



**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.

22023-022

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

DIRECTOR OF PLANNING:

CITY ENGINEER:

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

### PLATTING APPLICATION FEES:

- MASTER PLAT (\$100.00 + \$15.00 ACRE) <sup>1</sup>
- PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) <sup>1</sup>
- FINAL PLAT (\$300.00 + \$20.00 ACRE) <sup>1</sup>
- REPLAT (\$300.00 + \$20.00 ACRE) <sup>1</sup>
- AMENDING OR MINOR PLAT (\$150.00)
- PLAT REINSTATEMENT REQUEST (\$100.00)

### PLAN APPLICATION FEES:

- SITE PLAN (\$250.00 + \$20.00 ACRE) <sup>1</sup>
- AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN (\$100.00)

### ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE) <sup>1</sup>
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) <sup>1 & 2</sup>
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) <sup>1</sup>

### OTHER APPLICATION FEES:

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

#### NOTES:

<sup>1</sup> IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.  
<sup>2</sup> 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 Parcel situated in David Harr Survey Abs 102

SUBDIVISION 25.41 Cain Revocable Trust Property LOT            BLOCK           

GENERAL LOCATION located east of W.D. Boom Add. adjacent to and south of 5166 centered between J. King Blvd, 3544

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

CURRENT ZONING	<u>PD</u>	CURRENT USE	<u>AG</u>
PROPOSED ZONING	<u>PD</u>	PROPOSED USE	<u>AG w/ lease for cell tower</u>
ACREAGE	<u>25.41</u>	LOTS [CURRENT]	<u>          </u>
		LOTS [PROPOSED]	<u>          </u>

**SITE PLANS AND PLATS:** BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.

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

<input checked="" type="checkbox"/> OWNER	<u>Dwayne Cain</u>	<input checked="" type="checkbox"/> APPLICANT	<u>Douphrate &amp; Assoc., Inc</u>
CONTACT PERSON	<u>          </u>	CONTACT PERSON	<u>Dub Douphrate</u>
ADDRESS	<u>305 Stonebridge Dr.</u>	ADDRESS	<u>2235 Ridge Rd</u>
CITY, STATE & ZIP	<u>Rockwall, TX 75087</u>	CITY, STATE & ZIP	<u>Rockwall, TX 75087</u>
PHONE	<u>214 533 8644</u>	PHONE	<u>972 742 2210</u>
E-MAIL	<u>dwaynecain25@outlook.com</u>	E-MAIL	<u>wldouphrate@douphrate.com</u>

## NOTARY VERIFICATION [REQUIRED]

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

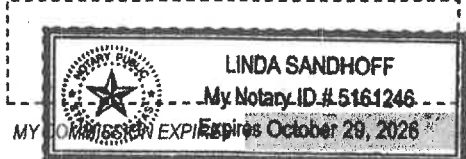
"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$            TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE            DAY OF            20           . 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 THE 16 DAY OF Feb. 20 23

OWNER'S SIGNATURE

Dwayne Cain  
Linda Sandhoff

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



April 12, 2023

Ryan Miller  
Director of Planning  
City of Rockwall, Texas

Re: Request for SUP to construct Cell Tower

Dear Ryan,

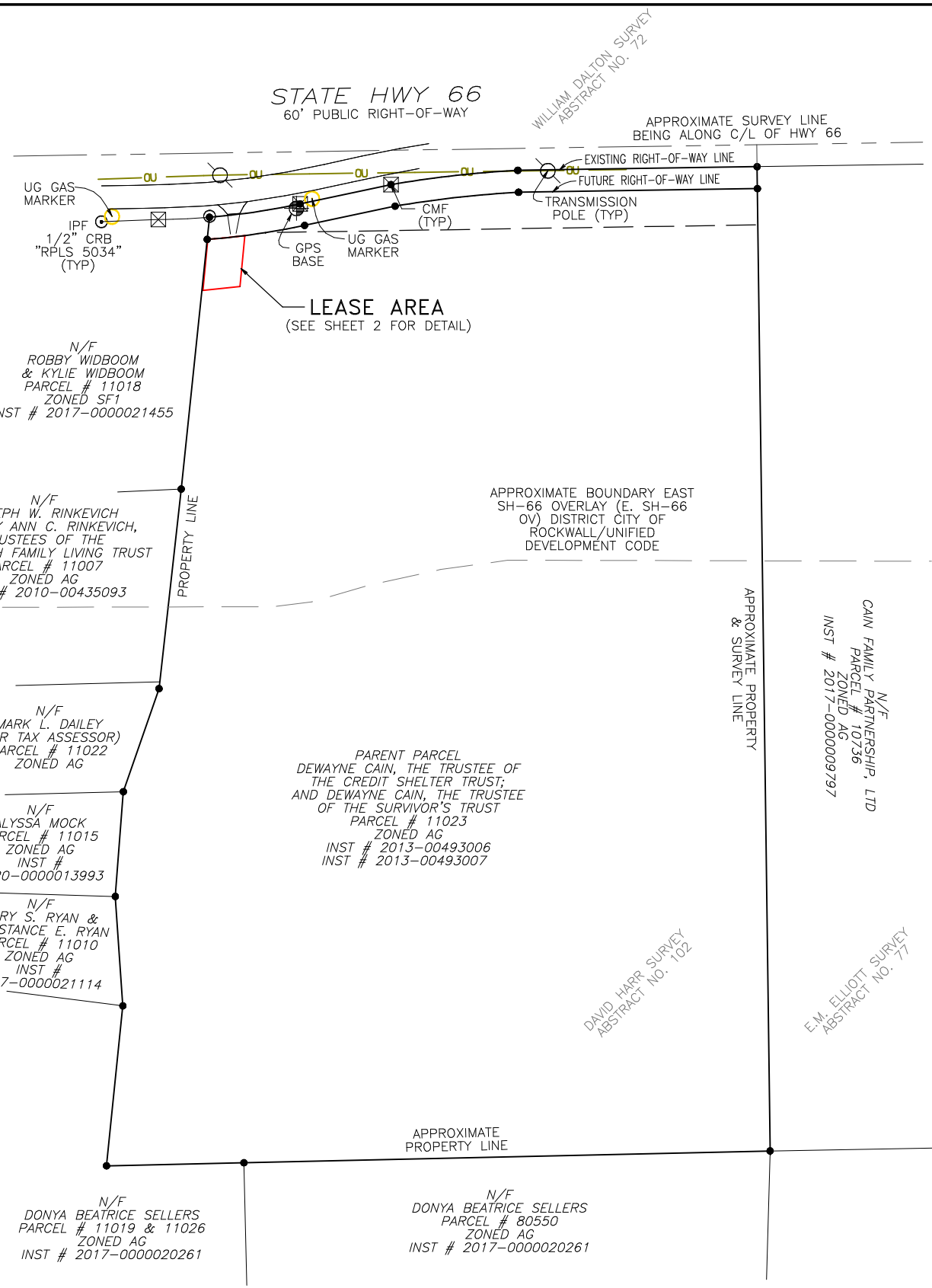
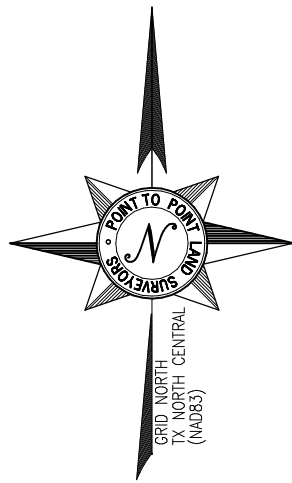
On behalf of Mr. Dewayne Cain, please allow this letter to serve as a formal request to obtain a Special Use Permit to construct a cell tower on the 25.41 Acre tract owned by Dewayne Cain listed under the 25.41 Cain Revocable Trust property located on SH 66 centered between John King Blvd and FM 3549 .

Should you have any questions regarding this request please let me know.

Sincerely,

*W.L. Douphrate II*

W.L. Douphrate II, P.E.



**PARENT PARCEL**

OWNER: DEWAYNE CAIN, THE TRUSTEE OF THE CREDIT SHELTER TRUST; AND DEWAYNE CAIN, THE TRUSTEE OF THE SURVIVOR'S TRUST  
 SITE ADDRESS: 770 STATE HWY 66, ROCKWALL, TX 75087  
 PARCEL ID: 11023  
 AREA: 25.8700 ACRES (PER TAX ASSESSOR)  
 ZONED: AG (PER CITY OF ROCKWALL GIS)  
 ALL ZONING INFORMATION SHOULD BE VERIFIED WITH THE PROPER ZONING OFFICIALS  
 REFERENCE:  
 INSTRUMENT NO. 2013-00493006  
 INSTRUMENT NO. 2013-00493007

**GPS NOTES**

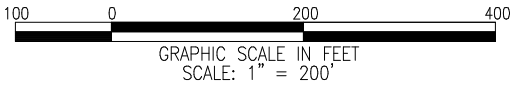
THE FOLLOWING GPS STATISTICS UPON WHICH THIS SURVEY IS BASED HAVE BEEN PRODUCED AT THE 95% CONFIDENCE LEVEL:  
 POSITIONAL ACCURACY: 0.01 FEET (HORZ) 0.25 FEET (VERT)  
 TYPE OF EQUIPMENT: GEOMAX ZENITH35 PRO BASE AND ROVER, DUAL FREQUENCY  
 TYPE OF GPS FIELD PROCEDURE: ONLINE POSITION USER INTERFACE  
 DATES OF SURVEY: 05/10/2022  
 DATUM / EPOCH: NAD\_83(2011)(EPOCH:2010.0000)  
 PUBLISHED / FIXED CONTROL USE: N/A  
 GEOID MODEL: 18  
 COMBINED GRID FACTOR(S): 0.99985127 CENTERED ON THE GPS BASE POINT AS SHOWN HEREON.  
 CONVERGENCE ANGLE: 1.12934722"  
 BENCHMARKS USED: DF8988, DF4385, DL9084

**SURVEYOR'S CERTIFICATION**

I HEREBY CERTIFY THAT THIS MAP IS CORRECT AND THAT ANY VISIBLE ENCROACHMENTS ARE SHOWN HEREON.

*Justin Kyle Lawrence*  
 JUSTIN KYLE LAWRENCE  
 TEXAS PROFESSIONAL LAND SURVEYOR LICENSE NO. 6589  
 DATE: 05/13/2022

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS. THIS MAP IS ONLY INTENDED FOR THE PARTIES AND PURPOSES SHOWN. THIS MAP IS NOT FOR RECORDATION.



**VICINITY MAP**  
 NOT TO SCALE  
**GENERAL NOTES**

\* THIS SPECIFIC PURPOSE SURVEY IS FOR THE LEASED PREMISES AND EASEMENTS ONLY. THIS SPECIFIC PURPOSE SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF JACOBS TELECOMMUNICATIONS AND EXCLUSIVELY FOR THE TRANSFERRAL OF THE LEASED PREMISES AND THE RIGHTS OF EASEMENT SHOWN HEREON AND SHALL NOT BE USED AS AN EXHIBIT OR EVIDENCE IN THE FEE SIMPLE TRANSFERRAL OF THE PARENT PARCEL NOR ANY PORTION OR PORTIONS THEREOF. BOUNDARY INFORMATION SHOWN HEREON HAS BEEN COMPILED FROM TAX MAPS AND DEED DESCRIPTIONS ONLY. NO BOUNDARY SURVEY OF THE PARENT PARCEL WAS PERFORMED.

THIS DRAWING DOES NOT REPRESENT A BOUNDARY SURVEY.  
 BASIS OF BEARING: GPS OBSERVATIONS CONDUCTED AT THE TIME OF SURVEY.  
 BASIS OF ELEVATION: GPS OBSERVATIONS CONDUCTED AT THE TIME OF SURVEY.  
 EQUIPMENT USED FOR ANGULAR & LINEAR MEASUREMENTS: LEICA TPS 1200 ROBOTIC & GEOMAX ZENITH 35 [DATE OF LAST FIELD VISIT: 05/10/2022]

THE 1' CONTOURS AND SPOT ELEVATIONS SHOWN ON THIS SPECIFIC PURPOSE SURVEY ARE ADJUSTED TO NAVD 88 DATUM (COMPUTED USING GEOID18) AND HAVE A VERTICAL ACCURACY OF ± 0.5'. CONTOURS OUTSIDE THE IMMEDIATE SITE AREA ARE APPROXIMATE.

BEARINGS SHOWN ON THIS SPECIFIC PURPOSE SURVEY ARE BASED ON TEXAS GRID NORTH (NAD 83) NORTH CENTRAL ZONE.

PER THE FEMA FLOODPLAIN MAPS, THE SITE IS LOCATED IN AN AREA DESIGNATED AS ZONE X (AREA OF MINIMAL FLOOD HAZARD). COMMUNITY PANEL NO. : 48397C0045L DATED: 09/26/2008

NO WETLAND AREAS HAVE BEEN INVESTIGATED BY THIS SPECIFIC PURPOSE SURVEY.  
 ALL ZONING INFORMATION SHOULD BE VERIFIED WITH THE PROPER ZONING OFFICIALS.

ANY UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM ABOVE GROUND FIELD SURVEY INFORMATION. THE SURVEYOR MAKES NO GUARANTEES THAT ANY UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT ANY UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED ANY UNDERGROUND UTILITIES.

TEXAS REGISTRATION NO. 10194197

I DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND AND UNDER MY SUPERVISION. THE HORIZONTAL DATUM (COORDINATES) ARE IN THE TERMS OF THE NORTH AMERICAN DATUM OF 1983 (NAD83) AND ARE EXPRESSED AS DEGREES, MINUTES AND SECONDS, TO THE NEAREST HUNDREDTH OF A SECOND. THE VERTICAL DATUM (HEIGHTS) ARE IN TERMS OF NORTH AMERICAN VERTICAL DATUM OF 1988 AND ARE DETERMINED TO THE NEAREST TENTH OF A FOOT.



*Justin Kyle Lawrence*

NO.	DATE	REVISION
1	3/23/23	LEASE AREA

\* SPECIFIC PURPOSE SURVEY PREPARED BY:  
**POINT TO POINT LAND SURVEYORS**  
 100 Governors Trace, Ste. 103  
 Peachtree City, GA 30269  
 (p) 678.565.4440 (f) 678.565.4497  
 (w) pointtopointsurvey.com  
 Texas Registration No. 10194197



SPECIFIC PURPOSE SURVEY PREPARED FOR:



5449 BELLS FERRY ROAD,  
 ACWORTH, GA 30102

DDL00380

DAVID HARR SURVEY,  
 ABSTRACT 102,  
 ROCKWALL COUNTY, TEXAS

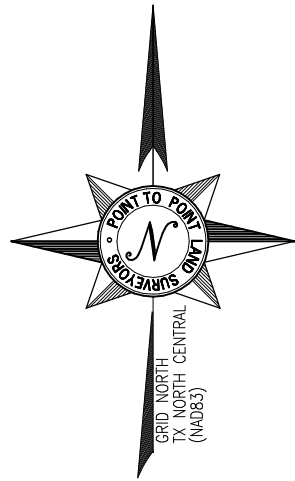
DRAWN BY: AJT  
 CHECKED BY: JKL  
 APPROVED: D. MILLER  
 DATE: MAY 13, 2022  
 P2P JOB #: 220743TX

SHEET:  
**1**  
 OF 3



[SURVEY NOT VALID WITHOUT SHEETS 2 & 3 OF 3]

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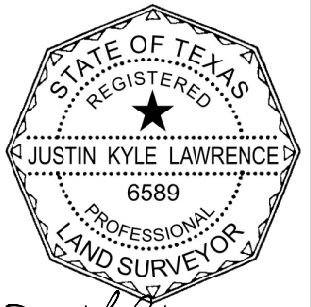


### SITE INFORMATION

LEASE AREA = 3,489 SQUARE FEET (0.0801 ACRES)

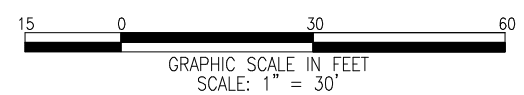
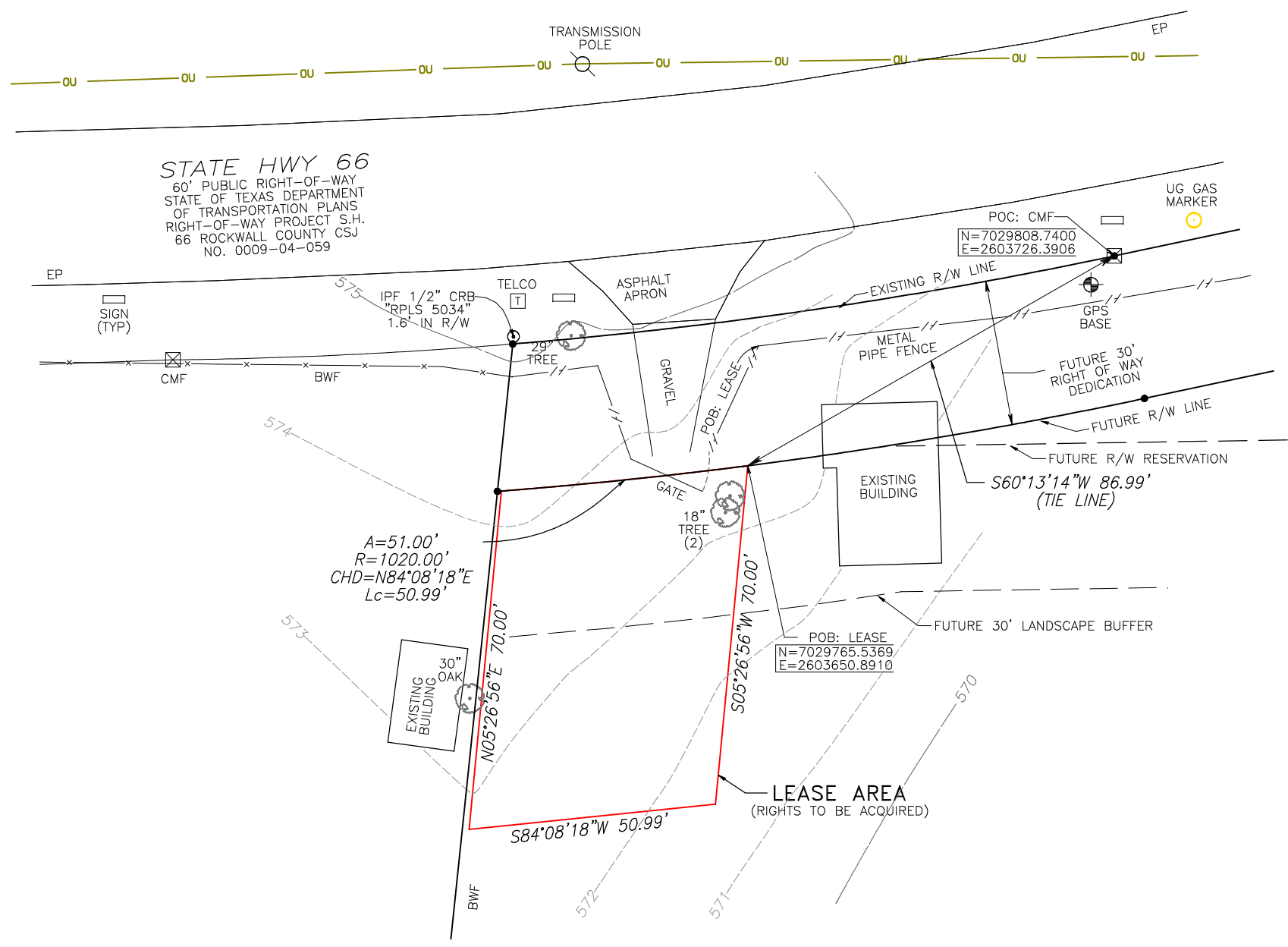
LATITUDE = 32°56'09.66" (NAD 83) (32.936017°)  
 LONGITUDE = -96°25'46.66" (NAD 83) (-96.429628°)  
 AT CENTER LEASE AREA

ELEVATION AT CENTER OF LEASE AREA = 573.0' A.M.S.L.



*Justin Kyle Lawrence*

NO.	DATE	REVISION
1	3/23/23	LEASE AREA



**LEGEND**

POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
IPF	IRON PIN FOUND
CRB	CAPPED REBAR
CMF	CONCRETE MONUMENT FOUND
TYP	TYPICAL
OU	OVERHEAD UTILITY
UG	UNDERGROUND
N/F	NOW OR FORMERLY
R/W	RIGHT-OF-WAY
EP	EDGE OF PAVEMENT
BWF	BARBED WIRE FENCE

\* SPECIFIC PURPOSE SURVEY PREPARED BY:  
**POINT TO POINT LAND SURVEYORS**  
 100 Governors Trace, Ste. 103  
 Peachtree City, GA 30269  
 (p) 678.565.4440 (f) 678.565.4497  
 (w) pointtopointsurvey.com  
 Texas Registration NO. 10194197



SPECIFIC PURPOSE SURVEY PREPARED FOR:  
**JACOBS**  
 5449 BELLS FERRY ROAD,  
 ACWORTH, GA 30102

DDL00380  
 DAVID HARR SURVEY,  
 ABSTRACT 102,  
 ROCKWALL COUNTY, TEXAS

DRAWN BY: AJT  
 CHECKED BY: JKL  
 APPROVED: D. MILLER  
 DATE: MAY 13, 2022  
 P2P JOB #: 220743TX

SHEET:  
**2**  
 OF 3

SURVEY NOT VALID WITHOUT SHEETS 1 & 3 OF 3

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# LEGAL DESCRIPTION SHEET

## PARENT PARCEL

(PER FILE NO. UST70613)

TRACT 1: BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE COUNTY OF ROCKWALL, STATE OF TEXAS, AND BEING IN THE DAVID HARR SURVEY, ABSTRACT NO. 102, AND BEING PART OF 43.0625 ACRE TRACT, DESCRIBED IN VOLUME 48, PAGE 440, DEED RECORDS, ROCKWALL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING IN THE NORTHEAST CORNER OF ABOVE MENTIONED TRACT ON SOUTH ROW OF HIGHWAY 66;

THENCE NORTH 86 DEGREES 51' 02" WEST, 359.56 FEET WITH ROW LINE TO POINT OF CURVE TO LEFT;

THENCE WITH CURVE LEFT 191.37 FEET TO POINT TANGENT;

THENCE SOUTH 80 DEGREES 32' 63" WEST, 84.75 FEET WITH SOUTH ROW LINE TO POINT OF CURVE TO RIGHT;

THENCE WITH CURVE RIGHT 128.58 FEET TO IRON POST FOR CORNER;

THENCE SOUTH 08 DEGREES 30' 45" WEST 493.08 FEET TO IRON STAKE FOR CORNER;

THENCE SOUTH 08 DEGREES 30' 00" WEST 150 FEET TO IRON STAKE FOR CORNER; THENCE SOUTH 08 DEGREES 30' 00" WEST 6.89 FEET TO IRON STAKE FOR CORNER; THENCE SOUTH 22 DEGREES 25' 36" WEST, 158.92 FEET TO IRON STAKE FOR CORNER;

THENCE SOUTH 04 DEGREES 42' 01" WEST 135 FEET TO IRON STAKE FOR CORNER; THENCE SOUTH 01 DEGREES 31' 12" EAST 150 FEET TO IRON STAKE FOR CORNER; THENCE SOUTH 08 DEGREES 26' 36" EAST 223.86 FEET TO IRON STAKE FOR CORNER; THENCE SOUTH 82 DEGREES 26' 36" EAST 931.52 FEET TO IRON STAKE FOR CORNER; THENCE NORTH 00 DEGREES 45' 25" EAST 1337.11 FEET TO IRON STAKE FOR CORNER AND POINT OF BEGINNING AND CONTAINING 25.867 ACRES OF LAND MORE OR LESS.

## TITLE EXCEPTIONS

THIS SURVEY WAS COMPLETED WITH THE AID OF TITLE WORK PREPARED BY U.S. TITLE SOLUTIONS, REPORT DATE OF MARCH 4, 2022, SEARCH START DATE OF JANUARY 1, 1973, END DATE OF JANUARY 17, 2022, BEING FILE NO. UST70613, FOR THE PARENT PARCEL, TO DETERMINE THE IMPACTS OF EXISTING TITLE EXCEPTIONS.

### 1. MORTGAGES, DEEDS OF TRUST AND UCCS

1. DEED OF TRUST MADE BY, CAIN REVOCABLE FAMILY TRUST, TO, ROBERT HAWK, TRUSTEE, DON R. STODGHILL, IN THE SUM OF \$210,000.00, DATED OCTOBER 23, 2008, RECORDED OCTOBER 27, 2008, IN INSTRUMENT NO: 2008-00407167.

[THIS ITEM IS APPLICABLE TO THE PARENT PARCEL.]

### 3. COVENANTS AND RESTRICTIONS

3.1 RESTRICTIONS AS SET FORTH IN DEED 108/499 , DEED 110/148 HOWEVER PLEASE SEE MODIFICATION 121/862 DELETING SUCH RESTRICTIONS.

[THIS ITEM IS APPLICABLE TO THE PARENT PARCEL.]

### 4. EASEMENTS AND RIGHTS OF WAY

4.1 RIGHT OF WAY AGREEMENT BY J. DIANE FOLZENLOGEN AND BENNIE R. CLARK TO LONE STAR GAS, DATED OCTOBER 19, 1973, RECORDED JANUARY 15, 1974, IN BOOK 112, PAGE 88. NOTES: RIGHT OF WAY AND EASEMENT PURPOSES

[THIS ITEM MAY BE APPLICABLE TO THE PARENT PARCEL; HOWEVER, THE DISCRPTION IS VAGUE, AND THEREFORE, WE ARE UNABLE TO ASCERTAIN THE EXACT LOCATION THEREOF.]

4.2 EASEMENT BY J. DIANE FOLZENLOGEN AND BENNIE R. CLARK TO OWEN S. DAVIS AND H. RACHEL DAVIS, DATED MAY 11, 1973, RECORDED MAY 16, 1973, IN BOOK 108, PAGE 502. NOTES: WATER PIPE LINE PURPOSES

[THIS ITEM IS APPLICABLE TO THE PARENT PARCEL; HOWEVER, IT IS NOT PLOTTED HEREON BECAUSE THE DISCRPTION IS VAGUE, AND THEREFORE, WE ARE UNABLE TO ASCERTAIN THE EXACT LOCATION THEREOF.]

## LEASE AREA

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN DAVID HARR SURVEY, ABSTRACT NO. 102, ROCKWALL COUNTY, TEXAS, AND BEING A PORTION OF THE LANDS OF DEWAYNE CAIN, THE TRUSTEE OF THE CREDIT SHELTER TRUST; AND DEWAYNE CAIN, THE TRUSTEE OF THE SURVIVOR'S TRUST, AS RECORDED IN INSTRUMENT NOS. 2013-00493006 AND 2013-00493007, ROCKWALL COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE POINT OF BEGINNING, COMMENCE AT A CONCRETE MONUMENT FOUND ON THE SOUTHERN RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 66 (HAVING A 60-FOOT PUBLIC RIGHT-OF-WAY), SAID MONUMENT HAVING A TEXAS GRID NORTH, NAD 83, NORTH CENTRAL ZONE VALUE OF N: 7029808.7400 E: 2603726.3906; THENCE RUNNING FOR A TIE LINE, SOUTH 60°13'14" WEST 86.99 FEET TO A POINT LOCATED ON THE SOUTH SIDE OF A FUTURE 30 FOOT WIDE RIGHT-OF-WAY DEDICATION LINE, SAID POINT HAVING A TEXAS GRID NORTH, NAD 83, NORTH CENTRAL ZONE VALUE OF N: 7029765.5369 E: 2603650.8910, AND THE TRUE POINT OF BEGINNING;

THENCE CONTINUING, SOUTH 05°26'56" WEST, 70.00 FEET TO A POINT;

THENCE, SOUTH 84°08'18" WEST, 50.99 FEET TO A POINT;

THENCE, NORTH 05°26'56" EAST, 70.00 FEET TO A POINT LOCATED ON THE AFORESAID SOUTH SIDE OF A FUTURE 30 FOOT WIDE RIGHT-OF-WAY DEDICATION LINE;

THENCE RUNNING WITH SAID DEDICATION LINE, 51.00 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1020.00 FEET AND BEING SCRIBED BY A CHORD BEARING NORTH 84°08'18" EAST, 50.99 FEET TO A POINT AND THE TRUE POINT OF BEGINNING.

BEARINGS BASED ON TEXAS GRID NORTH, NAD 83, NORTH CENTRAL ZONE.

SAID TRACT CONTAINS 0.0801 ACRES (3,489 SQUARE FEET), MORE OR LESS.



*Justin Kyle Lawrence*

NO.	DATE	REVISION
1	3/23/23	LEASE AREA

\* SPECIFIC PURPOSE SURVEY PREPARED BY:

**POINT TO POINT LAND SURVEYORS**

100 Governors Trace, Ste. 103  
Peachtree City, GA 30269  
(p) 678.565.4440 (f) 678.565.4497  
(w) pointtopointsurvey.com  
Texas Registration NO. 10194197



SPECIFIC PURPOSE SURVEY  
PREPARED FOR:

**JACOBS**

5449 BELLS FERRY ROAD,  
ACWORTH, GA 30102

DDL00380

DAVID HARR SURVEY,  
ABSTRACT 102,  
ROCKWALL COUNTY, TEXAS

DRAWN BY: AJT	SHEET:
CHECKED BY: JKL	<b>3</b>
APPROVED: D. MILLER	
DATE: MAY 13, 2022	
P2P JOB #: 220743TX	OF 3

[SURVEY NOT VALID WITHOUT SHEETS 1 & 2 OF 3]

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1801 VALLEY VIEW LANE  
FARMER'S BRANCH, TX 75234



4 COUNTRY PLACE CIRCLE  
DALWORTHINGTON GARDENS  
TEXAS 76016

AT&T SITE NUMBER:  
**DDL00380**

AT&T SITE NAME:  
**DDL00380**

FA CODE:  
**15682026**

PACE ID:  
**MRNTX075135**

770 DAVIS DRIVE  
ROCKWALL, TX 75087

NEW MONOPOLE TOWER

ISSUED FOR:

REV	DATE	DRWN	DESCRIPTION	DES./QA
LEA	04/12/2023	WHS	LEASE EXHIBIT	JK

**THIS DOCUMENT IS  
PRELIMINARY IN  
NATURE AND IS NOT  
A FINAL, SIGNED AND  
SEALED DOCUMENT**

BROADUS SERVICES  
FIRM REGISTRATION #F-23339  
4 COUNTRY PLACE CIRCLE  
DALWORTHINGTON GARDENS, TX 76016

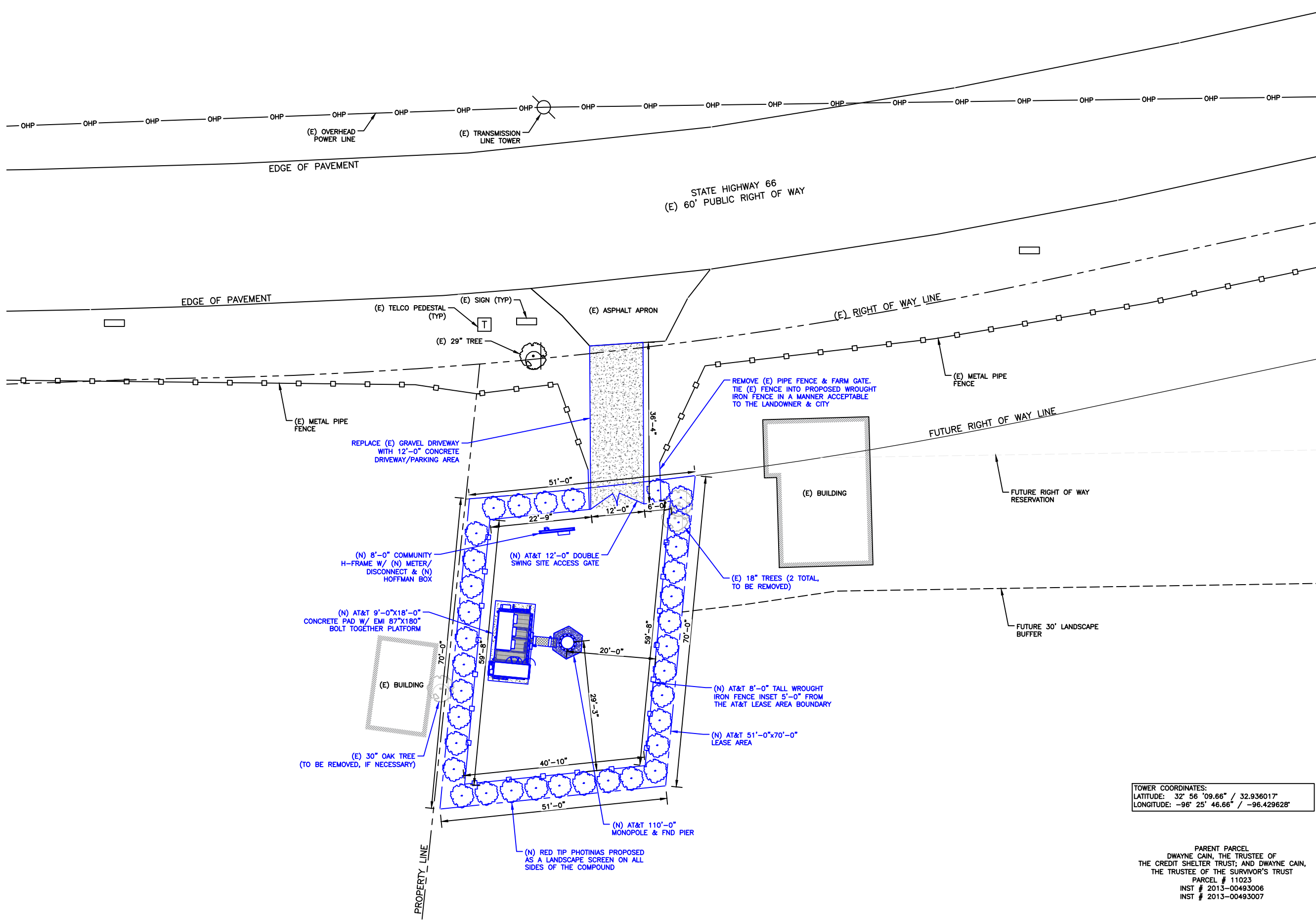
IT IS A VIOLATION OF LAW FOR ANY PERSON,  
UNLESS THEY ARE ACTING UNDER THE DIRECTION  
OF A LICENSED PROFESSIONAL ENGINEER,  
TO ALTER THIS DOCUMENT.

SHEET NUMBER:

**LE-1**

REVISION:

**LEA**



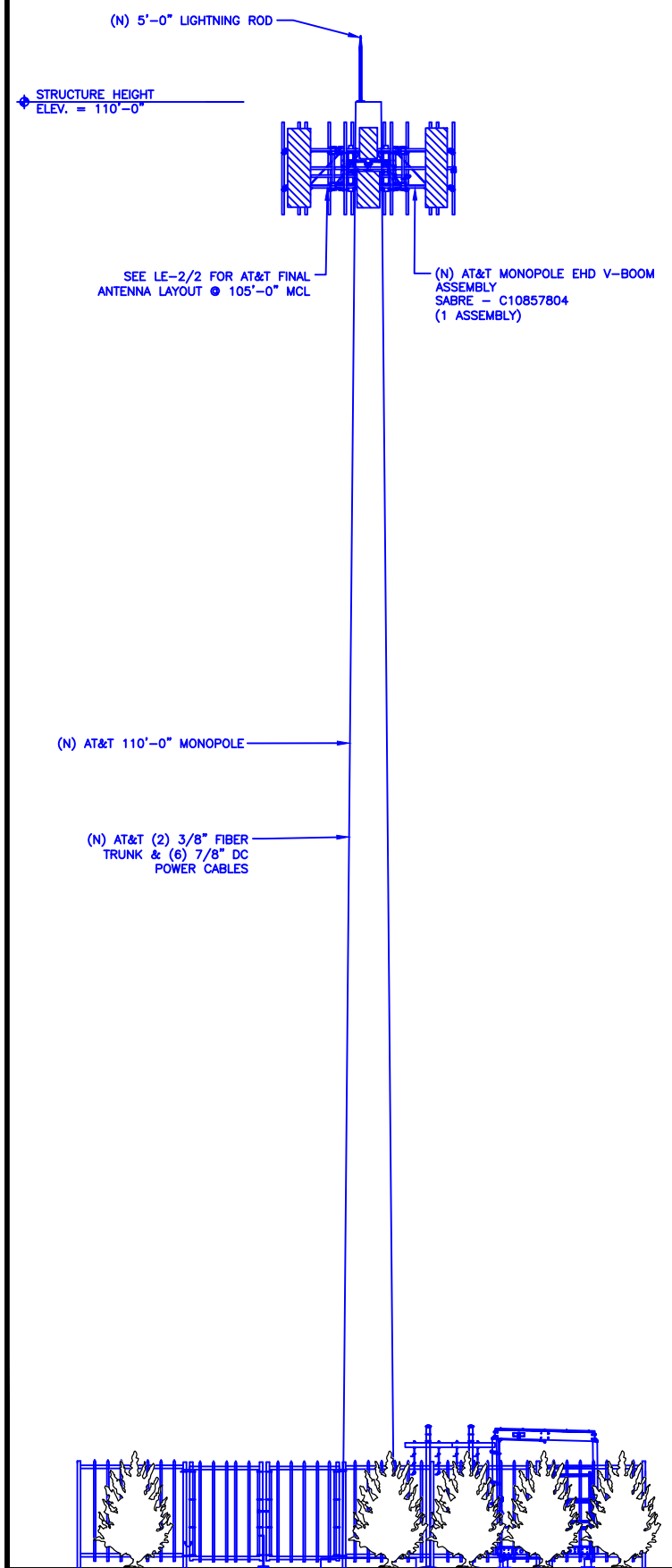
TOWER COORDINATES:  
LATITUDE: 32° 56' 09.66" / 32.936017  
LONGITUDE: -96° 25' 46.66" / -96.429628

PARENT PARCEL  
DWAYNE CAIN, THE TRUSTEE OF  
THE CREDIT SHELTER TRUST; AND DWAYNE CAIN,  
THE TRUSTEE OF THE SURVIVOR'S TRUST  
PARCEL # 11023  
INST # 2013-00493006  
INST # 2013-00493007

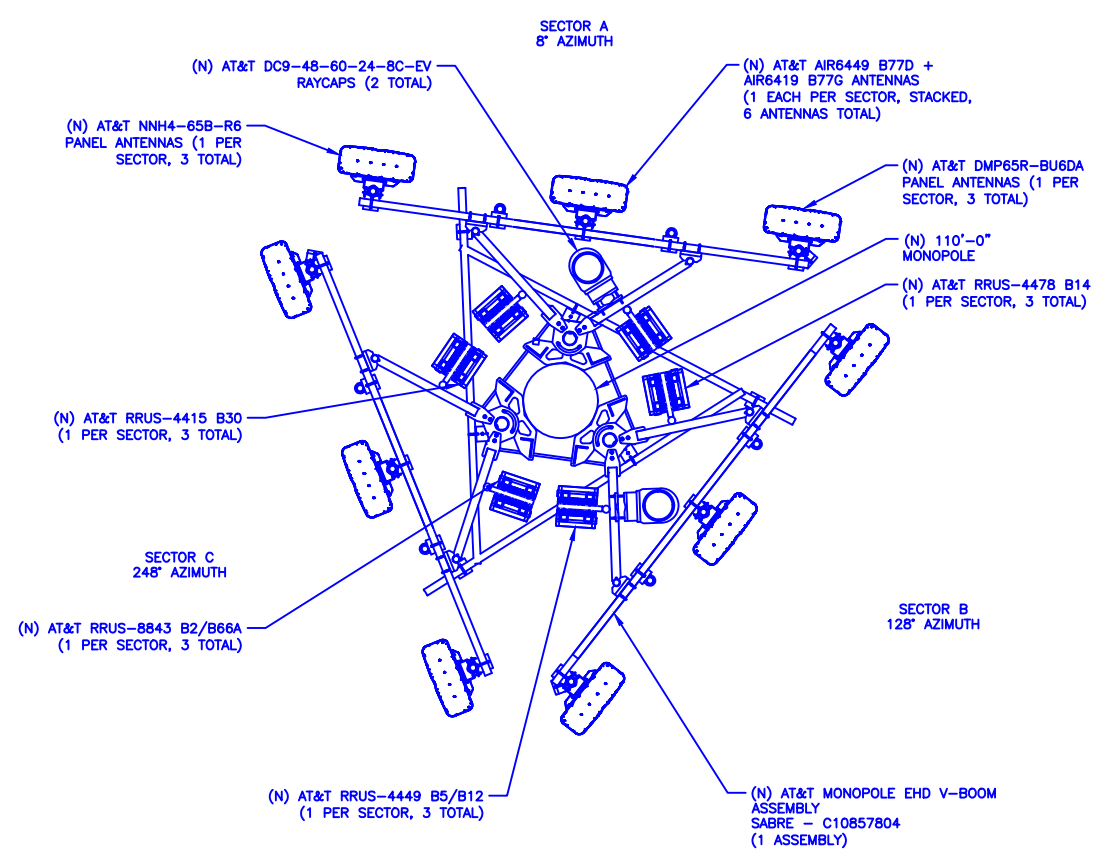
1 OVERALL SITE PLAN  
SCALE: 3/32"=1'-0" (FULL SIZE)  
3/84"=1'-0" (11x17)



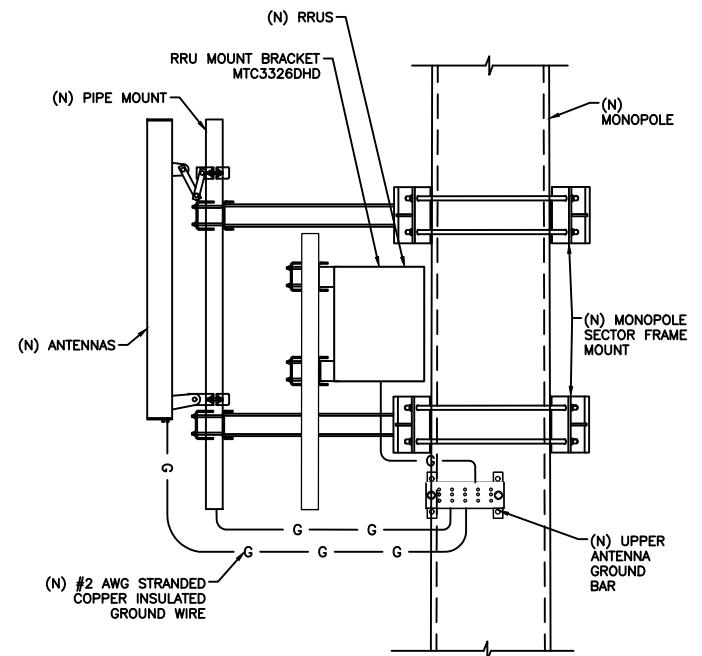
**AT&T EQUIPMENT**  
 ANTENNA CL: 105'-0"  
 MOUNT CL: 105'-0"



1 FINAL NORTH (FROM HWY 66) TOWER ELEVATION  
 SCALE: NOT TO SCALE



2 FINAL ANTENNA LAYOUT  
 SCALE: NOT TO SCALE



3 ANTENNA/RRU MOUNT DIAGRAM  
 SCALE: NOT TO SCALE



1801 VALLEY VIEW LANE  
 FARMER'S BRANCH, TX 75234



4 COUNTRY PLACE CIRCLE  
 DALWORTHINGTON GARDENS  
 TEXAS 76016

AT&T SITE NUMBER:  
**DDL00380**

AT&T SITE NAME:  
**DDL00380**

FA CODE:  
**15682026**

PACE ID:  
**MRNTX075135**

770 DAVIS DRIVE  
 ROCKWALL, TX 75087

NEW MONOPOLE TOWER

**ISSUED FOR:**

REV	DATE	DRWN	DESCRIPTION	DES./QA
LEA	04/12/2023	WHS	LEASE EXHIBIT	JK

**THIS DOCUMENT IS  
 PRELIMINARY IN  
 NATURE AND IS NOT  
 A FINAL, SIGNED AND  
 SEALED DOCUMENT**

BROADUS SERVICES  
 FIRM REGISTRATION #F-23339  
 4 COUNTRY PLACE CIRCLE  
 DALWORTHINGTON GARDENS, TX 76016  
 IT IS A VIOLATION OF LAW FOR ANY PERSON,  
 UNLESS THEY ARE ACTING UNDER THE DIRECTION  
 OF A LICENSED PROFESSIONAL ENGINEER,  
 TO ALTER THIS DOCUMENT.

