



# PLANNING AND ZONING CASE CHECKLIST

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

P&Z CASE # MIS 2020-011 P&Z DATE \_\_\_\_\_ CC DATE \_\_\_\_\_ 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 checked="" 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 # _____                   |
| <b>NOTES:</b> _____                                      |
| _____  |
| _____  |
| _____  |
| _____  |
| <b>ZONING MAP UPDATED</b> _____                          |



# DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO. MIS2020-011

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

### Site Plan Application Fees:

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

### Zoning Application Fees:

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

### Other Application Fees:

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

### Notes:

<sup>1</sup>: 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 247 Chris Dr.

Subdivision Rockwall Lake Properties Development No. 2 Lot 1051 Block

General Location

## ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

Current Zoning Residential

Current Use Residential

Proposed Zoning N/A

Proposed Use Residential

Acreage N/A

Lots [Current] 1-1/2

Lots [Proposed] 1-1/2

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

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

Owner Lupe Guardiola

Applicant J.W. JONES

Contact Person

Contact Person J.W. Jones

Address 247 Chris Dr.

Address 555 N. 5th St.  
Suite 113

City, State & Zip Rockwall

City, State & Zip Garland, TX 75040

Phone

Phone 214-535-2850

E-Mail

E-Mail jayjones1941@hotmail.com

## NOTARY VERIFICATION [REQUIRED]

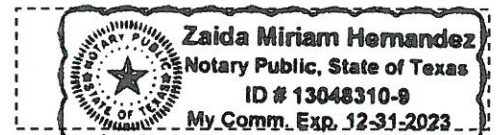
Before me, the undersigned authority, on this day personally appeared Lupe Guardiola [Owner] the undersigned, who stated the information on this application to be true and certified the following:

"I hereby certify that I am the owner for the purpose of this application; all information submitted herein is true and correct; and the application fee of \$ \_\_\_\_\_, to cover the cost of this application, has been paid to the City of Rockwall on this the 17 day of September, 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 17 day of September, 20 20.

Owner's Signature Guadalupe Guardiola

Notary Public in and for the State of Texas



My Commission Expires 12-31-2023

**JAY JONES REALTY**

**(SINCE 1966)**

555 N. Fifth St. Suite 113

Garland, TX 75040

office: 972-272-3322 fax: 972-272-7744

Cell: 214-535-2850 email: jayjones1941@hotmail.com

September 19, 2020

Ryan Miller  
Director Planning Dept  
City of Rockwall

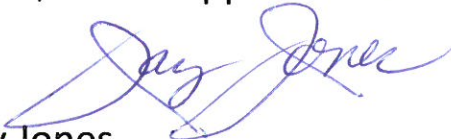
Re 247 Chris Drive  
BLDG-2020-0741 (019)

Mr. Miller

I am submitting application and other items, which may be needed to present our request to the City Council for a front yard set-back variance that will allow us build the house 18' from the front property line instead of the required 20'.

- Application
- Six 24x36" copies of revised site plan
- Flash Drive with revised site plan
- Copy of my August 19 email to you detailing why we are asking for the 18' set-back
- \$100.00 application fee check

Jay Jones





# 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

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**TO:** Planning and Zoning Commission  
**DATE:** October 13, 2020  
**APPLICANT:** J. W. Jones  
**CASE NUMBER:** MIS2020-011; *Special Request for 247 Chris Drive*

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### **SUMMARY**

Discuss and consider a request by J. W. Jones for the approval of a Miscellaneous Case for a special request in accordance with the requirements of Planning Development District 75 (PD-75) [*Ordinance No. 16-01*] for a 0.33-acre parcel of land identified as a portion of Lot 1050 and all of Lot 1051, Rockwall Lake Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 247 Chris Drive, and take any action necessary.

