



PLANNING AND ZONING CASE CHECKLIST

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

P&Z CASE # Z2021-052 P&Z DATE 01/11/22 CC DATE 01/18/22 APPROVED/DENIED
ARCHITECTURAL REVIEW BOARD DATE _____ HPAB DATE _____ PARK BOARD DATE _____

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

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

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

<input type="checkbox"/> COPY OF ORDINANCE (ORD.# _____)
<input checked="" type="checkbox"/> APPLICATIONS
<input checked="" type="checkbox"/> RECEIPT
<input checked="" type="checkbox"/> LOCATION MAP
<input checked="" type="checkbox"/> HOA MAP
<input checked="" type="checkbox"/> PON MAP
<input type="checkbox"/> FLU MAP
<input type="checkbox"/> 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. 22021-052

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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ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE) ¹
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) ^{1&2} - 215'-0"
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) ¹

OTHER APPLICATION FEES:

- TREE REMOVAL (\$75.00)
- VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) ²

NOTES:

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PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS 1700 East 66 Rockwall TX 75087
 SUBDIVISION - 54 acres LOT BLOCK
 GENERAL LOCATION along Ralph Had Airport (Eastside)

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING Ag CURRENT USE Ag
 PROPOSED ZONING Ag PROPOSED USE Ag
 ACREAGE 56 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]

OWNER Mike Peoples APPLICANT
 CONTACT PERSON u CONTACT PERSON same
 ADDRESS 1700 East 66 ADDRESS
 CITY, STATE & ZIP Rockwall TX 75087 CITY, STATE & ZIP
 PHONE 214-957-0807 PHONE
 E-MAIL E-MAIL

NOTARY VERIFICATION [REQUIRED]

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Mike Peoples [OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:

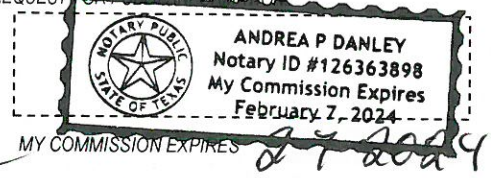
"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ 215.00 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 14th DAY OF December, 2021 BY SIGNING THIS APPLICATION. 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 14th DAY OF December, 2021

OWNER'S SIGNATURE

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

Mike Peoples
Andrea P. Danley







DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO. 22021-052

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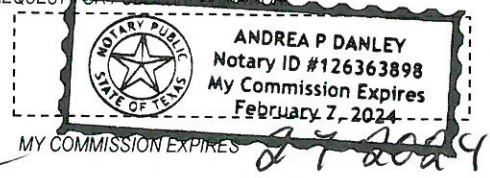
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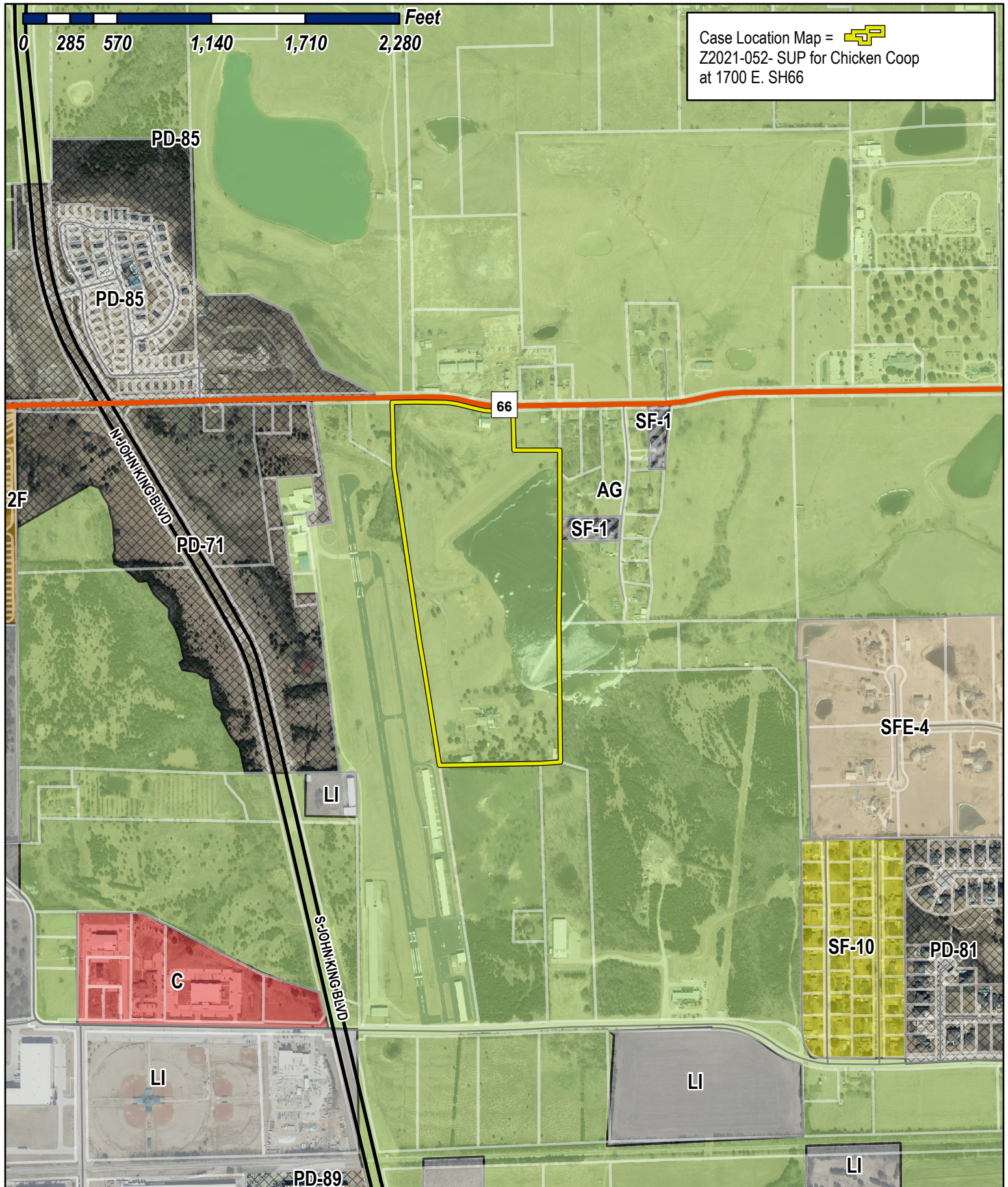
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NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

Mike Peoples
Andrea P. Danley





Case Location Map = 
 Z2021-052- SUP for Chicken Coop
 at 1700 E. SH66



City of Rockwall

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

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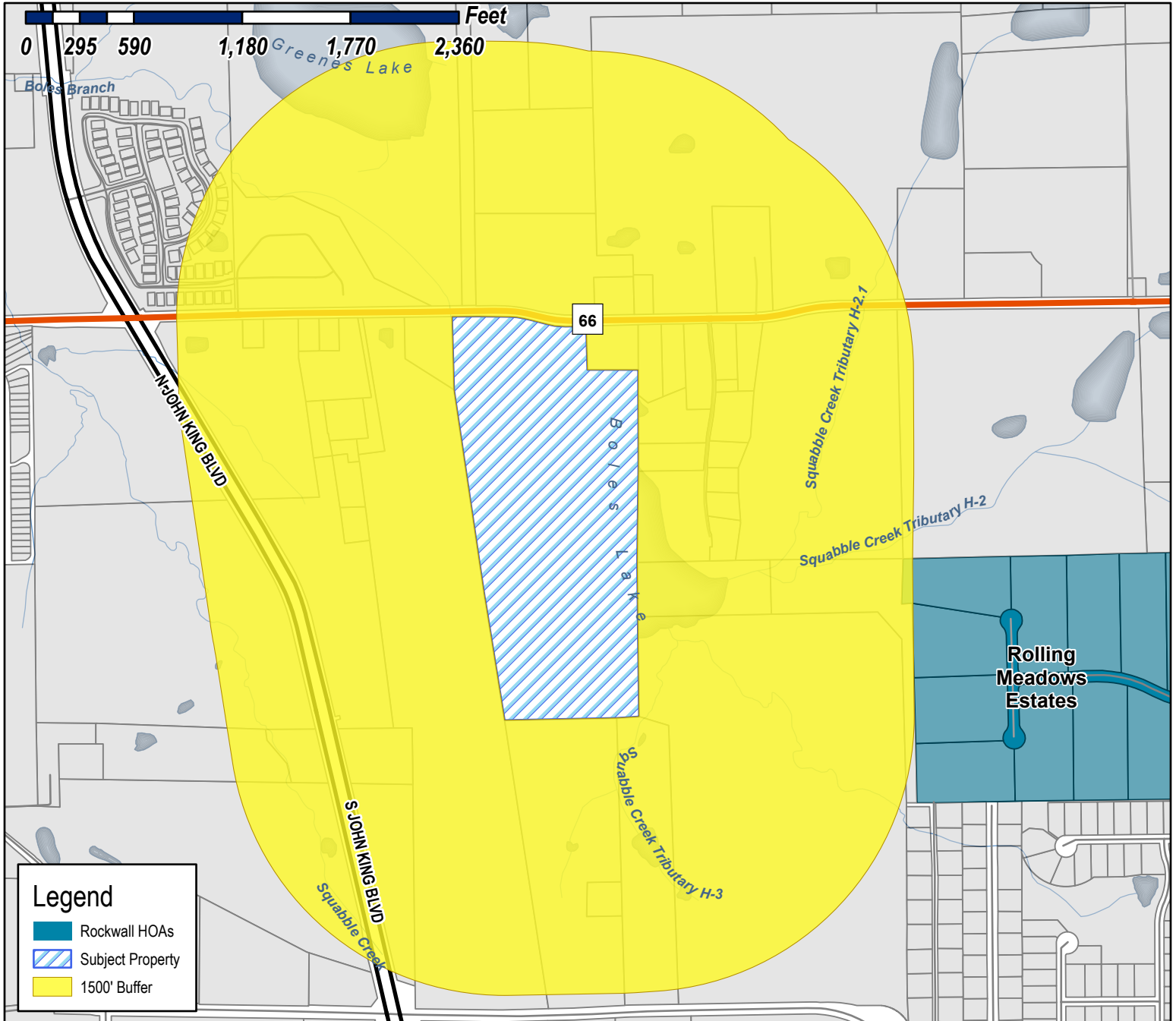




City of Rockwall

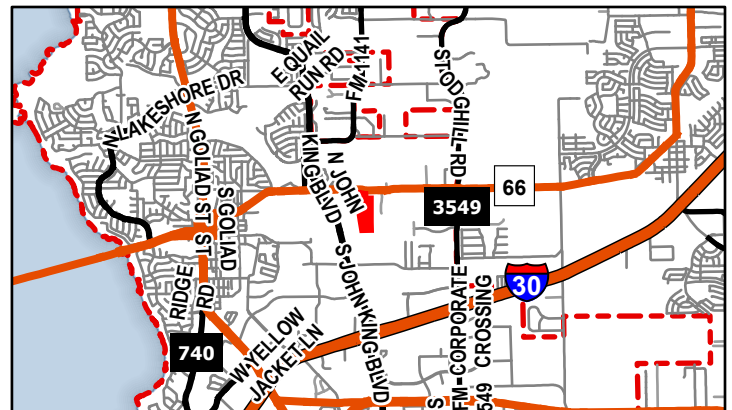
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Case Number: Z2021-052
Case Name: SUP for Chicken Coop
Case Type: Zoning
Zoning: Agricultural (AG) District
Case Address: 1700 E. SH66

Date Saved: 12/16/2021
 For Questions on this Case Call (972) 771-7745





PROJECT COMMENTS



CITY OF ROCKWALL
385 S. GOLIAD STREET
ROCKWALL, TEXAS 75087
PHONE: (972) 771-7700

DATE: 12/21/2021

PROJECT NUMBER: Z2021-052
PROJECT NAME: SUP to allow Chickens at 1700 E. SH66
SITE ADDRESS/LOCATIONS: 1700 E STATE HIGHWAY 66

CASE MANAGER: Ryan Miller
CASE MANAGER PHONE: 972-772-6441
CASE MANAGER EMAIL: rmiller@rockwall.com

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

DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
	Ryan Miller	12/20/2021	Approved w/ Comments

12/20/2021: Z2021-052; Specific Use Permit (SUP) to Allow Chickens at 1700 E. SH-66
Please address the following comments (M= Mandatory Comments; I = Informational Comments)

- I.1 This request is for the approval of a Specific Use Permit (SUP) to allow Chickens on a 42.66-acre tract of land identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-66 Overlay (SH-66 OV) District, and addressed as 1700 E. SH-66.
- I.2 For questions or comments concerning this case please contact Ryan Miller in the Planning Department at (972) 772-6441 or email rcmiller@rockwall.com.
- M.3 For reference, include the case number (Z2021-052) in the lower right-hand corner of all pages on future submittals.
- I.4 According to the Subsection 03.01, Farm Animals, of Article 04, Permissible Uses, of the Unified Development Code (UDC), "(a)n SUP is required for other farm animals, including chickens ...".
- M.5 If this Specific Use Permit (SUP) is approved the applicant will need to apply for and be approved for a building permit for the existing Chicken Coop within 30-days of the approval date.
- I.6 Based on the submitted materials, staff has included the following Operational Conditions in the Specific Use Permit (SUP) ordinance:
 - (1) Chickens shall be allowed on the subject property as an ancillary use to the existing single-family home. Should the subject property be conveyed, sold, or subdivided the City Council reserves the right to review this Specific Use Permit (SUP); however, in no case shall the subject property be subdivided in a way that would separate the Chicken Coop from the existing single-family home or where the Chicken Coop would exist on a property that is less than ten (10) acres in size.
 - (2) The Chicken Coop shall generally conform to the Site Plan depicted in Exhibit 'B' of this ordinance.
 - (3) The Chickens shall be kept in an enclosed area within a Chicken Coop that provides for the free movement of Chickens, and are not permitted to be free range. The Chicken Coop shall conform to the Building Elevations depicted in Exhibit 'C' of this ordinance.
 - (4) If the applicant moves the Chicken Coop it shall be moved to a location that is behind the front façade of the primary structure and that is a minimum of 20-feet from all property lines as depicted in Exhibit 'B' of this ordinance. In addition, the Chicken Coop shall be screened from view of adjoining properties.
 - (5) The number of chickens permitted on the subject property shall be limited to no more than ten (10), and no ducks, geese, pigeons, turkeys, roosters, or any other poultry or fowl are permitted on the subject property.
 - (6) The Chickens shall be kept for personal use only and the applicant shall be prohibited from selling or operating a commercial animal establishment on the subject property (i.e. the offering of animal byproducts -- e.g. eggs, chicken manure, etc. -- or chickens for sale on the subject property shall be prohibited).
 - (7) The Chickens shall be sheltered or confined in such a fashion as to prevent them from coming into contact with wild fowl or their excrement.

(8) Ground accumulations of manure shall be collected and properly disposed of so as not to create offensive odors, fly breeding, or in any way pose a health hazard or nuisance to humans or animals.

M.7 Please review the attached Draft Ordinance prior to the December 28, 2021 Planning and Zoning Commission Work Session meeting, and provide staff with your markups by no later than January 4, 2022. In reviewing the Draft Ordinance, please pay close attention to staff's suggestions.

