

**ROCKWALL CITY COUNCIL REGULAR MEETING**

**Monday, May 15, 2023 - 5:00 PM**

**City Hall Council Chambers - 385 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 matter as authorized by Chapter 551 of the Texas Government Code:**

1. Discussion regarding appointment of Mayor Pro Tem and assignments for city council subcommittees and board liaisons, pursuant to Section, §551.074 (Personnel Matters)
2. Discussion regarding process associated with filling upcoming vacancy for City Council Member - Place 4, pursuant to Section 551.074 (Personnel Matters) and Section §551.071 (Consultation with Attorney)
3. Discussion regarding city noise and nuisance-related ordinances, pursuant to Section §551.071 (Consultation with Attorney)

**III. Adjourn Executive Session**

**IV. Reconvene Public Meeting (6:00 P.M.)**

**V. Invocation and Pledge of Allegiance - Councilmember Lewis**

**VI. Proclamations / Awards / Recognitions / Oaths of Office**

1. Swearing in of the following Newly Elected City Councilmembers by Matthew R. Scott, Presiding Judge - Rockwall Municipal Court:

- Tim McCallum - Place 1
- Clarence Jorif - Place 3
- Dennis Lewis - Place 5
- Trace Johannesen - Mayor
  - Mayor's report regarding goals for this term of office

2. Older Americans Month Proclamation

3. Police Memorial Week Proclamation

4. Public Works Week Proclamation

**VII. Open Forum**

*This is a time for anyone to address the Council and public on any topic not already listed on the agenda or set for a public hearing. Per Council policy, public comments should be limited to three minutes out of respect for other citizens' time. If you have a topic that warrants longer time, please contact the City Secretary at [kteague@rockwall.com](mailto:kteague@rockwall.com) to be placed on the Agenda during the "Appointment Items" portion of the meeting. This will allow your topic to be provided sufficient time for discussion and will permit proper notice to be given to the public. On topics raised during Open Forum, please know Council is not permitted to respond to your comments during the meeting since the topic has not been specifically listed on the agenda (the Texas Open Meetings Act requires that topics of discussion/deliberation be posted on an agenda not less than 72 hours in advance of the Council meeting). This, in part, is so that other citizens who may have the same concern may also be involved in the discussion.*

**VIII. Take any Action as a Result of Executive Session**

**IX. Consent Agenda**

*These agenda items are routine/administrative in nature, have previously been discussed at a prior City Council meeting, and/or they do not warrant Council deliberation. If you would like to discuss one of these items, please let the City Secretary know before the meeting starts so that you may speak during "Open Forum."*

1. Consider approval of the minutes from the May 1, 2023 city council meeting, and take any action necessary.
2. **P2023-010** - Consider a request by Cameron Slown, PE of Teague, Nall & Perkins, Inc. on behalf of the Alberto Dal-Cin of Discovery Lakes, LLC for the approval of a Master Plat for the Discovery Lakes Subdivision consisting of 289 single-family residential lots on a 316.315-acre tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract No. 100 and Tract 2 of the R. K. Brisco Survey, Abstract No. 16, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 78 (PD-78) for General Retail (GR) District and Single-Family 10 (SF-10) District land uses, generally located at the northeast corner of the intersection of SH-276 and Rochelle Road, and take any action necessary.
3. **P2023-011** - Consider a request by Cameron Slown, PE of Teague, Nall & Perkins, Inc. on behalf of the Alberto Dal-Cin of Discovery Lakes, LLC for the approval of a Preliminary Plat for Phase 2 of the Discovery Lakes Subdivision consisting of 31 single-family residential lots on a 27.465-acre portion of a larger 174.5990-acre tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract No. 100, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 78 (PD-78) Single-Family 10 (SF-10) District land uses, generally located at the northeast corner of the intersection of SH-276 and Rochelle Road, and take any action necessary.
4. Consider authorizing the City Manager to execute a contract for emergency repairs for the Heath Pump Station with Crescent Construction, Inc., in an amount not to exceed \$249,541.00, to be funded out of the Water and Sewer Fund, and take any action necessary.
5. Consider awarding a bid to Magnum Manhole and authorizing the City Manager to execute associated contract(s) in an amount not to exceed \$125,000 for the rehabilitation of 20 manholes within the city - to be funded by the Wastewater Operating Budget - and take any action necessary.

**X. Appointment Items**

1. Appointment with Planning & Zoning Commission representative to discuss and answer any questions regarding planning-related cases on the agenda.

**XI. Public Hearing Items**

*If you would like to speak regarding an item listed below, please turn in a (yellow) "Request to Address City Council" form to the City Secretary either before the meeting or as you approach the podium. The Mayor or Mayor Pro Tem will call upon you to come forth at the proper time. Please limit your comments to no more than three minutes.*

1. **Z2023-021** - Hold a public hearing to discuss and consider a request by James Stringfellow and Bethany Rood of Stingfellow Holdings, LLC for the approval of an **ordinance** for a Zoning Change from a Single-Family 10 (SF-10) District to a Single-Family 7 (SF-7) District for a 1.2811-acre parcel of land identified as Lot 2, Block A, North Alamo Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 405 N. Alamo Road, and take any action necessary (**1st Reading**).
2. **Z2023-022** - Hold a public hearing to discuss and consider a request by Dub Douphrate of Douphrate and Associates on behalf of Dewayne Cain for the approval of an **ordinance** for a Specific Use Permit (SUP) for a Freestanding Commercial Antenna on a 0.1234-acre tract of land identified as a portion of Tract 14 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 100 (PD-100) for Single-Family 1 (SF-1) and General Retail (GR) District land uses, situated within the East SH-66 Overlay (E. SH-66 OV) District, generally located southside of SH-66 east of the intersection of SH-66 and Davis Drive, and take any action necessary (**1st Reading**).
3. **Z2023-023** - Hold a public hearing to discuss and consider the approval of an **ordinance** for a Text Amendment to Article 04, Permissible Uses, and Article 13, Definitions, of the Unified Development Code (UDC) for the purpose of creating an Alcoholic Beverage Package Sales land use, and take any action necessary (**1st Reading**).

**XII. 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 Teague, 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 12th day of May, 2023 at 4:30 PM and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

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

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Date Removed

# Rockwall, Texas Proclamation

*Whereas*, the City of Rockwall includes a growing number of older Americans who contribute their time, wisdom, and experience to our community; and

*Whereas*, communities benefit when people of all ages, abilities, and backgrounds are welcomed, included, and supported; and

*Whereas*, Rockwall recognizes our need to create a community that provides services and support to older Americans who need to thrive and live independently for as long as possible; and

*Whereas*, this year's theme - "Aging Unbound" - offers an opportunity to explore diverse aging experiences of Older Americans and discuss how communities can combat stereotypes; and

*Whereas*, Rockwall can work to build an even better community for our older residents by:

- planning programs that encourage independence;
- ensuring activities are responsive to individual needs and preferences; and
- increasing access to services that support aging in place.

*Now, Therefore*, I, Trace Johannesen, Mayor of the City of Rockwall, do hereby proclaim the month of **May 2023** as:

## **OLDER AMERICANS MONTH**

in the City of Rockwall and urge every resident to recognize the contributions of our older citizens, help to create an inclusive society, and join efforts to support older Americans' choices about how they age in their communities.

*In Witness Whereof*, I hereunto affix my hand and official seal this 15<sup>th</sup> day of May, 2023.

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Trace Johannesen, Mayor

Rockwall  Texas  
Proclamation

*Whereas*, more than 800,000 law enforcement officers serve across the U.S., including all the dedicated, sworn members of the Rockwall Police Department; and

*Whereas*, since the first recorded police death in 1786, over 23,000 law enforcement officers have been killed in the line of duty, and 23,229 names are currently engraved on the walls of the National Law Enforcement Officers Memorial; and

*Whereas*, according to the most recent FBI Uniform Crime Report, 60,105 assaults against law enforcement officers occurred in 2020, resulting in 18,568 injuries; and

*Whereas*, the New York City Police Department has lost more officers in the line of duty than any other in the nation with Texas having lost 1,981 officers – more than any other state in the nation; and

*Whereas*, in 2023, the names of 556 officers killed in the line of duty will be added to the National Law Enforcement Officers Memorial, including 224 killed in 2022 and an additional 332 officers who passed away in previous years; and

*Whereas*, May 15 is nationally designated as “Peace Officers Memorial Day” in honor of fallen officers and their families, and U.S. flags are flown at half-staff that day.

*Now, Therefore*, I, Trace Johannesen, Mayor of the City of Rockwall, Texas, do hereby proclaim **May 14 – 20, 2023** as

## **POLICE MEMORIAL WEEK**

in the City of Rockwall, and urge all citizens to honor the memories of law enforcement officers killed in the line of duty and to applaud the service of law enforcement officers who continue to protect our communities and help safeguard our democracy.

*In Witness Whereof*, I hereunto affix my hand and official seal this 15<sup>th</sup> day of May, 2023.

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Trace Johannesen, Mayor



# Proclamation

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

*Whereas*, the support of understanding informed citizens 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 public'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, Trace Johannesen, Mayor of the City of Rockwall, do hereby proclaim the week of **May 21-27, 2023**, as:

## **PUBLIC WORKS WEEK**

in the City of Rockwall, and encourage all citizens to acquaint themselves with the efforts involved in providing our city's "public works" and to 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 15<sup>th</sup> day of May, 2023.

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Trace Johannesen, Mayor

**ROCKWALL CITY COUNCIL REGULAR MEETING**

**Monday, May 01, 2023 - 5:00 PM**

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

**I. CALL PUBLIC MEETING TO ORDER**

Mayor Fowler called the meeting to order at 5:00 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem Trace Johannesen and Councilmembers Dennis Lewis, Clarence Jorif, Anna Campbell, Bennie Daniels and Mark Moeller. Also present were City Manager Mary Smith, Assistant City Manager Joey Boyd and City Attorney Frank Garza. Mayor Fowler then read the below-listed discussion items into the record before recessing the public meeting to go into Executive Session.

**II. EXECUTIVE SESSION.**

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

1. Discussion regarding possible sale/purchase/lease of real property in the vicinity of the downtown area, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney)
2. Discussion regarding process associated with filling upcoming vacancy for City Council Member - Place 4, pursuant to Section 551.074 (Personnel Matters) and Section §551.071 (Consultation with Attorney)
3. Discussion regarding status of *North TX Municipal Water District (NTMWD) v. City of Heath* lawsuit, pursuant to Section 551.071 (Consultation with Attorney)

**III. ADJOURN EXECUTIVE SESSION**

**Council adjourned from Ex. Session at 5:57 p.m.**

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

Mayor Fowler reconvened the public meeting at 6:00 p.m. with all seven council members being present.

**V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER MOELLER**

**Councilmember Moeller delivered the invocation and led the Pledge of Allegiance.**

**VI. PROCLAMATIONS / AWARDS / RECOGNITIONS**

1. Lemonade Day Proclamation - Rockwall Area Chamber of Commerce
2. Professional Municipal Clerks Week Proclamation
3. National Day of Prayer Proclamation
4. Mental Health Awareness Month Proclamation
5. Rockwall County's Sesquicentennial Recognition Day Proclamation
6. Recognition of outgoing city councilmembers - Bennie Daniels (Place 1) and Kevin Fowler (Mayor)

Mayor Fowler read and presented each of the above noted proclamations (#s 1 – 5) to respective representatives who were present to accept each one. Regarding item #6 above, Mayor Fowler read a proclamation recognizing Councilmember Bennie Daniels for his years of dedicated service on the Rockwall City Council. Councilman Daniels briefly spoke, generally expressing gratitude to his Lord and Savior, Jesus Christ, his wife of nearly 61 years, Gloria, his fellow council members, city staff and the citizens of Rockwall. Mayor Pro Tem Johannesen then came forth and presented a proclamation to Mayor Kevin Fowler, recognizing him for his service as a councilman and as mayor of the city. Mayor Fowler expressed gratitude to his family, friends, staff, and the public for allowing him the opportunity to serve. Thereafter, Michael Caffey, on behalf of the Rockwall Professional Firefighters Association, then came forth and provided brief remarks, thanking Councilman Daniels and Mayor Fowler for all of their support of public safety and for their years of service to the city.

Mayor Fowler explained how Open Forum is conducted, asking if anyone would like to come forth and speak at this time.

VII. OPEN FORUM

Jim Pruitt  
209 Stonebridge  
Rockwall, TX

Former Mayor, Jim Pruitt came forth and shared that her daughter, who is currently on the Youth Advisory Council and is a high school student now, was six years old when he first began serving on Council. He went on to provide brief comments of gratitude to both Councilmember Daniels and Mayor Fowler for their service to this city and its citizens.

Tisa White  
3718 Huntcliff Drive  
Rockwall, TX

Mrs. White came forth and shared that this is her third visit to City Council to express concerns about The Northside (Bar and Grill) and the noise emitting from this business. She thanked Councilmember Jorif in particular for the attention and work he has given to the noise concerns. She shared that the noise is invasive, and it is daily and it is 'hour after hour.' Despite multiple requests to the owners to lower the volume, she and her neighbors are repeatedly subjected to loud noise in their backyards and in their homes. She shared that she emailed Council Members a photo today that shows grass that has been worn down behind her home from patrons walking to/from The Northside venue. She expressed that the venue is a good idea; however, it is not located in an appropriate location. She earnestly urged Council to not 'sweep this under the rug' but rather go ahead and extend the city's noise ordinance regulations to beyond 500' of the city limits line.

Mayor Fowler shared that the city is working to put up 'no parking signs.' Fowler went on to share that the proposed ordinance sets a '55' decibel limit, and it has to be measured for a 30 minute time period. So if the noise drops below that level during a 30 minute timeframe, the clock resets. So, he believes that an ordinance won't solve the problem. So, he eagerly suggested that an alternative, better solution needs to be found.



Jennifer Dayman  
519 Cellars Court  
Rockwall, TX

Mrs. Dayman shared that she has concerns about noise emitting from The Northside Bar & Grill. She believes that extending the city's noise ordinance to 500' beyond the city's city limit line is reasonable. She believes she has a right to live in peace without the noise, just like any other city resident who lives elsewhere in the city (not so near the city limits line). She reiterated that she and her neighbors live with the noise daily, and it is difficult to not view that the concerns are being 'swept under the rug.' She thanked Councilmember Jorif for visiting her and her neighbors' homes to truly listen and experience what she and her neighbors are experiencing regularly.

Yvonne Sullivan  
521 Cellars Court  
Rockwall, TX

Mrs. Sullivan also has concerns about The Northside Bar & Grill. She agrees with Mrs. Dayman's support of extending the city's noise ordinance to beyond 500' of the city limits line. She understands the business exists in the county's jurisdiction, and she blames the county a lot for what all is occurring at that business. She explained that the land on which the business sits is surrounded by neighborhoods and homes, and it is just not in a good location. She is upset about the possibility of having to be forced to sell her home and leave. She believes she has lost a lot of home value as a result of these concerns, and it will be difficult to sell her home if she has to do so. She shares that at 10:30 AM this past Sunday morning, she heard karaoke ("practice"). Then, it started back up later that afternoon around 4:30 p.m. She does not believe that them closing at 10:00 p.m. is 'fair,' and it is not desirable to the neighbors who are impacted. She will appreciate and welcome any ideas and help the city may be able to provide.

Karla Mussetter  
516 Cellars Court  
Rockwall, TX

Mrs. Mussetter shared that she has lived in that home for almost 32 years, and her home was the first one built on the cul-de-sac. Her neighbors are all wonderful, and they are all reflective of what Rockwall represents. They are all good people, and they exhibit "the Golden Rule." She expressed concern about the very loud music that continues to emit from The Northside Bar & Grill. She is not able to sit out and read a book on her back porch because of all of the loud, loud music and karaoke that emits from the venue. This is the first time in 32 years that she has come to a Council meeting, so this is a very important topic. She thanked Councilmember Jorif for coming out yesterday and for spending at least an hour to listen and observe the loud music and discuss the concerns. She urged Council to help in any way possible and to be reasonable about helping to solve the concerns.

There being no one else wishing to come forth and speak, Mayor Fowler closed Open Forum.

VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Johannesen moved to authorize the city manager to negotiate and execute an agreement with the Cain Irrevocable Family Trust for land uses in downtown Rockwall. Councilmember Jorif seconded the motion, which passed unanimously of Council (7 ayes to 0 nays).

**IX. CONSENT AGENDA**

1. Consider approval of the minutes from the April 17, 2023 regular city council meeting, and take any action necessary.
2. **Z2023-014** - Consider a request by Julius Waffer for the approval of an **ordinance** for a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision on a 1.0620-acre parcel of land identified as Lot 22 of the Canup Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Southside Residential Neighborhood Overlay (SRO) District, addressed as 512 Dickey Street, and take any action necessary **(2nd Reading)**.
3. **Z2023-015** - Consider a request by Martha Balleza and Ana Quezada for the approval of an **ordinance** for a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision on a 0.1650-acre parcel of land identified as Lot 1290 of the Lake Rockwall Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District, addressed as 223 Russell Drive, and take any action necessary **(2nd Reading)**.
4. **Z2023-017** - Consider a request by Javier Silva on behalf of Nixon Estate and Judy Wible the approval of an **ordinance** for a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision on a 0.16-acre parcel of land identified as Lot 11, Block C, Foree Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 711 Parks Avenue, and take any action necessary **(2nd Reading)**.
5. **Z2023-019** - Consider the approval of an **ordinance** for a Text Amendment to Article 04, Permissible Uses, and Article 13, Definitions, of the Unified Development Code (UDC) to create a Credit Access Business land use, and take any action necessary **(2nd Reading)**.
6. **Z2023-020** - Consider the approval of an **ordinance** for an Amendment to the Comprehensive Plan for the purpose of adopting changes to the Master Thoroughfare Plan contained in Appendix 'C', Maps, and take any action necessary **(2nd Reading)**.
7. **P2023-008** - Consider a request by Daniel Boswell of RIV Properties on behalf of Brad Boswell of RIV Properties for the approval of a Conveyance Plat for Lots 1 & 2, Block A, George Morton Estates Addition being a 3.59-acre tract of land identified as Lots 1 & 2, Block 1; Lots 1, 2, 3, & 4, Block 2; Lots 1, 2, 3, & 4, Block 3; Lots 1, 2, 3, & 4, Block 5; Lots 1 & 2 and a portion of Lots 3 & 4, Block 6; Lots 2, 3, & 4, Block 7; Lots 1 & 2, Block 8; and Lots 1, 2, 3, & 4, Block 9, Moton Addition, City of Rockwall, Rockwall County, Texas, situated within the Hillside Mixed Use Subdistrict and the Horizon/Summer Lee Subdistrict of Planned Development District 32 (PD-32), generally located at the southwest corner of the intersection of Horizon Road and Summer Lee Drive, and take any action necessary.
8. **P2023-009** - Consider a request by Bob Pruett of Urban Structure on behalf of Garrett Poindexter of Cambridge Properties, LLC for the approval of a Final Plat for Lots 1 & 2, Block A, Cambridge Estates Addition being a 6.247-acre tract of land identified as Tract 3 of the J. M. Allen Survey, Abstract No. 2, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 10 (PD-10) for Commercial (C) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District and the SH-276 Overlay (SH-276 OV) District, situated at the southeast corner of the intersection of John King Boulevard and Discovery Boulevard, and take any action necessary.

**Councilmember Lewis moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7 and 8). Councilmember Campbell seconded the motion. The ordinance captions were read as follows:**

**CITY OF ROCKWALL  
ORDINANCE NO. 23-27  
SPECIFIC USE PERMIT NO. S-302**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT  
CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL,**

ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 1.0620-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 22 OF THE CANUP ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; 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.

CITY OF ROCKWALL  
ORDINANCE NO. 23-28  
SPECIFIC USE PERMIT NO. S-303

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 75 (PD-75) [*ORDINANCE NO. 16-01*] AND THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.1690-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 1290 OF THE LAKE ROCKWALL ESTATES #2 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; 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.

CITY OF ROCKWALL  
ORDINANCE NO. 23-29  
SPECIFIC USE PERMIT NO. S-304

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.16-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 11, BLOCK C, FOREE ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; 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.

**CITY OF ROCKWALL  
ORDINANCE NO. 23-30**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING ARTICLE 04, *PERMISSIBLE USES*, AND ARTICLE 13, *DEFINITIONS*, AS DEPCITED IN *EXHIBIT 'A'* OF THIS ORDINANCE; 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.**

**CITY OF ROCKWALL  
ORDINANCE NO. 23-31**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ADOPTING REVISIONS TO THE MASTER THOROUGHFARE PLAN CONTAINED WITHIN THE OURHOMETOWN VISION 2040 COMPREHENSIVE PLAN IN ACCORDANCE WITH THE CITY'S HOME RULE CHARTER.**

**The motion to approve the Consent Agenda passed by a vote of 7 ayes to 0 nays.**

**X. APPOINTMENT ITEMS**

1. Appointment with representatives of the City of Rockwall Youth Advisory Council (YAC) to hear year-end program report and recognize graduating high schools seniors.

**Jaxson Stuart, James Martinez and Emily Nielsen came forth and briefed Council on the various activities they and their YAC peers were involved in throughout this school year. The YAC members thanked City Secretary Kristy Teague and Councilmembers Jorif and Campbell for the work they do related to the YAC program and its students each school year. Councilmembers Jorif and Campbell, along with Mrs. Teague, then recognized three graduating high school seniors – Karmen Fumey-Nassah, Morgan Crosby and Jaxson Stuart, wishing each of them well in their future endeavors. They also recognized Payton Larson, whose family is moving away soon to Florida. No action was taken by Council related to this agenda item.**

**XI. ACTION ITEMS**

1. Discuss and consider (re)appointments to the city's Historic Preservation Advisory Board and the Main Street Advisory Board, and take any action necessary.

**Councilmember Moeller moved to appoint Chad Fogg to begin serving on the city's Main Street Advisory Board for an initial term to run through January of 2025. Councilmember Campbell seconded the motion, which passed unanimously (7 - 0).**

**Councilmember Moeller then moved to appoint Alison McNeely to the Historic Preservation Advisory Board for a term to run through August of 2024 and to reappoint Tiffany Miller, whose term will also run through August of 2024. Councilmember Jorif seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

**XII. CITY MANAGER'S REPORT, DEPARTMENTAL REPORTS AND RELATED DISCUSSIONS PERTAINING TO CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**

1. Building Inspections Department Monthly Report - March 2023
2. Fire Department Monthly Report - March 2023
3. Police Department Monthly Report - March 2023
4. Parks & Recreation Monthly Report - March 2023
5. Sales Tax Historical Comparison
6. Water Consumption Historical Statistics

**On behalf of city staff, City Manager Mary Smith expressed gratitude to both Councilmember Daniels and Mayor Fowler for their service on the City Council, sharing that each of them will surely be missed.**

**XIII. ADJOURNMENT**

**Mayor Fowler adjourned the meeting at 7:15 p.m.**



## MEMORANDUM

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**TO:** Mary Smith, City Manager

**CC:** Honorable Mayor and City Council

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

**DATE:** May 15, 2023

**SUBJECT:** P2023-010; MASTER PLAT FOR THE DISCOVERY LAKES SUBDIVISION

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### Attachments

Case Memo  
Development Application  
Location Map  
Applicant's Letter  
Master Plat

### Summary/Background Information

Consider a request by Cameron Slown, PE of Teague, Nall & Perkins, Inc. on behalf of the Alberto Dal-Cin of Discovery Lakes, LLC for the approval of a *Master Plat* for the Discovery Lakes Subdivision consisting of 289 single-family residential lots on a 316.315-acre tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract No. 100 and Tract 2 of the R. K. Brisco Survey, Abstract No. 16, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 78 (PD-78) for General Retail (GR) District and Single-Family 10 (SF-10) District land uses, generally located at the northeast corner of the intersection of SH-276 and Rochelle Road, and take any action necessary.

### Action Needed

The City Council is being asked to approve, approve with conditions, or deny the proposed *Master Plat*.



CITY OF ROCKWALL  
CITY COUNCIL MEMORANDUM

PLANNING AND ZONING DEPARTMENT  
385 S. GOLIAD STREET • ROCKWALL, TX 75087  
PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

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TO: Mayor and City Council  
DATE: May 15, 2023  
APPLICANT: Cameron Slown; *Teague, Nall, & Perkins, Inc.*  
CASE NUMBER: P2023-010; *Master Plat for the Discovery Lakes Subdivision*

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SUMMARY

Consider a request by Cameron Slown, PE of Teague, Nall & Perkins, Inc. on behalf of the Alberto Dal-Cin of Discovery Lakes, LLC for the approval of a Master Plat for the Discovery Lakes Subdivision consisting of 289 single-family residential lots on a 316.315-acre tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract No. 100 and Tract 2 of the R. K. Brisco Survey, Abstract No. 16, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 78 (PD-78) for General Retail (GR) District and Single-Family 10 (SF-10) District land uses, generally located at the northeast corner of the intersection of SH-276 and Rochelle Road, and take any action necessary.

PLAT INFORMATION

- ☑ Purpose. The applicant is requesting the approval of an amending Master Plat for the Discovery Lakes Subdivision. The Discovery Lakes Subdivision will be constructed in eight (8) phases that will consist of 289 residential lots on a 316.315-acre tract of land (i.e. *Tract 1 of the M. E. Hawkins Survey, Abstract No. 100 and Tract 2 of the R. K. Brisco Survey, Abstract No. 16*). The proposed Master Plat changes the lot sizes for Phases 2 & 3 from the *Type B & C lots (i.e. Lot Type B: 70' x 110, or 7,700 SF minimums and Lot Type C: 60' x 110' or 6,600 SF minimums)* to *Lot Type A lots (i.e. 80' x 200' and 32,670 SF minimums)*. A Master Plat indicates the phasing lines, location of the trails and open space, and the approximate location of the 100-year floodplain. Staff should note that in conjunction with the submittal of this Master Plat, the applicant has also submitted a Preliminary Plat (Case No. P2023-011) for Phase 2 of the Discovery Lakes Subdivision.
- ☑ Background. The subject property was annexed by the City Council on June 15, 1998 by *Ordinance No. 98-20 (Case No. A1998-002)*. At the time of annexation, the subject property was zoned Agricultural (AG) District. On July 5, 2005, the City Council approved *Ordinance No. 05-29 (Case No. Z2005-021)* changing the zoning of the subject property from an Agricultural (AG) District to a Light Industrial (LI) District. On August 17, 2015, the zoning designation of the subject property was again changed by *Ordinance No. 15-24 (Case No. Z2015-016)* from a Light Industrial (LI) District to Planned Development District 78 (PD-78) for Single-Family 10 (SF-10) District and limited General Retail (GR) District land uses. The City Council amended Planned Development District 78 (PD-78) on August 3, 2020 through the adoption of *Ordinance No. 20-27*. On November 2, 2020, the City Council approved a master plat (Case No. P2020-039) and preliminary plat (Case No. P2020-040) for the subject property. On November 15, 2021, the City Council approved a final plat (Case No. P2021-053) for a portion of the subject property being Phase 1 of the Discovery Lakes Subdivision.
- ☑ Conformance to the Subdivision Ordinance. The surveyor has completed the majority of the technical revisions requested by staff, and this plat -- *conforming to the requirements for plats as stipulated by the Chapter 38, Subdivisions, of the Municipal Code of Ordinances* -- is recommended for conditional approval pending the completion of final technical modifications and submittal requirements.
- ☑ Conditional Approval. Conditional approval of this Master Plat by the City Council shall constitute approval subject to the conditions stipulated in the *Conditions of Approval* section below.

CONDITIONS OF APPROVAL

If the City Council chooses to approve the Master Plat for the *Discovery Lakes Subdivision* staff would propose the following conditions of approval:

- (1) All technical comments from the Engineering, Planning and Fire Departments shall be addressed prior to the filing of this Master Plat; and,
- (2) Any construction resulting from the approval of this Master Plat shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

PLANNING AND ZONING COMMISSION

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





# DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO.

2023-010

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

DIRECTOR OF PLANNING:

CITY ENGINEER:

Please check the appropriate box below to indicate the type of development request [SELECT ONLY ONE BOX]:

### Platting Application Fees:

- Master Plat (\$100.00 + \$15.00 Acre)<sup>1</sup> (100+307.18\*15=\$4707.70)
- Preliminary Plat (\$200.00 + \$15.00 Acre)<sup>1</sup> (200+27.46\*15=\$611.90)
- Final Plat (\$300.00 + \$20.00 Acre)<sup>1</sup>
- Replat (\$300.00 + \$20.00 Acre)<sup>1</sup>
- Amending or Minor Plat (\$150.00)
- Plat Reinstatement Request (\$100.00)

### Site Plan Application Fees:

- Site Plan (\$250.00 + \$20.00 Acre)<sup>1</sup>
- Amended Site Plan/Elevations/Landscaping Plan (\$100.00)

### Zoning Application Fees:

- Zoning Change (\$200.00 + \$15.00 Acre)<sup>1</sup>
- Specific Use Permit (\$200.00 + \$15.00 Acre)<sup>1</sup>
- PD Development Plans (\$200.00 + \$15.00 Acre)<sup>1</sup>

### Other Application Fees:

- Tree Removal (\$75.00)
- Variance Request (\$100.00)

### Notes:

<sup>1</sup>: In determining the fee, please use the exact acreage when multiplying by the per acre amount. For requests on less than one acre, round up to one (1) acre.

## PROPERTY INFORMATION [PLEASE PRINT]

Address none

Subdivision Discovery Lakes, Phase 2 Lot Block

General Location 27.46 Acres out of the 307 Acre Tract near the NE corner of SH 276 and Rochelle Road

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

Current Zoning PD-78 Current Use None

Proposed Zoning PD-78 Proposed Use Single Family Residential

Acreage 27.46 Lots [Current] 1 Lots [Proposed] 31

**SITE PLANS AND PLATS:** By checking this box you acknowledge that due to the passage of HB3167 the City no longer has flexibility with regard to its approval process, and failure to address any of staff's comments by the date provided on the Development Calendar will result in the denial of your case.

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

<input type="checkbox"/> Owner	Discovery Lakes, LLC	<input checked="" type="checkbox"/> Applicant	Teague, Nall & Perkins, Inc.
Contact Person	Alberto Dal-Cin	Contact Person	Cameron Slown
Address	15400 Knoll Trail Drive Suite 230	Address	825 Watters Creek Blvd. Suite M300
City, State & Zip	Dallas, Texas 75248	City, State & Zip	Allen, Texas 75013
Phone	972-960-7944	Phone	817-889-5050
E-Mail	roquesv@towergrouptx.com	E-Mail	cslownd@tnpinc.com

## NOTARY VERIFICATION [REQUIRED]

Before me, the undersigned authority, on this day personally appeared Alberto Dal Cin [Owner] the undersigned, who stated the information on this application to be true and certified the following:

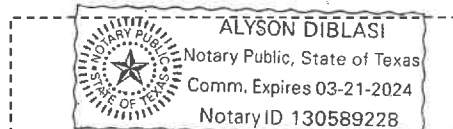
"I hereby certify that I am the owner for the purpose of this application; all information submitted herein is true and correct; and the application fee of \$ \$5,319.60, to cover the cost of this application, has been paid to the City of Rockwall on this the 13<sup>th</sup> day of April, 20 23. By signing this application, I agree that the City of Rockwall (i.e. "City") is authorized and permitted to provide information contained within this application to the public. The City is also authorized and permitted to reproduce any copyrighted information submitted in conjunction with this application, if such reproduction is associated or in response to a request for public information."

Given under my hand and seal of office on this the 13<sup>th</sup> day of April, 20 23

Owner's Signature

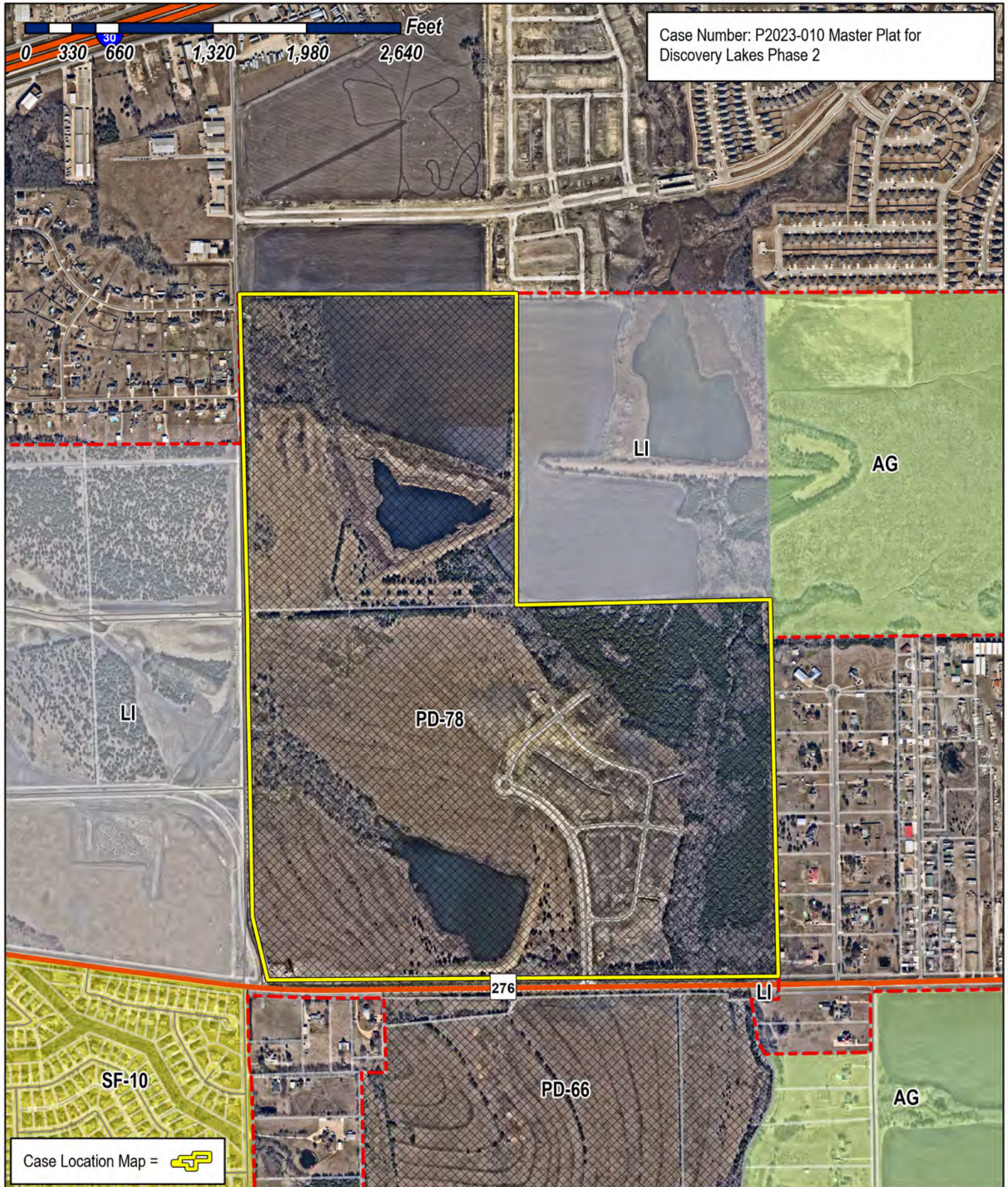
*Alberto Dal Cin*  
*Alyson Diblasi*

Notary Public in and for the State of Texas



My Commission Expires 03-21-2024

Case Number: P2023-010 Master Plat for  
Discovery Lakes Phase 2



Case Location Map =



# City of Rockwall

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

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



**UNANIMOUS CONSENT OF  
MAJORITY IN INTEREST OF THE CLASS A AND CLASS B MEMBERS  
OF DISCOVERY LAKES, LLC**

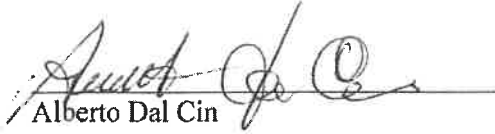
The undersigned being all of the Majority in Interest of the Class A and Class B Members of Discovery Lakes, LLC, (the "Company"), hereby adopt the following resolution, which resolution shall have the force and effect as if adopted at a duly called meeting of the Members of the Company.