### **BACKGROUND**

The subject property was originally platted as Lots 1050 & 1051 of the Rockwall Lake Properties Development No. 2 Addition, which was filed with Rockwall County on April 23, 1968. At some point prior to 2006, Lot 1050 was subdivided by metes and bounds into two (2) equal tracts of land, and one-half was combined with Lot 1051 and one-half was combined with a portion of Lot 1049 by common ownership. According to the Rockwall Central Appraisal District (RCAD), the subject property has a ~1,280 SF mobile home that was installed in 1984 and a ~130 SF accessory structure that was constructed in 1998. On February 17, 2009, the subject property -- *along with the rest of the Lake Rockwall Estates Subdivision* -- was annexed into the City of Rockwall by *Ordinance No. 09-07*. On September 21, 2009, the City Council rezoned the subject property from an Agricultural (AG) District to Planned Development District 75 (PD-75) [*Ordinance No. 09-37*] for Single-Family 7 (SF-7) District land uses. On January 4, 2016, the City Council amended Planned Development District 75 (PD-75) with *Ordinance No. 16-01*, which made minor changes to the *Consideration of a Special Request* section of the ordinance. On July 6, 2020, at the request of the applicant the City Council approved a Specific Use Permit (SUP) [*Ordinance No. 20-23; S-225*] for *Residential Infill in an Established Subdivision* to allow the construction of a ~2,624 SF single-family home on the subject property.

### **PURPOSE**

On September 18, 2020, the applicant -- *J. W. Jones* -- submitted an appeal for a special request in accordance with the requirements of Planned Development 75 (PD-75) [*Ordinance No. 16-01*] for the purpose of allowing a single-family home to encroach into the front yard building setback adjacent to Chris Drive.

### **ADJACENT LAND USES AND ACCESS**

The subject property is located at 247 Chris Drive. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property are multiple lots zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses. These properties are mostly developed with mobile homes, with some of the lots being developed with single-family homes. Beyond this is Evans Road, which is classified as a *R2 (residential, two [2] lane, undivided roadway)* on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

South: Directly south of the subject property are multiple lots zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses. These properties are mostly developed with mobile homes, with some of the

lots being developed with single-family homes. Beyond this is County Line Road, which is classified as a *Minor Collector* on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

East: Directly east of the subject property are multiple lots zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses. These properties are mostly developed with mobile homes, with some of the lots being developed with single-family homes. Beyond this is Yvonne Drive, which is classified as a *R2 (residential, two [2] lane, undivided roadway)* on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

West: Directly west of the subject property is Chris Drive, which is identified as a *R2 (residential, two [2] lane, undivided roadway)* on the Master Thoroughfare Plan. Beyond this are multiple lots zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses. These properties are mostly developed with mobile homes, with some of the lots being developed with single-family homes.

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

According to the letter submitted by the applicant, when the plans for the house were originally designed it was believed that there was a sewer line running adjacent to the southern, side yard property line; however, upon performing a dig test on the property it was determined that the sewer line actually existed adjacent to the eastern, rear yard property line approximately 3'-6" from the location of the proposed home. To ensure that there is sufficient space to service a sewer line, it is recommended that a structure be a minimum of five (5) feet from the sewer line. In this case, this would require the house to be shifted forward a minimum of 1'-6". According to Planned Development District 75 (PD-75) [Ordinance No. 16-07] the subject property is subject to a minimum front yard building setback of 20-feet, and -- based on the plan approved by the City Council as part of S-225 -- the proposed home is situated at the front yard building setback. This means that the applicant would need to encroach into the front yard building setback by a minimum of 1'-6", which translates to a reduced front yard building setback of 18'-6". After reviewing the request internally, staff believes that a minimum of a three (3) foot encroachment should be requested to ensure that the home is far enough away from the sewer line to not cause any future issues if the City needs to service the line. This means that the applicant would need to request a minimum of a 17-foot front yard building setback, and if approved the rear of the home would be 6'-6". Typically, these types of request are sent to the Board of Adjustments (BOA), however, Planned Development District 75 (PD-75) allows the City Council to consider a special request not relating to land use. According to Planned Development District 75 (PD-75), "(t)he City Council may consider special requests in the Lake Rockwall Estates Subdivision (*i.e. Area 1 and Area 2 as depicted in Exhibit 'B' [the concept plan] of this ordinance*). Such requests may include, but not necessarily be limited to the use of alternate building materials, reductions in the building setbacks, exceptions to the fencing requirements, or other requests submitted for consideration to the Planning and Zoning Department." When reviewing this request staff should point out: [1] the request does appear to create a hardship for the applicant, and [2] by approving the request the City Council would not change the essential character of the neighborhood (*i.e. there are other non-conforming structures in the subdivision that encroach front yard building line*); however, special requests are discretionary decisions for the City Council pending a recommendation from the Planning and Zoning Commission. Staff should note that if the City Council chooses to approve this request, a condition of approval requiring the subject property be replatted to adjust the utility easement at the rear of the property has been included in the *Recommendation* section of this case memo.

