAFFIC SIGNAL WARRANT 6 - COORDINATED SIGNAL SYSTEM

FM 740 at Turtle Cove

Progressive movement in a coordinated signal system sometimes necessitates installing traffic control signals at intersections where they would not otherwise be needed in order to maintain proper platooning of vehicles.

No Are the adjacent signals in a signal system?

_____ Would the resultant spacing be 1000 feet or more?

_____ On a one-way street or a street that has traffic predominantly in one direction, are the adjacent traffic control signals so far apart that they do no provide the necessary degree of vehicular platooning?
OR
On a two-way street, would the proposed and adjacent traffic control signals provide the necessary degree of platooning that is not currently provided by the adjacent traffic control signals.

The progressive movement warrant is not applicable to FM 740 at Turtle Cove.

TRAFFIC SIGNAL WARRANT 7 - CRASH EXPERIENCE

FM 740 at Turtle Cove

No — Have adequate trials of less restrictive remedies with satisfactory observance and enforcement failed to reduce the accident frequency?

No — Have five (5) or more accidents, of types susceptible to correction by traffic signal control, occurred within a 12-month period, each accident involving personal injury or property damage to an apparent extent of $250 or more?

Yes — A signal installation will not seriously disrupt progressive traffic flow.

80% of minimum traffic volume for major street approach (Warrant 1A) = 336 vehicles
80% of minimum traffic volume for minor street approach (Warrant 1A) = 112 vehicles
80% of minimum traffic volume for major street approach (Warrant 1B) = 504 vehicles
80% of minimum traffic volume for minor street approach (Warrant 1B) = 56 vehicles
80% of pedestrian traffic volume crossing major street (Warrant 4) = 152 vehicles
80% of pedestrian traffic volume crossing major street (Warrant 4) = 112 vehicles

Start Hour	Major Street Total	High Volume Minor Street	Pedestrian Volume Crossing Major Street	80% of Warrant 1 (Condition A)	80% of Warrant 1 (Condition B)	80% of Warrant 4 (1 Hour)	80% of Warrant 4 (4 Hour)
12 AM	0	0	0	No	No	No	No
1 AM	0	0	0	No	No	No	No
2 AM	0	0	0	No	No	No	No
3 AM	0	0	0	No	No	No	No
4 AM	0	0	0	No	No	No	No
5 AM	0	0	0	No	No	No	No
6 AM	850	35	0	No	No	No	No
7 AM	1506	78	0	No	Yes	No	No
8 AM	1363	85	0	No	Yes	No	No
9 AM	1054	72	0	No	Yes	No	No
10 AM	892	60	0	No	Yes	No	No
11 AM	946	85	0	No	Yes	No	No
12 PM	1038	115	0	Yes	Yes	No	No
1 PM	982	98	0	No	Yes	No	No
2 PM	1118	88	0	No	Yes	No	No
3 PM	1471	68	0	No	Yes	No	No
4 PM	1597	85	0	No	Yes	No	No
5 PM	1753	110	0	No	Yes	No	No
6 PM	1604	81	0	No	Yes	No	No
7 PM	0	0	0	No	No	No	No
8 PM	0	0	0	No	No	No	No
9 PM	0	0	0	No	No	No	No
10 PM	0	0	0	No	No	No	No
11 PM	0	0	0	No	No	No	No
Hours Required				8	8	1	4
Volume Requirements				Not Satisfied	Satisfied	Not Satisfied	Not Satisfied

Yes — Are one or more of the three volume warrants satisfied?

Based on the above data, the intersection of FM 740 at Turtle Cove does not meet the minimum requirements of Warrant 7.

TRAFFIC SIGNAL WARRANT 8 - ROADWAY NETWORK

FM 740 at Turtle Cove

A traffic signal installation at some intersections may be warranted to encourage concentration and organization of traffic flow networks.

No — Is the intersection an intersection of two or more major routes?

A major route as used in the above warrant has one or more of the following characteristics:

1. It is part of the street or highway system that serves as the principal network for through traffic flow.
2. It includes rural or suburban highways outside, entering, or traversing a city.
3. It appears as a major route on an official plan such as a major street plan in an urban area traffic and transportation study.

No — Does the intersection have a total existing, or immediately projected, entering volume of at least 1,000 vehicles per hour during the peak hour of a typical weekday and have 5-year projected traffic volumes, based on an engineering study, that meet one of more of Warrants 1, 2 and 3 during an average weekday?

OR

Does the intersection have a total existing, or immediately projected, entering volume of at least 1,000 vehicles per hour for each of any 5 hours of a nonnormal business day (Saturday or Sunday)?

The roadway network warrant is not applicable to FM 740 at Turtle Cove.

TRAFFIC SIGNAL WARRANT 9 - INTERSECTION NEAR A GRADE CROSSING

FM 740 at Turtle Cove

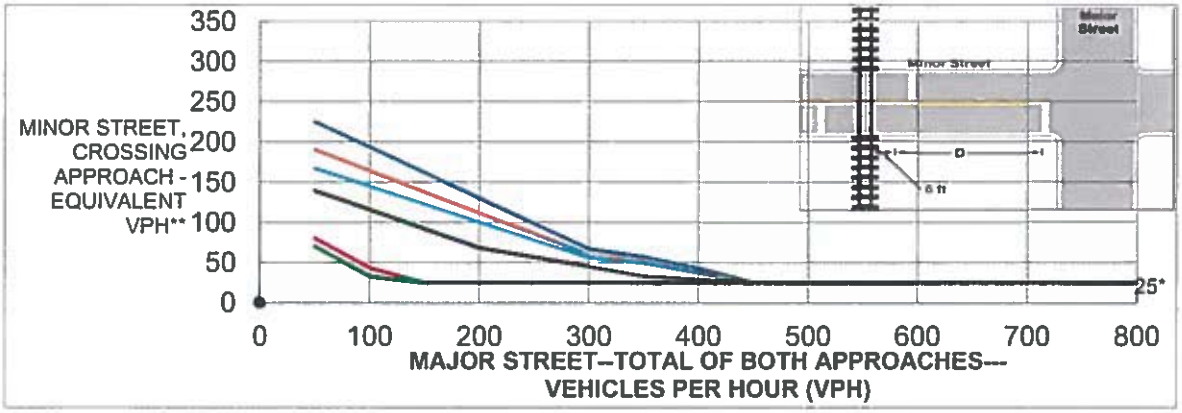
The Intersection Near a Grade Crossing signal warrant is intended for use at a location where none of the conditions described in the other eight traffic signal warrants are met, but the proximity to the intersection of a grade crossing on an intersection approach controlled by a STOP or YIELD sign is the principal reason to consider installing a traffic control signal.

no A grade crossing exists on an approach controlled by a STOP or YIELD sign and the center of the track nearest to the intersection is within 140 feet of the stop line or yield line on the approach:

no During the highest traffic volume hour during which rail traffic uses the crossing, the plotted point representing the vehicles per hour on the major street (total of both approaches) and the corresponding vehicles per hour on the minor-street approach that crosses the track (one direction only, approaching the intersection) falls above the applicable curve in Figure 7 or 8 for the existing combination of approach lanes over the track and the distance D, which is the clear storage distance as defined in Section 1A.13.

Warrant 9. Intersection Near a Grade Crossing (One Approach Lane at the Track Crossing)

☐ Yes ☐ No | Meets one High Hour (Warrant 9 — see Figure 5).

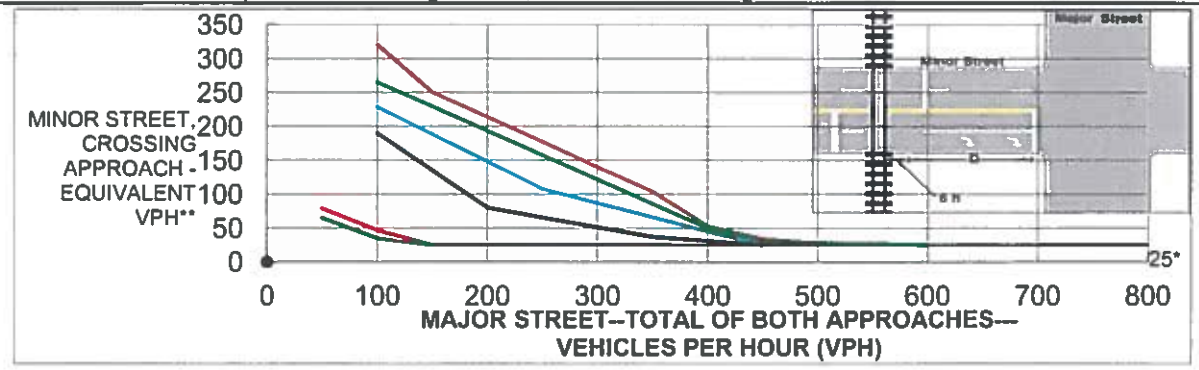


*25 mph applies as the lower threshold volume
** VPH after applying the adjustment factors in Tables 4C-2, 4C-3, and/or 4C-4, if appropriate

Figure 5. Railroad Grade Crossing (One Approach Lane at the Track Crossing). '(Warrant 9.)

Warrant 9. Intersection Near a Grade Crossing (Two or More Approach Lanes at the Track Crossing)

☐ Yes ☐ No | Meets one High Hour (Warrant 9 — see Figure 5).



*25 mph applies as the lower threshold volume
** VPH after applying the adjustment factors in Tables 4C-2, 4C-3, and/or 4C-4, if appropriate

Figure 5. Railroad Grade Crossing (Two or More Approach Lanes at the Track Crossing). (Warrant 9.)

Based on the above data, the intersection of FM 740 at Turtle Cove does not meet the minimum requirements of Warrant 9.

integrated environmental solutions

03 April 2018

Mr. Vinod Miranda
Vinod Miranda
9105 Briarcrest Drive
Rowlett, Texas 75089

Re: Waters of the United States Delineation & Section 404 Permit Assessment – Turtle Cove Drive and Ridge Road, City of Rockwall, Rockwall County, Texas

Dear Mr. Miranda,

Integrated Environmental Solutions, LLC (IES) performed a field survey to identify any aquatic resources that meet a definition of a water of the United States for the proposed development, approximately 9.7 acres, located at the southwest corner of Turtle Cover Drive and Ridge Road, Rockwall County, Texas (**Attachment A, Figure 1**). This report summarizes the field survey and assesses any issues regarding compliance with Sections 404 and 401 of the Clean Water Act (CWA).

