



CASE COVER SHEET

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

PLANNING & ZONING CASE NO.

PLANNING & ZONING FEE

PLATTING APPLICATION

- MASTER PLAT
- PRELIMINARY PLAT
- FINAL PLAT
- REPLAT
- AMENDING OR MINOR PLAT
- PLAT REINSTATEMENT REQUEST

SITE PLAN APPLICATION

- SITE PLAN
- AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING

ZONING APPLICATION

- ZONING CHANGE
- SPECIFIC USE PERMIT
- PD DEVELOPMENT PLAN

OTHER APPLICATION

- TREE REMOVAL
- VARIANCE REQUEST/SPECIAL EXCEPTIONS

RECORD OF RECOMMENDATIONS, VOTING RECORDS, AND CONDITIONS OF APPROVAL

ARCHITECTURE REVIEW BOARD

PLANNING AND ZONING COMMISSION

CITY COUNCIL READING #1

CITY COUNCIL READING #2

CONDITIONS OF APPROVAL

NOTES



DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO.

MIS2023-808

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
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OTHER APPLICATION FEES:

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PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS 327 NICOLE DRIVE

SUBDIVISION

LOT

BLOCK

GENERAL LOCATION

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING

CURRENT USE

PROPOSED ZONING

PROPOSED USE

ACREAGE

LOTS [CURRENT]

LOTS [PROPOSED]

SITE PLANS AND PLATS: BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF 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 GUIHERME CREDIDIO BRAGA

APPLICANT

CONTACT PERSON

CONTACT PERSON

ADDRESS 327 NICOLE DRIVE

ADDRESS

CITY, STATE & ZIP ROCKWALL, TX, 75032

CITY, STATE & ZIP

PHONE 214 469 8773

PHONE

E-MAIL GUI.CB@HOTMAIL.COM

E-MAIL

NOTARY VERIFICATION [REQUIRED]

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

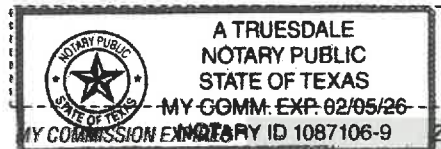
"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ _____ TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE _____ DAY OF _____, 20____. BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS 9 DAY OF June, 2023

OWNER'S SIGNATURE

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

[Signature]

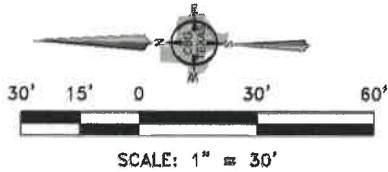


Hello,

I'm Guilherme Braga, owner at 327 Nicole drive, I have a big 0.5 acre lot, and I would like to subdivide my lot in 3 lots. For one lot it's easy to have 60 x 120, but my house is sited almost in the middle of the 2 other lots.

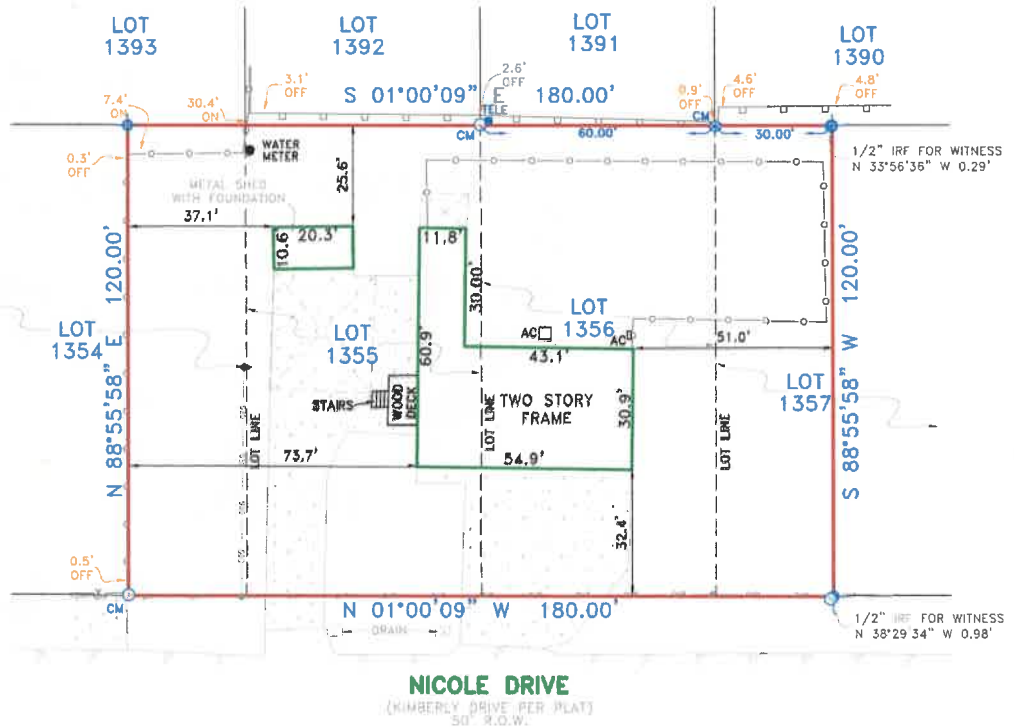
I know for the PD 75 the lots requirements are minimum 50 x 120, but my house does not allow 50 x 120 with the 5 ft side yard setback, the distance between the lot lines and the house is 51ft.

So, I'm requesting to separate in 3 lots, 60 x 120, 75 x 120, 45 x 120. My plans for the future is to build 2 new houses, one in 60 x 120 lot and another in the 45 x 120, and keep my house in the 75 x 120. But first I need to have the lots separated.



327 Nicole Drive

Being the South half of Lot 1354, all of Lots 1355 and 1356, and the North half of Lot 1357, of Rockwell Lake Properties Development No. 2, an Addition to the City of Rockwell of Rockwell, Rockwall County, Texas, according to the Plat Herein recorded in Cabinet A, Slide 79, Map and/or Plat Records, Rockwall County, Texas.



LEGEND

- 1/2" ROD FOUND
- ⊗ 1/2" ROD SET
- ⊠ 1" PIPE FOUND
- ⊡ 3/4" FOUND/SET
- ⊙ POINT FOR CORNER
- ⊕ 5/8" ROD FOUND
- T TRANSFORMER PAD
- COLUMN
- ▲ UNDERGROUND ELECTRIC
- OHP— OVERHEAD ELECTRIC POWER
- OES— OVERHEAD ELECTRIC SERVICE
- CHAIN LINK
- WOOD FENCE 0.5' WIDE TYPICAL
- DOUBLE SIDED WOOD FENCE
- FENCE POST FOR CORNER
- CONTROLLING MONUMENT
- CM AIR CONDITIONER
- AC AIR CONDITIONER POOL EQUIPMENT
- POWER POLE
- △ OVERHEAD ELECTRIC
- II— IRON FENCE
- X— WIRE FENCE
- O— EDGE OF ASPHALT
- A— EDGE OF GRAVEL
- STONE
- CONCRETE
- COVERED AREA
- BRICK

EXCEPTIONS:
NOTE: This survey is made in conjunction with the information provided by the client. CBG Surveying Texas, LLC has not researched the land title records for the existence of easements, restrictive covenants or other encumbrances.

NOTES:
BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983 (2011).
EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.
FLOOD NOTE: According to the F.I.R.M. No. 48397C0040L, this property does lie in Zone X and DOES NOT lie within the 100 year flood zone.

This survey is made in conjunction with the information provided by The Client. Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. This is to certify that I have on this date made a careful and accurate survey on the ground of the subject property. The plat hereon is a correct and accurate representation of the property lines and dimensions as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, there are no visible and apparent encroachments or protrusions on the ground.

