



PLANNING AND ZONING CASE CHECKLIST

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

P&Z CASE # 2018-049 P&Z DATE 12/11/18 CC DATE 12/17/18 APPROVED/DENIED _____
ARCHITECTURAL REVIEW BOARD DATE _____ HPAB DATE _____ PARK BOARD DATE _____

ZONING APPLICATION	
<input checked="" type="checkbox"/>	SPECIFIC USE PERMIT
<input type="checkbox"/>	ZONING CHANGE
<input type="checkbox"/>	PD CONCEPT PLAN
<input type="checkbox"/>	PD DEVELOPMENT PLAN

SITE PLAN APPLICATION	
<input type="checkbox"/>	SITE PLAN
<input type="checkbox"/>	LANDSCAPE PLAN
<input type="checkbox"/>	TREESCAPE PLAN
<input type="checkbox"/>	PHOTOMETRIC PLAN
<input type="checkbox"/>	BUILDING ELEVATIONS
<input type="checkbox"/>	MATERIAL SAMPLES
<input type="checkbox"/>	COLOR RENDERING

PLATTING APPLICATION	
<input type="checkbox"/>	MASTER PLAT
<input type="checkbox"/>	PRELIMINARY PLAT
<input type="checkbox"/>	FINAL PLAT
<input type="checkbox"/>	REPLAT
<input type="checkbox"/>	ADMINISTRATIVE/MINOR PLAT
<input type="checkbox"/>	VACATION PLAT
<input type="checkbox"/>	LANDSCAPE PLAN
<input type="checkbox"/>	TREESCAPE PLAN

<input type="checkbox"/>	COPY OF ORDINANCE (ORD.# _____)
<input checked="" type="checkbox"/>	APPLICATIONS
<input checked="" type="checkbox"/>	RECIEPT
<input checked="" type="checkbox"/>	LOCATION MAP
<input checked="" type="checkbox"/>	HOA MAP
<input checked="" type="checkbox"/>	PON MAP
<input type="checkbox"/>	FLU MAP
<input type="checkbox"/>	NEWSPAPTER PUBLIC NOTICE
<input type="checkbox"/>	500-FT. BUFFER PUBLIC NOTICE
<input type="checkbox"/>	PROJECT REVIEW
<input type="checkbox"/>	STAFF REPORT
<input type="checkbox"/>	CORRESPONDENCE
<input type="checkbox"/>	COPY-ALL PLANS REQUIRED
<input type="checkbox"/>	COPY-MARK-UPS
<input type="checkbox"/>	CITY COUNCIL MINUTES-LASERFICHE
<input type="checkbox"/>	MINUTES-LASERFICHE
<input type="checkbox"/>	PLAT FILED DATE _____
<input type="checkbox"/>	CABINET # _____
<input type="checkbox"/>	SLIDE # _____
NOTES: _____	

ZONING MAP UPDATED _____	



DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING DIRECTOR'S SIGNING CASE NO. 22018-049

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

DIRECTOR OF PLANNING: [Signature]
CITY ENGINEER: [Signature]

Please check the appropriate box below to indicate the type of development request (Resolution No. 05-22) [SELECT ONLY ONE BOX]:

Platting Application Fees:

Master Plat (\$100.00 + \$15.00 Acre)¹

Preliminary Plat (\$200.00 + \$15.00 Acre)¹

Final Plat (\$300.00 + \$20.00 Acre)¹

Replat (\$300.00 + \$20.00 Acre)¹

Amending or Minor Plat (\$150.00)

Plat Reinstatement Request (\$100.00)

Site Plan Application Fees:

Site Plan (\$250.00 + \$20.00 Acre)¹

Amended Site Plan/Elevations/Landscaping Plan (\$100.00)

Zoning Application Fees:

Zoning Change (\$200.00 + \$15.00 Acre)¹

Specific Use Permit (\$200.00 + \$15.00 Acre)¹

PD Development Plans (\$200.00 + \$15.00 Acre)¹

Other Application Fees:

Tree Removal (\$75.00)

Notes:

¹ In determining the fee, please use the exact acreage when multiplying by the per acre amount. For requests on less than one acre, only the "base fee" is required.

PROPERTY INFORMATION [PLEASE PRINT]

Address 1700 E SH66 Rockwall Tx 75087

Subdivision acreage Lot Block

General Location 1700 E SH66 Rockwall TX 75087

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

Current Zoning Ag Current Use Ag

Proposed Zoning Ag Proposed Use Ag

Acreage 43 Lots [Current] none Lots [Proposed] none

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

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

<input type="checkbox"/> Owner	<u>Mike Peoples</u>	<input type="checkbox"/> Applicant	
Contact Person	<u>Mike Peoples</u>	Contact Person	
Address	<u>1700 E SH66 P</u>	Address	
City, State & Zip	<u>Rockwall Tx 75087</u>	City, State & Zip	
Phone	<u>214-957-0807</u>	Phone	
E-Mail	<u>Text</u>	E-Mail	

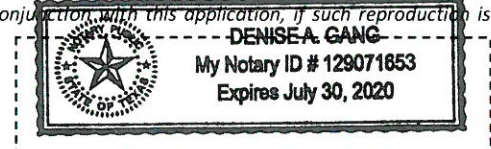
NOTARY VERIFICATION [REQUIRED]

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

"I hereby certify that I am the owner, or duly authorized agent of the owner, for the purpose of this application; all information submitted herein is true and correct; and the application fee of \$ 200.00, to cover the cost of this application, has been paid to the City of Rockwall on this the 19th day of November, 2018. 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 19th day of November, 2018.

Owner's/Applicant's Signature [Signature]
Notary Public in and for the State of Texas [Signature]



My Commission Expires 7/30/2020



RECEIPT

Project Number: Z2018-049
Job Address: 1700 E HWY66
ROCKWALL, TX 75087

Receipt Number: B83047
Printed: 11/21/2018 11:20 am

Fee Description	Account Number	Fee Amount
ZONING	01-4280	\$ 215.00

Total Fees Paid: \$ 215.00
Date Paid: 11/21/2018 12:00:00AM
Paid By: MIE PEOPLES
Pay Method: CASH
Received By: LM



**DEVELOPMENT REVIEW COMMITTEE (DRC)
CITY OF ROCKWALL, PLANNING & ZONING DEPARTMENT**

Phone: (972) 771-7745

Email: Planning@Rockwall.com

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

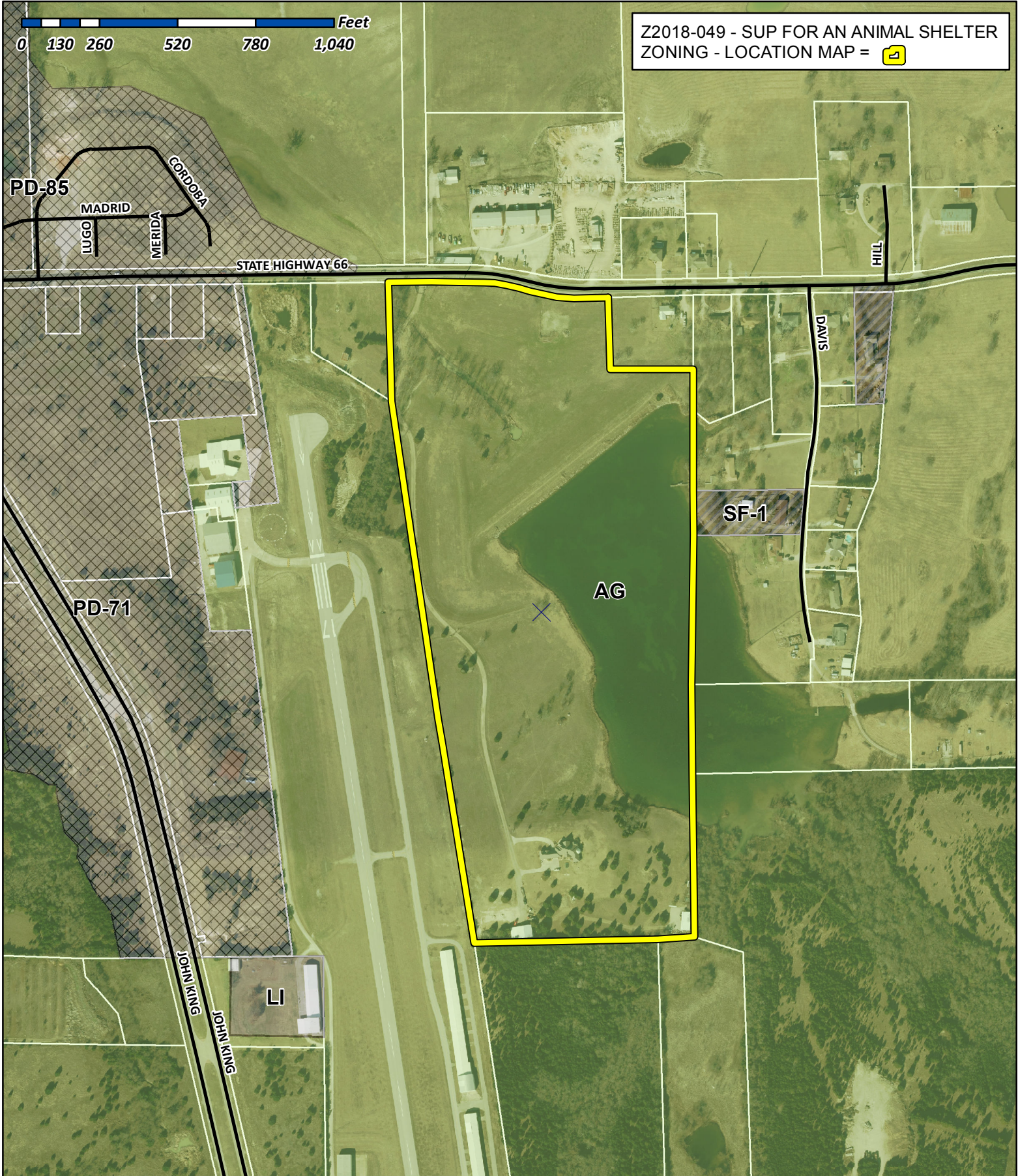
Internal Review: Amy Williams, Engineering
John Shannon, Building Inspections
Ariana Hargrove, Fire
Andy Hesser, Parks
Andy Villarreal, Police

From: Planning & Zoning Department

Date: 11/14/2018

To assist the Planning Department in evaluating the attached request, we are sending it to you for your review and comments. Please return any comments and/or plan mark-ups to us within five (5) days. Internal staff will also be required to have all comments input into CRW no later than Friday, 11/21/2018. Planning staff will assemble all comments received in time for our regularly scheduled DRC meeting on 11/27/2018 at 2:00 p.m. The Planning and Zoning Commission work session will be held on 11/27/2018 at 6:00 p.m. You are welcome to attend both meetings. If you have any questions, please contact us at (972) 771-7745.

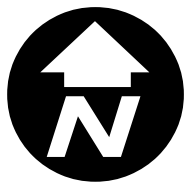
Project Number: Z2018-049
Project Name: SUP for an Animal Shelter
Project Type: ZONING
Applicant Name: MIE PEOPLES
Owner Name: MIE PEOPLES
Project Description:



City of Rockwall

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

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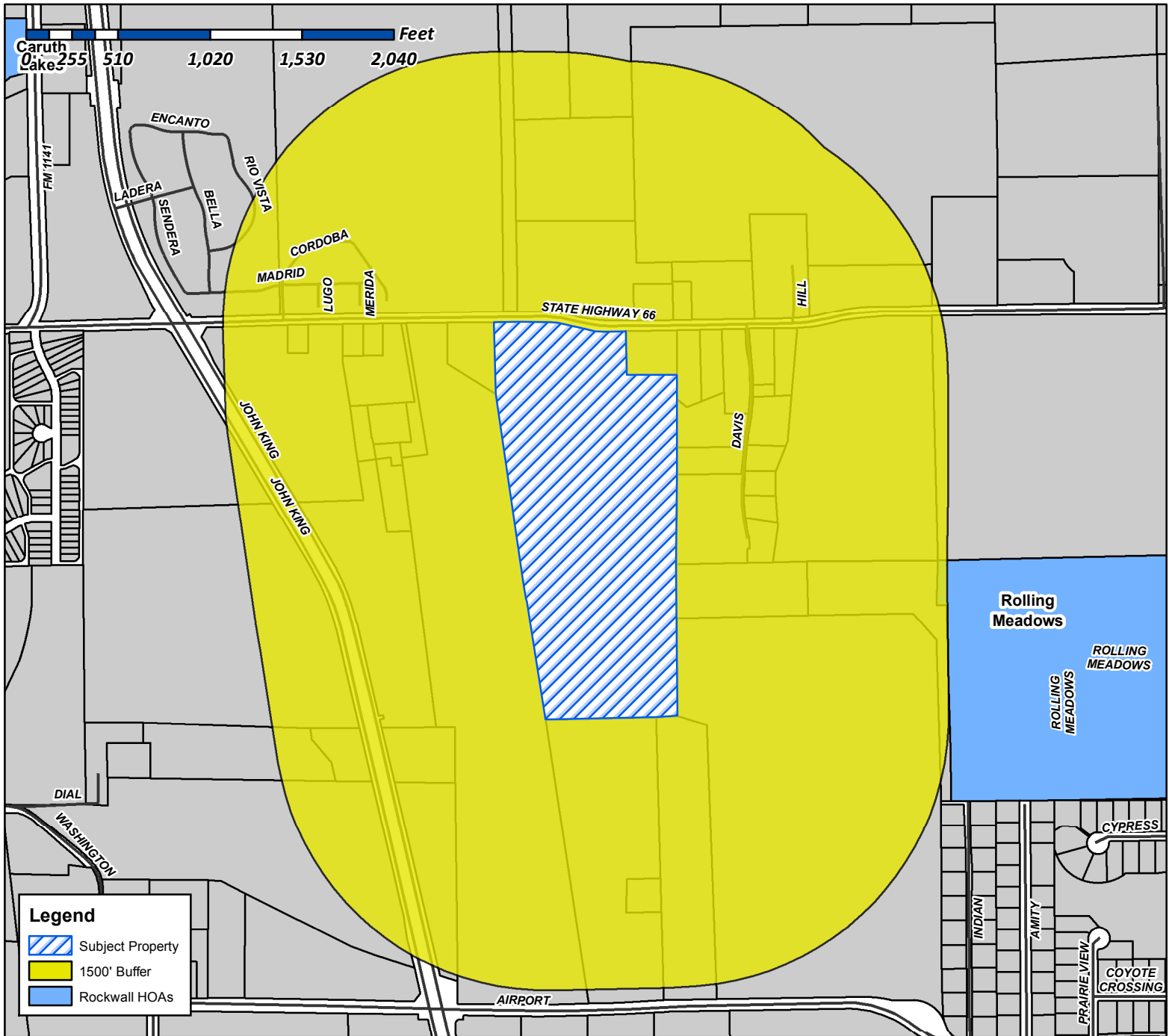




City of Rockwall

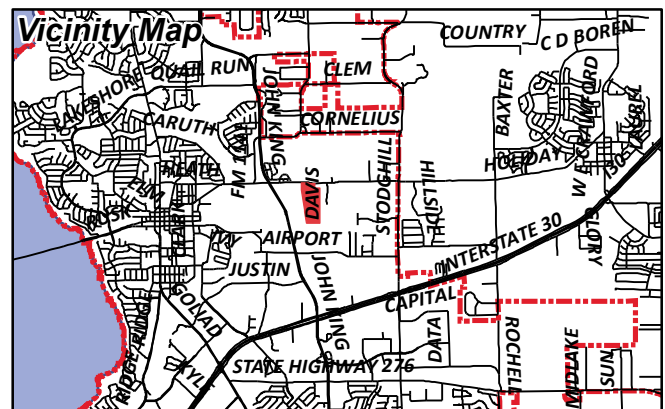
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Case Number: Z2018-049
Case Name: SUP for an Animal Shelter
Case Type: Zoning
Zoning: Agricultural (AG) District
Case Address: 1700 E. SH-66

Date Created: 11/14/2018
For Questions on this Case Call (972) 771-7745

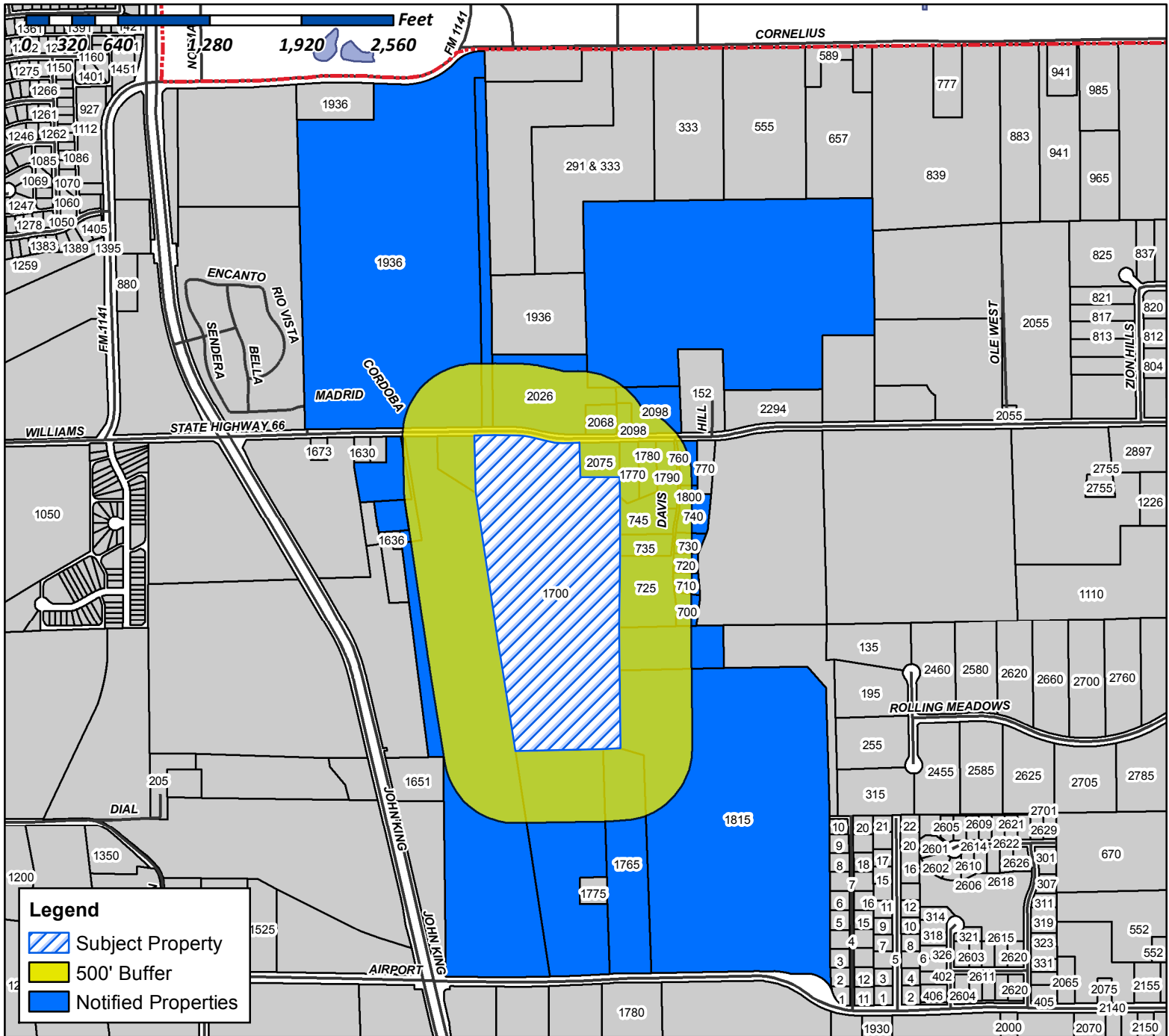




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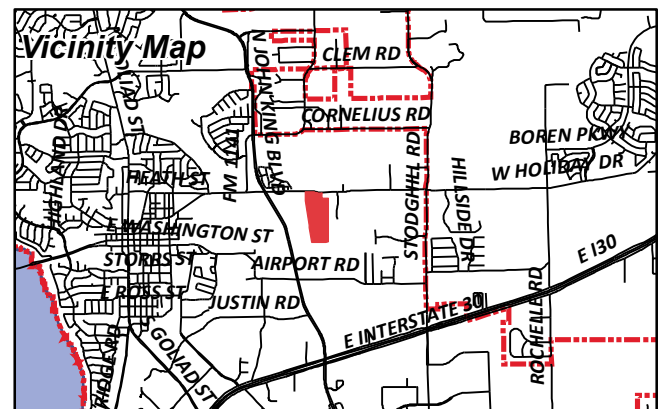
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SHERYL NEWMAN PEOPLES
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PEOPLES MIKE L
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RAINES SHERYL
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BUILDING INSPECTION DEPARTMENT
CITY OF ROCKWALL, TEXAS

STOP WORK ORDER

YOU ARE IN VIOLATION OF THE FOLLOWING ORDINANCES:
CITY OF ROCKWALL 2014 AMENDMENT TO THE ROCKWALL ZONING ORDINANCE
AND ORDINANCE 1001.001

WORK IS BEING ORDERED TO STOP BECAUSE YOU HAVE NOT OBTAINED THE NECESSARY PERMITS.
YOU MUST CALL 972.962.3333 FOR MORE INFORMATION.

PROPERTY NO. _____

BUILDING INSPECTOR

1700 SH-66

Buildings Built w/out Permits

Legend



Google Earth

500 ft







City of Rockwall
Project Plan Review History



Project Number Z2018-049	Owner MIE PEOPLES	Applied 11/13/2018	LM
Project Name SUP for an Animal Shelter	Applicant MIE PEOPLES	Approved	
Type ZONING		Closed	
Subtype SUP		Expired	
Status Staff Review		Status	
 Site Address 1700 E HWY66		City, State Zip ROCKWALL, TX 75087	
 Subdivision ROCKWALL MUNICIPAL AIRPORT		Tract 7	Block NULL
		Lot No 7	Parcel No 0102-0000-0007-00-OR
			General Plan
			Zoning

Type of Review / Notes	Contact	Sent	Due	Received	Elapsed	Status	Remarks
BUILDING	Russell McDowell	11/13/2018	11/20/2018	11/20/2018	7	APPROVED	
ENGINEERING (11/21/2018 10:44 AM SH) Detention is required. Will need engineering plans and calculations for detention.	Sarah Hager	11/13/2018	11/20/2018	11/21/2018	8	COMMENTS	
FIRE (11/21/2018 9:50 AM AA) Structure shall not be used for any other purpose without further review by Fire Marshal.	Ariana Hargrove	11/13/2018	11/20/2018	11/21/2018	8	COMMENTS	See Note
PLANNING	David Gonzales	11/13/2018	11/20/2018	11/20/2018	7	COMMENTS	See comments

Type of Review / Notes	Contact	Sent	Due	Received	Elapsed Status	Remarks
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Hold a public hearing to discuss and consider a request by Mike Peoples for the approval of a Specific Use Permit (SUP) for an animal shelter on a 42.66-acre tract of land identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the East SH-66 Overlay (E. SH-66 OV) District, addressed as 1700 E. SH-66, and take any action necessary.

PLANNING COMMENTS - DAVID GONZALES - 11.19.2018

All staff comments are to be addressed and resubmitted by Tuesday, December 4, 2018. Please provide two (2) large copies [FOLDED] and one PDF version for a subsequent review by staff:

Planning Department General Comments to be addressed/acknowledge are as follows:

- On all future submittals please include the Case Number Z2018-049 on the lower right hand corner.
- When provided, please review the SUP Draft Ordinance prior to the Planning & Zoning public hearing scheduled for December 11, 2018 and return with red lined corrections and/or additions you feel may be necessary for staff review.

** Planning Staff additional comments to be considered by the P&Z and City Council as conditions of approval:

1. Approval of an SUP is required to allow the animal shelter. Please provide a site plan and location of the structure.
2. Detention is required for the addition of structures - see engineering requirements.
3. Adherence to all Engineering and Fire Department standards shall be required.

