

**CITY OF ROCKWALL**

**ORDINANCE NO. 07-13**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (ORD. NO. 04-38) OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO CHANGE THE ZONING FROM (AG) AGRICULTURAL DISTRICT TO (PD-70) PLANNED DEVELOPMENT NO. 70 DISTRICT ON A 395.075-ACRE TRACT OF LAND SITUATED IN THE W.T. DEWEESE SURVEY, ABSTRACT NO. 71 AND THE S. KING SURVEY, AND BEING ALL OF A CALLED 392.938-ACRE TRACT OF LAND, CONVEYED TO W.W. CARUTH, JR. BY DEED RECORDED IN VOLUME 64, PAGE 22, DEED RECORDS, ROCKWALL COUNTY , TEXAS (D.R.R.C.T.) AND ALSO BEING ALL OF A CALLED 2.25-ACRE TRACT CONVEYED TO SODEN H. HARRIS AND WIFE, ADRINE V. HARRIS BY DEED RECORDED IN VOLUME 50, PAGE 375, (D.R.R.C.T.), AND MORE FULLY DESCRIBED HEREIN AS EXHIBIT "A"; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City has received a request from Skorburg Retail Corporation, (hereinafter, together with its successors and assigns, "Developer"), for an amendment to the Unified Development Code (Ord. No. 04-38) of the City of Rockwall (the "Unified Development Code") to change the zoning from (AG) Agricultural District to (PD-70) Planned Development No. 70, on a 395.075-acre tract of land situated in the W.T. Deweese Survey, Abstract No. 71 and the S. King Survey, and being all of a called 392.938-acre tract of land, conveyed to W.W. Caruth, Jr. by deed recorded in volume 64, page 22, deed records, Rockwall County, Texas (D.R.R.C.T.) and also being all of a called 2.25-acre tract conveyed to Soden H. Harris and Wife, Adrine V. Harris by deed recorded in volume 50, page 375, (D.R.R.C.T.), hereinafter "the Property," and more fully described on Exhibit "A," which is attached hereto 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 should be amended as follows:

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

**Section 1.** That the Unified Development Code, as heretofore amended, shall be further amended by amending the zoning map of the City of Rockwall so as to change the zoning district classification for the Property from (Ag) Agricultural district to (PD-70) Planned Development No. 70 (the "District").

**Section 2.** That development of the Property shall generally be in accordance with the Concept Plan, attached hereto and incorporated herein by reference as Exhibit "B" (as such Concept Plan may be amended from time to time in accordance with the City of Rockwall Unified Development Code); the PD Development Standards, attached hereto and incorporated herein by reference as Exhibit "C", each of which is deemed hereby to be a condition of approval of the change in zoning classification for the Property;

**Section 3.** That a master parks and open space plan for the Property, prepared in accordance with this ordinance and consistent with the Concept Plan, ("Open Space Master Plan") shall be considered for approval by the City Council following recommendation of the Parks and Recreation Board.

**Section 4.** (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 4(b) through 4(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 plans (required for retail areas only)
- (4) PD site plans
- (5) Preliminary plats
- (6) Final plats

(c) A master plat application covering all of the Property, other than the area designated on the Concept Plan as "Retail," shall be submitted and shall identify each phase of development. No master plat application shall be approved until the Open Space Master Plan for all of the Property has been approved; however, the Open Space Master Plan may be processed by the City concurrently with the master plat application.

(d) A PD development plan must be approved for the area designated on the Concept Plan as "Retail," however, the PD Development Plan application may be processed by the City concurrently with a preliminary plat application and a PD site plan application. No master plat is required for the area designated on the Concept Plan as "Retail."

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

(f) A capital facilities agreement in the form of Exhibit "D" attached hereto and incorporated herein by reference ("Capital Facilities Agreement") shall be executed by Developer providing for delivery of adequate public facilities and services within the District.

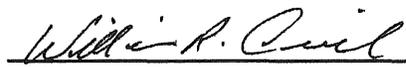
**Section 5.** That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000.00) for each offense and each and every day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

**Section 6.** 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.

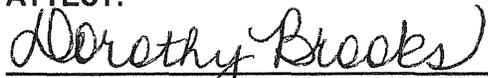
**Section 7.** The standards in this ordinance shall control in the event of a conflict between this ordinance and any provision of the Unified Development Code or any provision of the City Code, ordinance, resolution, rule, regulation, or procedure that provides a specific standard that is different 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 8.** 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 2<sup>nd</sup> day of April, 2007.**

  
\_\_\_\_\_  
William R. Cecil, Mayor

ATTEST:

  
\_\_\_\_\_  
Dorothy Brooks, TRMC, City Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Pete Eckert, City Attorney



1<sup>st</sup> Reading: 03-19-07  
2<sup>nd</sup> Reading: 04-02-07

EXHIBIT A

LEGAL DESCRIPTION FOR PROPERTY

LEGAL DESCRIPTION

BEING A 398.079 ACRE TRACT OF LAND SITUATED IN THE W 1  
DENVER SURVEY, ABSTRACT NO 71 AND THE S 1/2 SURVEY,  
ABSTRACT NO 131 CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS  
AND BEING ALL OF A CALLED 392.938 ACRE TRACT OF LAND  
CONVEYED TO W M CARUSH JR BY DEED RECORDED IN VOLUME 64  
PAGE 23 DEED RECORDS, ROCKWALL COUNTY, TEXAS (S R R C T) AND ALSO  
BEING ALL OF A CALLED 2.25 ACRE TRACT CONVEYED TO SODEN H HARRIS AND  
WIFE AARNE V HARRIS BY DEED RECORDED IN VOLUME 60 PAGE 373, D R R C T  
BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

BEGINNING AT A 1/2 INCH IRON PIPE FOUND FOR A NORTHEAST  
CORNER OF AFORESAID 392.938 ACRE TRACT AND BEING THE  
NORTHWEST CORNER OF ROCKWALL MIDDLE SCHOOL NO 4  
ADDITION TO THE COUNTY OF ROCKWALL BY PLAT  
RECORDED IN CABINET F PAGE 87, PLAT RECORDS ROCKWALL  
COUNTY TEXAS AND BEING ON THE SOUTH RIGHT-OF-WAY  
LINE OF F W 522 (A VARIABLE WIDTH RIGHT-OF-WAY)

THENCE SOUTH 00 DEGREES 35 MINUTES 35 SECONDS EAST ALONG  
A EAST LINE OF AFORESAID 392.938 ACRE TRACT AND  
THE COMMON WEST LINE OF AFORESAID ROCKWALL MIDDLE  
SCHOOL NO 4 ADDITION A DISTANCE OF 1870.03 FEET  
TO 1/2 INCH CAPPED IRON ROD FOUND FOR THE NORTHEAST  
CORNER OF SAID 392.938 ACRE TRACT AND THE  
SOUTHWEST CORNER OF SAID ROCKWALL MIDDLE SCHOOL  
NO 4 ADDITION

THENCE NORTH 89 DEGREES 26 MINUTES 13 SECONDS EAST ALONG  
A NORTH LINE OF AFORESAID 392.938 ACRE TRACT AND  
THE COMMON SOUTH LINE OF AFORESAID ROCKWALL MIDDLE  
SCHOOL NO 4 ADDITION A DISTANCE OF 1331.00 FEET  
TO A PK NAIL SET FOR A NORTHEAST CORNER OF SAID  
392.938 ACRE TRACT IN THE APPROXIMATE CENTERLINE  
OF HAYES ROAD (A VARIABLE WIDTH PROSPECTIVE RIGHT-  
OF-WAY) AND BEING ON THE WEST LINE OF A CALLED  
18.00 ACRE TRACT OF LAND CONVEYED TO STEVE L  
BRADSHAW AND WIFE JUDY C BRADSHAW BY DEED RECORDED  
IN VOLUME 254 PAGE 227 DEED RECORDS ROCKWALL  
COUNTY TEXAS A 1/2 INCH CAPPED IRON ROD FOUND  
BEARS NORTH 87 DEGREES 58 MINUTES 05 SECONDS A  
DISTANCE OF 22.82 FEET

THENCE SOUTH 00 DEGREES 35 MINUTES 35 SECONDS EAST ALONG  
THE EAST LINE OF AFORESAID 392.938 ACRE TRACT AND  
THE APPROXIMATE CENTERLINE OF AFORESAID HAYES ROAD  
AND THE WEST LINE OF A CALLED 11.226 ACRE TRACT  
OF LAND CONVEYED TO LEON A SMITH BY DEED RECORDED IN  
VOLUME 180 PAGE 1, DEED RECORDS ROCKWALL COUNTY  
TEXAS AND THE WEST LINE OF A CALLED 38 ACRES AND  
32.5 ACRE TRACTS OF LAND CONVEYED TO ROY LEE HANCE  
BY DEED RECORDED IN VOLUME 60 PAGE 84 DEED  
RECORDS ROCKWALL COUNTY TEXAS AND THE WEST LINE  
OF A CALLED 28.2 ACRE AND 44.3 ACRE TRACTS OF LAND  
CONVEYED TO ROY L HANCE BY DEED RECORDED IN  
VOLUME 68 PAGE 75 DEED RECORDS ROCKWALL COUNTY  
TEXAS A DISTANCE OF 3980.68 FEET TO A PK NAIL  
SET FOR THE SOUTHWEST CORNER OF SAID 392.938 ACRE  
TRACT AND BEING ON THE NORTH LINE OF A CALLED  
38.939 ACRE TRACT OF LAND CONVEYED TO ROY L HANCE  
AND WIFE, RAMONA B HANCE BY DEED RECORDED IN  
VOLUME 91 PAGE 107 DEED RECORDS ROCKWALL  
COUNTY TEXAS

THENCE ALONG THE SOUTH LINE OF AFORESAID 392.938 ACRE  
TRACT AND THE COMMON NORTH LINE OF AFORESAID  
38.038 ACRE TRACT AND THE NORTH LINE OF QUAIL RUN  
VALLEY NO 2 AN ADDITION TO THE CITY OF ROCKWALL  
BY PLAT RECORDED IN CABINET I PAGE 185 PLAT  
RECORDS, ROCKWALL COUNTY TEXAS AND THE NORTH LINE  
OF QUAIL RUN VALLEY NO 1 AN ADDITION TO THE CITY  
OF ROCKWALL BY PLAT RECORDED IN CABINET C, PAGE  
83 PLAT RECORDS ROCKWALL COUNTY, TEXAS AND THE  
NORTH LINE OF QUAIL RUN VALLEY, AN ADDITION TO THE  
CITY OF ROCKWALL BY PLAT RECORDED IN CABINET E  
PAGE 87 PLAT RECORDS ROCKWALL COUNTY TEXAS THE  
FOLLOWING COURSES AND DISTANCES

SOUTH 89 DEGREES 34 MINUTES 36 SECONDS WEST A  
DISTANCE OF 2344.65 FEET TO A 5/8 INCH IRON ROD  
WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS"  
SET FOR CORNER.

SOUTH 88 DEGREES 24 MINUTES 39 SECONDS WEST A  
DISTANCE OF 859.72 FEET TO A 5/8 INCH IRON ROD  
WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS"  
SET FOR A SOUTHWEST CORNER OF AFORESAID 392.938  
ACRE TRACT.

THENCE NORTH 54 DEGREES 44 MINUTES 21 SECONDS WEST A  
DISTANCE OF 169.14 FEET TO A 1/2 INCH IRON PIPE  
FOUND FOR CORNER ON THE EAST RIGHT-OF-WAY OF STATE  
HIGHWAY 286 (A 100 RIGHT-OF-WAY)

THENCE ALONG THE WEST LINE OF AFORESAID 392.938 ACRE  
TRACT AND THE COMMON EAST RIGHT-OF-WAY OF  
AFORESAID STATE HIGHWAY 286 THE FOLLOWING COURSES  
AND DISTANCES

NORTH 14 DEGREES 18 MINUTES 48 SECONDS WEST A  
DISTANCE OF 1843.03 FEET TO A 5/8 INCH IRON ROD  
WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS"  
SET FOR CORNER AND THE BEGINNING OF A TANGENT  
CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 18  
DEGREES 18 MINUTES 38 SECONDS A RADIUS OF 5480.00  
FEET, A CHORD BEARING OF NORTH 66 DEGREES 11  
MINUTES 27 SECONDS WEST AND A CHORD LENGTH OF  
1018.74 FEET

ALONG SAID TANGENT CURVE TO THE RIGHT AN ARC  
LENGTH OF 1017.06 FEET TO A CONCRETE RIGHT-OF-WAY  
MONUMENT FOUND FOR CORNER

NORTH 04 DEGREES 03 MINUTES 51 SECONDS WEST A  
DISTANCE OF 379.29 FEET TO A 5/8 INCH IRON ROD  
WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS"  
SET FOR CORNER, A CONCRETE RIGHT-OF-WAY MONUMENT  
FOUND BEARS SOUTH 00 DEGREES 27 MINUTES 25 SECONDS  
WEST A DISTANCE OF 4.10 FEET AND BEING THE  
BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A  
CENTRAL ANGLE OF 83 DEGREES 07 MINUTES 00 SECONDS  
A RADIUS OF 5480.00 FEET A CHORD BEARING OF NORTH  
02 DEGREES 30 MINUTES 27 SECONDS WEST AND A CHORD  
LENGTH OF 308.93 FEET

ALONG SAID TANGENT CURVE TO THE RIGHT AN ARC  
LENGTH OF 308.97 FEET, TO A 5/8 INCH IRON ROD WITH  
A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET  
FOR CORNER, A CONCRETE RIGHT-OF-WAY MONUMENT FOUND  
BEARS SOUTH 02 DEGREES 48 MINUTES 01 SECONDS EAST  
A DISTANCE OF 3.88 FEET

NORTH 00 DEGREES 58 MINUTES 57 SECONDS WEST A  
DISTANCE OF 1489.13 FEET TO A 5/8 INCH IRON ROD  
WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS"  
SET FOR CORNER, A CONCRETE RIGHT-OF-WAY MONUMENT  
FOUND BEARS SOUTH TO DEGREES 54 MINUTES 58 SECONDS  
EAST, A DISTANCE OF 8.48 FEET

NORTH 44 DEGREES 58 MINUTES 31 SECONDS EAST A  
DISTANCE OF 85.41 FEET TO A 5/8 INCH IRON ROD WITH  
A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET  
FOR CORNER AT THE INTERSECTION OF THE EAST RIGHT-  
OF-WAY OF AFORESAID STATE HIGHWAY 286 AND THE  
SOUTH RIGHT-OF-WAY OF AFORESAID F W 522 A  
CONCRETE RIGHT-OF-WAY MONUMENT FOUND BEARS SOUTH  
83 DEGREES 29 MINUTES 08 SECONDS WEST A DISTANCE  
OF 16.88 FEET

THENCE ALONG THE NORTH LINE OF AFORESAID 392.938 ACRE  
TRACT AND THE COMMON SOUTH RIGHT-OF-WAY OF  
AFORESAID F W 522 THE FOLLOWING COURSES AND  
DISTANCES

NORTH 89 DEGREES 09 MINUTES 25 SECONDS EAST A  
DISTANCE OF 1980.00 FEET TO A 5/8 INCH IRON ROD  
WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS"  
SET FOR CORNER

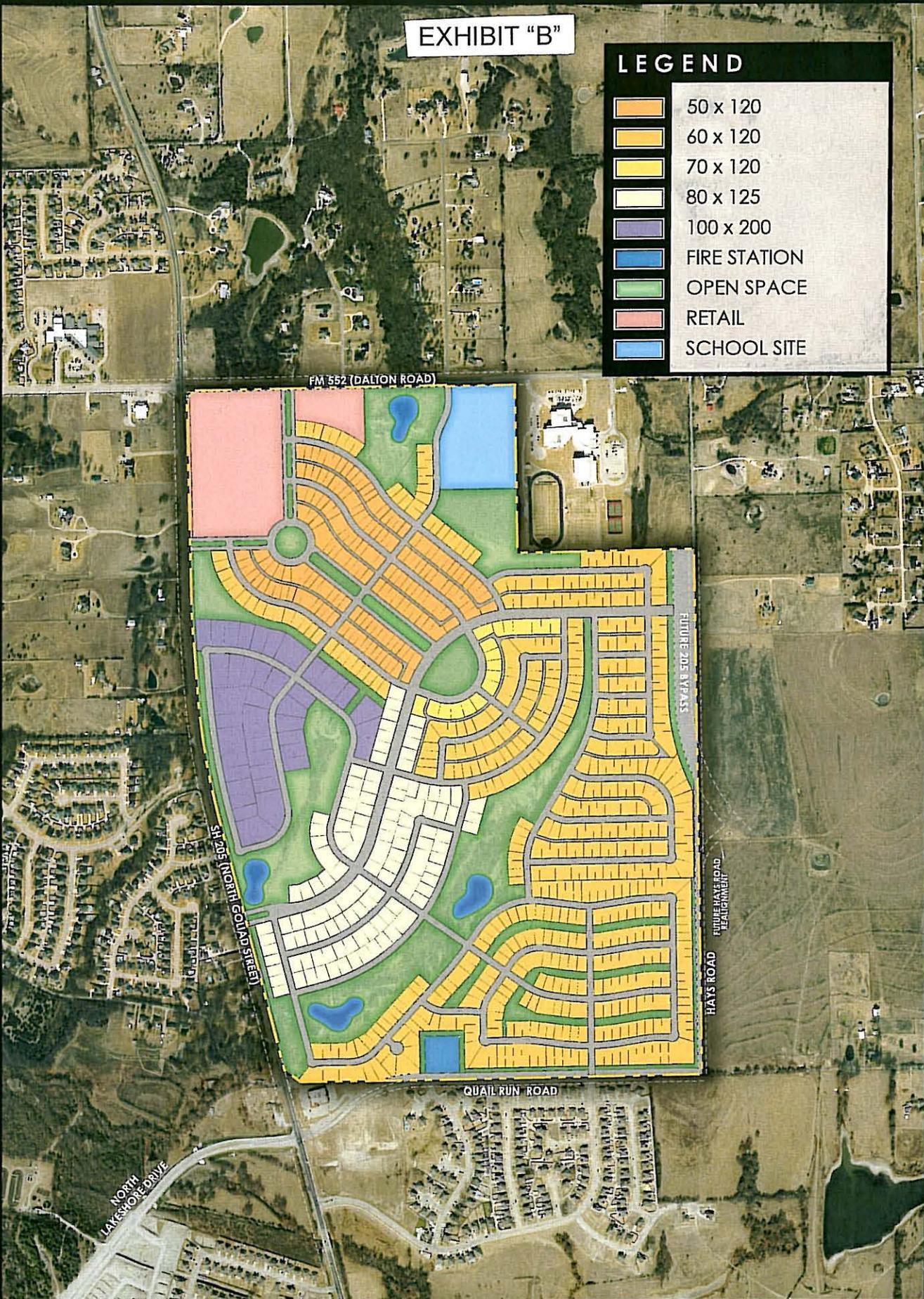
SOUTH 00 DEGREES 50 MINUTES 39 SECONDS EAST, A  
DISTANCE OF 19.00 FEET TO A 5/8 INCH IRON ROD WITH  
A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET  
FOR CORNER

NORTH 89 DEGREES 09 MINUTES 25 SECONDS EAST A  
DISTANCE OF 821.43 FEET TO THE POINT OF BEGINNING  
AND CONTAINING 383.075 ACRES OF LAND, MORE OR  
LESS

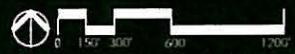
# EXHIBIT "B"

## LEGEND

- 50 x 120
- 60 x 120
- 70 x 120
- 80 x 125
- 100 x 200
- FIRE STATION
- OPEN SPACE
- RETAIL
- SCHOOL SITE



CONCEPTUAL LAND PLAN  
**Caruth Tract**  
 Rockwall, Texas  
 February 13, 2007



© 2007, The City of Rockwall, Texas. All rights reserved. This plan is a conceptual land plan and is not intended to be used for any other purpose. The City of Rockwall, Texas, is not responsible for any errors or omissions in this plan. The City of Rockwall, Texas, is not responsible for any damages or losses resulting from the use of this plan. The City of Rockwall, Texas, is not responsible for any actions taken by any person in reliance on this plan. The City of Rockwall, Texas, is not responsible for any actions taken by any person in reliance on this plan. The City of Rockwall, Texas, is not responsible for any actions taken by any person in reliance on this plan.