Accepted by: _____
Purchaser

Date: _____
Purchaser

Drawn By: JLA
Scale: 1" = 30'
Date: 03/14/2023
GF NO.: N/A
Job No. 2303000

1413 E. IH-30, Ste. 7
Garland, TX 75043
P 214.349.9486
F 214.349.2218
Firm No. 10158800
www.cbgsurveys.com



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Planning and Zoning Department
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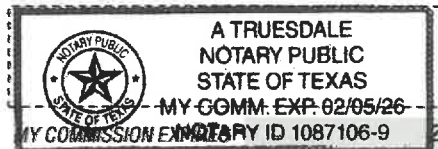
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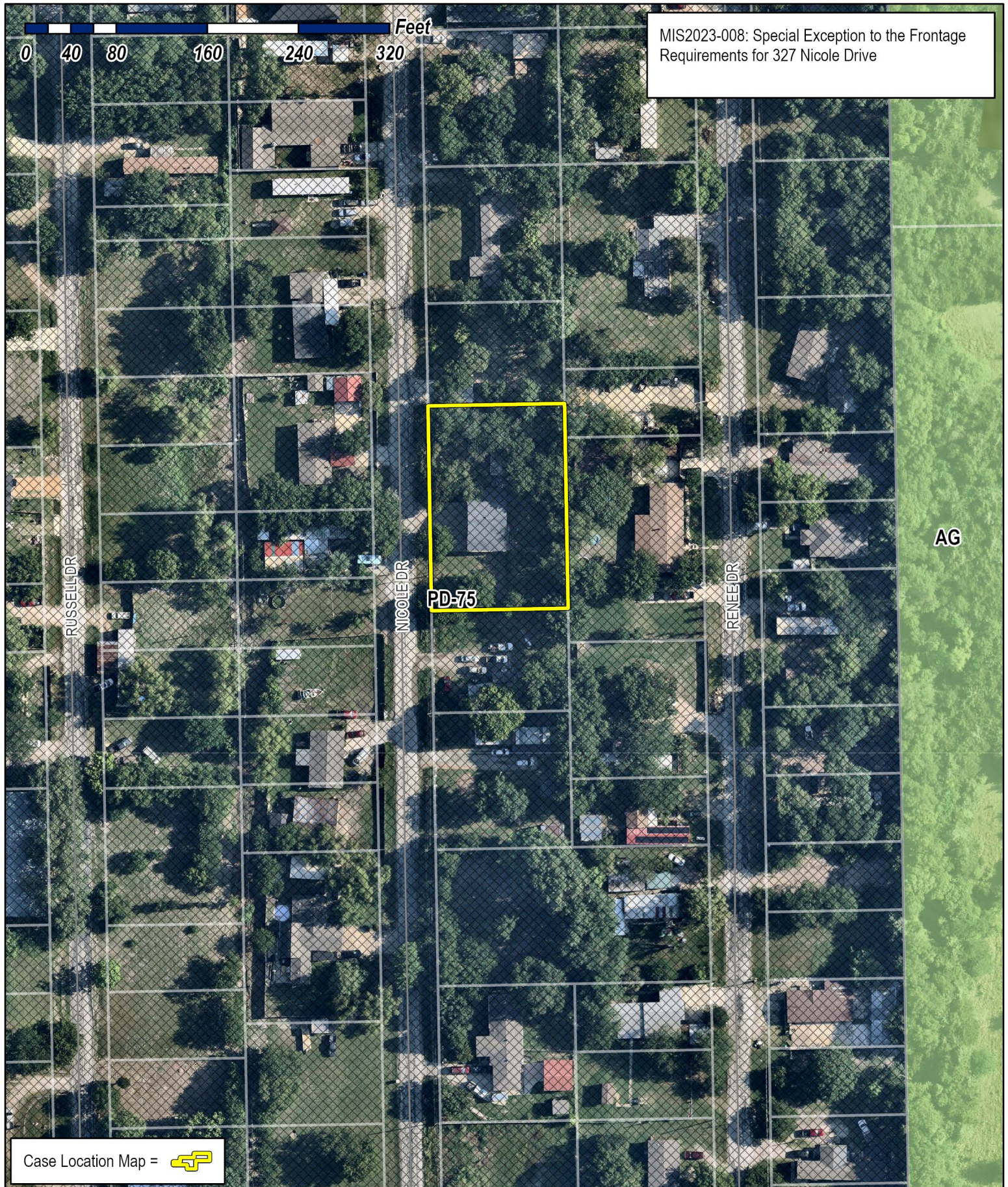
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OWNER'S SIGNATURE

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

[Signature]






MIS2023-008: Special Exception to the Frontage Requirements for 327 Nicole Drive

PD-75

AG

Case Location Map = 



City of Rockwall

Planning & Zoning Department
 385 S. Goliad Street
 Rockwall, Texas 75087
 (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.

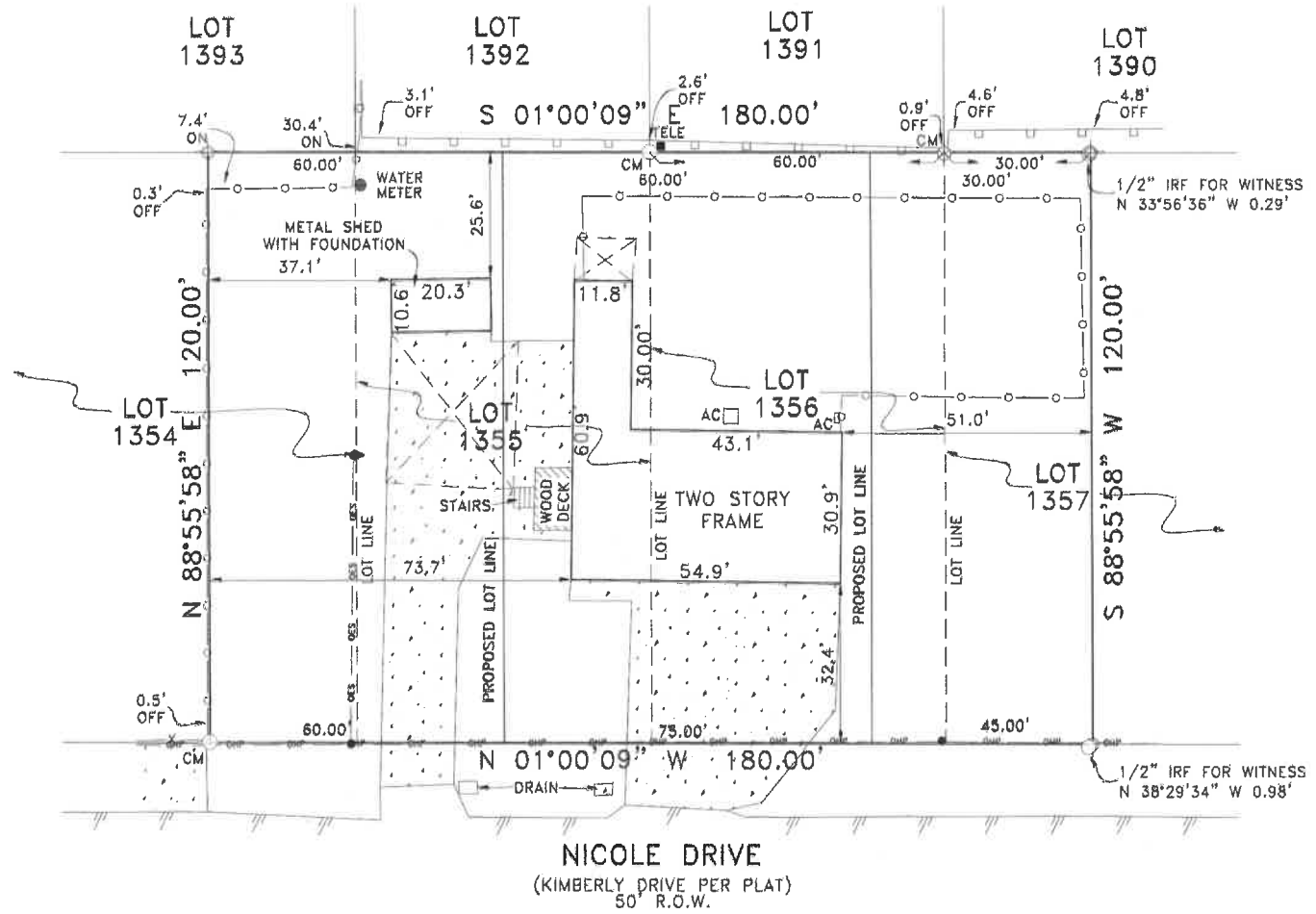
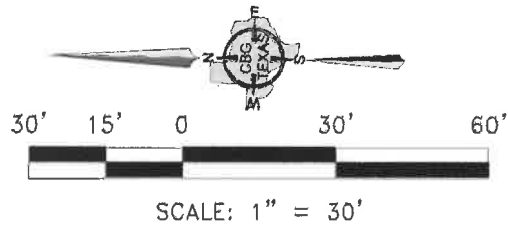


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PROJECT COMMENTS



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

DATE: 6/22/2023

PROJECT NUMBER: MIS2023-008
PROJECT NAME: Variance Request for Frontage Requirements
SITE ADDRESS/LOCATIONS: 327 NICOLE DR

CASE CAPTION: Discuss and consider a request by Guicherme Credidio Braga for the approval of a Miscellaneous Case for a Special Exception to the Minimum Lot Width/Frontage requirements stipulated by Ordinance No. 16-01 to allow a lot less than 50-feet in width on a 0.495-acre tract of land identified as a portion of Lots 1354 & 1359 and all of Lots 1355 & 1356 of Rockwall Lake Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) [Ordinance No. 16-01] for Single-Family 7 (SF-7) District land uses, addressed as 327 Nicole Drive, and take any action necessary.

DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
ENGINEERING	Sarah Johnston	06/22/2023	Approved w/ Comments
06/22/2023: - There is currently no sewer available to the property. All three lots will need to be on septic systems. That is permitted by Rockwall County. - City of Rockwall has a project in design for installation of sanitary sewer to be installed along Nicole. - Will need approval to have septic on less than 1.5 acres - Will need to plumb houses to the front for future sewer and plug for future use. - Water is either in Renee Dr, or behind the houses on the west side of Nicole Dr. Additional taps and off-site easements will be needed. - Driveway culverts will need to have an engineered design submitted with the building permit. Min Size is 18" RCP with headwalls sloped at 4:1.			
BUILDING	Craig Foshee	06/20/2023	Approved w/ Comments
06/20/2023: My only concern is the 2 outside lots will not be big enough for a new septic system, which will prohibit construction of a new home until public sewer is available.			
FIRE	Bethany Ross	06/22/2023	N/A
No Comments			
GIS	Lance Singleton	06/19/2023	Approved
No Comments			
POLICE	Bethany Ross	06/22/2023	N/A
No Comments			
PARKS	Travis Sales	06/19/2023	Approved
No Comments			

DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
PLANNING	Bethany Ross	06/21/2023	Needs Review

06/21/2023: MIS2023-008; Special Exception Request for 327 Nicole Drive

Please address the following comments (M= Mandatory Comments; I = Informational Comments)

I.1 This is a request by Guicherme Credidio Braga for the approval of a Miscellaneous Case for a Special Exception to the Minimum Lot Width/Frontage requirements stipulated by Ordinance No. 16-01 to allow a lot less than 50-feet in width on a 0.495-acre tract of land identified as a portion of Lots 1354 & 1359 and all of Lots 1355 & 1356 of Rockwall Lake Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) [Ordinance No. 16-01] for Single-Family 7 (SF-7) District land uses, addressed as 327 Nicole Drive, and take any action necessary.

I.2 For questions or comments concerning this case please contact Bethany Ross in the Planning Department at (972) 772-6488 or email bross@rockwall.com.

I.3 According to Table 2: Lot Dimensional Requirements, PD Development Standards, of Planned Development District 75 (PD-75) [Ordinance No. 16-01], the minimum lot frontage is 50-feet. In this case, the applicant is requesting a special exception for a lot width of 45-feet.

I.4 According to Section (3)(c), PD Development Standards, of Planned Development District 75 (PD-75) [Ordinance No. 16-01], "(t)he City Council may consider special requests in the Lake Rockwall Estates Subdivision. Such request may include but not necessarily be limited to the use of alternative building materials, reductions in the building setbacks, exceptions to the fencing requirements, or other requests submitted for consideration to the Planning and Zoning Department.

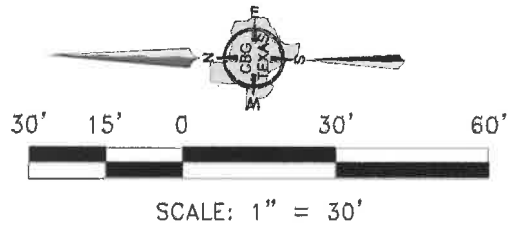
Upon receipt of such requests, the Planning and Zoning Commission shall review the case and forward a recommendation to the City Council for consideration. The City Council may approve a special request. Any such approval shall preempt any other underlying zoning restrictions in the Unified Development Code. Such requests may be denied by the City Council by the passage of a motion to deny.

Special Requests shall not include any request to change the land use of a property."

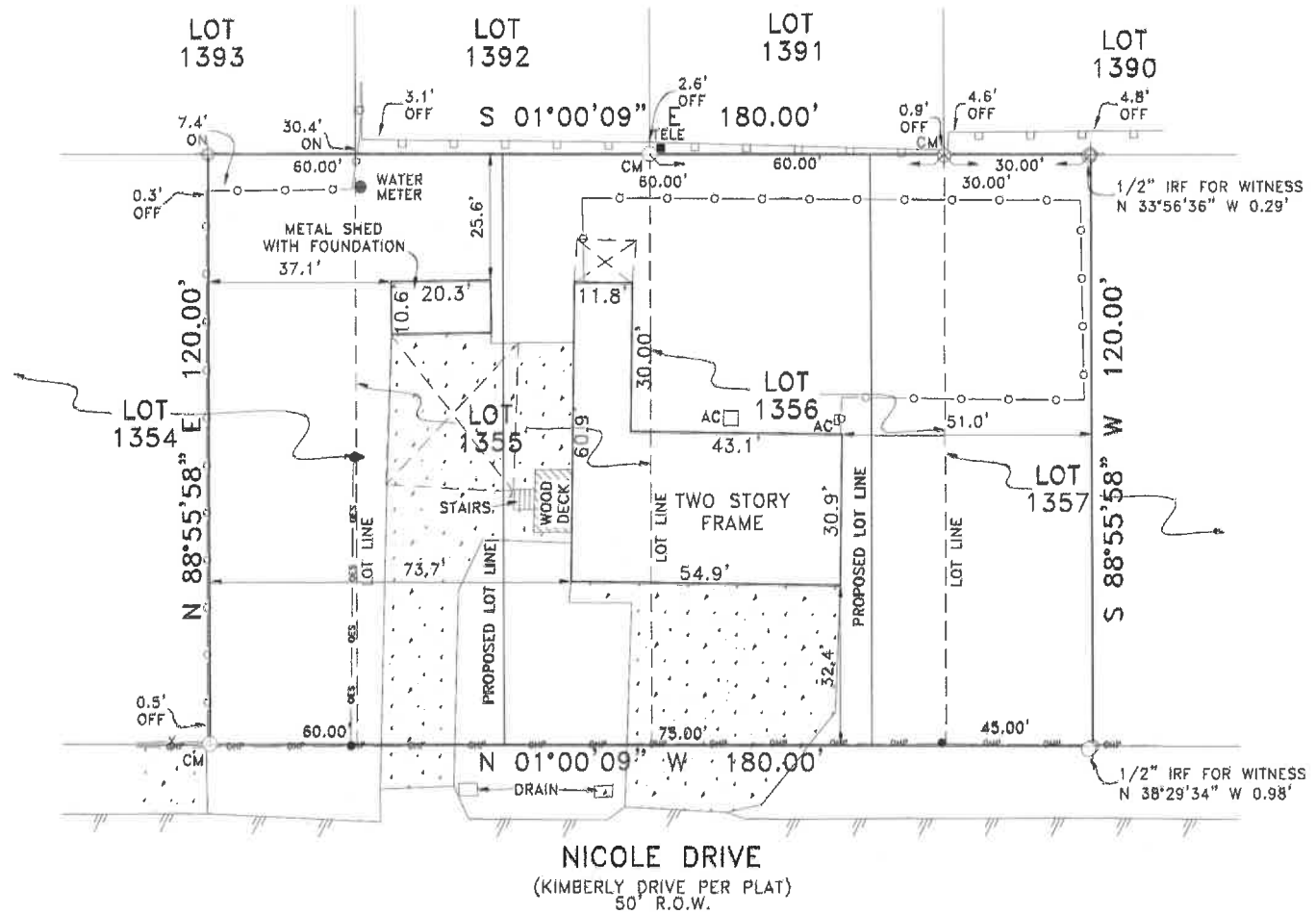
I.5 Please note the scheduled meeting for this case:

- 1) Planning & Zoning Work Session meeting will be held on June 27, 2023 at 6pm in the council chambers at City Hall.
- 2) Planning & Zoning Commission meeting will be held on July 11, 2023 at 6pm in the council chambers at City Hall.
- 3) City Council meeting will be held on July 17, 2023 at 6pm in the council chambers at City Hall.

I.6 Staff recommends that a representative be present for the meetings as scheduled above to answer any questions the Commission or Council may have regarding your request. All meetings will be held in person, in the City's Council Chambers, and are scheduled to begin at 6:00 p.m.