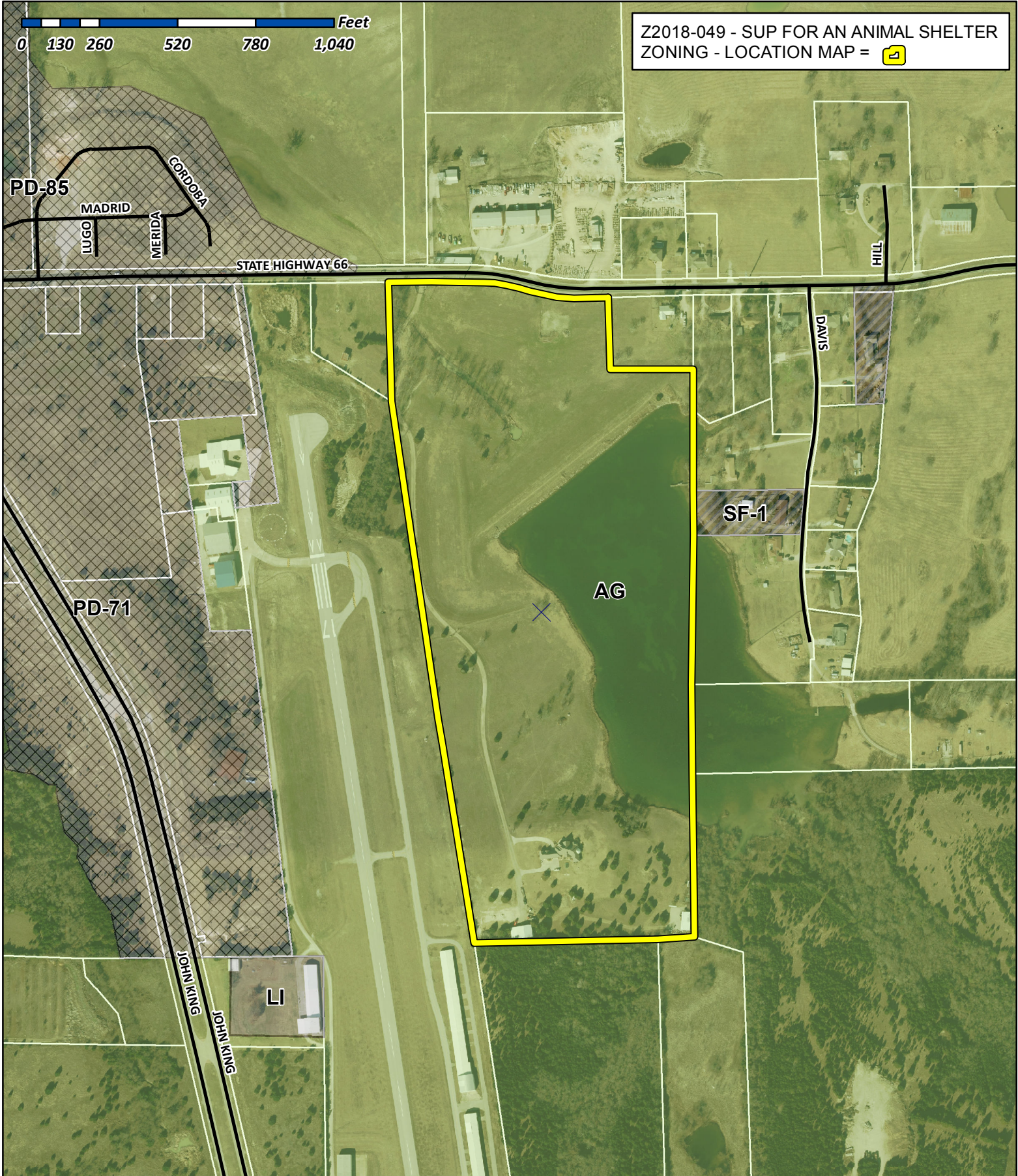
*** Operational Conditions:

1. The animal shelter structure shall generally conform to the elevations and site plan depicted in Exhibits 'B' & 'C' of this ordinance.
2. The animal shelter structure shall not exceed its current size or height.
3. The existing accessory building located within the flood plain of this property, as depicted in Exhibit 'D' of this ordinance, shall be removed prior to the release of the building permit and/or construction of the animal shelterstructure;
4. The animal shelter structure shall not be operated as a commercial land use; and,
5. The animal shelter structure is subject to administrative review in the event that the Subject Property is sold, conveyed or altered in any manner.

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

*** Meeting Dates to Attend ***

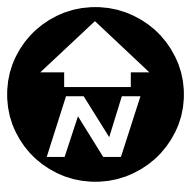
Type of Review / Notes	Contact	Sent	Due	Received	Elapsed Status	Remarks
Planning - Work Session:		November 27, 2018 (6:00 p.m.)				[applicant to present case to P&Z for discussion]
Planning - Public Hearing:		December 11, 2018 (6:00 p.m.)				[P&Z to take action (i.e. approve, approve with conditions, or deny, etc.)]
City Council - Public Hearing:		December 17, 2018 (6:00 p.m.)				[1st Reading of SUP Ordinance]
City Council - Consent/Action Item:		January 7, 2019 (6:00 p.m.)				[2nd Reading of SUP Ordinance (if approved at 1st reading)]



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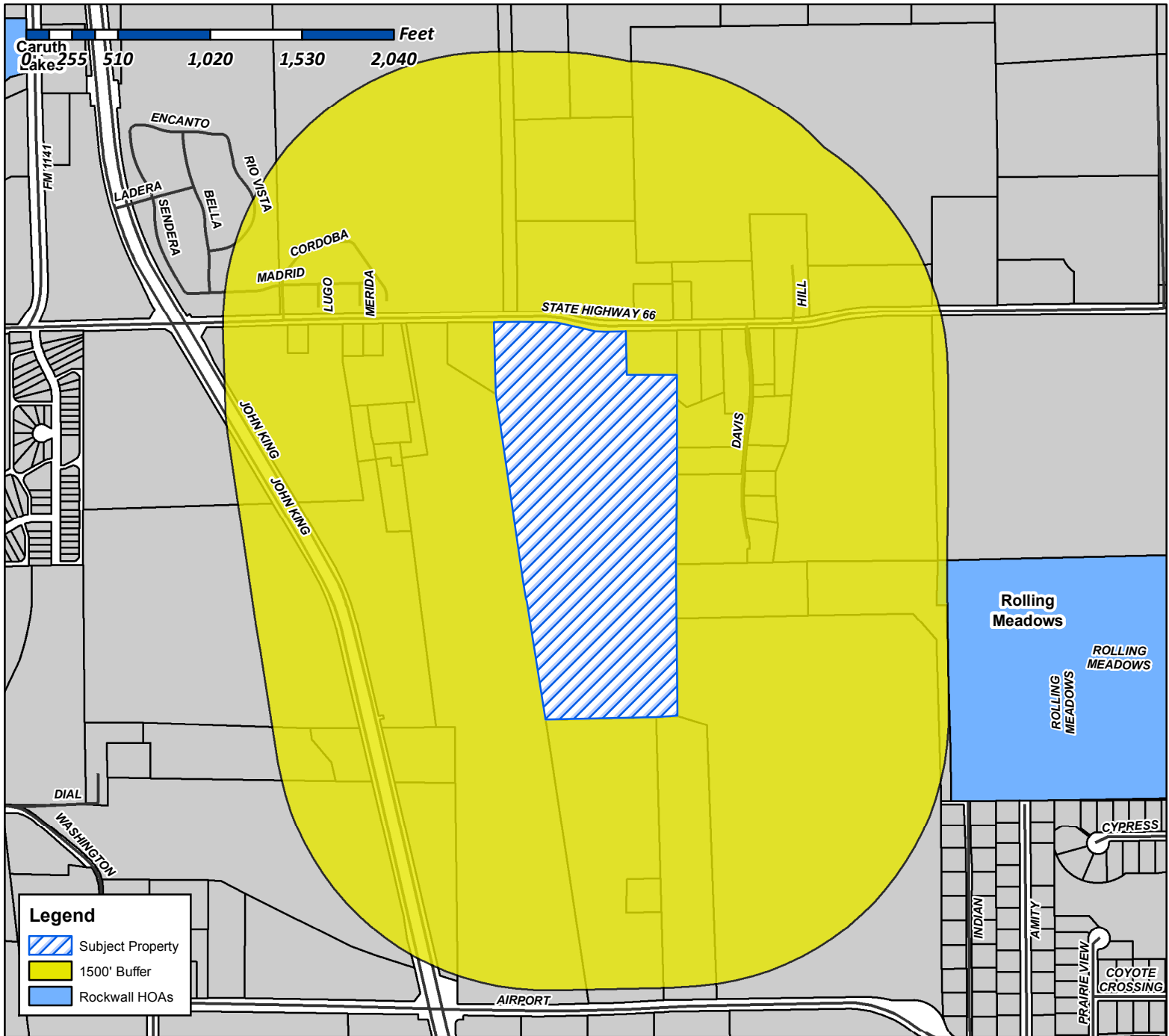




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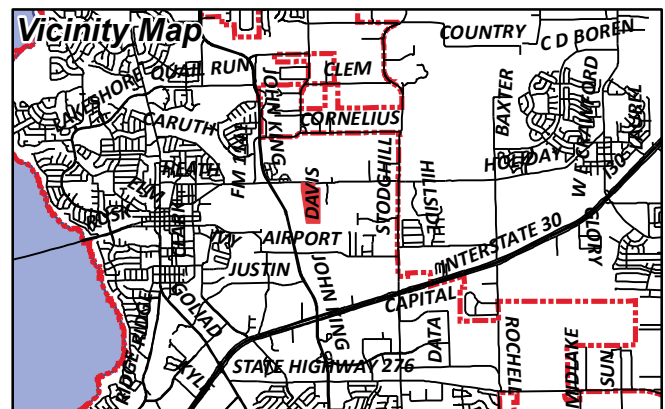
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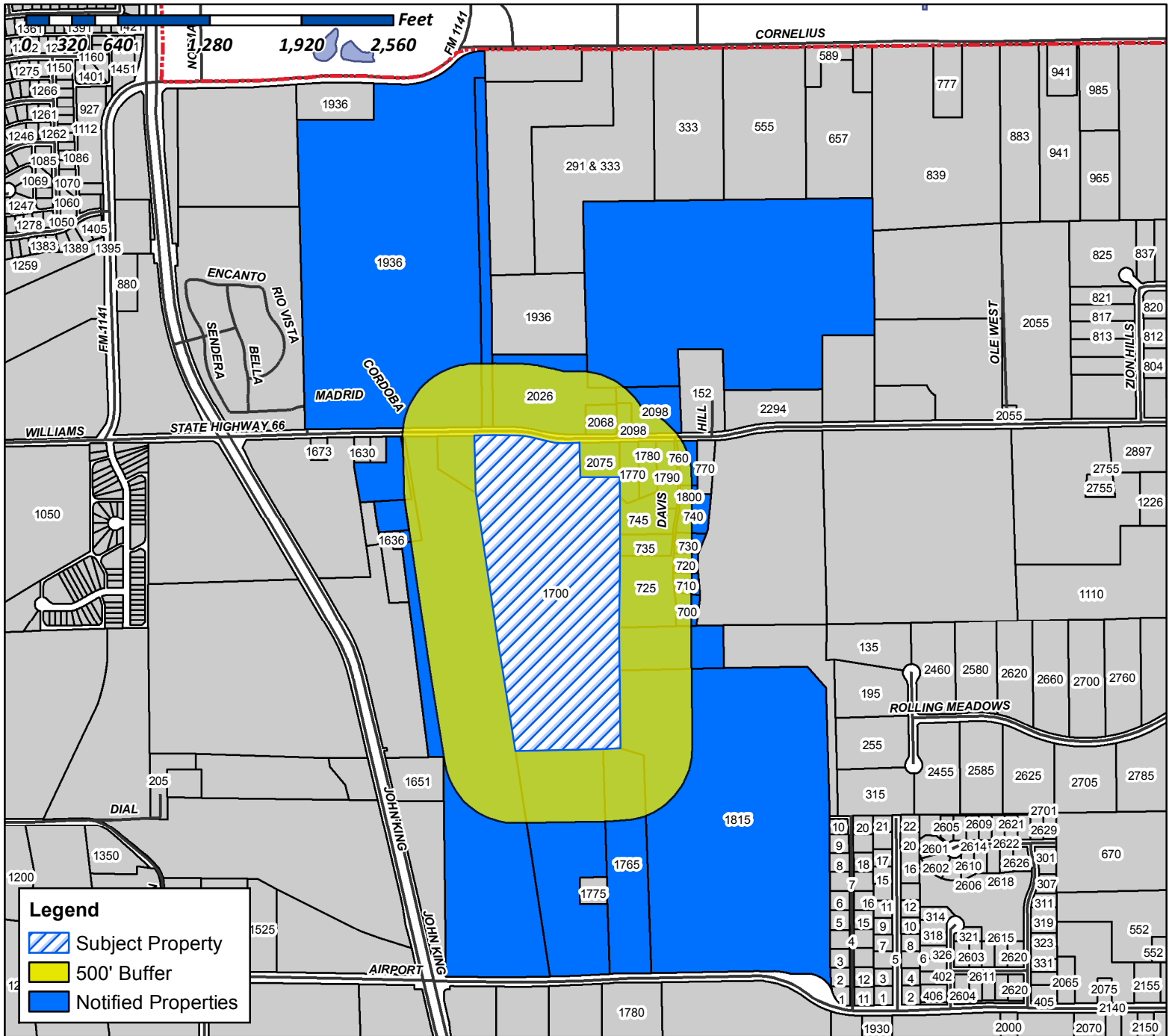




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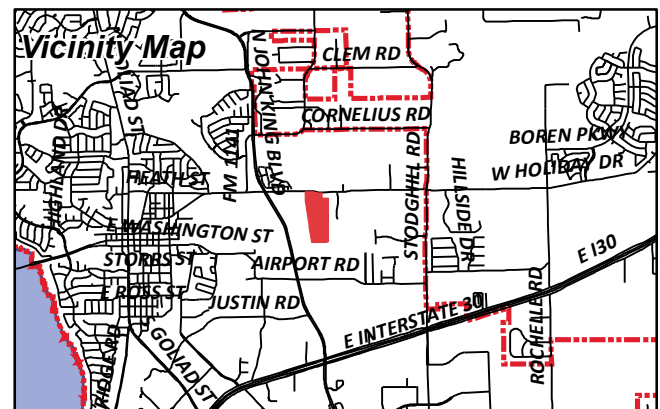
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0 5 10 20 30 40 Feet

Z2018-049 - SUP FOR AN ANIMAL SHELTER
LOCATION MAP

STATE HIGHWAY 66

Existing Fenceline

Length from Previous Structure
to Existing Fenceline
~73.52 ft

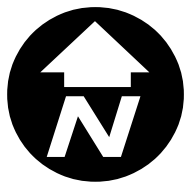
Previous Structure
~930.58 sqft




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City of Rockwall
BUILDING INSPECTION DEPARTMENT
1000 W. STATE ST.
ROCKWALL, TX 75087

STOP WORK ORDER

YOU ARE IN VIOLATION OF THE FOLLOWING ORDINANCES:
CITY OF ROCKWALL 2018 INTERNATIONAL RESIDENTIAL CODES
AND 2018 IBC DEVELOPMENT CODE

WORK IS BEING STOPPED IN VIOLATION OF THE CITY OF
ROCKWALL ADAPTIVE CODES
AND MUST BE STOPPED IMMEDIATELY

ISSUED BY: _____

DATE: _____









CITY OF ROCKWALL

ORDINANCE NO. 19-XX

SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ANIMAL SHELTER ON A 42.66-ACRE TRACT OF LAND ZONED AGRICULTURAL (AG) DISTRICT, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a request has been made by Mike Peoples for the approval of a Specific Use Permit (SUP) for the purpose of allowing a previously constructed animal shelter, situated on a 42.66-acre tract of land, zoned Agricultural (AG) District, and being identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, addressed 1700 East SH-66, and being more specifically 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. 04-38] of the City of Rockwall should be amended as follows:

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

SECTION 1. That the Unified Development Code (UDC) [Ordinance No. 04-38] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing for the construction of an animal shelter structure within an Agricultural (AG) District as stipulated by Article IV, *Permissible Uses*, and Article V, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 04-38] on the *Subject Property*; and

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

the future, and shall be subject to the additional following conditions:

2.1 OPERATIONAL CONDITIONS

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

- 1) The animal shelter structure shall generally conform to the elevations and site plan depicted in *Exhibits 'B' & 'C'* of this ordinance.
- 2) The animal shelter structure shall not exceed its current size of 1,000 SF or height of 15-feet.
- 3) The animal shelter structure shall not be operated as a commercial land use; and,
- 4) The animal shelter structure is subject to administrative review in the event that the *Subject Property* is sold, conveyed or altered in any manner.

2.2 COMPLIANCE

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

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

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

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

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

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

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

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 7TH DAY OF JANUARY, 2019.

Jim Pruitt, *Mayor*

ATTEST:

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: December 17, 2018

2nd Reading: January 7, 2019

DRAFT
ORDINANCE
17.27.2018

Exhibit 'B':
Building Elevations

DRAFT
ORDINANCE
17.27.2018

DRAFT
ORDINANCE
17.27.2018

**CITY OF ROCKWALL
PLANNING AND ZONING COMMISSION MEMO**

AGENDA DATE: 12/11/2018

APPLICANT: Mike Peoples

AGENDA ITEM: **Z2018-049**; *SUP for an Animal Shelter at 1700 E. SH-66*

SUMMARY:

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

BACKGROUND:

On October 24, 2018, the building inspections department proactively recognized a structure (*i.e. animal shelter*) being constructed without a permit on the *subject property*. The building inspections department then proceeded to confer with planning staff regarding the requirements for building a structure on the *subject property*. During this meeting, additional structures were found to exist based on aerial images dating back to the year 2013. These images depict two (2) structures that have been built without a permit. The aerial image indicates that one (1) of these structures lies within the designated 100-year flood plain. The other structure is a detached garage that has been enlarged on at least two (2) separate occasions. City records indicate that no permits were requested for the construction of either of these structures. Subsequently, a *Stop Work Order* was issued on October 25, 2018 for the *animal shelter* for the purpose of obtaining a building permit. Staff contacted Mr. Peoples and advised him that a Specific Use Permit (SUP) is also required -- *including the building permit* -- in order to complete construction of the *animal shelter*. On November 6, 2018, Mr. Peoples applied for a building permit, and subsequently submitted an application for the SUP for the *animal shelter* use on November 19, 2018. The photos included with this case were taken from SH-66 by the building inspections department. It should be know that staff has made several requests for the applicant to provide photos of these structures and a survey that would locate the structures on this site. As of the date of this report, staff has not received either of these items.

PURPOSE AND CHARACTERISTICS OF THE REQUEST:

The applicant, Mike Peoples is requesting the approval of a Specific Use Permit (SUP) to allow for an *animal shelter* as stipulated by Article VI, *Permissible Uses*, of the Unified Development Code (UDC). The ~2,720 SF [*i.e. 40-ft x 68-ft*] metal structure stands approximately 15-feet in height and is situated north of the primary structure, adjacent to SH-66. The *animal shelter* is be used for the purpose of providing shelter for the animals on the *subject property*. As was noted above, there are two (2) existing accessory buildings on the *subject property* that have been built without a permit and one (1) that lies within the designated 100-year flood plain. This structure is required to be demolished and has been added as a condition of approval of the SUP. The other structure is a detached garage that is being considered for a Specific Use Permit (SUP) concurrently with this request [*i.e. Case No. Z2018-053*].

According to Section 2, of Article V, Agricultural District of the Unified Development Code (UDC), farming and ranching-related activities and accessory uses on more than 10-acres are

permitted uses within an Agricultural (AG) District; however, an animal shelter requires the approval of a Specific Use Permit (SUP). Approval of a SUP is discretionary for the City Council.

ADJACENT LAND USES AND ACCESS:

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

North: Directly north of the subject property is SH-66, which is a TXDOT 4D (four [4] lane TXDOT Roadway) on the City's Master Thoroughfare Plan. Beyond this are several tracts of land that are zone Agricultural (AG) District.

South: Directly south of the subject property are two (2) tracts of land zoned Agriculture (AG) District, with the south and east tract owned by the City of Rockwall and is known as the Regional Firearms Training Center.

East: Directly east of the subject property are several tracts of land that are zone Agricultural (AG) District and one property zoned single-family one (SF-1) district. The majority of these properties have single-family homes.

West: Directly west of the subject property is the City of Rockwall Municipal Airports runway and is zoned Agricultural (AG) District.

NOTIFICATION:

On November 30, 2018 staff mailed 33 notices to property owners and residents within 500-feet of the subject property. Staff also notified the Rolling Meadows Homeowner's Association (HOA), which is the only HOA's/Neighborhood Organization that is within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property as required by the UDC. At the time this case memo was drafted staff had not received any notices regarding the applicant's request.

RECOMMENDATIONS:

Should the Planning and Zoning Commission choose to recommend approval of the applicant's request, staff would offer the following conditions of approval:

- 1) The animal shelter shall be subject to the following operational conditions, which are contained in the SUP ordinance:
 - a. The animal shelter structure shall generally conform to the elevations and site plan depicted in *Exhibits 'C' & 'D'* of the draft ordinance;
 - b. The animal shelter structure shall not exceed its current size of approximately 2,720 SF or an approximate height of 15-feet;
 - c. The existing accessory building located within the flood plain of this property, as depicted in *Exhibit 'E'* of the draft ordinance, shall be removed prior to the release of the building permit and/or construction of the animal shelter structure;
 - d. The animal shelter structure shall not be operated as a commercial land use;
 - e. A detention system is required for the addition of structures on the subject property per the Engineering Standards of Design; and,

- f. The animal shelter structure is subject to administrative review in the event that the *subject property* is sold, conveyed or altered in any manner.
- 2) Any construction or building necessary to complete this request must conform to the requirements set forth by the *UDC*, the *International Building Code*, 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.