**urbandesign**  
 planning, landscape architecture, and interior services

Drawing Name: 11141 - Caruth Tract Land Use Plan (LUP) - 11/07  
 Drawing No: 11141 - Caruth Tract Land Use Plan (LUP) - 11/07  
 Project No: 11141 - Caruth Tract Land Use Plan (LUP) - 11/07

# EXHIBIT "B"

TYPICAL LOT TYPE	DESCRIPTION	UNITS
A	50' x 120' ALLEY	172 LOTS
B	60' x 120' ALLEY	190 LOTS
C	60' x 120' FRONT	376 LOTS
D	70' x 120' ALLEY	19 LOTS
E	70' x 120' FRONT	7 LOTS
F	80' x 125' FRONT	124 LOTS
G	100' x 200' FRONT	47 LOTS
<b>TOTAL</b>		<b>935 LOTS</b>
<b>RESIDENTIAL LOT / ROW</b>		<b>270.2 ACRES</b>
<b>AMENITY CENTER</b>		<b>2.9 ACRES</b>
<b>PARKS / OPEN SPACE / DETENTION</b>		<b>79.3 ACRES*</b>
<b>COMMERCIAL / RETAIL OFFICE SPACE</b>		<b>21.3 ACRES*</b>
<b>FIRE STATION</b>		<b>1.7 ACRES</b>
<b>SCHOOL SITE</b>		<b>9.8 ACRES</b>
<b>R.O.W. DEDICATION (FERMETER)</b>		<b>10.0 ACRES</b>
<b>TOTAL ACREAGE</b>		<b>395.2 ACRES</b>
* INCLUDES APPROXIMATELY 26.6 ACRES OF FLOOD PLAIN / DRAINAGE AREA		



CONCEPTUAL LAND PLAN  
**Caruth Tract**  
 Rockwall, Texas  
 January 16, 2007

0 100 200 400 800

NOTE: This plan is a conceptual land plan and is not intended to be used for any other purpose. It is not a site plan and does not show the exact location of any structures or other improvements. It is not a survey and does not show the exact location of any boundaries or other features. It is not a title and does not show the exact location of any interests or other rights. It is not a map and does not show the exact location of any roads or other features. It is not a plan and does not show the exact location of any other features.

**urbandesign**  
 CarterBurgess  
 planning, landscape architecture and related services

Prepared for: [Redacted] and [Redacted] at [Redacted] on [Redacted] by [Redacted] and [Redacted].

# Exhibit "C"

## Planned Development District No. 70

### PD DEVELOPMENT STANDARDS

#### A. GENERAL REQUIREMENTS

1. **Uses Allowed.** The following uses are permitted within the District.
  - a. *Residential uses.* Uses permitted of right or by special use permit for the **(SF-10) Single Family Residential District**, as set forth in Article IV, Permissible Uses, of the Unified Development Code, shall be allowed for areas designated as Single-Family, on the Concept Plan, subject to approval of a Special Use Permit if required by the SF-10 District Regulations.
  - b. *Non-residential uses.* Non-residential uses shall be allowed only within the area designated as Retail on the approved Concept Plan for the District, and are limited to those uses permitted of right or by special use permit for the **(GR) General Retail District** subject to approval of a PD Development Plan and PD Site Plan in accordance with the Planned Development District regulations, Article X, section 2 of the Unified Development Code, and subject to approval of a Special Use Permit if required by the GR District Regulations; provided, however, that the following uses are expressly prohibited:
    - Animal boarding/kennel without outside pens
    - Animal Hospital, Clinic
    - Convent or Monastery
    - Hotel or Motel
    - 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
    - Auto Repair Garage, Minor

- Car Wash, Self Service\*
- Service Station\*
- Mining and Extraction (Sand, Gravel, Oil & other)
- Helipad
- Railroad Yard or Shop
- Transit Passenger Facility

\*Not including a convenience store with an accessory car wash use or more than 2 gas pumps, which accessory uses are permitted by SUP.

The following additional use shall be permitted of right in the PD District:

- Grocery Store with a maximum building area of eighty thousand (80,000) square feet
- c. *Design of non-residential uses.* The retail area shall be designed to be pedestrian-oriented and easily accessible to adjacent residential neighborhoods. Additionally, the retail area shall be designed and constructed to be integrated with adjacent uses, not separated from them by screening walls or other physical barriers. This will be accomplished by creating paths from adjacent development into the retail area and through the use of landscaping buffers, building design and other urban design elements to create compatibility with the surrounding residential neighborhood.
- d. *Density and lot composition.* No more than 935 single-family residential dwelling units may be constructed within the District. Except as provided in subsection (e), single-family residential units shall be allocated by product type in accordance with the following table:

Table 1

LOT COMPOSITION

LOT TYPE	LOT SIZE ( TYPICAL)	LOT SQ. FT. (MINIMUM) ( TOTAL )	Driveway Access	Units (TOTAL)	Total Dwelling Units %
A	50' x 120'	6,000	Rear	172	18.4%
<del>B</del>	60' x 120'	7,200	Rear	<del>190</del>	20.3%
C	60' x 120'	7,200	Front	<del>376</del> 566	40.2%
<del>D</del>	70' x 120'	8,400	Rear	<del>19</del>	2.0%
E	70' x 120'	8,400	Front	724	0.8%
F	80' x 125'	10,000	Front	124	13.3%
G	100'x 200'	20,000	Front	47	5.0%
Average Lot Size		8,000			
<b>MAXIMUM ALLOWED TOTAL UNITS</b>				<b>935</b>	<b>100%</b>

e. *Variation in lot composition.* The allocation of single-family dwellings among lot types may deviate from that in subsection (d), provided that the maximum allowed total dwelling units does not exceed 935 units, the average lot size for the development is not less than 8,000 sq. ft., and the following rules are met:

- (1) Lot types "A,B,C,D&E" may increase not more than 5% in aggregate number.
- (2) Lot Type "F" shall not be decreased below 124 lots of the total lots developed in the District.
- (3) Lot Type "G" shall not be decreased below 47 lots of the total lots developed in the District.

2. **Development Standards Applicable.**

- a. *Residential uses.* Except as may be modified by these PD Development Standards, residential uses shall be subject to the development standards for a **(SF-10) Single Family Residential District**, as set forth in Article V, District Development Standards for Section 3.4 of the Unified Development Code; to the development standards in the North 205 Overlay District and the 205 Bypass Overlay District; and the and to all supplemental standards contained in the Unified Development Code in effect on the effective date of this ordinance.
- b. *Non-residential uses.* Except as may be modified by these PD Development Standards, non-residential uses shall be subject to the development standards for a **(GR) General Retail District**, as set forth in Article V, District Development Standards for Section 4.4 of the Unified Development Code, to the development standards in the North 205 Overlay District and to all supplemental standards contained in such Code in effect on the effective date of this ordinance.

3. **Property Owner's Association.** A property owner's association (the "Association") shall be formed and duly incorporated in the State of Texas for the Property. Membership shall be mandatory for the owner of each residential lot within the Property. This association shall be established to ensure the proper maintenance of all common areas for which the Association is either the owner or is the party designated as responsible for maintenance. The bylaws of this Association shall establish a system of payment of dues, a system of enforcement of its rules and regulations; and an explanation of the responsibility of each member with regard to the common areas. The bylaws shall be submitted to the Director of Planning for review and approval, not to be unreasonably withheld, for conformity with this paragraph prior to the initial transfer to the Association of ownership of any real property.

4. **Architectural Review.** All developments within the PD District shall be reviewed by the architectural review committee ("ARC") for the Property, which will be composed of Developer representatives, throughout the completion of development. The ARC shall remain in effect until all new construction has concluded. City of Rockwall building permits shall not be issued prior to ARC approval. Certification of ARC approval shall be submitted with each building permit application, which shall comply with all anti-monotony standards as described in Section 3 of this document "Ant-monotony Matrix".

B. **SPECIAL DEVELOPMENT STANDARDS**

1. **Dimensional Standards for Residential Uses -- Lot Type Matrix.**

Table 2

	A	B&C	D&E	F	G
<b>Lot Types</b>	A	B&C	D&E	F	G
<b>Maximum Building Height</b>	36'	36'	36'	36'	
<b>Air Conditioned Square Footage (Minimum)</b>	1,800	2,200	2,400	2,600***	3,000
<b>Minimum Building Setback: Front Yard</b>	15'	20'	20'	20'	25'
<i>Front porch may encroach to within 10' of front property line.</i>	X	X'			
<b>Rear Yard</b>	10'	10'	10'	15'	15'
<b>Interior Side Yard</b>	5'	5'	6'	6'	7'
<b>Corner (Side) Yard</b>	15'	15'	15'	15'	
<b>Minimum Distance of driveway from prop. line. (applicable to front entry only)</b>	N/A	20'	20'	20'	25'
<b>Minimum Lot Area - Square Feet</b>	6,000	7,200	8,400	10,000	20,000
<b>**Minimum Lot Frontage</b>	50'	60'	70'	80'	100'

\*\*Lots fronting onto curvilinear streets, cul-de-sacs and eyebrows may be reduced by twenty percent (20%) in lot width measured at the front property line provided that the lot width will be 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 10 percent (10%) but shall meet the minimum lot size for each lot type as referenced within Table 1.

\*\*\*A maximum of 20% of the lots may have homes not less than 2,500 sq. ft.

2. **Development Standards for Residential Uses by Lot (Product) Type**

a. **Detached Single Family Lot Type A**

Minimum Lot Size	6,000 SF
Minimum Lot Width @ Front Bldg. Line	50'
Minimum Lot Depth	110'
Minimum Corner Lot Width	55'
Side Yard Setback	5'
Front / Rear Bldg. Line	15/10'
Minimum House Size	1,800 air conditioned sq. ft.
Minimum Roof Pitch	8:12 except for 4:12 on porch roofs
Masonry Requirement	80% (brick, stone, cultured stone, 3-part stucco, cementitious siding with color palette)
Garage Orientation	Alley access required for lots.
Maximum Lot Coverage:	75%

b. **Detached Single Family Lot Type B**

Minimum Lot Size	7,200 SF
Minimum Lot Width @ Front Bldg. Line	60'
Minimum Lot Depth	110'
Minimum Corner Lot Width	65'
Side Yard Setback	5'
Front / Rear Bldg. Line	20'/10'
Minimum House Size	2,200 air conditioned sq. ft.
Minimum Roof Pitch	8:12 except for 4:12 on porch roofs
Masonry Requirement	80% (brick, stone, cultured stone, 3-part stucco)
Garage Orientation	Alley access required for lots.
Maximum Lot Coverage:	65%

c. **Detached Single Family Lot Type C**

Minimum Lot Size	7,200 SF
Minimum Lot Width @ Front Bldg. Line	60'
Minimum Lot Depth	110'
Minimum Corner Lot Width	65'
Side Yard Setback	5'
Front / Rear Bldg. Line	20'/10'
Minimum House Size	2,200 air conditioned sq. ft.
Minimum Roof Pitch	8:12 except for 4:12 on porch roofs
Masonry Requirement	80% (brick, stone, cultured stone, 3-part stucco)
Garage Orientation	Garages will be allowed to have the garage accessed from the street. Traditional "swing" or "J" drive Second single garage door facing street is permitted behind (width) of double garage door in "swing" or "J" configuration only. A minimum of 33% of Type 'C' lots shall have 3-car garages.
Maximum Lot Coverage:	65%

d. **Detached Single Family Lot Type D**

Minimum Lot Size	8,400 SF
Minimum Lot Width @ Front Bldg. Line	70'
Minimum Lot Depth	120'
Minimum Corner Lot Width	75'
Side Yard Setback	6'
Front / Rear Bldg. Line	20'/10'
Minimum House Size	2400 air conditioned sq. ft.
Minimum Roof Pitch	8:12 except for 4:12 on porch roofs
Masonry Requirement	80% (brick, stone, cultured stone, 3-part stucco)
Garage Orientation	Rear access required
Maximum Lot Coverage:	65%

e. **Detached Single Family Lot Type E**

Minimum Lot Size	8,400 SF
Minimum Lot Width @ Front Bldg. Line	70'
Minimum Lot Depth	120'
Minimum Corner Lot Width	75'
Side Yard Setback	6'
Front / Rear Bldg. Line	20'/10'
Minimum House Size	2,400 air conditioned sq. ft.
Minimum Roof Pitch	8:12 except for 4:12 on porch roofs
Masonry Requirement	80% (brick, stone, cultured stone, 3-part stucco)
Garage Orientation	Garages will be allowed to have the garage accessed from the street. Traditional "swing" or "J" drive Second single garage door facing street is permitted behind (width) of double garage door in "swing" or "J" configuration only. A minimum of 33% of Type E lots shall have 3 car garages.
Maximum Lot Coverage:	65%

**Detached Single Family Lot Type F**

Minimum Lot Size	10,000 SF
Minimum Lot Width @ Front Bldg. Line	80'
Minimum Lot Depth	125'
Minimum Corner Lot Width	85'
Side Yard Setback	6'
Front / Rear Bldg. Line	20'/15'
Minimum House Size	2600 air conditioned sq. ft.*
Minimum Roof Pitch	8:12 except for 4:12 on porch roofs
Masonry Requirement	80% (brick, stone, cultured stone, 3-part stucco)
Garage Orientation	Traditional "swing" or "J" drive required Second single garage door facing street is permitted behind (width) of double garage door in "swing" or "J" configuration only. A minimum of 80% of Type F lots shall have 3 car garages.
Maximum Lot Coverage:	65%

\*A maximum of 20% of the lots may have homes not less than 2,500 sq. ft.

### Detached Single Family Lot Type G

Minimum Lot Size	20,000 SF
Minimum Lot Width @ Front Bldg. Line	100'
Minimum Lot Depth	175'
Minimum Corner Lot Width	100'
Side Yard Setback	7'
Front / Rear Bldg. Line	25'/15'
Minimum House Size	3,000 air conditioned sq. ft.
Minimum Roof Pitch	8:12 except for 4:12 on porch roofs
Masonry Requirement	80% (brick, stone, cultured stone, 3-part stucco)
Garage Orientation	Traditional "swing" or "J" drive required. Single garage door facing street is permitted behind (width) of double garage door in "swing" or "J" configuration only. 80% of Type G lots shall have a minimum of 3 car garages.
Maximum Lot Coverage:	70%

2. **Fencing.** All individual residential fencing for lots less than 20,000 square feet shall be cedar standard fencing material (minimum ½” thickness) or better (spruce fencing will not be allowed). All cedar pickets shall be placed on the “public side” facing the street, alley or neighboring property. Lots containing 20,000 sq. ft., located along perimeter roadways, abutting open spaces, greenbelts and parks shall be required to install tubular steel fencing. Corner lot fencing (adjacent to the street) shall provide masonry columns at forty-five feet (45’) off center spacing that begins at the rear property line corner and terminates ten feet (10’) behind the front yard building setback line. A maximum six (6’) foot solid board on board “panel” cedar fencing shall be allowed between the masonry columns along the side and/or rear yard 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 feet (5’). The property owner shall maintain that portion of the property outside the fence. Fencing shall be consistent with language described above and the attached Appendix B.
  
3. **Anti-Monotony Features.** Lot types shall incorporate the following elevation features.

**Table 3  
ANTI-MONOTONY MATRIX**

<b>Lot Type</b>	<b>Lot Size (Approx.)</b>	<b>Elevation Features</b>
A	50’ x 120’	<b>i, iii, iv</b>
B&C	60’ x 120’	<b>ii, iii, iv</b>
D&E	70’ x 120’	<b>ii, iii, iv</b>
F	80’ x 125’	<b>ii, iii, iv</b>
G	100’ x 200’	<b>ii, iii, iv</b>

- i. Exterior facade must be composed of eighty percent (80%) masonry (brick, stone, cultured stone, three part stucco, cementitious siding). Identical brick blends may not occur to adjacent (side by side) properties. Elevations shall not repeat along the fronting or siding streetscape without at least three (3) intervening homes of sufficient dissimilarity (to be determined by the ARC) on the same side of the street or (2) intervening homes on the opposite side of the street. Masonry (including stucco) chimneys shall be required on all homes.
  
- ii. Exterior facade must be composed of eighty percent (80%) masonry (brick, stone, cultured stone, three part stucco). Identical brick blends may not occur to adjacent (side by side) properties. Elevations shall not repeat along the fronting or siding streetscape without at least four (4) intervening homes of sufficient dissimilarity ((to be determined by the ARC) on the same side of the street and (2) intervening homes on the opposite side of the street). The rear elevation of homes backing to open spaces or thoroughfares shall not repeat without at least two (2) intervening homes of sufficient dissimilarity ((to be determined by the ARC). Masonry (including stucco) chimneys shall be required on all homes.

- iii. Minimum of 8:12 roof pitch, except for 4:12 roof pitches on porches. For each phase, a maximum of four compatible roof colors may be used. Dimensional shingles shall be used. Crown molding will be installed in all living and family rooms, unless vaulted or pop-up ceilings are utilized. No Formica counters in kitchens and bathrooms, no blown acoustic ceilings. No vinyl flooring will be used in kitchens and bathrooms.
  - iv. Alley access required except for lots adjacent to open spaces, schools, and buffers, or as approved on the Concept Plan which will be allowed to have the garage accessed from the street, unless otherwise approved by the City Council. If the garage is accessed from the street a traditional “swing” or “J” drive will be used. . Second single garage door facing street is permitted behind (width) of double garage door in “swing” or “J” configuration only.
4. **Streetscape Landscape.** Prior to issuance of a Certificate of Occupancy, yards for all single-family lots in the District shall be landscaped with large canopy trees.
    - (1) Two minimum three (3) inch caliper trees measured six (6) inches above the root ball shall be planted in the front yard of an interior lot.
    - (2) Two minimum three (3) inch caliper trees measured six (6) inches above the root ball shall be planted in the front yard of a corner lot and two additional trees shall be planted in the side yard facing the street.
    - (3) For 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.
  5. **Master Design Guidelines.** Additional design guidelines specific to each phase of development that shall apply to all single family dwellings units within that phase of development, shall be submitted to the City prior to issuance of any building permits for that portion of the development.

