

DEVELOPMENT APPLICATION

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

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PLANNING & ZONING CASE NO.

M152022-010

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 AP	PROPRIATE BOX BELOW TO INDICATE THE TY	PE OF DE	VELOPMENT REQ	UEST [SELECT ONL	Y ONE BOX			
PLATTING APPLICATION FEES: ☐ MASTER PLAT (\$100.00 + \$15.00 ACRE) 1 ☐ PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) 1 ☐ FINAL PLAT (\$300.00 + \$20.00 ACRE) 1 ☐ REPLAT (\$300.00 + \$20.00 ACRE) 1 ☐ AMENDING OR MINOR PLAT (\$150.00) ☐ PLAT REINSTATEMENT REQUEST (\$100.00)				ZONING APPLICATION FEES: ☐ ZONING CHANGE (\$200.00 + \$15.00 ACRE) ¹ ☐ SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) ¹ ☐ PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) ¹ OTHER APPLICATION FEES: ☐ TREE REMOVAL (\$75.00) ☑ VARIANCE REQUEST (\$100.00)					
SITE PLAN APPLICATION FEES: SITE PLAN (\$250.00 + \$20.00 ACRE) AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN (\$100.00)			00)	**NOTES: 1: IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.					
PROP	ERTY INFOR	RMATION [PLEASE PRINT]							
	ADDRESS	NEQ + SEQ of HWY 205 and	FM 54	9, Rockwall,	TX 75032				
	SUBDIVISION	Creekside Commons		LOT 1-14			BLOCK	Α	
GENE	RAL LOCATION	NEQ + SEQ of HWY 205 and	FM 54	9, Rockwall,	TX 75032				
ZONIN	IG, SITE PLA	AN AND PLATTING INFORMATION [PLEASE PR	RINT]					
CUF	RENT ZONING	Commercial (C)		CURRENT USE	Undevelop	ed			
PROP	OSED ZONING	Commercial (C)		PROPOSED USE	Various reta	ail/office	/commerc	cial uses	
	ACREAGE	34.484 LOTS [CUR	RENT]	N/A	LOTS [P	ROPOSED]	14		
R	EGARD TO ITS AF ESULT IN THE DE	PLATS: BY CHECKING THIS BOX YOU ACKNOWLE. PPROVAL PROCESS, AND FAILURE TO ADDRESS AI NIAL OF YOUR CASE.	NY OF STAI	FF'S COMMENTS BY	THE DATE PROVIDED	ON THE DEV	/ELOPMENT CA	XIBILITY WITH LENDAR WILL	
OWN		NT/AGENT INFORMATION [PLEASE PR	INT/CHECK		AND DESCRIPTION OF THE PARTY OF	Automotiva and Artist Add	REQUIRED]		
	□ OWNER	Rockwall 205 Investors, LLC		☑ APPLICANT	549 Crossir				
CONTA	CT PERSON	Justin Webb + Russell Phillips	CO	NTACT PERSON	Michael Har				
	ADDRESS	5763 S SH 205, Suite 100		ADDRESS	10755 Sand	iniii Ka			
CITY,	STATE & ZIP	Rockwall, TX 75032	С	TY, STATE & ZIP	Dallas, TX	75238			
	PHONE	214-729-7885		PHONE	469-500-52	204			
	E-MAIL	Justinw@alturahomes.com		E-MAIL	mhampton@	prudent	developm	nent.com	
BEFORE	ME, THE UNDERS	ATION [REQUIRED] BIGNED AUTHORITY, ON THIS DAY PERSONALLY AP IN ON THIS APPLICATION TO BE TRUE AND CERTIFI	PEARED _ ED THE FO	Justin Webb	0	[OWNER]	THE UNDERS	SIGNED, WHO	
\$	\$100.00	AM THE OWNER FOR THE PURPOSE OF THIS APPLICA TO COVER THE COST OF THIS APPLICATION 20 BY SIGNING THIS APPLICATION WITHIN THIS APPLICATION TO THE PUBLIC. THE ON WITH THIS APPLICATION, IF SUCH REPRODUCTION	TION, HAS BI , I AGREE T CITY IS AL	EEN PAID TO THE CIT THAT THE CITY OF RO SO AUTHORIZED AND	Y OF ROCKWALL ON TH OCKWALL (I.E. "CITY") IS D PERMITTED TO REP	IIS THE S AUTHORIZED PRODUCE ANY	AND PERMITTE COPYRIGHTED	DAY O	
GIVEN L	INDER MY HAND A	AND SEAL OF OFFICE ON THIS THE <u>14</u> DAY OF	Apr	. 20 2	2		ry Public, Sta m. Expires 1		
		OWNER'S SIGNATURE	-	-	375,0	46.18	otary ID 126		
NOTAR	Y PUBLIC IN AND I	FOR THE STATE OF TEXAS	Sho)	Madris	MY COMMIS	SSION EXPIRE	s 11/3	124	
	DEVELOPMEN	NT APPLICATION • CITY OF ROCKWALL • 385 SOUT	H GOLIAD	STREET . ROCKWAL	L, TX 75087 • [P] (972	2) 771-7745 •	[F] (972) 771-7	727	