Project Plan Review History

Revised Comments Highlighted

Project Number Z2018-049
Project Name SUP for an Animal Shelter
Type ZONING
Subtype SUP
Status P&Z HEARING

Owner MIE PEOPLES
Applicant MIE PEOPLES

Applied 11/13/2018 LM
Approved
Closed
Expired
Status 12/7/2018 DG

Site Address 1700 E HWY66
City, State Zip ROCKWALL, TX 75087

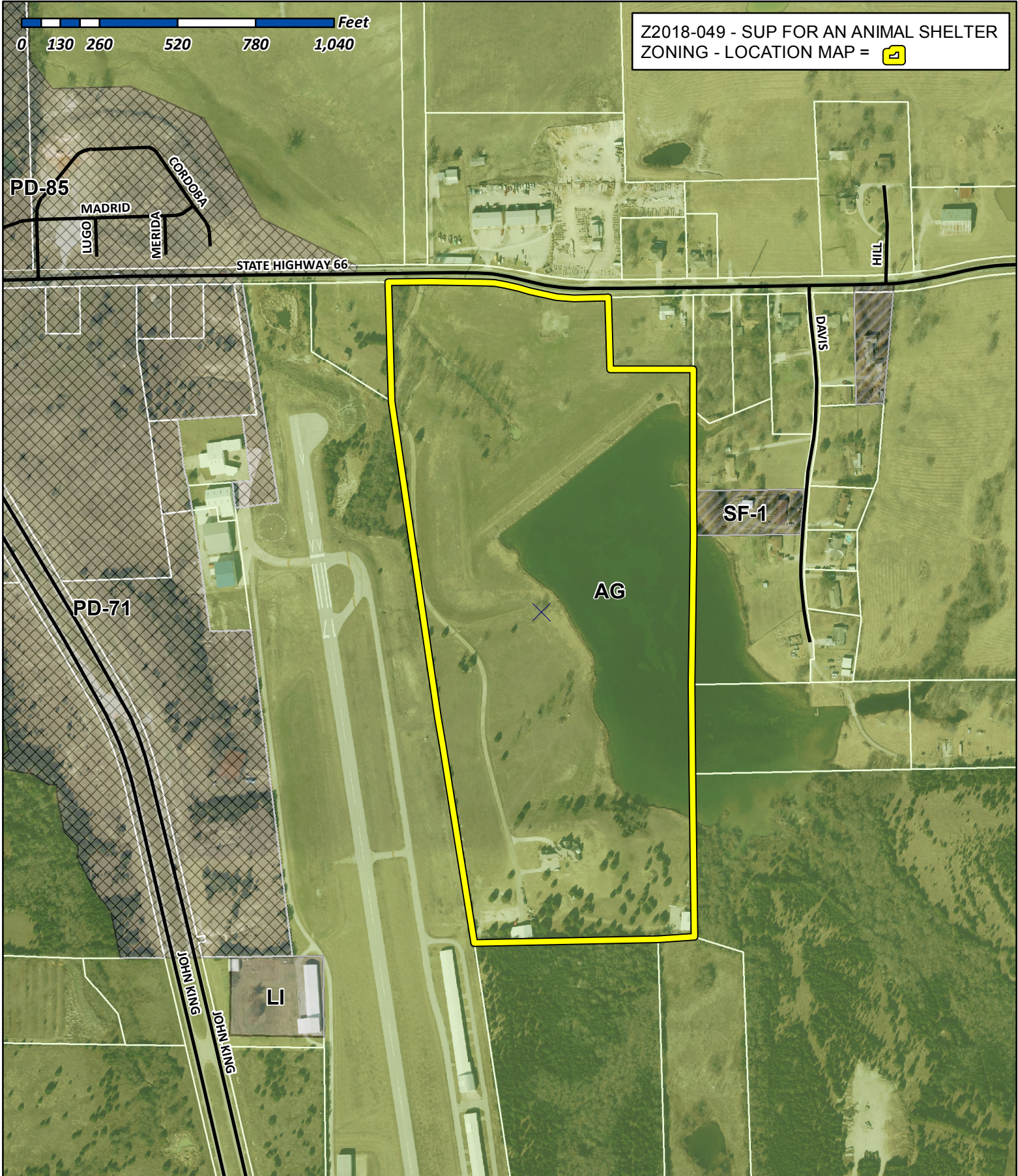
Zoning

Subdivision	Tract	Block	Lot No	Parcel No	General Plan
ROCKWALL MUNICIPAL AIRPORT	7	NULL	7	0102-0000-0007-00-OR	

Type of Review / Notes	Contact	Sent	Due	Received	Elapsed	Status	Remarks
BUILDING	Russell McDowell	11/13/2018	11/20/2018	11/20/2018	7	APPROVED	
ENGINEERING (11/21/2018 10:44 AM SH) Detention is required. Will need engineering plans and calculations for detention.	Sarah Hager	11/13/2018	11/20/2018	11/21/2018	8	COMMENTS	
FIRE (11/21/2018 9:50 AM AA) Structure shall not be used for any other purpose without further review by Fire Marshal.	Ariana Hargrove	11/13/2018	11/20/2018	11/21/2018	8	COMMENTS	See Note
PLANNING	David Gonzales	11/13/2018	11/20/2018	11/20/2018	7	COMMENTS	See comments

Type of Review / Notes	Contact	Sent	Due	Received	Elapsed Status	Remarks
						<p>Hold a public hearing to discuss and consider a request by Mike Peoples for the approval of a Specific Use Permit(SUP) for an animal shelter on a 42.66-acre tract of land identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the East SH-66 Overlay (E. SH-66 OV) District, addressed as 1700 E. SH-66, and take any action necessary.</p> <p>PLANNING COMMENTS - DAVID GONZALES - 11.19.2018</p> <p>All staff comments are to be addressed and resubmitted by Tuesday December 4, 2018. Please provide two (2) large copies [FOLDED] and one PDF version for a subsequent review by staff:</p> <p>Planning Department General Comments to be addressed/acknowledge are as follows:</p> <ul style="list-style-type: none"> • On all future submittals please include the Case Number Z2018-049 on the lower right hand corner. • When provided, please review the SUP Draft Ordinance prior to the Planning & Zoning public hearing scheduled for December 11, 2018 and return with red lined corrections and/or additions you feel may be necessary for staff review. <p>** Planning Staff additional comments to be considered by the P&Z and City Council as conditions of approval:</p> <ol style="list-style-type: none"> 1. Approval of an SUP is required to allow the animal shelter. Please provide a site plan and location of the structure. 2. Detention is required for the addition of structures- see engineering requirements. 3. Adherence to all Engineering and Fire Department standards shall be required <p>*** Operational Conditions:</p> <ol style="list-style-type: none"> 1. The animal shelter structure shall generally conform to the elevations and site plan depicted in Exhibits 'B' & 'C' of this ordinance. 2. The animal shelter structure shall not exceed its current size or height 3. The existing accessory building located within the flood plain of this property, as depicted in Exhibit 'D' of this ordinance, shall be removed prior to the release of the building permit and/or construction of the animal shelter structure; 4. The animal shelter structure shall not be operated as a commercial land use; and, 5. The animal shelter structure is subject to administrative review in the event that the Subject Property is sold conveyed or altered in any manner. <p>The following are scheduled meeting dates that you and/or your representative(s) should attend regarding the SUP request. If you have any questions regarding this case, please feel free to contact David Gonzalez, AICP with the Planning Department at 972-771-7745.</p> <p>*** Meeting Dates to Attend***</p>

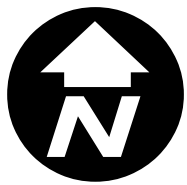
Type of Review / Notes	Contact	Sent	Due	Received	Elapsed Status	Remarks
Planning - Work Session: November 27, 2018 (6:00 p.m.) [applicant to present case to P&Z for discussion]						
Planning - Public Hearing: December 11, 2018 (6:00 p.m.) [P&Z to take action (i.e. approve, approve with conditions, or deny, etc.)]						
City Council - Public Hearing: December 17, 2018 (6:00 p.m.) [1st Reading of SUP Ordinance]						
City Council - Concent/Action Item: January 7, 2019 (6:00 p.m.) [2nd Reading of SUP Ordinance (if approved at 1st reading)]						
PLANNING	David Gonzales	12/7/2018	12/14/2018	12/7/2018	COMMENTS	See comments
PLANNING COMMENTS - DAVID GONZALES - 12.05.2018						
Planning Department General Comments to be addressed/acknowledge are as follows:						
1. Approval of an SUP is required to allow the animal shelter. Please provide a site plan, survey and location of the structure.						
2. Detention is required for the addition of structures - see engineering requirements.						
3. Adherence to all Engineering and Fire Department standards shall be required.						
The following are scheduled meeting dates that you and/or your representative(s) are required to attend regarding the SUP request. If you have any questions regarding this case, please feel free to contact David Gonzales, AICP with the Planning Department at 972-771-7745.						
*** Meeting Dates to Attend ***						
Planning - Public Hearing: December 11, 2018 (6:00 p.m.) [P&Z to take action (i.e. approve, approve with conditions, or deny, etc.)]						
City Council - Public Hearing: December 17, 2018 (6:00 p.m.) [1st Reading of SUP Ordinance]						
City Council - Concent/Action Item: January 7, 2019 (6:00 p.m.) [2nd Reading of SUP Ordinance (if approved at 1st reading)]						

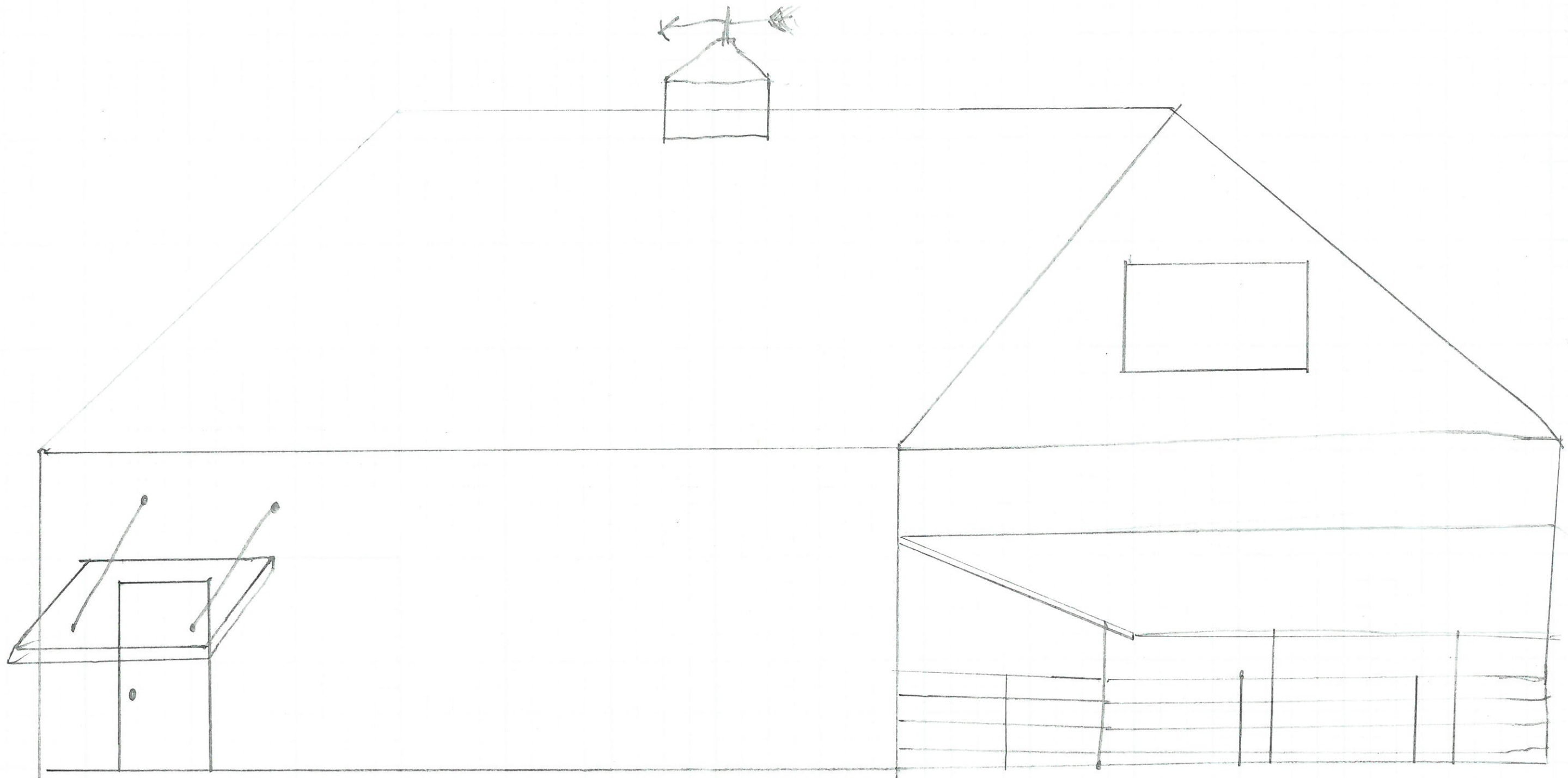


City of Rockwall

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.





Hwy 66 side

North Facing Elevation


City of Rockwall
BUILDING INSPECTION DEPARTMENT
1000 W. STATE ST.
ROCKWALL, TX 75087

STOP WORK ORDER

YOU ARE IN VIOLATION OF THE FOLLOWING ORDINANCES:
CITY OF ROCKWALL 2018 INTERNATIONAL RESIDENTIAL CODES
AND 2018 IBC DEVELOPMENT CODE

WORK IS BEING STOPPED IN VIOLATION OF THE CITY OF
ROCKWALL ADAPTIVE CODES
AND MUST BE STOPPED IMMEDIATELY

ISSUED BY: _____











Existing Structure that will be removed.

10/25/2018, 3:44:54 PM 1:1,128

0 0.0075 0.015 0.02 mi 0.03 mi

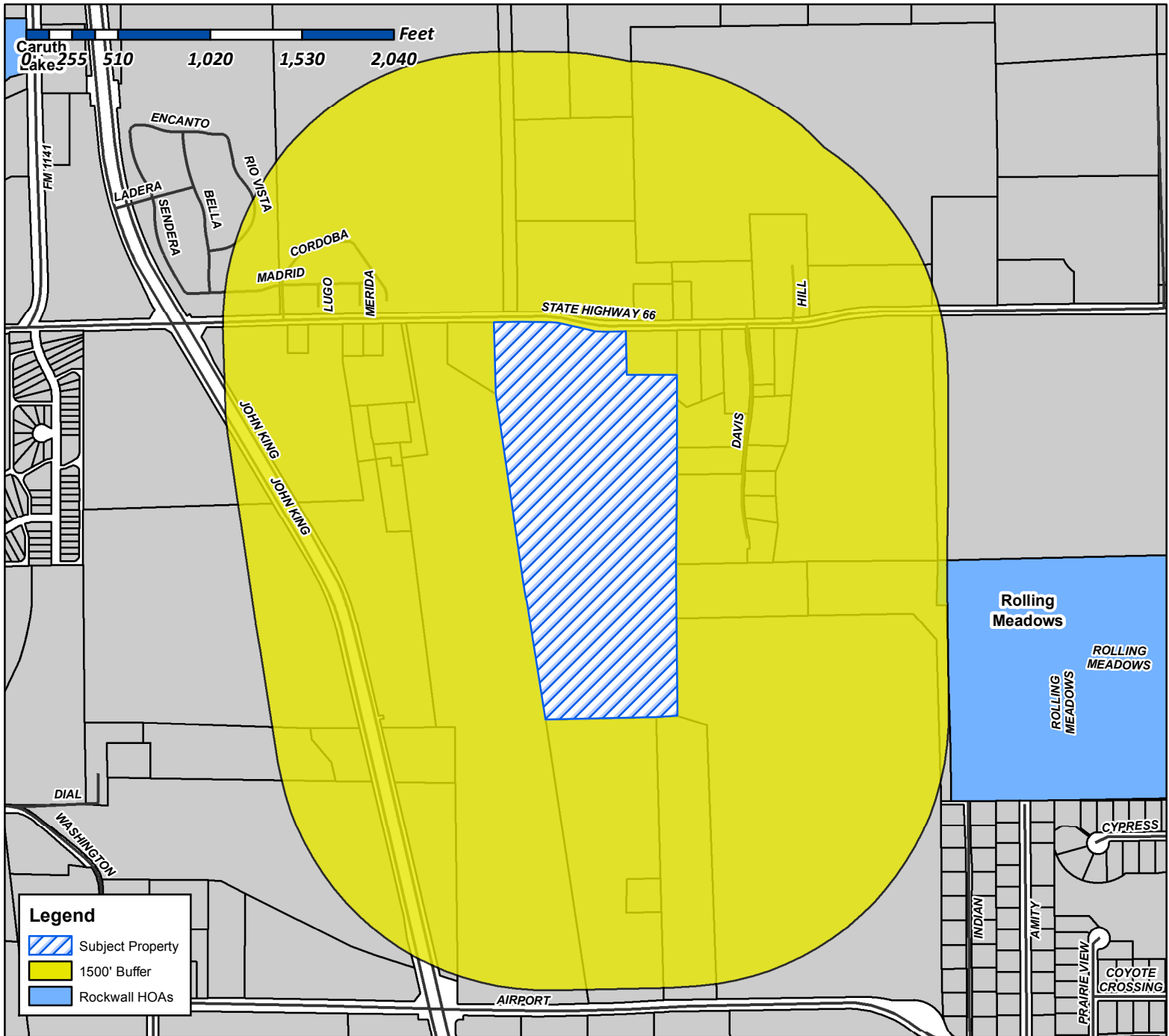
Thank you for using the
City of Rockwall
GIS INTERACTIVE MAPPING SITE
The data represented on this map was obtained with the best methods available. Data is supplied from various sources and accuracy may be out of the City of Rockwall's control. The verification of accuracy and / or content lies entirely with the end user. The City of Rockwall does not guarantee the accuracy of contained information. All information is provided "As Is" with no warranty being made, either expressed or implied.



City of Rockwall

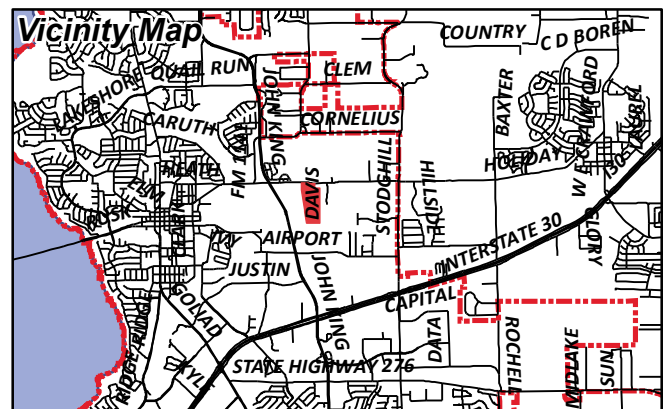
Planning & Zoning Department
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Rockwall, Texas 75087
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Case Number: Z2018-049
Case Name: SUP for an Animal Shelter
Case Type: Zoning
Zoning: Agricultural (AG) District
Case Address: 1700 E. SH-66

Date Created: 11/14/2018
For Questions on this Case Call (972) 771-7745



Gonzales, David

From: Morales, Laura
Sent: Friday, November 30, 2018 12:34 PM
To: [REDACTED]
Cc: Miller, Ryan; Gonzales, David; Brooks, Korey; Madubuike, Daniella
Subject: Neighborhood Noification Program: Notice of zoning request
Attachments: HOA Notification Map (11.14.2018).pdf

To whom it may concern:

Per your participation in the Neighborhood Notification Program, you are receiving this notification to inform your organization and residents of a request for a zoning change that lies within 1,500 feet of the boundaries of your neighborhood or subdivision. As the primary contact for the organization, you are encouraged to share this information with the residents of your subdivision. Please find attached a map detailing the location of the subject property requesting the zoning change in relation to your subdivision boundaries. Additionally, below is a summary of the zoning request that was published in the Rockwall Herald Banner **November 30, 2018**. The Planning and Zoning Commission will hold a public hearing on **Tuesday 12/11/2018 at 6:00 p.m.**, and the City Council will hold a public hearing on **Monday, 12/17/2018 at 6:00 p.m.** These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street. If you have any questions or comments regarding this request, the contact information for the Planning Department is listed below. Additional information can also be found at

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

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

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

Sincerely,

Laura Morales

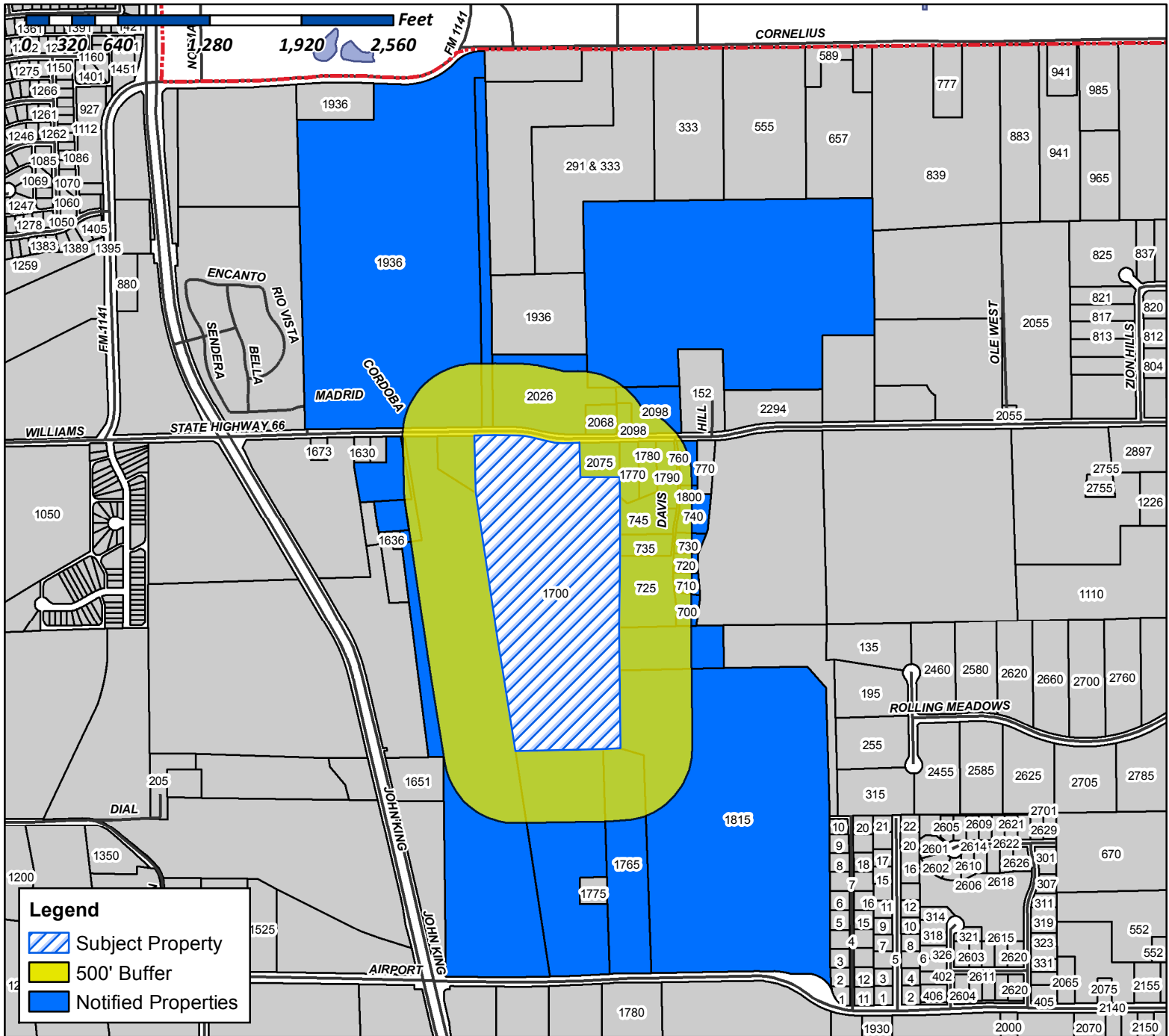
Planning & Zoning Coordinator
City of Rockwall Planning & Zoning Department
972-771-7745 | 972-772-6438
Lmorales@rockwall.com | <http://www.rockwall.com/planning/>



City of Rockwall

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

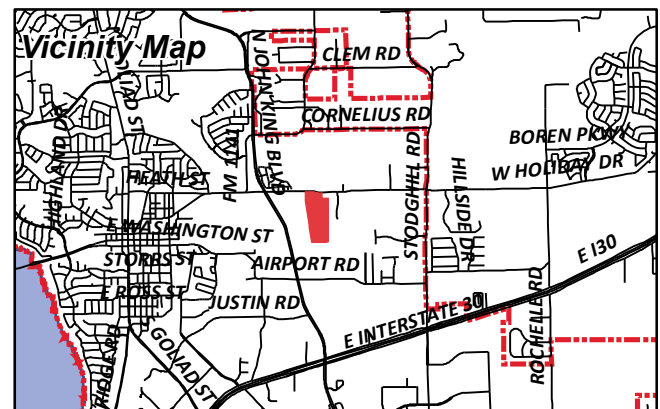
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Case Number: Z2018-049
Case Name: SUP for an Animal Shelter
Case Type: Zoning
Zoning: Agricultural (AG) District
Case Address: 1700 E. SH-66

Date Created: 11/14/2018

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





NOTICE OF PUBLIC HEARING

CITY OF ROCKWALL, PLANNING & ZONING DEPARTMENT

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

To Whom It May Concern:

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

Case No. Z2018-049: SUP for an Animal Shelter

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

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on **Tuesday, 12/11/2018 at 6:00 p.m.**, and the City Council will hold a public hearing on **Monday, 12/17/2018 at 6:00 p.m.** These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

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

David Gonzales
Rockwall Planning and Zoning Dept.
385 S. Goliad Street
Rockwall, TX 75087

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

Your comments must be received by **12/17/2018** to ensure they are included in the information provided to the City Council.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning

MORE INFORMATION ON THIS CASE CAN BE FOUND ON THE CITY'S WEBSITE: [HTTPS://SITES.GOOGLE.COM/SITE/ROCKWALLPLANNING/DEVELOPMENT-CASES](https://sites.google.com/site/rockwallplanning/development-cases)

PLEASE RETURN THE BELOW FORM

Case No. Z2018-049: SUP for an Animal Shelter

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.

Four horizontal grey bars for providing reasons for support or opposition.