## C. STANDARDS FOR DISTRICT DESIGN AND CONNECTIVITY

1. **Streetscape Standards for Collectors & Non-Fronting Thoroughfares.** All streets, excluding drives, fire lanes and private parking areas, shall be built according to City of Rockwall street standards, as modified by street buffer strip elevation and street cross-section elevations attached to and incorporated by reference within the PD adopting ordinance as Appendix “F”.
  - a. **Buffer-Strip (Overlay District).** North SH 205 - The landscape buffer strip shall be as described in the City of Rockwall Unified Development

Code, Article V (District Development Standards), Section E (Landscape Standards), and be a minimum width of sixty (60) feet as illustrated on Appendix "G" and as indicated on the PD Concept Plan . Sidewalks and Hike / Bike trails are to be placed according to city requirements and as set forth in the Open Space Master Plan for the District.

- b. **Buffer-Strip (Overlay District).** SH 205 By-Pass - The landscape buffer strip shall be as described in the City of Rockwall Unified Development Code, Article V (District Development Standards), Section E (Landscape Standards) and be a minimum width of fifty (50) feet as illustrated on Appendix "G" and indicated on the PD Concept Plan. Sidewalks and Hike / Bike trails are to be placed according to city requirements and as set forth in the Open Space Master Plan for the District.
  - c. **Buffer-Strip (Non Overlay District).** The landscape buffer strip shall be a minimum of ten feet (10') on Hays Road and Quail Run Road. Sidewalks and Hike / Bike trails are to be placed according to city requirements and as set forth in the Open Space Master Plan for the District.
  - d. **Irrigation.** Any irrigation installed in landscape areas and public parks must be designed by a Texas licensed irrigator or landscape architect.
  - e. **Fencing.** The Association will maintain all common area and perimeter fencing surrounding the Property. Such perimeter fencing shall be composed of six foot (6') tall tubular steel fencing with masonry entry features or such other fencing as may be approved by the City at the time of platting. Perimeter screening may also be accomplished by earthen berms landscaped with living screening. Property owners will maintain all fences constructed on private property.
  - f. **Curvilinear Walks.** Walks are to be a minimum of five feet (5') wide to six feet (6') maximum width (hike and bike trail) consistent with the approved Open Space Master Plan. "Collector streets" with or without center medians may incorporate sidewalks six feet (6') in width adjacent to or within "front yard" landscape easements. Walks may meander within parkway and common area; however, edge of walk shall be no closer than four feet (4') from back-of-curb.
  - g. **Medians.** Any proposed median openings shall meet the City standards at the time of PD site plan approval.
2. **Lighting.** Light poles shall not exceed twenty feet (20') in height. All light fixtures shall direct light downward and be contained to the site.
3. **Sidewalks.** At a minimum, sidewalks located on streets shall begin four feet (4') behind the back of curb and be five feet (5') in overall width.

4. **Curbing.** Within certain lot types "A,B,&C", "roll up curbing" may be incorporated in an effort to minimize frequent curb cuts and maximize streetscape continuity, as approved by the City of Rockwall (Engineering Department) with approval of the final plat application.
5. **Buried Utilities.** New distribution power-lines required to serve the Property shall be placed underground, whether such lines are located internally or along the perimeter of the 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 Property, except along the 205 Bypass. Additionally, if such above ground lines are installed along the perimeter of the property and adjacent to non-residential use, then the lines shall be installed behind the non-residential buildings where the installation is possible. The Developer shall not be required to re-locate existing overhead power-lines along the perimeter of the Property. Temporary power-lines constructed across undeveloped portions of the 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.
6. **Parks and Open Space.** Allowing inclusion of approximately 50% of the school sites and floodplain shown on the Concept Plan approximately 20.0% of the land in the District shall constitute open space, which is hereby deemed sufficient if supported by the following standards and conditions.
  - a. The District shall contain not less than 79 acres of open space including approximately 26.6 acres of floodplain as shown on Exhibit B.
  - b. Allowable open space may include but is not limited to public or private parks, trails, natural areas, buffers, traffic circle medians, entry features, common areas (including any Association recreation center or similar facilities) and other features depicted on the Concept Plan, as set forth in the Open Space Master Plan prepared in accordance with subparagraph (c) below. Street right of way will not be included as open space. At least 80% of the single-family dwellings within the development shall be located within eight hundred feet (800') of public or private open space. In order to qualify, such open space must be at least one (1) continuous acre, not including roadways buffers less than fifty (50') feet in width, in area.
  - c. The Developer shall prepare the Open Space Master Plan to be consistent with the approved Concept Plan. The purpose of an Open Space Master Plan is to supplement the Concept Plan by providing an additional level of detail for public and private open space areas. The Open Space Master Plan shall identify the locations of and improvements to public parks, school sites and other public and private open space or common areas,

taking into consideration the proximity of single-family dwellings, as required by subparagraph (a), and shall illustrate an integral system of trail improvements that, together with intervening land held by other property owners or the City, is designed to connect residential areas, schools and retail areas within the District to parks and open space within the District and that provides for continuation and connection of the trail system to off-site parks and open space, in accordance with the City's Master Park and Recreation Plan. The Open Space Master Plan shall clearly differentiate public parks from private facilities and common lands to be maintained by the Association. The locations of public parks, school sites and other public and private open space or common areas shown on the Open Space Master Plan shall be in conformance with the Concept Plan, except as otherwise provided in Article II, Section 7 of the Capital Facilities Agreement pertaining to school sites. The Open Space Master Plan shall include a phasing plan for construction of all trails and parks, and common open space and facilities. The Open Space Master Plan shall be considered for approval if it complies with this section, the applicable City regulations, the Concept Plan, and generally accepted park planning practices.

- d. The District shall contain not less than 7.8 acres of land to be used as public or private parkland. A minimum of seven and eight-tenths (7.8) contiguous acres shall be dedicated to the City in accordance with the City's Neighborhood Parkland Dedication Ordinance on approval of the final plat for the first phase of the development. This dedication shall include the dedication of a five (5) foot wide parcel to connect the City Park within the Property to the existing City property to the east of the middle school. The remaining area will be retained as a private park within the District. Park improvements shall be constructed in accordance with the approved Open Space Master Plan. The site plan incorporating the design of park improvements and hike /bike trail improvements shall be considered for approval with the final plat for the phase of the development containing such improvements. Performance of the obligations in this subparagraph shall be deemed to fully satisfy the City's Neighborhood Parkland Dedication Ordinance regarding land dedication. At the time of recordation of final plats for each phase, Developer shall pay park improvement fees to the City. These fees shall be held in an escrow account until the commencement of Phase 3, at which time the Developer shall inform the City if the Developer wishes to use the escrowed fees as well as future fees to construct park improvements. Said improvements shall be approved by Parks Director, approval not to be unreasonably withheld, and invoices for improvements shall be submitted to Parks Director for approval. Performance of the obligations in this subparagraph shall be deemed to fully satisfy the City's Neighborhood Parkland Dedication Ordinance regarding park development fees, provided that park improvements are installed at a value equal or exceeding the value of park improvement fees for the entire District

applicable at that time, or improvement fees are paid. Thereafter, the Developer shall not be responsible for additional parkland dedication or park development fees associated with the Property, except as otherwise may be provided in a capital facilities agreement approved by the City.

7. Developer shall provide a minimum of 4 retention ponds in the District with hard edges and fountain features as generally shown on the Concept Plan. The exact configuration and location of the ponds will be determined at development. All retention pond hardedges shall be similar to the hardedge shown on Appendix C.
8. **Signage.** Permanent subdivision identification signage shall be permitted at all major entry points, in general conformance to the signage shown in Appendix D. Final design of entry features to be determined with the Planned Development Site Plan.
9. **Variations.** The variance procedures and standards for approval set forth in the Unified Development Code shall apply to any application for variations to this ordinance.
10. **Amenity Center.** Developer shall construct and an amenity center in approximate size and detail as shown on Appendix E.
11. **Trees.** All trees planted within the District shall be a minimum three (3) inch caliper measured six (6) inches above the root ball.

# **EXHIBIT “D”**

## **CAPITAL FACILITIES AGREEMENT**

THIS CAPITAL FACILITIES AGREEMENT (the “Agreement”) is by and among the Estate of W.W. Caruth, Jr., the Estate of Mabel P. Caruth, Skorburg Retail Corporation., and the City of Rockwall, Texas.

### **I.**

#### **RECITALS**

1. The Estate of W.W. Caruth, Jr. and the Estate of Mabel P. Caruth (collectively, “Caruth”), are the owners of approximately 395 acres of real property (the “Property”) located within the corporate limits of the City of Rockwall, Rockwall County, Texas. Skorburg Retail Corporation (“Skorburg”), is a Texas corporation authorized and in good standing to do business in Texas. Skorburg and any successors or assigns of Skorburg or Caruth owning all or a portion of the Property (other than persons acquiring individual lots for development) are sometimes referred to herein as “Developer.” The City of Rockwall, Texas (“City” or “Rockwall”) is a home rule municipal corporation organized under the laws of the State of Texas. Caruth, the City and Developer are sometimes referred to collectively as the “Parties.”

2. Skorburg has a contract to purchase the Property from Caruth for development purposes. The legal description of the Property is attached hereto and incorporated by reference herein as Exhibit A.

3. Skorburg seeks to rezone and subdivide the Property for single-family residential use and certain commercial uses. Skorburg will submit an application to rezone the Property as a planned development (PD) district for a development currently known as Stone Creek (the “PD District”).

NOW, THEREFORE, in consideration of the foregoing recitals and mutual covenants contained herein, the Parties hereto agree as follows:

**II.**  
**ADEQUATE PUBLIC FACILITIES**

1. **General Provisions.**

a. **Adequacy required.** Development of the Property shall be supported with adequate levels of public facilities and services. Adequate facilities and services are those that (i) comply with the applicable City regulations, including this Agreement, and (ii) are consistent with generally accepted engineering and planning practices for similar developments. The Parties agree that the dedication and construction of public improvements, or the contribution of proportionate development fees, required to support development of the Property shall precede or be concurrent with the construction of private improvements to the land, in accordance with the phasing provisions incorporated within this section, or as otherwise may be provided through approval of a master plat.

b. **Proportionality.** (1) The Parties agree that the dedication or construction of public improvements, or the contributions of development fees, provided for in this Agreement are roughly proportional to the nature and extent of the proposed development of the Property on the City's public facilities systems. Caruth and Skorburg expressly agree that each obligation of Caruth or Skorburg imposed by this Agreement to dedicate, construct or contribute fees for infrastructure improvements and the timing of such obligations is necessary to offset or mitigate the impacts on the City's utility and roadway systems that are directly attributable to developing the Property. Caruth and Skorburg further agree that the City may expressly rely upon the provisions of this paragraph in any certification under section 212.904, or successor statute, and that a court in determining rough proportionality may consider all of the Property. Caruth and

Skorburg further agree that the construction of the public infrastructure at the times provided for in this Agreement substantially furthers the public health and safety, and that the City's conditioning of development approval on completion of such facilities is independent of any claim that Caruth's or Skorburg's obligation to construct such improvements is disproportional to the impacts created by development of a proposed plat.

(2) Each of Caruth and Skorburg hereby covenant not to sue the City for any claim, or otherwise consent to participate in any action against the City arising from any claim by such party or by its affiliates, alleging that application of the adequate facilities requirements set forth in this Part II of the Agreement to the development of the Property, or the imposition of conditions to a plat application for a portion of the Property that are consistent with the requirements of this section, are not roughly proportional to the impacts of the development depicted in the Concept Plan, including but not limited to any action premised upon Tex. Loc. Gov't Code sec. 212.904 or successor statute, or any similar claim brought pursuant to Tex. Loc. Gov't Code ch. 395. Such covenant not to sue touches and concerns the Property, and is a covenant running with the land such that it binds successors-in-interest and assigns of Caruth and Skorburg. Should any successor-in-interest or assign of Caruth or Skorburg other than an affiliate of Caruth or Skorburg assert any of the foregoing claims in a court of competent jurisdiction, in violation of this Subsection 1(b), with respect to the development of any portion of the Property, the Parties agree that, with respect to such portion of the Property or all of the Property, at the City's option, this Agreement thereupon shall become null and void and any rights that may otherwise have vested under then existing state law shall be deemed to have been waived upon such event.. Should Caruth, Skorburg or an affiliate of either violate the covenant not to sue contained in this paragraph, the City may either enforce the covenant or pursue the

remedies provided for herein that are applicable to successors or assigns other than affiliates. As used in this Agreement, the term "affiliate" means any person, corporation, partnership, or other entity controlled by, controlling, or under common control with Caruth or Skorburg.

c. *No waiver.* The requirements in this Part II shall be considered additional standards and conditions applicable to development within the PD District. Except in the event of a conflict between the standards in this Agreement and other standards applicable within the District, nothing in this Agreement shall be construed as superseding any requirement or standard in the City's subdivision or utility regulations relating to provision of adequate public facilities and services.

2. *Wastewater Services.*

a. *City as provider.* The City shall be the supplier of wastewater services to the Property. The City ultimately shall have sufficient wastewater capacity to serve the entirety of the Property. The City anticipates having sufficient wastewater capacity to begin service to the Property during 2009.

b. *Line extensions.* The Developer shall extend wastewater mains sufficient to serve each phase of development within the PD District, sized in accordance with the City's master plan for wastewater facilities and constructed in accordance with the phasing schedule approved in conjunction with the Developer's master plat application. The Developer shall design and construct additional pumps to increase the pumping capacity at the existing Quail Run Lift Station in order to serve the development within the PD District. The Developer shall be entitled to pro rata fees for the costs of oversizing the Quail Run Lift Station from other future developments using the lift station, calculated on an acreage basis, but the Developer shall not receive any reimbursement with respect to the Nelson Lakes and Dalton Ranch and Castle Ridge

Estates Subdivisions, as such subdivisions are depicted on preliminary plat applications filed with the City. The installation of additional pumps shall constitute the only improvements required by this Property for the Quail Run Lift Station. Developer also shall be eligible for credits against, wastewater impact fees otherwise due for construction of improvements included in the City's wastewater improvements plan for impact fees, in accordance with the City's then existing impact fee regulations. Provisions for City participation in oversize costs, rebate of pro rata fees or provision of impact fee credits shall be set forth in a facilities and reimbursement agreement between the Developer and the City.

c. ***Payment of impact fees.*** Wastewater impact fees shall be paid at rates and at the times provided for in the City's then existing impact fee regulations.

3. ***Water Services***

a. ***City as provider.*** The City shall be the supplier of water services to the Property. The City represents that it has sufficient capacity to serve the Property.

b. ***Line extensions.*** The Developer shall extend water mains sufficient to serve each phase of development within the PD District, sized in accordance with the City's master plan for water facilities and constructed in accordance with the phasing schedule approved in conjunction with the Developer's master plat application. The Developer shall pay a pro-rata of \$19.75 linear foot of frontage along FM 552 adjacent to the Property for the previously constructed 16" line, and shall construct a minimum a twelve-inch (12") water distribution main (or larger, as may be needed to adequate serve the property) located generally along SH 205 (but constructed within streets internal to the development) from FM 552 to Quail Run Road, and such mains shall connect to the City's existing water distribution system. The installation of these improvements and the payment of the pro-rata along FM 552 shall occur at

time of final platting of sections of the Property adjacent to or including such improvements and the completion of the connection from FM 552 to Quail Run is not required until such time as the entire property is final platted and developed. The Developer shall be eligible for City participation in the costs of over sizing water distribution mains or appurtenances that serve other land in addition to the Property, in accordance with the City's standard policies, or for collection of pro rata fees for such facilities. Developer also shall be eligible for credits against, water impact fees otherwise due for construction of improvements included in the City's water improvements plan for impact fees, in accordance with the City's then existing impact fee regulations. Provisions for City participation in oversize costs, rebate of pro rata fees or provision of impact fee credits shall be set forth in a facilities and reimbursement agreement between the Developer and the City.

c. **Payment of impact fees.** Water impact fees shall be paid at rates and at the times provided for in the City's then existing impact fee regulations.

4. **Road Improvements.** The Developer shall make the following road improvements.

a. **Highway 205 Bypass.** Caruth or the Developer shall dedicate rights-of-way for the planned Highway 205 Bypass adjacent to the Property, commencing from the northern boundary of the Property and extending south along the Property line, in accordance with the City's standards and specifications and the planned design of the bypass, and as shown on the Concept Plan for the PD District, which is attached hereto and incorporated herein by reference as Exhibit B. The Developer also shall provide a fifty-foot (50') landscape buffer designed in accordance with the 205 Bypass Overlay District in the City's Unified Development Code, as shown on Appendix "G", and indicated on Exhibit B which is attached hereto and incorporated herein by reference. The Developer shall dedicate rights-of-way for Highway 205 Bypass by separate instrument within sixty (60) calendar days from receipt of the legal description of the right-of-way approved by the City Engineer and consistent with the approved Concept Plan and shall grant right of entry to the City should construction of the Bypass be initiated by the City prior to the completion of the dedication documents. The Developer shall have no obligation with respect to construction of the Highway 205 Bypass other than as outlined herein regarding payment of road impact fees. Developer shall not receive credits or

offsets against roadway impact fees specified in subsection (g) for dedication of rights-of-way for the planned Highway 205 Bypass.

b. ***FM 552/SH 205 intersection.*** Developer shall dedicate rights-of-way for and construct a left turn lane with 150 feet of stacking for westbound FM 552 traffic onto South SH 205 in accordance with City and TxDOT standards at the time of approval of the first final plat for any site in the Retail Area shown on the Concept Plan for the PD District. The Developer shall not be responsible for signalization of the intersection.

c. ***FM 552 improvements.*** Following approval by TXDOT, the Developer shall dedicate rights-of-way for and construct turn lanes and acceleration/deceleration lanes along FM 552 adjacent to the Retail Area shown on the Concept Plan for the PD District (unless otherwise constructed pursuant to another agreement), concurrent with installation of improvements for the first final plat approved within the Retail Area. Such construction shall be in accordance with City standards and specifications. At time of platting along the roadway or within 60 days of notification that the roadway is scheduled to be widened by the City or by TXDOT, whichever occurs first, Developer will dedicate to the City the necessary right of way to accommodate the widening in accordance with the City's adopted Thoroughfare Plan.

d. ***Business SH 205 improvements.*** Following approval by TXDOT, the Developer shall dedicate rights-of-way for and construct turn lanes and acceleration/deceleration lanes along Business SH 205 at intersections created by platting, concurrent with installation of improvements for the plat for land adjacent to the intersection. At time of platting along the roadway or within 60 days of notification that the roadway is scheduled to be widened by the City or by TXDOT, whichever occurs first, Developer will dedicate to the City the necessary

right of way to accommodate the widening in accordance with the City's adopted Thoroughfare Plan.

e. ***Hays Road improvements.*** The Developer shall dedicate thirty feet (30') of right-of-way for Hays Road and shall construct a twenty-four and one-half foot (24.5') concrete pavement section and appurtenances (including curb and gutter and underground storm drain system to collect existing conditions runoff) adjacent to the east side of the Property from Quail Run Road north to the point where future Hays Road departs from the Property to intersect with the future Highway 205 Bypass, as shown in Exhibit C, section H-1, which is attached hereto and incorporated herein by reference. The Developer shall dedicate thirty feet (30') of right-of-way for Hays Road and shall construct a twenty-four foot (24') of 6" thick , or as designed by the engineer for the roadway, asphalt pavement section and a bar ditch adjacent to the Property from the northeast corner of the Property, or the southeast corner of the Highway 205 Bypass, if the Bypass already has been constructed, south to the new concrete pavement section as shown in Exhibit C, section H-2.