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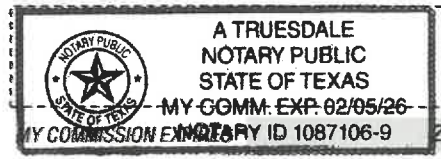
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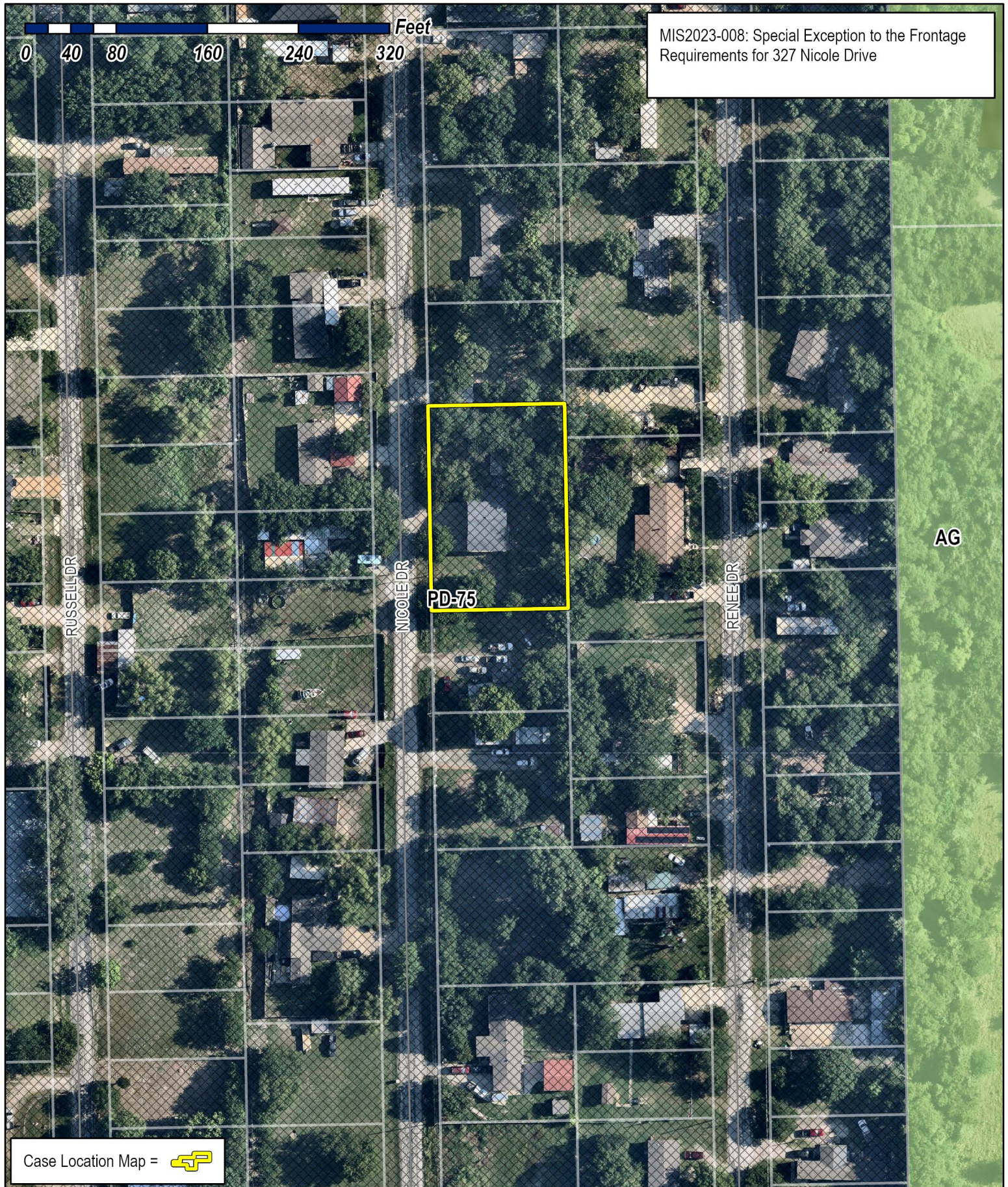
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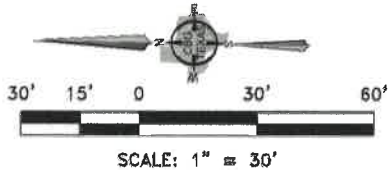


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I'm Guilherme Braga, owner at 327 Nicole drive, I have a big 0.5 acre lot, and I would like to subdivide my lot in 3 lots. For one lot it's easy to have 60 x 120, but my house is sited almost in the middle of the 2 other lots.

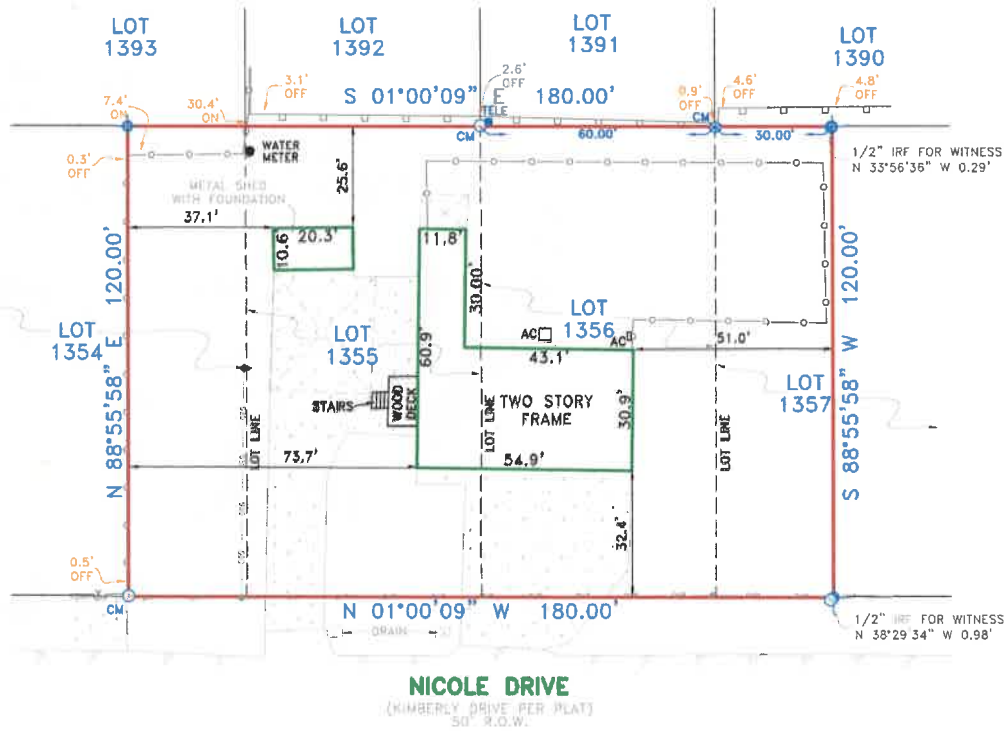
I know for the PD 75 the lots requirements are minimum 50 x 120, but my house does not allow 50 x 120 with the 5 ft side yard setback, the distance between the lot lines and the house is 51ft.

So, I'm requesting to separate in 3 lots, 60 x 120, 75 x 120, 45 x 120. My plans for the future is to build 2 new houses, one in 60 x 120 lot and another in the 45 x 120, and keep my house in the 75 x 120. But first I need to have the lots separated.



327 Nicole Drive

Being the South half of Lot 1354, all of Lots 1355 and 1356, and the North half of Lot 1357, of Rockwell Lake Properties Development No. 2, an Addition to the City of Rockwell of Rockwell, Rockwall County, Texas, according to the Plat Herein recorded in Cabinet A, Slide 79, Map and/or Plat Records, Rockwall County, Texas.



