

ROCKWALL CITY COUNCIL REGULAR MEETING Tuesday, February 22, 2022 - 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 possible sale/purchase/lease of real property in the vicinity of the Harbor District pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
- **2.** Discussion regarding legal advice associated with homeowners association (HOA) regulations within the city 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 Jorif
- VI. Proclamations / Awards / Recognitions
 - 1. Parks Maintenance State Champions Day
- 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 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 February 7, 2022 regular City Council meeting, and take any action necessary.
- 2. Consider awarding a contract to Custard Construction Services for improvements to city facilities, and authorizing the City Manager to execute a contract totaling \$259,745.70 to be funded out of the Internal Operations Department operating budget, amending the budget in the amount of \$6,390 From General Fund Reserves, and take any action necessary.
- **3.** Consider authorizing the City Manager to execute a proposal with Kofile Technologies, Inc. to preserve and scan the City's old, historic record books in the amount of \$31,740.09 to be funded by Administration's Operating Budget, and take any action necessary.

- **4.** Consider approval of the Rockwall Police Department's 2021 Racial Profiling Report, and take any action necessary.
- 5. P2022-003 Consider a request by Chase Finch of Corwin Engineering, Inc. on behalf of Kyle Tressler of Qualico Development (US), Inc. for the approval of a *Final Plat* for the Nelson Lake Subdivision being a 120.90-acre tract of land identified as Tract 2 of the J. M. Gass Survey, Abstract No. 88, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 90 (PD-90) for Single-Family 10 (SF-10) District land uses, generally located at the southeast corner of the intersection of FM-1141 and FM-552, 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.
- **2.** Appointment with Rockwall resident, Joel Marlowe to hear request pertaining to keeping a set of stairs and pitching mound located on city property behind his home at 418 Sonoma Drive, and take any action necessary.

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. Z2022-001 Hold a public hearing to discuss and consider a request by Asher Hamilton of RIV Properties, LLC on behalf of Michael Gibson of Marion E. Wilson, Michael White, Dimensions Real Estates Services, LLC; Mark R. Carson; Allen Anderson; Gary Shultz of Culpepper/Spatex JV; and Robert Fields of In the Estate of Ernest Fields for the approval of an ordinance for a PD Development Plan for a 176-unit condominium building on a 3.59-acre tract of land identified as 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 (1st Reading).
- 2. Z2022-002 Hold a public hearing to discuss and consider a request by Louis Clark of KinoD LLC on behalf of D. W. Bobst of 101 Hubbard Dr. LLC, Gary Shultz of Culpepper/Spatex JV, and Allen Anderson for the approval of an ordinance for a <u>PD Development Plan</u> for a 42-unit condominium and retail/office building on a 1.20-acre tract of land identified as Lot 1, Block D, Harbor District Addition and Lots 3 & 4, Block 11 and Lots 1, 2, 3, & 4, Block 12, Moton Addition, City of Rockwall, Rockwall County, Texas, situated within the <u>Hillside Mixed Use Subdistrict</u> of Planned Development District 32 (PD-32), generally located at the northeast corner of the intersection of Sunset Ridge Drive and Summer Lee Drive, and take any action necessary (1st Reading).
- 3. Z2022-003 Hold a public hearing to discuss and consider a request by Bowen Hendrix of DuWest Realty, LLC on behalf of John Arnold of the Skorburg Company for the approval of an ordinance for a *Specific Use Permit (SUP)* for a *Restaurant 2,000 SF or More with Drive Through or Drive-Infor* the purpose of constructing two (2) restaurants on an 8.684-acre tract of land identified as Tract 3-10 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, being zoned Planned Development District 70 (PD-70) for limited General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, generally located at the northeast corner of the intersection of E. Quail Run Road and N. Goliad Street [\$H-205], and take any action necessary (1st Reading).
- **4. Z2022-004** Hold a public hearing to discuss and consider a request by Mike and Mary Frasier for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for a *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* on a 0.74-acre parcel of land identified as Lot 13, Block E, Wade Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 704 Jackson Street, and take any action necessary **(1st Reading)**.

5. **Z2022-005** - Hold a public hearing to discuss and consider a request by Perry Bowen of Perry Bowen Homes, LLC for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for *Residential Infill Adjacent to an Established Subdivision* on a 0.49-acre parcel of land identified as Lot 2, Block A, Haley & Kyle Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 503 S. Clark Street, and take any action necessary **(1st Reading)**.

XII. Action Items

If your comments are regarding an agenda item below, you are asked to wait until that particular agenda item is up for discussion, and the Mayor or Mayor Pro Tem will call you forth to the podium to hear your comments (please limit to 3 minutes or less). This allows for all public comments to be grouped with each specific agenda item for the Council to consider, and they are then easily referenced in meeting recordings.

- 1. MIS2022-001 Discuss and consider a request by Clark Staggs of Foxtrot 46 Development on behalf of Neil Gandy of ADD Real Estates for the approval of a Miscellaneous Case for an Alternative Tree Mitigation Settlement Agreement for a 6.60-acre tract of land being a portion of Tract 21 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located on the north side of Airport Road east of the intersection of Airport Road and John King Boulevard, and take any action necessary.
- 2. A2022-001 Discuss and consider the approval of an ordinance reducing the City of Rockwall's Extraterritorial Jurisdiction (ETJ) by releasing a 313.936-acre tract of land identified as Tracts 2 & 2-1 of the F. Baugess Survey, Abstract No. 7, Rockwall County, Texas, generally located adjacent to Edwards Road south of FM-550, and take any action necessary (1st Reading).

XIII. 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 Harbor District pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
- 2. Discussion regarding legal advice associated with homeowners association (HOA) regulations within the city pursuant to Section 551.071 (Consultation with Attorney).

XIV. Reconvene Public Meeting & Take Any Action as Result of Executive Session

XV. 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 18th day of Feb., 2022 at 4:00 PM and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

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



Officeas, the Texas Recreation and Parks Society (TRAPS) is a nonprofit educational and professional organization founded in 1937 to advance the profession of parks, recreation and leisure services in Texas; and

Officeas. TRAPS annually hosts a "State Championship Maintenance Rodeo," which consists of seven events - Truck & Trailer Competition, Zero Turn Mower Obstacle Course, Backhoe Competition, Blower Competition, Irrigation Assembly, Nail Driving Competition, and Plant Identification; and

Of Mereas, City of Rockwall's Parks Maintenance personnel participated in the north region's competition in October of last year, with Rockwall winning that competition and qualifying them for the State Championships; and

Of the State Championship competition, Rockwall placed in the top 8 in all events, which included best finishes in the top 5 of the individual events, successfully achieving the title of State Champions.

Mow. Therefore, I, Kevin Fowler, Mayor of the City of Rockwall, Texas, do hereby proclaim February 22, 2022 as

Parks Maintenance State Champions Day

in the City of Rockwall, and urge all citizens to applaud and celebrate the City Rockwall's Parks & Recreation Department for these most notable achievements of winning the 2021 north region competition and winning the 2022 State Championship.

In Witness Whereof, I here unto set my hand and official seal this 22nd day of February, 2022.

Kevin Fowler, Mayor



ROCKWALL CITY COUNCIL REGULAR MEETING Monday, February 07, 2022 - 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 5:01 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem John Hohenshelt, and Councilmembers Clarence Jorif, Trace Johannesen, Bennie Daniels and Anna Campbell. Mayor Fowler read the below listed discussion items into the record before recessing the public meeting to go into Ex. Session at 5:03 p.m. Councilmember Dana Macalik arrived to the meeting and joined Ex. Session at 5:04 p.m.

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 appointments to city regulatory boards, commissions, and committees specifically the Rockwall Economic Development Corporation (REDC) pursuant to Section 551.074 (Personnel Matters)
- 2. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development).
- 3. Discussion regarding possible sale/purchase/lease of real property off of John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
- **4.** Discussion regarding legal issues pertaining to an existing 212 Development Agreement for property within the Extraterritorial Jurisdiction (ETJ) pursuant to Section §551.071 (Consultation with Attorney).
- Discussion regarding terms of lease with cellular providers in the vicinity of Boydstun Avenue, pursuant to Sections 551.071 (Consultation with Attorney) and 551.072 (Deliberation regarding Real Property)

Pulled from public meeting agenda - Consent Agenda Item #14. Consider authorizing the City Manager to execute a professional engineering services contract with Birkhoff, Hendricks, and Carter, L.L.P. to perform the engineering design and construction plans for the W. Quail Run Sanitary Sewer Project in an amount not to exceed \$57,310.00, and take any action necessary.

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 5:37 p.m.

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

Mayor Fowler reconvened the public meeting at 6:00 p.m., with all 7 councilmembers present.

V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER CAMPBELL

Councilmember Campbell delivered the invocation and led the Pledge of Allegiance.

VI. PROCLAMATIONS / AWARDS / RECOGNITIONS

1. Black History Month

Mayor Fowler read this proclamation into the record.

VII. OPEN FORUM

Mayor Fowler explained how Open Forum is conducted, asking if anyone would like to come forth and speak at this time. No one came forth, so Mayor Fowler closed Open Forum and moved to the next agenda item.

VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Hohenshelt moved to authorize the City Manager to execute an amendment to the cell tower agreement for Boydstun. Councilmember Macalik seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Councilmember Johannesen moved to appoint Darren Shue to the Rockwall Economic Development Corporation (replacing former member, Craig Renfro). Mayor Pro Tem Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

IX. CONSENT AGENDA

- 1. Consider approval of the minutes from the January 18, 2022 regular City Council meeting, and take any action necessary.
- 2. Z2021-050 Consider approval of an ordinance for a <u>Text Amendment</u> to Article 04, <u>Permissible Uses</u>, of the Unified Development Code (UDC) [<u>Ordinance No. 20-02</u>] for the purpose of amending the <u>Conditional Land Use Standards</u> for the <u>Bed and Breakfast</u> land use, and take any action necessary (2nd Reading).
- 3. Z2021-051 Consider a request by Henok Fekadu for the approval of an ordinance for a <u>Specific Use Permit (SUP)</u> for Residential Infill in an Established Subdivision on a 0.189-acre parcel of land identified as Lot 4, Block B, Chandlers Landing, Phase 19 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single-family land uses, addressed as 5108 Yacht Club Drive, and take any action necessary (2nd Reading).
- 4. Z2021-053 Consider a request by Javier Silva of JMS Custom Homes for the approval of an ordinance for a <u>Specific Use Permit (SUP)</u> for <u>Residential Infill in an Established Subdivision</u> on a 0.23-acre tract of land identified as a portion of Block 9 of the F&M Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 803 Austin Street, and take any action necessary (2nd Reading).
- 5. **Z2021-055** Consider a request by Patrick Filson of Kirkman Engineering on behalf of Marlyn Roberts for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for a *Restaurant with Less Than 2,000 SF with a Drive-Through or Drive-In* for the purpose of constructing a restaurant/retail building on a 0.799-acre portion of a larger 2.02-acre parcel of land identified as Lot 2, Block 1, Meadowcreek Business Center, Phase 1 Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within SH-205 Overlay (SH-205 OV) District, generally located east of the intersection of S. Goliad Street [*SH-205*] and Ralph Hall Parkway, and take any action necessary (2nd Reading).
- **6. Z2021-056** Consider a request by John Delin of Integrity Group, LLC for the approval of an **ordinance** for a *Zoning Amendment* to Planned Development District 85 (PD-85) [*Ordinance No. 18*-

- 32] for a 47.694-acre tract of land identified as Lot 1, Block A, and Lot 1, Block B, Ladera Rockwall Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 85 (PD-85), situated within the 205 By-Pass Overlay (205 BY-OV) and the East SH-66 Overlay (E SH-66 OV) District, located at the northeast corner of the intersection of SH-66 and John King Boulevard, and take any action necessary (2nd Reading).
- 7. P2022-001 Consider a request by Nick Hobbs of BGE Engineering on behalf of Randall Schwimmer of Baker Schwimmer Ventures, LLP and Phase 17 Investments for the approval of a *Conveyance Plat* for Lots 1, 2 & 3, Block A, Seefried Addition being a 23.489-acre tract of land identified as Tracts 25 & 25-1, of the R. B. Irvine Survey, Abstract No. 120 and Tract 1-2 of the J. H. B. Jones Survey, Abstract No. 120, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, generally located on the southside of the IH-30 Frontage Road east of the intersection of Corporate Crossing and IH-30, and take any action necessary.
- 8. P2022-002 Consider a request by Bart Carroll of Carroll Consulting Group, Inc. on behalf of Cathy Strother for the approval of a *Final Plat* for Lot 1, Block A, Roadside Addition being a 2.7624-acre tract of land identified as Tract 25-1, of the J. Cadle Survey, Abstract No. 65 and Tract 17 of the J. D. McFarland Survey, Abstract No. 145, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District and Agricultural (AG) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 2410 S. Goliad Street [*SH-205*], and take any action necessary.
- 9. P2022-004 Consider a request by Gerald Monk of Monk Consulting Engineers on behalf of 5 Sharp Real Estate for the approval of a <u>Replat</u> for Lot 8, Block A, Sharp Addition being a 1.91-acre parcel of land identified as Lot 5, Block A, Sharp Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 46 (PD-46) for Commercial (C) District land uses, addressed as 3301 Springer Road, and take any action necessary.
- **10.** Consider approval of an **ordinance** amending the FY 2022 Budget to provide funding for Leadership Rockwall project in Lofland Park, and take any action necessary.
- 11. Consider approval of a resolution authorizing the City Manager to apply for and accept grant funding from the State Homeland Security Grant Program to secure tactical communication headsets for the Rockwall Police Department's SWAT Team, including authorizing the City Manager to execute all necessary and associated documents, and take any action necessary.
- **12.** Consider awarding a bid to Longhorn Harley-Davidson for a 2022-23 Police Pursuit Motorcycle in the amount of \$42,435.53 to be funded out of the Police Patrol Operating Budget, authorizing the City Manager to approve the Purchase Order, and take any action necessary.
- **13.** Consider authorizing the City Manager to execute a proposal from Tubbesing Solutions, LLC for information technology services in the amount of \$35,698 to be funded by the IT Department Operating Budget, and take any action necessary.
- **14.** Consider authorizing the City Manager to execute a professional engineering services contract with Birkhoff, Hendricks, and Carter, L.L.P. to perform the engineering design and construction plans for the W. Quail Run Sanitary Sewer Project in an amount not to exceed \$57,310.00, and take any action necessary.
- **15.** Consider approval of a resolution calling a General Election to be held on May 7, 2022 for the purpose of electing the following Rockwall City Council Member positions: Place 2, Place 4, and Place 6 (each for two-year terms), and take any action necessary

Mayor Pro Tem Hohenshelt moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15). Councilmember Jorif seconded the motion. The ordinance captions were read into the record as follows:

CITY OF ROCKWALL ORDINANCE NO. 22-03

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 SUBSECTION 02.03, CONDITIONAL LAND USE STANDARDS, OF ARTICLE 04, PERMISSIBLE USES, 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. <u>22-04</u> SPECIFIC USE PERMIT NO. S-267

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 8 (PD-8) 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 0.189-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 4, BLOCK B, CHANDLER'S LANDING, PHASE 19, 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. 22-06 SPECIFIC USE PERMIT NO. S-269

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 0.23-ACRE PARCEL OF LAND, IDENTIFIED AS PORTION OF BLOCK 9 OF THE F&M 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. <u>22-07</u> SPECIFIC USE PERMIT NO. S-270

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 A RESTAURANT LESS THAN 2,000 SF WITH DRIVE-THROUGH OR DRIVE-IN ON A 2.02-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 2, BLOCK 1, MEADOWCREEK BUSINESS CENTER PHASE 1 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. 22-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 85 (PD-85) [ORDINANCE NO. 18-32] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO INCORPORATE A 9.762-ACRE TRACT OF LAND ZONED AGRICULTURAL (AG) DISTRICT INTO PLANNED DEVELOPMENT DISTRICT 85 (PD-85) CREATING A 47.694-ACRE PLANNED DEVELOPMENT DISTRICT IDENTIFIED AS TRACTS 4-01 & 5 OF THE M. B. JONES SURVEY, ABSTRACT NO. 122, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A'; 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. 22-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE BUDGET OF THE CITY OF ROCKWALL FOR THE FISCAL YEAR OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2022; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 7 ayes to 0 nays.

X. ACTION ITEMS

 Z2021-052 - Discuss and consider a request by Mike Peoples for the approval of an ordinance for a Specific Use Permit (SUP) to allow Chickens on a 42.66-acre tract of land identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1700 E. SH-66, and take any action necessary (2nd Reading).

Mayor Pro Tem Hohenshelt moved to approve Z2021-052. Councilmember Campbell seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL ORDINANCE NO. 22-05

SPECIFIC USE PERMIT NO. <u>S-268</u>

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) TO ALLOW CHICKENS ON A 42.66-ACRE TRACT OF LAND, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND DESCRIBED 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.

The motion passed by a vote of 5 ayes to 2 nays (Daniels and Johannesen).

2. Discuss and consider a request from the Rockwall Economic Development Corporation (REDC) related to closing Rochell Road and providing an alternate route during upcoming construction, and take any action necessary.

Phillip Wagner, President / CEO of the Rockwall Economic Development Corporation (REDC) came forth and spoke about two options related to traffic routes associated with upcoming construction in and around the Rockwall Technology Park. Councilmember Johannesen moved to approve the proposed "blue route," as presented. Councilmember Campbell seconded the motion. Councilmember Macalik asked if the homeowners of Carrington Farms (a subdivision located within Fate that will be impacted by this reroute) have been given any indication of this possible route change. Mr. Wagner indicated that he has spoken with the Public Works Director for the City of Fate; however, residents have likely not yet been informed. Mrs. Smith, Rockwall City Manager, recommended that Mr. Wagner work with the Public Information Officer for the City of Fate to help facilitate communication about this construction-related route to their residents, as appropriate.

The motion then passed by a vote of 7 ayes to 0 nays.

3. Discuss and consider directing the City Manager to enter into a 380 Economic Development Agreement with Saro Partners, LLC to facilitate the swap of a 4.18-acre tract of land (i.e. Tract 9 of the M. B. Jones Survey, Abstract No. 122) at the southwest corner of John King Boulevard and FM-1141 for a 5.07-acre tract of land (i.e. Tract 2-06 of the D. Harr Survey, Abstract No. 102) at the southeast corner of John King Boulevard and Airport Road, and take any action necessary.

Planning Director Ryan Miller provided background information pertaining to this agenda item. He went on to describe a 'land swap' that the City could enter into with the Rockwall Boys & Girls Club, and he briefly spoke about the benefits in that regard. He went on to describe the process and required timelines associated with this 'land swap,' if the City Council indeed would like to move forward with the swap through execution of the enclosed 380 Economic Development Agreement. Mr. Miller mentioned that representatives of the Boys & Girls Club are in favor of this agreement, and both parties' legal counsels have reviewed the agreement.

Mayor Pro Tem Hohenshelt moved to approve the 380 Agreement (and authorize its execution). Councilmember Jorif seconded the motion, which passed by a vote of 7 ayes to 0 nays.

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

Councilmember Johannesen moved to reappoint Stacy Fuqua, Geoffrey Lyons, and Gary Cannavo to serve an additional two-year term on the Main Street Advisory Board (to expire Jan. of 2024). Mayor Fowler seconded the motion, which passed by a vote of 7 ayes to 0 nays.

- XI. 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 Inspection Monthly Report December 2021
 - 2. Fire Department Monthly Report December 2021
 - 3. Parks & Rec Department Monthly Report December 2021
 - 4. Police Department Monthly Report December 2021
 - **5.** Sales Tax Historical Comparison
 - **6.** Water Consumption Historical Statistics

Mrs. Mary Smith, City Manager, briefly mentioned that things went very well, overall, with last week's winter ice/snow storm. Renovations are going well at the Rockwall Technology Park building that will house many of the city's Police Department staff, and they should be able to move in within the next couple of weeks. Canales Furniture is donating all of the furniture that will be used in the Police Department's Mental Health Officers' 'soft interview room.' The City and Police Department are grateful for this generous donation. The "Discovery" statue project is moving along, and bids will soon go out for the site improvement (pad) work. In addition, city staff has been diligent in keeping up with construction-related trash and debris concerns with the exception of about a week or so of staff shortages (due to COVID) when there was not staff on hand

to perform inspections and ensure compliance. Brief comments were made related to the type of trash receptacles that contractors are using on construction sites.

XII. 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:

- Discussion regarding appointments to city regulatory boards, commissions, and committees specifically the Rockwall Economic Development Corporation (REDC) - pursuant to Section 551.074 (Personnel Matters)
- **2.** Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development).
- 3. Discussion regarding possible sale/purchase/lease of real property off of John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
- **4.** Discussion regarding legal issues pertaining to an existing 212 Development Agreement for property within the Extraterritorial Jurisdiction (ETJ) pursuant to Section §551.071 (Consultation with Attorney).
- Discussion regarding terms of lease with cellular providers in the vicinity of Boydstun Avenue, pursuant to Sections 551.071 (Consultation with Attorney) and 551.072 (Deliberation regarding Real Property)

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

Council did not reconvene in Ex. Session following the close of the public meeting agenda. See action taken just after 6:00 p.m. (above) as a result of the 5:00 Ex. Session that was held.

XIV. ADJOURNMENT

Mayor Fowler adjourned the meeting at 6:30 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS <u>22nd</u> DAY OF <u>FEBRUARY</u>, <u>2022</u>.

	KEVIN FOWLER, MAYOR
ATTEST:	
KRISTY TEAGUE. CITY SECRETARY	



MEMORANDUM

TO: City Council

FROM: Joey Boyd, Assistant City Manager

DATE: February 15, 2022

SUBJECT: Contract with Custard Construction Services

In the FY 2022 budget, the City Council funded several improvements to city facilities that have been in use for almost 20 years. Phase I improvements authorized in December 2021 at The Center, City Hall, and the Municipal Service Center are office / staff area improvements and are underway. Attached for review and consideration are proposals from Custard Construction Services for Phase II of the improvements that include interior repainting and new flooring throughout The Center and City Hall. The project breakdown is as follows:

City Hall Paint - City Hall Flooring -	\$78,512.12 \$90,512.60
The Center Paint -	\$13,015.70
The Center Flooring -	\$77,705.28
Total:	\$259,745.70

There is \$253,355 budgeted for these projects. The price to perform these upgrades exceeds the budgeted amounts due to increases in materials and the overall inflationary nature of the current economy since original budget estimates were submitted. The contractor indicated that the price of paint alone has almost doubled in recent months. The proposed projects exceed the current budget by \$6,390.

The City Council is asked to consider authoring the City Manager to negotiate and execute a contract with Custard Construction Services for improvements to these facilities. Funds are allocated in the FY 22 Internal Operations Department operating budget for these projects. The City Council is also asked to consider amending the Internal Operations Department operating budget in the amount of \$6,390, funding the shortage from General Fund Reserves.

Proposal

Tips/Taps Contract #211001

HUB CERTIFICATION # 1454932931700

Date: February 1, 2022

Quote #CCSQ-2207

City Hall Interior Painting

Customer: City of Rockwall

385 S. Galloway Rockwall TX.

Attention: Joey Boyd Phone Number: 972-772-6408

Email: Jboyd@rockwall.com

Scope of Work

Repaint all walls on floors 1-3; except rooms excluded during walk-thru (see qualifications)
Repaint all gyp ceilings on floors 1-3 except rooms excluded during walk-thru (see qualifications)
Repaint all existing painted doors & frames
Paint walls at plan East stairs
Prep & paint hand rails & stringers at plan East stairwell
Prep & paint stringers only at plan North stairwell
Minor patching

QUALIFICATIONS:

Scope of work based on site visit with Genaro Lara
Scope of work to be performed during normal business hours
Paint specified to be Sherwin Williams Products
Exclude lift rental; lift to be provided by building management
Exclude all furniture moving, all wall hung items and personal items
Exclude painting of all closets, storage rooms & mechanical rooms
Exclude painting walls & hand rails at plan North stairwell
Exclude painting of elevator D&F's
Exclude F&I of all millwork finishes
Exclude F&I of all stain finishes
Exclude Anything not listed on scope of work.

TOTAL \$78,512.12

Add/Alternate-After Hour Work - \$16,290.27

Price Good For 30 Days

Payment Terms Net 30 days

All work to be completed in a substantial workman like manner per standard practice.

Any alteration or deviation from above scope of work involving extra costs will become an extra charge over and above the contract price. All agreements are contingent upon strike, accidents, delays including weather or changes in Federal, State and Local regulations beyond our control. All invoices are due and payable in Cooke County, Texas.

Proposal

Tips/Taps Contract #211001

HUB CERTIFICATION # 1454932931700

Date: February 17, 2022

Quote #CCSQ-2112-1

Revised City Hall Flooring 1st Floor

Customer:

City of Rockwall 385 S. Galloway Rockwall TX.

Attention: Phone Number: Joey Boyd 214-986-1722

Email:

Jboyd@rockwall.com

- Lift modular furniture & move, re-set furniture.
- Demo approx. 6200 sf of carpet.
- Demo approx. 2700 sf of vct.
- Demo approx. 1600 If of 2 ½ cove base.
- Prep & float flooring as need on affected areas.
- Provide & install new carpet tile. Mohawk City Scope, River Landing
- Provide & install new LVT. Philly, In The Grain, Milo
- Provide & install new 2 ½ cove base. Approx. 1600 If.
- Provide & install new carpet on stairs, 24 steps

Total Price \$47,552.40 Excluding Bond

EXCLUSIONS

Sealing, Polishing Resilient flooring, Moisture Mitigation' All Testing, Moisture Testing, Moving Computers, Painting, Dumpster, OT hours beyond stated in scope, Fire Protection, Security System, additional repairs not listed in Scope of Work, Additional Jack Hammering, Additional labor & material beyond Scope, Engineering, Permits, Fire Protection, Bonds, HVAC, Data, After Hour and Overtime Work, Anything Not Listed on Scope of Work.

PAYMENT TERMS: Net 30

All work to be completed in a substantial workman like manner per standard practice.

Any alteration or deviation from above scope of work involving extra costs will become an extra charge over and above the contract price. All agreements are contingent upon strike, accidents, delays including weather or changes in Federal, State and Local regulations beyond our control. All invoices are due and payable in Denton County, Texas.

Proposal

Tips/Taps Contract #211001

HUB CERTIFICATION # 1454932931700

Date: February 17, 2022

Quote #CCSQ-2112-1

Revised City Hall Flooring 2nd Floor (Council Chambers)

Customer:

City of Rockwall 385 S. Galloway Rockwall TX.

Attention: Phone Number: Joey Boyd 214-986-1722

Email:

Jboyd@rockwall.com

- Lift modular furniture & move, re-set furniture.
- Demo approx. 3000 sf of carpet.
- Demo approx. 150 sf of vct.
- Demo approx. 500 If of 2 ½ cove base.
- Prep & float flooring as need on affected areas.
- Provide & install new carpet tile. Mohawk City Scope, River Landing.
- Provide & install new LVT. Philly, In The Grain, Milo
- Provide & install new 2 ½ cove base. Approx. 500 lf.
- Provide & install new carpet on stairs, 24 steps

Total Price \$15,787.40 Excluding Bond

EXCLUSIONS

Unbolting & Moving Auditorium Seating, Sealing, Polishing Resilient flooring, Moisture Mitigation' All Testing, Moisture Testing, Moving Computers, Painting, Dumpster, OT hours beyond stated in scope, Fire Protection, Security System, additional repairs not listed in Scope of Work, Additional Jack Hammering, Additional labor & material beyond Scope, Engineering, Permits, Fire Protection, Bonds, HVAC, Data, After Hour and Overtime Work, Anything Not Listed on Scope of Work.

PAYMENT TERMS: Net 30

All work to be completed in a substantial workman like manner per standard practice.

Any alteration or deviation from above scope of work involving extra costs will become an extra charge over and above the contract price. All agreements are contingent upon strike, accidents, delays including weather or changes in Federal, State and Local regulations beyond our control. All invoices are due and payable in Denton County, Texas.

Proposal

Tips/Taps Contract #211001

HUB CERTIFICATION # 1454932931700

Date: February 17, 2022

Quote #CCSQ-2112-1

Revised City Hall Flooring 3rd Floor

Customer:

City of Rockwall 385 S. Galloway Rockwall TX.

Attention: Phone Number: Joey Boyd 214-986-1722

Email:

Glara@rockwall.com

- Lift modular furniture & move, re-set furniture.
- Demo approx, 4400 sf of carpet.
- Demo approx. 600 sf of vct.
- Demo approx. 1600 If of 2 ½ cove base.
- Prep & float flooring as need on affected areas.
- Provide & install new carpet tile. Mohawk City Scope River Landing.
- Provide & install new LVT. Approx. 600 sf. Philly in the Grain Milo.
- Provide & install new 2 ½ cove base. Approx. 1600 lf.
- Provide & install new carpet on stairs, 55 steps

Total Price \$27,172.80 Excluding Bond

EXCLUSIONS

Sealing, Polishing Resilient flooring, Moisture Mitigation' All Testing, Moisture Testing, Moving Computers, Painting, Dumpster, OT hours beyond stated in scope, Fire Protection, Security System, additional repairs not listed in Scope of Work, Additional Jack Hammering, Additional labor & material beyond Scope, Engineering, Permits, Fire Protection, Bonds, HVAC, Data, After Hour and Overtime Work, Anything Not Listed on Scope of Work.

PAYMENT TERMS: Net 30

All work to be completed in a substantial workman like manner per standard practice.

Any alteration or deviation from above scope of work involving extra costs will become an extra charge over and above the contract price. All agreements are contingent upon strike, accidents, delays including weather or changes in Federal, State and Local regulations beyond our control. All invoices are due and payable in Denton County, Texas.

Proposal

Tips/Taps Contract #211001

HUB CERTIFICATION # 1454932931700

Date: February 8, 2022

Quote #CCSQ-2209

The Center Interior Painting

Customer:

City of Rockwall 385 S. Galloway Rockwall TX.

Attention: Phone Number: Joey Boyd 972-772-6408

Email:

Jboyd@rockwall.com

Scope of Work

- Prep & Re-paint sheetrock walls, metal doors, and window frames.
- Protect flooring, office equipment, windows, and any other surface not coated.
- Sand metal doors & frames, spot prime any bare metal.
- Patch sheetrock as needed.
- Sherwin Williams Pro-Industrial DTM to metal door & frames.
- Sherwin Williams Pro-Mar 200 to sheetrock walls & ceilings.

TOTAL \$7,860.41

Price Good For 30 Days

EXCLUSIONS

Sealing, Polishing Resilient flooring, Moisture Mitigation' All Testing,, Moving Computers, Dumpster, Fire Protection, Security System,, Additional labor & material beyond Scope, Engineering, Permits, Bonds, HVAC, Data, After Hour and Overtime Work, Anything Not Listed on Scope of Work.

Payment Terms Net 30 days

All work to be completed in a substantial workman like manner per standard practice.

Any alteration or deviation from above scope of work involving extra costs will become an extra charge over and above the contract price. All agreements are contingent upon strike, accidents, delays including weather or changes in Federal, State and Local regulations beyond our control. All invoices are due and payable in Cooke County, Texas.

Proposal

Tips/Taps Contract #211001

HUB CERTIFICATION # 1454932931700

Date: February 8, 2022

Quote #CCSQ-2208

Parks Admin. Interior Painting

Customer:

City of Rockwall 385 S. Galloway Rockwall TX.

Attention: Phone Number: Joey Boyd 972-772-6408

Email:

Jboyd@rockwall.com

Scope of Work

- Prep & Re-paint sheetrock walls, metal doors, and window frames.
- Protect flooring, office equipment, windows, and any other surface not coated.
- Sand metal doors & frames, spot prime any bare metal.
- Patch sheetrock as needed.
- Sherwin Williams Pro-Industrial DTM to metal door & frames.
- Sherwin Williams Pro-Mar 200 to sheetrock walls & ceilings.

TOTAL \$5,155.29

Price Good For 30 Days

EXCLUSIONS

Sealing, Polishing Resilient flooring, Moisture Mitigation' All Testing,, Moving Computers, Dumpster, Fire Protection, Security System,, Additional labor & material beyond Scope, Engineering, Permits, Bonds, HVAC, Data, After Hour and Overtime Work, Anything Not Listed on Scope of Work.

Payment Terms Net 30 days

All work to be completed in a substantial workman like manner per standard practice.

Any alteration or deviation from above scope of work involving extra costs will become an extra charge over and above the contract price. All agreements are contingent upon strike, accidents, delays including weather or changes in Federal, State and Local regulations beyond our control. All invoices are due and payable in Cooke County, Texas.

Proposal

Tips/Taps Contract #2110001

HUB CERTIFICATION # 1454932931700

Date: February 16, 2022

Quote #CCSQ-2111-1

Revised The Center Flooring Old Side

Customer: City of Rockwall

385 S. Galloway Rockwall TX.

Attention: Joey Boyd Phone Number: 214-986-1722

Email: Glara@rockwall.com

- Lift modular furniture & move, re-set
- Demo approx. 2800 sf of carpet.
- Demo approx. 300 sf of vct.
- Demo approx. 800 if of 2 ½ cove base.
- Prep & float flooring as need on affected areas.
- Provide & install new carpet tile. Mohawk City Scope River Landing
- Provide & install new LVT. Philly, in the Grain Milo
- Provide & install new 2 ½ cove base. Shale.

Total Price \$17,386.56 Excluding Bond

EXCLUSIONS

Sealing, Polishing Resilient flooring, Moisture Mitigation' All Testing, Moisture Testing, Moving Computers, Painting, Dumpster, OT hours beyond stated in scope, Fire Protection, Security System, additional repairs not listed in Scope of Work, Additional Jack Hammering, Additional labor & material beyond Scope, Engineering, Permits, Fire Protection, Bonds, HVAC, Data, After Hour and Overtime Work, Anything Not Listed on Scope of Work.

PAYMENT TERMS: Net 30

All work to be completed in a substantial workman like manner per standard practice.

Any alteration or deviation from above scope of work involving extra costs will become an extra charge over and above the contract price. All agreements are contingent upon strike, accidents, delays including weather or changes in Federal, State and Local regulations beyond our control. All invoices are due and payable in Denton County, Texas.

Proposal

Tips/Taps Contract #211001

HUB CERTIFICATION # 1454932931700

Date: February 17, 2022

Quote #CCSQ-2111-1

Revised The Center Flooring New Side

Customer: City of Rockwall

385 S. Galloway Rockwall TX.

Attention: Joey Boyd
Phone Number: 214-986-1722

Email: Jboyd@rockwall.com

- Lift modular furniture & move, re-set
- Demo approx. 1700 sf of carpet.
- Demo approx. 8000 sf of vct.
- Demo approx. 1200 If of 2 ½ cove base.
- Prep & float flooring as need on affected areas.
- Provide & install new carpet tile. Mohawk City Scope River landing
- Provide & install new LVT. Philly. In the Grain Milo
- Provide & install new 2 ½ cove base shale.

Total Price \$60,318.72 Excluding Bond

EXCLUSIONS

Sealing, Polishing Resilient flooring, Moisture Mitigation' All Testing, Moisture Testing, Moving Computers, Painting, Dumpster, OT hours beyond stated in scope, Fire Protection, Security System, additional repairs not listed in Scope of Work, Additional Jack Hammering, Additional labor & material beyond Scope, Engineering, Permits, Fire Protection, Bonds, HVAC, Data, After Hour and Overtime Work, Anything Not Listed on Scope of Work.

PAYMENT TERMS: Net 30

All work to be completed in a substantial workman like manner per standard practice.

Any alteration or deviation from above scope of work involving extra costs will become an extra charge over and above the contract price. All agreements are contingent upon strike, accidents, delays including weather or changes in Federal, State and Local regulations beyond our control. All invoices are due and payable in Denton County, Texas.