### **CONDITIONS OF APPROVAL**

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

- (1) The subject property will need to be replatted to adjust the utility easement at the rear of the property to ensure that the existing sewer line is located within a ten (10) foot utility easement; and,
- (2) Any construction resulting from the approval of this case 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.



# DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO. MIS2020-011

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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:

<sup>1</sup>: 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 247 Chris Dr.

Subdivision Rockwall Lake Properties Development No. 2 Lot 1051 Block \_\_\_\_\_

General Location \_\_\_\_\_

## ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

Current Zoning Residential

Current Use Residential

Proposed Zoning N/A

Proposed Use Residential

Acreage N/A

Lots [Current] 1-1/2

Lots [Proposed] 1-1/2

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

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

Owner Lupe Guardiola

Applicant J.W. JONES

Contact Person

Contact Person J.W. Jones

Address 247 Chris Dr.

Address 555 N. 5th St.  
Suite 113

City, State & Zip Rockwall

City, State & Zip Garland, TX 75040

Phone

Phone 214-535-2850

E-Mail

E-Mail jayjones1941@hotmail.com

## NOTARY VERIFICATION [REQUIRED]

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

"I hereby certify that I am the owner for the purpose of this application; all information submitted herein is true and correct; and the application fee of \$ \_\_\_\_\_, to cover the cost of this application, has been paid to the City of Rockwall on this the 17 day of September, 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."

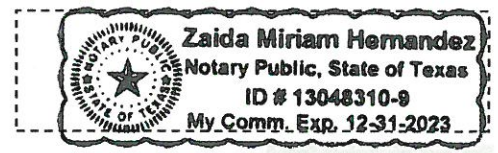
Given under my hand and seal of office on this the 17 day of September, 2020.

