

ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, November 21, 2022 - 5:00 PM

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

I. Call Public Meeting to Order

II. Executive Session.

The City of Rockwall City Council will Recess into Executive Session to discuss the following matter as authorized by Chapter 551 of the Texas Government Code:

1. Discussion regarding status of case in the Northern District of Texas, Dallas Division pursuant to Section §551.071 (Consultation with Attorney).

III. Adjourn Executive Session

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

V. Invocation and Pledge of Allegiance - Mayor Pro Tem Johannesen

VI. Open Forum

This is a time for anyone to address the Council and public on any topic not already listed on the agenda or set for a public hearing. Per Council policy, public comments should be limited to three minutes out of respect for other citizens' time. If you have a topic that warrants longer time, please contact the City Secretary at kteague@rockwall.com to be placed on the Agenda during the "Appointment Items" portion of the meeting. This will allow your topic to be provided sufficient time for discussion and will permit proper notice to be given to the public. On topics raised during Open Forum, please know Council is not permitted to respond to your comments during the meeting since the topic has not been specifically listed on the agenda (the Texas Open Meetings Act requires that topics of discussion/deliberation be posted on an agenda not less than 72 hours in advance of the Council meeting). This, in part, is so that other citizens who may have the same concern may also be involved in the discussion.

VII. Take any Action as a Result of Executive Session

VIII. Consent Agenda

These agenda items are routine/administrative in nature, have previously been discussed at a prior City Council meeting, and/or they do not warrant Council deliberation. If you would like to discuss one of these items, please let the City Secretary know before the meeting starts so that you may speak during "Open Forum."

1. Consider approval of the minutes from the November 7, 2022 regular city council meeting, and take any action necessary.
2. Consider approval of an **ordinance** regarding City of Rockwall's participation in the Texas Enterprise Zone Program for the following project: Channell Commercial Corporation located at 1700 Justin Road, Rockwall, TX 75087 as a Texas Enterprise Zone Project to the Office of the Governor Economic Development and Tourism, and take any action necessary. **(2nd Reading)**
3. Consider approval of an **ordinance** amending Chapter 12, Article XII, Section 12 by amending Section 12-1250 through 12-1253 of the Code of Ordinances regarding regulation of non-emergency ambulance services in the City, and take any action necessary **(2nd reading)**.
4. Consider authorizing the City Manager to execute a contract with Birkhoff, Hendricks & Carter, LLP. for the John King Blvd. Utility Relocation Project in the amount of \$582,780.00 to be funded by Water/Sewer Bonds, and take any action necessary.
5. Consider awarding a bid to Axis Construction and authorizing the City Manager to execute the contract for modifications to the Squabble Creek Sewer Bypass Pump in the amount of \$33,630 to be funded by the Wastewater Operating Budget, and take any action necessary.

6. **P2022-055** - Consider a request by Meredith Joyce of Michael Joyce Properties on behalf of Peter H. Shaddock, Jr. of SH Dev Klutts Rockwall, LLC for the approval of a *Final Plat* for Phase 1 of the Homestead Subdivision consisting of 175 single-family residential lots and being a 129.485-acre portion of a larger 195.3177-acre tract of land identified as Tract 6 of the J. A. Ramsey Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 92 (PD-92), generally located at the northeast corner of the intersection of FM-549 and FM-1139, and take any action necessary.
7. **P2022-056** - Consider a request by Ryan Joyce of Michael Joyce Properties on behalf of William Johnson of LTL Family Holdings, LLC for the approval of a *Final Plat* for the Marina Village Subdivision being a 6.88-acre tract of land identified as Lot 4, Block A, Spyglass Hill #4 Addition and Tract 134-12 of the E. Teal Survey, Abstract No. 207, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) [Ordinance No. 92-39] for Zero Lot Line (ZL-5) District land uses, generally located on the south side of Henry M. Chandler Drive west of Ridge Road [FM-740], and take any action necessary.

IX. Public Hearing Items

If you would like to speak regarding an item listed below, please turn in a (yellow) "Request to Address City Council" form to the City Secretary either before the meeting or as you approach the podium. The Mayor or Mayor Pro Tem will call upon you to come forth at the proper time. Please limit your comments to no more than three minutes.

1. **Z2022-047** - Hold a public hearing to discuss and consider a request by Javier Silva and JMS Custom Homes, LLC for the approval of an **ordinance** for a *Zoning Change* from Agricultural (AG) District to a General Retail (GR) District for a 1.837-acre tract of land identified as Tract 6 of the M. B. Jones Survey, Abstract No. 122, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, generally located on the east side of FM-1141 south of the intersection of Waters Edge Drive and FM-1141, and take any action necessary (**1st Reading**).
2. **Z2022-048** - Hold a public hearing to discuss and consider a request by Bryan Cook for the approval of an **ordinance** for a *Specific Use Permit (SUP)* allowing a *Guest Quarters/Secondary Living Unit* and *Detached Garage* on a one (1) acre parcel of land identified as Lot 13, Block A, Saddlebrook Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 16 (SF-16) District, addressed as 2348 Saddlebrook Lane, and take any action necessary (**1st Reading**).
3. **Z2022-049** - Hold a public hearing to discuss and consider a request by Deanna Welch-Williams of Sheldon Custom Homes on behalf of Kenneth and Debbie Wade for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for *Residential Infill Adjacent to an Established Subdivision* for the purpose of constructing a single-family home on a 0.3080-acre parcel of land identified as Lot 6, Block A, Eagle Point Estates Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, situated within the Scenic Overlay (SOV) District, addressed as 1505 S. Alamo Street, and take any action necessary (**1st Reading**).
4. **Z2022-050** - Hold a public hearing to discuss and consider approval of an **ordinance** for a *Text Amendment* to Article 05, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 20-02] for the purpose of making minor changes to Subsection 06.16, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, and take any action necessary (**1st Reading**).

X. Executive Session.

The City of Rockwall City Council will Recess into Executive Session to discuss the following matter as authorized by Chapter 551 of the Texas Government Code:

1. Discussion regarding status of case in the Northern District of Texas, Dallas Division pursuant to Section §551.071 (Consultation with Attorney).

XI. Reconvene Public Meeting & Take Any Action as Result of Executive Session

XII. Adjournment

This facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (972) 771-7700 or FAX (972) 771-7727 for further information.

The City of Rockwall City Council reserves the right to adjourn into executive session at any time to discuss any of the matters listed on the agenda above, as authorized by Texas Government Code ¶ 551.071 (Consultation with Attorney) ¶ 551.072 (Deliberations about Real Property) ¶ 551.074 (Personnel Matters) and ¶ 551.087 (Economic Development)

I, Kristy Teague, City Secretary for the City of Rockwall, Texas, do hereby certify that this Agenda was posted at City Hall, in a place readily accessible to the general public at all times, on the 18th day of Nov., 2022 at 4:00 p.m. and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

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

Date Removed

ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, November 07, 2022 - 5:00 PM

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

I. CALL PUBLIC MEETING TO ORDER

Mayor Fowler called the meeting to order at 5:00 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem Trace Johannesen, and Councilmember Clarence Jorif, Dana Macalik, Anna Campbell, Bennie Daniels and Mark Moeller, Also present were City Manager Mary Smith and Assistant City Manager Joey Boyd. City Attorney Frank Garza joined the meeting virtually for Executive Session only.

Mayor Fowler then read the below-listed discussion item into the record before recessing the public meeting to go into Executive Session at 5:01 p.m.

II. EXECUTIVE SESSION.

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

1. Discussion regarding appointments to city regulatory boards, commissions, and committees - specifically the Rockwall Economic Development Corporation (REDC) - pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development)
3. **Pulled from Public Meeting Agenda - Action Item #3** - Discuss and consider an **ordinance** amending Chapter 12, Article XII, Section 12 by amending Section 12-1250 through 12-1253 of the Code of Ordinances regarding regulation of non-emergency ambulance services in the City, and take any action necessary (**1st reading**).

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Ex. Session at 5:35 p.m.

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

Mayor Fowler reconvened the public meeting at 6:00 p.m.

V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER MACALIK

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

VI. PROCLAMATIONS / AWARDS / RECOGNITIONS

1. Rockwall's American Flag Dedication Celebration Day

Mayor Fowler announced that an official dedication ceremony is scheduled to be held this Saturday, on-site, at 9:30 a.m. He then called forth Councilmember Daniels, Mayor Pro Tem Trace Johannesen and Rockwall citizen John Adams and read and presented them with this proclamation. Mayor Fowler generally indicated that he and members of Council have all received many, many comments and compliments related to the new flag. Councilmember Daniels shared that Mr. David Cutcomb, who was a part of this project, just had open heart surgery today. He asked that everyone please keep him in

your prayers. He also asked that when folks see the flag, that they think of positive things when doing so. Councilman Daniels generally thanked all those who have played a part in this project.

VII. OPEN FORUM

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

VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Regarding existing REDC board members Carin Brock, Justin Lee, Eric Burress, and Darren Shue, Mayor Pro Tem Johannesen moved to reappoint each of these board members to serve an additional, two-year term on the Rockwall Economic Development Corporation (REDC) Board (expiring in December of 2024). Councilmember Campbell seconded the motion, which passed by a vote of 7 ayes to 0 nays.

IX. CONSENT AGENDA

1. Consider approval of the minutes from the October 17, 2022 regular city council meeting, and take any action necessary.
2. **2022-044** - Consider approval of an **ordinance** for a Text Amendment to Article 02, *Development Review Authority*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] and Article III, *Boards, Commissions, Committees*, of Chapter 2, *Administration*, of the Municipal Code of Ordinances, and take any action necessary **(2nd Reading)**.
3. **2022-046** - Consider approval of an **ordinance** for a Text Amendment to Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*], and take any action necessary **(2nd Reading)**.
4. **P2022-051** - Consider a request by Sam Carroll of Carroll Consulting Group, Inc. on behalf of Erick Cruz Mendoza for the approval of a Final Plat for Lot 1, Block G, Lake Rockwall Estates East Addition being a 0.1652-acre parcel of land identified as Lot 873-A of Rockwall Lake Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 481 Blanche Drive, and take any action necessary.
5. **P2022-052** - Consider a request by Keaton Mai of the Dimension Group on behalf of Justin Webb of Rockwall 205 Investors, LLC and Michael Hampton of 549 Crossing, LP for the approval of a Final Plat for Lots 1-14, Block A, Creekside Commons being a 34.484-acre tract of land identified as Tracts 17-5 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, generally located at east of the intersection of S. Goliad Street [*SH-205*] and S. FM-549, and take any action necessary.
6. **P2022-053** - Consider a request by Humberto Johnson, Jr. of the Skorborg Company on behalf of Larry Hance of R & R Investments for the approval of a Master Plat for the Quail Hollow Subdivision consisting of 250 single-family residential lots on a 85.63-acre tract of land identified as Tracts 2-01, 2-04, 2-05 & 2-06 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 96 (PD-96) for Single-Family 10 (SF-10) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, generally located at the southeast corner of the intersection of Hays Road and John King Boulevard, and take any action necessary.
7. **P2022-054** - Consider a request by Bowen Hendrix of DuWest Realty, LLC for the approval of a Final Plat for Lots 1-3, Block A, DuWest Addition being an 8.684-acre tract of land identified as Tract 3-10 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 70 (PD-70) for limited General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, located on the eastside

- of N. Goliad Street [SH-205] north of the intersection of Quail Run Road and N. Goliad Street [SH-205], and take any action necessary.
8. Consider approving and authorizing the City Manager to execute a contract with B&B Concrete Sawing for emergency culvert repairs at Emerald Bay Park in the amount of \$27,500 to be funded by General Fund Reserves, and take an action necessary.
 9. Consider authorizing the City Manager to execute a professional engineering services contract and associated purchase orders with Parkhill to perform professional engineering services for a 4-acre park development over a closed TCEQ landfill at 219 Cornelius Rd, in an amount not to exceed \$37,000.00 to be funded by the Recreation Development Fund, and take any action necessary.
 10. Consider awarding a contract to C and M Steel Services and authorize the City Manager to execute said contract for the design build of a new Parks Department Building at the city's Service Center in the amount of \$106,244.75 to be funded by the Parks Operations Budget, and take any action necessary.
 11. Consider approval of joining multiple cooperative purchasing programs and authorizing the City Manager to execute associated agreements, and take any action necessary.
 12. Consider approving contract renewals for concrete and asphalt pavement repairs and maintenance and authorizing the City Manager to execute associated purchase orders to multiple vendors for a total of \$2,067,000 to be funded by the Streets & Drainage Operating Budget, and take any action necessary.
 13. Consider awarding a bid to Wilson Bauhaus Interiors and authorizing the City Manager to execute associated purchase orders in the amount of \$88,064.85 for new office furniture at Police Department South, Rockwall City Hall, and The Center to be funded by the Police Criminal Investigations Budget and the Internal Operations Department budget, and take any action necessary.

Councilmember Jorif moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13). Councilmember Campbell seconded the motion. The ordinance captions were read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 22-55**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES AND UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING ARTICLE III, *BOARDS, COMMISSIONS, COMMITTEES*, OF CHAPTER 2, *ADMINISTRATION*, OF THE MUNICIPAL CODE OF ORDINANCES AND ARTICLE 02, *DEVELOPMENT REVIEW AUTHORITY*, OF THE UNIFIED DEVELOPMENT CODE (UDC) AS DEPCITED IN *EXHIBITS 'A' & 'B'* OF THIS ORDINANCE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**CITY OF ROCKWALL
ORDINANCE NO. 22-57**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING ARTICLE 04, *PERMISSIBLE USES*, AS DEPCITED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;

PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 7 ayes to 0 nays.

X. PUBLIC HEARING ITEMS

1. Hold a public hearing to receive public comments on a Texas Enterprise Zone Application pursuant to the Texas Enterprise Zone Act, for the following project: Channell Commercial Corporation located at 1700 Justin Road, Rockwall, TX 75087 as a Texas Enterprise Zone Project to the Office of the Governor Economic Development and Tourism and to also receive public comment on proposed ordinance.

Phil Wagner, President of the Rockwall Economic Development Corporation, came forth and introduced a consultant, Reece Macdonald, Director of Site Selection and Business Incentives Consulting for a company called "Ryan." Mr. Wagner explained that this application has no fiduciary impact on the City of Rockwall. Essentially, Channell is applying in hopes of receiving some economic incentives from the State of Texas. Mr. Reece explained that only 12 applications are accepted, statewide each quarter.

Mayor Fowler opened the public hearing; however, no one indicated a desire to speak, so he closed the public hearing.

No action was taken at this point related to this agenda item (see Action Item #2 below for related action).

XI. ACTION ITEMS

1. **Z2022-045** - Discuss and consider a request by Tony Trammel for the approval of an ordinance for a *Specific Use Permit (SUP)* allowing *Solar Panels* exceeding 1,000 SF of coverage on a residential home situated on a 0.1947-acre parcel of land identified as Lot 20, Block D, Lynden Park Estates Subdivision, Phase 3, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 17 (PD-17) for Single Family 7 (SF-7) District land uses, addressed as 125 Lanshire Drive, and take any action necessary (2nd Reading).

Indication was given that this agenda item did not receive unanimous approval last time. So it has been placed under Action Items for consideration. Mayor Pro Tem Johannesen moved to approve this ordinance. Councilmember Macalik seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 22-56
SPECIFIC USE PERMIT NO. S-289**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW SOLAR PANELS ON A 0.1947-ACRE PARCEL OF LAND IDENTIFIED AS LOT 20, BLOCK D, LYNDEN PARK ESTATES ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 5 ayes to 2 nays (Daniels and Moeller).

2. Discuss and consider an **ordinance** regarding City of Rockwall’s participation in the Texas Enterprise Zone Program for the following project: Channell Commercial Corporation located at 1700 Justin Road, Rockwall, TX 75087 as a Texas Enterprise Zone Project to the Office of the Governor Economic Development and Tourism, and take any action necessary. **(1st reading)**

Councilmember Jorif moved to approve this ordinance. Councilmember Daniels seconded the motion. Councilmember Daniels asked if the city will be involved in any way in monitoring any monies received from the State of TX. Mr. Reece indicated that his company will have to prepare a report once per year, and the city will have no involvement in said report. Clarification was given that this could result in the company receiving an exemption from state sales taxes (not local, though).

The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 22-58**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ORDAINING THE CITY’S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE (“ACT”), PROVIDING TAX INCENTIVES, DESIGNATING THE CITY MANAGER AS A LIAISON AND NOMINATING CHANNELL COMMERCIAL CORPORATION (“CHANNELL”) TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT & TOURISM (“EDT”) THROUGH THE ECONOMIC DEVELOPMENT BANK (BANK) AS AN ENTERPRISE PROJECT (“PROJECT”).

The motion passed by a vote of 7 ayes to 0 nays.

3. Discuss and consider an **ordinance** amending Chapter 12, Article XII, Section 12 by amending Section 12-1250 through 12-1253 of the Code of Ordinances regarding regulation of non-emergency ambulance services in the City, and take any action necessary **(1st reading)**.

City Manager Mary Smith provided brief background information related to this agenda item. She has provided a memo the city council that outlines the history of ambulance service provision for the city over the last 20+ years. Mayor Fowler again mentioned the explanatory memo that has been made available to the public online within the informational meeting packet. Councilmember Jorif indicated that he would like to recuse himself from this vote because he is a nationally registered EMT (and the contractor, Medic Rescue, holds his license on his behalf).

Councilmember Campbell moved to approve the ordinance, as presented. Councilmember Moeller seconded the motion. The ordinance caption was read as follows:

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 12, ARTICLE XII, SECTION 12 BY AMENDING SECTIONS 12-1250 THROUGH 12-1253 OF THE CODE OF ORDINANCES, REGULATING AMBULANCE SERVICES IN THE CITY; PROVIDING FOR RELATED MATTERS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes with 1 abstention (Jorif).

4. Discuss and consider an appointment to the city's ART Commission to fill a vacant seat, and take any action necessary.

Councilmember Macalik moved to appoint Kathy Howard to the city's ART Commission to fill a vacant seat (left by Kosterman, to run through August of 2023). Councilmember Campbell seconded the motion, which passed unanimously of Council (7 to 0).

XII. CITY MANAGER'S REPORT, DEPARTMENTAL REPORTS AND RELATED DISCUSSIONS PERTAINING TO CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

1. Building Inspections Department Monthly Report - September 2022
2. Police Department Monthly Report - September 2022
3. Parks & Rec. Department Monthly Report - September 2022
4. Sales Tax Historical Comparison
5. Water Consumption Historical Statistics

City Manager, Mrs. Smith encouraged city councilmembers to be prepared for a lot of upcoming holiday-related events and to be sure to add those events to their calendars. Mayor Fowler mentioned the upcoming flag dedication ceremony the day after Veteran's Day (Sat., Nov. 12 at 9:30 AM).

XIII. EXECUTIVE SESSION.

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

1. Discussion regarding appointments to city regulatory boards, commissions, and committees - specifically the Rockwall Economic Development Corporation (REDC) - pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development)

XIV. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

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

XV. ADJOURNMENT

Mayor Fowler adjourned the meeting at 6:26 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 21st DAY OF NOVEMBER, 2022.

KEVIN FOWLER, MAYOR

ATTEST:

KRISTY TEAGUE, CITY SECRETARY

CITY OF ROCKWALL

ORDINANCE NO. 22-58

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ORDAINING THE CITY'S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE ("ACT"), PROVIDING TAX INCENTIVES, DESIGNATING THE CITY MANAGER AS A LIAISON; NOMINATING CHANNELL COMMERCIAL CORPORATION ("CHANNELL") TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT & TOURISM ("EDT") THROUGH THE ECONOMIC DEVELOPMENT BANK (BANK) AS AN ENTERPRISE PROJECT ("PROJECT"); AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Rockwall, Texas (the "City") desires to create the proper economic and social environment to induce the investment of private resources in productive business enterprises located in distressed areas of the city and to provide employment to residents of such area; and

WHEREAS, the project or activity is not located in an area designated as an enterprise zone and pursuant to Chapter 2303, Subchapter F of the Act, Channell Commercial Corporation has applied to the City for designation as an enterprise project; and

WHEREAS, the City finds that Channell meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act and qualified for tax relief and other incentives adopted by the City on the grounds that it will be located at the qualified business site, will create a higher level of employment and economic activity; and

WHEREAS, a public hearing to consider this ordinance was held by the City Council on November 7, 2022;

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

Section 1: The City nominates Channell for enterprise project status.

Section 2: The City will negotiate legally available economic incentives, at the sole discretion of the City Council that may be made available to the nominated project or activity of the qualified business. The following local incentives, at the election of the governing body, are or will be made available to the nominated project or activity of the qualified business.

- a) Freeport Exemptions
- b) Economic Development Sales Tax (4A) Contribution
- c) Other Tax Deferrals, Tax Refund or Tax Incentives
- d) Zoning Changes/Variances
- e) Streamline Permitting
- f) Community Crime Prevention Programs
- g) Job Training and Employment Services
- h) Vocational Education through local education facilities
- i) Chapter 380 Agreements

Section 3: The enterprise zone areas within the City are reinvestment zones in accordance with the Texas Tax Code, Chapter 312.

Section 4: The City of Rockwall City Council directs and designates the City Manager, or their designee, as the City’s liaison to communicate and negotiate with the EDT through the Bank and Enterprise Project(s) and to oversee enterprise zone activities and communications with qualified businesses and other entities in an enterprise zone or affected by an Enterprise Project.

Section 5: The City finds that Channell meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

- (a.) Channell is a “qualified business” under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site within the governing body’s jurisdiction, located outside of an enterprise zone and at least thirty-five percent (35%) of the business’ new employees will be residents of an enterprise zone, economically disadvantaged individuals, or veterans; and
- (b.) There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities in the area; and
- (c.) The designation of Channell as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

Section 6: That the Enterprise Project shall take effect on the date of designation of the enterprise project by EDT and terminate five (5) years after the date of designation.

Section 7: This ordinance shall take effect from and after its passage as the law and charter in such case provides.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 21st day of NOVEMBER, 2022.

Kevin Fowler, Mayor

ATTEST:

Kristy Teague, City Secretary

1st Reading: 11/07/2022

2nd Reading: 11/21/2022

APPROVED AS TO FORM:

Frank Garza, City Attorney

CITY OF ROCKWALL

ORDINANCE NO. 22-59

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 12, ARTICLE XII, SECTION 12 BY AMENDING SECTIONS 12-1250 THROUGH 12-1253 OF THE CODE OF ORDINANCES, REGULATING AMBULANCE SERVICES IN THE CITY; PROVIDING FOR RELATED MATTERS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Rockwall (the "City"), a Home Rule City and by State law and City Charter is permitted to establish ordinances to protect the health, safety and general welfare of its residents; and

WHEREAS, the City is a member of the "Sponsoring Local Governments" that established the County of Rockwall Emergency Services Corporation ("ESC") to contract with a provider to provide exclusive emergency ambulance service; and

WHEREAS, the City adopted Ordinance 15-28 on October 19, 2015 which amended Chapter 12, Article XII, Section 12, and the ordinance eliminated the exclusive use by the ESC contractor for non-emergency ambulance transports; and

WHEREAS, the City wishes to re-establish exclusive use by the ESC contractor for non-emergency ambulance transports because some of the other Sponsoring Local Governments are also requiring exclusive use of the ESC contractor for non-emergency ambulance transports in order to protect the health, safety and general welfare of its residents;

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

SECTION 1. FINDINGS. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

SECTION 2. AMENDMENT. Chapter 12, Article XII, Sections 12-1250 to 12-1252 and (deleting) Section 12-1253 are hereby amended to Chapter 12 and should read as follows:

ARTICLE XII. AMBULANCE SERVICE

Sec. 12-1250. - Definitions.

- **Ambulance.** Any privately or publicly owned motor vehicle that is specially designed, constructed, or modified and equipped; and is intended to be used for and is maintained or operated, for the transportation, on the streets or highways of this state; of persons who are sick, injured, wounded, or otherwise incapacitated or helpless.

- **Emergency Ambulance Services.** The operation of an ambulance for transportation in response to a 9-1-1 call to transport a sick or injured person in an ambulance after the sudden onset of a medical condition manifesting itself by acute symptoms of such severity that the absence of immediate medical attention could reasonably be expected to result in placing the patient's health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ.
- **Non-Emergency Ambulance Services.** The operation of an ambulance for any purpose other than providing emergency ambulance services.

Sec. 12-1251. - Contract required.

- A. No person shall operate or cause to be operated a vehicle for emergency ambulance purposes nor furnish, conduct, maintain, advertise or otherwise be engaged in the business or service of the transportation of emergency ambulance patients within the city unless such person is the emergency ambulance service provider currently under contract with the County of Rockwall Emergency Services Corporation to provide emergency ambulance service within Rockwall County.
- B. No person shall operate or cause to be operated a vehicle for non-emergency ambulance purposes nor furnish, conduct, maintain, advertise or otherwise be engaged in the business or service of the transportation of emergency ambulance patients within the city unless such person is the emergency ambulance service provider currently under contract with the County of Rockwall Emergency Services Corporation to provide emergency ambulance service within Rockwall County
- C. No person shall knowingly solicit ambulance services contrary to the regulations in this article.

Sec. 12-1252. - Applicability.

The provisions of section 12-1251 shall not apply to:

- A. Rendering assistance to patients in the case of a major catastrophe or emergency with which the contractor's ambulances or approved franchises are insufficient or unable to cope with the major catastrophe or emergency;
- B. Transporting a patient picked up outside of the county, traveling through the City to a destination outside of the County.
- C. Transporting a patient picked up outside of the County, traveling through the City to a destination inside the City or County.

~~Sec. 12-1253. Non-Emergency Ambulance Service.~~

~~It shall be unlawful for any person to furnish, operate or otherwise engage in the operation of non-emergency ambulance transfer service from a point originating and ending within the streets of the City without a license or certification as an emergency medical services provider issued by the State of Texas.~~

SECTION 3. REPEALING ORDINANCES IN CONFLICT. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. PENALTY. Penalty for any violation of this ordinance shall be in accordance with Section 1-13 of the City Code of Ordinances, which shall be a fine of up to \$500 for each offense.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void.

SECTION 6. SAVINGS CLAUSE. All ordinances or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed. The balance of such ordinance is hereby saved from repeal.

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective on December 15, 2022 following its publication in the local newspaper as required by the City Charter and the Texas Local Government Code.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL TEXAS, THIS 21ST DAY OF NOVEMBER, 2022.

Kevin Fowler, Mayor

ATTEST:

Kristy Teague, City Secretary

1st Reading: 11/07/2022

2nd Reading: 11/21/2022

APPROVED AS TO FORM:

Frank J. Garza, City Attorney



MEMORANDUM

TO: Mary Smith, City Manager

CC: Honorable Mayor and City Council

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

DATE: November 21, 2022

SUBJECT: JOHN KING BLVD. CONSTRUCTION " UTILITY RELOCATION PROJECT

Attachments
Contract

Summary/Background Information

The Texas Department of Transportation (TXDOT) is designing the reconstruction of John King Blvd. from SH 205 (N. Goliad St.) to SH 205 (S. Goliad). Before construction begins on John King Blvd., the City will need to relocate any existing City maintained water and wastewater lines that will be in conflict with the proposed construction.

Staff requested a proposal from Birkhoff, Hendricks, & Carter, L.L.P., to provide the engineering design, construction plans and specifications for this relocation project. The contract proposal to engineering design and plans to relocate the water and sewer is \$582,780.00.

Action Needed

Staff requests the City Council consider authorizing the City Manager to execute a contract with Birkhoff, Hendricks & Carter, LLP. for the John King Blvd. Utility Relocation Project in an amount of \$582,780.00 to be paid for out of the Water/Sewer Bonds.

STATE OF TEXAS



COUNTY OF ROCKWALL

PROFESSIONAL ENGINEERING SERVICES CONTRACT

This Agreement is made and entered into in Rockwall County, Texas, between City of Rockwall, Texas (“CITY”), a municipal corporation and political subdivision of the State of Texas, acting by and through its City Manager and Birkhoff, Hendricks and Carter, LLP, (“ENGINEER”), located at 11910 Greenville Avenue, Suite 600, Dallas, Texas, Engineers duly licensed and practicing under the laws of the State of Texas.

WHEREAS, CITY desires to engage Engineer as an independent contractor to render certain technical and professional services necessary for performing:

PROFESSIONAL ENGINEERING SERVICES for the Utility Relocations for TxDOT Conversion of John King Boulevard to State Highway (SH) 205 project.

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained herein, the Parties hereby agree as follows:

1. Scope of Work

Engineer agrees to perform professional engineering services as specifically defined in this Contract as Attachment “A” and as authorized by CITY. Specifically, Engineer shall perform Professional services as requested by CITY and defined in Attachment “A”.

The Parties by mutual agreement through contract amendments may provide for additional technical and professional services to be performed under the basic general terms and conditions of this Contract. CITY reserves the right to enter into another agreement with other engineering firms to provide the same or similar professional services during the term of this Contract for different projects.

2. Compensation & Term of Agreement

Cost for such services will be an amount not to exceed Five Hundred Eighty-Two Thousand Seven Hundred Eighty dollars (\$582,780.00) and billed in accordance with the payment schedule provided in Attachment “B”. Engineer is not authorized to perform any work beyond the limited not to exceed amount without authorized written approval by CITY.

The term of this Agreement shall commence upon execution of this agreement and follow the schedule described in Attachment “C”. In the event of termination, Engineer will assist the CITY in arranging a smooth transition process. However, Engineer’s obligation to provide services to the CITY will cease upon the effective date of termination, unless otherwise agreed in writing.

3. Method of Payment

CITY shall pay Engineer its fees based on the presentation by Engineer to CITY of a correct monthly statement for all the amounts earned under the Contract together with reasonable supporting documentation verifying the accuracy of the fees and expenses. CITY shall then pay Engineer its fee within thirty (30) days after presentation of the accurate monthly statement by Engineer to CITY. CITY is a State sales and use tax exempt political subdivision of the State of Texas. All records supporting payment shall be kept in the offices of Engineer for a period of not less than three (3) years and shall be made available to CITY for inspection, audit or copying upon reasonable request.

4. Engineer's Standard of Care

Engineer shall provide its services under this Contract with the same degree of care, skill and diligence as is ordinarily provided by a professional Engineer under similar circumstances for a similar project. Engineer represents that it has the capability, experience, available personnel, and means required to perform the services contemplated by this Contract. Services will be performed using personnel and equipment qualified and/or suitable to perform the work requested by the CITY. CITY retains the right to report to Engineer any unsatisfactory performance of Engineer personnel for appropriate corrective action. Engineer shall comply with applicable federal, state, and local laws in connection with any work performed hereunder.

Engineer will seek written CITY approval to accept any contract or perform any services for any person, entity, or business working on this project. CITY may waive this potential conflict, but such waiver is at CITY's sole discretion and its decision shall be final.

5. Ownership of Documents

As part of the total compensation which CITY has agreed to pay Engineer for the professional services to be rendered under this Contract, Engineer agrees that hard copies of all finished and unfinished documents, data, studies, surveys, drawings, specifications, field notes, maps, models, photographs, preliminary reports, reports, bid packet/construction contract documents/advertisement for bids incorporating any CITY standard provisions provided by Engineer, will remain the property of the CITY. Engineer will furnish CITY with paper and electronic copies, to the extent they are available, of all of the foregoing to facilitate coordination, however, ownership of the underlying work product shall remain the intellectual property of the Engineer. Engineer shall have the right to use such work products for Engineer's purposes. However, such documents are not intended to be suitable for reuse by CITY or others on extension of the Project or on any other project. Any reuse without the express written consent of the Engineer will be at reuser's sole risk and without liability or legal exposure to the Engineer, and CITY to the extent allowed by law, shall hold harmless the Engineer from all claims, damages, losses, expenses, and costs, including attorneys' fees arising out of or resulting from the reuse of said documents without the Engineer's consent. The granting of such consent will entitle the Engineer to further compensation at rates to be agreed upon by CITY and the Engineer. The above notwithstanding, Engineer shall retain all rights in its standard drawing details, designs, specifications, databases, computer software and any other proprietary and intellectual property information provided pursuant to this Contract, whether or not such proprietary information was modified during the course of providing the services.

6. Insurance

A. Engineer agrees to maintain Worker's Compensation and Employer's Liability Insurance to cover all of its own personnel engaged in performing services for CITY under this Contract in at least the following amounts:

Workmen's Compensation – Statutory
Employer's Liability – \$100,000
Bodily Injury by Disease - \$500,000 (policy limits)
Bodily Injury by Disease - \$100,000 (each employee)

B. Engineer also agrees to maintain Commercial General Liability, Business Automobile Liability, and Umbrella Liability Insurance covering claims against Engineer for damages resulting from bodily injury, death or property damages from accidents arising in the course of work performed under this Contract in not less than the following amounts:

\$2,000,000 General aggregate limit

\$1,000,000 each occurrence sub-limit for all bodily injury or property damage incurred all in one occurrence

\$1,000,000 each occurrence sub-limit for Personal Injury and Advertising

C. Engineer shall add CITY, its City Council members and employees, as additional insureds on all required insurance policies, except worker's compensation, employer's liability and errors and omissions insurance. The Commercial General Liability Policy and Umbrella Liability Policy shall be of an "occurrence" type policy.

D. Engineer shall furnish CITY with an Insurance Certificate on the date this Contract is executed and accepted by CITY, which confirms that all above required insurance policies are in full force and effect.

E. Engineer agrees to maintain errors and omissions professional liability insurance in the amount of not less than one million dollars (\$1,000,000) annual aggregate, on a claims made basis, as long as reasonably available under standard policies.

7. INDEMNIFICATION

ENGINEER SHALL INDEMNIFY AND SAVE HARMLESS THE CITY AND ITS CITY COUNCIL MEMBERS AND EMPLOYEES FROM SUITS, ACTIONS, LOSSES, DAMAGES, CLAIMS, OR LIABILITY, INCLUDING WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, ALL EXPENSES OF LITIGATION, COURT COSTS, AND REASONABLE ATTORNEY'S FEES FOR INJURY OR DEATH TO ANY PERSON, OR INJURY TO ANY PROPERTY, RECEIVED OR SUSTAINED BY ANY PERSON OR PERSONS OR PROPERTY, TO THE EXTENT CAUSED BY THE NEGLIGENT ACTS OF ENGINEER OR ITS AGENTS OR EMPLOYEES, IN THE EXECUTION OF PERFORMANCE OF THIS CONTRACT.

ENGINEER'S TOTAL LIABILITY TO CITY FOR ANY LOSS OR DAMAGES FROM CLAIMS ARISING OUT OF, OR IN CONNECTION WITH, THIS CONTRACT FROM ANY CAUSE INCLUDING ENGINEER'S STRICT LIABILITY, BREACH OF CONTRACT, OR PROFESSIONAL NEGLIGENCE, ERRORS AND OMISSIONS SHALL NOT EXCEED ONE MILLION DOLLARS (\$1,000,000). NEITHER PARTY TO THIS AGREEMENT SHALL BE LIABLE TO THE OTHER PARTY OR ANY THIRD PARTY CLAIMING THROUGH THE OTHER RESPECTIVE PARTY, FOR ANY SPECIAL, INCIDENTAL, INDIRECT, PUNITIVE, LIQUIDATED, DELAY OR CONSEQUENTIAL DAMAGES OF ANY KIND INCLUDING BUT NOT LIMITED TO LOST PROFITS OR USE OF PROPERTY, FACILITIES OR RESOURCES, THAT MAY RESULT FROM THIS AGREEMENT, OR OUT OF ANY GOODS OR SERVICES FURNISHED HEREUNDER.

8. Addresses for Notices and Communications

CITY

Amy Williams, P.E.
Director of Public Works/City Engineer
City of Rockwall
385 S. Goliad Street
Rockwall, Texas 75087
Email: awilliams@rockwall.com

ENGINEER

Derek B. Chaney, P.E., R.P.L.S.
Partner
Birkhoff, Hendricks & Carter, L.L.P.
11910 Greenville Ave., #600
Dallas, Texas 75243
Email: dchaney@bhcllp.com

All notices and communications under this Contract shall be mailed or delivered to **CITY** and **Engineer** at the above addresses.

9. Successors and Assigns

CITY and Engineer each binds itself and its successors, executors, administrators and assigns to the other parties of this Contract and to the successors, executors, administrators and assigns of such other parties, in respect to all covenants of this Contract. Except as noted in the first part of this Paragraph, neither CITY nor Engineer shall assign, sublet or transfer its interest in this Contract without the written consent of the other. Nothing herein shall be construed as creating any personal liability on the part of any officer, council member, employee or agent of any public body which is a party hereto.

10. Termination for Convenience of the Parties

Engineer and CITY may terminate this Contract for their convenience at any time by giving at least thirty (30) days notice in writing to each other. If the Contract is terminated by CITY and/or Engineer as provided herein, Engineer will be paid for the Work provided and expenses incurred up to the termination date, if such final compensation is approved by CITY, in its sole discretion. If this Contract is terminated due to the fault of Engineer, Paragraph 10 hereof, relative to Termination for Cause, shall apply.

11. Changes

CITY may, from time to time, request changes in the Scope of Work of **Engineer** to be performed hereunder. Such changes, including any increase or decrease in the amount of **Engineer's** compensation, or time for performance, which are mutually agreed upon by and between CITY and **Engineer**, shall be incorporated in written amendments to this Contract. Any subsequent contract amendments shall be executed by the City Manager or other authorized representative as designated by the City Manager or City Council.

Any alterations, additions or deletions to the terms of this Contract, including the scope of work, shall be by amendment **in writing** executed by both CITY and Engineer.

13. Reports and Information

Engineer, at such times and in such forms as CITY may reasonably require, and as specified in the Scope of Work or in additional Contract Amendments shall furnish CITY periodic reports pertaining to the Work or services undertaken pursuant to this Contract, the cost and obligations incurred, or to be incurred in connection therewith, and any other matter covered by this Contract.

14. Entire Agreement

This Contract and its Attachments and any future Contract Amendments constitute the entire agreement, and supersede all prior agreements and understandings between the parties concerning the subject matter of this Contract.

15. Waiver

The failure on the part of either party herein at any time to require the performance by the other party, of any portion of this Contract, shall not be deemed a waiver of, or in any way affect that party's rights to enforce such provision, or any other provision. Any waiver by any party herein of any provision hereof, shall not be taken or held to be a waiver of any other provision hereof, or any other breach hereof.

16. Severability

The invalidity or unenforceability of any provision of this Contract shall not affect the validity or enforceability of any other provision of this Contract.

17. Survival

Any and all representations, conditions and warranties made by Engineer under this Contract are of the essence of this Contract and shall survive the execution, delivery and termination of it.

18. Governing Powers and Law

Both Parties agree and understand that the City does not waive or surrender any of its governmental powers by execution of this Agreement. To that end, the parties further understand that this agreement shall not be considered a contract for goods or services under Texas Local Government Code, Section 271.151 and Contractor waives any right or entitlement granted said provisions. This Contract is governed by the laws of the State of Texas and all obligations of the parties under this Contract are performable in Rockwall County, Texas.

19. Attorney's Fees

If it is necessary for either Party herein to file a cause of action at law or in equity against the other Party due to: (a) a breach of this Contract by the other Party and/or (b) any intentional and/or negligent act or omission by the other Party arising out of this Contract, the non-breaching or non-negligent Party shall be entitled to reasonable attorney's fees and costs, and any necessary disbursements, in addition to any other relief to which it is legally entitled.

20. State or Federal Laws

This Contract is subject to all applicable federal and state laws, statutes, codes, and any applicable permits, ordinances, rules, orders and regulations of any local, state or federal government authority having or asserting jurisdiction, but nothing contained herein shall be construed as a waiver of any right to question or contest any such law, ordinance, order, rule or regulation in any forum having jurisdiction.

21. Texas Board of Professional Engineers & Land Surveying Contact Information

Recipients of professional land surveying services under this agreement may direct complaints regarding such services to the Texas Board of Professional Engineers & Land Surveyors, 1917 South Interstate 35, Austin, Texas 78741, Phone (512) 440-7723.

EXECUTED in triplicate originals on this ____ day of _____ 2022.

BIRKHOFF, HENDRICKS & CARTER, L.L.P.
A Texas Limited Liability Partnership
TPBELS Engineering Firm No. 526
TBPELS Surveying Firm No. 100318-00

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

EXECUTED in triplicate originals on this ____ day of _____ 2022.

ATTEST:

City of Rockwall, Texas

Mary Smith
City Manager

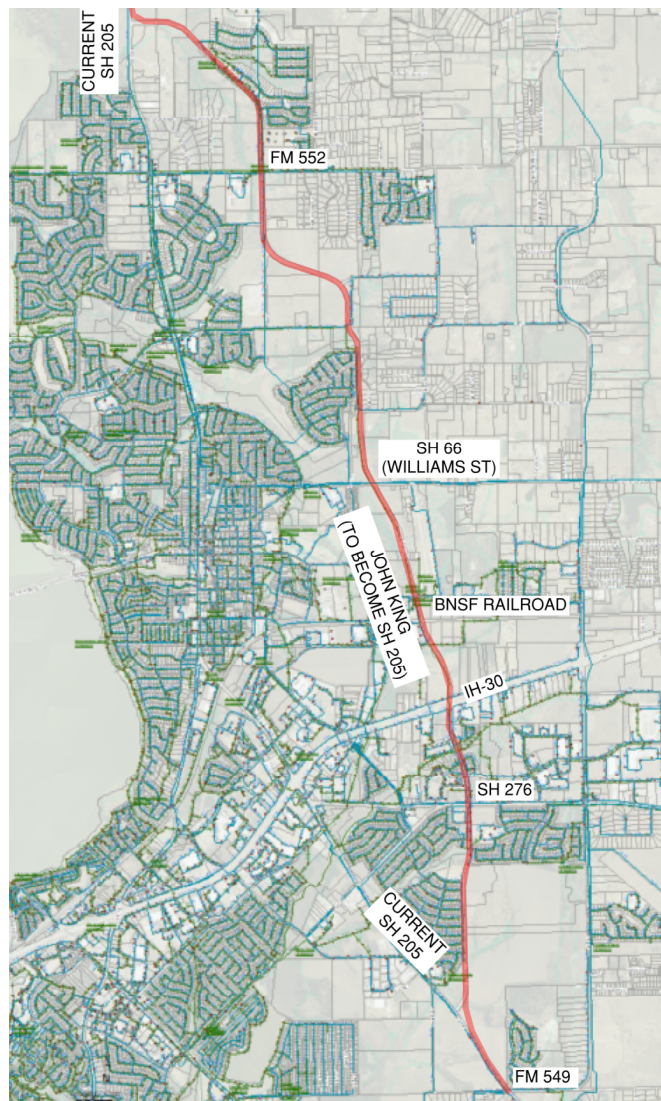
ATTACHMENT “A”

Scope of Services

Utility Relocations for TxDOT Conversion of John King Boulevard to SH 205 From SH 205 (Goliad Street) to FM 549

PROJECT DESCRIPTION:

The City of Rockwall (City) desires to engage the services of Birkhoff, Hendricks and Carter, LLP (Consultant) to provide the preliminary and final engineering design, bidding and construction administration services for the required utility relocations in connection with the proposed TxDOT improvements for Conversion of John King Boulevard (a City of Rockwall right-of-way) to SH 205 (a TxDOT right-of-way). The TxDOT project limits stretch approximately 8 miles; between current SH 205 (Goliad Street) and FM 549. The overall TxDOT project limits are shown schematically by the location map below, and the limits of the utility relocations included in this agreement are described on the following page.



LOCATION MAP –TxDOT CONVERSION OF JOHN KING TO SH 205

In preparation of this agreement, the Consultant has completed a schematic evaluation of utility conflicts to identify the approximately limits of major linear utility relocations expected along the TxDOT project limits based on the following TxDOT plans provided to us by the City.

- TxDOT SH 205 (John King Blvd) Improvements - 100% Plans Adequate, dated 5/19/2021
- TxDOT SH 205 South Improvements - 60% Preliminary Plans, dated 5/26/2021

The scope of schematic recommended utility relocations has been divided into five sections along the overall project limits. As directed by the City, the approach for conflict resolution was to allow existing utilities located within the existing John King Boulevard right-of-way to remain in place unless they are in direct conflict with the physical improvements or located within the median area. The scope of services proposed herein assumes that relocated facilities will generally be placed within the TxDOT Utility Accommodation Corridor (between 5 and 10-feet inside the right-of-way line), with placement in new permanent utility easement being a secondary consideration. Locations maps are provided for each schematic utility relocation section at the end of this Basic Services section, and the limits of the proposed utility relocations included in this agreement are listed below.

- Section 1 (SH 205 to East Quail Run Road):
 - Existing 10-inch force main from Breezy Hill Lift Station to FM 552 (4,400 LF)
- Section 2 (East Quail Run Road to SH 66/Williams Street):
 - Existing 30-inch force main from Phelps Lake Road to FM 1141 (2,200 LF)
 - Adjustment of two (2) existing air valves for the 30-inch force main located the parkway/sidewalk area
- Section 3 (SH 66/Williams Street to IH-30):
 - Existing 16-inch water line from Justin Road to Airport Road (RR Crossing) (1,500 LF)
 - Existing 30-inch force main from Justin Road to Airport Road (RR Crossing) (1,500 LF)
 - Adjustment of five (5) existing air valves for the 30-inch force main located the parkway/sidewalk area
- Section 4 (IH-30 to Fallbrook Lane):
 - No utility relocations expected
- Section 5 (IH-30 to Fallbrook Lane):
 - Existing 8-inch sanitary sewer from Fallbrook Drive to Coolwood Drive (900 LF)
 - Existing 8-inch water line from John King Boulevard to FM 549 (1,000 LF)

The scope of the preliminary engineering phase proposes to refine the schematic utility relocations and identify additional conflicts and utility relocations expected to be required to accommodate the proposed TxDOT improvements. However, in October 2022, TxDOT representatives notified the City that the proposed John King Conversion to SH 205 roadway improvements will be re-designed as a full roadway reconstruction project. Details of this re-design are not available at this time and may affect the scope of expected utility relocations identified. As new information becomes available, it will be incorporated into the preliminary engineering evaluation. Modifications to the utility relocations identified herein, if any, will be incorporated to this agreement by amendment.

