



1189 Waters Edge Drive  
Rockwall, TX 75087

April 4, 2020

Mr. Ryan Miller  
City of Rockwall  
385 S. Goliad Street  
Rockwall, TX 75087

RE: Request for Variance to Underground Ordinance, Northgate Development

Mr. Miller:

I am writing in request of an appointment with recommendation to council at the April 14<sup>th</sup> 2020 Planning and Zoning meeting to be held in the City of Rockwall Council Chambers.

Since approval in July of 2019, the Northgate development team has been diligently moving toward an engineering approval and ground breaking in the next few weeks. We have worked to overcome a number of hurdles and unforeseen issues and worked directly with our engineer, Rockwall City Staff and Engineering to finalize everything.

We strive to conform to the applicable development code as closely as possible but there is one issue that we are struggling to overcome. I would like to request a variance to the overhead service line requirements. The requirement would require the lines as shown in yellow on the Exhibit "A" to be buried. While this is normally a pretty straight forward issue, in this case the answer is not as simple as placing the lines underground. This particular line services an area that far exceeds the boundaries of the Northgate Development. The line serves approximately 12 rural properties located within the city limits. These areas are highlighted in green on the attached Exhibit "B".

Exhibit "B" shows the areas that are currently served by the existing line. To bury this line would require a significant amount of infrastructure work to be completed outside the realm of the property that is currently being developed for the Northgate Subdivision. These improvements would require several additional offsite easements, the placement of 2 large switch gears, and the addition of several thousand feet of buried wires in order to facilitate all



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existing houses continued to be served by existing overhead service while maintaining a buried line along the perimeter of the property.

All interior lots will be serviced by an underground with service being looped through the develop from the existing lines along Clem road and looping back around to the lines on the Southeastern portion of the development. There is no issue with providing the interior lots as it will be a direct feed being supplied of the existing lines.

I request a variance to allow the existing overhead lines along Clem Road to remain in place while still adhering to the development ordinance for underground service for all new interior lots of the development. I understand the spirit and intention behind this ordinance, however the improvements and easements needed to service the areas as shown in Exhibit "B" amount to an unsurmountable cost for our project.

Additionally, if granted this variance, Northgate is willing to pave the 20' street section detail improving Clem Road as well as improvements along the frontage of the existing single family residence located along the Southern portion of Clem Road. This additional paving would be subject to the owner dedicated the required 30' of Right of Way as Northgate is also doing.

Allowing for a waiver to the city's requirement to bury the existing overhead powerline would make developing the Northgate property feasible. I want to be clear that all facilities located within the Northgate development shall be underground as required. The only overhead line would be the existing lines along Clem Road.

I thank you for your continued support to bring this development to the City of Rockwall with large estate lots. I look forward to discussing this request at the April 14<sup>th</sup> 2020 Planning and Zoning Meeting.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ryan Joyce', written over a light blue horizontal line.

Ryan Joyce

Michael Joyce Properties

Exhibit "A"





1189 Waters Edge Drive  
Rockwall, TX 75087

### Exhibit "B"



4-13-2020

To: Rockwall Planning and Zoning Commission

From: Shaun Chronister; Manager of Engineering at Farmers Electric Cooperative

Northgate Development in Rockwall, TX

### Background

Farmers Electric Cooperative was tasked with preparing a proposal for the electric service of property information number (PIN) 10673 being approximately 62 acres in the City of Rockwall. The property is stationed at the corner of FM 3549 (Stodghill Rd) and Clem Rd. The proposed development is to be named Northgate and will consist of forty approximately one to two acre lots. During the engineering review the City of Rockwall informed developer Ryan Joyce that the existing overhead powerline running along the northside of the proposed development would have to be buried in conformance with city ordinance.