INTRODUCTION

Agencies that regulate impacts to the nation's water resources within Texas include the U.S. Army Corps of Engineers (USACE), the U.S. Environmental Protection Agency (USEPA), the U.S. Fish and Wildlife Service (USFWS), and the Texas Commission on Environmental Quality (TCEQ). Jurisdictional waters of the United States are protected under guidelines outlined in Sections 401 and 404 of the Clean Water Act (CWA), in Executive Order 11990 (Protection of Wetlands), and by the review process of the TCEQ. The USACE has the primary regulatory authority for enforcing Section 404 requirements for waters of the United States, including wetlands.

The definition of waters of the United States, in 33 Code of Federal Regulations (CFR) 328.3, includes waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, wetlands, sloughs, wet meadows, or natural ponds and all impoundments of waters otherwise defined as waters of the United States. Also included are wetlands adjacent to waters (other than waters that are themselves wetlands). The term adjacent is defined as bordering, contiguous, or neighboring. Jurisdictional wetlands are a category of waters of the United States and have been defined by the USACE as areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Waters of the United States are defined in 33 CFR 328.3 (a) as:

1. All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
2. All interstate waters including interstate wetlands;

3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters:
    i. Which are or could be used by interstate or foreign travelers for recreational or other purposes; or
    ii. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
    iii. Which are used or could be used for industrial purpose by industries in interstate commerce;
4. All impoundments of waters otherwise defined as waters of the United States under the definition;
5. Tributaries of waters identified in paragraphs (a)(1)-(4) of this section;
6. The territorial seas;
7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs 1-6 above.
8. Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 123.11(m) which also meet the criteria of this definition) are not waters of the United States.

On 05 June 2007, the USACE and the USEPA issued joint guidance on delineation of waters on the United States based on the U.S. Supreme Court decisions in *Rapanos* and *Carabell*. Under this guidance, potential waters of the United States have been classified as traditional navigable waters (TNW), relatively permanent waters (RPW) (i.e., having flow most of the year or at least seasonally), or non-RPWs. This guidance states that TNWs and RPWs and contiguous or adjacent wetlands to these water features are waters of the United States. Wetlands that are bordering, contiguous, or neighboring another water of the United States is considered adjacent. Additionally, wetlands that are within the 100-year floodplain of another water of the United States are also considered adjacent. Non-RPWs, wetlands contiguous or adjacent to non-RPWs, and isolated wetlands must undergo a "significant nexus" test on a case-by-case basis to determine the jurisdictional nature of these water features. Under the "significant nexus" test a water feature must have substantial connection to a TNW by direct flow, or by indirect biological, hydrologic, or chemical connection. Under the "significant nexus" test the USACE District Engineer must submit the jurisdictional determination (JD) to the regional USEPA office, which makes the decision whether to move the JD to Headquarters USACE to make the final determination.

The new guidance does not void the January 2001 decision of the U.S. Supreme Court in Solid Waste Agency of Northern Cook County (SWANCC) v. USACE which disallowed regulation of isolated wetlands under the CWA through the "Migratory Bird Rule." Previously, the USACE assumed jurisdiction over isolated waters of the United States based on its 1986 preamble stating that migratory birds used these habitats. The "Migratory Bird Rule" provided the nexus to interstate commerce and thus protection under the CWA. However, the new guidance does require that the "significant nexus" test be performed in addition to an analysis of other potential interstate commerce uses for isolated waters.

METHODOLOGY

Prior to conducting fieldwork, the U.S. Geological Survey (USGS) topographic map (**Attachment A, Figure 2**), the *Soil Survey of Kaufman and Rockwall Counties, Texas*, and the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) digital soil database for Rockwall County (**Attachment A, Figure 3**), the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) (**Attachment A, Figure 4**), and recent aerial photographs of the survey area were studied to identify possible waters of the United States and areas prone to wetland development. Mr. Shae Kipp of IES conducted the delineation of the school site in the field in accordance with the USACE procedures on 12 March 2018.

Wetland determinations and delineations were performed on location using the methodology outlined in the 1987 *Corps of Engineers Wetland Delineation Manual* and the *Regional Supplement to the Corps of Engineer Wetland Delineation Manual: Great Plains Region (Version 2.0)*. The presence of a wetland is determined by the positive indication of three criteria (i.e., hydrophytic vegetation, hydrology, and hydric soils). Potential jurisdictional boundaries for other water resources (i.e., non-wetland) were delineated in the field at the ordinary high water mark (OHWM). The 33 Code of Federal Regulations (CFR) 328.3(e) defines OHWM as the line on the shore/bank established by flowing and/or standing water, marked by characteristics such as a clear, natural line impressed on the bank, erosion shelving, changes in the character of soil, destruction of terrestrial vegetation, presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Water feature boundaries were recorded using a Trimble GeoXT global positioning system (GPS) unit capable of sub-meter accuracy. Photographs were also taken at representative points within the survey area and their locations were recorded (**Attachment B**).

RESULTS

Literature Review

The USGS topographic map (Rockwall 7.5' Quadrangle, 1973) illustrates the survey area as a sloping hillside with a southeast to northwest orientation (see **Attachment A, Figure 2**). Two ponds are illustrated within the survey area. There are narrow "U"-shaped contours in the eastern portion, indicating a south to north drainage across the site.

The NRCS Digital Soils Database identifies two soil map units within the school site: Altoga silty clay, 3 to 12 percent slopes, eroded and Lewisville silty clay, 3 to 8 percent slopes (see **Attachment A, Figure 3**). Neither of the soil map units shown within the survey area are listed on the Hydric Soils of Texas list prepared by the National Technical Committee for Hydric Soils (accessed March, 2018). Hydric soils are described as those soils that are sufficiently wet in the upper part to develop anaerobic conditions during the growing season. The *Soil Survey of Kaufman and Rockwall Counties, Texas* maps an intermittent stream through the eastern side of the site; this stream is in the same location that the USGS topographic map illustrates the "U"-shaped contours.

The FEMA FIRM (Rockwall County, Map Panel: 48397C0040L, effective 09/26/2008) illustrates the entire survey area within Zone X (Areas determined to be outside the 0.2% annual chance floodplain) (see **Attachment A, Figure 4**). One small pond is illustrated as an isolated feature in the eastern portion of the survey area.

Site Survey

The plant community within the survey area was characterized by a riparian corridor and urban grassland. The urban grassland community was dominated by Johnsongrass (*Sorghum halepense*) and Bermudagrass (*Cynodon dactylon*) with scattered trees and shrubs including sugarberry hackberry (*Celtis laevigata*), gum bumelia (*Sideroxylon lanuginosum*), Osage-orange (*Maclura pomifera*), and eastern red cedar (*Juniperus virginiana*). The riparian community was primarily surrounding the drainage channel in the center of the survey area and was dominated by pecan (*Carya illinoinensis*) and sugarberry with American elm (*Ulmus americana*), cedar elm (*Ulmus crassifolia*), greenbrier (*Smilax bona-nox*), Japanese privet (*Ligustrum japonicum*), and cottonwood (*Populus deltoides*).

One water feature was identified within the survey area. The following paragraph and **Table 1** provide a brief description of the water feature.

Table 1. Aquatic Resources Delineated within the Survey Area

Water Identification	Water Feature Type	Water of the United States	Hydraulic Characteristics	Length (Linear Feet)	Area (Acre)
Tributary 1	RPW	Yes	Intermittent	703	0.07
			Jurisdictional Total	703	0.07

Tributary 1 was a small tributary observed with a southeast to northeast orientation located in a drainage way in the north-eastern portion of the survey area. The limits of the tributary were identified and delineated by OHWM characteristics including the destruction of terrestrial vegetation, bed and bank, waterline, a natural line impressed in the bank, and sediment sorting. The average OHWM width was between two and three feet wide. The tributary was incised into the landscape between one to four feet deep and water depths ranging between one and 24 inches. The channel substrate composition was largely silt and clay with sporadic gravel. Based on the amount of flowing water observed, the geomorphology of the channel, and the tributary's relatively impervious watershed with buried storm drain systems, it is IES' professional opinion that Tributary 1 would be considered an intermittent tributary and a RPW. As such, Tributary 1 meets a definition of a water of the United States and would be regulated under Section 404 of the CWA.

REGULATED ACTIVITIES AND SECTION 404 PERMIT ASSESSMENT

Activities that result in the discharge of dredge or fill material into waters of the United States are regulated under Section 404 of the CWA. The USACE has established the Nationwide Permit (NWP) program to efficiently authorize common activities that do not significantly impact waters of the United States. The USACE has the responsibility to authorize permitting under a NWP or to require an Individual Permit (IP). The most current NWPs were issued on 19 March 2017 and will expire on 18 March 2022.

The USACE requires potential Permittees to avoid and minimize impacts to waters of the United States where possible. Typically, if discharges result in the loss of less than 0.50 acre of waters of the United States, then the project could be authorized by a NWP with the potential for a pre-construction notification (PCN) to the USACE per General Condition 32. A PCN typically includes information such as the size and nature of the proposed project, reasons why the project is necessary, project purpose, the size and nature of impacts to the waters of the United States, and proposed compensatory mitigation, if necessary. If the total loss to waters of the United States is greater than 0.50 acre, an IP would likely be required, which typically requires the same information as a PCN but with a more in-depth discussion of project alternatives that is submitted for review by multiple Federal and State agencies. If impacts to tributaries are greater than 300 linear feet, typically a waiver must be requested from the district engineer concluding that the discharge will result in minimal adverse effects. A Section 401 Water Quality Certificate is provided with the NWP verification.

The activities proposed, which may result in impacts to WOUS, are directly associated with the construction of the senior living center and associated infrastructure. As such, these activities could be authorized under NWP 39 – *Commercial and Institutional Developments* (**Attachment D**). NWP 39 allows for the construction commercial developments and attendant features in waters of the United States, provided the activity does not result in the loss of greater than 0.50 acre of waters of the United States for each single and complete project, including the loss of 300 linear feet of stream bed (**Attachment D**). A waiver can be obtained from the district engineer for impacts greater than 300 linear feet of stream bed in cases where the tributary is considered intermittent or ephemeral with the determination that the discharges would result in minimum adverse effects. Through the use of NWP 39, permittees are required to notify the USACE before construction through a PCN. All impacts greater than 0.10 acre or 300 linear feet would require compensatory mitigation. Once a PCN is submitted, the USACE will have 45 calendar days to approve the proposed activities and compensatory mitigation will have no more than minimal adverse effects on the aquatic environment, unless a waiver of the 300 linear foot limitation is required.

