



DEVELOPMENT APPLICATION

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

STAFF USE ONLY
PLANNING & ZONING CASE NO.

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

DIRECTOR OF PLANNING:

CITY ENGINEER:

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

PLATTING APPLICATION FEES:

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

SITE PLAN APPLICATION FEES:

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

ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE)¹
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE)^{1 & 2}
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE)¹

OTHER APPLICATION FEES:

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

NOTES:

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

²: A **\$1,000.00** FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.

PROPERTY INFORMATION [PLEASE PRINT]

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

SUBDIVISION **Creekside Commons**

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

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

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING **Commercial (C)**

CURRENT USE **Undeveloped**

PROPOSED ZONING **Commercial (C)**

PROPOSED USE **Mixed use**

ACREAGE **34.484**

LOTS [CURRENT] **1**

LOTS [PROPOSED] **14**

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

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

OWNER **Rockwall 205 Investors, LLC**

APPLICANT **The Dimension Group**

CONTACT PERSON **Justin Webb**

CONTACT PERSON **Keaton Mai**

ADDRESS **1 Candlelite Trail**

ADDRESS **10755 Sandhill Rd**

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

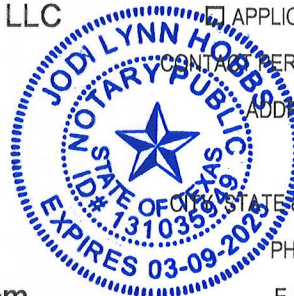
CITY, STATE & ZIP **Dallas, TX 75238**

PHONE **469-446-7734**

PHONE **214-600-1152**

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

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



NOTARY VERIFICATION [REQUIRED]

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

"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ 1500, TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 15th DAY OF June, 2022. BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

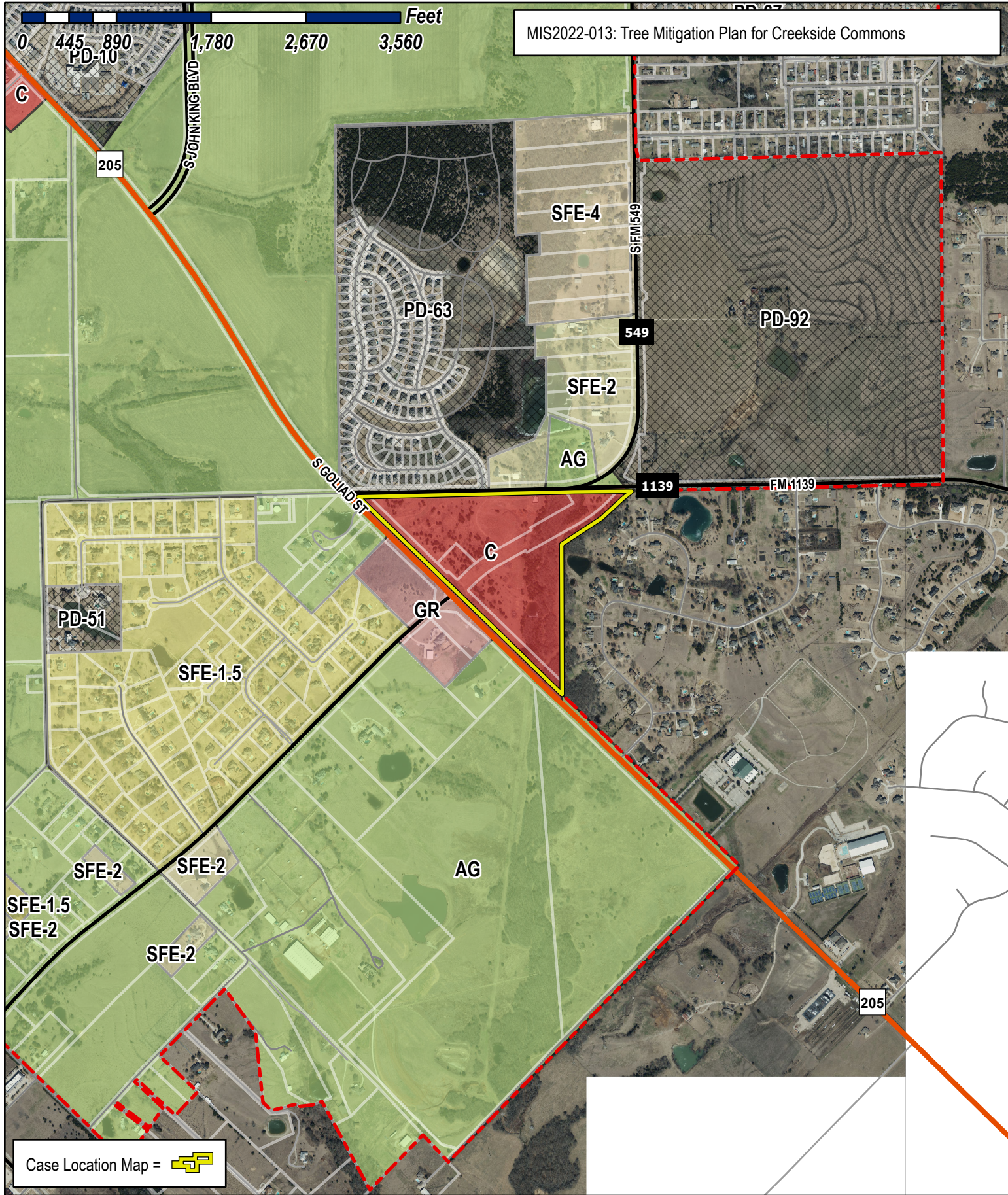
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 15 DAY OF June, 2022