LEGEND

- | | |
|---------------------------------|-------------------------|
| ○ 1/2" ROD FOUND | □ FENCE POST FOR CORNER |
| ⊗ 1/2" ROD SET | □ CONTROLLING MONUMENT |
| ⊠ 1" PIPE FOUND | CM CONTROL MONUMENT |
| ⊡ 3/4" FOUND/SET | AC AIR CONDITIONER |
| ⊙ POINT FOR CORNER | PE POOL EQUIPMENT |
| ⊕ 5/8" ROD FOUND | ● POWER POLE |
| T TRANSFORMER PAD | △ OVERHEAD ELECTRIC |
| ■ COLUMN | — — IRON FENCE |
| ▲ UNDERGROUND ELECTRIC | —X— WIRE FENCE |
| —OHP— OVERHEAD ELECTRIC POWER | — — EDGE OF ASPHALT |
| —OES— OVERHEAD ELECTRIC SERVICE | — — EDGE OF GRAVEL |
| ○ CHAIN LINK | ▭ STONE |
| ▭ WOOD FENCE 0.5' WIDE TYPICAL | ▭ CONCRETE |
| ▭ DOUBLE SIDED WOOD FENCE | ▭ COVERED AREA |
| | ▭ BRICK |

EXCEPTIONS:

NOTE: This survey is made in conjunction with the information provided by the client. CBG Surveying Texas, LLC has not researched the land title records for the existence of easements, restrictive covenants or other encumbrances.

NOTES:

BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983 (2011).
 EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.
 FLOOD NOTE: According to the F.I.R.M. No. 48397C0040L, this property does lie in Zone X and DOES NOT lie within the 100 year flood zone.

This survey is made in conjunction with the information provided by The Client. Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. This is to certify that I have on this date made a careful and accurate survey on the ground of the subject property. The plat hereon is a correct and accurate representation of the property lines and dimensions as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, there are no visible and apparent encroachments or protrusions on the ground.

Date: _____ Accepted by: _____
 Purchaser
 Purchaser

Drawn By: JLA
 Scale: 1" = 30'
 Date: 03/14/2023
 GF NO.: N/A
 Job No. 2303000



TO: Planning and Zoning Commission
FROM: Bethany Ross, *Planner*
DATE: July 11, 2023
SUBJECT: MIS2023-008; *Special Request for 327 Nicole Drive*

On June 16, 2023, the applicant -- *Guicharme Credidio Braga* -- submitted an application requesting the *Consideration of a Special Request* for 327 Nicole Drive to facilitate the subdivision of the existing tract of land into three (3) parcels of land. One (1) of the three (3) parcels of land is proposed to have a lot width of 45-feet (see *Figure 1*), which is five (5) feet less than the required minimum lot width of 50-feet. Typically, requests for variances to the density and dimensional requirements of a zoning district are in the purview of the Board of Adjustments (BOA); however, Section (3)(c), *PD Development Standards*, of Planned Development District 75 (PD-75) [Ordinance No. 16-01] states, "(t)he City Council may consider special requests in the Lake Rockwall Estates Subdivision. Such request may include but not necessarily be limited to the use of alternative building materials, reductions in the building setbacks, exceptions to the fencing requirements, or other requests submitted for consideration to the Planning and Zoning Department. Upon receipt of such requests, the Planning and Zoning Commission shall review the case and forward a recommendation to the City Council for consideration. The City Council may approve a special request. Any such approval shall preempt any other underlying zoning restrictions in the Unified Development Code [UDC]. Such requests may be denied by the City Council by the passage of a motion to deny. Special Requests shall not include any request to change the land use of a property." Staff is obligated to point out, that while other lots of a similar size do exist in the Lake Rockwall Estates Subdivision they were created prior to annexation in 2009; however, no lot less than 50-feet has been approved by the City Council since the original zoning ordinance (*i.e.* Ordinance No. 09-37) was approved on September 21, 2009.

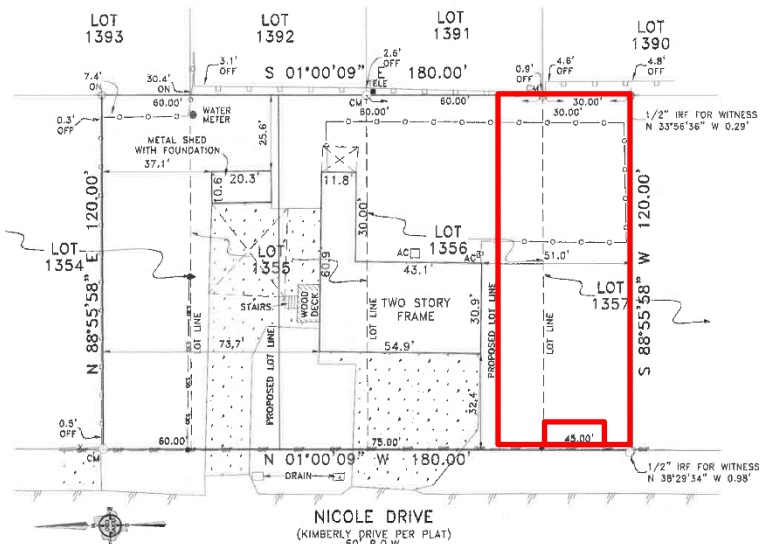


FIGURE 1: EXHIBIT OF THE PROPOSED THREE (3) LOTS

Staff should also note that if this *Special Request* is approved, the applicant will not have access to City Sewer or the ability to obtain an On-Site Sewage Facility (OSSF) for either of the proposed new lots. According to Section 3, *On Site Sewage Facilities (OSSF)*, of Article 05, *County Authority and Responsibilities*, of the *Interim Interlocal Agreement By and Between the City of Rockwall and Rockwall County*, "(t)he County retains exclusive jurisdiction to administer and enforce the County's on-site sewage facility (OSSF) regulations on property in the City's Extraterritorial Jurisdiction (ETJ); provided that the County reject as incomplete any application for an on-site sewage facility (OSSF) that is not accompanied by an approved subdivision plat or a statement from the City that a subdivision plat is not required for the development of a property." Rockwall County requires at least 1.5 acre lots for On-Site Sewage Facilities (OSSF). Based on this, the applicant would not be approved for a OSSF on either of the proposed new lots. With this being said, staff should point out that the City is in the early stages of adding sewer to Area 2 in Lake Rockwall Estates, but does not currently have a timeframe on the implementation of a sewer system in this area. In addition, a building permit cannot be approved for either of the proposed new lots until City sewer is in place.

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DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO.

MIS2023-808

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

DIRECTOR OF PLANNING:

CITY ENGINEER:

PLEASE CHECK THE APPROPRIATE BOX BELOW TO INDICATE THE TYPE OF DEVELOPMENT REQUEST (SELECT ONLY ONE BOX):

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- 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 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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NOTES:

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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 327 NICOLE DRIVE

SUBDIVISION

LOT

BLOCK

GENERAL LOCATION

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING

CURRENT USE

PROPOSED ZONING

PROPOSED USE

ACREAGE

LOTS [CURRENT]

LOTS [PROPOSED]

SITE PLANS AND PLATS: BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF 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 GUIHERME CREDIDIO BRAGA

APPLICANT

CONTACT PERSON

CONTACT PERSON

ADDRESS 327 NICOLE DRIVE

ADDRESS

CITY, STATE & ZIP ROCKWALL, TX, 75032

CITY, STATE & ZIP

PHONE 214 469 8773

PHONE

E-MAIL GUI.CB@HOTMAIL.COM

E-MAIL

NOTARY VERIFICATION [REQUIRED]

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

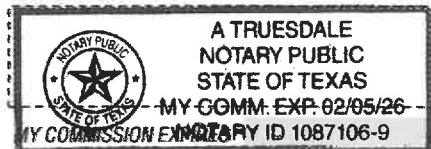
"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ _____ TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE _____ DAY OF _____, 20____. BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