I.8 Staff has identified the aforementioned items necessary to continue the submittal process. Please make these revisions and corrections, and provide any additional information that is requested. Revisions for this case will be due on January 4, 2022; however, it is encouraged for applicants to submit revisions as soon as possible to give staff ample time to review the case prior to the January 11, 2022 Planning and Zoning Commission Public Hearing Meeting. The Planning and Zoning Commission Work Session Meeting for this case will be held on December 28, 2021.

I.9 The projected City Council meeting dates for this case will be January 18, 2022 (1st Reading) and February 7, 2022 (2nd Reading).

DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
ENGINEERING	Amy Williams	12/20/2021	Approved w/ Comments

12/20/2021: - Please include a site plan showing the location of the chicken coop. This can be an aerial image, a property survey, etc.

- Structure and grading not allowed in floodplain.

DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
BUILDING	Rusty McDowell	12/20/2021	Approved

No Comments

DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
FIRE	Ariana Kistner	12/20/2021	Approved

No Comments

DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
GIS	Lance Singleton	12/16/2021	Approved

No Comments

DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
POLICE	Ryan Miller	12/21/2021	N/A

No Comments

DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
PARKS	Ryan Miller	12/21/2021	N/A

No Comments



DEVELOPMENT APPLICATION

City of Rockwall
Planning and Zoning Department
385 S. Goliad Street
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STAFF USE ONLY

PLANNING & ZONING CASE NO. 22021-052

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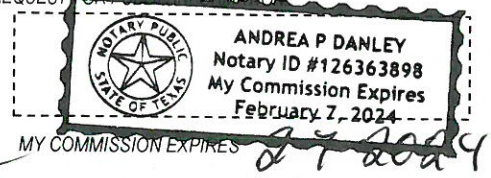
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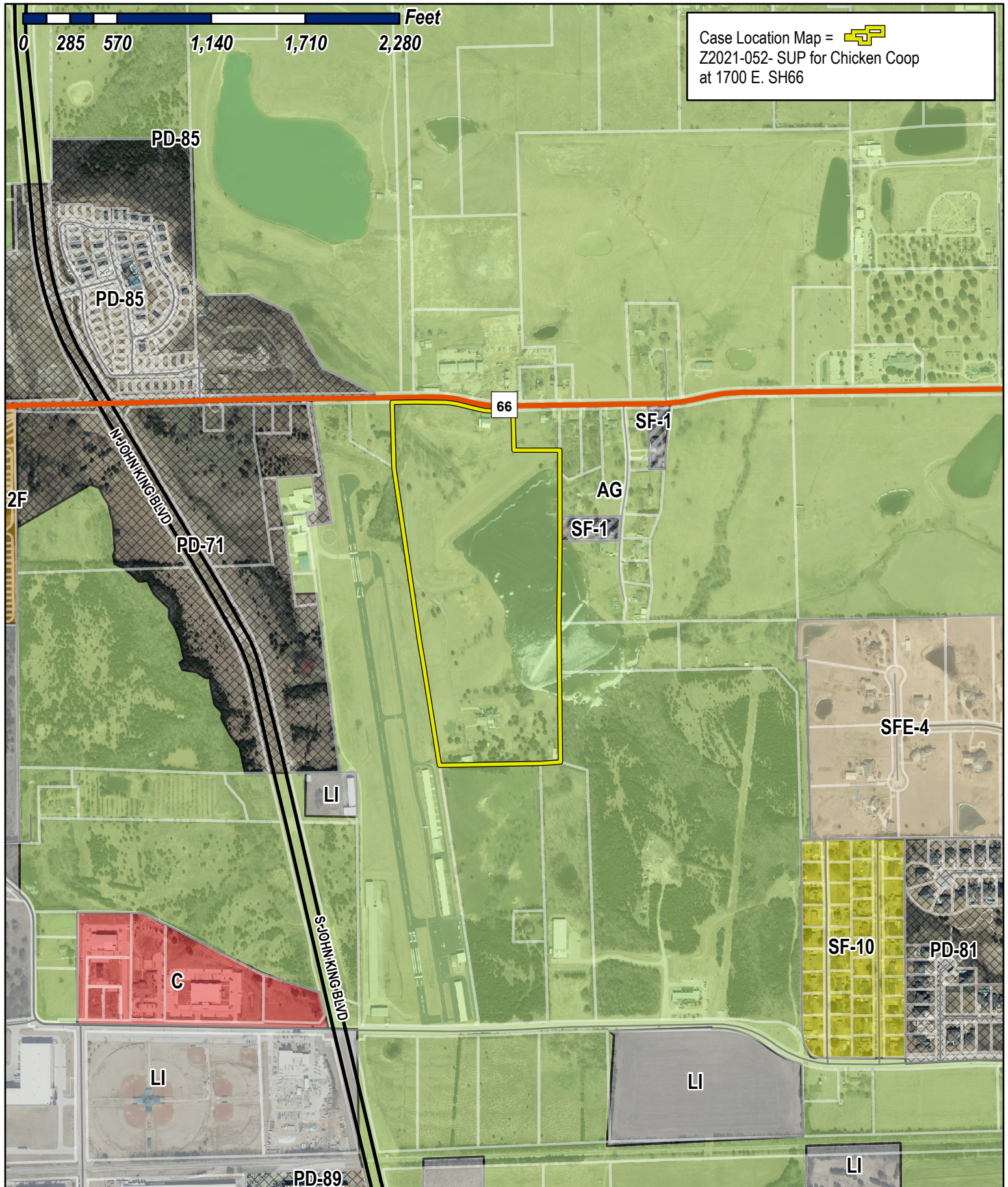
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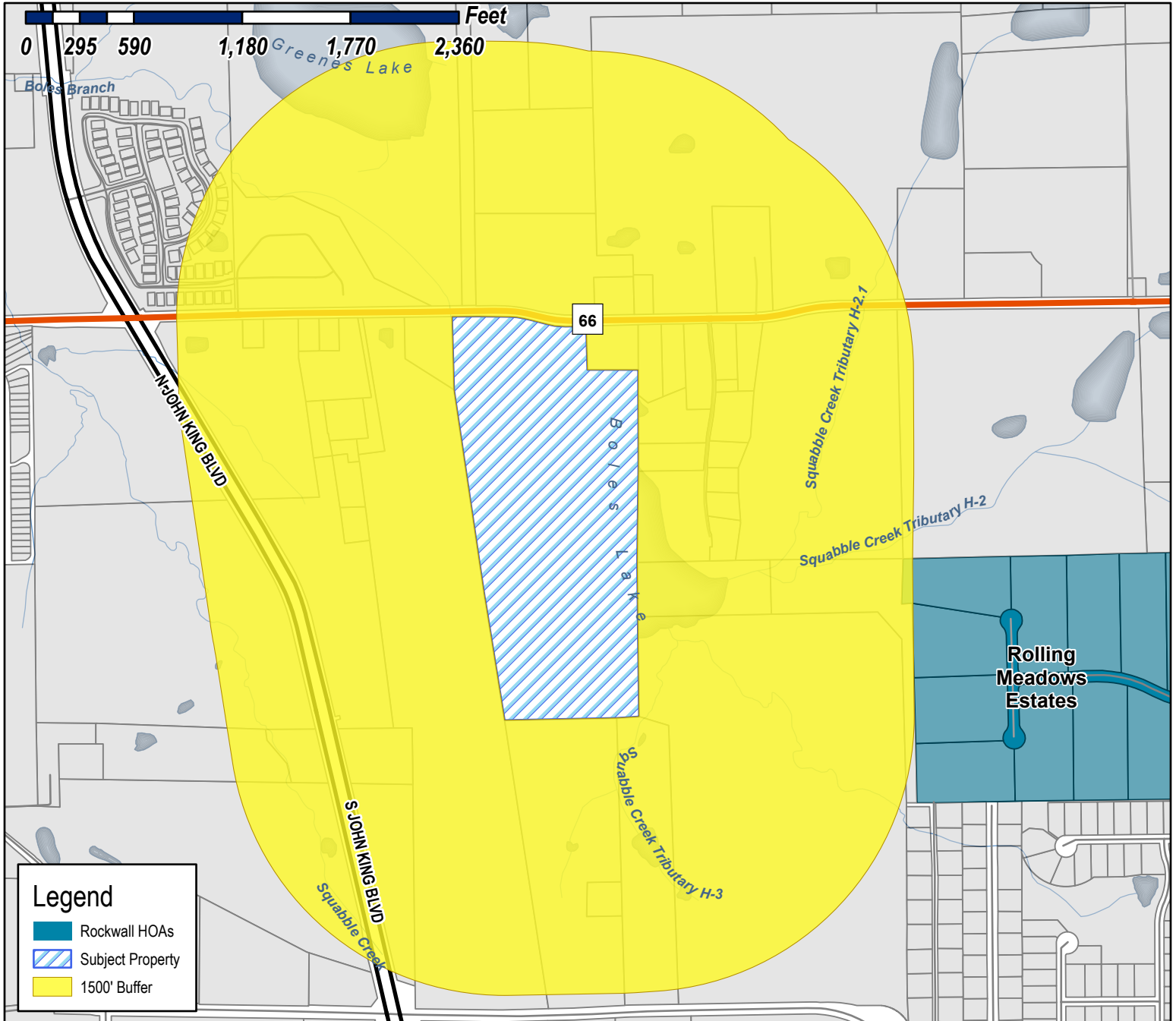







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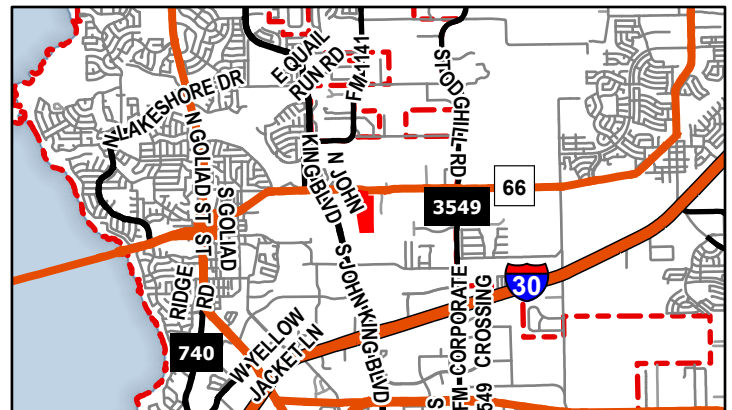


Legend

-  Rockwall HOAs
-  Subject Property
-  1500' Buffer

Case Number: Z2021-052
Case Name: SUP for Chicken Coop
Case Type: Zoning
Zoning: Agricultural (AG) District
Case Address: 1700 E. SH66

Date Saved: 12/16/2021
 For Questions on this Case Call (972) 771-7745



Miller, Ryan

From: Gamez, Angelica
Sent: Tuesday, December 21, 2021 10:52 AM
Cc: Miller, Ryan; Lee, Henry
Subject: Neighborhood Notification Program [Z2021-052]
Attachments: Public Notice (12.20.2021).pdf; HOA Map (12.16.2021).pdf

HOA/Neighborhood Association Representative:

Per your participation in the *Neighborhood Notification Program*, you are receiving this notice to inform your organization that a zoning case has been filed with the City of Rockwall that is located within 1,500-feet of the boundaries of your neighborhood. As the contact listed for your organization, you are encouraged to share this information with the residents of your subdivision. Please find the attached map detailing the property requesting to be rezoned in relation to your subdivision boundaries. Additionally, below is the summary of the zoning case that will be published in the Rockwall Herald Banner on *December 24, 2021*. The Planning and Zoning Commission will hold a public hearing on *Tuesday, January 11, 2022 at 6:00 PM*, and the City Council will hold a public hearing on *Tuesday, January 18, 2022 at 6:00 PM*. Both hearings will take place at 6:00 PM at City Hall, 385 S. Goliad, Rockwall, TX 75087.

All interested parties are encouraged to submit public comments via email to Planning@rockwall.com at least 30 minutes in advance of the meeting. Please include your name, address, and the case number your comments are referring to. These comments will be read into the record during each of the public hearings. Additional information on all current development cases can be found on the City's website:

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

Z2021-052: SUP to allow Chickens

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Thank you,

Angelica Gamez

Planning & Zoning Coordinator

City of Rockwall

972.771.7745 Office

972.772.6438 Direct

<http://www.rockwall.com/planning/>

This email was scanned by Bitdefender

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

CUMMINGS JOHN & LORI
1770 E HWY 66
ROCKWALL, TX 75087

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

MCILRATH PROPERTIES LLC
1790 WILLIAMS ST
ROCKWALL, TX 75087

RYAN BILL K
1800 WILLIAMS ST
ROCKWALL, TX 75087

CITY OF ROCKWALL
1815 AIRPORT RD
ROCKWALL, TX 75087

PEOPLES MIKE L
1936 HWY 66
ROCKWALL, TX 75087

PEOPLES MICHAEL L
2026 HWY 66
ROCKWALL, TX 75087

SALINAS HILSE S
2068 STATE HWY 66
ROCKWALL, TX 75087

PEOPLES MICHAEL L JR AND
SHERYL NEWMAN PEOPLES
2075 WILLIAMS
ROCKWALL, TX 75087

GILLILAND TOMMY JOE
2098 WILLIAMS
ROCKWALL, TX 75087

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

CAIN FAMILY PARTNERSHIP LTD
305 STONEBRIDGE DR
ROCKWALL, TX 75087

CUMMINGS JOHN & LORI
308 STONEBRIDGE DR
ROCKWALL, TX 75087

RYAN BILL K
330 VZ CR 2207
CANTON, TX 75103

RW LADERA LLC
361 W BYRON NELSON BLVD SUITE 104
ROANOKE, TX 76262

RYAN GARY S AND CONSTANCE E
502 WILLIAMS ST
ROCKWALL, TX 75087

DAVIS WILLIAM PAUL JR
510 TURTLE COVE BLVD STE 200
ROCKWALL, TX 75087

DAVIS WILLIAM PAUL JR
510 TURTLE COVE BLVD STE 200
ROCKWALL, TX 75087

MCILRATH PROPERTIES LLC
636 GRISHAM DR
ROCKWALL, TX 75087

SELLERS DONYA BEATRICE
700 DAVIS DR
ROCKWALL, TX 75087

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

MOCK ALYSSA
720 DAVIS DR
ROCKWALL, TX 75087

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

DAILEY MARK L
730 DAVIS DR
ROCKWALL, TX 75087

BANUELOS SHERRI L
735 DAVIS DR
ROCKWALL, TX 75087

RINKEVICH FAMILY LIVING TRUST
JOSEPH W RINKEVICH- TRUSTEE
740 DAVIS DR
ROCKWALL, TX 75087

RAINES SHERYL
745 DAVIS DR
ROCKWALL, TX 75087

COOK SHERRY LYNN
760 DAVIS DRIVE
ROCKWALL, TX 75087

DIMISSEW SAMUEL
956 S WEATHERRED DR
RICHARDSON, TX 75080

ATHEY JACK R
P.O. BOX 219
LAVON, TX 75166

PEOPLES MIKE L
PO BOX 41
ROCKWALL, TX 75087

RAINES SHERYL
PO BOX 412
ROCKWALL, TX 75087

PUBLIC NOTICE



CITY OF ROCKWALL
PLANNING AND ZONING DEPARTMENT
PHONE: (972) 771-7745
EMAIL: PLANNING@ROCKWALL.COM

Property Owner and/or Resident of the City of Rockwall:

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

Case No. Z2021-052: SUP to allow Chickens

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

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on Tuesday, January 11, 2022 at 6:00 PM, and the City Council will hold a public hearing on Tuesday, January 18, 2022 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