MEMORANDUM

TO: Mayor and City Council

FROM: Kristy Teague, City Secretary/Asst. to the City Manager

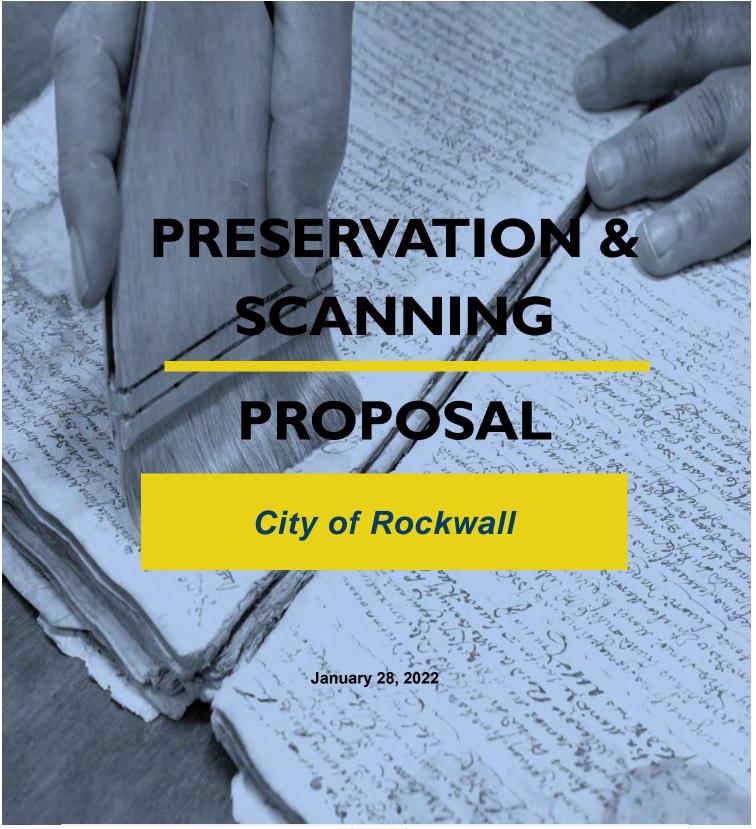
DATE: February 18, 2022

SUBJECT: Kofile Technologies, Inc Proposal Re: Historic Books Preservation Project

The City of Rockwall has at least 2 dozen very old, historic books currently being stored in a locked, secured file room at City Hall. Several books date back to the late 1800's and early 1900's, and many of them are in very poor condition (i.e. hardback covers and pages that are literally disintegrating). In partnership with the City Secretary's Office, City Manager, Mary Smith is spearheading a project to partner with a company (Kofile Technologies, Inc.) to have each of the historic books scanned in and then preserved within more durable, physical "housing" (new, hardback books). The company has many clients throughout Texas (both municipalities and counties), and their services have been competitively bid through the TX Smart Buy Program. Kofile's methods for preserving historic books are quite meticulous, as described in more detail within the attached proposal included in the informational mtg. packet. Once the books are scanned in electronically, the City looks forward to providing those files for use by organizations such as the Rockwall County Historical Foundation and others who may have an interest in the City's history.

The project proposal is in the amount of \$31,740.09, with funding available in the Administration Departments' Operating Budget to accommodate said expense. Council is being asked to consider authorizing the City Manager to execute the proposal with Kofile Technologies, Inc. so that staff may move forward with this project.

Kofile



KOFILE, INC.

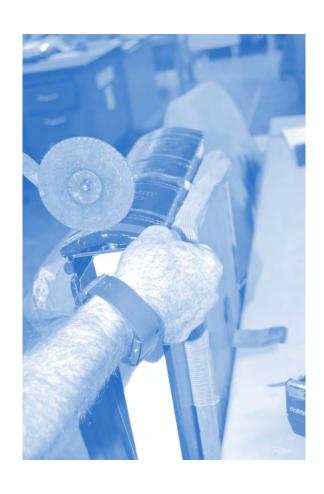


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TXMAS Contract – TXMAS-18-3602

OVERVIEW

On March 8, 2021, a full inventory was collected of the City of Rockwall historical books. The purpose of this inventory is to provide a working document for the City to review and organize subsets of books for an initial project and future projects to preserve, encapsulate and bind into new books, and/or scanning.

Please note that Section II (page 15) - Book Inventory and Budget, includes a column that identifies Preservation costs, and another column that identifies Scanning costs. A third column includes a total of both costs. Per book preservation and scanning costs can be selected together or independently.

Scanning services include digital imaging and image enhancement. Each image will be identified and grouped by book title, volume and page. Following the completion of books receiving preservation services, the pages will be loaded into archival polyester pockets and delivered in binders covered in materials selected by the City and a choice of silver or gold lettering and decoration. This proposal is intended to serve as a baseline for planning and budgeting.

I. BOOK PRESERVATION PROCESS

Due to the vast array of paper characteristics, book and paper preservation are delicate processes that require a comprehensive overview to determine the best treatment options to arrest and stabilize further deterioration of the records.

There are numerous circumstances that drive the need for preservation. These include broken bindings, torn or brittle pages, and wavy or water damaged pages. More complex issues may be present including foxing, iron-gall ink corrosion, and silver mirroring and fading of Photostats.

Broken bindings, in and of themselves, may not appear to be problematic. However, since the pages are no longer stable and are able to migrate, the page edges are more susceptible to damage. It's also important to be sure the page margins have remained intact and have not lost any valuable information.

Torn pages require delicate handling and careful assessment. Brittle documents often necessitate additional, cautionary processing due to their tendency to "crumble" upon handling. This is usually the result of acidic paper combined with short cellulose chains (often seen in paper that was made from mechanical pulping).

Water damaged documents often exhibit secondary problems like mold and mildew. In addition to their often wavy appearance (which can be caused by humidity without direct exposure to water), mold is likely to be present if drying did not take place immediately. If books exhibit mold, careful assessment must be made to determine whether the mold is still actively growing. Additionally, bindings may be rusting and in need of replacement to prevent contamination of the documents.







Foxing is caused by moisture exposure and causes brownish-red spots (hence the name). There is an ongoing debate about the underlying source of these stains – mold growth or iron content in the pulp slurry accidentally added during the paper making process. No matter the origin, the spread can be stopped by decreasing moisture and humidity.



PRESERVATION & SCANNING PROPOSAL

City of Rockwall

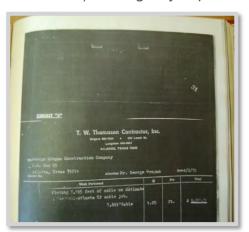
Iron-gall ink corrosion (caused by a chemical reaction between the ink and the paper), makes the paper disintegrate and gives the document a burned appearance. This degrading process can be arrested by altering the pH of the paper (making it less acidic) and the holes can be filled in with archival quality materials.

Photostats were invented in 1907 and, in essence, were produced on large flatbed cameras that made photographic copies of books, building plans, maps and other important documents. The Photostat machine completely bypassed the film stage and exposed the image



directly onto a long roll of light-sensitive paper. This roll of paper was washed and developed while new images were being created – like a photo assembly line. Because they are very similar to silver gelatin DOP prints, Photostats exhibit analogous problems to photographs and are susceptible to silver mirroring and also fading due to light exposure.

Once chemical deterioration has begun with Photostats, it cannot be reversed. The best option is to properly store them to decelerate the process (cooler temperatures and relative humidity between 30 and 50%) and digitally capture their important information.





Our Preservation Staff is supervised by a detail oriented veteran team who ensures that all restoration work is completed in agreement with the *Code of Ethics & Guidelines for Practice* of the American Institute for Conservation of Historic and Artistic Works (AIC). Our master conservators have been assessing and preserving historical documents, binding books, and rolling gold for more than 5 decades. It is our duty and philosophy to provide a preservation solution that is long-lasting but also reversible. After all, we understand that preservation techniques do evolve and what is considered a "best practice" may not be decades from now. We also ascribe to the belief of causing no additional damage to any document. We, therefore, carefully weigh the options of our solutions and, on occasion, may determine that a portion of a repair might be more detrimental than beneficial (i.e., tape removal) and we'll opt to leave it "as is" after discussion with the City.

Kofile, Inc. www.kofile.com 5

DETAIL OF PRESERVATION SERVICES

Before your books leave your premises, Kofile has steps in place to ensure that your irreplaceable information is well-cared for. These procedures also ensure that we can track your files all the way through the preservation process and report that information back to you, if/when requested.

1. Inventory List completed by one of our Senior Sales Consultants

- A detailed list including (but not limited to) type of record, # of books, record condition, whether Photostats are present, etc. is compiled.
- This list is used to create a pick-up list for our driver.

2. Pick up of Inventory

- Kofile uses a company owned vehicle equipped with GPS tracking.
- We use a vetted Kofile driver with Kofile apparel – background check & drug tests are completed.
- No overnight travel. Books are always in our custody in a climate-controlled vehicle.
- City receives a copy of the pick-up list for verification.

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3. Intake by Preservation Assessment Manager

- Double checks to be sure that all books/documents are accounted for and are detailed in our Inventory Form.
- Expert overview is conducted before production checks to be sure what was proposed is what is needed.
- Prior to the start of Page Preparation, a detailed Treatment Report is provided which includes the following and will be supported by both written and photographic documentation:
 - ✓ Description of the book(s) or document(s)
 - ✓ Pre-treatment condition summary
 - ✓ Treatment summary
 - ✓ Condition after treatment & post-treatment recommendations
- Preservation Job Instructions form is filled out and measurements are taken for sleeves and binders. This form is kept and updated by the Preservation Stabilization Manager.
- Book Assessment Form is completed. This form follows the Book in each step in the process (cleaning, mending, scanning, de-acidification and encapsulation) and is noted upon completion.



4. Preservation Begins

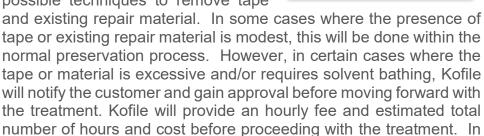
 Preservation Stabilization Manager reviews the Preservation Forms and assigns work based on the specifics of each project (i.e., just cleaning/mending or includes conversion and/or indexing).

Page Preparation

Pages are removed from mechanical binders or folders then staples, paperclips and other fasteners are carefully removed. Loose dust and dirt are lightly brushed away using Hake brushes (specialty brushes which have very soft bristles to prevent any additional damage to delicate documents).

If tape is present, its removal is always a delicate operation because no two documents are the same. Kofile will use all

possible techniques to remove tape

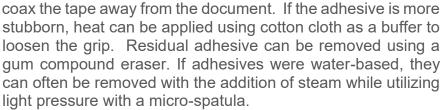


certain cases, the removal of the tape or material is unsafe and

destructive to the original document and, therefore, should remain in place.

When mechanical removal by peeling is possible (the adhesive is loose, brittle, and easily dislodged), a microspatula tool (which can also be carefully heated to prevent

scorching) is used to gently



Final page cleaning is accomplished by applying fine eraser shavings to the page and lightly rubbing to remove residue and then re-brushing to remove the shavings. This step can be done several times to get the page as clean as possible.

*If books are bound (sewn/glued bindings), there are several additional steps that need to be completed prior to page cleaning.





Bindings are carefully cut away and book sections are separated out. After carefully inspecting the margins of each page to be sure that vital information is not lost, each section is cut to free the individual pages so they can be scanned.





Page Mending

When possible, tears, cracks, and fragmented sheets can be mended with reversible and industry-accepted methods of conservation repair. Repairs are accomplished by two methods:

i. Archival quality mending tissues - After applying a thin coat of a wheat starch paste to the damaged page, the repair tissue (most common is Japanese paper) is applied over the tear and placed on blotting paper to absorb the water. Weights are placed over the mended area to help it dry flat.

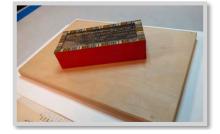




Repair paper is torn, (rather than cut) which produces longer fibers for better anchoring to the existing paper.



Paste is applied to the existing tear and then the repair tissue is put into place.



Finally, blotter paper is placed over the repair and weights are added so the repair dries flat.

ii. Filmoplast R Heat Set Tissue - This archival mending tissue is composed of Japanese Paper (which is lignin free) and comes in many sizes. The most convenient size and easiest to work with is tape width. It is often the better alternative for smaller, straight tears or if a large section of a page is missing and requires "filler". It is easily activated and set with a heating iron. The adhesive is ageing-resistant, colorless and non-yellowing. Repairs are also reversible if the need ever arises.

PRESERVATION & SCANNING PROPOSAL

City of Rockwall







De-acidification

After testing for compatibility, all documents are de-acidified using a commercially prepared, non-toxic, non-aqueous, buffering solution called Bookkeeper. This product, which has been independently tested by multiple laboratories, is approved and used by the Library of Congress. Paper treated with Bookkeeper has an increased life expectancy 3-5 times longer than untreated documents. After the deacidification process, pages are randomly tested to ensure a pH of 8.5.



5. Scanning/Conversion

If scanning is required, books/documents are assessed to determine which scanner will be used. Bound books will be scanned on the overhead i2S scanner. Maps can either be scanned on the i2S or on the oversize continuous feed scanner.







Loose documents (unbound pages) have 2 scanning options. Fragile documents that cannot withstand feeding into roll-fed scanners will be scanned on a flatbed scanner to prevent further damage.

Kofile will scan all media at 300 dpi. Initial (raw) images are in greyscale JPEG format. Our image enhancement software automatically de-skews and crops 100% of the scanned pages. These images are converted to TIFF (bi-tonal) images which allows us to complete additional image enhancement to provide the most legible reproductions of the document. This permits us to improve the appearance of faint seals and decrease "background noise".



Step 1 – RAW scan (JPEG format)



Step 2 – Converted to a bi-tonal TIFF image



Step 3 – Final image after all enhancements and conversion to a fully positive image

JPEG images will provide an exact digital backup of the data contained within the images/pages, and .tiff images will provide superior performance in the imaging system. Kofile will deliver all images per the City's specifications as Group IV .tif or PDFs. Kofile will identify record images that will present special image challenges and excessive inferior quality images and will discuss how to proceed with the City.

Once all pages are scanned, the Digital Preservation Manager will review images for quality and flag anything that needs to be rescanned. Upon final QC, validation is conducted to ensure that all pages were scanned (including attachments). Then image splitting is completed (separating the records so that only one record at a time is worked with during indexing).

6. Indexing

All images are loaded into CREW (<u>City/C</u>ounty <u>Records Extraction Wizard</u>) as batches for ease of review (30 records max. per batch). Once indexing standards are approved by the City, double-blind indexing begins.

Indexer #1 indexes an entire batch of records, followed by Indexer #2 who also indexes that same batch. Neither indexer has access to what the other keyed. Once complete, the batch moves to QC where a third person who can see what both people indexed, reviews the work for accuracy and corrects any errors. Final review is conducted by the Indexing Manager, scrutinizing for correct word order and spelling. If any corrections need to be made, the batch is sent back to QC for correction.

Once all corrections are made, the batch is marked as "done" and is sent to the City for review. Within CREW, the City can review images for quality and indexing for accuracy. They can make comments accordingly if corrections need to be made, allowing for real-time communication.

Upon City approval, information is exported or saved in the desired format (CD or USB for hard-delivery or CSV for upload).



7. Encapsulation

All sheets are encapsulated in custom sized Melinex® 516 archival polyester pockets. The inherent static cling of Melinex® 516 polyester provides physical support along with protection from atmospheric pollutants and daily public use. Sleeves are closed on 3 sides with the binding side remaining open for access and airflow.





8. Binding

The encapsulated documents are ready for assembly into their designated replacement binder. Kofile manufactures all of our binders to size in ½" increments. All volumes are manufactured in-house from archival materials and 316 stainless steel mechanisms to

prevent detrimental reactions that may compromise the structure of the newly conserved books.

To keep the weight and bulk of the volumes to a minimum, we limit the size of our binders (which usually means 1 "old" book will yield 2 new books). Not only does this help reduce stresses on the binding, but it also allows for more air flow (fewer pages) which is better for the longevity of the documents.



According to the American Institute for Conservation of Historic and Artistic Works (AIC), "good air circulation is imperative to prevent stagnant air pockets where condensation will collect, and mold will grow". (https://www.culturalheritage.org/docs/default-source/about-

PRESERVATION & SCANNING PROPOSAL

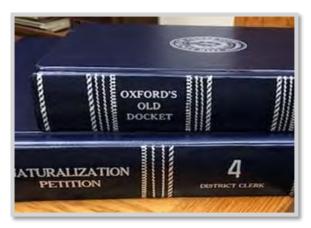
City of Rockwall

<u>us/books.pdf?sfvrsn=2</u>). Accordingly, a document prepared for the National Archives and Records Service titled *Air Quality Criteria for Storage of Paper-Based Archival Records* (https://www.govinfo.gov/content/pkg/GOVPUB-C13-

719225f2bfff6f6a9b89daad70d33e5e/pdf/GOVPUB-C13-

<u>719225f2bfff6f6a9b89daad70d33e5e.pdf</u>) states "ventilation must be adequate to prevent stagnant air and the formation of microclimates around books that are at variance with standards for air pollutants, temperature, and humidity. Adequate ventilation around all storage materials is also required to remove any pollutants that are emitted by the materials themselves or fixtures near them."

We also offer several choices of cover materials (leather, buckram or canvas) and multiple colors (up to 10 standard colors, depending on the material chosen) with the option of gold or silver lettering.









9. Reconciliation of Records

We utilize a Project Status Sheet, maintained by our Operations Manager to keep track of active projects and we will provide a weekly report to the City. Kofile also verifies that we are delivering all the books/records that we picked up by comparing the initial inventory sheets with our final book/document count.

10. Delivery

New binders will be delivered on a monthly basis. We will also provide monthly delivery of digital images, either as .tif or PDF or delivered on hard media (CDs, thumb drives, etc.). Indexing can be delivered as CSV format or can also be delivered on hard media.





Not only has Kofile worked with a wide variety of documents (land records, ordination records, tax records, birth records, death records, marriage records, DD-214's, case files, marks & brands, shucks, maps, plats, and Photostats) we have also preserved many old and valuable items. Examples of some the documents we have preserved include April 1838 Land Records from Red River County, Republic of Texas. We have also preserved Johnny Ringo documents (famous outlaw cowboy born 1850, died 1882) as well as Monk Gibson documents (last legal hanging in Texas, 1908 – DeWitt County).







Above left – Lavaca County Deed Book from 1850s; above right – that same Lavaca County Deed Book preserved & rebound; lower right – Johnny Ringo Estate information bound in book form

II. BOOK INVENTORY & BUDGET

Project notes and specifications:

- 1. Page counts are estimated. Billing for books selected for preservation is based on the actual number of pages processed.
- Inventory pricing has been provided for each book listed. Some books have only a few pages and the City may wish to consider combining like or similar books into a single volume to reduce cost.
- 3. Pricing includes a column that identifies Preservation costs, and another column that identifies Scanning costs.
- 4. Scanning services include identifying book title, volume, and page.
- 5. Following the completion of Preservation services, pages will be loaded into archival polyester pockets and delivered in binders covered in materials selected by the City.
- 6. The binder materials selected include black Levant imitation leather (PN 21598) for the covers and black pigskin (PN 14607) for the spine. The inside of the covers will be maroon. Lettering and tooling will be in gold. The cover will include border tooling and the City seal. No additional cover lettering has been requested. The City will provide a custom message to include on the dedication page.
- 7. The term of the contract shall begin upon award and continue through the end of the fiscal year ending September 30, 2022. The City may consider a renewal option for an additional consecutive one (1) year period, based on the same terms, conditions and pricing as the original year. Renewal is subject to approval by the City. The City is not automatically bound to renewal of this contract.
- 8. Funds for payment have been provided through the City budget approved for fiscal year 2022 only, ending September 30, 2022. State of Texas statutes prohibit the City from any obligation of public funds beyond the fiscal year for which a budget has been approved. Therefore, anticipated orders or other obligations that arise past the end of the current fiscal year shall be subject to budget approval.
- 9. Kofile will invoice the City for 50% of the budget quote of each batch of books as they are picked up and the balance upon delivery of the finished books. The City is exempt from sales tax; therefore, the prices submitted shall not include taxes

PRESERVATION & SCANNING PROPOSAL

City of Rockwall



City of Rockwall - City Secretary Historical Books Preservation

Doc Type	Typed	Vol#	Binding	# of	Size	Sca	an per	Sc	an Total	Preserv	e	Preserve	То	tal Scan &	Notes
	or			Pages		F	Page			per Pag	е	Total	ı	Preserve	
	Script						Cost			Cost					
Ledger (Record of															126p + 15 index and extra
City Chamber)	Script	1910	Stitched	141	13 x 8	\$	0.85	\$	119.85	\$ 5.32	2 \$	750.12	\$	869.97	pages
Ledger - Nov 1944															blanks - 90-169, 181-199, 231-
to Sept 1946	Script	3	Stitched	145	14 x 9	\$	0.85	\$	123.25	\$ 5.32	2 \$	771.40	\$	894.65	239, 246-253, 264-284,
		1895-													
Mayors Docket	Script	1916	Stitched	339	14 x 9	\$	0.85	\$	288.15	\$ 5.32	2 \$	1,803.48	\$	2,091.63	319p + 20 index
		1925-													
Ledger	Script	1929	Stitched	200	14 x9	\$	0.85	\$	170.00	\$ 5.32	2 \$	1,064.00	\$	1,234.00	170p +30 index
															Title is "The Citizens National
															Bank" - fastened - page count
Contacts	Script	1925	Stitched	150	10 x 14	\$	0.85	\$	127.50	\$ 5.32	2 \$	798.00	\$	925.50	estimated
		1929 -													blanks - 123-172, 123p + 26
Ledger	Script	1936	Stitched	159	14 x 9	\$	0.85	\$	135.15	\$ 5.32	2 \$	845.88	\$	981.03	
		1925 -													Paving Assessments - blank 51-
Ledger	Script	1926	Stitched	62	12 x 8	\$	0.85	\$	52.70	\$ 5.32	2 \$	329.84	\$	382.54	198 - 50p + 12 index
Record - 1941 to		_													blank 239-304 - 238p + 100
1946	Script	7	Stitched	338	16 x 11	\$	0.85	\$	287.30	\$ 5.32	2 \$	1,798.16	\$	2,085.46	attachments
		1905-													blank or missing 30-74, ledger
Cash Book	Script	1910	Stitched	58	14 x 9	\$	0.85	\$	49.30	\$ 5.32	2 \$	308.56	\$	357.86	style 29 x 2 = 58
		1913-	6. V. 1	0-0		_				4 - 00			_	. =00.00	blank 253-293, - 252p + 24
Ledger	Script	1914	Stitched	276	13 x 8	\$	0.85	\$	234.60	\$ 5.32	2 \$	1,468.32	Ş	1,702.92	ledger
Ladasa	Carrier	1913-	Culturalisment	402	440	,	0.05	,	454.70	ć F 22	, ,	000.24	<u>,</u>	4 422 04	blank 171-188 - 170p + 12p
Ledger	Script	1929	Stitched	182	14 x 9	\$	0.85	\$	154.70					1,122.94	
Cash Book	Script	1	Stitched	302	14 x 9	\$	0.85	\$	256.70	\$ 5.32	<u> </u>	1,606.64	Ş	1,863.34	1931-1936 - 276p + 26 index

Kofile, Inc. www.kofile.com 15

Date: 1-27-22 (updated)

PRESERVATION & SCANNING PROPOSAL

City of Rockwall

															1920-1928, - 300p + 100
Minutes Record	Script	4	Stitched	400	16 x 11	\$ 0.8	35	\$ 340.00	\$!	5.32	\$ 2	2,128.00	\$	2,468.00	attachments - many are glued
		1934-													blank 20-64 - 73-76 - double
Ledger	Script	1937	Stitched	54	12 x 10	\$ 0.8	15	\$ 45.90	\$!	5.32	\$	287.28	\$	333.18	page ledger style
Ledger - 1928-															
1934	Script	5	Stitched	303	16 x 11	\$ 0.8	35	\$ 257.55	\$!	5.32	\$ 1	L,611.96	\$	1,869.51	
Ledger - 1935-															
1941	Script	6	Stitched	307	16 x 11	\$ 0.8	35	\$ 260.95	Ş .	5.32	Ş 1	L,633.24	Ş	1,894.19	
		`1874 -				4 0 0	_								307p + 24 index plus misc.
Ordinance Book	Script	1971	Mechanical	340	12 x 9	\$ 0.6	5	\$ 221.00	Ş .	5.32	Ş 1	1,808.80	Ş	2,029.80	pages
Ledger 1911-1920	Script	3	Stitched	351	16 x 11	\$ 0.8	35	\$ 298.35	\$!	5.32	\$ 1	L,867.32	\$	2,165.67	301p plus 50 attachments
		1897-													
Minutes Record	Script	1911	Stitched	358	15 x 10	\$ 0.8	35	\$ 304.30	\$!	5.32	\$ 1	L,904.56	\$	2,208.86	288p + 70 attachments
		1943-													
City Account Book	Script	1946	Stitched	80	16 x 6	\$ 0.8	35	\$ 68.00	\$!	5.32	\$	425.60	\$	493.60	
		1891-													
Minutes Book	Script	1897	Stitched	152	14 x 9	\$ 0.8	35	\$ 129.20	Ş .	5.32	Ş	808.64	Ş	937.84	
Ladaaa (Aaat) Baala	Coming	1910 -	Culturalisment	405	440	¢ 00		¢ 465.75	٠.	F 22			,	4 202 45	
Ledger (Acct) Book	Script	1911	Stitched	195	14 x 9	\$ 0.8	55	\$ 165.75	\$:	5.32	\$ 1	L,037.40	\$	1,203.15	
Lodgov Dools	Corint	1888 - 1891	Stitched	85	13 x 8	\$ 0.8		\$ 72.25	ر خ	5.32	۲.	452.20	۲	524.45	
Ledger Book Conf Map of	Script	1891	Stitched	85	13 X 8	\$ 0.8	5	\$ 72.25	Ş :	5.32	Ş	452.20	Ş	524.45	
Rockwall	Script		Flat Files	1	31 x 36	\$550.0	10	\$ 550.00			\$		\$	550.00	Restoration plus UV glass
Entry Map of	Script		i lat Files		21 X 20	باران الارد		ا00.00 ډ			ې	-	ڔ	330.00	nestoration plus OV glass
Rockwall	Script		Stitched	1	16 x 19	\$550.0	00	\$ 550.00			\$	_	Ś	550.00	Restoration plus UV glass
Nockwall	Script		Julianea	_	10 X 13	4330.0	•	7 330.00			Ą		ڔ	330.00	nestoration plus ov glass
								\$5,262.45			\$ 26	,477.64	\$3	31,740.09	
								,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			7 _ 5	,			

IV. THE TIMELINE

PROJECT TIMELINE:

Pick-Up: Pick-Up will be scheduled within 48 hours of notification of release of books or files. Pick-up will happen within 5 workdays of notification.

Receipt and Inventory: Books will be inventoried and checked-in within 4 hours of arrival at our Dallas, TX production facility location.



- Evaluation: The contents of each book will be evaluated to confirm contents match SOW profile requirements.
 - a. Any items identified as "non-compliant" will be documented and the Kofile Project Manager (PM) will be notified immediately.
 - b. The Kofile Project Manager (PM) will contact the appropriate Kofile project stake holders and City stake holders. Determination for "non-compliant" records will be case-by-case and not included within this standardized timeline.
- 2. **Preservation Processing:** Based on current project analytics and the anticipated start date.
- 3. **Batch Delivery**: Kofile will deliver the completed volumes as each batch is completed.

V. SERVICES SUMMARY

Kofile offers an array of services centered on data management and information permanence, to help alleviate problems that arise from incomplete search results and lack of access to records.



Book & Document Preservation

With over 45 years of bookbinding and restoration experience, our conservators in residence complete all phases of preservation in our facilities. From book cutting and archival cleaning to mending and gold leaf letting, our final products are works of art.



Records Scanning

Almost anyone can scan and create digital images with today's technology, but only an experienced team like Kofile can ensure quality images and expert indexing so you can easily locate your images decades from now. We scan not only paper, but also microfilm/fiche. Life is messy, but that doesn't mean your records should be.



Historic Records Indexing

Land Records and Vitals are some of the most frequently searched records within Government. For this reason, it's imperative that indexing is accurate so that the proper documents can be located. Kofile has designed CREW to streamline this process through step-by-step data indexing, verification and QC functions.



Land Records & Vitals Software

Kofile provides cutting-edge software designed to help government agencies achieve their highest potential. From our intuitive software for land records to our vitals software, Kofile products define the future of digital records.



Property Fraud Alert

Property Fraud Alert is an internet-based system that automatically alerts your constituents, via email or phone, each time there is recording activity on a property owned by them. This early alert gives the victim valuable time to stop someone attempting to commit property fraud.

VI. TERMS, CONDITIONS & SIGNATURES



We, the undersigned, accept this document as a stable work product to be used in process to subsequently design and deliver a Statement of Work (SOW) for this project.

The entirety of all books created, digital images created, and indexes created during this project are the exclusive property of the City of

Rockwall, Texas. Kofile will not retain a copy of, sell, or give away any digital images or indexes processed for the project described in this proposal.

This agreement is not effective until executed by all parties.

For the City of Rockwall Authorized Signature: Printed Name: Company: Date: For Kofile, Inc. Authorized Signature: Printed Name: Company: Date:



MEMORANDUM

TO:

Mary Smith, City Manager

FROM:

Max Geron, Chief of Police

DATE:

February 7, 2022

SUBJECT:

2021 Racial Profiling Report

Attached you will find the final Racial Profiling report for 2021 for the Rockwall Police Department. Statutory deadlines require the report be presented to the governing body and then to TCOLE prior to March 1, 2022.

Of note, in 2021, Rockwall Police Officers conducted a total of 7,962 traffic stops broken down as follows:

Table 1. Citations and Warnings

Race/ Ethnicity	All Contacts	Citations	Verbal Warning	Written Warning	Contact Percent	Citation Percent	Verbal Percent	Written Percent
Alaska Native/ American Indian	39	13	26	0	0%	0%	1%	0%
Asian/ Pacific Islander	126	25	96	3	2%	1%	2%	2%
Black	1,485	460	931	24	19%	16%	20%	17%
White	4,458	1,654	2,616	97	56%	57%	56%	67%
Hispanic/ Latino	1,854	765	1,033	21	23%	26%	22%	14%
TOTAL	7,962	2,917	4,702	145	100%	100%	100%	100%

Traffic stop data was analyzed, as required by statute, at intervals throughout the year and all data was found to be accurate. The report further indicates that, "The comprehensive analysis...demonstrates that the Rockwall Police Department has complied with the Texas Racial Profiling Law and all of its requirements."

Please let me know if you have additional questions.

2021 Racial Profiling Report

Rockwall Police Department





"Dr. Alex del Carmen's work on racial profiling exemplifies the very best of the Sandra Bland Act, named after my daughter. My daughter's pledge to fight for injustice is best represented in the high quality of Dr. del Carmen's reports which include, as required by law, the data analysis, audits, findings and recommendations. I commend the agencies that work with him as it is clear that they have embraced transparency and adherence to the law."

-Quote by Geneva Reed (Mother of Sandra Bland)

February 3, 2022 Rockwall City Council 385 South Goliad Rockwall, Texas 75087

Dear Distinguished Members of the City Council,

The Texas Legislature, with the intent of addressing the issue of racial profiling in policing, enacted in 2001, the Texas Racial Profiling Law. During the past year, the Rockwall Police Department, in accordance with the law, has collected and reported traffic and motor vehicle-related contact data for the purpose of identifying and addressing (if necessary) areas of concern regarding racial profiling practices. In the 2009 Texas legislative session, the Racial Profiling Law was modified and additional requirements were implemented. Moreover, in 2017, the Sandra Bland Act was passed and signed into law (along with HB 3051 which introduced new racial and ethnic designations). The Sandra Bland Law requires that law enforcement agencies in the state collect additional data and provide a more detailed analysis. All of these requirements have been met by the Rockwall Police Department and are included in this report.



This particular report contains three sections with information on motor vehicle-related contact data. In addition, when appropriate, documentation is also a component of this report, aiming at demonstrating the manner in which the Rockwall Police Department has complied with the Texas Racial Profiling Law. In section 1, you will find the table of contents. In section 2, the report includes documentation which demonstrates compliance by the Rockwall Police Department relevant to the requirements as established in the Texas Racial Profiling Law. That is, you will find documents relevant to the training of all police personnel on racial profiling prevention and the institutionalization of the compliment and complaint processes, as required by law.

In section 3, the report includes statistical data relevant to contacts (as defined by the law) which were made during the course of motor vehicle stops that took place between 1/1/21 and 12/31/21. In addition, this section contains the Tier 2 form, which is required to be submitted to this particular organization and the law enforcement agency's local governing authority, by March 1st of each year. The data in this report has been analyzed and compared to information derived from the U.S. Census Bureau's Fair Roads Standard. The final analysis and recommendations are also included in this report.

The last section of the report contains the original draft of the Texas Racial Profiling Law, SB1074, as well as the Sandra Bland Act (current law). Also, in this section, a list of requirements relevant to the Racial Profiling Law, as established by TCOLE (Texas Commission on Law Enforcement) is included. The findings in this report serve as evidence of the Rockwall Police Department's commitment to comply with the Texas Racial Profiling Law.

Sincerely,

Alex del Carmen, Ph.D.

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PUBLIC EDUCATION ON RESPONDING TO COMPLIMENTS AND COMPLAINTS

Informing the Public on the Process of Filing a Compliment or Complaint with the Rockwall Police Department

The Texas Racial Profiling Law requires that police agencies provide information to the public regarding the manner in which to file a compliment or racial profiling complaint. In an effort to comply with this particular component, the Rockwall Police Department launched an educational campaign aimed at informing the public on issues relevant to the racial profiling complaint process.

The police department made available, in the lobby area and on its web site, information relevant to filing a compliment and complaint on a racial profiling violation by a Rockwall Police Officer. In addition, each time an officer issues a citation, ticket or warning, information on how to file a compliment or complaint is given to the individual cited. This information is in the form of a web address (including in the document issued to the citizen), which has instructions and details specifics related to the compliment or complaint processes.

It is believed that through these efforts, the community has been properly informed of the new policies and the complaint processes relevant to racial profiling.

All Rockwall Police Officers have been instructed, as specified in the Texas Racial Profiling Law, to adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements. To date, all sworn officers of the Rockwall Police Department have completed the TCOLE basic training on racial profiling. The main outline used to train the officers of Rockwall has been included in this report.

It is important to recognize that the Chief of the Rockwall Police Department has also met the training requirements, as specified by the Texas Racial Profiling Law, in the completion of the LEMIT program on racial profiling. The satisfactory completion of the racial profiling training by the sworn personnel of the Rockwall Police Department fulfills the training requirement as specified in the Education Code (96.641) of the Texas Racial Profiling Law.



RACIAL PROFILING COURSE NUMBER 3256 TEXAS COMMISSION ON LAW ENFORCEMENT SEPTEMBER 2001

Racial Profiling 3256

Instructor's Note:

You may wish to teach this course in conjunction with Asset Forfeiture 3255 because of the related subject matter and applicability of the courses. If this course is taught in conjunction with Asset Forfeiture, you may report it under Combined Profiling and Forfeiture 3257 to reduce data entry.

Abstract

This instructor guide is designed to meet the educational requirement for racial profiling established by legislative mandate: 77R-SB1074.

Target Population: Licensed law enforcement personnel in Texas

Prerequisites: Experience as a law enforcement officer

Length of Course: A suggested instructional time of 4 hours

Material Requirements: Overhead projector, chalkboard and/or flip charts, video tape player, handouts, practical exercises, and demonstrations

Instructor Qualifications: Instructors should be very knowledgeable about traffic stop procedures and law enforcement issues

Evaluation Process and Procedures

An examination should be given. The instructor may decide upon the nature and content of the examination. It must, however, sufficiently demonstrate the mastery of the subject content by the student.

Reference Materials

Reference materials are located at the end of the course. An electronic copy of this instructor guide may be downloaded from our web site at http://www.tcleose.state.tx.us.