RESOLVED that the Majority in Interest of the Class A and Class B Members hereby appoint and elect Alberto Dal Cin as the Manager of the Company.

Executed as of this 13<sup>th</sup> day of March 2023.

[Signature Page Follows]

CLASS A MEMBER – 100%

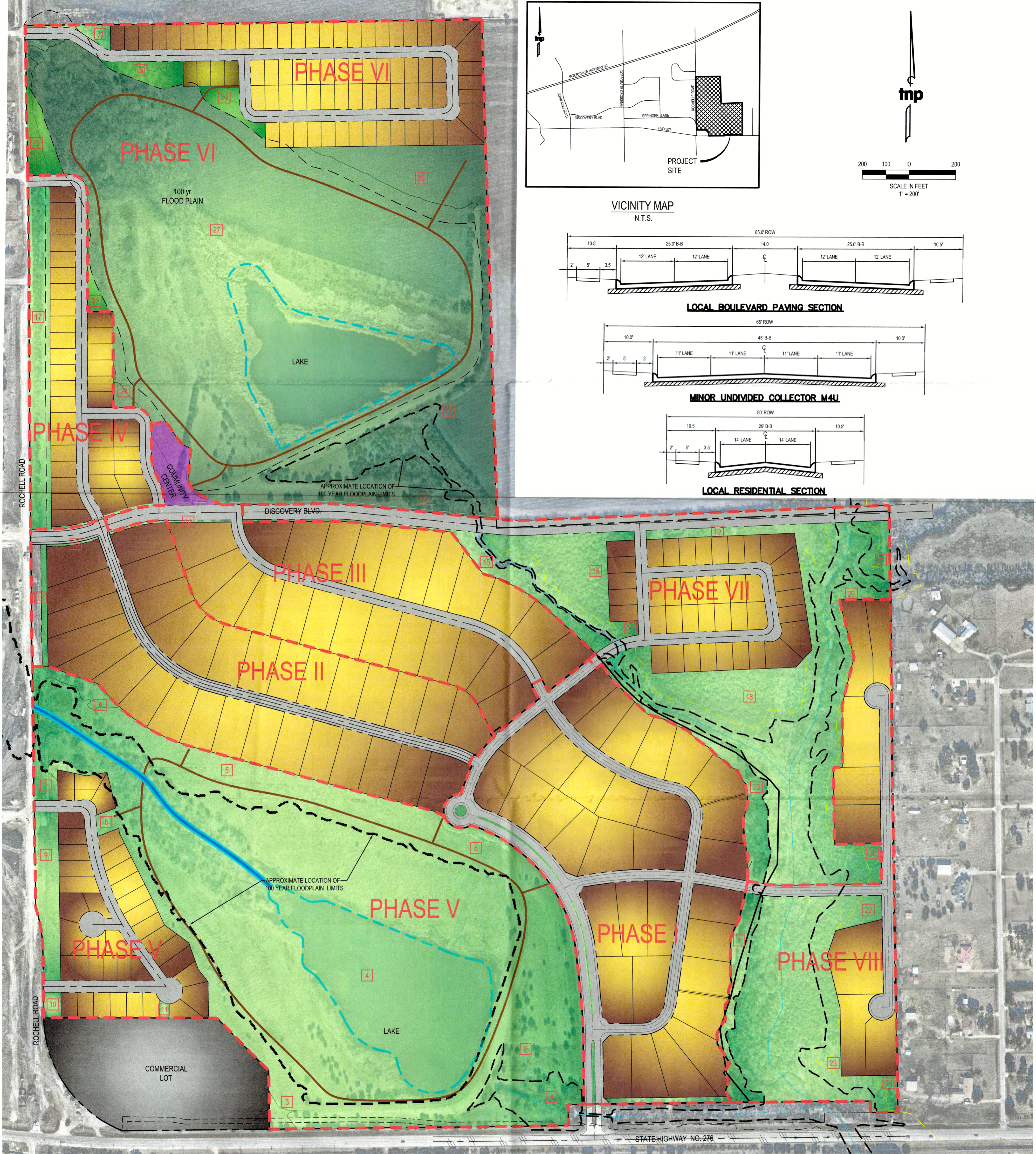
  
Alberto Dal Cin

MAJORITY IN INTEREST OF CLASS B MEMBERS

DFG, LP – 64.5%  
a Texas limited partnership

By: Wellington Retail, Inc.  
Its General Partner

By:   
Alyson S. DiBlasi, President



COMPLIANCE WITH PD ORDINANCE 20-27		
	PD REQUIREMENT	PROVIDED BY MASTER PLAN
TOTAL NUMBER OF RESIDENTIAL LOTS	MAX. 428 LOTS	289 LOTS
AVERAGE LOT SIZE	MIN. 9,700 SF PER LOT	AVERAGE OF 16,619 SF PER LOT
LOT COMPOSITION	TYPE A: MIN. 40 LOTS TYPE B: MIN. 38% OF TOTAL LOTS TYPE C: MAX. 55% OF TOTAL LOTS	TYPE A: 96 LOTS TYPE B: 170/289 = 59% OF TOTAL LOTS TYPE C: 23/289 = 8% OF TOTAL LOTS
RESIDENTIAL DENSITY	MAX. 1.40 LOTS PER GROSS ACRE	0.94 LOTS PER GROSS ACRE
OPEN SPACE	MIN. 20% OF GROSS LAND AREA	119.5/307.18 = 38.9%

- NOTES:
- DRAINAGE FACILITIES: STORM SEWER SYSTEM WILL BE INSTALLED UNDERNEATH THE ROADWAYS ON THE PROPERTY FOR EACH PHASE. DETENTION WILL BE PROVIDED FOR ENTIRE SITE, IF NEEDED.
  - SANITARY SEWER FACILITIES: TEMPORARY ON-SITE SANITARY SEWER SYSTEMS WILL BE INSTALLED FOR TYPE A LOTS CONTAINING A MINIMUM OF 32,670 SQUARE FEET PER PD ORDINANCE 20-27. SANITARY SEWER MAIN LINES AND SERVICES TO EACH LOT WILL BE INSTALLED WITH EACH PHASE OF DEVELOPMENT AND WILL BE CONNECTED IN THE FUTURE TO THE PROPOSED BRUSHY CREEK LIFT STATION. SANITARY SEWER LINE THROUGH THE PROPERTY WILL BE A MINIMUM PIPE SIZE OF 8", 18" AND 10" GRAVITY TRUNK SANITARY SEWER LINES WILL BE INSTALLED ON THE PROPERTY PER THE CITY'S WASTEWATER MASTER PLAN.
  - WATER FACILITIES: THERE ARE NO EXISTING WATER LINES IMMEDIATELY ADJACENT TO THE PROPERTY. A 16" WATER LINE WILL BE INSTALLED ALONG STATE HIGHWAY NO. 276 IN PHASE 1 TO PROVIDE WATER FOR THE PROPERTY. PHASE 1 WILL INCLUDE AN 8" LOOPED WATER LINE ON SITE. PHASES 3-9 WILL INCLUDE INSTALLATION OF A 12" WATER LINE ALONG ROCHELLE ROAD PER THE CITY'S WATER MASTER PLAN. PHASES 4-8 WILL INCLUDE INSTALLATION OF A 12" WATER LINE ALONG DISCOVERY BOULEVARD PER THE CITY'S WATER MASTER PLAN.
  - ROADWAY FACILITIES: THE SOUTH SIDE OF THE PROPERTY IS BOUNDED BY STATE HIGHWAY NO. 276 AND THE WEST SIDE IS BOUNDED BY SPRINGER LANE AND ROCHELLE ROAD.
  - BETWEEN CONSTRUCTION OF PHASES TEMPORARY TURNAROUNDS WILL BE PROVIDED AS NEEDED TO SATISFY FIRE PROTECTION REQUIREMENTS.
  - ACCORDING TO THE FLOOD INSURANCE RATE MAP NUMBER 48397C0045L DATED SEPTEMBER 26, 2008 AND PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), THIS PROPERTY INCLUDES ZONES A, AE, AND X.
  - PROPERTY IS ZONED AS PLANNED DEVELOPMENT DISTRICT 78 (PD-78) ORDINANCE NUMBER 20-27.

PHASE #	AREA (AC.)	CAPITAL IMPROVEMENTS TABLE		
		CAPITAL IMPROVEMENTS TYPE		
		WATER	SEWER	STREETS
1	33.63	16" FROM ROCHELLE RD. TO EASTERN LIMIT OF PH. 1		
2	27.47	12" ALONG DISCOVERY BLVD		DISCOVERY BLVD. CONSTRUCTION ALONG PH. 2 FRONTAGE
3	22.59	12" ALONG DISCOVERY BLVD		DISCOVERY BLVD. CONSTRUCTION ALONG PH. 3 FRONTAGE
4	12.77	12" ALONG ROCHELLE RD ALONG PH. 4 FRONTAGE	10" AND 18" SS LINE TO PROPOSED LIFT STATION PER MASTER PLAN	WIDEN ROCHELLE RD. ALONG PH. 4 FRONTAGE
5	70.8			WIDEN ROCHELLE RD. ALONG PH. 5 FRONTAGE TO DISCOVERY BLVD.
6	82.18	12" ALONG ROCHELLE RD ALONG PH. 6 FRONTAGE	10" SS TRUNK LINE	WIDEN ROCHELLE RD. ALONG PH. 6 FRONTAGE TO DISCOVERY BLVD.
7	36.71	12" ALONG DISCOVERY BLVD	10" SS TRUNK LINE	
8	21.03	16" ALONG SH 276 TO EASTERN LIMIT OF PH. 8	18" SS TRUNK LINE TO SH 276	

PHASE #	AREA (AC.)	PROPOSED PHASING TABLE				
		PROPOSED LOT TYPES				
		TYPE A MIN. 0.75 AC.	TYPE B MIN. 7,700 S.F.	TYPE C MIN. 6,600 S.F.	COMMUNITY CENTER	TOTAL UNITS
1	33.63	32				32
2	27.47	31				31
3	22.59	24			1	24
4	12.77		27	12		39
5	70.8		27	11		38
6	82.18		76			76
7	36.71		40			40
8	21.03	9				9
TOTAL	307.18	96	170	23		289

**LEGEND**

- 1 OPEN SPACE NUMBER
- TYPE A LOT - MIN. 80' X 200' (96 LOTS)
- TYPE B LOT - MIN. 70' X 110' (170 LOTS)
- TYPE C LOT - MIN. 60' X 110' (23 LOTS)
- PUBLIC OPEN SPACE/ LANDSCAPE BUFFER
- COMMUNITY CENTER
- WALKING TRAIL

**MASTER PLAT**  
289 Residential Lots

*Discovery Lakes*

Being a 307.18 Ac. Tract of land situated in the M.E. Hawkins Survey, Abstract No. 100 and the Robert K. Briscoe Survey, Abstract No. 16 in the City of Rockwall, Rockwall County Texas

OWNER:  
DISCOVERY LAKES, LLC.  
15400 Knoll Trail Drive, Suite 230  
Dallas, Texas 75248



**teague nail & perkins**  
825 Watters Creek Blvd., Suite M300  
Allen, Texas 75013  
214.461.9867 ph 214.461.9864 fx  
TBPE Registration No. F-230  
www.tnpinc.com

PROJECT INFORMATION  
Project No.: SBD22499  
Date: April 14, 2023  
Drawn By: GS9  
Scale: 1"=200'

SHEET 1 of 1 CASE NO. \_\_\_\_\_



## MEMORANDUM

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**TO:** Mary Smith, City Manager

**CC:** Honorable Mayor and City Council

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

**DATE:** May 15, 2023

**SUBJECT:** P2023-011; PRELIMINARY PLAT FOR PHASE 2 OF THE DISCOVERY LAKES SUBDIVISION

---

### Attachments

Case Memo  
Development Application  
Location Map  
Applicant's Letter  
Preliminary Plat  
Preliminary Water and Wastewater Plan

### Summary/Background Information

Consider a request by Cameron Slown, PE of Teague, Nall & Perkins, Inc. on behalf of the Alberto Dal-Cin of Discovery Lakes, LLC for the approval of a *Preliminary Plat* for Phase 2 of the Discovery Lakes Subdivision consisting of 31 single-family residential lots on a 27.465-acre portion of a larger 174.5990-acre tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract No. 100, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 78 (PD-78) Single-Family 10 (SF-10) District land uses, generally located at the northeast corner of the intersection of SH-276 and Rochelle Road, and take any action necessary.

### Action Needed

The City Council is being asked to approve, approve with conditions, or deny the proposed *Preliminary Plat*.



CITY OF ROCKWALL  
CITY COUNCIL MEMORANDUM

PLANNING AND ZONING DEPARTMENT  
385 S. GOLIAD STREET • ROCKWALL, TX 75087  
PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

---

TO: Mayor and City Council  
DATE: May 15, 2023  
APPLICANT: Cameron Slown; *Teague, Nall, & Perkins, Inc.*  
CASE NUMBER: P2023-011; *Preliminary Plat for Phase 2 of the Discovery Lakes Subdivision*

---

SUMMARY

Consider a request by Cameron Slown, PE of Teague, Nall & Perkins, Inc. on behalf of the Alberto Dal-Cin of Discovery Lakes, LLC for the approval of a Preliminary Plat for Phase 2 of the Discovery Lakes Subdivision consisting of 31 single-family residential lots on a 27.465-acre portion of a larger 174.5990-acre tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract No. 100, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 78 (PD-78) Single-Family 10 (SF-10) District land uses, generally located at the northeast corner of the intersection of SH-276 and Rochelle Road, and take any action necessary.

PLAT INFORMATION

- ☑ Purpose. The purpose of the applicant's request is to Preliminary Plat a 27.465-acre tract of land (i.e. *Tract 1 of the M. E. Hawkins Survey, Abstract No. 100*) to show the future establishment of 31 *Type A (i.e. 80' x 200' or 32,670 SF minimum)* single-family residential lots (i.e. *Lots 1-17, Block A; Lots 1-14, Block B, Discovery Lakes Phase 2 Subdivision*). The proposed Preliminary Plat also lays out the necessary easements (e.g. *fire lane, public access/right-of-way, utilities, and drainage*) for the future development of the residential subdivision. Staff should note that in conjunction with the submittal of this Preliminary Plat, the applicant has also submitted a *Master Plat (Case No. P2023-010)* to amend the previously approved *Master Plat (i.e. Case No. P2020-039)*
  
- ☑ Background. The subject property was annexed by the City Council on June 15, 1998 by *Ordinance No. 98-20 (Case No. A1998-002)*. At the time of annexation, the subject property was zoned Agricultural (AG) District. On July 5, 2005, the City Council approved *Ordinance No. 05-29 (Case No. Z2005-021)* changing the zoning of the subject property from an Agricultural (AG) District to a Light Industrial (LI) District. On August 17, 2015, the zoning designation of the subject property was again changed by *Ordinance No. 15-24 (Case No. Z2015-016)* from a Light Industrial (LI) District to Planned Development District 78 (PD-78) for Single-Family 10 (SF-10) District and limited General Retail (GR) District land uses. The City Council amended Planned Development District 78 (PD-78) on August 3, 2020 through the adoption of *Ordinance No. 20-27*. On November 2, 2020, the City Council approved a master plat (*Case No. P2020-039*) and preliminary plat (*Case No. P2020-040*) for the subject property. On November 15, 2021, the City Council approved a final plat (*Case No. P2021-053*) for a portion of the subject property being Phase 1 of the Discovery Lakes Subdivision.
  
- ☑ Parks Board. On May 2, 2023, the Parks and Recreation Board reviewed the Preliminary Plat and made the following recommendations concerning the proposed subdivision.
  - (1) The property owner shall pay pro-rata equipment fees of \$9,603.80 (i.e.  $\$309.80 \times 31$  Lots).
  - (2) The property owner shall pay cash-in-lieu of land fees of \$10,233.10 (i.e.  $\$330.10 \times 31$  Lots).
  
- ☑ Conformance to the Subdivision Ordinance. The surveyor has completed the majority of the technical revisions requested by staff, and this plat -- *conforming to the requirements for plats as stipulated by the Chapter 38, Subdivisions, of the Municipal Code of Ordinances* -- is recommended for conditional approval pending the completion of final technical modifications and submittal requirements.

- ☑ *Conditional Approval.* Conditional approval of this Preliminary Plat by the City Council shall constitute approval subject to the conditions stipulated in the *Conditions of Approval* section below.

### CONDITIONS OF APPROVAL

If the City Council chooses to approve the Preliminary Plat for Phase 2 of the *Discovery Lakes Subdivision* staff would propose the following conditions of approval:

- (1) All technical comments from the Engineering, Planning and Fire Departments shall be addressed prior to the filing of this Preliminary Plat; and,
- (2) The development shall adhere to the Parks and Recreation Department's recommendations as outlined above in this case memo; and,
- (3) Any construction resulting from the approval of this Preliminary Plat shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

### PLANNING AND ZONING COMMISSION

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





# DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO.

P2023-011

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

DIRECTOR OF PLANNING:

CITY ENGINEER:

Please check the appropriate box below to indicate the type of development request [SELECT ONLY ONE BOX]:

### Platting Application Fees:

- Master Plat (\$100.00 + \$15.00 Acre)<sup>1</sup> (100+307.18\*15=\$4707.70)
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- Zoning Change (\$200.00 + \$15.00 Acre)<sup>1</sup>
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- PD Development Plans (\$200.00 + \$15.00 Acre)<sup>1</sup>

### Other Application Fees:

- Tree Removal (\$75.00)
- Variance Request (\$100.00)

### Notes:

<sup>1</sup>: In determining the fee, please use the exact acreage when multiplying by the per acre amount. For requests on less than one acre, round up to one (1) acre.

## PROPERTY INFORMATION [PLEASE PRINT]

Address	none		
Subdivision	Discovery Lakes, Phase 2	Lot	Block
General Location	27.46 Acres out of the 307 Acre Tract near the NE corner of SH 276 and Rochelle Road		

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

Current Zoning	PD-78	Current Use	None
Proposed Zoning	PD-78	Proposed Use	Single Family Residential
Acreage	27.46	Lots [Current]	1
		Lots [Proposed]	31

**SITE PLANS AND PLATS:** By checking this box you acknowledge that due to the passage of HB3167 the City no longer has flexibility with regard to its approval process, and failure to address any of staff's comments by the date provided on the Development Calendar will result in the denial of your case.

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

<input type="checkbox"/> Owner	Discovery Lakes, LLC	<input checked="" type="checkbox"/> Applicant	Teague, Nall & Perkins, Inc.
Contact Person	Alberto Dal-Cin	Contact Person	Cameron Slown
Address	15400 Knoll Trail Drive Suite 230	Address	825 Watters Creek Blvd. Suite M300
City, State & Zip	Dallas, Texas 75248	City, State & Zip	Allen, Texas 75013
Phone	972-960-7944	Phone	817-889-5050
E-Mail	roquesv@towergrouptx.com	E-Mail	cslown@tnpinc.com

## NOTARY VERIFICATION [REQUIRED]

Before me, the undersigned authority, on this day personally appeared Alberto Dal Cin [Owner] the undersigned, who stated the information on this application to be true and certified the following:

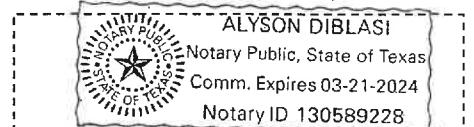
"I hereby certify that I am the owner for the purpose of this application; all information submitted herein is true and correct; and the application fee of \$ \$5,319.60, to cover the cost of this application, has been paid to the City of Rockwall on this the 13<sup>th</sup> day of April, 20 23. By signing this application, I agree that the City of Rockwall (i.e. "City") is authorized and permitted to provide information contained within this application to the public. The City is also authorized and permitted to reproduce any copyrighted information submitted in conjunction with this application, if such reproduction is associated or in response to a request for public information."

Given under my hand and seal of office on this the 13<sup>th</sup> day of April, 20 23

Owner's Signature

Alberto Dal Cin  
Alyson Diblasi

Notary Public in and for the State of Texas




My Commission Expires

03-21-2024

0 160 320 640 960 1,280 Feet

Case Number: P2023-011 Preliminary Plat for Discovery Lakes Phase 2



Case Location Map = 



# City of Rockwall

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

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



**UNANIMOUS CONSENT OF  
MAJORITY IN INTEREST OF THE CLASS A AND CLASS B MEMBERS  
OF DISCOVERY LAKES, LLC**

The undersigned being all of the Majority in Interest of the Class A and Class B Members of Discovery Lakes, LLC, (the "Company"), hereby adopt the following resolution, which resolution shall have the force and effect as if adopted at a duly called meeting of the Members of the Company.

RESOLVED that the Majority in Interest of the Class A and Class B Members hereby appoint and elect Alberto Dal Cin as the Manager of the Company.

Executed as of this 13<sup>th</sup> day of March 2023.

[Signature Page Follows]

CLASS A MEMBER – 100%

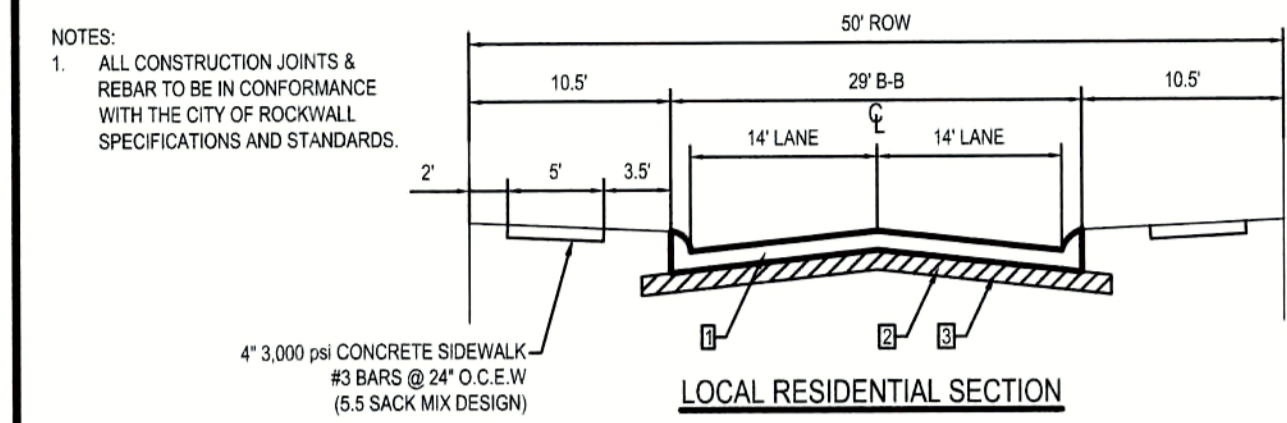
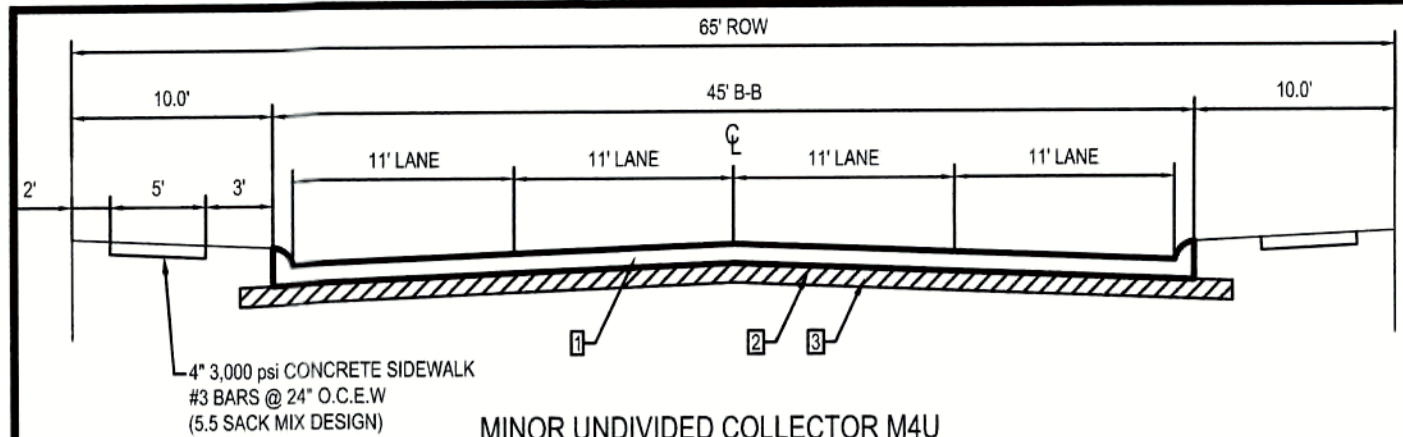
  
Alberto Dal Cin

MAJORITY IN INTEREST OF CLASS B MEMBERS

DFG, LP – 64.5%  
a Texas limited partnership

By: Wellington Retail, Inc.  
Its General Partner

By:   
Alyson S. DiBlasi, President



NOTES:  
1. ALL CONSTRUCTION JOINTS & REBAR TO BE IN CONFORMANCE WITH THE CITY OF ROCKWALL SPECIFICATIONS AND STANDARDS.

- 8" 3600 PSI CLASS "C" CONCRETE PAVEMENT WITH NO. 4 BARS @ 18" ON CENTERS BOTH WAYS. MIN. 6 SACK FOR MACHINE PLACED MIN. 6 1/2 SACK FOR HAND PLACED
- WHERE THE PLASTICITY INDEX OF THE NATURAL SOIL IS EQUAL TO OR EXCEEDS 15, LIME STABILIZATION SHALL BE REQUIRED. A MINIMUM OF 6% BY WEIGHT OF LIME TO A DEPTH OF 6" SHALL BE REQUIRED.
- SUBGRADE SHALL BE 6" THICK AND COMPACTED TO A DENSITY NOT LESS THAN 95% AT 0%-4% OF OPTIMUM MOISTURE CONTENT.

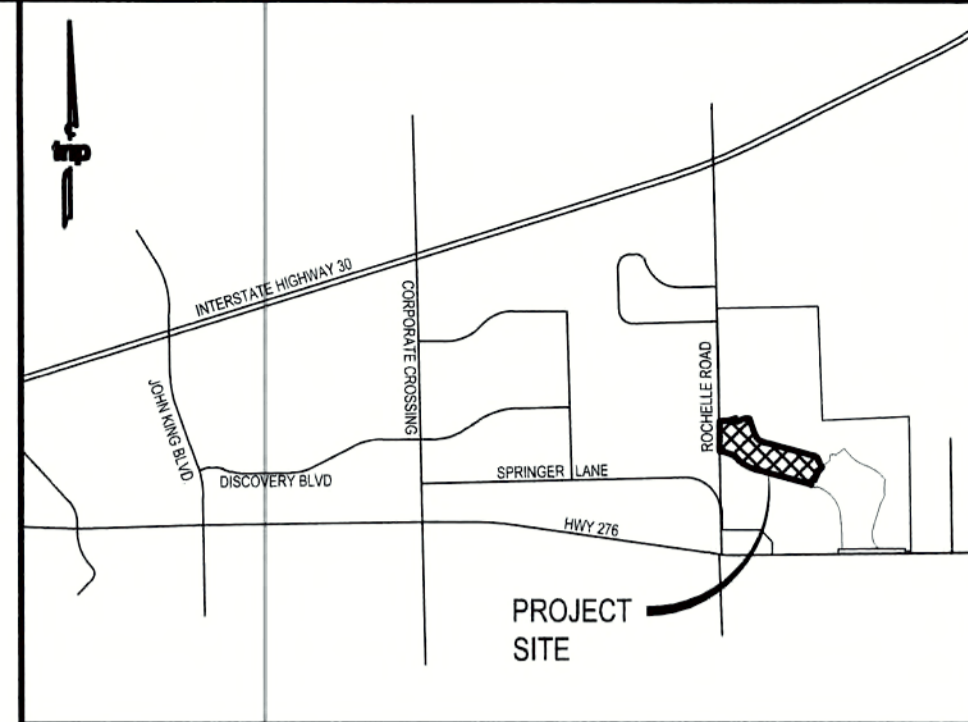
- 6" 3600 PSI CLASS "C" CONCRETE PAVEMENT WITH NO. 3 BARS @ 24" ON CENTERS BOTH WAYS. MIN. 6 SACK FOR MACHINE PLACED MIN. 6 1/2 SACK FOR HAND PLACED
- WHERE THE PLASTICITY INDEX OF THE NATURAL SOIL IS EQUAL TO OR EXCEEDS 15, LIME STABILIZATION SHALL BE REQUIRED. A MINIMUM OF 6% BY WEIGHT OF LIME TO A DEPTH OF 6" SHALL BE REQUIRED.
- SUBGRADE SHALL BE 6" THICK AND COMPACTED TO A DENSITY NOT LESS THAN 95% AT 0%-4% OF OPTIMUM MOISTURE CONTENT.

BOUNDARY LINE TABLE		
LINE #	BEARING	LENGTH
L1	N00°48'56"W	65.01'
L2	N88°23'46"E	115.59'
L3	N70°58'31"E	63.21'
L4	S19°01'28"E	65.00'
L5	N70°58'31"E	84.81'
L6	N88°18'10"E	19.16'
L7	S28°12'12"E	145.41'
L8	S28°21'37"W	50.00'
L9	S18°53'58"W	52.49'
L10	N70°42'27"W	223.87'
L11	S88°11'04"W	67.50'

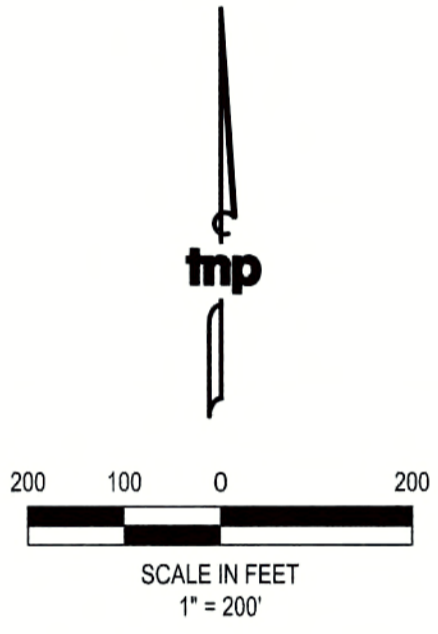
CENTERLINE LINE TABLE		
LINE #	LENGTH	BEARING
L1	116.04'	S88°23'40"W
L2	77.54'	S70°58'31"W

BOUNDARY CURVE TABLE					
CURVE #	RADIUS	DELTA	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	467.50'	17°25'09"	142.13'	N 79°41'06" E	141.58'
C2	467.50'	18°19'38"	149.54'	N 80°08'21" E	148.90'
C3	225.00'	55°57'07"	219.72'	S 47°00'02" E	211.10'
C4	175.00'	48°28'11"	148.04'	S 50°44'31" E	143.67'
C5	508.14'	12°50'29"	113.89'	S 38°52'28" W	113.65'
C6	550.00'	1°42'58"	16.47'	N 60°48'54" W	16.47'
C7	500.00'	1°41'50"	14.81'	S 60°47'28" E	14.81'
C8	525.00'	8°24'09"	76.99'	S 23°06'02" W	76.92'
C9	75.00'	109°47'34"	143.72'	S 34°31'54" W	122.72'
C10	250.00'	17°18'14"	75.50'	N 66°19'29" W	75.22'
C11	775.00'	37°14'03"	503.64'	N 56°21'35" W	494.82'

CENTERLINE CURVE TABLE					
CURVE #	RADIUS	DELTA	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	467.50'	17°25'09"	142.13'	N 79°41'06" E	141.58'
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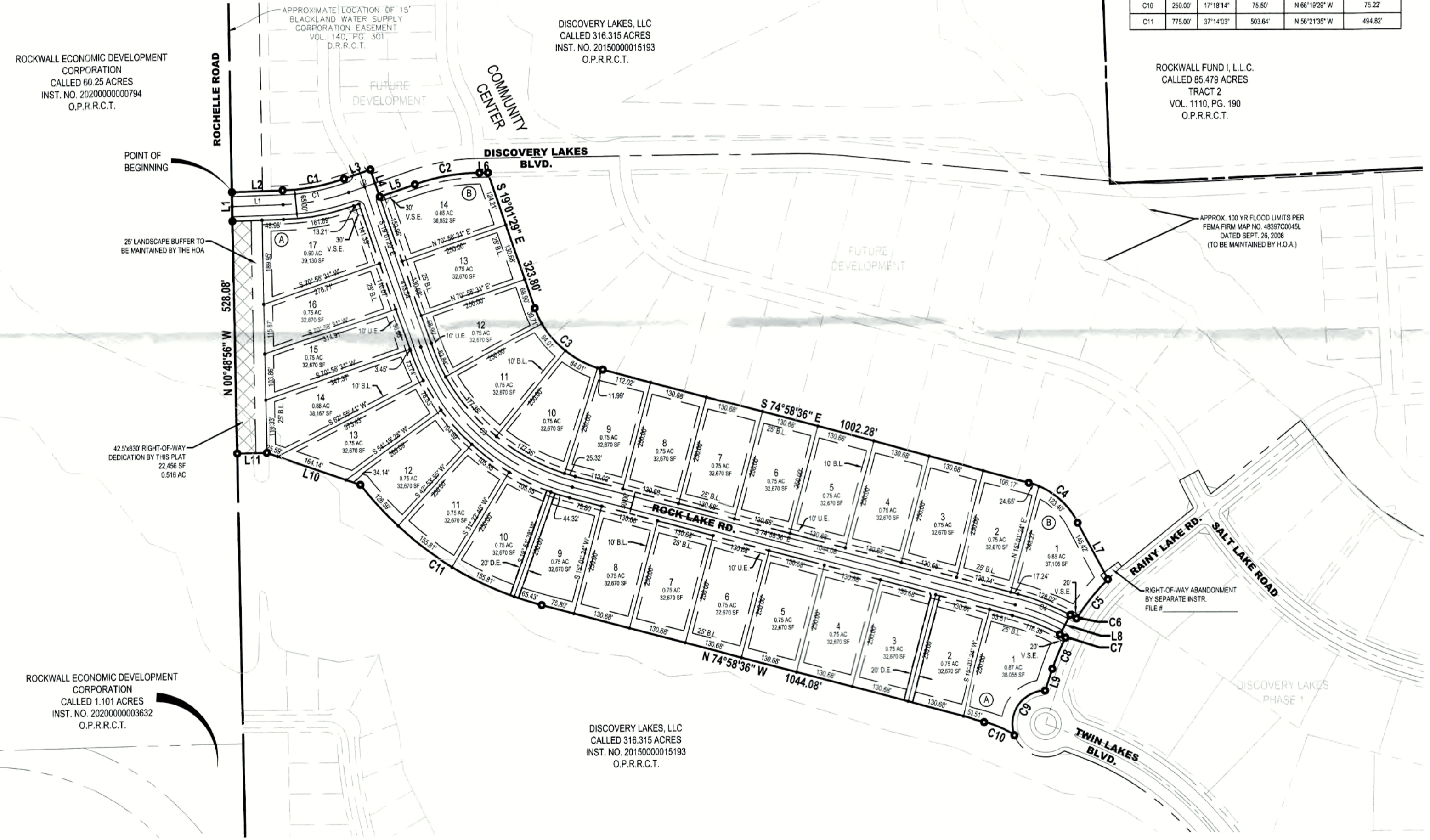


VICINITY MAP  
N.T.S.