April 14, 2022

To: City of Rockwall

Planning & Zoning Commission

385 S. Goliad Street Rockwall, TX 75087

Re:

Creekside Commons Addition (Lots 1-14, Block A)

NEQ + SEQ of SH 205 and future FM 549

Rockwall, TX 75032 Exception Request Letter

On behalf of the Rockwall 205 Investors, LLC and 549 Crossing, LP, please accept this letter as a formal request for approval of an exception to the following provision found in Section 6.02(H) of the City of Rockwall Unified Development Code:

Utility Placement - All overhead utilities within any overlay district shall be placed underground.

Over the past several months, both parties have been working with TXDOT, the utility provider (Farmers Electric Co-Op, or "FEC") and the City to identify the requirements and opportunities to comply with the above ordinance provision.

Attached is the latest cost proposal and design plan from FEC that is the minimum work required to achieve compliance for Lot 1, Block A only (i.e. "7-Eleven site"). FEC has also provided a supplemental email (see attached) relative to the projected cost and complexity for burying existing lines along the entire western and northern boundaries of the Creekside Commons development, but to date has not been able or willing to provide additional details or design, but intends to be present at the upcoming Planning Commission and Council meetings to answer questions.

Existing conditions are as follows:

- 1) TXDOT has already acquired the Right-of-Way from Rockwall 205 Investors for both the future SH 205 widening and future FM 549 re-alignment/widening projects.
- 2) Existing overhead utility lines are located approximately 65-ft into the existing TXDOT ROW. We do not believe the existing regulations require us to bury power lines that are located so far from our property as to not reasonably be considered abutting.
- 3) FEC has stated they already have a permit from TXDOT to relocate the existing overhead lines to the new ROW line
- 4) According to FEC, the existing overhead lines are "radial feed" lines that serve a large area of south Rockwall County, including both sides of SH 205 and FM 549.
- 5) In order to properly bury one or more individual pad sites in this area, FEC has stated the developer(s) must also relocate, bury and tie into existing facilities on the west side of SH 205, which requires two (2) highway crossings and at least one offsite easement from a 3rd party landowner. As such, strict compliance with the requirement to bury overhead utility lines could be impossible.

According to FEC, while service disruptions tend to be less frequent when underground lines are deployed, the time required to diagnose and restore a disruption is significantly higher. Therefore, if the existing lines must be buried FEC wants to convert these radial lines to a dual/redundant feed system that simultaneously costs much more to construct and requires more land area (easements) to accommodate various manholes, switchgear and other facilities. Further, in order to prevent disruption or damage to the utilities when the SH 205 and FM 549 construction is started, FEC will require these



new lines to be entirely within private property in the form of a 15-ft easement. These are in addition to "private" electric easements required to serve each individual lot, which the applicant has always understood and agreed to place underground.

