



PLANNING AND ZONING CASE CHECKLIST

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

P&Z CASE # M152020-009 P&Z DATE 05/26/20 CC DATE 06/09/20 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 type="checkbox"/> APPLICATIONS |
| <input 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. M152020-009

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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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 534 FARM LANE

Subdivision J SHADLAND SURVEY TRACT 5 Lot _____ Block _____

General Location A 48.485 acre tract of land located at the termination of Farm Lane (Exhibit A)

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

Current Zoning _____ Current Use _____

Proposed Zoning _____ Proposed Use _____

Acreage _____ Lots [Current] _____ Lots [Proposed] _____

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

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

| | |
|---|--|
| <input checked="" type="checkbox"/> Owner <u>KURT AVERY</u> | <input type="checkbox"/> Applicant _____ |
| Contact Person _____ | Contact Person _____ |
| Address <u>1043 ANNA CADE RD.</u> | Address _____ |
| City, State & Zip <u>Rockwall, TX 75087</u> | City, State & Zip _____ |
| Phone <u>214.771.1090</u> | Phone _____ |
| E-Mail <u>kurtavery@yahoo.com</u> | E-Mail _____ |

NOTARY VERIFICATION [REQUIRED]

Before me, the undersigned authority, on this day personally appeared Kurt Avery [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 \$ 100.00, to cover the cost of this application, has been paid to the City of Rockwall on this the 15 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."

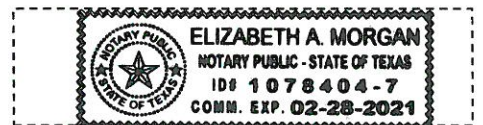
Given under my hand and seal of office on this the 15 day of May, 20 20.

Owner's Signature

[Signature]

Notary Public in and for the State of Texas

Elizabeth A Morgan



My Commission Expires

02-28-2021



**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: 5/15/2020

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 5/26/2020 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: MIS2020-009
Project Name: Variance Request for 534 Farm Lane
Project Type: MISCELLANEOUS
Applicant Name: [APPLICANT]
Owner Name: KURT AVERY
Project Description:

Kurt Avery
1043 Anna Cade Rd.
Rockwall, TX 75087

5/15/2020

To: City of Rockwall – Planning and Zoning Department

Re: Development Application for Variance at 534 Farm Lane in the ETJ

Please consider this formal request for a variance allowing for a privately maintained road to extend from the termination of Farm Lane (within the Extraterritorial Jurisdiction) by roughly 2000 feet into Tract 1, a 48.485 acre parcel described in Exhibit "A". Farm Lane is a privately owned and maintained road described as Tract 2 of Exhibit "A". It provides access to four residences including a homesite located within Tract 1.

This extension is illustrated by the green line depicted in the attached aerial map which includes the existing Farm Lane in the northeast (top left) corner. It should be noted that the placement of the road on the map is an estimated depiction. The intent would be to extend the road the least distance necessary to create access to the lots, as to preserve aesthetics and reduce cost.

The purpose of this request is to resolve an access issue to potential subdivided lots proposed in accordance with the 212 Development Agreement restricting lots to greater than 5 acres in size. Maintenance of the proposed extension is to be provided by the landowners of the 5+ acre lots by an established Home Owners Association much like what is currently implemented for improvements on Anna Cade Circle. Thank you for your consideration.

Sincerely,



Kurt Avery



Farm Ln

Google

Imagery ©2020 Maxar Technologies, U.S. Geological Survey, Map data ©2020 United States Terms Send feedback 100 ft



EXHIBIT "A"

TRACT ONE:

Being a tract of land located in the J. Strickland Survey, Abstract No. 187, Rockwall County, Texas, and being the same tract conveyed to Ada McCurry by Lee Cade, et al, on January 28, 1942, recorded in Volume 37, Page 627, Deed Records and being more fully described as follows:

BEGINNING at an iron rod at McCurry's northeast corner, being 8 ft. north of an east-west fence line and on the east line of the Strickland Survey;

THENCE S 0° 10' E 1251.43 ft. to a fence corner post at McCurry's southeast corner;

THENCE S 88° 48' W 1675.29 ft. to an iron rod in fence corner for the southwest corner;

THENCE N 0° 37' E 423.09 ft. to an iron rod in fence corner for an angle in McCurry's west line;

THENCE N 0° 45' W 848.27 ft. to an iron rod in fence corner at McCurry's northwest corner;

THENCE N 89° 25' E 1677.89 ft. along McCurry's north line to the PLACE OF BEGINNING and containing 48.485 acres of land..