- LEGEND**  
 N.T.S. - NOT TO SCALE  
 R.O.W. - RIGHT OF WAY  
 INST. - INSTRUMENT  
 CAB. - CABINET  
 VOL. - VOLUME  
 NO. - NUMBER  
 PG. - PAGE  
 SF - SQUARE FEET  
 AC - ACRES  
 B.L. - BUILDING LINE  
 D.E. - DRAINAGE EASEMENT  
 W.E. - WATER EASEMENT  
 U.E. - UTILITY EASEMENT  
 O.P.R.R.C.T. - OFFICIAL PUBLIC RECORDS  
 ROCKWALL COUNTY TEXAS  
 P.R.R.C.T.-PLAT RECORDS ROCKWALL COUNTY TEXAS

NOTE: PER PD-78 ALL TYPE A LOTS W/MIN 32,670 SF (0.75 AC.) SHALL HAVE TEMPORARY OSSF THAT CONFORM TO TCEQ STANDARDS. SANITARY SEWER MAINS, LATERALS AND LOT SERVICES WILL BE PROVIDED DURING CONSTRUCTION OF PHASE 1 AS SHOWN. ALL LOTS WILL DISCONNECT FROM OSSF AND CONNECT TO LOT SERVICES WHEN FUTURE OFFSITE SANITARY SEWER IS MADE AVAILABLE.



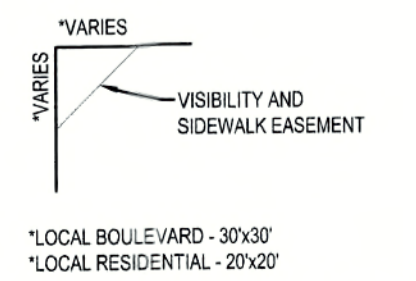
**PRELIMINARY PLAT**

*Discovery Lakes Phase 2*

31 RESIDENTIAL LOTS  
 1,196,367 SQUARE FEET  
 27.465 ACRES GROSS  
 ZONED PD-78

BEING A PORTION OF A TRACT OF LAND SITUATED IN THE M.E. HAWKINS SURVEY, ABSTRACT NO. 100 AND THE ROBERT K. BRISCOE SURVEY, ABSTRACT NO. 16 IN THE CITY OF ROCKWALL, ROCKWALL COUNTY TEXAS

COMPLIANCE WITH PD ORDINANCE 20-27		
	PD REQUIREMENT	PROVIDED BY MASTER PLAN
TOTAL NUMBER OF RESIDENTIAL LOTS	MAX. 428 LOTS	289 LOTS
AVERAGE LOT SIZE	MIN. 9,700 SF PER LOT	AVERAGE OF 16,619 SF PER LOT
LOT COMPOSITION	TYPE A: MIN. 40 LOTS TYPE B: MIN. 38% OF TOTAL LOTS TYPE C: MAX. 55% OF TOTAL LOTS	TYPE A: 96 LOTS TYPE B: 170/289 = 59% OF TOTAL LOTS TYPE C: 23/289 = 8% OF TOTAL LOTS
RESIDENTIAL DENSITY	MAX. 1.40 LOTS PER GROSS ACRE	0.94 LOTS PER GROSS ACRE
OPEN SPACE	MIN. 20% OF GROSS LAND AREA	119.5/307.18 = 38.9%



TYPICAL VISIBILITY AND SIDEWALK EASEMENT

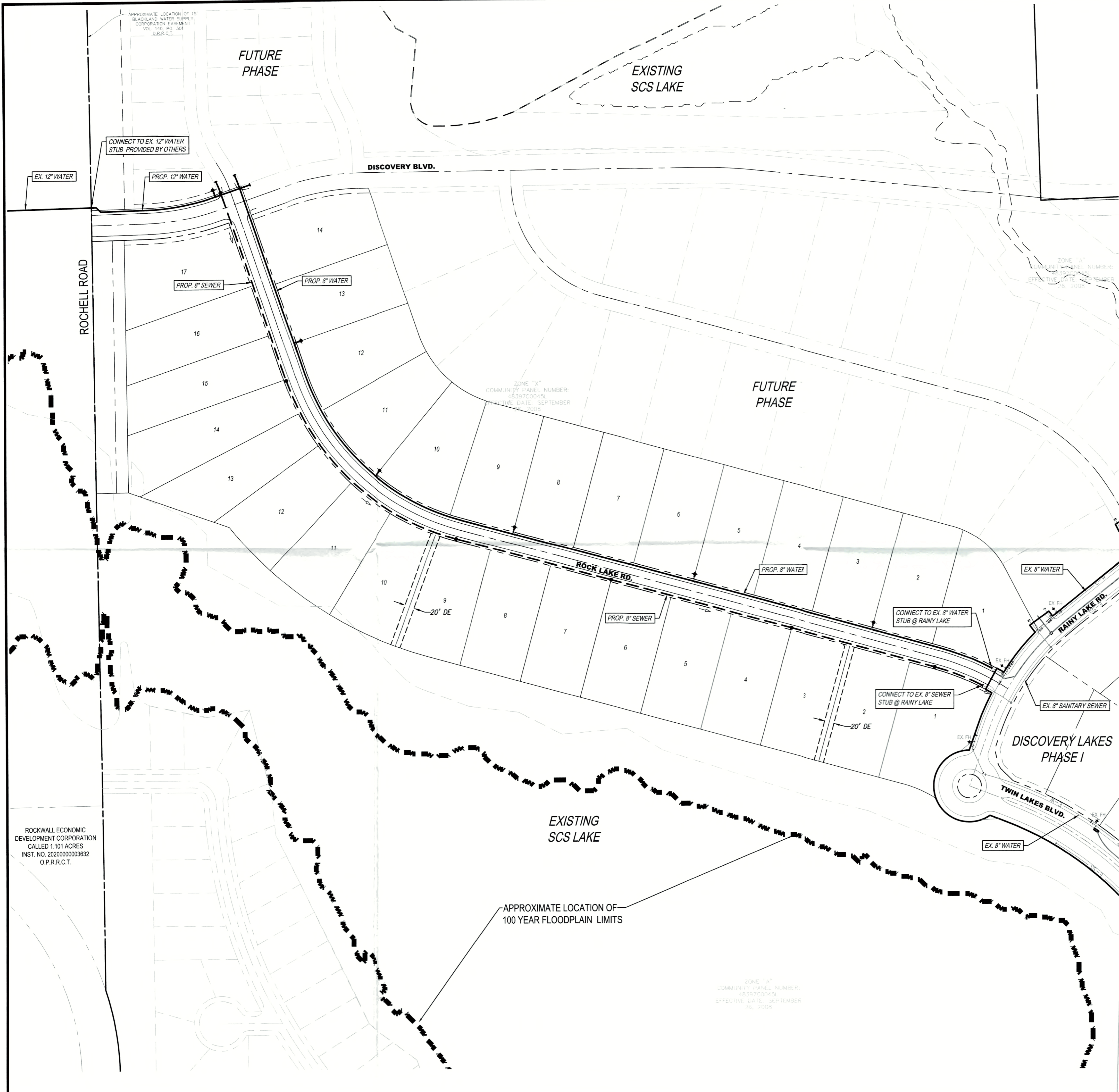
**OWNER**  
 DISCOVERY LAKES, LLC.  
 15400 Knoll Trail Drive, Suite 230  
 Dallas, Texas 75248

**PROJECT INFORMATION**  
 Project No.: SBD22499  
 Date: April 14, 2023  
 Drawn By: GS9  
 Scale: 1"=200'  
 SHEET 1 of 1

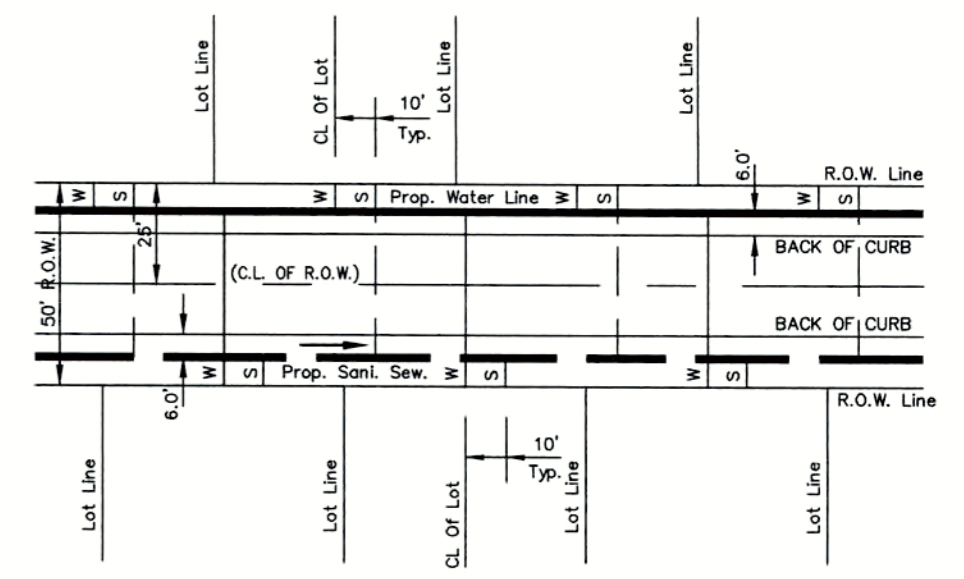
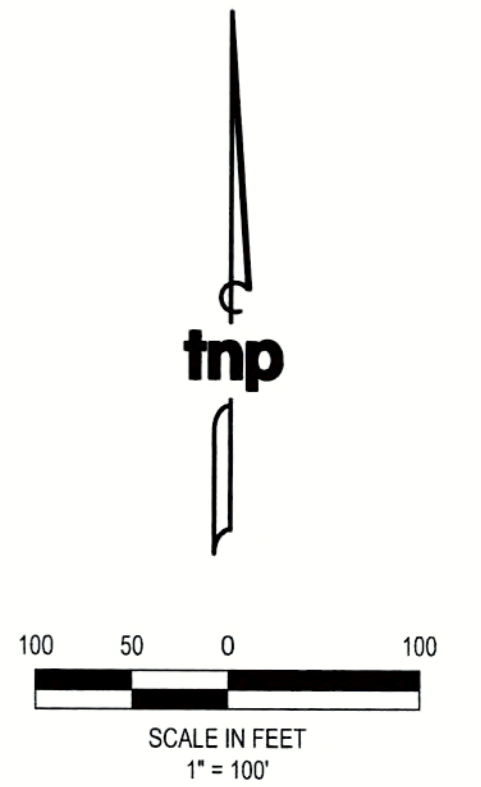
**ENGINEER**  
 TEAGUE NALL AND PERKINS, INC.  
 825 Watters Creek Boulevard, Suite M300  
 Allen, Texas 75013  
 214.461.9867 ph 214.461.9864 fx  
 www.tnpsc.com  
 TBPES: ENGR F-230; SURV 10011600, 10011601, 10194381  
 GBPE: PEF007431; TBAE: BR 2673



CASE NO. \_\_\_\_\_



NOTE: PER PD-78 ALL TYPE A LOTS W/ MIN 32,670 SF (0.75 AC.) SHALL HAVE TEMPORARY OSSF THAT CONFORM TO TCEQ STANDARDS. SANITARY SEWER MAINS, LATERALS AND LOT SERVICES WILL BE PROVIDED DURING CONSTRUCTION OF PHASE 1 AS SHOWN. ALL LOTS WILL DISCONNECT FROM OSSF AND CONNECT TO LOT SERVICES WHEN FUTURE OFFSITE SANITARY SEWER IS MADE AVAILABLE.



TYPICAL WATER & SEWER DETAIL  
K7.8

ROCKWALL ECONOMIC DEVELOPMENT CORPORATION CALLED 1.101 ACRES INST. NO. 2020000003632 O.P.R.R.C.T.

APPROXIMATE LOCATION OF 100 YEAR FLOODPLAIN LIMITS

ZONE "A" COMMUNITY PANEL NUMBER: 4839700045L EFFECTIVE DATE: SEPTEMBER 26, 2008

OWNER:  
DISCOVERY LAKES, LLC.  
15400 Knoll Trail Drive, Suite 230  
Dallas, Texas 75248



**teague nall & perkins**  
825 Watters Creek Blvd., Suite M300  
Allen, Texas 75013  
214.461.9867 ph 214.461.9864 fx  
TBPE Registration No. F-230  
www.tnpinc.com

PROJECT INFORMATION  
Project No.: SBD22499  
Date: APRIL 14, 2023  
Drawn By: TNP  
Scale: 1"=100'

SHEET 1 of 1

CASE NO. P

Preliminary Water & Sewer Plan  
31 Residential Lots

## Discovery Lakes Phase 2

Being a 307.18 Ac. Tract of land situated in the M.E. Hawkins Survey, Abstract No. 100 and the Robert K. Briscoe Survey, Abstract No. 16 in the City of Rockwall, Rockwall County Texas



## MEMORANDUM

---

**TO:** Mary Smith, City Manager

**CC:** Honorable Mayor and City Council

**FROM:** Amy Williams, P.E., Director of Public Works/City Engineer

**DATE:** May 15, 2023

**SUBJECT:** HEATH STREET PUMP STATION EMERGENCY REPAIR

---

Attachments  
Quote

### Summary/Background Information

The Heath Street Pump Station located at 200 Heath Street was constructed in 1960. This station is one of the chief North Texas Municipal Water District supply locations for the City. This pump station is in immediate need of repair to a series of 12-inch pipes.

Staff has contacted Crescent Construction, Inc. to make emergency repairs on the pump station. The cost of the above emergency repairs is \$249,541.00, which exceeds the City's competitive sealed bid threshold. According to *Local Government Code Chapter 252, Section 252.022, General Exceptions to the Competitive Bid Process; Item (2)*, "... a procurement necessary to preserve or protect the public health or safety of the municipality's residents ..." may be used to justify the emergency repairs made to the pump station.

### Action Needed

Staff is requesting the City Council consider approving an emergency repair of the Heath Street Pump Station in the amount of \$249,541.00 to be funded out of the Water and Sewer Fund.



**CHANGE ORDER SUMMARY**  
**Front Sheet**

**HEATH STREET PUMP STATION SITE AND ELECTRICAL IMPROVEMENTS**

**CHANGE DESCRIPTION:** Provide additional piping per the attached

**PROPOSED CONTRACT MODIFICATION 008**

**Job #:** 2021-04

Description	Labor	Material	Equipment	Subcontract	Other	Total
<b>DIRECT COSTS</b>	<b>37,524</b>	<b>105,965</b>	<b>38,220</b>	<b>3,500</b>		<b>185,209</b>
	-	-				-
<b>LABOR BURDEN &amp; FRINGES 55%</b>	<b>20,638</b>					<b>20,638</b>
						-
<b>CONSUMABLES 15% OF LABOR</b>					<b>5,629</b>	<b>5,629</b>
<b>SUBTOTALS</b>	<b>58,162</b>	<b>105,965</b>	<b>38,220</b>	<b>3,500</b>	<b>5,629</b>	<b>211,476</b>
<b>CONTRACTOR MARKUP 15%</b>						<b>31,721</b>
<b>BONDS &amp; INSURANCE 3%</b>						<b>6,344</b>
<b>TOTAL</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>249,541</b>

**CLARIFICATIONS:**

- 1
- 2
- 3
- 4



Description	Qty	Un	Unit Labor	Unit Mat'l	Unit Equipment	Total Unit Labor	Total Mat'l	Total Equipment	Subs
<b>LABOR</b>									
Project Superintendent	144.0	MH	75.00			10,800			
Assistant Superintendent		MH	60.00			-			
Carpenter Foreman		MH	50.00			-			
Mechanical Foreman	144.0	MH	50.00			7,200			
Project Manager		MH	75.00			-			
Assistant Project Manager		MH	50.00			-			
Surveyor		MH	35.00			-			
Safety Coordinator		MH	50.00			-			
Office Clerk		MH	28.00			-			
Rodman		MH	28.00			-			
Form Setters		MH	28.00			-			
Pipe Fitters	543.0	MH	28.00			15,204			
Operator	144.0	MH	30.00			4,320			
Crane Operator		MH	35.00			-			
<b>MATERIAL</b>									
Underground Utility Supply (Attached)	1.0	LS		95,758.14			95,758		
Ferguson - 12" x 10" Reducer	2.0	EA		1,096.25			2,193		
Misc. Pipe and Accessories (5% of pipe)	1.0	LS		4,897.53			4,898		
Bedding	22.2	TON		30.00			667		
SIKA 211	50.0	BAGS		45.00			2,250		
Bonding Agent	8.0	GAL		25.00			200		
<b>EQUIPMENT (Daily / Weekly / Monthly) Cost</b> <i>(Fuel, Oil, Grease, &amp; Maintenance Included)</i>									
Rubber Tire Backhoe (285 / 927 / 2,782)									-
Wheel Loader (3 cy) (480 / 2,398 / 7,194)									-
Dozer (419 / 2,094 / 6,281)									-
Compactor (383 / 1,916 / 5,748)	3.0	WK			1,916.00				5,748
Air Compressor (76 / 378 / 1,134)	3.0	WK			675.00				2,025
Excavator 64k lb (320) (830 / 4,152 / 12,457)	3.0	WK			4,152.00				12,456
Excavator 78k lb (330) (882 / 4,411 / 13,232)	3.0	WK			4,411.00				13,233
Excavator 82k lb (340) (980 / 4,899 / 14,696)									-
30 Ton Crane 756 / 3,779 / 11,337)									-
60 Ton Crane (924 / 4,619 / 13,857)									-
80 Ton Crane (1,400 / 5,599 / 16,796)									-
Welding Machine (168 / 840 / 2,519)									-
Pickup Trucks (67 / 336 / 1,008)	15.0	DY			67.00				1,005
Equipment Delivery									-
Jobsite Office (45 / 220 / 655)									-
Engineering Office (45 / 220 / 655)									-
Warehouse Storage (15 / 65 / 200)									-
Jobsite Phone									-
Jobsite Utilities									-
Temporary Toilets (10 / 50 / 140)									-
Dumpsters (60 / 280 / 815)									-
Trench Box									-
Pump Truck									-
Jumping Jack	2.0	WK			500.00				1,000
Jack Hammer	4.0	WK			175.00				700
Light Tower	1.0	WK			502.92				503
Equipment Delivery	10.0	EA			155.00				1,550
<b>SUBCONTRACTORS</b>									
Kamco Coatings - Touchup Paint	1.0	LS		3,500.00					3,500
						37,524	105,965	38,220	3,500

Job: Heath Street Pump Station Imp

Item:

1/1

1/1

1/1

# UNDERGROUND UTILITY SUPPLY

3815 S. EASTMAN RD  
 LONGVIEW, TX 75602  
 903-757-2121 FAX 903-757-5252

# QUOTATION

Date	ESTIMATE #
5/3/2023	14634

Name / Address
CRESCENT CONSTRUCTORS , INC. 2560 TECHNOLOGY DRIVE,STE 400 PLANO, TX 75074

Disclaimer:  
 SUBJECT TO OUR USUAL TERMS AND  
 CONDITIONS OF SALE. ANY WARRANTY  
 PROVIDED IS THAT OF THE  
 MANUFACTURER.

ITEM #	Qty	PER	ITEM	DESCRIPTION	PRICE	TOTAL
(1)	6	EA	1500	TAG- HEATH STREET ROCKWALL, TX. *NO PLANS OR SPECS PROVIDED*	1,450.60	8,703.60T
				12" X 10" FLANGE X FLANGE CONCENTRIC REDUCER- DOMESTIC *14-16 WEEKS DELIVERY*		
(2)	6	EA	1500	10" X 2'-06" FLANGE X FLANGE DI PIPE- DOMESTIC WITH DOMESTIC FLANGES *8-10 WEEKS DELIVERY*	2,022.32	12,133.92T
(3)	6	EA	1500	12" FLANGED 22-1/2 BEND- DOMESTIC *14-16 WEEKS DELIVERY*	1,580.22	9,481.32T
(4)	6	EA	1500	12" X 6'-0" FLANGE X PLAIN END DI PIPE- DOMESTIC WITH DOMESTIC FLANGE *8-10 WEEKS DELIVERY*	2,474.50	14,847.00T
(5)	12	EA	1500	10" FLANGE ACCESSORY SET WITH DOMESTIC 304SS BOLTS AND DOMESTIC F.F.R.R. GASKET *7-10 DAYS DELIVERY*	1,935.50	23,226.00T
<b>Subtotal</b>			<b>Sales Tax (0.00)</b>		<b>Total</b>	

# UNDERGROUND UTILITY SUPPLY

3815 S. EASTMAN RD  
 LONGVIEW, TX 75602  
 903-757-2121 FAX 903-757-5252

# QUOTATION

Date	ESTIMATE #
5/3/2023	14634

Name / Address
CRESCENT CONSTRUCTORS , INC. 2560 TECHNOLOGY DRIVE,STE 400 PLANO, TX 75074

Disclaimer:  
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 CONDITIONS OF SALE. ANY WARRANTY  
 PROVIDED IS THAT OF THE  
 MANUFACTURER.

ITEM #	Qty	PER	ITEM	DESCRIPTION	PRICE	TOTAL
(6)	12	EA	1500	12" FLANGE ACCESSORY SET WITH DOMESTIC 304SS BOLTS AND DOMESTIC F.F.R.R. GASKET *7-10 DAYS DELIVERY*	2,255.05	27,060.60T
(7)				**NO BID- DENSO WAX TAPE WITH PRIMER**		
(8)	1	EA	1500	30" X 300' ROLL POLYWRAP SLEEVE; 8 MIL- NON MARKED- DOMESTIC *5-7 DAYS DELIVERY*	305.70	305.70T
				SALES TAXES ARE NOT INCLUDED IN THIS QUOTATION. PLEASE ADD IF APPLICABLE. PLEASE REVIEW FOR DISCREPANCIES.		
				*ALL DELIVERY TIMES ARE APPROXIMATE ADVISED DIRECT FROM VARIOUS MAUNFACTURERS.* *PRICING INCLUDES FREIGHT COSTS TO ROCKWALL, TX.*		
<b>Subtotal</b>					\$95,758.14	
				<b>Sales Tax (0.00)</b>	\$0.00	
					<b>Total</b>	\$95,758.14

**From:** [kyle.rychlik@ferguson.com](mailto:kyle.rychlik@ferguson.com)  
**To:** [Kyle.Rychlik@Ferguson.com](mailto:Kyle.Rychlik@Ferguson.com)  
**Subject:** Email Bid# B525871  
**Date:** Monday, May 1, 2023 10:17:31 AM

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## Price Quotation # B525871

### FERGUSON ENTERPRISES, LLC

FERGUSON WATERWORKS #788  
2650 SOUTH PIPELINE RD  
EULESS, TX 76040-6633  
Phone : 817-267-3900  
Fax : 817-267-3912

---

**Bid No.....:** B525871  
**Bid Date...:** 05/01/23  
**Quoted By:** KRX  
**Customer.:** CRESCENT CONSTRUCTORS INC  
2560 TECHNOLOGY DR STE 400  
HEATH ST PUMP STATION  
PLANO, TX 75074

**Cust Phone:** 972-422-0014  
**Terms.....:** NET 10TH PROX  
**Ship To.....:** CRESCENT CONSTRUCTORS INC  
2560 TECHNOLOGY DR STE 400  
HEATH ST PUMP STATION  
PLANO, TX 75074

**Cust PO#..:** 12X10 FLG RED

**Job Name.:** HEATH ST PUMP STATION

Item	Description	Quantity	Net Price	UM	Total
FCR1210	12X10 DI 125# C110 FLG CONC RED	1	668.850	EA	668.85
FNWNBGS61RF812	12 316 SS 150# RR FF 1/8 FLG PKG	1	172.500	EA	172.50
FNWNBGS61RF810	10 316 SS 150# RR FF 1/8 FLG PKG	1	174.910	EA	174.91

Subtotal: \$1016.26

Inbound Freight: \$0.00

Delivery: \$79.99

Tax: \$0.00

Order Total: \$1096.25

Quoted prices are based upon receipt of the total quantity for immediate shipment (48 hours). SHIPMENTS BEYOND 48 HOURS SHALL BE AT THE PRICE IN EFFECT AT TIME OF SHIPMENT UNLESS NOTED OTHERWISE. QUOTES FOR PRODUCTS SHIPPED FOR RESALE ARE NOT FIRM UNLESS NOTED OTHERWISE.

CONTACT YOUR SALES REPRESENTATIVE IMMEDIATELY FOR ASSISTANCE WITH DBE/MBE/WBE/SMALL BUSINESS REQUIREMENTS.

Seller not responsible for delays, lack of product or increase of pricing due to causes beyond our control, and/or based upon Local, State and Federal laws governing type of products that can be sold or put into commerce. This Quote is offered contingent upon the Buyer's acceptance of Seller's terms and conditions,

which are incorporated by reference and found either following this document, or on the web at <https://www.ferguson.com/content/website-info/terms-of-sale>. Govt Buyers: All items quoted are open market unless noted otherwise.

**LEAD LAW WARNING:** It is illegal to install products that are not "lead free" in accordance with US Federal or other applicable law in potable water systems anticipated for human consumption. Products with \*NP in the description are NOT lead free and can only be installed in non-potable applications. Buyer is solely responsible for product selection.

**COVID-19 ORDER: ANY REFERENCE TO OR INCORPORATION OF EXECUTIVE ORDER 14042 AND/OR THE EO-IMPLEMENTING FEDERAL CLAUSES (FAR 52.223-99 AND/OR DFARS 252.223-7999) IS EXPRESSLY REJECTED BY SELLER AND SHALL NOT APPLY AS SELLER IS A MATERIALS SUPPLIER AND THEREFORE EXEMPT UNDER THE EXECUTIVE ORDER.**

**HOW ARE WE DOING? WE WANT YOUR FEEDBACK!**

Enter the following link to complete a survey about your bids:  
<https://survey.medallia.com/?bidsorder&fc=788&on=41733>



## MEMORANDUM

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**TO:** Mary Smith, City Manager

**CC:** Honorable Mayor and City Council

**FROM:** Misty Farris, Purchasing Agent

**DATE:** May 15, 2023

**SUBJECT:** CONSIDER APPROVAL OF MANHOLE REHABILITATION PROJECT CONTRACT

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### Attachments

#### Summary/Background Information

Approved in the Water Sewer Fund, Wastewater operating budget is \$125,000 to rehab approximately 30 manholes. Project involves cleaning, remove debris, remove existing lining (coating) and concrete, prepare all surfaces and recoat the manholes. Sealed competitive bids were solicited for this project. Bids received from Magnum Manhole \$173,233, and Ace Pipe \$400,635. Apparent low bidder is Magnum Manhole.

Staff would like to move forward with this project by rehabbing approximately 20 manholes to stay within budget of \$125,000. The remaining manholes included in the bid will be budgeted for rehab in FY 2024 for approximately \$48,223.

#### Action Needed

For Council consideration is the bid award to Magnum Manhole for \$125,000 and authorize the City Manager to execute a contract for this project.



## MEMORANDUM

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**TO:** Mary Smith, City Manager

**CC:** Honorable Mayor and City Council

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

**DATE:** May 15, 2023

**SUBJECT:** Z2023-021; ZONING CHANGE FROM SINGLE-FAMILY 10 (SF-10) DISTRICT TO A SINGLE-FAMILY 7 (SF-7) DISTRICT

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### Attachments

Case Memo  
Development Application  
Location Map  
HOA Notification Map  
Property Owner Notification Map  
Property Owner Notification List  
Public Notice  
Property Owner Notifications  
Applicant's Letter  
Survey  
Draft Ordinance

### Summary/Background Information

Hold a public hearing to discuss and consider a request by James Stringfellow and Bethany Rood of Stingfellow Holdings, LLC for the approval of an **ordinance** for a *Zoning Change* from a Single-Family 10 (SF-10) District to a Single-Family 7 (SF-7) District for a 1.2811-acre parcel of land identified as Lot 2, Block A, North Alamo Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 405 N. Alamo Road, and take any action necessary (**1st Reading**).

### Action Needed

The City Council is being asked to approve, approve with conditions, or deny the proposed *Zoning Change*.



CITY OF ROCKWALL  
CITY COUNCIL CASE MEMO

PLANNING AND ZONING DEPARTMENT  
385 S. GOLIAD STREET • ROCKWALL, TX 75087  
PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

---

TO: Mayor and City Council  
DATE: May 15, 2023  
APPLICANT: James Stringfellow and Brittany Rood  
CASE NUMBER: Z2023-021; *Zoning Change from Single-Family 10 (SF-10) District to a Single-Family 7 (SF-7) District*

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SUMMARY

Hold a public hearing to discuss and consider a request by James Stringfellow and Brittany Rood of Stringfellow Holdings, LLC for the approval of a Zoning Change from a Single-Family 10 (SF-10) District to a Single-Family 7 (SF-7) District for a 1.2811-acre parcel of land identified as Lot 2, Block A, North Alamo Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 405 N. Alamo Road, and take any action necessary.

BACKGROUND

The subject property was annexed prior to 1911 based on the April 1911 Sanborn Maps. According to the January 3, 1972 zoning map, the subject property was zoned Single-Family 2 (SF-2) District. The zoning designation of the subject property changed from a Single-Family 2 (SF-2) District to a Single-Family 10 (SF-10) District sometime between January 3, 1972 and **May 16, 1983 based on the City's historic zoning maps**. The subject property has remained zoned Single-Family 10 (SF-10) District since this change. On May 16, 2022, the City Council approved a replat [*i.e. Case Number P2022-018*] for the purpose of creating two (2) lots [*i.e. Lots 1 & 2, Block A, North Alamo Addition*].

PURPOSE

On April 14, 2023, the applicants -- *James Stringfellow and Brittany Rood* -- submitted an application requesting to change the zoning of the *subject property* from a Single-Family 10 (SF-10) District to a Single-Family 7 (SF-7) District for the purpose of subdividing the property into two (2) lots to allow the construction of two (2) single-family homes.

ADJACENT LAND USES AND ACCESS

The subject property is addressed as 405 N. Alamo Road. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property are three (3) residential lots (*i.e. 503, 505, & 601 N. Alamo Road*) that form part of the Amick Subdivision, which consists of 38 residential lots on 9.79-acres of land zoned Single-Family 10 (SF-10) District. Beyond this are three (3) additional residential lots (*i.e. 603, 605, & 703 N. Alamo Road*) that make up the Alamo Valley Subdivision, and are zoned Single-Family 10 (SF-10) District. North of these properties are N. West Street and W. Heath Street, which are identified as *Minor Collectors* on the **City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan**.

South: Directly south of the subject property is one (1) vacant tract of land (*i.e. Lots 2, 3, & 6, Block A, Old Town Rockwall Addition*) and two (2) lots addressed as 301 & 303 N. Alamo Road. These properties are currently being used for retail or office land uses (*i.e. Candles by Carol and Bedford Survey*). Beyond this is E. Interurban Street, which is identified as a *Minor Collector* on the **City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan**. South of this are four (4) lots addressed as 201 N. West Street, 204 N. West Street, 201 N. Alamo Road, and 203 N. Alamo Road. Beyond this is W. Kaufman Street, which is identified as a *Minor Collector* on the **City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan**.