### Purpose

The objective of this memorandum is to clarify the issues with burying the existing overhead line along Clem Rd from Farmers Electric Cooperatives' perspective. The first and largest issue is the potential development of the properties West of the proposed Northgate development. There are a handful of 20-acre properties on the southside of Clem Rd that could be combined into a large enough parcel(s) to be developed. Also, PIN 10941 being approximately 101 acres on the northside of Clem Rd will likely develop in the future. Because the repair of unground primary cable failures is complicated and time-consuming loop systems must be implemented. This allows for the failed cable to be isolated and service restored while the failed cable is replaced. Also, taps off underground primary cable require switchgear. Switchgear must be installed adjacent to a manhole and cannot be installed without deenergizing the cable. It is not possible to design a looped underground electric system for all the properties in this area because we simply have no idea how or when these properties may or may not be developed. Farmers EC would likely end up with a radial/one-way underground feed that would result in undesirable outages of long duration due to equipment installations for new taps or possible cable failures. We simply can't put our members in this position.

The second issue is there are several properties serviced off the existing overhead line. We would not be able to allow the existing lines to become radial/one-way underground feeds as a result of burying the existing overhead line. The construction and easements required to convert those existing overhead service facilities to an underground primary loop would be considerable and difficult to achieve.

The third issue is the cost of the underground facilities. Unfortunately, Farmers Electric Cooperative is not able to absorb the cost of an underground primary loop for the existing services and the proposed Northgate development. The \$520,526.13 in aid to construction the developer would be required to

pay to bury these existing facilities would likely be cost prohibitive to the Northgate development or the development of the subject property by any developer in the future.

#### Conclusion

In conclusion, we understand the developer has agreed to dedicate land along Clem Rd so that the City may widen the road. With that in mind, we would retire the existing overhead line in favor of a new overhead line along the northside of the Northgate development at the edge of the new right of way. All the electric facilities within the proposed Northgate development would be underground. The properties currently serviced off the exiting overhead line would remain overhead eliminating the need for additional easements and construction. This solution would position Farmers EC well to service the properties west of the Northgate development as they develop in the future.

Please feel free to contact me directly with any questions or concerns.

Shaun Chronister

Farmers Electric Cooperative

Manager of Engineering

903-453-0506

[schronister@farmersselectric.coop](mailto:schronister@farmersselectric.coop)

CC: Chuck Gilley, Ryan Joyce



# CITY OF ROCKWALL

## PLANNING AND ZONING COMMISSION CASE MEMO

### PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

---

**TO:** Planning and Zoning Commission  
**DATE:** April 14, 2020  
**APPLICANT:** Ryan Joyce; *Michael Joyce Properties*  
**CASE NUMBER:** MIS2020-006; *Exception to the Utility Placement Requirements for the Northgate Subdivision*

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### SUMMARY

Discuss and consider a request by Ryan Joyce of Michael Joyce Properties on behalf Northgate Rockwall LD LP for the approval of a Special Exception to the utility placement requirements for overhead utilities in conjunction with a single-family residential subdivision on a 61.45-acre tract of land identified as Tract 4 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 88 (PD-88) for Single-Family 1 (SF-1) District land uses, located at the southwest corner of the intersection of N. Stodghill Road [FM-3549] and Clem Road, and take any action necessary.

### BACKGROUND

The subject property was annexed into the City of Rockwall on December 1, 2008 by *Ordinance No. 08-66*. Upon annexation the subject property was zoned Agricultural (AG) District. On July 1, 2019, the City Council approved *Case No. Z2019-012 [Ordinance No. 19-26]*, which changed the zoning of the subject property from an Agricultural (AG) District to Planned Development District 88 (PD-88) for Single-Family 1 (SF-1) District land uses. Upon approval of the zoning case, the applicant submitted a Master Plat [*Case No. P2019-030*] and Site Plan [*Case No. SP2019-028*] for the Northgate Subdivision, which is a 40-lot single-family subdivision with lots that are a minimum of one (1) acre in size. Following these approvals, the applicant submitted a Preliminary Plat [*Case No. P2019-029*], which was approved by the City Council on August 19, 2019. The Northgate Subdivision's civil plans are currently being reviewed by the Engineering Department.