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

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

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

Your comments must be received by Tuesday, January 18, 2022 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning



MORE INFORMATION ON THIS CASE CAN BE FOUND AT: <https://sites.google.com/site/rockwallplanning/development/development-cases>

--- PLEASE RETURN THE BELOW FORM ---

Case No. Z2021-052: SUP to allow Chickens

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

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

Name: [text box]
Address: [text box]

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

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



CITY OF ROCKWALL

ORDINANCE NO. 22-XX

SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW *CHICKENS* ON A 42.66-ACRE TRACT OF LAND, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND DESCRIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code (UDC) [Ordinance No. 20-02] of the City of Rockwall should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rockwall, Texas;

SECTION 1. That the Unified Development Code (UDC) [Ordinance No. 20-02] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing *Chickens* as stipulated by Subsection 03.01, *Farm Animals and Horses*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [Ordinance No. 20-02] on the *Subject Property*; and,

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 03.01, *Farm Animals and Horses*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [Ordinance No. 20-02] and Chapter 6, *Animals*, of the Municipal Code of Ordinances -- as heretofore amended and as may be amended in the future --, and with the following conditions:

2.1. OPERATIONAL CONDITIONS

The following conditions pertain to having *Chickens* on the *Subject Property* and conformance to these conditions are required for continued operations:

- (1) *Chickens* shall be allowed on the subject property as an ancillary use to the existing single-family home. Should the subject property be conveyed, sold, or subdivided the City Council reserves the right to review this Specific Use Permit (SUP); however, in no case shall the subject property be subdivided in a way that would separate the *Chicken Coop* from the existing single-family home or where the *Chicken Coop* would exist on a property that is less than ten (10) acres in size.
- (2) The *Chicken Coop* shall generally conform to the *Site Plan* depicted in *Exhibit 'B'* of this ordinance.
- (3) The *Chickens* shall be kept in an enclosed area within a *Chicken Coop* that provides for the free movement of *Chickens*, and are not permitted to be free range. The *Chicken Coop* shall conform to the *Building Elevations* depicted in *Exhibit 'C'* of this ordinance.
- (4) If the applicant moves the *Chicken Coop* it shall be moved to a location that is behind the front façade of the primary structure and that is a minimum of 20-feet from all property lines as depicted in *Exhibit 'B'* of this ordinance. In addition, the *Chicken Coop* shall be screened from view of adjoining properties.
- (5) The number of chickens permitted on the subject property shall be limited to no more than ten (10), and no ducks, geese, pigeons, turkeys, roosters, or any other poultry or fowl are permitted on the subject property.
- (6) The *Chickens* shall be kept for personal use only and the applicant shall be prohibited from selling or operating a commercial animal establishment on the subject property (*i.e. the offering of animal byproducts -- e.g. eggs, chicken manure, etc. -- or chickens for sale on the subject property shall be prohibited*).
- (7) The *Chickens* shall be sheltered or confined in such a fashion as to prevent them from coming into contact with wild fowl or their excrement.
- (8) Ground accumulations of manure shall be collected and properly disposed of so as not to create offensive odors, fly breeding, or in any way pose a health hazard or nuisance to humans or animals.

2.2. COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, *Specific Use Permits (SUP)*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) will require compliance to the following:

- (1) Upon obtaining a *Building Permit*, should the homeowner fail to meet the minimum operational requirements set forth herein and outline in the Unified Development Code (UDC), the City Council may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Section 2.02(F), *Revocation*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC).

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

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

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

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

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

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 7TH DAY OF FEBRUARY, 2022.

Kevin Fowler, *Mayor*

ATTEST:

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: January 18, 2022

2nd Reading: February 7, 2022

Exhibit 'A'
Zoning Exhibit

Address: 1700 E. SH-66

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

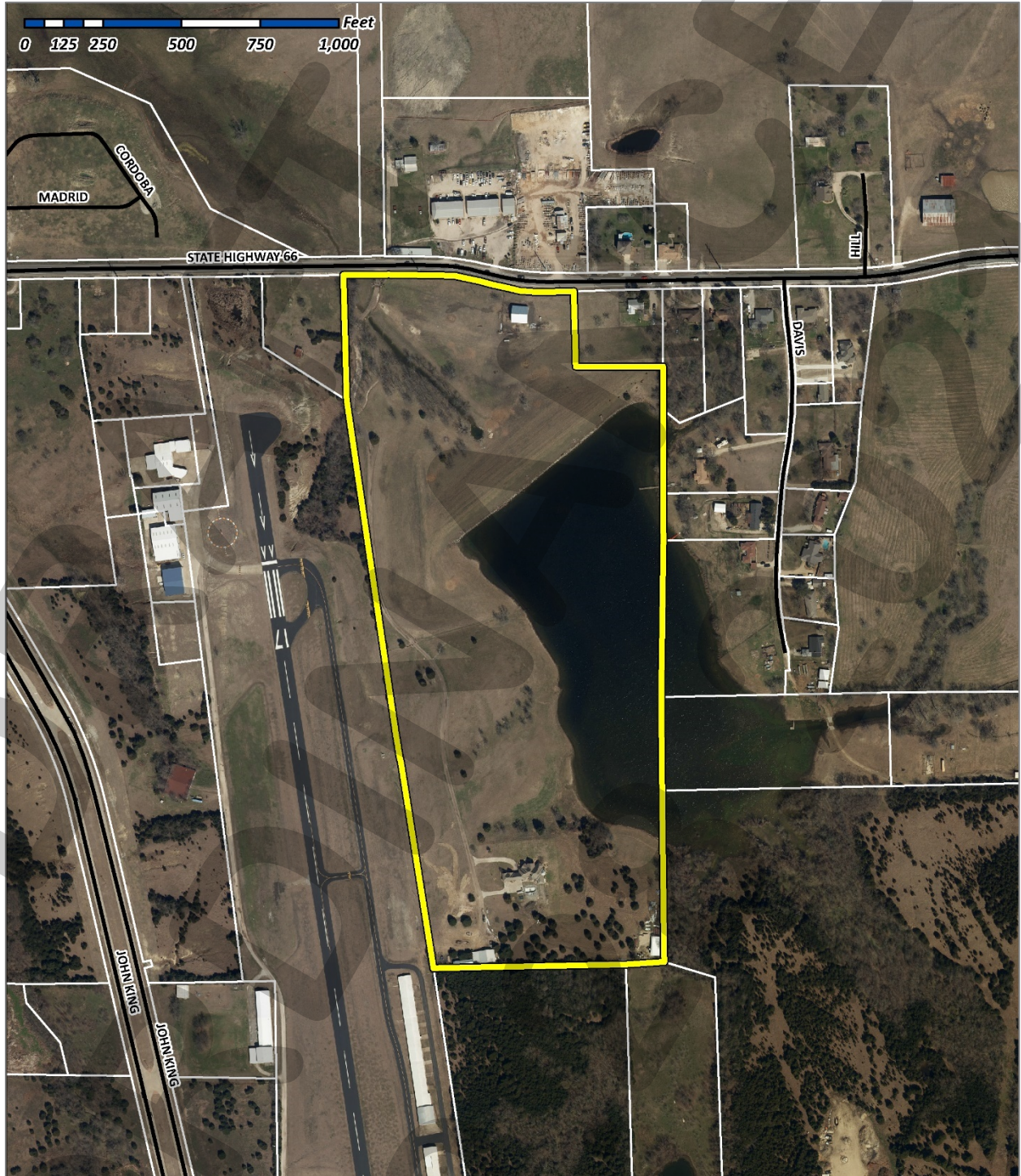


Exhibit 'B':
Site Plan



RED CROSS HATCHED AREA: AREA THE CHICKEN COOP CAN BE LOCATED

Exhibit 'C':
Building Elevations





TO: Planning and Zoning Commission
DATE: January 11, 2022
APPLICANT: Mike Peoples
CASE NUMBER: Z2021-052; *Specific Use Permit (SUP) to Allow Chickens on 1700 E. SH-66*

SUMMARY

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

BACKGROUND

The subject property was annexed into the City of Rockwall on March 16, 1998 by *Ordinance No. 98-10 [Case No. A1998-001]*. At the time of annexation, the subject property was zoned Agricultural (AG) District. This zoning designation has not changed since its adoption in 1998. According to the Rockwall Central Appraisal District (RCAD) currently situated on the subject property is: [1] a 3,836.50 SF single-family home that was constructed in 2010, [2] a ~2,500 SF barn that was constructed in 2017, [3] a ~4,000 SF barn constructed in 2017, and [4] a swimming pool constructed in 2019. In addition, there are two (2) other accessory structures on the subject property: [1] an ~1,800 SF agricultural accessory building, and [2] a 300 SF chicken coop.

On January 22, 2019, the City Council approved *Ordinance No.19-06 [Case No. Z2018-049; S-204]* allowing an *Animal Loafing Shed* and two (2) *Agricultural Accessory Buildings* on the subject property. In the process of preparing this case, staff realized that the applicant had constructed an unpermitted *Chicken Coop* on the subject property between September 2019 and November 2020 (see *Images 1-3*) and was actively keeping *Chickens* in the structure. As a result, staff included a condition of approval for this case that required the applicant to apply for a *Specific Use Permit (SUP)* to allow *Chickens* in accordance with the requirements of the Unified Development Code (UDC). The applicant made this application on December 14, 2021.

PURPOSE

The applicant -- *Mike Peoples* -- is requesting the approval of a *Specific Use Permit (SUP)* to allow *Chickens* on the subject property in accordance with Subsection 03.01(B), *Other Animals*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC).



IMAGE 1: CHICKEN COOP



IMAGE 2: SEPTEMBER 2019



IMAGE 3: NOVEMBER 2020

ADJACENT LAND USES AND ACCESS

The subject property is addressed as 1700 E. SH-66. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property is SH-66, which is identified as a TXDOT4D (*i.e. Texas Department of Transportation, four [4] lane, divided roadway*) according to the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is a 4.479-acre tract of land (*i.e. Tract 25-2 of the W. M. Dalton Survey, Abstract No 72*) with several legally non-conforming buildings that have multiple businesses in them (*e.g. Classic Rock Stone Yard, Auto Glass by Jerry, Special D Automotive, and etc.*). North of this is an 11.965-acre tract of vacant land (*i.e. Tract 25 of the W. M. Dalton Survey, Abstract No. 72*). All of these properties are zoned Agricultural (AG) District.

South: Directly south of the subject property is a 12.00-acre tract of vacant land (*i.e. a portion of Tract 21 of the D. Harr Survey, Abstract No. 102*), which is also owned by the applicant. South of this tract is a 5.96-acre tract of vacant land (*i.e. a portion of Tract 21 of the D. Harr Survey, Abstract No. 102*) and a one (1) acre tract of land (*i.e. Tract 21-01 of the D. Harr Survey, Abstract No. 102*) with a single-family home situated on it. Beyond this is Airport Road, which is identified as a M4U (*i.e. major collector, four [4] lane, undivided roadway*) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

East: Directly east of the subject property are 14 single-family homes situated on 15 tracts of land (*i.e. Tracts 1, 3, 8, 10, 11, 11-01, 11-03, 11-4, 11-5, 12, 13, 16, 17, & 19 of the D. Harr Survey, Abstract No. 102 and Lot 1, Block A, Widboom Addition*). Also, east of the subject property is a 64.514-acre tract of land (*i.e. Tract 15 of the D. Harr Survey, Abstract No. 102*) that is owned by the City of Rockwall. All of these properties are zoned Agricultural (AG) District.

West: Directly west of the subject property is the Ralph Hall Municipal Airport, which is situated on a 47.89-acre parcel of land (*i.e. Lot 1 of the Rockwall Municipal Airport*) zoned Agricultural (AG) District. Beyond this are two (2) vacant tracts of land (*i.e. Tracts 1 & 6-1 of the G. W. Redlin Survey, Abstract No. 183*) zoned Planned Development District 71 (PD-71) for Commercial (C) District land uses. West of these tracts is John King Boulevard, which is identified as a P6D (*i.e. principal arterials, six [6] lane, divided roadway*) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

CHARACTERISTICS OF THE REQUEST

The applicant has constructed a 15-foot by 20-foot (*or 300 SF*) *Chicken Coop* behind the existing single-family home. The proposed *Chicken Coop* stands an estimated eight (8) feet in height and is clad in corrugated metal (*see Image 1 above*). The applicant has indicated to staff that the existing structure is portable and will be moved around the property in the future.

CONFORMANCE WITH THE CITY'S CODES

According to Section 6-162, *Keeping, Confining and Breeding Regulations*, of the Municipal Code of Ordinances, "(i)t shall be unlawful to own or keep chickens, ducks, turkeys, geese, peacocks, or guinea hens within the corporate limits of the city except in agricultural zone districts." The subject property is a 42.66-acre tract of land that is currently zoned Agricultural (AG) District and is being used for single-family and agricultural purposes. In addition, Subsection 03.01(B), *Other Animals*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC), states that "(a)n SUP is required for other farm animals, including chickens ...". This section goes on to layout the following conditions: [1] ground accumulations of manure shall be collected and properly disposed of so as not to create offensive odors, fly breeding, or in any way pose a health hazard or nuisance to humans and animals, [2] fences or pens, corrals or similar enclosures shall be of sufficient height and strength to properly retain the animal, and [3] in the Agricultural (AG) District or on unplatted tracts of land of five (5) acres or more, standards for animals are found in Chapter 6, *Animals*, of the Municipal Code Ordinances; of which this section states "(c)hickens or ducklings younger than eight [8] weeks of age may not be sold in quantities of less than ten [10] to a single purchaser." In reviewing a Specific Use Permit (SUP) for *Other Animals* the Unified Development Code (UDC) states, "(t)he City shall not grant a SUP for any farm animal unless it is convinced that the presence of such animals will not injure the use and enjoyment of neighboring properties, including the impact of dust, flies and odor."

STAFF ANALYSIS

The applicant's request appears to be in conformance with the majority of the City's requirements regarding *Chickens* and *Chicken Coops*; however, the Unified Development Code (UDC) does not provide many regulations regarding this land use. Based on this, staff has limited the number of *Chickens* the applicant is permitted to have on the subject property to ten (10), and provided additional regulations stipulating that the subject property may not operate as a commercial animal establishment or offer for sale the animals or their by-products (*i.e. eggs, chicken manure etc.*). In addition, staff has incorporated a regulating plan that limits the *Chicken Coop* from being located [1] in front of the front façade of the existing home, or [2] within 20-feet of an existing property line (*see Image 4 below*). This will limit visibility of the *Chicken Coop* from the Ralph Hall Municipal Airport and the adjacent properties to the east of the subject property. With all this being said the approval of a Specific Use Permit (SUP) and the operational conditions contained in the Specific Use Permit (SUP) ordinance is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission.



IMAGE 4: LIMITS OF OPERATION FOR THE PORTABLE CHICKEN COOP

NOTIFICATIONS

On December 16, 2021, staff mailed 33 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Rolling Meadows Homeowner's Association (HOA), which was the only Homeowner's Association (HOA)/Neighborhood Organization within 1,500-feet participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was drafted, staff had not received any responses concerning this case.