East: Directly east of the subject property is N. Alamo Road, which is identified as a *Minor Collector* on the **City's Master Thoroughfare Plan** contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are two (2) tracts of land (*i.e. Lot 16, Block 18A SW PT, Amick Addition and Lot 20, Block 19C, Amick Addition*) that are zoned Single-Family 7 (SF-7) District. East of these properties is N. Goliad Street, which is identified as a P3U (*i.e. principal arterial, three (3) lane, undivided roadway*) on the **City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan**.

West: Directly west of the subject property is the Highwood Subdivision, which is zoned Single-Family 10 (SF-10) District and consists of 74 residential lots on 26.45-acres. Beyond this is the Highland Hills Subdivision, which is zoned Single-Family 10 (SF-10) District and consists of 59 residential lots on 22.40-acres.

**CHARACTERISTICS OF THE REQUEST**

The applicant is requesting to rezone the 1.2811-acre parcel of land from a Single-Family 10 (SF-10) District to a Single-Family 7 (SF-7) District for the purpose of subdividing the property into two (2) residential lots to facilitate constructing a single-family home on each lot. It should be noted, that if this zoning change is approved, the applicant will be required to subdivide the subject property into two (2) buildable lots and apply for a Specific Use Permit (SUP) for *Residential Infill* to allow the construction of the future homes.

**CONFORMANCE WITH THE CITY'S CODES**

According to Subsection 03.09, *Single-Family 7 (SF-7) District*, of Article 05, *District Development Standards*, of the Unified **Development Code (UDC)**, “(t)he Single-Family 7 (SF-7) District is the proper zoning classification for single-family developments with smaller lots... (t)hese developments are typically in areas adjacent to low-intensity non-residential land uses, in or around the Old Town Rockwall (OTR) Historic District; where they will serve as a logical transition from higher to lower density residential zoning districts.” In this case, the majority of the properties adjacent to N. Alamo Road are zoned Single-Family 10 (SF-10) District or Single-Family 7 (SF-7) District, Downtown (DT) District and Planned Development District 50 (PD-50). Staff should point out that there are also two (2) properties east of the subject property that are zoned Single-Family 7 (SF-7) District. In addition, northeast of the property, are nine (9) other properties zoned Single-Family 7 (SF-7) District. Based on this, the requested zoning change does appear to conform to the surrounding area. **If the applicant's zoning request is approved**, the subject property will be required to conform to all of the requirements stipulated for properties in a Single-Family 7 (SF-7) District, which are summarized as follows:

TABLE 1: SINGLE-FAMILY 7 (SF- 7) DISTRICT DEVELOPMENT STANDARDS

Number of Dwelling Units/Lot	1.0
Number of Dwelling Units/Acre	6.2
Minimum Dwelling Unit	1,100 SF
Minimum Lot Area	7,000 SF
Minimum Lot Width	60-Feet
Minimum Lot Depth	100-Feet
Minimum Front Yard Setback	20-Feet
Minimum Rear Yard Setback	10-Feet
Minimum Side Yard Setback	6-Feet
Between Buildings	10-Feet
Building Height	32-Feet
Maximum Lot Coverage	45%
Required Parking Spaces	2

**CONFORMANCE WITH OURHOMETOWN VISION 2040 COMPREHENSIVE PLAN**

According to the OURHometown Vision 2040 Comprehensive Plan, the subject property is located within the North Lakeshore District and is designated for Medium Density Residential land uses. The Medium Density Residential land use is defined as “...**residential subdivisions that are** greater than two and one-half (2 ½) units per gross acre or but not higher than three (3) units per gross acre ...”. Based on this the proposed zoning change conforms to the Comprehensive Plan. In addition, the

OURHometown Vision 2040 Comprehensive Plan seeks to “...(p)reserve the City’s current residential to non-residential land use ratio (i.e. 80% Residential; 20% Commercial) in order to maintain a balance mix of land uses for fiscal sustainability ...” [Section 02.01; CH. 1; Page 1-1]. In this case, the proposed zoning change conforms to the Future Land Use Map contained in the OURHometown Vision 2040 Comprehensive Plan, which was designed around the desired 80% / 20% land use ratio. In addition, the proposed zoning change does not change land use ratio. Based on this the proposed zoning change does not affect the current residential to non-residential percentage.

NOTIFICATIONS

On April 18, 2023, staff notified 136 property owners and occupants within 500-feet of the subject property. Staff also notified **the Preserve Homeowner’s Association (HOA), which was the only Homeowner’s Association (HOA) or Neighborhood Organization** within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was written, staff had received two (2) notices in favor, one (1) email in favor and one (1) notice in opposition of the **applicant’s request**.

CONDITIONS OF APPROVAL

If the City Council chooses to approve **of the applicant’s request to** rezone the subject property from a Single-Family 10 (SF-10) District to a Single-Family 7 (SF-7) District, then staff would propose the following conditions of approval:

- (1) 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 9, 2023, the Planning and Zoning Commission approved a motion to recommend approval of the Zoning Change by a vote of 7-0.



# DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO. **22023-021**

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

DIRECTOR OF PLANNING: \_\_\_\_\_

CITY ENGINEER: \_\_\_\_\_

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

### PLATTING APPLICATION FEES:

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

### SITE PLAN APPLICATION FEES:

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

### ZONING APPLICATION FEES:

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

### OTHER APPLICATION FEES:

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

### NOTES:

<sup>1</sup>: IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.  
<sup>2</sup>: A \$1,000.00 FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.

## PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS **405 N. Alamo Rd Rockwall, TX 75087**

SUBDIVISION **North Alamo Addition** LOT **2** BLOCK **A**

GENERAL LOCATION **405 N. Alamo Rd. Rockwall, TX 75087**

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

CURRENT ZONING **SF10** CURRENT USE **Lot of land**

PROPOSED ZONING **SF7** PROPOSED USE **2 residential homes**

ACREAGE **1.2811** LOTS [CURRENT] **1.2511** LOTS [PROPOSED] **1.2511**

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

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

OWNER **Stringfellow Holdings, LLC**  APPLICANT

CONTACT PERSON **Brittney Roador James Stringfellow** CONTACT PERSON

ADDRESS **5023 Parkview** ADDRESS

CITY, STATE & ZIP **Addison, TX 75001** CITY, STATE & ZIP

PHONE **469-450-5326** PHONE

E-MAIL **James@stringfellowholdings.com** E-MAIL

## NOTARY VERIFICATION [REQUIRED]

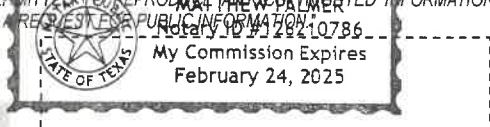
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Brittney Roador [OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:

"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ 214.22 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 12 DAY OF April, 2023 BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. CITY) IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION." [NOTARY PUBLIC]

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 12 DAY OF April, 2023

OWNER'S SIGNATURE Brittney Roador

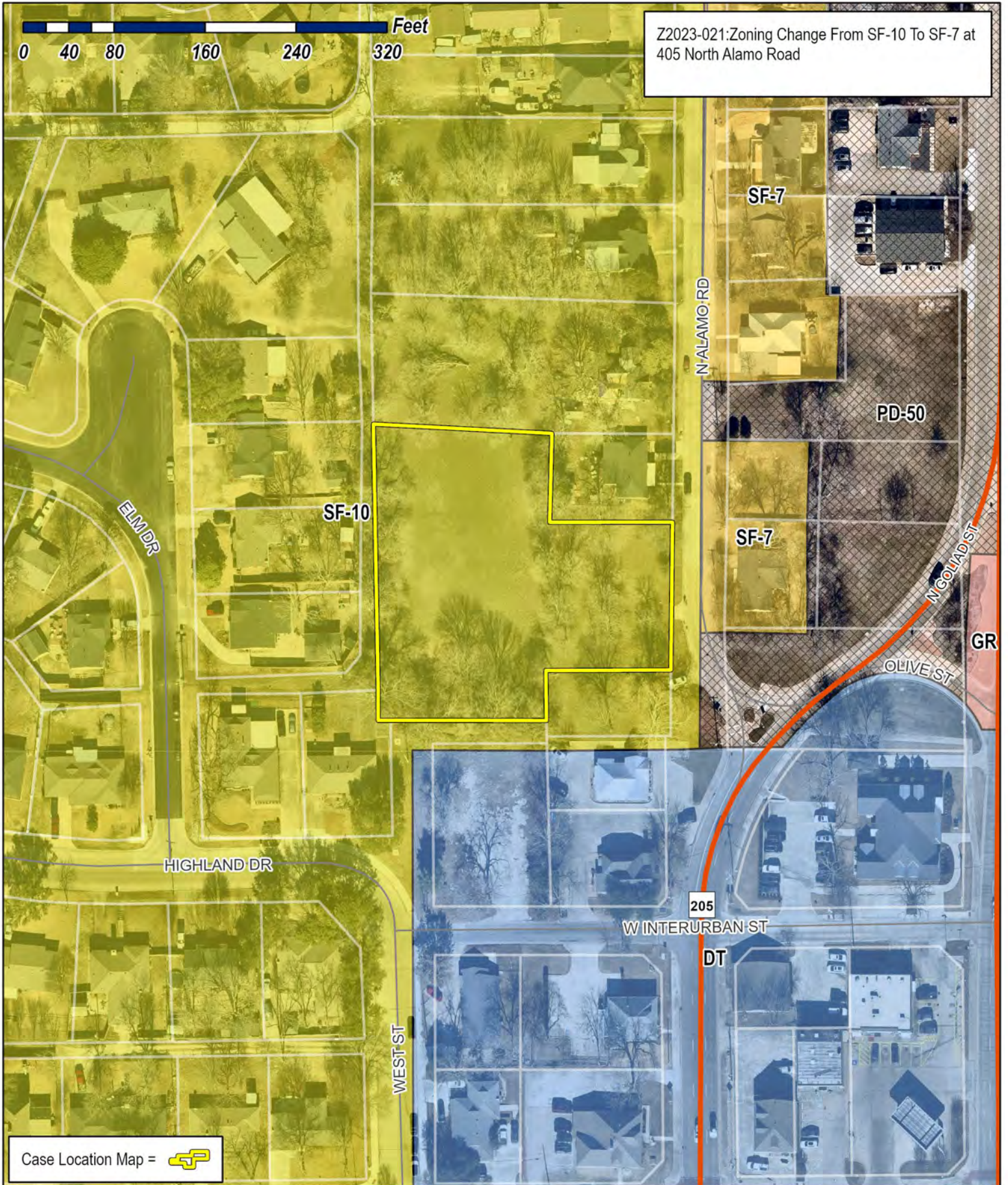
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS 20 with P... [Signature]




MY COMMISSION EXPIRES 2/24/25

0 40 80 160 240 320 Feet

Z2023-021:Zoning Change From SF-10 To SF-7 at 405 North Alamo Road



Case Location Map = 



# City of Rockwall

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

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

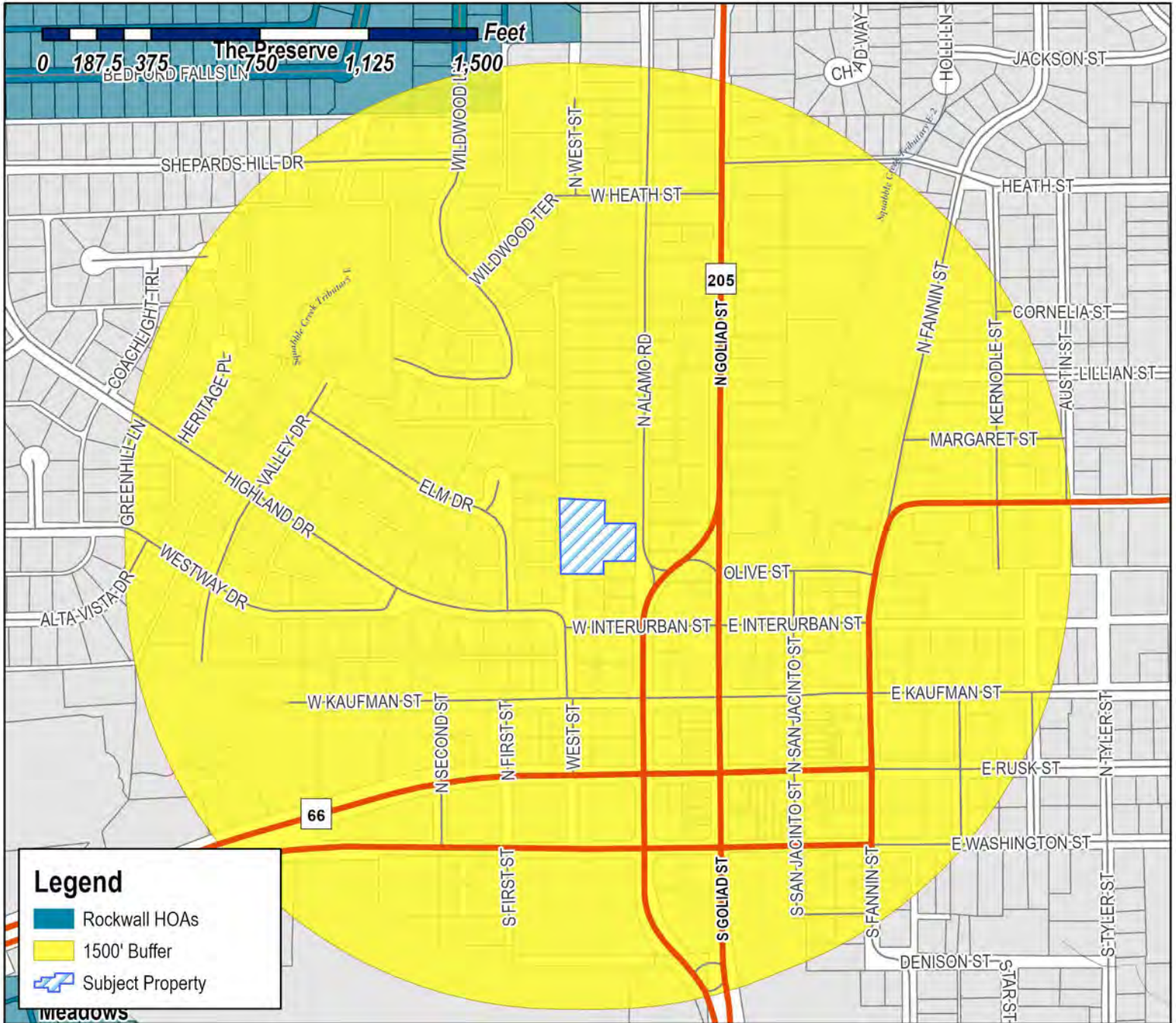




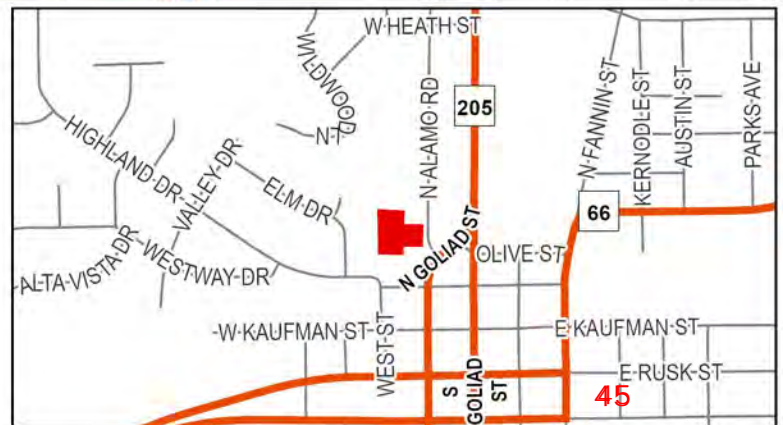
# City of Rockwall

Planning & Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75087  
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**Case Number:** Z2023-021  
**Case Name:** Zoning Change from SF-10 to SF-7  
**Case Type:** Zoning  
**Zoning:** Single-Family 10 (SF-10) District  
**Case Address:** 405 N. Alamo Road



**Date Saved:** 4/13/2023

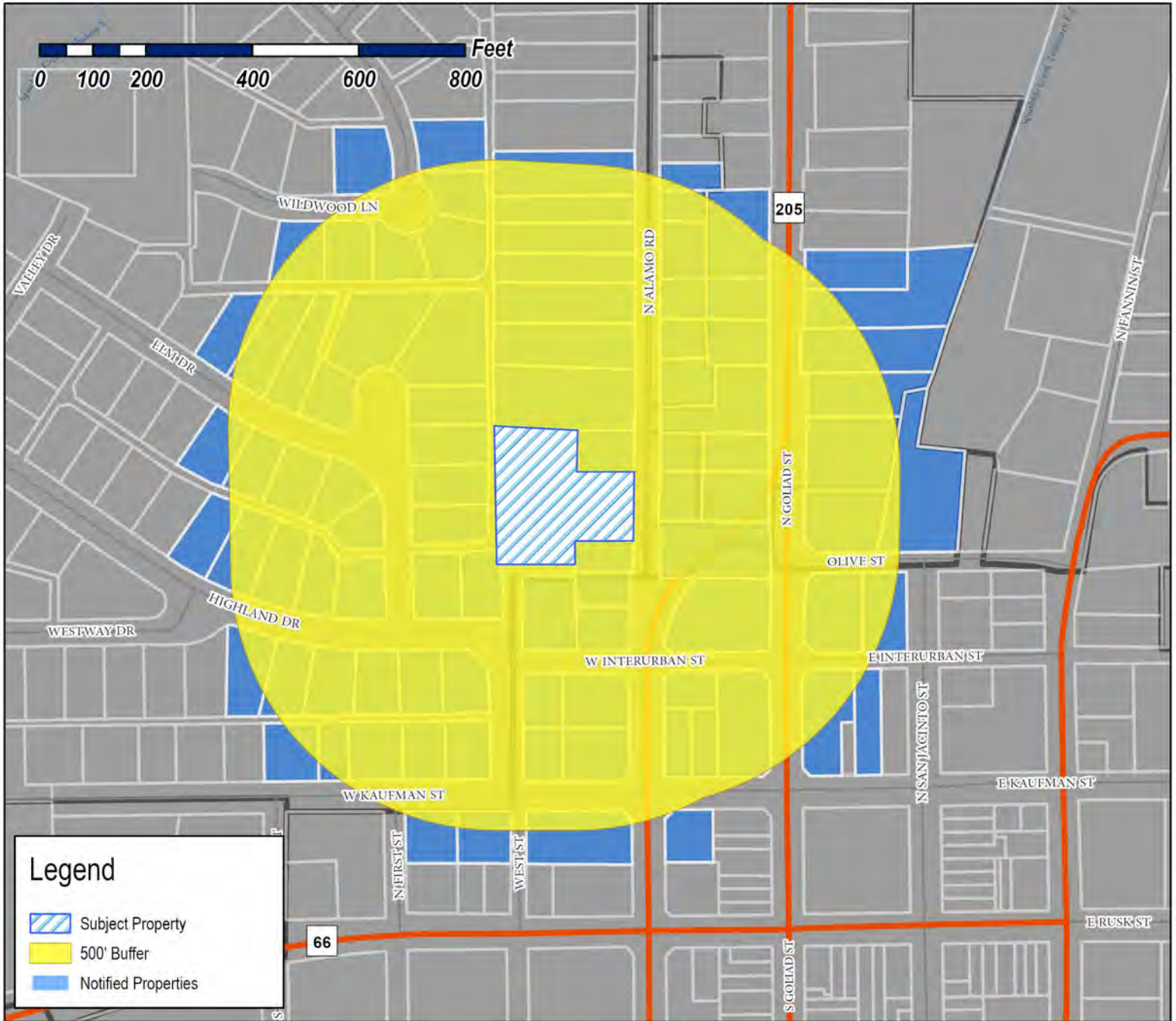
For Questions on this Case Call (972) 771-7745



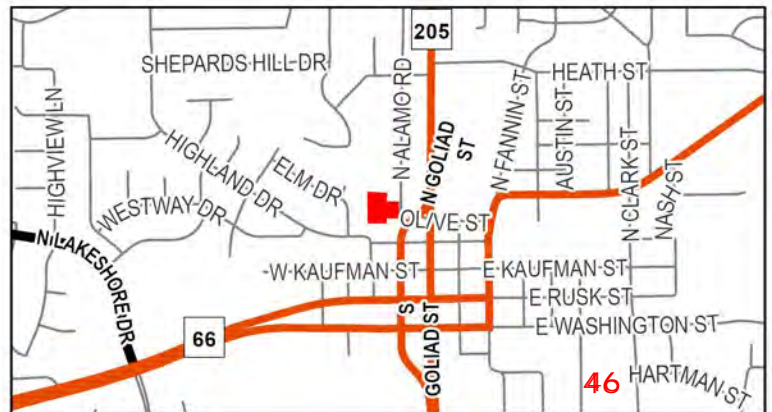
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**Case Number:** Z2023-021  
**Case Name:** Zoning Change from SF-10 to SF-7  
**Case Type:** Zoning  
**Zoning:** Single-Family 10 (SF-10) District  
**Case Address:** 405 N. Alamo Road



**Date Saved:** 4/13/2023

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

RESIDENT  
102 W KAUFMAN  
ROCKWALL, TX 75087

SPARKS ROBERT & TANA  
103 N 1ST ST  
ROCKWALL, TX 75087

RESIDENT  
104 W KAUFMAN  
ROCKWALL, TX 75087

RESIDENT  
105 OLIVE ST  
ROCKWALL, TX 75087

105 N ALAMO LLC  
105 N ALAMO  
ROCKWALL, TX 75032

WIMPEE JOE  
105 W KAUFMAN ST  
ROCKWALL, TX 75087

RESIDENT  
106 W KAUFMAN  
ROCKWALL, TX 75087

RESIDENT  
107 E KAUFMAN  
ROCKWALL, TX 75087

RESIDENT  
108 INTERURBAN  
ROCKWALL, TX 75087

SFR TEXAS ACQUISITIONS 3 LLC  
120 S RIVERSIDE PLAZA #2000  
CHICAGO, IL 60606

LEAL CAROL RHEA  
1307 RIDGE ROAD #2317  
ROCKWALL, TX 75087

PLACE TIM & LISANNE  
1531 ZAPATA DR  
EL DORADO HILLS, CA 95762

RAYWAY PROPERTIES LLC  
1572 N MUNSON RD  
ROYSE CITY, TX 75189

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

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

CGC GROUP INC  
1690 LAKE FOREST DR  
ROCKWALL, TX 75087

CRAWFORD STEVE  
1709 GASLIGHT CT  
SEABROOK, TX 77586

ARISTA KAUFMAN LLC  
1717 MAIN STREET SUITE 2950  
DALLAS, TX 75201

BLACK SHIRLEY M  
193 PORT SAINT CLAIRE  
ARANSAS PASS, TX 78336

RESIDENT  
201 N ALAMO  
ROCKWALL, TX 75087

RESIDENT  
202 INTERURBAN ST  
ROCKWALL, TX 75087

RESIDENT  
202 N WEST ST  
ROCKWALL, TX 75087

CANO OSCAR & NANCY  
203 N. ALAMO RD  
ROCKWALL, TX 75087

RESIDENT  
204 N WEST ST  
ROCKWALL, TX 75087

ESTATE OF DOSVILLE PEOPLES  
208 W HEATH ST  
ROCKWALL, TX 75087

HAYMAC VENTURES LLC  
218 CULLINS ROAD  
ROCKWALL, TX 75032

BRISCO OIL INC  
2323 STEVENS RD  
ROCKWALL, TX 75032

ROCKWALL RUSTIC RANCH LLC  
240 WILLOWCREST  
ROCKWALL, TX 75032

SEYMORE INVESTMENTS LLC  
242 C NATIONAL DR  
ROCKWALL, TX 75032

SMITH IFTACH  
2917 CHERRY SPRING CT  
PLANO, TX 75025

RESIDENT  
301 HIGHLAND DR  
ROCKWALL, TX 75087

BEDFORD TERRI W  
301 N ALAMO RD  
ROCKWALL, TX 75087

RESIDENT  
301 N GOLIAD ST  
ROCKWALL, TX 75087

RESIDENT  
301 N SAN JACINTO  
ROCKWALL, TX 75087

RESIDENT  
301 W KAUFMAN  
ROCKWALL, TX 75087

FERRIS BETH  
301 WILDWOOD LN  
ROCKWALL, TX 75087

JOHNSON AMANDA DAWN  
302 ELM DRIVE  
ROCKWALL, TX 75087

WARREN PEGGY E  
302 HIGHLAND DR  
ROCKWALL, TX 75087

JOY LUTHERAN CHURCH  
302 N GOLIAD ST  
ROCKWALL, TX 75087

JOY LUTHERAN CHURCH  
302 N GOLIAD ST  
ROCKWALL, TX 75087

CRANE KATHERINE LYNN  
302 W KAUFMAN ST  
ROCKWALL, TX 75087

SMITH WENDY  
303 DERICK DR  
FATE, TX 75189

WILLIAMS RONALD DAVID AND PATRICIA  
303 ELM DR  
ROCKWALL, TX 75087

WHITE SANDRA JEAN  
303 HIGHLAND DR  
ROCKWALL, TX 75087

RESIDENT  
303 N ALAMO  
ROCKWALL, TX 75087

ANGLE GLENDA ANNE  
303 WILDWOOD LN  
ROCKWALL, TX 75087

RESIDENT  
304 HIGHLAND DR  
ROCKWALL, TX 75087

GLASS KATHLEEN J  
304 ELM DR  
ROCKWALL, TX 75087

ODEN STORMIE E AND TAYLOR C  
304 WEST KAUFMAN STREET  
ROCKWALL, TX 75087

FOUSE DORIS BURNS  
305 ELM DR  
ROCKWALL, TX 75087

WHITE RUNELLE  
305 HIGHLAND DR  
ROCKWALL, TX 75087

KING BOBBY R ETUX  
305 WILDWOOD LN  
ROCKWALL, TX 75087

BELL MARY NELL  
306 ELM DR  
ROCKWALL, TX 75087

STANLEY PAUL & SHERI  
306 HIGHLAND DR  
ROCKWALL, TX 75087

RESIDENT  
307 WILDWOOD LN  
ROCKWALL, TX 75087

KLEPPER LINDA C (POLLARD)  
307 HIGHLAND DR  
ROCKWALL, TX 75087

WATCHMEN REAL ESTATE LLC  
3077 N GOLIAD  
ROCKWALL, TX 75087

SCHWEIKERT FERN ELLEN  
308 ELM DR  
ROCKWALL, TX 75087

WEBB TEDDY DOUGLAS & AURORA  
308 HIGHLAND DRIVE  
ROCKWALL, TX 75087

BRADEN DAVID WAYNE  
308 WILDWOOD LANE  
ROCKWALL, TX 75087



RESIDENT  
309 WILDWOOD LN  
ROCKWALL, TX 75087

GRACE CLINE LIFE ESTATE  
MARK CLINE  
309 HIGHLAND DR  
ROCKWALL, TX 75087

RESIDENT  
310 HIGHLAND DR  
ROCKWALL, TX 75087

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

PEOPLES JOHN P  
311 HIGHLAND DR  
ROCKWALL, TX 75087

RESIDENT  
312 ELM DR  
ROCKWALL, TX 75087

UNION BANK & TRUST CO  
SUCCESSOR TRUSTEE EMILY SUE WHITEHEAD  
REV TRUST  
312 CENTRAL AVE SE, STE 508  
MINNEAPOLIS, MN 55414

SOUTHERN ROOTS LLC  
312 DARTBROOK  
ROCKWALL, TX 75087

GARRETT GERRY B  
312 HIGHLAND DR  
ROCKWALL, TX 75087

RESIDENT  
314 HIGHLAND DR  
ROCKWALL, TX 75087

KINSEY BRIAN & TERESA  
316 ELM DRIVE  
ROCKWALL, TX 75087

SIDES DEBORAH HALE  
317 ELM DR  
ROCKWALL, TX 75087

FURGUSON RANDY AND ANGELA  
317 ELM DR  
ROCKWALL, TX 75087

TALLEY JANICE  
318 ELM DRIVE  
ROCKWALL, TX 75087

RESIDENT  
319 ELM DR  
ROCKWALL, TX 75087

RESIDENT  
320 ELM DR  
ROCKWALL, TX 75087

RESIDENT  
321 ELM DR  
ROCKWALL, TX 75087

EVANS SHARON  
322 ELM DRIVE  
ROCKWALL, TX 75087

HEALDAN GROUP INC  
3460 MARRON RD SUITE 103-144  
OCEANSIDE, CA 92056

RESIDENT  
401 N ALAMO  
ROCKWALL, TX 75087

PARKS PAIGE E  
402 W KAUFMAN ST STE 100  
ROCKWALL, TX 75087

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

RESIDENT  
404 N GOLIAD  
ROCKWALL, TX 75087

KOVAR RACHAEL A  
404 WEST KAUFMAN STREET  
ROCKWALL, TX 75087

RESIDENT  
405 N ALAMO  
ROCKWALL, TX 75087

RESIDENT  
406 N GOLIAD  
ROCKWALL, TX 75087

JONES GERWYN AND JANE  
406 N ALAMO ROAD  
ROCKWALL, TX 75087

RESIDENT  
406 N GOLIAD  
ROCKWALL, TX 75087

PICKETT GINA  
406 W KAUFMAN ST  
ROCKWALL, TX 75087

DAVENPORT RENTAL PROPERTIES LLC  
407 CASTLE PINES DRIVE  
HEATH, TX 75032

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

RESIDENT  
501 N ALAMO  
ROCKWALL, TX 75087

RESIDENT  
501 N GOLIAD  
ROCKWALL, TX 75087

RESIDENT  
502 N ALAMO  
ROCKWALL, TX 75087

RESIDENT  
502 N GOLIAD  
ROCKWALL, TX 75087

SMITH MARY SUE  
502 W RUSK ST  
ROCKWALL, TX 75087

STRINGFELLOW HOLDINGS, LLC  
5023 PARKVIEW PLACE  
ADDISON, TX 75001

STRINGFELLOW HOLDINGS, LLC  
5023 PARKVIEW PLACE  
ADDISON, TX 75001

STRINGFELLOW HOLDINGS, LLC  
5023 PARKVIEW PLACE  
ADDISON, TX 75001

RESIDENT  
503 N ALAMO  
ROCKWALL, TX 75087

RESIDENT  
503 N GOLIAD ST  
ROCKWALL, TX 75087

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

RESIDENT  
504 N GOLIAD  
ROCKWALL, TX 75087

TUCKER PAMELA  
505 N ALAMO RD  
ROCKWALL, TX 75087

RESIDENT  
505 N GOLIAD  
ROCKWALL, TX 75087

SOUTHERN ROOTS LLC  
505 N GOLIAD STREET  
ROCKWALL, TX 75087

LAYTON ERIC A AND APRIL L  
506 N ALAMO  
ROCKWALL, TX 75087

RESIDENT  
506 N GOLIAD  
ROCKWALL, TX 75087

FLEMING HALLIE B  
507 N GOLIAD  
ROCKWALL, TX 75087

RESIDENT  
507 N GOLIAD  
ROCKWALL, TX 75087

RESIDENT  
508 N ALAMO  
ROCKWALL, TX 75087

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

SIDDALL RYAN AND  
TAYLOR GILSTRAP  
5469 JEFFERSON DR  
SACHSE, TX 75048

RESIDENT  
601 N ALAMO  
ROCKWALL, TX 75087

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

RESIDENT  
602 N GOLIAD  
ROCKWALL, TX 75087

HAMILTON JOANN  
603 N ALAMO RD  
ROCKWALL, TX 75087

RESIDENT  
603 N GOLIAD  
ROCKWALL, TX 75087

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

RESIDENT  
605 N ALAMO  
ROCKWALL, TX 75087

ROY LAWRENCE HANCE JR TRUST  
ROY LAWRENCE HANCE JR- TRUSTEE  
6946 SPERRY STREET  
DALLAS, TX 75214

CTC TEXAN PROPERTIES LLC  
7005 CHASE OAKS BLVD SUITE 180  
PLANO, TX 75025

RESIDENT  
703 N ALAMO RD  
ROCKWALL, TX 75087

RESIDENT  
703 N ALAMO RD  
ROCKWALL, TX 75087

RESIDENT  
706 N ALAMO  
ROCKWALL, TX 75087

RISE ACADEMY LEARNING CENTER LLC  
7106 LIBERTY GROVE RD  
ROWLETT, TX 75089

CRISWELL BARBARA  
7110 HUNT LANE  
ROCKWALL, TX 75087

MBK3 PROPERTY HOLDING CO LLC  
804 TRUMPETER WAY  
ROCKWALL, TX 75032

BACKCOUNTRY HOLDINGS LLC AND  
KYLEE KNIGHT  
8078 WHITEWING DRIVE  
FRISCO, TX 75034

WAY FAMILY TRUST  
8441 S FM ROAD 549  
ROCKWALL, TX 75032

PRECISION GLOBAL CORPORATION  
9330 LBJ FREEWAY SUITE 900  
DALLAS, TX 75243

BUTCHER MELVIN R  
PO BOX 147  
QUINLAN, TX 75474

CONSELMAN EQUITIES LLC  
PO BOX 2284  
ROCKWALL, TX 75087

MILE HIGH BORROW 1 LLC  
PO BOX 4090  
SCOTTSDALE, AZ 85261

LAND HEADQUARTERS COMPANY INC  
C/O FAIR ROAD PROPERTIES INC  
PO BOX 69  
KEY BISCAYNE, FL 33149

GGX6 LLC  
PO BOX 999  
ROCKWALL, TX 75087

# PUBLIC NOTICE



CITY OF ROCKWALL  
PLANNING AND ZONING DEPARTMENT  
PHONE: (972) 771-7745  
EMAIL: PLANNING@ROCKWALL.COM

Property Owner and/or Resident of the City of Rockwall:

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

Z2023-021: Zoning Change from SF-10 to SF-7

Hold a public hearing to discuss and consider a request by James Stringfellow and Bethany Rood of Stringfellow Holdings, LLC for the approval of a Zoning Change from a Single-Family 10 (SF-10) District to a Single-Family 7 (SF-7) District for a 1.2811-acre parcel of land identified as Lot 2, Block A, North Alamo Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 405 N. Alamo 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, May 9, 2023 at 6:00 PM, and the City Council will hold a public hearing on Monday, May 15, 2023 at 6:00 PM. 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:

Angelica Guevara  
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](mailto: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 Monday, May 15, 2023 at 4:00 PM 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 AT: <https://sites.google.com/site/rockwallplanning/development/development-cases>

PLEASE RETURN THE BELOW FORM

Case No. Z2023-021: Zoning Change from SF-10 to SF-7

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

# PUBLIC NOTICE



CITY OF ROCKWALL  
PLANNING AND ZONING DEPARTMENT  
PHONE: (972) 771-7745  
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Sincerely,

**Ryan Miller, AICP**  
Director of Planning & Zoning



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

**Case No. Z2023-021: Zoning Change from SF-10 to SF-7**

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.