NWP 39 requires that the permittee meet the requirements of the Endangered Species Act (ESA). According to the USFWS, four species are federally-listed as threatened or endangered, with the possibility of occurring, in Rockwall County (**Attachment C**). These species include Least Tern (*Sterna antillarum*), Piping Plover (*Charadrius melodus*), Red Knot (*Calidris canutus rufa*), and Whooping Crane (*Grus americana*). It is not anticipated that the proposed project would affect federally listed species, based on required habitat and probability of occurrence within a densely populated area.

NWP 39 also requires that the permittee meet the requirements of the National Historic Preservation Act, which typically requires either a pedestrian or desktop survey of the survey area. While neither a "desktop" nor pedestrian survey of the survey area was not conducted as a part of this assessment, it is unlikely based on the

previously impacted nature of the site that it contains historic properties. However, these requirements will still need to be met by the permittee during the permitting process.

CONCLUSIONS

One tributary was identified and delineated within the survey area; the summary of which is presented in Table 1. Tributary 1 was identified as an RPW and, as such, it is IES' professional opinion that discharges into this tributary would be subject to regulation under Section 404 of the CWA.

This delineation is based on professional experience in the approved methodology and from experience with the USACE Fort Worth District regulatory biologists; however, this delineation does not constitute a jurisdictional determination of waters of the United States. This delineation has been based on the professional experience of IES staff and our interpretation of USACE regulations at 33 CFR 328.3, the joint USACE/USEPA guidance regarding the *Rapanos* and *Carabell* decisions, and the Regulatory Guidance Letter (RGL) 08-02. While, IES believes our delineation to be accurate, final authority to interpret the regulations lies solely with the USACE and USEPA. The USACE Headquarters in association with the USEPA often issue guidance that changes the interpretation of published regulations. USACE/USEPA guidance issued after the date of this report has the potential to invalidate the report conclusions and/or recommendations, which may create the need to reevaluate the report conclusions. IES has no regulatory authority, as such, proceeding based solely upon this report does not protect the Client from potential sanction or fines from the USACE/USEPA. The Client acknowledges that they have the opportunity to submit this report to the USACE for a preliminary jurisdictional determination for concurrence prior to proceeding with any work within aquatic resources located on the survey area. If the Client elects not to do so, then the Client proceeds at their sole risk.

IES appreciates the opportunity to work with you and Tomden Engineering, LLP on this project, and hope we may be of assistance to you in the future. If you have any comments, questions, or concerns, please do not hesitate to contact me (skipp@intenvsol.com) or Rudi Reinecke at 972-562-7672 (rreinecke@intenvsol.com).

Sincerely,

Integrated Environmental Solutions, LLC.