Owner's Signature

Guadalupe Guardiola

Notary Public in and for the State of Texas

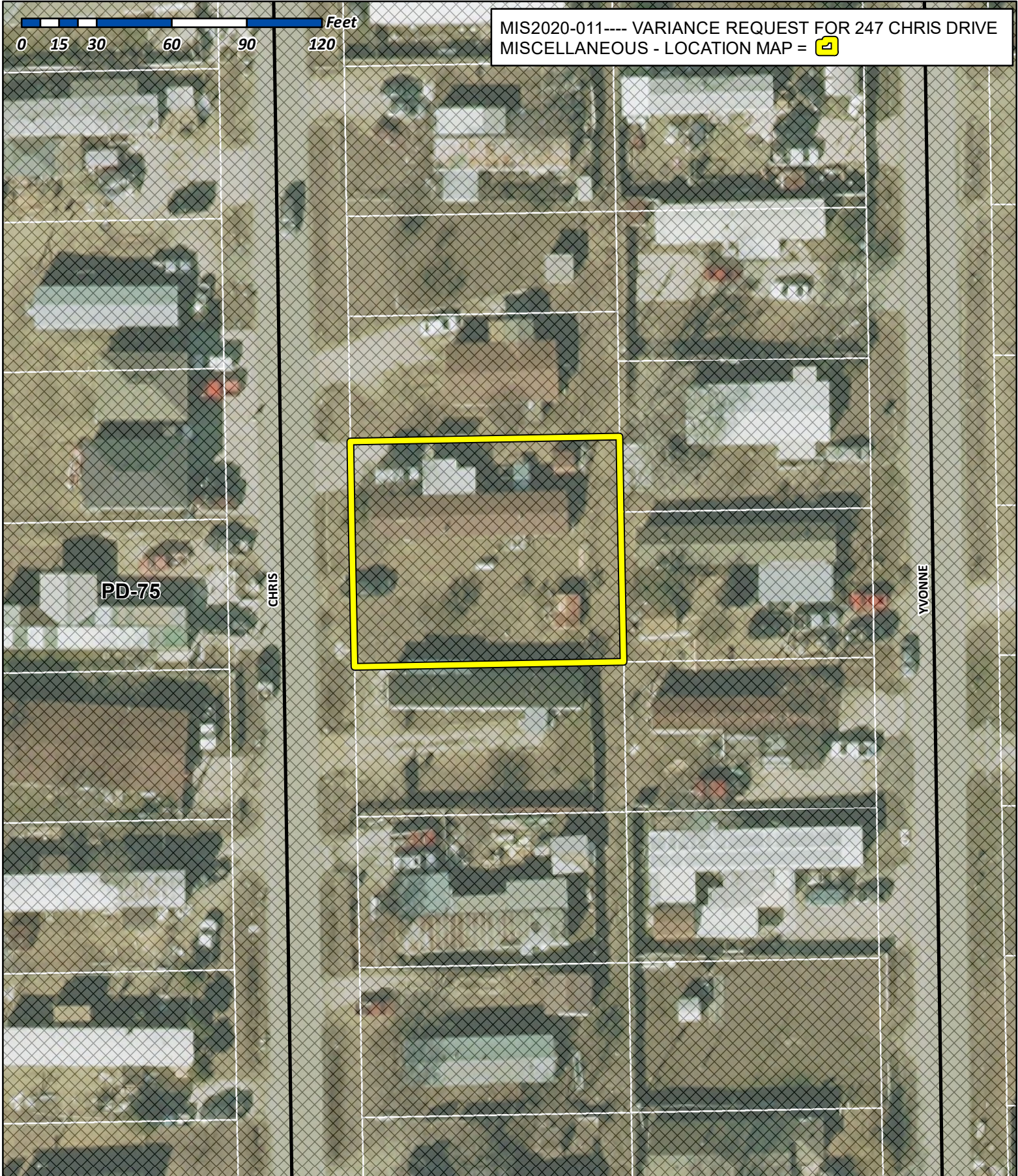
[Signature]



My Commission Expires 12-31-2023

0 15 30 60 90 120 Feet

MIS2020-011---- VARIANCE REQUEST FOR 247 CHRIS DRIVE  
MISCELLANEOUS - LOCATION MAP = 



PD-75

CHRIS

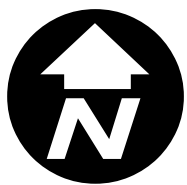
YVONNE



# 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.



**From:** Jay Jones <jwjones1491@gmail.com>  
**Sent:** Wednesday, August 19, 2020 2:24 PM  
**To:** Miller, Ryan <RMiller@rockwall.com>  
**Subject:** Project 22020-019, 247 Chris Dr.