### PURPOSE

The applicant is requesting a special exception to utility placement requirements stipulated by the Unified Development Code (UDC) and the Municipal Code of Ordinances to allow the construction of overhead powerlines along a portion of Clem Road.

### ADJACENT LAND USES AND ACCESS

The subject property is located at the southwest corner of Clem Road and N. Stodghill Road [FM-3549]. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property is Clem Road, which is identified as a *Minor Collector* on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are several single-family residential homes that are zoned Single-Family Estate 4.0 (SFE-4.0), Single-Family Estate 1.5 (SFE-1.5), and Single-Family 1 (SF-1) Districts.

South: Directly south of the subject property are the corporate limits of the City of Rockwall, followed by single-family homes on estates lots situated within the City's Extraterritorial Jurisdiction (ETJ). Beyond this is Cornelius Road, which is identified as a *Minor Collector* on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

East: Directly east of the subject property is the corporate limits of the City of Rockwall. Beyond this is N. Stodghill Road, which is situated within the City of Fate and the City of Fate's Extraterritorial Jurisdiction (ETJ).

West: Directly west of the subject property are two (2) large tracts of land (*i.e. Tracts 22-05 & 24 of the W. M. Dalton Survey, Abstract No. 72*) zoned Agricultural (AG) District and which have single-family homes situated on them. Beyond this are the corporate limits of the City of Rockwall followed by a 20.74-acre tract of land (*i.e. Tract 22 of the W. M. Dalton Survey, Abstract No. 72*) that is situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ). This property is currently under a 212 Development Agreement [Case No. A2010-002].

### **CHARACTERISTICS OF THE REQUEST:**

Currently, there is overhead powerlines (*utility distribution lines*) along Clem Road. The applicant is proposing to construct a 40-lot residential subdivision on a 61.45-acre tract of land adjacent to Clem Road. Per the requirements of the Unified Development Code (UDC) and the Municipal Code of Ordinances, as part of the proposed subdivision the applicant is required to construct half of Clem Road to a *Minor Collector* specification (*i.e. a 41-foot back-to-back concrete street in a 60-foot right-of-way*) per the City's Master Thoroughfare Plan, which involves dedicating the required right-of-way and constructing a 20-foot portion of this roadway. In doing this, the existing overhead powerlines will be required to be relocated. According to Section 03.03, *Utility Distribution Lines*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC), "(a)ll utility distribution lines shall be placed underground ... Utility distribution lines placed above-ground shall require special approval of the City Council based upon a recommendation of the Planning and Zoning Commission." In addition, Section 38-15, *Miscellaneous Requirements*, of Chapter 38, *Subdivisions*, of the Municipal Code of Ordinances states that, "(a)ll power and telephone service shall be underground ... No overhead service will be allowed without special permission being given by the City Council." Based on this, the applicant has submitted a letter stating that it would be cost prohibitive to relocate the powerlines underground based on the requirements stipulated by the Farmer's Electric Company (FEC). Staff should note that a meeting was held between representatives of FEC, the applicant, and staff to try and work through this issue; however, no satisfactory agreement could be reached. The representatives from FEC stated two (2) issues with burying the powerlines: [1] the extra cost was tied to the need to loop the powerlines (*much like the City does with its waterlines*), and [2] the overhead powerlines currently serve customers on the other side of the road and there would be a cost associated with reconfiguring their connections. The applicant has indicated to staff that he is waiting on a letter from FEC stating these issues; however, as of the date of this case memo the applicant had not received anything from FEC.

