



# CITY OF ROCKWALL, TEXAS MEMORANDUM

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**TO:** Planning and Zoning Commission

**FROM:** Ryan Miller, *Director of Planning and Zoning*

**DATE:** December 29, 2015

**SUBJECT:** Reinstatement of the Fontanna Ranch Preliminary Plat

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On December 7, 2015, the Planning and Zoning Department received a written request (attached as *Exhibit 'A'*) from Chris Cuny, of F. C. Cuny Corporation on behalf of Fontanna Ranch, LTD requesting the reinstatement of a preliminary plat for Phases 1 & 2 of the Fontanna Ranch Subdivision, which was originally a proposal for 144 single family residential lots on an 83.30-acre tract of land. The first phase of the development was constructed after the approval of the final plat on August 21, 2006. This left a balance of 47 single family residential lots proposed on 18.506-acres of land being identified as Phase 2 of the Fontanna Ranch Subdivision. The subject property is currently zoned Planned Development District 64 (PD-64), and is generally located south of SH-276 and east of FM-549.

The City's subdivision regulations specify that a preliminary plat shall be expired after one (1) year if a final plat for the entire area has not been submitted. Generally, if a developer submits a final plat or engineering plans for any portion of the overall tract, and continues to submit subsequent plans for additional *phases* of the development, the City will continue to consider that preliminary plat active. In this case the preliminary plat (depicted in *Exhibit 'B'*) was approved by the City Council on January 3, 2006 under *Case No. P2005-043*. This was followed by the approval of a site plan (*Case No. SP2005-029; December 13, 2005*) and master plat (*Case No. P2005-043; January 3, 2006*). Following these cases, a final plat for Phase 1 of the Fontanna Ranch was approved by the City Council on August 21, 2006 (*Case No. P2006-034*); however, no action was taken for Phase 2 of the subdivision and on August 21, 2007 the preliminary plat was considered to be officially expired. A full timeline of events for this project has been attached to this memorandum and is identified as *Exhibit 'C'*. Currently, Fontanna Ranch LTD is in the process of working with staff to solve minor issues concerning the proposed development and intends to resubmit engineering plans in the near future.

Section 38-8(f), *Lapse and Extension of Preliminary Plat Approval*, of the City's *Subdivision Ordinance* contained in the Municipal Code of Ordinances, lays out the procedure and criteria for considering the extension of a preliminary plat. In this case, the applicant's request is generally in conformance with this criterion. Additionally, the zoning ordinance approved with Planned Development District 64 (PD-64) incorporated a concept plan that provided the general layout of the proposed Phase 1 & 2 of the Fontanna Ranch Subdivision. This ordinance, having not changed in a manner that would necessitate the creation and submittal of a new preliminary plat, staff would recommend approval of the reinstatement request for a period of one (1) year pending the proposed development generally conform to the site plan and master plat that were previously approved by the Planning and Zoning Commission and City Council. Additionally, the applicant's letter indicates a willingness to amend the final plat to conform to the changes proposed on the revised Master Thoroughfare Plan, which is expected to be approved at the January 4, 2015 City Council meeting.

**Exhibit 'A': Reinstatement Request**



**FC Cuny Corporation**

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December 7, 2015

Mr. Ryan Miller:  
Planning Director – City of Rockwall  
385 South Goliad  
Rockwall, Texas 75087

RE: Re-instatement of Fontanna Ranch Preliminary Plat

Dear Ryan,

This letter is to formally request that you please re-instate the Preliminary Plat for Fontanna Ranch. This Preliminary Plat included two phases. The first phase is complete and the second phase consisting of 47-residential lots is the portion my client, Spring Haven Investments, Inc., desires us to commence work on for final platting and engineering to provide for ultimate development. I believe that the appropriate plat referred to 83.30 acres and was dated December 7, 2005.

Further, I have discussed with my client and they have no objections to extending one of the roads to the north property line as you had requested in our meeting last week, provided that we do not lose any lots. I believe this can be accomplished and we understand this will be addressed during final platting and final engineering design.

