

Table of Contents

Agenda	3
Presentation of "Best Practices in Law Enforcement" Award to Rockwall Police Department by Chief Jim Spivey of the Richardson Police Department	
Media Release	6
Blank Page	7
Public Works Week	
Public Works Proc.	8
Blank Page	9
Consider approval of the minutes from the May 6, 2019 regular city council meeting, and take any action necessary.	
Meeting Minutes	10
Blank Page	17
Consider authorizing the mayor to execute agreements for Municipal Court Judge and Associate Municipal Court Judge and related services, and taken any action necessary.	
Mallard Agreement	18
Scott Agreement	20
Blank Page	22
Z2019-009 - Hold a public hearing to discuss and consider a request by Chris Lam, PE of Lam Consulting Engineering on behalf of Price Pointer of TCB Construction Group, LLC for the approval of an ordinance for a Specific Use Permit (SUP) allowing a restaurant less than 2,000 SF without a drive-through or drive-in on a 0.23-acre parcel of land identified as Block 20B of the Amick Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) for Residential Office (RO) District land uses, situated within the North Goliad Corridor Overlay (NGC OV) District, addressed as 505 N. Goliad Street, and take any action necessary (1st Reading).	
Z2019-009	23
Blank Page	50
Z2019-010 - Hold a public hearing to discuss and consider a request by Dwayne Cain of EVSR (D), LLC for the approval of an ordinance for a Specific Use Permit (SUP) allowing a guest quarters/secondary living unit and barn or agricultural accessory building on a 10.61-acre portion of a larger 26.078-acre tract of land identified as Tract 2 & 2-4 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 777 & 839 Cornelius Road, and take any action necessary (1st Reading).	
Z2019-010	51
Blank Page	72

Z2019-011 - Hold a public hearing to discuss and consider a request by Scott Lewis of RRDC, LTD for the approval of an ordinance amending the development standards contained in Planned Development District 47 (PD-47) [Ordinances 99-17 & 07-04] being a 14.4715-acre tract of land identified as Tract 104 of the E. Teal Survey, Abstract No. 207 and Lot 1, Block A, First Christian Church, Disciples of Christ Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 47 (PD-47) for Single-Family 10 (SF-10) District land uses, situated within the Scenic Overlay (SOV) District, generally located at the northeast corner of the intersection of Ridge Road [FM-740] and White Road, and take any action necessary (1st Reading).

Z2019-011	73
Blank Page	101

Discuss and consider a request from Casey and Andrea Burke for a special permit on a front yard fence to be located at 1406-A Ridge Road, and take any action necessary.

Memo and exhibits	102
Blank Page	109

Discuss and consider bike lanes on John King Boulevard, and take any action necessary.

Trowbridge Request	110
Blank Page	111

ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, May 20, 2019 - **5:00 PM**

City Hall Council Chambers - 385 S. Goliad St., Rockwall, TX 75087

I. CALL PUBLIC MEETING TO ORDER

II. EXECUTIVE SESSION.

THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:

1. Discussion regarding appointment of city council subcommittees, board liaisons and designation of Mayor Pro Tem pursuant to Section, §551.074 (Personnel Matters)
2. Discussion regarding purchase / acquisition of real property in the vicinity of Rockwall Municipal Airport and Downtown pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
3. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section §551.071 (Consultation with Attorney)

III. ADJOURN EXECUTIVE SESSION

IV. RECONVENE PUBLIC MEETING (6:00 P.M.)

V. SWEARING IN OF NEWLY ELECTED MAYOR AND CITY COUNCIL MEMBERS

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

VII. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER JOHANNESSEN

VIII. PROCLAMATIONS

1. Rockwall ISD Culinary Team Celebration Day

p.6 2. Presentation of "Best Practices in Law Enforcement" Award to Rockwall Police Department by Chief Jim Spivey of the Richardson Police Department

p.8 3. Public Works Week

IX. OPEN FORUM

X. CONSENT AGENDA

p.10 1. Consider approval of the minutes from the May 6, 2019 regular city council meeting, and take any action necessary.

- p.18 2.** Consider authorizing the mayor to execute agreements for Municipal Court Judge and Associate Municipal Court Judge and related services, and taken any action necessary.

XI. APPOINTMENT ITEMS

1. Appointment with the Planning and Zoning Chairman to discuss and answer any questions regarding cases on the agenda and related issues and take any action necessary.

XII. PUBLIC HEARING ITEMS

- p.23 1. Z2019-009** - Hold a public hearing to discuss and consider a request by Chris Lam, PE of Lam Consulting Engineering on behalf of Price Pointer of TCB Construction Group, LLC for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing a restaurant less than 2,000 SF without a drive-through or drive-in on a 0.23-acre parcel of land identified as Block 20B of the Amick Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) for Residential Office (RO) District land uses, situated within the North Goliad Corridor Overlay (NGC OV) District, addressed as 505 N. Goliad Street, and take any action necessary **(1st Reading)**.

- p.51 2. Z2019-010** - Hold a public hearing to discuss and consider a request by Dwayne Cain of EVSR (D), LLC for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing a guest quarters/secondary living unit and barn or agricultural accessory building on a 10.61-acre portion of a larger 26.078-acre tract of land identified as Tract 2 & 2-4 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 777 & 839 Cornelius Road, and take any action necessary **(1st Reading)**.

- p.73 3. Z2019-011** - Hold a public hearing to discuss and consider a request by Scott Lewis of RRDC, LTD for the approval of an **ordinance** amending the development standards contained in Planned Development District 47 (PD-47) [Ordinances 99-17 & 07-04] being a 14.4715-acre tract of land identified as Tract 104 of the E. Teal Survey, Abstract No. 207 and Lot 1, Block A, First Christian Church, Disciples of Christ Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 47 (PD-47) for Single-Family 10 (SF-10) District land uses, situated within the Scenic Overlay (SOV) District, generally located at the northeast corner of the intersection of Ridge Road [FM-740] and White Road, and take any action necessary **(1st Reading)**.

XIII. ACTION ITEMS

p.102 1. Discuss and consider a request from Casey and Andrea Burke for a special permit on a front yard fence to be located at 1406-A Ridge Road, and take any action necessary.

p.110 2. Discuss and consider bike lanes on John King Boulevard, and take any action necessary.

XIV. EXECUTIVE SESSION

THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:

- 1.** Discussion regarding appointment of city council subcommittees, board liaisons and designation of Mayor Pro Tem pursuant to Section, §551.074 (Personnel Matters)
- 2.** Discussion regarding purchase / acquisition of real property in the vicinity of Rockwall Municipal Airport and Downtown pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
- 3.** Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section §551.071 (Consultation with Attorney)

XV. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

XVI. ADJOURNMENT

This facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (972) 771-7700 or FAX (972) 771-7727 for further information.

The City of Rockwall City Council reserves the right to adjourn into executive session at any time to discuss any of the matters listed on the agenda above, as authorized by Texas Government Code § 551.071 (Consultation with Attorney) § 551.072 (Deliberations about Real Property) § 551.074 (Personnel Matters) and § 551.087 (Economic Development)

I, Kristy Cole, City Secretary for the City of Rockwall, Texas, do hereby certify that this Agenda was posted at City Hall, in a place readily accessible to the general public at all times, on the 17th day of May, 2019 at 4:00 p.m. and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Kristy Cole, City Secretary
or Margaret Delaney, Asst. to the City Sect.

Date Removed

Rockwall Police Department Receives “Recognized Law Enforcement Agency” from the Texas Law Enforcement Recognition Program

On March 7th, 2019, the Rockwall Police Department received the award of “Recognized Law Enforcement Agency” from the Texas Police Chiefs Association Law Enforcement Recognition Program. Established in 2006, the Recognition Program evaluates a Police Department’s compliance with over 168 Best Business Practices for Texas Law Enforcement. These Best Practices were carefully developed by Texas Law Enforcement professionals to assist agencies in the efficient and effective delivery of service and the protection of individual’s rights. These Best Practices cover all aspects of law enforcement operations including use of force, protection of citizen rights, vehicle pursuits, property and evidence management, and patrol and investigative operations.

The Rockwall Police Department was originally recognized by the Texas Police Chiefs Association Law Enforcement Recognition Program in March 3, 2011. Police agencies recognized by the TPCA must undergo an onsite inspection every 4th year and this makes the third successful onsite inspection by the Rockwall Police Department.

This voluntary process required the Rockwall Police Department to conduct a critical self-review of the agency’s policies, procedures, facilities and operations. Beginning in November of 2018, the department begin the lengthy process to become a “Recognized” Law Enforcement Agency” by preparing proofs of compliance for each of the Texas Law Enforcement Best Business Practices. Upon completion of the internal review, an outside audit and review was requested. This final on-site review took place on February 20th 2019. The on-site review is conducted by trained Police Chiefs from other areas of our state. The result of this review was then sent to the Texas Police Chiefs Association’s Recognition Committee for final analysis and decision to award “Recognized” status.

On March 7th, the department was notified that it had been awarded the coveted “Recognized Law Enforcement Agency” award. Rockwall was the 42 agency in the state to be so recognized. The Rockwall Police Department has always considered itself to be one of the best in the state. This process provided for an independent review of the department’s operations and should assure the citizens of Rockwall that its Police Department is conforming to the current state of the art in law enforcement.

The actual presentation of the award will take place on May 20th during the City Council Meeting at 6:00 PM. The department was also recognized at the Texas Police Chiefs Association annual conference in in Galveston on April 17th, 2019.

For more information and a description of the program may be viewed on the Texas Police Chiefs Association website at <http://www.texaspolicechiefs.org>.

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Proclamation

Whereas, Public works services provided in our community are an integral part of our citizens' everyday lives; and

Whereas, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sanitary and storm sewers, streets and alleys, as well as providing support for various City Departments; and

Whereas, the health, safety and comfort of this community greatly depends on these facilities and services; and

Whereas, the quality and effectiveness of these facilities, as well as their planning, design and construction, is vitally dependent upon the efforts and skill of public works officials; and

Whereas, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform.

Whereas, National Public Works Week is a celebration of the tens of thousands of men and women in North America who provide and maintain the infrastructure and services collectively know as public works.

Now, Therefore, I, Jim Pruitt, Mayor of the City of Rockwall, do hereby proclaim the week of **May 19-25, 2019**, as:

PUBLIC WORKS WEEK

in the City of Rockwall, and encourage all citizens to acquaint themselves with the issues involved in providing our public works and recognize the contributions public works officials make every day to our health, safety, comfort and quality of life.

In Witness Whereof, I hereunto affix my hand and official seal this 20th day of May, 2019.



Jim Pruitt, Mayor

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2 **ROCKWALL CITY COUNCIL REGULAR MEETING**

3 **Monday, May 06, 2019 - 5:00 PM**

4 **City Hall Council Chambers - 385 S. Goliad St., Rockwall, TX 75087**

5
6 **I. CALL PUBLIC MEETING TO ORDER**

7 Mayor Pruitt called the meeting to order at 5:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem
8 Kevin Fowler, and Council Members Patrick Trowbridge, Dana Macalik, John Hohenshelt, Bennie Daniels
9 and Trace Johannesen. Also present were City Manager Rick Crowley and Assistant City Managers Mary
10 Smith and Joey Boyd.

11
12 Mayor Pruitt read the below listed discussion items into the record before recessing the public meeting
13 to go into Executive Session at 6:02 p.m. Pruitt indicated that the city attorney, Frank Garza, is on his
14 way and will arrive soon.

15
16 **II.**

17 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE**
18 **FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:**

- 19 1. Discussion regarding purchase, sale or lease of real property in the vicinity of Rockwall
20 Municipal Airport and Downtown pursuant to Section §551.072 (Real Property) and Section
21 §551.071 (Consultation with Attorney).
22 2. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant
23 to Section 551.087 (Economic Development)
24 3. Discussion regarding nominee(s) and (re)appointments to city regulatory boards,
25 commissions, and committees - specifically the N. TX Municipal Water District (NTMWD)
26 Board and the Rockwall Central Appraisal District Board - pursuant to Section 551.074
27 (Personnel Matters)
28 4. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland,
29 Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD)
30 regarding water rates pursuant to Section §551.071 (Consultation with Attorney)

31
32 **III. ADJOURN EXECUTIVE SESSION**

33
34 **Council recessed Executive Session at 5:54 p.m.**

35
36 **IV. RECONVENE PUBLIC MEETING (6:00 P.M.)**

37 **Mayor Pruitt reconvened the public meeting at 6:00 p.m.**

38 **V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

39 No action was taken at this time as a result of Executive Session; however, see below for action taken
40 as a result of the Executive Session held later in the evening.
41

42 **VI. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER DANIELS**

43 Councilman Daniels delivered the invocation and led the Pledge of Allegiance.
44

45 City Attorney Frank Garza arrived to the meeting at this point (6:03 p.m.)
46

46 **VII.**

47 1. Police Memorial Week

48 Assistant Police Chief Kirk Aldridge as well as three police officers from the Rockwall PD came forth and
49 accepted this proclamation from Mayor Pruitt.
50

51 2. Lyme Disease Awareness Month

52 Marni Sensoy, Rockwall Citizen, and one of her comrades from the TX Lyme Alliance came forth and
53 accepted this proclamation from the mayor.
54

55 3. National Safe Boating Week

56 A member of the U.S. Coast Guard Auxiliary came forth and accepted this proclamation from Mayor
57 Pruitt.

58 4. Older Americans Month

59 Margie Verhagen, Executive Director of Meals on Wheels Senior Services, came forth with a few
60 representatives from her organization. Mayor Pruitt shared that the city fully supports the Meals on
61 Wheels program, as there are many older citizens in Rockwall who need assistance and would not eat
62 much during the week if it were not for the great services provided by this organization. He then read
63 and presented the proclamation for Older Americans Month. Mrs. Verhagen shared that they are on
64 track to provide 65,000 meals to older citizens within the community. She thanked the mayor and the
65 city for its support of Meals on Wheels' services.

66 **VIII. OPEN FORUM**

67 Mayor Pruitt explained how Open Forum is conducted, asking if anyone would like to come forth and
68 speak at this time. There being no one indicating such, he then closed Open Forum.

69 **IX.**

70 1. Consider approval of the minutes from the April 15, 2019 regular city council meeting, and
71 take any action necessary.

72 2. **Z2019-007** - Consider a request by Ruben Garcia and Brandon Mullins on behalf of Forrest B.
73 Davis Jr. for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing outdoor
74 commercial amusement/recreation in conjunction with an existing Craft/Micro Brewery on a
75 1.215-acre parcel of land identified as Lot 1-F, Bodin Industrial Addition, City of Rockwall,
76 Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay

- 77 (IH-30 OV) District, addressed as 2015 Kristy Lane, and take any action necessary **(2nd**
78 **Reading)**.
- 79 3. **Z2019-008** - Consider a request by James Ziegler of PegasusAblon on behalf of Rockwall Rental
80 Properties, LP for the approval of an **ordinance** for a PD Development Plan amending
81 Ordinance No. 17-64 and in accordance with Ordinance No. 17-22, for a 7.344-acre tract of
82 land identified as Lot 9, Block A, Harbor-Rockwall Addition and Tract 16 of the M. J. Barksdale
83 Survey, Abstract No. 11, City of Rockwall, Rockwall County, Texas, zoned Planned
84 Development District 32 (PD-32), situated within the IH-30 (IH-30) Overlay District, located at
85 the southwest corner of the intersection of the IH-30 frontage road and Lakefront Trail, and
86 take any action necessary **(2nd Reading)**.
- 87 4. Consider authorizing the City Manager and subcommittee to begin planning work with local
88 Arts and Historical organizations related to hotel occupancy tax projects, and take any action
89 necessary.
- 90 5. Consider authorizing the City Manager to execute an interlocal agreement with Dallas County
91 for Law Enforcement Sharing via the Dallas County Adult Information System for use by
92 Rockwall Fire Department when conducting fire investigations, and take any action necessary.
- 93 6. **P2019-018** - Consider a request by Bill Bricker of Columbia Development Company, LLC for
94 the approval of a replat for the Park Place West, Phase III Addition containing 85 single-family
95 lots on a 24.439-acre tract of land being located in the R. Ballard Survey, Abstract No. 29, City
96 of Rockwall, Rockwall County, Texas, zoned Planned Development District 59 (PD-59) for
97 Single-Family 7 (SF-7) District land uses, generally located at the terminus of Park Place
98 Boulevard, and take any action necessary.
- 99 7. **P2019-019** - Consider a request by Mike Samples for the approval of a final plat for Lot 11,
100 Block A, 205 Business Park Addition being a 1.50-acre tract of land identified as Tract 2-16 of
101 the J. R. Johnson Survey, Abstract No. 128, City of Rockwall, Rockwall County, Texas, zoned
102 Heavy Commercial (HC) District, addressed as 125 National Drive, and take any action
103 necessary.
- 104 8. Consider approval of a Hotel Occupancy Tax subcommittee recommendation for funding
105 \$1,400 for the Rockwall Area Chamber of Commerce bid for the TCCE conference, and take
106 any action necessary.
- 107 9. Consider approval of a resolution authorizing an update to the impact fee program for
108 roadway, water, and wastewater facilities and appointing a Capital Improvements Advisory
109 Committee (CIAC), and take any action necessary.
- 110 10. Consider approval of the professional engineering services contract for Birkhoff, Hendricks
111 and Carter, L.L.P. to perform the engineering design services and specifications for the Turtle
112 Cove and Windmill Ridge Sanitary Sewer Rehabilitation Project in an amount not to exceed
113 \$79,420., to be funded by the General Engineering Services Budget, and take any action
114 necessary.
- 115 11. Consider a resolution denying approval of an amendment to the Distribution Cost Recovery
116 Factor increase in distribution rates filed by Oncor Electric Delivery, approving cooperation
117 with the Steering Committee of Cities served by Oncor to evaluate the filing, to negotiate with
118 Oncor on the City's behalf, and take any action necessary.

119 Councilmember Trowbridge made a motion to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7,
120 8, 9, 10 and 11). Councilman Daniels seconded the motion. The ordinances were read as follows:

121
122 CITY OF ROCKWALL
123 ORDINANCE NO. 19-20
124 SPECIFIC USE PERMIT NO. S-206
125

126 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
127 AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE
128 CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A
129 SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A *COMERCIAL*
130 *AMUSEMENT/RECREATION (OUTDOOR)* LAND USE IN CONJUNCTION WITH AN
131 EXISTING CRAFT BREWERY ON A 1.215-ACRE PARCEL OF LAND, ADDRESSED AS
132 2015 KRISTY LANE AND BEING IDENTIFIED AS LOT 1-F, BODIN INDUSTRIAL
133 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR
134 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED
135 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
136 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER
137 CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

138
139 CITY OF ROCKWALL
140 ORDINANCE NO. 19-21
141

142 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
143 AMENDING *ORDINANCE NO. 17-64* & PLANNED DEVELOPMENT DISTRICT 32 (PD-
144 32) [*ORDINANCE NO. 17-22*] AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE*
145 *NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO
146 APPROVE A DEVELOPMENT PLAN ON APPROXIMATELY 7.344-ACRES FOR
147 PROPERTY IDENTIFIED AS LOT 9, BLOCK A, HARBOR-ROCKWALL ADDITION AND
148 TRACT 16 OF THE M. J. BARKSDALE SURVEY, ABSTRACT NO. 11, CITY OF
149 ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE FULLY DESCRIBED
150 HEREIN BY *EXHIBIT 'A'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR
151 A PENALTY OF FINE NOT TO EXCEED THE SUM OF *TWO THOUSAND DOLLARS*
152 (*\$2,000.00*) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
153 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

154
155 The motion passed unanimously of those present (7 ayes to 0 nays).

156
157 X.

158 1. Appointment with the city's Youth Advisory Council (YAC) to hear year-end program report
159 and to recognize graduating high school seniors, and take any action necessary.

160 Rockwall Youth Advisory Council Members, Emily Williams and Brenden Ivey, came forth and briefed
161 the Council on the various meetings, volunteer activities and events that the YAC participated in
162 throughout this past school year. Thereafter, indication was given that six of the city's current YAC
163 members are graduating high school. Each of them was then recognized and congratulated by
164 Councilmen Trowbridge and Fowler as well as City Secretary Kristy Cole. No action was taken by Council
165 concerning this agenda item.

166
167
168
169 XI.

170 1. **Z2019-006** - Discuss and consider a request by Mark W. Pross of Pross Design Group, Inc. on
171 behalf of Carolina Molina of Alvaplast US (SPR Packaging) for the approval of an **ordinance** for
172 a Specific Use Permit (SUP) allowing a structure that exceeds 60-feet in a Light Industrial (LI)
173 District on a 42.61-acre tract of land identified as Tract 7 of the N. Butler Survey, Abstract No.
174 20 (11.3736-acres); Tract 31 of the R. Ballard Survey, Abstract No. 29 (8.197-acres); and, Lot
175 1-01, Block 1, Indalloy Addition (14.53-acres), City of Rockwall, Rockwall County, Texas, zoned
176 Light Industrial (LI) District, situated at the terminus of Aluminum Plant Road, and take any
177 action necessary **(2nd Reading)**.

178
179 **Mayor Pruitt indicated that this item appears under 'Action Items' this evening since it did not receive**
180 **a unanimous approval vote upon first reading at the last council meeting. Councilmember Johannesen**
181 **then moved to approve the ordinance for Z2019-006. Councilman Hohenshelt seconded the motion.**
182 **The ordinance was read as follows:**

183 **CITY OF ROCKWALL**
184 **ORDINANCE NO. 19-19**
185 **SPECIFIC USE PERMIT NO. S-207**
186

187 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
188 **AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE**
189 **CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO FURTHER AMEND**
190 **THE ZONING MAP TO ADOPT A SPECIFIC USE PERMIT (SUP) ALLOWING**
191 **STRUCTURES THAT EXCEED 60-FEET IN HEIGHT WITHIN A LIGHT INDUSTRIAL (LI)**
192 **DISTRICT, ON A 42.61-ACRE TRACT OF LAND BEING IDENTIFIED AS TRACT 7 OF**
193 **THE N. BUTLER SURVEY, ABSTRACT NO. 20 (11.3736-ACRES); TRACT 31 OF THE**
194 **R. BALLARD SURVEY, ABSTRACT NO. 29 (8.197-ACRES); AND LOT 1-01, BLOCK 1,**
195 **INDALLOY ADDITION (14.53-ACRES), CITY OF ROCKWALL, ROCKWALL COUNTY,**
196 **TEXAS AND MORE FULLY DESCRIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE;**
197 **PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE**
198 **NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH**
199 **OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A**
200 **REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

201 **The motion passed by a vote of 5 ayes to 2 nays (Macalik and Trowbridge).**

202 2. Discuss and consider granting permission for an alcohol waiver associated with the City's May
203 18, 2019 Founders Day Festival at Harry Myers Park in accordance with Chapter 30, Article I,
204 Sec. 30 -2, "Regulated Activities in Parks" of the Code of Ordinances, and take any action
205 necessary.

206 **Councilman Johannesen moved to approve this request and grant the waiver. Councilmember**
207 **Hohenshelt seconded the motion, which passed by a vote of 5 ayes with 2 nays (Pruitt and Daniels).**

208
209 3. Discuss and consider submitting two nominees for a possible award for an outstanding senior
210 who is making a difference in our senior community at the request of Meals on Wheels Senior
211 Services, and take any action necessary.

212 **Councilman Trowbridge suggested that Bob Wacker be nominated. Councilmember Macalik suggested**

213 nominating either Tom Dortch, indicating he is very involved with the N TX Food Bank or Cindy Lindley
214 who is involved with the Child Advocacy Center. Following brief comments, Councilman Trowbridge
215 moved to submit Mr. Wacker and Mrs. Linley as nominees. Councilmember Macalik seconded the
216 motion, which passed by a vote of 7 ayes to 0 nays.

217
218 **At 7:07 p.m., Mayor Pruitt recessed the public meeting to return to Ex. Session to discuss items below.**

219
220 **XII.**
221

222 **1. Departmental Reports**

- 223 Building Inspections Monthly Report - March 2019
- 224 Fire Department Monthly Report - March 2019
- 225 GIS Division Monthly Report - March 2019
- 226 Harbor PD Monthly Report - March 2019
- 227 Internal Operations Department Monthly Report - March 2019
- 228 Meals on Wheels Senior Services Quarterly Report
- 229 Police Department Monthly Activity Report - March 2019
- 230 Recreation Monthly Report - March 2019
- 231 Rockwall Animal Adoption Center Monthly Report - March 2019
- 232 STAR Transit Monthly Report - March 2019

233 **2. City Manager's Report**

234
235 **XIII.**

236 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE**
237 **FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:**

- 238 **1.** Discussion regarding purchase, sale or lease of real property in the vicinity of Rockwall
239 Municipal Airport and Downtown pursuant to Section §551.072 (Real Property) and Section
240 §551.071 (Consultation with Attorney).
- 241 **2.** Discussion regarding Economic Development prospects, projects, and/or incentives pursuant
242 to Section 551.087 (Economic Development)
- 243 **3.** Discussion regarding nominee(s) and (re)appointments to city regulatory boards,
244 commissions, and committees - specifically the N. TX Municipal Water District (NTMWD)
245 Board and the Rockwall Central Appraisal District Board - pursuant to Section 551.074
246 (Personnel Matters)
- 247 **4.** Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland,
248 Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD)
249 regarding water rates pursuant to Section §551.071 (Consultation with Attorney)

250
251 **XIV. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

252 **Council recessed from Executive Session and Mayor Pruitt called the public meeting back to order at**
253 **7:40 p.m. Councilmember Hohenshelt then moved to adopt a resolution nominating Bill Lofland for the**

254 current vacancy on the Rockwall Central Appraisal District Board (RCAD). Councilman Trowbridge
255 seconded the motion, which passed by a vote of 7 ayes to 0 nays.