According to Section 09.01, *Exceptions to the General Standards*, of the Unified Development Code (UDC), "...an applicant may request the Planning and Zoning Commission grant an exception to the provisions contained in the Unified Development Code (UDC) where unique or extraordinary conditions exist or where strict adherence to the technical requirements of the Unified Development Code (UDC) would create an undue hardship ... In cases where an exception ... is ... being requested, the applicant shall provide compensatory measures that directly offset the requested exception." In this case, the applicant is required to construct a 20-foot concrete section of Clem Road, from the subject property's western boundary to the subject property's eastern boundary, connecting into N. Stodghill Road [FM-3549]. The applicant is not technically required to build a portion of this roadway (*approximately 210-feet*) because there is an intervening property (*i.e. 961 Clem Road*) that the applicant does not own, that the subject property completely surrounds on three (3) sides, and that has frontage on Clem Road. As a compensatory measure, the applicant has agreed to engage this property owner to obtain the required dedication and pave this portion of the roadway (*i.e. the portion in front of 961 Clem Road*). From the City's standpoint this avoids an issue with having two (2) transitions (*i.e. transitioning from the existing roadway to the new roadway*) within a close proximity. This may justify the special exception; however, special exceptions are discretionary decisions for the Planning and Zoning Commission and City Council, and each exception request should be considered on a case-by-case basis. Staff should note that the approval of any special exception request requires a three-quarter (¾) majority vote of the City Council.

### **CONDITIONS OF APPROVAL**

If the Planning and Zoning Commission chooses to recommend approval of the applicant's request for a special exception, then staff would propose the following conditions of approval:

- (1) If approved the applicant will be required to revise the civil engineering plans to include the 20-foot roadway in front of 961 Clem Road; and
- (2) Any construction resulting from the approval of this request shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city

