



DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO.

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

DIRECTOR OF PLANNING:

CITY ENGINEER:

Please check the appropriate box below to indicate the type of development request [SELECT ONLY ONE BOX]:

Platting Application Fees:

- ☐ Master Plat (\$100.00 + \$15.00 Acre) 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 (\$4,940.00)
- ☐ Specific Use Permit (\$200.00 + \$15.00 Acre) ¹
- ☐ PD Development Plans (\$200.00 + \$15.00 Acre) ¹

Other Application Fees:

- ☐ Tree Removal (\$75.00)
- ☐ Variance Request (\$100.00)

Notes:

¹: In determining the fee, please use the exact acreage when multiplying by the per acre amount. For requests on less than one acre, round up to one (1) acre.

PROPERTY INFORMATION [PLEASE PRINT]

Address	Highway 276		
Subdivision	Discovery Lakes PD-78	Lot	Block
General Location	315 acres at the northeast corner of Hwy 276 and Rojhell Road		

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

Current Zoning	Discovery Lakes PD-78		Current Use	Ag	
Proposed Zoning	PD		Proposed Use	Residential	
Acreage	316.315 Acres	Lots [Current]	507	Lots [Proposed]	428

☐ **SITE PLANS AND PLATS:** By checking this box you acknowledge that due to the passage of HB3167 the City no longer has flexibility with regard to its approval process, and failure to address any of staff's comments by the date provided on the Development Calendar will result in the denial of your case.

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

<input type="checkbox"/> Owner	Discovery Lakes, LLC	<input checked="" type="checkbox"/> Applicant	Teague Nall & Perkins
Contact Person	Nick DiGiuseppe	Contact Person	Chris Cuny, P.E.
Address	15400 Knoll Trail Ste 230	Address	2 Horizon Court Ste 500
City, State & Zip	Dallas, Texas 75248	City, State & Zip	Heath, Texas 87032
Phone	214-803-3783	Phone	972-965-1541
E-Mail	southbrookinvestments@outlook.com	E-Mail	ccuny@tnpinc.com

NOTARY VERIFICATION [REQUIRED]

Before me, the undersigned authority, on this day personally appeared Nick DiGiuseppe [Owner] the undersigned, who stated the information on this application to be true and certified the following:

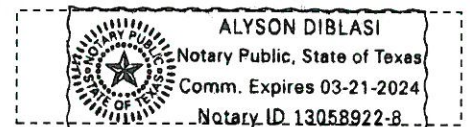
"I hereby certify that I am the owner for the purpose of this application; all information submitted herein is true and correct; and the application fee of \$4,940.00 to cover the cost of this application, has been paid to the City of Rockwall on this the 18th day of June, 2020. By signing this application, 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 18th day of June, 2020.

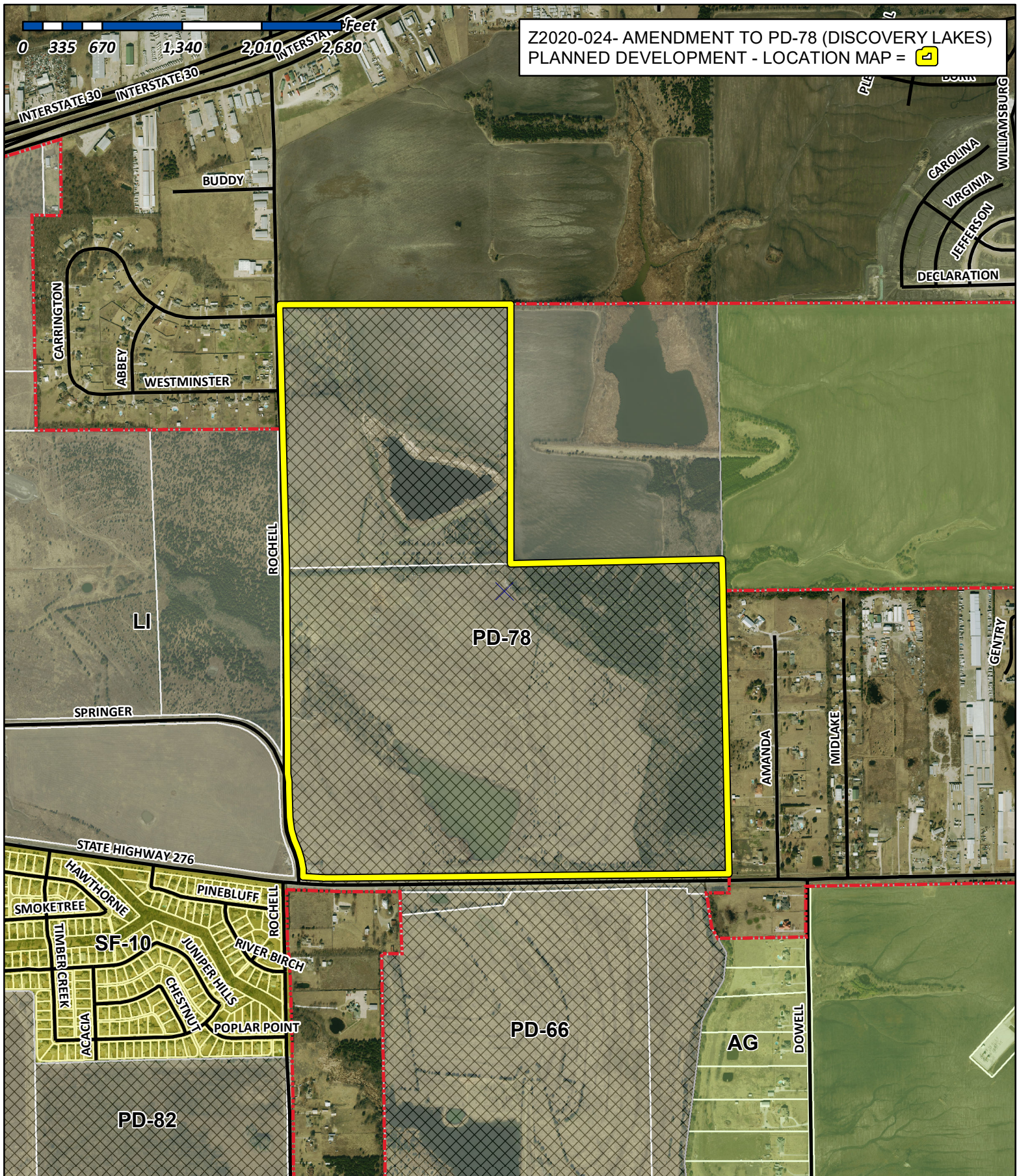
Owner's Signature

Notary Public in and for the State of Texas

Alyson DiBlasi



My Commission Expires 03-21-2024



City of Rockwall

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

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

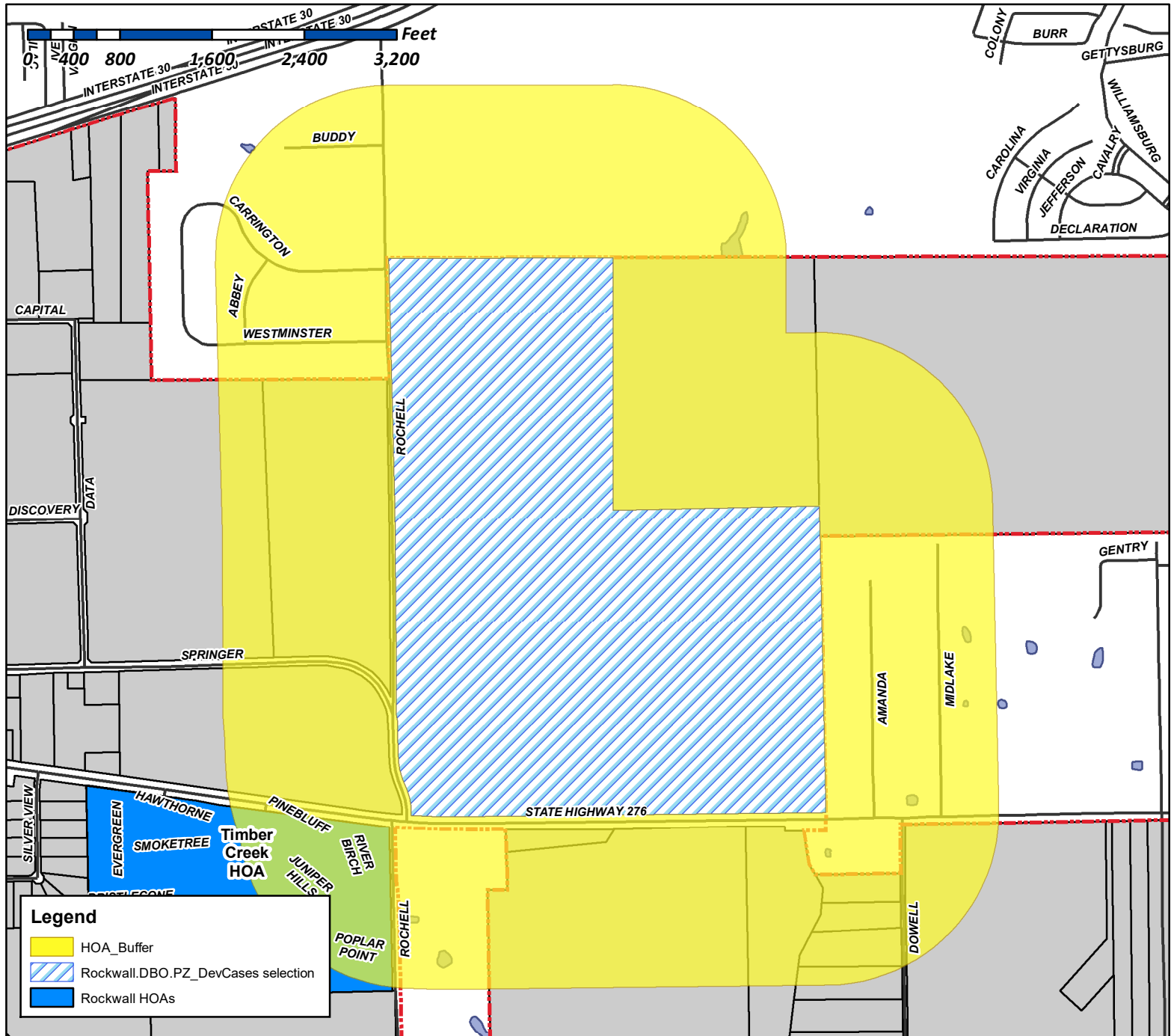




City of Rockwall

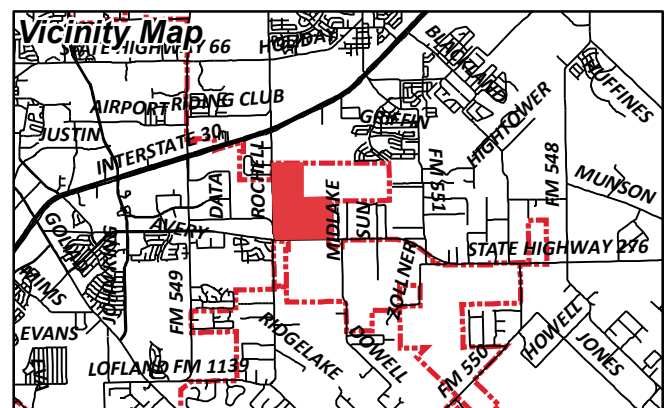
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

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: Z2020-024
Case Name: Amendment to PD-78
Case Type: Zoning
Zoning: PD-78
Case Address: NEC of Rochelle Road & SH-276

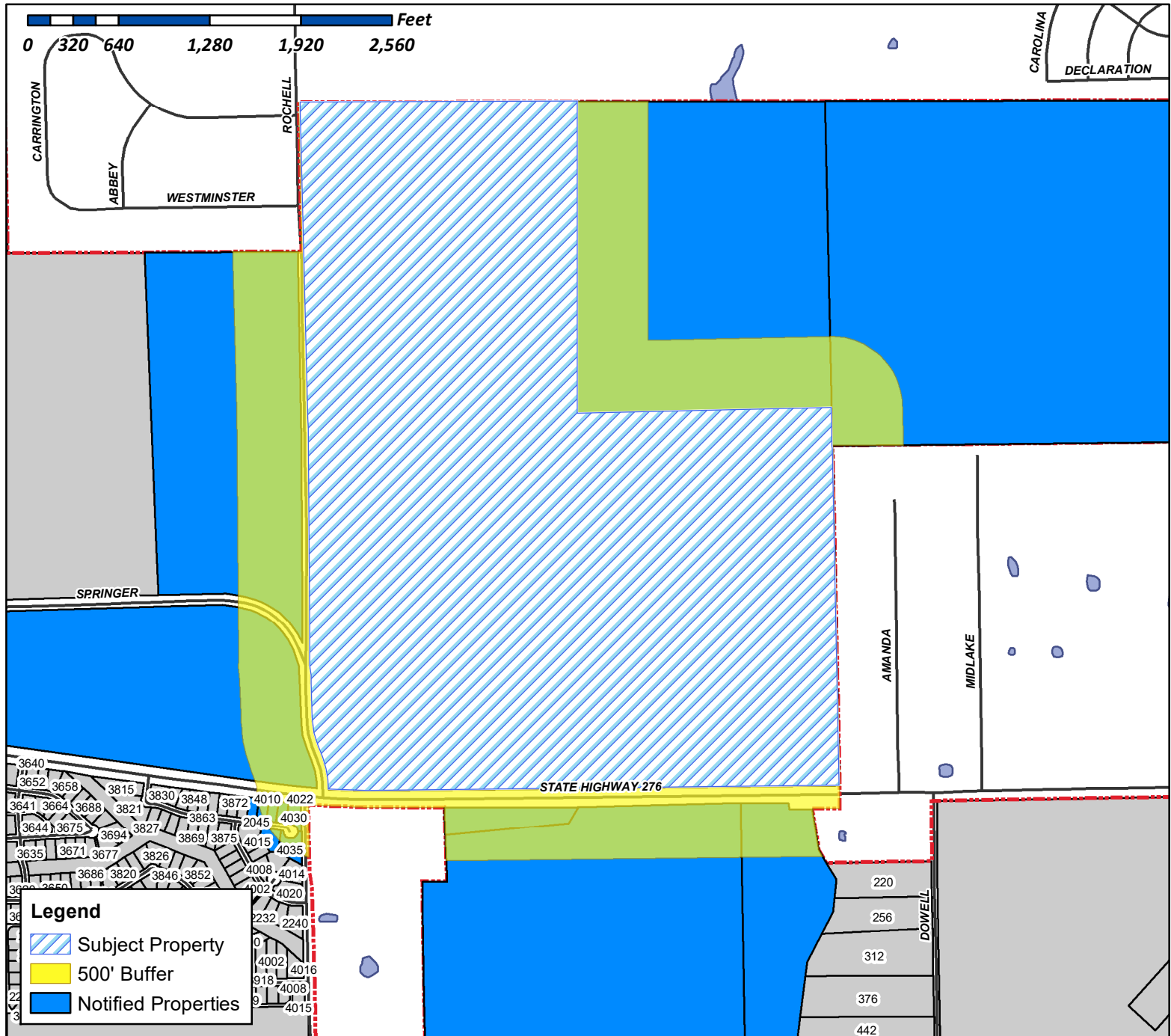
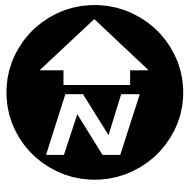
Date Created: 6/19/2020
For Questions on this Case Call (972) 771-7745



City of Rockwall

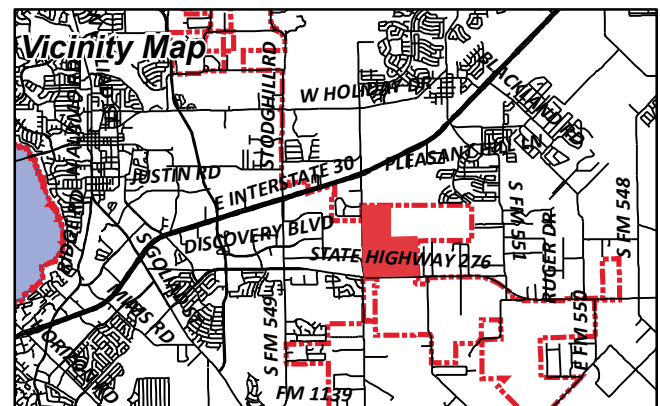
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

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: Z2020-024
Case Name: Amendment to PD-78
Case Type: Zoning
Zoning: PD-78
Case Address: NEC of Rochelle Road & SH-276

Date Created: 6/19/2020
For Questions on this Case Call (972) 771-7745



PUBLIC NOTICE



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

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

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

Case No. Z2020-024: Amendment to Planned Development District 78 (PD-78)

Hold a public hearing to discuss and consider a request by Chris Cuny, PE of Teague, Nall & Perkins on behalf of the Nick DiGiuseppe of Discovery Lakes, LLC for the approval of a Zoning Amendment to Planned Development District 78 (PD-78) [*Ordinance No. 15-24*] for the purpose of changing the concept plan and development standards on a 316.315-acre tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract No. 100 and Tract 2 of the R. K. Brisco Survey, Abstract No. 16, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 78 (PD-78) for General Retail (GR) District and Single-Family 10 (SF-10) District, generally located at the northeast corner of the intersection of SH-276 and Rochelle 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, July 14, 2020 at 6:00 PM, and the City Council will hold a public hearing on Monday, July 20, 2020 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

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

Ryan Miller
Rockwall Planning and Zoning Dept.
385 S. Goliad Street
Rockwall, TX 75087

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

Your comments must be received by Monday, July 20, 2020 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning



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

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

Case No. Z2020-024: Amendment to Planned Development District 78 (PD-78)

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

CITY OF ROCKWALL

ORDINANCE NO. 15-24

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 AN AGRICULTURAL (AG) DISTRICT TO A PLANNED DEVELOPMENT DISTRICT FOR SINGLE FAMILY 10 (SF-10) AND GENERAL RETAIL (GR) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 316.315-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1 OF THE M. E. HAWKINS SURVEY, ABSTRACT NO. 100, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A' & EXHIBIT 'B'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request by the Stacy McVey of Double Eagle Properties, LLC on behalf of the owner 308 ON 276, LP for the approval of a zoning change from an Agricultural (AG) District to a Planned Development District for Single Family 10 (SF-10) and General Retail (GR) District land uses, on a 316.315-acre tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract No. 100, City of Rockwall, Rockwall County, Texas and more fully described in *Exhibit 'A' & Exhibit 'B'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code [Ordinance No. 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 generally be in accordance with the *Planned Development Concept Plan*, described in *Exhibit 'C'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'C'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

Section 3. That development of the *Subject Property* shall generally be in accordance with the *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 4. That a *Master Parks and Open Space Plan* for the *Subject Property*, shall be prepared in accordance with this ordinance and consistent with the *Planned Development Concept Plan* depicted in *Exhibit 'C'* of this ordinance, and that the *Master Parks and Open Space Plan* shall be considered for approval by the City Council following a recommendation by the *Parks and Recreation Board*.

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

- (a) The procedures set forth in the City's subdivision regulations on the date this ordinance is approved by the City, as amended by this ordinance (*including Subsections 5(b) through 5(f) below*), shall be the exclusive procedures applicable to the subdivision and platting of the 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) Open Space Master Plan
 - (2) Master Plat
 - (3) PD Development Plan (*Required for Retail Areas Only*)
 - (4) PD Site Plan
 - (5) Preliminary Plat
 - (6) Final Plat
- (c) A *PD Development Plan* must be approved for the area designated on the *Planned Development Concept Plan* as *Retail* prior to submittal of a *PD Site Plan* application and/or preliminary plat application. No *Master Plat* is required for the area designated on the *Concept Plan* as *Retail*. A traffic impact analysis for the retail tract 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* for each retail development.
- (d) *PD Site Plan*. A *PD Site Plan* covering all of the *Subject Property* shall be submitted and shall identify all site/landscape/hardscape plan(s) for all open space, neighborhood parks, trail systems, street buffers and entry features. A *PD Site Plan* application may be processed by the City concurrently with a *Preliminary Plat Application* for the development.
- (e) *Preliminary Plat*. A *Preliminary Plat* covering all of the *Subject Property* shall be submitted and shall include a *Treescape Plan*. A *Preliminary Plat Application* may be processed by the City concurrently with a *PD Site Plan Application* for the development.
- (f) *Final Plat*. Prior to the issuance of any building permits, a *Final Plat*, conforming to the *Preliminary Plat*, for all of the *Subject Property* shall be submitted for approval.

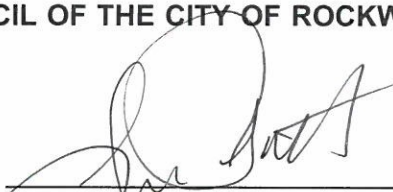
Section 6. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *Two Thousand Dollars* (\$2,000.00) for each offense and each and every day such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

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

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

Section 9. That this ordinance shall take effect immediately from and after its passage 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 17TH DAY OF AUGUST, 2015.**



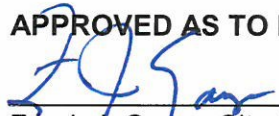
Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: 08-03-2015

2nd Reading: 08-17-2015

Exhibit 'A':
Legal Description

Field notes for a 316.315-acre (13,778,691 square foot) tract of land situated in the M. E. Hawkins Survey, Abstract No. 100, and the Robert K. Briscoe Survey, Abstract No. 16 in the City of Rockwall, Rockwall County, Texas, and being all of that certain called 308.52-acre tract of land described in a Special Warranty Deed to 308 ON 276, L.P., as recorded in Volume 03662, Page 00315, of the Office Public Records of Rockwall County, Texas (O.P.R.R.C.T.) with said 316.315-acre (13, 778,691 square feet) tract of land being more particularly described by metes and bounds as follows:

BEGINNING a railroad spike set in asphalt marking the northwest corner of said 308 on 276, L.P. tract and the common southwest corner of that certain called 21. 935 acre tract of land described as Tract One in a Warranty Deed to Rockwall Fund I, L.L.C., as recorded in Volume 1 110, Page 190, of the Deed Records of Rockwall County, Texas (D.R.R.C.T.), said point being in the approximate center of Rochell Road, a county road with an unspecified right-of- way (R. O. W.) width;

THENCE North 89 degrees 00 minutes 24 seconds East (South 89 degrees 12 minutes 02 seconds East - deed call), along the common northerly line of said 308 ON 276, L.P. tract and the common southerly line of said Tract One, passing at a distance of 30. 00 feet, a 5/8 inch iron rod set with a yellow plastic cap stamped "THE WALLACE GROUP " ("cap ") for reference, continuing along said common line, passing at a distance of 1,799. 04-feet, a 1/2-inch iron rod found marking the southeast corner of said Tract One, being common with the south west corner of that certain called 59.71-acre tract of land described in a Special Warranty Deed to Fate I- 30, L.P., as recorded in Volume 03542, Page 00039, O.P.R.R.C.T., continuing along the common northerly line of said 308 on 276, L.P. tract and the southerly line of said Fate I-30, L.P. tract, a total distance of 1,966.04 feet (1,902 .80 feet - deed call) to a 1/ 2 inch iron rod found marking the common most northerly northeast corner of said 308 on 276, L.P. tract and the north west corner of that certain coiled 85.479 acre tract of land described as Tract Two in the aforementioned Warranty Deed to Rockwall Fund I, L.L.C., as recorded in Volume 1 110, Page 190, O.R.R.C.T.;

THENCE South 01 degrees 59 minutes 29 seconds East (South 00 degrees 08 minutes 06 seconds West - deed call), along the common easterly line of said 308 ON 276, L.P. tract and the westerly line said Tract Two, a distance of 2,204.26-feet (2,166.70-feet - deed call) to a 1/ 2 inch iron rod found marking an ell corner of said 308 ON 276, L.P. tract and the southwest corner of said Tract Two;

THENCE North 87 degrees 20 minutes 20 seconds East (North 89 degrees 12 minutes 02 seconds East - deed call), continuing along the common northerly line of said 308 on 276, L.P. tract and the southerly line said Tract Two, a distance of 1,691. 90 feet (1,782.53 feet - deed call) to a 5/8 inch iron rod set with "cap " marking the common most easterly northeast corner of said 308 on 276, L.P. tract and the southeast corner of said Tract Two, from which a 1/2-inch iron rod found bears North 87 degrees 20 minutes 20 seconds East at 10. 49 feet, said 5/8-inch iron rod set being on the west line of that certain called 212. 25 acre tract of land described in a Special Warranty Deed to South Rock wall Holdings, L.P., as recorded in Volume 03625, Page 00034, O.P.R.R.C.T.;

THENCE South 01 degrees 34 minutes 35 seconds East, along the common easterly line of said 308 ON 276, L.P. tract and the westerly line said South Rock wall Holdings tract, a distance of 309.68-feet to a 5/8-inch iron rod set with "cap " marking the southwest corner of said South Rock wall Holdings tract, being common with the northwest corner of Lot 8, Equestrian Estates, according to the plot thereof recorded in Cabinet A, Page 19 7, of the Plot Records of Rock wall County, Texas (P.R.R.C.T.);

THENCE South 00 degrees 50 minutes 42 seconds East, along the common easterly line of said 308 ON 276, L.P. tract and the westerly line said Equestrian Estates, a distance of 2,301.71 feet (South 00 degrees 06 minutes 38 seconds West, a distance of 2,580 . 60 feet - overall deed call) to a 5/8 inch iron rod set with "cap " marking the common southeast corner of said 308 ON 276, L.P. tract and on ell corner of the north R.O.W. line of State Highway No. 276 (having a variable width R.O.W.);

THENCE South 89 degrees 29 minutes 00 seconds West (North 89 degrees 29 minutes 07 seconds West - deed call), along the common southerly line of said 308 ON 2 76, L.P. tract and said north R.O.W. line of State Highway No. 276, passing at a distance of 1.66 feet a found TxDOT concrete monument, continuing along said common line for a tot al distance of 117.50-feet (115.83-feet - deed call) to a 5/8-inch iron rod set with "cap " marking the common ell corner of said 308 ON 276, L.P. tract and the most easterly southeast corner of that certain called 2.503-acre tract of land described as on Easement for Highway Purposes to the State of Texas, recorded in Volume 82, Page 583 of the Real Property Records of Rockwall County, Texas (R.P.R.R.C.T.);

THENCE North 00 degrees 31 minutes 03 seconds West (North 00 degrees 30 Minutes 13 seconds East - deed call), along a common interior line of said 308 on 2 76, L.P. tract and the easterly line of said Easement for Highway Purposes tract, a distance of 50.31-feet (50-feet - deed call) to a 5/8-inch iron rod set with "cap" marking the common ell corner of said 308 ON 276, L.P. tract and the north east corner of said Easement for Highway Purposes tract;

Exhibit 'A':
Legal Description

THENCE South 89 degrees 28 minutes 57 seconds West (North 89 degrees 29 minutes 47 seconds West - deed call), along the common southerly line of said 308 on 276, L.P. tract and the northerly line of said Easement for Highway Purposes tract, a distance of 543.40-feet (543.73-feet - deed call) to a 5/8-inch iron rod set with "cap " for corner;

THENCE South 89 degrees 13 minutes 58 seconds West (South 89 degrees 48 minutes 55 seconds West - deed call), continuing along the common southerly line of said 308 ON 276, L.P. tract and the northerly line of said Easement for Highway Purposes tract, a distance of 757. 25-feet (756.93-feet - deed call) to a 5/8-inch iron rod found marking a common ell corner of said 308 ON 276, L.P. tract and the northwest corner of said Easement for Highway Purposes tract;

THENCE South 00 degrees 46 minutes 03 seconds East (South 00 degrees 11 minutes 05 seconds East - deed call), along a common interior line of said 308 ON 276, L.P. tract and the westerly line of said Easement for Highway Purposes tract, a distance of 90.30-feet (87.44-feet - deed call) to a 5/8-inch iron rod set with "cap " marking a common ell corner of said 308 ON 276, L.P. tract and the southwest corner of said Easement for Highway Purposes tract, said point being on said north R.O.W. line of State Highway No. 276;

THENCE South 89 degrees 13 minutes 57 seconds West (North 89 degrees 53 minutes 27 seconds West - deed call), along the common southerly line of said 308 ON 276, L.P. tract and said north R.O.W. line of State Highway No. 276, passing at a distance of 1,667.76-feet a 5/8-inch iron rod set with "cap " for reference, continuing along said common line for a total distance of 1,917.07-feet (1,917.34-feet - deed call) to a found TxDOT concrete monument, marking the transitional R.O.W. line from said north R.O.W. line of State Highway No. 276 to the east R.O.W. line of Springer Lane, on 80-foot wide R.O.W., (formerly F.M. No. 1143), said point being the beginning of a non-tangent curve to the right, with the radius point being situated North 21 degrees 40 minutes 52 seconds East, a distance of 533.69-feet;

THENCE Northerly along the common curving westerly line of said 308 ON 276, L.P. tract and said curving east R.O.W. line of Springer Lane, with said non-tangent curve to the right, through a central angle of 67 degrees 33 minutes 20 seconds (48 degrees 33 minutes 57 seconds - deed call), having a radius of 533. 69-feet (613.69-feet - deed call), a tangent distance of 356.97-feet, a chord bearing North 34 degrees 32 minutes 28 seconds West (North 40 degrees 41 minutes 57 seconds West - deed call), at 593.43-feet, and an arc distance of 629.26-feet (520.18-feet - deed call) to a 5/8-inch iron rod set with "cap" at the end of said non- tangent curve;

THENCE North 00 degrees 53 minutes 56 seconds West (North 00 degrees 43 minutes 17 seconds West - deed call), continuing along the common westerly line of said 308 on 276, L.P. tract and said east R.O.W. line of Springer Lane, a distance of 294.21-feet (430.56-feet - deed call) to an axle found for the beginning of a non-tangent curve to the left , with the radius point being situated South 89 degrees 08 minutes 07 seconds West, a distance of 612.96-feet;

THENCE Northerly continuing along the common curving westerly line of said 308 ON 276, L.P. tract and said curving east R.O.W. line of Springer Lane, with said non-tangent curve to the left, through a central angle of 17 degrees 26 minutes 00 seconds (12 degrees 25 minutes 52 seconds - deed call), having a radius of 612.96-feet (613.69-feet - deed call), a tangent distance of 93.98 feet, a chord bearing North 09 degrees 34 minutes 53 seconds West at 185.78-feet, and an arc distance of 186.50-feet (133.15 feet - deed call) to a 5/8-inch iron rod set with "cap" at the end of said non-tangent curve, said point marking the transition from said east R.O.W. line of Springer Lane to the approximate center of the aforementioned Rochell Road;

THENCE North 00 degrees 49 minutes 05 seconds West (North 00 degrees 10 minutes 49 seconds East - deed call), along the common westerly line of said 308 ON 276, L.P. tract and said approximate center of Rochell Road, passing at a distance of 386.53-feet a 1/2-inch iron rod found marking the southeast corner of that certain called 60.3368-acre tract of land described in a Cash Warranty Deed to Varughese P. Samuel and wife, Remoni V. Samuel, as recorded in Volume 02002, Page 00062, O.P.R.R.C.T., then continuing along said common line with the easterly line of said Samuel tract, a total distance of 2,841.3-feet (1,613.15-feet - deed call) to a 1/2-inch iron rod found marking the northeast corner of said Samuel tract;

THENCE North 01 degrees 38 minutes 55 seconds West (North 00 degrees 08 minutes 06 seconds East - deed call), along the common westerly line of said 308 ON 276, L.P. tract and said approximate center of Rochell Road, a distance of 976.29-feet (2,166.70-feet - deed call) to the *POINT OF BEGINNING*.

CONTAINING within the metes recited 316.315-acres (13,778,692 square feet) of land, more or less, of which a portion lies within Rochell Road.

Exhibit 'B':
Survey

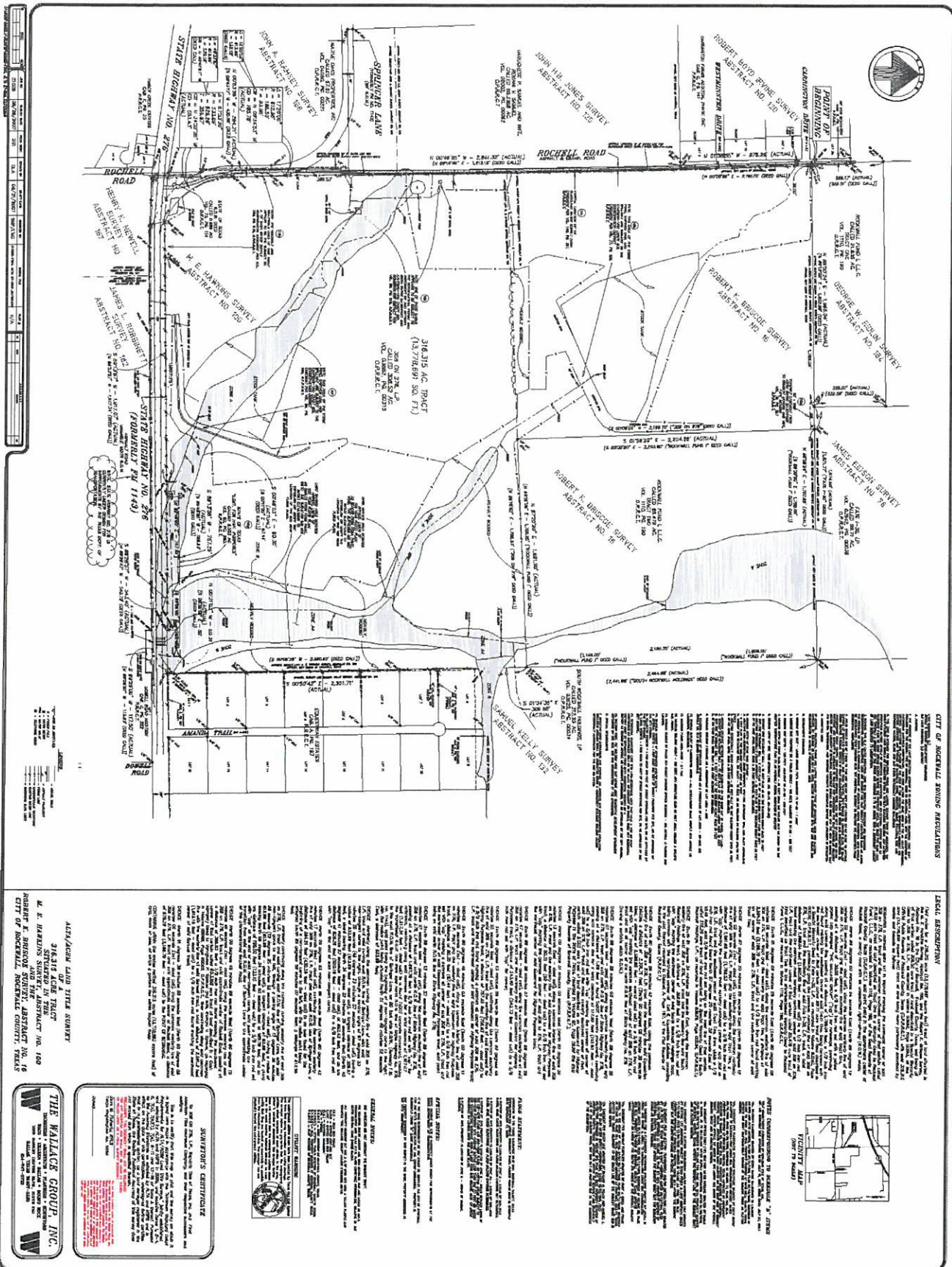
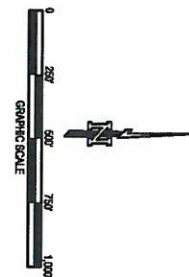


Exhibit 'C': Concept Plan



OPEN SPACE CALCULATION		
OPEN AREA / PARK AREA	1/2 FEMA FLOOD PLAIN AREA	
41.9 ACRES	54.7 ACRES	96.6 ACRES
OPEN SPACE RATIO =	96.6 / 307.0	31.5%

RESIDENTIAL PROJECT AREA = 307.0 ACRES
LOT DENSITY: 507 / 307.0 = 1.65 Lots per Acre



LEGEND

- TYPE A LOT
- TYPE B LOT
- TYPE C LOT
- COMMERCIAL ± 9.0 AC.
- OPEN AREA ± 30.9 AC
- PARK ± 11.0 AC
- OPEN AREA/FLOODPLAIN TO BE DEDICATED TO THE PUBLIC ± 44.2 AC
- COMMUNITY CENTER ± 1.2 ACRES
- REMAINING FEMA FLOODPLAIN ± 65.2 AC
- WALKING TRAIL ± 3.8 MILES

GENERAL LOT INFORMATION

- TYPE A - 121 LOTS - 80'x120' (MIN) - 9,600 SF
- TYPE B - 127 LOTS - 70'x110' (MIN) - 7,700 SF
- TYPE C - 259 LOTS - 80'x110' (MIN) - 6,800 SF
- 15' LANDSCAPE BUFFER ALONG DISCOVERY BOULEVARD
- 20' LANDSCAPE BUFFER ALONG ROCHELL ROAD
- 25' LANDSCAPE BUFFER ALONG HIGHWAY 276

507 LOTS

"THIS SITE PLAN SHOULD BE CONSIDERED PRELIMINARY AND CONCEPTUAL AND IS NOT BASED ON FINAL ACTS OF TOWN/CITY/STATE JURISDICTION. LOT POSITIONING MAY VARY AS PLAN IS REFINED. PLAN WILL NOT EXCEED 507 LOTS. IT SHOULD NOT BE USED FOR LEASE AGREEMENTS, PERMIT APPROVAL OR ANY OTHER BINDING AGREEMENTS."

Exhibit 'D':
PD Development Standards

A. PURPOSE

The Discovery Lakes Subdivision is located at the northeast corner of the intersection of SH-276 and Rochell Road. The *Subject Property* is a short walk or bike ride from the Rockwall Technology Park. The Discovery Lakes Subdivision will be a master planned residential neighborhood that will incorporate two (2) lakes, several acres of open space and ~3.8-miles of hiking/jogging/biking trails. The master plan calls for 507 single-family homes. There will be several view corridors strategically placed within the subdivision along with *front loaded* lots to provide for the enjoyment of the open space. A boulevard with 85-feet of right-of-way will connect SH-276 and Discovery Boulevard. The boulevard will have a 14-foot landscape median and a 25-foot travel lane on each side of the street.

The residential streets will be 29-feet back-to-back, with a 10½-foot parkway on each side for a total of 50-feet of right-of-way. A *Community Center* with a pool will be provided to add increased amenity for the subdivision. Additionally, the proposed development will incorporate nine (9) acres of commercial space that will be located at the hard corner of SH-276 and Rochell Road. This area will allow for neighborhood service types of uses and eating establishments. A maximum of one (1) hotel planned to service the needs of the subdivision and the Rockwall Technology Park. A 55-acre area adjacent to the northern lake will be dedicated as public parkland to serve Park District No. 31.

The Discovery Lakes Subdivision will be a benefit to the community, allowing citizens of all ages the opportunity to live, work, and play in a connected master planned community.

B. GENERAL REQUIREMENTS

Development Standards.

1. *Permitted Uses.* The following uses are permitted on the *Subject Property* in accordance with the *Concept Plan* depicted in *Exhibit 'C'* of this ordinance.

(a) *Residential Uses.* Unless specifically provided by this Planned Development ordinance, only those uses permitted within the Single Family 10 (SF-10) District, as stipulated by the *Permissible Use Charts* contained in Article IV, *Permissible Uses*, of the Unified Development Code (UDC), shall be allowed for areas designated as *residential* on the *Concept Plan*.

(b) *Non-Residential.* Unless specifically provided by this Planned Development ordinance, only those uses permitted within the General Retail (GR) District, as stipulated by the *Permissible Use Charts* contained in Article IV, *Permissible Uses*, of the Unified Development Code (UDC), shall be allowed for areas designated as *commercial* on the *Concept Plan*; however, the following conditions shall apply:

- (i) The following additional uses shall be permitted as *by-right* uses on the *Subject Property*:

- ☒ Hotel, Hotel (*Full Service*) or Motel (*With a Maximum Height of Four [4] Stories*) ¹
- ☒ Restaurant (*with Drive-Through or Drive-In*) ²
- ☒ Retail Store (*with more than two [2] Gasoline Dispensers*)

Notes:

¹: A maximum of one (1) hotel/motel shall be permitted with this Planned Development District. The height requirement of four (4) stories is permitted to exceed 36-feet, but in no case shall exceed 60-feet.

²: A maximum of three (3) restaurants (despite the size of the restaurant) shall be permitted within this Planned Development District.

Exhibit 'D':
PD Development Standards

(ii) The following uses shall be prohibited on the *Subject Property*:

- ☒ Convent or Monastery
- ☒ Hotel, Residence
- ☒ Cemetery/Mausoleum
- ☒ Mortuary of Funeral Chapel
- ☒ Social Service Provider
- ☒ Billiard Parlor or Pool Hall
- ☒ Carnival, Circus, or Amusement Ride
- ☒ Commercial Amusement/Recreation (*Outside*)
- ☒ Gun Club, Skeet or Target Range (*Indoor*)
- ☒ Astrologer, Hypnotist, or Psychic Art and Science
- ☒ Garden Supply /Plant Nursery
- ☒ Night Club, Discotheque, or Dance Hall
- ☒ Secondhand Dealer
- ☒ Car Wash, Self Service
- ☒ Mining and Extraction (Sand, Gravel, Oil and/or Other)
- ☒ Helipad
- ☒ Railroad Yard or Shop
- ☒ Transit Passenger Facility

2. *Non-Residential Development.* The area designated as *commercial* on the *Concept Plan* depicted in *Exhibit 'C'* of this ordinance shall be designed to be pedestrian-oriented, easily accessible, and integrated into the general design scheme of the adjacent neighborhood. This can be accomplished by removing the traditional barriers utilized to separate commercial and residential developments (e.g. *screening walls*) and incorporating landscape buffers/elements (e.g. *greenspace, parkways, and etcetera*) and urban design elements (e.g. *pathways, pergolas, and etcetera*) that can create compatibility with the adjacent single-family neighborhood. To better achieve this goal and in addition to the requirements of Section 4.1, *General Commercial District Standards*, and Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code, all commercial development shall be required to adhere to the following supplemental standards:

(a) *Retail Landscape.* Landscaping shall be reviewed and approved with the PD Site Plan. All Canopy/Shade Trees planted within the retail development shall be a minimum of four (4) caliper inches in size and all *Accent/Ornamental/Under-Story Trees* shall be a minimum of four (4) feet in total height unless otherwise provided within this document.

(b) *Retail Landscape Buffers.* All landscape and plantings located within the buffers shall be maintained by the property owner.

(1) *Landscape Buffer (Residential Adjacency).* Where residential and retail uses share a direct adjacency, a minimum of a 30-foot landscape buffer shall be provided by the retail property adjacent to the residential property. This area shall incorporate ground cover, a *built-up* berm and shrubbery along the entire length of the adjacency. This area should also incorporate pedestrian-oriented design elements (e.g. *pathways*) that allow access between the two (2) uses. Shrubby utilized in this area shall have a minimum height of 30-inches and a maximum height of 48-inches. Additionally, trees should be incorporated in this area to break up the façades of any commercial buildings.

(2) *Landscape Buffer and Sidewalks (SH-276).* A minimum of a 15-foot landscape buffer shall be provided along the frontage of SH-276, and shall incorporate ground cover,

Exhibit 'D':
PD Development Standards

a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. All buffer-strip planting requirements shall conform to the requirements of Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code.

- (3) *Landscape Buffer (Rochell Road Retail)*. A minimum of a 20-foot landscape buffer shall be provided along the frontage of Rochell Road (*outside of and beyond any required right-of-way dedication*), and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage.

(c) *Sidewalks*.

- i) *Sidewalk Adjacent to Rochell Road and SH-276*. The developer shall be responsible for the construction of a five (5) foot sidewalk that meanders through the required 20-foot landscape buffer adjacent to Rochell Road and SH-276.

3. *Residential Development Standards*. Except as modified by these *Development Standards*, the residential uses depicted in *Exhibit 'C'* of this ordinance shall be subject to the development standards for a Single Family 10 (SF-10) District as stipulated by Section 3.1, *General Residential District Standards*; Section 3.4, *Single-Family Residential (SF-10) District*; and Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code. In addition, all residential development shall adhere to the following standards:

- (a) *Lot Composition and Layout*. The lot layout and composition of the *Subject Property* shall generally conform to the *Concept Plan* depicted in *Exhibit 'C'* and stated in *Table 1* below. Allowances for changes to the quantity and locations of each lot type are permitted in conformance with the requirements listed below; however, in no case shall the proposed development exceed 507 units.

Table 1: Lot Composition

Lot Type	Minimum Lot Size (FT)	Minimum Lot Size (SF)	Dwelling Units (#)	Dwelling Units (%)
A	80' x 120'	9,600 SF	121	23.87%
B	70' x 110'	7,700 SF	127	25.05%
C	60' x 110'	6,600 SF	259	51.08%
Maximum Permitted Units:			507	100.00%

The allocation of single-family dwellings among lot types may deviate from *Table 1* provided that the proposed lot composition meets the following criteria:

- (1) The total number of lots does not exceed 525 units; and,
- (2) The average lot size for the total development is not less than 7,500 SF (*i.e. total square footage of all lots/total number of lots*); and,
- (3) Lot Type "A" shall not be decrease below 115 lots; and,
- (4) Lot Type "B" shall not be decreased below 23% of the total 507 lots; and,
- (5) Lot Type "C" shall not be increased beyond 55% of the total 507 lots.

Exhibit 'D':
PD Development Standards

- (b) *Density and Dimensional Requirements.* The maximum permissible density for the *Subject Property* shall not exceed 1.70 dwelling units per gross acre of land; however, in no case should the proposed development exceed 507 units. All lots shall conform to the standards depicted in *Table 2* below and generally conform to *Exhibit 'C'* of this ordinance.

Table 2: Lot Dimensional Requirements

<i>Lot Type (see Concept Plan) ►</i>	A	B	C
<i>Minimum Lot Width</i> ^{(1) & (5) & (7)}	80'	70'	60'
<i>Minimum Lot Depth</i>	120'	110'	110'
<i>Minimum Lot Area</i>	9,600 SF	7,700 SF	6,600 SF
<i>Minimum Front Yard Setback</i> ^{(2) & (6)}	20'	20'	20'
<i>Minimum Side Yard Setback</i>	6'	5'	5'
<i>Minimum Side Yard Setback (Adjacent to a Street)</i> ⁽²⁾	15'	15'	15'
<i>Minimum Length of Driveway Pavement</i>	20'	20'	20'
<i>Maximum Height</i> ⁽³⁾	36'	36'	36'
<i>Minimum Rear Yard Setback</i> ⁽⁴⁾	15'	10'	10'
<i>Minimum Area/Dwelling Unit (SF) [Air Conditioned Space]</i>	2,800 SF	2,250 SF	2,000 SF
<i>Garage Orientation</i>	<i>J-Swing or Front</i>	<i>J-Swing or Front</i>	<i>J-Swing or Front</i>
<i>Maximum Number of Front Entry Garages Permitted</i>	48	42	173
<i>Maximum Lot Coverage</i>	65%	65%	65%

General Notes:

- ¹: The minimum lot width shall be measured at the *Front Yard Building Setback*.
- ²: The location of the *Front Yard Building Setback* as measured from the front property line.
- ³: The *Maximum Height* shall be measured to the eave or top plate (whichever is greater) of the single family home.
- ⁴: As measured from the rear yard property line.
- ⁵: Lots fronting onto a curvilinear street, cul-de-sac or eyebrow may have the lot width reduced by up to 20% as measured at the front property line provided that the lot width is met at the front building line. Additionally, the lot depth on lots fronting onto curvilinear streets, cul-de-sacs and eyebrows maybe reduced by up to ten (10%) percent, but shall meet the minimum lot size for each lot type.
- ⁶: Sunrooms, porches, stoops, bay windows, balconies, masonry clad chimneys, eaves and similar architectural features may encroach beyond the *Front Yard Building Setback* by up to ten (10) feet for any property that increases the *Front Yard Building Setback* to 20-feet; however, the encroachment shall not exceed five (5) feet on *Side Yard Setbacks (Adjacent to a Street)* and shall not encroach into public right-of-way [a Sunroom is an enclosed room no more than 15-feet in width that has glass on at least 50% of each of the encroaching faces].
- ⁷: All lots with a *J-Swing* or *Traditional Swing* driveway require a minimum of a 65-foot lot width.

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

- (1) *Masonry Requirement.* The minimum masonry requirement for the exterior façades of all buildings shall be 80%. For the purposes of this ordinance the masonry requirement shall be limited to full width brick, natural stone, and cultured stone. Cementaceous fiberboard horizontal lap-siding (e.g. *HardiBoard* or *Hardy Plank*) and/or stucco (i.e. *three [3] part stucco* or a comparable -- to be determined by staff) shall be permitted to be used to meet up to 50% of the masonry requirement.
- (2) *Roof Pitch.* A minimum of an 8:12 roof pitch is required on all structures with the exception of porches, which shall have a minimum of a 4:12 roof pitch.
- (3) *Garage Orientation.* Garages shall be provided as stipulated by *Table 2: Lot Dimensional Requirements*. Garages permitted for front entry maybe oriented

Exhibit 'D':
PD Development Standards

toward the street; however, the front façade of the garage must be situated a minimum of 20-feet off the front property line. All front entry garages shall incorporate an architectural element or feature separating the individual garage openings. *Swing, Traditional Swing or J-Swing* garages are permitted to have a second single garage door facing the street as long as it is behind the width of the double garage door situated in the *Swing* configuration.

- (d) *Anti-Monotony Restrictions.* The development shall adhere to the Anti-Monotony Matrix depicted in Table 3 below (for spacing requirements see the illustration on the following page).

Table 3 : Anti-Monotony Matrix

<i>Lot Type</i>	<i>Minimum Lot Size</i>	<i>Elevation Features</i>
A	80' x 120'	(1), (2), (3)
B	70' x 110'	(1), (2), (3)
C	60' x 110'	(1), (2), (3)

- (1) Identical brick blends or paint colors may not occur on adjacent (*side-by-side*) properties along any block face without at least four (4) intervening homes of differing materials on the same side of the street beginning with the adjacent property and two (2) intervening homes of differing materials on the opposite side of the street.
- (2) Front building elevations shall not repeat along any block face without at least four (4) intervening homes of differing appearance on the same side of the street and two (2) intervening homes of differing appearance on the opposite side of the street. The rear elevation of homes backing to open spaces or on SH-276 shall not repeat without at least five (5) intervening homes of differing appearance. Homes are considered to have a differing appearance if any of the following two (2) items deviate:
 - (a) Number of Stories
 - (b) Permitted Encroachment Type and Layout
 - (c) Roof Type and Layout
 - (d) Articulation of the Front Façade
- (3) Each phase of the subdivision will allow for a maximum of four (4) compatible roof colors, and all roof shingles shall be an architectural or dimensional shingle (*3-Tab Roofing Shingles are prohibited*).

See the Illustrations on the following page.

Exhibit 'D':
PD Development Standards

Illustration 1: Properties line up on the opposite side of the street. Where RED are the same.

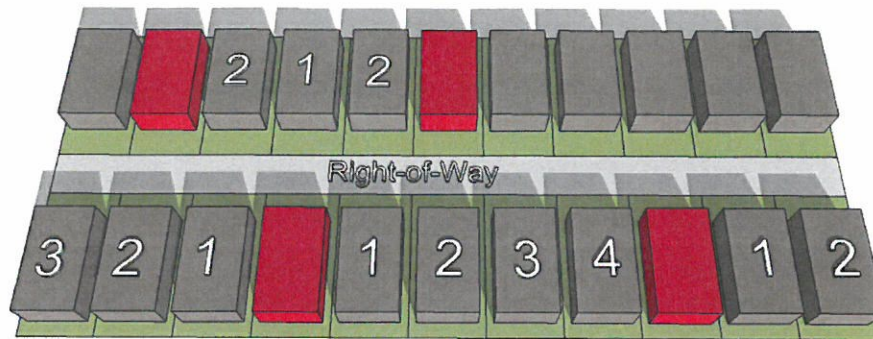
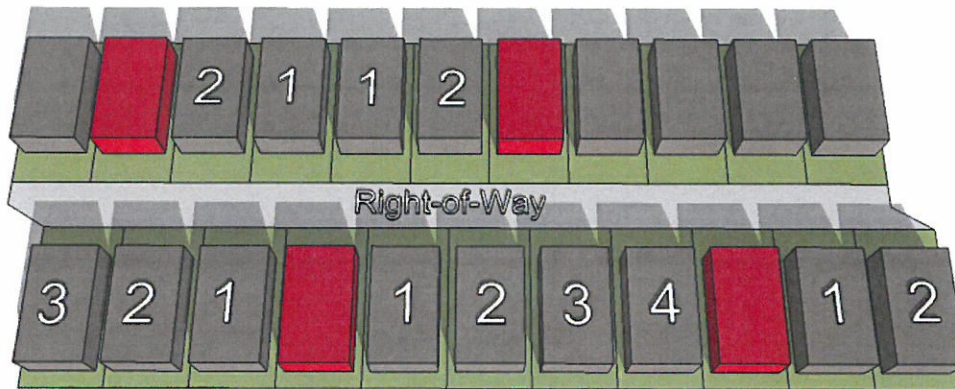


Illustration 2: Properties do not line up on opposite side of the street. Where RED are the same.



(e) *Fencing Standards.* All individual residential fencing and walls shall be architecturally compatible with the design, materials and colors of the primary structure on the same lot, and meet the following standards:

- (1) *Wood Fences.* All wood fences shall be constructed of a standard fencing material (*minimum of ½" thickness or better; spruce fencing will not be allowed*), and use fasteners that are hot dipped galvanized or stainless steel. Wood fences facing onto a street shall be painted and/or stained and sealed with all pickets being placed on the *public side* facing the street. All wood fences shall be smooth-finished, free of burs and splinters, and be a maximum of eight (8) feet in height.
- (2) *Wrought Iron/Tubular Steel.* Lots located along the perimeter of roadways, abutting open spaces, greenbelts and parks shall be required to install a wrought iron or tubular steel fence. Wrought iron/tubular steel fences can be a maximum of eight (8) feet in height.
- (3) *Corner Lots.* Corner lots fences (*i.e. adjacent to the street*) shall provide masonry columns at 45-feet off center spacing that begins at the rear of the property line. A maximum of eight (8) foot solid *board-on-board panel* fence constructed utilizing cedar fencing shall be allowed between the masonry columns along the side and/or rear lot adjacent to a street. In addition, the fencing shall be setback from the side property line adjacent to a street a minimum of five (5) feet. The property owner shall be required to maintain both sides of the fence.
- (4) *Solid Fences (including Wood Fences).* All solid fences shall incorporate a decorative top rail or cap detailing into the design of the fence.

Exhibit 'D':
PD Development Standards

(f) *Landscape and Hardscape Standards.*

- (1) *Residential Landscape.* Landscaping shall be reviewed and approved with the PD Site Plan. All *Canopy/Shade Trees* planted within the residential development shall be a minimum of three (3) caliper inches in size and all *Accent/Ornamental/Under-Story Trees* shall be a minimum of four (4) feet in total height unless otherwise provided within this document.

- (2) *Single Family Landscaping.* Prior to the issuance of a Certificate of Occupancy (CO) all single-family lots shall conform to the following:

- i) *Interior Lots.* All interior lots shall include a minimum of two (2) trees with a diameter at breast height (dbh) [*i.e. the diameter in inches of a tree as measured through the main trunk at a point of four and one-half (4½) inches above the natural ground level*] of three (3) inches shall be planted in the front yard, and two (2) additional trees of the same caliper inch shall be planted in the side yard facing the street for corner lots.

Note: For the purposes of this section only, the term "front yard" includes the area within the dedicated right-of-way for a parkway immediately adjoining the front yard of the lot.

- ii) *Corner Lots.* All corner lots shall include a minimum of two (2) trees with a diameter at breast height (dbh) [*i.e. the diameter in inches of a tree as measured through the main trunk at a point of four and one-half (4½) inches above the natural ground level*] of three (3) inches shall be planted in the front yard of an interior lot.

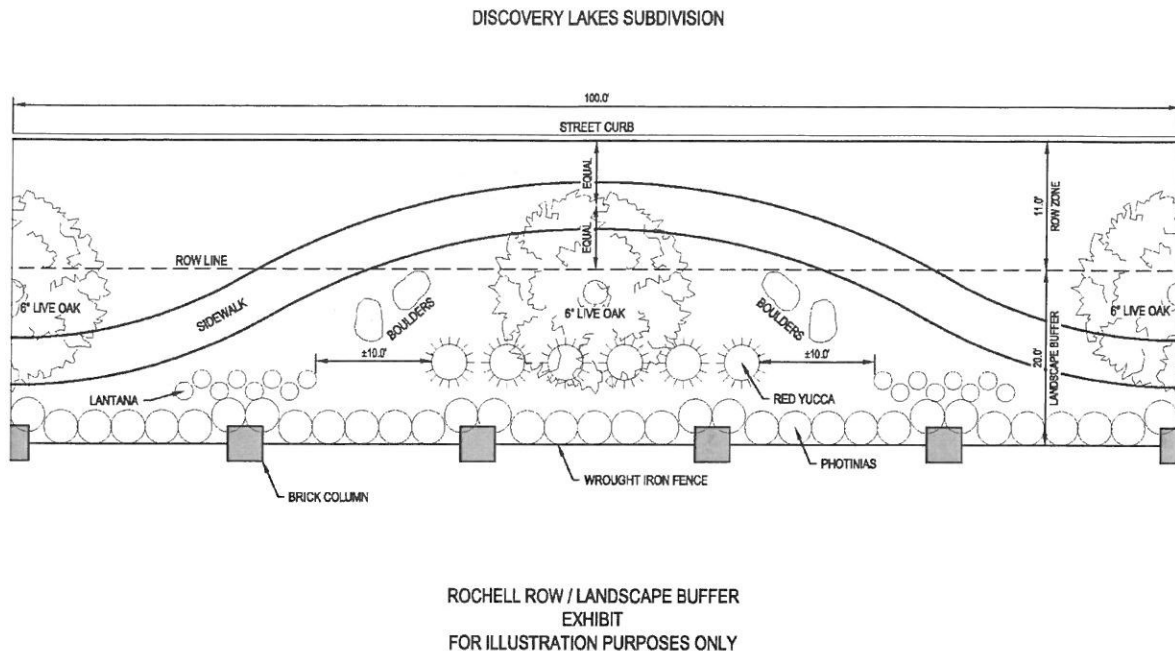
- (3) *Landscape Buffers.* All landscape buffers and plantings located within the buffers shall be maintained by the Homeowner's Association (HOA).

- (a) *Landscape Buffer and Sidewalks (Discovery Boulevard).* A minimum of a 15-foot landscape buffer shall be provided along the frontage of Discovery Boulevard, and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least one (1) canopy tree shall be planted per 30-feet of linear frontage.

- (b) *Landscape Buffer (Rochell Road).* A minimum of a 20-foot landscape buffer shall be provided along the frontage of Rochell Road (*outside of and beyond any required right-of-way dedication*), and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Shrubby shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. The landscape buffer along Rochell Road shall general conform to the following illustration [*i.e. Illustration 3*].

Exhibit 'D':
PD Development Standards

Illustration 3: Landscape Buffer along Rochell Road.



- (c) *Landscape Buffer (SH-276)*. A minimum of a 25-foot landscape buffer shall be provided along the frontage of SH-276, and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. In addition, all buffer-strip planting requirements shall conform to the requirements of Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code (*i.e. minimum four [4] inch caliper trees required*).
- (4) *Irrigation Requirements*. Irrigation shall be installed for all required landscaping located within common areas, landscape buffers and/or open space. Irrigation installed in these areas shall be designed by a Texas licensed irrigator or landscape architect and shall be maintained by the Homeowner's Association (HOA).
- (5) *Hardscape*. Hardscape plans indicating the location of all sidewalks and trails shall be reviewed and approved with the PD Site Plan.
- (g) *Lighting*. Light poles shall not exceed 20-feet in total height (*i.e. base and lighting standard*). All fixtures shall be directed downward and be positioned to contain all light within the development area.
- (h) *Sidewalks*.
- i) *Internal Sidewalks*. All sidewalks adjacent to an interior residential street shall begin 5½-feet from the back of curb and be five (5) feet in overall width.

Exhibit 'D':
PD Development Standards

- ii) *Sidewalks Adjacent to Rochell Road and Discovery Boulevard.* All sidewalks adjacent Rochell Road and Discovery Boulevard shall begin two (2) feet inside the right-of-way line and be five (5) feet in overall width.
 - (i) *Open Space.* The development shall consist of a minimum of 20% open space as calculated from the gross land area, and generally conform to the *Concept Plan* contained in *Exhibit 'C'* of this ordinance. Existing floodplain shall be counted at a rate of ½-acre for every acre provided (e.g., 10-acres of floodplain would count as 5-acres of open space). The Homeowner's Association (HOA) shall maintain all open space areas.
 - (j) *Neighborhood Signage.* Permanent subdivision identification signage shall be permitted at all major entry points for the proposed subdivision. Final design and location of any entry features shall be reviewed and approved with the *PD Site Plan*.
 - (k) *Community Center.* A site plan, landscape plan and building elevations shall be required for the proposed *Community Center* and shall be subject to site plan approval by the Planning and Zoning Commission prior to construction.
 - (l) *Homeowner's Association (HOA).* A Homeowner's Association shall be created to enforce the restrictions established in accordance with the requirements of *Section 38-15* of the Subdivision Regulations contained within the *Municipal Code of Ordinances* of the City of Rockwall. The HOA shall also maintain all neighborhood parks, trails, open space and common areas, irrigation, landscaping, amenity centers, screening fences associated with this development.
4. *Buried Utilities.* New distribution power-lines required to serve the *Subject Property* shall be placed underground, whether such lines are located internally or along the perimeter of the *Subject Property*, unless otherwise authorized by the City Council. New transmission power-lines, or distribution lines of a size not typically or cost effectively placed underground (*3-phase lines*), or additional lines that are added to existing poles, may be above ground, if located along the perimeter of the *Subject Property*. The Developer shall not be required to re-locate existing overhead power-lines along the perimeter of the *Subject Property*. Temporary power-lines constructed across undeveloped portions of the *Subject Property* to facilitate development phasing and looping may be allowed above ground, but shall not be considered existing lines at the time the area is developed, and if they are to become permanent facilities, such lines shall be placed underground pursuant to this paragraph. Franchise utilities shall be placed within a ten (10) foot public utility easement behind the sidewalk, between the home and the property line.
5. *Variances.* The variance procedures and standards for approval that are set forth in the Unified Development Code shall apply to any application for variances to this ordinance.

Planned Development (PD-78) City ordinance 15-24 - Discovery Lakes

Proposed Zoning Changes

Background:

Discovery Lakes, LLC (Owner) received approval from the City of Rockwall (City) for PD-78 on August 17, 2015. Since that time, the costs for bringing utilities to the site, specifically sanitary sewer, have increased dramatically from what the Owner understood would be required and have proven to be cost prohibitive. Since the fall of 2019 the Owner and the City have been working on plans to provide sanitary sewer service to the site by constructing a line and necessary lift stations and force mains to the Sabine Creek WWTP owned and operated by NTMWD and located in the city of Fate. This system will ultimately provide sewer capacity for the entire development and other unserved areas in the City of Rockwall and Rockwall's ETJ. Studies by NTMWD are underway to determine the ultimate route, size and preliminary cost. Cost participation by the City and the Owner will be negotiated at the conclusion of the NTMWD studies.

Since the period between the approval of PD-78 and now, the Owner has incurred significant expenses including property taxes, finance and interest costs, and maintenance and operation expenses on the property. The Owner is seeking ways to help offset these recurring costs as well as to provide a benefit to the City of Rockwall. These benefits would include developing a unique phase of the development that is currently not provided for in PD-78 but will provide overall lower density, a more timely development and the associated higher ad valorem property tax base on a higher end custom home product we believe the city will find desirable. This zoning change, when approved, would allow the development of this phase to proceed immediately following the appropriate approvals of plats and engineering. This would allow the project to begin and move forward with a smaller initial phase while the NTMWD study is completed and plans and ultimate construction of the sewer system takes place.

Proposed Zoning Change Highlights:

The Owner is seeking a zoning change that would increase the size of the Type "A" lots from 9,600 square feet to 43,560 square feet (one acre) and provide a location for this revised category of lot in the southeastern portion of the project which would contain up to 50 one-acre minimum lots. These lots would be located along the Brushy Creek floodplain and would not encroach or allow development into the floodplain boundaries or erosion hazard setback areas. The total number of lots would decrease from 507 to 428 and density per acre would decrease from 1.65 lots per acre to 1.39 lots per acre.

The one-acre lots in this phase would have separate faux guard gated entry features. These entry features would be unmanned but may contain video equipment to record traffic in and out of this phase. These entry features would not have actual gates or traffic control devices. These lots would be marketed and sold to custom builders with prices averaging in the \$200,000.00 range with home values expected to be in the \$750,000.00 to \$1.0 Million + range. These lots would have a minimum of ½ acre (22,000 sf) of land located outside of any Floodplain boundary and erosion hazard setback line, but would be deeded/platted to allow use of the floodplain per individual resident for open space, recreation. No construction or permanent improvements would be permitted in this area.

Sewer Service Would Be Provided In A Two-Stage Process:

- Stage 1 consists of construction of individual onsite sanitary sewer systems (OSSF's) that would be aerobic systems with drip irrigation versus spray systems. The drip systems require less land for the lines and drastically reduce potential odors and issues associated with spray (sprinkler) type systems. Our engineer has used these on multiple projects throughout Rockwall County and Texas. All systems would be designed by a State of Texas licensed Professional Engineer to Texas Commission on Environmental Quality (TCEQ) standards and oversight of installation would be arranged by a third party instead of the County's inspectors if required or desired by the City of Rockwall. The land area outside of any floodplain boundary necessary for these in ground drip irrigation systems is typically 0.5 acres or less. During the engineering design phase and prior to submission of the preliminary plat, site specific engineering, and soil investigation of this proposed phase will be conducted and results submitted to the City's engineering department for review. In addition to these OSSF's for each lot, the Owner will install appropriately sized sewer mains and lateral services at the time of development of this phase to allow the homes within this phase to connect to the City sewer system when it is ultimately constructed and brought to the development.
- Stage 2 includes the connection to the sanitary sewer system by each resident and abandonment in place of the OSSF's as per the city of Rockwall's ordinance requiring connection to City Sewer when it becomes available. The cost to disconnect from the OSSF and connect to the City's system shall be at the sole cost of the homeowner, and an appropriate disclosure regarding this potential obligation and cost shall be a part of all real-estate contracts between developer, homebuilder and homeowner.

The Proposed PD 78 Language and concept plan revisions are attached on the following pages:

The remaining sections of this page were intentionally left blank

~~CITY OF ROCKWALL~~

~~ORDINANCE NO. 15-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 AN AGRICULTURAL (AG) DISTRICT TO A PLANNED DEVELOPMENT DISTRICT FOR SINGLE FAMILY 10 (SF-10) AND GENERAL RETAIL (GR) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 316.315-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1 OF THE M. E. HAWKINS SURVEY, ABSTRACT NO. 100, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A' & EXHIBIT 'B'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.~~

~~WHEREAS, the City has received a request by the Stacy McVey of Double Eagle Properties, LLC on behalf of the owner 308 ON 276, LP for the approval of a zoning change from an Agricultural (AG) District to a Planned Development District for Single Family 10 (SF-10) and General Retail (GR) District land uses, on a 316.315-acre tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract No. 100, City of Rockwall, Rockwall County, Texas and more fully described in Exhibit 'A' & Exhibit 'B' of this ordinance, which hereinafter shall be referred to as the Subject Property and incorporated by reference herein; and~~

~~WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code [Ordinance No. 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 generally be in accordance with the Planned Development Concept Plan, described in Exhibit 'C' of this ordinance, attached hereto and incorporated herein by reference as Exhibit 'C', which is deemed hereby to be a condition of approval of the amended zoning classification for the Subject Property;~~

~~Section 3. That development of the Subject Property shall generally be in accordance with the 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 4. That a Master Parks and Open Space Plan for the Subject Property, shall be prepared in accordance with this ordinance and consistent with the Planned Development~~

~~Concept Plan depicted in Exhibit 'C' of this ordinance, and that the Master Parks and Open Space Plan shall be considered for approval by the City Council following a recommendation by the Parks and Recreation Board.~~

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

(a) ~~_____ The procedures set forth in the City's subdivision regulations on the date this ordinance is approved by the City, as amended by this ordinance (including Subsections 5(b) through 5(f) below), shall be the exclusive procedures applicable to the subdivision and platting of the 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) _____ | Open Space Master Plan |
| (2) _____ | Master Plat |
| (3) _____ | PD Development Plan (Required for Retail Areas Only) |
| (4) _____ | PD Site Plan |
| (5) _____ | Preliminary Plat |
| (6) _____ | Final Plat |

(c) ~~_____ A PD Development Plan must be approved for the area designated on the Planned Development Concept Plan as Retail prior to submittal of a PD Site Plan application and/or preliminary plat application. No Master Plat is required for the area designated on the Concept Plan as Retail. A traffic impact analysis for the retail tract 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 for each retail development.~~

(d) ~~_____ PD Site Plan. A PD Site Plan covering all of the Subject Property shall be submitted and shall identify all site/landscape/hardscape plan(s) for all open space, neighborhood parks, trail systems, street buffers and entry features. A PD Site Plan application may be processed by the City concurrently with a Preliminary Plat Application for the development.~~

(e) ~~_____ Preliminary Plat. A Preliminary Plat covering all of the Subject Property shall be submitted and shall include a Treescap Plan. A Preliminary Plat Application may be processed by the City concurrently with a PD Site Plan Application for the development.~~

(f) ~~_____ Final Plat. Prior to the issuance of any building permits, a Final Plat, conforming to the Preliminary Plat, for all of the Subject Property shall be submitted for approval.~~

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

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

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

~~**Section 9.** That this ordinance shall take effect immediately from and after its passage 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 20TH DAY OF JULY, 2015.**~~

Jim Pruitt, Mayor

ATTEST:

Kristy Ashberry, City Secretary

APPROVED AS TO FORM:

Frank J. Garza, City Attorney

1st Reading: _____ July 20, 2015

2nd Reading: _____ August 3, 2015

Exhibit 'A':
Legal Description

Field notes for a 316.315-acre (13,778,691 square foot) tract of land situated in the M. E. Hawkins Survey, Abstract No. 100, and the Robert K. Briscoe Survey, Abstract No. 16 in the City of Rockwall, Rockwall County, Texas, and being all of that certain called 308.52-acre tract of land described in a Special Warranty Deed to 308 ON 276, L.P., as recorded in Volume 03662, Page 00315, of the Office Public Records of Rockwall County, Texas (O.P.R.R.C.T.) with said 316.315-acre (13, 778,691 square feet) tract of land being more particularly described by metes and bounds as follows:

BEGINNING a railroad spike set in asphalt marking the northwest corner of said 308 on 276, L.P. tract and the common southwest corner of that certain called 21. 935 acre tract of land described as Tract One in a Warranty Deed to Rockwall Fund I, L.L.C., as recorded in Volume 1 110, Page 190, of the Deed Records of Rockwall County, Texas (D.R.R.C.T.) , said point being in the approximate center of Rochell Road, a county road with an unspecified right-of- way (R. O. W.) width;

THENCE North 89 degrees 00 minutes 24 seconds East (South 89 degrees 12 minutes 02 seconds East - deed call), along the common northerly line of said 308 ON 276, L.P. tract and the common southerly line of said Tract One, passing at a distance of 30. 00 feet, a 5/8 inch iron rod set with a yellow plastic cap stamped "THE WALLACE GROUP " ("cap ") for reference, continuing along said common line, passing at a distance of 1,799. 04-fee t, a ½-inch iron rod found marking the southeast corner of said Tract One, being common with the south west corner of that certain called 59.71-acre tract of land described in a Special Warranty Deed to Fate I- 30, L.P., as recorded in Volume 03542, Page 00039, O.P.R.R.C.T., continuing along the common northerly line of said 308 on 276, L.P. tract and the southerly line of said Fate I-30, L.P. tract, a total distance of 1,966.04 feet (1,902 .80 feet - deed call) to a 1/ 2 inch iron rod found marking the common most northerly northeast corner of said 308 on 276, L.P. tract and the north west corner of that certain coiled 85.479 acre tract of land described as Tract Two in the aforementioned Warranty Deed to Rockwall Fund I, L.L.C., as recorded in Volume 1 110, Page 190, O.R.R.C.T.;

THENCE South 01 degrees 59 minutes 29 seconds East (South 00 degrees 08 minutes 06 seconds West - deed call), along the common easterly line of said 308 ON 276, L.P. tract and the westerly line said Tract Two, a distance of 2,204.26-fee t (2,166.70-feet - deed call) to a 1/ 2 inch iron rod found marking an ell corner of said 308 ON 276, L.P. tract and the southwest corner of said Tract Two;

THENCE North 87 degrees 20 minutes 20 seconds East (North 89 degrees 12 minutes 02 seconds East - deed call), continuing along the common northerly line of said 308 on 276, L.P. tract an d the southerly line said Tract Two, a distance of 1,691. 90 feet (1,782.53 feet - deed call) to a 5/8 inch iron rod se t with "cap " marking the common most easterly northeast corner of said 308 on 276, L.P. tract and the southeast corner of said Tract Two, from which a ½-inch iron rod found bears North 87 degrees 20 minutes 20 seconds East at 10. 49 feet, said 5/8-inch iron rod set being on the west line of that certain called 212. 25 acre tract of land described in a Special Warranty Deed to South Rock wall Holdings, L.P., as recorded in Volume 03625, Page 00034, O.P.R.R.C.T.;

THENCE South 01 degrees 34 minutes 35 seconds East, along the common easterly line of said 308 ON 276, L.P. tract and the westerly line said South Rock wall Holdings tract, a distance of 309.68-feet to a 5/8-inch iron rod set with "cap " marking the southwest corner of said South Rock wall Holdings tract, being common with the northwest corner of Lot 8, Equestrian Estates, according to the plot thereof recorded in Cabinet A, Page 19 7, of the Plot Records of Rock wall County, Texas (P.R.R.C.T.);

THENCE South 00 degrees 50 minutes 42 seconds East, along the common easterly line of said 308 ON 276, L.P. tract and the westerly line said Equestrian Estates, a distance of 2,301.71 feet (South 00 degrees 06 minutes 38 seconds West, a distance of 2,580 . 60 feet - overall deed call) to a 5/8 inch iron rod set with "cap " marking the common southeast corner of said 308 ON 276, L.P. tract and on ell corner of the north R.O.W. line of State Highway No. 276 (having a variable width R.O.W.);

THENCE South 89 degrees 29 minutes 00 seconds West (North 89 degrees 29 minutes 07 seconds West - deed call), along the common southerly line of said 308 ON 2 76, L.P. tract and said north R.O.W. line of State Highway No. 276, passing at a distance of 1.66 feet a found TxDOT concrete monument, continuing along said common line for a tot al distance of 117.50-feet (115.83-feet - deed call) to a 5/8-inch iron rod set with "cap " marking the common ell corner of said 308 ON 276, L.P. tract and the most easterly southeast corner of that certain called 2.503-acre tract of land described as on Easement for Highway Purposes to the State of Texas, recorded in Volume 82, Page 583 of the Real Property Records of Rockwall County, Texas (R.P.R.R.C.T.);

THENCE North 00 degrees 31 minutes 03 seconds West (North 00 degrees 30 Minutes 13 seconds East - deed call), along a common interior line of said 308 on 2 76, L.P. tract and the easterly line of said Easement for Highway Purposes tract, a distance of 50.31-feet (50-feet - deed call) to a 5/8-inch iron rod set with "cap" marking the common ell corner of said 308 ON 276, L.P. tract and the north east corner of said Easement for Highway Purposes tract;

Exhibit 'A':
Legal Description

THENCE South 89 degrees 28 minutes 57 seconds West (North 89 degrees 29 minutes 47 seconds West - deed call), along the common southerly line of said 308 on 276, L.P. tract and the northerly line of said Easement for Highway Purposes tract, a distance of 543.40-feet (543.73-feet - deed call) to a 5/8-inch iron rod set with "cap " for corner;

THENCE South 89 degrees 13 minutes 58 seconds West (South 89 degrees 48 minutes 55 seconds West - deed call), continuing along the common southerly line of said 308 ON 276, L.P. tract and the northerly line of said Easement for Highway Purposes tract, a distance of 757. 25-feet (756.93-feet - deed call) to a 5/8-inch iron rod found marking a common ell corner of said 308 ON 276, L.P. tract and the northwest corner of said Easement for Highway Purposes tract;

THENCE South 00 degrees 46 minutes 03 seconds East (South 00 degrees 11 minutes 05 seconds East - deed call), along a common interior line of said 308 ON 276, L.P. tract and the westerly line of said Easement for Highway Purposes tract, a distance of 90.30-feet (87.44-feet - deed call) to a 5/8-inch iron rod set with "cap " marking a common ell corner of said 308 ON 276, L.P. tract and the southwest corner of said Easement for Highway Purposes tract, said point being on said north R.O.W. line of State Highway No. 276;

THENCE South 89 degrees 13 minutes 57 seconds West (North 89 degrees 53 minutes 27 seconds West - deed call), along the common southerly line of said 308 ON 276, L.P. tract and said north R.O.W. line of State Highway No. 276, passing at a distance of 1,667.76-feet a 5/8-inch iron rod set with "cap " for reference, continuing along said common line for a total distance of 1,917.07-feet (1,917.34-feet - deed call) to a found TxDOT concrete monument, marking the transitional R.O.W. line from said north R.O.W. line of State Highway No. 276 to the east R.O.W. line of Springer Lane, on 80-foot wide R.O.W., (formerly F.M. No. 1143), said point being the beginning of a non-tangent curve to the right, with the radius point being situated North 21 degrees 40 minutes 52 seconds East, a distance of 533.69-feet;

THENCE Northerly along the common curving westerly line of said 308 ON 276, L.P. tract and said curving east R.O.W. line of Springer Lane, with said non-tangent curve to the right, through a central angle of 67 degrees 33 minutes 20 seconds (48 degrees 33 minutes 57 seconds - deed call), having a radius of 533. 69-feet (613.69-feet - deed call), a tangent distance of 356.97-feet, a chord bearing North 34 degrees 32 minutes 28 seconds West (North 40 degrees 41 minutes 57 seconds West - deed call), at 593.43-feet, and an arc distance of 629.26-feet (520.18-feet - deed call) to a 5/8-inch iron rod set with "cap" at the end of said non-tangent curve;

THENCE North 00 degrees 53 minutes 56 seconds West (North 00 degrees 43 minutes 17 seconds West - deed call), continuing along the common westerly line of said 308 on 276, L.P. tract and said east R.O.W. line of Springer Lane, a distance of 294.21-feet (430.56-feet - deed call) to an axle found for the beginning of a non-tangent curve to the left , with the radius point being situated South 89 degrees 08 minutes 07 seconds West, a distance of 612.96-feet;

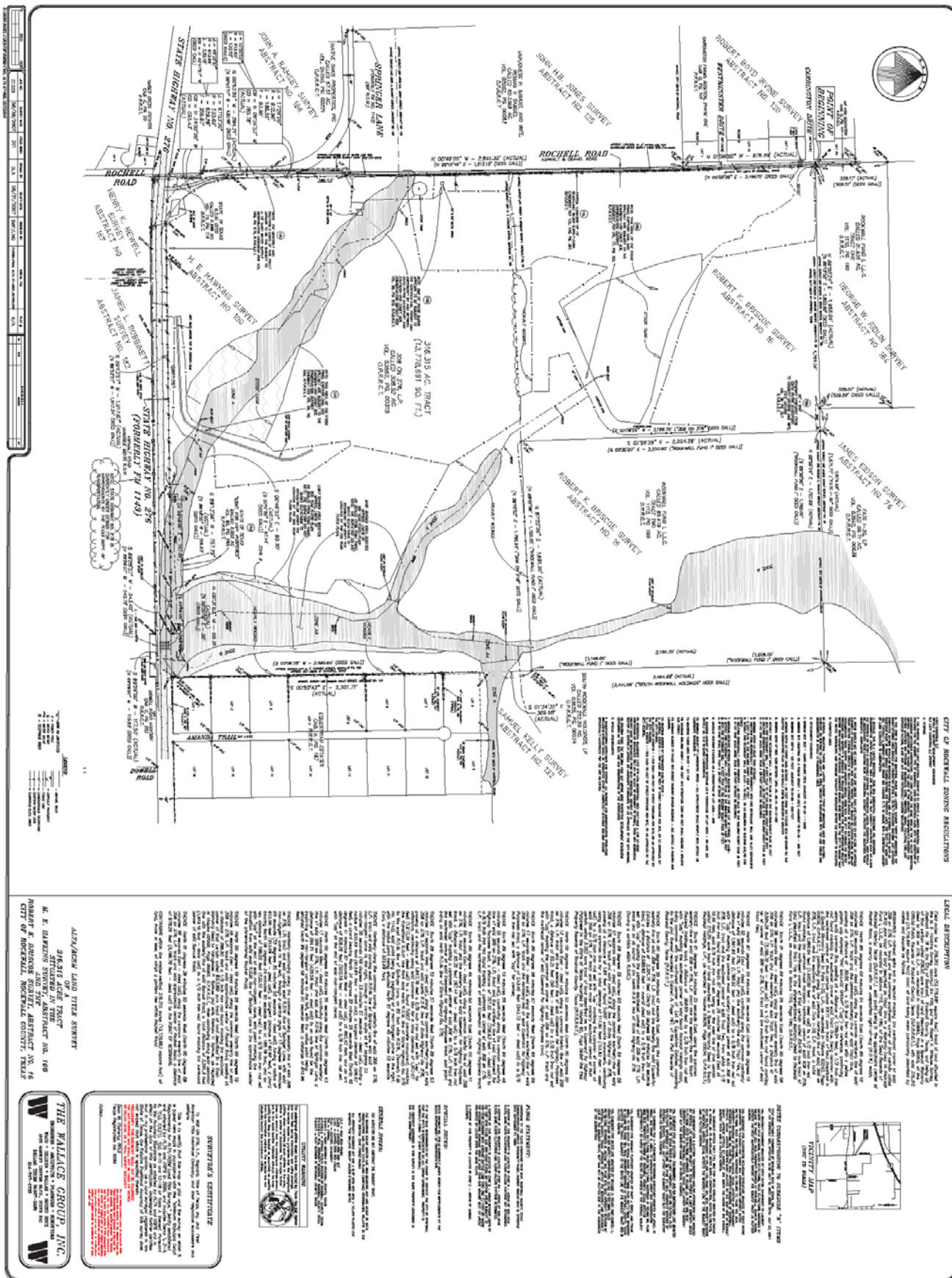
THENCE Northerly continuing along the common curving westerly line of said 308 ON 276, L.P. tract and said curving east R.O.W. line of Springer Lane, with said non-tangent curve to the left, through a central angle of 17 degrees 26 minutes 00 seconds (12 degrees 25 minutes 52 seconds - deed call), having a radius of 612.96-feet (613.69-feet - deed call), a tangent distance of 93.98 feet, a chord bearing North 09 degrees 34 minutes 53 seconds West at 185.78-feet, and an arc distance of 186.50-feet (133.15 feet - deed call) to a 5/8-inch iron rod set with "cap" at the end of said non-tangent curve, said point marking the transition from said east R.O.W. line of Springer Lane to the approximate center of the aforementioned Rochell Road;

THENCE North 00 degrees 49 minutes 05 seconds West (North 00 degrees 10 minutes 49 seconds East - deed call), along the common westerly line of said 308 ON 276, L.P. tract and said approximate center of Rochell Road, passing at a distance of 386.53-feet a ½-inch iron rod found marking the southeast corner of that certain called 60.3368-acre tract of land described in a Cash Warranty Deed to Varughese P. Samuel and wife, Remoni V. Samuel, as recorded in Volume 02002, Page 00062, O.P.R.R.C.T., then continuing along said common line with the easterly line of said Samuel tract, a total distance of 2,841.3-feet (1,613.15-feet - deed call) to a ½-inch iron rod found marking the northeast corner of said Samuel tract;

THENCE North 01 degrees 38 minutes 55 seconds West (North 00 degrees 08 minutes 06 seconds East - deed call), along the common westerly line of said 308 ON 276, L.P. tract and said approximate center of Rochell Road, a distance of 976.29-feet (2,166.70-feet - deed call) to the *POINT OF BEGINNING*.

CONTAINING within the metes recited 316.315-acres (13,778,692 square feet) of land, more or less, of which a portion lies within Rochell Road.

Exhibit 'B':
Survey



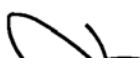


Exhibit 'C' **Existing and Proposed**
 Concept Plan

Proposed Concept Plan

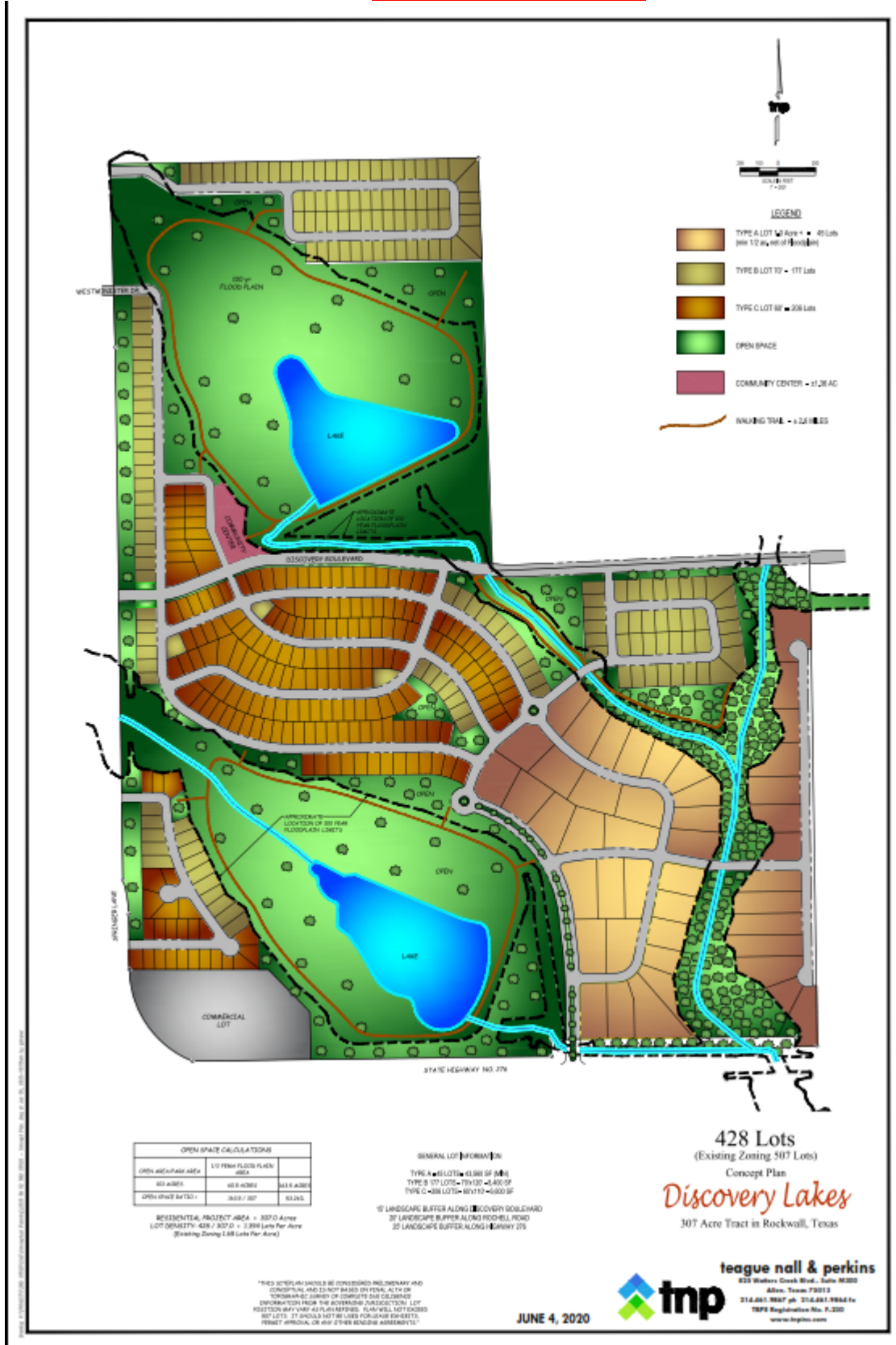


Exhibit 'D':
PD Development Standards

A. PURPOSE

The purpose of this PD Zoning change is to allow for an area located at the southeastern portion of the property to be developed as a high-end custom home phase, with minimum one-acre single family residential lots. It is the desire of the owner to retain all the other non-conflicting entitlements on the property per the existing PD requirements and development standards with exceptions that will be noted throughout this document. The developer recognizes and accepts that the acreage utilized for this proposed custom phase will result in a loss of development density, from 507 single family homes to approximately 428 Single family homes. The owner requests the right and flexibility to replace smaller lot types with the one acre lot type throughout future phases of the development, without the need to re-zone the PD as long as the general intent and layout of the approved revised concept plan is followed and the total number of lots does not increase.

To facilitate review of the proposed PD revisions, sections and development standards that are to be revised as a part of this re-zoning request will be highlighted in yellow throughout the document. All proposed revisions have been incorporated into the attached revised concept plan.

A.

The Discovery Lakes Subdivision is located at the northeast corner of the intersection of SH-276 and Rochell Road. The *Subject Property* is a short walk or bike ride from the Rockwall Technology Park. The Discovery Lakes Subdivision will be a master planned residential neighborhood that will incorporate two (2) lakes, several acres of open space and ~3.82.6-miles of hiking/jogging/biking trails. The master plan calls for 507~~428~~ single-family homes. There will be several view corridors strategically placed within the subdivision along with *front loaded* lots to provide for the enjoyment of the open space. A boulevard with 85-feet of right-of-way will connect SH-276 and be constructed up to the first round-about of the one acre lot phase ~~Discovery Boulevard~~. The boulevard will have a 14-foot landscape median and a 25-foot travel lane on each side of the street. The residential streets will be 29-feet back-to-back, with a 10½-foot parkway on each side for a total of 50-feet of right-of-way. A *Community Center* with a pool will be provided to add increased amenity for the subdivision. Commencement of the construction of the Community Center and pool will take place at or before the final platting of the 201st residential lot. Additionally, the proposed development will incorporate nine (9) acres of commercial space that will be located at the hard corner of SH-276 and Rochell Road. This area will allow for neighborhood service types of uses and eating establishments. A maximum of one (1) hotel planned to service the needs of the subdivision and the Rockwall Technology Park. A 55-acre area adjacent to the northern lake will be dedicated as public parkland to serve Park District No. 31. The Discovery Lakes Subdivision will be a benefit to the community, allowing citizens of all ages the opportunity to live, work, and play in a connected master planned community.

B. GENERAL REQUIREMENTS

Development Standards.

1. *Permitted Uses.* The following uses are permitted on the *Subject Property* in accordance with the Revised *Concept Plan* depicted in *Exhibit 'C'* of this ordinance.
 - (a) *Residential Uses.* Unless specifically provided by this Planned Development ordinance, only those uses permitted within the Single Family 10 (SF-10) District, as stipulated by the *Permissible Use Charts* contained in Article IV, *Permissible Uses*, of the Unified Development Code (UDC), shall be allowed for areas designated as *residential* on the *Concept Plan*.

Exhibit 'D':
PD Development Standards

(b) *Non-Residential*. Unless specifically provided by this Planned Development ordinance, only those uses permitted within the General Retail (GR) District, as stipulated by the *Permissible Use Charts* contained in Article IV, *Permissible Uses*, of the Unified Development Code (UDC), shall be allowed for areas designated as *commercial* on the *Concept Plan*; however, the following conditions shall apply:

(i) The following additional uses shall be permitted as *by-right* uses on the *Subject Property*:

- ☒ Hotel, Hotel (*Full Service*) or Motel (*With a Maximum Height of Four [4] Stories*) ¹
- ☒ Restaurant (*with Drive-Through or Drive-In*) ²
- ☒ Retail Store (*with more than two [2] Gasoline Dispensers*)

Notes:

¹: A maximum of one (1) hotel/motel shall be permitted with this Planned Development District. The height requirement of four (4) stories is permitted to exceed 36-feet, but in no case shall exceed 60-feet.

²: A maximum of three (3) restaurants (despite the size of the restaurant) shall be permitted within this Planned Development District.

(ii) The following uses shall be prohibited on the *Subject Property*:

- ☒ Convent or Monastery
- ☒ Hotel, Residence
- ☒ Cemetery/Mausoleum
- ☒ Mortuary or Funeral Chapel
- ☒ Social Service Provider
- ☒ Billiard Parlor or Pool Hall
- ☒ Carnival, Circus, or Amusement Ride
- ☒ Commercial Amusement/Recreation (*Outside*)
- ☒ Gun Club, Skeet or Target Range (*Indoor*)
- ☒ Astrologer, Hypnotist, or Psychic Art and Science
- ☒ Garden Supply /Plant Nursery
- ☒ Night Club, Discotheque, or Dance Hall
- ☒ Secondhand Dealer
- ☒ Car Wash, Self Service
- ☒ Mining and Extraction (Sand, Gravel, Oil and/or Other)
- ☒ Helipad
- ☒ Railroad Yard or Shop
- ☒ Transit Passenger Facility

2. *Non-Residential Development*. The area designated as *commercial* on the **Revised** *Concept Plan* depicted in *Exhibit 'C'* of this ordinance shall be designed to be pedestrian-oriented, easily accessible, and integrated into the general design scheme of the adjacent neighborhood. This can be accomplished by removing the traditional barriers utilized to separate commercial and residential developments (e.g. *screening walls*) and incorporating landscape buffers/elements (e.g. *greenspace, parkways, and etcetera*) and urban design elements (e.g. *pathways, pergolas, and etcetera*) that can create compatibility with the adjacent single-family neighborhood. To better achieve this goal and in addition to the requirements of Section 4.1, *General Commercial District Standards*, and Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code, all commercial development shall be required to adhere to the following supplemental standards:

Exhibit 'D':
PD Development Standards

- (a) *Retail Landscape*. Landscaping shall be reviewed and approved with the PD Site Plan. All Canopy/Shade Trees planted within the retail development shall be a minimum of four (4) caliper inches in size and all *Accent/Ornamental/Under-Story Trees* shall be a minimum of four (4) feet in total height unless otherwise provided within this document.
- (b) *Retail Landscape Buffers*. All landscape and plantings located within the buffers shall be maintained by the property owner.
 - (1) *Landscape Buffer (Residential Adjacency)*. Where residential and retail uses share a direct adjacency, a minimum of a 30-foot landscape buffer shall be provided by the retail property adjacent to the residential property. This area shall incorporate ground cover, a *built-up* berm and shrubbery along the entire length of the adjacency. This area should also incorporate pedestrian-oriented design elements (e.g. *pathways*) that allow access between the two (2) uses. Shrubby utilized in this area shall have a minimum height of 30-inches and a maximum height of 48-inches. Additionally, trees should be incorporated in this area to break up the façades of any commercial buildings.
 - (2) *Landscape Buffer and Sidewalks (SH-276)*. A minimum of a 15-foot landscape buffer shall be provided along the frontage of SH-276, and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. All buffer-strip planting requirements shall conform to the requirements of Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code.
 - (3) *Landscape Buffer (Rochell Road Retail)*. A minimum of a 20-foot landscape buffer shall be provided along the frontage of Rochell Road (*outside of and beyond any required right-of-way dedication*), and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage.
- (c) *Sidewalks*.
 - i) *Sidewalk Adjacent to Rochell Road and SH-276*. The developer shall be responsible for the construction of a five (5) foot sidewalk that meanders through the required 20-foot landscape buffer adjacent to Rochell Road and SH-276.
- 3. *Residential Development Standards*. Except as modified by these *Development Standards*, the residential uses depicted in *Exhibit 'C'* of this ordinance shall be subject to the development standards for a Single Family 10 (SF-10) District as stipulated by Section 3.1, *General Residential District Standards*; Section 3.4, *Single-Family Residential (SF-10) District*; and Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code. In addition, all residential development shall adhere to the following standards:
 - (a) *Lot Composition and Layout*. The lot layout and composition of the *Subject Property* shall generally conform to the Revised *Concept Plan* depicted in *Exhibit 'C'* and stated in

Exhibit 'D':
PD Development Standards

Table 1 below. Allowances for changes to the quantity and locations of each lot type are permitted in conformance with the requirements listed below; however, in no case shall the proposed development exceed ~~435507~~ units.