OWNER'S SIGNATURE



MY COMMISSION EXPIRES

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



Case Location Map = 



City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75032
(P): (972) 771-7745
(W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.





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

June 17, 2022

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

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

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

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

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

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

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

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

Sincerely,

Keaton Mai, PE
Director of Civil Engineering

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



January 24, 2022

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

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

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

Records Summary

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

Field Observations Summary

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

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

Pond Jurisdictional Status

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

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

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

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

Sincerely,



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



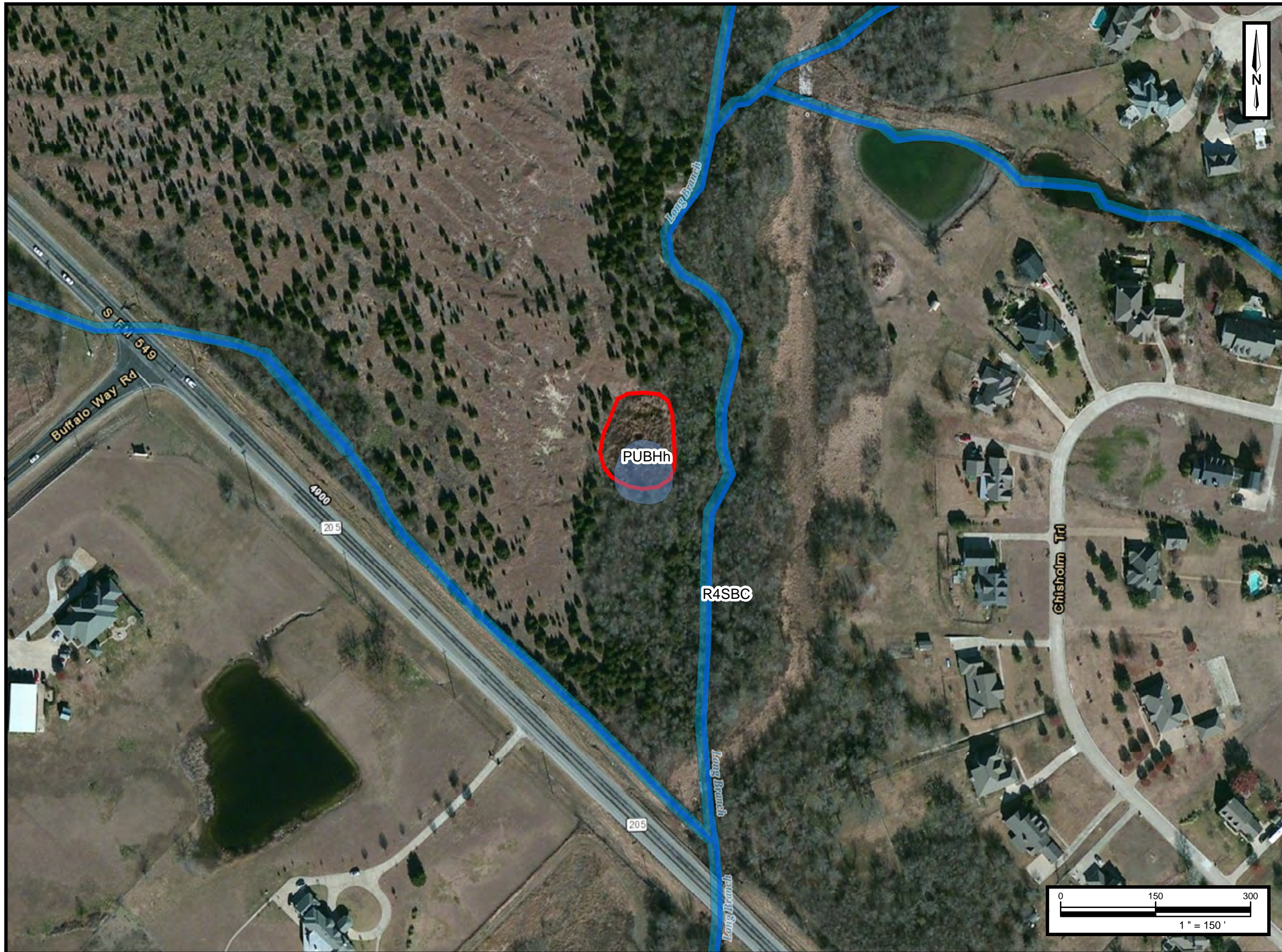
Aaron Brewer, P.G.
Branch Manager
512-410-9640