5. A.

Racial Profiling 3256

1.0 RACIAL PROFILING AND THE LAW

- 1.1 UNIT GOAL: The student will be able to identify the legal aspects of racial profiling.
- 1.1.1 LEARNING OBJECTIVE: The student will be able to identify the legislative requirements placed upon peace officers and law enforcement agencies regarding racial profiling.

Racial Profiling Requirements:

Racial profiling CCP 3.05

Racial profiling prohibited CCP 2.131

Law enforcement policy on racial profiling CCP 2.132

Reports required for traffic and pedestrian stops CCP 2.133

Liability CCP 2.136

Racial profiling education for police chiefs Education Code 96.641

Training program Occupations Code 1701.253

Training required for intermediate certificate Occupations Code 1701.402

Definition of "race or ethnicity" for form Transportation Code 543.202

A. Written departmental policies

- 1. Definition of what constitutes racial profiling
- 2. Prohibition of racial profiling
- 3. Complaint process
- 4. Public education
- 5. Corrective action
- 6. Collection of traffic-stop statistics
- 7. Annual reports
- B. Not prima facie evidence
- C. Feasibility of use of video equipment
- D. Data does not identify officer
- E. Copy of complaint-related video evidence to officer in question

F. Vehicle stop report

- 1. Physical description of detainees: gender, race or ethnicity
- 2. Alleged violation
- 3. Consent to search
- 4. Contraband
- 5. Facts supporting probable cause
- 6. Arrest
- 7. Warning or citation issued
- G. Compilation and analysis of data
- H. Exemption from reporting audio/video equipment
- I. Officer non-liability
- J. Funding
- K. Required training in racial profiling
- 1. Police chiefs
- 2. All holders of intermediate certificates and/or two-year-old licenses as of 09/01/2001 (training to be completed no later than 09/01/2003) see legislation 77R-SB1074

1.1.2 LEARNING OBJECTIVE: The student will become familiar with Supreme Court decisions and other court decisions involving appropriate actions in traffic stops.

A. Whren v. United States, 517 U.S. 806, 116 S.Ct. 1769 (1996)

- 1. Motor vehicle search exemption
- 2. Traffic violation acceptable as pretext for further investigation
- 3. Selective enforcement can be challenged

B. Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868 (1968)

- 1. Stop & Frisk doctrine
- 2. Stopping and briefly detaining a person
- 3. Frisk and pat down

C. Other cases

- 1. Pennsylvania v. Mimms, 434 U.S. 106, 98 S.Ct. 330 (1977)
- 2. Maryland v. Wilson, 117 S.Ct. 882 (1997)
- 3. Graham v. State, 119 MdApp 444, 705 A.2d 82 (1998)
- 4. Pryor v. State, 122 Md.App. 671 (1997) cert. denied 352 Md. 312, 721 A.2d 990 (1998)
- 5. Ferris v. State, 355 Md. 356, 735 A.2d 491 (1999)
- 6. New York v. Belton, 453 U.S. 454 (1981)



2.0 RACIAL PROFILING AND THE COMMUNITY

- 2.1 UNIT GOAL: The student will be able to identify logical and social arguments against racial profiling.
- 2.1.1 LEARNING OBJECTIVE: The student will be able to identify logical and social arguments against racial profiling.
- A. There are appropriate reasons for unusual traffic stops (suspicious behavior, the officer's intuition, MOs, etc.), but police work must stop short of cultural stereotyping and racism.
- B. Racial profiling would result in criminal arrests, but only because it would target all members of a race randomly the minor benefits would be far outweighed by the distrust and anger towards law enforcement by minorities and the public as a whole .
- C. Racial profiling is self-fulfilling bad logic: if you believed that minorities committed more crimes, then you might look for more minority criminals, and find them in disproportionate numbers.
- D. Inappropriate traffic stops generate suspicion and antagonism towards officers and make future stops more volatile a racially-based stop today can throw suspicion on tomorrow's legitimate stop.
- E. By focusing on race, you would not only be harassing innocent citizens, but overlooking criminals of all races and backgrounds it is a waste of law enforcement resources.





3.0 RACIAL PROFILING VERSUS REASONABLE SUSPICION

3.1 UNIT GOAL: The student will be able to identify the elements of both inappropriate and appropriate traffic stops.

3.1.1 LEARNING OBJECTIVE: The student will be able to identify elements of a racially motivated traffic stop.

A. Most race-based complaints come from vehicle stops, often since race is used as an inappropriate substitute for drug courier profile elements

B. "DWB" – "Driving While Black" – a nickname for the public perception that a Black person may be stopped solely because of their race (especially with the suspicion that they are a drug courier), often extended to other minority groups or activities as well ("Driving While Brown," "Flying While Black," etc.)

C. A typical traffic stop resulting from racial profiling

- 1. The vehicle is stopped on the basis of a minor or contrived traffic violation which is used as a pretext for closer inspection of the vehicle, driver, and passengers
- 2. The driver and passengers are questioned about things that do not relate to the traffic violation
- 3. The driver and passengers are ordered out of the vehicle
- 4. The officers visually check all observable parts of the vehicle
- 5. The officers proceed on the assumption that drug courier work is involved by detaining the driver and passengers by the roadside
- 6. The driver is asked to consent to a vehicle search if the driver refuses, the officers use other procedures (waiting on a canine unit, criminal record checks, license-plate checks, etc.), and intimidate the driver (with the threat of detaining him/her, obtaining a warrant, etc.)

3.1.2 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which would constitute reasonable suspicion of drug courier activity.

- A. Drug courier profile (adapted from a profile developed by the DEA)
- 1. Driver is nervous or anxious beyond the ordinary anxiety and cultural communication styles
- 2. Signs of long-term driving (driver is unshaven, has empty food containers, etc.)
- 3. Vehicle is rented
- 4. Driver is a young male, 20-35
- 5. No visible luggage, even though driver is traveling
- 6. Driver was over-reckless or over-cautious in driving and responding to signals
- 7. Use of air fresheners
- B. Drug courier activity indicators by themselves are usually not sufficient to justify a stop

3.1.3 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which could constitute reasonable suspicion of criminal activity.

- A. Thinking about the totality of circumstances in a vehicle stop
- B. Vehicle exterior
- 1. Non-standard repainting (esp. on a new vehicle)
- 2. Signs of hidden cargo (heavy weight in trunk, windows do not roll down, etc.)
- 3. Unusual license plate suggesting a switch (dirty plate, bugs on back plate, etc.)
- 4. Unusual circumstances (pulling a camper at night, kids' bikes with no kids, etc.)
- C. Pre-stop indicators
- 1. Not consistent with traffic flow
- 2. Driver is overly cautious, or driver/passengers repeatedly look at police car
- 3. Driver begins using a car- or cell-phone when signaled to stop
- 4. Unusual pull-over behavior (ignores signals, hesitates, pulls onto new street, moves objects in car, etc.)
- D. Vehicle interior
- 1. Rear seat or interior panels have been opened, there are tools or spare tire, etc.
- 2. Inconsistent items (anti-theft club with a rental, unexpected luggage, etc.)

Resources

Proactive Field Stops Training Unit – Instructor's Guide, Maryland Police and Correctional Training Commissions, 2001. (See Appendix A.)

Web address for legislation 77R-SB1074: http://tlo2.tlc.state.tx.us/tlo/77r/billtext/SB01074F.htm



11 5<u>4</u>

Report on Complaints

The following table contains data regarding officers that have been the subject of a complaint, during the time period of 1/1/21-12/31/21 based on allegations outlining possible violations related to the Texas Racial Profiling Law. The final disposition of the case is also included.



A check above indicates that the Rockwall Police Department has not received any complaints, on any members of its police force, for having violated the Texas Racial Profiling Law during the time period of 1/1/21-12/31/21.

Complaints Filed for Possible Violations of The Texas Racial Profiling Law

Complaint Number	Alleged Violation	Disposition of the Case

Additio	Additional Comments:						

TABLES ILLUSTRATING MOTOR VEHICLE-RELATED CONTACTS TIER 2 DATA

TOTAL STOPS: 7,962

STREET ADDRESS OR APPROXIMATE LOCATION OF STOP.

City Street	4,137
US Highway	1,385
County Road	4
State Highway	1,310
Private Property	1,126

WAS RACE OR ETHNICITY KNOWN PRIOR TO STOP?

Yes	268
No	7,694

RACE OR ETHNICITY

Alaska Native/American Indian	39
Asian/Pacific Islander	126
Black	1,485
White	4,458
Hispanic/Latino	1,854

GENDER

Female Total: 2,783

Alaska Native/American Indian	15
Asian/Pacific Islander	44
Black	532
White	1,703
Hispanic/Latino	489

Male Total: 5,179

Alaska Native/American Indian	24
Asian/Pacific Islander	82
Black	953
White	2,755
Hispanic/Latino	1,365

REASON FOR STOP?

Violation of Law Total:639

Alaska Native/American Indian	8
Asian/Pacific Islander	6
Black	113
White	34
Hispanic/Latino	167

Pre-existing Knowledge Total: 146

Alaska Native/American Indian	0
Asian/Pacific Islander	2
Black	34
White	68
Hispanic/Latino	42

Moving Traffic Violation Total: 4,156

Alaska Native/American Indian	15
Asian/Pacific Islander	84
Black	653
White	2,506
Hispanic/Latino	898

Vehicle Traffic Violation Total: 3,021

Alaska Native/American Indian	16
Asian/Pacific Islander	34
Black	685
White	1,539
Hispanic/Latino	747

WAS SEARCH CONDUCTED?

	YES	NO
Alaska Native/American Indian	1	38
Asian/Pacific Islander	3	123
Black	166	1,319
White	187	4,271
Hispanic/Latino	118	1,736
TOTAL	475	7,487

REASON FOR SEARCH? Consent Total: 148

Alaska Native/American Indian	1
Asian/Pacific Islander	2
Black	31
White	61
Hispanic/Latino	53

Contraband (in plain view) Total: 12

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	1
White	4
Hispanic/Latino	7

Probable Cause Total: 257

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	120
White	90
Hispanic/Latino	47

Inventory Total: 34

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	7
White	20
Hispanic/Latino	6

Incident to arrest Total: 24

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	7
White	12
Hispanic/Latino	5

WAS CONTRABAND DISCOVERED?

	YES	NO
Alaska Native/American Indian	0	1
Asian/Pacific Islander	0	3
Black	86	80
White	94	93
Hispanic/Latino	59	59
TOTAL	239	236

Did the finding result in arrest (total should equal previous column)?

	YES	NO
Alaska Native/American Indian	0	0
Asian/Pacific Islander	0	0
Black	43	43
White	43	51
Hispanic/Latino	22	37
TOTAL	108	131

DESCRIPTION OF CONTRABAND

Drugs Total: 180

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	64
White	75
Hispanic/Latino	41

Currency Total: 1

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	1

Weapons Total: 10

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	7
White	1
Hispanic/Latino	2

Alcohol Total: 25

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	5
White	8
Hispanic/Latino	12

Stolen Property Total: 3

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	2
White	1
Hispanic/Latino	0

Other Total: 20

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	8
White	9
Hispanic/Latino	3

RESULT OF THE STOP

Verbal Warning Total: 4,702

Alaska Native/American Indian	26
Asian/Pacific Islander	96
Black	931
White	2,616
Hispanic/Latino	1,033

Written Warning Total: 145

Alaska Native/American Indian	0
Asian/Pacific Islander	3
Black	24
White	97
Hispanic/Latino	21

Citation Total: 2,911

Alaska Native/American Indian	13
Asian/Pacific Islander	25
Black	458
White	1,652
Hispanic/Latino	763

Written Warning and Arrest Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

Citation and Arrest Total: 6

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	2
White	2
Hispanic/Latino	2

Arrest Total: 198

Alaska Native/American Indian	0
Asian/Pacific Islander	2
Black	70
White	91
Hispanic/Latino	35

ARREST BASED ON Violation of Penal Code Total: 154

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	56
White	68
Hispanic/Latino	29

Violation of Traffic Law Total: 12

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	3
White	7
Hispanic/Latino	2

Violation of City Ordinance Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

Outstanding Warrant Total: 38

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	13
White	18
Hispanic/Latino	6

Was physical force used resulting in bodily injury during the stop?

	YES	NO
Alaska Native/American Indian	0	39
Asian/Pacific Islander	0	126
Black	0	1,485
White	1	4,457
Hispanic/Latino	0	1,854
TOTAL	1	7,961





Table 1. Citations and Warnings

Race/ Ethnicity	All Contacts	Citations	Verbal Warning	Written Warning	Contact Percent	Citation Percent	Verbal Percent	Written Percent
Alaska Native/ American Indian	39	13	26	0	0%	0%	1%	0%
Asian/ Pacific Islander	126	25	96	3	2%	1%	2%	2%
Black	1,485	460	931	24	19%	16%	20%	17%
White	4,458	1,654	2,616	97	56%	57%	56%	67%
Hispanic/ Latino	1,854	765	1,033	21	23%	26%	22%	14%
TOTAL	7,962	2,917	4,702	145	100%	100%	100%	100%

Table 2. Motor Vehicle Contacts and Fair Roads Standard Comparison

Comparison of motor vehicle-related contacts with households that have vehicle access.

Race/Ethnicity	Contact Percentage	Households with Vehicle Access
Alaska Native/American Indian	0%	0%
Asian/Pacific Islander	2%	5%
Black	19%	14%
White	56%	60%
Hispanic/Latino	23%	19%
TOTAL	100%	98%

Table 3. Motor Vehicle Searches and Arrests.

Race/Ethnicity	Searches	Consent Searches	Arrests
Alaska Native/American Indian	1	1	0
Asian/Pacific Islander	3	2	2
Black	166	31	72
White	187	61	93
Hispanic/Latino	118	53	37
TOTAL	475	148	204

Table 4. Instances Where Peace Officers Used Physical Force Resulting in Bodily Injury

Instances Where Peace Officers Used Physical Force that Resulted in Bodily Injury	Arrest	Location of Stop	Reason for Stop
1	09.16.21	1900 S. Goliad Street	Vehicle Traffic Stop

Table 5. Search Data

Race/ Ethnicity	Searches	Contraband Found Yes	Contraband Found No	Arrests	Percent Searches	Percent Contraband Found	Percent No Contraband	Percent Arrest
Alaska Native/ American Indian	1	0	1	0	0%	0%	0%	0%
Asian/ Pacific Islander	ß	0	3	2	1%	0%	1%	1%
Black	166	86	80	72	35%	36%	34%	35%
White	187	94	93	93	39%	39%	39%	46%
Hispanic/ Latino	118	59	59	37	25%	25%	25%	18%
TOTAL	475	239	236	204	100%	100%	100%	100%

Table 6. Report on Audits.

The following table contains data regarding the number and outcome of required data audits during the period of 1/1/21-12/31/21.

Audit Data	Number of Data Audits Completed	Date of Completion	Outcome of Audit
	1	03/01/21	Data is accurate
	2	06/01/21	Data is accurate
	3	09/01/21	Data is accurate
	4	12/01/21	Data is accurate

ADDITIONAL COMMENTS:		

Table 7. Instance Where Force Resulted in Bodily Injury.

Race/Ethnicity	Number	Percent	
Alaska Native/American Indian	0	0%	
Asian/Pacific Islander	0	0%	
Black	0	0%	
White	1	100%	
Hispanic/Latino	0	0%	
TOTAL	1	100%	

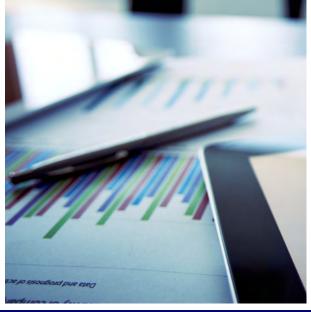
Table 8. Reason for Arrests from Vehicle Contact

Race/ Ethnicity	Violation of Penal Code	Violation of Traffic Law	Violation of City Ordinance	Outstanding Warrant	Percent Penal Code	Percent Traffic Law	Percent City Ordinance	Percent Warrant
Alaska Native/ American Indian	0	0	0	0	0%	0%	0%	0%
Asian/ Pacific Islander	1	0	0	1	1%	0%	0%	3%
Black	56	3	0	13	36%	25%	0%	34%
White	68	7	0	18	44%	58%	0%	47%
Hispanic/ Latino	29	2	0	6	19%	17%	0%	16%
TOTAL	154	12	0	38	100%	100%	0%	100%

Table 9. Contraband Hit Rate

Race/ Ethnicity	Searches	Contraband Found Yes	Contraband Hit Rate	Search Percent	Contraband Percent
Alaska Native/ American Indian	1	0	0%	0%	0%
Asian/ Pacific Islander	3	0	0%	1%	0%
Black	166	86	52%	35%	36%
White	187	94	50%	39%	39%
Hispanic/Latino	118	59	50%	25%	25%





ANALYSIS AND INTERPRETATION

The Texas legislature, in 2001, passed Senate Bill 1074 which became the Texas Racial Profiling Law. This particular law came into effect on January 1, 2002 and required all police departments in Texas, to collect traffic-related data and report this information to their local governing authority by March 1st of each year. This law remained in place until 2009, when it was modified to include the collection and reporting of all motor vehicle related contacts where a citation was issued or an arrest made. Further, the modification to the law further requires that all police officers indicate whether or not they knew the race or ethnicity of individuals before detaining them. Further, it became a requirement that agencies report motor vehicle related data to their local governing authority and to the Texas Commission on Law Enforcement (TCOLE) by March 1st of each year. The purpose in collecting and disclosing this information has been to determine if police officers, in a particular municipality, are engaging in the practice of racially profiling minority motorists.

In addition, the Texas Racial Profiling Law requires police departments to interpret motor vehicle-related data. Even though most researchers would probably agree with the fact that it is within the confines of good practice for police departments to be accountable to the citizenry while carrying a transparent image before the community, it is very difficult to determine if individual police officers are engaging in racial profiling, from a review and analysis of aggregate/institutional data. In other words, it is challenging for a reputable researcher to identify specific "individual" racist behavior from aggregate-level "institutional" data on traffic or motor vehicle-related contacts.

As mentioned earlier, in 2009, the Texas Legislature passed House Bill 3389, which modified the Racial Profiling Law by adding new requirements; this took effect on January 1st, 2010. These changes included, but are were not limited to, the re-definition of a contact to include motor vehicles where a citation was issued or an arrest made. In addition, it required police officers to indicate if they knew the race or ethnicity of the individual before detaining them. Also, the 2009 law required adding "middle eastern" to the racial and ethnic category and submitting the annual data report to TCOLE before March 1st of each year.

In 2017, the Texas Legislators passed H.B. 3051 which removed the Middle Eastern data requirement while standardizing the racial and ethnic categories relevant to the individuals that came in contact with the police. In addition, the Sandra Bland Act (S.B. 1849) was passed and became law. Thus, the most significant legislative mandate (Sandra Bland Act) in Texas history regarding data requirements on law enforcement contacts, became law and took effect on January 1, 2018. The Sandra Bland Act not only currently requires the extensive collection of data relevant to police motor vehicle contacts, but it also mandates for the data to be analyzed while addressing the following:

1. A comparative analysis of the information compiled (under Article 2.133):

- a. Evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;
- b. Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction;
- c. Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or <u>other evidence</u> was discovered in the course of those searches.

2. Information related to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

In an attempt to comply with The Texas Racial Profiling/Sandra Bland Law, the Rockwall Police Department commissioned the analysis of its 2021 contact data. Hence, two different types of data analyses were performed. The first of these involved a careful evaluation of the 2021 motor vehicle-related data. This particular analysis measured, as required by the law, the number and percentage of Whites, Blacks, Hispanics or Latinos, Asians and Pacific Islanders, Alaska Natives and American Indians (Middle Easterners and individuals belonging to the "other" category, as optional categories), that came in contact with the police in the course of a motor vehicle related contact, and were either issued a ticket, citation, warning were issued or an arrest was made. Also, included in this data were instances where a motor vehicle contact took place for an alleged violation of the law or ordinance. The Tier 2 data analysis included, but was not limited to, information relevant to the number and percentage of contacts by race/ethnicity, gender, reason for the stop, location of stop, searches while indicating the type of search performed, result of stop, basis of an arrest and use of physical force resulting in bodily injury.

It should be noted that the additional data analysis performed was based on a comparison of the 2021 motor vehicle contact data with a specific baseline. When reviewing this particular analysis, one should consider that there is disagreement, in the literature, regarding the appropriate baseline to be used when analyzing motor vehicle-related contact information. Of the baseline measures available, the Rockwall Police Department accepted our recommendation to rely, as a baseline measure, on the Fair Roads Standard. This particular baseline is based on data obtained through the U.S. Census Bureau (2020) relevant to the number of households that have access to vehicles while controlling for the race and ethnicity of the heads of households.

The census data presents challenges to any effort made at establishing a fair and accurate racial profiling analysis. That is, census data contains information on all residents of a particular community, regardless of the fact they may or may not be among the driving population. Further, census data, when used as a baseline of comparison, presents the challenge that it captures information related to city residents only. Thus, excluding individuals who may have come in contact with the Rockwall Police Department in 2021 but live outside city limits. In some cases, the percentage of the population that comes in contact with the police but lives outside city limits represents a substantial volume of all motor vehicle-related contacts made in a given year.

In 2002, several civil rights groups in Texas expressed their desire and made recommendations to the effect that all police departments should rely, in their data analysis, on the Fair Roads Standard. This source contains census data specific to the number of "households" that have access to vehicles. Thus, proposing to compare "households" (which may have multiple residents and only a few vehicles) with "contacts" (an individual-based count). This, in essence, constitutes a comparison that may result in ecological fallacy. Despite this, as noted earlier, the Rockwall Police Department accepted the recommendation to utilize this form of comparison (i.e., census data relevant to households with vehicles) in an attempt to demonstrate its "good will" and "transparency" before the community. Thus, the Fair Roads Standard data obtained and used in this study is specifically relevant to the Dallas Fort-Worth (DFW) Metroplex.

Tier 2 (2021) Motor Vehicle-Related Contact Analysis

When analyzing the enhanced and more detailed Tier 2 data collected in 2021, it was evident that most motor vehicle-related contacts were made with Whites. This was followed by Hispanics. Of those that came in contact with the police, most tickets or citations were issued to Whites; this was followed by Hispanics. However, in terms of written warnings, most of these were issued to Whites; followed by Blacks.

Regarding searches and arrests, the data showed that most searches took place among Whites. When considering all searches, most were consented by Whites and Hispanics, while most custody arrests were also of Whites. Overall, most searches resulted in contraband; of those that produced contraband, most were of Whites; this was followed by Blacks. Of the searches that did not produce contraband, most were of Whites. Most arrests were made on Whites. Most of the arrests that originated from a violation of the penal code involved Whites. Overall, the police department reports one instance where force was used that resulted in bodily injury.

Comparative Analysis

The data analysis of motor vehicle contacts to the census data relevant to the number of "households" in DFW who indicated, in the 2020 census, that they had access to vehicles, produced interesting findings. Specifically, the percentage of Whites, Asians, and American Indians that came in contact with the police was the same or lower than the percentage of White, Asian, and American Indian households in DFW that claimed, in the 2020 census, to have access to vehicles. The opposite was true of Blacks and Hispanics. That is, a higher percentage of Blacks and Hispanics came in contact with the police than the percentage of Black and Hispanic households in DFW that claimed, in the 2020 census, to have access to vehicles.

The analysis of the searches resulting in contraband shows that the most significant contraband hit rate is of Blacks. This was followed by Whites and Hispanics. This means that among all searches performed in 2021, the most significant percentage of these that resulted in contraband was among Blacks. The lowest contraband hit rate was among Asians.

Summary of Findings

The most recent Texas Racial Profiling Law requires that police department perform data audits in order to validate the data being reported. Consistent with this requirement, the Rockwall Police Department has engaged del Carmen Consulting in order to perform these audits in a manner consistent with normative statistical practices. As shown in table 6, the audit performed has shown that the data is valid and reliable. Further, as required by law, this report also includes an analysis on the searches performed. This analysis includes information on whether contraband was found as a result of the search while controlling for race/ethnicity. The search analysis demonstrates that the police department is engaging in search practices consistent with national trends in law enforcement.

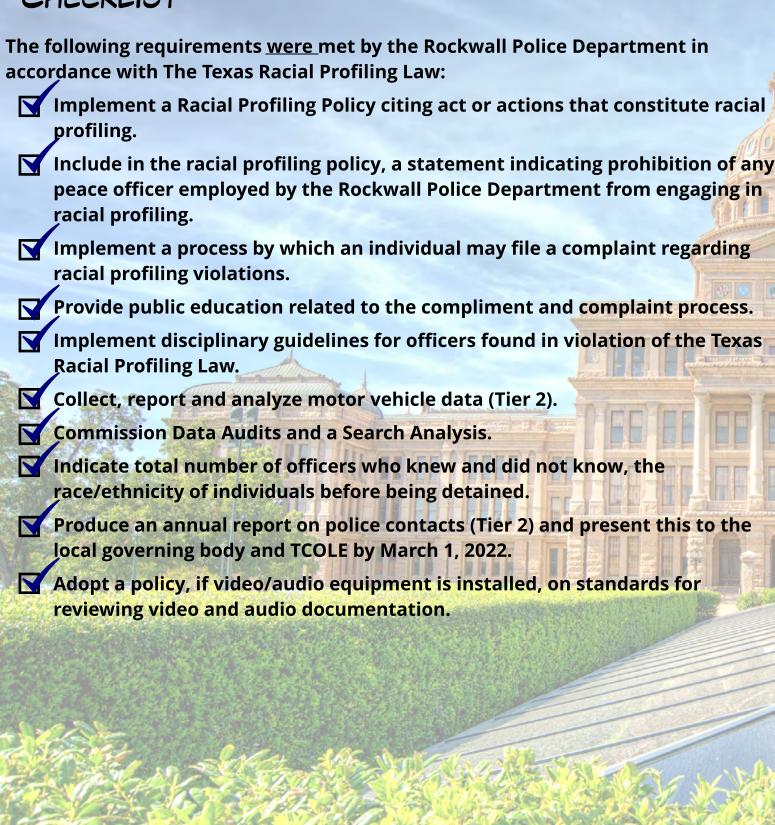
While considering the findings made in this analysis, it is recommended that the Rockwall Police Department should continue to collect and evaluate additional information on motor vehicle contact data (i.e., reason for probable cause searches, contraband detected) which may prove to be useful when determining the nature of the contacts police officers are making with all individuals.

As part of this effort, the Rockwall Police Department should continue to:

- 1) Perform an independent analysis on contact and search data in future years.
- 2) Commission data audits in 2022 in order to assess data integrity; that is, to ensure that the data collected is consistent with the data being reported.

The comprehensive analysis of the data included in this report demonstrates that the Rockwall Police Department has complied with the Texas Racial Profiling Law and all of its requirements. Further, the report demonstrates that the police department has incorporated a comprehensive racial profiling policy, currently offers information to the public on how to file a compliment or complaint, commissions quarterly data audits in order to ensure validity and reliability, collects and commissions the analysis of tier 2 data, and ensures that the practice of racial profiling will not be tolerated.

CHECKLIST





TCOLE GUIDELINES

Guidelines for Compiling and Reporting Data under Senate Bill 1074

Background

Senate Bill 1074 of the 77th Legislature established requirements in the Texas Code of Criminal Procedure (TCCP) for law enforcement agencies. The Commission developed this document to assist agencies in complying with the statutory requirements.

The guidelines are written in the form of standards using a style developed from accreditation organizations including the Commission on Accreditation for Law Enforcement Agencies (CALEA). The standards provide a description of **what** must be accomplished by an agency but allows wide latitude in determining **how** the agency will achieve compliance with each applicable standard.

Each standard is composed of two parts: the standard statement and the commentary. The *standard statement* is a declarative sentence that places a clear-cut requirement, or multiple requirements, on an agency. The commentary supports the standard statement but is not binding. The commentary can serve as a prompt, as guidance to clarify the intent of the standard, or as an example of one possible way to comply with the standard.

Standard 1

Each law enforcement agency has a detailed written directive that:

- clearly defines acts that constitute racial profiling;
- strictly prohibits peace officers employed by the agency from engaging in racial profiling;
- implements a process by which an individual may file a complaint with the agency if the individual believes a peace officer employed by the agency has engaged in racial profiling with respect to the individual filing the complaint;
- provides for public education relating to the complaint process;
- requires appropriate corrective action to be taken against a peace officer employed by the agency who, after investigation, is shown to have engaged in racial profiling in violation of the agency's written racial profiling policy; and
- requires the collection of certain types of data for subsequent reporting.

Commentary

Article 2.131 of the TCCP prohibits officers from engaging in racial profiling, and article 2.132 of the TCCP now requires a written policy that contains the elements listed in this standard. The article also specifically defines a law enforcement agency as it applies to this statute as an "agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers' official duties."

The article further defines race or ethnicity as being of "a particular descent, including Caucasian, African, Hispanic, Asian, or Native American." The statute does not limit the required policies to just these ethnic groups.

This written policy is to be adopted and implemented no later than January 1, 2002.

Standard 2

Each peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic, or who stops a pedestrian for any suspected offense reports to the employing law enforcement agency information relating to the stop, to include:

- a physical description of each person detained, including gender and the person's race or ethnicity, as stated by the person, or, if the person does not state a race or ethnicity, as determined by the officer's best judgment;
- the traffic law or ordinance alleged to have been violated or the suspected offense;
- whether the officer conducted a search as a result of the stop and, if so, whether the person stopped consented to the search;
- whether any contraband was discovered in the course of the search, and the type of contraband discovered;
- whether probable cause to search existed, and the facts supporting the existence of that probable cause;
- whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;
- the street address or approximate location of the stop; and
- whether the officer issued a warning or citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Commentary

The information required by 2.133 TCCP is used to complete the agency reporting requirements found in Article 2.134. A peace officer and an agency may be exempted from this requirement under Article 2.135 TCCP Exemption for Agencies Using Video and Audio Equipment. An agency may be exempt from this reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds. Section 2.135 (a)(2) states, "the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a) (1) (A) and the agency does not receive from the state funds for video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose."

Standard 3

The agency compiles the information collected under 2.132 and 2.133 and analyzes the information identified in 2.133.

Commentary

Senate Bill 1074 from the 77th Session of the Texas Legislature created requirements for law enforcement agencies to gather specific information and to report it to each county or municipality served. New sections of law were added to the Code of Criminal Procedure regarding the reporting of traffic and pedestrian stops. Detained is defined as when a person stopped is not free to leave.

Article 2.134 TCCP requires the agency to compile and provide and analysis of the information collected by peace officer employed by the agency. The report is provided to the governing body of the municipality or county no later than March 1 of each year and covers the previous calendar year.

There is data collection and reporting required based on Article 2.132 CCP (tier one) and Article 2.133 CCP (tier two).

The minimum requirements for "tier one" data for traffic stops in which a citation results are:

- the race or ethnicity of individual detained (race and ethnicity as defined by the bill means of "a particular descent, including Caucasian, African, Hispanic, Asian, or Native American");
- 2) whether a search was conducted, and if there was a search, whether it was a consent search or a probable cause search; and
- 3) whether there was a custody arrest.

The minimum requirements for reporting on "tier two" reports include traffic and pedestrian stops. Tier two data include:

- 1) the detained person's gender and race or ethnicity;
- 2) the type of law violation suspected, e.g., hazardous traffic, non-hazardous traffic, or other criminal investigation (the Texas Department of Public Safety publishes a categorization of traffic offenses into hazardous or non-hazardous);
- 3) whether a search was conducted, and if so whether it was based on consent or probable cause;
- 4) facts supporting probable cause;
- 5) the type, if any, of contraband that was collected;
- 6) disposition of the stop, e.g., arrest, ticket, warning, or release;
- 7) location of stop; and
- 8) statement of the charge, e.g., felony, misdemeanor, or traffic.

Tier one reports are made to the governing body of each county or municipality served by the agency an annual report of information if the agency is an agency of a county, municipality, or other political subdivision of the state. Tier one and two reports are reported to the county or municipality not later than March 1 for the previous calendar year beginning March 1, 2003. Tier two reports include a comparative analysis between the race and ethnicity of persons detained to see if a differential pattern of treatment can be discerned based on the disposition of stops

including searches resulting from the stops. The reports also include information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. An agency may be exempt from the tier two reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds [See 2.135 (a)(2) TCCP].

Reports should include both raw numbers and percentages for each group. Caution should be exercised in interpreting the data involving percentages because of statistical distortions caused by very small numbers in any particular category, for example, if only one American Indian is stopped and searched, that stop would not provide an accurate comparison with 200 stops among Caucasians with 100 searches. In the first case, a 100% search rate would be skewed data when compared to a 50% rate for Caucasians.

Standard 4

If a law enforcement agency has video and audio capabilities in motor vehicles regularly used for traffic stops, or audio capabilities on motorcycles regularly used to make traffic stops, the agency:

- adopts standards for reviewing and retaining audio and video documentation; and
- promptly provides a copy of the recording to a peace officer who is the subject of a complaint on written request by the officer.

Commentary

The agency should have a specific review and retention policy. Article 2.132 TCCP specifically requires that the peace officer be promptly provided with a copy of the audio or video recordings if the officer is the subject of a complaint and the officer makes a written request.

Standard 5

Agencies that do not currently have video or audio equipment must examine the feasibility of installing such equipment.

Commentary

None

Standard 6

Agencies that have video and audio recording capabilities are exempt from the reporting requirements of Article 2.134 TCCP and officers are exempt from the reporting requirements of Article 2.133 TCCP provided that:

- the equipment was in place and used during the proceeding calendar year; and
- video and audio documentation is retained for at least 90 days.

Commentary

The audio and video equipment and policy must have been in place during the previous calendar year. Audio and video documentation must be kept for at least 90 days or longer if a complaint has been filed. The documentation must be retained until the complaint is resolved. Peace officers are not exempt from the requirements under Article 2.132 TCCP.

Standard 7

Agencies have citation forms or other electronic media that comply with Section 543.202 of the Transportation Code.

Commentary

Senate Bill 1074 changed Section 543.202 of the Transportation Code requiring citations to include:

- race or ethnicity, and
- whether a search of the vehicle was conducted and whether consent for the search was obtained.

The Texas Law on Racial Profiling

S.B. No. 1074 - An Act relating to the prevention of racial profiling by certain peace officers. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Articles 2.131 through 2.138 to read as follows:

Art. 2.131. RACIAL PROFILING PROHIBITED. A peace officer may not engage in racial profiling.

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING. (a) In this article:

- (1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers' official duties.
- (2) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.
- (b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:
 - (1) clearly define acts constituting racial profiling;
- (2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;
- (3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
 - (4) provide public education relating to the agency's complaint process;
- (5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;
- (6) require collection of information relating to traffic stops in which a citation is issued and to arrests resulting from those traffic stops, including information relating to:
 - (A) the race or ethnicity of the individual detained; and
- (B) whether a search was conducted and, if so, whether the person detained consented to the search; and
- (7) require the agency to submit to the governing body of each county or municipality served by the agency an annual report of the information collected under Subdivision (6) if the agency is an agency of a county, municipality, or other political subdivision of the state.
- (c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.
- (d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make traffic stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make traffic stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the

policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

- (e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a traffic stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).
- (f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

Art. 2.133. REPORTS REQUIRED FOR TRAFFIC AND PEDESTRIAN STOPS. (a) In this article:

- (1) "Race or ethnicity" has the meaning assigned by Article 2.132(a).
- (2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.
- (b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic or who stops a pedestrian for any suspected offense shall report to the law enforcement agency that employs the officer information relating to the stop, including:
 - (1) a physical description of each person detained as a result of the stop, including:
- (A) the person's gender; and
- (B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;
 - (2) the traffic law or ordinance alleged to have been violated or the suspected offense;
- (3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;
- (4) whether any contraband was discovered in the course of the search and the type of contraband discovered;
- (5) whether probable cause to search existed and the facts supporting the existence of that probable cause;
- (6) whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;
 - (7) the street address or approximate location of the stop; and
- (8) whether the officer issued a warning or a citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.