Table 1: Lot Composition

Lot Type	Minimum Lot Size Dimensions (FT)	Minimum Lot Size (SF)	Dwelling Units (#)	Dwelling Units (%)
A	80' x 200 120 '	9,600 43,560 SF	42 145	23.87 10.51 %
B	70' x 110'	7,700 SF	42 7 177	25.05 41.36 %
C	60' x 110'	6,600 SF	259 206	51.08 48.13 %

Maximum Permitted Units: ~~507~~~~428~~ 100.00%

The allocation of single-family dwellings among lot types may deviate from Table 1 provided that the proposed lot composition meets the following criteria:

- (1) The total number of lots does not exceed ~~435525~~ units; and,
- (2) The average lot size for the total development is not less than 7,500 SF (*i.e. total square footage of all lots/total number of lots*); and,
- (3) Lot Type "A" shall not be decrease below ~~115~~~~40~~ lots; and,
- (4) Lot Type "B" shall not be decreased below ~~38~~~~23~~% of the total ~~428~~~~507~~ lots; and,
- ~~(5)~~ Lot Type "C" shall not be increased beyond 55% of the total ~~507~~~~428~~ lots.

- (b) *Density and Dimensional Requirements.* The maximum permissible density for the Subject Property shall not exceed 1.70 dwelling units per gross acre of land; however, in no case should the proposed development exceed ~~507~~~~435~~ units. All lots shall conform to the standards depicted in Table 2 below and generally conform to the Revised Exhibit 'C' of this ordinance.

Table 2: Lot Dimensional Requirements

Lot Type (see Concept Plan) ►	A	B	C
Minimum Lot Width ⁽¹⁾ & ⁽⁵⁾ & ⁽⁷⁾	80'	70'	60'
Minimum Lot Depth	120 200 '	110'	110'
Minimum Lot Area ⁽⁸⁾	9,600 43,560 SF	7,700 SF	6,600 SF
Minimum Front Yard Setback ⁽²⁾ & ⁽⁶⁾	20 25 '	20'	20'
Minimum Side Yard Setback	6 10 '	5'	5'
Minimum Side Yard Setback (Adjacent to a Street) ⁽²⁾	15 20 '	15'	15'
Minimum Length of Driveway Pavement	20 25 '	20'	20'
Maximum Height ⁽³⁾	36'	36'	36'
Minimum Rear Yard Setback ⁽⁴⁾	10 20 '	10'	10'
Minimum Area/Dwelling Unit (SF) [Air Conditioned Space]	2,800 3,200 SF	2,250 SF	2,000 SF
Garage Orientation	J-Swing or Front	J-Swing or Front	J-Swing or Front
Maximum Number of Front Entry Garages Permitted	48 15	42	173
Maximum Lot Coverage	65%	65%	65%

General Notes:

- 1: The minimum lot width shall be measured at the *Front Yard Building Setback*.
- 2: The location of the *Front Yard Building Setback* as measured from the front property line.
- 3: The *Maximum Height* shall be measured to the eave or top plate (whichever is greater) of the single family home.
- 4: As measured from the rear yard property line.
- 5: Lots fronting onto a curvilinear street, cul-de-sac or eyebrow may have the lot width reduced by up to

Exhibit 'D':
PD Development Standards

20% as measured at the front property line provided that the lot width is met at the front building line. Additionally, the lot depth on lots fronting onto curvilinear streets, cul-de-sacs and eyebrows maybe reduced by up to ten (10%) percent, but shall meet the minimum lot size for each lot type.

6. Sunrooms, porches, stoops, bay windows, balconies, masonry clad chimneys, eaves and similar architectural features may encroach beyond the Front Yard Building Setback by up to ten (10) feet for any property that increases the Front Yard Building Setback to 20-feet; however, the encroachment shall not exceed five (5) feet on Side Yard Setbacks (Adjacent to a Street) and shall not encroach into public right-of-way [a Sunroom is an enclosed room no more than 15-feet in width that has glass on at least 50% of each of the encroaching faces].
7. All lots with a *J-Swing* or *Traditional Swing* driveway require a minimum of a 65-foot lot width.
8. All Type "A" lots shall have a minimum of 22,000 SF outside the limits of the 100 year Floodplain and the city's erosion hazard setback. Area within the floodplain that is contiguous to the 22,000 sf lot area and extends along the projected property line boundaries to the centerline of the floodplain area shall be restricted to recreational use only and no permanent structures, improvements, excavation or placement of fill are allowed in the floodplain or erosion hazard setback area. Trees in the designated flood area are to be left in a natural state and can only be removed if disease or significant damage has occurred to the trees.

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

- (1) *Masonry Requirement.* The minimum masonry requirement for the exterior façades of all buildings shall be 80%. For the purposes of this ordinance the masonry requirement shall be limited to full width brick, natural stone, and cultured stone. Cementaceous fiberboard horizontal lap-siding (e.g. *HardiBoard* or *Hardy Plank*) and/or stucco (i.e. *three [3] part stucco* or a comparable -- to be determined by staff) shall be permitted to be used to meet up to 50% of the masonry requirement.
- (2) *Roof Pitch.* A minimum of an 8:12 roof pitch is required on all structures with the exception of porches, which shall have a minimum of a 4:12 roof pitch for all Type B&C Lots.- Type A lots may have variable pitch roofs that may vary from the minimum standards if they conform to a specific architectural theme as submitted and approved by the developer and or the HOA.
- (3) *Garage Orientation.* Garages shall be provided as stipulated by *Table 2: Lot Dimensional Requirements*. Garages permitted for front entry maybe oriented toward the street; however, the front façade of the garage must be situated a minimum of 20-feet off the front property line. All front entry garages shall incorporate an architectural element or feature separating the individual garage openings. *Swing, Traditional Swing* or *J-Swing* garages are permitted to have a second single garage door facing the street as long as it is behind the width of the double garage door situated in the *Swing* configuration.
- ~~(3)~~(4) *Onsite Sanitary Sewer Facilities (OSSF's).* OSSF's shall be allowed on Type "A" lots only, and must contain a minimum of 22,000 SF outside of any floodplain boundary and City of Rockwall's erosion hazard setback line. OSSF's shall be designed by a State of Texas registered Professional Engineer, and each design shall specify an aerobic type system with drip (underground) irrigation systems. All systems shall meet the standards of the Texas Commission on Environmental Quality (TCEQ) and each installed system shall be inspected and by a third party licensed Inspector and paid for by the developer. Operation and maintenance of each individual OSSF shall be the responsibility of the homeowner and the city shall take no responsibility whatsoever as to the proper design, installation, operation and maintenance of the system. In addition to the installation of OSSF's for the Type "A" lots, each constructed home must provide a secondary connection that will

Exhibit 'D':
PD Development Standards

allow the resident to disconnect and abandon the OSSF and connect to the City provided sanitary sewer system, if and when it becomes available. The Developer, during the development of any phase that contains any Type "A" lots will be responsible to construct properly sized underground sanitary sewer mains with appropriate sewer laterals to allow for connection to Type "A" homes when and if the City provides City Sanitary Sewer service to the development. The cost to disconnect from the OSSF and connect to the City's system shall be at the sole cost of the homeowner, and an appropriate disclosure regarding this potential obligation and cost shall be a part of all real-estate contracts between developer, homebuilder and homeowner.

- (d) *Anti-Monotony Restrictions.* The development shall adhere to the Anti-Monotony Matrix depicted in Table 3 below (for spacing requirements see the illustration on the following page).

Table 3 : Anti-Monotony Matrix

Lot Type	Minimum Lot Size	Elevation Features
A	80' x 200 120'	(1), (2), (3)
B	70' x 110'	(1), (2), (3)
C	60' x 110'	(1), (2), (3)

- (1) Identical brick blends or paint colors may not occur on adjacent (*side-by-side*) properties along any block face without at least four (4) intervening homes of differing materials on the same side of the street beginning with the adjacent property and two (2) intervening homes of differing materials on the opposite side of the street.
- (2) Front building elevations shall not repeat along any block face without at least four (4) intervening homes of differing appearance on the same side of the street and two (2) intervening homes of differing appearance on the opposite side of the street. The rear elevation of homes backing to open spaces or on SH-276 shall not repeat without at least five (5) intervening homes of differing appearance. Homes are considered to have a differing appearance if any of the following two (2) items deviate:
 - (a) Number of Stories
 - (b) Permitted Encroachment Type and Layout
 - (c) Roof Type and Layout
 - (d) Articulation of the Front Façade
- (3) Each phase of the subdivision will allow for a maximum of four (4) compatible roof colors, and all roof shingles shall be an architectural or dimensional shingle (*3-Tab Roofing Shingles are prohibited*). Type A lots may use slate, imitation slate, tile, concrete tile or other imitation tile, standing seam metal, or other high-end type roof materials as approved by the developer.

See the Illustrations on the following page.

Exhibit 'D':
PD Development Standards

Illustration 1: Properties line up on the opposite side of the street. Where RED are the same.



Illustration 2: Properties do not line up on opposite side of the street. Where RED are the same.



(e) *Fencing Standards.* All individual residential fencing and walls shall be architecturally compatible with the design, materials and colors of the primary structure on the same lot, and meet the following standards:

- (1) *Wood Fences.* All wood fences shall be constructed of a standard fencing material (*minimum of ½" thickness or better; spruce fencing will not be allowed*), and use fasteners that are hot dipped galvanized or stainless steel. Wood fences facing onto a street shall be painted and/or stained and sealed with all pickets being placed on the *public side* facing the street. All wood fences shall be smooth-finished, free of burs and splinters, and be a maximum of eight (8) feet in height.
- (2) *Wrought Iron/Tubular Steel.* Lots located along the perimeter of roadways, abutting open spaces, greenbelts and parks shall be required to install a wrought iron or tubular steel fence. Wrought iron/tubular steel fences can be a maximum of eight (8) feet in height.

Exhibit 'D':
PD Development Standards

- (3) *Corner Lots.* Corner lots fences (*i.e. adjacent to the street*) shall provide masonry columns at 45-feet off center spacing that begins at the rear of the property line. A maximum of eight (8) foot solid *board-on-board panel* fence constructed utilizing cedar fencing shall be allowed between the masonry columns along the side and/or rear lot adjacent to a street. In addition, the fencing shall be setback from the side property line adjacent to a street a minimum of five (5) feet. The property owner shall be required to maintain both sides of the fence.
- (4) *Solid Fences (including Wood Fences).* All solid fences shall incorporate a decorative top rail or cap detailing into the design of the fence.

(f) *Landscape and Hardscape Standards.*

- (1) *Residential Landscape.* Landscaping shall be reviewed and approved with the PD Site Plan. All *Canopy/Shade Trees* planted within the residential development shall be a minimum of three (3) caliper inches in size and all *Accent/Ornamental/Under-Story Trees* shall be a minimum of four (4) feet in total height unless otherwise provided within this document.
- (2) *Single Family Landscaping.* Prior to the issuance of a Certificate of Occupancy (CO) all single-family lots shall conform to the following:

- i) *Interior Lots.* All interior lots shall include a minimum of two (2) trees with a diameter at breast height (dbh) [*i.e. the diameter in inches of a tree as measured through the main trunk at a point of four and one-half (4½) inches above the natural ground level*] of three (3) inches shall be planted in the front yard, and two (2) additional trees of the same caliper inch shall be planted in the side yard facing the street for corner lots.

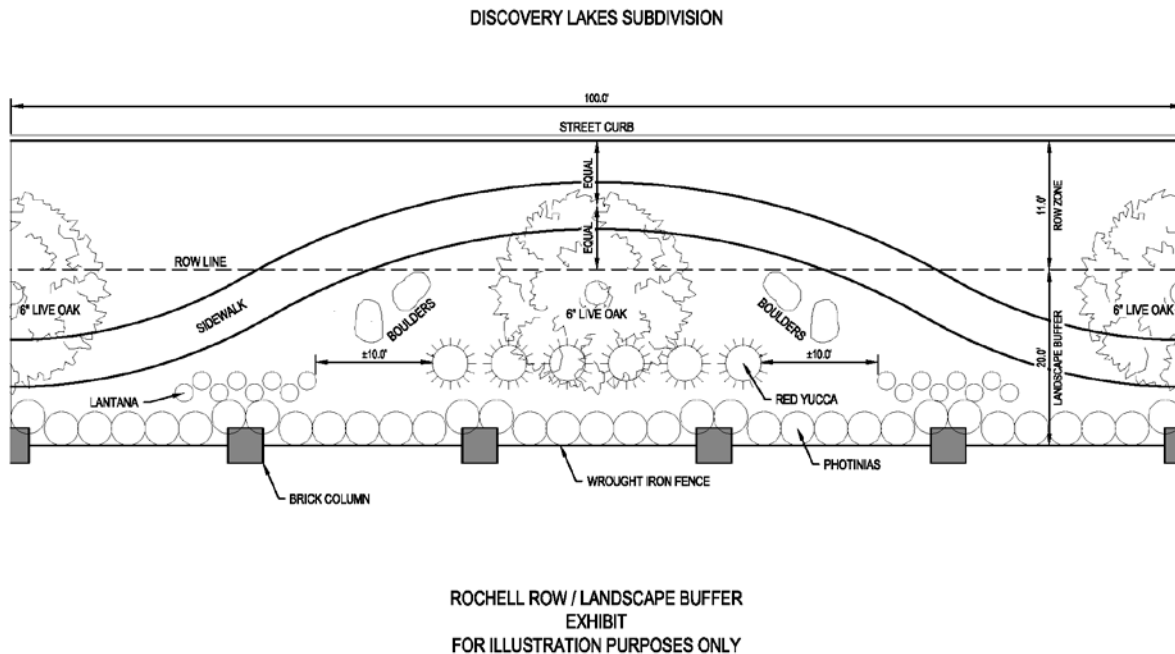
Note: For the purposes of this section only, the term "front yard" includes the area within the dedicated right-of-way for a parkway immediately adjoining the front yard of the lot.

- ii) *Corner Lots.* All corner lots shall include a minimum of two (2) trees with a diameter at breast height (dbh) [*i.e. the diameter in inches of a tree as measured through the main trunk at a point of four and one-half (4½) inches above the natural ground level*] of three (3) inches shall be planted in the front yard of an interior lot.
- (3) *Landscape Buffers.* All landscape buffers and plantings located within the buffers shall be maintained by the Homeowner's Association (HOA).
 - (a) *Landscape Buffer and Sidewalks (Discovery Boulevard).* A minimum of a 15-foot landscape buffer shall be provided along the frontage of Discovery Boulevard, and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least one (1) canopy tree shall be planted per 30-feet of linear frontage.
 - (b) *Landscape Buffer (Rochell Road).* A minimum of a 20-foot landscape buffer shall be provided along the frontage of Rochell Road (*outside of and beyond*

Exhibit 'D':
PD Development Standards

any required right-of-way dedication), and shall incorporate ground cover, a built-up berm and/or shrubbery or a combination thereof along the entire length of the frontage. Shrubberty shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. The landscape buffer along Rochell Road shall general conform to the following illustration [i.e. *Illustration 3*].

Illustration 3: Landscape Buffer along Rochell Road.



(c) *Landscape Buffer (SH-276)*. A minimum of a 25-foot landscape buffer shall be provided along the frontage of SH-276, and shall incorporate ground cover, a built-up berm and/or shrubbery or a combination thereof along the entire length of the frontage. Shrubberty shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. In addition, all buffer-strip planting requirements shall conform to the requirements of Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code (i.e. minimum four [4] inch caliper trees required).

(4) *Irrigation Requirements*. Irrigation shall be installed for all required landscaping located within common areas, landscape buffers and/or open space. Irrigation installed in these areas shall be designed by a Texas licensed irrigator or landscape architect and shall be maintained by the Homeowner's Association (HOA).

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

Exhibit 'D':
PD Development Standards

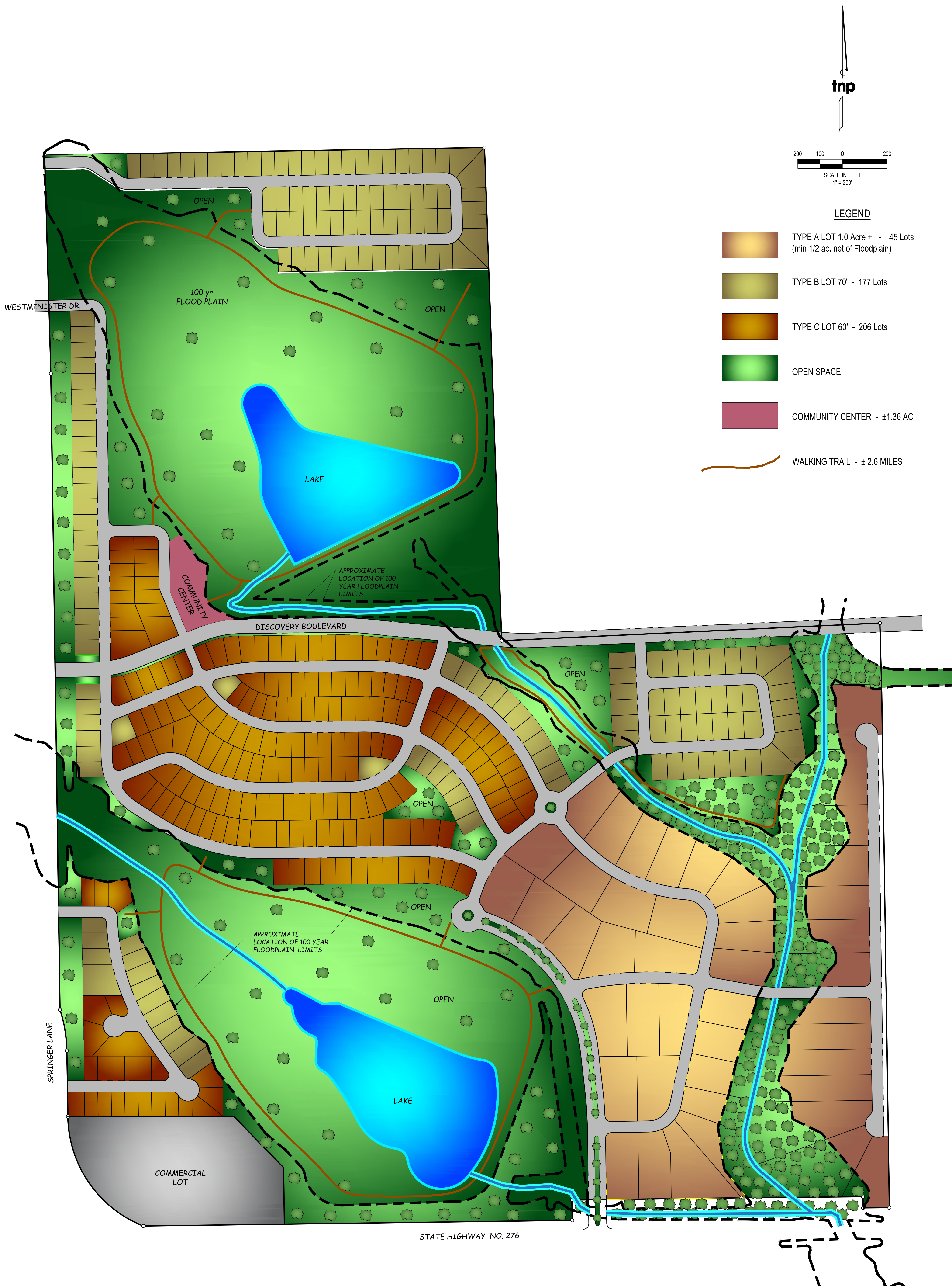
- ~~(5)~~(6) Faux Guard entry feature for Type "A" lot Phase. A faux guard entry with video monitoring shall be allowed at one or more of the entrances of the Type "A" lot phase. These guard entry features will be unmanned but may contain a video recording device of traffic into and out of this phase. Guard entry feature plans and associated landscaping shall be reviewed and approved with the PD Site Plan.
- (g) *Lighting.* Light poles shall not exceed 20-feet in total height (*i.e. base and lighting standard*). All fixtures shall be directed downward and be positioned to contain all light within the development area.
- (h) *Sidewalks.*
- i) *Internal Sidewalks.* All sidewalks adjacent to an interior residential street shall begin 5½-feet from the back of curb and be five (5) feet in overall width.
- ii) *Sidewalks Adjacent to Rochell Road and Discovery Boulevard.* All sidewalks adjacent Rochell Road and Discovery Boulevard shall begin two (2) feet inside the right-of-way line and be five (5) feet in overall width.
- (i) *Open Space.* The development shall consist of a minimum of 20% open space as calculated from the gross land area, and generally conform to the *Concept Plan* contained in the Revised Exhibit 'C' of this ordinance. Existing floodplain shall be counted at a rate of ½-acre for every acre provided (*e.g., 10-acres of floodplain would count as 5-acres of open space*). The Homeowner's Association (HOA) shall maintain all open space areas.
- (j) *Neighborhood Signage.* Permanent subdivision identification signage shall be permitted at all major entry points for the proposed subdivision. Final design and location of any entry features shall be reviewed and approved with the *PD Site Plan*.
- (k) *Community Center.* A site plan, landscape plan and building elevations shall be required for the proposed *Community Center* and shall be subject to site plan approval by the Planning and Zoning Commission prior to construction. Commencement of the construction of the Community Center and pool will take place at or before the final platting of the 201st residential lot.
- (l) *Homeowner's Association (HOA).* A Homeowner's Association shall be created to enforce the restrictions established in accordance with the requirements of *Section 38-15* of the Subdivision Regulations contained within the *Municipal Code of Ordinances* of the City of Rockwall. The HOA shall also maintain all neighborhood parks, trails, open space and common areas, irrigation, landscaping, amenity centers, screening fences associated with this development.
4. *Buried Utilities.* New distribution power-lines required to serve the *Subject Property* shall be placed underground, whether such lines are located internally or along the perimeter of the *Subject Property*, unless otherwise authorized by the City Council. New transmission power-lines, or distribution lines of a size not typically or cost effectively placed underground (*3-phase lines*), or additional lines that are added to existing poles, may be above ground, if located along the perimeter of the *Subject Property*. The Developer shall not be required to re-locate existing overhead power-lines along the perimeter of the *Subject Property*. Temporary power-lines constructed across undeveloped portions of the *Subject Property* to facilitate development phasing and looping may be allowed above ground, but shall not be

Exhibit 'D':
PD Development Standards

considered existing lines at the time the area is developed, and if they are to become permanent facilities, such lines shall be placed underground pursuant to this paragraph. Franchise utilities shall be placed within a ten (10) foot public utility easement behind the sidewalk, between the home and the property line.

5. *Variances*. The variance procedures and standards for approval that are set forth in the Unified Development Code shall apply to any application for variances to this ordinance.

Drawing: P:\PROJECTS\SDO 2020\0401\Conceptual Planning\2020_06_02_SDO_2020 - Concept Plan.dwg at Jun 05, 2020 - 10:55am by gshiner



LEGEND

- TYPE A LOT 1.0 Acre + - 45 Lots (min 1/2 ac. net of Floodplain)
- TYPE B LOT 70' - 177 Lots
- TYPE C LOT 60' - 206 Lots
- OPEN SPACE
- COMMUNITY CENTER - ±1.36 AC
- WALKING TRAIL - ± 2.6 MILES

OPEN SPACE CALCULATIONS		
OPEN AREA/PARK AREA	1/2 FEMA FLOOD PLAIN AREA	
103 ACRES	60.5 ACRES	163.5 ACRES
OPEN SPACE RATIO =	163.5 / 307	53.26%

RESIDENTIAL PROJECT AREA = 307.0 Acres
LOT DENSITY: 428 / 307.0 = 1.394 Lots Per Acre
(Existing Zoning 1.65 Lots Per Acre)

GENERAL LOT INFORMATION

TYPE A - 45 LOTS - 43,560 SF (MIN)
TYPE B 177 LOTS - 70'x120' - 8,400 SF
TYPE C - 206 LOTS - 60'x110' - 6,600 SF

15' LANDSCAPE BUFFER ALONG DISCOVERY BOULEVARD
20' LANDSCAPE BUFFER ALONG ROCHELL ROAD
25' LANDSCAPE BUFFER ALONG HIGHWAY 276

428 Lots
(Existing Zoning 507 Lots)
Concept Plan

Discovery Lakes
307 Acre Tract in Rockwall, Texas

"THIS SITEPLAN SHOULD BE CONSIDERED PRELIMINARY AND CONCEPTUAL AND IS NOT BASED ON FINAL ALTA OR TOPOGRAPHIC SURVEY OF COMPLETE DUE DILIGENCE INFORMATION FROM THE GOVERNING JURISDICTION. LOT POSITION MAY VARY AS PLAN REFINED. PLAN WILL NOT EXCEED 507 LOTS. IT SHOULD NOT BE USED FOR LEASE EXHIBITS, PERMIT APPROVAL OR ANY OTHER BINDING AGREEMENTS."

JUNE 4, 2020



teague nall & perkins
825 Watters Creek Blvd., Suite M300
Allen, Texas 75013
214.461.9867 ph 214.461.9864 fx
TBPE Registration No. F-230
www.tnpinc.com



DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO.

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

DIRECTOR OF PLANNING:

CITY ENGINEER:

Please check the appropriate box below to indicate the type of development request [SELECT ONLY ONE BOX]:

Platting Application Fees:

- ☐ Master Plat (\$100.00 + \$15.00 Acre) 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 (\$4,940.00)
- ☐ Specific Use Permit (\$200.00 + \$15.00 Acre) ¹
- ☐ PD Development Plans (\$200.00 + \$15.00 Acre) ¹

Other Application Fees:

- ☐ Tree Removal (\$75.00)
- ☐ Variance Request (\$100.00)

Notes:

¹: In determining the fee, please use the exact acreage when multiplying by the per acre amount. For requests on less than one acre, round up to one (1) acre.

PROPERTY INFORMATION [PLEASE PRINT]

Address	Highway 276		
Subdivision	Discovery Lakes PD-78	Lot	Block
General Location	315 acres at the northeast corner of Hwy 276 and Rojhell Road		

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

Current Zoning	Discovery Lakes PD-78		Current Use	Ag	
Proposed Zoning	PD		Proposed Use	Residential	
Acreage	316.315 Acres	Lots [Current]	507	Lots [Proposed]	428

☐ **SITE PLANS AND PLATS:** By checking this box you acknowledge that due to the passage of HB3167 the City no longer has flexibility with regard to its approval process, and failure to address any of staff's comments by the date provided on the Development Calendar will result in the denial of your case.

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

<input type="checkbox"/> Owner	Discovery Lakes, LLC	<input checked="" type="checkbox"/> Applicant	Teague Nall & Perkins
Contact Person	Nick DiGiuseppe	Contact Person	Chris Cuny, P.E.
Address	15400 Knoll Trail Ste 230	Address	2 Horizon Court Ste 500
City, State & Zip	Dallas, Texas 75248	City, State & Zip	Heath, Texas 87032
Phone	214-803-3783	Phone	972-965-1541
E-Mail	southbrookinvestments@outlook.com	E-Mail	ccuny@tnpinc.com

NOTARY VERIFICATION [REQUIRED]

Before me, the undersigned authority, on this day personally appeared Nick DiGiuseppe [Owner] the undersigned, who stated the information on this application to be true and certified the following:

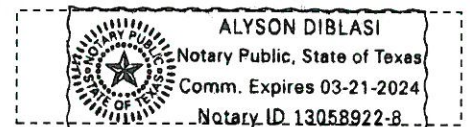
"I hereby certify that I am the owner for the purpose of this application; all information submitted herein is true and correct; and the application fee of \$4,940.00 to cover the cost of this application, has been paid to the City of Rockwall on this the 18th day of June, 2020. By signing this application, 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 18th day of June, 2020.

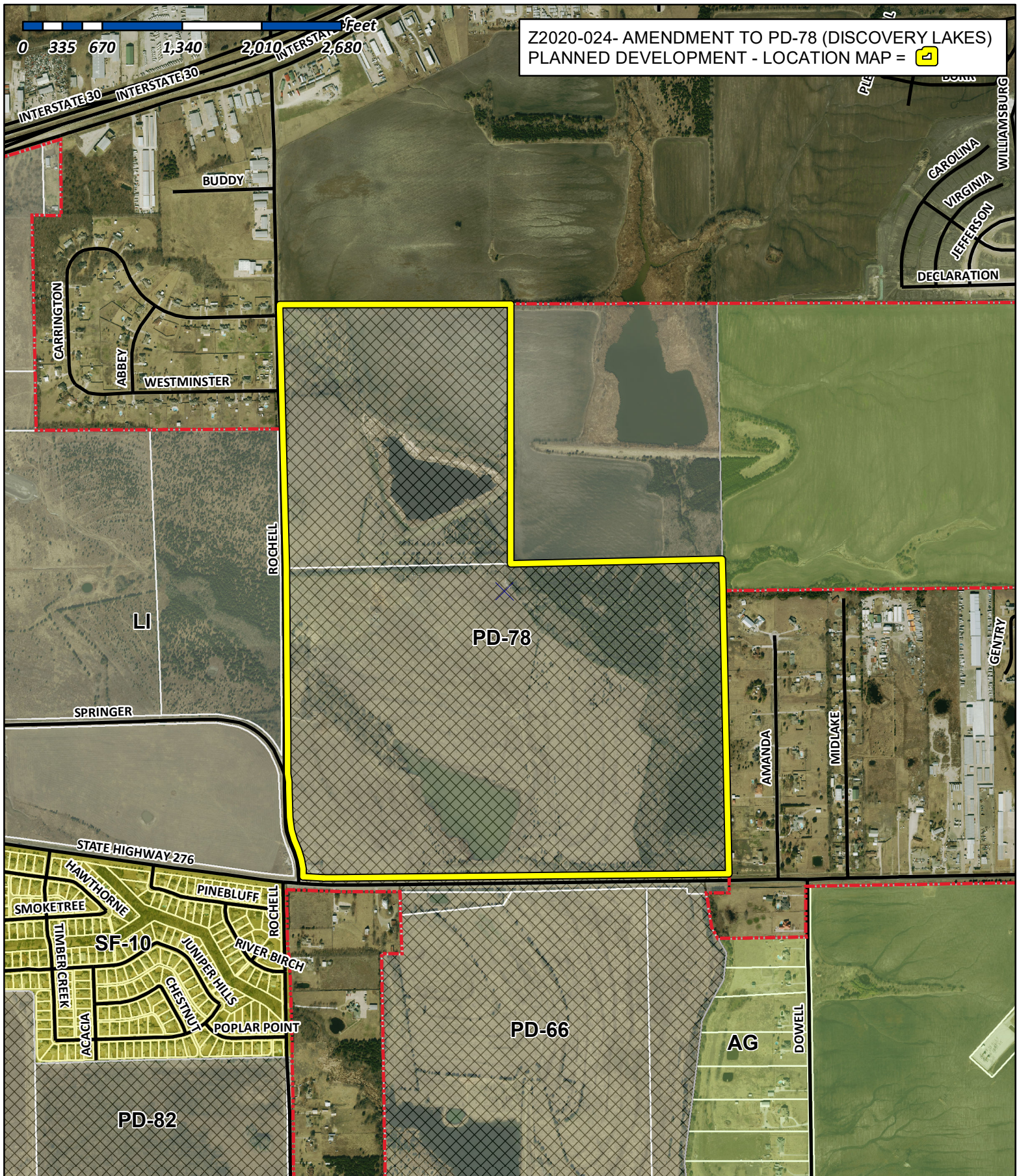
Owner's Signature

Notary Public in and for the State of Texas

Alyson DiBlasi



My Commission Expires 03-21-2024



City of Rockwall

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

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

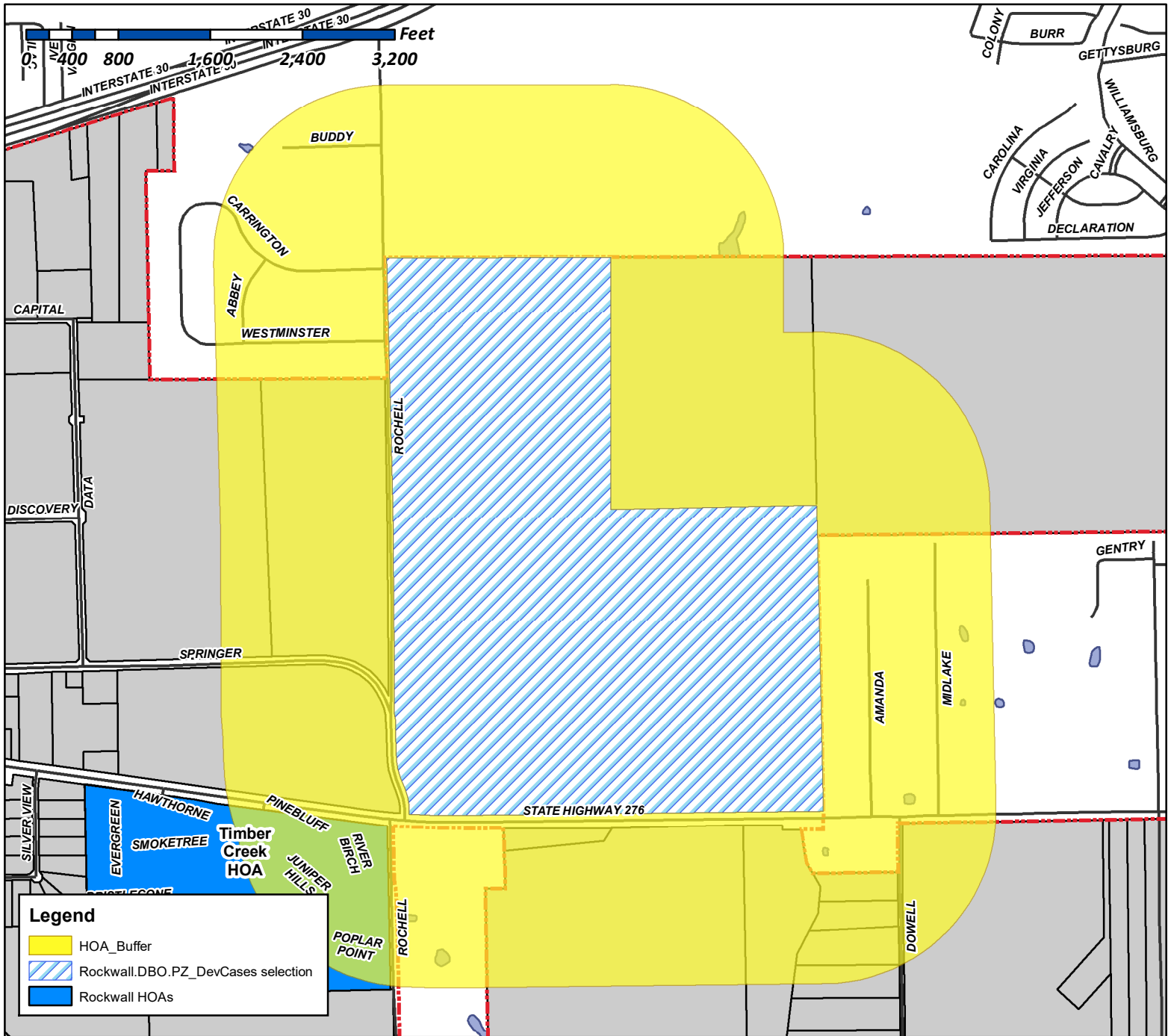




City of Rockwall

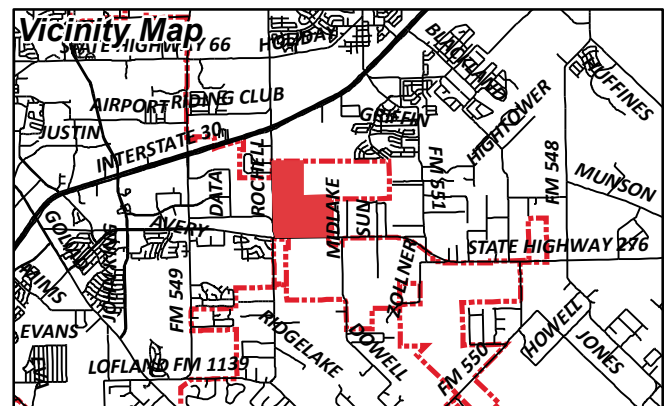
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

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: Z2020-024
Case Name: Amendment to PD-78
Case Type: Zoning
Zoning: PD-78
Case Address: NEC of Rochelle Road & SH-276

Date Created: 6/19/2020
For Questions on this Case Call (972) 771-7745

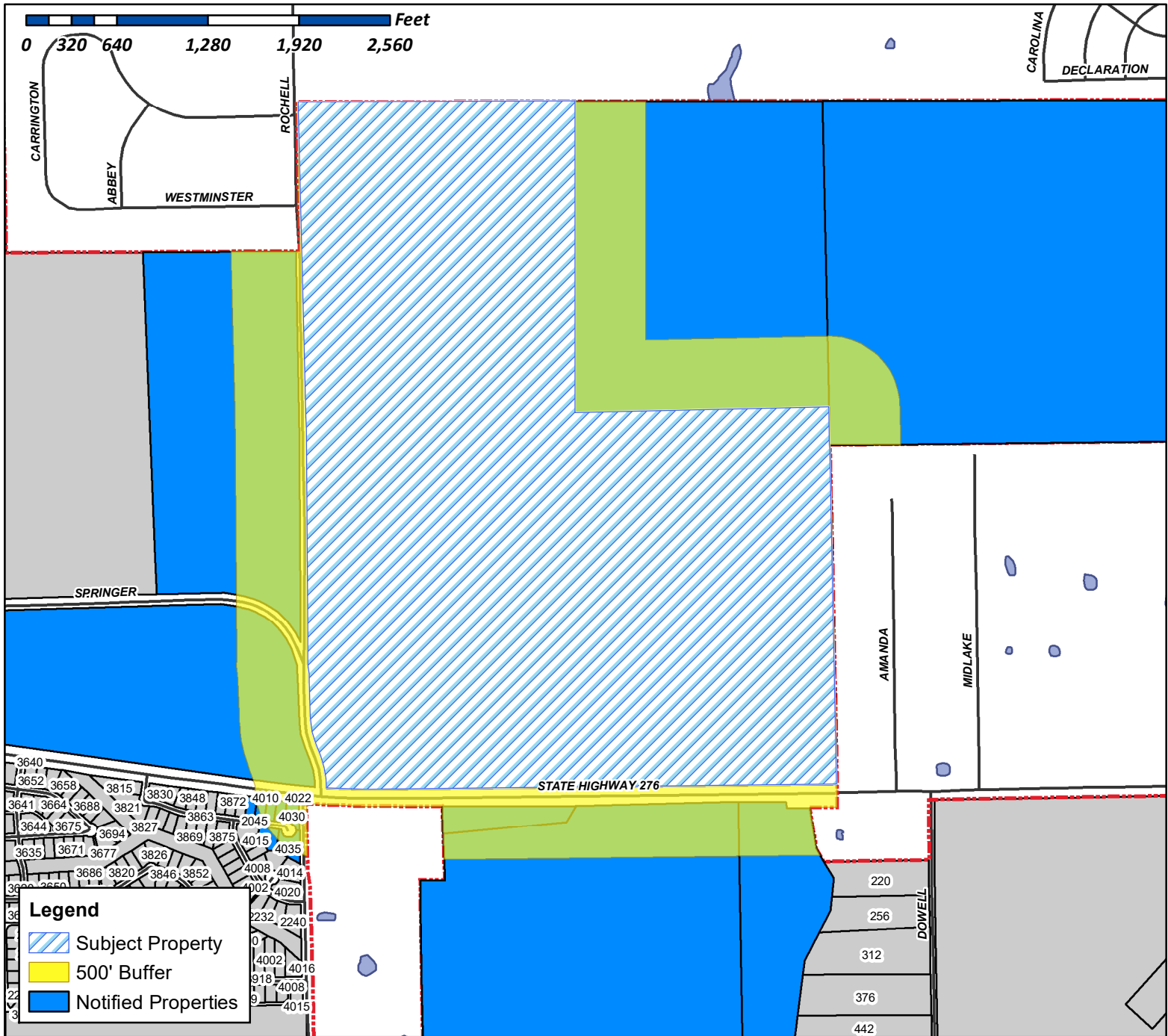




City of Rockwall

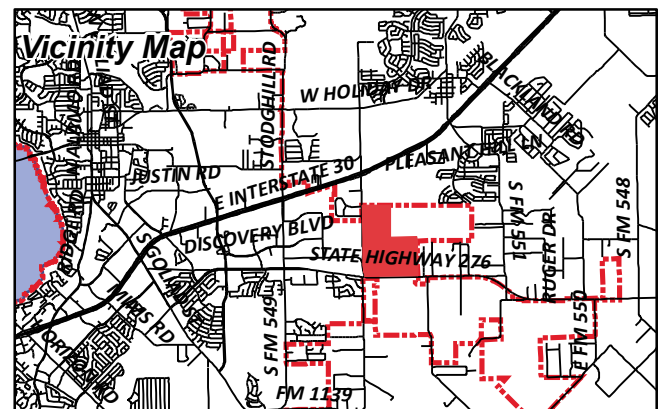
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

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: Z2020-024
Case Name: Amendment to PD-78
Case Type: Zoning
Zoning: PD-78
Case Address: NEC of Rochelle Road & SH-276

Date Created: 6/19/2020
For Questions on this Case Call (972) 771-7745



PUBLIC NOTICE



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

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

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

Case No. Z2020-024: Amendment to Planned Development District 78 (PD-78)

Hold a public hearing to discuss and consider a request by Chris Cuny, PE of Teague, Nall & Perkins on behalf of the Nick DiGiuseppe of Discovery Lakes, LLC for the approval of a Zoning Amendment to Planned Development District 78 (PD-78) [*Ordinance No. 15-24*] for the purpose of changing the concept plan and development standards on a 316.315-acre tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract No. 100 and Tract 2 of the R. K. Brisco Survey, Abstract No. 16, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 78 (PD-78) for General Retail (GR) District and Single-Family 10 (SF-10) District, generally located at the northeast corner of the intersection of SH-276 and Rochelle 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, July 14, 2020 at 6:00 PM, and the City Council will hold a public hearing on Monday, July 20, 2020 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

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

Ryan Miller
Rockwall Planning and Zoning Dept.
385 S. Goliad Street
Rockwall, TX 75087

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

Your comments must be received by Monday, July 20, 2020 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning



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

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

Case No. Z2020-024: Amendment to Planned Development District 78 (PD-78)

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

CITY OF ROCKWALL

ORDINANCE NO. 15-24

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 AN AGRICULTURAL (AG) DISTRICT TO A PLANNED DEVELOPMENT DISTRICT FOR SINGLE FAMILY 10 (SF-10) AND GENERAL RETAIL (GR) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 316.315-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1 OF THE M. E. HAWKINS SURVEY, ABSTRACT NO. 100, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A' & EXHIBIT 'B'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request by the Stacy McVey of Double Eagle Properties, LLC on behalf of the owner 308 ON 276, LP for the approval of a zoning change from an Agricultural (AG) District to a Planned Development District for Single Family 10 (SF-10) and General Retail (GR) District land uses, on a 316.315-acre tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract No. 100, City of Rockwall, Rockwall County, Texas and more fully described in *Exhibit 'A' & Exhibit 'B'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code [Ordinance No. 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 generally be in accordance with the *Planned Development Concept Plan*, described in *Exhibit 'C'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'C'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

Section 3. That development of the *Subject Property* shall generally be in accordance with the *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 4. That a *Master Parks and Open Space Plan* for the *Subject Property*, shall be prepared in accordance with this ordinance and consistent with the *Planned Development Concept Plan* depicted in *Exhibit 'C'* of this ordinance, and that the *Master Parks and Open Space Plan* shall be considered for approval by the City Council following a recommendation by the *Parks and Recreation Board*.

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

- (a) The procedures set forth in the City's subdivision regulations on the date this ordinance is approved by the City, as amended by this ordinance (*including Subsections 5(b) through 5(f) below*), shall be the exclusive procedures applicable to the subdivision and platting of the 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) Open Space Master Plan
 - (2) Master Plat
 - (3) PD Development Plan (*Required for Retail Areas Only*)
 - (4) PD Site Plan
 - (5) Preliminary Plat
 - (6) Final Plat
- (c) A *PD Development Plan* must be approved for the area designated on the *Planned Development Concept Plan* as *Retail* prior to submittal of a *PD Site Plan* application and/or preliminary plat application. No *Master Plat* is required for the area designated on the *Concept Plan* as *Retail*. A traffic impact analysis for the retail tract 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* for each retail development.
- (d) *PD Site Plan*. A *PD Site Plan* covering all of the *Subject Property* shall be submitted and shall identify all site/landscape/hardscape plan(s) for all open space, neighborhood parks, trail systems, street buffers and entry features. A *PD Site Plan* application may be processed by the City concurrently with a *Preliminary Plat Application* for the development.
- (e) *Preliminary Plat*. A *Preliminary Plat* covering all of the *Subject Property* shall be submitted and shall include a *Treescape Plan*. A *Preliminary Plat Application* may be processed by the City concurrently with a *PD Site Plan Application* for the development.
- (f) *Final Plat*. Prior to the issuance of any building permits, a *Final Plat*, conforming to the *Preliminary Plat*, for all of the *Subject Property* shall be submitted for approval.

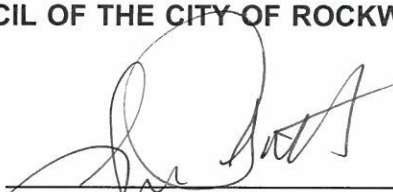
Section 6. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *Two Thousand Dollars* (\$2,000.00) for each offense and each and every day such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

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

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

Section 9. That this ordinance shall take effect immediately from and after its passage 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 17TH DAY OF AUGUST, 2015.**



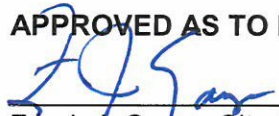
Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: 08-03-2015

2nd Reading: 08-17-2015

Exhibit 'A':
Legal Description

Field notes for a 316.315-acre (13,778,691 square foot) tract of land situated in the M. E. Hawkins Survey, Abstract No. 100, and the Robert K. Briscoe Survey, Abstract No. 16 in the City of Rockwall, Rockwall County, Texas, and being all of that certain called 308.52-acre tract of land described in a Special Warranty Deed to 308 ON 276, L.P., as recorded in Volume 03662, Page 00315, of the Office Public Records of Rockwall County, Texas (O.P.R.R.C.T.) with said 316.315-acre (13, 778,691 square feet) tract of land being more particularly described by metes and bounds as follows:

BEGINNING a railroad spike set in asphalt marking the northwest corner of said 308 on 276, L.P. tract and the common southwest corner of that certain called 21. 935 acre tract of land described as Tract One in a Warranty Deed to Rockwall Fund I, L.L.C., as recorded in Volume 1 110, Page 190, of the Deed Records of Rockwall County, Texas (D.R.R.C.T.), said point being in the approximate center of Rochell Road, a county road with an unspecified right-of- way (R. O. W.) width;

THENCE North 89 degrees 00 minutes 24 seconds East (South 89 degrees 12 minutes 02 seconds East - deed call), along the common northerly line of said 308 ON 276, L.P. tract and the common southerly line of said Tract One, passing at a distance of 30. 00 feet, a 5/8 inch iron rod set with a yellow plastic cap stamped "THE WALLACE GROUP " ("cap ") for reference, continuing along said common line, passing at a distance of 1,799. 04-feet, a 1/2-inch iron rod found marking the southeast corner of said Tract One, being common with the south west corner of that certain called 59.71-acre tract of land described in a Special Warranty Deed to Fate I- 30, L.P., as recorded in Volume 03542, Page 00039, O.P.R.R.C.T., continuing along the common northerly line of said 308 on 276, L.P. tract and the southerly line of said Fate I-30, L.P. tract, a total distance of 1,966.04 feet (1,902 .80 feet - deed call) to a 1/ 2 inch iron rod found marking the common most northerly northeast corner of said 308 on 276, L.P. tract and the north west corner of that certain coiled 85.479 acre tract of land described as Tract Two in the aforementioned Warranty Deed to Rockwall Fund I, L.L.C., as recorded in Volume 1 110, Page 190, O.R.R.C.T.;

THENCE South 01 degrees 59 minutes 29 seconds East (South 00 degrees 08 minutes 06 seconds West - deed call), along the common easterly line of said 308 ON 276, L.P. tract and the westerly line said Tract Two, a distance of 2,204.26-feet (2,166.70-feet - deed call) to a 1/ 2 inch iron rod found marking an ell corner of said 308 ON 276, L.P. tract and the southwest corner of said Tract Two;

THENCE North 87 degrees 20 minutes 20 seconds East (North 89 degrees 12 minutes 02 seconds East - deed call), continuing along the common northerly line of said 308 on 276, L.P. tract and the southerly line said Tract Two, a distance of 1,691. 90 feet (1,782.53 feet - deed call) to a 5/8 inch iron rod set with "cap " marking the common most easterly northeast corner of said 308 on 276, L.P. tract and the southeast corner of said Tract Two, from which a 1/2-inch iron rod found bears North 87 degrees 20 minutes 20 seconds East at 10. 49 feet, said 5/8-inch iron rod set being on the west line of that certain called 212. 25 acre tract of land described in a Special Warranty Deed to South Rock wall Holdings, L.P., as recorded in Volume 03625, Page 00034, O.P.R.R.C.T.;

THENCE South 01 degrees 34 minutes 35 seconds East, along the common easterly line of said 308 ON 276, L.P. tract and the westerly line said South Rock wall Holdings tract, a distance of 309.68-feet to a 5/8-inch iron rod set with "cap " marking the southwest corner of said South Rock wall Holdings tract, being common with the northwest corner of Lot 8, Equestrian Estates, according to the plot thereof recorded in Cabinet A, Page 19 7, of the Plot Records of Rock wall County, Texas (P.R.R.C.T.);

THENCE South 00 degrees 50 minutes 42 seconds East, along the common easterly line of said 308 ON 276, L.P. tract and the westerly line said Equestrian Estates, a distance of 2,301.71 feet (South 00 degrees 06 minutes 38 seconds West, a distance of 2,580 . 60 feet - overall deed call) to a 5/8 inch iron rod set with "cap " marking the common southeast corner of said 308 ON 276, L.P. tract and on ell corner of the north R.O.W. line of State Highway No. 276 (having a variable width R.O.W.);

THENCE South 89 degrees 29 minutes 00 seconds West (North 89 degrees 29 minutes 07 seconds West - deed call), along the common southerly line of said 308 ON 2 76, L.P. tract and said north R.O.W. line of State Highway No. 276, passing at a distance of 1.66 feet a found TxDOT concrete monument, continuing along said common line for a tot al distance of 117.50-feet (115.83-feet - deed call) to a 5/8-inch iron rod set with "cap " marking the common ell corner of said 308 ON 276, L.P. tract and the most easterly southeast corner of that certain called 2.503-acre tract of land described as on Easement for Highway Purposes to the State of Texas, recorded in Volume 82, Page 583 of the Real Property Records of Rockwall County, Texas (R.P.R.R.C.T.);

THENCE North 00 degrees 31 minutes 03 seconds West (North 00 degrees 30 Minutes 13 seconds East - deed call), along a common interior line of said 308 on 2 76, L.P. tract and the easterly line of said Easement for Highway Purposes tract, a distance of 50.31-feet (50-feet - deed call) to a 5/8-inch iron rod set with "cap " marking the common ell corner of said 308 ON 276, L.P. tract and the north east corner of said Easement for Highway Purposes tract;

Exhibit 'A':
Legal Description

THENCE South 89 degrees 28 minutes 57 seconds West (North 89 degrees 29 minutes 47 seconds West - deed call), along the common southerly line of said 308 on 276, L.P. tract and the northerly line of said Easement for Highway Purposes tract, a distance of 543.40-feet (543.73-feet - deed call) to a 5/8-inch iron rod set with "cap " for corner;

THENCE South 89 degrees 13 minutes 58 seconds West (South 89 degrees 48 minutes 55 seconds West - deed call), continuing along the common southerly line of said 308 ON 276, L.P. tract and the northerly line of said Easement for Highway Purposes tract, a distance of 757. 25-feet (756.93-feet - deed call) to a 5/8-inch iron rod found marking a common ell corner of said 308 ON 276, L.P. tract and the northwest corner of said Easement for Highway Purposes tract;

THENCE South 00 degrees 46 minutes 03 seconds East (South 00 degrees 11 minutes 05 seconds East - deed call), along a common interior line of said 308 ON 276, L.P. tract and the westerly line of said Easement for Highway Purposes tract, a distance of 90.30-feet (87.44-feet - deed call) to a 5/8-inch iron rod set with "cap " marking a common ell corner of said 308 ON 276, L.P. tract and the southwest corner of said Easement for Highway Purposes tract, said point being on said north R.O.W. line of State Highway No. 276;

THENCE South 89 degrees 13 minutes 57 seconds West (North 89 degrees 53 minutes 27 seconds West - deed call), along the common southerly line of said 308 ON 276, L.P. tract and said north R.O.W. line of State Highway No. 276, passing at a distance of 1,667.76-feet a 5/8-inch iron rod set with "cap " for reference, continuing along said common line for a total distance of 1,917.07-feet (1,917.34-feet - deed call) to a found TxDOT concrete monument, marking the transitional R.O.W. line from said north R.O.W. line of State Highway No. 276 to the east R.O.W. line of Springer Lane, on 80-foot wide R.O.W., (formerly F.M. No. 1143), said point being the beginning of a non-tangent curve to the right, with the radius point being situated North 21 degrees 40 minutes 52 seconds East, a distance of 533.69-feet;

THENCE Northerly along the common curving westerly line of said 308 ON 276, L.P. tract and said curving east R.O.W. line of Springer Lane, with said non-tangent curve to the right, through a central angle of 67 degrees 33 minutes 20 seconds (48 degrees 33 minutes 57 seconds - deed call), having a radius of 533. 69-feet (613.69-feet - deed call), a tangent distance of 356.97-feet, a chord bearing North 34 degrees 32 minutes 28 seconds West (North 40 degrees 41 minutes 57 seconds West - deed call), at 593.43-feet, and an arc distance of 629.26-feet (520.18-feet - deed call) to a 5/8-inch iron rod set with "cap" at the end of said non- tangent curve;

THENCE North 00 degrees 53 minutes 56 seconds West (North 00 degrees 43 minutes 17 seconds West - deed call), continuing along the common westerly line of said 308 on 276, L.P. tract and said east R.O.W. line of Springer Lane, a distance of 294.21-feet (430.56-feet - deed call) to an axle found for the beginning of a non-tangent curve to the left , with the radius point being situated South 89 degrees 08 minutes 07 seconds West, a distance of 612.96-feet;

THENCE Northerly continuing along the common curving westerly line of said 308 ON 276, L.P. tract and said curving east R.O.W. line of Springer Lane, with said non-tangent curve to the left, through a central angle of 17 degrees 26 minutes 00 seconds (12 degrees 25 minutes 52 seconds - deed call), having a radius of 612.96-feet (613.69-feet - deed call), a tangent distance of 93.98 feet, a chord bearing North 09 degrees 34 minutes 53 seconds West at 185.78-feet, and an arc distance of 186.50-feet (133.15 feet - deed call) to a 5/8-inch iron rod set with "cap" at the end of said non-tangent curve, said point marking the transition from said east R.O.W. line of Springer Lane to the approximate center of the aforementioned Rochell Road;

THENCE North 00 degrees 49 minutes 05 seconds West (North 00 degrees 10 minutes 49 seconds East - deed call), along the common westerly line of said 308 ON 276, L.P. tract and said approximate center of Rochell Road, passing at a distance of 386.53-feet a 1/2-inch iron rod found marking the southeast corner of that certain called 60.3368-acre tract of land described in a Cash Warranty Deed to Varughese P. Samuel and wife, Remoni V. Samuel, as recorded in Volume 02002, Page 00062, O.P.R.R.C.T., then continuing along said common line with the easterly line of said Samuel tract, a total distance of 2,841.3-feet (1,613.15-feet - deed call) to a 1/2-inch iron rod found marking the northeast corner of said Samuel tract;

THENCE North 01 degrees 38 minutes 55 seconds West (North 00 degrees 08 minutes 06 seconds East - deed call), along the common westerly line of said 308 ON 276, L.P. tract and said approximate center of Rochell Road, a distance of 976.29-feet (2,166.70-feet - deed call) to the *POINT OF BEGINNING*.

CONTAINING within the metes recited 316.315-acres (13,778,692 square feet) of land, more or less, of which a portion lies within Rochell Road.

Exhibit 'B':
Survey

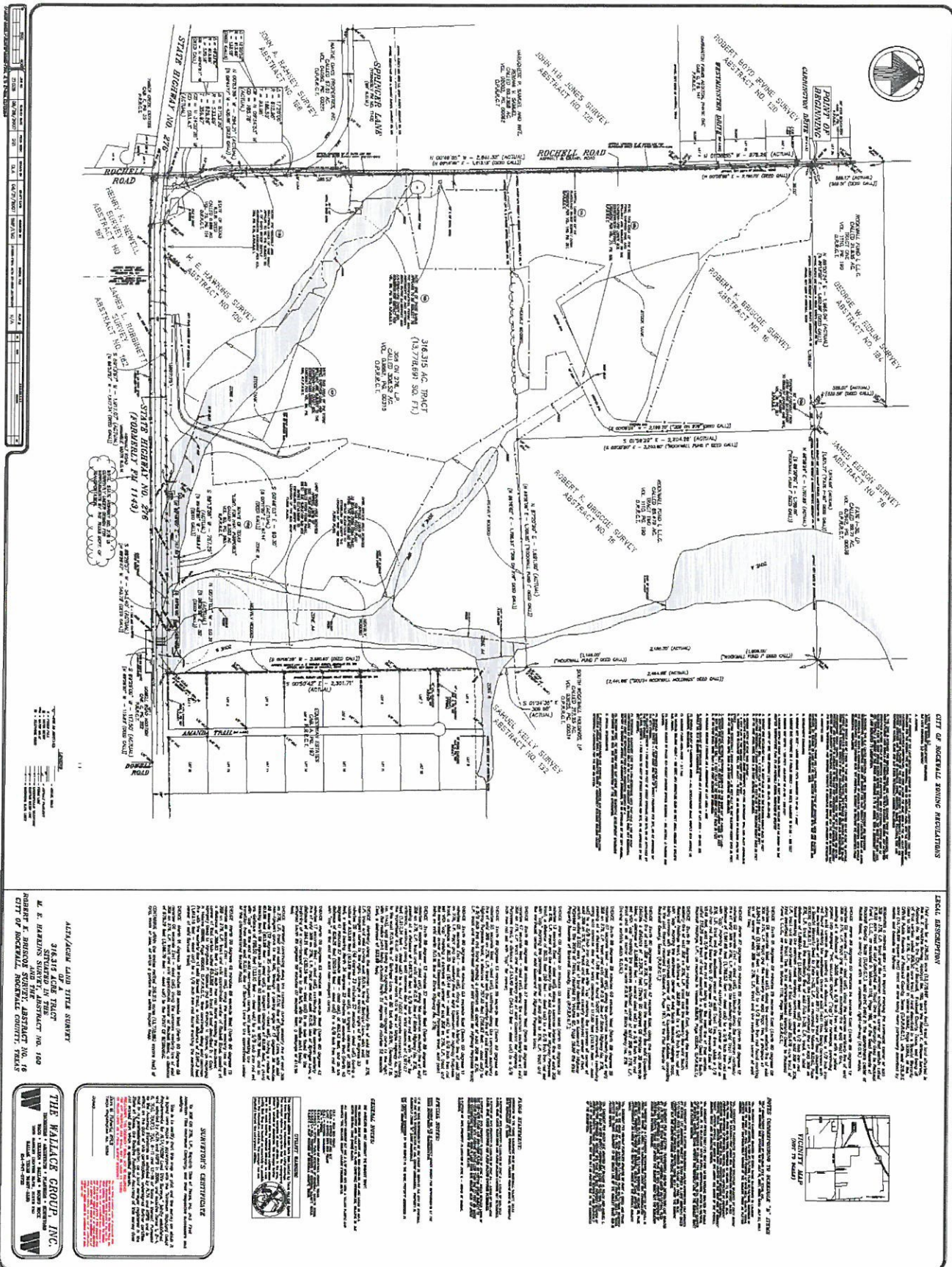


Exhibit 'C': Concept Plan



OPEN SPACE CALCULATION		
OPEN AREA / PARK AREA	1/2 FEMA FLOOD PLAIN AREA	
41.9 ACRES	54.7 ACRES	96.6 ACRES
OPEN SPACE RATIO =	96.6 / 307.0	31.5%

RESIDENTIAL PROJECT AREA = 307.0 ACRES
LOT DENSITY: 507 / 307.0 = 1.65 Lots per Acre

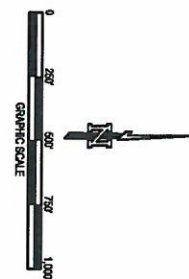
LEGEND

- TYPE A LOT
- TYPE B LOT
- TYPE C LOT
- COMMERCIAL ± 9.0 AC.
- OPEN AREA ± 30.9 AC
- PARK ± 11.0 AC
- OPEN AREA/FLOODPLAIN TO BE DEDICATED TO THE PUBLIC ± 44.2 AC
- COMMUNITY CENTER ± 1.2 ACRES
- REMAINING FEMA FLOODPLAIN #65.2 AC
- WALKING TRAIL ± 3.8 MILES

GENERAL LOT INFORMATION

- TYPE A - 121 LOTS - 80'x120' (MIN) - 9,600 SF
- TYPE B - 127 LOTS - 70'x110' (MIN) - 7,700 SF
- TYPE C - 259 LOTS - 80'x110' (MIN) - 6,800 SF
- 15' LANDSCAPE BUFFER ALONG DISCOVERY BOULEVARD
- 20' LANDSCAPE BUFFER ALONG ROCHELL ROAD
- 25' LANDSCAPE BUFFER ALONG HIGHWAY 276

507 LOTS



"THIS SITE PLAN SHOULD BE CONSIDERED PRELIMINARY AND CONCEPTUAL AND IS NOT BASED ON FINAL DATA OR TOPOGRAPHIC SURVEYING. COMPLETE DUE DILIGENCE INFORMATION FROM THE GOVERNING JURISDICTION, LOT POSITIONING MAY VARY AS PLAN IS REFINED. PLAN WILL NOT EXCEED 507 LOTS. IT SHOULD NOT BE USED FOR LEASE AGREEMENTS, PERMIT APPROVAL OR ANY OTHER BINDING AGREEMENTS."

Exhibit 'D':
PD Development Standards

A. PURPOSE

The Discovery Lakes Subdivision is located at the northeast corner of the intersection of SH-276 and Rochell Road. The *Subject Property* is a short walk or bike ride from the Rockwall Technology Park. The Discovery Lakes Subdivision will be a master planned residential neighborhood that will incorporate two (2) lakes, several acres of open space and ~3.8-miles of hiking/jogging/biking trails. The master plan calls for 507 single-family homes. There will be several view corridors strategically placed within the subdivision along with *front loaded* lots to provide for the enjoyment of the open space. A boulevard with 85-feet of right-of-way will connect SH-276 and Discovery Boulevard. The boulevard will have a 14-foot landscape median and a 25-foot travel lane on each side of the street.

The residential streets will be 29-feet back-to-back, with a 10½-foot parkway on each side for a total of 50-feet of right-of-way. A *Community Center* with a pool will be provided to add increased amenity for the subdivision. Additionally, the proposed development will incorporate nine (9) acres of commercial space that will be located at the hard corner of SH-276 and Rochell Road. This area will allow for neighborhood service types of uses and eating establishments. A maximum of one (1) hotel planned to service the needs of the subdivision and the Rockwall Technology Park. A 55-acre area adjacent to the northern lake will be dedicated as public parkland to serve Park District No. 31.

The Discovery Lakes Subdivision will be a benefit to the community, allowing citizens of all ages the opportunity to live, work, and play in a connected master planned community.

B. GENERAL REQUIREMENTS

Development Standards.

1. *Permitted Uses.* The following uses are permitted on the *Subject Property* in accordance with the *Concept Plan* depicted in *Exhibit 'C'* of this ordinance.

(a) *Residential Uses.* Unless specifically provided by this Planned Development ordinance, only those uses permitted within the Single Family 10 (SF-10) District, as stipulated by the *Permissible Use Charts* contained in Article IV, *Permissible Uses*, of the Unified Development Code (UDC), shall be allowed for areas designated as *residential* on the *Concept Plan*.

(b) *Non-Residential.* Unless specifically provided by this Planned Development ordinance, only those uses permitted within the General Retail (GR) District, as stipulated by the *Permissible Use Charts* contained in Article IV, *Permissible Uses*, of the Unified Development Code (UDC), shall be allowed for areas designated as *commercial* on the *Concept Plan*; however, the following conditions shall apply:

- (i) The following additional uses shall be permitted as *by-right* uses on the *Subject Property*:

- ☒ Hotel, Hotel (*Full Service*) or Motel (*With a Maximum Height of Four [4] Stories*) ¹
- ☒ Restaurant (*with Drive-Through or Drive-In*) ²
- ☒ Retail Store (*with more than two [2] Gasoline Dispensers*)

Notes:

¹: A maximum of one (1) hotel/motel shall be permitted with this Planned Development District. The height requirement of four (4) stories is permitted to exceed 36-feet, but in no case shall exceed 60-feet.

²: A maximum of three (3) restaurants (despite the size of the restaurant) shall be permitted within this Planned Development District.

Exhibit 'D':
PD Development Standards

(ii) The following uses shall be prohibited on the *Subject Property*:

- ☒ Convent or Monastery
- ☒ Hotel, Residence
- ☒ Cemetery/Mausoleum
- ☒ Mortuary of Funeral Chapel
- ☒ Social Service Provider
- ☒ Billiard Parlor or Pool Hall
- ☒ Carnival, Circus, or Amusement Ride
- ☒ Commercial Amusement/Recreation (*Outside*)
- ☒ Gun Club, Skeet or Target Range (*Indoor*)
- ☒ Astrologer, Hypnotist, or Psychic Art and Science
- ☒ Garden Supply /Plant Nursery
- ☒ Night Club, Discotheque, or Dance Hall
- ☒ Secondhand Dealer
- ☒ Car Wash, Self Service
- ☒ Mining and Extraction (Sand, Gravel, Oil and/or Other)
- ☒ Helipad
- ☒ Railroad Yard or Shop
- ☒ Transit Passenger Facility

2. *Non-Residential Development.* The area designated as *commercial* on the *Concept Plan* depicted in *Exhibit 'C'* of this ordinance shall be designed to be pedestrian-oriented, easily accessible, and integrated into the general design scheme of the adjacent neighborhood. This can be accomplished by removing the traditional barriers utilized to separate commercial and residential developments (e.g. *screening walls*) and incorporating landscape buffers/elements (e.g. *greenspace, parkways, and etcetera*) and urban design elements (e.g. *pathways, pergolas, and etcetera*) that can create compatibility with the adjacent single-family neighborhood. To better achieve this goal and in addition to the requirements of Section 4.1, *General Commercial District Standards*, and Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code, all commercial development shall be required to adhere to the following supplemental standards:

(a) *Retail Landscape.* Landscaping shall be reviewed and approved with the PD Site Plan. All Canopy/Shade Trees planted within the retail development shall be a minimum of four (4) caliper inches in size and all *Accent/Ornamental/Under-Story Trees* shall be a minimum of four (4) feet in total height unless otherwise provided within this document.

(b) *Retail Landscape Buffers.* All landscape and plantings located within the buffers shall be maintained by the property owner.

(1) *Landscape Buffer (Residential Adjacency).* Where residential and retail uses share a direct adjacency, a minimum of a 30-foot landscape buffer shall be provided by the retail property adjacent to the residential property. This area shall incorporate ground cover, a *built-up* berm and shrubbery along the entire length of the adjacency. This area should also incorporate pedestrian-oriented design elements (e.g. *pathways*) that allow access between the two (2) uses. Shrubby utilized in this area shall have a minimum height of 30-inches and a maximum height of 48-inches. Additionally, trees should be incorporated in this area to break up the façades of any commercial buildings.

(2) *Landscape Buffer and Sidewalks (SH-276).* A minimum of a 15-foot landscape buffer shall be provided along the frontage of SH-276, and shall incorporate ground cover,

Exhibit 'D':
PD Development Standards

a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. All buffer-strip planting requirements shall conform to the requirements of Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code.

- (3) *Landscape Buffer (Rochell Road Retail)*. A minimum of a 20-foot landscape buffer shall be provided along the frontage of Rochell Road (*outside of and beyond any required right-of-way dedication*), and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage.

(c) *Sidewalks*.

- i) *Sidewalk Adjacent to Rochell Road and SH-276*. The developer shall be responsible for the construction of a five (5) foot sidewalk that meanders through the required 20-foot landscape buffer adjacent to Rochell Road and SH-276.

3. *Residential Development Standards*. Except as modified by these *Development Standards*, the residential uses depicted in *Exhibit 'C'* of this ordinance shall be subject to the development standards for a Single Family 10 (SF-10) District as stipulated by Section 3.1, *General Residential District Standards*; Section 3.4, *Single-Family Residential (SF-10) District*; and Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code. In addition, all residential development shall adhere to the following standards:

- (a) *Lot Composition and Layout*. The lot layout and composition of the *Subject Property* shall generally conform to the *Concept Plan* depicted in *Exhibit 'C'* and stated in *Table 1* below. Allowances for changes to the quantity and locations of each lot type are permitted in conformance with the requirements listed below; however, in no case shall the proposed development exceed 507 units.

Table 1: Lot Composition

Lot Type	Minimum Lot Size (FT)	Minimum Lot Size (SF)	Dwelling Units (#)	Dwelling Units (%)
A	80' x 120'	9,600 SF	121	23.87%
B	70' x 110'	7,700 SF	127	25.05%
C	60' x 110'	6,600 SF	259	51.08%
Maximum Permitted Units:			507	100.00%

The allocation of single-family dwellings among lot types may deviate from *Table 1* provided that the proposed lot composition meets the following criteria:

- (1) The total number of lots does not exceed 525 units; and,
- (2) The average lot size for the total development is not less than 7,500 SF (*i.e. total square footage of all lots/total number of lots*); and,
- (3) Lot Type "A" shall not be decrease below 115 lots; and,
- (4) Lot Type "B" shall not be decreased below 23% of the total 507 lots; and,
- (5) Lot Type "C" shall not be increased beyond 55% of the total 507 lots.

Exhibit 'D':
PD Development Standards

- (b) *Density and Dimensional Requirements.* The maximum permissible density for the *Subject Property* shall not exceed 1.70 dwelling units per gross acre of land; however, in no case should the proposed development exceed 507 units. All lots shall conform to the standards depicted in *Table 2* below and generally conform to *Exhibit 'C'* of this ordinance.

Table 2: Lot Dimensional Requirements

<i>Lot Type (see Concept Plan) ►</i>	A	B	C
<i>Minimum Lot Width</i> ^{(1) & (5) & (7)}	80'	70'	60'
<i>Minimum Lot Depth</i>	120'	110'	110'
<i>Minimum Lot Area</i>	9,600 SF	7,700 SF	6,600 SF
<i>Minimum Front Yard Setback</i> ^{(2) & (6)}	20'	20'	20'
<i>Minimum Side Yard Setback</i>	6'	5'	5'
<i>Minimum Side Yard Setback (Adjacent to a Street)</i> ⁽²⁾	15'	15'	15'
<i>Minimum Length of Driveway Pavement</i>	20'	20'	20'
<i>Maximum Height</i> ⁽³⁾	36'	36'	36'
<i>Minimum Rear Yard Setback</i> ⁽⁴⁾	15'	10'	10'
<i>Minimum Area/Dwelling Unit (SF) [Air Conditioned Space]</i>	2,800 SF	2,250 SF	2,000 SF
<i>Garage Orientation</i>	<i>J-Swing or Front</i>	<i>J-Swing or Front</i>	<i>J-Swing or Front</i>
<i>Maximum Number of Front Entry Garages Permitted</i>	48	42	173
<i>Maximum Lot Coverage</i>	65%	65%	65%

General Notes:

- ¹: The minimum lot width shall be measured at the *Front Yard Building Setback*.
- ²: The location of the *Front Yard Building Setback* as measured from the front property line.
- ³: The *Maximum Height* shall be measured to the eave or top plate (whichever is greater) of the single family home.
- ⁴: As measured from the rear yard property line.
- ⁵: Lots fronting onto a curvilinear street, cul-de-sac or eyebrow may have the lot width reduced by up to 20% as measured at the front property line provided that the lot width is met at the front building line. Additionally, the lot depth on lots fronting onto curvilinear streets, cul-de-sacs and eyebrows maybe reduced by up to ten (10%) percent, but shall meet the minimum lot size for each lot type.
- ⁶: Sunrooms, porches, stoops, bay windows, balconies, masonry clad chimneys, eaves and similar architectural features may encroach beyond the *Front Yard Building Setback* by up to ten (10) feet for any property that increases the *Front Yard Building Setback* to 20-feet; however, the encroachment shall not exceed five (5) feet on *Side Yard Setbacks (Adjacent to a Street)* and shall not encroach into public right-of-way [a Sunroom is an enclosed room no more than 15-feet in width that has glass on at least 50% of each of the encroaching faces].
- ⁷: All lots with a *J-Swing* or *Traditional Swing* driveway require a minimum of a 65-foot lot width.

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

- (1) *Masonry Requirement.* The minimum masonry requirement for the exterior façades of all buildings shall be 80%. For the purposes of this ordinance the masonry requirement shall be limited to full width brick, natural stone, and cultured stone. Cementaceous fiberboard horizontal lap-siding (e.g. *HardiBoard* or *Hardy Plank*) and/or stucco (i.e. *three [3] part stucco* or a comparable -- to be determined by staff) shall be permitted to be used to meet up to 50% of the masonry requirement.
- (2) *Roof Pitch.* A minimum of an 8:12 roof pitch is required on all structures with the exception of porches, which shall have a minimum of a 4:12 roof pitch.
- (3) *Garage Orientation.* Garages shall be provided as stipulated by *Table 2: Lot Dimensional Requirements*. Garages permitted for front entry maybe oriented

Exhibit 'D':
PD Development Standards

toward the street; however, the front façade of the garage must be situated a minimum of 20-feet off the front property line. All front entry garages shall incorporate an architectural element or feature separating the individual garage openings. *Swing, Traditional Swing or J-Swing* garages are permitted to have a second single garage door facing the street as long as it is behind the width of the double garage door situated in the *Swing* configuration.

- (d) *Anti-Monotony Restrictions.* The development shall adhere to the Anti-Monotony Matrix depicted in Table 3 below (for spacing requirements see the illustration on the following page).

Table 3 : Anti-Monotony Matrix

<i>Lot Type</i>	<i>Minimum Lot Size</i>	<i>Elevation Features</i>
A	80' x 120'	(1), (2), (3)
B	70' x 110'	(1), (2), (3)
C	60' x 110'	(1), (2), (3)

- (1) Identical brick blends or paint colors may not occur on adjacent (*side-by-side*) properties along any block face without at least four (4) intervening homes of differing materials on the same side of the street beginning with the adjacent property and two (2) intervening homes of differing materials on the opposite side of the street.
- (2) Front building elevations shall not repeat along any block face without at least four (4) intervening homes of differing appearance on the same side of the street and two (2) intervening homes of differing appearance on the opposite side of the street. The rear elevation of homes backing to open spaces or on SH-276 shall not repeat without at least five (5) intervening homes of differing appearance. Homes are considered to have a differing appearance if any of the following two (2) items deviate:
 - (a) Number of Stories
 - (b) Permitted Encroachment Type and Layout
 - (c) Roof Type and Layout
 - (d) Articulation of the Front Façade
- (3) Each phase of the subdivision will allow for a maximum of four (4) compatible roof colors, and all roof shingles shall be an architectural or dimensional shingle (*3-Tab Roofing Shingles are prohibited*).

See the Illustrations on the following page.

Exhibit 'D':
PD Development Standards

Illustration 1: Properties line up on the opposite side of the street. Where RED are the same.

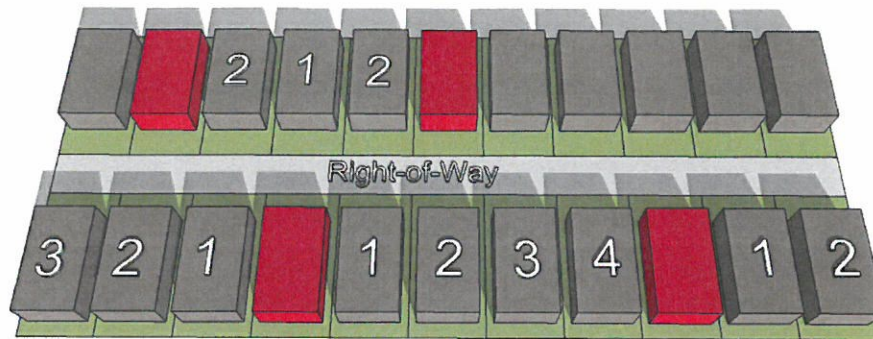
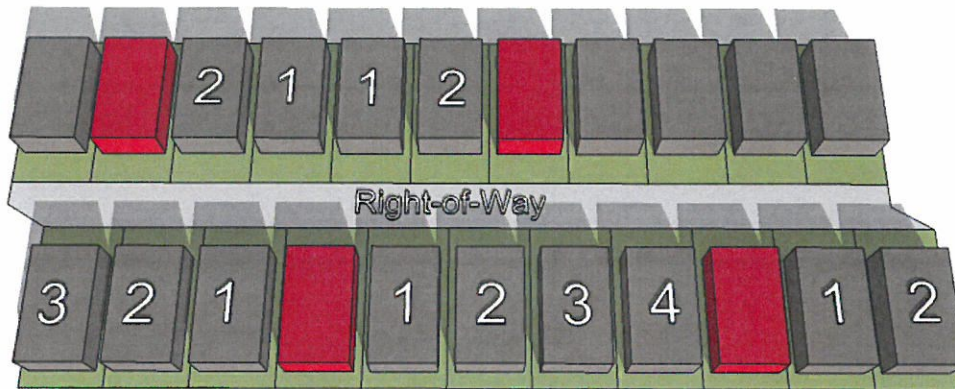


Illustration 2: Properties do not line up on opposite side of the street. Where RED are the same.



(e) *Fencing Standards.* All individual residential fencing and walls shall be architecturally compatible with the design, materials and colors of the primary structure on the same lot, and meet the following standards:

- (1) *Wood Fences.* All wood fences shall be constructed of a standard fencing material (*minimum of ½" thickness or better; spruce fencing will not be allowed*), and use fasteners that are hot dipped galvanized or stainless steel. Wood fences facing onto a street shall be painted and/or stained and sealed with all pickets being placed on the *public side* facing the street. All wood fences shall be smooth-finished, free of burs and splinters, and be a maximum of eight (8) feet in height.
- (2) *Wrought Iron/Tubular Steel.* Lots located along the perimeter of roadways, abutting open spaces, greenbelts and parks shall be required to install a wrought iron or tubular steel fence. Wrought iron/tubular steel fences can be a maximum of eight (8) feet in height.
- (3) *Corner Lots.* Corner lots fences (*i.e. adjacent to the street*) shall provide masonry columns at 45-feet off center spacing that begins at the rear of the property line. A maximum of eight (8) foot solid *board-on-board panel* fence constructed utilizing cedar fencing shall be allowed between the masonry columns along the side and/or rear lot adjacent to a street. In addition, the fencing shall be setback from the side property line adjacent to a street a minimum of five (5) feet. The property owner shall be required to maintain both sides of the fence.
- (4) *Solid Fences (including Wood Fences).* All solid fences shall incorporate a decorative top rail or cap detailing into the design of the fence.

Exhibit 'D':
PD Development Standards

(f) *Landscape and Hardscape Standards.*

- (1) *Residential Landscape.* Landscaping shall be reviewed and approved with the PD Site Plan. All *Canopy/Shade Trees* planted within the residential development shall be a minimum of three (3) caliper inches in size and all *Accent/Ornamental/Under-Story Trees* shall be a minimum of four (4) feet in total height unless otherwise provided within this document.

- (2) *Single Family Landscaping.* Prior to the issuance of a Certificate of Occupancy (CO) all single-family lots shall conform to the following:

- i) *Interior Lots.* All interior lots shall include a minimum of two (2) trees with a diameter at breast height (dbh) [*i.e. the diameter in inches of a tree as measured through the main trunk at a point of four and one-half (4½) inches above the natural ground level*] of three (3) inches shall be planted in the front yard, and two (2) additional trees of the same caliper inch shall be planted in the side yard facing the street for corner lots.

Note: For the purposes of this section only, the term "front yard" includes the area within the dedicated right-of-way for a parkway immediately adjoining the front yard of the lot.

- ii) *Corner Lots.* All corner lots shall include a minimum of two (2) trees with a diameter at breast height (dbh) [*i.e. the diameter in inches of a tree as measured through the main trunk at a point of four and one-half (4½) inches above the natural ground level*] of three (3) inches shall be planted in the front yard of an interior lot.

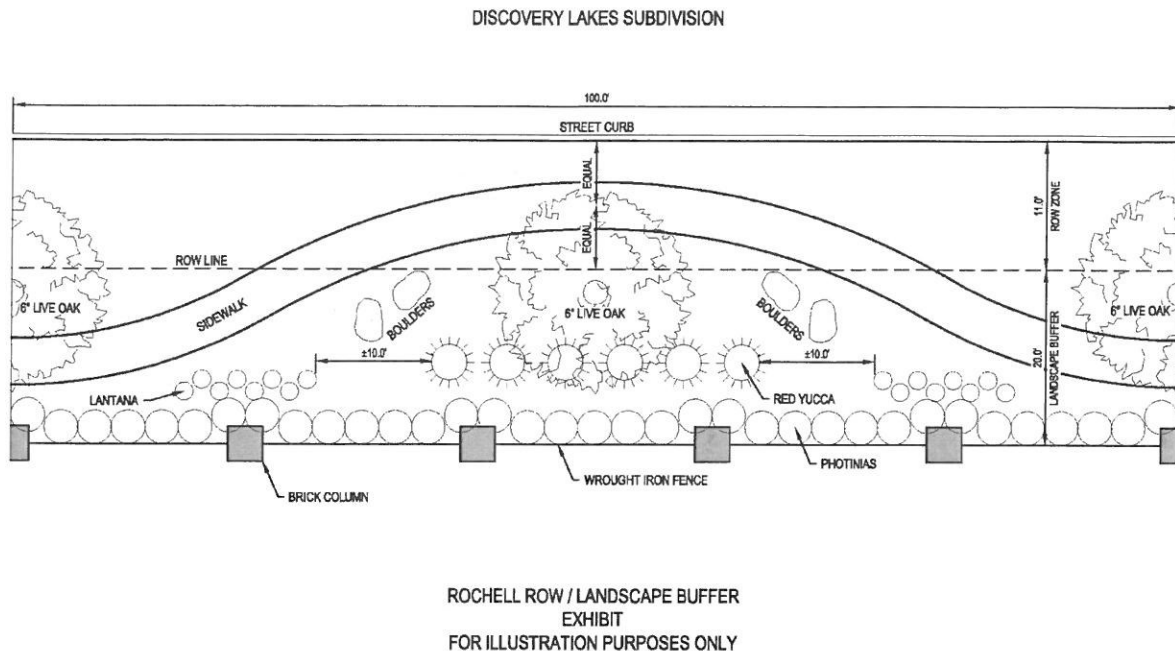
- (3) *Landscape Buffers.* All landscape buffers and plantings located within the buffers shall be maintained by the Homeowner's Association (HOA).

- (a) *Landscape Buffer and Sidewalks (Discovery Boulevard).* A minimum of a 15-foot landscape buffer shall be provided along the frontage of Discovery Boulevard, and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least one (1) canopy tree shall be planted per 30-feet of linear frontage.

- (b) *Landscape Buffer (Rochell Road).* A minimum of a 20-foot landscape buffer shall be provided along the frontage of Rochell Road (*outside of and beyond any required right-of-way dedication*), and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Shrubby shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. The landscape buffer along Rochell Road shall general conform to the following illustration [*i.e. Illustration 3*].

Exhibit 'D':
PD Development Standards

Illustration 3: Landscape Buffer along Rochell Road.



- (c) *Landscape Buffer (SH-276)*. A minimum of a 25-foot landscape buffer shall be provided along the frontage of SH-276, and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. In addition, all buffer-strip planting requirements shall conform to the requirements of Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code (*i.e. minimum four [4] inch caliper trees required*).
- (4) *Irrigation Requirements*. Irrigation shall be installed for all required landscaping located within common areas, landscape buffers and/or open space. Irrigation installed in these areas shall be designed by a Texas licensed irrigator or landscape architect and shall be maintained by the Homeowner's Association (HOA).
- (5) *Hardscape*. Hardscape plans indicating the location of all sidewalks and trails shall be reviewed and approved with the PD Site Plan.
- (g) *Lighting*. Light poles shall not exceed 20-feet in total height (*i.e. base and lighting standard*). All fixtures shall be directed downward and be positioned to contain all light within the development area.
- (h) *Sidewalks*.
- i) *Internal Sidewalks*. All sidewalks adjacent to an interior residential street shall begin 5½-feet from the back of curb and be five (5) feet in overall width.

Exhibit 'D':
PD Development Standards

- ii) *Sidewalks Adjacent to Rochell Road and Discovery Boulevard.* All sidewalks adjacent Rochell Road and Discovery Boulevard shall begin two (2) feet inside the right-of-way line and be five (5) feet in overall width.
 - (i) *Open Space.* The development shall consist of a minimum of 20% open space as calculated from the gross land area, and generally conform to the *Concept Plan* contained in *Exhibit 'C'* of this ordinance. Existing floodplain shall be counted at a rate of ½-acre for every acre provided (e.g., 10-acres of floodplain would count as 5-acres of open space). The Homeowner's Association (HOA) shall maintain all open space areas.
 - (j) *Neighborhood Signage.* Permanent subdivision identification signage shall be permitted at all major entry points for the proposed subdivision. Final design and location of any entry features shall be reviewed and approved with the *PD Site Plan*.
 - (k) *Community Center.* A site plan, landscape plan and building elevations shall be required for the proposed *Community Center* and shall be subject to site plan approval by the Planning and Zoning Commission prior to construction.
 - (l) *Homeowner's Association (HOA).* A Homeowner's Association shall be created to enforce the restrictions established in accordance with the requirements of *Section 38-15* of the Subdivision Regulations contained within the *Municipal Code of Ordinances* of the City of Rockwall. The HOA shall also maintain all neighborhood parks, trails, open space and common areas, irrigation, landscaping, amenity centers, screening fences associated with this development.
4. *Buried Utilities.* New distribution power-lines required to serve the *Subject Property* shall be placed underground, whether such lines are located internally or along the perimeter of the *Subject Property*, unless otherwise authorized by the City Council. New transmission power-lines, or distribution lines of a size not typically or cost effectively placed underground (3-phase lines), or additional lines that are added to existing poles, may be above ground, if located along the perimeter of the *Subject Property*. The Developer shall not be required to re-locate existing overhead power-lines along the perimeter of the *Subject Property*. Temporary power-lines constructed across undeveloped portions of the *Subject Property* to facilitate development phasing and looping may be allowed above ground, but shall not be considered existing lines at the time the area is developed, and if they are to become permanent facilities, such lines shall be placed underground pursuant to this paragraph. Franchise utilities shall be placed within a ten (10) foot public utility easement behind the sidewalk, between the home and the property line.
5. *Variances.* The variance procedures and standards for approval that are set forth in the Unified Development Code shall apply to any application for variances to this ordinance.

Planned Development (PD-78) City ordinance 15-24 - Discovery Lakes

Proposed Zoning Changes

Background:

Discovery Lakes, LLC (Owner) received approval from the City of Rockwall (City) for PD-78 on August 17, 2015. Since that time, the costs for bringing utilities to the site, specifically sanitary sewer, have increased dramatically from what the Owner understood would be required and have proven to be cost prohibitive. Since the fall of 2019 the Owner and the City have been working on plans to provide sanitary sewer service to the site by constructing a line and necessary lift stations and force mains to the Sabine Creek WWTP owned and operated by NTMWD and located in the city of Fate. This system will ultimately provide sewer capacity for the entire development and other unserved areas in the City of Rockwall and Rockwall's ETJ. Studies by NTMWD are underway to determine the ultimate route, size and preliminary cost. Cost participation by the City and the Owner will be negotiated at the conclusion of the NTMWD studies.

Since the period between the approval of PD-78 and now, the Owner has incurred significant expenses including property taxes, finance and interest costs, and maintenance and operation expenses on the property. The Owner is seeking ways to help offset these recurring costs as well as to provide a benefit to the City of Rockwall. These benefits would include developing a unique phase of the development that is currently not provided for in PD-78 but will provide overall lower density, a more timely development and the associated higher ad valorem property tax base on a higher end custom home product we believe the city will find desirable. This zoning change, when approved, would allow the development of this phase to proceed immediately following the appropriate approvals of plats and engineering. This would allow the project to begin and move forward with a smaller initial phase while the NTMWD study is completed and plans and ultimate construction of the sewer system takes place.

Proposed Zoning Change Highlights:

The Owner is seeking a zoning change that would increase the size of the Type "A" lots from 9,600 square feet to 43,560 square feet (one acre) and provide a location for this revised category of lot in the southeastern portion of the project which would contain up to 50 one-acre minimum lots. These lots would be located along the Brushy Creek floodplain and would not encroach or allow development into the floodplain boundaries or erosion hazard setback areas. The total number of lots would decrease from 507 to 428 and density per acre would decrease from 1.65 lots per acre to 1.39 lots per acre.

The one-acre lots in this phase would have separate faux guard gated entry features. These entry features would be unmanned but may contain video equipment to record traffic in and out of this phase. These entry features would not have actual gates or traffic control devices. These lots would be marketed and sold to custom builders with prices averaging in the \$200,000.00 range with home values expected to be in the \$750,000.00 to \$1.0 Million + range. These lots would have a minimum of ½ acre (22,000 sf) of land located outside of any Floodplain boundary and erosion hazard setback line, but would be deeded/platted to allow use of the floodplain per individual resident for open space, recreation. No construction or permanent improvements would be permitted in this area.

Sewer Service Would Be Provided In A Two-Stage Process:

- Stage 1 consists of construction of individual onsite sanitary sewer systems (OSSF's) that would be aerobic systems with drip irrigation versus spray systems. The drip systems require less land for the lines and drastically reduce potential odors and issues associated with spray (sprinkler) type systems. Our engineer has used these on multiple projects throughout Rockwall County and Texas. All systems would be designed by a State of Texas licensed Professional Engineer to Texas Commission on Environmental Quality (TCEQ) standards and oversight of installation would be arranged by a third party instead of the County's inspectors if required or desired by the City of Rockwall. The land area outside of any floodplain boundary necessary for these in ground drip irrigation systems is typically 0.5 acres or less. During the engineering design phase and prior to submission of the preliminary plat, site specific engineering, and soil investigation of this proposed phase will be conducted and results submitted to the City's engineering department for review. In addition to these OSSF's for each lot, the Owner will install appropriately sized sewer mains and lateral services at the time of development of this phase to allow the homes within this phase to connect to the City sewer system when it is ultimately constructed and brought to the development.
- Stage 2 includes the connection to the sanitary sewer system by each resident and abandonment in place of the OSSF's as per the city of Rockwall's ordinance requiring connection to City Sewer when it becomes available. The cost to disconnect from the OSSF and connect to the City's system shall be at the sole cost of the homeowner, and an appropriate disclosure regarding this potential obligation and cost shall be a part of all real-estate contracts between developer, homebuilder and homeowner.

