



PLANNING AND ZONING CASE CHECKLIST

PLANNING AND ZONING DEPARTMENT
385 S. GOLIAD STREET
ROCKWALL, TX 75087

P&Z CASE # MIS2022-013 P&Z DATE July 12, 2022 CC DATE _____ Approved/Denied

ARCHITECTURAL REVIEW BOARD DATE _____ HPAB DATE _____ PARK BOARD DATE _____

Zoning Application

- Specific Use Permit
- Zoning Change
- PD Concept Plan
- PD Development Plan

Site Plan Application

- Site Plan
- Landscape Plan
- Treescape Plan
- Photometric Plan
- Building Elevations
- Material Samples
- Color Rendering

Platting Application

- Master Plat
- Preliminary Plat
- Final Plat
- Replat
- Administrative/Minor Plat
- Vacation Plat
- Landscape Plan
- Treescape Plan

HPAB Application

- Exhibit

Miscellaneous Application

- Variance/Exception Request

- Copy of Ordinance (ORD# _____)
- Applications
- Receipt
- Location Map
- HOA Map
- PON Map
- FLU Map
- Newspaper Public Notice
- 500-foot Buffer Public Notice
- Project Review
- Staff Report
- Correspondence
- Copy-all Plans Required
- Copy-Mark-Ups
- City Council Minutes – Laserfiche
- Minutes-Laserfiche
- Plat Filled Date _____
 - Cabinet # _____
 - 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.

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}
- 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 **NEC of HWY 205 and FM 549, Rockwall, TX 75032**

SUBDIVISION **Creekside Commons** LOT **1-14** BLOCK **A**

GENERAL LOCATION **NEC of HWY 205 and FM 549, Rockwall, TX 75032**

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING **Commercial (C)** CURRENT USE **Undeveloped**

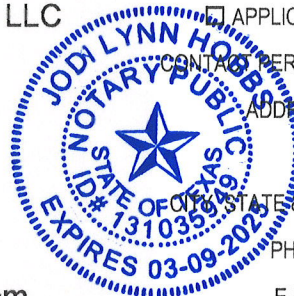
PROPOSED ZONING **Commercial (C)** PROPOSED USE **Mixed use**

ACREAGE **34.484** LOTS [CURRENT] **1** LOTS [PROPOSED] **14**

SITE PLANS AND PLATS: BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB316Z THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.

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

<input type="checkbox"/> OWNER	Rockwall 205 Investors, LLC	<input type="checkbox"/> APPLICANT	The Dimension Group
CONTACT PERSON	Justin Webb	CONTACT PERSON	Keaton Mai
ADDRESS	1 Candlelite Trail	ADDRESS	10755 Sandhill Rd
CITY, STATE & ZIP	Heath, TX 75032	CITY, STATE & ZIP	Dallas, TX 75238
PHONE	469-446-7734	PHONE	214-600-1152
E-MAIL	justinw@alturahomes.com	E-MAIL	kmai@dimensiongroup.com



NOTARY VERIFICATION [REQUIRED]

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Justin Webb [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 \$ 1500, TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 15th DAY OF June, 2022. BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 15 DAY OF June, 2022

OWNER'S SIGNATURE

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES



10755 Sandhill Road, Dallas, TX 75238, 214.343.9400, dimensiongrp.com
ARCHITECTURE • CIVIL ENGINEERING • MEP ENGINEERING • PLANNING

June 17, 2022

To: City of Rockwall
Planning & Zoning Commission
385 S. Goliad Street
Rockwall, TX 75087

Re: Creekside Commons
NEC of HWY 205 and FM 549,
Rockwall, TX 75032
Variance Request Letter-Alternative Tree Mitigation Settlement Agreement

The following letter is provided to request a variance for an alternative tree mitigation settlement agreement for the existing trees being removed at the NEC of HWY 205 and FM 549 in Rockwall. We are respectfully requesting the following variance to the City of Rockwall Unified Development Code:

1. 100% of mitigation costs be paid to the tree mitigation fund at a rate of \$100 / inch

To offset these variances, we are providing the following compensatory measure:

1. Trees will be planted to meet the current landscape ordinance at the time of development.

The trees are being removed to install utilities and a temporary access drive to serve future development. Additionally, trees will be removed to infill an existing pond to bring it out of the erosion hazard setback area. The pond in question is not located within the 100-yr floodplain nor is it a protected wetland. We are requesting this alternative settlement, so mitigation plantings are not required prior to development. Any tree replanted at this time would ultimately be removed with subsequent grading.

Thank you for your consideration and we appreciate your assistance with this matter.

Sincerely,

Keaton Mai, PE
Director of Civil Engineering

214.343.9400
www.dimensiongrp.com
10755 Sandhill Road, Dallas, TX 75238

TREE REMOVAL - UTILITY & STREET PLAN AREAS

TAG	SPECIES	DBH	CONDITION	COMMENT	Feature Tree	Non-Protected Tree	Primary Protected	Secondary Protected	In ROW	
548	CEDAR	6.00	UNKNOWN	REMOVE		6.00				
553	CEDAR	6.00	UNKNOWN	REMOVE		6.00				
554	CEDAR	6.00	UNKNOWN	REMOVE		6.00				
618	CEDAR	10.00	UNKNOWN	REMOVE		10.00				
619	CEDAR	6.00	UNKNOWN	REMOVE		6.00				
620	CEDAR	6.00	UNKNOWN	REMOVE		6.00				
621	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
622	CEDAR	10.00	UNKNOWN	REMOVE		10.00				
623	CEDAR	10.00	UNKNOWN	REMOVE		10.00				
624	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
625	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
635	CEDAR	12.00	UNKNOWN	REMOVE		12.00			12.00	
672	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
676	BOIS D'ARC	6.00	UNKNOWN	REMOVE		6.00				
677	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
678	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
683	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
684	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
685	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
690	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
691	CEDAR	10.00	UNKNOWN	REMOVE		10.00				
692	CEDAR	6.00	UNKNOWN	REMOVE		6.00				
697	CEDAR	10.00	UNKNOWN	REMOVE		10.00				
698	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
699	CEDAR	10.00	UNKNOWN	REMOVE		10.00				
707	CEDAR	10.00	UNKNOWN	REMOVE		10.00				
708	CEDAR	10.00	UNKNOWN	REMOVE		10.00				
709	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
712	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
713	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
7189	CEDAR	10.00	UNKNOWN	REMOVE		10.00				
7239	CEDAR	10.00	UNKNOWN	REMOVE		10.00				
7240	CEDAR	10.00	UNKNOWN	REMOVE		10.00			13.00	
7241	CEDAR	15.00	UNKNOWN	REMOVE		15.00			15.00	
7242	CEDAR	13.00	UNKNOWN	REMOVE		13.00			13.00	
7246	CEDAR	10.00	UNKNOWN	REMOVE		10.00				
9616	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	18.00	DECLINE	REMOVE				18.00		
9617	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	12.00	DECLINE	REMOVE				12.00		
9618	BOIS D ARC MACLURA POMIFERA	14.00	DECLINE	REMOVE				14.00		
9619	BOIS D ARC MACLURA POMIFERA	10.00	DECLINE	REMOVE				10.00		
9620	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	16.00	DECLINE	REMOVE				16.00		
9621	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	8.00	DECLINE	REMOVE		8.00				
9622	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	8.00	DECLINE	REMOVE		8.00				
9623	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	10.00	DECLINE	REMOVE		10.00				
9624	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	8.00	DECLINE	REMOVE		8.00				
9625	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	12.00	DECLINE	REMOVE		12.00			12.00	
9626	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	12.00	DECLINE	REMOVE		12.00			12.00	
9627	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	8.00	DECLINE	REMOVE		8.00				
9628	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	8.00	DECLINE	REMOVE		8.00				
9629	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	12.00	DECLINE	REMOVE		12.00			12.00	
9630	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	12.00	DECLINE	REMOVE		12.00			12.00	
9631	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	12.00	DECLINE	REMOVE		12.00			12.00	
9632	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	26.00	DECLINE	REMOVE		26.00				
9652	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	13.00	DECLINE	REMOVE		13.00			12.00	
	TOTAL	523.00				52.00	338.00	0.00	171.00	0.00
	FEATURE TREE MITIGATION (2:1)				52.00					
	NON-PROTECTED TREE MITIGATION								0.00	
	PRIMARY PROTECTED MITIGATION							0.00		
	SECONDARY PROTECTED MITIGATION (0.5:1)								85.50	
	TOTAL MITIGATION REQUIRED	137.50								

TREE REMOVAL SUMMARY

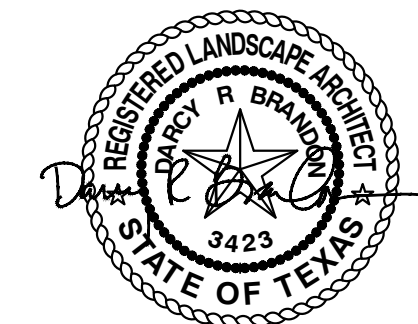
	MITIGATION REQUIREMENT
TOTAL CALIPER OF TREES ON SITE	10,195"
FEATURE TREES TO BE REMOVED (2:1 MITIGATION)	26" 52"
NON-PROTECTED TREES TO BE REMOVED (NO MITIGATION)	2,324" 0"
PRIMARY PROTECTED TREES TO BE REMOVED (1:1 MITIGATION)	219" 219"
SECONDARY PROTECTED TREES TO BE REMOVED (0.5:1 MITIGATION)	330" 165"
TOTAL MITIGATION REQUIRED	436"

LEGEND

- 10" CEDAR #XXX INDICATES TREE SIZE, SPECIES, & NUMBER
- EXISTING TREES TO BE PROTECTED IN PLACE
- TREE PROTECTION FENCE
- 10" CEDAR #XXX INDICATES TREE SIZE, SPECIES, & NUMBER
- EXISTING TREE TO BE REMOVED

NOTE: TREE PROTECTION FOR ANY PRESERVED OR RELOCATED TREES MUST BE PROVIDED PER DETAILS AND SPECIFICATIONS ON SHEET TD-2. THESE MUST BE UP PRIOR TO THE COMMENCEMENT OF ANY WORK AND MAINTAINED THROUGHOUT CONSTRUCTION.

EVERGREEN DESIGN GROUP
 (800) 680-6630
 15455 Dallas Pkwy., Ste 600
 Addison, TX 75001
 www.EvergreenDesignGroup.com



THE DIMENSION GROUP
 ARCHITECTURE - CIVIL ENGINEERING - MEP ENGINEERING
 TEL: 214.343.9400 www.dimensiongroup.com

TBPE FIRM REGISTRATION #F-8396

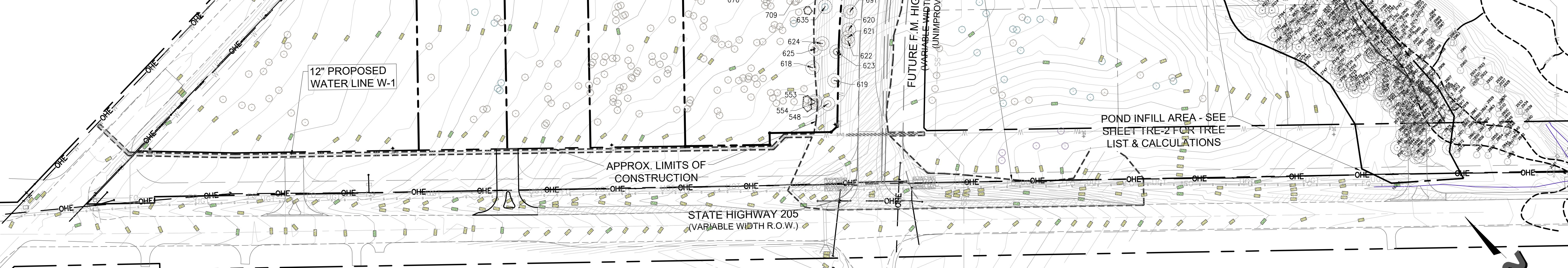
STATE OF TEXAS
 KEATON L. MAI
 125077
 LICENSED PROFESSIONAL ENGINEER

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF PRELIMINARY REVIEW UNDER THE AUTHORITY OF KEATON L. MAI, P.E. 125077 ON 3/15/2022. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.

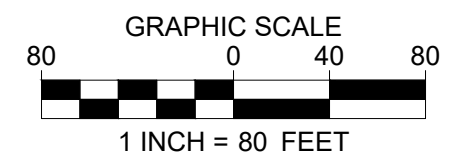
SERVICE AND ARE PROTECTED BY COMMON LAW. STATE OR FEDERAL. ANY REUSE OR REPRODUCTION WITHOUT THE WRITTEN CONSENT OF THE PROFESSIONAL ENGINEER IS PROHIBITED.

EXISTING TREE LEGEND

- FEATURE TREE
- PRIMARY PROTECTED TREE - UNKNOWN CONDITION
- PRIMARY PROTECTED TREE - HEALTHY CONDITION
- PRIMARY PROTECTED TREE - DECLINING CONDITION
- SECONDARY PROTECTED TREE
- NON-PROTECTED TREE
- IN UTILITY EASEMENT



CAUTION NOTICE TO CONTRACTORS
 THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL 811 AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATED ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THESE PLANS.



DATE	REVISION DESCRIPTION	BY

TREE REMOVAL EXHIBIT

CREEKSIDE COMMONS ACCESS DRIVE
 NWC STATE HIGHWAY 205 & FM 549
 ROCKWALL, TEXAS



January 24, 2022

Mr. Justin Webb
Rockwall 205 Investors, LLC
c/o Altura Homes
5763 S. State Highway 205
Suite 100
Rockwall, Texas 75032

**Re: Wetland and Other Waters Jurisdictional Determination
Pond Located on Vacant Property
East of Intersection of State Highway 205 and FM 549
Rockwall, Rockwall County, Texas
Apex Project Number ROC412-0312725-22003010**

Apex Companies, LLC (Apex) conducted a wetland and other waters jurisdictional determination for a specific pond at the above-referenced location (Site) to provide our opinion about whether the pond is a water of the U.S. (WOTUS). The location of the pond is outlined on **Figure 1, Attachment A**. A formal wetland and waters of the U.S. delineation was not requested for the pond or the remainder of the property on which the pond was located. This letter presents a summary of our review of records, on-Site observations, and our opinion about the jurisdictional status of the pond under the current regulatory guidance for defining WOTUS under the Clean Water Act (CWA).