SHEET NUMBER:

**LE-2**

REVISION:

**LEA**





# DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO.

22023-022

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

DIRECTOR OF PLANNING:

CITY ENGINEER:

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

### PLATTING APPLICATION FEES:

- MASTER PLAT (\$100.00 + \$15.00 ACRE) <sup>1</sup>
- PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) <sup>1</sup>
- FINAL PLAT (\$300.00 + \$20.00 ACRE) <sup>1</sup>
- REPLAT (\$300.00 + \$20.00 ACRE) <sup>1</sup>
- AMENDING OR MINOR PLAT (\$150.00)
- PLAT REINSTATEMENT REQUEST (\$100.00)

### PLAN APPLICATION FEES:

- SITE PLAN (\$250.00 + \$20.00 ACRE) <sup>1</sup>
- AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN (\$100.00)

### ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE) <sup>1</sup>
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) <sup>1 & 2</sup>
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) <sup>1</sup>

### OTHER APPLICATION FEES:

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

#### NOTES:

<sup>1</sup> IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.  
<sup>2</sup> 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

Parcel situated in David Harr Survey Abs 102

SUBDIVISION

25.41 Cain Revocable Trust Property

LOT

BLOCK

GENERAL LOCATION

located east of W.D. Boom Add. adjacent to and south of 5166 centered between J. King Blvd, 3544

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

CURRENT ZONING

PD

CURRENT USE

AG

PROPOSED ZONING

PD

PROPOSED USE

AG w/ lease for cell tower

ACREAGE

25.41

LOTS [CURRENT]

LOTS [PROPOSED]

**SITE PLANS AND PLATS:** BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.

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

OWNER

Dewayne Cain

APPLICANT

Douphrate & Assoc., Inc

CONTACT PERSON

Dewayne Cain

CONTACT PERSON

Dub Douphrate

ADDRESS

305 Stonebridge Dr.

ADDRESS

2235 Ridge Rd

CITY, STATE & ZIP

Rockwall, TX 75087

CITY, STATE & ZIP

Rockwall, TX 75087

PHONE

214 533 8644

PHONE

972 742 2210

E-MAIL

dewaynecain25@outlook.com

E-MAIL

wldouphrate@douphrate.com

## NOTARY VERIFICATION [REQUIRED]

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

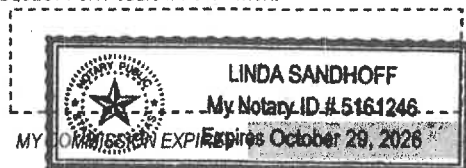
"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ \_\_\_\_\_ TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_. BY 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."

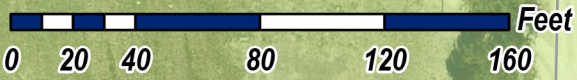
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 16 DAY OF Feb. 2023

OWNER'S SIGNATURE

*Dewayne Cain*  
*Linda Sandhoff*

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS





Z2023-022: Specific Use Permit for a Freestanding Commercial Antenna

AG

66

SF-1

PD-100

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.

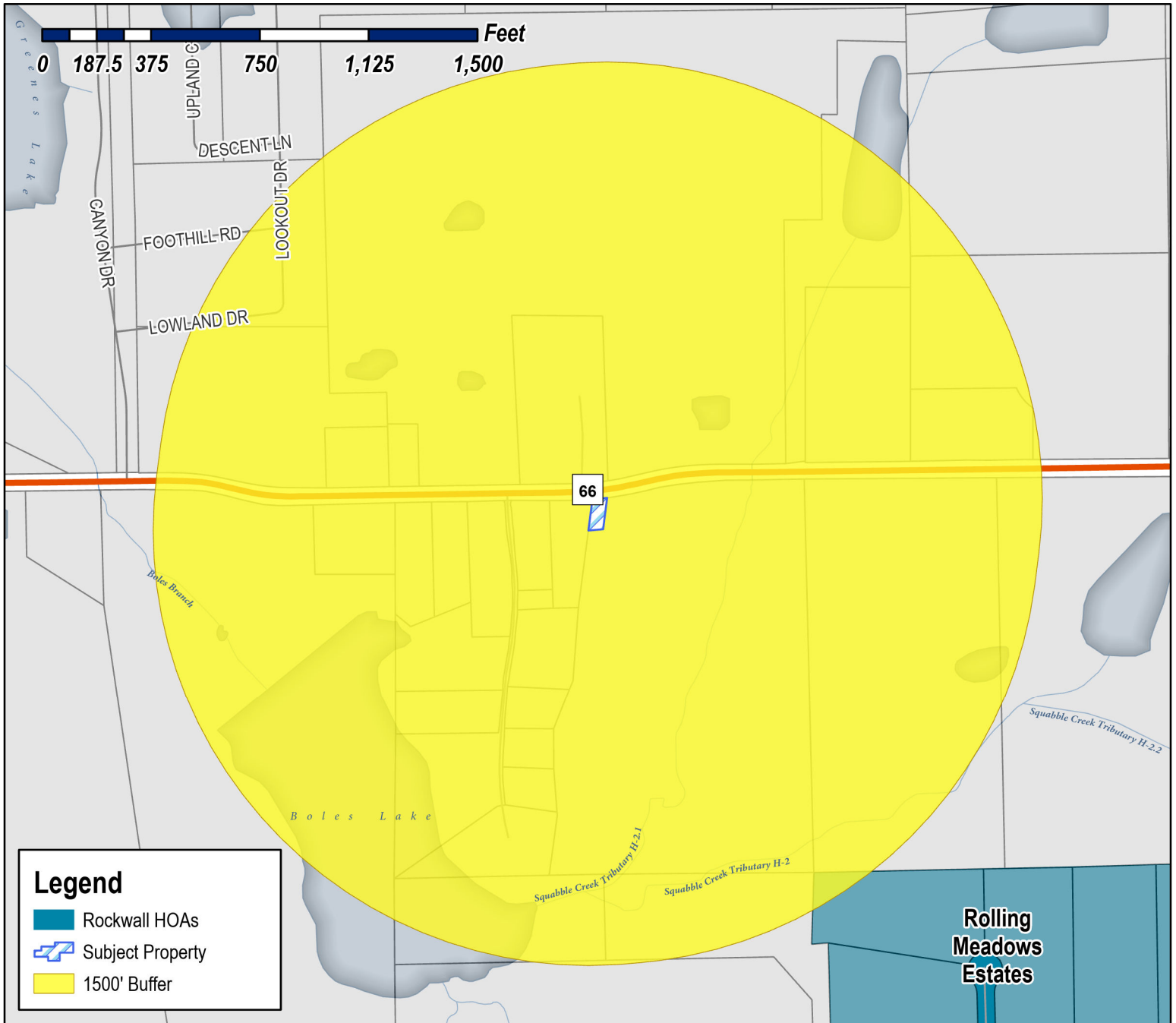




# City of Rockwall

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

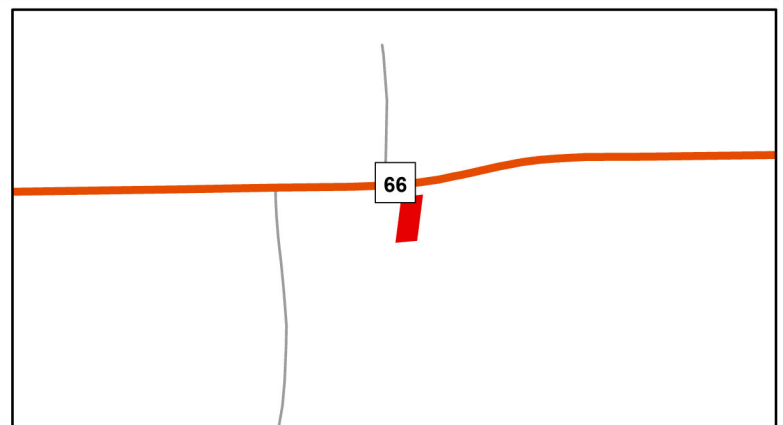
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**Case Number:** Z2023-022  
**Case Name:** SUP for a Freestanding Commercial Antenna  
**Case Type:** Zoning  
**Zoning:** Planned Development District 100 (PD-100)  
**Case Address:** Parcel between John King Blvd. & FM549

**Date Saved:** 4/14/2023

For Questions on this Case Call (972) 771-7745

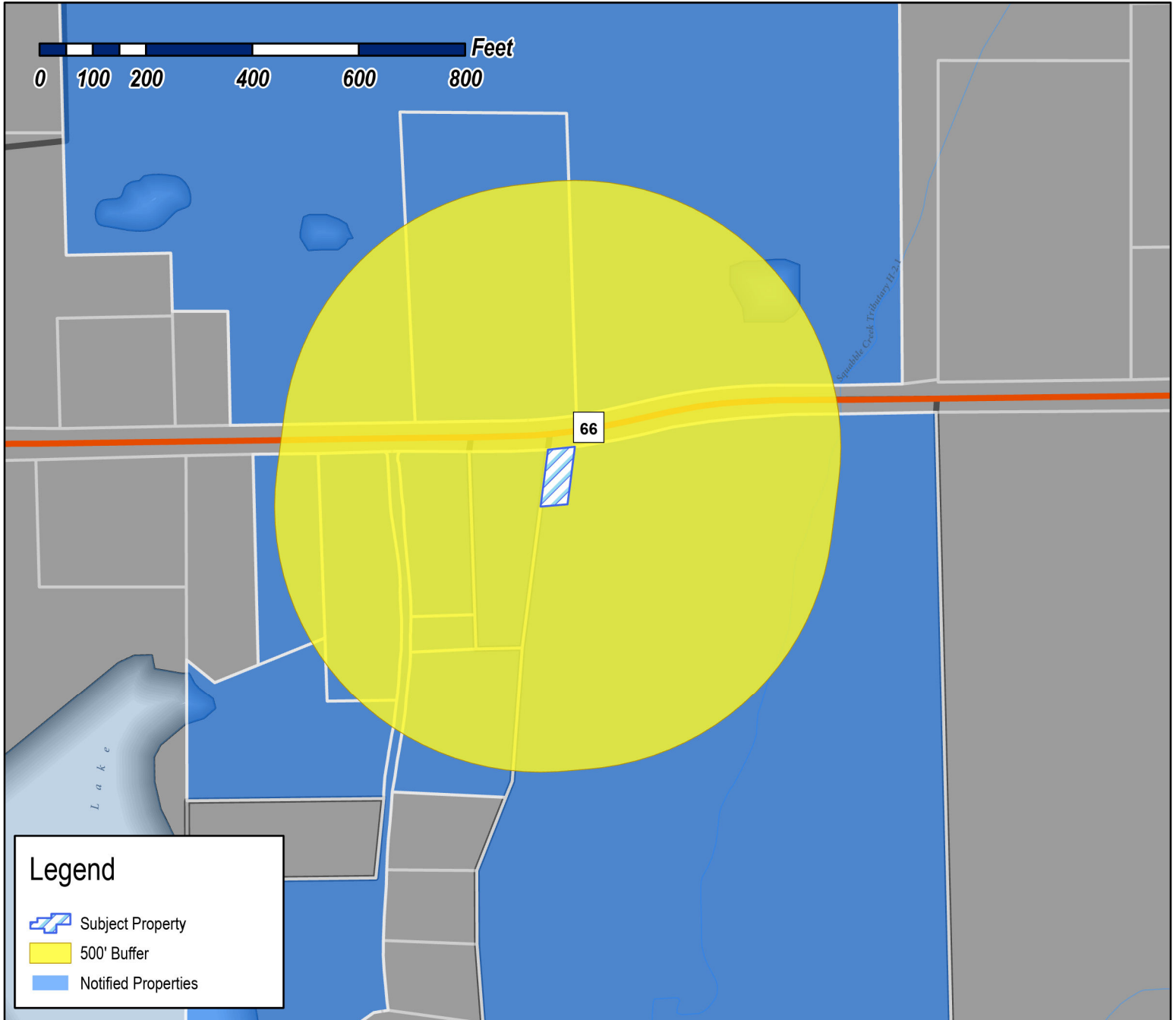




# City of Rockwall

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385 S. Goliad Street  
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**Case Number:** Z2023-022  
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**Zoning:** Planned Development District 100 (PD-100)  
**Case Address:** Parcel between John King Blvd. & FM549

**Date Saved:** 4/14/2023

For Questions on this Case Call: (972) 771-7746



CONFIDENTIAL  
152 HILL LN  
ROCKWALL, TX 75087

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

RATHER JACOB AND  
NOAH MCILRATH  
1790 WILLIAMS ST  
ROCKWALL, TX 75087

RESIDENT  
1800 WILLIAMS ST  
ROCKWALL, TX 75087

RESIDENT  
2294 E STATE HIGHWAY 66  
ROCKWALL, TX 75087

CAIN FAMILY PARTNERSHIP LTD  
305 STONEBRIDGE DR  
ROCKWALL, TX 75087

RYAN BILL K  
330 VZ CR 2207  
CANTON, TX 75103

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

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

RESIDENT  
745 DAVIS DR  
ROCKWALL, TX 75087

COOK SHERRY LYNN  
760 DAVIS DRIVE  
ROCKWALL, TX 75087

WIDBOOM ROBBY AND KYLIE  
770 DAVIS DR  
ROCKWALL, TX 75087

CAIN REVOCABLE FAMILY TRUST AND  
CREDIT SHELTER TRUST AND SURVIVORS TRUST  
DEWAYNE CAIN TRUSTEE 305 STONEBRIDGE DR  
ROCKWALL, TX 75087

RAINES SHERYL  
PO BOX 412  
ROCKWALL, TX 75087

April 12, 2023

Ryan Miller  
Director of Planning  
City of Rockwall, Texas

Re: Request for SUP to construct Cell Tower

Dear Ryan,

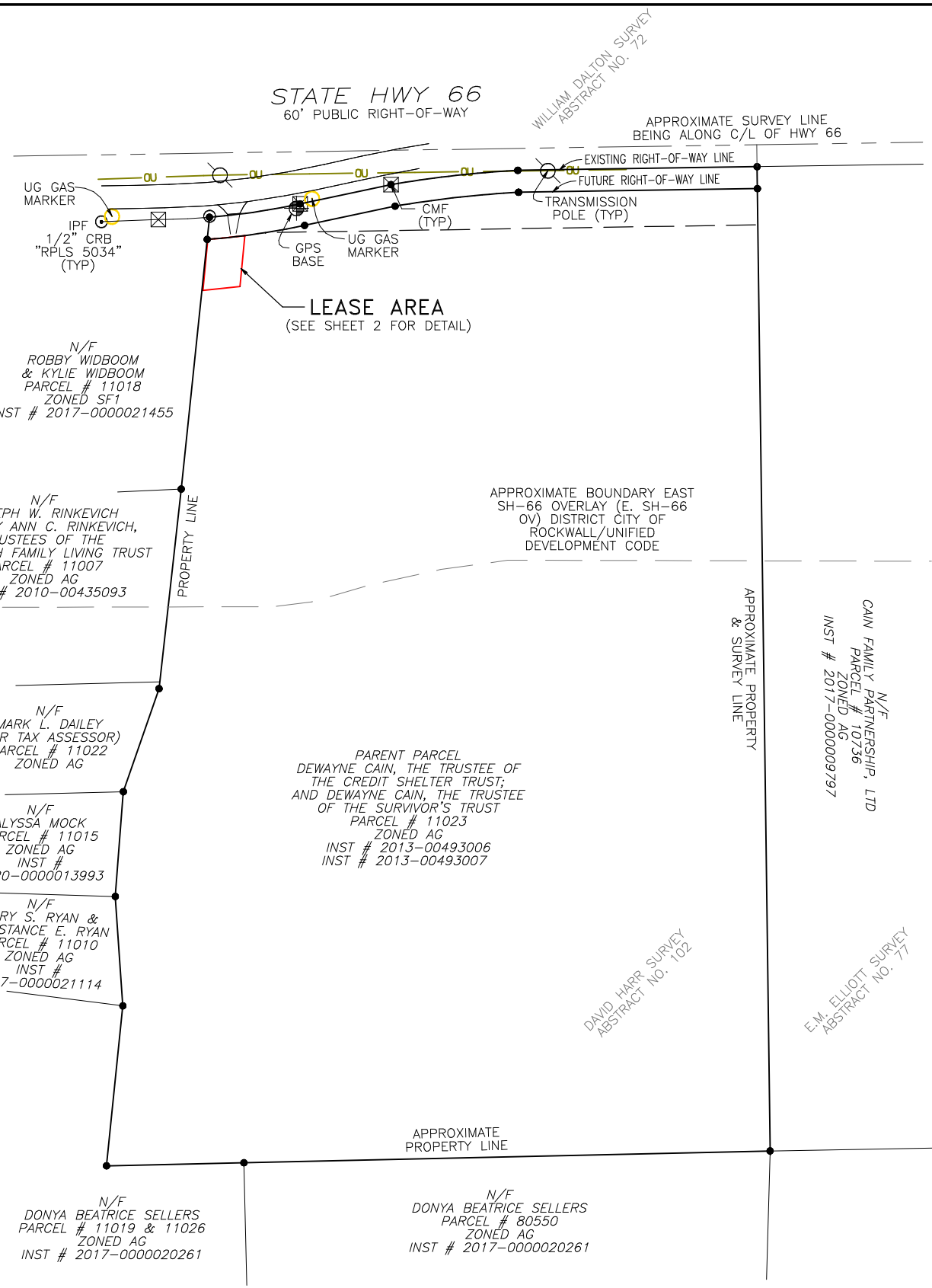
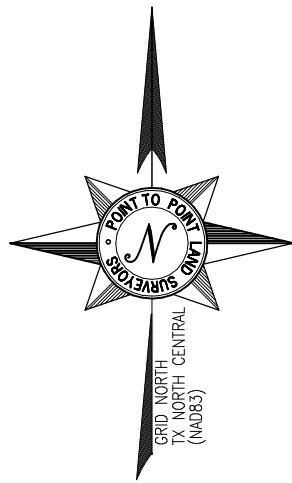
On behalf of Mr. Dewayne Cain, please allow this letter to serve as a formal request to obtain a Special Use Permit to construct a cell tower on the 25.41 Acre tract owned by Dewayne Cain listed under the 25.41 Cain Revocable Trust property located on SH 66 centered between John King Blvd and FM 3549 .

Should you have any questions regarding this request please let me know.

Sincerely,

*W.L. Douphrate II*

W.L. Douphrate II, P.E.



**PARENT PARCEL**

OWNER: DEWAYNE CAIN, THE TRUSTEE OF THE CREDIT SHELTER TRUST; AND DEWAYNE CAIN, THE TRUSTEE OF THE SURVIVOR'S TRUST  
 SITE ADDRESS: 770 STATE HWY 66, ROCKWALL, TX 75087  
 PARCEL ID: 11023  
 AREA: 25.8700 ACRES (PER TAX ASSESSOR)  
 ZONED: AG (PER CITY OF ROCKWALL GIS)  
 ALL ZONING INFORMATION SHOULD BE VERIFIED WITH THE PROPER ZONING OFFICIALS  
 REFERENCE:  
 INSTRUMENT NO. 2013-00493006  
 INSTRUMENT NO. 2013-00493007

**GPS NOTES**

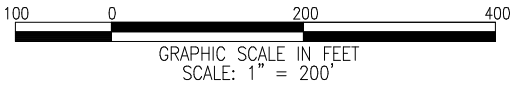
THE FOLLOWING GPS STATISTICS UPON WHICH THIS SURVEY IS BASED HAVE BEEN PRODUCED AT THE 95% CONFIDENCE LEVEL:  
 POSITIONAL ACCURACY: 0.01 FEET (HORZ) 0.25 FEET (VERT)  
 TYPE OF EQUIPMENT: GEOMAX ZENITH35 PRO BASE AND ROVER, DUAL FREQUENCY  
 TYPE OF GPS FIELD PROCEDURE: ONLINE POSITION USER INTERFACE  
 DATES OF SURVEY: 05/10/2022  
 DATUM / EPOCH: NAD\_83(2011)(EPOCH:2010.0000)  
 PUBLISHED / FIXED CONTROL USE: N/A  
 GEOID MODEL: 18  
 COMBINED GRID FACTOR(S): 0.99985127 CENTERED ON THE GPS BASE POINT AS SHOWN HEREON.  
 CONVERGENCE ANGLE: 1.12934722"  
 BENCHMARKS USED: DF8988, DF4385, DL9084

**SURVEYOR'S CERTIFICATION**

I HEREBY CERTIFY THAT THIS MAP IS CORRECT AND THAT ANY VISIBLE ENCROACHMENTS ARE SHOWN HEREON.

*Justin Kyle Lawrence*  
 JUSTIN KYLE LAWRENCE  
 TEXAS PROFESSIONAL LAND SURVEYOR LICENSE NO. 6589  
 DATE: 05/13/2022

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS. THIS MAP IS ONLY INTENDED FOR THE PARTIES AND PURPOSES SHOWN. THIS MAP IS NOT FOR RECORDATION.



**VICINITY MAP**  
 NOT TO SCALE  
**GENERAL NOTES**

\* THIS SPECIFIC PURPOSE SURVEY IS FOR THE LEASED PREMISES AND EASEMENTS ONLY. THIS SPECIFIC PURPOSE SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF JACOBS TELECOMMUNICATIONS AND EXCLUSIVELY FOR THE TRANSFERRAL OF THE LEASED PREMISES AND THE RIGHTS OF EASEMENT SHOWN HEREON AND SHALL NOT BE USED AS AN EXHIBIT OR EVIDENCE IN THE FEE SIMPLE TRANSFERRAL OF THE PARENT PARCEL NOR ANY PORTION OR PORTIONS THEREOF. BOUNDARY INFORMATION SHOWN HEREON HAS BEEN COMPILED FROM TAX MAPS AND DEED DESCRIPTIONS ONLY. NO BOUNDARY SURVEY OF THE PARENT PARCEL WAS PERFORMED.

THIS DRAWING DOES NOT REPRESENT A BOUNDARY SURVEY.  
 BASIS OF BEARING: GPS OBSERVATIONS CONDUCTED AT THE TIME OF SURVEY.  
 BASIS OF ELEVATION: GPS OBSERVATIONS CONDUCTED AT THE TIME OF SURVEY.  
 EQUIPMENT USED FOR ANGULAR & LINEAR MEASUREMENTS: LEICA TPS 1200 ROBOTIC & GEOMAX ZENITH 35 [DATE OF LAST FIELD VISIT: 05/10/2022]

THE 1' CONTOURS AND SPOT ELEVATIONS SHOWN ON THIS SPECIFIC PURPOSE SURVEY ARE ADJUSTED TO NAVD 88 DATUM (COMPUTED USING GEOID18) AND HAVE A VERTICAL ACCURACY OF ± 0.5'. CONTOURS OUTSIDE THE IMMEDIATE SITE AREA ARE APPROXIMATE.

BEARINGS SHOWN ON THIS SPECIFIC PURPOSE SURVEY ARE BASED ON TEXAS GRID NORTH (NAD 83) NORTH CENTRAL ZONE.

PER THE FEMA FLOODPLAIN MAPS, THE SITE IS LOCATED IN AN AREA DESIGNATED AS ZONE X (AREA OF MINIMAL FLOOD HAZARD). COMMUNITY PANEL NO. : 48397C0045L DATED: 09/26/2008

NO WETLAND AREAS HAVE BEEN INVESTIGATED BY THIS SPECIFIC PURPOSE SURVEY.  
 ALL ZONING INFORMATION SHOULD BE VERIFIED WITH THE PROPER ZONING OFFICIALS.

ANY UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM ABOVE GROUND FIELD SURVEY INFORMATION. THE SURVEYOR MAKES NO GUARANTEES THAT ANY UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT ANY UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED ANY UNDERGROUND UTILITIES.

TEXAS REGISTRATION NO. 10194197

I DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND AND UNDER MY SUPERVISION. THE HORIZONTAL DATUM (COORDINATES) ARE IN THE TERMS OF THE NORTH AMERICAN DATUM OF 1983 (NAD83) AND ARE EXPRESSED AS DEGREES, MINUTES AND SECONDS, TO THE NEAREST HUNDREDTH OF A SECOND. THE VERTICAL DATUM (HEIGHTS) ARE IN TERMS OF NORTH AMERICAN VERTICAL DATUM OF 1988 AND ARE DETERMINED TO THE NEAREST TENTH OF A FOOT.



*Justin Kyle Lawrence*

NO.	DATE	REVISION
1	3/23/23	LEASE AREA

\* SPECIFIC PURPOSE SURVEY PREPARED BY:  
**POINT TO POINT LAND SURVEYORS**  
 100 Governors Trace, Ste. 103  
 Peachtree City, GA 30269  
 (p) 678.565.4440 (f) 678.565.4497  
 (w) pointtopointsurvey.com  
 Texas Registration No. 10194197



SPECIFIC PURPOSE SURVEY PREPARED FOR:



5449 BELLS FERRY ROAD,  
 ACWORTH, GA 30102

DDL00380

DAVID HARR SURVEY,  
 ABSTRACT 102,  
 ROCKWALL COUNTY, TEXAS

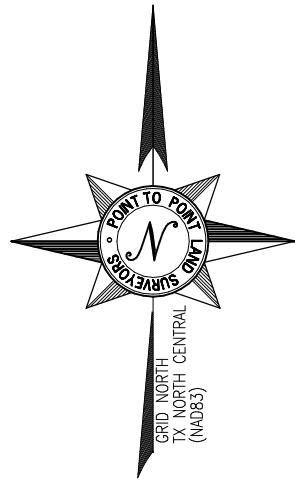
DRAWN BY: AJT  
 CHECKED BY: JKL  
 APPROVED: D. MILLER  
 DATE: MAY 13, 2022  
 P2P JOB #: 220743TX

SHEET:  
**1**  
 OF 3



[SURVEY NOT VALID WITHOUT SHEETS 2 & 3 OF 3]

E:\Vrebox (Point To Point)\P2P Current Jobs\2022\220743TX-00\00380\220743TX.rpt

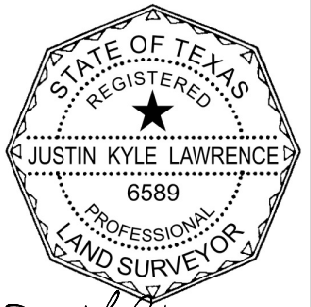


### SITE INFORMATION

LEASE AREA = 3,489 SQUARE FEET (0.0801 ACRES)

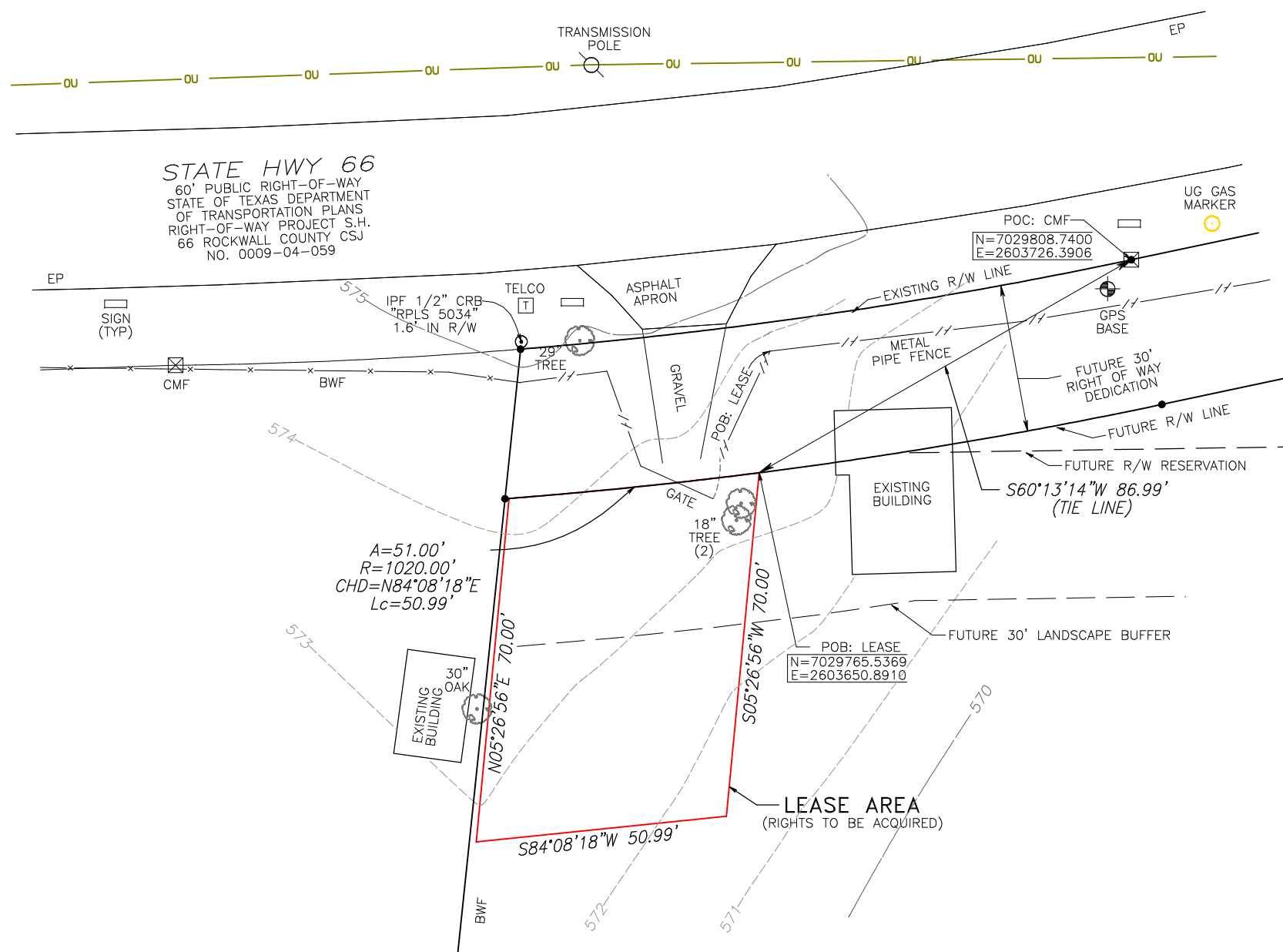
LATITUDE = 32°56'09.66" (NAD 83) (32.936017°)  
 LONGITUDE = -96°25'46.66" (NAD 83) (-96.429628°)  
 AT CENTER LEASE AREA

ELEVATION AT CENTER OF LEASE AREA = 573.0' A.M.S.L.



*Justin Kyle Lawrence*

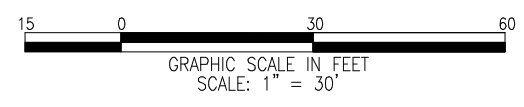
NO.	DATE	REVISION
1	3/23/23	LEASE AREA



**STATE HWY 66**  
 60' PUBLIC RIGHT-OF-WAY  
 STATE OF TEXAS DEPARTMENT  
 OF TRANSPORTATION PLANS  
 RIGHT-OF-WAY PROJECT S.H.  
 66 ROCKWALL COUNTY CSJ  
 NO. 0009-04-059

**LEGEND**

POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
IPF	IRON PIN FOUND
CRB	CAPPED REBAR
CMF	CONCRETE MONUMENT FOUND
TYP	TYPICAL
OU	OVERHEAD UTILITY
UG	UNDERGROUND
N/F	NOW OR FORMERLY
R/W	RIGHT-OF-WAY
EP	EDGE OF PAVEMENT
BWF	BARBED WIRE FENCE



\* SPECIFIC PURPOSE SURVEY PREPARED BY:  
**POINT TO POINT LAND SURVEYORS**  
 100 Governors Trace, Ste. 103  
 Peachtree City, GA 30269  
 (p) 678.565.4440 (f) 678.565.4497  
 (w) pointtopointsurvey.com  
 Texas Registration NO. 10194197



SPECIFIC PURPOSE SURVEY  
 PREPARED FOR:

**JACOBS**  
 5449 BELLS FERRY ROAD,  
 ACWORTH, GA 30102

DDL00380

DAVID HARR SURVEY,  
 ABSTRACT 102,  
 ROCKWALL COUNTY, TEXAS

DRAWN BY: AJT  
 CHECKED BY: JKL  
 APPROVED: D. MILLER  
 DATE: MAY 13, 2022  
 P2P JOB #: 220743TX

SHEET:  
**2**  
 OF 3

SURVEY NOT VALID WITHOUT SHEETS 1 & 3 OF 3

E:\Dropbox (Point To Point)\P2P Current Jobs\2022\220743TX-DDL00380\220743TX.dwg



# LEGAL DESCRIPTION SHEET

## PARENT PARCEL

(PER FILE NO. UST70613)

TRACT 1: BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE COUNTY OF ROCKWALL, STATE OF TEXAS, AND BEING IN THE DAVID HARR SURVEY, ABSTRACT NO. 102, AND BEING PART OF 43.0625 ACRE TRACT, DESCRIBED IN VOLUME 48, PAGE 440, DEED RECORDS, ROCKWALL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING IN THE NORTHEAST CORNER OF ABOVE MENTIONED TRACT ON SOUTH ROW OF HIGHWAY 66;

THENCE NORTH 86 DEGREES 51' 02" WEST, 359.56 FEET WITH ROW LINE TO POINT OF CURVE TO LEFT;

THENCE WITH CURVE LEFT 191.37 FEET TO POINT TANGENT;

THENCE SOUTH 80 DEGREES 32' 63" WEST, 84.75 FEET WITH SOUTH ROW LINE TO POINT OF CURVE TO RIGHT;

THENCE WITH CURVE RIGHT 128.58 FEET TO IRON POST FOR CORNER;

THENCE SOUTH 08 DEGREES 30' 45" WEST 493.08 FEET TO IRON STAKE FOR CORNER;

THENCE SOUTH 08 DEGREES 30' 00" WEST 150 FEET TO IRON STAKE FOR CORNER; THENCE SOUTH 08 DEGREES 30' 00" WEST 6.89 FEET TO IRON STAKE FOR CORNER; THENCE SOUTH 22 DEGREES 25' 36" WEST, 158.92 FEET TO IRON STAKE FOR CORNER;

THENCE SOUTH 04 DEGREES 42' 01" WEST 135 FEET TO IRON STAKE FOR CORNER; THENCE SOUTH 01 DEGREES 31' 12" EAST 150 FEET TO IRON STAKE FOR CORNER; THENCE SOUTH 08 DEGREES 26' 36" EAST 223.86 FEET TO IRON STAKE FOR CORNER; THENCE SOUTH 82 DEGREES 26' 36" EAST 931.52 FEET TO IRON STAKE FOR CORNER; THENCE NORTH 00 DEGREES 45' 25" EAST 1337.11 FEET TO IRON STAKE FOR CORNER AND POINT OF BEGINNING AND CONTAINING 25.867 ACRES OF LAND MORE OR LESS.

## TITLE EXCEPTIONS

THIS SURVEY WAS COMPLETED WITH THE AID OF TITLE WORK PREPARED BY U.S. TITLE SOLUTIONS, REPORT DATE OF MARCH 4, 2022, SEARCH START DATE OF JANUARY 1, 1973, END DATE OF JANUARY 17, 2022, BEING FILE NO. UST70613, FOR THE PARENT PARCEL, TO DETERMINE THE IMPACTS OF EXISTING TITLE EXCEPTIONS.

### 1. MORTGAGES, DEEDS OF TRUST AND UCCS

1. DEED OF TRUST MADE BY, CAIN REVOCABLE FAMILY TRUST, TO, ROBERT HAWK, TRUSTEE, DON R. STODGHILL, IN THE SUM OF \$210,000.00, DATED OCTOBER 23, 2008, RECORDED OCTOBER 27, 2008, IN INSTRUMENT NO: 2008-00407167.

[THIS ITEM IS APPLICABLE TO THE PARENT PARCEL.]

### 3. COVENANTS AND RESTRICTIONS

3.1 RESTRICTIONS AS SET FORTH IN DEED 108/499 , DEED 110/148 HOWEVER PLEASE SEE MODIFICATION 121/862 DELETING SUCH RESTRICTIONS.

[THIS ITEM IS APPLICABLE TO THE PARENT PARCEL.]

### 4. EASEMENTS AND RIGHTS OF WAY

4.1 RIGHT OF WAY AGREEMENT BY J. DIANE FOLZENLOGEN AND BENNIE R. CLARK TO LONE STAR GAS, DATED OCTOBER 19, 1973, RECORDED JANUARY 15, 1974, IN BOOK 112, PAGE 88. NOTES: RIGHT OF WAY AND EASEMENT PURPOSES

[THIS ITEM MAY BE APPLICABLE TO THE PARENT PARCEL; HOWEVER, THE DISCRPTION IS VAGUE, AND THEREFORE, WE ARE UNABLE TO ASCERTAIN THE EXACT LOCATION THEREOF.]

4.2 EASEMENT BY J. DIANE FOLZENLOGEN AND BENNIE R. CLARK TO OWEN S. DAVIS AND H. RACHEL DAVIS, DATED MAY 11, 1973, RECORDED MAY 16, 1973, IN BOOK 108, PAGE 502. NOTES: WATER PIPE LINE PURPOSES

[THIS ITEM IS APPLICABLE TO THE PARENT PARCEL; HOWEVER, IT IS NOT PLOTTED HEREON BECAUSE THE DISCRPTION IS VAGUE, AND THEREFORE, WE ARE UNABLE TO ASCERTAIN THE EXACT LOCATION THEREOF.]

## LEASE AREA

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN DAVID HARR SURVEY, ABSTRACT NO. 102, ROCKWALL COUNTY, TEXAS, AND BEING A PORTION OF THE LANDS OF DEWAYNE CAIN, THE TRUSTEE OF THE CREDIT SHELTER TRUST; AND DEWAYNE CAIN, THE TRUSTEE OF THE SURVIVOR'S TRUST, AS RECORDED IN INSTRUMENT NOS. 2013-00493006 AND 2013-00493007, ROCKWALL COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE POINT OF BEGINNING, COMMENCE AT A CONCRETE MONUMENT FOUND ON THE SOUTHERN RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 66 (HAVING A 60-FOOT PUBLIC RIGHT-OF-WAY), SAID MONUMENT HAVING A TEXAS GRID NORTH, NAD 83, NORTH CENTRAL ZONE VALUE OF N: 7029808.7400 E: 2603726.3906; THENCE RUNNING FOR A TIE LINE, SOUTH 60°13'14" WEST 86.99 FEET TO A POINT LOCATED ON THE SOUTH SIDE OF A FUTURE 30 FOOT WIDE RIGHT-OF-WAY DEDICATION LINE, SAID POINT HAVING A TEXAS GRID NORTH, NAD 83, NORTH CENTRAL ZONE VALUE OF N: 7029765.5369 E: 2603650.8910, AND THE TRUE POINT OF BEGINNING;

THENCE CONTINUING, SOUTH 05°26'56" WEST, 70.00 FEET TO A POINT;

THENCE, SOUTH 84°08'18" WEST, 50.99 FEET TO A POINT;

THENCE, NORTH 05°26'56" EAST, 70.00 FEET TO A POINT LOCATED ON THE AFORESAID SOUTH SIDE OF A FUTURE 30 FOOT WIDE RIGHT-OF-WAY DEDICATION LINE;

THENCE RUNNING WITH SAID DEDICATION LINE, 51.00 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1020.00 FEET AND BEING SCRIBED BY A CHORD BEARING NORTH 84°08'18" EAST, 50.99 FEET TO A POINT AND THE TRUE POINT OF BEGINNING.

BEARINGS BASED ON TEXAS GRID NORTH, NAD 83, NORTH CENTRAL ZONE.

SAID TRACT CONTAINS 0.0801 ACRES (3,489 SQUARE FEET), MORE OR LESS.