256
257 Mayor Pro Tem Fowler moved to appoint Chip Imrie to serve on the North Texas Municipal Water
258 District Board (NTMWD) for a two-year term (June 1, 2019 thru May 31, 2021). Councilmember
259 Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays. (Note: Mr. Imrie will be
260 replacing current board member, Bill Lofland).

261
262 **XV. ADJOURNMENT**

263 Mayor Pruitt adjourned the meeting at 7:43 p.m.
264

265 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 20TH DAY OF**
266 **MAY, 2019.**

267
268 **ATTEST:** _____
JIM PRUITT, MAYOR
269

270 _____
271 **KRISTY COLE, CITY SECRETARY**

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STATE OF TEXAS §
COUNTY OF ROCKWALL §
CITY OF ROCKWALL § AGREEMENT FOR MUNICIPAL COURT JUDGE

THIS AGREEMENT is made and entered into on this 20th day of May, 2019, by and between the **CITY OF ROCKWALL, TEXAS**, hereinafter referred to as “City,” and **DAVID MALLARD**, hereinafter referred to as “Mallard.”

WHEREAS, the City Council desires to enter into a contract with David Mallard for services as the Judge of the Municipal Court; and

WHEREAS, it is the intent of the City for the term of the Judge of the Municipal Court to run concurrently with that of the Mayor; and

WHEREAS, the Mayor is elected in odd numbered years for a two-year term with the election occurring the first Saturday in May.

NOW, THEREFORE, in consideration of the mutual terms, conditions, and covenants herein contained, the parties agree as follows:

Section 1. That the recitals above are found to be true and correct and incorporated herein for all purposes.

Section 2. Duties and Responsibilities of Judge. Mallard shall serve as the Judge of the Municipal Court for the City of Rockwall, pursuant to Section 29.004 of the Government Code and Section 4.03 of the Charter of the City of Rockwall, for which the City has the authority to establish the manner and mode of selecting its officers and employees, and to prescribe the qualifications, duties, compensation, and length of employment. The primary duties of the Judge of the Municipal Court are to exercise the powers and duties as are now or as may hereafter be prescribed by the laws of the State of Texas in connection with all cases within the jurisdiction of a municipal court in accordance with Section 29.003, Texas Government Code.

Section 3. Mallard agrees that in the event he may accept another judicial or prosecutorial appointment, he will provide written notice to the City Manager, and the City’s court schedule shall not be unduly interrupted.

Section 4. Mallard shall not assign the work under this AGREEMENT except in the case of sickness or vacation to be mutually agreed upon by Mallard and the City’s designee. In case of sickness or vacation agreed upon by the City’s designee under the AGREEMENT, Mallard shall first provide a list of qualified judges who will temporarily perform Mallard’s work. Any judge on the list must agree to perform all duties in accordance with the terms of this AGREEMENT.

Section 5. Term. This AGREEMENT shall be for the ensuing two-year term of the Mayor to expire upon the swearing in of the newly elected Mayor following the election the first Saturday in May 2021, unless sooner terminated in accordance with Section 7 herein.

Section 6. CITY Council shall have option to renew AGREEMENT with Mallard for continuous two (2) year terms. Failure of CITY Council to act within ninety (90) days of the Mayor being sworn in for a new term, AGREEMENT shall automatically renew for an additional two-year period in accordance with Chapter 29 of the Texas Government Code.

Section 7. This AGREEMENT may be terminated by Mallard after having given sixty (60) days written notice of termination to the CITY.

Section 8. Compensation of the Judge will be set by Resolution of the City Council.

Section 9. Independent Contractor. It is expressly understood and agreed that the Mallard provides services as an independent Contractor. Mallard is responsible for providing the judicial services necessary for the handling of all cases in the Municipal Court, subject only to the provisions of the ordinances of the City, State and Federal statutes and Texas Code of Judicial Conduct. Mallard has a right to direct or control how he performs the tasks for which he is hired and the CITY shall have no authority or oversight on how he conducts Municipal Court.

Section 10. In providing legal services to the City, Mallard shall conduct himself in accordance with the highest ethical standards and in full compliance with the Texas Code of Judicial Conduct. Mallard shall promptly notify the CITY if any disciplinary action is instituted against Mallard.

Section 11. This Agreement contains the entire understanding of the parties and may not be modified except pursuant to written instrument signed by both parties.

EXECUTED on the day and year first above written.

CITY OF ROCKWALL, TEXAS

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

JUDGE OF MUNICIPAL COURT

David Mallard

STATE OF TEXAS §
COUNTY OF ROCKWALL §
CITY OF ROCKWALL § AGREEMENT FOR MUNICIPAL COURT ASSOCIATE JUDGE

THIS AGREEMENT is made and entered into on this 19th day of December, 2018, by and between the **CITY OF ROCKWALL, TEXAS**, hereinafter referred to as “City,” and **MATTHEW R. SCOTT**, hereinafter referred to as “Scott.”

WHEREAS, the City Council desires to enter into a contract with Matthew R. Scott for services as the Associate Judge of the Municipal Court; and

WHEREAS, it is the intent of the City for the term of the Associate Judge of the Municipal Court to run concurrently with that of the Mayor; and

WHEREAS, the Mayor is elected in odd numbered years for a two-year term with the election occurring the first Saturday in May.

NOW, THEREFORE, in consideration of the mutual terms, conditions, and covenants herein contained, the parties agree as follows:

Section 1. That the recitals above are found to be true and correct and incorporated herein for all purposes.

Section 2. Duties and Responsibilities of Associate Judge. Scott shall serve as the Associate Judge of the Municipal Court for the City of Rockwall, pursuant to Section 29.004 of the Government Code and Section 4.03 of the Charter of the City of Rockwall, for which the City has the authority to establish the manner and mode of selecting its officers and employees, and to prescribe the qualifications, duties, compensation, and length of employment. The primary duties of the Associate Judge of the Municipal Court are to exercise the powers and duties as are now or as may hereafter be prescribed by the laws of the State of Texas in connection with all cases within the jurisdiction of a municipal court in accordance with Section 29.003, Texas Government Code.

Section 3. Scott agrees that in the event he may accept another judicial or prosecutorial appointment, he will provide written notice to the City Manager, and the City’s court schedule shall not be unduly interrupted.

Section 4. Scott shall not assign the work under this AGREEMENT except in the case of sickness or vacation to be mutually agreed upon by Scott and the City’s designee. In case of sickness or vacation agreed upon by the City’s designee under the AGREEMENT, Scott shall first provide a list of qualified judges who will temporarily perform Scott’s work. Any judge on the list must agree to perform all duties in accordance with the terms of this AGREEMENT.

Section 5. Term. This AGREEMENT shall be for the ensuing two-year term of the Mayor to expire upon the swearing in of the newly elected Mayor following the election the first Saturday in May 2021, unless sooner terminated in accordance with Section 7 herein.

Section 6. CITY Council shall have option to renew AGREEMENT with Scott for continuous two (2) year terms. Failure of CITY Council to act within ninety (90) days of the Mayor being sworn in for a new term, this AGREEMENT shall automatically renew for an additional two-year period in accordance with Chapter 29 of the Texas Government Code.

Section 7. This AGREEMENT may be terminated by Scott after having given sixty (60) days written notice of termination to the CITY.

Section 8. Compensation of the Associate Judge will be set by Resolution of the City Council.

Section 9. Independent Contractor. It is expressly understood and agreed that Scott provides services as an independent Contractor. Scott is responsible for providing the judicial services necessary for the handling of all cases in the Municipal Court, subject only to the provisions of the ordinances of the City, State and Federal statutes and Texas Code of Judicial Conduct. Scott has a right to direct or control how he performs the tasks for which he is hired, and the CITY shall have no authority or oversight on how he conducts Municipal Court.

Section 10. In providing legal services to the City, Scott shall conduct himself in accordance with the highest ethical standards and in full compliance with the Texas Code of Judicial Conduct. Scott shall promptly notify the CITY if any disciplinary action is instituted against Scott.

Section 11. This Agreement contains the entire understanding of the parties and may not be modified except pursuant to written instrument signed by both parties.

EXECUTED on the day and year first above written.

CITY OF ROCKWALL, TEXAS

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

ASSOC. MUNICIPAL COURT JUDGE

Matthew R. Scott

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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 20, 2019
APPLICANT: Chris Lam, PE; *Lam Consulting*
CASE NUMBER: Z2019-009; *SUP for Restaurant, Less than 2,000 SF, w/out a Drive-Through*

SUMMARY

Hold a public hearing to discuss and consider a request by Chris Lam, PE of Lam Consulting Engineering on behalf of Price Pointer of TCB Construction Group, LLC for the approval of a Specific Use Permit (SUP) for a *restaurant less than 2,000 SF without a drive-through or drive-in* on a 0.23-acre parcel of land identified as Block 20B of the Amick Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) for Residential Office (RO) District land uses, situated within the North Goliad Corridor Overlay (NGC OV) District, addressed as 505 N. Goliad Street, and take any action necessary.

BACKGROUND

The subject property is a 0.23-acre parcel of land identified as Block 20B of the Amick Addition. It is situated within the North Goliad Corridor Overlay (NGC OV) District, and is addressed as 505 N. Goliad Street. Currently situated on the subject property is a 1,916 SF single family home, which according to the Historic Resource Survey -- *performed by the City of Rockwall in 2017* -- was constructed circa 1915, and is identified as a *Medium Contributing Property (i.e. a property that displays an architectural style, use unusual to construction methods, or for some other reason has a potentially significant historic significance)*. According to the City's historic zoning maps, the subject property has been zoned Planned Development District 50 (PD-50) for Residential Office (RO) District land uses since August 5, 2002.

PURPOSE

The applicant, Chris Lam, P.E. of Lam Consulting Engineering, has submitted a request for a Specific Use Permit (SUP) to allow a restaurant, without a drive-through or drive-in, that is less than 2,000 SF within Planned Development District 50 (PD-50). More specifically, the applicant is proposing to convert the existing single-family home to a commercial property to accommodate the proposed restaurant land use (*i.e. Bonafide Betties Pie Company*).

ADJACENT LAND USES AND ACCESS

The subject property is located at 505 N. Goliad Street. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property is a local boutique (*i.e. Hallie B's*), situated on a 0.2296-acre parcel of land. This property is zoned Planned Development District 50 (PD-50) for Residential Office (RO) District land uses. Beyond this property is a continuation of Planned Development District 50 (PD-50).

South: Directly south of the subject property is a vacant 0.420-acre parcel of land. This property is zoned Planned Development District 50 (PD-50) for Residential Office (RO) District land uses. Beyond this property is a continuation of Planned Development District 50 (PD-50).

East: Directly east of the subject property are local businesses and residential properties along N. Goliad Street that are zoned Planned Development District 50 (PD-50) for Residential Office District (RO) land uses. Beyond these properties are single-family residential homes zoned Single-Family 7 (SF-7) District.

West: Directly west of the subject property are single-family homes zoned Single-Family 7 (SF-7) District.

CHARACTERISTICS OF THE REQUEST

Bonafide Betties Pie Company is currently located at 103 S. San Jacinto Street, and is planning to relocate to a larger facility at 505 N. Goliad Street. This location is located with Planned Development District 50 (PD-50). The Residential Office (RO) District, which is the underlying zoning designation for Planned Development District 50 (PD-50), requires a Specific Use Permit (SUP) for a restaurant with additional restrictions that stipulate the restaurant be less than 2,000 SF and not have a drive-through or a drive-in. The proposed restaurant is a limited service restaurant, and parking for the facility will be calculated at one (1) parking space per 250 SF of area. This means the restaurant would require eight (8) parking spaces [*i.e.* 1916 SF/250 SF = 8 Parking Spaces]. Based on size of the site and the area taken up by the existing single-family home, the applicant is only able to incorporate a total of seven (7) parking spaces on-site. Staff has included an operational condition allowing the reduced number of parking spaces. Staff has also included operational conditions requiring the installation of a minimum six (6) foot tall, *board-on-board*, wood fence to be constructed along the western property boundary, and that the second floor be used only for storage purposes. These have been included as conditions of approval in the SUP ordinance.

CONFORMANCE WITH THE CITY'S CODES

According to Section 1.1, *Land Use Schedule*, of Article IV, *Permissible Uses*, of the Unified Development Code (UDC), the *Restaurant, Less Than 2000 SF, without a Drive-Through or Drive-in* land use requires approval of a Specific Use Permit (SUP) in the Residential Office (RO) District. In addition, according to Section 5.6.A, *Screening from Residential Uses*, of Article VIII, *Landscape Standards*, of the Unified Development Code (UDC), "(a)ny...parking lot that has a side or rear [yard] contiguous to any residential district...shall be screened with a masonry fence...six [6] feet in height. As an alternative, berms in conjunction with a minimum of a six [6] foot wrought fence and a combination of trees and shrubs can be utilized to meet the screening requirements if the Planning and Zoning Commission determines that the proposed alternative will provide sufficient screening." In this case, the subject property is located within Planned Development District 50 (PD-50), which has had other non-residential properties be permitted to construct a minimum of a six (6) foot tall wooden fence adjacent to a residentially zoned property. In Planned Development District 50 (PD-50) it has been determined that this provides for a better transition of land uses while providing sufficient screening and maintaining a residential aesthetic. The provision of the wood screening fence has been added as a condition of approval for this case.

INFRASTRUCTURE

Planned Development District 50 (PD-50) requires a cross access easement on all adjoining properties when the use has changed from a residential land use to a non-residential land use. An access plan for PD-50 is also included in the OURHometown Vision 2040 Comprehensive Plan under Appendix 'A', *Small Area Plans*. The subject property will be incorporating a 24-foot wide drive aisle and connecting to the cross-access easement on the adjacent property to the north (*i.e.* 507 N. Goliad Street). This will

provide ingress/egress for both properties, while meeting the intent of the access plan contained in the Comprehensive Plan.

STAFF ANALYSIS

The intent of the Residential-Office (RO) District is to allow for the conversion of older residential homes into low-intensity professional office and/or retail businesses. This creates a transition from the adjacent residential neighborhoods to more intense land uses or higher intensity thoroughfares. In addition, conversion of this home would extend the economic life of the structure. The use as a limited service restaurant is consistent with other properties in the district. A limited service restaurant tends to operate in a similar way to a low-intensity retail establishment in that it usually involves customers that are picking up food or baked goods, and does not typically involve a dine-in experience. Included in the attached packet is a concept plan, floor plan, and a draft ordinance containing regulations for the proposed land use. Based on staff's review, the applicant's request does appear to be consistent with the intent of the district; however, the approval of a Specific Use Permit (SUP) is a discretionary decision for the City Council.

NOTIFICATIONS

On May 2, 2019, staff mailed 34 notices to property owners and residents within 500-feet of the subject property. Staff did not send a neighborhood notification as there are no Home Owners Associations (HOA's), or neighborhood groups participating in the Neighborhood Notification Program within 1,500-feet of the subject property. Additionally, staff posted a sign on the subject property as required by the Unified Development Code (UDC). At the time this report was drafted, staff had received three (3) notices and two (2) emails in favor of the applicant's request.

CONDITIONS OF APPROVAL

If the Planning and Zoning Commission chooses to recommend approval of the applicant's request for a Specific Use Permit (SUP) allowing a *Restaurant, without a Drive-Through or Drive-In, that is Less than 2,000 SF* then staff would propose the following conditions of approval:


- (1) The applicant shall be responsible for maintaining compliance with the operational conditions contained in the SUP ordinance and summarized as follows:
 - a) The development and operation of a *restaurant* shall generally conform to the *Concept Plan* depicted in *Exhibit 'B'* of the proposed ordinance;
 - b) The operation of the *restaurant* shall be limited to the area on the first floor as depicted in the *Floor Plan* attached in *Exhibit 'C'* of the proposed ordinance;
 - c) The use of the second-floor area shall be limited to storage only. Any other use will require additional parking spaces.
 - d) A minimum of a six (6)-foot tall, board-on-board, wood fence shall be constructed along the west property boundary -- *adjacent to the residentially zoned property* -- prior to the issuance of a Certificate of Occupancy (CO).
 - e) Should the land use change from a Limited Service Restaurant (i.e. to a full-service restaurant or any other land use), the subject property shall comply with the parking requirements contained in Article VI, Parking and Loading, of the Unified Development Code. If the parking provided on the subject property does not meet the parking requirements for the proposed land use, this Specific Use Permit will need to be amended in accordance with the procedures contained in Section 4, Specific Use Permits, of Article IV, Permissible Uses, of the Unified Development Code (UDC).

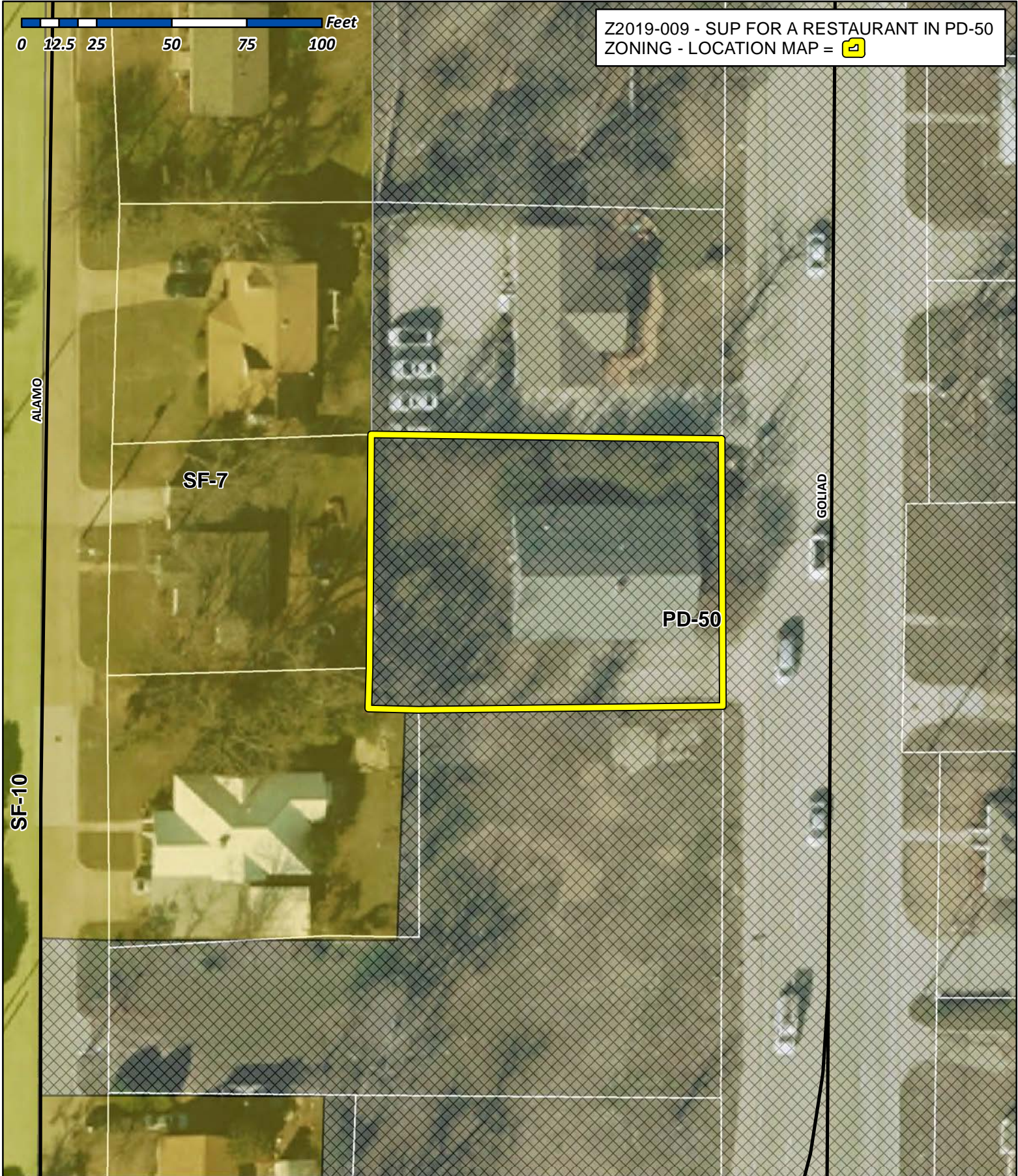
- (2) The applicant shall submit an application requesting approval of a Certificate of Appropriateness (COA) to the Historic Preservation Advisory Board (HPAB) seeking approval for all work that has been done to the existing structure.
- (3) The applicant shall be required to submit a site plan for review and approval by the Historic Preservation Advisory Board (HPAB) and the Planning and Zoning Commission.
- (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 RECOMMENDATION

On May 14, 2019, the Planning and Zoning Commission approved a motion to recommend approval of the applicant's request for a Specific Use Permit (SUP) to allow for a *Restaurant, Less than 2,000 SF, Without a Drive-Through or Drive-In* with staff conditions by a vote of 5-0, with Commissioners Logan and Moeller absent.

0 12.5 25 50 75 100 Feet

Z2019-009 - SUP FOR A RESTAURANT IN PD-50
ZONING - 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.

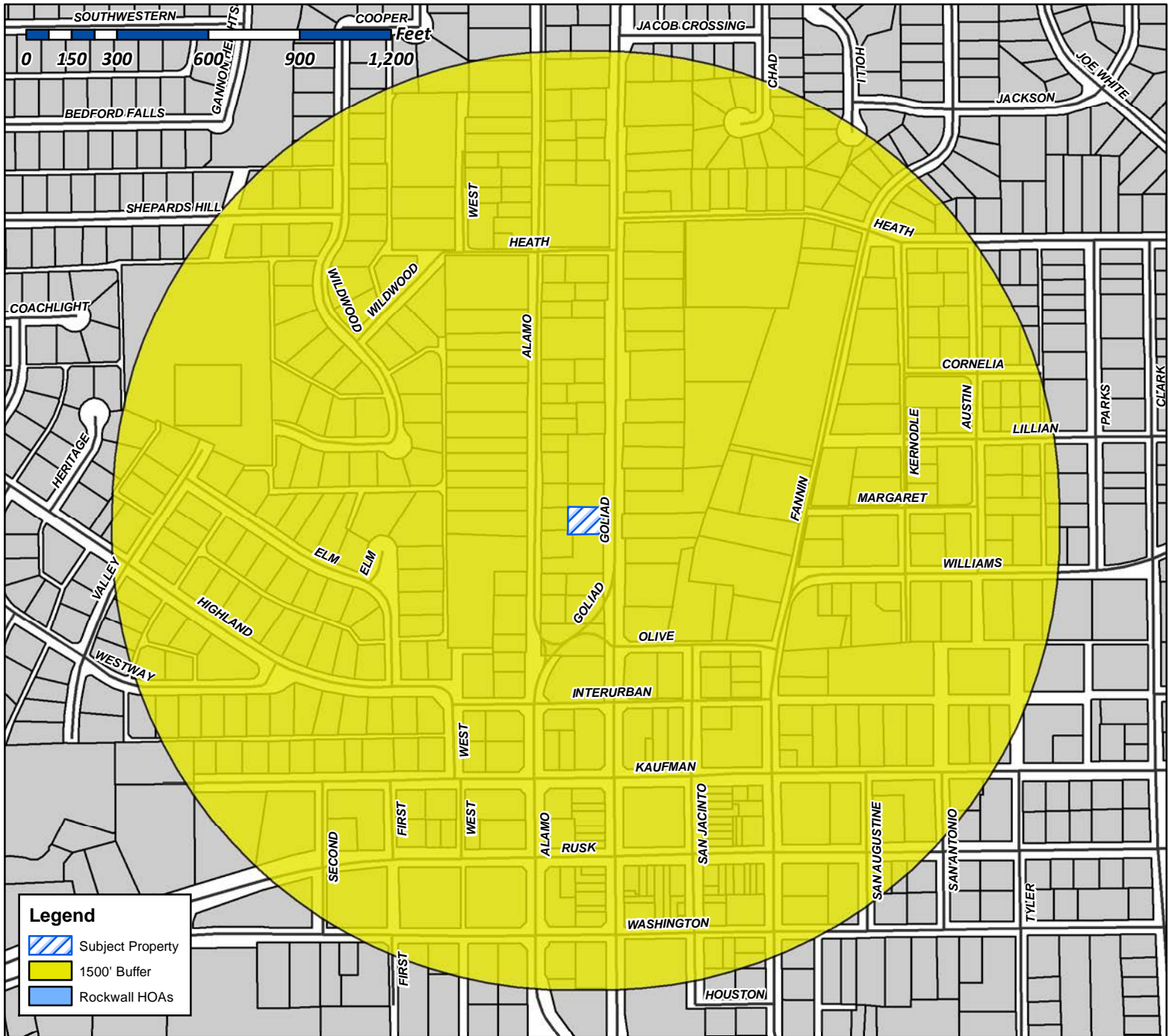




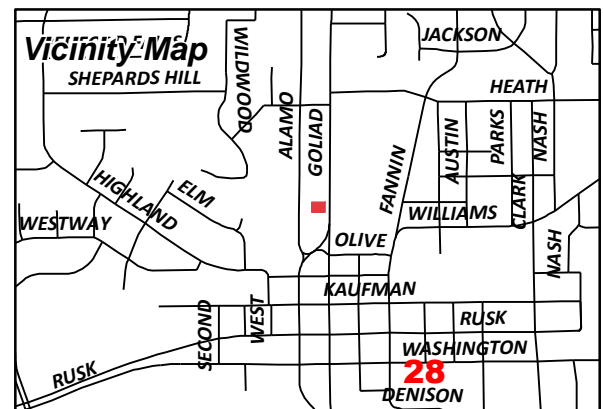
City of Rockwall

Planning & Zoning Department
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Rockwall, Texas 75087
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Case Number: Z2019-009
Case Name: SUP for a Restaurant in PD-50
Case Type: Zoning
Zoning: Planned Development District 50 (PD-50)
Case Address: 505 N. Goliad Street