Records Summary

The approximately 0.2-acre open water stock pond, located in the southern portion of a legal parcel is visible on Google Earth aerial imagery from 1996 to 2020 (most recent). According to Soil Data Access (SDA) Hydric Soils List, the pond is underlain with Houston black clay soil map unit, which is not classified as a hydric soil unit in Rockwall County, TX. The intermittent stream, Long Branch, is visible on United States Geologic Survey 7.5' topographic maps to the east of the pond. The pond and the stream are also visible on National Wetland Inventory Maps: The pond is classified as PUBHh (Palustrine Unconsolidated Bottom Permanently Flooded Diked/Impounded) and the stream as R4SBC (Riverine Intermittent Streambed Seasonally Flooded) (**Figure 1, Attachment 1**). On aerial imagery, the two features are separated by woodland characterized by dense canopy cover and obscuring the view of any potential surface water connection between the two. The presence of such a feature or a wetland connecting the pond and stream would potentially classify the pond as a jurisdictional WOTUS.

Field Observations Summary

On January 4, 2022, Apex biologists and Professional Wetland Scientist, Dr. Kazik Wieski visited the Rockwall site to evaluate the on-site pond's jurisdictional status. Photographs from the Site visit are presented in **Attachment 2**. Although hydrologic conditions were drier than normal (see APT tool in **Attachment 3**), the pond and Long Branch intermittent stream were observed having water approximately at their Ordinary High Water Mark (OHWM). Apex walked the pond boundary and confirmed that the pond has an emergent wetland buffer up to 15 feet wide and is separated from the Long Branch in the east by an upland berm primarily vegetated with a juniper-hackberry woodland. No

drainage features leaving or entering the pond were observed. An incomplete or remnant overflow channel was visible in the southeastern portion of the pond. On the opposite side of the berm, to the east and downgradient, an upland excavated swale was observed with exposed cut tree roots, likely evidence of groundworks. The swale had no OHWM. The upgradient end of the swale was observed at approximately 30 feet straight line distance from the overflow channel. A 1-foot to 2-foot-wide game trail was observed approximately 20 feet to the south and determined not to be an aquatic feature between the pond and stream.

Pond Jurisdictional Status

The definition of WOTUS has frequent legal and regulatory adjustments that affect whether a specific water body is considered a WOTUS and under the jurisdiction of the CWA. According to current Environmental Protection Agency (EPA) guidance, the pond jurisdictional status was considered in accordance with the pre-2015 regulatory regime.

Based on our review of records and Site observations described above, Apex has the opinion that the pond is **not** a jurisdictional WOTUS and such **would not** require a Section 404 CWA permit for discharge of dredged or fill materials within the pond. This determination is based on the pond being situated as an off-channel stock pond that is apparently fed hydrologically by sheet flow from the surrounding landscape and it does not have an apparent surface hydrological connection with the nearby stream. It also does not appear to be separated from the stream by a natural berm and does not appear to be consistent with the concept of an adjacent wetland for the purposes of jurisdictional determination.

Apex has made no delineation or jurisdictional determination for any other aquatic features on the same parcel as the subject pond or any adjacent parcel.

If you have any questions or require additional information, please contact us.

Sincerely,



Dr. Kazik Wieski, PWS
Environmental Scientist, III
713-882-6675



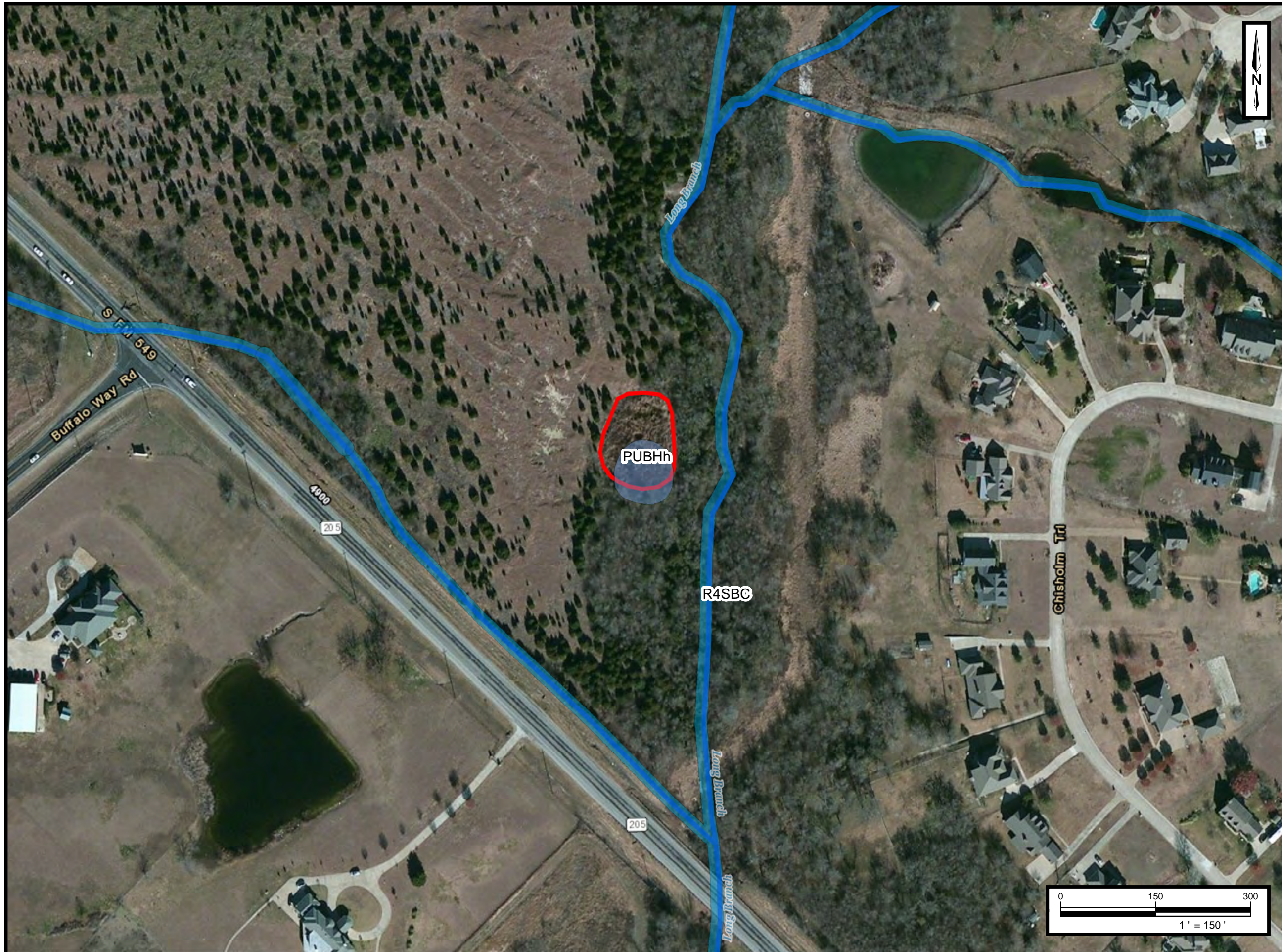
Aaron Brewer, P.G.
Branch Manager
512-410-9640


Attachments

Pond East of Intersection of State Highway 205 and FM 549
Waters of the U.S. Determination
January 24, 2022

ATTACHMENT 1

Results Map(s)



LEGEND:
 Pond Approximate Boundary



Apex Companies, LLC
 12012 Technology Blvd, Suite 201
 Austin, TX 78727
 Phone: (512) 250-2600



Wetland and Other Waters
 Jurisdictional Determination
 Pond Located on Vacant Property
 East of Intersection of SH 205 and FM 549
 Rockwall, Rockwall County, Texas

Project No. ROC412-0312725-22003010

FIGURE 1
**Pond and Long Branch on
 National Wetland Inventory Map**

Service Layer Credits:
 Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P,
 NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea,

Pond East of Intersection of State Highway 205 and FM 549
Waters of the U.S. Determination
January 24, 2022

ATTACHMENT 2
Photographic Log



01.04.2022 09:44 AM
32.87642, -96.42133
2049 Chisholm Trail, Rockwall, TXA

Photo 1: View of the intermittent stream Long Branch (downstream) to the east of the pond.



01.04.2022 09:59 AM
32.87739, -96.42148
2061 Chisholm Trail, Rockwall, TXA

Photo 2: View of the pond from the southeast corner. The unfinished overflow channel in front, view partially covered by the tree branch.



01/04/2022 10:00 AM
32.877, -96.42143
2053 Chrisholm Trail, Rockwall, TXA

Photo 3: Upland berm separating pond and Long Branch. Shovel indicates the upgradient end of the upland excavated swale. View to the northeast.



Photo 4: The upland excavated swale, view to the southeast.



01/04/2022 10:33 AM
32.87698, -96.4214
2053 Chisholm Trail, Rockwall, TXA

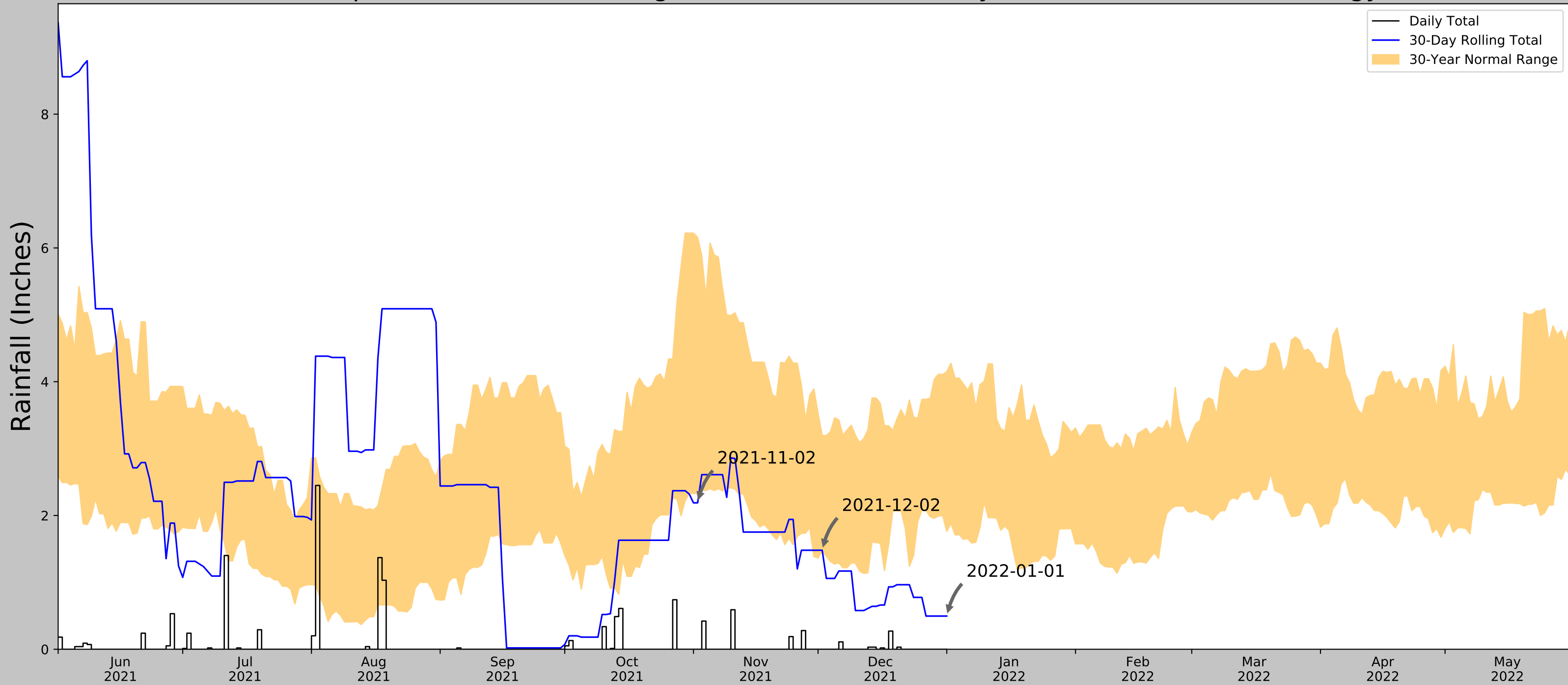
Photo 5: Trail from the pond to Long Branch at the stream. View to the southeast.

Pond East of Intersection of State Highway 205 and FM 549
Waters of the U.S. Determination
January 24, 2022

ATTACHMENT 3

ATP FORM

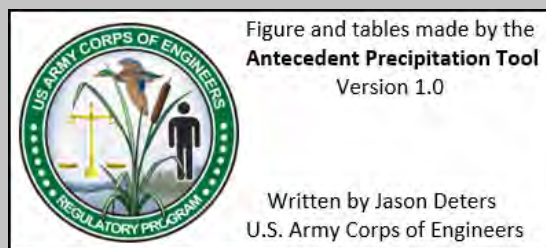
Antecedent Precipitation vs Normal Range based on NOAA's Daily Global Historical Climatology Network



Coordinates	32.877232, -96.421702
Observation Date	2022-01-01
Elevation (ft)	517.32
Drought Index (PDSI)	Not available
WebWIMP H ₂ O Balance	Wet Season

30 Days Ending	30 th %ile (in)	70 th %ile (in)	Observed (in)	Wetness Condition	Condition Value	Month Weight	Product
2022-01-01	1.762598	4.148819	0.496063	Dry	1	3	3
2021-12-02	1.477953	3.196063	1.480315	Normal	2	2	4
2021-11-02	2.329528	6.158268	2.188976	Dry	1	1	1
Result							Drier than Normal - 8

Weather Station Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Days (Normal)	Days (Antecedent)
TERRELL MUNI AP	32.71, -96.2672	475.066	14.63	42.254	7.202	8553	88
ROCKWALL 3.1 SSW	32.8832, -96.4843	450.131	3.656	67.189	1.891	9	1
ROCKWALL 0.8 WNW	32.927, -96.4701	479.003	4.439	38.317	2.168	10	0
ROCKWALL	32.9331, -96.4647	542.979	4.596	25.659	2.186	2780	0
ROWLETT 2.3 NW	32.9321, -96.5769	541.011	9.769	23.691	4.627	1	0
Linear Interpolation	N/A	N/A	N/A	N/A	N/A	0	1





DEVELOPMENT APPLICATION

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

STAFF USE ONLY
PLANNING & ZONING CASE NO.