Mr. Shae Kipp
Ecologist

IES Project Number: 04.240.087

ATTACHMENT A

Figures

Figure 1.
General Location Map

Turtle Cove Boulevard
City of Rockwall
Rockwall County, Texas

1 in = 0.3 miles

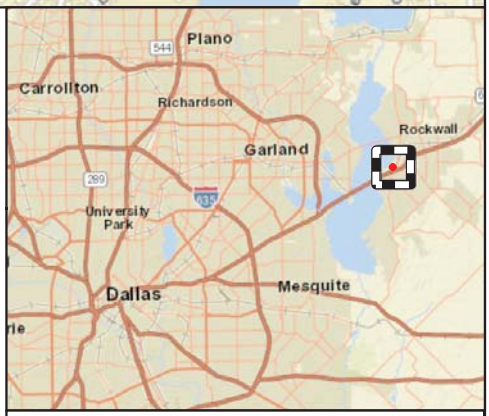
0 0.15 0.3
Miles

N
W E
S

File Ref. 04.240.087
Date: 3/6/2018

Legend

Survey Area



Area of Detail

Scale: 1 inch equals 13 miles

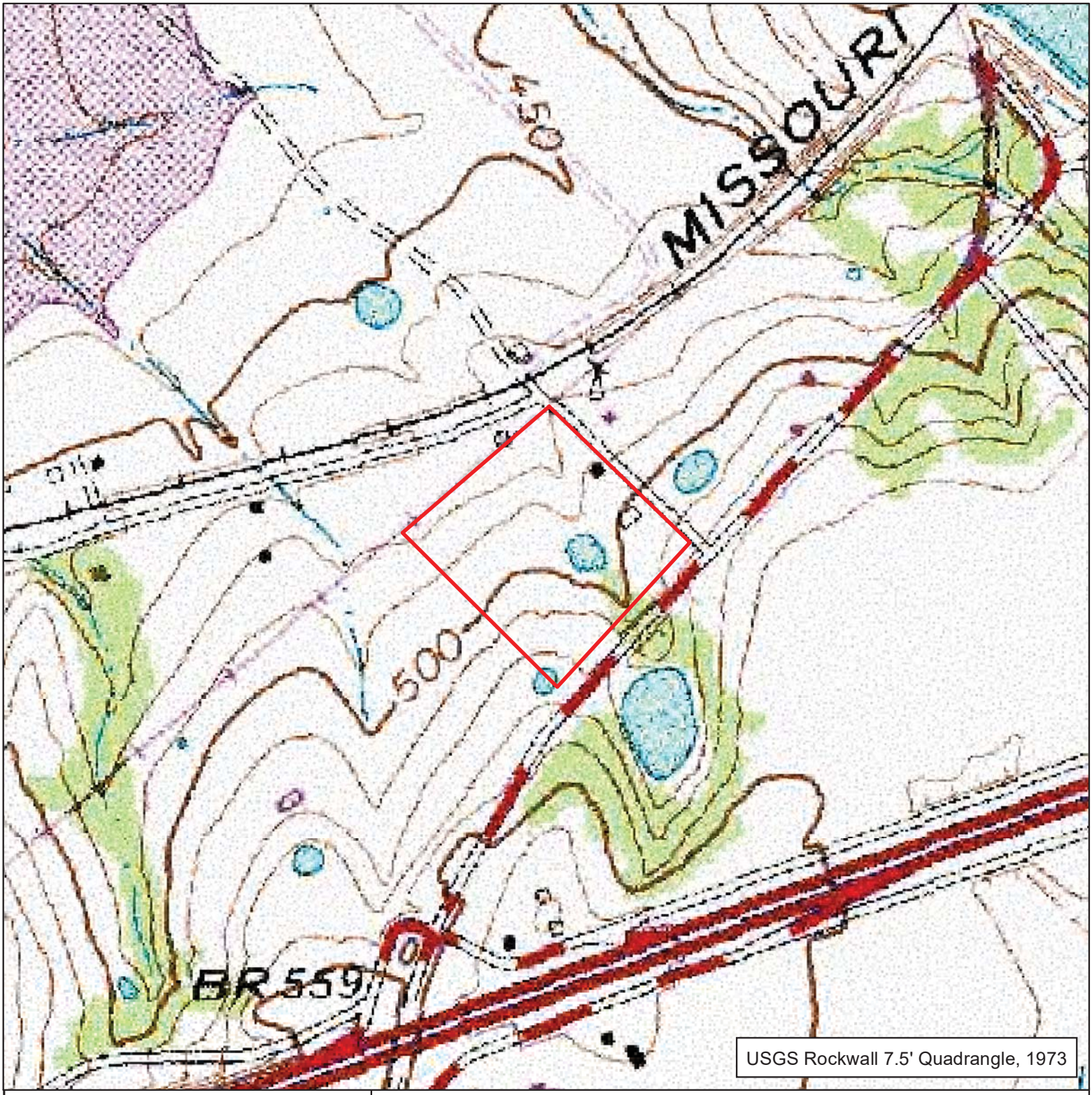


Figure 2.
USGS Topographic Map

Turtle Cove Boulevard Delineation
City of Rockwall
Rockwall County, Texas

1 in = 450 feet

0 225 450
Feet

N
W E
S

File Ref. 04.240.087
Date: 3/7/2018

Legend

Survey Area

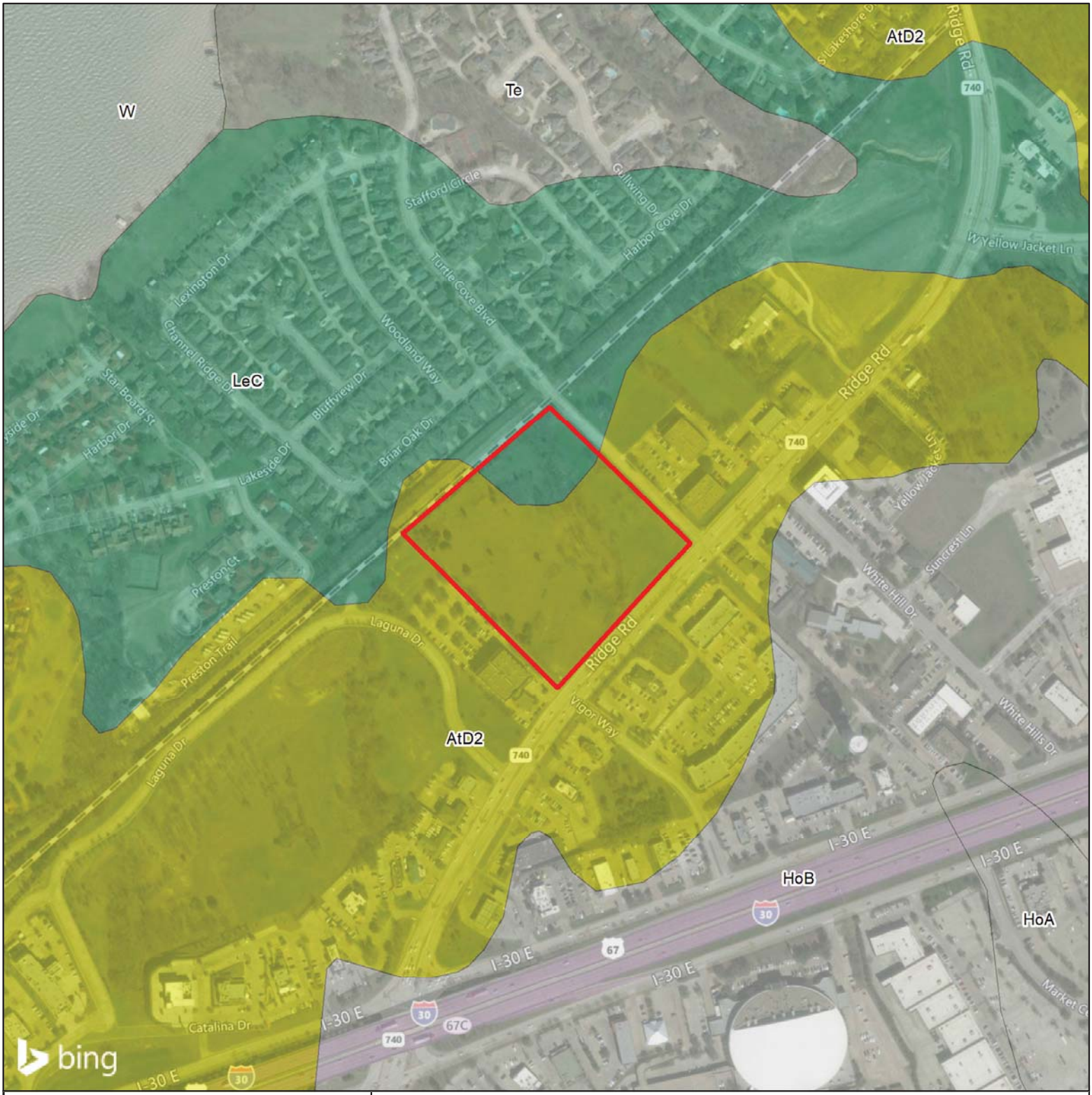


Figure 3.
Soils Map

Turtle Cove Boulevard
City of Rockwall
Rockwall County, Texas

1 in = 0.1 miles

0 0.04 0.08
Miles

N
W E
S

File Ref. 04.240.087
Date: 3/6/2018

Legend

Survey Area

Soil map units outside the survey area

Soils

AtD2 - Altoga silty clay, 3 to 12 percent slopes, eroded

LeC - Lewisville silty clay, 3 to 8 percent slopes

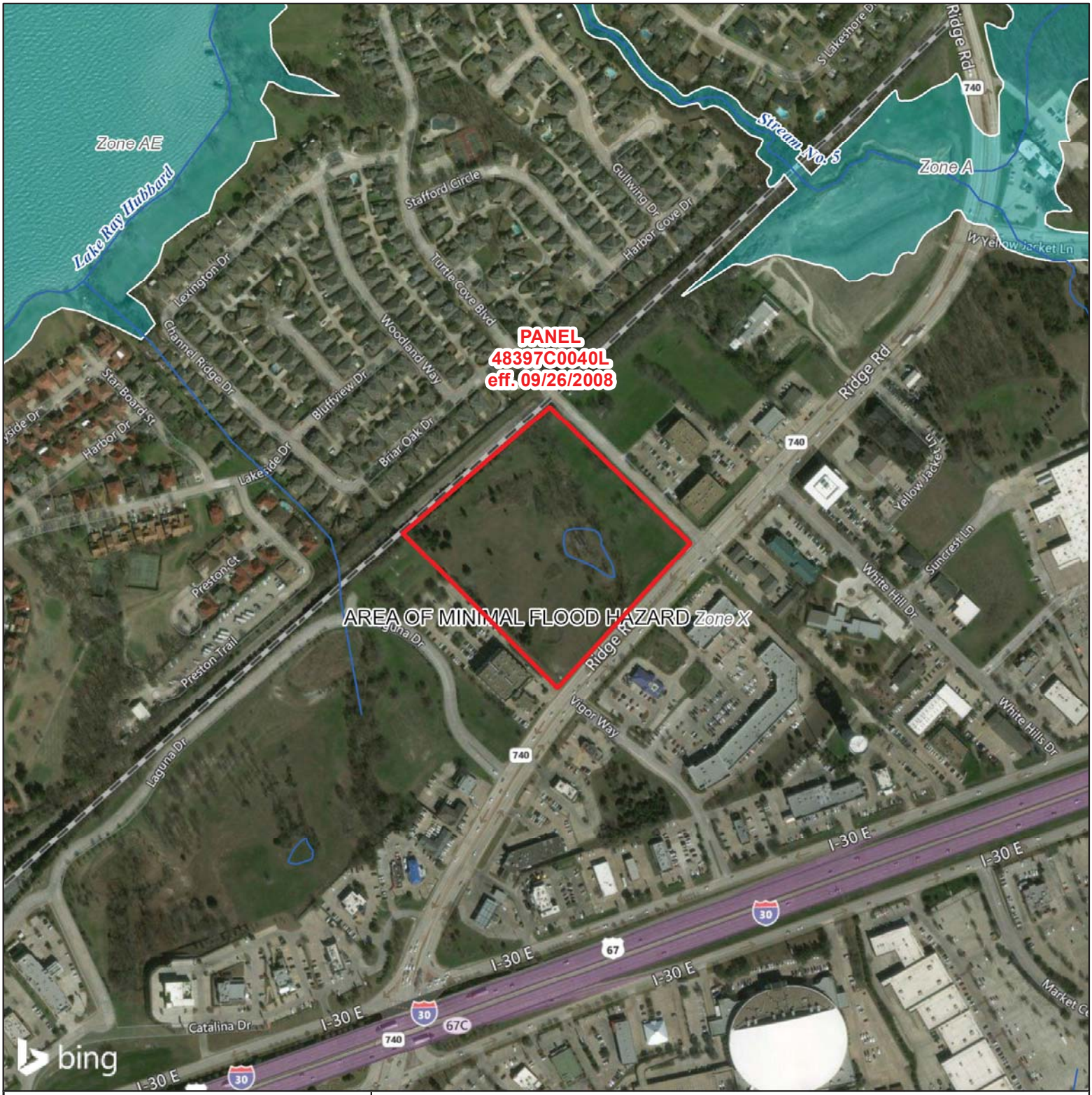


Figure 4.
Federal Emergency Management Agency Flood Insurance Rate Map

Turtle Cove Boulevard Delineation
City of Rockwall
Rockwall County, Texas

1 in = 450 feet

0 230 460
Feet

N
W E
S

File Ref. 04.240.087
Date: 3/6/2018

Legend

Survey Area

FEMA FIRM Zone Descriptions

- Zone X - Areas determined to be outside the 0.2% annual chance floodplain
- Zone X - Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood
- Zone A - Special Flood Hazard Areas subject to inundation by the 1% annual chance flood; No base flood elevations determined
- Zone AE - Special Flood Hazard Areas subject to inundation by the 1% annual chance flood; Base flood elevations determined
- Zone AE - Floodway areas in Zone AE

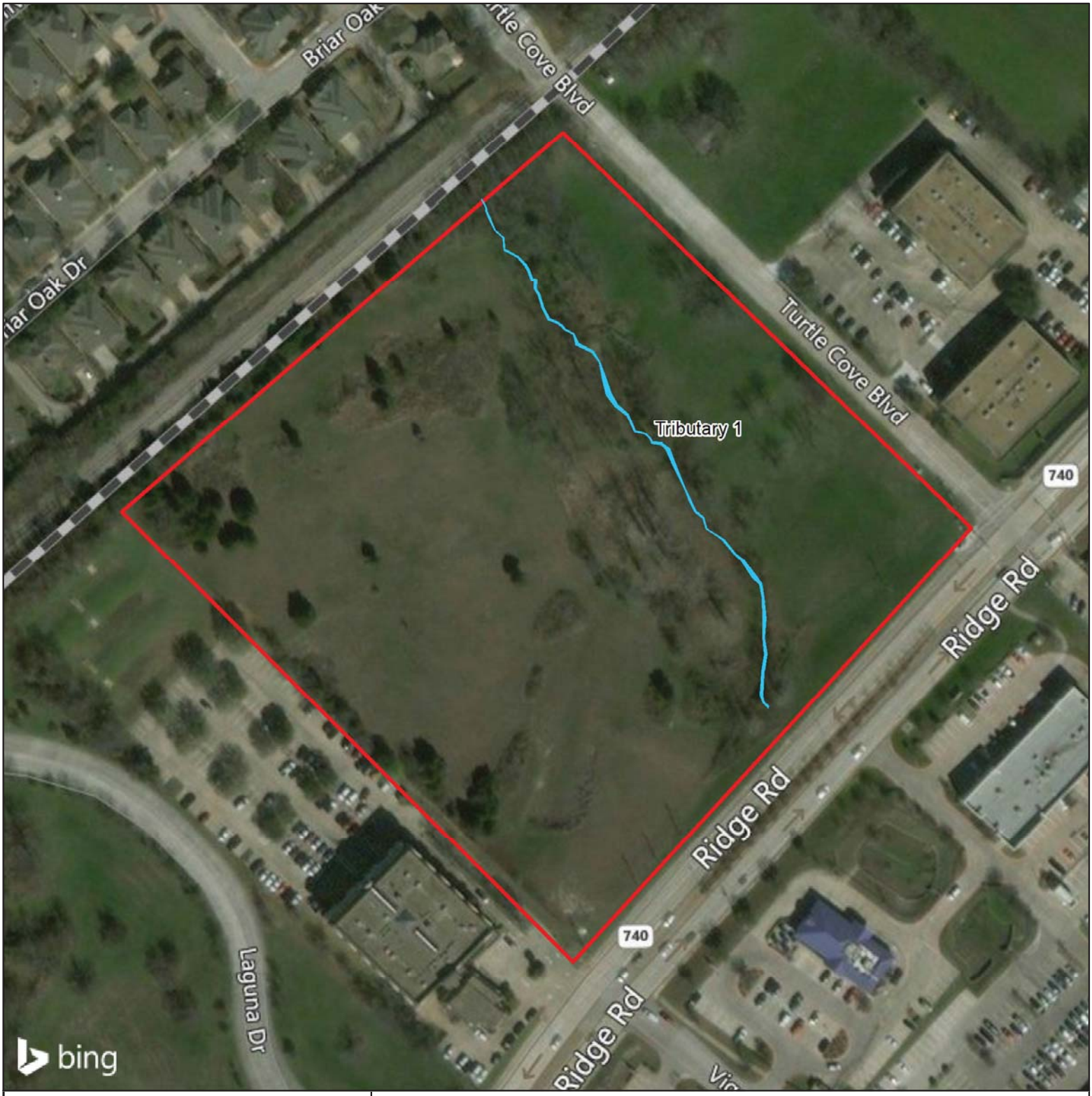


Figure 5.
Aquatic Resources Identified within the Survey Area

Turtle Cove Drive Delineation
City of Rockwall
Rockwall County, Texas

1 in = 150 feet

0 75 150
Feet

N
W E
S

File Ref. 04.274.002
Date: 3/15/2018

Legend

Survey Area

Aquatic resources that meet a definition of a water of the United States

Tributary

ATTACHMENT B

Representative Photographs

Photograph Locations Map

Turtle Cove Drive Delineation
City of Rockwall
Rockwall County, Texas

1 in = 150 feet

0 75 150
Feet

N
W E
S

File Ref. 04.274.002
Date: 3/15/2018

Legend

Survey Area

Photograph Locations

Aquatic resources that meet a definition of a water of the United States

Tributary

Photograph 1

Photograph 2

Photograph 3

Photograph 4

Photograph 5

Photograph 6

Photograph 7

Photograph 8

Photograph 9

Photograph 10

Photograph 11

Photograph 12

Photograph 13

Photograph 14

Photograph 15

Photograph 16

Photograph 17

Photograph 18

Photograph 19

Photograph 20

Photograph 21

Photograph 22

Photograph 23

Photograph 24

Photograph 25

Photograph 26

Photograph 27

Photograph 28

ATTACHMENT C

USFWS Protected Species List for Rockwall County

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Arlington Ecological Services Field Office
2005 Ne Green Oaks Blvd
Suite 140
Arlington, TX 76006-6247
Phone: (817) 277-1100 Fax: (817) 277-1129
http://www.fws.gov/southwest/es/arlingtontexas/
http://www.fws.gov/southwest/es/EndangeredSpecies/lists/