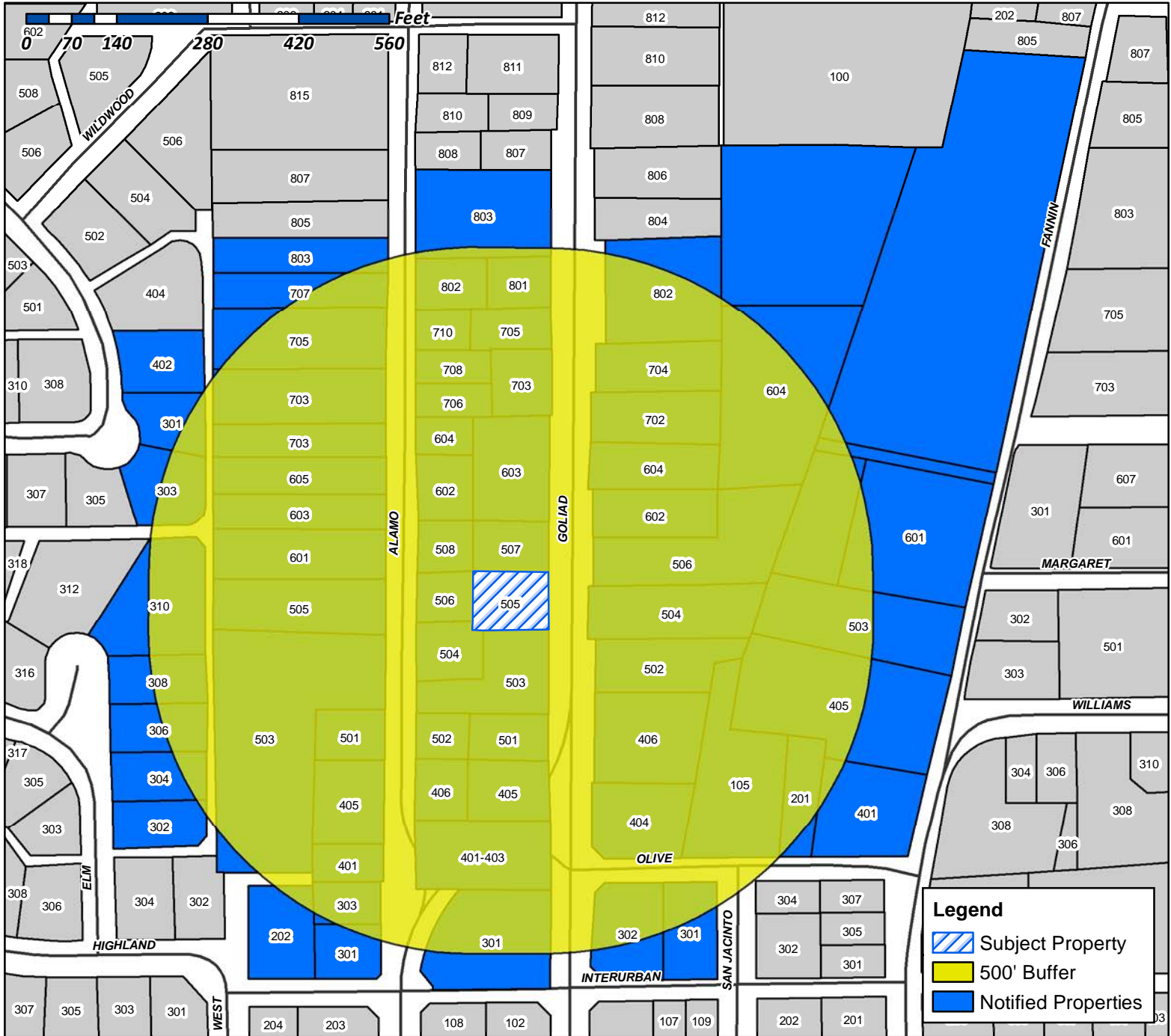
Date Created: 4/17/2019
 For Questions on this Case Call (972) 771-7745



City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
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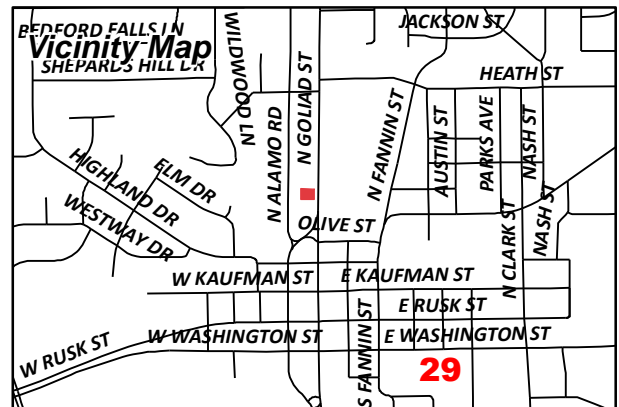
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Legend

- Subject Property
- 500' Buffer
- Notified Properties

Case Number: Z2019-009
Case Name: SUP for a Restaurant in PD-50
Case Type: Zoning
Zoning: Planned Development District 50 (PD-50)
Case Address: 505 N. Goliad Street



Date Created: 4/17/2019
 For Questions on this Case Call (972) 771-7745

BARKER PERRY H & ELIZABETH D
104 SCENIC DR
HEATH, TX 75032

CURRENT RESIDENT
105 OLIVE ST
ROCKWALL, TX 75087

TEEL BRITTON & BARBARA
10925 ROCKSTONE DR
BALCH SPRINGS, TX 75180

WAGNER GERALD P
112 LOS PECES
GUN BARRELL, TX 75156

R & S OPERATING CO LP
11508 ROYALSHIRE DR
DALLAS, TX 75230

WRIGHT JOHN M & SUSAN L
1605 SEASCAPE CT
ROCKWALL, TX 75087

MEYERS STUART A & BRENDA S
1614 S LAKESHORE DR
ROCKWALL, TX 75087

CRAWFORD STEVE
1709 GASLIGHT CT
SEABROOK, TX 77586

ROCKWALL RUSTIC RANCH LLC
1827 MYSTIC STREET
ROCKWALL, TX 75032

BLACK SHIRLEY M
1924 PALMETTO ISLE DR
MT. PLEASANT, SC 29466

CURRENT RESIDENT
201 OLIVE ST
ROCKWALL, TX 75087

CURRENT RESIDENT
202 INTERURBAN ST
ROCKWALL, TX 75087

PEOPLES DOSVILLE
208 W HEATH ST
ROCKWALL, TX 75087

BEDFORD AUSTIN J & TERRI W
301 N ALAMO RD
ROCKWALL, TX 75087

CURRENT RESIDENT
301 N GOLIAD ST
ROCKWALL, TX 75087

CURRENT RESIDENT
301 N SAN JACINTO
ROCKWALL, TX 75087

FERRIS BETH
301 WILDWOOD LN
ROCKWALL, TX 75087

REILLY KELSEY AND DAVID
302 ELM DRIVE
ROCKWALL, TX 75087

JOY LUTHERAN CHURCH
302 N GOLIAD ST
ROCKWALL, TX 75087

JOY LUTHERAN CHURCH
302 N GOLIAD ST
ROCKWALL, TX 75087

LEAL CAROL RHEA & ROLAND
303 N ALAMO RD
ROCKWALL, TX 75087

ANGLE GLENDA ANNE
303 WILDWOOD LN
ROCKWALL, TX 75087

GLASS KATHLEEN J
304 ELM DR
ROCKWALL, TX 75087

BELL MARY NELL
306 ELM DR
ROCKWALL, TX 75087

WATCHMEN REAL ESTATE LLC
3077 N GOLIAD
ROCKWALL, TX 75087

SCHWEIKERT FERN ELLEN
308 ELM DR
ROCKWALL, TX 75087

GATES CHARLES H & BRENDA F
310 ELM DR
ROCKWALL, TX 75087

SWIERCINSKY JOSHUA L
3922 MEDITERRANEAN ST
ROCKWALL, TX 75087

CURRENT RESIDENT
401 N ALAMO
ROCKWALL, TX 75087

CURRENT RESIDENT
401 N FANNIN ST
ROCKWALL, TX 75087

CURRENT RESIDENT
401-403 N GOLIAD
ROCKWALL, TX 75087

MORENO ANTONIO AND SUZANNE T
402 WILDWOOD LANE
ROCKWALL, TX 75087

CURRENT RESIDENT
404 N GOLIAD
ROCKWALL, TX 75087

CURRENT RESIDENT
405 N ALAMO
ROCKWALL, TX 75087

ODOM JAY & ALISON
405 N FANNIN STREET
ROCKWALL, TX 75087

CURRENT RESIDENT
405 N GOLIAD
ROCKWALL, TX 75087

CURRENT RESIDENT
406 N ALAMO
ROCKWALL, TX 75087

CURRENT RESIDENT
406 N GOLIAD
ROCKWALL, TX 75087

MORGAN NANCY D
429 PARK PLACE BLVD
ROCKWALL, TX 75087

TREVINO BERTHA & LOUIS
4917 SAINT JAMES CT
MESQUITE, TX 75150

CURRENT RESIDENT
501 N ALAMO
ROCKWALL, TX 75087

CURRENT RESIDENT
501 N GOLIAD
ROCKWALL, TX 75087

TAMEZ SILVINO & ARACELIA
502 N ALAMO RD
ROCKWALL, TX 75087

CURRENT RESIDENT
502 N GOLIAD
ROCKWALL, TX 75087

CURRENT RESIDENT
503 N ALAMO
ROCKWALL, TX 75087

CURRENT RESIDENT
503 N FANNIN ST
ROCKWALL, TX 75087

CURRENT RESIDENT
503 N GOLIAD ST
ROCKWALL, TX 75087

BYRUM RICKY CONN AND JO ANN
504 N ALAMO RD
ROCKWALL, TX 75087

CURRENT RESIDENT
504 N GOLIAD
ROCKWALL, TX 75087

ALSOBROOK DAVID
505 CARRIAGE TRL
ROCKWALL, TX 75087

TUCKER PAMELA
505 N ALAMO RD
ROCKWALL, TX 75087

CURRENT RESIDENT
505 N GOLIAD
ROCKWALL, TX 75087

CURRENT RESIDENT
506 N ALAMO
ROCKWALL, TX 75087

CURRENT RESIDENT
506 N GOLIAD
ROCKWALL, TX 75087

FLEMING HALLIE B
507 N GOLIAD
ROCKWALL, TX 75087

MORGAN RHONA L &
508 N ALAMO RD
ROCKWALL, TX 75087

CAWTHON RICK
508 NASH ST
ROCKWALL, TX 75087

RNDI COMPANIES INC
519 E INTERSTATE 30 # 157
ROCKWALL, TX 75087

FANG PROPERTIES LLC
536 LOMA VISTA
HEATH, TX 75032

ROMO SEAN R AND STACEY M
544 LAUREL LN
FATE, TX 75087

CURRENT RESIDENT
601 N ALAMO
ROCKWALL, TX 75087

HALL DOUGLAS A & MARCI
601 N FANNIN ST
ROCKWALL, TX 75087

CARDENAS CECILIO & CARMEN
602 N ALAMO ROAD
ROCKWALL, TX 75087

CURRENT RESIDENT
602 N GOLIAD
ROCKWALL, TX 75087

HAMILTON JOANN
603 N ALAMO RD
ROCKWALL, TX 75087

CURRENT RESIDENT
603 N GOLIAD
ROCKWALL, TX 75087

CURRENT RESIDENT
604 GOLIAD
ROCKWALL, TX 75087

DOMINGUEZ, JOSE AND JOHANNA
604 N ALAMO RD
ROCKWALL, TX 75087

CURRENT RESIDENT
604 N GOLIAD
ROCKWALL, TX 75087

CURRENT RESIDENT
605 N ALAMO
ROCKWALL, TX 75087

SMITH G DAVID
702 N GOLIAD ST
ROCKWALL, TX 75087

CURRENT RESIDENT
703 N ALAMO RD
ROCKWALL, TX 75087

IRBY DENNIS
703 N GOLIAD ST
ROCKWALL, TX 75087

J-PEG PROPERTIES LLC
704 N GOLIAD
ROCKWALL, TX 75087

J-PEG PROPERTIES LLC
704 N GOLIAD
ROCKWALL, TX 75087

CURRENT RESIDENT
705 N ALAMO RD
ROCKWALL, TX 75087

CURRENT RESIDENT
705 N GOLIAD ST
ROCKWALL, TX 75087

CURRENT RESIDENT
706 N ALAMO
ROCKWALL, TX 75087

CALABRESE CORINNA RAE
707 N ALAMO RD
ROCKWALL, TX 75087

CURRENT RESIDENT
708 N ALAMO
ROCKWALL, TX 75087

CURRENT RESIDENT
710 N ALAMO
ROCKWALL, TX 75087

CRISWELL BARBARA
7110 HUNT LANE
ROCKWALL, TX 75087

CHRISTENSEN VALERIE
801 N GOLIAD
ROCKWALL, TX 75087

GUEVARA CARLOS & MONICA A
802 N ALAMO RD
ROCKWALL, TX 75087

CURRENT RESIDENT
802 N GOLIAD
ROCKWALL, TX 75087

SEAMANS RANDY KALIN AND RACHEL K
803 N ALAMO
ROCKWALL, TX 75087

CURRENT RESIDENT
803 N GOLIAD ST
ROCKWALL, TX 75087

MILDER SCOTT & LESLIE
830 SHORES BLVD
ROCKWALL, TX 75087

KILLION OLIN R
8709 DALROCK RD
ROWLETT, TX 75089

KILLION OLIN R & AGATHA
8709 DALROCK RD
ROWLETT, TX 75089

POINTER PRICE AND
906 N GOLIAD STREET
ROCKWALL, TX 75087

CONSELMAN EQUITIES LLC
PO BOX 2284
ROCKWALL, TX 75087

LAND HEADQUARTERS COMPANY INC
PO BOX 69
KEY BISCAYNE, FL 33149

LAYTON ERIC A
PO BOX 998
ROCKWALL, TX 75087



NOTICE OF PUBLIC HEARING CITY OF ROCKWALL, PLANNING & ZONING DEPARTMENT

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

To Whom It May Concern:

You are hereby notified that the City of Rockwall Planning and Zoning Commission and City Council will consider the following application:

Case No. Z2019-009: SUP for a Restaurant in PD-50

Hold a public hearing to discuss and consider a request by Chris Lam, PE of Lam Consulting Engineering on behalf of Price Pointer of TCB Construction Group, LLC for the approval of a Specific Use Permit (SUP) for a restaurant less than 2,000 SF without a drive-through or drive-in on a 0.23-acre parcel of land identified as Block 20B of the Amick Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) for Residential Office (RO) District land uses, situated within the North Goliad Corridor Overlay (NGC OV) District, addressed as 505 N. Goliad Street, and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on **Tuesday, 5/14/2019 at 6:00 p.m.**, and the City Council will hold a public hearing on **Monday, 5/20/2019 at 6:00 p.m.** These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

As an interested property owner, you are invited to attend these meetings. If you prefer to express your thoughts in writing please return the form to:

**David Gonzales
Rockwall Planning and Zoning Dept.
385 S. Goliad Street
Rockwall, TX 75087**

You may also email your comments to the Planning Department at planning@rockwall.com. If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by **5/20/2019** to ensure they are included in the information provided to the City Council.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning



**MORE INFORMATION ON THIS CASE CAN BE FOUND ON THE CITY'S WEBSITE:
[HTTPS://SITES.GOOGLE.COM/SITE/ROCKWALLPLANNING//DEVELOPMENT-CASES](https://sites.google.com/site/rockwallplanning/development-cases)**

PLEASE RETURN THE BELOW FORM

Case No. Z2019-009: SUP for a Restaurant in PD-50

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

Name:

Address:

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE

Gonzales, David

From: Planning
Sent: Tuesday, May 7, 2019 9:29 AM
To: Gonzales, David
Subject: FW: Case # Z2019-009 SUP restaurant in PD-50

From: Caprice Michelle [REDACTED]
Sent: Tuesday, May 7, 2019 9:24 AM
To: Planning <planning@rockwall.com>
Subject: Case # Z2019-009 SUP restaurant in PD-50

In favor 👍



Caprice Michelle, Broker
Brokered by, Caprice Michelle, LLC.
Broker Lic # 9004701
[214-789-7364](tel:214-789-7364)
Residential and Commercial Real Estate

[Click to Search Properties at CapriceMichelle.com](#)
[Click here for Commercial Listings](#)

Texas Law requires all real estate licensees to provide the following;
Texas Real Estate Commission Consumer Protection Notice
Texas Real Est ----- Message truncated -----



Caprice Michelle, Broker #0602530
Brokered by, Caprice Michelle, LLC. #9004701
[214-789-7364](tel:214-789-7364)
Residential and Commercial Real Estate

[Click to Search Properties at CapriceMichelle.com](#)

Gonzales, David

From: Planning
Sent: Tuesday, May 7, 2019 8:06 AM
To: Gonzales, David
Subject: FW: Z2019-009

From: G. David Smith [REDACTED]
Sent: Monday, May 6, 2019 5:37 PM
To: Planning <planning@rockwall.com>
Subject: Z2019-009

I am in favor of the request for the reason that it will be a positive add to the neighborhood. We need some variety. Now get some sidewalks on our side so I can walk to the crosswalk and get to their side of the road.

G. David Smith
702 N. Goliad
Rockwall, Texas 75087
p. 972.771.2579
f. 972.771.0513

SMITH & LEE, LAWYERS

Board Certified in Personal Injury Trial Law
Texas Board of Legal Specialization

The information contained in this communication is a transmission from Smith & Lee, Lawyers, P.C., and may be information protected by the attorney/client and/or attorney/work product privilege. It and any attachments hereto are also covered by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510-2512, and are intended only for the personal and confidential use of the recipient(s) named in the communication, and the privileges are not waived by virtue of this having been sent by electronic mail. If the person actually receiving this communication or any other reader of the communication is not the named recipient, any use, dissemination, distribution or copying of the communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and delete the original message from your system. Thank you.



**NOTICE OF PUBLIC HEARING
CITY OF ROCKWALL, PLANNING & ZONING DEPARTMENT**

PHONE: (972) 771-7745
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Case No. Z2019-009: SUP for a Restaurant in PD-50

Hold a public hearing to discuss and consider a request by Chris Lam, PE of Lam Consulting Engineering on behalf of Price Painter of TCB Construction Group, LLC for the approval of a Specific Use Permit (SUP) for a restaurant less than 2,000 SF without a drive-through or drive-in on a 0.23-acre parcel of land identified as Block 20B of the Amick Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) for Residential Office (RO) District land uses, situated within the North Goliad Corridor Overlay (NGC OV) District, addressed as 505 N. Goliad Street, and take any action necessary.

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David Gonzales
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385 S. Goliad Street
Rockwall, TX 75087

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Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning



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--- PLEASE RETURN THE BELOW FORM ---

Case No. Z2019-009: SUP for a Restaurant in PD-50

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
 I am opposed to the request for the reasons listed below.

The further development of the Goliad Corridor to the downtown is good for local residents as well as increasing traffic to all the other businesses in the area & expanding the tax revenue. This is a good thing for Rockwall.

Name:

Dr. St. Meyer

Address:

505 N. Goliad Rockwall, TX 75087

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

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Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning



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----- PLEASE RETURN THE BELOW FORM -----

Case No. Z2019-009: SUP for a Restaurant in PD-50

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

I am in favor to keep improving this area!

Name: *Walter Crawford*

Address: *504 N Goliad, Rockwall Texas*

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE

Case No. Z2019-009: SUP for a Restaurant in PD-50

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

Development in the neighborhood is good. Vacant unimproved property is never favorable to property values

Name:
Address:

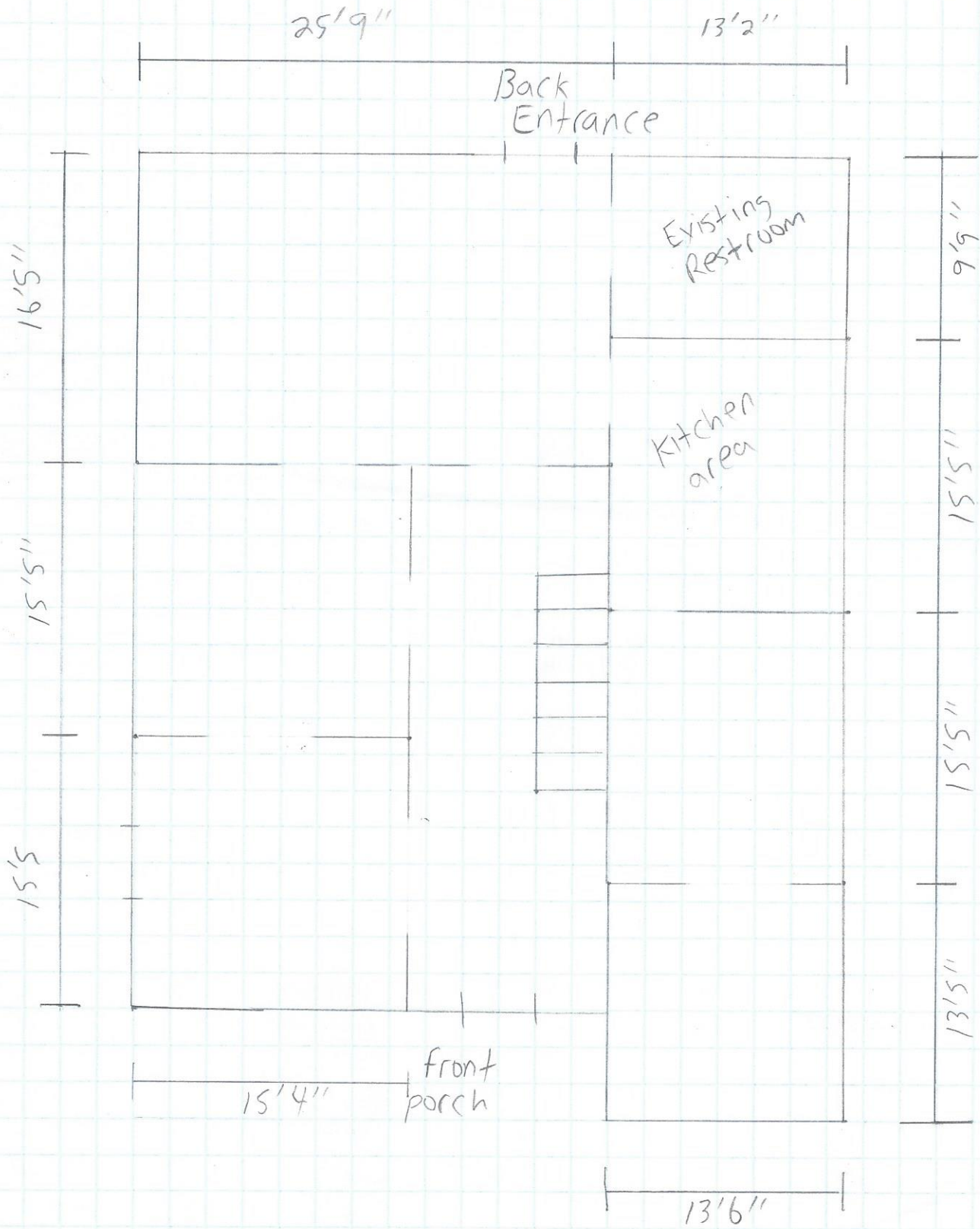
Dennis + Peggy Irby
703 N. Goliad

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

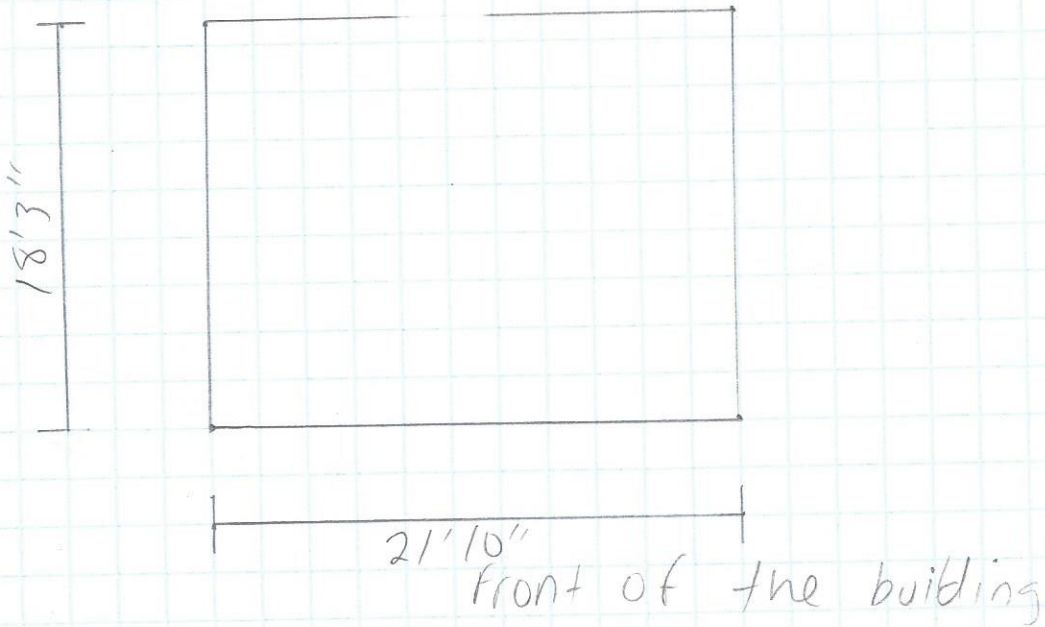
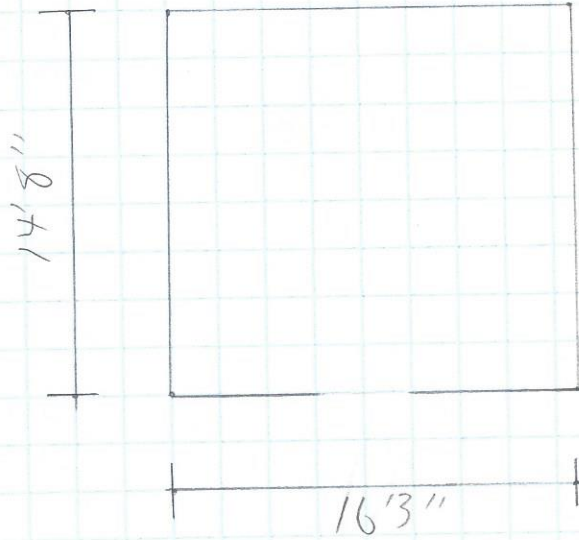
PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE



Bonafide Betties Pie Company
505 N Goliad



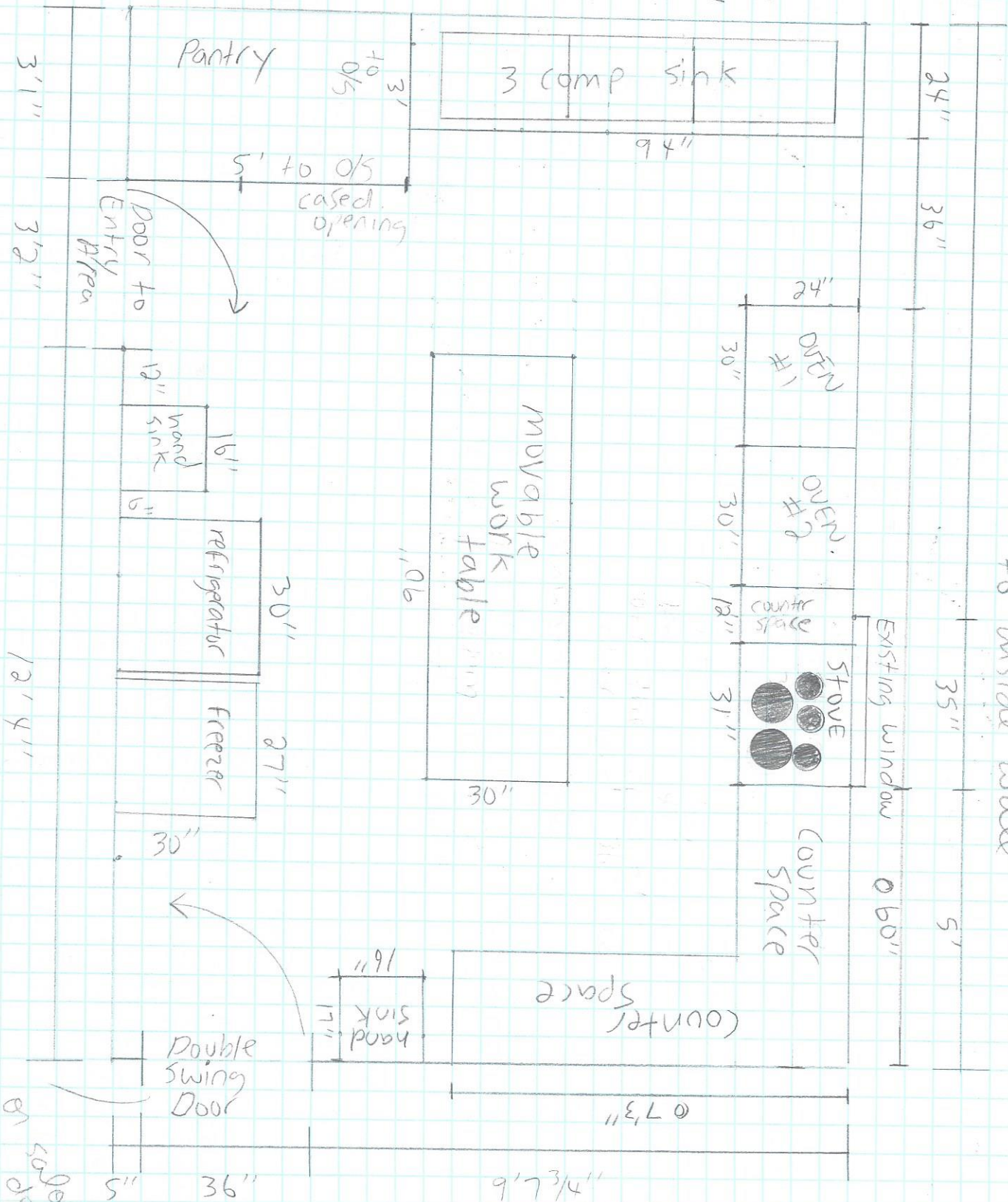
upstairs area



Kitchen layout

18" furnished inside wall to inside wall

The existing window ledge is 43" off the unfinished floor and is 36" tall



13' 3/4" finished inside wall to inside wall

CITY OF ROCKWALL

ORDINANCE NO. 19-XX

SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 50 (PD-50) [ORDINANCE NO. 17-19] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A RESTAURANT LESS THAN 2,000 SF WITHOUT A DRIVE-THROUGH OR DRIVE-IN FACILITY ON A 0.23-ACRE PARCEL OF LAND, ZONED PLANNED DEVELOPMENT DISTRICT 50 (PD-50) FOR RESIDENTIAL OFFICE (RO) DISTRICT LAND USES, AND BEING IDENTIFIED AS BLOCK 20B OF THE AMICK ADDITION, 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 Chris Lam, P.E. of Lam Consulting for the approval of a Specific Use Permit (SUP) for a *Restaurant Less Than 2,000 SF without a Drive-Through or Drive-In* on a 0.23-acre parcel of land, zoned Planned Development District 50 (PD-50) for Residential Office (RO) District land uses, situated within the North Goliad Corridor Overlay (NGC OV) District, and being identified as Block 20B of the Amick Addition, City of Rockwall, Rockwall County, Texas, addressed as 505 N. Goliad Street, and being more specifically depicted 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 the Planned Development District 50 (PD-50) [Ordinance No. 17-19] and the Unified Development Code [Ordinance No. 04-38] 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 50 (PD-50) [Ordinance No. 17-19] and the Unified Development Code [Ordinance No. 04-38] 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 *Restaurant Less than 2,000 SF without a Drive-Through or Drive-In* as stipulated by Article IV, *Permissible Uses*, of the Unified Development Code [Ordinance No. 04-38] 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 50 (PD-50)*, and *Section 1.1, Land Use Schedule, of Article IV, Permissible Uses, and Subsection 4.02, Residential Office (RO) District, of Section 4, Commercial (C) Districts, of Article V, District Development Standards, and Subsection 6.04, North Goliad Corridor Overlay (NGC OV) District, of Section 6, Overlay Districts, of Article V, of the Unified Development Code [Ordinance No. 04-38]* of the City of Rockwall as heretofore amended, as amended herein by the granting of this zoning change, and as may be amended in the future, and shall be subject to the following additional conditions:

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *Restaurant Less Than 2,000 SF without a Drive-Through or Drive-in (restaurant)* land use on the *Subject Property* and conformance to these requirements is necessary for continued operations:

- 1) The development and operation of a *restaurant* land use shall generally conform to the *Concept Plan* depicted in *Exhibit 'B'* of this ordinance;
- 2) The operation of the *restaurant* land use shall be limited to the area on the first floor as depicted in the *Floor Plan* attached in *Exhibit 'C'* of this ordinance;
- 3) The use of the second-floor area shall be limited to storage only. Any other use will require additional parking spaces.
- 4) A minimum of six (6)-foot tall board on board wood fence shall be constructed along the west property boundary -- *adjacent to the residentially zoned property* -- prior to the issuance of a Certificate of Occupancy (CO).
- 5) Should the land use change from a *Limited Service Restaurant (i.e. to a full-service restaurant or any other land use)*, the subject property shall comply with the parking requirements contained in Article VI, *Parking and Loading*, of the Unified Development Code. If the parking provided on the subject property does not meet the parking requirements for the proposed land use, this Specific Use Permit will need to be amended in accordance with the procedures contained in Section 4, *Specific Use Permits*, of Article IV, *Permissible Uses*, of the Unified Development Code (UDC).

2.2 COMPLIANCE

Approval of this ordinance in accordance with Section 8.3, *Council Approval or Denial*, of Article II, *Authority and Administrative Procedures*, of the Unified Development Code (UDC) will require compliance to the following:

- 1) Upon obtaining a Certificate of Occupancy (CO), should any business or establishment 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 Council may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Section 4.4.(3) of Article IV, *Permissible Uses*, of the Unified Development Code (UDC).

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 3RD DAY OF MAY, 2019.**

Jim Pruitt, *Mayor*

ATTEST:

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: May 20, 2019

2nd Reading: June 3, 2019

Exhibit 'A':

*Legal Description: Block 20B, Amick Addition
Address: 505 N. Goliad Street*



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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 20, 2019
APPLICANT: Dewayne Cain; *EVSR (D), LLC*
CASE NUMBER: Z2019-010; *SUP for Guest Quarters and Agricultural Building*

SUMMARY

Hold a public hearing to discuss and consider a request by Dewayne Cain of EVSR (D), LLC for the approval of a Specific Use Permit (SUP) for a guest quarters/secondary living unit and barn or agricultural accessory building on a 10.61-acre portion of a larger 26.078-acre tract of land identified as Tract 2 & 2-4 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 777 & 839 Cornelius Road, and take any action necessary.

BACKGROUND/PURPOSE

The subject property is addressed as 777 & 839 Cornelius Road and is zoned Agricultural (AG) District. It was annexed on January 4, 2010 by *Ordinance No. 10-01*. On January 7, 2019, the City Council directed staff to amend the *Land Use Standards* contained in Article IV, *Permissible Uses*, of the Unified Development Code (UDC) to incorporate the ability to request a Specific Use Permit (SUP) for *guest quarters/secondary living units* not meeting the requirements stipulated in the Unified Development Code (UDC). In conjunction with this direction, the City Council also directed staff to create a new land use for *barns and/or agricultural accessory buildings*. This text amendment was approved on March 4, 2019 by *Ordinance No. 19-12*. Based on the approval of the text amendment, the applicant submitted a request for a Specific Use Permit (SUP) for a *guest quarters/secondary living unit and barn or agricultural accessory building*.

ADJACENT LAND USES AND ACCESS

The subject property is located at 777 & 839 Cornelius Road. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property is Cornelius Road, which is identified as a M4U (*major collector, four [4] lane, undivided roadway*) on the City's Master Thoroughfare Plan. This roadway delineates the city limits of the City of Rockwall.

South: Directly south of the subject property is a cemetery (*i.e. Rest Haven Cemetery*) followed by SH-66, which is identified as a *TXDOT4D (i.e. Texas Department of Transportation, principle four [4] lane, divided arterial roadway)* on the City's Master Thoroughfare Plan. Beyond this is a large tract of land that is currently vacant. These areas are zoned Agricultural (AG) District.

East: Directly east of the subject property are several single-family homes that are zoned Agricultural (AG) and Single-Family Estate 4.0 (SFE-4.0) Districts. Beyond this is FM-3549, which is identified as a *TXDOT4D (i.e. Texas Department of Transportation, principle four [4] lane, divided arterial roadway)* on the City's Master Thoroughfare Plan. This roadway delineates the city limits of the City of Rockwall.

West: Directly west of the subject property there are several vacant tracts of land and several single-family homes that are zoned Agricultural (AG) District. Beyond this is John King Boulevard, which is identified as a P6D (*principle arterial, six [6] lane, divided roadway*) on the City's Master Thoroughfare Plan. Beyond this is a single-family residential subdivision (*i.e. Carruth Lakes Subdivision*) that is zoned Planned Development District 5 (PD-5) for Single-Family 8.4 (SF-8.4) and General Retail (GR) District land uses.

CHARACTERISTICS OF THE REQUEST

Currently, there is a single-family home on the subject property and the applicant is requesting approval of a Specific Use Permit (SUP) to allow a *guest quarters/secondary living unit* and *barn or agricultural building* in conjunction with this structure. The structure will be ~4,950 SF in total size, with ~576 SF being dedicated to the *guest quarters/secondary living unit*. The proposed building will be situated behind the main structure, have four (4) roll-up garage doors, and be clad with metal on the exterior. The proposed building will primarily serve as storage for vehicles/equipment and contain a small bathroom with a shower.

CONFORMANCE WITH THE CITY'S CODES

According to Section 1, *Land Use Schedule*, of Article IV, *Permissible Uses*, of the Unified Development Code (UDC), a *guest quarters/secondary living unit* is allowed as an accessory use in an Agricultural (AG) District. The Unified Development Code (UDC) also stipulates that such a structure shall not exceed 30% of the main structure and shall not be sold or conveyed separately without meeting the requirements of the zoning district and subdivision ordinance. The Unified Development Code (UDC) also provides the ability for a *guest quarters/secondary living unit* not meeting those requirements to request a Specific Use Permit (SUP). In this case, the proposed guest quarters is ancillary to the primary structure; however, since the proposed *guest quarters/secondary living unit* will be approximately 576 SF, it will exceed 30% of the main structure (*i.e. approximately 107 SF larger than permitted by ordinance*) and require a Specific Use Permit (SUP).

According to the UDC a *barn or agricultural accessory building* is permitted by Specific Use Permit in an Agricultural (AG) District. The UDC requires that the structure be between 2,000 and 4,999 SF in total size, and be located behind the front façade of the primary structure. In addition, the code allows the structure to be constructed utilizing metal and or other materials, and specifically exempts these structures from the masonry requirements. In this case, the proposed *barn or agricultural accessory building* will be approximately 4,950 SF, located behind the front façade of the main structure, and will be clad with metal.

INFRASTRUCTURE

No public infrastructure will be required or effected by the applicant's request.

STAFF ANALYSIS

When analyzing the applicant's request -- *and with the exception of the guest quarters exceeding the maximum allowable size (i.e. 30% of the primary structure)* --, the proposed accessory building is generally in conformance with the requirements of the Unified Development Code (UDC). In addition, approval of this proposal does not appear to negatively impact the subject property and/or the surrounding and adjacent properties. Staff should also note that the subject property is larger than ten (10) acres (*i.e. the minimum requirement for a barn or agricultural accessory building*) and the barn will be smaller than the maximum allowable size. Should this request be approved, this will be the first *barn or agricultural building* to be approved in an Agricultural (AG) District under the new ordinance. With that being said, the approval of this request is a discretionary decision for the City Council, pending a recommendation by the Planning and Zoning Commission.

NOTIFICATIONS

On May 1, 2019, staff mailed 16 notices to property owners and residents within 500-feet of the subject property. There are no Homeowner's Associations (HOA's)/Neighborhood Associations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. At the time this report was written, staff had received four (4) notices in favor of this request.

CONDITIONS OF APPROVAL

If the City Council chooses to approve the applicant's request, then staff would propose the following conditions of approval:

- (1) The applicant shall be responsible for maintaining compliance with the following operational conditions contained in the Specific Use Permit (SUP) ordinance and which are summarized as follows:
 - a) The *guest quarters/secondary living unit* and *barn or agricultural accessory building* shall generally conform to the concept plan and building elevations depicted in *Exhibits 'B' & 'C'* of the attached ordinance;
 - b) The *guest quarters/secondary living unit* and *barn or agricultural accessory building* shall not be utilized for a non-residential and/or non-agricultural land uses;
 - c) The *guest quarters/secondary living unit* and *barn or agricultural accessory building* shall be ancillary to the existing single-family home;
 - d) The *guest quarters/secondary living unit* and *barn or agricultural accessory building* shall not be altered so that the structure is less than 2,000 SF or greater than 4,050 SF;
 - e) The subject property shall not be subdivided in such a way that the property does not meet the minimum requirement of ten (10) acres in size for a *barn or agricultural accessory building*;
 - f) The *guest quarters/secondary living unit* and *barn or agricultural accessory building* shall be located behind the front façade of the primary structure and be subject to the same building setbacks as the primary structure;
 - g) The *guest quarters/secondary living unit* and *barn or agricultural accessory building* shall not be sold or conveyed separately without meeting the requirements of the Unified Development Code (UDC);
- (2) The applicant shall provide staff with documentation showing the property being subdivided in conformance with the requirements of the UDC prior to the issuance of a building permit;
- (3) 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:

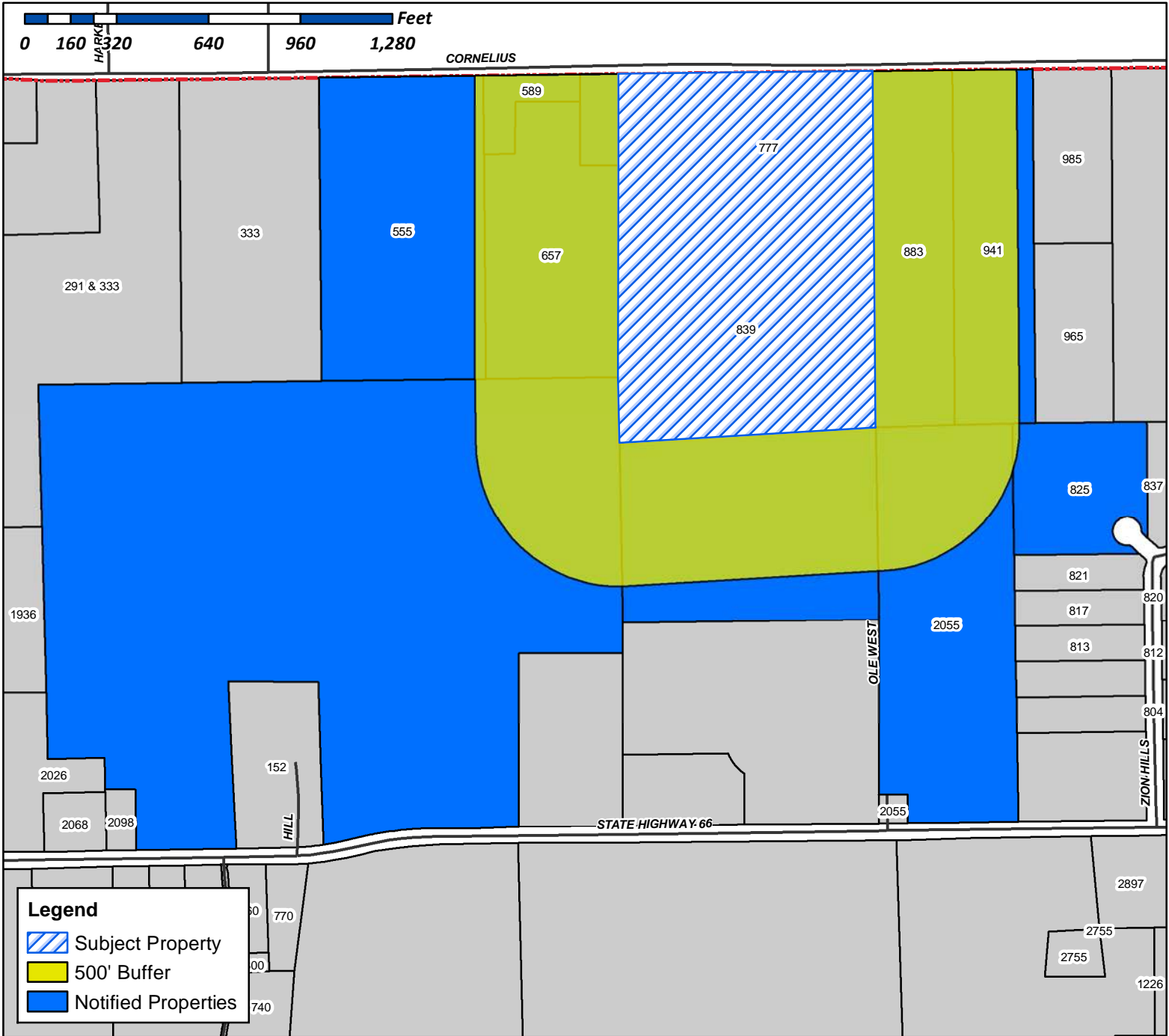
On May 14, 2019, the Planning and Zoning Commission's motion to recommend approval of the applicant's request with staff's Conditions of Approval passed by a vote of 5-0 with Commissioners Logan and Moeller absent.



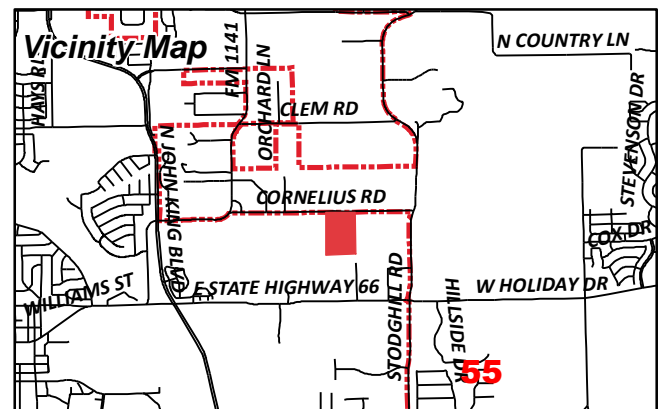
City of Rockwall

Planning & Zoning Department
 385 S. Goliad Street
 Rockwall, Texas 75087
 (P): (972) 771-7745
 (W): www.rockwall.com

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Case Number: Z2019-010
Case Name: SUP for a Guest Quarters and Barn
Case Type: Zoning
Zoning: Agricultural (AG) District
Case Address: 777 & 839 Cornelius Street



Date Created: 5/1/2019

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

BRIMELOW TIM
2055 WILLIAMS ST
ROCKWALL, TX 75087

CAIN CEMETERY CORP
305 STONEBRIDGE DR
ROCKWALL, TX 75087

CAIN DEWAYNE
305 STONEBRIDGE DR
ROCKWALL, TX 75087

E V S R (D) LLC
305 STONEBRIDGE DR
ROCKWALL, TX 75087

CAIN FAMILY PARTNERSHIP LTD
305 STONEBRIDGE DR
ROCKWALL, TX 75087

CURRENT RESIDENT
555 CORNELIUS RD
ROCKWALL, TX 75087

PEOPLES DONNIE
589 CORNELIUS RD
ROCKWALL, TX 75087

PEOPLES DONNIE
589 CORNELIUS RD
ROCKWALL, TX 75087

CURRENT RESIDENT
657 CORNELIUS RD
ROCKWALL, TX 75087

CURRENT RESIDENT
777 CORNELIUS RD
ROCKWALL, TX 75087

CURRENT RESIDENT
825 ZION HILL CIR
ROCKWALL, TX 75087

CURRENT RESIDENT
839 CORNELIUS RD
ROCKWALL, TX 75087

HAMMOND SCOTT H SR & DEBORAH
883 CORNELIUS RD
ROCKWALL, TX 75087

OLLOM GREGORY D
941 CORNELIUS RD
ROCKWALL, TX 75087

PEOPLES MIKE
PO BOX 41
ROCKWALL, TX 75087

HARLE REUBIN E
PO BOX 912
ROCKWALL, TX 75087



NOTICE OF PUBLIC HEARING CITY OF ROCKWALL, PLANNING & ZONING DEPARTMENT

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

To Whom It May Concern:

You are hereby notified that the City of Rockwall Planning and Zoning Commission and City Council will consider the following application:

Case No. Z2019-010: SUP for Guest Quarters

Hold a public hearing to discuss and consider a request by Dwayne Cain of EVSR (D), LLC for the approval of a Specific Use Permit (SUP) for a guest quarters/secondary living unit and barn or agricultural accessory building on a 10.61-acre portion of a larger 26.078-acre tract of land identified as Tract 2 & 2-4 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 777 & 839 Cornelius Road, and take any action necessary.

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**Korey Brooks
Rockwall Planning and Zoning Dept.
385 S. Goliad Street
Rockwall, TX 75087**

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Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning



MORE INFORMATION ON THIS CASE CAN BE FOUND ON THE CITY'S WEBSITE:
[HTTPS://SITES.GOOGLE.COM/SITE/ROCKWALLPLANNING//DEVELOPMENT-CASES](https://sites.google.com/site/rockwallplanning/development-cases)

PLEASE RETURN THE BELOW FORM

Case No. Z2019-010: SUP for Guest Quarters

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

Name: Cain Cemetery Corp.
Address: 315 Stonedridge Dr. Rockwall

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE



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Ryan Miller, AICP
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PLEASE RETURN THE BELOW FORM

Case No. Z2019-010: SUP for Guest Quarters

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

[Faint background form grid]

Name: EVSR (D) LLC
Address: 305 STONERIDGE DR. ROCKWALL, TX.