*Justin Kyle Lawrence*

NO.	DATE	REVISION
1	3/23/23	LEASE AREA

\* SPECIFIC PURPOSE SURVEY PREPARED BY:

**POINT TO POINT LAND SURVEYORS**

100 Governors Trace, Ste. 103  
Peachtree City, GA 30269  
(p) 678.565.4440 (f) 678.565.4497  
(w) pointtopointsurvey.com  
Texas Registration NO. 10194197



SPECIFIC PURPOSE SURVEY  
PREPARED FOR:

**JACOBS**

5449 BELLS FERRY ROAD,  
ACWORTH, GA 30102

DDL00380

DAVID HARR SURVEY,  
ABSTRACT 102,  
ROCKWALL COUNTY, TEXAS

DRAWN BY: AJT	SHEET:
CHECKED BY: JKL	<b>3</b>
APPROVED: D. MILLER	
DATE: MAY 13, 2022	
P2P JOB #: 220743TX	OF 3

[SURVEY NOT VALID WITHOUT SHEETS 1 & 2 OF 3]

E:\Dropbox (Point To Point)\P2P Current Jobs\2022\220743TX-001\00380\220743TX.dwg



1801 VALLEY VIEW LANE  
FARMER'S BRANCH, TX 75234



4 COUNTRY PLACE CIRCLE  
DALWORTHINGTON GARDENS  
TEXAS 76016

AT&T SITE NUMBER:  
**DDL00380**

AT&T SITE NAME:  
**DDL00380**

FA CODE:  
**15682026**

PACE ID:  
**MRNTX075135**

770 DAVIS DRIVE  
ROCKWALL, TX 75087

NEW MONOPOLE TOWER

ISSUED FOR:

REV	DATE	DRWN	DESCRIPTION	DES./QA
LEA	04/12/2023	WHS	LEASE EXHIBIT	JK

**THIS DOCUMENT IS  
PRELIMINARY IN  
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A FINAL, SIGNED AND  
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BROADUS SERVICES  
FIRM REGISTRATION #F-23339  
4 COUNTRY PLACE CIRCLE  
DALWORTHINGTON GARDENS, TX 76016

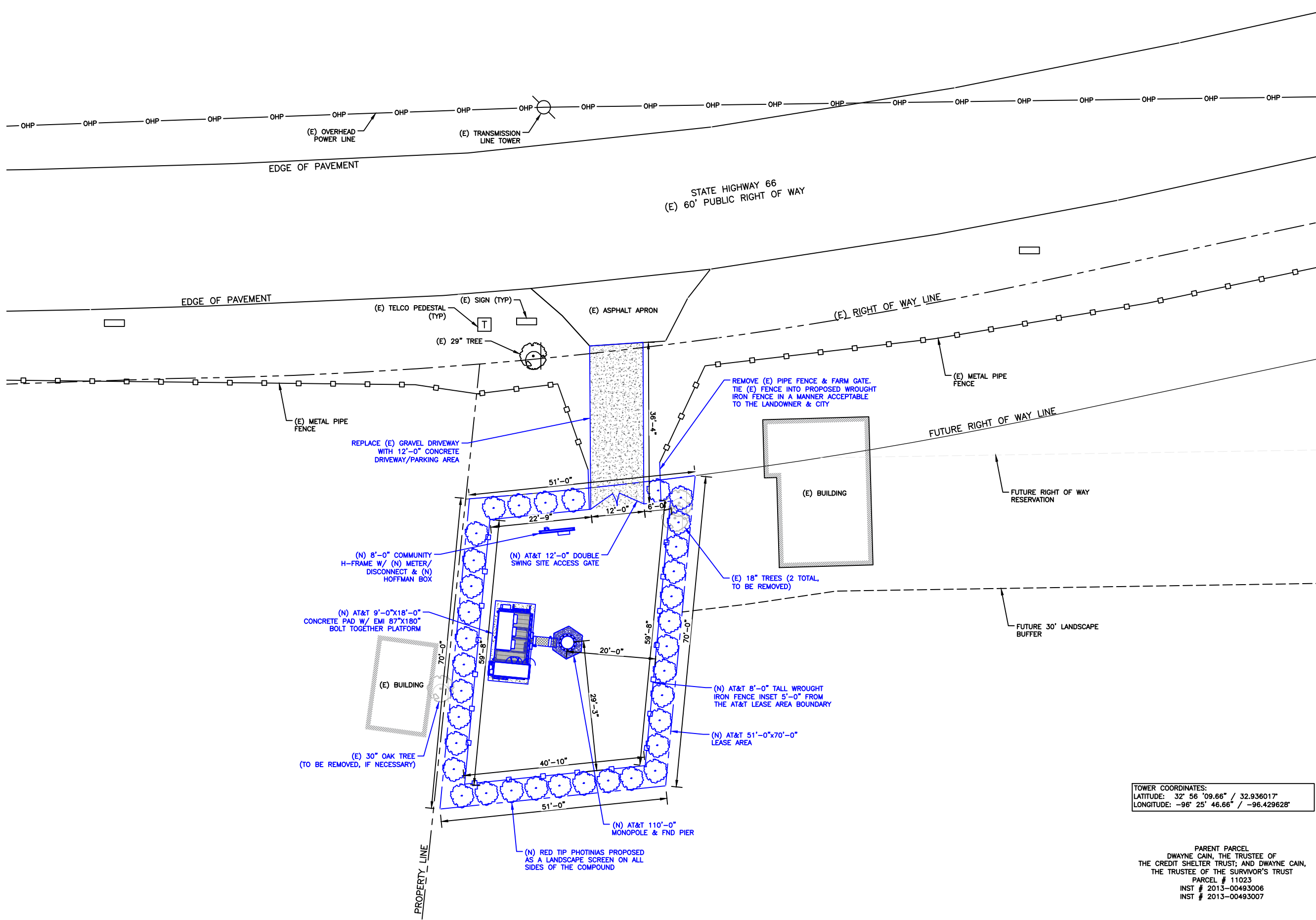
IT IS A VIOLATION OF LAW FOR ANY PERSON,  
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OF A LICENSED PROFESSIONAL ENGINEER,  
TO ALTER THIS DOCUMENT.

SHEET NUMBER:

**LE-1**

REVISION:

**LEA**



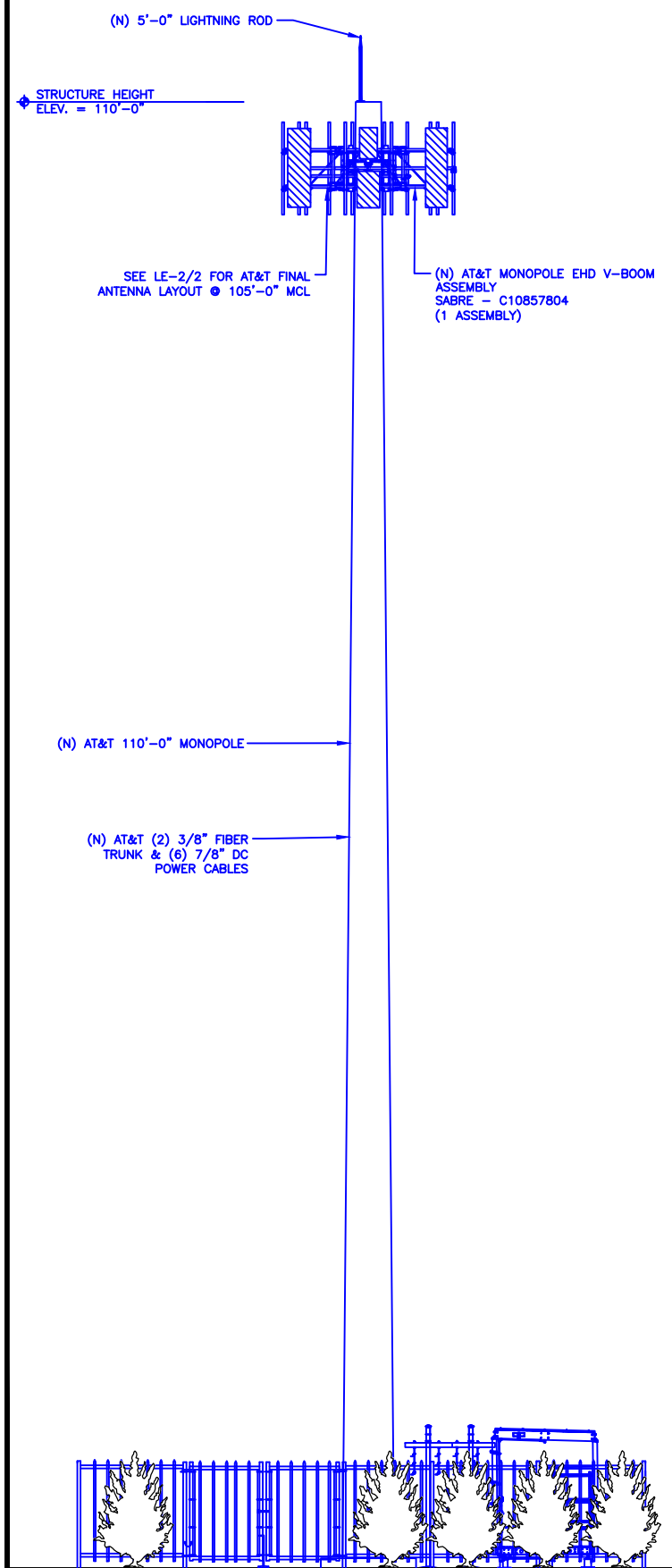
TOWER COORDINATES:  
LATITUDE: 32° 56' 09.66" / 32.936017  
LONGITUDE: -96° 25' 46.66" / -96.429628

PARENT PARCEL  
DWAYNE CAIN, THE TRUSTEE OF  
THE CREDIT SHELTER TRUST; AND DWAYNE CAIN,  
THE TRUSTEE OF THE SURVIVOR'S TRUST  
PARCEL # 11023  
INST # 2013-00493006  
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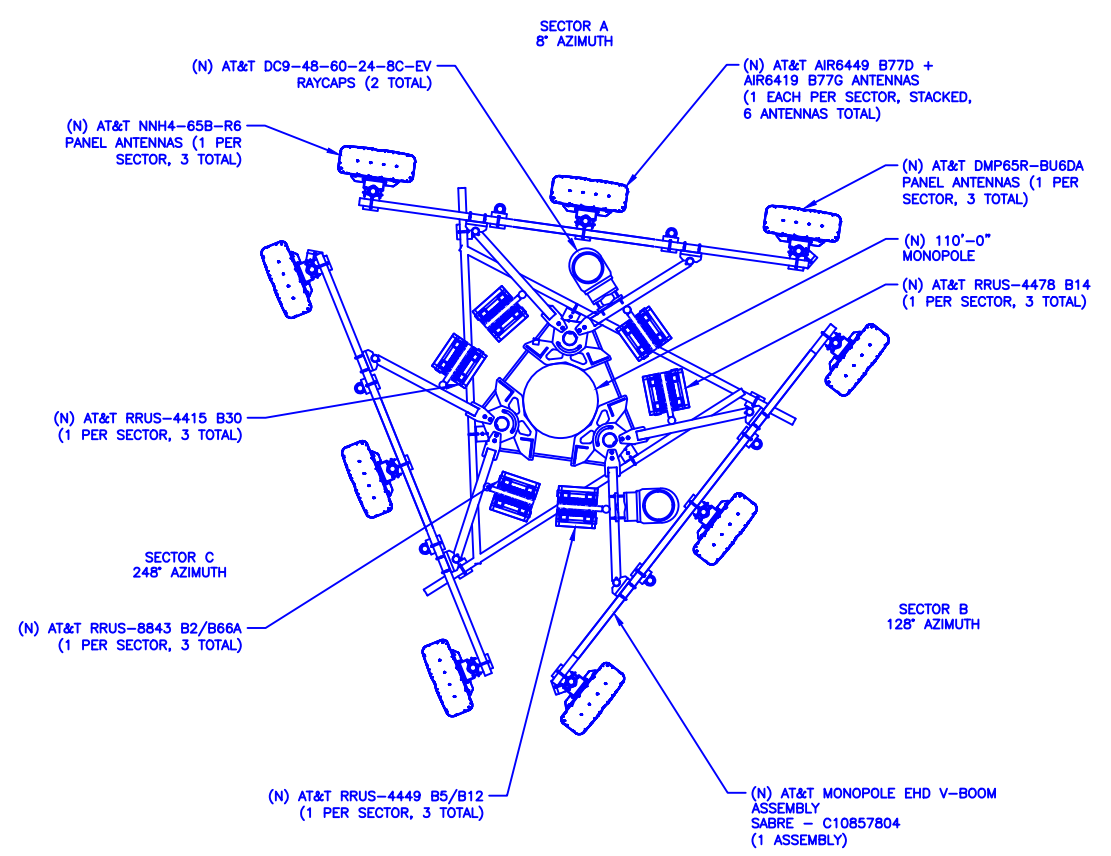
1 OVERALL SITE PLAN  
SCALE: 3/32"=1'-0" (FULL SIZE)  
3/84"=1'-0" (11x17)



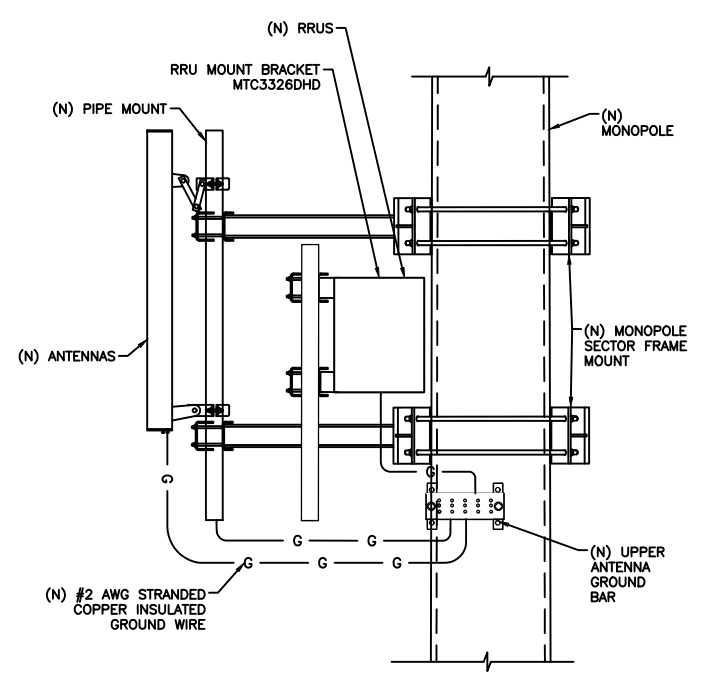
**AT&T EQUIPMENT**  
 ANTENNA CL: 105'-0"  
 MOUNT CL: 105'-0"



1 FINAL NORTH (FROM HWY 66) TOWER ELEVATION  
 SCALE: NOT TO SCALE



2 FINAL ANTENNA LAYOUT  
 SCALE: NOT TO SCALE



3 ANTENNA/RRU MOUNT DIAGRAM  
 SCALE: NOT TO SCALE



1801 VALLEY VIEW LANE  
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SHEET NUMBER: REVISION:

**LE-2 LEA**

# PROJECT COMMENTS



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

DATE: 4/20/2023

PROJECT NUMBER: Z2023-022  
PROJECT NAME: SUP for a Cell Tower  
SITE ADDRESS/LOCATIONS:

CASE CAPTION: Hold a public hearing to discuss and consider a request by Dub Douphrate of Douphrate and Associates on behalf of Dewayne Cain for the approval of a Specific Use Permit (SUP) for a Freestanding Commercial Antenna on a 0.1234-acre tract of land identified as a portion of Tract 14 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 100 (PD-100) for Single-Family 1 (SF-1) and General Retail (GR) District land uses, situated within the East SH-66 Overlay (E. SH-66 OV) District, generally located southside of SH-66 east of the intersection of SH-66 and Davis Drive, and take any action necessary.

DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
	Henry Lee	04/20/2023	Needs Review

04/20/2023: Please address the following comments (M= Mandatory Comments; I = Informational Comments)

I.1 This is a request for the approval of a Specific Use Permit (SUP) for a Freestanding Commercial Antenna on a 0.1234-acre tract of land identified as a portion of Tract 14 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 100 (PD-100) for Single-Family 1 (SF-1) and General Retail (GR) District land uses, situated within the East SH-66 Overlay (E. SH-66 OV) District, generally located southside of SH-66 east of the intersection of SH-66 and Davis Drive.

I.2 For questions or comments concerning this case please contact Ryan Miller in the Planning Department at (972) 772-6434 or email hlee@rockwall.com.

M.3 For reference, include the case number (Z2023-022) in the lower right-hand corner of all pages on future submittals.

M.4 Please clarify if an ice bridge is being proposed. Ice bridges are not permitted per the Unified Development Code. (Subsection 06.02, General Overlay District Standards, of Article 05, District Development Standards, of the UDC)

I.5 According to Article 13, Definitions, of the Unified Development Code (UDC), a Commercial Freestanding Antenna is defined as, "a self-supporting, tubular shaped antenna support structure which consists of a single vertical pole fixed into the ground and/or attached to a foundation."

M.6 The site plan provided indicates two (2) 18-inch trees and one (1) 30-inch Oak tree are being removed. Tree mitigation must be provided for these trees. I must know the species of the two (2) other trees in order to calculate the mitigation. Tree mitigation is paid for as \$100.00 per inch, with trees over 25-inches being mitigated for double (i.e. the Oak will be mitigated as a 60-inch). (Section 05, Tree Mitigation Requirements, of Article 09, Tree Preservation, of the UDC)

M.7 Please shift the entire enclosure back 15-feet from the future Right-of-Way line (ROW) to the build line. In addition, there must be a 20-foot landscape buffer, with three (3) canopy and four (4) accent trees per 100-feet of frontage. These two (2) may be overlapped in lieu of moving the enclosure 35-feet back from the future ROW. If they are overlapped the parking space will need to be inside the enclosure as parking cannot be located within the landscape buffer. Currently the parking space is indicated outside the fence and within the future Right-of-Way (ROW). By shifting the enclosure back, the parking space should be maintained when the future ROW is developed. (Subsection 07.03, Non-Residential District Development Standards, of Article 05, District Development Standards, of the UDC)

M.8 According to Subsection 01.06, Residential Adjacency Standards, of Article 05, District Development Standards, of the UDC, residential adjacency standards apply for a “proposed building, structure, or device on the lot is within 150 feet of a residential district boundary.” In this case, the proposed tower is within 150-feet of a residential district. Given this, three (3) tiered landscaping is required along the west side of the enclosure. This shall include a wrought iron fence, a row of canopy trees, a row of accent trees, and a shrub row; you have already provided the fence and the shrubs. (Subsection 01.06, Residential Adjacency Standards, of Article 05, District Development Standards, of the UDC)

M.9 Per the Planned Development District 100 (PD-100) standards, the maximum permissible height on the tower is 110-feet. The proposed building elevations are 115-feet. The total height must be reduced by 5-feet. (Ordinance 23-07)

I.10 According to Article 04, Permissible Uses, of the Unified Development Code (UDC), the Commercial Freestanding Antenna is required to meet the following Conditional Land Use Standards:

- (1) Any necessary equipment building shall be of a material allowed by the applicable zoning district, similar in color and character to the principal building on the site; or the necessary equipment shall be contained entirely within the principal building on the property or in an underground vault.
- (2) Any necessary equipment building shall be enclosed by a decorative iron fence surrounded by a screening hedge which will achieve a height of at least six (6) feet at maturity or a masonry screening wall at least eight (8) feet in height, compatible in color with the principal building and the equipment building.
- (3) At least one (1) paved parking space with paved access thereto shall be provided at the antenna location; said parking space need not be reserved exclusively for use in conjunction with the antenna installation and may be one (1) of the spaces provided for the principal use on the property.
- (4) Administrative approval of the antenna installation shall be required prior to the issuance of any permits for construction.
- (5) No more than three (3) separate equipment buildings shall be located on a single lot.

M.11 Please review the attached draft ordinance prior to the April 25, 2023 Planning & Zoning Commission meeting, and provide staff with your markups by May 2, 2023.

I.12 Staff has identified the aforementioned items necessary to continue the submittal process. Please make these revisions and corrections, and provide any additional information that is requested. Revisions for this case will be due on May 2, 2023; however, it is encouraged for applicants to submit revisions as soon as possible to give staff ample time to review the case prior to the May 9, 2023 Planning and Zoning Commission Public Hearing Meeting. The Planning and Zoning Commission Work Session Meeting for this case will be held on April 25, 2023.

I.13 The projected City Council meeting dates for this case will be May 15, 2023 (1st Reading) and June 5, 2023 (2nd Reading).

DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
ENGINEERING	Sarah Johnston	04/20/2023	Needs Review
04/20/2023: - Approach will need to be concrete. TXDOT permit required. - 10' utility easement along future ROW. No plantings or fencing allowed. - Must have a 20x9' parking space outside of the future ROW boundary so that the service vehicle can safely park outside of traffic. May use the 10' utility easement as clear parking. - - Detention will be required - Need to locate all water services for adjacent western properties. -			
DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
BUILDING	Rusty McDowell	04/19/2023	Approved
No Comments			
DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
FIRE	Ariana Kistner	04/14/2023	Approved
No Comments			
DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
GIS	Lance Singleton	04/17/2023	Approved

No Comments

DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
POLICE	Chris Cleveland	04/14/2023	Approved

No Comments

DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
PARKS	Travis Sales	04/17/2023	Approved

No Comments



1801 VALLEY VIEW LANE  
FARMER'S BRANCH, TX 75234



4 COUNTRY PLACE CIRCLE  
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AT&T SITE NAME:  
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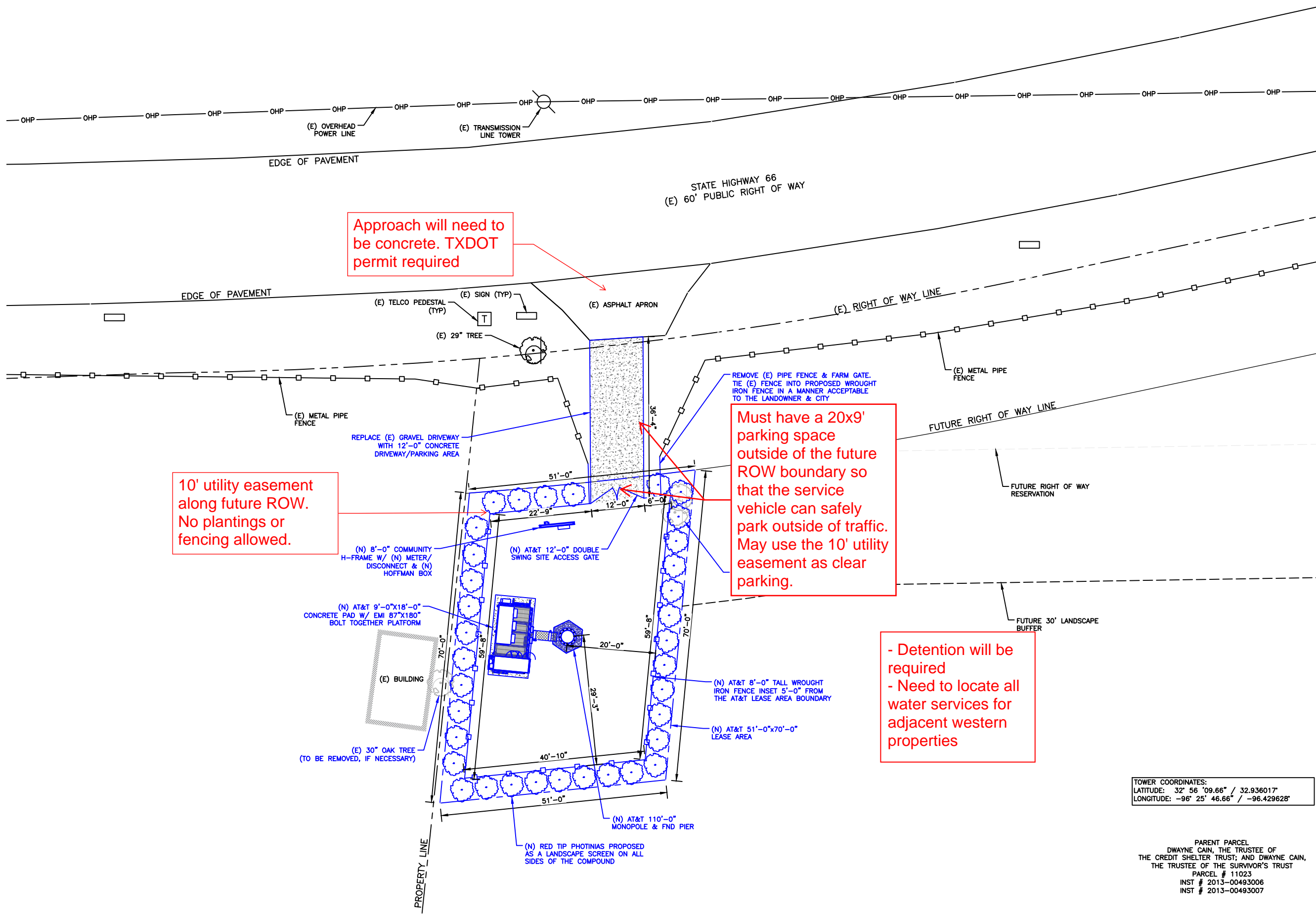
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SHEET NUMBER: REVISION:

**LE-1 LEA**



Approach will need to be concrete. TXDOT permit required

10' utility easement along future ROW. No plantings or fencing allowed.

Must have a 20x9' parking space outside of the future ROW boundary so that the service vehicle can safely park outside of traffic. May use the 10' utility easement as clear parking.

- Detention will be required  
- Need to locate all water services for adjacent western properties

TOWER COORDINATES:  
LATITUDE: 32° 56' 09.66" / 32.936017  
LONGITUDE: -96° 25' 46.66" / -96.429628

PARENT PARCEL  
DWAYNE CAIN, THE TRUSTEE OF  
THE CREDIT SHELTER TRUST; AND DWAYNE CAIN,  
THE TRUSTEE OF THE SURVIVOR'S TRUST  
PARCEL # 11023  
INST # 2013-00493006  
INST # 2013-00493007

1 OVERALL SITE PLAN  
SCALE: 3/32"=1'-0" (FULL SIZE)  
3/84"=1'-0" (11x17)





# DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO.

22023-022

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

DIRECTOR OF PLANNING:

CITY ENGINEER:

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

### PLATTING APPLICATION FEES:

- MASTER PLAT (\$100.00 + \$15.00 ACRE) <sup>1</sup>
- PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) <sup>1</sup>
- FINAL PLAT (\$300.00 + \$20.00 ACRE) <sup>1</sup>
- REPLAT (\$300.00 + \$20.00 ACRE) <sup>1</sup>
- AMENDING OR MINOR PLAT (\$150.00)
- PLAT REINSTATEMENT REQUEST (\$100.00)

### PLAN APPLICATION FEES:

- SITE PLAN (\$250.00 + \$20.00 ACRE) <sup>1</sup>
- AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN (\$100.00)

### ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE) <sup>1</sup>
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) <sup>1 & 2</sup>
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) <sup>1</sup>

### OTHER APPLICATION FEES:

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

#### NOTES:

<sup>1</sup> IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.  
<sup>2</sup> 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 Parcel situated in David Harr Survey Abs 102

SUBDIVISION 25.41 Cain Revocable Trust Property LOT            BLOCK           

GENERAL LOCATION located east of W.D. Boom Add. adjacent to and south of 5166 centered between J. King Blvd, 3544

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

CURRENT ZONING PD CURRENT USE AG

PROPOSED ZONING PD PROPOSED USE AG w/ lease for cell tower

ACREAGE 25.41 LOTS [CURRENT]            LOTS [PROPOSED]           

**SITE PLANS AND PLATS:** BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.

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

<input checked="" type="checkbox"/> OWNER	<u>Dwayne Cain</u>	<input checked="" type="checkbox"/> APPLICANT	<u>Douphrate &amp; Assoc., Inc</u>
CONTACT PERSON	<u>          </u>	CONTACT PERSON	<u>Dub Douphrate</u>
ADDRESS	<u>305 Stonebridge Dr.</u>	ADDRESS	<u>2235 Ridge Rd</u>
CITY, STATE & ZIP	<u>Rockwall, TX 75087</u>	CITY, STATE & ZIP	<u>Rockwall, TX 75087</u>
PHONE	<u>214 533 8644</u>	PHONE	<u>972 742 2210</u>
E-MAIL	<u>dwaynecain25@outlook.com</u>	E-MAIL	<u>wldouphrate@douphrate.com</u>

## NOTARY VERIFICATION [REQUIRED]

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

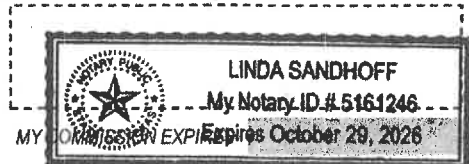
"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$            TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE            DAY OF            20           . 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 THE 16 DAY OF Feb. 20 23

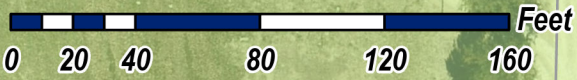
OWNER'S SIGNATURE

Dwayne Cain  
Linda Sandhoff

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS







Z2023-022: Specific Use Permit for a Freestanding Commercial Antenna

AG

66

SF-1

PD-100

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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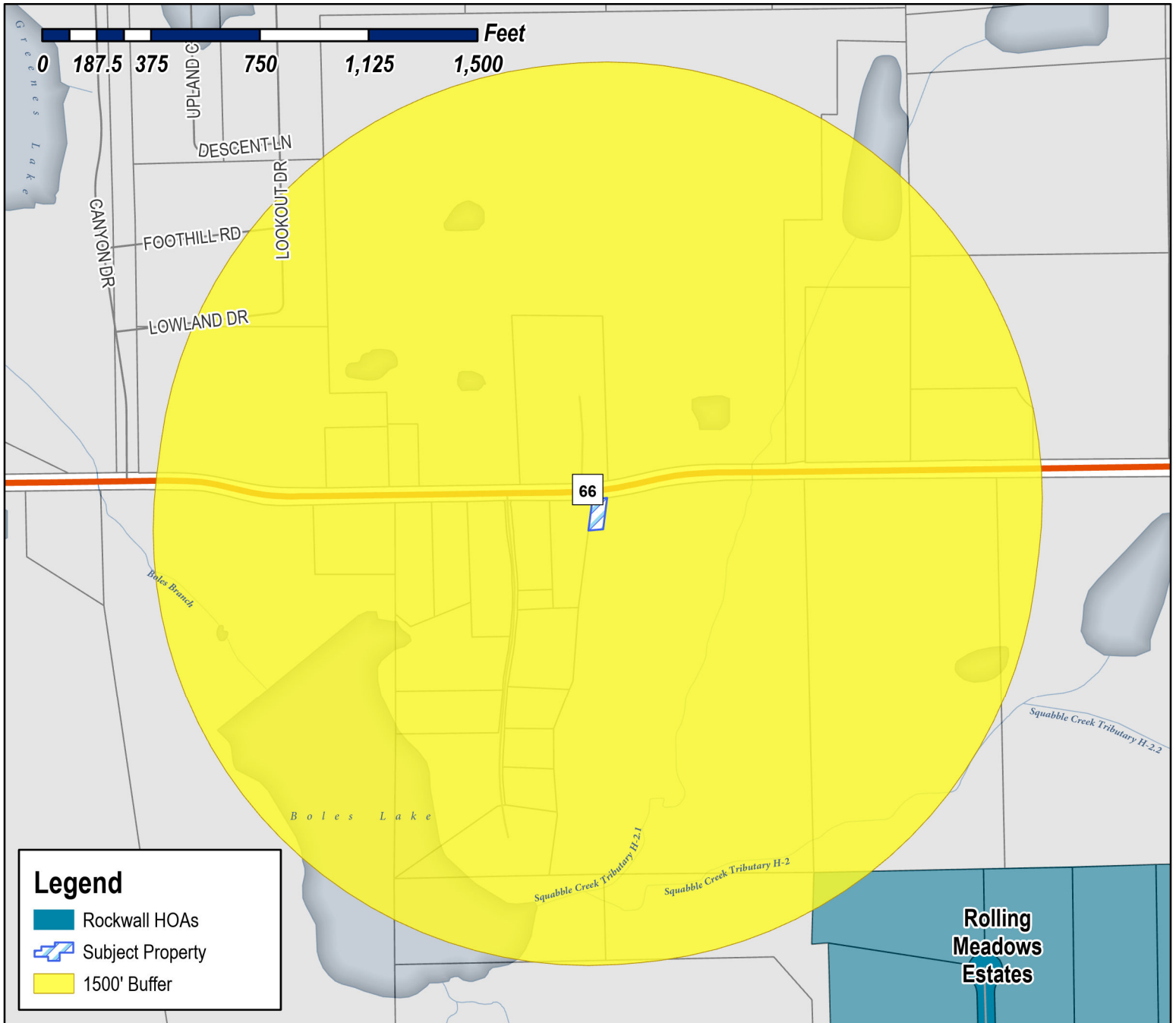




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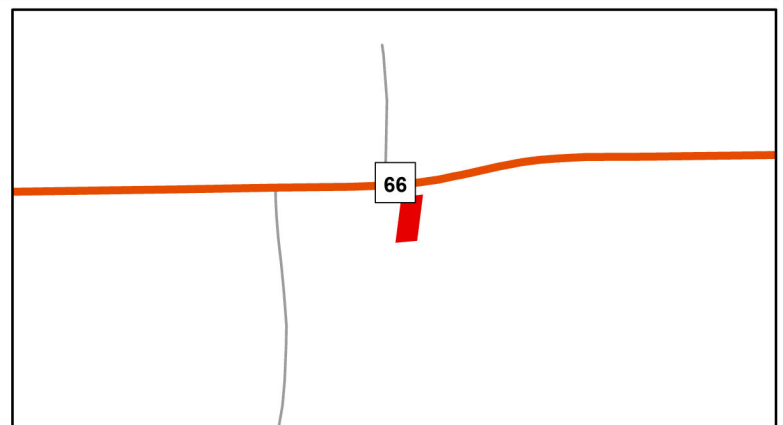
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**Case Number:** Z2023-022  
**Case Name:** SUP for a Freestanding Commercial Antenna  
**Case Type:** Zoning  
**Zoning:** Planned Development District 100 (PD-100)  
**Case Address:** Parcel between John King Blvd. & FM549

**Date Saved:** 4/14/2023

For Questions on this Case Call (972) 771-7745

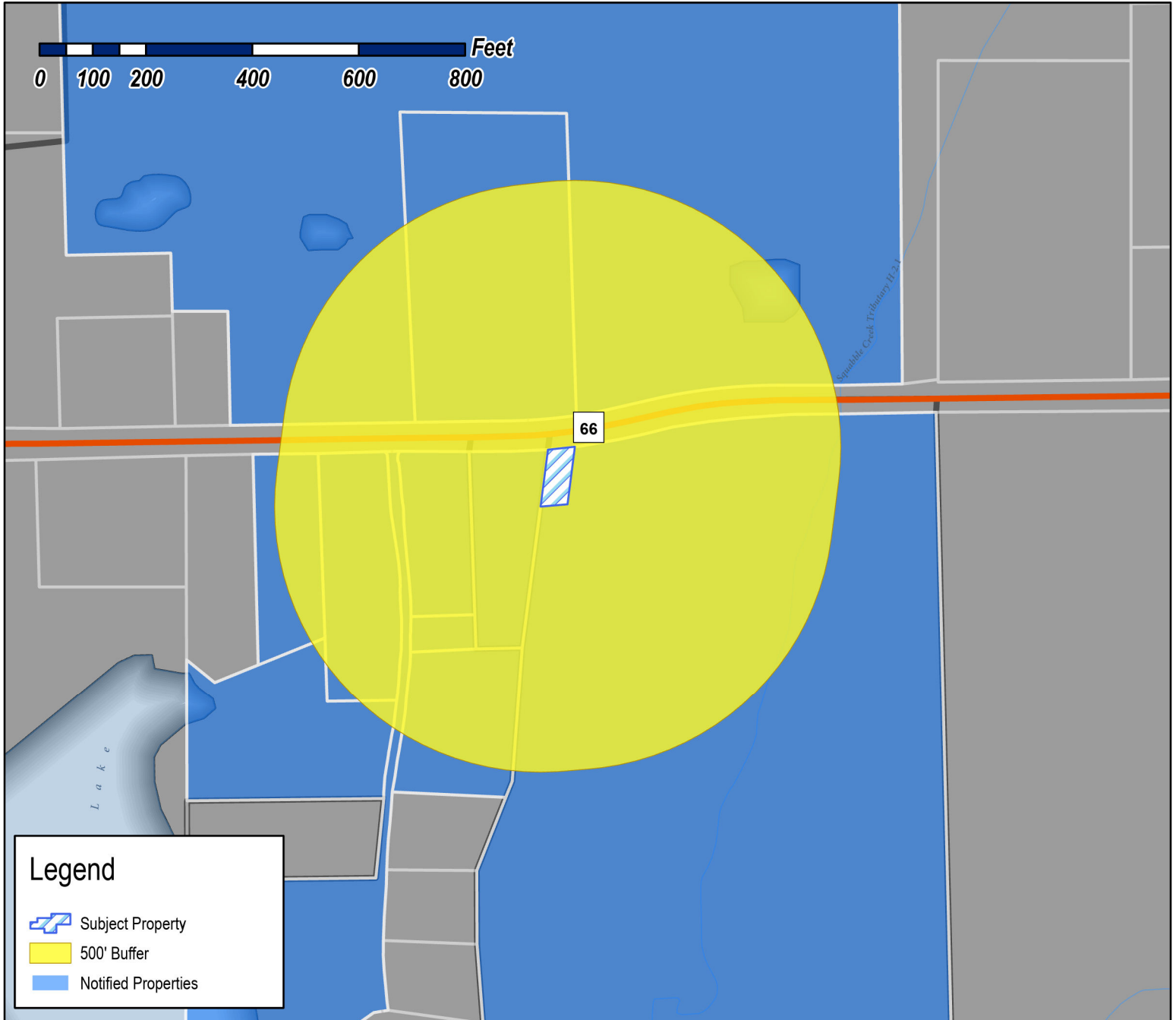




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**Date Saved:** 4/14/2023

For Questions on this Case Call: (972) 771-7746



CONFIDENTIAL  
152 HILL LN  
ROCKWALL, TX 75087

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

RATHER JACOB AND  
NOAH MCILRATH  
1790 WILLIAMS ST  
ROCKWALL, TX 75087

RESIDENT  
1800 WILLIAMS ST  
ROCKWALL, TX 75087

RESIDENT  
2294 E STATE HIGHWAY 66  
ROCKWALL, TX 75087

CAIN FAMILY PARTNERSHIP LTD  
305 STONEBRIDGE DR  
ROCKWALL, TX 75087

RYAN BILL K  
330 VZ CR 2207  
CANTON, TX 75103

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

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

RESIDENT  
745 DAVIS DR  
ROCKWALL, TX 75087

COOK SHERRY LYNN  
760 DAVIS DRIVE  
ROCKWALL, TX 75087

WIDBOOM ROBBY AND KYLIE  
770 DAVIS DR  
ROCKWALL, TX 75087

CAIN REVOCABLE FAMILY TRUST AND  
CREDIT SHELTER TRUST AND SURVIVORS TRUST  
DEWAYNE CAIN TRUSTEE 305 STONEBRIDGE DR  
ROCKWALL, TX 75087

RAINES SHERYL  
PO BOX 412  
ROCKWALL, TX 75087

April 12, 2023

Ryan Miller  
Director of Planning  
City of Rockwall, Texas

Re: Request for SUP to construct Cell Tower

Dear Ryan,

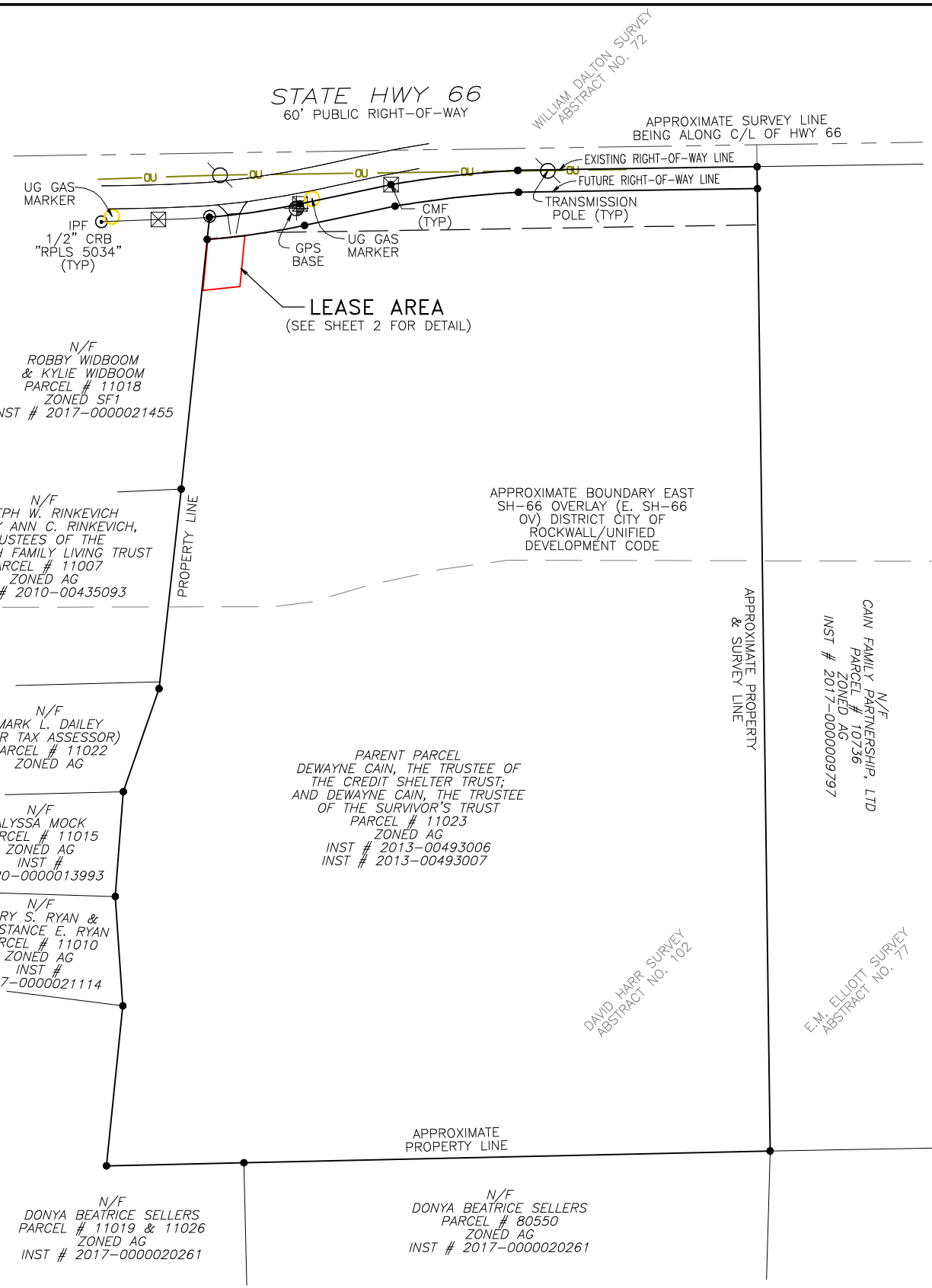
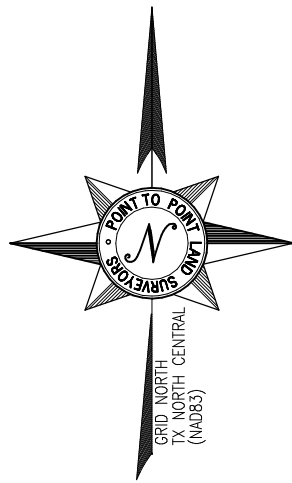
On behalf of Mr. Dewayne Cain, please allow this letter to serve as a formal request to obtain a Special Use Permit to construct a cell tower on the 25.41 Acre tract owned by Dewayne Cain listed under the 25.41 Cain Revocable Trust property located on SH 66 centered between John King Blvd and FM 3549 .