The Developer also shall dedicate and improve a minimum landscape buffer of ten feet (10') adjacent to the right-of-way for Hays Road, designed in accordance with the requirements of the PD District then in effect for a minor collector. Dedication of rights-of-way shall be at the time of final plat approval of lots abutting the planned roadway. The Developer shall construct improvements to Hays Road and to the landscape buffer at the time of installing improvements serving the adjacent lots. The need for the landscape buffer along temporary Hays Road may be evaluated and waived by the City Council at the time of preliminary plat approval. The Developer may construct its initial street connection to Hays Road and final plat lots adjacent to the roadway without triggering the necessity to construct the entire section of Hays

Road, provided that such lots lie adjacent to section H-2 of Exhibit C; final platting of lots outside of area H-2 along Hays Road shall require construction of the entire remaining sections of Hays Road with installation of improvements serving such lots. The City shall evaluate whether a landscape buffer is needed along temporary sections of Hays Road at the time of approval for the preliminary plat containing such temporary sections. The City shall obtain the off-site right-of-way for the section of Hays Road from the Property to the proposed SH 205 Bypass.

f. ***Quail Run Road improvements.*** Caruth or the Developer shall dedicate forty-two and half feet (42.5') of right-of-way for the north half of the ultimate eighty-five foot (85') right-of-way for Quail Run Road abutting the Property by separate instrument within ninety (90) days of the effective date of this Agreement. The Developer shall construct a twenty-five foot (25') , 8" thick concrete pavement section within such right-of-way, with curb. The foregoing improvements shall be installed in conjunction with improvements serving the lots abutting Quail Run Road. The Developer also shall construct left turn lanes for the Quail Run Road median, as required by the City at approved locations.

g. ***Payment of roadway impact fees.*** Roadway impact fees shall be paid at rates and at the times provided for in the City's then existing impact fee regulations. The Developer shall pay to the City \$2,000 per single-family dwelling unit for any unit for which a building permit has been issued by the City up to 36 months after the execution of this Agreement, until the City adopts and may impose roadway impact fees. Should the actual roadway impact fee adopted be less than \$2,000 per single-family dwelling unit, the Developer shall receive credit against roadway impact fees for future plats equal to the amount that was overpaid. Should the actual roadway impact fee be greater than \$2,000 per single-family dwelling unit, the Developer

agrees to pay to the City the difference between the actual amount per single-family dwelling unit and \$2000 per unit at the time of final platting the next phase of the development.

5. ***Drainage improvements.*** Dedication of rights-of-way for and construction of drainage improvements shall be provided as specified in conditions imposed with approval of the master plat for development within the PD District and in accordance with City standards and specifications.

6. ***Parks and open space.***

a. The Developer or a property owners association shall maintain public parklands and improvements within the development for a period of three (3) months from the completion and acceptance of the improvements. Thereafter, the City shall assume responsibilities for maintenance. All open space and improvements which are not dedicated as parkland to the City shall be maintained as common areas in perpetuity by the property owners association for the PD District. Additionally, the property owners association shall maintain Developer-installed landscaping areas in public rights-of-way and public drainage ways internal to and adjacent to the Property.

7. ***School site.*** The Developer shall reserve an approximately ten-acre tract of land for use as a school site at the location shown on the Concept Plan. The Developer agrees to sell the land to the School District at fair market value for undeveloped single-family land at the time of such sale. The Developer shall provide utilities to the school site with the second phase of development within the PD District, subject to cost-sharing agreed to by the Developer and the School District, if the School District has not commenced construction of the school by that time. In the event that the Developer fails to sell the land to the School District or the School District declines to purchase the land, the Developer shall dedicate approximately five (5) acres of the

reserved school site to the City as a public park, and the balance of the site shall be available to Developer for other development as approved by the City Council. If Developer elects to propose a different equivalent site for dedication of public parkland, the City Council must first approve the location.

### III.

#### GENERAL PROVISIONS

1. **Notice on sale.** The Developer shall provide the City with notice of the sale of any tract or parcel within the District that has not been platted at the following address:

Rockwall City Manager  
Rockwall City Hall  
385 S. Goliad Street  
Rockwall, TX 75087.

2. **Recording.** This Agreement is intended to run with the land, and shall be recorded in the Real Property Records, Rockwall County, Texas.

3. **Term of Agreement.** This Agreement shall terminate two (2) years following the City's acceptance of the dedication and construction of the public improvements described herein serving the last phase of development within the PD District, after which the City agrees, upon the request of Caruth or Developer, to execute a termination of this Agreement in recordable form.

4. **Effective Date.** This Agreement shall take effect upon the date of its execution by the last of the Parties to the Agreement; provided, however, that Skorburg and Caruth shall execute this Agreement no later than five (5) business days following the effective date of the PD zoning ordinance for the Property. If either Skorburg or Caruth fails to execute this Agreement within such period, this Agreement shall become null and void, and unless a subsequent agreement, acceptable to the City and the Developer, is agreed to, the City may

thereafter deny any PD site plan, master plat or other plat application on grounds that the application is not supported by adequate public facilities and services.

5. **Severability.** Invalidation of any provision of this Agreement by judgment or court order shall not invalidate any of the remaining provisions which shall remain in full force and effect, unless such remaining provisions are an integral part of the invalid provisions or the invalid provision is necessary to give effect to the remaining provisions.

6. **Enforcement.** This Agreement may be enforced by the Parties by any proceeding at law or in equity. Failure to do so shall not be deemed a waiver to enforce the provisions of this Agreement thereafter.

7. **Venue.** Venue for this Agreement shall be in Rockwall County, Texas.

8. **Execution.** This Agreement may be separately executed in individual counterparts, and upon execution, shall constitute one and the same instrument.

9. **Amendment.** This Agreement may only be amended in writing upon mutual consent of the City and the Developer.

10. **Joint preparation.** This Agreement shall be deemed to have been jointly prepared by all Parties hereto, and no ambiguity of this Agreement shall be construed against any party based upon the identity of the author of this Agreement or any portion thereof.

11. **Recitals incorporated.** Statements and representations contained herein are to be considered contractual in nature and not merely recitations of fact. The Recitals contained in Part I of this Agreement hereby are expressly incorporated into this Agreement by reference.

12. **Construction.** All references herein in the singular shall be construed to include the plural where applicable, the masculine to include the feminine and neuter genders.

13. *Authority.* Each of the signatories to this Agreement represents and warrants that he is authorized to execute this Agreement and bind his principals to the terms and provisions hereof. Each Party warrants that any action required to be taken in order for this Agreement to be binding on it has been duly and properly taken prior to the execution of this Agreement. Caruth expressly warrants that no other person or entity other than Skorburg has an executory or contingent interest in the Property affecting the terms of this Agreement. Proof of legal title to the Property in Caruth shall be evidenced by a title commitment presented contemporaneous with the execution of this Agreement by Caruth.

14. *Conflicts.* In the event of a conflict between this Agreement and any provision of the Unified Development Code, the City Code, or any City ordinance, rule, regulation, or procedure that provides a specific standard that is different from and inconsistent with this Agreement, the standards in this Agreement shall control.

15. *No Waiver.* Except as to claims relating to road impact fees, as provided in Article II, paragraph 4 of this Agreement, Caruth and Developer retain the right to challenge the application of any City impact fee regulations to the Property solely on the basis that such regulations fail to comply with Chapter 395 of the Texas Local Government Code, as amended. If Caruth or Developer prevail in such a claim, impact fees shall be applied to the development of the Property and paid by Caruth or the Developer, as applicable, in accordance with the court order.

**COUNSEL FOR PARTIES**

**TERRY MORGAN & ASSOCIATES, P.C.**

By: \_\_\_\_\_  
Terry D. Morgan  
State Bar No. 14454075  
1201 Elm St.  
4800 Renaissance Tower  
Dallas, Texas 75270  
Telephone: (214) 740-9944  
Telecopier: (214) 969-5902

ATTORNEYS FOR THE CITY OF  
ROCKWALL, TEXAS

WINSTEAD

By: \_\_\_\_\_  
**Arthur J. Anderson, Esq.**  
State Bar No. \_\_\_\_\_  
5400 Renaissance Tower  
1201 Elm Street  
Dallas Texas 75270-2199  
Telephone: (214) 745-5745  
Telecopier: (214) 745-5390  
ATTORNEYS FOR SKORBURG

**HUGHES & LUCE, L.L.P**

By: \_\_\_\_\_  
Misty Ventura  
State Bar No. 00795843  
1717 Main St.  
Suite 2800  
Dallas, Texas 75201  
Telephone: (214) 939-5462  
Telecopier: (214) 939-9849

ATTORNEYS FOR ESTATE OF  
W.W. CARUTH, JR., DECEASED  
AND THE ESTATE OF MABEL  
CARUTH, DECEASED

**PARTIES TO THE AGREEMENT**

**CITY OF ROCKWALL**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**STATE OF TEXAS           §**  
**§**  
**COUNTY OF \_\_\_\_\_ §**

**SWORN AND SUBSCRIBED TO BEFORE ME**, by said \_\_\_\_\_, who in his capacity as \_\_\_\_\_ for the City of Rockwall, acknowledges that he was authorized to execute the foregoing document this \_\_\_ day of March 2007, to certify witness my hand and seal of office.

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

**THE ESTATE OF W.W. CARUTH, JR.,**

---

By: **VESTER T. HUGHES, JR.**  
Sole Independent Executor

STATE OF TEXAS           §  
  §  
COUNTY OF \_\_\_\_\_ §

**SWORN AND SUBSCRIBED TO BEFORE ME**, by said Vester T. Hughes, Jr., who in his capacity as sole executor for the Estate of W. W. Caruth, Jr., acknowledges that he was authorized to execute the foregoing document this \_\_\_ day of March 2007, to certify witness my hand and seal of office.

---

Notary Public in and for the State of Texas

**THE ESTATE OF MABEL P. CARUTH**

---

By: **VESTER T. HUGHES, JR.**  
Co-Executor

---

By: **PAUL M. MOSER**  
Co-Executor

**STATE OF TEXAS** §  
§  
**COUNTY OF \_\_\_\_\_** §

**SWORN AND SUBSCRIBED TO BEFORE ME**, by said Vester T. Hughes, Jr., who in his capacity as co-executor for the Estate of Mabel P. Caruth, acknowledges that he was authorized to execute the foregoing document this \_\_\_ day of March 2007, to certify witness my hand and seal of office.

---

Notary Public in and for the State of Texas

**STATE OF TEXAS** §  
§  
**COUNTY OF \_\_\_\_\_** §

**SWORN AND SUBSCRIBED TO BEFORE ME**, by said Paul M. Moser, who in his capacity as co-executor for the Estate of Mabel P. Caruth, acknowledges that he was authorized to execute the foregoing document this \_\_\_ day of March 2007, to certify witness my hand and seal of office.

---

Notary Public in and for the State of Texas

**SKORBURG RETAIL CORPORATION**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS       §  
                                  §  
COUNTY OF \_\_\_\_\_ §

**SWORN AND SUBSCRIBED TO BEFORE ME**, by said \_\_\_\_\_, who in his capacity as \_\_\_\_\_ of Skorburg Retail Corporation, acknowledges that he was authorized to execute the foregoing document this \_\_\_ day of March 2007, to certify witness my hand and seal of office.

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

EXHIBIT A  
LEGAL DESCRIPTION

LEGAL DESCRIPTION

HIND A 318 078 ACRE TRACT OF LAND SITUATED IN THE W 1/4 DEWESE SURVEY, ABSTRACT NO 71 AND THE S 1/4 KNO SURVEY, ABSTRACT NO 131 CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND BEING ALL OF A CALLED 318 078 ACRE TRACT OF LAND CONVEYED TO W M CARUTH JR BY DEED RECORDED IN VOLUME 64 PAGE 32 DEED RECORDS, ROCKWALL COUNTY, TEXAS (P 18 07) AND ALSO BEING ALL OF A CALLED 3 25 ACRE TRACT CONVEYED TO RODEN H HARRIS AND WFT AGRIC V HARRIS BY DEED RECORDED IN VOLUME 81 PAGE 378, 0 18 07 BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

BEGINNING AT A 1/2 INCH IRON PIPE FOUND FOR A NORTHEAST CORNER OF AFORESAID 312 938 ACRE TRACT AND BEING THE NORTHWEST CORNER OF ROCKWALL MIDDLE SCHOOL NO 4 AND BEING AN ADDITION TO THE COUNTY OF ROCKWALL BY PLAT RECORDED IN CABINET F PAGES 57, PLAT RECORDS, ROCKWALL COUNTY TEXAS AND BEING ON THE SOUTH RIGHT-OF-WAY LINE OF F M 522 (A VARIABLE WIDTH RIGHT-OF-WAY)

THENCE SOUTH 89 DEGREES 35 MINUTES 35 SECONDS EAST ALONG A EAST LINE OF AFORESAID 312 938 ACRE TRACT AND THE COMMON WEST LINE OF AFORESAID ROCKWALL MIDDLE SCHOOL NO 4 A DISTANCE OF 1370 02 FEET TO 1 1/2 INCH CAPPED IRON ROD FOUND FOR THE INTERSECTION OF SAID 312 938 ACRE TRACT AND THE SOUTHWEST CORNER OF SAID ROCKWALL MIDDLE SCHOOL NO 4 ADDITION

THENCE NORTH 02 DEGREES 25 MINUTES 43 SECONDS EAST ALONG A NORTH LINE OF AFORESAID 312 938 ACRE TRACT AND THE COMMON SOUTH LINE OF AFORESAID ROCKWALL MIDDLE SCHOOL NO 4 ADDITION A DISTANCE OF 1331 00 FEET TO PK NAIL SET FOR A NORTHEAST CORNER OF SAID 312 938 ACRE TRACT IN THE APPROXIMATE CENTERLINE OF HAYES ROAD (A VARIABLE WIDTH PREScriptive RIGHT-OF-WAY) AND BEING ON THE WEST LINE OF A CALLED 18 00 ACRE TRACT OF LAND CONVEYED TO OIVE L BRANCH AND WFT JUD C BRANCH BY DEED RECORDED IN VOLUME 234 PAGE 527 DEED RECORDS, ROCKWALL COUNTY TEXAS A 1/2 INCH CAPPED IRON ROD FOUND BEARS NORTH 07 DEGREES 58 MINUTES 03 SECONDS A DISTANCE OF 22 82 FEET

THENCE SOUTH 00 DEGREES 35 MINUTES 38 SECONDS EAST ALONG THE EAST LINE OF AFORESAID 312 938 ACRE TRACT AND THE APPROXIMATE CENTERLINE OF AFORESAID HAYES ROAD AND THE WEST LINE OF AFORESAID 13 00 ACRE TRACT AND THE WEST LINE OF A CALLED 11 125 ACRE TRACT OF LAND CONVEYED TO LEON A SMITH BY DEED RECORDED IN VOLUME 180 PAGE 1, DEED RECORDS, ROCKWALL COUNTY TEXAS AND THE WEST LINE OF A CALLED 32 ACRE AND 32 5 ACRE TRACTS OF LAND CONVEYED TO RAY LEE HANCOCK BY DEED RECORDED IN VOLUME 69 PAGE 44 DEED RECORDS, ROCKWALL COUNTY TEXAS AND THE WEST LINE OF A CALLED 20 1 ACRE AND 44 5 ACRE TRACTS OF LAND CONVEYED TO RAY L HANCOCK BY DEED RECORDED IN VOLUME 69 PAGE 33, DEED RECORDS, ROCKWALL COUNTY TEXAS A DISTANCE OF 3918 48 FEET TO A PK NAIL SET FOR THE SOUTHEAST CORNER OF SAID 312 938 ACRE TRACT AND BEING ON THE NORTH LINE OF A CALLED 38 539 ACRE TRACT OF LAND CONVEYED TO RAY L HANCOCK AND WFT, RANDA B HANCOCK BY DEED RECORDED IN VOLUME 71 PAGE 107 DEED RECORDS, ROCKWALL COUNTY TEXAS

THENCE ALONG THE SOUTH LINE OF AFORESAID 312 938 ACRE TRACT AND THE COMMON NORTH LINE OF AFORESAID 30 032 ACRE TRACT AND THE NORTH LINE OF OSVAL BRY VALLEY NO 2 AN ADDITION TO THE CITY OF ROCKWALL BY PLAT RECORDED IN CABINET F, PAGE 183 PLAT RECORDS, ROCKWALL COUNTY TEXAS AND THE NORTH LINE OF OSVAL BRY VALLEY NO 1 AN ADDITION TO THE CITY OF ROCKWALL BY PLAT RECORDED IN CABINET C, PAGE 63 PLAT RECORDS, ROCKWALL COUNTY, TEXAS AND THE NORTH LINE OF OSVAL BRY VALLEY, AN ADDITION TO THE CITY OF ROCKWALL BY PLAT RECORDED IN CABINET C, PAGE 23 PLAT RECORDS, ROCKWALL COUNTY TEXAS THE FOLLOWING COURSES AND DISTANCES

SOUTH 89 DEGREES 34 MINUTES 36 SECONDS WEST A DISTANCE OF 2344 85 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER.

SOUTH 88 DEGREES 24 MINUTES 35 SECONDS WEST A DISTANCE OF 872 72 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR A SOUTHWEST CORNER OF AFORESAID 312 938 ACRE TRACT.