Name:

Grey bar for Name

Address:

Grey bar for 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

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

CURRENT RESIDENT
1765 AIRPORT RD
ROCKWALL, TX 75087

CURRENT RESIDENT
1770 E HWY66
ROCKWALL, TX 75087

ATHEY JACK R
1780 AIRPORT RD
ROCKWALL, TX 75087

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

CURRENT RESIDENT
1790 WILLIAMS ST
ROCKWALL, TX 75087

CURRENT RESIDENT
1800 WILLIAMS ST
ROCKWALL, TX 75087

CURRENT RESIDENT
1815 AIRPORT RD
ROCKWALL, TX 75087

CURRENT RESIDENT
1936 HWY 66
ROCKWALL, TX 75087

CURRENT RESIDENT
2026 HWY 66
ROCKWALL, TX 75087

EDWARDS VINCENT & RITA
2068 STATE HIGHWAY 66
ROCKWALL, TX 75087

CURRENT RESIDENT
2075 WILLIAMS
ROCKWALL, TX 75087

CURRENT RESIDENT
2098 HWY66
ROCKWALL, TX 75087

BROWNING CAROLYN ESTATE
RITA EDWARDS INDEPENDENT EXECUTOR
2098 S HWY 66
ROCKWALL, TX 75087

CLARK TROY AND JANICE
3025 N GOLIAD ST
ROCKWALL, TX 75087

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

CUMMINGS JOHN & LORI
308 STONEBRIDGE DR
ROCKWALL, TX 75087

RYAN WILLIAM K
330 VZ CR 2207
CANTON, TX 75103

DAVIS WILLIAM PAUL JR
510 TURTLE COVE BLVD 0
ROCKWALL, TX 75087

SELLERS DONYA BEATRICE
700 DAVIS DR
ROCKWALL, TX 75087

TOMLIN MICHAEL E JR & DONYA B
700 DAVIS DR
ROCKWALL, TX 75087

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

MOCK BRUCE W & MARILYN J
720 DAVIS DR
ROCKWALL, TX 75087

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

DAILEY MARK L
730 DAVIS DR
ROCKWALL, TX 75087

BANUELOS SHERRI L
735 DAVIS DR
ROCKWALL, TX 75087

RINKEVICH JOSEPH W & MARY ANN C TRUSTEES
740 DAVIS DR
ROCKWALL, TX 75087

CURRENT RESIDENT
745 DAVIS DR
ROCKWALL, TX 75087

CURRENT RESIDENT
760 DAVIS DR
ROCKWALL, TX 75087

CAIN FAMILY PARTNERSHIP LTD
PO BOX 1119
ROCKWALL, TX 75087

PEOPLES BILLY W
PO BOX 35
ROCKWALL, TX 75087

PEOPLES MIKE L
PO BOX 41
ROCKWALL, TX 75087

RAINES SHERYL
PO BOX 412
ROCKWALL, TX 75087

CITY OF ROCKWALL

ORDINANCE NO. 19-XX

SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ANIMAL SHELTER ON A 42.66-ACRE TRACT OF LAND ZONED AGRICULTURAL (AG) DISTRICT, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a request has been made by Mike Peoples for the approval of a Specific Use Permit (SUP) for the purpose of allowing a previously constructed animal shelter, situated on a 42.66-acre tract of land, zoned Agricultural (AG) District, and being identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, addressed 1700 E. SH-66, and being more specifically depicted in Exhibit 'A' of this ordinance, which herein after shall be referred to as the *Subject Property* incorporated by reference herein; and

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

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

SECTION 1. That the Unified Development Code (UDC) [Ordinance No. 04-38] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing for the construction of an animal shelter structure within an Agricultural (AG) District as stipulated by Article IV, *Permissible Uses*, and Article V, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 04-38] on the *Subject Property*; and

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

2.1 OPERATIONAL CONDITIONS

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

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

2.2 COMPLIANCE

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

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

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

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

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

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

ordinance shall remain in full force and effect.

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

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 7TH DAY OF JANUARY, 2019.**

Jim Pruitt, *Mayor*

ATTEST:

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: December 17, 2018

2nd Reading: January 7, 2019

Exhibit 'A':
Legal Description and Property Location

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

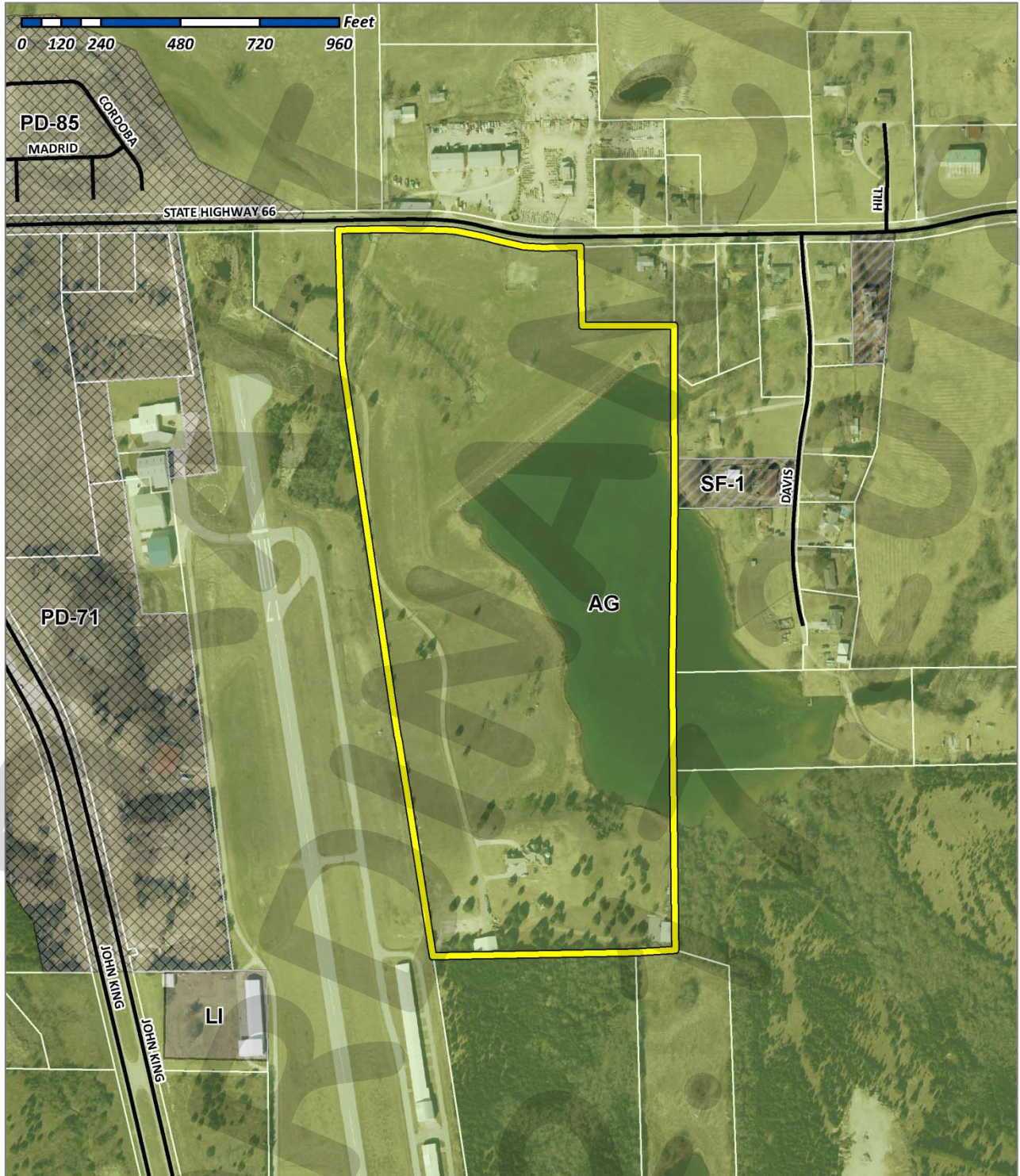
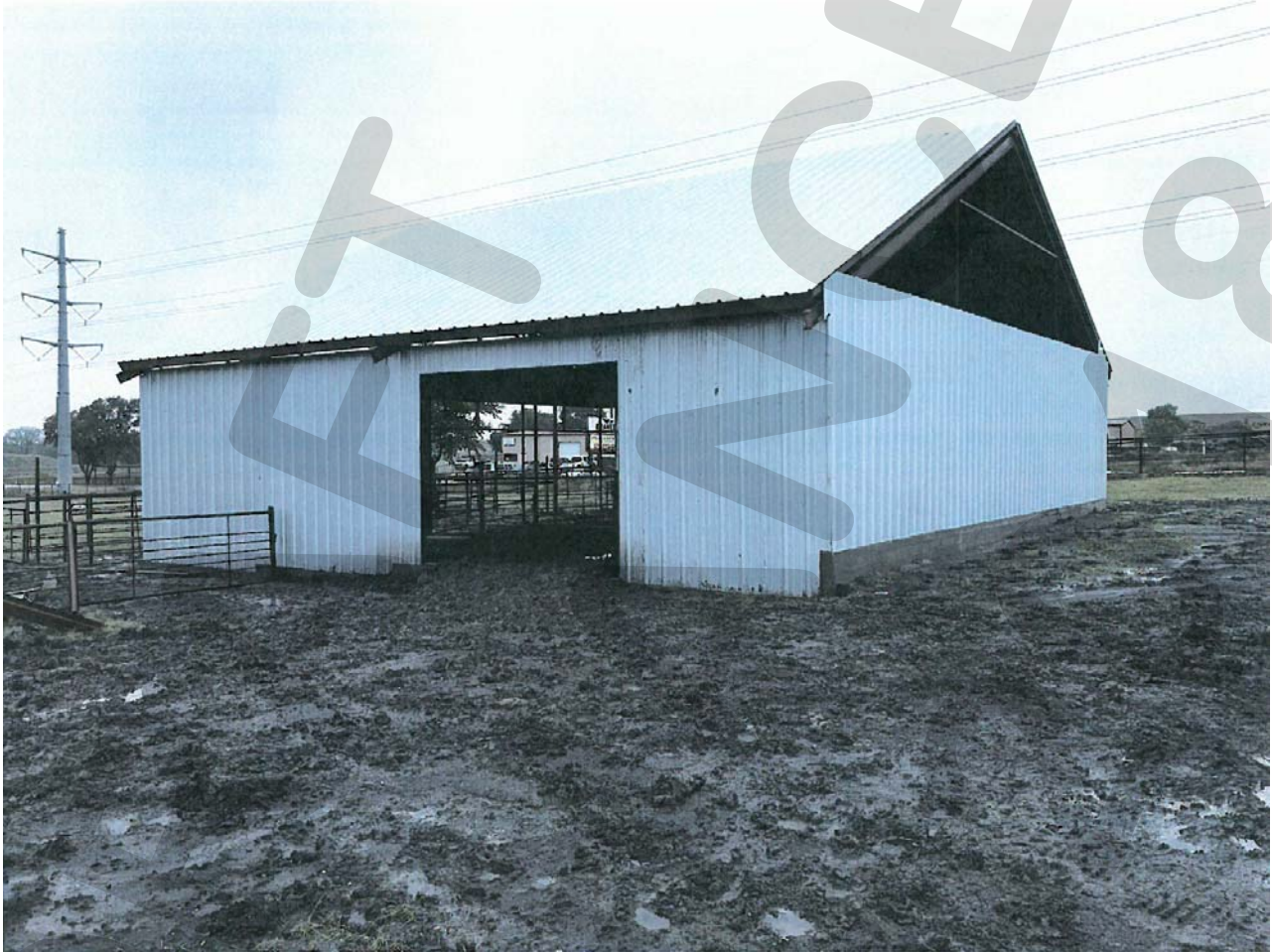
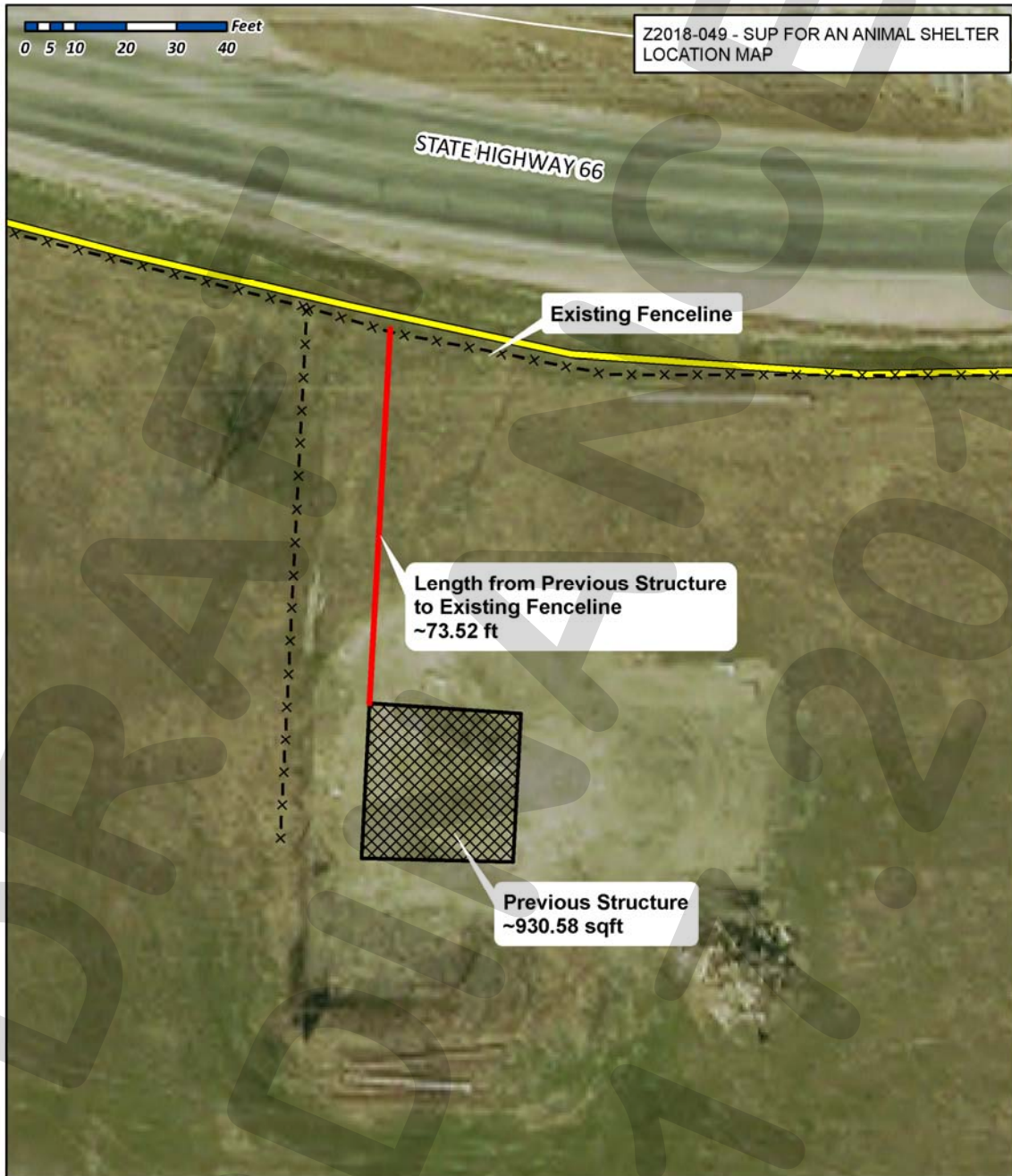


Exhibit 'B':
Animal Shelter – Elevations



**Exhibit 'C':
Site Plan**



City of Rockwall

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

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Exhibit 'D':
Accessory Building that will be Removed



CITY OF ROCKWALL CITY COUNCIL MEMO

AGENDA DATE: 12/17/2018

APPLICANT: Mike Peoples

AGENDA ITEM: **Z2018-049**; *SUP for an Animal Shelter at 1700 E. SH-66*

SUMMARY:

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

BACKGROUND:

On October 24, 2018, the building inspections department proactively recognized a structure (*i.e. animal shelter*) being constructed without a permit on the *subject property*. The building inspections department then proceeded to confer with planning staff regarding the requirements for building a structure on the *subject property*. During this meeting, additional structures were found to exist based on aerial images dating back to the year 2013. These images depict two (2) structures that have been built without a permit. The aerial image indicates that one (1) of these structures lies within the designated 100-year flood plain. The other structure is a detached garage that has been enlarged on at least two (2) separate occasions. City records indicate that no permits were requested for the construction of either of these structures. Subsequently, a *Stop Work Order* was issued on October 25, 2018 for the *animal shelter* for the purpose of obtaining a building permit. Staff contacted Mr. Peoples and advised him that a Specific Use Permit (SUP) is also required in order to complete construction of the *animal shelter*. On November 6, 2018, Mr. Peoples applied for a building permit, and subsequently submitted an application for the SUP for the *animal shelter* use on November 19, 2018. The photos included with this case were taken from SH-66 by the building inspections department. It should be know that staff has made several requests for the applicant to provide photos of these structures and a survey that would locate the structures on this site. As of the date of this report, staff has not received either of these items.

PURPOSE AND CHARACTERISTICS OF THE REQUEST:

The applicant, Mike Peoples is requesting the approval of a Specific Use Permit (SUP) to allow for an *animal shelter* as stipulated by Article VI, *Permissible Uses*, of the Unified Development Code (UDC). The ~2,720 SF [*i.e. 40-ft x 68-ft*] metal structure stands approximately 15-feet in height and is situated north of the primary structure, adjacent to SH-66. The *animal shelter* is to be used for the purpose of providing shelter for the animals on the *subject property*. As was noted above, there are two (2) existing accessory buildings on the *subject property* that have been built without a permit and one (1) that lies within the designated 100-year flood plain. This structure is required to be demolished and has been added as a condition of approval of the SUP. The other structure is a detached garage that is being considered for a Specific Use Permit (SUP) concurrently with this request [*i.e. Case No. Z2018-053*].

According to *Section 2*, of Article V, *Agricultural (AG) District* of the *Unified Development Code* (UDC), farming and ranching-related activities and accessory uses on more than ten (10)-acres

are permitted uses within an Agricultural (AG) District; however, an animal shelter requires the approval of a Specific Use Permit (SUP). Approval of a SUP is discretionary for the City Council.

ADJACENT LAND USES AND ACCESS:

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

North: Directly north of the subject property is SH-66, which is a TXDOT 4D (*four [4] lane TXDOT Roadway*) on the City's Master Thoroughfare Plan. Beyond this are several tracts of land that are zone Agricultural (AG) District.

South: Directly south of the subject property are two (2) tracts of land zoned Agricultural (AG) District, with the south and east tract owned by the City of Rockwall and is known as the Regional Firearms Training Center.

East: Directly east of the subject property are several tracts of land that are zone Agricultural (AG) District and one property zoned Single-Family 1 (SF-1) District. The majority of these properties have single-family homes.

West: Directly west of the subject property is the City of Rockwall Municipal Airports runway and is zoned Agricultural (AG) District.

NOTIFICATION:

On November 30, 2018 staff mailed 33 notices to property owners and residents within 500-feet of the subject property. Staff also notified the Rolling Meadows Homeowner's Association (HOA), which is the only HOA's/Neighborhood Organization that is within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property as required by the UDC. At the time this case memo was drafted staff had received three (3) notices in favor of and one (1) opposed to the applicant's request.

RECOMMENDATIONS:

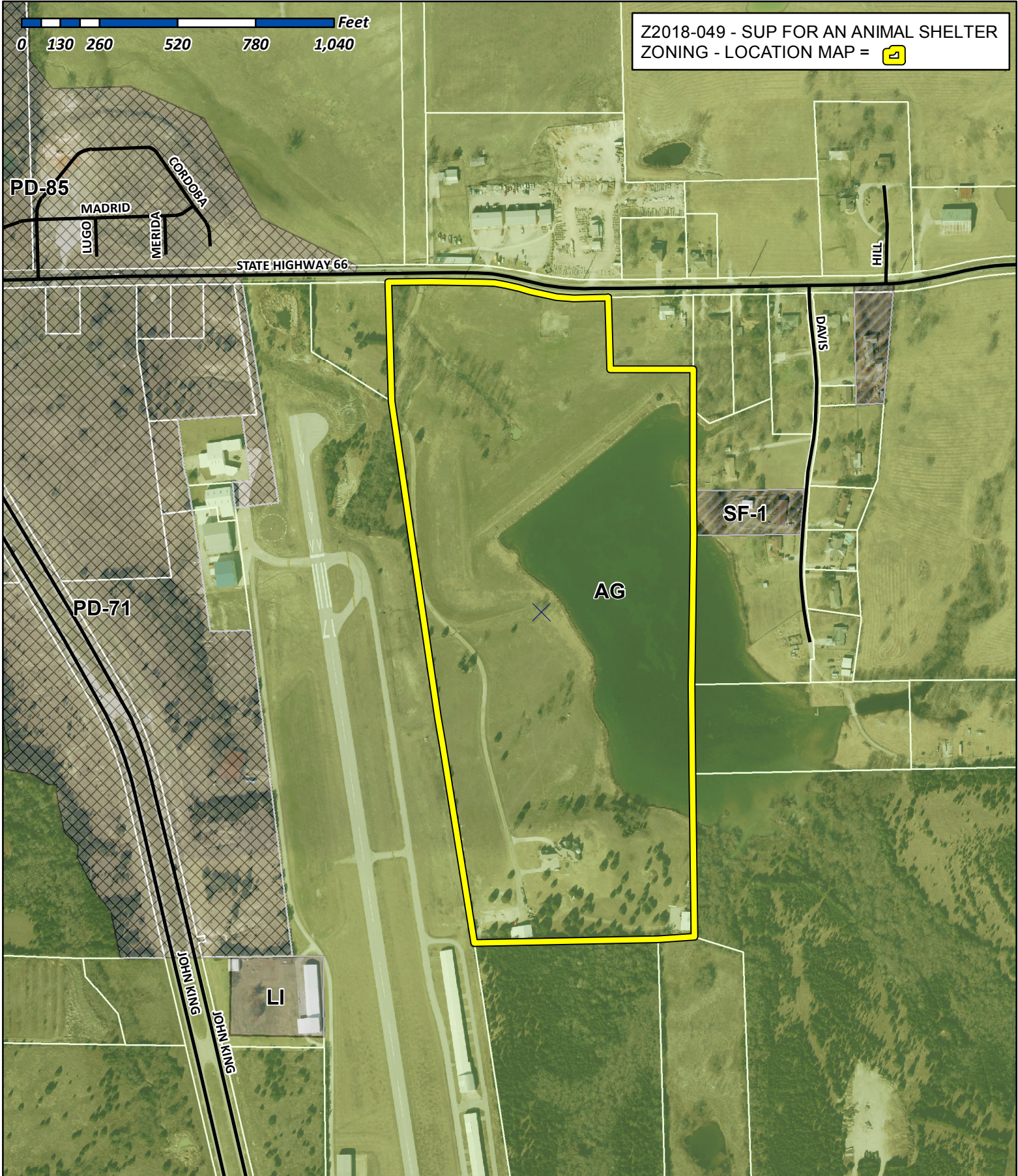
Should the Planning and Zoning Commission choose to recommend approval of the applicant's request, staff would offer the following conditions of approval:

- 1) The animal shelter shall be subject to the following operational conditions, which are contained in the SUP ordinance:
 - a. The animal shelter structure shall generally conform to the elevations and site plan depicted in *Exhibits 'B' & 'C'* of the draft ordinance;
 - b. The animal shelter structure shall not exceed its current size of approximately 2,720 SF or an approximate height of 15-feet;
 - c. The existing accessory building located within the flood plain of this property, as depicted in *Exhibit 'D'* of the draft ordinance, shall be removed prior to the release of the building permit and/or construction of the animal shelter structure;
 - d. The animal shelter structure shall not be operated as a commercial land use;
 - e. A detention system is required for the addition of structures on the subject property per the Engineering Standards of Design; and,

- f. The animal shelter structure is subject to administrative review in the event that the *subject property* is sold, conveyed or altered in any manner.
- 2) Any construction or building necessary to complete this request must conform to the requirements set forth by the *UDC*, the *International Building Code*, 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 RECOMMENDATION:

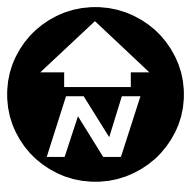
On December 11, 2018, the Planning and Zoning Commission's motion to recommend approval of the SUP to allow for an animal shelter on the subject property with staff conditions passed by a vote of 5 to 1 with Commissioner Chodun dissenting and Commissioner Moeller absent.