- (a) In this article, "pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.
- (b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each local law enforcement agency shall submit a report containing the information compiled

during the previous calendar year to the governing body of each county or municipality served by the agency in a manner approved by the agency.

- (c) A report required under Subsection (b) must include:
- (1) a comparative analysis of the information compiled under Article 2.133 to:
- (A) determine the prevalence of racial profiling by peace officers employed by the agency; and (B) examine the disposition of traffic and pedestrian stops made by officers employed by the agency, including searches resulting from the stops; and
- (2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.
- (d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a traffic or pedestrian stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).
- (e) The Commission on Law Enforcement Officer Standards and Education shall develop guidelines for compiling and reporting information as required by this article.
- (f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.
- Art. 2.135. EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and a law enforcement agency is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:
- (1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:
- (A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make traffic and pedestrian stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make traffic and pedestrian stops is equipped with transmitter-activated equipment; and
- (B) each traffic and pedestrian stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or
- (2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.
- (b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each traffic and pedestrian stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a traffic or pedestrian stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

- (c) This article does not affect the collection or reporting requirements under Article 2.132.
- Art. 2.136. LIABILITY. A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

- (a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:
- (1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;
 - (2) smaller jurisdictions; and
 - (3) municipal and county law enforcement agencies.
- (b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A). The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.
- (c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.
- (d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has installed video and audio equipment as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1).
- Art. 2.138. RULES. The Department of Public Safety may adopt rules to implement Articles 2.131-2.137.
- SECTION 2. Chapter 3, Code of Criminal Procedure, is amended by adding Article 3.05 to read as follows:
- Art. 3.05. RACIAL PROFILING. In this code, "racial profiling" means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

- SECTION 3. Section 96.641, Education Code, is amended by adding Subsection (j) to read as follows:
- (j) As part of the initial training and continuing education for police chiefs required under this section, the institute shall establish a program on racial profiling. The program must include an examination of the best practices for:
- (1) monitoring peace officers' compliance with laws and internal agency policies relating to racial profiling;
- (2) implementing laws and internal agency policies relating to preventing racial profiling; and
 - (3) analyzing and reporting collected information.
- SECTION 4. Section 1701.253, Occupations Code, is amended by adding Subsection (e) to read as follows:
- (e) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on racial profiling for officers licensed under this chapter. An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.
- SECTION 5. Section 1701.402, Occupations Code, is amended by adding Subsection (d) to read as follows:
- (d) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on racial profiling established by the commission under Section 1701.253(e).
- SECTION 6. Section 543.202, Transportation Code, is amended to read as follows:
- Sec. 543.202. FORM OF RECORD. (a) In this section, "race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.
- (b) The record must be made on a form or by a data processing method acceptable to the department and must include:
- (1) the name, address, physical description, including race or ethnicity, date of birth, and driver's license number of the person charged;
 - (2) the registration number of the vehicle involved;
- (3) whether the vehicle was a commercial motor vehicle as defined by Chapter 522 or was involved in transporting hazardous materials;
- (4) the person's social security number, if the person was operating a commercial motor vehicle or was the holder of a commercial driver's license or commercial driver learner's permit;
- (5) the date and nature of the offense, including whether the offense was a serious traffic violation as defined by Chapter 522;

- (6) whether a search of the vehicle was conducted and whether consent for the search was obtained;
 - (7) the plea, the judgment, and whether bail was forfeited;
 - (8) [(7)] the date of conviction; and
 - (9) [(8)] the amount of the fine or forfeiture.

SECTION 7. Not later than January 1, 2002, a law enforcement agency shall adopt and implement a policy and begin collecting information under the policy as required by Article 2.132, Code of Criminal Procedure, as added by this Act. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.132, Code of Criminal Procedure, as added by this Act, on March 1, 2003. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2002, and ending December 31, 2002.

SECTION 8. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.134, Code of Criminal Procedure, as added by this Act, on March 1, 2004. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2003, and ending December 31, 2003.

SECTION 9. Not later than January 1, 2002:

- (1) the Commission on Law Enforcement Officer Standards and Education shall establish an education and training program on racial profiling as required by Subsection (e), Section 1701.253, Occupations Code, as added by this Act; and
- (2) the Bill Blackwood Law Enforcement Management Institute of Texas shall establish a program on racial profiling as required by Subsection (j), Section 96.641, Education Code, as added by this Act.

SECTION 10. A person who on the effective date of this Act holds an intermediate proficiency certificate issued by the Commission on Law Enforcement Officer Standards and Education or has held a peace officer license issued by the Commission on Law Enforcement Officer Standards and Education for at least two years shall complete an education and training program on racial profiling established under Subsection (e), Section 1701.253, Occupations Code, as added by this Act, not later than September 1, 2003.

SECTION 11. An individual appointed or elected as a police chief before the effective date of this Act shall complete a program on racial profiling established under Subsection (j), Section 96.641, Education Code, as added by this Act, not later than September 1, 2003.

President of the Senate	Speaker of the House	

Yeas 28, Nays 2; May appointment of Con	S.B. No. 1074 passed the Senate on April 4, 2001, by the following vote: y 21, 2001, Senate refused to concur in House amendments and requested ference Committee; May 22, 2001, House granted request of the Senate; e adopted Conference Committee Report by a viva-voce vote.
-	Secretary of the Senate
non-record vote; M	S.B. No. 1074 passed the House, with amendments, on May 15, 2001, by a lay 22, 2001, House granted request of the Senate for appointment of tee; May 24, 2001, House adopted Conference Committee Report by a
-	Chief Clerk of the House
Approved:	
Date	
Governor	

Modifications to the Original Law (H.B. 3389)

Amend CSHB 3389 (Senate committee report) as follows:

- (1) Strike the following SECTIONS of the bill:
- (A) SECTION 8, adding Section 1701.164, Occupations Code (page 4, lines 61-66);
- (B) SECTION 24, amending Article 2.132(b), Code of Criminal Procedure (page 8, lines 19-53);
- (C) SECTION 25, amending Article 2.134(b), Code of Criminal Procedure (page 8, lines 54-64);
- (D) SECTION 28, providing transition language for the amendments to Articles 2.132(b) and 2.134(b), Code of Criminal Procedure (page 9, lines 40-47).
- (2) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly: SECTION _____. Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (a),(b), (d), and (e) and adding Subsection (g) to read as follows:
- (a) In this article:
- (1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make <u>motor</u> vehicle[traffic] stops in the routine performance of the officers' official duties.
- (2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.
- (3) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, [or] Native American, or Middle Eastern descent.
- (b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:
- (1) clearly define acts constituting racial profiling;
- (2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;
- (3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
- (4) provide public education relating to the agency's complaint process;
- (5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;
- (6) require collection of information relating to motor vehicle [traffic] stops in which a citation is issued and to _arrests made as a result of [resulting from] those [traffic] stops, including information relating to:
- (A) the race or ethnicity of the individual detained; and
- (B) whether a search was conducted and, if so, whether the <u>individual</u> [person] detained consented to the search; and
- (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
- (7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit [to the governing body of each county or

municipality served by the agency] an annual report of the information collected under Subdivision (6) to:

- (A) the Commission on Law Enforcement Officer Standards and Education; and
- (B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.
- (d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle [traffic] stops and transmitter activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle [traffic] stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.
- (e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a <u>motor vehicle</u> [traffic] stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).
- (g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the commission shall begin disciplinary procedures against the chief administrator.
- SECTION _____. Article 2.133, Code of Criminal Procedure, is amended to read as follows:
- Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE [TRAFFIC AND PEDESTRIAN] STOPS. (a) In this article, "race[:
- [(1) "Race] or ethnicity" has the meaning assigned by Article 2.132(a).
- [(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.]
- (b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance [regulating traffic or who stops a pedestrian for any suspected offense] shall report to the law enforcement agency that employs the officer information relating to the stop, including:
- (1) a physical description of <u>any</u> [each] person <u>operating the motor vehicle who is</u> detained as a result of the stop, including:
- (A) the person's gender; and
- (B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;
- (2) the <u>initial reason for the stop</u> [traffic law or ordinance alleged to have been violated or the suspected offense];
- (3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;
- (4) whether any contraband <u>or other evidence</u> was discovered in the course of the search and <u>a</u> <u>description</u> [the type] of the contraband <u>or evidence</u> [discovered];
- (5) the reason for the search, including whether:
- (A) any contraband or other evidence was in plain view;
- (B) any probable cause or reasonable suspicion existed to perform the search; or

- (C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle [existed and the facts supporting the existence of that probable cause];
- (6) whether the officer made an arrest as a result of the stop or the search, including <u>a statement</u> of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or <u>ordinance</u>, or an <u>outstanding warrant and</u> a statement of the offense charged;
- (7) the street address or approximate location of the stop; and
- (8) whether the officer issued a <u>written</u> warning or a citation as a result of the stop[, including a description of the warning or a statement of the violation charged].
- SECTION _____. Article 2.134, Code of Criminal Procedure, is amended by amending Subsections (a) through (e) and adding Subsection (g) to read as follows:
- (a) In this article:
- (1) "Motor vehicle[, "pedestrian] stop" has the meaning assigned by Article 2.132(a) [means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest].
- (2) "Race or ethnicity" has the meaning assigned by Article 2.132(a).
- (b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each [local] law enforcement agency shall submit a report containing the incident-based data [information] compiled during the previous calendar year to the Commission on Law Enforcement Officer Standards and Education and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency [in a manner approved by the agency].
- (c) A report required under Subsection (b) must <u>be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:</u>
- (1) a comparative analysis of the information compiled under Article 2.133 to:
- (A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities [determine the prevalence of racial profiling by peace officers employed by the agency]; and
- (B) examine the disposition of <u>motor vehicle</u> [traffic and pedestrian] stops made by officers employed by the agency, <u>categorized according to the race or ethnicity of the affected persons, as appropriate,</u> including <u>any</u> searches resulting from [the] stops <u>within the applicable jurisdiction</u>; and
- (2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.
- (d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a <u>motor vehicle</u> [traffic or pedestrian] stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).
- (e) The Commission on Law Enforcement Officer Standards and Education, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

- (g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.
- SECTION . Article 2.135, Code of Criminal Procedure, is amended to read as follows:
- Art. 2.135. <u>PARTIAL</u> EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and <u>the chief administrator of</u> a law enforcement agency, <u>regardless of whether the administrator is elected</u>, <u>employed</u>, <u>or appointed</u>, is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:
- (1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:
- (A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make <u>motor vehicle</u> [traffic and pedestrian] stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make <u>motor vehicle</u> [traffic and pedestrian] stops is equipped with transmitter-activated equipment; and
- (B) each <u>motor vehicle</u> [traffic and pedestrian] stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or
- (2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.
- (b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each motor vehicle [traffic and pedestrian] stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a motor vehicle [traffic or pedestrian] stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.
- (c) This article does not affect the collection or reporting requirements under Article 2.132.
- (d) In this article, "motor vehicle stop" has the meaning assigned by Article 2.132(a).
- SECTION _____. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.1385 to read as follows:
- Art. 2.1385. CIVIL PENALTY. (a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in the amount of \$1,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection.
- (b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based

data as required by Article 2.134 shall remit to the comptroller the amount of \$1,000 for each violation.

(c) Money collected under this article shall be deposited in the state treasury to the credit of the general revenue fund.

SECTION _____. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.022 to read as follows:

Art. 102.022. COSTS ON CONVICTION TO FUND STATEWIDE REPOSITORY FOR DATA RELATED TO CIVIL JUSTICE. (a) In this article, "moving violation" means an offense that:

- (1) involves the operation of a motor vehicle; and
- (2) is classified as a moving violation by the Department of Public Safety under Section 708.052, Transportation Code.
- (b) A defendant convicted of a moving violation in a justice court, county court, county court at law, or municipal court shall pay a fee of 10 cents as a cost of court.
- (c) In this article, a person is considered convicted if:
- (1) a sentence is imposed on the person;
- (2) the person receives community supervision, including deferred adjudication; or
- (3) the court defers final disposition of the person's case.
- (d) The clerks of the respective courts shall collect the costs described by this article. The clerk shall keep separate records of the funds collected as costs under this article and shall deposit the funds in the county or municipal treasury, as appropriate.
- (e) The custodian of a county or municipal treasury shall:
- (1) keep records of the amount of funds on deposit collected under this article; and
- (2) send to the comptroller before the last day of the first month following each calendar quarter the funds collected under this article during the preceding quarter.
- (f) A county or municipality may retain 10 percent of the funds collected under this article by an officer of the county or municipality as a collection fee if the custodian of the county or municipal treasury complies with Subsection (e).
- (g) If no funds due as costs under this article are deposited in a county or municipal treasury in a calendar quarter, the custodian of the treasury shall file the report required for the quarter in the regular manner and must state that no funds were collected.
- (h) The comptroller shall deposit the funds received under this article to the credit of the Civil Justice Data Repository fund in the general revenue fund, to be used only by the Commission on Law Enforcement Officer Standards and Education to implement duties under Section 1701.162, Occupations Code.
- (i) Funds collected under this article are subject to audit by the comptroller.
- SECTION ______. (a) Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.061, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:
- Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN STATUTORY COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a statutory county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:
- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;
- (2) a fee for services of the clerk of the court (Art. 102.005, Code of Criminal Procedure) . . . \$40;

- (3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a <u>juvenile delinquency prevention and graffiti eradication fee</u> (Art. 102.0171, Code of Criminal Procedure) . . . <u>\$50</u> [\$5]; [and]
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.
- (b) Section 102.061, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.
- SECTION ______. (a) Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.081, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:
- Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:
- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;
- (2) a fee for clerk of the court services (Art. 102.005, Code of Criminal Procedure) . . . \$40;
- (3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a <u>juvenile delinquency prevention and</u> graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [\$\frac{5}{5}\$]; [\frac{1}{3}]
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.
- (b) Section 102.081, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.
- SECTION . Section 102.101, Government Code, is amended to read as follows:
- Sec. 102.101. ADDITIONAL COURT COSTS ON CONVICTION IN JUSTICE COURT: CODE OF CRIMINAL PROCEDURE. A clerk of a justice court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:
- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;

- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$4;
- (5) a fee for technology fund on a misdemeanor offense (Art. 102.0173, Code of Criminal Procedure) . . . \$4;
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5;
- (7) a fee on conviction of certain offenses involving issuing or passing a subsequently dishonored check (Art. 102.0071, Code of Criminal Procedure) . . . not to exceed \$30; [and]
- (8) a court cost on conviction of a Class C misdemeanor in a county with a population of 3.3 million or more, if authorized by the county commissioners court (Art. 102.009, Code of Criminal Procedure) . . . not to exceed \$7; and
- (9) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.
- SECTION . Section 102.121, Government Code, is amended to read as follows:
- Sec. 102.121. ADDITIONAL COURT COSTS ON CONVICTION IN MUNICIPAL COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a municipal court shall collect fees and costs on conviction of a defendant as follows:
- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a fee for technology fund on a misdemeanor offense (Art. 102.0172, Code of Criminal Procedure) . . . not to exceed \$4; [and]
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.
- SECTION _____. Subchapter D, Chapter 1701, Occupations Code, is amended by adding Section 1701.164 to read as follows:
- Sec. 1701.164. COLLECTION OF CERTAIN INCIDENT-BASED DATA SUBMITTED BY LAW ENFORCEMENT AGENCIES. The commission shall collect and maintain incident-based data submitted to the commission under Article 2.134, Code of Criminal Procedure, including incident-based data compiled by a law enforcement agency from reports received by the law enforcement agency under Article 2.133 of that code. The commission in consultation with the Department of Public Safety, the Bill Blackwood Law Enforcement Management Institute of Texas, the W. W. Caruth, Jr., Police Institute at Dallas, and the Texas Police Chiefs Association shall develop guidelines for submitting in a standard format the report containing incident-based data as required by Article 2.134, Code of Criminal Procedure.
- SECTION _____. Subsection (a), Section 1701.501, Occupations Code, is amended to read as follows:
- (a) Except as provided by Subsection (d), the commission shall revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder for a violation of:
- (1) this chapter;

- (2) the reporting requirements provided by Articles 2.132 and 2.134, Code of Criminal Procedure; or
- (3) a commission rule.
- SECTION _____. (a) The requirements of Articles 2.132, 2.133, and 2.134, Code of Criminal Procedure, as amended by this Act, relating to the compilation, analysis, and submission of incident-based data apply only to information based on a motor vehicle stop occurring on or after January 1, 2010.
- (b) The imposition of a cost of court under Article 102.022, Code of Criminal Procedure, as added by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

Racial and Ethnic Designations (H.B. 3051)

H.B. No. 3051 - An Act relating to the categories used to record the race or ethnicity of persons stopped for or convicted of traffic offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 2.132(a)(3), Code of Criminal Procedure, is amended to read as follows:

- (3) "Race or ethnicity" means the following categories:
- (A) Alaska native or American Indian;
- (B) [of a particular descent, including Caucasian, African, Hispanic,] Asian or Pacific Islander;
- (C) black;
- (D) white; and
- (E) Hispanic or Latino [, Native American, or Middle Eastern descent].

SECTION 2. Section 543.202(a), Transportation Code, is amended to read as follows:

- (a) In this section, "race or ethnicity" means the following categories:
- (1) Alaska native or American Indian;
- (2) [of a particular descent, including Caucasian, African, Hispanic,] Asian or Pacific Islander;
- (3) black;
- (4) white; and
- (5) Hispanic or Latino [, or Native American descent].

SECTION 3. This Act takes effect September 1, 2017.

President of the Senate	Speaker of the House
I certify that H.B. No. 3051 was passed by the H 143, Nays 2, 2 present, not voting.	ouse on May 4, 2017, by the following vote: Yeas
Chief Clerk of the House	
I certify that H.B. No. 3051 was passed by vote: Yeas 31, Nays 0.	the Senate on May 19, 2017, by the following
Secretary of the Senate APPROVED:	
Date	
Governor	

The Sandra Bland Act (S.B. 1849)

S.B. No. 1849

An Act relating to interactions between law enforcement and individuals detained or arrested on suspicion of the commission of criminal offenses, to the confinement, conviction, or release of those individuals, and to grants supporting populations that are more likely to interact frequently with law enforcement.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS: ARTICLE 1. SHORT TITLE

SECTION 1.01. SHORT TITLE. This Act shall be known as the Sandra Bland Act, in memory of Sandra Bland.

ARTICLE 2. IDENTIFICATION AND DIVERSION OF AND SERVICES FOR PERSONS SUSPECTED OF HAVING A MENTAL ILLNESS, AN INTELLECTUAL DISABILITY, OR A SUBSTANCE ABUSE ISSUE

SECTION 2.01. Article 16.22, Code of Criminal Procedure, is amended to read as follows:

Art. 16.22. EARLY IDENTIFICATION OF DEFENDANT SUSPECTED OF HAVING MENTAL ILLNESS OR INTELLECTUAL DISABILITY [MENTAL RETARDATION]. (a)(1) Not later than 12 [72] hours after receiving credible information that may establish reasonable cause to believe that a defendant committed to the sheriff's custody has a mental illness or is a person with an intellectual disability [mental retardation], including observation of the defendant's behavior immediately before, during, and after the defendant's arrest and the results of any previous assessment of the defendant, the sheriff shall provide written or electronic notice of the information to the magistrate. On a determination that there is reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability [mental retardation], the magistrate, except as provided by Subdivision

- (2), shall order the local mental health or intellectual and developmental disability [mental retardation] authority or another qualified mental health or intellectual disability [mental retardation] expert to:
- (A) collect information regarding whether the defendant has a mental illness as defined by Section 571.003,

Health and Safety Code, or is a person with an intellectual disability [mental retardation] as defined by Section 591.003, Health and Safety Code, including information obtained from any previous assessment of the defendant; and

- (B) provide to the magistrate a written assessment of the information collected under Paragraph (A).
 - (2) The magistrate is not required to order the collection of information under Subdivision

- (1) if the defendant in the year preceding the defendant's applicable date of arrest has been determined to have a mental illness or to be a person with an intellectual disability [mental retardation] by the local mental health or intellectual and developmental disability [mental retardation] authority or another mental health or intellectual disability [mental retardation] expert described by Subdivision
- (1). A court that elects to use the results of that previous determination may proceed under Subsection (c).
- (3) If the defendant fails or refuses to submit to the collection of information regarding the defendant as required under Subdivision (1), the magistrate may order the defendant to submit to an examination in a mental health facility determined to be appropriate by the local mental health or intellectual and developmental disability [mental retardation] authority for a reasonable period not to exceed 21 days. The magistrate may order a defendant to a facility operated by the Department of State Health Services or the Health and Human Services Commission [Department of Aging and Disability Services] for examination only on request of the local mental health or intellectual and developmental disability [mental retardation] authority and with the consent of the head of the facility. If a defendant who has been ordered to a facility operated by the Department of State Health Services or the Health and Human Services Commission [Department of Aging and Disability Services] for examination remains in the facility for a period exceeding 21 days, the head of that facility shall cause the defendant to be immediately transported to the committing court and placed in the custody of the sheriff of the county in which the committing court is located. That county shall reimburse the facility for the mileage and per diem expenses of the personnel required to transport the defendant calculated in accordance with the state travel regulations in effect at the time.
- (b) A written assessment of the information collected under Subsection (a)(1)(A) shall be provided to the magistrate not later than the 30th day after the date of any order issued under Subsection (a) in a felony case and not later than the 10th day after the date of any order issued under that subsection in a misdemeanor case, and the magistrate shall provide copies of the written assessment to the defense counsel, the prosecuting attorney, and the trial court. The written assessment must include a description of the procedures used in the collection of information under Subsection (a)(1)(A) and the applicable expert's observations and findings pertaining to:
- (1) whether the defendant is a person who has a mental illness or is a person with an intellectual disability [mental retardation];
- (2) whether there is clinical evidence to support a belief that the defendant may be incompetent to stand trial and should undergo a complete competency examination under Subchapter B, Chapter 46B; and
 - (3) recommended treatment.
- (c) After the trial court receives the applicable expert's written assessment relating to the defendant under Subsection (b) or elects to use the results of a previous determination as described by Subsection (a)(2), the trial court may, as applicable:
- (1) resume criminal proceedings against the defendant, including any appropriate proceedings related to the defendant's release on personal bond under Article 17.032;
 - (2) resume or initiate competency proceedings, if required, as provided by Chapter 46B

or other proceedings affecting the defendant's receipt of appropriate court-ordered mental health or intellectual disability [mental retardation] services, including proceedings related to the defendant's receipt of outpatient mental health services under Section 574.034, Health and Safety Code; or

- (3) consider the written assessment during the punishment phase after a conviction of the offense for which the defendant was arrested, as part of a presentence investigation report, or in connection with the impositions of conditions following placement on community supervision, including deferred adjudication community supervision.
- (d) This article does not prevent the applicable court from, before, during, or after the collection of information regarding the defendant as described by this article: (1) releasing a defendant who has a mental illness [mentally ill] or is a person with an intellectual disability [mentally retarded defendant] from custody on personal or surety bond; or
 - (2) ordering an examination regarding the defendant's competency to stand trial.

SECTION 2.02. Chapter 16, Code of Criminal Procedure, is amended by adding Article 16.23 to read as follows:

- Art. 16.23. DIVERSION OF PERSONS SUFFERING MENTAL HEALTH CRISIS OR SUBSTANCE ABUSE ISSUE. (a) Each law enforcement agency shall make a good faith effort to divert a person suffering a mental health crisis or suffering from the effects of substance abuse to a proper treatment center in the agency's jurisdiction if:
- (1) there is an available and appropriate treatment center in the agency's jurisdiction to which the agency may divert the person;
 - (2) it is reasonable to divert the person;
- (3) the offense that the person is accused of is a misdemeanor, other than a misdemeanor involving violence; and
- (4) the mental health crisis or substance abuse issue is suspected to be the reason the person committed the alleged offense.
- (b) Subsection (a) does not apply to a person who is accused of an offense under Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code.

SECTION 2.03. Section 539.002, Government Code, is amended to read as follows:

Sec. 539.002. GRANTS FOR ESTABLISHMENT AND EXPANSION OF COMMUNITY COLLABORATIVES. (a) To the extent funds are appropriated to the department for that purpose, the department shall make grants to entities, including local governmental entities, nonprofit community organizations, and faith-based community organizations, to establish or expand community collaboratives that bring the public and private sectors together to provide services to persons experiencing homelessness, substance abuse issues, or [and] mental illness. [The department may make a maximum of five grants, which must be made in the most populous municipalities in this state that are located in counties with a population of more than one million.] In awarding grants, the department shall give special consideration to entities:

(1) establishing [a] new collaboratives; or

- (2) establishing or expanding collaboratives thatserve two or more counties, each with a population of less than 100,000 [collaborative].
 - (b) The department shall require each entity awarded a grant under this section to:
- (1) leverage additional funding from private sources in an amount that is at least equal to the amount of the grant awarded under this section; [and]
- (2) provide evidence of significant coordination and collaboration between the entity, local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in establishing or expanding a community collaborative funded by a grant awarded under this section; and
- (3) provide evidence of a local law enforcement policy to divert appropriate persons from jails or other detention facilities to an entity affiliated with a community collaborative for the purpose of providing services to those persons.

SECTION 2.04. Chapter 539, Government Code, is amended by adding Section 539.0051 to read as follows:

Sec. 539.0051. PLAN REQUIRED FOR CERTAIN COMMUNITY COLLABORATIVES. (a) The governing body of a county shall develop and make public a plan detailing:

- (1) how local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in the county could coordinate to establish or expand a community collaborative to accomplish the goals of Section 539.002;
- (2) how entities in the county may leverage funding from private sources to accomplish the goals of Section 539.002 through the formation or expansion of a community collaborative; and
- (3) how the formation or expansion of a community collaborative could establish or support resources or services to help local law enforcement agencies to divert persons who have been arrested to appropriate mental health care or substance abuse treatment.
- (b) The governing body of a county in which an entity that received a grant under Section 539.002 before September 1, 2017, is located is not required to develop a plan under Subsection (a).
- (c) Two or more counties, each with a population of less than 100,000, may form a joint plan under Subsection (a).

ARTICLE 3. BAIL, PRETRIAL RELEASE, AND COUNTY JAIL STANDARDS

SECTION 3.01. The heading to Article 17.032, Code of Criminal Procedure, is amended to read as follows:

Art. 17.032. RELEASE ON PERSONAL BOND OF CERTAIN [MENTALLY ILL] DEFENDANTS WITH MENTAL ILLNESS OR INTELLECTUAL DISABILITY.

SECTION 3.02. Articles 17.032(b) and (c), Code of Criminal Procedure, are amended to read as follows:

(b) A magistrate shall release a defendant on personal bond unless good cause is shown

otherwise if the:

- (1) defendant is not charged with and has not been previously convicted of a violent offense;
- (2) defendant is examined by the local mental health or intellectual and developmental disability [mental retardation] authority or another mental health expert under Article 16.22 [of this code];
- (3) applicable expert, in a written assessment submitted to the magistrate under Article 16.22:
- (A) concludes that the defendant has a mental illness or is a person with an intellectual disability [mental retardation] and is nonetheless competent to stand trial; and
- (B) recommends mental health treatment or intellectual disability treatment for the defendant, as applicable; and
- (4) magistrate determines, in consultation with the local mental health or intellectual and developmental disability [mental retardation] authority, that appropriate community-based mental health or intellectual disability [mental retardation] services for the defendant are available through the [Texas] Department of State [Mental] Health Services [and Mental Retardation] under Section 534.053, Health and Safety Code, or through another mental health or intellectual disability [mental retardation] services provider.
- (c) The magistrate, unless good cause is shown for not requiring treatment, shall require as a condition of release on personal bond under this article that the defendant submit to outpatient or inpatient mental health or intellectual disability [mental retardation] treatment as recommended by the local mental health or intellectual and developmental disability [mental retardation] authority if the defendant's:
 - (1) mental illness or intellectual disability [mental retardation] is chronic in nature; or
- (2) ability to function independently will continue to deteriorate if the defendant is not treated.

SECTION 3.03. Article 25.03, Code of Criminal Procedure, is amended to read as follows:

Art. 25.03. IF ON BAIL IN FELONY. When the accused, in case of felony, is on bail at the time the indictment is presented, [it is not necessary to serve him with a copy, but] the clerk shall [on request] deliver a copy of the indictment [same] to the accused or the accused's [his] counsel[,] at the earliest possible time.

SECTION 3.04. Article 25.04, Code of Criminal Procedure, is amended to read as follows:

Art. 25.04. IN MISDEMEANOR. In misdemeanors, the clerk shall deliver a copy of the indictment or information to the accused or the accused's counsel at the earliest possible time before trial [it shall not be necessary before trial to furnish the accused with a copy of the indictment or information; but he or his counsel may demand a copy, which shall be given as early as possible

SECTION 3.05. Section 511.009(a), Government Code, as amended by Chapters 281 (H.B. 875), 648 (H.B. 549), and 688 (H.B. 634), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

- (a) The commission shall:
- (1) adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails;
- (2) adopt reasonable rules and procedures establishing minimum standards for the custody, care, and treatment of prisoners;
- (3) adopt reasonable rules establishing minimum standards for the number of jail supervisory personnel and for programs and services to meet the needs of prisoners;
- (4) adopt reasonable rules and procedures establishing minimum requirements for programs of rehabilitation, education, and recreation in county jails;
 - (5) revise, amend, or change rules and procedures if necessary;
- (6) provide to local government officials consultation on and technical assistance for county jails;
- (7) review and comment on plans for the construction and major modification or renovation of county jails;
- (8) require that the sheriff and commissioners of each county submit to the commission, on a form prescribed by the commission, an annual report on the conditions in each county jail within their jurisdiction, including all information necessary to determine compliance with state law, commission orders, and the rules adopted under this chapter;
- (9) review the reports submitted under Subdivision (8) and require commission employees to inspect county jails regularly to ensure compliance with state law, commission orders, and rules and procedures adopted under this chapter;
- (10) adopt a classification system to assist sheriffs and judges in determining which defendants are low-risk and consequently suitable participants in a county jail work release program under Article 42.034, Code of Criminal Procedure;
- (11) adopt rules relating to requirements for segregation of classes of inmates and to capacities for county jails;
- (12) require that the chief jailer of each municipal lockup submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the lockup, including all information necessary to determine compliance with state law concerning secure confinement of children in municipal lockups;
- (13) at least annually determine whether each county jail is in compliance with the rules and procedures adopted under this chapter;
- (14) require that the sheriff and commissioners court of each county submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the county jail, including all information necessary to determine compliance with state law concerning secure confinement of children in county jails;
- (15) schedule announced and unannounced inspections of jails under the commission's jurisdiction using the risk assessment plan established under Section 511.0085 to guide the inspections process;
- (16) adopt a policy for gathering and distributing to jails under the commission's jurisdiction information regarding:
 - (A) common issues concerning jail administration;
- (B) examples of successful strategies for maintaining compliance with state law and the rules,

standards, and procedures of the commission; and

- (C) solutions to operational challenges for jails;
- (17) report to the Texas Correctional Office on Offenders with Medical or Mental Impairments on a jail's compliance with Article 16.22, Code of Criminal Procedure;
- (18) adopt reasonable rules and procedures establishing minimum requirements for jails to:
- (A) determine if a prisoner is pregnant; and
- (B) ensure that the jail's health services plan addresses medical and mental health care, including nutritional requirements, and any special housing or work assignment needs for persons who are confined in the jail and are known or determined to be pregnant;
- (19) provide guidelines to sheriffs regarding contracts between a sheriff and another entity for the provision of food services to or the operation of a commissary in a jail under the commission's jurisdiction, including specific provisions regarding conflicts of interest and avoiding the appearance of impropriety; [and]
- (20) adopt reasonable rules and procedures establishing minimum standards for prisoner visitation that provide each prisoner at a county jail with a minimum of two in-person, noncontact visitation periods per week of at least 20 minutes duration each;
 - (21) [(20)] require the sheriff of each county to:
- (A) investigate and verify the veteran status of each prisoner by using data made available from the Veterans Reentry Search Service (VRSS) operated by the United States Department of Veterans Affairs or a similar service; and
- (B) use the data described by Paragraph (A) to assist prisoners who are veterans in applying for federal benefits or compensation for which the prisoners may be eligible under a program administered by the United States Department of Veterans Affairs;
- (22) [(20)] adopt reasonable rules and procedures regarding visitation of a prisoner at a county jail by a guardian, as defined by Section 1002.012, Estates Code, that:
- (A) allow visitation by a guardian to the same extent as the prisoner's next of kin, including placing the guardian on the prisoner's approved visitors list on the guardian's request and providing the guardian access to the prisoner during a facility's standard visitation hours if the prisoner is otherwise eligible to receive visitors; and
- (B) require the guardian to provide the sheriff with letters of guardianship issued as provided by Section 1106.001, Estates Code, before being allowed to visit the prisoner; and
- (23) adopt reasonable rules and procedures to ensure the safety of prisoners, including rules and procedures that require a county jail to:
- (A) give prisoners the ability to access a mental health professional at the jail through a telemental health service 24 hours a day;
- (B) give prisoners the ability to access a health professional at the jail or through a telehealth service 24 hours a day or, if a health professional is unavailable at the jail or through a telehealth service, provide for a prisoner to be transported to access a health professional; and
- (C) if funding is available under Section 511.019, install automated electronic sensors or cameras to ensure accurate and timely in-person checks of cells or groups of cells confining at-risk individuals.

SECTION 3.06. Section 511.009, Government Code, is amended by adding Subsection (d) to read

as follows:

(d) The commission shall adopt reasonable rules and procedures establishing minimum standards regarding the continuity of prescription medications for the care and treatment of prisoners. The rules and procedures shall require that a qualified medical professional shall review as soon as possible any prescription medication a prisoner is taking when the prisoner is taken into custody.

SECTION 3.07. Chapter 511, Government Code, is amended by adding Sections 511.019, 511.020, and 511.021 to read as follows:

Sec. 511.019. PRISONER SAFETY FUND. (a) The prisoner safety fund is a dedicated account in the general revenue fund.

- (b) The prisoner safety fund consists of:
- (1) appropriations of money to the fund by the legislature; and
- (2) gifts, grants, including grants from the federal government, and other donations received for the fund.
- (c) Money in the fund may be appropriated only to the commission to pay for capital improvements that are required under Section 511.009(a)(23).
- (d) The commission by rule may establish a grant program to provide grants to counties to fund capital improvements described by Subsection (c). The commission may only provide a grant to a county for capital improvements to a county jail with a capacity of not more than 96 prisoners.

Sec. 511.020. SERIOUS INCIDENTS REPORT. (a) On or before the fifth day of each month, the sheriff of each county shall report to the commission regarding the occurrence during the preceding month of any of the following incidents involving a prisoner in the county jail:

- (1) a suicide;
- (2) an attempted suicide;
- (3) a death;
- (4) a serious bodily injury, as that term is defined by

Section 1.07, Penal Code;

- (5) an assault;
- (6) an escape;
- (7) a sexual assault; and
- (8) any use of force resulting in bodily injury, as that term is defined by Section 1.07, Penal Code.
 - (b) The commission shall prescribe a form for the report required by Subsection (a).
- (c) The information required to be reported under Subsection (a)(8) may not include the name or other identifying information of a county jailer or jail employee.
- (d) The information reported under Subsection (a) is public information subject to an open records request under Chapter 552.

Sec. 511.021. INDEPENDENT INVESTIGATION OF DEATH OCCURRING IN COUNTY JAIL. (a) On the death of a prisoner in a county jail, the commission shall appoint a law enforcement agency, other

than the local law enforcement agency that operates the county jail, to investigate the death as soon as possible.

- (b) The commission shall adopt any rules necessary relating to the appointment of a law enforcement agency under Subsection
- (a), including rules relating to cooperation between law enforcement agencies and to procedures for handling evidence.

SECTION 3.08. The changes in law made by this article to Article 17.032, Code of Criminal Procedure, apply only to a personal bond that is executed on or after the effective date of this Act. A personal bond executed before the effective date of executed, and the former law is continued in effect for that purpose.