CONDITIONS OF APPROVAL

If the Planning and Zoning Commission chooses to recommend approval of the applicant's request for a Specific Use Permit (SUP) to allow *Chickens* on the subject property, then staff would propose the following conditions of approval:

- (1) The applicant shall be responsible for maintaining compliance with the operational conditions contained in the Specific Use Permit (SUP) ordinance and which are detailed as follows:

- (a) *Chickens* shall be allowed on the subject property as an ancillary use to the existing single-family home. Should the subject property be conveyed, sold, or subdivided the City Council reserves the right to review this Specific Use Permit (SUP); however, in no case shall the subject property be subdivided in a way that would separate the *Chicken Coop* from the existing single-family home or where the *Chicken Coop* would exist on a property that is less than ten (10) acres in size.
 - (b) The *Chicken Coop* shall generally conform to the *Site Plan* depicted in *Exhibit 'B'* of the Specific Use Permit (SUP) ordinance.
 - (c) The *Chickens* shall be kept in an enclosed area within a *Chicken Coop* that provides for the free movement of *Chickens*, and are not permitted to be free range. The *Chicken Coop* shall conform to the *Building Elevations* depicted in *Exhibit 'C'* of the Specific Use Permit (SUP) ordinance.
 - (d) If the applicant moves the *Chicken Coop* it shall be moved to a location that is behind the front façade of the primary structure and that is a minimum of 20-feet from all property lines as depicted in *Exhibit 'B'* of the Specific Use Permit (SUP) ordinance. In addition, the *Chicken Coop* shall be screened from view of adjoining properties.
 - (e) The number of chickens permitted on the subject property shall be limited to no more than ten (10), and no ducks, geese, pigeons, turkeys, roosters, or any other poultry or fowl are permitted on the subject property.
 - (f) The *Chickens* shall be kept for personal use only and the applicant shall be prohibited from selling or operating a commercial animal establishment on the subject property (*i.e. the offering of animal byproducts -- e.g. eggs, chicken manure, etc. -- or chickens for sale on the subject property shall be prohibited*).
 - (g) The *Chickens* shall be sheltered or confined in such a fashion as to prevent them from coming into contact with wild fowl or their excrement.
 - (h) Ground accumulations of manure shall be collected and properly disposed of so as not to create offensive odors, fly breeding, or in any way pose a health hazard or nuisance to humans or animals.
- (2) The applicant shall be required to apply for and be approved for a building permit for the existing *Chicken Coop*.
- (3) Any construction resulting from the approval of this Specific Use Permit (SUP) 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. 22021-052

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&2} - 215'-0"
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) ¹

OTHER APPLICATION FEES:

- TREE REMOVAL (\$75.00)
- VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) ²

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.
² A \$1,000.00 FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.

PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS 1700 East 66 Rockwall TX 75087
 SUBDIVISION - 54 acres LOT BLOCK
 GENERAL LOCATION along Ralph Had Airport (Eastside)

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING Ag CURRENT USE Ag
 PROPOSED ZONING Ag PROPOSED USE Ag
 ACREAGE 56 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]

OWNER Mike Peoples APPLICANT
 CONTACT PERSON u CONTACT PERSON same
 ADDRESS 1700 East 66 ADDRESS
 CITY, STATE & ZIP Rockwall TX 75087 CITY, STATE & ZIP
 PHONE 214-957-0807 PHONE
 E-MAIL E-MAIL

NOTARY VERIFICATION [REQUIRED]

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Mike Peoples [OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:

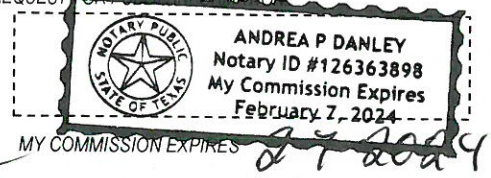
"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ 215.00 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 14th DAY OF December, 2021 BY SIGNING THIS APPLICATION. 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."

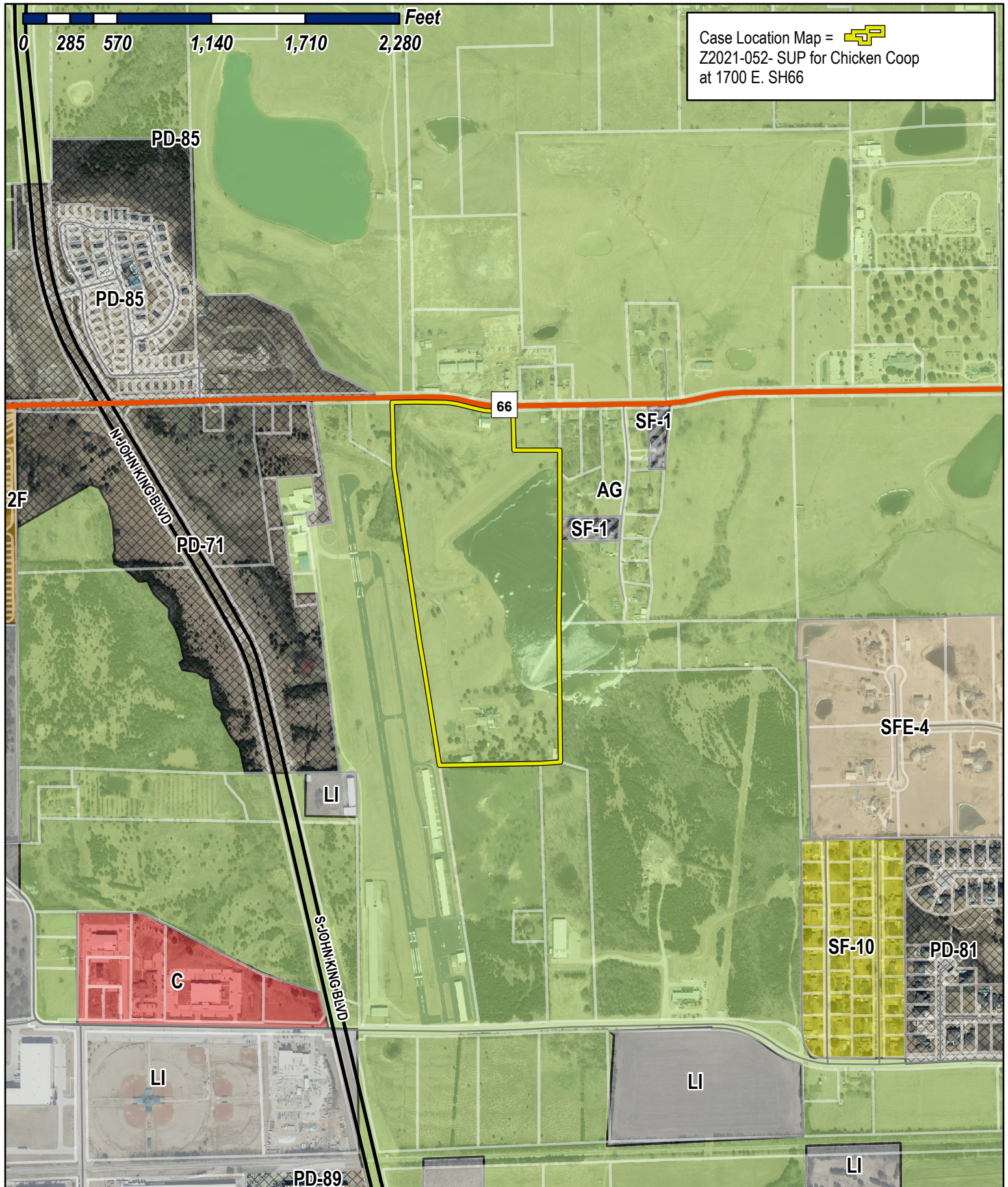
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 14th DAY OF December, 2021


OWNER'S SIGNATURE

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

Mike Peoples
Andrea P. Danley





Case Location Map = 
 Z2021-052- SUP for Chicken Coop
 at 1700 E. SH66



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.

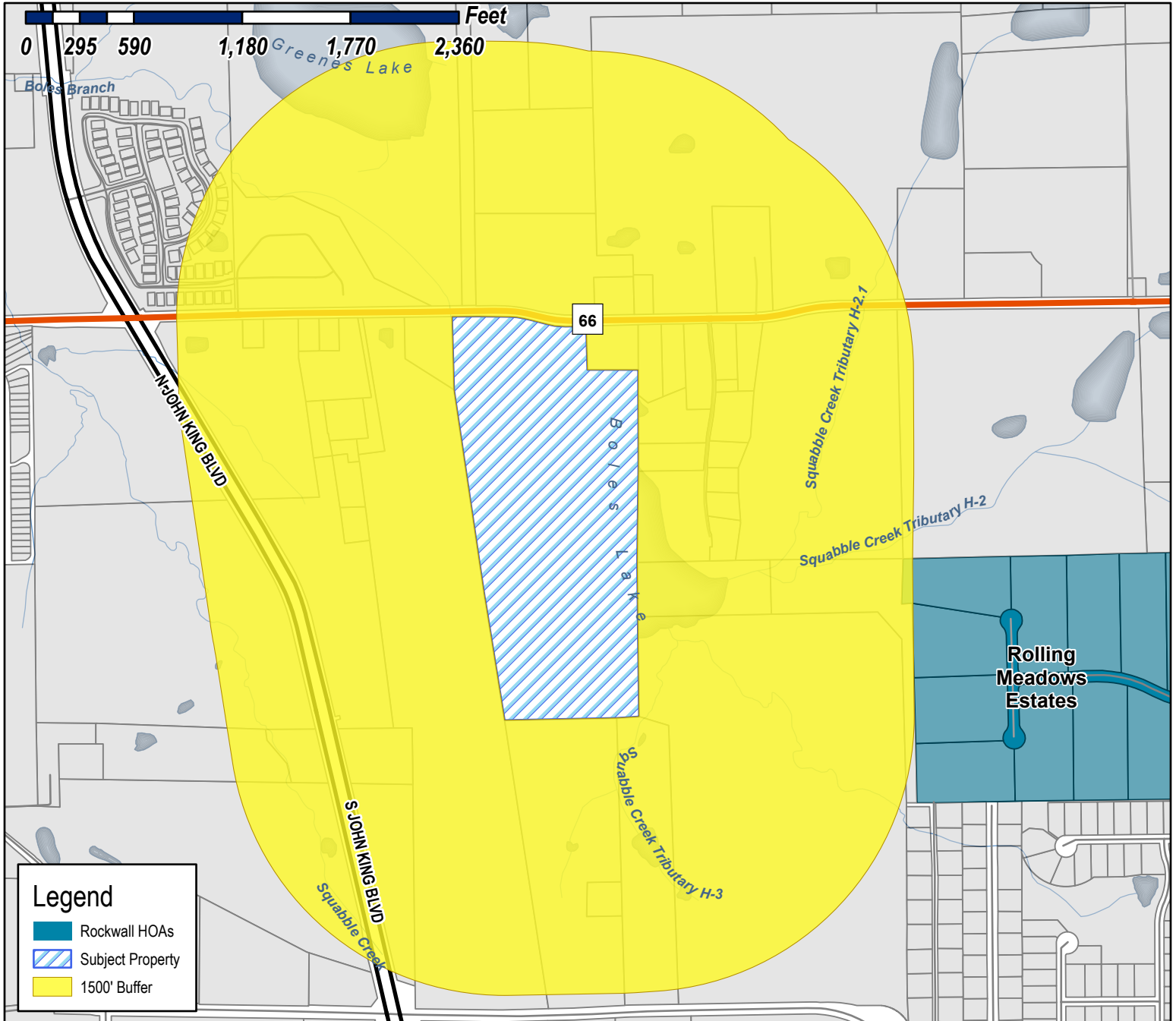




City of Rockwall

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

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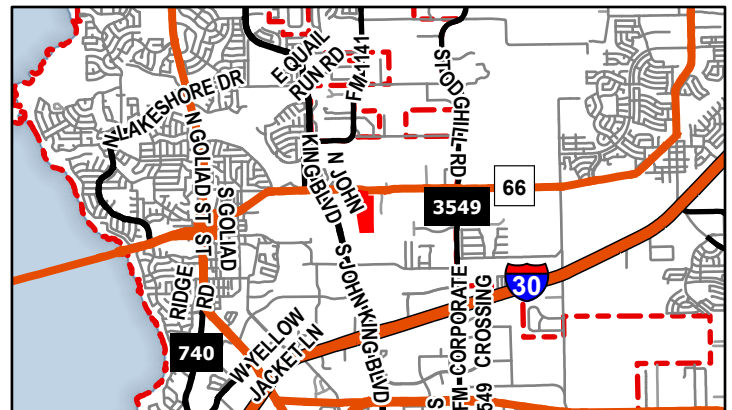


Legend

- Rockwall HOAs
- Subject Property
- 1500' Buffer

Case Number: Z2021-052
Case Name: SUP for Chicken Coop
Case Type: Zoning
Zoning: Agricultural (AG) District
Case Address: 1700 E. SH66

Date Saved: 12/16/2021
 For Questions on this Case Call (972) 771-7745



Miller, Ryan

From: Gamez, Angelica
Sent: Tuesday, December 21, 2021 10:52 AM
Cc: Miller, Ryan; Lee, Henry
Subject: Neighborhood Notification Program [Z2021-052]
Attachments: Public Notice (12.20.2021).pdf; HOA Map (12.16.2021).pdf

HOA/Neighborhood Association Representative:

Per your participation in the *Neighborhood Notification Program*, you are receiving this notice to inform your organization that a zoning case has been filed with the City of Rockwall that is located within 1,500-feet of the boundaries of your neighborhood. As the contact listed for your organization, you are encouraged to share this information with the residents of your subdivision. Please find the attached map detailing the property requesting to be rezoned in relation to your subdivision boundaries. Additionally, below is the summary of the zoning case that will be published in the Rockwall Herald Banner on *December 24, 2021*. The Planning and Zoning Commission will hold a public hearing on *Tuesday, January 11, 2022 at 6:00 PM*, and the City Council will hold a public hearing on *Tuesday, January 18, 2022 at 6:00 PM*. Both hearings will take place at 6:00 PM at City Hall, 385 S. Goliad, Rockwall, TX 75087.