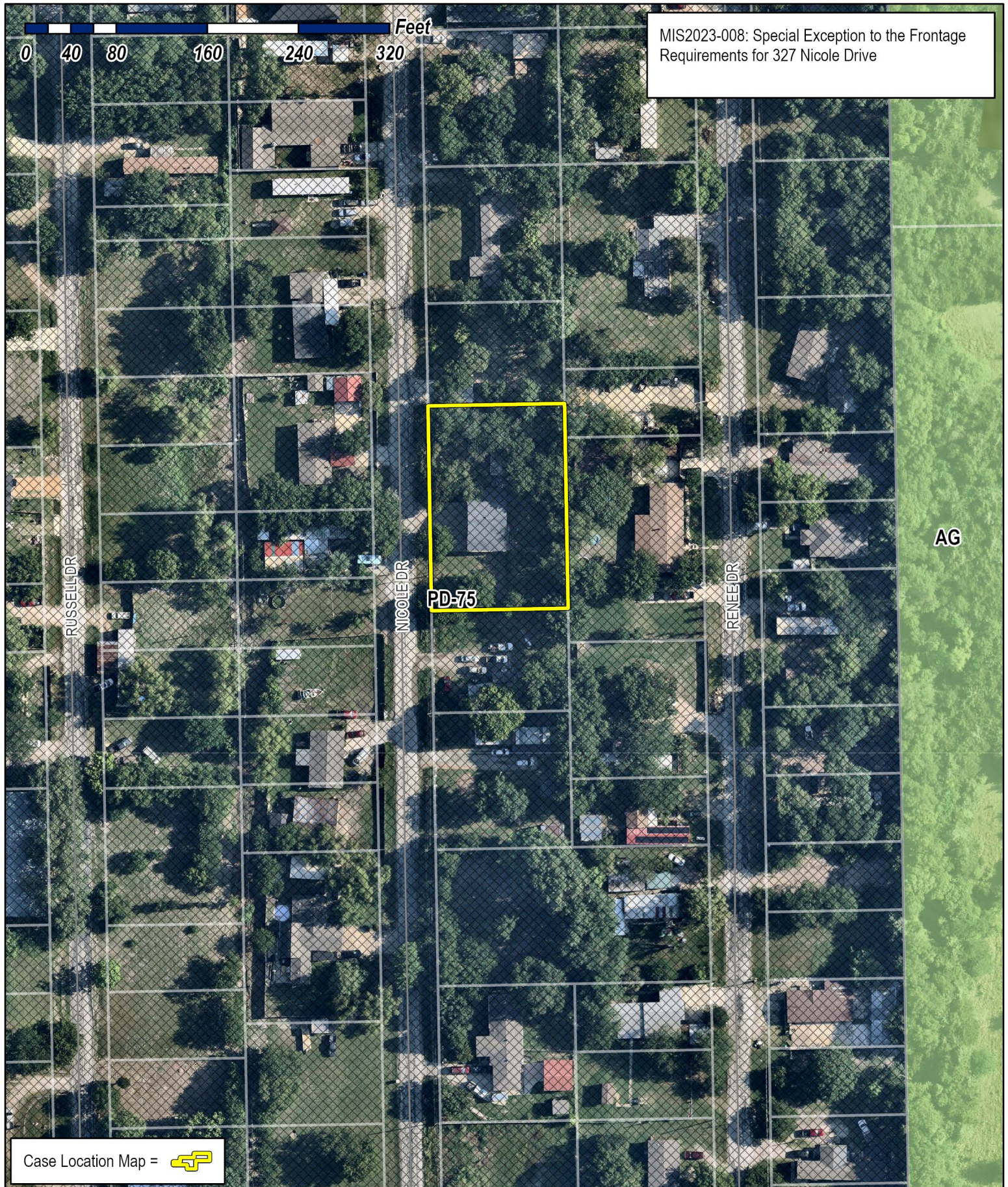
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS 9 DAY OF June, 2023

OWNER'S SIGNATURE

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

[Signature]





MIS2023-008: Special Exception to the Frontage Requirements for 327 Nicole Drive

0 40 80 160 240 320 Feet


RUSSELL DR

NICOLE DR

RENEE DR

PD-75

AG

Case Location Map = 



City of Rockwall

Planning & Zoning Department
 385 S. Goliad Street
 Rockwall, Texas 75087
 (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.

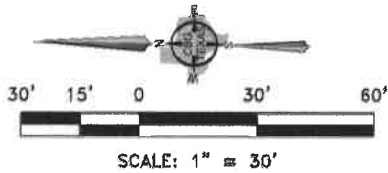


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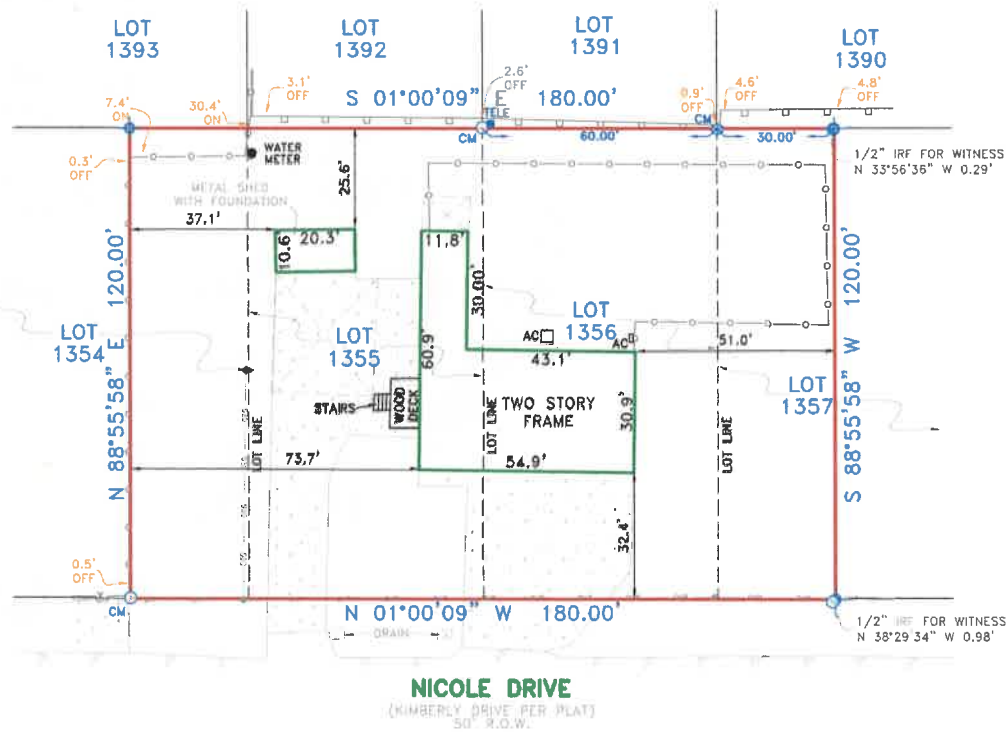
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327 Nicole Drive

Being the South half of Lot 1354, all of Lots 1355 and 1356, and the North half of Lot 1357, of Rockwell Lake Properties Development No. 2, an Addition to the City of Rockwell of Rockwell, Rockwall County, Texas, according to the Plat Hereof recorded in Cabinet A, Slide 79, Map and/or Plat Records, Rockwall County, Texas.



LEGEND

- | | |
|---------------------------------|-------------------------|
| ○ 1/2" ROD FOUND | □ FENCE POST FOR CORNER |
| ⊗ 1/2" ROD SET | □ CONTROLLING MONUMENT |
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| | ▭ BRICK |

EXCEPTIONS:

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FLOOD NOTE: According to the F.I.R.M. No. 48397C0040L, this property does lie in Zone X and DOES NOT lie within the 100 year flood zone.

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Date: _____ Accepted by: _____
 Purchaser
 Purchaser

Drawn By: JLA

Scale: 1" = 30'

Date: 03/14/2023

GF NO.: N/A

Job No. 2303000



1413 E. IH-30, Ste. 7
 Garland, TX 75043
 P 214.349.9486
 F 214.349.2218
 Firm No. 10158800
 www.cbgsurtxllc.com





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
FROM: Bethany Ross, *Planner*
DATE: July 17, 2023
SUBJECT: MIS2023-008; *Special Request for 327 Nicole Drive*

On June 16, 2023, the applicant -- *Guicharme Credidio Braga* -- submitted an application requesting the *Consideration of a Special Request* for 327 Nicole Drive to facilitate the subdivision of the existing tract of land into three (3) parcels of land. One (1) of the three (3) parcels of land is proposed to have a lot width of 45-feet (see *Figure 1*), which is five (5) feet less than the required minimum lot width of 50-feet. Typically, requests for variances to the density and dimensional requirements of a zoning district are in the purview of the Board of Adjustments (BOA); however, Section (3)(c), *PD Development Standards*, of Planned Development District 75 (PD-75) [*Ordinance No. 16-01*] states, “(t)he City Council may consider special requests in the Lake Rockwall Estates Subdivision. Such request may include but not necessarily be limited to the use of alternative building materials, reductions in the building setbacks, exceptions to the fencing requirements, or other requests submitted for consideration to the Planning and Zoning Department. Upon receipt of such requests, the Planning and Zoning Commission shall review the case and forward a recommendation to the City Council for consideration. The City Council may approve a special request. Any such approval shall preempt any other underlying zoning restrictions in the Unified Development Code [UDC]. Such requests may be denied by the City Council by the passage of a motion to deny. Special Requests shall not include any request to change the land use of a property.” Staff is obligated to point out, that while other lots of a similar size do exist in the Lake Rockwall Estates Subdivision they were created prior to annexation in 2009; however, no lot less than 50-feet has been approved by the City Council since the original zoning ordinance (i.e. *Ordinance No. 09-37*) was approved on September 21, 2009.