BASIC SERVICES

1. Preliminary Engineering

1.1. Project Management

- 1.1.1. Conduct project kickoff meeting with Consultant's Project Manager and City Staff.
- 1.1.2. Prepare and send progress report to City's Project Manager on monthly basis attached to the monthly invoice. Progress report will summarize work completed in current period, and if necessary, actions or information needed from City.
- 1.1.3. Prepare and submit project schedule to City staff.

1.2. Utility Conflict Evaluation

- 1.2.1. Review the available TxDOT plans associated with the conversion of John King Blvd. to SH 205 and compare with the known locations of the City's existing water and sanitary sewer lines. Review to include comparison of elevations of known existing City utilities with those of proposed storm drainage pipes and structures, roadways, and bridge improvements.
- 1.2.2. Obtain available construction record drawings for the City's existing water and sanitary sewer utilities located along the project limits using the City's database of record drawings. Request additional construction record drawings from the City if needed.
- 1.2.3. Conduct Property Research using Rockwall County and City records:
 - (a) Determine ownership and deed filing information for parcel immediately adjacent to the proposed project limits.
 - (b) Obtain subdivision plat information from County records or as provided by the City.
 - (c) Gather existing deeds, right-of-way (ROW) and easement information from Rockwall County records, and other records provided by the city.
- 1.2.4. Analyze conflicts and develop recommended preliminary alignment for proposed relocations for existing 16-inch water line and 30-inch force main in vicinity of Proposed SH 205 Underpass Improvements at BNSF Railroad crossing.
 - (a) Consider up to two route alternatives for the 30-inch force main relocation.
- 1.2.5. Review City master plans, design standards, specifications, and construction details that may impact the design. Review the most current update to the City of Rockwall Water and Wastewater System Master Plans and associated hydraulic models (maintained by the Consultant) to evaluate potential for combining existing parallel utilities, or oversizing of utilities to accommodate the buildout design requirements. Review of documents will include, but not limited to, the following:
 - (a) City of Rockwall Wastewater Master Plan
 - (b) City of Rockwall Water Master Plan
 - (c) City of Rockwall Standards of Design and Construction
- 1.2.6. Develop roll plot showing the existing right-of-way (ROW), proposed ROW, proposed TxDOT improvements (based on TxDOT provided Electronic Plans), property lines, known easements, and known water and sanitary sewer utilities, in the vicinity of the affected utility corridor.
- 1.2.7. Develop a proposed preliminary utility relocation plan for the City's existing water and sanitary sewer lines in accordance with the TxDOT Utility Accommodation Policy. Establish preliminary horizontal alignments for proposed utility relocations. Update the roll plot to incorporate the proposed preliminary utility relocations.

- 1.2.8. Attend one meeting at City offices to review the roll plot showing the proposed preliminary utility relocations.
- 1.2.9. Address City comments from their review of roll plot and preliminary utility relocations.
- 1.2.10. Identify potential land rights needed based on preliminary plan for proposed utility relocations.
- 1.2.11. Formulate a preliminary engineer's opinion of probable cost for the project based on the preliminary utility relocation plan, including the cost of this evaluation, land rights and the acquisition fees, field surveying, geotechnical evaluation, subsurface utility exploration, TxDOT and franchise utility coordination, construction inspection and materials testing services.
- 1.2.12. Develop a project schedule including design phase, land rights acquisition (by City), bidding phase and construction phase elements.
- 1.2.13. Prepare a letter report outlining evaluation methods, recommendations, and utility relocation budgets. The report is expected to be suitable for presentation and submittal to TxDOT and be the basis for formulating the John King/SH 205 Utility Agreement. Submit a draft of the letter report to the City for review.
- 1.2.14. Meet with the City Staff to review and present findings from the preliminary engineering evaluation and report.
- 1.2.15. Address comments from City's review of letter report and transmit revised letter report to the City.

2. Final Design

2.1. Project Management

- 2.1.1. Conduct progress meetings with City Staff at 60% and 90% completion to monitor the development of the project regarding project status, coordination issues and discuss City review comments of the plans.
- 2.1.2. Prepare and send progress report to City's Project Manager on monthly basis attached to the monthly invoice. Progress report will summarize work completed in current period, and if necessary, actions or information needed from City.
- 2.1.3. Conduct up to two (2) project site visits during final design phase.

2.2. Submittals

- 2.2.1. Submit 60% and 90% progress submittals to the City for review and comment. The following will be required for each submittal:
 - (a) Construction Plans
 - i. Two (2) Full Size copies – 22-inch x 34-inch
 - ii. Two (2) Half Size copies – 11-inch x 17-inch
 - iii. Electronic PDF copy
 - iv. Electronic PDF copy– Scanned City comments previous submittal
 - (b) Engineer's Opinion of Probable Construction Cost
 - i. Two (2) Copies and electronic PDF copy
 - (c) 90% only – Project Specifications and Bidding Documents
 - i. Two (2) Copies and electronic PDF copy

2.3. Construction Plans

- (a) Each plan sheet in the construction plans set will conform to the Engineering Drawing Requirements set forth in the City of Rockwall’s Standards of Design and Construction.
- (b) Plan sheets will include additional documentation, notation, and clarification required by the City’s Project Manager.
- (c) Each stage of the construction plan review process will address City comments from previous submittals.
- (d) Following is a table of the required construction plan sheets and at which submittals they are required.

Plan Sheets	60%	90%
Cover Sheet w/ Location Map and Sheet Index	X	X
Legend Sheet	X	X
General Notes Sheet	X	X
Horizontal/Vertical Coordinate Control Sheet (1”=40’ scale)	X	X
Temporary Water Bypass Plan (no greater than 1”=100’scale)		X
Temporary Sewage Bypass Plan (no greater than 1”=100’scale)		X
Erosion Control Plans (1”=40’ scale)		X
Water Line Plan/Profiles (1”=20’H, 1’=5’V scale)	X	X
Sanitary Sewer or Force Main Plan/Profiles (1”=20’H, 1’=5’V scale)	X	X
Surface Restoration Plan (1”=40’ scale)		X
Construction Sequencing & Access Plan (no greater than 1”=100’scale)		X
Construction Details		X

- (e) Prepare plan-profile sheets for the proposed water and sanitary sewer relocations at a scale of not less than 1"= 40' on 11"x17" sheet size.
- (f) Design the proposed 30-inch force main crossing of the Union Pacific/Dallas Garland Northeastern Railroad (UP/DGNE RR) to meet the required UP/DGNE RR crossing requirements, including sizing of the steel encasement pipe.
- (g) Locate new fire hydrants, water line isolation valves and branch line (lateral) isolation valves at same locations as existing and new locations if requested by the City.
- (h) Show approximate horizontal and vertical location of utility crossings along the proposed alignment from record drawings and field surveys of manholes.
- (i) Identify existing water meters and sanitary sewer cleanouts to be transferred to proposed water line and sanitary sewer improvements.
- (j) If necessary, prepare temporary water bypass plan and requirements for providing temporary water feed to subdivisions during construction. Bypass plan will be shown at a scale of not less than 1”=200’ on 11”x17” sheet size.
- (k) Develop and prepare conceptual temporary sewage bypass plan and requirements for bypassing of force main flows during construction. Provide conceptual layout of proposed bypass piping plan, including suction and discharge location, and estimation of bypass flow quantities on average and peak basis. Conceptual bypass plan will be shown at a scale of not less than 1”=200’ on 11”x17” sheet size.
- (l) Review FEMA flood plain mapping to determine approximate elevation of 100-year floodplain along the route. If necessary, design improvements to raise existing manhole rim elevations above flood plain elevation.
- (m) Design connections of proposed water and sanitary sewer lines to the existing water distribution and wastewater collection systems.

- (n) Prepare construction sequencing and access plans.
- (o) Prepare erosion control plans.
- (p) Prepare restoration plan to identify required replacement limits of pavement, sidewalk, driveway, irrigation, and revegetation.
- (q) Select applicable City standard construction details and incorporate into the plans. Prepare additional details as required.
- (r) Complete and address internal QA/QC review comments from the 90% and 100% plan submittals.

2.3 Franchise Utility Coordination

- (a) Contact Texas811 Utility Locate Service prior to performing any field surveys.
- (b) Obtain list of franchise utility contacts from the City. (60%)
- (c) Provide electronic PDF set of preliminary construction plans adequate for franchise utility relocation via email to each franchise utility for their review. Request each franchise utility to mark up the plans to show the size, type and location of their existing and proposed utilities. (60%)
- (d) If required, attend up to two (2) franchise utility coordination meetings hosted by the City.
- (e) Notify the City if franchise utility relocations are required. (90%)
- (f) Conduct coordination with the franchise utilities if any relocations are required. (90%)

2.4 Specifications/Construction Contracts (90%)

Prepare general notes, specifications, and bidding documents in accordance with City of Rockwall requirements with NCTCOG Standard Specifications as the base. Identify and prepare special specifications and/or special provisions applicable to the project. Prepare proposal and bid schedule of applicable items.

2.4.1 Contract documents will include the following:

- (a) City of Rockwall standard construction contract forms
- (b) Notice to bidders
- (c) Special instructions to bidders
- (d) Bid Schedule (Bid-Tab) – Electronic for Bidding
- (e) Standard construction contract
- (f) Performance bond
- (g) Payment bond
- (h) Maintenance bond
- (i) Certificate of insurance
- (j) General conditions
- (k) Special conditions
- (l) Technical specifications
- (m) Bid Item Descriptions
- (n) Permits for work as may be required from the TxDOT

2.6 Engineer's Opinion of Probable Construction Cost (60%, 90% and 100%)

Generate tabulation of proposed quantities of work and formulate an engineer's opinion of probable construction cost based on historic bidding data of similar projects.

3. Bidding Phase

- 3.1 Furnish the City with one 11-inch x 17-inch set of final construction plans, and one set of final Bidding Documents and Specifications for use during the bidding phase. Documents shall also be provided to the City in electronic PDF format.
- 3.2 City will be responsible for advertisement of the project in the Local Paper.
- 3.3 Consultant will upload a PDF version of the plans and specifications to the project bidding distribution site CivCast. Consultant will manage the project for the City on CivCast, which will include setting up project, payment of fees, document upload, and issuing of addendum(s).
- 3.4 Attendance at the Pre-Bid meeting at City Hall.
- 3.5 Consultant will respond to contractor questions submitted via phone call and email correspondence only. Consultant will provide design clarifications in addenda format, sealed, signed, and dated. The Consultant will upload the addenda to CivCast. All addenda will be posted a minimum of 48-hours before the bid opening.
- 3.6 Attendance at Bid Opening at City Hall.
- 3.7 Consultant shall complete tabulation of bids, checking for mathematical errors and unbalanced bids.
- 3.8 Return original bid documents to the City.
- 3.9 Provide bid tabulation, in PDF format, to City via email and to Contractors who submitted bids via CivCast.
- 3.10 Obtain experience record and references from the apparent lowest bidder. Check references of apparent low bidder. Formulate opinion from information received and provide a letter of recommendation to the City for award of a construction contract.
- 3.11 After award of contract by the City, Return Bid Bonds to their respective bidders.
- 3.12 Assemble and prepare five (5) sets of construction contract documents between the City and the contractor and facilitate execution of all sets by both parties.

4. Construction Phase

- 4.1 Conform construction plans and project specifications to addendums.
- 4.2 Pre-Construction Meeting: Prepare for and attend the Pre-Construction Meeting prior to commencement of Work at the Site. Consultant to provide the following quantities of plans and specifications for distribution at the Pre-Construction Meeting.
 - a) Half-size plans (11-inch x 17-inch) – (15 Total)
 - 7 – City (File, Engr. Dept. PM, Inspector, Sub-Inspector, Water, Wastewater, Streets/Drainage)
 - 4 – Franchise Utility Company Reps. (AT&T, Atmos, TXU/ONCOR, Charter)
 - 3 – Contractor/Sub-contractors
 - 1 – Geotech/Materials Testing Lab
 - b) Full-size plans (22-inch x 34-inch) – (5 Total)
 - 2 – City (File and Inspector)
 - 3 – Contractor/Subcontractors
 - c) Specification Books – (7 Total)
 - 3 – City (Engr. PM, Inspector, Sub Inspector)
 - 3 – Contractor/Subcontractors
 - 1 – Geotech/Materials Testing Lab
 - d) Plan Set “Approved for Construction” on CD.

- 4.3 Attend on-site construction observation meetings to observe progress, clarify design concepts and/or assist with solutions needed to overcome obstacles in construction (as applicable to scope of work) or to study and evaluate possible practical alternative solutions. Nine (9) site visits are included in this agreement.
- 4.4 When requested by the City, provide a memo of the site visit observations to the City.
- 4.5 Clarifications and Interpretations. Issue clarifications and interpretations of the Contract documents to City as appropriate. Field Orders authorizing variations from the requirements of the Contract Documents will be made by City from clarifications and interpretations made by the Consultant.
- 4.6 Shop Drawings and Samples. Review and take appropriate action in respect to Shop Drawings and Samples and other data which Contractor is required to Submit. Review of shop drawings will be completed by review of electronic PDF files provided by the Contractor. Consultant review and appropriate action will not extend to means, methods, techniques, equipment choice and usage, sequences, schedules, or procedures of construction or to related safety precautions and programs. Such appropriate action of the Consultant is limited to the following:
 - (a) No exceptions taken,
 - (b) Revise and resubmit,
 - (c) Make corrections noted, and
 - (d) Rejected.
- 4.7 Substitutes and “or-equal”. Evaluate and determine the acceptability of substitute or “or-equal” materials and equipment proposed by Contractor in accordance with the Contract documents, but subject to the provisions of applicable standards of state or local government entities. “Or-equal” acceptance by the Consultant will only be provided if the Consultant has experience with the substitution.
- 4.8 Limitation of Responsibilities. The Consultant shall not be responsible for the acts or omissions of any Contractor, or of any of their subcontractors, suppliers, or of any other individual or entity performing or furnishing the Work.
- 4.9 Construction Walk Through. Consultant shall be present at the City’s construction walk through and will prepare a “punch/checklist” for the contractor to use to achieve final project acceptance.

ADDITIONAL SERVICES

The following scope items defined as additional services are those anticipated to be necessary to facilitate design of the project. These services will be performed on an as-need basis and invoiced based on effort and expenses incurred.

5. Design and Property Surveys

- 5.1 If requested by the City, Consultant will prepare and send notices for “Request for Right of Entry for Surveying” and “Start of Engineering Design” to property owners immediately adjacent to the proposed project route via regular U.S. Postal Service. Templates for documents and information for property owners will be provided by the City.
- 5.2 Consultant will submit request to Texas 811 for location of franchise utilities.
- 5.3 Consultant shall submit request for location of City Utilities by calling City Service Center at 972-771-7730.

5.4 Topographic and Design Survey

5.4.1 Conduct survey to confirm previously established TxDOT temporary benchmarks and coordinate control points. Where necessary established new temporary benchmarks and control points in vicinity of the proposed improvements.

5.4.2 Perform field survey to identify and tie the horizontal and vertical location of relevant topographic features within 20-feet of the proposed TxDOT ROW or new utility easement. The field survey will include, but is not limited to the following:

- (a) Property boundary corner monumentation (that can be located)
- (b) Sanitary sewer manholes (including flow line measure-down)
- (c) Pavement, driveways, curbs, sidewalks, barrier free ramps, and signs.
- (d) Storm sewer inlets, culverts, manholes, junction boxes and headwalls (including culvert sizes and flow line elevations)
- (e) Top of bank, toe of bank and flow line of drainage channels/tributary.
- (f) Utility vaults, water valves, water meters, wastewater cleanouts, sprinkler heads, utility poles, utility markers, and City and franchise utilities and markings
- (g) Trees, including species and caliper (2-inch caliper and larger)
- (h) Landscape features, including planters, shrubs, rocks and borders
- (i) Buildings and permanent structures
- (j) Retaining walls, fences and screening walls (including material type)

5.5 Perform up to one site visit for the purposes of reviewing the results of field survey and determining the need for additional surveys.

6 Easement Plat and Field Note Description Preparation

Proposed easement requirements are estimated based on the schematic utility relocations and are subject to change based on findings from preliminary engineering phase. A budget for preparation of six (6) easement documents is included, and preparation of additional easements, if required, will be added to this agreement via amendment.

6.1 Conduct online deed research to determine property ownership and deed filing information for subject and adjacent parcels requiring easements.

6.2 Prepare easement documents (metes and bounds description and graphic exhibits) for proposed utility relocations or temporary construction easements if required by the project.

6.3 Individual parcel easement documents shall be prepared on 8.5-inch x 11-inch paper size, and both an electronic PDF copy and two (2) set of originals sealed, dated, and signed by a Registered Professional Land Surveyor shall be provided to the City.

6.3.1 Graphic exhibits shall contain the following:

- (a) Parcel number
- (b) Area required
- (c) Area remaining
- (d) Legal description
- (e) Current owner
- (f) Any existing platted easements or easements filed by separate instrument including easements provided by utility companies.
- (g) All physical features

6.3.2 Metes and bounds descriptions of the easement parcel will be prepared and provided on a separate sheet from the graphic exhibit, and each type of easement shall be described separately.

- 6.4 Consultant shall provide a Title Report or Title Info Letter for each property requiring a permanent easement. This report will be needed to verify ownership and any encumbrances (e.g., deeds of trust, unpaid tax liens, mechanic's liens, etc.) on the property that might affect the landowner's rights to grant the proposed easement to the City. A budget is included to provide title reports for six (6) parcels.
- 6.5 The City Attorney will draft the front-end language of easement documents. The easement will be filed by the City at the County prior to construction.
- 6.6 The Consultant shall provide easement documents to the City and/or their assigned Land Rights Acquisition Agent.

7 Subsurface Utility Exploration (SUE) – Level A (Performed with a Sub-contractor)

- 7.1 If the project requirements dictate, SUE Quality Level A will be performed to identify the horizontal location and depth of the existing utilities. A budget for ten (10) SUE locates is included.

8 TxDOT Coordination and Utility Agreement

- 8.1 Consultant will coordinate with TxDOT and their engineering design consultant, to obtain the following:
 - 8.1.1 Electronic files of available existing topography and proposed improvements, existing and proposed contour surfaces.
 - 8.1.2 Published construction plans (as available) for the proposed improvements, SUE analysis, and proposed right-of-way.
 - 8.1.3 Current TxDOT Utility Accommodation Policy, and Request for Exception to Policy.
- 8.2 Consultant to coordinate with TxDOT on items related to the project where crossing or parallel to the TxDOT right-of-way. If necessary, provide one construction plan submittal at 60% completion and assist City with permit submittals as required to achieve acceptance of proposed improvements.
- 8.3 Assist the City in initiating discussion with TxDOT for the Utility Agreement. A budget for two (2) meetings is included for review of Utility Agreement exhibits (Concept Plans and Budget Estimates) with the TxDOT Utility Engineering Department.
- 8.4 Assist the City with development and preparation of the TxDOT John King/SH 205 Utility Agreement, including request for exception to policy and other necessary forms, supporting exhibits and attachments.

9 Railroad Permit Coordination

- 9.1 Consultant will coordinate with Union Pacific (UP) Railroad to obtain the railroad permit template and associated exhibits as required to accommodate the proposed railroad crossings for the City's 30-inch force main and 16-inch water line. The UP Railroad is operated by the Dallas Garland Northeastern (DGNE) Railroad, and processing and approval of permitting is expected to be completed through DGNE on behalf of UP.
- 9.2 Assist the City in completing the railroad crossing permit application, including preparation of required exhibits.
- 9.3 Notify the City of Railroad Permit Fee amounts to be paid by the City.
- 9.4 Assist the City with preparing the permit for execution between the City and the UP Railroad.

10 Construction Record Drawing Preparation

10.1 Consultant shall prepare project “Record Drawings” based on information provided by the Contractor, and/or City as to the actual field placement of the work, including any changes or deletions. All documented field changes and revisions provided shall be shown and noted in the revision block. Revisions shall be drawn using accepted drafting standards and shall be clear and legible. Line work and notes related to work deleted or changed shall be omitted from the Record Drawing. Record drawings shall be sealed, dated and signed by the Engineer of Record in accordance with the Texas Board of Professional Engineers Policy Advisory Opinion Regarding Record Drawings.

10.2 Consultant shall provide the following deliverables:

- (a) Electronic copy of the record drawings shall be submitted on CD/DVD or flash drive in the following formats.
 - i. AutoCAD (.dwg) format
 - ii. Portable Document File (PDF) 400 dpi (min) (22-inch x 34-inch paper size)
- (b) If applicable, an electronic copy of geotechnical reports, survey data, photographs, and exhibits used for the project, in .PDF or jpg format.
- (c) Electronic copy of project specifications in Microsoft Word (.doc) and PDF format.

11 Terms and Conditions For Electronic File Transfers

Electronic files are transmitted on the terms and conditions below:

By opening, accessing, copying or otherwise using the transmitted electronic files, these terms and conditions are accepted by the user.

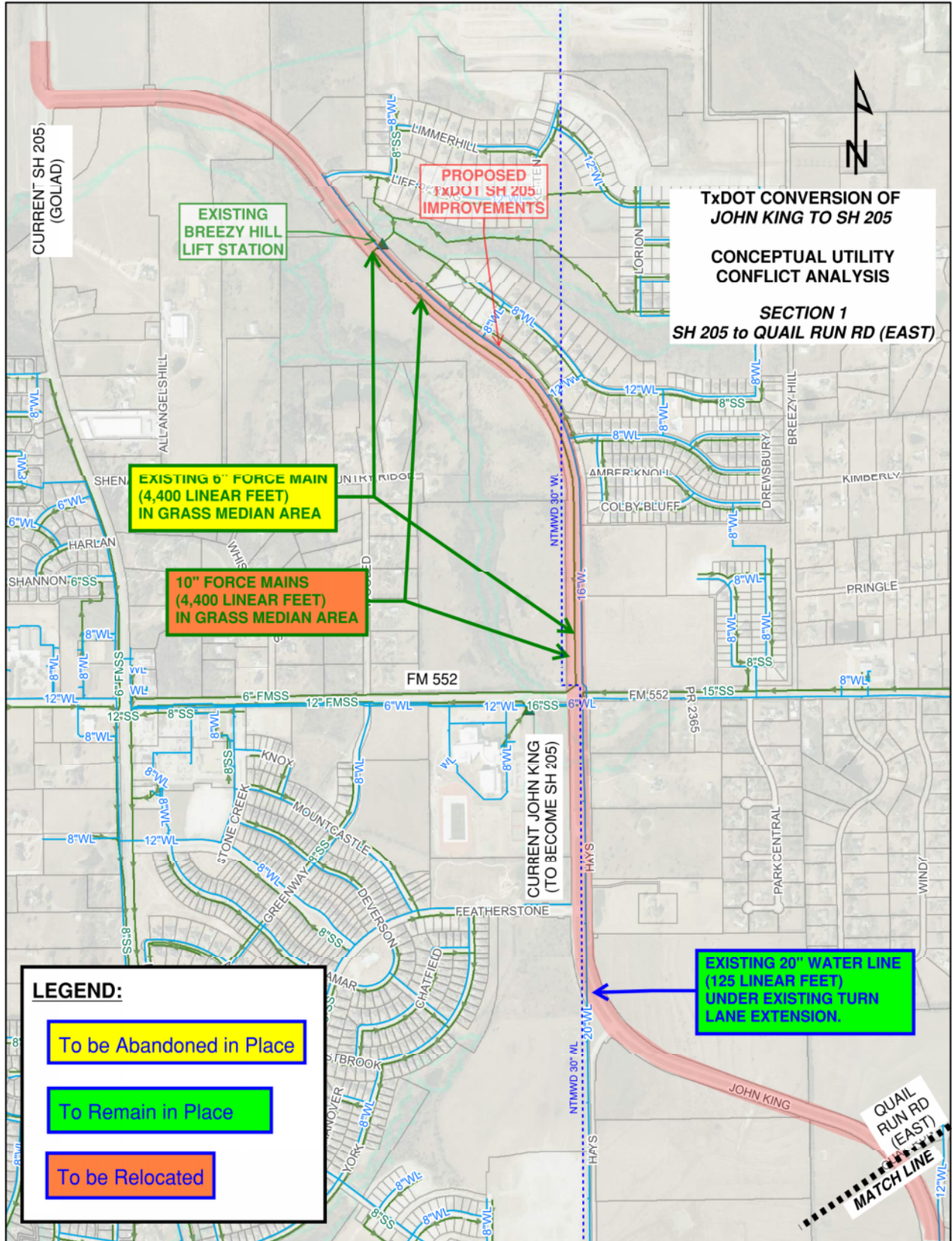
- A. The electronic files are compatible with the following software packages operating on a PC using Windows operating systems:
 - AutoCAD Civil 3D 2022 , Civil 3D 2017
 - Innovyze InfoWater Pro 3.0 with ESRI Arc Pro 2.7
 - Innovyze InfoSewer Pro 7.6 with ESRI Arc Map 10.4
 - ESRI 10.4
 - MS Office 365
 - Bluebeam Revu (PDF) Ver 10 - Ver 2020
- B. Birkhoff, Hendricks & Carter, L.L.P. makes no warranty as to the compatibility of these files beyond the specified release of the above stated software.
- C. Because data stored on electronic media can deteriorate undetected or be modified, Birkhoff, Hendricks & Carter, L.L.P. will not be held liable for completeness or correctness of electronic media.
- D. The electronic files are instruments of our service. Where there is a conflict between the hard copy drawings and the electronic files, Birkhoff, Hendricks & Carter, L.L.P.’s hard copy file will govern in all cases.
- E. Electronic files may only be modified in accordance with the Texas Engineering Practice Act for modifying another Engineer’s design.

12 Exclusions

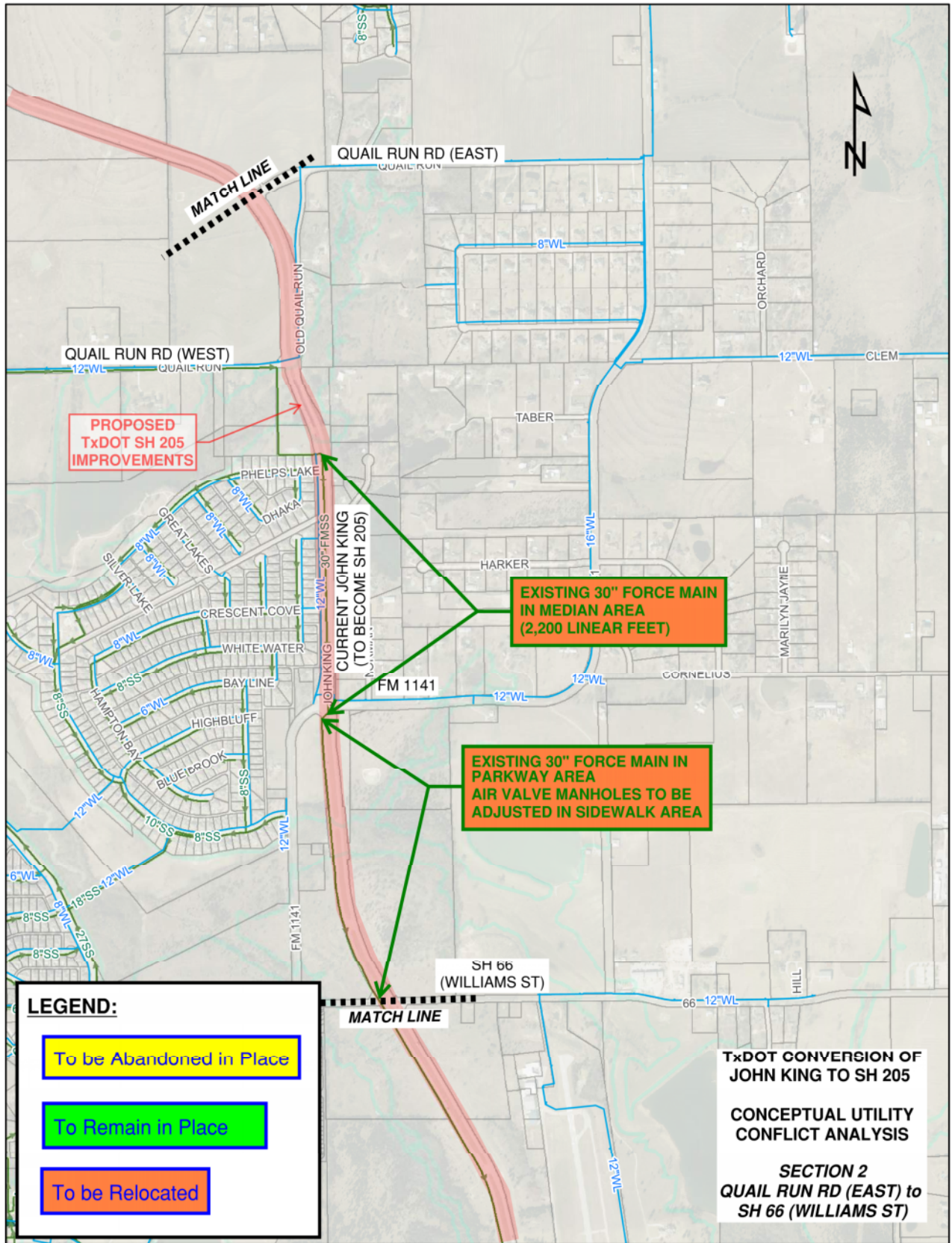
The intent of this scope of services is to include only the services specifically listed herein and none others. Services specifically excluded from this scope of services include, but are not necessarily limited to the following:

- A. Services related to utility relocations other than those listed in the project description section and shown on the location maps provided at the end of this section.
- B. Geotechnical Evaluations.
- C. Certification that work is in accordance with plans and specifications.
- D. Consulting services by others not included in Scope of Services.
- E. Contractor's means and methods.
- F. Environmental cleanup.
- G. Environmental impact statements and assessments.
- H. Fees for permits.
- I. Fees for publicly advertising the construction project.
- J. Fiduciary responsibility to the Client.
- K. On-site construction safety precautions, programs and responsibility (Contractor's responsibility).
- L. Phasing of Contractor's work.
- M. Quality control and testing services during construction.
- N. Revisions and/or change orders as a result of revisions after completion of original design (unless to correct error on plans).
- O. Services in connection with condemnation hearings.
- P. Traffic engineering study or reports.
- Q. Trench safety designs.
- R. Flood studies or certification of floodplain elevations.
- S. Referencing Section 7. Indemnification of this Agreement, for Engineering Agreements, the Firm's indemnity and defense obligations are limited by and to be read as complying with Section 271.904 of the Texas Local Government Code.

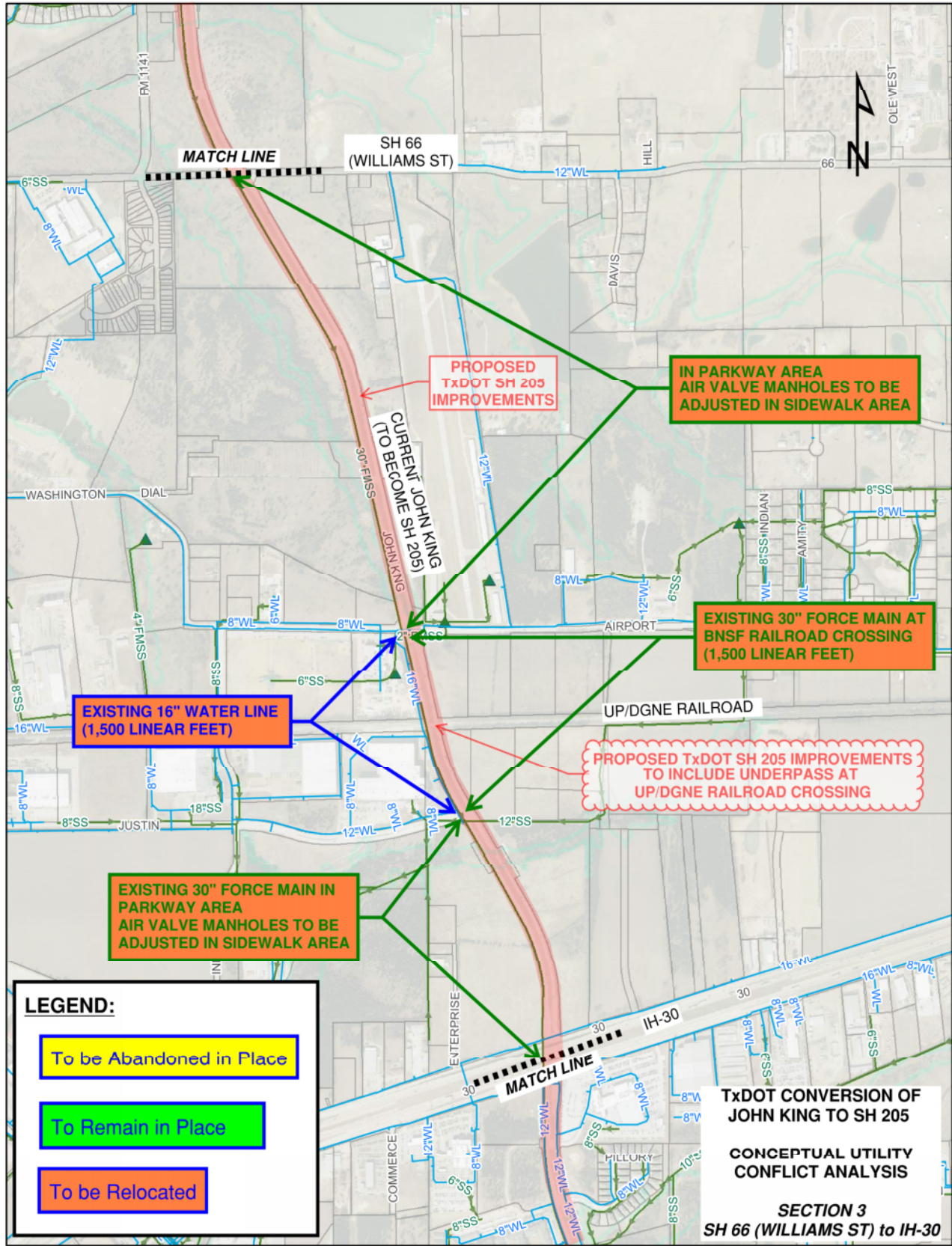
SCHEMATIC UTILITY RELOCATIONS - LOCATION MAP (1 OF 5)



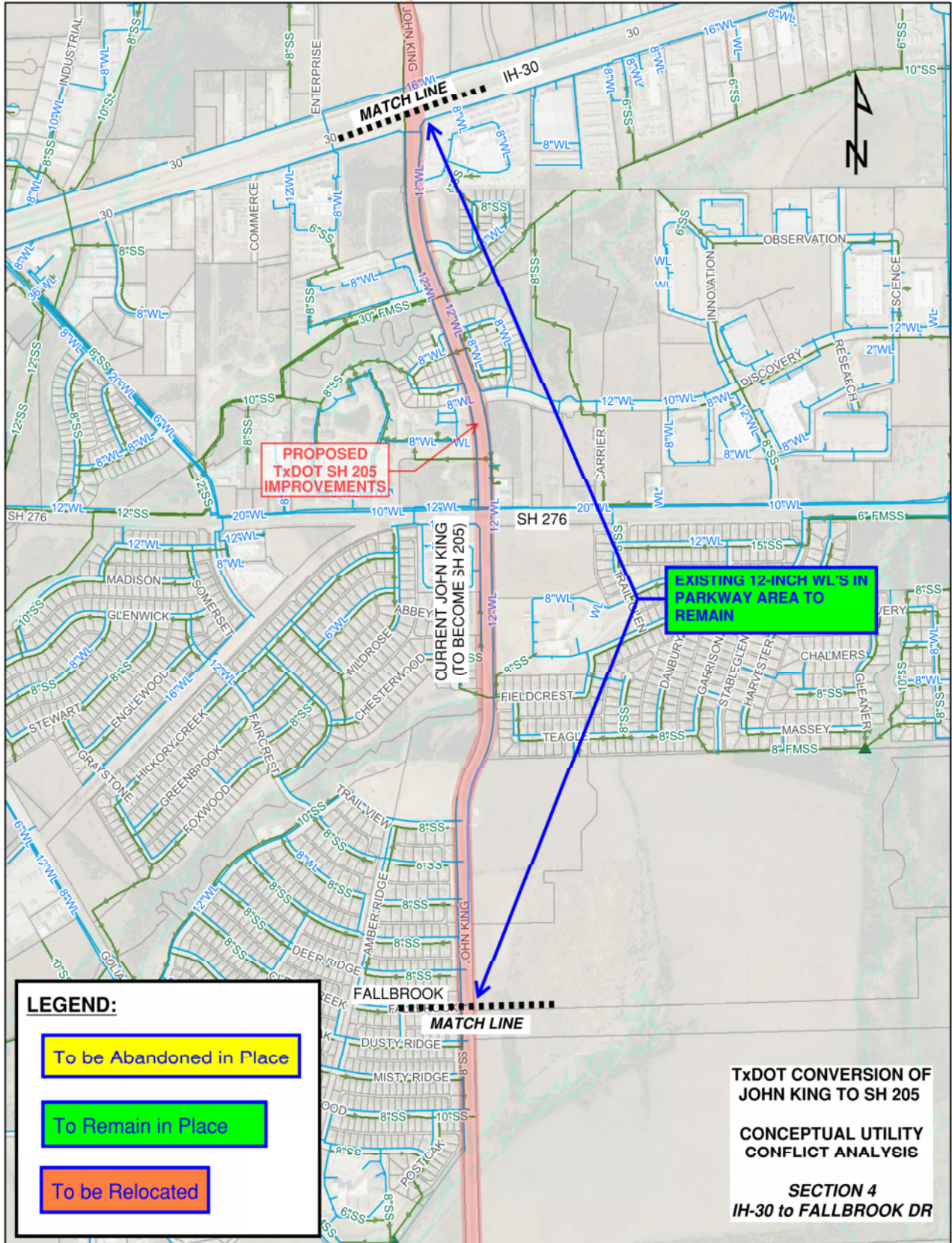
SCHEMATIC UTILITY RELOCATIONS - LOCATION MAP (2 OF 5)



SCHMATIC UTILITY RELOCATIONS - LOCATION MAP (3 OF 5)



SCHEMATIC UTILITY RELOCATIONS - LOCATION MAP (4 OF 5)

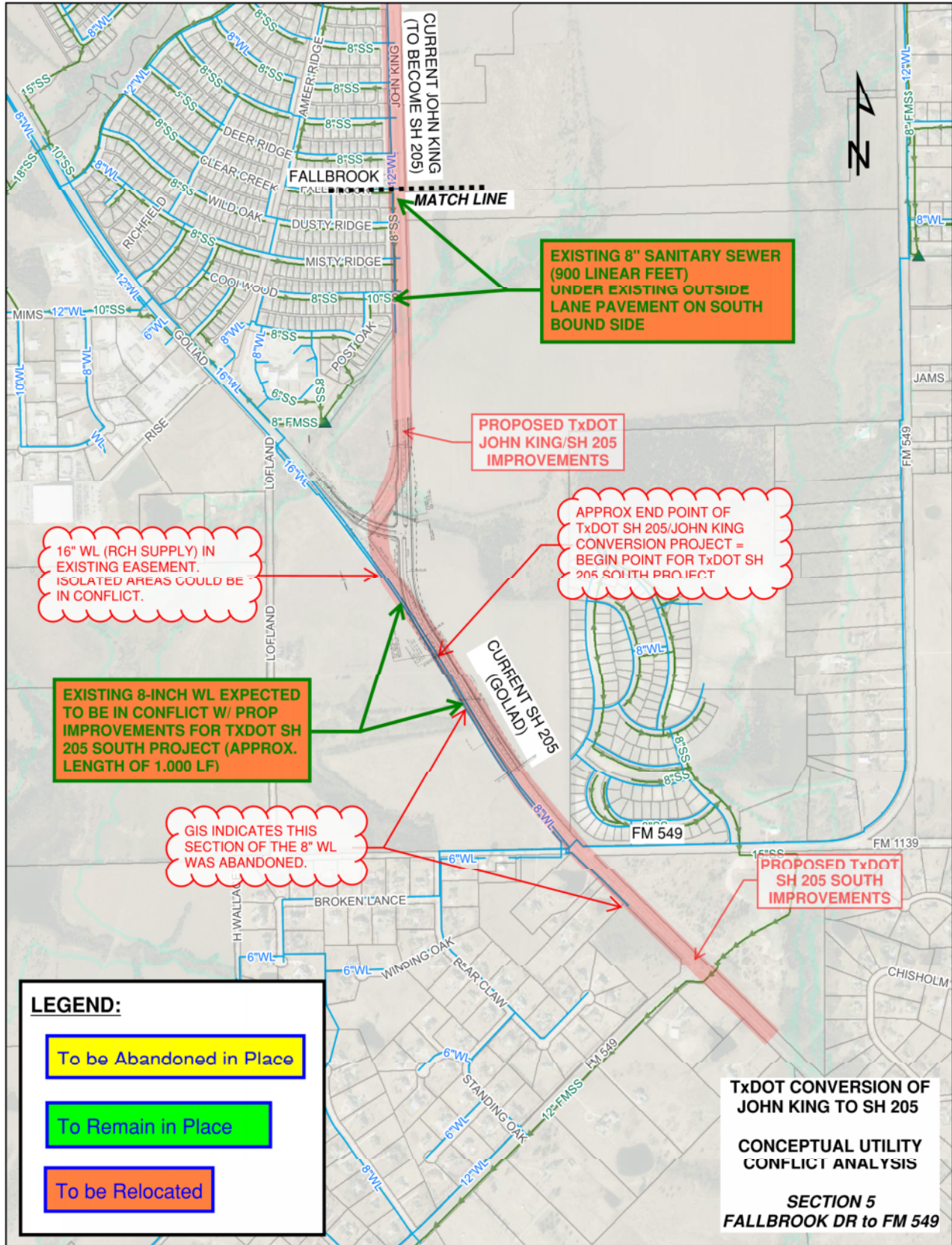


LEGEND:

- To be Abandoned in Place
- To Remain in Place
- To be Relocated

TxDOT CONVERSION OF JOHN KING TO SH 205
CONCEPTUAL UTILITY CONFLICT ANALYSIS
SECTION 4
IH-30 to FALLBROOK DR

SCHEMATIC UTILITY RELOCATIONS - LOCATION MAP (5 OF 5)



ATTACHMENT “B”

Payment Schedule

Compensation for Basic Services in Tasks 1-4 shall be on a lump sum basis. The tabulation below establishes the not to exceed amount for each category of contract service:

	<u>Task</u>	<u>Fee Amount</u>
	<u>BASIC SERVICES</u>	
1	Preliminary Engineering	\$69,900.00
2	Final Design Phase	\$242,400.00
3	Bidding Phase	\$17,900.00
4	Construction Administration Phase	\$56,200.00
	Basic Services Subtotal:	\$386,400.00
Compensation for additional services under Tasks 5-10 shall be on an hourly basis of salary cost times a multiplier of 2.45 for time expended on the task. Field survey crew shall be based on \$175.00 per hour, inclusive of all equipment rentals and software licensing; plus, mileage charge at the IRS established rate. Expenses shall be at invoice cost times a multiplier of 1.15.		
	<u>ADDITIONAL SERVICES</u>	
5	Design and Property Surveys	\$40,300.00
6	Easement Plat and Field Note Preparation	\$32,800.00
7	Subsurface Utility Exploration (SUE)	\$26,800.00
8	TxDOT Coordination and Utility Agreement	\$23,100.00
9	Railroad Permit Coordination	\$9,800.00
10	Construction Record Drawing Preparation	\$10,600.00
	Additional Services Subtotal:	\$143,400.00
	ENGINEERING SERVICES CONTINGENCY**(To be 10% of Services)	\$52,980.00
	<i>** (This service is a miscellaneous amount to be used at the discretion of the City for additional Services outside of the scope of the contract. This item will be controlled by the City and will only be used if the City chooses. The Engineer has no right or guarantee to the use of this Contingency)</i>	
	Project Total:	\$582,780.00

Fees that are Lump Sum for each task and will be invoiced monthly based upon the overall percentage of services performed.

ATTACHMENT “C”

Project Schedule

Notice to Proceed (NTP)	December 2022
Submit Preliminary Engineering Report.....	March 2023
Complete Field Surveys	April 2023
Submit 60% Preliminary Plans	September 2023
Submit 90% Preliminary Plans & Specifications	January 2024
Submit 100% Final Plans & Specifications	March 2024
Advertise Project for Bids	March 2024
Construction Contract Award	April 2024
Construction (Assumes 270 Calendar Days)	May 2024 – February 2025

** Schedule assumes 2-week turnaround of City review comments.

ATTACHMENT “D”

Sub-Consultants

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

Subsurface Utility Exploration: The Rios Group, Inc.
7400 Sand St.
Fort Worth, Texas 76118
Joe Anderson, P.E., Director of Utility Engineering Services
janderson@rios-group.com



MEMORANDUM

TO: Mary Smith, City Manager

CC: Honorable Mayor and City Council

FROM: Lea Ann Ewing, Purchasing Agent

DATE: November 21, 2022

SUBJECT: BID AWARD FOR SQUABBLE CREEK SEWER BYPASS PUMP

Attachments

Summary/Background Information

Approved in the Water Sewer Fund Wastewater operating budget is \$36,300 to make modifications to the Squabble Creek Sewer Bypass Pump. Birkhoff, the engineer on the original project, recommended Axis Construction to perform the work.