In Reply Refer To: April 02, 2018
Consultation Code: 02ETAR00-2018-SLI-0802
Event Code: 02ETAR00-2018-E-01807
Project Name: Turtle Cove Blvd Delineation

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed, and candidate species, as well as proposed and final designated critical habitat, which may occur within the boundary of your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under section 7(a)(1) of the Act, Federal agencies are directed to utilize their authorities to carry out programs for the conservation of threatened and endangered species. Under and 7(a)(2) and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to determine whether their actions may affect threatened and endangered species and/or designated critical habitat. A Federal action is an activity or program authorized, funded, or carried out, in whole or in part, by a Federal agency (50 CFR 402.02).

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For Federal actions other than major construction activities, the Service suggests that a biological evaluation (similar to a Biological Assessment) be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

After evaluating the potential effects of a proposed action on federally listed species, one of the following determinations should be made by the Federal agency:

1. *No effect* - the appropriate determination when a project, as proposed, is anticipated to have no effects to listed species or critical habitat. A "no effect" determination does not require section 7 consultation and no coordination or contact with the Service is necessary. However, the action agency should maintain a complete record of their evaluation, including the steps leading to the determination of affect, the qualified personnel conducting the evaluation, habitat conditions, site photographs, and any other related information.
2. *May affect, but is not likely to adversely affect* - the appropriate determination when a proposed action's anticipated effects are insignificant, discountable, or completely beneficial. Insignificant effects relate to the size of the impact and should never reach the scale where "take" of a listed species occurs. Discountable effects are those extremely unlikely to occur. Based on best judgment, a person would not be able to meaningfully measure, detect, or evaluate insignificant effects, or expect discountable effects to occur. This determination requires written concurrence from the Service. A biological evaluation or other supporting information justifying this determination should be submitted with a request for written concurrence.
3. *May affect, is likely to adversely affect* - the appropriate determination if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action, and the effect is not discountable or insignificant. This determination requires formal section 7 consultation.

The Service recommends that candidate species, proposed species, and proposed critical habitat be addressed should consultation be necessary. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at: http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/

eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (http://www.fws.gov/windenergy/) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm; http://www.towerkill.com; and http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html.

For additional information concerning migratory birds and eagle conservation plans, please contact the Service's Migratory Bird Office at 505-248-7882.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Arlington Ecological Services Field Office
2005 Ne Green Oaks Blvd
Suite 140
Arlington, TX 76006-6247
(817) 277-1100

Project Summary

Consultation Code: 02ETAR00-2018-SLI-0802

Event Code: 02ETAR00-2018-E-01807

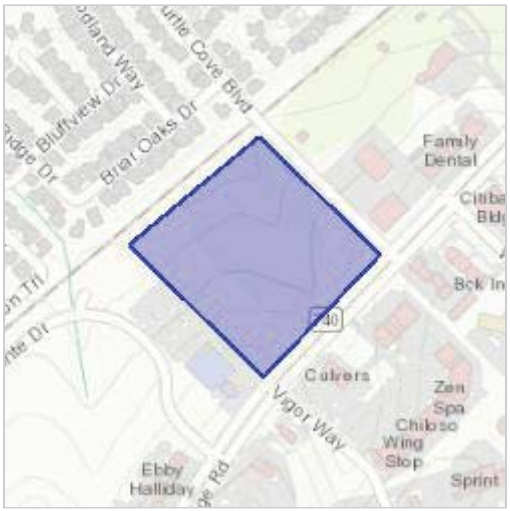
Project Name: Turtle Cove Blvd Delineation

Project Type: DEVELOPMENT

Project Description: Senior living center

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/place/32.90158063279634N96.4681511132303W



Counties: Rockwall, TX

Endangered Species Act Species

There is a total of 4 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 3 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

---

1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Birds

NAME	STATUS
Least Tern *Sterna antillarum*	Endangered
Piping Plover *Charadrius melodus*	Threatened
Red Knot *Calidris canutus rufa*	Threatened
Whooping Crane *Grus americana*	Endangered

Least Tern *Sterna antillarum*

Population: interior pop.

No critical habitat has been designated for this species.

This species only needs to be considered under the following conditions:

- Wind Energy Projects

Species profile: https://ecos.fws.gov/ecp/species/8505

Piping Plover *Charadrius melodus*

Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered.

There is **final** critical habitat for this species. Your location is outside the critical habitat.

This species only needs to be considered under the following conditions:

- Wind Energy Projects

Species profile: https://ecos.fws.gov/ecp/species/6039

Red Knot *Calidris canutus rufa*

No critical habitat has been designated for this species.

This species only needs to be considered under the following conditions:

- Wind Energy Projects

Species profile: https://ecos.fws.gov/ecp/species/1864

Whooping Crane *Grus americana*

Population: Wherever found, except where listed as an experimental population

There is **final** critical habitat for this species. Your location is outside the critical habitat.

Species profile: https://ecos.fws.gov/ecp/species/758

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

ATTACHMENT D

Nationwide Permit 39 - Commercial and Institutional Developments

NATIONWIDE PERMIT 39
Commercial and Institutional Developments
Effective Date: March 19, 2017
(NWP Final Notice, 82 FR 4)

39. Commercial and Institutional Developments. Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of commercial and institutional building foundations and building pads and attendant features that are necessary for the use and maintenance of the structures. Attendant features may include, but are not limited to, roads, parking lots, garages, yards, utility lines, storm water management facilities, wastewater treatment facilities, and recreation facilities such as playgrounds and playing fields. Examples of commercial developments include retail stores, industrial facilities, restaurants, business parks, and shopping centers. Examples of institutional developments include schools, fire stations, government office buildings, judicial buildings, public works buildings, libraries, hospitals, and places of worship. The construction of new golf courses and new ski areas is not authorized by this NWP.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. The discharge must not cause the loss of more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects. The loss of stream bed plus any other losses of jurisdictional wetlands and waters caused by the NWP activity cannot exceed 1/2-acre. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authorities: Sections 10 and 404)

Note: For any activity that involves the construction of a wind energy generating structure, solar tower, or overhead transmission line, a copy of the PCN and NWP verification will be provided to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

Nationwide Permit General Conditions

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter

the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers. (a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. The permittee shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: http://www.rivers.gov/.

17. Tribal Rights. No NWP activity may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.

18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless ESA section 7 consultation addressing the effects of the proposed activity has been completed. Direct effects are the immediate effects on listed species and critical habitat caused by the NWP activity. Indirect effects are those effects on listed species and critical habitat that are caused by the NWP activity and are later in time, but still are reasonably certain to occur.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed activity or that utilize the designated critical habitat that might be affected by the proposed activity. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have "no effect" on listed species or critical habitat, or until ESA section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWPs.

(e) Authorization of an activity by an NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide web pages at http://www.fws.gov/ or http://www.fws.gov/ipac and http://www.nmfs.noaa.gov/pr/species/esa/ respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. Historic Properties. (a) In cases where the district engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act. If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR

330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect. Where the non-Federal applicant has identified historic properties on which the activity might have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed.

(d) For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district

engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation to ensure that the activity results in no more than minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. Restored riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a

stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f)).

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an

NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

"When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

_____

(Transferee)

_____

(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

(a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the activity and mitigation.

The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States. If an NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission is not authorized by NWP until the appropriate Corps office issues the section 408 permission to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. Pre-Construction Notification. (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed activity;

(3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;

(4) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and

distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-Federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

(8) For non-Federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the “study river” (see general condition 16); and

(10) For an activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement

confirming that the project proponent has submitted a written request for section 408 permission from the Corps office having jurisdiction over that USACE project.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is an NWP PCN and must include all of the applicable information required in paragraphs (b)(1) through (10) of this general condition. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for: (i) all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of stream bed; (iii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iv) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

D. District Engineer's Decision

1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If a project proponent requests authorization by a specific NWP, the district engineer should issue the NWP verification for that activity if it meets the terms and conditions of that NWP, unless he or she determines, after considering mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity. For a linear project, this determination will include an evaluation of the individual crossings of waters of the United States to determine whether they individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings authorized by NWP. If an applicant requests a waiver of the 300 linear foot limit on impacts to streams or of an otherwise applicable limit, as provided for in NWPs 13, 21, 29, 36, 39, 40, 42, 43, 44, 50, 51, 52, or 54, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in only minimal individual and cumulative adverse environmental effects. For those NWPs that have a waivable 300 linear foot limit for losses of intermittent and ephemeral stream bed and a 1/2-acre limit (i.e., NWPs 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52), the loss of intermittent and ephemeral stream bed, plus any other losses of jurisdictional waters and wetlands, cannot exceed 1/2-acre.

2. When making minimal adverse environmental effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by NWP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse environmental effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns.