All interested parties are encouraged to submit public comments via email to Planning@rockwall.com at least 30 minutes in advance of the meeting. Please include your name, address, and the case number your comments are referring to. These comments will be read into the record during each of the public hearings. Additional information on all current development cases can be found on the City's website:

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

Z2021-052: SUP to allow Chickens

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

Thank you,

Angelica Gamez

Planning & Zoning Coordinator

City of Rockwall

972.771.7745 Office

972.772.6438 Direct

<http://www.rockwall.com/planning/>

This email was scanned by Bitdefender

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

CUMMINGS JOHN & LORI
1770 E HWY 66
ROCKWALL, TX 75087

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

MCILRATH PROPERTIES LLC
1790 WILLIAMS ST
ROCKWALL, TX 75087

RYAN BILL K
1800 WILLIAMS ST
ROCKWALL, TX 75087

CITY OF ROCKWALL
1815 AIRPORT RD
ROCKWALL, TX 75087

PEOPLES MIKE L
1936 HWY 66
ROCKWALL, TX 75087

PEOPLES MICHAEL L
2026 HWY 66
ROCKWALL, TX 75087

SALINAS HILSE S
2068 STATE HWY 66
ROCKWALL, TX 75087

PEOPLES MICHAEL L JR AND
SHERYL NEWMAN PEOPLES
2075 WILLIAMS
ROCKWALL, TX 75087

GILLILAND TOMMY JOE
2098 WILLIAMS
ROCKWALL, TX 75087

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

CAIN FAMILY PARTNERSHIP LTD
305 STONEBRIDGE DR
ROCKWALL, TX 75087

CUMMINGS JOHN & LORI
308 STONEBRIDGE DR
ROCKWALL, TX 75087

RYAN BILL K
330 VZ CR 2207
CANTON, TX 75103

RW LADERA LLC
361 W BYRON NELSON BLVD SUITE 104
ROANOKE, TX 76262

RYAN GARY S AND CONSTANCE E
502 WILLIAMS ST
ROCKWALL, TX 75087

DAVIS WILLIAM PAUL JR
510 TURTLE COVE BLVD STE 200
ROCKWALL, TX 75087

DAVIS WILLIAM PAUL JR
510 TURTLE COVE BLVD STE 200
ROCKWALL, TX 75087

MCILRATH PROPERTIES LLC
636 GRISHAM DR
ROCKWALL, TX 75087

SELLERS DONYA BEATRICE
700 DAVIS DR
ROCKWALL, TX 75087

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

MOCK ALYSSA
720 DAVIS DR
ROCKWALL, TX 75087

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

DAILEY MARK L
730 DAVIS DR
ROCKWALL, TX 75087

BANUELOS SHERRI L
735 DAVIS DR
ROCKWALL, TX 75087

RINKEVICH FAMILY LIVING TRUST
JOSEPH W RINKEVICH- TRUSTEE
740 DAVIS DR
ROCKWALL, TX 75087

RAINES SHERYL
745 DAVIS DR
ROCKWALL, TX 75087

COOK SHERRY LYNN
760 DAVIS DRIVE
ROCKWALL, TX 75087

DIMISSEW SAMUEL
956 S WEATHERRED DR
RICHARDSON, TX 75080

ATHEY JACK R
P.O. BOX 219
LAVON, TX 75166

PEOPLES MIKE L
PO BOX 41
ROCKWALL, TX 75087

RAINES SHERYL
PO BOX 412
ROCKWALL, TX 75087

PUBLIC NOTICE



CITY OF ROCKWALL
PLANNING AND ZONING DEPARTMENT
PHONE: (972) 771-7745
EMAIL: PLANNING@ROCKWALL.COM

Property Owner and/or Resident of the City of Rockwall:

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

Case No. Z2021-052: SUP to allow Chickens

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

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on Tuesday, January 11, 2022 at 6:00 PM, and the City Council will hold a public hearing on Tuesday, January 18, 2022 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

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

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

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

Your comments must be received by Tuesday, January 18, 2022 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning



MORE INFORMATION ON THIS CASE CAN BE FOUND AT: <https://sites.google.com/site/rockwallplanning/development/development-cases>

PLEASE RETURN THE BELOW FORM

Case No. Z2021-052: SUP to allow Chickens

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

Name:

Address:

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

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



CITY OF ROCKWALL

ORDINANCE NO. 22-XX

SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW CHICKENS ON A 42.66-ACRE TRACT OF LAND, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rockwall, Texas;

SECTION 1. That the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing *Chickens* as stipulated by Subsection 03.01, *Farm Animals and Horses*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] on the *Subject Property*; and,

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 03.01, *Farm Animals and Horses*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] and Chapter 6, *Animals*, of the Municipal Code of Ordinances -- as heretofore amended and as may be amended in the future --, and with the following conditions:

2.1. OPERATIONAL CONDITIONS

The following conditions pertain to having *Chickens* on the *Subject Property* and conformance to these conditions are required for continued operations:

- (1) *Chickens* shall be allowed on the subject property as an ancillary use to the existing single-family home. Should the subject property be conveyed, sold, or subdivided the City Council reserves the right to review this Specific Use Permit (SUP); however, in no case shall the subject property be subdivided in a way that would separate the *Chicken Coop* from the existing single-family home or where the *Chicken Coop* would exist on a property that is less than ten (10) acres in size.
- (2) The *Chicken Coop* shall generally conform to the *Site Plan* depicted in *Exhibit 'B'* of this ordinance.
- (3) The *Chickens* shall be kept in an enclosed area within a *Chicken Coop* that provides for the free movement of *Chickens*, and are not permitted to be free range. The *Chicken Coop* shall conform to the *Building Elevations* depicted in *Exhibit 'C'* of this ordinance.
- (4) If the applicant moves the *Chicken Coop* it shall be moved to a location that is behind the front façade of the primary structure and that is a minimum of 20-feet from all property lines as depicted in *Exhibit 'B'* of this ordinance. In addition, the *Chicken Coop* shall be screened from view of adjoining properties.
- (5) The number of chickens permitted on the subject property shall be limited to no more than ten (10), and no ducks, geese, pigeons, turkeys, roosters, or any other poultry or fowl are permitted on the subject property.
- (6) The *Chickens* shall be kept for personal use only and the applicant shall be prohibited from selling or operating a commercial animal establishment on the subject property (*i.e. the offering of animal byproducts -- e.g. eggs, chicken manure, etc. -- or chickens for sale on the subject property shall be prohibited*).
- (7) The *Chickens* shall be sheltered or confined in such a fashion as to prevent them from coming into contact with wild fowl or their excrement.
- (8) Ground accumulations of manure shall be collected and properly disposed of so as not to create offensive odors, fly breeding, or in any way pose a health hazard or nuisance to humans or animals.

2.2. COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, *Specific Use Permits (SUP)*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) will require compliance to the following:

- (1) Upon obtaining a *Building Permit*, should the homeowner fail to meet the minimum operational requirements set forth herein and outline in the Unified Development Code (UDC), the City Council may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Section 2.02(F), *Revocation*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC).

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

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

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

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

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

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 7TH DAY OF FEBRUARY, 2022.

Kevin Fowler, *Mayor*

ATTEST:

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: January 18, 2022

2nd Reading: February 7, 2022

Exhibit 'A'
Zoning Exhibit

Address: 1700 E. SH-66

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

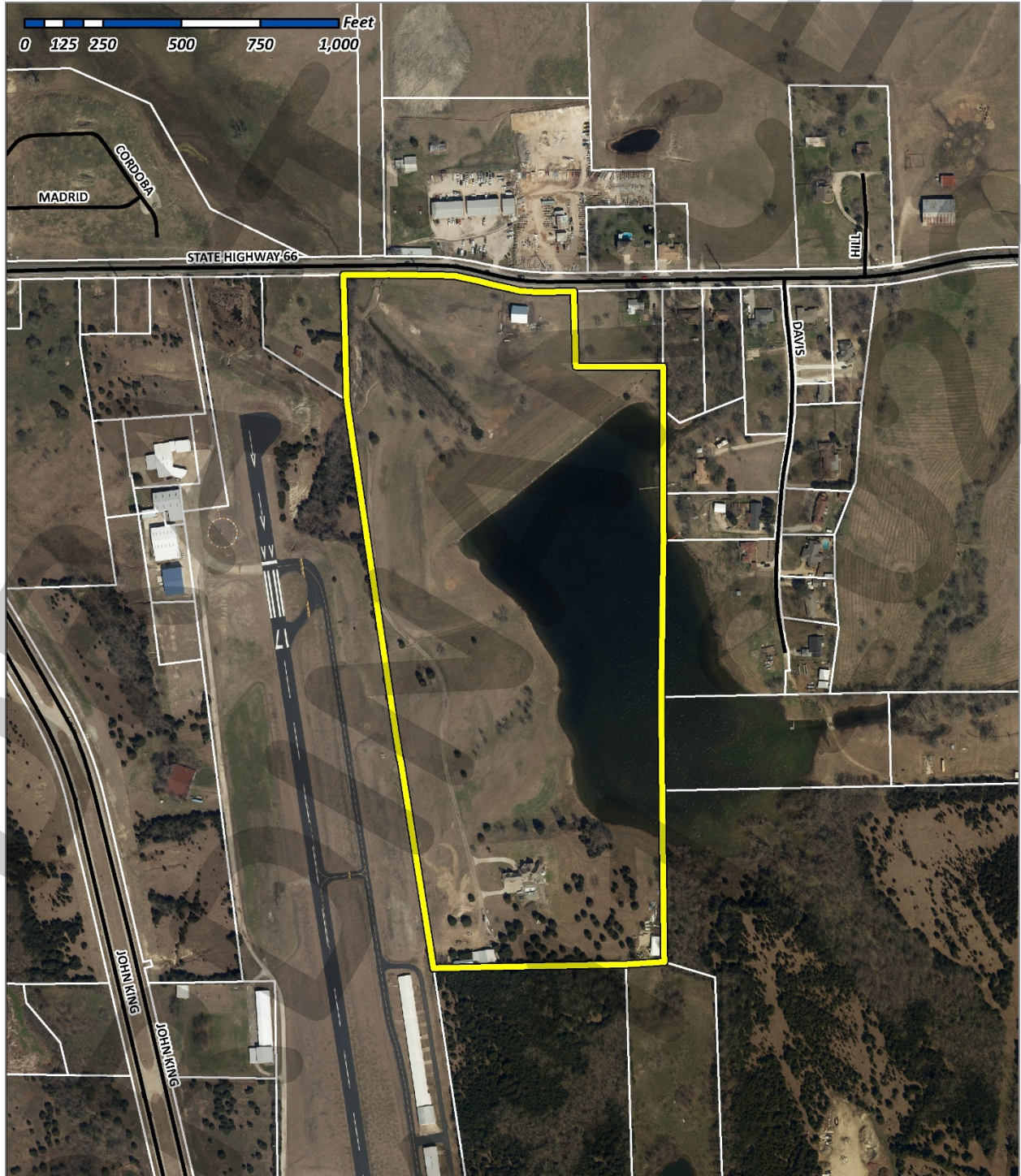


Exhibit 'B':
Site Plan



RED CROSS HATCHED AREA: AREA THE CHICKEN COOP CAN BE LOCATED

Exhibit 'C':
Building Elevations





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: January 18, 2022

APPLICANT: Mike Peoples

CASE NUMBER: Z2021-052; *Specific Use Permit (SUP) to Allow Chickens on 1700 E. SH-66*

SUMMARY

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

BACKGROUND

The subject property was annexed into the City of Rockwall on March 16, 1998 by *Ordinance No. 98-10* [Case No. A1998-001]. At the time of annexation, the subject property was zoned Agricultural (AG) District. This zoning designation has not changed since its adoption in 1998. According to the Rockwall Central Appraisal District (RCAD) currently situated on the subject property is: [1] a 3,836.50 SF single-family home that was constructed in 2010, [2] a ~2,500 SF barn that was constructed in 2017, [3] a ~4,000 SF barn constructed in 2017, and [4] a swimming pool constructed in 2019. In addition, there are two (2) other accessory structures on the subject property: [1] an ~1,800 SF agricultural accessory building, and [2] a 300 SF chicken coop.

On January 22, 2019, the City Council approved *Ordinance No.19-06* [Case No. Z2018-049; S-204] allowing an *Animal Loafing Shed* and two (2) *Agricultural Accessory Buildings* on the subject property. In the process of preparing this case, staff realized that the applicant had constructed an unpermitted *Chicken Coop* on the subject property between September 2019 and November 2020 (see *Images 1-3*) and was actively keeping *Chickens* in the structure. As a result, staff included a condition of approval for this case that required the applicant to apply for a *Specific Use Permit (SUP)* to allow *Chickens* in accordance with the requirements of the Unified Development Code (UDC). The applicant made this application on December 14, 2021.

PURPOSE

The applicant -- *Mike Peoples* -- is requesting the approval of a *Specific Use Permit (SUP)* to allow *Chickens* on the subject property in accordance with Subsection 03.01(B), *Other Animals*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC).



IMAGE 1: CHICKEN COOP



IMAGE 2: SEPTEMBER 2019



IMAGE 3: NOVEMBER 2020

ADJACENT LAND USES AND ACCESS

The subject property is addressed as 1700 E. SH-66. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property is SH-66, which is identified as a TXDOT4D (*i.e. Texas Department of Transportation, four [4] lane, divided roadway*) according to the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is a 4.479-acre tract of land (*i.e. Tract 25-2 of the W. M. Dalton Survey, Abstract No 72*) with several legally non-conforming buildings that have multiple businesses in them (*e.g. Classic Rock Stone Yard, Auto Glass by Jerry, Special D Automotive, and etc.*). North of this is an 11.965-acre tract of vacant land (*i.e. Tract 25 of the W. M. Dalton Survey, Abstract No. 72*). All of these properties are zoned Agricultural (AG) District.

South: Directly south of the subject property is a 12.00-acre tract of vacant land (*i.e. a portion of Tract 21 of the D. Harr Survey, Abstract No. 102*), which is also owned by the applicant. South of this tract is a 5.96-acre tract of vacant land (*i.e. a portion of Tract 21 of the D. Harr Survey, Abstract No. 102*) and a one (1) acre tract of land (*i.e. Tract 21-01 of the D. Harr Survey, Abstract No. 102*) with a single-family home situated on it. Beyond this is Airport Road, which is identified as a M4U (*i.e. major collector, four [4] lane, undivided roadway*) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

East: Directly east of the subject property are 14 single-family homes situated on 15 tracts of land (*i.e. Tracts 1, 3, 8, 10, 11, 11-01, 11-03, 11-4, 11-5, 12, 13, 16, 17, & 19 of the D. Harr Survey, Abstract No. 102 and Lot 1, Block A, Widboom Addition*). Also, east of the subject property is a 64.514-acre tract of land (*i.e. Tract 15 of the D. Harr Survey, Abstract No. 102*) that is owned by the City of Rockwall. All of these properties are zoned Agricultural (AG) District.

West: Directly west of the subject property is the Ralph Hall Municipal Airport, which is situated on a 47.89-acre parcel of land (*i.e. Lot 1 of the Rockwall Municipal Airport*) zoned Agricultural (AG) District. Beyond this are two (2) vacant tracts of land (*i.e. Tracts 1 & 6-1 of the G. W. Redlin Survey, Abstract No. 183*) zoned Planned Development District 71 (PD-71) for Commercial (C) District land uses. West of these tracts is John King Boulevard, which is identified as a P6D (*i.e. principal arterials, six [6] lane, divided roadway*) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

CHARACTERISTICS OF THE REQUEST

The applicant has constructed a 15-foot by 20-foot (*or 300 SF*) *Chicken Coop* behind the existing single-family home. The proposed *Chicken Coop* stands an estimated eight (8) feet in height and is clad in corrugated metal (*see Image 1 above*). The applicant has indicated to staff that the existing structure is portable and will be moved around the property in the future.

CONFORMANCE WITH THE CITY'S CODES

According to Section 6-162, *Keeping, Confining and Breeding Regulations*, of the Municipal Code of Ordinances, "(i)t shall be unlawful to own or keep chickens, ducks, turkeys, geese, peacocks, or guinea hens within the corporate limits of the city except in agricultural zone districts." The subject property is a 42.66-acre tract of land that is currently zoned Agricultural (AG) District and is being used for single-family and agricultural purposes. In addition, Subsection 03.01(B), *Other Animals*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC), states that "(a)n SUP is required for other farm animals, including chickens ...". This section goes on to layout the following conditions: [1] ground accumulations of manure shall be collected and properly disposed of so as not to create offensive odors, fly breeding, or in any way pose a health hazard or nuisance to humans and animals, [2] fences or pens, corrals or similar enclosures shall be of sufficient height and strength to properly retain the animal, and [3] in the Agricultural (AG) District or on unplatted tracts of land of five (5) acres or more, standards for animals are found in Chapter 6, *Animals*, of the Municipal Code Ordinances; of which this section states "(c)hickens or ducklings younger than eight [8] weeks of age may not be sold in quantities of less than ten [10] to a single purchaser." In reviewing a Specific Use Permit (SUP) for *Other Animals* the Unified Development Code (UDC) states, "(t)he City shall not grant a SUP for any farm animal unless it is convinced that the presence of such animals will not injure the use and enjoyment of neighboring properties, including the impact of dust, flies and odor."