Axis Construction contract for this type of work is on the Buy Board Cooperative purchasing program contract # 662-22. City participation in the Buy Board purchasing cooperative allows use of this contract and has met all formal bidding requirements for this job.

Action Needed

For Council consideration is the bid award for this modification work to Axis Construction for \$33,630 and authorize the City Manager to execute a contract.



MEMORANDUM

TO: Mary Smith, City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: November 21, 2022

SUBJECT: P2022-055; FINAL PLAT FOR PHASE 1 OF THE HOMESTEAD SUBDIVISION

Attachments

Case Memo
Development Application
Location Map
Final Plat

Summary/Background Information

Consider a request by Meredith Joyce of Michael Joyce Properties on behalf of Peter H. Shaddock, Jr. of SH Dev Klutts Rockwall, LLC for the approval of a *Final Plat* for Phase 1 of the Homestead Subdivision consisting of 175 single-family residential lots and being a 129.485-acre portion of a larger 195.3177-acre tract of land identified as Tract 6 of the J. A. Ramsey Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 92 (PD-92), generally located at the northeast corner of the intersection of FM-549 and FM-1139, and take any action necessary.

Action Needed

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



CITY OF ROCKWALL
CITY COUNCIL MEMORANDUM

PLANNING AND ZONING DEPARTMENT
385 S. GOLIAD STREET • ROCKWALL, TX 75087
PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO: Mayor and City Council
DATE: November 21, 2022
APPLICANT: Meredith Joyce, *Michael Joyce Properties*
CASE NUMBER: P2022-055; *Final Plat for Phase 1 of the Homestead Subdivision*

SUMMARY

Consider a request by Meredith Joyce of Michael Joyce Properties on behalf of Peter H. Shaddock, Jr. of SH Dev Klutts Rockwall, LLC for the approval of a Final Plat for Phase 1 of the Homestead Subdivision consisting of 175 single-family residential lots and being a 129.485-acre portion of a larger 195.3177-acre tract of land identified as Tract 6 of the J. A. Ramsey Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 92 (PD-92), generally located at the northeast corner of the intersection of FM-549 and FM-1139, and take any action necessary.

PLAT INFORMATION

- The applicant is requesting the approval of a Final Plat for a 195.3177-acre tract of land (*i.e. Tract 6 of the J. A. Ramsey Survey, Abstract No. 186*) for the purpose of establishing Phase 1 of the Homestead Subdivision. Phase 1 will consist of 175 single-family residential lots that are zoned Planned Development District 92 (PD-92) for Single-Family 8.4 (SF-8.4) District land uses. The site is generally located at the northeast corner of the intersection of FM-549 and FM-1139.
- A portion of the subject property (*i.e. 103.142-acres*) was annexed by the City Council on June 15, 1998 by *Ordinance No. 98-20*. The City Council annexed the remainder of the subject property on October 4, 2010 by *Ordinance No. 10-27*. At the time of annexation both of these portions of the subject property were zoned Agricultural (AG) District. On July 6, 2021, the City Council approved Planned Development District 92 (PD-92) [*Ordinance No. 21-24*] for Single-Family 8.4 (SF-8.4) District land uses on the subject property. On August 16, 2021, the City Council approved a preliminary plat [*Case No. P2021-044*] and a master plat [*Case No. P2021-041*] for the subject property. On June 14, 2022, the Planning and Zoning Commission approved a site plan [*Case No. SP2022-027*] that laid out the landscaping and hardscaping. On June 20, 2022, the City Council approved a final plat [*Case No. P2022-023*] for the subject property. On September 13, 2022, the Planning and Zoning Commission approved a new site plan [*Case No. SP2022-048*] for the subject property, due to changes to with the design of the residential subdivision. On September 19, 2022, the City Council approved a preliminary plat [*Case No. P2022-042*] and a master plat [*Case No. P2022-043*] for the subject property.
- On November 1, 2022, the Parks and Recreation Board reviewed the Final Plat and made the following recommendations concerning the proposed subdivision:
 - (1) The property owner shall pay pro-rata equipment fees of \$83,300.00 (*i.e. \$476.00 x 175 Lots*), which will be due prior to the issuance of a building permit.
- The surveyor has completed the majority of the technical revisions requested by staff, and this Final Plat -- *conforming to the requirements for plats as stipulated by the Subdivision Ordinance in the Municipal Code of Ordinances* -- is recommended for conditional approval pending the completion of final technical modifications and submittal requirements.
- Conditional approval of this Final Plat by the City Council shall constitute approval subject to the conditions stipulated in the *Conditions of Approval* section below.
- With the exception of the items listed in the *Conditions of Approval* section of this case memo, this plat is in substantial compliance with the requirements of the *Subdivision Ordinance* in the Municipal Code of Ordinances.

CONDITIONS OF APPROVAL

If the City Council chooses to approve the Final Plat for *Phase 1 of the Homestead Subdivision*, staff would propose the following conditions of approval:

- (1) All technical comments from City Staff (*i.e. Engineering, Planning and Fire Department*) shall be addressed prior to submittal of civil engineering plans;
- (2) The development of the subject property shall adhere to the recommendations made by Parks and Recreation Board; and,
- (3) Any construction resulting from the approval of this Final Plat shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

PLANNING AND ZONING COMMISSION

On November 15, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the Final Plat by a vote of 5-0, with Commissioners Conway and Llewellyn absent.



DEVELOPMENT APPLICATION

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

PLANNING & ZONING CASE NO. P2022-085
NOTE: APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.
DIRECTOR OF PLANNING:
CITY ENGINEER:

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

PLATTING APPLICATION FEES:

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

SITE PLAN APPLICATION FEES:

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

ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE) ¹
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) ^{1 & 2}
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) ¹

OTHER APPLICATION FEES:

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

NOTES:

¹ IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.
² A \$1,000.00 FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.

PROPERTY INFORMATION (PLEASE PRINT)

ADDRESS A portion of JA Ramsey Survey, Abstract No. 186; Property ID 12255; FM 549

SUBDIVISION Shaddock Homestead

LOT

BLOCK

GENERAL LOCATION FM 1139 and FM 549

ZONING, SITE PLAN AND PLATTING INFORMATION (PLEASE PRINT)

CURRENT ZONING PD-92, Ord No. 21-24

CURRENT USE

PROPOSED ZONING PD-92, Ord No. 21-24

PROPOSED USE

Single Family Residential

ACREAGE 129.485

LOTS [CURRENT]

1

LOTS [PROPOSED]

175

SITE PLANS AND PLATS: BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.

OWNER/APPLICANT/AGENT INFORMATION (PLEASE PRINT/CHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED)

OWNER SH Dev Klutts Rockwall, LLC

APPLICANT

Michael Joyce Properties

CONTACT PERSON Peter H. Shaddock, Jr.

CONTACT PERSON

Meredith Joyce

ADDRESS 2400 Dallas Parkway, Ste. 460

ADDRESS

767 Justin Rd

CITY, STATE & ZIP Plano, TX 75093

CITY, STATE & ZIP

Rockwall, TX 75087

PHONE 214-240-6004

PHONE

512-694-6394

E-MAIL land@shaddockhomes.com

E-MAIL

meredith@michaeljoyceproperties.com

NOTARY VERIFICATION (REQUIRED)

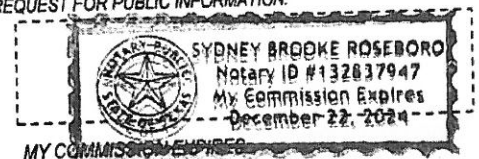
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Peter Shaddock Jr. [OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:

I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ 2,889.70 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 14 DAY OF October, 2022. BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 14 DAY OF October, 2022.

OWNER'S SIGNATURE

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

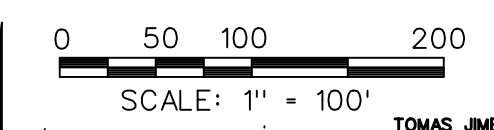


LOTS 15-28, BLOCK C
 LOTS 1 & 9-40, BLOCK D
 LOTS 1-22, BLOCK E
 LOTS 1-17, BLOCK F
 LOTS 1-28, BLOCK G
 LOTS 1-31 BLOCK H
 LOTS 1-22, BLOCK I
 LOTS 1-16, BLOCK J

BEING 54.570 ACRES OR 2,377,089.26 SF
 TOTAL RESIDENTIAL LOTS 175
 TOTAL OPEN SPACE LOTS 9
 SITUATED WITHIN
 TRACT 5 OF THE J.A. RAMSEY SURVEY,
 ABSTRACT NO. 186
 IN THE
 CITY OF ROCKWALL
 ROCKWALL COUNTY, TEXAS
 OWNER
SHADDOCK HOMES, LTD.
 2400 DALLAS PARKWAY, STE. 460
 PLANO, TEXAS 75093

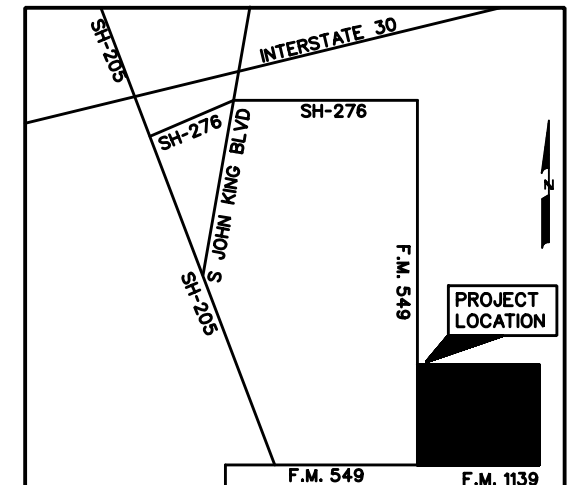
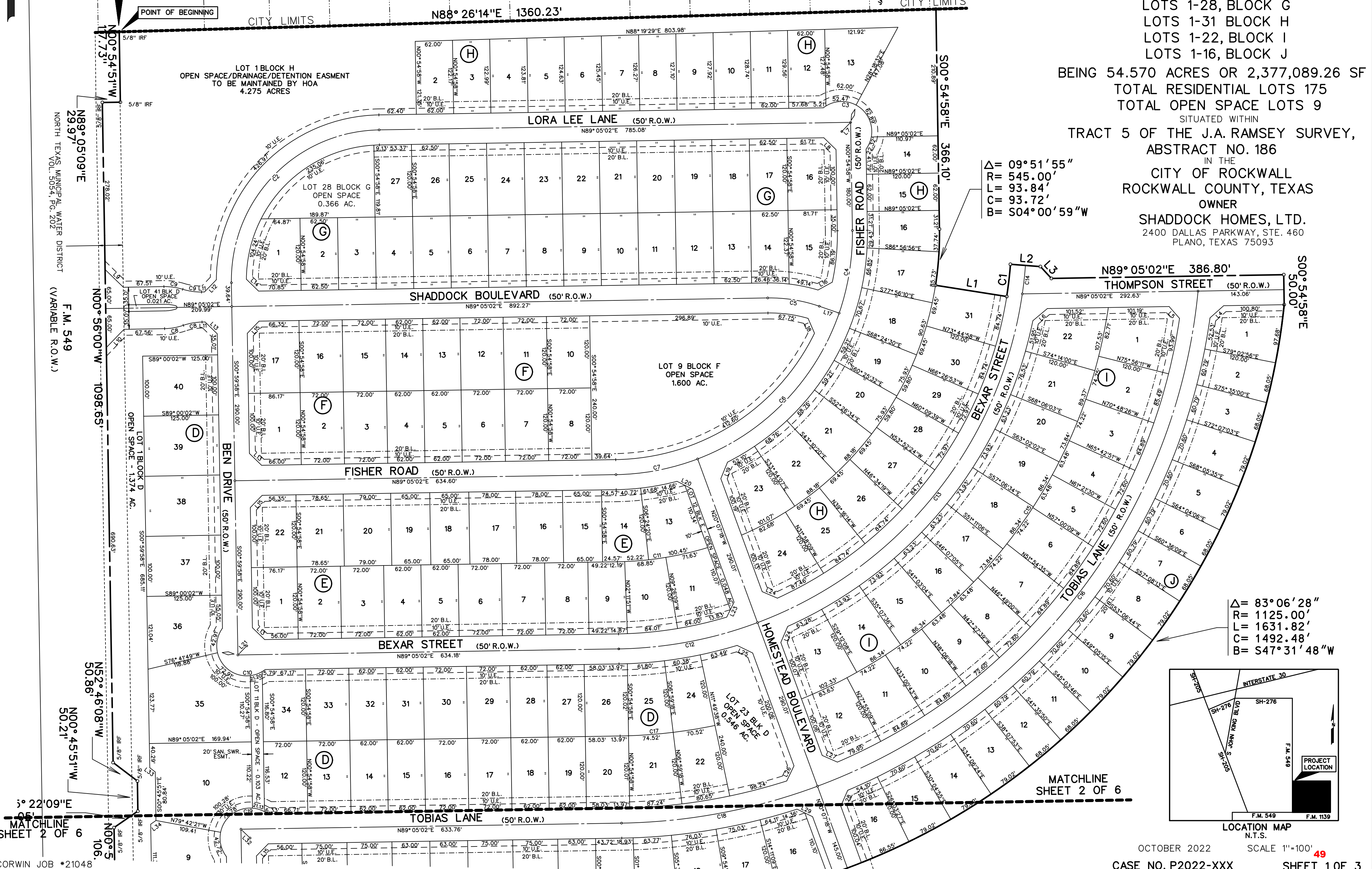
$\Delta = 09^{\circ}51'55''$
 $R = 545.00'$
 $L = 93.84'$
 $C = 93.72'$
 $B = S04^{\circ}00'59''W$

$\Delta = 83^{\circ}06'28''$
 $R = 1125.00'$
 $L = 1631.82'$
 $C = 1492.48'$
 $B = S47^{\circ}31'48''W$



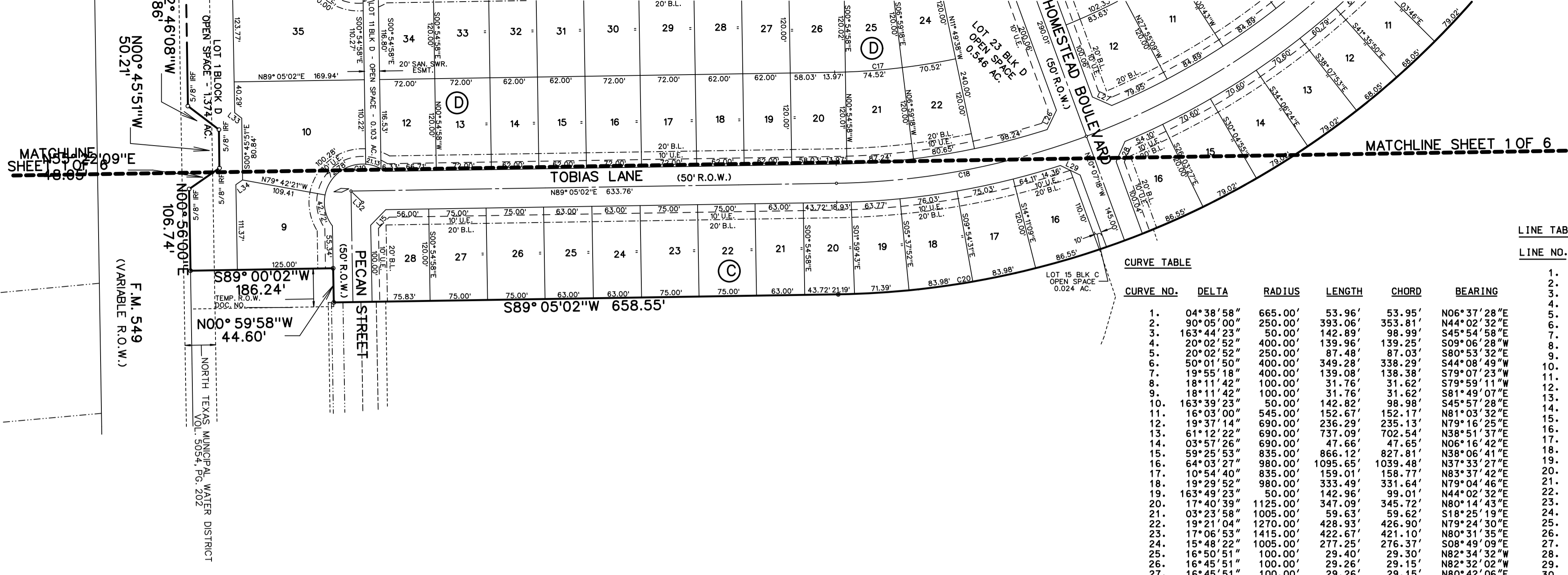
CITY OF ROCKWALL GRID SYSTEM COORDINATES

X	Y
2607530.367	7012611.969
ELEV = 555.50	



MATCHLINE SHEET 2 OF 6
 5° 22' 09" E
 N06° 5' 10.6" W
 50.86'
 N00° 4' 51" W
 50.21'

MATCHLINE SHEET 2 OF 6



LINE TABLE

LINE NO.	BEARING	DISTANCE
1.	S 81°03'03" E	120.00'
2.	S 85°42'01" E	50.00'
3.	S 42°56'58" E	26.93'
4.	N 48°11'32" E	30.55'
5.	S 41°50'15" E	26.34'
6.	N 49°51'24" E	31.63'
7.	S 44°05'02" W	21.21'
8.	N 45°54'58" W	28.28'
9.	S 45°55'29" E	42.43'
10.	N 44°04'31" E	42.42'
11.	N 89°05'02" E	5.00'
12.	S 44°07'05" W	28.30'
13.	S 45°57'28" E	28.30'
14.	S 45°52'03" E	28.26'
15.	N 44°02'32" E	28.26'
16.	N 61°11'56" E	27.11'
17.	S 70°52'06" E	34.93'
18.	S 23°20'01" E	26.92'
19.	N 22°13'53" E	29.69'
20.	S 63°08'08" E	29.32'
21.	N 44°02'32" E	21.20'
22.	N 26°11'17" E	27.66'
23.	S 66°52'09" E	27.46'
24.	S 23°17'38" W	29.10'
25.	S 63°55'58" E	28.89'
26.	N 25°47'12" E	27.85'
27.	S 66°19'59" E	27.70'
28.	S 23°44'52" W	28.86'
29.	N 64°16'24" W	28.71'
30.	N 26°17'51" E	28.29'
31.	N 61°34'42" W	27.34'
32.	S 45°57'28" E	21.23'
33.	S 52°46'08" E	11.65'
34.	S 55°22'09" W	10.60'
35.	S 45°55'29" E	42.43'
36.	N 44°38'47" E	42.85'
37.	S 44°05'02" W	28.28'
38.	N 45°54'58" W	28.28'

CURVE TABLE

CURVE NO.	DELTA	RADIUS	LENGTH	CHORD	BEARING
1.	04°38'58"	665.00'	53.96'	53.95'	N06°37'28"E
2.	90°05'00"	250.00'	393.06'	353.81'	N44°02'32"E
3.	163°44'23"	50.00'	142.89'	98.99'	S45°54'58"E
4.	20°02'52"	400.00'	139.96'	139.25'	S09°06'28"W
5.	20°02'52"	250.00'	87.48'	87.03'	S80°53'32"E
6.	50°01'50"	400.00'	349.28'	338.29'	S44°08'49"W
7.	18°55'18"	400.00'	139.08'	138.38'	S79°07'23"W
8.	18°11'42"	100.00'	31.76'	31.62'	S79°59'11"W
9.	18°11'42"	100.00'	31.76'	31.62'	S79°49'07"E
10.	163°39'23"	50.00'	142.82'	98.98'	S45°57'28"E
11.	16°03'00"	545.00'	152.67'	152.17'	N81°03'32"E
12.	19°37'14"	690.00'	236.29'	235.13'	N79°16'25"E
13.	61°12'22"	690.00'	737.09'	702.54'	N38°51'37"E
14.	03°57'26"	690.00'	47.66'	47.65'	N06°16'42"E
15.	59°25'53"	835.00'	866.12'	827.81'	N38°06'41"E
16.	64°03'27"	980.00'	1095.65'	1039.48'	N37°33'21"E
17.	10°54'40"	835.00'	159.01'	158.77'	N83°37'42"E
18.	19°29'52"	980.00'	333.49'	331.64'	N79°04'46"E
19.	163°49'23"	50.00'	142.96'	99.01'	N44°02'32"E
20.	17°40'39"	1125.00'	347.09'	345.72'	N80°14'43"E
21.	03°23'58"	1005.00'	59.63'	59.62'	S18°25'19"E
22.	19°21'04"	1270.00'	428.93'	426.90'	N79°24'30"E
23.	17°06'53"	1415.00'	422.67'	421.10'	N80°31'35"E
24.	15°48'22"	1005.00'	277.25'	276.37'	S08°49'09"E
25.	16°50'51"	100.00'	29.40'	29.30'	N82°34'32"W
26.	16°45'51"	100.00'	29.26'	29.15'	N82°32'02"W
27.	16°45'51"	100.00'	29.26'	29.15'	N80°42'06"E
28.	16°40'51"	100.00'	29.11'	29.01'	N80°39'36"E

LEGAL DESCRIPTION

BEING, a tract of land situated in the J.A. Ramsey Survey, Abstract No. 186 in the City of Rockwall, Rockwall County, Texas, being part of a 196.008 acre tract, as described in Clerks File No. in the Deed Records of Rockwall County, Texas being more particularly described as follows:

BEGINNING, at a 5/8 inch iron rod found at the most northerly northwest corner of said 196.008 acre tract and being in the east line of F.M. 549 (Variable R.O.W.);

THENCE, North 88°26'14" East, along the north line of said 196.008 acre tract, for a distance of 1360.23 feet, to a 1/2 inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.;"

THENCE, South 00°54'58" East, departing said north line, for a distance of 366.10 feet, to a 1/2 inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.," at the point of curvature of a curve to the right, having a radius of 545.00 feet, a central angle of 09°51'55";

THENCE, along said curve to the right for an arc distance of 93.84 feet (Chord Bearing South 04°00'59" West 93.72 feet), to a 1/2 inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.;"

THENCE, South 81°03'03" East, for a distance of 120.00 feet, to a 1/2 inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.," on a non-tangent curve to the left, having a radius of 665.00 feet, a central angle of 04°38'58";

THENCE, along said curve to the left for an arc distance of 53.96 feet (Chord Bearing North 06°37'28" East 53.95 feet), to a 1/2 inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.;"

THENCE, South 85°42'01" East, for a distance of 50.00 feet, to a 1/2 inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.;"

THENCE, South 42°56'58" East, for a distance of 26.93 feet, to a 1/2 inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.;"

THENCE, North 89°05'02" East, for a distance of 386.80 feet, to a 1/2 inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.;"

THENCE, South 00°54'58" East, for a distance of 50.00 feet, to a 1/2 inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.," on a curve to the right, having a radius of 1125.00 feet, a central angle of 83°06'28";

THENCE, along said curve to the right for an arc distance of 1631.82 feet (Chord Bearing South 47°31'48" West 1492.48 feet), to a 1/2 inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.," at the point of tangency;

THENCE, South 89°05'02" West, for a distance of 658.55 feet, to a 1/2 inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.;"

THENCE, North 00°59'58" West, for a distance of 44.60 feet, to a 1/2 inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.;"

THENCE, South 89°00'02" West, for a distance of 186.24 feet, to a 1/2 inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.," in the west line of said 196.008 acre tract and being in the east line of said F.M. 549;

THENCE, North 00°56'00" West, along said east and west lines, for a distance of 106.74 feet, to a 5/8 inch iron rod found;

THENCE, North 55°22'09" East, continuing along said lines, for a distance of 48.05 feet, to a 5/8 inch iron rod found;

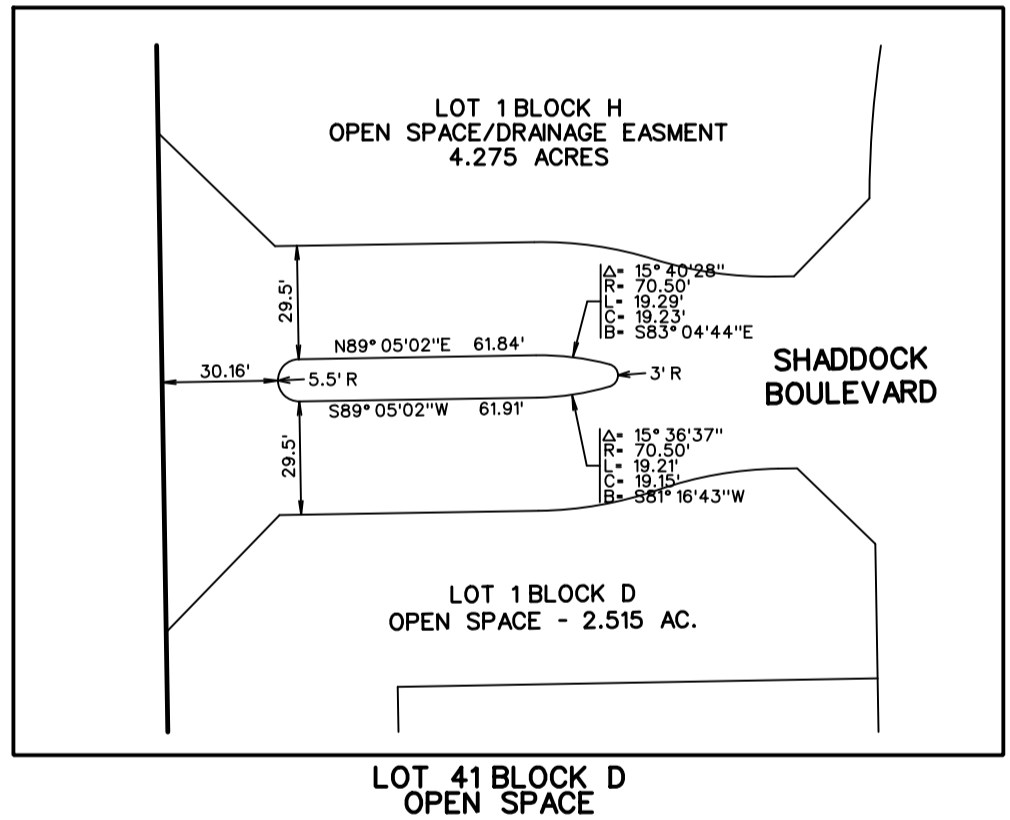
THENCE, North 00°45'51" West, continuing along said lines, for a distance of 50.21 feet, to a 5/8 inch iron rod found;

THENCE, North 52°46'08" West, continuing along said lines, for a distance of 50.86 feet, to a 5/8 inch iron rod found;

THENCE, North 00°56'00" West, continuing along said lines, for a distance of 1098.65 feet, to a 5/8 inch iron rod found;

THENCE, North 89°05'09" East, continuing along said lines, for a distance of 29.97 feet, to a 5/8 inch iron rod found;

THENCE, North 00°54'51" West, continuing along said lines, for a distance of 117.73 feet, to the POINT OF BEGINNING and containing 54.570 acres of land.



NOTES

- Bearings are referenced to a 196.008 acre tract, as recorded in Deed No. in the Deed Records of Rockwall County, Texas.
- All lot lines are radial or perpendicular to the street unless otherwise noted by bearing.
- 1/2" iron rods with "CORWIN ENGR. INC." caps set at all boundary corners, block corners, points of curvature, points of tangency, and angle points in public right-of-way unless otherwise noted.
- B.L. - Building Line.
U.E. - Utility Easements.
C.M. - Controlling Monument.
D.E. - Drainage Easement.
S.S.E. - Sanitary Sewer Easement.
- The HOA will be responsible for maintaining repairing or replacing the open space/drainage easement lots.
- All non-standard decorative street signs, light poles/post, hardware, attachments, foundations, etc. shall be owned, maintained, repaired and replaced by the HOA.
- All landscape easements are to be owned, maintained, repaired and replaced by the Homeowners Association.

FINAL PLAT
OF
HOMESTEAD PHASE I
LOTS 15-28, BLOCK C
LOTS 1 & 9-40, BLOCK D
LOTS 1-22, BLOCK E
LOTS 1-17, BLOCK F
LOTS 1-28, BLOCK G
LOTS 1-31 BLOCK H
LOTS 1-22, BLOCK I
LOTS 1-16, BLOCK J
BEING 54.570 ACRES OR 2,377,089.26 SF
TOTAL RESIDENTIAL LOTS 175
TOTAL OPEN SPACE LOTS 9
SITUATED WITHIN
TRACT 5 OF THE J.A. RAMSEY SURVEY,
ABSTRACT NO. 186
IN THE
CITY OF ROCKWALL
ROCKWALL COUNTY, TEXAS
OWNER
SHADDOCK HOMES, LTD.
2400 DALLAS PARKWAY, STE. 460
PLANO, TEXAS 75093

OWNER'S CERTIFICATE

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

STATE OF TEXAS
COUNTY OF ROCKWALL

We the undersigned owners of the land shown on this plat, and designated herein as the HOMESTEAD PHASE I, subdivision to the City of Rockwall, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements and public places thereon shown for the purpose and consideration therein expressed. We further certify that all other parties who have a mortgage or lien interest in the HOMESTEAD PHASE I, subdivision have been notified and signed this plat.

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

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

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

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

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

SHADDOCK HOMES, LTD.

STATE OF TEXAS
COUNTY OF DALLAS

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein stated. Given upon my hand and seal of office this _____ day of _____, 2022.

Notary Public in and for the State of Texas

My Commission Expires: _____

NOTE: It shall be the policy of the City of Rockwall to withhold issuing building permits until all streets, water, sewer and storm drainage systems have been accepted by the City. The approval of a plat by the City does not constitute any representation, assurance or guarantee that any building within such plat shall be approved, authorized or permit therefore issued, nor shall such approval constitute any representation, assurance or guarantee by the City of the adequacy and availability for water for personal use and fire protection within such plat, as required under Ordinance 83-54.

Homestead									
Block C	Block D		Block F		Block H		Block I		
Lot	SF	Lot	SF	Lot	SF	Lot	SF	Lot	SF
15*	1051	34	8632	10	8640	1*	186204	10	9547
16	9590	35	22269	11	8640	2	7549	11	9547
17	9541	36	13128	12	8640	3	7600	12	10815
18	9541	37	12500	13	7440	4	7651	13	10939
19	8110	38	12500	14	7440	5	7702	14	9616
20	7654	39	12500	15	8640	6	7753	15	9616
21	7560	40	12500	16	8640	7	7804	16	8225
22	9000	41	913	17	10151	8	7854	17	8225
23	9000	Block E		Block G		9	7905	18	9616
24	7560	Lot	SF	Lot	SF	10	7956	19	9616
25	7560	1	8930	1	9816	11	8007	20	8225
26	9000	2	8640	2	7500	12	8052	21	9954
27	9000	3	8640	3	7500	13	10731	22	10593
28	8910	4	7440	4	7500	14	7330	Block J	
Block D		5	7440	5	7500	15	7440	Lot	SF
Lot	SF	6	8640	6	7500	16	7775	1	10025
1*	59855	7	8640	7	7500	17	9155	2	7730
9	12984	8	8640	8	7500	18	9678	3	7730
10	21685	9	7530	9	7500	19	8109	4	8977
11*	4507	10	9172	10	7500	20	8109	5	8977
12	8630	11	9888	11	7500	21	9417	6	7730
13	8640	12*	2103	12	7500	22	9417	7	7730
14	7440	13	10281	13	7500	23	10197	8	8977
15	7440	14	8524	14	7528	24	11210	9	8977
16	8640	15	7800	15	10028	25	9252	10	8977
17	8640	16	9360	16	9606	26	9252	11	7730
18	7440	17	9360	17	7500	27	9252	12	7730
19	7440	18	7800	18	7500	28	7967	13	8977
20	8640	19	7800	19	7500	29	7967	14	8977
21	9706	20	9480	20	7500	30	9252	15	8977
22	9070	21	9438	21	7500	31	9252	16	9440
23*	23810	22	8951	22	7500	Block I			
24	7854	Block F		23	7500	Lot	SF		
25	8180	Lot	SF	24	7500	1	11614		
26	8640	1	10130	25	7500	2	9614		
27	7440	2	8640	26	7500	3	9547		
28	7440	3	8640	27	7499	4	8165		
29	8640	4	7440	28*	15929	5	8165		
30	8640	5	7440			6	9547		
31	7440	6	8640			7	9547		
32	7440	7	8640			8	8165		
33	8640	8	8640			9	8165		
		9*	69710						

Denotes HOA Lots

SURVEYOR CERTIFICATE

I, WARREN L. CORWIN, do hereby certify that the plat shown hereon accurately represents the results of an on-the-ground survey made under my direction and supervision and all corners are as shown thereon and there are no encroachments, conflicts, protrusions or visible utilities on the ground except as shown and said plat has been prepared in accordance with the platting rules and regulations of the City Plan Commission of the City of Rockwall, Texas.

DATED the this _____ day of _____, 2022.

WARREN L. CORWIN
R.P.L.S. No. 4621

Planning & Zoning Commission

Date

APPROVED

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

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

WITNESS OUR HANDS, this _____ day of _____, 2022.

Mayor, City of Rockwall

City Secretary

City Engineer

FINAL PLAT
OF
HOMESTEAD PHASE I

LOTS 15-28, BLOCK C
LOTS 1 & 9-40, BLOCK D
LOTS 1-22, BLOCK E
LOTS 1-17, BLOCK F
LOTS 1-28, BLOCK G
LOTS 1-31, BLOCK H
LOTS 1-22, BLOCK I
LOTS 1-16, BLOCK J

BEING 54.570 ACRES OR 2,377,089.26 SF

TOTAL RESIDENTIAL LOTS 175
TOTAL OPEN SPACE LOTS 9

SITUATED WITHIN
TRACT 5 OF THE J.A. RAMSEY SURVEY,
ABSTRACT NO. 186

IN THE
CITY OF ROCKWALL
ROCKWALL COUNTY, TEXAS

OWNER
SHADDOCK HOMES, LTD.
2400 DALLAS PARKWAY, STE. 460
PLANO, TEXAS 75093



MEMORANDUM

TO: Mary Smith, City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: November 21, 2022

SUBJECT: P2022-056; FINAL PLAT FOR THE MARINA VILLAGE SUBDIVISION

Attachments

Case Memo
Development Application
Location Map
Final Plat
Landscape Plan
Treescape Plan
Closure Report

Summary/Background Information

Consider a request by Ryan Joyce of Michael Joyce Properties on behalf of William Johnson of LTL Family Holdings, LLC for the approval of a *Final Plat* for the Marina Village Subdivision being a 6.88-acre tract of land identified as Lot 4, Block A, Spyglass Hill #4 Addition and Tract 134-12 of the E. Teal Survey, Abstract No. 207, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) [Ordinance No. 92-39] for Zero Lot Line (ZL-5) District land uses, generally located on the south side of Henry M. Chandler Drive west of Ridge Road [FM-740], and take any action necessary.

Action Needed

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



CITY OF ROCKWALL
CITY COUNCIL MEMORANDUM

PLANNING AND ZONING DEPARTMENT
385 S. GOLIAD STREET • ROCKWALL, TX 75087
PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO: Mayor and City Council
DATE: November 21, 2022
APPLICANT: Ryan Joyce; *Michael Joyce Properties*
CASE NUMBER: P2022-056; *Final Plat for the Marina Village Subdivision*

SUMMARY

Consider a request by Ryan Joyce of Michael Joyce Properties on behalf of William Johnson of LTL Family Holdings, LLC for the approval of a Final Plat for the Marina Village Subdivision being a 6.88-acre tract of land identified as Lot 4, Block A, Spyglass Hill #4 Addition and Tract 134-12 of the E. Teal Survey, Abstract No. 207, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) [Ordinance No. 92-39] for Zero Lot Line (ZL-5) District land uses, generally located on the south side of Henry M. Chandler Drive west of Ridge Road [FM-740], and take any action necessary.

PLAT INFORMATION

- The applicant is requesting the approval of a Final Plat for a 6.88-acre tract of land (*i.e. Lot 4, Block A, Spyglass Hill #4 Addition and Tract 134-12 of the E. Teal Survey, Abstract No. 207*) for the purpose of establishing the Marina Village Subdivision. The subdivision will consist of 36 townhomes that are zoned Planned Development District 8 (PD-8) [Ordinance No. 21-38] for Two-Family (2F) District land uses. The site is generally located on the south side of Henry M. Chandler Drive west of Ridge Road [FM-740]. It should be noted that the applicant has submitted a site plan (*i.e. Case No. SP2022-059*) concurrently with this final plat that shows the proposed building elevations, landscaping, and hardscape plans for the subdivision.
- The subject property was annexed into the City of Rockwall and zoned Agricultural (AG) District on October 29, 1973 (Ordinance No. 73-43). On November 12, 1973, the subject property was rezoned to Planned Development District 8 (PD-8) and designated for a *Multi-Family Structure or Condominium* by Ordinance No. 73-48. This designation was amended on October 19, 1992 by Ordinance No. 92-39 (Case No. PZ1992-008-01), which re-designated the subject property to allow 36 zero-lot-line, single-family homes. On October 13, 2017, a request was made by Ed Cavendish of Cavendish Homes/VPS Construction requesting to reinstate the preliminary plat that was approved in 1992 in accordance with Ordinance No. 92-39. This preliminary plat depicted the proposed layout for the 36 zero-lot-line, single-family homes. The Planning and Zoning Commission approved the reinstatement request October 24, 2017; however, the applicant ultimately chose to submit an application on November 17, 2017 requesting to amend Ordinance No. 92-39 to allow for a 48-unit townhome development (Case No. Z2017-059). This request was denied by the City Council on February 5, 2018. On June 18, 2021, a request was made by Troy Lewis of Newstream Capital Partners to amend Planned Development District 8 (PD-8) [Ordinance No. 92-39] to allow a townhome development consisting of 36 townhomes (Case No. Z2021-026). This request was approved [Ordinance No. 21-38] by the City Council on August 2, 2021 by vote of 6-0 with Council Member Daniels absent.
- On November 1, 2022, the Parks and Recreation Board reviewed the *Final Plat* and made the following recommendations concerning the proposed subdivision:
 - (1) The property owner shall pay pro-rata equipment fees of \$7,920 (*i.e. \$220.00 x 36 Lots*), which will be due prior to the issuance of a building permit.
 - (2) The property owner shall pay cash-in-lieu of land fees of \$8,352.00 (*i.e. \$232.00 x 36 Lots*), which will be due prior to the issuance of a building permit.

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

CONDITIONS OF APPROVAL

If City Council chooses to approve a Final Plat for the *Marina Village Subdivision*, staff would propose the following conditions of approval:

- (1) All technical comments from City Staff (*i.e. Engineering, Planning and Fire Department*) shall be addressed prior to submittal of civil engineering plans;
- (2) The development of the subject property shall adhere to the recommendations made by Parks and Recreation Board; and,
- (3) Any construction resulting from the approval of this Final Plat shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

PLANNING AND ZONING COMMISSION

On November 15, 2022, the Planning and Zoning Commission recommended approval of the Final Plat, by a vote of 5-0, with Commissioners Conway and Llewellyn absent.



DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO. 2022-056

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

DIRECTOR OF PLANNING:

CITY ENGINEER:

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

PLATTING APPLICATION FEES:

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

SITE PLAN APPLICATION FEES:

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

ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE) ¹
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) ^{1 & 2}
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) ¹

OTHER APPLICATION FEES:

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

NOTES:

¹: IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.
²: A \$1,000.00 FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.

PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS A0207 E Teal, Tract 134-12, Acres 2.564 Prop ID# 30591; Spyglass Hill #4, Block A, Lot 4, Acres 4.316 Prop ID# 29883

SUBDIVISION Marina Village LOT BLOCK

GENERAL LOCATION Henry M Chandler Dr, Behind Marina

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING	PD-8, Ord No. 21-38	CURRENT USE	
PROPOSED ZONING	PD-8, Ord No. 21-38	PROPOSED USE	Multi-Family Residential
ACREAGE	6.889	LOTS [CURRENT]	1
		LOTS [PROPOSED]	36

SITE PLANS AND PLATS: BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.

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

<input type="checkbox"/> OWNER	LTL Family Holdings, LLC	<input type="checkbox"/> APPLICANT	Michael Joyce Properties
CONTACT PERSON	William Johnson	CONTACT PERSON	Ryan Joyce
ADDRESS	14918 Mystic Terrace Lane	ADDRESS	767 Justin Road
CITY, STATE & ZIP	Cypress, TX 77429	CITY, STATE & ZIP	Rockwall, TX 75087
PHONE		PHONE	512-965-6280
E-MAIL		E-MAIL	ryan@michaeljoyceproperties.com

NOTARY VERIFICATION [REQUIRED]

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

I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ 437.78 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 14 DAY OF October, 2022. BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION.

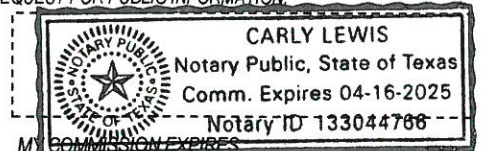
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 14 DAY OF October, 2022

OWNER'S SIGNATURE

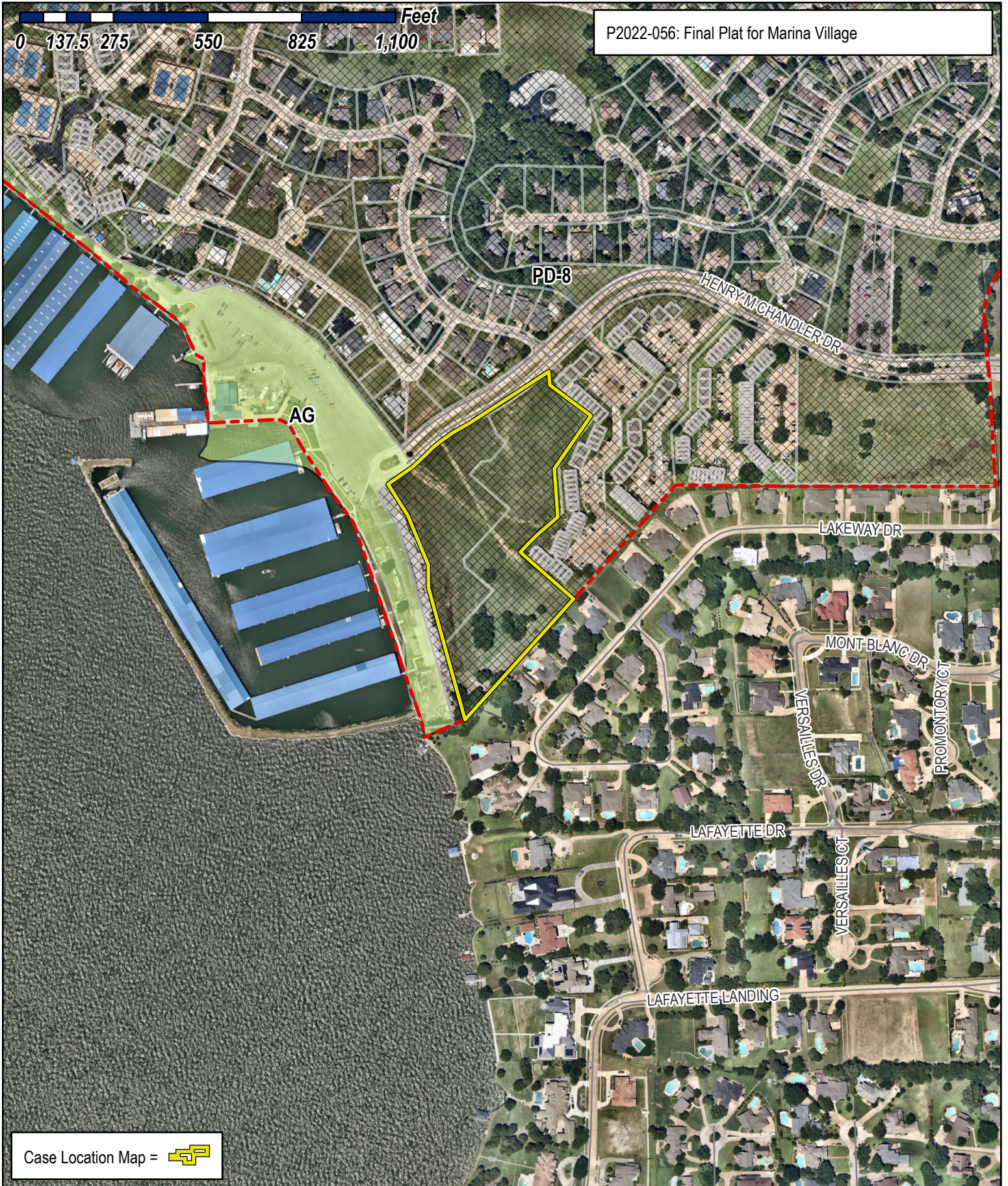
William Johnson

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

Carly Lewis



4-16-25



P2022-056: Final Plat for Marina Village

Case Location Map = 

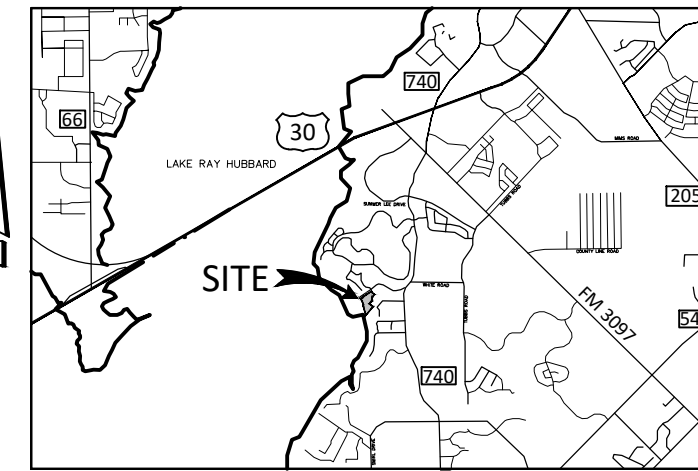


City of Rockwall

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

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

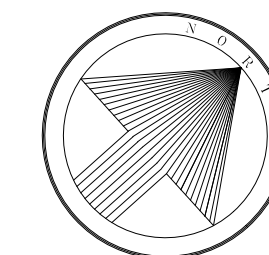




VICINITY MAP
N.T.S.