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ADDRESS **NEC of HWY 205 and FM 549, Rockwall, TX 75032**

SUBDIVISION **Creekside Commons** LOT **1-14** BLOCK **A**

GENERAL LOCATION **NEC of HWY 205 and FM 549, Rockwall, TX 75032**

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING **Commercial (C)** CURRENT USE **Undeveloped**

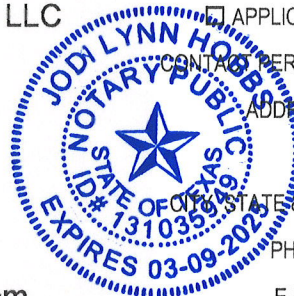
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<input type="checkbox"/> OWNER	Rockwall 205 Investors, LLC	<input type="checkbox"/> APPLICANT	The Dimension Group
CONTACT PERSON	Justin Webb	CONTACT PERSON	Keaton Mai
ADDRESS	1 Candlelite Trail	ADDRESS	10755 Sandhill Rd
CITY, STATE & ZIP	Heath, TX 75032	CITY, STATE & ZIP	Dallas, TX 75238
PHONE	469-446-7734	PHONE	214-600-1152
E-MAIL	justinw@alturahomes.com	E-MAIL	kmai@dimensiongroup.com



NOTARY VERIFICATION [REQUIRED]

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

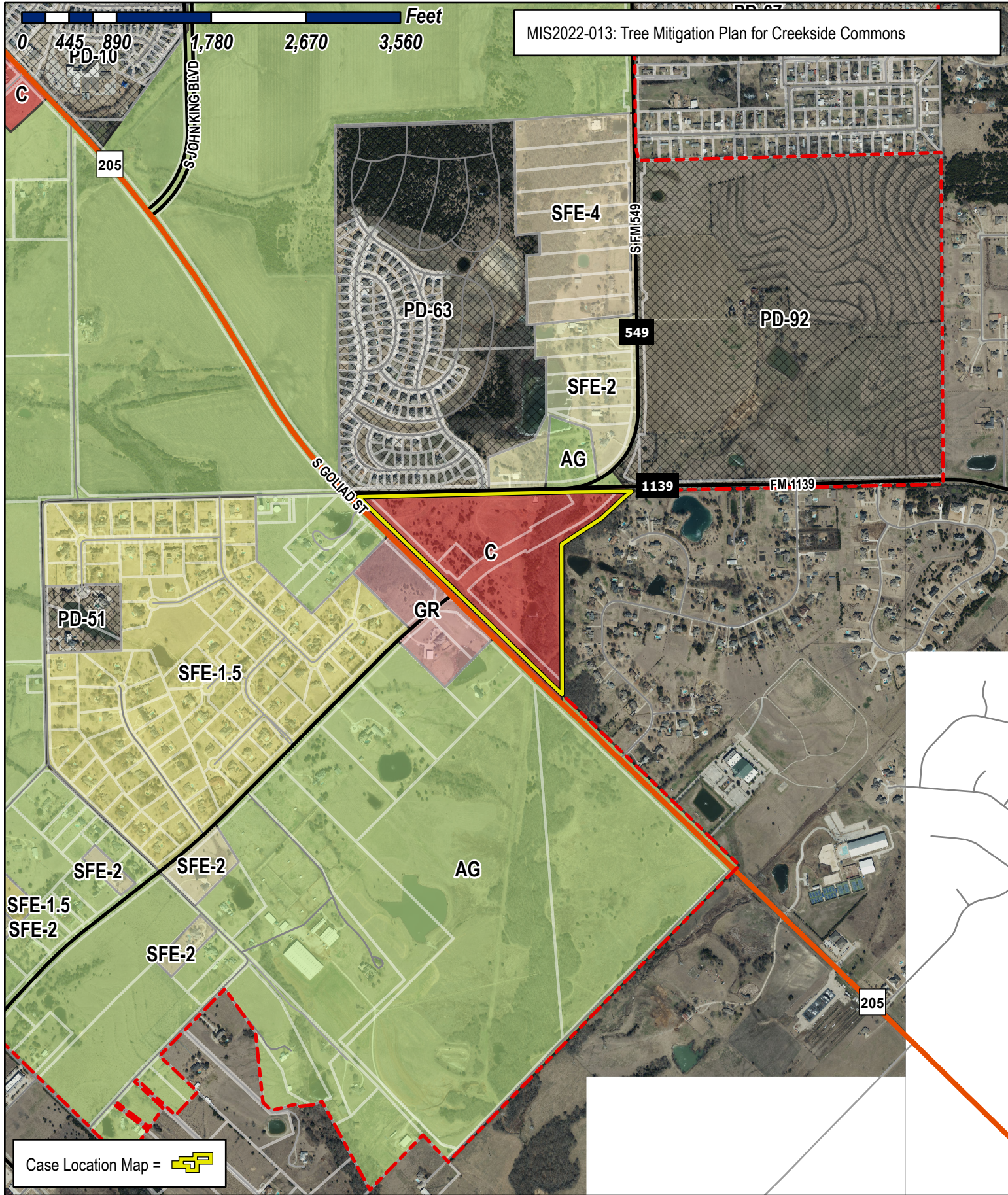
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NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES



Case Location Map = 



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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10755 Sandhill Road, Dallas, TX 75238, 214.343.9400, dimensiongrp.com
ARCHITECTURE • CIVIL ENGINEERING • MEP ENGINEERING • PLANNING

June 17, 2022

To: City of Rockwall
Planning & Zoning Commission
385 S. Goliad Street
Rockwall, TX 75087

Re: Creekside Commons
NEC of HWY 205 and FM 549,
Rockwall, TX 75032
Variance Request Letter-Alternative Tree Mitigation Settlement Agreement

The following letter is provided to request a variance for an alternative tree mitigation settlement agreement for the existing trees being removed at the NEC of HWY 205 and FM 549 in Rockwall. We are respectfully requesting the following variance to the City of Rockwall Unified Development Code:

1. 100% of mitigation costs be paid to the tree mitigation fund at a rate of \$100 / inch

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Thank you for your consideration and we appreciate your assistance with this matter.

Sincerely,

Keaton Mai, PE
Director of Civil Engineering

214.343.9400
www.dimensiongrp.com
10755 Sandhill Road, Dallas, TX 75238



January 24, 2022

Mr. Justin Webb
Rockwall 205 Investors, LLC
c/o Altura Homes
5763 S. State Highway 205
Suite 100
Rockwall, Texas 75032

**Re: Wetland and Other Waters Jurisdictional Determination
Pond Located on Vacant Property
East of Intersection of State Highway 205 and FM 549
Rockwall, Rockwall County, Texas
Apex Project Number ROC412-0312725-22003010**

Apex Companies, LLC (Apex) conducted a wetland and other waters jurisdictional determination for a specific pond at the above-referenced location (Site) to provide our opinion about whether the pond is a water of the U.S. (WOTUS). The location of the pond is outlined on **Figure 1, Attachment A**. A formal wetland and waters of the U.S. delineation was not requested for the pond or the remainder of the property on which the pond was located. This letter presents a summary of our review of records, on-Site observations, and our opinion about the jurisdictional status of the pond under the current regulatory guidance for defining WOTUS under the Clean Water Act (CWA).

Records Summary

The approximately 0.2-acre open water stock pond, located in the southern portion of a legal parcel is visible on Google Earth aerial imagery from 1996 to 2020 (most recent). According to Soil Data Access (SDA) Hydric Soils List, the pond is underlain with Houston black clay soil map unit, which is not classified as a hydric soil unit in Rockwall County, TX. The intermittent stream, Long Branch, is visible on United States Geologic Survey 7.5' topographic maps to the east of the pond. The pond and the stream are also visible on National Wetland Inventory Maps: The pond is classified as PUBHh (Palustrine Unconsolidated Bottom Permanently Flooded Diked/Impounded) and the stream as R4SBC (Riverine Intermittent Streambed Seasonally Flooded) (**Figure 1, Attachment 1**). On aerial imagery, the two features are separated by woodland characterized by dense canopy cover and obscuring the view of any potential surface water connection between the two. The presence of such a feature or a wetland connecting the pond and stream would potentially classify the pond as a jurisdictional WOTUS.

Field Observations Summary

On January 4, 2022, Apex biologists and Professional Wetland Scientist, Dr. Kazik Wieski visited the Rockwall site to evaluate the on-site pond's jurisdictional status. Photographs from the Site visit are presented in **Attachment 2**. Although hydrologic conditions were drier than normal (see APT tool in **Attachment 3**), the pond and Long Branch intermittent stream were observed having water approximately at their Ordinary High Water Mark (OHWM). Apex walked the pond boundary and confirmed that the pond has an emergent wetland buffer up to 15 feet wide and is separated from the Long Branch in the east by an upland berm primarily vegetated with a juniper-hackberry woodland. No

drainage features leaving or entering the pond were observed. An incomplete or remnant overflow channel was visible in the southeastern portion of the pond. On the opposite side of the berm, to the east and downgradient, an upland excavated swale was observed with exposed cut tree roots, likely evidence of groundworks. The swale had no OHWM. The upgradient end of the swale was observed at approximately 30 feet straight line distance from the overflow channel. A 1-foot to 2-foot-wide game trail was observed approximately 20 feet to the south and determined not to be an aquatic feature between the pond and stream.

Pond Jurisdictional Status

The definition of WOTUS has frequent legal and regulatory adjustments that affect whether a specific water body is considered a WOTUS and under the jurisdiction of the CWA. According to current Environmental Protection Agency (EPA) guidance, the pond jurisdictional status was considered in accordance with the pre-2015 regulatory regime.

Based on our review of records and Site observations described above, Apex has the opinion that the pond is **not** a jurisdictional WOTUS and such **would not** require a Section 404 CWA permit for discharge of dredged or fill materials within the pond. This determination is based on the pond being situated as an off-channel stock pond that is apparently fed hydrologically by sheet flow from the surrounding landscape and it does not have an apparent surface hydrological connection with the nearby stream. It also does not appear to be separated from the stream by a natural berm and does not appear to be consistent with the concept of an adjacent wetland for the purposes of jurisdictional determination.

Apex has made no delineation or jurisdictional determination for any other aquatic features on the same parcel as the subject pond or any adjacent parcel.

If you have any questions or require additional information, please contact us.

Sincerely,



Dr. Kazik Wieski, PWS
Environmental Scientist, III
713-882-6675



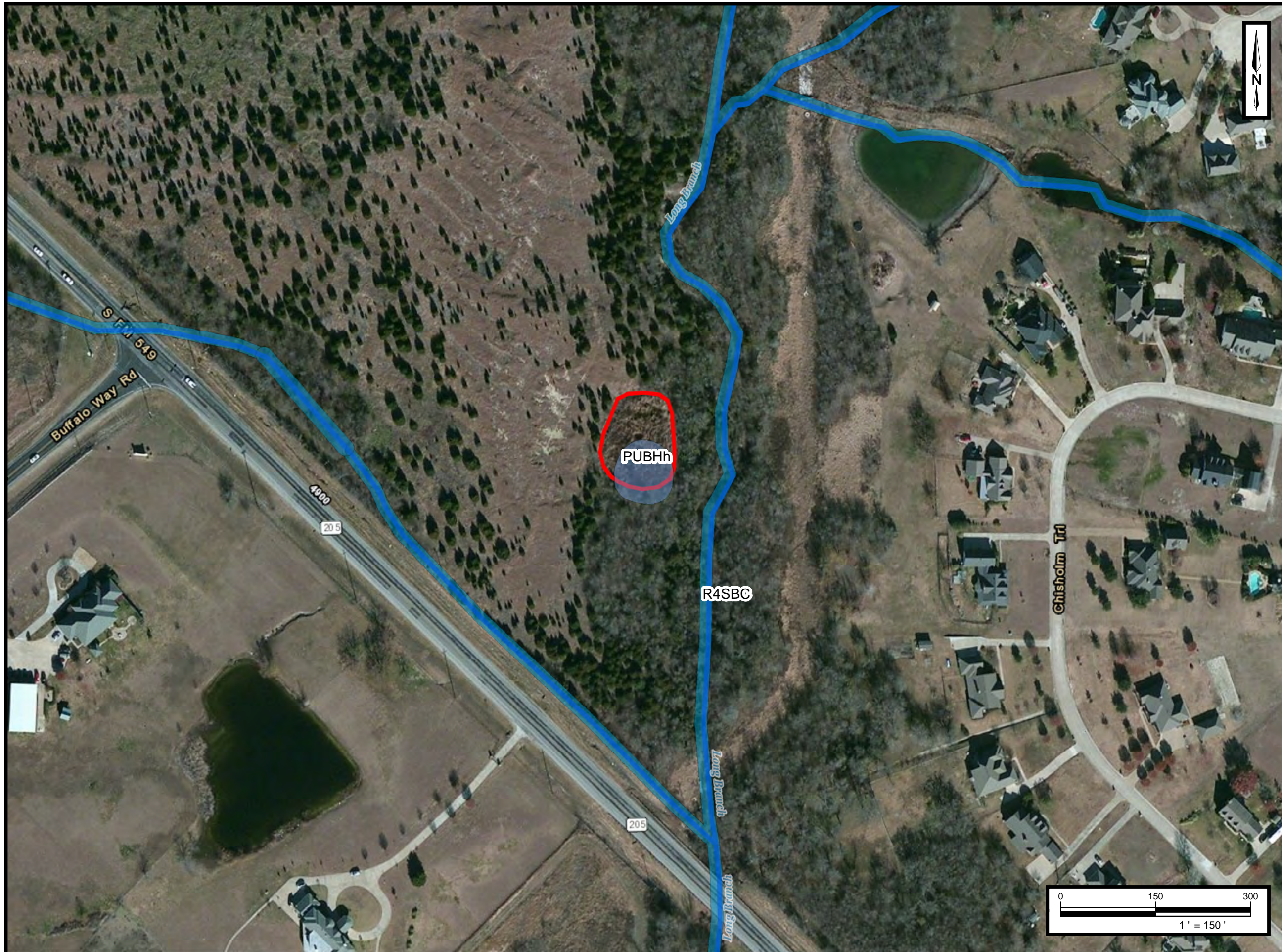
Aaron Brewer, P.G.
Branch Manager
512-410-9640


Attachments

Pond East of Intersection of State Highway 205 and FM 549
Waters of the U.S. Determination
January 24, 2022

ATTACHMENT 1

Results Map(s)



LEGEND:
 Pond Approximate Boundary



Apex Companies, LLC
 12012 Technology Blvd, Suite 201
 Austin, TX 78727
 Phone: (512) 250-2600



Wetland and Other Waters
 Jurisdictional Determination
 Pond Located on Vacant Property
 East of Intersection of SH 205 and FM 549
 Rockwall, Rockwall County, Texas

Project No. ROC412-0312725-22003010

FIGURE 1
**Pond and Long Branch on
 National Wetland Inventory Map**

Service Layer Credits:
 Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P,
 NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea,

Pond East of Intersection of State Highway 205 and FM 549
Waters of the U.S. Determination
January 24, 2022

ATTACHMENT 2
Photographic Log



01.04.2022 09:44 AM
32.87642, -96.42133
2049 Chisholm Trail, Rockwall, TXA

Photo 1: View of the intermittent stream Long Branch (downstream) to the east of the pond.



01.04.2022 09:59 AM
32.87739, -96.42148
2061 Chisholm Trail, Rockwall, TXA

Photo 2: View of the pond from the southeast corner. The unfinished overflow channel in front, view partially covered by the tree branch.