Another challenge for this development is the unusual circumstance of attempting to relocate and bury the overhead facilities prior to the ultimate relocation and reconfiguration of not one, but two, TXDOT highway improvement projects. The requirements to bury the line across both SH 205 and future FM 549 rights-of-way (as depicted on the 7-Eleven proposal/exhibit) is by itself driving the costs of complying with the ordinance to a level that will make it difficult/economically infeasible to develop any individual lots.

Last but not least, it is no secret that the ordinance requiring the burial of overhead utilities has been in place for many years, but has been quite commonly excepted. In fact, if one travels southbound along either SH 205 or FM 549 from Interstate 30 to the subject site, it is evident not one single commercial or residential development project has been required to bury lines on either side of those roadways despite plenty of new development over the years. It is the applicant's opinion that only enforcing this now, and on this development, results in a disproportionate burden being placed on this development that, given the existing overhead lines in all directions that will likely remain in place for the foreseeable future, will do little to achieve the resiliency or reliability of these lines in severe weather events. In fact, immediately south of the subject property the Overlay and City limits both terminate, so it's quite possible that if enforced this section of utility lines (along the east side of SH 205 only) will be the only lines in this section of the County that will be buried.

Compensatory Measures (Lot 1, Block A)

As it relates specifically to Lot 1 (i.e. "7-Eleven site" located at 4949 S. Goliad Street), it should be noted that this same variance was originally requested as part the applicant's site plan approval application (i.e. case SP21-0021). At the same time, one other exception to the Overlay standards (i.e pitched roof design requirement for a building under 6,000-sf) was requested by the applicant and approved by the Commission; however, immediately prior to the Commission meeting in September 2021 the exception to the utility placement standards was pulled out for consideration by staff, and staff instructed the applicant it would need to submit a separate exception application later. (This was subsequently attempted and withdrawn in November 2021, and since then 549 Crossing, LP has been working in good faith to determine the requirements to meet the ordinance). Having said all that, the applicant had proposed a combination of compensatory measures variances with the original SP21-0021 application that was intended to offset BOTH exceptions proposed, including:

- 1. Increased landscape buffer along FM 549 from 10-feet to 20-feet per ARB recommendation.
- 2. Increased parking lot landscaping to nine (9) percent (5 percent minimum).
- 3. Increased natural stone on exterior elevations to 35% of total area.
- 4. Increased awnings provided on building façade.
- 5. Increased glazing area (windows on rear elevation).

Application of Legal Standard

As demonstrated by the above information, the legal standard for granting an exception to this requirement has been met. With respect to each of the below enumerated criteria from this standard, we offer the following responses:

- (A) If the proposed compensatory measures sufficiently offset the requested variance or exception.

 Response: The five listed compensatory measures above offset the impact of granting this exception.
- (B) If such a request will substantially or permanently injure the appropriate use of adjacent property.



Response: As noted above, this would be the only property in the area with buried utility lines, and as such, it cannot be reasonably argued that adjacent properties (with overhead power utility lines) are injured.

(C) If such a request will adversely affect the health, safety, and/or general welfare of the public.

Response: As noted above, it is our understanding from the utility provider that the burying of these lines can make outages last long due to the difficulty of accessing the lines for maintenance.

(D) If such a request will be contrary to the public interest.

Response: We are unaware of objections from any surrounding property owners, particular given that their properties currently have above ground utility lines.

(E) If such a request will authorize the operation of a use other than those uses specifically authorized for the district in which the subject property is located.

Response: The granting of this exception will not change any of the allowed uses of the property.

(F) If such a request will be in harmony with the spirit and intent of the Unified Development Code (UDC), Comprehensive Plan, and/or other City policies.

Response: The proposed compensatory measures coupled with the other explanations in this request align with city policy and practice to date.

(G) If such a request will alter the essential character of the district in which the subject property is located.

Response: As noted already, this would be the only property in the general vicinity to bury overhead utility lines.

(H) If such a request will substantially weaken the general purpose of the zoning requirements established for the district in which the subject property is located.

Response: If granted, this exception would not affect any of the zoning regulations applicable to the property.