STAFF ANALYSIS

The applicant's request appears to be in conformance with the majority of the City's requirements regarding *Chickens* and *Chicken Coops*; however, the Unified Development Code (UDC) does not provide many regulations regarding this land use. Based on this, staff has limited the number of *Chickens* the applicant is permitted to have on the subject property to ten (10), and provided additional regulations stipulating that the subject property may not operate as a commercial animal establishment or offer for sale the animals or their by-products (*i.e. eggs, chicken manure etc.*). In addition, staff has incorporated a regulating plan that limits the *Chicken Coop* from being located [1] in front of the front façade of the existing home, or [2] within 20-feet of an existing property line (*see Image 4 below*). This will limit visibility of the *Chicken Coop* from the Ralph Hall Municipal Airport and the adjacent properties to the east of the subject property. With all this being said the approval of a Specific Use Permit (SUP) and the operational conditions contained in the Specific Use Permit (SUP) ordinance is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission.



IMAGE 4: LIMITS OF OPERATION FOR THE PORTABLE CHICKEN COOP

NOTIFICATIONS

On December 16, 2021, staff mailed 33 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Rolling Meadows Homeowner's Association (HOA), which was the only Homeowner's Association (HOA)/Neighborhood Organization within 1,500-feet participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was drafted, staff had not received any responses concerning this case.

CONDITIONS OF APPROVAL

If the City Council chooses to approve the applicant's request for a Specific Use Permit (SUP) to allow *Chickens* on the subject property, then staff would propose the following conditions of approval:

- (1) The applicant shall be responsible for maintaining compliance with the operational conditions contained in the Specific Use Permit (SUP) ordinance and which are detailed as follows:

- (a) *Chickens* shall be allowed on the subject property as an ancillary use to the existing single-family home. Should the subject property be conveyed, sold, or subdivided the City Council reserves the right to review this Specific Use Permit (SUP); however, in no case shall the subject property be subdivided in a way that would separate the *Chicken Coop* from the existing single-family home or where the *Chicken Coop* would exist on a property that is less than ten (10) acres in size.
 - (b) The *Chicken Coop* shall generally conform to the *Site Plan* depicted in *Exhibit 'B'* of the Specific Use Permit (SUP) ordinance.
 - (c) The *Chickens* shall be kept in an enclosed area within a *Chicken Coop* that provides for the free movement of *Chickens*, and are not permitted to be free range. The *Chicken Coop* shall conform to the *Building Elevations* depicted in *Exhibit 'C'* of the Specific Use Permit (SUP) ordinance.
 - (d) If the applicant moves the *Chicken Coop* it shall be moved to a location that is behind the front façade of the primary structure and that is a minimum of 20-feet from all property lines as depicted in *Exhibit 'B'* of the Specific Use Permit (SUP) ordinance. In addition, the *Chicken Coop* shall be screened from view of adjoining properties.
 - (e) The number of chickens permitted on the subject property shall be limited to no more than ten (10), and no ducks, geese, pigeons, turkeys, roosters, or any other poultry or fowl are permitted on the subject property.
 - (f) The *Chickens* shall be kept for personal use only and the applicant shall be prohibited from selling or operating a commercial animal establishment on the subject property (*i.e. the offering of animal byproducts -- e.g. eggs, chicken manure, etc. -- or chickens for sale on the subject property shall be prohibited*).
 - (g) The *Chickens* shall be sheltered or confined in such a fashion as to prevent them from coming into contact with wild fowl or their excrement.
 - (h) Ground accumulations of manure shall be collected and properly disposed of so as not to create offensive odors, fly breeding, or in any way pose a health hazard or nuisance to humans or animals.
- (2) The applicant shall be required to apply for and be approved for a building permit for the existing *Chicken Coop*.
- (3) Any construction resulting from the approval of this *Specific Use Permit (SUP)* 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 January 11, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the Specific Use Permit (SUP) by a vote of 6-0, with Commissioner Thomas absent.



DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO. 22021-052

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&2} - 215'-0"
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) ¹

OTHER APPLICATION FEES:

- TREE REMOVAL (\$75.00)
- VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) ²

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.
² A \$1,000.00 FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.

PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS 1700 East 66 Rockwall TX 75087
 SUBDIVISION - 54 acres LOT BLOCK
 GENERAL LOCATION along Ralph Had Airport (Eastside)

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING Ag CURRENT USE Ag
 PROPOSED ZONING Ag PROPOSED USE Ag
 ACREAGE 56 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]

OWNER Mike Peoples APPLICANT
 CONTACT PERSON u CONTACT PERSON same
 ADDRESS 1700 East 66 ADDRESS
 CITY, STATE & ZIP Rockwall TX 75087 CITY, STATE & ZIP
 PHONE 214-957-0807 PHONE
 E-MAIL E-MAIL

NOTARY VERIFICATION [REQUIRED]

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Mike Peoples [OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:

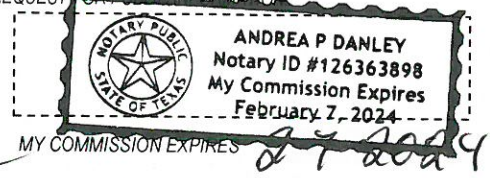
"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ 215.00 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 14th DAY OF December, 2021 BY SIGNING THIS APPLICATION. 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."

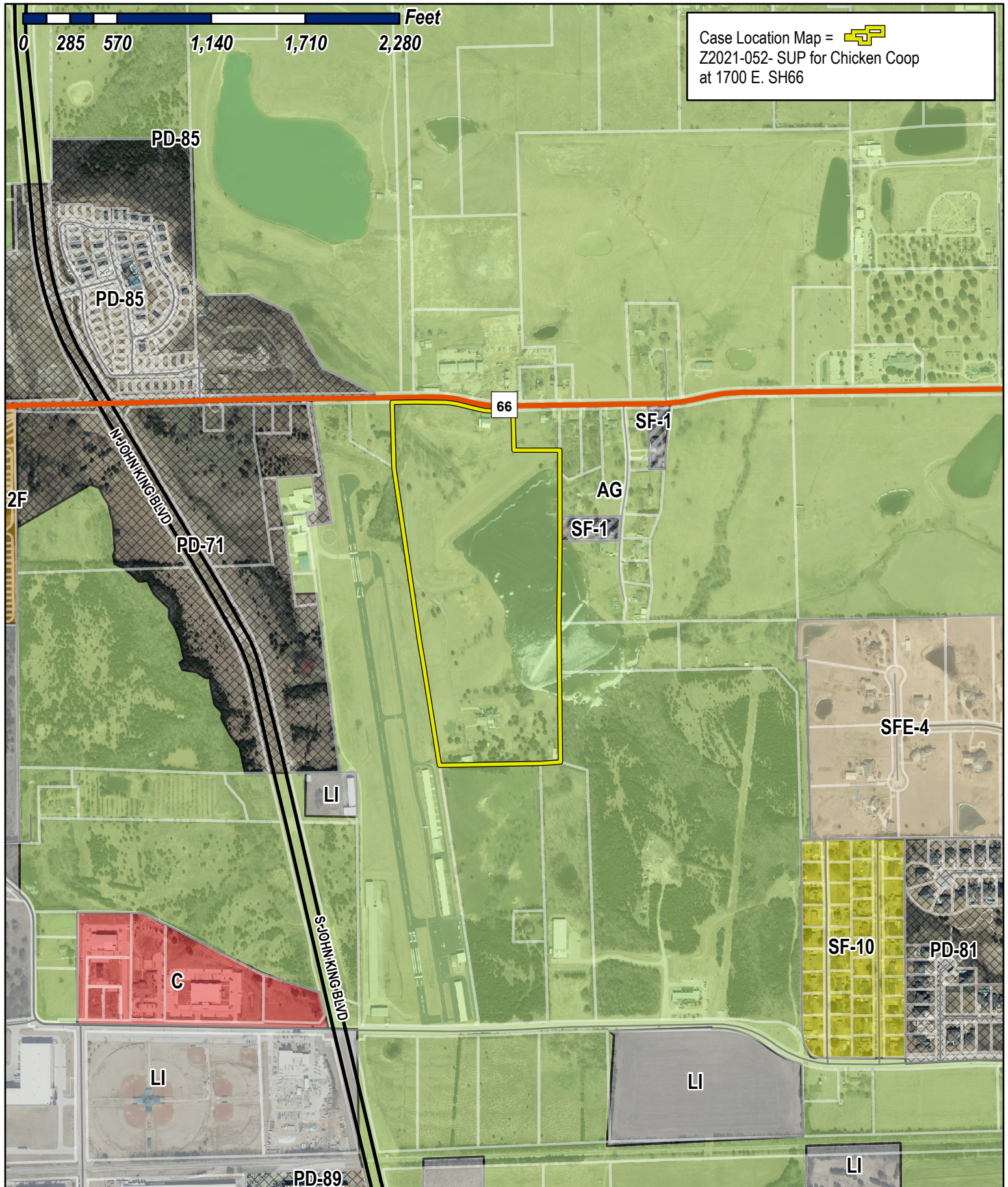
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 14th DAY OF December, 2021


OWNER'S SIGNATURE

Mike Peoples
Andrea P. Danley

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS





Case Location Map = 
 Z2021-052- SUP for Chicken Coop
 at 1700 E. SH66



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.

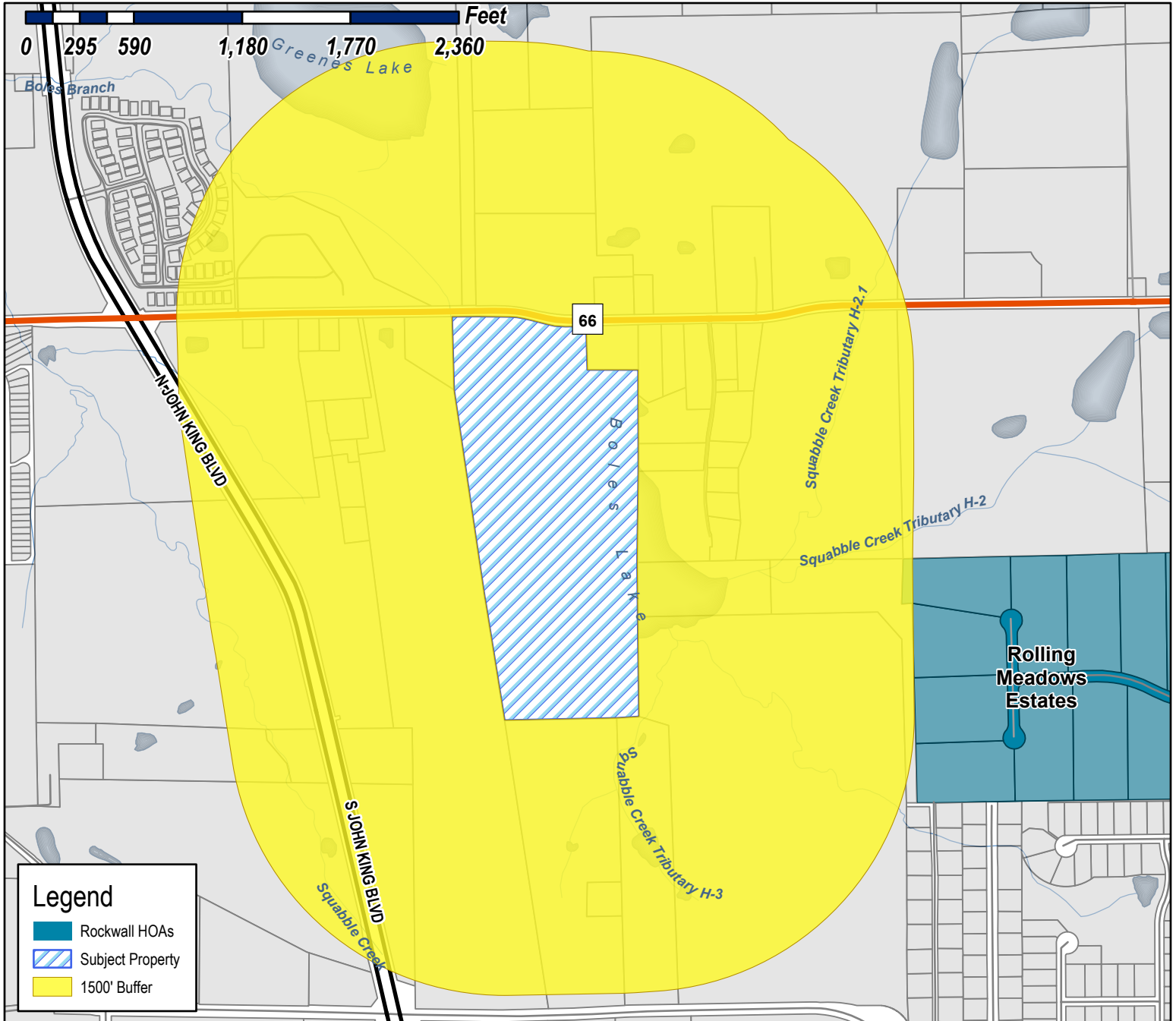







City of Rockwall

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

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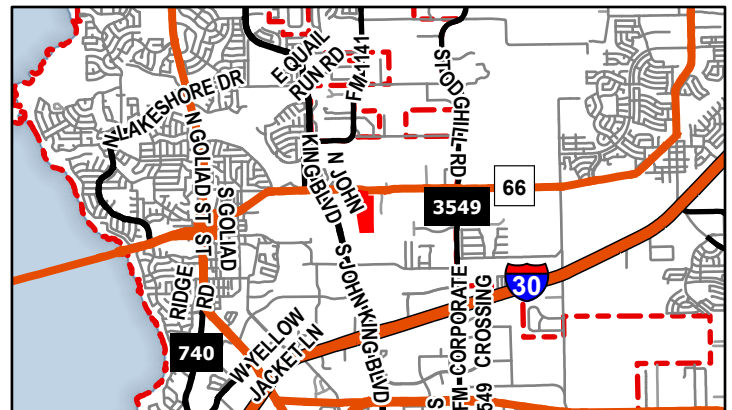


Legend

-  Rockwall HOAs
-  Subject Property
-  1500' Buffer

Case Number: Z2021-052
Case Name: SUP for Chicken Coop
Case Type: Zoning
Zoning: Agricultural (AG) District
Case Address: 1700 E. SH66

Date Saved: 12/16/2021
 For Questions on this Case Call (972) 771-7745



Miller, Ryan

From: Gamez, Angelica
Sent: Tuesday, December 21, 2021 10:52 AM
Cc: Miller, Ryan; Lee, Henry
Subject: Neighborhood Notification Program [Z2021-052]
Attachments: Public Notice (12.20.2021).pdf; HOA Map (12.16.2021).pdf

HOA/Neighborhood Association Representative:

Per your participation in the *Neighborhood Notification Program*, you are receiving this notice to inform your organization that a zoning case has been filed with the City of Rockwall that is located within 1,500-feet of the boundaries of your neighborhood. As the contact listed for your organization, you are encouraged to share this information with the residents of your subdivision. Please find the attached map detailing the property requesting to be rezoned in relation to your subdivision boundaries. Additionally, below is the summary of the zoning case that will be published in the Rockwall Herald Banner on *December 24, 2021*. The Planning and Zoning Commission will hold a public hearing on *Tuesday, January 11, 2022 at 6:00 PM*, and the City Council will hold a public hearing on *Tuesday, January 18, 2022 at 6:00 PM*. Both hearings will take place at 6:00 PM at City Hall, 385 S. Goliad, Rockwall, TX 75087.

