



PLANNING AND ZONING CASE CHECKLIST

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

P&Z CASE # M152020-008 P&Z DATE _____ CC DATE 05/15/20 APPROVED/DENIED _____
ARCHITECTURAL REVIEW BOARD DATE _____ HPAB DATE _____ PARK BOARD DATE _____

ZONING APPLICATION
<input 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"/> RECEIPT
<input type="checkbox"/> LOCATION MAP
<input type="checkbox"/> HOA MAP
<input type="checkbox"/> PON MAP
<input type="checkbox"/> FLU MAP
<input type="checkbox"/> NEWSPAPER 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 & ZONING CASE NO. 17152020-008

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

DIRECTOR OF PLANNING:

CITY ENGINEER:

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

Platting Application Fees:

- Master Plat (\$100.00 + \$15.00 Acre)¹
- Preliminary Plat (\$200.00 + \$15.00 Acre)¹
- Final Plat (\$300.00 + \$20.00 Acre)¹
- Replat (\$300.00 + \$20.00 Acre)¹
- Amending or Minor Plat (\$150.00)
- Plat Reinstatement Request (\$100.00)

Site Plan Application Fees:

- Site Plan (\$250.00 + \$20.00 Acre)¹
- Amended Site Plan/Elevations/Landscaping Plan (\$100.00)

Zoning Application Fees:

- Zoning Change (\$200.00 + \$15.00 Acre)¹
- Specific Use Permit (\$200.00 + \$15.00 Acre)¹
- PD Development Plans (\$200.00 + \$15.00 Acre)¹

Other Application Fees:

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

Notes:

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

PROPERTY INFORMATION [PLEASE PRINT]

Address 17335 WALLACE RD Rockwall Tx 75189

Subdivision N/A Lot _____ Block _____

General Location S. FMS48 AT CR 255

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

Current Zoning N/A ETJ Current Use AG

Proposed Zoning N/A ETJ Proposed Use SF RESIDENTIAL

Acreage 1.237 ACRES Lots [Current] _____ Lots [Proposed] _____

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

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

<input type="checkbox"/> Owner	<u>DM DS LAND COMPANY LLC</u>	<input checked="" type="checkbox"/> Applicant	<u>DR HORTON - TEXAS, LTD</u>
Contact Person	<u>RYAN HORTON</u>	Contact Person	<u>DAVID BOOTH</u>
Address	<u>1501 ALTA DR FORT WORTH, TX 76107</u>	Address	<u>4306 MILLER RD ROWLETT TX 75088</u>
City, State & Zip		City, State & Zip	
Phone	<u>682 540 1122</u>	Phone	<u>214 607 4244</u>
E-Mail	<u>ryanhorton@gmail.com</u>	E-Mail	<u>dbooth@drhorton.com</u>

NOTARY VERIFICATION [REQUIRED]

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

"I hereby certify that I am the owner for the purpose of this application; all information submitted herein is true and correct; and the application fee of \$ 100, to cover the cost of this application, has been paid to the City of Rockwall on this the 5th day of May, 20 20. By signing this application, I agree that the City of Rockwall (i.e. "City") is authorized and permitted to provide information contained within this application to the public. The City is also authorized and permitted to reproduce any copyrighted information submitted in conjunction with this application, if such reproduction is associated or in response to a request for public information."

Given under my hand and seal of office on this the 5th day of May, 2020

Owner's Signature

[Signature]

Notary Public in and for the State of Texas

Judith Howell



JUDITH HOWELL
My Notary ID # 130685542
Expires June 2, 2024

My Commission Expires



**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: 5/6/2020

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, 05/21/2020. Planning staff will assemble all comments received in time for our regularly scheduled DRC meeting on 5/21/2020 at 2:00 p.m. The Planning and Zoning Commission work session will be held on 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: MIS2020-008
Project Name: 7335 Wallace Road
Project Type: MISCELLANEOUS
Applicant Name: DAVID BOOTH
Owner Name: RYAN HORTON
Project Description:



RECEIPT

Project Number: MIS2020-008
Job Address: 7335 WALLACE ROAD
Royse City, Tx 75189

Receipt Number: B89181

Printed: 5/6/2020 2:14 pm

Fee Description	Account Number	Fee Amount
VARIANCE REQUEST	01-4280	\$100.00

Total Fees Paid:

\$100.00

Date Paid: 5/6/2020 12:00:00AM

Paid By: DAVID BOOTH

Pay Method: CHECK 4333

Received By: AG



May 5, 2020

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

Re: Variance request for RiverRock Trails as described on the property shown in attached "Exhibit A".