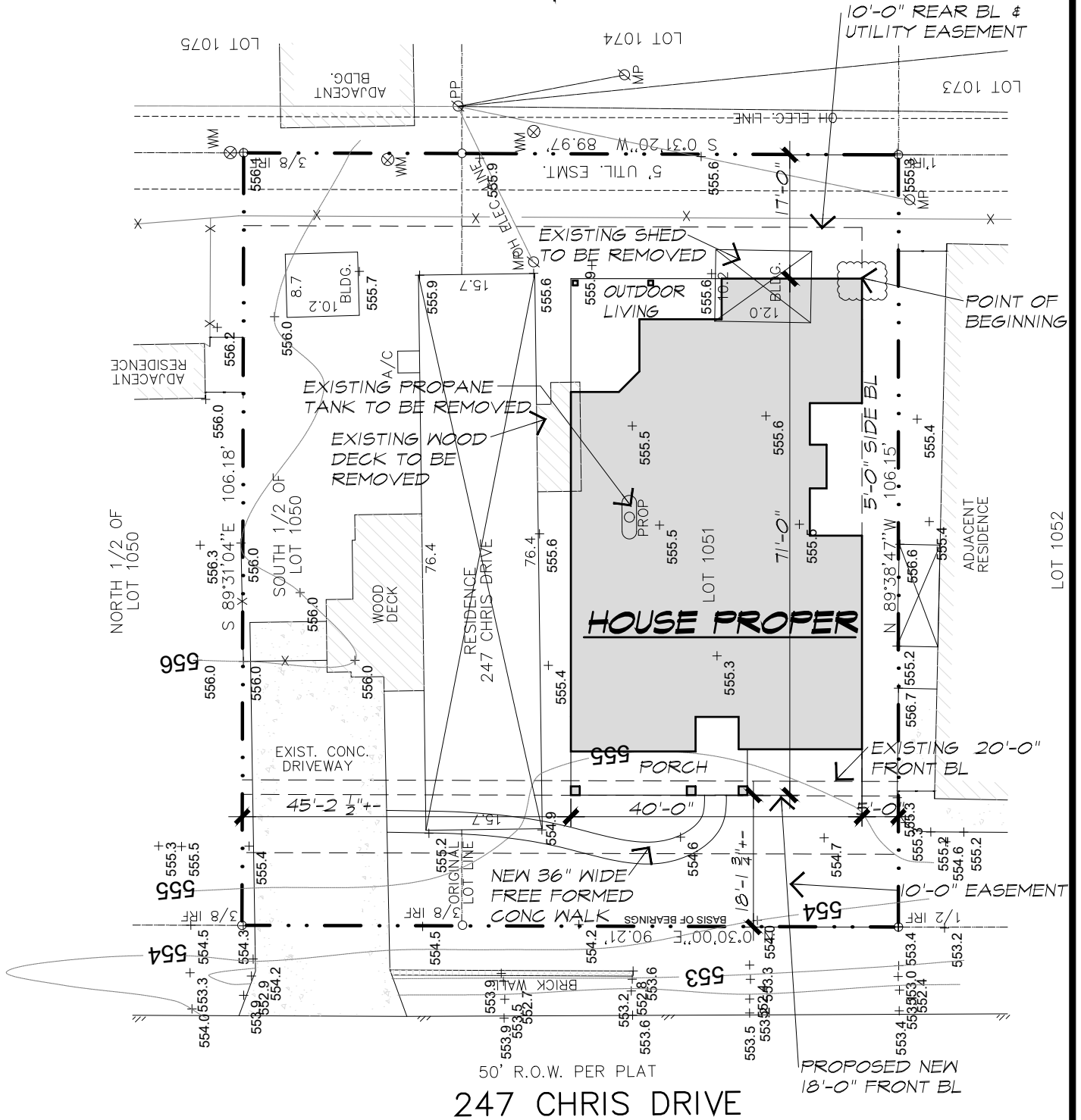
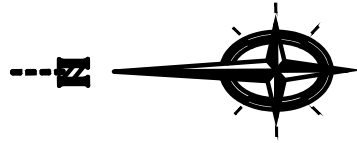
Mr. Miller, On May 15 I received an email with an update from building, engineering, fire and planning. Sarah Johnston's 5 comments included one that said, "Must dedicate a 10' utility easement along the south property line. There is a sewer line running along the....." The remainder of this sentence did not print out and I've erased the email. I'm pretty sure that you will still have a copy of this May 15 update.

There is a 5' set-back along the south property line. A 10' easement along the south property line would require us to move the house north 5'. Mr. Guardiola, the owners of 647 Chris Dr. who is also building the house, wanted to see if the owner of the house next door would dedicate 5' off his north property line and the owner of 647 Chris Dr. would dedicate 5' off of his south property line, which would give the City a 10' utility easement.

To determine the exact location of the sewer line I asked the City's sewer overseer, Steve Clawson, if he would send a crew out to Chris Dr. to locate the sewer line, which he did. A few days later we found out the sewer line was not along the south property line. The sewer line was 3'-6" from what would be the rear of Mr. Guardiola's proposed house. Mr. Clawson said the sewer line needed to be at least 5'-6" from the house, which means that we would need to move the house west 2'. The house would then be 18' from the front property line instead of 20'. Could the City Council grant a 2' front yard variance?