3. If the proposed activity requires a PCN and will result in a loss of greater than 1/10-acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for NWP activities with smaller impacts, or for impacts to other types of waters (e.g., streams). The district engineer will consider any proposed compensatory mitigation or other mitigation measures the applicant has included in the proposal in determining whether the net adverse environmental effects of the proposed activity are no more than minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are no more than minimal, after considering mitigation, the district engineer will notify the permittee and include any activity-specific conditions in the

NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure the NWP activity results in no more than minimal adverse environmental effects. If the net adverse environmental effects of the NWP activity (after consideration of the mitigation proposal) are determined by the district engineer to be no more than minimal, the district engineer will provide a timely written response to the applicant. The response will state that the NWP activity can proceed under the terms and conditions of the NWP, including any activity-specific conditions added to the NWP authorization by the district engineer.

4. If the district engineer determines that the adverse environmental effects of the proposed activity are more than minimal, then the district engineer will notify the applicant either: (a) that the activity does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (b) that the activity is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or (c) that the activity is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be authorized within the 45-day PCN period (unless additional time is required to comply with general conditions 18, 20, and/or 31, or to evaluate PCNs for activities authorized by NWPs 21, 49, and 50), with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation plan or a requirement that the applicant submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

E. Further Information

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.

2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.

3. NWPs do not grant any property rights or exclusive privileges.

4. NWPs do not authorize any injury to the property or rights of others.

5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31).

F. Definitions

Best management practices (BMPs): Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

Compensatory mitigation: The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Currently serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

Direct effects: Effects that are caused by the activity and occur at the same time and place.

Discharge: The term "discharge" means any discharge of dredged or fill material into waters of the United States.

Ecological reference: A model used to plan and design an aquatic habitat and riparian area restoration, enhancement, or establishment activity under NWP 27. An ecological reference may be based on the structure, functions, and dynamics of an aquatic habitat type or a riparian area type that currently exists in the region where the proposed NWP 27 activity is located. Alternatively, an ecological reference may be based on a conceptual model for the aquatic habitat type or riparian area type to be restored, enhanced, or established as a result of the proposed NWP 27 activity. An ecological reference takes into account the range of variation of the aquatic habitat type or riparian area type in the region.

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Ephemeral stream: An ephemeral stream has flowing water only during, and for a short duration after, precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.

Establishment (creation): The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

High Tide Line: The line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

Independent utility: A test to determine what constitutes a single and complete non-linear project in the Corps Regulatory Program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

Indirect effects: Effects that are caused by the activity and are later in time or farther removed in distance, but are still reasonably foreseeable.

Intermittent stream: An intermittent stream has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.

Loss of waters of the United States: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. The loss of stream bed includes the acres or linear feet of stream bed that are filled or excavated as a result of the regulated activity. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities that do not require Department of the Army authorization, such as activities eligible for exemptions under section 404(f) of the Clean Water Act, are not considered when calculating the loss of waters of the United States.

Navigable waters: Waters subject to section 10 of the Rivers and Harbors Act of 1899. These waters are defined at 33 CFR part 329.

Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open water: For purposes of the NWPs, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of flowing or standing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of “open waters” include rivers, streams, lakes, and ponds.

Ordinary High Water Mark: An ordinary high water mark is a line on the shore established by the fluctuations of water and indicated by physical characteristics, or by other appropriate means that consider the characteristics of the surrounding areas.

Perennial stream: A perennial stream has flowing water year-round during a typical year. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Pre-construction notification: A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases where pre-construction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit.

Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Protected tribal resources: Those natural resources and properties of traditional or customary religious or cultural importance, either on or off Indian lands, retained by, or reserved by or for, Indian tribes through treaties, statutes, judicial decisions, or executive orders, including tribal trust resources.

Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

Riffle and pool complex: Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a course substrate in riffles results in a rough flow, a turbulent surface,

and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

Riparian areas: Riparian areas are lands next to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects riverine, lacustrine, estuarine, and marine waters with their adjacent wetlands, non-wetland waters, or uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 23.)

Shellfish seeding: The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

Single and complete linear project: A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term "single and complete project" is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

Single and complete non-linear project: For non-linear projects, the term "single and complete project" is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete non-linear project must have independent utility (see definition of "independent utility"). Single and complete non-linear projects may not be "piecemealed" to avoid the limits in an NWP authorization.

Stormwater management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stormwater management facilities: Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream channelization: The manipulation of a stream's course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized stream remains a water of the United States.

Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

Tidal wetland: A tidal wetland is a jurisdictional wetland that is inundated by tidal waters. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line.

Tribal lands: Any lands title to which is either: 1) held in trust by the United States for the benefit of any Indian tribe or individual; or 2) held by any Indian tribe or individual subject to restrictions by the United States against alienation.

Tribal rights: Those rights legally accruing to a tribe or tribes by virtue of inherent sovereign authority, unextinguished aboriginal title, treaty, statute, judicial decisions, executive order or agreement, and that give rise to legally enforceable remedies.

Vegetated shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: For purposes of the NWPs, a waterbody is a jurisdictional water of the United States. If a wetland is adjacent to a waterbody determined to be a water of the United States, that waterbody and any adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)). Examples of "waterbodies" include streams, rivers, lakes, ponds, and wetlands.

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers. (a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. The permittee shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: http://www.rivers.gov/.

17. Tribal Rights. No NWP activity may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.

18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such

species. No activity is authorized under any NWP which “may affect” a listed species or critical habitat, unless ESA section 7 consultation addressing the effects of the proposed activity has been completed. Direct effects are the immediate effects on listed species and critical habitat caused by the NWP activity. Indirect effects are those effects on listed species and critical habitat that are caused by the NWP activity and are later in time, but still are reasonably certain to occur.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed activity or that utilize the designated critical habitat that might be affected by the proposed activity. The district engineer will determine whether the proposed activity “may affect” or will have “no effect” to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps’ determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have “no effect” on listed species or critical habitat, or until ESA section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWPs.

(e) Authorization of an activity by an NWP does not authorize the “take” of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with “incidental take” provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word “harm” in the definition of “take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to

determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide web pages at http://www.fws.gov/ or http://www.fws.gov/ipac and http://www.nmfs.noaa.gov/pr/species/esa/ respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. Historic Properties. (a) In cases where the district engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act. If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information

submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect. Where the non-Federal applicant has identified historic properties on which the activity might have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed.

(d) For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation to ensure that the activity results in no more than minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. Restored riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most

appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f)).

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b).

For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

"When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

_____
(Transferee)

_____
(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

(a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the activity and mitigation.

The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States. If an NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission is not authorized by NWP until the appropriate Corps office issues the section 408 permission to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. Pre-Construction Notification. (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN

complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed activity;

(3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;

(4) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic

sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-Federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

(8) For non-Federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and

(10) For an activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from the Corps office having jurisdiction over that USACE project.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is an NWP PCN and must include all of the applicable information required in paragraphs (b)(1)

through (10) of this general condition. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for: (i) all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of stream bed; (iii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iv) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

D. District Engineer's Decision

1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If a project

proponent requests authorization by a specific NWP, the district engineer should issue the NWP verification for that activity if it meets the terms and conditions of that NWP, unless he or she determines, after considering mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity. For a linear project, this determination will include an evaluation of the individual crossings of waters of the United States to determine whether they individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings authorized by NWP. If an applicant requests a waiver of the 300 linear foot limit on impacts to streams or of an otherwise applicable limit, as provided for in NWPs 13, 21, 29, 36, 39, 40, 42, 43, 44, 50, 51, 52, or 54, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in only minimal individual and cumulative adverse environmental effects. For those NWPs that have a waivable 300 linear foot limit for losses of intermittent and ephemeral stream bed and a 1/2-acre limit (i.e., NWPs 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52), the loss of intermittent and ephemeral stream bed, plus any other losses of jurisdictional waters and wetlands, cannot exceed 1/2-acre.

2. When making minimal adverse environmental effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by NWP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse environmental effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns.

3. If the proposed activity requires a PCN and will result in a loss of greater than 1/10-acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for NWP activities with smaller impacts, or for impacts to other types of waters (e.g., streams). The district engineer will consider any proposed compensatory mitigation or other mitigation measures the applicant has included in the proposal in determining whether the net adverse environmental effects of the proposed activity are no more than minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are no more than minimal, after considering mitigation, the district engineer will notify the permittee and include any activity-specific conditions in the NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar

days of receiving a complete PCN and determine whether the proposed mitigation would ensure the NWP activity results in no more than minimal adverse environmental effects. If the net adverse environmental effects of the NWP activity (after consideration of the mitigation proposal) are determined by the district engineer to be no more than minimal, the district engineer will provide a timely written response to the applicant. The response will state that the NWP activity can proceed under the terms and conditions of the NWP, including any activity-specific conditions added to the NWP authorization by the district engineer.

4. If the district engineer determines that the adverse environmental effects of the proposed activity are more than minimal, then the district engineer will notify the applicant either: (a) that the activity does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (b) that the activity is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or (c) that the activity is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be authorized within the 45-day PCN period (unless additional time is required to comply with general conditions 18, 20, and/or 31, or to evaluate PCNs for activities authorized by NWPs 21, 49, and 50), with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation plan or a requirement that the applicant submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

E. Further Information

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.

2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.

3. NWPs do not grant any property rights or exclusive privileges.

4. NWPs do not authorize any injury to the property or rights of others.

5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31).

F. Definitions

Best management practices (BMPs): Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

Compensatory mitigation: The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Currently serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

Direct effects: Effects that are caused by the activity and occur at the same time and place.

Discharge: The term "discharge" means any discharge of dredged or fill material into waters of the United States.

Ecological reference: A model used to plan and design an aquatic habitat and riparian area restoration, enhancement, or establishment activity under NWP 27. An ecological reference may be based on the structure, functions, and dynamics of an aquatic habitat type or a riparian area type that currently exists in the region where the proposed NWP 27 activity is located. Alternatively, an ecological reference may be based on a conceptual model for the aquatic habitat type or riparian area type to be restored, enhanced, or established as a result of the proposed NWP 27 activity. An ecological reference takes into account the range of variation of the aquatic habitat type or riparian area type in the region.

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Ephemeral stream: An ephemeral stream has flowing water only during, and for a short duration after, precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.

Establishment (creation): The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

High Tide Line: The line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

Independent utility: A test to determine what constitutes a single and complete non-linear project in the Corps Regulatory Program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility.

Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

Indirect effects: Effects that are caused by the activity and are later in time or farther removed in distance, but are still reasonably foreseeable.

Intermittent stream: An intermittent stream has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.

Loss of waters of the United States: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. The loss of stream bed includes the acres or linear feet of stream bed that are filled or excavated as a result of the regulated activity. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities that do not require Department of the Army authorization, such as activities eligible for exemptions under section 404(f) of the Clean Water Act, are not considered when calculating the loss of waters of the United States.