Tex. Loc. Gov. Code, Sec. 211.006 (d). If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

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Case No. Z2019-010: SUP for Guest Quarters

Please place a check mark on the appropriate line below:

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- I am opposed to the request for the reasons listed below.

Name: DEWAYNE CAIN

Address: 35 STONEBRIDGE Dr. ROCKWALL

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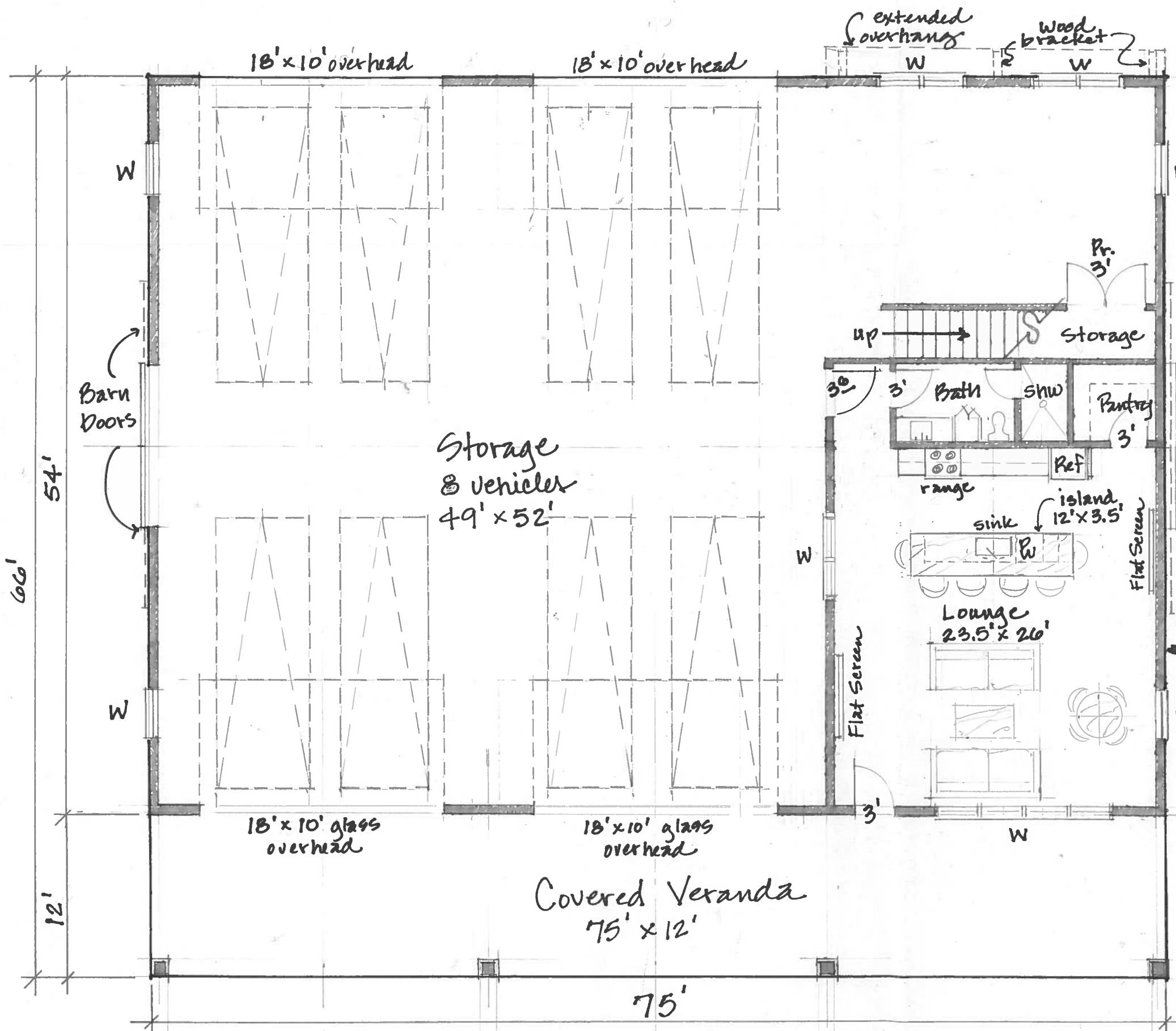
Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

Name: Cain Family Partnership
Address: 305 Stoneridge Dr. Rockwall

Tex. Loc. Gov. Code, Sec. 211.006 (d). If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

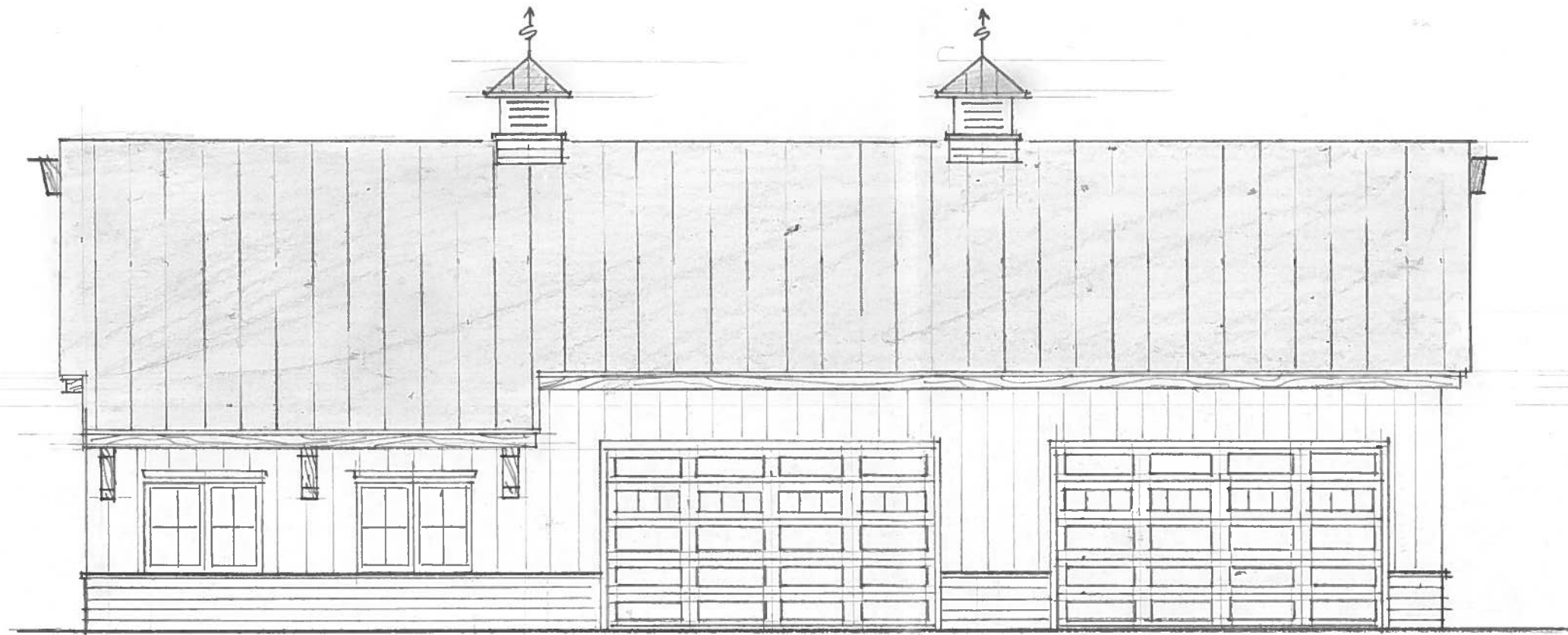
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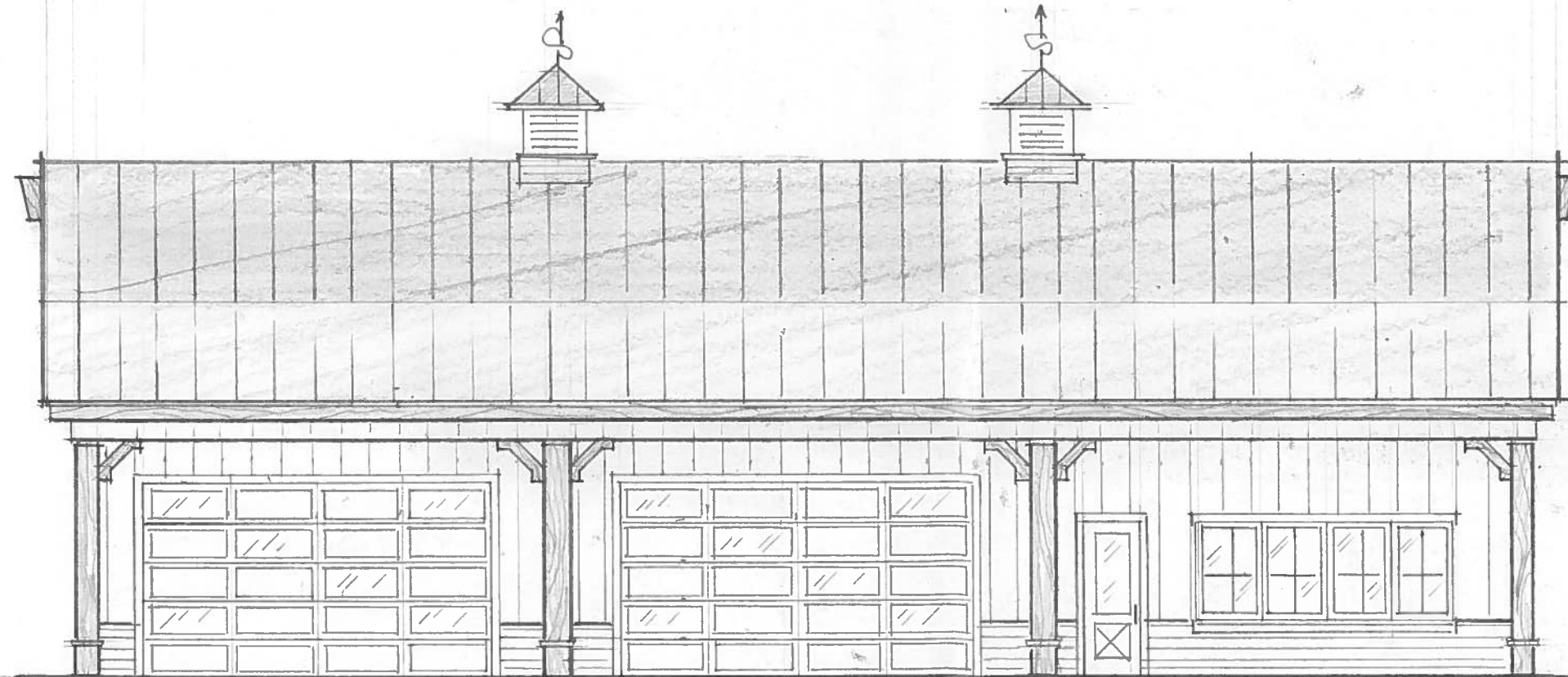
Storage & mechanical
mezzanine over
Bath, Pantry &
Lounge

STORAGE BARN
 REST HAVEN CEMETERY
 ROCKWALL, TX
 4,950 SF UNDER ROOF
 JST ARCHITECTS DALLAS, TX
 6.8.18

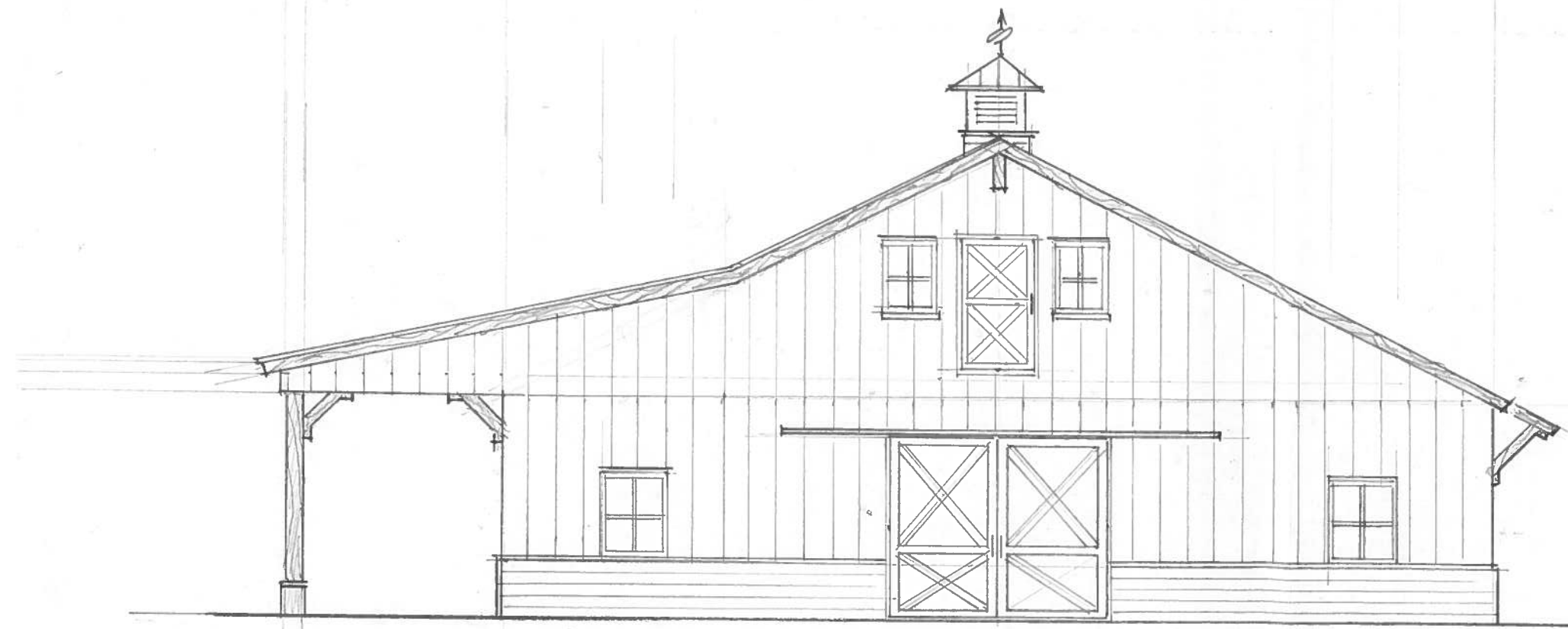
FLOOR PLAN
 SCALE 1/8" = 1'-0"



NORTH ELEVATION
SCALE 1/8" = 1'-0"



SOUTH ELEVATION
SCALE 1/8" = 1'-0"



EAST ELEVATION (WEST ELEVATION - MIRROR IMAGE)
SCALE 1/8" = 1'-0"



CITY OF ROCKWALL

ORDINANCE NO. 19-XX

SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) OF THE CITY OF ROCKWALL, ROCKWALL COUNTY TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A *GUEST QUARTERS/SECONDARY LIVING UNIT AND BARN OR AGRICULTURAL ACCESSORY BUILDING* IN AN AGRICULTURAL (AG) DISTRICT, SITUATED ON A 10.61-ACRE PORTION OF A LARGER 26.078-ACRE TRACT OF LAND, IDENTIFIED AS TRACT 2 & 2-4 OF THE W. M. DALTON SURVEY, ABSTRACT NO. 72, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF 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, the City has received a request from Dwayne Cain of ECSR (D), LLC for the approval of a Specific Use Permit (SUP) to allow a *guest quarters/secondary living unit and barn or agricultural accessory building* in an Agricultural (AG) District on a 10.61-acre portion of a larger 26.078-acre parcel of land described as Tract 2 & 2-4 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 777 & 839 Cornelius Road, and being more specifically depicted 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 the Unified Development Code (UDC) [*Ordinance No. 04-38*] 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 the Unified Development Code (UDC) [*Ordinance No. 04-38*] 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 a *guest quarters/secondary living unit and barn or agricultural accessory building*, as stipulated by Section 1, *Land Use Schedule*, of Article IV, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 04-38*], on the *Subject Property*, and,

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 2.01, *Agricultural (AG) District*, of Section 2, *Agricultural Districts*, of Article V, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 04-38] as heretofore amended and as may be amended in the future, and shall be subject to the following:

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *guest quarters/secondary living unit and barn or agricultural accessory building* on the *Subject Property* and conformance to these conditions is required for continued operations:

- 1) The *guest quarters/secondary living unit and barn or agricultural accessory building* shall generally conform to the concept plan and building elevations depicted in *Exhibits 'B' & 'C'* of this ordinance;
- 2) The *guest quarters/secondary living unit and barn or agricultural accessory building* shall not be utilized for a non-residential and/or non-agricultural land use.
- 3) The *guest quarters/secondary living unit and barn or agricultural accessory building* shall be ancillary to the existing single-family home.
- 4) The *guest quarters/secondary living unit and barn or agricultural accessory building* shall not be altered so that the structure is less than 2,000 SF or greater than 4,050 SF.
- 5) The subject property shall not be subdivided in such a way that the property does not meet the minimum requirement of ten (10) acres in size for a *barn or agricultural accessory building*.
- 6) The *guest quarters/secondary living unit and barn or agricultural accessory building* shall be located behind the front façade of the primary structure and be subject to the same building setbacks as the primary structure.
- 7) The *guest quarters/secondary living unit and barn or agricultural accessory building* shall not be sold or conveyed separately without meeting the requirements of the Unified Development Code (UDC).

2.2 COMPLIANCE

Approval of this ordinance in accordance with Section 8.3, *Council Approval or Denial*, of Article II, *Authority and Administrative Procedures*, of the Unified Development Code (UDC) will require compliance to the following:

- 1) Upon obtaining a Building Permit, should the subject property--which is subject to the guidelines of this ordinance--fail to meet the minimum operational requirements set forth herein and outline in the Unified Development Code (UDC), the City Council may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Section 4.4.(3) of Article IV, *Permissible Uses*, of the Unified Development Code (UDC).

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 3RD DAY OF JUNE, 2019.

Jim Pruitt, *Mayor*

ATTEST:

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

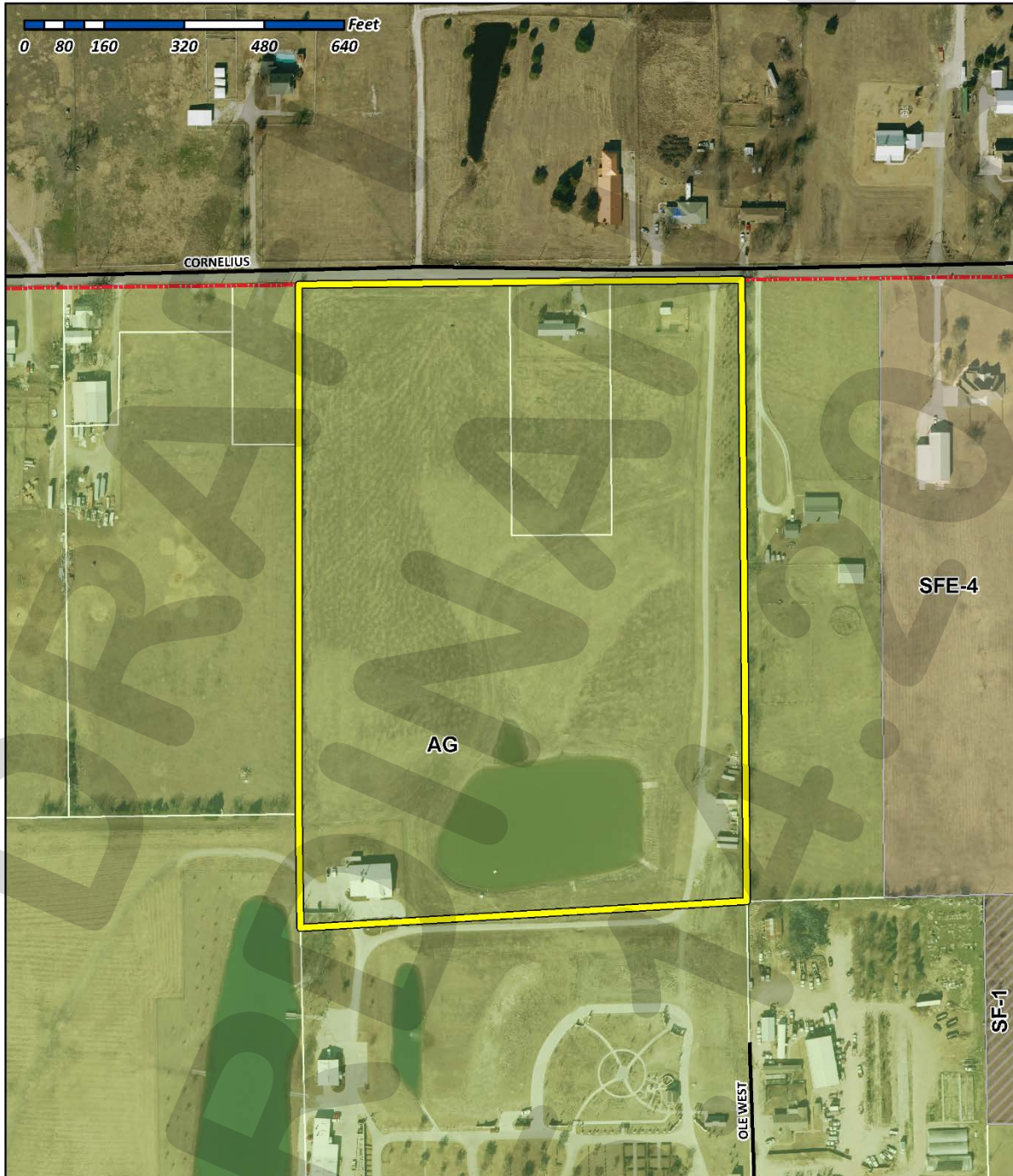
1st Reading: May 20, 2019

2nd Reading: June 3, 2019

Exhibit 'A'
Zoning Exhibit

Address: 777 & 839 Cornelius Road

Legal Description: Tract 2 & 2-4 of the W. M. Dalton Survey, Abstract No. 72



City of Rockwall

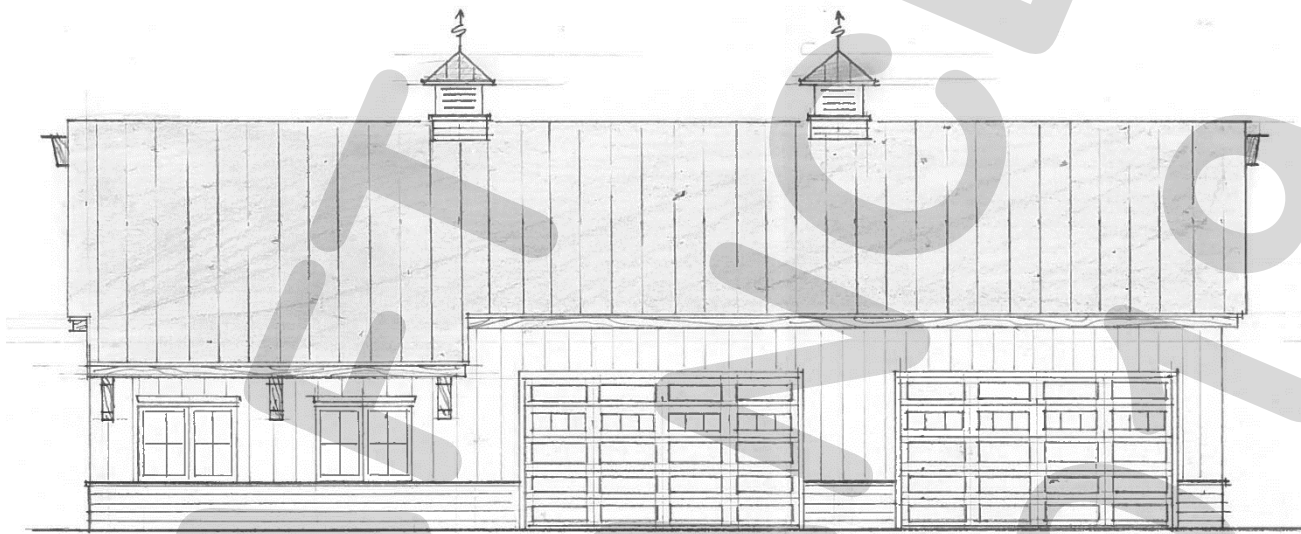
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75032
(P): (972) 771-7745
(W): www.rockwall.com

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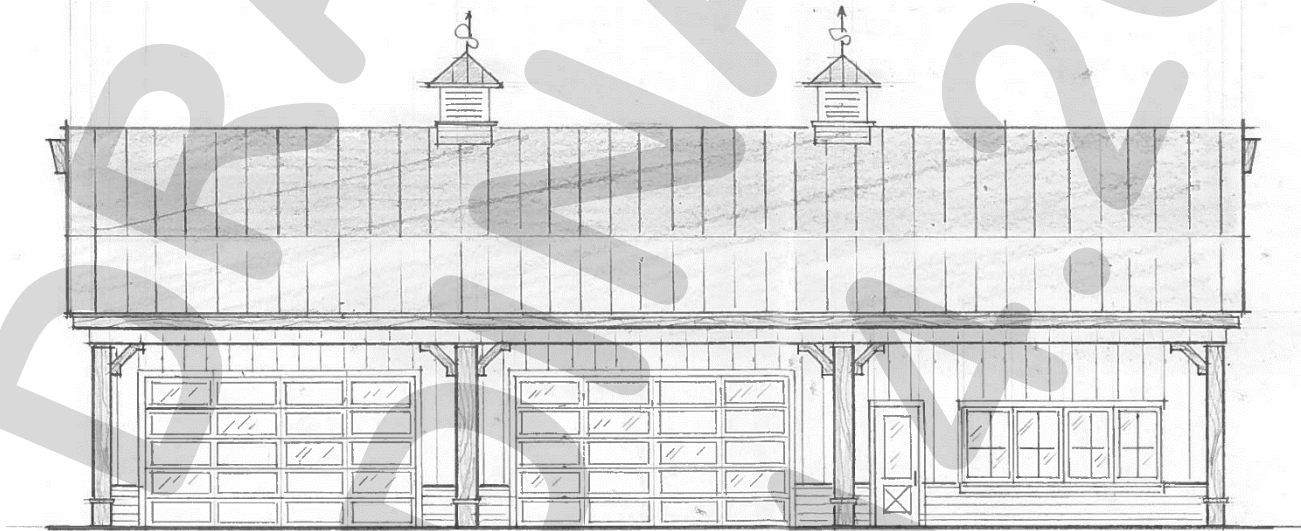