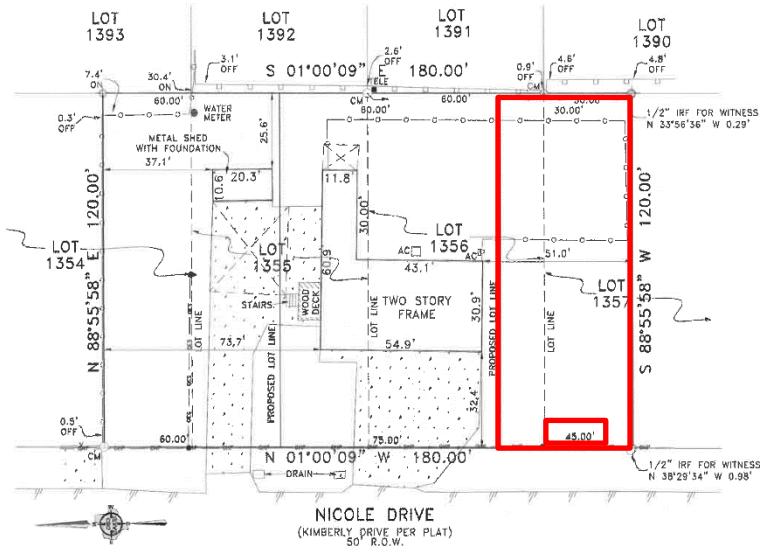


FIGURE 1: EXHIBIT OF THE PROPOSED THREE (3) LOTS

Staff should also note that if this *Special Request* is approved, the applicant will not have access to City Sewer or the ability to obtain an On-Site Sewage Facility (OSSF) for either of the proposed new lots. According to Section 3, *On Site Sewage Facilities (OSSF)*, of Article 05, *County Authority and Responsibilities*, of the *Interim Interlocal Agreement By and Between the City of Rockwall and Rockwall County*, “(t)he County retains exclusive jurisdiction to administer and enforce the County’s on-site sewage facility (OSSF) regulations on property in the City’s Extraterritorial Jurisdiction (ETJ); provided that the County reject as incomplete any application for an on-site sewage facility (OSSF) that is not accompanied by an approved subdivision plat or a statement from the City that a subdivision plat is not required for the development of a property.” Rockwall County requires at least 1.5 acre lots for On-Site Sewage Facilities (OSSF). Based on this, the applicant would not be approved for a OSSF on either of the proposed new lots. With this being said, staff should point out that the City is in the early stages of adding sewer to Area 2 in Lake Rockwall Estates, but does not currently have a timeframe on the implementation of a sewer system in this area. In addition, a building permit cannot be approved for either of the proposed new lots until City sewer is in place.

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pending a recommendation from the Planning and Zoning Commission. In the attached packet, staff has included a copy of the applicant's letter and an exhibit showing the proposed three (3) lots. Should the City Council have any questions, staff will be available at the July 17, 2023 City Council meeting.

PLANNING AND ZONING COMMISSION

On July 11, 2023, the Planning and Zoning Commission approved a motion to approve the Special Exception by a vote of 4-2, with Commissioners Welch and Llewellyn dissenting and Commissioner Conway absent.



DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO.

MIS2023-808

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

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CITY ENGINEER:

PLEASE CHECK THE APPROPRIATE BOX BELOW TO INDICATE THE TYPE OF DEVELOPMENT REQUEST (SELECT ONLY ONE BOX):

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PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS 327 NICOLE DRIVE

SUBDIVISION

LOT

BLOCK

GENERAL LOCATION

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING

CURRENT USE

PROPOSED ZONING

PROPOSED USE

ACREAGE

LOTS [CURRENT]

LOTS [PROPOSED]

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

OWNER GUIHERME CREDIDIO BRAGA

APPLICANT

CONTACT PERSON

CONTACT PERSON

ADDRESS 327 NICOLE DRIVE

ADDRESS

CITY, STATE & ZIP ROCKWALL, TX, 75032

CITY, STATE & ZIP

PHONE 214 469 8773

PHONE

E-MAIL GUI.CB@HOTMAIL.COM

E-MAIL

NOTARY VERIFICATION [REQUIRED]

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

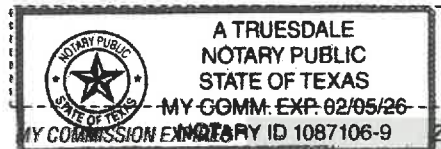
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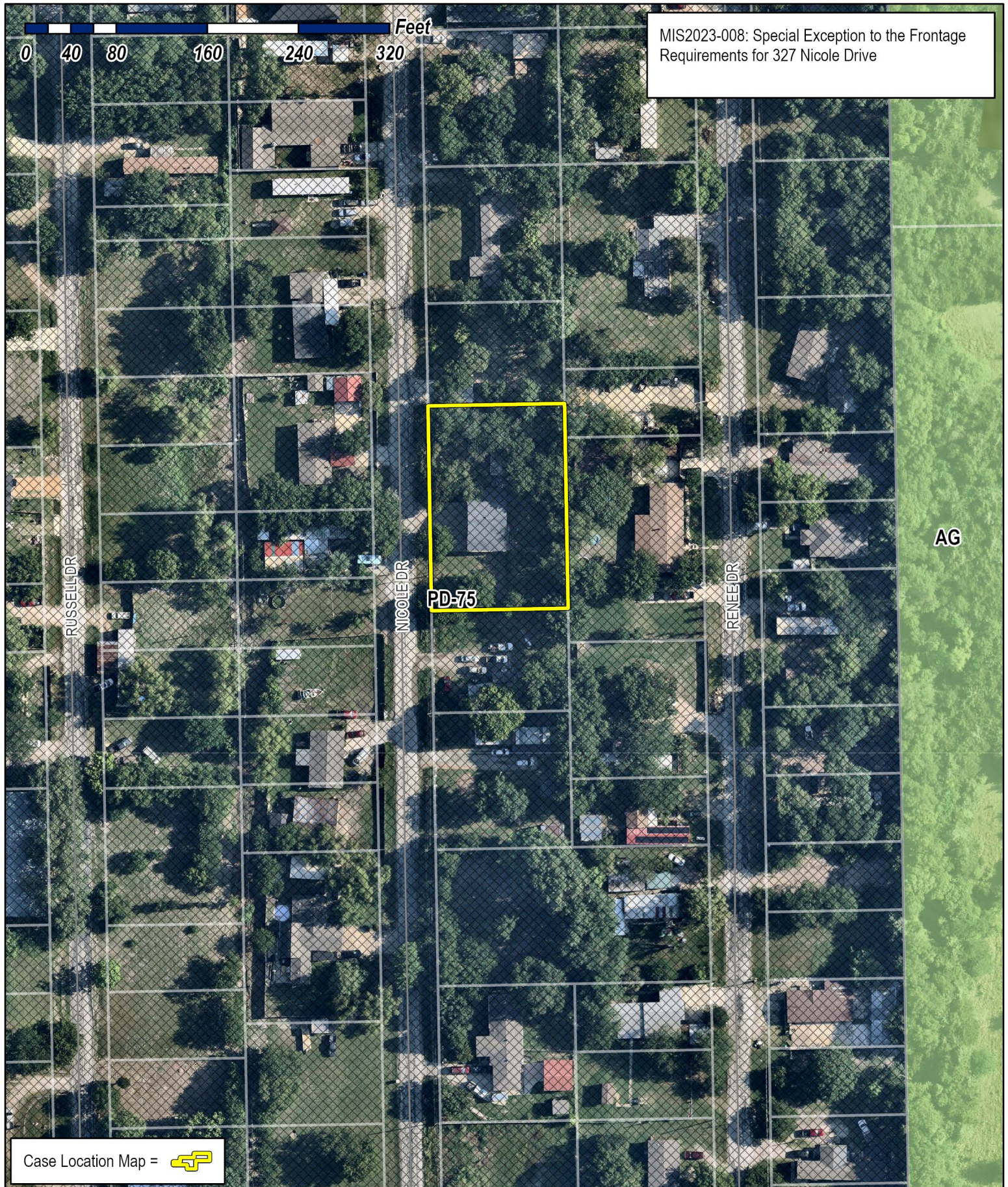
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OWNER'S SIGNATURE