THENCE NORTH 54 DEGREES 44 MINUTES 21 SECONDS WEST A DISTANCE OF 163 14 FEET TO A 1/2 INCH IRON PIPE FOUND FOR CORNER ON THE EAST RIGHT-OF-WAY OF STATE HIGHWAY 285 (A 100 RIGHT-OF-WAY)

THENCE ALONG THE WEST LINE OF AFORESAID 312 938 ACRE TRACT AND THE COMMON EAST RIGHT-OF-WAY OF AFORESAID STATE HIGHWAY 285 THE FOLLOWING COURSES AND DISTANCES

NORTH 14 DEGREES 18 MINUTES 45 SECONDS WEST A DISTANCE OF 1842 08 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER AND THE BEGINNING OF A LARGE CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 19 DEGREES 16 MINUTES 38 SECONDS A RADIUS OF 5800 00 FEET, A CHORD BEARING OF NORTH 80 DEGREES 11 MINUTES 27 SECONDS WEST AND A CHORD LENGTH OF 1016 74 FEET

ALONG SAID TANGENT CURVE TO THE RIGHT AN ARC LENGTH OF 1017 48 FEET TO A CONCRETE RIGHT-OF-WAY MONUMENT FOUND FOR CORNER

NORTH 04 DEGREES 03 MINUTES 51 SECONDS WEST A DISTANCE OF 379 29 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER. A CONCRETE RIGHT-OF-WAY MONUMENT FOUND BEARS SOUTH 00 DEGREES 28 MINUTES 20 SECONDS WEST A DISTANCE OF 4 19 FEET AND BEING THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 93 DEGREES 07 MINUTES 00 SECONDS A RADIUS OF 5800 00 FEET A CHORD BEARING OF NORTH 02 DEGREES 30 MINUTES 17 SECONDS WEST AND A CHORD LENGTH OF 308 85 FEET

ALONG SAID TANGENT CURVE TO THE RIGHT AN ARC LENGTH OF 308 97 FEET, TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER. A CONCRETE RIGHT-OF-WAY MONUMENT FOUND BEARS SOUTH 02 DEGREES 45 MINUTES 01 SECONDS EAST A DISTANCE OF 3 98 FEET

NORTH 00 DEGREES 50 MINUTES 07 SECONDS WEST A DISTANCE OF 1408 13 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER. A CONCRETE RIGHT-OF-WAY MONUMENT FOUND BEARS SOUTH 10 DEGREES 54 MINUTES 38 SECONDS EAST, A DISTANCE OF 8 48 FEET

NORTH 44 DEGREES 58 MINUTES 31 SECONDS EAST A DISTANCE OF 26 41 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF AFORESAID STATE HIGHWAY 285 AND THE SOUTH RIGHT-OF-WAY OF AFORESAID F M 522. A CONCRETE RIGHT-OF-WAY MONUMENT FOUND BEARS SOUTH 83 DEGREES 49 MINUTES 08 SECONDS WEST A DISTANCE OF 18 86 FEET

THENCE ALONG THE NORTH LINE OF AFORESAID 312 938 ACRE TRACT AND THE COMMON SOUTH RIGHT-OF-WAY OF AFORESAID F M 522 THE FOLLOWING COURSES AND DISTANCES

NORTH 80 DEGREES 03 MINUTES 25 SECONDS EAST A DISTANCE OF 1400 00 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER

SOUTH 00 DEGREES 50 MINUTES 39 SECONDS EAST, A DISTANCE OF 10 00 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER

NORTH 80 DEGREES 03 MINUTES 25 SECONDS EAST A DISTANCE OF 521 43 FEET TO THE POINT OF BEGINNING AND CONTAINING 308 075 ACRES OF LAND, MORE OR LESS



# EXHIBIT "B"

TYPICAL LOT TYPE	DESCRIPTION	UNITS
A	50' x 120' ALLEY	172 LOTS
B	60' x 120' ALLEY	190 LOTS
C	60' x 120' FRONT	376 LOTS
D	70' x 120' ALLEY	19 LOTS
E	70' x 120' FRONT	7 LOTS
F	80' x 125' FRONT	124 LOTS
G	100' x 200' FRONT	47 LOTS
<b>TOTAL</b>		<b>935 LOTS</b>
<b>RESIDENTIAL LOT / ROW</b>		<b>270.2 ACRES</b>
<b>AMENITY CENTER</b>		<b>2.9 ACRES</b>
<b>PARKS / OPEN SPACE / DETENTION</b>		<b>79.3 ACRES*</b>
<b>COMMERCIAL / RETAIL OFFICE SPACE</b>		<b>21.3 ACRES</b>
<b>FIRE STATION</b>		<b>1.7 ACRES</b>
<b>SCHOOL SITE</b>		<b>9.8 ACRES</b>
<b>R.O.W. DEDICATION (FERMETER)</b>		<b>10.0 ACRES</b>
<b>TOTAL ACREAGE</b>		<b>395.2 ACRES</b>
* INCLUDES APPROXIMATELY 26.6 ACRES OF FLOOD PLAIN / DRAINAGE AREA		



CONCEPTUAL LAND PLAN  
**Caruth Tract**  
 Rockwall, Texas  
 January 16, 2007



NOTE: This plan is a conceptual land plan and is not intended to be used for any other purpose. It is not a final plan and is subject to change without notice. The information on this plan is for informational purposes only. The information on this plan is not to be used for any other purpose. The information on this plan is not to be used for any other purpose.

**urbandesign**  
 Carter Burgess  
 planning, landscape architecture and related services

# EXHIBIT C

TYPICAL LOT TYPE	DESCRIPTION	WIDTH
A	50' x 120' ALLEY	172' LOTS
B	50' x 120' ALLEY	170' LOTS
C	60' x 120' FRONT	376' LOTS
D	70' x 120' ALLEY	191' LOTS
E	70' x 120' FRONT	71' LOTS
F	80' x 125' FRONT	124' LOTS
G	100' x 200' FRONT	47' LOTS
<b>TOTAL</b>		
RESIDENTIAL LOT / ROW		270.2 ACRES
AMENITY CENTER		2.9 ACRES
PARKS / OPEN SPACE / DESTINATION		79.3 ACRES*
COMMERCIAL / RETAIL OFFICE SPACE		21.3 ACRES
FIRE STATION		1.7 ACRES
SCHOOL SITE		8.8 ACRES
R.O.W. DEDICATION (PERMETER)		10.0 ACRES
<b>TOTAL ACREAGE</b>		<b>395.2 ACRES</b>

\* INCLUDES APPROXIMATELY 20.4 ACRES OF FLOOD PLAIN / DRAINAGE AREA



CONCEPTUAL LAND PLAN  
**Caruth Tract**  
 Rockwall, Texas  
 January 16, 2007

urbandesign  
 Custom-Business  
 Planning, Architecture, Engineering and Interior Design

910. APPENDIX B

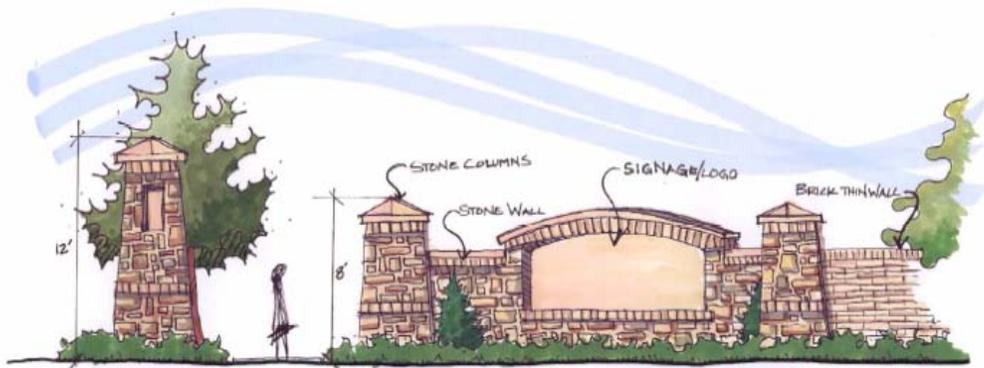


APPENDIX C



APPENDIX D



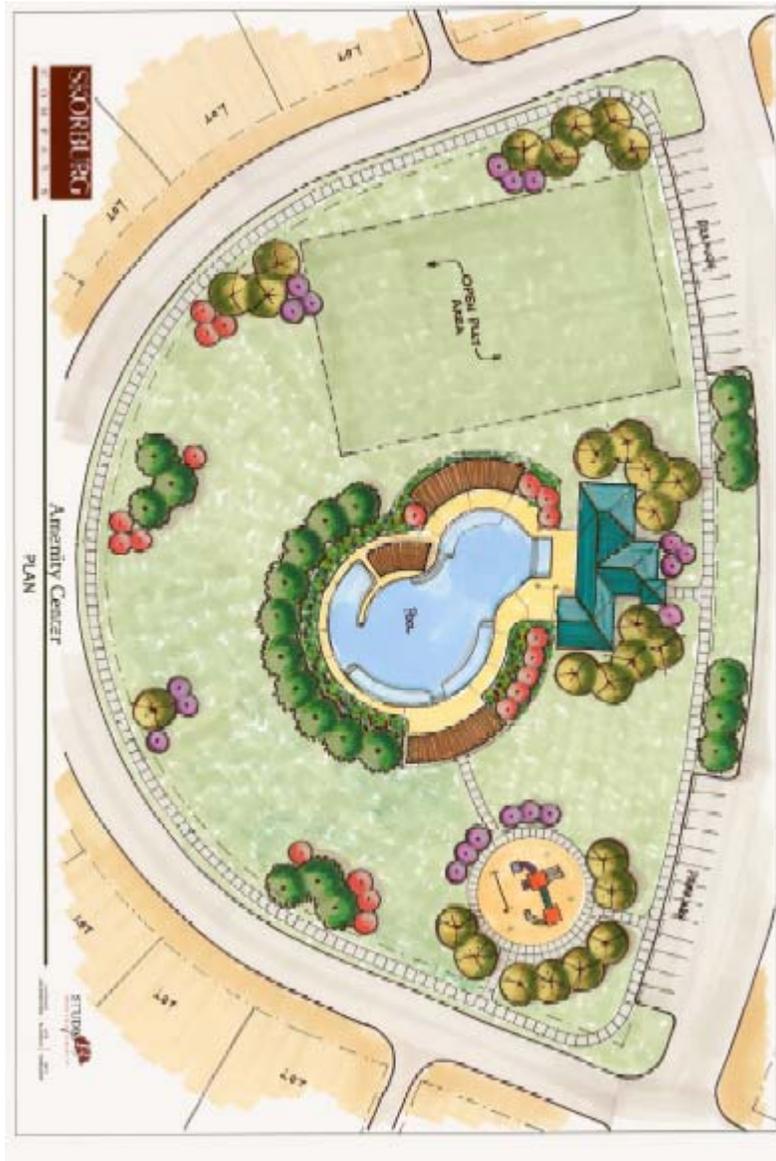


Main Entry  
SECTION

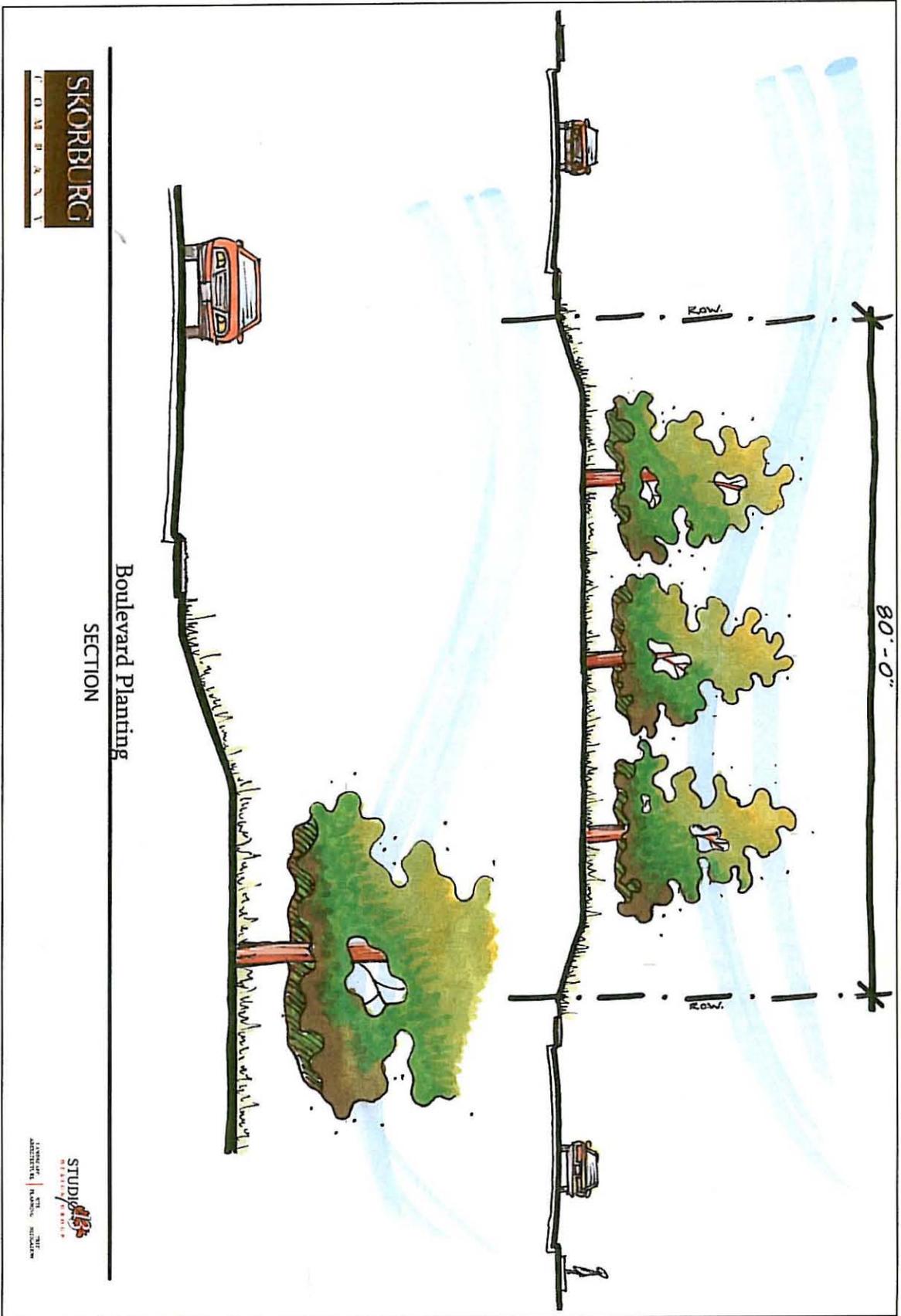
SKORBURG  
COMPANY

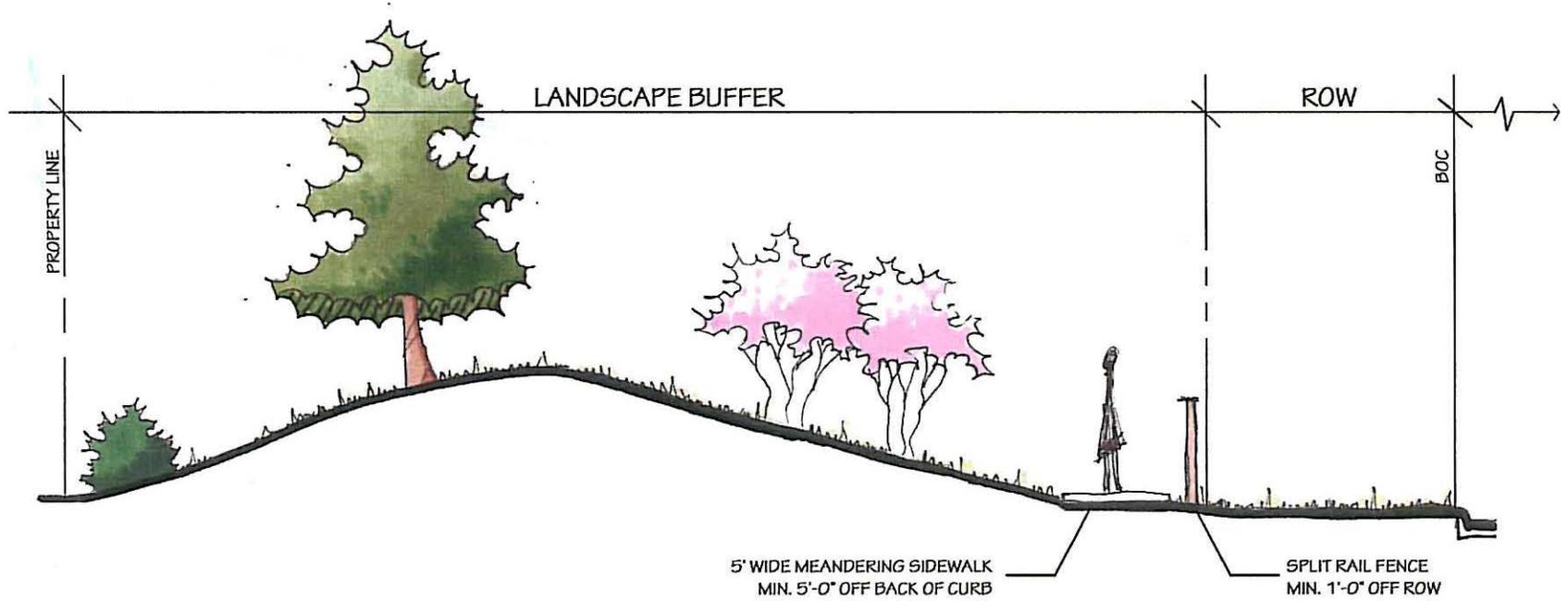
STUDIO  
ARCHITECTURE  
LITTLETON | DENVER | BOULDER

APPENDIX E



# APPENDIX "F"





Street

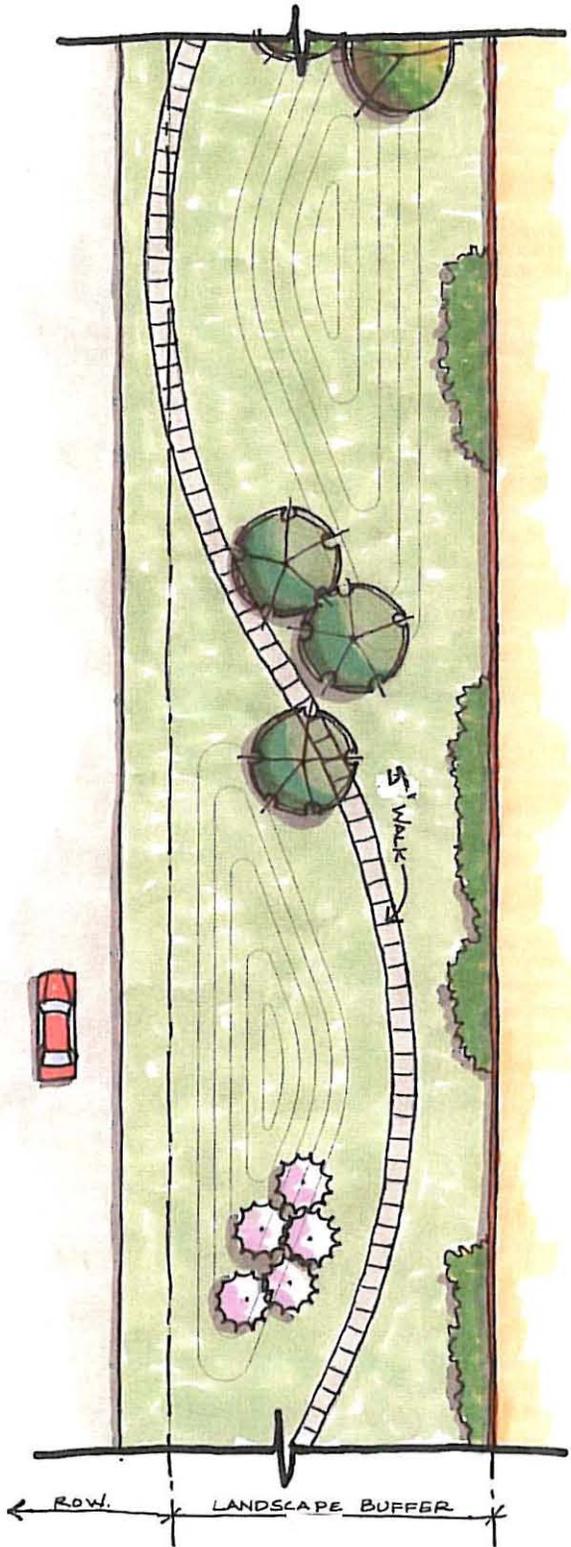
SECTION



# APPENDIX "G"

SKORBURG  
TOWN PLAN

Street  
PLAN



STUDY  
DESIGN  
ARCHITECTURE  
PLANNING  
LANDSCAPE ARCHITECTURE

**CITY OF ROCKWALL**

**ORDINANCE NO. 09-44**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (ORD. NO. 04-38) AND ORDINANCE NO. 07-13, OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO AMEND THE PD CONCEPT PLAN AND PD DEVELOPMENT STANDARDS FOR (PD-70) PLANNED DEVELOPMENT NO. 70 DISTRICT, BEING 395.075-ACRES OVERALL SITUATED IN THE W.T. DEWEESE SURVEY, ABSTRACT NO. 71 AND THE S. KING SURVEY, AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HEREIN; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City has received a request from Jed Dolson of Stone Creek Balance, Ltd, (hereinafter, together with its successors and assigns, "Developer"), for an amendment to the Unified Development Code (Ord. No. 04-38) and Ordinance No. 07-13, of the City of Rockwall, so as to amend the PD Concept Plan and PD Development Standards for (PD-70) Planned Development No. 70 District, being 395.075-acres overall situated in the W.T. Deweese Survey, Abstract No. 71 and the S. King Survey, and more fully described on Exhibit "A" attached 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 should be amended as follows:

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

**Section 1.** That the Unified Development Code, as heretofore amended, and Ordinance 07-13 shall be further amended by amending the PD Concept Plan and PD Development Standards within (PD-70) Planned Development No. 70 (the "District").