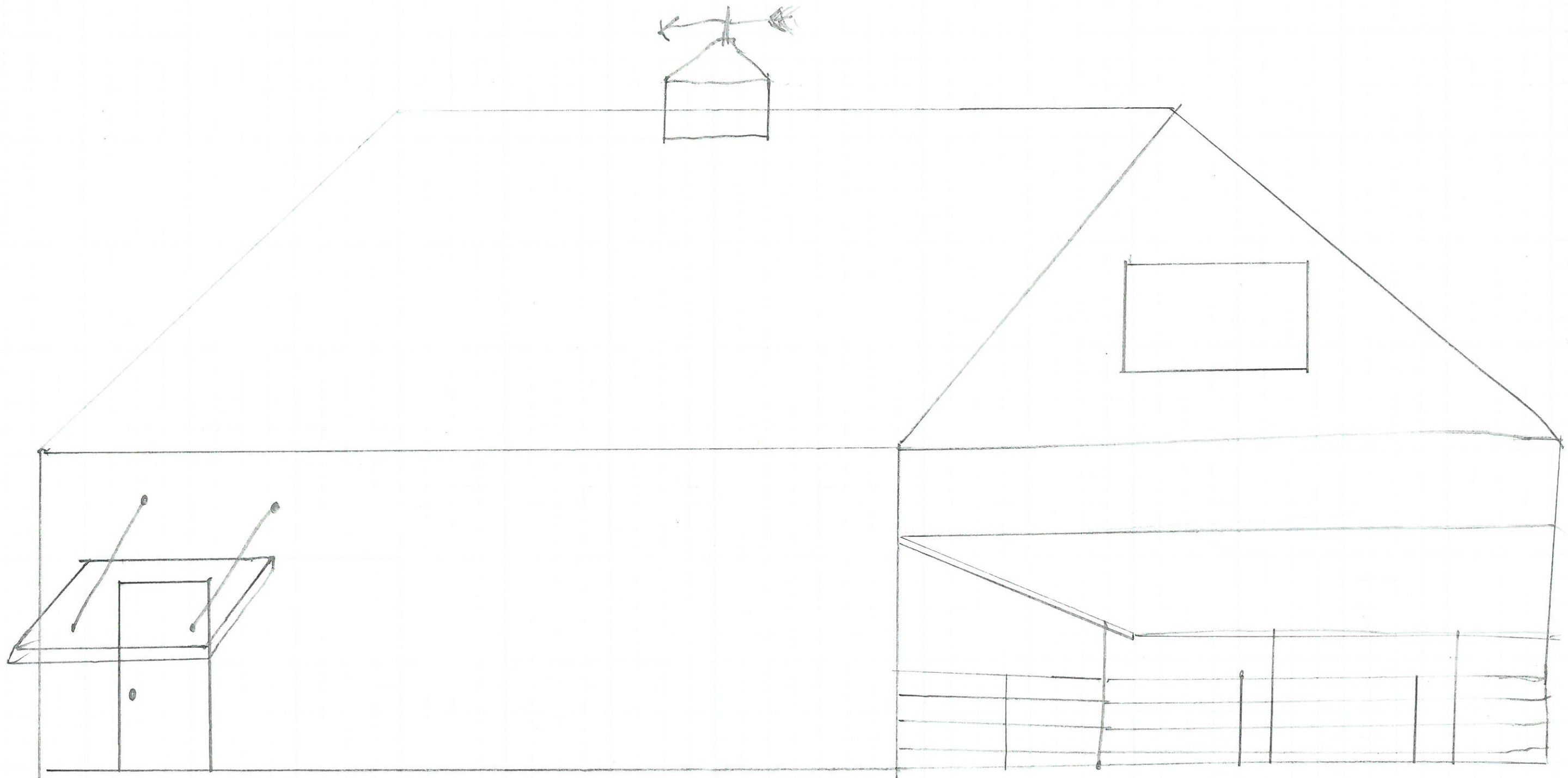


City of Rockwall

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


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Hwy 66 side

North Facing Elevation


City of Rockwall
BUILDING INSPECTION DEPARTMENT
1000 W. STATE ST.
ROCKWALL, TX 75087

STOP WORK ORDER

YOU ARE IN VIOLATION OF THE FOLLOWING ORDINANCES:
CITY OF ROCKWALL 2018 INTERNATIONAL RESIDENTIAL CODES
AND 2018 IBC DEVELOPMENT CODE

WORK IS BEING STOPPED IN VIOLATION OF THE CITY OF
ROCKWALL ADAPTIVE CODES
AND MUST BE CORRECTED IMMEDIATELY

ISSUED BY: _____











Existing Structure that will be removed.

10/25/2018, 3:44:54 PM 1:1,128

0 0.0075 0.015 0.02 mi 0.03 mi

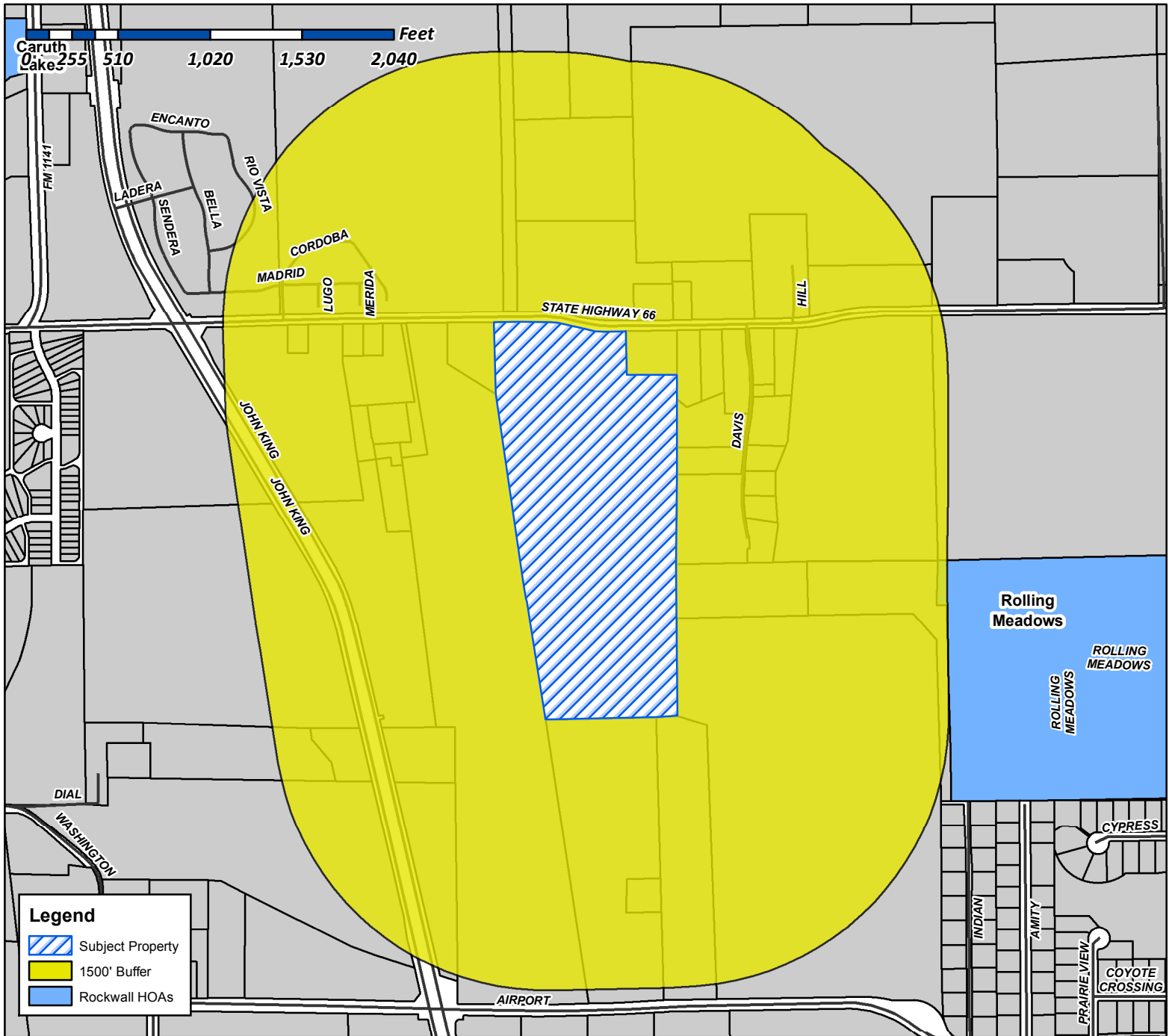
Thank you for using the
City of Rockwall
GIS INTERACTIVE MAPPING SITE
The data represented on this map was obtained with the best methods available. Data is supplied from various sources and accuracy may be out of the City of Rockwall's control. The verification of accuracy and / or content lies entirely with the end user. The City of Rockwall does not guarantee the accuracy of contained information. All information is provided "As Is" with no warranty being made, either expressed or implied.



City of Rockwall

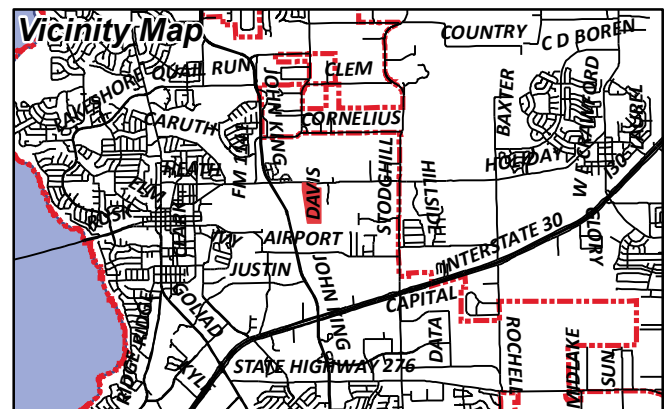
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Case Number: Z2018-049
Case Name: SUP for an Animal Shelter
Case Type: Zoning
Zoning: Agricultural (AG) District
Case Address: 1700 E. SH-66

Date Created: 11/14/2018
For Questions on this Case Call (972) 771-7745



Gonzales, David

From: Morales, Laura
Sent: Friday, November 30, 2018 12:34 PM
To: [REDACTED]
Cc: Miller, Ryan; Gonzales, David; Brooks, Korey; Madubuike, Daniella
Subject: Neighborhood Noification Program: Notice of zoning request
Attachments: HOA Notification Map (11.14.2018).pdf

To whom it may concern:

Per your participation in the Neighborhood Notification Program, you are receiving this notification to inform your organization and residents of a request for a zoning change that lies within 1,500 feet of the boundaries of your neighborhood or subdivision. As the primary contact for the organization, you are encouraged to share this information with the residents of your subdivision. Please find attached a map detailing the location of the subject property requesting the zoning change in relation to your subdivision boundaries. Additionally, below is a summary of the zoning request that was published in the Rockwall Herald Banner **November 30, 2018**. The Planning and Zoning Commission will hold a public hearing on **Tuesday 12/11/2018 at 6:00 p.m.**, and the City Council will hold a public hearing on **Monday, 12/17/2018 at 6:00 p.m.** These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street. If you have any questions or comments regarding this request, the contact information for the Planning Department is listed below. Additional information can also be found at

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

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

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

Sincerely,

Laura Morales

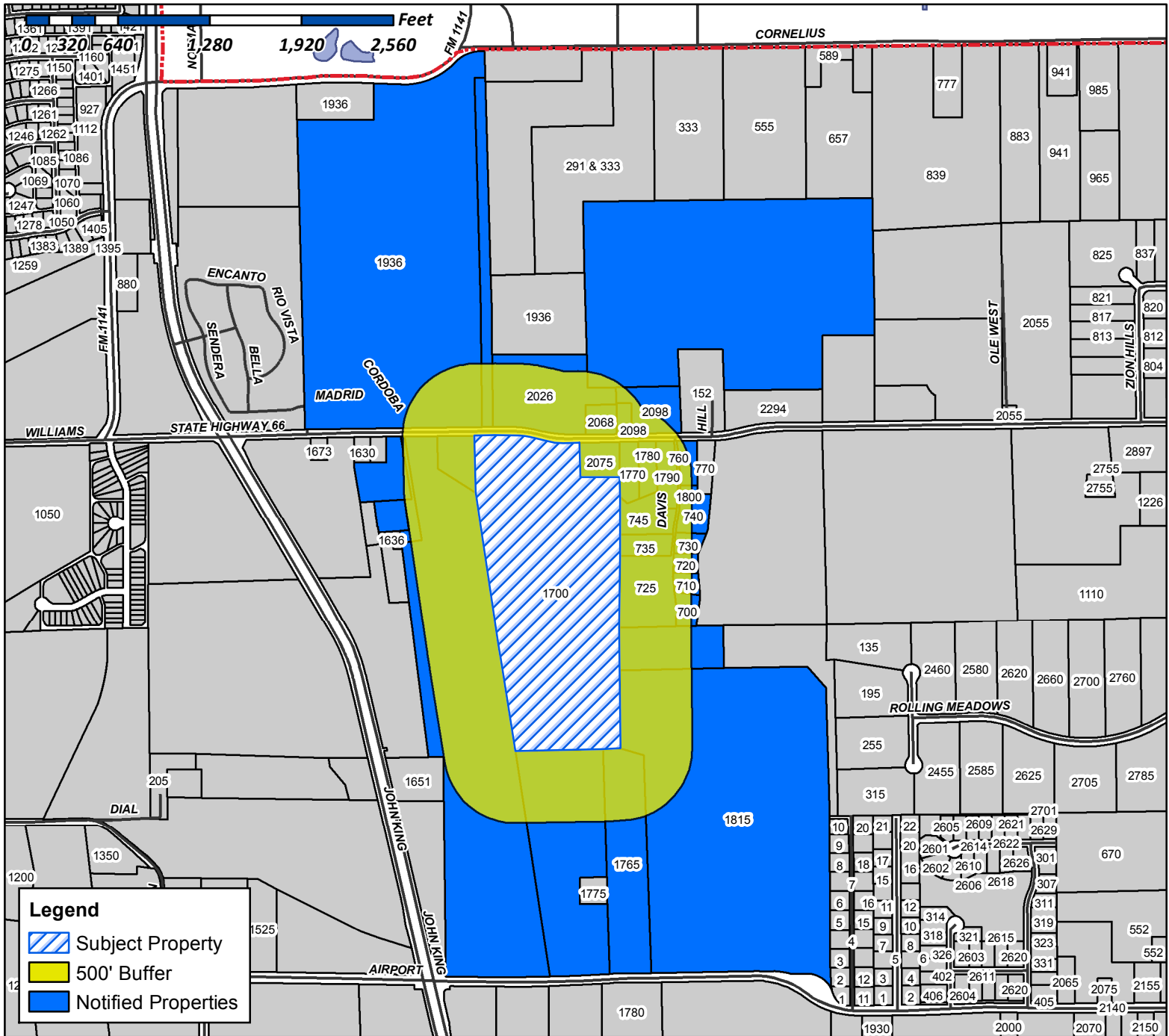
Planning & Zoning Coordinator
City of Rockwall Planning & Zoning Department
972-771-7745 | 972-772-6438
Lmorales@rockwall.com | <http://www.rockwall.com/planning/>



City of Rockwall

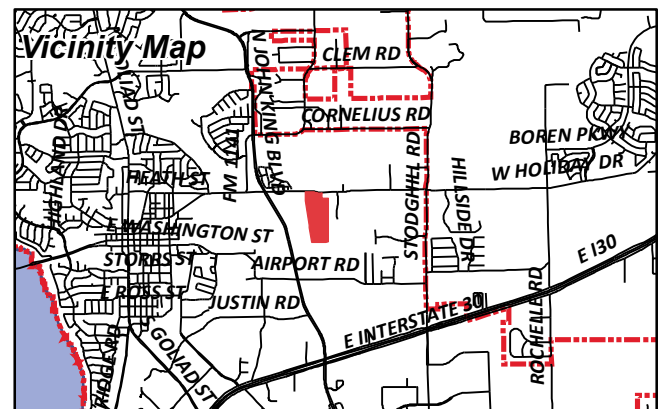
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Case Number: Z2018-049
Case Name: SUP for an Animal Shelter
Case Type: Zoning
Zoning: Agricultural (AG) District
Case Address: 1700 E. SH-66

Date Created: 11/14/2018
For Questions on this Case Call (972) 771-7745





NOTICE OF PUBLIC HEARING

CITY OF ROCKWALL, PLANNING & ZONING DEPARTMENT

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

To Whom It May Concern:

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

Case No. Z2018-049: SUP for an Animal Shelter

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

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on **Tuesday, 12/11/2018 at 6:00 p.m.**, and the City Council will hold a public hearing on **Monday, 12/17/2018 at 6:00 p.m.** These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

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

David Gonzales
Rockwall Planning and Zoning Dept.
385 S. Goliad Street
Rockwall, TX 75087

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

Your comments must be received by **12/17/2018** to ensure they are included in the information provided to the City Council.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning

MORE INFORMATION ON THIS CASE CAN BE FOUND ON THE CITY'S WEBSITE: [HTTPS://SITES.GOOGLE.COM/SITE/ROCKWALLPLANNING/DEVELOPMENT-CASES](https://sites.google.com/site/rockwallplanning/development-cases)

PLEASE RETURN THE BELOW FORM

Case No. Z2018-049: SUP for an Animal Shelter

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. Z2018-049: SUP for an Animal Shelter

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.

42.66 TRACT OF LAND

Name:

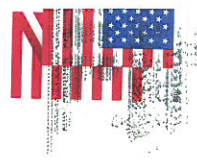
Bill K. Ryan

Address:

330 W2 ER 2207 CANTON, TX 75103

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





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

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

To Whom It May Concern:

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Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning

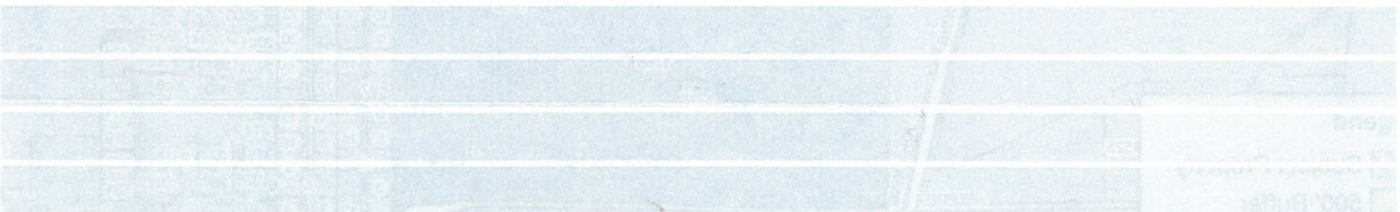
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PLEASE RETURN THE BELOW FORM

Case No. Z2018-049: SUP for an Animal Shelter

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: MARK DAILEY

Address: 730 DAVIS 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.

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

Case No. Z2018-049: SUP for an Animal Shelter

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: Mike Peoples
 Address: PO Box 41 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





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

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

To Whom It May Concern:

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

Case No. Z2018-049: SUP for an Animal Shelter

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

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on **Tuesday, 12/11/2018 at 6:00 p.m.**, and the City Council will hold a public hearing on **Monday, 12/17/2018 at 6:00 p.m.** These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

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

**David Gonzales
Rockwall Planning and Zoning Dept.
385 S. Goliad Street
Rockwall, TX 75087**

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

Your comments must be received by **12/17/2018** to ensure they are included in the information provided to the City Council.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning

MORE INFORMATION ON THIS CASE CAN BE FOUND ON THE CITY'S WEBSITE: [HTTPS://SITES.GOOGLE.COM/SITE/ROCKWALLPLANNING/DEVELOPMENT-CASES](https://sites.google.com/site/rockwallplanning/development-cases)

PLEASE RETURN THE BELOW FORM

Case No. Z2018-049: SUP for an Animal Shelter

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.

Smell

Name:

Judy Collier

Address:

1780 Williams

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

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

CURRENT RESIDENT
1765 AIRPORT RD
ROCKWALL, TX 75087

CURRENT RESIDENT
1770 E HWY66
ROCKWALL, TX 75087

ATHEY JACK R
1780 AIRPORT RD
ROCKWALL, TX 75087

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

CURRENT RESIDENT
1790 WILLIAMS ST
ROCKWALL, TX 75087

CURRENT RESIDENT
1800 WILLIAMS ST
ROCKWALL, TX 75087

CURRENT RESIDENT
1815 AIRPORT RD
ROCKWALL, TX 75087

CURRENT RESIDENT
1936 HWY 66
ROCKWALL, TX 75087

CURRENT RESIDENT
2026 HWY 66
ROCKWALL, TX 75087

EDWARDS VINCENT & RITA
2068 STATE HIGHWAY 66
ROCKWALL, TX 75087

CURRENT RESIDENT
2075 WILLIAMS
ROCKWALL, TX 75087

CURRENT RESIDENT
2098 HWY66
ROCKWALL, TX 75087

BROWNING CAROLYN ESTATE
RITA EDWARDS INDEPENDENT EXECUTOR
2098 S HWY 66
ROCKWALL, TX 75087

CLARK TROY AND JANICE
3025 N GOLIAD ST
ROCKWALL, TX 75087

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

CUMMINGS JOHN & LORI
308 STONEBRIDGE DR
ROCKWALL, TX 75087

RYAN WILLIAM K
330 VZ CR 2207
CANTON, TX 75103

DAVIS WILLIAM PAUL JR
510 TURTLE COVE BLVD 0
ROCKWALL, TX 75087

SELLERS DONYA BEATRICE
700 DAVIS DR
ROCKWALL, TX 75087

TOMLIN MICHAEL E JR & DONYA B
700 DAVIS DR
ROCKWALL, TX 75087

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

MOCK BRUCE W & MARILYN J
720 DAVIS DR
ROCKWALL, TX 75087

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

DAILEY MARK L
730 DAVIS DR
ROCKWALL, TX 75087

BANUELOS SHERRI L
735 DAVIS DR
ROCKWALL, TX 75087

RINKEVICH JOSEPH W & MARY ANN C TRUSTEES
740 DAVIS DR
ROCKWALL, TX 75087

CURRENT RESIDENT
745 DAVIS DR
ROCKWALL, TX 75087

CURRENT RESIDENT
760 DAVIS DR
ROCKWALL, TX 75087

CAIN FAMILY PARTNERSHIP LTD
PO BOX 1119
ROCKWALL, TX 75087

PEOPLES BILLY W
PO BOX 35
ROCKWALL, TX 75087

PEOPLES MIKE L
PO BOX 41
ROCKWALL, TX 75087

RAINES SHERYL
PO BOX 412
ROCKWALL, TX 75087

CITY OF ROCKWALL

ORDINANCE NO. 19-XX

SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ANIMAL SHELTER ON A 42.66-ACRE TRACT OF LAND ZONED AGRICULTURAL (AG) DISTRICT, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a request has been made by Mike Peoples for the approval of a Specific Use Permit (SUP) for the purpose of allowing a previously constructed animal shelter, situated on a 42.66-acre tract of land, zoned Agricultural (AG) District, and being identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, addressed 1700 E. SH-66, and being more specifically depicted in Exhibit 'A' of this ordinance, which herein after shall be referred to as the *Subject Property* incorporated by reference herein; and

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

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

SECTION 1. That the Unified Development Code (UDC) [Ordinance No. 04-38] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing for the construction of an animal shelter structure within an Agricultural (AG) District as stipulated by Article IV, *Permissible Uses*, and Article V, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 04-38] on the *Subject Property*; and

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

2.1 OPERATIONAL CONDITIONS

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

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

2.2 COMPLIANCE

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

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

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

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

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

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

ordinance shall remain in full force and effect.