Dear Mr. Miller,

We are in the process of preparing a preliminary plat for the subject property and plan on submitting it to the City soon. As required by the Interim ICA between the City and County, we are requesting the following variances:

- 1. Alley Requirement.** We are requesting a waiver of alleys as required by the City's subdivision ordinance. Our request to eliminate alleys is: expense in long term maintenance costs; safety and policing concerns; and homebuyer preferences of garages access from the front. We will still abide by no lot to lot drainage requirements with the elimination of alleys. Trash and utility services will be from the streets.
- 2. Street Right-of-way Width.** We are requesting 50' ROW for local streets in lieu of the 60' ROW shown in the Interim ICA. Our development will have curb and gutter streets with underground drainage, which can be accommodated in a 50' right-of-way. Our street and right-of-way widths proposed are consistent with City standards.

Although not a variance request, we want confirmation the Minimum Lot Frontage on a Street requirement shown on Exhibit A, Section (C)(2), of the Interim Interlocal Agreement only applies to lots platted on an existing county road. Chapter 232.103 of the Texas Local Government Code specifically states "reasonable standards for minimum lot frontages on existing county roads". We will not have lots on existing county roads as our lots will face and access roads we build with our development. No lots within our development will face an existing county road.

Mr. Ryan Miller, AICP
May 5, 2020
Page 2

If there is any other information the City needs in review of our variance requests, please let us know. Submittal of these variance requests does not waive or impact our legal rights and remedies.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Booth", with a long horizontal flourish extending to the right.

David L. Booth
Land Manager
D.R. Horton, Inc.



CITY OF ROCKWALL

CITY COUNCIL CASE MEMO

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

TO: Mayor and City Council
DATE: May 18, 2020
APPLICANT: David Booth; *DR Horton*
CASE NUMBER: MIS2020-008; *Exception to the Subdivision Requirements for Riverrock Trails Subdivision*

SUMMARY

Discuss and consider a request by David Booth of DR Horton for variances to the City's Standards of Design and Construction Manual in accordance with the City's Interlocal Cooperation Agreement with Rockwall County for Subdivision Regulations in the City's Extraterritorial Jurisdiction (ETJ) on a ~1,225.721-acre tract of land identified as Tract 11 of the F. Baugess Survey, Abstract No. 7, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), generally located between FM-550 and S. FM-548, and take any action necessary.

BACKGROUND

On July 10, 2017, the City Council approved a boundary adjustment with the City of McClendon-Chisolm bringing approximately ~4,110.00-acres of land into the City of Rockwall's Extraterritorial Jurisdiction (ETJ) [*Ordinance No. 17-35*]. Included within this area was the ~1,225.721-acre subject property.

PURPOSE

On May 5, 2020, the applicant -- *David Booth of DR Horton* -- submitted a request for variances to the City's *Standards of Design and Construction Manual* in accordance with the City's *Interim Interlocal Cooperation Agreement* with Rockwall County for *Subdivision Regulations* in the City's Extraterritorial Jurisdiction (ETJ). The purpose of this request is to facilitate the subdivision of ~1,225.721-acres of land situated within the City's ETJ in Rockwall County. The proposed subdivision of land will be for the Riverrock Trails Subdivision, which -- *according to the exhibit provided by the applicant* -- will consist of ~3,249 single-family lots broken up over 20 phases.

ADJACENT LAND USES AND ACCESS

The subject property is located in between FM-550 and S. FM-548 in the City of Rockwall's Extraterritorial Jurisdiction (ETJ). The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property is a 72.68-acre tract of land (*i.e. Tract 4 of the J. T. Spillers Survey, Abstract No. 203*), which is located within the corporate limits of the City of Rockwall. Also, north of the subject property is a 191.49-acre tract of land (*i.e. Tract 2 of the J. T. Spillers Survey, Abstract No. 203*), which is located within the City of Rockwall's ETJ. Beyond these tracts is FM-550, which is identified as a *M4U (major collector, four [4] lane, undivided roadway)* on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

South: Directly south of the subject property is S. FM-549, which is identified as a *Minor Collector* on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is the High Point Ranch Subdivision, which is located in Rockwall County (*i.e. it is not within any cities' ETJ*).

East: Directly east of the subject property is a 1,640.897-acre tract of land (*i.e. Tract 13 of the F. Baugess Survey, Abstract No. 7*), which is located within the City of Rockwall's ETJ. Beyond this are Jones Road and S.FM-548, which are

identified as *Minor Collectors* on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

West: Directly west of the subject property are four (4) large tracts of vacant land (*i.e. Tracts 1, 2, 3 & 4 of the F. Baugess Survey, Abstract No. 7*) followed by four (4) more large tracts of vacant land (*i.e. Tracts 1-1, 2-1, 3-1 & 4-1 of the F. Baugess Survey, Abstract No. 7*). Beyond this is Edwards Road, which is identified as a *Minor Collector* on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

CHARACTERISTICS OF THE REQUEST:

On April 23, 2020, the City of Rockwall and Rockwall County entered into an *Interim Interlocal Cooperation Agreement* for the review of subdivision plats in the City's Extraterritorial Jurisdiction (ETJ). According to this agreement, in reviewing subdivision plats "... the City shall enforce: [1] the subdivision procedures stipulated by Chapter 38, *Subdivisions*, of the City's Municipal Code of Ordinances; [2] the standards of design and construction as outlined by the *City's Standards of Design and Construction Manual*; and [3] the subdivision regulations contained in *Exhibit 'A': Subdivision Regulations for Review of Plats in the Extraterritorial Jurisdiction (ETJ) ...*" of the *Interim Interlocal Cooperation Agreement*. The agreement goes on to allow the City Council of the City of Rockwall to grant exemptions, exceptions, or variances to the requirements of the agreement prior to the submittal of an application for a subdivision plat. In accordance with the terms of the agreement, the applicant has submitted a letter requesting two (2) variances: [1] to the *City's Standards of Design and Construction* requiring all residential subdivisions be constructed with alleyways, and [2] to the right-of-way requirements of *Exhibit 'A': Subdivision Regulations for Review of Plats in the Extraterritorial Jurisdiction (ETJ)* of the *Interim Interlocal Cooperation Agreement*. In addition to the letter, the applicant has submitted an exhibit showing the Riverrock Trails Subdivision, which will consist of ~3,249 single-family homes broken out over 20 phases.

INTERIM INTERLOCAL AGREEMENT REQUIREMENTS:

According to the Section 2.11, *Alleys and Alley Widths*, of the *City's Standards of Design and Construction*, "(a)lleys shall be provided in all residential areas ... (t)he City Council may waive this requirement where other definite and assured provisions are made for service access such as off-street loading, unloading and parking consistent with and adequate for the uses proposed." In this case, the applicant's letter cites the reason for the requested variance is due to: [1] the cost of providing alleyways, [2] safety and policing concerns, and [3] the homebuyer's preference for front entry garages. The letter goes on to state that trash and utility services will be accessible from the front of properties. It should be noted that the City Council has waived the alleyway requirements for other subdivisions in the City; however, these requests were typically done as part of a Planned Development District with lots greater than 55-feet in which applicants provided compensatory measures that could off-set the requested variance (*e.g. increasing the front setback of the house, setting the garage a minimum of 20-feet behind the front façade of the home, increasing the minimum driveway length, and ect.*). When incorporated into a Planned Development District, these compensatory measures are zoning requirements. Unfortunately, zoning requirements are not permitted to be placed on properties in the City's Extraterritorial Jurisdiction (ETJ). This means that the City Council cannot condition the approval of this variance. It also means that even if a compensatory measure is proposed by an applicant, the requirement would not enforceable through the variance approval process.

The *Interim Interlocal Cooperation Agreement* incorporates requirements for the minimum right-of-way width for roadways in the City's Extraterritorial Jurisdiction (ETJ). These requirements were incorporated from the findings contained in the *Rockwall County Thoroughfare Plan* and are summarized in Section (3)(a), *Right-of-Way*, of *Exhibit 'A': Subdivision Regulations for Review of Plats in the Extraterritorial Jurisdiction (ETJ)* of the agreement. For a standard residential street (*identified as a Local Residential, Two (2) Lane, Undivided Roadway*) a minimum of 60-feet of right-of-way is required. According to the applicant's letter, they are requesting to reduce the right-of-way width to 50-feet. The purpose of this request is because their "...development will have curb and gutter streets with underground drainage, which can be accommodated in a 50-foot right-of-way." Per the *City's Standards of Design and Construction* the proposed street cross section will be required to incorporate curb and gutter with proper drainage facilities regardless of this request. The letter goes on to state that this right-of-way width is consistent with the City's standards. The City's standard residential street section does fit into a 50-foot of right-of-way and consists of a 29-foot *back-to-back* street section (*i.e. two [2] 14-foot lanes with curb and gutter*) with five (5) foot sidewalks and five (5) feet of parkway on either side. This street section has proven to be sufficient in residential subdivisions within the City. Staff should point out, the applicant has not indicated if these streets will be public or private in the letter submitted to staff, and that if they are to be dedicated to the public they will be maintained by Rockwall County.

According to the *Interim Interlocal Cooperation Agreement*, "(w)hen reviewing requests for exceptions or variances, the City Council should take into consideration the unique or extraordinary circumstances or hardship that prevents the developer or property owner from meeting the stated requirements." In this case, the applicant has provided a letter outlining the requests and reasons for the requests; however, any request for a variance to the requirements of the *Interim Interlocal Cooperation Agreement* is a discretionary decision for the City Council.

CONDITIONS OF APPROVAL

As previously indicated in this case memo, the City Council cannot establish additional conditions above and beyond the technical requirements associated with the approval of any variance.