The Proposed PD 78 Language and concept plan revisions are attached on the following pages:

The remaining sections of this page were intentionally left blank

~~CITY OF ROCKWALL~~

~~ORDINANCE NO. 15-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 AN AGRICULTURAL (AG) DISTRICT TO A PLANNED DEVELOPMENT DISTRICT FOR SINGLE FAMILY 10 (SF-10) AND GENERAL RETAIL (GR) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 316.315-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1 OF THE M. E. HAWKINS SURVEY, ABSTRACT NO. 100, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A' & EXHIBIT 'B'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.~~

~~WHEREAS, the City has received a request by the Stacy McVey of Double Eagle Properties, LLC on behalf of the owner 308 ON 276, LP for the approval of a zoning change from an Agricultural (AG) District to a Planned Development District for Single Family 10 (SF-10) and General Retail (GR) District land uses, on a 316.315-acre tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract No. 100, City of Rockwall, Rockwall County, Texas and more fully described in Exhibit 'A' & Exhibit 'B' of this ordinance, which hereinafter shall be referred to as the Subject Property and incorporated by reference herein; and~~

~~WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code [Ordinance No. 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 generally be in accordance with the Planned Development Concept Plan, described in Exhibit 'C' of this ordinance, attached hereto and incorporated herein by reference as Exhibit 'C', which is deemed hereby to be a condition of approval of the amended zoning classification for the Subject Property;~~

~~Section 3. That development of the Subject Property shall generally be in accordance with the 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 4. That a Master Parks and Open Space Plan for the Subject Property, shall be prepared in accordance with this ordinance and consistent with the Planned Development~~

~~Concept Plan depicted in Exhibit 'C' of this ordinance, and that the Master Parks and Open Space Plan shall be considered for approval by the City Council following a recommendation by the Parks and Recreation Board.~~

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

(a) ~~_____ The procedures set forth in the City's subdivision regulations on the date this ordinance is approved by the City, as amended by this ordinance (including Subsections 5(b) through 5(f) below), shall be the exclusive procedures applicable to the subdivision and platting of the 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) | _____ | Open Space Master Plan |
| (2) | _____ | Master Plat |
| (3) | _____ | PD Development Plan (Required for Retail Areas Only) |
| (4) | _____ | PD Site Plan |
| (5) | _____ | Preliminary Plat |
| (6) | _____ | Final Plat |

(c) ~~_____ A PD Development Plan must be approved for the area designated on the Planned Development Concept Plan as Retail prior to submittal of a PD Site Plan application and/or preliminary plat application. No Master Plat is required for the area designated on the Concept Plan as Retail. A traffic impact analysis for the retail tract 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 for each retail development.~~

(d) ~~_____ PD Site Plan. A PD Site Plan covering all of the Subject Property shall be submitted and shall identify all site/landscape/hardscape plan(s) for all open space, neighborhood parks, trail systems, street buffers and entry features. A PD Site Plan application may be processed by the City concurrently with a Preliminary Plat Application for the development.~~

(e) ~~_____ Preliminary Plat. A Preliminary Plat covering all of the Subject Property shall be submitted and shall include a Treescape Plan. A Preliminary Plat Application may be processed by the City concurrently with a PD Site Plan Application for the development.~~

(f) ~~_____ Final Plat. Prior to the issuance of any building permits, a Final Plat, conforming to the Preliminary Plat, for all of the Subject Property shall be submitted for approval.~~

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

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

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

~~**Section 9.** That this ordinance shall take effect immediately from and after its passage 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 20TH DAY OF JULY, 2015.**~~

Jim Pruitt, Mayor

ATTEST:

Kristy Ashberry, City Secretary

APPROVED AS TO FORM:

Frank J. Garza, City Attorney

1st Reading: _____ July 20, 2015

2nd Reading: _____ August 3, 2015

Exhibit 'A':
Legal Description

Field notes for a 316.315-acre (13,778,691 square foot) tract of land situated in the M. E. Hawkins Survey, Abstract No. 100, and the Robert K. Briscoe Survey, Abstract No. 16 in the City of Rockwall, Rockwall County, Texas, and being all of that certain called 308.52-acre tract of land described in a Special Warranty Deed to 308 ON 276, L.P., as recorded in Volume 03662, Page 00315, of the Office Public Records of Rockwall County, Texas (O.P.R.R.C.T.) with said 316.315-acre (13, 778,691 square feet) tract of land being more particularly described by metes and bounds as follows:

BEGINNING a railroad spike set in asphalt marking the northwest corner of said 308 on 276, L.P. tract and the common southwest corner of that certain called 21. 935 acre tract of land described as Tract One in a Warranty Deed to Rockwall Fund I, L.L.C., as recorded in Volume 1 110, Page 190, of the Deed Records of Rockwall County, Texas (D.R.R.C.T.) , said point being in the approximate center of Rochell Road, a county road with an unspecified right-of- way (R. O. W.) width;

THENCE North 89 degrees 00 minutes 24 seconds East (South 89 degrees 12 minutes 02 seconds East - deed call), along the common northerly line of said 308 ON 276, L.P. tract and the common southerly line of said Tract One, passing at a distance of 30. 00 feet, a 5/8 inch iron rod set with a yellow plastic cap stamped "THE WALLACE GROUP " ("cap ") for reference, continuing along said common line, passing at a distance of 1,799. 04-fee t, a ½-inch iron rod found marking the southeast corner of said Tract One, being common with the south west corner of that certain called 59.71-acre tract of land described in a Special Warranty Deed to Fate I- 30, L.P., as recorded in Volume 03542, Page 00039, O.P.R.R.C.T., continuing along the common northerly line of said 308 on 276, L.P. tract and the southerly line of said Fate I-30, L.P. tract, a total distance of 1,966.04 feet (1,902 .80 feet - deed call) to a 1/ 2 inch iron rod found marking the common most northerly northeast corner of said 308 on 276, L.P. tract and the north west corner of that certain coiled 85.479 acre tract of land described as Tract Two in the aforementioned Warranty Deed to Rockwall Fund I, L.L.C., as recorded in Volume 1 110, Page 190, O.R.R.C.T.;

THENCE South 01 degrees 59 minutes 29 seconds East (South 00 degrees 08 minutes 06 seconds West - deed call), along the common easterly line of said 308 ON 276, L.P. tract and the westerly line said Tract Two, a distance of 2,204.26-fee t (2,166.70-feet - deed call) to a 1/ 2 inch iron rod found marking an ell corner of said 308 ON 276, L.P. tract and the southwest corner of said Tract Two;

THENCE North 87 degrees 20 minutes 20 seconds East (North 89 degrees 12 minutes 02 seconds East - deed call), continuing along the common northerly line of said 308 on 276, L.P. tract and the southerly line said Tract Two, a distance of 1,691. 90 feet (1,782.53 feet - deed call) to a 5/8 inch iron rod set with "cap " marking the common most easterly northeast corner of said 308 on 276, L.P. tract and the southeast corner of said Tract Two, from which a ½-inch iron rod found bears North 87 degrees 20 minutes 20 seconds East at 10. 49 feet, said 5/8-inch iron rod set being on the west line of that certain called 212. 25 acre tract of land described in a Special Warranty Deed to South Rock wall Holdings, L.P., as recorded in Volume 03625, Page 00034, O.P.R.R.C.T.;

THENCE South 01 degrees 34 minutes 35 seconds East, along the common easterly line of said 308 ON 276, L.P. tract and the westerly line said South Rock wall Holdings tract, a distance of 309.68-feet to a 5/8-inch iron rod set with "cap " marking the southwest corner of said South Rock wall Holdings tract, being common with the northwest corner of Lot 8, Equestrian Estates, according to the plot thereof recorded in Cabinet A, Page 19 7, of the Plot Records of Rock wall County, Texas (P.R.R.C.T.);

THENCE South 00 degrees 50 minutes 42 seconds East, along the common easterly line of said 308 ON 276, L.P. tract and the westerly line said Equestrian Estates, a distance of 2,301.71 feet (South 00 degrees 06 minutes 38 seconds West, a distance of 2,580 . 60 feet - overall deed call) to a 5/8 inch iron rod set with "cap " marking the common southeast corner of said 308 ON 276, L.P. tract and on ell corner of the north R.O.W. line of State Highway No. 276 (having a variable width R.O.W.);

THENCE South 89 degrees 29 minutes 00 seconds West (North 89 degrees 29 minutes 07 seconds West - deed call), along the common southerly line of said 308 ON 2 76, L.P. tract and said north R.O.W. line of State Highway No. 276, passing at a distance of 1.66 feet a found TxDOT concrete monument, continuing along said common line for a tot al distance of 117.50-feet (115.83-feet - deed call) to a 5/8-inch iron rod set with "cap " marking the common ell corner of said 308 ON 276, L.P. tract and the most easterly southeast corner of that certain called 2.503-acre tract of land described as on Easement for Highway Purposes to the State of Texas, recorded in Volume 82, Page 583 of the Real Property Records of Rockwall County, Texas (R.P.R.R.C.T.);

THENCE North 00 degrees 31 minutes 03 seconds West (North 00 degrees 30 Minutes 13 seconds East - deed call), along a common interior line of said 308 on 2 76, L.P. tract and the easterly line of said Easement for Highway Purposes tract, a distance of 50.31-feet (50-feet - deed call) to a 5/8-inch iron rod set with "cap" marking the common ell corner of said 308 ON 276, L.P. tract and the north east corner of said Easement for Highway Purposes tract;

Exhibit 'A':
Legal Description

THENCE South 89 degrees 28 minutes 57 seconds West (North 89 degrees 29 minutes 47 seconds West - deed call), along the common southerly line of said 308 on 276, L.P. tract and the northerly line of said Easement for Highway Purposes tract, a distance of 543.40-feet (543.73-feet - deed call) to a 5/8-inch iron rod set with "cap " for corner;

THENCE South 89 degrees 13 minutes 58 seconds West (South 89 degrees 48 minutes 55 seconds West - deed call), continuing along the common southerly line of said 308 ON 276, L.P. tract and the northerly line of said Easement for Highway Purposes tract, a distance of 757. 25-feet (756.93-feet - deed call) to a 5/8-inch iron rod found marking a common ell corner of said 308 ON 276, L.P. tract and the northwest corner of said Easement for Highway Purposes tract;

THENCE South 00 degrees 46 minutes 03 seconds East (South 00 degrees 11 minutes 05 seconds East - deed call), along a common interior line of said 308 ON 276, L.P. tract and the westerly line of said Easement for Highway Purposes tract, a distance of 90.30-feet (87.44-feet - deed call) to a 5/8-inch iron rod set with "cap " marking a common ell corner of said 308 ON 276, L.P. tract and the southwest corner of said Easement for Highway Purposes tract, said point being on said north R.O.W. line of State Highway No. 276;

THENCE South 89 degrees 13 minutes 57 seconds West (North 89 degrees 53 minutes 27 seconds West - deed call), along the common southerly line of said 308 ON 276, L.P. tract and said north R.O.W. line of State Highway No. 276, passing at a distance of 1,667.76-feet a 5/8-inch iron rod set with "cap " for reference, continuing along said common line for a total distance of 1,917.07-feet (1,917.34-feet - deed call) to a found TxDOT concrete monument, marking the transitional R.O.W. line from said north R.O.W. line of State Highway No. 276 to the east R.O.W. line of Springer Lane, on 80-foot wide R.O.W., (formerly F.M. No. 1143), said point being the beginning of a non-tangent curve to the right, with the radius point being situated North 21 degrees 40 minutes 52 seconds East, a distance of 533.69-feet;

THENCE Northerly along the common curving westerly line of said 308 ON 276, L.P. tract and said curving east R.O.W. line of Springer Lane, with said non-tangent curve to the right, through a central angle of 67 degrees 33 minutes 20 seconds (48 degrees 33 minutes 57 seconds - deed call), having a radius of 533. 69-feet (613.69-feet - deed call), a tangent distance of 356.97-feet, a chord bearing North 34 degrees 32 minutes 28 seconds West (North 40 degrees 41 minutes 57 seconds West - deed call), at 593.43-feet, and an arc distance of 629.26-feet (520.18-feet - deed call) to a 5/8-inch iron rod set with "cap" at the end of said non- tangent curve;

THENCE North 00 degrees 53 minutes 56 seconds West (North 00 degrees 43 minutes 17 seconds West - deed call), continuing along the common westerly line of said 308 on 276, L.P. tract and said east R.O.W. line of Springer Lane, a distance of 294.21-feet (430.56-feet - deed call) to an axle found for the beginning of a non-tangent curve to the left , with the radius point being situated South 89 degrees 08 minutes 07 seconds West, a distance of 612.96-feet;

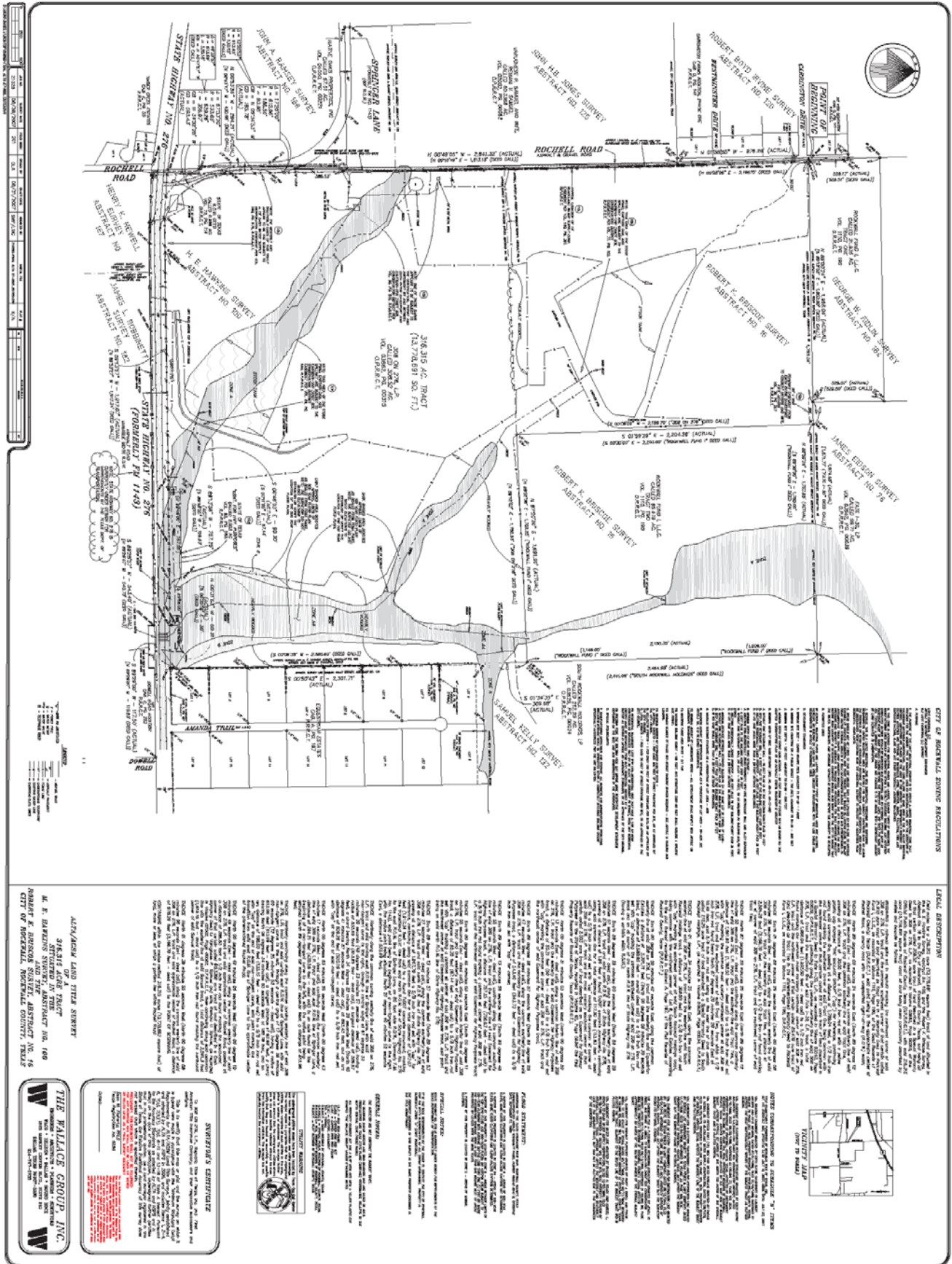
THENCE Northerly continuing along the common curving westerly line of said 308 ON 276, L.P. tract and said curving east R.O.W. line of Springer Lane, with said non-tangent curve to the left, through a central angle of 17 degrees 26 minutes 00 seconds (12 degrees 25 minutes 52 seconds - deed call), having a radius of 612.96-feet (613.69-feet - deed call), a tangent distance of 93.98 feet, a chord bearing North 09 degrees 34 minutes 53 seconds West at 185.78-feet, and an arc distance of 186.50-feet (133.15 feet - deed call) to a 5/8-inch iron rod set with "cap" at the end of said non-tangent curve, said point marking the transition from said east R.O.W. line of Springer Lane to the approximate center of the aforementioned Rochell Road;

THENCE North 00 degrees 49 minutes 05 seconds West (North 00 degrees 10 minutes 49 seconds East - deed call), along the common westerly line of said 308 ON 276, L.P. tract and said approximate center of Rochell Road, passing at a distance of 386.53-feet a ½-inch iron rod found marking the southeast corner of that certain called 60.3368-acre tract of land described in a Cash Warranty Deed to Varughese P. Samuel and wife, Remoni V. Samuel, as recorded in Volume 02002, Page 00062, O.P.R.R.C.T., then continuing along said common line with the easterly line of said Samuel tract, a total distance of 2,841.3-feet (1,613.15-feet - deed call) to a ½-inch iron rod found marking the northeast corner of said Samuel tract;

THENCE North 01 degrees 38 minutes 55 seconds West (North 00 degrees 08 minutes 06 seconds East - deed call), along the common westerly line of said 308 ON 276, L.P. tract and said approximate center of Rochell Road, a distance of 976.29-feet (2,166.70-feet - deed call) to the *POINT OF BEGINNING*.

CONTAINING within the metes recited 316.315-acres (13,778,692 square feet) of land, more or less, of which a portion lies within Rochell Road.

Exhibit 'B': Survey



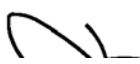


Exhibit 'C' **Existing and Proposed**
 Concept Plan

Proposed Concept Plan

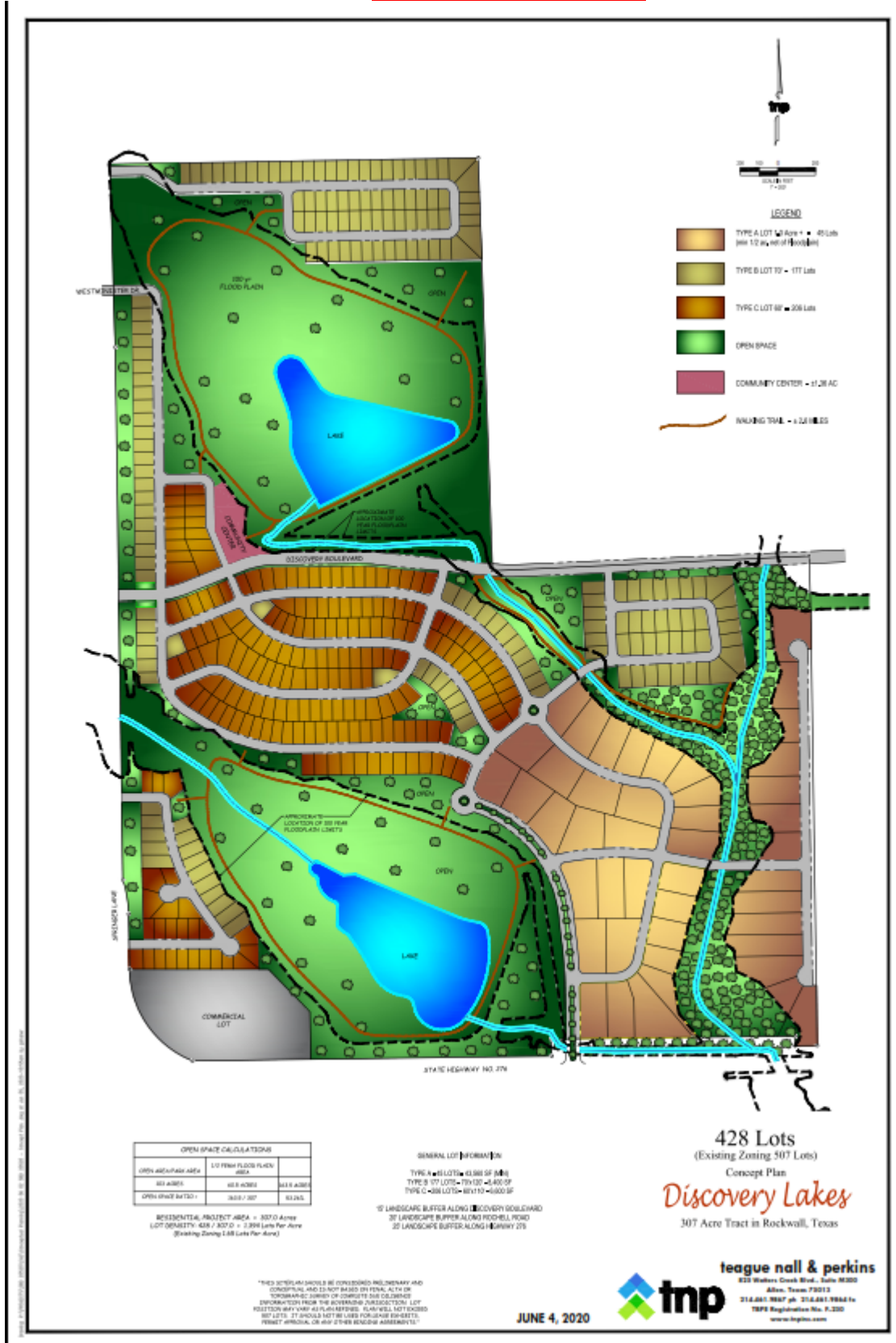


Exhibit 'D':
PD Development Standards

A. PURPOSE

The purpose of this PD Zoning change is to allow for an area located at the southeastern portion of the property to be developed as a high-end custom home phase, with minimum one-acre single family residential lots. It is the desire of the owner to retain all the other non-conflicting entitlements on the property per the existing PD requirements and development standards with exceptions that will be noted throughout this document. The developer recognizes and accepts that the acreage utilized for this proposed custom phase will result in a loss of development density, from 507 single family homes to approximately 428 Single family homes. The owner requests the right and flexibility to replace smaller lot types with the one acre lot type throughout future phases of the development, without the need to re-zone the PD as long as the general intent and layout of the approved revised concept plan is followed and the total number of lots does not increase.

To facilitate review of the proposed PD revisions, sections and development standards that are to be revised as a part of this re-zoning request will be highlighted in yellow throughout the document. All proposed revisions have been incorporated into the attached revised concept plan.

A.

The Discovery Lakes Subdivision is located at the northeast corner of the intersection of SH-276 and Rochell Road. The *Subject Property* is a short walk or bike ride from the Rockwall Technology Park. The Discovery Lakes Subdivision will be a master planned residential neighborhood that will incorporate two (2) lakes, several acres of open space and ~3.82.6-miles of hiking/jogging/biking trails. The master plan calls for 507~~428~~ single-family homes. There will be several view corridors strategically placed within the subdivision along with *front loaded* lots to provide for the enjoyment of the open space. A boulevard with 85-feet of right-of-way will connect SH-276 and be constructed up to the first round-about of the one acre lot phase ~~Discovery Boulevard~~. The boulevard will have a 14-foot landscape median and a 25-foot travel lane on each side of the street. The residential streets will be 29-feet back-to-back, with a 10½-foot parkway on each side for a total of 50-feet of right-of-way. A *Community Center* with a pool will be provided to add increased amenity for the subdivision. Commencement of the construction of the Community Center and pool will take place at or before the final platting of the 201st residential lot. Additionally, the proposed development will incorporate nine (9) acres of commercial space that will be located at the hard corner of SH-276 and Rochell Road. This area will allow for neighborhood service types of uses and eating establishments. A maximum of one (1) hotel planned to service the needs of the subdivision and the Rockwall Technology Park. A 55-acre area adjacent to the northern lake will be dedicated as public parkland to serve Park District No. 31. The Discovery Lakes Subdivision will be a benefit to the community, allowing citizens of all ages the opportunity to live, work, and play in a connected master planned community.

B. GENERAL REQUIREMENTS

Development Standards.

1. *Permitted Uses.* The following uses are permitted on the *Subject Property* in accordance with the Revised *Concept Plan* depicted in *Exhibit 'C'* of this ordinance.
 - (a) *Residential Uses.* Unless specifically provided by this Planned Development ordinance, only those uses permitted within the Single Family 10 (SF-10) District, as stipulated by the *Permissible Use Charts* contained in Article IV, *Permissible Uses*, of the Unified Development Code (UDC), shall be allowed for areas designated as *residential* on the *Concept Plan*.

Exhibit 'D':
PD Development Standards

(b) *Non-Residential*. Unless specifically provided by this Planned Development ordinance, only those uses permitted within the General Retail (GR) District, as stipulated by the *Permissible Use Charts* contained in Article IV, *Permissible Uses*, of the Unified Development Code (UDC), shall be allowed for areas designated as *commercial* on the *Concept Plan*; however, the following conditions shall apply:

(i) The following additional uses shall be permitted as *by-right* uses on the *Subject Property*:

- ☒ Hotel, Hotel (*Full Service*) or Motel (*With a Maximum Height of Four [4] Stories*) ¹
- ☒ Restaurant (*with Drive-Through or Drive-In*) ²
- ☒ Retail Store (*with more than two [2] Gasoline Dispensers*)

Notes:

¹: A maximum of one (1) hotel/motel shall be permitted with this Planned Development District. The height requirement of four (4) stories is permitted to exceed 36-feet, but in no case shall exceed 60-feet.

²: A maximum of three (3) restaurants (despite the size of the restaurant) shall be permitted within this Planned Development District.

(ii) The following uses shall be prohibited on the *Subject Property*:

- ☒ Convent or Monastery
- ☒ Hotel, Residence
- ☒ Cemetery/Mausoleum
- ☒ Mortuary or Funeral Chapel
- ☒ Social Service Provider
- ☒ Billiard Parlor or Pool Hall
- ☒ Carnival, Circus, or Amusement Ride
- ☒ Commercial Amusement/Recreation (*Outside*)
- ☒ Gun Club, Skeet or Target Range (*Indoor*)
- ☒ Astrologer, Hypnotist, or Psychic Art and Science
- ☒ Garden Supply /Plant Nursery
- ☒ Night Club, Discotheque, or Dance Hall
- ☒ Secondhand Dealer
- ☒ Car Wash, Self Service
- ☒ Mining and Extraction (Sand, Gravel, Oil and/or Other)
- ☒ Helipad
- ☒ Railroad Yard or Shop
- ☒ Transit Passenger Facility

2. *Non-Residential Development*. The area designated as *commercial* on the **Revised** *Concept Plan* depicted in *Exhibit 'C'* of this ordinance shall be designed to be pedestrian-oriented, easily accessible, and integrated into the general design scheme of the adjacent neighborhood. This can be accomplished by removing the traditional barriers utilized to separate commercial and residential developments (e.g. *screening walls*) and incorporating landscape buffers/elements (e.g. *greenspace, parkways, and etcetera*) and urban design elements (e.g. *pathways, pergolas, and etcetera*) that can create compatibility with the adjacent single-family neighborhood. To better achieve this goal and in addition to the requirements of Section 4.1, *General Commercial District Standards*, and Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code, all commercial development shall be required to adhere to the following supplemental standards:

Exhibit 'D':
PD Development Standards

- (a) *Retail Landscape*. Landscaping shall be reviewed and approved with the PD Site Plan. All Canopy/Shade Trees planted within the retail development shall be a minimum of four (4) caliper inches in size and all *Accent/Ornamental/Under-Story Trees* shall be a minimum of four (4) feet in total height unless otherwise provided within this document.
- (b) *Retail Landscape Buffers*. All landscape and plantings located within the buffers shall be maintained by the property owner.
 - (1) *Landscape Buffer (Residential Adjacency)*. Where residential and retail uses share a direct adjacency, a minimum of a 30-foot landscape buffer shall be provided by the retail property adjacent to the residential property. This area shall incorporate ground cover, a *built-up* berm and shrubbery along the entire length of the adjacency. This area should also incorporate pedestrian-oriented design elements (e.g. *pathways*) that allow access between the two (2) uses. Shrubby utilized in this area shall have a minimum height of 30-inches and a maximum height of 48-inches. Additionally, trees should be incorporated in this area to break up the façades of any commercial buildings.
 - (2) *Landscape Buffer and Sidewalks (SH-276)*. A minimum of a 15-foot landscape buffer shall be provided along the frontage of SH-276, and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. All buffer-strip planting requirements shall conform to the requirements of Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code.
 - (3) *Landscape Buffer (Rochell Road Retail)*. A minimum of a 20-foot landscape buffer shall be provided along the frontage of Rochell Road (*outside of and beyond any required right-of-way dedication*), and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage.
- (c) *Sidewalks*.
 - i) *Sidewalk Adjacent to Rochell Road and SH-276*. The developer shall be responsible for the construction of a five (5) foot sidewalk that meanders through the required 20-foot landscape buffer adjacent to Rochell Road and SH-276.
- 3. *Residential Development Standards*. Except as modified by these *Development Standards*, the residential uses depicted in *Exhibit 'C'* of this ordinance shall be subject to the development standards for a Single Family 10 (SF-10) District as stipulated by Section 3.1, *General Residential District Standards*; Section 3.4, *Single-Family Residential (SF-10) District*; and Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code. In addition, all residential development shall adhere to the following standards:
 - (a) *Lot Composition and Layout*. The lot layout and composition of the *Subject Property* shall generally conform to the Revised *Concept Plan* depicted in *Exhibit 'C'* and stated in

Exhibit 'D':
PD Development Standards

Table 1 below. Allowances for changes to the quantity and locations of each lot type are permitted in conformance with the requirements listed below; however, in no case shall the proposed development exceed ~~435507~~ units.

Table 1: Lot Composition

Lot Type	Minimum Lot Size Dimensions (FT)	Minimum Lot Size (SF)	Dwelling Units (#)	Dwelling Units (%)
A	80' x 200 120 '	9,600 43,560 SF	42 145	23.87 10.51 %
B	70' x 110'	7,700 SF	42 7 177	25.05 41.36 %
C	60' x 110'	6,600 SF	259 206	51.08 48.13 %

Maximum Permitted Units: ~~507~~~~428~~ 100.00%

The allocation of single-family dwellings among lot types may deviate from Table 1 provided that the proposed lot composition meets the following criteria:

- (1) The total number of lots does not exceed ~~435525~~ units; and,
- (2) The average lot size for the total development is not less than 7,500 SF (*i.e. total square footage of all lots/total number of lots*); and,
- (3) Lot Type "A" shall not be decrease below ~~115~~~~40~~ lots; and,
- (4) Lot Type "B" shall not be decreased below ~~38~~~~23~~% of the total ~~428~~~~507~~ lots; and,
- ~~(5)~~ Lot Type "C" shall not be increased beyond 55% of the total ~~507~~~~428~~ lots.

- (b) *Density and Dimensional Requirements.* The maximum permissible density for the Subject Property shall not exceed 1.70 dwelling units per gross acre of land; however, in no case should the proposed development exceed ~~507~~~~435~~ units. All lots shall conform to the standards depicted in Table 2 below and generally conform to the Revised Exhibit 'C' of this ordinance.

Table 2: Lot Dimensional Requirements

Lot Type (see Concept Plan) ►	A	B	C
Minimum Lot Width ^{(1) & (5) & (7)}	80'	70'	60'
Minimum Lot Depth	120 200 '	110'	110'
Minimum Lot Area ⁽⁸⁾	9,600 43,560 SF	7,700 SF	6,600 SF
Minimum Front Yard Setback ^{(2) & (6)}	20 25 '	20'	20'
Minimum Side Yard Setback	6 10 '	5'	5'
Minimum Side Yard Setback (Adjacent to a Street) ⁽²⁾	15 20 '	15'	15'
Minimum Length of Driveway Pavement	20 25 '	20'	20'
Maximum Height ⁽³⁾	36'	36'	36'
Minimum Rear Yard Setback ⁽⁴⁾	10 20 '	10'	10'
Minimum Area/Dwelling Unit (SF) [Air Conditioned Space]	2,800 3,200 SF	2,250 SF	2,000 SF
Garage Orientation	J-Swing or Front	J-Swing or Front	J-Swing or Front
Maximum Number of Front Entry Garages Permitted	48 15	42	173
Maximum Lot Coverage	65%	65%	65%

General Notes:

- 1: The minimum lot width shall be measured at the *Front Yard Building Setback*.
- 2: The location of the *Front Yard Building Setback* as measured from the front property line.
- 3: The *Maximum Height* shall be measured to the eave or top plate (whichever is greater) of the single family home.
- 4: As measured from the rear yard property line.
- 5: Lots fronting onto a curvilinear street, cul-de-sac or eyebrow may have the lot width reduced by up to

Exhibit 'D':
PD Development Standards

20% as measured at the front property line provided that the lot width is met at the front building line. Additionally, the lot depth on lots fronting onto curvilinear streets, cul-de-sacs and eyebrows maybe reduced by up to ten (10%) percent, but shall meet the minimum lot size for each lot type.

6. Sunrooms, porches, stoops, bay windows, balconies, masonry clad chimneys, eaves and similar architectural features may encroach beyond the Front Yard Building Setback by up to ten (10) feet for any property that increases the Front Yard Building Setback to 20-feet; however, the encroachment shall not exceed five (5) feet on Side Yard Setbacks (Adjacent to a Street) and shall not encroach into public right-of-way [a Sunroom is an enclosed room no more than 15-feet in width that has glass on at least 50% of each of the encroaching faces].
7. All lots with a *J-Swing* or *Traditional Swing* driveway require a minimum of a 65-foot lot width.
8. All Type "A" lots shall have a minimum of 22,000 SF outside the limits of the 100 year Floodplain and the city's erosion hazard setback. Area within the floodplain that is contiguous to the 22,000 sf lot area and extends along the projected property line boundaries to the centerline of the floodplain area shall be restricted to recreational use only and no permanent structures, improvements, excavation or placement of fill are allowed in the floodplain or erosion hazard setback area. Trees in the designated flood area are to be left in a natural state and can only be removed if disease or significant damage has occurred to the trees.

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

- (1) *Masonry Requirement.* The minimum masonry requirement for the exterior façades of all buildings shall be 80%. For the purposes of this ordinance the masonry requirement shall be limited to full width brick, natural stone, and cultured stone. Cementaceous fiberboard horizontal lap-siding (e.g. *HardiBoard* or *Hardy Plank*) and/or stucco (i.e. *three [3] part stucco* or a comparable -- to be determined by staff) shall be permitted to be used to meet up to 50% of the masonry requirement.
- (2) *Roof Pitch.* A minimum of an 8:12 roof pitch is required on all structures with the exception of porches, which shall have a minimum of a 4:12 roof pitch for all Type B&C Lots.- Type A lots may have variable pitch roofs that may vary from the minimum standards if they conform to a specific architectural theme as submitted and approved by the developer and or the HOA.
- (3) *Garage Orientation.* Garages shall be provided as stipulated by *Table 2: Lot Dimensional Requirements*. Garages permitted for front entry maybe oriented toward the street; however, the front façade of the garage must be situated a minimum of 20-feet off the front property line. All front entry garages shall incorporate an architectural element or feature separating the individual garage openings. *Swing, Traditional Swing* or *J-Swing* garages are permitted to have a second single garage door facing the street as long as it is behind the width of the double garage door situated in the *Swing* configuration.
- ~~(3)~~(4) *Onsite Sanitary Sewer Facilities (OSSF's).* OSSF's shall be allowed on Type "A" lots only, and must contain a minimum of 22,000 SF outside of any floodplain boundary and City of Rockwall's erosion hazard setback line. OSSF's shall be designed by a State of Texas registered Professional Engineer, and each design shall specify an aerobic type system with drip (underground) irrigation systems. All systems shall meet the standards of the Texas Commission on Environmental Quality (TCEQ) and each installed system shall be inspected and by a third party licensed Inspector and paid for by the developer. Operation and maintenance of each individual OSSF shall be the responsibility of the homeowner and the city shall take no responsibility whatsoever as to the proper design, installation, operation and maintenance of the system. In addition to the installation of OSSF's for the Type "A" lots, each constructed home must provide a secondary connection that will

Exhibit 'D':
PD Development Standards

allow the resident to disconnect and abandon the OSSF and connect to the City provided sanitary sewer system, if and when it becomes available. The Developer, during the development of any phase that contains any Type "A" lots will be responsible to construct properly sized underground sanitary sewer mains with appropriate sewer laterals to allow for connection to Type "A" homes when and if the City provides City Sanitary Sewer service to the development. The cost to disconnect from the OSSF and connect to the City's system shall be at the sole cost of the homeowner, and an appropriate disclosure regarding this potential obligation and cost shall be a part of all real-estate contracts between developer, homebuilder and homeowner.

- (d) *Anti-Monotony Restrictions.* The development shall adhere to the Anti-Monotony Matrix depicted in Table 3 below (for spacing requirements see the illustration on the following page).

Table 3 : Anti-Monotony Matrix

Lot Type	Minimum Lot Size	Elevation Features
A	80' x 200 120'	(1), (2), (3)
B	70' x 110'	(1), (2), (3)
C	60' x 110'	(1), (2), (3)

- (1) Identical brick blends or paint colors may not occur on adjacent (*side-by-side*) properties along any block face without at least four (4) intervening homes of differing materials on the same side of the street beginning with the adjacent property and two (2) intervening homes of differing materials on the opposite side of the street.
- (2) Front building elevations shall not repeat along any block face without at least four (4) intervening homes of differing appearance on the same side of the street and two (2) intervening homes of differing appearance on the opposite side of the street. The rear elevation of homes backing to open spaces or on SH-276 shall not repeat without at least five (5) intervening homes of differing appearance. Homes are considered to have a differing appearance if any of the following two (2) items deviate:
 - (a) Number of Stories
 - (b) Permitted Encroachment Type and Layout
 - (c) Roof Type and Layout
 - (d) Articulation of the Front Façade
- (3) Each phase of the subdivision will allow for a maximum of four (4) compatible roof colors, and all roof shingles shall be an architectural or dimensional shingle (*3-Tab Roofing Shingles are prohibited*). Type A lots may use slate, imitation slate, tile, concrete tile or other imitation tile, standing seam metal, or other high-end type roof materials as approved by the developer.

See the Illustrations on the following page.

Exhibit 'D':
PD Development Standards

Illustration 1: Properties line up on the opposite side of the street. Where RED are the same.



Illustration 2: Properties do not line up on opposite side of the street. Where RED are the same.



(e) *Fencing Standards.* All individual residential fencing and walls shall be architecturally compatible with the design, materials and colors of the primary structure on the same lot, and meet the following standards:

- (1) *Wood Fences.* All wood fences shall be constructed of a standard fencing material (*minimum of ½" thickness or better; spruce fencing will not be allowed*), and use fasteners that are hot dipped galvanized or stainless steel. Wood fences facing onto a street shall be painted and/or stained and sealed with all pickets being placed on the *public side* facing the street. All wood fences shall be smooth-finished, free of burs and splinters, and be a maximum of eight (8) feet in height.
- (2) *Wrought Iron/Tubular Steel.* Lots located along the perimeter of roadways, abutting open spaces, greenbelts and parks shall be required to install a wrought iron or tubular steel fence. Wrought iron/tubular steel fences can be a maximum of eight (8) feet in height.

Exhibit 'D':
PD Development Standards

- (3) *Corner Lots.* Corner lots fences (*i.e. adjacent to the street*) shall provide masonry columns at 45-feet off center spacing that begins at the rear of the property line. A maximum of eight (8) foot solid *board-on-board panel* fence constructed utilizing cedar fencing shall be allowed between the masonry columns along the side and/or rear lot adjacent to a street. In addition, the fencing shall be setback from the side property line adjacent to a street a minimum of five (5) feet. The property owner shall be required to maintain both sides of the fence.
- (4) *Solid Fences (including Wood Fences).* All solid fences shall incorporate a decorative top rail or cap detailing into the design of the fence.

(f) *Landscape and Hardscape Standards.*

- (1) *Residential Landscape.* Landscaping shall be reviewed and approved with the PD Site Plan. All *Canopy/Shade Trees* planted within the residential development shall be a minimum of three (3) caliper inches in size and all *Accent/Ornamental/Under-Story Trees* shall be a minimum of four (4) feet in total height unless otherwise provided within this document.
- (2) *Single Family Landscaping.* Prior to the issuance of a Certificate of Occupancy (CO) all single-family lots shall conform to the following:

- i) *Interior Lots.* All interior lots shall include a minimum of two (2) trees with a diameter at breast height (dbh) [*i.e. the diameter in inches of a tree as measured through the main trunk at a point of four and one-half (4½) inches above the natural ground level*] of three (3) inches shall be planted in the front yard, and two (2) additional trees of the same caliper inch shall be planted in the side yard facing the street for corner lots.

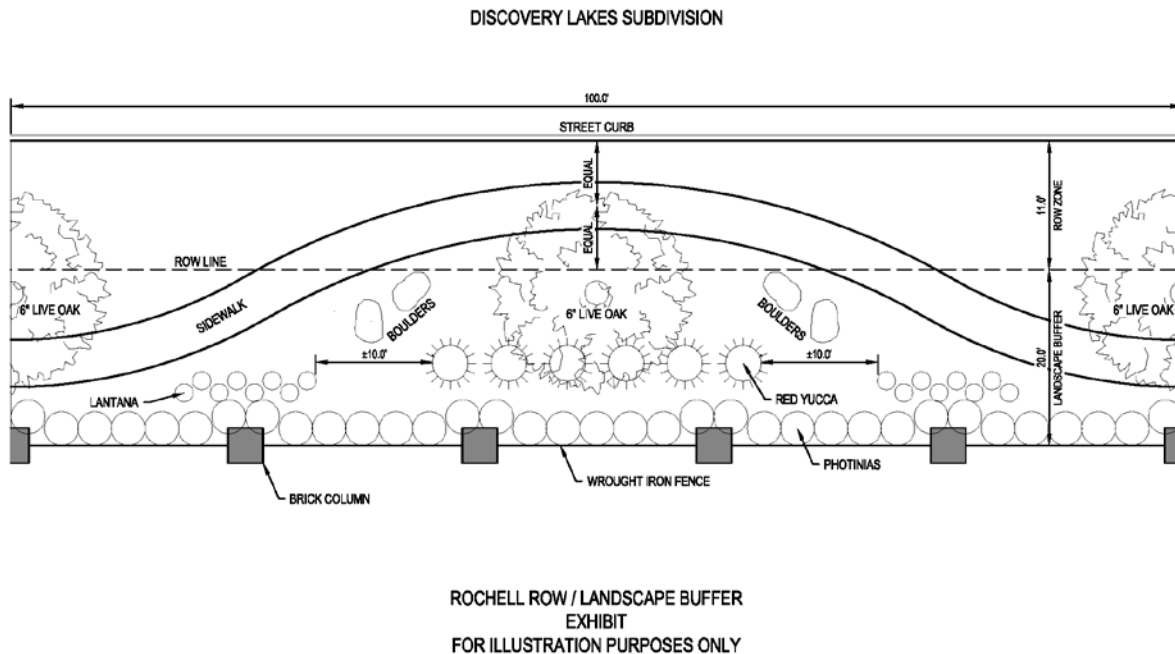
Note: For the purposes of this section only, the term "front yard" includes the area within the dedicated right-of-way for a parkway immediately adjoining the front yard of the lot.

- ii) *Corner Lots.* All corner lots shall include a minimum of two (2) trees with a diameter at breast height (dbh) [*i.e. the diameter in inches of a tree as measured through the main trunk at a point of four and one-half (4½) inches above the natural ground level*] of three (3) inches shall be planted in the front yard of an interior lot.
- (3) *Landscape Buffers.* All landscape buffers and plantings located within the buffers shall be maintained by the Homeowner's Association (HOA).
 - (a) *Landscape Buffer and Sidewalks (Discovery Boulevard).* A minimum of a 15-foot landscape buffer shall be provided along the frontage of Discovery Boulevard, and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least one (1) canopy tree shall be planted per 30-feet of linear frontage.
 - (b) *Landscape Buffer (Rochell Road).* A minimum of a 20-foot landscape buffer shall be provided along the frontage of Rochell Road (*outside of and beyond*

Exhibit 'D':
PD Development Standards

any required right-of-way dedication), and shall incorporate ground cover, a built-up berm and/or shrubbery or a combination thereof along the entire length of the frontage. Shrubberty shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. The landscape buffer along Rochell Road shall general conform to the following illustration [i.e. *Illustration 3*].

Illustration 3: Landscape Buffer along Rochell Road.



(c) *Landscape Buffer (SH-276)*. A minimum of a 25-foot landscape buffer shall be provided along the frontage of SH-276, and shall incorporate ground cover, a built-up berm and/or shrubbery or a combination thereof along the entire length of the frontage. Shrubberty shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. In addition, all buffer-strip planting requirements shall conform to the requirements of Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code (i.e. minimum four [4] inch caliper trees required).

(4) *Irrigation Requirements*. Irrigation shall be installed for all required landscaping located within common areas, landscape buffers and/or open space. Irrigation installed in these areas shall be designed by a Texas licensed irrigator or landscape architect and shall be maintained by the Homeowner's Association (HOA).

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

Exhibit 'D':
PD Development Standards

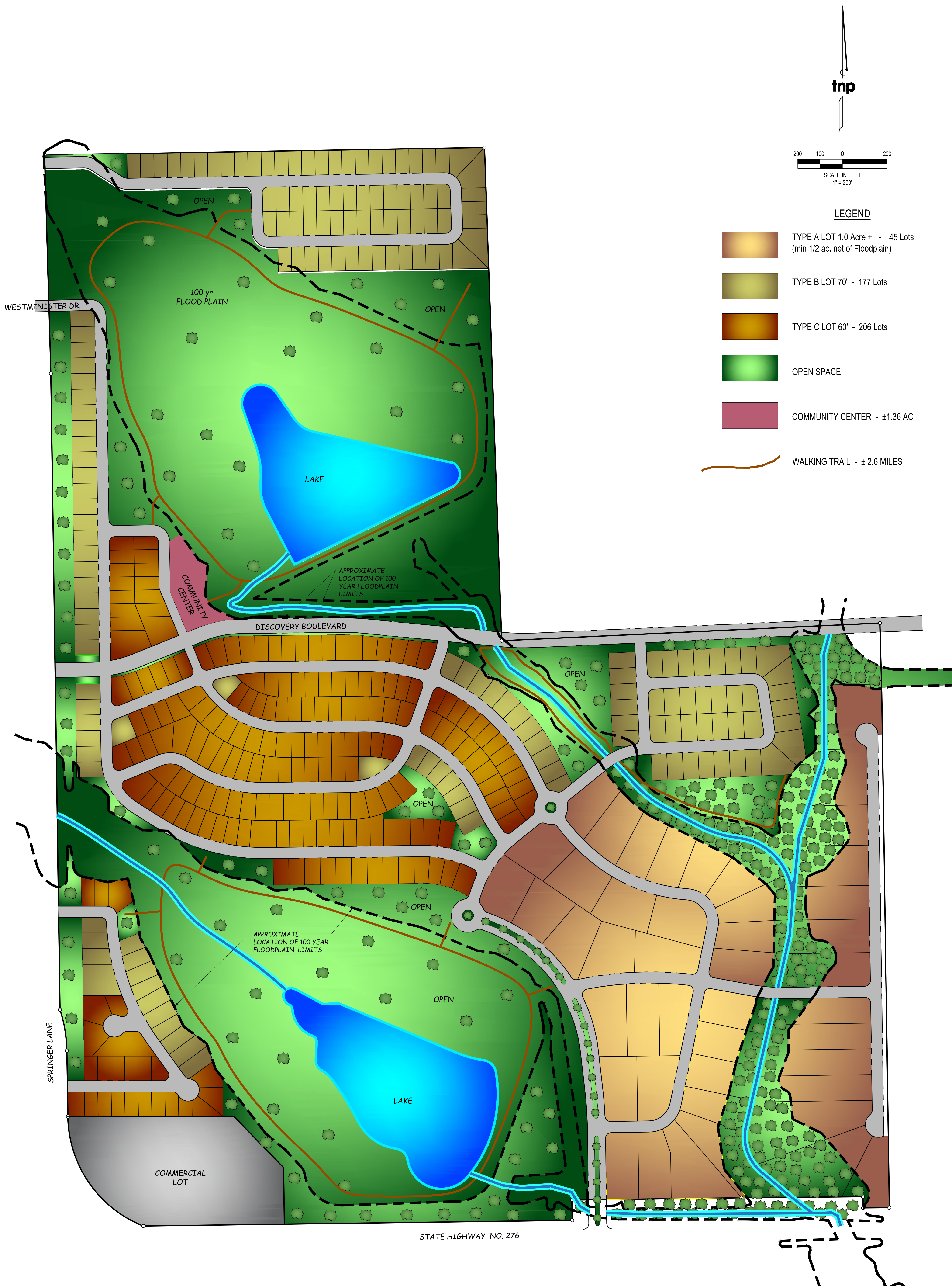
- ~~(5)~~(6) Faux Guard entry feature for Type "A" lot Phase. A faux guard entry with video monitoring shall be allowed at one or more of the entrances of the Type "A" lot phase. These guard entry features will be unmanned but may contain a video recording device of traffic into and out of this phase. Guard entry feature plans and associated landscaping shall be reviewed and approved with the PD Site Plan.
- (g) *Lighting.* Light poles shall not exceed 20-feet in total height (*i.e. base and lighting standard*). All fixtures shall be directed downward and be positioned to contain all light within the development area.
- (h) *Sidewalks.*
- i) *Internal Sidewalks.* All sidewalks adjacent to an interior residential street shall begin 5½-feet from the back of curb and be five (5) feet in overall width.
- ii) *Sidewalks Adjacent to Rochell Road and Discovery Boulevard.* All sidewalks adjacent Rochell Road and Discovery Boulevard shall begin two (2) feet inside the right-of-way line and be five (5) feet in overall width.
- (i) *Open Space.* The development shall consist of a minimum of 20% open space as calculated from the gross land area, and generally conform to the *Concept Plan* contained in the Revised Exhibit 'C' of this ordinance. Existing floodplain shall be counted at a rate of ½-acre for every acre provided (*e.g., 10-acres of floodplain would count as 5-acres of open space*). The Homeowner's Association (HOA) shall maintain all open space areas.
- (j) *Neighborhood Signage.* Permanent subdivision identification signage shall be permitted at all major entry points for the proposed subdivision. Final design and location of any entry features shall be reviewed and approved with the *PD Site Plan*.
- (k) *Community Center.* A site plan, landscape plan and building elevations shall be required for the proposed *Community Center* and shall be subject to site plan approval by the Planning and Zoning Commission prior to construction. Commencement of the construction of the Community Center and pool will take place at or before the final platting of the 201st residential lot.
- (l) *Homeowner's Association (HOA).* A Homeowner's Association shall be created to enforce the restrictions established in accordance with the requirements of *Section 38-15* of the Subdivision Regulations contained within the *Municipal Code of Ordinances* of the City of Rockwall. The HOA shall also maintain all neighborhood parks, trails, open space and common areas, irrigation, landscaping, amenity centers, screening fences associated with this development.
4. *Buried Utilities.* New distribution power-lines required to serve the *Subject Property* shall be placed underground, whether such lines are located internally or along the perimeter of the *Subject Property*, unless otherwise authorized by the City Council. New transmission power-lines, or distribution lines of a size not typically or cost effectively placed underground (*3-phase lines*), or additional lines that are added to existing poles, may be above ground, if located along the perimeter of the *Subject Property*. The Developer shall not be required to re-locate existing overhead power-lines along the perimeter of the *Subject Property*. Temporary power-lines constructed across undeveloped portions of the *Subject Property* to facilitate development phasing and looping may be allowed above ground, but shall not be

Exhibit 'D':
PD Development Standards

considered existing lines at the time the area is developed, and if they are to become permanent facilities, such lines shall be placed underground pursuant to this paragraph. Franchise utilities shall be placed within a ten (10) foot public utility easement behind the sidewalk, between the home and the property line.

5. *Variances*. The variance procedures and standards for approval that are set forth in the Unified Development Code shall apply to any application for variances to this ordinance.

Drawing: P:\PROJECTS\SDO 2020\0401\Conceptual Planning\2020_06_02_SDO_2020 - Concept Plan.dwg at Jun 05, 2020 - 10:55am by gshiner



OPEN SPACE CALCULATIONS		
OPEN AREA/PARK AREA	1/2 FEMA FLOOD PLAIN AREA	
103 ACRES	60.5 ACRES	163.5 ACRES
OPEN SPACE RATIO =	163.5 / 307	53.26%

RESIDENTIAL PROJECT AREA = 307.0 Acres
LOT DENSITY: 428 / 307.0 = 1.394 Lots Per Acre
(Existing Zoning 1.65 Lots Per Acre)

GENERAL LOT INFORMATION

TYPE A - 45 LOTS - 43,560 SF (MIN)
TYPE B 177 LOTS - 70'x120' - 8,400 SF
TYPE C - 206 LOTS - 60'x110' - 6,600 SF

15' LANDSCAPE BUFFER ALONG DISCOVERY BOULEVARD
20' LANDSCAPE BUFFER ALONG ROCHELL ROAD
25' LANDSCAPE BUFFER ALONG HIGHWAY 276

"THIS SITEPLAN SHOULD BE CONSIDERED PRELIMINARY AND CONCEPTUAL AND IS NOT BASED ON FINAL ALTA OR TOPOGRAPHIC SURVEY OF COMPLETE DUE DILIGENCE INFORMATION FROM THE GOVERNING JURISDICTION. LOT POSITION MAY VARY AS PLAN REFINED. PLAN WILL NOT EXCEED 507 LOTS. IT SHOULD NOT BE USED FOR LEASE EXHIBITS, PERMIT APPROVAL OR ANY OTHER BINDING AGREEMENTS."

428 Lots
(Existing Zoning 507 Lots)
Concept Plan
Discovery Lakes
307 Acre Tract in Rockwall, Texas



teague nall & perkins
825 Watters Creek Blvd., Suite M300
Allen, Texas 75013
214.461.9867 ph 214.461.9864 fx
TBPE Registration No. F-230
www.tnpinc.com

JUNE 4, 2020

PROJECT COMMENTS



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

DATE: 6/26/2020

PROJECT NUMBER: Z2020-024
PROJECT NAME: Amendment to Planned Development District 78 (PD-78)
SITE ADDRESS/LOCATIONS:

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

CASE CAPTION: Hold a public hearing to discuss and consider a request by Chris Cuny, PE of Teague, Nall & Perkins on behalf of the Nick DiGiuseppe of Discovery Lakes, LLC for the approval of a Zoning Amendment to Planned Development District 78 (PD-78) [Ordinance No. 15-24] for the purpose of changing the concept plan and development standards on a 316.315-acre tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract No. 100 and Tract 2 of the R. K. Brisco Survey, Abstract No. 16, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 78 (PD-78) for General Retail (GR) District and Single-Family 10 (SF-10) District, generally located at the northeast corner of the intersection of SH-276 and Rochelle Road, and take any action necessary.

DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
	Ryan Miller	06/26/2020	Approved w/ Comments

06/26/2020: Please address the following comments (M= Mandatory Comments; I = Informational Comments)

I.1 This request is for the approval of a Zoning Amendment to Planned Development District 78 (PD-78) [Ordinance No. 15-24] for the purpose of changing the concept plan and development standards on a 316.315-acre tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract No. 100 and Tract 2 of the R. K. Brisco Survey, Abstract No. 16, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 78 (PD-78) for General Retail (GR) District and Single-Family 10 (SF-10) District, and generally located at the northeast corner of the intersection of SH-276 and Rochelle Road.

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

M.3 For reference, include the case number (Z2020-024) in the lower right-hand corner of all pages on future submittals.

I.4 According to Section 44-243(c) of the Municipal Code of Ordinances, "(n)o permit for the installation of an on-site sewage facility (OSSF) will be issued for property less than 1½-acres, unless an exception is granted by the City Council on the grounds that undue hardship will be created if said lot is not connected to an OSSF. Such exception shall be considered only after a public hearing is held by the City Council. At least ten (10) days prior to such public hearing, public notice of said public hearing shall be sent to all property owners within 200-feet of the applicant's property." In this case, the proposed zoning notification shall be sufficient notice for the applicant to request OSSF on lots less than 1½-acre.

I.5 Section 3.2.7, Erosion Hazard Setback, of the Engineering Department's Standards of Design and Construction Manual requires that the erosion hazard setback be in a separate lot. This will require the approval of a variance from the City Council.

I.6 Subsection 02.02, Minimum Standards for Residential Planned Development Districts, of Article 10, Planned Development Regulations, of the Unified Development Code (UDC) states "(f)loodplain areas shall be preserved and maintained as open space." This request does not comply with the PD standards stipulated by the Unified Development Code (UDC).

I.7 Any disturbance of floodplain areas will require a flood study to be submitted and approved by the Engineering Department. In addition, any non-defined floodplain will need to be studied to determine the location of the fully developed 100-year floodplain.

M.8 Based on the proposed changes staff made the following changes to the ordinance:

- (1) Staff removed the word permanent from note eight (8) on Table 2. This now reads that no structures are permitted within the floodplain or erosion control zone.
- (2) Staff omitted the proposed changes to the roof pitch. These requirements are not enforceable and violate the PD standards.
- (3) Staff omitted "... as approved by the developer ..." because this is a zoning ordinance and cannot extend powers to the developer like deed restrictions.
- (4) Staff changed the language from "... City provided sanitary sewer system, if and when it becomes available ..." to "... the future sanitary sewer system when it is made

available ...".

(5) Staff change the timing on the amenity center to be require construction upon the 201st lot or if additional Type 'A' lots are proposed.

M.9 Based on the proposed request staff would offer the following recommendations to the applicant to bring the Planned Development District ordinance into general compliance with the new OURHometown Comprehensive Plan:

- (1) The new anti-monotony requirements should be included into the PD ordinance (CH 8).
- (2) Flat front entry garage should require a 25-foot building setback (CH 8).
- (3) The lots proposed along the remaining boulevard should all be single loaded and front onto the boulevard (CH 8).
- (4) Remove all lots from the floodplain (CH 2).
- (5) The fence standards should be upgraded to meet the current standards (Article 8, UDC).

I.10 Please review the attached Draft Ordinance prior to the June 30, 2020 Planning and Zoning Commission Work Session meeting, and provide staff with your markups by no later than July 7, 2020.

I.11 Staff has identified the aforementioned items necessary to continue the submittal process. Please make these revisions and corrections, and provide any additional information that is requested. Revisions for this case will be due on July 7, 2020; however, it is encouraged for applicants to submit revisions as soon as possible to give staff ample time to review the case prior to the July 14, 2020 Planning and Zoning Commission Public Hearing Meeting. The Planning and Zoning Commission Work Session Meeting for this case will be held on June 30, 2020.

I.12 The projected City Council meeting dates for this case will be July 20, 2020 (1st Reading) and August 3, 2020 (2nd Reading).

DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
ENGINEERING	Sarah Johnston	06/25/2020	Needs Review

06/25/2020: See Comments attached.

General Items:

- 4% Engineering Inspection Fees
- Impact Fees
- Engineering plan review fees apply.
- No structures in easements. Min. easement width is 20'.
- Required 10' utility easement required along all street frontage.
- Must meet City of Rockwall Standards of Design.
- Retaining walls 3' and taller must be designed by a structural engineer.
- All walls must be rock or stone face. No smooth concrete walls.

Streets/Paving:

- All streets to be concrete. Min. 50' ROW, 29' back-to-back paving. Streets must be curb and gutter style. No asphalt or rock streets.
- Alleys to be 20' ROW, 12' wide paving.
- No dead-end streets allowed. Must have a cul-de-sac or turnaround per City Standards.
- Must verify there is 85' of dedicated ROW for Rochell Rd. You must dedicate 42.5' from the CL.
- Discovery Blvd to be 65' ROW - 45' back-to back.
- Must meet driveway spacing requirements.
- All street trees if approved by Zoning shall have root barriers.
- All streets to be 1-ft above the 100 YR floodplain WSEL.

Water/Wastewater:

- Must have 8" sewer line minimum through the property.
- Must install a 18" and 10" gravity trunk sewer lines per WW Master plan.
- Must install Build Out size Lift Station and Force Main per WW Master Plan for Brushy Creek. Lift Station Includes wet well, valve vault, all size items, generator, electrical, SCADA,

etc.

- Min Lot Size per Septic Systems is 1.5 acres per County Requirements.
- Must loop 8" water line on site. No dead-end lines allowed.
- Per the Master Water Plan must install a 12" water line along Rochell Rd and Discovery Blvd. Install 16" WL along SH 276.
- Dedicate 20' waterline easement for future 36" NTMWD water transmission line along Rochell Rd. and SH 276.
- No trees within 10' of non-steel encased public utilities.

Drainage/Floodplain/Lakes:

- Detention is required if you increase the flow off the property. Drainage areas larger than 20 acres will need a detention study using unit hydrograph method. Review fees apply.
- Detention must be above the floodplain elevation where adjacent.
- Detention required for all commercial areas.
- Must have a wetlands/WOTUS determination for all lakes/ponds and streams/creeks on site.
- Area adjacent to SH 276 is WOTUS.
- Must have a flood study for all changes and crossing of the floodplain. Review fees apply.
- No vertical walls are allowed in detention easements.
- Must have written permission release from NRCS regarding their easement around the lakes and possible construction encroachment.
- No trails on NRCS dam and within easements without permission.
- Must show and meet erosion hazard setback for all creeks/streams. Drainage easement/erosion hazard setback easement shall be in its own separate lot owned by the HOA.

DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
BUILDING	Rusty McDowell	06/25/2020	Approved
No Comments			

DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
FIRE	Ariana Kistner	06/23/2020	Approved
No Comments			

DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
GIS	Lance Singleton	06/22/2020	N/A
No Comments			

DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
POLICE	Ryan Miller	06/26/2020	N/A
No Comments			

DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
PARKS	Travis Sales	06/23/2020	N/A

06/23/2020: Submit Landscape Plans for amenities and common areas
Submit tree Mitigation plan as needed
Park District 30
Cash in lieu of land: 428 lots x \$383.00 = \$163,924.00
Pro rata Equipment fees: 428 lots x \$363.00 = \$155,364.00

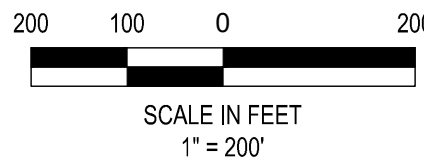
General Items:

- 4% Engineering Inspection Fees
- Impact Fees
- Engineering plan review fees apply.
- No structures in easements. Min. easement width is 20'.
- Required 10' utility easement required along all street frontage.
- Must meet City of Rockwall Standards of Design.
- Retaining walls 3' and taller must be designed by a structural engineer.
- All walls must be rock or stone face. No smooth concrete walls.

Streets/Paving:

- All streets to be concrete. Min. 50' ROW, 29' back-to-back paving. Streets must be curb and gutter style. No asphalt or rock streets.
- Alleys to be 20' ROW, 12' wide paving.
- No dead-end streets allowed. Must have a cul-de-sac or turnaround per City Standards.
- Must verify there is 85' of dedicated ROW for Rochell Rd. You must dedicate 42.5' from the CL.
- Discovery Blvd to be 65' ROW - 45' back-to back.
- Must meet driveway spacing requirements.
- All street trees if approved by Zoning shall have root barriers.
- All streets to be 1-ft above the 100 YR floodplain WSEL.

tnp



LEGEND

- TYPE A LOT 1.0 Acre + - 45 Lots (min 1/2 ac. net of Floodplain)
- TYPE B LOT 70' - 177 Lots
- TYPE C LOT 60' - 206 Lots
- OPEN SPACE
- COMMUNITY CENTER - ±1.36 AC
- WALKING TRAIL - ± 2.6 MILES

Does not meet Fire Department
2 pts of Access ... May be
required to sprinkler homes.

Does not meet Fire Department
2 pts of Access ... May be
required to sprinkler homes.

Water/Wastewater:

- Must have 8" sewer line minimum through the property.
- Must install a 18" and 10" gravity trunk sewer lines per WW Master plan.
- Must install Build Out size Lift Station and Force Main per WW Master Plan for Brushy Creek. Lift Station Includes wet well, valve vault, all size items, generator, electrical, SCADA, etc.
- Min Lot Size per Spetic Systems is 1.5 acres per County Requirements.
- Must loop 8" water line on site. No dead-end lines allowed.
- Per the Master Water Plan must install a 12" water line along Rochell Rd and Discovery Blvd. Install 16" WL along SH 276.
- Dedicate 20' waterline easement for future 36" NTMWD water transmission line along Rochell Rd. and SH 276.
- No trees within 10' of non-steel encased public utilities.

Drainage/Floodplain/Lakes:

- Detention is required if you increase the flow off the property. Drainage areas larger than 20 acres will need a detention study using unit hydrograph method. Review fees apply.
- Detention must be above the floodplain elevation where adjacent.
- Detention required for all commercial areas.
- Must have a wetlands/WOTUS determination for all lakes/ponds and streams/creeks on site.
- Area adjacent to SH 276 is WOTUS.
- Must have a flood study for all changes and crossing of the floodplain. Review fees apply.
- No vertical walls are allowed in detention easements.
- Must have written permission release from NRCS regarding their easement around the lakes and possible construction encroachment.
- No trails on NRCS dam and within easements without permission.
- Must show and meet erosion hazard setback for all creeks/streams. Drainage easement/erosion hazard setback easement shall be in its own separate lot owned by the HOA.

428 Lots
(Existing Zoning 507 Lots)

Concept Plan

Discovery Lakes

307 Acre Tract in Rockwall, Texas



teague nall & perkins
825 Watters Creek Blvd., Suite M300
Allen, Texas 75013
214.461.9867 ph 214.461.9864 fx
TBPE Registration No. F-230
www.tnpinc.com

Planned Development (PD-78) City ordinance 15-24 - Discovery Lakes

Proposed Zoning Changes

Background:

Discovery Lakes, LLC (Owner) received approval from the City of Rockwall (City) for PD-78 on August 17, 2015. Since that time, the costs for bringing utilities to the site, specifically sanitary sewer, have increased dramatically from what the Owner understood would be required and have proven to be cost prohibitive. Since the fall of 2019 the Owner and the City have been working on plans to provide sanitary sewer service to the site by constructing a line and necessary lift stations and force mains to the Sabine Creek WWTP owned and operated by NTMWD and located in the city of Fate. This system will ultimately provide sewer capacity for the entire development and other unserved areas in the City of Rockwall and Rockwall's ETJ. Studies by NTMWD are underway to determine the ultimate route, size and preliminary cost. Cost participation by the City and the Owner will be negotiated at the conclusion of the NTMWD studies.

Since the period between the approval of PD-78 and now, the Owner has incurred significant expenses including property taxes, finance and interest costs, and maintenance and operation expenses on the property. The Owner is seeking ways to help offset these recurring costs as well as to provide a benefit to the City of Rockwall. These benefits would include developing a unique phase of the development that is currently not provided for in PD-78 but will provide overall lower density, a more timely development and the associated higher ad valorem property tax base on a higher end custom home product we believe the city will find desirable. This zoning change, when approved, would allow the development of this phase to proceed immediately following the appropriate approvals of plats and engineering. This would allow the project to begin and move forward with a smaller initial phase while the NTMWD study is completed and plans and ultimate construction of the sewer system takes place.

Proposed Zoning Change Highlights:

The Owner is seeking a zoning change that would increase the size of the Type "A" lots from 9,600 square feet to 43,560 square feet (one acre) and provide a location for this revised category of lot in the southeastern portion of the project which would contain up to 50 one-acre minimum lots. These lots would be located along the Brushy Creek floodplain and would not encroach or allow development into the floodplain boundaries or erosion hazard setback areas. The total number of lots would decrease from 507 to 428 and density per acre would decrease from 1.65 lots per acre to 1.39 lots per acre.

The one-acre lots in this phase would have separate faux guard gated entry features. These entry features would be unmanned but may contain video equipment to record traffic in and out of this phase. These entry features would not have actual gates or traffic control devices. These lots would be marketed and sold to custom builders with prices averaging in the \$200,000.00 range with home values expected to be in the \$750,000.00 to \$1.0 Million + range. These lots would have a minimum of ½ acre (22,000 sf) of land located outside of any Floodplain boundary and erosion hazard setback line, but would be deeded/platted to allow use of the floodplain per individual resident for open space, recreation. No construction or permanent improvements would be permitted in this area.

Commented [WJ1]: The study by NTMWD is only for the Sabine WWTP. NTMWD is not looking at Routes or location of Force mains and Lift Stations.

Commented [WJ2]: Per the Engineering Standards the Erosion hazard Setback and its drainage easement have to be in its own separate lot that is owned by the HOA.

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Commented [WJ3]: Per the Engineering Standards the Erosion hazard Setback and its drainage easement have to be in its own separate lot that is owned by the HOA.

Sewer Service Would Be Provided In A Two-Stage Process:

- Stage 1 consists of construction of individual onsite sanitary sewer systems (OSSF's) that would be aerobic systems with drip irrigation versus spray systems. The drip systems require less land for the lines and drastically reduce potential odors and issues associated with spray (sprinkler) type systems. Our engineer has used these on multiple projects throughout Rockwall County and Texas. All systems would be designed by a State of Texas licensed Professional Engineer to Texas Commission on Environmental Quality (TCEQ) standards and oversight of installation would be arranged by a third party instead of the County's inspectors if required or desired by the City of Rockwall. The land area outside of any floodplain boundary necessary for these in ground drip irrigation systems is typically 0.5 acres or less. During the engineering design phase and prior to submission of the preliminary plat, site specific engineering, and soil investigation of this proposed phase will be conducted and results submitted to the City's engineering department for review. In addition to these OSSF's for each lot, the Owner will install appropriately sized sewer mains and lateral services at the time of development of this phase to allow the homes within this phase to connect to the City sewer system when it is ultimately constructed and brought to the development.
- Stage 2 includes the connection to the sanitary sewer system by each resident and abandonment in place of the OSSF's as per the city of Rockwall's ordinance requiring connection to City Sewer when it becomes available. The cost to disconnect from the OSSF and connect to the City's system shall be at the sole cost of the homeowner, and an appropriate disclosure regarding this potential obligation and cost shall be a part of all real-estate contracts between developer, homebuilder and homeowner.

Commented [WJ4]: Min 1.5 Acres for Septic System per County.

The Proposed PD 78 Language and concept plan revisions are attached on the following pages:

The remaining sections of this page were intentionally left blank

Exhibit 'D':
PD Development Standards

20% as measured at the front property line provided that the lot width is met at the front building line. Additionally, the lot depth on lots fronting onto curvilinear streets, cul-de-sacs and eyebrows maybe reduced by up to ten (10%) percent, but shall meet the minimum lot size for each lot type.

6. Sunrooms, porches, stoops, bay windows, balconies, masonry clad chimneys, eaves and similar architectural features may encroach beyond the Front Yard Building Setback by up to ten (10) feet for any property that increases the Front Yard Building Setback to 20-feet; however, the encroachment shall not exceed five (5) feet on Side Yard Setbacks (Adjacent to a Street) and shall not encroach into public right-of-way [a Sunroom is an enclosed room no more than 15-feet in width that has glass on at least 50% of each of the encroaching faces].
7. All lots with a J-Swing or Traditional Swing driveway require a minimum of a 65-foot lot width.

8. All Type "A" lots shall have a minimum of 22,000 SF outside the limits of the 100 year Floodplain and the city's erosion hazard setback. Area within the floodplain that is contiguous to the 22,000 sf lot area and extends along the projected property line boundaries to the centerline of the floodplain area shall be restricted to recreational use only and no permanent structures, improvements, excavation or placement of fill are allowed in the floodplain or erosion hazard setback area. Trees in the designated flood area are to be left in a natural state and can only be removed if disease or significant damage has occurred to the trees.

Formatted: Font: 9 pt, Not Bold, Font color: Auto, Not Superscript/ Subscript

Commented [WJ5]: Per the Engineering Standards the Erosion hazard Setback and its drainage easement have to be in its own separate lot that is owned by the HOA.

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

- (1) **Masonry Requirement.** The minimum masonry requirement for the exterior façades of all buildings shall be 80%. For the purposes of this ordinance the masonry requirement shall be limited to full width brick, natural stone, and cultured stone. Cementaceous fiberboard horizontal lap-siding (e.g. *HardiBoard* or *Hardy Plank*) and/or stucco (i.e. *three [3] part stucco* or a comparable -- to be determined by staff) shall be permitted to be used to meet up to 50% of the masonry requirement.

- (2) **Roof Pitch.** A minimum of an 8:12 roof pitch is required on all structures with the exception of porches, which shall have a minimum of a 4:12 roof pitch for all Type B&C Lots. Type A lots may have variable pitch roofs that may vary from the minimum standards if they conform to a specific architectural theme as submitted and approved by the developer and or the HOA.

Formatted: Highlight

- (3) **Garage Orientation.** Garages shall be provided as stipulated by Table 2: Lot Dimensional Requirements. Garages permitted for front entry maybe oriented toward the street; however, the front façade of the garage must be situated a minimum of 20-feet off the front property line. All front entry garages shall incorporate an architectural element or feature separating the individual garage openings. Swing, Traditional Swing or J-Swing garages are permitted to have a second single garage door facing the street as long as it is behind the width of the double garage door situated in the Swing configuration.

Formatted: Font: Italic

- (3)(4) **Onsite Sanitary Sewer Facilities (OSSF's).** OSSF's shall be allowed on Type "A" lots only, and must contain a minimum of 22,000 SF outside of any floodplain boundary and City of Rockwall's erosion hazard setback line. OSSF's shall be designed by a State of Texas registered Professional Engineer, and each design shall specify an aerobic type system with drip (underground) irrigation systems. All systems shall meet the standards of the Texas Commission on Environmental Quality (TCEQ) and each installed system shall be inspected and by a third party licensed Inspector and paid for by the developer. Operation and maintenance of each individual OSSF shall be the responsibility of the homeowner and the city shall take no responsibility whatsoever as to the proper design, installation, operation and maintenance of the system. In addition to the installation of OSSF's for the Type "A" lots, each constructed home must provide a secondary connection that will

Formatted: List Paragraph, Left, No bullets or numbering, Tab stops: Not at 1.06"

Commented [WJ6]: Min 1.5 Acres for Septic System per County.



DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO.

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

DIRECTOR OF PLANNING:

CITY ENGINEER:

Please check the appropriate box below to indicate the type of development request [SELECT ONLY ONE BOX]:

Platting Application Fees:

- ☐ Master Plat (\$100.00 + \$15.00 Acre) 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 (\$4,940.00)
- ☐ Specific Use Permit (\$200.00 + \$15.00 Acre) ¹
- ☐ PD Development Plans (\$200.00 + \$15.00 Acre) ¹

Other Application Fees:

- ☐ Tree Removal (\$75.00)
- ☐ Variance Request (\$100.00)

Notes:

¹: In determining the fee, please use the exact acreage when multiplying by the per acre amount. For requests on less than one acre, round up to one (1) acre.

PROPERTY INFORMATION [PLEASE PRINT]

Address	Highway 276		
Subdivision	Discovery Lakes PD-78	Lot	Block
General Location	315 acres at the northeast corner of Hwy 276 and Rojhell Road		

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

Current Zoning	Discovery Lakes PD-78		Current Use	Ag	
Proposed Zoning	PD		Proposed Use	Residential	
Acreage	316.315 Acres	Lots [Current]	507	Lots [Proposed]	428

☐ **SITE PLANS AND PLATS:** By checking this box you acknowledge that due to the passage of HB3167 the City no longer has flexibility with regard to its approval process, and failure to address any of staff's comments by the date provided on the Development Calendar will result in the denial of your case.

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

<input type="checkbox"/> Owner	Discovery Lakes, LLC	<input checked="" type="checkbox"/> Applicant	Teague Nall & Perkins
Contact Person	Nick DiGiuseppe	Contact Person	Chris Cuny, P.E.
Address	15400 Knoll Trail Ste 230	Address	2 Horizon Court Ste 500
City, State & Zip	Dallas, Texas 75248	City, State & Zip	Heath, Texas 87032
Phone	214-803-3783	Phone	972-965-1541
E-Mail	southbrookinvestments@outlook.com	E-Mail	ccuny@tnpinc.com

NOTARY VERIFICATION [REQUIRED]

Before me, the undersigned authority, on this day personally appeared Nick DiGiuseppe [Owner] the undersigned, who stated the information on this application to be true and certified the following:

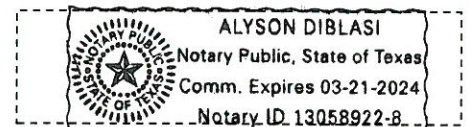
"I hereby certify that I am the owner for the purpose of this application; all information submitted herein is true and correct; and the application fee of \$4,940.00 to cover the cost of this application, has been paid to the City of Rockwall on this the 18th day of June, 2020. By signing this application, 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 18th day of June, 2020.

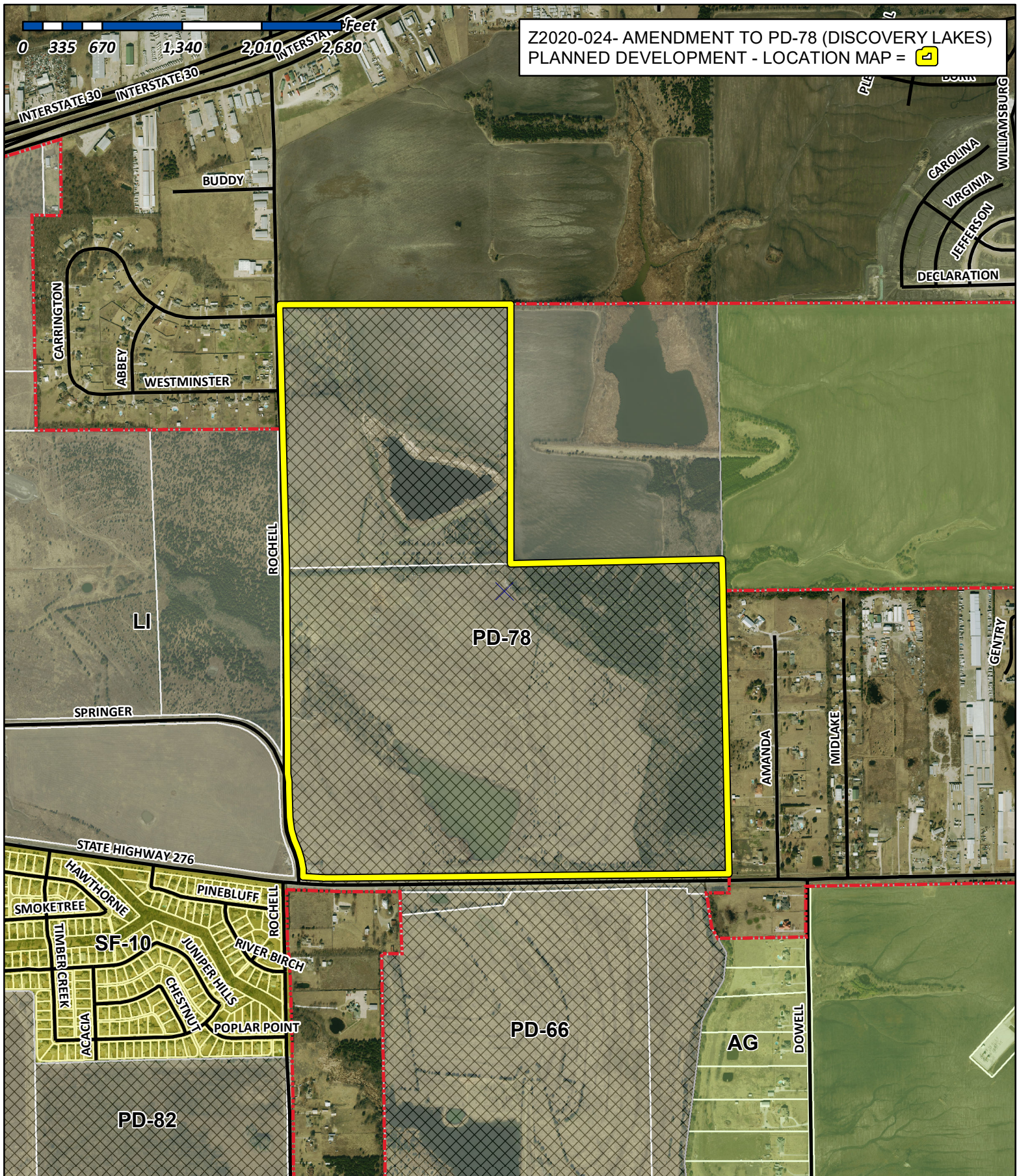
Owner's Signature

Notary Public in and for the State of Texas

Alyson DiBlasi



My Commission Expires 03-21-2024



City of Rockwall

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

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

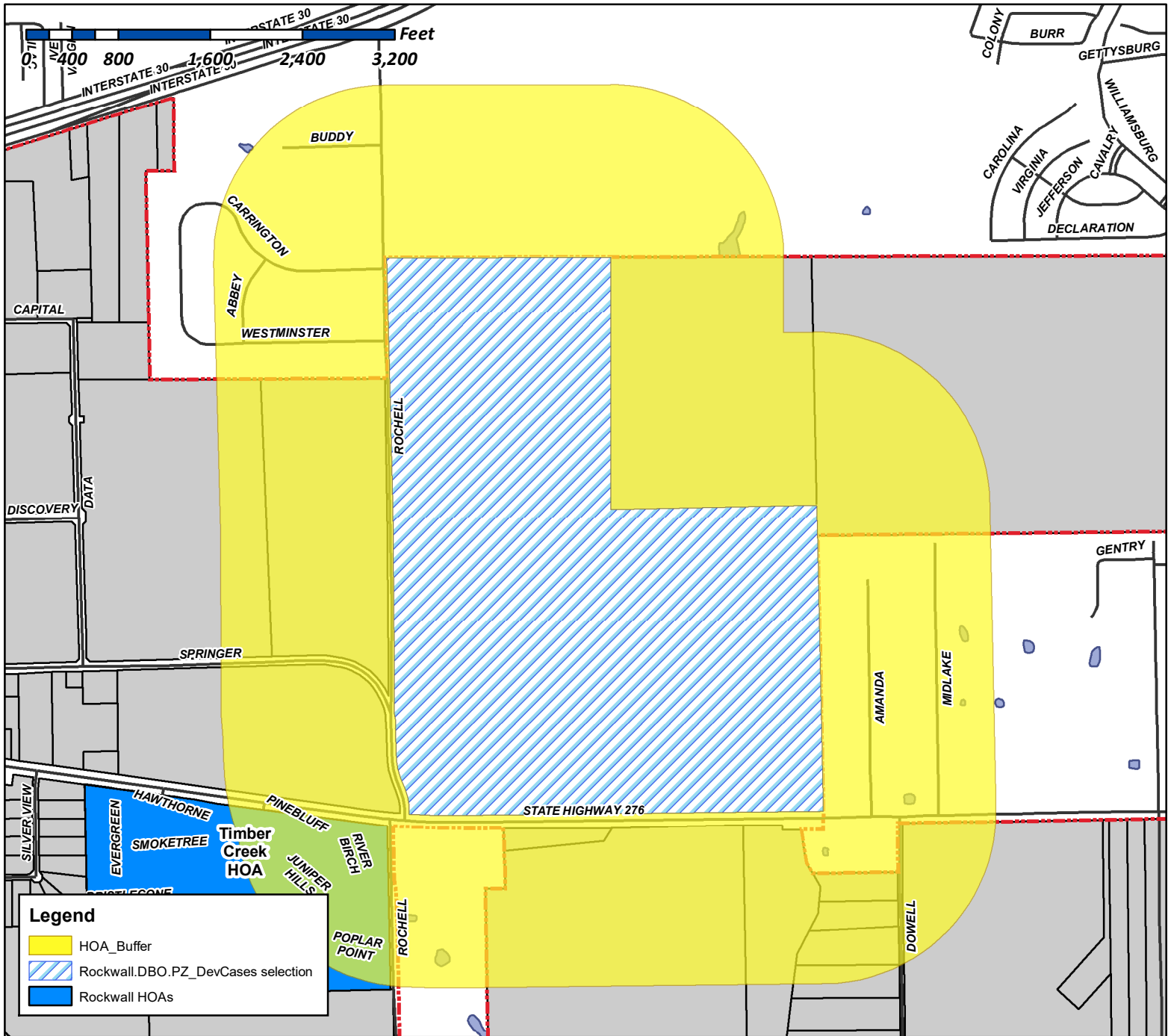




City of Rockwall

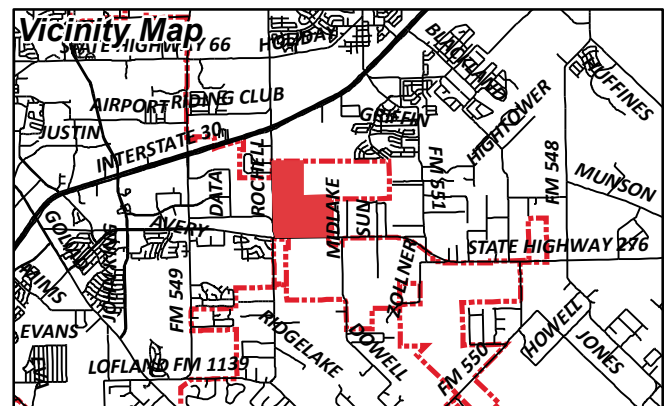
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

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: Z2020-024
Case Name: Amendment to PD-78
Case Type: Zoning
Zoning: PD-78
Case Address: NEC of Rochelle Road & SH-276

Date Created: 6/19/2020
For Questions on this Case Call (972) 771-7745

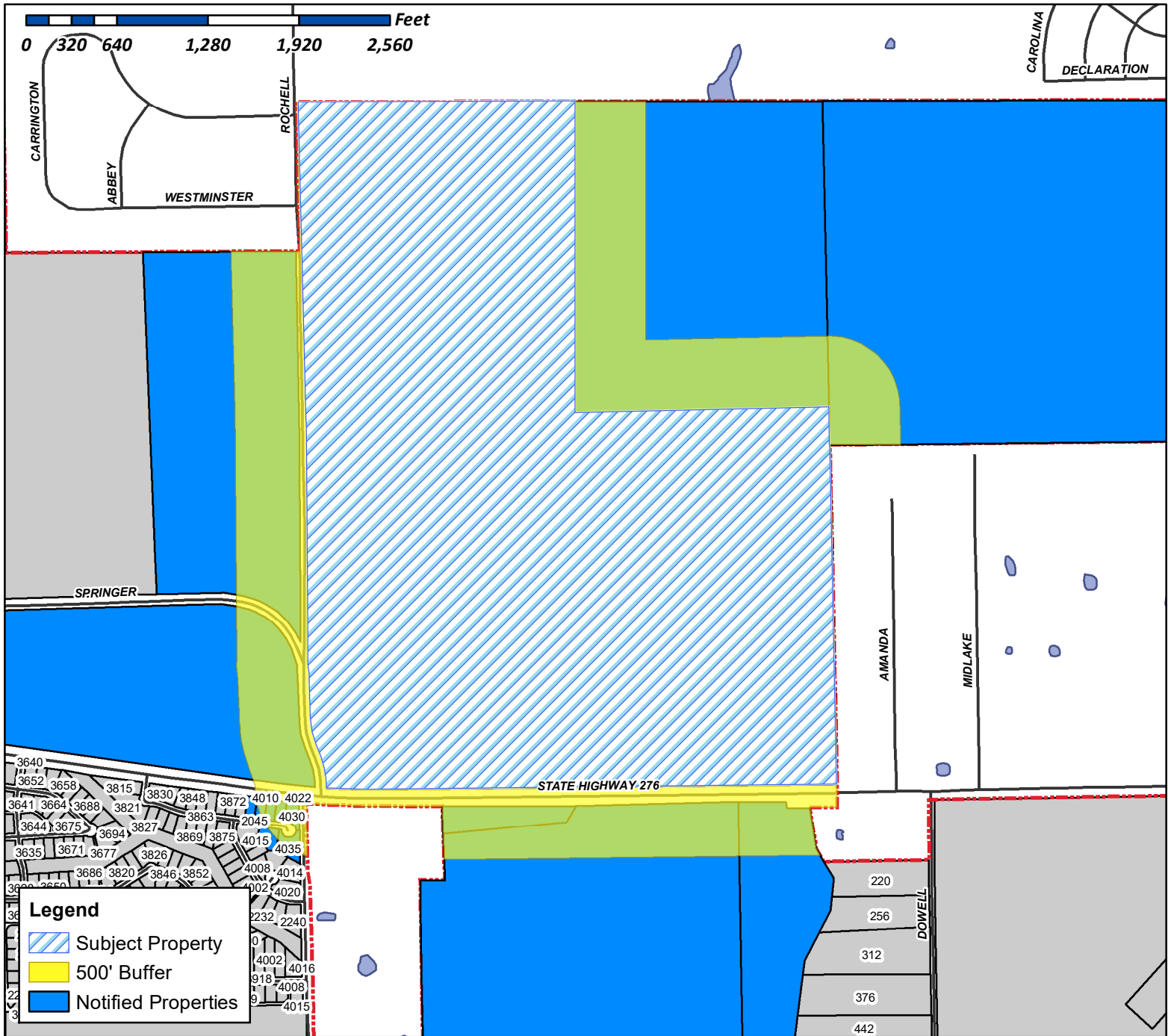




City of Rockwall

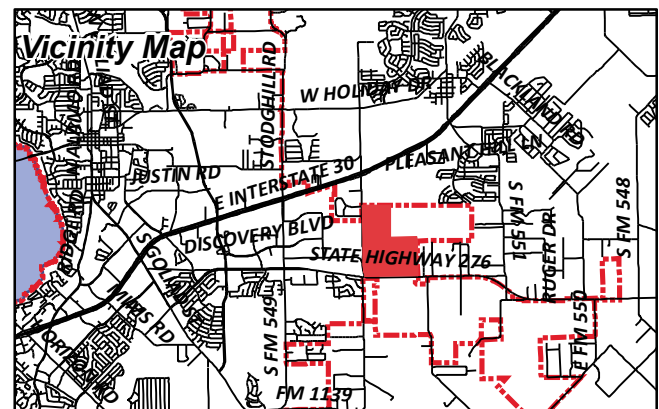
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

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: Z2020-024
Case Name: Amendment to PD-78
Case Type: Zoning
Zoning: PD-78
Case Address: NEC of Rochelle Road & SH-276

Date Created: 6/19/2020
For Questions on this Case Call (972) 771-7745



PUBLIC NOTICE



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

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

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

Case No. Z2020-024: Amendment to Planned Development District 78 (PD-78)

Hold a public hearing to discuss and consider a request by Chris Cuny, PE of Teague, Nall & Perkins on behalf of the Nick DiGiuseppe of Discovery Lakes, LLC for the approval of a Zoning Amendment to Planned Development District 78 (PD-78) [*Ordinance No. 15-24*] for the purpose of changing the concept plan and development standards on a 316.315-acre tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract No. 100 and Tract 2 of the R. K. Brisco Survey, Abstract No. 16, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 78 (PD-78) for General Retail (GR) District and Single-Family 10 (SF-10) District, generally located at the northeast corner of the intersection of SH-276 and Rochelle 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, July 14, 2020 at 6:00 PM, and the City Council will hold a public hearing on Monday, July 20, 2020 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

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

Ryan Miller
Rockwall Planning and Zoning Dept.
385 S. Goliad Street
Rockwall, TX 75087

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

Your comments must be received by Monday, July 20, 2020 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning



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

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

Case No. Z2020-024: Amendment to Planned Development District 78 (PD-78)

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

CITY OF ROCKWALL

ORDINANCE NO. 15-24

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 AN AGRICULTURAL (AG) DISTRICT TO A PLANNED DEVELOPMENT DISTRICT FOR SINGLE FAMILY 10 (SF-10) AND GENERAL RETAIL (GR) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 316.315-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1 OF THE M. E. HAWKINS SURVEY, ABSTRACT NO. 100, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A' & EXHIBIT 'B'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request by the Stacy McVey of Double Eagle Properties, LLC on behalf of the owner 308 ON 276, LP for the approval of a zoning change from an Agricultural (AG) District to a Planned Development District for Single Family 10 (SF-10) and General Retail (GR) District land uses, on a 316.315-acre tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract No. 100, City of Rockwall, Rockwall County, Texas and more fully described in *Exhibit 'A' & Exhibit 'B'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code [Ordinance No. 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 generally be in accordance with the *Planned Development Concept Plan*, described in *Exhibit 'C'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'C'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

Section 3. That development of the *Subject Property* shall generally be in accordance with the *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 4. That a *Master Parks and Open Space Plan* for the *Subject Property*, shall be prepared in accordance with this ordinance and consistent with the *Planned Development Concept Plan* depicted in *Exhibit 'C'* of this ordinance, and that the *Master Parks and Open Space Plan* shall be considered for approval by the City Council following a recommendation by the *Parks and Recreation Board*.

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

- (a) The procedures set forth in the City's subdivision regulations on the date this ordinance is approved by the City, as amended by this ordinance (*including Subsections 5(b) through 5(f) below*), shall be the exclusive procedures applicable to the subdivision and platting of the 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) Open Space Master Plan
 - (2) Master Plat
 - (3) PD Development Plan (*Required for Retail Areas Only*)
 - (4) PD Site Plan
 - (5) Preliminary Plat
 - (6) Final Plat
- (c) A *PD Development Plan* must be approved for the area designated on the *Planned Development Concept Plan* as *Retail* prior to submittal of a *PD Site Plan* application and/or preliminary plat application. No *Master Plat* is required for the area designated on the *Concept Plan* as *Retail*. A traffic impact analysis for the retail tract 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* for each retail development.
- (d) *PD Site Plan*. A *PD Site Plan* covering all of the *Subject Property* shall be submitted and shall identify all site/landscape/hardscape plan(s) for all open space, neighborhood parks, trail systems, street buffers and entry features. A *PD Site Plan* application may be processed by the City concurrently with a *Preliminary Plat Application* for the development.
- (e) *Preliminary Plat*. A *Preliminary Plat* covering all of the *Subject Property* shall be submitted and shall include a *Treescape Plan*. A *Preliminary Plat Application* may be processed by the City concurrently with a *PD Site Plan Application* for the development.
- (f) *Final Plat*. Prior to the issuance of any building permits, a *Final Plat*, conforming to the *Preliminary Plat*, for all of the *Subject Property* shall be submitted for approval.