Photo 3: Upland berm separating pond and Long Branch. Shovel indicates the upgradient end of the upland excavated swale. View to the northeast.



Photo 4: The upland excavated swale, view to the southeast.



01/04/2022 10:33 AM
32.87698, -96.4214
2053 Chisholm Trail, Rockwall, TXA

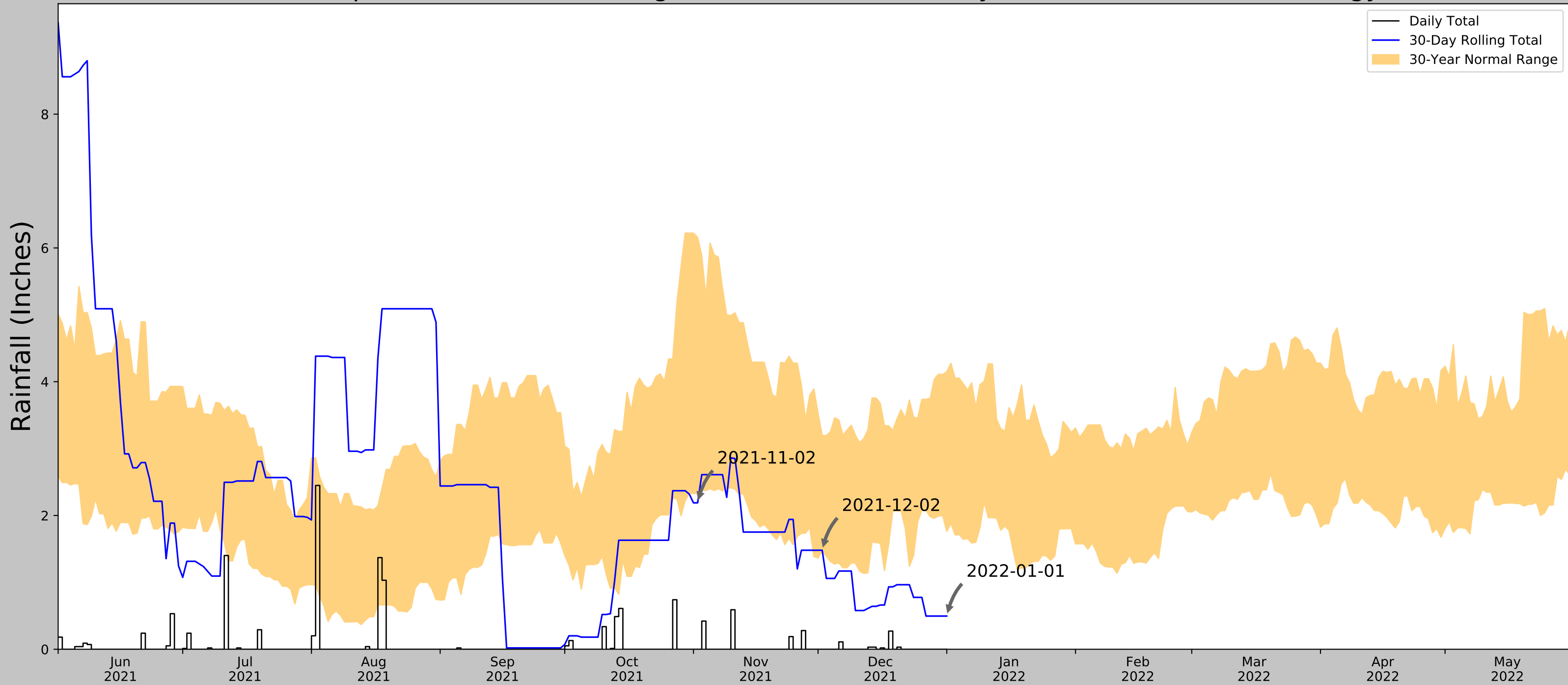
Photo 5: Trail from the pond to Long Branch at the stream. View to the southeast.

Pond East of Intersection of State Highway 205 and FM 549
Waters of the U.S. Determination
January 24, 2022

ATTACHMENT 3

ATP FORM

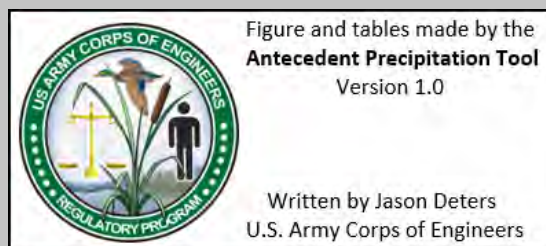
Antecedent Precipitation vs Normal Range based on NOAA's Daily Global Historical Climatology Network



Coordinates	32.877232, -96.421702
Observation Date	2022-01-01
Elevation (ft)	517.32
Drought Index (PDSI)	Not available
WebWIMP H ₂ O Balance	Wet Season

30 Days Ending	30 th %ile (in)	70 th %ile (in)	Observed (in)	Wetness Condition	Condition Value	Month Weight	Product
2022-01-01	1.762598	4.148819	0.496063	Dry	1	3	3
2021-12-02	1.477953	3.196063	1.480315	Normal	2	2	4
2021-11-02	2.329528	6.158268	2.188976	Dry	1	1	1
Result							Drier than Normal - 8

Weather Station Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Days (Normal)	Days (Antecedent)
TERRELL MUNI AP	32.71, -96.2672	475.066	14.63	42.254	7.202	8553	88
ROCKWALL 3.1 SSW	32.8832, -96.4843	450.131	3.656	67.189	1.891	9	1
ROCKWALL 0.8 WNW	32.927, -96.4701	479.003	4.439	38.317	2.168	10	0
ROCKWALL	32.9331, -96.4647	542.979	4.596	25.659	2.186	2780	0
ROWLETT 2.3 NW	32.9321, -96.5769	541.011	9.769	23.691	4.627	1	0
Linear Interpolation	N/A	N/A	N/A	N/A	N/A	0	1





CITY OF ROCKWALL

PLANNING AND ZONING COMMISSION MEMORANDUM

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

TO: Planning and Zoning Commission

FROM: Henry Lee, *Planner*

DATE: June 28, 2022

SUBJECT: MIS2022-013; *Alternative Tree Mitigation Settlement Agreement for Creekside Commons*

The subject property is a 34.484-acre tract of land (*i.e. Tracts 17-5 of the W. W. Ford Survey, Abstract No. 80*) that is generally located at east of the intersection of S. Goliad Street [*SH-205*] and S. FM-549. The applicant's Treescape Plan -- *complete by Evergreen Design Group* -- indicates that a total of 2,324 caliper inches will be removed from the subject property as part of grading process. Of the 2,324 caliper inches of trees being removed, 707.50 caliper inches require mitigation. The applicant has indicated that in order to facilitate the future development of the subject property the trees are being removed and no trees will be replanted at this time; however, trees will be planted on these lots when they are developed in the future. This has prompted the applicant to request an *Alternative Tree Mitigation Settlement Agreement*.

According to Section 05, *Tree Mitigation Requirements*, of Article 09, *Tree Preservation*, of the Unified Development Code (UDC), "(t)ree preservation credits may be purchased at a rate of \$200.00 per inch for up to 20% of the total replacement inches ..." and if any trees are replanted on the subject property "(t)he developer/property owner shall be eligible for a reduction in the cost of tree preservation credits of up to 50% ..." (*i.e. \$100.00 per caliper inch*). In this case, 707.50 caliper inches must be mitigated for on the subject property at \$200.00 an inch for a total of \$141,500.00 (*i.e. 707.50 caliper inches x \$200.00 = \$141,500.00*). The applicant is requesting an *Alternative Tree Mitigation Settlement Agreement* proposing to pay the balance at a rate of \$100.00 per inch for the 707.50 caliper inches of trees despite not replanting any trees at this time. At \$100.00 per caliper inch the proposed fee equates to \$70,750.00 (*i.e. 707.5 caliper inches x \$100.00 = \$70,750.00*). According to Subsection 05(G) of Article 09, *Tree Preservation*, of the Unified Development Code (UDC), "(i)n certain cases, the City Council -- *upon recommendation from the Planning and Zoning Commission* -- may consider an alternative tree mitigation settlement agreement ... (t)hese funds will be deposited in the City's tree mitigation fund and will be used for planting trees in the City's parks, medians, street rights-of-way, or other similar areas as determined by the parks and recreation department." In this case, the applicant is proposing to pay the outstanding tree mitigation balance in full at \$100.00 per caliper inch as if the property were being developed today. Staff should reiterate that the applicant has stated an intent to develop the property in the future, and that the required landscaping for each lot being created by the applicant will be provided at that time; however, this remains a discretionary decision for the Planning and Zoning Commission and City Council. Should the Planning and Zoning Commission have any questions concerning *Case No. MIS2022-013*, staff will be available at the meeting on June 28, 2022.



DEVELOPMENT APPLICATION

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

STAFF USE ONLY
PLANNING & ZONING CASE NO.

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}
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) ¹

OTHER APPLICATION FEES:

- TREE REMOVAL (\$75.00)
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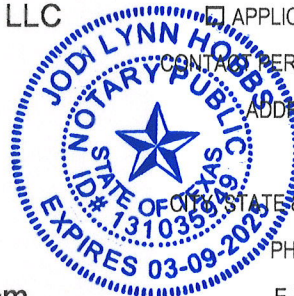
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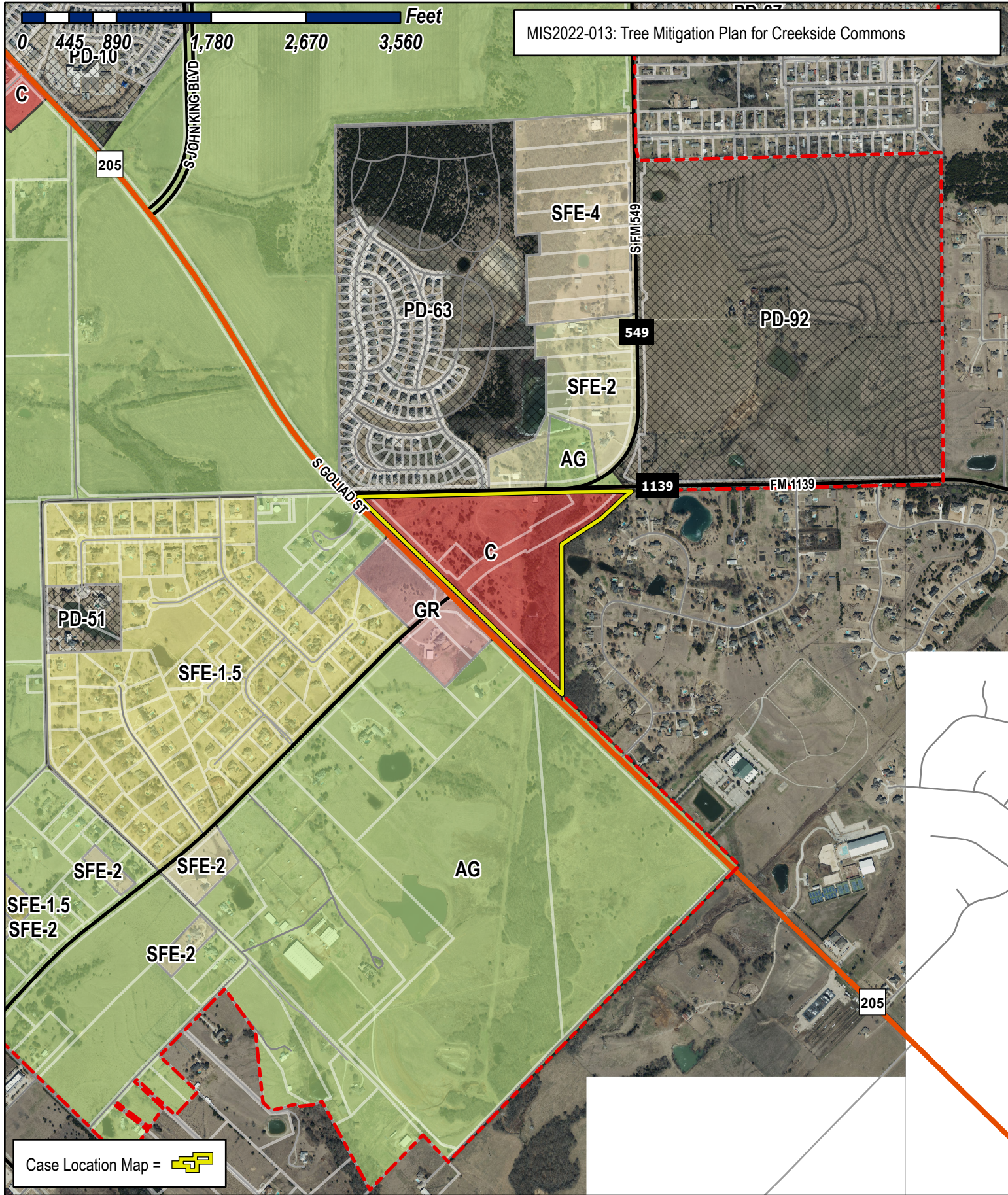
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Sincerely,