Should you have any questions regarding this request please let me know.

Sincerely,

*W.L. Douphrate II*

W.L. Douphrate II, P.E.



**PARENT PARCEL**

OWNER: DEWAYNE CAIN, THE TRUSTEE OF THE CREDIT SHELTER TRUST; AND DEWAYNE CAIN, THE TRUSTEE OF THE SURVIVOR'S TRUST  
 SITE ADDRESS: 770 STATE HWY 66, ROCKWALL, TX 75087  
 PARCEL ID: 11023  
 AREA: 25.8700 ACRES (PER TAX ASSESSOR)  
 ZONED: AG (PER CITY OF ROCKWALL GIS)  
 ALL ZONING INFORMATION SHOULD BE VERIFIED WITH THE PROPER ZONING OFFICIALS  
 REFERENCE:  
 INSTRUMENT NO. 2013-00493006  
 INSTRUMENT NO. 2013-00493007

**GPS NOTES**

THE FOLLOWING GPS STATISTICS UPON WHICH THIS SURVEY IS BASED HAVE BEEN PRODUCED AT THE 95% CONFIDENCE LEVEL:  
 POSITIONAL ACCURACY: 0.01 FEET (HORZ) 0.25 FEET (VERT)  
 TYPE OF EQUIPMENT: GEOMAX ZENITH35 PRO BASE AND ROVER, DUAL FREQUENCY  
 TYPE OF GPS FIELD PROCEDURE: ONLINE POSITION USER INTERFACE  
 DATES OF SURVEY: 05/10/2022  
 DATUM / EPOCH: NAD\_83(2011)(EPOCH:2010.0000)  
 PUBLISHED / FIXED CONTROL USE: N/A  
 GEOID MODEL: 18  
 COMBINED GRID FACTOR(S): 0.99985127 CENTERED ON THE GPS BASE POINT AS SHOWN HEREON.  
 CONVERGENCE ANGLE: 1.12934722"  
 BENCHMARKS USED: DF8988, DF4385, DL9084

N/F ROBBY WIDBOOM & KYLIE WIDBOOM  
 PARCEL # 11018  
 ZONED SF1  
 INST # 2017-0000021455

N/F JOSEPH W. RINKEVICH & MARY ANN C. RINKEVICH, TRUSTEES OF THE RINKEVICH FAMILY LIVING TRUST  
 PARCEL # 11007  
 ZONED AG  
 INST # 2010-00435093

N/F MARK L. DAILEY (PER TAX ASSESSOR)  
 PARCEL # 11022  
 ZONED AG

N/F ALYSSA MOCK  
 PARCEL # 11015  
 ZONED AG  
 INST # 2020-0000013993

N/F GARY S. RYAN & CONSTANCE E. RYAN  
 PARCEL # 11010  
 ZONED AG  
 INST # 2017-0000021114

N/F DONYA BEATRICE SELLERS  
 PARCEL # 11019 & 11026  
 ZONED AG  
 INST # 2017-0000020261

PARENT PARCEL  
 DEWAYNE CAIN, THE TRUSTEE OF THE CREDIT SHELTER TRUST; AND DEWAYNE CAIN, THE TRUSTEE OF THE SURVIVOR'S TRUST  
 PARCEL # 11023  
 ZONED AG  
 INST # 2013-00493006  
 INST # 2013-00493007

N/F DONYA BEATRICE SELLERS  
 PARCEL # 80550  
 ZONED AG  
 INST # 2017-0000020261



VICINITY MAP  
 NOT TO SCALE  
**GENERAL NOTES**

\* THIS SPECIFIC PURPOSE SURVEY IS FOR THE LEASED PREMISES AND EASEMENTS ONLY. THIS SPECIFIC PURPOSE SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF JACOBS TELECOMMUNICATIONS AND EXCLUSIVELY FOR THE TRANSFERRAL OF THE LEASED PREMISES AND THE RIGHTS OF EASEMENT SHOWN HEREON AND SHALL NOT BE USED AS AN EXHIBIT OR EVIDENCE IN THE FEE SIMPLE TRANSFERRAL OF THE PARENT PARCEL NOR ANY PORTION OR PORTIONS THEREOF. BOUNDARY INFORMATION SHOWN HEREON HAS BEEN COMPILED FROM TAX MAPS AND DEED DESCRIPTIONS ONLY. NO BOUNDARY SURVEY OF THE PARENT PARCEL WAS PERFORMED.

THIS DRAWING DOES NOT REPRESENT A BOUNDARY SURVEY.

BASIS OF BEARING: GPS OBSERVATIONS CONDUCTED AT THE TIME OF SURVEY.

BASIS OF ELEVATION: GPS OBSERVATIONS CONDUCTED AT THE TIME OF SURVEY.

EQUIPMENT USED FOR ANGULAR & LINEAR MEASUREMENTS: LEICA TPS 1200 ROBOTIC & GEOMAX ZENITH 35 [DATE OF LAST FIELD VISIT: 05/10/2022]

THE 1' CONTOURS AND SPOT ELEVATIONS SHOWN ON THIS SPECIFIC PURPOSE SURVEY ARE ADJUSTED TO NAVD 88 DATUM (COMPUTED USING GEOID18) AND HAVE A VERTICAL ACCURACY OF ± 0.5'. CONTOURS OUTSIDE THE IMMEDIATE SITE AREA ARE APPROXIMATE.

BEARINGS SHOWN ON THIS SPECIFIC PURPOSE SURVEY ARE BASED ON TEXAS GRID NORTH (NAD 83) NORTH CENTRAL ZONE.

PER THE FEMA FLOODPLAIN MAPS, THE SITE IS LOCATED IN AN AREA DESIGNATED AS ZONE X (AREA OF MINIMAL FLOOD HAZARD). COMMUNITY PANEL NO. : 48397C0045L DATED: 09/26/2008

NO WETLAND AREAS HAVE BEEN INVESTIGATED BY THIS SPECIFIC PURPOSE SURVEY.

ALL ZONING INFORMATION SHOULD BE VERIFIED WITH THE PROPER ZONING OFFICIALS.

ANY UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM ABOVE GROUND FIELD SURVEY INFORMATION. THE SURVEYOR MAKES NO GUARANTEES THAT ANY UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT ANY UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED ANY UNDERGROUND UTILITIES.

TEXAS REGISTRATION NO. 10194197

I DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND AND UNDER MY SUPERVISION. THE HORIZONTAL DATUM (COORDINATES) ARE IN THE TERMS OF THE NORTH AMERICAN DATUM OF 1983 (NAD83) AND ARE EXPRESSED AS DEGREES, MINUTES AND SECONDS, TO THE NEAREST HUNDREDTH OF A SECOND. THE VERTICAL DATUM (HEIGHTS) ARE IN TERMS OF NORTH AMERICAN VERTICAL DATUM OF 1988 AND ARE DETERMINED TO THE NEAREST TENTH OF A FOOT.



NO.	DATE	REVISION
1	3/23/23	LEASE AREA

POINT TO POINT LAND SURVEYORS  
 100 Governors Trace, Ste. 103  
 Peachtree City, GA 30269  
 (p) 678.565.4440 (f) 678.565.4497  
 (w) pointtopointsurvey.com  
 Texas Registration No. 10194197



SPECIFIC PURPOSE SURVEY PREPARED FOR:



5449 BELLS FERRY ROAD,  
 ACWORTH, GA 30102

DDL00380

DAVID HARR SURVEY,  
 ABSTRACT 102,  
 ROCKWALL COUNTY, TEXAS

DRAWN BY: AJT  
 CHECKED BY: JKL  
 APPROVED: D. MILLER  
 DATE: MAY 13, 2022  
 P2P JOB #: 220743TX

SHEET:  
**1**  
 OF 3

**SURVEYOR'S CERTIFICATION**

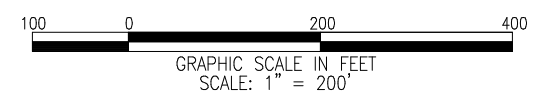
I HEREBY CERTIFY THAT THIS MAP IS CORRECT AND THAT ANY VISIBLE ENCROACHMENTS ARE SHOWN HEREON.

*Justin Kyle Lawrence*  
 JUSTIN KYLE LAWRENCE  
 TEXAS PROFESSIONAL LAND SURVEYOR LICENSE NO. 6589  
 DATE: 05/13/2022

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS. THIS MAP IS ONLY INTENDED FOR THE PARTIES AND PURPOSES SHOWN. THIS MAP IS NOT FOR RECORDATION.

**LEGEND**

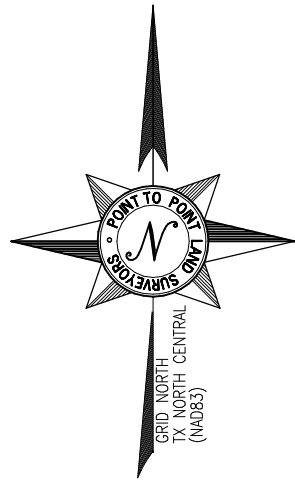
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
IPF	IRON PIN FOUND
CRB	CAPPED REBAR
CMF	CONCRETE MONUMENT FOUND
TYP	TYPICAL
OU	OVERHEAD UTILITY
UG	UNDERGROUND
N/F	NOW OR FORMERLY
R/W	RIGHT-OF-WAY
EP	EDGE OF PAVEMENT
BWF	BARBED WIRE FENCE



[SURVEY NOT VALID WITHOUT SHEETS 2 & 3 OF 3]



E:\Vrebox (Point To Point)\P2P Current Jobs\2022\220743TX-00\00380\220743TX.rvt

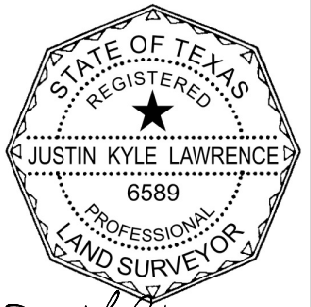


### SITE INFORMATION

LEASE AREA = 3,489 SQUARE FEET (0.0801 ACRES)

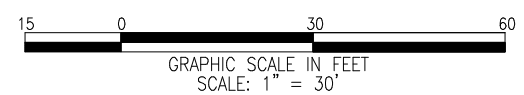
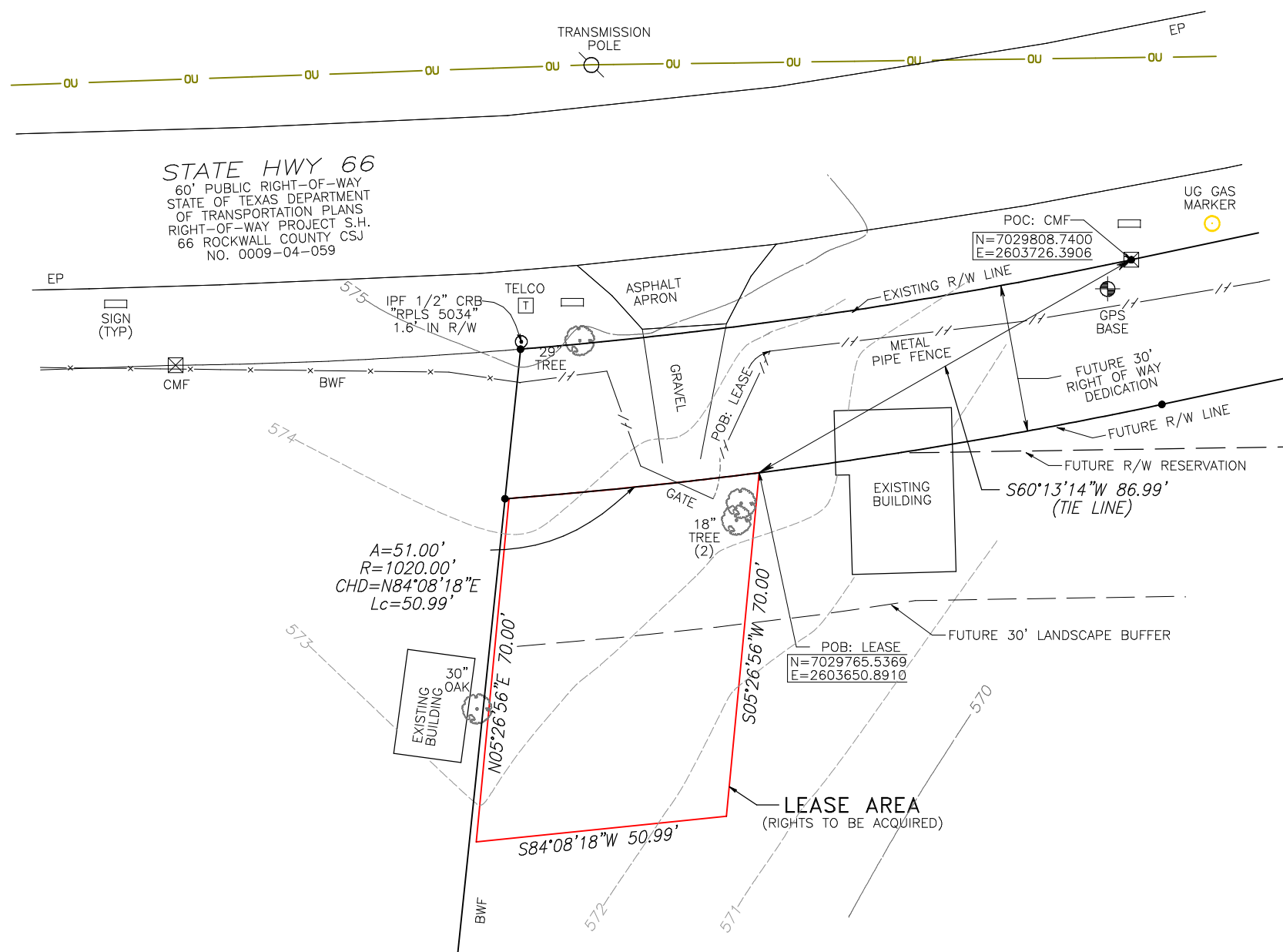
LATITUDE = 32°56'09.66" (NAD 83) (32.936017°)  
 LONGITUDE = -96°25'46.66" (NAD 83) (-96.429628°)  
 AT CENTER LEASE AREA

ELEVATION AT CENTER OF LEASE AREA = 573.0' A.M.S.L.



*JKL*

NO.	DATE	REVISION
1	3/23/23	LEASE AREA



**LEGEND**

POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
IPF	IRON PIN FOUND
CRB	CAPPED REBAR
CMF	CONCRETE MONUMENT FOUND
TYP	TYPICAL
OU	OVERHEAD UTILITY
UG	UNDERGROUND
N/F	NOW OR FORMERLY
R/W	RIGHT-OF-WAY
EP	EDGE OF PAVEMENT
BWF	BARBED WIRE FENCE

\* SPECIFIC PURPOSE SURVEY PREPARED BY:

**POINT TO POINT LAND SURVEYORS**

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 (w) pointtopointsurvey.com  
 Texas Registration NO. 10194197



SPECIFIC PURPOSE SURVEY  
 PREPARED FOR:

**JACOBS**

5449 BELLS FERRY ROAD,  
 ACWORTH, GA 30102

DDL00380

DAVID HARR SURVEY,  
 ABSTRACT 102,  
 ROCKWALL COUNTY, TEXAS

DRAWN BY: AJT  
 CHECKED BY: JKL  
 APPROVED: D. MILLER  
 DATE: MAY 13, 2022  
 P2P JOB #: 220743TX

SHEET:  
**2**  
 OF 3

SURVEY NOT VALID WITHOUT SHEETS 1 & 3 OF 3

E:\Dropbox (Point To Point)\P2P Current Jobs\2022\220743TX-DDL00380\220743TX.dwg

# LEGAL DESCRIPTION SHEET

## PARENT PARCEL

(PER FILE NO. UST70613)

TRACT 1: BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE COUNTY OF ROCKWALL, STATE OF TEXAS, AND BEING IN THE DAVID HARR SURVEY, ABSTRACT NO. 102, AND BEING PART OF 43.0625 ACRE TRACT, DESCRIBED IN VOLUME 48, PAGE 440, DEED RECORDS, ROCKWALL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING IN THE NORTHEAST CORNER OF ABOVE MENTIONED TRACT ON SOUTH ROW OF HIGHWAY 66;

THENCE NORTH 86 DEGREES 51' 02" WEST, 359.56 FEET WITH ROW LINE TO POINT OF CURVE TO LEFT;

THENCE WITH CURVE LEFT 191.37 FEET TO POINT TANGENT;

THENCE SOUTH 80 DEGREES 32' 63" WEST, 84.75 FEET WITH SOUTH ROW LINE TO POINT OF CURVE TO RIGHT;

THENCE WITH CURVE RIGHT 128.58 FEET TO IRON POST FOR CORNER;

THENCE SOUTH 08 DEGREES 30' 45" WEST 493.08 FEET TO IRON STAKE FOR CORNER;

THENCE SOUTH 08 DEGREES 30' 00" WEST 150 FEET TO IRON STAKE FOR CORNER; THENCE SOUTH 08 DEGREES 30' 00" WEST 6.89 FEET TO IRON STAKE FOR CORNER; THENCE SOUTH 22 DEGREES 25' 36" WEST, 158.92 FEET TO IRON STAKE FOR CORNER;

THENCE SOUTH 04 DEGREES 42' 01" WEST 135 FEET TO IRON STAKE FOR CORNER; THENCE SOUTH 01 DEGREES 31' 12" EAST 150 FEET TO IRON STAKE FOR CORNER; THENCE SOUTH 08 DEGREES 26' 36" EAST 223.86 FEET TO IRON STAKE FOR CORNER; THENCE SOUTH 82 DEGREES 26' 36" EAST 931.52 FEET TO IRON STAKE FOR CORNER; THENCE NORTH 00 DEGREES 45' 25" EAST 1337.11 FEET TO IRON STAKE FOR CORNER AND POINT OF BEGINNING AND CONTAINING 25.867 ACRES OF LAND MORE OR LESS.

## TITLE EXCEPTIONS

THIS SURVEY WAS COMPLETED WITH THE AID OF TITLE WORK PREPARED BY U.S. TITLE SOLUTIONS, REPORT DATE OF MARCH 4, 2022, SEARCH START DATE OF JANUARY 1, 1973, END DATE OF JANUARY 17, 2022, BEING FILE NO. UST70613, FOR THE PARENT PARCEL, TO DETERMINE THE IMPACTS OF EXISTING TITLE EXCEPTIONS.

### 1. MORTGAGES, DEEDS OF TRUST AND UCCS

1. DEED OF TRUST MADE BY, CAIN REVOCABLE FAMILY TRUST, TO, ROBERT HAWK, TRUSTEE, DON R. STODGHILL, IN THE SUM OF \$210,000.00, DATED OCTOBER 23, 2008, RECORDED OCTOBER 27, 2008, IN INSTRUMENT NO: 2008-00407167.

[THIS ITEM IS APPLICABLE TO THE PARENT PARCEL.]

### 3. COVENANTS AND RESTRICTIONS

3.1 RESTRICTIONS AS SET FORTH IN DEED 108/499 , DEED 110/148 HOWEVER PLEASE SEE MODIFICATION 121/862 DELETING SUCH RESTRICTIONS.

[THIS ITEM IS APPLICABLE TO THE PARENT PARCEL.]

### 4. EASEMENTS AND RIGHTS OF WAY

4.1 RIGHT OF WAY AGREEMENT BY J. DIANE FOLZENLOGEN AND BENNIE R. CLARK TO LONE STAR GAS, DATED OCTOBER 19, 1973, RECORDED JANUARY 15, 1974, IN BOOK 112, PAGE 88. NOTES: RIGHT OF WAY AND EASEMENT PURPOSES

[THIS ITEM MAY BE APPLICABLE TO THE PARENT PARCEL; HOWEVER, THE DISCRPTION IS VAGUE, AND THEREFORE, WE ARE UNABLE TO ASCERTAIN THE EXACT LOCATION THEREOF.]

4.2 EASEMENT BY J. DIANE FOLZENLOGEN AND BENNIE R. CLARK TO OWEN S. DAVIS AND H. RACHEL DAVIS, DATED MAY 11, 1973, RECORDED MAY 16, 1973, IN BOOK 108, PAGE 502. NOTES: WATER PIPE LINE PURPOSES

[THIS ITEM IS APPLICABLE TO THE PARENT PARCEL; HOWEVER, IT IS NOT PLOTTED HEREON BECAUSE THE DISCRPTION IS VAGUE, AND THEREFORE, WE ARE UNABLE TO ASCERTAIN THE EXACT LOCATION THEREOF.]

## LEASE AREA

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN DAVID HARR SURVEY, ABSTRACT NO. 102, ROCKWALL COUNTY, TEXAS, AND BEING A PORTION OF THE LANDS OF DEWAYNE CAIN, THE TRUSTEE OF THE CREDIT SHELTER TRUST; AND DEWAYNE CAIN, THE TRUSTEE OF THE SURVIVOR'S TRUST, AS RECORDED IN INSTRUMENT NOS. 2013-00493006 AND 2013-00493007, ROCKWALL COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE POINT OF BEGINNING, COMMENCE AT A CONCRETE MONUMENT FOUND ON THE SOUTHERN RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 66 (HAVING A 60-FOOT PUBLIC RIGHT-OF-WAY), SAID MONUMENT HAVING A TEXAS GRID NORTH, NAD 83, NORTH CENTRAL ZONE VALUE OF N: 7029808.7400 E: 2603726.3906; THENCE RUNNING FOR A TIE LINE, SOUTH 60°13'14" WEST 86.99 FEET TO A POINT LOCATED ON THE SOUTH SIDE OF A FUTURE 30 FOOT WIDE RIGHT-OF-WAY DEDICATION LINE, SAID POINT HAVING A TEXAS GRID NORTH, NAD 83, NORTH CENTRAL ZONE VALUE OF N: 7029765.5369 E: 2603650.8910, AND THE TRUE POINT OF BEGINNING;

THENCE CONTINUING, SOUTH 05°26'56" WEST, 70.00 FEET TO A POINT;

THENCE, SOUTH 84°08'18" WEST, 50.99 FEET TO A POINT;

THENCE, NORTH 05°26'56" EAST, 70.00 FEET TO A POINT LOCATED ON THE AFORESAID SOUTH SIDE OF A FUTURE 30 FOOT WIDE RIGHT-OF-WAY DEDICATION LINE;

THENCE RUNNING WITH SAID DEDICATION LINE, 51.00 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1020.00 FEET AND BEING SCRIBED BY A CHORD BEARING NORTH 84°08'18" EAST, 50.99 FEET TO A POINT AND THE TRUE POINT OF BEGINNING.

BEARINGS BASED ON TEXAS GRID NORTH, NAD 83, NORTH CENTRAL ZONE.

SAID TRACT CONTAINS 0.0801 ACRES (3,489 SQUARE FEET), MORE OR LESS.



*Justin Kyle Lawrence*

NO.	DATE	REVISION
1	3/23/23	LEASE AREA

\* SPECIFIC PURPOSE SURVEY PREPARED BY:

**POINT TO POINT LAND SURVEYORS**

100 Governors Trace, Ste. 103  
Peachtree City, GA 30269  
(p) 678.565.4440 (f) 678.565.4497  
(w) pointtopointsurvey.com  
Texas Registration NO. 10194197



SPECIFIC PURPOSE SURVEY PREPARED FOR:

**JACOBS**

5449 BELLS FERRY ROAD,  
ACWORTH, GA 30102

DDL00380

DAVID HARR SURVEY,  
ABSTRACT 102,  
ROCKWALL COUNTY, TEXAS

DRAWN BY: AJT	SHEET:
CHECKED BY: JKL	<b>3</b>
APPROVED: D. MILLER	
DATE: MAY 13, 2022	
P2P JOB #: 220743TX	OF 3

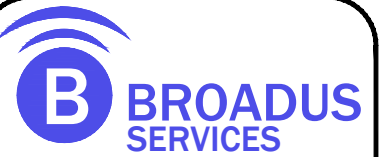
SURVEY NOT VALID WITHOUT SHEETS 1 & 2 OF 3

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1801 VALLEY VIEW LANE  
FARMER'S BRANCH, TX 75234



4 COUNTRY PLACE CIRCLE  
DALWORTHINGTON GARDENS  
TEXAS 76016

AT&T SITE NUMBER:  
**DDL00380**

AT&T SITE NAME:  
**DDL00380**

FA CODE:  
**15682026**

PACE ID:  
**MRNTX075135**

770 DAVIS DRIVE  
ROCKWALL, TX 75087

NEW MONOPOLE TOWER

ISSUED FOR:

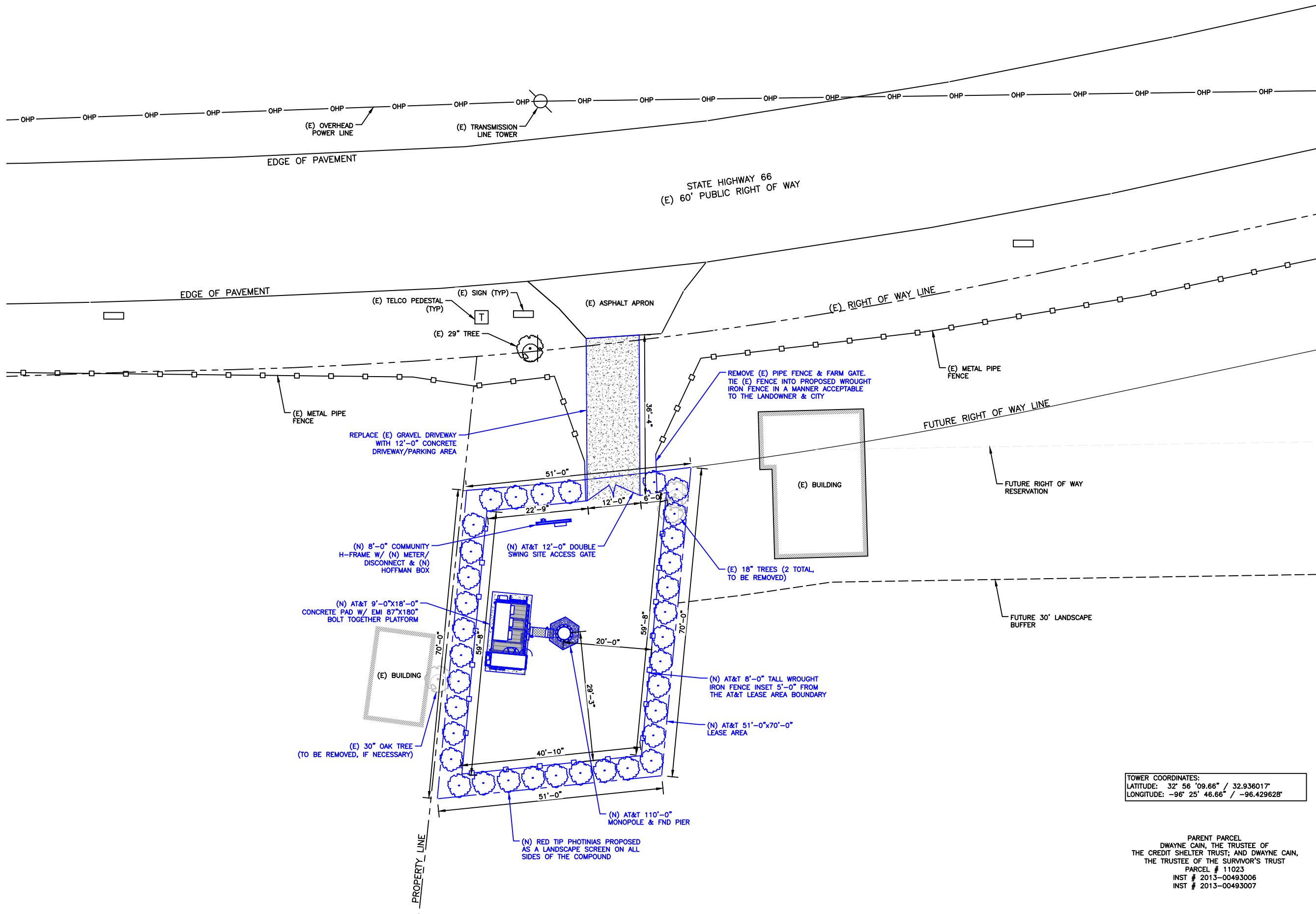
REV	DATE	DRWN	DESCRIPTION	DES./QA
LEA	04/12/2023	WHS	LEASE EXHIBIT	JK

**THIS DOCUMENT IS  
PRELIMINARY IN  
NATURE AND IS NOT  
A FINAL, SIGNED AND  
SEALED DOCUMENT**

BROADUS SERVICES  
FIRM REGISTRATION #F-23339  
4 COUNTRY PLACE CIRCLE  
DALWORTHINGTON GARDENS, TX 76016  
IT IS A VIOLATION OF LAW FOR ANY PERSON,  
UNLESS THEY ARE ACTING UNDER THE DIRECTION  
OF A LICENSED PROFESSIONAL ENGINEER,  
TO ALTER THIS DOCUMENT.

SHEET NUMBER: REVISION:

LE-1 LEA



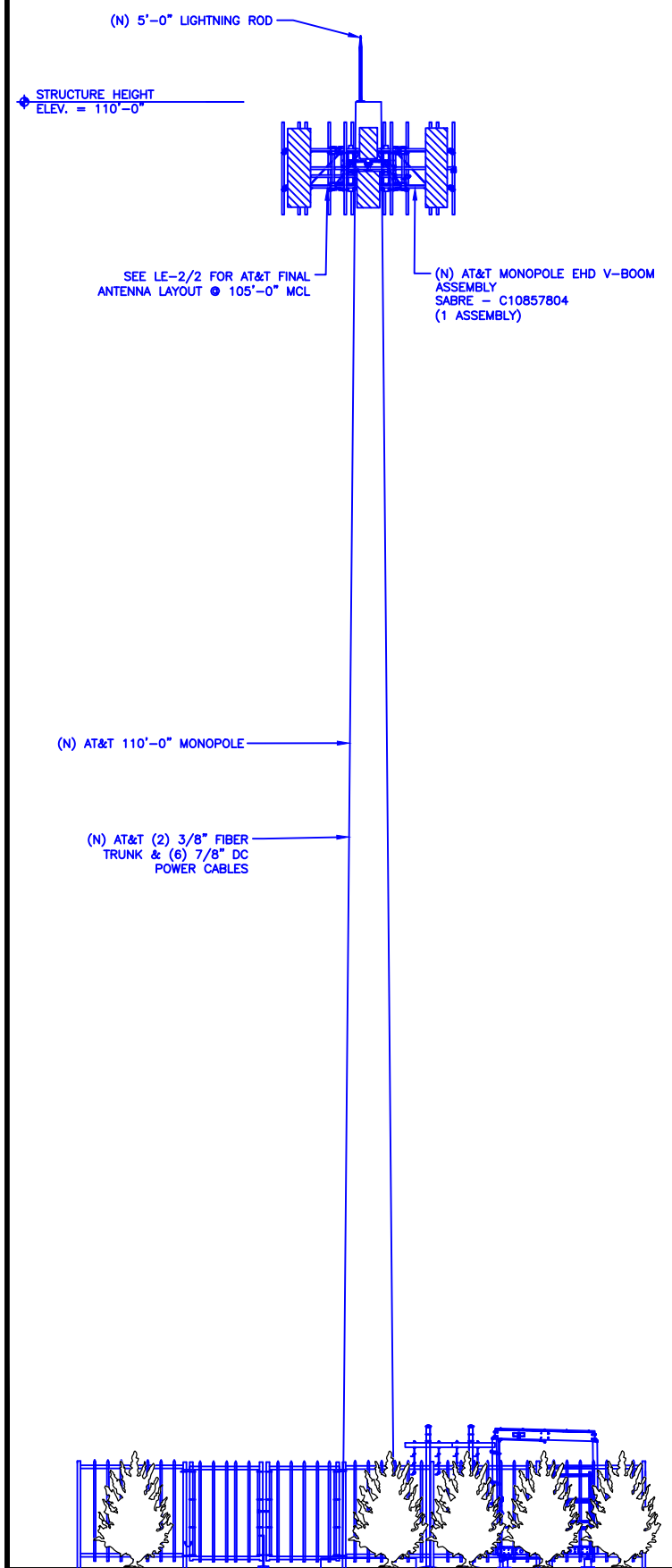
TOWER COORDINATES:  
LATITUDE: 32° 56' 09.66" / 32.936017  
LONGITUDE: -96° 25' 46.66" / -96.429628

PARENT PARCEL  
DWAYNE CAIN, THE TRUSTEE OF  
THE CREDIT SHELTER TRUST; AND DWAYNE CAIN,  
THE TRUSTEE OF THE SURVIVOR'S TRUST  
PARCEL # 11023  
INST # 2013-00493006  
INST # 2013-00493007

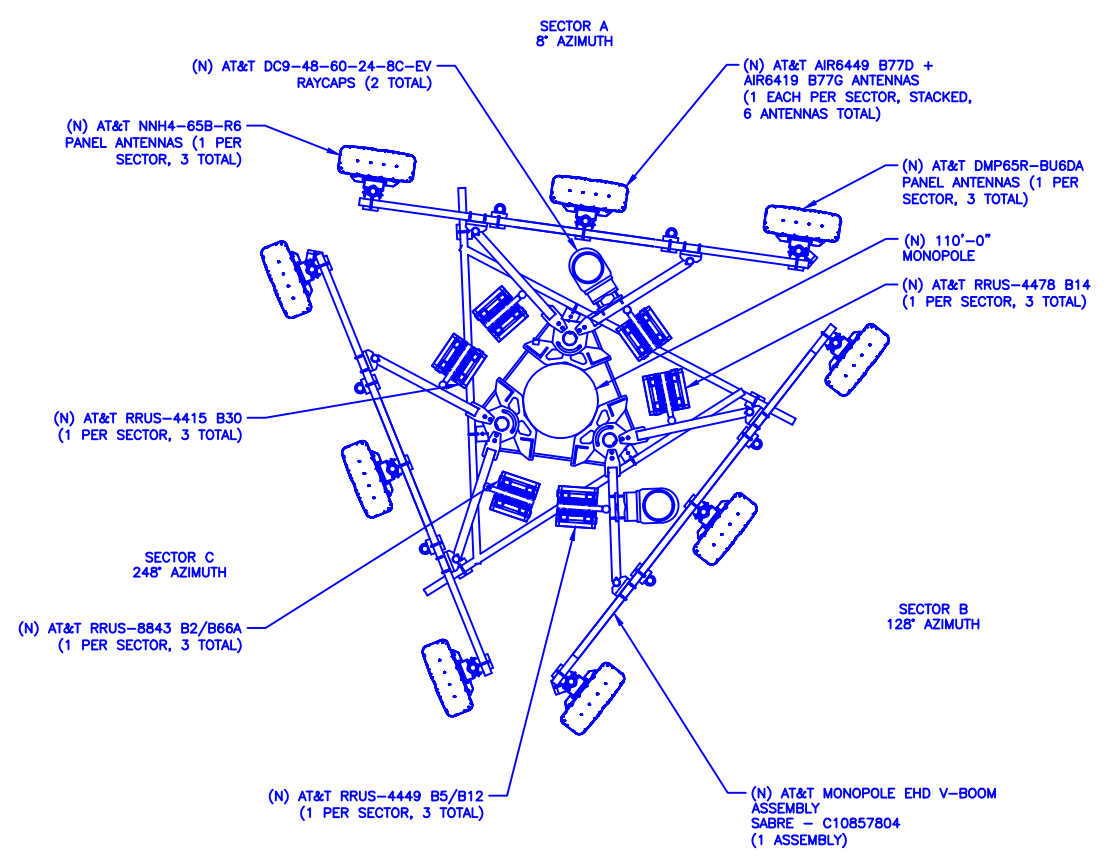
1 OVERALL SITE PLAN  
SCALE: 3/32"=1'-0" (FULL SIZE)  
3/84"=1'-0" (11x17)



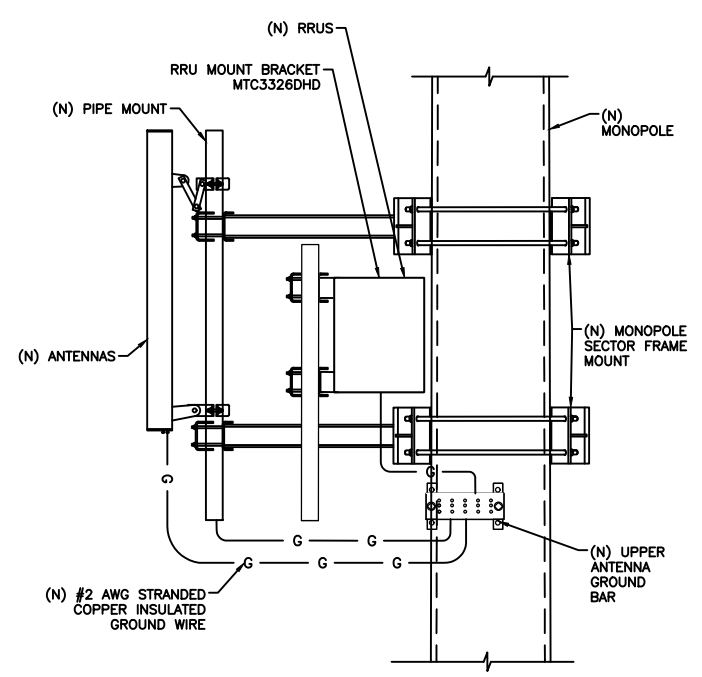
**AT&T EQUIPMENT**  
 ANTENNA CL: 105'-0"  
 MOUNT CL: 105'-0"



1 FINAL NORTH (FROM HWY 66) TOWER ELEVATION  
 SCALE: NOT TO SCALE



2 FINAL ANTENNA LAYOUT  
 SCALE: NOT TO SCALE



3 ANTENNA/RRU MOUNT DIAGRAM  
 SCALE: NOT TO SCALE



1801 VALLEY VIEW LANE  
 FARMER'S BRANCH, TX 75234



4 COUNTRY PLACE CIRCLE  
 DALWORTHINGTON GARDENS  
 TEXAS 76016

AT&T SITE NUMBER:  
**DDL00380**

AT&T SITE NAME:  
**DDL00380**

FA CODE:  
**15682026**

PACE ID:  
**MRNTX075135**

770 DAVIS DRIVE  
 ROCKWALL, TX 75087

NEW MONOPOLE TOWER

**ISSUED FOR:**

REV	DATE	DRWN	DESCRIPTION	DES./QA
LEA	04/12/2023	WHS	LEASE EXHIBIT	JK

**THIS DOCUMENT IS  
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 NATURE AND IS NOT  
 A FINAL, SIGNED AND  
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BROADUS SERVICES  
 FIRM REGISTRATION #F-23339  
 4 COUNTRY PLACE CIRCLE  
 DALWORTHINGTON GARDENS, TX 76016  
 IT IS A VIOLATION OF LAW FOR ANY PERSON,  
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 OF A LICENSED PROFESSIONAL ENGINEER,  
 TO ALTER THIS DOCUMENT.

SHEET NUMBER:

**LE-2**

REVISION:

**LEA**

CITY OF ROCKWALL

ORDINANCE NO. 23-XX

SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 100 (PD-100) [ORDINANCE NO. 23-07] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A COMMERCIAL FREESTANDING ANTENNA ON A 0.1234-ACRE TRACT OF LAND IDENTIFIED AS A PORTION OF TRACT 14 OF THE D. HARR SURVEY, ABSTRACT NO 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, a request has been made by Dub Douphrate of Douphrate and Associates on behalf of Dewayne Cain for the approval of a Specific Use Permit (SUP) for a *Commercial Freestanding Antenna* on a 0.1234-acre tract of land identified as a portion of Tract 14 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 100 (PD-100) for General Retail (GR) District land uses, situated within the East SH-66 Overlay (E. SH-66 OV) District, generally located on the southside of SH-66 east of the intersection of SH-66 and Davis Drive, and being more specifically described in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

**WHEREAS**, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that Planned Development District 100 (PD-100) [Ordinance No. 23-07] and the Unified Development Code [Ordinance No. 20-02] of the City of Rockwall should be amended as follows:

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:**

**SECTION 1.** That Planned Development District 100 (PD-100) [Ordinance No. 23-07] and the Unified Development Code [Ordinance No. 20-02] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing for the establishment of a *Commercial Freestanding Antenna* as stipulated by Planned Development District 100 (PD-100) [Ordinance No. 23-07] on the *Subject Property*; and

**SECTION 2.** That the *Subject Property* shall be used and developed only in the manner and for the purposes described in this Specific Use Permit (SUP) ordinance and as specifically set forth in Planned Development District 100 (PD-100) [Ordinance No. 23-07], Subsection 01.01, *Land Use Schedule*, of Article 04, *Permissible Uses*, and Subsection 04.01, *General Commercial*

*District Standards*; Subsection 04.04, *General Retail (GR) District*, and Subsection 06.02, *General Overlay District Standards*, of Article 05, *District Development Standards*, of the Unified Development Code [*Ordinance No. 20-02*] of the City of Rockwall -- *as heretofore amended and may be amended in the future* -- and with the following conditions:

## **2.1 OPERATIONAL CONDITIONS**

The following conditions pertain to the operation of a *Commercial Freestanding Antenna* on the *Subject Property* and conformance to these requirements is necessary for continued operations:

- 1) The development and operation of a *Commercial Freestanding Antenna* shall generally conform to the *Concept Plan* depicted in *Exhibit 'B'* and *Concept Building Elevations* depicted in *Exhibit 'C'* of this ordinance.
- 2) Any necessary equipment building shall be enclosed by a decorative iron fence surrounded by a screening hedge which will achieve a height of at least six (6) feet at maturity or a masonry screening wall at least eight (8) feet in height; and,
- 3) At least one (1) paved parking space with paved access thereto shall be provided at the antenna location; said parking space need not be reserved exclusively for use in conjunction with the antenna installation and may be one (1) of the spaces provided for the principal use on the property; and,
- 4) Administrative approval of the antenna installation shall be required prior to the issuance of any permits for construction; and,

## **2.2 COMPLIANCE**

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

- 1) Upon obtaining a *Certificate of Occupancy (CO)*, should the business owner operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outlined in the Unified Development Code (UDC), the City may (after proper notice) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Subsection 02.02(F), *Revocation*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*].