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

[Signature]






MIS2023-008: Special Exception to the Frontage Requirements for 327 Nicole Drive

PD-75

AG

Case Location Map = 



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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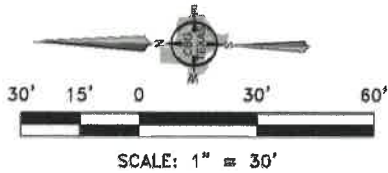


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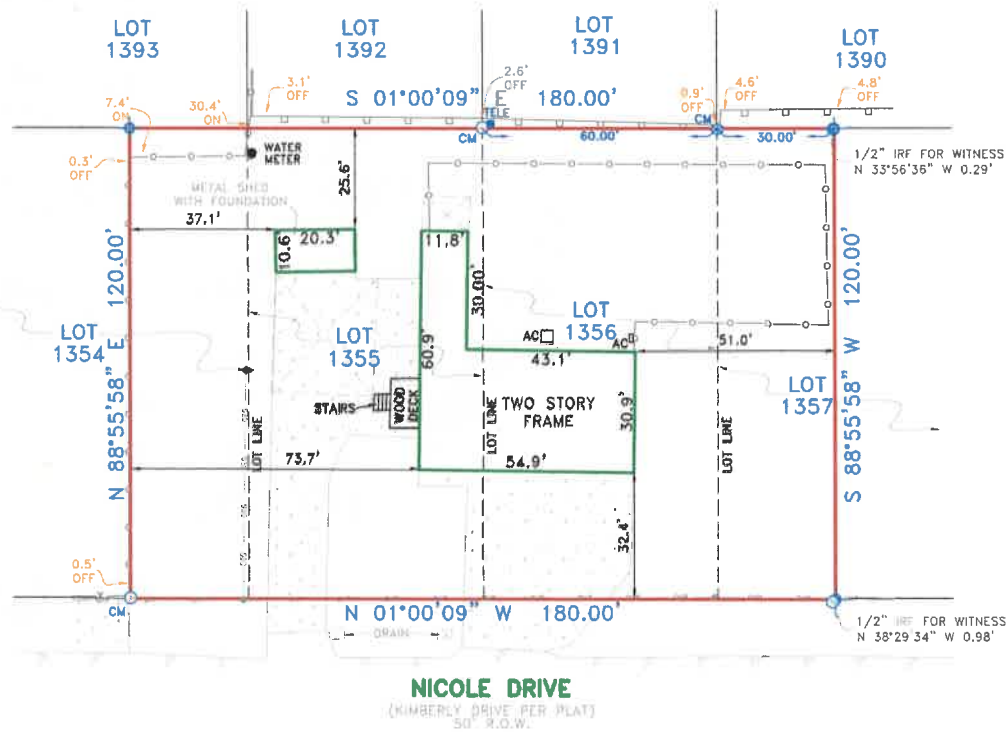
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So, I'm requesting to separate in 3 lots, 60 x 120, 75 x 120, 45 x 120. My plans for the future is to build 2 new houses, one in 60 x 120 lot and another in the 45 x 120, and keep my house in the 75 x 120. But first I need to have the lots separated.



327 Nicole Drive

Being the South half of Lot 1354, all of Lots 1355 and 1356, and the North half of Lot 1357, of Rockwell Lake Properties Development No. 2, an Addition to the City of Rockwell of Rockwell, Rockwall County, Texas, according to the Plat Herein recorded in Cabinet A, Slide 79, Map and/or Plat Records, Rockwall County, Texas.



LEGEND

- | | |
|---------------------------------|-------------------------|
| ○ 1/2" ROD FOUND | □ FENCE POST FOR CORNER |
| ⊗ 1/2" ROD SET | □ CONTROLLING MONUMENT |
| ⊠ 1" PIPE FOUND | CM CONTROL MONUMENT |
| ⊞ 3" PIPE FOUND/SET | AC AIR CONDITIONER |
| ⊞ POINT FOR CORNER | PE POOL EQUIPMENT |
| ⊞ 5/8" ROD FOUND | ● POWER POLE |
| T TRANSFORMER PAD | △ OVERHEAD ELECTRIC |
| ■ COLUMN | — — IRON FENCE |
| ▲ UNDERGROUND ELECTRIC | —X— WIRE FENCE |
| —OHP— OVERHEAD ELECTRIC POWER | — — EDGE OF ASPHALT |
| —OES— OVERHEAD ELECTRIC SERVICE | — — EDGE OF GRAVEL |
| ○ CHAIN LINK | ▭ STONE |
| ▭ WOOD FENCE 0.5' WIDE TYPICAL | ▭ CONCRETE |
| ▭ DOUBLE SIDED WOOD FENCE | ▭ COVERED AREA |
| | ▭ BRICK |

EXCEPTIONS:

NOTE: This survey is made in conjunction with the information provided by the client. CBG Surveying Texas, LLC has not researched the land title records for the existence of easements, restrictive covenants or other encumbrances.

NOTES:

BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983 (2011).

EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.

FLOOD NOTE: According to the F.I.R.M. No. 48397C0040L, this property does lie in Zone X and DOES NOT lie within the 100 year flood zone.

This survey is made in conjunction with the information provided by The Client. Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. This is to certify that I have on this date made a careful and accurate survey on the ground of the subject property. The plat hereon is a correct and accurate representation of the property lines and dimensions as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, there are no visible and apparent encroachments or protrusions on the ground.

Date: _____ Accepted by: _____
 Purchaser _____
 Purchaser _____

Drawn By: JLA

Scale: 1" = 30'

Date: 03/14/2023

GF NO.: N/A

Job No. 2303000



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July 20, 2023

TO: Guichorme Credidio Braga
327 Nicole Drive
Rockwall, TX 75032

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

SUBJECT: MIS2023-008: Special Exception Request for 327 Nicole Drive

Guichorme:

This letter serves to notify you that the above referenced case that you submitted for consideration by the City of Rockwall was denied by City Council on July 17, 2023. The following is a record of all voting records:

Planning and Zoning Commission

On July 11, 2023, the Planning and Zoning Commission approved a motion to recommend approval of the Special Exception by a vote of 4-2, with Commissioners Welch and Llewellyn dissenting and Commissioner Conway absent.

City Council

On July 17, 2023, the City Council approved a motion to deny the Special Exception by a vote of 7-0.

Please note that the reason this miscellaneous case was denied is due to the following issues:

1. Sewer is currently not available and cannot be approved by the State of Texas or Rockwall County. According to Section 03, *On Site Sewage Facilities (OSSF)*, of Article 05, *County Authority and Responsibilities*, of the *Interim Interlocal Agreement By and Between the City of Rockwall and Rockwall County*, "(t)he County retains exclusive jurisdiction to administer and enforce the County's on-site sewage facility (OSSF) regulations on property in the City's Extraterritorial Jurisdiction (ETJ); provided that the County reject as incomplete any application for an on-site sewage facility (OSSF) that is not accompanied by an approved subdivision plat or a statement from the City that a subdivision plat is not required for the development of a property." Rockwall County requires at least 1.5 acre lots for On-Site Sewage Facilities (OSSF). Based on this, the applicant would not be approved for an OSSF on either of the proposed new lots.
2. The intent of annexing Lake Rockwall Estates was to increase the conformity with the City's zoning code and this request does not meet that intent. According to Table 2: Lot Dimensional Requirements, *PD Development Standards*, of Planned Development District 75 (PD-75) [*Ordinance No. 16-01*], the minimum lot frontage is 50-feet. In this case, the applicant was requesting a special exception for a lot width of 45-feet.

According to Subsection 01.05, *Reapplication*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC), "(a) request for site plan, plat, miscellaneous case, Certificate of Appropriateness (COA), small matching grant, or building permit fee waiver which has been previously denied with prejudice by the Historic Preservation Advisory Board (HPAB), Planning and Zoning Commission, or City Council may be resubmitted within one (1) year if there is: [1] an actual change in condition relating to the lot or tract of land -- or any portion thereof -- or any surrounding properties, or [2] the new request is more restrictive or less intense than the previous request." Please note that a failure to indicate a denial is with or without prejudice in making a motion to deny a request shall be considered a denial with prejudice. Should you have any questions or concerns regarding the denial of your Special Exception, please feel free to contact me a (972) 772-6488 or bross@rockwall.com.

Sincerely,

Bethany Ross, Planner
City of Rockwall Planning and Zoning Department