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

Sincerely

Michael Hampton Vice President

Prudent Development, LLC (dba "549 Crossing, LP")



2000 I-30 E - Greenville, TX 75402 (903) 455-1715

March 25, 2022

Keaton Mai, P.E. Director of Civil Engineering The Dimension Group

Re: 7-11 Hwy 205/FM 549 Rockwall, TX

Keaton,

At your request, and to satisfy The City of Rockwall's ordinance, Farmers' engineering has prepared a design and cost estimate for the burial of our existing overhead powerline that resides in the Hwy 205 ROW at the proposed 7-11 development. This design will require additional easements on the northeast and southwest corners of Hwy 205 and FM 549. The cost of this project is \$464,074.15 plus tax which includes all permitting and construction. This does not include easement acquisitions which will be the responsibility of the developer. This cost is valid for 30 days from the date on this letter and is contingent on Farmers' receiving an electric service application for the project. Upon your acceptance in writing, we can go over the design details including the additional easements that will be required. In addition, we can go over the design of the 7-11 electric facilities which are included in the project pricing above.

Please don't hesitate to contact me directly with any questions.

Sincerely,

Frank Spataro

Senior Project Coordinator

Frank Spataro

903-461-2452

fspataro@fecelectric.com

Michael Hampton

From: Shaun Chronister <schronister@farmerselectric.coop>

Sent: Thursday, April 14, 2022 2:44 PM

To: Michael Hampton

Subject: RE: 7-11 proposal letter (205 & 549)

Hey Michael,

I spent a couple hours yesterday reviewing your request for design and pricing to bury Farmers' overhead powerlines located in the state ROW in front of Parcel 30851 (Rockwall 205 Investors) and 113123 (7-11). As discussed, it is Farmers' design standard and practice to loop underground primary feeder lines. There is a couple reason for this.

- Outage restoration primary cable failures are difficult to and time consuming to troubleshoot. Once found the
 cable must be isolated removed from the conduit and replaced. In order to restore power to our members, we
 need to have the ability to leverage a loop to isolate the failed section of cable. This limits outage times
 considerably. Without looped facilities, outages depending on field conditions, could go on for hours or even
 days.
- 2. New services/load Adding new load to underground electric feeder lines can be problematic as well. The manholes and switchgear required to add load are costly and can't be added to an existing system without deenergizing, cutting in the equipment, and often times repulling cable on at least one side of the run. In areas like this where there is no significant master plan, a loop is required so that section can be de-energized while no members are left without electric service. Installations of this sort take weeks.

In short, the quote that Farmers provided for burying the overhead facilities in front of the proposed 7-11 is a fair estimate and will be honored per the terms outlined in the letter.

The design and cost estimates requested for the properties adjacent to the proposed 7-11 have not been designed. As a courtesy, Farmers is providing ballpark estimates for the burial of the overhead facilities along on 205 north of the proposed 7-11 (\$550,000-\$700,000). Also, from the intersection of 205 & 1139 east to the intersection of 1139 and the new 549 extension (\$1,175,000 - \$1,300,000). Lastly, going south from the proposed underground facilities for 7-11 to the south edge of parcel 30851 along 205 (\$375,000 - \$450,000).

Again, these are very preliminary estimates. The ultimate design and costs are dependent on several factors such as easements, allowable ending location for overhead lines, the order in which these projects would be constructed, existing services, equipment needs (transformers, switchgear, manholes, junction boxes, and etc), bores, encasement requirements, other/existing underground utilities, and the list goes on.

I hope this helps to quantify things a bit. Please don't hesitate to reach out if I can be of further assistance.

Shaun Chronister

From: Michael Hampton <mhampton@prudentdevelopment.com>

Sent: Wednesday, April 13, 2022 5:47 PM

To: Shaun Chronister < schronister@farmerselectric.coop>

Cc: Keaton Mai <kmai@dimensiongroup.com> **Subject:** RE: 7-11 proposal letter (205 & 549)

Ok, thanks for the update Shaun.