ACTION REQUIRED

The City Council is being asked to make a decision on variances to the City's *Standards of Design and Construction Manual* and the requirements of *Exhibit 'A': Subdivision Regulations for Review of Plats in the Extraterritorial Jurisdiction (ETJ)* of the *Interim Interlocal Cooperation Agreement* being requested to plat a residential subdivision. This request will require a motion to approve or deny and passage by a simple majority vote.



DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO. 17152020-008

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

DIRECTOR OF PLANNING:

CITY ENGINEER:

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

Platting Application Fees:

- Master Plat (\$100.00 + \$15.00 Acre)¹
- Preliminary Plat (\$200.00 + \$15.00 Acre)¹
- Final Plat (\$300.00 + \$20.00 Acre)¹
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- Variance Request (\$100.00)

Notes:

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

PROPERTY INFORMATION [PLEASE PRINT]

Address 17335 WALLACE RD Rockwall Tx 75189
 Subdivision N/A Lot _____ Block _____
 General Location S. FMS 48 AT CR 255

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

Current Zoning N/A ETJ Current Use AG
 Proposed Zoning N/A ETJ Proposed Use SF RESIDENTIAL
 Acreage 1.237 ACRES Lots [Current] _____ Lots [Proposed] _____

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

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

<input type="checkbox"/> Owner	<u>DM DS LAND COMPANY LLC</u>	<input checked="" type="checkbox"/> Applicant	<u>DR HORTON - TEXAS, LTD</u>
Contact Person	<u>RYAN HORTON</u>	Contact Person	<u>DAVID BOOTH</u>
Address	<u>1501 ALTA DR FORT WORTH, TX 76107</u>	Address	<u>4306 MILLER RD ROWLETT TX 75088</u>
City, State & Zip		City, State & Zip	
Phone	<u>682 540 1122</u>	Phone	<u>214 607 4244</u>
E-Mail	<u>ryanhorton@gmail.com</u>	E-Mail	<u>dbooth@drhorton.com</u>

NOTARY VERIFICATION [REQUIRED]

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

"I hereby certify that I am the owner for the purpose of this application; all information submitted herein is true and correct; and the application fee of \$ 100, to cover the cost of this application, has been paid to the City of Rockwall on this the 5th day of May, 2020. By signing this application, I agree that the City of Rockwall (i.e. "City") is authorized and permitted to provide information contained within this application to the public. The City is also authorized and permitted to reproduce any copyrighted information submitted in conjunction with this application, if such reproduction is associated or in response to a request for public information."

Given under my hand and seal of office on this the 5th day of May, 2020

Owner's Signature

[Signature]

Notary Public in and for the State of Texas

Judith Howell



JUDITH HOWELL
My Notary ID # 130685542
Expires June 2, 2024

My Commission Expires



May 5, 2020

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

Re: Variance request for RiverRock Trails as described on the property shown in attached "Exhibit A".

Dear Mr. Miller,

We are in the process of preparing a preliminary plat for the subject property and plan on submitting it to the City soon. As required by the Interim ICA between the City and County, we are requesting the following variances:

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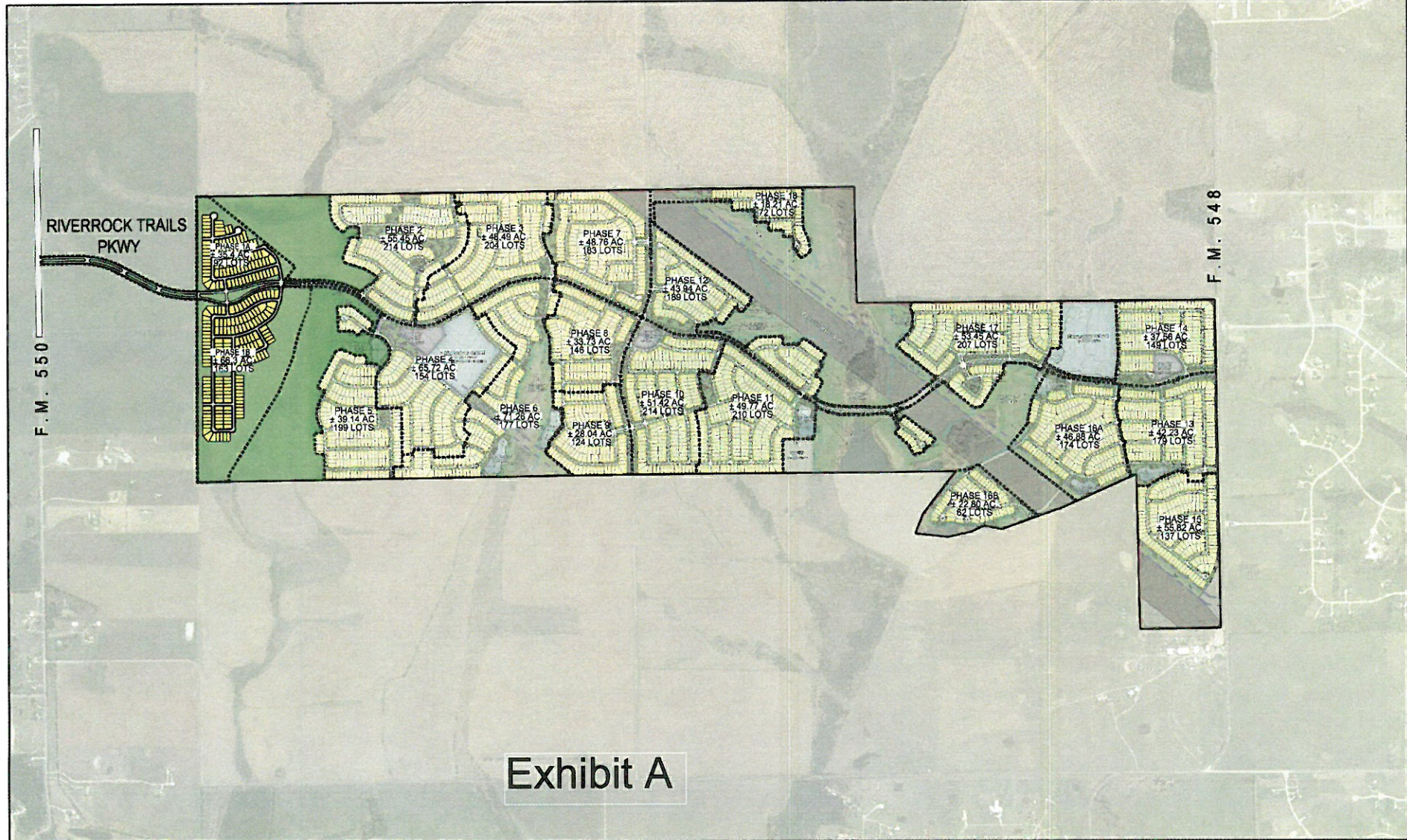
Mr. Ryan Miller, AICP
May 5, 2020
Page 2

If there is any other information the City needs in review of our variance requests, please let us know. Submittal of these variance requests does not waive or impact our legal rights and remedies.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Booth", with a long horizontal flourish extending to the right.

David L. Booth
Land Manager
D.R. Horton, Inc.



- (3) Map of the City's Extraterritorial Jurisdiction (ETJ). A map of the City's Extraterritorial Jurisdiction (ETJ) as of the effective date of this Agreement is contained in Exhibit 'B': City of Rockwall's Extraterritorial Jurisdiction (ETJ) of this Agreement.

ARTICLE 5: COUNTY AUTHORITY AND RESPONSIBILITIES.

The County agrees to the following:

- (1) Authority. The City will have the authority to approve subdivision plats and to issue related permits under Chapter 212, *Municipal Regulation of Subdivisions and Property Development*, and Chapter 232, *County Regulation of Subdivisions*, of the Texas Local Government Code within the City's Extraterritorial Jurisdiction (ETJ), pursuant to Section 242.001(d) of the Texas Local Government Code, for the purpose, unless otherwise stated in this Agreement, granting the City the exclusive jurisdiction to regulate subdivision plats and approve related permits in the City's Extraterritorial Jurisdiction (ETJ) utilizing the City's subdivision procedures, which are outlined in Chapter 38, *Subdivisions*, of the City's Municipal Code of Ordinances. The County shall not accept any application requesting approval of a subdivision plat within the City's Extraterritorial Jurisdiction (ETJ) following the effective date of this Agreement. In addition, the County Clerk's Office shall not allow any plat to be filed in the City's Extraterritorial Jurisdiction (ETJ) without the City's authorization.
- (2) Comments on Subdivision Plats or Engineering Plans. Upon receipt from the City of an application and subdivision plat or engineering plans [referenced in Subsection (5); Article 6], the County may prepare and send comments (if any) to the City within ten (10) days.
- (3) On-Site Sewage Facilities (OSSF). The County retains exclusive jurisdiction to administer and enforce the County's on-site sewage facility (OSSF) regulations on property in the City's Extraterritorial Jurisdiction (ETJ); provided that the County reject as incomplete any application for an on-site sewage facility (OSSF) that is not accompanied by an approved subdivision plat or a statement from the City that a subdivision plat is not required for the development of a property.
- (4) Floodplain. The County will continue to be responsible for the enforcement of floodplain within the City's Extraterritorial Jurisdiction (ETJ) in accordance with the County's Flood Damage Prevention Order; however, any plans or subdivision plats submitted to the City for review and approval shall be required to meet the City's *Standards of Design and Construction* manual.
- (5) Public Improvements. The County will continue to be responsible for accepting all public improvements that are located in the City's Extraterritorial Jurisdiction (ETJ), and that will be maintained by the County. The dedication and acceptance of any public improvements by the County shall adhere to the County's *Road Acceptance Procedures* as set forth in the County's *Subdivision Rules and Regulations* and as stipulated by Section (C)(3)(b) of Exhibit A: *Subdivision Regulations for Review of Plats in the Extraterritorial Jurisdiction (ETJ) of the City of this Agreement*.