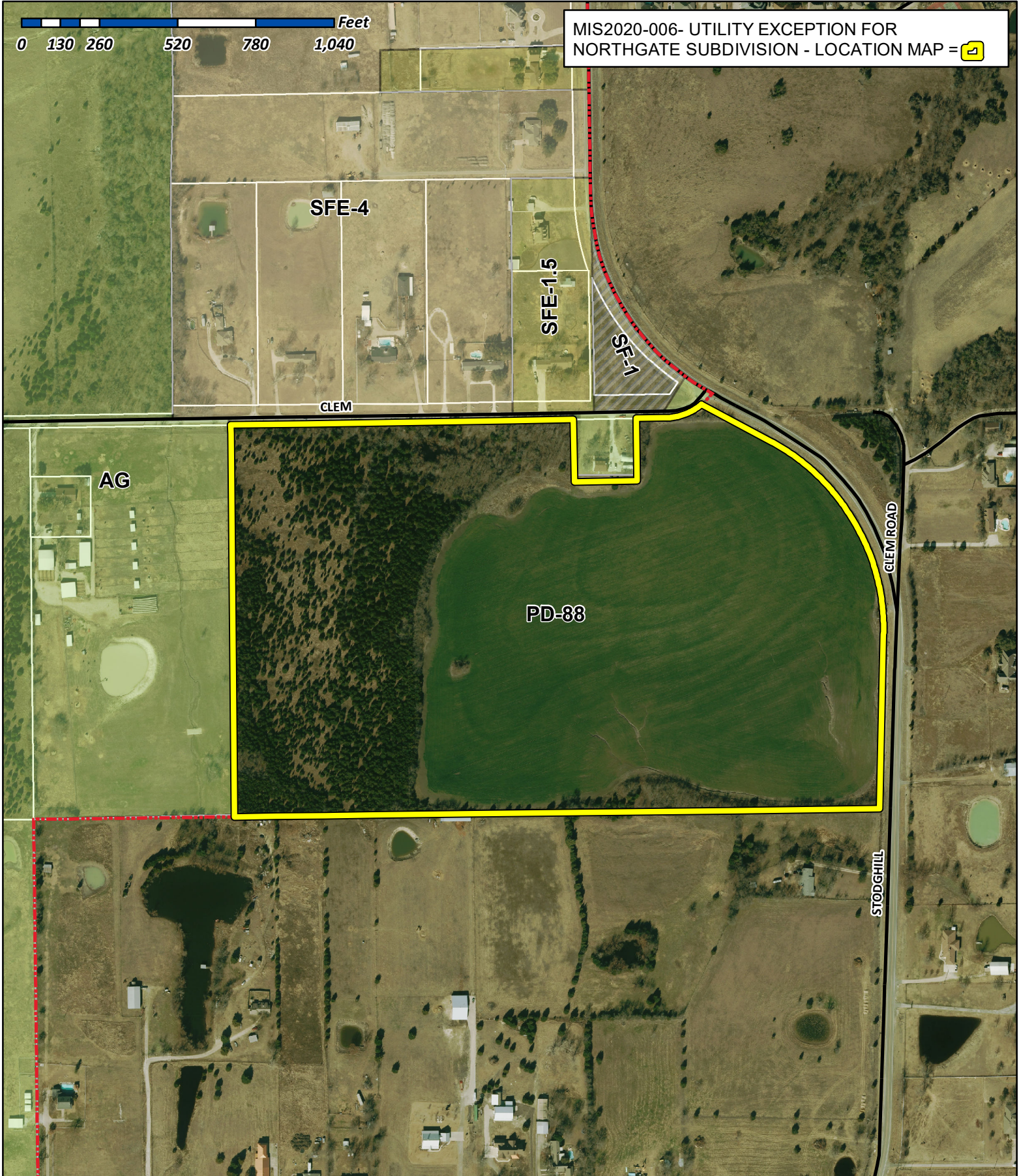


adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.



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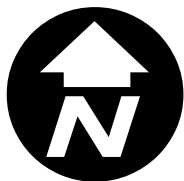
MIS2020-006- UTILITY EXCEPTION FOR NORTHGATE SUBDIVISION - LOCATION MAP = 



# City of Rockwall

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







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Exhibit "B" shows the areas that are currently served by the existing line. To bury this line would require a significant amount of infrastructure work to be completed outside the realm of the property that is currently being developed for the Northgate Subdivision. These improvements would require several additional offsite easements, the placement of 2 large switch gears, and the addition of several thousand feet of buried wires in order to facilitate all



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Michael Joyce Properties

Exhibit "A"





1189 Waters Edge Drive  
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### Exhibit "B"





# CITY OF ROCKWALL

## CITY COUNCIL CASE MEMO

### PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

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**TO:** Mayor and City Council  
**DATE:** April 20, 2020  
**APPLICANT:** Ryan Joyce; *Michael Joyce Properties*  
**CASE NUMBER:** MIS2020-006; *Exception to the Utility Placement Requirements for the Northgate Subdivision*