DRAFT
ORDINANCE
05.14.2019

Exhibit 'C'
Concept Elevations

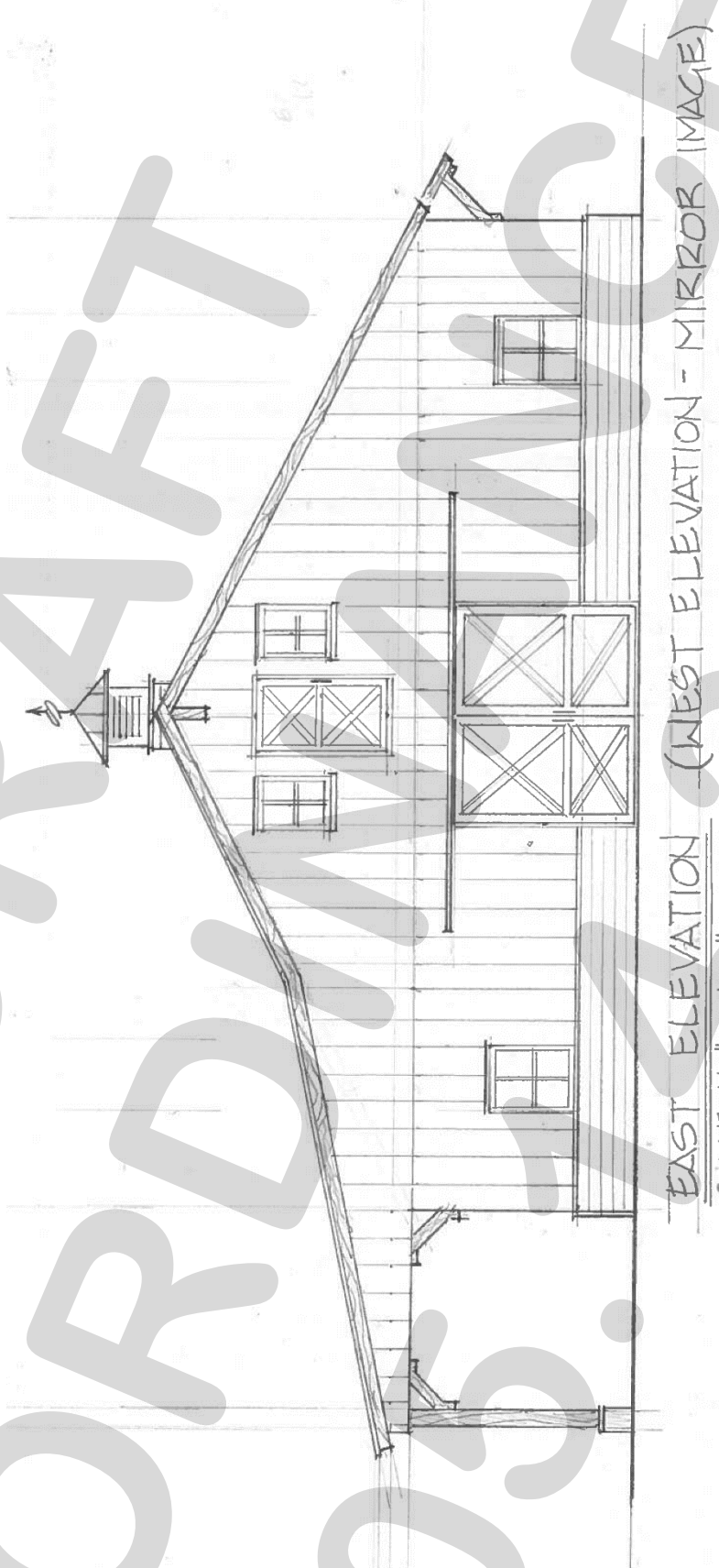


NORTH ELEVATION
SCALE 1/8" = 1'-0"



SOUTH ELEVATION
SCALE 1/8" = 1'-0"

Exhibit 'C'
Concept Elevations



EAST ELEVATION (WEST ELEVATION - MIRROR IMAGE)

SCALE 1/8" = 1'-0"

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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 20, 2019
APPLICANT: Scott Lewis; *RRDC, LTD*
CASE NUMBER: Z2019-011; *Amendment to Planned Development District 47 (PD-47)*

SUMMARY

Hold a public hearing to discuss and consider a request by Scott Lewis of RRDC, LTD for the approval of an amendment to Planned Development District 47 (PD-47) [*Ordinances 99-17 & 07-04*] being a 14.4715-acre tract of land identified as Tract 104 of the E. Teal Survey, Abstract No. 207 and Lot 1, Block A, First Christian Church, Disciples of Christ Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 47 (PD-47) for Single-Family 10 (SF-10) District land uses, situated within the Scenic Overlay (SOV) District, generally located at the northeast corner of the intersection of Ridge Road [FM-740] and White Road, and take any action necessary.

BACKGROUND

The subject property is located at the northeast corner of the intersection of Ridge Road [FM-740] and White Road. On June 7, 1999, the City Council approved *Ordinance No. 99-17* [Case No. PZ1999-023], which zoned the subject property to Planned Development District 47 (PD-47) for Single Family 10 (SF-10) District land uses. Since a portion of the subject property was outside of the City's corporate limits (*i.e. situated within Rockwall County*) and another portion was situated within the City of Heath, the case memo required a boundary adjustment agreement be entered into with the City of Heath. The full subject property was annexed into the City of Rockwall on December 20, 1999 by *Resolution No. 99-44* and zoned Planned Development District 47 (PD-47). On January 16, 2007, the City Council approved *Ordinance No. 07-04* [Case No. Z2006-025], which amended a portion of *Ordinance No. 99-17* allowing a five (5) acre part of Planned Development District 47 (PD-47) to allow for a commercial antenna in conjunction with a house of worship. On January 16, 2016, the City Council approved a preliminary plat for the Whisper Rock subdivision [Case No. Z2017-066], which contained 28 single-family lots on 9.477-acres. On December 11, 2018, the Planning and Zoning Commission approved a site plan [Case No. SP2018-041] and recommended approval of a final plat [Case No. P2018-043] for the Whisper Rock subdivision. The City Council approved the final plat on December 17, 2018.

PURPOSE

The applicant is requesting to amend the development standards contained in Planned Development District 47 (PD-47) [*Ordinance No. 99-17*]. Specifically, the applicant is requesting three (3) changes to the ordinance. These changes are as follows:

- 1) The minimum masonry requirement be 60% with all lap-siding being a cementitious fiber material (*e.g. HardiBoard or HardiPlank*);
- 2) The maximum lot coverage be 55%, and
- 3) Front-facing garages be allowed provided they are set back a minimum of 20-feet from the front façade of the structure.

ADJACENT LAND USES AND ACCESS

The subject property is located at the northeast corner of the intersection of Ridge Road [FM-740] and White Road. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property is a single-family residential subdivision (*i.e. Benton Court Subdivision*), which is zoned Planned Development District 40 (PD-40) for Single-Family 10 (SF-10) District land uses. Beyond this there are several single-family homes that are zoned Single-Family 16 (SF-16) District.

South: Directly south of the subject property is a house of worship (*i.e. First Christian Church*) followed by White Road, which is identified as a *Minor Collector* on the City's Master Thoroughfare Plan. This roadway delineates the city limits of the City of Rockwall.

East: Directly east of the subject property is a vacant tract of land and a single-family home that are zoned Agricultural (AG) and Single-Family Estate 4.0 (SFE-4.0) Districts. Beyond this is a single-family residential subdivision (*i.e. Phase 4 of the Foxchase Subdivision*) that is zoned Planned Development District 9 (PD-9) for General Retail (GR), Single-Family 10 (SF-10), Single-Family 12.5 (SF-12.5), and Light Industrial (LI) District land uses.

West: Directly west of the subject property is Ridge Road [FM-740], which is identified as a M4D (*major collector, four [4] lane, divided roadway*) on the City's Master Thoroughfare Plan. Beyond this is a residential subdivision (*i.e. Chandler's Landing*), which is zoned Planned Development District 8 (PD-8) for single-family and multi-family land uses.

CHARACTERISTICS OF THE REQUEST

Currently, Planned Development District 47 (PD-47) is comprised of two (2) areas. *Area 1 (i.e. Whisper Rock Subdivision)* is undeveloped and contains 28 single-family residential lots on a 9.477-acre tract of land. *Area 2* is currently occupied by a house of worship (*i.e. First Christian Church*). The applicant is requesting changes to the development standards for *Area 1*. Specifically, the applicant would like to reduce the minimum masonry requirement to 60% from 80%, change the maximum lot coverage from 45% to 55%, and change the garage standards to allow front facing garages provided the garages are setback a minimum of 20-feet from the front of the structure. Currently, the development standards for Planned Development District 47 (PD-47) require all garages to be in a *J-Swing* or *Traditional Swing* format with no garage doors facing the street.

CONFORMANCE WITH THE CITY'S CODES

According to Section 4, *Residential Parking*, of Article VI, *Parking and Loading*, of the Unified Development Code (UDC), "...in single-family districts, garages must be located at least 20-feet behind the front building façade for front-entry garages..." In this case, the applicant's request conforms to the requirements of the Unified Development Code (UDC) for garages, and changing the Planned Development District ordinance does not appear to negatively impact the subject property or surrounding properties. With regard to the masonry and lot coverage requirements, the applicant is requesting to minimally reduce these standards; however, the Planning and Zoning Commission have approved similar requests in previous cases, and if approved it would not negatively impact surrounding or adjacent properties.

CONFORMANCE WITH OUR HOMETOWN VISION 2040 COMPREHENSIVE PLAN

According to the OUR Hometown Vision 2040 Comprehensive Plan, the subject property is located in the *Marina District*, which is characterized as a residential district that is significantly developed with medium-density housing. The *Marina District* is not anticipated to change its land use pattern, and is expected to continue to have residential infill development that complements the existing surrounding properties. This infill development is expected to generally follow the guidelines for medium-density residential development. In this case, the applicant's request does not appear to be contrary to the

district strategies for the *Marina District*. Specifically, the proposed residential subdivision is considered to be a medium-density development and the applicant is not proposing to alter the density of the development.

STAFF ANALYSIS

With regard to the applicant's request to increase the maximum lot coverage, staff should note that the only zoning district that allows a similar lot coverage (*i.e. allows 50% lot coverage*) is the Zero Lot Line (ZL-5) District. Although the applicant's request to raise the maximum lot coverage from 45% to 55% does not change the density of the development, the Planning and Zoning Commission should examine the possible visual effects/perception of allowing larger homes on the existing lot size and consider whether or not approval of this request will negatively impact the development and/or neighboring developments. Staff should point out that the side yard setback in the Single Family 10 (SF-10) District is six (6) feet, which means that the minimum distance between homes will be 12-feet. This is consistent with the policies for residential development contain in the OURHometown Vision 2040 Comprehensive Plan. With that being said, approval of this request is a discretionary decision for the City Council, pending a recommendation from the Planning and Zoning Commission.

As has been done in past amendments to planned development districts that consist of several regulating ordinances, staff has taken this opportunity to consolidate the regulating ordinances for Planned Development District 47 (PD-47) into one (1) ordinance; however, while staff has clarified several sections of these ordinances in the new regulating ordinance, no changes with regard to the requirements, intent or permitted land uses have been made to any portion of the planned development district that relates to *Ordinance No. 07-04*, which is identified as the regulating ordinance for *Area 2 (i.e. First Christian Church)* in the attached draft ordinance.

NOTIFICATIONS

On May 1, 2019, staff mailed 123 notices to property owners and residents within 500-feet of the subject property. Additionally, staff notified Spyglass Phases 2 & 3, the Rainbow Lakes, Chandler's Landing, and Foxchase Homeowner's Associations (HOA's), which are the only HOA's/Neighborhood Associations within 1,500-feet of the subject property and participating in the Neighborhood Notification Program. At the time this report was written, staff had received two (2) notices in favor, one (1) notice in opposition, and one (1) email in favor of the request, with the exception of the front-facing garages.

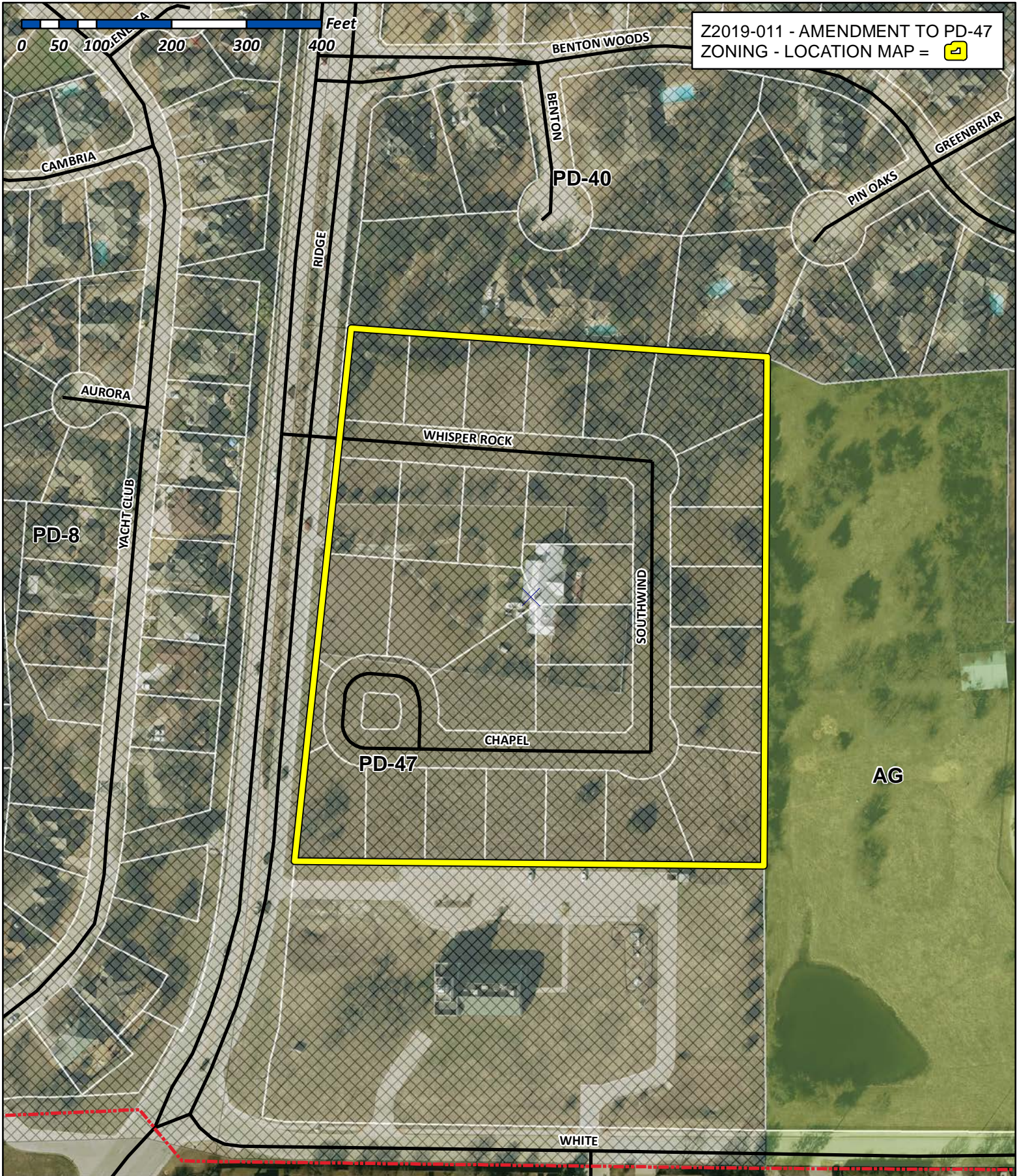
CONDITIONS OF APPROVAL

If the City Council chooses to approve the applicant's request then staff would propose the following conditions of approval:

- (1) The applicant shall be responsible for maintaining compliance with the conditions contained within the *Planned Development District* ordinance;
- (2) Any construction resulting from the approval of this zoning change 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 14, 2019, the Planning and Zoning Commission's motion to recommend approval of the applicant's request passed by a vote of 4-1 with Commissioner Womble dissenting and Commissioners Logan and Moeller absent.



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.

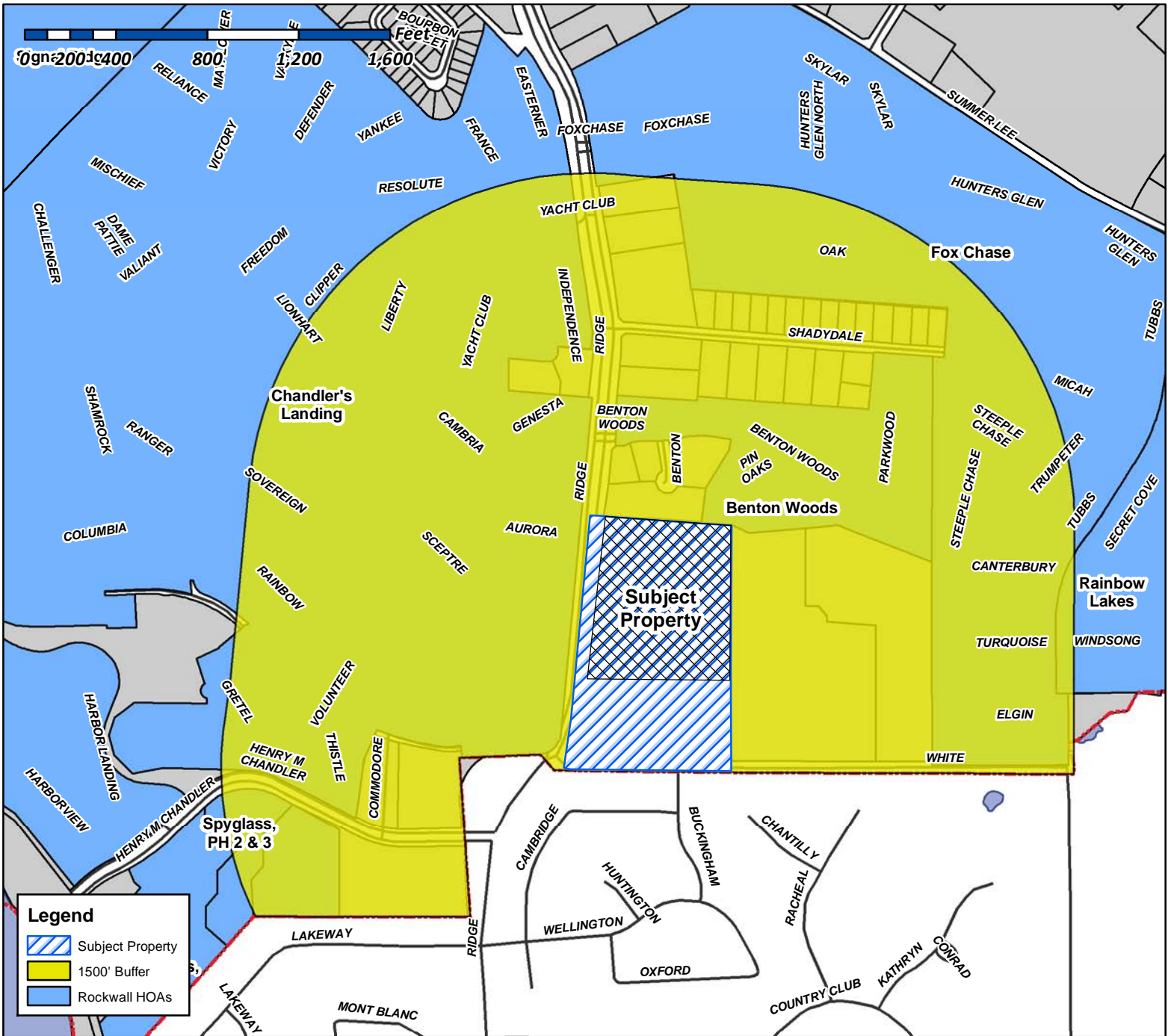




City of Rockwall

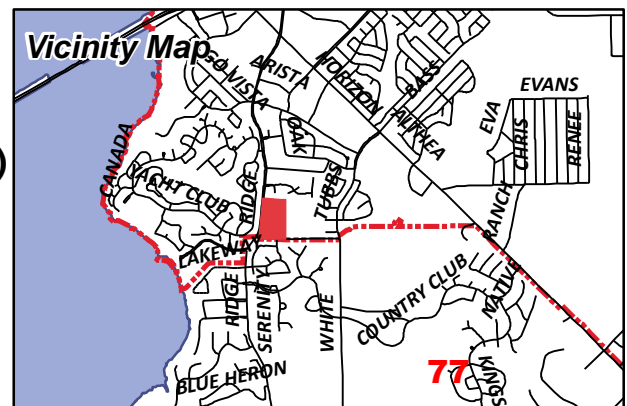
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

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Case Number: Z2019-011
Case Name: Amendment to PD-47
Case Type: Zoning
Zoning: Planned Development District 47 (PD-47)
Case Address: 3231 Ridge Road

Date Created: 4/17/2019
For Questions on this Case Call (972) 771-7745



From: [Morales, Laura](#)
To: [REDACTED]
Cc: [Miller, Ryan](#); [Gonzales, David](#); [Brooks, Korey](#)
Subject: Neighborhood Notification Program: Notice of zoning request
Date: Wednesday, May 01, 2019 1:36:23 PM

To whom it may concern:

Per your participation in the Neighborhood Notification Program, you are receiving this notification to inform your organization and residents of a request for a zoning change that lies within 1,500 feet of the boundaries of your neighborhood or subdivision. As the primary contact for the organization, you are encouraged to share this information with the residents of your subdivision. Please find attached a map detailing the location of the subject property requesting the zoning change in relation to your subdivision boundaries. Additionally, below is a summary of the zoning request that will be published in the Rockwall Herald Banner **May 3, 2019**. The Planning and Zoning Commission will hold a public hearing on **Tuesday 5/14/2019 at 6:00 p.m.**, and the City Council will hold a public hearing on **Monday 5/20/2019 at 6:00 p.m.** These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street. If you have any questions or comments regarding this request, the contact information for the Planning Department is listed below. Additional information can also be found at

<https://sites.google.com/site/rockwallplanning/development/development-cases>

Z2019-011- Hold a public hearing to discuss and consider a request by Scott Lewis of RRDC, LTD for the approval of an amendment to Planned Development District 47 (PD-47) [Ordinances 99-17 & 07-04] being a 14.4715-acre tract of land identified as Tract 104 of the E. Teal Survey, Abstract No. 207 and Lot 1, Block A, First Christian Church, Disciples of Christ Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 47 (PD-47) for Single-Family 10 (SF-10) District land uses, situated within the Scenic Overlay (SOV) District, generally located at the northeast corner of the intersection of Ridge Road [FM-740] and White Road, and take any action necessary.

If this email is reaching you in error, please forward it to your HOA or neighborhood group representative and update the contact information at <http://www.rockwall.com/planning/hoa.asp>.