ARTICLE 6: CITY AUTHORITY AND RESPONSIBILITIES.

The City agrees to the following:

- (1) Authority. For properties requesting approval of a subdivision plat in the City's Extraterritorial Jurisdiction (ETJ), the City shall enforce: [1] the subdivision procedures stipulated by Chapter 38, *Subdivisions*, of the City's Municipal Code of Ordinances; [2] the standards of design and construction as outline by the City's *Standards of Design and Construction Manual*; and [3] the subdivision regulations contained in Exhibit A: *Subdivision Regulations for Review of Plats in the Extraterritorial Jurisdiction (ETJ) of the City of this Agreement*.

- (2) Subdivision Regulations. The City and County agree that the subdivision regulations contained in *Exhibit A: Subdivision Regulations for Review of Plats in the Extraterritorial Jurisdiction (ETJ) of the City of this Agreement* shall be applied exclusively in the review of subdivision plats in the City's Extraterritorial Jurisdiction (ETJ). Should the City or County desire to amend the subdivision regulations contained in this Agreement, the two (2) entities will cooperate to determine if changes are necessary, and will adopt changes agreed upon by both entities through their respective governing bodies.
- (3) Subdivision Construction Plan Review. The City's Engineering Department shall be responsible for the review and approval of all subdivision construction plans (e.g. engineering and/or civil plans) in accordance with the requirements of this Agreement. All costs shall be accrued in accordance with the City's Engineering Department's standard fees. Any cost incurred through the review of the subdivision construction plans shall be the responsibility of the developer and/or property owner (i.e. the applicant).
- (4) Dedication of Right-of-Way. The City agrees to require developers to dedicate public right-of-way pursuant to the Rockwall County Thoroughfare Plan and the requirements of *Exhibit A: Subdivision Regulations for Review of Plats in the Extraterritorial Jurisdiction (ETJ) of the City of this Agreement -- in existence at the time of the effective date of this Agreement and as may be amended in the future --* subject to applicable constitutional and statutory limitations for subdivision plats. When it appears to the City that a right-of-way dedication requirement [1] may exceed an applicable constitutional or statutory requirement or [2] if there is a conflict between the Rockwall County Thoroughfare Plan and the City's Master Thoroughfare Plan, the City will notify the County of the discrepancy. The City and County will cooperate to determine the extent of the right-of-way dedication to be requested, or establish an alternative method of securing the necessary right-of-way.
- (5) Proportionality Appeals. When a proportionality appeal is requested by a developer or property owner, the City -- in consultation with the County -- will make an initial determination of proportionality in accordance with the requirements for proportionality appeals stipulated by Chapter 38, *Subdivisions*, of the City's Municipal Code of Ordinances.
- (6) Notification of Application for a Subdivision Plat or Engineering Plans. The City will notify the County upon receiving an application for the approval of a subdivision plat or engineering plans by sending a digital copy of the application and the subdivision plat or engineering plans to the County within ten (10) days of acceptance.
- (7) Approval or Denial of a Subdivision Plat or Engineering Plans. The City shall contact the County concerning the status of a subdivision plat or engineering plans no later than 15-days after the City Council acts on a subdivision plat or staff takes administrative action on engineering plans. If a subdivision plat is approved and subsequently filed by the City, then the City shall provide the County with [1] two (2) copies of the signed and filed mylars and [2] a digital file of the subdivision plat tying it to a minimum of two (2) GPS points in a County approved digital format within ten (10) working days.
- (8) Exemptions, Exceptions, or Variances to the Subdivision Regulations. If requested by a developer or property owner -- and prior to accepting an application for a subdivision plat or engineering plans --, the City shall bring any request for an exemption, exception, or variance to the standards contained in [1] the City's *Standards of Design and Construction* manual, [2] Chapter 38, *Subdivisions*, of the City's Municipal Code of Ordinances, or [3] *Exhibit A: Subdivision Regulations for Review of Plats in the Extraterritorial Jurisdiction (ETJ) of the City of this Agreement* before the City Council for review and action. If an application for a subdivision plat or engineering plans is submitted and accepted, and it is determined -- through review -- by the City's Engineering Department and/or Planning and Zoning Department that the subdivision plat will require an exception and/or a variance, then the subdivision plat shall be denied and the applicant will be required to follow the procedures outlined in this section. The denial of an application will not require the City or County to refund any application fees or costs incurred through the review of the subdivision plat.