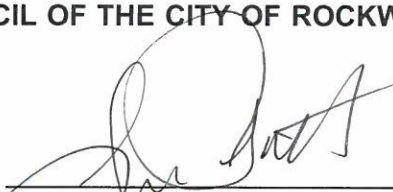
Section 6. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *Two Thousand Dollars* (\$2,000.00) for each offense and each and every day such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

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

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

Section 9. That this ordinance shall take effect immediately from and after its passage 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 17TH DAY OF AUGUST, 2015.**



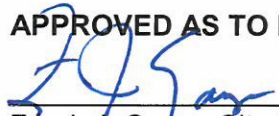
Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: 08-03-2015

2nd Reading: 08-17-2015

Exhibit 'A':
Legal Description

Field notes for a 316.315-acre (13,778,691 square foot) tract of land situated in the M. E. Hawkins Survey, Abstract No. 100, and the Robert K. Briscoe Survey, Abstract No. 16 in the City of Rockwall, Rockwall County, Texas, and being all of that certain called 308.52-acre tract of land described in a Special Warranty Deed to 308 ON 276, L.P., as recorded in Volume 03662, Page 00315, of the Office Public Records of Rockwall County, Texas (O.P.R.R.C.T.) with said 316.315-acre (13, 778,691 square feet) tract of land being more particularly described by metes and bounds as follows:

BEGINNING a railroad spike set in asphalt marking the northwest corner of said 308 on 276, L.P. tract and the common southwest corner of that certain called 21. 935 acre tract of land described as Tract One in a Warranty Deed to Rockwall Fund I, L.L.C., as recorded in Volume 1 110, Page 190, of the Deed Records of Rockwall County, Texas (D.R.R.C.T.), said point being in the approximate center of Rochell Road, a county road with an unspecified right-of- way (R. O. W.) width;

THENCE North 89 degrees 00 minutes 24 seconds East (South 89 degrees 12 minutes 02 seconds East - deed call), along the common northerly line of said 308 ON 276, L.P. tract and the common southerly line of said Tract One, passing at a distance of 30. 00 feet, a 5/8 inch iron rod set with a yellow plastic cap stamped "THE WALLACE GROUP " ("cap ") for reference, continuing along said common line, passing at a distance of 1,799. 04-feet, a 1/2-inch iron rod found marking the southeast corner of said Tract One, being common with the south west corner of that certain called 59.71-acre tract of land described in a Special Warranty Deed to Fate I- 30, L.P., as recorded in Volume 03542, Page 00039, O.P.R.R.C.T., continuing along the common northerly line of said 308 on 276, L.P. tract and the southerly line of said Fate I-30, L.P. tract, a total distance of 1,966.04 feet (1,902 .80 feet - deed call) to a 1/ 2 inch iron rod found marking the common most northerly northeast corner of said 308 on 276, L.P. tract and the north west corner of that certain coiled 85.479 acre tract of land described as Tract Two in the aforementioned Warranty Deed to Rockwall Fund I, L.L.C., as recorded in Volume 1 110, Page 190, O.R.R.C.T.;

THENCE South 01 degrees 59 minutes 29 seconds East (South 00 degrees 08 minutes 06 seconds West - deed call), along the common easterly line of said 308 ON 276, L.P. tract and the westerly line said Tract Two, a distance of 2,204.26-feet (2,166.70-feet - deed call) to a 1/ 2 inch iron rod found marking an ell corner of said 308 ON 276, L.P. tract and the southwest corner of said Tract Two;

THENCE North 87 degrees 20 minutes 20 seconds East (North 89 degrees 12 minutes 02 seconds East - deed call), continuing along the common northerly line of said 308 on 276, L.P. tract and the southerly line said Tract Two, a distance of 1,691. 90 feet (1,782.53 feet - deed call) to a 5/8 inch iron rod set with "cap " marking the common most easterly northeast corner of said 308 on 276, L.P. tract and the southeast corner of said Tract Two, from which a 1/2-inch iron rod found bears North 87 degrees 20 minutes 20 seconds East at 10. 49 feet, said 5/8-inch iron rod set being on the west line of that certain called 212. 25 acre tract of land described in a Special Warranty Deed to South Rock wall Holdings, L.P., as recorded in Volume 03625, Page 00034, O.P.R.R.C.T.;

THENCE South 01 degrees 34 minutes 35 seconds East, along the common easterly line of said 308 ON 276, L.P. tract and the westerly line said South Rock wall Holdings tract, a distance of 309.68-feet to a 5/8-inch iron rod set with "cap " marking the southwest corner of said South Rock wall Holdings tract, being common with the northwest corner of Lot 8, Equestrian Estates, according to the plot thereof recorded in Cabinet A, Page 19 7, of the Plot Records of Rock wall County, Texas (P.R.R.C.T.);

THENCE South 00 degrees 50 minutes 42 seconds East, along the common easterly line of said 308 ON 276, L.P. tract and the westerly line said Equestrian Estates, a distance of 2,301.71 feet (South 00 degrees 06 minutes 38 seconds West, a distance of 2,580 . 60 feet - overall deed call) to a 5/8 inch iron rod set with "cap " marking the common southeast corner of said 308 ON 276, L.P. tract and on ell corner of the north R.O.W. line of State Highway No. 276 (having a variable width R.O.W.);

THENCE South 89 degrees 29 minutes 00 seconds West (North 89 degrees 29 minutes 07 seconds West - deed call), along the common southerly line of said 308 ON 2 76, L.P. tract and said north R.O.W. line of State Highway No. 276, passing at a distance of 1.66 feet a found TxDOT concrete monument, continuing along said common line for a tot al distance of 117.50-feet (115.83-feet - deed call) to a 5/8-inch iron rod set with "cap " marking the common ell corner of said 308 ON 276, L.P. tract and the most easterly southeast corner of that certain called 2.503-acre tract of land described as on Easement for Highway Purposes to the State of Texas, recorded in Volume 82, Page 583 of the Real Property Records of Rockwall County, Texas (R.P.R.R.C.T.);

THENCE North 00 degrees 31 minutes 03 seconds West (North 00 degrees 30 Minutes 13 seconds East - deed call), along a common interior line of said 308 on 2 76, L.P. tract and the easterly line of said Easement for Highway Purposes tract, a distance of 50.31-feet (50-feet - deed call) to a 5/8-inch iron rod set with "cap " marking the common ell corner of said 308 ON 276, L.P. tract and the north east corner of said Easement for Highway Purposes tract;

Exhibit 'A':
Legal Description

THENCE South 89 degrees 28 minutes 57 seconds West (North 89 degrees 29 minutes 47 seconds West - deed call), along the common southerly line of said 308 on 276, L.P. tract and the northerly line of said Easement for Highway Purposes tract, a distance of 543.40-feet (543.73-feet - deed call) to a 5/8-inch iron rod set with "cap " for corner;

THENCE South 89 degrees 13 minutes 58 seconds West (South 89 degrees 48 minutes 55 seconds West - deed call), continuing along the common southerly line of said 308 ON 276, L.P. tract and the northerly line of said Easement for Highway Purposes tract, a distance of 757. 25-feet (756.93-feet - deed call) to a 5/8-inch iron rod found marking a common ell corner of said 308 ON 276, L.P. tract and the northwest corner of said Easement for Highway Purposes tract;

THENCE South 00 degrees 46 minutes 03 seconds East (South 00 degrees 11 minutes 05 seconds East - deed call), along a common interior line of said 308 ON 276, L.P. tract and the westerly line of said Easement for Highway Purposes tract, a distance of 90.30-feet (87.44-feet - deed call) to a 5/8-inch iron rod set with "cap " marking a common ell corner of said 308 ON 276, L.P. tract and the southwest corner of said Easement for Highway Purposes tract, said point being on said north R.O.W. line of State Highway No. 276;

THENCE South 89 degrees 13 minutes 57 seconds West (North 89 degrees 53 minutes 27 seconds West - deed call), along the common southerly line of said 308 ON 276, L.P. tract and said north R.O.W. line of State Highway No. 276, passing at a distance of 1,667.76-feet a 5/8-inch iron rod set with "cap " for reference, continuing along said common line for a total distance of 1,917.07-feet (1,917.34-feet - deed call) to a found TxDOT concrete monument, marking the transitional R.O.W. line from said north R.O.W. line of State Highway No. 276 to the east R.O.W. line of Springer Lane, on 80-foot wide R.O.W., (formerly F.M. No. 1143), said point being the beginning of a non-tangent curve to the right, with the radius point being situated North 21 degrees 40 minutes 52 seconds East, a distance of 533.69-feet;

THENCE Northerly along the common curving westerly line of said 308 ON 276, L.P. tract and said curving east R.O.W. line of Springer Lane, with said non-tangent curve to the right, through a central angle of 67 degrees 33 minutes 20 seconds (48 degrees 33 minutes 57 seconds - deed call), having a radius of 533. 69-feet (613.69-feet - deed call), a tangent distance of 356.97-feet, a chord bearing North 34 degrees 32 minutes 28 seconds West (North 40 degrees 41 minutes 57 seconds West - deed call), at 593.43-feet, and an arc distance of 629.26-feet (520.18-feet - deed call) to a 5/8-inch iron rod set with "cap" at the end of said non- tangent curve;

THENCE North 00 degrees 53 minutes 56 seconds West (North 00 degrees 43 minutes 17 seconds West - deed call), continuing along the common westerly line of said 308 on 276, L.P. tract and said east R.O.W. line of Springer Lane, a distance of 294.21-feet (430.56-feet - deed call) to an axle found for the beginning of a non-tangent curve to the left , with the radius point being situated South 89 degrees 08 minutes 07 seconds West, a distance of 612.96-feet;

THENCE Northerly continuing along the common curving westerly line of said 308 ON 276, L.P. tract and said curving east R.O.W. line of Springer Lane, with said non-tangent curve to the left, through a central angle of 17 degrees 26 minutes 00 seconds (12 degrees 25 minutes 52 seconds - deed call), having a radius of 612.96-feet (613.69-feet - deed call), a tangent distance of 93.98 feet, a chord bearing North 09 degrees 34 minutes 53 seconds West at 185.78-feet, and an arc distance of 186.50-feet (133.15 feet - deed call) to a 5/8-inch iron rod set with "cap" at the end of said non-tangent curve, said point marking the transition from said east R.O.W. line of Springer Lane to the approximate center of the aforementioned Rochell Road;

THENCE North 00 degrees 49 minutes 05 seconds West (North 00 degrees 10 minutes 49 seconds East - deed call), along the common westerly line of said 308 ON 276, L.P. tract and said approximate center of Rochell Road, passing at a distance of 386.53-feet a 1/2-inch iron rod found marking the southeast corner of that certain called 60.3368-acre tract of land described in a Cash Warranty Deed to Varughese P. Samuel and wife, Remoni V. Samuel, as recorded in Volume 02002, Page 00062, O.P.R.R.C.T., then continuing along said common line with the easterly line of said Samuel tract, a total distance of 2,841.3-feet (1,613.15-feet - deed call) to a 1/2-inch iron rod found marking the northeast corner of said Samuel tract;

THENCE North 01 degrees 38 minutes 55 seconds West (North 00 degrees 08 minutes 06 seconds East - deed call), along the common westerly line of said 308 ON 276, L.P. tract and said approximate center of Rochell Road, a distance of 976.29-feet (2,166.70-feet - deed call) to the *POINT OF BEGINNING*.

CONTAINING within the metes recited 316.315-acres (13,778,692 square feet) of land, more or less, of which a portion lies within Rochell Road.

Exhibit 'B': Survey

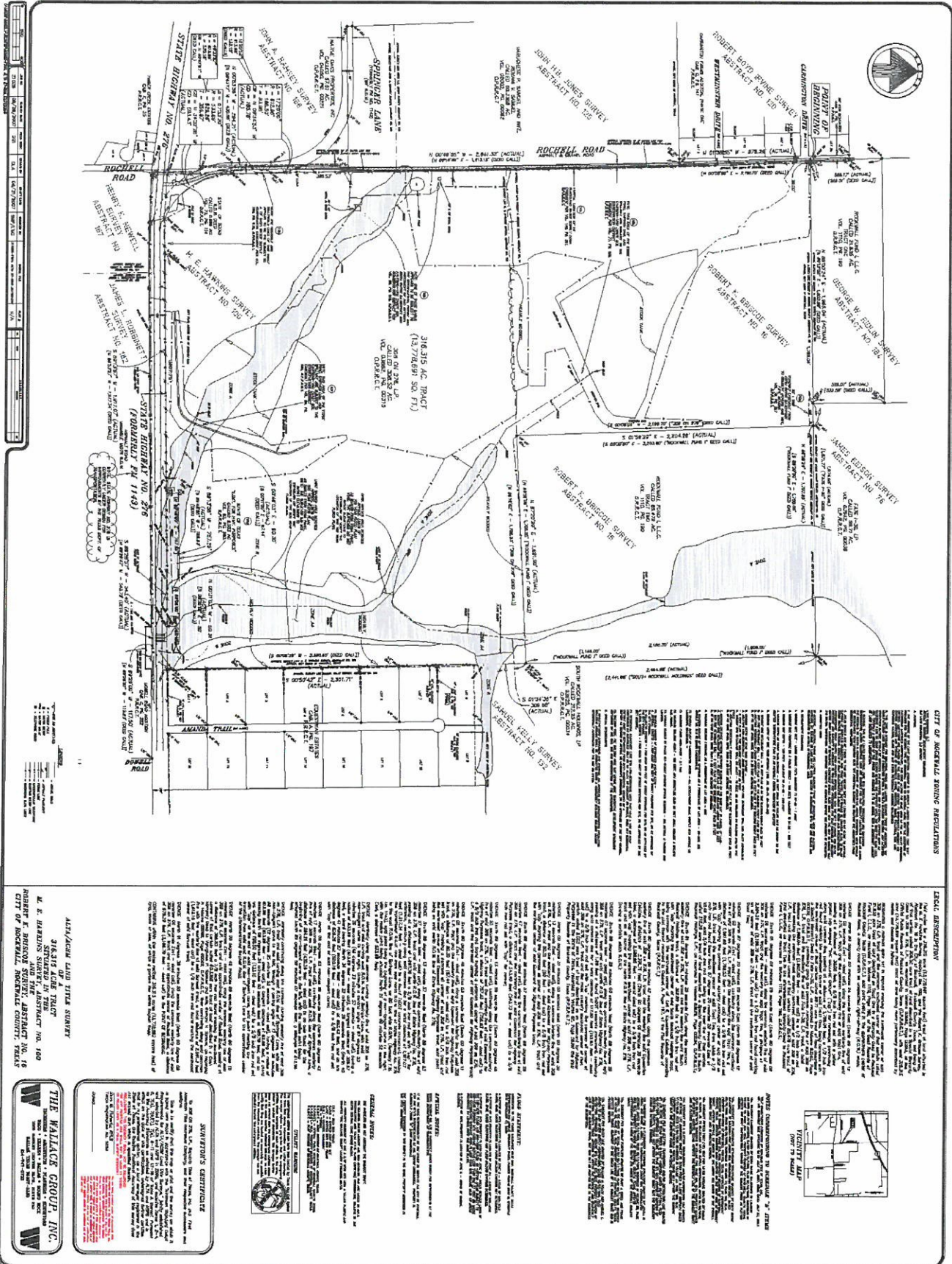
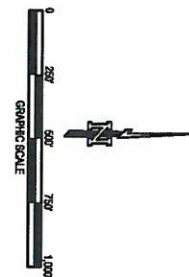


Exhibit 'C': Concept Plan



OPEN SPACE CALCULATION		
OPEN AREA / PARK AREA	1/2 FEMA FLOOD PLAIN AREA	
41.9 ACRES	54.7 ACRES	96.6 ACRES
OPEN SPACE RATIO =	96.6 / 307.0	31.5%

RESIDENTIAL PROJECT AREA = 307.0 ACRES
LOT DENSITY: 507 / 307.0 = 1.65 Lots per Acre



LEGEND

- TYPE A LOT
- TYPE B LOT
- TYPE C LOT
- COMMERCIAL ± 9.0 AC.
- OPEN AREA ± 30.9 AC
- PARK ± 11.0 AC
- OPEN AREA/FLOODPLAIN TO BE DEDICATED TO THE PUBLIC ± 44.2 AC
- COMMUNITY CENTER ± 1.2 ACRES
- REMAINING FEMA FLOODPLAIN #65.2 AC
- WALKING TRAIL ± 3.8 MILES

GENERAL LOT INFORMATION

- TYPE A - 121 LOTS - 80'x120' (MIN) - 9,600 SF
- TYPE B - 127 LOTS - 70'x110' (MIN) - 7,700 SF
- TYPE C - 259 LOTS - 80'x110' (MIN) - 6,800 SF
- 15' LANDSCAPE BUFFER ALONG DISCOVERY BOULEVARD
- 20' LANDSCAPE BUFFER ALONG ROCHELL ROAD
- 25' LANDSCAPE BUFFER ALONG HIGHWAY 276

507 LOTS

"THIS SITE PLAN SHOULD BE CONSIDERED PRELIMINARY AND CONCEPTUAL AND IS NOT BASED ON FINAL ACTS OF TOWN/CITY/STATE JURISDICTION. LOT POSITIONING MAY VARY AS PLAN IS REFINED. PLAN WILL NOT EXCEED 507 LOTS. IT SHOULD NOT BE USED FOR LEASE AGREEMENTS, PERMIT APPROVAL OR ANY OTHER BINDING AGREEMENTS."

Exhibit 'D':
PD Development Standards

A. PURPOSE

The Discovery Lakes Subdivision is located at the northeast corner of the intersection of SH-276 and Rochell Road. The *Subject Property* is a short walk or bike ride from the Rockwall Technology Park. The Discovery Lakes Subdivision will be a master planned residential neighborhood that will incorporate two (2) lakes, several acres of open space and ~3.8-miles of hiking/jogging/biking trails. The master plan calls for 507 single-family homes. There will be several view corridors strategically placed within the subdivision along with *front loaded* lots to provide for the enjoyment of the open space. A boulevard with 85-feet of right-of-way will connect SH-276 and Discovery Boulevard. The boulevard will have a 14-foot landscape median and a 25-foot travel lane on each side of the street.

The residential streets will be 29-feet back-to-back, with a 10½-foot parkway on each side for a total of 50-feet of right-of-way. A *Community Center* with a pool will be provided to add increased amenity for the subdivision. Additionally, the proposed development will incorporate nine (9) acres of commercial space that will be located at the hard corner of SH-276 and Rochell Road. This area will allow for neighborhood service types of uses and eating establishments. A maximum of one (1) hotel planned to service the needs of the subdivision and the Rockwall Technology Park. A 55-acre area adjacent to the northern lake will be dedicated as public parkland to serve Park District No. 31.

The Discovery Lakes Subdivision will be a benefit to the community, allowing citizens of all ages the opportunity to live, work, and play in a connected master planned community.

B. GENERAL REQUIREMENTS

Development Standards.

1. *Permitted Uses.* The following uses are permitted on the *Subject Property* in accordance with the *Concept Plan* depicted in *Exhibit 'C'* of this ordinance.

(a) *Residential Uses.* Unless specifically provided by this Planned Development ordinance, only those uses permitted within the Single Family 10 (SF-10) District, as stipulated by the *Permissible Use Charts* contained in Article IV, *Permissible Uses*, of the Unified Development Code (UDC), shall be allowed for areas designated as *residential* on the *Concept Plan*.

(b) *Non-Residential.* Unless specifically provided by this Planned Development ordinance, only those uses permitted within the General Retail (GR) District, as stipulated by the *Permissible Use Charts* contained in Article IV, *Permissible Uses*, of the Unified Development Code (UDC), shall be allowed for areas designated as *commercial* on the *Concept Plan*; however, the following conditions shall apply:

- (i) The following additional uses shall be permitted as *by-right* uses on the *Subject Property*:

- ☒ Hotel, Hotel (*Full Service*) or Motel (*With a Maximum Height of Four [4] Stories*) ¹
- ☒ Restaurant (*with Drive-Through or Drive-In*) ²
- ☒ Retail Store (*with more than two [2] Gasoline Dispensers*)

Notes:

¹: A maximum of one (1) hotel/motel shall be permitted with this Planned Development District. The height requirement of four (4) stories is permitted to exceed 36-feet, but in no case shall exceed 60-feet.

²: A maximum of three (3) restaurants (despite the size of the restaurant) shall be permitted within this Planned Development District.

Exhibit 'D':
PD Development Standards

(ii) The following uses shall be prohibited on the *Subject Property*:

- ☒ Convent or Monastery
- ☒ Hotel, Residence
- ☒ Cemetery/Mausoleum
- ☒ Mortuary of Funeral Chapel
- ☒ Social Service Provider
- ☒ Billiard Parlor or Pool Hall
- ☒ Carnival, Circus, or Amusement Ride
- ☒ Commercial Amusement/Recreation (*Outside*)
- ☒ Gun Club, Skeet or Target Range (*Indoor*)
- ☒ Astrologer, Hypnotist, or Psychic Art and Science
- ☒ Garden Supply /Plant Nursery
- ☒ Night Club, Discotheque, or Dance Hall
- ☒ Secondhand Dealer
- ☒ Car Wash, Self Service
- ☒ Mining and Extraction (Sand, Gravel, Oil and/or Other)
- ☒ Helipad
- ☒ Railroad Yard or Shop
- ☒ Transit Passenger Facility

2. *Non-Residential Development.* The area designated as *commercial* on the *Concept Plan* depicted in *Exhibit 'C'* of this ordinance shall be designed to be pedestrian-oriented, easily accessible, and integrated into the general design scheme of the adjacent neighborhood. This can be accomplished by removing the traditional barriers utilized to separate commercial and residential developments (e.g. *screening walls*) and incorporating landscape buffers/elements (e.g. *greenspace, parkways, and etcetera*) and urban design elements (e.g. *pathways, pergolas, and etcetera*) that can create compatibility with the adjacent single-family neighborhood. To better achieve this goal and in addition to the requirements of Section 4.1, *General Commercial District Standards*, and Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code, all commercial development shall be required to adhere to the following supplemental standards:

(a) *Retail Landscape.* Landscaping shall be reviewed and approved with the PD Site Plan. All Canopy/Shade Trees planted within the retail development shall be a minimum of four (4) caliper inches in size and all *Accent/Ornamental/Under-Story Trees* shall be a minimum of four (4) feet in total height unless otherwise provided within this document.

(b) *Retail Landscape Buffers.* All landscape and plantings located within the buffers shall be maintained by the property owner.

(1) *Landscape Buffer (Residential Adjacency).* Where residential and retail uses share a direct adjacency, a minimum of a 30-foot landscape buffer shall be provided by the retail property adjacent to the residential property. This area shall incorporate ground cover, a *built-up* berm and shrubbery along the entire length of the adjacency. This area should also incorporate pedestrian-oriented design elements (e.g. *pathways*) that allow access between the two (2) uses. Shrubby utilized in this area shall have a minimum height of 30-inches and a maximum height of 48-inches. Additionally, trees should be incorporated in this area to break up the façades of any commercial buildings.

(2) *Landscape Buffer and Sidewalks (SH-276).* A minimum of a 15-foot landscape buffer shall be provided along the frontage of SH-276, and shall incorporate ground cover,

Exhibit 'D':
PD Development Standards

a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. All buffer-strip planting requirements shall conform to the requirements of Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code.

- (3) *Landscape Buffer (Rochell Road Retail)*. A minimum of a 20-foot landscape buffer shall be provided along the frontage of Rochell Road (*outside of and beyond any required right-of-way dedication*), and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage.

(c) *Sidewalks*.

- i) *Sidewalk Adjacent to Rochell Road and SH-276*. The developer shall be responsible for the construction of a five (5) foot sidewalk that meanders through the required 20-foot landscape buffer adjacent to Rochell Road and SH-276.

3. *Residential Development Standards*. Except as modified by these *Development Standards*, the residential uses depicted in *Exhibit 'C'* of this ordinance shall be subject to the development standards for a Single Family 10 (SF-10) District as stipulated by Section 3.1, *General Residential District Standards*; Section 3.4, *Single-Family Residential (SF-10) District*; and Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code. In addition, all residential development shall adhere to the following standards:

- (a) *Lot Composition and Layout*. The lot layout and composition of the *Subject Property* shall generally conform to the *Concept Plan* depicted in *Exhibit 'C'* and stated in *Table 1* below. Allowances for changes to the quantity and locations of each lot type are permitted in conformance with the requirements listed below; however, in no case shall the proposed development exceed 507 units.

Table 1: Lot Composition

Lot Type	Minimum Lot Size (FT)	Minimum Lot Size (SF)	Dwelling Units (#)	Dwelling Units (%)
A	80' x 120'	9,600 SF	121	23.87%
B	70' x 110'	7,700 SF	127	25.05%
C	60' x 110'	6,600 SF	259	51.08%
Maximum Permitted Units:			507	100.00%

The allocation of single-family dwellings among lot types may deviate from *Table 1* provided that the proposed lot composition meets the following criteria:

- (1) The total number of lots does not exceed 525 units; and,
- (2) The average lot size for the total development is not less than 7,500 SF (*i.e. total square footage of all lots/total number of lots*); and,
- (3) Lot Type "A" shall not be decrease below 115 lots; and,
- (4) Lot Type "B" shall not be decreased below 23% of the total 507 lots; and,
- (5) Lot Type "C" shall not be increased beyond 55% of the total 507 lots.

Exhibit 'D':
PD Development Standards

- (b) *Density and Dimensional Requirements.* The maximum permissible density for the *Subject Property* shall not exceed 1.70 dwelling units per gross acre of land; however, in no case should the proposed development exceed 507 units. All lots shall conform to the standards depicted in *Table 2* below and generally conform to *Exhibit 'C'* of this ordinance.

Table 2: Lot Dimensional Requirements

<i>Lot Type (see Concept Plan) ►</i>	A	B	C
<i>Minimum Lot Width</i> ^{(1) & (5) & (7)}	80'	70'	60'
<i>Minimum Lot Depth</i>	120'	110'	110'
<i>Minimum Lot Area</i>	9,600 SF	7,700 SF	6,600 SF
<i>Minimum Front Yard Setback</i> ^{(2) & (6)}	20'	20'	20'
<i>Minimum Side Yard Setback</i>	6'	5'	5'
<i>Minimum Side Yard Setback (Adjacent to a Street)</i> ⁽²⁾	15'	15'	15'
<i>Minimum Length of Driveway Pavement</i>	20'	20'	20'
<i>Maximum Height</i> ⁽³⁾	36'	36'	36'
<i>Minimum Rear Yard Setback</i> ⁽⁴⁾	15'	10'	10'
<i>Minimum Area/Dwelling Unit (SF) [Air Conditioned Space]</i>	2,800 SF	2,250 SF	2,000 SF
<i>Garage Orientation</i>	<i>J-Swing or Front</i>	<i>J-Swing or Front</i>	<i>J-Swing or Front</i>
<i>Maximum Number of Front Entry Garages Permitted</i>	48	42	173
<i>Maximum Lot Coverage</i>	65%	65%	65%

General Notes:

- ¹: The minimum lot width shall be measured at the *Front Yard Building Setback*.
- ²: The location of the *Front Yard Building Setback* as measured from the front property line.
- ³: The *Maximum Height* shall be measured to the eave or top plate (whichever is greater) of the single family home.
- ⁴: As measured from the rear yard property line.
- ⁵: Lots fronting onto a curvilinear street, cul-de-sac or eyebrow may have the lot width reduced by up to 20% as measured at the front property line provided that the lot width is met at the front building line. Additionally, the lot depth on lots fronting onto curvilinear streets, cul-de-sacs and eyebrows may be reduced by up to ten (10%) percent, but shall meet the minimum lot size for each lot type.
- ⁶: Sunrooms, porches, stoops, bay windows, balconies, masonry clad chimneys, eaves and similar architectural features may encroach beyond the *Front Yard Building Setback* by up to ten (10) feet for any property that increases the *Front Yard Building Setback* to 20-feet; however, the encroachment shall not exceed five (5) feet on *Side Yard Setbacks (Adjacent to a Street)* and shall not encroach into public right-of-way [a Sunroom is an enclosed room no more than 15-feet in width that has glass on at least 50% of each of the encroaching faces].
- ⁷: All lots with a *J-Swing* or *Traditional Swing* driveway require a minimum of a 65-foot lot width.

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

- (1) *Masonry Requirement.* The minimum masonry requirement for the exterior façades of all buildings shall be 80%. For the purposes of this ordinance the masonry requirement shall be limited to full width brick, natural stone, and cultured stone. Cementaceous fiberboard horizontal lap-siding (e.g. *HardiBoard* or *Hardy Plank*) and/or stucco (i.e. *three [3] part stucco* or a comparable -- to be determined by staff) shall be permitted to be used to meet up to 50% of the masonry requirement.
- (2) *Roof Pitch.* A minimum of an 8:12 roof pitch is required on all structures with the exception of porches, which shall have a minimum of a 4:12 roof pitch.
- (3) *Garage Orientation.* Garages shall be provided as stipulated by *Table 2: Lot Dimensional Requirements*. Garages permitted for front entry maybe oriented

Exhibit 'D':
PD Development Standards

toward the street; however, the front façade of the garage must be situated a minimum of 20-feet off the front property line. All front entry garages shall incorporate an architectural element or feature separating the individual garage openings. *Swing, Traditional Swing or J-Swing* garages are permitted to have a second single garage door facing the street as long as it is behind the width of the double garage door situated in the *Swing* configuration.

- (d) *Anti-Monotony Restrictions.* The development shall adhere to the Anti-Monotony Matrix depicted in Table 3 below (for spacing requirements see the illustration on the following page).

Table 3 : Anti-Monotony Matrix

<i>Lot Type</i>	<i>Minimum Lot Size</i>	<i>Elevation Features</i>
A	80' x 120'	(1), (2), (3)
B	70' x 110'	(1), (2), (3)
C	60' x 110'	(1), (2), (3)

- (1) Identical brick blends or paint colors may not occur on adjacent (*side-by-side*) properties along any block face without at least four (4) intervening homes of differing materials on the same side of the street beginning with the adjacent property and two (2) intervening homes of differing materials on the opposite side of the street.
- (2) Front building elevations shall not repeat along any block face without at least four (4) intervening homes of differing appearance on the same side of the street and two (2) intervening homes of differing appearance on the opposite side of the street. The rear elevation of homes backing to open spaces or on SH-276 shall not repeat without at least five (5) intervening homes of differing appearance. Homes are considered to have a differing appearance if any of the following two (2) items deviate:
 - (a) Number of Stories
 - (b) Permitted Encroachment Type and Layout
 - (c) Roof Type and Layout
 - (d) Articulation of the Front Façade
- (3) Each phase of the subdivision will allow for a maximum of four (4) compatible roof colors, and all roof shingles shall be an architectural or dimensional shingle (*3-Tab Roofing Shingles are prohibited*).

See the Illustrations on the following page.

Exhibit 'D':
PD Development Standards

Illustration 1: Properties line up on the opposite side of the street. Where RED are the same.

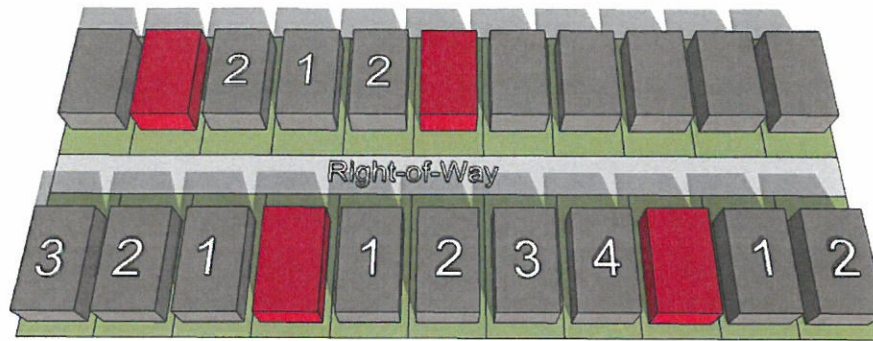
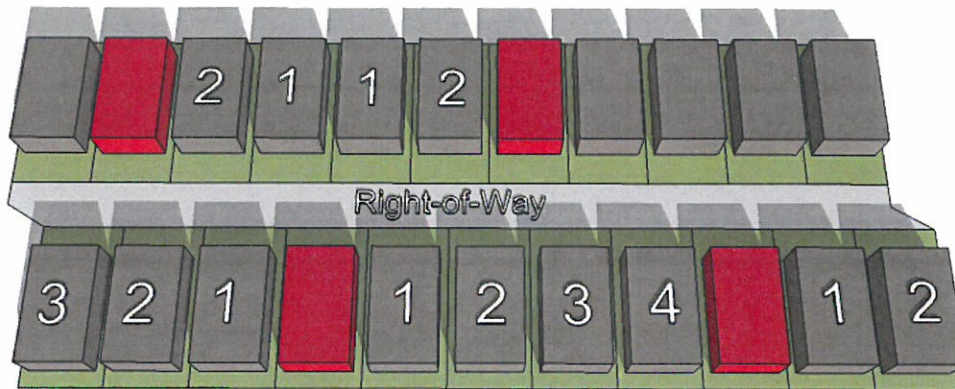


Illustration 2: Properties do not line up on opposite side of the street. Where RED are the same.



(e) *Fencing Standards.* All individual residential fencing and walls shall be architecturally compatible with the design, materials and colors of the primary structure on the same lot, and meet the following standards:

- (1) *Wood Fences.* All wood fences shall be constructed of a standard fencing material (*minimum of ½" thickness or better; spruce fencing will not be allowed*), and use fasteners that are hot dipped galvanized or stainless steel. Wood fences facing onto a street shall be painted and/or stained and sealed with all pickets being placed on the *public side* facing the street. All wood fences shall be smooth-finished, free of burs and splinters, and be a maximum of eight (8) feet in height.
- (2) *Wrought Iron/Tubular Steel.* Lots located along the perimeter of roadways, abutting open spaces, greenbelts and parks shall be required to install a wrought iron or tubular steel fence. Wrought iron/tubular steel fences can be a maximum of eight (8) feet in height.
- (3) *Corner Lots.* Corner lots fences (*i.e. adjacent to the street*) shall provide masonry columns at 45-feet off center spacing that begins at the rear of the property line. A maximum of eight (8) foot solid *board-on-board panel* fence constructed utilizing cedar fencing shall be allowed between the masonry columns along the side and/or rear lot adjacent to a street. In addition, the fencing shall be setback from the side property line adjacent to a street a minimum of five (5) feet. The property owner shall be required to maintain both sides of the fence.
- (4) *Solid Fences (including Wood Fences).* All solid fences shall incorporate a decorative top rail or cap detailing into the design of the fence.

Exhibit 'D':
PD Development Standards

(f) *Landscape and Hardscape Standards.*

- (1) *Residential Landscape.* Landscaping shall be reviewed and approved with the PD Site Plan. All *Canopy/Shade Trees* planted within the residential development shall be a minimum of three (3) caliper inches in size and all *Accent/Ornamental/Under-Story Trees* shall be a minimum of four (4) feet in total height unless otherwise provided within this document.

- (2) *Single Family Landscaping.* Prior to the issuance of a Certificate of Occupancy (CO) all single-family lots shall conform to the following:

- i) *Interior Lots.* All interior lots shall include a minimum of two (2) trees with a diameter at breast height (dbh) [*i.e. the diameter in inches of a tree as measured through the main trunk at a point of four and one-half (4½) inches above the natural ground level*] of three (3) inches shall be planted in the front yard, and two (2) additional trees of the same caliper inch shall be planted in the side yard facing the street for corner lots.

Note: For the purposes of this section only, the term "front yard" includes the area within the dedicated right-of-way for a parkway immediately adjoining the front yard of the lot.

- ii) *Corner Lots.* All corner lots shall include a minimum of two (2) trees with a diameter at breast height (dbh) [*i.e. the diameter in inches of a tree as measured through the main trunk at a point of four and one-half (4½) inches above the natural ground level*] of three (3) inches shall be planted in the front yard of an interior lot.

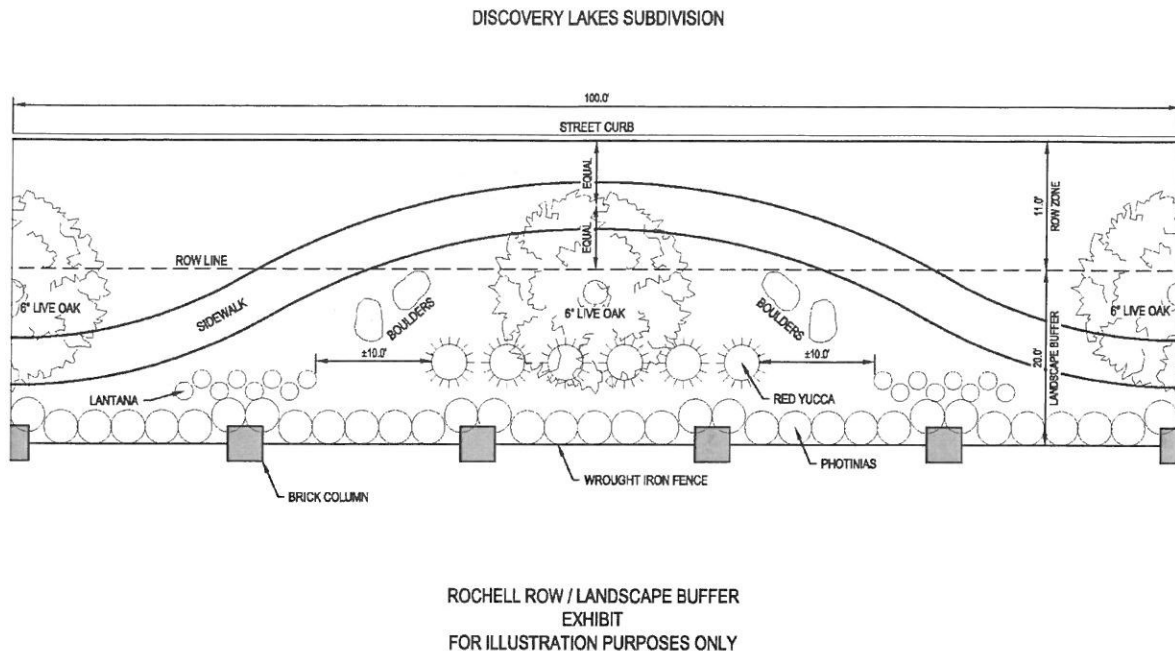
- (3) *Landscape Buffers.* All landscape buffers and plantings located within the buffers shall be maintained by the Homeowner's Association (HOA).

- (a) *Landscape Buffer and Sidewalks (Discovery Boulevard).* A minimum of a 15-foot landscape buffer shall be provided along the frontage of Discovery Boulevard, and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least one (1) canopy tree shall be planted per 30-feet of linear frontage.

- (b) *Landscape Buffer (Rochell Road).* A minimum of a 20-foot landscape buffer shall be provided along the frontage of Rochell Road (*outside of and beyond any required right-of-way dedication*), and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Shrubby shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. The landscape buffer along Rochell Road shall general conform to the following illustration [*i.e. Illustration 3*].

Exhibit 'D':
PD Development Standards

Illustration 3: Landscape Buffer along Rochell Road.



- (c) *Landscape Buffer (SH-276)*. A minimum of a 25-foot landscape buffer shall be provided along the frontage of SH-276, and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. In addition, all buffer-strip planting requirements shall conform to the requirements of Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code (*i.e. minimum four [4] inch caliper trees required*).
- (4) *Irrigation Requirements*. Irrigation shall be installed for all required landscaping located within common areas, landscape buffers and/or open space. Irrigation installed in these areas shall be designed by a Texas licensed irrigator or landscape architect and shall be maintained by the Homeowner's Association (HOA).
- (5) *Hardscape*. Hardscape plans indicating the location of all sidewalks and trails shall be reviewed and approved with the PD Site Plan.
- (g) *Lighting*. Light poles shall not exceed 20-feet in total height (*i.e. base and lighting standard*). All fixtures shall be directed downward and be positioned to contain all light within the development area.
- (h) *Sidewalks*.
- i) *Internal Sidewalks*. All sidewalks adjacent to an interior residential street shall begin 5½-feet from the back of curb and be five (5) feet in overall width.

Exhibit 'D':
PD Development Standards

- ii) *Sidewalks Adjacent to Rochell Road and Discovery Boulevard.* All sidewalks adjacent Rochell Road and Discovery Boulevard shall begin two (2) feet inside the right-of-way line and be five (5) feet in overall width.
 - (i) *Open Space.* The development shall consist of a minimum of 20% open space as calculated from the gross land area, and generally conform to the *Concept Plan* contained in *Exhibit 'C'* of this ordinance. Existing floodplain shall be counted at a rate of ½-acre for every acre provided (e.g., 10-acres of floodplain would count as 5-acres of open space). The Homeowner's Association (HOA) shall maintain all open space areas.
 - (j) *Neighborhood Signage.* Permanent subdivision identification signage shall be permitted at all major entry points for the proposed subdivision. Final design and location of any entry features shall be reviewed and approved with the *PD Site Plan*.
 - (k) *Community Center.* A site plan, landscape plan and building elevations shall be required for the proposed *Community Center* and shall be subject to site plan approval by the Planning and Zoning Commission prior to construction.
 - (l) *Homeowner's Association (HOA).* A Homeowner's Association shall be created to enforce the restrictions established in accordance with the requirements of *Section 38-15* of the Subdivision Regulations contained within the *Municipal Code of Ordinances* of the City of Rockwall. The HOA shall also maintain all neighborhood parks, trails, open space and common areas, irrigation, landscaping, amenity centers, screening fences associated with this development.
4. *Buried Utilities.* New distribution power-lines required to serve the *Subject Property* shall be placed underground, whether such lines are located internally or along the perimeter of the *Subject Property*, unless otherwise authorized by the City Council. New transmission power-lines, or distribution lines of a size not typically or cost effectively placed underground (3-phase lines), or additional lines that are added to existing poles, may be above ground, if located along the perimeter of the *Subject Property*. The Developer shall not be required to re-locate existing overhead power-lines along the perimeter of the *Subject Property*. Temporary power-lines constructed across undeveloped portions of the *Subject Property* to facilitate development phasing and looping may be allowed above ground, but shall not be considered existing lines at the time the area is developed, and if they are to become permanent facilities, such lines shall be placed underground pursuant to this paragraph. Franchise utilities shall be placed within a ten (10) foot public utility easement behind the sidewalk, between the home and the property line.
5. *Variances.* The variance procedures and standards for approval that are set forth in the Unified Development Code shall apply to any application for variances to this ordinance.

Planned Development (PD-78) City ordinance 15-24 - Discovery Lakes

Proposed Zoning Changes

Background:

Discovery Lakes, LLC (Owner) received approval from the City of Rockwall (City) for PD-78 on August 17, 2015. Since that time, the costs for bringing utilities to the site, specifically sanitary sewer, have increased dramatically from what the Owner understood would be required and have proven to be cost prohibitive. Since the fall of 2019 the Owner and the City have been working on plans to provide sanitary sewer service to the site by constructing a line and necessary lift stations and force mains to the Sabine Creek WWTP owned and operated by NTMWD and located in the city of Fate. This system will ultimately provide sewer capacity for the entire development and other unserved areas in the City of Rockwall and Rockwall's ETJ. Studies by NTMWD are underway to determine the ultimate route, size and preliminary cost. Cost participation by the City and the Owner will be negotiated at the conclusion of the NTMWD studies.

Since the period between the approval of PD-78 and now, the Owner has incurred significant expenses including property taxes, finance and interest costs, and maintenance and operation expenses on the property. The Owner is seeking ways to help offset these recurring costs as well as to provide a benefit to the City of Rockwall. These benefits would include developing a unique phase of the development that is currently not provided for in PD-78 but will provide overall lower density, a more timely development and the associated higher ad valorem property tax base on a higher end custom home product we believe the city will find desirable. This zoning change, when approved, would allow the development of this phase to proceed immediately following the appropriate approvals of plats and engineering. This would allow the project to begin and move forward with a smaller initial phase while the NTMWD study is completed and plans and ultimate construction of the sewer system takes place.

Proposed Zoning Change Highlights:

The Owner is seeking a zoning change that would increase the size of the Type "A" lots from 9,600 square feet to 43,560 square feet (one acre) and provide a location for this revised category of lot in the southeastern portion of the project which would contain up to 50 one-acre minimum lots. These lots would be located along the Brushy Creek floodplain and would not encroach or allow development into the floodplain boundaries or erosion hazard setback areas. The total number of lots would decrease from 507 to 428 and density per acre would decrease from 1.65 lots per acre to 1.39 lots per acre.

The one-acre lots in this phase would have separate faux guard gated entry features. These entry features would be unmanned but may contain video equipment to record traffic in and out of this phase. These entry features would not have actual gates or traffic control devices. These lots would be marketed and sold to custom builders with prices averaging in the \$200,000.00 range with home values expected to be in the \$750,000.00 to \$1.0 Million + range. These lots would have a minimum of ½ acre (22,000 sf) of land located outside of any Floodplain boundary and erosion hazard setback line, but would be deeded/platted to allow use of the floodplain per individual resident for open space, recreation. No construction or permanent improvements would be permitted in this area.

Sewer Service Would Be Provided In A Two-Stage Process:

- Stage 1 consists of construction of individual onsite sanitary sewer systems (OSSF's) that would be aerobic systems with drip irrigation versus spray systems. The drip systems require less land for the lines and drastically reduce potential odors and issues associated with spray (sprinkler) type systems. Our engineer has used these on multiple projects throughout Rockwall County and Texas. All systems would be designed by a State of Texas licensed Professional Engineer to Texas Commission on Environmental Quality (TCEQ) standards and oversight of installation would be arranged by a third party instead of the County's inspectors if required or desired by the City of Rockwall. The land area outside of any floodplain boundary necessary for these in ground drip irrigation systems is typically 0.5 acres or less. During the engineering design phase and prior to submission of the preliminary plat, site specific engineering, and soil investigation of this proposed phase will be conducted and results submitted to the City's engineering department for review. In addition to these OSSF's for each lot, the Owner will install appropriately sized sewer mains and lateral services at the time of development of this phase to allow the homes within this phase to connect to the City sewer system when it is ultimately constructed and brought to the development.
- Stage 2 includes the connection to the sanitary sewer system by each resident and abandonment in place of the OSSF's as per the city of Rockwall's ordinance requiring connection to City Sewer when it becomes available. The cost to disconnect from the OSSF and connect to the City's system shall be at the sole cost of the homeowner, and an appropriate disclosure regarding this potential obligation and cost shall be a part of all real-estate contracts between developer, homebuilder and homeowner.

The Proposed PD 78 Language and concept plan revisions are attached on the following pages:

The remaining sections of this page were intentionally left blank

~~CITY OF ROCKWALL~~

~~ORDINANCE NO. 15-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 AN AGRICULTURAL (AG) DISTRICT TO A PLANNED DEVELOPMENT DISTRICT FOR SINGLE FAMILY 10 (SF-10) AND GENERAL RETAIL (GR) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 316.315-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1 OF THE M. E. HAWKINS SURVEY, ABSTRACT NO. 100, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A' & EXHIBIT 'B'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.~~

~~WHEREAS, the City has received a request by the Stacy McVey of Double Eagle Properties, LLC on behalf of the owner 308 ON 276, LP for the approval of a zoning change from an Agricultural (AG) District to a Planned Development District for Single Family 10 (SF-10) and General Retail (GR) District land uses, on a 316.315-acre tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract No. 100, City of Rockwall, Rockwall County, Texas and more fully described in Exhibit 'A' & Exhibit 'B' of this ordinance, which hereinafter shall be referred to as the Subject Property and incorporated by reference herein; and~~

~~WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code [Ordinance No. 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 generally be in accordance with the Planned Development Concept Plan, described in Exhibit 'C' of this ordinance, attached hereto and incorporated herein by reference as Exhibit 'C', which is deemed hereby to be a condition of approval of the amended zoning classification for the Subject Property;~~

~~Section 3. That development of the Subject Property shall generally be in accordance with the 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 4. That a Master Parks and Open Space Plan for the Subject Property, shall be prepared in accordance with this ordinance and consistent with the Planned Development~~

~~Concept Plan depicted in Exhibit 'C' of this ordinance, and that the Master Parks and Open Space Plan shall be considered for approval by the City Council following a recommendation by the Parks and Recreation Board.~~

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

(a) ~~_____~~ The procedures set forth in the City's subdivision regulations on the date this ordinance is approved by the City, as amended by this ordinance ~~(including Subsections 5(b) through 5(f) below)~~, shall be the exclusive procedures applicable to the subdivision and platting of the 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) | _____ | Open Space Master Plan |
| (2) | _____ | Master Plat |
| (3) | _____ | PD Development Plan (Required for Retail Areas Only) |
| (4) | _____ | PD Site Plan |
| (5) | _____ | Preliminary Plat |
| (6) | _____ | Final Plat |

(c) ~~_____~~ A ~~PD Development Plan~~ must be approved for the area designated on the ~~Planned Development Concept Plan~~ as ~~Retail~~ prior to submittal of a ~~PD Site Plan~~ application and/or preliminary plat application. No ~~Master Plat~~ is required for the area designated on the ~~Concept Plan~~ as ~~Retail~~. A traffic impact analysis for the retail tract 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~~ for each retail development.

(d) ~~_____~~ ~~PD Site Plan~~. A ~~PD Site Plan~~ covering all of the ~~Subject Property~~ shall be submitted and shall identify all site/landscape/hardscape plan(s) for all open space, neighborhood parks, trail systems, street buffers and entry features. A ~~PD Site Plan~~ application may be processed by the City concurrently with a ~~Preliminary Plat Application~~ for the development.

(e) ~~_____~~ ~~Preliminary Plat~~. A ~~Preliminary Plat~~ covering all of the ~~Subject Property~~ shall be submitted and shall include a ~~Treescape Plan~~. A ~~Preliminary Plat Application~~ may be processed by the City concurrently with a ~~PD Site Plan Application~~ for the development.

(f) ~~_____~~ ~~Final Plat~~. Prior to the issuance of any building permits, a ~~Final Plat~~, conforming to the ~~Preliminary Plat~~, for all of the ~~Subject Property~~ shall be submitted for approval.

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

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

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

~~**Section 9.** That this ordinance shall take effect immediately from and after its passage 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 20TH DAY OF JULY, 2015.**~~

Jim Pruitt, Mayor

ATTEST:

Kristy Ashberry, City Secretary

APPROVED AS TO FORM:

Frank J. Garza, City Attorney

1st Reading: _____ July 20, 2015

2nd Reading: _____ August 3, 2015

Exhibit 'A':
Legal Description

Field notes for a 316.315-acre (13,778,691 square foot) tract of land situated in the M. E. Hawkins Survey, Abstract No. 100, and the Robert K. Briscoe Survey, Abstract No. 16 in the City of Rockwall, Rockwall County, Texas, and being all of that certain called 308.52-acre tract of land described in a Special Warranty Deed to 308 ON 276, L.P., as recorded in Volume 03662, Page 00315, of the Office Public Records of Rockwall County, Texas (O.P.R.R.C.T.) with said 316.315-acre (13, 778,691 square feet) tract of land being more particularly described by metes and bounds as follows:

BEGINNING a railroad spike set in asphalt marking the northwest corner of said 308 on 276, L.P. tract and the common southwest corner of that certain called 21. 935 acre tract of land described as Tract One in a Warranty Deed to Rockwall Fund I, L.L.C., as recorded in Volume 1 110, Page 190, of the Deed Records of Rockwall County, Texas (D.R.R.C.T.) , said point being in the approximate center of Rochell Road, a county road with an unspecified right-of- way (R. O. W.) width;

THENCE North 89 degrees 00 minutes 24 seconds East (South 89 degrees 12 minutes 02 seconds East - deed call), along the common northerly line of said 308 ON 276, L.P. tract and the common southerly line of said Tract One, passing at a distance of 30. 00 feet, a 5/8 inch iron rod set with a yellow plastic cap stamped "THE WALLACE GROUP " ("cap ") for reference, continuing along said common line, passing at a distance of 1,799. 04-fee t, a ½-inch iron rod found marking the southeast corner of said Tract One, being common with the south west corner of that certain called 59.71-acre tract of land described in a Special Warranty Deed to Fate I- 30, L.P., as recorded in Volume 03542, Page 00039, O.P.R.R.C.T., continuing along the common northerly line of said 308 on 276, L.P. tract and the southerly line of said Fate I-30, L.P. tract, a total distance of 1,966.04 feet (1,902 .80 feet - deed call) to a 1/ 2 inch iron rod found marking the common most northerly northeast corner of said 308 on 276, L.P. tract and the north west corner of that certain coiled 85.479 acre tract of land described as Tract Two in the aforementioned Warranty Deed to Rockwall Fund I, L.L.C., as recorded in Volume 1 110, Page 190, O.R.R.C.T.;

THENCE South 01 degrees 59 minutes 29 seconds East (South 00 degrees 08 minutes 06 seconds West - deed call), along the common easterly line of said 308 ON 276, L.P. tract and the westerly line said Tract Two, a distance of 2,204.26-fee t (2,166.70-feet - deed call) to a 1/ 2 inch iron rod found marking an ell corner of said 308 ON 276, L.P. tract and the southwest corner of said Tract Two;

THENCE North 87 degrees 20 minutes 20 seconds East (North 89 degrees 12 minutes 02 seconds East - deed call), continuing along the common northerly line of said 308 on 276, L.P. tract an d the southerly line said Tract Two, a distance of 1,691. 90 feet (1,782.53 feet - deed call) to a 5/8 inch iron rod se t with "cap " marking the common most easterly northeast corner of said 308 on 276, L.P. tract and the southeast corner of said Tract Two, from which a ½-inch iron rod found bears North 87 degrees 20 minutes 20 seconds East at 10. 49 feet, said 5/8-inch iron rod set being on the west line of that certain called 212. 25 acre tract of land described in a Special Warranty Deed to South Rock wall Holdings, L.P., as recorded in Volume 03625, Page 00034, O.P.R.R.C.T.;

THENCE South 01 degrees 34 minutes 35 seconds East, along the common easterly line of said 308 ON 276, L.P. tract and the westerly line said South Rock wall Holdings tract, a distance of 309.68-feet to a 5/8-inch iron rod set with "cap " marking the southwest corner of said South Rock wall Holdings tract, being common with the northwest corner of Lot 8, Equestrian Estates, according to the plot thereof recorded in Cabinet A, Page 19 7, of the Plot Records of Rock wall County, Texas (P.R.R.C.T.);

THENCE South 00 degrees 50 minutes 42 seconds East, along the common easterly line of said 308 ON 276, L.P. tract and the westerly line said Equestrian Estates, a distance of 2,301.71 feet (South 00 degrees 06 minutes 38 seconds West, a distance of 2,580 . 60 feet - overall deed call) to a 5/8 inch iron rod set with "cap " marking the common southeast corner of said 308 ON 276, L.P. tract and on ell corner of the north R.O.W. line of State Highway No. 276 (having a variable width R.O.W.);

THENCE South 89 degrees 29 minutes 00 seconds West (North 89 degrees 29 minutes 07 seconds West - deed call), along the common southerly line of said 308 ON 2 76, L.P. tract and said north R.O.W. line of State Highway No. 276, passing at a distance of 1.66 feet a found TxDOT concrete monument, continuing along said common line for a tot al distance of 117.50-feet (115.83-feet - deed call) to a 5/8-inch iron rod set with "cap " marking the common ell corner of said 308 ON 276, L.P. tract and the most easterly southeast corner of that certain called 2.503-acre tract of land described as on Easement for Highway Purposes to the State of Texas, recorded in Volume 82, Page 583 of the Real Property Records of Rockwall County, Texas (R.P.R.R.C.T.);

THENCE North 00 degrees 31 minutes 03 seconds West (North 00 degrees 30 Minutes 13 seconds East - deed call), along a common interior line of said 308 on 2 76, L.P. tract and the easterly line of said Easement for Highway Purposes tract, a distance of 50.31-feet (50-feet - deed call) to a 5/8-inch iron rod set with "cap" marking the common ell corner of said 308 ON 276, L.P. tract and the north east corner of said Easement for Highway Purposes tract;

Exhibit 'A':
Legal Description

THENCE South 89 degrees 28 minutes 57 seconds West (North 89 degrees 29 minutes 47 seconds West - deed call), along the common southerly line of said 308 on 276, L.P. tract and the northerly line of said Easement for Highway Purposes tract, a distance of 543.40-feet (543.73-feet - deed call) to a 5/8-inch iron rod set with "cap " for corner;

THENCE South 89 degrees 13 minutes 58 seconds West (South 89 degrees 48 minutes 55 seconds West - deed call), continuing along the common southerly line of said 308 ON 276, L.P. tract and the northerly line of said Easement for Highway Purposes tract, a distance of 757. 25-feet (756.93-feet - deed call) to a 5/8-inch iron rod found marking a common ell corner of said 308 ON 276, L.P. tract and the northwest corner of said Easement for Highway Purposes tract;

THENCE South 00 degrees 46 minutes 03 seconds East (South 00 degrees 11 minutes 05 seconds East - deed call), along a common interior line of said 308 ON 276, L.P. tract and the westerly line of said Easement for Highway Purposes tract, a distance of 90.30-feet (87.44-feet - deed call) to a 5/8-inch iron rod set with "cap " marking a common ell corner of said 308 ON 276, L.P. tract and the southwest corner of said Easement for Highway Purposes tract, said point being on said north R.O.W. line of State Highway No. 276;

THENCE South 89 degrees 13 minutes 57 seconds West (North 89 degrees 53 minutes 27 seconds West - deed call), along the common southerly line of said 308 ON 276, L.P. tract and said north R.O.W. line of State Highway No. 276, passing at a distance of 1,667.76-feet a 5/8-inch iron rod set with "cap " for reference, continuing along said common line for a total distance of 1,917.07-feet (1,917.34-feet - deed call) to a found TxDOT concrete monument, marking the transitional R.O.W. line from said north R.O.W. line of State Highway No. 276 to the east R.O.W. line of Springer Lane, on 80-foot wide R.O.W., (formerly F.M. No. 1143), said point being the beginning of a non-tangent curve to the right, with the radius point being situated North 21 degrees 40 minutes 52 seconds East, a distance of 533.69-feet;

THENCE Northerly along the common curving westerly line of said 308 ON 276, L.P. tract and said curving east R.O.W. line of Springer Lane, with said non-tangent curve to the right, through a central angle of 67 degrees 33 minutes 20 seconds (48 degrees 33 minutes 57 seconds - deed call), having a radius of 533. 69-feet (613.69-feet - deed call), a tangent distance of 356.97-feet, a chord bearing North 34 degrees 32 minutes 28 seconds West (North 40 degrees 41 minutes 57 seconds West - deed call), at 593.43-feet, and an arc distance of 629.26-feet (520.18-feet - deed call) to a 5/8-inch iron rod set with "cap" at the end of said non- tangent curve;

THENCE North 00 degrees 53 minutes 56 seconds West (North 00 degrees 43 minutes 17 seconds West - deed call), continuing along the common westerly line of said 308 on 276, L.P. tract and said east R.O.W. line of Springer Lane, a distance of 294.21-feet (430.56-feet - deed call) to an axle found for the beginning of a non-tangent curve to the left , with the radius point being situated South 89 degrees 08 minutes 07 seconds West, a distance of 612.96-feet;

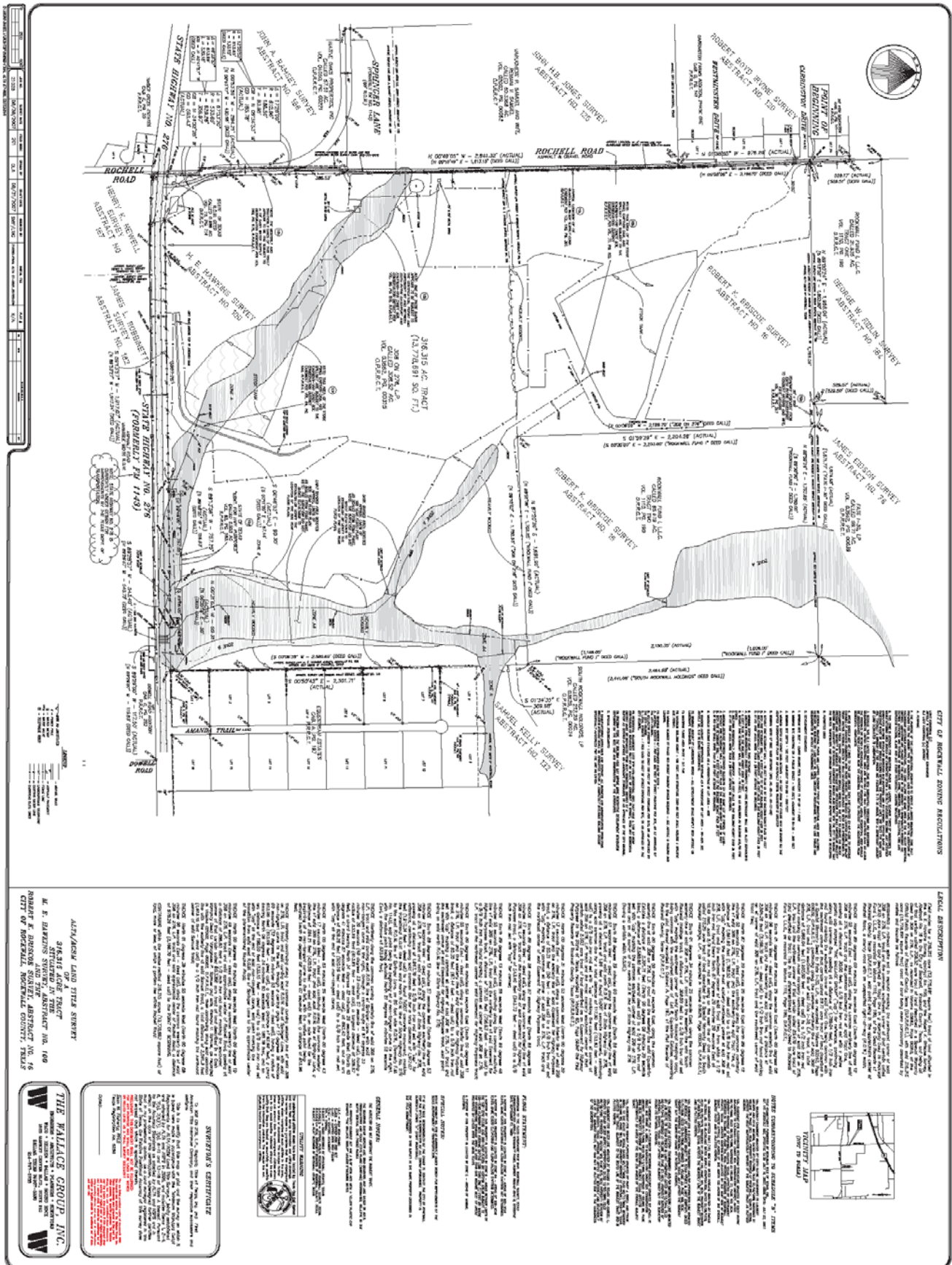
THENCE Northerly continuing along the common curving westerly line of said 308 ON 276, L.P. tract and said curving east R.O.W. line of Springer Lane, with said non-tangent curve to the left, through a central angle of 17 degrees 26 minutes 00 seconds (12 degrees 25 minutes 52 seconds - deed call), having a radius of 612.96-feet (613.69-feet - deed call), a tangent distance of 93.98 feet, a chord bearing North 09 degrees 34 minutes 53 seconds West at 185.78-feet, and an arc distance of 186.50-feet (133.15 feet - deed call) to a 5/8-inch iron rod set with "cap" at the end of said non-tangent curve, said point marking the transition from said east R.O.W. line of Springer Lane to the approximate center of the aforementioned Rochell Road;

THENCE North 00 degrees 49 minutes 05 seconds West (North 00 degrees 10 minutes 49 seconds East - deed call), along the common westerly line of said 308 ON 276, L.P. tract and said approximate center of Rochell Road, passing at a distance of 386.53-feet a ½-inch iron rod found marking the southeast corner of that certain called 60.3368-acre tract of land described in a Cash Warranty Deed to Varughese P. Samuel and wife, Remoni V. Samuel, as recorded in Volume 02002, Page 00062, O.P.R.R.C.T., then continuing along said common line with the easterly line of said Samuel tract, a total distance of 2,841.3-feet (1,613.15-feet - deed call) to a ½-inch iron rod found marking the northeast corner of said Samuel tract;

THENCE North 01 degrees 38 minutes 55 seconds West (North 00 degrees 08 minutes 06 seconds East - deed call), along the common westerly line of said 308 ON 276, L.P. tract and said approximate center of Rochell Road, a distance of 976.29-feet (2,166.70-feet - deed call) to the *POINT OF BEGINNING*.

CONTAINING within the metes recited 316.315-acres (13,778,692 square feet) of land, more or less, of which a portion lies within Rochell Road.

Exhibit 'B':
Survey



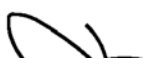


Exhibit 'C' **Existing and Proposed**
 Concept Plan

Proposed Concept Plan

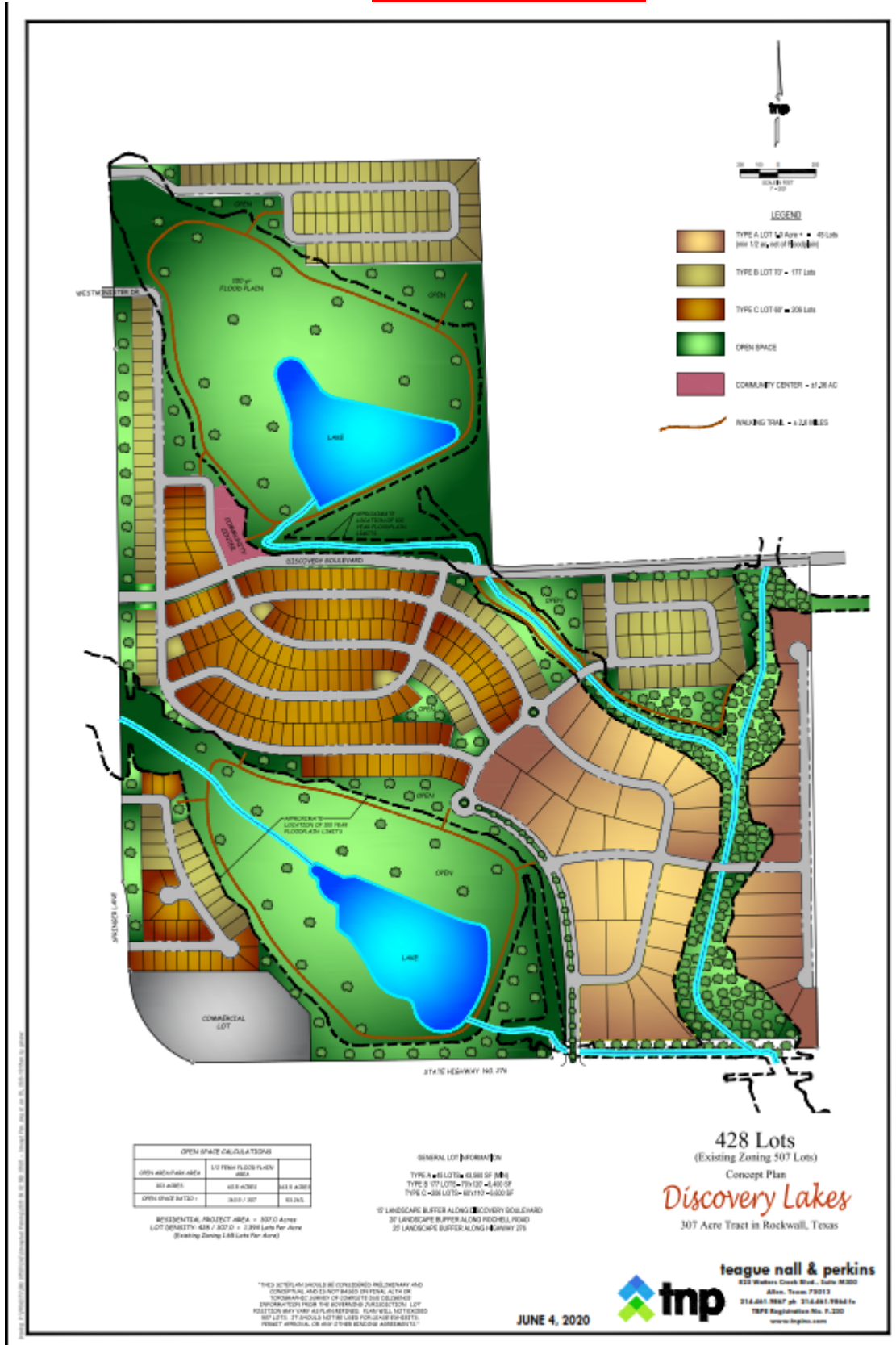


Exhibit 'D':
PD Development Standards

A. PURPOSE

The purpose of this PD Zoning change is to allow for an area located at the southeastern portion of the property to be developed as a high-end custom home phase, with minimum one-acre single family residential lots. It is the desire of the owner to retain all the other non-conflicting entitlements on the property per the existing PD requirements and development standards with exceptions that will be noted throughout this document. The developer recognizes and accepts that the acreage utilized for this proposed custom phase will result in a loss of development density, from 507 single family homes to approximately 428 Single family homes. The owner requests the right and flexibility to replace smaller lot types with the one acre lot type throughout future phases of the development, without the need to re-zone the PD as long as the general intent and layout of the approved revised concept plan is followed and the total number of lots does not increase.

To facilitate review of the proposed PD revisions, sections and development standards that are to be revised as a part of this re-zoning request will be highlighted in yellow throughout the document. All proposed revisions have been incorporated into the attached revised concept plan.

A.

The Discovery Lakes Subdivision is located at the northeast corner of the intersection of SH-276 and Rochell Road. The *Subject Property* is a short walk or bike ride from the Rockwall Technology Park. The Discovery Lakes Subdivision will be a master planned residential neighborhood that will incorporate two (2) lakes, several acres of open space and ~3.82.6-miles of hiking/jogging/biking trails. The master plan calls for 507~~428~~ single-family homes. There will be several view corridors strategically placed within the subdivision along with *front loaded* lots to provide for the enjoyment of the open space. A boulevard with 85-feet of right-of-way will connect SH-276 and be constructed up to the first round-about of the one acre lot phase ~~Discovery Boulevard~~. The boulevard will have a 14-foot landscape median and a 25-foot travel lane on each side of the street. The residential streets will be 29-feet back-to-back, with a 10½-foot parkway on each side for a total of 50-feet of right-of-way. A *Community Center* with a pool will be provided to add increased amenity for the subdivision. Commencement of the construction of the Community Center and pool will take place at or before the final platting of the 201st residential lot. Additionally, the proposed development will incorporate nine (9) acres of commercial space that will be located at the hard corner of SH-276 and Rochell Road. This area will allow for neighborhood service types of uses and eating establishments. A maximum of one (1) hotel planned to service the needs of the subdivision and the Rockwall Technology Park. A 55-acre area adjacent to the northern lake will be dedicated as public parkland to serve Park District No. 31. The Discovery Lakes Subdivision will be a benefit to the community, allowing citizens of all ages the opportunity to live, work, and play in a connected master planned community.

B. GENERAL REQUIREMENTS

Development Standards.

1. *Permitted Uses.* The following uses are permitted on the *Subject Property* in accordance with the Revised *Concept Plan* depicted in *Exhibit 'C'* of this ordinance.
 - (a) *Residential Uses.* Unless specifically provided by this Planned Development ordinance, only those uses permitted within the Single Family 10 (SF-10) District, as stipulated by the *Permissible Use Charts* contained in Article IV, *Permissible Uses*, of the Unified Development Code (UDC), shall be allowed for areas designated as *residential* on the *Concept Plan*.

Exhibit 'D':
PD Development Standards

(b) *Non-Residential*. Unless specifically provided by this Planned Development ordinance, only those uses permitted within the General Retail (GR) District, as stipulated by the *Permissible Use Charts* contained in Article IV, *Permissible Uses*, of the Unified Development Code (UDC), shall be allowed for areas designated as *commercial* on the *Concept Plan*; however, the following conditions shall apply:

(i) The following additional uses shall be permitted as *by-right* uses on the *Subject Property*:

- ☒ Hotel, Hotel (*Full Service*) or Motel (*With a Maximum Height of Four [4] Stories*) ¹
- ☒ Restaurant (*with Drive-Through or Drive-In*) ²
- ☒ Retail Store (*with more than two [2] Gasoline Dispensers*)

Notes:

¹: A maximum of one (1) hotel/motel shall be permitted with this Planned Development District. The height requirement of four (4) stories is permitted to exceed 36-feet, but in no case shall exceed 60-feet.

²: A maximum of three (3) restaurants (despite the size of the restaurant) shall be permitted within this Planned Development District.

(ii) The following uses shall be prohibited on the *Subject Property*:

- ☒ Convent or Monastery
- ☒ Hotel, Residence
- ☒ Cemetery/Mausoleum
- ☒ Mortuary or Funeral Chapel
- ☒ Social Service Provider
- ☒ Billiard Parlor or Pool Hall
- ☒ Carnival, Circus, or Amusement Ride
- ☒ Commercial Amusement/Recreation (*Outside*)
- ☒ Gun Club, Skeet or Target Range (*Indoor*)
- ☒ Astrologer, Hypnotist, or Psychic Art and Science
- ☒ Garden Supply /Plant Nursery
- ☒ Night Club, Discotheque, or Dance Hall
- ☒ Secondhand Dealer
- ☒ Car Wash, Self Service
- ☒ Mining and Extraction (Sand, Gravel, Oil and/or Other)
- ☒ Helipad
- ☒ Railroad Yard or Shop
- ☒ Transit Passenger Facility

2. *Non-Residential Development*. The area designated as *commercial* on the Revised *Concept Plan* depicted in *Exhibit 'C'* of this ordinance shall be designed to be pedestrian-oriented, easily accessible, and integrated into the general design scheme of the adjacent neighborhood. This can be accomplished by removing the traditional barriers utilized to separate commercial and residential developments (e.g. *screening walls*) and incorporating landscape buffers/elements (e.g. *greenspace, parkways, and etcetera*) and urban design elements (e.g. *pathways, pergolas, and etcetera*) that can create compatibility with the adjacent single-family neighborhood. To better achieve this goal and in addition to the requirements of Section 4.1, *General Commercial District Standards*, and Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code, all commercial development shall be required to adhere to the following supplemental standards:

Exhibit 'D':
PD Development Standards

- (a) *Retail Landscape*. Landscaping shall be reviewed and approved with the PD Site Plan. All Canopy/Shade Trees planted within the retail development shall be a minimum of four (4) caliper inches in size and all *Accent/Ornamental/Under-Story Trees* shall be a minimum of four (4) feet in total height unless otherwise provided within this document.
- (b) *Retail Landscape Buffers*. All landscape and plantings located within the buffers shall be maintained by the property owner.
 - (1) *Landscape Buffer (Residential Adjacency)*. Where residential and retail uses share a direct adjacency, a minimum of a 30-foot landscape buffer shall be provided by the retail property adjacent to the residential property. This area shall incorporate ground cover, a *built-up* berm and shrubbery along the entire length of the adjacency. This area should also incorporate pedestrian-oriented design elements (e.g. *pathways*) that allow access between the two (2) uses. Shrubby utilized in this area shall have a minimum height of 30-inches and a maximum height of 48-inches. Additionally, trees should be incorporated in this area to break up the façades of any commercial buildings.
 - (2) *Landscape Buffer and Sidewalks (SH-276)*. A minimum of a 15-foot landscape buffer shall be provided along the frontage of SH-276, and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. All buffer-strip planting requirements shall conform to the requirements of Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code.
 - (3) *Landscape Buffer (Rochell Road Retail)*. A minimum of a 20-foot landscape buffer shall be provided along the frontage of Rochell Road (*outside of and beyond any required right-of-way dedication*), and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage.
- (c) *Sidewalks*.
 - i) *Sidewalk Adjacent to Rochell Road and SH-276*. The developer shall be responsible for the construction of a five (5) foot sidewalk that meanders through the required 20-foot landscape buffer adjacent to Rochell Road and SH-276.
- 3. *Residential Development Standards*. Except as modified by these *Development Standards*, the residential uses depicted in *Exhibit 'C'* of this ordinance shall be subject to the development standards for a Single Family 10 (SF-10) District as stipulated by Section 3.1, *General Residential District Standards*; Section 3.4, *Single-Family Residential (SF-10) District*; and Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code. In addition, all residential development shall adhere to the following standards:
 - (a) *Lot Composition and Layout*. The lot layout and composition of the *Subject Property* shall generally conform to the Revised *Concept Plan* depicted in *Exhibit 'C'* and stated in

Exhibit 'D':
PD Development Standards

Table 1 below. Allowances for changes to the quantity and locations of each lot type are permitted in conformance with the requirements listed below; however, in no case shall the proposed development exceed ~~435507~~ units.

Table 1: Lot Composition

Lot Type	Minimum Lot Size Dimensions (FT)	Minimum Lot Size (SF)	Dwelling Units (#)	Dwelling Units (%)
A	80' x 200 120 '	9,600 43,560 SF	42 145	23.87 10.51 %
B	70' x 110'	7,700 SF	42 7 177	25.05 41.36 %
C	60' x 110'	6,600 SF	259 206	51.08 48.13 %

Maximum Permitted Units: ~~507~~~~428~~ 100.00%

The allocation of single-family dwellings among lot types may deviate from Table 1 provided that the proposed lot composition meets the following criteria:

- (1) The total number of lots does not exceed ~~435525~~ units; and,
- (2) The average lot size for the total development is not less than 7,500 SF (*i.e. total square footage of all lots/total number of lots*); and,
- (3) Lot Type "A" shall not be decrease below ~~115~~~~40~~ lots; and,
- (4) Lot Type "B" shall not be decreased below ~~38~~~~23~~% of the total ~~428~~~~507~~ lots; and,
- ~~(5)~~ Lot Type "C" shall not be increased beyond 55% of the total ~~507~~~~428~~ lots.

- (b) *Density and Dimensional Requirements.* The maximum permissible density for the Subject Property shall not exceed 1.70 dwelling units per gross acre of land; however, in no case should the proposed development exceed ~~507~~~~435~~ units. All lots shall conform to the standards depicted in Table 2 below and generally conform to the Revised Exhibit 'C' of this ordinance.

Table 2: Lot Dimensional Requirements

Lot Type (see Concept Plan) ►	A	B	C
Minimum Lot Width ⁽¹⁾ & ⁽⁵⁾ & ⁽⁷⁾	80'	70'	60'
Minimum Lot Depth	120 200 '	110'	110'
Minimum Lot Area ⁽⁸⁾	9,600 43,560 SF	7,700 SF	6,600 SF
Minimum Front Yard Setback ⁽²⁾ & ⁽⁶⁾	20 25 '	20'	20'
Minimum Side Yard Setback	6 10 '	5'	5'
Minimum Side Yard Setback (Adjacent to a Street) ⁽²⁾	15 20 '	15'	15'
Minimum Length of Driveway Pavement	20 25 '	20'	20'
Maximum Height ⁽³⁾	36'	36'	36'
Minimum Rear Yard Setback ⁽⁴⁾	10 20 '	10'	10'
Minimum Area/Dwelling Unit (SF) [Air Conditioned Space]	2,800 3,200 SF	2,250 SF	2,000 SF
Garage Orientation	J-Swing or Front	J-Swing or Front	J-Swing or Front
Maximum Number of Front Entry Garages Permitted	48 15	42	173
Maximum Lot Coverage	65%	65%	65%

General Notes:

- 1: The minimum lot width shall be measured at the *Front Yard Building Setback*.
- 2: The location of the *Front Yard Building Setback* as measured from the front property line.
- 3: The *Maximum Height* shall be measured to the eave or top plate (whichever is greater) of the single family home.
- 4: As measured from the rear yard property line.
- 5: Lots fronting onto a curvilinear street, cul-de-sac or eyebrow may have the lot width reduced by up to

Exhibit 'D':
PD Development Standards

20% as measured at the front property line provided that the lot width is met at the front building line. Additionally, the lot depth on lots fronting onto curvilinear streets, cul-de-sacs and eyebrows maybe reduced by up to ten (10%) percent, but shall meet the minimum lot size for each lot type.

6. Sunrooms, porches, stoops, bay windows, balconies, masonry clad chimneys, eaves and similar architectural features may encroach beyond the Front Yard Building Setback by up to ten (10) feet for any property that increases the Front Yard Building Setback to 20-feet; however, the encroachment shall not exceed five (5) feet on Side Yard Setbacks (Adjacent to a Street) and shall not encroach into public right-of-way [a Sunroom is an enclosed room no more than 15-feet in width that has glass on at least 50% of each of the encroaching faces].
7. All lots with a *J-Swing* or *Traditional Swing* driveway require a minimum of a 65-foot lot width.
8. All Type "A" lots shall have a minimum of 22,000 SF outside the limits of the 100 year Floodplain and the city's erosion hazard setback. Area within the floodplain that is contiguous to the 22,000 sf lot area and extends along the projected property line boundaries to the centerline of the floodplain area shall be restricted to recreational use only and no permanent structures, improvements, excavation or placement of fill are allowed in the floodplain or erosion hazard setback area. Trees in the designated flood area are to be left in a natural state and can only be removed if disease or significant damage has occurred to the trees.

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

- (1) *Masonry Requirement.* The minimum masonry requirement for the exterior façades of all buildings shall be 80%. For the purposes of this ordinance the masonry requirement shall be limited to full width brick, natural stone, and cultured stone. Cementaceous fiberboard horizontal lap-siding (e.g. *HardiBoard* or *Hardy Plank*) and/or stucco (i.e. *three [3] part stucco* or a comparable -- to be determined by staff) shall be permitted to be used to meet up to 50% of the masonry requirement.
- (2) *Roof Pitch.* A minimum of an 8:12 roof pitch is required on all structures with the exception of porches, which shall have a minimum of a 4:12 roof pitch for all Type B&C Lots.- Type A lots may have variable pitch roofs that may vary from the minimum standards if they conform to a specific architectural theme as submitted and approved by the developer and or the HOA.
- (3) *Garage Orientation.* Garages shall be provided as stipulated by *Table 2: Lot Dimensional Requirements*. Garages permitted for front entry maybe oriented toward the street; however, the front façade of the garage must be situated a minimum of 20-feet off the front property line. All front entry garages shall incorporate an architectural element or feature separating the individual garage openings. *Swing, Traditional Swing* or *J-Swing* garages are permitted to have a second single garage door facing the street as long as it is behind the width of the double garage door situated in the *Swing* configuration.
- ~~(3)~~(4) *Onsite Sanitary Sewer Facilities (OSSF's).* OSSF's shall be allowed on Type "A" lots only, and must contain a minimum of 22,000 SF outside of any floodplain boundary and City of Rockwall's erosion hazard setback line. OSSF's shall be designed by a State of Texas registered Professional Engineer, and each design shall specify an aerobic type system with drip (underground) irrigation systems. All systems shall meet the standards of the Texas Commission on Environmental Quality (TCEQ) and each installed system shall be inspected and by a third party licensed Inspector and paid for by the developer. Operation and maintenance of each individual OSSF shall be the responsibility of the homeowner and the city shall take no responsibility whatsoever as to the proper design, installation, operation and maintenance of the system. In addition to the installation of OSSF's for the Type "A" lots, each constructed home must provide a secondary connection that will

Exhibit 'D':
PD Development Standards

allow the resident to disconnect and abandon the OSSF and connect to the City provided sanitary sewer system, if and when it becomes available. The Developer, during the development of any phase that contains any Type "A" lots will be responsible to construct properly sized underground sanitary sewer mains with appropriate sewer laterals to allow for connection to Type "A" homes when and if the City provides City Sanitary Sewer service to the development. The cost to disconnect from the OSSF and connect to the City's system shall be at the sole cost of the homeowner, and an appropriate disclosure regarding this potential obligation and cost shall be a part of all real-estate contracts between developer, homebuilder and homeowner.

- (d) *Anti-Monotony Restrictions.* The development shall adhere to the Anti-Monotony Matrix depicted in Table 3 below (for spacing requirements see the illustration on the following page).

Table 3 : Anti-Monotony Matrix

Lot Type	Minimum Lot Size	Elevation Features
A	80' x 200 120'	(1), (2), (3)
B	70' x 110'	(1), (2), (3)
C	60' x 110'	(1), (2), (3)

- (1) Identical brick blends or paint colors may not occur on adjacent (*side-by-side*) properties along any block face without at least four (4) intervening homes of differing materials on the same side of the street beginning with the adjacent property and two (2) intervening homes of differing materials on the opposite side of the street.
- (2) Front building elevations shall not repeat along any block face without at least four (4) intervening homes of differing appearance on the same side of the street and two (2) intervening homes of differing appearance on the opposite side of the street. The rear elevation of homes backing to open spaces or on SH-276 shall not repeat without at least five (5) intervening homes of differing appearance. Homes are considered to have a differing appearance if any of the following two (2) items deviate:
 - (a) Number of Stories
 - (b) Permitted Encroachment Type and Layout
 - (c) Roof Type and Layout
 - (d) Articulation of the Front Façade
- (3) Each phase of the subdivision will allow for a maximum of four (4) compatible roof colors, and all roof shingles shall be an architectural or dimensional shingle (*3-Tab Roofing Shingles are prohibited*). Type A lots may use slate, imitation slate, tile, concrete tile or other imitation tile, standing seam metal, or other high-end type roof materials as approved by the developer.

See the Illustrations on the following page.

Exhibit 'D':
PD Development Standards

Illustration 1: Properties line up on the opposite side of the street. Where RED are the same.



Illustration 2: Properties do not line up on opposite side of the street. Where RED are the same.



(e) **Fencing Standards.** All individual residential fencing and walls shall be architecturally compatible with the design, materials and colors of the primary structure on the same lot, and meet the following standards:

- (1) **Wood Fences.** All wood fences shall be constructed of a standard fencing material (*minimum of ½" thickness or better; spruce fencing will not be allowed*), and use fasteners that are hot dipped galvanized or stainless steel. Wood fences facing onto a street shall be painted and/or stained and sealed with all pickets being placed on the *public side* facing the street. All wood fences shall be smooth-finished, free of burs and splinters, and be a maximum of eight (8) feet in height.
- (2) **Wrought Iron/Tubular Steel.** Lots located along the perimeter of roadways, abutting open spaces, greenbelts and parks shall be required to install a wrought iron or tubular steel fence. Wrought iron/tubular steel fences can be a maximum of eight (8) feet in height.

Exhibit 'D':
PD Development Standards

- (3) *Corner Lots.* Corner lots fences (*i.e. adjacent to the street*) shall provide masonry columns at 45-feet off center spacing that begins at the rear of the property line. A maximum of eight (8) foot solid *board-on-board panel* fence constructed utilizing cedar fencing shall be allowed between the masonry columns along the side and/or rear lot adjacent to a street. In addition, the fencing shall be setback from the side property line adjacent to a street a minimum of five (5) feet. The property owner shall be required to maintain both sides of the fence.
- (4) *Solid Fences (including Wood Fences).* All solid fences shall incorporate a decorative top rail or cap detailing into the design of the fence.

(f) *Landscape and Hardscape Standards.*

- (1) *Residential Landscape.* Landscaping shall be reviewed and approved with the PD Site Plan. All *Canopy/Shade Trees* planted within the residential development shall be a minimum of three (3) caliper inches in size and all *Accent/Ornamental/Under-Story Trees* shall be a minimum of four (4) feet in total height unless otherwise provided within this document.
- (2) *Single Family Landscaping.* Prior to the issuance of a Certificate of Occupancy (CO) all single-family lots shall conform to the following:

- i) *Interior Lots.* All interior lots shall include a minimum of two (2) trees with a diameter at breast height (dbh) [*i.e. the diameter in inches of a tree as measured through the main trunk at a point of four and one-half (4½) inches above the natural ground level*] of three (3) inches shall be planted in the front yard, and two (2) additional trees of the same caliper inch shall be planted in the side yard facing the street for corner lots.

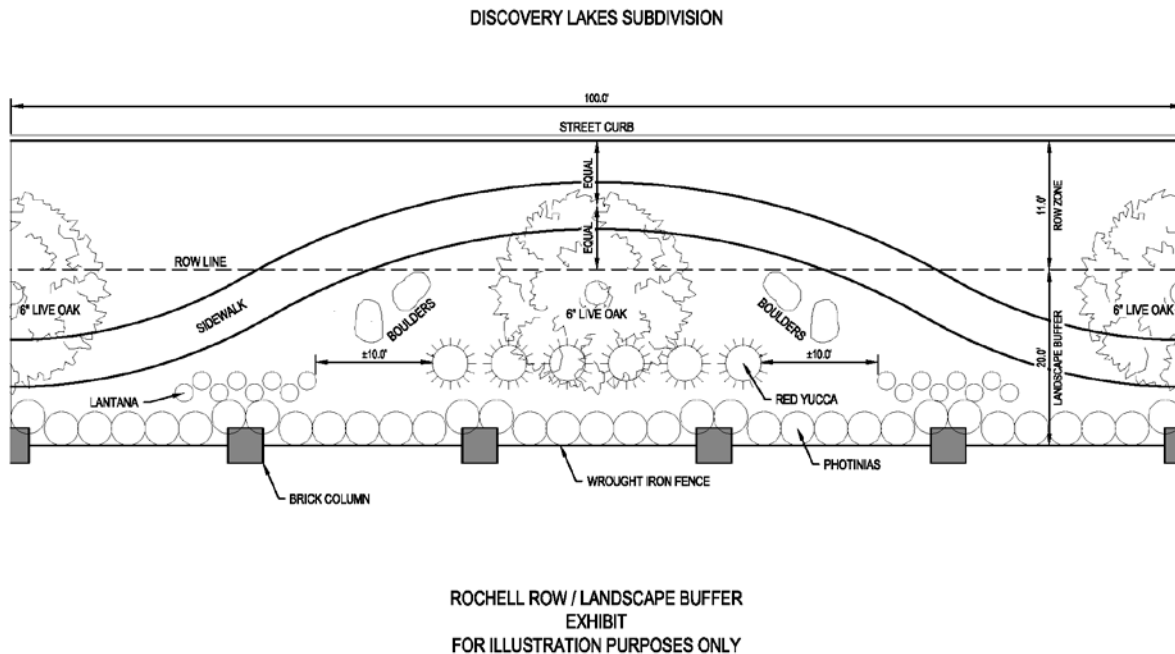
Note: For the purposes of this section only, the term "front yard" includes the area within the dedicated right-of-way for a parkway immediately adjoining the front yard of the lot.

- ii) *Corner Lots.* All corner lots shall include a minimum of two (2) trees with a diameter at breast height (dbh) [*i.e. the diameter in inches of a tree as measured through the main trunk at a point of four and one-half (4½) inches above the natural ground level*] of three (3) inches shall be planted in the front yard of an interior lot.
- (3) *Landscape Buffers.* All landscape buffers and plantings located within the buffers shall be maintained by the Homeowner's Association (HOA).
 - (a) *Landscape Buffer and Sidewalks (Discovery Boulevard).* A minimum of a 15-foot landscape buffer shall be provided along the frontage of Discovery Boulevard, and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least one (1) canopy tree shall be planted per 30-feet of linear frontage.
 - (b) *Landscape Buffer (Rochell Road).* A minimum of a 20-foot landscape buffer shall be provided along the frontage of Rochell Road (*outside of and beyond*

Exhibit 'D':
PD Development Standards

any required right-of-way dedication), and shall incorporate ground cover, a built-up berm and/or shrubbery or a combination thereof along the entire length of the frontage. Shrubberty shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. The landscape buffer along Rochell Road shall general conform to the following illustration [i.e. *Illustration 3*].

Illustration 3: Landscape Buffer along Rochell Road.



(c) *Landscape Buffer (SH-276)*. A minimum of a 25-foot landscape buffer shall be provided along the frontage of SH-276, and shall incorporate ground cover, a built-up berm and/or shrubbery or a combination thereof along the entire length of the frontage. Shrubberty shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. In addition, all buffer-strip planting requirements shall conform to the requirements of Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code (i.e. minimum four [4] inch caliper trees required).

(4) *Irrigation Requirements*. Irrigation shall be installed for all required landscaping located within common areas, landscape buffers and/or open space. Irrigation installed in these areas shall be designed by a Texas licensed irrigator or landscape architect and shall be maintained by the Homeowner's Association (HOA).

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

Exhibit 'D':
PD Development Standards

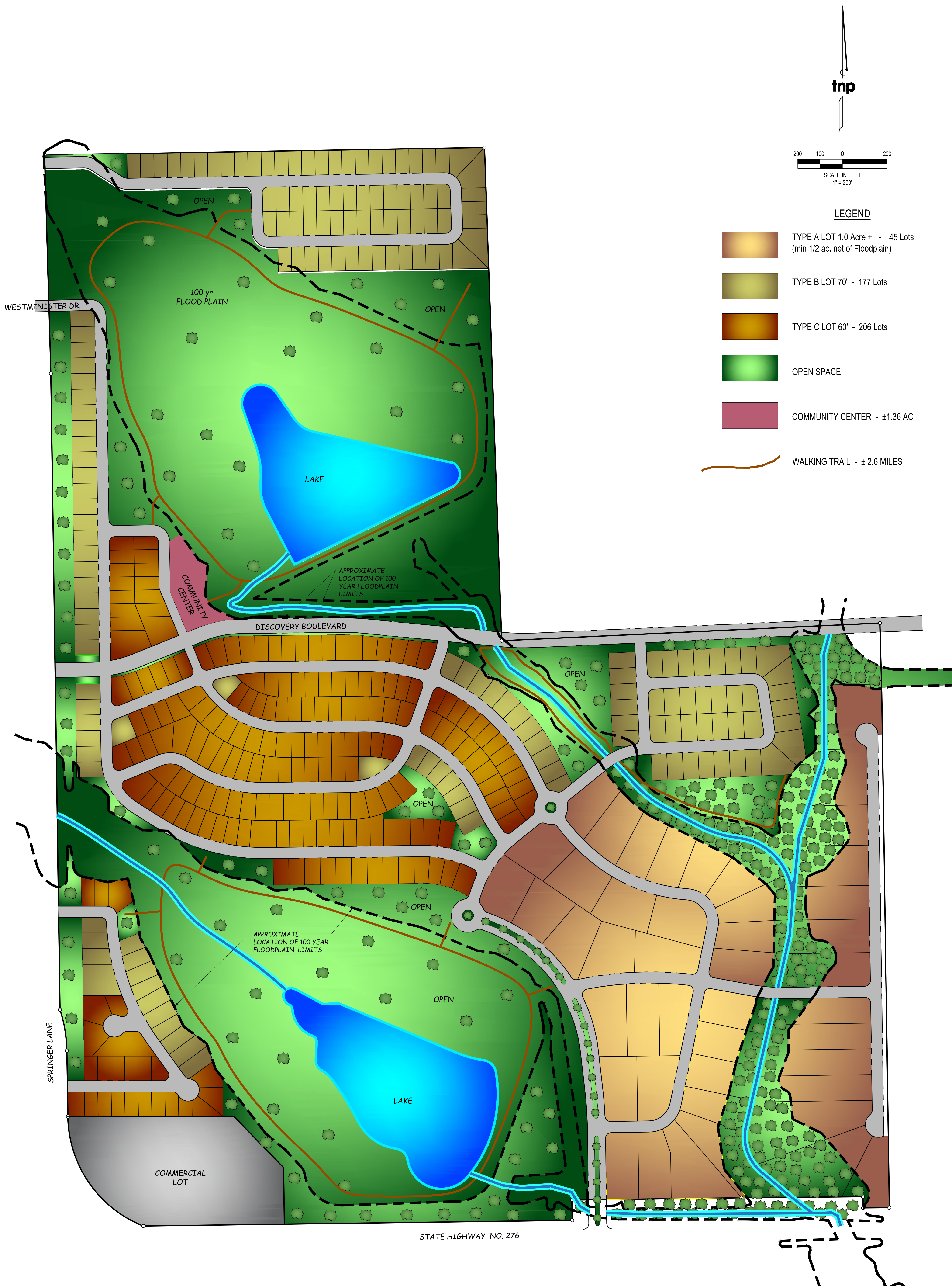
- ~~(5)~~(6) Faux Guard entry feature for Type "A" lot Phase. A faux guard entry with video monitoring shall be allowed at one or more of the entrances of the Type "A" lot phase. These guard entry features will be unmanned but may contain a video recording device of traffic into and out of this phase. Guard entry feature plans and associated landscaping shall be reviewed and approved with the PD Site Plan.
- (g) *Lighting.* Light poles shall not exceed 20-feet in total height (*i.e. base and lighting standard*). All fixtures shall be directed downward and be positioned to contain all light within the development area.
- (h) *Sidewalks.*
- i) *Internal Sidewalks.* All sidewalks adjacent to an interior residential street shall begin 5½-feet from the back of curb and be five (5) feet in overall width.
 - ii) *Sidewalks Adjacent to Rochell Road and Discovery Boulevard.* All sidewalks adjacent Rochell Road and Discovery Boulevard shall begin two (2) feet inside the right-of-way line and be five (5) feet in overall width.
- (i) *Open Space.* The development shall consist of a minimum of 20% open space as calculated from the gross land area, and generally conform to the *Concept Plan* contained in the Revised Exhibit 'C' of this ordinance. Existing floodplain shall be counted at a rate of ½-acre for every acre provided (*e.g., 10-acres of floodplain would count as 5-acres of open space*). The Homeowner's Association (HOA) shall maintain all open space areas.
- (j) *Neighborhood Signage.* Permanent subdivision identification signage shall be permitted at all major entry points for the proposed subdivision. Final design and location of any entry features shall be reviewed and approved with the *PD Site Plan*.
- (k) *Community Center.* A site plan, landscape plan and building elevations shall be required for the proposed *Community Center* and shall be subject to site plan approval by the Planning and Zoning Commission prior to construction. Commencement of the construction of the Community Center and pool will take place at or before the final platting of the 201st residential lot.
- (l) *Homeowner's Association (HOA).* A Homeowner's Association shall be created to enforce the restrictions established in accordance with the requirements of *Section 38-15* of the Subdivision Regulations contained within the *Municipal Code of Ordinances* of the City of Rockwall. The HOA shall also maintain all neighborhood parks, trails, open space and common areas, irrigation, landscaping, amenity centers, screening fences associated with this development.
4. *Buried Utilities.* New distribution power-lines required to serve the *Subject Property* shall be placed underground, whether such lines are located internally or along the perimeter of the *Subject Property*, unless otherwise authorized by the City Council. New transmission power-lines, or distribution lines of a size not typically or cost effectively placed underground (*3-phase lines*), or additional lines that are added to existing poles, may be above ground, if located along the perimeter of the *Subject Property*. The Developer shall not be required to re-locate existing overhead power-lines along the perimeter of the *Subject Property*. Temporary power-lines constructed across undeveloped portions of the *Subject Property* to facilitate development phasing and looping may be allowed above ground, but shall not be

Exhibit 'D':
PD Development Standards

considered existing lines at the time the area is developed, and if they are to become permanent facilities, such lines shall be placed underground pursuant to this paragraph. Franchise utilities shall be placed within a ten (10) foot public utility easement behind the sidewalk, between the home and the property line.

5. *Variances*. The variance procedures and standards for approval that are set forth in the Unified Development Code shall apply to any application for variances to this ordinance.

Drawing: P:\PROJECTS\SDO 2020\0401\Conceptual Planning\2020_06_02_SDO_2020 - Concept Plan.dwg at Jun 05, 2020 - 10:55am by gshiner



OPEN SPACE CALCULATIONS		
OPEN AREA/PARK AREA	1/2 FEMA FLOOD PLAIN AREA	
103 ACRES	60.5 ACRES	163.5 ACRES
OPEN SPACE RATIO =	163.5 / 307	53.26%

RESIDENTIAL PROJECT AREA = 307.0 Acres
LOT DENSITY: 428 / 307.0 = 1.394 Lots Per Acre
(Existing Zoning 1.65 Lots Per Acre)

GENERAL LOT INFORMATION

TYPE A - 45 LOTS - 43,560 SF (MIN)
TYPE B 177 LOTS - 70'x120' - 8,400 SF
TYPE C - 206 LOTS - 60'x110' - 6,600 SF

15' LANDSCAPE BUFFER ALONG DISCOVERY BOULEVARD
20' LANDSCAPE BUFFER ALONG ROCHELL ROAD
25' LANDSCAPE BUFFER ALONG HIGHWAY 276

"THIS SITEPLAN SHOULD BE CONSIDERED PRELIMINARY AND CONCEPTUAL AND IS NOT BASED ON FINAL ALTA OR TOPOGRAPHIC SURVEY OF COMPLETE DUE DILIGENCE INFORMATION FROM THE GOVERNING JURISDICTION. LOT POSITION MAY VARY AS PLAN REFINED. PLAN WILL NOT EXCEED 907 LOTS. IT SHOULD NOT BE USED FOR LEASE EXHIBITS, PERMIT APPROVAL OR ANY OTHER BINDING AGREEMENTS."