**Section 2.** That development of the Property shall generally be in accordance with the amended PD Concept Plan, attached hereto and incorporated herein by reference as Exhibit "B" and the amended PD Development Standards, attached hereto and incorporated herein by reference as Exhibit "C", each of which is deemed hereby to be a condition of approval of the change in zoning classification for the Property;

**Section 3.** That all procedures and requirements from Ordinance 07-13 shall remain in effect with this amendment, and any previously approved documents (e.g. Open Space Master Plan, Master Plat, Preliminary Plat) relating to development within PD-70 shall remain valid in accordance with the requirements of Ordinance 07-13, the Texas Local Government Code and the City of Rockwall Subdivision Regulations where applicable.

**Section 4.** A PD development plan must be approved for the approximately seven (7) acre area newly designated on the Concept Plan as "Retail," however, the PD Development Plan application may be processed by the City concurrently with a preliminary plat application and a PD site plan application.

**Section 5.** That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

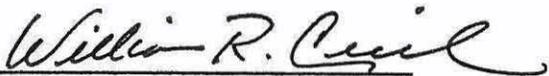
**Section 6.** That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000.00) for each offense and each and every day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

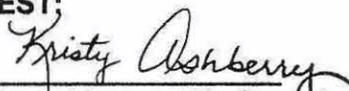
**Section 8.** The standards in this ordinance shall control in the event of a conflict between this ordinance and any provision of the Unified Development Code or any provision of the City Code, ordinance, resolution, rule, regulation, or procedure that provides a specific standard that is different 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 19<sup>th</sup> day of October, 2009.**

  
William R. Cecil, Mayor

**ATTEST:**

  
Kristy Ashberry, City Secretary

**APPROVED AS TO FORM:**

  
Pete Eckert, City Attorney



1<sup>st</sup> Reading: 09-21-09  
2<sup>nd</sup> Reading: 10-19-09

# EXHIBIT A

## LEGAL DESCRIPTION FOR PROPERTY

### LEGAL DESCRIPTION

BEING A 392 075 ACRE TRACT OF LAND SITUATED IN THE W 1 DEWEES SURVEY, ABSTRACT NO 71 AND THE S MISS SURVEY, ABSTRACT NO 131 CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND BEING ALL OF A CALLED 392 830 ACRE TRACT OF LAND CONVEYED TO W W CARLSON JR BY DEED RECORDED IN VOLUME 84 PAGE 22 DEED RECORDS, ROCKWALL COUNTY, TEXAS (D.R.R.C.T.) AND ALSO BEING ALL OF A CALLED 235 ACRE TRACT CONVEYED TO SCOTT H HARRIS AND WIFE ADRIAN V HARRIS BY DEED RECORDED IN VOLUME 80 PAGE 373, D.R.R.C.T BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

BEGINNING AT A 1/2 INCH IRON PIPE FOUND FOR A NORTHEAST CORNER OF AFORESAID 392 830 ACRE TRACT AND BEING THE NORTHWEST CORNER OF ROCKWALL MIDDLE SCHOOL NO 4 ADDITION TO THE COUNTY OF ROCKWALL BY PLAT RECORDED IN CABINET F PAGE 57, PLAT RECORDS, ROCKWALL COUNTY TEXAS AND BEING ON THE SOUTH RIGHT-OF-WAY LINE OF F W 522 (A VARIABLE WIDTH RIGHT-OF-WAY)

THENCE SOUTH 00 DEGREES 25 MINUTES 35 SECONDS EAST ALONG A EAST LINE OF AFORESAID 392 830 ACRE TRACT AND THE COMMON WEST LINE OF AFORESAID ROCKWALL MIDDLE SCHOOL NO 4 ADDITION A DISTANCE OF 1875-02 FEET TO 1/2 INCH IRON PIPE FOUND FOR THE NORTHWEST CORNER OF SAID 392 830 ACRE TRACT AND THE SOUTHWEST CORNER OF SAID ROCKWALL MIDDLE SCHOOL NO 4 ADDITION

THENCE NORTH 09 DEGREES 25 MINUTES 13 SECONDS EAST ALONG A NORTH LINE OF AFORESAID 392 830 ACRE TRACT AND THE COMMON SOUTH LINE OF AFORESAID ROCKWALL MIDDLE SCHOOL NO 4 ADDITION A DISTANCE OF 1331 09 FEET TO PK 1001 SET FOR A NORTHEAST CORNER OF SAID 392 830 ACRE TRACT IN THE APPROXIMATE CENTERLINE OF HWY 5040 (A VARIABLE WIDTH PRELIMINARY RIGHT-OF-WAY) AND BEING ON THE WEST LINE OF A CALLED 18 00 ACRE TRACT OF LAND CONVEYED TO STEVE L BRANCH AND WIFE JUDY C BRANCH BY DEED RECORDED IN VOLUME 234 PAGE 527 DEED RECORDS, ROCKWALL COUNTY TEXAS A 1/2 INCH IRON PIPE FOUND BEARS NORTH 02 DEGREES 00 MINUTES 03 SECONDS A DISTANCE OF 22 62 FEET

THENCE SOUTH 00 DEGREES 25 MINUTES 35 SECONDS EAST ALONG THE EAST LINE OF AFORESAID 392 830 ACRE TRACT AND THE APPROXIMATE CENTERLINE OF AFORESAID HWY 5040 AND THE WEST LINE OF AFORESAID 18 00 ACRE TRACT AND THE WEST LINE OF A CALLED 13 300 ACRE TRACT OF LAND CONVEYED TO LEON A SMITH BY DEED RECORDED IN VOLUME 280 PAGE 1, DEED RECORDS, ROCKWALL COUNTY TEXAS AND THE WEST LINE OF A CALLED 32 ACRE AND 52 8 ACRE TRACTS OF LAND CONVEYED TO ROY LEE HANCO BY DEED RECORDED IN VOLUME 80 PAGE 64 DEED RECORDS, ROCKWALL COUNTY TEXAS AND THE WEST LINE OF A CALLED 28 2 ACRE AND 84 3 ACRE TRACTS OF LAND CONVEYED TO ROY L. HANCO BY DEED RECORDED IN VOLUME 46 PAGE 35 DEED RECORDS, ROCKWALL COUNTY TEXAS A DISTANCE OF 3980 68 FEET TO A PK NAIL SET FOR THE SOUTHWEST CORNER OF SAID 392 830 ACRE TRACT AND BEING ON THE NORTH LINE OF A CALLED 38 630 ACRE TRACT OF LAND CONVEYED TO ROY L. HANCO AND WIFE RAMONA B HANCO BY DEED RECORDED IN VOLUME 91 PAGE 107 DEED RECORDS, ROCKWALL COUNTY TEXAS

THENCE ALONG THE SOUTH LINE OF AFORESAID 392 830 ACRE TRACT AND THE COMMON NORTH LINE OF AFORESAID 38 630 ACRE TRACT AND THE NORTH LINE OF OSAGE RUN VALLEY NO 2 AN ADDITION TO THE CITY OF ROCKWALL BY PLAT RECORDED IN CABINET I PAGE 189 PLAT RECORDS, ROCKWALL COUNTY TEXAS AND THE NORTH LINE OF OSAGE RUN VALLEY NO 1 AN ADDITION TO THE CITY OF ROCKWALL BY PLAT RECORDED IN CABINET C, PAGE 63 PLAT RECORDS, ROCKWALL COUNTY, TEXAS AND THE NORTH LINE OF OAKHURST RECAL AN ADDITION TO THE CITY OF ROCKWALL BY PLAT RECORDED IN CABINET I PAGE 87 PLAT RECORDS, ROCKWALL COUNTY TEXAS THE FOLLOWING COURSES AND DISTANCES

SOUTH 09 DEGREES 24 MINUTES 38 SECONDS WEST A DISTANCE OF 2384 95 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER,

SOUTH 08 DEGREES 24 MINUTES 38 SECONDS WEST A DISTANCE OF 889 72 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR A SOUTHWEST CORNER OF AFORESAID 392 830 ACRE TRACT,

THENCE NORTH 64 DEGREES 44 MINUTES 21 SECONDS WEST A DISTANCE OF 109 14 FEET TO A 1/2 INCH IRON PIPE FOUND FOR CORNER ON THE EAST RIGHT-OF-WAY OF STATE HIGHWAY 205 (A 100 RIGHT-OF-WAY)

THENCE ALONG THE WEST LINE OF AFORESAID 392 830 ACRE TRACT AND THE COMMON EAST RIGHT-OF-WAY OF AFORESAID STATE HIGHWAY 205 THE FOLLOWING COURSES AND DISTANCES

NORTH 14 DEGREES 18 MINUTES 49 SECONDS WEST A DISTANCE OF 1940 00 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER AND THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 18 DEGREES 25 MINUTES 35 SECONDS A RADIUS OF 5400 00 FEET, A CHORD BEARING OF NORTH 49 DEGREES 11 MINUTES 27 SECONDS WEST AND A CHORD LENGTH OF 1018 74 FEET

ALONG SAID TANGENT CURVE TO THE RIGHT AN ARC LENGTH OF 1017 80 FEET TO A CONCRETE RIGHT-OF-WAY MONUMENT FOUND FOR CORNER

NORTH 04 DEGREES 03 MINUTES 51 SECONDS WEST A DISTANCE OF 209 29 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER, A CONCRETE RIGHT-OF-WAY MONUMENT FOUND BEARS SOUTH 00 DEGREES 25 MINUTES 35 SECONDS WEST A DISTANCE OF 4 10 FEET AND BEING THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 03 DEGREES 07 MINUTES 00 SECONDS A RADIUS OF 5400 00 FEET A CHORD BEARING OF NORTH 02 DEGREES 20 MINUTES 17 SECONDS WEST AND A CHORD LENGTH OF 308 95 FEET

ALONG SAID TANGENT CURVE TO THE RIGHT AN ARC LENGTH OF 308 97 FEET, TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER, A CONCRETE RIGHT-OF-WAY MONUMENT FOUND BEARS SOUTH 02 DEGREES 40 MINUTES 01 SECONDS EAST A DISTANCE OF 5 89 FEET

NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST A DISTANCE OF 1409 12 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER, A CONCRETE RIGHT-OF-WAY MONUMENT FOUND BEARS SOUTH 70 DEGREES 04 MINUTES 30 SECONDS EAST, A DISTANCE OF 8 40 FEET

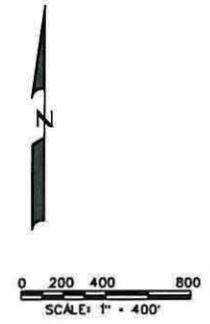
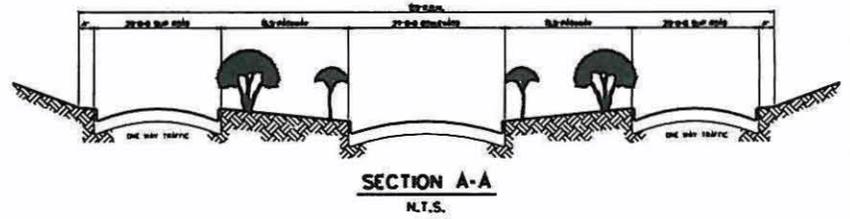
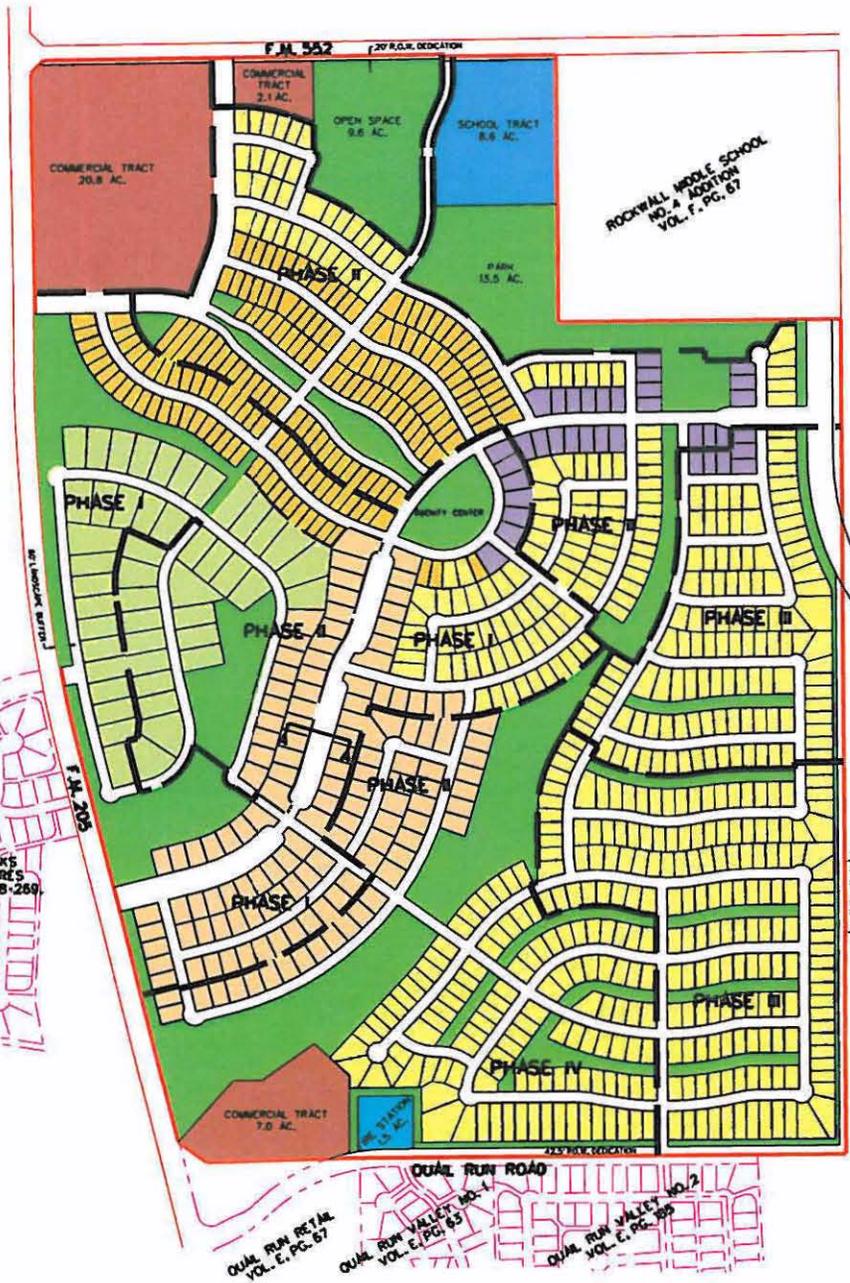
NORTH 44 DEGREES 50 MINUTES 31 SECONDS EAST A DISTANCE OF 86 41 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF AFORESAID STATE HIGHWAY 205 AND THE SOUTH RIGHT-OF-WAY OF AFORESAID F W 522 A CONCRETE RIGHT-OF-WAY MONUMENT FOUND BEARS SOUTH 43 DEGREES 29 MINUTES 08 SECONDS WEST A DISTANCE OF 16 80 FEET

THENCE ALONG THE NORTH LINE OF AFORESAID 392 830 ACRE TRACT AND THE COMMON SOUTH RIGHT-OF-WAY OF AFORESAID F W 522 THE FOLLOWING COURSES AND DISTANCES

NORTH 08 DEGREES 09 MINUTES 25 SECONDS EAST A DISTANCE OF 1890 00 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER

SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 18 00 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER

NORTH 09 DEGREES 09 MINUTES 25 SECONDS EAST A DISTANCE OF 821 43 FEET TO THE POINT OF BEGINNING AND CONTAINING 392 075 ACRES OF LAND, MORE OR LESS



LEGEND	
TYPICAL LOT SIZES	
	- 50' x 120' - 180 LOTS
	- 60' x 120' - 521 LOTS
	- 70' x 120' - 36 LOTS
	- 80' x 125' - 154 LOTS
	- 100' x 200' - 47 LOTS
	- OPEN SPACE / LANDSCAPE BUFFER

COMMERCIAL TRACTS 22.9 ac.  
 395 TOTAL ACRES (395-22.9 = 372.1)



MASTER PLAT  
 OF  
**STONE CREEK**  
 OUT OF THE  
 W.T. DEWEESE SURVEY, ABSTRACT NO. 71  
 S. KING SURVEY, ABSTRACT NO. 131  
 IN THE  
 CITY OF ROCKWALL  
 ROCKWALL COUNTY, TEXAS  
 OWNERS  
**STONE CREEK SF., LTD.**  
 3838 OAK LAWN AVE., SUITE 1212  
 DALLAS, TEXAS 75219  
 214-522-4945

**Infrastructure Statement**

**Drainage Facilities:**  
 There are natural drainage ways within the project. The Sautable Creek drainage way will require detention facilities. The Thompson Branch drainage way will not require detention.  
**Sanitary Sewer Facilities:**  
 There is an existing sanitary sewer trunk line located in Highway 205 along the west side of the property.  
**Water Facilities:**  
 There are existing water mains in all of the perimeter roads.  
**Roadway Facilities:**  
 The west side of the project is bounded by Highway 205, the south side is bounded by Quail Run Road, the east side is bounded by Hays Road and future Highway 205 By-Pass, and the north side is bounded by F.M. 552.