SECTION 3.09. Not later than January 1, 2018, the Commission on Jail Standards shall:

- (1) adopt the rules and procedures required by Section 511.009(d), Government Code, as added by this article, and the rules required by Section 511.021(b), Government Code, as added by this article; and
- (2) prescribe the form required by Section 511.020(b), Government Code, as added by this article.
- SECTION 3.10. Not later than September 1, 2018, the Commission on Jail Standards shall adopt the rules and procedures required by Section 511.009(a)(23), Government Code, as added by this article. On and after September 1, 2020, a county jail shall comply with any rule or procedure adopted by the Commission on Jail Standards under that subdivision.
- SECTION 3.11. To the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to non-substantive additions to and corrections in enacted codes.

ARTICLE 4. PEACE OFFICER AND COUNTY JAILER TRAINING

SECTION 4.01. Chapter 511, Government Code, is amended by adding Section 511.00905 to read as follows:

Sec. 511.00905. JAIL ADMINISTRATOR POSITION; EXAMINATION REQUIRED. (a) The Texas Commission on Law Enforcement shall develop and the commission shall approve an examination for a person assigned to the jail administrator position overseeing a county jail.

- (b) The commission shall adopt rules requiring a person, other than a sheriff, assigned to the jail administrator position overseeing a county jail to pass the examination not later than the 180th day after the date the person is assigned to that position. The rules must provide that a person who fails the examination may be immediately removed from the position and may not be reinstated until the person passes the examination.
- (c) The sheriff of a county shall perform the duties of the jail administrator position at any time there is not a person available who satisfies the examination requirements of this

section.

- (d) A person other than a sheriff may not serve in the jail administrator position of a county jail unless the person satisfies the examination requirement of this section.
- SECTION 4.02. Section 1701.253, Occupations Code, is amended by amending Subsection (j) and adding Subsection (n) to read as follows: commission shall require an officer to complete a 40-hour statewide education and training program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments. An officer shall complete the program not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. An officer may not satisfy the requirements of this subsection [section] or Section 1701.402(g) by taking an online course on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments.
- (n) As part of the minimum curriculum requirements, the commission shall require an officer to complete a statewide education and training program on de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury.

SECTION 4.03. Section 1701.310(a), Occupations Code, is amended to read as follows:

(a) Except as provided by Subsection (e), a person may not be appointed as a county jailer, except on a temporary basis, unless the person has satisfactorily completed a preparatory training program, as required by the commission, in the operation of a county jail at a school operated or licensed by the commission. The training program must consist of at least eight hours of mental health training approved by the commission and the Commission on Jail Standards.

SECTION 4.04. Section 1701.352(b), Occupations Code, is amended to read as follows:

- (b) The commission shall require a state, county, special district, or municipal agency that appoints or employs peace officers to provide each peace officer with a training program at least once every 48 months that is approved by the commission and consists of:
 - (1) topics selected by the agency; and
- (2) for an officer holding only a basic proficiency certificate, not more than 20 hours of education and training that contain curricula incorporating the learning objectives developed by the commission regarding:
- (A) civil rights, racial sensitivity, and cultural diversity;
- (B) de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments; [and]
- (C) de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury; and
- (D) unless determined by the agency head to be inconsistent with the officer's assigned duties:
- (i) the recognition and documentation of cases that involve child abuse or neglect, family violence, and sexual assault; and
 - (ii) issues concerning sex offender characteristics.

SECTION 4.05. Section 1701.402, Occupations Code, is amended by adding Subsection (n) to read

as follows:

- (n) As a requirement for an intermediate proficiency certificate or an advanced proficiency certificate, an officer must complete the education and training program regarding de-escalation techniques to facilitate interaction with members of the public established by the commission under Section 1701.253(n).
- SECTION 4.06. Not later than March 1, 2018, the Texas Commission on Law Enforcement shall develop and the Commission on Jail Standards shall approve the examination required by Section 511.00905, Government Code, as added by this article.
- SECTION 4.07. (a) Not later than March 1, 2018, the Texas Commission on Law Enforcement shall establish or modify training programs as necessary to comply with Section 1701.253, Occupations Code, as amended by this article.
- (b) The minimum curriculum requirements under Section 1701.253(j), Occupations Code, as amended by this article, apply only to a peace officer who first begins to satisfy those requirements on or after April 1, 2018.
- SECTION 4.08. (a) Section 1701.310, Occupations Code, as amended by this article, takes effect January 1, 2018.
- (b) A person in the position of county jailer on September 1, 2017, must comply with Section 1701.310(a), Occupations Code, as amended by this article, not later than August 31, 2021.

ARTICLE 5. MOTOR VEHICLE STOPS, RACIAL PROFILING, AND ISSUANCE OF CITATIONS

- SECTION 5.01. Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (b) and (d) and adding Subsection (h) to read as follows:
- (b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:
 - (1) clearly define acts constituting racial profiling;
- (2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;
- (3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
- (4) provide public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;
- (5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;
- (6) require collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information

relating to:

- (A) the race or ethnicity of the individual detained;
- (B) whether a search was conducted and, if so, whether the individual detained consented to the search; [and]
- (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
- (D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;
- (E) the location of the stop; and
- (F) the reason for the stop; and
- (7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
- (A) the Texas Commission on Law Enforcement; and
- (B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.
- (d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. The agency also shall examine the feasibility of equipping each peace officer who regularly detains or stops motor vehicles with a body worn camera, as that term is defined by Section 1701.651, Occupations Code. If a law enforcement agency installs video or audio equipment or equips peace officers with body worn cameras as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.
- (h) A law enforcement agency shall review the data collected under Subsection (b)(6) to identify any improvements the agency could make in its practices and policies regarding motor vehicle stops.

SECTION 5.02. Article 2.133, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

- (b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including:
- (1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:
- (A) the person's gender; and
- (B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;
 - (2) the initial reason for the stop;
- (3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;
 - (4) whether any contraband or other evidence was discovered in the course of the search

and a description of the contraband or evidence;

- (5) the reason for the search, including whether:
- (A) any contraband or other evidence was in plain view;
- (B) any probable cause or reasonable suspicion existed to perform the search; or
- (C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;
- (6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;
 - (7) the street address or approximate location of the stop; [and]
- (8) whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and
- (9) whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.
- (c) The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (b)

to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

SECTION 5.03. Article 2.134(c), Code of Criminal Procedure, is amended to read as follows:

- (c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:
 - (1) a comparative analysis of the information compiled under Article 2.133 to:
- (A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities; [and]
- (B) examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and
- (C) evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and
- (2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

SECTION 5.04. Article 2.137, Code of Criminal Procedure, is amended to read as follows:

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT. (a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship,

available revenue, and budget surpluses. The criteria must give priority to:

- (1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;
 - (2) smaller jurisdictions; and
 - (3) municipal and county law enforcement agencies.
- (b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)]. The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.
- (c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.
- (d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has taken the necessary actions to use and is using [installed] video and audio equipment and body worn cameras for those purposes [as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1)].

SECTION 5.05. Article 2.1385(a), Code of Criminal Procedure, is amended to read as follows:

(a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in an [the] amount not to exceed \$5,000 [of \$1,000] for each violation. The attorney general may sue to collect a civil penalty under this subsection.

SECTION 5.06. Article 2.135, Code of Criminal Procedure, is repealed.

SECTION 5.07. Articles 2.132 and 2.134, Code of Criminal Procedure, as amended by this article, apply only to a report covering a calendar year beginning on or after January 1, 2018.

SECTION 5.08. Not later than September 1, 2018, the Texas Commission on Law Enforcement shall:

- (1) evaluate and change the guidelines for compiling and reporting information required under Article 2.134, Code of Criminal Procedure, as amended by this article, to enable the guidelines to better withstand academic scrutiny; and
 - (2) make accessible online:
- (A) a downloadable format of any information submitted under Article 2.134(b), Code of Criminal

,	oublic disclosure under Chapter 552, Government Co g to the information to make the information ct takes effect September 1, 2017.	,
·	President	of the
Senate Speaker of the House		
I hereby certify that S.B. No. 1849 p Yeas 31, Nays 0.	passed the Senate on May 11, 2017, by the followin	ng vote:
Secretary	y of the Senate	
I hereby certify that S.B. No. 184	9 passed the House on May 20, 2017, by the following	าg vote:
Yeas 137, Nays 0, one present not vo	oting.	
ARTICLE 6. EFFECTIVE DATE		
SECTION 6.01. Except as otherwise p	provided by this Act,	
Approved:		
Date	-	
Governor	-	
Chief Clerk of the House	-	

ROCKWALL POLICE DEPARTMENT RACIAL PROFILING POLICY

- supervisor. All employees shall maintain a telephone either at their residence or a cell phone on their person.
- F. An employee shall not feign illness or injury. If injured or ill when duty has been scheduled, the employee shall remain at his residence except to consult a physician, attend a medical facility, or obtain prescriptions. If convalescence is to be at a location other than their residence, they will notify the department.
- G. Except in emergencies, an employee shall not leave a post, beat or other assignment without having been properly relieved. An employee, who has cause to leave his post, beat or other assignment because of an emergency without being relieved shall notify or cause notification of his supervisor as soon as possible of the absence, the reason for it, and the employee's present whereabouts and activity.
- H. Every employee receiving a subpoena or instructions to appear in court or at any hearing shall do so at the time and place designated. An employee who is unable to comply will notify or cause to be notified his supervisor and the appropriate court as soon as possible.
- Employees shall advise their supervisors of any unusual activity, situations, or problem in which
 the department would logically be concerned.
- J. Except when other duties prevent it, officers shall patrol and take enforcement actions in accordance with the tenets of selective enforcement aimed at accident reduction.
- K. Whenever it is reasonably possible, all required reports or forms relating to daily activities, such as citations, accident investigations, recovered or stored vehicles, arrests, radio transmissions and assignments, shall be completed and submitted at the end of the tour of duty during which such activities were performed by the employee responsible for such reports. When such completion and submission is not possible, reports shall be submitted in preliminary form and shall be completed during the next tour of duty unless a supervisor directs otherwise.

411.00 DEPARTMENTAL RIGHT TO ENTER AND INSPECT

- A. Employees may be assigned department-owned vehicles, lockers, desks, file cabinets, and/or similar equipment. The department does not relinquish its control of rights to such items and reserves the right to enter and inspect the aforementioned property. Employees shall have no expectation of privacy in the above property.
- B. Supervisory staff may conduct inspections as they deem necessary.

412.00 BIAS BASED PROFILING

The purpose of this policy is to reaffirm the Rockwall Police Department's commitment to unbiased policing in all its encounters between officer and any person, to reinforce procedures that serve to ensure public confidence and mutual trust through the provision of services in a fair and equitable fashion, and to protect our officers from unwarranted accusations of misconduct when they act within the dictates of departmental policy and the law.

- A. It is the policy of this department to police in a proactive manner and, to aggressively investigate suspected violations of the law. Officers shall actively enforce state and federal laws in a responsible and professional manner, without regard to race, ethnicity or national origin. Officers are strictly prohibited from engaging in bias based profiling, and especially bias based profiling as defined in this policy. Bias based profiling is an unacceptable police tactic and will not be condoned.
- B. This General Order is adopted in compliance with requirements of Articles 2.131 through 2.138, Texas Code of Criminal Procedure, which prohibits Texas peace officers from engaging in bias based profiling.

412.01 DEFINITIONS

- A. <u>Bias Based Profiling</u> A law enforcement-initiated action based on an individual's cultural group, sexual orientation, economic status, age, gender, background, or any other identifiable group rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. Bias based profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complainants, persons needing assistance or other citizen contacts.
- B. Race or Ethnicity Persons of particular descent, including Alaska Native or American Indian, White, Black, Hispanic or Latino, Asian or Pacific Islander.
- C. <u>Acts Constituting Bias Based Profiling</u> Acts initiating law enforcement action, such as a traffic stop, a detention, a search, issuance of a citation or an arrest based solely upon an individual's race, ethnicity or national origin or on the basis of racial or ethnic stereotypes, rather than upon the individual's behavior, information identifying the individual as having possibly engaged in criminal activity, or other lawful reasons for the law enforcement action.
- Motor Vehicle Contacts Means an occasion in which a peace officer stops a motor vehicle for an alleged violation of law or ordinance.

412.02 PROHIBITION

- A. Officers of the Rockwall Police Department are strictly prohibited from engaging in bias based profiling. The prohibition against bias based profiling does not preclude the use of race, ethnicity or national origin as factors in such a decision when used as part of a description of a suspect or witness for whom an officer is searching.
- B. Officers of the Rockwall Police Department shall not engage in profiling based solely on gender, sexual orientation, religion, economic status, age, culture or any other identifiable group.

412.03 COMPLAINT PROCESS

- A. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because they filed such a complaint.
- B. Any person who believes that a peace officer employed by the Rockwall Police Department has engaged in bias based profiling with respect to that person, may file a complaint in accordance with the provisions of General Order 507, Complaint Processing and Investigation.
 - An employee who is contacted regarding a complaint against an officer shall follow the procedures set forth in General Orders 507, Section 507.01, Action upon Receipt of Complaint.
 - Citizens who appear in person wishing to file a complaint shall be provided with a
 departmental brochure, "Bias Based Profiling Complaint Procedures". Brochures are
 maintained in the Rockwall Police Department lobby and at Rockwall City Hall. Citizens may
 also be directed to the departmental website to file a complaint.
- C. Any supervisor who becomes aware of an alleged or suspected violation of the General Order shall report the alleged violation in accordance with General Order 504, Responsibilities in Internal Complaints, Section 504.01, Supervisors Responsibilities.
- D. Complaints of bias based profiling shall be investigated by the Internal Affairs Division, unless otherwise directed by the Chief of Police. A log of all Bias based profiling Complaints will be maintained by the Internal Affairs Division.

412.04 DISCIPLINARY AND CORRECTIVE ACTIONS

A. Any officer of this department, who is found, after investigation, to have engaged in bias based profiling in violation of the General Order, may be subject to disciplinary action, up to and

including termination. Disciplinary or corrective actions may include diversity, sensitivity or other appropriate training or counseling, as determined by the Chief of Police.

412.05 PUBLIC EDUCATION

- A. This department shall provide education to the public concerning the bias based profiling complaint process. The primary method of public education shall be through a brochure, "Bias Based Profiling Complaint Procedures", which are maintained in the lobby of the Rockwall Police Department and at the Rockwall City Hall. These brochures are available in both English and Spanish versions. Other education methods may be utilized to inform the public include local newspapers, news media, service or civic presentations, the Internet, as well as City Council Meetings.
- B. This department shall provide public education relating to our agency's compliment and complaint process, including providing the:
 - 1. Telephone number
 - 2. Mailing address
 - 3. Email address

412.06 COLLECTION OF INFORMATION AND ANNUAL REPORT WHEN CITATION ISSUED, ARREST MADE, OR WARNING ISSUED

- A. For each motor vehicle contact in which a citation or warning is issued and/or for each arrest resulting from a motor vehicle contact, an officer involved in the stop shall collect the following information:
 - 1. The physical description of any person operating the motor vehicle who is being detained as well as a result of the stop, including:
 - a. Gender
 - b. Race or Ethnicity (as stated by the person or as determined by the officer to the best of the officer's ability)
 - Race or Ethnicity means the following categories:
 - a. White
 - b. Black
 - c. Hispanic or Latino
 - d. Asian or Pacific Islander
 - e. Alaska Native or American Indian
 - 3. Initial reason for the stop:
 - a. Violation of the law
 - b. Pre-existing knowledge (i.e. warrant)
 - c. Moving Traffic Violation
 - d. Vehicle Traffic Violation (Equipment, Inspection, Registration)
 - 4. If a search was conducted as a result of the stop?
 - a. If so, did the person detained consent to the search?
 - 5. Was contraband or other evidence discovered as a result of the search?
 - 6. Description of the contraband or evidence found?
 - a. Illegal drugs/drug paraphernalia
 - b. Currency
 - c. Weapons
 - d. Alcohol
 - e. Stolen Property

- f. Other
- 7. Reason for search:
 - a. Consent
 - b. Contraband/Evidence in Plain Sight
 - c. Probable Cause or Reasonable Suspicion
 - d. Inventory Search Performed as a Result of Towing
 - e. Incident to Arrest/Warrant
- 8. Information on arrests:
 - a. Did officer make an arrest as a result of the stop or search?
 - b. Reasons for Arrest:
 - Violation of Penal Code
 - ii. Violation of Traffic Law
 - iii. Violation of City Ordinance
 - iv. Outstanding Warrant
- 9. Street address or approximate location of the stop:
 - a. City Street
 - b. US Highway
 - c. County Road
 - d. Private Property or Other
- 10. Verbal or Written Warning or a Ticket or Citation as a result of the stop?
- 11. Whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code ("means physical pain, illness, or any impairment of physical condition"), during the stop;
 - a. The location of the stop, and
 - b. The reason for the stop
- B. The information collected shall be entered in to a database by entering Bias Based Profiling data utilizing the in-car Mobile Data Computer (MDC) or the computers available in the department. All contacts requiring Bias Based Profiling data collection must be entered.
 - 1. In the event the data is unable to be collected electronically, the data will be recorded on temporary forms and entered in the database at a later date.
- C. The Assistant Chief of Police shall ensure all Bias Based Profiling Data is collected and reported to the Chief of Police. The data collected shall be compiled in an annual report covering the period January 1 through December 31 of each year, and shall be submitted to the governing body of the City of Rockwall no later than March 1 of the following year. The report must include:
 - 1. A comparative analysis of the information compiled (under Article 2.133):
 - Evaluate and compare the number of motor vehicle stops, within the applicable
 jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who
 are not recognized as racial or ethnic minorities;
 - Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction;
 - c. Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches (SEARCH ANALYSIS).
 - Information related to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.
 - 3. Number of searches that were consensual;

- 4. Number of citations that resulted in custodial arrest; and
- 5. Public education efforts concerning the Bias Based Profiling complaint process.
- D. The annual report shall not include identifying information about any individual stopped or arrested, and shall not include identifying information about any peace officer involved in a stop or arrest.
- E. Bias based profiling Data will also be reported to the Texas Commission on Law Enforcement (TCOLE) by March 1 of each year, following the Commission's prescribed format.

412.07 AUDIO AND VIDEO EQUIPMENT

- A. Each motor vehicle regularly used by this department to make motor vehicle contacts shall be equipped with a mobile video camera system capable of recording video and audio, and each motorcycle regularly used by this department to make motor vehicle contacts shall be equipped with video and audio recording equipment.
- B. Each motor vehicle contact made by an officer of this department capable of being recorded by video and audio, shall be recorded, both on the in car video and issued body worn camera.
- C. Supervisors and officers shall ensure that mobile video camera equipment and/or audio equipment is properly functioning prior to commencing their tour of duty. Police units with malfunctioning or inoperable mobile video camera equipment shall not be utilized under normal circumstances.
- D. This department shall retain the video and audiotape of each motor vehicle stop. If a complaint is filed with this department alleging that one of our officers has engaged in bias based profiling with respect to a motor vehicle contact, this department shall retain the video and audiotapes, or the audiotape of the stop until final disposition of the complaint.

412.08 REVIEW OF VIDEO AND AUDIO DOCUMENTATION

- A. The Patrol Lieutenants shall ensure that all audio and recordings are properly stored and retained in accordance with applicable laws and this General Order.
- B. If a complaint is received alleging that an officer has engaged in bias based profiling, the audio/video recording shall be forwarded through the Chain of Command to the Internal Affairs Division. The Internal Affairs Division shall retain the video until final disposition of the complaint has been made.
- C. Supervisors will ensure officers of this department are recording their motor vehicle contacts. A recording of each officer will be reviewed at least once every thirty (30) days.
 - 1. Written documentation shall include:
 - a. The names of the officers whose contacts were reviewed;
 - b. The date(s) of the videos reviewed;
 - c. The date the actual review was conducted; and
 - d. The name of the person conducting the review.
 - The Patrol Division Lieutenants shall forward the required documentation to the Internal Affairs Division.
 - 3. The Internal Affairs Division shall maintain a file of all video review documentation performed, in compliance with this General Order.
- D. In reviewing audio and video recordings, the Patrol Division Lieutenant or his designee, shall seek to determine if the officer(s) reviewed have engaged in a pattern of Bias Based Profiling, which includes multiple acts constituting bias based profiling for which there no reasonable, credible explanation is based on established police and law enforcement procedures.
- E. This agency shall review the data collected to identify any improvements this agency could make in its practices and policies regarding motor vehicle stops.

412.09 TRAINING

- A. Each peace officer employed by the department shall complete the comprehensive education and training program on bias based profiling established by the Texas Commission of Law Enforcement (TCOLE) no later than the second anniversary of the date the officer was licensed, or the date the officer applies for an Intermediate Proficiency Certificate, whichever date is earlier. A person, who on September 1, 2001, held a TCOLE Intermediate Proficiency Certificate, or who had held a peace officer license issued by TCOLE for at least two years, shall complete a TCOLE training and education program on bias based profiling not later than September 1, 2003.
- B. The Chief of Police shall, in completing the training required by Section 96.941, Texas Education Code, complete the program on Bias Based Profiling established by the Bill Blackwood Law Enforcement Management Institute of Texas (LEMIT), not later than September 1, 2003.

500.00 INTERNAL INVESTIGATIONS AND DISCIPLINARY PROCESS

501.00 PHILOSOPHY OF DISCIPLINE

- A. The Chief of Police is charged with the responsibility and has the authority to maintain discipline within the Department. The policy of the Rockwall Police Department is to provide citizens with a fair and effective avenue of redress with their legitimate grievances against members of this Department. At the same time, members of this Department must be protected from false charges of misconduct or wrongdoing, and must be provided with *due process* safeguards. The Department seeks to maintain its integrity and that of its employees. In doing so, the Department will not hesitate to impose severe disciplinary actions on those found guilty of any violation such as untruthfulness or dishonesty, which is contrary to the ethics of this Department. The Department will remove from employment those individuals who prove to be unfit for their assignment and dismiss unjustified allegations against innocent members of this Department.
- B. All members will comply with City and Department rules, regulations, directives and orders. Employees will be held strictly accountable for properly exercising the authority they have been given to protect the rights, lives, and the property of individuals.
- C. The Rockwall Police Department is committed to providing high quality law enforcement services applied efficiently, fairly, impartially, and with empathy. In doing so, employees are held to the highest standards of official and professional conduct and are expected to respect the rights of all citizens. Employees' voluntary adherence to these standards, motivated by an ethical obligation to perform their job to the best of their ability, is eminently desirable and an ultimate objective to this Department.
- D. If an employee does not adhere to the standards of official conduct, either through deliberate action or negligence, corrective action will be applied in a prompt and certain manner. This corrective action will be applied consistently and fairly to all employees at all times.

502.00 REQUIREMENTS FOR MAKING COMPLAINTS

- A. Personnel complaints will be handled in accordance with the Texas Government Code, Section 614.021 – 614.023.
 - A signed letter of complaint will be sufficient after verifying that it is not a fictitious letter signed with a fictitious name.
 - A signed memo to the Chief from a supervisor, or other employee, who is aware of the facts of an incident will fulfill the requirements for an internally originated complaint.
- B. Complaints will not be accepted more than sixty (60) days after the alleged incident with the following exceptions:
 - 1. The complaint involves a criminal matter in which the statute of limitations will prevail;
 - 2. The complainant can show good cause;
 - 3. The complainant alleges racial profiling from a traffic stop. The Texas Code of Criminal Procedure Art. 2.135 requires law enforcement agencies to retain audio and video recordings for ninety (90) days and longer until the final disposition of any complaint. For that reason, allegations of racial profiling will be accepted up to ninety (90) days following the incident.

C. Complaint Restrictions

- Complaints related to differences of opinion over the issuance of a traffic citation will not be investigated;
- 2. Complaints relative to the difference of opinion over guilt or innocence of a citizen will not be investigated, but will be properly adjudicated within the judicial system;
- 3. Complaints involving a citizens' misunderstanding of Department Policy, which can be explained and resolved by a supervisor; or
- Complaints relative to differences of opinion regarding contributing factors listed on an accident report will not be investigated.

- The Incident Section is intended to capture basic information about the pursuit and conditions.
- The Police Personnel Section is intended to capture information about any police officers and/or supervisors actually involved in the pursuit or involved in the management of the pursuit.
- The Other Persons Section is intended to capture information about any persons involved in or injured as a result of the pursuit.
- 4. The Reporting Officer's Narrative Section is intended to capture narrative details about the decision to initiate the pursuit, continue/discontinue it and how/why it ended or any other narrative information that may be required. It is not necessary to repeat any information that is already in this report or documented in any attached, associated report.

B. The Supervisor Review:

- The Supervisor Review is intended to capture additional information about the initiating
 officer, the officer's assignment, property damage assessment, policy violations, reviewing
 supervisor's comments and/or conclusions and forward through the chain of command.
- 2. The Controlling Supervisor's Narrative (Supervisor on duty) is intended to capture narrative details regarding policy violations, property damage, other agency involvement, Interjurisdictional pursuit agreement violation(s), your conclusion, and other pertinent information. The controlling supervisor will forward a copy of the form to the initiating officer's immediate supervisor.
- 3. Policy Violations is intended to capture information about alleged policy violations committed by any officer listed on the front of the form.
- 4. Chain of Command Review is intended to capture information regarding the chain review of the pursuit and space for reviewing supervisor's comments and/or conclusions. The Intermediate Supervisor is defined as the Division Commander (Patrol Lieutenant), Assistant Chief and the Chief.

C. Annual Pursuit Report

- 1. Every calendar year, an annual report will be completed by the Patrol Division Commander documenting the number of incidents requiring a Pursuit Report. This annual report will be completed and forwarded through the chain of command to the Chief of Police no later than the 15th day of February of the following calendar year.
- 2. The report will include any identified trends in use of force by agency personnel, as well as identified training or equipment needs, and any recommendations to policy revisions.

308.10 EMERGENCY ESCORTS

- A. An emergency escort is the use of an emergency vehicle to lead other non-emergency vehicles on the roadway. Because of the hazard and liability, this department does not permit emergency escorts. If necessary, an officer may lead a motorist to a destination if that is appropriate and a judicious use of time, but not doing so using emergency equipment. The motorist should be advised that such assistance does not allow violation of any laws.
- B. A supervisor on duty will determine a code response to be utilized for police vehicles while escorting dignitaries or other processions.

309.00 MOBILE VIDEO RECORDING EQUIPMENT

309.01 USE OF EQUIPMENT

A. Mobile video/audio equipment has proven valuable in the prosecution of traffic violations and related offenses; in evaluation of officer performance; and in training. In order to ensure the most

efficient and effective use of MVR equipment, officers shall follow the procedures set forth in this directive.

309.02 DEFINITIONS:

- A. MVR Mobile Video/Audio Recording equipment
- B. PVR Portable Video/Audio Recording equipment

309.03 PROCEDURES

A. Program Objectives

The Rockwall Police Department has adopted the use of in-car video/audio recording systems in order to accomplish several objectives. The objectives include, but are not limited to:

- 1. The enhancement of officer safety;
- The enhancement of officer reporting, evidence collection, and court testimony through audio/video documentation of events, actions, conditions, and statements made during arrests and critical incidents:
- The enhanced ability to review probable cause for arrest, arrest procedures, officer and suspect interaction, and evidence for investigative purposes;
- 4. The protection from false claims of impropriety; and
- 5. For officer evaluation and training.

B. General Statements

- 1. All patrol vehicles are equipped with MVR systems.
- The MVR will automatically activate when the vehicle's emergency warning devices are in operation and will remain in operation until the conclusion of the incident. An officer may not deactivate the MVR video during an incident unless approved by a supervisor.
- 3. The MVR equipment may be manually deactivated during non-enforcement activities such as when protecting accident scenes from other vehicular traffic, during parades, escorts, etc.
- Recordings are to be used for official use only and copies must be obtained only through formal channels specified by this directive.

C. Applications

Shall Use To:

- Record all traffic stops:
- 2. Record all enforcement actions;
- 3. Record the actions of suspects during calls for service, interviews, and sobriety checks; and
- 4. Record family violence/disturbance calls.

May Use To:

- Document the circumstances at crime and accident scenes or other events such as confiscation and documentation of evidence or contraband; and
- 2. During other circumstances in which documentation of the suspect's or officer's actions may prove to be useful in court.

D. Officer Responsibilities

- MVR equipment installed in vehicles is the responsibility of the officer assigned to the vehicle and will be maintained according to manufacturer's recommendation.
- 2. At the beginning of each shift, officers shall determine whether the MVR equipment is working satisfactorily by doing the following:
 - a. Officers will log into the MVR system using their name and password;

- Ensure the body cam is synced with the MVR system and working properly in order to capture audio;
- c. Confirm the camera is properly positioned in order to capture incidents; and
- d. Report any problem to the attention of their immediate supervisor. If another vehicle with a properly functioning MVR is available, the officer will change vehicles.
- 3. When an enforcement action has been taken, the officer must mark the recording when prompted to do so upon completion of the incident.
 - a. On traffic stops, officers will clear the system with Citation or Warning.
 - b. On pursuits, officers will clear the system with Pursuit.
 - c. On arrests, officers will clear the system with Class C or Class B and above.
 - d. For Class B and above arrests, the case number and the defendant's last name must be entered into the system.
 - e. Officers will also note in their offense report narrative and/or supplements whether or not the incident was captured on the MVR and if the incident was not captured, officers will explain the reason for not recording the incident, i.e.; equipment malfunction, distance from recording unit, etc.
 - f. All MVR systems are set up to auto upload the recordings. Officers are responsible for making sure recordings are uploaded by the end of their shift.
 - g. If recordings do no upload properly, the officer will notify the shift supervisor in order to complete a manual upload.

4. Portable Video/Audio Recorders

- Motorcycle officers and other assigned officers are issued PVR units that can be worn on their uniform.
- Officers will activate the PVR during the same circumstances as outlined for the MVR systems.
- c. Officers will download the PVR at the Police Department prior to the end of their shift.

309.04 MANAGEMENT OF RECORDINGS

A. Evidentiary

- 1. Recordings for Class C citations/arrests are maintained for a period of one year.
- 2. Recordings for Class B and above arrests are maintained for a period of two years.
- 3. Recordings of pursuits are maintained for a period of two years.

B. Non-Evidentiary

- Recordings not scheduled for court proceedings or departmental uses shall be maintained for a minimum of a 90 day period.
- Officers may request a copy of a recording for training and/or demonstration purposes. These requests must be forwarded to a patrol lieutenant for approval.

C. Public Information Act Request

- Recordings will be considered subject to Public Information Act requests as any other police record.
- 2. Requests are to be directed to the Records Department.
- The Records Department Supervisor will be responsible for determining to what extent the contents of the recording are to be released.





For additional questions regarding the information presented in this report, please contact:

Del Carmen Consulting®
817.681.7840
www.texasracialprofiling.com
www.delcarmenconsulting.com

<u>Disclaimer</u>: The author of this report, Alejandro del Carmen/del Carmen Consulting ®, is not liable for any omissions or errors committed in the acquisition, analysis, or creation of this report. Further, Dr. del Carmen/del Carmen Consulting ® is not responsible for the inappropriate use and distribution of information contained in this report. Further, no liability shall be incurred as a result of any harm that may be caused to individuals and/or organizations as a result of the information contained in this report.

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MEMORANDUM

TO: Mary Smith, City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: February 22, 2022

SUBJECT: P2022-003; FINAL PLAT FOR NELSON LAKE SUBDIVISION

Attachments
Case Memo
Development Application
Location Map
Final Plat

Summary/Background Information

Consider a request by Chase Finch of Corwin Engineering, Inc. on behalf of Kyle Tressler of Qualico Development (US), Inc. for the approval of a *Final Plat* for the Nelson Lake Subdivision being a 120.90-acre tract of land identified as Tract 2 of the J. M. Gass Survey, Abstract No. 88, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 90 (PD-90) for Single-Family 10 (SF-10) District land uses, generally located at the southeast corner of the intersection of FM-1141 and FM-552, and take any action necessary.

Action Needed

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



TO: Mayor and City Council
DATE: February 22, 2022

APPLICANT: Chase Finch, Corwin Engineering, Inc.

CASE NUMBER: P2022-003; Final Plat for Nelson Lake Subdivision

SUMMARY

Consider a request by Chase Finch of Corwin Engineering, Inc. on behalf of Kyle Tressler of Qualico Development (US), Inc. for the approval of a Final Plat for the Nelson Lake Subdivision being a 120.90-acre tract of land identified as Tract 2 of the J. M. Gass Survey, Abstract No. 88, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 90 (PD-90) for Single-Family 10 (SF-10) District land uses, generally located at the southeast corner of the intersection of FM-1141 and FM-552, and take any action necessary.

PLAT INFORMATION

- ☑ The applicant is requesting the approval of a <u>Final Plat</u> for a 120.60-acre parcel of land (i.e. Tract 2 of the J. M. Gass Survey, Abstract No. 88) for the purpose of establishing the Nelson Lake Subdivision. The single-family residential subdivision will consist of 260 single-family homes that are zoned Planned Development District 90 (PD-90) for Single-Family 10 (SF-10) District land uses. The site is generally located at the southeast corner of the intersection of FM-1141 and FM-552. It should be noted that the applicant has submitted a site plan [i.e. Case No. SP2022-001] concurrently with this final plat that shows the subdivision's amenities, landscaping, and hardscape plans.
- ☑ The subject property was annexed by the City Council on August 30, 1999 by Ordinance No. 99-33. At the time of annexation, the subject property was zoned Agricultural (AG) District. On April 4, 2005, the City Council approved Ordinance No. 05-16 [Case No. Z2005-007] changing the zoning of the subject property from an Agricultural (AG) District to a Neighborhood Services (NS) District and a Single-Family 16 (SF-16) District. The property remained zoned Neighborhood Services (NS) District and Single-Family 16 (SF-16) District until the City Council adopted Planned Development District 90 (PD-90) [Ordinance No. 21-09] on February 1, 2021. On April 19, 2021, the City Council approved a preliminary plat [Case No. P2021-014] for the subject property.
- On February 1, 2022, the Parks and Recreation Board reviewed the *Final Plat* and made the following recommendations concerning the proposed subdivision:
 - (1) The property owner shall pay pro-rata equipment fees of \$257,920.00 (*i.e.* \$992.00 x 260 Lots), which will be due prior to the issuance of a building permit.
 - (2) The property owner shall pay cash-in-lieu of land fees of \$272,480.00 (i.e. \$1,048.00 x 260 Lots), which will be due prior to the issuance of a building permit.
- ☑ The surveyor has completed the majority of the technical revisions requested by staff, and this <u>Final Plat</u> -- conforming to the requirements for plats as stipulated by the <u>Subdivision Ordinance</u> in the <u>Municipal Code</u> of <u>Ordinances</u> -- is recommended for conditional approval pending the completion of final technical modifications and submittal requirements.
- Conditional approval of this <u>Final Plat</u> by the City Council shall constitute approval subject to the conditions stipulated in the Conditions of Approval section below.

☑ With the exception of the items listed in the *Conditions of Approval* section of this case memo, this plat is in substantial compliance with the requirements of the *Subdivision Ordinance* in the Municipal Code of Ordinances.

CONDITIONS OF APPROVAL

If the City Council chooses to approve the <u>Final Plat</u> for the **Nelson Lakes Subdivision**, staff would propose the following conditions of approval:

- (1) All technical comments from City Staff (*i.e. Engineering, Planning and Fire Department*) shall be addressed prior to submittal of civil engineering plans;
- (2) The development of the subject property shall adhere to the recommendations made by Parks and Recreation Board; and,
- (3) Any construction resulting from the approval of this <u>Final Plat</u> 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 February 15, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the Final Plat by a vote of 7-0.