[Redacted area]

Name: TERRI BEDFORD / A Bedford Group  
Address: 301 N. Alamo Rd, Rockwall 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.

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

From: [Miller, Ryan](#)  
To: [Guevara, Angelica](#)  
Subject: FW: In Favor of case Z2023-021 Zoning  
Date: Tuesday, May 2, 2023 4:39:28 PM

---

RYAN C. MILLER, AICP  
DIRECTOR OF PLANNING & ZONING • PLANNING & ZONING DIVISION • CITY OF ROCKWALL  
972.772.6441 OFFICE  
RMILLER@ROCKWALL.COM  
385 S. GOLIAD STREET • ROCKWALL, TX 75087  
HELPFUL LINKS | CITY OF ROCKWALL WEBSITE | PLANNING & ZONING DIVISION WEBSITE |  
MUNICIPAL CODE WEBSITE  
GIS DIVISION WEBSITE | UNIFIED DEVELOPMENT CODE

NOTES:

- 1) APPOINTED AND ELECTED OFFICIALS: BY REPLYING ALL TO THIS EMAIL YOU MAY BE IN VIOLATION OF THE TEXAS OPEN MEETINGS ACT. PLEASE REPLY ONLY TO THE SENDER.
- 2) PLEASE NOTE THAT ANY CORRESPONDENCE SENT TO CITY STAFF MAY BECOME PUBLIC RECORD.

-----Original Message-----

From: Hallie B. <[REDACTED]>  
Sent: Tuesday, May 2, 2023 2:29 PM  
To: Miller, Ryan <RMiller@rockwall.com>  
Subject: In Favor of case Z2023-021 Zoning

Hi there!

Long time!

In favor of the zoning change above!

Hallie Davenport  
[REDACTED]

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

**Case No. Z2023-021: Zoning Change from SF-10 to SF-7**

**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.

[Redacted area]

Name:

[Redacted name field]

Address:

[Redacted address field]

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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# PUBLIC NOTICE



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Rockwall, TX 75087

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Sincerely,

**Ryan Miller, AICP**  
Director of Planning & Zoning

USE THIS QR CODE  
TO GO DIRECTLY  
TO THE WEBSITE



MORE INFORMATION ON THIS CASE CAN BE FOUND AT: <https://sites.google.com/site/rockwallplanning/development/development-cases>

PLEASE RETURN THE BELOW FORM

### Case No. Z2023-021: Zoning Change from SF-10 to SF-7

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.

One thing we love about Rockwall is the zoning, and how, unlike a lot of surrounding cities, there are not a ton of apartments or high-density housing. We love that the historic district of Rockwall has character + want to protect that and not

Name: Ryan and Taylor Siddall

Address: 706 N. Alamo

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

Thank you for asking our opinion 😊

sacrifice it for the sake of investors trying to make money.

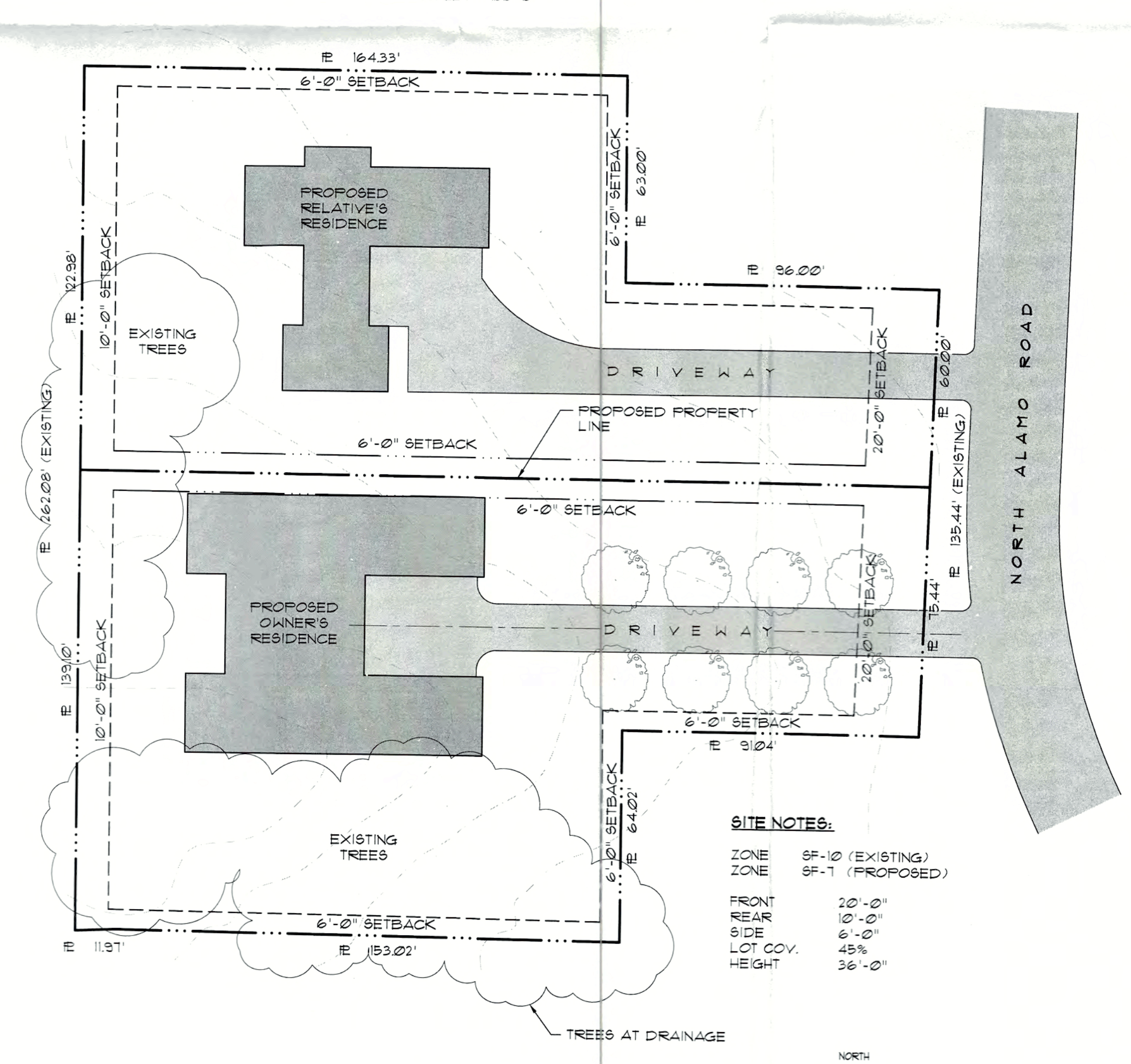
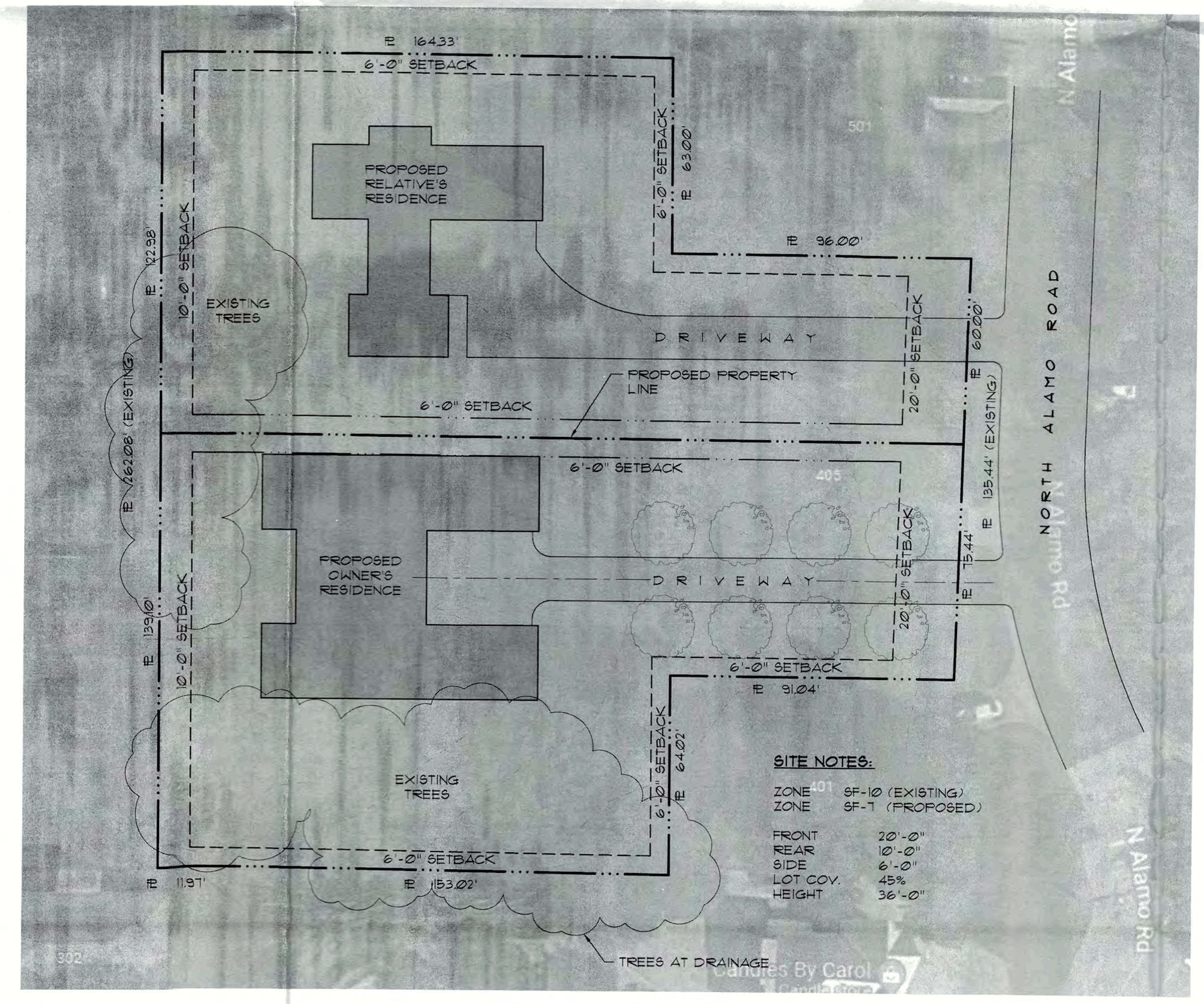
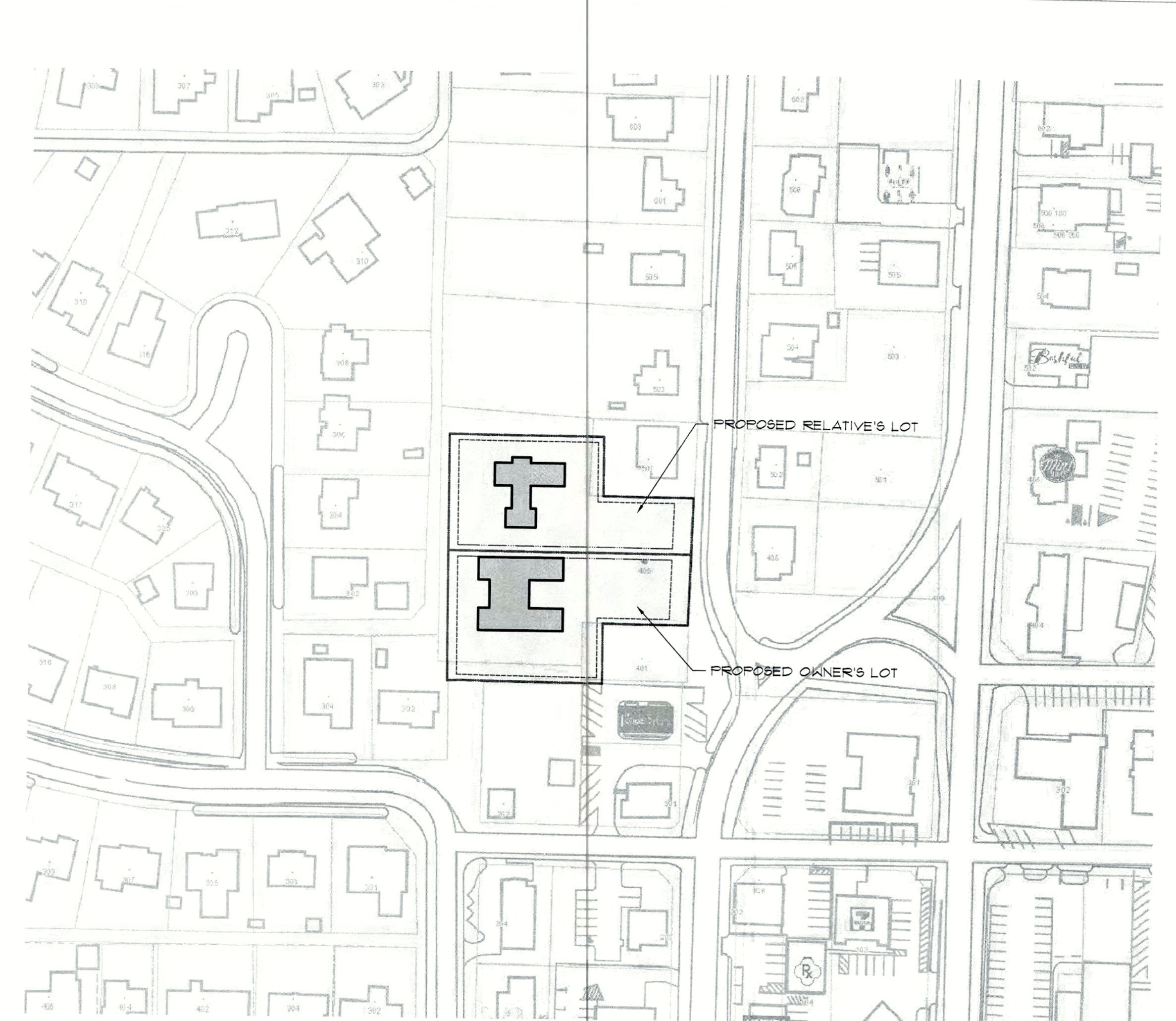
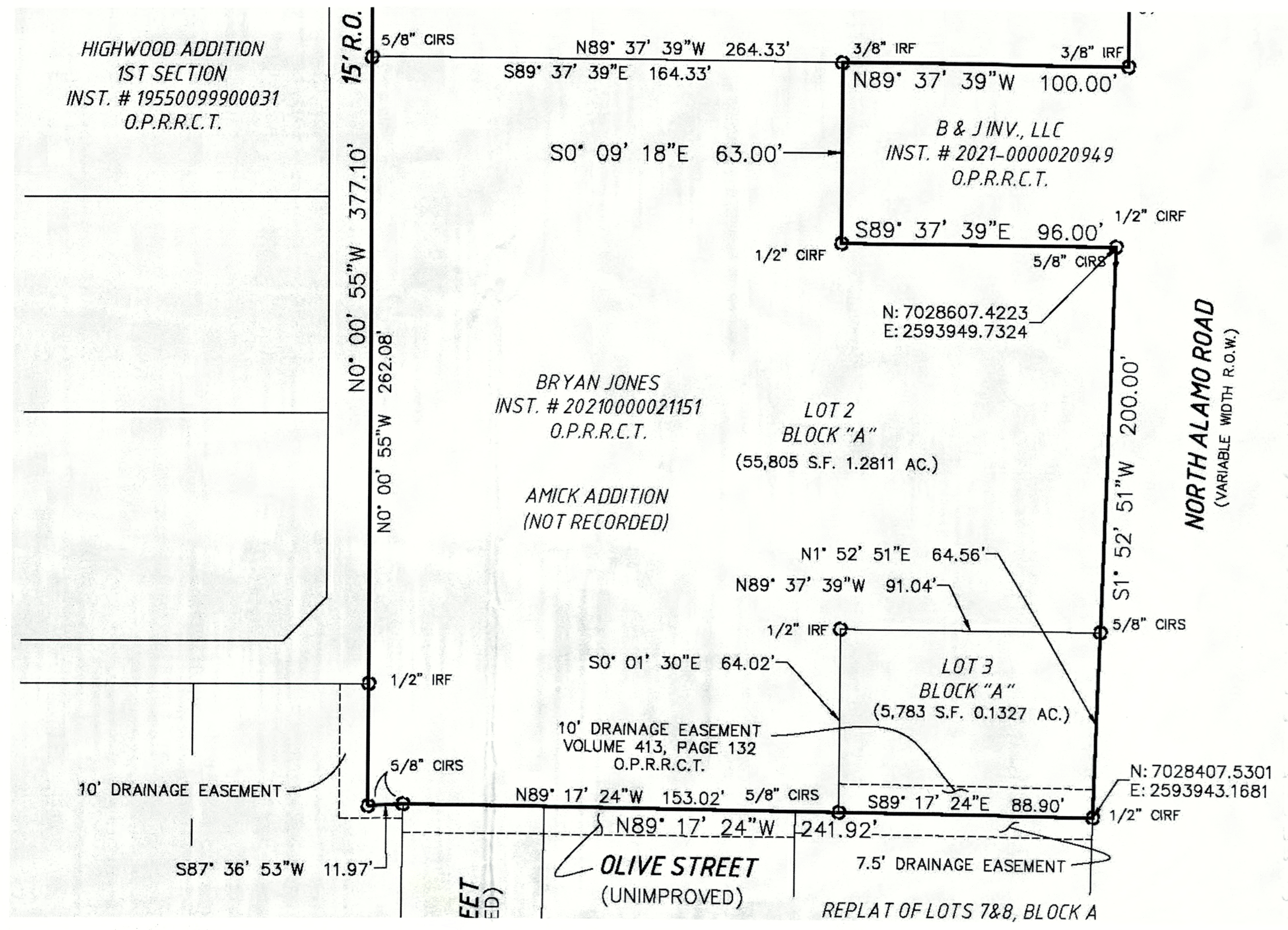


## Letter Of Explanation

The land at 405 N Alamo Rd. Rockwall, TX 75087 is currently zoned as SF10. We are requesting it to be rezoned as SF7 which lowers to required street clearance to 60ft. Once the lot is rezoned then we will be able to request for the large lot to be replated into two lots. We are requesting these changes in order to build two personal homes on the large lot. I am wanting to build my personal home with my family and my sister will build the other personal home for her and her family. We are wanting to build our homes next to each other to be able to provide each other support with raising our children.

James Stringfellow

469-450-8826



**robert durrant**  
Residential Design LLC

**Stringfellow / Rood Residence**  
405 North Alamo Street, Rockwall, Texas  
April 11, 2023

PROPERTY ID: 14020  
LEGAL DESCRIPTION: NORTH ALAMO ADDITION, BLOCK A, LOT 2, ACRES 1.2811

CITY OF ROCKWALL

ORDINANCE NO. 23-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM A SINGLE-FAMILY 10 (SF-10) DISTRICT TO A SINGLE-FAMILY 7 (SF-7) DISTRICT FOR A 1.2811-ACRE PARCEL OF LAND IDENTIFIED AS LOT 2, BLOCK A, NORTH ALAMO ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED AND DEPICTED IN EXHIBIT 'A' OF THIS ORDINANCE; 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 James Stringfellow and Brittany Rood of Stringfellow Holdings, LLC for the approval of a Zoning Change from a Single-Family 10 (SF-10) District to a Single-Family 7 (SF-7) District for a 1.2811-acre parcel of land identified as Lot 2, Block A, North Alamo Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, and more fully described and depicted in *Exhibit 'A'* 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 the Unified Development Code (UDC) [*Ordinance No. 20-02*] 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. 20-02*] of the City of Rockwall, Texas, as heretofore amended, be and the same are hereby amended by amending the zoning map of the City of Rockwall so as to change the zoning of the *Subject Property* from Single-Family 10 (SF-10) District to Single-Family 7 (SF-7) District;

**SECTION 2.** That the *Subject Property* shall be used only in the manner and for the purposes provided for a Single-Family 7 (SF-7) District as stipulated in Section 01.01, *Use of Land and Buildings*, of Article 04, *Permissible Uses*; Section 05.03, *General Residential District Standards*; and Section 03.09, *Single-Family 7 (SF-7) District*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall as heretofore amended, as amended herein by granting of this zoning change, and as maybe amended in the future;

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

zoning described herein;

**SECTION 4.** 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 5.** 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 (UDC) of the City of Rockwall, Texas, 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; and

**SECTION 6.** That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be and the same are hereby repealed, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect;

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

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

\_\_\_\_\_  
Trace Johanessen, *Mayor*

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

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

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

Exhibit 'A'  
Location Map

Legal Description: Lot 2, Block A, North Alamo Addition

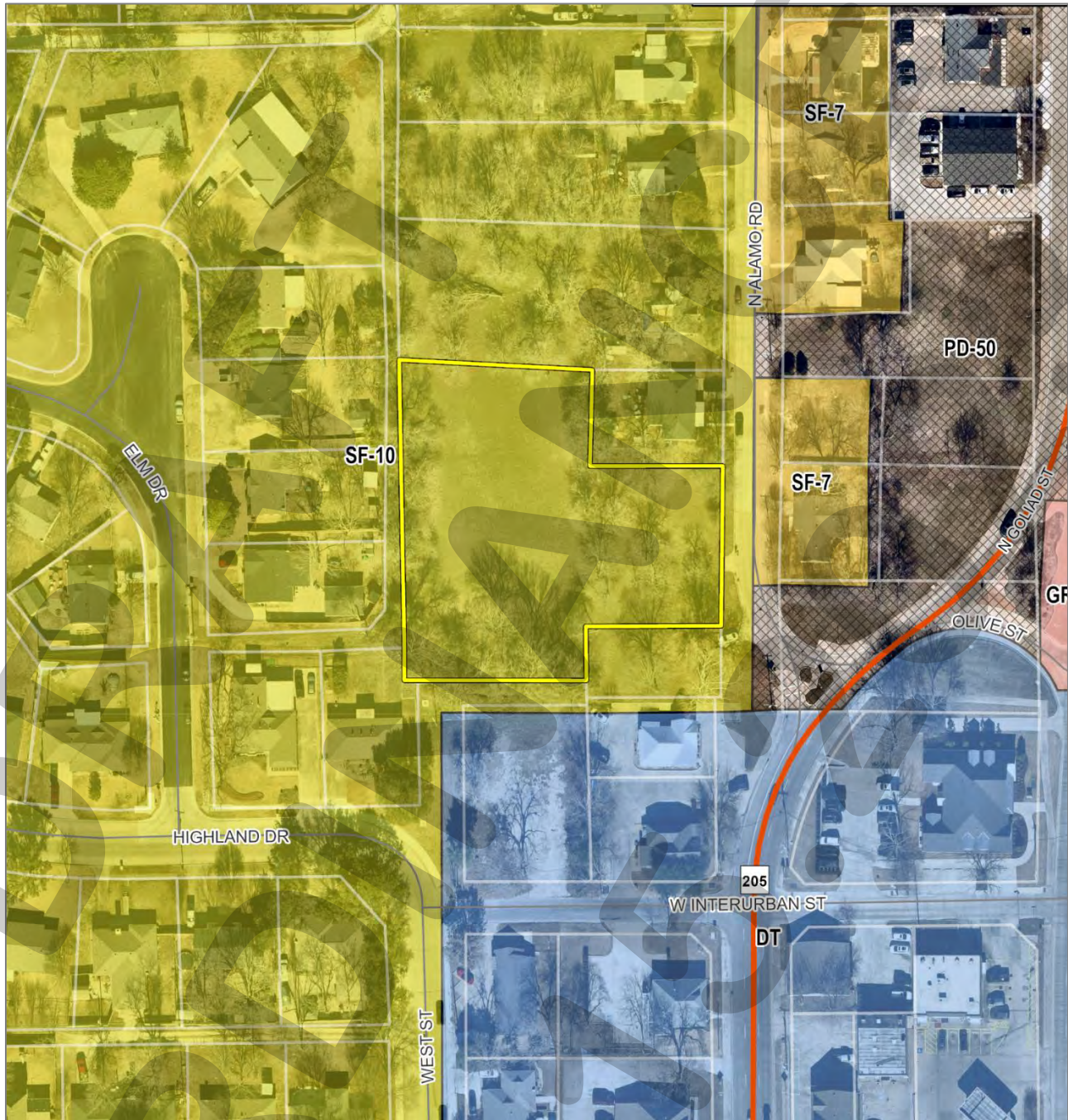
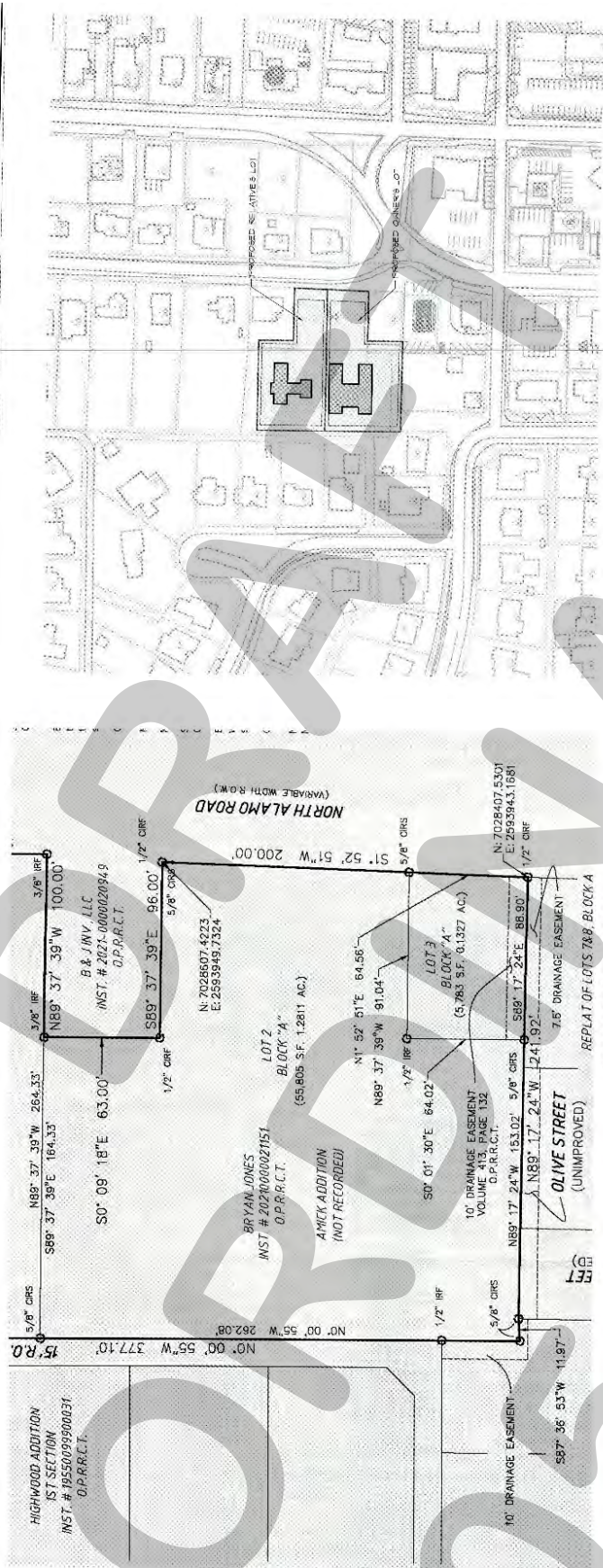
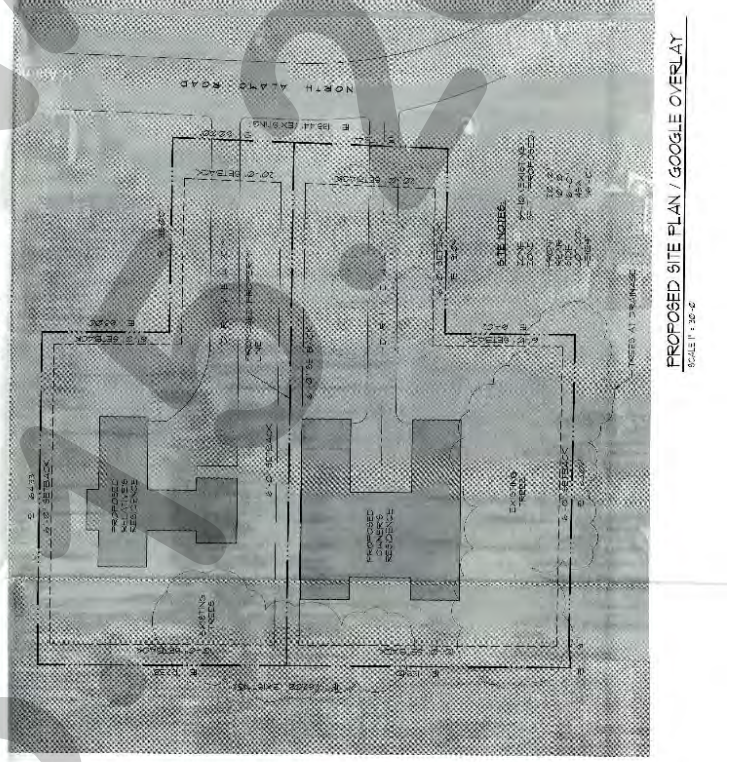
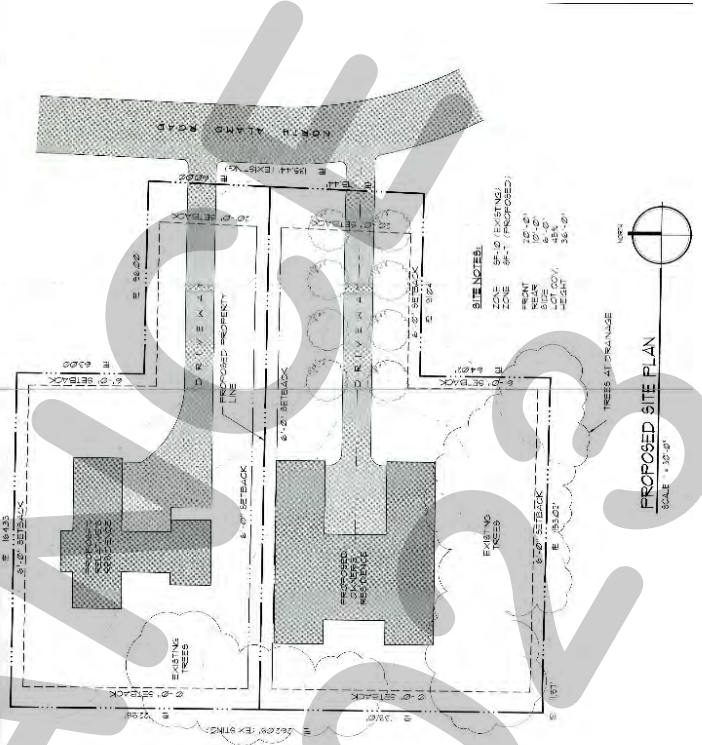


Exhibit 'B'  
Zoning Exhibit



NEIGHBORHOOD PLAN  
SCALE: 1" = 80'-0"





## MEMORANDUM

---

**TO:** Mary Smith, City Manager

**CC:** Honorable Mayor and City Council

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

**DATE:** May 15, 2023

**SUBJECT:** Z2023-022; SUP FOR A COMMERCIAL FREESTANDING ANTENNA

---

### Attachments

Case Memo  
Development Application  
Location Map  
HOA Notification Map  
Neighborhood Notification Email  
Property Owner Notification Map  
Property Owner Notification List  
Public Notice  
Property Owner Notifications  
Applicant's Letter  
Survey  
Concept Plan  
Conceptual Building Elevations  
Draft Ordinance

### Summary/Background Information

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

### Action Needed

The City Council is being asked to approve, approve with conditions, or deny the proposed *Specific Use Permit (SUP)*.



CITY OF ROCKWALL  
CITY COUNCIL CASE MEMO

PLANNING AND ZONING DEPARTMENT  
385 S. GOLIAD STREET • ROCKWALL, TX 75087  
PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

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

SUMMARY

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

BACKGROUND

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

PURPOSE

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

ADJACENT LAND USES AND ACCESS

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

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

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

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



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

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

MAP 1: LOCATION MAP

YELLOW: SUBJECT PROPERTY



CHARACTERISTICS OF THE REQUEST

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

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

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

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

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

### **STAFF ANALYSIS**

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

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

### **NOTIFICATIONS**

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

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

### **CONDITIONS OF APPROVAL**

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

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

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

#### PLANNING AND ZONING COMMISSION

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



# DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO.

22023-022

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

DIRECTOR OF PLANNING:

CITY ENGINEER:

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

### PLATTING APPLICATION FEES:

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

### PLAN APPLICATION FEES:

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

### ZONING APPLICATION FEES:

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

### OTHER APPLICATION FEES:

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

#### NOTES:

<sup>1</sup> IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.  
<sup>2</sup> A \$1,000.00 FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.

## PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS: Parcel situated in David Harr Survey Abs 102

SUBDIVISION: 25.41 Cain Revocable Trust Property      LOT:      BLOCK:     

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

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

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

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

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

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

## NOTARY VERIFICATION [REQUIRED]

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

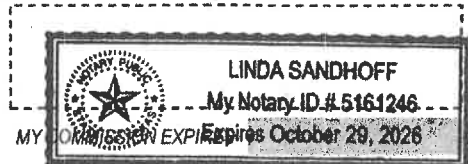
"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ \_\_\_\_\_ TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_. BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

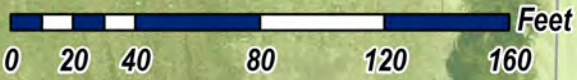
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 16 DAY OF Feb. 2023

OWNER'S SIGNATURE

*Dwayne Cain*  
*Linda Sandhoff*

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS






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

AG

66

SF-1

PD-100

Case Location Map = 



# City of Rockwall

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

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

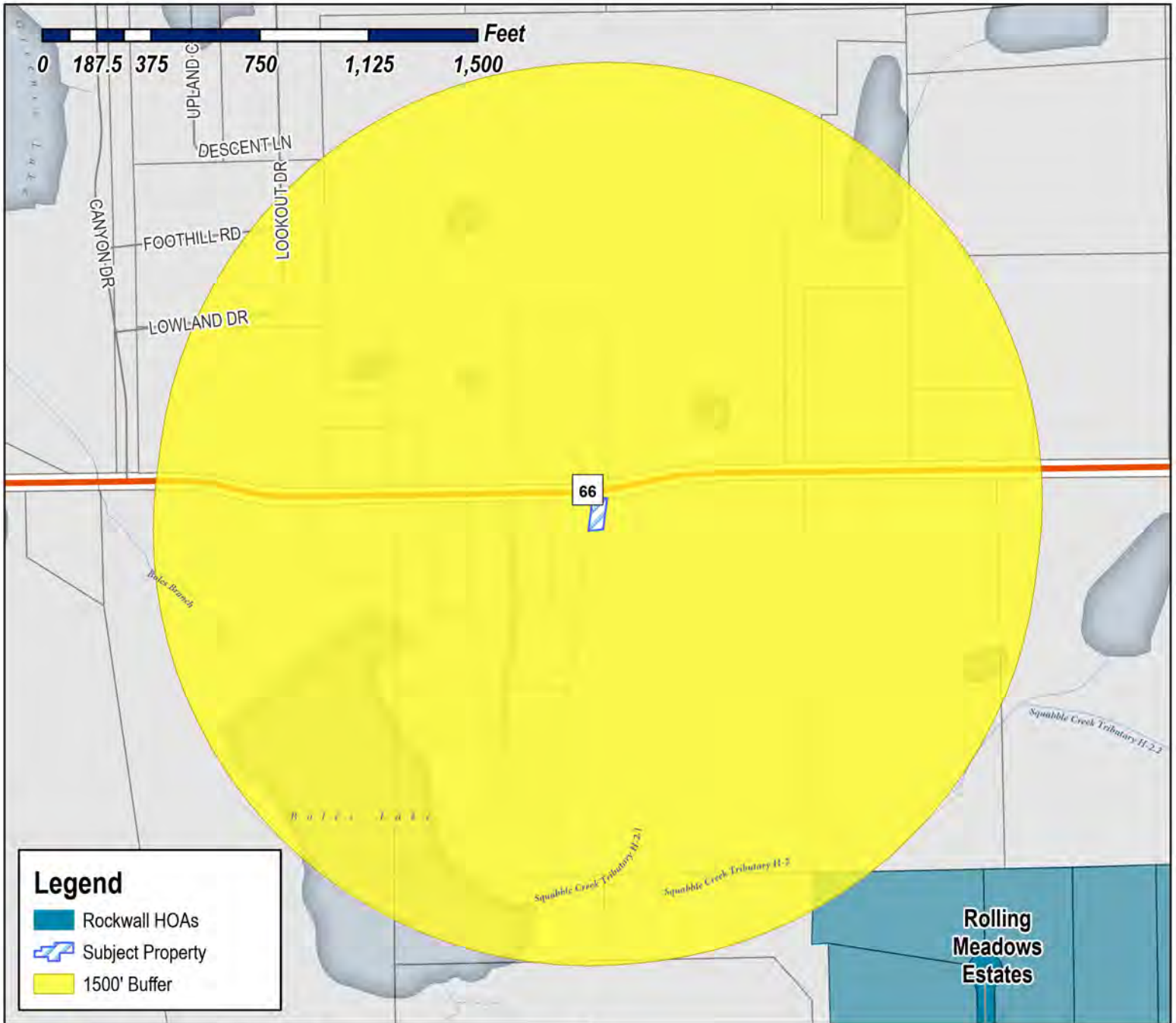




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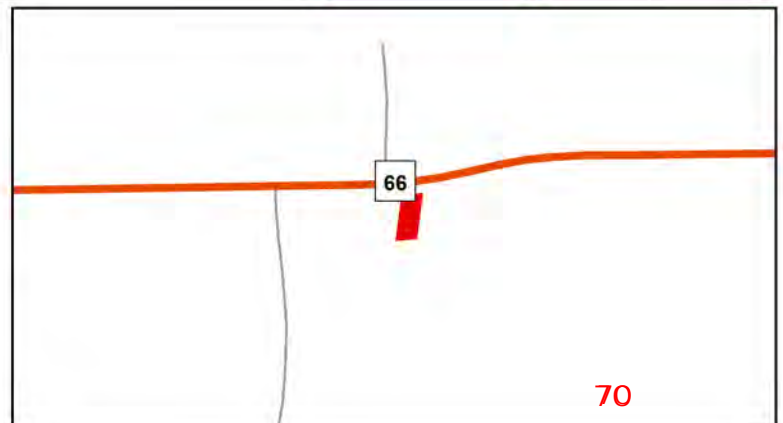
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**Case Number:** Z2023-022  
**Case Name:** SUP for a Freestanding Commercial Antenna  
**Case Type:** Zoning  
**Zoning:** Planned Development District 100 (PD-100)  
**Case Address:** Parcel between John King Blvd. & FM549

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

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



From: [Guevara, Angelica](#)  
Cc: [Miller, Ryan](#); [Ross, Bethany](#); [Lee, Henry](#)  
Bcc: [REDACTED]  
Subject: Neighborhood Notification Program [Z2023-022]  
Date: Tuesday, April 18, 2023 10:14:12 AM  
Attachments: [Public Notice \(04.17.2023\).pdf](#)  
[HOA Map \(04.14.2023\).pdf](#)

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HOA/Neighborhood Association Representative:

Per your participation in the Neighborhood Notification Program, you are receiving this notice to inform your organization that a zoning case has been filed with the City of Rockwall that is located within 1,500-feet of the boundaries of your neighborhood. As the contact listed for your organization, you are encouraged to share this information with the residents of your subdivision. Please find the attached map detailing the property requesting to be rezoned in relation to your subdivision boundaries. Additionally, below is the summary of the zoning case that will be published in the Rockwall Herald Banner on April 21, 2023. The Planning and Zoning Commission will hold a public hearing on Tuesday, May 9, 2023 at 6:00 PM, and the City Council will hold a public hearing on Monday, May 15, 2023 at 6:00 PM. Both hearings will take place at 6:00 PM at City Hall, 385 S. Goliad, Rockwall, TX 75087.

All interested parties are encouraged to submit public comments via email to [Planning@rockwall.com](mailto:Planning@rockwall.com) at least 30 minutes in advance of the meeting. Please include your name, address, and the case number your comments are referring to. These comments will be read into the record during each of the public hearings. Additional information on all current development cases can be found on the City's website: <https://sites.google.com/site/rockwallplanning/development/development-cases>.

Z2023-022: SUP for a Freestanding Commercial Antenna

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

Thank you,

*Angelica Guevara*

**Planning Technician  
City of Rockwall Planning & Zoning  
385 S. Goliad Street  
Rockwall, TX 75087  
Office: 972-771-7745  
Direct: 972-772-6438**



# City of Rockwall

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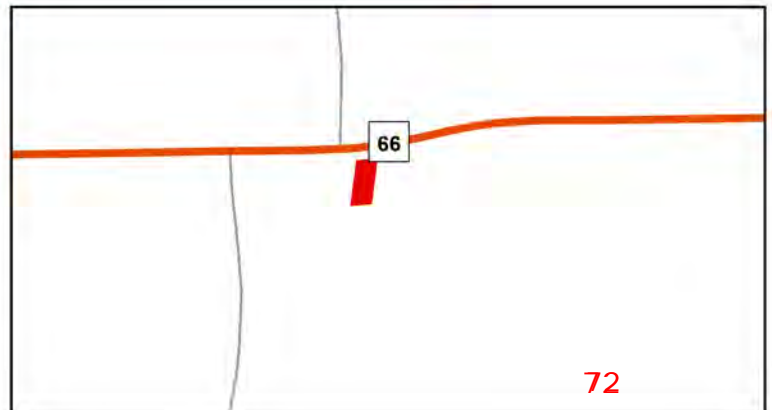
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**Case Number:** Z2023-022  
**Case Name:** SUP for a Freestanding Commercial Antenna  
**Case Type:** Zoning  
**Zoning:** Planned Development District 100 (PD-100)  
**Case Address:** Parcel between John King Blvd. & FM549

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

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





CONFIDENTIAL  
152 HILL LN  
ROCKWALL, TX 75087

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

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

RESIDENT  
1800 WILLIAMS ST  
ROCKWALL, TX 75087

RESIDENT  
2294 E STATE HIGHWAY 66  
ROCKWALL, TX 75087

CAIN FAMILY PARTNERSHIP LTD  
305 STONEBRIDGE DR  
ROCKWALL, TX 75087

RYAN BILL K  
330 VZ CR 2207  
CANTON, TX 75103

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

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

RESIDENT  
745 DAVIS DR  
ROCKWALL, TX 75087

COOK SHERRY LYNN  
760 DAVIS DRIVE  
ROCKWALL, TX 75087

WIDBOOM ROBBY AND KYLIE  
770 DAVIS DR  
ROCKWALL, TX 75087

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

RAINES SHERYL  
PO BOX 412  
ROCKWALL, TX 75087

# PUBLIC NOTICE



CITY OF ROCKWALL  
PLANNING AND ZONING DEPARTMENT  
PHONE: (972) 771-7745  
EMAIL: PLANNING@ROCKWALL.COM

Property Owner and/or Resident of the City of Rockwall:

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

Z2023-022: SUP for A Freestanding Commercial Antenna

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

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on Tuesday, May 9, 2023 at 6:00 PM, and the City Council will hold a public hearing on Monday, May 15, 2023 at 6:00 PM. 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:

Henry Lee  
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](mailto: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 Monday, May 15, 2023 at 4:00 PM 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 AT: <https://sites.google.com/site/rockwallplanning/development/development-cases>

PLEASE RETURN THE BELOW FORM

Case No. Z2023-022: SUP for A Freestanding Commercial Antenna

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

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.

[Redacted area]

Name: David Rakow  
Address: 152 Hill Ln Rockwall 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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# PUBLIC NOTICE



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

Property Owner and/or Resident of the City of Rockwall:

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**Z2023-022: SUP for A Freestanding Commercial Antenna**

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

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

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Your comments must be received by Monday, May 15, 2023 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

**Ryan Miller, AICP**  
Director of Planning & Zoning

USE THIS QR CODE  
TO GO DIRECTLY  
TO THE WEBSITE



MORE INFORMATION ON THIS CASE CAN BE FOUND AT: <https://sites.google.com/site/rockwallplanning/development/development-cases>

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

**Case No. Z2023-022: SUP for A Freestanding Commercial Antenna**

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 LTD  
 Address: 305 Stonebridge Dr. 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.

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

# PUBLIC NOTICE



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

Property Owner and/or Resident of the City of Rockwall:

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### Z2023-022: SUP for A Freestanding Commercial Antenna

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

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on Tuesday, May 9, 2023 at 6:00 PM, and the City Council will hold a public hearing on Monday, May 15, 2023 at 6:00 PM. 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:

**Henry Lee**  
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](mailto: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 Monday, May 15, 2023 at 4:00 PM 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 AT: <https://sites.google.com/site/rockwallplanning/development/development-cases>

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

### Case No. Z2023-022: SUP for A Freestanding Commercial Antenna

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 REVOCABLE FAMILY TRUST

Address: 305 Stonebridge Dr. 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.

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

**Lee, Henry**

---

**From:** Sellers Donya < >  
**Sent:** Tuesday, May 2, 2023 2:15 PM  
**To:** Lee, Henry  
**Subject:** Proposed Cell Tower

I am in favor of the proposed cell tower on State Hwy. 66 in Rockwall for Dewayne Cain

Donya Sellers-Horton  
700 Davis Drive  
Rockwall TX 75087  
972-689-3356

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

**Lee, Henry**

---

**From:** John or Lori Cummings  
**Sent:** Monday, April 24, 2023 7:34 PM  
**To:** Lee, Henry  
**Subject:** Support for Case# Z2023-022

Hello Henry,

We own 1770 State Highway 66 (aka Williams St), which is within the 500' buffer of Case# Z2023-022, SUP for a freestanding commercial antenna.

We are in favor of the proposed cell tower.

Thank you,

John & Lori Cummings

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

## Lee, Henry

---

**From:** Lesli Johnson  
**Sent:** Monday, May 8, 2023 8:04 AM  
**To:** Lee, Henry  
**Subject:** Cell Tower on Hwy 66

Hello Mr. Lee,

Due to the poor cell service in the Rest Haven area, we favor the proposed cell tower on Hwy 66 in Rockwall.

Thank you!

Lesli Y. Johnson  
Managing Partner  
**Rest Haven Funeral Home & Memorial Park**  
**The Flower Box**  
**Pet Memories**  
**Northeast Texas Crematory**  
Office: (972) 771-8641  
Fax: (972) 771-1912  
[ljohnson@resthavenfuneral.com](mailto:ljohnson@resthavenfuneral.com)



**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**



April 12, 2023

Ryan Miller  
Director of Planning  
City of Rockwall, Texas

Re: Request for SUP to construct Cell Tower

Dear Ryan,

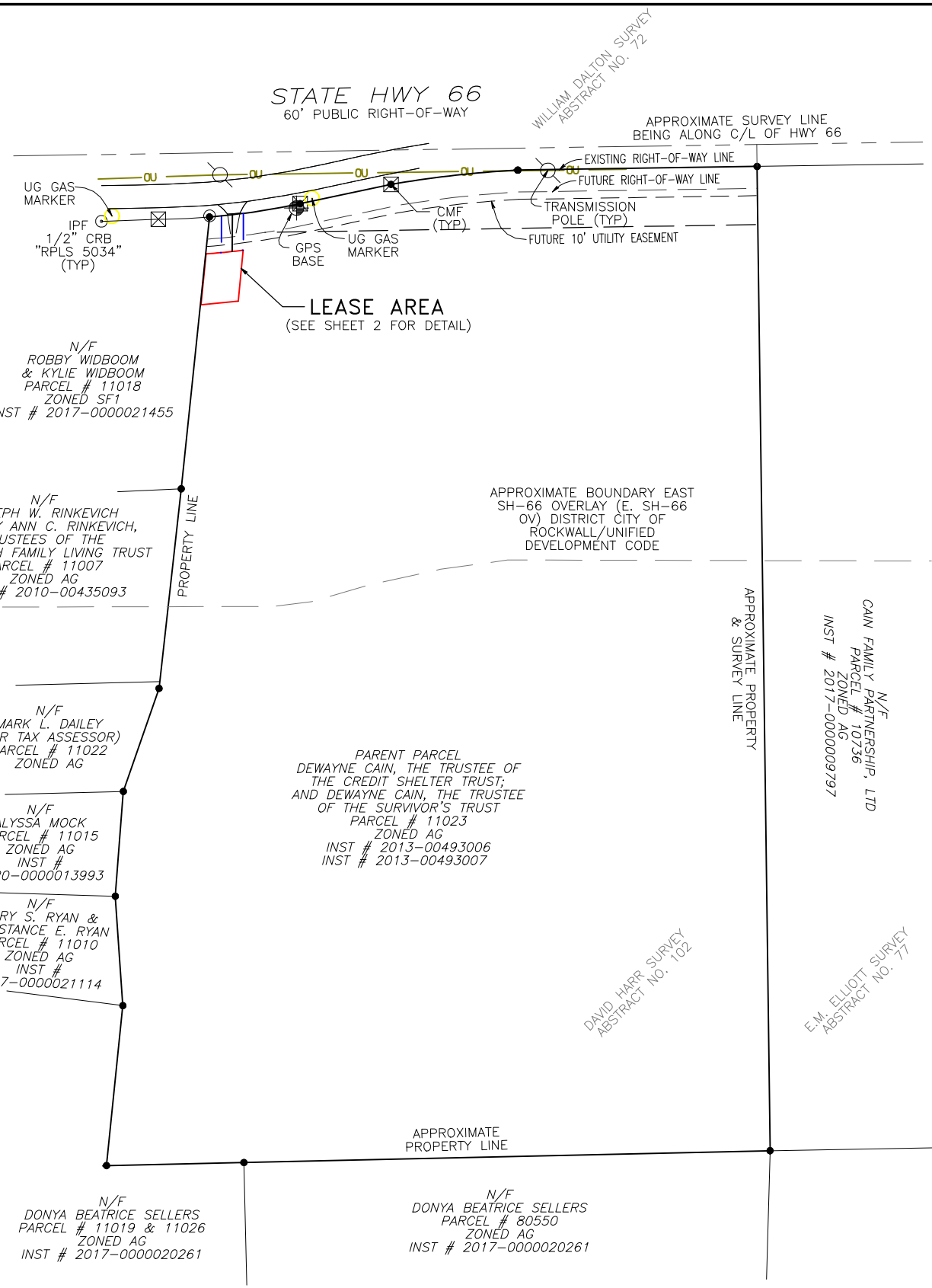
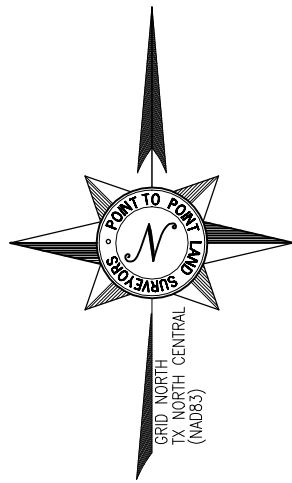
On behalf of Mr. Dewayne Cain, please allow this letter to serve as a formal request to obtain a Special Use Permit to construct a cell tower on the 25.41 Acre tract owned by Dewayne Cain listed under the 25.41 Cain Revocable Trust property located on SH 66 centered between John King Blvd and FM 3549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

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

Sincerely,

*W.L. Douphrate II*

W.L. Douphrate II, P.E.



**PARENT PARCEL**

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

**GPS NOTES**

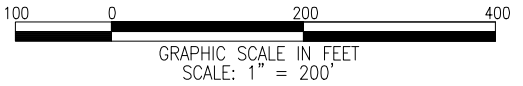
THE FOLLOWING GPS STATISTICS UPON WHICH THIS SURVEY IS BASED HAVE BEEN PRODUCED AT THE 95% CONFIDENCE LEVEL:  
 POSITIONAL ACCURACY: 0.01 FEET (HORZ) 0.25 FEET (VERT)  
 TYPE OF EQUIPMENT: GEOMAX ZENITH35 PRO BASE AND ROVER, DUAL FREQUENCY  
 TYPE OF GPS FIELD PROCEDURE: ONLINE POSITION USER INTERFACE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

**SURVEYOR'S CERTIFICATION**

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

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

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



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

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

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

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

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

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

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

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

TEXAS REGISTRATION NO. 10194197

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



*Justin Kyle Lawrence*

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

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



SPECIFIC PURPOSE SURVEY PREPARED FOR:



5449 BELLS FERRY ROAD,  
 ACWORTH, GA 30102

DDL00380

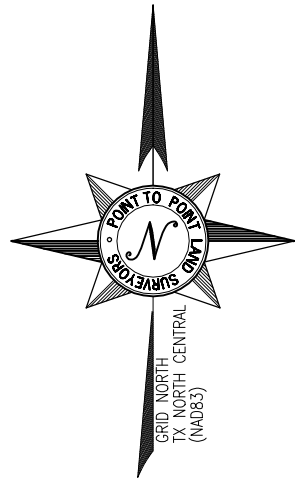
DAVID HARR SURVEY,  
 ABSTRACT 102,  
 ROCKWALL COUNTY, TEXAS

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



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

E:\Dropbox (Point To Point)\P2P Current Jobs\2022\220743TX-00\00380\220743TX.p2p



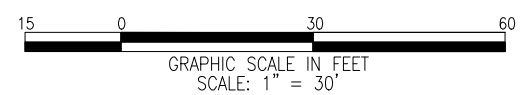
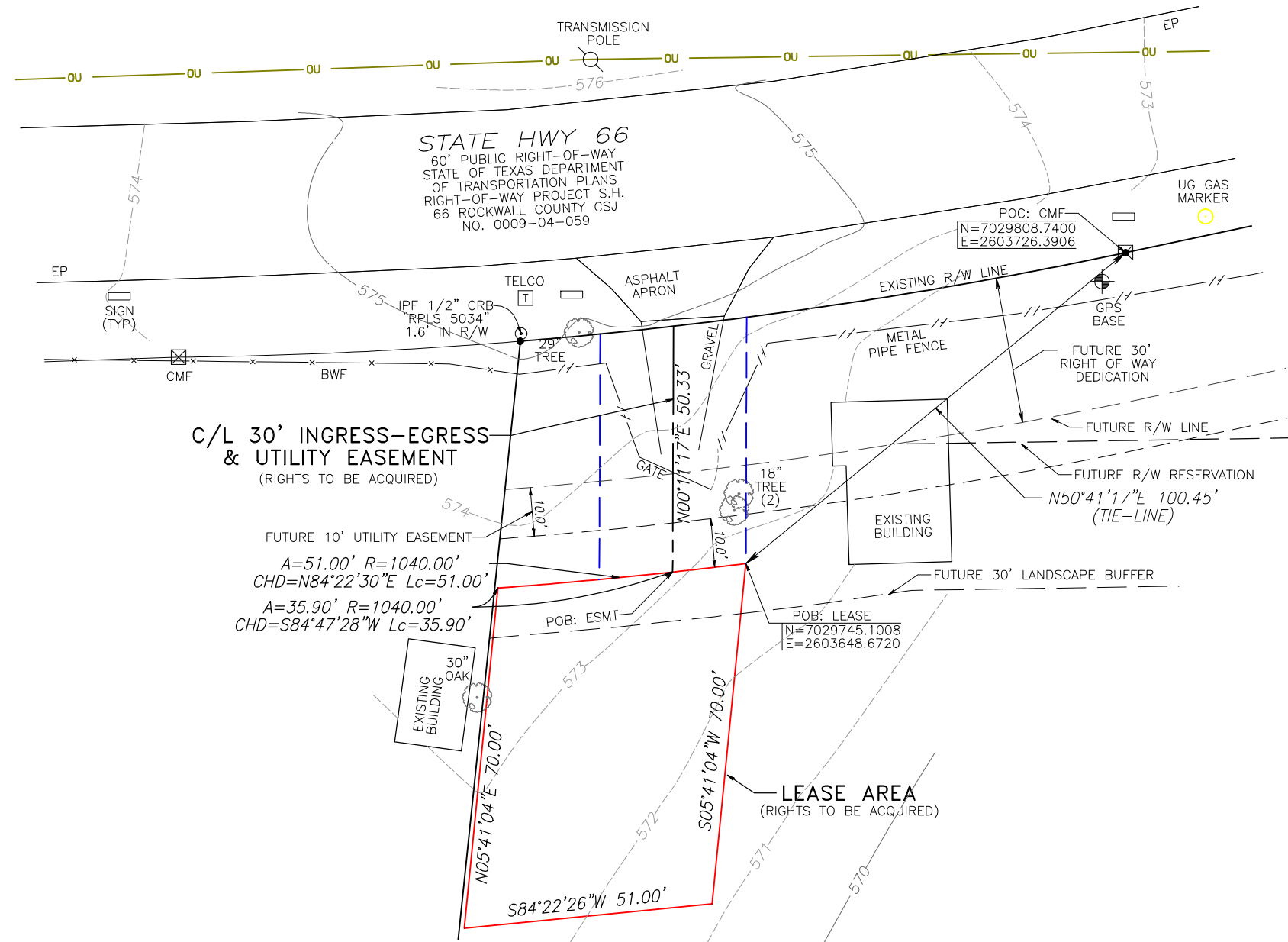
**SITE INFORMATION**

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



*Justin Kyle Lawrence*

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



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



SPECIFIC PURPOSE SURVEY PREPARED FOR:

**JACOBS**

5449 BELLS FERRY ROAD,  
 ACWORTH, GA 30102

DDL00380

DAVID HARR SURVEY,  
 ABSTRACT 102,  
 ROCKWALL COUNTY, TEXAS

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

SHEET:  
**2**  
 OF 3

SURVEY NOT VALID WITHOUT SHEETS 1 & 3 OF 3

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

# LEGAL DESCRIPTION SHEET

## PARENT PARCEL

(PER FILE NO. UST70613)

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

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

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

THENCE WITH CURVE LEFT 191.37 FEET TO POINT TANGENT;

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

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

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

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

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

## TITLE EXCEPTIONS

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

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

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

[THIS ITEM IS APPLICABLE TO THE PARENT PARCEL.]

### 3. COVENANTS AND RESTRICTIONS

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

[THIS ITEM IS APPLICABLE TO THE PARENT PARCEL.]

### 4. EASEMENTS AND RIGHTS OF WAY

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

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

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

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

## LEASE AREA

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

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

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

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

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

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

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

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

## 30' INGRESS-EGRESS & UTILITY EASEMENT

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

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

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

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



*Justin Kyle Lawrence*

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

\* SPECIFIC PURPOSE SURVEY PREPARED BY:

**POINT TO POINT LAND SURVEYORS**

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



SPECIFIC PURPOSE SURVEY  
PREPARED FOR:

**JACOBS**

5449 BELLS FERRY ROAD,  
ACWORTH, GA 30102

DDL00380

DAVID HARR SURVEY,  
ABSTRACT 102,  
ROCKWALL COUNTY, TEXAS

DRAWN BY: AJT	SHEET:
CHECKED BY: JKL	<b>3</b>
APPROVED: D. MILLER	
DATE: MAY 13, 2022	
P2P JOB #: 220743TX	84 OF 3



1801 VALLEY VIEW LANE  
FARMER'S BRANCH, TX 75234



4 COUNTRY PLACE CIRCLE  
DALWORTHINGTON GARDENS  
TEXAS 76016

AT&T SITE NUMBER:  
**DDL00380**

AT&T SITE NAME:  
**DDL00380**

FA CODE:  
**15682026**

PACE ID:  
**MRNTX075135**

770 DAVIS DRIVE  
ROCKWALL, TX 75087

NEW MONOPOLE TOWER

ISSUED FOR:

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

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

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

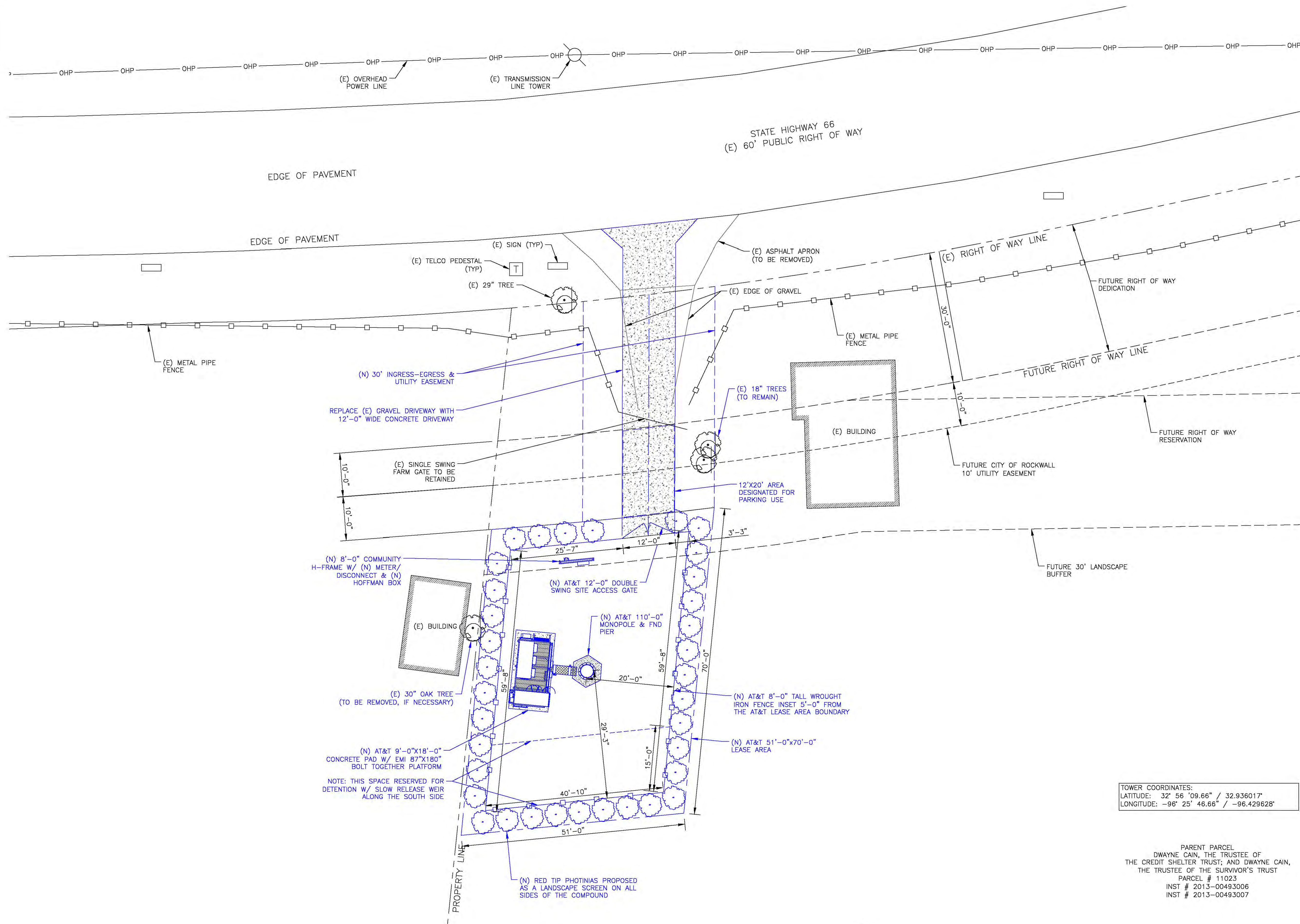
IT IS A VIOLATION OF LAW FOR ANY PERSON,  
UNLESS THEY ARE ACTING UNDER THE DIRECTION  
OF A LICENSED PROFESSIONAL ENGINEER,  
TO ALTER THIS DOCUMENT.