Keaton Mai, PE
Director of Civil Engineering

214.343.9400
www.dimensiongrp.com
10755 Sandhill Road, Dallas, TX 75238

TREE REMOVAL - UTILITY & STREET PLAN AREAS

TAG	SPECIES	DBH	CONDITION	COMMENT	Feature Tree	Non-Protected Tree	Primary Protected	Secondary Protected	In ROW	
548	CEDAR	6.00	UNKNOWN	REMOVE		6.00				
553	CEDAR	6.00	UNKNOWN	REMOVE		6.00				
554	CEDAR	6.00	UNKNOWN	REMOVE		6.00				
618	CEDAR	10.00	UNKNOWN	REMOVE		10.00				
619	CEDAR	6.00	UNKNOWN	REMOVE		6.00				
620	CEDAR	6.00	UNKNOWN	REMOVE		6.00				
621	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
622	CEDAR	10.00	UNKNOWN	REMOVE		10.00				
623	CEDAR	10.00	UNKNOWN	REMOVE		10.00				
624	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
625	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
635	CEDAR	12.00	UNKNOWN	REMOVE		12.00			12.00	
672	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
676	BOIS D'ARC	6.00	UNKNOWN	REMOVE		6.00				
677	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
678	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
683	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
684	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
685	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
690	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
691	CEDAR	10.00	UNKNOWN	REMOVE		10.00				
692	CEDAR	6.00	UNKNOWN	REMOVE		6.00				
697	CEDAR	10.00	UNKNOWN	REMOVE		10.00				
698	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
699	CEDAR	10.00	UNKNOWN	REMOVE		10.00				
707	CEDAR	10.00	UNKNOWN	REMOVE		10.00				
708	CEDAR	10.00	UNKNOWN	REMOVE		10.00				
709	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
712	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
713	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
7189	CEDAR	10.00	UNKNOWN	REMOVE		10.00				
7239	CEDAR	10.00	UNKNOWN	REMOVE		10.00				
7240	CEDAR	10.00	UNKNOWN	REMOVE		10.00			13.00	
7241	CEDAR	15.00	UNKNOWN	REMOVE		15.00			15.00	
7242	CEDAR	13.00	UNKNOWN	REMOVE		13.00			13.00	
7246	CEDAR	10.00	UNKNOWN	REMOVE		10.00				
9616	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	18.00	DECLINE	REMOVE				18.00		
9617	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	12.00	DECLINE	REMOVE				12.00		
9618	BOIS D ARC MACLURA POMIFERA	14.00	DECLINE	REMOVE				14.00		
9619	BOIS D ARC MACLURA POMIFERA	10.00	DECLINE	REMOVE				10.00		
9620	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	16.00	DECLINE	REMOVE				16.00		
9621	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	8.00	DECLINE	REMOVE		8.00				
9622	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	8.00	DECLINE	REMOVE		8.00				
9623	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	10.00	DECLINE	REMOVE		10.00				
9624	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	8.00	DECLINE	REMOVE		8.00				
9625	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	12.00	DECLINE	REMOVE		12.00			12.00	
9626	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	12.00	DECLINE	REMOVE		12.00			12.00	
9627	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	8.00	DECLINE	REMOVE		8.00				
9628	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	8.00	DECLINE	REMOVE		8.00				
9629	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	12.00	DECLINE	REMOVE		12.00			12.00	
9630	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	12.00	DECLINE	REMOVE		12.00			12.00	
9631	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	12.00	DECLINE	REMOVE		12.00			12.00	
9632	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	26.00	DECLINE	REMOVE		26.00				
9652	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	13.00	DECLINE	REMOVE		13.00			12.00	
	TOTAL	523.00				52.00	338.00	0.00	171.00	0.00
	FEATURE TREE MITIGATION (2:1)				52.00					
	NON-PROTECTED TREE MITIGATION									0.00
	PRIMARY PROTECTED MITIGATION							0.00		
	SECONDARY PROTECTED MITIGATION (0.5:1)								85.50	
	TOTAL MITIGATION REQUIRED	137.50								

TREE REMOVAL SUMMARY

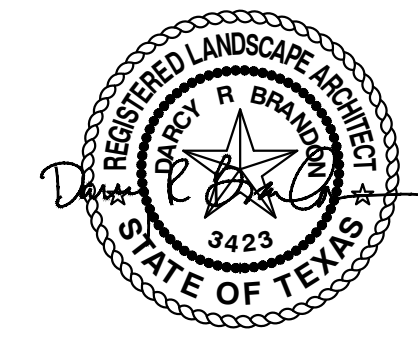
TOTAL CALIPER OF TREES ON SITE	10,195"	MITIGATION REQUIREMENT
FEATURE TREES TO BE REMOVED (2:1 MITIGATION)	26"	52"
NON-PROTECTED TREES TO BE REMOVED (NO MITIGATION)	2,324"	0"
PRIMARY PROTECTED TREES TO BE REMOVED (1:1 MITIGATION)	219"	219"
SECONDARY PROTECTED TREES TO BE REMOVED (0.5:1 MITIGATION)	330"	165"
TOTAL MITIGATION REQUIRED		436"

LEGEND

- 10" CEDAR #XXX INDICATES TREE SIZE, SPECIES, & NUMBER
- EXISTING TREES TO BE PROTECTED IN PLACE
- TREE PROTECTION FENCE
- 10" CEDAR #XXX INDICATES TREE SIZE, SPECIES, & NUMBER
- EXISTING TREE TO BE REMOVED

NOTE: TREE PROTECTION FOR ANY PRESERVED OR RELOCATED TREES MUST BE PROVIDED PER DETAILS AND SPECIFICATIONS ON SHEET TD-2. THESE MUST BE UP PRIOR TO THE COMMENCEMENT OF ANY WORK AND MAINTAINED THROUGHOUT CONSTRUCTION.

EVERGREEN DESIGN GROUP
 (800) 680-6630
 15455 Dallas Pkwy., Ste 600
 Addison, TX 75001
 www.EvergreenDesignGroup.com



THE DIMENSION GROUP
 ARCHITECTURE - CIVIL ENGINEERING - MEP ENGINEERING
 TEL: 214.343.9400 www.DimensionGroup.com

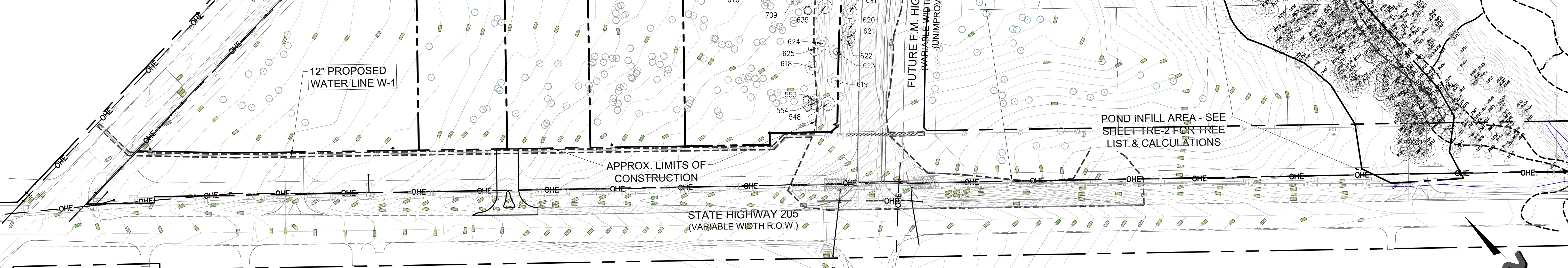
TBPE FIRM REGISTRATION #F-8396
 KEATON L. MAI
 125077
 LICENSED PROFESSIONAL ENGINEER

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF PRELIMINARY REVIEW UNDER THE AUTHORITY OF KEATON L. MAI, P.E. 125077 ON 3/15/2022. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.

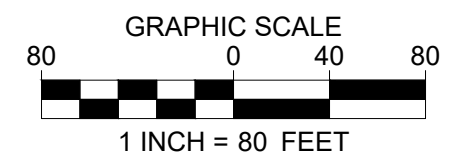
BY	DATE	REVISION DESCRIPTION

EXISTING TREE LEGEND

- FEATURE TREE
- PRIMARY PROTECTED TREE - UNKNOWN CONDITION
- PRIMARY PROTECTED TREE - HEALTHY CONDITION
- PRIMARY PROTECTED TREE - DECLINING CONDITION
- SECONDARY PROTECTED TREE
- NON-PROTECTED TREE
- IN UTILITY EASEMENT



CAUTION NOTICE TO CONTRACTORS
 THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL 811 AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATED ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THESE PLANS.



TREE REMOVAL EXHIBIT
 CREEKSIDE COMMONS ACCESS DRIVE
 NWC STATE HIGHWAY 205 & FM 549
 ROCKWALL, TEXAS



January 24, 2022

Mr. Justin Webb
Rockwall 205 Investors, LLC
c/o Altura Homes
5763 S. State Highway 205
Suite 100
Rockwall, Texas 75032

**Re: Wetland and Other Waters Jurisdictional Determination
Pond Located on Vacant Property
East of Intersection of State Highway 205 and FM 549
Rockwall, Rockwall County, Texas
Apex Project Number ROC412-0312725-22003010**

Apex Companies, LLC (Apex) conducted a wetland and other waters jurisdictional determination for a specific pond at the above-referenced location (Site) to provide our opinion about whether the pond is a water of the U.S. (WOTUS). The location of the pond is outlined on **Figure 1, Attachment A**. A formal wetland and waters of the U.S. delineation was not requested for the pond or the remainder of the property on which the pond was located. This letter presents a summary of our review of records, on-Site observations, and our opinion about the jurisdictional status of the pond under the current regulatory guidance for defining WOTUS under the Clean Water Act (CWA).

Records Summary

The approximately 0.2-acre open water stock pond, located in the southern portion of a legal parcel is visible on Google Earth aerial imagery from 1996 to 2020 (most recent). According to Soil Data Access (SDA) Hydric Soils List, the pond is underlain with Houston black clay soil map unit, which is not classified as a hydric soil unit in Rockwall County, TX. The intermittent stream, Long Branch, is visible on United States Geologic Survey 7.5' topographic maps to the east of the pond. The pond and the stream are also visible on National Wetland Inventory Maps: The pond is classified as PUBHh (Palustrine Unconsolidated Bottom Permanently Flooded Diked/Impounded) and the stream as R4SBC (Riverine Intermittent Streambed Seasonally Flooded) (**Figure 1, Attachment 1**). On aerial imagery, the two features are separated by woodland characterized by dense canopy cover and obscuring the view of any potential surface water connection between the two. The presence of such a feature or a wetland connecting the pond and stream would potentially classify the pond as a jurisdictional WOTUS.

Field Observations Summary

On January 4, 2022, Apex biologists and Professional Wetland Scientist, Dr. Kazik Wieski visited the Rockwall site to evaluate the on-site pond's jurisdictional status. Photographs from the Site visit are presented in **Attachment 2**. Although hydrologic conditions were drier than normal (see APT tool in **Attachment 3**), the pond and Long Branch intermittent stream were observed having water approximately at their Ordinary High Water Mark (OHWM). Apex walked the pond boundary and confirmed that the pond has an emergent wetland buffer up to 15 feet wide and is separated from the Long Branch in the east by an upland berm primarily vegetated with a juniper-hackberry woodland. No

drainage features leaving or entering the pond were observed. An incomplete or remnant overflow channel was visible in the southeastern portion of the pond. On the opposite side of the berm, to the east and downgradient, an upland excavated swale was observed with exposed cut tree roots, likely evidence of groundworks. The swale had no OHWM. The upgradient end of the swale was observed at approximately 30 feet straight line distance from the overflow channel. A 1-foot to 2-foot-wide game trail was observed approximately 20 feet to the south and determined not to be an aquatic feature between the pond and stream.

Pond Jurisdictional Status

The definition of WOTUS has frequent legal and regulatory adjustments that affect whether a specific water body is considered a WOTUS and under the jurisdiction of the CWA. According to current Environmental Protection Agency (EPA) guidance, the pond jurisdictional status was considered in accordance with the pre-2015 regulatory regime.

Based on our review of records and Site observations described above, Apex has the opinion that the pond is **not** a jurisdictional WOTUS and such **would not** require a Section 404 CWA permit for discharge of dredged or fill materials within the pond. This determination is based on the pond being situated as an off-channel stock pond that is apparently fed hydrologically by sheet flow from the surrounding landscape and it does not have an apparent surface hydrological connection with the nearby stream. It also does not appear to be separated from the stream by a natural berm and does not appear to be consistent with the concept of an adjacent wetland for the purposes of jurisdictional determination.

Apex has made no delineation or jurisdictional determination for any other aquatic features on the same parcel as the subject pond or any adjacent parcel.

If you have any questions or require additional information, please contact us.

Sincerely,



Dr. Kazik Wieski, PWS
Environmental Scientist, III
713-882-6675



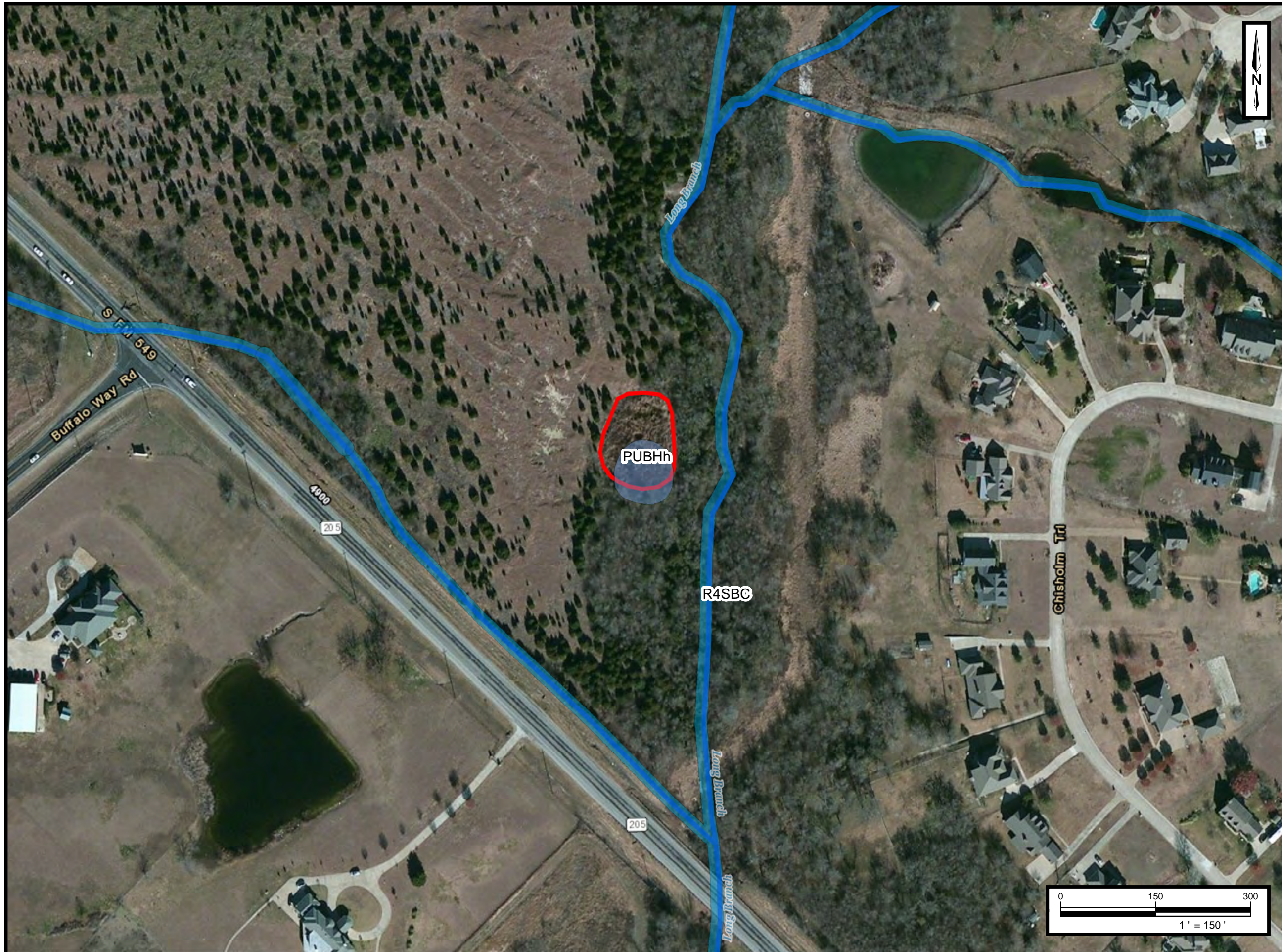
Aaron Brewer, P.G.
Branch Manager
512-410-9640


Attachments

Pond East of Intersection of State Highway 205 and FM 549
Waters of the U.S. Determination
January 24, 2022

ATTACHMENT 1

Results Map(s)



LEGEND:
 Pond Approximate Boundary



Apex Companies, LLC
 12012 Technology Blvd, Suite 201
 Austin, TX 78727
 Phone: (512) 250-2600



Wetland and Other Waters
 Jurisdictional Determination
 Pond Located on Vacant Property
 East of Intersection of SH 205 and FM 549
 Rockwall, Rockwall County, Texas

Project No. ROC412-0312725-22003010

FIGURE 1
**Pond and Long Branch on
 National Wetland Inventory Map**

Service Layer Credits:
 Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P,
 NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea,

Pond East of Intersection of State Highway 205 and FM 549
Waters of the U.S. Determination
January 24, 2022

ATTACHMENT 2
Photographic Log



01.04.2022 09:44 AM
32.87642, -96.42133
2049 Chisholm Trail, Rockwall, TXA

Photo 1: View of the intermittent stream Long Branch (downstream) to the east of the pond.