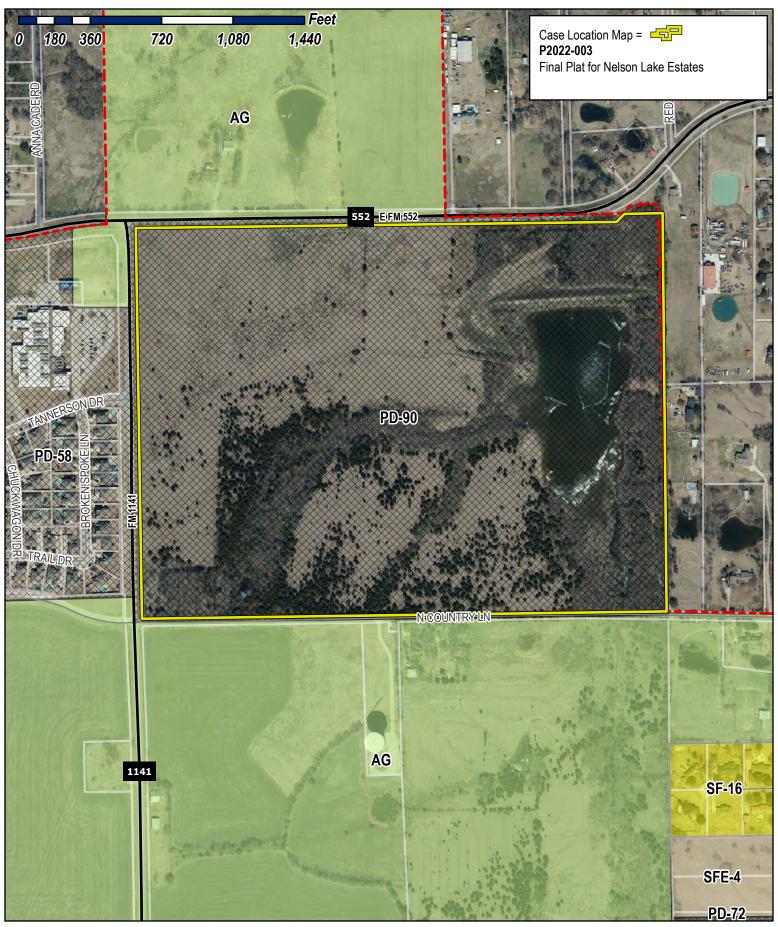
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

DEVELOPMENT APPLICATION

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

1	PLANNING & ZONING CASE NO.
1	NOTE: THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.
i	DIRECTOR OF PLANNING:

	Rockwall, Texas 75087			CITY ENGINEER:				
PLEASE CHECK THE A	PPROPRIATE BOX BELOW TO INDICA	ATE THE TYPE OF	DEVELOPMEN	T REQUES	T [SELECT ONLY	ONE BOXI:		=
PLATTING APPLICA MASTER PLAT (\$ PRELIMINARY PL FINAL PLAT (\$300.00 AMENDING OR M PLAT REINSTATE SITE PLAN APPLICA SITE PLAN (\$250 AMENDED SITE I	TOURING APPLICATION FEES: □ ZONING CHANGE (\$200.00 + \$15.00 ACRE) □ SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) □ PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) □ OTHER APPLICATION FEES: □ TREE REMOVAL (\$75.00) □ VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) □ VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) ○ NOTES: □ 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. □ 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 INFO	RMATION [PLEASE PRINT]							
ADDRESS		1141						
SUBDIVISION	Nelson Lakes				LOT		BLOCK	
GENERAL LOCATION								
ONING, SITE PL	AN AND PLATTING INFORM	IATION (PLEASE	E PRINT]					
CURRENT ZONING			CURRENT	USE				
PROPOSED ZONING			PROPOSED	USE				
ACREAGE	120.900	LOTS [CURRENT]			LOTS [PRO	OPOSED]	260	
REGARD TO ITS A	PLATS: BY CHECKING THIS BOX YOU A PPROVAL PROCESS, AND FAILURE TO A ENIAL OF YOUR CASE.							
OWNER/APPLICA	NT/AGENT INFORMATION [PLEASE PRINT/CHE	ECK THE PRIMARY	CONTACT	ORIGINAL SIGNAT	URES ARE R	EQUIRED]	
☐ OWNER	Qualico Development(U.S	i.), Inc.	☐ APPLICA	ANT	Corwin Engi	neering, I	nc.	
CONTACT PERSON	Kyle Tressler		CONTACT PERS	ON	Chase Finch			
ADDRESS	6950 TPC Drive, Ste. 350	i e	ADDRE	SS	200 W. Belm	ont, Ste.	E	
CITY, STATE & ZIP	McKinney, Texas 75070		CITY, STATE &	ZIP	Allen, Texas	75013		
PHONE	469-659-6152		PHO	NE	972-396-120	00		
E-MAIL	kyle.tressler@qualico.com		E-M	AIL	cfinch@con	winengine	eering.com	
STATED THE INFORMATION	SIGNED AUTHORITY, ON THIS DAY PERSON ON THIS APPLICATION TO BE TRUE AN AM THE OWNER FOR THE PURPOSE OF TH	ND CERTIFIED THE HIS APPLICATION; AL	FOLLOWING: L INFORMATION SU		EREIN IS TRUE AND	CORRECT; AN	THE UNDERSIGNED, WE	
	TO COVER THE COST OF THI ,20 A BY SIGNING THIS AF O WITHIN THIS APPLICATION TO THE PUE ON WITH THIS APPLICATION, IF SUCH REPR	PPLICATION, I AGRE BLIC. THE CITY IS	E THAT THE CITY ALSO AUTHORIZE	OF ROCKWA D AND PER	LL (I.E. "CITY") IS A MITTED TO REPRO	UTHORIZED A DDUCE ANY C BLIC INFORMA	OPYRIGHTED INFORMATION	DE
GIVEN UNDER MY HAND	AND SEAL OF OFFICE ON THIS THE	DAY OF Clan	ward.	20002		Notary ID	0 #124316105 hission Expires	1

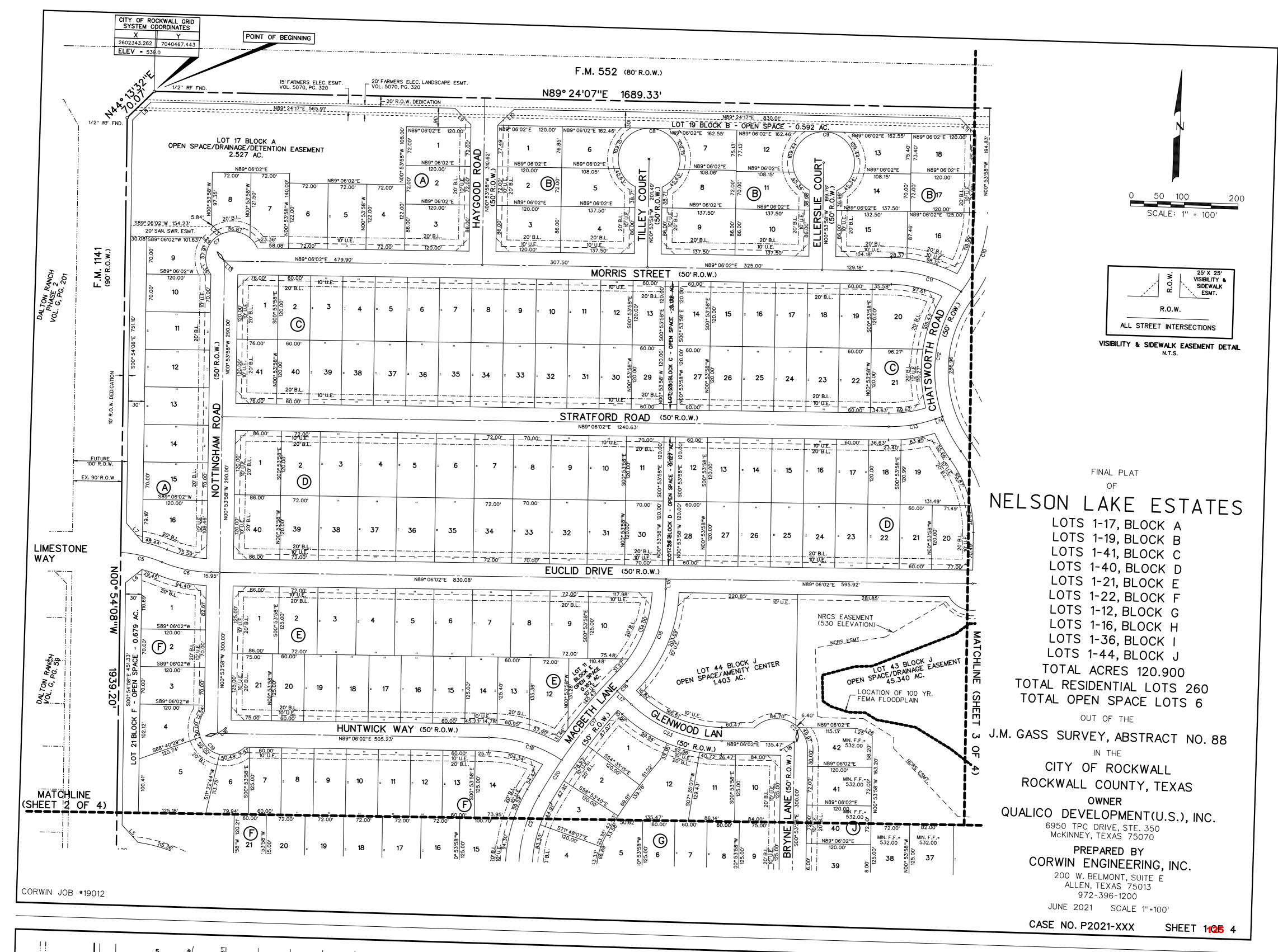


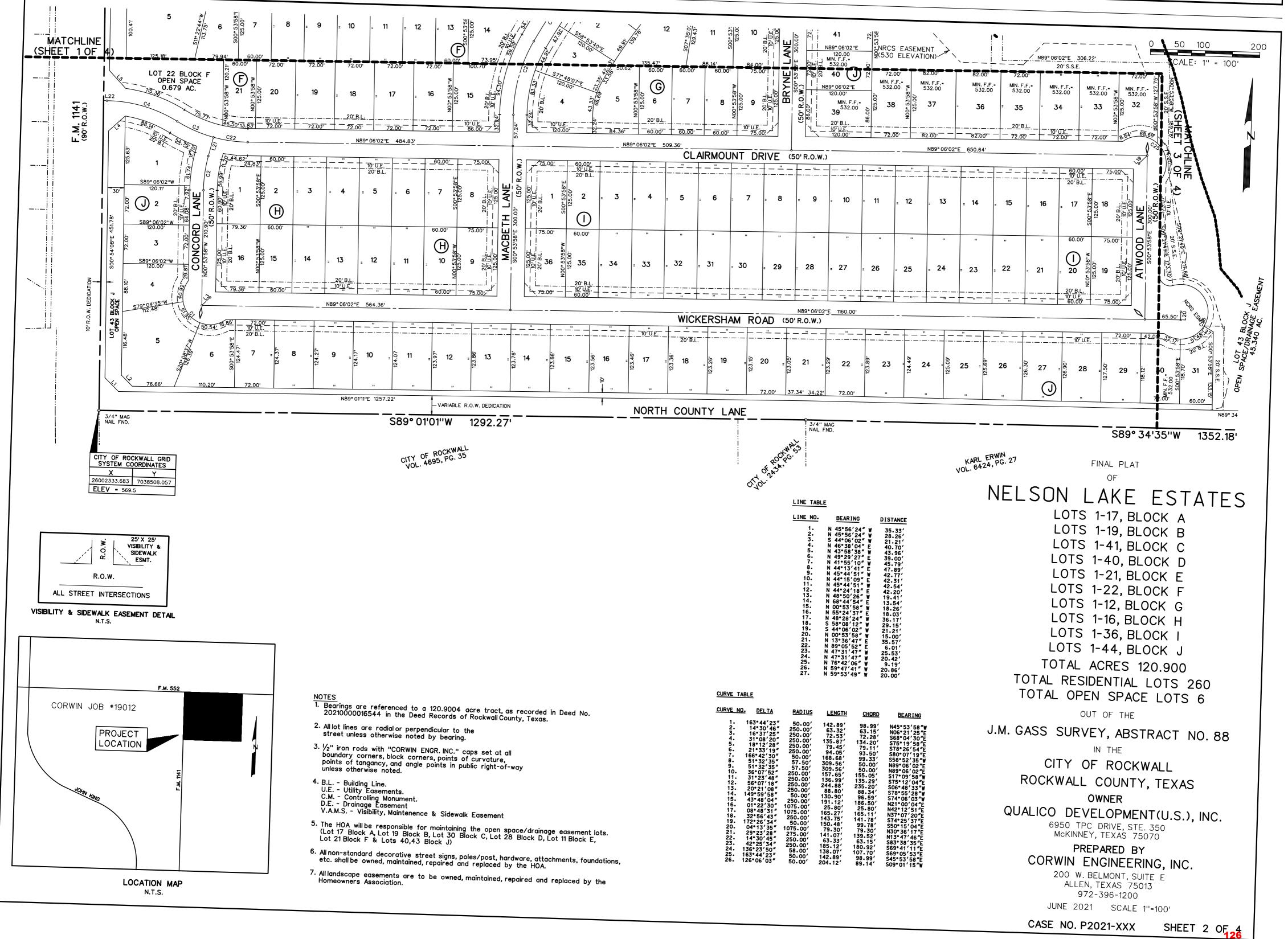


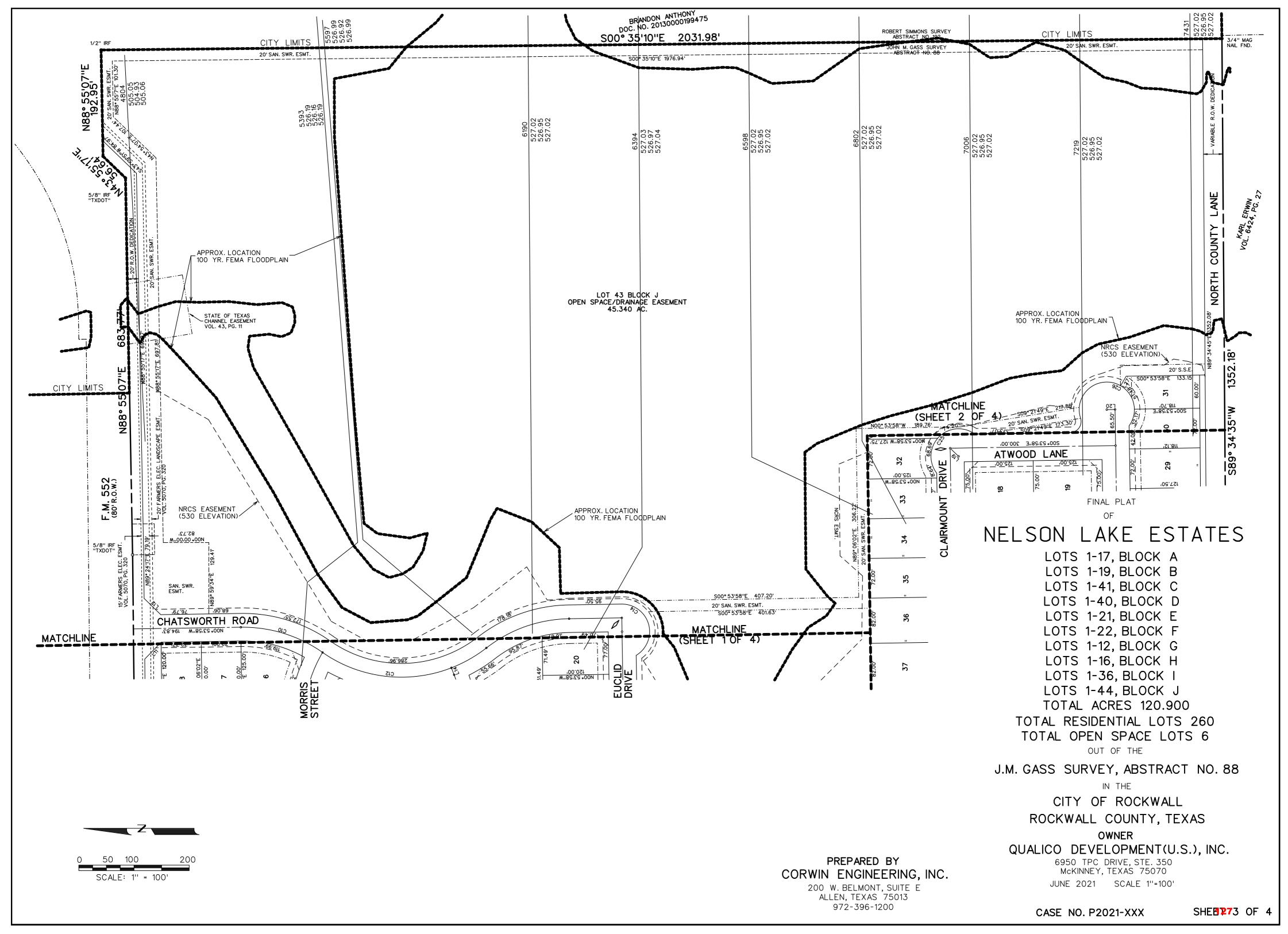
City of Rockwall Planning & Zoning Department 385 S. Goliad Street

Planning & Zoning Department 385 S. Goliad Street Rockwall, Texas 75032 (P): (972) 771-7745 (W): www.rockwall.com The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.









OWNER'S CERTIFICATE

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: STATE OF TEXAS

COUNTY OF ROCKWALL

We the undersigned owners of the land shown on this plat, and designated herein as the NELSON LAKES ESTATES, subdivision to the City of Rockwall, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements and public places thereon shown for the purpose and consideration therein expressed. We further certify that all other parties who have a mortgage or lien interest in the NELSON LAKES ESTATES, subdivision have been notified and signed this plat.

We understand and do hereby reserve the easement strips shown on this plat for the purposes stated and for the mutual use and accommodation of all utilities desiring to use or using same. We also understand the following;

- 1. No buildings shall be constructed or placed upon, over, or across the utility easements as described herein.
- 2. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other growths or improvements which in any way endanger or interfere with construction, maintenance or efficiency of their respective system on any of these easement strips; and any public utility shall at all times have the right of ingress or egress to, from and upon the said easement strips for purpose of construction, reconstruction, inspecting, patrolling, maintaining, and either adding to or removing all or part of their respective system without the necessity of, at any time, procuring the permission of anyone.
- 3. The City of Rockwall will not be responsible for any claims of any nature resulting from or occasioned by the establishment of grade of streets in the subdivision.
- 4. The developer and subdivision engineer shall bear total responsibility for storm drain
- 5. The developer shall be responsible for the necessary facilities to provide drainage patterns and drainage controls such that properties within the drainage area are not adversely affected by storm drainage from the development.
- 6. The detention drainage system is to be maintained, repaired and owend by the subdivision. Property owner shall be responsible for maintaining, repairing, and replacing all systems within the drainage and detention easements.
- 7. No house dwelling unit, or other structure shall be constructed on any lot in this addition by the owner or any other person until the developer and/or owner has complied with all requirements of the Subdivision Regulations of the City of Rockwall regarding improvements with respect to the entire block on the street or streets on which property abuts, including the actual installation of streets with the required base and paving, curb and gutter, water and sewer, drainage structures, storm structures, storm sewers, and alleys, all according to the specifications of the City of

Until an escrow deposit, sufficient to pay for the cost of such improvements, as determined by the city's engineer and/or city administrator, computed on a private commercial rate basis, has been made with the city secretary, accompanied by an agreement signed by the developer and/or owner, authorizing the city to make such improvements at prevailing private commercial rates, or have the same made by a contractor and pay for the same out of the escrow deposit, should the developer and/or owner fail or refuse to install the required improvements within the time stated in such written agreement, but in no case shall the City be objected to make such improvements itself. Such deposit may be used by the owner and/or developer as progress payments as the work progresses in making such improvements by making certified requisitions to the city secretary, supported by evidence of work done; or

Until the developer and/or owner files a corporate surety bond with the city secretary in a sum equal to the cost of such improvements for the designated area, guaranteeing the installation thereof within the time stated in the bond, which time shall be fixed by the city council of the City of Rockwall.

We further acknowledge that the dedications and/or exaction's made herein are proportional to the impact of the Subdivision upon the public services required in order that the development will comport with the present and future growth needs of the City; we, our successors and assigns hereby waive any claim, damage, or cause of action that we may have as a result of the dedication of exactions made herein.

QUALICO DEVELOPMENT (U.S.), INC. a Delaware Corporation

John Vick

STATE OF TEXAS COUNTY OF DALLAS

Before me, the undersigned authority, on this day personally appeared JOHN VICK, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein stated. Given upon my hand and seal of office this_____day of__

Notary Public in and for the State of Texas

My Commission Expires:

NOTE: It shall be the policy of the City of Rockwall to withhold issuing building permits until all streets, water, sewer and storm drainage systems have been accepted by the City. The approval of a plat by the City does not constitute any representation, assurance or guarantee that any building within such plat shall be approved, authorized or permit therefore issued, nor shall such approval constitute any representation, assurance or guarantee by the City of the adequacy and availability for water for personal use and fire protection within such plat, as required under Ordinance 83-54.

LEGAL DESCRIPTION

BEING, a tract of land situated in the J.M. Glass Survey, Abstract No. 88 in the City of Rockwall, Rockwall County, Texas, being all of a 120.9004 acre tract, as described in Clerks File No. in the Deed Records of Rockwall County, Texas being more particularly

BEGINNING, at a 1/2 inch iron rod found at the most westerly northwest corner of said 120.9004 acre tract and being in the south line of F.M. 552 (Variable R.O.W.);

THENCE, North 89° 24'07" East, along the north line of said 120.9004 acre tract and being in the south line of said F.M. 552, for a distance of 1,689.33 feet, to a 5/8 inch iron rod found with a cap stamped "TXDOT":

THENCE, North 88° 55'07" East, continuing along said lines, for a distance of 683.77 feet, to a 1/2 inch iron rod found, to a 5/8 inch iron rod found with a cap stamped "TXDOT";

THENCE, North 43° 55'17" East, continuing along said lines, for a distance of 56.64 feet, 1/2 inch iron rod found;

THENCE, North 88° 55'07" East, departing the south line of said F.M. 552 and continuing along the north line of said 120.9004 acre tract, for a distance of 192.95 feet, to a 1/2 inch iron rod found at the northeast corner of said 120.9004 acre tract;

THENCE, South 00° 35'10" East, along the east line of said 120.9004 acre tract, for a distance of 2,031.98 feet, to a 3/4 inch mag nail found at the southeast corner of said 120.9004 acre tract, being in North County Lane (Variable R.O.W.);

THENCE, South 89° 34'35" West, along the south line of said 120.9004 acre tract and with said North County Lane, for a distance

THENCE, South 89° 01'01" West, continuing along said lines, for a distance of 1,292.27 feet, to a 3/4 inch mag nail found at the southwest corner of said 120.9004 acre tract being in the east line of F.M. 1411 (90' R.O.W.)

THENCE, North 00° 54'08" West, along the west line of said 120.9004 acre tract and the east line of said F.M. 1141, for a distance of 1,939.20 feet, to the POINT OF BEGINNING and containing 120.900 acres of land.

SURVEYOR CERTIFICATE

I, WARREN L. CORWIN, do hereby certify that the plat shown hereon accurately represents the results of an on-the-ground survey made under my direction and supervision and all corners are as shown thereon and there are no encroachments, conflicts, protrusions or visible utilities on the ground except as shown and said plat has been prepared in accordance with the platting rules and regulations of the City Plan Commission of the City of Rockwall, Texas.

DATED the this _____day of______, 2022.

WARREN L. CORWIN

THE STATE OF TEXAS COUNTY OF COLLIN

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared WARREN L. CORWIN, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same in the capacity therein stated and for the purposes and considerations therein expressed.

WITNESS MY HAND AND SEAL OF OFFICE, this the _____day of _____, 2022.

Planning & Zoning Commission

APPROVED

I hereby certify that the above and foregoing plat of an addition to the City of Rockwall, Texas, was approved by the City Council of the City of Rockwall on the day of , 2022. day of

This approval shall be invalid unless the approved plat for such addition is recorded in the office of the Counrt Clerk of Rockwall, County, Texas, within one hundred eighty (180) days from said date of final approval.

WITNESS OUR HANDS, this day of

Mayor, City of Rockwall

City Secretary

City Engineer

Notary Public in and for the State of Texas

FINAL PLAT OF

NELSON LAKE ESTATES

LOTS 1-17, BLOCK A

LOTS 1-19, BLOCK B

LOTS 1-41, BLOCK C

LOTS 1-40, BLOCK D

LOTS 1-21, BLOCK E

LOTS 1-22, BLOCK F

LOTS 1-12, BLOCK G

LOTS 1-16, BLOCK H

LOTS 1-36, BLOCK I

LOTS 1-44, BLOCK J

TOTAL ACRES 120.900

TOTAL RESIDENTIAL LOTS 260 TOTAL OPEN SPACE LOTS 6

OUT OF THE

J.M. GASS SURVEY, ABSTRACT NO. 88

IN THE

CITY OF ROCKWALL ROCKWALL COUNTY, TEXAS

OWNER

QUALICO DEVELOPMENT(U.S.), INC.

6950 TPC DRIVE, STE. 350 McKINNEY, TEXAS 75070

PREPARED BY

CORWIN ENGINEERING, INC.

200 W. BELMONT, SUITE E ALLEN, TEXAS 75013 972-396-1200

JUNE 2021

CASE NO. P2021-XXX

SHEET128 OF 4

Teague, Kristy

Subject: FW: Joel Marlowe before city council 3

From: Joel Marlowe

Sent: Friday, February 18, 2022 8:42 AM
To: Teague, Kristy <KTeague@Rockwall.com>
Subject: Joel Marlowe before city council 3

I am requesting an exemption from the Council to allow a wooden pitching mound and a set of stairs to remain where they are currently located which was unknowingly placed on city property. Property address is 418 Sonoma Dr Rockwall TX 75087.

The area in question is directly behind the retaining wall at the edge of my property line. When I bought the home in February 2018 I had been told that the area directly behind the retaining wall on the back line of my property was a green belt for the HOA and that when you got past the initial set of trees and in to the clearing that it switched to being part of the city's parks department. It is not clear if I was given inaccurate information as a part of a sales pitch for the property or whether I simply misunderstood what I was told. Regardless, now I understand that the information I received was inaccurate.

I was notified by Neighborhood Improvement Supervisor Gabe Parreles in the third week of January that I was out of compliance by having those items on city property. I attempted to work with his boss, Mr Widmer, to find a resolution that would allow me to continue to use those items in their current location. That was unsuccessful. Mr Widmer did offer that if I wanted to present my concern before the council that he would remove the deadline and withhold any action against me until after a determination could be made by the council. I took him up on that offer and that is how I come to be before the council now.

The exemption is for a small amount of physical space as the mound is approximately 3 feet wide by 6 feet long. The stairs are a small set of stairs that includes 5 steps. I have included pictures to show where the items are set. They are not near any other structures, they do not interfere with the operational duties of any city department, and do not create a nuisance for anyone using the green belt.

I use these items to allow me to teach children who play baseball for the city league how to pitch safely. Many families in Rockwall are blessed enough to play elite sports that include traveling to tournaments and using private fields to practice. I work with kids on the other end of that spectrum. The kid who has never pitched before, some of them have never even played baseball before, but have decided that they want to try pitching and there is no where for them to learn. None of the kids I am teaching are likely to be playing big time sports when they are older but I think childhood is a wonderful time to try new things and build skills like hard work and resilience. Pitching a baseball can be a lot of fun if done correctly and safely.

I am a volunteer coach of the team and I never charge any of the children or their families anything for the pitching lessons. It is genuinely a unique opportunity for these kids. Please help me protect it for them.

For transparency I have included the following items

- an email that I sent to the Directors of the Parks Department and Neighborhood Services in response to the in person notification by Mr Parreles. This email was never responded to.
- the letter I received from Mr Parreles the week after my email to the Directors
- the email I sent to the city council members and the mayor that was followed by my first contact with Mr Widmer
- a couple of pictures that show the items for which I am requesting relief.





Teague, Kristy

Subject: FW: Joel Marlowe before city council 2

From: Joel Marlowe

Date: February 7, 2022 at 10:40:36 AM CST

To: BennieDaniels@rockwall.com, JohnHohenshelt@rockwall.com, ClarenceJorif@rockwall.com, TraceJohannesen@rockwall.com, DanaMacalik@rockwall.com, AnnaCampbell@rockwall.com,

kevinfowler@rockwall.com Subject: Please help me

Good Morning,

I am writing an email sent to all of you as I am short on time and am caught off guard by what I experience as threatening and bullying behavior on the part of the Parks Department and Neighborhood Improvement Services.

I live at 418 Sonoma Dr Rockwall TX 75087. Behind my home is a green belt that is managed by the city. When I moved in February of 2018 I was either misinformed or misunderstood and wrongly believed that there was an easement behind my property line which I had access to. There is a small area after my property line and before the area that is clearly maintained by the city that has brush and old growth trees. I believed my easement ended at the edge of the tree line where the city had made a clearing. It is now clear to me that no such easement exists and despite not being maintained by the city the area directly adjacent to my property line is like the rest of the green belt.

I was made aware of this in the third week of January by Gabe Pallares who is a supervisor for Neighborhood Improvement. He came to my door and told me that I needed to remove a set of wooden stairs and a wooden baseball pitching mound that were located on city property illegally. These items are placed in this unmanaged area next to my property line and do not interfere with any maintained property including the clearing or the bike trails on the other side of the clearing from my house. I expressed my confusion to Mr Pallares based on my understanding from when I moved in and the fact that the items have been there for a long time without anyone having an issue before. Mr Pallares told me he understood why I would be confused if they had been there that long and that he had never been behind my property. Mr Pallares stated that he was contacting me at the direction of his boss, Jeffrey Widmer who was told the items were a problem by the Director of Parks Travis Sales. As I continued to question Mr Pallares he told me that if I refused to remove the items that I could be arrested for criminal trespassing. I assured him I was neither refusing nor wanted to be arrested but I would like to speak to someone who could help me better understand the situation. He directed me to contact Mr Sales and Mr Widmer. While I did not appreciate being threatened to be arrested I agreed that seemed like an appropriate response and he left.

January 26th I sent an email to Mr Sales and Mr Widmer apologizing for my inadvertent violation and requesting they work with me to find a resolution that would bring me in to compliance while also allowing the children to have access to using the mound. I received no response from either of them by email or phone.

1

I then received a letter dated February 2nd 2022 from Mr Pallares which states that if I do not remove the items they can fine me up to \$2,000 a day in addition to charging me fees to remove the item. Additionally if I do not pay the thousands of dollars in fines they will put a lien on my home to collect the costs. In this letter there is no reference to me being arrested.

As is detailed in the email to the Directors these items are used to teach kids who play in the Rockwall city baseball league how to pitch a baseball. Rockwall is an affluent area with many opportunities available to the children in this community. Unfortunately it can sometimes be hard for the kids who are not affluent enough to afford private coaches and travel teams to get quality coaching. I never charge for my lessons and just want to be of service to the kids of Rockwall.

The letter asserts that the items were built substandard and thus pose a threat to public health and safety. That is not accurate as the mound is made of wood and was built by a master carpenter and it was donated to me to help the kids. The stairs were installed by my father-in-law who was a working, licensed contractor at the time he installed them. The stairs were put in several years ago and unfortunately my father-in-law passed away of natural causes in April 2020. We have had no issues with the operation of the stairs ever. The letter also says that I have violated codes and I readily admit that is most likely true given me being unaware that it was city property.

I have gone directly to the directors of both departments and that just led to more threats. I am writing you all hoping that someone can help protect me as this is not how any resident of Rockwall should be treated. I have lived in Rockwall since 2007 and prior to this all interactions with both the Parks Department and Improvement Services have been very positive.

I have included a copy of the disregarded email to the two Directors as well as the letter sent by Mr Pallares and a door hanger for corroboration. I have also included pictures of the items in question.

The door hanger that was left says I that have to remove the items by 2/9/22. So I am very short on time. Specifically, what I am asking you to do is exert some influence to get them to remove this February 9th deadline and to communicate with me directly to resolve this positively.

Thank you for your time,

Joel Marlowe



Teague, Kristy

Subject:

FW: Joel Marlowe before city council 1

From: Joel Marlowe

Date: January 26, 2022 at 12:59:13 PM CST

To: jwidmer@rockwall.com, tsales@rockwall.com

Subject: 418 Sonoma Dr

Hello,

I live at 418 Sonoma Dr. Rockwall TX 75087. Last week Gabe Pallares came to my door and informed me that a set of stairs and a pitching mound that are behind my house are actually on city property.

When I bought the home in 2018 I had been told that the area directly behind the retaining wall on the back line of my property was a green belt for the HOA and that when you got past the initial set of trees and in to the clearing that it switched to being part of the city's parks department. I now understand that the information I received was inaccurate.

I am writing today to ask what the process is for requesting either an exemption or a waiver or whatever it would be called in order to leave those items there. Those things are there to allow me to teach kids who play for the Rockwall city baseball league to pitch safely. I know there are a lot of high level of youth sports in Rockwall but that is not what I coach. I do not coach a travel team that goes to tournaments or anything like that. I coach teams with players who are just learning the game and kids who have never pitched before but want to try it out. The practice field time to use a mound is very limited through the city and so to ensure that the kids learn how to do it safely I have them come to my house with their parents for individual coaching.

While I am passionate about helping these kids because they are not high level athletes they do not have access to going to indoor training facilities or hiring private coaches that have relationships with facilities.

Is it possible for me to pay for some kind of permit or pay a fine to allow the kids to keep using it? I would not pass any of that cost on to the kids cause I volunteer my time so I never charge the kids anything to help them.

Please try to find a way to help me figure this out. I genuinely was unaware I was causing an issue or violating a code or I would have reached out long ago before I put it there.

Thank you for your time,

Joel Marlowe



MEMORANDUM

TO: Mary Smith, City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: February 22, 2022

SUBJECT: Z2022-001; PD DEVELOPMENT PLAN FOR THE HARBOR DISTRICT

CONDOMINIUMS

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

Summary/Background Information

Hold a public hearing to discuss and consider a request by Asher Hamilton of RIV Properties, LLC on behalf of Michael Gibson of Marion E. Wilson, Michael White, Dimensions Real Estates Services, LLC; Mark R. Carson; Allen Anderson; Gary Shultz of Culpepper/Spatex JV; and Robert Fields of In the Estate of Ernest Fields for the approval of an **ordinance** for a *PD Development Plan* for a 176-unit condominium building on a 3.59-acre tract of land identified as 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 (1st Reading).

Action Needed

The City Council is being asked to approve, approve with conditions, or deny the proposed PD Development Plan.



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

TO: Mayor and City Council DATE: February 22, 2022

APPLICANT: Asher Hamilton; *RIV Properties, LLC*

CASE NUMBER: Z2022-001; PD Development Plan for the Harbor District Condominiums

SUMMARY

Hold a public hearing to discuss and consider a request by Asher Hamilton of RIV Properties, LLC on behalf of Michael Gibson of Marion E. Wilson, Michael White, Dimensions Real Estates Services, LLC; Mark R. Carson; Allen Anderson; Gary Shultz of Culpepper/Spatex JV; and Robert Fields of In the Estate of Ernest Fields for the approval of a <u>PD Development Plan</u> for a 176-unit condominium building on a 3.59-acre tract of land identified as 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.

BACKGROUND

The City Council annexed the subject property into the City of Rockwall on November 7, 1960 through the adoption of *Ordinance No. 60-03*. Upon annexation, the subject property was zoned Agricultural (AG) District. On December 7, 1966, the subject property was platted into its current configuration as part of the George Morton Estate Addition. Based on the May 16, 1983 and December 7, 1993 *Historic Zoning Maps*, at some point between these dates portions of the subject property adjacent to Horizon Road [*FM-*3097] were rezoned to General Retail (GR) District. On June 19, 1989, portions of the subject property were also rezoned to Planned Development District 32 (PD-32) [*Ordinance No. 89-20*]. On December 2, 2002, Planned Development District 32 (PD-32) was amended by *Ordinance No. 02-55*. This amendment brought the entire subject property into Planned Development District 32 (PD-32), which -- *at the time* -- designated the property for General Retail (GR) District land uses. This Planned Development District was again amended on February 4, 2008 by *Ordinance No. 08-11*. This ordinance increased the boundaries of the district, and established a limited set of land uses for the district.