TRACT TWO:

Being a tract of land situated in the J. Strickland Survey, Abstract No. 187, Rockwall County, Texas, and being part of a tract as conveyed to Ada McCurry by Lee Cade et al, as recorded in Volume 37, Page 627, Deed Records, Rockwall County, Texas, and being part of 112.172 acres designated as Tract Two (2) on plat of survey by Pat Presley dated January 29, 1974, and being more particularly described as follows:

BEGINNING at the Northwest corner of a 48.485 acre tract designated as Tract Three (3) on plat of survey by Pat Presley dated January 29, 1974, a point for corner;

THENCE S. 89° 25' W., a distance of 1670.35 feet to a point in the center of Millwood Road, a point for corner;

THENCE N. 0° 30' W., along the center of Millwood Road, a distance of 60.00 feet to a point for corner;

THENCE N. 89° 25' E., leaving the said center of Millwood Road, a distance of 1890.26 feet to a point for corner;

THENCE S. 0° 35' E., a distance of 60.00 feet to a point on the North line of said 48.485 acre tract, a point for corner;

THENCE S. 89° 25' W., along the North line of said 48.485 acre tract, a distance of 210.00 feet to the PLACE OF BEGINNING and containing 2.590 acres of land.



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: June 1, 2020
APPLICANT: Kurt Avery
CASE NUMBER: MIS2020-009; *Variance to the Subdivision Requirements for 534 Farm Lane*

SUMMARY

Discuss and consider a request by Kurt Avery for a variance 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 51.08-acre tract of land identified as Tracts 5 & 5-1 of the J. Strickland Survey, Abstract No. 187, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), generally located at the terminus of Farm Lane east of Anna Cade Road, and take any action necessary.

BACKGROUND

On January 18, 2005, the City Council approved a 212 Development Agreement for the subject property. The initial term of this agreement was for ten (10) years from the approval date. On August 18, 2014, the City Council approved a subsequent term of ten (10) years effective on January 15, 2015. The expiration of this extension is January 15, 2025, and will not require the City Council or staff to take any action until July 19, 2024.

PURPOSE

On May 20, 2020, the applicant -- *Kurt Avery* -- submitted a request for a variance 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 variance is to allow a private unpaved street for the purpose of facilitating a subdivision consisting of nine (9) lots that are a minimum of five (5) acre each.

ADJACENT LAND USES AND ACCESS

The subject property is located at the terminus of Farm Lane 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 five (5) foot strip of land zoned Agricultural (AG) District and which is bounded by the corporate limits of the City of Rockwall on both sides. Beyond this are four (4) tracts of land with three of the tracts being occupied with three (3) estate style homes. All of these properties are situated in the City's Extraterritorial Jurisdiction (ETJ). Beyond this are several tracts of land with homes facing onto Camp Creek Road. According to the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan, Camp Creek Road is designated as a *Minor Collector*.

South: Directly south of the subject property are several large tracts of land fronting on to Anna Cade Road. These properties are all located within the City's Extraterritorial Jurisdiction (ETJ).

East: Directly east of the subject property are several tracts of land -- *under one (1) ownership* -- with a single-family home being situated on one (1) of the tracts. Beyond this is the Holiday Farm Subdivision, which consists of 20-lots and 19 single-family homes. East of this subdivision is Old Millwood Road. All of these properties are situated within the City's Extraterritorial Jurisdiction (ETJ).

West: Directly west of the subject property are several tracts of land with seven (7) single-family homes and multiple accessory structures situated on them. This area also contains the remainder of Farm Lane and Pleasant Acres Road, which both intersect with Anna Cade Road. According to the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan, Anna Cade Road is designated as a *Minor Collector*.