Attachments

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

ATTACHMENT 1

Results Map(s)



LEGEND:
 Pond Approximate Boundary



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



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

Project No. ROC412-0312725-22003010

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

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

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

ATTACHMENT 2
Photographic Log



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



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



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

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



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



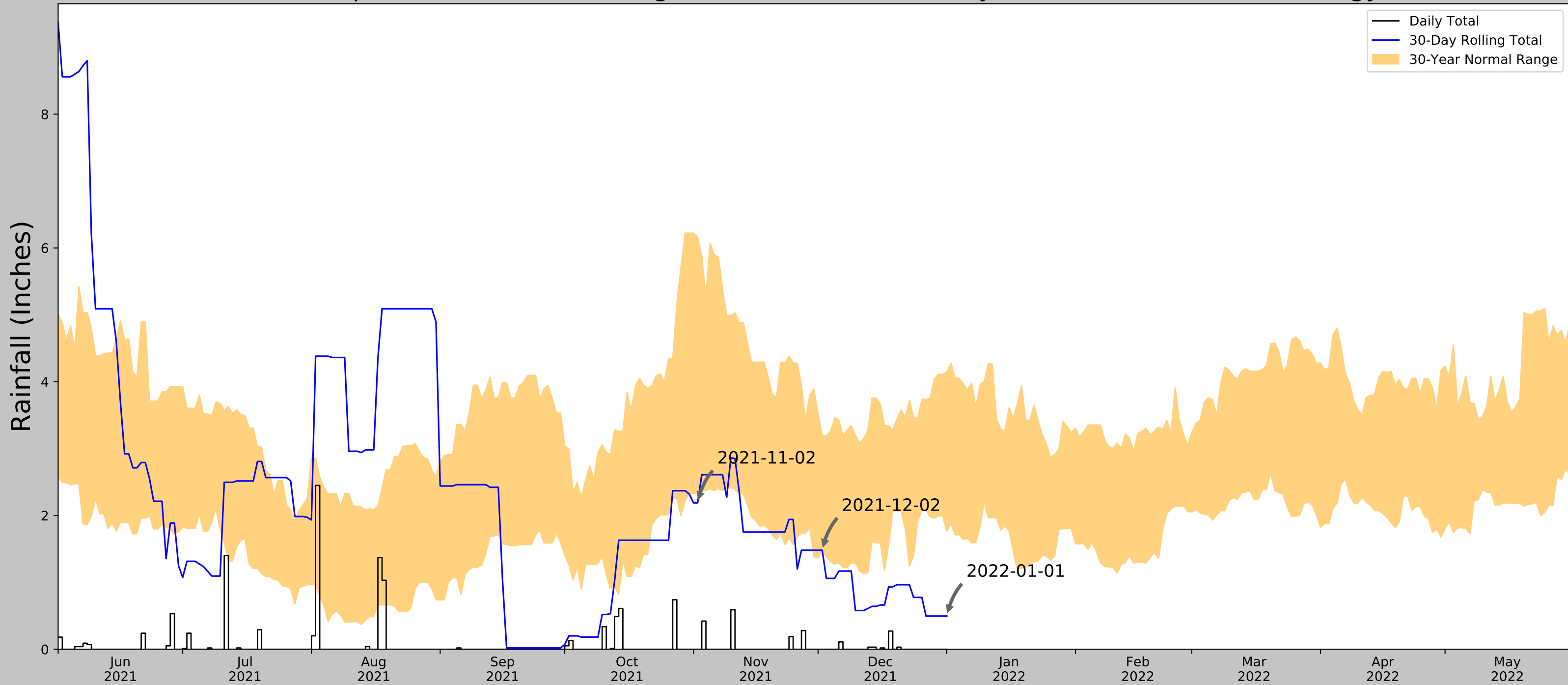
Photo 5: Trail from the pond to Long Branch at the stream. View to the southeast.

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

ATTACHMENT 3

ATP FORM

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



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

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

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

Figure and tables made by the
Antecedent Precipitation Tool
Version 1.0

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