All interested parties are encouraged to submit public comments via email to Planning@rockwall.com at least 30 minutes in advance of the meeting. Please include your name, address, and the case number your comments are referring to. These comments will be read into the record during each of the public hearings. Additional information on all current development cases can be found on the City's website:

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

Z2021-052: SUP to allow Chickens

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

Thank you,

Angelica Gamez

Planning & Zoning Coordinator

City of Rockwall

972.771.7745 Office

972.772.6438 Direct

<http://www.rockwall.com/planning/>

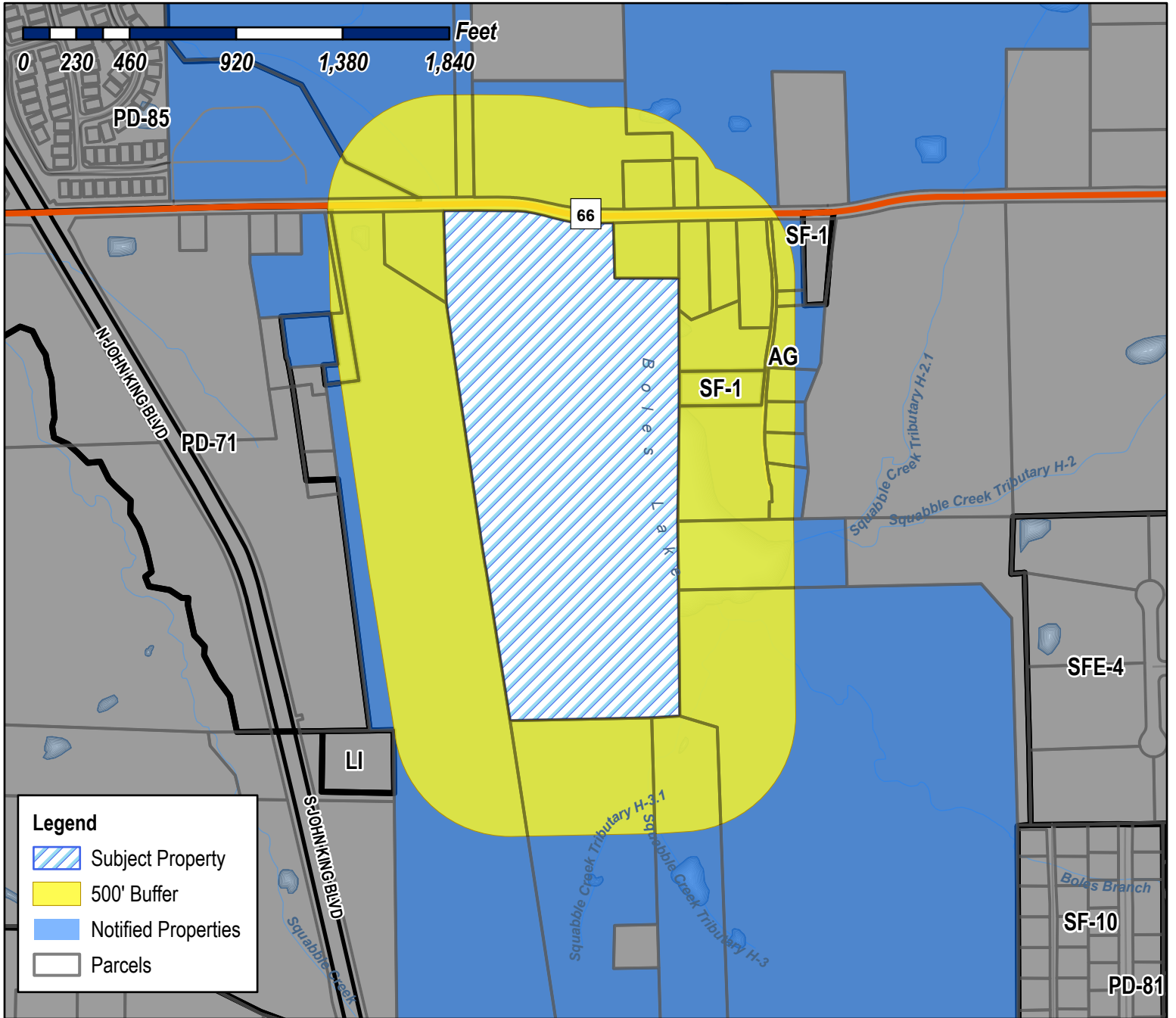
This email was scanned by Bitdefender



City of Rockwall

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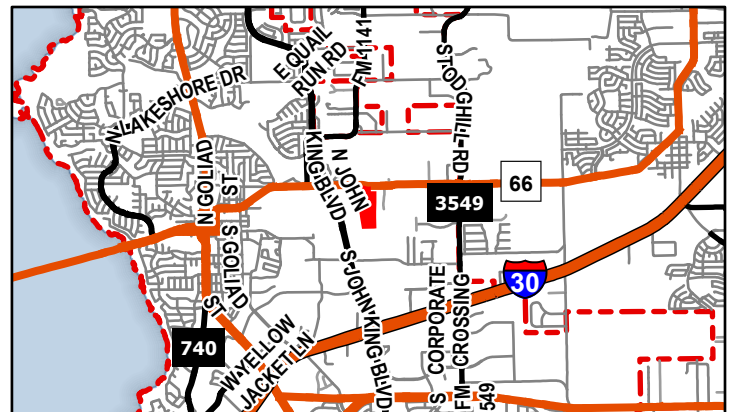


Legend

- Subject Property
- 500' Buffer
- Notified Properties
- Parcels

Case Number: Z2021-052
Case Name: SUP for Chicken Coop
Case Type: Zoning
Zoning: Agricultural (AG) District
Case Address: 1700 E. SH66

Date Saved: 12/16/2021
 For Questions on this Case Call (972) 771-7745



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

CUMMINGS JOHN & LORI
1770 E HWY 66
ROCKWALL, TX 75087

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

MCILRATH PROPERTIES LLC
1790 WILLIAMS ST
ROCKWALL, TX 75087

RYAN BILL K
1800 WILLIAMS ST
ROCKWALL, TX 75087

CITY OF ROCKWALL
1815 AIRPORT RD
ROCKWALL, TX 75087

PEOPLES MIKE L
1936 HWY 66
ROCKWALL, TX 75087

PEOPLES MICHAEL L
2026 HWY 66
ROCKWALL, TX 75087

SALINAS HILSE S
2068 STATE HWY 66
ROCKWALL, TX 75087

PEOPLES MICHAEL L JR AND
SHERYL NEWMAN PEOPLES
2075 WILLIAMS
ROCKWALL, TX 75087

GILLILAND TOMMY JOE
2098 WILLIAMS
ROCKWALL, TX 75087

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

CAIN FAMILY PARTNERSHIP LTD
305 STONEBRIDGE DR
ROCKWALL, TX 75087

CUMMINGS JOHN & LORI
308 STONEBRIDGE DR
ROCKWALL, TX 75087

RYAN BILL K
330 VZ CR 2207
CANTON, TX 75103

RW LADERA LLC
361 W BYRON NELSON BLVD SUITE 104
ROANOKE, TX 76262

RYAN GARY S AND CONSTANCE E
502 WILLIAMS ST
ROCKWALL, TX 75087

DAVIS WILLIAM PAUL JR
510 TURTLE COVE BLVD STE 200
ROCKWALL, TX 75087

DAVIS WILLIAM PAUL JR
510 TURTLE COVE BLVD STE 200
ROCKWALL, TX 75087

MCILRATH PROPERTIES LLC
636 GRISHAM DR
ROCKWALL, TX 75087

SELLERS DONYA BEATRICE
700 DAVIS DR
ROCKWALL, TX 75087

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

MOCK ALYSSA
720 DAVIS DR
ROCKWALL, TX 75087

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

DAILEY MARK L
730 DAVIS DR
ROCKWALL, TX 75087

BANUELOS SHERRI L
735 DAVIS DR
ROCKWALL, TX 75087

RINKEVICH FAMILY LIVING TRUST
JOSEPH W RINKEVICH- TRUSTEE
740 DAVIS DR
ROCKWALL, TX 75087

RAINES SHERYL
745 DAVIS DR
ROCKWALL, TX 75087

COOK SHERRY LYNN
760 DAVIS DRIVE
ROCKWALL, TX 75087

DIMISSEW SAMUEL
956 S WEATHERRED DR
RICHARDSON, TX 75080

ATHEY JACK R
P.O. BOX 219
LAVON, TX 75166

PEOPLES MIKE L
PO BOX 41
ROCKWALL, TX 75087

RAINES SHERYL
PO BOX 412
ROCKWALL, TX 75087

PUBLIC NOTICE



CITY OF ROCKWALL
PLANNING AND ZONING DEPARTMENT
PHONE: (972) 771-7745
EMAIL: PLANNING@ROCKWALL.COM

Property Owner and/or Resident of the City of Rockwall:

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

Case No. Z2021-052: SUP to allow Chickens

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

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on Tuesday, January 11, 2022 at 6:00 PM, and the City Council will hold a public hearing on Tuesday, January 18, 2022 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

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

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

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

Your comments must be received by Tuesday, January 18, 2022 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning



MORE INFORMATION ON THIS CASE CAN BE FOUND AT: <https://sites.google.com/site/rockwallplanning/development/development-cases>

PLEASE RETURN THE BELOW FORM

Case No. Z2021-052: SUP to allow Chickens

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

Name:

Address:

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

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



CITY OF ROCKWALL

ORDINANCE NO. 22-XX

SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW CHICKENS ON A 42.66-ACRE TRACT OF LAND, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rockwall, Texas;

SECTION 1. That the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing *Chickens* as stipulated by Subsection 03.01, *Farm Animals and Horses*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] on the *Subject Property*; and,

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 03.01, *Farm Animals and Horses*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] and Chapter 6, *Animals*, of the Municipal Code of Ordinances -- as heretofore amended and as may be amended in the future --, and with the following conditions:

2.1. OPERATIONAL CONDITIONS

The following conditions pertain to having *Chickens* on the *Subject Property* and conformance to these conditions are required for continued operations:

- (1) *Chickens* shall be allowed on the subject property as an ancillary use to the existing single-family home. Should the subject property be conveyed, sold, or subdivided the City Council reserves the right to review this Specific Use Permit (SUP); however, in no case shall the subject property be subdivided in a way that would separate the *Chicken Coop* from the existing single-family home or where the *Chicken Coop* would exist on a property that is less than ten (10) acres in size.
- (2) The *Chicken Coop* shall generally conform to the *Site Plan* depicted in *Exhibit 'B'* of this ordinance.
- (3) The *Chickens* shall be kept in an enclosed area within a *Chicken Coop* that provides for the free movement of *Chickens*, and are not permitted to be free range. The *Chicken Coop* shall conform to the *Building Elevations* depicted in *Exhibit 'C'* of this ordinance.
- (4) If the applicant moves the *Chicken Coop* it shall be moved to a location that is behind the front façade of the primary structure and that is a minimum of 20-feet from all property lines as depicted in *Exhibit 'B'* of this ordinance. In addition, the *Chicken Coop* shall be screened from view of adjoining properties.
- (5) The number of chickens permitted on the subject property shall be limited to no more than ten (10), and no ducks, geese, pigeons, turkeys, roosters, or any other poultry or fowl are permitted on the subject property.
- (6) The *Chickens* shall be kept for personal use only and the applicant shall be prohibited from selling or operating a commercial animal establishment on the subject property (*i.e. the offering of animal byproducts -- e.g. eggs, chicken manure, etc. -- or chickens for sale on the subject property shall be prohibited*).
- (7) The *Chickens* shall be sheltered or confined in such a fashion as to prevent them from coming into contact with wild fowl or their excrement.
- (8) Ground accumulations of manure shall be collected and properly disposed of so as not to create offensive odors, fly breeding, or in any way pose a health hazard or nuisance to humans or animals.

2.2. COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, *Specific Use Permits (SUP)*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) will require compliance to the following:

- (1) Upon obtaining a *Building Permit*, should the homeowner fail to meet the minimum operational requirements set forth herein and outline in the Unified Development Code (UDC), the City Council may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Section 2.02(F), *Revocation*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC).

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

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

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

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

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

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 7TH DAY OF FEBRUARY, 2022.

Kevin Fowler, *Mayor*

ATTEST:

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: January 18, 2022

2nd Reading: February 7, 2022

Exhibit 'A'
Zoning Exhibit

Address: 1700 E. SH-66

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

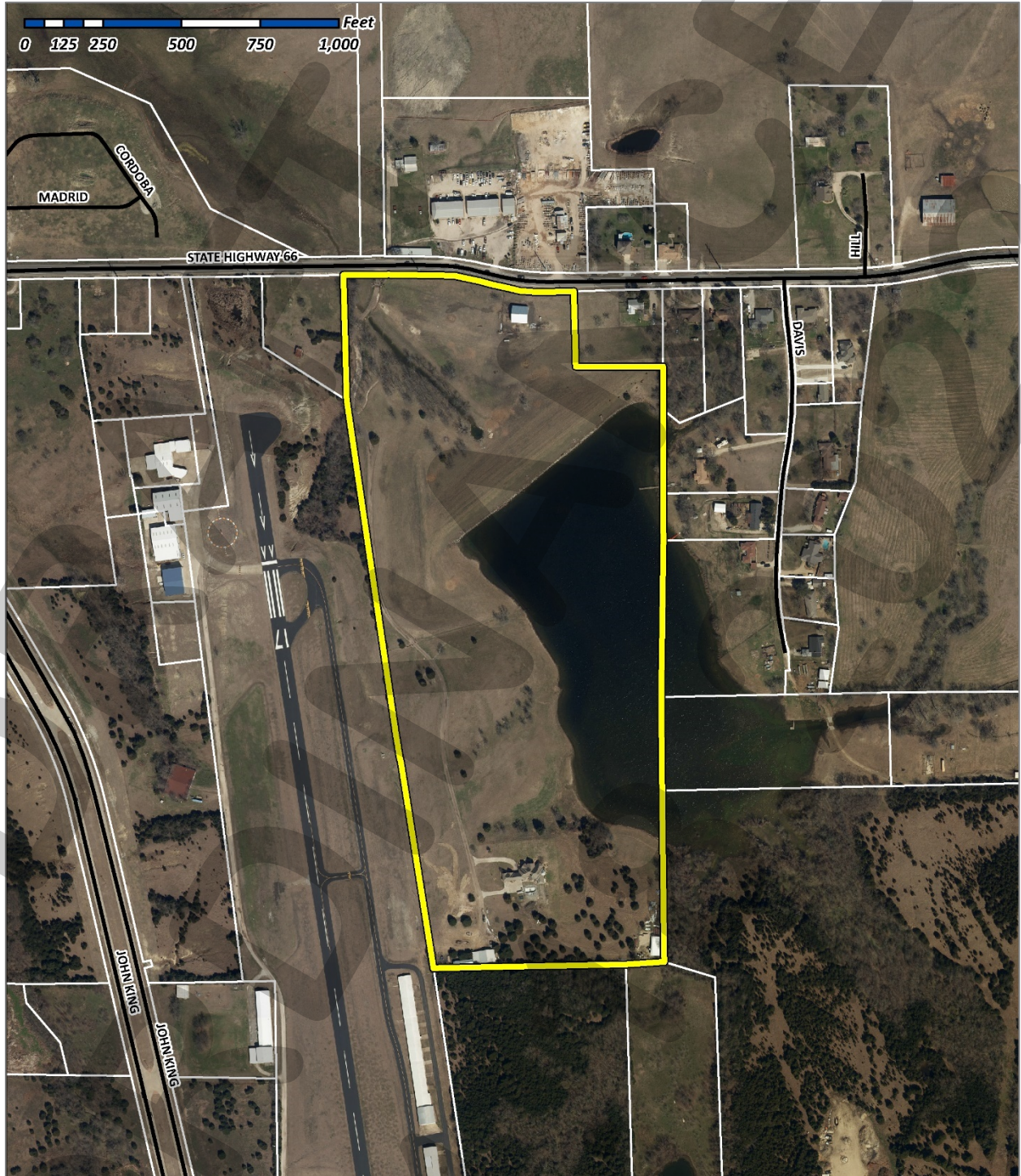


Exhibit 'B':
Site Plan



RED CROSS HATCHED AREA: AREA THE CHICKEN COOP CAN BE LOCATED

Exhibit 'C':
Building Elevations



Miller, Ryan

From: Gamez, Angelica
Sent: Tuesday, December 21, 2021 10:52 AM
Cc: Miller, Ryan; Lee, Henry
Subject: Neighborhood Notification Program [Z2021-052]
Attachments: Public Notice (12.20.2021).pdf; HOA Map (12.16.2021).pdf

HOA/Neighborhood Association Representative:

Per your participation in the *Neighborhood Notification Program*, you are receiving this notice to inform your organization that a zoning case has been filed with the City of Rockwall that is located within 1,500-feet of the boundaries of your neighborhood. As the contact listed for your organization, you are encouraged to share this information with the residents of your subdivision. Please find the attached map detailing the property requesting to be rezoned in relation to your subdivision boundaries. Additionally, below is the summary of the zoning case that will be published in the Rockwall Herald Banner on *December 24, 2021*. The Planning and Zoning Commission will hold a public hearing on *Tuesday, January 11, 2022 at 6:00 PM*, and the City Council will hold a public hearing on *Tuesday, January 18, 2022 at 6:00 PM*. Both hearings will take place at 6:00 PM at City Hall, 385 S. Goliad, Rockwall, TX 75087.