Photo 2: View of the pond from the southeast corner. The unfinished overflow channel in front, view partially covered by the tree branch.



Photo 3: Upland berm separating pond and Long Branch. Shovel indicates the upgradient end of the upland excavated swale. View to the northeast.



Photo 4: The upland excavated swale, view to the southeast.



01/04/2022 10:33 AM
32.87698, -96.4214
2053 Chisholm Trail, Rockwall, TXA

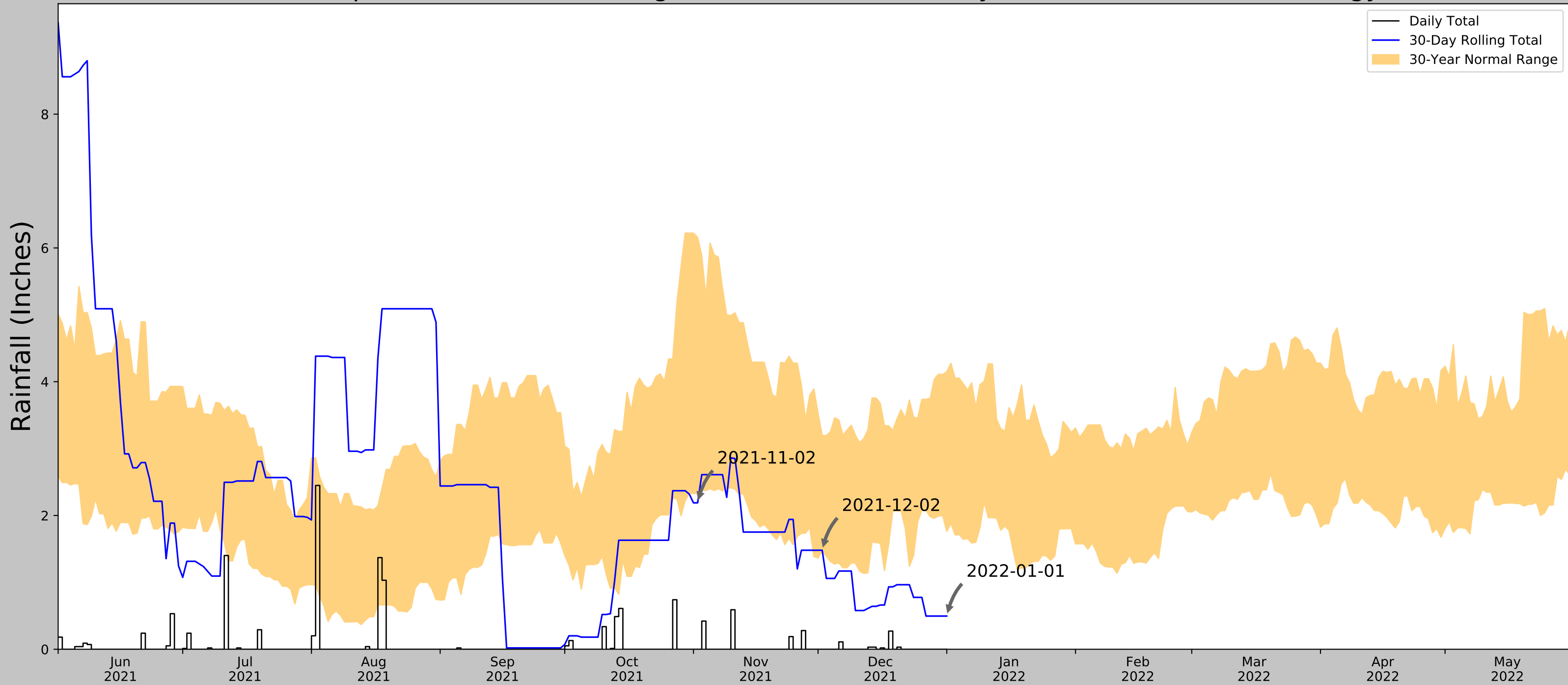
Photo 5: Trail from the pond to Long Branch at the stream. View to the southeast.

Pond East of Intersection of State Highway 205 and FM 549
Waters of the U.S. Determination
January 24, 2022

ATTACHMENT 3

ATP FORM

Antecedent Precipitation vs Normal Range based on NOAA's Daily Global Historical Climatology Network



Coordinates	32.877232, -96.421702
Observation Date	2022-01-01
Elevation (ft)	517.32
Drought Index (PDSI)	Not available
WebWIMP H ₂ O Balance	Wet Season

30 Days Ending	30 th %ile (in)	70 th %ile (in)	Observed (in)	Wetness Condition	Condition Value	Month Weight	Product
2022-01-01	1.762598	4.148819	0.496063	Dry	1	3	3
2021-12-02	1.477953	3.196063	1.480315	Normal	2	2	4
2021-11-02	2.329528	6.158268	2.188976	Dry	1	1	1
Result							Drier than Normal - 8

Weather Station Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Days (Normal)	Days (Antecedent)
TERRELL MUNI AP	32.71, -96.2672	475.066	14.63	42.254	7.202	8553	88
ROCKWALL 3.1 SSW	32.8832, -96.4843	450.131	3.656	67.189	1.891	9	1
ROCKWALL 0.8 WNW	32.927, -96.4701	479.003	4.439	38.317	2.168	10	0
ROCKWALL	32.9331, -96.4647	542.979	4.596	25.659	2.186	2780	0
ROWLETT 2.3 NW	32.9321, -96.5769	541.011	9.769	23.691	4.627	1	0
Linear Interpolation	N/A	N/A	N/A	N/A	N/A	0	1

Figure and tables made by the
Antecedent Precipitation Tool
Version 1.0

Written by Jason Deters
U.S. Army Corps of Engineers



CITY OF ROCKWALL
CITY COUNCIL MEMORANDUM

PLANNING AND ZONING DEPARTMENT
385 S. GOLIAD STREET • ROCKWALL, TX 75087
PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO: Mayor and City Council
CC: Mary Smith, *City Manager*
Joey Boyd, *Assistant City Manager*
FROM: Ryan Miller, *Director of Planning and Zoning*
DATE: July 5, 2022
SUBJECT: MIS2022-013; *Alternative Tree Mitigation Settlement Agreement for Creekside Commons*

The subject property is a 34.484-acre tract of land (*i.e. Tracts 17-5 of the W. W. Ford Survey, Abstract No. 80*) that is generally located at east of the intersection of S. Goliad Street [SH-205] and S. FM-549. The applicant's Treescape Plan -- *complete by Evergreen Design Group* -- indicates that a total of 2,324 caliper inches will be removed from the subject property as part of grading process. Of the 2,324 caliper inches of trees being removed, 436 caliper inches require mitigation. The applicant has indicated that in order to facilitate the future development of the subject property the trees are being removed and no trees will be replanted at this time; however, trees will be planted on these lots when they are developed in the future. This has prompted the applicant to request an *Alternative Tree Mitigation Settlement Agreement*.

According to Section 05, *Tree Mitigation Requirements*, of Article 09, *Tree Preservation*, of the Unified Development Code (UDC), "(t)ree preservation credits may be purchased at a rate of \$200.00 per inch for up to 20% of the total replacement inches ..." and if any trees are replanted on the subject property "(t)he developer/property owner shall be eligible for a reduction in the cost of tree preservation credits of up to 50% ..." (*i.e. \$100.00 per caliper inch*). In this case, 436 caliper inches must be mitigated for on the subject property at \$200.00 an inch for a total of \$87,200.00 (*i.e. 436 caliper inches x \$200.00 = \$87,200.00*). The applicant is requesting an *Alternative Tree Mitigation Settlement Agreement* proposing to pay the balance at a rate of \$100.00 per inch for the 436 caliper inches of trees despite not replanting any trees at this time. At \$100.00 per caliper inch the proposed fee equates to \$43,600.00 (*i.e. 436 caliper inches x \$100.00 = \$43,600.00*). According to Subsection 05(G) of Article 09, *Tree Preservation*, of the Unified Development Code (UDC), "(i)n certain cases, the City Council -- *upon recommendation from the Planning and Zoning Commission* -- may consider an alternative tree mitigation settlement agreement ... (t)hese funds will be deposited in the City's tree mitigation fund and will be used for planting trees in the City's parks, medians, street rights-of-way, or other similar areas as determined by the parks and recreation department." In this case, the applicant is proposing to pay the outstanding tree mitigation balance in full at \$100.00 per caliper inch as if the property were being developed today. Staff should reiterate that the applicant has stated an intent to develop the property in the future, and that the required landscaping for each lot being created by the applicant will be provided at that time; however, this remains a discretionary decision for the Planning and Zoning Commission and City Council. Should the City Council have any questions concerning *Case No. MIS2022-013*, staff will be available at the meeting on July 5, 2022.

PLANNING AND ZONING COMMISSION

On June 28, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the *Alternative Tree Mitigation Settlement Agreement* by a vote of 7-0.



DEVELOPMENT APPLICATION

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

STAFF USE ONLY
PLANNING & ZONING CASE NO.

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}
- 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 **NEC of HWY 205 and FM 549, Rockwall, TX 75032**

SUBDIVISION **Creekside Commons**

LOT **1-14** BLOCK **A**

GENERAL LOCATION **NEC of HWY 205 and FM 549, Rockwall, TX 75032**

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING **Commercial (C)**

CURRENT USE **Undeveloped**

PROPOSED ZONING **Commercial (C)**

PROPOSED USE **Mixed use**

ACREAGE **34.484**

LOTS [CURRENT] **1**

LOTS [PROPOSED] **14**

SITE PLANS AND PLATS: BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB316Z 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 **Rockwall 205 Investors, LLC**

APPLICANT **The Dimension Group**

CONTACT PERSON **Justin Webb**

CONTACT PERSON **Keaton Mai**

ADDRESS **1 Candlelite Trail**

ADDRESS **10755 Sandhill Rd**

CITY, STATE & ZIP **Heath, TX 75032**

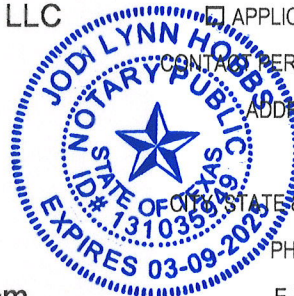
CITY, STATE & ZIP **Dallas, TX 75238**

PHONE **469-446-7734**

PHONE **214-600-1152**

E-MAIL **justinw@alturahomes.com**

E-MAIL **kmai@dimensiongroup.com**



NOTARY VERIFICATION [REQUIRED]

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Justin Webb [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 \$ 1500.00, TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 15th DAY OF June, 2022. BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

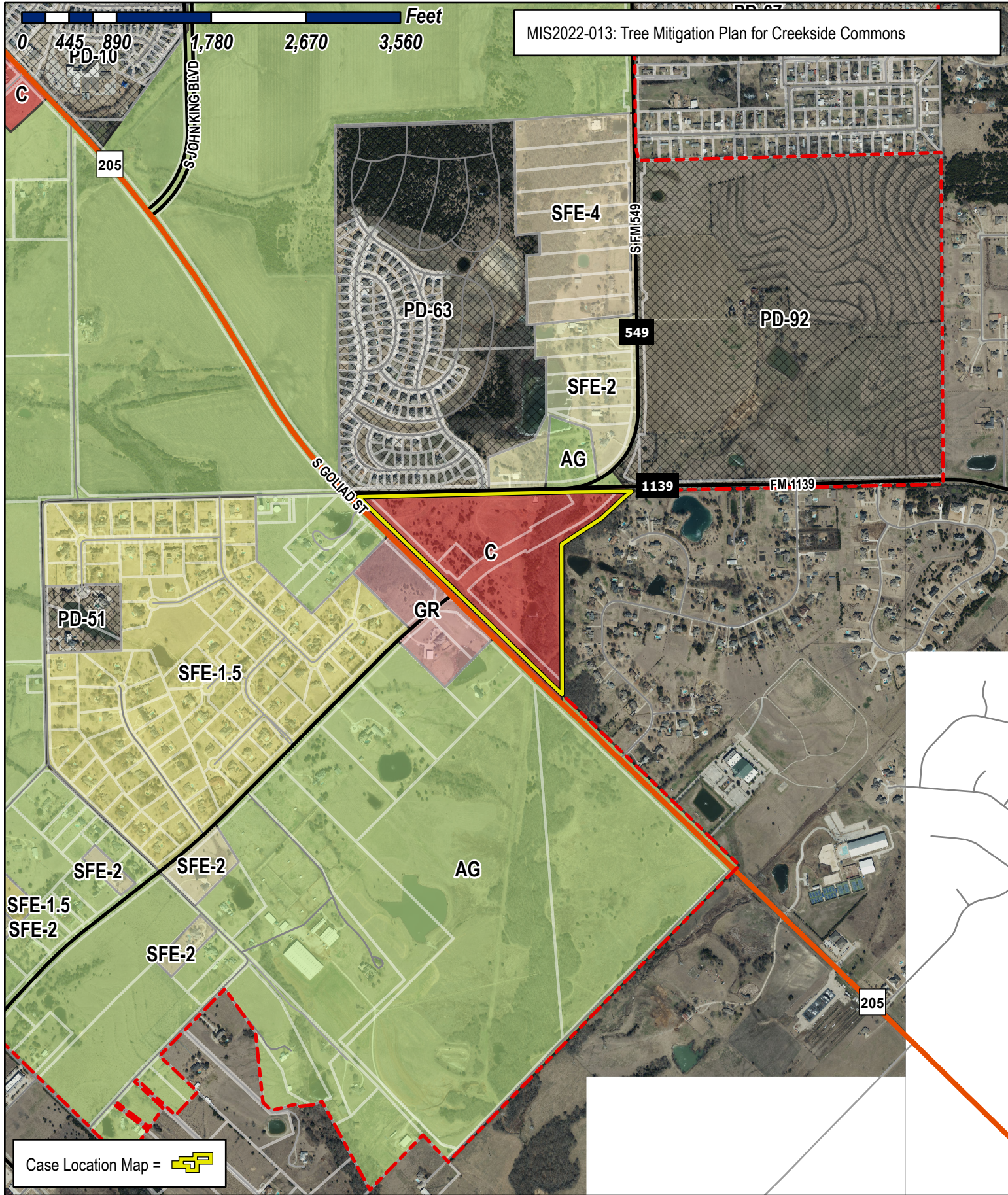
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 15 DAY OF June, 2022


OWNER'S SIGNATURE



MY COMMISSION EXPIRES

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



Case Location Map = 



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.