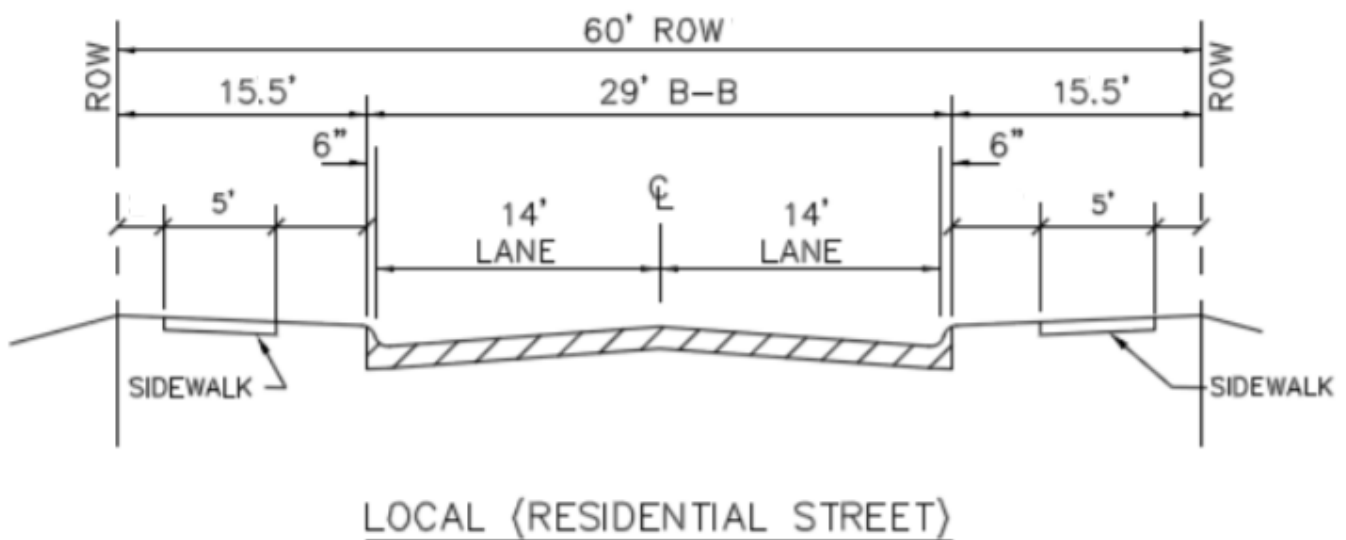
CHARACTERISTICS OF THE REQUEST:

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 the ability 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 a variance to the roadway requirements stipulated by Section 2, *Streets*, of the *Standards of Design and Construction Manual*. The applicant has submitted a letter indicating that the roadway will be private, and -- based on conversations with staff -- the applicant has indicated that the roadway will be a 20-foot gravel road, with drainage swales along both sides of the roadway, situated within a 60-foot right-of-way. In addition to the applicant's letter, the applicant has also submitted an exhibit showing the proposed layout of the subdivision, which will contain nine (9) lots each a minimum of five (5) acres in size. Staff should note that the current 212 Development Agreement restricts the subject property from being subdivided into lots less than five (5) acres without triggering voluntary annexation.

INTERIM INTERLOCAL AGREEMENT REQUIREMENTS:

Section 2.3, *Thoroughfare and Street Geometry*, of the *City's Standards of Design and Construction* shows the typical street cross sections for roadway construction. The *Local (Residential Street)* contained in Figure 2.1B shows the minimum paving being a 29-foot *back-to-back* roadway, with curb and gutter, and five (5) foot sidewalks. According to Section (3)(a), *Right-of-Way*, of *Exhibit 'A': Subdivision Regulations for Review of Plats in the Extraterritorial Jurisdiction (ETJ)* of the *Interim Interlocal Cooperation Agreement*, a *Residential, Two (2) Lanes, Undivided Roadway* requires a minimum of 60-feet of right-of-way. In addition, this section requires that "(p)ivate streets shall be subject to the same right-of-way and classification requirements as public streets." This means that the applicant would be required to build all roadways to the following specification:



As stated above, the applicant is asking that the City Council consider allowing a 20-foot private gravel road, with drainage swales along both sides of the road, in a 60-foot right-of-way. Staff should point out that Farm Lane -- *which connects the subject property to Anna Cade Road* -- is a private roadway that appears to be an approximately 10-foot to 12-foot wide gravel road inside a 60-foot right-of-way. Currently, there are six (6) properties (*including the subject property*) that access Farm Lane. These properties consist of three (3) vacant tracts of land and three (3) tracts of land with existing single-family homes.