428 Lots
(Existing Zoning 507 Lots)
Concept Plan

Discovery Lakes
307 Acre Tract in Rockwall, Texas



teague nall & perkins
825 Watters Creek Blvd., Suite M300
Allen, Texas 75013
214.461.9867 ph 214.461.9864 fx
TBPE Registration No. F-230
www.tnpinc.com

JUNE 4, 2020

CITY OF ROCKWALL

ORDINANCE NO. ~~20-XX~~

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 78 (PD-78) [~~ORDINANCE NO. 15-24~~] AND THE UNIFIED DEVELOPMENT CODE [~~ORDINANCE NO. 20-02~~] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, FOR THE PURPOSE OF CHANGING THE CONCEPT PLAN AND DEVELOPMENT STANDARDS FOR A 316.315-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1 OF THE M. E. HAWKINS SURVEY, ABSTRACT NO. 100 AND TRACT 2 OF THE R. K. BRISCO SURVEY, ABSTRACT NO. 16, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED HEREIN BY *EXHIBIT 'B'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request by Chris Cuny of Teague, Nall & Perkins on behalf of Nick DiGuiseppe of Discovery Lakes, LLC for the approval of an amendment to Planned Development District 78 (PD-78) [~~Ordinance No. 15-24~~] for the purpose of changing the concept plan and development standards for a 316.315-acre tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract No. 100 and Tract 2 of the R. K. Brisco Survey, Abstract No. 16, City of Rockwall, Rockwall County, Texas and more fully described in *Exhibit 'A'* and depicted in *Exhibit 'B'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that Planned Development District 78 (PD-78) and the Unified Development Code [~~Ordinance No. 20-02~~] should be amended as follows:

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

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

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

SECTION 3. That development of the *Subject Property* shall generally be in accordance with the *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 4. That a *Master Parks and Open Space Plan* for the *Subject Property*, shall be prepared in accordance with this ordinance and consistent with the *Planned Development Concept Plan* depicted in *Exhibit 'C'* of this ordinance, and that the *Master Parks and Open Space Plan* shall be considered for approval by the City Council following a recommendation by the *Parks and Recreation Board*.

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

- (a) The procedures set forth in the City's subdivision regulations on the date this ordinance is approved by the City, as amended by this ordinance (*including Subsections 5(b) through 5(f) below*), shall be the exclusive procedures applicable to the subdivision and platting of the 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) Open Space Master Plan
 - (2) Master Plat
 - (3) PD Development Plan (*Required for Retail Areas Only*)
 - (4) PD Site Plan
 - (5) Preliminary Plat
 - (6) Final Plat
- (c) A *PD Development Plan* must be approved for the area designated on the *Planned Development Concept Plan* as *Retail* prior to submittal of a *PD Site Plan* application and/or preliminary plat application. No *Master Plat* is required for the area designated on the *Concept Plan* as *Retail*. A traffic impact analysis for the retail tract 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* for each retail development.
- (d) *PD Site Plan*. A *PD Site Plan* covering all of the *Subject Property* shall be submitted and shall identify all site/landscape/hardscape plan(s) for all open space, neighborhood parks, trail systems, street buffers and entry features. A *PD Site Plan* application may be processed by the City concurrently with a *Preliminary Plat Application* for the development.
- (e) *Preliminary Plat*. A *Preliminary Plat* covering all of the *Subject Property* shall be submitted and shall include a *Treescape Plan*. A *Preliminary Plat Application* may be processed by the City concurrently with a *PD Site Plan Application* for the development.

- (f) *Final Plat*. Prior to the issuance of any building permits, a *Final Plat*, conforming to the *Preliminary Plat*, for all of the *Subject Property* shall be submitted for approval.

SECTION 9. 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 10. 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 11. 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 12. That this ordinance shall take effect immediately from and after its passage;

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 3RD DAY OF AUGUST, 2020.**

ATTEST:

Jim Pruitt, *Mayor*

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: July 20, 2020

2nd Reading: August 3, 2020

Exhibit 'A':
Legal Description

Field notes for a 316.315-acre (13,778,691 square foot) tract of land situated in the M. E. Hawkins Survey, Abstract No. 100, and the Robert K. Briscoe Survey, Abstract No. 16 in the City of Rockwall, Rockwall County, Texas, and being all of that certain called 308.52-acre tract of land described in a Special Warranty Deed to 308 ON 276, L.P., as recorded in Volume 03662, Page 00315, of the Office Public Records of Rockwall County, Texas (O.P.R.R.C.T.) with said 316.315-acre (13, 778,691 square feet) tract of land being more particularly described by metes and bounds as follows:

BEGINNING a railroad spike set in asphalt marking the northwest corner of said 308 on 276, L.P. tract and the common southwest corner of that certain called 21. 935 acre tract of land described as Tract One in a Warranty Deed to Rockwall Fund I, L.L.C., as recorded in Volume 1 110, Page 190, of the Deed Records of Rockwall County, Texas (D.R.R.C.T.) , said point being in the approximate center of Rochell Road, a county road with an unspecified right-of- way (R. O. W.) width;

THENCE North 89 degrees 00 minutes 24 seconds East (South 89 degrees 12 minutes 02 seconds East - deed call), along the common northerly line of said 308 ON 276, L.P. tract and the common southerly line of said Tract One, passing at a distance of 30. 00 feet, a 5/8 inch iron rod set with a yellow plastic cap stamped "THE WALLACE GROUP " ("cap ") for reference, continuing along said common line, passing at a distance of 1,799. 04-feet, a ½-inch iron rod found marking the southeast corner of said Tract One, being common with the south west corner of that certain called 59.71-acre tract of land described in a Special Warranty Deed to Fate I- 30, L.P., as recorded in Volume 03542, Page 00039, O.P.R.R.C.T., continuing along the common northerly line of said 308 on 276, L.P. tract and the southerly line of said Fate I-30, L.P. tract, a total distance of 1,966.04 feet (1,902 .80 feet - deed call) to a 1/ 2 inch iron rod found marking the common most northerly northeast corner of said 308 on 276, L.P. tract and the north west corner of that certain called 85.479 acre tract of land described as Tract Two in the aforementioned Warranty Deed to Rockwall Fund I, L.L.C., as recorded in Volume 1 110, Page 190, O.R.R.C.T.;

THENCE South 01 degrees 59 minutes 29 seconds East (South 00 degrees 08 minutes 06 seconds West - deed call), along the common easterly line of said 308 ON 276, L.P. tract and the westerly line said Tract Two, a distance of 2,204.26-feet (2,166.70-feet - deed call) to a 1/ 2 inch iron rod found marking an ell corner of said 308 ON 276, L.P. tract and the southwest corner of said Tract Two;

THENCE North 87 degrees 20 minutes 20 seconds East (North 89 degrees 12 minutes 02 seconds East - deed call), continuing along the common northerly line of said 308 on 276, L.P. tract and the southerly line said Tract Two, a distance of 1,691. 90 feet (1,782.53 feet - deed call) to a 5/8 inch iron rod set with "cap " marking the common most easterly northeast corner of said 308 on 276, L.P. tract and the southeast corner of said Tract Two, from which a ½-inch iron rod found bears North 87 degrees 20 minutes 20 seconds East at 10. 49 feet, said 5/8-inch iron rod set being on the west line of that certain called 212. 25 acre tract of land described in a Special Warranty Deed to South Rock wall Holdings, L.P., as recorded in Volume 03625, Page 00034, O.P.R.R.C.T.;

THENCE South 01 degrees 34 minutes 35 seconds East, along the common easterly line of said 308 ON 276, L.P. tract and the westerly line said South Rock wall Holdings tract, a distance of 309.68-feet to a 5/8-inch iron rod set with "cap " marking the southwest corner of said South Rock wall Holdings tract, being common with the northwest corner of Lot 8, Equestrian Estates, according to the plot thereof recorded in Cabinet A, Page 19 7, of the Plot Records of Rock wall County, Texas (P.R.R.C.T.);

THENCE South 00 degrees 50 minutes 42 seconds East, along the common easterly line of said 308 ON 276, L.P. tract and the westerly line said Equestrian Estates, a distance of 2,301.71 feet (South 00 degrees 06 minutes 38 seconds West, a distance of 2,580 . 60 feet - overall deed call) to a 5/8 inch iron rod set with "cap " marking the common southeast corner of said 308 ON 276, L.P. tract and on ell corner of the north R.O.W. line of State Highway No. 276 (having a variable width R.O.W.);

THENCE South 89 degrees 29 minutes 00 seconds West (North 89 degrees 29 minutes 07 seconds West - deed call), along the common southerly line of said 308 ON 2 76, L.P. tract and said north R.O.W. line of State Highway No. 276, passing at a distance of 1.66 feet a found TxDOT concrete monument, continuing along said common line for a tot al distance of 117.50-feet (115.83-feet - deed call) to a 5/8-inch iron rod set with "cap " marking the common ell corner of said 308 ON 276, L.P. tract and the most easterly southeast corner of that certain called 2.503-acre tract of land described as an Easement for Highway Purposes to the State of Texas, recorded in Volume 82, Page 583 of the Real Property Records of Rockwall County, Texas (R.P.R.R.C.T.);

THENCE North 00 degrees 31 minutes 03 seconds West (North 00 degrees 30 Minutes 13 seconds East - deed call), along a common interior line of said 308 on 2 76, L.P. tract and the easterly line of said Easement for Highway Purposes tract, a distance of 50.31-feet (50-feet - deed call) to a 5/8-inch iron rod set with "cap " marking the common ell corner of said 308 ON 276, L.P. tract and the north east corner of said Easement for Highway

Exhibit 'A':
Legal Description

Purposes tract;

THENCE South 89 degrees 28 minutes 57 seconds West (North 89 degrees 29 minutes 47 seconds West - deed call), along the common southerly line of said 308 on 276, L.P. tract and the northerly line of said Easement for Highway Purposes tract, a distance of 543.40-feet (543.73-feet - deed call) to a 5/8-inch iron rod set with "cap " for corner;

THENCE South 89 degrees 13 minutes 58 seconds West (South 89 degrees 48 minutes 55 seconds West - deed call), continuing along the common southerly line of said 308 ON 276, L.P. tract and the northerly line of said Easement for Highway Purposes tract, a distance of 757. 25-feet (756.93-feet - deed call) to a 5/8-inch iron rod found marking a common ell corner of said 308 ON 276, L.P. tract and the northwest corner of said Easement for Highway Purposes tract;

THENCE South 00 degrees 46 minutes 03 seconds East (South 00 degrees 11 minutes 05 seconds East - deed call), along a common interior line of said 308 ON 276, L.P. tract and the westerly line of said Easement for Highway Purposes tract, a distance of 90.30-feet (87.44-feet - deed call) to a 5/8-inch iron rod set with "cap " marking a common ell corner of said 308 ON 276, L.P. tract and the southwest corner of said Easement for Highway Purposes tract, said point being on said north R.O.W. line of State Highway No. 276;

THENCE South 89 degrees 13 minutes 57 seconds West (North 89 degrees 53 minutes 27 seconds West - deed call), along the common southerly line of said 308 ON 276, L.P. tract and said north R.O.W. line of State Highway No. 276, passing at a distance of 1,66 7.76-feet a 5/8-inch iron rod set with "cap " for reference, continuing along said common line for a total distance of 1,917.07-feet (1,917.34-feet - deed call) to a found TxDOT concrete monument, marking the transitional R.O.W. line from said north R.O.W. line of State Highway No. 276 to the east R.O.W. line of Springer Lane, on 80-foot wide R.O.W., (formerly F.M. No. 1143), said point being the beginning of a non-tangent curve to the right, with the radius point being situated North 21 degrees 40 minutes 52 seconds East, a distance of 533.69-feet;

THENCE Northerly along the common curving westerly line of said 308 ON 276, L.P. tract and said curving east R.O.W. line of Springer Lane, with said non-tangent curve to the right, through a central angle of 67 degrees 33 minutes 20 seconds (48 degrees 33 minutes 57 seconds - deed call), having a radius of 533. 69-feet (613.69-feet - deed call), a tangent distance of 356.97-feet, a chord bearing North 34 degrees 32 minutes 28 seconds West (North 40 degrees 41 minutes 57 seconds West - deed call), at 593.43-feet, and an arc distance of 629.26-feet (520.18-feet - deed call) to a 5/8-inch iron rod set with "cap" at the end of said non- tangent curve;

THENCE North 00 degrees 53 minutes 56 seconds West (North 00 degrees 43 minutes 17 seconds West - deed call), continuing along the common westerly line of said 308 on 276, L.P. tract and said east R.O.W. line of Springer Lane, a distance of 294.21-feet (430.56-feet - deed call) to an axle found for the beginning of a non-tangent curve to the left , with the radius point being situated South 89 degrees 08 minutes 07 seconds West, a distance of 612.96-feet;

THENCE Northerly continuing along the common curving westerly line of said 308 ON 276, L.P. tract and said curving east R.O.W. line of Springer Lane, with said non-tangent curve to the left, through a central angle of 17 degrees 26 minutes 00 seconds (12 degrees 25 minutes 52 seconds - deed call), having a radius of 612.96-feet (613.69-feet - deed call), a tangent distance of 93.98 feet, a chord bearing North 09 degrees 34 minutes 53 seconds West at 185.78-feet, and an arc distance of 186.50-feet (133.15 feet - deed call) to a 5/8-inch iron rod set with "cap" at the end of said non-tangent curve, said point marking the transition from said east R.O.W. line of Springer Lane to the approximate center of the aforementioned Rochell Road;

THENCE North 00 degrees 49 minutes 05 seconds West (North 00 degrees 10 minutes 49 seconds East - deed call), along the common westerly line of said 308 ON 276, L.P. tract and said approximate center of Rochell Road, passing at a distance of 386.53-feet a ½-inch iron rod found marking the southeast corner of that certain called 60.3368-acre tract of land described in a Cash Warranty Deed to Varughese P. Samuel and wife, Remoni V. Samuel, as recorded in Volume 02002, Page 00062, O.P.R.R.C.T., then continuing along said common line with the easterly line of said Samuel tract, a total distance of 2,841.3-feet (1,613.15-feet - deed call) to a ½-inch iron rod found marking the northeast corner of said Samuel tract;

THENCE North 01 degrees 38 minutes 55 seconds West (North 00 degrees 08 minutes 06 seconds East - deed call), along the common westerly line of said 308 ON 276, L.P. tract and said approximate center of Rochell Road, a distance of 976.29-feet (2,166.70-feet - deed call) to the *POINT OF BEGINNING*.

CONTAINING within the metes recited 316.315-acres (13,778,692 square feet) of land, more or less, of which a portion lies within Rochell Road.

Exhibit 'B':
Survey

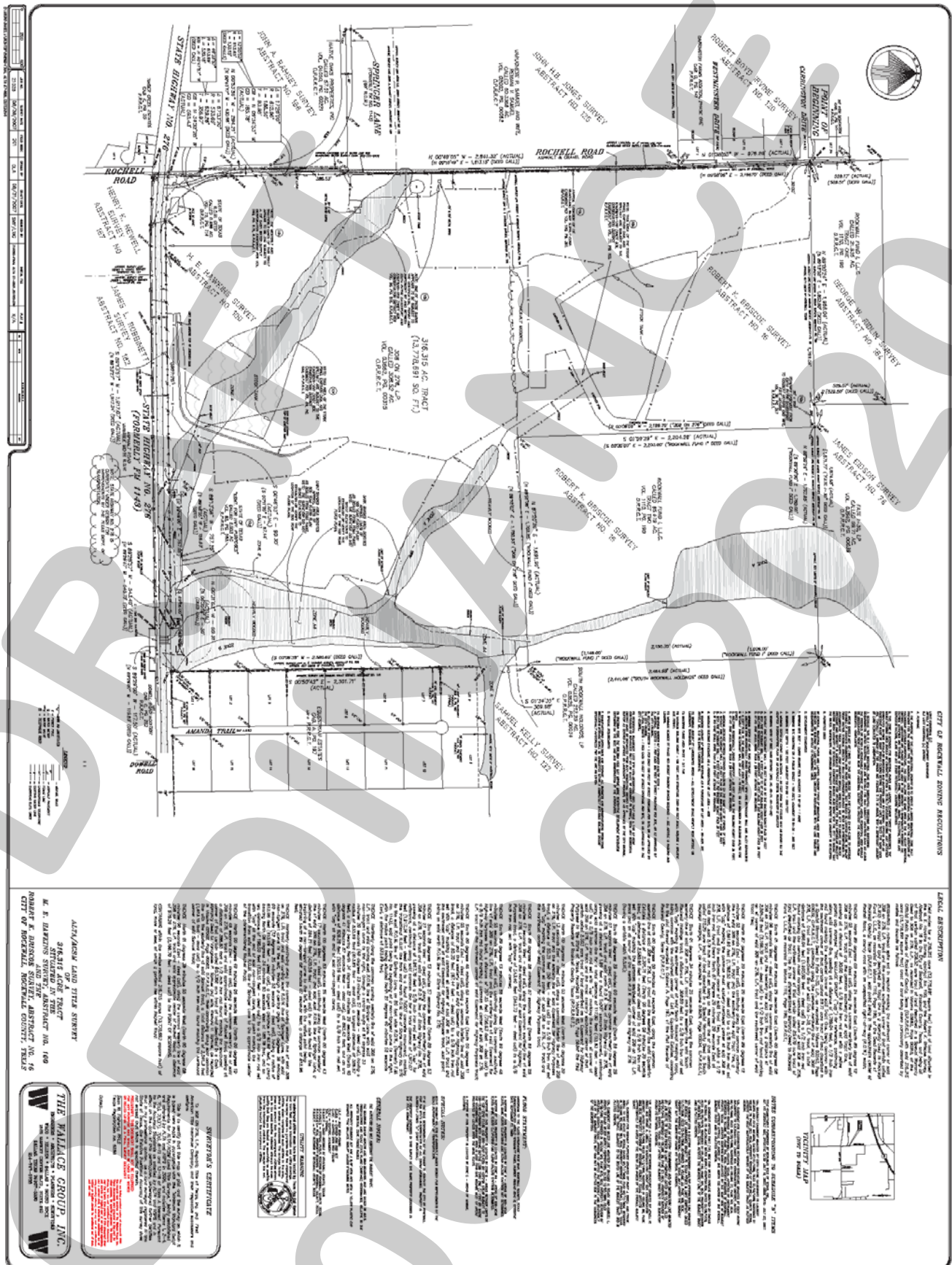


Exhibit 'C':
Area Map

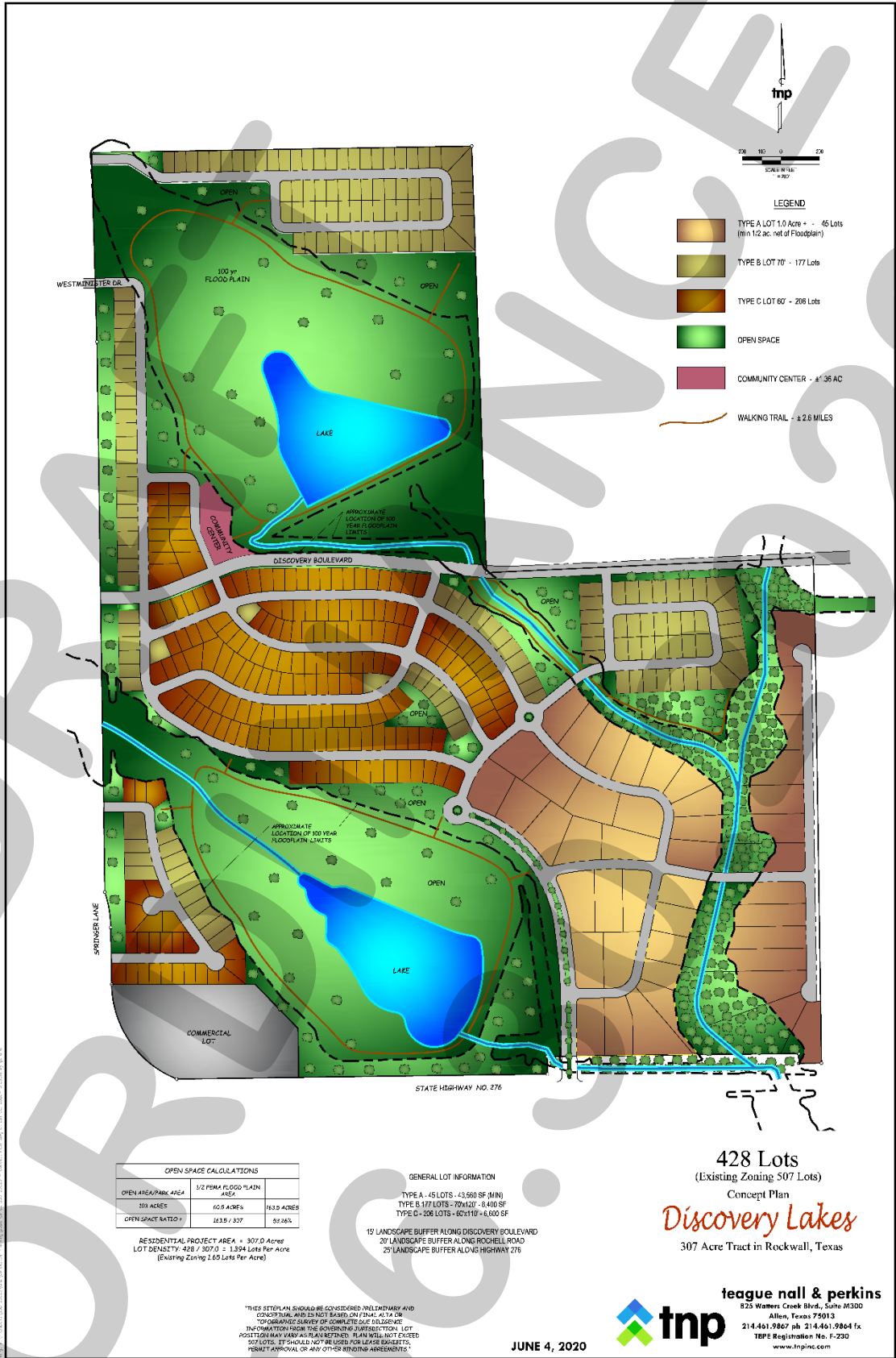


Exhibit 'D':
Permitted Land Uses and Development Standards

(A) PURPOSE

The purpose of this PD Zoning change is to allow for an area located at the southeastern portion of the property to be developed as a high-end custom home phase, with minimum one-acre single family residential lots. It is the desire of the owner to retain all the other non-conflicting entitlements on the property per the existing PD requirements and development standards with exceptions that will be noted throughout this document. The developer recognizes and accepts that the acreage utilized for this proposed custom phase will result in a loss of development density, from 507 single family homes to approximately 428 Single family homes. The owner requests the right and flexibility to replace smaller lot types with the one (1) acre lot type throughout future phases of the development, without the need to rezone the Planned Development District as long as the general intent and layout of the approved revised concept plan is followed and the total number of lots does not increase.

To facilitate review of the proposed PD revisions, sections and development standards that are to be revised as a part of this re-zoning request will be highlighted in yellow throughout the document. All proposed revisions have been incorporated into the attached revised concept plan.

The Discovery Lakes Subdivision is located at the northeast corner of the intersection of SH-276 and Rochell Road. The *Subject Property* is a short walk or bike ride from the Rockwall Technology Park. The Discovery Lakes Subdivision will be a master planned residential neighborhood that will incorporate two (2) lakes, several acres of open space and ~~~3.82.6-~~ miles of hiking/jogging/biking trails. The master plan calls for ~~507-428~~ single-family homes. There will be several view corridors strategically placed within the subdivision along with *front loaded* lots to provide for the enjoyment of the open space. A boulevard with 85-feet of right-of-way will connect SH-276 and ~~Discovery Boulevard~~ be constructed up to the first round-about of the one (1) acre lots. The boulevard will have a 14-foot landscape median and a 25-foot travel lane on each side of the street. The residential streets will be 29-feet back-to-back, with a 10½-foot parkway on each side for a total of 50-feet of right-of-way. A *Community Center* with a pool will be provided to add increased amenity for the subdivision. Commencement of the Community Center and pool will take place at or before the final platting of the 201st residential lot or with the addition of additional Type 'A' lots. Additionally, the proposed development will incorporate nine (9) acres of commercial space that will be located at the hard corner of SH-276 and Rochell Road. This area will allow for neighborhood service types of uses and eating establishments. A maximum of one (1) hotel planned to service the needs of the subdivision and the Rockwall Technology Park. A 55-acre area adjacent to the northern lake will be dedicated as public parkland to serve Park District No. 31. The Discovery Lakes Subdivision will be a benefit to the community, allowing citizens of all ages the opportunity to live, work, and play in a connected master planned community.

(B) GENERAL REQUIREMENTS

Development Standards.

(1) *Permitted Uses.* The following uses are permitted on the *Subject Property* in accordance with the *Concept Plan* depicted in *Exhibit 'C'* of this ordinance.

(a) *Residential Uses.* Unless specifically provided by this Planned Development ordinance, only those uses permitted within the Single Family 10 (SF-10) District, as stipulated by the *Permissible Use Charts* contained in Article IV, *Permissible Uses*, of

Exhibit 'D':
Permitted Land Uses and Development Standards

the Unified Development Code (UDC), shall be allowed for areas designated as *residential* on the *Concept Plan*.

(b) *Non-Residential*. Unless specifically provided by this Planned Development ordinance, only those uses permitted within the General Retail (GR) District, as stipulated by the *Permissible Use Charts* contained in Article IV, *Permissible Uses*, of the Unified Development Code (UDC), shall be allowed for areas designated as *commercial* on the *Concept Plan*; however, the following conditions shall apply:

(i) The following additional uses shall be permitted as *by-right* uses on the *Subject Property*:

- ☒ Hotel, Hotel (*Full Service*) or Motel (*With a Maximum Height of Four [4] Stories*) ¹
- ☒ Restaurant (*with Drive-Through or Drive-In*) ²
- ☒ Retail Store (*with more than two [2] Gasoline Dispensers*)

Notes:

¹: A maximum of one (1) hotel/motel shall be permitted with this Planned Development District. The height requirement of four (4) stories is permitted to exceed 36-feet, but in no case shall exceed 60-feet.

²: A maximum of three (3) restaurants (despite the size of the restaurant) shall be permitted within this Planned Development District.

(ii) The following uses shall be prohibited on the *Subject Property*:

- ☒ Convent or Monastery
- ☒ Hotel, Residence
- ☒ Cemetery/Mausoleum
- ☒ Mortuary of Funeral Chapel
- ☒ Social Service Provider
- ☒ Billiard Parlor or Pool Hall
- ☒ Carnival, Circus, or Amusement Ride
- ☒ Commercial Amusement/Recreation (*Outside*)
- ☒ Gun Club, Skeet or Target Range (*Indoor*)
- ☒ Astrologer, Hypnotist, or Psychic Art and Science
- ☒ Garden Supply /Plant Nursery
- ☒ Night Club, Discotheque, or Dance Hall
- ☒ Secondhand Dealer
- ☒ Car Wash, Self Service
- ☒ Mining and Extraction (Sand, Gravel, Oil and/or Other)
- ☒ Helipad
- ☒ Railroad Yard or Shop
- ☒ Transit Passenger Facility

(2) *Non-Residential Development*. The area designated as *commercial* on the *Concept Plan* depicted in *Exhibit 'C'* of this ordinance shall be designed to be pedestrian-oriented, easily accessible, and integrated into the general design scheme of the adjacent neighborhood. This can be accomplished by removing the traditional barriers utilized to separate commercial and residential developments (e.g. *screening walls*) and incorporating landscape buffers/elements (e.g. *greenspace, parkways, and etcetera*) and urban design elements (e.g. *pathways, pergolas, and etcetera*) that can create compatibility with the adjacent single-family neighborhood. To better achieve this goal and in addition to the requirements of Section 4.1, *General Commercial District Standards*, and Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development*

Exhibit 'D':
Permitted Land Uses and Development Standards

Standards, of the Unified Development Code, all commercial development shall be required to adhere to the following supplemental standards:

- (a) *Retail Landscape*. Landscaping shall be reviewed and approved with the PD Site Plan. All Canopy/Shade Trees planted within the retail development shall be a minimum of four (4) caliper inches in size and all *Accent/Ornamental/Under-Story Trees* shall be a minimum of four (4) feet in total height unless otherwise provided within this document.
- (b) *Retail Landscape Buffers*. All landscape and plantings located within the buffers shall be maintained by the property owner.

- (1) *Landscape Buffer (Residential Adjacency)*. Where residential and retail uses share a direct adjacency, a minimum of a 30-foot landscape buffer shall be provided by the retail property adjacent to the residential property. This area shall incorporate ground cover, a *built-up* berm and shrubbery along the entire length of the adjacency. This area should also incorporate pedestrian-oriented design elements (e.g. *pathways*) that allow access between the two (2) uses. Shrubby utilized in this area shall have a minimum height of 30-inches and a maximum height of 48-inches. Additionally, trees should be incorporated in this area to break up the façades of any commercial buildings.

- (2) *Landscape Buffer and Sidewalks (SH-276)*. A minimum of a 15-foot landscape buffer shall be provided along the frontage of SH-276, and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. All buffer-strip planting requirements shall conform to the requirements of Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code.

- (3) *Landscape Buffer (Rochell Road Retail)*. A minimum of a 20-foot landscape buffer shall be provided along the frontage of Rochell Road (*outside of and beyond any required right-of-way dedication*), and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage.

- (c) *Sidewalks*.

- i) *Sidewalk Adjacent to Rochell Road and SH-276*. The developer shall be responsible for the construction of a five (5) foot sidewalk that meanders through the required 20-foot landscape buffer adjacent to Rochell Road and SH-276.

- (3) *Residential Development Standards*. Except as modified by these *Development Standards*, the residential uses depicted in *Exhibit 'C'* of this ordinance shall be subject to the development standards for a Single Family 10 (SF-10) District as stipulated by Section 3.1, *General Residential District Standards*; Section 3.4, *Single-Family Residential (SF-10) District*; and Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V,

Exhibit 'D':
Permitted Land Uses and Development Standards

District Development Standards, of the Unified Development Code. In addition, all residential development shall adhere to the following standards:

- (a) *Lot Composition and Layout*. The lot layout and composition of the *Subject Property* shall generally conform to the *Concept Plan* depicted in *Exhibit 'C'* and stated in *Table 1* below. Allowances for changes to the quantity and locations of each lot type are permitted in conformance with the requirements listed below; however, in no case shall the proposed development exceed **507-435** units.

Table 1: Lot Composition

Lot Type	Minimum Lot Size (FT)	Minimum Lot Size (SF)	Dwelling Units (#)	Dwelling Units (%)
A	80' x 420'200'	9,60043,560 SF	42145	23.8710.51%
B	70' x 110'	7,700 SF	427177	25.0541.36%
C	60' x 110'	6,600 SF	259206	51.0848.13%
Maximum Permitted Units:			507428	100.00%

The allocation of single-family dwellings among lot types may deviate from *Table 1* provided that the proposed lot composition meets the following criteria:

- (1) The total number of lots does not exceed **525-435** units; and,
- (2) The average lot size for the total development is not less than 7,500 SF (*i.e. total square footage of all lots/total number of lots*); and,
- (3) Lot Type "A" shall not be decrease below **415-40** lots; and,
- (4) Lot Type "B" shall not be decreased below **2338%** of the total **507-428** lots; and,
- (5) Lot Type "C" shall not be increased beyond 55% of the total **507-428** lots.

- (b) *Density and Dimensional Requirements*. The maximum permissible density for the *Subject Property* shall not exceed 1.70 dwelling units per gross acre of land; however, in no case should the proposed development exceed **507-435** units. All lots shall conform to the standards depicted in *Table 2* below and generally conform to *Exhibit 'C'* of this ordinance.

Table 2: Lot Dimensional Requirements

Lot Type (see Concept Plan) ▶	A	B	C
Minimum Lot Width ^{(1) & (5) & (7)}	80'	70'	60'
Minimum Lot Depth	420'200'	110'	110'
Minimum Lot Area ⁽⁸⁾	9,60043,560 SF	7,700 SF	6,600 SF
Minimum Front Yard Setback ^{(2) & (6)}	20'25'	20'	20'
Minimum Side Yard Setback	6'10'	5'	5'
Minimum Side Yard Setback (Adjacent to a Street) ⁽²⁾	45'20'	15'	15'
Minimum Length of Driveway Pavement	20'25'	20'	20'
Maximum Height ⁽³⁾	36'	36'	36'
Minimum Rear Yard Setback ⁽⁴⁾	45'20'	10'	10'
Minimum Area/Dwelling Unit (SF) [Air Conditioned Space]	2,8003,200 SF	2,250 SF	2,000 SF
Garage Orientation	J-Swing or Front	J-Swing or Front	J-Swing or Front
Maximum Number of Front Entry Garages Permitted	4815	42	173
Maximum Lot Coverage	65%	65%	65%

General Notes:

- ¹: The minimum lot width shall be measured at the *Front Yard Building Setback*.
- ²: The location of the *Front Yard Building Setback* as measured from the front property line.

Exhibit 'D':
Permitted Land Uses and Development Standards

3. The *Maximum Height* shall be measured to the eave or top plate (whichever is greater) of the ~~single family~~single-family home.
4. As measured from the rear yard property line.
5. Lots fronting onto a curvilinear street, cul-de-sac or eyebrow may have the lot width reduced by up to 20% as measured at the front property line provided that the lot width is met at the front building line. Additionally, the lot depth on lots fronting onto curvilinear streets, cul-de-sacs and eyebrows maybe reduced by up to ten (10%) percent, but shall meet the minimum lot size for each lot type.
6. Sunrooms, porches, stoops, bay windows, balconies, masonry clad chimneys, eaves and similar architectural features may encroach beyond the Front Yard Building Setback by up to ten (10) feet for any property that increases the Front Yard Building Setback to 20-feet; however, the encroachment shall not exceed five (5) feet on Side Yard Setbacks (Adjacent to a Street) and shall not encroach into public right-of-way [a Sunroom is an enclosed room no more than 15-feet in width that has glass on at least 50% of each of the encroaching faces].
7. All lots with a *J-Swing* or *Traditional Swing* driveway require a minimum of a 65-foot lot width.
8. All Type 'A' lots shall have a minimum of 22,000 SF outside the limits of the 100-year floodplain and the City's erosion hazard setback. The area within the floodplain that is contiguous to the 22,000 SF lot area and that extends along the projected property line boundaries to the centerline of the floodplain area shall be restricted to recreational use only and no structures, improvements, evacuation or placement of fill is permitted in the floodplain or erosion hazard setback area. Trees in the designated floodplain are to be left in a natural state and can only be removed if disease or significant damage occurred to the trees.

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

- (1) *Masonry Requirement.* The minimum masonry requirement for the exterior façades of all buildings shall be 80%. For the purposes of this ordinance the masonry requirement shall be limited to full width brick, natural stone, and cultured stone. Cementaceous fiberboard horizontal lap-siding (e.g. *HardiBoard* or *Hardy Plank*) and/or stucco (i.e. *three [3] part stucco* or a comparable -- to be determined by staff) shall be permitted to be used to meet up to 50% of the masonry requirement.
- (2) *Roof Pitch.* A minimum of an 8:12 roof pitch is required on all structures with the exception of porches, which shall have a minimum of a 4:12 roof pitch.
- (3) *Garage Orientation.* Garages shall be provided as stipulated by *Table 2: Lot Dimensional Requirements*. Garages permitted for front entry maybe oriented toward the street; however, the front façade of the garage must be situated a minimum of 20-feet off the front property line. All front entry garages shall incorporate an architectural element or feature separating the individual garage openings. *Swing, Traditional Swing* or *J-Swing* garages are permitted to have a second single garage door facing the street as long as it is behind the width of the double garage door situated in the *Swing* configuration.

(d) *Anti-Monotony Restrictions.* The development shall adhere to the Anti-Monotony Matrix depicted in *Table 3* below (for spacing requirements see the illustration on the following page).

Table 3-3: Anti-Monotony Matrix

Lot Type	Minimum Lot Size	Elevation Features
A	80' x 420' <u>200'</u>	(1), (2), (3)
B	70' x 110'	(1), (2), (3)
C	60' x 110'	(1), (2), (3)

Exhibit 'D':
Permitted Land Uses and Development Standards

- (1) Identical brick blends or paint colors may not occur on adjacent (*side-by-side*) properties along any block face without at least four (4) intervening homes of differing materials on the same side of the street beginning with the adjacent property and two (2) intervening homes of differing materials on the opposite side of the street.
- (2) Front building elevations shall not repeat along any block face without at least four (4) intervening homes of differing appearance on the same side of the street and two (2) intervening homes of differing appearance on the opposite side of the street. The rear elevation of homes backing to open spaces or on SH-276 shall not repeat without at least five (5) intervening homes of differing appearance. Homes are considered to have a differing appearance if any of the following two (2) items deviate:
 - (a) Number of Stories
 - (b) Permitted Encroachment Type and Layout
 - (c) Roof Type and Layout
 - (d) Articulation of the Front Façade
- (3) Each phase of the subdivision will allow for a maximum of four (4) compatible roof colors, and all roof shingles shall be an architectural or dimensional shingle (*3-Tab Roofing Shingles are prohibited*). Type 'A' lots may use slate, imitation slate, tile, concrete tile, imitation tile, standing seam metal, or other high-end type roof materials.

Illustration 1: Properties line up on the opposite side of the street. Where RED are the same.



Illustration 2: Properties do not line up on opposite side of the street. Where RED are the same.



Exhibit 'D':
Permitted Land Uses and Development Standards

(e) *Fencing Standards.* All individual residential fencing and walls shall be architecturally compatible with the design, materials and colors of the primary structure on the same lot, and meet the following standards:

- (1) *Wood Fences.* All wood fences shall be constructed of a standard fencing material (*minimum of ½" thickness or better; spruce fencing will not be allowed*), and use fasteners that are hot dipped galvanized or stainless steel. Wood fences facing onto a street shall be painted and/or stained and sealed with all pickets being placed on the *public side* facing the street. All wood fences shall be smooth-finished, free of burs and splinters, and be a maximum of eight (8) feet in height.
- (2) *Wrought Iron/Tubular Steel.* Lots located along the perimeter of roadways, abutting open spaces, greenbelts and parks shall be required to install a wrought iron or tubular steel fence. Wrought iron/tubular steel fences can be a maximum of eight (8) feet in height.
- (3) *Corner Lots.* Corner lots fences (*i.e. adjacent to the street*) shall provide masonry columns at 45-feet off center spacing that begins at the rear of the property line. A maximum of eight (8) foot solid *board-on-board panel* fence constructed utilizing cedar fencing shall be allowed between the masonry columns along the side and/or rear lot adjacent to a street. In addition, the fencing shall be setback from the side property line adjacent to a street a minimum of five (5) feet. The property owner shall be required to maintain both sides of the fence.
- (4) *Solid Fences (including Wood Fences).* All solid fences shall incorporate a decorative top rail or cap detailing into the design of the fence.

(f) *Landscape and Hardscape Standards.*

- (1) *Residential Landscape.* Landscaping shall be reviewed and approved with the PD Site Plan. All *Canopy/Shade Trees* planted within the residential development shall be a minimum of three (3) caliper inches in size and all *Accent/Ornamental/Under-Story Trees* shall be a minimum of four (4) feet in total height unless otherwise provided within this document.
- (2) *Single Family Landscaping.* Prior to the issuance of a Certificate of Occupancy (CO) all single-family lots shall conform to the following:
 - i) *Interior Lots.* All interior lots shall include a minimum of two (2) trees with a diameter at breast height (dbh) [*i.e. the diameter in inches of a tree as measured through the main trunk at a point of four and one-half (4½) inches above the natural ground level*] of three (3) inches shall be planted in the front yard, and two (2) additional trees of the same caliper inch shall be planted in the side yard facing the street for corner lots.

Note: For the purposes of this section only, the term "front yard" includes the area within the dedicated right-of-way for a parkway immediately adjoining the front yard of the lot.

- ii) *Corner Lots.* All corner lots shall include a minimum of two (2) trees with a diameter at breast height (dbh) [*i.e. the diameter in inches of a tree as*

Exhibit 'D':
Permitted Land Uses and Development Standards

measured through the main trunk at a point of four and one-half (4½) inches above the natural ground level] of three (3) inches shall be planted in the front yard of an interior lot.

- (3) *Landscape Buffers*. All landscape buffers and plantings located within the buffers shall be maintained by the Homeowner's Association (HOA).
- (a) *Landscape Buffer and Sidewalks (Discovery Boulevard)*. A minimum of a 15-foot landscape buffer shall be provided along the frontage of Discovery Boulevard, and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least one (1) canopy tree shall be planted per 30-feet of linear frontage.
- (b) *Landscape Buffer (Rochell Road)*. A minimum of a 20-foot landscape buffer shall be provided along the frontage of Rochell Road (*outside of and beyond any required right-of-way dedication*), and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Shrubby shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. The landscape buffer along Rochell Road shall general conform to the following illustration [*i.e. Illustration 3*].

Illustration 3: Landscape Buffer along Rochell Road.

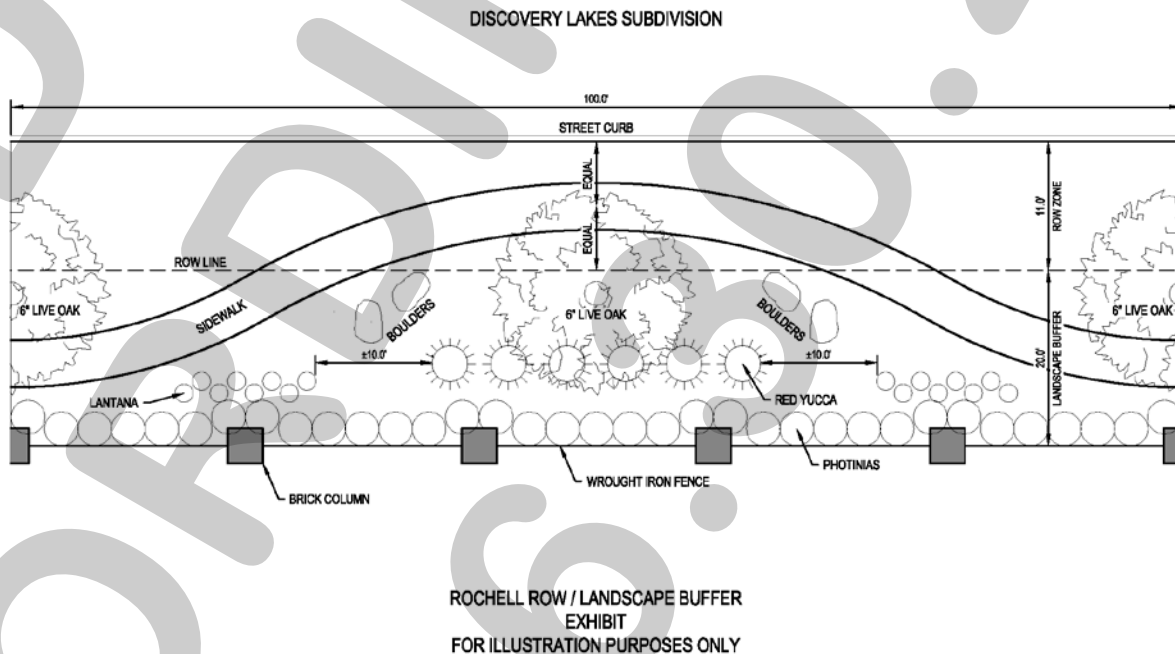


Exhibit 'D':
Permitted Land Uses and Development Standards

- (c) *Landscape Buffer (SH-276)*. A minimum of a 25-foot landscape buffer shall be provided along the frontage of SH-276, and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Shrubby shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. In addition, all buffer-strip planting requirements shall conform to the requirements of Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code (*i.e. minimum four [4] inch caliper trees required*).
- (4) *Irrigation Requirements*. Irrigation shall be installed for all required landscaping located within common areas, landscape buffers and/or open space. Irrigation installed in these areas shall be designed by a Texas licensed irrigator or landscape architect and shall be maintained by the Homeowner's Association (HOA).
- (5) *Hardscape*. Hardscape plans indicating the location of all sidewalks and trails shall be reviewed and approved with the PD Site Plan.
- (g) *Lighting*. Light poles shall not exceed 20-feet in total height (*i.e. base and lighting standard*). All fixtures shall be directed downward and be positioned to contain all light within the development area.
- (h) *Sidewalks*.
- i) *Internal Sidewalks*. All sidewalks adjacent to an interior residential street shall begin 5½-feet from the back of curb and be five (5) feet in overall width.
- ii) *Sidewalks Adjacent to Rochell Road and Discovery Boulevard*. All sidewalks adjacent Rochell Road and Discovery Boulevard shall begin two (2) feet inside the right-of-way line and be five (5) feet in overall width.
- (i) *Open Space*. The development shall consist of a minimum of 20% open space as calculated from the gross land area, and generally conform to the *Concept Plan* contained in *Exhibit 'C'* of this ordinance. Existing floodplain shall be counted at a rate of ½-acre for every acre provided (*e.g., 10-acres of floodplain would count as 5-acres of open space*). The Homeowner's Association (HOA) shall maintain all open space areas.
- (j) *On-Site Sanitary Sewer (OSSF)*. On-Site Sanitary Sewer (OSSF) systems shall only be allowed on Type 'A' lots that contain a minimum of 22,000 SF outside of any floodplain boundary and erosion hazard setback line. OSSF's shall be designed by a State of Texas registered Professional Engineer, and each design shall specify an aerobic type system with drip (*underground*) irrigation system. All systems shall meet the minimum standards of the Texas Commission on Environmental Quality (TCEQ) and each installed system shall be inspected by a third-party licensed inspector and be paid by the developer. Operation and maintenance of each individual OSSF shall be the responsibility of the property owner and the City will not assume any responsibility to the proper design, installation, operation, and maintenance of the

Exhibit 'D':
Permitted Land Uses and Development Standards

system. In addition to the installation of the OSSF's for Type 'A' lots, each constructed home must provide a secondary connection that will allow the resident to disconnect and abandon the OSSF and connect to the future -- developer provided -- sanitary sewer system when it is made available. The Developer, during the development/construction of any phase of the subdivision, will be responsible for constructing the required sanitary sewer infrastructure (i.e. mains and laterals) as required by the City's Master Wastewater Plan. The cost to disconnect from the OSSF and connect to the City's sanitary sewer system shall be at the sole cost of the homeowner, and an appropriate disclosure statement regarding this obligation and cost shall be a part of all real-estate contracts between the developer, homebuilder, and homeowner.

(k) *Neighborhood Signage.* Permanent subdivision identification signage shall be permitted at all major entry points for the proposed subdivision. Final design and location of any entry features shall be reviewed and approved with the *PD Site Plan*.

(l) *Community Center.* A site plan, landscape plan and building elevations shall be required for the proposed *Community Center* and shall be subject to site plan approval by the Planning and Zoning Commission prior to construction. The community center shall commence construction prior to the platting of the 201st residential lot, unless additional Type 'A' lots -- above and beyond what is shown on the Concept Plan contained in Exhibit 'C' of this ordinance -- are requested; in which case, the developer shall commence construction of the community center as part of the phase that proposes the additional Type 'A' lots.

(m) *Homeowner's Association (HOA).* A Homeowner's Association shall be created to enforce the restrictions established in accordance with the requirements of *Section 38-15* of the Subdivision Regulations contained within the *Municipal Code of Ordinances* of the City of Rockwall. The HOA shall also maintain all neighborhood parks, trails, open space and common areas, irrigation, landscaping, amenity centers, screening fences associated with this development.

(4) *Buried Utilities.* New distribution power-lines required to serve the *Subject Property* shall be placed underground, whether such lines are located internally or along the perimeter of the *Subject Property*, unless otherwise authorized by the City Council. New transmission power-lines, or distribution lines of a size not typically or cost effectively placed underground (*3-phase lines*), or additional lines that are added to existing poles, may be above ground, if located along the perimeter of the *Subject Property*. The Developer shall not be required to re-locate existing overhead power-lines along the perimeter of the *Subject Property*. Temporary power-lines constructed across undeveloped portions of the *Subject Property* to facilitate development phasing and looping may be allowed above ground, but shall not be considered existing lines at the time the area is developed, and if they are to become permanent facilities, such lines shall be placed underground pursuant to this paragraph. Franchise utilities shall be placed within a ten (10) foot public utility easement behind the sidewalk, between the home and the property line.

(5) *Variances.* The variance procedures and standards for approval that are set forth in the Unified Development Code shall apply to any application for variances to this ordinance.



CITY OF ROCKWALL

PLANNING AND ZONING COMMISSION CASE MEMO

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

TO: Planning and Zoning Commission
DATE: July 14, 2020
APPLICANT: Chris Cuny, PE; *Teague, Nall & Perkins*
CASE NUMBER: Z2020-024; *Amendment to PD-78 [Discovery Lakes]*

SUMMARY

Hold a public hearing to discuss and consider a request by Chris Cuny, PE of Teague, Nall & Perkins on behalf of the Nick DiGiuseppe of Discovery Lakes, LLC for the approval of a Zoning Amendment to Planned Development District 78 (PD-78) [Ordinance No. 15-24] for the purpose of changing the concept plan and development standards on a 316.315-acre tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract No. 100 and Tract 2 of the R. K. Brisco Survey, Abstract No. 16, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 78 (PD-78) for General Retail (GR) District and Single-Family 10 (SF-10) District, generally located at the northeast corner of the intersection of SH-276 and Rochellee Road, and take any action necessary.

BACKGROUND

The subject property was annexed by the City Council on June 15, 1998 by *Ordinance No. 98-20*. At the time of annexation, the subject property was zoned Agricultural (AG) District. On July 5, 2005, the City Council approved *Ordinance No. 05-29* [Case No. Z2005-021] changing the zoning of the subject property from an Agricultural (AG) District to a Light Industrial (LI) District. On August 17, 2015, the zoning designation of the subject property was again changed by *Ordinance No. 15-24* [Case No. Z2015-016] from a Light Industrial (LI) District to Planned Development District 78 (PD-78) for Single-Family 10 (SF-10) District and limited General Retail (GR) District land uses. Planned Development District 78 (PD-78) currently allows ~9.00-acres of non-residential land uses, an 11.00-acre public park, ~30.90-acres of open space, ~65.2-acres of floodplain, and ~203.22-acres of residential land area. In the residential land area, the Planned Development District permits 507 single-family residential lots broken up into three (3) lot types (i.e. 121, 80' x 120' Lots; 127, 70' x 110' Lots; and 259, 60' x 110' Lots). The property remains zoned Planned Development District 78 (PD-78) [Ordinance No. 15-24] and is currently vacant.

PURPOSE

The applicant -- *Chris Cuny, PE* -- is requesting to amend Planned Development District 78 (PD-78) for the purpose of changing the concept plan and development standards contained within the *Ordinance No. 15-24*. This includes changing *Type 'A' Lots* from a minimum of 9,600 SF to 32,670 SF, and reducing the overall lot count from 507 to 428.

ADJACENT LAND USES AND ACCESS

The subject property is located at northeast corner of SH-276 and Rochelle Road. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property are the corporate limits of the City of Rockwall. Beyond this are three (3) tracts of vacant land (i.e. Tracts 3, 3-2, & 4 of the G. W. Redlin Survey, Abstract No. 184) situated within the City of Fate's corporate limits.

South: Directly south of the subject property is SH-276, which is identified as a TXDOT6D (i.e. Texas Department of Transportation, six [6] lane, divided roadway) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. South of this roadway is a 197.761-acre tract of vacant land (i.e. Tract 2-1 of the J. H. Robnett Survey, Abstract No. 182) zoned Planned Development District 66 (PD-66) for

Neighborhood Services (NS) District, Single-Family 8.4 (SF-8.4) District, and Single-Family 16 (SF-16) District land uses.

East: Directly east of the subject property are the corporate limits of the City of Rockwall. Also, east of the subject property is an 85.479-acre tract of vacant land (*i.e. Tract 1 of the R. K. Brisco Survey, Abstract No. 16*) zoned Light Industrial (LI) District. Beyond this is a 212.25-acre tract of vacant land (*i.e. Tract 11 of the S. Kelly Survey, Abstract No. 132*) zoned Agricultural (AG) District.

West: Directly west of the subject property is Rochelle Road, which is designated as a M4D (*major collector, four [4] lane, divided roadway*) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this thoroughfare is a 60.30-acre tract of vacant land (*i.e. Tract 5 of the J. H. B. Jones Survey, Abstract No. 125*) and an 84.288-acre tract of vacant land (*i.e. Tract 6 of the J. H. B. Jones Survey, Abstract No. 125*). Both of these properties are zoned Light Industrial (LI) District.

CHARACTERISTICS OF THE REQUEST

The applicant has submitted a revised concept plan and development standards for the proposed residential areas in the Planned Development District (*no changes were proposed for the non-residential areas*). Based on these revisions the proposed subdivision will consist of 428 single-family residential lots that will be broken down into 45 *Type 'A' Lots (80' x 200')*, 177 *Type 'B' Lots (70' x 110')*, and 206 *Type 'C' Lots (60' x 110')*. This represents a decrease in the total number of lots by 79 lots (*i.e. a decrease of the Type 'A' Lots by 76 and Type 'C' Lots by 53, and an increase in the Type 'B' Lots by 50*). A summary of the proposed lot composition is as follows:

<i>Lot Type</i>	<i>Minimum Lot Size (FT)</i>	<i>Minimum Lot Size (SF)</i>	<i>Dwelling Units (#)</i>	<i>Dwelling Units (%)</i>
<i>A</i>	80' x 200'	32,670 SF	45	10.51%
<i>B</i>	70' x 110'	7,700 SF	177	41.36%
<i>C</i>	60' x 110'	6,600 SF	206	48.13%
<i>Maximum Permitted Units:</i>		428	100.00%	

Staff should note that the applicant has changed the deviation section relating to lot composition. Specifically, increasing the maximum deviation in the number of *Type 'B' Lots* to 163 (*or 38% of the 428*), which represents an increase of the maximum deviation for *Type 'B' Lots* by 46 (*i.e. a minimum of 116 lots were permitted under the current ordinance*). The maximum deviation in the number of *Type 'C' Lots* changed from 278 to 235, or a reduction of 43 lots. Based on the incorporation of the larger lot type, staff increased the average lot size for the total development from 7,500 SF to 9,700 SF. This means that the sum total of all of the lots established for the subdivision cannot be below 9,700 SF. A summary of the possible deviations is as follows:

<i>Lot Type</i>	<i>Minimum Lot Size (FT)</i>	<i>Minimum Lot Size (SF)</i>	<i>Minimum Possible Lot Count</i>	<i>Maximum Possible Lot Count</i>
<i>A</i>	80' x 200'	32,670 SF	40	70
<i>B</i>	70' x 110'	7,700 SF	162	177
<i>C</i>	60' x 110'	6,600 SF	206	235

With this being said the maximum number of lots permitted within the development is 428. The proposed changes to the lot composition for the Planned Development District represents a reduction in density from 1.65 dwelling units per acre to 1.40 dwelling units per acre, or a reduction of 0.25 dwelling units per acre.

Based on the new concept plan the applicant has removed the proposed 11.00-acre public park. Staff should note, that while the previous plan did show an 11.00-acre public park, the location of the park was below the dam of an SCS pond and had not been an approved location by the Parks and Recreation Board or the City Council. In addition, the new concept plan shows a reduction in the trail system of 1.2-linear miles or a change from 3.8-linear miles to 2.6-linear miles. The applicant has stated that the reduction in trails results from a desire to remove trail systems running at the rear of the residential lots.

The new concept plan shows the proposed amenity center in the same location as the existing concept plan; however, the applicant has put a provision into the revised Planned Development District stating that the amenities center does not need to be constructed until the 201st residential lot is platted. In response to this, staff has recommended to the applicant that in conjunction with this stipulation that the applicant also be required to construct the amenities center if additional *Type 'A' Lots* are proposed over the 45 depicted on the concept plan. Staff has placed this into the attached draft ordinance. The floodplain areas generally remain consistent from the current concept plan to the proposed concept plan. Staff should note that the open space outside of the floodplain areas on the new concept plan is not labeled, but does appear to be significantly less than the 30.90-acres of open space provided on the current concept plan.

Based on the current and proposed Planned Development District ordinances the residential areas are subject to the land uses and development standards stipulated for the Single-Family 10 (SF-10) District; however, the following development standards are specifically outline in the new Planned Development District:

<i>Lot Type (see Concept Plan) ►</i>	A	B	C
<i>Minimum Lot Width ^{(1) & (5) & (7)}</i>	80'	70'	60'
<i>Minimum Lot Depth</i>	200'	110'	110'
<i>Minimum Lot Area</i>	32,670 SF	7,700 SF	6,600 SF
<i>Minimum Front Yard Setback ^{(2), (6), & (8)}</i>	25'	20'	20'
<i>Minimum Side Yard Setback</i>	10'	5'	5'
<i>Minimum Side Yard Setback (Adjacent to a Street) ⁽²⁾</i>	20'	15'	15'
<i>Minimum Length of Driveway Pavement</i>	25'	20'	20'
<i>Maximum Height ⁽³⁾</i>	36'	36'	36'
<i>Minimum Rear Yard Setback ⁽⁴⁾</i>	20'	10'	10'
<i>Minimum Area/Dwelling Unit (SF) [Air-Conditioned Space]</i>	3,200 SF	2,250 SF	2,000 SF
<i>Garage Orientation ⁽⁸⁾</i>	<i>J-Swing or Flat Front</i>	<i>J-Swing or Flat Front</i>	<i>J-Swing or Flat Front</i>
<i>Maximum Number of Front Entry Garages Permitted</i>	17	58	137
<i>Maximum Lot Coverage</i>	65%	65%	65%

General Notes:

- ¹: The minimum lot width shall be measured at the *Front Yard Building Setback*.
- ²: The location of the *Front Yard Building Setback* as measured from the front property line.
- ³: The *Maximum Height* shall be measured to the eave or top plate (whichever is greater) of the single-family home.
- ⁴: As measured from the rear yard property line.
- ⁵: Lots fronting onto a curvilinear street, cul-de-sac or eyebrow may have the lot width reduced by up to 20% as measured at the front property line provided that the lot width is met at the front building line. Additionally, the lot depth on lots fronting onto curvilinear streets, cul-de-sacs and eyebrows maybe reduced by up to ten (10%) percent, but shall meet the minimum lot size for each lot type.
- ⁶: Sunrooms, porches, stoops, bay windows, balconies, masonry clad chimneys, eaves and similar architectural features may encroach beyond the Front Yard Building Setback by up to ten (10) feet for any property that increases the Front Yard Building Setback to 20-feet; however, the encroachment shall not exceed five (5) feet on Side Yard Setbacks (Adjacent to a Street) and shall not encroach into public right-of-way [a Sunroom is an enclosed room no more than 15-feet in width that has glass on at least 50% of each of the encroaching faces].
- ⁷: All lots with a *J-Swing* or *Traditional Swing* driveway require a minimum of a 65-foot lot width.
- ⁸: The minimum front yard setback for properties that have a *Flat Front Entry* garage format shall be 25-feet.

Staff should note that the *Maximum Number of Front Entry Garages Permitted* as listed above was adjusted to keep with the same percentages as the original Planned Development District ordinance (i.e. 33% flat front entry permitted for the *Type 'B' Lots* and 66% permitted for the *Type 'C' Lots*). This represents a reduction of 36 *Type 'C' Lots* and an increase of 16 *Type 'B' Lots*.

INFRASTRUCTURE

Based on the concept plan submitted by the applicant, this development will be responsible for the following infrastructure:

- (1) **Roadways**. The applicant shall dedicate 42½-feet of right-of-way from the centerline of Rochelle Road and construct half of the require roadway cross section for an M4D (including sidewalks, left turn lanes, and traffic appurtenances). In addition, the applicant shall be required to dedicate 65-feet of right-of-way and construct a 45-foot back-to-back roadway per the M4U standards from Rochellee Road to *Tract 1 of the R. K. Brisco Survey, Abstract No. 16*, and dedicate half the right-of-

way and construct half of the roadway from *Tract 1 of the R. K. Brisco Survey, Abstract No. 16* to *Tract 11 of the S. Kelly Survey, Abstract No. 132*.

- (2) Water. The applicant shall be required to construct a 16-inch waterline along the frontage of SH-276, a 12-inch waterline along the frontage of Rochellee Road, and a 12-inch water line along the frontage of Discovery Boulevard. These waterlines shall be placed in a minimum 20-foot utility easement.
- (3) Wastewater. The applicant shall install the required 10-inch and 18-inch minimum wastewater lines per the City's Master Wastewater Plan contained in the OURHometown Vision 2040 Comprehensive Plan. In addition, the applicant will be required to install a lift station and force main sized for ultimate capacity for the Brushy Creek lift station. The lift station improvements shall include -- *but not be limited to* -- wet well, valve vault, generator, electrical (*including SCADA*), and all appurtenances.

CONFORMANCE TO THE CITY'S CODES

When the City Council approved *Ordinance No. 15-24*, two (2) waivers were granted: [1] a waiver to the alleyway requirements, and [2] a waiver to allow 40% flat front entry garages on the *Type 'A' Lots*, 33% flat front entry garages on the *Type 'B' Lots*, and 67% flat front entry on the *Type 'C' Lots*. Since the proposed changes remain consistent with these approvals these items do not require the City Council to consider waivers; however, the applicant is proposing to allow variable roof pitches on the *Type 'A' Lots*, which do not conform to 8:12 roof pitch for primary structures and 4:12 roof pitch for porches called out in the current Planned Development District ordinance and required by Article 10, *Planned Development Regulations*, of the Unified Development Code (UDC). As a compensatory measure the applicant has agreed to increase the masonry percentage from 80% to 90%.

With regard to the applicant's request for temporary *On-Site Sewage Facilities* (OSSF), the City Rockwall has an Interlocal Agreement with Rockwall County for OSSF inspections. Per this agreement, Rockwall County will issue permits and perform OSSF inspections on new and existing septic systems per the County's *Rules for Regulation of On-Site Sewage Facilities*, which stipulates a minimum lot size of 1½-acres. According to Subsection 44-243(d) of Article IV, *Sewers and Sewage Disposal*, of the Municipal Code of Ordinances, "(n)o permit for the installation of an on-site sewage facility (OSSF) will be issued for property of less than 1½-acre, unless an exception is granted by the City Council on the grounds that undue hardship will be created if said lot is not connected to an OSSF." Staff should note that Rockwall County has stated that they will not inspect OSSF's that are on lots less than 1½-acres. It should also be noted that the City Council has granted OSSF systems for developments (*e.g. Planned Development District 76 [PD-76]*) proposing lots less than 1½-acre in size, but greater than one (1) acre when the developer proposes [1] the OSSF systems are designed by a licensed OSSF professional (*i.e. licensed engineer, sanitarian, etc.*), [2] a stamped and signed copy of the OSSF plan indicating the full limits of the septic field be submitted to the City at the time of building permit on a *lot-by-lot* basis, and [3] all OSSF are inspected by a City approved inspector. In this case, the applicant is requesting to install OSSF's on lots that range in size from 0.75-acres to 1.14-acres (*with the majority of the lots being less than one [1] acre in size*), and has included language generally in compliance with the aforementioned stipulations. In addition, the applicant has included language that will [1] ensure that the required sewer infrastructure will be provided with each phase regardless if OSSF are proposed, [2] ensure that the homes are constructed with a secondary connection that will allow them to be disconnected from the OSSF and connected to the future sewer system, and [3] provide for a disclosure in the closing paper work of each lot stating that the property owner will be responsible for connecting to the sanitary sewer system and paying impact fees at the sole cost of the homeowner. The applicant has stated that the need for the temporary OSSF's is to allow the property owner to start monetizing the property while waiting for the North Texas Municipal District's feasibility study concerning taking the wastewater to the Sabine Creek Wastewater Treatment Plant.

Staff is obligated to note that if the sanitary sewer system connecting the development to Sabine Creek Wastewater Treatment Plant is constructed, it will be a force main and will not open up additional capacity for properties in the City's corporate boundaries east of the subject property. With all of this being said, the approval and incorporation of these waivers into the proposed Planned Development District ordinance is a discretionary decision for the City Council.

CONFORMANCE WITH OURHOMETOWN VISION 2040 COMPREHENSIVE PLAN

Since the applicant is not proposing to change the acreage of the residential to non-residential land use mix contained in the Planned Development District, the zoning change does not have an effect on the residential to non-residential land use ratio

contained in the OURHometown Vision 2040 Comprehensive Plan. The proposed zoning change does, however, change the plans conformance with the policies and guidelines contained in the Comprehensive Plan. As a note, the original plan was adopted prior to the current Comprehensive Plan, and several of the residential policies and guidelines have changed from this plan. Based on the applicant's submittal, staff made the following recommendations to the applicant concerning the policies of the Comprehensive Plan:

- (1) Goal 1, Policy #1; CH. 08, Residential, Subsection 02.02: All new developments should include a range of high quality, well-constructed, and appropriately planned residential unit types.

Staff Recommendation to Applicant: To address this staff recommended that the applicant change the fence and anti-monotony requirements in the Planned Development District to meet the current fence and anti-monotony requirements in the Unified Development Code (UDC), which were changed last year. The applicant has incorporated this into the Planned Development District.

- (2) Goal 1, Policy #2; CH. 08, Residential, Subsection 02.03: To maximize the value of properties that are directly adjacent to or across the street from a park and/or public open space, the house on the property should face onto the park and/or public open space, and should not back or side to the park and/or open space. If homes face onto a park and/or public open space and there is no public street, then the homes should be accessed via a mew-type street design.

Staff Recommendation to Applicant: Since the changes to the concept plan reduce the single-loaded lots and lots fronting on to open spaces/greenspaces staff recommended that the applicant take the one (1) acre lots that have a side yard facing onto the boulevard and reorient them to front onto the boulevard. At the work session the applicant indicated to the Planning and Zoning Commission that he would comply with this requirement; however, the resubmitted concept plan does not change the orientation of these lots.

- (3) Goal 3, Policy #3; CH. 08, Residential, Subsection 02.03: In cases where flat front entry garages (i.e. even with the front façade of the primary structure) are requested as part of a development no greater than 20% should be incorporated into the development. In addition, flat front entry garages should have a minimum of a 25-foot front yard building setback to allow vehicles to be parked in the driveway without overhanging public right-of-way. This type of garage may not be appropriate for all developments and should be generally discouraged.

Staff Recommendation to Applicant: Since the original Planned Development District allowed above 20% flat front entry garages, staff has recommended to the applicant that the front yard building setback for these lots should be increased to 25-Feet. The applicant has incorporated this into the Planned Development District.

Taking all of these revisions into account, the concept plan continues to maintain general conformance to the residential policies and guidelines contained in the OURHometown Vision 2040 Comprehensive Plan; however, the approval of the applicant's request remains a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission.

NOTIFICATIONS

On July 2, 2020, staff mailed 13 notices to property owners and occupants within 500-feet of Planned Development District 78 (PD-78). Staff also sent a notice to the Timber Creek Homeowner's Association (HOA), which is the only HOA or Neighborhood Organization within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was drafted, staff had not received any notices returned.

CONDITIONS OF APPROVAL

If the Planning and Zoning Commission chooses to recommend approval of the applicant's request to amend Planned Development District 78 (PD-78), then staff would propose the following conditions of approval:

- (1) The applicant shall be responsible for maintaining compliance with the conditions contained in the Planned Development District ordinance; and,

- (2) 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.



DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO.

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

DIRECTOR OF PLANNING:

CITY ENGINEER:

Please check the appropriate box below to indicate the type of development request [SELECT ONLY ONE BOX]:

Platting Application Fees:

- ☐ Master Plat (\$100.00 + \$15.00 Acre) 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 (\$4,940.00)
- ☐ Specific Use Permit (\$200.00 + \$15.00 Acre) ¹
- ☐ PD Development Plans (\$200.00 + \$15.00 Acre) ¹

Other Application Fees:

- ☐ Tree Removal (\$75.00)
- ☐ Variance Request (\$100.00)

Notes:

¹: In determining the fee, please use the exact acreage when multiplying by the per acre amount. For requests on less than one acre, round up to one (1) acre.

PROPERTY INFORMATION [PLEASE PRINT]

Address	Highway 276		
Subdivision	Discovery Lakes PD-78	Lot	Block
General Location	315 acres at the northeast corner of Hwy 276 and Rojhell Road		

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

Current Zoning	Discovery Lakes PD-78		Current Use	Ag	
Proposed Zoning	PD		Proposed Use	Residential	
Acreage	316.315 Acres	Lots [Current]	507	Lots [Proposed]	428

☐ **SITE PLANS AND PLATS:** By checking this box you acknowledge that due to the passage of HB3167 the City no longer has flexibility with regard to its approval process, and failure to address any of staff's comments by the date provided on the Development Calendar will result in the denial of your case.

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

<input type="checkbox"/> Owner	Discovery Lakes, LLC	<input checked="" type="checkbox"/> Applicant	Teague Nall & Perkins
Contact Person	Nick DiGiuseppe	Contact Person	Chris Cuny, P.E.
Address	15400 Knoll Trail Ste 230	Address	2 Horizon Court Ste 500
City, State & Zip	Dallas, Texas 75248	City, State & Zip	Heath, Texas 87032
Phone	214-803-3783	Phone	972-965-1541
E-Mail	southbrookinvestments@outlook.com	E-Mail	ccuny@tnpinc.com

NOTARY VERIFICATION [REQUIRED]

Before me, the undersigned authority, on this day personally appeared Nick DiGiuseppe [Owner] the undersigned, who stated the information on this application to be true and certified the following:

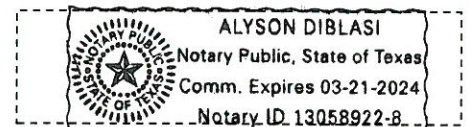
"I hereby certify that I am the owner for the purpose of this application; all information submitted herein is true and correct; and the application fee of \$4,940.00 to cover the cost of this application, has been paid to the City of Rockwall on this the 18th day of June, 2020. By signing this application, 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 18th day of June, 2020.

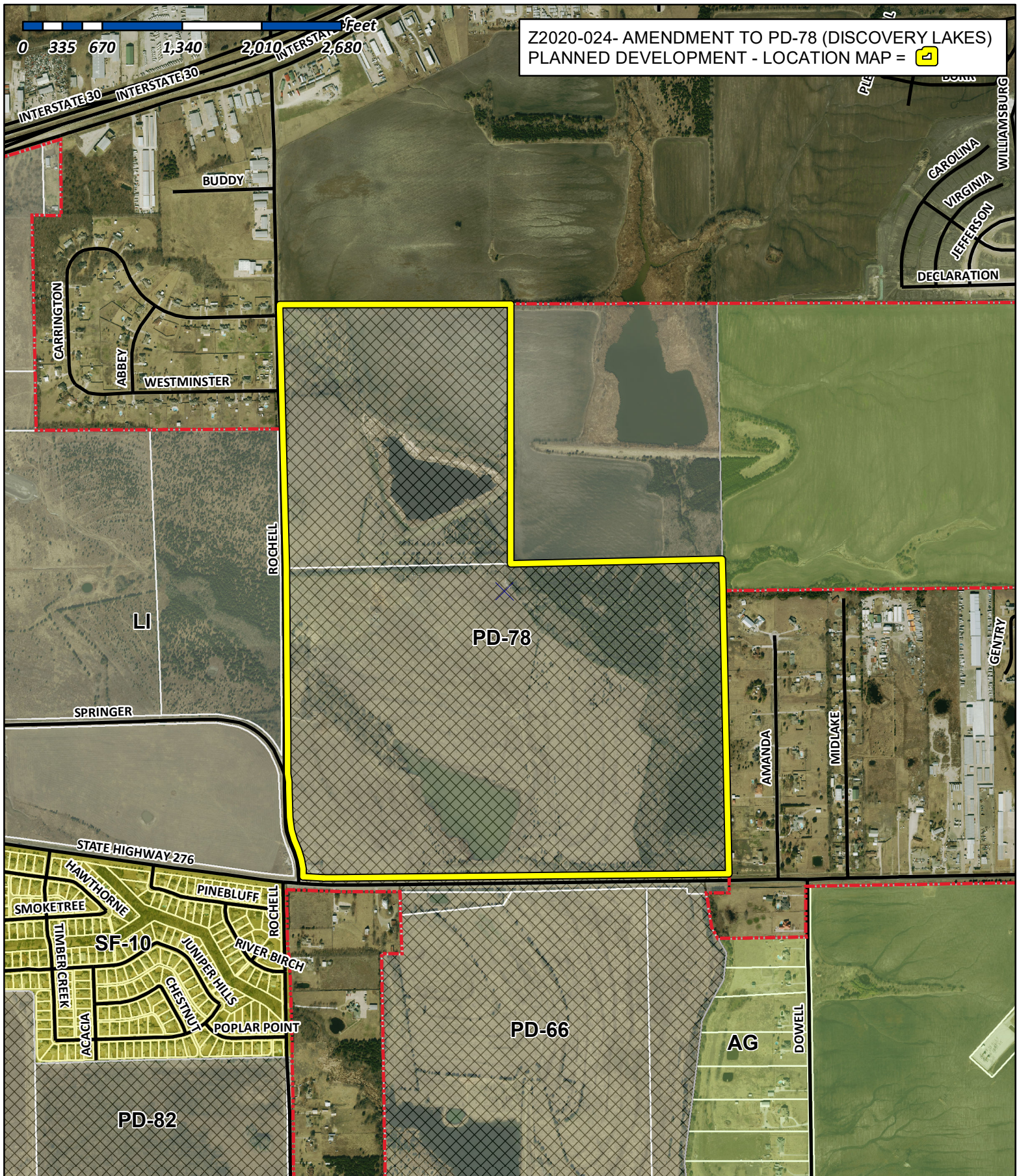
Owner's Signature

Notary Public in and for the State of Texas

Alyson DiBlasi



My Commission Expires 03-21-2024



City of Rockwall

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

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

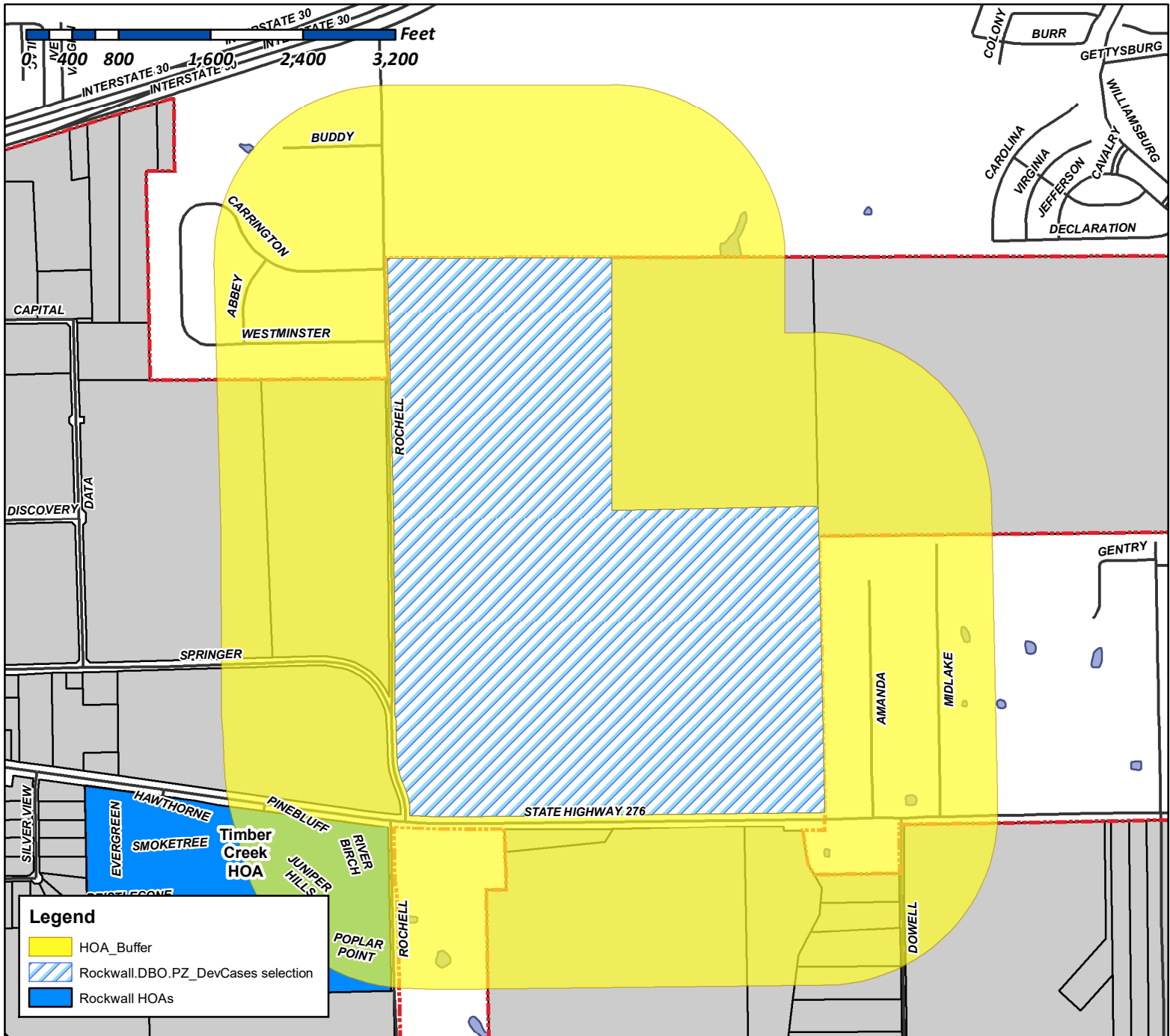




City of Rockwall

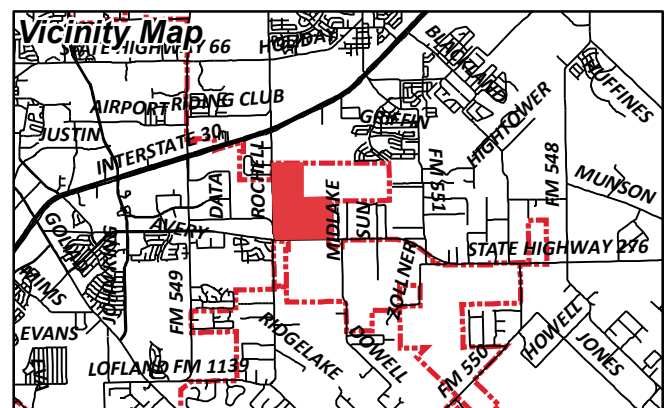
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

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: Z2020-024
Case Name: Amendment to PD-78
Case Type: Zoning
Zoning: PD-78
Case Address: NEC of Rochelle Road & SH-276

Date Created: 6/19/2020
For Questions on this Case Call (972) 771-7745



From: [Henry Lee](#)
Cc: [Gonzales, David](#); [Miller, Ryan](#)
Subject: Homeowners Association/Neighborhood Notification Program
Date: Wednesday, July 1, 2020 4:39:47 PM
Attachments: [HOA Map \(06.19.2020\).pdf](#)
[Public Notice \(06.19.2020\).pdf](#)

HOA/Neighborhood Association Representative:

Per your participation in the [Neighborhood Notification Program](#), you are receiving this notice to inform your organization that a zoning case has been filed with the City of Rockwall that is located within 1,500-feet of the boundaries of your neighborhood. As the contact listed for your organization, you are encouraged to share this information with the residents of your subdivision. Please find the attached map detailing the property requesting to be rezoned in relation to your subdivision boundaries. Additionally, below is the summary of the zoning case that will be published in the Rockwall Herald Banner on [June 26, 2020](#). The Planning and Zoning Commission will hold a public hearing on [Tuesday, July 14, 2020 at 6:00 PM](#), and the City Council will hold a public hearing on [Monday, July 20, 2020 at 6:00 PM](#). Both hearings will take place at 6:00 PM at City Hall, 385 S. Goliad, Rockwall, TX 75087.

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

22020-024 Zoning Amendment to Planned Development 78

Hold a public hearing to discuss and consider a request by Chris Cuny, PE of Teague, Nall & Perkins on behalf of the Nick DiGiuseppe of Discovery Lakes, LLC for the approval of a Zoning Amendment to Planned Development District 78 (PD-78) [Ordinance No. 15-24] for the purpose of changing the concept plan and development standards on a 316.315-acre tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract No. 100 and Tract 2 of the R. K. Brisco Survey, Abstract No. 16, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 78 (PD-78) for General Retail (GR) District and Single Family 10 (SF-10) District, generally located at the northeast corner of the intersection of SH-276 and Rochelle Road, and take any action necessary.

Thank you,

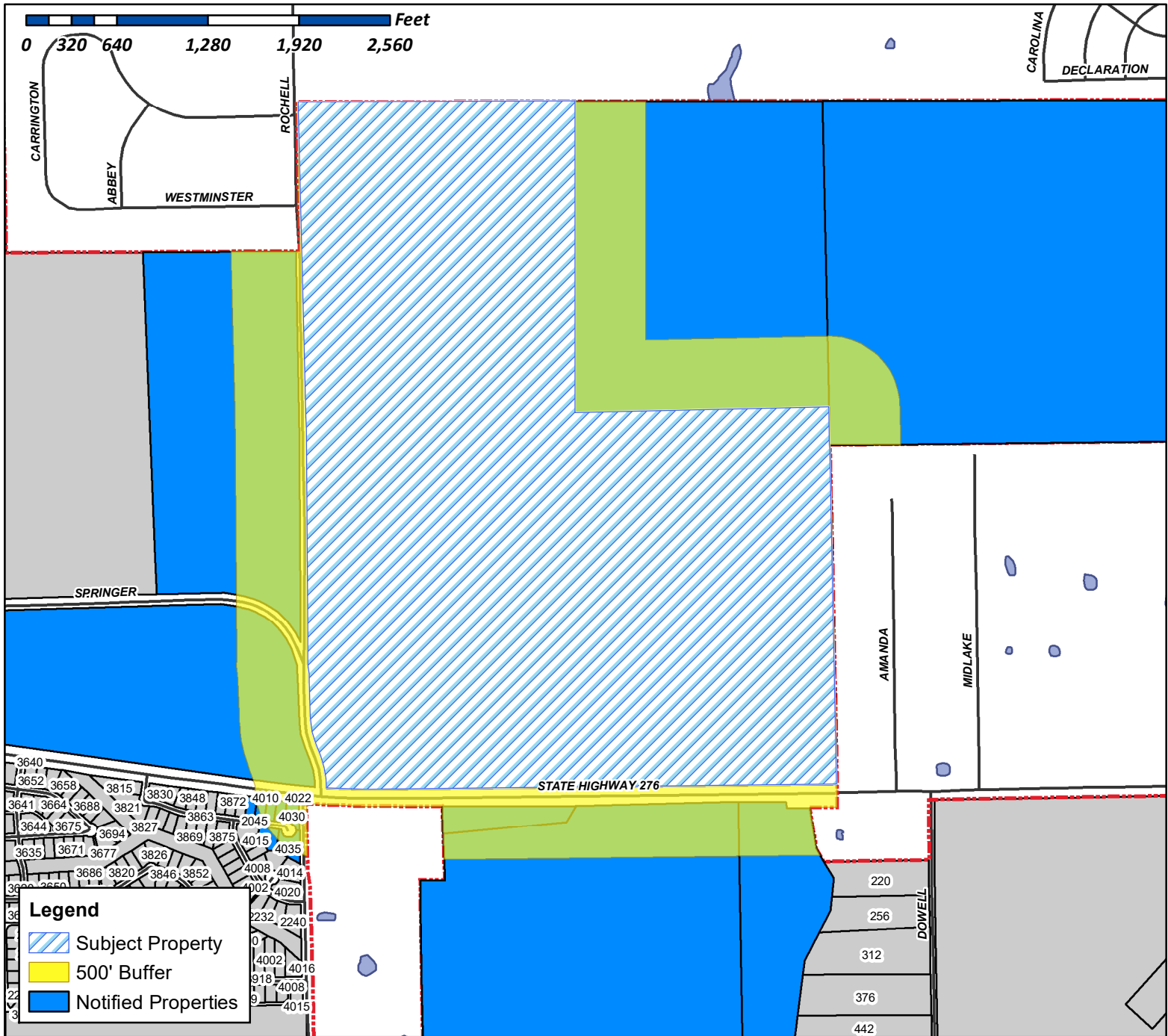
Henry Lee



City of Rockwall

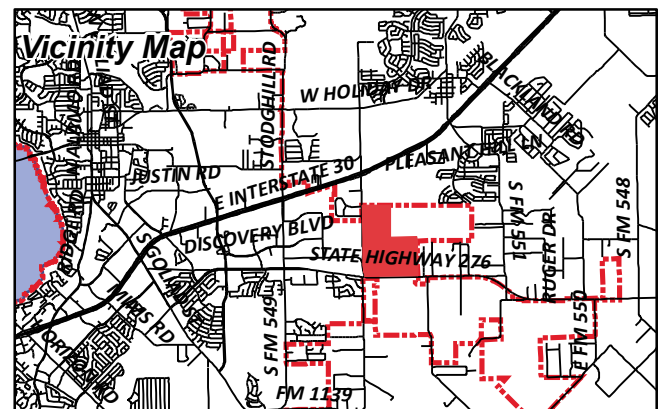
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

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: Z2020-024
Case Name: Amendment to PD-78
Case Type: Zoning
Zoning: PD-78
Case Address: NEC of Rochelle Road & SH-276

Date Created: 6/19/2020
For Questions on this Case Call (972) 771-7745



PACIFIC PHOENIX TRUST OF 2013
WALTER E & LINDA H MOELLER TRUSTEES
1355 CORDE LOMA
WALNUT CREEK, CA 94598

DISCOVERY LAKES LLC
15400 KNOLL TR SUITE 230
DALLAS, TX 75248

SOUTH ROCKWALL HOLDINGS LP
C/O AD VALROEM TAX DEPT
2101 CEDAR SPRINGS RD SUITE 600
DALLAS, TX 75201

ROCKWALL FUND I LLC
212 S PALM AVE FL 2
ALHAMBRA, CA 91801

ROCKWALL ECONOMIC DEVELOPMENT
CORPORATION
2610 OBSERVATION TRAIL SUITE 104
ROCKWALL, TX 75032

GRAHAM MORTGAGE CORPORATION
3838 OAK LAWN AVENUE SUITE 1250
DALLAS, TX 75219

CURRENT RESIDENT
3884 PINEBLUFF
ROCKWALL, TX 75032

BARSOUM LINDSEY NICOLE
4010 PINEBLUFF LN
ROCKWALL, TX 75032

NWIGWE CHARLES & VANIECY
4015 PINEBLUFF LN
ROCKWALL, TX 75032

FIELDS RUTH A
4016 PINEBLUFF LN
ROCKWALL, TX 75032

HENDERSON ERIC
4030 PINEBLUFF LN
ROCKWALL, TX 75032

CHANDLER CRISTINA O
4035 PINEBLUFF LN
ROCKWALL, TX 75032

SRP SUB LLC
8665 EAST HARTFORD DRIVE SUITE 200
SCOTTSDALE, AZ 85255

PUBLIC NOTICE



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

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

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

Case No. Z2020-024: Amendment to Planned Development District 78 (PD-78)

Hold a public hearing to discuss and consider a request by Chris Cuny, PE of Teague, Nall & Perkins on behalf of the Nick DiGiuseppe of Discovery Lakes, LLC for the approval of a Zoning Amendment to Planned Development District 78 (PD-78) [*Ordinance No. 15-24*] for the purpose of changing the concept plan and development standards on a 316.315-acre tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract No. 100 and Tract 2 of the R. K. Brisco Survey, Abstract No. 16, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 78 (PD-78) for General Retail (GR) District and Single-Family 10 (SF-10) District, generally located at the northeast corner of the intersection of SH-276 and Rochelle 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, July 14, 2020 at 6:00 PM, and the City Council will hold a public hearing on Monday, July 20, 2020 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

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

Ryan Miller
Rockwall Planning and Zoning Dept.
385 S. Goliad Street
Rockwall, TX 75087

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

Your comments must be received by Monday, July 20, 2020 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning



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

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

Case No. Z2020-024: Amendment to Planned Development District 78 (PD-78)

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

CITY OF ROCKWALL

ORDINANCE NO. 15-24

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 AN AGRICULTURAL (AG) DISTRICT TO A PLANNED DEVELOPMENT DISTRICT FOR SINGLE FAMILY 10 (SF-10) AND GENERAL RETAIL (GR) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 316.315-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1 OF THE M. E. HAWKINS SURVEY, ABSTRACT NO. 100, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A' & EXHIBIT 'B'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request by the Stacy McVey of Double Eagle Properties, LLC on behalf of the owner 308 ON 276, LP for the approval of a zoning change from an Agricultural (AG) District to a Planned Development District for Single Family 10 (SF-10) and General Retail (GR) District land uses, on a 316.315-acre tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract No. 100, City of Rockwall, Rockwall County, Texas and more fully described in *Exhibit 'A' & Exhibit 'B'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code [Ordinance No. 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 generally be in accordance with the *Planned Development Concept Plan*, described in *Exhibit 'C'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'C'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

Section 3. That development of the *Subject Property* shall generally be in accordance with the *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 4. That a *Master Parks and Open Space Plan* for the *Subject Property*, shall be prepared in accordance with this ordinance and consistent with the *Planned Development Concept Plan* depicted in *Exhibit 'C'* of this ordinance, and that the *Master Parks and Open Space Plan* shall be considered for approval by the City Council following a recommendation by the *Parks and Recreation Board*.

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

- (a) The procedures set forth in the City's subdivision regulations on the date this ordinance is approved by the City, as amended by this ordinance (*including Subsections 5(b) through 5(f) below*), shall be the exclusive procedures applicable to the subdivision and platting of the 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) Open Space Master Plan
 - (2) Master Plat
 - (3) PD Development Plan (*Required for Retail Areas Only*)
 - (4) PD Site Plan
 - (5) Preliminary Plat
 - (6) Final Plat
- (c) A *PD Development Plan* must be approved for the area designated on the *Planned Development Concept Plan* as *Retail* prior to submittal of a *PD Site Plan* application and/or preliminary plat application. No *Master Plat* is required for the area designated on the *Concept Plan* as *Retail*. A traffic impact analysis for the retail tract 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* for each retail development.
- (d) *PD Site Plan*. A *PD Site Plan* covering all of the *Subject Property* shall be submitted and shall identify all site/landscape/hardscape plan(s) for all open space, neighborhood parks, trail systems, street buffers and entry features. A *PD Site Plan* application may be processed by the City concurrently with a *Preliminary Plat Application* for the development.
- (e) *Preliminary Plat*. A *Preliminary Plat* covering all of the *Subject Property* shall be submitted and shall include a *Treescape Plan*. A *Preliminary Plat Application* may be processed by the City concurrently with a *PD Site Plan Application* for the development.
- (f) *Final Plat*. Prior to the issuance of any building permits, a *Final Plat*, conforming to the *Preliminary Plat*, for all of the *Subject Property* shall be submitted for approval.