LEGEND

- Point of Curvature or Tangency on Center Line
- 1/2" Iron rod set with a yellow plastic cap stamped "JVC" (unless otherwise noted)
- 1/2" IRF (unless otherwise noted)
- AC Acre
- BL Building Line
- C1 Curve No.
- <CM> Control Monument
- DE Drainage Easement
- WLE Water Line Easement
- SSE Sanitary Sewer Easement
- Esmt Easement
- L1 Line No.
- SF Square Feet
- UE Utility Easement
- PE Pedestrian Easement
- PUDE Pedestrian, Utility & Drainage Easement
- VAM Visibility Easement
- D.R.R.C.T. = Deed Records of Rockwall County, Texas
- P.R.R.C.T. = Plat Records of Rockwall County, Texas
- M.R.R.C.T. = Map Records of Rockwall County, Texas
- O.R.R.C.T. = Official Records of Rockwall County, Texas
- [Hatched Area] Easement Abandonment



SCALE 1" = 60'

**FINAL PLAT
MARINA VILLAGE**

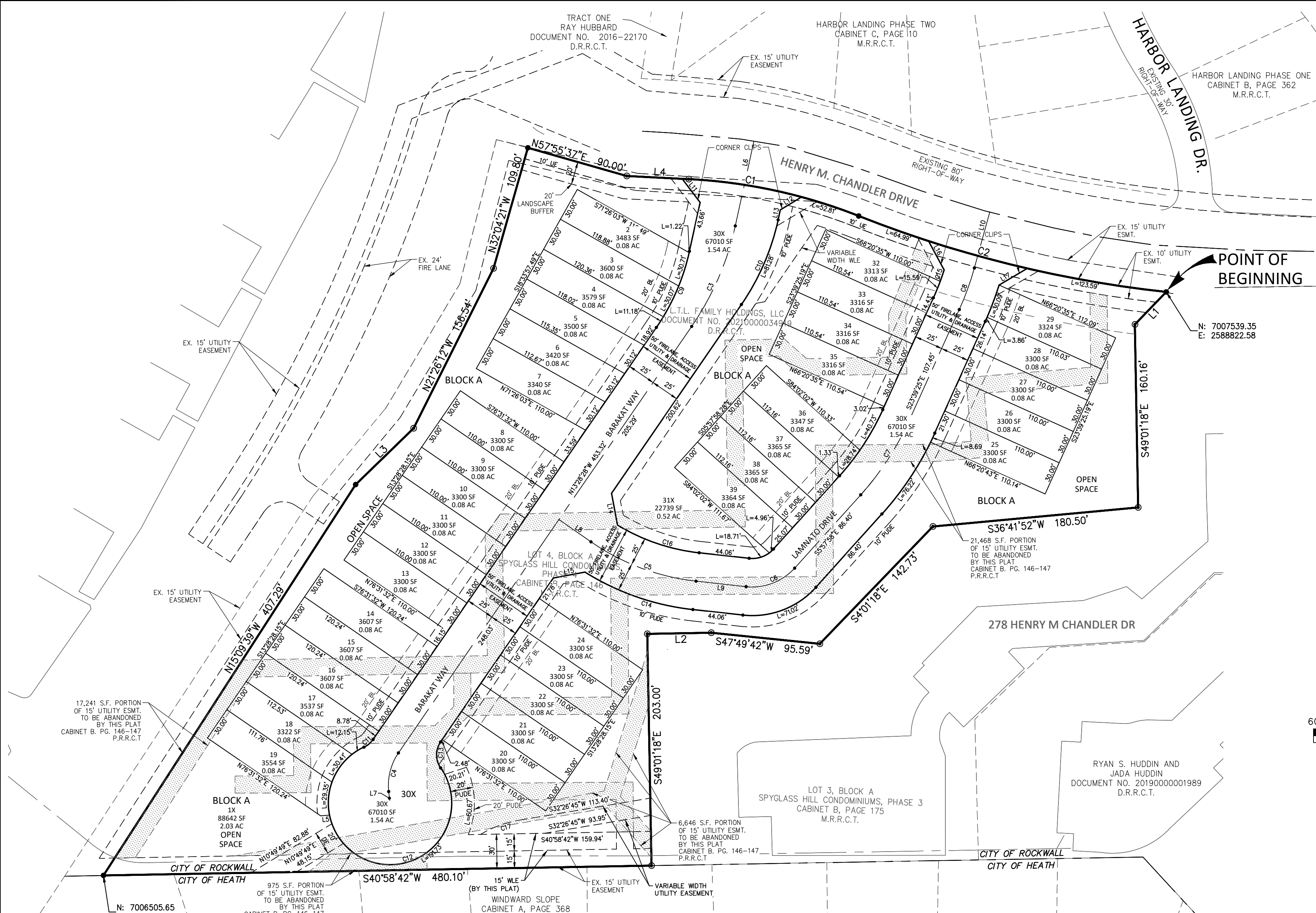
LOTS 1X, 2-29, 30X, 31X, 32-39 BLOCK A
6.889 ACRES
36 TOWNHOME LOTS AND
4 COMMON AREAS
SITUATED WITHIN THE
EDWARD TEAL SURVEY, ABSTRACT NO. 207
CITY OF ROCKWALL
ROCKWALL COUNTY, TEXAS

P2022-008
October 14, 2022
SHEET 1 OF 2

Owner/Applicant:
LTL Family Holdings, LLC
William Johnson
14918 Mystic Terrace Lane
Cyprus, Texas 77429
Phone: 713-325-4294

Engineer/Surveyor:
Johnson Volk Consulting, Inc.
704 Central Parkway East, Suite. 1200
Plano, Texas 75074
Phone: 682-225-7189
Contact: Tom Dayton, PE

**JOHNSON VOLK
CONSULTING**
TBPELS: Engineering Firm No. 11962 / Land Surveying Firm No. 10194033
704 Central Parkway East | Suite 1200 | Plano, TX 75074 | 972.201.3100



BENCHMARKS

CITY OF ROCKWALL MONUMENT NO. COR-5:
STANDARD CITY OF ROCKWALL CONTROL MONUMENT LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF HENRY W. CHANDLER DRIVE AND COMMODORE PLAZA APPROXIMATELY 400' WEST OF THE INTERSECTION OF HENRY W. CHANDLER DRIVE AND RIDGE ROAD.
ELEVATION = PLAN 560.58' FIELD 561.09'

CITY OF ROCKWALL MONUMENT NO. COR-7:
STANDARD CITY OF ROCKWALL CONTROL MONUMENT LOCATED ON THE SOUTH SIDE OF SUMMER LEE DRIVE APPROXIMATELY 250' WEST OF THE INTERSECTION OF SUMMER LEE DRIVE AND RIDGE ROAD.
ELEVATION = PLAN 567.52' FIELD 567.78'

CITY OF ROCKWALL MONUMENT NO. COR-10:
BRASS DISK STAMPED "CITY OF ROCKWALL SURVEY MONUMENT" ON THE SOUTHEAST SIDE OF LAGUNA DRIVE AT THE SOUTHEAST CORNER OF A CURB INLET APPROXIMATELY 325' NORTHEAST OF THE INTERSECTION OF VILLAGE LANE AND LAGUNA DRIVE.
ELEVATION = PLAN 521.61' FIELD 521.57'

CITY OF ROCKWALL MONUMENT NO. COR-11:
BRASS DISK STAMPED "CITY OF ROCKWALL SURVEY MONUMENT" ON THE NORTHEAST SIDE OF MIMS ROAD AT THE SOUTHERLY END OF A CONCRETE HEADWALL AT THE INTERSECTION OF THE NORTHEAST LINE OF MIMS ROAD WITH THE SOUTHEAST LINE OF I-30.
ELEVATION = PLAN 565.98' FIELD 566.02'

- GENERAL NOTES:**
- ALL LOT CORNERS MONUMENTED WITH A 1/2" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "JVC" UNLESS OTHERWISE NOTED.
 - ALL UTILITY EASEMENTS AND DRAINAGE EASEMENTS WITHIN THIS PLATTED PROPERTY ARE CREATED BY THIS PLAT, UNLESS OTHERWISE NOTED.
 - BASIS OF BEARING AND COORDINATES SHOWN HEREON REFER TO "TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE (4202), NORTH AMERICAN DATUM OF 1983 ON GRID COORDINATE VALUES.
 - LOCATION OF 1% ANNUAL FLOOD CHANCE ESTIMATED FROM FEMA FIRM PANEL 48139C0325F DATED JUNE 3, 2013.
 - LOTS ADJACENT TO FLOODPLAIN SHALL HAVE A MINIMUM FINISHED FLOOR ELEVATION 2' ABOVE THE 100-YR WSEL.
 - IT SHALL BE THE POLICY OF THE CITY OF ROCKWALL TO WITHHOLD ISSUING BUILDING PERMITS UNTIL ALL STREETS, WATER, SEWER AND STORM DRAINAGE SYSTEMS HAVE BEEN ACCEPTED BY THE CITY. THE APPROVAL OF A PLAT BY THE CITY DOES NOT CONSTITUTE ANY REPRESENTATION, ASSURANCE OR GUARANTEE THAT ANY BUILDING WITHIN SUCH PLAT SHALL BE APPROVED, AUTHORIZED OR PERMIT THEREFORE ISSUED, NOR SHALL SUCH APPROVAL CONSTITUTE ANY REPRESENTATION, ASSURANCE OR GUARANTEE BY THE CITY OF THE ADEQUACY AND AVAILABILITY FOR WATER FOR PERSONAL USE AND FIRE PROTECTION WITHIN SUCH PLAT, AS REQUIRED UNDER ORDINANCE 83-54.
 - PROPERTY OWNER SHALL BE RESPONSIBLE FOR MAINTAINING, REPAIRING, AND REPLACING ALL SYSTEMS WITHIN THE DRAINAGE AND DETENTION EASEMENTS.
 - ALL ROW, PAVING AND DRAINAGE SHALL BE PRIVATE AND MAINTAINED, REPLACED AND REPAIRED BY HOA/PROPERTY OWNER.

STATE OF TEXAS §
COUNTY OF ROCKWALL §

WHEREAS L.T.L. Family Holdings, LLC, BEING THE OWNER OF A TRACT OF land in the County of Rockwall, State of Texas, said tract being described as follows:

BEING a tract of land situated in the E. TEAL SURVEY, ABSTRACT NO. 207, City of Rockwall, Rockwall County, Texas and being all of Lot 4, Block A of SPYGLASS HILL CONDOMINIUMS PHASE FOUR, an Addition to the City of Rockwall, Rockwall County, Texas according to the Plat thereof recorded in Cabinet B, Page 146, Map Records, Rockwall County, Texas and being all of that tract of land described in Deed to L.T.L. Family Holdings, LLC, as recorded in Document No. 2021000034919, Deed Records, Rockwall County, Texas and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with a yellow plastic cap stamped "BISON CREEK" found in the southeast line of Henry Chandler Drive, an 80 foot right-of-way, for the common northeast corner of said L.T.L. Family Holdings, LLC tract, northeast corner of said Lot 4 and northwest corner of Lot 3, Block A of SPYGLASS HILL CONDOMINIUMS, PHASE 3, an Addition to the City of Rockwall, Rockwall County, Texas according to the Plat thereof recorded in Cabinet B, Page 175, Map Records, Rockwall County, Texas;

THENCE Southerly, with the common east line of said Lot 4, east line of said L.T.L. Family Holdings, LLC tract and west line of said Lot 3, the following seven (7) courses and distances:

South 04 degrees 01 minutes 18 seconds East, leaving said southeast line, a distance of 39.64 feet to a 1/2 inch iron rod found for corner;

South 49 degrees 01 minutes 18 seconds East, a distance of 160.16 feet to a 1/2 inch iron rod found for corner;

South 36 degrees 41 minutes 52 seconds West, a distance of 180.50 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "BISON CREEK" found for corner;

South 04 degrees 01 minutes 18 seconds East, a distance of 142.73 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "BISON CREEK" found for corner;

South 47 degrees 49 minutes 42 seconds West, a distance of 95.59 feet to a 1/2 inch iron rod found for corner;

South 40 degrees 58 minutes 42 seconds West, a distance of 56.00 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "BISON CREEK" found for corner;

South 49 degrees 01 minutes 18 seconds East, a distance of 203.00 feet to a 1/2 inch iron rod found in the northwest line of WINDWARD SLOPE, an Addition to the City of Rockwall, Rockwall County, Texas according to the Plat thereof recorded in Cabinet A, page 368, Map Records, Rockwall County, Texas for the common south corner of said Lot 3 and an exterior ell corner of said Lot 4 and said L.T.L. Family Holdings, LLC tract;

THENCE South 40 degrees 58 minutes 42 seconds West, with the common southeast line of said Lot 4 and said L.T.L. Family Holdings, LLC tract and said northwest line, a distance of 480.10 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for the common south corner of said Lot 4 and said L.T.L. Family Holdings, LLC tract;

THENCE Northerly, with the west line of said L.T.L. Family Holdings, LLC tract, the following four (4) courses and distances:

North 15 degrees 09 minutes 39 seconds West, a distance of 407.29 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

North 02 degrees 08 minutes 12 seconds West, a distance of 70.75 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "BISON CREEK" found for corner;

North 21 degrees 26 minutes 12 seconds West, a distance of 156.54 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "BISON CREEK" found for corner;

North 32 degrees 04 minutes 21 seconds West, a distance of 109.80 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set in the southeast line of the above mentioned Henry Chandler Drive for the northwest corner of said L.T.L. Family Holdings, LLC tract;

THENCE Northeasterly, with said southeast line, the following four (4) courses and distances:

North 57 degrees 55 minutes 37 seconds East, a distance of 90.00 feet to a 1/2 inch iron rod found for corner;

North 44 degrees 54 minutes 57 seconds East, a distance of 54.37 feet to a 1/2 inch iron rod found for corner at the beginning of a curve to the right having a central angle of 18 degrees 36 minutes 42 seconds, a radius of 471.19 feet and a chord bearing and distance of North 54 degrees 13 minutes 19 seconds East, 152.39 feet;

Northeasterly, with said curve to the right, an arc distance of 153.06 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner at the beginning of a reverse curve to the left having a central angle of 15 degrees 20 minutes 06 seconds, a radius of 1,040.00 feet and a chord bearing and distance of North 55 degrees 51 minutes 37 seconds East, 277.52 feet;

Northeasterly, with said curve to the left, an arc distance of 278.35 feet to the POINT OF BEGINNING and containing 6.889 acres of land, more or less.

Line Table		
Line	Length	Direction
L1	39.64	S4° 01' 18"E
L2	56.00	S40° 58' 42"W
L3	70.75	N2° 08' 12"W
L4	48.71	N44° 54' 57"E
L5	7.87	N37° 31' 07"E
L6	75.93	N35° 35' 51"W
L7	10.11	N54° 16' 59"W
L8	34.22	S76° 43' 41"W
L9	44.06	S48° 17' 23"W
L10	51.06	S32° 31' 55"E
L11	26.01	S85° 01' 36"E
L12	21.71	N10° 45' 15"E
L13	8.92	N35° 35' 51"W
L14	28.27	S58° 28' 11"E
L15	28.28	N31° 30' 26"E
L16	28.64	S76° 19' 54"E
L17	28.68	S11° 22' 41"W

Curve Table					
Curve #	Length	Radius	Delta	Chord Length	Chord Bearing
C1	153.06	471.19	018°36'42"	152.39	N54° 13' 19"E
C2	278.35	1040.00	015°20'06"	277.52	N55° 51' 37"E
C3	96.53	250.00	022°07'23"	95.93	N24° 32' 09"W
C4	35.61	50.00	040°48'31"	34.86	S33° 52' 43"E
C5	99.27	200.00	028°26'17"	98.25	N62° 30' 32"E
C6	47.35	50.00	054°15'21"	45.60	N21° 09' 42"E
C7	77.19	250.00	017°41'27"	76.88	N14° 48' 42"W
C8	38.72	250.00	008°52'30"	38.69	N28° 05' 40"W
C9	30.07	189.50	009°05'28"	30.04	N21° 23' 59"W
C10	81.28	210.50	022°07'23"	80.77	N24° 32' 09"W
C11	10.65	20.00	030°29'56"	10.52	N01° 46' 30"E
C12	191.73	54.00	203°26'04"	105.75	N19° 00' 37"E
C13	24.17	20.00	069°13'57"	22.72	S48° 05' 27"E
C14	100.81	225.00	025°40'18"	99.97	N61° 07' 32"E
C15	10.62	225.00	002°42'17"	10.62	S28° 58' 42"E
C16	76.17	175.00	024°56'24"	75.57	N60° 45' 35"E
C17	39.36	96.46	023°22'43"	39.09	S22° 39' 49"W

OWNER'S CERTIFICATION:

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

STATE OF TEXAS §
COUNTY OF ROCKWALL §

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

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

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

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

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

Property Owner Signature

STATE OF TEXAS §
COUNTY OF ROCKWALL §

BEFORE ME, the undersigned authority, on this day personally appeared L.T.L. Family Holdings, LLC, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein stated.

Given under my hand and seal of office, this ____ day of _____, 2022.

Notary public in and for the State of Texas

My Commission Expires

STATE OF TEXAS §
COUNTY OF ROCKWALL §

BEFORE ME, the undersigned authority, on this day personally appeared L.T.L. Family Holdings, LLC, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein stated.

Given under my hand and seal of office, this ____ day of _____, 2022.

Notary public in and for the State of Texas

My Commission Expires

SURVEYOR'S CERTIFICATE:

NOW, THEREFORE KNOW ALL MEN BY THESE PRESENTS:

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

RYAN S. REYNOLDS, R.P.L.S.
Texas Registered Professional Land Surveyor No. 6385.

STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, the undersigned authority, on this day personally appeared Ryan S. Reynolds, known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration expressed and in the capacity therein stated.

Given under my hand and seal of office, this ____ day of _____, 2022.

Notary public for and in the State of Texas

My commission expires: _____

Planning & Zoning Commission, Chairperson

Date

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

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

WITNESS OUR HANDS, this ____ day of _____, 2022.

Mayor, City of Rockwall

City Secretary

City Engineer

FINAL PLAT
MARINA VILLAGE

LOTS 1X, 2-29, 30X, 31X, 32-39 BLOCK A
6.889 ACRES

36 TOWNHOME LOTS AND
4 COMMON AREAS

SITUATED WITHIN THE
EDWARD TEAL SURVEY, ABSTRACT NO. 207

CITY OF ROCKWALL
ROCKWALL COUNTY, TEXAS

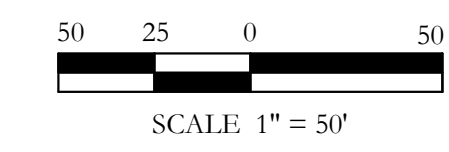
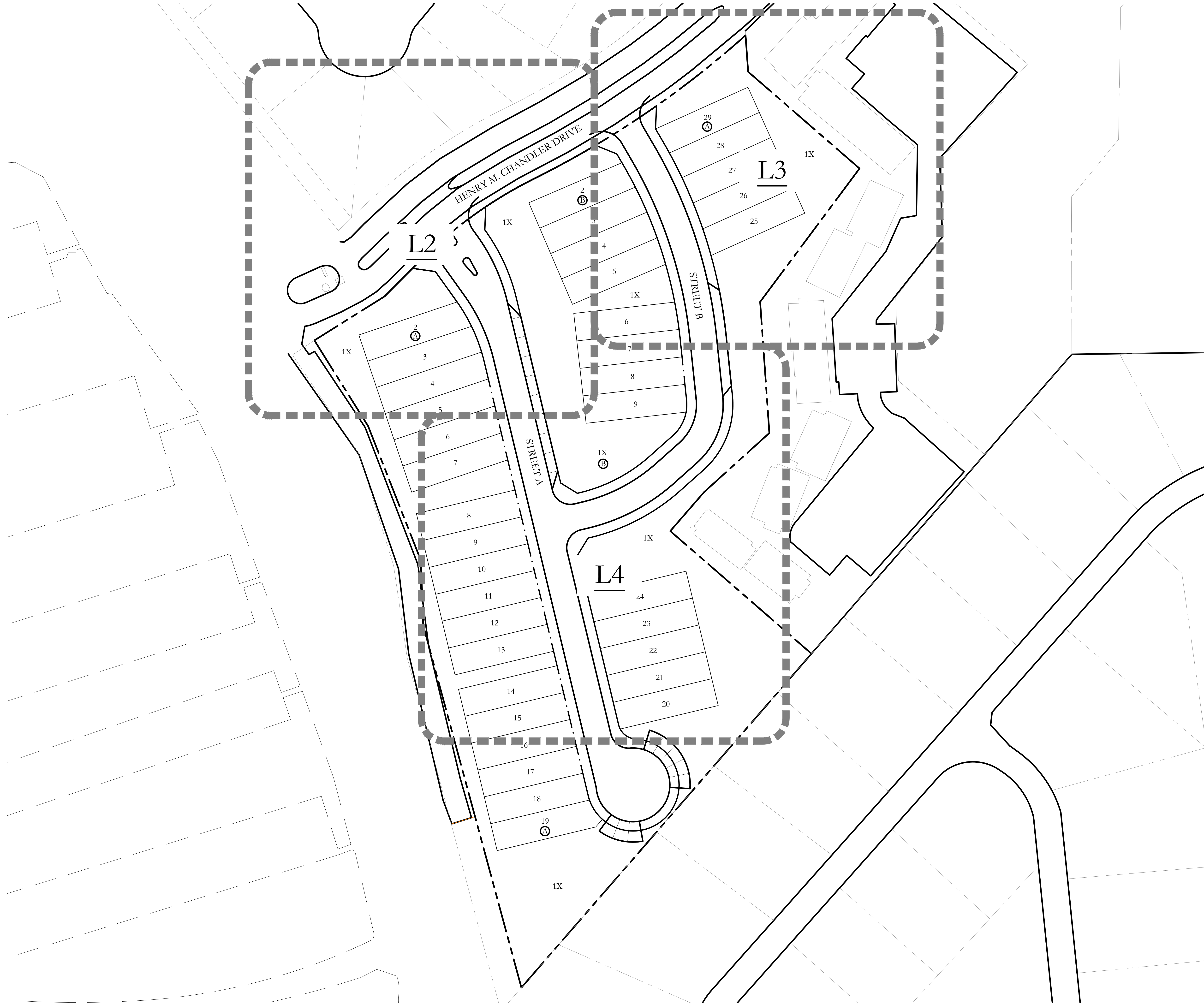
P2022-008
October 14, 2022
SHEET 2 OF 2

Owner/Applicant:
LTL Family Holdings, LLC
William Johnson
14918 Mystic Terrace Lane
Cyprus, Texas 77429
Phone: 713-325-4294

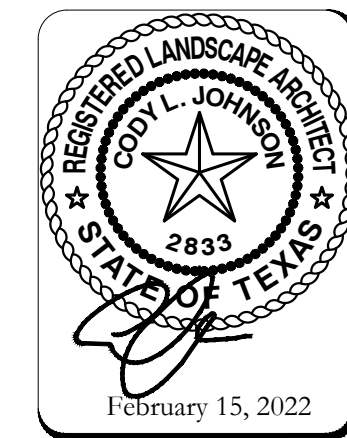
Engineer/Surveyor:
Johnson Volk Consulting, Inc.
704 Central Parkway East, Suite. 1200
Plano, Texas 75074
Phone: 682-225-7189
Contact: Tom Dayton, PE



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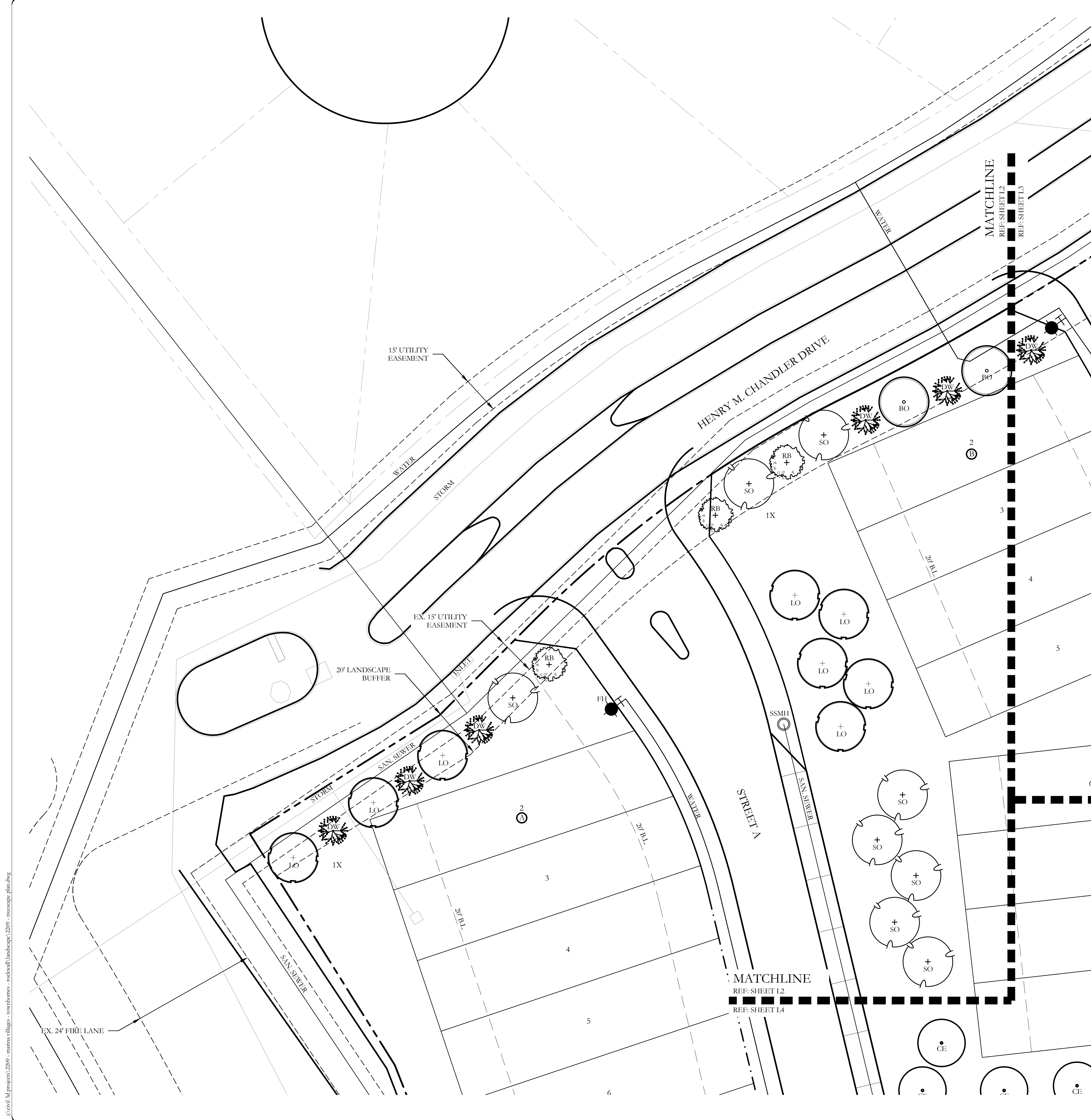
SCALE:
1" = 50'
One Inch
JVC No 2209



TREESCAPE PLAN
OVERALL LAYOUT PLAN

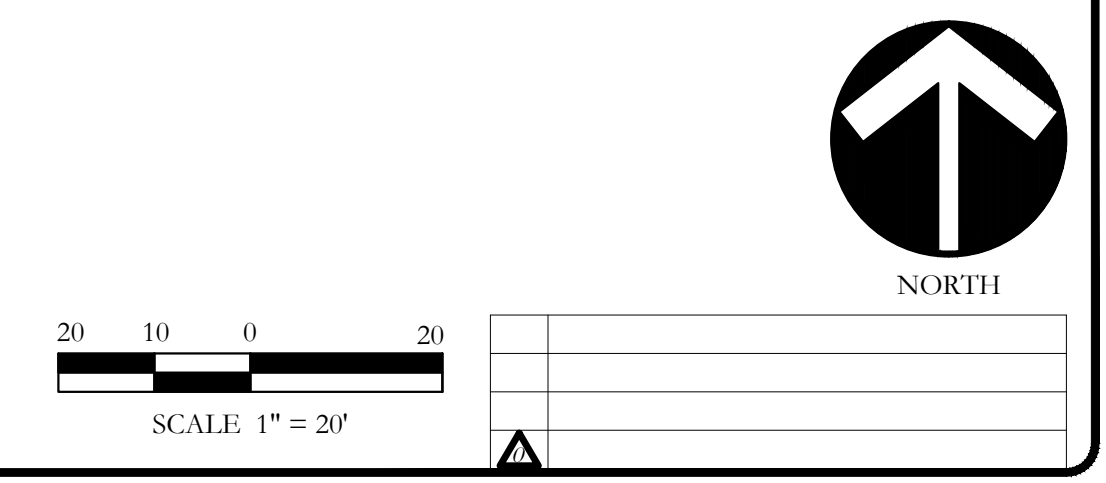
MARINA VILLAGE TOWNHOMES
CITY OF ROCKWALL
ROCKWALL COUNTY, TEXAS

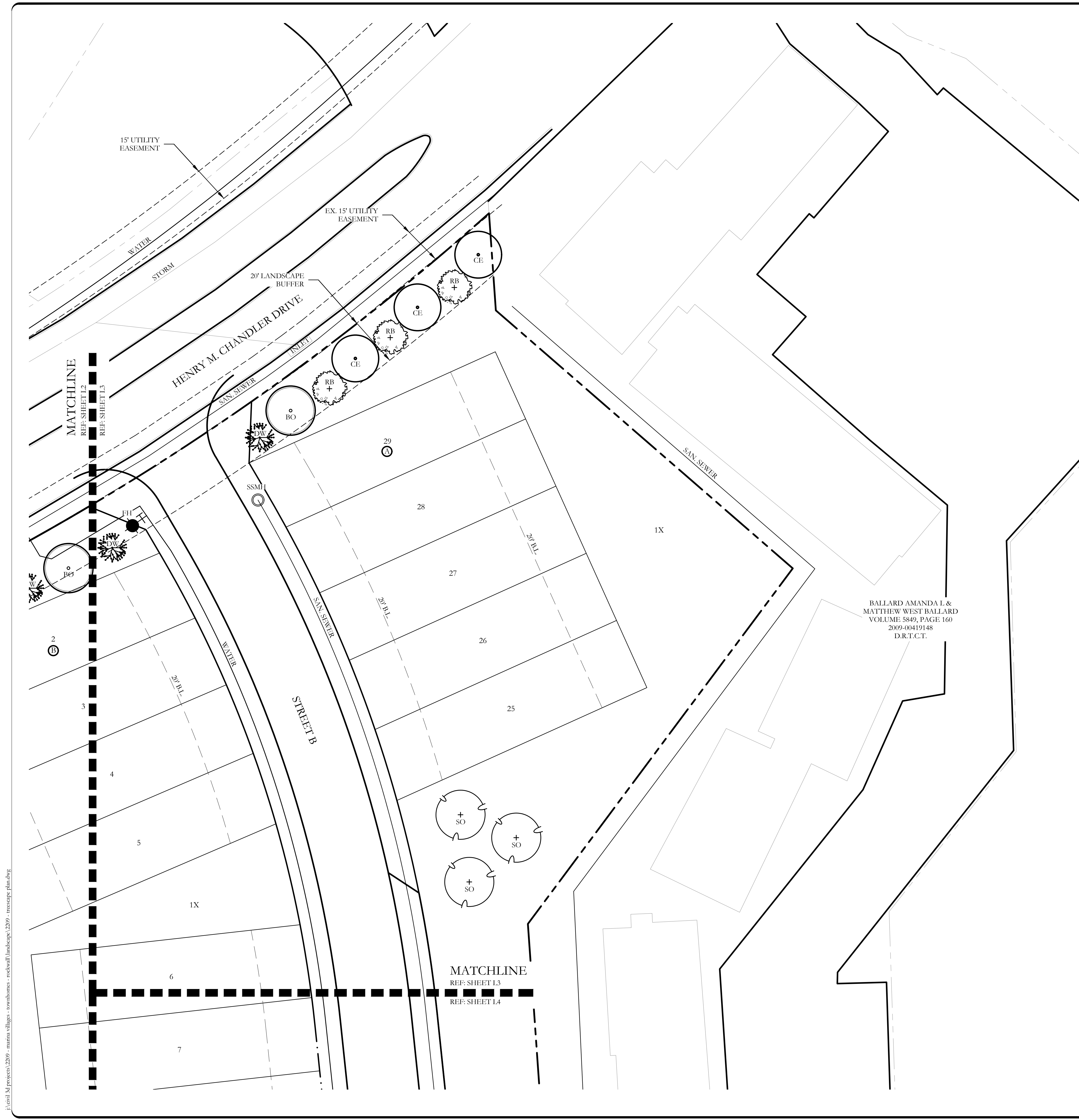
**JOHNSON VOLK
CONSULTING**
TBPELS: Engineering Firm No. 11962 / Land Surveying Firm No. 10194033
704 Central Parkway East | Suite 1200 | Plano, TX 75074 | 972.201.3100



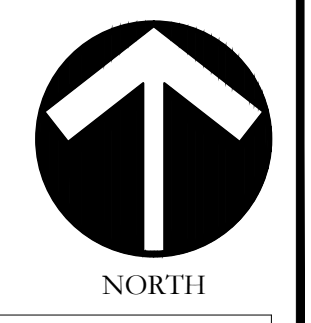
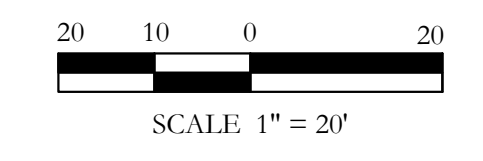
PLANT LEGEND					
SYMBOL	KEY	COMMON NAME	SCIENTIFIC NAME	SIZE	SPACING
	LO	LIVE OAK	QUERCUS VIRGINIANA	4" CALIPER	AS SHOWN
	SO	SHUMARD OAK	QUERCUS SHUMARDII	4" CALIPER	AS SHOWN
	BO	BUR OAK	QUERCUS MACROCARPA	4" CALIPER	AS SHOWN
	CE	CEDAR ELM	ULMUS CRASSIFOLIA	4" CALIPER	AS SHOWN
	DW	DESERT WILLOW	CHILOPSIS LINEARIS	2" CALIPER	AS SHOWN
	RB	TEXAS REDBUD	CERCIS CANADENSIS VAR. TEXENSIS	2" CALIPER	AS SHOWN

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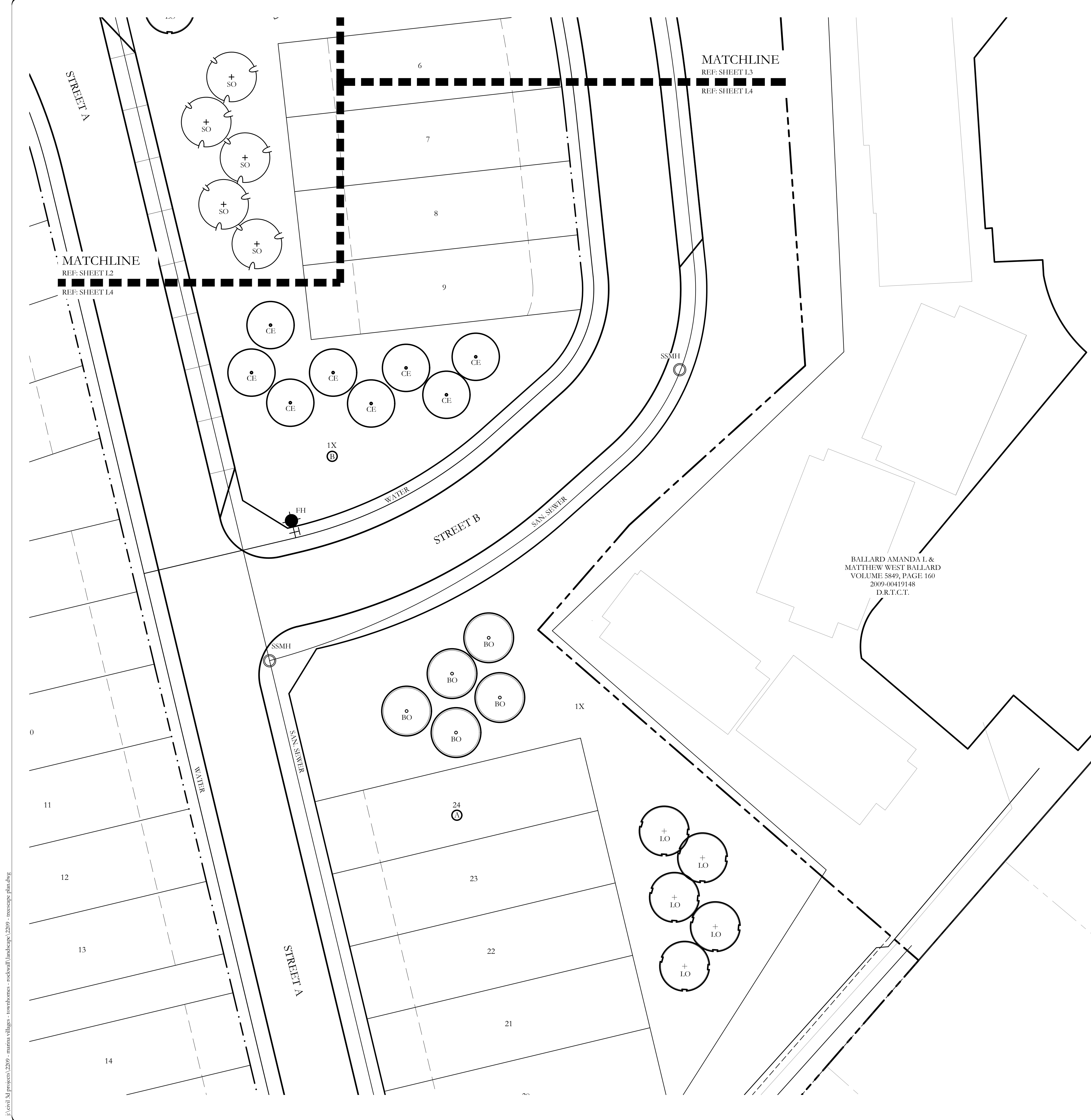




PLANT LEGEND					
SYMBOL	KEY	COMMON NAME	SCIENTIFIC NAME	SIZE	SPACING
	LO	LIVE OAK	QUERCUS VIRGINIANA	4" CALIPER	AS SHOWN
	SO	SHUMARD OAK	QUERCUS SHUMARDII	4" CALIPER	AS SHOWN
	BO	BUR OAK	QUERCUS MACROCARPA	4" CALIPER	AS SHOWN
	CE	CEDAR ELM	ULMUS CRASSIFOLIA	4" CALIPER	AS SHOWN
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	RB	TEXAS REDBUD	CERCIS CANADENSIS VAR. TEXIENSIS	2" CALIPER	AS SHOWN



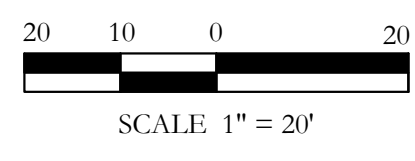
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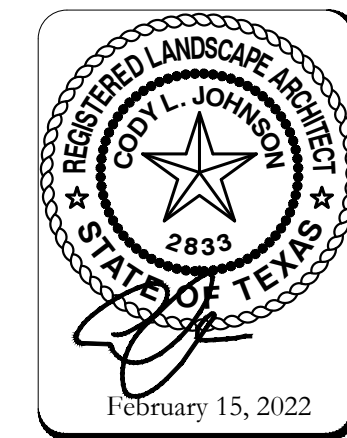
PLANT LEGEND					
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BALLARD AMANDA L &
MATTHEW WEST BALLARD
VOLUME 5849, PAGE 160
2009-00419148
D.R.T.C.T.

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SCALE:
1" = 20'
One Inch
JVC No 2209



TREESCAPE PLAN
TREESCAPE PLAN

MARINA VILLAGE TOWNHOMES
CITY OF ROCKWALL
ROCKWALL COUNTY, TEXAS

JOHNSON VOLK
CONSULTING
TBPES: Engineering Firm No. 11962 / Land Surveying Firm No. 10194033
704 Central Parkway, East | Suite 1200 | Plano, TX 75074 | 972.201.3100

LANDSCAPE PROVIDED

HENRY M. CHANDLER DR.

MINIMUM TEN (10) FOOT LANDSCAPE BUFFER PROVIDED

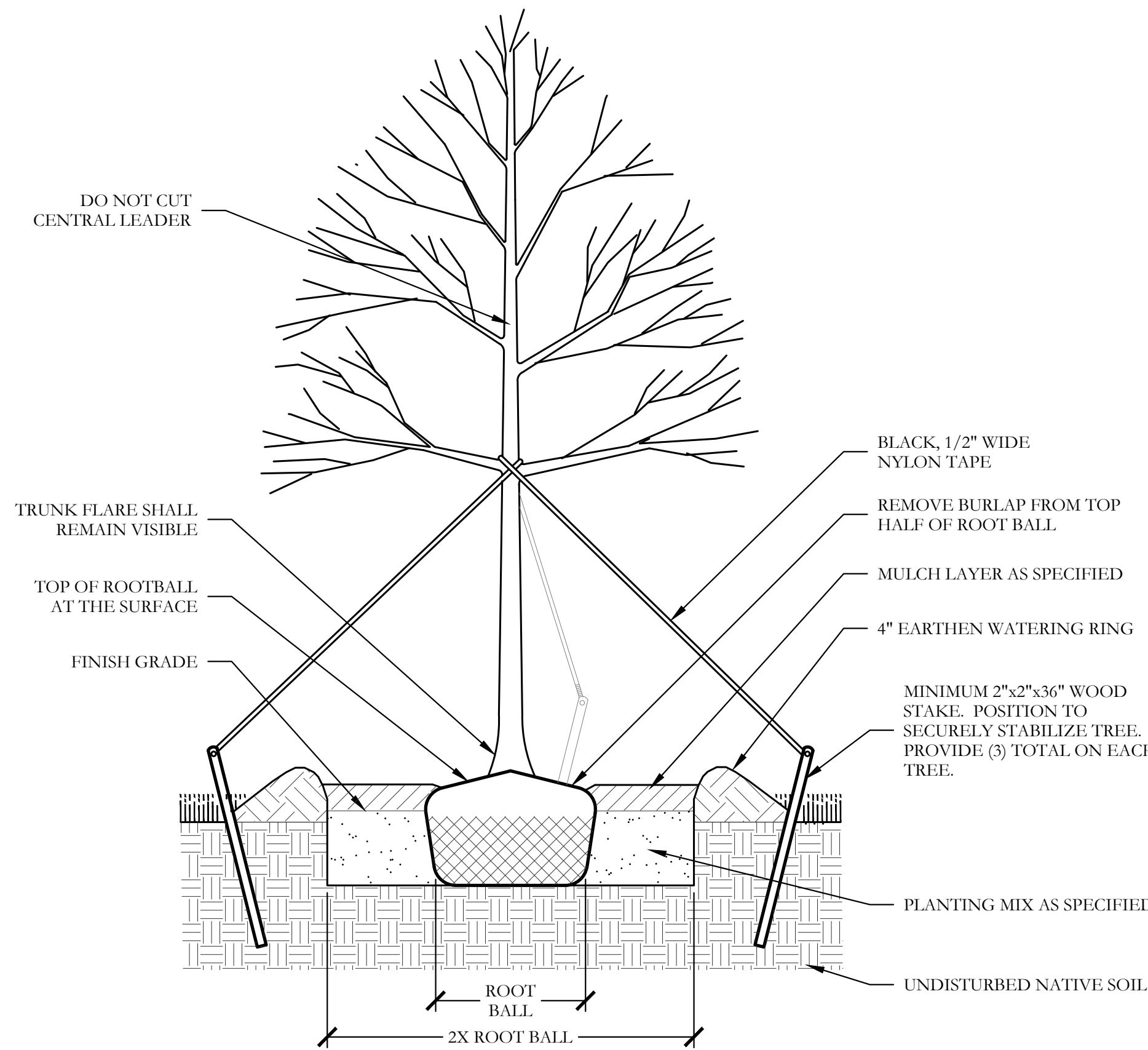
1 - 4" CAL. CANOPY TREE & 1 ACCENT TREE / 50 LF OF LINEAR FRONTAGE
576 LF OF FRONTAGE / 50 LF = 12 - 4" CAL. TREES & 12 ACCENT TREES REQUIRED.
PROVIDED: 12 - 4" CALIPER CANOPY TREES & 13 ACCENT TREES PROVIDED

TREE MITIGATION

191.5 CAL. INCHES REMOVED

43 - 4" CAL. CANOPY TREES & 13 - 2" CAL. ACCENT TREES = 198 CAL. INCHES REPLACED.