Entry of Farm Lane Road off of Anna Cade Road. The signs state that it is a "Private Road No Trespassing".

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 request. 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

The City Council cannot establish additional conditions above and beyond the technical requirements associated with the approval of any variance or exception in the City's Extraterritorial Jurisdiction (ETJ).

ACTION REQUIRED

The City Council is being asked to make a decision on a variance to the City's *Standards of Design and Construction Manual* to allow an alternative road section to facilitate the development of 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. M152020-009

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]:

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- Variance Request (\$100.00)

Notes:

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PROPERTY INFORMATION [PLEASE PRINT]

Address 534 FARM LANE

Subdivision J SHADLAND SURVEY TRACT 5 Lot _____ Block _____

General Location A 48.485 acre tract of land located at the termination of Farm Lane (Exhibit A)

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

| | |
|---|--|
| <input checked="" type="checkbox"/> Owner <u>KURT AVERY</u> | <input type="checkbox"/> Applicant _____ |
| Contact Person _____ | Contact Person _____ |
| Address <u>1043 ANNA CADE RD.</u> | Address _____ |
| City, State & Zip <u>Rockwall, TX 75087</u> | City, State & Zip _____ |
| Phone <u>214.771.1090</u> | Phone _____ |
| E-Mail <u>kurtavery@yahoo.com</u> | E-Mail _____ |

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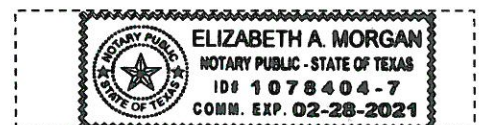
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"I hereby certify that I am the owner for the purpose of this application; all information submitted herein is true and correct; and the application fee of \$ 100.00, to cover the cost of this application, has been paid to the City of Rockwall on this the 15 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."

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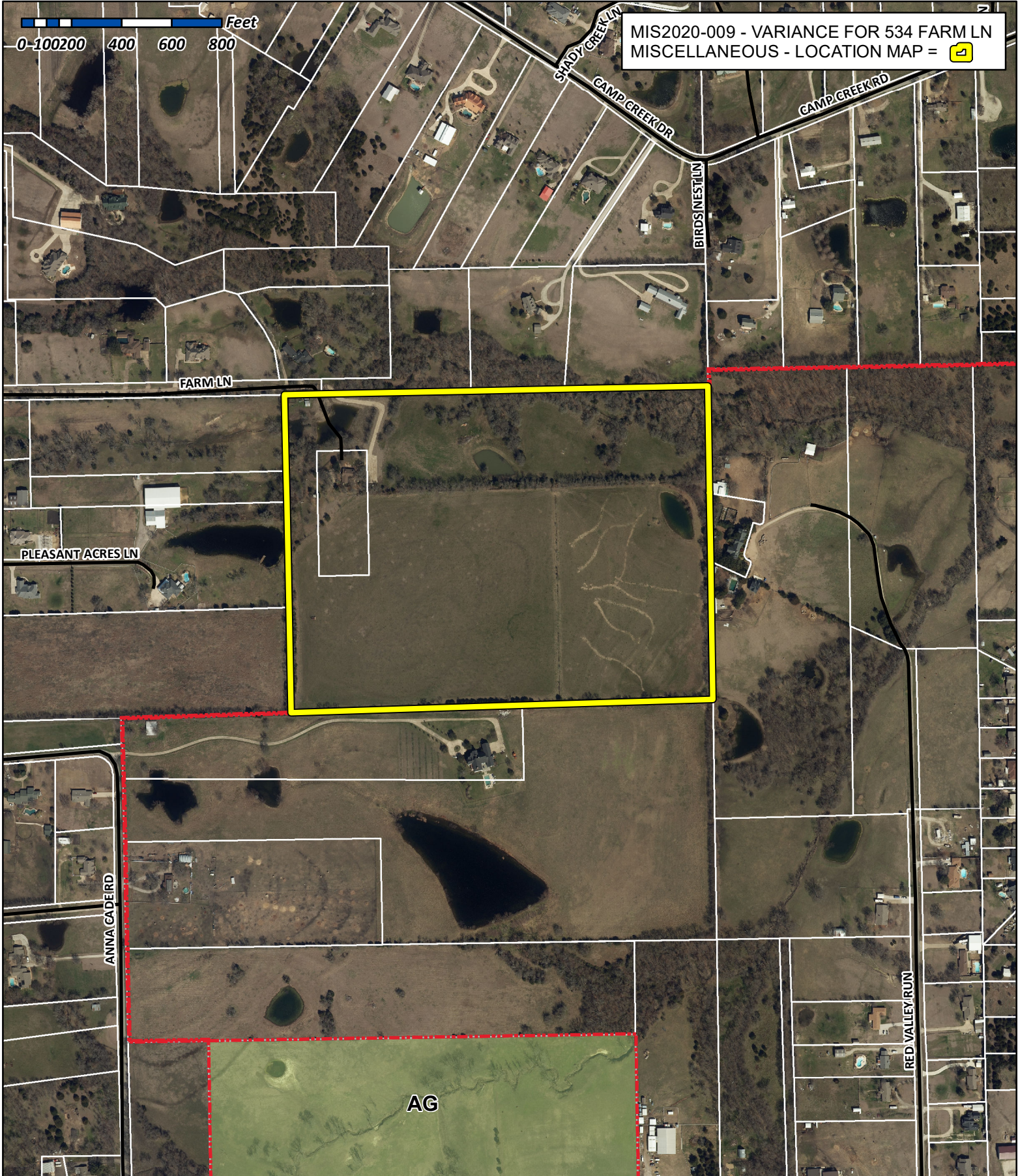
Owner's Signature