NOTE:  
 BETWEEN CONSTRUCTION OF PHASES TEMPORARY TURNSHOULDS WILL BE PLACED AS NEEDED TO ACCOMMODATE FIRE PROTECTION.

PD ZONING	
TOTAL ACRES	395.04
TOTAL RESIDENTIAL LOTS	918
DENSITY	2.35

PREPARED BY  
**CORWIN ENGINEERING, INC.**  
 200 W. BELMONT, SUITE E  
 ALLEN, TEXAS 75013  
 972-396-1200  
 NOVEMBER 2008 SCALE 1" = 400'

# Exhibit “C”

## Planned Development District No. 70

### PD DEVELOPMENT STANDARDS

#### A. GENERAL REQUIREMENTS

1. **Uses Allowed.** The following uses are permitted within the District.
  - a. *Residential uses.* Uses permitted of right or by special use permit for the **(SF-10) Single Family Residential District**, as set forth in Article IV, Permissible Uses, of the Unified Development Code, shall be allowed for areas designated as Single-Family on the Concept Plan, subject to approval of a Special Use Permit if required by the SF-10 District Regulations.
  - b. *Non-residential uses.* Non-residential uses shall be allowed only within the areas designated as Retail on the approved Concept Plan for the District, and are limited to those uses permitted of right or by special use permit for the **(GR) General Retail District** subject to approval of a PD Development Plan and PD Site Plan in accordance with the Planned Development District regulations, Article X, Section 2 of the Unified Development Code, and subject to approval of a Special Use Permit if required by the GR District Regulations; provided, however, that the following uses are expressly prohibited:
    - Animal boarding/kennel without outside pens
    - Animal Hospital, Clinic
    - Convent or Monastery
    - Hotel or Motel
    - 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
    - Auto Repair Garage, Minor
    - Car Wash, Self Service\*
    - Service Station\*

- Mining and Extraction (Sand, Gravel, Oil & other)
- Helipad
- Railroad Yard or Shop
- Transit Passenger Facility

\*Not including a convenience store with an accessory car wash use or more than 2 gas pumps, which accessory uses are permitted by SUP.

The following additional use shall be permitted of right in the PD District:

- Grocery Store with a maximum building area of eighty thousand (80,000) square feet

c. *Design of non-residential uses.* The retail areas shall be designed to be pedestrian-oriented and easily accessible to adjacent residential neighborhoods. Additionally, the retail areas shall be designed and constructed to be integrated with adjacent uses, not separated from them by screening walls or other physical barriers. This will be accomplished by creating paths from adjacent development into the retail areas and with landscaping buffers, building design and other urban design elements to create compatibility with the surrounding residential neighborhood.

d. *Density and lot composition.* No more than 918 single-family residential dwelling units may be constructed within the District. Except as provided in subsection (e), single-family residential units shall be allocated by product type in accordance with the following table:

Table 1

LOT COMPOSITION

LOT TYPE	LOT SIZE ( TYPICAL)	LOT SQ. FT. (MINIMUM) ( TOTAL )	Driveway Access	Units (TOTAL)	Total Dwelling Units %
A	50' x 120'	6,000	Front	180	19.6%
C	60' x 120'	7,200	Front	521	56.8%
E	70' x 120'	8,400	Front	36	3.9%
F	80' x 125'	10,000	Front	134	14.6%
G	100'x 200'	20,000	Front	47	5.1%
<i>Average Lot Size</i>		<i>8,000</i>			
<b>MAXIMUM ALLOWED TOTAL UNITS</b>				<b>918</b>	<b>100%</b>

- e. *Variation in lot composition.* The allocation of single-family dwellings among lot types may deviate from that in subsection (d), provided that the maximum allowed total dwelling units does not exceed 918 units, the average lot size for the development is not less than 8,000 sq. ft., and the following rules are met:
- (1) Lot types "A, C, & E" may increase not more than 5% in aggregate number.
  - (2) Lot Type "F" shall not be decreased below 124 lots of the total lots developed in the District.
  - (3) Lot Type "G" shall not be decreased below 47 lots of the total lots developed in the District.

## 2. Development Standards Applicable.

- a. *Residential uses.* Except as may be modified by these PD Development Standards, residential uses shall be subject to the development standards for a **(SF-10) Single Family Residential District**, as set forth in Article V, District Development Standards for Section 3.4 of the Unified Development Code; to the development standards in the North 205 Overlay District and the 205 Bypass Overlay District; and to all supplemental standards contained in the Unified Development Code in effect on the effective date of this ordinance.
  - b. *Non-residential uses.* Except as may be modified by these PD Development Standards, non-residential uses shall be subject to the development standards for a **(GR) General Retail District**, as set forth in Article V, District Development Standards for Section 4.4 of the Unified Development Code, to the development standards in the North 205 Overlay District and to all supplemental standards contained in the Unified Development Code in effect on the effective date of this ordinance.
3. **Property Owner's Association.** A property owner's association (the "Association") shall be formed and duly incorporated in the State of Texas for the Property. Membership shall be mandatory for the owner of each residential lot within the Property. This association shall be established to ensure the proper maintenance of all common areas for which the Association is either the owner or is the party designated as responsible for maintenance. The bylaws of this Association shall establish a system of payment of dues, a system of enforcement of its rules and regulations; and an explanation of the responsibility of each member with regard to the common areas. The bylaws shall be submitted to the Director of Planning for review and approval, not to be unreasonably withheld, for conformity with this paragraph prior to the initial transfer to the Association of ownership of any real property.
  4. **Architectural Review.** All developments within the PD District shall be reviewed by the architectural review committee ("ARC") for the Property, which will be composed of Developer representatives, throughout the completion of development. The ARC shall remain in effect until all new construction has concluded. City of Rockwall building permits shall not be issued prior to ARC approval. Certification of ARC approval shall be submitted with each building permit application, which shall comply with all anti-monotony standards as described in Section 3 of this document "Anti-monotony Matrix."

B. SPECIAL DEVELOPMENT STANDARDS

1. Dimensional Standards for Residential Uses -- Lot Type Matrix.

Table 2

Lot Types	A	C	E	F	G
<b>Maximum Building Height</b>	36'	36'	36'	36'	
<b>Air Conditioned Square Footage (Minimum)</b>	1,800	2,200	2,400	2,600***	3,000
<b>Minimum Building Setback: Front Yard</b>	15'	20'	20'	20'	25'
<i>Front porch may encroach to within 10' of front property line:</i>	X	X			
<b>Rear Yard</b>	10'	10'	10'	15'	15'
<b>Interior Side Yard</b>	5'	5'	6'	6'	7'
<b>Corner (Side) Yard</b>	15'	15'	15'	15'	
<b>Minimum Distance of driveway from prop. line. (applicable to front entry only)</b>	20'	20'	20'	20'	25'
Minimum Lot Area - Square Feet	6,000	7,200	8,400	10,000	20,000
<b>**Minimum Lot Frontage</b>	50'	60'	70'	80'	100'

\*\*Lots fronting onto curvilinear streets, cul-de-sacs and eyebrows may be reduced by twenty percent (20%) in lot width measured at the front property line provided that the lot width will be 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 10 percent (10%) but shall meet the minimum lot size for each lot type as referenced within Table 1.

\*\*\*A maximum of 20% of the lots may have homes not less than 2,500 sq. ft.

## 2. Development Standards for Residential Uses by Lot (Product) Type

### a. Detached Single Family Lot Type A

Minimum Lot Size	6,000 SF
Minimum Lot Width @ Front Bldg. Line	50'
Minimum Lot Depth	110'
Minimum Corner Lot Width	55'
Side Yard Setback	5'
Front / Rear Bldg. Line	15/10'
Minimum House Size	1,800 air-conditioned sq. ft.
Minimum Roof Pitch	8:12 except for 4:12 on porch roofs
Masonry Requirement	80% (brick, stone, cultured stone, 3-part stucco, cementitious siding with color palette)
Garage Orientation	Garages will be allowed to be accessed from the street; however, a minimum driveway length of 20-ft must be provided.
Maximum Lot Coverage;	75%

**b. Detached Single Family Lot Type C**

Minimum Lot Size	7,200 SF
Minimum Lot Width @ Front Bldg. Line	60'
Minimum Lot Depth	110'
Minimum Corner Lot Width	65'
Side Yard Setback	5'
Front / Rear Bldg. Line	20'/10'
Minimum House Size	2,200 air-conditioned sq. ft.
Minimum Roof Pitch	8:12 except for 4:12 on porch roofs
Masonry Requirement	80% (brick, stone, cultured stone, 3-part stucco)
Garage Orientation	Garages will be allowed to have the garage accessed from the street. Traditional "swing" or "J" drive Second single garage door facing street is permitted behind (width) of double garage door in "swing" or "J" configuration only. A minimum of 33% of Type 'C' lots shall have 3-car garages.
Maximum Lot Coverage:	65%

**c. Detached Single Family Lot Type E**

Minimum Lot Size	8,400 SF
Minimum Lot Width @ Front Bldg. Line	70'
Minimum Lot Depth	120'
Minimum Corner Lot Width	75'
Side Yard Setback	6'
Front / Rear Bldg. Line	20'/10'
Minimum House Size	2,400 air-conditioned sq. ft.
Minimum Roof Pitch	8:12 except for 4:12 on porch roofs
Masonry Requirement	80% (brick, stone, cultured stone, 3-part stucco)
Garage Orientation	Garages will be allowed to have the garage accessed from the street. Traditional "swing" or "J" drive Second single garage door facing street is permitted behind (width) of double garage door in "swing" or "J" configuration only. A minimum of 33% of Type E lots shall have 3-car garages.
Maximum Lot Coverage:	65%

**d. Detached Single Family Lot Type F**

Minimum Lot Size	10,000 SF
Minimum Lot Width @ Front Bldg. Line	80'
Minimum Lot Depth	125'
Minimum Corner Lot Width	85'
Side Yard Setback	6'
Front / Rear Bldg. Line	20'/15'
Minimum House Size	2600 air-conditioned sq. ft.*
Minimum Roof Pitch	8:12 except for 4:12 on porch roofs
Masonry Requirement	80% (brick, stone, cultured stone, 3-part stucco)
Garage Orientation	Traditional "swing" or "J" drive required. Second single garage door facing street is permitted behind (width) of double garage door in "swing" or "J" configuration only. A minimum of 80% of Type F lots shall have 3-car garages.
Maximum Lot Coverage:	65%

*\*A maximum of 20% of the lots may have homes not less than 2,500 sq. ft.*

**e. Detached Single Family Lot Type G**

Minimum Lot Size	20,000 SF
Minimum Lot Width @ Front Bldg. Line	100'
Minimum Lot Depth	175'
Minimum Corner Lot Width	100'
Side Yard Setback	7'
Front / Rear Bldg. Line	25'/15'
Minimum House Size	3,000 air-conditioned sq. ft.
Minimum Roof Pitch	8:12 except for 4:12 on porch roofs
Masonry Requirement	80% (brick, stone, cultured stone, 3-part stucco)
Garage Orientation	Traditional "swing" or "J" drive required. Single garage door facing street is permitted behind (width) of double garage door in "swing" or "J" configuration only. A minimum of 80% of Type G lots shall have 3-car garages.
Maximum Lot Coverage:	70%

3. **Fencing.** All individual residential fencing shall be cedar standard fencing material (minimum ½” thickness) or better (spruce fencing will not be allowed). All cedar pickets shall be placed on the “public side” facing the street, alley or neighboring property. Tubular steel fencing is also acceptable for individual residential fencing, and shall be required on lots located along perimeter roadways and/or abutting open spaces, greenbelts and parks. Corner lot fencing (adjacent to the street) shall provide masonry columns at forty-five feet (45’) off center spacing that begins at the rear property line corner and terminates ten feet (10’) behind the front yard building setback line. A maximum six (6’) foot solid board on board “panel” cedar fencing shall be allowed between the masonry columns along the side and/or rear yard 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 feet (5’). The property owner shall maintain that portion of the property outside the fence. Fencing shall be consistent with language described above and the attached Appendix B.
4. **Anti-Monotony Features.** Lot types shall incorporate the following elevation features:

Table 3  
ANTI-MONOTONY MATRIX

Lot Type	Lot Size (Approx.)	Elevation Features
A	50’ x 120’	i, iii, iv
C	60’ x 120’	ii, iii, iv
E	70’ x 120’	ii, iii, iv
F	80’ x 125’	ii, iii, iv
G	100’ x 200’	ii, iii, iv

- i. Exterior facade must be composed of eighty percent (80%) masonry (brick, stone, cultured stone, three-part stucco, cementitious siding). Identical brick blends may not occur to adjacent (side-by-side) properties. Elevations shall not repeat along the fronting or siding streetscape without at least three (3) intervening homes of sufficient dissimilarity (to be determined by the ARC) on the same side of the street or two (2) intervening homes on the opposite side of the street. All chimneys shall be constructed of masonry materials, excluding cementitious siding.
- ii. Exterior facade must be composed of eighty percent (80%) masonry (brick, stone, cultured stone, three-part stucco). Identical brick blends may not occur to adjacent (side-by-side) properties. Elevations shall not repeat along the fronting or siding streetscape without at least four (4) intervening homes of

sufficient dissimilarity (to be determined by the ARC) on the same side of the street and two (2) intervening homes on the opposite side of the street). The rear elevation of homes backing to open spaces or thoroughfares shall not repeat without at least two (2) intervening homes of sufficient dissimilarity (to be determined by the ARC). All chimneys shall be constructed of masonry materials, excluding cementitious siding.

- iii. Minimum of 8:12 roof pitch, except for 4:12 roof pitches on porches. For each phase, a maximum of four compatible roof colors may be used. Dimensional shingles shall be used. Crown molding will be installed in all living and family rooms, unless vaulted or pop-up ceilings are utilized. No Formica counters in kitchens and bathrooms, no blown acoustic ceilings. No vinyl flooring will be used in kitchens and bathrooms.
  - iv. If the garage is accessed from the street a traditional “swing” or “J” drive will be used. Second single garage door facing street is permitted behind (width) of double garage door in “swing” or “J” configuration only.
5. **Streetscape Landscape.** Prior to issuance of a Certificate of Occupancy, yards for all single-family lots in the District shall be landscaped with large canopy trees.
- a. Two minimum three (3) inch caliper trees measured six (6) inches above the root ball shall be planted in the front yard of an interior lot.
  - b. Two minimum three (3) inch caliper trees measured six (6) inches above the root ball shall be planted in the front yard of a corner lot and two additional trees shall be planted in the side yard facing the street.
  - c. For 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.
6. **Master Design Guidelines.** Additional design guidelines specific to each phase of development that shall apply to all single-family dwellings units within that phase of development, shall be submitted to the City prior to issuance of any building permits for that portion of the development.

## C. STANDARDS FOR DISTRICT DESIGN AND CONNECTIVITY

1. **Streetscape Standards for Collectors & Non-Fronting Thoroughfares.** All streets, excluding drives, fire lanes and private parking areas, shall be built according to City of Rockwall street standards, as modified by street buffer strip elevation and street cross-section elevations attached to and incorporated by reference within the PD adopting ordinance as Appendix “F”.
  - a. **Buffer-Strip (Overlay District). North SH 205** - The landscape buffer strip shall be as described in the City of Rockwall Unified Development Code, Article V (District Development Standards), Section E (Landscape Standards), and be a minimum width of sixty (60) feet as illustrated on Appendix “G” and as indicated on the PD Concept Plan. Sidewalks and Hike / Bike trails are to be placed according to city requirements and as set forth in the Open Space Master Plan for the District.
  - b. **Buffer-Strip (Overlay District). SH 205 By-Pass** - The landscape buffer strip shall be as described in the City of Rockwall Unified Development Code, Article V (District Development Standards), Section E (Landscape Standards) and be a minimum width of fifty (50) feet as illustrated on Appendix “G” and indicated on the PD Concept Plan. Sidewalks and Hike / Bike trails are to be placed according to city requirements and as set forth in the Open Space Master Plan for the District.
  - c. **Buffer-Strip (Non Overlay District).** The landscape buffer strip shall be a minimum of ten feet (10’) on Hays Road and Quail Run Road. Sidewalks and Hike / Bike trails are to be placed according to city requirements and as set forth in the Open Space Master Plan for the District.
  - d. **Irrigation.** Any irrigation installed in landscape areas and public parks must be designed by a Texas licensed irrigator or landscape architect.
  - e. **Fencing.** The Association will maintain all common area and perimeter fencing surrounding the Property. Such perimeter fencing shall be composed of six foot (6’) tall tubular steel fencing with masonry entry features or such other fencing as may be approved by the City at the time of platting. Perimeter screening may also be accomplished by earthen berms landscaped with living screening. Property owners will maintain all fences constructed on private property.
  - f. **Curvilinear Walks.** Walks are to be a minimum of five feet (5’) wide to six feet (6’) maximum width (hike and bike trail) consistent with the approved Open Space Master Plan. “Collector streets” with or without center medians may incorporate sidewalks six feet (6’) in width adjacent to or within “front yard” landscape easements. Walks may meander within

parkway and common area; however, edge of walk shall be no closer than four feet (4') from back-of-curb.

- g. **Medians.** Any proposed median openings shall meet the City standards at the time of PD site plan approval.
2. **Lighting.** Light poles shall not exceed twenty feet (20') in height. All light fixtures shall direct light downward and be contained to the site.
3. **Sidewalks.** At a minimum, sidewalks located on streets shall begin four feet (4') behind the back of curb and be five feet (5') in overall width.
4. **Curbing.** Within certain lot types "A & C", "roll up curbing" may be incorporated in an effort to minimize frequent curb cuts and maximize streetscape continuity, as approved by the City of Rockwall (Engineering Department) with approval of the final plat application.
5. **Buried Utilities.** New distribution power-lines required to serve the Property shall be placed underground, whether such lines are located internally or along the perimeter of the 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 Property, except along the 205 Bypass. Additionally, if such above ground lines are installed along the perimeter of the property and adjacent to non-residential use, then the lines shall be installed behind the non-residential buildings where the installation is possible. The Developer shall not be required to re-locate existing overhead power-lines along the perimeter of the Property. Temporary power-lines constructed across undeveloped portions of the 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.
6. **Parks and Open Space.** Allowing inclusion of approximately 50% of the school sites and floodplain shown on the Concept Plan approximately 20.0% of the land in the District shall constitute open space, which is hereby deemed sufficient if supported by the following standards and conditions.
  - a. The District shall contain not less than 79 acres of open space including approximately 26.6 acres of floodplain as shown on Exhibit B.
  - b. Allowable open space may include but is not limited to public or private parks, trails, natural areas, buffers, traffic circle medians, entry features, common areas (including any Association recreation center or similar facilities) and other features depicted on the Concept Plan, as set forth in the Open Space Master Plan prepared in accordance with subparagraph (c) below. Street right of way will not be included as open space. At least 80% of the single-family dwellings within the development shall be

located within eight hundred feet (800') of public or private open space. In order to qualify, such open space must be at least one (1) continuous acre, not including roadways buffers less than fifty (50') feet in width, in area.