10755 Sandhill Road, Dallas, TX 75238, 214.343.9400, dimensiongrp.com
ARCHITECTURE • CIVIL ENGINEERING • MEP ENGINEERING • PLANNING

June 17, 2022

To: City of Rockwall
Planning & Zoning Commission
385 S. Goliad Street
Rockwall, TX 75087

Re: Creekside Commons
NEC of HWY 205 and FM 549,
Rockwall, TX 75032
Variance Request Letter-Alternative Tree Mitigation Settlement Agreement

The following letter is provided to request a variance for an alternative tree mitigation settlement agreement for the existing trees being removed at the NEC of HWY 205 and FM 549 in Rockwall. We are respectfully requesting the following variance to the City of Rockwall Unified Development Code:

1. 100% of mitigation costs be paid to the tree mitigation fund at a rate of \$100 / inch

To offset these variances, we are providing the following compensatory measure:

1. Trees will be planted to meet the current landscape ordinance at the time of development.

The trees are being removed to install utilities and a temporary access drive to serve future development. Additionally, trees will be removed to infill an existing pond to bring it out of the erosion hazard setback area. The pond in question is not located within the 100-yr floodplain nor is it a protected wetland. We are requesting this alternative settlement, so mitigation plantings are not required prior to development. Any tree replanted at this time would ultimately be removed with subsequent grading.

Thank you for your consideration and we appreciate your assistance with this matter.

Sincerely,

Keaton Mai, PE
Director of Civil Engineering

214.343.9400
www.dimensiongrp.com
10755 Sandhill Road, Dallas, TX 75238

TREE REMOVAL - UTILITY & STREET PLAN AREAS

TAG	SPECIES	DBH	CONDITION	COMMENT	Feature Tree	Non-Protected Tree	Primary Protected	Secondary Protected	In ROW	
548	CEDAR	6.00	UNKNOWN	REMOVE		6.00				
553	CEDAR	6.00	UNKNOWN	REMOVE		6.00				
554	CEDAR	6.00	UNKNOWN	REMOVE		6.00				
618	CEDAR	10.00	UNKNOWN	REMOVE		10.00				
619	CEDAR	6.00	UNKNOWN	REMOVE		6.00				
620	CEDAR	6.00	UNKNOWN	REMOVE		6.00				
621	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
622	CEDAR	10.00	UNKNOWN	REMOVE		10.00				
623	CEDAR	10.00	UNKNOWN	REMOVE		10.00				
624	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
625	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
635	CEDAR	12.00	UNKNOWN	REMOVE		12.00		12.00		
672	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
676	BOIS D'ARC	6.00	UNKNOWN	REMOVE		6.00				
677	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
678	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
683	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
684	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
685	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
690	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
691	CEDAR	10.00	UNKNOWN	REMOVE		10.00				
692	CEDAR	6.00	UNKNOWN	REMOVE		6.00				
697	CEDAR	10.00	UNKNOWN	REMOVE		10.00				
698	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
699	CEDAR	10.00	UNKNOWN	REMOVE		10.00				
707	CEDAR	10.00	UNKNOWN	REMOVE		10.00				
708	CEDAR	10.00	UNKNOWN	REMOVE		10.00				
709	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
712	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
713	CEDAR	8.00	UNKNOWN	REMOVE		8.00				
7189	CEDAR	10.00	UNKNOWN	REMOVE		10.00				
7239	CEDAR	10.00	UNKNOWN	REMOVE		10.00				
7240	CEDAR	10.00	UNKNOWN	REMOVE		10.00			13.00	
7241	CEDAR	15.00	UNKNOWN	REMOVE		15.00			15.00	
7242	CEDAR	13.00	UNKNOWN	REMOVE		13.00			13.00	
7246	CEDAR	10.00	UNKNOWN	REMOVE		10.00				
9616	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	18.00	DECLINE	REMOVE				18.00		
9617	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	12.00	DECLINE	REMOVE				12.00		
9618	BOIS D ARC MACLURA POMIFERA	14.00	DECLINE	REMOVE				14.00		
9619	BOIS D ARC MACLURA POMIFERA	10.00	DECLINE	REMOVE				10.00		
9620	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	16.00	DECLINE	REMOVE				16.00		
9621	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	8.00	DECLINE	REMOVE		8.00				
9622	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	8.00	DECLINE	REMOVE		8.00				
9623	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	10.00	DECLINE	REMOVE		10.00				
9624	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	8.00	DECLINE	REMOVE		8.00				
9625	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	12.00	DECLINE	REMOVE		12.00			12.00	
9626	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	12.00	DECLINE	REMOVE		12.00			12.00	
9627	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	8.00	DECLINE	REMOVE		8.00				
9628	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	8.00	DECLINE	REMOVE		8.00				
9629	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	12.00	DECLINE	REMOVE		12.00			12.00	
9630	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	12.00	DECLINE	REMOVE		12.00			12.00	
9631	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	12.00	DECLINE	REMOVE		12.00			12.00	
9632	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	26.00	DECLINE	REMOVE		26.00				
9652	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	13.00	DECLINE	REMOVE		13.00			12.00	
	TOTAL	523.00				52.00	338.00	0.00	171.00	0.00
	FEATURE TREE MITIGATION (2:1)				52.00					
	NON-PROTECTED TREE MITIGATION									0.00
	PRIMARY PROTECTED MITIGATION							0.00		
	SECONDARY PROTECTED MITIGATION (0.5:1)								85.50	
	TOTAL MITIGATION REQUIRED	137.50								

TREE REMOVAL SUMMARY

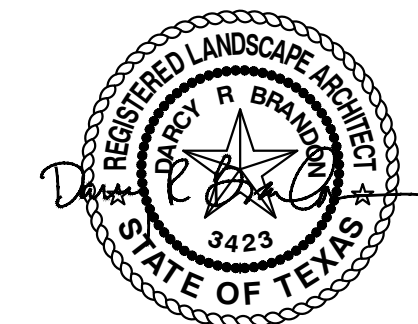
	MITIGATION REQUIREMENT
TOTAL CALIPER OF TREES ON SITE	10,195"
FEATURE TREES TO BE REMOVED (2:1 MITIGATION)	26" 52"
NON-PROTECTED TREES TO BE REMOVED (NO MITIGATION)	2,324" 0"
PRIMARY PROTECTED TREES TO BE REMOVED (1:1 MITIGATION)	219" 219"
SECONDARY PROTECTED TREES TO BE REMOVED (0.5:1 MITIGATION)	330" 165"
TOTAL MITIGATION REQUIRED	436"

LEGEND

- 10" CEDAR #XXX INDICATES TREE SIZE, SPECIES, & NUMBER
- EXISTING TREES TO BE PROTECTED IN PLACE
- TREE PROTECTION FENCE
- 10" CEDAR #XXX INDICATES TREE SIZE, SPECIES, & NUMBER
- EXISTING TREE TO BE REMOVED

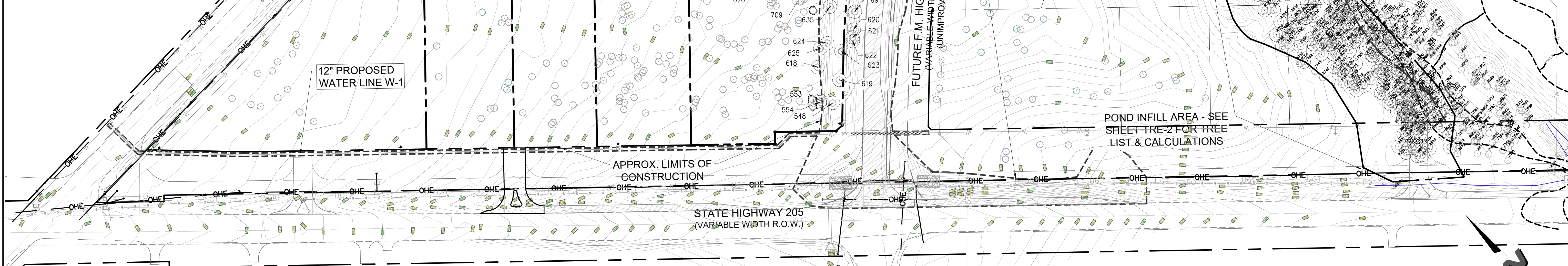
NOTE: TREE PROTECTION FOR ANY PRESERVED OR RELOCATED TREES MUST BE PROVIDED PER DETAILS AND SPECIFICATIONS ON SHEET TD-2. THESE MUST BE UP PRIOR TO THE COMMENCEMENT OF ANY WORK AND MAINTAINED THROUGHOUT CONSTRUCTION.

EVERGREEN DESIGN GROUP
 (800) 680-6630
 15455 Dallas Pkwy., Ste 600
 Addison, TX 75001
 www.EvergreenDesignGroup.com

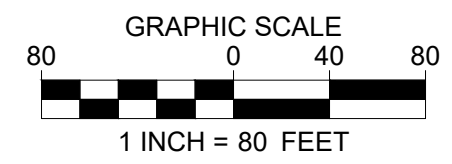


EXISTING TREE LEGEND

- FEATURE TREE
- PRIMARY PROTECTED TREE - UNKNOWN CONDITION
- PRIMARY PROTECTED TREE - HEALTHY CONDITION
- PRIMARY PROTECTED TREE - DECLINING CONDITION
- SECONDARY PROTECTED TREE
- NON-PROTECTED TREE
- IN UTILITY EASEMENT



CAUTION NOTICE TO CONTRACTORS
 THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL 811 AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATED ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THESE PLANS.



THE DIMENSION GROUP
 ARCHITECTURE - CIVIL ENGINEERING - MEP ENGINEERING
 TEL: 214.343.9400 www.DimensionGroup.com

TPBE FIRM REGISTRATION #F-8396
 KEATON L. MAI
 125077
 LICENSED PROFESSIONAL ENGINEER

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF PRELIMINARY REVIEW UNDER THE AUTHORITY OF KEATON L. MAI, P.E. 125077 ON 3/15/2022. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.

SERVICE AND ARE PROTECTED BY COMMON LAW. STATE AND FEDERAL COPYRIGHT LAWS. INCLUDING COPYRIGHT. THEY MAY NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS WITHOUT THE WRITTEN CONSENT OF THE PROFESSIONAL ENGINEER.

BY	DATE	REVISION DESCRIPTION

TREE REMOVAL EXHIBIT
 CREEKSIDE COMMONS ACCESS DRIVE
 NWC STATE HIGHWAY 205 & FM 549
 ROCKWALL, TEXAS

SHEET
TRE-1



January 24, 2022

Mr. Justin Webb
Rockwall 205 Investors, LLC
c/o Altura Homes
5763 S. State Highway 205
Suite 100
Rockwall, Texas 75032

**Re: Wetland and Other Waters Jurisdictional Determination
Pond Located on Vacant Property
East of Intersection of State Highway 205 and FM 549
Rockwall, Rockwall County, Texas
Apex Project Number ROC412-0312725-22003010**

Apex Companies, LLC (Apex) conducted a wetland and other waters jurisdictional determination for a specific pond at the above-referenced location (Site) to provide our opinion about whether the pond is a water of the U.S. (WOTUS). The location of the pond is outlined on **Figure 1, Attachment A**. A formal wetland and waters of the U.S. delineation was not requested for the pond or the remainder of the property on which the pond was located. This letter presents a summary of our review of records, on-Site observations, and our opinion about the jurisdictional status of the pond under the current regulatory guidance for defining WOTUS under the Clean Water Act (CWA).

Records Summary

The approximately 0.2-acre open water stock pond, located in the southern portion of a legal parcel is visible on Google Earth aerial imagery from 1996 to 2020 (most recent). According to Soil Data Access (SDA) Hydric Soils List, the pond is underlain with Houston black clay soil map unit, which is not classified as a hydric soil unit in Rockwall County, TX. The intermittent stream, Long Branch, is visible on United States Geologic Survey 7.5' topographic maps to the east of the pond. The pond and the stream are also visible on National Wetland Inventory Maps: The pond is classified as PUBHh (Palustrine Unconsolidated Bottom Permanently Flooded Diked/Impounded) and the stream as R4SBC (Riverine Intermittent Streambed Seasonally Flooded) (**Figure 1, Attachment 1**). On aerial imagery, the two features are separated by woodland characterized by dense canopy cover and obscuring the view of any potential surface water connection between the two. The presence of such a feature or a wetland connecting the pond and stream would potentially classify the pond as a jurisdictional WOTUS.

Field Observations Summary

On January 4, 2022, Apex biologists and Professional Wetland Scientist, Dr. Kazik Wieski visited the Rockwall site to evaluate the on-site pond's jurisdictional status. Photographs from the Site visit are presented in **Attachment 2**. Although hydrologic conditions were drier than normal (see APT tool in **Attachment 3**), the pond and Long Branch intermittent stream were observed having water approximately at their Ordinary High Water Mark (OHWM). Apex walked the pond boundary and confirmed that the pond has an emergent wetland buffer up to 15 feet wide and is separated from the Long Branch in the east by an upland berm primarily vegetated with a juniper-hackberry woodland. No

drainage features leaving or entering the pond were observed. An incomplete or remnant overflow channel was visible in the southeastern portion of the pond. On the opposite side of the berm, to the east and downgradient, an upland excavated swale was observed with exposed cut tree roots, likely evidence of groundworks. The swale had no OHWM. The upgradient end of the swale was observed at approximately 30 feet straight line distance from the overflow channel. A 1-foot to 2-foot-wide game trail was observed approximately 20 feet to the south and determined not to be an aquatic feature between the pond and stream.

Pond Jurisdictional Status

The definition of WOTUS has frequent legal and regulatory adjustments that affect whether a specific water body is considered a WOTUS and under the jurisdiction of the CWA. According to current Environmental Protection Agency (EPA) guidance, the pond jurisdictional status was considered in accordance with the pre-2015 regulatory regime.