Notary Public in and for the State of Texas



My Commission Expires

02-28-2021



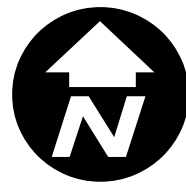
MIS2020-009 - VARIANCE FOR 534 FARM LN
 MISCELLANEOUS - LOCATION MAP = [icon]

0-100200 400 600 800 Feet

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.



Kurt Avery
1043 Anna Cade Rd.
Rockwall, TX 75087

5/15/2020

To: City of Rockwall – Planning and Zoning Department

Re: Development Application for Variance at 534 Farm Lane in the ETJ

Please consider this formal request for a variance allowing for a privately maintained road to extend from the termination of Farm Lane (within the Extraterritorial Jurisdiction) by roughly 2000 feet into Tract 1, a 48.485 acre parcel described in Exhibit "A". Farm Lane is a privately owned and maintained road described as Tract 2 of Exhibit "A". It provides access to four residences including a homesite located within Tract 1.

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Sincerely,



Kurt Avery



Farm Ln

Google

Imagery ©2020 Maxar Technologies, U.S. Geological Survey, Map data ©2020 United States Terms Send feedback 100 ft



EXHIBIT "A"

TRACT ONE:

Being a tract of land located in the J. Strickland Survey, Abstract No. 187, Rockwall County, Texas, and being the same tract conveyed to Ada McCurry by Lee Cade, et al, on January 28, 1942, recorded in Volume 37, Page 627, Deed Records and being more fully described as follows:

BEGINNING at an iron rod at McCurry's northeast corner, being 8 ft. north of an east-west fence line and on the east line of the Strickland Survey;

THENCE S 0° 10' E 1251.43 ft. to a fence corner post at McCurry's southeast corner;

THENCE S 88° 48' W 1675.29 ft. to an iron rod in fence corner for the southwest corner;

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July 10, 2020

TO: Kurt Avery
1043 Anna Cade Road
Rockwall, Texas 75087

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

SUBJECT: MIS2020-009; Variance for 534 Farm Lane

Mr. Avery:

This letter serves to notify you that the above referenced case, that you submitted for consideration by the City of Rockwall, was approved by the City Council on June 1, 2020. The following is a record of all recommendations, voting records and conditions of approval:

City Council

On June 1, 2020, the City Council approved the applicant's request for a variance to the City's Interlocal Cooperation Agreement with Rockwall County by vote of 4-2, with Mayor Pruitt and Council Member Macalik dissenting and one seat vacant.

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

Sincerely,

A handwritten signature in black ink, appearing to read "fylli", is written over the printed name.

Ryan Miller, AICP
Director of Planning and Zoning