If we can't move the house 2' closer to the front property line we will have to make changes to the building plans as well as the foundation plan. I am glad I asked Mr. Clawson to locate the sewer line. If we had moved the location of the house north 5' to establish the 10' utility easement along the south property line and then plumbed the house to run the sewer line towards the south property line where we thought the sewer line was located could have been disastrous. Mr. Clawson said working on the sewer line if it was 3'-6" from the house would cause a failure to the house foundation, and that it might not happen for a few years, but it would definitely happen. Moving the house 2' forward would put the sewer line 5'-6" from the house foundation. Jay Jones





NOTE:  
EXISTING ITEMS NOT NOTED  
TO BE REMOVED ARE TO  
REMAIN

REVISED: 8/31/2020  
PLAN #PG 2244  
DATE: 12/20/2019

LOT AREA = 9563.87 SF  
LOT COVERAGE = 27.44%

# SITE PLAN

SCALE: 1" = 20'-0"

1/2 OF LOT 1050 & ALL OF LOT 1051  
ROCKWALL LAKE PROPERTIES DEVELOPMENT NO. 2  
ROCKWALL, TEXAS

**M. Rouse Designs**  
2307 HIGH RIDGE  
SACHSE, TEXAS 75048  
(214) 801-9944  
mrousedesigns.com  
*"WHERE DESIGN EXCELLENCE BEGINS"*  
COPYRIGHT 2019 - M. Rouse Designs - ALL RIGHTS RESERVED

PRIOR TO ANY CONSTRUCTION, BUILDER, CONTRACTORS, & ENGINEERS SHALL CHECK THIS JOB & VERIFY ALL DIMS., PROPERTY LINES, BUILDING LINES, EASEMENTS & UTILITIES, CIVIL & SOIL ENGINEERING, GRADE & DRAINAGE, FENCES & RETAINING WALLS, LANDSCAPE & POOL REQUIREMENTS, TREE LOCATION AND REMOVAL, & DEED RESTRICTIONS TO COMPLY WITH ALL FEDERAL, STATE, & LOCAL CODES, ORDINANCES, & RESTRICTIONS.



# 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:** October 19, 2020  
**APPLICANT:** J. W. Jones  
**CASE NUMBER:** MIS2020-011; *Special Request for 247 Chris Drive*

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### **SUMMARY**

Discuss and consider a request by J. W. Jones for the approval of a Miscellaneous Case for a special request in accordance with the requirements of Planning Development District 75 (PD-75) [*Ordinance No. 16-01*] for a 0.33-acre parcel of land identified as a portion of Lot 1050 and all of Lot 1051, Rockwall Lake Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 247 Chris Drive, and take any action necessary.

### **BACKGROUND**

The subject property was originally platted as Lots 1050 & 1051 of the Rockwall Lake Properties Development No. 2 Addition, which was filed with Rockwall County on April 23, 1968. At some point prior to 2006, Lot 1050 was subdivided by metes and bounds into two (2) equal tracts of land, and one-half was combined with Lot 1051 and one-half was combined with a portion of Lot 1049 by common ownership. According to the Rockwall Central Appraisal District (RCAD), the subject property has a ~1,280 SF mobile home that was installed in 1984 and a ~130 SF accessory structure that was constructed in 1998. On February 17, 2009, the subject property -- *along with the rest of the Lake Rockwall Estates Subdivision* -- was annexed into the City of Rockwall by *Ordinance No. 09-07*. On September 21, 2009, the City Council rezoned the subject property from an Agricultural (AG) District to Planned Development District 75 (PD-75) [*Ordinance No. 09-37*] for Single-Family 7 (SF-7) District land uses. On January 4, 2016, the City Council amended Planned Development District 75 (PD-75) with *Ordinance No. 16-01*, which made minor changes to the *Consideration of a Special Request* section of the ordinance. On July 6, 2020, at the request of the applicant the City Council approved a Specific Use Permit (SUP) [*Ordinance No. 20-23; S-225*] for *Residential Infill in an Established Subdivision* to allow the construction of a ~2,624 SF single-family home on the subject property.