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

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

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

**SECTION 6.** If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the

application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

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

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
THIS THE 5<sup>TH</sup> DAY OF JUNE, 2023.**

\_\_\_\_\_  
Trace Johannesen, *Mayor*

**ATTEST:**

\_\_\_\_\_  
Kristy Teague, *City Secretary*

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Frank J. Garza, *City Attorney*

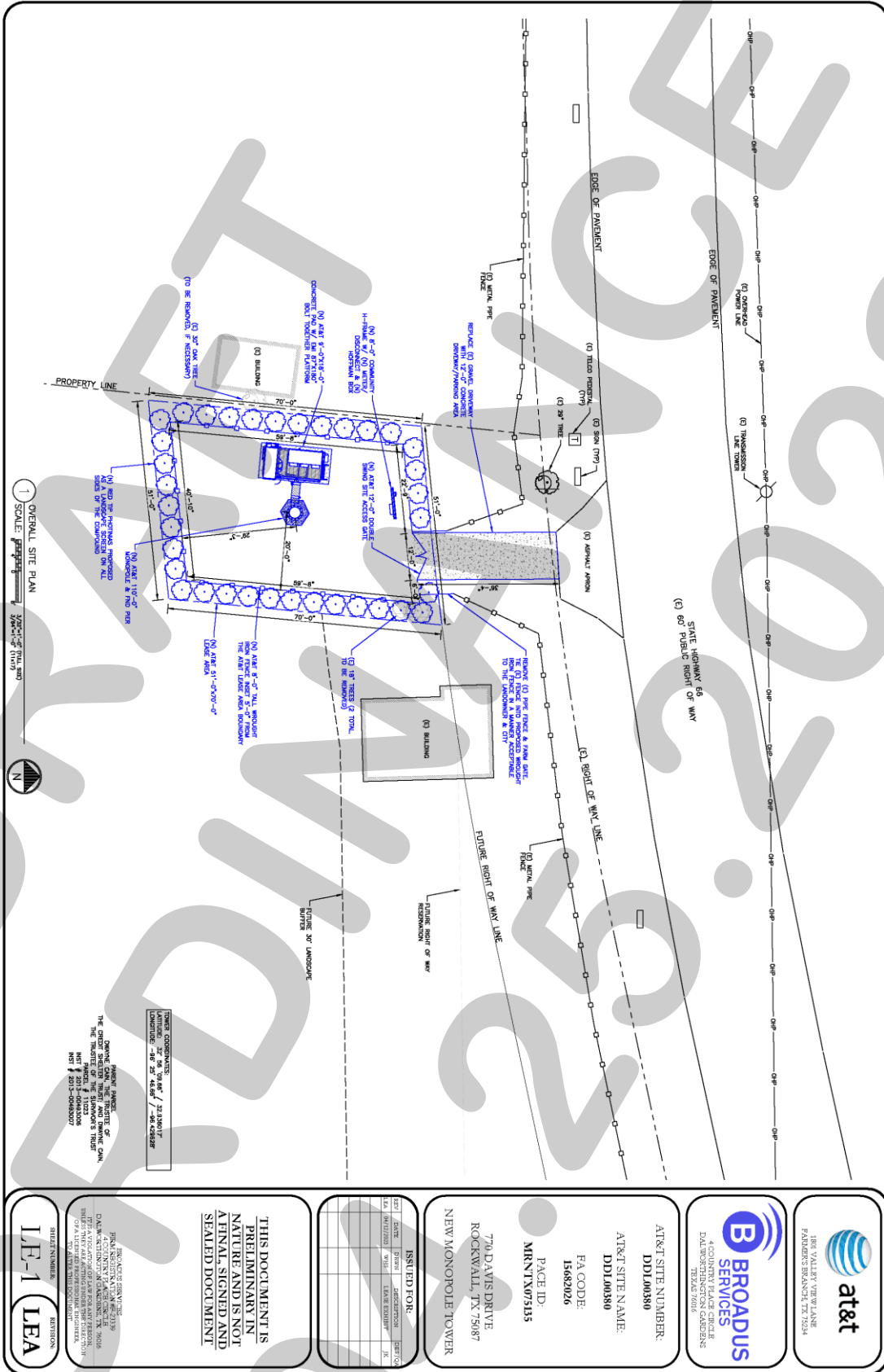
1<sup>st</sup> Reading: May 15, 2023

2<sup>nd</sup> Reading: June 5, 2023

**Exhibit 'A':  
Survey**



Exhibit 'B':  
Concept Plan



TOWNS COORDINATES:  
EASTING: 48 29 46.68' / 48 42888'  
NORTHING: 48 29 46.68' / 48 42888'

OWNER: FREDERICK P. AND THERESA C. DAVIS  
PROJECT: 2011-000000  
DATE: 11/10/2011

THE OWNER'S NAME AND ADDRESS MUST BE PRINTED ON ALL SHEETS OF THIS PLAN.

THIS DOCUMENT IS PRELIMINARY IN NATURE AND IS NOT FINAL, SIGNED AND SEALED DOCUMENT

ISSUED FOR:  
DATE: 11/10/2011  
BY: [Signature]  
CHECKED BY: [Signature]  
SCALE: AS SHOWN

770 DAVIS DRIVE  
ROCKWALL, TX 75087  
NEW MONOPOLE TOWER

AT&T SITE NUMBER:  
DDI:00830

AT&T SITE NAME:  
DDI:00830

FA CODE:  
15682026

PAGE ID:  
MRNTX075135

AT&T SITE NUMBER:  
DDI:00830

AT&T SITE NAME:  
DDI:00830

FA CODE:  
15682026

PAGE ID:  
MRNTX075135

180 VALLEY VIEW LANE  
FARMER'S BRANCH, TX 75344

at&t

BROADUS SERVICES  
4 COUNTRY PLACE CIRCLE  
DALWORTHINGTON GARDENS  
IRVING, TEXAS 75038

PLANNING AND DESIGN SERVICES  
180 VALLEY VIEW LANE  
FARMER'S BRANCH, TX 75344  
PHONE: 972-261-1000  
WWW: WWW.PLANDESIGN.COM

1E-1 LEA

# Exhibit 'C': Concept Building Elevations

**1** FINAL NORTH FROM HWY 68 TOWER ELEVATION  
SCALE: NOT TO SCALE

**2** FINAL ANTENNA LAYOUT  
SCALE: NOT TO SCALE

**3** ANTENNA/RRU MOUNT DIAGRAM  
SCALE: NOT TO SCALE

**4** FINAL EQUIPMENT ANTENNA CL. 100'-0" ANTENNA CL. 115'-0" ANTENNA CL. 130'-0"

REV	DATE	DESCRIPTION	BY	CHK

**ISSUED FOR:**

THIS DOCUMENT IS PRELIMINARY IN NATURE AND IS NOT A FINAL SIGNED AND SEALED DOCUMENT

PROJECT: 2023-022: SUP FOR A COMMERCIAL FREESTANDING ANTENNA  
DRAWN BY: J. G. SMITH  
CHECKED BY: J. G. SMITH  
DATE: 08/15/2023  
SCALE: AS SHOWN  
SHEET NUMBER: LF-2 LEA

7700 AVIS DRIVE  
ROCKWALL, TX 75087  
NEW MONOROLE TOWER

AT&T SITE NUMBER:  
DD1L00380

AT&T SITE NAME:  
DD1L00380

FA CODE:  
15682026

PAGE ID:  
MRNTX075155

**BROADUS SERVICES**  
4100 WEST LOOP WEST  
DALLAS, TEXAS 75244  
TEL: 972.962.1000

1811 VALLEY VIEW LANE  
#4000 ROCKWALL, TX 75087





# CITY OF ROCKWALL

## PLANNING AND ZONING COMMISSION CASE MEMO

### PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

---

**TO:** Planning and Zoning Commission  
**DATE:** May 9, 2023  
**APPLICANT:** Dub Douphrate; *Douphrate & Associates, Inc.*  
**CASE NUMBER:** Z2023-022; *SUP for a Commercial Freestanding Antenna*

---

### **SUMMARY**

Hold a public hearing to discuss and consider a request by Dub Douphrate of Douphrate and Associates on behalf of Dewayne Cain for the approval of a Specific Use Permit (SUP) for a *Freestanding Commercial Antenna* on a 0.1234-acre tract of land identified as a portion of Tract 14 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 100 (PD-100) for Single-Family 1 (SF-1) and General Retail (GR) District land uses, situated within the East SH-66 Overlay (E. SH-66 OV) District, generally located southside of SH-66 east of the intersection of SH-66 and Davis Drive, and take any action necessary.

### **BACKGROUND**

The subject property was annexed on March 16, 1998 by *Ordinance No. 98-10 [Case No. A1998-001]*. At the time of annexation the subject property was zoned Agricultural (AG) District. On March 6, 2023, the City Council approved a zoning change (*Case No. Z2022-057; Ordinance No. 23-07*) from Agricultural (AG) District to Planned Development District 100 (PD-100) [*Ordinance No. 23-07*] for Single-Family 1 (SF-1) and General Retail (GR) District land uses. This Planned Development District also allow the location of one (1) *Commercial Freestanding Antenna* by Specific Use Permit (SUP). The subject property has remained vacant since the time of annexation.

### **PURPOSE**

On April 14, 2023, the applicant -- *Dub Douphrate of Douphrate & Associates, Inc.* -- submitted an application requesting Specific Use Permit (SUP) to allow the construction of a *Commercial Freestanding Antenna* on the subject property.

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

The subject property is generally located in between N. John King Boulevard and N. Stodghill Road, south of SH-66. The land uses adjacent to the subject property are as follows:

**North:** Directly north of the subject property is SH-66, which is identified as a TXDOT4D (*i.e. Texas Department of Transportation, four [4] lane, divided roadway*) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is a 55.08-acre tract of land zoned Agricultural (AG) District. Following this is a 14.219-acre tract of land zoned Agricultural (AG) District and Planned Development District 93 (PD-93) for Single-Family 10 (SF-10) District land uses.

**South:** Directly south of the subject property is the remainder of Planned Development District 100 (PD-100) followed by two (2) vacant tracts of land [*i.e. Tracts 17 & 17-1 of the D. H. Survey Abstract No. 102*] zoned Agricultural District. Beyond this is a 64.514-acre tract of land developed with the City of Rockwall's *Animal Shelter and Gun Range*, which is zoned Agricultural (AG) District.

**East:** Directly east of the subject property is the remainder of Planned Development District 100 (PD-100) followed by two (2) vacant tracts of land [*i.e. Tracts 9 & 9-01 of the E. M. E. Survey Abstract No. 77*] zoned Agricultural (AG) District. Beyond this are six (6) tracts of land, four (4) of which are developed with single-family homes [*i.e. 2755 E. SH-66*].

and 1110 and 1226 N. Stodghill Road], one (1) of which is vacant [i.e. Tract 29-2 of the E. M. E. Survey Abstract 77], and is the last tract being developed with an *Animal Clinic* [i.e. 2897 E. SH-66]. All of these properties are zoned Agricultural (AG) District.

West: Directly west of the subject property are several properties developed with single-family homes that are zoned Agricultural (AG) District and Single-Family 1 (SF-1) District. Beyond this is a 47.89-acre parcel of land developed with the Ralph M. Hall Airport, which is zoned Agricultural (AG) District.

MAP 1: LOCATION MAP  
**YELLOW:** SUBJECT PROPERTY



### CHARACTERISTICS OF THE REQUEST

Staff should note, the applicant is making this request following the approval (i.e. *City Council approval March 6, 2023*) of the zoning change (Case No. Z2022-057) on the subject property from Agricultural (AG) District to Planned Development District 100 (PD-100). Planned Development District 100 (PD-100) entitled a portion of the subject property for limited General Retail (GR) District land uses, with the *Commercial Freestanding Antenna* land use being allowed by Specific Use Permit (SUP). The applicant has submitted a survey, site plan, and building elevations requesting the approval of a Specific Use Permit (SUP) to allow the construction of a *Commercial Freestanding Antenna* on the subject property.

The applicant has submitted a site plan designating a portion of the northwest corner of the subject property as a AT&T lease area for the purpose of constructing a *Commercial Freestanding Antenna*. The *Commercial Freestanding Antenna* is located within an eight (8) foot wrought iron fence with a row of *Red Tip Photinias* being proposed to be planted around the enclosure. The applicant is also proposing a concrete pad that will house the ground mounted equipment for the antenna. Additionally, the site plan shows the enclosure will be located 20-feet from the future SH-66 Right-of-Way (ROW), to allow for the required

landscape buffer and utility easement. The building elevations submitted by the applicant indicate that the total height of the *Commercial Freestanding Antenna* is 115-feet. This height violates the Planned Development District 100 (PD-100) ordinance, which requires the antenna to be no taller than 110-feet in total height. To address this, staff included a condition of approval that states the *Commercial Freestanding Antenna* shall not exceed 110-feet in total height.

### **CONFORMANCE TO THE CITY'S CODES**

According to conditional land use standards contained in Subsection 02.03(K), *Utilities, Communications, and Transportation Land Uses*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC), a *Commercial Freestanding Antenna* shall be located within a wrought iron fence surrounded by a screening hedge. In this case, the applicant meets this requirement with the use of an eight (8) foot wrought iron fence surrounded with *Red Tip Photinias*. In addition, one (1) parking space must be provided. Currently the applicant is showing the parking space within the landscape buffer, which is not permitted per Subsection 05.01, *Landscape Buffers*, of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC). Also, within the landscape buffer, the applicant must provide three (3) canopy and four (4) accent trees per 100-feet of frontage. In this case, the applicant has not provided any landscaping within the buffer. Lastly, according to Subsection 01.06, *Residential Adjacency Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC), three (3) tiered landscaping is required along the west property line to screen the proposed non-residential use from the residential homes. In this case, the applicant has not provided the necessary screening. As mentioned in the *characteristics of the request* section of this memo the applicant exceeds the maximum permissible height requirements per PD-100. To address the current plans non-conformance to the Unified Development Code (UDC), staff has included two (2) conditions of approval that require the applicant to [1] meet all of the landscape buffer and residential adjacency standards, and [2] the height maximum.

### **STAFF ANALYSIS**

Typically, *Commercial Freestanding Antennas* and other related facilities are discouraged from locating directly adjacent to or within the City's residential areas. These uses are generally discouraged due to their intensity and high visible nature of the land use. In reviewing the *Land Use Schedule* contained in Article 04, of the Unified Development Code (UDC), *Commercial Freestanding Antennas* are only permitted *by-right* in the Light Industrial (LI) and Heavy Industrial (HI) Districts, with the remaining districts being permitted by *Specific Use Permit (SUP)* (i.e. *Commercial (C)*, *Heavy Commercial (HC)*, *General Retail (GR)*, and *Agricultural (AG) Districts*). That being said, the subject property in question is surrounded by rural estate lots and is directly adjacent to large power transport lines. Given this, the visual intrusion will be minimized; however, this is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission.

Staff should note, the applicant's site plan and building elevations are not in conformance with the Unified Development Code (UDC) or the Planned Development District 100 (PD-100) ordinance; however, if the applicant's request is approved with the conditions of approval listed below, the approval will require the applicant to address all of staff's comments before a building permit is accepted.

### **NOTIFICATIONS**

On April 18, 2023, staff mailed 14 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Rolling Meadows Estates Homeowner's Association (HOA), which is the only HOA/Neighborhood Organization within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was drafted, staff had received the following:

- (1) Six (6) property owner notifications from four (4) property owners who are in favor of the applicant's request. Staff should note that two (2) of the notices are from the property owner of the subject property for this zoning case.

### **CONDITIONS OF APPROVAL**

If the Planning and Zoning Commission chooses to recommend approval of the applicant's request for a *Specific Use Permit (SUP)* to construct a *Commercial Freestanding Antenna*, then staff would propose the following conditions of approval:33

- (1) Development of the *Subject Property* shall generally conform to the *Site Plan* as depicted in Exhibit 'B' of the draft ordinance.

- (2) Per the requirements contained in Planned Development District 100 (PD-100) (*i.e. Ordinance No. 23-07*) the *Commercial Freestanding Antenna* shall not exceed 110-feet in total height.
- (3) Before the acceptance of a building permit, staff must receive a site plan that meets the landscape buffer planting requirements, the residential adjacency planting requirements, and move the one (1) parking space out of the required landscape buffer.
- (4) Any construction resulting from the approval of this Specific Use Permit (SUP) shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.



# DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO.

22023-022

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

DIRECTOR OF PLANNING:

CITY ENGINEER:

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

### PLATTING APPLICATION FEES:

- MASTER PLAT (\$100.00 + \$15.00 ACRE) <sup>1</sup>
- PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) <sup>1</sup>
- FINAL PLAT (\$300.00 + \$20.00 ACRE) <sup>1</sup>
- REPLAT (\$300.00 + \$20.00 ACRE) <sup>1</sup>
- AMENDING OR MINOR PLAT (\$150.00)
- PLAT REINSTATEMENT REQUEST (\$100.00)

### PLAN APPLICATION FEES:

- SITE PLAN (\$250.00 + \$20.00 ACRE) <sup>1</sup>
- AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN (\$100.00)

### ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE) <sup>1</sup>
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) <sup>1 & 2</sup>
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) <sup>1</sup>

### OTHER APPLICATION FEES:

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

#### NOTES:

<sup>1</sup> IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.  
<sup>2</sup> 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: Parcel situated in David Harr Survey Abs 102

SUBDIVISION: 25.41 Cain Revocable Trust Property      LOT:      BLOCK:     

GENERAL LOCATION: located east of W.D. Boom Add. adjacent to and south of s#16 centered between J. King Blvd, 3544

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

CURRENT ZONING	PD	CURRENT USE	AG
PROPOSED ZONING	PD	PROPOSED USE	AG w/ lease for cell tower
ACREAGE	25.41	LOTS [CURRENT]	LOTS [PROPOSED]

**SITE PLANS AND PLATS:** BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.

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

<input checked="" type="checkbox"/> OWNER	Dewayne Cain	<input checked="" type="checkbox"/> APPLICANT	Douphrate & Assoc., Inc
CONTACT PERSON		CONTACT PERSON	Dub Douphrate
ADDRESS	305 Stonebridge Dr.	ADDRESS	2235 Ridge Rd
CITY, STATE & ZIP	Rockwall, TX 75087	CITY, STATE & ZIP	Rockwall, TX 75087
PHONE	214 533 8644	PHONE	972 742 2210
E-MAIL	dewaynecain25@outlook.com	E-MAIL	wldouphrate@douphrate.com

## NOTARY VERIFICATION [REQUIRED]

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

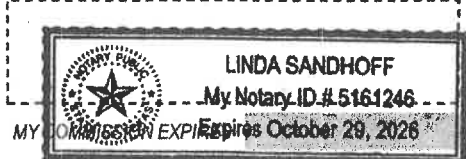
"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ \_\_\_\_\_ TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_. BY 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."

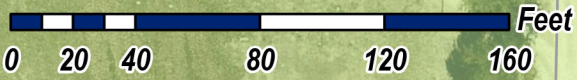
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 16 DAY OF Feb. 2023

OWNER'S SIGNATURE

*Dewayne Cain*  
*Linda Sandhoff*

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS





Z2023-022: Specific Use Permit for a Freestanding Commercial Antenna

AG

66

SF-1

PD-100

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.

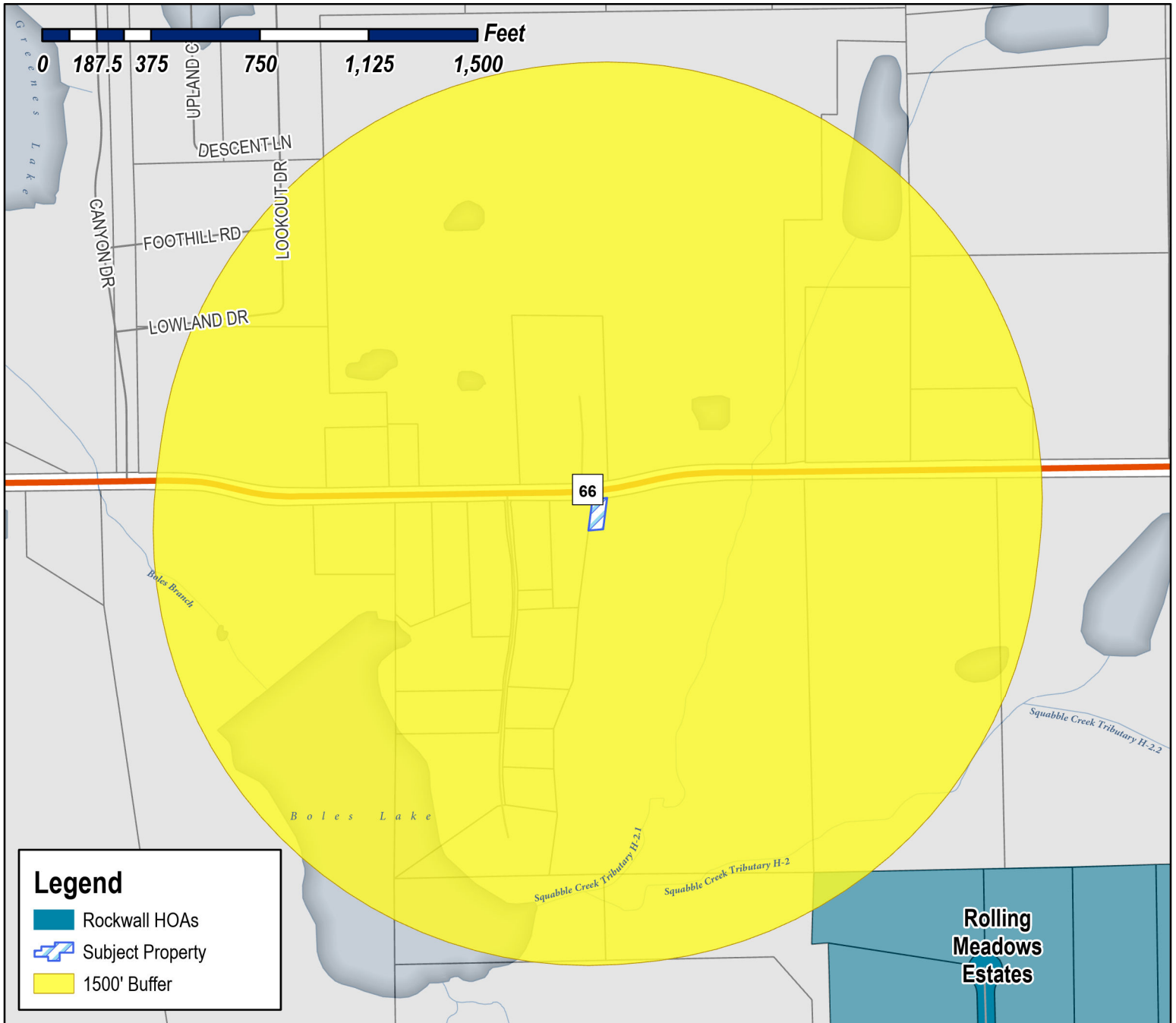




# City of Rockwall

Planning & Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75087  
(P): (972) 771-7745  
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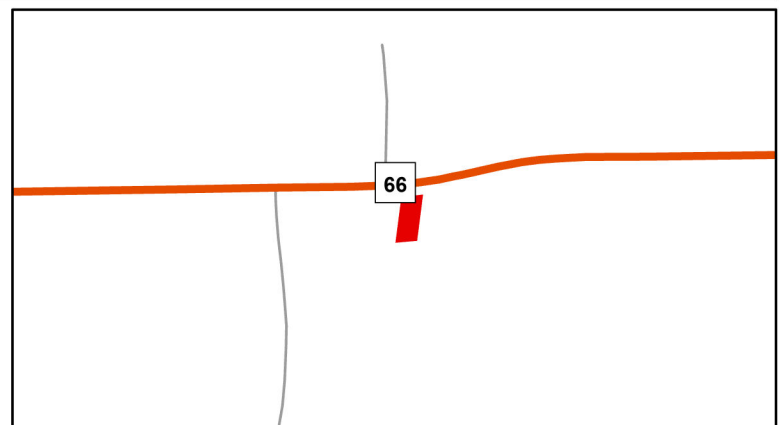
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**Case Number:** Z2023-022  
**Case Name:** SUP for a Freestanding Commercial Antenna  
**Case Type:** Zoning  
**Zoning:** Planned Development District 100 (PD-100)  
**Case Address:** Parcel between John King Blvd. & FM549

**Date Saved:** 4/14/2023

For Questions on this Case Call (972) 771-7745

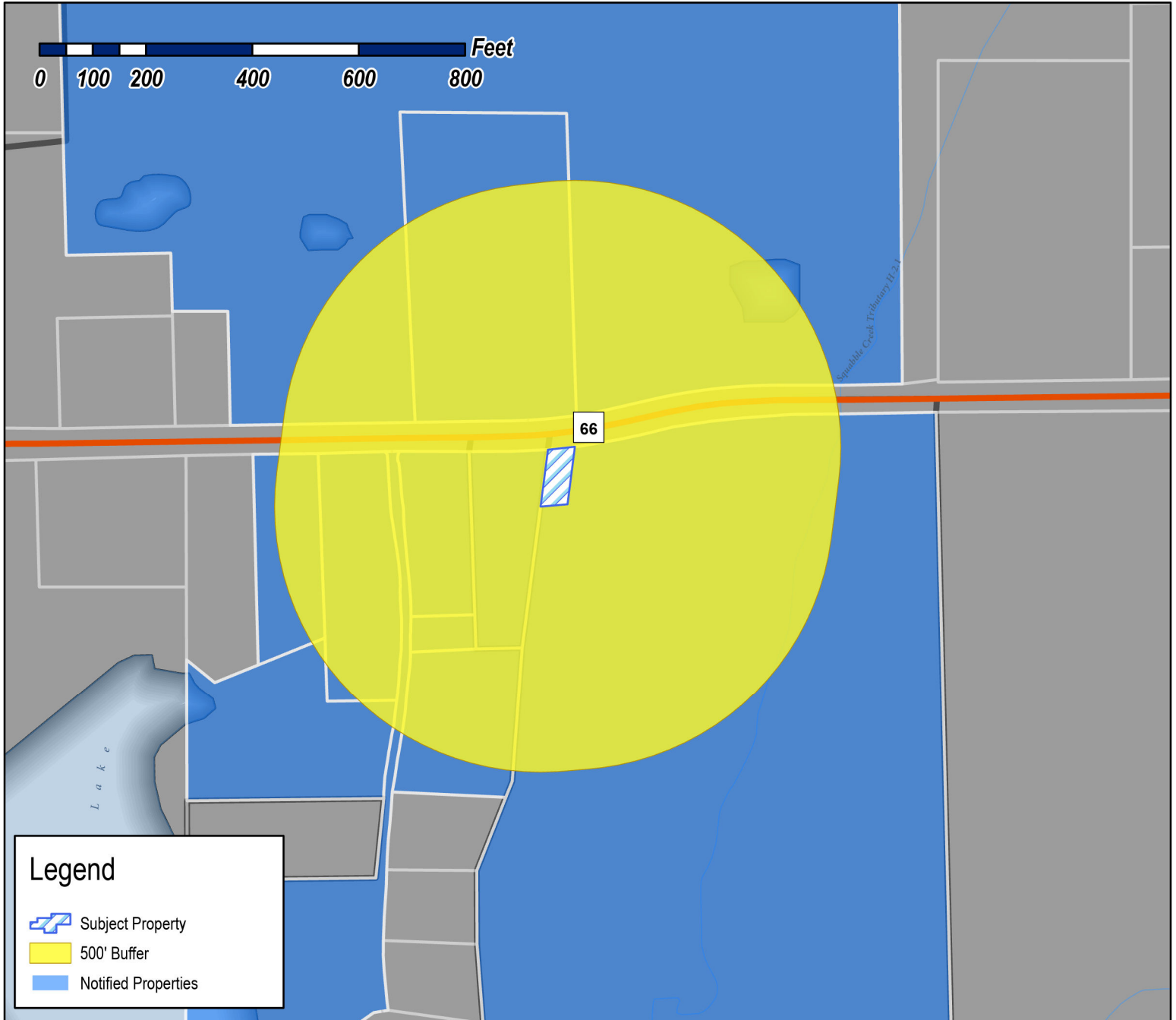




# City of Rockwall

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385 S. Goliad Street  
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**Case Number:** Z2023-022  
**Case Name:** SUP for a Freestanding Commercial Antenna  
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**Zoning:** Planned Development District 100 (PD-100)  
**Case Address:** Parcel between John King Blvd. & FM549

**Date Saved:** 4/14/2023

For Questions on this Case Call: (972) 771-7746





CONFIDENTIAL  
152 HILL LN  
ROCKWALL, TX 75087

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

RATHER JACOB AND  
NOAH MCILRATH  
1790 WILLIAMS ST  
ROCKWALL, TX 75087

RESIDENT  
1800 WILLIAMS ST  
ROCKWALL, TX 75087

RESIDENT  
2294 E STATE HIGHWAY 66  
ROCKWALL, TX 75087

CAIN FAMILY PARTNERSHIP LTD  
305 STONEBRIDGE DR  
ROCKWALL, TX 75087

RYAN BILL K  
330 VZ CR 2207  
CANTON, TX 75103

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

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

RESIDENT  
745 DAVIS DR  
ROCKWALL, TX 75087

COOK SHERRY LYNN  
760 DAVIS DRIVE  
ROCKWALL, TX 75087

WIDBOOM ROBBY AND KYLIE  
770 DAVIS DR  
ROCKWALL, TX 75087

CAIN REVOCABLE FAMILY TRUST AND  
CREDIT SHELTER TRUST AND SURVIVORS TRUST  
DEWAYNE CAIN TRUSTEE 305 STONEBRIDGE DR  
ROCKWALL, TX 75087

RAINES SHERYL  
PO BOX 412  
ROCKWALL, TX 75087

April 12, 2023

Ryan Miller  
Director of Planning  
City of Rockwall, Texas

Re: Request for SUP to construct Cell Tower

Dear Ryan,

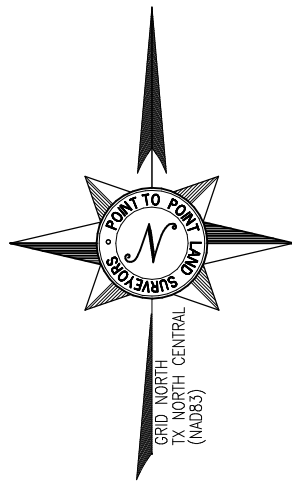
On behalf of Mr. Dewayne Cain, please allow this letter to serve as a formal request to obtain a Special Use Permit to construct a cell tower on the 25.41 Acre tract owned by Dewayne Cain listed under the 25.41 Cain Revocable Trust property located on SH 66 centered between John King Blvd and FM 3549 .

Should you have any questions regarding this request please let me know.

Sincerely,

*W.L. Douphrate II*

W.L. Douphrate II, P.E.



### PARENT PARCEL

OWNER: DEWAYNE CAIN, THE TRUSTEE OF THE CREDIT SHELTER TRUST; AND DEWAYNE CAIN, THE TRUSTEE OF THE SURVIVOR'S TRUST

SITE ADDRESS: 770 STATE HWY 66, ROCKWALL, TX 75087

PARCEL ID: 11023

AREA: 25.8700 ACRES (PER TAX ASSESSOR)

ZONED: AG (PER CITY OF ROCKWALL GIS)

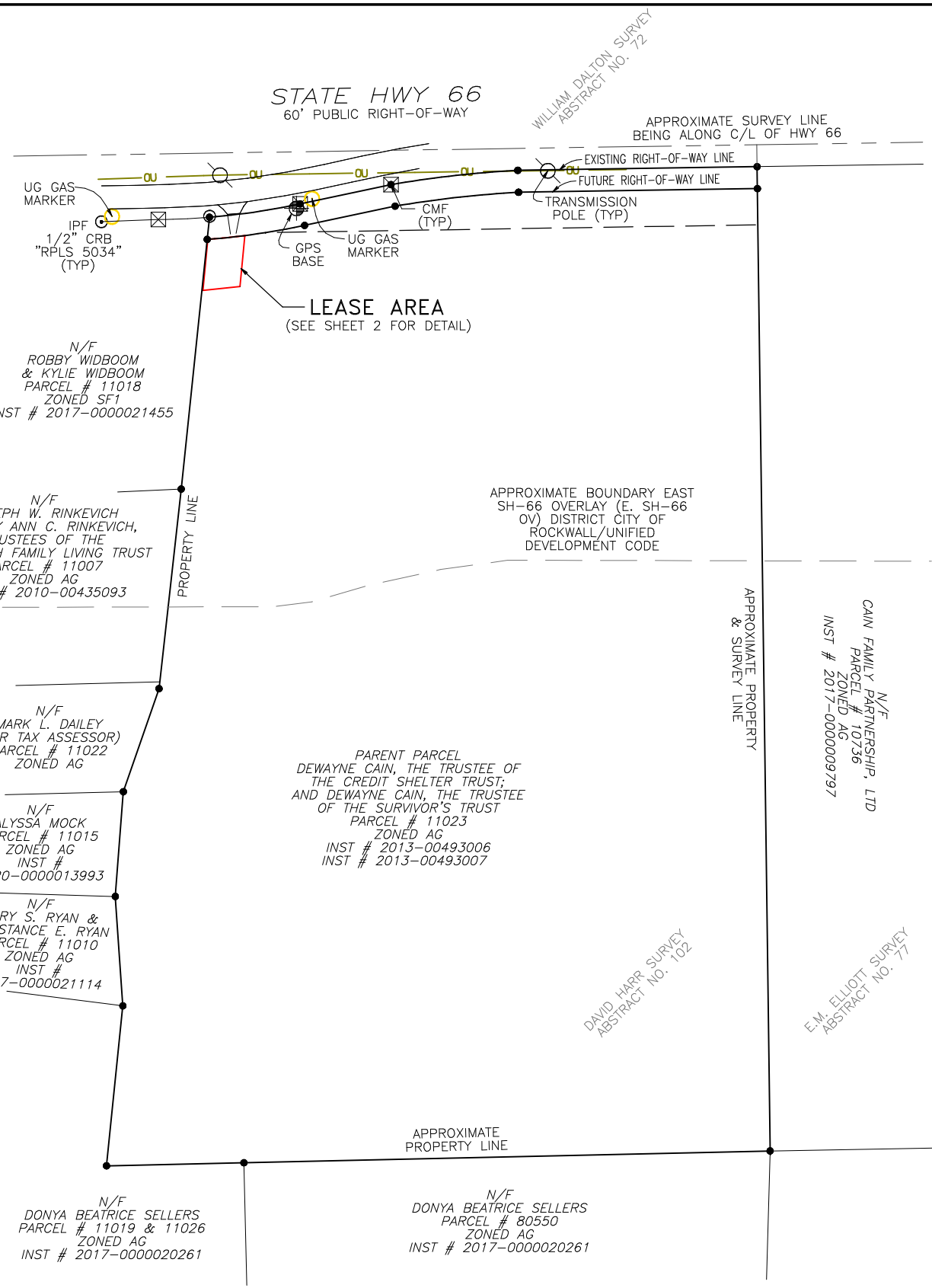
ALL ZONING INFORMATION SHOULD BE VERIFIED WITH THE PROPER ZONING OFFICIALS

REFERENCE:  
INSTRUMENT NO. 2013-00493006  
INSTRUMENT NO. 2013-00493007

### GPS NOTES

THE FOLLOWING GPS STATISTICS UPON WHICH THIS SURVEY IS BASED HAVE BEEN PRODUCED AT THE 95% CONFIDENCE LEVEL:

POSITIONAL ACCURACY: 0.01 FEET (HORZ) 0.25 FEET (VERT)  
TYPE OF EQUIPMENT: GEOMAX ZENITH35 PRO BASE AND ROVER, DUAL FREQUENCY  
TYPE OF GPS FIELD PROCEDURE: ONLINE POSITION USER INTERFACE  
DATES OF SURVEY: 05/10/2022  
DATUM / EPOCH: NAD\_83(2011)(EPOCH:2010.0000)  
PUBLISHED / FIXED CONTROL USE: N/A  
GEOID MODEL: 18  
COMBINED GRID FACTOR(S): 0.99985127 CENTERED ON THE GPS BASE POINT AS SHOWN HEREON.  
CONVERGENCE ANGLE: 1.12934722"  
BENCHMARKS USED: DF8988, DF4385, DL9084



### VICINITY MAP NOT TO SCALE GENERAL NOTES

\* THIS SPECIFIC PURPOSE SURVEY IS FOR THE LEASED PREMISES AND EASEMENTS ONLY. THIS SPECIFIC PURPOSE SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF JACOBS TELECOMMUNICATIONS AND EXCLUSIVELY FOR THE TRANSFERRAL OF THE LEASED PREMISES AND THE RIGHTS OF EASEMENT SHOWN HEREON AND SHALL NOT BE USED AS AN EXHIBIT OR EVIDENCE IN THE FEE SIMPLE TRANSFERRAL OF THE PARENT PARCEL NOR ANY PORTION OR PORTIONS THEREOF. BOUNDARY INFORMATION SHOWN HEREON HAS BEEN COMPILED FROM TAX MAPS AND DEED DESCRIPTIONS ONLY. NO BOUNDARY SURVEY OF THE PARENT PARCEL WAS PERFORMED.

THIS DRAWING DOES NOT REPRESENT A BOUNDARY SURVEY.  
BASIS OF BEARING: GPS OBSERVATIONS CONDUCTED AT THE TIME OF SURVEY.  
BASIS OF ELEVATION: GPS OBSERVATIONS CONDUCTED AT THE TIME OF SURVEY.  
EQUIPMENT USED FOR ANGULAR & LINEAR MEASUREMENTS: LEICA TPS 1200 ROBOTIC & GEOMAX ZENITH 35 [DATE OF LAST FIELD VISIT: 05/10/2022]

THE 1' CONTOURS AND SPOT ELEVATIONS SHOWN ON THIS SPECIFIC PURPOSE SURVEY ARE ADJUSTED TO NAVD 88 DATUM (COMPUTED USING GEOID18) AND HAVE A VERTICAL ACCURACY OF ± 0.5'. CONTOURS OUTSIDE THE IMMEDIATE SITE AREA ARE APPROXIMATE.

BEARINGS SHOWN ON THIS SPECIFIC PURPOSE SURVEY ARE BASED ON TEXAS GRID NORTH (NAD 83) NORTH CENTRAL ZONE.

PER THE FEMA FLOODPLAIN MAPS, THE SITE IS LOCATED IN AN AREA DESIGNATED AS ZONE X (AREA OF MINIMAL FLOOD HAZARD). COMMUNITY PANEL NO. : 48397C0045L DATED: 09/26/2008

NO WETLAND AREAS HAVE BEEN INVESTIGATED BY THIS SPECIFIC PURPOSE SURVEY.  
ALL ZONING INFORMATION SHOULD BE VERIFIED WITH THE PROPER ZONING OFFICIALS.

ANY UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM ABOVE GROUND FIELD SURVEY INFORMATION. THE SURVEYOR MAKES NO GUARANTEES THAT ANY UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT ANY UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED ANY UNDERGROUND UTILITIES.

TEXAS REGISTRATION NO. 10194197

I DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND AND UNDER MY SUPERVISION. THE HORIZONTAL DATUM (COORDINATES) ARE IN THE TERMS OF THE NORTH AMERICAN DATUM OF 1983 (NAD83) AND ARE EXPRESSED AS DEGREES, MINUTES AND SECONDS, TO THE NEAREST HUNDREDTH OF A SECOND. THE VERTICAL DATUM (HEIGHTS) ARE IN TERMS OF NORTH AMERICAN VERTICAL DATUM OF 1988 AND ARE DETERMINED TO THE NEAREST TENTH OF A FOOT.



Handwritten signature of Justin Kyle Lawrence.

NO.	DATE	REVISION
1	3/23/23	LEASE AREA

\* SPECIFIC PURPOSE SURVEY PREPARED BY:  
**POINT TO POINT LAND SURVEYORS**  
100 Governors Trace, Ste. 103  
Peachtree City, GA 30269  
(p) 678.565.4440 (f) 678.565.4497  
(w) pointtopointsurvey.com  
Texas Registration No. 10194197



SPECIFIC PURPOSE SURVEY PREPARED FOR:



5449 BELLS FERRY ROAD,  
ACWORTH, GA 30102

DDL00380

DAVID HARR SURVEY,  
ABSTRACT 102,  
ROCKWALL COUNTY, TEXAS

DRAWN BY: AJT  
CHECKED BY: JKL  
APPROVED: D. MILLER  
DATE: MAY 13, 2022  
P2P JOB #: 220743TX

SHEET:  
**1**  
OF 3

### SURVEYOR'S CERTIFICATION

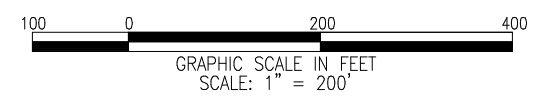
I HEREBY CERTIFY THAT THIS MAP IS CORRECT AND THAT ANY VISIBLE ENCROACHMENTS ARE SHOWN HEREON.

Justin Kyle Lawrence  
TEXAS PROFESSIONAL LAND SURVEYOR LICENSE NO. 6589  
DATE: 05/13/2022

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS. THIS MAP IS ONLY INTENDED FOR THE PARTIES AND PURPOSES SHOWN. THIS MAP IS NOT FOR RECORDATION.