PLANT LIST						
KEY	ESTIMATED QUANTITY	COMMON NAME	SCIENTIFIC NAME	SIZE	SPACING	REMARKS
LO	13	LIVE OAK	QUERCUS VIRGINIANA	4" CALIPER	AS SHOWN	NURSERY GROWN; FULL HEAD; MINIMUM BRANCHING HEIGHT AT 6'-0"; MINIMUM 10'-0" OVERALL HEIGHT.
SO	11	SHUMARD OAK	QUERCUS SHUMARDII	4" CALIPER	AS SHOWN	NURSERY GROWN; FULL HEAD; MINIMUM BRANCHING HEIGHT AT 6'-0"; MINIMUM 10'-0" OVERALL HEIGHT.
BO	8	BUR OAK	QUERCUS MACROCARPA	4" CALIPER	AS SHOWN	NURSERY GROWN; FULL HEAD; MINIMUM BRANCHING HEIGHT AT 6'-0"; MINIMUM 10'-0" OVERALL HEIGHT.
CE	11	CEDAR ELM	ULMUS CRASSIFOLIA	4" CALIPER	AS SHOWN	NURSERY GROWN; FULL HEAD; MINIMUM BRANCHING HEIGHT AT 6'-0"; MINIMUM 10'-0" OVERALL HEIGHT.
DW	7	DESERT WILLOW	CHILOPSIS LINEARIS	2" CALIPER	AS SHOWN	NURSERY GROWN; FULL HEAD; MINIMUM 8'-0" OVERALL HEIGHT.
RB	6	TEXAS REDBUD	CERCIS CANADENSIS VAR. TEXENSIS	2" CALIPER	AS SHOWN	NURSERY GROWN; FULL HEAD; MINIMUM 8'-0" OVERALL HEIGHT.



1 TYPICAL TREE PLANTING SECTION NOT TO SCALE

GENERAL LANDSCAPE NOTES

INSPECTIONS:

- NO EXCAVATION SHALL OCCUR IN CITY R.O.W. WITHOUT A R.O.W. PERMIT--CONTACT THE PUBLIC WORKS DEPARTMENT.
- THE CONTRACTOR SHALL MARK ALL WATER LINES, SEWER LINES, AND TREE LOCATIONS PRIOR TO CALLING FOR ROW INSPECTION AND PERMIT.
- THE LANDSCAPE INSTALLATION SHALL COMPLY WITH APPROVED LANDSCAPE DRAWINGS PRIOR TO FINAL ACCEPTANCE BY THE CITY AND ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
- WATER METERS, CLEANOUTS AND OTHER APPURTENANCES, SHALL BE ACCESSIBLE, ADJUSTED TO GRADE, CLEARLY MARKED WITH FLAGGING AND COMPLIANT WITH PUBLIC WORKS DEPARTMENT STANDARDS PRIOR TO CALLING FOR FINAL LANDSCAPE AND ROW INSPECTIONS.

LANDSCAPE STANDARDS:

- PLANTINGS AND LANDSCAPE ELEMENTS SHALL COMPLY WITH THE CITY'S ENGINEERING DESIGN STANDARDS, PUBLIC ROW VISIBILITY REQUIREMENTS.
- UNLESS OTHERWISE SPECIFIED, TREES SHALL BE PLANTED NO LESS THAN 4' FROM CURBS, SIDEWALKS, UTILITY LINES, SCREENING WALLS AND OTHER STRUCTURES. THE CITY HAS FINAL APPROVAL FOR ALL TREE PLACEMENTS.
- A MINIMUM THREE FEET (3') RADIUS AROUND A FIRE HYDRANT MUST REMAIN CLEAR OF LANDSCAPE PURSUANT TO THE FIRE CODE.
- STREET TREES, WHERE REQUIRED, SHALL BE (10') MINIMUM FROM THE EDGE OF A STORM SEWER CURB INLET BOX AND THE EDGE OF THE ROOT BALL SHALL BE (4') MINIMUM FROM THE WATER METER.
- THE AMERICAN STANDARD FOR NURSERY STOCK (ANSI Z601-2004) SPECIFICATIONS SHALL GOVERN PLANT QUALIFICATIONS, GRADES, AND STANDARDS.
- TREE PLANTING SHALL COMPLY WITH DETAILS HEREIN AND THE INTERNATIONAL SOCIETY OF ARBORICULTURE (ISA) STANDARDS.
- A 2-3" LAYER OF MULCH SHALL BE PROVIDED AROUND THE BASE OF THE PLANTED TREE. THE MULCH SHALL BE PULLED BACK 4" FROM THE TRUNK OF THE TREE.
- TREE PITS SHALL BE TESTED FOR WATER PERCOLATION. IF WATER DOES NOT DRAIN OUT OF TREE PIT WITHIN 24-HOURS, THE TREE SHALL BE MOVED OR DRAINAGE SHALL BE PROVIDED.
- ALL BEDS TO HAVE 3" OF COMPOSTED SOIL, LIVING EARTH TECHNOLOGY, OR APPROVED EQUAL TILLED AND TURNED TO A DEPTH OF 8" MINIMUM.
- ALL PLANT BEDS SHALL BE TOP-DRESSED WITH A MINIMUM OF 3 INCHES OF HARDWOOD MULCH.
- NATIVE SITE TOPSOIL IS TO BE PROTECTED FROM EROSION OR STOCKPILED. NATIVE SITE TOPSOIL SHALL BE LABORATORY TESTED BY AN ACCREDITED LABORATORY AND AMENDED PER SAID LABORATORY'S RECOMMENDATIONS.

IRRIGATION STANDARDS:

- ANY CHANGES TO THESE APPROVED IRRIGATION DRAWINGS SHALL BE AUTHORIZED BY THE CITY. CONTACT DEVELOPMENT SERVICES FOR AN IRRIGATION PERMIT PRIOR TO INSTALLING THE IRRIGATION SYSTEM.
- IRRIGATION OVER SPRAY ON STREETS AND WALKS IS PROHIBITED.
- MAINLINES, VALVES, OR CONTROL WIRES SHALL NOT BE LOCATED IN THE CITY'S ROW.
- ET IRRIGATION CONTROLLERS SHALL BE PROGRAMMED AND ADJUSTED TO NOT EXCEED THE LANDSCAPE WATER ALLOWANCE (LWA) PRIOR TO APPROVAL OF LANDSCAPE INSTALLATION.
- VALVES SHALL BE LOCATED A MINIMUM OF (3') AWAY FROM STORM SEWERS, AND SANITARY SEWER LINES AND 5 FEET FROM CITY FIRE HYDRANTS AND WATER VALVES.
- THE BORE DEPTH UNDER STREETS, DRIVE AISLES, AND FIRE LANES SHALL PROVIDE (2') OF CLEARANCE (MINIMUM).
- IRRIGATION HEADS THAT RUN PARALLEL AND NEAR PUBLIC WATER AND SANITARY SEWER LINES, SHALL BE FED FROM STUBBED LATERALS OR BULL-HEADS. A MINIMUM FIVE FOOT (5') SEPARATION IS REQUIRED BETWEEN IRRIGATION MAIN LINES AND LATERALS THAT RUN PARALLEL TO PUBLIC WATER AND SANITARY SEWER LINES.
- NO VALVES, BACKFLOW PREVENTION ASSEMBLIES, QUICK COUPLERS ETC. SHALL BE LOCATED CLOSER THAN 10' FROM THE CURB AT STREET OR DRIVE INTERSECTION.

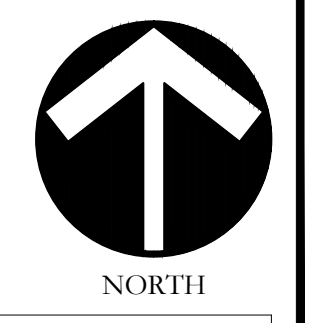
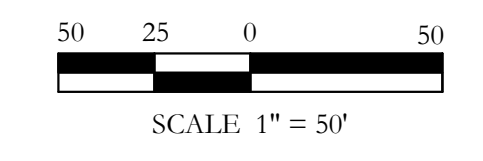
MAINTENANCE STANDARDS:

- THE OWNER SHALL BE RESPONSIBLE FOR THE ESTABLISHMENT, MAINTENANCE, AND VIGOR OF PLANT MATERIAL IN ACCORDANCE WITH THE DESIGN INTENT AND AS APPROPRIATE FOR THE SEASON OF THE YEAR.
- LANDSCAPE AND OPEN AREAS SHALL BE FREE OF TRASH, LITTER AND WEEDS.
- NO PLANT MATERIAL SHALL BE ALLOWED TO ENCRUCH ON R.O.W., SIDEWALKS OR EASEMENTS TO THE EXTENT THAT VISION OR ROUTE OF TRAVEL FOR VEHICULAR, PEDESTRIAN, OR BICYCLE TRAFFIC IS IMPEDED.
- TREE MAINTENANCE SHALL BE IN ACCORDANCE WITH THE STANDARDS OF THE INTERNATIONAL SOCIETY OF ARBORICULTURE.
- TREE STAKING MATERIALS, IF USED, SHALL BE REMOVED AFTER (1) GROWING SEASON, NO MORE THAN (1) YEAR AFTER INSTALLATION (STEEL TREE STAKES, WIRES, AND HOSES ARE PROHIBITED).

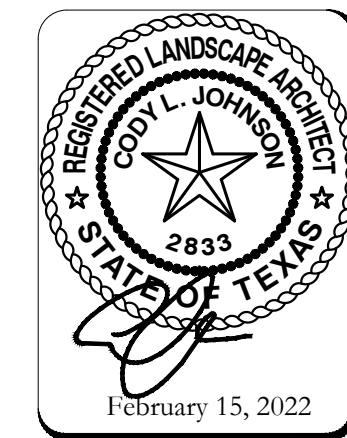
TREE PROTECTION NOTES:

- CONTACT DEVELOPMENT SERVICES FOR A TREE REMOVAL PERMIT PRIOR TO REMOVAL OR TRANSPLANTING OF ANY TREES.
- ALL TREES WHICH ARE TO REMAIN ON SITE SHALL BE PROTECTED WITH A (4') TALL, BRIGHTLY COLORED PLASTIC FENCE, OR SILT FENCE, PLACED AT THE DRIP LINE OF THE TREES.
- PRIOR TO THE PRE-CONSTRUCTION MEETING OR OBTAINING A GRADING PERMIT, ALL TREE MARKINGS AND PROTECTIVE FENCING SHALL BE INSTALLED BY THE OWNER AND BE INSPECTED BY DEVELOPMENT SERVICES.
- NO EQUIPMENT SHALL BE CLEANED, OR HARMFUL LIQUIDS DEPOSITED WITHIN THE LIMITS OF THE ROOT ZONE OF TREES WHICH REMAIN ON SITE.
- NO SIGNS, WIRES, OR OTHER ATTACHMENTS SHALL BE ATTACHED TO ANY TREE TO REMAIN ON SITE.
- VEHICULAR AND CONSTRUCTION EQUIPMENT SHALL NOT PARK OR DRIVE WITHIN THE LIMITS OF THE DRIP LINE.
- GRADE CHANGES IN EXCESS OF 3 INCHES (CUT OR FILL) SHALL NOT BE ALLOWED WITHIN A ROOT ZONE, UNLESS ADEQUATE TREE PRESERVATION METHODS ARE APPROVED BY THE CITY.
- NO TRENCHING SHALL BE ALLOWED WITHIN THE DRIP-LINE OF A TREE, UNLESS APPROVED BY THE CITY.
- ALL REMOVED TREES SHALL BE CHIPPED AND USED FOR MULCH ON SITE OR HAULED OFF-SITE.
- ALL TREE MAINTENANCE TECHNIQUES SHALL BE IN CONFORMANCE WITH INDUSTRY IDENTIFIED STANDARDS. IMPROPER OR MALICIOUS PRUNING TECHNIQUES ARE STRICTLY PROHIBITED.

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SCALE:
1" = 50'
One Inch
JVC No 2209



TREE SURVEY PLAN
TREE SURVEY PLAN

MARINA VILLAGE TOWNHOMES
CITY OF ROCKWALL
ROCKWALL COUNTY, TEXAS

JOHNSON VOLK
CONSULTING
TBPELS: Engineering Firm No. 11962 / Land Surveying Firm No. 10194033
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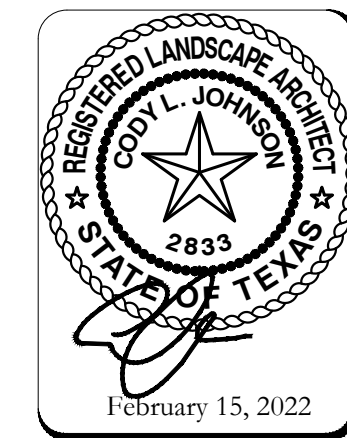
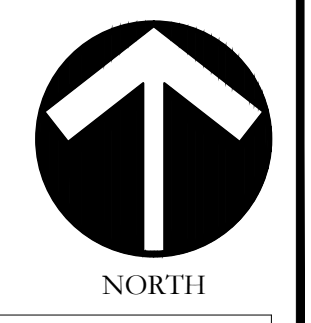
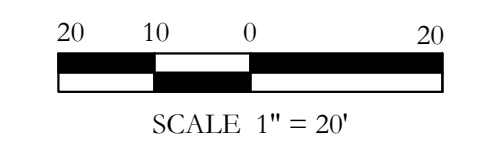
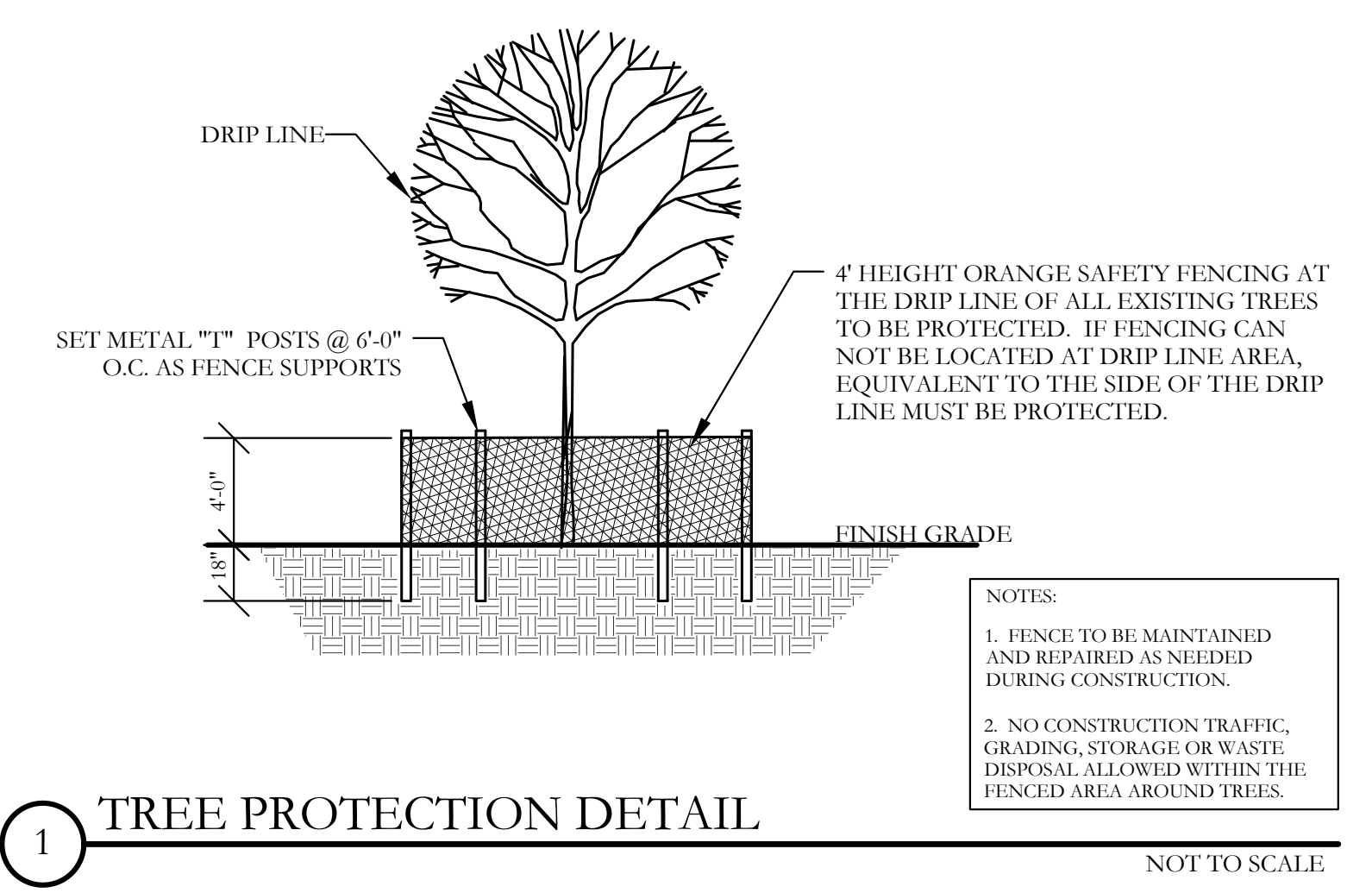


LEGEND

- EXISTING TREE TO BE REMOVED
- EXISTING TREE TO REMAIN
- TREE PROTECTION FENCE, TYP.

TREE PROTECTION NOTES

1. EXISTING TREES SHOWN TO REMAIN ARE TO BE PROTECTED DURING CONSTRUCTION. ORANGE COATED CHAINLINK FENCING (MIN. 4'-0" HEIGHT) SHALL BE INSTALLED AT THE DRIP LINE OF ALL TREES OR TREE GROUPS TO REMAIN. PARKING OF VEHICLES OR PERFORMING WORK WITHIN THESE AREAS OTHER THAN SHOWN ON THE PLAN, WILL NOT BE ALLOWED. THE TREE PROTECTION SHALL REMAIN DURING CONSTRUCTION. OTHER TREE PROTECTION MEASURES SHALL BE IN ACCORDANCE WITH THE CITY'S STANDARDS AND ORDINANCES.
2. DISPOSAL OF ANY WASTE MATERIAL SUCH AS, BUT NOT LIMITED TO, PAINT, ASPHALT, OIL SOLVENTS, CONCRETE, MORTAR, ETC. WITHIN THE CANOPY AREA OF THE EXISTING TREES SHALL NOT BE ALLOWED.
3. NO ATTACHMENTS OR WIRES OF ANY KIND, OTHER THAN THOSE OF A PROTECTIVE NATURE, SHALL BE ATTACHED TO ANY TREE.
4. NO FILL OR EXCAVATION OF ANY NATURE SHALL OCCUR WITHIN THE DRIP LINE OF A TREE TO BE PRESERVED, UNLESS THERE IS A SPECIFIED WELL OR RETAINING WALL SHOWN ON THE GRADING PLAN.
5. NO MATERIALS SHALL BE STORED WITHIN THE DRIP LINE AREA OF A TREE TO BE PRESERVED.



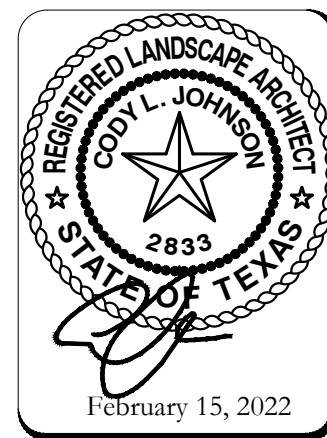
Tree ID Number	Diameter at Breast Height (DBH) (inches)	Common Name	Scientific Name	Protected Tree?	Condition	Comment	Location	Remove or Remain	Mitigation Required, Percentage	Mitigation Required in Caliper Inches
0	28.0	Mesquite	Prosopis spp.	Yes	Healthy	Multi-trunk		Remove	100%	28.0
1	40.0	Bois d'Arc	Machua pomifera	No	Damaged	Leaning/Fall Hazard		Remove	0%	0.0
2	20.0	Bois d'Arc	Machua pomifera	No	Healthy			Remove	0%	0.0
3	8.0	Hackberry	Celtis occidentalis	No	Healthy			Remove	0%	0.0
4	12.0	Grape Myrtle	Lagerstroemia indica	Yes	Healthy			Remove	100%	12.0
5	8.0	Hackberry	Celtis occidentalis	No	Healthy	Multi-trunk		Remove	0%	0.0
6	14.0	Hackberry	Celtis occidentalis	Yes	Healthy			Remove	50%	7.0
7	14.0	Cedar Elm	Ulmus crassifolia	Yes	Healthy			Remove	100%	14.0
8	9.0	Eastern Red Cedar	Juniperus virginiana	No	Healthy			Remain		0.0
9	12.0	Hackberry	Celtis occidentalis	Yes	Healthy			Remain		0.0
10	19.0	Hackberry	Celtis occidentalis	Yes	Healthy			Remain		0.0
11	44.0	Hackberry	Celtis occidentalis	Yes	Healthy			Remain		0.0
12	21.0	Hackberry	Celtis occidentalis	Yes	Healthy			Remain		0.0
13	11.0	Hackberry	Celtis occidentalis	No	Healthy			Remain		0.0
14	24.0	Hackberry	Celtis occidentalis	Yes	Healthy	Multi-trunk		Remain		0.0
15	34.0	Eastern Red Cedar	Juniperus virginiana	Yes	Healthy	Multi-trunk		Remain		0.0
16	35.0	Eastern Red Cedar	Juniperus virginiana	Yes	Healthy	Multi-trunk		Remain		0.0
17	12.0	Eastern Red Cedar	Juniperus virginiana	Yes	Healthy			Remain		0.0
18	9.0	Eastern Red Cedar	Juniperus virginiana	No	Healthy			Remain		0.0
19	29.0	Bois d'Arc	Machua pomifera	No	Healthy	Multi-trunk		Remain		0.0
20	10.0	Eastern Red Cedar	Juniperus virginiana	No	Healthy			Remain		0.0
21	12.0	Green Ash	Fraxinus pennsylvanica	Yes	Healthy			Remain		0.0
22	10.0	Eastern Red Cedar	Juniperus virginiana	No	Healthy			Remain		0.0
23	9.0	Eastern Red Cedar	Juniperus virginiana	No	Healthy			Remain		0.0
24	15.0	Hackberry	Celtis occidentalis	Yes	Healthy			Remain		0.0
25	8.0	Eastern Red Cedar	Juniperus virginiana	No	Healthy			Remain		0.0
26	7.0	Hackberry	Celtis occidentalis	No	Healthy			Remain		0.0
27	29.0	Eastern Red Cedar	Juniperus virginiana	Yes	Healthy	Multi-trunk		Remain		0.0
28	12.0	Hackberry	Celtis occidentalis	Yes	Healthy			Remain		0.0
29	21.0	Green Ash	Fraxinus pennsylvanica	Yes	Healthy	Multi-trunk		Remain		0.0
30	7.0	Green Ash	Fraxinus pennsylvanica	Yes	Healthy	Multi-trunk		Remain		0.0
31	20.0	Hackberry	Celtis occidentalis	Yes	Healthy			Remove	50%	10.0
32	24.0	Eastern Red Cedar	Juniperus virginiana	Yes	Healthy	Multi-trunk		Remove	50%	12.0
33	23.0	Hackberry	Celtis occidentalis	Yes	Healthy	Multi-trunk		Remove	50%	11.5
34	9.0	Hackberry	Celtis occidentalis	No	Healthy			Remove	0%	0.0
35	20.0	Hackberry	Celtis occidentalis	Yes	Healthy	Multi-trunk		Remove	50%	10.0
36	24.0	Green Ash	Fraxinus pennsylvanica	Yes	Healthy	Multi-trunk		Remove	100%	24.0
37	12.0	Hackberry	Celtis occidentalis	Yes	Healthy			Remove	50%	6.0
38	21.0	Hackberry	Celtis occidentalis	Yes	Healthy	Multi-trunk		Remove	50%	10.5
39	19.0	Hackberry	Celtis occidentalis	Yes	Healthy			Remove	50%	9.5
40	21.0	Hackberry	Celtis occidentalis	Yes	Healthy			Remove	50%	10.5
41	24.0	Hackberry	Celtis occidentalis	Yes	Healthy	Multi-trunk		Remove	50%	12.0
42	17.0	Hackberry	Celtis occidentalis	Yes	Healthy			Remove	50%	8.5
43	12.0	Hackberry	Celtis occidentalis	Yes	Healthy			Remove	50%	6.0
	789.0									191.5
	Total Tree Population									Total Tree Replacements, caliper inches

E:\civil_3\projects\2209 - marina village - townhomes - rockwall\landscpe\2209 - tree survey plan.dwg

JOHNSON VOLK CONSULTING
 TBPES Engineering Firm No. 11962 / Land Surveying Firm No. 10194033
 704 Central Parkway East | Suite 1200 | Plano, TX 75074 | 972.201.3100

MARINA VILLAGE TOWNHOMES
 CITY OF ROCKWALL
 ROCKWALL COUNTY, TEXAS

TREE SURVEY PLAN
 TREE SURVEY DETAILS



SCALE:
 One Inch
 JVC No 2209

TR3 of 3

Mapcheck 1: MARINA VILLAGE

Closure Summary

Precision, 1 part in: 1438904.41'
Error distance: 0.00'
Error direction: S23°37'10.02"W
Area: 300075.68 Sq. Ft.
Square area: 300075.68
Perimeter: 2677.88'

Point of Beginning

Easting: 2588822.58'
Northing: 7007539.35'

Side 1: Line

Direction: S04°01'18"E
Angle: [-004.02 (d)]
Deflection angle: [175.98 (d)]
Distance: 39.64'
Easting: 2588825.36'
Northing: 7007499.81'

Side 2: Line

Direction: S49°01'18"E
Angle: [135.00 (d)]
Deflection angle: [-045.00 (d)]
Distance: 160.16'
Easting: 2588946.28'
Northing: 7007394.78'

Side 3: Line

Direction: S36°41'52"W
Angle: [-094.28 (d)]
Deflection angle: [085.72 (d)]
Distance: 180.50'
Easting: 2588838.41'
Northing: 7007250.06'

Side 4: Line

Direction: S04°01'18"E
Angle: [139.28 (d)]
Deflection angle: [-040.72 (d)]
Distance: 142.73'
Easting: 2588848.42'
Northing: 7007107.68'

Side 5: Line

Direction: S47°49'42"W
Angle: [-128.15 (d)]
Deflection angle: [051.85 (d)]

Distance: 95.59'
Easting: 2588777.58'
Northing: 7007043.50'

Side 6: Line

Direction: S40°58'42"W
Angle: [173.15 (d)]
Deflection angle: [-006.85 (d)]
Distance: 56.00'
Easting: 2588740.85'
Northing: 7007001.23'

Side 7: Line

Direction: S49°01'18"E
Angle: [090.00 (d)]
Deflection angle: [-090.00 (d)]
Distance: 203.00'
Easting: 2588894.11'
Northing: 7006868.10'

Side 8: Line

Direction: S40°58'42"W
Angle: [-090.00 (d)]
Deflection angle: [090.00 (d)]
Distance: 480.10'
Easting: 2588579.27'
Northing: 7006505.65'

Side 9: Line

Direction: N15°09'39"W
Angle: [-056.14 (d)]
Deflection angle: [123.86 (d)]
Distance: 407.29'
Easting: 2588472.76'
Northing: 7006898.76'

Side 10: Line

Direction: N02°08'12"W
Angle: [-166.98 (d)]
Deflection angle: [013.02 (d)]
Distance: 70.75'
Easting: 2588470.12'
Northing: 7006969.46'

Side 11: Line

Direction: N21°26'12"W
Angle: [160.70 (d)]
Deflection angle: [-019.30 (d)]
Distance: 156.54'

Easting: 2588412.91'
Northing: 7007115.18'

Side 12: Line

Direction: N32°04'21"W
Angle: [169.36 (d)]
Deflection angle: [-010.64 (d)]
Distance: 109.80'
Easting: 2588354.60'
Northing: 7007208.22'

Side 13: Line

Direction: N57°55'37"E
Angle: [-090.00 (d)]
Deflection angle: [090.00 (d)]
Distance: 90.00'
Easting: 2588430.87'
Northing: 7007256.01'

Side 14: Line

Direction: N44°54'57"E
Angle: [166.99 (d)]
Deflection angle: [-013.01 (d)]
Distance: 54.37'
Easting: 2588469.26'
Northing: 7007294.51'

Side 15: Curve

Curve direction: Clockwise
Radius: [471.20']
Arc length: 153.06'
Delta angle: 018.61 (d)
Tangent: [77.21']
Chord direction: N54°13'19"E
Chord angle: [-170.69 (d)]
Deflection angle: [009.31 (d)]
Chord distance: 152.39'
Easting: 2588592.89'
Northing: 7007383.60'

Side 16: Curve

Curve direction: Counter-clockwise
Radius: [1039.99']
Arc length: 278.35'
Delta angle: 015.34 (d)
Tangent: [140.01']
Chord direction: N55°51'37"E
Chord angle: [172.33 (d)]

Deflection angle: [-007.67 (d)]
Chord distance: 277.52'
Easting: 2588822.58'
Northing: 7007539.35'



MEMORANDUM

TO: Mary Smith, City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: November 21, 2022

SUBJECT: Z2022-047; ZONING CHANGE FROM AGRICULTURAL (AG) DISTRICT TO GENERAL RETAIL (GR) DISTRICT

Attachments

Case Memo
Development Application
Location Map
HOA Notification Map
Neighborhood Notification Email
Property Owner Notification Map
Property Owner Notification List
Public Notice
Property Owner Notifications
Zoning Exhibit
Aerial Image
Draft Ordinance

Summary/Background Information

Hold a public hearing to discuss and consider a request by Javier Silva and JMS Custom Homes, LLC for the approval of an **ordinance** for a *Zoning Change* from Agricultural (AG) District to a General Retail (GR) District for a 1.837-acre tract of land identified as Tract 6 of the M. B. Jones Survey, Abstract No. 122, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, generally located on the east side of FM-1141 south of the intersection of Waters Edge Drive and FM-1141, and take any action necessary (**1st Reading**).

Action Needed

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



CITY OF ROCKWALL

CITY COUNCIL CASE MEMO

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

TO: Mayor and City Council
DATE: November 21, 2022
APPLICANT: Javier Silva; *JMS Custom Homes, LLC*
CASE NUMBER: Z2022-047; *Zoning Change from Agricultural (AG) District to General Retail (GR) District*

SUMMARY

Hold a public hearing to discuss and consider a request by Javier Silva and JMS Custom Homes, LLC for the approval of a Zoning Change from Agricultural (AG) District to a General Retail (GR) District for a 1.837-acre tract of land identified as Tract 6 of the M. B. Jones Survey, Abstract No. 122, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, generally located on the east side of FM-1141 south of the intersection of Waters Edge Drive and FM-1141, and take any action necessary.

BACKGROUND

The City Council approved *Ordinance No. 86-37* annexing part of the subject property into the City on May 19, 1986 [Case No. A1986-005]. The remainder of the property was annexed into the City on March 16, 1998 by *Ordinance No. 98-10* [Case No. A1998-001]. At the time of annexation, the subject property was zoned Agricultural (AG) District. No changes have occurred on the subject property since it was annexed and rezoned in 1998.

PURPOSE

On October 14, 2022, the applicant -- *Javier Silva with JMS Custom Homes, LLC* -- submitted an application requesting to change the zoning of the *subject property* from an Agricultural (AG) District to a General Retail (GR) District. The purpose of this request is to accommodate the future construction of a commercial office on the subject property.

ADJACENT LAND USES AND ACCESS

The subject property is addressed as 880 FM-1141. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property is one (1) lot zoned General Retail (GR) District (*i.e. Tract 9 of the M. B. Jones Survey, Abstract No. 122*). North of this FM-1141, which is identified as a *Minor Collector* on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are two (2) tracts of land (*i.e. Tracts 29 & 29-1 of the S. S. McCurry Survey, Abstract No. 146*), zoned Agricultural (AG) District. Situated on one (1) of the tracts of land is an existing single-family home. North of this is Phase 6 of the Caruth Lakes Subdivision, which is zoned Planned Development District 5 (PD-5) and consists of 158 single-family residential lots on 47.93 acres. Beyond this is Phase 7B of the Caruth Lakes Subdivision, which is zoned Planned Development District 5 (PD-5) and consists of 66 residential lots on 17.13-acres.

South: Directly east of the subject property is one (1) lot, which is part of a 9.894-acre tract of land (*i.e. Lot 1, Block B, Ladera Rockwall Addition*) zoned Planned Development District 85 (PD-85) for General Retail (GR) District land uses. Beyond this is SH-66, which is identified as a *Minor Collector* on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

East: Directly east of the subject property is one (1) lot which is part of a 9.894-acre tract of land (*i.e. Lot 1, Block A, Ladera Rockwall Addition*) zoned Planned Development District 85 (PD-85) for Single-Family 7 (SF-7) District land uses.

Beyond this is N. John King Boulevard., which is identified as a P6D (*i.e. principal arterial, six (6) lane, divided roadway*) on the City’s Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

West: Directly west of the subject property is a 60.277-acre tract of land (*i.e. Tract 2-3 of the M. B. Jones Survey, Abstract No. 122 and S. S. McCurry Survey, Abstract No. 146*) zoned Planned Development District 5 (PD-5). Beyond this is Phase 5 of the Caruth Lakes Subdivision, which is zoned Planned Development District 5 (PD-5) and consists of 137 residential lots on 37.53-acres.

CHARACTERISTICS OF THE REQUEST

The applicant is requesting to rezone the 1.837-acre parcel of land from an Agricultural (AG) District to a General Retail (GR) District for the purpose of constructing a commercial office on the subject property.

CONFORMANCE WITH THE CITY’S CODES

According to Subsection 04.04, *General Retail (GR) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC), “(t)he General Retail (GR) District is a zoning district intended to provide limited retail and service uses ... [*that*] include most types of retail and office activity, and are typically located on/at the intersections of major thoroughfares.” This section goes on to state that “(s)ince the General Retail (GR) District will be located close to residential areas, the development standards are stringent and require high standards of development ...” These standards are defined in Subsection 07.03, *Non-Residential District Development Standards*, of the Unified Development Code (UDC) and are summarized as follows:

TABLE 1: GENERAL RETAIL (GR) DISTRICT STANDARDS

<i>Minimum Lot Area</i>	6,000 SF
<i>Minimum Lot Width</i>	60’
<i>Minimum Lot Depth</i>	100’
<i>Minimum Front Yard Setback</i> ^{(1) & (2)}	15’
<i>Minimum Side Yard Setback</i> ⁽³⁾	10’
<i>Minimum Rear Yard Setback</i> ⁽³⁾	10’
<i>Minimum Between Buildings</i> ⁽³⁾	10’
<i>Maximum Building Height</i> ⁽⁴⁾	36’
<i>Maximum Building Size</i> ⁽⁵⁾	25,000 SF
<i>Maximum Lot Coverage</i>	40%
<i>Minimum Landscaping</i>	20%

General Notes:

- 1: From future right-of-way as shown on the adopted Master Thoroughfare Plan or as actually exists, whichever is greater.
- 2: Parking should not be located between the front façade and the property line.
- 3: The setback can be reduced to zero (0) feet with a fire rated wall.
- 4: Building height may be increased up to 60-feet if approved through a Specific Use Permit (SUP) by the Planning and Zoning Commission and City Council.
- 5: A maximum building size of 25,000 SF in area, unless otherwise approved through a Specific Use Permit (SUP) by the Planning and Zoning Commission and City Council.

Based on this, the requested zoning change does appear to conform to the surrounding area. In addition, both the properties to the north and south of the subject property are zoned for General Retail (GR) District land uses. If this zoning change is approved and when the subject property is developed, the development will be required to conform to all the requirements of the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, and any other applicable local, state or federal requirements.

CONFORMANCE WITH OURHOMETOWN VISION 2040 COMPREHENSIVE PLAN

According to the OURHometown Vision 2040 Comprehensive Plan, the subject property is located within the Northwest Residential District and is designated for Commercial/Retail land uses. The *Land Use Designations* section of the plan states that, “(t)he Commercial/Retail land use category is characterized by single to multi-tenant commercial retail centers along major

arterials at key intersection ...”. Additionally, the General Retail (GR) District is one (1) of the permitted zoning designations for the Commercial/Retail designation. Based on this the proposed zoning change meets the intent of the Comprehensive Plan.

NOTIFICATIONS

On October 20, 2022, staff notified 56 property owners and occupants within 500-feet of the subject property. Staff also notified the Caruth Lakes (*Caruth Ridge Estates*) Homeowners Association (HOA), which is the only Homeowner’s Association (HOA) or Neighborhood Group within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was written, staff had received two (2) notices from two (2) property owners opposed to the applicant’s request.

CONDITIONS OF APPROVAL

If the City Council chooses to approve of the applicant’s request to rezone the subject property from an Agricultural (AG) District to a General Retail (GR) District, then staff would propose the following conditions of approval:

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

PLANNING AND ZONING COMMISSION

On November 15, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the Zoning Change by a vote of 5-0, with Commissioners Conway and Llewelyn absent.



DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO.

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

DIRECTOR OF PLANNING:

CITY ENGINEER:

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

PLATTING APPLICATION FEES:

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

SITE PLAN APPLICATION FEES:

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

ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE) ¹
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) ^{1 & 2}
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) ¹

OTHER APPLICATION FEES:

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

NOTES:

¹: IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.
²: A \$1,000.00 FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.

PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS 880 FM 1141 Rockwall TX 75087

SUBDIVISION _____ LOT _____ BLOCK _____

GENERAL LOCATION _____

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING AG CURRENT USE Empty
 PROPOSED ZONING Commercial I PROPOSED USE OFFICE spaces
 ACREAGE 1.83 LOTS [CURRENT] _____ LOTS [PROPOSED] _____

SITE PLANS AND PLATS: BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.

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

OWNER JMS Custom Homes LLC APPLICANT
 CONTACT PERSON Javier Silva CONTACT PERSON _____
 ADDRESS 58 windsor DR. ADDRESS _____
 CITY, STATE & ZIP Rockwall TX 75032 CITY, STATE & ZIP _____
 PHONE 972-8149462 PHONE _____
 E-MAIL Support@JmsCustomHomes.net E-MAIL _____

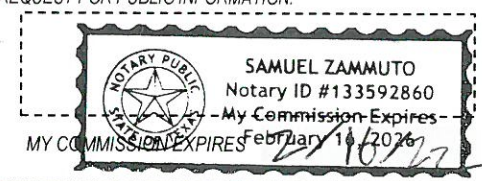
NOTARY VERIFICATION [REQUIRED]

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

"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ _____ TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE _____ DAY OF _____, 20____. BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 30 DAY OF September, 2022
OWNER'S SIGNATURE _____

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS _____





Z2022-047: Zoning Change from AG to GR at 880 FM 1141

Case Location Map =



City of Rockwall

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

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

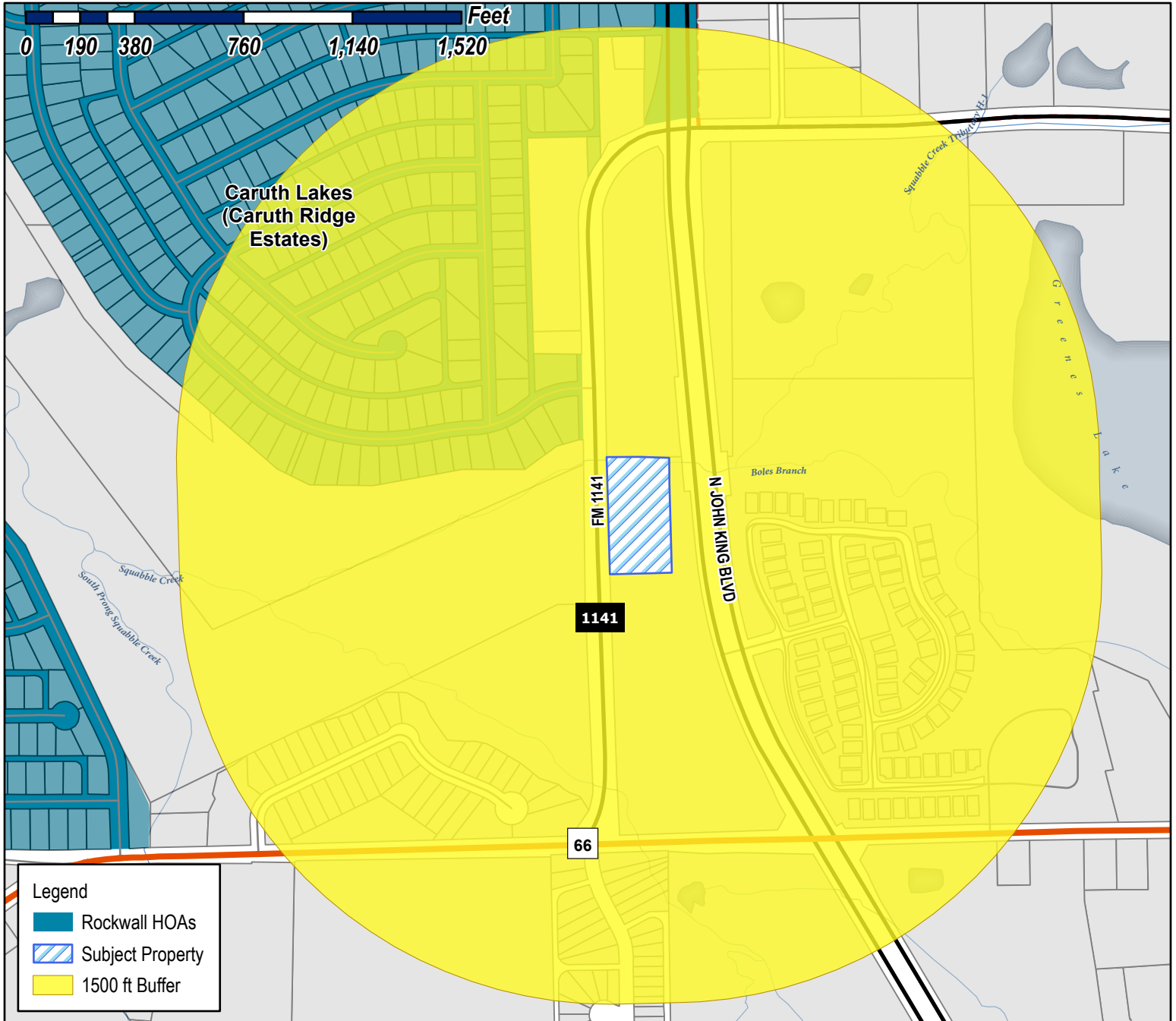







City of Rockwall

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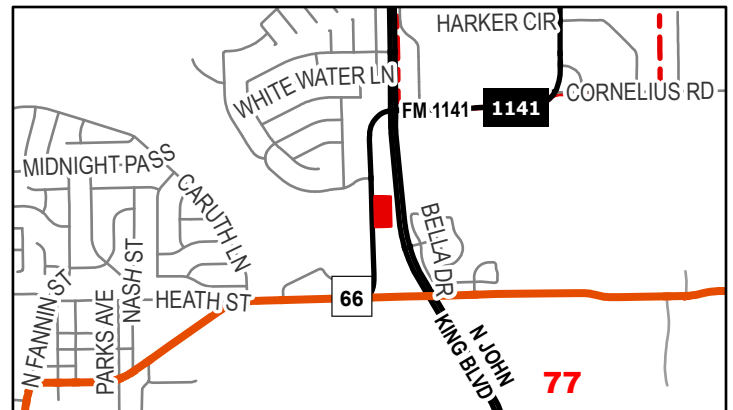
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Legend

-  Rockwall HOAs
-  Subject Property
-  1500 ft Buffer

Case Number: Z2022-047
Case Name: Zoning Change from AG to GR
Case Type: Zoning
Zoning: Agricultural (AG) District
Case Address: 883 FM 1141



Date Saved: 10/14/2022
 For Questions on this Case Call (972) 771-7745

From: [Guevara, Angelica](#)
Cc: [Miller, Ryan](#); [Ross, Bethany](#); [Lee, Henry](#)
Bcc: [REDACTED]
Subject: Neighborhood Notification Program [Z2022-047]
Date: Thursday, October 20, 2022 9:05:12 AM
Attachments: [HOA Map \(10.14.2022\).pdf](#)
[Public Notice \(Z2022-047\).pdf](#)

HOA/Neighborhood Association Representative:

Per your participation in the [Neighborhood Notification Program](#), you are receiving this notice to inform your organization that a zoning case has been filed with the City of Rockwall that is located within 1,500-feet of the boundaries of your neighborhood. As the contact listed for your organization, you are encouraged to share this information with the residents of your subdivision. Please find the attached map detailing the property requesting to be rezoned in relation to your subdivision boundaries. Additionally, below is the summary of the zoning case that will be published in the Rockwall Herald Banner on October 21, 2022. The Planning and Zoning Commission will hold a public hearing on Tuesday, November 15, 2022 at 6:00 PM, and the City Council will hold a public hearing on Monday, November 21, 2022 at 6:00 PM. Both hearings will take place at 6:00 PM at City Hall, 385 S. Goliad, Rockwall, TX 75087.

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

Z2022-047: Zoning Change from Agricultural (AG) District to General Retail (GR) District
Hold a public hearing to discuss and consider a request by Javier Silva and JMS Custom Homes, LLC for the approval of a Zoning Change from Agricultural (AG) District to a General Retail (GR) District for a 1.837-acre tract of land identified as Tract 6 of the M. B. Jones Survey, Abstract No. 122, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, generally located on the east side of FM-1141 south of the intersection of Waters Edge Drive and FM-1141, and take any action necessary.