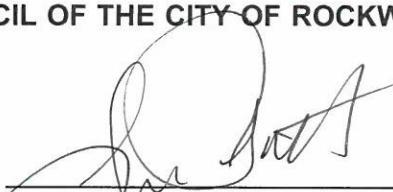
Section 6. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *Two Thousand Dollars* (\$2,000.00) for each offense and each and every day such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

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

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

Section 9. That this ordinance shall take effect immediately from and after its passage 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 17TH DAY OF AUGUST, 2015.**



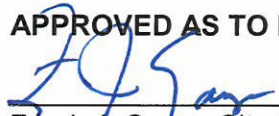
Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: 08-03-2015

2nd Reading: 08-17-2015

Exhibit 'A':
Legal Description

Field notes for a 316.315-acre (13,778,691 square foot) tract of land situated in the M. E. Hawkins Survey, Abstract No. 100, and the Robert K. Briscoe Survey, Abstract No. 16 in the City of Rockwall, Rockwall County, Texas, and being all of that certain called 308.52-acre tract of land described in a Special Warranty Deed to 308 ON 276, L.P., as recorded in Volume 03662, Page 00315, of the Office Public Records of Rockwall County, Texas (O.P.R.R.C.T.) with said 316.315-acre (13, 778,691 square feet) tract of land being more particularly described by metes and bounds as follows:

BEGINNING a railroad spike set in asphalt marking the northwest corner of said 308 on 276, L.P. tract and the common southwest corner of that certain called 21. 935 acre tract of land described as Tract One in a Warranty Deed to Rockwall Fund I, L.L.C., as recorded in Volume 1 110, Page 190, of the Deed Records of Rockwall County, Texas (D.R.R.C.T.), said point being in the approximate center of Rochell Road, a county road with an unspecified right-of- way (R. O. W.) width;

THENCE North 89 degrees 00 minutes 24 seconds East (South 89 degrees 12 minutes 02 seconds East - deed call), along the common northerly line of said 308 ON 276, L.P. tract and the common southerly line of said Tract One, passing at a distance of 30. 00 feet, a 5/8 inch iron rod set with a yellow plastic cap stamped "THE WALLACE GROUP " ("cap ") for reference, continuing along said common line, passing at a distance of 1,799. 04-feet, a 1/2-inch iron rod found marking the southeast corner of said Tract One, being common with the south west corner of that certain called 59.71-acre tract of land described in a Special Warranty Deed to Fate I- 30, L.P., as recorded in Volume 03542, Page 00039, O.P.R.R.C.T., continuing along the common northerly line of said 308 on 276, L.P. tract and the southerly line of said Fate I-30, L.P. tract, a total distance of 1,966.04 feet (1,902 .80 feet - deed call) to a 1/ 2 inch iron rod found marking the common most northerly northeast corner of said 308 on 276, L.P. tract and the north west corner of that certain coiled 85.479 acre tract of land described as Tract Two in the aforementioned Warranty Deed to Rockwall Fund I, L.L.C., as recorded in Volume 1 110, Page 190, O.R.R.C.T.;

THENCE South 01 degrees 59 minutes 29 seconds East (South 00 degrees 08 minutes 06 seconds West - deed call), along the common easterly line of said 308 ON 276, L.P. tract and the westerly line said Tract Two, a distance of 2,204.26-feet (2,166.70-feet - deed call) to a 1/ 2 inch iron rod found marking an ell corner of said 308 ON 276, L.P. tract and the southwest corner of said Tract Two;

THENCE North 87 degrees 20 minutes 20 seconds East (North 89 degrees 12 minutes 02 seconds East - deed call), continuing along the common northerly line of said 308 on 276, L.P. tract and the southerly line said Tract Two, a distance of 1,691. 90 feet (1,782.53 feet - deed call) to a 5/8 inch iron rod set with "cap " marking the common most easterly northeast corner of said 308 on 276, L.P. tract and the southeast corner of said Tract Two, from which a 1/2-inch iron rod found bears North 87 degrees 20 minutes 20 seconds East at 10. 49 feet, said 5/8-inch iron rod set being on the west line of that certain called 212. 25 acre tract of land described in a Special Warranty Deed to South Rock wall Holdings, L.P., as recorded in Volume 03625, Page 00034, O.P.R.R.C.T.;

THENCE South 01 degrees 34 minutes 35 seconds East, along the common easterly line of said 308 ON 276, L.P. tract and the westerly line said South Rock wall Holdings tract, a distance of 309.68-feet to a 5/8-inch iron rod set with "cap " marking the southwest corner of said South Rock wall Holdings tract, being common with the northwest corner of Lot 8, Equestrian Estates, according to the plot thereof recorded in Cabinet A, Page 19 7, of the Plot Records of Rock wall County, Texas (P.R.R.C.T.);

THENCE South 00 degrees 50 minutes 42 seconds East, along the common easterly line of said 308 ON 276, L.P. tract and the westerly line said Equestrian Estates, a distance of 2,301.71 feet (South 00 degrees 06 minutes 38 seconds West, a distance of 2,580 . 60 feet - overall deed call) to a 5/8 inch iron rod set with "cap " marking the common southeast corner of said 308 ON 276, L.P. tract and on ell corner of the north R.O.W. line of State Highway No. 276 (having a variable width R.O.W.);

THENCE South 89 degrees 29 minutes 00 seconds West (North 89 degrees 29 minutes 07 seconds West - deed call), along the common southerly line of said 308 ON 2 76, L.P. tract and said north R.O.W. line of State Highway No. 276, passing at a distance of 1.66 feet a found TxDOT concrete monument, continuing along said common line for a tot al distance of 117.50-feet (115.83-feet - deed call) to a 5/8-inch iron rod set with "cap " marking the common ell corner of said 308 ON 276, L.P. tract and the most easterly southeast corner of that certain called 2.503-acre tract of land described as on Easement for Highway Purposes to the State of Texas, recorded in Volume 82, Page 583 of the Real Property Records of Rockwall County, Texas (R.P.R.R.C.T.);

THENCE North 00 degrees 31 minutes 03 seconds West (North 00 degrees 30 Minutes 13 seconds East - deed call), along a common interior line of said 308 on 2 76, L.P. tract and the easterly line of said Easement for Highway Purposes tract, a distance of 50.31-feet (50-feet - deed call) to a 5/8-inch iron rod set with "cap" marking the common ell corner of said 308 ON 276, L.P. tract and the north east corner of said Easement for Highway Purposes tract;

Exhibit 'A':
Legal Description

THENCE South 89 degrees 28 minutes 57 seconds West (North 89 degrees 29 minutes 47 seconds West - deed call), along the common southerly line of said 308 on 276, L.P. tract and the northerly line of said Easement for Highway Purposes tract, a distance of 543.40-feet (543.73-feet - deed call) to a 5/8-inch iron rod set with "cap " for corner;

THENCE South 89 degrees 13 minutes 58 seconds West (South 89 degrees 48 minutes 55 seconds West - deed call), continuing along the common southerly line of said 308 ON 276, L.P. tract and the northerly line of said Easement for Highway Purposes tract, a distance of 757. 25-feet (756.93-feet - deed call) to a 5/8-inch iron rod found marking a common ell corner of said 308 ON 276, L.P. tract and the northwest corner of said Easement for Highway Purposes tract;

THENCE South 00 degrees 46 minutes 03 seconds East (South 00 degrees 11 minutes 05 seconds East - deed call), along a common interior line of said 308 ON 276, L.P. tract and the westerly line of said Easement for Highway Purposes tract, a distance of 90.30-feet (87.44-feet - deed call) to a 5/8-inch iron rod set with "cap " marking a common ell corner of said 308 ON 276, L.P. tract and the southwest corner of said Easement for Highway Purposes tract, said point being on said north R.O.W. line of State Highway No. 276;

THENCE South 89 degrees 13 minutes 57 seconds West (North 89 degrees 53 minutes 27 seconds West - deed call), along the common southerly line of said 308 ON 276, L.P. tract and said north R.O.W. line of State Highway No. 276, passing at a distance of 1,667.76-feet a 5/8-inch iron rod set with "cap " for reference, continuing along said common line for a total distance of 1,917.07-feet (1,917.34-feet - deed call) to a found TxDOT concrete monument, marking the transitional R.O.W. line from said north R.O.W. line of State Highway No. 276 to the east R.O.W. line of Springer Lane, on 80-foot wide R.O.W., (formerly F.M. No. 1143), said point being the beginning of a non-tangent curve to the right, with the radius point being situated North 21 degrees 40 minutes 52 seconds East, a distance of 533.69-feet;

THENCE Northerly along the common curving westerly line of said 308 ON 276, L.P. tract and said curving east R.O.W. line of Springer Lane, with said non-tangent curve to the right, through a central angle of 67 degrees 33 minutes 20 seconds (48 degrees 33 minutes 57 seconds - deed call), having a radius of 533. 69-feet (613.69-feet - deed call), a tangent distance of 356.97-feet, a chord bearing North 34 degrees 32 minutes 28 seconds West (North 40 degrees 41 minutes 57 seconds West - deed call), at 593.43-feet, and an arc distance of 629.26-feet (520.18-feet - deed call) to a 5/8-inch iron rod set with "cap" at the end of said non- tangent curve;

THENCE North 00 degrees 53 minutes 56 seconds West (North 00 degrees 43 minutes 17 seconds West - deed call), continuing along the common westerly line of said 308 on 276, L.P. tract and said east R.O.W. line of Springer Lane, a distance of 294.21-feet (430.56-feet - deed call) to an axle found for the beginning of a non-tangent curve to the left , with the radius point being situated South 89 degrees 08 minutes 07 seconds West, a distance of 612.96-feet;

THENCE Northerly continuing along the common curving westerly line of said 308 ON 276, L.P. tract and said curving east R.O.W. line of Springer Lane, with said non-tangent curve to the left, through a central angle of 17 degrees 26 minutes 00 seconds (12 degrees 25 minutes 52 seconds - deed call), having a radius of 612.96-feet (613.69-feet - deed call), a tangent distance of 93.98 feet, a chord bearing North 09 degrees 34 minutes 53 seconds West at 185.78-feet, and an arc distance of 186.50-feet (133.15 feet - deed call) to a 5/8-inch iron rod set with "cap" at the end of said non-tangent curve, said point marking the transition from said east R.O.W. line of Springer Lane to the approximate center of the aforementioned Rochell Road;

THENCE North 00 degrees 49 minutes 05 seconds West (North 00 degrees 10 minutes 49 seconds East - deed call), along the common westerly line of said 308 ON 276, L.P. tract and said approximate center of Rochell Road, passing at a distance of 386.53-feet a 1/2-inch iron rod found marking the southeast corner of that certain called 60.3368-acre tract of land described in a Cash Warranty Deed to Varughese P. Samuel and wife, Remoni V. Samuel, as recorded in Volume 02002, Page 00062, O.P.R.R.C.T., then continuing along said common line with the easterly line of said Samuel tract, a total distance of 2,841.3-feet (1,613.15-feet - deed call) to a 1/2-inch iron rod found marking the northeast corner of said Samuel tract;

THENCE North 01 degrees 38 minutes 55 seconds West (North 00 degrees 08 minutes 06 seconds East - deed call), along the common westerly line of said 308 ON 276, L.P. tract and said approximate center of Rochell Road, a distance of 976.29-feet (2,166.70-feet - deed call) to the *POINT OF BEGINNING*.

CONTAINING within the metes recited 316.315-acres (13,778,692 square feet) of land, more or less, of which a portion lies within Rochell Road.

Exhibit 'B': Survey

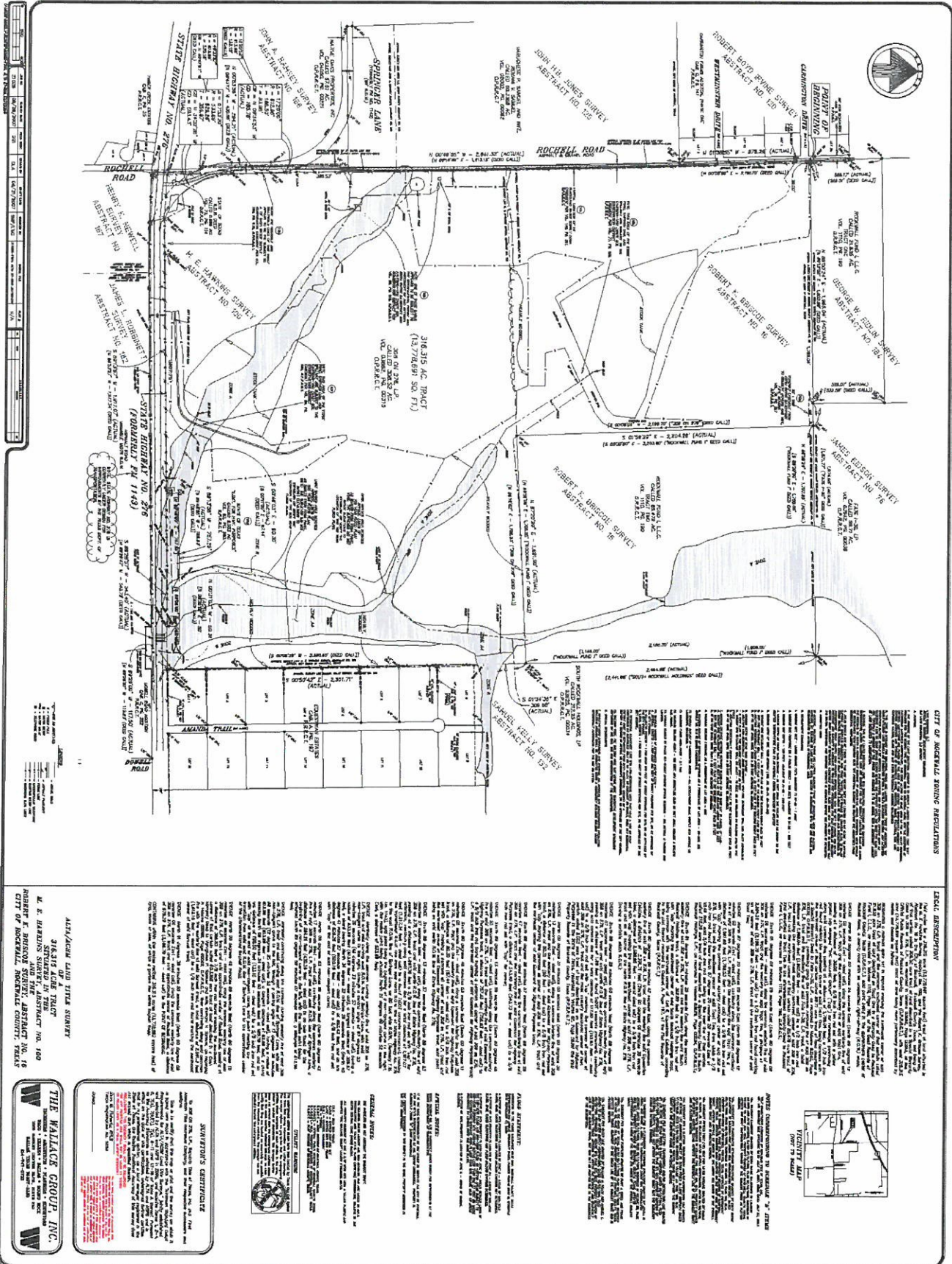
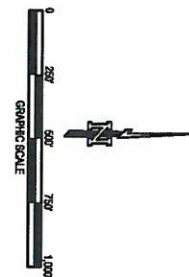


Exhibit 'C': Concept Plan



OPEN SPACE CALCULATION		
OPEN AREA / PARK AREA	1/2 FEMA FLOOD PLAIN AREA	
41.9 ACRES	54.7 ACRES	96.6 ACRES
OPEN SPACE RATIO =	96.6 / 307.0	31.5%

RESIDENTIAL PROJECT AREA = 307.0 ACRES
LOT DENSITY: 507 / 307.0 = 1.65 Lots per Acre



LEGEND

- TYPE A LOT
- TYPE B LOT
- TYPE C LOT
- COMMERCIAL ± 9.0 AC.
- OPEN AREA ± 30.9 AC
- PARK ± 11.0 AC
- OPEN AREA/FLOODPLAIN TO BE DEDICATED TO THE PUBLIC ± 44.2 AC
- COMMUNITY CENTER ± 1.2 ACRES
- REMAINING FEMA FLOODPLAIN ± 65.2 AC
- WALKING TRAIL ± 3.8 MILES

GENERAL LOT INFORMATION

- TYPE A - 121 LOTS - 80'x120' (MIN) - 9,600 SF
- TYPE B - 127 LOTS - 70'x110' (MIN) - 7,700 SF
- TYPE C - 259 LOTS - 80'x110' (MIN) - 6,800 SF
- 15' LANDSCAPE BUFFER ALONG DISCOVERY BOULEVARD
- 20' LANDSCAPE BUFFER ALONG ROCHELL ROAD
- 25' LANDSCAPE BUFFER ALONG HIGHWAY 276

507 LOTS

"THIS SITE PLAN SHOULD BE CONSIDERED PRELIMINARY AND CONCEPTUAL AND IS NOT BASED ON FINAL ACTS OF TOWN/COUNTY/STATE OR FEDERAL JURISDICTION. LOT POSITIONING MAY VARY AS PLAN IS REFINED. PLAN WILL NOT EXCEED 507 LOTS. IT SHOULD NOT BE USED FOR LEASE AGREEMENTS, PERMIT APPROVAL OR ANY OTHER BINDING AGREEMENTS."

Exhibit 'D':
PD Development Standards

A. PURPOSE

The Discovery Lakes Subdivision is located at the northeast corner of the intersection of SH-276 and Rochell Road. The *Subject Property* is a short walk or bike ride from the Rockwall Technology Park. The Discovery Lakes Subdivision will be a master planned residential neighborhood that will incorporate two (2) lakes, several acres of open space and ~3.8-miles of hiking/jogging/biking trails. The master plan calls for 507 single-family homes. There will be several view corridors strategically placed within the subdivision along with *front loaded* lots to provide for the enjoyment of the open space. A boulevard with 85-feet of right-of-way will connect SH-276 and Discovery Boulevard. The boulevard will have a 14-foot landscape median and a 25-foot travel lane on each side of the street.

The residential streets will be 29-feet back-to-back, with a 10½-foot parkway on each side for a total of 50-feet of right-of-way. A *Community Center* with a pool will be provided to add increased amenity for the subdivision. Additionally, the proposed development will incorporate nine (9) acres of commercial space that will be located at the hard corner of SH-276 and Rochell Road. This area will allow for neighborhood service types of uses and eating establishments. A maximum of one (1) hotel planned to service the needs of the subdivision and the Rockwall Technology Park. A 55-acre area adjacent to the northern lake will be dedicated as public parkland to serve Park District No. 31.

The Discovery Lakes Subdivision will be a benefit to the community, allowing citizens of all ages the opportunity to live, work, and play in a connected master planned community.

B. GENERAL REQUIREMENTS

Development Standards.

1. *Permitted Uses.* The following uses are permitted on the *Subject Property* in accordance with the *Concept Plan* depicted in *Exhibit 'C'* of this ordinance.

(a) *Residential Uses.* Unless specifically provided by this Planned Development ordinance, only those uses permitted within the Single Family 10 (SF-10) District, as stipulated by the *Permissible Use Charts* contained in Article IV, *Permissible Uses*, of the Unified Development Code (UDC), shall be allowed for areas designated as *residential* on the *Concept Plan*.

(b) *Non-Residential.* Unless specifically provided by this Planned Development ordinance, only those uses permitted within the General Retail (GR) District, as stipulated by the *Permissible Use Charts* contained in Article IV, *Permissible Uses*, of the Unified Development Code (UDC), shall be allowed for areas designated as *commercial* on the *Concept Plan*; however, the following conditions shall apply:

- (i) The following additional uses shall be permitted as *by-right* uses on the *Subject Property*:

- ☒ Hotel, Hotel (*Full Service*) or Motel (*With a Maximum Height of Four [4] Stories*) ¹
- ☒ Restaurant (*with Drive-Through or Drive-In*) ²
- ☒ Retail Store (*with more than two [2] Gasoline Dispensers*)

Notes:

¹: A maximum of one (1) hotel/motel shall be permitted with this Planned Development District. The height requirement of four (4) stories is permitted to exceed 36-feet, but in no case shall exceed 60-feet.

²: A maximum of three (3) restaurants (despite the size of the restaurant) shall be permitted within this Planned Development District.

Exhibit 'D':
PD Development Standards

(ii) The following uses shall be prohibited on the *Subject Property*:

- ☒ Convent or Monastery
- ☒ Hotel, Residence
- ☒ Cemetery/Mausoleum
- ☒ Mortuary of Funeral Chapel
- ☒ Social Service Provider
- ☒ Billiard Parlor or Pool Hall
- ☒ Carnival, Circus, or Amusement Ride
- ☒ Commercial Amusement/Recreation (*Outside*)
- ☒ Gun Club, Skeet or Target Range (*Indoor*)
- ☒ Astrologer, Hypnotist, or Psychic Art and Science
- ☒ Garden Supply /Plant Nursery
- ☒ Night Club, Discotheque, or Dance Hall
- ☒ Secondhand Dealer
- ☒ Car Wash, Self Service
- ☒ Mining and Extraction (Sand, Gravel, Oil and/or Other)
- ☒ Helipad
- ☒ Railroad Yard or Shop
- ☒ Transit Passenger Facility

2. *Non-Residential Development.* The area designated as *commercial* on the *Concept Plan* depicted in *Exhibit 'C'* of this ordinance shall be designed to be pedestrian-oriented, easily accessible, and integrated into the general design scheme of the adjacent neighborhood. This can be accomplished by removing the traditional barriers utilized to separate commercial and residential developments (e.g. *screening walls*) and incorporating landscape buffers/elements (e.g. *greenspace, parkways, and etcetera*) and urban design elements (e.g. *pathways, pergolas, and etcetera*) that can create compatibility with the adjacent single-family neighborhood. To better achieve this goal and in addition to the requirements of Section 4.1, *General Commercial District Standards*, and Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code, all commercial development shall be required to adhere to the following supplemental standards:

(a) *Retail Landscape.* Landscaping shall be reviewed and approved with the PD Site Plan. All Canopy/Shade Trees planted within the retail development shall be a minimum of four (4) caliper inches in size and all *Accent/Ornamental/Under-Story Trees* shall be a minimum of four (4) feet in total height unless otherwise provided within this document.

(b) *Retail Landscape Buffers.* All landscape and plantings located within the buffers shall be maintained by the property owner.

(1) *Landscape Buffer (Residential Adjacency).* Where residential and retail uses share a direct adjacency, a minimum of a 30-foot landscape buffer shall be provided by the retail property adjacent to the residential property. This area shall incorporate ground cover, a *built-up* berm and shrubbery along the entire length of the adjacency. This area should also incorporate pedestrian-oriented design elements (e.g. *pathways*) that allow access between the two (2) uses. Shrubby utilized in this area shall have a minimum height of 30-inches and a maximum height of 48-inches. Additionally, trees should be incorporated in this area to break up the façades of any commercial buildings.

(2) *Landscape Buffer and Sidewalks (SH-276).* A minimum of a 15-foot landscape buffer shall be provided along the frontage of SH-276, and shall incorporate ground cover,

Exhibit 'D':
PD Development Standards

a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. All buffer-strip planting requirements shall conform to the requirements of Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code.

- (3) *Landscape Buffer (Rochell Road Retail)*. A minimum of a 20-foot landscape buffer shall be provided along the frontage of Rochell Road (*outside of and beyond any required right-of-way dedication*), and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage.

(c) *Sidewalks*.

- i) *Sidewalk Adjacent to Rochell Road and SH-276*. The developer shall be responsible for the construction of a five (5) foot sidewalk that meanders through the required 20-foot landscape buffer adjacent to Rochell Road and SH-276.

3. *Residential Development Standards*. Except as modified by these *Development Standards*, the residential uses depicted in *Exhibit 'C'* of this ordinance shall be subject to the development standards for a Single Family 10 (SF-10) District as stipulated by Section 3.1, *General Residential District Standards*; Section 3.4, *Single-Family Residential (SF-10) District*; and Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code. In addition, all residential development shall adhere to the following standards:

- (a) *Lot Composition and Layout*. The lot layout and composition of the *Subject Property* shall generally conform to the *Concept Plan* depicted in *Exhibit 'C'* and stated in *Table 1* below. Allowances for changes to the quantity and locations of each lot type are permitted in conformance with the requirements listed below; however, in no case shall the proposed development exceed 507 units.

Table 1: Lot Composition

Lot Type	Minimum Lot Size (FT)	Minimum Lot Size (SF)	Dwelling Units (#)	Dwelling Units (%)
A	80' x 120'	9,600 SF	121	23.87%
B	70' x 110'	7,700 SF	127	25.05%
C	60' x 110'	6,600 SF	259	51.08%
Maximum Permitted Units:			507	100.00%

The allocation of single-family dwellings among lot types may deviate from *Table 1* provided that the proposed lot composition meets the following criteria:

- (1) The total number of lots does not exceed 525 units; and,
- (2) The average lot size for the total development is not less than 7,500 SF (*i.e. total square footage of all lots/total number of lots*); and,
- (3) Lot Type "A" shall not be decrease below 115 lots; and,
- (4) Lot Type "B" shall not be decreased below 23% of the total 507 lots; and,
- (5) Lot Type "C" shall not be increased beyond 55% of the total 507 lots.

Exhibit 'D':
PD Development Standards

- (b) *Density and Dimensional Requirements.* The maximum permissible density for the *Subject Property* shall not exceed 1.70 dwelling units per gross acre of land; however, in no case should the proposed development exceed 507 units. All lots shall conform to the standards depicted in *Table 2* below and generally conform to *Exhibit 'C'* of this ordinance.

Table 2: Lot Dimensional Requirements

Lot Type (see Concept Plan) ►	A	B	C
Minimum Lot Width ^{(1) & (5) & (7)}	80'	70'	60'
Minimum Lot Depth	120'	110'	110'
Minimum Lot Area	9,600 SF	7,700 SF	6,600 SF
Minimum Front Yard Setback ^{(2) & (6)}	20'	20'	20'
Minimum Side Yard Setback	6'	5'	5'
Minimum Side Yard Setback (Adjacent to a Street) ⁽²⁾	15'	15'	15'
Minimum Length of Driveway Pavement	20'	20'	20'
Maximum Height ⁽³⁾	36'	36'	36'
Minimum Rear Yard Setback ⁽⁴⁾	15'	10'	10'
Minimum Area/Dwelling Unit (SF) [Air Conditioned Space]	2,800 SF	2,250 SF	2,000 SF
Garage Orientation	J-Swing or Front	J-Swing or Front	J-Swing or Front
Maximum Number of Front Entry Garages Permitted	48	42	173
Maximum Lot Coverage	65%	65%	65%

General Notes:

- ¹: The minimum lot width shall be measured at the *Front Yard Building Setback*.
- ²: The location of the *Front Yard Building Setback* as measured from the front property line.
- ³: The *Maximum Height* shall be measured to the eave or top plate (whichever is greater) of the single family home.
- ⁴: As measured from the rear yard property line.
- ⁵: Lots fronting onto a curvilinear street, cul-de-sac or eyebrow may have the lot width reduced by up to 20% as measured at the front property line provided that the lot width is met at the front building line. Additionally, the lot depth on lots fronting onto curvilinear streets, cul-de-sacs and eyebrows may be reduced by up to ten (10%) percent, but shall meet the minimum lot size for each lot type.
- ⁶: Sunrooms, porches, stoops, bay windows, balconies, masonry clad chimneys, eaves and similar architectural features may encroach beyond the *Front Yard Building Setback* by up to ten (10) feet for any property that increases the *Front Yard Building Setback* to 20-feet; however, the encroachment shall not exceed five (5) feet on *Side Yard Setbacks (Adjacent to a Street)* and shall not encroach into public right-of-way [a Sunroom is an enclosed room no more than 15-feet in width that has glass on at least 50% of each of the encroaching faces].
- ⁷: All lots with a *J-Swing* or *Traditional Swing* driveway require a minimum of a 65-foot lot width.

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

- (1) *Masonry Requirement.* The minimum masonry requirement for the exterior façades of all buildings shall be 80%. For the purposes of this ordinance the masonry requirement shall be limited to full width brick, natural stone, and cultured stone. Cementaceous fiberboard horizontal lap-siding (e.g. *HardiBoard* or *Hardy Plank*) and/or stucco (i.e. *three [3] part stucco* or a comparable -- to be determined by staff) shall be permitted to be used to meet up to 50% of the masonry requirement.
- (2) *Roof Pitch.* A minimum of an 8:12 roof pitch is required on all structures with the exception of porches, which shall have a minimum of a 4:12 roof pitch.
- (3) *Garage Orientation.* Garages shall be provided as stipulated by *Table 2: Lot Dimensional Requirements*. Garages permitted for front entry maybe oriented

Exhibit 'D':
PD Development Standards

toward the street; however, the front façade of the garage must be situated a minimum of 20-feet off the front property line. All front entry garages shall incorporate an architectural element or feature separating the individual garage openings. *Swing, Traditional Swing or J-Swing* garages are permitted to have a second single garage door facing the street as long as it is behind the width of the double garage door situated in the *Swing* configuration.

- (d) *Anti-Monotony Restrictions.* The development shall adhere to the Anti-Monotony Matrix depicted in Table 3 below (for spacing requirements see the illustration on the following page).

Table 3 : Anti-Monotony Matrix

<i>Lot Type</i>	<i>Minimum Lot Size</i>	<i>Elevation Features</i>
A	80' x 120'	(1), (2), (3)
B	70' x 110'	(1), (2), (3)
C	60' x 110'	(1), (2), (3)

- (1) Identical brick blends or paint colors may not occur on adjacent (*side-by-side*) properties along any block face without at least four (4) intervening homes of differing materials on the same side of the street beginning with the adjacent property and two (2) intervening homes of differing materials on the opposite side of the street.
- (2) Front building elevations shall not repeat along any block face without at least four (4) intervening homes of differing appearance on the same side of the street and two (2) intervening homes of differing appearance on the opposite side of the street. The rear elevation of homes backing to open spaces or on SH-276 shall not repeat without at least five (5) intervening homes of differing appearance. Homes are considered to have a differing appearance if any of the following two (2) items deviate:
 - (a) Number of Stories
 - (b) Permitted Encroachment Type and Layout
 - (c) Roof Type and Layout
 - (d) Articulation of the Front Façade
- (3) Each phase of the subdivision will allow for a maximum of four (4) compatible roof colors, and all roof shingles shall be an architectural or dimensional shingle (*3-Tab Roofing Shingles are prohibited*).

See the Illustrations on the following page.

Exhibit 'D':
PD Development Standards

Illustration 1: Properties line up on the opposite side of the street. Where RED are the same.

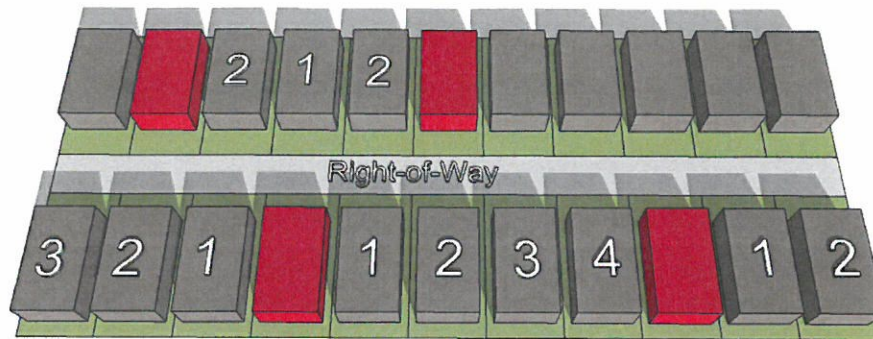
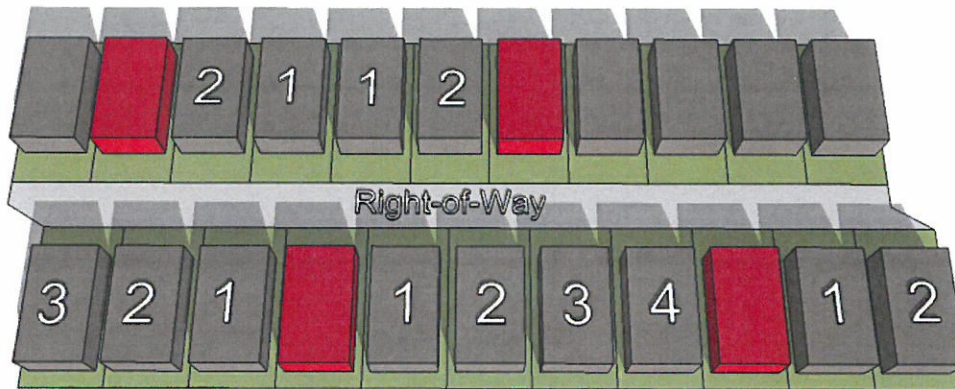


Illustration 2: Properties do not line up on opposite side of the street. Where RED are the same.



(e) *Fencing Standards.* All individual residential fencing and walls shall be architecturally compatible with the design, materials and colors of the primary structure on the same lot, and meet the following standards:

- (1) *Wood Fences.* All wood fences shall be constructed of a standard fencing material (*minimum of ½" thickness or better; spruce fencing will not be allowed*), and use fasteners that are hot dipped galvanized or stainless steel. Wood fences facing onto a street shall be painted and/or stained and sealed with all pickets being placed on the *public side* facing the street. All wood fences shall be smooth-finished, free of burs and splinters, and be a maximum of eight (8) feet in height.
- (2) *Wrought Iron/Tubular Steel.* Lots located along the perimeter of roadways, abutting open spaces, greenbelts and parks shall be required to install a wrought iron or tubular steel fence. Wrought iron/tubular steel fences can be a maximum of eight (8) feet in height.
- (3) *Corner Lots.* Corner lots fences (*i.e. adjacent to the street*) shall provide masonry columns at 45-feet off center spacing that begins at the rear of the property line. A maximum of eight (8) foot solid *board-on-board panel* fence constructed utilizing cedar fencing shall be allowed between the masonry columns along the side and/or rear lot adjacent to a street. In addition, the fencing shall be setback from the side property line adjacent to a street a minimum of five (5) feet. The property owner shall be required to maintain both sides of the fence.
- (4) *Solid Fences (including Wood Fences).* All solid fences shall incorporate a decorative top rail or cap detailing into the design of the fence.

Exhibit 'D':
PD Development Standards

(f) *Landscape and Hardscape Standards.*

- (1) *Residential Landscape.* Landscaping shall be reviewed and approved with the PD Site Plan. All *Canopy/Shade Trees* planted within the residential development shall be a minimum of three (3) caliper inches in size and all *Accent/Ornamental/Under-Story Trees* shall be a minimum of four (4) feet in total height unless otherwise provided within this document.

- (2) *Single Family Landscaping.* Prior to the issuance of a Certificate of Occupancy (CO) all single-family lots shall conform to the following:

- i) *Interior Lots.* All interior lots shall include a minimum of two (2) trees with a diameter at breast height (dbh) [*i.e. the diameter in inches of a tree as measured through the main trunk at a point of four and one-half (4½) inches above the natural ground level*] of three (3) inches shall be planted in the front yard, and two (2) additional trees of the same caliper inch shall be planted in the side yard facing the street for corner lots.

Note: For the purposes of this section only, the term "front yard" includes the area within the dedicated right-of-way for a parkway immediately adjoining the front yard of the lot.

- ii) *Corner Lots.* All corner lots shall include a minimum of two (2) trees with a diameter at breast height (dbh) [*i.e. the diameter in inches of a tree as measured through the main trunk at a point of four and one-half (4½) inches above the natural ground level*] of three (3) inches shall be planted in the front yard of an interior lot.

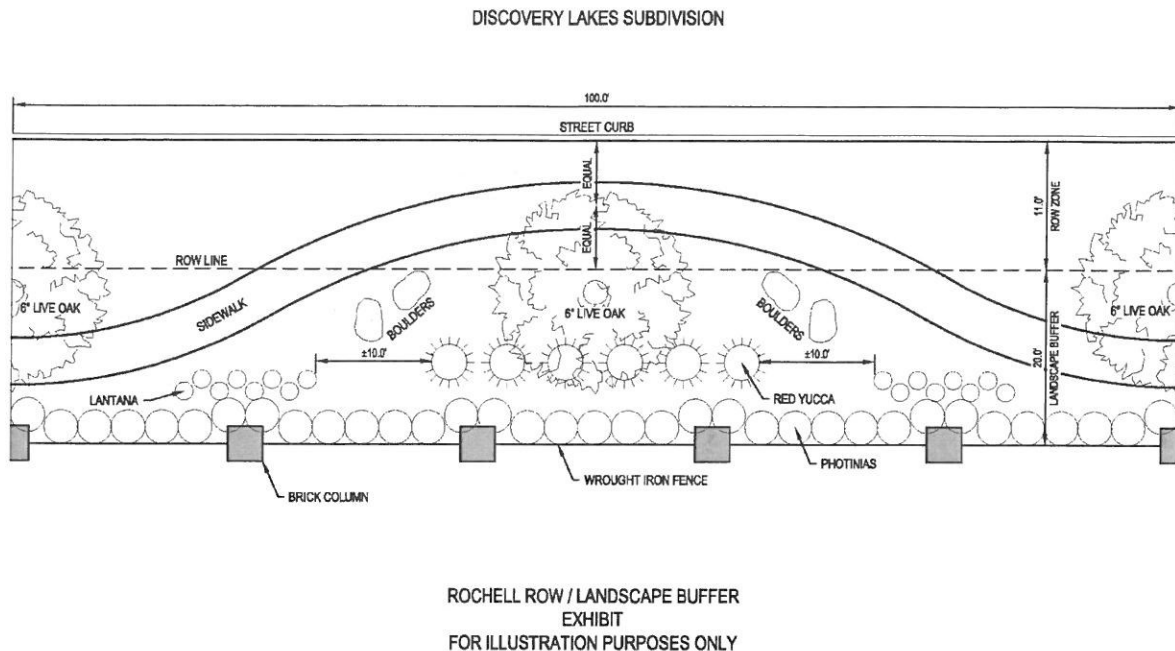
- (3) *Landscape Buffers.* All landscape buffers and plantings located within the buffers shall be maintained by the Homeowner's Association (HOA).

- (a) *Landscape Buffer and Sidewalks (Discovery Boulevard).* A minimum of a 15-foot landscape buffer shall be provided along the frontage of Discovery Boulevard, and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least one (1) canopy tree shall be planted per 30-feet of linear frontage.

- (b) *Landscape Buffer (Rochell Road).* A minimum of a 20-foot landscape buffer shall be provided along the frontage of Rochell Road (*outside of and beyond any required right-of-way dedication*), and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Shrubby shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. The landscape buffer along Rochell Road shall general conform to the following illustration [*i.e. Illustration 3*].

Exhibit 'D':
PD Development Standards

Illustration 3: Landscape Buffer along Rochell Road.



- (c) *Landscape Buffer (SH-276)*. A minimum of a 25-foot landscape buffer shall be provided along the frontage of SH-276, and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. In addition, all buffer-strip planting requirements shall conform to the requirements of Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code (*i.e. minimum four [4] inch caliper trees required*).
- (4) *Irrigation Requirements*. Irrigation shall be installed for all required landscaping located within common areas, landscape buffers and/or open space. Irrigation installed in these areas shall be designed by a Texas licensed irrigator or landscape architect and shall be maintained by the Homeowner's Association (HOA).
- (5) *Hardscape*. Hardscape plans indicating the location of all sidewalks and trails shall be reviewed and approved with the PD Site Plan.
- (g) *Lighting*. Light poles shall not exceed 20-feet in total height (*i.e. base and lighting standard*). All fixtures shall be directed downward and be positioned to contain all light within the development area.
- (h) *Sidewalks*.
- i) *Internal Sidewalks*. All sidewalks adjacent to an interior residential street shall begin 5½-feet from the back of curb and be five (5) feet in overall width.

Exhibit 'D':
PD Development Standards

- ii) *Sidewalks Adjacent to Rochell Road and Discovery Boulevard.* All sidewalks adjacent Rochell Road and Discovery Boulevard shall begin two (2) feet inside the right-of-way line and be five (5) feet in overall width.
 - (i) *Open Space.* The development shall consist of a minimum of 20% open space as calculated from the gross land area, and generally conform to the *Concept Plan* contained in *Exhibit 'C'* of this ordinance. Existing floodplain shall be counted at a rate of ½-acre for every acre provided (e.g., 10-acres of floodplain would count as 5-acres of open space). The Homeowner's Association (HOA) shall maintain all open space areas.
 - (j) *Neighborhood Signage.* Permanent subdivision identification signage shall be permitted at all major entry points for the proposed subdivision. Final design and location of any entry features shall be reviewed and approved with the *PD Site Plan*.
 - (k) *Community Center.* A site plan, landscape plan and building elevations shall be required for the proposed *Community Center* and shall be subject to site plan approval by the Planning and Zoning Commission prior to construction.
 - (l) *Homeowner's Association (HOA).* A Homeowner's Association shall be created to enforce the restrictions established in accordance with the requirements of *Section 38-15* of the Subdivision Regulations contained within the *Municipal Code of Ordinances* of the City of Rockwall. The HOA shall also maintain all neighborhood parks, trails, open space and common areas, irrigation, landscaping, amenity centers, screening fences associated with this development.
4. *Buried Utilities.* New distribution power-lines required to serve the *Subject Property* shall be placed underground, whether such lines are located internally or along the perimeter of the *Subject Property*, unless otherwise authorized by the City Council. New transmission power-lines, or distribution lines of a size not typically or cost effectively placed underground (*3-phase lines*), or additional lines that are added to existing poles, may be above ground, if located along the perimeter of the *Subject Property*. The Developer shall not be required to re-locate existing overhead power-lines along the perimeter of the *Subject Property*. Temporary power-lines constructed across undeveloped portions of the *Subject Property* to facilitate development phasing and looping may be allowed above ground, but shall not be considered existing lines at the time the area is developed, and if they are to become permanent facilities, such lines shall be placed underground pursuant to this paragraph. Franchise utilities shall be placed within a ten (10) foot public utility easement behind the sidewalk, between the home and the property line.
5. *Variances.* The variance procedures and standards for approval that are set forth in the Unified Development Code shall apply to any application for variances to this ordinance.









OPEN SPACE CALCULATIONS		
OPEN AREA/PARK AREA	1/2 FEMA FLOOD PLAIN AREA	
103 ACRES	60.5 ACRES	163.5 ACRES
OPEN SPACE RATIO =	163.5 / 307	53.26%

RESIDENTIAL PROJECT AREA = 307.0 Acres
 LOT DENSITY: 428 / 307.0 = 1.394 Lots Per Acre
 (Existing Zoning 1.65 Lots Per Acre)



NOT TO SCALE

LEGEND

-  TYPE A LOT 1.0 Acre + - 45 Lots
(min 1/2 ac. net of Floodplain)
-  TYPE B LOT 70' - 177 Lots
-  TYPE C LOT 60' - 206 Lots
-  OPEN SPACE
-  COMMUNITY CENTER - ±1.36 AC
-  WALKING TRAIL - ± 2.6 MILES

GENERAL LOT INFORMATION

TYPE A - 45 LOTS - 43,560 SF (MIN)
 TYPE B 177 LOTS - 70'x120' - 8,400 SF
 TYPE C - 206 LOTS - 60'x110' - 6,600 SF

15' LANDSCAPE BUFFER ALONG DISCOVERY BOULEVARD
 20' LANDSCAPE BUFFER ALONG ROCHELL ROAD
 25' LANDSCAPE BUFFER ALONG HIGHWAY 276

428 Lots
 (Existing Zoning 507 Lots)

Concept Plan

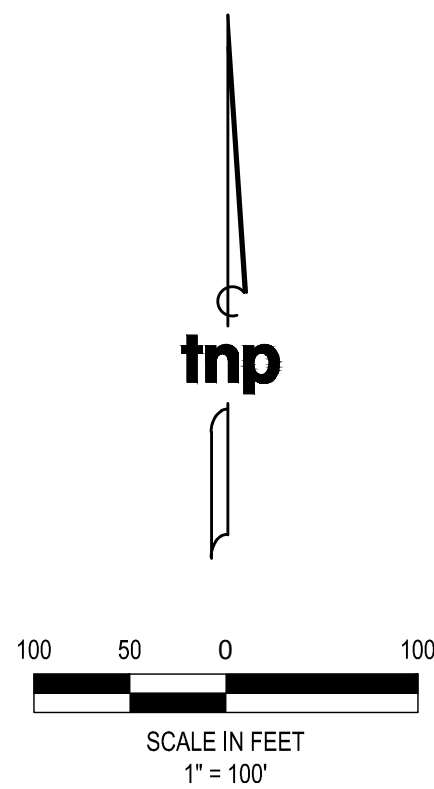
Discovery Lakes

307 Acre Tract in Rockwall, Texas

JUNE 30, 2020



teague nall & perkins
 825 Watters Creek Blvd., Suite M300
 Allen, Texas 75013
 214.461.9867 ph 214.461.9864 fx
 TBPE Registration No. F-230
 www.tnpinc.com



STATE HIGHWAY NO. 276

Proposed Concept Plan for Revised Plan Development

Discovery Lakes

307 Acre Tract in Rockwall, Texas

JUNE 30, 2020



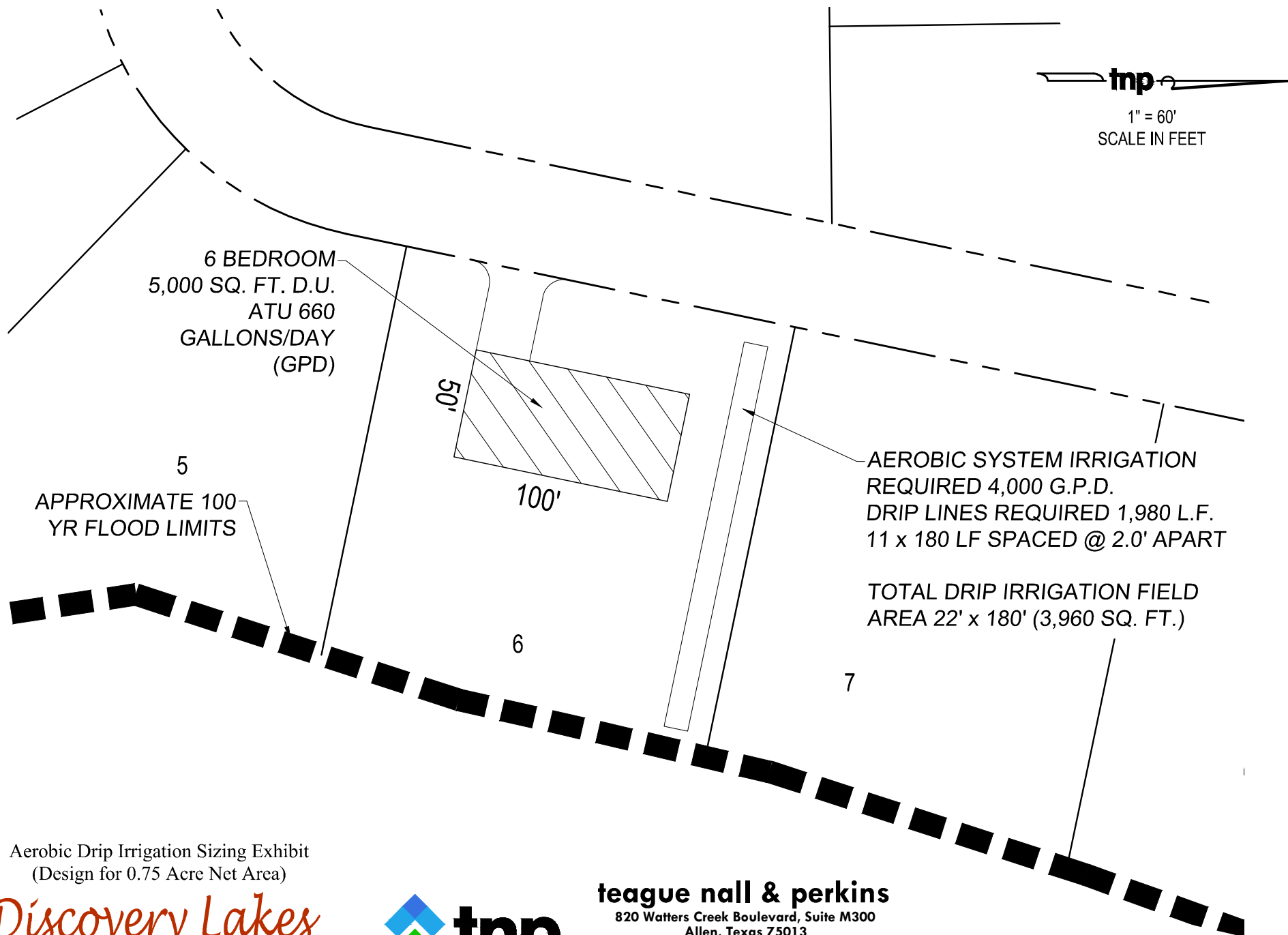
teague nall & perkins

825 Watters Creek Blvd., Suite M300
Allen, Texas 75013

214.461.9867 ph 214.461.9864 fx

TBPE Registration No. F-230

www.tnpinc.com



Aerobic Drip Irrigation Sizing Exhibit
(Design for 0.75 Acre Net Area)

Discovery Lakes

307 Acre Tract in Rockwall, Texas



teague nall & perkins

820 Watters Creek Boulevard, Suite M300
Allen, Texas 75013

214.461.9867 ph www.tnpinc.com

TBPES: ENGR F-230; SURV 10011600, 10011601, 10194381

GBPE: PEF007431; TBAE: BR 2673

CITY OF ROCKWALL

ORDINANCE NO. ~~20-XX~~

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 78 (PD-78) [~~ORDINANCE NO. 15-24~~] AND THE UNIFIED DEVELOPMENT CODE [~~ORDINANCE NO. 20-02~~] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, FOR THE PURPOSE OF CHANGING THE CONCEPT PLAN AND DEVELOPMENT STANDARDS FOR A 316.315-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1 OF THE M. E. HAWKINS SURVEY, ABSTRACT NO. 100 AND TRACT 2 OF THE R. K. BRISCO SURVEY, ABSTRACT NO. 16, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED HEREIN BY *EXHIBIT 'B'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request by Chris Cuny of Teague, Nall & Perkins on behalf of Nick DiGuiseppe of Discovery Lakes, LLC for the approval of an amendment to Planned Development District 78 (PD-78) [~~Ordinance No. 15-24~~] for the purpose of changing the concept plan and development standards for a 316.315-acre tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract No. 100 and Tract 2 of the R. K. Brisco Survey, Abstract No. 16, City of Rockwall, Rockwall County, Texas and more fully described in *Exhibit 'A'* and depicted in *Exhibit 'B'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that Planned Development District 78 (PD-78) and the Unified Development Code [~~Ordinance No. 20-02~~] should be amended as follows:

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

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

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

SECTION 3. That development of the *Subject Property* shall generally be in accordance with the *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 4. That a *Master Parks and Open Space Plan* for the *Subject Property*, shall be prepared in accordance with this ordinance and consistent with the *Planned Development Concept Plan* depicted in *Exhibit 'C'* of this ordinance, and that the *Master Parks and Open Space Plan* shall be considered for approval by the City Council following a recommendation by the *Parks and Recreation Board*.

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

- (a) The procedures set forth in the City's subdivision regulations on the date this ordinance is approved by the City, as amended by this ordinance (*including Subsections 5(b) through 5(f) below*), shall be the exclusive procedures applicable to the subdivision and platting of the 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) Open Space Master Plan
 - (2) Master Plat
 - (3) PD Development Plan (*Required for Retail Areas Only*)
 - (4) PD Site Plan
 - (5) Preliminary Plat
 - (6) Final Plat
- (c) A *PD Development Plan* must be approved for the area designated on the *Planned Development Concept Plan* as *Retail* prior to submittal of a *PD Site Plan* application and/or preliminary plat application. No *Master Plat* is required for the area designated on the *Concept Plan* as *Retail*. A traffic impact analysis for the retail tract 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* for each retail development.
- (d) *PD Site Plan*. A *PD Site Plan* covering all of the *Subject Property* shall be submitted and shall identify all site/landscape/hardscape plan(s) for all open space, neighborhood parks, trail systems, street buffers and entry features. A *PD Site Plan* application may be processed by the City concurrently with a *Preliminary Plat Application* for the development.
- (e) *Preliminary Plat*. A *Preliminary Plat* covering all of the *Subject Property* shall be submitted and shall include a *Treescape Plan*. A *Preliminary Plat Application* may be processed by the City concurrently with a *PD Site Plan Application* for the development.

- (f) *Final Plat*. Prior to the issuance of any building permits, a *Final Plat*, conforming to the *Preliminary Plat*, for all of the *Subject Property* shall be submitted for approval.

SECTION 9. 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 10. 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 11. 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 12. That this ordinance shall take effect immediately from and after its passage;

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 3RD DAY OF AUGUST, 2020.**

ATTEST:

Jim Pruitt, *Mayor*

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: July 20, 2020

2nd Reading: August 3, 2020

Exhibit 'A':
Legal Description

Field notes for a 316.315-acre (13,778,691 square foot) tract of land situated in the M. E. Hawkins Survey, Abstract No. 100, and the Robert K. Briscoe Survey, Abstract No. 16 in the City of Rockwall, Rockwall County, Texas, and being all of that certain called 308.52-acre tract of land described in a Special Warranty Deed to 308 ON 276, L.P., as recorded in Volume 03662, Page 00315, of the Office Public Records of Rockwall County, Texas (O.P.R.R.C.T.) with said 316.315-acre (13, 778,691 square feet) tract of land being more particularly described by metes and bounds as follows:

BEGINNING a railroad spike set in asphalt marking the northwest corner of said 308 on 276, L.P. tract and the common southwest corner of that certain called 21. 935 acre tract of land described as Tract One in a Warranty Deed to Rockwall Fund I, L.L.C., as recorded in Volume 1 110, Page 190, of the Deed Records of Rockwall County, Texas (D.R.R.C.T.) , said point being in the approximate center of Rochell Road, a county road with an unspecified right-of- way (R. O. W.) width;

THENCE North 89 degrees 00 minutes 24 seconds East (South 89 degrees 12 minutes 02 seconds East - deed call), along the common northerly line of said 308 ON 276, L.P. tract and the common southerly line of said Tract One, passing at a distance of 30. 00 feet, a 5/8 inch iron rod set with a yellow plastic cap stamped "THE WALLACE GROUP " ("cap ") for reference, continuing along said common line, passing at a distance of 1,799. 04-feet, a ½-inch iron rod found marking the southeast corner of said Tract One, being common with the south west corner of that certain called 59.71-acre tract of land described in a Special Warranty Deed to Fate I- 30, L.P., as recorded in Volume 03542, Page 00039, O.P.R.R.C.T., continuing along the common northerly line of said 308 on 276, L.P. tract and the southerly line of said Fate I-30, L.P. tract, a total distance of 1,966.04 feet (1,902 .80 feet - deed call) to a 1/ 2 inch iron rod found marking the common most northerly northeast corner of said 308 on 276, L.P. tract and the north west corner of that certain called 85.479 acre tract of land described as Tract Two in the aforementioned Warranty Deed to Rockwall Fund I, L.L.C., as recorded in Volume 1 110, Page 190, O.R.R.C.T.;

THENCE South 01 degrees 59 minutes 29 seconds East (South 00 degrees 08 minutes 06 seconds West - deed call), along the common easterly line of said 308 ON 276, L.P. tract and the westerly line said Tract Two, a distance of 2,204.26-feet (2,166.70-feet - deed call) to a ½ inch iron rod found marking an ell corner of said 308 ON 276, L.P. tract and the southwest corner of said Tract Two;

THENCE North 87 degrees 20 minutes 20 seconds East (North 89 degrees 12 minutes 02 seconds East - deed call), continuing along the common northerly line of said 308 on 276, L.P. tract and the southerly line said Tract Two, a distance of 1,691. 90 feet (1,782.53 feet - deed call) to a 5/8-inch iron rod set with "cap" marking the common most easterly northeast corner of said 308 on 276, L.P. tract and the southeast corner of said Tract Two, from which a ½-inch iron rod found bears North 87 degrees 20 minutes 20 seconds East at 10. 49 feet, said 5/8-inch iron rod set being on the west line of that certain called 212.25-acre tract of land described in a Special Warranty Deed to South Rock wall Holdings, L.P., as recorded in Volume 03625, Page 00034, O.P.R.R.C.T.;

THENCE South 01 degrees 34 minutes 35 seconds East, along the common easterly line of said 308 ON 276, L.P. tract and the westerly line said South Rock wall Holdings tract, a distance of 309.68-feet to a 5/8-inch iron rod set with "cap " marking the southwest corner of said South Rock wall Holdings tract, being common with the northwest corner of Lot 8, Equestrian Estates, according to the plot thereof recorded in Cabinet A, Page 19 7, of the Plot Records of Rock wall County, Texas (P.R.R.C.T.);

THENCE South 00 degrees 50 minutes 42 seconds East, along the common easterly line of said 308 ON 276, L.P. tract and the westerly line said Equestrian Estates, a distance of 2,301.71 feet (South 00 degrees 06 minutes 38 seconds West, a distance of 2,580.60 feet - overall deed call) to a 5/8 inch iron rod set with "cap " marking the common southeast corner of said 308 ON 276, L.P. tract and on ell corner of the north R.O.W. line of State Highway No. 276 (having a variable width R.O.W.);

THENCE South 89 degrees 29 minutes 00 seconds West (North 89 degrees 29 minutes 07 seconds West - deed call), along the common southerly line of said 308 ON 2 76, L.P. tract and said north R.O.W. line of State Highway No. 276, passing at a distance of 1.66 feet a found TxDOT concrete monument, continuing along said common line for a tot al distance of 117.50-feet (115.83-feet - deed call) to a 5/8-inch iron rod set with "cap " marking the common ell corner of said 308 ON 276, L.P. tract and the most easterly southeast corner of that certain called 2.503-acre tract of land described as an Easement for Highway Purposes to the State of Texas, recorded in Volume 82, Page 583 of the Real Property Records of Rockwall County, Texas (R.P.R.R.C.T.);

THENCE North 00 degrees 31 minutes 03 seconds West (North 00 degrees 30 Minutes 13 seconds East - deed call), along a common interior line of said 308 on 2 76, L.P. tract and the easterly line of said Easement for Highway Purposes tract, a distance of 50.31-feet (50-feet - deed call) to a 5/8-inch iron rod set with "cap" marking the common ell corner of said 308 ON 276, L.P. tract and the north east corner of said Easement for Highway

Exhibit 'A':
Legal Description

Purposes tract;

THENCE South 89 degrees 28 minutes 57 seconds West (North 89 degrees 29 minutes 47 seconds West - deed call), along the common southerly line of said 308 on 276, L.P. tract and the northerly line of said Easement for Highway Purposes tract, a distance of 543.40-feet (543.73-feet - deed call) to a 5/8-inch iron rod set with "cap " for corner;

THENCE South 89 degrees 13 minutes 58 seconds West (South 89 degrees 48 minutes 55 seconds West - deed call), continuing along the common southerly line of said 308 ON 276, L.P. tract and the northerly line of said Easement for Highway Purposes tract, a distance of 757. 25-feet (756.93-feet - deed call) to a 5/8-inch iron rod found marking a common ell corner of said 308 ON 276, L.P. tract and the northwest corner of said Easement for Highway Purposes tract;

THENCE South 00 degrees 46 minutes 03 seconds East (South 00 degrees 11 minutes 05 seconds East - deed call), along a common interior line of said 308 ON 276, L.P. tract and the westerly line of said Easement for Highway Purposes tract, a distance of 90.30-feet (87.44-feet - deed call) to a 5/8-inch iron rod set with "cap " marking a common ell corner of said 308 ON 276, L.P. tract and the southwest corner of said Easement for Highway Purposes tract, said point being on said north R.O.W. line of State Highway No. 276;

THENCE South 89 degrees 13 minutes 57 seconds West (North 89 degrees 53 minutes 27 seconds West - deed call), along the common southerly line of said 308 ON 276, L.P. tract and said north R.O.W. line of State Highway No. 276, passing at a distance of 1,66 7.76-feet a 5/8-inch iron rod set with "cap " for reference, continuing along said common line for a total distance of 1,917.07-feet (1,917.34-feet - deed call) to a found TxDOT concrete monument, marking the transitional R.O.W. line from said north R.O.W. line of State Highway No. 276 to the east R.O.W. line of Springer Lane, on 80-foot wide R.O.W., (formerly F.M. No. 1143), said point being the beginning of a non-tangent curve to the right, with the radius point being situated North 21 degrees 40 minutes 52 seconds East, a distance of 533.69-feet;

THENCE Northerly along the common curving westerly line of said 308 ON 276, L.P. tract and said curving east R.O.W. line of Springer Lane, with said non-tangent curve to the right, through a central angle of 67 degrees 33 minutes 20 seconds (48 degrees 33 minutes 57 seconds - deed call), having a radius of 533. 69-feet (613.69-feet - deed call), a tangent distance of 356.97-feet, a chord bearing North 34 degrees 32 minutes 28 seconds West (North 40 degrees 41 minutes 57 seconds West - deed call), at 593.43-feet, and an arc distance of 629.26-feet (520.18-feet - deed call) to a 5/8-inch iron rod set with "cap" at the end of said non- tangent curve;

THENCE North 00 degrees 53 minutes 56 seconds West (North 00 degrees 43 minutes 17 seconds West - deed call), continuing along the common westerly line of said 308 on 276, L.P. tract and said east R.O.W. line of Springer Lane, a distance of 294.21-feet (430.56-feet - deed call) to an axle found for the beginning of a non-tangent curve to the left , with the radius point being situated South 89 degrees 08 minutes 07 seconds West, a distance of 612.96-feet;

THENCE Northerly continuing along the common curving westerly line of said 308 ON 276, L.P. tract and said curving east R.O.W. line of Springer Lane, with said non-tangent curve to the left, through a central angle of 17 degrees 26 minutes 00 seconds (12 degrees 25 minutes 52 seconds - deed call), having a radius of 612.96-feet (613.69-feet - deed call), a tangent distance of 93.98 feet, a chord bearing North 09 degrees 34 minutes 53 seconds West at 185.78-feet, and an arc distance of 186.50-feet (133.15 feet - deed call) to a 5/8-inch iron rod set with "cap" at the end of said non-tangent curve, said point marking the transition from said east R.O.W. line of Springer Lane to the approximate center of the aforementioned Rochell Road;

THENCE North 00 degrees 49 minutes 05 seconds West (North 00 degrees 10 minutes 49 seconds East - deed call), along the common westerly line of said 308 ON 276, L.P. tract and said approximate center of Rochell Road, passing at a distance of 386.53-feet a ½-inch iron rod found marking the southeast corner of that certain called 60.3368-acre tract of land described in a Cash Warranty Deed to Varughese P. Samuel and wife, Remoni V. Samuel, as recorded in Volume 02002, Page 00062, O.P.R.R.C.T., then continuing along said common line with the easterly line of said Samuel tract, a total distance of 2,841.3-feet (1,613.15-feet - deed call) to a ½-inch iron rod found marking the northeast corner of said Samuel tract;

THENCE North 01 degrees 38 minutes 55 seconds West (North 00 degrees 08 minutes 06 seconds East - deed call), along the common westerly line of said 308 ON 276, L.P. tract and said approximate center of Rochell Road, a distance of 976.29-feet (2,166.70-feet - deed call) to the *POINT OF BEGINNING*.

CONTAINING within the metes recited 316.315-acres (13,778,692 square feet) of land, more or less, of which a portion lies within Rochell Road.

Exhibit 'B':
Survey

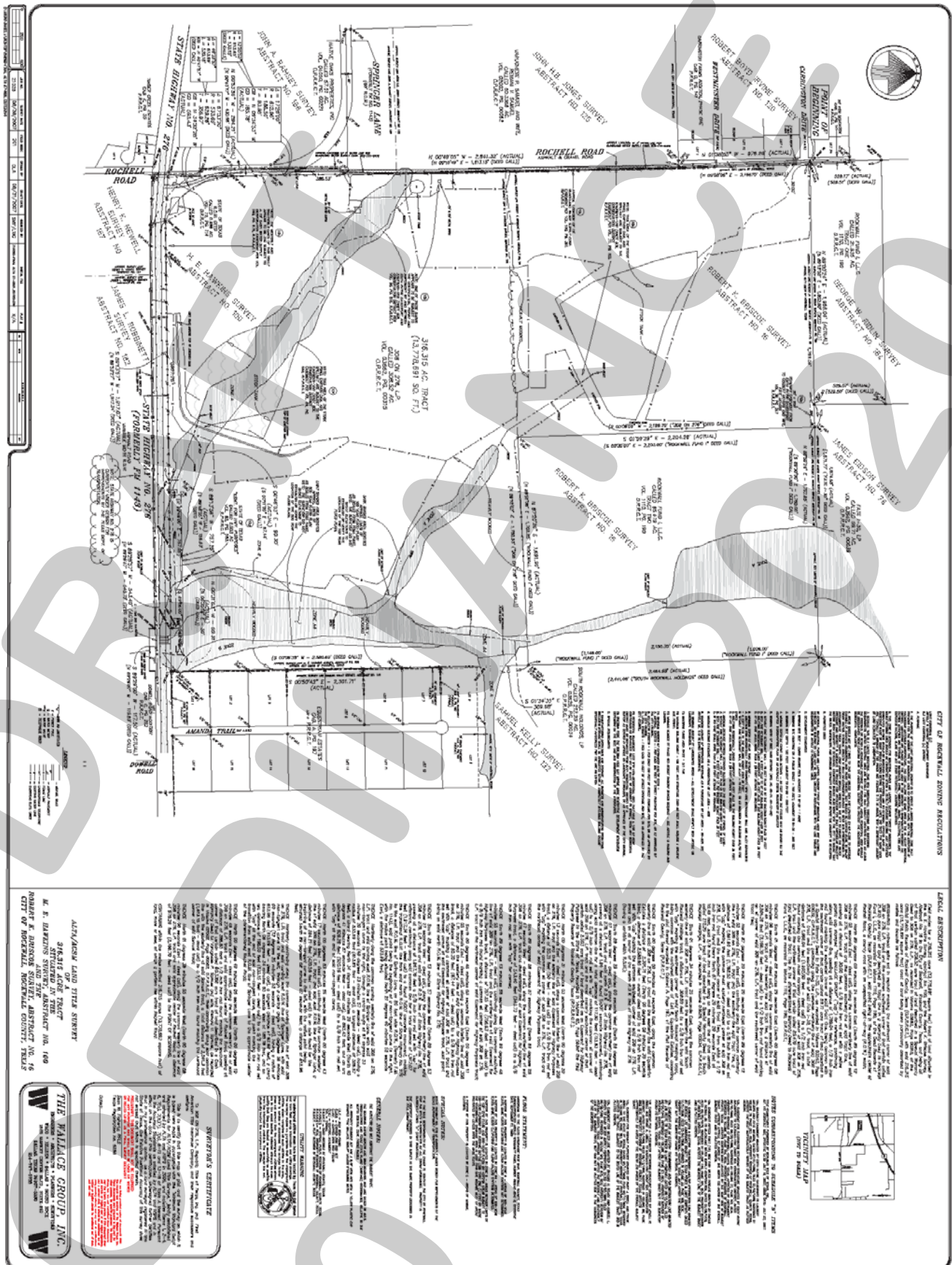


Exhibit 'C':
Area Map

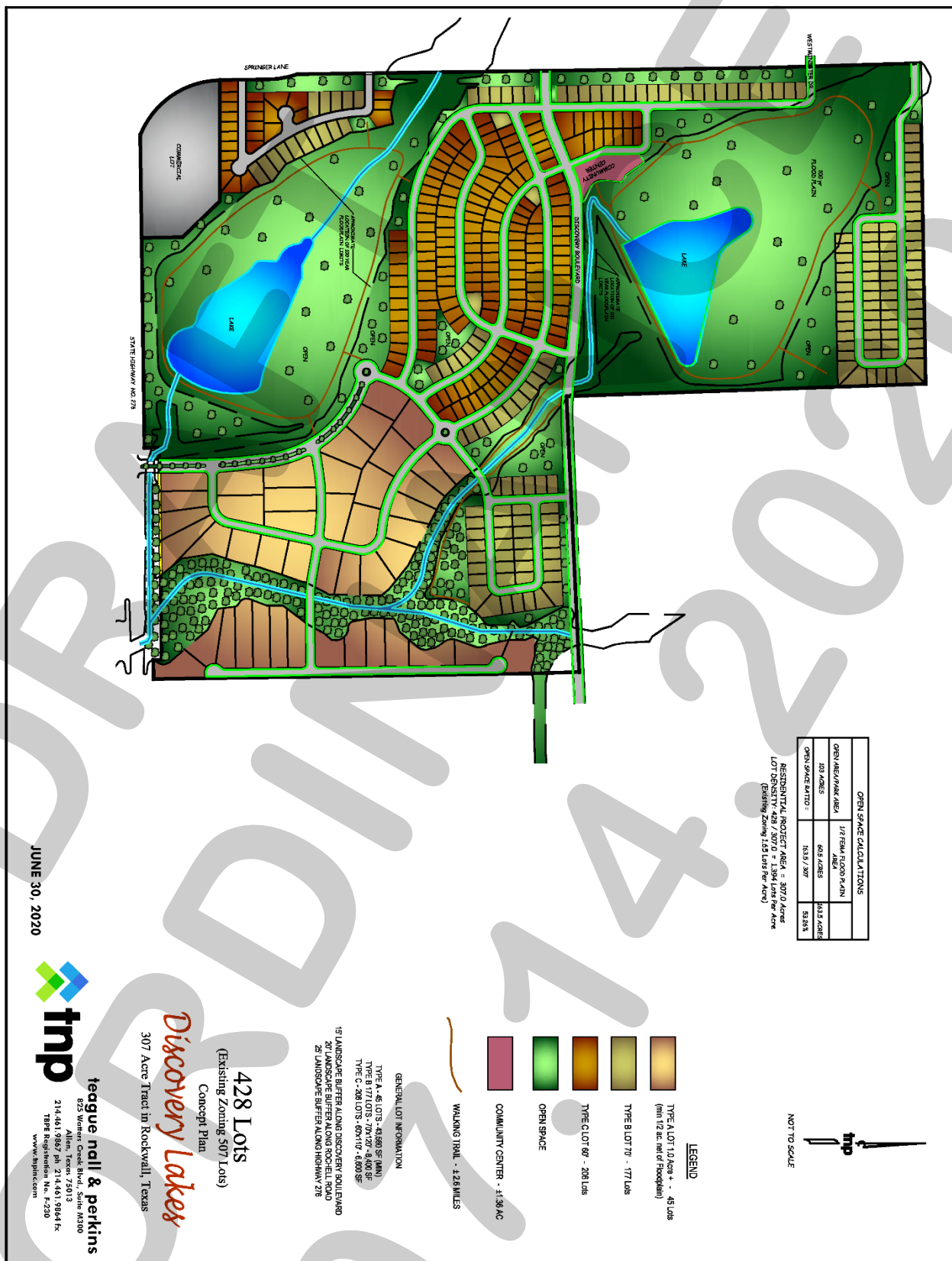


Exhibit 'D':
Permitted Land Uses and Development Standards

(A) PURPOSE

The purpose of this PD Zoning change is to allow for an area located at the southeastern portion of the property to be developed as a high-end custom home phase, with minimum one-acre single family residential lots. It is the desire of the owner to retain all the other non-conflicting entitlements on the property per the existing PD requirements and development standards with exceptions that will be noted throughout this document. The developer recognizes and accepts that the acreage utilized for this proposed custom phase will result in a loss of development density, from 507 single family homes to approximately 428 Single family homes. The owner requests the right and flexibility to replace smaller lot types with the one (1) acre lot type throughout future phases of the development, without the need to rezone the Planned Development District as long as the general intent and layout of the approved revised concept plan is followed and the total number of lots does not increase.

To facilitate review of the proposed PD revisions, sections and development standards that are to be revised as a part of this re-zoning request will be highlighted in yellow throughout the document. All proposed revisions have been incorporated into the attached revised concept plan.

The Discovery Lakes Subdivision is located at the northeast corner of the intersection of SH-276 and Rochell Road. The *Subject Property* is a short walk or bike ride from the Rockwall Technology Park. The Discovery Lakes Subdivision will be a master planned residential neighborhood that will incorporate two (2) lakes, several acres of open space and ~2.6-miles of hiking/jogging/biking trails. The master plan calls for 428 single-family homes. There will be several view corridors strategically placed within the subdivision along with *front loaded* lots to provide for the enjoyment of the open space. A boulevard with 85-feet of right-of-way will connect SH-276 and be constructed up to the first round-about of the one (1) acre lots. The boulevard will have a 14-foot landscape median and a 25-foot travel lane on each side of the street. The residential streets will be 29-feet back-to-back, with a 10½-foot parkway on each side for a total of 50-feet of right-of-way. A *Community Center* with a pool will be provided to add increased amenity for the subdivision. Commencement of the Community Center and pool will take place at or before the final platting of the 201st residential lot or with the addition of additional *Type 'A'* lots. Additionally, the proposed development will incorporate nine (9) acres of commercial space that will be located at the hard corner of SH-276 and Rochell Road. This area will allow for neighborhood service types of uses and eating establishments. A maximum of one (1) hotel planned to service the needs of the subdivision and the Rockwall Technology Park. A 55-acre area adjacent to the northern lake will be dedicated as public parkland to serve Park District No. 31. The Discovery Lakes Subdivision will be a benefit to the community, allowing citizens of all ages the opportunity to live, work, and play in a connected master planned community.

(B) GENERAL REQUIREMENTS

Development Standards.

(1) *Permitted Uses.* The following uses are permitted on the *Subject Property* in accordance with the *Concept Plan* depicted in *Exhibit 'C'* of this ordinance.

(a) *Residential Uses.* Unless specifically provided by this Planned Development ordinance, only those uses permitted within the Single Family 10 (SF-10) District, as stipulated by the *Permissible Use Charts* contained in Article IV, *Permissible Uses*, of

Exhibit 'D':
Permitted Land Uses and Development Standards

the Unified Development Code (UDC), shall be allowed for areas designated as *residential* on the *Concept Plan*.

(b) *Non-Residential*. Unless specifically provided by this Planned Development ordinance, only those uses permitted within the General Retail (GR) District, as stipulated by the *Permissible Use Charts* contained in Article IV, *Permissible Uses*, of the Unified Development Code (UDC), shall be allowed for areas designated as *commercial* on the *Concept Plan*; however, the following conditions shall apply:

(i) The following additional uses shall be permitted as *by-right* uses on the *Subject Property*:

- ☒ Hotel, Hotel (*Full Service*) or Motel (*With a Maximum Height of Four [4] Stories*) ¹
- ☒ Restaurant (*with Drive-Through or Drive-In*) ²
- ☒ Retail Store (*with more than two [2] Gasoline Dispensers*)

Notes:

¹: A maximum of one (1) hotel/motel shall be permitted with this Planned Development District. The height requirement of four (4) stories is permitted to exceed 36-feet, but in no case shall exceed 60-feet.

²: A maximum of three (3) restaurants (despite the size of the restaurant) shall be permitted within this Planned Development District.

(ii) The following uses shall be prohibited on the *Subject Property*:

- ☒ Convent or Monastery
- ☒ Hotel, Residence
- ☒ Cemetery/Mausoleum
- ☒ Mortuary of Funeral Chapel
- ☒ Social Service Provider
- ☒ Billiard Parlor or Pool Hall
- ☒ Carnival, Circus, or Amusement Ride
- ☒ Commercial Amusement/Recreation (*Outside*)
- ☒ Gun Club, Skeet or Target Range (*Indoor*)
- ☒ Astrologer, Hypnotist, or Psychic Art and Science
- ☒ Garden Supply /Plant Nursery
- ☒ Night Club, Discotheque, or Dance Hall
- ☒ Secondhand Dealer
- ☒ Car Wash, Self Service
- ☒ Mining and Extraction (Sand, Gravel, Oil and/or Other)
- ☒ Helipad
- ☒ Railroad Yard or Shop
- ☒ Transit Passenger Facility

(2) *Non-Residential Development*. The area designated as *commercial* on the *Concept Plan* depicted in *Exhibit 'C'* of this ordinance shall be designed to be pedestrian-oriented, easily accessible, and integrated into the general design scheme of the adjacent neighborhood. This can be accomplished by removing the traditional barriers utilized to separate commercial and residential developments (e.g. *screening walls*) and incorporating landscape buffers/elements (e.g. *greenspace, parkways, and etcetera*) and urban design elements (e.g. *pathways, pergolas, and etcetera*) that can create compatibility with the adjacent single-family neighborhood. To better achieve this goal and in addition to the requirements of Section 4.1, *General Commercial District Standards*, and Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development*

Exhibit 'D':
Permitted Land Uses and Development Standards

Standards, of the Unified Development Code, all commercial development shall be required to adhere to the following supplemental standards:

- (a) *Retail Landscape*. Landscaping shall be reviewed and approved with the PD Site Plan. All Canopy/Shade Trees planted within the retail development shall be a minimum of four (4) caliper inches in size and all *Accent/Ornamental/Under-Story Trees* shall be a minimum of four (4) feet in total height unless otherwise provided within this document.
- (b) *Retail Landscape Buffers*. All landscape and plantings located within the buffers shall be maintained by the property owner.

- (1) *Landscape Buffer (Residential Adjacency)*. Where residential and retail uses share a direct adjacency, a minimum of a 30-foot landscape buffer shall be provided by the retail property adjacent to the residential property. This area shall incorporate ground cover, a *built-up* berm and shrubbery along the entire length of the adjacency. This area should also incorporate pedestrian-oriented design elements (e.g. *pathways*) that allow access between the two (2) uses. Shrubby utilized in this area shall have a minimum height of 30-inches and a maximum height of 48-inches. Additionally, trees should be incorporated in this area to break up the façades of any commercial buildings.

- (2) *Landscape Buffer and Sidewalks (SH-276)*. A minimum of a 15-foot landscape buffer shall be provided along the frontage of SH-276, and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. All buffer-strip planting requirements shall conform to the requirements of Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code.

- (3) *Landscape Buffer (Rochell Road Retail)*. A minimum of a 20-foot landscape buffer shall be provided along the frontage of Rochell Road (*outside of and beyond any required right-of-way dedication*), and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage.

- (c) *Sidewalks*.

- i) *Sidewalk Adjacent to Rochell Road and SH-276*. The developer shall be responsible for the construction of a five (5) foot sidewalk that meanders through the required 20-foot landscape buffer adjacent to Rochell Road and SH-276.

- (3) *Residential Development Standards*. Except as modified by these *Development Standards*, the residential uses depicted in *Exhibit 'C'* of this ordinance shall be subject to the development standards for a Single Family 10 (SF-10) District as stipulated by Section 3.1, *General Residential District Standards*; Section 3.4, *Single-Family Residential (SF-10) District*; and Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V,

Exhibit 'D':
Permitted Land Uses and Development Standards

District Development Standards, of the Unified Development Code. In addition, all residential development shall adhere to the following standards:

- (a) *Lot Composition and Layout*. The lot layout and composition of the *Subject Property* shall generally conform to the *Concept Plan* depicted in *Exhibit 'C'* and stated in *Table 1* below. Allowances for changes to the quantity and locations of each lot type are permitted in conformance with the requirements listed below; however, in no case shall the proposed development exceed 428 units.

Table 1: Lot Composition

Lot Type	Minimum Lot Size (FT)	Minimum Lot Size (SF)	Dwelling Units (#)	Dwelling Units (%)
A	80' x 200'	32,670 SF	45	10.51%
B	70' x 110'	7,700 SF	177	41.36%
C	60' x 110'	6,600 SF	206	48.13%
Maximum Permitted Units:			428	100.00%

The allocation of single-family dwellings among lot types may deviate from *Table 1* provided that the proposed lot composition meets the following criteria:

- (1) The total number of lots does not exceed 428 units; and,
- (2) The average lot size for the total development is not less than 9,700 SF (*i.e. total square footage of all lots/total number of lots*); and,
- (3) Lot Type "A" shall not be decrease below 40 lots; and,
- (4) Lot Type "B" shall not be decreased below 38% of the total 428 lots; and,
- (5) Lot Type "C" shall not be increased beyond 55% of the total 428 lots.

- (b) *Density and Dimensional Requirements*. The maximum permissible density for the *Subject Property* shall not exceed 1.40 dwelling units per gross acre of land; however, in no case should the proposed development exceed 428 units. All lots shall conform to the standards depicted in *Table 2* below and generally conform to *Exhibit 'C'* of this ordinance.

Table 2: Lot Dimensional Requirements

Lot Type (see Concept Plan) ►	A	B	C
Minimum Lot Width ^{(1) & (5) & (7)}	80'	70'	60'
Minimum Lot Depth	200'	110'	110'
Minimum Lot Area	32,670 SF	7,700 SF	6,600 SF
Minimum Front Yard Setback ^{(2), (6), & (8)}	25'	20'	20'
Minimum Side Yard Setback	10'	5'	5'
Minimum Side Yard Setback (Adjacent to a Street) ⁽²⁾	20'	15'	15'
Minimum Length of Driveway Pavement	25'	20'	20'
Maximum Height ⁽³⁾	36'	36'	36'
Minimum Rear Yard Setback ⁽⁴⁾	20'	10'	10'
Minimum Area/Dwelling Unit (SF) [Air-Conditioned Space]	3,200 SF	2,250 SF	2,000 SF
Garage Orientation ⁽⁸⁾	J-Swing or Flat Front	J-Swing or Flat Front	J-Swing or Flat Front
Maximum Number of Front Entry Garages Permitted	17	58	137
Maximum Lot Coverage	65%	65%	65%

General Notes:

- ^{1.} The minimum lot width shall be measured at the *Front Yard Building Setback*.
- ^{2.} The location of the *Front Yard Building Setback* as measured from the front property line.
- ^{3.} The *Maximum Height* shall be measured to the eave or top plate (whichever is greater) of the single-family home.

Exhibit 'D':
Permitted Land Uses and Development Standards

4. As measured from the rear yard property line.
5. Lots fronting onto a curvilinear street, cul-de-sac or eyebrow may have the lot width reduced by up to 20% as measured at the front property line provided that the lot width is met at the front building line. Additionally, the lot depth on lots fronting onto curvilinear streets, cul-de-sacs and eyebrows maybe reduced by up to ten (10%) percent, but shall meet the minimum lot size for each lot type.
6. Sunrooms, porches, stoops, bay windows, balconies, masonry clad chimneys, eaves and similar architectural features may encroach beyond the Front Yard Building Setback by up to ten (10) feet for any property that increases the Front Yard Building Setback to 20-feet; however, the encroachment shall not exceed five (5) feet on Side Yard Setbacks (Adjacent to a Street) and shall not encroach into public right-of-way [a Sunroom is an enclosed room no more than 15-feet in width that has glass on at least 50% of each of the encroaching faces].
7. All lots with a *J-Swing* or *Traditional Swing* driveway require a minimum of a 65-foot lot width.
8. The minimum front yard setback for properties that have a *Flat Front Entry* garage format shall be 25-feet.

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

- (1) **Masonry Requirement.** 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, natural stone, and cultured stone. Cementaceous fiberboard horizontal lap-siding (e.g. *HardiBoard* or *Hardy Plank*) and/or stucco (i.e. *three [3] part stucco* or a comparable -- to be determined by staff) shall be permitted to be used to meet up to 50% of the masonry requirement.
- (2) **Roof Pitch.** A minimum of an 8:12 roof pitch is required on all structures with the exception of porches, which shall have a minimum of a 4:12 roof pitch. *Type 'A'* lots may have a variable pitch to the roofs that may deviate from these specific standards when it is determined by staff to serve a particular architectural theme.
- (3) **Garage Orientation.** Garages shall be provided as stipulated by *Table 2: Lot Dimensional Requirements*. Garages permitted for front entry maybe oriented toward the street in a *Flat Front Entry* format; however, the front façade of the garage must be situated a minimum of 25-feet off the front property line. All front entry garages shall incorporate an architectural element or feature separating the individual garage openings. *Swing*, *Traditional Swing* or *J-Swing* garages are permitted to have a second single garage door facing the street as long as it is behind the width of the double garage door situated in the *Swing* configuration.

(d) **Anti-Monotony Restrictions.** The development shall adhere to the Anti-Monotony Matrix depicted in *Table 3* below (for spacing requirements see the illustration on the following page).

Table 3: Anti-Monotony Matrix

Lot Type	Minimum Lot Size	Elevation Features
A	80' x 200'	(1), (2), (3), (5)
B	70' x 110'	(1), (2), (3), (4)
C	60' x 110'	(1), (2), (3), (4)

- (1) Identical brick blends or paint colors may not occur on adjacent (*side-by-side*) properties along any block face without at least five (5) intervening homes of differing materials on the same side of the street beginning with the adjacent

Exhibit 'D':
Permitted Land Uses and Development Standards

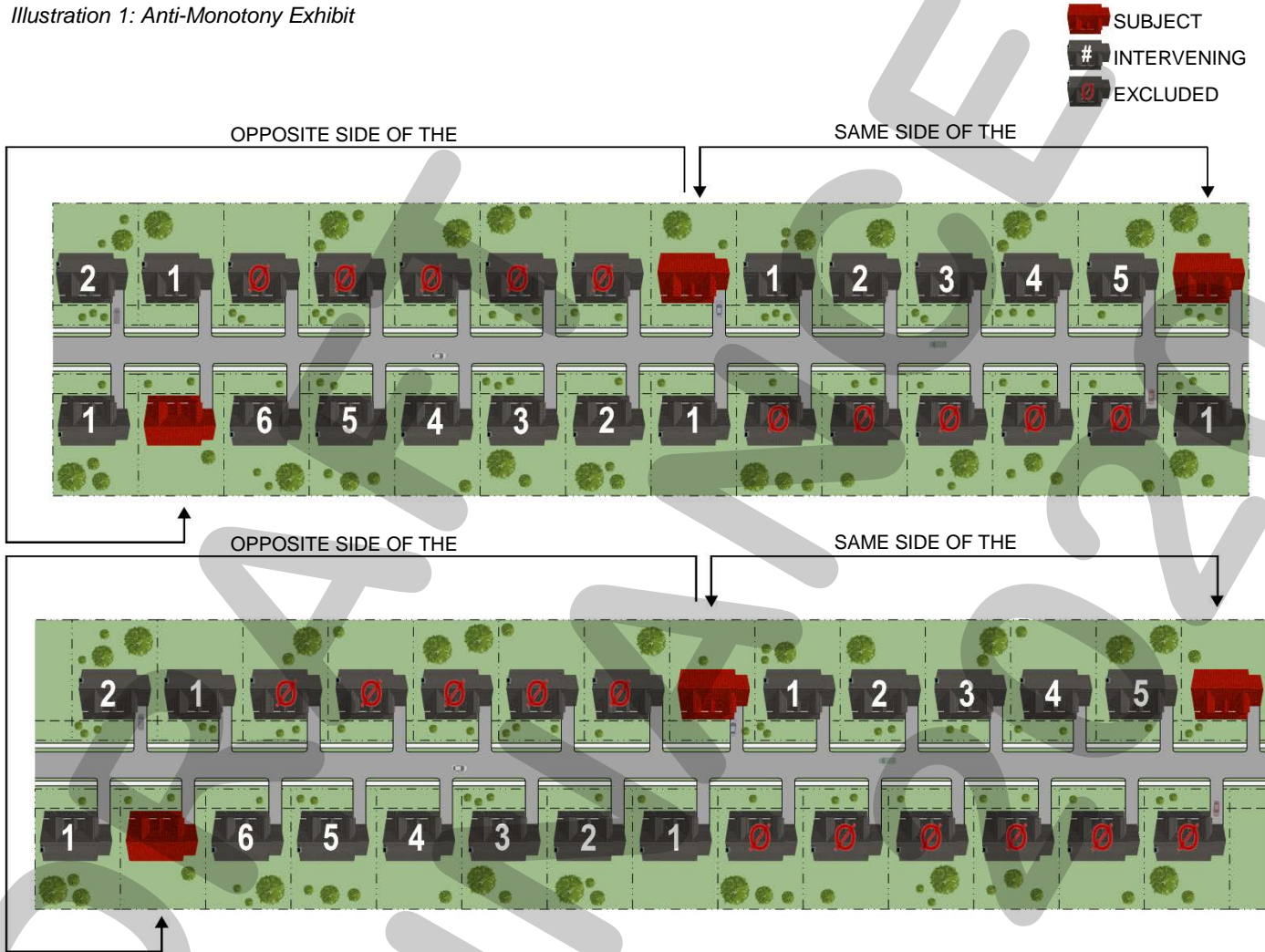
property and six (6) intervening homes of differing materials on the opposite side of the street.

- (2) Front building elevations shall not repeat along any block face without at least five (5) intervening homes of differing appearance on the same side of the street and six (6) intervening homes of differing appearance on the opposite side of the street. The rear elevation of homes backing to open spaces or on SH-276 or Rochelle Road shall not repeat without at least five (5) intervening homes of differing appearance. Homes are considered to have a differing appearance if any of the following two (2) items deviate:
 - (a) Number of Stories
 - (b) Permitted Encroachment Type and Layout
 - (c) Roof Type and Layout
 - (d) Articulation of the Front Façade
- (3) Permitted encroachment (*i.e. porches*) elevations shall not repeat or be the same along any block face without at least five (5) intervening homes of sufficient dissimilarity on the same side of the street beginning with the home adjacent to the subject property and six (6) intervening homes beginning with the home on the opposite side of the street.
- (4) Each phase of the subdivision will allow for a maximum of four (4) compatible roof colors, and all roof shingles shall be an architectural or dimensional shingle (*3-Tab Roofing Shingles are prohibited*).
- (5) Type 'A' lots may use slate, imitation slate, tile, concrete tile, imitation tile, standing seam metal, or other high-end type roof materials.

Continued on Next Page...

Exhibit 'D':
Permitted Land Uses and Development Standards

Illustration 1: Anti-Monotony Exhibit



(e) *Fencing Standards.* All individual residential fencing and walls shall be architecturally compatible with the design, materials and colors of the primary structure on the same lot, and meet the following standards:

- (1) *Wood Fences.* All solid fencing shall be constructed utilizing standard cedar fencing materials (*spruce fencing is prohibited*) that are a minimum of ½-inch or greater in thickness. Fences shall be *board-on-board* panel fence that is constructed a minimum of six (6) feet in height and a maximum of eight (8) feet in height. Posts, fasteners, and bolts shall be formed from hot dipped galvanized or stainless steel. All cedar pickets shall be placed on the public side (*i.e. facing streets, alleys, open space, parks, and/or neighboring properties*). All posts and/or framing shall be placed on the private side (*i.e. facing towards the home*) of the fence. All wood fences shall be smooth finished, free of burs and splinters, and be stained and sealed on both sides of the fence. Painting a fence with oil or latex based paint shall be prohibited. All solid fences shall incorporate a decorative top rail and/or cap detailing the design of the fence.

Exhibit 'D':
Permitted Land Uses and Development Standards

- (2) *Wrought Iron/Tubular Steel*. Lots located along the perimeter of roadways, abutting open spaces, greenbelts and parks shall be required to install a wrought iron or tubular steel fence. Wrought iron/tubular steel fences can be a maximum of eight (8) feet in height.
- (3) *Corner Lots*. Corner lots fences (*i.e. adjacent to the street*) shall provide masonry columns at 45-feet off center spacing that begins at the rear of the property line. A maximum of eight (8) foot solid *board-on-board panel* fence constructed utilizing cedar fencing shall be allowed between the masonry columns along the side and/or rear lot adjacent to a street. In addition, the fencing shall be setback from the side property line adjacent to a street a minimum of five (5) feet. The property owner shall be required to maintain both sides of the fence.
- (4) *Solid Fences (including Wood Fences)*. All solid fences shall incorporate a decorative top rail or cap detailing into the design of the fence.

(f) *Landscape and Hardscape Standards.*

- (1) *Residential Landscape*. Landscaping shall be reviewed and approved with the PD Site Plan. All *Canopy/Shade Trees* planted within the residential development shall be a minimum of three (3) caliper inches in size and all *Accent/Ornamental/Under-Story Trees* shall be a minimum of four (4) feet in total height unless otherwise provided within this document.
- (2) *Single Family Landscaping*. Prior to the issuance of a Certificate of Occupancy (CO) all single-family lots shall conform to the following:

- i) *Interior Lots*. All interior lots shall include a minimum of two (2) trees with a diameter at breast height (dbh) [*i.e. the diameter in inches of a tree as measured through the main trunk at a point of four and one-half (4½) inches above the natural ground level*] of three (3) inches shall be planted in the front yard, and two (2) additional trees of the same caliper inch shall be planted in the side yard facing the street for corner lots.

Note: For the purposes of this section only, the term "front yard" includes the area within the dedicated right-of-way for a parkway immediately adjoining the front yard of the lot.

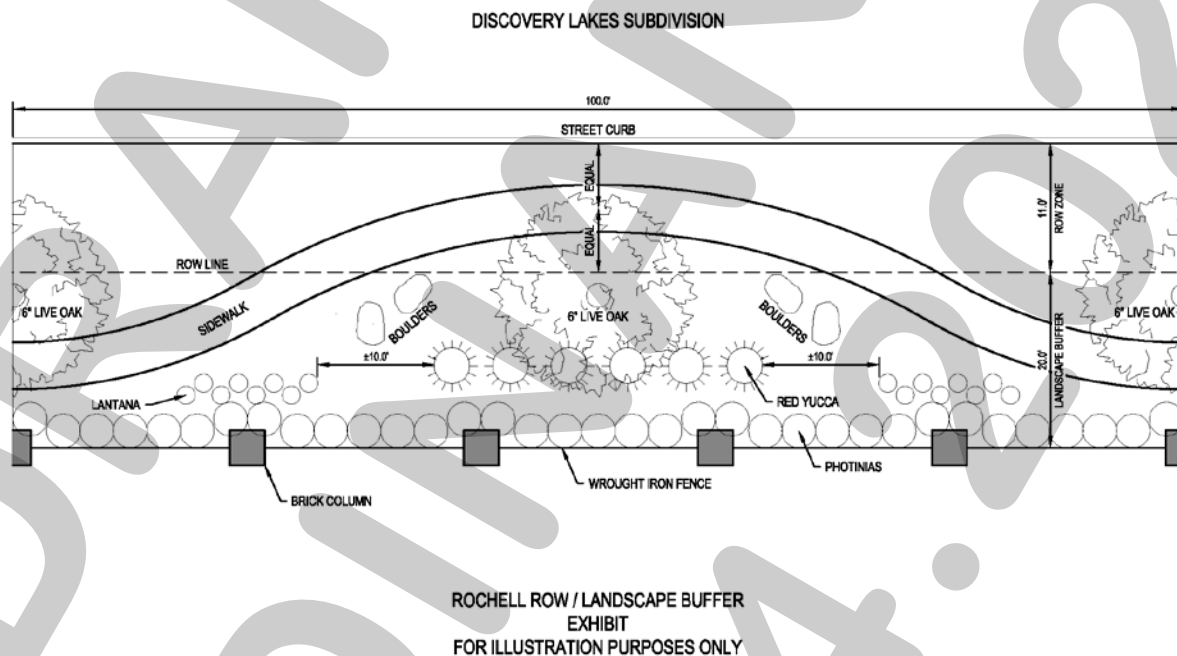
- ii) *Corner Lots*. All corner lots shall include a minimum of two (2) trees with a diameter at breast height (dbh) [*i.e. the diameter in inches of a tree as measured through the main trunk at a point of four and one-half (4½) inches above the natural ground level*] of three (3) inches shall be planted in the front yard of an interior lot.
- (3) *Landscape Buffers*. All landscape buffers and plantings located within the buffers shall be maintained by the Homeowner's Association (HOA).
 - (a) *Landscape Buffer and Sidewalks (Discovery Boulevard)*. A minimum of a 15-foot landscape buffer shall be provided along the frontage of Discovery Boulevard, and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a

Exhibit 'D':
Permitted Land Uses and Development Standards

maximum height of 48-inches. In addition, at least one (1) canopy tree shall be planted per 30-feet of linear frontage.

- (b) *Landscape Buffer (Rochell Road)*. A minimum of a 20-foot landscape buffer shall be provided along the frontage of Rochell Road (*outside of and beyond any required right-of-way dedication*), and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Shrubberty shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. The landscape buffer along Rochell Road shall general conform to the following illustration [*i.e. Illustration 3*].

Illustration 2: Landscape Buffer along Rochell Road.



- (c) *Landscape Buffer (SH-276)*. A minimum of a 25-foot landscape buffer shall be provided along the frontage of SH-276, and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Shrubberty shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. In addition, all buffer-strip planting requirements shall conform to the requirements of Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code (*i.e. minimum four [4] inch caliper trees required*).

- (4) *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

Exhibit 'D':
Permitted Land Uses and Development Standards

landscape architect and shall be maintained by the Homeowner's Association (HOA).

- (5) *Hardscape*. Hardscape plans indicating the location of all sidewalks and trails shall be reviewed and approved with the PD Site Plan.
- (g) *Lighting*. Light poles shall not exceed 20-feet in total height (*i.e. base and lighting standard*). All fixtures shall be directed downward and be positioned to contain all light within the development area.
- (h) *Sidewalks*.
 - i) *Internal Sidewalks*. All sidewalks adjacent to an interior residential street shall begin 5½-feet from the back of curb and be five (5) feet in overall width.
 - ii) *Sidewalks Adjacent to Rochell Road and Discovery Boulevard*. All sidewalks adjacent Rochell Road and Discovery Boulevard shall begin two (2) feet inside the right-of-way line and be five (5) feet in overall width.
- (i) *Open Space*. The development shall consist of a minimum of 20% open space as calculated from the gross land area, and generally conform to the *Concept Plan* contained in *Exhibit 'C'* of this ordinance. Existing floodplain shall be counted at a rate of ½-acre for every acre provided (*e.g., 10-acres of floodplain would count as 5-acres of open space*). The Homeowner's Association (HOA) shall maintain all open space areas.
- (j) *Temporary On-Site Sanitary Sewer (OSSF)*. On-Site Sanitary Sewer (OSSF) systems shall only be allowed on *Type 'A'* lots that contain a minimum of 32,670 SF. OSSF's shall be designed by a State of Texas registered Professional Engineer, and each design shall specify an aerobic type system with drip (*underground*) irrigation system. All systems shall meet the minimum standards of the Texas Commission on Environmental Quality (TCEQ) and each installed system shall be inspected by a third-party licensed inspector and be paid for by the developer. Operation and maintenance of each individual OSSF shall be the responsibility of the property owner and the City will not assume any responsibility to the proper design, installation, operation, and maintenance of the system. In addition to the installation of the OSSF's for *Type 'A'* lots, each constructed home must provide a secondary connection that will allow the resident to disconnect and abandon the OSSF and connect to the future -- *developer provided* -- sanitary sewer system when it is made available. The *Developer*, during the development/construction of any phase of the subdivision, will be responsible for constructing the required sanitary sewer infrastructure (*i.e. mains and laterals*) as required by the City's Master Wastewater Plan. The cost to disconnect from the OSSF and connect to the City's sanitary sewer system shall be at the sole cost of the homeowner, and an appropriate disclosure statement regarding this obligation and cost (*including wastewater impact fees*) shall be a part of all real-estate contracts between the developer, homebuilder, and homeowner.
- (k) *Neighborhood Signage*. Permanent subdivision identification signage shall be permitted at all major entry points for the proposed subdivision. Final design and location of any entry features shall be reviewed and approved with the *PD Site Plan*.

Exhibit 'D':
Permitted Land Uses and Development Standards

- (l) *Community Center*. A site plan, landscape plan and building elevations shall be required for the proposed *Community Center* and shall be subject to site plan approval by the Planning and Zoning Commission prior to construction. The community center shall commence construction prior to the platting of the 201st residential lot, unless additional *Type 'A'* lots -- *above and beyond what is shown on the Concept Plan contained in Exhibit 'C' of this ordinance* -- are requested; in which case, the developer shall commence construction of the community center as part of the phase that proposes the additional *Type 'A'* lots.
- (m) *Homeowner's Association (HOA)*. A Homeowner's Association shall be created to enforce the restrictions established in accordance with the requirements of *Section 38-15* of the Subdivision Regulations contained within the *Municipal Code of Ordinances* of the City of Rockwall. The HOA shall also maintain all neighborhood parks, trails, open space and common areas, irrigation, landscaping, amenity centers, screening fences associated with this development.
- (4) *Buried Utilities*. New distribution power-lines required to serve the *Subject Property* shall be placed underground, whether such lines are located internally or along the perimeter of the *Subject Property*, unless otherwise authorized by the City Council. New transmission power-lines, or distribution lines of a size not typically or cost effectively placed underground (*3-phase lines*), or additional lines that are added to existing poles, may be above ground, if located along the perimeter of the *Subject Property*. The Developer shall not be required to re-locate existing overhead power-lines along the perimeter of the *Subject Property*. Temporary power-lines constructed across undeveloped portions of the *Subject Property* to facilitate development phasing and looping may be allowed above ground, but shall not be considered existing lines at the time the area is developed, and if they are to become permanent facilities, such lines shall be placed underground pursuant to this paragraph. Franchise utilities shall be placed within a ten (10) foot public utility easement behind the sidewalk, between the home and the property line.
- (5) *Variances*. The variance procedures and standards for approval that are set forth in the Unified Development Code shall apply to any application for variances to this ordinance.