If a developer or property owner submits a request for an exemption, exception, or variance, the City shall provide

a written recommendation to the City Council prior to the Council's review and subsequent action on the request. When reviewing requests for exceptions or variances, the City Council should take into consideration the unique or extraordinary circumstance or hardship that prevents the developer or property owner from meeting the stated requirement. When reviewing requests for exemptions, the City Council should take into consideration the exceptions allowed under Section 232.0015, *Exemptions to Plat Requirements*, of the Texas Local Government Code and the exemptions listed under Subsection (D), *Exemptions*, of Exhibit A: *Subdivision Regulations for Review of Plats in the Extraterritorial Jurisdiction (ETJ) of the City of this Agreement*.

- (9) Inspections. The County shall be responsible for designating a chosen third-party inspector that will be responsible for the inspection and approval over public improvements within the right-of-way and/or public easements for all construction projects subject to the terms of this Agreement. The third-party inspector may issue a stop-work order if the applicable construction standards are not being met, or as deemed necessary by the City and/or County. The third-party inspector shall submit as-built drawings and provide notice to both the City and the County when construction of all public improvements have been completed. The developer and/or property owner (i.e. the applicant) shall be responsible for all cost incurred by the County's third-party inspector. The City shall be responsible for collecting all costs incurred and compensating the third-party inspector on behalf of the County.

ARTICLE 7: GENERAL PROVISIONS.

- (1) General Administration. The City and County shall be responsible for designating their respective representatives to generally administer the requirements of this Agreement.
- (2) Alteration, Amendment, and/or Modification. This Agreement may not be altered, amended, and/or modified unless both the City or County notify the other entity in writing and both entities agree to the alteration, amendment, and/or modification.
- (3) Notice. All notices sent pursuant to the requirements of this Agreement shall be in writing and must be sent by registered or certified mail, postage prepaid, by hand delivery, or commercial delivery service. Notices sent pursuant to this Agreement will be sent to the following:

Rockwall County Judge's Office

Rockwall County Judge
Rockwall County Judge's Office
101 Rusk Street, Room 202
Rockwall, Texas 75087

City Manager's Office

City Manager
City of Rockwall
385 S. Goliad Street
Rockwall, Texas 75087

Note: When notices sent pursuant to this Agreement are mailed via registered or certified mail, notices shall be deemed effective three (3) days after deposit in a US mailbox or at a US post office.

- (4) Severability. If any provision of this Agreement is found to be invalid, illegal, or unenforceable, such invalidity, illegality, or unenforceability will not affect the remaining provisions of the Agreement.
- (5) Breach. The failure of either party to comply with the terms and conditions of this Agreement will constitute a breach of this Agreement. Either the City or County will be entitled to any and all rights and remedies allowed under the State of Texas law for any breach of this Agreement by the other entity.

Exhibit 'A':
*Subdivision Regulations for Review of Plats in the
 Extraterritorial Jurisdiction (ETJ) of the City*

Lot Size ¹	Equation	Frontage
Lots One (1) Acre or Less ²	$X \leq 1\text{-AC}$	80'
Lots Greater Than One (1) Acre but Less Than Three (3) Acres	$1\text{-AC} < X < 3\text{-AC}$	150'
Lots Three (3) Acres or More but Less Than Five (5) Acres	$3\text{-AC} \leq X < 5\text{-AC}$	200'
Lots Five (5) Acres or More but Less Than Ten (10) Acres	$5\text{-AC} \leq X < 10\text{-AC}$	300'
Lots Ten (10) Acres or Greater	$X \geq 10\text{-AC}$	450'

Notes:

- ¹: On curvilinear lots, the lots size shall be measured by the cord length along a curve.
²: In cul-de-sacs the minimum lot frontage may be equal to 80-feet.

(3) Streets and Roadways.

- (a) Right-of-Way. Street and road right-of-way shall conform to the *Rockwall County Thoroughfare Plan*, which is summarized as follows:

Roadway Classification	Cross Section	Right-of-Way ^{1 & 2}
Local	Residential, Two (2) Lanes, Undivided, Roadway	60'
Collector	Rural, Two (2) Lanes, Undivided, Roadway	60'
Collector	Urban, Two (2) Lanes, Undivided, Roadway	60'
Collector	Rural, Three (3) Lanes, Undivided, Roadway	65'
Collector	Urban, Three (3) Lanes, Undivided, Roadway	80'
Minor Arterial	Rural, Two (2) Lanes, Undivided, Roadway	65'
Minor Arterial	Urban, Three (3) Lanes, Undivided, Roadway	80'
Minor Arterial	Rural, Four (4) Lanes, Undivided, Roadway	100'
Minor Arterial	Urban, Four (4) Lanes, Undivided, Roadway	100'
Minor Arterial	Rural, Four (4) Lanes, Divided, Roadway	100'
Principal Arterial	Rural, Two (2) Lanes, Divided Roadway	100'
Principal Arterial	Rural, Four (4) Lanes, Divided Roadway	100'
Principal Arterial	Urban, Four (4) Lanes, Divided Roadway	120'
Principal Arterial	Rural, Six (6) Lanes, Divided Roadway	120'
Principal Arterial	Urban, Six (6) Lanes, Divided Roadway	120'

Notes:

- ¹: Private streets shall be subject to the same right-of-way and classification requirements as public streets.
²: In accordance with Sec. 232.003(1) & Sec. 232.003(2) of the TLGC, a maximum of 100' of right-of-way will be required on a main artery for a subdivision and 70' for all other roads in a subdivision.