Sincerely,

Laura Morales

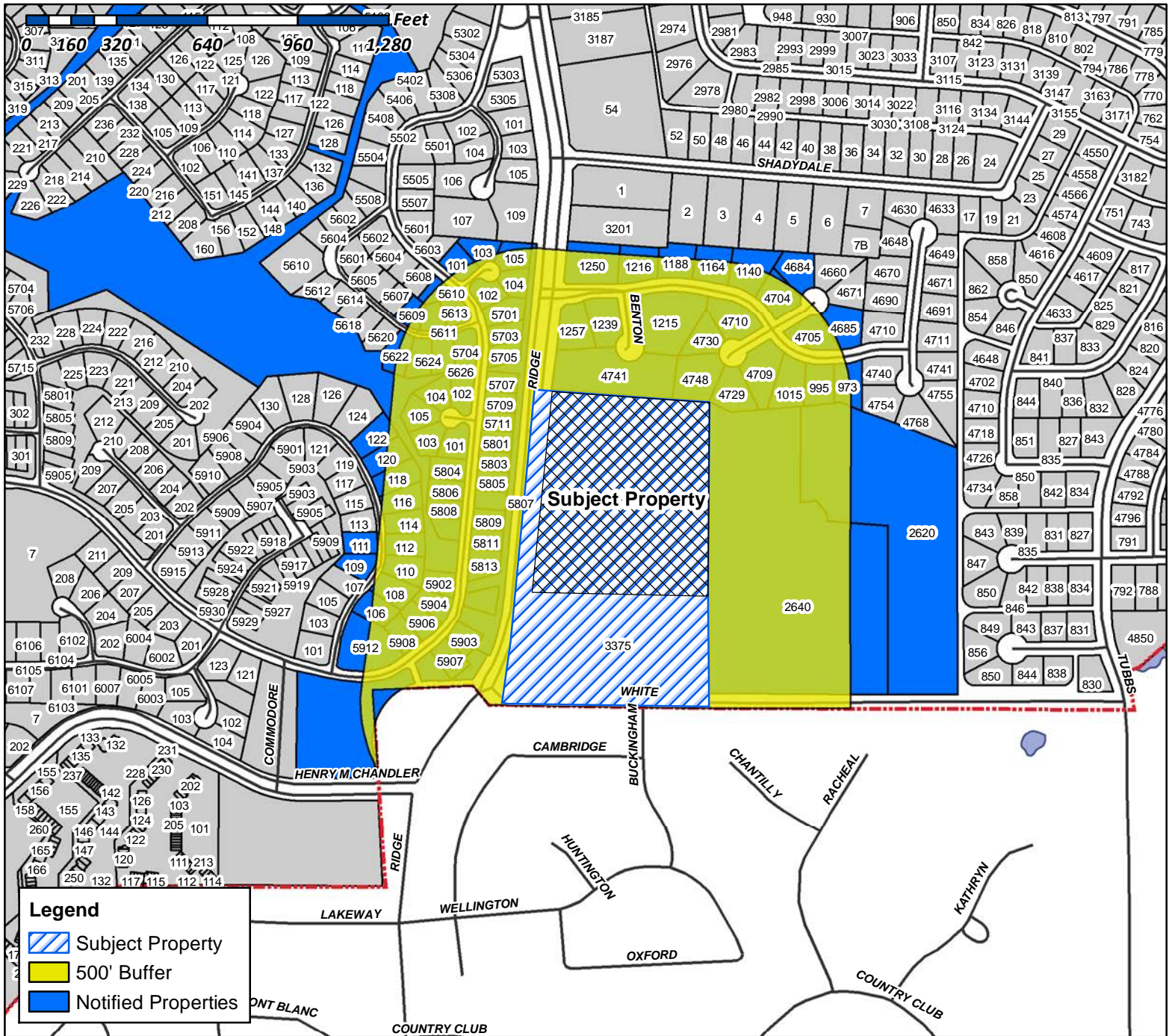
Planning & Zoning Coordinator
City of Rockwall Planning & Zoning Department
972-771-7745 | 972-772-6438
lmorales@rockwall.com | <http://www.rockwall.com/planning/>



City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

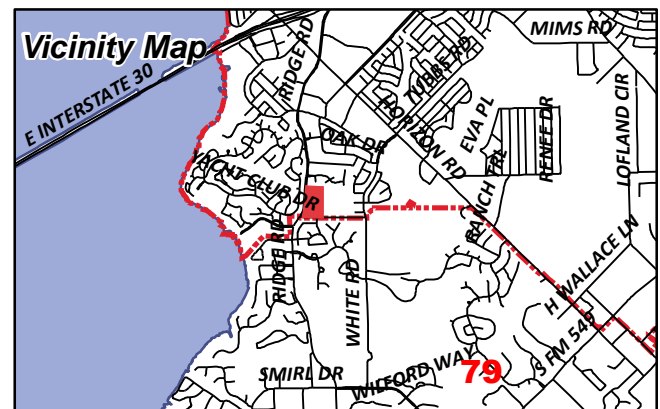
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Case Number: Z2019-011
Case Name: Amendment to PD-47
Case Type: Zoning
Zoning: Planned Development District (PD-47)
Case Address: 3231 Ridge Road

Date Created: 4/17/2019

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



CORDILLERA INTERNATIONAL LLC
1 EASTSHORE ROAD
HEATH, TX 75032

CURRENT RESIDENT
101 GENESTA PL
ROCKWALL, TX 75032

SEELEY LISA JONI
101 AURORA CIR
ROCKWALL, TX 75032

MCKINNEY KENT L & NARSHA
1015 BENTON WOODS DR
ROCKWALL, TX 75032

NORTHCUTT LEIGH
102 AURORA CIR
ROCKWALL, TX 75032

WARREN JEFFREY DWAYNE ETUX
102 GENESTA PL
ROCKWALL, TX 75032

CURRENT RESIDENT
103 AURORA CIR
ROCKWALL, TX 75032

WEEKS MARY
103 GENESTA PL
ROCKWALL, TX 75032

O'BRIEN PATRICIA C
104 AURORA CIRCLE
ROCKWALL, TX 75032

GARZA ROY A & DULCE R
104 GENESTA PLACE
ROCKWALL, TX 75032

LANCASTER RONALD R & BRENDA R
105 AURORA CIR
ROCKWALL, TX 75032

TURNER CATHERINE
105 GENESTA PL
ROCKWALL, TX 75032

HATFIELD GAROLD SCOTT
106 SCEPTRE DR
ROCKWALL, TX 75032

CURRENT RESIDENT
108 SCEPTRE DR
ROCKWALL, TX 75032

REED ANGEL
109 SCEPTRE DRIVE
ROCKWALL, TX 75032

HOWES JAN
110 SCEPTRE DR
ROCKWALL, TX 75032

JOHNSTON MICHAEL & ANN
111 SCEPTRE DR
ROCKWALL, TX 75032

PRITCHETT THOMAS AARON
112 SCEPTRE DR
ROCKWALL, TX 75032

RIERA CRISTINA
114 SCEPTRE DR
ROCKWALL, TX 75032

EDWARDS RICHARD J
1140 BENTON WOODS DR
ROCKWALL, TX 75032

BRELAND JULIA AND
116 SCEPTRE DR
ROCKWALL, TX 75032

TIMBES GARY R & ELIZABETH S
1164 BENTON WOODS DR
ROCKWALL, TX 75032

JASIN PAUL A
118 SCEPTRE DR
ROCKWALL, TX 75032

MARSHALL GREGORY S & JOANNA
1188 BENTON WOODS DRIVE
ROCKWALL, TX 75032

CURRENT RESIDENT
120 SCEPTRE DR
ROCKWALL, TX 75032

CURRENT RESIDENT
1202 WHISPER ROCK DR
ROCKWALL, TX 75032

CURRENT RESIDENT
1203 CHAPEL DR
ROCKWALL, TX 75032

CURRENT RESIDENT
1206 WHISPER ROCK DR
ROCKWALL, TX 75032

CURRENT RESIDENT
1207 CHAPEL DR
ROCKWALL, TX 75032

CURRENT RESIDENT
1210 WHISPER ROCK DR
ROCKWALL, TX 75032

CURRENT RESIDENT
1211 CHAPEL DR
ROCKWALL, TX 75032

CURRENT RESIDENT
1213 WHISPER ROCK DR
ROCKWALL, TX 75032

CURRENT RESIDENT
1214 WHISPER ROCK DR
ROCKWALL, TX 75032

CURRENT RESIDENT
1215 BENTON WOODS
ROCKWALL, TX 75032

CURRENT RESIDENT
1215 CHAPEL DR
ROCKWALL, TX 75032

CURRENT RESIDENT
1216 CHAPEL DR
ROCKWALL, TX 75032

HAMILTON LARRY WAYNE & REBA DIANE
1216 BENTON WOODS DR
ROCKWALL, TX 75032

CURRENT RESIDENT
1217 WHISPER ROCK DR
ROCKWALL, TX 75032

CURRENT RESIDENT
1218 CHAPEL DR
ROCKWALL, TX 75032

CURRENT RESIDENT
1218 WHISPER ROCK DR
ROCKWALL, TX 75032

CURRENT RESIDENT
1219 CHAPEL DR
ROCKWALL, TX 75032

CAMIEL JEFFREY M
122 SCEPTRE DR
ROCKWALL, TX 75032

CURRENT RESIDENT
1221 WHISPER ROCK DR
ROCKWALL, TX 75032

CURRENT RESIDENT
1222 WHISPER ROCK DR
ROCKWALL, TX 75032

CURRENT RESIDENT
1223 CHAPEL DR
ROCKWALL, TX 75032

CURRENT RESIDENT
1224 CHAPEL DR
ROCKWALL, TX 75032

CURRENT RESIDENT
1239 BENTON WOODS DR
ROCKWALL, TX 75032

PATEL VIBHA & SATISH
1250 BENTON WOODS DR
ROCKWALL, TX 75032

HARRISON DOUGLAS C
1257 BENTON WOODS DRIVE
ROCKWALL, TX 75032

CONFIDENTIAL
152 SHEPHERDS GLEN RD
ROCKWALL, TX 75032

ENGINEERING CONCEPTS
201 WINDCO CIRCLE 0
WYLIE, TX 75098

COGBURN DEWAYNE AND GLENNA
2400 TRINITY COURT
HEATH, TX 75032

HIMMELREICH STEVEN D & NANCY L
2620 WHITE RD
ROCKWALL, TX 75032

DUHON CRAIG R & DONNA L
2640 WHITE RD
ROCKWALL, TX 75032

VANHORN WILLIAM & PENNI AND
3021 RIDGE RD SUITE A-66
ROCKWALL, TX 75032

SCHUMANN SHERRY
306 COUNTY ROAD 1581
ALBA, TX 75410

FIRST CHRISTIAN CHURCH
3375 RIDGE ROAD
ROCKWALL, TX 75032

STARRLO ENTERPRISES LLC SERIES C
4604 MCWILLIAMS COURT
PLANO, TX 75093

AUSBURN CHARLES NEAL
4614 GILBERT AVE
DALLAS, TX 75219

ANSARI CYRUS
4684 GREENBRIAR CT
ROCKWALL, TX 75032

HAIN MARGARET GUNTHER AND
4685 GREENBRIAR CT
HEATH, TX 75032

PARKS TODD L AND RHONDA DENISE
4704 GREENBRIAR CT
ROCKWALL, TX 75032

UNDERWOOD KEVIN W & KRISTINA K
4705 GREENBRIAR CT
ROCKWALL, TX 75032

MCKINNEY TERRY L SR AND DEBORAH A
4709 PIN OAKS CIRCLE
ROCKWALL, TX 75032

WOLOV MATTHEW & KRISTINA
4710 PIN OAKS CIR
ROCKWALL, TX 75032

BURGE RICK W & KATHRYN S
4729 PIN OAKS CIR
ROCKWALL, TX 75032

DENNARD RICHARD C
4730 PIN OAKS CIRCLE
ROCKWALL, TX 75032

GRAND-LIENARD ROBERT J III AND DIANA L
4741 BENTON CT
ROCKWALL, TX 75032

BAILEY KENNETH AND MEREDITH
4748 PIN OAKS CIR
ROCKWALL, TX 75032

CURRENT RESIDENT
4801 SOUTHWIND DR
ROCKWALL, TX 75032

CURRENT RESIDENT
4804 SOUTHWIND DR
ROCKWALL, TX 75032

CURRENT RESIDENT
4805 SOUTHWIND DR
ROCKWALL, TX 75032

CURRENT RESIDENT
4808 SOUTHWIND DR
ROCKWALL, TX 75032

CURRENT RESIDENT
4809 SOUTHWIND DR
ROCKWALL, TX 75032

CURRENT RESIDENT
4812 SOUTHWIND DR
ROCKWALL, TX 75032

CURRENT RESIDENT
4813 SOUTHWIND DR
ROCKWALL, TX 75032

CURRENT RESIDENT
4816 SOUTHWIND DR
ROCKWALL, TX 75032

CURRENT RESIDENT
4817 SOUTHWIND DR
ROCKWALL, TX 75032

CURRENT RESIDENT
4821 SOUTHWIND DR
ROCKWALL, TX 75032

BROWN IAN AND JESSICA
5609 CAMBRIA DR
ROCKWALL, TX 75032

RANDOLPH JILL F
5610 YACHT CLUB DRIVE
ROCKWALL, TX 75032

CURRENT RESIDENT
5611 CAMBRIA DR
ROCKWALL, TX 75032

GARDNER MICHAEL J
5613 CAMBRIA DR
ROCKWALL, TX 75032

CURRENT RESIDENT
5622 CAMBRIA DR
ROCKWALL, TX 75032

COOPER NEAL B
5624 CAMBRIA DR
ROCKWALL, TX 75032

GREEN KRIS & CORI
5626 CAMBRIA DR
ROCKWALL, TX 75032

WEST RACHEL
5701 YACHT CLUB
ROCKWALL, TX 75032

LANG JOSEPH W III &
5703 YACHT CLUB DR
ROCKWALL, TX 75032

RICHARD J MALAK AND BARBARA E MALAK
REVOCABLE LIVING TRUST
5704 YACHT CLUB DRIVE
ROCKWALL, TX 75032

CURRENT RESIDENT
5705 YACHT CLUB DR
ROCKWALL, TX 75032

CARDOZO DORENE
5707 YACHT CLUB DR
ROCKWALL, TX 75032

CURRENT RESIDENT
5709 YACHT CLUB DR
ROCKWALL, TX 75032

CURRENT RESIDENT
5711 YACHT CLUB DR
ROCKWALL, TX 75032

BIXLER JOY S
5801 YACHT CLUB DR
ROCKWALL, TX 75032

WRIGHTSON DAVID J SR
5803 YACHT CLUB DR
ROCKWALL, TX 75032

WRIGHTSON DAVID J & LUCY S
5803 YACHT CLUB DR
ROCKWALL, TX 75032

CURRENT RESIDENT
5804 YACHT CLUB DR
ROCKWALL, TX 75032

MINCKLER JOSEPH M & INGRID E
5805 YACHT CLUB DR
ROCKWALL, TX 75032

HUMES JENNIFER
5806 YACHT CLUB DRIVE
ROCKWALL, TX 75032

CURRENT RESIDENT
5807 YACHT CLUB DR
ROCKWALL, TX 75032

LANG NICOLE
5808 YACHT CLUB DR
ROCKWALL, TX 75032

CURRENT RESIDENT
5809 YACHT CLUB DR
ROCKWALL, TX 75032

CATANIA ANTHONY J
5811 YACHT CLUB
ROCKWALL, TX 75032

CURRENT RESIDENT
5813 YACHT CLUB DR
ROCKWALL, TX 75032

EAGAN LOIS MAUREEN
5902 YACHT CLUB DR
ROCKWALL, TX 75032

MANN ERIK
5903 YACHT CLUB DR
ROCKWALL, TX 75032

CURRENT RESIDENT
5904 YACHT CLUB DR
ROCKWALL, TX 75032

JONES BRADLEY
5906 YACHT CLUB DR
ROCKWALL, TX 75032

CONFIDENTIAL
5907 YACHT CLUB DR
ROCKWALL, TX 75032

TURNER LESLIE D
5908 YACHT CLUB DR
ROCKWALL, TX 75032

RABAH MUSTAFA HASAN
5912 YACHT CLUB DRIVE
ROCKWALL, TX 75032

CASSAR JEFFREY
6007 VOLUNTEER PLACE
ROCKWALL, TX 75032

UTHLAUT WILLIAM S
6540 BROADWAY BLVD
GARLAND, TX 75043

RAMSEY TERESA GALE AND
7047 LAVISTA DRIVE
DALLAS, TX 75214

BROWN NIGEL M.H.O.
8039 WESTOVER DR
DALLAS, TX 75231

STARNES KIMBERLY DAWN
8545 MIDWAY RD
DALLAS, TX 75209

CSH 2016-2 BORROWER LLC
8665 EAST HARTFORD DR O
SCOTTSDALE, AZ 85255

BUTTERMORE BRADLEY
973 BENTON WOODS DR
ROCKWALL, TX 75032

HERRIAGE JENNIFER RANEY & TIMOTHY
995 BENTON WOOD DRIVE
ROCKWALL, TX 75032

KJT FLYING PROPERTIES LLC
PO BOX 1476
ROCKWALL, TX 75087

CHANDLERS LANDING COMMUNITY
ASSOCIATION INC
PO BOX 638
ROCKWALL, TX 75087

WALTERS PATRICIA ANN AND JEFFERY MICHAEL
LYAN
PO BOX 833073
RICHARDSON, TX 75083

RAND PARTNERS LP
PO BOX B
TERRELL, TX 75160



NOTICE OF PUBLIC HEARING CITY OF ROCKWALL, PLANNING & ZONING DEPARTMENT

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

To Whom It May Concern:

You are hereby notified that the City of Rockwall Planning and Zoning Commission and City Council will consider the following application:

Case No. Z2019-011: Amendment to PD-47

Hold a public hearing to discuss and consider a request by Scott Lewis of RRDC, LTD for the approval of an amendment to Planned Development District 47 (PD-47) [Ordinances 99-17 & 07-04] being a 14.4715-acre tract of land identified as Tract 104 of the E. Teal Survey, Abstract No. 207 and Lot 1, Block A, First Christian Church, Disciples of Christ Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 47 (PD-47) for Single-Family 10 (SF-10) District land uses, situated within the Scenic Overlay (SOV) District, generally located at the northeast corner of the intersection of Ridge Road [FM-740] and White Road, and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on **Tuesday, 5/14/2019 at 6:00 p.m.**, and the City Council will hold a public hearing on **Monday, 5/20/2019 at 6:00 p.m.** These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

As an interested property owner, you are invited to attend these meetings. If you prefer to express your thoughts in writing please return the form to:

**Korey Brooks
Rockwall Planning and Zoning Dept.
385 S. Goliad Street
Rockwall, TX 75087**

You may also email your comments to the Planning Department at planning@rockwall.com. If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by **5/20/2019** to ensure they are included in the information provided to the City Council.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning



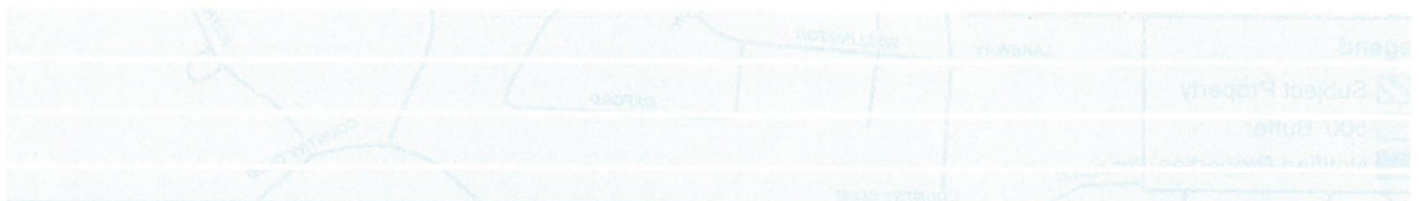
MORE INFORMATION ON THIS CASE CAN BE FOUND ON THE CITY'S WEBSITE:
[HTTPS://SITES.GOOGLE.COM/SITE/ROCKWALLPLANNING//DEVELOPMENT-CASES](https://sites.google.com/site/rockwallplanning/development-cases)

PLEASE RETURN THE BELOW FORM

Case No. Z2019-011: Amendment to PD-47

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.



Name: SATISH PATEL

Address: 1250 BENJON WOODS DR, ROCKWALL TX 75032

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE

Case No. Z2019-011: Amendment to PD-47

Please place a check mark on the appropriate line below:

I am in favor of the request for the reasons listed below.

I am opposed to the request for the reasons listed below.

ROCKWALL NEEDS MORE DWELLINGS.

Neal B Cooper

Name: NEAL B COOPER

Address: 5624 CAMBRIA DR. ROCKWALL, TX 75032

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE

Notice of Public Hearing • City of Rockwall • 385 South Goliad Street • Rockwall, TX 75087 • [P] (972) 771-7745 • [F] (972) 771-7748

Case No. Z2019-011: Amendment to PD-47

Please place a check mark on the appropriate line below:

I am in favor of the request for the reasons listed below.

I am opposed to the request for the reasons listed below.

Bad development Plan!

Houses are on too small
of lots. There should only
be 15 houses - too small
houses.

Name:

Kristi Wolow

Address:

4710 Pin Oaks Rockwall TX
75032

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE

Notice of Public Hearing • City of Rockwall • 385 South Goliad Street • Rockwall, TX 75087 • [P] (972) 771-7745 • [F] (972) 771-7748

Got the Plot Approved over Holiday with no notice!

From: [Planning](#)
To: [Brooks, Korey](#)
Subject: FW: Case No Z2019-011: Amendment to PD-47
Date: Tuesday, May 07, 2019 10:06:05 AM

From: Joe Zylka [REDACTED]
Sent: Tuesday, May 7, 2019 9:36 AM
To: Planning <planning@rockwall.com>
Subject: RE: Case No Z2019-011: Amendment to PD-47

Thanks Laura,

I am in favor of items 2 and 5.

I am opposed to item 9.

Please record this.

My address is below.

4725 Benton Ct.
Rockwall, TX 75032

Joe Zylka, Principal – Project Management/Operations
Paladin Partners

13465 Midway Road, Suite 450
Dallas, Texas 75244

C: 214.476.1215
[REDACTED]

From: Planning <planning@rockwall.com>
Sent: Tuesday, May 7, 2019 9:31 AM
To: Joe Zylka [REDACTED]
Subject: RE: Case No Z2019-011: Amendment to PD-47

Yes sir, please see below link.

PD-47: <http://www.rockwall.com/pz/Planning/Planned%20Development%20Districts/PD-047.pdf>

Laura

From: Joe Zylka [REDACTED]
Sent: Tuesday, May 7, 2019 8:34 AM

To: Planning <planning@rockwall.com>
Subject: RE: Case No Z2019-011: Amendment to PD-47

Thank you. Do you have the original so I can see what is being amended?

Joe Zylka, Principal – Project Management/Operations
Paladin Partners

13465 Midway Road, Suite 450
Dallas, Texas 75244

C: 214.476.1215
[REDACTED]

From: Planning <planning@rockwall.com>
Sent: Tuesday, May 7, 2019 8:04 AM
To: Joe Zylka [REDACTED]
Subject: RE: Case No Z2019-011: Amendment to PD-47

Good morning,
I've included the link to the documents provided for the proposed amendment which will give you the information you are requested. Feel free to contact me should you have additional comments.
Thank you.

Link: <http://www.rockwall.com/pz/Planning/Development%20Cases/2019/Z2019-011.pdf>

Laura

From: Joe Zylka [<mailto:Joe.Zylka@paladin-partners.com>]
Sent: Tuesday, May 7, 2019 6:56 AM
To: Planning <planning@rockwall.com>
Subject: Case No Z2019-011: Amendment to PD-47

Hello, my name is Joe Zylka and I received the notification regarding the amendment.

Can you provide clarification on what is being requested in the amendment?

Joe Zylka, Principal – Project Management/Operations
Paladin Partners

13465 Midway Road, Suite 450
Dallas, Texas 75244

C: 214.476.1215
[REDACTED]



April 12, 2019

Mr. Ryan Miller, AICP
385 S Goliad
Rockwall, Texas 75032

**RE: Whisper Rock
Zoning Amendment**

Dear Mr. Miller:

We are formally requesting to amend the PD-47 with the following changes:

SECTION 5

- Item 2. Any structure constructed on lots in the tract shall have a minimum of 60% masonry exclusive of any windows. Any siding shall be cementous fiber material, with strict HOA over sight.
- Item 5. 55% maximum lot coverage of main house only, exclusive of driveway, pools & sidewalks.
- Item 9. No garages shall face street unless 20' back from front of structure. J swings allowed.

If you have any questions or have additional comments, please do not hesitate to contact me at 972-941-8410 or by email at matt@ecdip.com

Thank you,

Todd Winters, P.E.
Engineering Concepts & Design, L.P.

CITY OF ROCKWALL

ORDINANCE NO. 19-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 47 (PD-47) [*ORDINANCES 99-17 AND 07-04*] AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING THE DEVELOPMENT STANDARDS APPROVED WITH *ORDINANCE NO. 99-17*, BEING A 14.4712-ACRE TRACT OF LAND IDENTIFIED TRACT 104 OF THE E. TEAL SURVEY, ABSTRACT NO. 207 AND LOT 1, BLOCK A, FIRST CHRISTIAN CHURCH DISCIPLES OF CHRIST ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, ZONED PLANNED DEVELOPMENT DISTRICT 47 (PD-47) AND MORE FULLY DEPICTED HEREIN BY *EXHIBIT 'A'* AND DESCRIBED HEREIN BY *EXHIBIT 'B'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF 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, the City has received a request by the applicant Scott Lewis of RRDC, LTD for the approval of an amendment to Planned Development District 47 (PD-47) for the purpose of amending the development standards approved with *Ordinance 99-17*, being a 14.4712-acre tract of land identified as Tract 104 of the E. Teal Survey, Abstract No. 207 and Lot 1, Block A, First Christian Church Disciples of Christ Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 47 (PD-47) [*Ordinances 99-17 and 07-04*], generally located at the northeast corner of the intersection of Ridge Road [*FM-740*] and White Road and more fully depicted in *Exhibit 'A'* and described in *Exhibit 'B'* of this ordinance, which hereinafter 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, and the governing body in the exercise of its legislative discretion, has concluded that Planned Development District 47 (PD-47) [*Ordinance No.'s 99-17 & 07-04*] and the Unified Development Code [*Ordinance No. 04-38*] should be amended as follows:

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

SECTION 1. That the approval of this ordinance shall supersede all requirements stipulated in *Ordinance No.'s 99-17 & 07-04*;

SECTION 2. That the *Subject Property* shall be used only in the manner and for the purposes authorized by this Planned Development District ordinance and the Unified Development Code (UDC) [*Ordinance No. 04-38*] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as may be amended in the future;

SECTION 3. That development of the *Subject Property* shall be in accordance with the

Planned Development Concept Plan, contained in *Exhibit 'C'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'C'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

SECTION 4. That development of the *Subject Property* shall be in accordance with the *Planned Development Standards*, described in *Exhibit 'D'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'D'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

SECTION 5. That 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 offense and each and every day such offense shall continue shall be deemed to constitute a separate offense;

SECTION 6. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code, 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 for this ordinance are declared to be severable;

SECTION 7. The standards in this ordinance shall control in the event of a conflict between this ordinance and any provision of the Unified Development Code or any provision of the City Code, ordinance, resolution, rule, regulation, or procedure that provides a specific standard that is different from and inconsistent with this ordinance. References to zoning district regulations or other standards in the Unified Development Code (including references to the *Unified Development Code*), and references to overlay districts, in this ordinance or any of the Exhibits hereto are those in effect on the date this ordinance was passed and approved by the City Council of the City of Rockwall, Texas;

SECTION 8. 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 3RD DAY OF JUNE, 2019.