Based on our review of records and Site observations described above, Apex has the opinion that the pond is **not** a jurisdictional WOTUS and such **would not** require a Section 404 CWA permit for discharge of dredged or fill materials within the pond. This determination is based on the pond being situated as an off-channel stock pond that is apparently fed hydrologically by sheet flow from the surrounding landscape and it does not have an apparent surface hydrological connection with the nearby stream. It also does not appear to be separated from the stream by a natural berm and does not appear to be consistent with the concept of an adjacent wetland for the purposes of jurisdictional determination.

Apex has made no delineation or jurisdictional determination for any other aquatic features on the same parcel as the subject pond or any adjacent parcel.

If you have any questions or require additional information, please contact us.

Sincerely,



Dr. Kazik Wieski, PWS
Environmental Scientist, III
713-882-6675



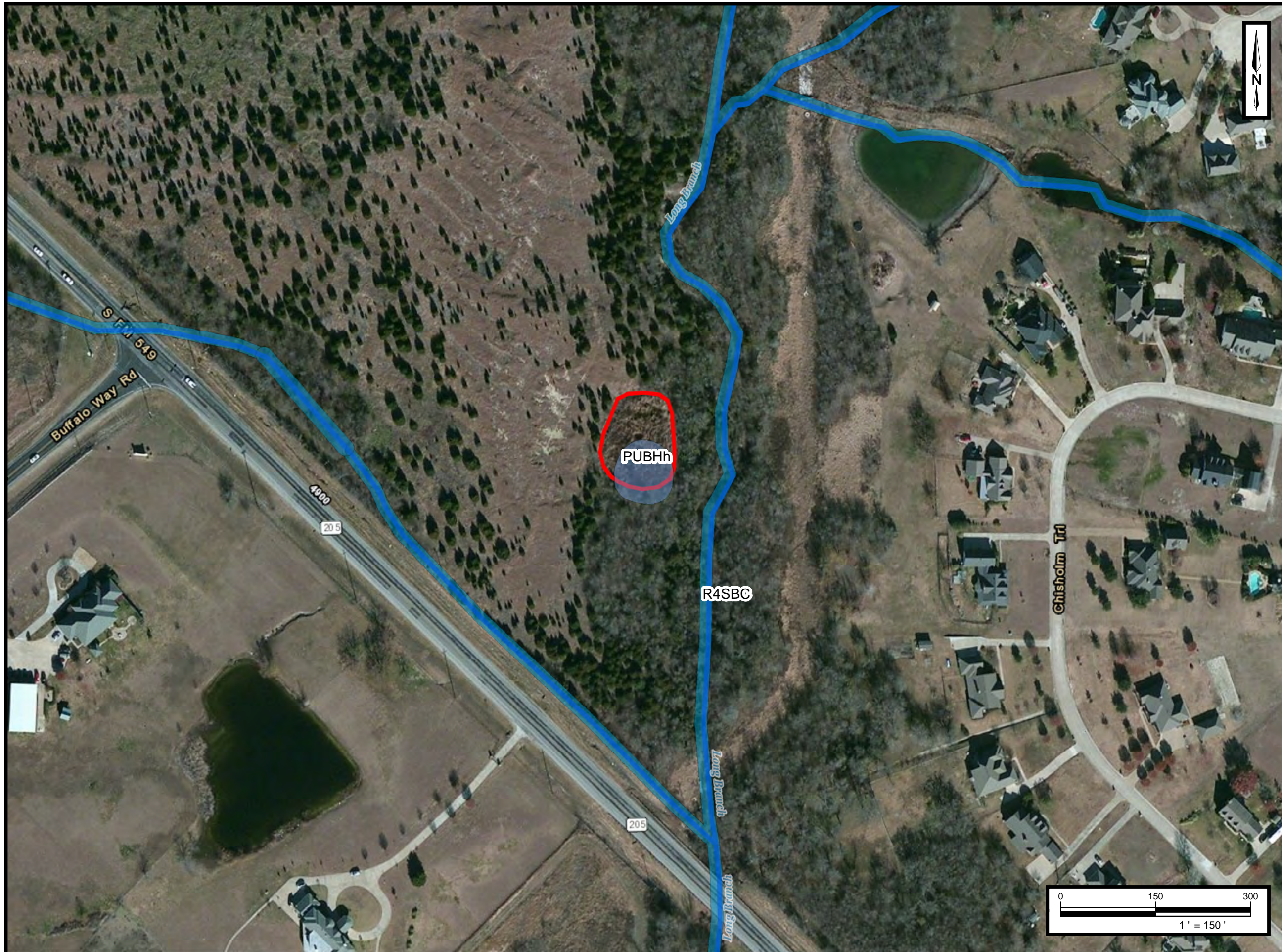
Aaron Brewer, P.G.
Branch Manager
512-410-9640


Attachments

Pond East of Intersection of State Highway 205 and FM 549
Waters of the U.S. Determination
January 24, 2022

ATTACHMENT 1

Results Map(s)



LEGEND:
 Pond Approximate Boundary



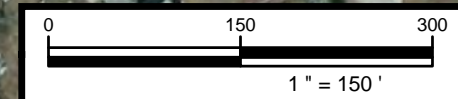
Apex Companies, LLC
 12012 Technology Blvd, Suite 201
 Austin, TX 78727
 Phone: (512) 250-2600



Wetland and Other Waters
 Jurisdictional Determination
 Pond Located on Vacant Property
 East of Intersection of SH 205 and FM 549
 Rockwall, Rockwall County, Texas

Project No. ROC412-0312725-22003010

FIGURE 1
**Pond and Long Branch on
 National Wetland Inventory Map**



Service Layer Credits:
 Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P,
 NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea,

Pond East of Intersection of State Highway 205 and FM 549
Waters of the U.S. Determination
January 24, 2022

ATTACHMENT 2
Photographic Log



Photo 1: View of the intermittent stream Long Branch (downstream) to the east of the pond.



Photo 2: View of the pond from the southeast corner. The unfinished overflow channel in front, view partially covered by the tree branch.



Photo 3: Upland berm separating pond and Long Branch. Shovel indicates the upgradient end of the upland excavated swale. View to the northeast.



Photo 4: The upland excavated swale, view to the southeast.



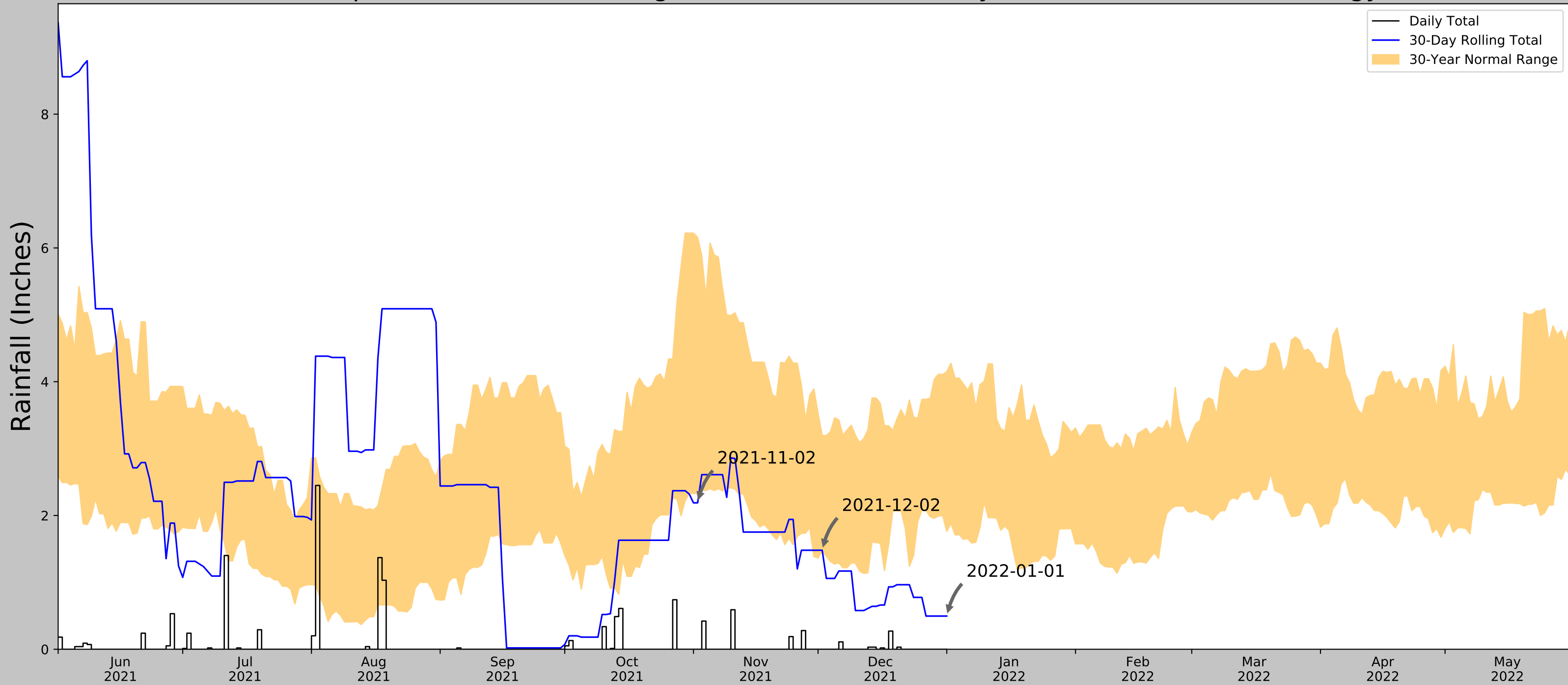
Photo 5: Trail from the pond to Long Branch at the stream. View to the southeast.

Pond East of Intersection of State Highway 205 and FM 549
Waters of the U.S. Determination
January 24, 2022

ATTACHMENT 3

ATP FORM

Antecedent Precipitation vs Normal Range based on NOAA's Daily Global Historical Climatology Network



Coordinates	32.877232, -96.421702
Observation Date	2022-01-01
Elevation (ft)	517.32
Drought Index (PDSI)	Not available
WebWIMP H ₂ O Balance	Wet Season

30 Days Ending	30 th %ile (in)	70 th %ile (in)	Observed (in)	Wetness Condition	Condition Value	Month Weight	Product
2022-01-01	1.762598	4.148819	0.496063	Dry	1	3	3
2021-12-02	1.477953	3.196063	1.480315	Normal	2	2	4
2021-11-02	2.329528	6.158268	2.188976	Dry	1	1	1
Result							Drier than Normal - 8

Weather Station Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Days (Normal)	Days (Antecedent)
TERRELL MUNI AP	32.71, -96.2672	475.066	14.63	42.254	7.202	8553	88
ROCKWALL 3.1 SSW	32.8832, -96.4843	450.131	3.656	67.189	1.891	9	1
ROCKWALL 0.8 WNW	32.927, -96.4701	479.003	4.439	38.317	2.168	10	0
ROCKWALL	32.9331, -96.4647	542.979	4.596	25.659	2.186	2780	0
ROWLETT 2.3 NW	32.9321, -96.5769	541.011	9.769	23.691	4.627	1	0
Linear Interpolation	N/A	N/A	N/A	N/A	N/A	0	1

Figure and tables made by the
Antecedent Precipitation Tool
Version 1.0

Written by Jason Deters
U.S. Army Corps of Engineers

Lee, Henry

From: Lee, Henry
Sent: Friday, June 24, 2022 4:23 PM
To: 'Keaton Mai'
Subject: Staff Comments MIS2022-013
Attachments: Project Comments (06.24.2022).pdf

Good Afternoon,

Attached are staff comments in reference to your case, MIS2022-013. Feel free to contact me if you have any questions.

Thank you,



HENRY LEE
Planner
Planning & Zoning Department
972.772.6434
HLee@rockwall.com
385 S. Goliad Street, Rockwall, TX 75087

Lee, Henry

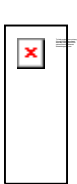
From: Keaton Mai <kmai@dimensiongroup.com>
Sent: Monday, June 27, 2022 4:40 PM
To: Lee, Henry
Subject: RE: Staff Comments MIS2022-013
Attachments: EXHIBIT - TREE REMOVAL_2022-06-27-TRE-1.pdf

Henry,

We were able to visit the site today and confirm the “Cedars” on the Utility & Street Plan Areas Table are red cedars and not cedar elms. Do you need anything else from me to update the case? Also, will this be updated for tomorrow’s meeting or is that set since the packet is out?

Please let me know if you have any questions or need anything else.

Thank you,



Keaton Mai, P.E., Director of Civil Engineering
The Dimension Group, 10755 Sandhill Rd, Dallas TX 75238
O: 214.343.9400 **M:** 214.600.1152
E: kmai@dimensiongroup.com **W:** dimensiongroup.com

This E-mail (including attachments) is intended exclusively for the individual or entity to which it is addressed. The message, together with any attachment, may contain confidential and /or privileged information. Any message in error, please immediately advise the sender by reply e-mail or by phone 214.343.9400, delete this e-mail communication and destroy all physical copies of same.

From: Lee, Henry <HLee@rockwall.com>
Sent: Friday, June 24, 2022 4:23 PM
To: Keaton Mai <kmai@dimensiongroup.com>
Subject: Staff Comments MIS2022-013

CAUTION:This email originated from outside of the organization. Do not follow guidance, click links, or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon,

Attached are staff comments in reference to your case, MIS2022-013. Feel free to contact me if you have any questions.

Thank you,



HENRY LEE
Planner
Planning & Zoning Department
972.772.6434
HLee@rockwall.com
385 S. Goliad Street, Rockwall, TX 75087

This email was scanned by Bitdefender

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



August 11, 2022

TO: Keaton Mai
The Dimension Group
10755 Sandhill Road
Dallas, TX 75238

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

SUBJECT: MIS2022-013; *Tree Mitigation Plan for Creekside Commons*

Keaton Mai:

This letter serves to notify you that the above referenced case (*i.e. Miscellaneous Case*) that you submitted for consideration by the City of Rockwall was approved by the Planning and Zoning Commission on July 5, 2022. The following is a record of all recommendations, voting records and conditions of approval:

Staff Recommendations

- (1) Any construction resulting from the approval of this Miscellaneous Case shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

Planning and Zoning Commission

On June 28, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the Alternative Tree Mitigation Settlement Agreement by a vote of 7-0.

City Council

On July 5, 2022, the City Council approved a motion to approve the Alternative Tree Mitigation Settlement Agreement by a vote of 6-0, with Mayor Fowler absent.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Henry Lee', is written over a light blue horizontal line.

Henry Lee, AICP, *Planner*
City of Rockwall Planning and Zoning Department