- (b) Street and Roadway Acceptance. Once a street or roadway construction project has been completed, the developer shall be responsible for notifying the City's Engineering Department and the County in writing. All conditions of the final plat must be met. Acceptance of streets and alley improvements shall be evidence of approval by the City's Engineering Department and by an instrument approved by the Rockwall County Commissioner's Court in accordance with the Rockwall County *Subdivision Rules and Regulations*.

- (4) Adequate Public Utilities/Facilities. It shall be the responsibility of the developer or applicant to ensure that all easements are of the proper width and location to serve the appropriate utility companies. In addition, the following documentation will be required for subdivision plats:

- (a) Preliminary Plats. The developer shall submit preliminary plans for the provision of adequate public utilities (*i.e. water, wastewater, and drainage*) necessary to serve the property. In addition, the developer shall submit the following:



Planning Director or City Engineer. When such access is needed to maintain permanent City owned utilities, the roadway will be an improved right-of-way. If the utilities are temporary, an improved easement may be approved.

2.10 Dead End Streets, Cul-de-Sacs and Courts

Cul-de-sacs are permitted and encouraged within residential subdivisions. Use of this design shall provide proper access to all lots and shall not exceed six hundred (600) feet in length, measured from the center of the cul-de-sac to the center of the intersecting street (not a dead end street). Cul-de-sac shall have a minimum paving radius of forty-seven and half (47 ½) feet and a minimum right-of-way radius of fifty-seven and half (57 ½) feet. Specific aspects of the standard cul-de-sac design are given in Figure 2.1C. In lieu of the typical design shown, the City may approve alternative concepts for a specific application.

2.11 Alleys and Alley Widths

Alleys shall be provided in all residential areas and shall be paved with steel reinforced concrete. No alley may be over 1,000 feet long. The City Council may waive the residential alley requirement, if it is in the best interest of the City. Alleys may be required in commercial and industrial districts. The City may waive this requirement where other definite and assured provisions are made for service access such as off-street loading, unloading and parking consistent with and adequate for the uses proposed. The minimum right-of-way width of an alley shall be twenty (20) feet. Dead-end alleys shall not be permitted. The City may waive this requirement where such dead-end alleys are unavoidable and where adequate turnaround facilities have been provided. Adequate provisions shall be made at all intersections in order that equipment, such as garbage collection vehicles and maintenance vehicles, can maneuver the corners. The interior edge of the pavement, at the corners, shall have a minimum radius of thirty (30) feet. The exterior edge of the pavement, at the corners, shall have a minimum radius of twenty (20) feet. The alley paving is to be flared at the street intersection. The right-of-way limits shall be expanded, if necessary, beyond the minimum requirement in order to include all of the paved section and utilities within the right-of-way of the alley. Alley turnouts shall be paved to the property line and shall be fifteen (15) feet wide at that point. All alleys shall have a minimum of twelve (12) feet of steel reinforced paved concrete roadway. Alley shall have a minimum thickness of seven (7) inches on the exterior edges and five (5) inches in the center sections.

2.12 Street Grades

Arterial streets may have a maximum grade of seven and one-half (7 ½) percent, for a maximum continuous distance of two hundred (200) feet. Collector streets may have a maximum grade of seven and one-half (7 ½) percent. Residential streets may have a maximum grade of ten (10) percent, unless otherwise



May 20, 2020

TO: David Booth
D. R. Horton – Texas, LTD
4306 Miller Road
Rowlett, Texas 75088

CC: Ryan Horton
DMDS Land Company, LLC
1501 Alta Drive
Fort Worth, Texas 76107

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

SUBJECT: MIS2020-008; Variance Requests for River Rock Trails Subdivision

Mr. Booth:

This letter serves to notify you that on May 18, 2020 the City Council of the City of Rockwall denied your request for variances to the minimum right-of-way width and alleyway requirements associated with the *Interlocal Cooperation Agreement* by and between the City of Rockwall and Rockwall County. Should you have any questions or concerns regarding the denial of your request, please feel free to contact me at (972) 771-7745.

Sincerely,

A handwritten signature in black ink, appearing to read 'R Miller'.

Ryan Miller, AICP
Director of Planning and Zoning
City of Rockwall, Texas