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Thank you,

Angelica Gamez

Planning & Zoning Coordinator

City of Rockwall

972.771.7745 Office

972.772.6438 Direct

<http://www.rockwall.com/planning/>

This email was scanned by Bitdefender

Miller, Ryan

From: Miller, Ryan
Sent: Tuesday, December 21, 2021 10:17 AM
To: 'mike peoples'
Subject: Project Comments: Z2021-052
Attachments: Draft Ordinance (10.19.2021).pdf; Project Comments (12.21.2021).pdf

Mr. Peoples ... Attached to this email are the project comments/markups and draft ordinance for Case No. Z2021-052. Please review the draft ordinance and let me know if you have any issues or questions. All comments for this case will need to be addressed by January 4, 2022. The schedule of meetings for this case is as follows:

Planning and Zoning Commission Work Session Meeting: December 28, 2021
Planning and Zoning Commission Public Hearing: January 11, 2022
City Council Public Hearing/1st Reading: January 18, 2022
City Council 2nd Reading: February 7, 2022

All meetings will start at 6:00 PM in the City Council Chambers at City Hall, which is located at 385 S. Goliad Street [SH-205]. Please note that a representative will need to be present at each meeting. Should you have any additional questions please let me know. Thanks.



RYAN C. MILLER, AICP

DIRECTOR OF PLANNING & ZONING • PLANNING & ZONING DIVISION • CITY OF ROCKWALL
972.772.6441 OFFICE
RMILLER@ROCKWALL.COM
385 S. GOLIAD STREET • ROCKWALL, TX 75087

[HELPFUL LINKS](#) | [CITY OF ROCKWALL WEBSITE](#) | [PLANNING & ZONING DIVISION WEBSITE](#) | [MUNICIPAL CODE WEBSITE](#)
[GIS DIVISION WEBSITE](#) | [CITY OF ROCKWALL INTERACTIVE MAPS](#) | [UNIFIED DEVELOPMENT CODE](#)

NOTES

- 1) APPOINTED AND ELECTED OFFICIALS: BY REPLYING ALL TO THIS EMAIL YOU MAY BE IN VIOLATION OF THE TEXAS OPEN MEETINGS ACT. PLEASE REPLY ONLY TO THE SENDER.
- 2) PLEASE NOTE THAT ANY CORRESPONDENCE SENT TO CITY STAFF MAY BECOME PUBLIC RECORD



February 14, 2022

TO: Mike Peoples
1700 E. SH-66
Rockwall, TX 75087

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

SUBJECT: Z2021-052; *Specific Use Permit (SUP) for Chickens*

Mr. Peoples:

This letter serves to notify you that the above referenced zoning case that you submitted for consideration by the City of Rockwall was approved by the City Council on February 7, 2022. The following is a record of all recommendations, voting records and conditions of approval:

Staff Recommendations

- (1) The applicant shall be responsible for maintaining compliance with the operational conditions contained in the Specific Use Permit (SUP) ordinance and which are detailed as follows:
 - (a) *Chickens* shall be allowed on the subject property as an ancillary use to the existing single-family home. Should the subject property be conveyed, sold, or subdivided the City Council reserves the right to review this Specific Use Permit (SUP); however, in no case shall the subject property be subdivided in a way that would separate the *Chicken Coop* from the existing single-family home or where the *Chicken Coop* would exist on a property that is less than ten (10) acres in size.
 - (b) The *Chicken Coop* shall generally conform to the *Site Plan* depicted in *Exhibit 'B'* of the Specific Use Permit (SUP) ordinance.
 - (c) The *Chickens* shall be kept in an enclosed area within a *Chicken Coop* that provides for the free movement of *Chickens*, and are not permitted to be free range. The *Chicken Coop* shall conform to the *Building Elevations* depicted in *Exhibit 'C'* of the Specific Use Permit (SUP) ordinance.
 - (d) If the applicant moves the *Chicken Coop* it shall be moved to a location that is behind the front façade of the primary structure and that is a minimum of 20-feet from all property lines as depicted in *Exhibit 'B'* of the Specific Use Permit (SUP) ordinance. In addition, the *Chicken Coop* shall be screened from view of adjoining properties.
 - (e) The number of chickens permitted on the subject property shall be limited to no more than ten (10), and no ducks, geese, pigeons, turkeys, roosters, or any other poultry or fowl are permitted on the subject property.
 - (f) The *Chickens* shall be kept for personal use only and the applicant shall be prohibited from selling or operating a commercial animal establishment on the subject property (*i.e. the offering of animal byproducts -- e.g. eggs, chicken manure, etc. -- or chickens for sale on the subject property shall be prohibited*).
 - (g) The *Chickens* shall be sheltered or confined in such a fashion as to prevent them from coming into contact with wild fowl or their excrement.

- (h) Ground accumulations of manure shall be collected and properly disposed of so as not to create offensive odors, fly breeding, or in any way pose a health hazard or nuisance to humans or animals.
- (2) The applicant shall be required to apply for and be approved for a building permit for the existing *Chicken Coop*.
- (3) Any construction resulting from the approval of this Specific Use Permit (SUP) 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 January 11, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the Specific Use Permit (SUP) by a vote of 6-0, with Commissioner Thomas absent.

City Council

On January 18, 2022, the City Council approved a motion to approve the SUP with the conditions of approval by a vote of 5-2, with Council Members Johannesen and Daniels dissenting.

On February 7, 2022, the City Council approved a motion to approve the SUP with the conditions of approval by a vote of 5-2, with Council Members Johannesen and Daniels dissenting.

Included with this letter is a copy of Ordinance No. 22-05, which is the regulating ordinance adopted with the City Council's approval of this case. Should you have any questions or concerns regarding your zoning case, please feel free to contact me a (972) 771-7745.

Sincerely,



Ryan Miller, AICP
Director of Planning and Zoning

CITY OF ROCKWALL

ORDINANCE NO. 22-05

SPECIFIC USE PERMIT NO. S-268

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW *CHICKENS* ON A 42.66-ACRE TRACT OF LAND, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND DESCRIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code (UDC) [Ordinance No. 20-02] of the City of Rockwall should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rockwall, Texas;

SECTION 1. That the Unified Development Code (UDC) [Ordinance No. 20-02] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing *Chickens* as stipulated by Subsection 03.01, *Farm Animals and Horses*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [Ordinance No. 20-02] on the *Subject Property*; and,

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 03.01, *Farm Animals and Horses*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [Ordinance No. 20-02] and Chapter 6, *Animals*, of the Municipal Code of Ordinances -- as heretofore amended and as may be amended in the future --, and with the following conditions:

2.1. OPERATIONAL CONDITIONS

The following conditions pertain to having *Chickens* on the *Subject Property* and conformance to these conditions are required for continued operations:

- (1) *Chickens* shall be allowed on the subject property as an ancillary use to the existing single-family home. Should the subject property be conveyed, sold, or subdivided the City Council reserves the right to review this Specific Use Permit (SUP); however, in no case shall the subject property be subdivided in a way that would separate the *Chicken Coop* from the existing single-family home or where the *Chicken Coop* would exist on a property that is less than ten (10) acres in size.
- (2) The *Chicken Coop* shall generally conform to the *Site Plan* depicted in *Exhibit 'B'* of this ordinance.
- (3) The *Chickens* shall be kept in an enclosed area within a *Chicken Coop* that provides for the free movement of *Chickens*, and are not permitted to be free range. The *Chicken Coop* shall conform to the *Building Elevations* depicted in *Exhibit 'C'* of this ordinance.
- (4) If the applicant moves the *Chicken Coop* it shall be moved to a location that is behind the front façade of the primary structure and that is a minimum of 20-feet from all property lines as depicted in *Exhibit 'B'* of this ordinance. In addition, the *Chicken Coop* shall be screened from view of adjoining properties.
- (5) The number of chickens permitted on the subject property shall be limited to no more than ten (10), and no ducks, geese, pigeons, turkeys, roosters, or any other poultry or fowl are permitted on the subject property.
- (6) The *Chickens* shall be kept for personal use only and the applicant shall be prohibited from selling or operating a commercial animal establishment on the subject property (*i.e. the offering of animal byproducts -- e.g. eggs, chicken manure, etc. -- or chickens for sale on the subject property shall be prohibited*).
- (7) The *Chickens* shall be sheltered or confined in such a fashion as to prevent them from coming into contact with wild fowl or their excrement.
- (8) Ground accumulations of manure shall be collected and properly disposed of so as not to create offensive odors, fly breeding, or in any way pose a health hazard or nuisance to humans or animals.

2.2. COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, *Specific Use Permits (SUP)*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) will require compliance to the following:

- (1) Upon obtaining a *Building Permit*, should the homeowner fail to meet the minimum operational requirements set forth herein and outline in the Unified Development Code (UDC), the City Council may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Section 2.02(F), *Revocation*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC).

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

described herein.

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

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

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

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

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 7TH DAY OF FEBRUARY, 2022.



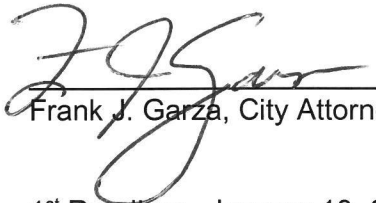
Kevin Fowler, Mayor

ATTEST:



Kristy Teague, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: January 18, 2022

2nd Reading: February 7, 2022

Exhibit 'A'
Zoning Exhibit

Address: 1700 E. SH-66

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

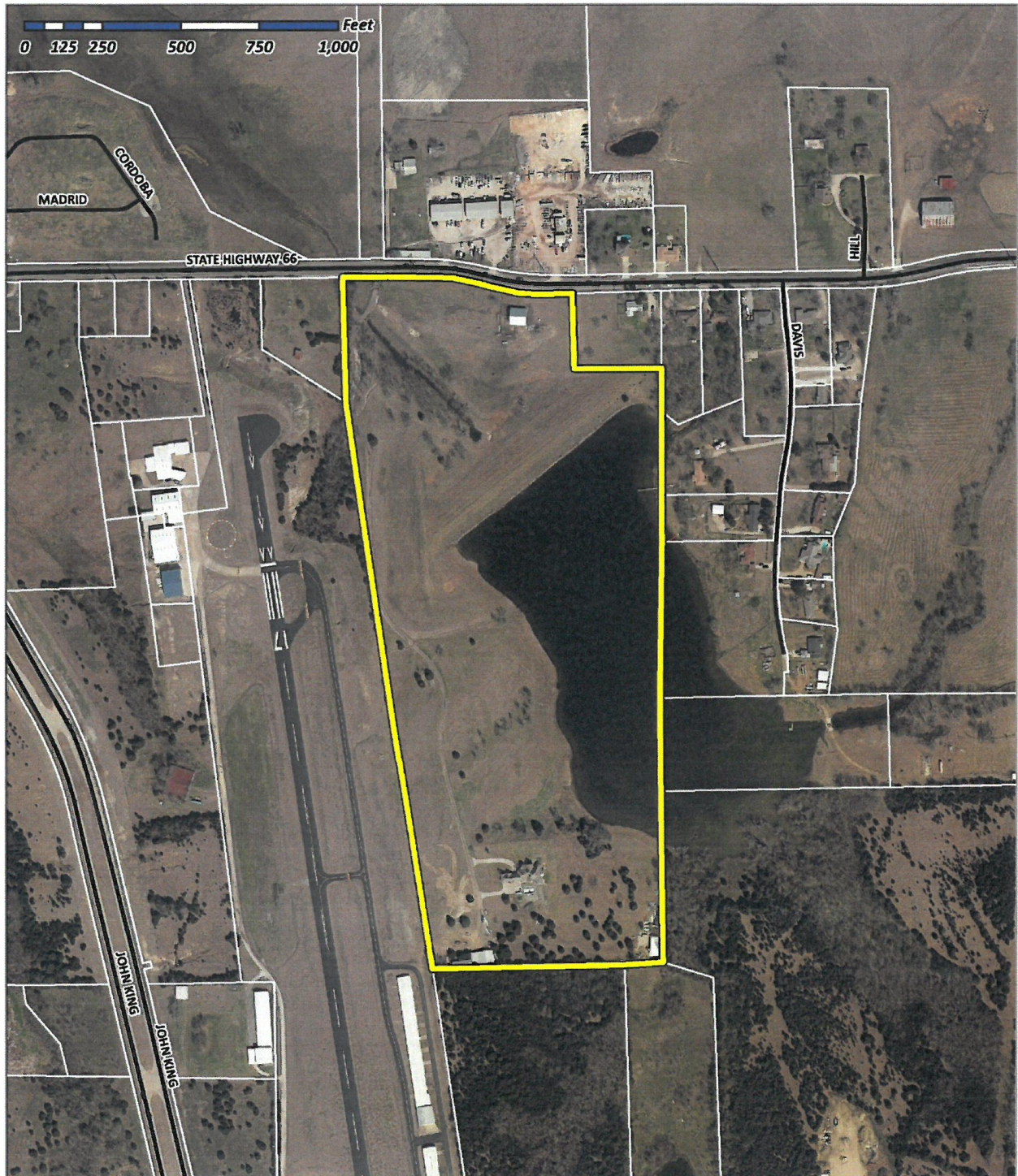


Exhibit 'B':
Site Plan



RED CROSS HATCHED AREA: AREA THE CHICKEN COOP CAN BE LOCATED

Exhibit 'C':
Building Elevations