Thank you,

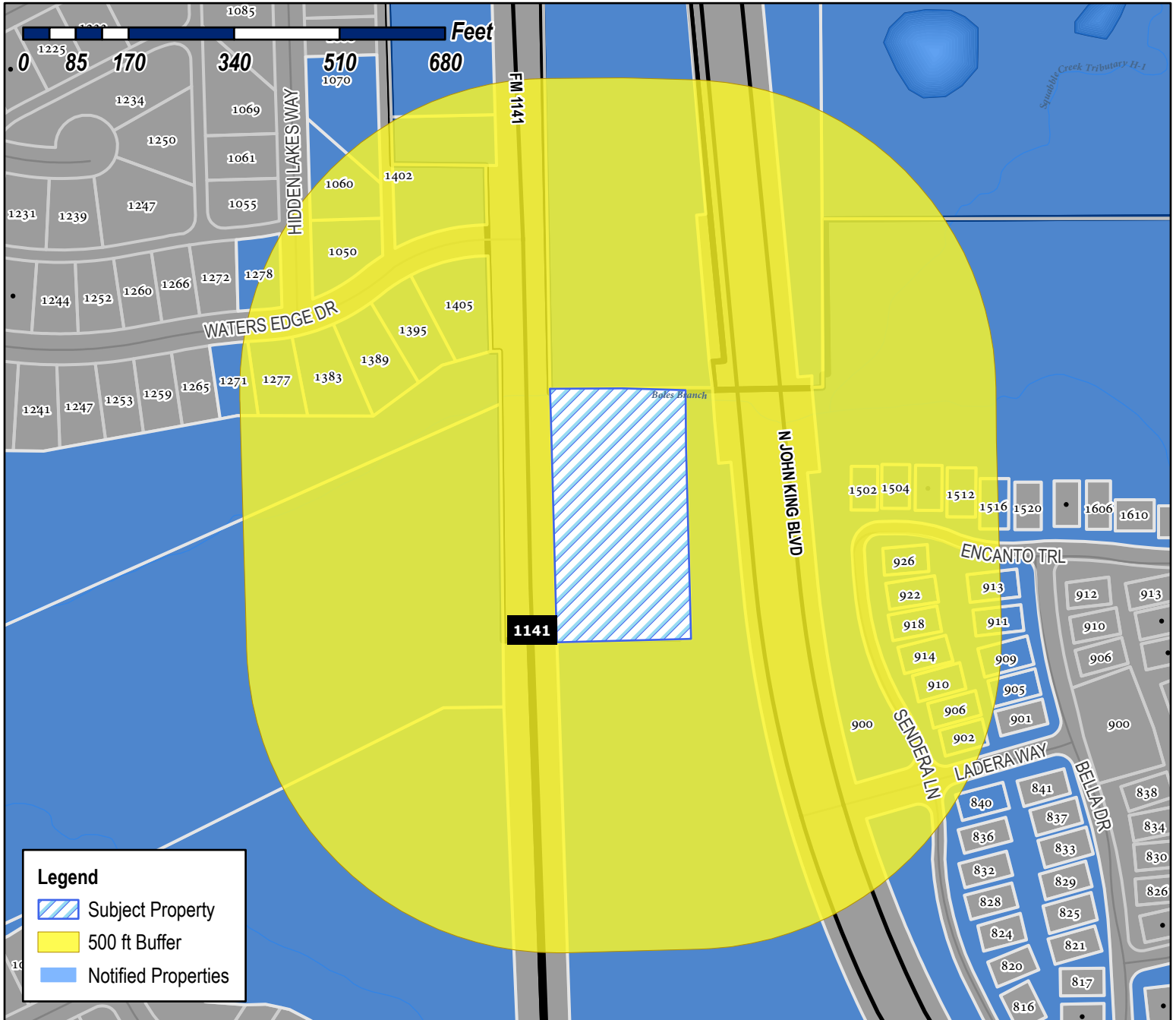
Angelica Guevara
Planning Technician
City of Rockwall Planning & Zoning
385 S. Goliad Street
Rockwall, TX 75087
Office: 972-771-7745
Direct: 972-772-6438



City of Rockwall

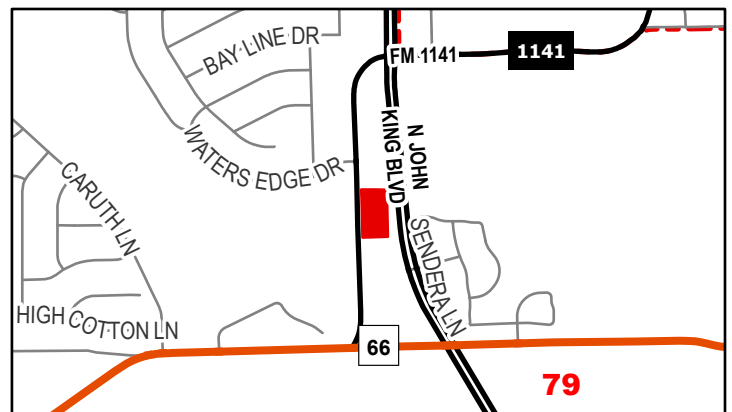
Planning & Zoning Department
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Case Number: Z2022-047
Case Name: Zoning Change from AG to GR
Case Type: Zoning
Zoning: Agricultural (AG) District
Case Address: 883 FM 1141

Date Saved: 10/14/2022
 For Questions on this Case Call (972) 771-7745



KEHM NATALIE & DONAVON
1050 HIDDEN LAKES WAY
ROCKWALL, TX 75087

TAYLOR STEVEN MURRY & ANITA
1060 HIDDEN LAKES WAY
ROCKWALL, TX 75087

LEAHY ANDERSON C AND KAITLIN A
1070 HIDDEN LAKES WAY
ROCKWALL, TX 75087

SEE BETTY
110 WESTMINISTER
ROCKWALL, TX 75032

SEE BETTY
110 WESTMINISTER
ROCKWALL, TX 75032

SEE BETTY
110 WESTMINISTER
ROCKWALL, TX 75032

HUNTER JAMES DARL & SUSAN BAILEY
1271 WATERS EDGE DRIVE
ROCKWALL, TX 75087

JACKSON BEAU MICHAEL AND AMANDA
1277 WATERS EDGE
ROCKWALL, TX 75087

BUCHHOLZ RON AND PENNY FAMILY
REVOCABLE TRUST
1278 WATERS EDGE DR
ROCKWALL, TX 75087

RYDER HEATH JAMES AND MELANIE ANN
1383 WATER EDGE DRIVE
ROCKWALL, TX 75087

WOODUL NETA J
1389 WATERS EDGE DR
ROCKWALL, TX 75087

ELLIOTT CHRISTOPHER ANDREW & HEATHER R
1395 WATERS EDGE DRIVE
ROCKWALL, TX 75087

CARUTH RIDGE ESTATES HOMEOWNERS
ASSOCIATION INC
C/O VISION COMMUNITIES MANAGEMENT INC
1402 WATERS EDGE DR
ROCKWALL, TX 75087

GROGAN DANIEL R
1405 WATERS EDGE DRIVE
ROCKWALL, TX 75087

INTEGRITY RETIREMENT GROUP LLC
1502 ENCANTO TRL
ROCKWALL, TX 75087

DANIEL M YOUNG & TERYL H YOUNG JOINT
DECLARATION OF TRUST
DANIEL M YOUNG & TERYL H YOUNG AS
TRUSTEES
1504 ENCANTO TRL
ROCKWALL, TX 75087

INTEGRITY RETIREMENT GROUP LLC
1508 ENCANTO TRL
ROCKWALL, TX 75087

INTEGRITY RETIREMENT GROUP LLC
1512 ENCANTO TRL
ROCKWALL, TX 75087

JENSEN JOYCE
1516 ENCANTO TRAIL
ROCKWALL, TX 75087

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

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

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

INTEGRITY RETIREMENT GROUP LLC
361 W BYRON NELSON BLVD SUITE 104
ROANOKE, TX 76262

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

INTEGRITY RETIREMENT GROUP LLC
361 W BYRON NELSON BLVD SUITE 104
ROANOKE, TX 76262

INTEGRITY RETIREMENT GROUP LLC
361 W BYRON NELSON BLVD SUITE 104
ROANOKE, TX 76262

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INTEGRITY RETIREMENT GROUP LLC
361 W BYRON NELSON BLVD SUITE 104
ROANOKE, TX 76262

CITY OF ROCKWALL
385 S GOLIAD ST
ROCKWALL, TX 75087

CITY OF ROCKWALL
ATTN;MARY SMITH
385 S GOLIAD ST
ROCKWALL, TX 75087

CITY OF ROCKWALL
385 S GOLIAD ST
ROCKWALL, TX 75087

CITY OF ROCKWALL
385 S GOLIAD ST
ROCKWALL, TX 75087

HONZELL DAVID AND PATRICIA
414 E. COACHLIGHT TRAIL
ROCKWALL, TX 75087

BUCHHOLZ RON AND PENNY FAMILY
REVOCABLE TRUST
5035 PINE DR
BOYNTON BEACH, FL 33437

CARUTH RIDGE ESTATES HOMEOWNERS
ASSOCIATION INC
C/O VISION COMMUNITIES MANAGEMENT INC
5757 ALPHA RD STE 680
DALLAS, TX 75240

RW LADERA LLC
840 SENDERA LN
ROCKWALL, TX 75087

SEE BETTY
880 FM1141
ROCKWALL, TX 75087

SEE BETTY
880 FM1141
ROCKWALL, TX 75087

CAMPBELL EDWARD E
902 SENDERA LANE
ROCKWALL, TX 75087

INTEGRITY RETIREMENT GROUP LLC
905 BELLA DR
ROCKWALL, TX 75087

MOORE MARVI AND MARIE B AND
DEANNE PHILLIPS MOORE
906 SENDERA LN
FATE, TX 75132

RW LADERA LLC
909 BELLA DR
ROCKWALL, TX 75087

LANDERS NANCY
910 SENDERA LN
ROCKWALL, TX 75087

SMITH JOHN AND CATHERINE AND
CHRISTINE WILSON
911 BELLA DR
ROCKWALL, TX 75087

INTEGRITY RETIREMENT GROUP LLC
913 BELLA DR
ROCKWALL, TX 75087

INTEGRITY RETIREMENT GROUP LLC
914 SENDERA LN
ROCKWALL, TX 75087

LILYHORN PAULA AND GREG
918 SENDERA LN
ROCKWALL, TX 75087

INTEGRITY RETIREMENT GROUP LLC
922 SENDERA LN
ROCKWALL, TX 75087

INTEGRITY RETIREMENT GROUP LLC
926 SENDERA LN
ROCKWALL, TX 75087

FOERSTER ELWYNNE ANN
323 ELM DR
927 FM1141
ROCKWALL, TX 75087

DANIEL M YOUNG & TERYL H YOUNG JOINT
DECLARATION OF TRUST
DANIEL M YOUNG & TERYL H YOUNG AS
TRUSTEES
9600 NE COUNTY LINE RD
COSBY, MO 64436

WHITTLE ROBERT S
PO BOX 369
ROCKWALL, TX 75087

FOERSTER ELWYNNE ANN
323 ELM DR
ROCKWALL, TX 75087

PUBLIC NOTICE



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

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

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

Z2022-047: Zoning Change from Agricultural (AG) District to General Retail (GR) District

Hold a public hearing to discuss and consider a request by Javier Silva and JMS Custom Homes, LLC for the approval of a Zoning Change from Agricultural (AG) District to a General Retail (GR) District for a 1.837-acre tract of land identified as Tract 6 of the M. B. Jones Survey, Abstract No. 122, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, generally located on the east side of FM-1141 south of the intersection of Waters Edge Drive and FM-1141, and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on Tuesday, November 15, 2022 at 6:00 PM, and the City Council will hold a public hearing on Monday, November 21, 2022 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

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

Angelica Guevara
Rockwall Planning and Zoning Dept.
385 S. Goliad Street
Rockwall, TX 75087

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

Your comments must be received by Monday, November 21, 2022 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning



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

--- PLEASE RETURN THE BELOW FORM ---

Case No. Z2022-047: Zoning Change from Agricultural (AG) District to General Retail (GR) District

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

Name:

Address:

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

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

Case No. Z2022-047: Zoning Change from Agricultural (AG) District to General Retail (GR) District

Please place a check mark on the appropriate line below:

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

When I bought my home, I thought it would be in a quiet & single family neighborhood. I do not want commercial or retail in my neighborhood. It will add more traffic & noise. Thanks

Name: Neta Woodul

Address: 1389 WATERS EDGE DR. ROCKWALL, TX 75087

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

Neta Woodul

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

Case No. Z2022-047: Zoning Change from Agricultural (AG) District to General Retail (GR) District

Please place a check mark on the appropriate line below:

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

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

Too much traffic congestion in this area.

This change would not be beneficial to the community.

Name: Joyce Jensen

Address: 1516 Encanto Trail Rockwall TX 57087

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

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

The City of Rockwall, Texas

Called 10.942 Acres

2007-00389123

"DRAINAGE EMT." CITY OF ROCKWALL, TEXAS vs. JOHN CULLINS AND WIFE, JANE CULLINS AND BURNS T. PAYNE, JR. CAUSE NO. 180-633 CALLED 0.151 ACRES INST. NO. 2009-00410863

"DRAINAGE EMT." CITY OF ROCKWALL, TEXAS vs. JOHN CULLINS AND WIFE, JANE CULLINS AND BURNS T. PAYNE, JR. CAUSE NO. 180-633 CALLED 0.302 ACRES INST. NO. 2009-00410863

BETTY BOSARD TRACT 1 CALLED 1.837 ACRES INST. NO. 2005-00396742

RE LADERA, LLC CALLED 26.011 ACRES 2017000022704

JOHN KING BLVD. (VETERAN ROAD) vs. JOHN CULLINS AND WIFE, JANE CULLINS AND BURNS T. PAYNE, JR. CAUSE NO. 180-633 CALLED 3.983 ACRES INST. NO. 2009-00410863

"HIGHWAY 205 BYPASS R.O.W." CITY OF ROCKWALL, TEXAS vs. JOHN CULLINS AND WIFE, JANE CULLINS AND BURNS T. PAYNE, JR. CAUSE NO. 180-633 CALLED 3.983 ACRES INST. NO. 2009-00410863

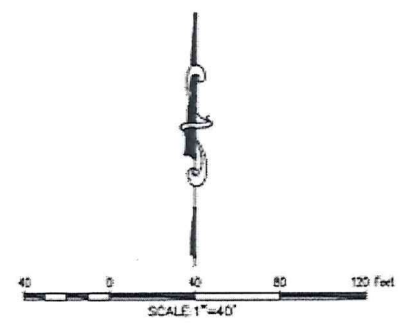
NOTES:

- 1. Bearings based on Texas Coordinate System, North Central Zone, (4221), NAD 83.
2. This survey was prepared in connection with the Real Estate transaction related to Clarify National Title Insurance Company, C/P 7553227. Commitment effective March 27, 2018. G&A/Adams shall not be held liable for any unauthorized use hereof.
3. Description is made to original purchaser of the survey. It is not transferable to additional institutions or subsequent owners. G&A/Adams and the Surveyor shall not be liable for any unauthorized use hereof.
4. Surveyor has made no investigation or independent search for easements of record, restrictive covenants, servitude title violations, or any other facts that would affect the accuracy of this survey.
5. According to Community/Parcel No. 4839700030, effective September 26, 2008, of the FLOOD INSURANCE RATE MAP for Rockwall County, Texas & Incorporated Areas, by graphic platting only, this property appears to be within Flood Zone "A" (area of minimal flooding), and Flood Zone A (areas determined to be in the 1-percent annual-chance flood event. Because detailed hydraulic analysis has not been performed, no Base Flood Elevations (BFEs) or flood depths are shown.) This flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes.
6. No flood zone and analysis has been performed by G&A/Adams on the subject property.
7. All original copies of survey maps and descriptions by the surveyor and firm whose name appear hereon all contain an unredacted surveyor's seal. Any map or description copy without that unredacted seal is a copy not prepared by the office of the surveyor and may contain alterations or deletions made without the knowledge or oversight of the surveyor.
8. Easement executed by B.T. Payne, Jr. to Duane Electric Delivery Company, recorded in Volume 3522, Page 325, Real Property Records, Rockwall County, Texas, does not include subject property.

- REBAR FOUND
CORNER REBAR SET
BUILDING LINE
UTILITY EASEMENT
CORNER REBAR FOUND
MUTUAL ACCESS EASEMENT
SANITARY SEWER EASEMENT
WATER LINE EASEMENT
POWER POLE
LIGHT POLE
WATER VALVE
SEWER MANHOLE
FIRE HYDRANT
SANITARY SEWER MANHOLE
STORM SEWER MANHOLE
TRAFFIC SIGNAL VAULT
TELEPHONE POCKET
ROAD SIGN
THE WARNER CABLE VAULT

LEGAL DESCRIPTION
1.837 Acres
M. Jones Survey, Abstract No. 122
City of Rockwall
Rockwall County, Texas

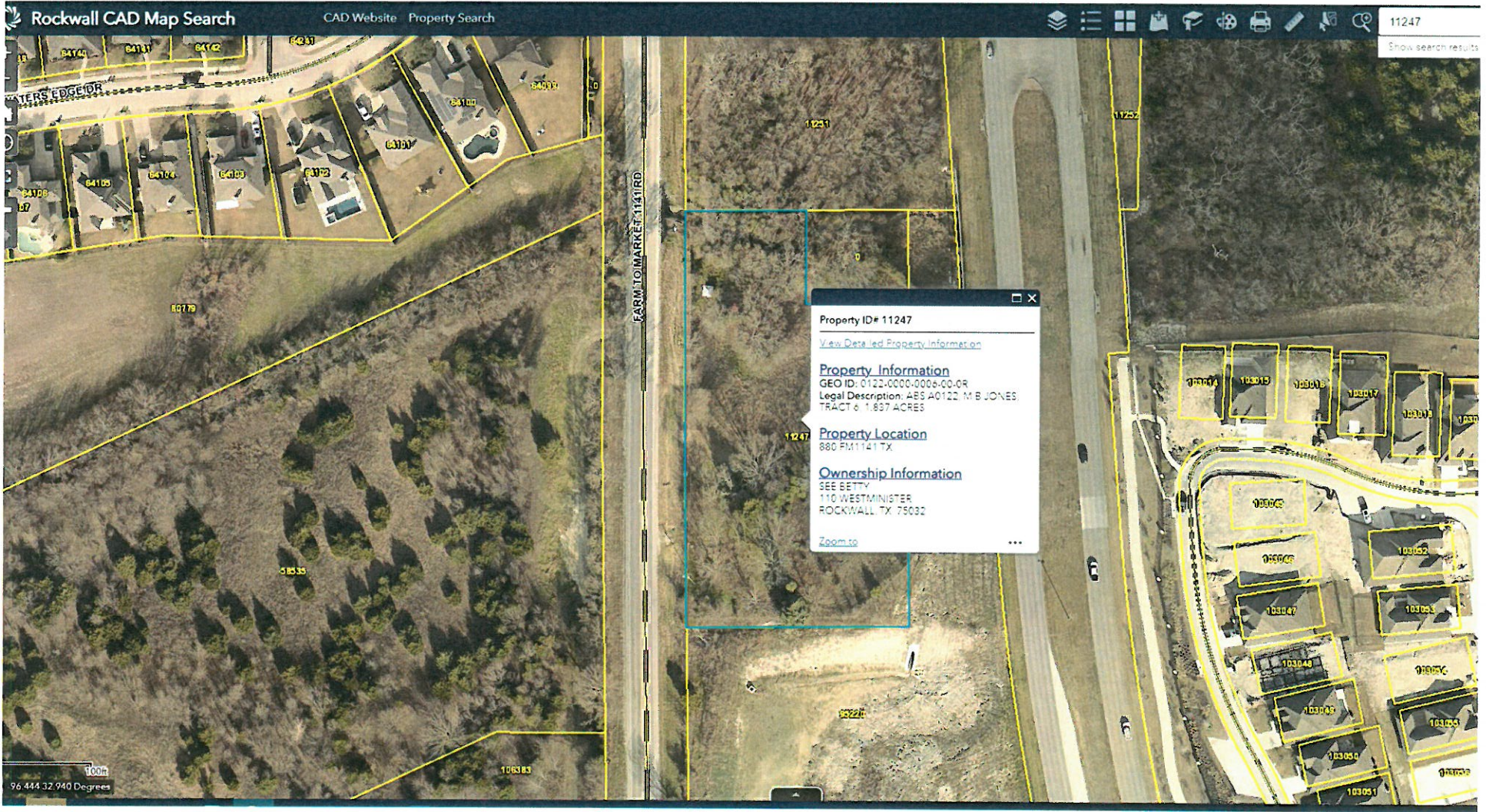
BEING all that certain lot, tract or parcel of land situated in the M. Jones Survey, Abstract No. 122, City of Rockwall, Rockwall County, Texas, and being all of that called 1.837 acres of land described on Tract 1, it need not be separately described in instrument No. 2009-00389123, Deed Records, Rockwall County, Texas, and being more particularly described as follows:
BEGINNING at the northeast corner of said Tract 1, same being the southeast corner of a called 10.942 acre tract of land described in deed to the City of Rockwall, issued by instrument No. 2007-00389123, Deed Records, Rockwall County, Texas;
THENCE S 89°26'01" E, with the south line of said 10.942 acre tract a distance of 200.01 feet to a 1/2" metal nail set with cap stamped "G&A/Adams" and being the most northerly northeast corner of that called 8.894 acre tract of land described in deed to CTDC Land, LLC recorded in instrument No. 2017000022704, Deed Records, Rockwall County, Texas;
THENCE S 01°02'06" E, with the east line of said 8.894 acre tract a distance of 455.02 feet to a 1/2" metal nail set with cap stamped "G&A/Adams", being the lower of corner of said 8.894 acre tract;
THENCE S 89°26'01" W, a distance of 200.01 feet to a 1/2" inch metal nail set with cap stamped "G&A/Adams" at the most westerly northeast corner of said 8.894 acre tract from which a 1/2" metal nail set with cap (toppled) bears S 89°56' E, a distance of 425 feet;
THENCE N 01°02'06" W, with the east line of F.M. 1141 a distance of 455.02 feet to the POINT OF BEGINNING and containing approximately 1.837 acres of land.



SURVEYOR'S STATEMENT
I, B. Todd Murley II, a Registered Professional Land Surveyor in the State of Texas, have prepared this plat of the above property from an actual survey on the ground, and this plat represents the survey made by me or under my supervision.
PRELIMINARY DOCUMENT:
THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR REFERRED TO AS A PUBLIC SURVEY DOCUMENT.
BY: B. Todd Murley II, RPLS 6862
B. Todd Murley II, RPLS
Texas Registration No. 5822

SURVEY PLAT
1837 Acres
In the
M. JONES SURVEY, ABSTRACT NO. 122
CITY OF ROCKWALL
ROCKWALL COUNTY, TEXAS

Logo for The John R. McAdams Company, Inc. (DBA: G&A Adams) with contact information: 111 HSB04 Drive, Lewisville, Texas 75067, 972.436.5712, 201 Country View Drive, Rockwall, Texas 75082, 940.240.1012, TSP# 10162 TEP/LCS 10194440, www.gand.com, www.mcadamsco.com. Below the logo is the text 'DRAWN BY: SW DATE: 04/11/2019 SCALE: 1"=40' JOB. No. SPEC-19090'.



CITY OF ROCKWALL

ORDINANCE NO. 22-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A GENERAL RETAIL (GR) DISTRICT FOR A 1.837-ACRE TRACT OF LAND IDENTIFIED AS TRACT 6 OF THE M. B. JONES SURVEY, ABSTRACT NO. 122, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* AND *EXHIBIT 'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request from Javier Silva for the approval of a *Zoning Change* from an Agricultural (AG) District to a General Retail (GR) District for a 1.837-acre tract of land identified as Tract 6 of the M. B. Jones Survey, Abstract No. 122, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 883 FM-1141, and more fully described and depicted in *Exhibit 'A'* and *Exhibit 'B'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

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

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

SECTION 1. That the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall, Texas, as heretofore amended, be and the same are hereby amended by amending the zoning map of the City of Rockwall so as to change the zoning of the *Subject Property* from an Agricultural (AG) District to a General Retail (GR) District;

SECTION 2. That the *Subject Property* shall be used only in the manner and for the purposes provided for a *General Retail (GR) District* as stipulated in Subsection 01.01, *Use of Land and Buildings*, of Article 04, *Permissible Uses*, and Subsection 04.04, *General Retail (GR) District*, of Article 05, *District Development Standards*, of the Unified Development Code [*Ordinance No. 20-02*] of the City of Rockwall as heretofore amended, as amended herein by granting of this zoning change, and as maybe amended in the future;

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

zoning described herein;

SECTION 4. 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 5. 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 (UDC) of the City of Rockwall, Texas, 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; and

SECTION 6. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be and the same are hereby repealed, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect;

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

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 5TH DAY OF DECEMBER, 2022.**

Kevin Fowler, *Mayor*

ATTEST:

Kristy Teague, *City Secretary*

APPROVED AS TO FORM:

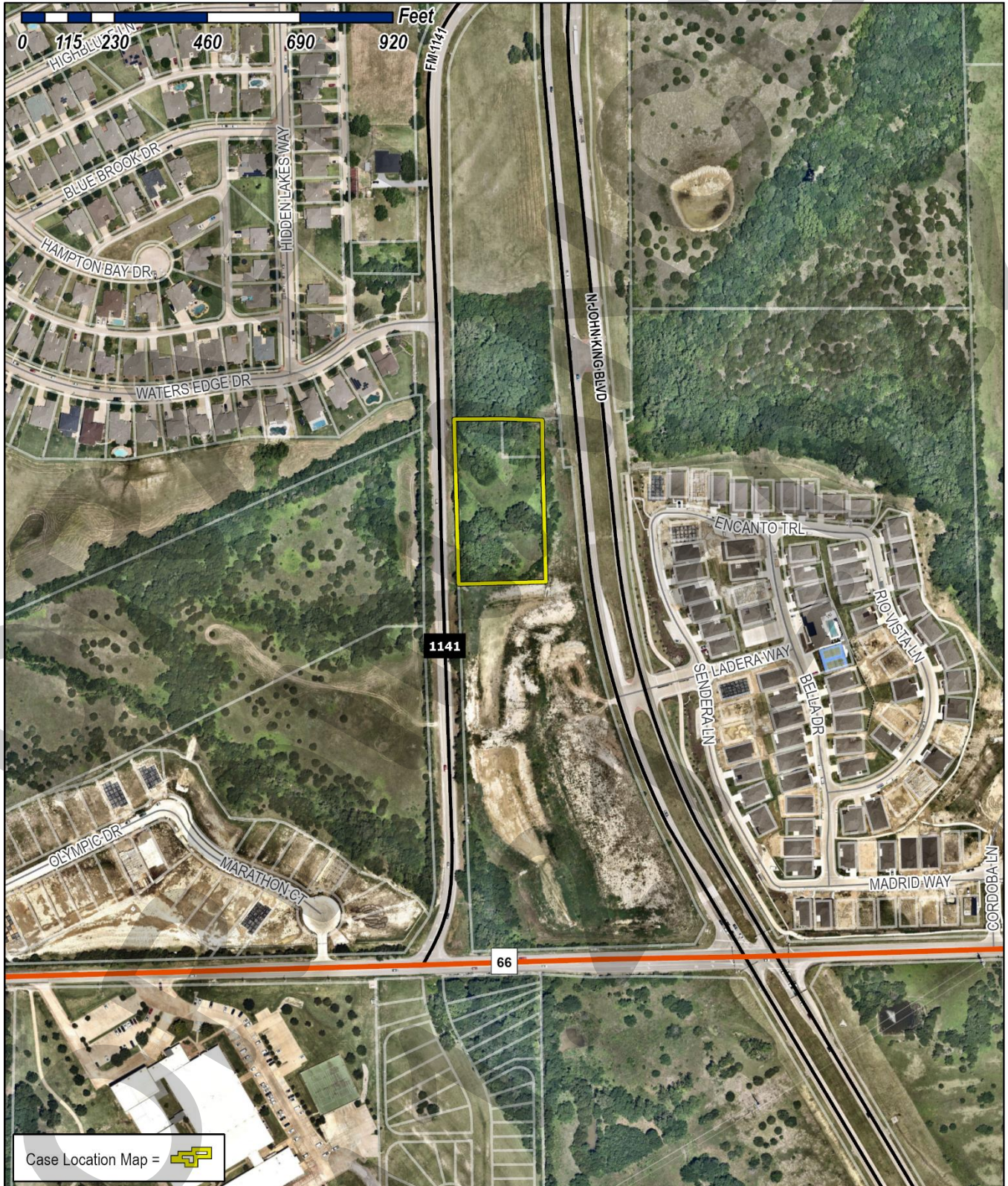
Frank J. Garza, *City Attorney*

1st Reading: November 21, 2022

2nd Reading: December 5, 2022

Exhibit 'B'
Survey

Legal Description: A 1.837-acre tract of land identified as Tract 6 of the M. B. Jones Survey, Abstract No. 122
Addressed As: 883 FM-1141





MEMORANDUM

TO: Mary Smith, City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: November 21, 2022

SUBJECT: Z2022-048; SPECIFIC USE PERMIT FOR A GUEST
QUARTERS/SECONDARY LIVING UNIT AND DETACHED GARAGE AT
2348 SADDLEBROOK LANE

Attachments
Memorandum

Summary/Background Information

Hold a public hearing to discuss and consider a request by Bryan Cook for the approval of an **ordinance** for a *Specific Use Permit (SUP)* allowing a *Guest Quarters/Secondary Living Unit and Detached Garage* on a one (1) acre parcel of land identified as Lot 13, Block A, Saddlebrook Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 16 (SF-16) District, addressed as 2348 Saddlebrook Lane, and take any action necessary (**1st Reading**).

Action Needed

The City Council will need to announce a new public hearing date of December 5, 2022. No action is required on this case.



CITY OF ROCKWALL

CITY COUNCIL MEMORANDUM

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

TO: Mayor and City Council
DATE: November 21, 2022
APPLICANT: Bryan Cook
CASE NUMBER: Z2022-048; *Specific Use Permit for a Guest Quarters/Secondary Living Unit and Detached Garage at 2348 Saddlebrook Lane*

On November 15, 2022, the Planning and Zoning Commission held a public hearing on Case No. Z2022-048, and approved a motion to continue the public hearing to the November 29, 2022 Planning and Zoning Commission Work Session meeting. The purpose of this action was the applicant's failure to address staff's comments until the day of the meeting and staff's need to review the plans and make corrections to the draft ordinance and case memo. According to Subsection 02.03, *Procedures for Zoning Applications*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC), "(a) public hearing may be continued by the Planning and Zoning Commission or City Council any time after the public hearing has commenced. The continuation of a public hearing shall be to a specific time and date no later than 30-days from the first or most recent public hearing. A continued public hearing shall be presumed to be held in the same location as the initial public hearing, unless a different location is announced. The announcement of a continuation at a public hearing shall be sufficient notice and no additional notice is required." This means the City Council will need to announce the new public hearing date of December 5, 2022 and no further action or motions are required. Should the City Council have any questions, staff will be available at the November 21, 2022 City Council Meeting.



MEMORANDUM

TO: Mary Smith, City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: November 21, 2022

SUBJECT: Z2022-049; SPECIFIC USE PERMIT (SUP) FOR A RESIDENTIAL INFILL ADJACENT TO AN ESTABLISHED SUBDIVISION FOR 1505 S. ALAMO ROAD

Attachments

Case Memo
Development Application
Location Map
HOA Notification Map
Neighborhood Notification Email
Property Owner Notification Map
Property Owner Notification List
Public Notice
Property Owner Notifications
Residential Plot Plan
Building Elevations
Roof Plan
Housing Analysis
Draft Ordinance

Summary/Background Information

Hold a public hearing to discuss and consider a request by Deanna Welch-Williams of Sheldon Custom Homes on behalf of Kenneth and Debbie Wade for the approval of an **ordinance** for a *Specific Use Permit (SUP) for Residential Infill Adjacent to an Established Subdivision* for the purpose of constructing a single-family home on a 0.3080-acre parcel of land identified as Lot 6, Block A, Eagle Point Estates Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, situated within the Scenic Overlay (SOV) District, addressed as 1505 S. Alamo Street, and take any action necessary (**1st Reading**).

Action Needed

The City Council is being asked to approve, approve with conditions, or deny the proposed Specific Use Permit (SUP).



CITY OF ROCKWALL

CITY COUNCIL CASE MEMO

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

TO: Mayor and City Council

DATE: November 21, 2022

APPLICANT: Deanna Welch-Williams; *On Behalf of Kenneth and Debbie Wade*

CASE NUMBER: Z2022-049; *Specific Use Permit (SUP) for a Residential Infill Adjacent to an Established Subdivision for 1505 S. Alamo*

SUMMARY

Hold a public hearing to discuss and consider a request by Deanna Welch-Williams of Sheldon Custom Homes on behalf of Kenneth and Debbie Wade for the approval of a Specific Use Permit (SUP) for *Residential Infill Adjacent to an Established Subdivision* for the purpose of constructing a single-family home on a 0.3080-acre parcel of land identified as Lot 6, Block A, Eagle Point Estates Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, situated within the Scenic Overlay (SOV) District, addressed as 1505 S. Alamo Street, and take any action necessary.

BACKGROUND

The subject property was annexed on June 20, 1959 by *Ordinance No. 59-02 [Case No. A1959-002]*. At the time of annexation, the subject property was zoned Agricultural (AG) District. According to the January 3, 1972 *Historic Zoning Maps* the subject property was zoned Single-Family 2 (SF-2) District. Sometime between January 3, 1972 and May 16, 1983, the subject property was rezoned to Single-Family 10 (SF-10) District, and has remained zoned Single-Family 10 (SF-10) District since this change. On February 23, 2012, a final plat was filed with Rockwall County establishing the subject property as Lot 6, Block A, Eagle Point Estates Addition. The subject property has remained vacant since its annexation.

PURPOSE

The applicant is requesting the approval of a Specific Use Permit (SUP) for the purpose of constructing a single-family home on the subject property in accordance with Subsection 02.03(B)(11), *Residential Infill In or Adjacent to an Established Subdivision*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC).

ADJACENT LAND USES AND ACCESS

The subject property is addressed as 1505 S. Alamo Road. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property is the Ridge Road Village Subdivision, which was established on November 15, 1964 and consists of 185 residential lots. Beyond this is the Lake Meadows Subdivision, which was platted on March 21, 1968 and consists of 26 residential lots. Both subdivisions are zoned Single-Family 10 (SF-10) District.

South: Directly south of the subject property is the Carroll Estates Subdivision, which was established on June 1, 1987 and consists of three (3) residential lots. Beyond this is the Burke Ridge Subdivision, which was platted on December 2, 2016 and consists of two (2) residential lots. Both of these subdivisions are zoned Single-Family 10 (SF-10) District.

East: Directly east of the subject property is Ridge Road, which is identified as *M4D (i.e. major collector, four (4) lane, divided roadway)* on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is the Rockwall Commons, which is zoned Planned Development District 1 (PD-1) for multi-family land uses.

West: Directly west of the subject property is the Lake Ray Hubbard Estates Subdivision, which was established on December 10, 1973 and consists of 65 residential lots. Beyond this is the Lake Ray Hubbard.

CHARACTERISTICS OF THE REQUEST AND CONFORMANCE TO THE CITY’S CODES

Article 13, *Definitions*, of the Unified Development Code (UDC) defines *Residential Infill in or Adjacent to an Established Subdivision* as “(t)he new development of a single-family home or duplex on an existing vacant or undeveloped parcel of land or the redevelopment of a developed parcel of land for a new single-family home or duplex within an established subdivision that is mostly or entirely built-out.” An *established subdivision* is further defined in Subsection 02.03(B) (11) of Article 04, *Permissible Uses*, of the UDC as “...a subdivision that consists of five (5) or more lots, that is 90% developed, and that has been in existence for more than ten (10) years.” In this case, the subject property is located adjacent to the Ridge Road Village Subdivision, which was established in 1964, consists of more than five (5) lots and is considered to be more than 90% developed. The *Permissible Use Charts* contained in Article 04, *Permissible Uses*, of the UDC, requires a Specific Use Permit (SUP) for *Residential Infill in or Adjacent to an Established Subdivision* in all single-family zoning districts, the Two-Family (2F) District, the Downtown (DT) District, and the Residential-Office (RO) District. This property, adjacent to an established subdivision and being zoned Single-Family 10 (SF-10) District, requires a Specific Use Permit (SUP).

In addition, Subsection 02.03(B)(11) of Article 04, *Permissible Uses*, of the UDC states that, “...the Planning and Zoning Commission and City Council shall consider the proposed size, location, and architecture of the home compared to the existing housing ... [and] (a)ll housing proposed under this section [i.e. *Residential Infill in or Adjacent to an Established Subdivision*] shall be constructed to be architecturally and visually similar or complimentary to the existing housing ...” The following is a summary of observations concerning the housing on S. Alamo Road and Meadowdale Drive compared to the house proposed by the applicant:

Housing Design and Characteristics	Existing Housing on S. Alamo Road and Meadowdale Drive	Proposed Housing
Building Height	One (1) and Two (2) Story	Two (2) Story
Building Orientation	Most of the homes are oriented towards their front property line.	The front orientation will face onto S. Alamo Road.
Year Built	1985-2019	N/A
Building SF on Property	3,588 SF - 5,058 SF	4,433 SF
Building Architecture	Traditional Brick Suburban Residential	Comparable Architecture to the Existing Homes
Building Setbacks:		
Front	The front yard setbacks appear to conform to the required 20-foot front yard setback.	20-Feet
Side	The side yard setbacks appear to conform to the required 10-foot side yard setback.	10-Feet
Rear	The rear yard setbacks appear to conform to the required 6-foot setback.	6-Feet
Building Materials	Brick, Hardi Board, Stone	Hardi Board Siding and Stone
Paint and Color	Brown, White, Red, Tan, and Blue	Chalk/Cream and Smoke Mix
Roofs	Composite Shingles and Metal	Composite Shingles (Gray)
Driveways	Driveways are all located in the back of the home.	The Driveway will be accessible off of the existing alleyway.

The proposed single-family home meets all of the density and dimensional requirements for a property situated within a Single-Family 10 (SF-10) District as stipulated by the Unified Development Code (UDC). In Article 06, *Parking and Loading*, Section 04.01.B *Garages* states that “(i)n single-family or duplex districts, parking garages must be located at least 20-feet behind the front building façade for front entry garages, unless it is a *J-swing* garage where garage door is perpendicular to the street.” In this case, the applicant’s request meets all of the requirements. In making a motion, City Council is tasked with determining if the proposed house will have a negative impact on the existing adjacent subdivision (*i.e. Ridge Road Village Subdivision*).

For the purpose of comparing the proposed home to the existing single-family housing located adjacent to or in the vicinity of the *subject property*, staff has provided photos of the properties along S. Alamo Road and Meadowdale Drive, and the proposed building elevations in the attached packet.

NOTIFICATIONS

On October 20, 2022, staff mailed 66 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Waterstone Homeowners Association (HOA), which was the only HOA within 1,500-feet participating in our Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). Staff has since received two (2) notices from two (2) property owners in favor of the applicant's request.

CONDITIONS OF APPROVAL

If the City Council chooses to approve of the applicant's request for a Specific Use Permit (SUP) for *Residential Infill Adjacent to an Established Subdivision*, then staff would propose the following conditions of approval:

- (1) The applicant shall be responsible for maintaining compliance with the operational conditions contained in the Specific Use Permit (SUP) ordinance and which are detailed as follows:
 - (a) Development of the *Subject Property* shall generally conform to the Residential Plot Plan as depicted in *Exhibit 'B'* of the draft ordinance.
 - (b) Construction of a single-family home on the *Subject Property* shall generally conform to the Building Elevations depicted in *Exhibit 'C'* of the draft ordinance; and,
 - (c) Once construction of the single-family home has been completed, inspected, and accepted by the City, the Specific Use Permit (SUP) shall expire, and no further action by the property owner shall be required.
- (2) Any construction resulting from the approval of this Specific Use Permit (SUP) shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

PLANNING AND ZONING COMMISSION

On November 15, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the Specific Use Permit by a vote of 5-0, with Commissioners Conway and Llewelyn absent.



DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO. 22022-049

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

DIRECTOR OF PLANNING: _____

CITY ENGINEER: _____

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

PLATTING APPLICATION FEES:

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

SITE PLAN APPLICATION FEES:

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

ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE) ¹
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) ^{1 & 2}
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) ¹

OTHER APPLICATION FEES:

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

NOTES:

¹: IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.
²: A \$1,000.00 FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.

PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS 1505 S ALAMO ST, ROCKWALL TX 75081

SUBDIVISION Eagle Points Estates LOT 6 BLOCK A

GENERAL LOCATION _____

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING	CURRENT USE	
PROPOSED ZONING	PROPOSED USE	
ACREAGE	LOTS [CURRENT]	LOTS [PROPOSED]

SITE PLANS AND PLATS: BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.

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

<input type="checkbox"/> OWNER <u>Kenneth & Debbie Wade</u>	<input type="checkbox"/> APPLICANT <u>Sheldon Custom Homes</u>
CONTACT PERSON _____	CONTACT PERSON <u>Deanna Welch-Williams</u>
ADDRESS <u>4760 Secret Cove</u>	ADDRESS <u>227 Pheasant Hill Dr</u>
CITY, STATE & ZIP <u>Rockwall TX 75032</u>	CITY, STATE & ZIP <u>Rockwall TX 75032</u>
PHONE <u>972-285-5976</u>	PHONE <u>214-532-0328</u>
E-MAIL <u>theleaklocator@gmail.com</u>	E-MAIL <u>Deanna@sheldoncustomhomes.com</u>

NOTARY VERIFICATION [REQUIRED]

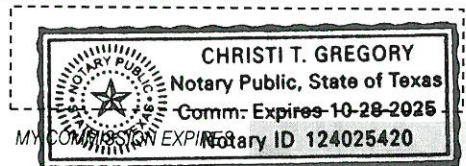
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Deanna Welch Williams [OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:

"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ _____ TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE _____ DAY OF _____, 20____. BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

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


OWNER'S SIGNATURE _____

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS _____





Z2022-049: SUP for Residential Infill at 1505 S. Alamo

Case Location Map = 



City of Rockwall

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

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

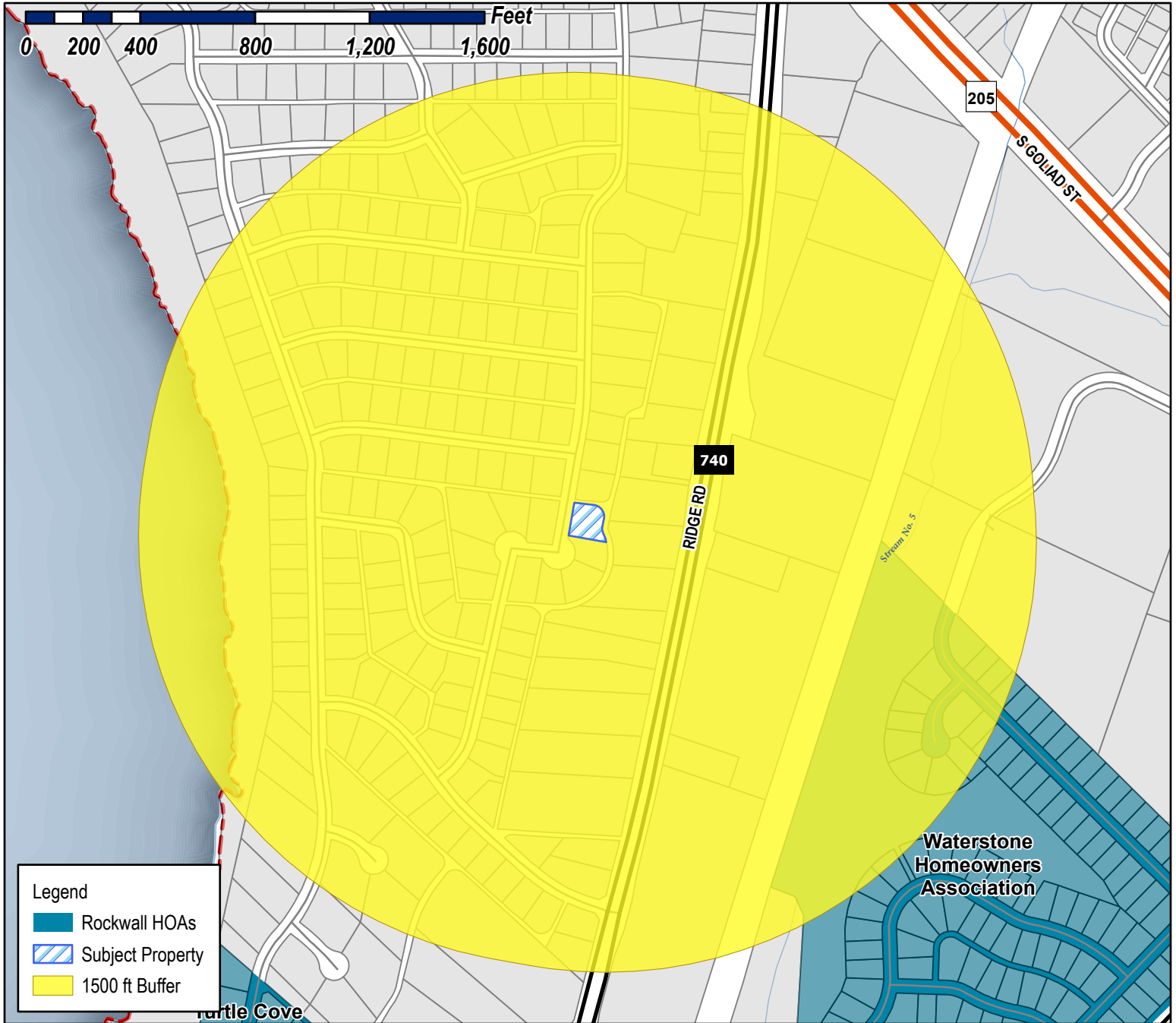




City of Rockwall

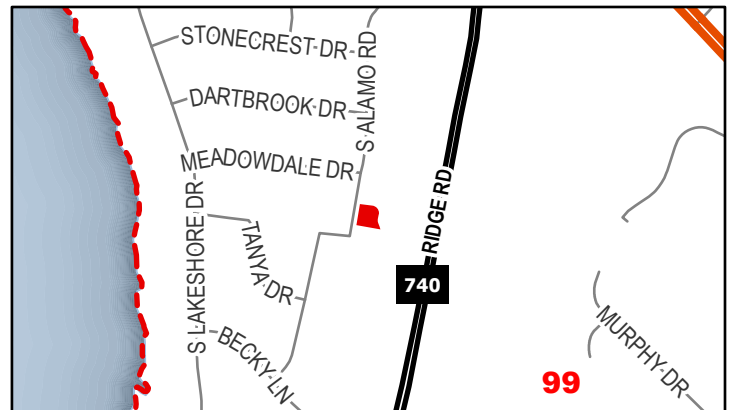
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
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Case Number: Z2022-049
Case Name: SUP for Residential Infill
Case Type: Zoning
Zoning: Single-Family 10 (SF-10) District
Case Address: 1505 S. Alamo Rd.