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

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 7TH DAY OF JANUARY, 2019.**

Jim Pruitt, *Mayor*

ATTEST:

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: December 17, 2018

2nd Reading: January 7, 2019

Exhibit 'A':
Legal Description and Property Location

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

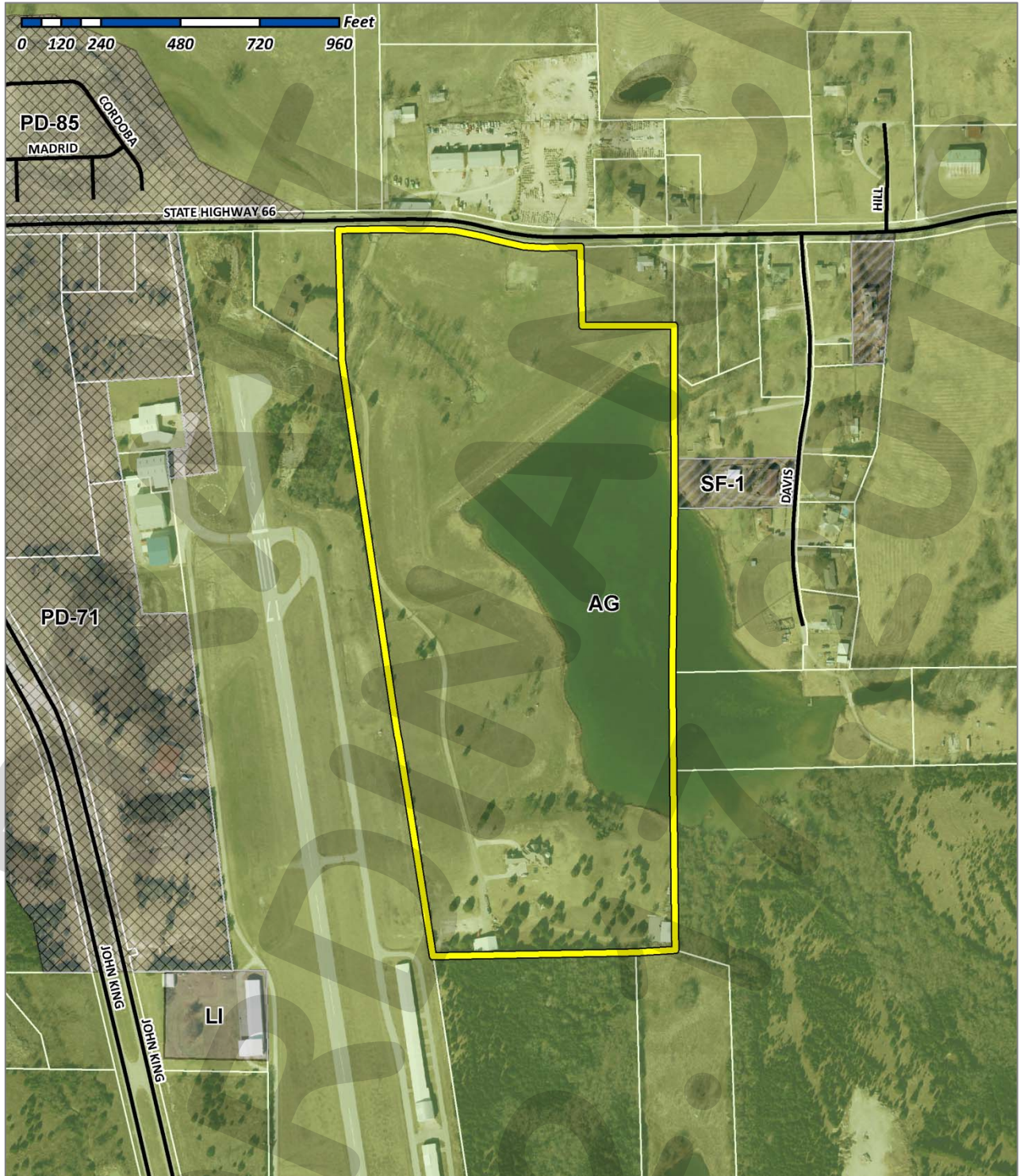
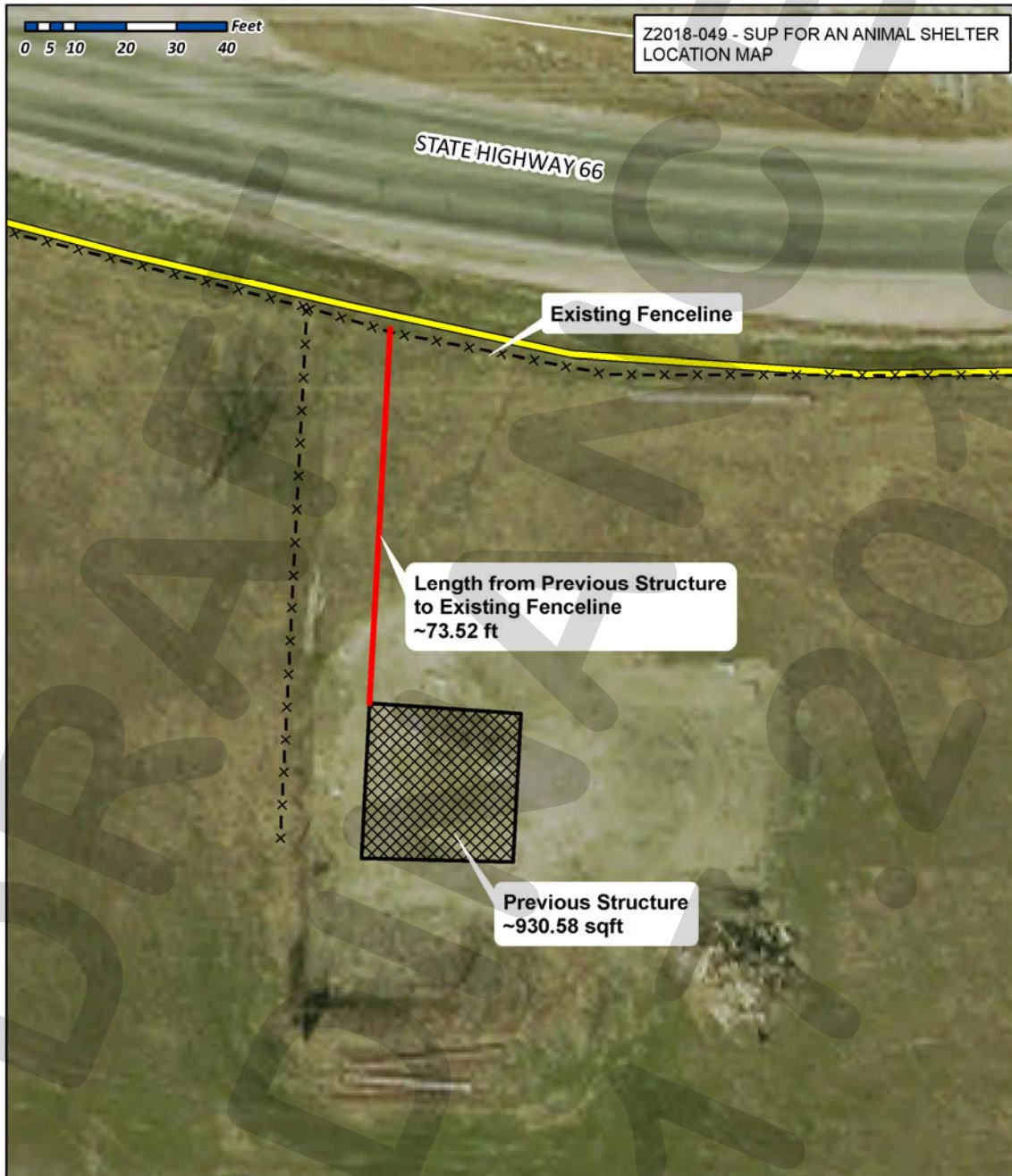


Exhibit 'B':
Animal Shelter – Elevations



**Exhibit 'C':
Site Plan**



City of Rockwall

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

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



Exhibit 'D':
Accessory Building that will be Removed





CITY OF ROCKWALL, TEXAS
MEMORANDUM

TO: Mayor and City Council

CC: Rick Crowley, *City Manager*
Mary Smith, *Assistant City Manager*
Ryan Miller, *Director of Planning and Zoning*

FROM: David Gonzales, *Planning and Zoning Manager*

DATE: January 7, 2019

SUBJECT: Z2018-049 *SUP for an Animal Shelter at 1700 E. SH-66*

On December 17, 2018, the City Council continued the public hearing for *Case No. Z2018-049* by a vote of 7-0. This case involved a request for a Specific Use Permit (SUP) for an animal shelter. The purpose of the City Council's motion was to allow the applicant, Mike Peoples, additional time to prepare a schedule that outlined [1] the completion time for the animal shelter (*which is currently partially constructed*), and [2] the time needed to demolish the structure situated within the floodplain (*which was constructed without a building permit*). In response to the City Council's action, Mr. Peoples has provided staff with a letter indicating that, weather permitting, he intends to complete the construction of the animal shelter by April 2019 (see *Exhibit 'A'*); however, Mr. Peoples has not indicated a timeframe for the demolition of the structure within the floodplain (see *Exhibit 'B'*). It should also be noted that staff requested that Mr. Peoples provide a timeframe for the demolition of the detached garage that was denied by the City Council on December 17, 2018; however, the letter submitted by Mr. Peoples indicates that he does not have a timeframe for the removal of this building either. Due to the applicant's inability to provide staff with a reasonable timeframe for the demolition of the two (2) unpermitted structures, staff has amended the draft ordinance for the animal shelter to require that both structures be removed from the property within six (6) months of the adoption date of the proposed Specific Use Permit (SUP) ordinance. Should the City Council have any questions, staff will be available at the January 7, 2019 City Council meeting.

Exhibit 'A':
Timeline Schedule

Mike Peoples
1708 E SH66
Rockwall Tx 75087.

Building Time Frame

To whom it may concern:

The completion of the Animal shelter is at my residence is directly related to weather. All I would assume ~~the~~ ^{the ground is} ~~is~~ extremely wet and saturated; However - all materials to complete the structure are on site.

Once the weather cooperates, allows for work to continue I will proceed. As you all know I am a republican therefore I work for a living and ~~this~~ the completion of this building will be mixed in with my current jobs.

All that being said, it should be complete by April at the latest. of course mother nature will have a thing to say about that.

Yours Sincerely:
Mike Peoples

Exhibit 'B':
Demolition Schedule

Mike Peoples
1700 E SH66
Rockwall TX 75087.

Building Destruction

To whom it may concern:

In regards to the negative vote on my detached garage and the requirement that it be torn down, I have no timeframe for that as well as the other structure in the flood plan. The plan was to tear the building down in the Flood plan to secure the detached garage and animal shelter. I am presently pursuing other options.

CITY OF ROCKWALL

ORDINANCE NO. 19-XX

SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ANIMAL SHELTER ON A 42.66-ACRE TRACT OF LAND ZONED AGRICULTURAL (AG) DISTRICT, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a request has been made by Mike Peoples for the approval of a Specific Use Permit (SUP) for the purpose of allowing a previously constructed animal shelter, situated on a 42.66-acre tract of land, zoned Agricultural (AG) District, and being identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, addressed 1700 E. SH-66, and being more specifically depicted in Exhibit 'A' of this ordinance, which herein after shall be referred to as the *Subject Property* incorporated by reference herein; and

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

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

SECTION 1. That the Unified Development Code (UDC) [Ordinance No. 04-38] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing for the construction of an animal shelter structure within an Agricultural (AG) District as stipulated by Article IV, *Permissible Uses*, and Article V, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 04-38] on the *Subject Property*; and

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

2.1 OPERATIONAL CONDITIONS

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

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

2.2 COMPLIANCE

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

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

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

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

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

SECTION 6. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged

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

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

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 22ND DAY OF JANUARY, 2019.**

Jim Pruitt, *Mayor*

ATTEST:

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: January 7, 2019

2nd Reading: January 22, 2019

Exhibit 'A':
Legal Description and Property Location

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

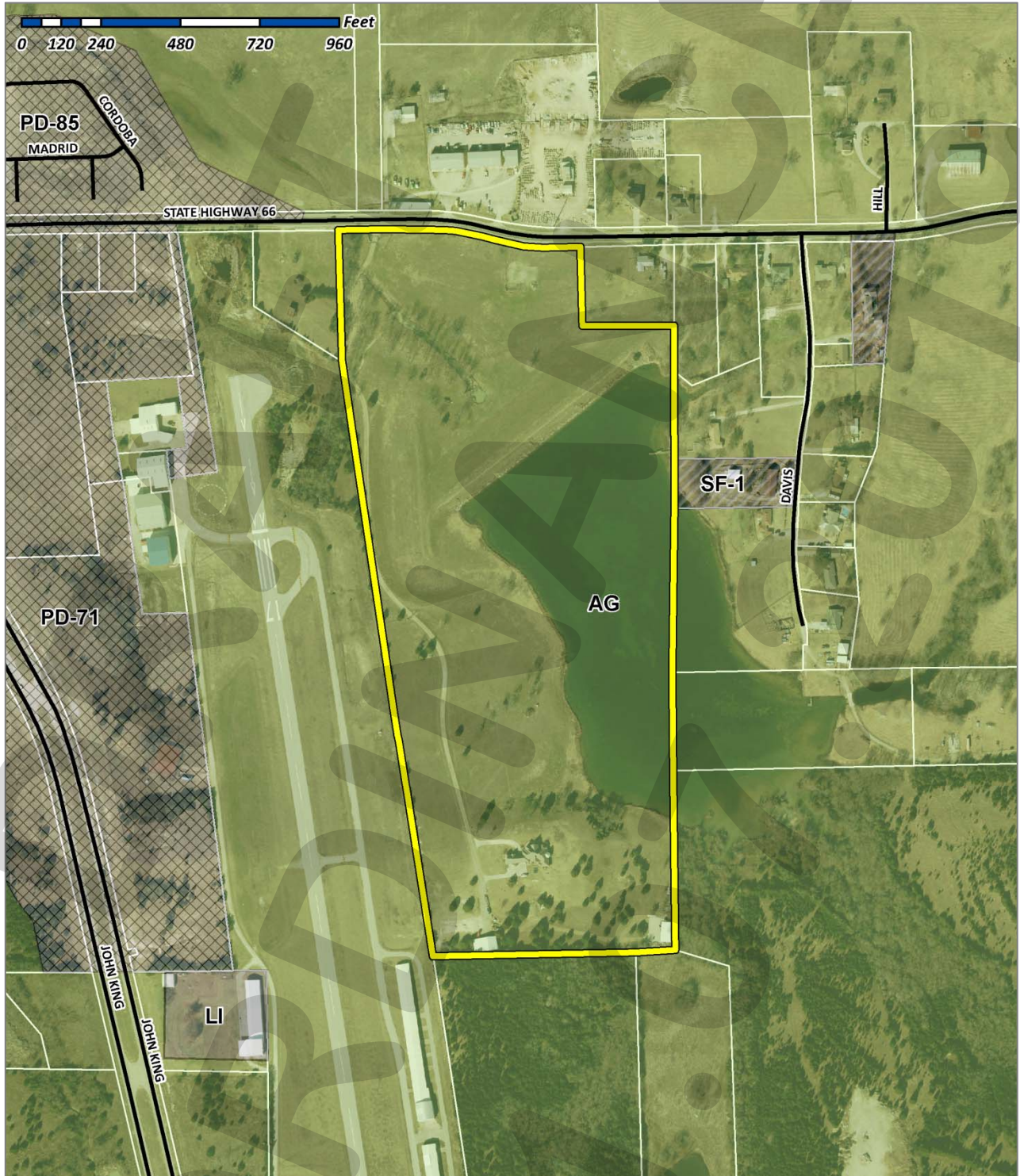
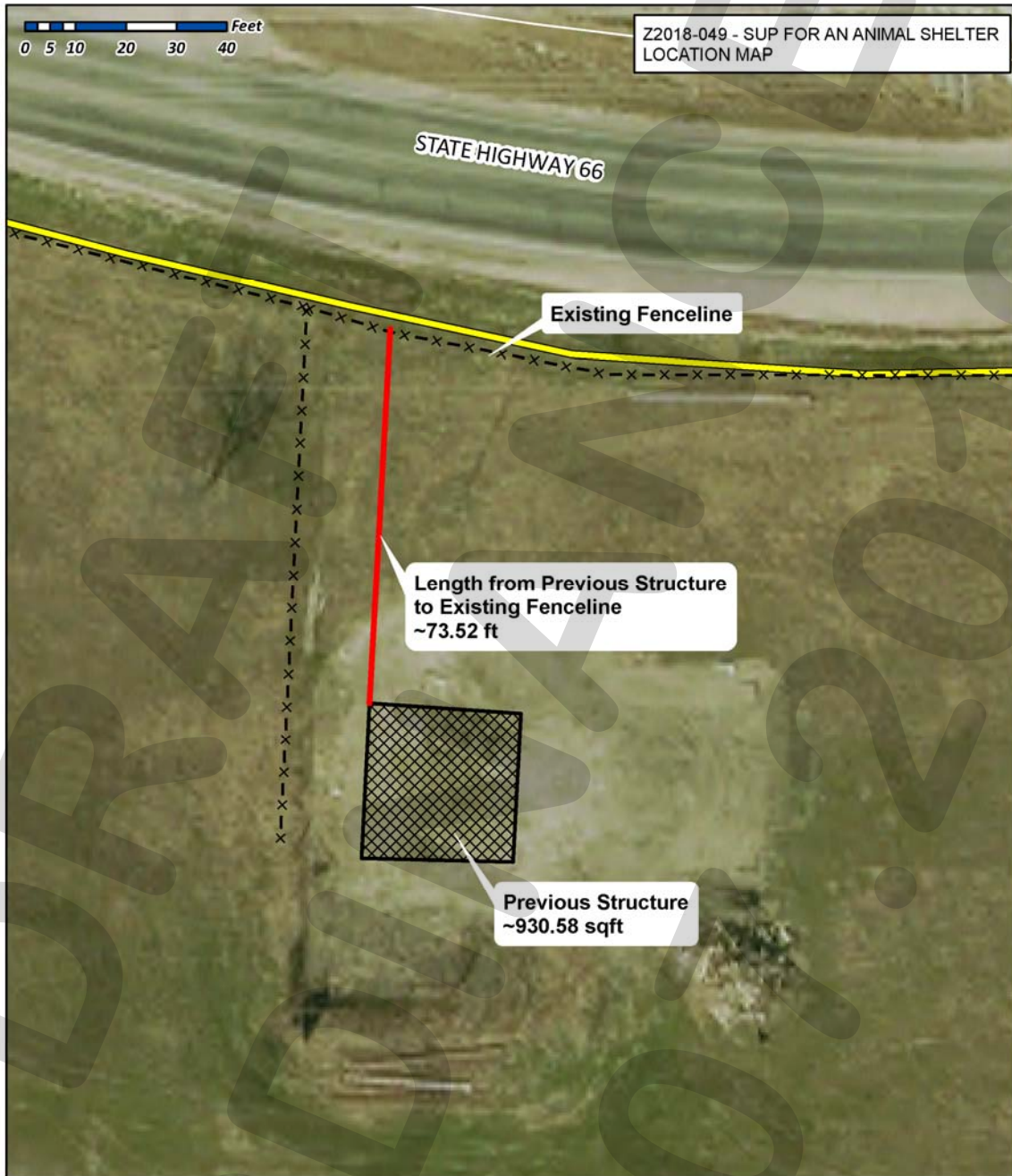


Exhibit 'B':
Animal Shelter – Elevations



**Exhibit 'C':
Site Plan**



City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75032
(P): (972) 771-7745
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Exhibit 'D';
Building Locations to be Removed

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



CITY OF ROCKWALL CITY COUNCIL MEMO

AGENDA DATE: 12/17/2018

APPLICANT: Mike Peoples

AGENDA ITEM: **Z2018-049**; *SUP for an Animal Shelter at 1700 E. SH-66*

SUMMARY:

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

BACKGROUND:

On October 24, 2018, the building inspections department proactively recognized a structure (*i.e. animal shelter*) being constructed without a permit on the *subject property*. The building inspections department then proceeded to confer with planning staff regarding the requirements for building a structure on the *subject property*. During this meeting, additional structures were found to exist based on aerial images dating back to the year 2013. These images depict two (2) structures that have been built without a permit. The aerial image indicates that one (1) of these structures lies within the designated 100-year flood plain. The other structure is a detached garage that has been enlarged on at least two (2) separate occasions. City records indicate that no permits were requested for the construction of either of these structures. Subsequently, a *Stop Work Order* was issued on October 25, 2018 for the *animal shelter* for the purpose of obtaining a building permit. Staff contacted Mr. Peoples and advised him that a Specific Use Permit (SUP) is also required in order to complete construction of the *animal shelter*. On November 6, 2018, Mr. Peoples applied for a building permit, and subsequently submitted an application for the SUP for the *animal shelter* use on November 19, 2018. The photos included with this case were taken from SH-66 by the building inspections department. It should be know that staff has made several requests for the applicant to provide photos of these structures and a survey that would locate the structures on this site. As of the date of this report, staff has not received either of these items.

PURPOSE AND CHARACTERISTICS OF THE REQUEST:

The applicant, Mike Peoples is requesting the approval of a Specific Use Permit (SUP) to allow for an *animal shelter* as stipulated by Article VI, *Permissible Uses*, of the Unified Development Code (UDC). The ~2,720 SF [*i.e. 40-ft x 68-ft*] metal structure stands approximately 15-feet in height and is situated north of the primary structure, adjacent to SH-66. The *animal shelter* is to be used for the purpose of providing shelter for the animals on the *subject property*. As was noted above, there are two (2) existing accessory buildings on the *subject property* that have been built without a permit and one (1) that lies within the designated 100-year flood plain. This structure is required to be demolished and has been added as a condition of approval of the SUP. The other structure is a detached garage that is being considered for a Specific Use Permit (SUP) concurrently with this request [*i.e. Case No. Z2018-053*].

According to *Section 2*, of Article V, *Agricultural (AG) District* of the *Unified Development Code* (UDC), farming and ranching-related activities and accessory uses on more than ten (10)-acres

are permitted uses within an Agricultural (AG) District; however, an animal shelter requires the approval of a Specific Use Permit (SUP). Approval of a SUP is discretionary for the City Council.

ADJACENT LAND USES AND ACCESS:

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

North: Directly north of the subject property is SH-66, which is a TXDOT 4D (*four [4] lane TXDOT Roadway*) on the City's Master Thoroughfare Plan. Beyond this are several tracts of land that are zone Agricultural (AG) District.

South: Directly south of the subject property are two (2) tracts of land zoned Agricultural (AG) District, with the south and east tract owned by the City of Rockwall and is known as the Regional Firearms Training Center.

East: Directly east of the subject property are several tracts of land that are zone Agricultural (AG) District and one property zoned Single-Family 1 (SF-1) District. The majority of these properties have single-family homes.

West: Directly west of the subject property is the City of Rockwall Municipal Airports runway and is zoned Agricultural (AG) District.

NOTIFICATION:

On November 30, 2018 staff mailed 33 notices to property owners and residents within 500-feet of the subject property. Staff also notified the Rolling Meadows Homeowner's Association (HOA), which is the only HOA's/Neighborhood Organization that is within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property as required by the UDC. At the time this case memo was drafted staff had received three (3) notices in favor of and one (1) opposed to the applicant's request.

RECOMMENDATIONS:

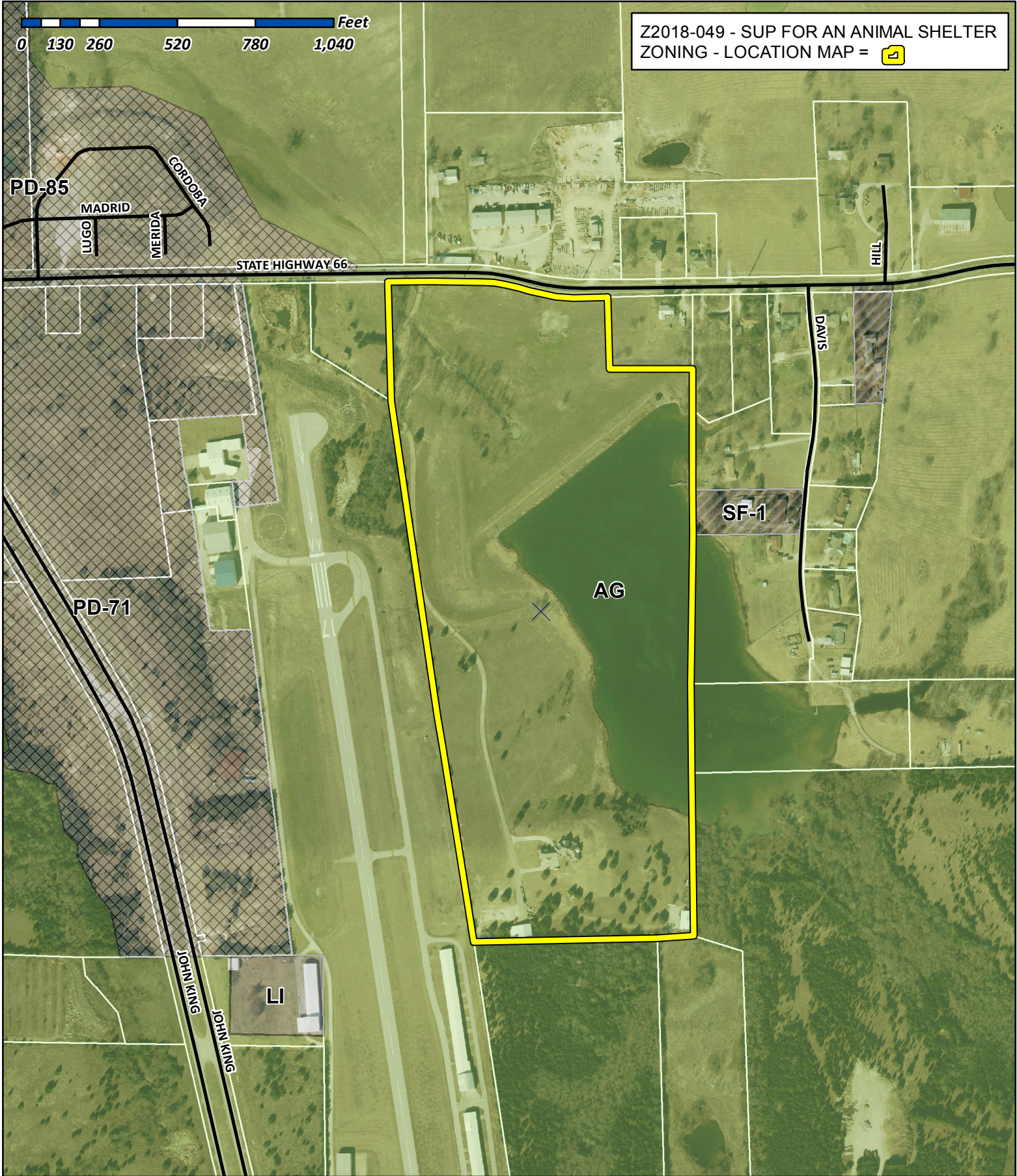
Should the Planning and Zoning Commission choose to recommend approval of the applicant's request, staff would offer the following conditions of approval:

- 1) The animal shelter shall be subject to the following operational conditions, which are contained in the SUP ordinance:
 - a. The animal shelter structure shall generally conform to the elevations and site plan depicted in *Exhibits 'B' & 'C'* of the draft ordinance;
 - b. The animal shelter structure shall not exceed its current size of approximately 2,720 SF or an approximate height of 15-feet;
 - c. The existing accessory building located within the flood plain of this property, as depicted in *Exhibit 'D'* of the draft ordinance, shall be removed prior to the release of the building permit and/or construction of the animal shelter structure;
 - d. The animal shelter structure shall not be operated as a commercial land use;
 - e. A detention system is required for the addition of structures on the subject property per the Engineering Standards of Design; and,

- f. The animal shelter structure is subject to administrative review in the event that the *subject property* is sold, conveyed or altered in any manner.
- 2) Any construction or building necessary to complete this request must conform to the requirements set forth by the *UDC*, the *International Building Code*, 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 RECOMMENDATION:

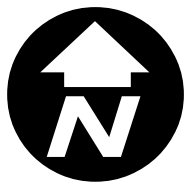
On December 11, 2018, the Planning and Zoning Commission's motion to recommend approval of the SUP to allow for an animal shelter on the subject property with staff conditions passed by a vote of 5 to 1 with Commissioner Chodun dissenting and Commissioner Moeller absent.