Navigable waters: Waters subject to section 10 of the Rivers and Harbors Act of 1899. These waters are defined at 33 CFR part 329.

Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open water: For purposes of the NWPs, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of flowing or standing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of "open waters" include rivers, streams, lakes, and ponds.

Ordinary High Water Mark: An ordinary high water mark is a line on the shore established by the fluctuations of water and indicated by physical characteristics, or by other appropriate means that consider the characteristics of the surrounding areas.

Perennial stream: A perennial stream has flowing water year-round during a typical year. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Pre-construction notification: A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases where pre-construction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit.

Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Protected tribal resources: Those natural resources and properties of traditional or customary religious or cultural importance, either on or off Indian lands, retained by, or reserved by or for, Indian tribes through treaties, statutes, judicial decisions, or executive orders, including tribal trust resources.

Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

Riffle and pool complex: Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a course substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

Riparian areas: Riparian areas are lands next to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects riverine, lacustrine, estuarine, and marine waters with their adjacent wetlands, non-wetland waters, or uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 23.)

Shellfish seeding: The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish

attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

Single and complete linear project: A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term "single and complete project" is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

Single and complete non-linear project: For non-linear projects, the term "single and complete project" is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete non-linear project must have independent utility (see definition of "independent utility"). Single and complete non-linear projects may not be "piecemealed" to avoid the limits in an NWP authorization.

Stormwater management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stormwater management facilities: Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream channelization: The manipulation of a stream's course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized stream remains a water of the United States.

Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

Tidal wetland: A tidal wetland is a jurisdictional wetland that is inundated by tidal waters. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no

longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line.

Tribal lands: Any lands title to which is either: 1) held in trust by the United States for the benefit of any Indian tribe or individual; or 2) held by any Indian tribe or individual subject to restrictions by the United States against alienation.

Tribal rights: Those rights legally accruing to a tribe or tribes by virtue of inherent sovereign authority, unextinguished aboriginal title, treaty, statute, judicial decisions, executive order or agreement, and that give rise to legally enforceable remedies.

Vegetated shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: For purposes of the NWPs, a waterbody is a jurisdictional water of the United States. If a wetland is adjacent to a waterbody determined to be a water of the United States, that waterbody and any adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)). Examples of "waterbodies" include streams, rivers, lakes, ponds, and wetlands.

ADDITIONAL INFORMATION

This nationwide permit is effective March 19, 2017, and expires on March 18, 2022.

Information about the U.S. Army Corps of Engineers regulatory program, including nationwide permits, may also be found at http://www.swf.usace.army.mil/Missions/Regulatory.aspx and http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx

2017 NATIONWIDE PERMIT (NWP) REGIONAL CONDITIONS

FOR THE STATE OF TEXAS

The following regional conditions apply within the entire State of Texas:

1. For all discharges proposed for authorization under Nationwide Permits (NWP) 3, 6, 7, 12, 14, 18, 19, 21, 23, 25, 27, 29, 39, 40, 41, 42, 43, 44, 49, 51, and 52, into the following habitat types or specific areas, the applicant shall notify the appropriate District Engineer in accordance with the NWP General Condition 32, Pre-Construction Notification (PCN). The Corps of Engineers (Corps) will coordinate with the resource agencies as specified in NWP General Condition 32(d) (PCN). The habitat types or areas are:

    a. Pitcher Plant Bogs: Wetlands typically characterized by an organic surface soil layer and include vegetation such as pitcher plants (*Sarracenia* spp.) and/or sundews (*Drosera* spp.).

    b. Bald Cypress-Tupelo Swamps: Wetlands dominated by bald cypress (*Taxodium distichum*) and/or water tupelo (*Nyssa aquatic*).

2. For all activities proposed for authorization under any Nationwide Permit (NWP) at sites approved as compensatory mitigation sites (either permittee-responsible, mitigation bank and/or in-lieu fee) under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899, the applicant shall notify the appropriate District Engineer in accordance with the NWP General Condition 32 - Pre-Construction Notification prior to commencing the activity.

3. For all activities proposed for authorization under NWP 16, the applicant shall notify the appropriate District Engineer in accordance with the NWP General Condition 32 (Pre-Construction Notification) and must obtain an individual water quality certification (WQC) from the TCEQ. Work cannot begin under NWP 16 until the applicant has received written approval from the Corps and WQC.

NOTE: For all activities proposing to use equipment that has operated or been stored in a water body on the Texas list of zebra mussel (*Dreissena polymorpha*) infected water bodies, equipment should be decontaminated prior to relocation in accordance with Texas Administrative Code, Title 31, Part 2, Chapter 57, Subchapter A. The following decontamination Best Management Practices (BMPs), as a minimum, are indicated:

    a. Clean: Clean both the inside and outside of equipment and gear, by removing all plants, animals, and mud and thoroughly washing the equipment using a high pressure spray nozzle.

    b. Drain: Drain all water from receptacles before leaving the area, including livewells, bilges, ballast, and engine cooling water on boats.

    c. Dry: Allow time for your equipment to dry completely before relocating in other waters. Equipment should be dried prior to relocation. High temperature pressure washing (greater than or equal to 140F) or professional cleaning may be substituted for drying time.

The following regional condition only applies within the Albuquerque, Fort Worth, and Galveston Districts:

4. For all activities proposed for authorization under Nationwide Permit (NWP) 12 that involve a discharge of fill material associated with mechanized land clearing of wetlands dominated by native woody shrubs, the applicant shall notify the appropriate District Engineer in accordance with the NWP General Condition 32 – Pre-Construction Notification prior to commencing the activity. For the purpose of this regional condition, a shrub dominated wetland is characterized by woody vegetation less than 3.0 inches in diameter at breast height but greater than 3.2 feet in height, which covers 20% or more of the area. Woody vines are not included.

The following regional conditions apply within the Albuquerque District.

5. Nationwide Permit (NWP) 23 – Approved Categorical Exclusions. A pre-construction notification (PCN) to the District Engineer in accordance with General Condition 32 - PCN is required for all proposed activities under NWP 23.

6. Nationwide Permit (NWP) 27 – Aquatic Habitat Restoration, Establishment, and Enhancement Activities. For all proposed activities under NWP 27 that require pre-construction notification, a monitoring plan commensurate with the scale of the proposed restoration project and the potential for risk to the aquatic environment must be submitted to the Corps. (See “NWP 27 Guidelines” at http://www.spa.usace.army.mil/Missions/RegulatoryProgramandPermits/NWP.aspx).

7. Channelization. Nationwide Permit (NWP) General Condition 9 for Management of Water Flows is amended to add the following: Projects that would result in permanent channelization to previously un-channelized streams require pre-construction notification to the Albuquerque District Engineer in accordance with NWP General Condition 32 – Pre-Construction Notification.

8. Dredge and Fill Activities in Intermittent and Perennial Streams, and Special Aquatic Sites: For all activities subject to regulation under the Clean Water Act Section 404 in intermittent and perennial streams, and special aquatic sites (including wetlands, riffle and pool complexes, and sanctuaries and refuges), pre-construction notification (PCN) to the Albuquerque District Engineer is required in accordance with Nationwide Permit General Condition 32 - PCN.

9. Springs. For all discharges of dredged or fill material within 100 feet of the point of groundwater discharge of natural springs located in an aquatic resource, a pre-construction notification (PCN) is required to the Albuquerque District Engineer in accordance with Nationwide Permit General Condition 32 - PCN. A natural spring is defined as any location where ground water emanates from a point in the ground and has a defined surface water connection to another waters of the United States. For purposes of this regional condition, springs do not include seeps or other groundwater discharges which lack a defined surface water connection.

10. Suitable Fill. Use of broken concrete as fill or bank stabilization material is prohibited unless the applicant demonstrates that its use is the only practicable material (with respect to cost, existing technology, and logistics). Any applicant who wishes to use broken concrete as bank stabilization must provide notification to the Albuquerque District Engineer in accordance with Nationwide Permit General Condition 32 - Pre-Construction Notification along with justification for such use. Use of broken concrete with rebar or used tires (loose or formed into bales) is prohibited in all waters of the United States.

The following regional conditions apply only within the Fort Worth District.

11. For all discharges proposed for authorization under all Nationwide Permits (NWP) into the area of Caddo Lake within Texas that is designated as a "Wetland of International Importance" under the Ramsar Convention, the applicant shall notify the Fort Worth District Engineer in accordance with the NWP General Condition 32 – Pre-Construction Notification (PCN). The Fort Worth District will coordinate with the resource agencies as specified in NWP General Condition 32(d) - PCN.

12. Compensatory mitigation is generally required for losses of waters of the United States that exceed 1/10 acre and/or for all losses to streams that exceed 300 linear feet. Loss is defined in Section F of the Nationwide Permits (NWP). Mitigation thresholds are cumulative irrespective of aquatic resource type at each single and complete crossing. Compensatory mitigation requirements will be determined in accordance with the appropriate district standard operating procedures and processes. The applicant shall notify the Fort Worth District Engineer in accordance with the NWP General Condition 32 - Pre-Construction Notification prior to commencing the activity.

13. For all activities proposed for authorization under Nationwide Permits (NWP) 12, 14 and/or 33 that involve a temporary discharge of fill material into 1/2 acre or more of emergent wetland OR 1/10 acre of scrub-shrub/forested wetland, the applicant shall notify the Fort Worth District Engineer in accordance with the NWP General Condition 32 - Pre-Construction Notification prior to commencing the activity.

14. For all discharges proposed for authorization under Nationwide Permits (NWP) 51 and 52, the Fort Worth District will provide the pre-construction notification (PCN) to the U.S. Fish and Wildlife Service as specified in NWP General Condition 32(d)(2) - PCN for its review and comments.

The following regional conditions apply only within the Galveston District.