LEGEND

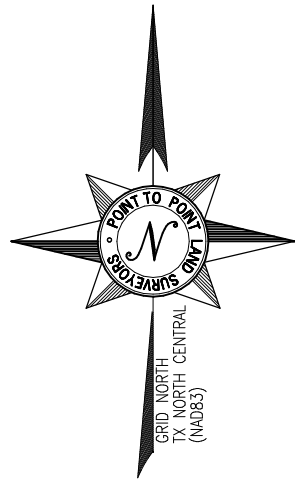
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
IPF	IRON PIN FOUND
CRB	CAPPED REBAR
CMF	CONCRETE MONUMENT FOUND
TYP	TYPICAL
OU	OVERHEAD UTILITY
UG	UNDERGROUND
N/F	NOW OR FORMERLY
R/W	RIGHT-OF-WAY
EP	EDGE OF PAVEMENT
BWF	BARBED WIRE FENCE



[SURVEY NOT VALID WITHOUT SHEETS 2 & 3 OF 3]

**811**  
Know what's below.  
Call before you dig.

E:\Vrebox (Point To Point)\P2P Current Jobs\2022\220743TX-00100380\220743TX.rpt



### SITE INFORMATION

LEASE AREA = 3,489 SQUARE FEET (0.0801 ACRES)

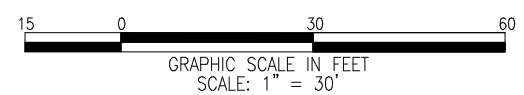
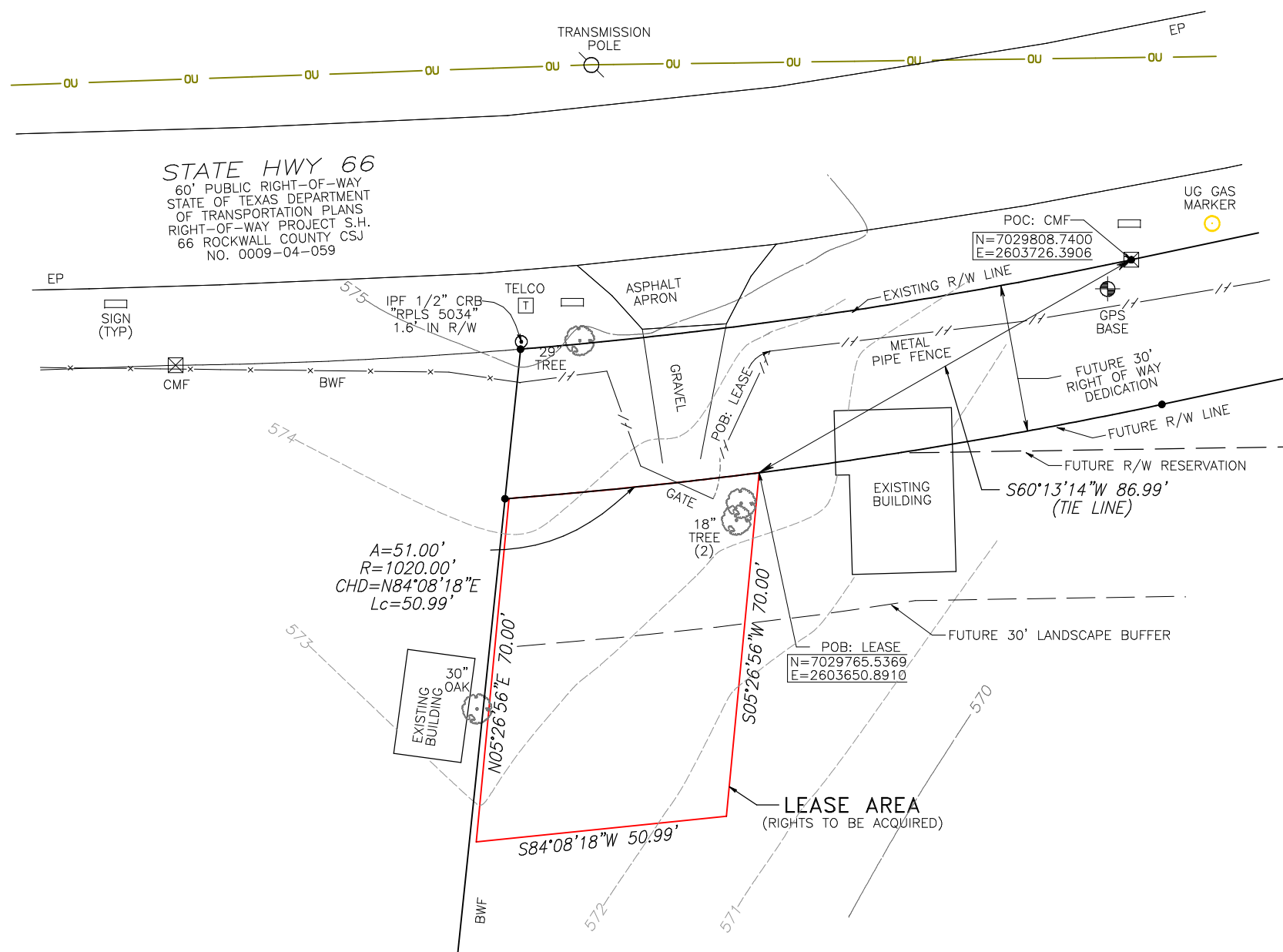
LATITUDE = 32°56'09.66" (NAD 83) (32.936017°)  
 LONGITUDE = -96°25'46.66" (NAD 83) (-96.429628°)  
 AT CENTER LEASE AREA

ELEVATION AT CENTER OF LEASE AREA = 573.0' A.M.S.L.



*Justin Kyle Lawrence*

NO.	DATE	REVISION
1	3/23/23	LEASE AREA



**LEGEND**

POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
IPF	IRON PIN FOUND
CRB	CAPPED REBAR
CMF	CONCRETE MONUMENT FOUND
TYP	TYPICAL
OU	OVERHEAD UTILITY
UG	UNDERGROUND
N/F	NOW OR FORMERLY
R/W	RIGHT-OF-WAY
EP	EDGE OF PAVEMENT
BWF	BARBED WIRE FENCE

\* SPECIFIC PURPOSE SURVEY PREPARED BY:  
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 100 Governors Trace, Ste. 103  
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 Texas Registration NO. 10194197



SPECIFIC PURPOSE SURVEY  
 PREPARED FOR:

**JACOBS**  
 5449 BELLS FERRY ROAD,  
 ACWORTH, GA 30102

DDL00380

DAVID HARR SURVEY,  
 ABSTRACT 102,  
 ROCKWALL COUNTY, TEXAS

DRAWN BY: AJT  
 CHECKED BY: JKL  
 APPROVED: D. MILLER  
 DATE: MAY 13, 2022  
 P2P JOB #: 220743TX

SHEET:  
**2**  
 OF 3

SURVEY NOT VALID WITHOUT SHEETS 1 & 3 OF 3

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# LEGAL DESCRIPTION SHEET

## PARENT PARCEL

(PER FILE NO. UST70613)

TRACT 1: BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE COUNTY OF ROCKWALL, STATE OF TEXAS, AND BEING IN THE DAVID HARR SURVEY, ABSTRACT NO. 102, AND BEING PART OF 43.0625 ACRE TRACT, DESCRIBED IN VOLUME 48, PAGE 440, DEED RECORDS, ROCKWALL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING IN THE NORTHEAST CORNER OF ABOVE MENTIONED TRACT ON SOUTH ROW OF HIGHWAY 66;

THENCE NORTH 86 DEGREES 51' 02" WEST, 359.56 FEET WITH ROW LINE TO POINT OF CURVE TO LEFT;

THENCE WITH CURVE LEFT 191.37 FEET TO POINT TANGENT;

THENCE SOUTH 80 DEGREES 32' 63" WEST, 84.75 FEET WITH SOUTH ROW LINE TO POINT OF CURVE TO RIGHT;

THENCE WITH CURVE RIGHT 128.58 FEET TO IRON POST FOR CORNER;

THENCE SOUTH 08 DEGREES 30' 45" WEST 493.08 FEET TO IRON STAKE FOR CORNER;

THENCE SOUTH 08 DEGREES 30' 00" WEST 150 FEET TO IRON STAKE FOR CORNER; THENCE SOUTH 08 DEGREES 30' 00" WEST 6.89 FEET TO IRON STAKE FOR CORNER; THENCE SOUTH 22 DEGREES 25' 36" WEST, 158.92 FEET TO IRON STAKE FOR CORNER;

THENCE SOUTH 04 DEGREES 42' 01" WEST 135 FEET TO IRON STAKE FOR CORNER; THENCE SOUTH 01 DEGREES 31' 12" EAST 150 FEET TO IRON STAKE FOR CORNER; THENCE SOUTH 08 DEGREES 26' 36" EAST 223.86 FEET TO IRON STAKE FOR CORNER; THENCE SOUTH 82 DEGREES 26' 36" EAST 931.52 FEET TO IRON STAKE FOR CORNER; THENCE NORTH 00 DEGREES 45' 25" EAST 1337.11 FEET TO IRON STAKE FOR CORNER AND POINT OF BEGINNING AND CONTAINING 25.867 ACRES OF LAND MORE OR LESS.

## TITLE EXCEPTIONS

THIS SURVEY WAS COMPLETED WITH THE AID OF TITLE WORK PREPARED BY U.S. TITLE SOLUTIONS, REPORT DATE OF MARCH 4, 2022, SEARCH START DATE OF JANUARY 1, 1973, END DATE OF JANUARY 17, 2022, BEING FILE NO. UST70613, FOR THE PARENT PARCEL, TO DETERMINE THE IMPACTS OF EXISTING TITLE EXCEPTIONS.

### 1. MORTGAGES, DEEDS OF TRUST AND UCCS

1. DEED OF TRUST MADE BY, CAIN REVOCABLE FAMILY TRUST, TO, ROBERT HAWK, TRUSTEE, DON R. STODGHILL, IN THE SUM OF \$210,000.00, DATED OCTOBER 23, 2008, RECORDED OCTOBER 27, 2008, IN INSTRUMENT NO: 2008-00407167.

[THIS ITEM IS APPLICABLE TO THE PARENT PARCEL.]

### 3. COVENANTS AND RESTRICTIONS

3.1 RESTRICTIONS AS SET FORTH IN DEED 108/499 , DEED 110/148 HOWEVER PLEASE SEE MODIFICATION 121/862 DELETING SUCH RESTRICTIONS.

[THIS ITEM IS APPLICABLE TO THE PARENT PARCEL.]

### 4. EASEMENTS AND RIGHTS OF WAY

4.1 RIGHT OF WAY AGREEMENT BY J. DIANE FOLZENLOGEN AND BENNIE R. CLARK TO LONE STAR GAS, DATED OCTOBER 19, 1973, RECORDED JANUARY 15, 1974, IN BOOK 112, PAGE 88. NOTES: RIGHT OF WAY AND EASEMENT PURPOSES

[THIS ITEM MAY BE APPLICABLE TO THE PARENT PARCEL; HOWEVER, THE DISCRPTION IS VAGUE, AND THEREFORE, WE ARE UNABLE TO ASCERTAIN THE EXACT LOCATION THEREOF.]

4.2 EASEMENT BY J. DIANE FOLZENLOGEN AND BENNIE R. CLARK TO OWEN S. DAVIS AND H. RACHEL DAVIS, DATED MAY 11, 1973, RECORDED MAY 16, 1973, IN BOOK 108, PAGE 502. NOTES: WATER PIPE LINE PURPOSES

[THIS ITEM IS APPLICABLE TO THE PARENT PARCEL; HOWEVER, IT IS NOT PLOTTED HEREON BECAUSE THE DISCRPTION IS VAGUE, AND THEREFORE, WE ARE UNABLE TO ASCERTAIN THE EXACT LOCATION THEREOF.]

## LEASE AREA

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN DAVID HARR SURVEY, ABSTRACT NO. 102, ROCKWALL COUNTY, TEXAS, AND BEING A PORTION OF THE LANDS OF DEWAYNE CAIN, THE TRUSTEE OF THE CREDIT SHELTER TRUST; AND DEWAYNE CAIN, THE TRUSTEE OF THE SURVIVOR'S TRUST, AS RECORDED IN INSTRUMENT NOS. 2013-00493006 AND 2013-00493007, ROCKWALL COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE POINT OF BEGINNING, COMMENCE AT A CONCRETE MONUMENT FOUND ON THE SOUTHERN RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 66 (HAVING A 60-FOOT PUBLIC RIGHT-OF-WAY), SAID MONUMENT HAVING A TEXAS GRID NORTH, NAD 83, NORTH CENTRAL ZONE VALUE OF N: 7029808.7400 E: 2603726.3906; THENCE RUNNING FOR A TIE LINE, SOUTH 60°13'14" WEST 86.99 FEET TO A POINT LOCATED ON THE SOUTH SIDE OF A FUTURE 30 FOOT WIDE RIGHT-OF-WAY DEDICATION LINE, SAID POINT HAVING A TEXAS GRID NORTH, NAD 83, NORTH CENTRAL ZONE VALUE OF N: 7029765.5369 E: 2603650.8910, AND THE TRUE POINT OF BEGINNING;

THENCE CONTINUING, SOUTH 05°26'56" WEST, 70.00 FEET TO A POINT;

THENCE, SOUTH 84°08'18" WEST, 50.99 FEET TO A POINT;

THENCE, NORTH 05°26'56" EAST, 70.00 FEET TO A POINT LOCATED ON THE AFORESAID SOUTH SIDE OF A FUTURE 30 FOOT WIDE RIGHT-OF-WAY DEDICATION LINE;

THENCE RUNNING WITH SAID DEDICATION LINE, 51.00 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1020.00 FEET AND BEING SCRIBED BY A CHORD BEARING NORTH 84°08'18" EAST, 50.99 FEET TO A POINT AND THE TRUE POINT OF BEGINNING.

BEARINGS BASED ON TEXAS GRID NORTH, NAD 83, NORTH CENTRAL ZONE.

SAID TRACT CONTAINS 0.0801 ACRES (3,489 SQUARE FEET), MORE OR LESS.



*Justin Kyle Lawrence*

NO.	DATE	REVISION
1	3/23/23	LEASE AREA

\* SPECIFIC PURPOSE SURVEY PREPARED BY:

**POINT TO POINT LAND SURVEYORS**

100 Governors Trace, Ste. 103  
Peachtree City, GA 30269  
(p) 678.565.4440 (f) 678.565.4497  
(w) pointtopointsurvey.com  
Texas Registration NO. 10194197



SPECIFIC PURPOSE SURVEY  
PREPARED FOR:

**JACOBS**

5449 BELLS FERRY ROAD,  
ACWORTH, GA 30102

DDL00380

DAVID HARR SURVEY,  
ABSTRACT 102,  
ROCKWALL COUNTY, TEXAS

DRAWN BY: AJT	SHEET:
CHECKED BY: JKL	<b>3</b>
APPROVED: D. MILLER	
DATE: MAY 13, 2022	
P2P JOB #: 220743TX	OF 3

[SURVEY NOT VALID WITHOUT SHEETS 1 & 2 OF 3]

E:\Dropbox (Point To Point)\P2P Current Jobs\2022\220743TX-001\00380\220743TX.dwg



1801 VALLEY VIEW LANE  
FARMER'S BRANCH, TX 75234



4 COUNTRY PLACE CIRCLE  
DALWORTHINGTON GARDENS  
TEXAS 76016

AT&T SITE NUMBER:  
**DDL00380**

AT&T SITE NAME:  
**DDL00380**

FA CODE:  
**15682026**

PACE ID:  
**MRNTX075135**

770 DAVIS DRIVE  
ROCKWALL, TX 75087

NEW MONOPOLE TOWER

ISSUED FOR:

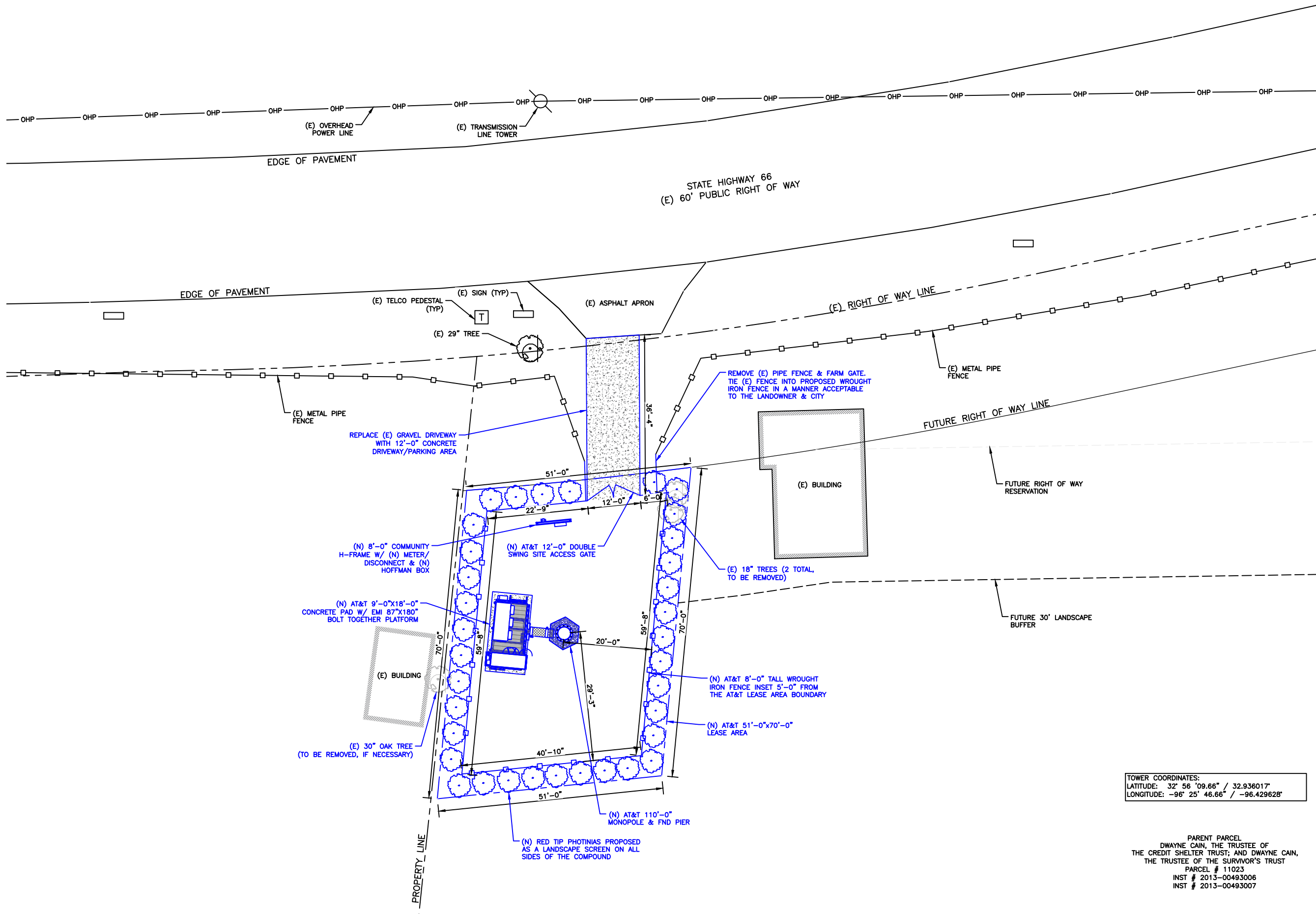
REV	DATE	DRWN	DESCRIPTION	DES./QA
LEA	04/12/2023	WHS	LEASE EXHIBIT	JK

**THIS DOCUMENT IS  
PRELIMINARY IN  
NATURE AND IS NOT  
A FINAL, SIGNED AND  
SEALED DOCUMENT**

BROADUS SERVICES  
FIRM REGISTRATION #F-23339  
4 COUNTRY PLACE CIRCLE  
DALWORTHINGTON GARDENS, TX 76016  
IT IS A VIOLATION OF LAW FOR ANY PERSON,  
UNLESS THEY ARE ACTING UNDER THE DIRECTION  
OF A LICENSED PROFESSIONAL ENGINEER,  
TO ALTER THIS DOCUMENT.

SHEET NUMBER: REVISION:

**LE-1 LEA**



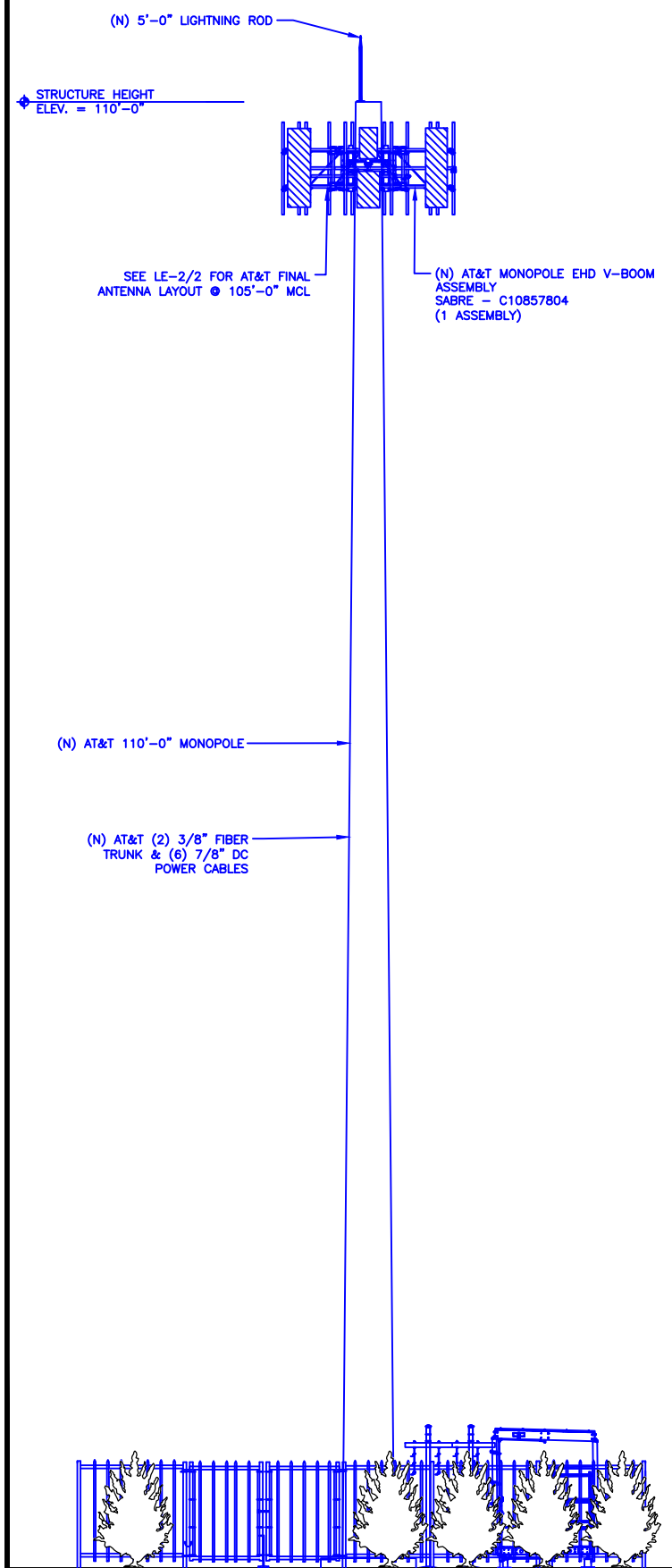
TOWER COORDINATES:  
LATITUDE: 32° 56' 09.66" / 32.936017  
LONGITUDE: -96° 25' 46.66" / -96.429628

PARENT PARCEL  
DWAYNE CAIN, THE TRUSTEE OF  
THE CREDIT SHELTER TRUST; AND DWAYNE CAIN,  
THE TRUSTEE OF THE SURVIVOR'S TRUST  
PARCEL # 11023  
INST # 2013-00493006  
INST # 2013-00493007

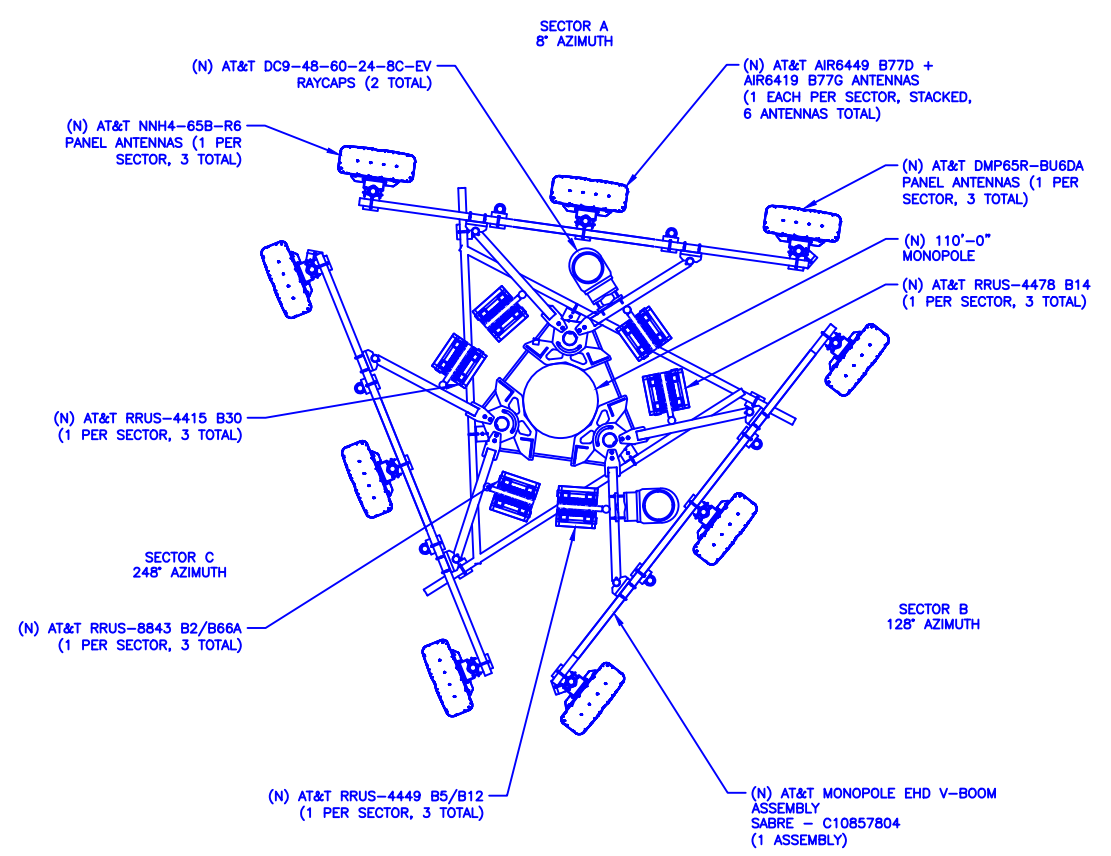
1 OVERALL SITE PLAN  
SCALE: 3/32"=1'-0" (FULL SIZE)  
3/84"=1'-0" (11x17)



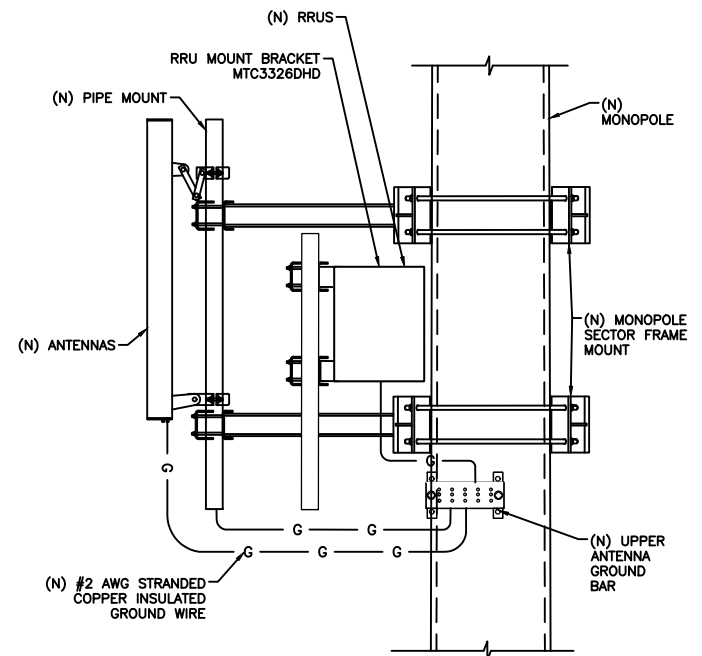
**AT&T EQUIPMENT**  
 ANTENNA CL: 105'-0"  
 MOUNT CL: 105'-0"



1 FINAL NORTH (FROM HWY 66) TOWER ELEVATION  
 SCALE: NOT TO SCALE



2 FINAL ANTENNA LAYOUT  
 SCALE: NOT TO SCALE



3 ANTENNA/RRU MOUNT DIAGRAM  
 SCALE: NOT TO SCALE



1801 VALLEY VIEW LANE  
 FARMER'S BRANCH, TX 75234



4 COUNTRY PLACE CIRCLE  
 DALWORTHINGTON GARDENS  
 TEXAS 76016

AT&T SITE NUMBER:  
**DDL00380**

AT&T SITE NAME:  
**DDL00380**

FA CODE:  
**15682026**

PACE ID:  
**MRNTX075135**

770 DAVIS DRIVE  
 ROCKWALL, TX 75087

NEW MONOPOLE TOWER

**ISSUED FOR:**

REV	DATE	DRWN	DESCRIPTION	DES./QA
LEA	04/12/2023	WHS	LEASE EXHIBIT	JK

**THIS DOCUMENT IS  
 PRELIMINARY IN  
 NATURE AND IS NOT  
 A FINAL, SIGNED AND  
 SEALED DOCUMENT**

BROADUS SERVICES  
 FIRM REGISTRATION #F-23339  
 4 COUNTRY PLACE CIRCLE  
 DALWORTHINGTON GARDENS, TX 76016

IT IS A VIOLATION OF LAW FOR ANY PERSON,  
 UNLESS THEY ARE ACTING UNDER THE DIRECTION  
 OF A LICENSED PROFESSIONAL ENGINEER,  
 TO ALTER THIS DOCUMENT.

SHEET NUMBER:

**LE-2**

REVISION:

**LEA**

CITY OF ROCKWALL

ORDINANCE NO. 23-XX

SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 100 (PD-100) [*ORDINANCE NO. 23-07*] AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A *COMMERCIAL FREESTANDING ANTENNA* ON A 0.1234-ACRE TRACT OF LAND IDENTIFIED AS A PORTION OF TRACT 14 OF THE D. HARR SURVEY, ABSTRACT NO 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, a request has been made by Dub Douphrate of Douphrate and Associates on behalf of Dewayne Cain for the approval of a *Specific Use Permit (SUP)* for a *Commercial Freestanding Antenna* on a 0.1234-acre tract of land identified as a portion of Tract 14 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 100 (PD-100) for General Retail (GR) District land uses, situated within the East SH-66 Overlay (E. SH-66 OV) District, generally located on the southside of SH-66 east of the intersection of SH-66 and Davis Drive, and being more specifically described in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

**WHEREAS**, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that Planned Development District 100 (PD-100) [*Ordinance No. 23-07*] and the Unified Development Code [*Ordinance No. 20-02*] of the City of Rockwall should be amended as follows:

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:**

**SECTION 1.** That Planned Development District 100 (PD-100) [*Ordinance No. 23-07*] and the Unified Development Code [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing for the establishment of a *Commercial Freestanding Antenna* as stipulated by Planned Development District 100 (PD-100) [*Ordinance No. 23-07*] on the *Subject Property*; and

**SECTION 2.** That the *Subject Property* shall be used and developed only in the manner and for the purposes described in this Specific Use Permit (SUP) ordinance and as specifically set forth in Planned Development District 100 (PD-100) [*Ordinance No. 23-07*], Subsection 01.01, *Land Use Schedule*, of Article 04, *Permissible Uses*, and Subsection 04.01, *General Commercial*



*District Standards; Subsection 04.04, General Retail (GR) District, and Subsection 06.02, General Overlay District Standards, of Article 05, District Development Standards, of the Unified Development Code [Ordinance No. 20-02] of the City of Rockwall -- as heretofore amended and may be amended in the future -- and with the following conditions:*

## **2.1 OPERATIONAL CONDITIONS**

The following conditions pertain to the operation of a *Commercial Freestanding Antenna* on the *Subject Property* and conformance to these requirements is necessary for continued operations:

- 1) The development and operation of a *Commercial Freestanding Antenna* shall generally conform to the *Concept Plan* depicted in *Exhibit 'B'* and *Concept Building Elevations* depicted in *Exhibit 'C'* of this ordinance.
- 2) Any necessary equipment building shall be enclosed by a decorative iron fence surrounded by a screening hedge which will achieve a height of at least six (6) feet at maturity or a masonry screening wall at least eight (8) feet in height; and,
- 3) At least one (1) paved parking space with paved access thereto shall be provided at the antenna location; said parking space need not be reserved exclusively for use in conjunction with the antenna installation and may be one (1) of the spaces provided for the principal use on the property; and,
- 4) Administrative approval of the antenna installation shall be required prior to the issuance of any permits for construction; and,

## **2.2 COMPLIANCE**

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

- 1) Upon obtaining a *Certificate of Occupancy (CO)*, should the business owner operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outlined in the Unified Development Code (UDC), the City may (after proper notice) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Subsection 02.02(F), *Revocation*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) [Ordinance No. 20-02].

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

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

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

**SECTION 6.** If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the

application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

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

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
THIS THE 5<sup>TH</sup> DAY OF JUNE, 2023.**

\_\_\_\_\_  
Trace Johannesen, *Mayor*

**ATTEST:**

\_\_\_\_\_  
Kristy Teague, *City Secretary*

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Frank J. Garza, *City Attorney*

1<sup>st</sup> Reading: May 15, 2023

2<sup>nd</sup> Reading: June 5, 2023

Exhibit 'A':  
Survey





# Exhibit 'C': Concept Building Elevations

**1** I-10, NOR H (HROW HWY 66) LEVEL ELEVATION

SCALE: 1/8" = 1'-0" SCALE

**2** I-10, ATLANTA LAYOUT

SCALE: 1/8" = 1'-0" SCALE

**3** ATLANTA/SU WOODS DIAGRAM

SCALE: NOT TO SCALE

 1481 VALLEY VIEW LANE ROCKWALL, TEXAS 75087	 BROADUS SERVICES 4000 HENRIE ROAD, SUITE 200 DALLAS, TEXAS 75246	PROJECT SITE NUMBER: <b>DD100380</b>	PROJECT SITE NAME: <b>DD100380</b>	PROJECT NUMBER: <b>15682026</b>	PROJECT NAME: <b>MRNTX075155</b>
2710 DAVIS DRIVE ROCKWALL, TX 75087 NEW MONOPOLY TOWER		ISSUED FOR:			

**THIS DOCUMENT IS PRELIMINARY IN NATURE AND IS NOT A FINAL, SIGNED AND SEALED DOCUMENT**

PROJECT'S ENGINEER:  
 FINAL REVIEWED BY: [Signature]  
 DATE: 08/12/2022  
 PROJECT NUMBER: 15682026  
 PROJECT NAME: MRNTX075155  
 PROJECT ADDRESS: 2710 DAVIS DRIVE, ROCKWALL, TX 75087  
 PROJECT PHONE: (972) 962-1111  
 PROJECT FAX: (972) 962-1112  
 PROJECT EMAIL: info@broadus.com

DR. [Signature]

ARCHITECT

DR. [Signature]

ENGINEER

DR. [Signature]

ARCHITECT

LE-2

LEB

7/20/2022

15682026



# CITY OF ROCKWALL

## CITY COUNCIL CASE MEMO

### PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

---

**TO:** Mayor and City Council  
**DATE:** May 15, 2023  
**APPLICANT:** Dub Douphrate; *Douphrate & Associates, Inc.*  
**CASE NUMBER:** Z2023-022; *SUP for a Commercial Freestanding Antenna*

---

### **SUMMARY**

Hold a public hearing to discuss and consider a request by Dub Douphrate of Douphrate and Associates on behalf of Dewayne Cain for the approval of a Specific Use Permit (SUP) for a *Freestanding Commercial Antenna* on a 0.1234-acre tract of land identified as a portion of Tract 14 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 100 (PD-100) for Single-Family 1 (SF-1) and General Retail (GR) District land uses, situated within the East SH-66 Overlay (E. SH-66 OV) District, generally located southside of SH-66 east of the intersection of SH-66 and Davis Drive, and take any action necessary.

### **BACKGROUND**

The subject property was annexed on March 16, 1998 by *Ordinance No. 98-10 [Case No. A1998-001]*. At the time of annexation the subject property was zoned Agricultural (AG) District. On March 6, 2023, the City Council approved a zoning change (*Case No. Z2022-057; Ordinance No. 23-07*) from Agricultural (AG) District to Planned Development District 100 (PD-100) [*Ordinance No. 23-07*] for Single-Family 1 (SF-1) and General Retail (GR) District land uses. This Planned Development District also allow the location of one (1) *Commercial Freestanding Antenna* by Specific Use Permit (SUP). The subject property has remained vacant since the time of annexation.

### **PURPOSE**

On April 14, 2023, the applicant -- *Dub Douphrate of Douphrate & Associates, Inc.* -- submitted an application requesting Specific Use Permit (SUP) to allow the construction of a *Commercial Freestanding Antenna* on the subject property.

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

The subject property is generally located in between N. John King Boulevard and N. Stodghill Road, south of SH-66. The land uses adjacent to the subject property are as follows:

**North:** Directly north of the subject property is SH-66, which is identified as a TXDOT4D (*i.e. Texas Department of Transportation, four [4] lane, divided roadway*) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is a 55.08-acre tract of land zoned Agricultural (AG) District. Following this is a 14.219-acre tract of land zoned Agricultural (AG) District and Planned Development District 93 (PD-93) for Single-Family 10 (SF-10) District land uses.

**South:** Directly south of the subject property is the remainder of Planned Development District 100 (PD-100) followed by two (2) vacant tracts of land [*i.e. Tracts 17 & 17-1 of the D. H. Survey Abstract No. 102*] zoned Agricultural District. Beyond this is a 64.514-acre tract of land developed with the City of Rockwall's *Animal Shelter and Gun Range*, which is zoned Agricultural (AG) District.

**East:** Directly east of the subject property is the remainder of Planned Development District 100 (PD-100) followed by two (2) vacant tracts of land [*i.e. Tracts 9 & 9-01 of the E. M. E. Survey Abstract No. 77*] zoned Agricultural (AG) District. Beyond this are six (6) tracts of land, four (4) of which are developed with single-family homes [*i.e. 2755 E. SH-66*].

and 1110 and 1226 N. Stodghill Road], one (1) of which is vacant [i.e. Tract 29-2 of the E. M. E. Survey Abstract 77], and is the last tract being developed with an *Animal Clinic* [i.e. 2897 E. SH-66]. All of these properties are zoned Agricultural (AG) District.

West: Directly west of the subject property are several properties developed with single-family homes that are zoned Agricultural (AG) District and Single-Family 1 (SF-1) District. Beyond this is a 47.89-acre parcel of land developed with the Ralph M. Hall Airport, which is zoned Agricultural (AG) District.

MAP 1: LOCATION MAP  
**YELLOW:** SUBJECT PROPERTY



### CHARACTERISTICS OF THE REQUEST

Staff should note, the applicant is making this request following the approval (i.e. *City Council approval March 6, 2023*) of the zoning change (Case No. Z2022-057) on the subject property from Agricultural (AG) District to Planned Development District 100 (PD-100). Planned Development District 100 (PD-100) entitled a portion of the subject property for limited General Retail (GR) District land uses, with the *Commercial Freestanding Antenna* land use being allowed by Specific Use Permit (SUP). The applicant has submitted a survey, site plan, and building elevations requesting the approval of a Specific Use Permit (SUP) to allow the construction of a *Commercial Freestanding Antenna* on the subject property.

The applicant has submitted a site plan designating a portion of the northwest corner of the subject property as a AT&T lease area for the purpose of constructing a *Commercial Freestanding Antenna*. The *Commercial Freestanding Antenna* is located within an eight (8) foot wrought iron fence with a row of *Red Tip Photinias* being proposed to be planted around the enclosure. The applicant is also proposing a concrete pad that will house the ground mounted equipment for the antenna. Additionally, the site plan shows the enclosure will be located 20-feet from the future SH-66 Right-of-Way (ROW), to allow for the required

landscape buffer and utility easement. The building elevations submitted by the applicant indicate that the total height of the *Commercial Freestanding Antenna* is 115-feet. This height violates the Planned Development District 100 (PD-100) ordinance, which requires the antenna to be no taller than 110-feet in total height. To address this, staff included a condition of approval that states the *Commercial Freestanding Antenna* shall not exceed 110-feet in total height.

### **CONFORMANCE TO THE CITY'S CODES**

According to conditional land use standards contained in Subsection 02.03(K), *Utilities, Communications, and Transportation Land Uses*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC), a *Commercial Freestanding Antenna* shall be located within a wrought iron fence surrounded by a screening hedge. In this case, the applicant meets this requirement with the use of an eight (8) foot wrought iron fence surrounded with *Red Tip Photinias*. In addition, one (1) parking space must be provided. Currently the applicant is showing the parking space within the landscape buffer, which is not permitted per Subsection 05.01, *Landscape Buffers*, of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC). Also, within the landscape buffer, the applicant must provide three (3) canopy and four (4) accent trees per 100-feet of frontage. In this case, the applicant has not provided any landscaping within the buffer. Lastly, according to Subsection 01.06, *Residential Adjacency Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC), three (3) tiered landscaping is required along the west property line to screen the proposed non-residential use from the residential homes. In this case, the applicant has not provided the necessary screening. As mentioned in the *characteristics of the request* section of this memo the applicant exceeds the maximum permissible height requirements per PD-100. To address the current plans non-conformance to the Unified Development Code (UDC), staff has included two (2) conditions of approval that require the applicant to [1] meet all of the landscape buffer and residential adjacency standards, and [2] the height maximum.

### **STAFF ANALYSIS**

Typically, *Commercial Freestanding Antennas* and other related facilities are discouraged from locating directly adjacent to or within the City's residential areas. These uses are generally discouraged due to their intensity and high visible nature of the land use. In reviewing the *Land Use Schedule* contained in Article 04, of the Unified Development Code (UDC), *Commercial Freestanding Antennas* are only permitted *by-right* in the Light Industrial (LI) and Heavy Industrial (HI) Districts, with the remaining districts being permitted by *Specific Use Permit (SUP)* (i.e. *Commercial (C)*, *Heavy Commercial (HC)*, *General Retail (GR)*, and *Agricultural (AG) Districts*). That being said, the subject property in question is surrounded by rural estate lots and is directly adjacent to large power transport lines. Given this, the visual intrusion will be minimized; however, this is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission.

Staff should note, the applicant's site plan and building elevations are not in conformance with the Unified Development Code (UDC) or the Planned Development District 100 (PD-100) ordinance; however, if the applicant's request is approved with the conditions of approval listed below, the approval will require the applicant to address all of staff's comments before a building permit is accepted.

### **NOTIFICATIONS**

On April 18, 2023, staff mailed 14 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Rolling Meadows Estates Homeowner's Association (HOA), which is the only HOA/Neighborhood Organization within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was drafted, staff had received the following:

- (1) Six (6) property owner notifications from four (4) property owners who are in favor of the applicant's request. Staff should note that two (2) of the notices are from the property owner of the subject property for this zoning case.