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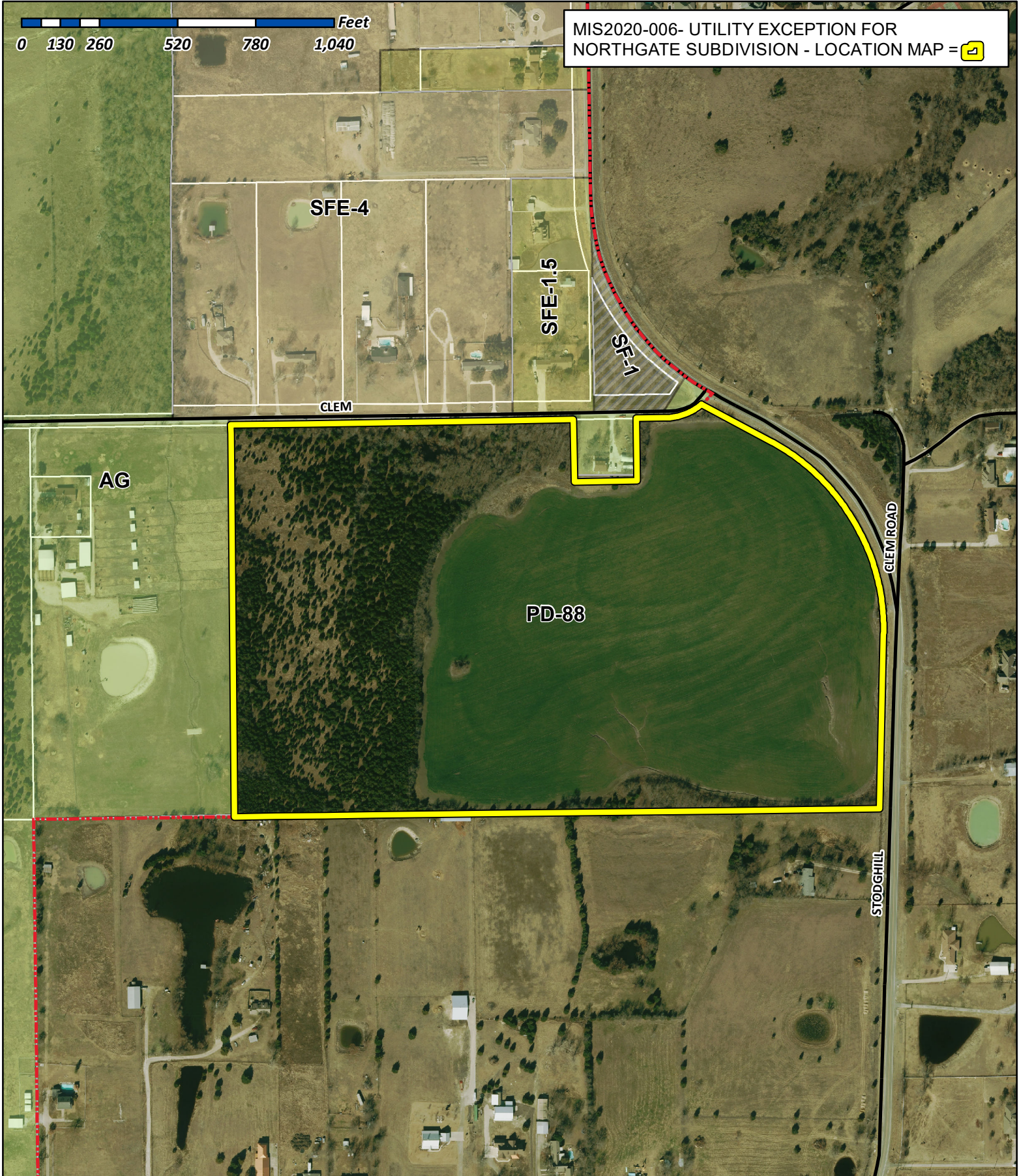
**PLANNING AND ZONING COMMISSION**

On April 14, 2020, the Planning and Zoning Commission approved a motion to recommend approval of the applicant's request for a special exception by a vote of 6-0, with Chairman Chodun absent.



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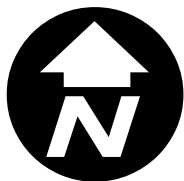
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## City of Rockwall

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I thank you for your continued support to bring this development to the City of Rockwall with large estate lots. I look forward to discussing this request at the April 14<sup>th</sup> 2020 Planning and Zoning Meeting.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ryan Joyce', written over a light blue horizontal line.

Michael Joyce Properties

Exhibit "A"





1189 Waters Edge Drive  
Rockwall, TX 75087

### Exhibit "B"



4-13-2020

To: Rockwall Planning and Zoning Commission

From: Shaun Chronister; Manager of Engineering at Farmers Electric Cooperative

Northgate Development in Rockwall, TX

### Background

Farmers Electric Cooperative was tasked with preparing a proposal for the electric service of property information number (PIN) 10673 being approximately 62 acres in the City of Rockwall. The property is stationed at the corner of FM 3549 (Stodghill Rd) and Clem Rd. The proposed development is to be named Northgate and will consist of forty approximately one to two acre lots. During the engineering review the City of Rockwall informed developer Ryan Joyce that the existing overhead powerline running along the northside of the proposed development would have to be buried in conformance with city ordinance.