Date Saved: 10/17/2022
 For Questions on this Case Call (972) 771-7745



From: [Guevara, Angelica](#)
Cc: [Miller, Ryan](#); [Ross, Bethany](#); [Lee, Henry](#)
Bcc: [REDACTED]
Subject: Neighborhood Notification Program [Z2022-048]
Date: Thursday, October 20, 2022 9:05:18 AM
Attachments: [HOA Map \(10.14.2022\).pdf](#)
[Public Notice \(Z2022-049\).pdf](#)

HOA/Neighborhood Association Representative

Per your participation in the [Neighborhood Notification Program](#), you are receiving this notice to inform your organization that a zoning case has been filed with the City of Rockwall that is located within 1,500-feet of the boundaries of your neighborhood. As the contact listed for your organization, you are encouraged to share this information with the residents of your subdivision. Please find the attached map detailing the property requesting to be rezoned in relation to your subdivision boundaries. Additionally, below is the summary of the zoning case that will be published in the Rockwall Herald Banner on October 21, 2022. The Planning and Zoning Commission will hold a public hearing on Tuesday, November 15, 2022 at 6:00 PM, and the City Council will hold a public hearing on Monday, November 21, 2022 at 6:00 PM. Both hearings will take place at 6:00 PM at City Hall, 385 S. Goliad, Rockwall, TX 75087.

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

Z2022-049: SUP for Residential Infill Adjacent to an Established Subdivision

Hold a public hearing to discuss and consider a request by Deanna Welch-Williams of Sheldon Custom Homes on behalf of Kenneth and Debbie Wade for the approval of a [Specific Use Permit \(SUP\)](#) for Residential Infill Adjacent to an Established Subdivision for the purpose of constructing a single-family home on a 0.3080-acre parcel of land identified as Lot 6, Block A, Eagle Point Estates Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, situated within the Scenic Overlay (SOV) District, addressed as 1505 S. Alamo Street, and take any action necessary.

Thank you,

Angelica Guevara

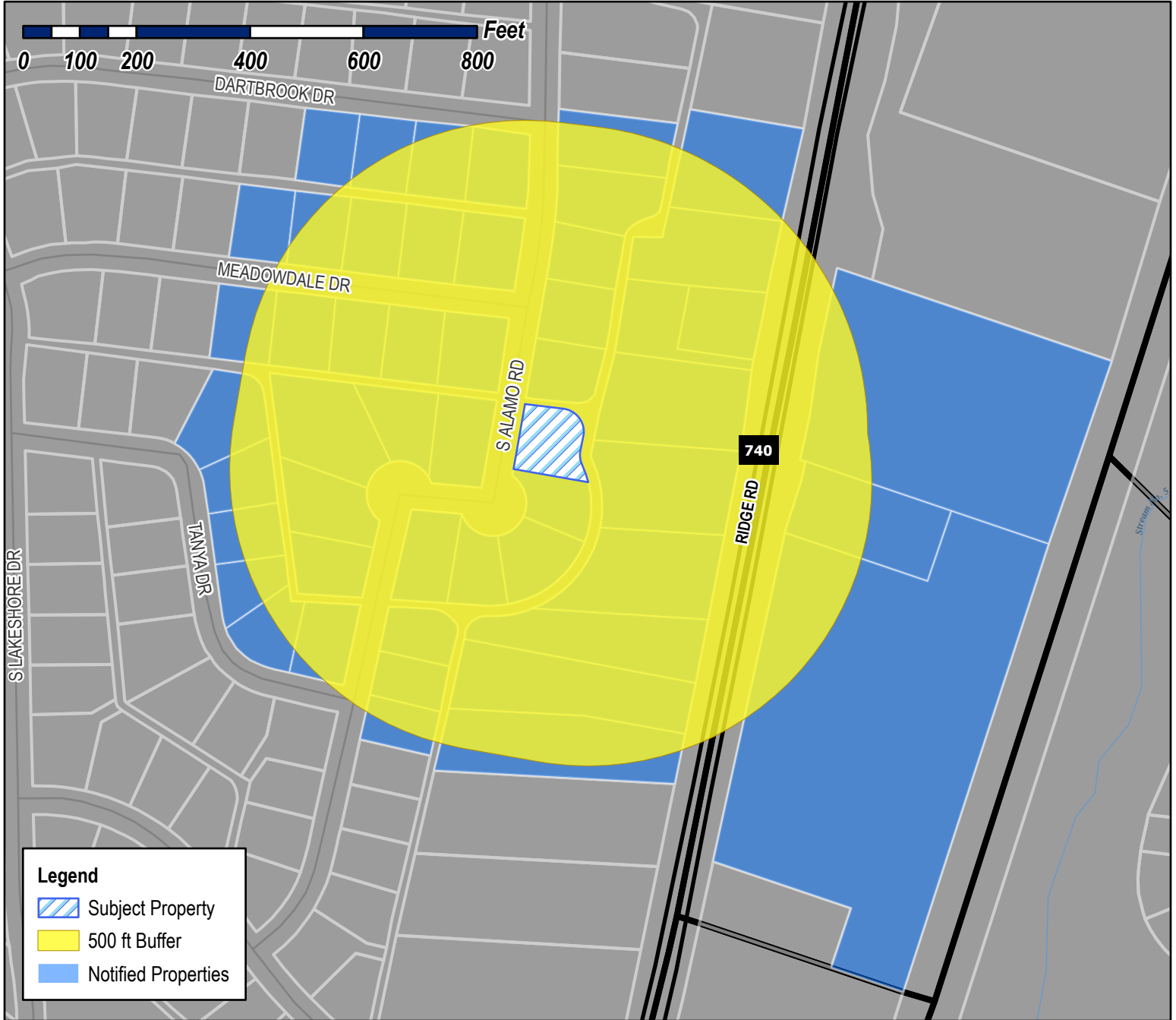
Planning Technician
City of Rockwall Planning & Zoning
385 S. Goliad Street
Rockwall, TX 75087
Office: 972-771-7745
Direct: 972-772-6438






City of Rockwall

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

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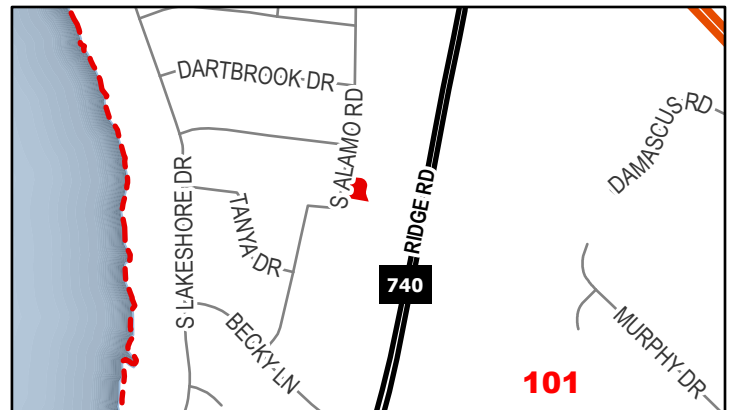


Legend

-  Subject Property
-  500 ft Buffer
-  Notified Properties

Case Number: Z2022-049
Case Name: SUP for Residential Infill
Case Type: Zoning
Zoning: Single-Family 10 (SF-10) District
Case Address: 1505 S. Alamo Rd.

Date Saved: 10/17/2022
 For Questions on this Case Call (972) 771-7745



STEGMAN WILLIAM JR
12640 E NORTHWEST HWY, SUITE 409
DALLAS, TX 75228

STEGMAN WILLIAM JR
1300 RIDGE RD
ROCKWALL, TX 75087

T ROCKWALL PHASE 2 LLC
1301 RIDGE RD
ROCKWALL, TX 75087

JACOBS DAVID R & BEVERLY
1304 RIDGE RD
ROCKWALL, TX 75087

PEOPLES J PHILIP AND
BILLY W PEOPLES JR
1306 RIDGE RD
ROCKWALL, TX 75087

KAPRANTZAS VICTORIA J
1308 RIDGE RD
ROCKWALL, TX 75087

ROCKWALL COMMONS LLC
1309 RIDGE RD
ROCKWALL, TX 75087

T ROCKWALL APARTMENTS TX LLC
1309 RIDGE RD
ROCKWALL, TX 75087

PHILIP ALWIN
1312 RIDGE RD
ROCKWALL, TX 75087

PHILIP ALWIN
1316 RIDGE RD
ROCKWALL, TX 75087

BOBST DANIEL W AND JENNIFER L
1400 RIDGE RD
ROCKWALL, TX 75087

MASON RONALD E & GLORIA M
1402 RIDGE RD
ROCKWALL, TX 75087

ROGERS FAMILY LIVING TRUST
MICHAEL WAYNE ROGERS AND RELLA
VILLASANA ROGERS, TRUSTEES
1404 RIDGE RD
ROCKWALL, TX 75087

BANYON MARVIN C & EVELINA A VILLAREAL
BANYON
1417 S ALAMO RD
ROCKWALL, TX 75087

ESTATE OF RICHARD L BROOKS
1419 S ALAMO RD
ROCKWALL, TX 75087

DEEN JASON AND JENNIFER
1421 S ALAMO RD
ROCKWALL, TX 75087

ARCINIEGA MARK K
1423 S ALAMO ROAD
ROCKWALL, TX 75087

PINNELL LIVING TRUST
CHARLES CRAIG PINNELL AND CATHY JENELL
PINNELL
1425 S ALAMO RD
ROCKWALL, TX 75087

WADE KENNETH AND DEBBIE
1505 S ALAMO RD
ROCKWALL, TX 75087

GREEN KRIS
1507 S ALAMO RD
ROCKWALL, TX 75087

HERBST LONNIE & AMY
1509 S ALAMO RD
ROCKWALL, TX 75087

CRUSE ROBERT B JR AND MARGARET A
1510 S ALAMO RD
ROCKWALL, TX 75087

BARRETT HOWARD & MARVALEE
1511 S ALAMO RD
ROCKWALL, TX 75087

SCROGGS JUSTIN D
1512 S ALAMO RD
ROCKWALL, TX 75087

BALLI DAVID OMAR AND EMILY FARRIS
1514 S ALAMO RD
ROCKWALL, TX 75087

SLAUGHTER RICHARD E JR
1515 S ALAMO RD
ROCKWALL, TX 75087

TURCIOS MILTON NOE AND
JUAN RAMON TURCIOS
1516 S ALAMO RD
ROCKWALL, TX 75087

GREEN TARA D AND
JULIA R MCKINNEY
1518 SOUTH ALAMO ROAD
ROCKWALL, TX 75087

WEDDLE TRUST
JOHN C WEDDLE AND PAULETTE S WEDDLE
TRUSTEES
1601 S ALAMO RD
ROCKWALL, TX 75087

LYLE WILLIAM M JR & ERICA
1603 S ALAMO RD
ROCKWALL, TX 75087

BURNS LORRAINE MARIETTI
1605 ALAMO RD
ROCKWALL, TX 75087

T ROCKWALL APARTMENTS TX LLC
16600 DALLAS PARKWAY SUITE 300
DALLAS, TX 75248

T ROCKWALL PHASE 2 LLC
16600 DALLAS PKWY SUITE 300
DALLAS, TX 75248

HOTT SARI D
201 DARTBROOK
ROCKWALL, TX 75087

VIZZINI SABARINA L
201 MEADOWDALE DR
ROCKWALL, TX 75087

HIRIGOYEN IGNACIO A & LISA RAE
202 MEADOWDALE DRIVE
ROCKWALL, TX 75087

VANCE JASON L & DASHA
202 TANYA DR
ROCKWALL, TX 75087

MURPHREE MICHAEL G AND AMANDA L
203 DARTBROOK
ROCKWALL, TX 75087

HERRIN MARVIN ET UX
203 MEADOWDALE DR
ROCKWALL, TX 75087

TSARDOULIAS HRISTOS
204 MEADOWDALE DRIVE
ROCKWALL, TX 75087

RICHARDSON RANDAL & BARBARA
204 TANYA DR
ROCKWALL, TX 75087

NOLAN DANIEL & DENISE
205 DARTBROOK
ROCKWALL, TX 75087

DICKSON JUDITH TAYLOR & KENNETH D
205 MEADOWDALE DR
ROCKWALL, TX 75087

HAIGNEY PETER F
206 MEADOWDALE DR
ROCKWALL, TX 75087

KELLEY STEPHAN BRANT & VIVIANA ELIZABETH
206 TANYA DRIVE
ROCKWALL, TX 75087

HAWKINS THOMAS & REBECCA
207 DARTBROOK
ROCKWALL, TX 75087

WHITT NICHOLE
207 MEADOWDALE DRIVE
ROCKWALL, TX 75087

TROUTT GRETA D
208 MEADOW DALE
ROCKWALL, TX 75087

PERRY RICHARD L
208 TANYA DR
ROCKWALL, TX 75087

FLOYD DOROTHY RHEA
210 TANYA DR
ROCKWALL, TX 75087

BREWER GLENDA O
212 TANYA DR
ROCKWALL, TX 75087

BOBST DANIEL W AND JENNIFER L
2701 SUNSET RIDGE SUITE 610
ROCKWALL, TX 75032

KAPRANTZAS VICTORIA J
2748 MIRA VISTA LN
ROCKWALL, TX 75032

PHILIP ALWIN
279 ASHWOOD LN
SUNNYVALE, TX 75182

PHILIP ALWIN
279 ASHWOOD LN
SUNNYVALE, TX 75182

GLASS JERRY
301 MEADOWDALE DR
ROCKWALL, TX 75087

FARNSWORTH JARED P AND ASHLEY N
302 MEADOWDALE DR
ROCKWALL, TX 75087

PEOPLES J P & B W JR
302 S GOLIAD SST
ROCKWALL, TX 75087

PEOPLES J PHILIP AND
BILLY W PEOPLES JR
311 HIGHLAND DRIVE
ROCKWALL, TX 75087

ROCKWALL COMMONS LLC
341 VERA CLIFF CT
OVIEDO, FL 32765

BURNS LORRAINE MARIETTI
403 W WASHINGTON ST
ROCKWALL, TX 75087

WADE KENNETH AND DEBBIE
4760 SECRET COVE
ROCKWALL, TX 75032

TURCIOS MILTON NOE AND
JUAN RAMON TURCIOS
7227 HILLSHIRE LANE
SACHSE, TX 75048

LYLE WILLIAM M JR & ERICA
9605 ARDEN DR
ROCKWALL, TX 75087

CRUSE ROBERT B JR AND MARGARET A
P. O. BOX 2468
ROCKWALL, TX 75087

SLAUGHTER RICHARD E JR
PO BOX 1717
ROCKWALL, TX 75087

PUBLIC NOTICE



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

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

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

Z2022-049: Specific Use Permit for Residential Infill Adjacent to an Established Subdivision

Hold a public hearing to discuss and consider a request by Deanna Welch-Williams of Sheldon Custom Homes on behalf of Kenneth and Debbie Wade for the approval of a Specific Use Permit (SUP) for Residential Infill Adjacent to an Established Subdivision for the purpose of constructing a single-family home on a 0.3080-acre parcel of land identified as Lot 6, Block A, Eagle Point Estates Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, situated within the Scenic Overlay (SOV) District, addressed as 1505 S. Alamo Street, and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on Tuesday, November 15, 2022 at 6:00 PM, and the City Council will hold a public hearing on Monday, November 21, 2022 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

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

Angelica Guevara
Rockwall Planning and Zoning Dept.
385 S. Goliad Street
Rockwall, TX 75087

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

Your comments must be received by Monday, November 21, 2022 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning



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

--- PLEASE RETURN THE BELOW FORM ---

Case No. Z2022-049: Specific Use Permit for Residential Infill Adjacent to an Established Subdivision

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

[Redacted area]

Name: [Redacted]

Address: [Redacted]

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

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

PUBLIC NOTICE



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

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Director of Planning & Zoning



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

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

Case No. Z2022-049: Specific Use Permit for Residential Infill Adjacent to an Established Subdivision

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

I AM OWNER OF SAID PROPERTY.

Name: Kenneth WADE Kennel Wade
Address: 1505 S. ALAMO Rockwall, TX 75087

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

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

Case No. Z2022-049: Specific Use Permit for Residential Infill Adjacent to an Established Subdivision

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

Name: Robert & Margaret Cruse
Address: 1510 S. Alamo Rockwall TX

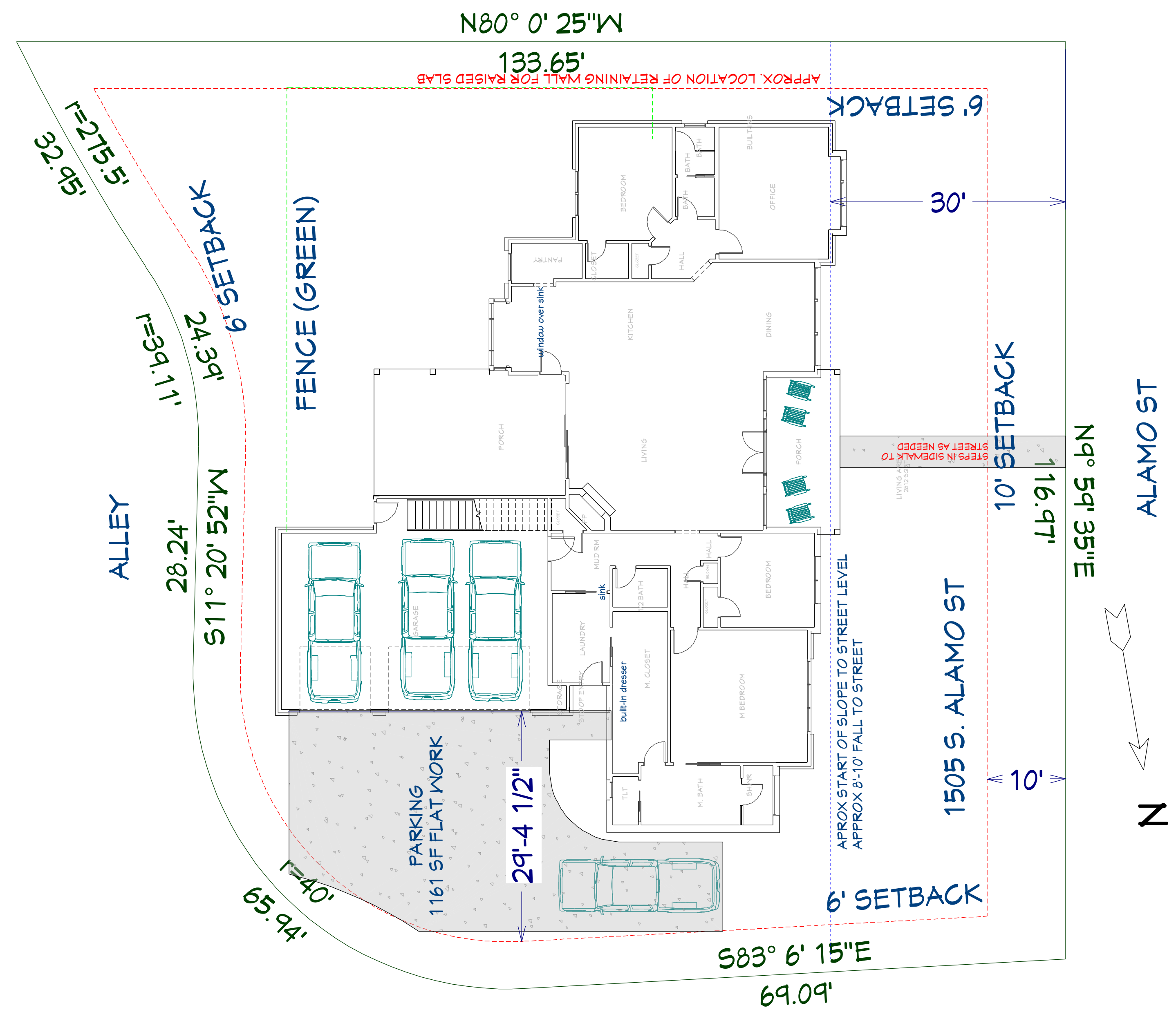
Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written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

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

107



PLOT PLAN, SAT



PLOT PLAN

1/10"=1' SCALE

REV 08

HOME DESIGNED BY:
 AARON HAMILTON
 ABIDE HOME DESIGNS
 ROYSE CITY, TX / 972-583-0959
 AARON@ABIDEHOMEDESIGNS.COM

PLOT PLAN

WADE RESIDENCE
 1505 S ALAMO ST.
 ROCKWALL, TX



DATE:

8/18/2022

SCALE:

1/4"=1'

SHEET:

5

ELEVATIONS

WADE RESIDENCE
 1505 S ALAMO ST.
 ROCKWALL, TX



DATE:

8/18/2022

SCALE:

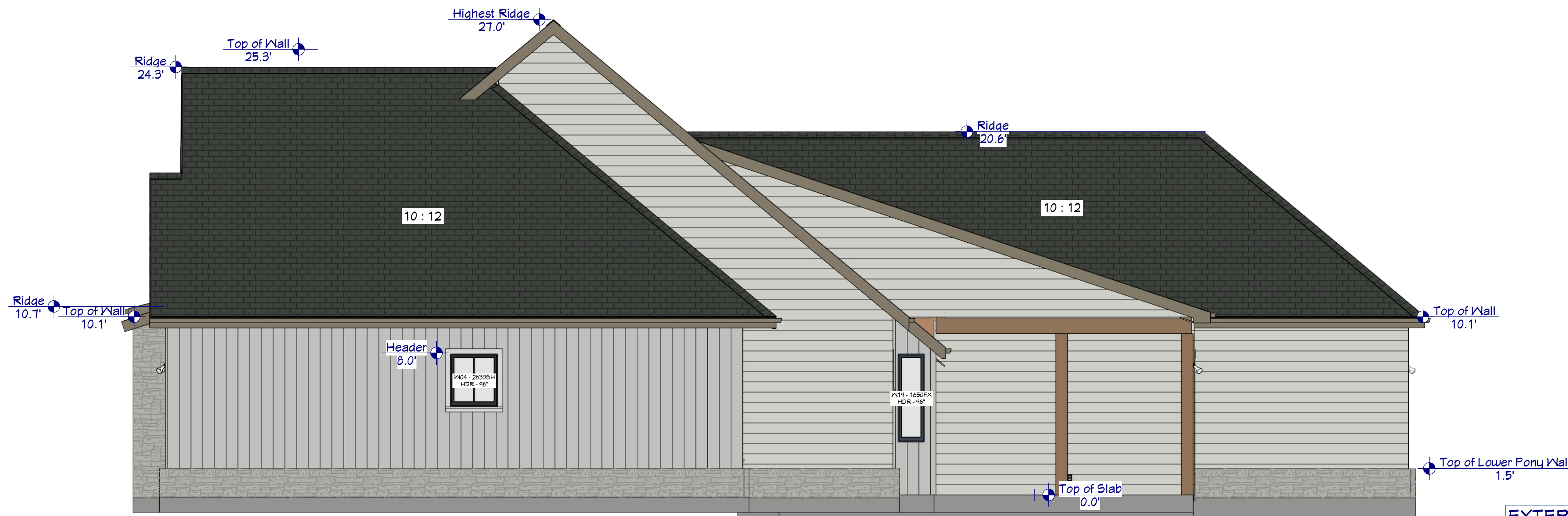
1/4"=1'

SHEET:

2



Exterior Elevation Front

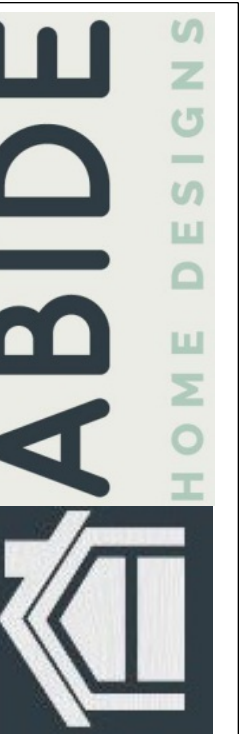


Exterior Elevation Right

EXTERIOR MATERIALS:	
SOFFIT:	HARDI PLANK TRIM AND SOFFIT
SIDING:	HARDI 8.25" LAP SIDING
SIDING:	HARDI BOARD AND BATTEN
STONE:	CHOPPED LEUDER - CHALK/CREAM & SMOKE MIX - 18" PONY WALL V
ROOF:	COMPOSITE SHINGLES (GRAY)
ROOF/ANNINGS:	R PANEL (BLACK)
PORCH POSTS:	8" CEDAR, ROUGH SAWN
POST BASES (IF APPLICABLE):	
CORNER BOARD TRIM:	YES
(SEE STYLE SHEET FOR ADDITIONAL INFO.)	

ELEVATIONS
(CONT.)

WADE RESIDENCE
1505 S ALAMO ST.
ROCKWALL, TX



DATE:

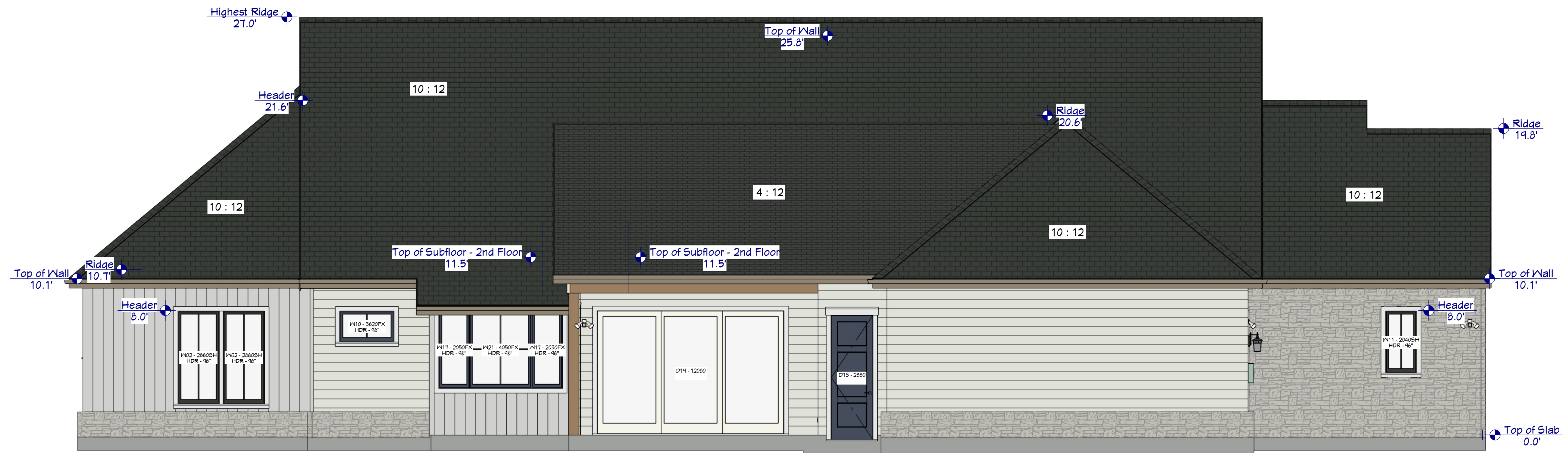
8/18/2022

SCALE:

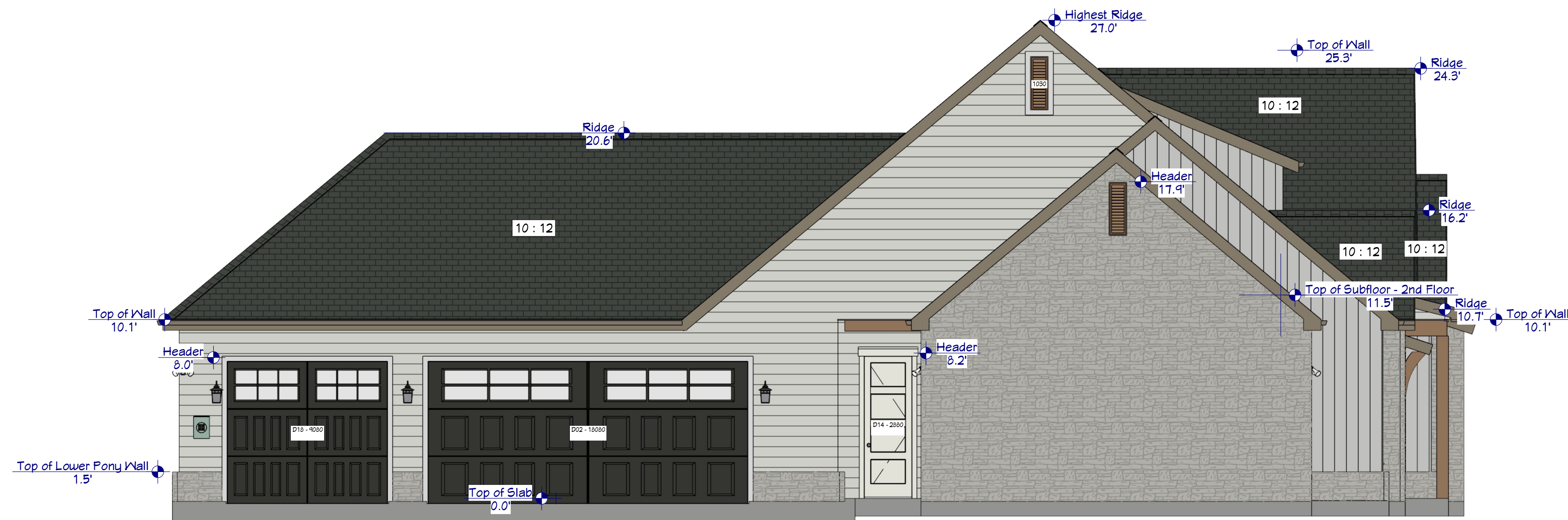
1/4"=1'

SHEET:

3



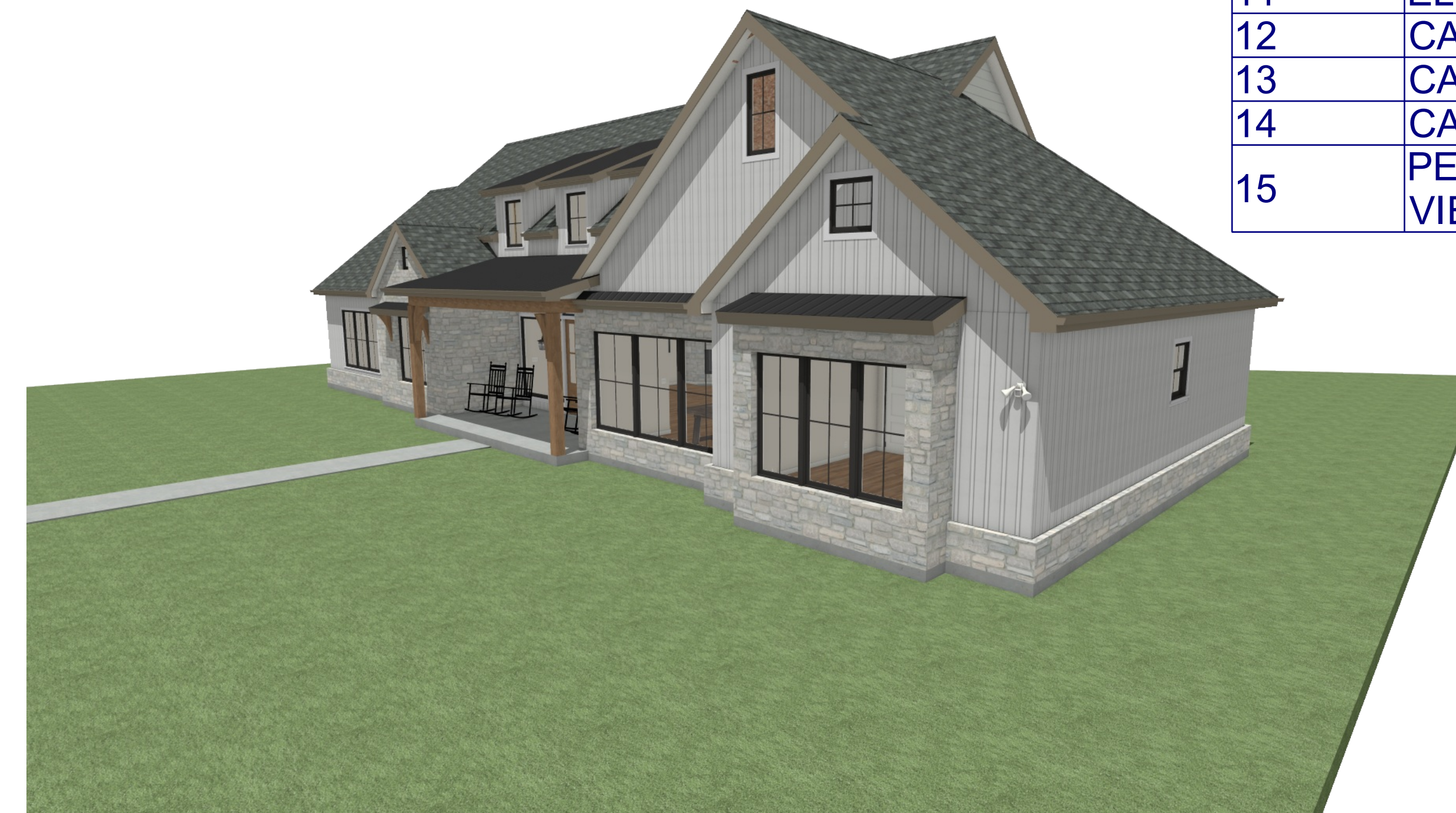
Exterior Elevation Back



Exterior Elevation Left



FRONT-LEFT



FRONT-RIGHT



BACK-LEFT



BACK-RIGHT

GENERAL NOTES:

THE BUILDER SHALL VERIFY THAT SITE CONDITIONS ARE CONSISTENT WITH THESE PLANS BEFORE STARTING WORK. WORK NOT SPECIFICALLY DETAILED SHALL BE CONSTRUCTED TO THE SAME QUALITY AS SIMILAR WORK THAT IS DETAILED. ALL WORK SHALL BE DONE IN ACCORDANCE WITH INTERNATIONAL BUILDING CODES AND LOCAL CODES.

WRITTEN DIMENSIONS AND SPECIFIC NOTES SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS AND GENERAL NOTES. THE ENGINEER/DESIGNER SHALL BE CONSULTED FOR CLARIFICATION IF SITE CONDITIONS ARE ENCOUNTERED THAT ARE DIFFERENT THAN SHOWN. IF DISCREPANCIES ARE FOUND IN THE PLANS OR NOTES, OR IF A QUESTION ARISES OVER THE INTENT OF THE PLANS OR NOTES, CONTRACTOR SHALL VERIFY AND IS RESPONSIBLE FOR ALL DIMENSIONS (INCLUDING ROUGH OPENINGS).

PLEASE SEE ADDITIONAL NOTES CALLED OUT ON OTHER SHEETS.

BUILDING PERFORMANCE:

HEAT LOSS CALCULATIONS SHALL COMPLY WITH THE REQUIREMENTS OF REGIONAL AND LOCAL CODES. SEE CALCULATIONS: PORCHES, DECKS, FOUNDATION, FIREPLACE ENCLOSURES, AND GARAGE AREAS NOT INCLUDED IN LIVING AREA. ALL EXHAUST FANS TO BE VENTED DIRECTLY TO THE EXTERIOR. ALL PENETRATIONS OF THE BUILDING ENVELOPE SHALL BE SEALED WITH CAULK OR FOAM.

Layout Page Table

Number	Title
1	PROJECT OVERVIEW
2	ELEVATIONS
3	ELEVATIONS (CONT.)
4	SCHEDULES & STYLE
5	PLOT PLAN
6	FOUNDATION/ROUGH-IN PLAN
7	ROOF PLAN - 1F
8	ROOF PLAN W/ RAFTERS - 1F
9	FRAMING PLAN - 1F
10	FRAMING PLAN - 2F
11	ELECTRICAL PLAN - 1F
12	CABINET PLAN
13	CABINET ELEVATIONS
14	CABINET ELEVATIONS CONT.
15	PERSPECTIVE INTERIOR VIEWS

REV 08

HOME DESIGNED BY:
AARON HAMILTON
ABIDE HOME DESIGNS
ROYSE CITY, TX | 972-533-0959
AARON@ABIDEHOMEDESIGNS.COM

PROJECT OVERVIEW

WADE RESIDENCE
1505 S ALAMO ST.
ROCKWALL, TX



DATE:

8/18/2022

SCALE:

1/4"=1'

SHEET:

1

TOTAL HEATED SF:	2812 SF
TOTAL SLAB SF:	4433 SF
TOTAL 1ST FLOOR HEATED:	2812 SF
TOTAL PORCHES UNDER ROOF:	625 SF
TOTAL GARAGE & UTILITY:	966 SF
TOTAL BRICK LEDGE:	30 SF
TOTAL UNDER ROOF SF:	4433 SF

Revision Table				
Label	Date	Revised By	Description	
REV 01	1/12/2021	AJH	INITIAL PLAN DEVELOPMENT	
REV 04	4/7/2022	KMS	BID PLANS--NOT FOR CONSTRUCTION	
REV 05	4/21/2022	AJH	EXT. MATL REVISION	
REV 06	5/10/2022	AJH	BUILD PLANS	
REV 07	6/15/2022	AJH	REVISED KITCHEN WINDOW	
REV 08	6/16/2022	AJH	REMOVED DINING WINDOW TO PORCH, RELOCATED GARAGE SWING DOOR.	

-INTERIOR & EXTERIOR 3D MODEL AVAILABLE (AS NEEDED) UPON REQUEST
-2D ELECTRONIC CAD FILE AVAILABLE (.DWG, .DXF) UPON REQUEST
-PLEASE REQUEST EITHER HOMEOWNER OR VIA DESIGNER CONTACT INFO

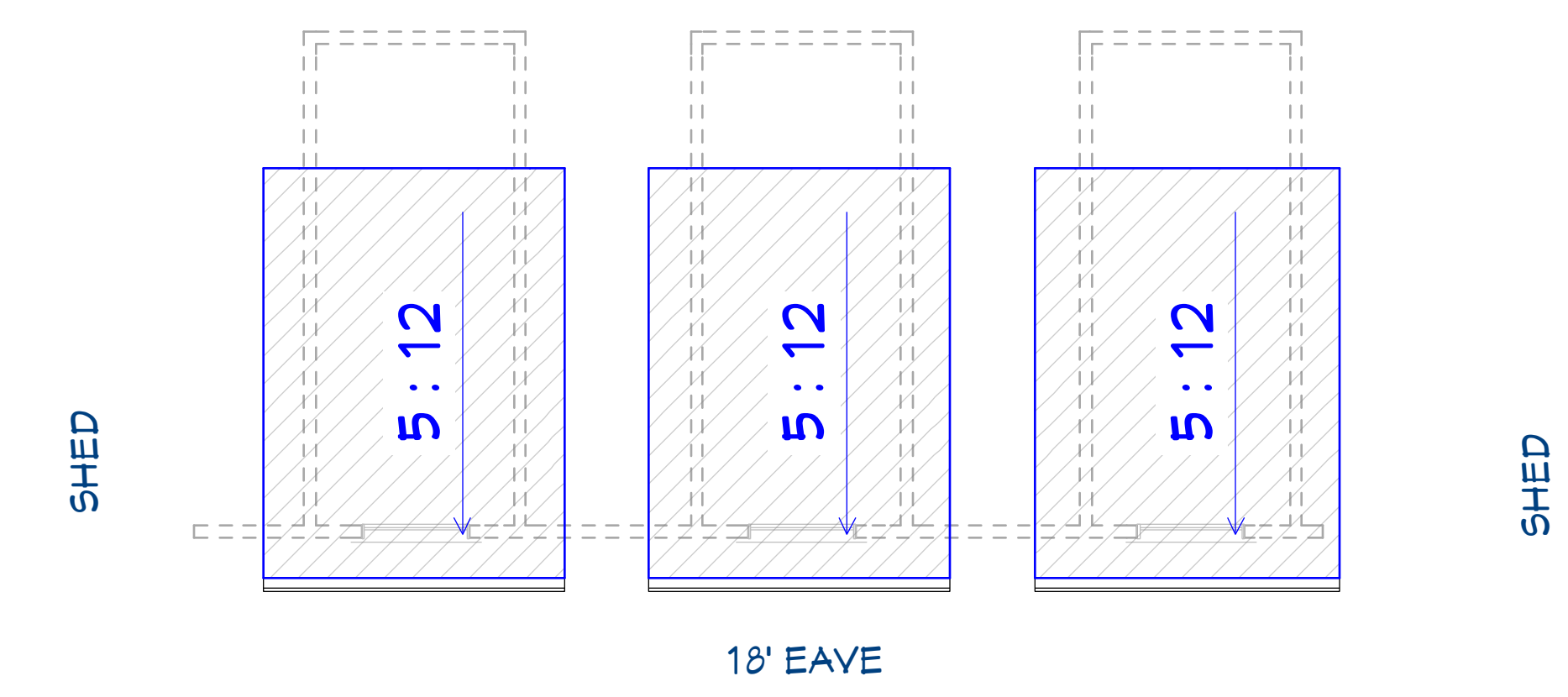
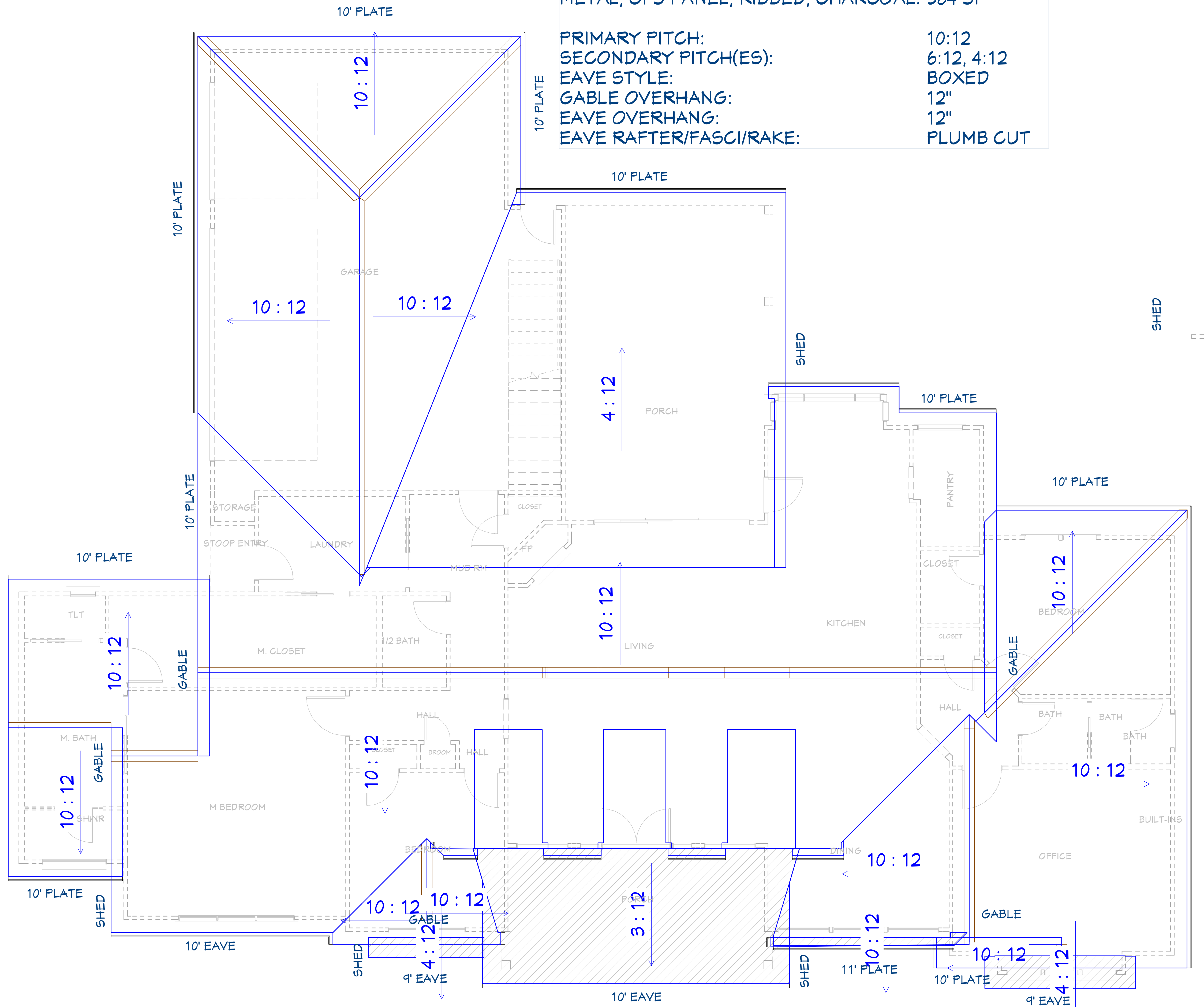
To the best of my knowledge these plans are drawn to comply with owner's and/or builder's specifications and any changes made on them after prints are made will be done at the owner's and/or builder's expense and responsibility. The contractor shall verify all dimensions and enclosed drawing. Hamilton Handcrafted/Abide Home Designs is not liable for errors once construction has begun. While every effort has been made in the preparation of this plan to avoid mistakes, the maker can not guarantee against human error. The contractor of the job must check all dimensions and other details prior to construction and be solely responsible thereafter.