15. No Nationwide Permits (NWP), except NWP 3, shall be used to authorize discharges into the habitat types or specific areas listed in paragraphs a through c, below. The applicant shall notify the Galveston District Engineer in accordance with the NWP General Condition 32 - Pre-Construction Notification prior to commencing the activity under NWP 3.

a. Mangrove Marshes. For the purpose of this regional condition, Mangrove marshes are those waters of the United States that are dominated by mangroves (*Avicennia* spp., *Laguncuaria* spp., *Conocarpus* spp., and *Rhizophora* spp.).
b. Coastal Dune Swales. For the purpose of this regional condition, coastal dune swales are wetlands and/or other waters of the United States located within the backshore and dune areas in the coastal zone of Texas. They are formed as depressions within and among multiple beach ridge barriers, dune complexes, or dune areas adjacent to beaches fronting tidal waters of the United States.
c. Columbia Bottomlands. For the purpose of this regional condition, Columbia bottomlands are defined as waters of the United States that are dominated by bottomland hardwoods in the Lower Brazos and San Bernard River basins identified in the 1997 Memorandum of Agreement between the U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, Natural Resource Conservation Service, and Texas Parks and Wildlife Department for bottomland hardwoods in Brazoria County. (For further information, see http://www.swg.usace.army.mil/Business-With-Us/Regulatory/Permits/Nationwide-General-Permits/)

16. A Compensatory Mitigation Plan is required for all special aquatic site losses, as defined in Section F of the Nationwide Permits (NWP), that exceed 1/10 acre and/or for all losses to streams that exceed 200 linear feet. Compensatory mitigation requirements will be determined in accordance with the appropriate district standard operating procedures and processes. The applicant shall notify the Galveston District Engineer in accordance with the NWP General Condition 32 - Pre-Construction Notification prior to commencing the activity.

17. For all seismic testing activities proposed for authorization under Nationwide Permit (NWP) 6, the applicant shall notify the Galveston District Engineer in accordance with the NWP General Condition 32 - Pre-Construction Notification (PCN). The PCN must state the time period for which the temporary fill is proposed, and must include a restoration plan for the special aquatic sites. For seismic testing under NWP 6 within the Cowardin Marine System, Subtidal Subsystem; as defined by the U.S. Fish and Wildlife Service, Classification of Wetlands and Deepwater Habitats of the United States, December 1979/Reprinted 1992, the Corps will coordinate with the resource agencies in accordance with NWP General Condition 32(d) - PCN.

18. For all activities proposed under Nationwide Permits (NWP) 10 and 11 located in vegetated shallows and coral reefs; as defined by 40 CFR 230.43 and 230.44 respectively, the applicant shall notify the Galveston District Engineer in accordance with the NWP General Condition 32 - Pre-Construction Notification. Examples include, but are not limited to: seagrass beds, oyster reefs, and coral reefs.

19. Nationwide Permit 12 shall not be used to authorize discharges within 500 feet of vegetated shallows and coral reefs; as defined by 40 CFR 230.43 and 230.44 respectively. Examples include, but are not limited to: seagrass beds, oyster reefs, and coral reefs.

20. For all activities proposed for authorization under Nationwide Permit 12 that involve underground placement below a non-navigable river bed and/or perennial stream bed there shall a minimum cover of 48 inches (1,219 millimeters) of soil below the river and/or perennial stream thalweg.

21. For all discharges and work proposed below the high tide line under Nationwide Permits (NWP) 14 and 18, the applicant shall notify the Galveston District Engineer in accordance with the NWP General Condition 32 - Pre-Construction Notification (PCN). The Galveston District will coordinate with the resource agencies in accordance with NWP General Condition 32(d) - PCN.

22. For all activities proposed for authorization under Nationwide Permit (NWP) 33 the applicant shall notify the Galveston District Engineer in accordance with the NWP General Condition 32 – Pre-Construction Notification (PCN). The PCN must include a restoration plan showing how all temporary fills and structures will be removed and the area restored to pre-project conditions. Activities causing the temporary loss, as defined in Section F of the NWPs, of more than 0.5 acres of tidal waters and/or 200 linear feet of stream will be coordinated with the agencies in accordance with NWP General Condition 32(d) - PCN.

23. No Nationwide Permits (NWP), except NWPs 3, 16, 20, 22, 37, shall be used to authorize discharges, structures, and/or fill within the standard setback and high hazard zones of the Sabine-Neches Waterway as defined in the Standard Operating Procedure - Permit Setbacks along the Sabine-Neches Waterway. The applicant shall notify the Galveston District Engineer in accordance with NWP General Condition 32 - Pre-Construction Notification for all discharge, structures and/or work in medium hazard zones and all NWP 3 applications within the standard setback and high hazard zones of the Sabine-Neches Waterway.

24. No Nationwide Permits (NWP), except 20, 22, and 37, shall be used to authorize discharges, structures, and/or fill within the standard setback exemptions of the Gulf Intracoastal Waterway as defined in the Standard Operating Procedure- Department of the Army Permit Evaluation Setbacks along the Gulf Intracoastal Waterway. The applicant shall notify the Galveston District Engineer in accordance with NWP General Condition 32 (Pre-Construction Notification) for all discharges, structures and/or work within the standard setback, shoreward of the standard setback, and/or standard setback exemption zones.

25. The use of Nationwide Permits in the San Jacinto River Waste Pits Area of Concern are revoked. (For further information, see http://www.swg.usace.army.mil/Business-With-Us/Regulatory/Permits/Nationwide-General-Permits/)

26. The use of Nationwide Permits 51 and 52 are revoked within the Galveston District boundaries.

27. Nationwide Permit (NWP) 53 pre-construction notifications will be coordinated with resource agencies as specified in NWP General Condition 32(d) – Pre-construction Notification.

28. For all activities proposed under Nationwide Permits (NWP) 21, 29, 39, 40, 42, 43, 44, and 50 that result in greater than 300 feet of loss in intermittent and/or ephemeral streams, as defined in Section F of the NWPs, require evaluation under an Individual Permit.

The following regional conditions apply only within the Tulsa District.

29. Upland Disposal: Except where authorized by Nationwide Permit 16, material disposed of in uplands shall be placed in a location and manner that prevents discharge of the material and/or return water into waters or wetlands unless otherwise authorized by the Tulsa District Engineer.

30. Major Rivers: The prospective permittee shall notify the Tulsa District Engineer for all Nationwide Permit 14 verifications which cross major rivers within Tulsa District. For the purposes of this condition, major rivers include the following: Canadian River, Prairie Dog Town Fork of the Red River, and Red River.

ORDINANCE 60-04

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF ROCKWALL, ROCKWALL, COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS AND OWNERS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF SAID CITY.

WHEREAS, a petition requesting that the hereinafter described territory be annexed to the City of Rockwall, Texas, has been signed by the majority of the inhabitants of such described territory who are qualified to vote for members of the State Legislature; and,

WHEREAS, said land is adjoining the City of Rockwall and said petition was presented to the Mayor and City Council of the City of Rockwall requesting the annexation of said territory to said City; and,

WHEREAS, the members of the City Council of the City of Rockwall have approved the petition requesting the annexation of said territory; NOW, THEREFORE,

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

SECTION 1. That the following described property, to-wit:

BEGINNING: At a point in the South line of Tract #1, a distance of 2640 feet from the Southeast corner of Tract #1, said point also being in South City limit line;

THENCE: South 45° West a distance of 3,734 feet;

THENCE: West a distance of 8,030 feet to a stake in the East Fork of the Trinity River for a corner;

THENCE: North a distance of 5,280 feet to a stake for a corner;

be, and the same is hereby annexed to the City of Rockwall, Rockwall County, Texas, and that the boundary limits of the City of Rockwall be and the same are hereby extended to include the above described territory within the city limits of the City of Rockwall, and the same shall hereinafter be included within the territorial limits of said City and the inhabitants thereof shall hereafter be entitled to all rights and privileges of other citizens of the City of Rockwall, and they shall be bound by the acts, ordinances, resolutions and regulations of said City.

SECTION 2. That this ordinance shall take effect from and after its passage as the law in such cases provides.

ADOPTED by and affirmative vote of all members of the City Council this 7th day of November 1960.

APPROVED:

B A Scott
MAYOR

ATTEST:

J P Benbrook
City Secretary

APPROVED AS TO FORM:

ATTORNEY

ENROLLED:

CITY SECRETARY

TO THE HONORABLE MAYOR OF THE CITY OF ROCKWALL, TEXAS:

WE, the undersigned inhabitants of the territory hereinafter described, adjoining the limits of the City of Rockwall, County of Rockwall, State of Texas, to the extent of one-half mile in width, all being duly qualified to vote for members of the State Legislature, hereby cast our votes in favor of becoming part of said City of Rockwall, said adjoining territory being described in "Exhibit A" which is attached hereto and made a part hereof the same as if copied in full herein.

Respectfully submitted,

Dora M. Dowell	Dora M. Dowell
Jay Dowell	Jay Dowell
Ira T. Clarke	Ira T. Clarke
Katherine Clarke	Katherine Clarke
Robert Peoples	Robert Peoples
Billie M. Peoples	

STATE OF TEXAS)
)
COUNTY OF ROCKWALL)

BEFORE ME, the undersigned authority, a Notary Public, in and for Rockwall County, Texas, on this day personally appeared the undersigned affiants, each to me well known, who, being by me first duly sworn, depose and say:

That they are each inhabitants of the hereinafter described pro-

shall become a part of said City of Rockwall, Texas, and that the majority of the inhabitants of said territory qualified to vote for members of the State Legislature have voted in favor of becoming a part of said City of Rockwall, Texas, as shown on and by the foregoing petition; said territory being described in "Exhibit A" which is attached hereto and made a part hereof the same as if copied in full herein.

Jean G. Clarke

Katherine Clarke

Jean Ann Harrell

SUBSCRIBED AND SWORN TO BEFORE ME this the 26th day of September, 1960.

Forest D. Stephenson

NOTARY PUBLIC IN AND FOR
ROCKWALL COUNTY, TEXAS

(S E A L)

PRESENTED AND FILED WITH ME on the 26th day of September 1960

CITY OF ROCKWALL

By J P Benbrook

City Secretary

"EXHIBIT A"

PROPOSED FIELD NOTES FOR THE CITY LIMITS OF THE CITY OF ROCKWALL, TEXAS:

BEGINNING: At a point in the South Line of Tract #1, a distance of 2640 feet from the Southeast corner of Tract #1, said point also being in South City Limit Line.

THENCE: South 45° West a distance of 3734 feet;

THENCE: West a distance of 8030 feet to a stake in the East Fork of Trinity River for a corner;

THENCE: North a distance of 5280 feet to a stake for a corner;

THENCE: East a distance of 2640 to the Northwest corner of Tract #1;

THENCE: South along the West line of Tract #1, a distance of 2640 feet to a point for a corner, said point being the Southwest corner of Tract #1;

THENCE: East a distance of 8030 feet along the south line of Tract #1 to the place of beginning.

Proposed City Limit Line running parallel and one-half mile distance from the present City Limit Line.