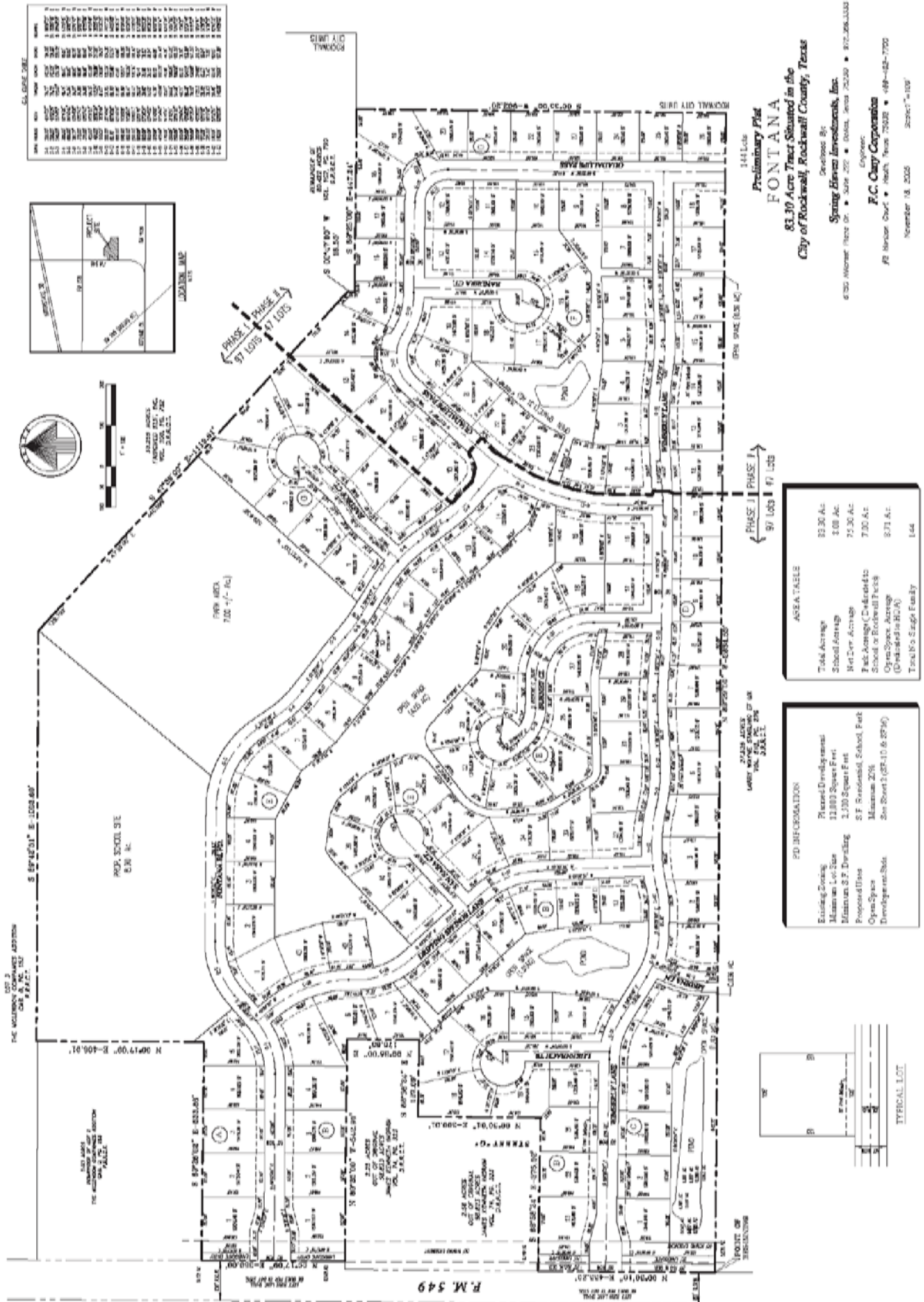
Please contact me if you have any questions regarding this process.

Sincerely,

A handwritten signature in blue ink that reads "Chris Cuny".

Chris Cuny, P.E. – President, FC Cuny Corporation

# Exhibit 'B': Preliminary Plat



### **Exhibit 'C': Case Timeline**

#### **Fontanna Ranch Subdivision, Phases 1, 2 & 3:**

- ✓ **October 7, 2005:** The City Council approved Case No. Z2005-036 establishing Planned Development District 64 (PD-64) [*Ordinance No. 05-58*], which contained the concept plan for Phases 1 & 2 of the Fontanna Ranch Subdivision.
- ✓ **December 13, 2005:** The Planning and Zoning Commission approved a Site Plan for Phases 1 & 2 of the Fontanna Ranch Subdivision under Case No. SP2005-029.
- ✓ **January 3, 2006:** The City Council approved a Preliminary Plat and Master Plat for Phases 1 & 2 of the Fontanna Ranch Subdivision under Case No. P2005-043 and P2005-044.
- ✓ **August 21, 2006:** The City Council approved the Final Plat for Phase 1 of the Fontanna Ranch Subdivision under Case No. P2006-034.
- ✓ **June 5, 2006:** The City Council approved Case No. Z2006-009 establishing Planned Development District 67 (PD-67) [*Ordinance No. 06-21*], which contained the concept Plan for Phase 3 of the Fontanna Ranch Subdivision.
- ✓ **July 11, 2006:** The Planning and Zoning Commission approved a Site Plan for Phases 3 of the Fontanna Ranch Subdivision under Case No. SP2006-022.
- ✓ **July 17, 2006:** The City Council approved a Preliminary Plat and Master Plat for Phases 1 & 2 of the Fontanna Ranch Subdivision under Case No. P2005-043 and P2005-044.