### **PURPOSE**

On September 18, 2020, the applicant -- *J. W. Jones* -- submitted an appeal for a special request in accordance with the requirements of Planned Development 75 (PD-75) [*Ordinance No. 16-01*] for the purpose of allowing a single-family home to encroach into the front yard building setback adjacent to Chris Drive.

### **ADJACENT LAND USES AND ACCESS**

The subject property is located at 247 Chris Drive. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property are multiple lots zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses. These properties are mostly developed with mobile homes, with some of the lots being developed with single-family homes. Beyond this is Evans Road, which is classified as a *R2 (residential, two [2] lane, undivided roadway)* on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

South: Directly south of the subject property are multiple lots zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses. These properties are mostly developed with mobile homes, with some of the

lots being developed with single-family homes. Beyond this is County Line Road, which is classified as a *Minor Collector* on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

East: Directly east of the subject property are multiple lots zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses. These properties are mostly developed with mobile homes, with some of the lots being developed with single-family homes. Beyond this is Yvonne Drive, which is classified as a *R2 (residential, two [2] lane, undivided roadway)* on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

West: Directly west of the subject property is Chris Drive, which is identified as a *R2 (residential, two [2] lane, undivided roadway)* on the Master Thoroughfare Plan. Beyond this are multiple lots zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses. These properties are mostly developed with mobile homes, with some of the lots being developed with single-family homes.

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

According to the letter submitted by the applicant, when the plans for the house were originally designed it was believed that there was a sewer line running adjacent to the southern, side yard property line; however, upon performing a dig test on the property it was determined that the sewer line actually existed adjacent to the eastern, rear yard property line approximately 3'-6" from the location of the proposed home. To ensure that there is sufficient space to service a sewer line, it is recommended that a structure be a minimum of five (5) feet from the sewer line. In this case, this would require the house to be shifted forward a minimum of 1'-6". According to Planned Development District 75 (PD-75) [*Ordinance No. 16-07*] the subject property is subject to a minimum front yard building setback of 20-feet, and -- based on the plan approved by the City Council as part of S-225 -- the proposed home is situated at the front yard building setback. This means that the applicant would need to encroach into the front yard building setback by a minimum of 1'-6", which translates to a reduced front yard building setback of 18'-6". After reviewing the request internally, staff believes that a minimum of a three (3) foot encroachment should be requested to ensure that the home is far enough away from the sewer line to not cause any future issues if the City needs to service the line. This means that the applicant would need to request a minimum of a 17-foot front yard building setback, and if approved the rear of the home would be 6'-6". Typically, these types of request are sent to the Board of Adjustments (BOA), however, Planned Development District 75 (PD-75) allows the City Council to consider a special request not relating to land use. According to Planned Development District 75 (PD-75), "(t)he City Council may consider special requests in the Lake Rockwall Estates Subdivision (*i.e. Area 1 and Area 2 as depicted in Exhibit 'B' [the concept plan] of this ordinance*). Such requests may include, but not necessarily be limited to the use of alternate building materials, reductions in the building setbacks, exceptions to the fencing requirements, or other requests submitted for consideration to the Planning and Zoning Department." When reviewing this request staff should point out: [1] the request does appear to create a hardship for the applicant, and [2] by approving the request the City Council would not change the essential character of the neighborhood (*i.e. there are other non-conforming structures in the subdivision that encroach front yard building line*); however, special requests are discretionary decisions for the City Council pending a recommendation from the Planning and Zoning Commission. Staff should note that if the City Council chooses to approve this request, a condition of approval requiring the subject property be replatted to adjust the utility easement at the rear of the property has been included in the *Recommendation* section of this case memo.

### **CONDITIONS OF APPROVAL**

If the City Council chooses to approve the applicant's appeal for a *special request*, then staff would propose the following conditions of approval:

- (1) The subject property will need to be replatted to adjust the utility easement at the rear of the property to ensure that the existing sewer line is located within a ten (10) foot utility easement; and,
- (2) Any construction resulting from the approval of this case 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 October 13, 2020, the Planning and Zoning Commission approved a motion to recommend approval of the special request with the conditions of approval by a vote of 7-0.