BUILDING CONTRACTOR/HOME OWNER TO REVIEW AND VERIFY ALL DIMENSIONS, SPECS, LOCAL CODE/BUILDER REQUIREMENTS & CONNECTIONS BEFORE CONSTRUCTION BEGINS.

MIN. CODE RECOMMENDATIONS:
ELECTRICAL SYSTEM CODE: SEC.2701
MECHANICAL SYSTEM CODE: SEC.2801
PLUMBING SYSTEM CODE: SEC.2901
(CONSULT LOCAL/CITY BUILDING REQUIREMENTS)

TOTAL ROOF SF: 5943 SF
 COMPOSITE SHINGLES, GRAY: 5379 SF
 METAL, CFS PANEL, RIBBED, CHARCOAL: 564 SF

PRIMARY PITCH: 10:12
 SECONDARY PITCH(ES): 6:12, 4:12
 EAVE STYLE: BOXED
 GABLE OVERHANG: 12"
 EAVE OVERHANG: 12"
 EAVE RAFTER/FASCI/RAKE: PLUMB CUT

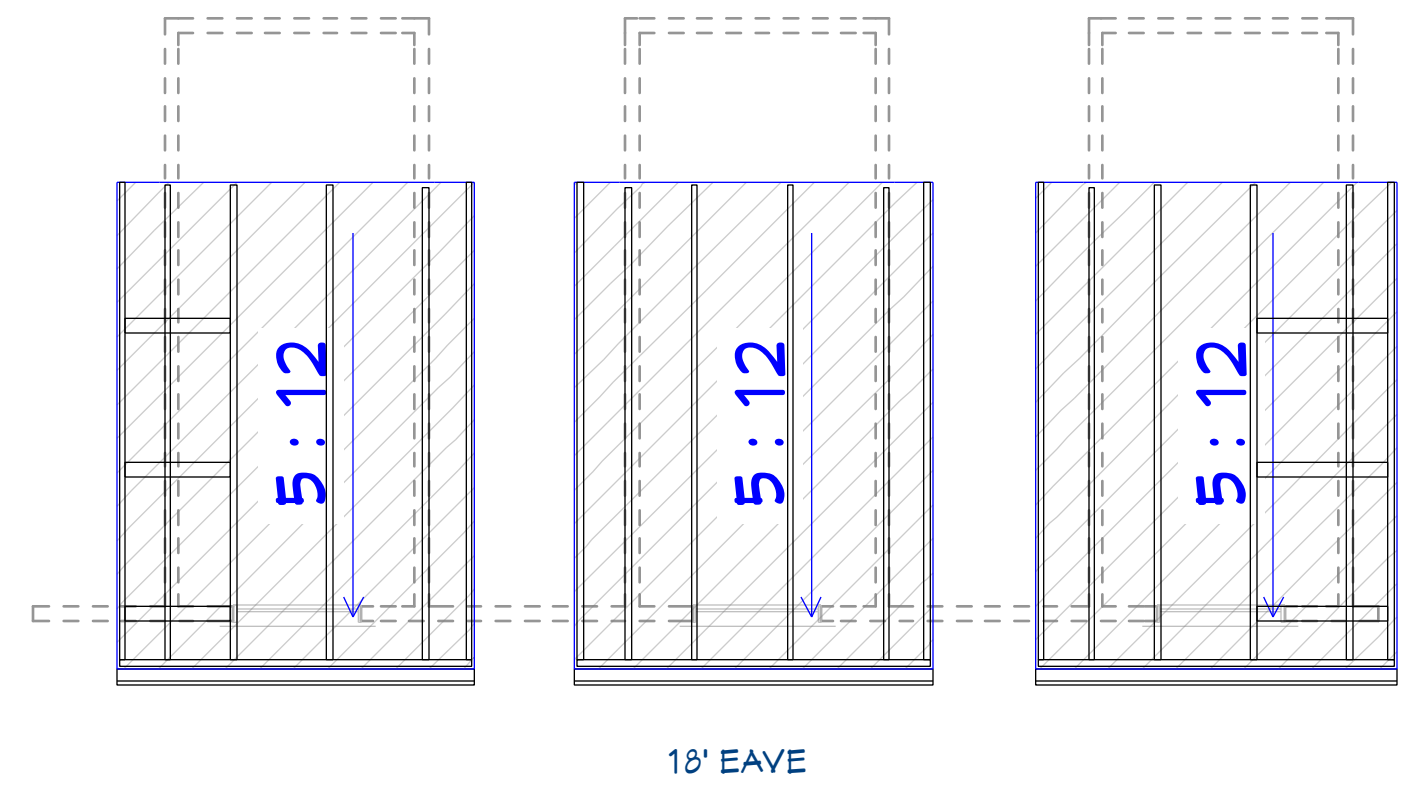
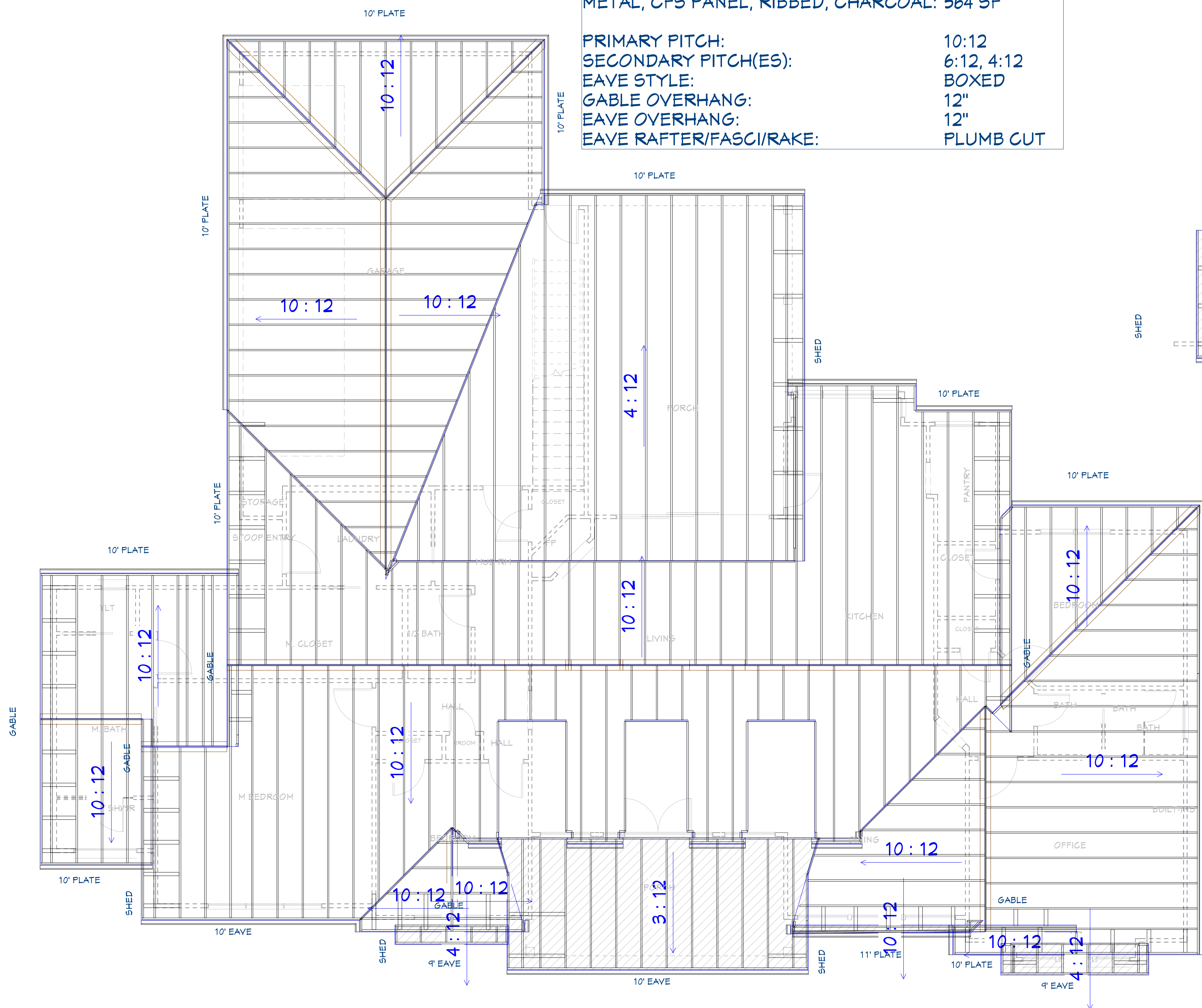


ROOF PLAN 2F

ROOF PLAN

TOTAL ROOF SF: 5943 SF
 COMPOSITE SHINGLES, GRAY: 5379 SF
 METAL, CFS PANEL, RIBBED, CHARCOAL: 564 SF

PRIMARY PITCH: 10:12
 SECONDARY PITCH(ES): 6:12, 4:12
 EAVE STYLE: BOXED
 GABLE OVERHANG: 12"
 EAVE OVERHANG: 12"
 EAVE RAFTER/FASCI/RAKE: PLUMB CUT



ROOF PLAN W/ RAFTERS 2F

ROOF PLAN W/ RAFTERS



CITY OF ROCKWALL

HOUSING ANALYSIS FOR CASE NO. Z2022-049

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

ADJACENT HOUSING ATTRIBUTES

ADDRESS	HOUSING TYPE	YEAR BUILT	HOUSE SF	ACCESSORY BUILDING	EXTERIOR MATERIALS
1425 S. Alamo	Single-Family Home	1987	4,438	N/A	Brick and Siding
1423 S. Alamo	Single-Family Home	1995	3,588	144	Brick
1421 S. Alamo	Single-Family Home	2000	4,110	N/A	Brick
202 Meadowdale Drive	Single-Family Home	2000	5,058	54	Brick and Siding
201 Meadowdale Drive	Single-Family Home	1985	4,057	120	Brick and Siding
1510 S. Alamo Road	Single-Family Home	2014	5,038	N/A	Brick
1512 S. Alamo Road	Single-Family Home	2015	4,911	N/A	Brick
1515 S. Alamo Road	Single-Family Home	2014	4,269	N/A	Brick
1511 S. Alamo Road	Single-Family Home	2017	4,810	N/A	Brick
1509 S. Alamo Road	Single-Family Home	2019	4,356	N/A	Siding
1507 S. Alamo Road	Single-Family Home	2018	4,816	N/A	Siding
1505 S. Alamo Road	Vacant	N/A	N/A	N/A	N/A
AVERAGES:		2006	4,496	106	



CITY OF ROCKWALL

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1425 S. Alamo



1423 S. Alamo



CITY OF ROCKWALL

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1421 S. Alamo



202 Meadowdale Drive



CITY OF ROCKWALL

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201 Meadowdale Drive



1510 S. Alamo



CITY OF ROCKWALL

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1512 S. Alamo



1515 S. Alamo



CITY OF ROCKWALL

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1511 S. Alamo



1509 S. Alamo



CITY OF ROCKWALL

HOUSING ANALYSIS FOR CASE NO. Z2022-049

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1507 S. Alamo



1505 S. Alamo

CITY OF ROCKWALL

ORDINANCE NO. 22-XX

SPECIFIC USE PERMIT NO. S-2XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL ADJACENT TO AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.3080-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 6, BLOCK A, EAGLE POINT ESTATES ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request from Deanna Welch-Williams of Sheldon Custom Homes for the approval of a Specific Use Permit (SUP) for *Residential Infill Adjacent to an Established Subdivision* to allow the construction of a single-family home on a 0.3080-acre parcel of land being described as Lot 6, Block A, Eagle Point Estates Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District land uses, situated within the Scenic Overlay (SOV) District, addressed as 1505 S. Alamo Street, and being more specifically described and depicted in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

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

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

SECTION 1. That the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) for *Residential Infill Adjacent to an Established Subdivision* to allow the construction of a single-family home in accordance with Article 04, *Permissible Uses*, the Unified Development Code (UDC) [*Ordinance No. 20-02*] on the *Subject Property*; and,

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 03.01, *General Residential District Standards*, and Subsection 03.07, *Single-Family 10 (SF-10) District*, of Article 05, *District Development Standards*, of the Unified Development

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

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the construction of a single-family home on the *Subject Property* and conformance to these operational conditions are required:

- 1) The development of the *Subject Property* shall generally conform to the Residential Plot Plan as depicted in *Exhibit 'B'* of this ordinance.
- 2) The construction of a single-family home on the *Subject Property* shall generally conform to the Building Elevations depicted in *Exhibit 'C'* of this ordinance.
- 3) Once construction of the single-family home has been completed, inspected, and accepted by the City of Rockwall, this Specific Use Permit (SUP) shall expire, and no further action by the property owner shall be required.

2.2 COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, *Specific Use Permits (SUP)* of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) will require the *Subject Property* to comply with the following:

- 1) Upon obtaining a *Building Permit*, should the contractor operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outlined in the Unified Development Code (UDC), the City may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Subsection 02.02(F), *Revocation*, of Article 11, *Development Applications and Revision Procedures*, of the Unified Development Code (UDC) [Ordinance No. 20-02].

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

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

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

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

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

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 5th DAY OF DECEMBER, 2022.

Kevin Fowler, *Mayor*

ATTEST:

Kristy Teague, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: November 21, 2022

2nd Reading: December 5, 2022

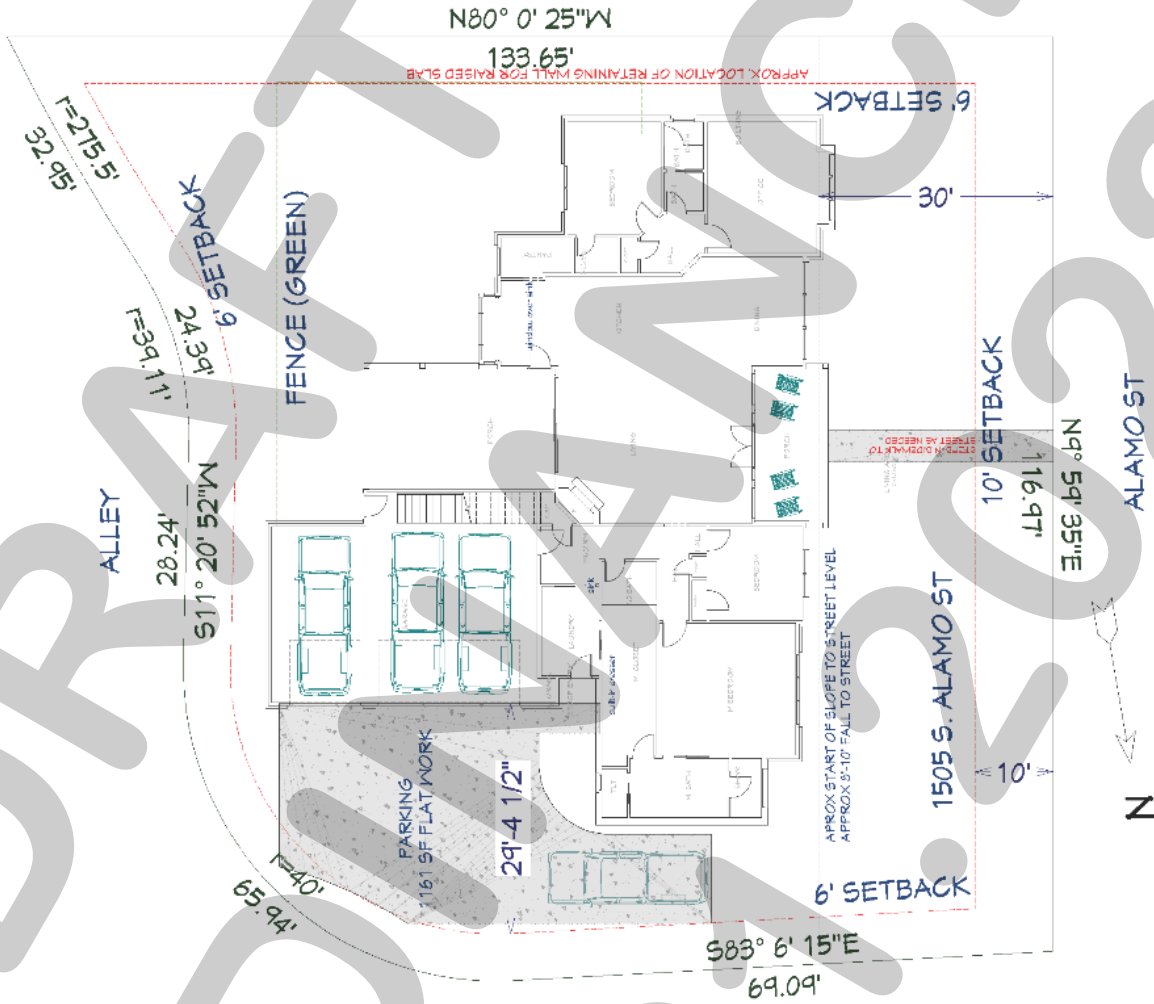
Exhibit 'A'
Location Map and Survey

Address: 1505 S. Alamo Street

Legal Description: Lot 6, Block A, Eagle Point Estates Addition



Exhibit 'B':
Residential Plot Plan



**Exhibit 'C':
Building Elevations**



Exterior Elevation Front



EXTERIOR MATERIALS: _____



Exterior Elevation Back



Exterior Elevation Left



MEMORANDUM

TO: Mary Smith, City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: November 21, 2022

SUBJECT: Z2022-050; AMENDMENT TO ARTICLE 05, DISTRICT DEVELOPMENT STANDARDS, OF THE UNIFIED DEVELOPMENT CODE (UDC) FOR TAKELINE PRIVATE WALKWAYS

Attachments

Memorandum
Proposed Text Amendment
Draft Ordinance

Summary/Background Information

Hold a public hearing to discuss and consider approval of an **ordinance** for a *Text Amendment* to Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] for the purpose of making minor changes to Subsection 06.16, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, and take any action necessary (**1st Reading**).

Action Needed

The City Council is being asked to approve or deny the proposed text amendment.



CITY OF ROCKWALL
CITY COUNCIL MEMORANDUM

PLANNING AND ZONING DEPARTMENT
385 S. GOLIAD STREET • ROCKWALL, TX 75087
PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO: Mayor and City Council

CC: Mary Smith, *City Manager*
Joey Boyd, *Assistant City Manager*

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

DATE: November 21, 2022

SUBJECT: Z2022-050; *Amendment to Article 05, District Development Standards, of the Unified Development Code (UDC) for Takeline Private Walkways*

In accordance with Subsection 02.01(C), *Authority to Order Changes to the Unified Development Code (UDC)*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC), the Director of Planning and Zoning has initiated a text amendment. The purpose of the text amendment is to make minor changes to the material requirements for *Private Walkways* stipulated in Subsection 06.16, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, of Article 05, *District Development Standards*, of the UDC. Specifically, the current ordinance prohibits the use of concrete for *Private Walkways* in the Lake Ray Hubbard Takeline; however, the City currently requires a concrete seawall and concrete cap in the *425.50 Elevation Zone*. *Private Walkways* are permitted in the *435.50* and *438.00 Elevation Zones*, but are only permitted to be constructed of "...native stone, brick and/or rectangular pavers ...". The purpose behind this prohibition was tied to the existing utilities that traverse the takeline, and the possibility of damage occurring to a *Private Walkway* when servicing the lines; however, the updated *Residential Sublease Agreement* that was prepared and sent out in 2020 includes a section that indemnifies the City of Rockwall of any damage created in an existing easement, stating:

... the City of Rockwall will make a reasonable effort to repair any damage resulting from the City of Rockwall accessing the Take Area for utility maintenance and/or public safety vehicles, and will restore the damaged property as nearly as possible to its condition prior to the damage created by the City of Rockwall accessing the Takeline Area however, if the damage is located within a dedicated easement the requirements of the easement shall govern and no additional obligations are assumed by the City of Rockwall or the City of Dallas as a result of the execution of this Sublease.

Based on this language -- *and the fact that concrete is already a permitted material in the 425.50 Elevation Zone* -- the prohibition of concrete *Private Walkways* does not appear to be warranted. Staff should note that this issue was originally brought to the Director of Planning and Zoning's attention by several property owners in the takeline looking to construct concrete *Private Walkways*, and that after discussions with these residents the Director choose to bring forward this text amendment. With this being said, the approval of a text amendment to the UDC is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission. On November 15, 2022, the Planning and Zoning Commission reviewed the case and approved a motion to recommend approval by a vote of 5-0, with Commissioners Llewellyn and Conway absent.

Staff has placed a redlined copy of the proposed changes along with a draft ordinance in the attached packet. In accordance with Subsection 02.01(C) of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC), the Director of Planning and Zoning is bringing forward the proposed text amendment to the City Council for consideration. Staff has sent out a 15-day notice to the Rockwall Herald Banner in accordance with all applicable state laws and Section 02.03(A)(3) of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC). Should the City Council have any questions staff will be available at the meeting on November 21, 2022.



(f) Setback Requirements. *Private utilities* must adhere to the following setbacks:

- (1) Takeline Setback: 0-Feet
- (2) Leased Side Yard Setback: 0-Feet

(g) Additional Requirements.

- (1) Earth Work. Earth work required for the construction of *private utilities* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.
- (2) Compliance with Applicable Codes. A *private utility* must comply with all other applicable City of Rockwall codes.
- (3) Damage to the System. Any damage or destruction to any *private utility* by public safety, utility, maintenance, or inspection personnel and/or their vehicles will be the responsibility of the leasing property owner.

(20) Private Walkways.

- (a) Definition. *Private walkways* can be a single path or a network of paths installed by the leasing property owner in the takeline area.
- (b) Prerequisites. *Private walkways* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.
- (c) Elevation Zone. *Private walkways* shall be allowed in the following zones:
 - (1) 438.0: Permitted.
 - (2) 435.5: Permitted (*if a Seawall has been constructed*).
 - (3) 425.5: Not Permitted.
- (d) Conditional Use Standards. *Private walkways* with steps are permitted (see *Landing and Stairs in Subsection 06.15(J)(11)*).
- (e) Construction Standards.
 - (1) Building Materials. *Private walkways* shall be constructed using native stone, brick, **concrete** and/or rectangle pavers; however, *private walks* shall not consist of loose stone, gravel, sand, **or asphalt, or concrete.**
 - (2) Height. *Private walkways* shall be flush with the surrounding grade, or work within the gradient present of the surrounding grade.
 - (3) Size. *Private walkways* shall be no greater than 48-inches in width.
 - (4) Location. *Private walkways* may encroach into an existing easement or right-of-way, encroach into an identified future easement or right-of-way, or encroach into an identified or set aside access path, provided that the property owner or sublease is

responsible for repair and/or replacement of the walks in the event they are damaged or removed by the City or other public entity as a result of the necessary use of, or work within or around, said easements. An existing and future easement running through a lease property will be allowed to substitute for the 12-foot wide primary access right-of-way path provided it is 12-feet wide, suitable for access, and will connect to adjacent access paths.

(f) Setback Requirements. *Private walkways* must adhere to the following setbacks:

- (1) Takeline Setback: 0-Feet
- (2) Leased Side Yard Setback: 10-Feet

(g) Additional Requirements.

- (1) Earth Work. Earth work required for the construction of *private walkways* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.
- (2) Compliance with Applicable Codes. A *private walkway* must comply with all other applicable City of Rockwall codes.
- (3) Damage to the System. Any damage or destruction to any *private walkway* by public safety, utility, maintenance, or inspection personnel and/or their vehicles will be the responsibility of the leasing property owner.

(21) Seawall.

- (a) Definition. A *seawall* is an engineered concrete or steel structure at the water's edge that is typically designed to curb shoreline erosion where it is installed.
- (b) Prerequisites. A *seawall* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.
- (c) Elevation Zone. A *seawall* shall be allowed in the following zones:
 - (1) 438.0: Not Permitted.
 - (2) 435.5: Not Permitted.
 - (3) 425.5: Permitted.

NOTE: Seawalls are only permitted along the shoreline.

(d) Construction Standards.

- (1) Concrete Cap. A six (6) foot wide concrete cap must be constructed along the entire length of the erosion control structure. In order to allow the backfill material to properly settle, the construction of the concrete cap may be delayed for several weeks/months after the construction of the erosion control structure; however, in no case should the construction of the concrete cap be delayed for a time period exceeding one (1) year from the date of construction of the erosion control structure.



SUBSECTION 07.05: LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT DEVELOPMENT STANDARDS

LAND USE ¹	CONDITIONAL USE REFERENCE SEE SUBSECTION 06.15(J)	PRE-REQUISITES L: SEAWALL, FP: FIXED PIER	ELEVATION ZONES			MINIMUM SIZE (FEET OR SQUARE FEET)	MAXIMUM SIZE (FEET, INCHES, OR SQUARE FEET)	MINIMUM HEIGHT (FEET OR INCHES)	MAXIMUM HEIGHT (FEET)	SIDE YARD SETBACK (FEET)	BUILDING MATERIALS
			438.0	435.5	425.5						
BARBECUE PIT	(1)	L	P	X	X	3' x 3'	8' x 3'	0'	6'	6'	NS, B, C, AND IR
BOAT HOUSE ^{2, 4, 5, & 15}	(2)	L, S, & FP	X	X	P	8' x 30'	12' x 30'	16'	21'	10'	CM FOR CATWALK AND DECKING; GM, IR, S, OR A FOR THE SUPPORTS ³ ; CM, GM, IR, S, A, CW, IW, OR RW FOR ROOF BEAMS; AND SSM FOR THE ROOF
COVERED PATIO ^{5 & 15}	(3)	L & S ¹⁶	P	P	X	0'	12' x 20'	0'	15' ^{6 & 7}	20'	CW, IW, & RW IN THE 438.0 ELEVATION ZONE; CM OR M IN THE 435.5 ELEVATION ZONE; SSM FOR THE ROOF
DECK ^{5 & 18}	(4)	L & S ¹⁶	P	P	X	0'	1,000 SF	2' OR 24"	1'	20'	CM FOR THE DECKING, C FOOTINGS FOR FOUNDATION, AND WR FOR FENCING/RAILING
DOCK DECK ^{2 & 5}	(5)	L, S, & FP	X	X	P	8' x 10'	12' x 30'	0'	8' ⁸	10'	CM
FENCE	(6)	L	P	X	X	0'	45'	4'	4'	0'	WR
FLAGPOLE ^{5 & 9}	(7)	L & S ¹⁶	P	P	X	5" BASE	8" BASE	0'	20'	6'	SS OR A
FIXED PIER ^{2 & 5}	(8)	L & S	X	X	P	0'	6' x 40'	0'	8' ¹⁰	10'	CM FOR CATWALK AND DECKING; CM OR S FOR RAILINGS
FIRE PIT	(9)	L & S ¹⁶	P	X	X	3' x 3'	5' x 5'	0'	3'	6'	NS, B, AND C
GAZEBO ^{5 & 15}	(10)	L & S ¹⁶	P	P	X	0'	12' x 12'	0'	15'/18' ^{7 & 11}	20'	CW, RW, IW, CM, OR M IN THE 438.0 ELEVATION ZONE; AND CM OR M IN THE 435.5 ELEVATION ZONE
LANDING AND STAIRS	(11)	L & S ¹⁷	P	P	P	0'	8' x 8' x 6'	3'	SAME AS RETAINING WALL	5'	NS, B, AND C FOR THE STAIRS; WR OR BLACK S FOR THE RAILINGS AND/OR FENCE
PATIO ^{5 & 18}	(15)	L	P	P	X	0'	1,000 SF	0'	1'	20'	NS FOR THE DECK AREA AND WR FOR RAILINGS
PERGOLA ⁵	(16)	L & S ¹⁶	P	P	X	0'	12' x 20'	0'	12' ⁷	20'	CW, RW, IW, OR CM IN THE 438.0 ELEVATION ZONE; CM OR M IN THE 435.5 ELEVATION ZONE
PICNIC TABLE	(17)	L	P	P	X	0'	8' x 10'	0'	3' OR 36"	6'	NS, B, AND C
PRIVATE PLAY STRUCTURE	(18)	L	P	X	X	0 SF	1,000 SF	0'	8'	20'	A, GM, R, CW, RW, AND IW
PRIVATE WALKWAYS	(20)	L & S ¹⁶	P	P	X	0'	48" WIDE	0'	FLUSH WITH GRADE	10'	NS, B, C, AND RECTANGULAR PAVERS
LANDSCAPING AND RETAINING WALLS ^{12 & 13}	(12)	L	P	P	X	NOTES: ^{1:} FOR ALL LAND USES CHECK SECTION 06.15, LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT FOR ADDITIONAL REQUIREMENTS AND RESTRICTIONS. ^{2:} BOATHOUSES, FIXED PIERS, DOCK DECKS, OR ANY COMBINATION OF THESE STRUCTURES MAY NOT EXTEND MORE THAN 40-FEET INTO THE WATER FROM THE 435.5 ELEVATION CONTOUR. ^{3:} REQUIRES A HIP ROOF, A MINIMUM OF 2:1 ROOF PITCH, WITH ONE (1) CUPOLA (3' x 4') IN THE MIDDLE OF THE ROOF OR TWO (2) CUPOLAS (3' x 4') AT EACH END OF THE ROOF. ^{4:} SUPPORT POSTS MAY BE WRAPPED IN A COMPOSITE MATERIAL. ^{5:} THE STRUCTURE SHALL BE GENERALLY CENTERED IN THE LEASE AREA BEHIND THE PRIMARY STRUCTURE ON THE LEASING PROPERTY IF LOCATED IN THE 435.5 OR 425.5 ELEVATION ZONES (IF PERMITTED IN THE ZONE).					
MUNICIPAL UTILITIES	(13)	NONE	P	P	P						
OUTDOOR LIGHTING	(14)	L	P	X	X						
PRIVATE UTILITIES	(19)	L	P	P	X						
SEAWALL	(21)	L	X	X	P						
SPRINKLER/ IRRIGATION SYSTEM ¹⁴	(22)	L	P	P	X						

^{6:} REQUIRES A HIP OR GABLE ROOF WITH A CUPOLA OR CLERESTORY AND A MINIMUM ROOF PITCH OF 4:1.
^{7:} SHALL NOT EXCEED ONE (1) STORY OR BE USED AS A ROOF TOP DECK.
^{8:} EIGHT (8) FEET ABOVE THE SURFACE AREA OF THE FLAT FLOOR SURFACE WITH NO MORE THAN FOUR (4) POLE STRUCTURES ALLOWED.
^{9:} A MAXIMUM OF TWO (2) FLAG POLES ARE PERMITTED AND ONLY THE UNITED STATES OF AMERICA AND TEXAS FLAGS ARE TO BE FLOWN.
^{10:} EIGHT (8) FEET ABOVE THE SURFACE AREA OF THE FLAT FLOOR SURFACE WITH NO MORE THAN TWO (2) POLE STRUCTURES ALLOWED.
^{11:} REQUIRES A HIP OR GABEL ROOF OR A HIP AND/OR GABEL ROOF, WITH A MINIMUM ROOF PITCH OF 2:1, AND THAT IS A MAXIMUM OF 15- FEET WITHOUT A CLERESTORY OR CUPOLA OR 18- FEET WITH A CLERESTORY OR CUPOLA.
^{12:} REMEDIAL LANDSCAPING ALLOWED IN THE 425.5 ELEVATION ZONE WITH THE INTENT TO MAINTAIN THE INTEGRITY OF THE SHORELINE.
^{13:} RETAINING WALLS THAT ARE A PART OF LANDSCAPING ARE LIMITED TO LESS THAN THREE (3) FEET IN HEIGHT.
^{14:} HEADS SHOULD EXTEND NO HIGHER THAN THREE (3) FEET FROM THE AVREAGE BASE OF THE SURROUNDING TERRIAN WITHIN A THREE (3) FOOT RADIUS.
^{15:} ROOF OVERHANGS SHALL NOT EXCEED 18-INCHES.
^{16:} A SEAWALL IS ONLY REQUIRED FOR CONSTRUCTION IN THE 435.5 ELEVATION ZONE.
^{17:} A SEAWALL IS ONLY REQUIRED FOR CONSTRUCTION IN THE 435.5 OR 425.5 ELEVATION ZONES.
^{18:} HANDRAILS ARE PROBITED IN THE 435.5 ELEVATION ZONE.

CITY OF ROCKWALL

ORDINANCE NO. 22-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING ARTICLE 05, DISTRICT DEVELOPMENT STANDARDS, AS DEPCITED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an amendment to the City of Rockwall's Unified Development Code [*Ordinance No. 20-02*] has been initiated by the City Council of the City of Rockwall to amend Article 05, *District Development Standards*, of the Unified Development Code [*Ordinance No. 20-02*]; and,

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

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

SECTION 1. That Article 05, *District Development Standards*, of the Unified Development Code [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'A'* of this ordinance;

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

SECTION 3. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code [*Ordinance No. 20-02*], and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable;

SECTION 4. That this ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 5TH DAY OF DECEMBER, 2022.

Kevin Fowler, *Mayor*

ATTEST:

Kristy Teague, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: November 21, 2022

2nd Reading: December 5, 2022

DRAFT
ORDINANCE
17.27.2022

DRAFT
ORDINANCE
11.21.2022

See Next Page ...



(f) Setback Requirements. *Private utilities* must adhere to the following setbacks:

- (1) Takeline Setback: 0-Feet
- (2) Leased Side Yard Setback: 0-Feet

(g) Additional Requirements.

- (1) Earth Work. Earth work required for the construction of *private utilities* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.
- (2) Compliance with Applicable Codes. A *private utility* must comply with all other applicable City of Rockwall codes.
- (3) Damage to the System. Any damage or destruction to any *private utility* by public safety, utility, maintenance, or inspection personnel and/or their vehicles will be the responsibility of the leasing property owner.

(20) Private Walkways.

(a) Definition. *Private walkways* can be a single path or a network of paths installed by the leasing property owner in the takeline area.

(b) Prerequisites. *Private walkways* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- when constructing in the 435.5 Elevation Zone -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) Elevation Zone. *Private walkways* shall be allowed in the following zones:

- (1) 438.0: Permitted.
- (2) 435.5: Permitted (*if a Seawall has been constructed*).
- (3) 425.5: Not Permitted.

(d) Conditional Use Standards. *Private walkways* with steps are permitted (see *Landing and Stairs* in [Subsection 06.15\(J\)\(11\)](#)).

(e) Construction Standards.

- (1) Building Materials. *Private walkways* shall be constructed using native stone, brick, **concrete** and/or rectangle pavers; however, *private walks* shall not consist of loose stone, gravel, sand, **or asphalt, or concrete.**
- (2) Height. *Private walkways* shall be flush with the surrounding grade, or work within the gradient present of the surrounding grade.
- (3) Size. *Private walkways* shall be no greater than 48-inches in width.
- (4) Location. *Private walkways* may encroach into an existing easement or right-of-way, encroach into an identified future easement or right-of-way, or encroach into an identified or set aside access path, provided that the property owner or sublease is

responsible for repair and/or replacement of the walks in the event they are damaged or removed by the City or other public entity as a result of the necessary use of, or work within or around, said easements. An existing and future easement running through a lease property will be allowed to substitute for the 12-foot wide primary access right-of-way path provided it is 12-feet wide, suitable for access, and will connect to adjacent access paths.

(f) Setback Requirements. *Private walkways* must adhere to the following setbacks:

- (1) Takeline Setback: 0-Feet
- (2) Leased Side Yard Setback: 10-Feet

(g) Additional Requirements.

(1) Earth Work. Earth work required for the construction of *private walkways* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) Compliance with Applicable Codes. A *private walkway* must comply with all other applicable City of Rockwall codes.

(3) Damage to the System. Any damage or destruction to any *private walkway* by public safety, utility, maintenance, or inspection personnel and/or their vehicles will be the responsibility of the leasing property owner.

(21) Seawall.

(a) Definition. A *seawall* is an engineered concrete or steel structure at the water's edge that is typically designed to curb shoreline erosion where it is installed.

(b) Prerequisites. A *seawall* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) Elevation Zone. A *seawall* shall be allowed in the following zones:

- (1) 438.0: Not Permitted.
- (2) 435.5: Not Permitted.
- (3) 425.5: Permitted.

NOTE: Seawalls are *only* permitted along the shoreline.

(d) Construction Standards.

(1) Concrete Cap. A six (6) foot wide concrete cap must be constructed along the entire length of the erosion control structure. In order to allow the backfill material to properly settle, the construction of the concrete cap may be delayed for several weeks/months after the construction of the erosion control structure; however, in no case should the construction of the concrete cap be delayed for a time period exceeding one (1) year from the date of construction of the erosion control structure.



SUBSECTION 07.05: LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT DEVELOPMENT STANDARDS

LAND USE ¹	CONDITIONAL USE REFERENCE SEE SUBSECTION 06.15(J)	PRE-REQUISITES L: SEAWALL, FP: FIXED PIER	ELEVATION ZONES			MINIMUM SIZE (FEET OR SQUARE FEET)	MAXIMUM SIZE (FEET, INCHES, OR SQUARE FEET)	MINIMUM HEIGHT (FEET OR INCHES)	MAXIMUM HEIGHT (FEET)	SIDE YARD SETBACK (FEET)	BUILDING MATERIALS
			438.0	435.5	425.5						
BARBECUE PIT	(1)	L	P	X	X	3' x 3'	8' x 3'	0'	6'	6'	NS, B, C, AND IR
BOAT HOUSE ^{2, 4, 5, & 15}	(2)	L, S, & FP	X	X	P	8' x 30'	12' x 30'	16'	21'	10'	CM FOR CATWALK AND DECKING; GM, IR, S, OR A FOR THE SUPPORTS ³ ; CM, GM, IR, S, A, CW, IW, OR RW FOR ROOF BEAMS; AND SSM FOR THE ROOF
COVERED PATIO ^{5 & 15}	(3)	L & S ¹⁶	P	P	X	0'	12' x 20'	0'	15' ^{6 & 7}	20'	CW, IW, & RW IN THE 438.0 ELEVATION ZONE; CM OR M IN THE 435.5 ELEVATION ZONE; SSM FOR THE ROOF
DECK ^{5 & 18}	(4)	L & S ¹⁶	P	P	X	0'	1,000 SF	2' OR 24"	1'	20'	CM FOR THE DECKING, C FOOTINGS FOR FOUNDATION, AND WR FOR FENCING/RAILING
DOCK DECK ^{2 & 5}	(5)	L, S, & FP	X	X	P	8' x 10'	12' x 30'	0'	8' ⁸	10'	CM
FENCE	(6)	L	P	X	X	0'	45'	4'	4'	0'	WR
FLAGPOLE ^{5 & 9}	(7)	L & S ¹⁶	P	P	X	5" BASE	8" BASE	0'	20'	6'	SS OR A
FIXED PIER ^{2 & 5}	(8)	L & S	X	X	P	0'	6' x 40'	0'	8' ¹⁰	10'	CM FOR CATWALK AND DECKING; CM OR S FOR RAILINGS
FIRE PIT	(9)	L & S ¹⁶	P	X	X	3' x 3'	5' x 5'	0'	3'	6'	NS, B, AND C
GAZEBO ^{5 & 15}	(10)	L & S ¹⁶	P	P	X	0'	12' x 12'	0'	15'/18' ^{7 & 11}	20'	CW, RW, IW, CM, OR M IN THE 438.0 ELEVATION ZONE; AND CM OR M IN THE 435.5 ELEVATION ZONE
LANDING AND STAIRS	(11)	L & S ¹⁷	P	P	P	0'	8' x 8' x 6'	3'	SAME AS RETAINING WALL	5'	NS, B, AND C FOR THE STAIRS; WR OR BLACK S FOR THE RAILINGS AND/OR FENCE
PATIO ^{5 & 18}	(15)	L	P	P	X	0'	1,000 SF	0'	1'	20'	NS FOR THE DECK AREA AND WR FOR RAILINGS
PERGOLA ⁵	(16)	L & S ¹⁶	P	P	X	0'	12' x 20'	0'	12' ⁷	20'	CW, RW, IW, OR CM IN THE 438.0 ELEVATION ZONE; CM OR M IN THE 435.5 ELEVATION ZONE
PICNIC TABLE	(17)	L	P	P	X	0'	8' x 10'	0'	3' OR 36"	6'	NS, B, AND C
PRIVATE PLAY STRUCTURE	(18)	L	P	X	X	0 SF	1,000 SF	0'	8'	20'	A, GM, R, CW, RW, AND IW
PRIVATE WALKWAYS	(20)	L & S ¹⁶	P	P	X	0'	48" WIDE	0'	FLUSH WITH GRADE	10'	NS, B, C, AND RECTANGULAR PAVERS
LANDSCAPING AND RETAINING WALLS ^{12 & 13}	(12)	L	P	P	X	NOTES: ^{1:} FOR ALL LAND USES CHECK SECTION 06.15, LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT FOR ADDITIONAL REQUIREMENTS AND RESTRICTIONS. ^{2:} BOATHOUSES, FIXED PIERS, DOCK DECKS, OR ANY COMBINATION OF THESE STRUCTURES MAY NOT EXTEND MORE THAN 40- FEET INTO THE WATER FROM THE 435.5 ELEVATION CONTOUR. ^{3:} REQUIRES A HIP ROOF, A MINIMUM OF 2:1 ROOF PITCH, WITH ONE (1) CUPOLA (3' x 4') IN THE MIDDLE OF THE ROOF OR TWO (2) CUPOLAS (3' x 4') AT EACH END OF THE ROOF. ^{4:} SUPPORT POSTS MAY BE WRAPPED IN A COMPOSITE MATERIAL. ^{5:} THE STRUCTURE SHALL BE GENERALLY CENTERED IN THE LEASE AREA BEHIND THE PRIMARY STRUCTURE ON THE LEASING PROEPRTY IF LOCATED IN THE 435.5 OR 425.5 ELEVATION ZONES (IF PERMITTED IN THE ZONE).					
MUNICIPAL UTILITIES	(13)	NONE	P	P	P						
OUTDOOR LIGHTING	(14)	L	P	X	X						
PRIVATE UTILITIES	(19)	L	P	P	X						
SEAWALL	(21)	L	X	X	P						
SPRINKLER/ IRRIGATION SYSTEM ¹⁴	(22)	L	P	P	X						

- ^{6:} REQUIRES A HIP OR GABLE ROOF WITH A CUPOLA OR CLERESTORY AND A MINIMUM ROOF PITCH OF 4:1.
- ^{7:} SHALL NOT EXCEED ONE (1) STORY OR BE USED AS A ROOF TOP DECK.
- ^{8:} EIGHT (8) FEET ABOVE THE SURFACE AREA OF THE FLAT FLOOR SURFACE WITH NO MORE THAN FOUR (4) POLE STRUCTURES ALLOWED.
- ^{9:} A MAXIMUM OF TWO (2) FLAG POLES ARE PERMITTED AND ONLY THE UNITED STATES OF AMERICA AND TEXAS FLAGS ARE TO BE FLOWN.
- ^{10:} EIGHT (8) FEET ABOVE THE SURFACE AREA OF THE FLAT FLOOR SURFACE WITH NO MORE THAN TWO (2) POLE STRUCTURES ALLOWED.
- ^{11:} REQUIRES A HIP OR GABEL ROOF OR A HIP AND/OR GABEL ROOF, WITH A MINIMUM ROOF PITCH OF 2:1, AND THAT IS A MAXIMUM OF 15- FEET WITHOUT A CLERESTORY OR CUPOLA OR 18- FEET WITH A CLERESTORY OR CUPOLA.
- ^{12:} REMEDIAL LANDSCAPING ALLOWED IN THE 425.5 ELEVATION ZONE WITH THE INTENT TO MAINTAIN THE INTEGRITY OF THE SHORELINE.
- ^{13:} RETAINING WALLS THAT ARE A PART OF LANDSCAPING ARE LIMITED TO LESS THAN THREE (3) FEET IN HEIGHT.
- ^{14:} HEADS SHOULD EXTEND NO HIGHER THAN THREE (3) FEET FROM THE AVREAGE BASE OF THE SURROUNDING TERRIAN WITHIN A THREE (3) FOOT RADIUS.
- ^{15:} ROOF OVERHANGS SHALL NOT EXCEED 18- INCHES.
- ^{16:} A SEAWALL IS ONLY REQUIRED FOR CONSTRUCTION IN THE 435.5 ELEVATION ZONE.
- ^{17:} A SEAWALL IS ONLY REQUIRED FOR CONSTRUCTION IN THE 435.5 OR 425.5 ELEVATION ZONES.
- ^{18:} HANDRAILS ARE PROBITED IN THE 435.5 ELEVATION ZONE.