SHEET NUMBER:

**LE-1**

REVISION:

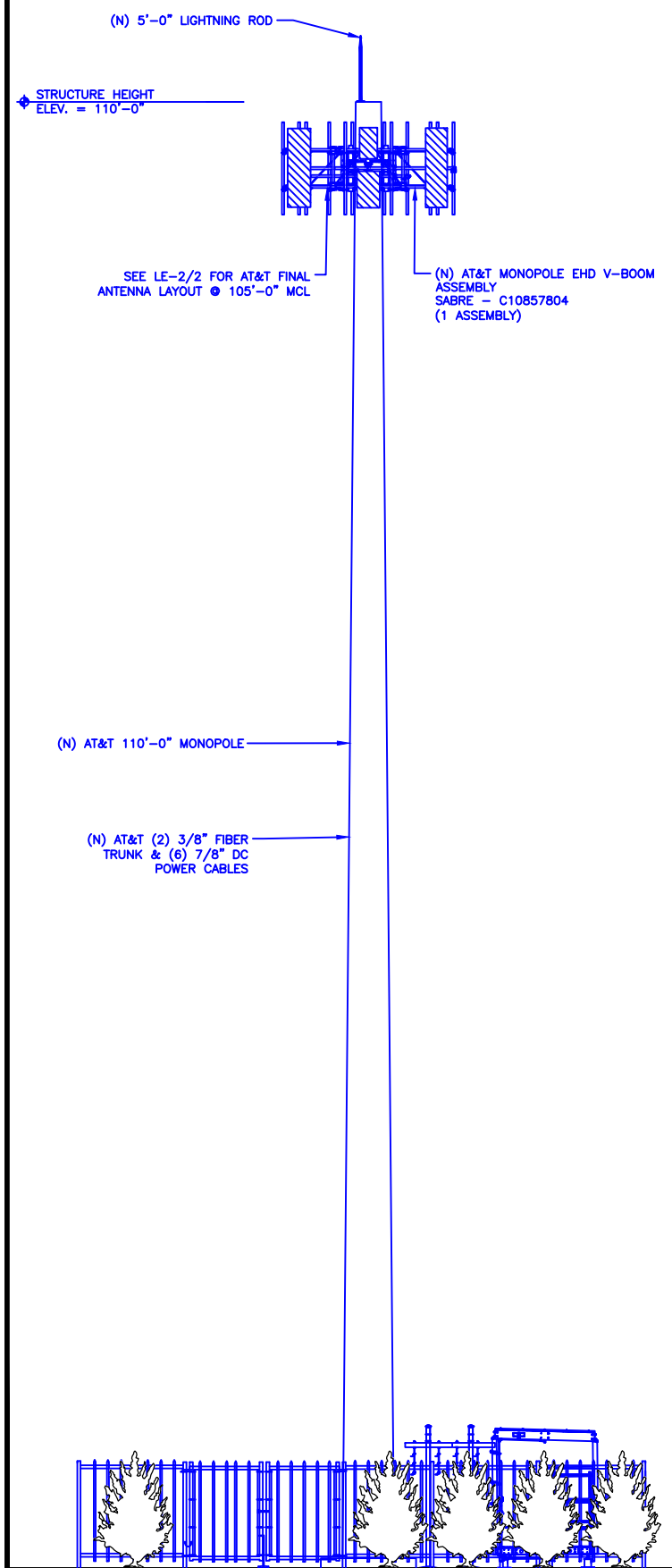
**LEB**



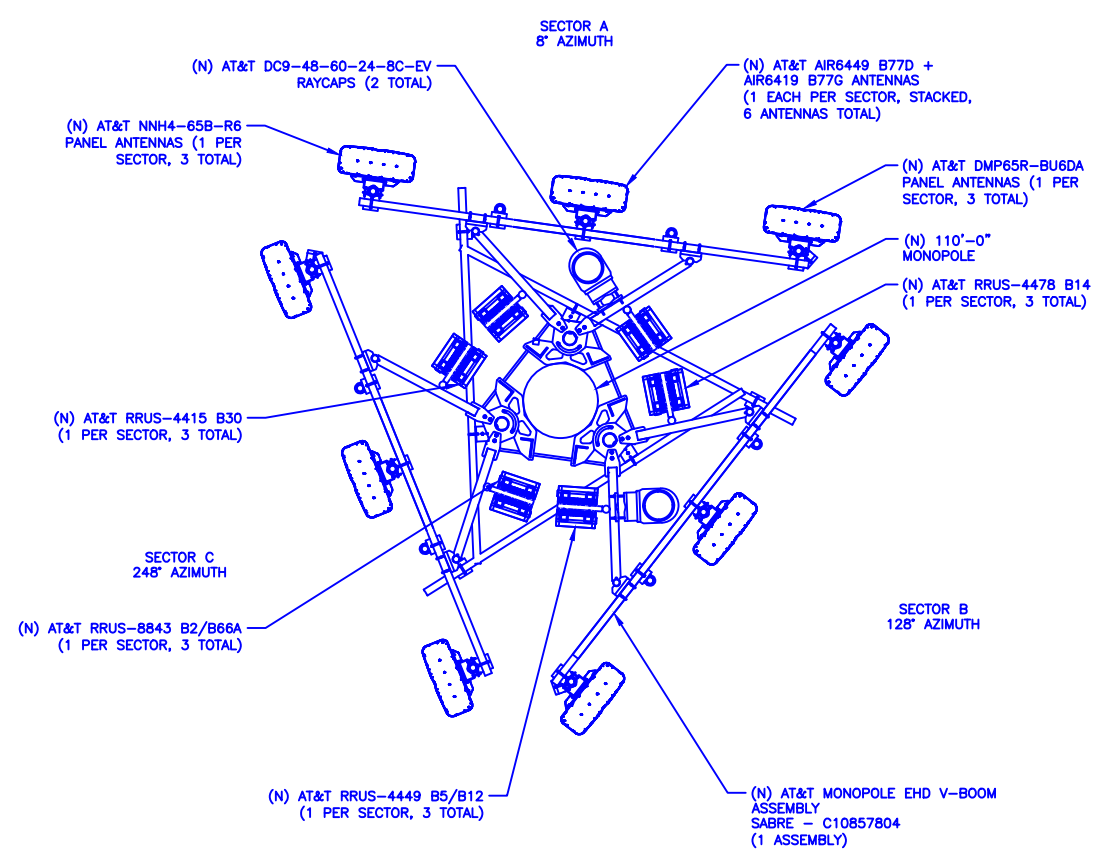
1 OVERALL SITE PLAN  
SCALE: 3/32"=1'-0" (FULL SIZE)  
3/84"=1'-0" (11x17)



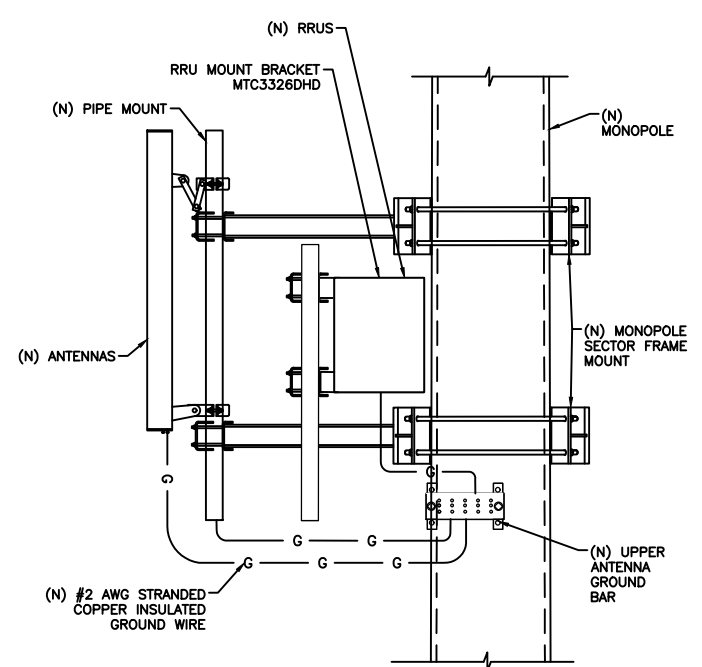
**AT&T EQUIPMENT**  
 ANTENNA CL: 105'-0"  
 MOUNT CL: 105'-0"



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



2 FINAL ANTENNA LAYOUT  
 SCALE: NOT TO SCALE



3 ANTENNA/RRU MOUNT DIAGRAM  
 SCALE: NOT TO SCALE



1801 VALLEY VIEW LANE  
 FARMER'S BRANCH, TX 75234



4 COUNTRY PLACE CIRCLE  
 DALWORTHINGTON GARDENS  
 TEXAS 76016

AT&T SITE NUMBER:  
**DDL00380**

AT&T SITE NAME:  
**DDL00380**

FA CODE:  
**15682026**

PACE ID:  
**MRNTX075135**

770 DAVIS DRIVE  
 ROCKWALL, TX 75087

NEW MONOPOLE TOWER

**ISSUED FOR:**

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

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

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

SHEET NUMBER: REVISION:

LE-2 LEA

CITY OF ROCKWALL

ORDINANCE NO. 23-XX

SPECIFIC USE PERMIT NO. S-XXX

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

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

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

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

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

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

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

## **2.1 OPERATIONAL CONDITIONS**

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

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

## **2.2 COMPLIANCE**

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

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

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

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

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

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



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

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

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

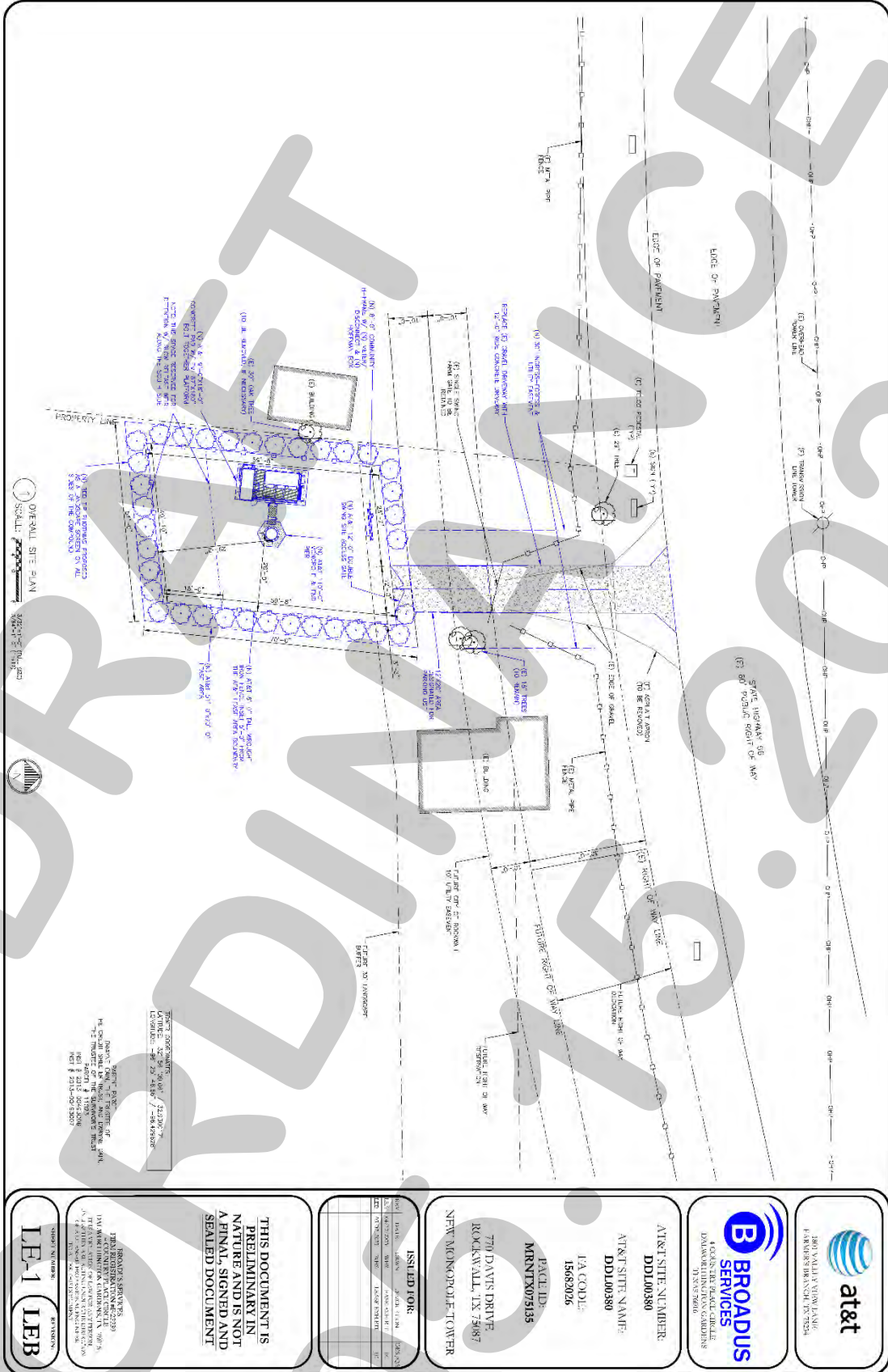
1<sup>st</sup> Reading: May 15, 2023

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

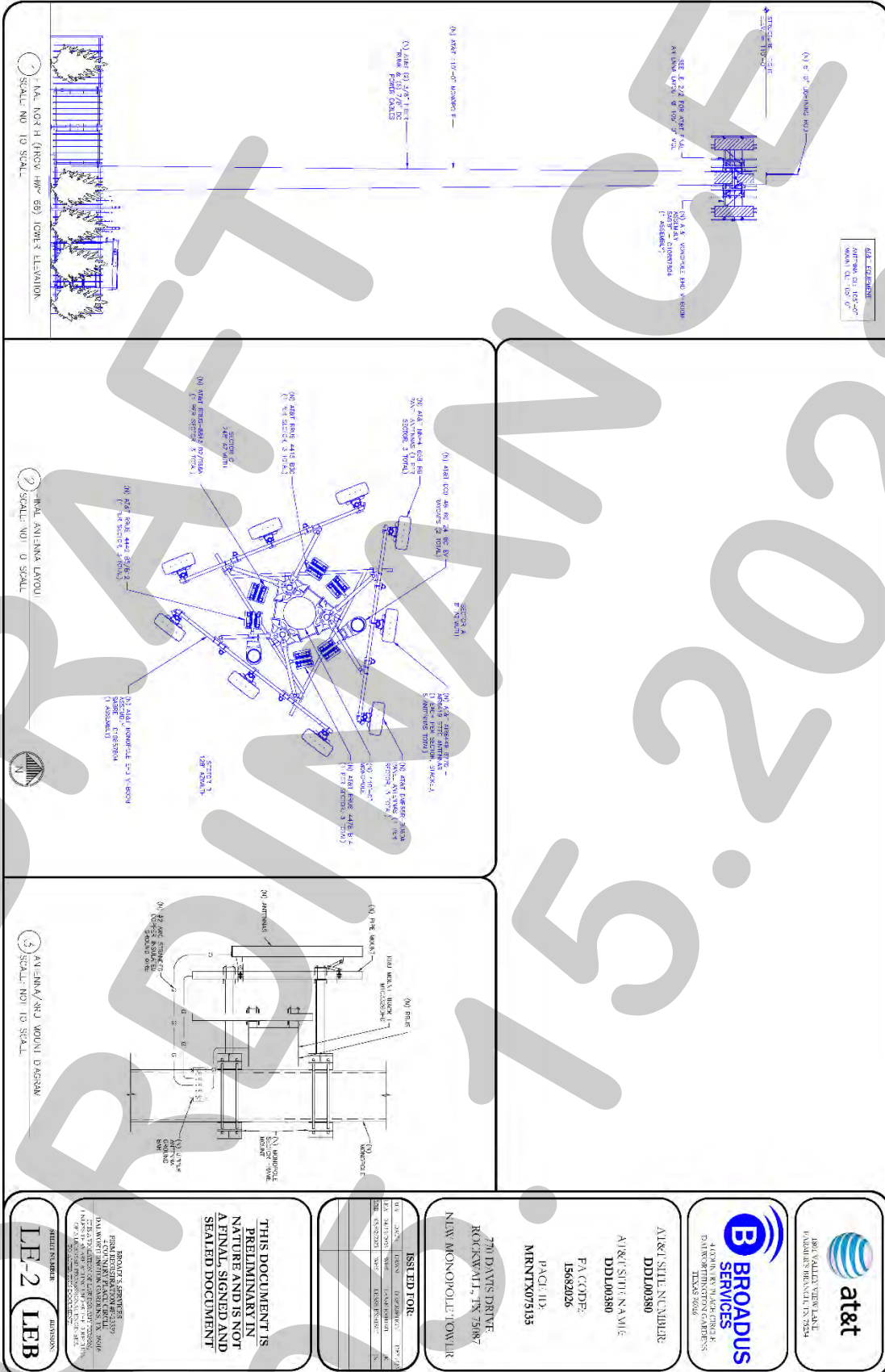
**Exhibit 'A':  
Survey**



Exhibit 'B':  
Concept Plan



# Exhibit 'C': Concept Building Elevations





## MEMORANDUM

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**TO:** Mary Smith, City Manager

**CC:** Honorable Mayor and City Council

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

**DATE:** May 15, 2023

**SUBJECT:** Z2023-023; TEXT AMENDMENT TO ARTICLE 04, PERMISSIBLE USES, AND ARTICLE 13, DEFINITIONS, OF THE UDC FOR ALCOHOLIC BEVERAGE SALES AND ALCOHOLIC BEVERAGE STORE

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### Attachments

Memorandum  
Proposed Text Amendment  
Draft Ordinance

### Summary/Background Information

Hold a public hearing to discuss and consider the approval of an **ordinance** for a *Text Amendment* to Article 04, *Permissible Uses*, and Article 13, *Definitions*, of the Unified Development Code (UDC) for the purpose of creating an *Alcoholic Beverage Package Sales* land use, and take any action necessary (**1st Reading**).

### Action Needed

The City Council is being asked to approve, approve with changes, or deny the proposed *Text Amendment*.



CITY OF ROCKWALL  
CITY COUNCIL MEMORANDUM

PLANNING AND ZONING DEPARTMENT  
385 S. GOLIAD STREET • ROCKWALL, TX 75087  
PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

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TO: Mayor and City Council  
CC: Mary Smith, *City Manager*  
Joey Boyd, *Assistant City Manager*  
FROM: Ryan Miller, *Director of Planning and Zoning*  
DATE: May 15, 2023  
SUBJECT: Z2023-023; *Text Amendment to Article 04, Permissible Uses, and Article 13, Definitions, of the UDC for Alcoholic Beverage Sales and Alcoholic Beverage Store*

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In accordance with Subsection 02.01, *Authority*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC), the Director of Planning and Zoning is bringing forward a text amendment to Article 04, *Permissible Uses*, and Article 13, *Definitions*, for the purpose of creating an *Alcoholic Beverage Sales* and an *Alcoholic Beverage Store* land use. Under the proposed text amendment these definitions would be defined as follows:

- (1) *Alcoholic Beverage Package Sales*. The act of selling beer, wine, and/or liquor or distilled spirits -- *as defined by the Texas Alcoholic Beverage Code* -- in accordance with the requirements of this Unified Development Code (UDC) by a person, establishment, or place of business.
- (2) *Alcoholic Beverage Store*. A standalone retail establishment that engages in the sale of beer, wine, and liquor or distilled spirits -- *as defined by the Texas Alcoholic Beverage Code* -- to the general public for off-premise personal or household consumption.

In addition, the text amendment sets up the following *Conditional Lane Use Standards* for the proposed land uses:

- (1) *Alcoholic Beverage Package Sales*.
  - (a) The package sales of liquor or distilled spirits -- *as defined by the Texas Alcoholic Beverage Code* -- shall only be permitted in conjunction with an *Alcoholic Beverage Store*, and shall not be permitted as an accessory use to any other land use contained within this Unified Development Code (UDC).
  - (b) The package sales of beer and wine shall be permitted by-right as an accessory land use to a *General Retail Store*, *Retail Store with Gasoline Sales*, *Brew Pub*, *Craft/Micro Brewery and/or Winery*, *Brewery*, and *Winery*.
- (2) *Alcoholic Beverage Stores*.
  - (a) An *Alcoholic Beverage Store* shall include the sale of beer, wine, and liquor or distilled spirits as defined by the Texas Alcoholic Beverage Code.
  - (b) An *Alcoholic Beverage Store* shall be prohibited from locating within 1,000-feet of a lot, parcel, or tract of land with another *Alcoholic Beverage Store* situated on it as measured in a straight line between the nearest points of one (1) of the lots, parcels, or tracts of land to the other lot, parcel, or tract of land.

The purpose of creating these land uses and *Conditional Land Use Standards* is to ensure that if State law and/or local option requirements change, the City of Rockwall has regulations in the zoning code to address the sale of liquor or distilled spirits. This approach avoids the lag-time between the implementation of a legislative/local change and time it takes staff to draft and process regulations to address the legislative/local change; however, these requirements would be dormant in the City's code until they are applicable by a change in State law and/or local option requirements.

A redlined copy of the proposed changes along with a draft ordinance has been provided in the attached packet. In accordance with Subsection 02.04(B) of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC), the Director of Planning and Zoning brought the proposed text amendment forward to the Planning and Zoning Commission for a recommendation to the City Council, and -- *at the May 9, 2023 Planning and Zoning Commission meeting* -- the Planning and Zoning Commission approved a motion to recommend approval of the text amendment by a vote of 7-0. Staff has sent out a 15-day notice to the Rockwall Herald Banner in accordance with all applicable state laws and Section 02.03(A)(3) of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC). Should the City Council have any questions staff will be available at the meeting on May 15, 2023.



- (1) Setbacks from Other Uses. The club must be located not less than 300-feet from a church, public school, or public hospital. For a church or public hospital, the 300-feet shall be measured along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. For public schools, the measurement of distance shall be in direct line from the property line of the public school to the property line of the private club and in a direct line across intersections.
- (2) Exterior Signs. There shall be no exterior signs advertising the sale of alcoholic beverages, provided this does not prohibit using established trademark names (e.g. Steak and Ale).
- (3) Alcoholic Sales Revenue. Revenues from the sale of alcoholic beverages shall not exceed 40% of the gross revenues derived from the sale of food and beverages. In the hotels and motels, the gross receipts shall include all restaurants and club operations in the facility as well as room rental charges. The City shall be provided with copies of the reports submitted by the establishment to the Texas Comptroller of Public Accounts and the Texas Alcoholic Beverage Commission within 30-days of the end of each quarter. Combined sales as reflected on the reports for the last two (2) reported quarters shall be used to determine if the sales of alcohol exceed the maximum allowed percentage.
- (4) Club Boundaries. The boundaries of a private club are hereby defined to be the building in which the private club is located, or in the case of a multi-tenant building such as a shopping center, only that portion of the building in which the private club is located which is separately leased or owned, or with contiguous internal access should such floor area be leased to more than one (1) party.
- (5) Certificate of Occupancy. A copy of the permit approved by the state shall be submitted to the city prior to issuance of a Certificate of Occupancy (CO) to ensure that the permit complies with the provisions of the zoning.
- (6) Allowed uses. No uses meeting the terms and definitions of Sexually Oriented Business as defined in Article XI, Sexually Oriented Businesses, of Chapter 12, Businesses and Sales, of the Municipal Code of Ordinances, as it is currently adopted or as it may hereafter be amended, shall be located in a private club unless such uses are approved as a part of the Specific Use Permit (SUP) authorizing the Private Club. Any such approved use shall be in compliance with all requirements of this permit, all applicable requirements of the Unified Development Code (UDC), and any other applicable ordinances.

(7) Sexually Oriented Businesses.

- (a) Sexually Oriented Businesses shall not be permitted within any Overlay District in the City of Rockwall.

(F) Retail and Personal Service Land Uses.

(1) Alcoholic Beverage Package Sales.

- (a) The package sales of liquor or distilled spirits -- *as defined by the Texas Alcoholic Beverage Code* -- shall only be permitted in conjunction with an Alcoholic Beverage Store, and shall not be permitted as an accessory use to any other land use contained within this Unified Development Code (UDC).
- (b) The package sales of beer and wine shall be permitted by-right as an accessory land use to a General Retail Store, Retail Store with Gasoline Sales, Brew Pub, Craft/Micro Brewery and/or Winery, Brewery, and Winery.

(2) Alcoholic Beverage Store.

- (a) An Alcoholic Beverage Store shall include the sale of beer, wine, and liquor or distilled spirits as defined by the Texas Alcoholic Beverage Code.
- (b) An Alcoholic Beverage Store shall be prohibited from locating within 1,000-feet of a lot, parcel, or tract of land with another Alcoholic Beverage Store situated on it as measured in a straight line between the nearest points of one (1) of the lots, parcels, or tracts of land to the other lot, parcel, or tract of land.

~~(1)~~(3) Portable Beverage Service Facility.

- (a) The service shall be limited to snow cone stands, beverage stands serving non-alcoholic beverages such as coffee, juices or sodas.
- (b) The maximum time limit of such temporary use shall not exceed 150-days annually or a time limit otherwise approved by the City Council. At the end of the time period, the structure shall be removed from the property.
- (c) Any temporary power poles will be removed on the date of or immediately following the termination date of the permit.
- (d) No additional freestanding signage shall be permitted.
- (e) The temporary portable structure or trailer shall meet all health and electrical codes of the City.
- (f) Any such temporary facility shall not reduce the number of required parking spaces of any nearby building or use.
- (g) Any such temporary facility shall have permanent restrooms for employees available within 300-feet of the door of the portable beverage facility. Written permission from the permanent building owner for restroom use must be submitted to the building official; no portable restroom facility is allowed.
- (h) Any such temporary facility shall be located on an all-weather (i.e. asphalt or concrete) parking surface with adequate space for parking and circulation, unless alternatively approved by the City Council.

~~(2)~~(4) Temporary Christmas Tree Sales Lot and Similar Uses.





- (A) *Grazing Animals*. In the SF-E and SF-1 Districts, grazing animals 500 pounds or greater, including horses and cattle must have a minimum fenced or enclosed area of 40,000 square feet per animal. Grazing animals of less than 500 pounds, including sheep and goats, must have a minimum fenced or enclosed area of 15,000 square feet per animal.
- (B) *Other Animals*. An SUP is required for other farm animals, including chickens and swine (except for "potbellied pigs" as defined in [Section 6-1, Definitions, of Chapter 6, Animals, of the Municipal Code of Ordinances](#)), and for a reduction in the land area required for grazing farm animals. The city shall not grant a SUP for any farm animal unless it is convinced that the presence of such animals will not injure the use and enjoyment of neighboring properties, including the impact of dust, flies and odor.
- (C) *General Conditions*. Notwithstanding the conditions above,
- (1) Ground accumulations of manure shall be collected and properly disposed of so as not to create offensive odors, fly breeding, or in any way pose a health hazard or nuisance to humans and animals;
  - (2) Fences or pens, corrals or similar enclosures shall be of sufficient height and strength to properly retain the animal; and
  - (3) In SF-E and SF-1 Districts, no swine or fowl are permitted, except for *potbellied pigs* as defined in [Section 6-1, Definitions, of Chapter 6, Animals, of the Municipal Code of Ordinances](#).
  - (4) In the Agricultural District or on unplatted tracts of land of five acres or more, standards for animals are found in [Section 6-1, Definitions, of Chapter 6, Animals, of the Municipal Code of Ordinances](#).

#### SUBSECTION 03.02: TEMPORARY ACCOMODATION FOR EMPLOYEES, CUSTORMERS AND VISITORS

- (A) Temporary accommodations. Temporary accommodation for employees, customers and visitors may be provided as an ancillary use in commercial zoning districts provided that:
- (1) Such accommodation is clearly in support of the business operation;
  - (2) No rental of such facilities to the general transient public occurs;
  - (3) Accommodation is for temporary stays, not to exceed 30 days; and
  - (4) No more than five (5) percent of the building area is utilized for this ancillary use.

#### SUBSECTION 03.03: UTILITY DISTRIBUTION LINES

All utility distribution lines shall be placed underground. Utility distribution lines placed above-ground shall require special approval of the City Council based upon a recommendation of the Planning and Zoning Commission.

#### SUBSECTION 03.04: FLAG POLES

Flag poles are permitted in all districts, but must meet the building height and setback requirements for each district. (See [Article 05, District Development Standards, of the Unified Development Code](#)).

#### SUBSECTION 03.05: ALCOHOLIC BEVERAGE SALES

##### (A) *Restaurants with Alcoholic Beverage Sales*.

- (1) Restaurants may serve alcoholic beverages for on-premises consumption by right if they are located on property that was within the city limits as of November 14, 2007, and are located in a zoning district allowing such use. For restaurants located on property that was annexed after November 14, 2007, a private club permit must be obtained for the ability to serve alcohol and must be located in an appropriate zoning district that allows such use.
- (2) Restaurants that sell alcoholic beverages for on-premises consumption shall be subject to compliance with the Texas Alcoholic Beverage Code, as it exists or may be amended and must be located not less than 300 feet from a church, public school, private school (*as defined by the Texas Alcoholic Beverage Code*) or public hospital. For a church or public hospital, the 300 feet shall be measured along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. For public schools or private schools, the measurement of distance shall be in direct line from the property line of the public school or private school to the property line of the restaurant and in a direct line across intersections. If the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

The City Council may grant a variance to the distance regulations if the City Council determines that enforcement of those regulations in a particular instance is not in the best interest of the public, constitutes waste of inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

- (3) Restaurants that sell alcoholic beverages for on-premises consumption shall be subject to compliance with the Texas Alcoholic Beverage Code, as it exists or may be amended and shall not be permitted to have exterior signs advertising the sale of alcoholic beverages other than those authorized under the Texas Alcoholic Beverage Code and chapter 32 of the Code of Ordinances, pertaining to signs.

##### (B) *Retail Establishments with Alcoholic Beverage Sales*.

- (1) Retail establishments or Alcoholic Beverage Stores may sell beer and wine for off-premises consumption by right if they are located on property that was within the city limits as of November 14, 2007, and are located in a zoning district allowing such use. Retail establishments or Alcoholic



**Beverage Stores** located on property that was annexed after November 14, 2007, may not engage in the selling of beer and wine for off-premises consumption.

- (2) Retail establishments engaged in the selling of beer and wine **or Alcoholic Beverage Stores engaged in the selling of beer, wine, and distilled spirits or liquor** to the general public for off-premises consumption shall be subject to compliance with the Texas Alcoholic Beverage Code, as it exists or may be amended and must be located not less than ~~300~~ 300-feet from a church, public school, private school (*as defined by the Texas Alcoholic Beverage Code*) or public hospital. For a church or public hospital, the ~~300~~ 300-feet shall be measured along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. For public schools or private schools, the measurement of distance shall be in direct line from the property line of the public school to the property line of the retail establishment **or Alcoholic Beverage Store** and in a direct line across intersections. If the permit or license holder is located on or above the fifth story of a multistory building, the measurement shall be in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

The City Council may grant a variance to the distance regulations if the City Council determines that enforcement of those regulations in a particular instance is not in the best interest of the public, constitutes waste of inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

- (3) Retail establishments engaged in the selling of beer and wine **or Alcoholic Beverage Stores engaged in the selling of beer, wine, and distilled spirits or liquor** for off-premise consumption shall be subject to compliance with the Texas Alcoholic Beverage Code, as it exists or may be amended and shall not be permitted to have exterior signs advertising the sale of alcoholic beverages other than those authorized under the Texas Alcoholic Beverage Code and Chapter 32 of the Code of Ordinances, pertaining to signs.

**(C) Drive-Through Sales of Pre-Packaged Beverages, Convenience Stores, Retail Sales with Gasoline.**

- (1) An establishment may not offer drive-in, drive-up, drive through, or walk-up sales or service of pre-packaged, sealed, unopened beverages.
- (2) A convenience store may not contain less than 1,000 square feet of retail space.
- (3) For purposes of this section, the terms "drive-in," "drive-up," "drive-through," and "walk-up" do not prohibit the service of food or beverages to customers:
  - (a) Who must physically leave their vehicles and enter a building in order to make a purchase; or

- (b) As part of a drive-through restaurant in connection with the sale or service of food to the customer.

**SUBSECTION 03.06: ANTENNAS**

- (A) **Construction and Maintenance Requirements.** All antenna masts, towers and antenna supports used for television and radio reception or transmission shall be constructed and maintained in accordance with the current National Electrical Code and the Building Code of the City.
- (B) **Permit Required.** Any person desiring to erect or have erected an antenna more than 25-feet in height above ground level, or an antenna mast 25-feet or less in height but not erected as required by this section, shall make written application to the building inspection department for a permit to erect same. Sufficient plans and specifications, as determined by the Chief Building Official, must accompany each application. It shall be unlawful and a violation of this division to erect, or cause to be erected, or to maintain, or cause to maintain, such antenna mast without first having obtained a permit. It shall be the duty of the permittee to request a final inspection upon completion of the antenna system. Domestic TV antennas are exempt from this section.
- (C) **Restrictions and Limitations.** All antenna systems constructed and maintained under the provisions of this section shall be subject to the following restrictions and limitations:

- (1) No such antenna system shall be more than 99-feet in height.
- (2) The location on the lot of such antenna system shall comply with the requirements of this Unified Development Code insofar as the front building line and side yard building line and requirements are concerned. No portion of an antenna system shall extend beyond the front building line on any lot, and on corner lots the side yard setback requirements shall be adhered to on the side adjacent to a public street, and where the front and side yard requirements are applicable, all portions of such structures shall be within the limits fixed by such requirements.
- (3) All antenna systems constructed under the provisions of this section shall be maintained so as to at all times comply with the requirements of this section.
- (4) The regulations contained herein shall not apply to the extent that they have been preempted by specific regulations of the FCC to the contrary.

- (D) **Roof-Mounted Equipment.** All roof-mounted equipment, including fans, vents, air conditioning units and cooling towers, should be screened to eliminate the view from the ground level of adjacent properties. The screen shall be constructed of materials approved by the Director of Planning and Zoning. Roof-mounted equipment should be placed and finished in a manner which minimizes its visibility from overhead views from nearby buildings and elevated thoroughfare sections.