CITY OF ROCKWALL

CITY COUNCIL CASE MEMO

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

TO: Mayor and City Council
DATE: July 20, 2020
APPLICANT: Chris Cuny, PE; *Teague, Nall & Perkins*
CASE NUMBER: Z2020-024; *Amendment to PD-78 [Discovery Lakes]*

SUMMARY

Hold a public hearing to discuss and consider a request by Chris Cuny, PE of Teague, Nall & Perkins on behalf of the Nick DiGiuseppe of Discovery Lakes, LLC for the approval of a Zoning Amendment to Planned Development District 78 (PD-78) [Ordinance No. 15-24] for the purpose of changing the concept plan and development standards on a 316.315-acre tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract No. 100 and Tract 2 of the R. K. Brisco Survey, Abstract No. 16, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 78 (PD-78) for General Retail (GR) District and Single-Family 10 (SF-10) District, generally located at the northeast corner of the intersection of SH-276 and Rochellee Road, and take any action necessary.

BACKGROUND

The subject property was annexed by the City Council on June 15, 1998 by *Ordinance No. 98-20*. At the time of annexation, the subject property was zoned Agricultural (AG) District. On July 5, 2005, the City Council approved *Ordinance No. 05-29* [Case No. Z2005-021] changing the zoning of the subject property from an Agricultural (AG) District to a Light Industrial (LI) District. On August 17, 2015, the zoning designation of the subject property was again changed by *Ordinance No. 15-24* [Case No. Z2015-016] from a Light Industrial (LI) District to Planned Development District 78 (PD-78) for Single-Family 10 (SF-10) District and limited General Retail (GR) District land uses. Planned Development District 78 (PD-78) currently allows ~9.00-acres of non-residential land uses, an 11.00-acre public park, ~30.90-acres of open space, ~65.2-acres of floodplain, and ~203.22-acres of residential land area. In the residential land area, the Planned Development District permits 507 single-family residential lots broken up into three (3) lot types (i.e. 121, 80' x 120' Lots; 127, 70' x 110' Lots; and 259, 60' x 110' Lots). The property remains zoned Planned Development District 78 (PD-78) [Ordinance No. 15-24] and is currently vacant.

PURPOSE

The applicant -- *Chris Cuny, PE* -- is requesting to amend Planned Development District 78 (PD-78) for the purpose of changing the concept plan and development standards contained within the *Ordinance No. 15-24*. This includes changing *Type 'A' Lots* from a minimum of 9,600 SF to 32,670 SF, and reducing the overall lot count from 507 to 428.

ADJACENT LAND USES AND ACCESS

The subject property is located at northeast corner of SH-276 and Rochelle Road. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property are the corporate limits of the City of Rockwall. Beyond this are three (3) tracts of vacant land (i.e. *Tracts 3, 3-2, & 4 of the G. W. Redlin Survey, Abstract No. 184*) situated within the City of Fate's corporate limits.

South: Directly south of the subject property is SH-276, which is identified as a TXDOT6D (i.e. *Texas Department of Transportation, six [6] lane, divided roadway*) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. South of this roadway is a 197.761-acre tract of vacant land (i.e. *Tract 2-1 of the J. H. Robnett Survey, Abstract No. 182*) zoned Planned Development District 66 (PD-66) for

Neighborhood Services (NS) District, Single-Family 8.4 (SF-8.4) District, and Single-Family 16 (SF-16) District land uses.

East: Directly east of the subject property are the corporate limits of the City of Rockwall. Also, east of the subject property is an 85.479-acre tract of vacant land (*i.e. Tract 1 of the R. K. Brisco Survey, Abstract No. 16*) zoned Light Industrial (LI) District. Beyond this is a 212.25-acre tract of vacant land (*i.e. Tract 11 of the S. Kelly Survey, Abstract No. 132*) zoned Agricultural (AG) District.

West: Directly west of the subject property is Rochelle Road, which is designated as a M4D (*major collector, four [4] lane, divided roadway*) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this thoroughfare is a 60.30-acre tract of vacant land (*i.e. Tract 5 of the J. H. B. Jones Survey, Abstract No. 125*) and an 84.288-acre tract of vacant land (*i.e. Tract 6 of the J. H. B. Jones Survey, Abstract No. 125*). Both of these properties are zoned Light Industrial (LI) District.

CHARACTERISTICS OF THE REQUEST

The applicant has submitted a revised concept plan and development standards for the proposed residential areas in the Planned Development District (*no changes were proposed for the non-residential areas*). Based on these revisions the proposed subdivision will consist of 428 single-family residential lots that will be broken down into 45 *Type 'A' Lots (80' x 200')*, 177 *Type 'B' Lots (70' x 110')*, and 206 *Type 'C' Lots (60' x 110')*. This represents a decrease in the total number of lots by 79 lots (*i.e. a decrease of the Type 'A' Lots by 76 and Type 'C' Lots by 53, and an increase in the Type 'B' Lots by 50*). A summary of the proposed lot composition is as follows:

<i>Lot Type</i>	<i>Minimum Lot Size (FT)</i>	<i>Minimum Lot Size (SF)</i>	<i>Dwelling Units (#)</i>	<i>Dwelling Units (%)</i>
<i>A</i>	80' x 200'	32,670 SF	45	10.51%
<i>B</i>	70' x 110'	7,700 SF	177	41.36%
<i>C</i>	60' x 110'	6,600 SF	206	48.13%
<i>Maximum Permitted Units:</i>		428	100.00%	

Staff should note that the applicant has changed the deviation section relating to lot composition. Specifically, increasing the maximum deviation in the number of *Type 'B' Lots* to 163 (*or 38% of the 428*), which represents an increase of the maximum deviation for *Type 'B' Lots* by 46 (*i.e. a minimum of 116 lots were permitted under the current ordinance*). The maximum deviation in the number of *Type 'C' Lots* changed from 278 to 235, or a reduction of 43 lots. Based on the incorporation of the larger lot type, staff increased the average lot size for the total development from 7,500 SF to 9,700 SF. This means that the sum total of all of the lots established for the subdivision cannot be below 9,700 SF. A summary of the possible deviations is as follows:

<i>Lot Type</i>	<i>Minimum Lot Size (FT)</i>	<i>Minimum Lot Size (SF)</i>	<i>Minimum Possible Lot Count</i>	<i>Maximum Possible Lot Count</i>
<i>A</i>	80' x 200'	32,670 SF	40	70
<i>B</i>	70' x 110'	7,700 SF	162	177
<i>C</i>	60' x 110'	6,600 SF	206	235

With this being said the maximum number of lots permitted within the development is 428. The proposed changes to the lot composition for the Planned Development District represents a reduction in density from 1.65 dwelling units per acre to 1.40 dwelling units per acre, or a reduction of 0.25 dwelling units per acre.

Based on the new concept plan the applicant has removed the proposed 11.00-acre public park. Staff should note, that while the previous plan did show an 11.00-acre public park, the location of the park was below the dam of an SCS pond and had not been an approved location by the Parks and Recreation Board or the City Council. In addition, the new concept plan shows a reduction in the trail system of 1.2-linear miles or a change from 3.8-linear miles to 2.6-linear miles. The applicant has stated that the reduction in trails results from a desire to remove trail systems running at the rear of the residential lots.

The new concept plan shows the proposed amenity center in the same location as the existing concept plan; however, the applicant has put a provision into the revised Planned Development District stating that the amenities center does not need to be constructed until the 201st residential lot is platted. In response to this, staff has recommended to the applicant that in conjunction with this stipulation that the applicant also be required to construct the amenities center if additional *Type 'A' Lots* are proposed over the 45 depicted on the concept plan. Staff has placed this into the attached draft ordinance. The floodplain areas generally remain consistent from the current concept plan to the proposed concept plan. Staff should note that the open space outside of the floodplain areas on the new concept plan is not labeled, but does appear to be significantly less than the 30.90-acres of open space provided on the current concept plan.

Based on the current and proposed Planned Development District ordinances the residential areas are subject to the land uses and development standards stipulated for the Single-Family 10 (SF-10) District; however, the following development standards are specifically outline in the new Planned Development District:

<i>Lot Type (see Concept Plan) ►</i>	A	B	C
<i>Minimum Lot Width ^{(1) & (5) & (7)}</i>	80'	70'	60'
<i>Minimum Lot Depth</i>	200'	110'	110'
<i>Minimum Lot Area</i>	32,670 SF	7,700 SF	6,600 SF
<i>Minimum Front Yard Setback ^{(2), (6), & (8)}</i>	25'	20'	20'
<i>Minimum Side Yard Setback</i>	10'	5'	5'
<i>Minimum Side Yard Setback (Adjacent to a Street) ⁽²⁾</i>	20'	15'	15'
<i>Minimum Length of Driveway Pavement</i>	25'	20'	20'
<i>Maximum Height ⁽³⁾</i>	36'	36'	36'
<i>Minimum Rear Yard Setback ⁽⁴⁾</i>	20'	10'	10'
<i>Minimum Area/Dwelling Unit (SF) [Air-Conditioned Space]</i>	3,200 SF	2,250 SF	2,000 SF
<i>Garage Orientation ⁽⁸⁾</i>	<i>J-Swing or Flat Front</i>	<i>J-Swing or Flat Front</i>	<i>J-Swing or Flat Front</i>
<i>Maximum Number of Front Entry Garages Permitted</i>	17	58	137
<i>Maximum Lot Coverage</i>	65%	65%	65%

General Notes:

- ¹: The minimum lot width shall be measured at the *Front Yard Building Setback*.
- ²: The location of the *Front Yard Building Setback* as measured from the front property line.
- ³: The *Maximum Height* shall be measured to the eave or top plate (whichever is greater) of the single-family home.
- ⁴: As measured from the rear yard property line.
- ⁵: Lots fronting onto a curvilinear street, cul-de-sac or eyebrow may have the lot width reduced by up to 20% as measured at the front property line provided that the lot width is met at the front building line. Additionally, the lot depth on lots fronting onto curvilinear streets, cul-de-sacs and eyebrows maybe reduced by up to ten (10%) percent, but shall meet the minimum lot size for each lot type.
- ⁶: Sunrooms, porches, stoops, bay windows, balconies, masonry clad chimneys, eaves and similar architectural features may encroach beyond the Front Yard Building Setback by up to ten (10) feet for any property that increases the Front Yard Building Setback to 20-feet; however, the encroachment shall not exceed five (5) feet on Side Yard Setbacks (Adjacent to a Street) and shall not encroach into public right-of-way [a Sunroom is an enclosed room no more than 15-feet in width that has glass on at least 50% of each of the encroaching faces].
- ⁷: All lots with a *J-Swing* or *Traditional Swing* driveway require a minimum of a 65-foot lot width.
- ⁸: The minimum front yard setback for properties that have a *Flat Front Entry* garage format shall be 25-feet.

Staff should note that the *Maximum Number of Front Entry Garages Permitted* as listed above was adjusted to keep with the same percentages as the original Planned Development District ordinance (*i.e. 33% flat front entry permitted for the Type 'B' Lots and 66% permitted for the Type 'C' Lots*). This represents a reduction of 36 *Type 'C' Lots* and an increase of 16 *Type 'B' Lots*.

INFRASTRUCTURE

Based on the concept plan submitted by the applicant, this development will be responsible for the following infrastructure:

- (1) **Roadways**. The applicant shall dedicate 42½-feet of right-of-way from the centerline of Rochelle Road and construct half of the require roadway cross section for an M4D (*including sidewalks, left turn lanes, and traffic appurtenances*). In addition, the applicant shall be required to dedicate 65-feet of right-of-way and construct a 45-foot back-to-back roadway per the M4U standards from Rochellee Road to *Tract 1 of the R. K. Brisco Survey, Abstract No. 16*, and dedicate half the right-of-

way and construct half of the roadway from *Tract 1 of the R. K. Brisco Survey, Abstract No. 16* to *Tract 11 of the S. Kelly Survey, Abstract No. 132*.

- (2) Water. The applicant shall be required to construct a 16-inch waterline along the frontage of SH-276, a 12-inch waterline along the frontage of Rochellee Road, and a 12-inch water line along the frontage of Discovery Boulevard. These waterlines shall be placed in a minimum 20-foot utility easement.
- (3) Wastewater. The applicant shall install the required 10-inch and 18-inch minimum wastewater lines per the City's Master Wastewater Plan contained in the OURHometown Vision 2040 Comprehensive Plan. In addition, the applicant will be required to install a lift station and force main sized for ultimate capacity for the Brushy Creek lift station. The lift station improvements shall include -- *but not be limited to* -- wet well, valve vault, generator, electrical (*including SCADA*), and all appurtenances.

CONFORMANCE TO THE CITY'S CODES

When the City Council approved *Ordinance No. 15-24*, two (2) waivers were granted: [1] a waiver to the alleyway requirements, and [2] a waiver to allow 40% flat front entry garages on the *Type 'A' Lots*, 33% flat front entry garages on the *Type 'B' Lots*, and 67% flat front entry on the *Type 'C' Lots*. Since the proposed changes remain consistent with these approvals these items do not require the City Council to consider waivers; however, the applicant is proposing to allow variable roof pitches on the *Type 'A' Lots*, which do not conform to 8:12 roof pitch for primary structures and 4:12 roof pitch for porches called out in the current Planned Development District ordinance and required by Article 10, *Planned Development Regulations*, of the Unified Development Code (UDC). As a compensatory measure the applicant has agreed to increase the masonry percentage from 80% to 90%.

With regard to the applicant's request for temporary *On-Site Sewage Facilities* (OSSF), the City Rockwall has an Interlocal Agreement with Rockwall County for OSSF inspections. Per this agreement, Rockwall County will issue permits and perform OSSF inspections on new and existing septic systems per the County's *Rules for Regulation of On-Site Sewage Facilities*, which stipulates a minimum lot size of 1½-acres. According to Subsection 44-243(d) of Article IV, *Sewers and Sewage Disposal*, of the Municipal Code of Ordinances, "(n)o permit for the installation of an on-site sewage facility (OSSF) will be issued for property of less than 1½-acre, unless an exception is granted by the City Council on the grounds that undue hardship will be created if said lot is not connected to an OSSF." Staff should note that Rockwall County has stated that they will not inspect OSSF's that are on lots less than 1½-acres. It should also be noted that the City Council has granted OSSF systems for developments (*e.g. Planned Development District 76 [PD-76]*) proposing lots less than 1½-acre in size, but greater than one (1) acre when the developer proposes [1] the OSSF systems are designed by a licensed OSSF professional (*i.e. licensed engineer, sanitarian, etc.*), [2] a stamped and signed copy of the OSSF plan indicating the full limits of the septic field be submitted to the City at the time of building permit on a *lot-by-lot* basis, and [3] all OSSF are inspected by a City approved inspector. In this case, the applicant is requesting to install OSSF's on lots that range in size from 0.75-acres to 1.14-acres (*with the majority of the lots being less than one [1] acre in size*), and has included language generally in compliance with the aforementioned stipulations. In addition, the applicant has included language that will [1] ensure that the required sewer infrastructure will be provided with each phase regardless if OSSF are proposed, [2] ensure that the homes are constructed with a secondary connection that will allow them to be disconnected from the OSSF and connected to the future sewer system, and [3] provide for a disclosure in the closing paper work of each lot stating that the property owner will be responsible for connecting to the sanitary sewer system and paying impact fees at the sole cost of the homeowner. The applicant has stated that the need for the temporary OSSF's is to allow the property owner to start monetizing the property while waiting for the North Texas Municipal District's feasibility study concerning taking the wastewater to the Sabine Creek Wastewater Treatment Plant.

Staff is obligated to note that if the sanitary sewer system connecting the development to Sabine Creek Wastewater Treatment Plant is constructed, it will be a force main and will not open up additional capacity for properties in the City's corporate boundaries east of the subject property. With all of this being said, the approval and incorporation of these waivers into the proposed Planned Development District ordinance is a discretionary decision for the City Council.

CONFORMANCE WITH OURHOMETOWN VISION 2040 COMPREHENSIVE PLAN

Since the applicant is not proposing to change the acreage of the residential to non-residential land use mix contained in the Planned Development District, the zoning change does not have an effect on the residential to non-residential land use ratio

contained in the OURHometown Vision 2040 Comprehensive Plan. The proposed zoning change does, however, change the plans conformance with the policies and guidelines contained in the Comprehensive Plan. As a note, the original plan was adopted prior to the current Comprehensive Plan, and several of the residential policies and guidelines have changed from this plan. Based on the applicant's submittal, staff made the following recommendations to the applicant concerning the policies of the Comprehensive Plan:

- (1) Goal 1, Policy #1; CH. 08, Residential, Subsection 02.02: All new developments should include a range of high quality, well-constructed, and appropriately planned residential unit types.

Staff Recommendation to Applicant: To address this staff recommended that the applicant change the fence and anti-monotony requirements in the Planned Development District to meet the current fence and anti-monotony requirements in the Unified Development Code (UDC), which were changed last year. The applicant has incorporated this into the Planned Development District.

- (2) Goal 1, Policy #2; CH. 08, Residential, Subsection 02.03: To maximize the value of properties that are directly adjacent to or across the street from a park and/or public open space, the house on the property should face onto the park and/or public open space, and should not back or side to the park and/or open space. If homes face onto a park and/or public open space and there is no public street, then the homes should be accessed via a mew-type street design.

Staff Recommendation to Applicant: Since the changes to the concept plan reduce the single-loaded lots and lots fronting on to open spaces/greenspaces staff recommended that the applicant take the one (1) acre lots that have a side yard facing onto the boulevard and reorient them to front onto the boulevard. At the work session the applicant indicated to the Planning and Zoning Commission that he would comply with this requirement; however, the resubmitted concept plan does not change the orientation of these lots.

- (3) Goal 3, Policy #3; CH. 08, Residential, Subsection 02.03: In cases where flat front entry garages (i.e. even with the front façade of the primary structure) are requested as part of a development no greater than 20% should be incorporated into the development. In addition, flat front entry garages should have a minimum of a 25-foot front yard building setback to allow vehicles to be parked in the driveway without overhanging public right-of-way. This type of garage may not be appropriate for all developments and should be generally discouraged.

Staff Recommendation to Applicant: Since the original Planned Development District allowed above 20% flat front entry garages, staff has recommended to the applicant that the front yard building setback for these lots should be increased to 25-Feet. The applicant has incorporated this into the Planned Development District.

Taking all of these revisions into account, the concept plan continues to maintain general conformance to the residential policies and guidelines contained in the OURHometown Vision 2040 Comprehensive Plan; however, the approval of the applicant's request remains a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission.

NOTIFICATIONS

On July 2, 2020, staff mailed 13 notices to property owners and occupants within 500-feet of Planned Development District 78 (PD-78). Staff also sent a notice to the Timber Creek Homeowner's Association (HOA), which is the only HOA or Neighborhood Organization within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was drafted, staff had not received any notices returned.

CONDITIONS OF APPROVAL

If the Planning and Zoning Commission chooses to recommend approval of the applicant's request to amend Planned Development District 78 (PD-78), then staff would propose the following conditions of approval:

- (1) The applicant shall be responsible for maintaining compliance with the conditions contained in the Planned Development District ordinance; and,

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

PLANNING AND ZONING COMMISSION

On July 14, 2020, the Planning and Zoning Commission approved a motion to recommend approval of the amendment to Planned Development District 78 (PD-78) with the conditions of approval by a vote of 5-1, with Commissioner Welch dissenting and Commissioner Moeller absent.



DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO.

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

DIRECTOR OF PLANNING:

CITY ENGINEER:

Please check the appropriate box below to indicate the type of development request [SELECT ONLY ONE BOX]:

Platting Application Fees:

- ☐ Master Plat (\$100.00 + \$15.00 Acre) ¹
- ☐ Preliminary Plat (\$200.00 + \$15.00 Acre) ¹
- ☐ Final Plat (\$300.00 + \$20.00 Acre) ¹
- ☐ Replat (\$300.00 + \$20.00 Acre) ¹
- ☐ Amending or Minor Plat (\$150.00)
- ☐ Plat Reinstatement Request (\$100.00)

Site Plan Application Fees:

- ☐ Site Plan (\$250.00 + \$20.00 Acre) ¹
- ☐ Amended Site Plan/Elevations/Landscaping Plan (\$100.00)

Zoning Application Fees:

- ☒ Zoning Change (\$200.00 + \$15.00 Acre) ¹ (\$4,940.00)
- ☐ Specific Use Permit (\$200.00 + \$15.00 Acre) ¹
- ☐ PD Development Plans (\$200.00 + \$15.00 Acre) ¹

Other Application Fees:

- ☐ Tree Removal (\$75.00)
- ☐ Variance Request (\$100.00)

Notes:

¹: In determining the fee, please use the exact acreage when multiplying by the per acre amount. For requests on less than one acre, round up to one (1) acre.

PROPERTY INFORMATION [PLEASE PRINT]

Address	Highway 276		
Subdivision	Discovery Lakes PD-78	Lot	Block
General Location	315 acres at the northeast corner of Hwy 276 and Rojhell Road		

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

Current Zoning	Discovery Lakes PD-78		Current Use	Ag	
Proposed Zoning	PD		Proposed Use	Residential	
Acreage	316.315 Acres	Lots [Current]	507	Lots [Proposed]	428

☐ **SITE PLANS AND PLATS:** By checking this box you acknowledge that due to the passage of HB3167 the City no longer has flexibility with regard to its approval process, and failure to address any of staff's comments by the date provided on the Development Calendar will result in the denial of your case.

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

<input type="checkbox"/> Owner	Discovery Lakes, LLC	<input checked="" type="checkbox"/> Applicant	Teague Nall & Perkins
Contact Person	Nick DiGiuseppe	Contact Person	Chris Cuny, P.E.
Address	15400 Knoll Trail Ste 230	Address	2 Horizon Court Ste 500
City, State & Zip	Dallas, Texas 75248	City, State & Zip	Heath, Texas 87032
Phone	214-803-3783	Phone	972-965-1541
E-Mail	southbrookinvestments@outlook.com	E-Mail	ccuny@tnpinc.com

NOTARY VERIFICATION [REQUIRED]

Before me, the undersigned authority, on this day personally appeared Nick DiGiuseppe [Owner] the undersigned, who stated the information on this application to be true and certified the following:

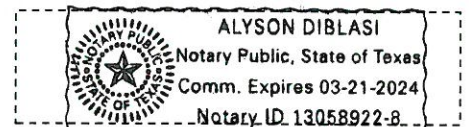
"I hereby certify that I am the owner for the purpose of this application; all information submitted herein is true and correct; and the application fee of \$4,940.00 to cover the cost of this application, has been paid to the City of Rockwall on this the 18th day of June, 2020. By signing this application, 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 18th day of June, 2020.

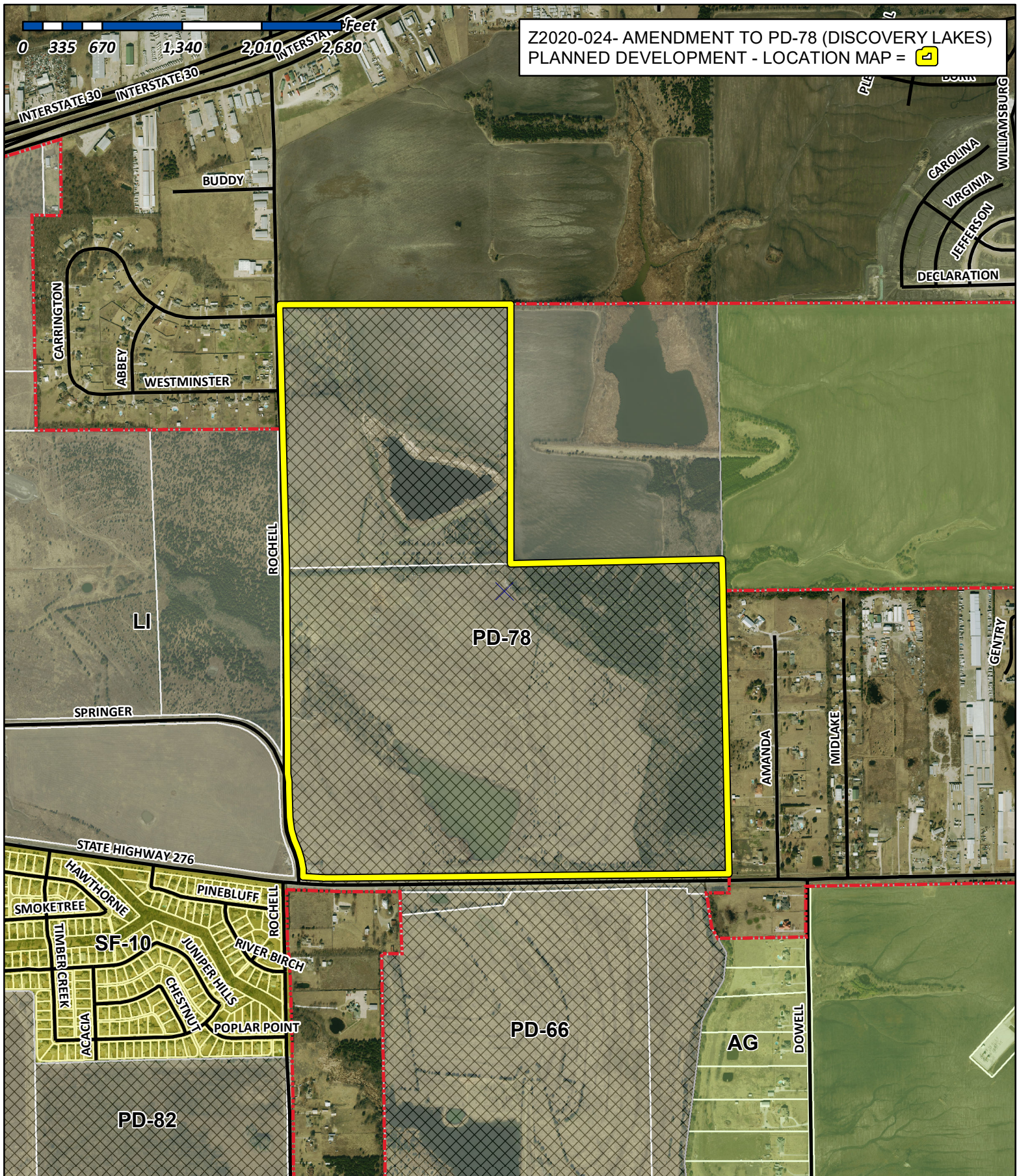
Owner's Signature

Notary Public in and for the State of Texas

Alyson DiBlasi



My Commission Expires 03-21-2024



City of Rockwall

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

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

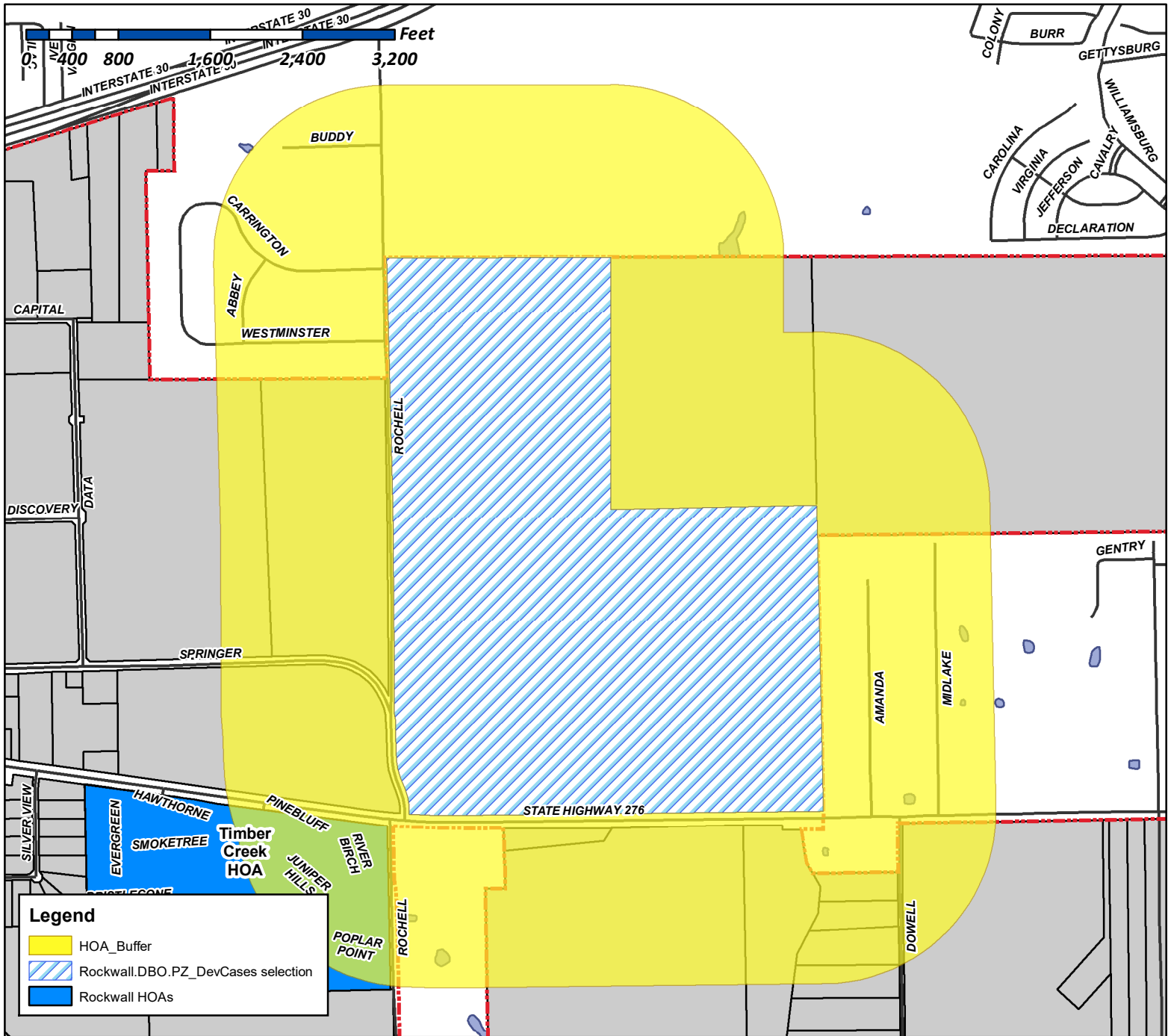




City of Rockwall

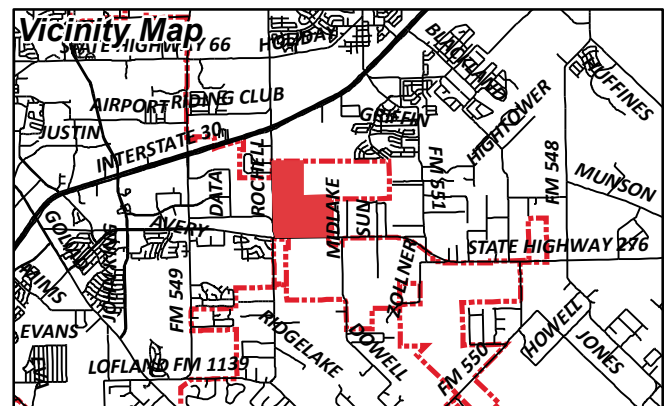
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

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: Z2020-024
Case Name: Amendment to PD-78
Case Type: Zoning
Zoning: PD-78
Case Address: NEC of Rochelle Road & SH-276

Date Created: 6/19/2020
For Questions on this Case Call (972) 771-7745



From: [Henry Lee](#)
Cc: [Gonzales, David](#); [Miller, Ryan](#)
Subject: Homeowners Association/Neighborhood Notification Program
Date: Wednesday, July 1, 2020 4:39:47 PM
Attachments: [HOA Map \(06.19.2020\).pdf](#)
[Public Notice \(06.19.2020\).pdf](#)

HOA/Neighborhood Association Representative:

Per your participation in the [Neighborhood Notification Program](#), you are receiving this notice to inform your organization that a zoning case has been filed with the City of Rockwall that is located within 1,500-feet of the boundaries of your neighborhood. As the contact listed for your organization, you are encouraged to share this information with the residents of your subdivision. Please find the attached map detailing the property requesting to be rezoned in relation to your subdivision boundaries. Additionally, below is the summary of the zoning case that will be published in the Rockwall Herald Banner on [June 26, 2020](#). The Planning and Zoning Commission will hold a public hearing on [Tuesday, July 14, 2020 at 6:00 PM](#), and the City Council will hold a public hearing on [Monday, July 20, 2020 at 6:00 PM](#). Both hearings will take place at 6:00 PM at City Hall, 385 S. Goliad, Rockwall, TX 75087.

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

22020-024 Zoning Amendment to Planned Development 78

Hold a public hearing to discuss and consider a request by Chris Cuny, PE of Teague, Nall & Perkins on behalf of the Nick DiGiuseppe of Discovery Lakes, LLC for the approval of a Zoning Amendment to Planned Development District 78 (PD-78) [Ordinance No. 15-24] for the purpose of changing the concept plan and development standards on a 316.315-acre tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract No. 100 and Tract 2 of the R. K. Brisco Survey, Abstract No. 16, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 78 (PD-78) for General Retail (GR) District and Single Family 10 (SF-10) District, generally located at the northeast corner of the intersection of SH-276 and Rochelle Road, and take any action necessary.

Thank you,

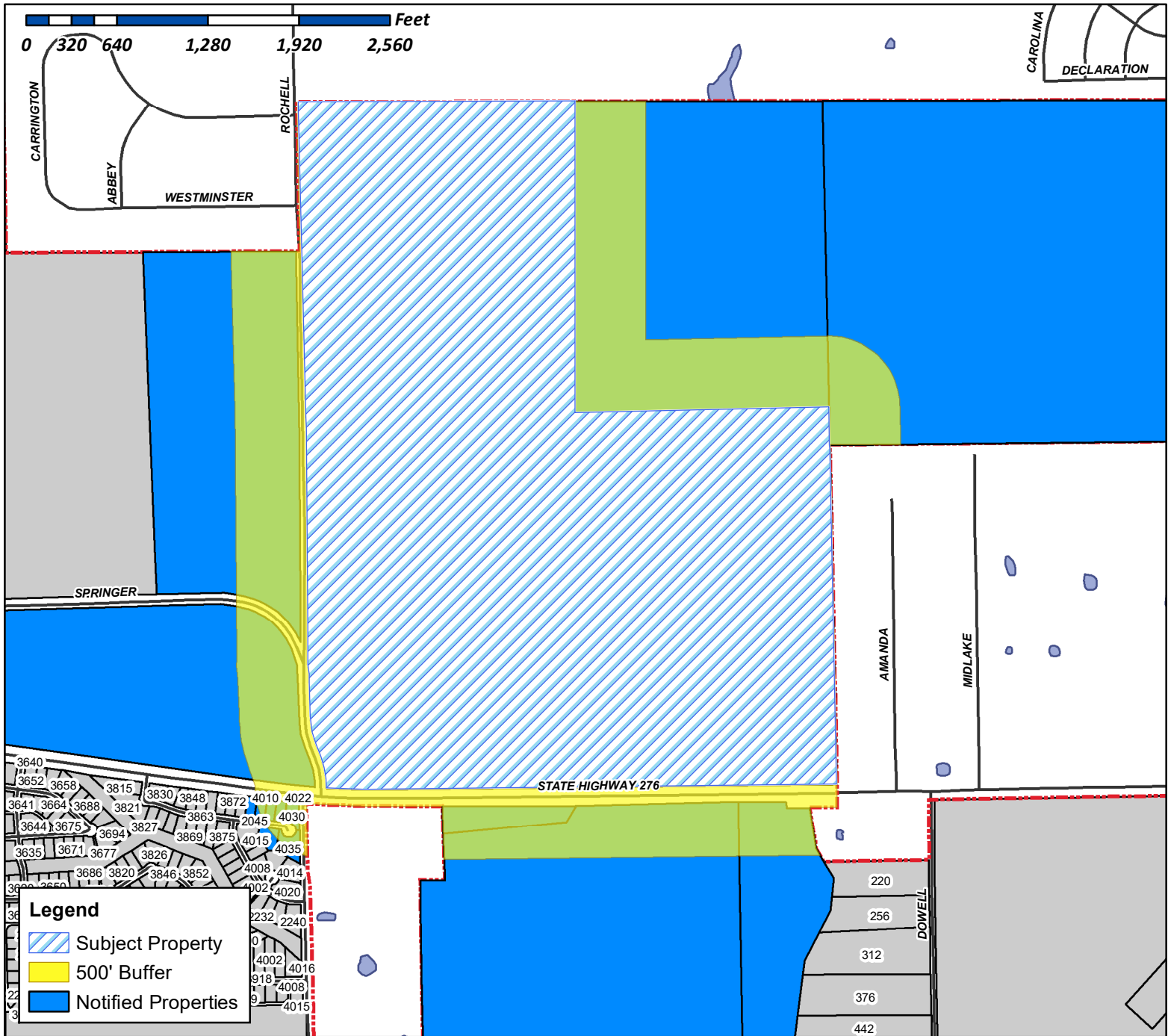
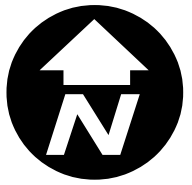
Henry Lee



City of Rockwall

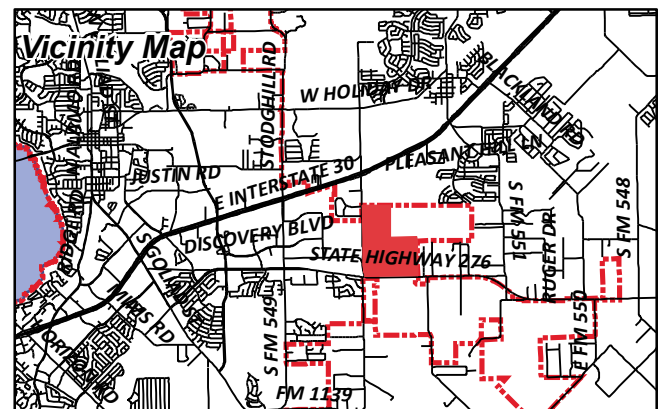
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

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: Z2020-024
Case Name: Amendment to PD-78
Case Type: Zoning
Zoning: PD-78
Case Address: NEC of Rochelle Road & SH-276

Date Created: 6/19/2020
For Questions on this Case Call (972) 771-7745



PACIFIC PHOENIX TRUST OF 2013
WALTER E & LINDA H MOELLER TRUSTEES
1355 CORDE LOMA
WALNUT CREEK, CA 94598

DISCOVERY LAKES LLC
15400 KNOLL TR SUITE 230
DALLAS, TX 75248

SOUTH ROCKWALL HOLDINGS LP
C/O AD VALROEM TAX DEPT
2101 CEDAR SPRINGS RD SUITE 600
DALLAS, TX 75201

ROCKWALL FUND I LLC
212 S PALM AVE FL 2
ALHAMBRA, CA 91801

ROCKWALL ECONOMIC DEVELOPMENT
CORPORATION
2610 OBSERVATION TRAIL SUITE 104
ROCKWALL, TX 75032

GRAHAM MORTGAGE CORPORATION
3838 OAK LAWN AVENUE SUITE 1250
DALLAS, TX 75219

CURRENT RESIDENT
3884 PINEBLUFF
ROCKWALL, TX 75032

BARSOUM LINDSEY NICOLE
4010 PINEBLUFF LN
ROCKWALL, TX 75032

NWIGWE CHARLES & VANIECY
4015 PINEBLUFF LN
ROCKWALL, TX 75032

FIELDS RUTH A
4016 PINEBLUFF LN
ROCKWALL, TX 75032

HENDERSON ERIC
4030 PINEBLUFF LN
ROCKWALL, TX 75032

CHANDLER CRISTINA O
4035 PINEBLUFF LN
ROCKWALL, TX 75032

SRP SUB LLC
8665 EAST HARTFORD DRIVE SUITE 200
SCOTTSDALE, AZ 85255

PUBLIC NOTICE



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

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

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

Case No. Z2020-024: Amendment to Planned Development District 78 (PD-78)

Hold a public hearing to discuss and consider a request by Chris Cuny, PE of Teague, Nall & Perkins on behalf of the Nick DiGiuseppe of Discovery Lakes, LLC for the approval of a Zoning Amendment to Planned Development District 78 (PD-78) [*Ordinance No. 15-24*] for the purpose of changing the concept plan and development standards on a 316.315-acre tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract No. 100 and Tract 2 of the R. K. Brisco Survey, Abstract No. 16, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 78 (PD-78) for General Retail (GR) District and Single-Family 10 (SF-10) District, generally located at the northeast corner of the intersection of SH-276 and Rochelle 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, July 14, 2020 at 6:00 PM, and the City Council will hold a public hearing on Monday, July 20, 2020 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

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

Ryan Miller
Rockwall Planning and Zoning Dept.
385 S. Goliad Street
Rockwall, TX 75087

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

Your comments must be received by Monday, July 20, 2020 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning



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

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

Case No. Z2020-024: Amendment to Planned Development District 78 (PD-78)

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

CITY OF ROCKWALL

ORDINANCE NO. 15-24

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 AN AGRICULTURAL (AG) DISTRICT TO A PLANNED DEVELOPMENT DISTRICT FOR SINGLE FAMILY 10 (SF-10) AND GENERAL RETAIL (GR) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 316.315-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1 OF THE M. E. HAWKINS SURVEY, ABSTRACT NO. 100, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A' & EXHIBIT 'B'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request by the Stacy McVey of Double Eagle Properties, LLC on behalf of the owner 308 ON 276, LP for the approval of a zoning change from an Agricultural (AG) District to a Planned Development District for Single Family 10 (SF-10) and General Retail (GR) District land uses, on a 316.315-acre tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract No. 100, City of Rockwall, Rockwall County, Texas and more fully described in *Exhibit 'A' & Exhibit 'B'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code [Ordinance No. 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 generally be in accordance with the *Planned Development Concept Plan*, described in *Exhibit 'C'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'C'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

Section 3. That development of the *Subject Property* shall generally be in accordance with the *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 4. That a *Master Parks and Open Space Plan* for the *Subject Property*, shall be prepared in accordance with this ordinance and consistent with the *Planned Development Concept Plan* depicted in *Exhibit 'C'* of this ordinance, and that the *Master Parks and Open Space Plan* shall be considered for approval by the City Council following a recommendation by the *Parks and Recreation Board*.

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

- (a) The procedures set forth in the City's subdivision regulations on the date this ordinance is approved by the City, as amended by this ordinance (*including Subsections 5(b) through 5(f) below*), shall be the exclusive procedures applicable to the subdivision and platting of the 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) Open Space Master Plan
 - (2) Master Plat
 - (3) PD Development Plan (*Required for Retail Areas Only*)
 - (4) PD Site Plan
 - (5) Preliminary Plat
 - (6) Final Plat
- (c) A *PD Development Plan* must be approved for the area designated on the *Planned Development Concept Plan* as *Retail* prior to submittal of a *PD Site Plan* application and/or preliminary plat application. No *Master Plat* is required for the area designated on the *Concept Plan* as *Retail*. A traffic impact analysis for the retail tract 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* for each retail development.
- (d) *PD Site Plan*. A *PD Site Plan* covering all of the *Subject Property* shall be submitted and shall identify all site/landscape/hardscape plan(s) for all open space, neighborhood parks, trail systems, street buffers and entry features. A *PD Site Plan* application may be processed by the City concurrently with a *Preliminary Plat Application* for the development.
- (e) *Preliminary Plat*. A *Preliminary Plat* covering all of the *Subject Property* shall be submitted and shall include a *Treescape Plan*. A *Preliminary Plat Application* may be processed by the City concurrently with a *PD Site Plan Application* for the development.
- (f) *Final Plat*. Prior to the issuance of any building permits, a *Final Plat*, conforming to the *Preliminary Plat*, for all of the *Subject Property* shall be submitted for approval.

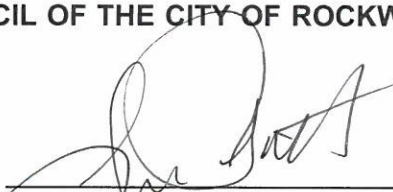
Section 6. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *Two Thousand Dollars* (\$2,000.00) for each offense and each and every day such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

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

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

Section 9. That this ordinance shall take effect immediately from and after its passage 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 17TH DAY OF AUGUST, 2015.**



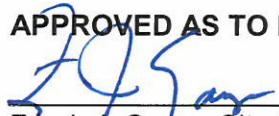
Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: 08-03-2015

2nd Reading: 08-17-2015

Exhibit 'A':
Legal Description

Field notes for a 316.315-acre (13,778,691 square foot) tract of land situated in the M. E. Hawkins Survey, Abstract No. 100, and the Robert K. Briscoe Survey, Abstract No. 16 in the City of Rockwall, Rockwall County, Texas, and being all of that certain called 308.52-acre tract of land described in a Special Warranty Deed to 308 ON 276, L.P., as recorded in Volume 03662, Page 00315, of the Office Public Records of Rockwall County, Texas (O.P.R.R.C.T.) with said 316.315-acre (13, 778,691 square feet) tract of land being more particularly described by metes and bounds as follows:

BEGINNING a railroad spike set in asphalt marking the northwest corner of said 308 on 276, L.P. tract and the common southwest corner of that certain called 21. 935 acre tract of land described as Tract One in a Warranty Deed to Rockwall Fund I, L.L.C., as recorded in Volume 1 110, Page 190, of the Deed Records of Rockwall County, Texas (D.R.R.C.T.), said point being in the approximate center of Rochell Road, a county road with an unspecified right-of- way (R. O. W.) width;

THENCE North 89 degrees 00 minutes 24 seconds East (South 89 degrees 12 minutes 02 seconds East - deed call), along the common northerly line of said 308 ON 276, L.P. tract and the common southerly line of said Tract One, passing at a distance of 30. 00 feet, a 5/8 inch iron rod set with a yellow plastic cap stamped "THE WALLACE GROUP " ("cap ") for reference, continuing along said common line, passing at a distance of 1,799. 04-feet, a 1/2-inch iron rod found marking the southeast corner of said Tract One, being common with the south west corner of that certain called 59.71-acre tract of land described in a Special Warranty Deed to Fate I- 30, L.P., as recorded in Volume 03542, Page 00039, O.P.R.R.C.T., continuing along the common northerly line of said 308 on 276, L.P. tract and the southerly line of said Fate I-30, L.P. tract, a total distance of 1,966.04 feet (1,902 .80 feet - deed call) to a 1/ 2 inch iron rod found marking the common most northerly northeast corner of said 308 on 276, L.P. tract and the north west corner of that certain coiled 85.479 acre tract of land described as Tract Two in the aforementioned Warranty Deed to Rockwall Fund I, L.L.C., as recorded in Volume 1 110, Page 190, O.R.R.C.T.;

THENCE South 01 degrees 59 minutes 29 seconds East (South 00 degrees 08 minutes 06 seconds West - deed call), along the common easterly line of said 308 ON 276, L.P. tract and the westerly line said Tract Two, a distance of 2,204.26-feet (2,166.70-feet - deed call) to a 1/ 2 inch iron rod found marking an ell corner of said 308 ON 276, L.P. tract and the southwest corner of said Tract Two;

THENCE North 87 degrees 20 minutes 20 seconds East (North 89 degrees 12 minutes 02 seconds East - deed call), continuing along the common northerly line of said 308 on 276, L.P. tract and the southerly line said Tract Two, a distance of 1,691. 90 feet (1,782.53 feet - deed call) to a 5/8 inch iron rod set with "cap " marking the common most easterly northeast corner of said 308 on 276, L.P. tract and the southeast corner of said Tract Two, from which a 1/2-inch iron rod found bears North 87 degrees 20 minutes 20 seconds East at 10. 49 feet, said 5/8-inch iron rod set being on the west line of that certain called 212. 25 acre tract of land described in a Special Warranty Deed to South Rock wall Holdings, L.P., as recorded in Volume 03625, Page 00034, O.P.R.R.C.T.;

THENCE South 01 degrees 34 minutes 35 seconds East, along the common easterly line of said 308 ON 276, L.P. tract and the westerly line said South Rock wall Holdings tract, a distance of 309.68-feet to a 5/8-inch iron rod set with "cap " marking the southwest corner of said South Rock wall Holdings tract, being common with the northwest corner of Lot 8, Equestrian Estates, according to the plot thereof recorded in Cabinet A, Page 19 7, of the Plot Records of Rock wall County, Texas (P.R.R.C.T.);

THENCE South 00 degrees 50 minutes 42 seconds East, along the common easterly line of said 308 ON 276, L.P. tract and the westerly line said Equestrian Estates, a distance of 2,301.71 feet (South 00 degrees 06 minutes 38 seconds West, a distance of 2,580 . 60 feet - overall deed call) to a 5/8 inch iron rod set with "cap " marking the common southeast corner of said 308 ON 276, L.P. tract and on ell corner of the north R.O.W. line of State Highway No. 276 (having a variable width R.O.W.);

THENCE South 89 degrees 29 minutes 00 seconds West (North 89 degrees 29 minutes 07 seconds West - deed call), along the common southerly line of said 308 ON 2 76, L.P. tract and said north R.O.W. line of State Highway No. 276, passing at a distance of 1.66 feet a found TxDOT concrete monument, continuing along said common line for a tot al distance of 117.50-feet (115.83-feet - deed call) to a 5/8-inch iron rod set with "cap " marking the common ell corner of said 308 ON 276, L.P. tract and the most easterly southeast corner of that certain called 2.503-acre tract of land described as on Easement for Highway Purposes to the State of Texas, recorded in Volume 82, Page 583 of the Real Property Records of Rockwall County, Texas (R.P.R.R.C.T.);

THENCE North 00 degrees 31 minutes 03 seconds West (North 00 degrees 30 Minutes 13 seconds East - deed call), along a common interior line of said 308 on 2 76, L.P. tract and the easterly line of said Easement for Highway Purposes tract, a distance of 50.31-feet (50-feet - deed call) to a 5/8-inch iron rod set with "cap" marking the common ell corner of said 308 ON 276, L.P. tract and the north east corner of said Easement for Highway Purposes tract;

Exhibit 'A':
Legal Description

THENCE South 89 degrees 28 minutes 57 seconds West (North 89 degrees 29 minutes 47 seconds West - deed call), along the common southerly line of said 308 on 276, L.P. tract and the northerly line of said Easement for Highway Purposes tract, a distance of 543.40-feet (543.73-feet - deed call) to a 5/8-inch iron rod set with "cap " for corner;

THENCE South 89 degrees 13 minutes 58 seconds West (South 89 degrees 48 minutes 55 seconds West - deed call), continuing along the common southerly line of said 308 ON 276, L.P. tract and the northerly line of said Easement for Highway Purposes tract, a distance of 757. 25-feet (756.93-feet - deed call) to a 5/8-inch iron rod found marking a common ell corner of said 308 ON 276, L.P. tract and the northwest corner of said Easement for Highway Purposes tract;

THENCE South 00 degrees 46 minutes 03 seconds East (South 00 degrees 11 minutes 05 seconds East - deed call), along a common interior line of said 308 ON 276, L.P. tract and the westerly line of said Easement for Highway Purposes tract, a distance of 90.30-feet (87.44-feet - deed call) to a 5/8-inch iron rod set with "cap " marking a common ell corner of said 308 ON 276, L.P. tract and the southwest corner of said Easement for Highway Purposes tract, said point being on said north R.O.W. line of State Highway No. 276;

THENCE South 89 degrees 13 minutes 57 seconds West (North 89 degrees 53 minutes 27 seconds West - deed call), along the common southerly line of said 308 ON 276, L.P. tract and said north R.O.W. line of State Highway No. 276, passing at a distance of 1,667.76-feet a 5/8-inch iron rod set with "cap " for reference, continuing along said common line for a total distance of 1,917.07-feet (1,917.34-feet - deed call) to a found TxDOT concrete monument, marking the transitional R.O.W. line from said north R.O.W. line of State Highway No. 276 to the east R.O.W. line of Springer Lane, on 80-foot wide R.O.W., (formerly F.M. No. 1143), said point being the beginning of a non-tangent curve to the right, with the radius point being situated North 21 degrees 40 minutes 52 seconds East, a distance of 533.69-feet;

THENCE Northerly along the common curving westerly line of said 308 ON 276, L.P. tract and said curving east R.O.W. line of Springer Lane, with said non-tangent curve to the right, through a central angle of 67 degrees 33 minutes 20 seconds (48 degrees 33 minutes 57 seconds - deed call), having a radius of 533. 69-feet (613.69-feet - deed call), a tangent distance of 356.97-feet, a chord bearing North 34 degrees 32 minutes 28 seconds West (North 40 degrees 41 minutes 57 seconds West - deed call), at 593.43-feet, and an arc distance of 629.26-feet (520.18-feet - deed call) to a 5/8-inch iron rod set with "cap" at the end of said non- tangent curve;

THENCE North 00 degrees 53 minutes 56 seconds West (North 00 degrees 43 minutes 17 seconds West - deed call), continuing along the common westerly line of said 308 on 276, L.P. tract and said east R.O.W. line of Springer Lane, a distance of 294.21-feet (430.56-feet - deed call) to an axle found for the beginning of a non-tangent curve to the left , with the radius point being situated South 89 degrees 08 minutes 07 seconds West, a distance of 612.96-feet;

THENCE Northerly continuing along the common curving westerly line of said 308 ON 276, L.P. tract and said curving east R.O.W. line of Springer Lane, with said non-tangent curve to the left, through a central angle of 17 degrees 26 minutes 00 seconds (12 degrees 25 minutes 52 seconds - deed call), having a radius of 612.96-feet (613.69-feet - deed call), a tangent distance of 93.98 feet, a chord bearing North 09 degrees 34 minutes 53 seconds West at 185.78-feet, and an arc distance of 186.50-feet (133.15 feet - deed call) to a 5/8-inch iron rod set with "cap" at the end of said non-tangent curve, said point marking the transition from said east R.O.W. line of Springer Lane to the approximate center of the aforementioned Rochell Road;

THENCE North 00 degrees 49 minutes 05 seconds West (North 00 degrees 10 minutes 49 seconds East - deed call), along the common westerly line of said 308 ON 276, L.P. tract and said approximate center of Rochell Road, passing at a distance of 386.53-feet a 1/2-inch iron rod found marking the southeast corner of that certain called 60.3368-acre tract of land described in a Cash Warranty Deed to Varughese P. Samuel and wife, Remoni V. Samuel, as recorded in Volume 02002, Page 00062, O.P.R.R.C.T., then continuing along said common line with the easterly line of said Samuel tract, a total distance of 2,841.3-feet (1,613.15-feet - deed call) to a 1/2-inch iron rod found marking the northeast corner of said Samuel tract;

THENCE North 01 degrees 38 minutes 55 seconds West (North 00 degrees 08 minutes 06 seconds East - deed call), along the common westerly line of said 308 ON 276, L.P. tract and said approximate center of Rochell Road, a distance of 976.29-feet (2,166.70-feet - deed call) to the *POINT OF BEGINNING*.

CONTAINING within the metes recited 316.315-acres (13,778,692 square feet) of land, more or less, of which a portion lies within Rochell Road.

Exhibit 'B': Survey

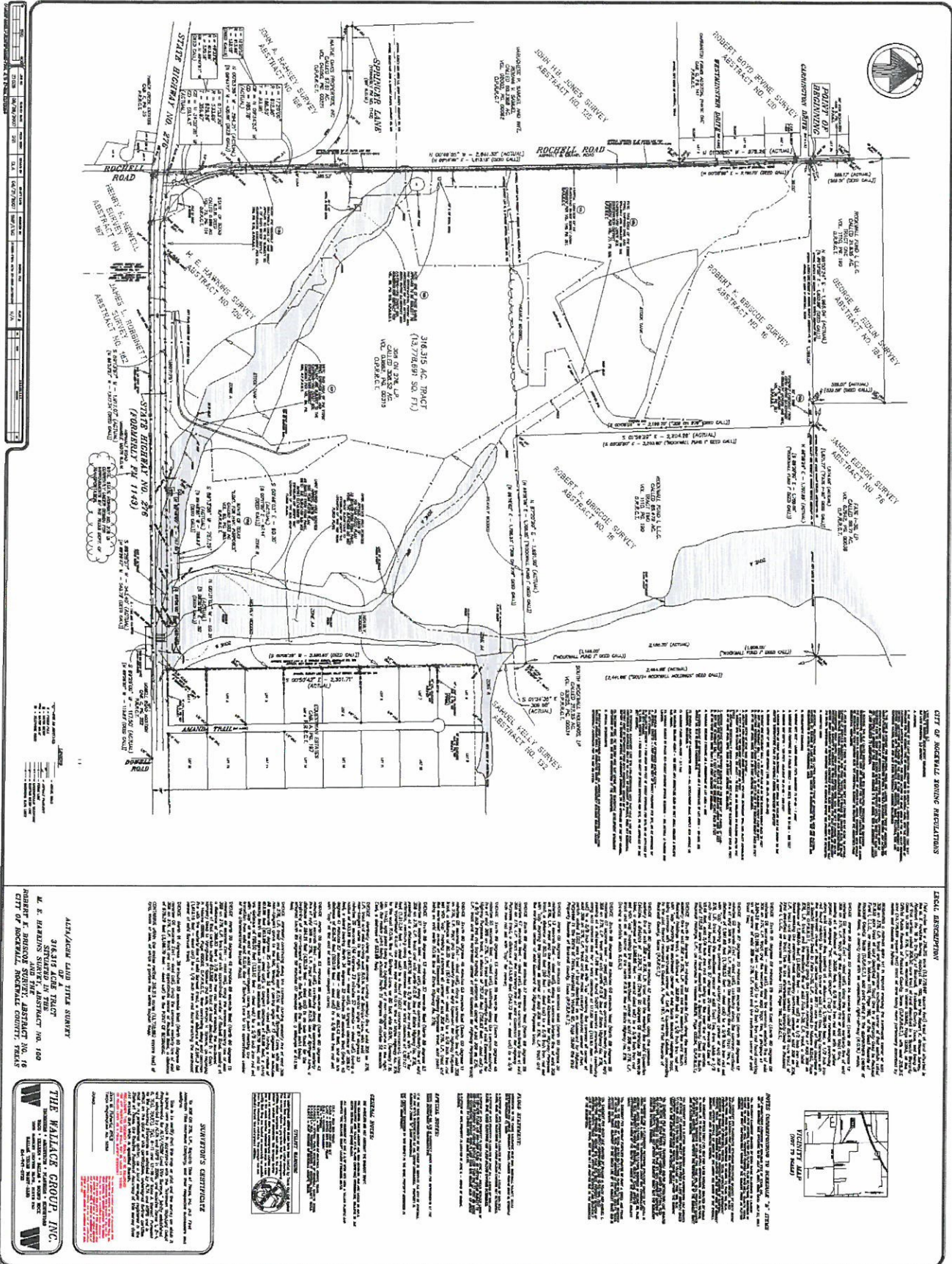
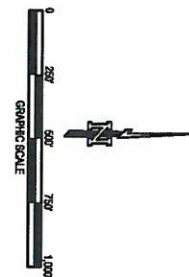


Exhibit 'C': Concept Plan



OPEN SPACE CALCULATION		
OPEN AREA / PARK AREA	1/2 FEMA FLOOD PLAIN AREA	
41.9 ACRES	54.7 ACRES	96.6 ACRES
OPEN SPACE RATIO =	96.6 / 307.0	31.5%

RESIDENTIAL PROJECT AREA = 307.0 ACRES
LOT DENSITY: 507 / 307.0 = 1.65 Lots per Acre



LEGEND

- TYPE A LOT
- TYPE B LOT
- TYPE C LOT
- COMMERCIAL ± 9.0 AC.
- OPEN AREA ± 30.9 AC
- PARK ± 11.0 AC
- OPEN AREA/FLOODPLAIN TO BE DEDICATED TO THE PUBLIC ± 44.2 AC
- COMMUNITY CENTER ± 1.2 ACRES
- REMAINING FEMA FLOODPLAIN ± 65.2 AC
- WALKING TRAIL ± 3.8 MILES

GENERAL LOT INFORMATION

- TYPE A - 121 LOTS - 80'x120' (MIN) - 9,600 SF
- TYPE B - 127 LOTS - 70'x110' (MIN) - 7,700 SF
- TYPE C - 259 LOTS - 80'x110' (MIN) - 6,800 SF
- 15' LANDSCAPE BUFFER ALONG DISCOVERY BOULEVARD
- 20' LANDSCAPE BUFFER ALONG ROCHELL ROAD
- 25' LANDSCAPE BUFFER ALONG HIGHWAY 276

507 LOTS

"THIS SITE PLAN SHOULD BE CONSIDERED PRELIMINARY AND CONCEPTUAL AND IS NOT BASED ON FINAL ACTS OF TOWN/CITY/STATE JURISDICTION. LOT POSITIONING MAY VARY AS PLAN IS REFINED. PLAN WILL NOT EXCEED 507 LOTS. IT SHOULD NOT BE USED FOR LEASE AGREEMENTS, PERMIT APPROVAL OR ANY OTHER BINDING AGREEMENTS."

Exhibit 'D':
PD Development Standards

A. PURPOSE

The Discovery Lakes Subdivision is located at the northeast corner of the intersection of SH-276 and Rochell Road. The *Subject Property* is a short walk or bike ride from the Rockwall Technology Park. The Discovery Lakes Subdivision will be a master planned residential neighborhood that will incorporate two (2) lakes, several acres of open space and ~3.8-miles of hiking/jogging/biking trails. The master plan calls for 507 single-family homes. There will be several view corridors strategically placed within the subdivision along with *front loaded* lots to provide for the enjoyment of the open space. A boulevard with 85-feet of right-of-way will connect SH-276 and Discovery Boulevard. The boulevard will have a 14-foot landscape median and a 25-foot travel lane on each side of the street.

The residential streets will be 29-feet back-to-back, with a 10½-foot parkway on each side for a total of 50-feet of right-of-way. A *Community Center* with a pool will be provided to add increased amenity for the subdivision. Additionally, the proposed development will incorporate nine (9) acres of commercial space that will be located at the hard corner of SH-276 and Rochell Road. This area will allow for neighborhood service types of uses and eating establishments. A maximum of one (1) hotel planned to service the needs of the subdivision and the Rockwall Technology Park. A 55-acre area adjacent to the northern lake will be dedicated as public parkland to serve Park District No. 31.

The Discovery Lakes Subdivision will be a benefit to the community, allowing citizens of all ages the opportunity to live, work, and play in a connected master planned community.

B. GENERAL REQUIREMENTS

Development Standards.

1. *Permitted Uses.* The following uses are permitted on the *Subject Property* in accordance with the *Concept Plan* depicted in *Exhibit 'C'* of this ordinance.

(a) *Residential Uses.* Unless specifically provided by this Planned Development ordinance, only those uses permitted within the Single Family 10 (SF-10) District, as stipulated by the *Permissible Use Charts* contained in Article IV, *Permissible Uses*, of the Unified Development Code (UDC), shall be allowed for areas designated as *residential* on the *Concept Plan*.

(b) *Non-Residential.* Unless specifically provided by this Planned Development ordinance, only those uses permitted within the General Retail (GR) District, as stipulated by the *Permissible Use Charts* contained in Article IV, *Permissible Uses*, of the Unified Development Code (UDC), shall be allowed for areas designated as *commercial* on the *Concept Plan*; however, the following conditions shall apply:

- (i) The following additional uses shall be permitted as *by-right* uses on the *Subject Property*:

- ☒ Hotel, Hotel (*Full Service*) or Motel (*With a Maximum Height of Four [4] Stories*) ¹
- ☒ Restaurant (*with Drive-Through or Drive-In*) ²
- ☒ Retail Store (*with more than two [2] Gasoline Dispensers*)

Notes:

¹: A maximum of one (1) hotel/motel shall be permitted with this Planned Development District. The height requirement of four (4) stories is permitted to exceed 36-feet, but in no case shall exceed 60-feet.

²: A maximum of three (3) restaurants (despite the size of the restaurant) shall be permitted within this Planned Development District.

Exhibit 'D':
PD Development Standards

(ii) The following uses shall be prohibited on the *Subject Property*:

- ☒ Convent or Monastery
- ☒ Hotel, Residence
- ☒ Cemetery/Mausoleum
- ☒ Mortuary of Funeral Chapel
- ☒ Social Service Provider
- ☒ Billiard Parlor or Pool Hall
- ☒ Carnival, Circus, or Amusement Ride
- ☒ Commercial Amusement/Recreation (*Outside*)
- ☒ Gun Club, Skeet or Target Range (*Indoor*)
- ☒ Astrologer, Hypnotist, or Psychic Art and Science
- ☒ Garden Supply /Plant Nursery
- ☒ Night Club, Discotheque, or Dance Hall
- ☒ Secondhand Dealer
- ☒ Car Wash, Self Service
- ☒ Mining and Extraction (Sand, Gravel, Oil and/or Other)
- ☒ Helipad
- ☒ Railroad Yard or Shop
- ☒ Transit Passenger Facility

2. *Non-Residential Development.* The area designated as *commercial* on the *Concept Plan* depicted in *Exhibit 'C'* of this ordinance shall be designed to be pedestrian-oriented, easily accessible, and integrated into the general design scheme of the adjacent neighborhood. This can be accomplished by removing the traditional barriers utilized to separate commercial and residential developments (e.g. *screening walls*) and incorporating landscape buffers/elements (e.g. *greenspace, parkways, and etcetera*) and urban design elements (e.g. *pathways, pergolas, and etcetera*) that can create compatibility with the adjacent single-family neighborhood. To better achieve this goal and in addition to the requirements of Section 4.1, *General Commercial District Standards*, and Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code, all commercial development shall be required to adhere to the following supplemental standards:

(a) *Retail Landscape.* Landscaping shall be reviewed and approved with the PD Site Plan. All Canopy/Shade Trees planted within the retail development shall be a minimum of four (4) caliper inches in size and all *Accent/Ornamental/Under-Story Trees* shall be a minimum of four (4) feet in total height unless otherwise provided within this document.

(b) *Retail Landscape Buffers.* All landscape and plantings located within the buffers shall be maintained by the property owner.

(1) *Landscape Buffer (Residential Adjacency).* Where residential and retail uses share a direct adjacency, a minimum of a 30-foot landscape buffer shall be provided by the retail property adjacent to the residential property. This area shall incorporate ground cover, a *built-up* berm and shrubbery along the entire length of the adjacency. This area should also incorporate pedestrian-oriented design elements (e.g. *pathways*) that allow access between the two (2) uses. Shrubby utilized in this area shall have a minimum height of 30-inches and a maximum height of 48-inches. Additionally, trees should be incorporated in this area to break up the façades of any commercial buildings.

(2) *Landscape Buffer and Sidewalks (SH-276).* A minimum of a 15-foot landscape buffer shall be provided along the frontage of SH-276, and shall incorporate ground cover,

Exhibit 'D':
PD Development Standards

a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. All buffer-strip planting requirements shall conform to the requirements of Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code.

- (3) *Landscape Buffer (Rochell Road Retail)*. A minimum of a 20-foot landscape buffer shall be provided along the frontage of Rochell Road (*outside of and beyond any required right-of-way dedication*), and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage.

(c) *Sidewalks*.

- i) *Sidewalk Adjacent to Rochell Road and SH-276*. The developer shall be responsible for the construction of a five (5) foot sidewalk that meanders through the required 20-foot landscape buffer adjacent to Rochell Road and SH-276.

3. *Residential Development Standards*. Except as modified by these *Development Standards*, the residential uses depicted in *Exhibit 'C'* of this ordinance shall be subject to the development standards for a Single Family 10 (SF-10) District as stipulated by Section 3.1, *General Residential District Standards*; Section 3.4, *Single-Family Residential (SF-10) District*; and Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code. In addition, all residential development shall adhere to the following standards:

- (a) *Lot Composition and Layout*. The lot layout and composition of the *Subject Property* shall generally conform to the *Concept Plan* depicted in *Exhibit 'C'* and stated in *Table 1* below. Allowances for changes to the quantity and locations of each lot type are permitted in conformance with the requirements listed below; however, in no case shall the proposed development exceed 507 units.

Table 1: Lot Composition

Lot Type	Minimum Lot Size (FT)	Minimum Lot Size (SF)	Dwelling Units (#)	Dwelling Units (%)
A	80' x 120'	9,600 SF	121	23.87%
B	70' x 110'	7,700 SF	127	25.05%
C	60' x 110'	6,600 SF	259	51.08%
Maximum Permitted Units:			507	100.00%

The allocation of single-family dwellings among lot types may deviate from *Table 1* provided that the proposed lot composition meets the following criteria:

- (1) The total number of lots does not exceed 525 units; and,
- (2) The average lot size for the total development is not less than 7,500 SF (*i.e. total square footage of all lots/total number of lots*); and,
- (3) Lot Type "A" shall not be decrease below 115 lots; and,
- (4) Lot Type "B" shall not be decreased below 23% of the total 507 lots; and,
- (5) Lot Type "C" shall not be increased beyond 55% of the total 507 lots.

Exhibit 'D':
PD Development Standards

- (b) *Density and Dimensional Requirements.* The maximum permissible density for the *Subject Property* shall not exceed 1.70 dwelling units per gross acre of land; however, in no case should the proposed development exceed 507 units. All lots shall conform to the standards depicted in *Table 2* below and generally conform to *Exhibit 'C'* of this ordinance.

Table 2: Lot Dimensional Requirements

<i>Lot Type (see Concept Plan) ►</i>	A	B	C
<i>Minimum Lot Width</i> ^{(1) & (5) & (7)}	80'	70'	60'
<i>Minimum Lot Depth</i>	120'	110'	110'
<i>Minimum Lot Area</i>	9,600 SF	7,700 SF	6,600 SF
<i>Minimum Front Yard Setback</i> ^{(2) & (6)}	20'	20'	20'
<i>Minimum Side Yard Setback</i>	6'	5'	5'
<i>Minimum Side Yard Setback (Adjacent to a Street)</i> ⁽²⁾	15'	15'	15'
<i>Minimum Length of Driveway Pavement</i>	20'	20'	20'
<i>Maximum Height</i> ⁽³⁾	36'	36'	36'
<i>Minimum Rear Yard Setback</i> ⁽⁴⁾	15'	10'	10'
<i>Minimum Area/Dwelling Unit (SF) [Air Conditioned Space]</i>	2,800 SF	2,250 SF	2,000 SF
<i>Garage Orientation</i>	<i>J-Swing or Front</i>	<i>J-Swing or Front</i>	<i>J-Swing or Front</i>
<i>Maximum Number of Front Entry Garages Permitted</i>	48	42	173
<i>Maximum Lot Coverage</i>	65%	65%	65%

General Notes:

- ¹: The minimum lot width shall be measured at the *Front Yard Building Setback*.
- ²: The location of the *Front Yard Building Setback* as measured from the front property line.
- ³: The *Maximum Height* shall be measured to the eave or top plate (whichever is greater) of the single family home.
- ⁴: As measured from the rear yard property line.
- ⁵: Lots fronting onto a curvilinear street, cul-de-sac or eyebrow may have the lot width reduced by up to 20% as measured at the front property line provided that the lot width is met at the front building line. Additionally, the lot depth on lots fronting onto curvilinear streets, cul-de-sacs and eyebrows maybe reduced by up to ten (10%) percent, but shall meet the minimum lot size for each lot type.
- ⁶: Sunrooms, porches, stoops, bay windows, balconies, masonry clad chimneys, eaves and similar architectural features may encroach beyond the *Front Yard Building Setback* by up to ten (10) feet for any property that increases the *Front Yard Building Setback* to 20-feet; however, the encroachment shall not exceed five (5) feet on *Side Yard Setbacks (Adjacent to a Street)* and shall not encroach into public right-of-way [a Sunroom is an enclosed room no more than 15-feet in width that has glass on at least 50% of each of the encroaching faces].
- ⁷: All lots with a *J-Swing* or *Traditional Swing* driveway require a minimum of a 65-foot lot width.

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

- (1) *Masonry Requirement.* The minimum masonry requirement for the exterior façades of all buildings shall be 80%. For the purposes of this ordinance the masonry requirement shall be limited to full width brick, natural stone, and cultured stone. Cementaceous fiberboard horizontal lap-siding (e.g. *HardiBoard* or *Hardy Plank*) and/or stucco (i.e. *three [3] part stucco* or a comparable -- to be determined by staff) shall be permitted to be used to meet up to 50% of the masonry requirement.
- (2) *Roof Pitch.* A minimum of an 8:12 roof pitch is required on all structures with the exception of porches, which shall have a minimum of a 4:12 roof pitch.
- (3) *Garage Orientation.* Garages shall be provided as stipulated by *Table 2: Lot Dimensional Requirements*. Garages permitted for front entry maybe oriented

Exhibit 'D':
PD Development Standards

toward the street; however, the front façade of the garage must be situated a minimum of 20-feet off the front property line. All front entry garages shall incorporate an architectural element or feature separating the individual garage openings. *Swing, Traditional Swing or J-Swing* garages are permitted to have a second single garage door facing the street as long as it is behind the width of the double garage door situated in the *Swing* configuration.

- (d) *Anti-Monotony Restrictions.* The development shall adhere to the Anti-Monotony Matrix depicted in Table 3 below (for spacing requirements see the illustration on the following page).

Table 3 : Anti-Monotony Matrix

<i>Lot Type</i>	<i>Minimum Lot Size</i>	<i>Elevation Features</i>
A	80' x 120'	(1), (2), (3)
B	70' x 110'	(1), (2), (3)
C	60' x 110'	(1), (2), (3)

- (1) Identical brick blends or paint colors may not occur on adjacent (*side-by-side*) properties along any block face without at least four (4) intervening homes of differing materials on the same side of the street beginning with the adjacent property and two (2) intervening homes of differing materials on the opposite side of the street.
- (2) Front building elevations shall not repeat along any block face without at least four (4) intervening homes of differing appearance on the same side of the street and two (2) intervening homes of differing appearance on the opposite side of the street. The rear elevation of homes backing to open spaces or on SH-276 shall not repeat without at least five (5) intervening homes of differing appearance. Homes are considered to have a differing appearance if any of the following two (2) items deviate:
 - (a) Number of Stories
 - (b) Permitted Encroachment Type and Layout
 - (c) Roof Type and Layout
 - (d) Articulation of the Front Façade
- (3) Each phase of the subdivision will allow for a maximum of four (4) compatible roof colors, and all roof shingles shall be an architectural or dimensional shingle (*3-Tab Roofing Shingles are prohibited*).

See the Illustrations on the following page.

Exhibit 'D':
PD Development Standards

Illustration 1: Properties line up on the opposite side of the street. Where RED are the same.

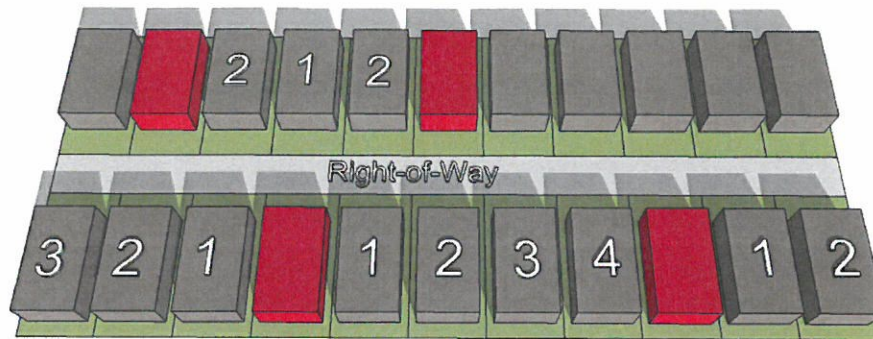
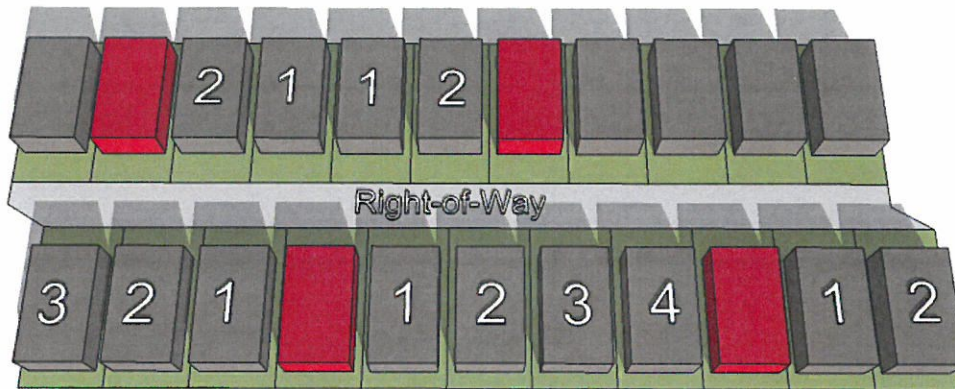


Illustration 2: Properties do not line up on opposite side of the street. Where RED are the same.



(e) *Fencing Standards.* All individual residential fencing and walls shall be architecturally compatible with the design, materials and colors of the primary structure on the same lot, and meet the following standards:

- (1) *Wood Fences.* All wood fences shall be constructed of a standard fencing material (*minimum of ½" thickness or better; spruce fencing will not be allowed*), and use fasteners that are hot dipped galvanized or stainless steel. Wood fences facing onto a street shall be painted and/or stained and sealed with all pickets being placed on the *public side* facing the street. All wood fences shall be smooth-finished, free of burs and splinters, and be a maximum of eight (8) feet in height.
- (2) *Wrought Iron/Tubular Steel.* Lots located along the perimeter of roadways, abutting open spaces, greenbelts and parks shall be required to install a wrought iron or tubular steel fence. Wrought iron/tubular steel fences can be a maximum of eight (8) feet in height.
- (3) *Corner Lots.* Corner lots fences (*i.e. adjacent to the street*) shall provide masonry columns at 45-feet off center spacing that begins at the rear of the property line. A maximum of eight (8) foot solid *board-on-board panel* fence constructed utilizing cedar fencing shall be allowed between the masonry columns along the side and/or rear lot adjacent to a street. In addition, the fencing shall be setback from the side property line adjacent to a street a minimum of five (5) feet. The property owner shall be required to maintain both sides of the fence.
- (4) *Solid Fences (including Wood Fences).* All solid fences shall incorporate a decorative top rail or cap detailing into the design of the fence.

Exhibit 'D':
PD Development Standards

(f) *Landscape and Hardscape Standards.*

- (1) *Residential Landscape.* Landscaping shall be reviewed and approved with the PD Site Plan. All *Canopy/Shade Trees* planted within the residential development shall be a minimum of three (3) caliper inches in size and all *Accent/Ornamental/Under-Story Trees* shall be a minimum of four (4) feet in total height unless otherwise provided within this document.

- (2) *Single Family Landscaping.* Prior to the issuance of a Certificate of Occupancy (CO) all single-family lots shall conform to the following:

- i) *Interior Lots.* All interior lots shall include a minimum of two (2) trees with a diameter at breast height (dbh) [*i.e. the diameter in inches of a tree as measured through the main trunk at a point of four and one-half (4½) inches above the natural ground level*] of three (3) inches shall be planted in the front yard, and two (2) additional trees of the same caliper inch shall be planted in the side yard facing the street for corner lots.

Note: For the purposes of this section only, the term "front yard" includes the area within the dedicated right-of-way for a parkway immediately adjoining the front yard of the lot.

- ii) *Corner Lots.* All corner lots shall include a minimum of two (2) trees with a diameter at breast height (dbh) [*i.e. the diameter in inches of a tree as measured through the main trunk at a point of four and one-half (4½) inches above the natural ground level*] of three (3) inches shall be planted in the front yard of an interior lot.

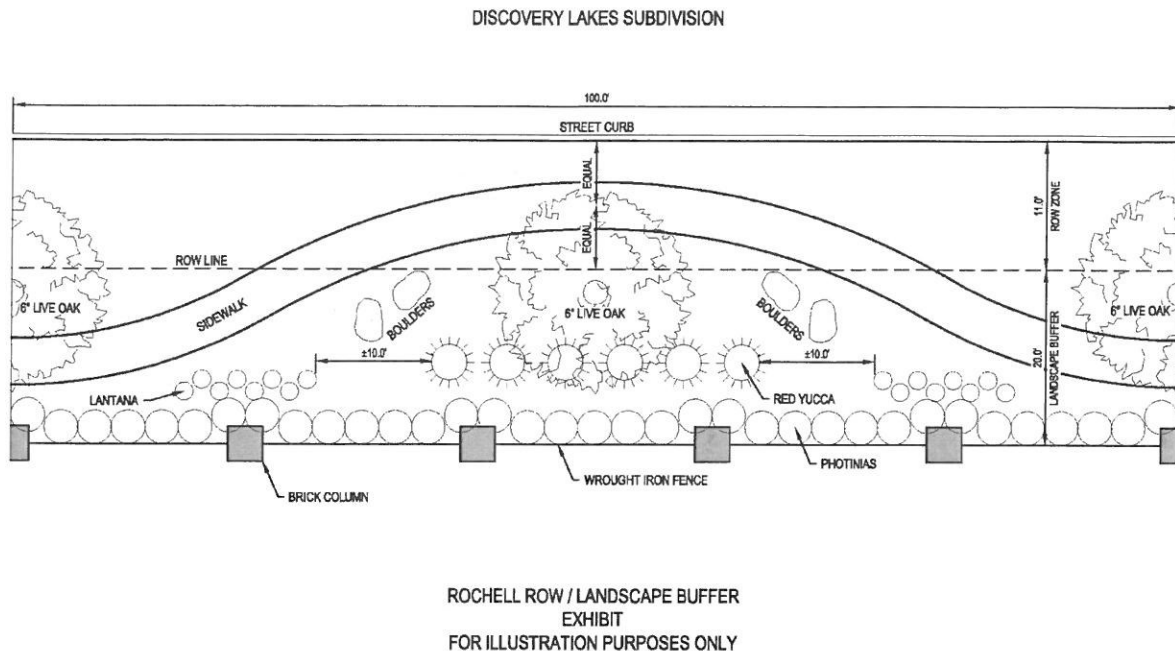
- (3) *Landscape Buffers.* All landscape buffers and plantings located within the buffers shall be maintained by the Homeowner's Association (HOA).

- (a) *Landscape Buffer and Sidewalks (Discovery Boulevard).* A minimum of a 15-foot landscape buffer shall be provided along the frontage of Discovery Boulevard, and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least one (1) canopy tree shall be planted per 30-feet of linear frontage.

- (b) *Landscape Buffer (Rochell Road).* A minimum of a 20-foot landscape buffer shall be provided along the frontage of Rochell Road (*outside of and beyond any required right-of-way dedication*), and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Shrubby shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. The landscape buffer along Rochell Road shall general conform to the following illustration [*i.e. Illustration 3*].

Exhibit 'D':
PD Development Standards

Illustration 3: Landscape Buffer along Rochell Road.



- (c) *Landscape Buffer (SH-276)*. A minimum of a 25-foot landscape buffer shall be provided along the frontage of SH-276, and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Shrubby shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. In addition, all buffer-strip planting requirements shall conform to the requirements of Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code (*i.e. minimum four [4] inch caliper trees required*).
- (4) *Irrigation Requirements*. Irrigation shall be installed for all required landscaping located within common areas, landscape buffers and/or open space. Irrigation installed in these areas shall be designed by a Texas licensed irrigator or landscape architect and shall be maintained by the Homeowner's Association (HOA).
- (5) *Hardscape*. Hardscape plans indicating the location of all sidewalks and trails shall be reviewed and approved with the PD Site Plan.
- (g) *Lighting*. Light poles shall not exceed 20-feet in total height (*i.e. base and lighting standard*). All fixtures shall be directed downward and be positioned to contain all light within the development area.
- (h) *Sidewalks*.
- i) *Internal Sidewalks*. All sidewalks adjacent to an interior residential street shall begin 5½-feet from the back of curb and be five (5) feet in overall width.

Exhibit 'D':
PD Development Standards

- ii) *Sidewalks Adjacent to Rochell Road and Discovery Boulevard.* All sidewalks adjacent Rochell Road and Discovery Boulevard shall begin two (2) feet inside the right-of-way line and be five (5) feet in overall width.
 - (i) *Open Space.* The development shall consist of a minimum of 20% open space as calculated from the gross land area, and generally conform to the *Concept Plan* contained in *Exhibit 'C'* of this ordinance. Existing floodplain shall be counted at a rate of ½-acre for every acre provided (e.g., 10-acres of floodplain would count as 5-acres of open space). The Homeowner's Association (HOA) shall maintain all open space areas.
 - (j) *Neighborhood Signage.* Permanent subdivision identification signage shall be permitted at all major entry points for the proposed subdivision. Final design and location of any entry features shall be reviewed and approved with the *PD Site Plan*.
 - (k) *Community Center.* A site plan, landscape plan and building elevations shall be required for the proposed *Community Center* and shall be subject to site plan approval by the Planning and Zoning Commission prior to construction.
 - (l) *Homeowner's Association (HOA).* A Homeowner's Association shall be created to enforce the restrictions established in accordance with the requirements of *Section 38-15* of the Subdivision Regulations contained within the *Municipal Code of Ordinances* of the City of Rockwall. The HOA shall also maintain all neighborhood parks, trails, open space and common areas, irrigation, landscaping, amenity centers, screening fences associated with this development.
4. *Buried Utilities.* New distribution power-lines required to serve the *Subject Property* shall be placed underground, whether such lines are located internally or along the perimeter of the *Subject Property*, unless otherwise authorized by the City Council. New transmission power-lines, or distribution lines of a size not typically or cost effectively placed underground (3-phase lines), or additional lines that are added to existing poles, may be above ground, if located along the perimeter of the *Subject Property*. The Developer shall not be required to re-locate existing overhead power-lines along the perimeter of the *Subject Property*. Temporary power-lines constructed across undeveloped portions of the *Subject Property* to facilitate development phasing and looping may be allowed above ground, but shall not be considered existing lines at the time the area is developed, and if they are to become permanent facilities, such lines shall be placed underground pursuant to this paragraph. Franchise utilities shall be placed within a ten (10) foot public utility easement behind the sidewalk, between the home and the property line.
5. *Variances.* The variance procedures and standards for approval that are set forth in the Unified Development Code shall apply to any application for variances to this ordinance.









OPEN SPACE CALCULATIONS		
OPEN AREA/PARK AREA	1/2 FEMA FLOOD PLAIN AREA	
103 ACRES	60.5 ACRES	163.5 ACRES
OPEN SPACE RATIO =	163.5 / 307	53.26%

RESIDENTIAL PROJECT AREA = 307.0 Acres
 LOT DENSITY: 428 / 307.0 = 1.394 Lots Per Acre
 (Existing Zoning 1.65 Lots Per Acre)



NOT TO SCALE

LEGEND

-  TYPE A LOT 1.0 Acre + - 45 Lots
(min 1/2 ac. net of Floodplain)
-  TYPE B LOT 70' - 177 Lots
-  TYPE C LOT 60' - 206 Lots
-  OPEN SPACE
-  COMMUNITY CENTER - ±1.36 AC
-  WALKING TRAIL - ± 2.6 MILES

GENERAL LOT INFORMATION

TYPE A - 45 LOTS - 43,560 SF (MIN)
 TYPE B 177 LOTS - 70'x120' - 8,400 SF
 TYPE C - 206 LOTS - 60'x110' - 6,600 SF

15' LANDSCAPE BUFFER ALONG DISCOVERY BOULEVARD
 20' LANDSCAPE BUFFER ALONG ROCHELL ROAD
 25' LANDSCAPE BUFFER ALONG HIGHWAY 276

428 Lots
 (Existing Zoning 507 Lots)

Concept Plan

Discovery Lakes

307 Acre Tract in Rockwall, Texas

JUNE 30, 2020



teague nall & perkins
 825 Watters Creek Blvd., Suite M300
 Allen, Texas 75013
 214.461.9867 ph 214.461.9864 fx
 TBPE Registration No. F-230
 www.tnpinc.com



STATE HIGHWAY NO. 276

Proposed Concept Plan for Revised Plan Development

Discovery Lakes

307 Acre Tract in Rockwall, Texas

JUNE 30, 2020



teague nall & perkins
825 Watters Creek Blvd., Suite M300
Allen, Texas 75013
214.461.9867 ph 214.461.9864 fx
TBPE Registration No. F-230
www.tnpinc.com

Drawing: P:\PROJECTS\SDO 2020\CA01 Conceptual Planning\SDO 2020 - Concept Plan - Revised Acre Lot Dimensions.dwg at Jun 30, 2020 - 10:45am by gshaner

1" = 60'
SCALE IN FEET

6 BEDROOM
5,000 SQ. FT. D.U.
ATU 660
GALLONS/DAY
(GPD)

5
APPROXIMATE 100-
YR FLOOD LIMITS

AEROBIC SYSTEM IRRIGATION
REQUIRED 4,000 G.P.D.
DRIP LINES REQUIRED 1,980 L.F.
11 x 180 LF SPACED @ 2.0' APART

TOTAL DRIP IRRIGATION FIELD
AREA 22' x 180' (3,960 SQ. FT.)

Aerobic Drip Irrigation Sizing Exhibit (Design for 0.75 Acre Net Area)

Discovery Lakes

307 Acre Tract in Rockwall, Texas



teague nall & perkins

820 Watters Creek Boulevard, Suite M300
Allen, Texas 75013

214.461.9867 ph www.tnpinc.com

214-461-7887, <http://www.inpinc.com>
TBPELS: ENGR F-230; SURV 10011600, 10011601, 10194381

GBPE: PEF007431; TBAE: BR 2673

CITY OF ROCKWALL

ORDINANCE NO. 20-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 78 (PD-78) [*ORDINANCE NO. 15-24*] AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, FOR THE PURPOSE OF CHANGING THE CONCEPT PLAN AND DEVELOPMENT STANDARDS FOR A 316.315-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1 OF THE M. E. HAWKINS SURVEY, ABSTRACT NO. 100 AND TRACT 2 OF THE R. K. BRISCO SURVEY, ABSTRACT NO. 16, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED HEREIN BY *EXHIBIT 'B'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request by Chris Cuny of Teague, Nall & Perkins on behalf of Nick DiGuiseppe of Discovery Lakes, LLC for the approval of an amendment to Planned Development District 78 (PD-78) [*Ordinance No. 15-24*] for the purpose of changing the concept plan and development standards for a 316.315-acre tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract No. 100 and Tract 2 of the R. K. Brisco Survey, Abstract No. 16, City of Rockwall, Rockwall County, Texas and more fully described in *Exhibit 'A'* and depicted in *Exhibit 'B'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that Planned Development District 78 (PD-78) and the Unified Development Code [*Ordinance No. 20-02*] should be amended as follows:

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

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

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

SECTION 3. That development of the *Subject Property* shall generally be in accordance with the *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 4. That a *Master Parks and Open Space Plan* for the *Subject Property*, shall be prepared in accordance with this ordinance and consistent with the *Planned Development Concept Plan* depicted in *Exhibit 'C'* of this ordinance, and that the *Master Parks and Open Space Plan* shall be considered for approval by the City Council following a recommendation by the *Parks and Recreation Board*.

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

- (a) The procedures set forth in the City's subdivision regulations on the date this ordinance is approved by the City, as amended by this ordinance (*including Subsections 5(b) through 5(f) below*), shall be the exclusive procedures applicable to the subdivision and platting of the 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) Open Space Master Plan
 - (2) Master Plat
 - (3) PD Development Plan (*Required for Retail Areas Only*)
 - (4) PD Site Plan
 - (5) Preliminary Plat
 - (6) Final Plat
- (c) A *PD Development Plan* must be approved for the area designated on the *Planned Development Concept Plan* as *Retail* prior to submittal of a *PD Site Plan* application and/or preliminary plat application. No *Master Plat* is required for the area designated on the *Concept Plan* as *Retail*. A traffic impact analysis for the retail tract 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* for each retail development.
- (d) *PD Site Plan*. A *PD Site Plan* covering all of the *Subject Property* shall be submitted and shall identify all site/landscape/hardscape plan(s) for all open space, neighborhood parks, trail systems, street buffers and entry features. A *PD Site Plan* application may be processed by the City concurrently with a *Preliminary Plat Application* for the development.
- (e) *Preliminary Plat*. A *Preliminary Plat* covering all of the *Subject Property* shall be submitted and shall include a *Treescape Plan*. A *Preliminary Plat Application* may be processed by the City concurrently with a *PD Site Plan Application* for the development.

- (f) *Final Plat*. Prior to the issuance of any building permits, a *Final Plat*, conforming to the *Preliminary Plat*, for all of the *Subject Property* shall be submitted for approval.