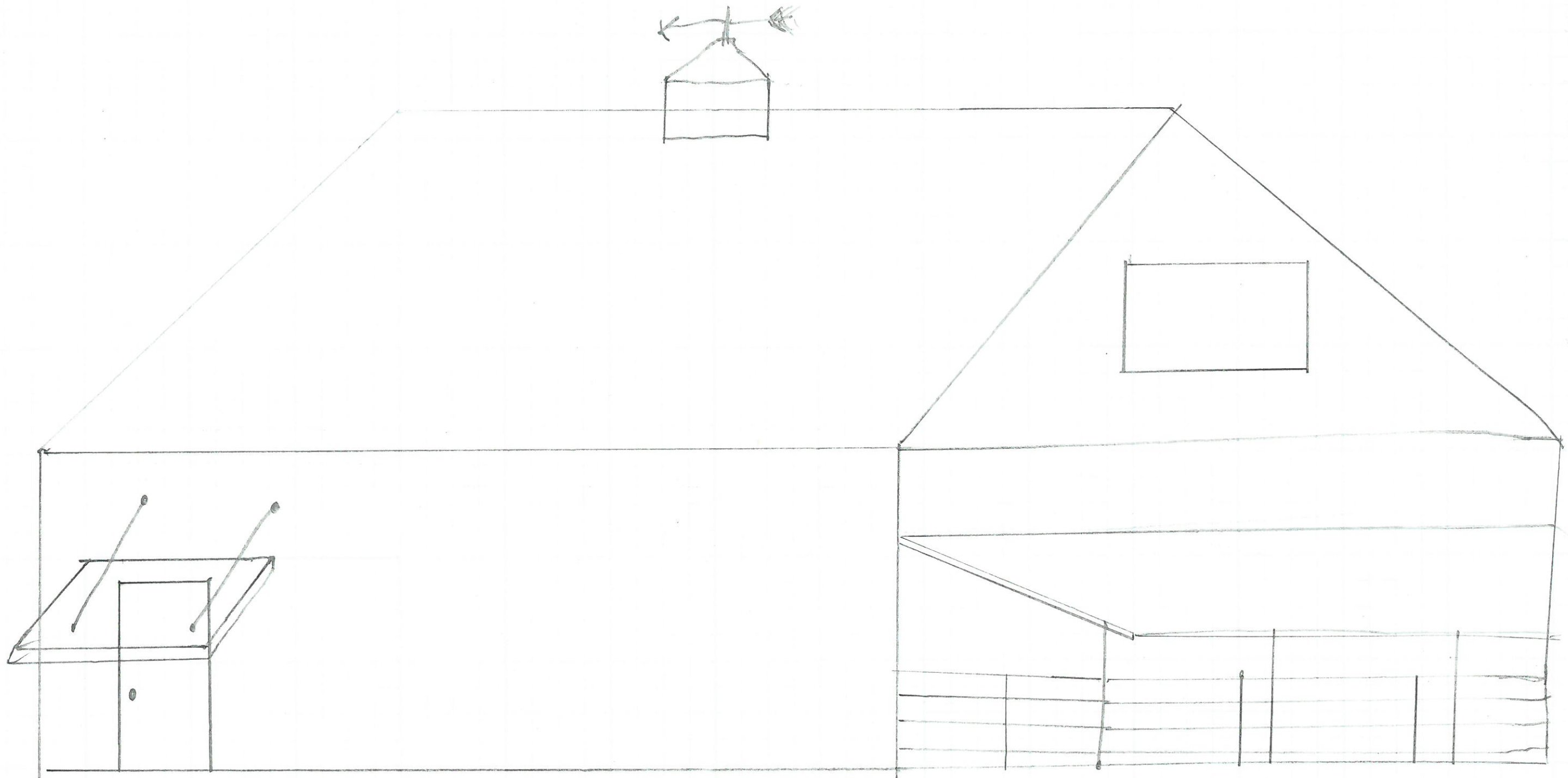


City of Rockwall

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.





Hwy 66 side

North Facing Elevation


City of Rockwall
BUILDING INSPECTION DEPARTMENT
1000 W. STATE ST.
ROCKWALL, TX 75087

STOP WORK ORDER

YOU ARE IN VIOLATION OF THE FOLLOWING ORDINANCES:
CITY OF ROCKWALL 2018 INTERNATIONAL RESIDENTIAL CODES
AND 2018 IBC DEVELOPMENT CODE

WORK IS BEING STOPPED IN VIOLATION OF THE CITY OF
ROCKWALL ADAPTIVE CODES
AND MUST BE STOPPED IMMEDIATELY

ISSUED BY: _____











Existing Structure that will be removed.

10/25/2018, 3:44:54 PM 1:1,128



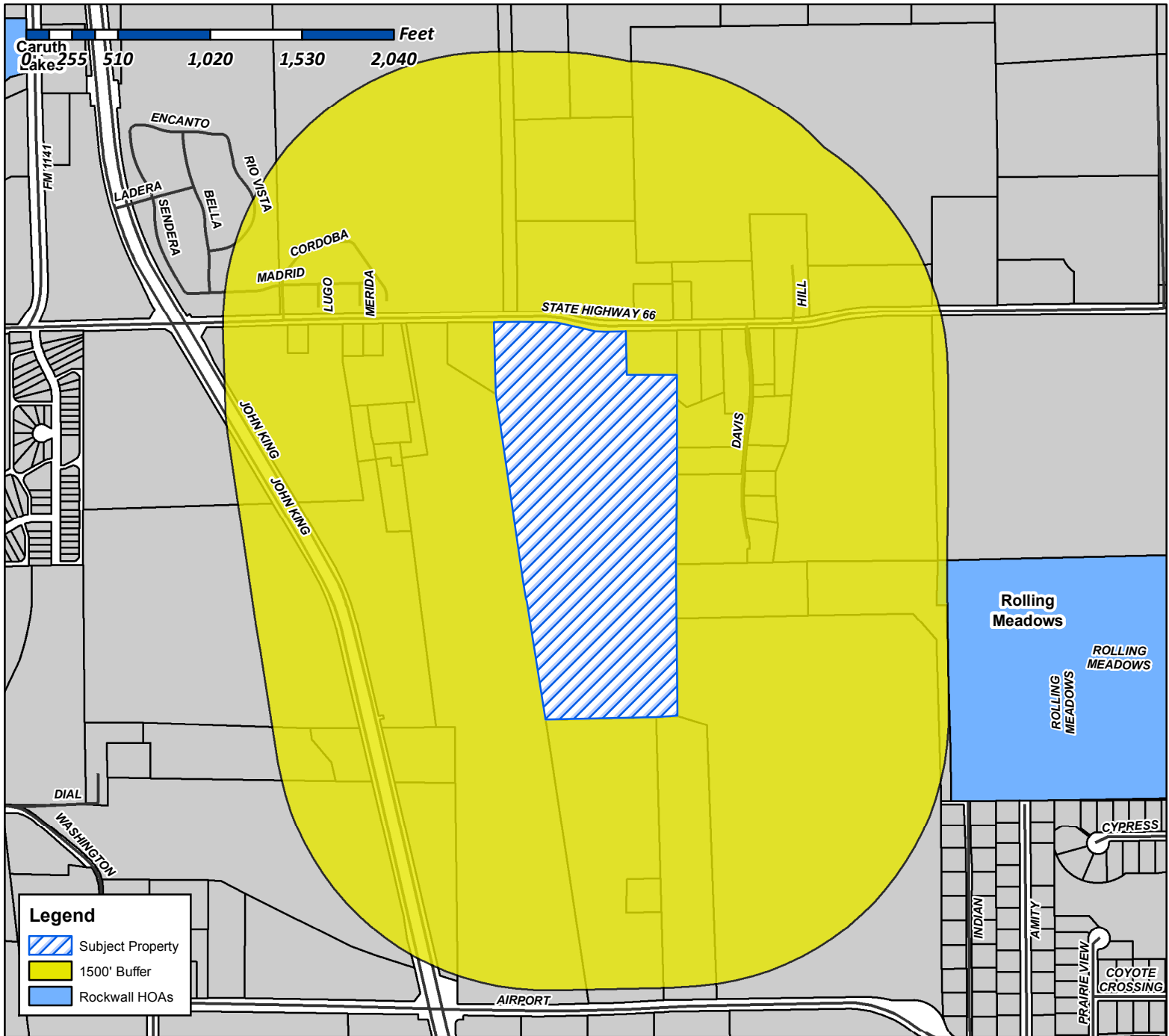
Thank you for using the
City of Rockwall
GIS INTERACTIVE MAPPING SITE
The data represented on this map was obtained with the best methods available. Data is supplied from various sources and accuracy may be out of the City of Rockwall's control. The verification of accuracy and / or content lies entirely with the end user. The City of Rockwall does not guarantee the accuracy of contained information. All information is provided "As Is" with no warranty being made, either expressed or implied.



City of Rockwall

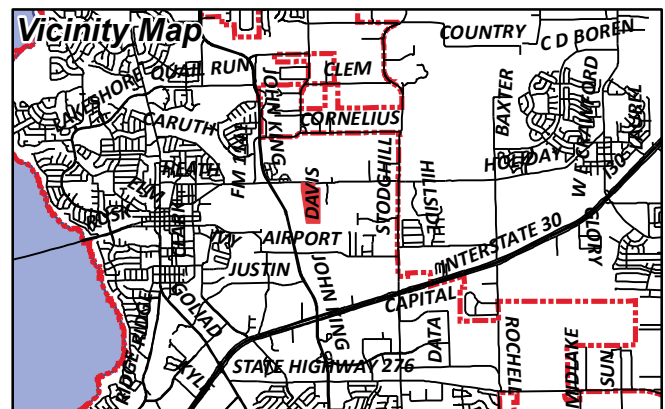
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

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Case Number: Z2018-049
Case Name: SUP for an Animal Shelter
Case Type: Zoning
Zoning: Agricultural (AG) District
Case Address: 1700 E. SH-66

Date Created: 11/14/2018
For Questions on this Case Call (972) 771-7745



Gonzales, David

From: Morales, Laura
Sent: Friday, November 30, 2018 12:34 PM
To: [REDACTED]
Cc: Miller, Ryan; Gonzales, David; Brooks, Korey; Madubuike, Daniella
Subject: Neighborhood Noification Program: Notice of zoning request
Attachments: HOA Notification Map (11.14.2018).pdf

To whom it may concern:

Per your participation in the Neighborhood Notification Program, you are receiving this notification to inform your organization and residents of a request for a zoning change that lies within 1,500 feet of the boundaries of your neighborhood or subdivision. As the primary contact for the organization, you are encouraged to share this information with the residents of your subdivision. Please find attached a map detailing the location of the subject property requesting the zoning change in relation to your subdivision boundaries. Additionally, below is a summary of the zoning request that was published in the Rockwall Herald Banner **November 30, 2018**. The Planning and Zoning Commission will hold a public hearing on **Tuesday 12/11/2018 at 6:00 p.m.**, and the City Council will hold a public hearing on **Monday, 12/17/2018 at 6:00 p.m.** These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street. If you have any questions or comments regarding this request, the contact information for the Planning Department is listed below. Additional information can also be found at

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

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

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

Sincerely,

Laura Morales

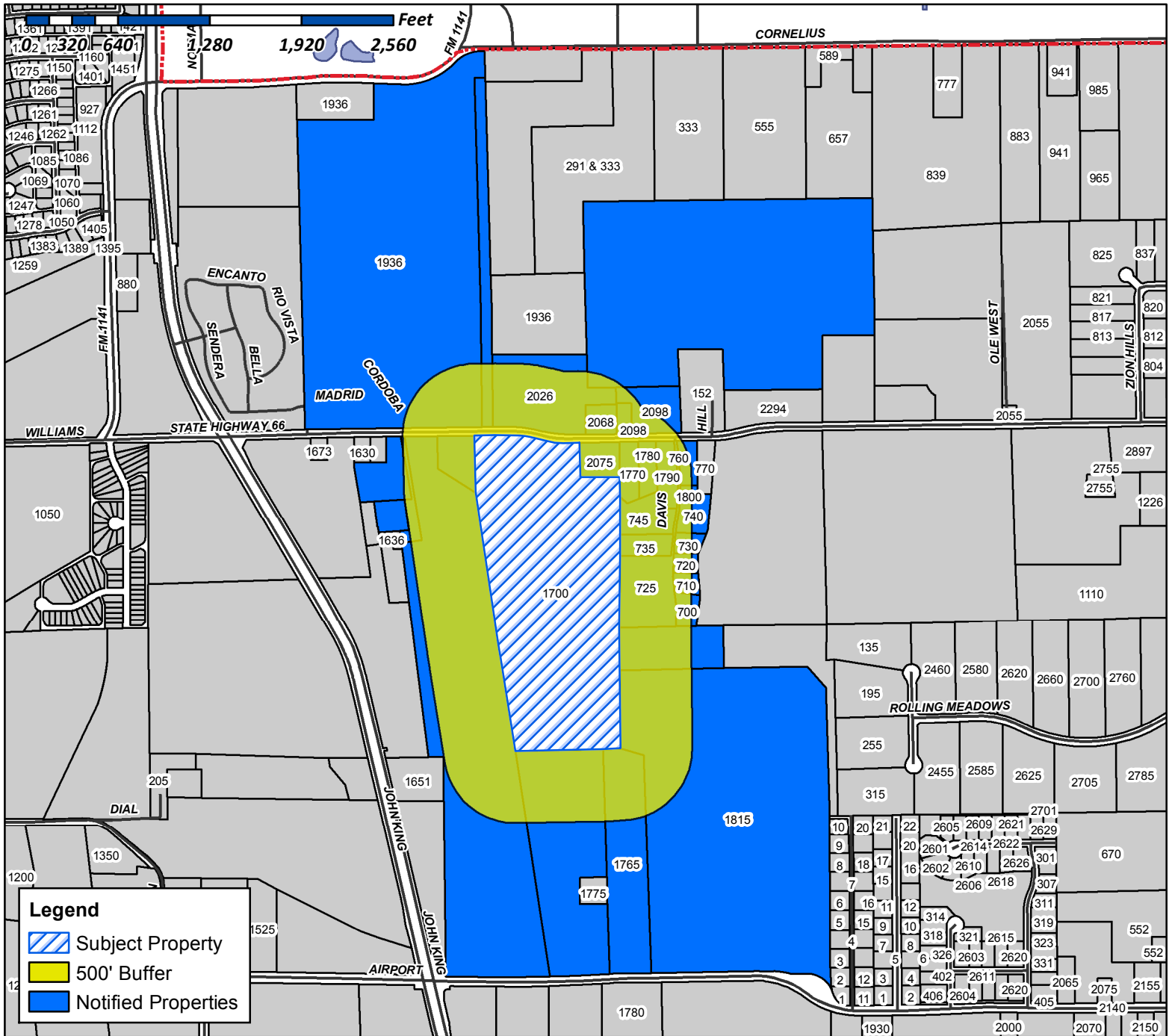
Planning & Zoning Coordinator
City of Rockwall Planning & Zoning Department
972-771-7745 | 972-772-6438
Lmorales@rockwall.com | <http://www.rockwall.com/planning/>



City of Rockwall

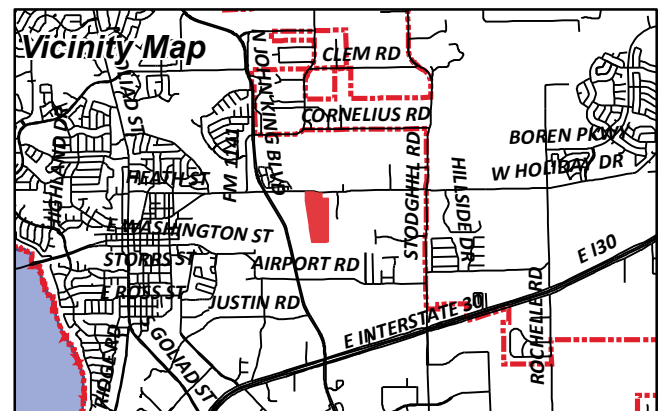
Planning & Zoning Department
385 S. Goliad Street
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(P): (972) 771-7745
(W): www.rockwall.com

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Case Number: Z2018-049
Case Name: SUP for an Animal Shelter
Case Type: Zoning
Zoning: Agricultural (AG) District
Case Address: 1700 E. SH-66

Date Created: 11/14/2018
For Questions on this Case Call (972) 771-7745





NOTICE OF PUBLIC HEARING

CITY OF ROCKWALL, PLANNING & ZONING DEPARTMENT

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

To Whom It May Concern:

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

Case No. Z2018-049: SUP for an Animal Shelter

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

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on **Tuesday, 12/11/2018 at 6:00 p.m.**, and the City Council will hold a public hearing on **Monday, 12/17/2018 at 6:00 p.m.** These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

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

David Gonzales
Rockwall Planning and Zoning Dept.
385 S. Goliad Street
Rockwall, TX 75087

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

Your comments must be received by **12/17/2018** to ensure they are included in the information provided to the City Council.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning

MORE INFORMATION ON THIS CASE CAN BE FOUND ON THE CITY'S WEBSITE: [HTTPS://SITES.GOOGLE.COM/SITE/ROCKWALLPLANNING/DEVELOPMENT-CASES](https://sites.google.com/site/rockwallplanning/development-cases)

PLEASE RETURN THE BELOW FORM

Case No. Z2018-049: SUP for an Animal Shelter

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. Z2018-049: SUP for an Animal Shelter

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.

42.66 TRACT OF LAND

Name:

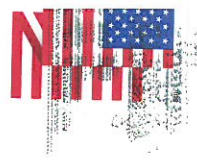
Bill K. Ryan

Address:

330 W2 ER 2207 CANTON, TX 75103

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





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

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

To Whom It May Concern:

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

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

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Director of Planning & Zoning

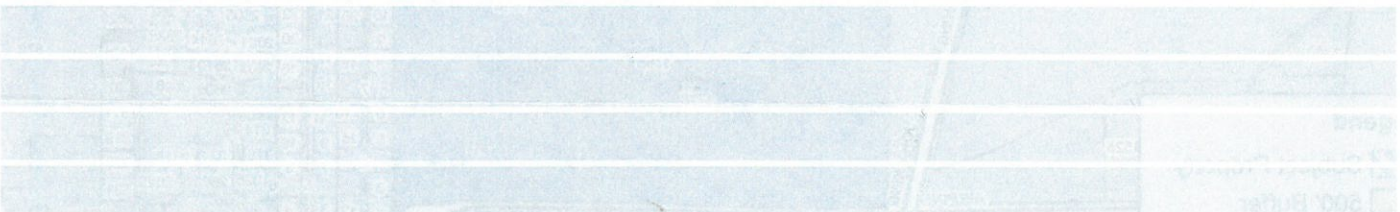
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PLEASE RETURN THE BELOW FORM

Case No. Z2018-049: SUP for an Animal Shelter

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: MARK DAILEY

Address: 730 DAVIS 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.

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

PLEASE RETURN THE BELOW FORM

Case No. Z2018-049: SUP for an Animal Shelter

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:

Mike Peoples
PO Box 41 Rockwall, TX 75087

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

Notice of Public Hearing • City of Rockwall • 385 South Goliad Street • Rockwall, TX 75087 • [P] (972) 771-7745 • [F] (972) 771-7748





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

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

To Whom It May Concern:

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

Case No. Z2018-049: SUP for an Animal Shelter

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

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**David Gonzales
Rockwall Planning and Zoning Dept.
385 S. Goliad Street
Rockwall, TX 75087**

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

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Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning

MORE INFORMATION ON THIS CASE CAN BE FOUND ON THE CITY'S WEBSITE: [HTTPS://SITES.GOOGLE.COM/SITE/ROCKWALLPLANNING/DEVELOPMENT-CASES](https://sites.google.com/site/rockwallplanning/development-cases)

PLEASE RETURN THE BELOW FORM

Case No. Z2018-049: SUP for an Animal Shelter

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.

Smell

Name:

Judy Collier

Address:

1780 Williams

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

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

CURRENT RESIDENT
1765 AIRPORT RD
ROCKWALL, TX 75087

CURRENT RESIDENT
1770 E HWY66
ROCKWALL, TX 75087

ATHEY JACK R
1780 AIRPORT RD
ROCKWALL, TX 75087

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

CURRENT RESIDENT
1790 WILLIAMS ST
ROCKWALL, TX 75087

CURRENT RESIDENT
1800 WILLIAMS ST
ROCKWALL, TX 75087

CURRENT RESIDENT
1815 AIRPORT RD
ROCKWALL, TX 75087

CURRENT RESIDENT
1936 HWY 66
ROCKWALL, TX 75087

CURRENT RESIDENT
2026 HWY 66
ROCKWALL, TX 75087

EDWARDS VINCENT & RITA
2068 STATE HIGHWAY 66
ROCKWALL, TX 75087

CURRENT RESIDENT
2075 WILLIAMS
ROCKWALL, TX 75087

CURRENT RESIDENT
2098 HWY66
ROCKWALL, TX 75087

BROWNING CAROLYN ESTATE
RITA EDWARDS INDEPENDENT EXECUTOR
2098 S HWY 66
ROCKWALL, TX 75087

CLARK TROY AND JANICE
3025 N GOLIAD ST
ROCKWALL, TX 75087

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

CUMMINGS JOHN & LORI
308 STONEBRIDGE DR
ROCKWALL, TX 75087

RYAN WILLIAM K
330 VZ CR 2207
CANTON, TX 75103

DAVIS WILLIAM PAUL JR
510 TURTLE COVE BLVD 0
ROCKWALL, TX 75087

SELLERS DONYA BEATRICE
700 DAVIS DR
ROCKWALL, TX 75087

TOMLIN MICHAEL E JR & DONYA B
700 DAVIS DR
ROCKWALL, TX 75087

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

MOCK BRUCE W & MARILYN J
720 DAVIS DR
ROCKWALL, TX 75087

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

DAILEY MARK L
730 DAVIS DR
ROCKWALL, TX 75087

BANUELOS SHERRI L
735 DAVIS DR
ROCKWALL, TX 75087

RINKEVICH JOSEPH W & MARY ANN C TRUSTEES
740 DAVIS DR
ROCKWALL, TX 75087

CURRENT RESIDENT
745 DAVIS DR
ROCKWALL, TX 75087

CURRENT RESIDENT
760 DAVIS DR
ROCKWALL, TX 75087

CAIN FAMILY PARTNERSHIP LTD
PO BOX 1119
ROCKWALL, TX 75087

PEOPLES BILLY W
PO BOX 35
ROCKWALL, TX 75087

PEOPLES MIKE L
PO BOX 41
ROCKWALL, TX 75087

RAINES SHERYL
PO BOX 412
ROCKWALL, TX 75087

CITY OF ROCKWALL

ORDINANCE NO. 19-XX

SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ANIMAL SHELTER ON A 42.66-ACRE TRACT OF LAND ZONED AGRICULTURAL (AG) DISTRICT, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a request has been made by Mike Peoples for the approval of a Specific Use Permit (SUP) for the purpose of allowing a previously constructed animal shelter, situated on a 42.66-acre tract of land, zoned Agricultural (AG) District, and being identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, addressed 1700 E. SH-66, and being more specifically depicted in Exhibit 'A' of this ordinance, which herein after shall be referred to as the *Subject Property* incorporated by reference herein; and

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

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

SECTION 1. That the Unified Development Code (UDC) [Ordinance No. 04-38] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing for the construction of an animal shelter structure within an Agricultural (AG) District as stipulated by Article IV, *Permissible Uses*, and Article V, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 04-38] on the *Subject Property*; and

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

2.1 OPERATIONAL CONDITIONS

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

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

2.2 COMPLIANCE

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

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

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

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

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

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

ordinance shall remain in full force and effect.