### Purpose

The objective of this memorandum is to clarify the issues with burying the existing overhead line along Clem Rd from Farmers Electric Cooperatives' perspective. The first and largest issue is the potential development of the properties West of the proposed Northgate development. There are a handful of 20-acre properties on the southside of Clem Rd that could be combined into a large enough parcel(s) to be developed. Also, PIN 10941 being approximately 101 acres on the northside of Clem Rd will likely develop in the future. Because the repair of unground primary cable failures is complicated and time-consuming loop systems must be implemented. This allows for the failed cable to be isolated and service restored while the failed cable is replaced. Also, taps off underground primary cable require switchgear. Switchgear must be installed adjacent to a manhole and cannot be installed without deenergizing the cable. It is not possible to design a looped underground electric system for all the properties in this area because we simply have no idea how or when these properties may or may not be developed. Farmers EC would likely end up with a radial/one-way underground feed that would result in undesirable outages of long duration due to equipment installations for new taps or possible cable failures. We simply can't put our members in this position.

The second issue is there are several properties serviced off the existing overhead line. We would not be able to allow the existing lines to become radial/one-way underground feeds as a result of burying the existing overhead line. The construction and easements required to convert those existing overhead service facilities to an underground primary loop would be considerable and difficult to achieve.

The third issue is the cost of the underground facilities. Unfortunately, Farmers Electric Cooperative is not able to absorb the cost of an underground primary loop for the existing services and the proposed Northgate development. The \$520,526.13 in aid to construction the developer would be required to



pay to bury these existing facilities would likely be cost prohibitive to the Northgate development or the development of the subject property by any developer in the future.

#### Conclusion

In conclusion, we understand the developer has agreed to dedicate land along Clem Rd so that the City may widen the road. With that in mind, we would retire the existing overhead line in favor of a new overhead line along the northside of the Northgate development at the edge of the new right of way. All the electric facilities within the proposed Northgate development would be underground. The properties currently serviced off the exiting overhead line would remain overhead eliminating the need for additional easements and construction. This solution would position Farmers EC well to service the properties west of the Northgate development as they develop in the future.

Please feel free to contact me directly with any questions or concerns.

Shaun Chronister

Farmers Electric Cooperative

Manager of Engineering

903-453-0506

[schronister@farmersselectric.coop](mailto:schronister@farmersselectric.coop)

CC: Chuck Gilley, Ryan Joyce



May 14, 2020

TO: Ryan Michael Joyce  
Michael Joyce Properties  
1189 Waters Edge Drive  
Rockwall, TX 75087

FROM: Ryan Miller, AICP  
City of Rockwall Planning and Zoning Department  
385 S. Goliad Street  
Rockwall, TX 75087

SUBJECT: MIS2020-006; Utility Exception for the North Gate Subdivision

Mr. Joyce:

This letter serves to notify you that the above referenced site plan case, that you submitted for consideration by the City of Rockwall, was approved by the Planning and Zoning Commission on April 20, 2020. The following is a record of all recommendations, voting records and conditions of approval:

Conditions of Approval

- (1) If approved the applicant will be required to revise the civil engineering plans to include the 20-foot roadway in front of 961 Clem Road; and
- (2) Any construction resulting from the approval of this request shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

Planning and Zoning Commission

On April 14, 2020, the Planning and Zoning Commission approved a motion to recommend approval of the applicant's request for a special exception by a vote of 6-0, with Chairman Chodun absent.

City Council

On April 20, 2020, the City Council made a motion to approve the applicant's request for a special exception. The motion passed by a vote of 7-0.

Should you have any questions or concerns regarding your site plan or the site plan process, please feel free to contact me a (972) 771-7745.

Sincerely,

A handwritten signature in black ink, appearing to read 'R Miller', is written over the typed name.

Ryan Miller, AICP  
Director of Planning and Zoning