### **CONDITIONS OF APPROVAL**

If the City Council chooses to approve the applicant's request for a *Specific Use Permit (SUP)* to construct a *Commercial Freestanding Antenna*, then staff would propose the following conditions of approval:<sup>33</sup>

- (1) Development of the *Subject Property* shall generally conform to the *Site Plan* as depicted in Exhibit 'B' of the draft ordinance.



- (2) Per the requirements contained in Planned Development District 100 (PD-100) (*i.e. Ordinance No. 23-07*) the *Commercial Freestanding Antenna* shall not exceed 110-feet in total height.
- (3) Before the acceptance of a building permit, staff must receive a site plan that meets the landscape buffer planting requirements, the residential adjacency planting requirements, and move the one (1) parking space out of the required landscape buffer.
- (4) Any construction resulting from the approval of this Specific Use Permit (SUP) shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

### **PLANNING AND ZONING COMMISSION**

On May 9, 2023, the Planning and Zoning Commission approved a motion to recommend approval of the SUP 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.

22023-022

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

DIRECTOR OF PLANNING:

CITY ENGINEER:

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

### PLATTING APPLICATION FEES:

- MASTER PLAT (\$100.00 + \$15.00 ACRE) <sup>1</sup>
- PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) <sup>1</sup>
- FINAL PLAT (\$300.00 + \$20.00 ACRE) <sup>1</sup>
- REPLAT (\$300.00 + \$20.00 ACRE) <sup>1</sup>
- AMENDING OR MINOR PLAT (\$150.00)
- PLAT REINSTATEMENT REQUEST (\$100.00)

### PLAN APPLICATION FEES:

- SITE PLAN (\$250.00 + \$20.00 ACRE) <sup>1</sup>
- AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN (\$100.00)

### ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE) <sup>1</sup>
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) <sup>1 & 2</sup>
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) <sup>1</sup>

### OTHER APPLICATION FEES:

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

#### NOTES:

<sup>1</sup> IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.  
<sup>2</sup> 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 Parcel situated in David Harr Survey Abs 102

SUBDIVISION 25.41 Cain Revocable Trust Property LOT            BLOCK           

GENERAL LOCATION located east of W.D. Boom Add. adjacent to and south of 5166 centered between J. King Blvd, 3544

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

CURRENT ZONING	<u>PD</u>	CURRENT USE	<u>AG</u>
PROPOSED ZONING	<u>PD</u>	PROPOSED USE	<u>AG w/ lease for cell tower</u>
ACREAGE	<u>25.41</u>	LOTS [CURRENT]	<u>          </u>
		LOTS [PROPOSED]	<u>          </u>

**SITE PLANS AND PLATS:** BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.

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

<input checked="" type="checkbox"/> OWNER	<u>Dwayne Cain</u>	<input checked="" type="checkbox"/> APPLICANT	<u>Douphrate &amp; Assoc., Inc</u>
CONTACT PERSON	<u>          </u>	CONTACT PERSON	<u>Dub Douphrate</u>
ADDRESS	<u>305 Stonebridge Dr.</u>	ADDRESS	<u>2235 Ridge Rd</u>
CITY, STATE & ZIP	<u>Rockwall, TX 75087</u>	CITY, STATE & ZIP	<u>Rockwall, TX 75087</u>
PHONE	<u>214 533 8644</u>	PHONE	<u>972 742 2210</u>
E-MAIL	<u>dwaynecain25@outlook.com</u>	E-MAIL	<u>wldouphrate@douphrate.com</u>

## NOTARY VERIFICATION [REQUIRED]

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

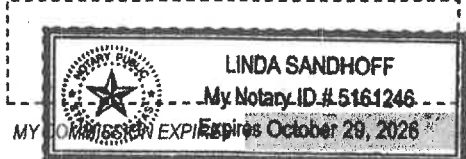
"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$            TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE            DAY OF            20           . 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."

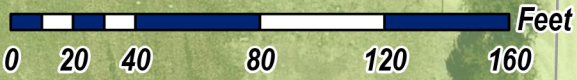
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 16 DAY OF Feb. 20 23

OWNER'S SIGNATURE

Dwayne Cain  
Linda Sandhoff

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS





Z2023-022: Specific Use Permit for a Freestanding Commercial Antenna

AG

66

SF-1

PD-100

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.

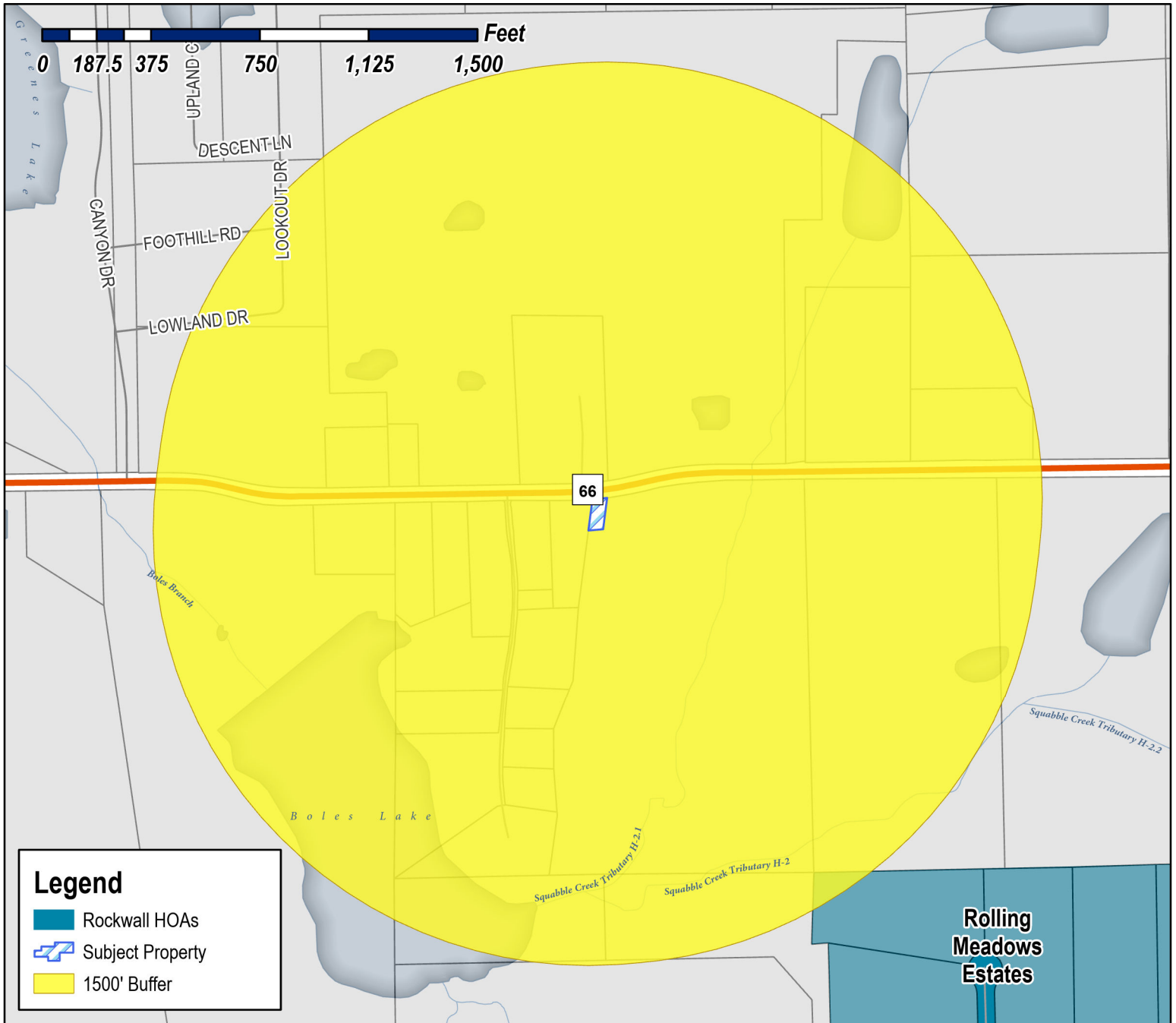




# City of Rockwall

Planning & Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75087  
(P): (972) 771-7745  
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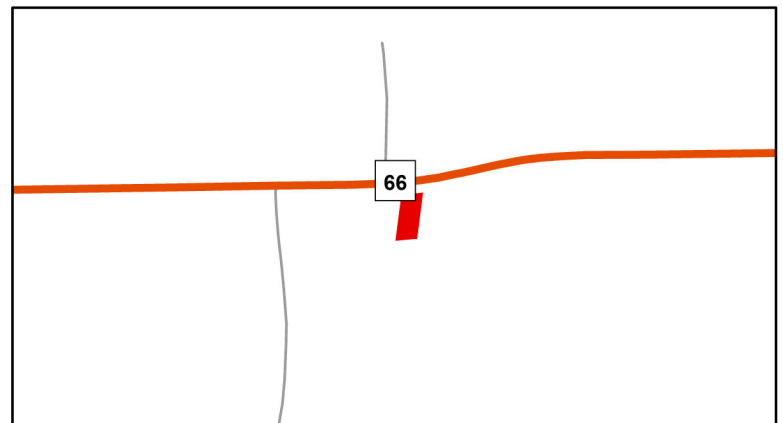
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**Case Number:** Z2023-022  
**Case Name:** SUP for a Freestanding Commercial Antenna  
**Case Type:** Zoning  
**Zoning:** Planned Development District 100 (PD-100)  
**Case Address:** Parcel between John King Blvd. & FM549

**Date Saved:** 4/14/2023

For Questions on this Case Call (972) 771-7745

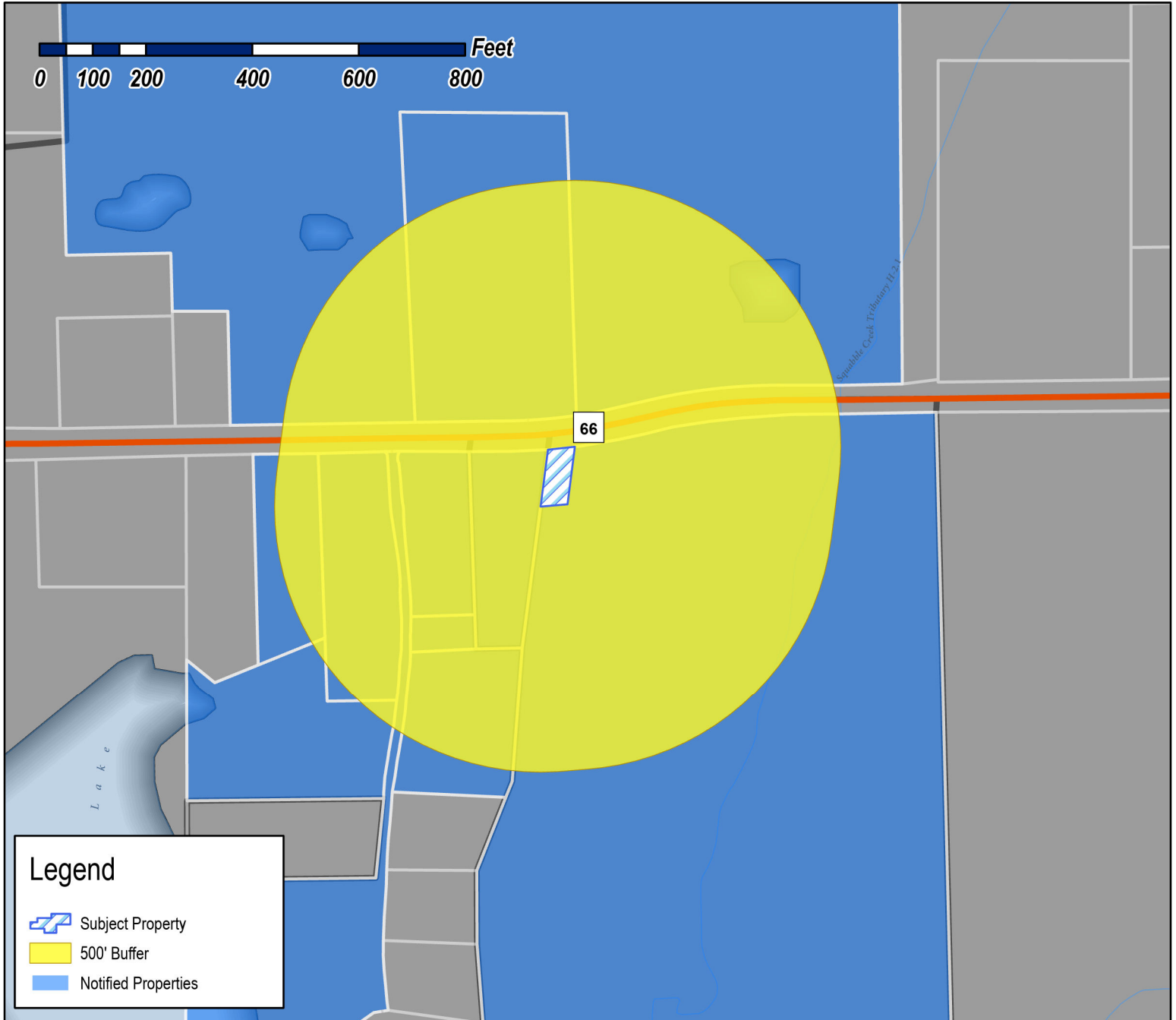




# City of Rockwall

Planning & Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75087  
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**Date Saved:** 4/14/2023

For Questions on this Case Call: (972) 771-7746



CONFIDENTIAL  
152 HILL LN  
ROCKWALL, TX 75087

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

RATHER JACOB AND  
NOAH MCILRATH  
1790 WILLIAMS ST  
ROCKWALL, TX 75087

RESIDENT  
1800 WILLIAMS ST  
ROCKWALL, TX 75087

RESIDENT  
2294 E STATE HIGHWAY 66  
ROCKWALL, TX 75087

CAIN FAMILY PARTNERSHIP LTD  
305 STONEBRIDGE DR  
ROCKWALL, TX 75087

RYAN BILL K  
330 VZ CR 2207  
CANTON, TX 75103

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

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

RESIDENT  
745 DAVIS DR  
ROCKWALL, TX 75087

COOK SHERRY LYNN  
760 DAVIS DRIVE  
ROCKWALL, TX 75087

WIDBOOM ROBBY AND KYLIE  
770 DAVIS DR  
ROCKWALL, TX 75087

CAIN REVOCABLE FAMILY TRUST AND  
CREDIT SHELTER TRUST AND SURVIVORS TRUST  
DEWAYNE CAIN TRUSTEE 305 STONEBRIDGE DR  
ROCKWALL, TX 75087

RAINES SHERYL  
PO BOX 412  
ROCKWALL, TX 75087

April 12, 2023

Ryan Miller  
Director of Planning  
City of Rockwall, Texas

Re: Request for SUP to construct Cell Tower

Dear Ryan,

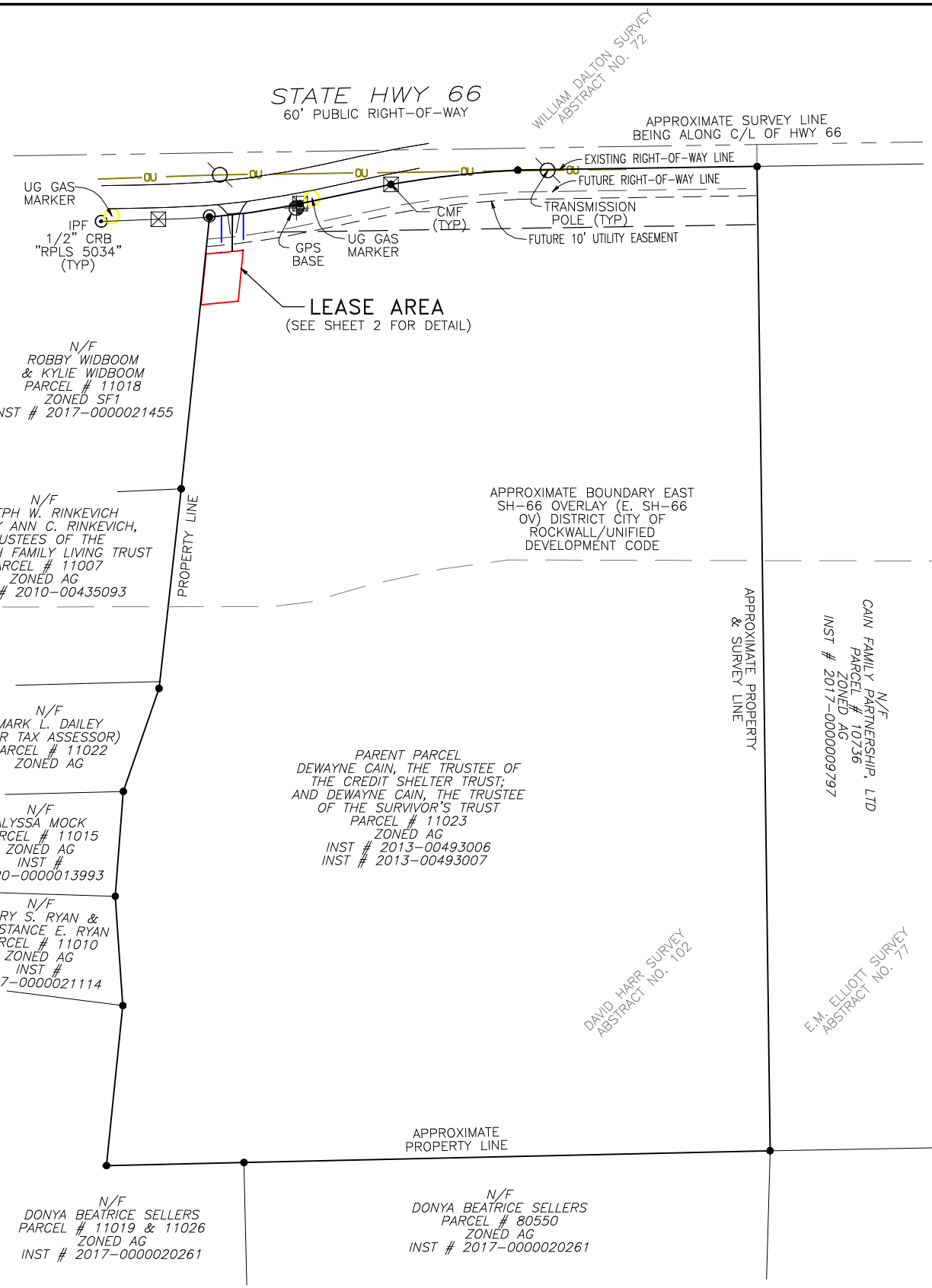
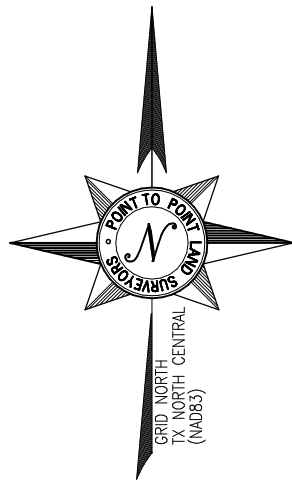
On behalf of Mr. Dewayne Cain, please allow this letter to serve as a formal request to obtain a Special Use Permit to construct a cell tower on the 25.41 Acre tract owned by Dewayne Cain listed under the 25.41 Cain Revocable Trust property located on SH 66 centered between John King Blvd and FM 3549 .

Should you have any questions regarding this request please let me know.

Sincerely,

*W.L. Douphrate II*

W.L. Douphrate II, P.E.



**PARENT PARCEL**

OWNER: DEWAYNE CAIN, THE TRUSTEE OF THE CREDIT SHELTER TRUST; AND DEWAYNE CAIN, THE TRUSTEE OF THE SURVIVOR'S TRUST  
 SITE ADDRESS: 770 STATE HWY 66, ROCKWALL, TX 75087  
 PARCEL ID: 11023  
 AREA: 25.8700 ACRES (PER TAX ASSESSOR)  
 ZONED: AG (PER CITY OF ROCKWALL GIS)  
 ALL ZONING INFORMATION SHOULD BE VERIFIED WITH THE PROPER ZONING OFFICIALS  
 REFERENCE:  
 INSTRUMENT NO. 2013-00493006  
 INSTRUMENT NO. 2013-00493007

**GPS NOTES**

THE FOLLOWING GPS STATISTICS UPON WHICH THIS SURVEY IS BASED HAVE BEEN PRODUCED AT THE 95% CONFIDENCE LEVEL:  
 POSITIONAL ACCURACY: 0.01 FEET (HORZ) 0.25 FEET (VERT)  
 TYPE OF EQUIPMENT: GEOMAX ZENITH35 PRO BASE AND ROVER, DUAL FREQUENCY  
 TYPE OF GPS FIELD PROCEDURE: ONLINE POSITION USER INTERFACE  
 DATES OF SURVEY: 05/10/2022  
 DATUM / EPOCH: NAD\_83(2011)(EPOCH:2010.0000)  
 PUBLISHED / FIXED CONTROL USE: N/A  
 GEOID MODEL: 18  
 COMBINED GRID FACTOR(S): 0.99985127 CENTERED ON THE GPS BASE POINT AS SHOWN HEREON.  
 CONVERGENCE ANGLE: 1.12934722"  
 BENCHMARKS USED: DF8988, DF4385, DL9084

N/F ROBBY WIDBOOM & KYLIE WIDBOOM  
 PARCEL # 11018  
 ZONED SF1  
 INST # 2017-0000021455

N/F JOSEPH W. RINKEVICH & MARY ANN C. RINKEVICH, TRUSTEES OF THE RINKEVICH FAMILY LIVING TRUST  
 PARCEL # 11007  
 ZONED AG  
 INST # 2010-00435093

N/F MARK L. DAILEY (PER TAX ASSESSOR)  
 PARCEL # 11022  
 ZONED AG  
 INST # 2020-0000013993

N/F ALYSSA MOCK  
 PARCEL # 11015  
 ZONED AG  
 INST # 2020-0000013993

N/F GARY S. RYAN & CONSTANCE E. RYAN  
 PARCEL # 11010  
 ZONED AG  
 INST # 2017-0000021114

N/F DONYA BEATRICE SELLERS  
 PARCEL # 11019 & 11026  
 ZONED AG  
 INST # 2017-0000020261

PARENT PARCEL  
 DEWAYNE CAIN, THE TRUSTEE OF THE CREDIT SHELTER TRUST; AND DEWAYNE CAIN, THE TRUSTEE OF THE SURVIVOR'S TRUST  
 PARCEL # 11023  
 ZONED AG  
 INST # 2013-00493006  
 INST # 2013-00493007

N/F CAIN FAMILY PARTNERSHIP, LTD  
 PARCEL # 10736  
 ZONED AG  
 INST # 2017-0000009797

DAVID HARR SURVEY  
 ABSTRACT NO. 102

E.M. ELLIOTT SURVEY  
 ABSTRACT NO. 77



VICINITY MAP  
 NOT TO SCALE  
**GENERAL NOTES**

\* THIS SPECIFIC PURPOSE SURVEY IS FOR THE LEASED PREMISES AND EASEMENTS ONLY. THIS SPECIFIC PURPOSE SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF JACOBS TELECOMMUNICATIONS AND EXCLUSIVELY FOR THE TRANSFERRAL OF THE LEASED PREMISES AND THE RIGHTS OF EASEMENT SHOWN HEREON AND SHALL NOT BE USED AS AN EXHIBIT OR EVIDENCE IN THE FEE SIMPLE TRANSFERRAL OF THE PARENT PARCEL NOR ANY PORTION OR PORTIONS THEREOF. BOUNDARY INFORMATION SHOWN HEREON HAS BEEN COMPILED FROM TAX MAPS AND DEED DESCRIPTIONS ONLY. NO BOUNDARY SURVEY OF THE PARENT PARCEL WAS PERFORMED.

THIS DRAWING DOES NOT REPRESENT A BOUNDARY SURVEY.

BASIS OF BEARING: GPS OBSERVATIONS CONDUCTED AT THE TIME OF SURVEY.

BASIS OF ELEVATION: GPS OBSERVATIONS CONDUCTED AT THE TIME OF SURVEY.

EQUIPMENT USED FOR ANGULAR & LINEAR MEASUREMENTS: LEICA TPS 1200 ROBOTIC & GEOMAX ZENITH 35 [DATE OF LAST FIELD VISIT: 05/10/2022]

THE 1' CONTOURS AND SPOT ELEVATIONS SHOWN ON THIS SPECIFIC PURPOSE SURVEY ARE ADJUSTED TO NAVD 88 DATUM (COMPUTED USING GEOID18) AND HAVE A VERTICAL ACCURACY OF ± 0.5'. CONTOURS OUTSIDE THE IMMEDIATE SITE AREA ARE APPROXIMATE.

BEARINGS SHOWN ON THIS SPECIFIC PURPOSE SURVEY ARE BASED ON TEXAS GRID NORTH (NAD 83) NORTH CENTRAL ZONE.

PER THE FEMA FLOODPLAIN MAPS, THE SITE IS LOCATED IN AN AREA DESIGNATED AS ZONE X (AREA OF MINIMAL FLOOD HAZARD). COMMUNITY PANEL NO. : 48397C0045L DATED: 09/26/2008

NO WETLAND AREAS HAVE BEEN INVESTIGATED BY THIS SPECIFIC PURPOSE SURVEY.

ALL ZONING INFORMATION SHOULD BE VERIFIED WITH THE PROPER ZONING OFFICIALS.

ANY UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM ABOVE GROUND FIELD SURVEY INFORMATION. THE SURVEYOR MAKES NO GUARANTEES THAT ANY UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT ANY UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED ANY UNDERGROUND UTILITIES.

TEXAS REGISTRATION NO. 10194197

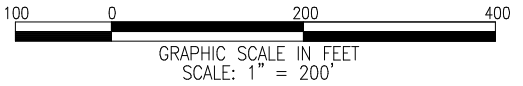
I DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND AND UNDER MY SUPERVISION. THE HORIZONTAL DATUM (COORDINATES) ARE IN THE TERMS OF THE NORTH AMERICAN DATUM OF 1983 (NAD83) AND ARE EXPRESSED AS DEGREES, MINUTES AND SECONDS, TO THE NEAREST HUNDREDTH OF A SECOND. THE VERTICAL DATUM (HEIGHTS) ARE IN TERMS OF NORTH AMERICAN VERTICAL DATUM OF 1988 AND ARE DETERMINED TO THE NEAREST TENTH OF A FOOT.

**SURVEYOR'S CERTIFICATION**

I HEREBY CERTIFY THAT THIS MAP IS CORRECT AND THAT ANY VISIBLE ENCROACHMENTS ARE SHOWN HEREON.

*Justin Kyle Lawrence*  
 JUSTIN KYLE LAWRENCE  
 TEXAS PROFESSIONAL LAND SURVEYOR LICENSE NO. 6589  
 DATE: 05/01/23

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS. THIS MAP IS ONLY INTENDED FOR THE PARTIES AND PURPOSES SHOWN. THIS MAP IS NOT FOR RECORDATION.



**LEGEND**

POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
IPF	IRON PIN FOUND
CRB	CAPPED REBAR
CMF	CONCRETE MONUMENT FOUND
TYP	TYPICAL
OU	OVERHEAD UTILITY
UG	UNDERGROUND
N/F	NOW OR FORMERLY
R/O-W	RIGHT-OF-WAY
EP	EDGE OF PAVEMENT
BWF	BARBED WIRE FENCE

[SURVEY NOT VALID WITHOUT SHEETS 2 & 3 OF 3]



NO.	DATE	REVISION
1	3/23/23	LEASE AREA
2	5/1/23	LEASE AREA

SPECIFIC PURPOSE SURVEY PREPARED BY:  
**POINT TO POINT LAND SURVEYORS**  
 100 Governors Trace, Ste. 103  
 Peachtree City, GA 30269  
 (p) 678.565.4440 (f) 678.565.4497  
 (w) pointtopointsurvey.com  
 Texas Registration NO. 10194197



SPECIFIC PURPOSE SURVEY PREPARED FOR:



5449 BELLS FERRY ROAD,  
 ACWORTH, GA 30102

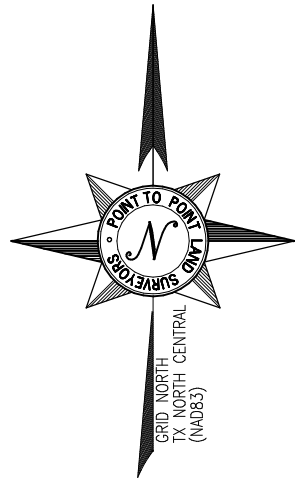
DDL00380

DAVID HARR SURVEY,  
 ABSTRACT 102,  
 ROCKWALL COUNTY, TEXAS

DRAWN BY: AJT	SHEET:
CHECKED BY: JKL	<b>1</b>
APPROVED: D. MILLER	OF 3
DATE: MAY 13, 2022	
P2P JOB #: 220743TX	

E:\Dropbox (Point To Point)\P2P Current Jobs\2022\220743TX-00100380\220743TX.p2p





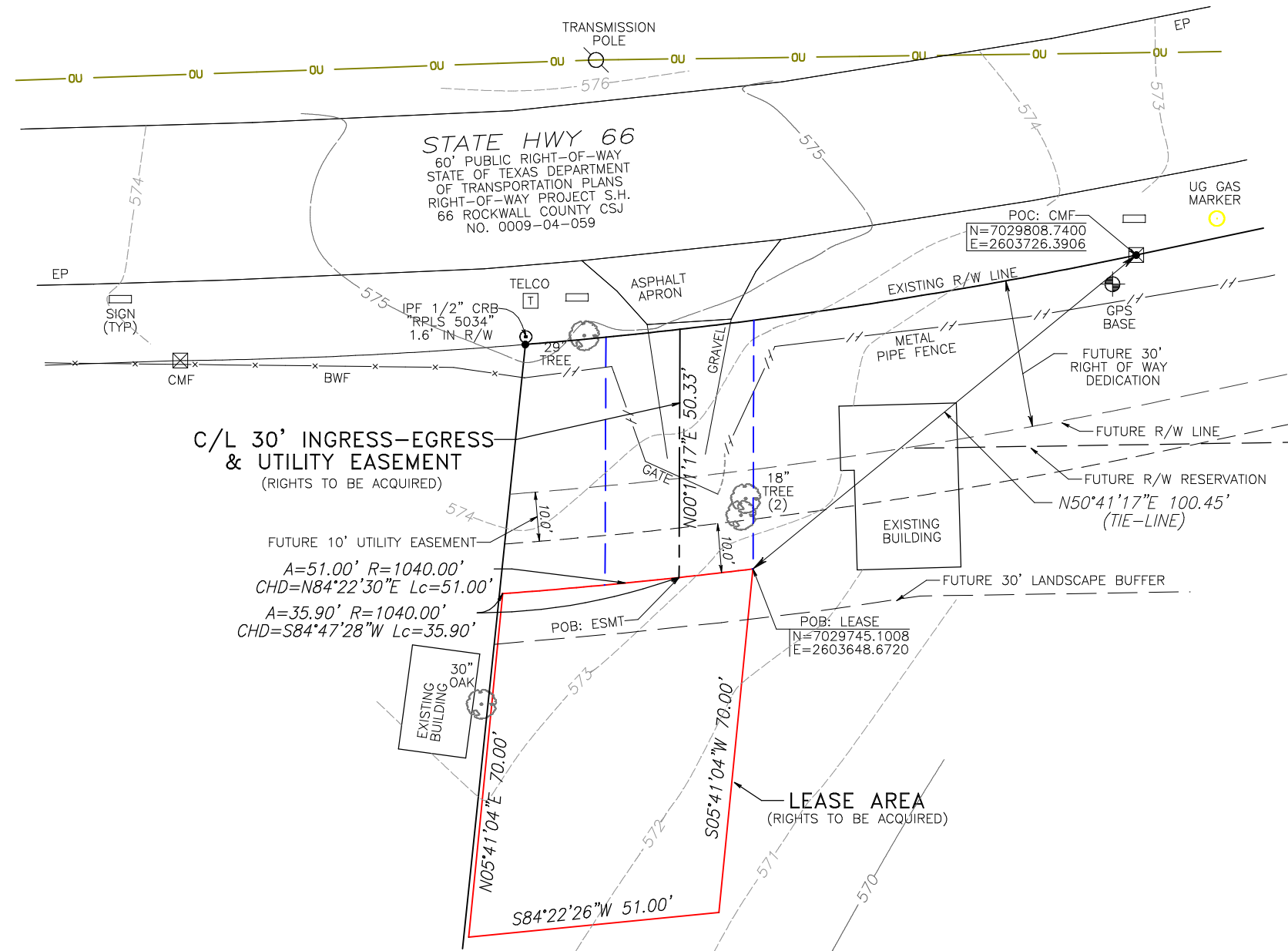
### SITE INFORMATION

LEASE AREA = 3,489 SQUARE FEET (0.0801 ACRES)  
 LATITUDE = 32°56'09.46" (NAD 83) (32.935961°)  
 LONGITUDE = -96°25'46.69" (NAD 83) (-96.429636°)  
 AT CENTER LEASE AREA  
 ELEVATION AT CENTER OF LEASE AREA = 572.6' A.M.S.L.



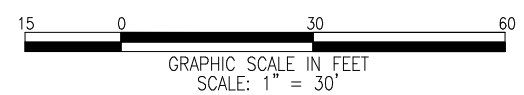
*JKL*

NO.	DATE	REVISION
1	3/23/23	LEASE AREA
2	5/1/23	LEASE AREA



**LEGEND**

POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
IPF	IRON PIN FOUND
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TYP	TYPICAL
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UG	UNDERGROUND
N/F	NOW OR FORMERLY
R/W	RIGHT-OF-WAY
EP	EDGE OF PAVEMENT
BWF	BARBED WIRE FENCE



SURVEY NOT VALID WITHOUT SHEETS 1 & 3 OF 3

\* SPECIFIC PURPOSE SURVEY PREPARED BY:

**POINT TO POINT LAND SURVEYORS**

100 Governors Trace, Ste. 103  
 Peachtree City, GA 30269  
 (p) 678.565.4440 (f) 678.565.4497  
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 Texas Registration NO. 10194197



SPECIFIC PURPOSE SURVEY PREPARED FOR:

**JACOBS**

5449 BELLS FERRY ROAD,  
 ACWORTH, GA 30102

DDL00380

DAVID HARR SURVEY,  
 ABSTRACT 102,  
 ROCKWALL COUNTY, TEXAS

DRAWN BY: AJT  
 CHECKED BY: JKL  
 APPROVED: D. MILLER  
 DATE: MAY 13, 2022  
 P2P JOB #: 220743TX

SHEET:  
**2**  
 OF 3

E:\Dropbox (Point To Point)\P2P Current Jobs\2022\220743TX-DDL00380\220743TX.dwg

# LEGAL DESCRIPTION SHEET

## PARENT PARCEL

(PER FILE NO. UST70613)

TRACT 1: BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE COUNTY OF ROCKWALL, STATE OF TEXAS, AND BEING IN THE DAVID HARR SURVEY, ABSTRACT NO. 102, AND BEING PART OF 43.0625 ACRE TRACT, DESCRIBED IN VOLUME 48, PAGE 440, DEED RECORDS, ROCKWALL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING IN THE NORTHEAST CORNER OF ABOVE MENTIONED TRACT ON SOUTH ROW OF HIGHWAY 66;

THENCE NORTH 86 DEGREES 51' 02" WEST, 359.56 FEET WITH ROW LINE TO POINT OF CURVE TO LEFT;

THENCE WITH CURVE LEFT 191.37 FEET TO POINT TANGENT;

THENCE SOUTH 80 DEGREES 32' 63" WEST, 84.75 FEET WITH SOUTH ROW LINE TO POINT OF CURVE TO RIGHT;

THENCE WITH CURVE RIGHT 128.58 FEET TO IRON POST FOR CORNER;

THENCE SOUTH 08 DEGREES 30' 45" WEST 493.08 FEET TO IRON STAKE FOR CORNER;

THENCE SOUTH 08 DEGREES 30' 00" WEST 150 FEET TO IRON STAKE FOR CORNER; THENCE SOUTH 08 DEGREES 30' 00" WEST 6.89 FEET TO IRON STAKE FOR CORNER; THENCE SOUTH 22 DEGREES 25' 36" WEST, 158.92 FEET TO IRON STAKE FOR CORNER;

THENCE SOUTH 04 DEGREES 42' 01" WEST 135 FEET TO IRON STAKE FOR CORNER; THENCE SOUTH 01 DEGREES 31' 12" EAST 150 FEET TO IRON STAKE FOR CORNER; THENCE SOUTH 08 DEGREES 26' 36" EAST 223.86 FEET TO IRON STAKE FOR CORNER; THENCE SOUTH 82 DEGREES 26' 36" EAST 931.52 FEET TO IRON STAKE FOR CORNER; THENCE NORTH 00 DEGREES 45' 25" EAST 1337.11 FEET TO IRON STAKE FOR CORNER AND POINT OF BEGINNING AND CONTAINING 25.867 ACRES OF LAND MORE OR LESS.

## TITLE EXCEPTIONS

THIS SURVEY WAS COMPLETED WITH THE AID OF TITLE WORK PREPARED BY U.S. TITLE SOLUTIONS, REPORT DATE OF MARCH 4, 2022, SEARCH START DATE OF JANUARY 1, 1973, END DATE OF JANUARY 17, 2022, BEING FILE NO. UST70613, FOR THE PARENT PARCEL, TO DETERMINE THE IMPACTS OF EXISTING TITLE EXCEPTIONS.

### 1. MORTGAGES, DEEDS OF TRUST AND UCCS

1. DEED OF TRUST MADE BY, CAIN REVOCABLE FAMILY TRUST, TO, ROBERT HAWK, TRUSTEE, DON R. STODGHILL, IN THE SUM OF \$210,000.00, DATED OCTOBER 23, 2008, RECORDED OCTOBER 27, 2008, IN INSTRUMENT NO: 2008-00407167.

[THIS ITEM IS APPLICABLE TO THE PARENT PARCEL.]

### 3. COVENANTS AND RESTRICTIONS

3.1 RESTRICTIONS AS SET FORTH IN DEED 108/499 , DEED 110/148 HOWEVER PLEASE SEE MODIFICATION 121/862 DELETING SUCH RESTRICTIONS.

[THIS ITEM IS APPLICABLE TO THE PARENT PARCEL.]

### 4. EASEMENTS AND RIGHTS OF WAY

4.1 RIGHT OF WAY AGREEMENT BY J. DIANE FOLZENLOGEN AND BENNIE R. CLARK TO LONE STAR GAS, DATED OCTOBER 19, 1973, RECORDED JANUARY 15, 1974, IN BOOK 112, PAGE 88. NOTES: RIGHT OF WAY AND EASEMENT PURPOSES

[THIS ITEM MAY BE APPLICABLE TO THE PARENT PARCEL; HOWEVER, THE DISCRPTION IS VAGUE, AND THEREFORE, WE ARE UNABLE TO ASCERTAIN THE EXACT LOCATION THEREOF.]

4.2 EASEMENT BY J. DIANE FOLZENLOGEN AND BENNIE R. CLARK TO OWEN S. DAVIS AND H. RACHEL DAVIS, DATED MAY 11, 1973, RECORDED MAY 16, 1973, IN BOOK 108, PAGE 502. NOTES: WATER PIPE LINE PURPOSES

[THIS ITEM IS APPLICABLE TO THE PARENT PARCEL; HOWEVER, IT IS NOT PLOTTED HEREON BECAUSE THE DISCRPTION IS VAGUE, AND THEREFORE, WE ARE UNABLE TO ASCERTAIN THE EXACT LOCATION THEREOF.]

## LEASE AREA

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN DAVID HARR SURVEY, ABSTRACT NO. 102, ROCKWALL COUNTY, TEXAS, AND BEING A PORTION OF THE LANDS OF DEWAYNE CAIN, THE TRUSTEE OF THE CREDIT SHELTER TRUST; AND DEWAYNE CAIN, THE TRUSTEE OF THE SURVIVOR'S TRUST, AS RECORDED IN INSTRUMENT NOS. 2013-00493006 AND 2013-00493007, ROCKWALL COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE POINT OF BEGINNING, COMMENCE AT A CONCRETE MONUMENT FOUND ON THE SOUTHERN RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 66 (HAVING A 60-FOOT PUBLIC RIGHT-OF-WAY), SAID MONUMENT HAVING A TEXAS GRID NORTH, NAD 83, NORTH CENTRAL ZONE VALUE OF N: 7029808.7400 E: 2603726.3906; THENCE RUNNING FOR A TIE LINE, SOUTH 50°41'17" WEST 100.45 FEET TO A POINT, SAID POINT HAVING A TEXAS GRID NORTH, NAD 83, NORTH CENTRAL ZONE VALUE OF N: 7029745.1008 E: 2603648.6720, AND THE TRUE POINT OF BEGINNING;

THENCE, SOUTH 05°41'04" WEST, 70.00 FEET TO A POINT;

THENCE, SOUTH 84°22'26" WEST, 51.00 FEET TO A POINT;

THENCE, NORTH 05°41'04" EAST, 70.00 FEET TO A POINT;

THENCE, 51.00 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1040.00 FEET AND BEING SCRIBED BY A CHORD BEARING, NORTH 84°22'30" EAST, 51.00 FEET TO A POINT AND THE TRUE POINT OF BEGINNING.

BEARINGS BASED ON TEXAS GRID NORTH, NAD 83, NORTH CENTRAL ZONE.

SAID TRACT CONTAINS 0.0801 ACRES (3,489 SQUARE FEET), MORE OR LESS.

## 30' INGRESS-EGRESS & UTILITY EASEMENT

TOGETHER WITH A 30' INGRESS-EGRESS, FIBER AND UTILITY EASEMENT (MEASURING 15 FEET EACH SIDE OF CENTERLINE) LYING AND BEING IN DAVID HARR SURVEY, ABSTRACT NO. 102, ROCKWALL COUNTY, TEXAS, AND BEING A PORTION OF THE LANDS OF DEWAYNE CAIN, THE TRUSTEE OF THE CREDIT SHELTER TRUST; AND DEWAYNE CAIN, THE TRUSTEE OF THE SURVIVOR'S TRUST, AS RECORDED IN INSTRUMENT NOS. 2013-00493006 AND 2013-00493007, ROCKWALL COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE POINT OF BEGINNING, COMMENCE AT A CONCRETE MONUMENT FOUND ON THE SOUTHERN RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 66 (HAVING A 60-FOOT PUBLIC RIGHT-OF-WAY), SAID MONUMENT HAVING A TEXAS GRID NORTH, NAD 83, NORTH CENTRAL ZONE VALUE OF N: 7029808.7400 E: 2603726.3906; THENCE RUNNING FOR A TIE LINE, SOUTH 50°41'17" WEST 100.45 FEET TO A POINT ON THE LEASE AREA, SAID POINT HAVING A TEXAS GRID NORTH, NAD 83, NORTH CENTRAL ZONE VALUE OF N: 7029745.1008 E: 2603648.6720; THENCE ALONG SAID LEASE AREA, SOUTH 05°41'04" WEST, 70.00 FEET TO A POINT; THENCE, SOUTH 84°22'26" WEST, 51.00 FEET TO A POINT; THENCE, NORTH 05°41'04" EAST, 70.00 FEET TO A POINT; THENCE, 35.89 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1040.00 FEET AND BEING SCRIBED BY A CHORD BEARING, NORTH 84°47'28" EAST, 35.90 FEET TO A POINT AND THE TRUE POINT OF BEGINNING;

THENCE LEAVING SAID LEASE AREA LINE, NORTH 00°11'17" EAST, 50.33 FEET TO A POINT ON THE SAID SOUTHERN RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 66.