On September 20, 2010, the City Council passed *Ordinance No. 10-21*, which superseded all previous ordinances associated with Planned Development District 32 (PD-32) and established a concept plan and development standards for an approximate 78.89-acre tract of land that included the subject property. Today, this land is now commonly referred to as *PD-32* or the *Harbor District*. Included within this ordinance was a concept plan that divided the district into ten (10) subdistrict, each of which contained its own set of development and land use standards. In addition, a pool of 1,161 *urban residential units* (*i.e. condominiums and/or townhomes*) and 49 *single-family residential units* (*i.e. zero-lot-line or patio homes*) was created. These units could then be allocated to properties within the district by the City Council -- *in accordance with the land use charts in the ordinance* -- on a *first-come-first-serve* basis through an interim zoning step called a *PD Development Plan*. According to Article 10, *Planned Development District Regulations*, of the Unified Development Code (UDC), "(a) *PD Development Plan* constitutes an amendment to the approved *PD Concept Plan* and *PD Ordinance* ... The purposes of a *PD Development Plan* are to allow flexibility in the development process by deferring specification of all development standards at the time of *PD District* creation and to enable developers to satisfy conditions imposed on creation of the *District* prior to the submittal of a *PD Site Plan*." In addition, *Ordinance No. 17-22 [i.e. the regulating ordinance for Planned Development District 32 (PD-32)*] states that the purpose of a *PD Development Plan* in Planned Development District 32 (PD-32) is to ensure that a proposed development meets the intent of the subdistrict and/or to address any waivers required by the development.

Currently, the City Council has approved *PD Development Plans* allocating all but 218 of the 1,161 *urban residential units* and seven (7) of the 49 *single-family residential units*. A summary of the unit allocations is as follows:

TABLE 1: URBAN RESIDENTIAL UNITS

Project Name	Units	Unit Type	Case No.	Ordinance No.
Summer Lee Condominiums (i.e. Harbor Hill) ¹	265	Condominiums	SP2015-004 ²	N/A
Harbor Urban Condominiums (i.e. the Florence)	228	Condominiums	Z2018-001	18-16 <mark>4</mark>
Harbor Village Building 1 (i.e. Adjacent to Lakefront Trail)	375	Condominiums	Z2019-008	19-21 ⁵
Harbor Village Building 2 (i.e. Adjacent to Harbor Fountain) ³	75	Condominiums	Z2019-008	19-215
Total Allocated:	943			
Permitted in District:	1,161			
Units Remaining:	218			

NOTES:

- This case was determined to be conforming to the *Concept Plan* originally approved with *Ordinance No. 10-21*, and was determined to not require a *PD Development Plan* at that time (i.e. the approval of the site plan allocated the units to this project).
- Case No. SP2015-004 was amended by Case No. SP2018-037 & SP2020-018.
- 3: Ordinance No. 19-21 contains conditions that allow the City Council to claw back <u>25</u> of the <u>75</u> allocated units pending a building permit has not been issued by <u>June 1, 2020</u>. This project currently has not been issued a building permit.
- 4: This ordinance superseded Ordinance No. 16-54 (Case No. Z2016-025), which originally allocated the units for this project.
- 5: This ordinance superseded *Ordinance No.13-16* (*Case No. Z2013-011*); however, the units for this project were originally allocated with *Ordinance No. 11-43* (*i.e. Case No. Z2011-020*).

TABLE 2: SINGLE-FAMILY RESIDENTIAL UNITS

Project Name	Units	Unit Type	Case No.	Ordinance No.
Harbor Urban Townhomes ¹	42	Townhomes	Z2018-001	18-16 <mark>2</mark>
Total Allocated:	42			
Permitted in District:	49			
Units Remaining:	7			

NOTES:

- This **PD Development Plan** only affected the **Residential Subdistrict**, which was the only district that allowed the **single-family residential units**. The approval of **Ordinance No. 18-16** amended the district to allow the 42 townhomes in lieu of the 49 zero-lot-line or patio homes.
- 2: This ordinance superseded Ordinance No. 16-48 (Case No. Z2016-026), which originally allocated the units for this project.

PURPOSE

On January 12, 2022, the applicant -- Asher Hamilton of RIV Properties, LLC -- submitted an application requesting the approval of a PD Development Plan for 176 urban residential units for the purpose of constructing a condominium building with a detached amenity center.

ADJACENT LAND USES AND ACCESS

The subject property is located at the southwest corner of the intersection of Horizon Road and [FM-3097] and Summer Lee Drive. The land uses adjacent to the subject property are as follows:

North:

Directly north of the subject property is: [1] a 0.915-acre parcel of land (i.e. Lot 4, Block A, Briscoe/Hillcrest Addition) with a medical/office building (i.e. CareNow) situated on it, [2] a 2.0617-acre parcel of land (i.e. Lot 6, Block A, Harbor District Addition) with a multi-tenant office building and structured parking garage (i.e. Trend Tower) situated on it, and [3] a 0.45-acre vacant tract of land owned by the City of Rockwall. All of these properties are zoned Planned Development District 32 (PD-32) and are situated within the Summit Office Subdistrict. Beyond this are three (3) vacant tracts of land also situated within the Summit Office Subdistrict of Planned Development District 32 (PD-32). Beyond this is the eastbound frontage road and main lane of E. IH-30.

South:

Directly south of the subject property is Summer Lee Drive, which is identified as a *Minor Collector* on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is: [1] a 2.15-acre parcel of land (*i.e. Lot 5, Block A, Harbor Village Addition*) with a hotel (*i.e. Tru by Hilton*) situated on it, and [2] a 2.144-acre parcel of land (*i.e. Lot 1, Block A, Harbor Village Addition*) with a 228-unit condominium building situated on it. Running in between these properties in Glen Hill Way, which is identified as a *Minor*

Collector on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. These properties are situated within the *Horizon/Summer Lee*, *Interior*, and *Residential Subdistricts* of Planned Development District 32 (PD-32).

East:

Directly east of the subject property is Horizon Road, which is identified as a M4U (*i.e. major collector, four [4] lane, undivided roadway*) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is a 10.104-acre parcel of land (*i.e. Lot 3 of the Carlisle Plaza Addition*) that is occupied with a portion of an existing commercial retail shopping center (*i.e. Carlisle Plaza*). This property is zoned Commercial (C) District.

West:

Directly west of the subject property is a vacant 6.1978-acre tract of land (i.e. Tract 41 of the E. Teal Survey, Abstract No. 207) owned by the City of Rockwall. Adjacent to this tract of land is a 2.0617-acre parcel of land (i.e. Lot 6, Block A, Harbor District Addition) with a seven (7) story multi-tenant office building (i.e. Trend Tower). Both of these properties are zoned Planned Development District 32 (PD-32) and are situated within the Summit Office Subdistrict. Beyond this is Sunset Ridge Drive, which is identified as a Type 'E' roadway by Planned development District 32 (PD-32) or a roadway that serves as a primary street frontage for retail, residential and mixed-use developments.

CHARACTERISTICS OF THE REQUEST

The applicant has submitted a concept plan showing the establishment of a 176-unit condominium building. The proposed condominium building will be a wrap product (*i.e. the building will wrap around a structure parking garage*) and consist of approximately 104, one (1) bedroom units and 72, two (2) bedroom units. As part of this development the applicant will be required to extend Glen Hill Way around the proposed building, connecting it to the section of Pinnacle Way Drive adjacent to Trend Tower and the stub of Pinnacle Way Drive of off Horizon Road. Based on the building configuration depicted on the applicant's concept plan, this portion of Pinnacle Way Drive (*i.e. the portion connecting to Horizon Road*) will be required to be renamed as a continuation of Glen Hill Way. Incorporated into the building will be an ~7,546 SF amenities center, pool area, and court yard. The concept plan also has two (2) plaza spaces and a dog park labeled; however, no exhibits or concepts have been provided for these areas.

CONFORMANCE WITH PLANNED DEVELOPMENT DISTRICT 32 (PD-32)

According to the *Subdistrict Plan* contained in Planned Development District 32 (PD-32) [*Ordinance No. 17-22*] the subject property is partially located within the *Hillside Mixed-Use Subdistrict*; however, the majority of the subject property is situated within the *Horizon/Summer Lee Subdistrict*. This subdistrict is also where all of the development is being proposed for the urban residential units or condominiums. According to the Planned Development District 32 (PD-32), "(t)he primary intent of the *Horizon/Summer Lee Subdistrict* is to provide development that will serve as a gateway into the Harbor District. Mid-rise office buildings will capitalize on the superior views of Lake Ray Hubbard." In this case, the applicant is proposing an urban residential development, which *does not* meet the intent or purpose statement for the district; however, staff should point out that the *Subdistrict Land Use Charts* do allow the *Urban Residential (Condominium Units Only)* land use in the *Horizon/Summer Lee Subdistrict* by a Specific Use Permit (SUP). Based on these proposed changes to the *Subdistrict* and the requested waivers, staff requested that the applicant submit a *PD Development Plan* in lieu of a Specific Use Permit (SUP). According to *Ordinance No. 17-22*, "(a) [*PD*] development plan shall be required if a proposed development within any *Subdistrict* that does not meet the intent of the *PD Concept Plan* or the *Subdistrict Plan*, or requires waivers not provided for in *Section 9.3 [Waivers of Design Standards]* of this ordinance." The following is a summary of the form-based code requirements for both the *Hillside Mixed-Use Subdistrict* and the *Horizon/Summer Lee Subdistrict* and how the proposed project conforms:

TABLE 1: BUILDING PLACEMENT AND PARKING COMPLIANCE FOR THE CONDOMINIUMS IN THE HORIZON/SUMMER LEE SUBDISTRICT

ORDINANCE PROVISIONS	HORIZON/SUMMER LEE SUBDISTRICT	CONFORMANCE TO THE STANDARDS
BUILD-TO-LINE (FROM THE ROW):		
SUMMER LEE DRIVE	30-Feet	30-Feet; IN CONFORMANCE
SETBACK (FROM THE ROW):		
HORIZON ROAD	40-Feet	41-Feet; IN CONFORMANCE
GLEN HILL WAY (STREET TYPE F)	50-Feet	$X \ge 7$ '; NOT IN CONFORMANCE
GLEN HILL WAY (STREET TYPE B)	30-Feet	7' to 12' 6"; NOT IN CONFORMANCE

ORDINANCE PROVISIONS	HORIZON/SUMMER LEE SUBDISTRICT	CONFORMANCE TO THE STANDARDS	
BUILDING FORM:	Summer Lee Drive block must have a minimum of 50% of its length defined by the building façade.	~87%; IN CONFORMANCE	
	Summer Lee Drive minimum façade built to the build-to-line is 45%	60.77%; IN CONFORMANCE	
	Remaining façade must be no less than two (2) feet and no greater than 12-feet from the build-to-line.	Between 2' & 4'; IN CONFORMANCE	
MAXIMUM LOT COVERAGE	60%	~60.009%; IN CONFORMANCE	
LAND USE:			
GROUND FLOOR	Office, Retail, and Restaurant	Condominiums; NOT IN CONFORMANCE	
UPPER FLOORS	Office	Condominiums; NOT IN CONFORMANCE	
BUILDING HEIGHT	8-Stories	4-Stories; IN CONFORMANCE	
ENCROACHMENTS	5-Feet	No Encroachments Defined; IN CONFORMANCE	
SURFACE PARKING:		CONT ON WINDE	
SETBACK FROM ROW LINE	Summer Lee Drive and Horizon Road: 30-Feet	No Surface Parking Indicated; IN CONFORMANCE	
MAYIMUM AMOUNT OF CUREACE	Street Type 'F' and Street Type 'B': 10-Feet	CONFORMANCE	
MAXIMUM AMOUNT OF SURFACE PARKING	20%	0%; IN CONFORMANCE	
MAXIMUM NUMBER OF DRIVEWAYS	Summer Lee Drive: 2; Horizon Road: 0; Street Type 'F' and Street Type 'B': 1	1 on Glen Hill Way (Street Type 'F'); IN CONFORMANCE	

Staff should point out that the areas of nonconformance listed in *Table 1* relate to two (2) requests from the applicant: [1] changes to the permitted land uses, and [2] changes to the Glen Hill Way street section. Specifically, the applicant is requesting to allow urban residential units into the Horizon/Summer Lee Subdistrict and to change the Glen Hill Way street type from a **Street Type 'F'** & 'B' to a modified Street Type 'F'. Staff should point out that these are not abnormal requests in Planned Development District 32 (PD-32). This is due to: [1] the strict limitations of the existing concept plan contained in Ordinance No. 17-22, [2] the approval of previous PD Development Plans which change the concept plan -- without these changes being codified into the ordinance -- and which have implications on all properties in the district (i.e. approving a PD Development Plan in one subdistrict tends impact properties in other subdistricts without showing these impacts on the concept plan contained in Ordinance No. 17-22), and [3] the form-based design standards were written only to accommodate the projects depicted in the approved concept plan and staff has found these standards to not always be applicable in all cases. For additional reference staff has provided excerpts of the concept plan for these Subdistricts as depicted in Planned Development District 32 (PD-32) in Figures 1 & 2. With this being said staff did make several recommendations to the applicant concerning the original request, which have brought the project closer into compliance with the intent of each of these Subdistricts. These recommendations and staff's response to the changes in the proposed plan are as follows:

<u>RED</u>: NOT INCORPORATED INTO THE PD DEVELOPMENT PLAN. <u>BLUE</u>: INCORPORATED INTO THE PD DEVELOPMENT PLAN.

(1) The area along Summer Lee Drive and the off-set in the building adjacent to Glen Hill Way (*Street Type 'F'*

FIGURE 1: HILLSIDE MIXED-USE SUBDISTRICT CONCEPT PLAN RED CIRCLE = APPROXIMATE LOCATION OF SUBJECT PROPERTY

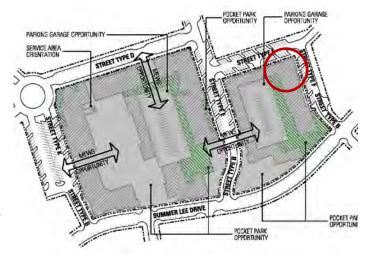
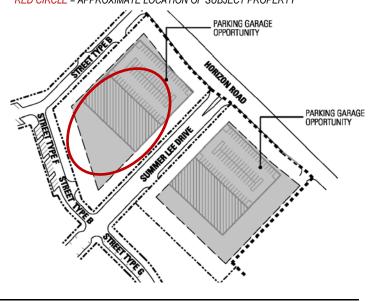


FIGURE 2: HORIZON/SUMMER LEE SUBDISTRICT CONCEPT PLAN RED CIRCLE = APPROXIMATE LOCATION OF SUBJECT PROPERTY



on the Concept Plan) present two (2) areas where a plaza, public space, or an amenity could be incorporated into the plan. This would help the plan better conform to Planned Development District 32 (PD-32) and the **District Strategies** for the **Harbor District** as contained in the OURHometown Vision 2040 Comprehensive Plan.

<u>Staff Response</u>: <u>The applicant has indicated on the plan the location of two (2) plaza spaces; however, no detail or concepts have been provided for these areas</u>. Based on this incorporation staff has added as a condition approval for this case stating that these two (2) plazas be required to meet *Resolution 10-40*, which established the *Design Guidelines* for Planned Development District 32 (PD-32). In addition, as part of the site plan approval for these areas the Planning and Zoning Commission will have discretionary authority to determine if the submitted materials meet the intent of *Resolution 10-40*.

(2) The amenity center and pool were originally separated from the rest of the project by a public street. This design of the amenities center as a standalone building <u>did not</u> meet the intent of the *Hillside Mixed-Use Subdistrict*. Based on this staff asked the applicant to consider incorporating the amenity center into the existing condominium building -- possibly even exceeding and requesting a waiver for lot coverage -- to make the project more cohesive. The remaining out parcel is a viable space for the incorporation of a land use that could compliment the proposed development (e.g. restaurant, retail, or office space).

<u>Staff Response</u>: <u>The applicant changed the plan to incorporate the amenity center, pool area, and court yard into the condominium building.</u> The future development of this out parcel will need to adhere to the requirements of the *Hillside Mixed-Use Subdistrict*.

With this being said, Planned Development District 32 (PD-32) builds in waivers as a process to provide flexibility, stating "(i)n order to provide flexibility and create high quality projects, an applicant for development within the *PD District* [*PD*-32] may request a waiver of the following *District* or *Subdistrict* standards: (1) Building Placement Requirements, (2) Landscape Standards, (3) Parking Requirements, (4) Parking Garage Design Standards, and (5) Increased Building Height in any Subdistrict." Based on the information above staff has identified waivers to the *Building Placement Requirements*; however, the proposed *PD Development Plan* is a change in the intent and design of the *Horizon/Summer Lee Subdistrict*. This makes this request a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission. To assist in this decision staff has provided excerpts from *Ordinance No. 17-22* showing the design standards and concepts for both *Subdistricts* and an excerpt from the OURHometown Vision 2040 Comprehensive Plan showing the objectives for the *Harbor District*.

INFRASTRUCTURE

Based on the applicant's concept plan and the proposed density, the following infrastructure is required to be constructed to provide adequate public services for the proposed development:

- (1) <u>Roadways</u>. The applicant will be responsible for construction of portions of Glen Hill Way. Specifically, the applicant will be required to [1] build a 24-foot *face-to-face* concrete street from Summer Lee Drive to the southern property line of the amenity center, [2] build a 24-foot *face-to-face* concrete street with angled parking from the southern property line of the amenity center to the intersection of Glen Hill Way and Pinnacle Way Drive, and [3] build a 24-foot *face-to-face* concrete street from the intersection of Glen Hill Way and Pinnacle Way Drive to the intersection of Glen Hill Way and Horizon Road [FM-3097]. A Streetscape Plan showing the sidewalks and pedestrian areas will be required to be submitted with site plan. In addition, the applicant will be required to update the Traffic Impact Analysis (TIA) for the Harbor District per the City Council's direction from the November 5, 2018 City Council meeting.
- (2) <u>Wastewater and Water</u>. An infrastructure study will be required to determine the necessary improvements needed to sufficiently serve the subject property. Staff recommends that this infrastructure study be initiated prior to the submission of a site plan. In addition, a minimum of a 12-inch waterline shall be installed and looped through Glen Hill Way Drive.
- (3) **Drainage**. The applicant shall be required to pay a stormwater pro-rata fee of \$7,226.59 per acre.

NOTIFICATIONS

On January 14, 2022, staff mailed 45 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Lakeside Village and Lago Vista Homeowner's Associations (HOAs), which were the only HOAs 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) Three (3) property owner notifications and a letter from one (1) property owner <u>within</u> the 500-foot notification area indicating they are in favor of the applicant's request. Staff should note that this property owner is the owner of 16 of the parcels of land that make up the subject property.
- (2) One (1) letter from one (1) property owner <u>within</u> the 500-foot notification area indicating they are in favor of the applicant's request. Staff should note that this property owner is the owner of two (2) tract of land that make up the subject property.

CONDITIONS OF APPROVAL

If the Planning and Zoning Commission chooses to recommend approval of the applicant's request for a <u>PD Development</u> <u>Plan</u> for a <u>Condominium Building</u>, staff would propose the following conditions of approval:

- (1) The applicant shall be responsible for maintaining compliance with the concept plan and development standards contained in the <u>PD Development Plan</u> ordinance.
- (2) The applicant shall provide a *Streetscape Plan* for the proposed plazas and open spaces indicated along Summer Lee Drive and Glen Hill Way at the time of site plan. These plans shall be reviewed by the Parks and Recreation Department and the Planning and Zoning Commission, and any recommendations shall be forwarded on to the Planning and Zoning Commission for their consideration along with the site plan.
- (3) Any construction resulting from the approval of this <u>Planned Development District</u> 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 February 15, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the <u>PD</u> **Development Plan** by a vote of 6-0, with Commissioner Womble recusing himself from the case.

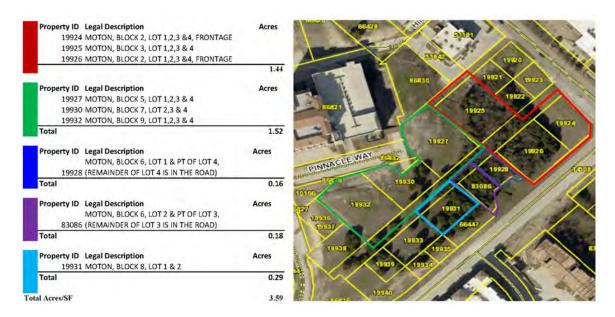


VIA EMAIL: rmiller@rockwall.com

Mr. Ryan Miller City of Rockwall Director of Planning and Zoning 385 S. Goliad Street, Rockwall, TX 75087 (972) 772-6441

Re: Rockwall Harbor District Condominium Development

Attached, please find the executed and notarized development applications from Realty Investments for 5 separate land parcels located in the Harbor District of Rockwall. To reduce confusion, I have provided a list of the properties and their legal descriptions below. Additionally, we have color coded each parcel, so it provides an easy reference throughout the process.



Please let us know if you have any questions as you go through the application.

Respectfully,

Asher Hamilton

Realty Investments / RIV Properties LLC

CEO

Date: 1/10/2022



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

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PLANNING & ZONING CASE NO.

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

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□ OWNER	Marion E Wilson, Michael White, Dim	ensions Real Estate Services LL	c X APPLICANT	RIV Properties LLC	
CONTACT PERSON	Michael Gibson	CC	ONTACT PERSON	Asher Hamilton	
ADDRESS	2304 W Wheatland Rd		ADDRESS	PO Box 192054	
CITY, STATE & ZIP	Dallas, TX 75233	0	CITY, STATE & ZIP	Dallas, TX 75219	
PHONE	214-770-6285		PHONE	(214) 908-4684	
E-MAIL			E-MAIL	ahamilton@realtyinv	estments com
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City of Rockwall
Planning and Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087

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Rockwall, Texas 75087	CITY ENGINEER:
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OWNER Marion & Wilson, Michael While, Dimensione Real Edite Services	LLC M APPLICANT RIV Properties LLC
CONTACT PERSON Michael Glason	CONTACT PERSON Asher Hemilian:
ADDRESS 2904 W Wheatland Rd	ADDRESS PO Box 192064
CITY, STATE & ZIP Dallas, TX 78239	CITY, STATE & ZIP Dallas, TX 75219
PHONE 214-770-9266	PHONE (214) 908-4884
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City of Rockwall Planning and Zoning Department 385 S. Goliad Street Rockwall, Texas 75087 STAFF USE ONLY -

PLANNING & ZONING CASE NO.

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

DIRECTOR OF PLANNING:

CITY ENGINEER:

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ADDRESS			CO	NTACT PERSON	Asher Hamilton		
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CITY, STATE & ZIP	Dallas, TX 75233		Cr	TY, STATE & ZIP	Dallas, TX 75219		
PHONE	214-770-6285			PHONE	(214) 908-4684		
E-MAIL	michael.gibson5279@	yahoo.com		E-MAIL	ahamilton@realtyinvestments.	com	
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City of Rockwall
Planning and Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087

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□ OWNER	Mark R Carson	☑ APPLIC	ANT	RIV Properties LLC
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City of Rockwall Planning and Zoning Department

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385 S. Goliad Street Rockwall, Texas 75087 PLEASE CHECK THE APPROPRIATE BOX BELOW TO INDICATE THE TYPE OF DEVELOPMENT REQUEST [SELECT ONLY ONE BOX] **PLATTING APPLICATION FEES: ZONING APPLICATION FEES:** ☐ MASTER PLAT (\$100.00 + \$15.00 ACRE) 1 ☐ ZONING CHANGE (\$200.00 + \$15.00 ACRE) 1 ☐ PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) 1 ☐ SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) 182 ☐ FINAL PLAT (\$300.00 + \$20.00 ACRE) 1 ☑ PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) 1 ☐ REPLAT (\$300.00 + \$20.00 ACRE) 1 OTHER APPLICATION FEES: ☐ AMENDING OR MINOR PLAT (\$150.00) ☐ TREE REMOVAL (\$75.00) ☐ PLAT REINSTATEMENT REQUEST (\$100.00) ☐ VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) ² SITE PLAN APPLICATION FEES: 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.

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 ☐ SITE PLAN (\$250.00 + \$20.00 ACRE) 1 ☐ AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN (\$100.00) PROPERTY INFORMATION [PLEASE PRINT] **ADDRESS** Property ID Legal Description 83086 MOTON, BLOCK 6, LOT 2 & PT OF LOT 3, SUBDIVISION LOT **BLOCK** (REMAINDER OF LOT 3 IS IN THE ROAD) **GENERAL LOCATION** ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT] **CURRENT ZONING** PD-32 **CURRENT USE** Undeveloped PROPOSED ZONING PD-32 PROPOSED USE Condominium **ACREAGE** 0.18 Acres LOTS [CURRENT] N/A LOTS [PROPOSED] N/A 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 **APPLICANT RIV Properties LLC** Allen Anderson **CONTACT PERSON** Allen Anderson **CONTACT PERSON** Asher Hamilton **ADDRESS** PO Box 192054 **ADDRESS** CITY, STATE & ZIP CITY, STATE & ZIP Rockwall, TX 75087 Dallas, TX 75219 214-908-4684 PHONE (214) 908-4684 PHONE E-MAIL E-MAIL ahamilton@realtyinvestments.com NOTARY VERIFICATION (REQUIRED) ALLEN ANDER SOAL [OWNER] THE UNDERSIGNED, WHO BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED 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 BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE Ianuary 2022 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 $\frac{2-7}{2}$ DAY OF $_{-}$ Catherine Sabella Notary Public, State of Texas OWNER'S SIGNATURE My Comm. Exp. 06/28/2025 Notary ID 13319565-6 NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



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

		120000 10		
21	AFF	USE	UNL	Y

PLANNING & ZONING CASE NO.

<u>NOTE:</u> 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 A	PPROPRIATE BOX BELOW TO INDICATE THE TYPE O	F DEVELOPMENT REQ	UEST [SELECT ONLY ONE BOX]:				
☐ PRELIMINARY PI ☐ FINAL PLAT (\$30 ☐ REPLAT (\$300.00 ☐ AMENDING OR M	\$100.00 + \$15.00 ACRE)	ZONING APPLICATION FEES: ☐ ZONING CHANGE (\$200.00 + \$15.00 ACRE) ¹ ☐ SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) ¹ 82 ☐ PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) ¹ OTHER APPLICATION FEES: ☐ TREE REMOVAL (\$75.00) ☐ VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) ²					
	ATION FEES: 0.00 + \$20.00 ACRE) ¹ PLAN/ELEVATIONS/LANDSCAPING PLAN (\$100.00)	PER ACRE AMOUNT. F	1: IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE. 2: A \$1,000.00 FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING				
PROPERTY INFO	RMATION [PLEASE PRINT]						
ADDRESS SUBDIVISION GENERAL LOCATION	19924 MOTON, BLOCK 2, LOT 1,2 19925 MOTON, BLOCK 3, LOT 1,2	3 & 4	BEGGIN				
ZONING, SITE PL	AN AND PLATTING INFORMATION [PLEAS	E PRINT]					
CURRENT ZONING	PD-32	CURRENT USE	Undeveloped				
PROPOSED ZONING	PD-32	PROPOSED USE	Condominium				
ACREAGE	1.44 Acres Gross LOTS [CURRENT]	N/A	LOTS [PROPOSED] N/A				
REGARD TO ITS A RESULT IN THE DE OWNER/APPLICA	PPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF ENIAL OF YOUR CASE. ANT/AGENT INFORMATION [PLEASE PRINT/CH	STAFF'S COMMENTS BY					
□ OWNER	Culpepper Spatex Group	☑ APPLICANT	RIV Properties LLC				
CONTACT PERSON	Gary Shultz	CONTACT PERSON	Asher Hamilton				
ADDRESS	PO Box 190569	ADDRESS	PO Box 192054				
CITY, STATE & ZIP	Dallas, TX 75219	CITY, STATE & ZIP	Dallas, TX 75219				
PHONE	817-233-0478	PHONE	(214) 908-4684				
E-MAIL	gshultz@diamond-a.com	E-MAIL	ahamilton@realtyinvestments.com				
STATED THE INFORMATION I HEREBY CERTIFY THAT I CONTROL OF CONTROL	SIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARE ON ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; AI	FOLLOWING: L INFORMATION SUBMITTI S BEEN PAID TO THE CITY ET THAT THE CITY OF ROC ALSO AUTHORIZED AND	CKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE PERMITTED TO REPRODUCE ANY COPYRIGHTED INCORMATION				
		cembe / 20 2	Notary Public, State of Texas Comm. Expires 07-25-2025				
NOTARY PUBLIC IN AND I	OWNER'S SIGNATURE STATE OF TEXAS		MY COMMISSION EXPIRES 07-25-2025				
DE	VELOPMENT APPLICATION • CITY OF ROCKWALL • 385 SC	WITH GOLIAD STREET - D	(U) 2 202)				
DL	III ALI MANION - CITTOT HOCKITALE - 305 30	SOLIND SINELI . K	OFKINGED IN 19001 - 11.1 (21.1) 11.1-11.42				



NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

DEVELOPMENT APPLICATION

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

- STAFF USE ONLY -	<u> Teal Parcel</u>
PLANNING & ZONING CASE	NO.
NOTE: THE APPLICATION IS CITY UNTIL THE PLANNING SIGNED BELOW.	NOT CONSIDERED ACCEPTED BY THE DIRECTOR AND CITY ENGINEER HAVE
DIRECTOR OF PLANNING:	
CITY ENGINEER:	The state of the state of the state of

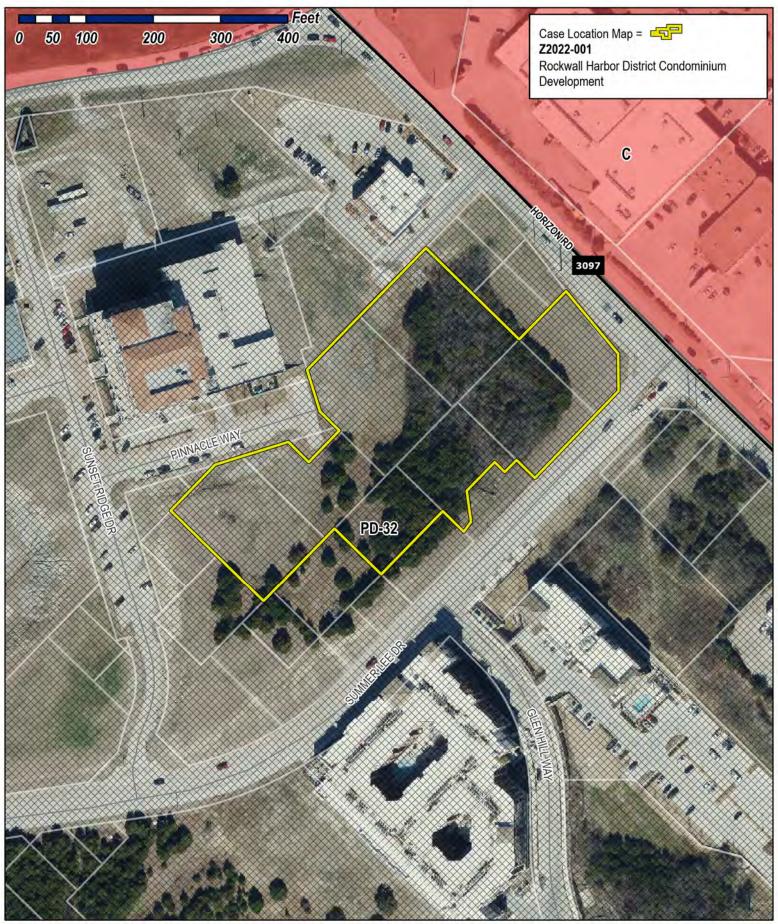
	Rockwall, Texas 75087			TOR OF PLANNING:		
PLEASE CHECK THE	APPROPRIATE BOX BELOW TO INDICATE THE TY	YPE OF DEVELOPMEN	VT REO	UEST (SELECT ONLY ONF R	OX1:	
PLATTING APPLIC MASTER PLAT PRELIMINARY I FINAL PLAT (\$300.0 REPLAT (\$300.0 AMENDING OR PLAT REINSTAT SITE PLAN APPLIC SITE PLAN (\$25	CATION FEES: (\$100.00 + \$15.00 ACRE) ¹ PLAT (\$200.00 + \$15.00 ACRE) ¹ 00.00 + \$20.00 ACRE) ¹ 00 + \$20.00 ACRE) ¹ MINOR PLAT (\$150.00) FEMENT REQUEST (\$100.00)	ZONING A ZONING A ZONING A ZONING A PD DE OTHER A TREE VARIA NOTES: IN DETERM PER ACRE AI A \$1,000.00	ZONING APPLICATION FEES: ☐ ZONING CHANGE (\$200.00 + \$15.00 ACRE) ¹ ☐ SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) ¹ 8 2 ☑ PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) ¹ OTHER APPLICATION FEES: ☐ TREE REMOVAL (\$75.00) ☐ VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) ² NOTES: ¹: IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE. ²: A \$1,000.00 FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING			
PROPERTY INFO	DRMATION [PLEASE PRINT]					
ADDRES:	Property ID Legal Description		4%			
SUBDIVISION	40004 MOTON DLOOK			LOT	BLOCK	
GENERAL LOCATION	v i			lis/		
ZONING, SITE PI	LAN AND PLATTING INFORMATION (F	PLEASE PRINT]				
CURRENT ZONING		CURREN'	T USE	Undeveloped		
PROPOSED ZONING	PD-32	PROPOSEI	USE	Condominium		
ACREAGE	0.29 Acres LOTS [CURI	RENT] N/A		LOTS [PROPOSEI	O] N/A	
REGARD TO ITS RESULT IN THE D	D PLATS: BY CHECKING THIS BOX YOU ACKNOWLED APPROVAL PROCESS, AND FAILURE TO ADDRESS AN DENIAL OF YOUR CASE. ANT/AGENT INFORMATION [PLEASE PRI	IY OF STAFF'S COMMEI	NTS BY	THE DATE PROVIDED ON THE L	DEVELOPMENT CALEN	ITY WITH DAR WILL
	In the Estate of Ernest Fields	NI/CHECK THE PRIMAR	10	RIV Properties LLC	RE REQUIRED]	
CONTACT PERSON	Robert Fields					
		CONTACT PER		Asher Hamilton		
ADDRESS	1502 LANGEL AVE	ADDR	ESS	PO Box 192054		
CITY, STATE & ZIP	RICHMOND, CA 94805	CITY, STATE 8	ZIP	Dallas, TX 75219		
PHONE	510-421-6848	PH	ONE	(214) 908-4684		
E-MAIL	amwriting@yahoo.com	E-N	MAIL	ahamilton@realtyinvestme	ents.com	794 LA
BEFORE ME, THE UNDER STATED THE INFORMAT I HEREBY CERTIFY THAT \$260.00 January NFORMATION CONTAINE	CATION [REQUIRED] RSIGNED AUTHORITY, ON THIS DAY PERSONALLY APP ION ON THIS APPLICATION TO BE TRUE AND CERTIFIE I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION TO COVER THE COST OF THIS APPLICATION, 20 22. BY SIGNING THIS APPLICATION, TO WITHIN THIS APPLICATION TO THE PUBLIC. THE CONNETT THE APPLICATION TO THE PUBLIC. THE CONNETT THE APPLICATION TO THE PUBLIC.	D THE FOLLOWING: ION; ALL INFORMATION S ON, HAS BEEN PAID TO TI I AGREE THAT THE CITY ITY IS ALSO AUTHORIZI	HE CITY (OF ROC ED AND	ED HEREIN IS TRUE AND CORREC OF ROCKWALL ON THIS THE CKWALL (I.E. "CITY") IS AUTHORIZ PERMITTED TO REPRODUCE AI	11th ED AND PERMITTED TO NY COPYRIGHTED INFO	ON FEE OF _ DAY OF O PROVIDE
	TION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS AND SEAL OF OFFICE ON THIS THE DAY OF OWNER'S SIGNATURE		20	Please see att	RMATION." ached California ement / Jurat	

MY COMMISSION EXPIRES

CALIFORNIA ALL- PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California	}
County of Contra Costa	}
name(s) is/are subscribed to the within in he/she/they executed the same in his/he	actory evidence to be the person(s) whose enstrument and acknowledged to me that er/their authorized capacity(ies), and that by ent the person(s), or the entity upon behalf of
the foregoing paragraph is true and corr WITNESS my band and official seal	under the laws of the State of California that ect. N. BEESON Notary Public - California Contra Costa County Commission # 2288942 My Comm. Expires May 18, 2023
ADDITIONAL OPTIONAL INFORMATION DESCRIPTION OF THE ATTACHED DOCUMENT Re: Development (Title or description of attached document) Appucation (Title or description of attached document continued) Number of Pages 2 Document Date 1/1/22	INSTRUCTIONS FOR COMPLETING THIS FORM This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law. State and County information must be the State and County where the documen signer(s) personally appeared before the notary public for acknowledgment. Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed. The notary public must print his or her name as it appears within his or he commission followed by a comma and then your title (notary public). Print the name(s) of document signer(s) who personally appear at the time o
CAPACITY CLAIMED BY THE SIGNER Individual (4) Corporate Officer (Title) Partner(s) Attorney-in-Fact Trustee(s)	 Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is /ere) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording. The notary seal impression must be clear and photographically reproducible Impression must not cover text or lines. If seal impression smudges, re-seal if sufficient area permits, otherwise complete a different acknowledgment form. Signature of the notary public must match the signature on file with the office of the county clerk. Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document. Indicate title or type of attached document, number of pages and date.