- (1) The overall screening height will be the height of the tallest element of roof-mounted equipment.
- (2) The outside of the screening device should be painted or finished in a similar color to the building facade, trim or roof

# LAND USE SCHEDULE

**LEGEND:**

	Land Use <i>NOT</i> Permitted
P	Land Use Permitted <i>By-Right</i>
P	Land Use Permitted with Conditions
S	Land Use Permitted Specific Use Permit (SUP)
X	Land Use Prohibited by Overlay District
A	Land Use Permitted as an Accessory Use

LAND USES	LAND USE DEFINITION REFERENCE (Reference <a href="#">Article 13, Definitions</a> )	CONDITIONAL USE REFERENCE Reference <a href="#">Article 04, Permissible Uses</a>	RESIDENTIAL DISTRICTS											MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						OVERLAY DISTRICTS			
			Agricultural (AG) District	Single Family Estate 1.5 (SFE-1.5) District	Single Family Estate 2.0 (SFE-2.0) District	Single Family Estate 4.0 (SFE-4.0) District	Single Family 1 (SF-1) District	Single Family 16 (SF-16) District	Single Family 10 (SF-10) District	Single Family 8.4 (SF-8.4) District	Single Family 7 (SF-7) District	Zero Lot-Line (ZL-5) District	Two-Family (2F) District	Multi-Family 14 (MF-14) District	Downtown (DT) District	Residential Office (RO) District	Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District	IH-30 Overlay (IH-30 OV) District
Office Building 5,000 SF or Greater	<a href="#">(2)</a>														P	S	S	P	P	P	P	P			
<b>RECREATION, ENTERTAINMENT AND AMUSEMENT LAND USES</b>	2.02(E)	2.03(E)																							
Temporary Carnival, Circus, or Amusement Ride	<a href="#">(1)</a>	<a href="#">(1)</a>													S		S	P	P	P	P	P			
Indoor Commercial Amusement/Recreation	<a href="#">(2)</a>	<a href="#">(2)</a>												S			S	P	P	P	P				
Outdoor Commercial Amusement/Recreation	<a href="#">(3)</a>	<a href="#">(3)</a>															S	S	P	S	P				
Public or Private Community or Recreation Club as an Accessory Use	<a href="#">(4)</a>		S	S	S	S	S	S	S	S	S	S	S	S			S	P	P	P	P	P			
Private Country Club	<a href="#">(5)</a>		S	S	S	S	S	S	S	S	S	S	S				S	S	S	P	P	P			
Golf Driving Range	<a href="#">(6)</a>																S	S	S	P	P	P			
Temporary Fundraising Events by Non-Profit	<a href="#">(7)</a>	<a href="#">(4)</a>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Indoor Gun Club with Skeet or Target Range	<a href="#">(8)</a>	<a href="#">(5)</a>															S	P	P	P	P				
Outdoor Gun Club with Skeet or Target Range	<a href="#">(8)</a>		S																	P		S			
Health Club or Gym	<a href="#">(9)</a>												A	P		S	P	P	P	P	P				
Private Club, Lodge or Fraternal Organization	<a href="#">(10)</a>	<a href="#">(6)</a>												S		S	S	P	P	P	S				
Private Sports Arena, Stadium, and/or Track	<a href="#">(11)</a>																S	P	P	P					
Public Park or Playground	<a href="#">(12)</a>		P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P	P			
Sexually Oriented Businesses <a href="#">[Art. XI, CH. 12: Municipal Code]</a>	<a href="#">(13)</a>	<a href="#">(7)</a>																			S	S			
Tennis Courts <i>(i.e. Not Accessory to a Public or Private Country Club)</i>	<a href="#">(14)</a>		S	S	S	S	S	S	S	S	S	S	S				S	S	S	P	P	P			
Theater	<a href="#">(15)</a>													P			S	P	P	P	P				
<b>RETAIL AND PERSONAL SERVICES LAND USES</b>	2.02(F)	2.03(F)																							
Alcoholic Beverage Package Sales	<a href="#">(1)</a>	<a href="#">(1)</a>													P		S	P	P	P	S				
Alcoholic Beverage Store	<a href="#">(2)</a>	<a href="#">(2)</a>													S			S	P						
Antique/Collectible Store	<a href="#">(12)</a>													S		S	P	P	P						
Astrologer, Hypnotist, or Psychic	<a href="#">(23)</a>													S	P	P	P	P	P						

# LAND USE SCHEDULE

**LEGEND:**

	Land Use <i>NOT</i> Permitted
P	Land Use Permitted <i>By-Right</i>
P	Land Use Permitted with Conditions
S	Land Use Permitted Specific Use Permit (SUP)
X	Land Use Prohibited by Overlay District
A	Land Use Permitted as an Accessory Use

LAND USES	LAND USE DEFINITION REFERENCE (Reference Article 13. Definitions)	CONDITIONAL USE REFERENCE Reference Article 04. Permissible Uses	RESIDENTIAL DISTRICTS												MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS						OVERLAY DISTRICTS				
			Agricultural (AG) District	Single Family Estate 1.5 (SFE-1.5) District	Single Family Estate 2.0 (SFE-2.0) District	Single Family Estate 4.0 (SFE-4.0) District	Single Family 1 (SF-1) District	Single Family 16 (SF-16) District	Single Family 10 (SF-10) District	Single Family 8.4 (SF-8.4) District	Single Family 7 (SF-7) District	Zero Lot-Line (ZL-5) District	Two-Family (2F) District	Multi-Family 14 (MF-14) District	Downtown (DT) District	Residential Office (RO) District	Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District	IH-30 Overlay (IH-30 OV) District		
Banquet Facility/Event Hall	(34)													S			P	P	P								
Portable Beverage Service Facility	(45)	(13)												S	S		S	S	S	S	P						
Brew Pub	(56)													P		P	P	P	P	P	P						
Business School	(67)													P			P	P	P	P							
Catering Service	(78)													A		S	P	P	P	P							
Temporary Christmas Tree Sales Lot and/or Similar Uses	(89)	(24)												S		S	P	P	P	P	P						
Copy Center	(910)													P		P	P	P	P	P	P						
Craft/Micro Brewery, Distillery and/or Winery	(1011)	(35)												S			S	S		P	P						
Incidental Display	(1112)	(46)												P		P	P	P	P	P							
Food Trucks/Trailers	(1213)	(57)												P	S	S	P	P	P	P	P						
Garden Supply/Plant Nursery	(1314)															S	P	P	P	P							
General Personal Service	(1415)	(68)												P		P	P	P	P	S							
General Retail Store	(1516)													P	S	P	P	P	P	S	S						
Hair Salon and/or Manicurist	(1617)													P	S	P	P	P	P	S							
Laundromat with Dropoff/Pickup Services	(1718)													P		P	P	P	P	P	P						
Self Service Laundromat	(1819)													P		P	P	P	P	P	P						
Massage Therapist	(1920)													P	P	P	P	P	P								
Private Museum or Art Gallery	(2021)													P	P	S	P	P		P							
Night Club, Discotheque, or Dance Hall	(2122)													S			S	P	P	S	S						
Pawn Shop	(2223)																S	S	P	P							
Permanent Cosmetics	(2324)	(79)												A	A	A	A	A	A	A							
Pet Shop	(2425)																P	P	P	P							
Temporary Real Estate Sales Office	(2526)		P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P						

# LAND USE SCHEDULE

**LEGEND:**

	Land Use <i>NOT</i> Permitted
P	Land Use Permitted <i>By-Right</i>
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LAND USES	LAND USE DEFINITION REFERENCE (Reference Article 13. Definitions)	CONDITIONAL USE REFERENCE Reference Article 04. Permissible Uses	RESIDENTIAL DISTRICTS										MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS					OVERLAY DISTRICTS					
			Agricultural (AG) District	Single Family Estate 1.5 (SFE-1.5) District	Single Family Estate 2.0 (SFE-2.0) District	Single Family Estate 4.0 (SFE-4.0) District	Single Family 1 (SF-1) District	Single Family 16 (SF-16) District	Single Family 10 (SF-10) District	Single Family 8.4 (SF-8.4) District	Single Family 7 (SF-7) District	Zero Lot-Line (ZL-5) District	Two-Family (2F) District	Multi-Family 14 (MF-14) District	Downtown (DT) District	Residential Office (RO) District	Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District	IH-30 Overlay (IH-30 OV) District
Rental Store without Outside Storage and/or Display	<a href="#">(2627)</a>	<a href="#">(810)</a>														S	P	P	P	P					
Restaurant with less than 2,000 SF with Drive-Through or Drive-In	<a href="#">(2728)</a>	<a href="#">(911)</a>														S	S	S	S	S	S				
Restaurant with less than 2,000 SF without Drive-Through or Drive-In	<a href="#">(2829)</a>											P	S	P	P	P	P	P	P	P					
Restaurant with 2,000 SF or more with Drive-Through or Drive-In	<a href="#">(2728)</a>	<a href="#">(4012)</a>														S	S	P	P	P	P				
Restaurant with 2,000 SF or more without Drive-Through or Drive-In	<a href="#">(2829)</a>											P			S	P	P	P	P	P					
Retail Store with Gasoline Sales that has Two (2) or less Dispensers ( <i>i.e. a Maximum of Four (4) Vehicles</i> )	<a href="#">(2930)</a>														S	P	P	P	P	P	P	S	S		
Retail Store with Gasoline Sales that has more than Two (2) Dispensers	<a href="#">(2930)</a>															S	P	P	P	P	P	S	S		
Secondhand Dealer	<a href="#">(3031)</a>											S				P	P	P	P	P					
Art, Photography, or Music Studio	<a href="#">(3132)</a>											P	P	P	P	P	P	P	P						
Tailor, Clothing, and/or Apparel Shop	<a href="#">(3233)</a>											P			P	P	P	P							
Tattoo and/or Body Piercing	<a href="#">(3334)</a>																		P						
Taxidermist Shop	<a href="#">(3435)</a>																		P	P					
<b>COMMERCIAL AND BUSINESS SERVICES LAND USES</b>	2.02(G)	2.03(G)																							
Bail Bond Service	<a href="#">(1)</a>																S	P	P	P					
Building and Landscape Material with Outside Storage	<a href="#">(2)</a>	<a href="#">(1)</a>																		P	P				
Building and Landscape Material with Limited Outside Storage	<a href="#">(2)</a>	<a href="#">(2)</a>																P	P	P	P				
Building Maintenance, Service, and Sales with Outside Storage	<a href="#">(3)</a>	<a href="#">(3)</a>																		P	P				
Building Maintenance, Service, and Sales without Outside Storage	<a href="#">(3)</a>																	P	P	P	P				
Commercial Cleaners	<a href="#">(4)</a>																	S	P	P					
Custom and Craft Work	<a href="#">(5)</a>																		P	P	P				
Electrical, Watch, Clock, Jewelry and/or Similar Repair	<a href="#">(6)</a>											P			S	P	P	P	P	P					
Feed Store or Ranch Supply	<a href="#">(7)</a>																		P	S	P				



apertures. This would be the primary use for a property and not attached to a Public or Private Country Club.

- (15) Theater. A structure that is open to the public and is used for dramatic, operatic, musical, motion picture, or other performance or entertainment-related activities, where admission is charged per performance or event, and where there is no audience participation other than as spectators. Such establishments may include incidental services such as food and beverage sales and other concessions.

(F) *Retail and Personal Service Land Uses.*

- (1) Alcoholic Beverage Package Sales. The act of selling beer, wine, and/or liquor or distilled spirits -- *as defined by the Texas Alcoholic Beverage Code* -- in accordance with the requirements of this Unified Development Code (UDC) by a person, establishment, or place of business.

- (2) Alcoholic Beverage Store. A standalone retail establishment that engages in the sale of beer, wine, and liquor or distilled spirits -- *as defined by the Texas Alcoholic Beverage Code* -- to the general public for off-premise personal or household consumption.

- (3) Antique/Collectible Store. A retail establishment that engages in the selling of works of art, furniture or other artifacts of an earlier period.

- (4) Astrologer, Hypnotist, or Psychic. An establishment providing predictions or readings of the future based on intuitive or mental powers, astrology, card or tea reading, crystal gazing, palmistry, or spiritual reading.

- (5) Banquet Facility/Event Hall. An establishment that is leased on a temporary basis before the day of the event by individuals or groups who reserve the facility to accommodate private functions, including, but not limited to, banquets, weddings, anniversaries, receptions, business and organizational meetings, and other similar functions, to which the general public is not admitted and for which no admission charge is imposed. Such establishments may include kitchen facilities for the preparation of food or catering of food and areas for dancing, dining, and other entertainment activities that customarily occur in association with banquets, weddings, or receptions.

- (6) Portable Beverage Service Facility. A portable beverage service facility is an establishment that sells beverages from a structure that can be moved from place to place but that stays at one location during a normal business day; food sales are prohibited in these facilities.

- (7) Brewpub. A brewpub is a restaurant that incorporates a craft or microbrewery as an accessory use. The craft or microbrewery in conjunction with the restaurant allows for the manufacturing of beer -- *in limited quantities* -- for both on-premise and off-premise consumption.

- (8) Business School. A business organized to operate for profit that offers instruction and training in a service or art such as secretarial school, barber college, beauty school or commercial art school, but not including manual trade schools.

- (9) Catering Service. A food establishment without on-site banquet facilities that provides, prepares, and/or serves food at off-site locations for groups, where all food and service expenses are paid by the group and not for individual sale.

- (10) Temporary Christmas Tree Sales Lot and Similar Uses. A building or land area that provides seasonal uses such as the sale of Christmas trees, pumpkins, and other temporary uses which occur at certain times of the year.

- (11) Copy Center. An establishment that reproduces, in printed form, individual orders from a business, profession, service, industry, or government organization.

- (12) Craft/Micro Brewery, Distillery and/or Winery. A craft/microbrewery is a small-scale brewing facility designed for the production of malt liquors such as beer and ale, using grains such as oats, hops, rice, wheat, and barley, designed and managed to brew no more than 75,000 barrels of beer per year. A distillery and/or winery is a small-scale facility designed for the manufacture, bottling, labeling, packaging, and sale of wine containing not more than 24% alcohol by volume, distilled spirits and other liquors.

- (13) Incidental Display. An outdoor retail sale or commercial promotion, not in excess of thirty (30) days during any 12-month period, adjacent to an existing permanent business operated in the city where the products displayed or sold outdoors are the same as those sold inside the existing permanent business and where such activity is incidental to the normal conduct of business operated by the same merchant or his employer in an on-site building for which a valid Certificate of Occupancy (CO) exists and when permitted by the City.

- (14) Food Truck/Trailer. A food truck or trailer is a mobile food vendor that sells food and/or beverages that are either pre-packaged or prepared in the confines of a portable truck/trailer, which can be moved from place to place, but is typically in a fixed location for extended periods of time.

- (15) Garden Supply/Plant Nursery. An establishment for the cultivation and propagation, display, storage and sale (*i.e. retail and wholesale*) of large plants, shrubs, trees and other materials used for in indoor or outdoor plantings; and the contracting for installation and/or maintenance of landscape material as an accessory use.

- (16) General Personal Service. Establishments primarily engaged in providing services generally involving the care of the person and/or his/her apparel including but not limited to barber and beauty shops, dressmaking, shoe shining, dry-cleaning and laundry pick-up stations, tailor or seamstress, and reducing salons/health clubs.

- (17) General Retail Store. A facility or area for the retail sale of general merchandise or food to the public for direct consumption and not for wholesale. Typical general merchandise includes clothing and other apparel; equipment for hobbies or sports; gifts; flowers and household plants; dry goods; groceries, convenience, and specialty foods; toys; furniture; books and stationery; pets; drugs; hardware; and similar consumer goods. This use does not include uses that

CITY OF ROCKWALL

ORDINANCE NO. 23-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING ARTICLE 04, *PERMISSIBLE USES*, AND ARTICLE 13, *DEFINITIONS*, AS DEPCITED IN *EXHIBIT 'A'* OF THIS ORDINANCE; 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**, an amendment to the City of Rockwall's Unified Development Code [*Ordinance No. 20-02*] has been initiated by the City Council of the City of Rockwall to amend Article 04, *Permissible Uses*, and Article 13, *Definitions*, of the Unified Development Code [*Ordinance No. 20-02*] to create an *Alcoholic Beverage Package Sales and Alcoholic Beverage Store* land use; 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 city's corporate boundaries, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code [*Ordinance No. 20-02*] should be amended as follows:

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

**SECTION 1.** That Article 04, *Permissible Uses*, and Article 13, *Definitions*, of the Unified Development Code [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'A'* of this ordinance;

**SECTION 2.** 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 3.** 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 [*Ordinance No. 20-02*], 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 4.** That this ordinance shall take effect immediately from and after its passage.

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

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

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

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ORDINANCE  
05.15.2023



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ORDINANCE  
05.15.2023

*Continued on Next Page ...*



- (1) Setbacks from Other Uses. The club must be located not less than 300-feet from a church, public school, or public hospital. For a church or public hospital, the 300-feet shall be measured along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. For public schools, the measurement of distance shall be in direct line from the property line of the public school to the property line of the private club and in a direct line across intersections.
- (2) Exterior Signs. There shall be no exterior signs advertising the sale of alcoholic beverages, provided this does not prohibit using established trademark names (e.g. Steak and Ale).
- (3) Alcoholic Sales Revenue. Revenues from the sale of alcoholic beverages shall not exceed 40% of the gross revenues derived from the sale of food and beverages. In the hotels and motels, the gross receipts shall include all restaurants and club operations in the facility as well as room rental charges. The City shall be provided with copies of the reports submitted by the establishment to the Texas Comptroller of Public Accounts and the Texas Alcoholic Beverage Commission within 30-days of the end of each quarter. Combined sales as reflected on the reports for the last two (2) reported quarters shall be used to determine if the sales of alcohol exceed the maximum allowed percentage.
- (4) Club Boundaries. The boundaries of a private club are hereby defined to be the building in which the private club is located, or in the case of a multi-tenant building such as a shopping center, only that portion of the building in which the private club is located which is separately leased or owned, or with contiguous internal access should such floor area be leased to more than one (1) party.
- (5) Certificate of Occupancy. A copy of the permit approved by the state shall be submitted to the city prior to issuance of a Certificate of Occupancy (CO) to ensure that the permit complies with the provisions of the zoning.
- (6) Allowed uses. No uses meeting the terms and definitions of Sexually Oriented Business as defined in Article XI, Sexually Oriented Businesses, of Chapter 12, Businesses and Sales, of the Municipal Code of Ordinances, as it is currently adopted or as it may hereafter be amended, shall be located in a private club unless such uses are approved as a part of the Specific Use Permit (SUP) authorizing the Private Club. Any such approved use shall be in compliance with all requirements of this permit, all applicable requirements of the Unified Development Code (UDC), and any other applicable ordinances.

(7) Sexually Oriented Businesses.

- (a) Sexually Oriented Businesses shall not be permitted within any Overlay District in the City of Rockwall.

(F) Retail and Personal Service Land Uses.

(1) Alcoholic Beverage Package Sales.

- (a) The package sales of liquor or distilled spirits -- *as defined by the Texas Alcoholic Beverage Code* -- shall only be permitted in conjunction with an Alcoholic Beverage Store, and shall not be permitted as an accessory use to any other land use contained within this Unified Development Code (UDC).
- (b) The package sales of beer and wine shall be permitted by-right as an accessory land use to a General Retail Store, Retail Store with Gasoline Sales, Brew Pub, Craft/Micro Brewery and/or Winery, Brewery, and Winery.

(2) Alcoholic Beverage Store.

- (a) An Alcoholic Beverage Store shall include the sale of beer, wine, and liquor or distilled spirits as defined by the Texas Alcoholic Beverage Code.
- (b) An Alcoholic Beverage Store shall be prohibited from locating within 1,000-feet of a lot, parcel, or tract of land with another Alcoholic Beverage Store situated on it as measured in a straight line between the nearest points of one (1) of the lots, parcels, or tracts of land to the other lot, parcel, or tract of land.

~~(1)~~(3) Portable Beverage Service Facility.

- (a) The service shall be limited to snow cone stands, beverage stands serving non-alcoholic beverages such as coffee, juices or sodas.
- (b) The maximum time limit of such temporary use shall not exceed 150-days annually or a time limit otherwise approved by the City Council. At the end of the time period, the structure shall be removed from the property.
- (c) Any temporary power poles will be removed on the date of or immediately following the termination date of the permit.
- (d) No additional freestanding signage shall be permitted.
- (e) The temporary portable structure or trailer shall meet all health and electrical codes of the City.
- (f) Any such temporary facility shall not reduce the number of required parking spaces of any nearby building or use.
- (g) Any such temporary facility shall have permanent restrooms for employees available within 300-feet of the door of the portable beverage facility. Written permission from the permanent building owner for restroom use must be submitted to the building official; no portable restroom facility is allowed.
- (h) Any such temporary facility shall be located on an all-weather (i.e. asphalt or concrete) parking surface with adequate space for parking and circulation, unless alternatively approved by the City Council.

~~(2)~~(4) Temporary Christmas Tree Sales Lot and Similar Uses.



- (A) *Grazing Animals*. In the SF-E and SF-1 Districts, grazing animals 500 pounds or greater, including horses and cattle must have a minimum fenced or enclosed area of 40,000 square feet per animal. Grazing animals of less than 500 pounds, including sheep and goats, must have a minimum fenced or enclosed area of 15,000 square feet per animal.
- (B) *Other Animals*. An SUP is required for other farm animals, including chickens and swine (except for "potbellied pigs" as defined in [Section 6-1, Definitions, of Chapter 6, Animals, of the Municipal Code of Ordinances](#)), and for a reduction in the land area required for grazing farm animals. The city shall not grant a SUP for any farm animal unless it is convinced that the presence of such animals will not injure the use and enjoyment of neighboring properties, including the impact of dust, flies and odor.
- (C) *General Conditions*. Notwithstanding the conditions above,
- (1) Ground accumulations of manure shall be collected and properly disposed of so as not to create offensive odors, fly breeding, or in any way pose a health hazard or nuisance to humans and animals;
  - (2) Fences or pens, corrals or similar enclosures shall be of sufficient height and strength to properly retain the animal; and
  - (3) In SF-E and SF-1 Districts, no swine or fowl are permitted, except for *potbellied pigs* as defined in [Section 6-1, Definitions, of Chapter 6, Animals, of the Municipal Code of Ordinances](#).
  - (4) In the Agricultural District or on unplatted tracts of land of five acres or more, standards for animals are found in [Section 6-1, Definitions, of Chapter 6, Animals, of the Municipal Code of Ordinances](#).

#### SUBSECTION 03.02: TEMPORARY ACCOMMODATION FOR EMPLOYEES, CUSTOMERS AND VISITORS

- (A) Temporary accommodations. Temporary accommodation for employees, customers and visitors may be provided as an ancillary use in commercial zoning districts provided that:
- (1) Such accommodation is clearly in support of the business operation;
  - (2) No rental of such facilities to the general transient public occurs;
  - (3) Accommodation is for temporary stays, not to exceed 30 days; and
  - (4) No more than five (5) percent of the building area is utilized for this ancillary use.

#### SUBSECTION 03.03: UTILITY DISTRIBUTION LINES

All utility distribution lines shall be placed underground. Utility distribution lines placed above-ground shall require special approval of the City Council based upon a recommendation of the Planning and Zoning Commission.

#### SUBSECTION 03.04: FLAG POLES

Flag poles are permitted in all districts, but must meet the building height and setback requirements for each district. (See [Article 05, District Development Standards, of the Unified Development Code](#)).

#### SUBSECTION 03.05: ALCOHOLIC BEVERAGE SALES

##### (A) *Restaurants with Alcoholic Beverage Sales*.

- (1) Restaurants may serve alcoholic beverages for on-premises consumption by right if they are located on property that was within the city limits as of November 14, 2007, and are located in a zoning district allowing such use. For restaurants located on property that was annexed after November 14, 2007, a private club permit must be obtained for the ability to serve alcohol and must be located in an appropriate zoning district that allows such use.
- (2) Restaurants that sell alcoholic beverages for on-premises consumption shall be subject to compliance with the Texas Alcoholic Beverage Code, as it exists or may be amended and must be located not less than 300 feet from a church, public school, private school (*as defined by the Texas Alcoholic Beverage Code*) or public hospital. For a church or public hospital, the 300 feet shall be measured along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. For public schools or private schools, the measurement of distance shall be in direct line from the property line of the public school or private school to the property line of the restaurant and in a direct line across intersections. If the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

The City Council may grant a variance to the distance regulations if the City Council determines that enforcement of those regulations in a particular instance is not in the best interest of the public, constitutes waste of inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

- (3) Restaurants that sell alcoholic beverages for on-premises consumption shall be subject to compliance with the Texas Alcoholic Beverage Code, as it exists or may be amended and shall not be permitted to have exterior signs advertising the sale of alcoholic beverages other than those authorized under the Texas Alcoholic Beverage Code and chapter 32 of the Code of Ordinances, pertaining to signs.

##### (B) *Retail Establishments with Alcoholic Beverage Sales*.

- (1) Retail establishments or Alcoholic Beverage Stores may sell beer and wine for off-premises consumption by right if they are located on property that was within the city limits as of November 14, 2007, and are located in a zoning district allowing such use. Retail establishments or Alcoholic



**Beverage Stores** located on property that was annexed after November 14, 2007, may not engage in the selling of beer and wine for off-premises consumption.

- (2) Retail establishments engaged in the selling of beer and wine **or Alcoholic Beverage Stores engaged in the selling of beer, wine, and distilled spirits or liquor** to the general public for off-premises consumption shall be subject to compliance with the Texas Alcoholic Beverage Code, as it exists or may be amended and must be located not less than ~~300~~ 300-feet from a church, public school, private school (*as defined by the Texas Alcoholic Beverage Code*) or public hospital. For a church or public hospital, the ~~300~~ 300-feet shall be measured along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. For public schools or private schools, the measurement of distance shall be in direct line from the property line of the public school to the property line of the retail establishment **or Alcoholic Beverage Store** and in a direct line across intersections. If the permit or license holder is located on or above the fifth story of a multistory building, the measurement shall be in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

The City Council may grant a variance to the distance regulations if the City Council determines that enforcement of those regulations in a particular instance is not in the best interest of the public, constitutes waste of inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

- (3) Retail establishments engaged in the selling of beer and wine **or Alcoholic Beverage Stores engaged in the selling of beer, wine, and distilled spirits or liquor** for off-premise consumption shall be subject to compliance with the Texas Alcoholic Beverage Code, as it exists or may be amended and shall not be permitted to have exterior signs advertising the sale of alcoholic beverages other than those authorized under the Texas Alcoholic Beverage Code and Chapter 32 of the Code of Ordinances, pertaining to signs.

**(C) Drive-Through Sales of Pre-Packaged Beverages, Convenience Stores, Retail Sales with Gasoline.**

- (1) An establishment may not offer drive-in, drive-up, drive through, or walk-up sales or service of pre-packaged, sealed, unopened beverages.
- (2) A convenience store may not contain less than 1,000 square feet of retail space.
- (3) For purposes of this section, the terms "drive-in," "drive-up," "drive-through," and "walk-up" do not prohibit the service of food or beverages to customers:
- (a) Who must physically leave their vehicles and enter a building in order to make a purchase; or

- (b) As part of a drive-through restaurant in connection with the sale or service of food to the customer.

**SUBSECTION 03.06: ANTENNAS**

- (A) **Construction and Maintenance Requirements.** All antenna masts, towers and antenna supports used for television and radio reception or transmission shall be constructed and maintained in accordance with the current National Electrical Code and the Building Code of the City.

- (B) **Permit Required.** Any person desiring to erect or have erected an antenna more than 25-feet in height above ground level, or an antenna mast 25-feet or less in height but not erected as required by this section, shall make written application to the building inspection department for a permit to erect same. Sufficient plans and specifications, as determined by the Chief Building Official, must accompany each application. It shall be unlawful and a violation of this division to erect, or cause to be erected, or to maintain, or cause to maintain, such antenna mast without first having obtained a permit. It shall be the duty of the permittee to request a final inspection upon completion of the antenna system. Domestic TV antennas are exempt from this section.

- (C) **Restrictions and Limitations.** All antenna systems constructed and maintained under the provisions of this section shall be subject to the following restrictions and limitations:

- (1) No such antenna system shall be more than 99-feet in height.
- (2) The location on the lot of such antenna system shall comply with the requirements of this Unified Development Code insofar as the front building line and side yard building line and requirements are concerned. No portion of an antenna system shall extend beyond the front building line on any lot, and on corner lots the side yard setback requirements shall be adhered to on the side adjacent to a public street, and where the front and side yard requirements are applicable, all portions of such structures shall be within the limits fixed by such requirements.
- (3) All antenna systems constructed under the provisions of this section shall be maintained so as to at all times comply with the requirements of this section.
- (4) The regulations contained herein shall not apply to the extent that they have been preempted by specific regulations of the FCC to the contrary.

- (D) **Roof-Mounted Equipment.** All roof-mounted equipment, including fans, vents, air conditioning units and cooling towers, should be screened to eliminate the view from the ground level of adjacent properties. The screen shall be constructed of materials approved by the Director of Planning and Zoning. Roof-mounted equipment should be placed and finished in a manner which minimizes its visibility from overhead views from nearby buildings and elevated thoroughfare sections.

- (1) The overall screening height will be the height of the tallest element of roof-mounted equipment.
- (2) The outside of the screening device should be painted or finished in a similar color to the building facade, trim or roof





# LAND USE SCHEDULE

**LEGEND:**

	Land Use <i>NOT</i> Permitted
P	Land Use Permitted <i>By-Right</i>
P	Land Use Permitted with Conditions
S	Land Use Permitted Specific Use Permit (SUP)
X	Land Use Prohibited by Overlay District
A	Land Use Permitted as an Accessory Use

LAND USES	LAND USE DEFINITION REFERENCE (Reference Article 13. Definitions)	CONDITIONAL USE REFERENCE Reference Article 04. Permissible Uses	RESIDENTIAL DISTRICTS										MIXED USE DISTRICTS	NON-RESIDENTIAL DISTRICTS					OVERLAY DISTRICTS					
			Agricultural (AG) District	Single Family Estate 1.5 (SFE-1.5) District	Single Family Estate 2.0 (SFE-2.0) District	Single Family Estate 4.0 (SFE-4.0) District	Single Family 1 (SF-1) District	Single Family 1.6 (SF-1.6) District	Single Family 10 (SF-10) District	Single Family 8.4 (SF-8.4) District	Single Family 7 (SF-7) District	Zero Lot-Line (ZL-5) District	Two-Family (2F) District	Multi-Family 14 (MF-14) District	Downtown (DT) District	Residential Office (RO) District	Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District
Rental Store without Outside Storage and/or Display	<a href="#">(2627)</a>	<a href="#">(810)</a>														S	P	P	P	P				
Restaurant with less than 2,000 SF with Drive-Through or Drive-In	<a href="#">(2728)</a>	<a href="#">(911)</a>														S	S	S	S	S	S			
Restaurant with less than 2,000 SF without Drive-Through or Drive-In	<a href="#">(2829)</a>												P	S	P	P	P	P	P	P				
Restaurant with 2,000 SF or more with Drive-Through or Drive-In	<a href="#">(2728)</a>	<a href="#">(1012)</a>														S	S	P	P	P	P			
Restaurant with 2,000 SF or more without Drive-Through or Drive-In	<a href="#">(2829)</a>												P		S	P	P	P	P	P				
Retail Store with Gasoline Sales that has Two (2) or less Dispensers ( <i>i.e. a Maximum of Four (4) Vehicles</i> )	<a href="#">(2930)</a>														S	P	P	P	P	P		S	S	
Retail Store with Gasoline Sales that has more than Two (2) Dispensers	<a href="#">(2930)</a>															S	P	P	P	P		S	S	
Secondhand Dealer	<a href="#">(3031)</a>													S		P	P	P	P	P				
Art, Photography, or Music Studio	<a href="#">(3132)</a>													P	P	P	P	P	P	P				
Tailor, Clothing, and/or Apparel Shop	<a href="#">(3233)</a>													P		P	P	P	P					
Tattoo and/or Body Piercing	<a href="#">(3334)</a>																		P					
Taxidermist Shop	<a href="#">(4435)</a>																		P	P				
<b>COMMERCIAL AND BUSINESS SERVICES LAND USES</b>			2.02(G)	2.03(G)																				
Bail Bond Service	<a href="#">(1)</a>																S	P	P	P				
Building and Landscape Material with Outside Storage	<a href="#">(2)</a>	<a href="#">(1)</a>																		P	P			
Building and Landscape Material with Limited Outside Storage	<a href="#">(2)</a>	<a href="#">(2)</a>															P	P	P	P				
Building Maintenance, Service, and Sales with Outside Storage	<a href="#">(3)</a>	<a href="#">(3)</a>																		P	P			
Building Maintenance, Service, and Sales without Outside Storage	<a href="#">(3)</a>																P	P	P	P				
Commercial Cleaners	<a href="#">(4)</a>																S	P	P					
Custom and Craft Work	<a href="#">(5)</a>																P	P	P					
Electrical, Watch, Clock, Jewelry and/or Similar Repair	<a href="#">(6)</a>												P		S	P	P	P	P	P				
Feed Store or Ranch Supply	<a href="#">(7)</a>																	P	S	P				



appurtenances. This would be the primary use for a property and not attached to a Public or Private Country Club.

- (15) Theater. A structure that is open to the public and is used for dramatic, operatic, musical, motion picture, or other performance or entertainment-related activities, where admission is charged per performance or event, and where there is no audience participation other than as spectators. Such establishments may include incidental services such as food and beverage sales and other concessions.

(F) Retail and Personal Service Land Uses.

- (1) Alcoholic Beverage Package Sales. The act of selling beer, wine, and/or liquor or distilled spirits -- *as defined by the Texas Alcoholic Beverage Code* -- in accordance with the requirements of this Unified Development Code (UDC) by a person, establishment, or place of business.

- (2) Alcoholic Beverage Store. A standalone retail establishment that engages in the sale of beer, wine, and liquor or distilled spirits -- *as defined by the Texas Alcoholic Beverage Code* -- to the general public for off-premise personal or household consumption.

- (3) Antique/Collectible Store. A retail establishment that engages in the selling of works of art, furniture or other artifacts of an earlier period.

- (4) Astrologer, Hypnotist, or Psychic. An establishment providing predictions or readings of the future based on intuitive or mental powers, astrology, card or tea reading, crystal gazing, palmistry, or spiritual reading.

- (5) Banquet Facility/Event Hall. An establishment that is leased on a temporary basis before the day of the event by individuals or groups who reserve the facility to accommodate private functions, including, but not limited to, banquets, weddings, anniversaries, receptions, business and organizational meetings, and other similar functions, to which the general public is not admitted and for which no admission charge is imposed. Such establishments may include kitchen facilities for the preparation of food or catering of food and areas for dancing, dining, and other entertainment activities that customarily occur in association with banquets, weddings, or receptions.

- (6) Portable Beverage Service Facility. A portable beverage service facility is an establishment that sells beverages from a structure that can be moved from place to place but that stays at one location during a normal business day; food sales are prohibited in these facilities.

- (7) Brewpub. A brewpub is a restaurant that incorporates a craft or microbrewery as an accessory use. The craft or microbrewery in conjunction with the restaurant allows for the manufacturing of beer -- *in limited quantities* -- for both on-premise and off-premise consumption.

- (8) Business School. A business organized to operate for profit that offers instruction and training in a service or art such as secretarial school, barber college, beauty school or commercial art school, but not including manual trade schools.

- (9) Catering Service. A food establishment without on-site banquet facilities that provides, prepares, and/or serves food at off-site locations for groups, where all food and service expenses are paid by the group and not for individual sale.

- (10) Temporary Christmas Tree Sales Lot and Similar Uses. A building or land area that provides seasonal uses such as the sale of Christmas trees, pumpkins, and other temporary uses which occur at certain times of the year.

- (11) Copy Center. An establishment that reproduces, in printed form, individual orders from a business, profession, service, industry, or government organization.

- (12) Craft/Micro Brewery, Distillery and/or Winery. A craft/microbrewery is a small-scale brewing facility designed for the production of malt liquors such as beer and ale, using grains such as oats, hops, rice, wheat, and barley, designed and managed to brew no more than 75,000 barrels of beer per year. A distillery and/or winery is a small-scale facility designed for the manufacture, bottling, labeling, packaging, and sale of wine containing not more than 24% alcohol by volume, distilled spirits and other liquors.

- (13) Incidental Display. An outdoor retail sale or commercial promotion, not in excess of thirty (30) days during any 12-month period, adjacent to an existing permanent business operated in the city where the products displayed or sold outdoors are the same as those sold inside the existing permanent business and where such activity is incidental to the normal conduct of business operated by the same merchant or his employer in an on-site building for which a valid Certificate of Occupancy (CO) exists and when permitted by the City.

- (14) Food Truck/Trailer. A food truck or trailer is a mobile food vendor that sells food and/or beverages that are either pre-packaged or prepared in the confines of a portable truck/trailer, which can be moved from place to place, but is typically in a fixed location for extended periods of time.

- (15) Garden Supply/Plant Nursery. An establishment for the cultivation and propagation, display, storage and sale (*i.e. retail and wholesale*) of large plants, shrubs, trees and other materials used for in indoor or outdoor plantings; and the contracting for installation and/or maintenance of landscape material as an accessory use.

- (16) General Personal Service. Establishments primarily engaged in providing services generally involving the care of the person and/or his/her apparel including but not limited to barber and beauty shops, dressmaking, shoe shining, dry-cleaning and laundry pick-up stations, tailor or seamstress, and reducing salons/health clubs.

- (17) General Retail Store. A facility or area for the retail sale of general merchandise or food to the public for direct consumption and not for wholesale. Typical general merchandise includes clothing and other apparel; equipment for hobbies or sports; gifts; flowers and household plants; dry goods; groceries, convenience, and specialty foods; toys; furniture; books and stationery; pets; drugs; hardware; and similar consumer goods. This use does not include uses that