BEARINGS BASED ON TEXAS GRID NORTH, NAD 83, NORTH CENTRAL ZONE.



*Justin Kyle Lawrence*

NO.	DATE	REVISION
1	3/23/23	LEASE AREA
2	5/1/23	LEASE AREA

\* SPECIFIC PURPOSE SURVEY PREPARED BY:

**POINT TO POINT LAND SURVEYORS**

100 Governors Trace, Ste. 103  
Peachtree City, GA 30269  
(p) 678.565.4440 (f) 678.565.4497  
(w) pointtopointsurvey.com  
Texas Registration NO. 10194197



SPECIFIC PURPOSE SURVEY  
PREPARED FOR:

**JACOBS**

5449 BELLS FERRY ROAD,  
ACWORTH, GA 30102

DDL00380

DAVID HARR SURVEY,  
ABSTRACT 102,  
ROCKWALL COUNTY, TEXAS

DRAWN BY: AJT

CHECKED BY: JKL

APPROVED: D. MILLER

DATE: MAY 13, 2022

P2P JOB #: 220743TX

SHEET:

3

OF 3

SURVEY NOT VALID WITHOUT SHEETS 1 & 2 OF 3

E:\Dropbox (Point To Point)\P2P Current Jobs\2022\220743TX-001\00380\220743TX.pro



1801 VALLEY VIEW LANE  
FARMER'S BRANCH, TX 75234



4 COUNTRY PLACE CIRCLE  
DALWORTHINGTON GARDENS  
TEXAS 76016

AT&T SITE NUMBER:  
**DDL00380**

AT&T SITE NAME:  
**DDL00380**

FA CODE:  
**15682026**

PACE ID:  
**MRNTX075135**

770 DAVIS DRIVE  
ROCKWALL, TX 75087

NEW MONOPOLE TOWER

ISSUED FOR:

REV	DATE	DRWN	DESCRIPTION	DES./QA
LEA	04/12/2023	WHS	LEASE EXHIBIT	JK
LEB	05/02/2023	WHS	LEASE EXHIBIT	JK

**THIS DOCUMENT IS  
PRELIMINARY IN  
NATURE AND IS NOT  
A FINAL, SIGNED AND  
SEALED DOCUMENT**

BROADUS SERVICES  
FIRM REGISTRATION #F-23339  
4 COUNTRY PLACE CIRCLE  
DALWORTHINGTON GARDENS, TX 76016

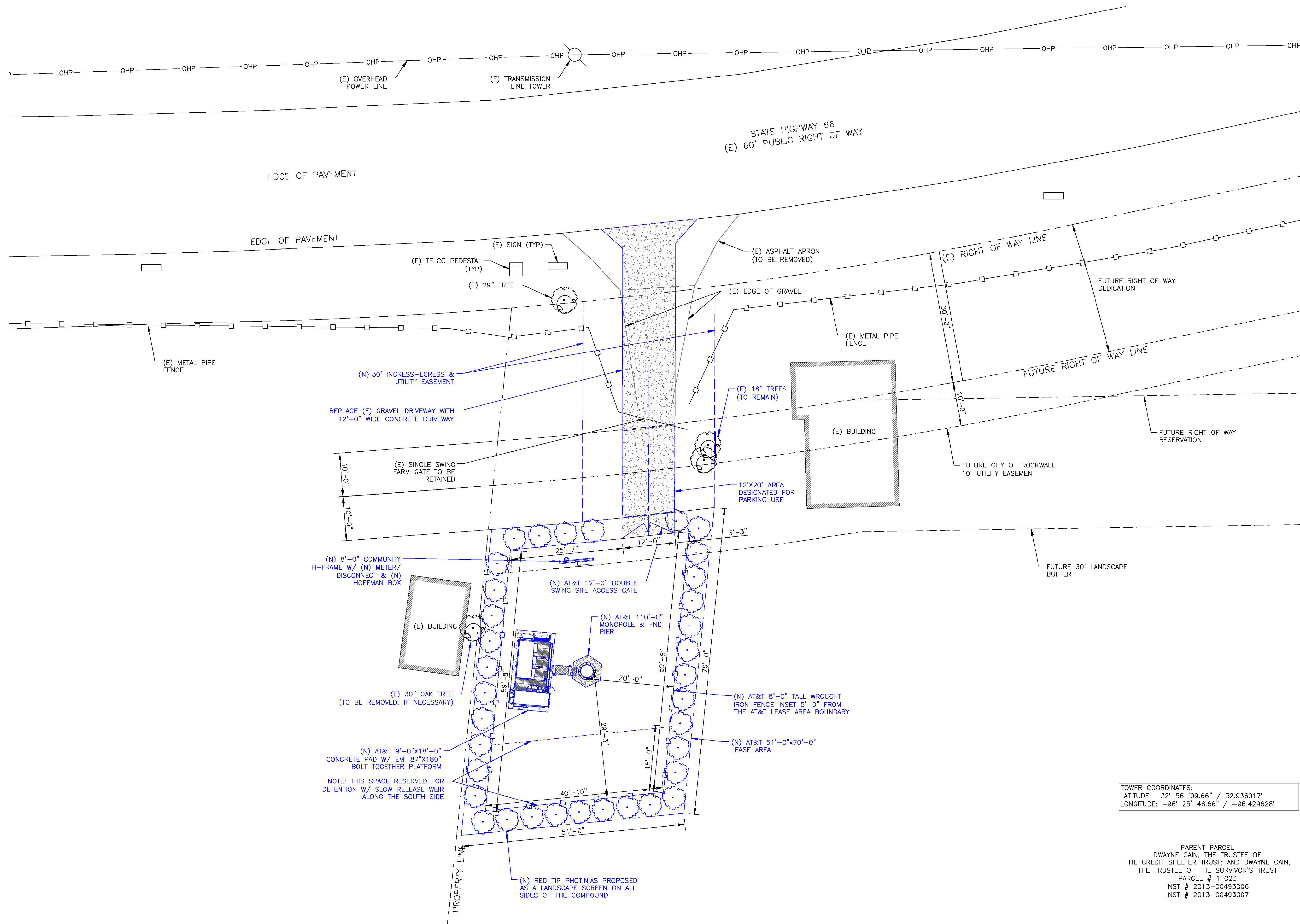
IT IS A VIOLATION OF LAW FOR ANY PERSON,  
UNLESS THEY ARE ACTING UNDER THE DIRECTION  
OF A LICENSED PROFESSIONAL ENGINEER,  
TO ALTER THIS DOCUMENT.

SHEET NUMBER:

**LE-1**

REVISION:

**LEB**



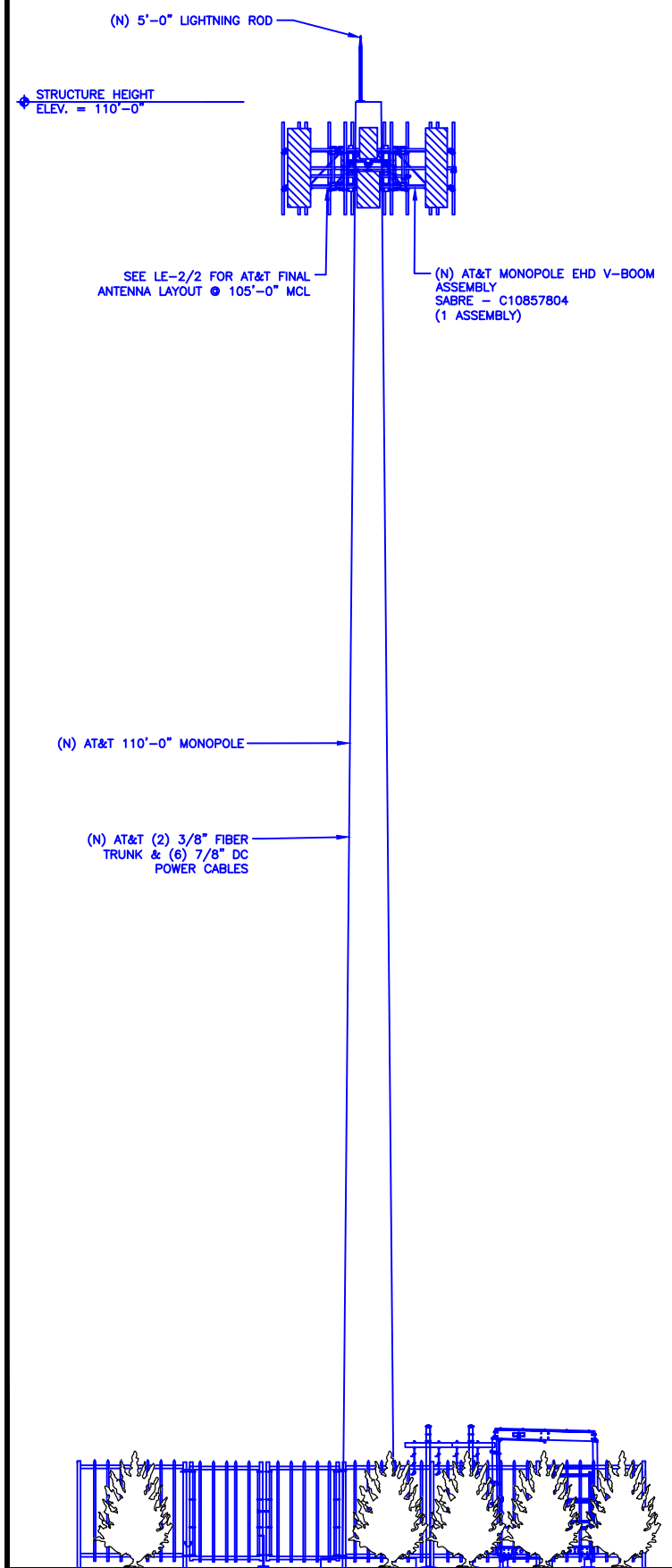
TOWER COORDINATES:  
LATITUDE: 32° 56' 09.66" / 32.936017°  
LONGITUDE: -96° 25' 46.66" / -96.429628°

PARENT PARCEL  
DWAYNE CAIN, THE TRUSTEE OF  
THE CREDIT SHELTER TRUST; AND DWAYNE CAIN,  
THE TRUSTEE OF THE SURVIVOR'S TRUST  
PARCEL # 11023  
INST # 2013-00493006  
INST # 2013-00493007

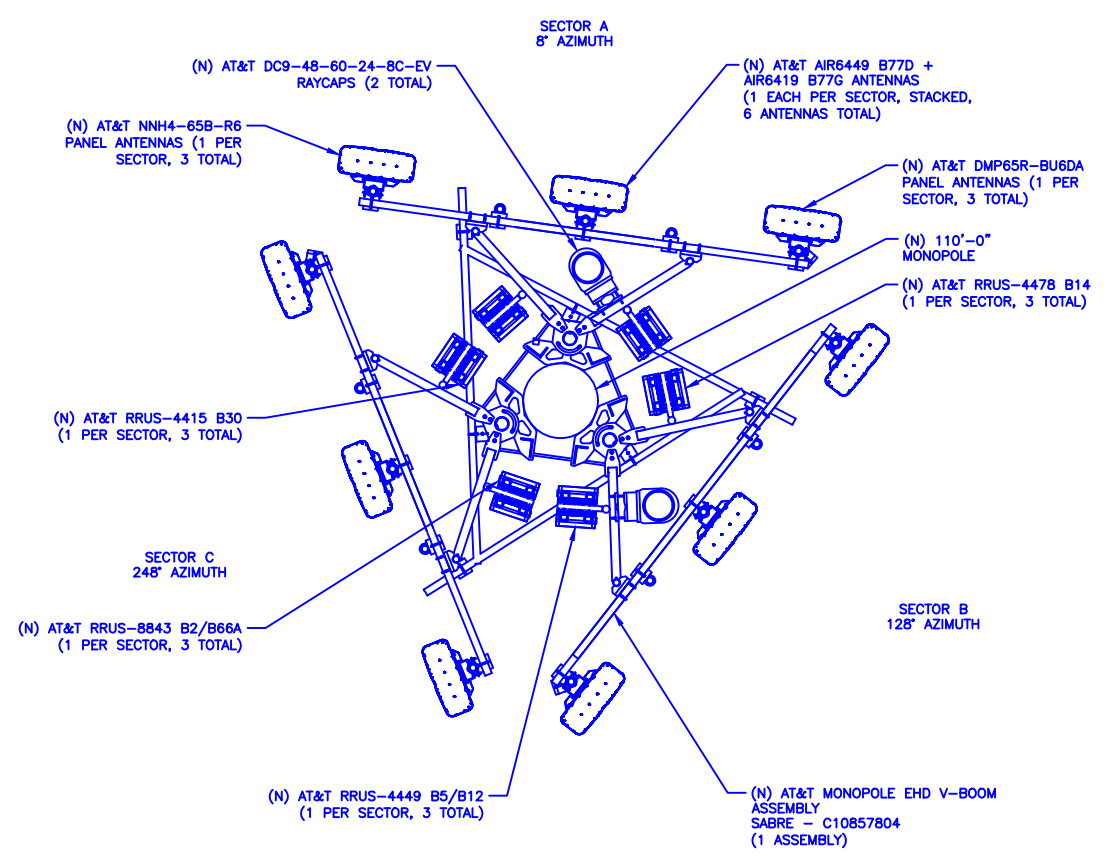
1 OVERALL SITE PLAN  
SCALE: 3/32"=1'-0" (FULL SIZE)  
3/84"=1'-0" (11x17)



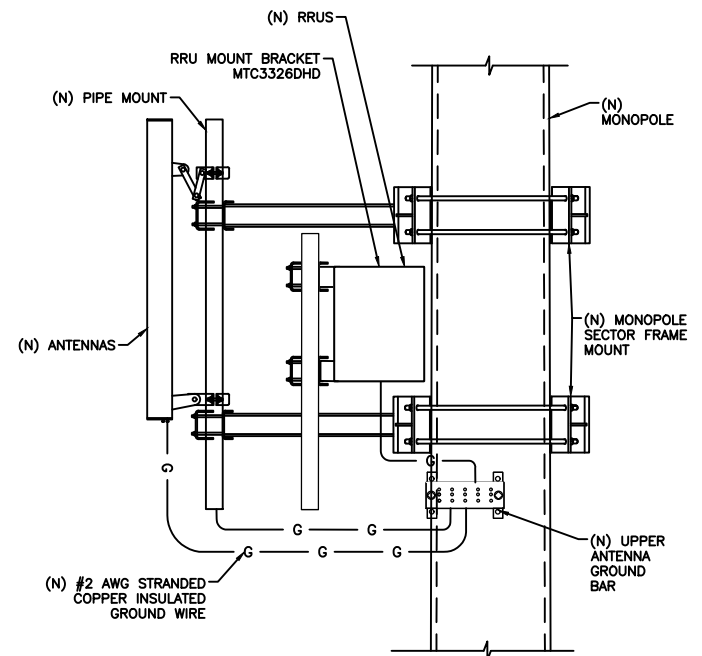
**AT&T EQUIPMENT**  
 ANTENNA CL: 105'-0"  
 MOUNT CL: 105'-0"



1 FINAL NORTH (FROM HWY 66) TOWER ELEVATION  
 SCALE: NOT TO SCALE



2 FINAL ANTENNA LAYOUT  
 SCALE: NOT TO SCALE



3 ANTENNA/RRU MOUNT DIAGRAM  
 SCALE: NOT TO SCALE



1801 VALLEY VIEW LANE  
 FARMER'S BRANCH, TX 75234



4 COUNTRY PLACE CIRCLE  
 DALWORTHINGTON GARDENS  
 TEXAS 76016

AT&T SITE NUMBER:  
**DDL00380**

AT&T SITE NAME:  
**DDL00380**

FA CODE:  
**15682026**

PACE ID:  
**MRNTX075135**

770 DAVIS DRIVE  
 ROCKWALL, TX 75087

NEW MONOPOLE TOWER

**ISSUED FOR:**

REV	DATE	DRWN	DESCRIPTION	DES./QA
LEA	04/12/2023	WHS	LEASE EXHIBIT	JK

**THIS DOCUMENT IS PRELIMINARY IN NATURE AND IS NOT A FINAL, SIGNED AND SEALED DOCUMENT**

BROADUS SERVICES  
 FIRM REGISTRATION #F-23339  
 4 COUNTRY PLACE CIRCLE  
 DALWORTHINGTON GARDENS, TX 76016  
 IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

SHEET NUMBER: REVISION:

**LE-2 LEA**

CITY OF ROCKWALL

ORDINANCE NO. 23-XX

SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 100 (PD-100) [ORDINANCE NO. 23-07] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A COMMERCIAL FREESTANDING ANTENNA ON A 0.1234-ACRE TRACT OF LAND IDENTIFIED AS A PORTION OF TRACT 14 OF THE D. HARR SURVEY, ABSTRACT NO 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, a request has been made by Dub Douphrate of Douphrate and Associates on behalf of Dewayne Cain for the approval of a Specific Use Permit (SUP) for a *Commercial Freestanding Antenna* on a 0.1234-acre tract of land identified as a portion of Tract 14 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 100 (PD-100) for General Retail (GR) District land uses, situated within the East SH-66 Overlay (E. SH-66 OV) District, generally located on the southside of SH-66 east of the intersection of SH-66 and Davis Drive, and being more specifically described in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

**WHEREAS**, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that Planned Development District 100 (PD-100) [Ordinance No. 23-07] and the Unified Development Code [Ordinance No. 20-02] of the City of Rockwall should be amended as follows:

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:**

**SECTION 1.** That Planned Development District 100 (PD-100) [Ordinance No. 23-07] and the Unified Development Code [Ordinance No. 20-02] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing for the establishment of a *Commercial Freestanding Antenna* as stipulated by Planned Development District 100 (PD-100) [Ordinance No. 23-07] on the *Subject Property*; and

**SECTION 2.** That the *Subject Property* shall be used and developed only in the manner and for the purposes described in this Specific Use Permit (SUP) ordinance and as specifically set forth in Planned Development District 100 (PD-100) [Ordinance No. 23-07], Subsection 01.01, *Land Use Schedule*, of Article 04, *Permissible Uses*, and Subsection 04.01, *General Commercial*

*District Standards*; Subsection 04.04, *General Retail (GR) District*, and Subsection 06.02, *General Overlay District Standards*, of Article 05, *District Development Standards*, of the Unified Development Code [Ordinance No. 20-02] of the City of Rockwall -- as heretofore amended and may be amended in the future -- and with the following conditions:

## **2.1 OPERATIONAL CONDITIONS**

The following conditions pertain to the operation of a *Commercial Freestanding Antenna* on the *Subject Property* and conformance to these requirements is necessary for continued operations:

- 1) The development and operation of a *Commercial Freestanding Antenna* shall generally conform to the *Concept Plan* depicted in *Exhibit 'B'* and *Concept Building Elevations* depicted in *Exhibit 'C'* of this ordinance.
- 2) Any necessary equipment building shall be enclosed by a decorative iron fence surrounded by a screening hedge which will achieve a height of at least six (6) feet at maturity or a masonry screening wall at least eight (8) feet in height; and,
- 3) At least one (1) paved parking space with paved access thereto shall be provided at the antenna location; said parking space need not be reserved exclusively for use in conjunction with the antenna installation and may be one (1) of the spaces provided for the principal use on the property; and,
- 4) Administrative approval of the antenna installation shall be required prior to the issuance of any permits for construction; and,

## **2.2 COMPLIANCE**

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

- 1) Upon obtaining a *Certificate of Occupancy (CO)*, should the business owner operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outlined in the Unified Development Code (UDC), the City may (after proper notice) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Subsection 02.02(F), *Revocation*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) [Ordinance No. 20-02].

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

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

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

**SECTION 6.** If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the

application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

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

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
THIS THE 5<sup>TH</sup> DAY OF JUNE, 2023.**

\_\_\_\_\_  
Trace Johannesen, *Mayor*

**ATTEST:**

\_\_\_\_\_  
Kristy Teague, *City Secretary*

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Frank J. Garza, *City Attorney*

1<sup>st</sup> Reading: May 15, 2023

2<sup>nd</sup> Reading: June 5, 2023







# Exhibit 'C': Concept Building Elevations

**1** I-10, NOR H (HWY HWY 69) LEVEL ELEVATION

SCALE: 1/8" = 1'-0" SCALE

**2** I-10, ATLANTA LAYOUT

SCALE: 1/8" = 1'-0" SCALE

**3** ATLANTA/RD FRONT ELEVATION

SCALE: 1/8" = 1'-0" SCALE

**4** ATLANTA/RD FRONT ELEVATION

SCALE: 1/8" = 1'-0" SCALE

**5** I-10, NOR H (HWY HWY 69) LEVEL ELEVATION

SCALE: 1/8" = 1'-0" SCALE

**6** I-10, ATLANTA LAYOUT

SCALE: 1/8" = 1'-0" SCALE

**7** ATLANTA/RD FRONT ELEVATION

SCALE: 1/8" = 1'-0" SCALE

**8** ATLANTA/RD FRONT ELEVATION

SCALE: 1/8" = 1'-0" SCALE

## Lee, Henry

---

**From:** Dub Douphrate <wldouphrate@douphrate.com>  
**Sent:** Tuesday, May 2, 2023 4:10 PM  
**To:** Lee, Henry  
**Cc:** Miller, Ryan; Dewayne Cain; Dozier, Brandt; Jenna Kervin  
**Subject:** Cain SUP Revised Concept plan and survey  
**Attachments:** DDL00380 LE NSD REVB 05-02-23.pdf; DDL00380\_1A\_05-1-23.pdf; DDL00380\_SURVEY\_05-1-23.pdf

Henry , please see attached the revised concept plan and boundary survey of the cell tower easement for your review , please let me know if we need to tweak anything further

thanks

Dub

### **W.L. Douphrate II, P.E.**

Douphrate & Associates, Inc.

Texas Registered Engineering Firm F-886

2235 Ridge Road

Rockwall, Texas, 75087

Office 972.771.9004

Fax 972.771.9005



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## Lee, Henry

---

**From:** Dub Douphrate <wldouphrate@douphrate.com>  
**Sent:** Tuesday, May 2, 2023 9:37 AM  
**To:** Lee, Henry  
**Cc:** Miller, Ryan  
**Subject:** Cain Cell Tower

Henry Good Morning , just a fyi , the cell tower group is finishing up the modifications to their concept plan and the easement boundary revised dimensioning and so as soon as I receive from them the documents i will forward on to you , which will be today

thanks

Dub

### **W.L. Douphrate II, P.E.**


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Rockwall, Texas, 75087

Office 972.771.9004

Fax 972.771.9005 



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## Lee, Henry

---

**From:** Lee, Henry  
**Sent:** Wednesday, May 3, 2023 3:53 PM  
**To:** 'Dub Douphrate'  
**Cc:** Dewayne Cain; Dozier, Brandt; Jenna Kervin  
**Subject:** RE: Cain SUP Revised Concept plan and survey  
**Attachments:** Development Comments (05.03.2023).docx

Good Afternoon,

Staff has reviewed the revised plans. Attached are the remaining comments from the Planning Department. My memo will add conditions of approval to address these comments. That being said I need the revisions as soon as you can. Let me know if you have any questions.

Thank you,



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

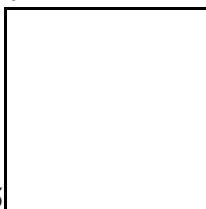
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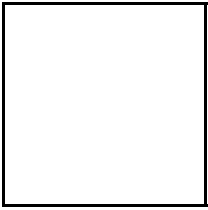
**From:** Dub Douphrate <wldouphrate@douphrate.com>  
**Sent:** Tuesday, May 2, 2023 4:10 PM  
**To:** Lee, Henry <HLee@rockwall.com>  
**Cc:** Miller, Ryan <RMiller@rockwall.com>; Dewayne Cain <dewaynecain25@outlook.com>; Dozier, Brandt <brandt.dozier@jacobs.com>; Jenna Kervin <jenna@gobroadus.com>  
**Subject:** Cain SUP Revised Concept plan and survey

Henry , please see attached the revised concept plan and boundary survey of the cell tower easement for your review , please let me know if we need to tweak anything further  
thanks  
Dub

**W.L. Douphrate II, P.E.**  
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Fax 972.771.9005





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## Lee, Henry

---

**From:** Dub Douphrate <wldouphrate@douphrate.com>  
**Sent:** Friday, May 12, 2023 2:29 PM  
**To:** Lee, Henry; Miller, Ryan  
**Cc:** Dewayne Cain; Jenna Kervin; Dozier, Brandt  
**Subject:** Cain Cell Tower Revised Concept Plan  
**Attachments:** DDL00380 LE NSD REVC 05-12-23.pdf

Henry , please see attached for your review , please let us know if we have addressed all the staff comments in a satisfactory manner  
thanks for your help  
Dub

**W.L. Douphrate II, P.E.**


Douphrate & Associates, Inc.

Texas Registered Engineering Firm F-886

2235 Ridge Road

Rockwall, Texas, 75087

Office 972.771.9004

Fax 972.771.9005 



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## Lee, Henry

---

**From:** Jenna Kervin <jenna@gobroadus.com>  
**Sent:** Friday, May 12, 2023 7:11 PM  
**To:** Lee, Henry  
**Cc:** Dewayne Cain; Dozier, Brandt; Dub Douphrate; Elizabeth Gonzalez  
**Subject:** Re: [EXTERNAL] Re: Cain SUP Revised Concept plan and survey  
**Attachments:** DDL00380 LE NSD REVE 05-12-23.pdf

Henry,  
Here is RevE.

Have a great weekend, everyone.

### Jenna Kervin

A&E Project Manager

C: 713-962-3075 | [www.gobroadus.com](http://www.gobroadus.com)



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On Fri, May 12, 2023 at 5:25 PM Jenna Kervin <[jenna@gobroadus.com](mailto:jenna@gobroadus.com)> wrote:

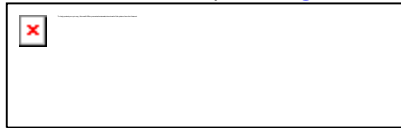
Oh I see what you're saying. I thought we were talking shrubs.

We will remove the sage on the N, E, and S and propose the 4" caliper Eastern Red Cedar on 8' centers.  
The west side we will keep the sage and revise to 5Gal.

### Jenna Kervin

A&E Project Manager

C: 713-962-3075 | [www.gobroadus.com](http://www.gobroadus.com)



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On Fri, May 12, 2023 at 4:54 PM Lee, Henry <[HLee@rockwall.com](mailto:HLee@rockwall.com)> wrote:

Good Afternoon,

Yea, that is perfectly ok; just change the size to 4" caliper not 5-gallon.



Thank you,



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

---

**From:** Jenna Kervin <[jenna@gobroadus.com](mailto:jenna@gobroadus.com)>  
**Sent:** Friday, May 12, 2023 4:46 PM  
**To:** Lee, Henry <[HLee@rockwall.com](mailto:HLee@rockwall.com)>  
**Cc:** Dewayne Cain <[dewaynecain25@outlook.com](mailto:dewaynecain25@outlook.com)>; Dozier, Brandt <[Brandt.Dozier@jacobs.com](mailto:Brandt.Dozier@jacobs.com)>; Dub Douphrate <[wldouphrate@douphrate.com](mailto:wldouphrate@douphrate.com)>; Elizabeth Gonzalez <[elizabeth@gobroadus.com](mailto:elizabeth@gobroadus.com)>  
**Subject:** Re: [EXTERNAL] Re: Cain SUP Revised Concept plan and survey

Henry,

Can we not just keep it uniform to match on sides?

On Fri, May 12, 2023 at 4:39 PM Lee, Henry <[HLee@rockwall.com](mailto:HLee@rockwall.com)> wrote:

Good Afternoon,

Perhaps there has been some miscommunication. The Texas Sage was ok on the west side of the enclosure, which would be 5-gallon. On the north, east, and south sides there should be 4" caliper Eastern Red Cedar. Let me know if you have any questions.

Thank you,



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

---

**From:** Jenna Kervin <[jenna@gobroadus.com](mailto:jenna@gobroadus.com)>  
**Sent:** Friday, May 12, 2023 4:02 PM  
**To:** Lee, Henry <[HLee@rockwall.com](mailto:HLee@rockwall.com)>  
**Cc:** Dozier, Brandt <[Brandt.Dozier@jacobs.com](mailto:Brandt.Dozier@jacobs.com)>; Dub Douphrate <[wldouphrate@douphrate.com](mailto:wldouphrate@douphrate.com)>; Dewayne Cain <[dewaynecain25@outlook.com](mailto:dewaynecain25@outlook.com)>; Elizabeth Gonzalez <[elizabeth@gobroadus.com](mailto:elizabeth@gobroadus.com)>  
**Subject:** Re: [EXTERNAL] Re: Cain SUP Revised Concept plan and survey

Hi Henry,

Here is revD with the shrubs changed to 5GAL red cedar like requested.

**Jenna Kervin**

A&E Project Manager

C: 713-962-3075 | [www.gobroadus.com](http://www.gobroadus.com)



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On Thu, May 11, 2023 at 1:49 PM Lee, Henry <[HLee@rockwall.com](mailto:HLee@rockwall.com)> wrote:

Good Afternoon,

Please see my answers below in blue.

Thank you,



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

---

**From:** Jenna Kervin <[jenna@gobroadus.com](mailto:jenna@gobroadus.com)>  
**Sent:** Thursday, May 11, 2023 11:58 AM  
**To:** Dozier, Brandt <[Brandt.Dozier@jacobs.com](mailto:Brandt.Dozier@jacobs.com)>  
**Cc:** Lee, Henry <[HLee@rockwall.com](mailto:HLee@rockwall.com)>; Dub Douphrate <[wldouphrate@douphrate.com](mailto:wldouphrate@douphrate.com)>; Dewayne Cain <[dewaynecain25@outlook.com](mailto:dewaynecain25@outlook.com)>; Elizabeth Gonzalez <[elizabeth@gobroadus.com](mailto:elizabeth@gobroadus.com)>  
**Subject:** Re: [EXTERNAL] Re: Cain SUP Revised Concept plan and survey

Hi all,

I'm still in a holding pattern until I get clarification from Mr. Lee on the questions I asked last week.

**Jenna Kervin**

A&E Project Manager

C: 713-962-3075 | [www.gobroadus.com](http://www.gobroadus.com)

Henry,

Please see my questions in red:

M.1 Please clarify if an ice bridge is being proposed. Ice bridges are not permitted per the Unified Development Code. (Subsection 06.02, *General Overlay District Standards*, of Article 05, *District Development Standards*, of the UDC) - We can revise this to show a cable tray instead of an ice bridge. Is an

awning allowed over the platform to protect AT&T equipment? All equipment must be underground, per the code section listed above.

M.2 In addition, there must be a 20-foot landscape buffer, with three (3) canopy and four (4) accent trees per 100-feet of frontage. These two (2) may be overlapped in lieu of moving the enclosure 35-feet back from the future ROW. If they are overlapped the parking space will need to be inside the enclosure as parking cannot be located within the landscape buffer. (Subsection 07.03, *Non-Residential District Development Standards*, of Article 05, *District Development Standards*, of the UDC) - Do we need to move the compound another 15' south to account for a landscaping buffer? Since the last set of redlines said we could use the 10' UE for parking, can we leave parking where it is (north of the buffer), and then move the site 15' south to account for this "NEW" 20' landscape buffer they speak of? What type of canopy trees and accent trees does the city accept? Does the 100' of frontage mean from the ROW or is it just referring to the 51' width of the compound? Does the future 30' buffer have any effect on our lease area location? In the comment above, which is from my original comments, I provide two (2) options for the parking space. First, the landscape buffer and utility easement may be overlapped. This makes the enclosure set back 20-feet from the future ROW, and the parking space would need to be inside the enclosure (there is no parking in the landscape buffer and a work/utility vehicle/truck cannot fit within a 10-foot utility easement. Second, the landscape buffer and utility easement can be separated, pushing the enclosure 35-feet off the future ROW; the parking space would still be inside the enclosure. The only way to have the parking space outside the enclosure is if there is 20-feet (*i.e. depth of a parking space*) that is not within the landscape buffer. Also, review the UDC for canopy and accent tree suggestions.

M.3 According to Subsection 01.06, *Residential Adjacency Standards*, of Article 05, *District Development Standards*, of the UDC, residential adjacency standards apply for a "proposed building, structure, or device on the lot is within 150 feet of a residential district boundary." In this case, the proposed tower is within 150-feet of a residential district. Given this, three (3) tiered landscaping is required along the west side of the enclosure. This shall include a wrought iron fence, a row of canopy trees, a row of accent trees, and a shrub row; you have already provided the fence and the shrubs. (*Subsection 01.06, Residential Adjacency Standards, of Article 05, District Development Standards, of the UDC*) **Do we also need a 20' buffer on the west side because as of now, we do not have room to plant 3 tiered landscaping. How much space do we need for this 3 tiered landscaping? We also need to know what type of canopy trees and accent trees are approved to be installed. Provide enough space on the west side to effectively plant three (3) tiered screening. As mentioned in the meeting, if eastern red cedars are used around the enclosure, these would work for the canopy tree. The accent tree is a understory tree, such as a Red Bud, Desert Willow, or Eve's Necklace (there are example in the UDC). The shrubs should be lower level and evergreen.**

M.4 Per the Planned Development District 100 (PD-100) standards, the maximum permissible height on the tower is 110-feet. The proposed building elevations are 115-feet. The total height must be reduced by 5-feet. (*Ordinance 23-07*) - We can revise the tower height to 105' with a lighting rod making it 110'. This works, as it must not exceed 110-feet.

**Jenna Kervin**

A&E Project Manager

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On Wed, May 3, 2023 at 3:52 PM Lee, Henry <[HLee@rockwall.com](mailto:HLee@rockwall.com)> wrote:

Good Afternoon,

Staff has reviewed the revised plans. Attached are the remaining comments from the Planning Department. My memo will add conditions of approval to address these comments. That being said I need the revisions as soon as you can. Let me know if you have any questions.

Thank you,



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

---

**From:** Dub Douphrate <[wldouphrate@douphrate.com](mailto:wldouphrate@douphrate.com)>  
**Sent:** Tuesday, May 2, 2023 4:10 PM  
**To:** Lee, Henry <[HLee@rockwall.com](mailto:HLee@rockwall.com)>  
**Cc:** Miller, Ryan <[RMiller@rockwall.com](mailto:RMiller@rockwall.com)>; Dewayne Cain <[dewaynecain25@outlook.com](mailto:dewaynecain25@outlook.com)>; Dozier, Brandt <[brandt.dozier@jacobs.com](mailto:brandt.dozier@jacobs.com)>; Jenna Kervin <[jenna@gobroadus.com](mailto:jenna@gobroadus.com)>  
**Subject:** Cain SUP Revised Concept plan and survey

Henry , please see attached the revised concept plan and boundary survey of the cell tower easement for your review , please let me know if we need to tweak anything further

thanks

Dub

**W.L. Douphrate II, P.E.**

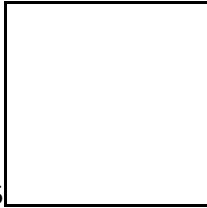
Douphrate & Associates, Inc.

Texas Registered Engineering Firm F-886

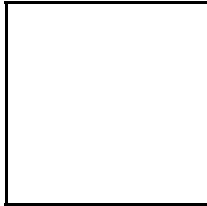
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[Rockwall, Texas, 75087](#)

[Office 972.771.9004](#)



Fax 972.771.9005



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**Jenna Kervin**

A&E Project Manager

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CITY OF ROCKWALL

ORDINANCE NO. 23-33

SPECIFIC USE PERMIT NO. S-305

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 100 (PD-100) [*ORDINANCE NO. 23-07*] AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A *COMMERCIAL FREESTANDING ANTENNA* ON A 0.1234-ACRE TRACT OF LAND IDENTIFIED AS A PORTION OF TRACT 14 OF THE D. HARR SURVEY, ABSTRACT NO 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, a request has been made by Dub Douphrate of Douphrate and Associates on behalf of Dewayne Cain for the approval of a *Specific Use Permit (SUP)* for a *Commercial Freestanding Antenna* on a 0.1234-acre tract of land identified as a portion of Tract 14 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 100 (PD-100) for General Retail (GR) District land uses, situated within the East SH-66 Overlay (E. SH-66 OV) District, generally located on the southside of SH-66 east of the intersection of SH-66 and Davis Drive, and being more specifically described in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

**WHEREAS**, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that Planned Development District 100 (PD-100) [*Ordinance No. 23-07*] and the Unified Development Code [*Ordinance No. 20-02*] of the City of Rockwall should be amended as follows:

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:**

**SECTION 1.** That Planned Development District 100 (PD-100) [*Ordinance No. 23-07*] and the Unified Development Code [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing for the establishment of a *Commercial Freestanding Antenna* as stipulated by Planned Development District 100 (PD-100) [*Ordinance No. 23-07*] on the *Subject Property*; and

**SECTION 2.** That the *Subject Property* shall be used and developed only in the manner and for the purposes described in this Specific Use Permit (SUP) ordinance and as specifically set forth in Planned Development District 100 (PD-100) [*Ordinance No. 23-07*], Subsection 01.01, *Land Use Schedule*, of Article 04, *Permissible Uses*, and Subsection 04.01, *General Commercial*



District Standards; Subsection 04.04, *General Retail (GR) District*; and Subsection 06.02, *General Overlay District Standards*, of Article 05, *District Development Standards*, of the Unified Development Code [Ordinance No. 20-02] of the City of Rockwall -- as heretofore amended and may be amended in the future -- and with the following conditions:

**2.1 OPERATIONAL CONDITIONS**

The following conditions pertain to the operation of a *Commercial Freestanding Antenna* on the *Subject Property* and conformance to these requirements is necessary for continued operations:

- 1) The development and operation of a *Commercial Freestanding Antenna* shall generally conform to the *Concept Plan* depicted in *Exhibit 'B'* and *Concept Building Elevations* depicted in *Exhibit 'C'* of this ordinance.
- 2) Any necessary equipment building shall be enclosed by a decorative iron fence surrounded by a screening hedge which will achieve a height of at least six (6) feet at maturity or a masonry screening wall at least eight (8) feet in height; and,
- 3) At least one (1) paved parking space with paved access thereto shall be provided at the antenna location; said parking space need not be reserved exclusively for use in conjunction with the antenna installation and may be one (1) of the spaces provided for the principal use on the property; and,
- 4) Administrative approval of the antenna installation shall be required prior to the issuance of any permits for construction; and,

**2.2 COMPLIANCE**

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

- 1) Upon obtaining a *Certificate of Occupancy (CO)*, should the business owner operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outlined in the Unified Development Code (UDC), the City may (after proper notice) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Subsection 02.02(F), *Revocation*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) [Ordinance No. 20-02].

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

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

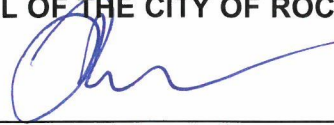
**SECTION 5.** Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS (\$2,000.00)* for each offence and each and every day such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

**SECTION 6.** If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the

application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

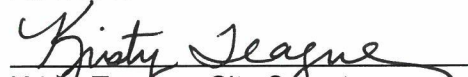
**SECTION 7.** That this ordinance shall take effect immediately from and after its passage.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
THIS THE 5<sup>TH</sup> DAY OF JUNE, 2023.**

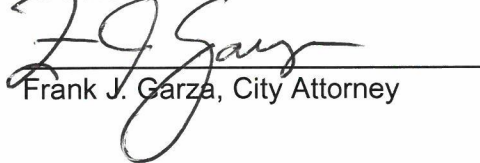


Trace Johannesen, Mayor

**ATTEST:**

  
Kristy Teague, City Secretary

**APPROVED AS TO FORM:**

  
Frank J. Garza, City Attorney

1<sup>st</sup> Reading: May 15, 2023

2<sup>nd</sup> Reading: June 5, 2023





# Exhibit 'C': Concept Building Elevations

SECTION 1  
SCALE: 1/8" = 1'-0"

SECTION 2  
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SECTION 4  
SCALE: 1/8" = 1'-0"



July 13, 2023

TO: Dub Douphrate  
Douphrate & Associates, Inc.  
2235 Ridge Road  
Rockwall, Texas 75087

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

SUBJECT: Z2023-022; *Specific Use Permit (SUP) For a Commercial Freestanding Antenna*

Dub Douphrate:

This letter serves to notify you that the above referenced zoning case that you submitted for consideration by the City of Rockwall was approved by the City Council on June 5, 2023. The following is a record of all recommendations, voting records and conditions of approval:

Staff Recommendations

- (1) The applicant shall be responsible for maintaining compliance with the operational conditions contained in the Specific Use Permit (SUP) ordinance and which are detailed as follows:
  - (a) Development of the *Subject Property* shall generally conform to the Site Plan as depicted in Exhibit 'B' of the draft ordinance.
  - (b) Per the requirements contained in Planned Development District 100 (PD-100) (*i.e. Ordinance No. 23-07*) the *Commercial Freestanding Antenna* shall not exceed 110-feet in total height; and,
  - (c) Before the acceptance of a building permit, staff must receive a site plan that meets the landscape buffer planting requirements, the residential adjacency planting requirements, and move the one (1) parking space out of the required landscape buffer; and,
  - (d) Any construction resulting from the approval of this Specific Use Permit (SUP) shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

Planning and Zoning Commission

On May 9, 2023, the Planning and Zoning Commission approved a motion to recommend approval of the SUP by a vote of 7-0.

City Council

On June 5, 2023, the City Council approved a motion to approve the Specific Use Permit by a vote of 7-0.

Included with this letter is a copy of Ordinance No. 23-33, S-305, which is the regulating ordinance adopted with the City Council's approval of this case. Should you have any questions or concerns regarding your zoning case, please feel free to contact me a (972) 772-6434.

Sincerely,

A handwritten signature in black ink, appearing to read "Henry Lee", written over a horizontal line.

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