## Lee, Henry

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**From:** Lee, Henry  
**Sent:** Tuesday, November 3, 2020 9:06 AM  
**To:** 'jayjones1941@hotmail.com'  
**Subject:** MIS2020-011 Approval Letter  
**Attachments:** Approval Letter (11.02.2020).pdf

Good Morning,

This email serves to inform you that your miscellaneous case, MIS2020-011, was approved. Attached is the approval letter, which will also be mailed to you. If you have any questions feel free to contact me.

Thank you,



HENRY LEE  
Planner  
Planning & Zoning Department  
972.772.6434  
[HLee@rockwall.com](mailto:HLee@rockwall.com)  
385 S. Goliad Street, Rockwall, TX 75087

## Lee, Henry

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**From:** Jay Jones <jayjones1941@hotmail.com>  
**Sent:** Tuesday, November 3, 2020 4:17 PM  
**To:** Lee, Henry  
**Cc:** Paul Guardiola  
**Subject:** Re: MIS2020-011 Approval Letter

Are we required to wait until the replat has been approved before we can get a building permit?

---

**From:** Lee, Henry  
**Sent:** Tuesday, November 3, 2020 9:05 AM  
**To:** 'jayjones1941@hotmail.com'  
**Subject:** MIS2020-011 Approval Letter

Good Morning,

This email serves to inform you that your miscellaneous case, MIS2020-011, was approved.

Attached is the approval letter, which will also be mailed to you.

If you have any questions feel free to contact me.

Thank you,



HENRY LEE  
Planner  
Planning & Zoning Department  
972.772.6434  
[HLee@rockwall.com](mailto:HLee@rockwall.com)  
385 S. Goliad Street, Rockwall, TX 75087

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## Lee, Henry

---

**From:** Lee, Henry  
**Sent:** Tuesday, November 3, 2020 4:22 PM  
**To:** 'Jay Jones'  
**Subject:** RE: MIS2020-011 Approval Letter

Good Afternoon,

You can apply for the building permit, however planning will not finalize it until the replat is complete. If you are wanting to reduce any hold-ups I would recommend getting the replat in as soon as possible. The next submittal date is November 13<sup>th</sup>, 2020. If you have any other question feel free to contact me.

Thank you,



HENRY LEE  
Planner  
Planning & Zoning Department  
972.772.6434  
[HLee@rockwall.com](mailto:HLee@rockwall.com)  
385 S. Goliad Street, Rockwall, TX 75087

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**Sent:** Tuesday, November 3, 2020 9:05 AM  
**To:** 'jayjones1941@hotmail.com' <[jayjones1941@hotmail.com](mailto:jayjones1941@hotmail.com)>  
**Subject:** MIS2020-011 Approval Letter

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Thank you,



HENRY LEE  
Planner  
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385 S. Goliad Street, Rockwall, TX 75087

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November 02, 2020

TO: J. W. Jones  
555 N. 5<sup>th</sup> Street  
Garland, TX 75040

FROM: Henry Lee  
City of Rockwall Planning and Zoning Department  
385 S. Goliad Street  
Rockwall, TX 75087

SUBJECT: MIS2020-011; *Special Request for 247 Chris Drive*

Mr. Jones:

This letter serves to notify you that the above referenced miscellaneous case, that you submitted for consideration by the City of Rockwall, was approved by City Council (CC) October 19, 2020. The following is a record of all recommendations, voting records and conditions of approval:

Conditions of Approval

- (1) The subject property will need to be replatted to adjust the utility easement at the rear of the property to ensure that the existing sewer line is located within a ten (10) foot utility easement; 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 October 13, 2020, the Planning and Zoning Commission approved a motion to recommend approval of the special request with the conditions of approval by a vote of 7-0.

City Council

On October 19, 2020, the City Council made a motion to approve the applicant's request for a special request. The motion passed by a vote of 6-0, with council member Johannesen absent.

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 "Henry Lee", is written over a light blue horizontal line.

Henry Lee  
Planner