Jim Pruitt, *Mayor*

ATTEST:

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

Z2019-011: Amendment to PD-47
Ordinance No. 19-XX; PD-47

Page 2

City of Rockwall, Texas

Frank J. Garza, *City Attorney*

1st Reading: May 20, 2019

2nd Reading: June 3, 2019

DRAFT
ORDINANCE
05.20.2019

Exhibit 'A' Zoning Exhibit

Legal Description: Tract 104 of the E. Teal Survey, Abstract No. 201 and Lot 1, Block A, First Christian Church Disciples of Christ Addition



Exhibit 'B':
Legal Description

Area 1

STATE OF TEXAS
COUNTY OF ROCKWALL

WHEREAS RRDC, LTD., BEING THE OWNER OF A TRACT OF land in the County of Rockwall, State of Texas, said tract being described as follows:

BEING a 9.477 acre tract of land situated in the Edward Teal Survey, Abstract No. 207, City of Rockwall, Rockwall County, Texas and being all of a called 9.4769 acre tract of land described in a deed to RRDC, LTD., recorded as instrument No. 20170000023557, Deed Records of Rockwall County, Texas (DRRCT), and being more particularly described as follows:

BEGINNING at a 5/8" iron rod with a yellow plastic cap stamped "RPLS 3963" set for corner in the iron rod with a yellow plastic cap stamped "RPLS 3963" set for corner in the RPLS 3963" set for corner in the set for corner in the east right-of-way line of Ridge Road (FM 740) at the northwest corner of said 9.4769 acre tract;

THENCE South 85 degrees 43 minutes 42 seconds East along the north line thereof and partly with the south lines of the original Benton Court Addition, an Addition to the City of Rockwall recorded in Cabinet D, Slide 69, and Benton Woods, an Addition to the City of Rockwall recorded in Cabinet C, Slide 254, all recorded in the Plat Records of Rockwall County, Texas (PRRCT), for a total distance of 559.60 feet to a point for corner near the base of a steel fence post at the northeast corner of said 9.4769 acre tract, common to the southwest corner of a called 12.000 acre tract described in a deed to Craig Duhon et ux, recorded in Volume 693, Page 228, (DRRCT), from which a 5/8" iron rod with a yellow plastic cap stamped "RPLS 3963" set for iron rod with a yellow plastic cap stamped "RPLS 3963" set for RPLS 3963" set for set for reference bears South 65 degrees 09 minutes 20 seconds West, a distance of 39.51 feet;

THENCE South 00 degrees 10 minutes 53 seconds West, along the common line of last mentioned tracts, a distance of 679.81 feet to a point for corner near the base of a plastic fence post at the southeast corner of said 9.4769 acre tract, common to the northeast corner of Lot 1, Block A, First Christian Church, Disciples of Christ, an Addition to the City of Rockwall recorded in Cabinet E, Slide 361 (PRRCT), from which a 5/8" iron rod with a yellow plastic cap iron rod with a yellow plastic cap stamped "RPLS 3963" set for reference bears South 61 degrees 43 minutes 15 seconds West, a RPLS 3963" set for reference bears South 61 degrees 43 minutes 15 seconds West, a set for reference bears South 61 degrees 43 minutes 15 seconds West, a distance of 37.49 feet;

THENCE North 89 degrees 09 minutes 00 seconds West with the common line of said 9.4769 acre tract and said Lot 1, a distance of 625.70 feet to a point for corner at the common west corner thereof, and also being in the east line of said Ridge Road, from which a 3 1/4" TXDOT TXDOT Aluminum Disk found for reference bears South 49 degrees 53 minutes 40 seconds West, a distance of 0.50 feet;

THENCE North 05 degrees 42 minutes 52 seconds East with the East Right-of-Way line of said Ridge Road, a distance of 14.11 feet to a 3 1/4" TXDOT Aluminum Disk found at an angle point TXDOT Aluminum Disk found at an angle point thereof;

THENCE North 05 degrees 35 minutes 24 seconds East continuing with the East Right -of-way line of said Ridge Road, a distance of 701.50 feet to the POINT OF BEGINNING and containing 412,830 square feet or 9.477 acres of land.

Exhibit 'B':
Legal Description

Area 2

STATE OF TEXAS
COUNTY OF ROCKWALL

WHEREAS FIRST CHRISTIAN CHURCH OF ROCKWALL, TEXAS, BEING THE OWNER OF A TRACT OF land in the County of Rockwall, State of Texas, said tract being described as follows:

BEING a 5.231 acre tract of land situated in the Edward Teal Survey, Abstract No. 207, City of Rockwall, Rockwall County, Texas and being all of Lot 1, Block A, First Christian Church, Disciples of Christ, Rockwall, Texas Addition, recorded in Cabinet E, Slide 361, Plat Records of Rockwall County, Texas (PRRCT), said 5.231 acre tract being more particularly described as follows:

BEGINNING at a point for corner near the base of a plastic fence post at the southeast corner of a called 9.4769 acre tract of land described in deed to RRDC, Ltd., recorded in Instrument 20170000023557, Deed Records, Rockwall, County, Texas (DRRCT), common to the northeast corner of said Lot 1, said corner being in the west boundary line of a called 12 acre tract of land described in a deed to Craig R. Duhon and Donna L. Duhon, recorded in Volume 693, Page 228, (DRRCT), from which a 5/8-inch iron rod with a yellow plastic cap stamped RPLS 3963 found for reference bears South 61 degrees 46 minutes 53 seconds West, a distance of 37.56 feet;

THENCE South 00 degrees 07 minutes 41 seconds West, along the common line of said Lot 1 and said 12 acre tract, a distance of 353.00 feet to a 5/8-inch iron rod with a yellow plastic cap stamped RPLS 3963 set for the southeast corner of said Lot 1, said corner being in the north right-of-way line of White Road, a variable width right-of-way;

THENCE North 89 degrees 08 minutes 58 seconds West, along the common line of said Lot 1 and said White Road, a distance of 671.35 feet to a 5/8-inch iron rod with a yellow plastic cap stamped RPLS 3963 set for the southwest corner of said Lot 1, said corner being at the Ridge Road and said Lot 1, a distance of 50.66 feet to a TxDOT monument found for corner;

THENCE North 05 degrees 45 minutes 12 seconds East, continuing along the common line of said Ridge Road and said Lot 1, a distance of 237.59 feet to the northwest corner of said Lot 1 and the southwest corner of said 9.4769 acre tract, from which a TxDOT monument bears South 58 degrees 52 minutes 38 seconds West, a distance of 0.41 feet;

THENCE South 89 degrees 09 minutes 00 seconds East, along the common line of said Lot 1 and said 9.4769 acre tract, a distance of 625.79 feet to the POINT OF BEGINNING and containing 227,854 square feet or 5.231 acres of land.

Exhibit 'C':
Location Map/Area Concept Plan

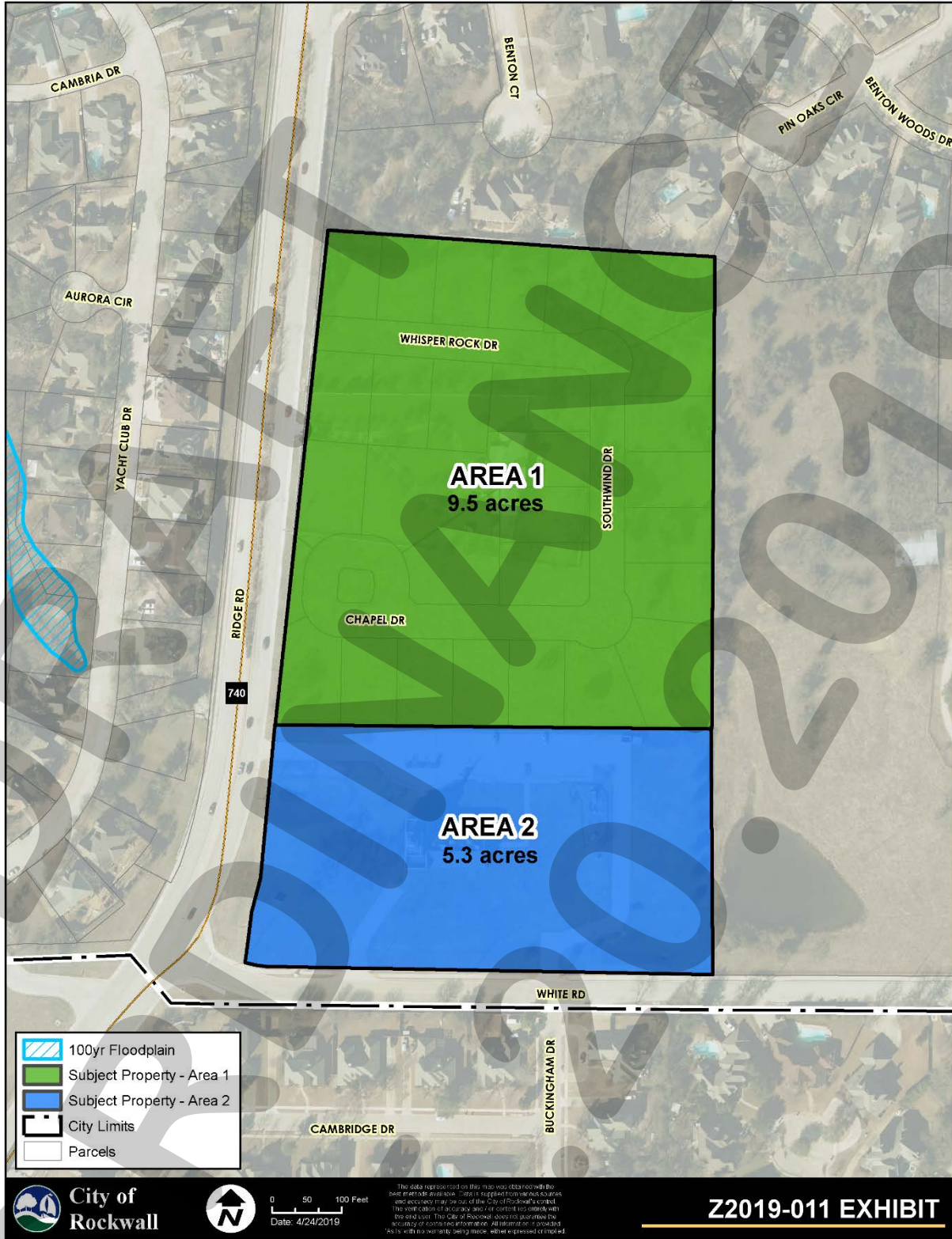


Exhibit 'D':
PD Development Standards

Area 1: Single-Family 10 (SF-10) District [9.477-Acres]

- (1) **Permitted Uses.** Unless specifically provided by this Planned Development ordinance, *Area 1* as depicted in *Exhibit 'C'* of this ordinance shall be subject to the land uses permitted for the Single-Family 10 (SF-10) District as stipulated by the *Permissible Use Charts* contained in Article IV, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 04-38*] as heretofore amended, as amended herein by granting this zoning change, and as may be amended in the future.
- (2) **Density and Dimensional Requirements.** Unless specifically provided by this Planned Development ordinance, *Area 1* as depicted in *Exhibit 'C'* of this ordinance shall be subject to the development standards for the Single-Family 10 (SF-10) District as stipulated in Article V, *District Development Standards*, of the Unified Development Code [*Ordinance No. 04-38*] as heretofore amended, as amended herein by granting this zoning change, and as may be amended in the future. All lots shall conform to the standards depicted in *Table 1*, which are as follows:

Table 1: Density and Dimensional Requirements

Minimum Lot Width ⁽¹⁾	80'
Minimum Lot Depth	100'
Minimum Lot Area	10,000 SF
Minimum Front Yard Setback ⁽²⁾	25'
Minimum Side Yard Setback	6'
Minimum Distance Between Buildings	10'
Maximum Height	36'
Minimum Rear Yard Setback	10'
Maximum Lot Coverage	55%
Minimum Dwelling Size	3,000 SF

General Notes:

¹: The minimum lot width shall be measured at the *Front Yard Building Setback*.

²: The location of the *Front Yard Building Setback* as measured from the front property line.

- (3) **Building Standards.** Housing type and construction shall adhere to the following building standards:
 - (a) **Masonry Requirements.** The minimum masonry requirement for the exterior façades of all buildings shall be 60% primary materials and/or a maximum of 20% secondary materials, excluding windows and doors. For the purpose of this ordinance, primary materials shall consist of stone, brick, and cementitious materials. The use of cementitious materials (e.g. stucco, cementitious lap siding, or similar materials) shall be limited to 40% of the building's exterior façade.
 - (b) **Anti-Monotony.** An anti-monotony standard shall not allow the same structure—in terms of materials and elevation--any closer than four (4) houses apart on either side of the street.
 - (c) **Common Areas and Open Space.** All common areas, dedicated landscape easements, and open space areas shall be maintained by a Homeowner's Association, which shall be created subject to the requirements of the City's Subdivision Ordinance.
 - (d) **Garage Orientation.** Garages shall be oriented in a traditional swing (or j-swing). Garages configured in a flat, front entry configuration shall be setback a minimum of 20 feet from the front façade of the primary structure. All garage doors shall be required to have upgraded finishes (e.g. *divided garage bay doors, carriage style hardware and lighting elements, cedar clad garage doors, or a similar alternative -- to be approved by staff*). All garage configurations not conforming to this section shall meet the

Exhibit 'D':
PD Development Standards

requirements of Article VI, Parking and Loading, of the Unified Development Code (UDC).

Area 2: Single-Family 10 (SF-10) District [4.9995-Acres]

- (1) *Permitted Uses.* Unless specifically provided by this Planned Development ordinance, Area 2 as depicted in *Exhibit 'C'* of this ordinance shall be subject to the land uses permitted for the Single-Family 10 (SF-10) District as stipulated by the *Permissible Use Charts* contained in Article IV, *Permissible Uses*, of the Unified Development Code (UDC) [Ordinance No. 04-38] as heretofore amended, as amended herein by granting this zoning change, and as may be amended in the future however, the following conditions shall apply:

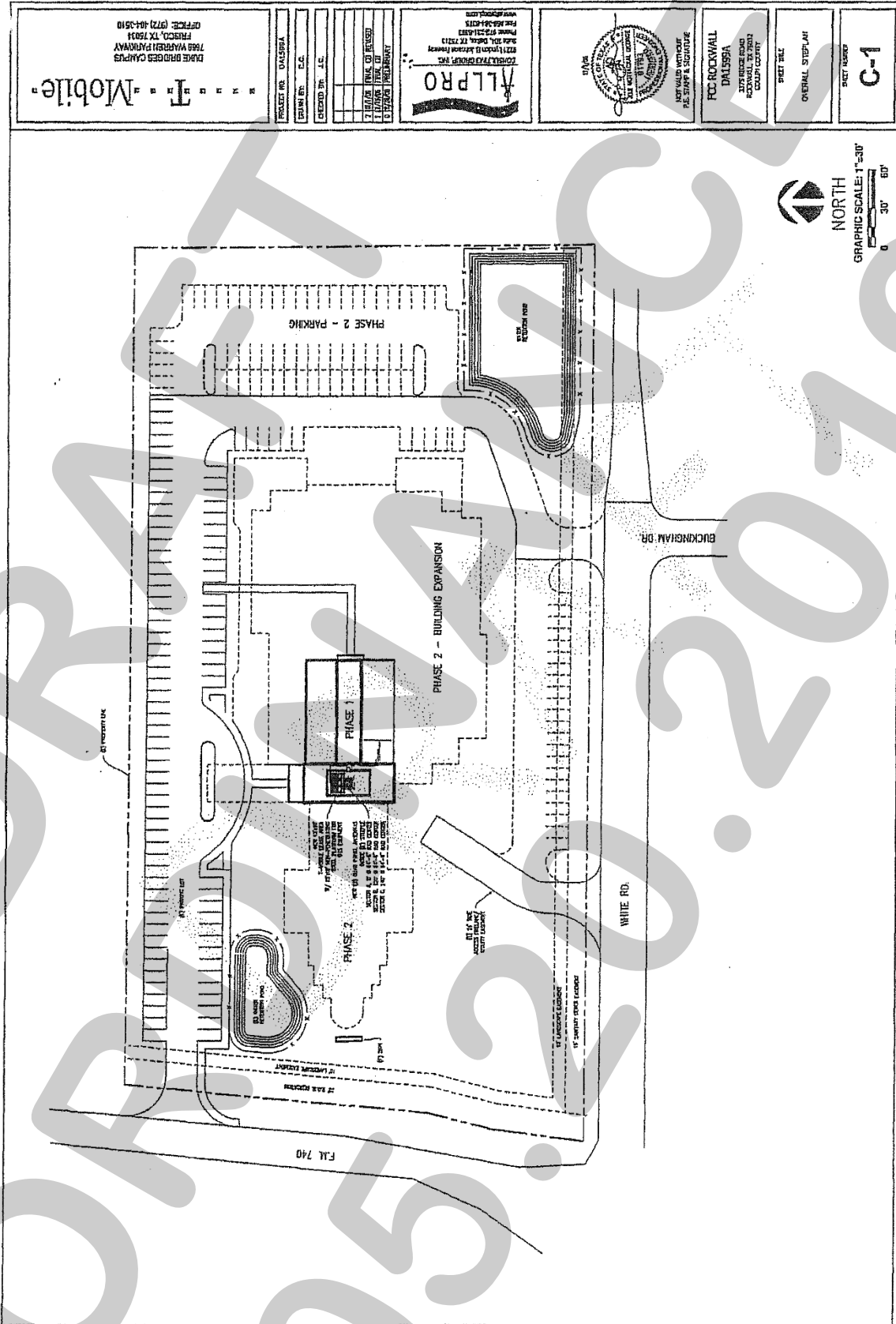
The following land use shall be permitted in Area 2:

- Antenna, Commercial*

NOTES: 1) All equipment shall be contained interior to the building 2) The height of the structure shall remain as depicted in *Exhibit 'E'* of this ordinance.

- (2) *Density and Dimensional Requirements.* Any development in Area 2 as depicted in *Exhibit 'C'* of this ordinance shall be subject to the development standards required for properties in a Single-Family 10 (SF-10) District as stipulated by Article V, *District Development Standards*, of the Unified Development Code [Ordinance No. 04-38] as heretofore amended, as amended herein by granting this zoning change, and as may be amended in the future.
- (3) *Building Standards.* Housing type and construction shall adhere to the following building standards:
- (a) *Masonry Requirements.* The minimum masonry requirement for the exterior façades of all buildings shall be 60% primary materials and/or a maximum of 20% secondary materials, excluding windows and doors. For the purpose of this ordinance, primary materials shall consist of stone, brick, and cementitious materials. The use of cementitious materials (e.g. stucco, cementitious lap siding, or similar materials) shall be limited to 40% of the building's exterior façade.
 - (b) *Anti-Monotony.* An anti-monotony standard shall not allow the same structure--in terms of materials and elevation--any closer than four (4) houses apart on either side of the street.
 - (c) *Common Areas and Open Space.* All common areas, dedicated landscape easements, and open space areas shall be maintained by a Homeowner's Association, which shall be created subject to the requirements of the City's Subdivision Ordinance.
- (4) *Garage Orientation.* Garages shall be oriented in a traditional swing (or j-swing). Garages configured in a front entry configuration shall be setback a minimum of 20 feet from the front façade of the primary structure. All garage doors shall be required to have upgraded finishes (e.g. *divided garage bay doors, carriage style hardware and lighting elements, cedar clad garage doors, or a similar alternative -- to be approved by staff*). All garage configurations not conforming to this section shall meet the requirements of Article VI, Parking and Loading, of the Unified Development Code (UDC).

Exhibit 'E':
Concept Plan



T-Mobile DAVE BRIDGES CAMPUS 7868 VANDERHART PARKWAY FRISCO, TX 75034 OFFICE: (972) 484-3510	PROJECT NO: DALISSA	APPROVED FOR THE CITY OF ROCKWALL DATE: 05/13/2019 BY: [Signature]	NOT VALID WITHOUT THE STAMP & SIGNATURE	FOC: ROCKWALL DALISSA 2075 KENNESA ROAD ROCKWALL, TX 75087 COUNTY LICENSE #	SHEET NO. 1 OVERALL SITE PLAN	SHEET NUMBER C-1
	CHECKED BY: J.C.					

NORTH
 GRAPHIC SCALE: 1"=30'
 0 30 60

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City of Rockwall
The New Horizon

MEMORANDUM

TO: Honorable Mayor and Council

FROM: Jeffrey Widmer, Building Official

DATE: May 20, 2019

SUBJECT: Special permit request for a front yard fence at 1406-A Ridge Road

Casey and Andrea Burke have requested to appear before the Council to seek approval of a special permit for a front yard fence for their property located at 1406-A Ridge Road. Any front yard fence in a residentially zoned area requires City Council approval.

Their desire is to build an 8 foot horizontal cedar fence within the front yard of the property.

I am including exhibits provided by the Burke's which contain a letter from the Burke's expressing their desire for the fence, an email between the Burke's and their Architect, a rendering showing what the proposed fence would look like as viewed from Ridge Road, a picture of the type of fence they desire to build and photos of the front of their property. In addition, I am including an aerial picture marked up, to show the proposed location for the fence.

May 14, 2019

Andrea & Casey Burke

PO Box 2514

Rockwall, TX 75087

Re: 1406A Ridge Rd.

Committee Members:

Dean Cathey, our builder, is submitting a request to build for us a contemporary stained cedar fence to abut the existing small brick building in front of our home, behind the 20' build line and turning to extend down the side property lines. If you are unfamiliar with the property, we have recently built the (blue) contemporary home on Ridge Road that faces the Rockwall Commons apartment complex. In order to preserve the existing very large mature trees, the house had to be placed below street level elevation. The driveway was already there when we bought the land and we oriented the house to use it. Having lived on Ridge Road before, we agreed that adapting to the challenges the land presented was worth it.

However, throughout the previous three and a half months since we took occupancy, we have been plagued nightly with red flashing lights from emergency vehicles, headlights from the cars exiting Rockwall Commons, (directly across from our driveway) and approaching northbound vehicles. We have over 250 drivers in the multi-family apartment complex across the street that may decide to leave home after dark and blast us with their head lights. With the traffic on Ridge Road already at a high volume and a second multi-family building opening soon a block away, we are seeking protection from a high volume of non-single-family traffic, nightly emergency vehicles and daily commercial vehicles. The purpose of the fence is to provide protection from intrusion, both visual and physical.

When we moved to Rockwall (1724 Ridge Road) in 2005, the large stone wall fronting Coast Royale was already there, built by its developers. When planning for 1406A Ridge Road, we knew we would need a barrier to protect us from what is not a residential street. We are requesting to use cedar material that will complement the cedar beams used on our home exterior, constructed with a strong horizontal line that will visually tie in with our concrete siding. The cedar material will enable us to install a solid surface gate that will blend in with the fence and provide the needed visual protection from the vehicles on the road and those exiting Rockwall Commons. We will keep the cedar professionally maintained.

Our plan is compliant with building behind the 20' required front yard. The required front yard was previously landscaped with a row of very large old crepe myrtles and other trees on the north side of the driveway and aside from additional pruning, the existing landscape will remain. The ground elevation at the build line is two to three feet lower than the curb, therefore, the fence will feel two to three feet shorter when seen from the street. We are very grateful for your consideration in this matter.

Andrea & Casey Burke, Homeowners

1406A Ridge Rd, Rockwall, Texas



01 | VIEW FROM RIDGE ROAD





Proposed style



street view 1



Panoramic Street (View 2)



Front Elevation of House



view from Rockwall Commons
exit



view of Rockwall
commons driveway from
house

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Cole, Kristy

From: Boyd, Joey
Sent: Wednesday, May 15, 2019 1:47 PM
To: Cole, Kristy
Cc: Crowley, Rick; Smith, Mary
Subject: FW: Bike Lane in John King

Please place an item on the agenda to discuss and consider bike lanes on John King Blvd. Thank you.

From: Crowley, Rick
Sent: Tuesday, May 14, 2019 12:49 PM
To: Smith, Mary <MSmith@rockwall.com>; Boyd, Joey <JBoyd@rockwall.com>; Williams, Amy <AWilliams@rockwall.com>
Subject: Fwd: Bike Lane in John King

Sent from my iPhone

Begin forwarded message:

From: "Trowbridge, Patrick" <PatrickTrowbridge@rockwall.com>
Date: May 14, 2019 at 10:05:02 AM CDT
To: Council Group <CouncilGroup@rockwall.com>, "Crowley, Rick" <RCrowley@rockwall.com>, "Williams, Amy" <AWilliams@rockwall.com>
Subject: Bike Lane in John King

Can we discuss next meeting?

Sent from my iPhone

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