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

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 7TH DAY OF JANUARY, 2019.**

Jim Pruitt, *Mayor*

ATTEST:

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: December 17, 2018

2nd Reading: January 7, 2019

Exhibit 'A':
Legal Description and Property Location

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

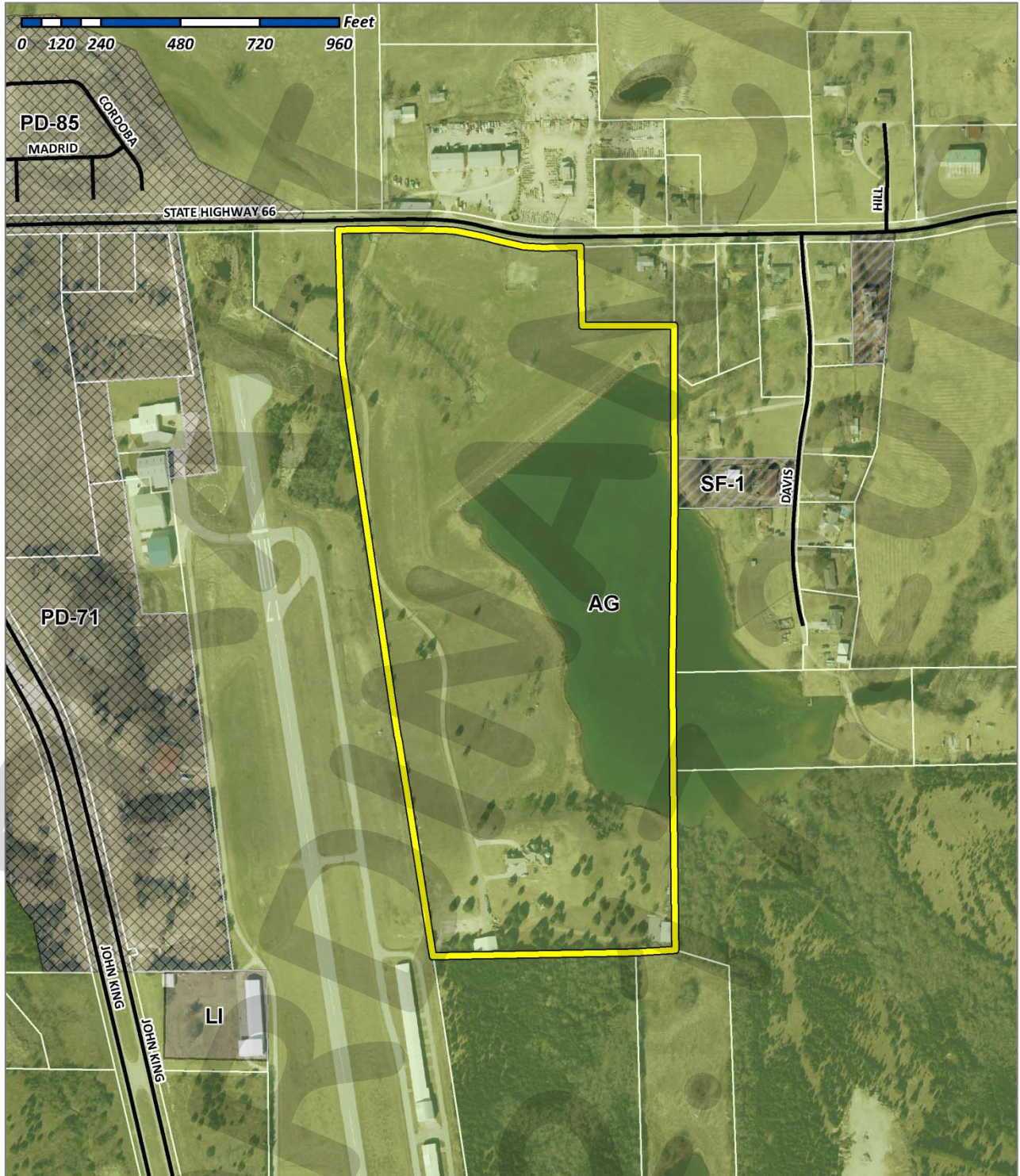
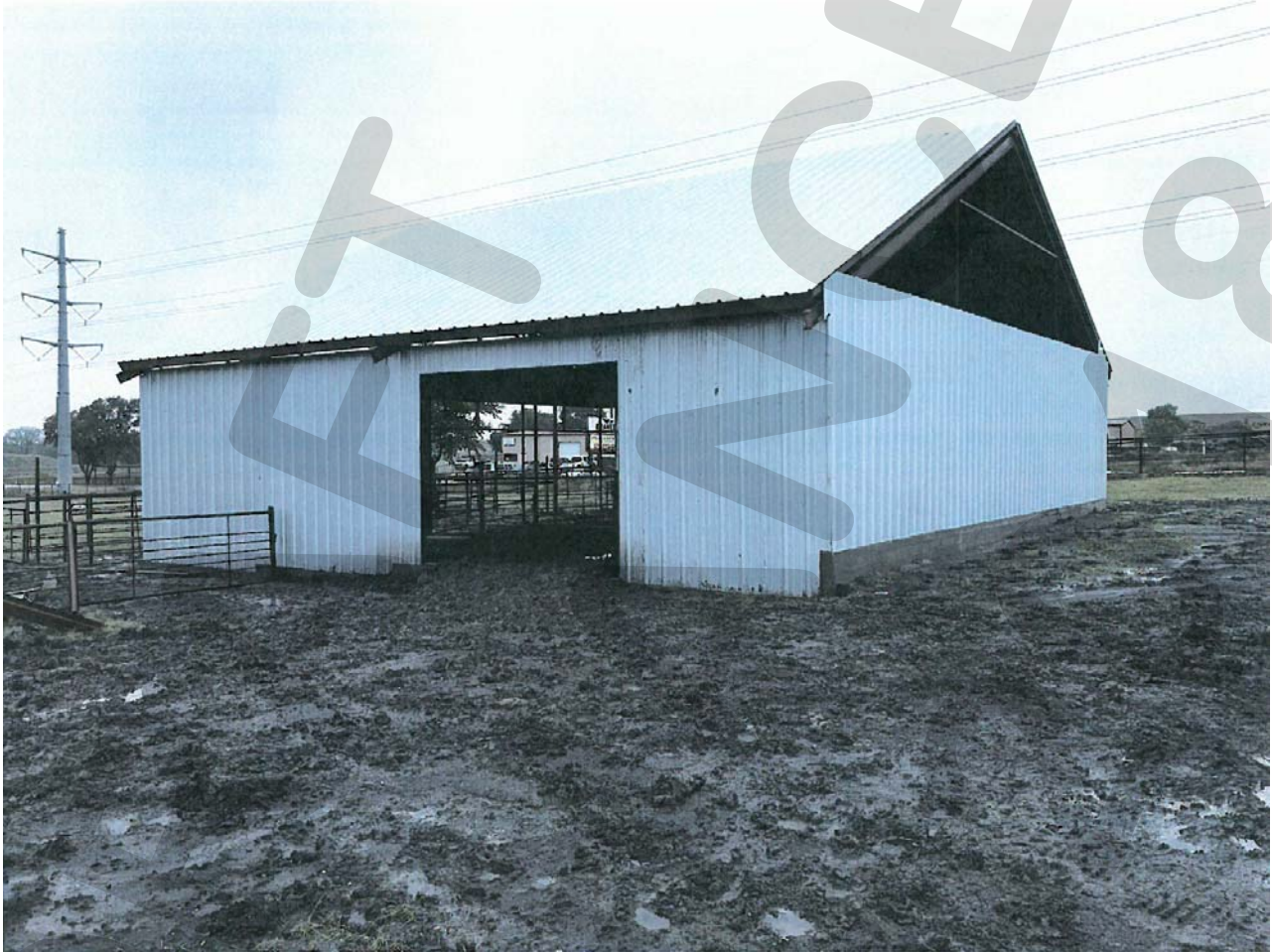
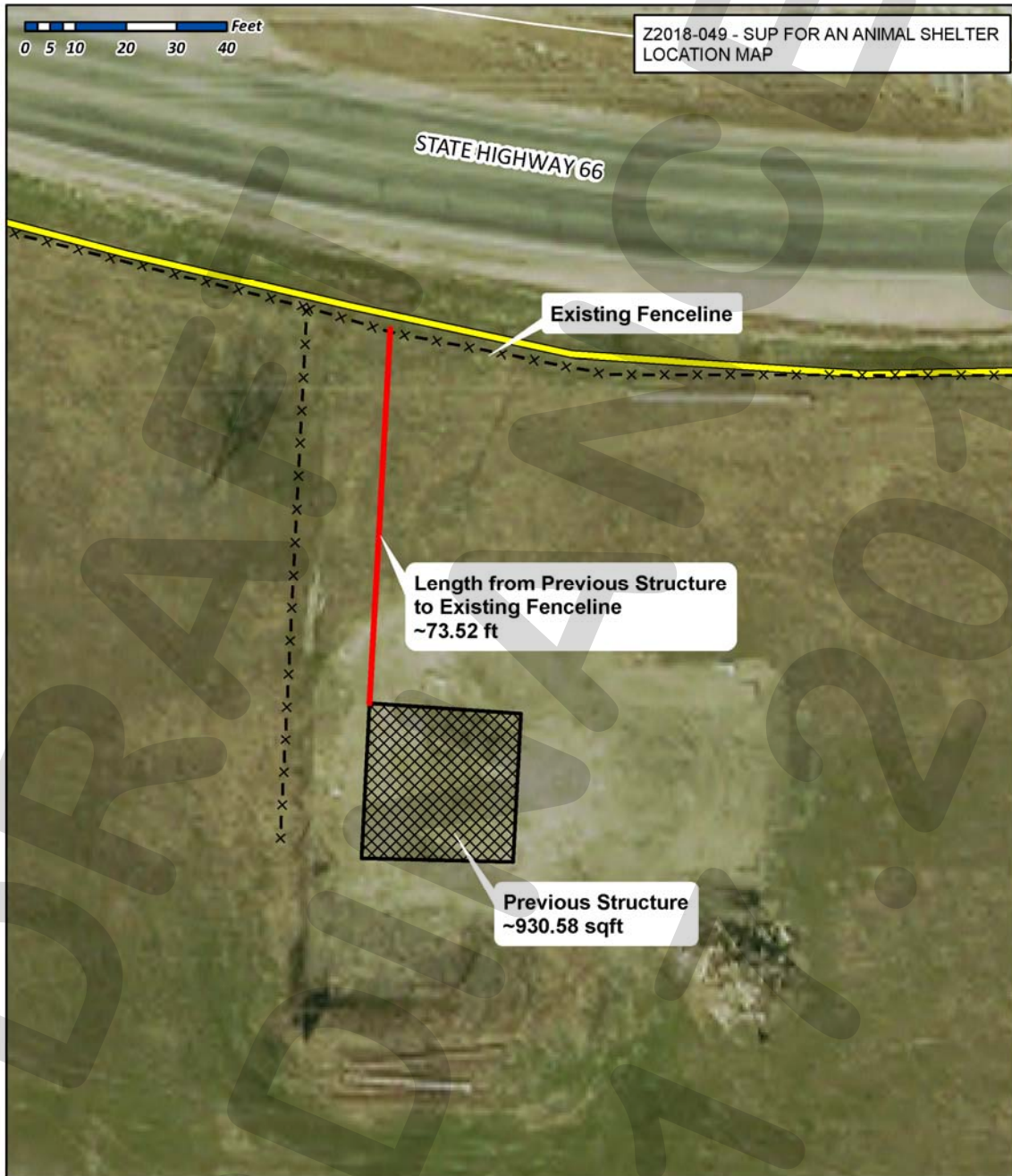


Exhibit 'B':
Animal Shelter – Elevations



**Exhibit 'C':
Site Plan**



City of Rockwall

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

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Exhibit 'D':
Accessory Building that will be Removed



CITY OF ROCKWALL

ORDINANCE NO. 19-06

SPECIFIC USE PERMIT NO. S-204

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ANIMAL SHELTER ON A 42.66-ACRE TRACT OF LAND ZONED AGRICULTURAL (AG) DISTRICT, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a request has been made by Mike Peoples for the approval of a Specific Use Permit (SUP) for the purpose of allowing a previously constructed animal shelter, situated on a 42.66-acre tract of land, zoned Agricultural (AG) District, and being identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, addressed 1700 E. SH-66, and being more specifically depicted in Exhibit 'A' of this ordinance, which herein after shall be referred to as the *Subject Property* incorporated by reference herein; and

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

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

SECTION 1. That the Unified Development Code (UDC) [*Ordinance No. 04-38*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing for the construction of an animal shelter structure within an Agricultural (AG) District as stipulated by Article IV, *Permissible Uses*, and Article V, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 04-38*] on the *Subject Property*; and

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

2.1 OPERATIONAL CONDITIONS

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

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

2.2 COMPLIANCE

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

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

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

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

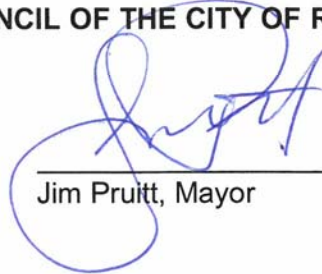
SECTION 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS (\$2,000.00)* for each offence and each and every day such offense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

SECTION 6. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged

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

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

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 22ND DAY OF JANUARY, 2019.**



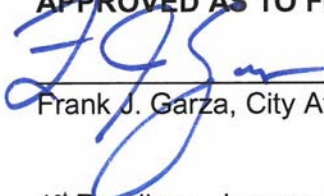
Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: January 7, 2019

2nd Reading: January 22, 2019

Exhibit 'A':
Legal Description and Property Location

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

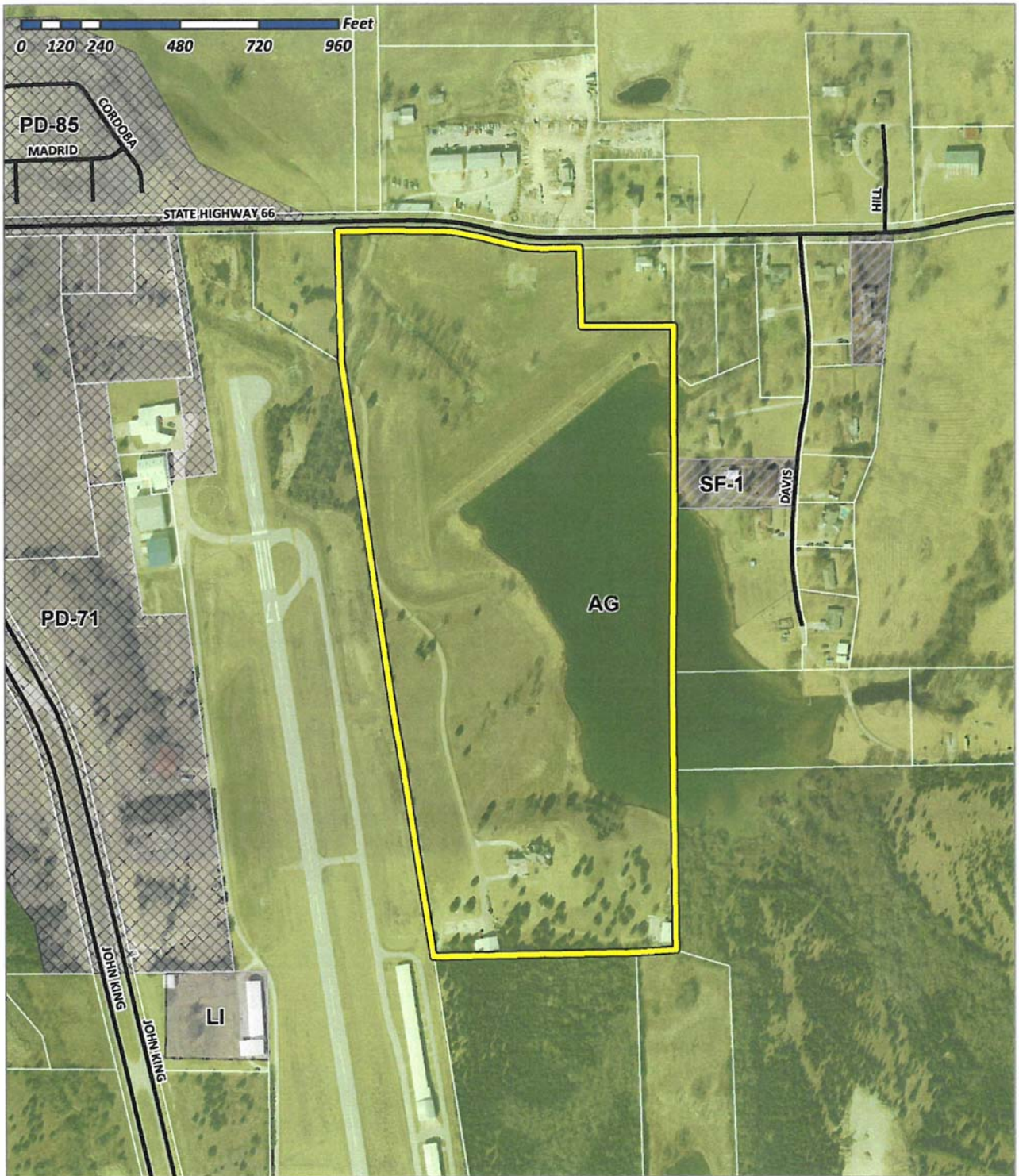
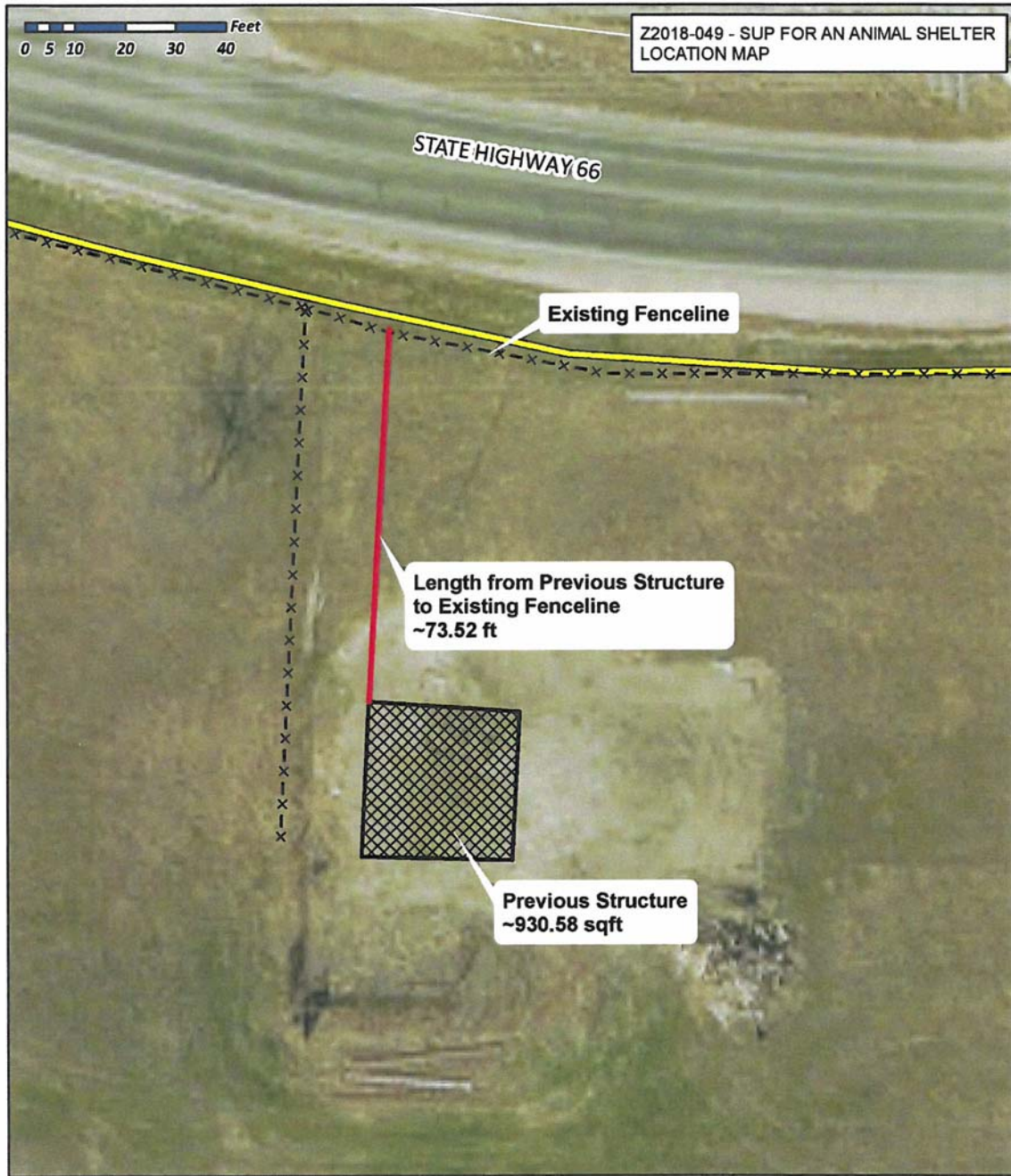


Exhibit 'B':
Animal Shelter – Elevations



Exhibit 'C':
Site Plan



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Exhibit 'D';
Building Locations to be Removed

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





January 30, 2019

ATTN: MIKE PEOPLES
MIE PEOPLES
1700 E. STATE HIGHWAY 66,
ROCKWALL, TX 75087

RE: SUP ZONING (Z2018-049), SUP for an Animal Shelter

Dear Applicant:

This letter serves to notify you that the above referenced case that you submitted before the City of Rockwall was approved by City Council on 01/22/2019 via Ordinance No. 19-06. The following is a record of all recommendations, voting records and conditions of approval:

RECOMMENDATIONS:

Should the City Council choose to approve the applicant's request, staff would offer the following conditions of approval:

1) *The animal shelter shall be subject to the following operational conditions, which are contained in the SUP ordinance:*

a. *The animal shelter structure shall generally conform to the elevations and site plan depicted in Exhibits 'B' & 'C' of the draft ordinance;*

b. *The animal shelter structure shall not exceed its current size of approximately 2,720 SF or an approximate height of 15-feet;*

c. *The existing accessory building located within the flood plain of this property, as depicted in Exhibit 'D' of the draft ordinance, shall be removed prior to the release of the building permit and/or construction of the animal shelter structure;*

d. *The animal shelter structure shall not be operated as a commercial land use;*

e. *A detention system is required for the addition of structures on the subject property per the Engineering Standards of Design; and,*

f. *The animal shelter structure is subject to administrative review in the event that the subject property is sold, conveyed or altered in any manner.*

2) *Any construction or building necessary to complete this request must conform to the requirements set forth by the UDC, the International Building Code, 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 RECOMMENDATION:

On December 11, 2018, the Planning and Zoning Commission's motion to recommend approval of the SUP to allow for an animal shelter on the subject property with staff conditions passed by a vote of 5 to 1 with Commissioner Chodun dissenting and Commissioner Moeller absent.

CITY COUNCIL:

On December 17, 2018, the City Council's motion to table the SUP request for the purpose of having the applicant provide a schedule for the completion of the animal shelter passed by a vote of 7 to 0.

On January 7, 2019, the City Council approved a motion to allow the animal shelter with staff conditions and includes an additional condition that the two (2) structures identified as a) one being located in the floodplain and b) the detached garage are to be removed within six months from the date of approval of this SUP, and that no work will be allowed to continue on the animal shelter until such structures have been removed. The motion passed by a vote of 7-0 [1st Reading].

On January 22, 2019, the City Council's motion to approve the SUP to allow the animal shelter with staff conditions passed by a vote of 6 to 0 with Council Member Trowbridge absent [2nd Reading].

Please contact the City of Rockwall Planning staff at (972) 771-7745 with any questions or concerns regarding this matter.

Sincerely,



David Gonzales, AICP

Planning Manager
Planning & Zoning Department
City of Rockwall, TX