- c. The Developer shall prepare the Open Space Master Plan to be consistent with the approved Concept Plan. The purpose of an Open Space Master Plan is to supplement the Concept Plan by providing an additional level of detail for public and private open space areas. The Open Space Master Plan shall identify the locations of and improvements to public parks, school sites and other public and private open space or common areas, taking into consideration the proximity of single-family dwellings, as required by subparagraph (a), and shall illustrate an integral system of trail improvements that, together with intervening land held by other property owners or the City, is designed to connect residential areas, schools and retail areas within the District to parks and open space within the District and that provides for continuation and connection of the trail system to off-site parks and open space, in accordance with the City's Master Park and Recreation Plan. The Open Space Master Plan shall clearly differentiate public parks from private facilities and common lands to be maintained by the Association. The locations of public parks, school sites and other public and private open space or common areas shown on the Open Space Master Plan shall be in conformance with the Concept Plan, except as otherwise provided in Article II, Section 7 of the Capital Facilities Agreement pertaining to school sites. The Open Space Master Plan shall include a phasing plan for construction of all trails and parks, and common open space and facilities. The Open Space Master Plan shall be considered for approval if it complies with this section, the applicable City regulations, the Concept Plan, and generally accepted park planning practices.
- d. The District shall contain not less than 7.8 acres of land to be used as public or private parkland. A minimum of seven and eight/tenths (7.8) contiguous acres shall be dedicated to the City in accordance with the City's Neighborhood Parkland Dedication Ordinance on approval of the final plat for the first phase of the development. This dedication shall include the dedication of a five (5) foot wide parcel to connect the City Park within the Property to the existing City property to the east of the middle school. The remaining area will be retained as a private park within the District. Park improvements shall be constructed in accordance with the approved Open Space Master Plan. The site plan incorporating the design of park improvements and hike /bike trail improvements shall be considered for approval with the final plat for the phase of the development containing such improvements. Performance of the obligations in this subparagraph shall be deemed to fully satisfy the City's Neighborhood Parkland Dedication Ordinance regarding land dedication. At the time of recordation of final plats for each phase, Developer shall pay park improvement fees to the City. These fees shall be held in an

escrow account until the commencement of Phase 3, at which time the Developer shall inform the City if the Developer wishes to use the escrowed fees as well as future fees to construct park improvements. Said improvements shall be approved by Parks Director, approval not to be unreasonably withheld, and invoices for improvements shall be submitted to Parks Director for approval. Performance of the obligations in this subparagraph shall be deemed to fully satisfy the City's Neighborhood Parkland Dedication Ordinance regarding park development fees, provided that park improvements are installed at a value equal or exceeding the value of park improvement fees for the entire District applicable at that time, or improvement fees are paid. Thereafter, the Developer shall not be responsible for additional parkland dedication or park development fees associated with the Property, except as otherwise may be provided in a capital facilities agreement approved by the City.

Developer shall provide a minimum of four (4) retention ponds in the District with hard edges and fountain features as generally shown on the Concept Plan. The exact configuration and location of the ponds will be determined at development. All retention pond hardedges shall be similar to the hardedge shown on Appendix C.

7. **Signage.** Permanent subdivision identification signage shall be permitted at all major entry points, in general conformance to the signage shown in Appendix D. Final design of entry features to be determined with the Planned Development Site Plan.
8. **Variations.** The variance procedures and standards for approval set forth in the Unified Development Code shall apply to any application for variations to this ordinance.
9. **Amenity Center.** Developer shall construct and an amenity center in approximate size and detail as shown on Appendix E.
10. **Trees.** All trees planted within the District shall be a minimum three (3) inch caliper measured six (6) inches above the root ball.

CITY OF ROCKWALL

ORDINANCE NO. 11-35

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (ORD. NO. 04-38), ORDINANCE NO. 07-13 AND ORDINANCE NO. 09-44, OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO AMEND THE PD CONCEPT PLAN FOR (PD-70) PLANNED DEVELOPMENT NO. 70 DISTRICT, SPECIFICALLY TO RECONFIGURE AND ENLARGE FROM 7.0-ACRES TO APPROXIMATELY 8.402-ACRES THE "COMMERCIAL" TRACT DESCRIBED IN EXHIBIT "A" ATTACHED HEREIN; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City has received a request from Richard Skorburg of Stone Creek Balance, Ltd, for an amendment to the Planned Development No. 70 district "PD Concept Plan," specifically to reconfigure and enlarge from 7.0-acres to approximately 8.402-acres the "Commercial" tract described in Exhibit "A" attached herein, generally situated at the southwestern corner of the PD; 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 should be amended as follows:

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

**Section 1.** That the Unified Development Code, Ordinance No. 07-13 and Ordinance No. 09-44, as heretofore amended, shall be further amended by amending the PD Concept Plan for (PD-70) Planned Development No. 70 district.

**Section 2.** That development of the Property shall generally be in accordance with the amended PD Concept Plan, attached hereto and incorporated herein by reference as Exhibit "B."

**Section 3.** That development of the Property shall continue to be governed by the approved PD Development Standards (Exhibit "C" in Ordinance No. 09-44), each of which is deemed hereby to be a condition of approval of the change in zoning classification for the Property.

**Section 4.** That all procedures and requirements from Ordinance 07-13 shall remain in effect with this amendment, and any previously approved documents (e.g. Open Space Master Plan, Master Plat, Preliminary Plat) relating to development within PD-70 shall remain valid in accordance with the requirements of Ordinance 07-13, the Texas Local Government Code and the City of Rockwall Subdivision Regulations where applicable.

**Section 5.** A PD Development Plan must be approved for the approximately 8.402-acre area described in Exhibit "A" attached herein and also designated on the PD Concept Plan (Exhibit B) as "Commercial;" however, the PD Development Plan application may be processed by the City concurrently with a preliminary plat application and a PD site plan application. The PD Development Plan shall include proposed access points into the commercial tract and a more detailed plan for the preservation of existing trees and floodplain on the property, which shall be reviewed for compliance with all City of Rockwall standards.

**Section 6.** That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

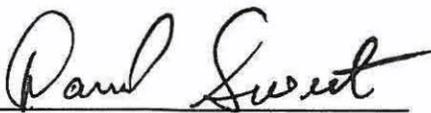
**Section 7.** That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000.00) for each offense and each and every day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

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

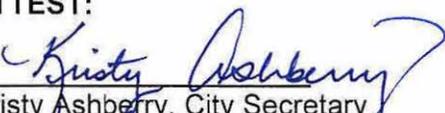
**Section 9.** The standards in this ordinance shall control in the event of a conflict between this ordinance and any provision of the Unified Development Code or any provision of the City Code, ordinance, resolution, rule, regulation, or procedure that provides a specific standard that is different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

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

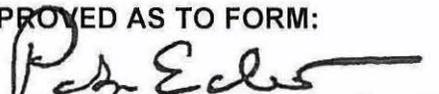
**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 15th day of August, 2011.**

  
\_\_\_\_\_  
David Sweet, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Kristy Ashberry, City Secretary

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Pete Eckert, City Attorney



1<sup>st</sup> Reading: 08-01-11

2<sup>nd</sup> Reading: 08-15-11

Exhibit "A"  
PD-70 Retail Tract (8.402-acres)

LEGAL DESCRIPTION

BEING, a tract of land situated in the W.T. Deweese Survey, Abstract No. 71, in the City of Rockwall, Rockwall County, Texas, being part of a 392.938 acres of land, in the Deed Records Rockwall County, Texas, as described in Volume 64, Page 22, in the Deed Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING, at a 5/8 inch iron rod found at the most westerly southwest corner of said 392.938 acre tract, being in the east line of F.M. 205 (Variable R.O.W.);

THENCE, North 14°18'45" West, along the east line of said F.M. 205 and the west line of said 392.938 acre tract, for a distance of 490.00 feet, to a point for corner;

THENCE, North 75°41'15" East, departing said lines, for a distance of 310.00 feet, to a point for corner;

THENCE, South 14°18'45" East, for a distance of 256.58 feet, to a point for corner;

THENCE, North 88°24'39" East, for a distance of 291.88 feet, to a point for corner;

THENCE, South 00°25'24" East, for a distance of 100.02 feet, to a point for corner;

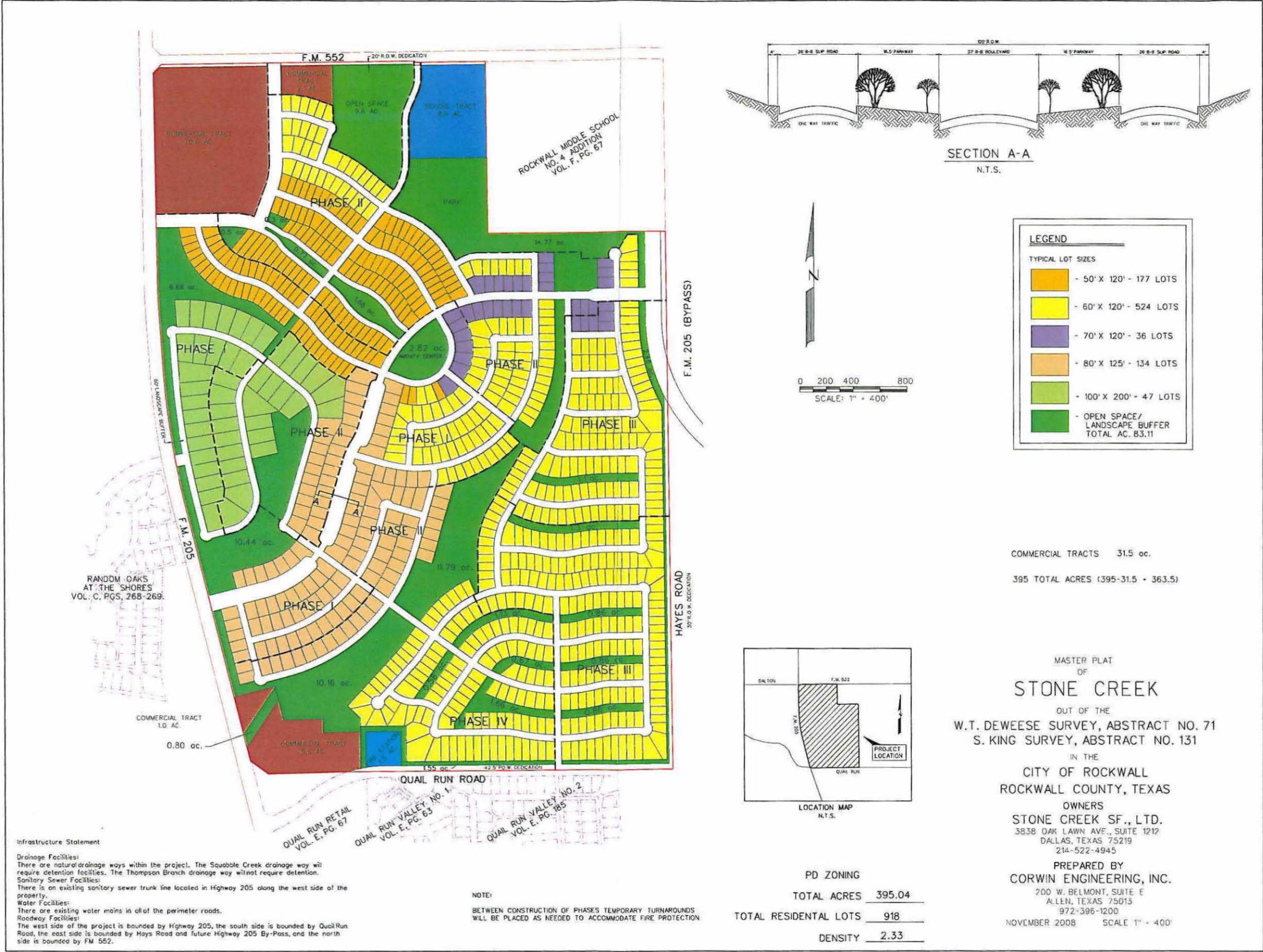
THENCE, North 88°24'39" East, for a distance of 275.06 feet, to a point for corner;

THENCE, South 00°25'24" East, for a distance of 295.61 feet, to a point in the south line of said 392.938 acre tract;

THENCE, South 88°24'39" West, along the south line of said 392.938 acre tract, for a distance of 650.72 feet, to ½ inch iron rod found at the most southerly southwest corner of said 392.938 acre tract;

THENCE, North 54°44'21" West, continuing along said south line, for a distance of 165.14, to the POINT OF BEGINNING and containing 8.402 acres of land.

# Exhibit "B" Revised PD Concept Plan



CITY OF ROCKWALL

ORDINANCE NO. 17-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 70 (PD-70) [ORDINANCE NO. 07-13, ORDINANCE NO. 09-44, & ORDINANCE NO. 11-35] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A PD DEVELOPMENT PLAN FOR A GROCERY STORE ON A 7.46-ACRE PORTION OF A LARGER 164.812-ACRE TRACT OF LAND IDENTIFIED AS TRACT 3 OF THE S. KING SURVEY, ABSTRACT NO. 131, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City has received a request by Sarah Williamson of Kimley-Horn and Associates on behalf of Stone Creek SF LTD & Stone Creek Balance LTD for the approval of a PD Development Plan for the development of a grocery store within Planned Development District 70 (PD-70) on a 7.46-acre portion of a larger 164.812-acre tract of land identified as Tract 3 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, and more fully described in *Exhibit 'A'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

**WHEREAS**, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that Planned Development District 70 (PD-70) [*Ordinance No. 07-13, Ordinance No. 09-44, & Ordinance No. 11-35*] and 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 Planned Development District 70 (PD-70) [*Ordinance No. 07-13, Ordinance No. 09-44, and Ordinance No. 11-35*] and the Unified Development Code [*Ordinance No. 04-38*], as heretofore amended, shall be further amended by amending the *Concept Plan* approved with *Ordinance No. 11-35* and the official zoning map of the City of Rockwall so as to approve a *PD Development Plan* for the *Subject Property*; and,

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

**Section 3.** That the *Subject Property* shall be used only in the manner and for the purposes provided for in Planned Development District 70 (PD-70) [*Ordinance No. 07-13, Ordinance No. 09-44, & Ordinance No. 11-35*], the Unified Development Code [*Ordinance No. 04-38*], and in compliance with the following conditions and requirements:

- 1) The development of the *subject property* shall generally conform to this PD Development Plan Ordinance; and,
- 2) The building elevations submitted with the site plan will require a recommendation from the Architectural Review Board (ARB) prior to approval by the Planning and Zoning Commission (*and City Council if variances are necessary*); and,
- 3) Prior to the issuance of a building permit, the applicant shall submit and seek approval of a final plat.

**Section 4.** The official zoning map of the City of Rockwall, Texas be corrected to reflect the changes in zoning described in this ordinance;

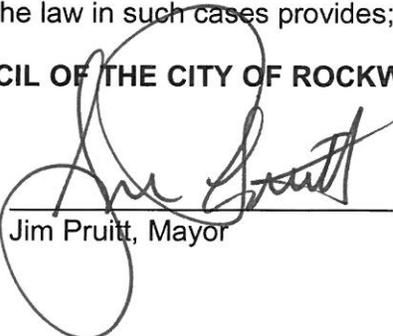
**Section 5.** That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *Two Thousand Dollars* (\$2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense;

**Section 6.** 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 7.** 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 8.** 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 6<sup>th</sup> DAY OF FEBRUARY, 2017.**



\_\_\_\_\_  
Jim Pruitt, Mayor

**ATTEST:**

*Kristy Cole*  
Kristy Cole, City Secretary

**APPROVED AS TO FORM:**

*Frank J. Garza*  
Frank J. Garza, City Attorney

1<sup>st</sup> Reading: 01-17-2017

2<sup>nd</sup> Reading: 02-06-2017



**Exhibit 'A':**  
*Legal Description*

**LEGAL DESCRIPTION**

7.456 ACRES

**BEING** a tract of land situated in the S. King Survey, Abstract No.131, City of Rockwall, Rockwall County, Texas and being part of a tract of land described in Special Warranty Deed to Stone Creek Balance, LTD, recorded in Instrument No. 2007000375394, Official Public Records, Collin County, Texas, and being part of a tract of land described in Special Warranty Deed to Meritage Homes of Texas, LLC, recorded in Instrument No. 20150000013037, Official Public Records, Rockwall County, Texas, and being part of Lot 27, Block A, of Stone Creek Phase VII, an addition to the City of Rockwall, Texas, according to the plat thereof recorded in Instrument No. 20160000011737, Official Public Records, Rockwall County, Texas, and being more particularly described as follows:

**BEGINNING** at a Concrete Monument found at the north corner of a right-of-way corner clip for the east right-of-way line of State Highway 205 (N Goliad Street - a variable width right-of-way)

**THENCE** with said east right-of-way line, North 14°18'59" West, a distance of 100.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set;

**THENCE** departing said east right-of-way line, North 38°46'11" East, a distance of 387.72 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set in a south line of Lot 8, Block D, Stone Creek Phase IV, an addition to the City of Rockwall, Texas, according to the plat thereof recorded in Cabinet H, Slide 317, Plat Records, Rockwall County, Texas;

**THENCE** with the south line of said Lot 8, the following course and distances, to wit:

South 14°18'59" East, a distance of 100.00 feet to a 1/2-inch iron rod with plastic cap stamped "CORWIN" found;

North 88°26'01" East, a distance of 96.46 feet to a 1/2-inch iron rod with plastic cap stamped "CORWIN" found at the most westerly southwest corner of said Lot 28;

**THENCE** with the south line of said Lot 28, North 88°27'32" East, passing at a distance of 195.78 feet a 1/2-inch iron rod with plastic cap stamped "CORWIN" found for a south corner of said Lot 28, departing said south line and continuing in all a total distance of 513.73 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set;

**THENCE** South 0°02'44" West, passing at a distance of 101.33 feet the north west corner of a tract of land described as Quail Run Fire Station recorded in Special Warranty Deed to The City of Rockwall, recorded in Vol. 5635, Pg. 211, Deed Records, Rockwall County, Texas, and continuing with the west line of said Quail Run Fire Station, passing at a distance of 262.60 feet the southwest corner of said Quail Run Fire Station, continuing with the north right-of-way line of Quail Run Drive (a variable width public right-of-way) in all a total distance of 395.49 feet to a point for corner;

**THENCE** with said north right-of-way line, South 89°34'22" West, a distance of 67.13 feet to a point for corner for the northeast corner of Lot 1, Block B of Quail Run Retail, an addition to the City of Rockwall, Texas, according to the plat thereof recorded in Cabinet E, Slide 67, Plat Records, Rockwall County, Texas;

**THENCE** with the north line of said Lot 1, South 88°24'25" West, a distance of 650.72 feet to a 1/2-iron rod with plastic cap stamped "CARTER & BUGESS" found at the southeast corner of said right-of-way corner clip;

**THENCE** departing said north line and with said corner clip, North 54°44'35" West, a distance of 165.14 feet to the **POINT OF BEGINNING** and containing 7.456 acres or 324797 square feet of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