SECTION 9. 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 10. 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 11. 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 12. That this ordinance shall take effect immediately from and after its passage;

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 3RD DAY OF AUGUST, 2020.**

ATTEST:

Jim Pruitt, *Mayor*

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: July 20, 2020

2nd Reading: August 3, 2020

Exhibit 'A':
Legal Description

Field notes for a 316.315-acre (13,778,691 square foot) tract of land situated in the M. E. Hawkins Survey, Abstract No. 100, and the Robert K. Briscoe Survey, Abstract No. 16 in the City of Rockwall, Rockwall County, Texas, and being all of that certain called 308.52-acre tract of land described in a Special Warranty Deed to 308 ON 276, L.P., as recorded in Volume 03662, Page 00315, of the Office Public Records of Rockwall County, Texas (O.P.R.R.C.T.) with said 316.315-acre (13, 778,691 square feet) tract of land being more particularly described by metes and bounds as follows:

BEGINNING a railroad spike set in asphalt marking the northwest corner of said 308 on 276, L.P. tract and the common southwest corner of that certain called 21. 935 acre tract of land described as Tract One in a Warranty Deed to Rockwall Fund I, L.L.C., as recorded in Volume 1 110, Page 190, of the Deed Records of Rockwall County, Texas (D.R.R.C.T.) , said point being in the approximate center of Rochell Road, a county road with an unspecified right-of- way (R. O. W.) width;

THENCE North 89 degrees 00 minutes 24 seconds East (South 89 degrees 12 minutes 02 seconds East - deed call), along the common northerly line of said 308 ON 276, L.P. tract and the common southerly line of said Tract One, passing at a distance of 30. 00 feet, a 5/8 inch iron rod set with a yellow plastic cap stamped "THE WALLACE GROUP " ("cap ") for reference, continuing along said common line, passing at a distance of 1,799. 04-feet, a ½-inch iron rod found marking the southeast corner of said Tract One, being common with the south west corner of that certain called 59.71-acre tract of land described in a Special Warranty Deed to Fate I- 30, L.P., as recorded in Volume 03542, Page 00039, O.P.R.R.C.T., continuing along the common northerly line of said 308 on 276, L.P. tract and the southerly line of said Fate I-30, L.P. tract, a total distance of 1,966.04 feet (1,902 .80 feet - deed call) to a 1/ 2 inch iron rod found marking the common most northerly northeast corner of said 308 on 276, L.P. tract and the north west corner of that certain called 85.479 acre tract of land described as Tract Two in the aforementioned Warranty Deed to Rockwall Fund I, L.L.C., as recorded in Volume 1 110, Page 190, O.R.R.C.T.;

THENCE South 01 degrees 59 minutes 29 seconds East (South 00 degrees 08 minutes 06 seconds West - deed call), along the common easterly line of said 308 ON 276, L.P. tract and the westerly line said Tract Two, a distance of 2,204.26-feet (2,166.70-feet - deed call) to a ½ inch iron rod found marking an ell corner of said 308 ON 276, L.P. tract and the southwest corner of said Tract Two;

THENCE North 87 degrees 20 minutes 20 seconds East (North 89 degrees 12 minutes 02 seconds East - deed call), continuing along the common northerly line of said 308 on 276, L.P. tract and the southerly line said Tract Two, a distance of 1,691. 90 feet (1,782.53 feet - deed call) to a 5/8-inch iron rod set with "cap" marking the common most easterly northeast corner of said 308 on 276, L.P. tract and the southeast corner of said Tract Two, from which a ½-inch iron rod found bears North 87 degrees 20 minutes 20 seconds East at 10. 49 feet, said 5/8-inch iron rod set being on the west line of that certain called 212.25-acre tract of land described in a Special Warranty Deed to South Rock wall Holdings, L.P., as recorded in Volume 03625, Page 00034, O.P.R.R.C.T.;

THENCE South 01 degrees 34 minutes 35 seconds East, along the common easterly line of said 308 ON 276, L.P. tract and the westerly line said South Rock wall Holdings tract, a distance of 309.68-feet to a 5/8-inch iron rod set with "cap " marking the southwest corner of said South Rock wall Holdings tract, being common with the northwest corner of Lot 8, Equestrian Estates, according to the plot thereof recorded in Cabinet A, Page 19 7, of the Plot Records of Rock wall County, Texas (P.R.R.C.T.);

THENCE South 00 degrees 50 minutes 42 seconds East, along the common easterly line of said 308 ON 276, L.P. tract and the westerly line said Equestrian Estates, a distance of 2,301.71 feet (South 00 degrees 06 minutes 38 seconds West, a distance of 2,580.60 feet - overall deed call) to a 5/8 inch iron rod set with "cap " marking the common southeast corner of said 308 ON 276, L.P. tract and on ell corner of the north R.O.W. line of State Highway No. 276 (having a variable width R.O.W.);

THENCE South 89 degrees 29 minutes 00 seconds West (North 89 degrees 29 minutes 07 seconds West - deed call), along the common southerly line of said 308 ON 2 76, L.P. tract and said north R.O.W. line of State Highway No. 276, passing at a distance of 1.66 feet a found TxDOT concrete monument, continuing along said common line for a tot al distance of 117.50-feet (115.83-feet - deed call) to a 5/8-inch iron rod set with "cap " marking the common ell corner of said 308 ON 276, L.P. tract and the most easterly southeast corner of that certain called 2.503-acre tract of land described as an Easement for Highway Purposes to the State of Texas, recorded in Volume 82, Page 583 of the Real Property Records of Rockwall County, Texas (R.P.R.R.C.T.);

THENCE North 00 degrees 31 minutes 03 seconds West (North 00 degrees 30 Minutes 13 seconds East - deed call), along a common interior line of said 308 on 2 76, L.P. tract and the easterly line of said Easement for Highway Purposes tract, a distance of 50.31-feet (50-feet - deed call) to a 5/8-inch iron rod set with "cap" marking the common ell corner of said 308 ON 276, L.P. tract and the north east corner of said Easement for Highway

Exhibit 'A':
Legal Description

Purposes tract;

THENCE South 89 degrees 28 minutes 57 seconds West (North 89 degrees 29 minutes 47 seconds West - deed call), along the common southerly line of said 308 on 276, L.P. tract and the northerly line of said Easement for Highway Purposes tract, a distance of 543.40-feet (543.73-feet - deed call) to a 5/8-inch iron rod set with "cap " for corner;

THENCE South 89 degrees 13 minutes 58 seconds West (South 89 degrees 48 minutes 55 seconds West - deed call), continuing along the common southerly line of said 308 ON 276, L.P. tract and the northerly line of said Easement for Highway Purposes tract, a distance of 757. 25-feet (756.93-feet - deed call) to a 5/8-inch iron rod found marking a common ell corner of said 308 ON 276, L.P. tract and the northwest corner of said Easement for Highway Purposes tract;

THENCE South 00 degrees 46 minutes 03 seconds East (South 00 degrees 11 minutes 05 seconds East - deed call), along a common interior line of said 308 ON 276, L.P. tract and the westerly line of said Easement for Highway Purposes tract, a distance of 90.30-feet (87.44-feet - deed call) to a 5/8-inch iron rod set with "cap " marking a common ell corner of said 308 ON 276, L.P. tract and the southwest corner of said Easement for Highway Purposes tract, said point being on said north R.O.W. line of State Highway No. 276;

THENCE South 89 degrees 13 minutes 57 seconds West (North 89 degrees 53 minutes 27 seconds West - deed call), along the common southerly line of said 308 ON 276, L.P. tract and said north R.O.W. line of State Highway No. 276, passing at a distance of 1,667.76-feet a 5/8-inch iron rod set with "cap " for reference, continuing along said common line for a total distance of 1,917.07-feet (1,917.34-feet - deed call) to a found TxDOT concrete monument, marking the transitional R.O.W. line from said north R.O.W. line of State Highway No. 276 to the east R.O.W. line of Springer Lane, on 80-foot wide R.O.W., (formerly F.M. No. 1143), said point being the beginning of a non-tangent curve to the right, with the radius point being situated North 21 degrees 40 minutes 52 seconds East, a distance of 533.69-feet;

THENCE Northerly along the common curving westerly line of said 308 ON 276, L.P. tract and said curving east R.O.W. line of Springer Lane, with said non-tangent curve to the right, through a central angle of 67 degrees 33 minutes 20 seconds (48 degrees 33 minutes 57 seconds - deed call), having a radius of 533. 69-feet (613.69-feet - deed call), a tangent distance of 356.97-feet, a chord bearing North 34 degrees 32 minutes 28 seconds West (North 40 degrees 41 minutes 57 seconds West - deed call), at 593.43-feet, and an arc distance of 629.26-feet (520.18-feet - deed call) to a 5/8-inch iron rod set with "cap" at the end of said non- tangent curve;

THENCE North 00 degrees 53 minutes 56 seconds West (North 00 degrees 43 minutes 17 seconds West - deed call), continuing along the common westerly line of said 308 on 276, L.P. tract and said east R.O.W. line of Springer Lane, a distance of 294.21-feet (430.56-feet - deed call) to an axle found for the beginning of a non-tangent curve to the left , with the radius point being situated South 89 degrees 08 minutes 07 seconds West, a distance of 612.96-feet;

THENCE Northerly continuing along the common curving westerly line of said 308 ON 276, L.P. tract and said curving east R.O.W. line of Springer Lane, with said non-tangent curve to the left, through a central angle of 17 degrees 26 minutes 00 seconds (12 degrees 25 minutes 52 seconds - deed call), having a radius of 612.96-feet (613.69-feet - deed call), a tangent distance of 93.98 feet, a chord bearing North 09 degrees 34 minutes 53 seconds West at 185.78-feet, and an arc distance of 186.50-feet (133.15 feet - deed call) to a 5/8-inch iron rod set with "cap" at the end of said non-tangent curve, said point marking the transition from said east R.O.W. line of Springer Lane to the approximate center of the aforementioned Rochell Road;

THENCE North 00 degrees 49 minutes 05 seconds West (North 00 degrees 10 minutes 49 seconds East - deed call), along the common westerly line of said 308 ON 276, L.P. tract and said approximate center of Rochell Road, passing at a distance of 386.53-feet a ½-inch iron rod found marking the southeast corner of that certain called 60.3368-acre tract of land described in a Cash Warranty Deed to Varughese P. Samuel and wife, Remoni V. Samuel, as recorded in Volume 02002, Page 00062, O.P.R.R.C.T., then continuing along said common line with the easterly line of said Samuel tract, a total distance of 2,841.3-feet (1,613.15-feet - deed call) to a ½-inch iron rod found marking the northeast corner of said Samuel tract;

THENCE North 01 degrees 38 minutes 55 seconds West (North 00 degrees 08 minutes 06 seconds East - deed call), along the common westerly line of said 308 ON 276, L.P. tract and said approximate center of Rochell Road, a distance of 976.29-feet (2,166.70-feet - deed call) to the *POINT OF BEGINNING*.

CONTAINING within the metes recited 316.315-acres (13,778,692 square feet) of land, more or less, of which a portion lies within Rochell Road.

Exhibit 'B':
Survey

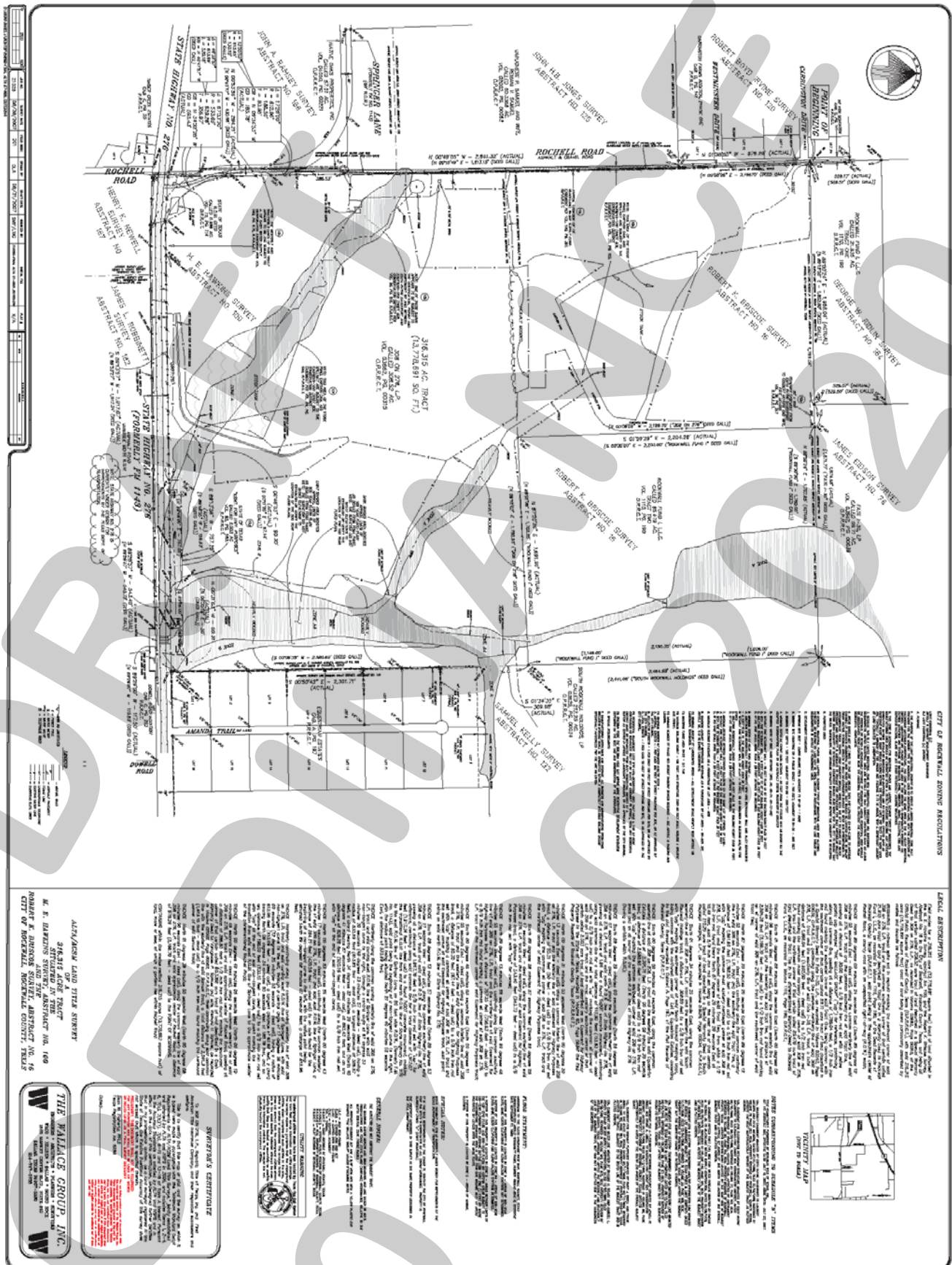


Exhibit 'C': Area Map

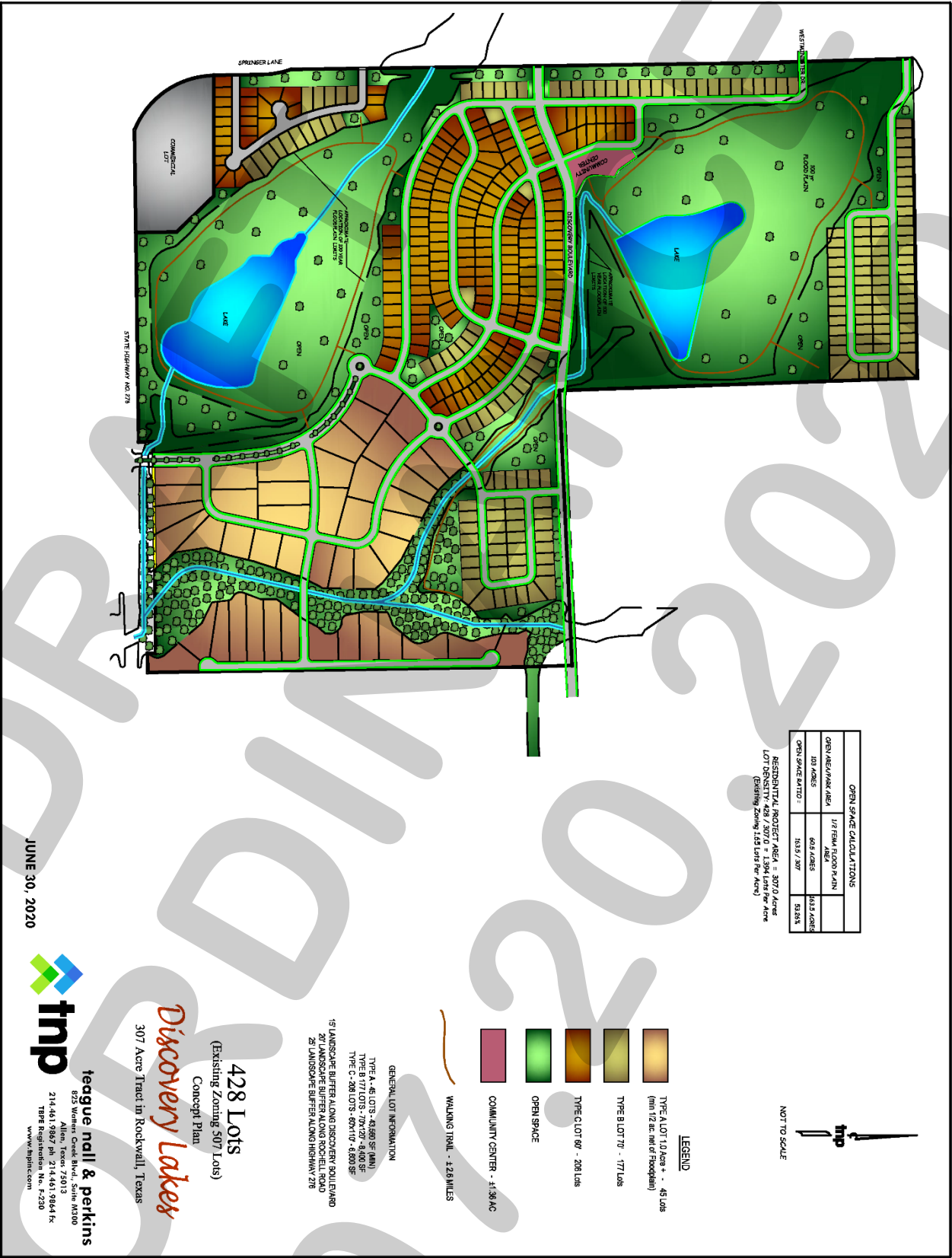


Exhibit 'D':
Permitted Land Uses and Development Standards

(A) PURPOSE

The purpose of this PD Zoning change is to allow for an area located at the southeastern portion of the property to be developed as a high-end custom home phase, with minimum one-acre single family residential lots. It is the desire of the owner to retain all the other non-conflicting entitlements on the property per the existing PD requirements and development standards with exceptions that will be noted throughout this document. The developer recognizes and accepts that the acreage utilized for this proposed custom phase will result in a loss of development density, from 507 single family homes to approximately 428 Single family homes. The owner requests the right and flexibility to replace smaller lot types with the one (1) acre lot type throughout future phases of the development, without the need to rezone the Planned Development District as long as the general intent and layout of the approved revised concept plan is followed and the total number of lots does not increase.

To facilitate review of the proposed PD revisions, sections and development standards that are to be revised as a part of this re-zoning request will be highlighted in yellow throughout the document. All proposed revisions have been incorporated into the attached revised concept plan.

The Discovery Lakes Subdivision is located at the northeast corner of the intersection of SH-276 and Rochell Road. The *Subject Property* is a short walk or bike ride from the Rockwall Technology Park. The Discovery Lakes Subdivision will be a master planned residential neighborhood that will incorporate two (2) lakes, several acres of open space and ~2.6-miles of hiking/jogging/biking trails. The master plan calls for 428 single-family homes. There will be several view corridors strategically placed within the subdivision along with *front loaded* lots to provide for the enjoyment of the open space. A boulevard with 85-feet of right-of-way will connect SH-276 and be constructed up to the first round-about of the one (1) acre lots. The boulevard will have a 14-foot landscape median and a 25-foot travel lane on each side of the street. The residential streets will be 29-feet back-to-back, with a 10½-foot parkway on each side for a total of 50-feet of right-of-way. A *Community Center* with a pool will be provided to add increased amenity for the subdivision. Commencement of the Community Center and pool will take place at or before the final platting of the 201st residential lot or with the addition of additional *Type 'A'* lots. Additionally, the proposed development will incorporate nine (9) acres of commercial space that will be located at the hard corner of SH-276 and Rochell Road. This area will allow for neighborhood service types of uses and eating establishments. A maximum of one (1) hotel planned to service the needs of the subdivision and the Rockwall Technology Park. A 55-acre area adjacent to the northern lake will be dedicated as public parkland to serve Park District No. 31. The Discovery Lakes Subdivision will be a benefit to the community, allowing citizens of all ages the opportunity to live, work, and play in a connected master planned community.

(B) GENERAL REQUIREMENTS

Development Standards.

- (1) *Permitted Uses.* The following uses are permitted on the *Subject Property* in accordance with the *Concept Plan* depicted in *Exhibit 'C'* of this ordinance.
 - (a) *Residential Uses.* Unless specifically provided by this Planned Development ordinance, only those uses permitted within the Single Family 10 (SF-10) District, as stipulated by the *Permissible Use Charts* contained in Article IV, *Permissible Uses*, of

Exhibit 'D':
Permitted Land Uses and Development Standards

the Unified Development Code (UDC), shall be allowed for areas designated as *residential* on the *Concept Plan*.

(b) *Non-Residential*. Unless specifically provided by this Planned Development ordinance, only those uses permitted within the General Retail (GR) District, as stipulated by the *Permissible Use Charts* contained in Article IV, *Permissible Uses*, of the Unified Development Code (UDC), shall be allowed for areas designated as *commercial* on the *Concept Plan*; however, the following conditions shall apply:

(i) The following additional uses shall be permitted as *by-right* uses on the *Subject Property*:

- ☒ Hotel, Hotel (*Full Service*) or Motel (*With a Maximum Height of Four [4] Stories*) ¹
- ☒ Restaurant (*with Drive-Through or Drive-In*) ²
- ☒ Retail Store (*with more than two [2] Gasoline Dispensers*)

Notes:

¹: A maximum of one (1) hotel/motel shall be permitted with this Planned Development District. The height requirement of four (4) stories is permitted to exceed 36-feet, but in no case shall exceed 60-feet.

²: A maximum of three (3) restaurants (despite the size of the restaurant) shall be permitted within this Planned Development District.

(ii) The following uses shall be prohibited on the *Subject Property*:

- ☒ Convent or Monastery
- ☒ Hotel, Residence
- ☒ Cemetery/Mausoleum
- ☒ Mortuary of Funeral Chapel
- ☒ Social Service Provider
- ☒ Billiard Parlor or Pool Hall
- ☒ Carnival, Circus, or Amusement Ride
- ☒ Commercial Amusement/Recreation (*Outside*)
- ☒ Gun Club, Skeet or Target Range (*Indoor*)
- ☒ Astrologer, Hypnotist, or Psychic Art and Science
- ☒ Garden Supply /Plant Nursery
- ☒ Night Club, Discotheque, or Dance Hall
- ☒ Secondhand Dealer
- ☒ Car Wash, Self Service
- ☒ Mining and Extraction (Sand, Gravel, Oil and/or Other)
- ☒ Helipad
- ☒ Railroad Yard or Shop
- ☒ Transit Passenger Facility

(2) *Non-Residential Development*. The area designated as *commercial* on the *Concept Plan* depicted in *Exhibit 'C'* of this ordinance shall be designed to be pedestrian-oriented, easily accessible, and integrated into the general design scheme of the adjacent neighborhood. This can be accomplished by removing the traditional barriers utilized to separate commercial and residential developments (e.g. *screening walls*) and incorporating landscape buffers/elements (e.g. *greenspace, parkways, and etcetera*) and urban design elements (e.g. *pathways, pergolas, and etcetera*) that can create compatibility with the adjacent single-family neighborhood. To better achieve this goal and in addition to the requirements of Section 4.1, *General Commercial District Standards*, and Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development*

Exhibit 'D':
Permitted Land Uses and Development Standards

Standards, of the Unified Development Code, all commercial development shall be required to adhere to the following supplemental standards:

- (a) *Retail Landscape*. Landscaping shall be reviewed and approved with the PD Site Plan. All Canopy/Shade Trees planted within the retail development shall be a minimum of four (4) caliper inches in size and all *Accent/Ornamental/Under-Story Trees* shall be a minimum of four (4) feet in total height unless otherwise provided within this document.
- (b) *Retail Landscape Buffers*. All landscape and plantings located within the buffers shall be maintained by the property owner.

- (1) *Landscape Buffer (Residential Adjacency)*. Where residential and retail uses share a direct adjacency, a minimum of a 30-foot landscape buffer shall be provided by the retail property adjacent to the residential property. This area shall incorporate ground cover, a *built-up* berm and shrubbery along the entire length of the adjacency. This area should also incorporate pedestrian-oriented design elements (e.g. *pathways*) that allow access between the two (2) uses. Shrubby utilized in this area shall have a minimum height of 30-inches and a maximum height of 48-inches. Additionally, trees should be incorporated in this area to break up the façades of any commercial buildings.

- (2) *Landscape Buffer and Sidewalks (SH-276)*. A minimum of a 15-foot landscape buffer shall be provided along the frontage of SH-276, and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. All buffer-strip planting requirements shall conform to the requirements of Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code.

- (3) *Landscape Buffer (Rochell Road Retail)*. A minimum of a 20-foot landscape buffer shall be provided along the frontage of Rochell Road (*outside of and beyond any required right-of-way dedication*), and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage.

- (c) *Sidewalks*.

- i) *Sidewalk Adjacent to Rochell Road and SH-276*. The developer shall be responsible for the construction of a five (5) foot sidewalk that meanders through the required 20-foot landscape buffer adjacent to Rochell Road and SH-276.

- (3) *Residential Development Standards*. Except as modified by these *Development Standards*, the residential uses depicted in *Exhibit 'C'* of this ordinance shall be subject to the development standards for a Single Family 10 (SF-10) District as stipulated by Section 3.1, *General Residential District Standards*; Section 3.4, *Single-Family Residential (SF-10) District*; and Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V,

Exhibit 'D':
Permitted Land Uses and Development Standards

District Development Standards, of the Unified Development Code. In addition, all residential development shall adhere to the following standards:

- (a) *Lot Composition and Layout*. The lot layout and composition of the *Subject Property* shall generally conform to the *Concept Plan* depicted in *Exhibit 'C'* and stated in *Table 1* below. Allowances for changes to the quantity and locations of each lot type are permitted in conformance with the requirements listed below; however, in no case shall the proposed development exceed 428 units.

Table 1: Lot Composition

Lot Type	Minimum Lot Size (FT)	Minimum Lot Size (SF)	Dwelling Units (#)	Dwelling Units (%)
A	80' x 200'	32,670 SF	45	10.51%
B	70' x 110'	7,700 SF	177	41.36%
C	60' x 110'	6,600 SF	206	48.13%
Maximum Permitted Units:			428	100.00%

The allocation of single-family dwellings among lot types may deviate from *Table 1* provided that the proposed lot composition meets the following criteria:

- (1) The total number of lots does not exceed 428 units; and,
- (2) The average lot size for the total development is not less than 9,700 SF (*i.e. total square footage of all lots/total number of lots*); and,
- (3) Lot Type "A" shall not be decrease below 40 lots; and,
- (4) Lot Type "B" shall not be decreased below 38% of the total 428 lots; and,
- (5) Lot Type "C" shall not be increased beyond 55% of the total 428 lots.

- (b) *Density and Dimensional Requirements*. The maximum permissible density for the *Subject Property* shall not exceed 1.40 dwelling units per gross acre of land; however, in no case should the proposed development exceed 428 units. All lots shall conform to the standards depicted in *Table 2* below and generally conform to *Exhibit 'C'* of this ordinance.

Table 2: Lot Dimensional Requirements

Lot Type (see Concept Plan) ►	A	B	C
Minimum Lot Width ^{(1) & (5) & (7)}	80'	70'	60'
Minimum Lot Depth	200'	110'	110'
Minimum Lot Area	32,670 SF	7,700 SF	6,600 SF
Minimum Front Yard Setback ^{(2), (6), & (8)}	25'	20'	20'
Minimum Side Yard Setback	10'	5'	5'
Minimum Side Yard Setback (Adjacent to a Street) ⁽²⁾	20'	15'	15'
Minimum Length of Driveway Pavement	25'	20'	20'
Maximum Height ⁽³⁾	36'	36'	36'
Minimum Rear Yard Setback ⁽⁴⁾	20'	10'	10'
Minimum Area/Dwelling Unit (SF) [Air-Conditioned Space]	3,200 SF	2,250 SF	2,000 SF
Garage Orientation ⁽⁸⁾	J-Swing or Flat Front	J-Swing or Flat Front	J-Swing or Flat Front
Maximum Number of Front Entry Garages Permitted	17	58	137
Maximum Lot Coverage	65%	65%	65%

General Notes:

- ^{1.} The minimum lot width shall be measured at the *Front Yard Building Setback*.
- ^{2.} The location of the *Front Yard Building Setback* as measured from the front property line.
- ^{3.} The *Maximum Height* shall be measured to the eave or top plate (whichever is greater) of the single-family home.

Exhibit 'D':
Permitted Land Uses and Development Standards

4. As measured from the rear yard property line.
5. Lots fronting onto a curvilinear street, cul-de-sac or eyebrow may have the lot width reduced by up to 20% as measured at the front property line provided that the lot width is met at the front building line. Additionally, the lot depth on lots fronting onto curvilinear streets, cul-de-sacs and eyebrows may be reduced by up to ten (10%) percent, but shall meet the minimum lot size for each lot type.
6. Sunrooms, porches, stoops, bay windows, balconies, masonry clad chimneys, eaves and similar architectural features may encroach beyond the Front Yard Building Setback by up to ten (10) feet for any property that increases the Front Yard Building Setback to 20-feet; however, the encroachment shall not exceed five (5) feet on Side Yard Setbacks (Adjacent to a Street) and shall not encroach into public right-of-way [a Sunroom is an enclosed room no more than 15-feet in width that has glass on at least 50% of each of the encroaching faces].
7. All lots with a *J-Swing* or *Traditional Swing* driveway require a minimum of a 65-foot lot width.
8. The minimum front yard setback for properties that have a *Flat Front Entry* garage format shall be 25-feet.

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

- (1) **Masonry Requirement.** 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, natural stone, and cultured stone. Cementaceous fiberboard horizontal lap-siding (e.g. *HardiBoard* or *Hardy Plank*) and/or stucco (i.e. *three [3] part stucco* or a comparable -- to be determined by staff) shall be permitted to be used to meet up to 50% of the masonry requirement.
- (2) **Roof Pitch.** A minimum of an 8:12 roof pitch is required on all structures with the exception of porches, which shall have a minimum of a 4:12 roof pitch. *Type 'A'* lots may have a variable pitch to the roofs that may deviate from these specific standards when it is determined by staff to serve a particular architectural theme.
- (3) **Garage Orientation.** Garages shall be provided as stipulated by *Table 2: Lot Dimensional Requirements*. Garages permitted for front entry may be oriented toward the street in a *Flat Front Entry* format; however, the front façade of the garage must be situated a minimum of 25-feet off the front property line. All front entry garages shall incorporate an architectural element or feature separating the individual garage openings. *Swing*, *Traditional Swing* or *J-Swing* garages are permitted to have a second single garage door facing the street as long as it is behind the width of the double garage door situated in the *Swing* configuration.

(d) **Anti-Monotony Restrictions.** The development shall adhere to the Anti-Monotony Matrix depicted in *Table 3* below (for spacing requirements see the illustration on the following page).

Table 3: Anti-Monotony Matrix

Lot Type	Minimum Lot Size	Elevation Features
A	80' x 200'	(1), (2), (3), (5)
B	70' x 110'	(1), (2), (3), (4)
C	60' x 110'	(1), (2), (3), (4)

- (1) Identical brick blends or paint colors may not occur on adjacent (*side-by-side*) properties along any block face without at least five (5) intervening homes of differing materials on the same side of the street beginning with the adjacent

Exhibit 'D':
Permitted Land Uses and Development Standards

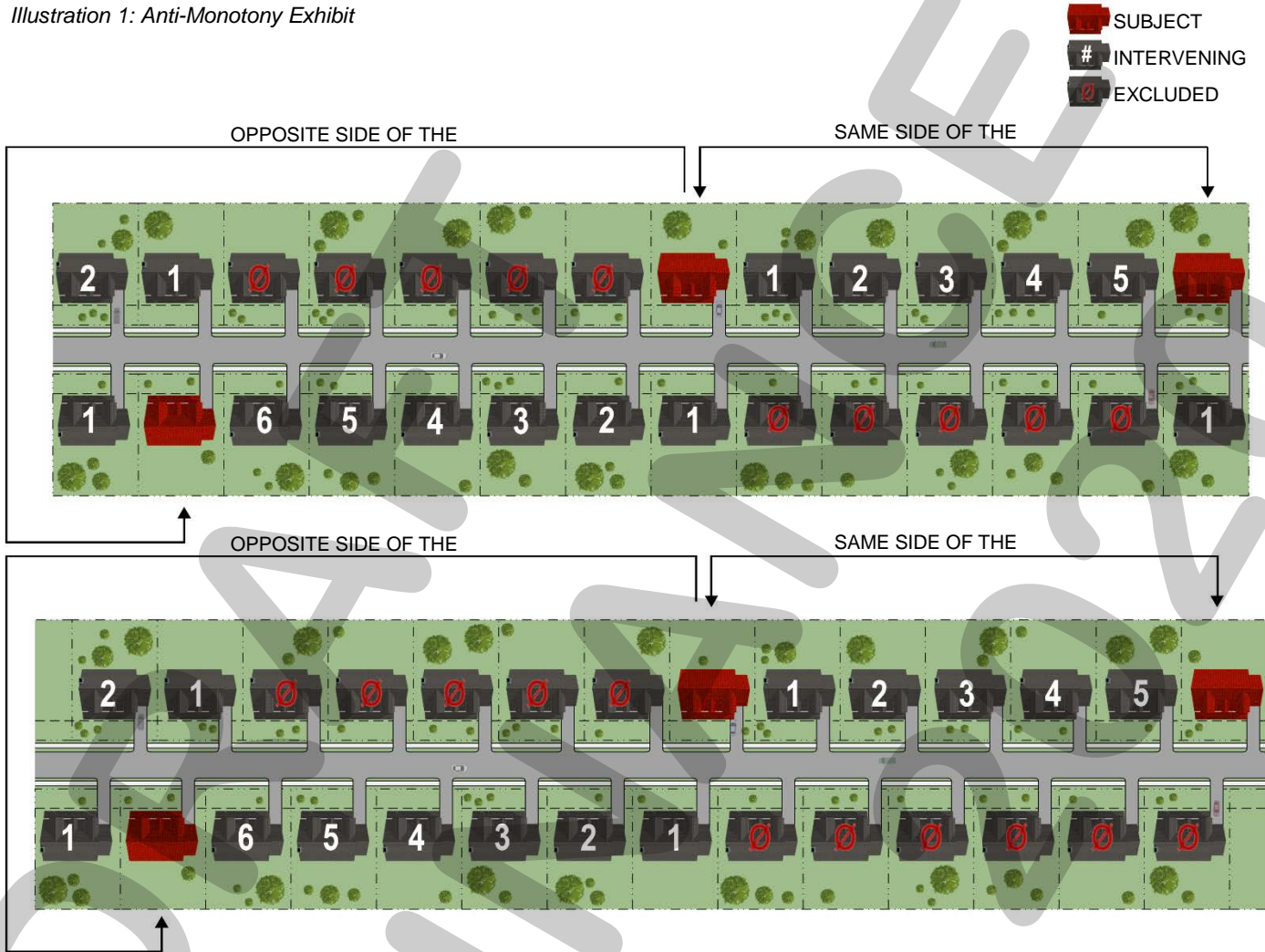
property and six (6) intervening homes of differing materials on the opposite side of the street.

- (2) Front building elevations shall not repeat along any block face without at least five (5) intervening homes of differing appearance on the same side of the street and six (6) intervening homes of differing appearance on the opposite side of the street. The rear elevation of homes backing to open spaces or on SH-276 or Rochelle Road shall not repeat without at least five (5) intervening homes of differing appearance. Homes are considered to have a differing appearance if any of the following two (2) items deviate:
 - (a) Number of Stories
 - (b) Permitted Encroachment Type and Layout
 - (c) Roof Type and Layout
 - (d) Articulation of the Front Façade
- (3) Permitted encroachment (*i.e. porches*) elevations shall not repeat or be the same along any block face without at least five (5) intervening homes of sufficient dissimilarity on the same side of the street beginning with the home adjacent to the subject property and six (6) intervening homes beginning with the home on the opposite side of the street.
- (4) Each phase of the subdivision will allow for a maximum of four (4) compatible roof colors, and all roof shingles shall be an architectural or dimensional shingle (*3-Tab Roofing Shingles are prohibited*).
- (5) Type 'A' lots may use slate, imitation slate, tile, concrete tile, imitation tile, standing seam metal, or other high-end type roof materials.

Continued on Next Page...

Exhibit 'D':
Permitted Land Uses and Development Standards

Illustration 1: Anti-Monotony Exhibit



(e) *Fencing Standards.* All individual residential fencing and walls shall be architecturally compatible with the design, materials and colors of the primary structure on the same lot, and meet the following standards:

- (1) *Wood Fences.* All solid fencing shall be constructed utilizing standard cedar fencing materials (*spruce fencing is prohibited*) that are a minimum of ½-inch or greater in thickness. Fences shall be *board-on-board* panel fence that is constructed a minimum of six (6) feet in height and a maximum of eight (8) feet in height. Posts, fasteners, and bolts shall be formed from hot dipped galvanized or stainless steel. All cedar pickets shall be placed on the public side (*i.e. facing streets, alleys, open space, parks, and/or neighboring properties*). All posts and/or framing shall be placed on the private side (*i.e. facing towards the home*) of the fence. All wood fences shall be smooth finished, free of burs and splinters, and be stained and sealed on both sides of the fence. Painting a fence with oil or latex based paint shall be prohibited. All solid fences shall incorporate a decorative top rail and/or cap detailing the design of the fence.

Exhibit 'D':
Permitted Land Uses and Development Standards

- (2) *Wrought Iron/Tubular Steel*. Lots located along the perimeter of roadways, abutting open spaces, greenbelts and parks shall be required to install a wrought iron or tubular steel fence. Wrought iron/tubular steel fences can be a maximum of eight (8) feet in height.
- (3) *Corner Lots*. Corner lots fences (*i.e. adjacent to the street*) shall provide masonry columns at 45-feet off center spacing that begins at the rear of the property line. A maximum of eight (8) foot solid *board-on-board panel* fence constructed utilizing cedar fencing shall be allowed between the masonry columns along the side and/or rear lot adjacent to a street. In addition, the fencing shall be setback from the side property line adjacent to a street a minimum of five (5) feet. The property owner shall be required to maintain both sides of the fence.
- (4) *Solid Fences (including Wood Fences)*. All solid fences shall incorporate a decorative top rail or cap detailing into the design of the fence.

(f) *Landscape and Hardscape Standards.*

- (1) *Residential Landscape*. Landscaping shall be reviewed and approved with the PD Site Plan. All *Canopy/Shade Trees* planted within the residential development shall be a minimum of three (3) caliper inches in size and all *Accent/Ornamental/Under-Story Trees* shall be a minimum of four (4) feet in total height unless otherwise provided within this document.
- (2) *Single Family Landscaping*. Prior to the issuance of a Certificate of Occupancy (CO) all single-family lots shall conform to the following:

- i) *Interior Lots*. All interior lots shall include a minimum of two (2) trees with a diameter at breast height (dbh) [*i.e. the diameter in inches of a tree as measured through the main trunk at a point of four and one-half (4½) inches above the natural ground level*] of three (3) inches shall be planted in the front yard, and two (2) additional trees of the same caliper inch shall be planted in the side yard facing the street for corner lots.

Note: For the purposes of this section only, the term "front yard" includes the area within the dedicated right-of-way for a parkway immediately adjoining the front yard of the lot.

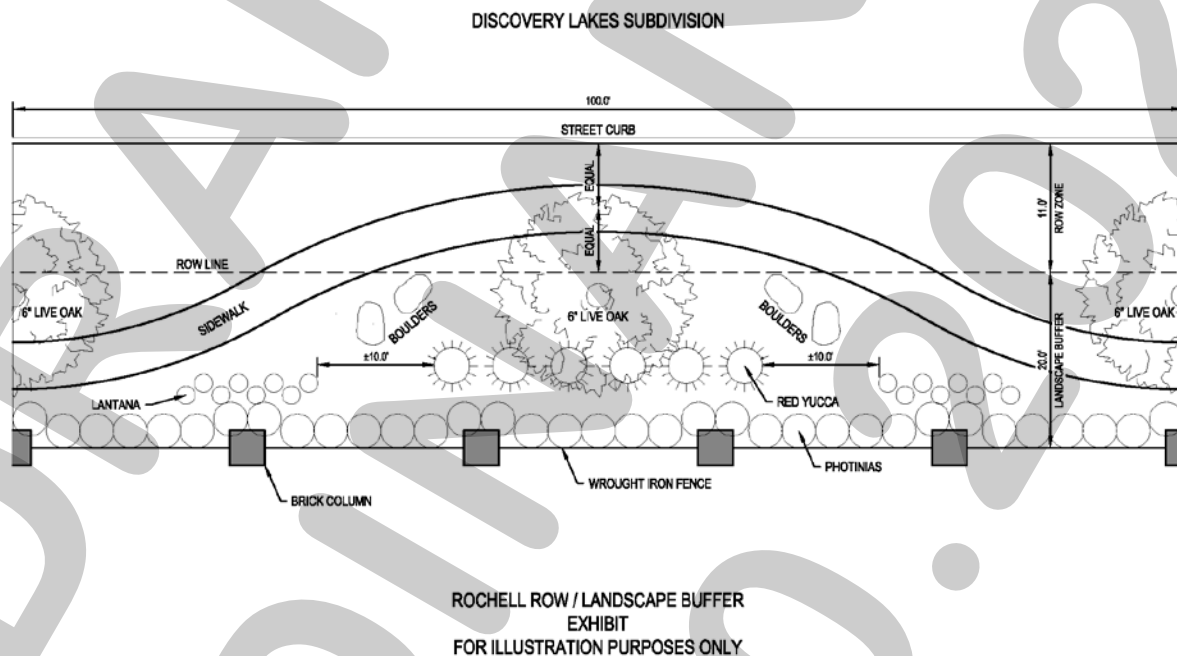
- ii) *Corner Lots*. All corner lots shall include a minimum of two (2) trees with a diameter at breast height (dbh) [*i.e. the diameter in inches of a tree as measured through the main trunk at a point of four and one-half (4½) inches above the natural ground level*] of three (3) inches shall be planted in the front yard of an interior lot.
- (3) *Landscape Buffers*. All landscape buffers and plantings located within the buffers shall be maintained by the Homeowner's Association (HOA).
 - (a) *Landscape Buffer and Sidewalks (Discovery Boulevard)*. A minimum of a 15-foot landscape buffer shall be provided along the frontage of Discovery Boulevard, and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a

Exhibit 'D':
Permitted Land Uses and Development Standards

maximum height of 48-inches. In addition, at least one (1) canopy tree shall be planted per 30-feet of linear frontage.

- (b) *Landscape Buffer (Rochell Road)*. A minimum of a 20-foot landscape buffer shall be provided along the frontage of Rochell Road (*outside of and beyond any required right-of-way dedication*), and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Shrubby shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. The landscape buffer along Rochell Road shall general conform to the following illustration [*i.e. Illustration 3*].

Illustration 2: Landscape Buffer along Rochell Road.



- (c) *Landscape Buffer (SH-276)*. A minimum of a 25-foot landscape buffer shall be provided along the frontage of SH-276, and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Shrubby shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. In addition, all buffer-strip planting requirements shall conform to the requirements of Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code (*i.e. minimum four [4] inch caliper trees required*).

- (4) *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

Exhibit 'D':
Permitted Land Uses and Development Standards

landscape architect and shall be maintained by the Homeowner's Association (HOA).

- (5) *Hardscape*. Hardscape plans indicating the location of all sidewalks and trails shall be reviewed and approved with the PD Site Plan.
- (g) *Lighting*. Light poles shall not exceed 20-feet in total height (*i.e. base and lighting standard*). All fixtures shall be directed downward and be positioned to contain all light within the development area.
- (h) *Sidewalks*.
 - i) *Internal Sidewalks*. All sidewalks adjacent to an interior residential street shall begin 5½-feet from the back of curb and be five (5) feet in overall width.
 - ii) *Sidewalks Adjacent to Rochell Road and Discovery Boulevard*. All sidewalks adjacent Rochell Road and Discovery Boulevard shall begin two (2) feet inside the right-of-way line and be five (5) feet in overall width.
- (i) *Open Space*. The development shall consist of a minimum of 20% open space as calculated from the gross land area, and generally conform to the *Concept Plan* contained in *Exhibit 'C'* of this ordinance. Existing floodplain shall be counted at a rate of ½-acre for every acre provided (*e.g., 10-acres of floodplain would count as 5-acres of open space*). The Homeowner's Association (HOA) shall maintain all open space areas.
- (j) *Temporary On-Site Sanitary Sewer (OSSF)*. On-Site Sanitary Sewer (OSSF) systems shall only be allowed on *Type 'A'* lots that contain a minimum of 32,670 SF. OSSF's shall be designed by a State of Texas registered Professional Engineer, and each design shall specify an aerobic type system with drip (*underground*) irrigation system. All systems shall meet the minimum standards of the Texas Commission on Environmental Quality (TCEQ) and each installed system shall be inspected by a third-party licensed inspector and be paid for by the developer. Operation and maintenance of each individual OSSF shall be the responsibility of the property owner and the City will not assume any responsibility to the proper design, installation, operation, and maintenance of the system. In addition to the installation of the OSSF's for *Type 'A'* lots, each constructed home must provide a secondary connection that will allow the resident to disconnect and abandon the OSSF and connect to the future -- *developer provided* -- sanitary sewer system when it is made available. The *Developer*, during the development/construction of any phase of the subdivision, will be responsible for constructing the required sanitary sewer infrastructure (*i.e. mains and laterals*) as required by the City's Master Wastewater Plan. The cost to disconnect from the OSSF and connect to the City's sanitary sewer system shall be at the sole cost of the homeowner, and an appropriate disclosure statement regarding this obligation and cost (*including wastewater impact fees*) shall be a part of all real-estate contracts between the developer, homebuilder, and homeowner.
- (k) *Neighborhood Signage*. Permanent subdivision identification signage shall be permitted at all major entry points for the proposed subdivision. Final design and location of any entry features shall be reviewed and approved with the *PD Site Plan*.

Exhibit 'D':
Permitted Land Uses and Development Standards

- (l) *Community Center*. A site plan, landscape plan and building elevations shall be required for the proposed *Community Center* and shall be subject to site plan approval by the Planning and Zoning Commission prior to construction. The community center shall commence construction prior to the platting of the 201st residential lot, unless additional *Type 'A'* lots -- *above and beyond what is shown on the Concept Plan contained in Exhibit 'C' of this ordinance* -- are requested; in which case, the developer shall commence construction of the community center as part of the phase that proposes the additional *Type 'A'* lots.
- (m) *Homeowner's Association (HOA)*. A Homeowner's Association shall be created to enforce the restrictions established in accordance with the requirements of *Section 38-15* of the Subdivision Regulations contained within the *Municipal Code of Ordinances* of the City of Rockwall. The HOA shall also maintain all neighborhood parks, trails, open space and common areas, irrigation, landscaping, amenity centers, screening fences associated with this development.
- (4) *Buried Utilities*. New distribution power-lines required to serve the *Subject Property* shall be placed underground, whether such lines are located internally or along the perimeter of the *Subject Property*, unless otherwise authorized by the City Council. New transmission power-lines, or distribution lines of a size not typically or cost effectively placed underground (*3-phase lines*), or additional lines that are added to existing poles, may be above ground, if located along the perimeter of the *Subject Property*. The Developer shall not be required to re-locate existing overhead power-lines along the perimeter of the *Subject Property*. Temporary power-lines constructed across undeveloped portions of the *Subject Property* to facilitate development phasing and looping may be allowed above ground, but shall not be considered existing lines at the time the area is developed, and if they are to become permanent facilities, such lines shall be placed underground pursuant to this paragraph. Franchise utilities shall be placed within a ten (10) foot public utility easement behind the sidewalk, between the home and the property line.
- (5) *Variances*. The variance procedures and standards for approval that are set forth in the Unified Development Code shall apply to any application for variances to this ordinance.



August 10, 2020

TO: Chris Cuny, PE
Teague Nall and Perkins, Inc.
2 Horizon Court, Suite 500
Heath, TX 87032

CC: Nick DiGiuseppe
15400 Knoll Trail, Suite 230
Dallas, TX 75248

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

SUBJECT: Z2020-024; *Zoning Amendment to Planned Development District 78 (PD-78) [Discovery Lakes]*

Mr. Cuny:

This letter serves to notify you that the above referenced zoning case that you submitted for consideration by the City of Rockwall was approved by the City Council on August 3, 2020. The following is a record of all recommendations, voting records and conditions of approval:

Staff Recommendations

- ✓ The proposed office/co-working space shall be required to apply for a separate Certificate of Occupancy (CO) prior to opening the business; and
- ✓ Any construction resulting from the approval of this zoning change shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

Planning and Zoning Commission

- ✓ On July 14, 2020, the Planning and Zoning Commission approved a motion to recommend approval of the amendment to Planned Development District 78 (PD-78) with the conditions of approval by a vote of 5-1, with Commissioner Welch dissenting and Commissioner Moeller absent.

City Council

- ✓ On July 20, 2020, the City Council approved the amendment to Planned Development District 78 (PD-78) by a vote of 6-1, with Mayor Pruitt dissenting (1st Reading).
- ✓ On August 3, 2020, the City Council approved the amendment to Planned Development District 78 (PD-78) by a vote of 5-1, with Mayor Pruitt dissenting and Councilmember Daniels absent (2nd Reading).

Included with this letter is a copy of Ordinance No. 20-27, which is the regulating ordinance adopted with the City Council's approval of this case. Should you have any questions or concerns regarding your zoning case, please feel free to contact me at (972) 771-7745.

Sincerely,

Ryan Miller, AICP
Director of Planning and Zoning

CITY OF ROCKWALL

ORDINANCE NO. 20-27

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 78 (PD-78) [*ORDINANCE NO. 15-24*] AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, FOR THE PURPOSE OF CHANGING THE CONCEPT PLAN AND DEVELOPMENT STANDARDS FOR A 316.315-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1 OF THE M. E. HAWKINS SURVEY, ABSTRACT NO. 100 AND TRACT 2 OF THE R. K. BRISCO SURVEY, ABSTRACT NO. 16, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED HEREIN BY *EXHIBIT 'B'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request by Chris Cuny of Teague, Nall & Perkins on behalf of Nick DiGuiseppe of Discovery Lakes, LLC for the approval of an amendment to Planned Development District 78 (PD-78) [*Ordinance No. 15-24*] for the purpose of changing the concept plan and development standards for a 316.315-acre tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract No. 100 and Tract 2 of the R. K. Brisco Survey, Abstract No. 16, City of Rockwall, Rockwall County, Texas and more fully described in *Exhibit 'A'* and depicted in *Exhibit 'B'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that Planned Development District 78 (PD-78) and the Unified Development Code [*Ordinance No. 20-02*] should be amended as follows:

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

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

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

SECTION 3. That development of the *Subject Property* shall generally be in accordance with the *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 4. That a *Master Parks and Open Space Plan* for the *Subject Property*, shall be prepared in accordance with this ordinance and consistent with the *Planned Development Concept Plan* depicted in *Exhibit 'C'* of this ordinance, and that the *Master Parks and Open Space Plan* shall be considered for approval by the City Council following a recommendation by the *Parks and Recreation Board*.

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

- (a) The procedures set forth in the City's subdivision regulations on the date this ordinance is approved by the City, as amended by this ordinance (*including Subsections 5(b) through 5(f) below*), shall be the exclusive procedures applicable to the subdivision and platting of the 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) Open Space Master Plan
 - (2) Master Plat
 - (3) PD Development Plan (*Required for Retail Areas Only*)
 - (4) PD Site Plan
 - (5) Preliminary Plat
 - (6) Final Plat
- (c) A *PD Development Plan* must be approved for the area designated on the *Planned Development Concept Plan* as *Retail* prior to submittal of a *PD Site Plan* application and/or preliminary plat application. No *Master Plat* is required for the area designated on the *Concept Plan* as *Retail*. A traffic impact analysis for the retail tract 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* for each retail development.
- (d) *PD Site Plan*. A *PD Site Plan* covering all of the *Subject Property* shall be submitted and shall identify all site/landscape/hardscape plan(s) for all open space, neighborhood parks, trail systems, street buffers and entry features. A *PD Site Plan* application may be processed by the City concurrently with a *Preliminary Plat Application* for the development.
- (e) *Preliminary Plat*. A *Preliminary Plat* covering all of the *Subject Property* shall be submitted and shall include a *Treescape Plan*. A *Preliminary Plat Application* may be processed by the City concurrently with a *PD Site Plan Application* for the development.

- (f) *Final Plat*. Prior to the issuance of any building permits, a *Final Plat*, conforming to the *Preliminary Plat*, for all of the *Subject Property* shall be submitted for approval.

SECTION 9. 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 10. 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 11. 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 12. That this ordinance shall take effect immediately from and after its passage;

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 3RD DAY OF AUGUST, 2020.**



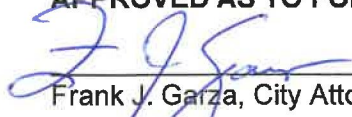
Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: July 20, 2020

2nd Reading: August 3, 2020

Exhibit 'A':
Legal Description

Field notes for a 316.315-acre (13,778,691 square foot) tract of land situated in the M. E. Hawkins Survey, Abstract No. 100, and the Robert K. Briscoe Survey, Abstract No. 16 in the City of Rockwall, Rockwall County, Texas, and being all of that certain called 308.52-acre tract of land described in a Special Warranty Deed to 308 ON 276, L.P., as recorded in Volume 03662, Page 00315, of the Office Public Records of Rockwall County, Texas (O.P.R.R.C.T.) with said 316.315-acre (13, 778,691 square feet) tract of land being more particularly described by metes and bounds as follows:

BEGINNING a railroad spike set in asphalt marking the northwest corner of said 308 on 276, L.P. tract and the common southwest corner of that certain called 21. 935 acre tract of land described as Tract One in a Warranty Deed to Rockwall Fund I, L.L.C., as recorded in Volume 1 110, Page 190, of the Deed Records of Rockwall County, Texas (D.R.R.C.T.) , said point being in the approximate center of Rochell Road, a county road with an unspecified right-of- way (R. O. W.) width;

THENCE North 89 degrees 00 minutes 24 seconds East (South 89 degrees 12 minutes 02 seconds East - deed call), along the common northerly line of said 308 ON 276, L.P. tract and the common southerly line of said Tract One, passing at a distance of 30. 00 feet, a 5/8 inch iron rod set with a yellow plastic cap stamped "THE WALLACE GROUP " ("cap ") for reference, continuing along said common line, passing at a distance of 1,799. 04-feet t, a ½-inch iron rod found marking the southeast corner of said Tract One, being common with the south west corner of that certain called 59.71-acre tract of land described in a Special Warranty Deed to Fate I- 30, L.P., as recorded in Volume 03542, Page 00039, O.P.R.R.C.T., continuing along the common northerly line of said 308 on 276, L.P. tract and the southerly line of said Fate I-30, L.P. tract, a total distance of 1,966.04 feet (1,902 .80 feet - deed call) to a 1/ 2 inch iron rod found marking the common most northerly northeast corner of said 308 on 276, L.P. tract and the north west corner of that certain coiled 85.479 acre tract of land described as Tract Two in the aforementioned Warranty Deed to Rockwall Fund I, L.L.C., as recorded in Volume 1 110, Page 190, O.R.R.C.T.;

THENCE South 01 degrees 59 minutes 29 seconds East (South 00 degrees 08 minutes 06 seconds West - deed call), along the common easterly line of said 308 ON 276, L.P. tract and the westerly line said Tract Two, a distance of 2,204.26-feet t (2,166.70-feet - deed call) to a ½ inch iron rod found marking an ell corner of said 308 ON 276, L.P. tract and the southwest corner of said Tract Two;

THENCE North 87 degrees 20 minutes 20 seconds East (North 89 degrees 12 minutes 02 seconds East - deed call), continuing along the common northerly line of said 308 on 276, L.P. tract and the southerly line said Tract Two, a distance of 1,691. 90 feet (1,782.53 feet - deed call) to a 5/8-inch iron rod set with "cap" marking the common most easterly northeast corner of said 308 on 276, L.P. tract and the southeast corner of said Tract Two, from which a ½-inch iron rod found bears North 87 degrees 20 minutes 20 seconds East at 10. 49 feet, said 5/8-inch iron rod set being on the west line of that certain called 212.25-acre tract of land described in a Special Warranty Deed to South Rock wall Holdings, L.P., as recorded in Volume 03625, Page 00034, O.P.R.R.C.T.;

THENCE South 01 degrees 34 minutes 35 seconds East, along the common easterly line of said 308 ON 276, L.P. tract and the westerly line said South Rock wall Holdings tract, a distance of 309.68-feet to a 5/8-inch iron rod set with "cap " marking the southwest corner of said South Rock wall Holdings tract, being common with the northwest corner of Lot 8, Equestrian Estates, according to the plot thereof recorded in Cabinet A, Page 19 7, of the Plot Records of Rock wall County, Texas (P.R.R.C.T.);

THENCE South 00 degrees 50 minutes 42 seconds East, along the common easterly line of said 308 ON 276, L.P. tract and the westerly line said Equestrian Estates, a distance of 2,301.71 feet (South 00 degrees 06 minutes 38 seconds West, a distance of 2,580.60 feet - overall deed call) to a 5/8 inch iron rod set with "cap " marking the common southeast corner of said 308 ON 276, L.P. tract and on ell corner of the north R.O.W. line of State Highway No. 276 (having a variable width R.O.W.);

THENCE South 89 degrees 29 minutes 00 seconds West (North 89 degrees 29 minutes 07 seconds West - deed call), along the common southerly line of said 308 ON 2 76, L.P. tract and said north R.O.W. line of State Highway No. 276, passing at a distance of 1.66 feet a found TxDOT concrete monument, continuing along said common line for a tot al distance of 117.50-feet (115.83-feet - deed call) to a 5/8-inch iron rod set with "cap " marking the common ell corner of said 308 ON 276, L.P. tract and the most easterly southeast corner of that certain called 2.503-acre tract of land described as on Easement for Highway Purposes to the State of Texas, recorded in Volume 82, Page 583 of the Real Property Records of Rockwall County, Texas (R.P.R.R.C.T.);

THENCE North 00 degrees 31 minutes 03 seconds West (North 00 degrees 30 Minutes 13 seconds East - deed call), along a common interior line of said 308 on 2 76, L.P. tract and the easterly line of said Easement for Highway Purposes tract, a distance of 50.31-feet (50-feet - deed call) to a 5/8-inch iron rod set with "cap" marking the common ell corner of said 308 ON 276, L.P. tract and the north east corner of said Easement for Highway

Exhibit 'A':
Legal Description

Purposes tract;

THENCE South 89 degrees 28 minutes 57 seconds West (North 89 degrees 29 minutes 47 seconds West - deed call), along the common southerly line of said 308 ON 276, L.P. tract and the northerly line of said Easement for Highway Purposes tract, a distance of 543.40-feet (543.73-feet - deed call) to a 5/8-inch iron rod set with "cap " for corner;

THENCE South 89 degrees 13 minutes 58 seconds West (South 89 degrees 48 minutes 55 seconds West - deed call), continuing along the common southerly line of said 308 ON 276, L.P. tract and the northerly line of said Easement for Highway Purposes tract, a distance of 757.25-feet (756.93-feet - deed call) to a 5/8-inch iron rod found marking a common ell corner of said 308 ON 276, L.P. tract and the northwest corner of said Easement for Highway Purposes tract;

THENCE South 00 degrees 46 minutes 03 seconds East (South 00 degrees 11 minutes 05 seconds East - deed call), along a common interior line of said 308 ON 276, L.P. tract and the westerly line of said Easement for Highway Purposes tract, a distance of 90.30-feet (87.44-feet - deed call) to a 5/8-inch iron rod set with "cap " marking a common ell corner of said 308 ON 276, L.P. tract and the southwest corner of said Easement for Highway Purposes tract, said point being on said north R.O.W. line of State Highway No. 276;

THENCE South 89 degrees 13 minutes 57 seconds West (North 89 degrees 53 minutes 27 seconds West - deed call), along the common southerly line of said 308 ON 276, L.P. tract and said north R.O.W. line of State Highway No. 276, passing at a distance of 1,667.76-feet a 5/8-inch iron rod set with "cap " for reference, continuing along said common line for a total distance of 1,917.07-feet (1,917.34-feet - deed call) to a found TxDOT concrete monument, marking the transitional R.O.W. line from said north R.O.W. line of State Highway No. 276 to the east R.O.W. line of Springer Lane, on 80-foot wide R.O.W., (formerly F.M. No. 1143), said point being the beginning of a non-tangent curve to the right, with the radius point being situated North 21 degrees 40 minutes 52 seconds East, a distance of 533.69-feet;

THENCE Northerly along the common curving westerly line of said 308 ON 276, L.P. tract and said curving east R.O.W. line of Springer Lane, with said non-tangent curve to the right, through a central angle of 67 degrees 33 minutes 20 seconds (48 degrees 33 minutes 57 seconds - deed call), having a radius of 533.69-feet (613.69-feet - deed call), a tangent distance of 356.97-feet, a chord bearing North 34 degrees 32 minutes 28 seconds West (North 40 degrees 41 minutes 57 seconds West - deed call), at 593.43-feet, and an arc distance of 629.26-feet (520.18-feet - deed call) to a 5/8-inch iron rod set with "cap" at the end of said non-tangent curve;

THENCE North 00 degrees 53 minutes 56 seconds West (North 00 degrees 43 minutes 17 seconds West - deed call), continuing along the common westerly line of said 308 ON 276, L.P. tract and said east R.O.W. line of Springer Lane, a distance of 294.21-feet (430.56-feet - deed call) to an axle found for the beginning of a non-tangent curve to the left, with the radius point being situated South 89 degrees 08 minutes 07 seconds West, a distance of 612.96-feet;

THENCE Northerly continuing along the common curving westerly line of said 308 ON 276, L.P. tract and said curving east R.O.W. line of Springer Lane, with said non-tangent curve to the left, through a central angle of 17 degrees 26 minutes 00 seconds (12 degrees 25 minutes 52 seconds - deed call), having a radius of 612.96-feet (613.69-feet - deed call), a tangent distance of 93.98 feet, a chord bearing North 09 degrees 34 minutes 53 seconds West at 185.78-feet, and an arc distance of 186.50-feet (133.15 feet - deed call) to a 5/8-inch iron rod set with "cap" at the end of said non-tangent curve, said point marking the transition from said east R.O.W. line of Springer Lane to the approximate center of the aforementioned Rochell Road;

THENCE North 00 degrees 49 minutes 05 seconds West (North 00 degrees 10 minutes 49 seconds East - deed call), along the common westerly line of said 308 ON 276, L.P. tract and said approximate center of Rochell Road, passing at a distance of 386.53-feet a 1/2-inch iron rod found marking the southeast corner of that certain called 60.3368-acre tract of land described in a Cash Warranty Deed to Varughese P. Samuel and wife, Remoni V. Samuel, as recorded in Volume 02002, Page 00062, O.P.R.R.C.T., then continuing along said common line with the easterly line of said Samuel tract, a total distance of 2,841.3-feet (1,613.15-feet - deed call) to a 1/2-inch iron rod found marking the northeast corner of said Samuel tract;

THENCE North 01 degrees 38 minutes 55 seconds West (North 00 degrees 08 minutes 06 seconds East - deed call), along the common westerly line of said 308 ON 276, L.P. tract and said approximate center of Rochell Road, a distance of 976.29-feet (2,166.70-feet - deed call) to the *POINT OF BEGINNING*.

CONTAINING within the metes recited 316.315-acres (13,778,692 square feet) of land, more or less, of which a portion lies within Rochell Road.

Exhibit 'B':
Survey

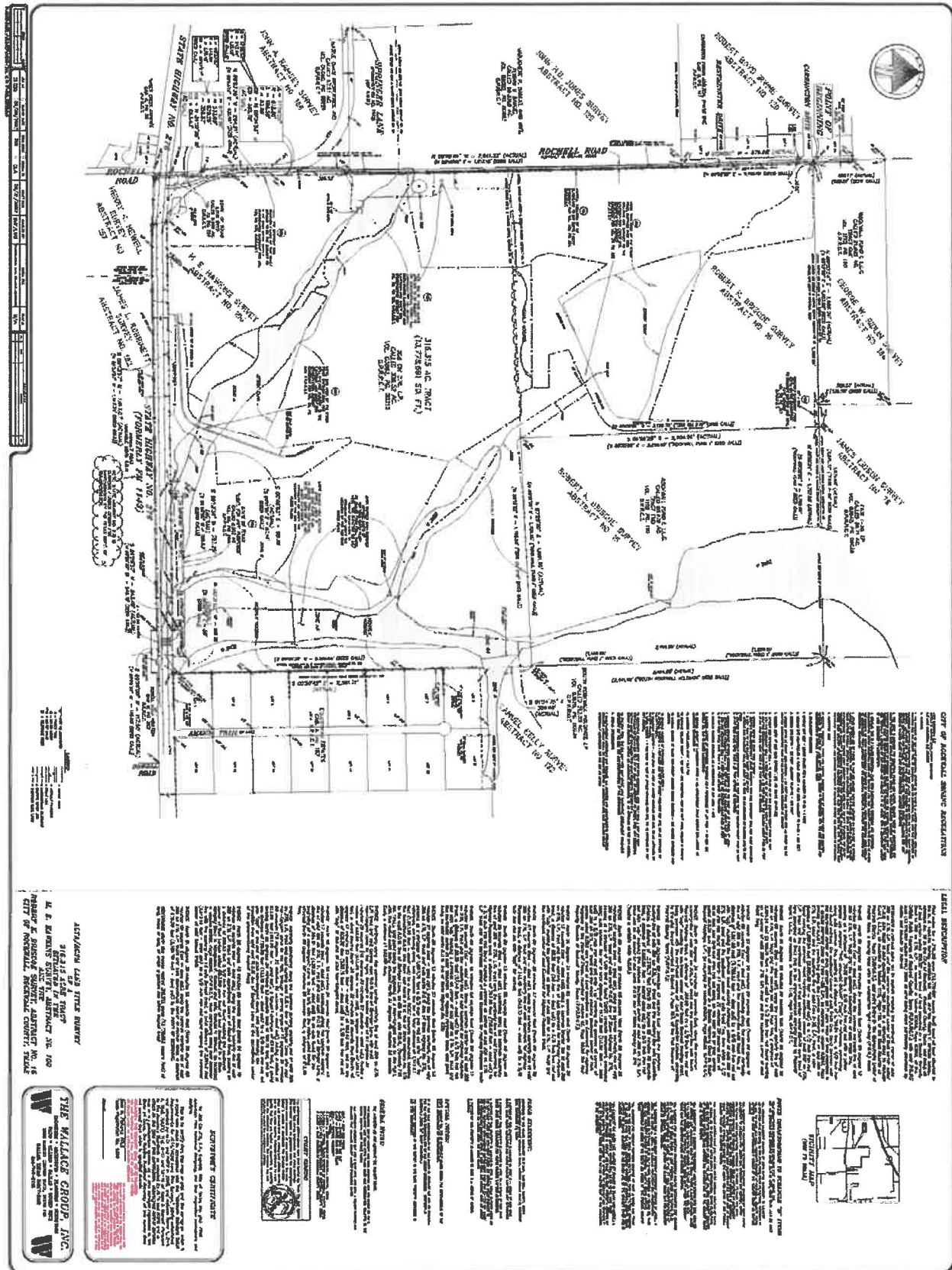


Exhibit 'C': Area Map



Exhibit 'D':
Permitted Land Uses and Development Standards

(A) PURPOSE

The purpose of this PD Zoning change is to allow for an area located at the southeastern portion of the property to be developed as a high-end custom home phase, with minimum one-acre single family residential lots. It is the desire of the owner to retain all the other non-conflicting entitlements on the property per the existing PD requirements and development standards with exceptions that will be noted throughout this document. The developer recognizes and accepts that the acreage utilized for this proposed custom phase will result in a loss of development density, from 507 single family homes to approximately 428 Single family homes. The owner requests the right and flexibility to replace smaller lot types with the 0.75-acre lot type throughout future phases of the development, without the need to rezone the Planned Development District as long as the general intent and layout of the approved revised concept plan is followed and the total number of lots does not increase.

To facilitate review of the proposed PD revisions, sections and development standards that are to be revised as a part of this re-zoning request will be highlighted in yellow throughout the document. All proposed revisions have been incorporated into the attached revised concept plan.

The Discovery Lakes Subdivision is located at the northeast corner of the intersection of SH-276 and Rochell Road. The *Subject Property* is a short walk or bike ride from the Rockwall Technology Park. The Discovery Lakes Subdivision will be a master planned residential neighborhood that will incorporate two (2) lakes, several acres of open space and ~2.6-miles of hiking/jogging/biking trails. The master plan calls for 428 single-family homes. There will be several view corridors strategically placed within the subdivision along with *front loaded* lots to provide for the enjoyment of the open space. A boulevard with 85-feet of right-of-way will connect SH-276 and be constructed up to the first round-about of the one (1) acre lots. The boulevard will have a 14-foot landscape median and a 25-foot travel lane on each side of the street. The residential streets will be 29-feet back-to-back, with a 10½-foot parkway on each side for a total of 50-feet of right-of-way. A *Community Center* with a pool will be provided to add increased amenity for the subdivision. Commencement of the Community Center and pool will take place at or before the final platting of the 201st residential lot or with the addition of additional *Type 'A'* lots. Additionally, the proposed development will incorporate nine (9) acres of commercial space that will be located at the hard corner of SH-276 and Rochell Road. This area will allow for neighborhood service types of uses and eating establishments. A maximum of one (1) hotel planned to service the needs of the subdivision and the Rockwall Technology Park. A 55-acre area adjacent to the northern lake will be dedicated as public parkland to serve Park District No. 31. The Discovery Lakes Subdivision will be a benefit to the community, allowing citizens of all ages the opportunity to live, work, and play in a connected master planned community.

(B) GENERAL REQUIREMENTS

Development Standards.

- (1) *Permitted Uses.* The following uses are permitted on the *Subject Property* in accordance with the *Concept Plan* depicted in *Exhibit 'C'* of this ordinance.
 - (a) *Residential Uses.* Unless specifically provided by this Planned Development ordinance, only those uses permitted within the Single Family 10 (SF-10) District, as stipulated by the *Permissible Use Charts* contained in Article IV, *Permissible Uses*, of

Exhibit 'D':
Permitted Land Uses and Development Standards

the Unified Development Code (UDC), shall be allowed for areas designated as *residential* on the *Concept Plan*.

(b) *Non-Residential*. Unless specifically provided by this Planned Development ordinance, only those uses permitted within the General Retail (GR) District, as stipulated by the *Permissible Use Charts* contained in Article IV, *Permissible Uses*, of the Unified Development Code (UDC), shall be allowed for areas designated as *commercial* on the *Concept Plan*; however, the following conditions shall apply:

(i) The following additional uses shall be permitted as *by-right* uses on the *Subject Property*:

- ☒ Hotel, Hotel (*Full Service*) or Motel (*With a Maximum Height of Four [4] Stories*) ¹
- ☒ Restaurant (*with Drive-Through or Drive-In*) ²
- ☒ Retail Store (*with more than two [2] Gasoline Dispensers*)

Notes:

¹: A maximum of one (1) hotel/motel shall be permitted with this Planned Development District. The height requirement of four (4) stories is permitted to exceed 36-feet, but in no case shall exceed 60-feet.

²: A maximum of three (3) restaurants (despite the size of the restaurant) shall be permitted within this Planned Development District.

(ii) The following uses shall be prohibited on the *Subject Property*:

- ☒ Convent or Monastery
- ☒ Hotel, Residence
- ☒ Cemetery/Mausoleum
- ☒ Mortuary or Funeral Chapel
- ☒ Social Service Provider
- ☒ Billiard Parlor or Pool Hall
- ☒ Carnival, Circus, or Amusement Ride
- ☒ Commercial Amusement/Recreation (*Outside*)
- ☒ Gun Club, Skeet or Target Range (*Indoor*)
- ☒ Astrologer, Hypnotist, or Psychic Art and Science
- ☒ Garden Supply /Plant Nursery
- ☒ Night Club, Discotheque, or Dance Hall
- ☒ Secondhand Dealer
- ☒ Car Wash, Self Service
- ☒ Mining and Extraction (Sand, Gravel, Oil and/or Other)
- ☒ Helipad
- ☒ Railroad Yard or Shop
- ☒ Transit Passenger Facility

(2) *Non-Residential Development*. The area designated as *commercial* on the *Concept Plan* depicted in *Exhibit 'C'* of this ordinance shall be designed to be pedestrian-oriented, easily accessible, and integrated into the general design scheme of the adjacent neighborhood. This can be accomplished by removing the traditional barriers utilized to separate commercial and residential developments (e.g. *screening walls*) and incorporating landscape buffers/elements (e.g. *greenspace, parkways, and etcetera*) and urban design elements (e.g. *pathways, pergolas, and etcetera*) that can create compatibility with the adjacent single-family neighborhood. To better achieve this goal and in addition to the requirements of Section 4.1, *General Commercial District Standards*, and Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development*

Exhibit 'D':
Permitted Land Uses and Development Standards

Standards, of the Unified Development Code, all commercial development shall be required to adhere to the following supplemental standards:

- (a) *Retail Landscape*. Landscaping shall be reviewed and approved with the PD Site Plan. All Canopy/Shade Trees planted within the retail development shall be a minimum of four (4) caliper inches in size and all *Accent/Ornamental/Under-Story Trees* shall be a minimum of four (4) feet in total height unless otherwise provided within this document.
- (b) *Retail Landscape Buffers*. All landscape and plantings located within the buffers shall be maintained by the property owner.
 - (1) *Landscape Buffer (Residential Adjacency)*. Where residential and retail uses share a direct adjacency, a minimum of a 30-foot landscape buffer shall be provided by the retail property adjacent to the residential property. This area shall incorporate ground cover, a *built-up* berm and shrubbery along the entire length of the adjacency. This area should also incorporate pedestrian-oriented design elements (e.g. *pathways*) that allow access between the two (2) uses. Shrubby utilized in this area shall have a minimum height of 30-inches and a maximum height of 48-inches. Additionally, trees should be incorporated in this area to break up the façades of any commercial buildings.
 - (2) *Landscape Buffer and Sidewalks (SH-276)*. A minimum of a 15-foot landscape buffer shall be provided along the frontage of SH-276, and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. All buffer-strip planting requirements shall conform to the requirements of Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code.
 - (3) *Landscape Buffer (Rochell Road Retail)*. A minimum of a 20-foot landscape buffer shall be provided along the frontage of Rochell Road (*outside of and beyond any required right-of-way dedication*), and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage.
- (c) *Sidewalks*.
 - i) *Sidewalk Adjacent to Rochell Road and SH-276*. The developer shall be responsible for the construction of a five (5) foot sidewalk that meanders through the required 20-foot landscape buffer adjacent to Rochell Road and SH-276.
- (3) *Residential Development Standards*. Except as modified by these *Development Standards*, the residential uses depicted in *Exhibit 'C'* of this ordinance shall be subject to the development standards for a Single Family 10 (SF-10) District as stipulated by Section 3.1, *General Residential District Standards*; Section 3.4, *Single-Family Residential (SF-10) District*; and Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V,

Exhibit 'D':
Permitted Land Uses and Development Standards

District Development Standards, of the Unified Development Code. In addition, all residential development shall adhere to the following standards:

- (a) *Lot Composition and Layout*. The lot layout and composition of the *Subject Property* shall generally conform to the *Concept Plan* depicted in *Exhibit 'C'* and stated in *Table 1* below. Allowances for changes to the quantity and locations of each lot type are permitted in conformance with the requirements listed below; however, in no case shall the proposed development exceed 428 units.

Table 1: Lot Composition

Lot Type	Minimum Lot Size (FT)	Minimum Lot Size (SF)	Dwelling Units (#)	Dwelling Units (%)
A	80' x 200'	32,670 SF	45	10.51%
B	70' x 110'	7,700 SF	177	41.36%
C	60' x 110'	6,600 SF	206	48.13%
Maximum Permitted Units:			428	100.00%

The allocation of single-family dwellings among lot types may deviate from *Table 1* provided that the proposed lot composition meets the following criteria:

- (1) The total number of lots does not exceed 428 units; and,
 - (2) The average lot size for the total development is not less than 9,700 SF (*i.e. total square footage of all lots/total number of lots*); and,
 - (3) Lot Type "A" shall not be decrease below 40 lots; and,
 - (4) Lot Type "B" shall not be decreased below 38% of the total 428 lots; and,
 - (5) Lot Type "C" shall not be increased beyond 55% of the total 428 lots.
- (b) *Density and Dimensional Requirements*. The maximum permissible density for the *Subject Property* shall not exceed 1.40 dwelling units per gross acre of land; however, in no case should the proposed development exceed 428 units. All lots shall conform to the standards depicted in *Table 2* below and generally conform to *Exhibit 'C'* of this ordinance.

Table 2: Lot Dimensional Requirements

Lot Type (see Concept Plan) ►	A	B	C
Minimum Lot Width ^{(1) & (5) & (7)}	80'	70'	60'
Minimum Lot Depth	200'	110'	110'
Minimum Lot Area	32,670 SF	7,700 SF	6,600 SF
Minimum Front Yard Setback ^{(2), (6), & (8)}	25'	20'	20'
Minimum Side Yard Setback	10'	5'	5'
Minimum Side Yard Setback (Adjacent to a Street) ⁽²⁾	20'	15'	15'
Minimum Length of Driveway Pavement	25'	20'	20'
Maximum Height ⁽³⁾	36'	36'	36'
Minimum Rear Yard Setback ⁽⁴⁾	20'	10'	10'
Minimum Area/Dwelling Unit (SF) [Air-Conditioned Space]	3,200 SF	2,250 SF	2,000 SF
Garage Orientation ⁽⁶⁾	J-Swing or Flat Front	J-Swing or Flat Front	J-Swing or Flat Front
Maximum Number of Front Entry Garages Permitted	17	58	137
Maximum Lot Coverage	65%	65%	65%

General Notes:

- ¹: The minimum lot width shall be measured at the *Front Yard Building Setback*.
- ²: The location of the *Front Yard Building Setback* as measured from the front property line.
- ³: The *Maximum Height* shall be measured to the eave or top plate (whichever is greater) of the single-family home.

Exhibit 'D':
Permitted Land Uses and Development Standards

4. As measured from the rear yard property line.
5. Lots fronting onto a curvilinear street, cul-de-sac or eyebrow may have the lot width reduced by up to 20% as measured at the front property line provided that the lot width is met at the front building line. Additionally, the lot depth on lots fronting onto curvilinear streets, cul-de-sacs and eyebrows maybe reduced by up to ten (10%) percent, but shall meet the minimum lot size for each lot type.
6. Sunrooms, porches, stoops, bay windows, balconies, masonry clad chimneys, eaves and similar architectural features may encroach beyond the Front Yard Building Setback by up to ten (10) feet for any property that increases the Front Yard Building Setback to 20-feet; however, the encroachment shall not exceed five (5) feet on Side Yard Setbacks (Adjacent to a Street) and shall not encroach into public right-of-way [a Sunroom is an enclosed room no more than 15-feet in width that has glass on at least 50% of each of the encroaching faces].
7. All lots with a *J-Swing* or *Traditional Swing* driveway require a minimum of a 65-foot lot width.
8. The minimum front yard setback for properties that have a *Flat Front Entry* garage format shall be 25-feet.

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

- (1) *Masonry Requirement.* 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, natural stone, and cultured stone. Cementaceous fiberboard horizontal lap-siding (e.g. *HardiBoard* or *Hardy Plank*) and/or stucco (i.e. *three [3] part stucco* or a comparable -- to be determined by staff) shall be permitted to be used to meet up to 50% of the masonry requirement.
- (2) *Roof Pitch.* A minimum of an 8:12 roof pitch is required on all structures with the exception of porches, which shall have a minimum of a 4:12 roof pitch. *Type 'A'* lots may have a variable pitch to the roofs that may deviate from these specific standards when it is determined by staff to serve a particular architectural theme.
- (3) *Garage Orientation.* Garages shall be provided as stipulated by *Table 2: Lot Dimensional Requirements*. Garages permitted for front entry maybe oriented toward the street in a *Flat Front Entry* format; however, the front façade of the garage must be situated a minimum of 25-feet off the front property line. All front entry garages shall incorporate an architectural element or feature separating the individual garage openings. *Swing*, *Traditional Swing* or *J-Swing* garages are permitted to have a second single garage door facing the street as long as it is behind the width of the double garage door situated in the *Swing* configuration.

(d) *Anti-Monotony Restrictions.* The development shall adhere to the Anti-Monotony Matrix depicted in *Table 3* below (for spacing requirements see the illustration on the following page).

Table 3: Anti-Monotony Matrix

<i>Lot Type</i>	<i>Minimum Lot Size</i>	<i>Elevation Features</i>
A	80' x 200'	(1), (2), (3), (5)
B	70' x 110'	(1), (2), (3), (4)
C	60' x 110'	(1), (2), (3), (4)

- (1) Identical brick blends or paint colors may not occur on adjacent (*side-by-side*) properties along any block face without at least five (5) intervening homes of differing materials on the same side of the street beginning with the adjacent

Exhibit 'D':
Permitted Land Uses and Development Standards

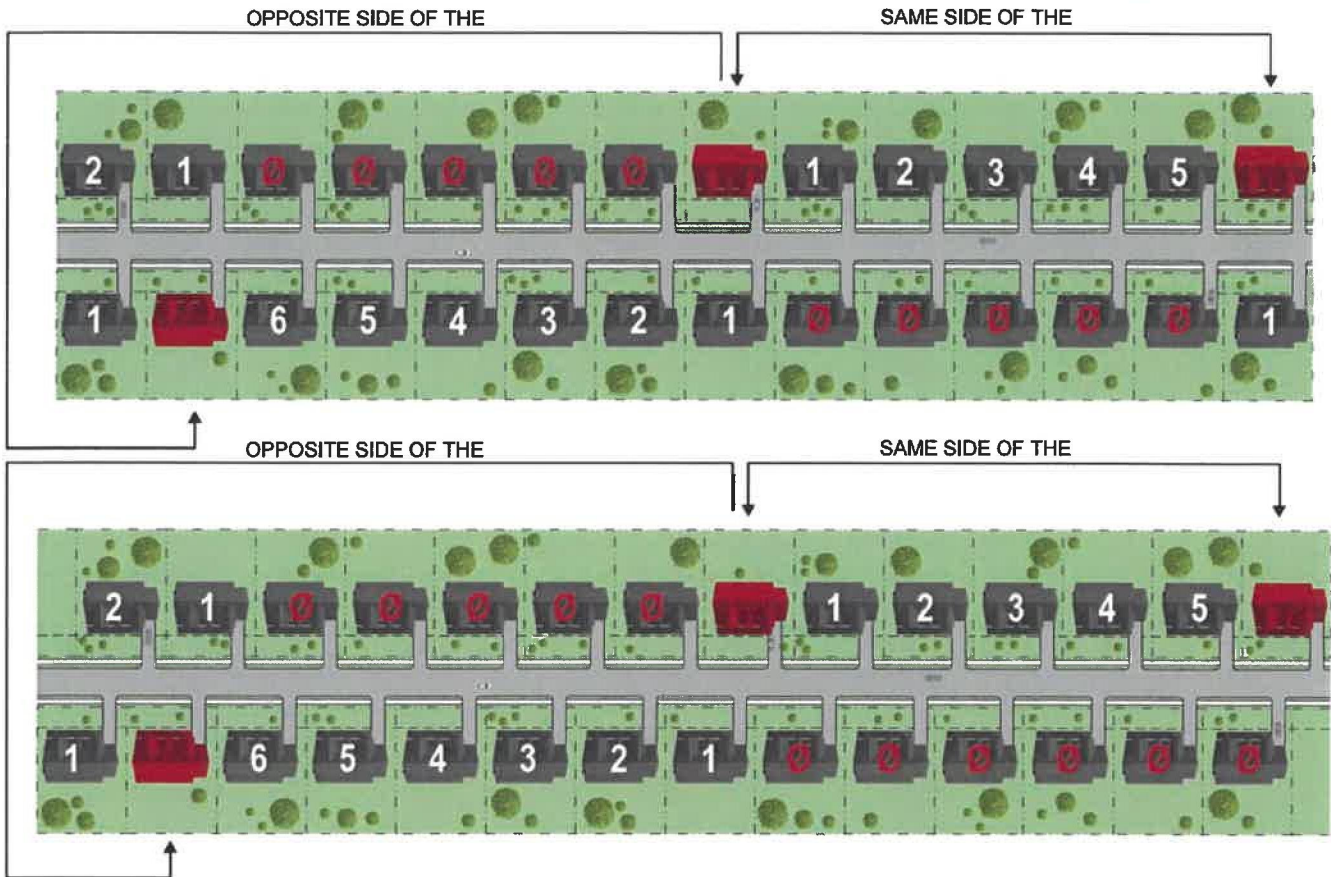
property and six (6) intervening homes of differing materials on the opposite side of the street.

- (2) Front building elevations shall not repeat along any block face without at least five (5) intervening homes of differing appearance on the same side of the street and six (6) intervening homes of differing appearance on the opposite side of the street. The rear elevation of homes backing to open spaces or on SH-276 or Rochelle Road shall not repeat without at least five (5) intervening homes of differing appearance. Homes are considered to have a differing appearance if any of the following two (2) items deviate:
 - (a) Number of Stories
 - (b) Permitted Encroachment Type and Layout
 - (c) Roof Type and Layout
 - (d) Articulation of the Front Façade
- (3) Permitted encroachment (*i.e. porches*) elevations shall not repeat or be the same along any block face without at least five (5) intervening homes of sufficient dissimilarity on the same side of the street beginning with the home adjacent to the subject property and six (6) intervening homes beginning with the home on the opposite side of the street.
- (4) Each phase of the subdivision will allow for a maximum of four (4) compatible roof colors, and all roof shingles shall be an architectural or dimensional shingle (*3-Tab Roofing Shingles are prohibited*).
- (5) *Type 'A'* lots may use slate, imitation slate, tile, concrete tile, imitation tile, standing seam metal, or other high-end type roof materials.

Continued on Next Page...

Exhibit 'D':
Permitted Land Uses and Development Standards

Illustration 1: Anti-Monotony Exhibit



(e) *Fencing Standards.* All individual residential fencing and walls shall be architecturally compatible with the design, materials and colors of the primary structure on the same lot, and meet the following standards:

- (1) *Wood Fences.* All solid fencing shall be constructed utilizing standard cedar fencing materials (*spruce fencing is prohibited*) that are a minimum of ½-inch or greater in thickness. Fences shall be *board-on-board* panel fence that is constructed a minimum of six (6) feet in height and a maximum of eight (8) feet in height. Posts, fasteners, and bolts shall be formed from hot dipped galvanized or stainless steel. All cedar pickets shall be placed on the public side (*i.e. facing streets, alleys, open space, parks, and/or neighboring properties*). All posts and/or framing shall be placed on the private side (*i.e. facing towards the home*) of the fence. All wood fences shall be smooth finished, free of burs and splinters, and be stained and sealed on both sides of the fence. Painting a fence with oil or latex based paint shall be prohibited. All solid fences shall incorporate a decorative top rail and/or cap detailing the design of the fence.

Exhibit 'D':
Permitted Land Uses and Development Standards

- (2) *Wrought Iron/Tubular Steel*. Lots located along the perimeter of roadways, abutting open spaces, greenbelts and parks shall be required to install a wrought iron or tubular steel fence. Wrought iron/tubular steel fences can be a maximum of eight (8) feet in height.
- (3) *Corner Lots*. Corner lots fences (*i.e. adjacent to the street*) shall provide masonry columns at 45-feet off center spacing that begins at the rear of the property line. A maximum of eight (8) foot solid *board-on-board panel* fence constructed utilizing cedar fencing shall be allowed between the masonry columns along the side and/or rear lot adjacent to a street. In addition, the fencing shall be setback from the side property line adjacent to a street a minimum of five (5) feet. The property owner shall be required to maintain both sides of the fence.
- (4) *Solid Fences (including Wood Fences)*. All solid fences shall incorporate a decorative top rail or cap detailing into the design of the fence.

(f) *Landscape and Hardscape Standards.*

- (1) *Residential Landscape*. Landscaping shall be reviewed and approved with the PD Site Plan. All *Canopy/Shade Trees* planted within the residential development shall be a minimum of three (3) caliper inches in size and all *Accent/Oramental/Under-Story Trees* shall be a minimum of four (4) feet in total height unless otherwise provided within this document.
- (2) *Single Family Landscaping*. Prior to the issuance of a Certificate of Occupancy (CO) all single-family lots shall conform to the following:

- i) *Interior Lots*. All interior lots shall include a minimum of two (2) trees with a diameter at breast height (dbh) [*i.e. the diameter in inches of a tree as measured through the main trunk at a point of four and one-half (4½) inches above the natural ground level*] of three (3) inches shall be planted in the front yard, and two (2) additional trees of the same caliper inch shall be planted in the side yard facing the street for corner lots.

Note: For the purposes of this section only, the term "front yard" includes the area within the dedicated right-of-way for a parkway immediately adjoining the front yard of the lot.

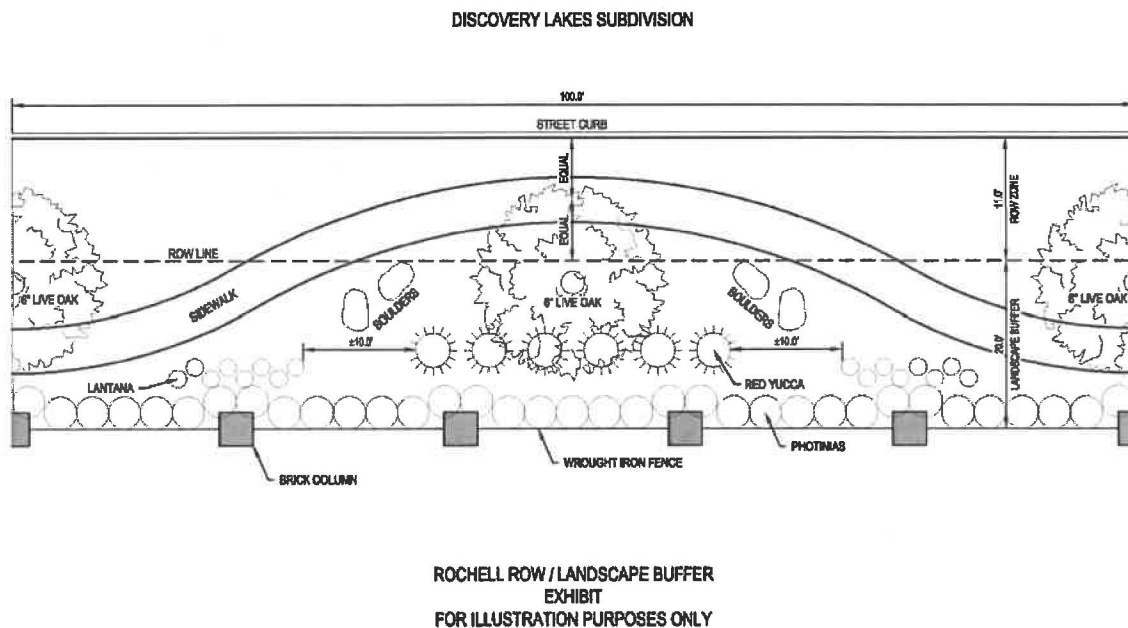
- ii) *Corner Lots*. All corner lots shall include a minimum of two (2) trees with a diameter at breast height (dbh) [*i.e. the diameter in inches of a tree as measured through the main trunk at a point of four and one-half (4½) inches above the natural ground level*] of three (3) inches shall be planted in the front yard of an interior lot.
- (3) *Landscape Buffers*. All landscape buffers and plantings located within the buffers shall be maintained by the Homeowner's Association (HOA).
 - (a) *Landscape Buffer and Sidewalks (Discovery Boulevard)*. A minimum of a 15-foot landscape buffer shall be provided along the frontage of Discovery Boulevard, and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a

Exhibit 'D':
Permitted Land Uses and Development Standards

maximum height of 48-inches. In addition, at least one (1) canopy tree shall be planted per 30-feet of linear frontage.

- (b) *Landscape Buffer (Rochell Road)*. A minimum of a 20-foot landscape buffer shall be provided along the frontage of Rochell Road (*outside of and beyond any required right-of-way dedication*), and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Shrubberty shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. The landscape buffer along Rochell Road shall general conform to the following illustration [*i.e. Illustration 3*].

Illustration 2: Landscape Buffer along Rochell Road.



- (c) *Landscape Buffer (SH-276)*. A minimum of a 25-foot landscape buffer shall be provided along the frontage of SH-276, and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Shrubberty shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. In addition, all buffer-strip planting requirements shall conform to the requirements of Section 6.14, *SH-276 Corridor Overlay (SH-276 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code (*i.e. minimum four [4] inch caliper trees required*).
- (4) *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

Exhibit 'D':
Permitted Land Uses and Development Standards

landscape architect and shall be maintained by the Homeowner's Association (HOA).

- (5) *Hardscape*. Hardscape plans indicating the location of all sidewalks and trails shall be reviewed and approved with the PD Site Plan.
- (g) *Lighting*. Light poles shall not exceed 20-feet in total height (*i.e. base and lighting standard*). All fixtures shall be directed downward and be positioned to contain all light within the development area.
- (h) *Sidewalks*.
 - i) *Internal Sidewalks*. All sidewalks adjacent to an interior residential street shall begin 5½-feet from the back of curb and be five (5) feet in overall width.
 - ii) *Sidewalks Adjacent to Rochell Road and Discovery Boulevard*. All sidewalks adjacent Rochell Road and Discovery Boulevard shall begin two (2) feet inside the right-of-way line and be five (5) feet in overall width.
- (i) *Open Space*. The development shall consist of a minimum of 20% open space as calculated from the gross land area, and generally conform to the *Concept Plan* contained in *Exhibit 'C'* of this ordinance. Existing floodplain shall be counted at a rate of ½-acre for every acre provided (*e.g., 10-acres of floodplain would count as 5-acres of open space*). The Homeowner's Association (HOA) shall maintain all open space areas.
- (j) *Temporary On-Site Sanitary Sewer (OSSF)*. On-Site Sanitary Sewer (OSSF) systems shall only be allowed on *Type 'A'* lots that contain a minimum of 32,670 SF. OSSF's shall be designed by a State of Texas registered Professional Engineer, and each design shall specify an aerobic type system with drip (*underground*) irrigation system. All systems shall meet the minimum standards of the Texas Commission on Environmental Quality (TCEQ) and each installed system shall be inspected by a third-party licensed inspector and be paid for by the developer. Operation and maintenance of each individual OSSF shall be the responsibility of the property owner and the City will not assume any responsibility to the proper design, installation, operation, and maintenance of the system. In addition to the installation of the OSSF's for *Type 'A'* lots, each constructed home must provide a secondary connection that will allow the resident to disconnect and abandon the OSSF and connect to the future -- *developer provided* -- sanitary sewer system when it is made available. The *Developer*, during the development/construction of any phase of the subdivision, will be responsible for constructing the required sanitary sewer infrastructure (*i.e. mains and laterals*) as required by the City's Master Wastewater Plan. The *Developer* shall be responsible for escrowing the required impact fees for all lots utilizing an OSSF. A *Facilities Agreement* addressing how this money will be escrowed will be required to be drafted prior to the *Developer* submitting a preliminary plat with the City of Rockwall. This *Facilities Agreement* and the preliminary plat can be considered concurrently by the City Council; however, an approved, signed, and executed *Facilities Agreement* shall be a condition of approval of the preliminary plat. In addition, the *Developer* will be required to provide an appropriate disclosure statement regarding the obligation to connect to the City's wastewater system and any additional perceived costs to the

Exhibit 'D':
Permitted Land Uses and Development Standards

homeowner associated with this connection in all real-estate contracts between the developer, homebuilder, and homeowner.

- (k) *Neighborhood Signage.* Permanent subdivision identification signage shall be permitted at all major entry points for the proposed subdivision. Final design and location of any entry features shall be reviewed and approved with the *PD Site Plan*.
 - (l) *Community Center.* A site plan, landscape plan and building elevations shall be required for the proposed *Community Center* and shall be subject to site plan approval by the Planning and Zoning Commission prior to construction. The community center shall commence construction prior to the platting of the 201st residential lot, unless additional *Type 'A' lots -- above and beyond what is shown on the Concept Plan contained in Exhibit 'C' of this ordinance --* are requested; in which case, the developer shall commence construction of the community center as part of the phase that proposes the additional *Type 'A' lots*.
 - (m) *Homeowner's Association (HOA).* A Homeowner's Association shall be created to enforce the restrictions established in accordance with the requirements of *Section 38-15* of the Subdivision Regulations contained within the *Municipal Code of Ordinances* of the City of Rockwall. The HOA shall also maintain all neighborhood parks, trails, open space and common areas, irrigation, landscaping, amenity centers, screening fences associated with this development.
- (4) *Buried Utilities.* New distribution power-lines required to serve the *Subject Property* shall be placed underground, whether such lines are located internally or along the perimeter of the *Subject Property*, unless otherwise authorized by the City Council. New transmission power-lines, or distribution lines of a size not typically or cost effectively placed underground (*3-phase lines*), or additional lines that are added to existing poles, may be above ground, if located along the perimeter of the *Subject Property*. The Developer shall not be required to re-locate existing overhead power-lines along the perimeter of the *Subject Property*. Temporary power-lines constructed across undeveloped portions of the *Subject Property* to facilitate development phasing and looping may be allowed above ground, but shall not be considered existing lines at the time the area is developed, and if they are to become permanent facilities, such lines shall be placed underground pursuant to this paragraph. Franchise utilities shall be placed within a ten (10) foot public utility easement behind the sidewalk, between the home and the property line.
- (5) *Variances.* The variance procedures and standards for approval that are set forth in the Unified Development Code shall apply to any application for variances to this ordinance.