City of Rockwall Planning & Zoning Department 385 S. Goliad Street

Planning & Zoning Department 385 S. Goliad Street Rockwall, Texas 75032 (P): (972) 771-7745 (W): www.rockwall.com The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.

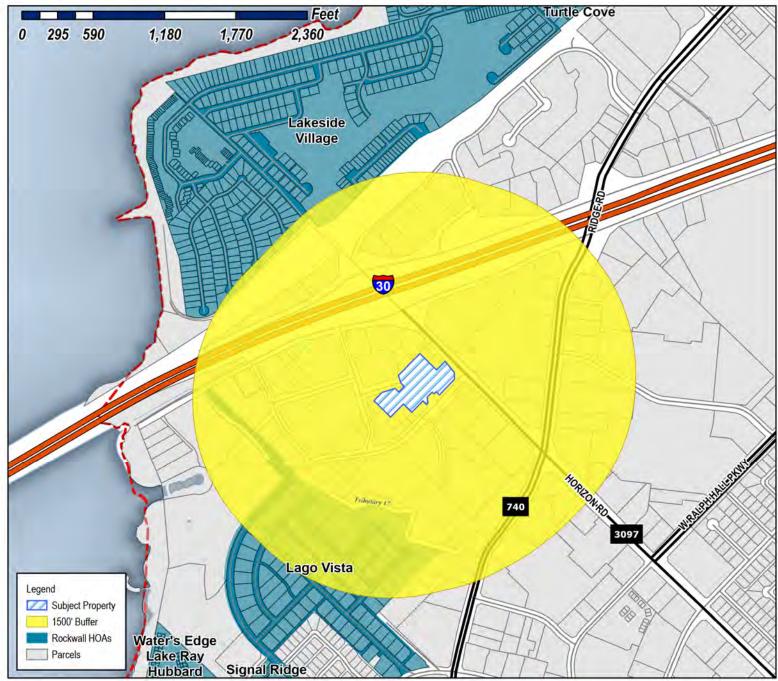




City of Rockwall

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





Case Number: Z2022-001

Case Name: PD Development Plan for Harbor

District Condominiums

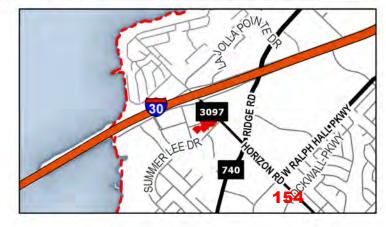
Case Type: Zoning **Zoning:** PD-32

Case Address: NWC of Summer Lee Dr.

and Horizon Rd.

Date Saved: 1/14/2022

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



Miller, Ryan

From: Miller, Ryan

Sent: Thursday, January 20, 2022 12:01 PM
To: Miller, Ryan; Lee, Henry; Gamez, Angelica
Subject: Neighborhood Notification Program [Z2022-001]

Attachments: HOA Map (01.14.2022).pdf; Public Notice (01.14.2022).pdf

HOA/Neighborhood Association Representative:

Per your participation in the <u>Neighborhood Notification Program</u>, 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 <u>January 21, 2022</u>. The Planning and Zoning Commission will hold a public hearing on <u>Tuesday, February 15, 2022 at 6:00 PM</u>, and the City Council will hold a public hearing on <u>Tuesday, February 22, 2022 at 6:00 PM</u>. 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 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.

Z2022-001: PD Development Plan for Condominiums

Hold a public hearing to discuss and consider a request by Asher Hamilton of RIV Properties, LLC on behalf of Michael Gibson of Marion E. Wilson, Michael White, Dimensions Real Estates Services, LLC; Mark R. Carson; Allen Anderson; Gary Shultz of Culpepper/Spatex JV; and Robert Fields of In the Estate of Ernest Fields for the approval of a <u>PD Development Plan</u> for a 176-unit condominium building on a 3.59-acre tract of land identified as 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.

Thank you,



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 | CITY OF ROCKWALL INTERACTIVE MAPS | UNIFIED DEVELOPMENT CODE

<u>NOTES</u>

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

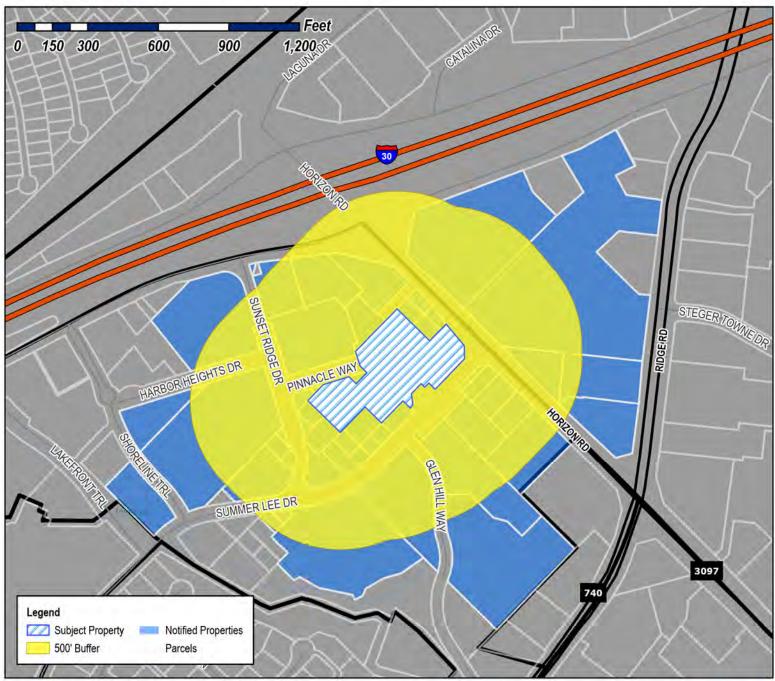
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City of Rockwall

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.





Case Number: Z2022-001

Case Name: PD Development Plan for Harbor

District Condominiums

Case Type: Zoning Zoning: PD-32

Case Address: NWC of Summer Lee Dr.

and Horizon Rd.

Date Saved: 1/14/2022

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



BENT TREE REALTY CO 16475 DALLAS PKWY STE 880 ADDISON, TX 75001	HORIZON ROAD LTD C/O TRICOR INTERNATIONAL REALTY CORP 2611 CEDAR SPRINGS RD DALLAS, TX 75201	W & R PROPERTIES INC PO BOX 657 KAUFMAN, TX 75142
BUILDERS ASSOCIATES #3 ATTN: ARNOLD SCHLESINGER 9595 WILSHIRE BLVD STE 700	BRYANT JUDY GRACE AND DOUGLASS FREDERICK WYGAL 2528 MARK MESQUITE, TX 75150	SPATEX GROUP PARTNERSHIP C/O GARY SHULTZ PO BOX 190569 DALLAS, TX 75219
BRYANT JUDY GRACE AND DOUGLASS FREDERICK WYGAL 2528 MARK MESQUITE, TX 75150	BRYANT JUDY GRACE AND DOUGLASS FREDERICK WYGAL 2528 MARK MESQUITE, TX 75150	MOTON ALVIN D SR & ETHEL 3419 LILY LN ROWLETT, TX 75089
CITY OF ROCKWALL 385 S GOLIAD ST ROCKWALL, TX 75087	ATTICUS REAL ESTATE SERVICES INC 5339 ALPHA RD STE 300 DALLAS, TX 75240	CITY OF ROCKWALL ATTN;MARY SMITH 385 S GOLIAD ST ROCKWALL, TX 75087
CITY OF ROCKWALL 385 S GOLIAD ST ROCKWALL, TX 75087	CITY OF ROCKWALL 385 S GOLIAD ST ROCKWALL, TX 75087	101 HUBBARD DR LLC 2701 SUNSET RIDGE DR SUITE 610 ROCKWALL, TX 75032
SONG CORPORATION 1200 HORIZON RD ROCKWALL, TX 75032	ROCKWALL HARBOR HILL, LTD 15653 HIGHWAY 243 KAUFMAN, TX 75142	CAIN DOYLE E 1375 COUNTY ROAD 2290 MINEOLA, TX 75773
CAIN DOYLE 1375 COUNTY ROAD 2290 MINEOLA, TX 75773	CITY OF ROCKWALL 385 S GOLIAD ST ROCKWALL, TX 75087	CITY OF ROCKWALL 385 S GOLIAD ST ROCKWALL, TX 75087
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ANDERSON ALLEN D ETUX 1208 S LAKESHORE DR ROCKWALL, TX 75087	CITY OF ROCKWALL 385 S GOLIAD ST ROCKWALL, TX 75087	CULPEPPER/SPATEX JV C/O GARY SHULTZ PO BOX 190569 DALLAS, TX 75219

101 HUBBARD DR LLCBENT TREE REALTY COHH RETAIL CENTER LP2701 SUNSET RIDGE DR16475 DALLAS PKWY2701 SUNSET RIDGE DR

SUITE 610 STE 880 SUITE 610

ROCKWALL, TX 75032 ADDISON, TX 75001 ROCKWALL, TX 75032

HARBOR HEIGHTS INVESTORS LP MOTON ETHEL REED 101 HUBBARD DR LLC
2701 SUNSET RIDGE DR 2701 SUNSET RIDGE DR

SUITE 610 3419 LILY LN SUITE 610

ROCKWALL, TX 75032 ROWLETT, TX 75089 ROCKWALL, TX 75032

CITY OF ROCKWALL SPATEX GROUP PARTNERSHIP SPATEX GROUP PARTNERSHIP

 385 S GOLIAD ST
 C/O GARY SHULTZ
 C/O GARY SHULTZ

 ROCKWALL, TX 75087
 PO BOX 190569
 PO BOX 190569

 DALLAS, TX 75219
 DALLAS, TX 75219

SONG CORPORATION HARBOR URBAN CENTER LLC KATHERINE BANNER FAMILY TRUST

1200 HORIZON RD 5339 ALPHA RD KATHERINE BANNER- TRUSTEE

ROCKWALL, TX 75032 SUITE 300 4 CHURCH HILL ROAD

DALLAS, TX 75240 HIGH FALLS, NY 12240

EIGHTYTWENTY REAL ESTATE HOLDINGS LLC ATTICUS SUMMER LEE TOWNHOMES LLC MHC ROCKWALL LLC 5740 PROSPECT AVE 5339 ALPHA ROAD 1468 KIMBROUGH RD

SUITE 2001 SUITE 300 SUITE 103

DALLAS, TX 75206 DALLAS, TX 75240 GERMANTOWN, TN 38138

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:

Case No. Z2022-001: PD Development Plan for Rockwall Harbor District Condominium Development

Hold a public hearing to discuss and consider a request by Asher Hamilton of RIV Properties, LLC on behalf of Michael Gibson of Marion E, Wilson, Michael White, Dimensions Real Estates Services, LLC; Mark R. Carson; Allen Anderson; Gary Shultz of Culpepper/Spatex JV; and Robert Fields of In the Estate of Ernest Fields for the approval of a PD Development Plan for a 176-unit condominium building on a 3.59-acre tract of land identified as 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.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on *Tuesday, February 15, 2022 at 6:00* PM, and the City Council will hold a public hearing on Tuesday, February 22, 2022 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:

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

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

Your comments must be received by <u>Tuesday</u>, February 22, 2022 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. Z2022-001: PD Development Plan for Rockwall Harbor District Condominium Development
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 RETURN THE BELOW FORM	
Case No	2022-001: PD Development Plan for Rockwall Harbor District Condominium Development	
1	avor of the request for the reasons listed below.	
□ I am	posed to the request for the reasons listed below.	
Name Address	Gary Shultz PO Box 190569 Pallas Tx 75219	

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

CITY OF ROCKWALL ● PLANNING AND ZONING DEPARTMENT ● 385 S. GOLIAD STREET ● ROCKWALL, TEXAS 75087 ● P: (972) 771-7745 ● E: PLANNING@ROCKWALL.COM

PLEASE RETURN THE BELOW FORM

Case No. Z2022-001: PD Development Plan for Rockwall Harbor District Condominium Development

Please place a check mark on the appropriate line below:

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

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

Dallas Tx 75219

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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PLEASE RETURN THE BELOW FORM

Case No. Z2022-001: PD Development Plan for Rockwall Harbor District Condominium Development

Please place a check mark on the appropriate line below:

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

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

Name: Gary Shultz Address: POBOX 1905/09

Dallas Tx 75219

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

CITY OF ROCKWALL ● PLANNING AND ZONING DEPARTMENT ● 385 S. GOLIAD STREET ● ROCKWALL, TEXAS 75087 ● P: (972) 771-7745 ● E: PLANNING@ROCKWALL.COM

2/4/2022

Mr. Ryan Miller City of Rockwall Director of Planning and Zoning 385 S. Goliad Street, Rockwall, TX 75087 Gary Shultz 6565 Hillcrest Ave #600 Dallas, Texas 75205 817-233-0478

(972) 772-6441

gshultz@diamond-a.com

Ryan,

I am Gary Shultz and I and my partners have owned the land in Rockwall for over 25 years. We have been looking for a committed developer for years who would build a project that would make us all proud. Obviously, the size and shape of the property produces considerable challenges, but Asher and Brad have worked tirelessly to navigate these issues to create something we believe is a great win for the harbor district. We are thrilled to have a group that understands the worth of the property as well as the nature of development that would precipitate further high-end projects in the area. As with any project, we know there are issues that will arise, but we firmly believe that this group is the right partner for our city. We fully support Realty Investments and the vision they have for this property.

Respectfully,

Gary Shultz

Feb. 7, 2022

To: Mr. Ryan Miller
City of Rockwall
Director of Planning and Zoning
385 S. Goliad St., Rockwall, TX 75087

From: Allen D. Anderson Mark R. Carson
1208 S. Lakeshore Dr. 701 N. Munson Rd.
Rockwall, TX 75087 Royse City, TX 75189
214 538-2209 972 345-5437

Ryan,

First and foremost, we appreciate the hard work that you and other city officials have made to improve the area over the 23 years that we have owned our land. Through your hard work, we now can watch our land be developed into a beautiful project. With that being said, we fully endorse Asher Hamilton and Brad Boswell of Realty Investments to develop our parcel. We have been working with them for the last four months and they have diligently and methodically worked through the development process to orchestrate a vision that coincides with the surrounding area which will further boost the lively feel of our neighborhood.

Sincerely,



Mr. Ryan Miller VIA EMAIL: rmiller@rockwall.com
City of Rockwall
Director of Planning and Zoning
385 S. Goliad Street, Rockwall, TX 75087

Re: Rockwall Harbor District Condominium Development

Realty Investments has secured 3.59 acres of contiguous land from five separate landowners within the Harbor District of Rockwall to build a Class A, 176-unit condominium project. The site, which sits at the confluence of Horizon Road and Summer Lee Dr, is strategically positioned to foster an up-scale four-story condominium project which will aid in the further vibrance and walkability of the district. To match the surrounding properties in the Harbor District, Realty Investments intends on abiding by the City of Rockwall's Planned Development 32 (PD-32) in all phases of the construction process. In addition to the current building standards, Realty Investments will also be furthering the planned development of the city by building two roads. First, Pinnacle Way Drive will connect into Pinnacle Way behind the Trend HR building. Second, Pinnacle Way Drive will be connected into Glen Hill Way which runs by the Tru by Hilton Rockwall. Over the next six months, Realty Investments will complete the architectural and engineering portions of the project. Once completed, construction will commence and last approximately eighteen months.

We are very fortunate and grateful to have this opportunity to propose this project to the City of Rockwall. It was a challenge aggregating the necessary land to build the project and we believe it will be a wonderful asset to the community and aid in the further high-end development of the Harbor District.

Respectfully,

(972) 772-6441

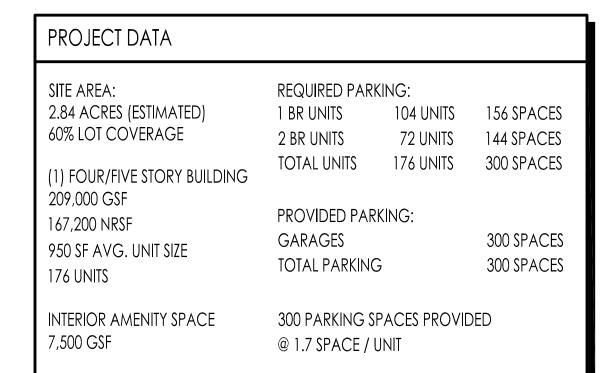
Asher Hamilton CEO

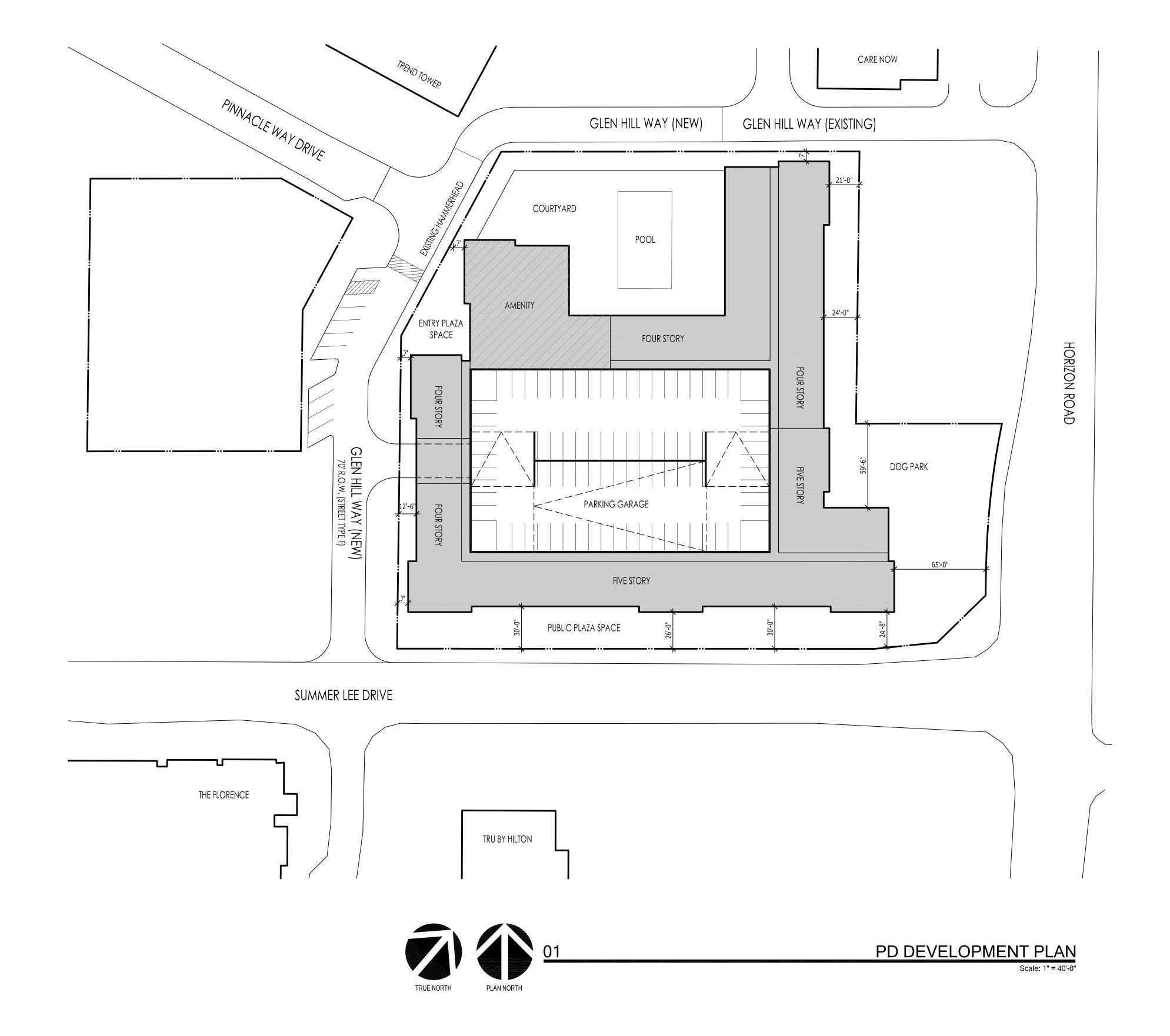
Realty Investments 1920 McKinney Ave. 7th Floor Dallas, TX 75201

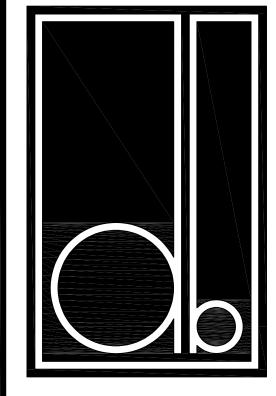
ahamilton@realtyinvestments.com (214) 908-4684

www.realtyinvestments.com









DESIGN BALANCE, INC. 2231 RIDGE ROAD, SUITE 200 ROCKWALL, TEXAS 75087 214.668.2306

RIV PROPERTIES, LLC P.O. BOX 192054 DALLAS, TX 75219 214.908.4684

ARBOR RESIDENCE

PROJECT NUMBER:

02/10/2022

DATE ISSUED:

REVISIONS:

SHEET TITLE:

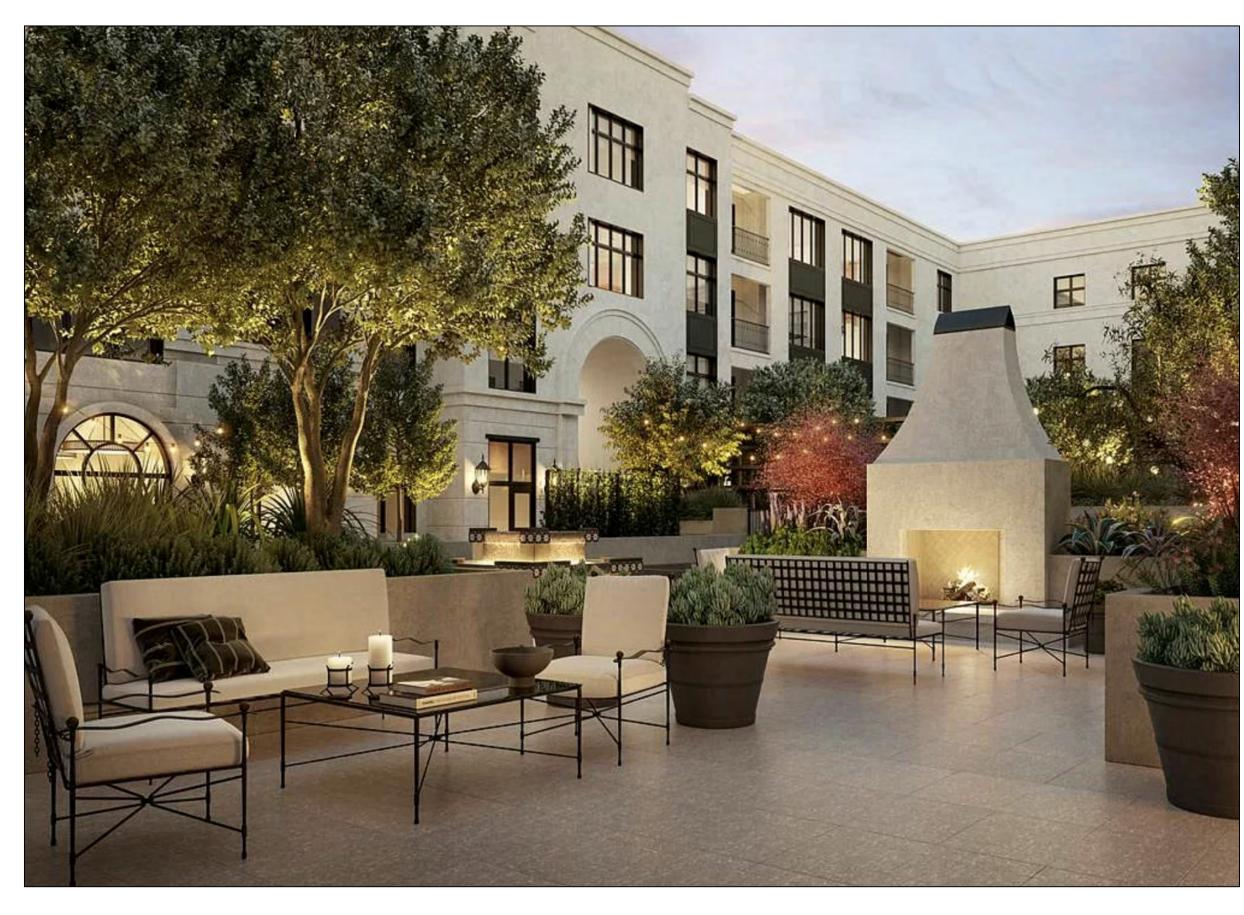
PD DEVELOPMENT PLAN

SHEET NAME:

A10

CASE NUMBER:

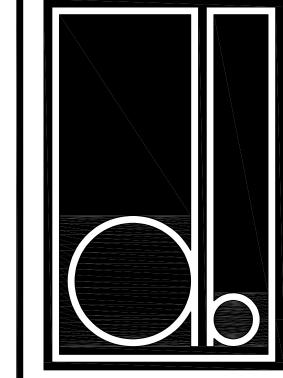
Z2022-001



EXAMPLE IMAGE OF DESIGN INTENT - TUSCAN ARCHITECTURAL STYLE Scale: N.T.S.



EXAMPLE IMAGE OF DESIGN INTENT - TUSCAN ARCHITECTURAL STYLE
Scale: N.T.S.



DESIGN BALANCE, INC. 2231 RIDGE ROAD, SUITE 200 ROCKWALL, TEXAS 75087 214.668.2306

RIV PROPERTIES, LLC P.O. BOX 192054 DALLAS, TX 75219 214.908.4684

HARBOR RESIDENCE ROCKWALL, TEXAS

PROJECT NUMBER:

DATE ISSUED:

REVISIONS:

01/10/2022

SHEET TITLE:

ARCHITECTURAL STYLE

SHEET NAME:





Private Real Estate Investments















Multifamily
Industrial
Single-Family
Hospitality
Self-Storage
Flex

This presentation should not be regarded as an offer to sell or as a solicitation of an offer to buy any financial product.

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Introduction to Realty Investments

- Realty Investments is a private real estate firm that specializes in the procurement, development, management, and disposition of various commercial real estate asset types including multifamily, industrial, single-family, hospitality, self-storage, and flex. The firm effectuates its strategy by utilizing long-standing relationships to ascertain acquisition and development opportunities within a specific target market. Realty Investments is currently focused on acquisition and development opportunities in the southern portion of the United States.
- Realty Investments is a U.S.-based real estate investment firm.
 - Led by Managing Partners Asher Hamilton and Brad Boswell
 - Headquartered in Dallas, Texas
 - Full-service development, acquisition, asset management, and investor services
 - Managing Partners have closed over \$500 million in real estate assets
 - Focused on acquisition and development opportunities

Sponsorship Team

Asher Hamilton, Founder/Partner

- Mr. Hamilton is responsible for overseeing the procurement, management, and legal aspects of the firm. Prior to Realty Investments, Mr. Hamilton has held several positions with Dallas/Fort Worth based private investment firms, where he was responsible for originating, structuring, and managing new development and value-add acquisitions. Throughout his career, Mr. Hamilton has been involved in the due diligence, acquisition, management, and disposition of over \$1.0 billion worth of real estate transactions in multiple products types including multifamily, retail, office, industrial, flex, and hospitality. Since 2015, Mr. Hamilton has procured, developed, and managed approximately \$350,000,000 in multifamily real estate assets.
- Mr. Hamilton attended Southern Methodist University where he received a
 Bachelors in Business Administration from the Cox School of Business (cum laude),
 a Master in Business Administration from the Cox School of Business (cum laude),
 and a Juris Doctorate from the Dedman School of Law.

Sponsorship Team

Brad Boswell, Partner

- Mr. Boswell is responsible for managing all aspects of the construction process for Realty Investments as well as capital raising for new projects. Mr. Boswell has over 19 years of construction and development experience with over \$54 million completed through his family business and various real estate projects. In addition to his construction and development experience, Mr. Boswell owns and operates his family business with his father which provides construction management services to national clients including Fortune 500 companies.
- Mr. Boswell attended the University of Texas at Austin where he received Bachelor of Business Administration in Marketing.

Investment Philosophy

When selecting potential opportunities, Realty Investments focuses on the following criteria:

- Markets with strong projected population and employment growth
- Competitive advantages in submarkets or asset classes with high barriers to entry
- Preservation of investor capital
- Portfolio diversification for investors

Benefits of Realty Investments

- Experience:
 - Spanning multiple investment cycles & asset classes
 - Management of diverse real estate assets
 - Years of reporting to family offices, institutional funds, and high net worth individuals
- Multigenerational family relationships in Dallas and Austin.
- Transparency (i) updates for each project, (ii) complete access to all financial information, and (iii) annual portfolio reviews
- Disciplined underwriting
- Unique Market Approach

Investment Strategy

- Construction of new Class A projects including multifamily, industrial, self-storage, hospitality, and flex assets within the southern United States.
- Value-add acquisition of existing multifamily, industrial, selfstorage, hospitality, and flex assets which are located in appreciating or gentrifying locations in the southern U.S.

Track Record

Transaction	Property Type	Location	Asset Value	Description
Closed Transactions				
1801 Turbeville Rd.	Multifamily (380-Units 342,000 sf, 24.34 acres)	Hickory Creek, Texas	\$76,000,000	Ground-up multifamily development project. JV Partnership with Leon Capital Group.
5817 22nd Street	Multifamily (212-Units 136,936 sf, 11.24 acres)	Lubbock, Texas	\$9,500,000	Value-add multifamily project near Texas Tech University.
2403 N. Washington	Multifamily (244-Units, 230,458 sf, 4.66 acres)	Dallas, Texas	\$54,000,000	Value-add multifamily project in the urban core of Dallas.
14403 W. Beltwood Pkwy	Flex/Office	Dallas, Texas	\$2,700,000	Negotiated off-market transaction for a 10% cap with surrounding comps at 8%.
1199 N. Broadway	Multifamily (232-Units, 181,791 sf, 3.91 acres)	Carrollton (Dallas), TX	\$34,000,000	Ground-up multifamily development project.
5800 7th Street	Hospitality, Candlewood Suites	Bay City, TX	\$8,000,000	Ground-up hotel development project.
2800 Lakeside Parkway	Multifamily/Condominiums (52-Units, 150,188 sf, 2.5 acres)	Flower Mound (Dallas), TX	\$61,000,000	Ground-up multifamily development project.
23044 US Hwy 6	Hospitality, Hyatt Place Keystone	Keystone, CO	\$13,000,000	Acquisition of Keystone in with conversion to Hyatt Place.
360 & Interstate 20	Multifamily (248 Units, 216,070 sf, 17.49 acres)	Grand Prairie (Dallas), TX	\$38,000,000	Ground-up multifamily development project.
525-545 Nolen Dr.	Flex/Office	Southlake (Dallas), TX	\$19,000,000	Acquisition of a portfolio of flex office assets in Southlake.
Multiple Locations	Land Fund	Dallas, TX	\$5,000,000	Fund created to acquire various long-term land acquisitions.
400 S. Jennings Ave.	Multifamily	Ft. Worth, TX	\$32,000,000	Ground-up multifamily development project.
27919 Johnson Road	Senior Housing	Tomball, TX	\$7,000,000	Acquisition and redevelopment of a assisted living and memory care facility.
Master Planned Community (FM 407)	SFR	Northlake (Dallas), TX	\$8,000,000	333 acre master plan communty north of Ft. Worth.
Multiple Locations	SFR	Dallas, TX	\$6,000,000	Development of high-end homes in the affluent neiborhood of Highland Park.
River Valley Ranch	Condominiums	Carbondale, CO	\$3,200,000	Development of quad-plex condominiums in Carbondale, Colorado which is a suburb of Aspen.

CITY OF ROCKWALL

ORDINANCE NO. 22-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL. TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 32 (PD-32) [ORDINANCE NO. 17-22] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A PD DEVELOPMENT PLAN FOR A CONDOMINIUM BUILDING ON A 3.59-ACRE TRACT OF LAND IDENTIFIED AS 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 AND MORE FULLY DESCRIBED AND DEPICTED HEREIN BY EXHIBIT 'A': 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 Asher Hamilton of RIV Properties, on behalf of Michael Gibson of Marion E. Wilson, Michael White, Dimensions Real Estates Services, LLC; Mark R. Carson; Allen Anderson; Gary Shultz of Culpepper/Spatex JV; and Robert Fields of In the Estate of Ernest Fields for the approval of a *PD Development Plan* for a 176-unit, condominium building to be situated within the *Hillside Mixed-Use Subdistrict* and the *Horizon/Summer Lee*, on a 3.95-acre tract of land identified as 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 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 Planned Development District 32 (PD-32) [Ordinance No. 17-22] and 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 Planned Development District 32 (PD-32) [Ordinance No. 17-22] and the Unified Development Code [Ordinance No. 20-02], as heretofore amended, shall be further amended by adopting this PD Development Plan and amending the official zoning map of the City of Rockwall for the Subject Property; and,

SECTION 2. That development of the *Subject Property* shall generally be in accordance with the *Concept Plan*, depicted in *Exhibit 'B'* of this ordinance, attached hereto and incorporated

Z2022-001: PD Development Plan for PD-32 Ordinance No. 22-XX; PD-32

herein by reference as *Exhibit 'B'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*; and,

SECTION 3. That development of the *Subject Property* shall generally be in accordance with the *Conceptual Building Elevations*, depicted in *Exhibit 'C'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'C'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*; and,

SECTION 4. That the *Subject Property* shall be used only in the manner and for the purposes provided for in Planned Development District 32 (PD-32) [*Ordinance No. 17-22*], the Unified Development Code [*Ordinance No. 20-02*], and in compliance with the following conditions and requirements:

- (1) The development of the subject property shall generally conform to the *Concept Plan* depicted in *Exhibit 'B'* of this ordinance.
- (2) The development of the subject property shall generally conform to the proposed Conceptual Building Elevations depicted in Exhibit 'C' of this ordinance and to the design guidelines contained in Resolution No. 10-40.
- (3) The proposed condominium building shall not contain more than 176 urban residential units.
- (4) All building materials and color schemes proposed for this development should conform to the requirements stipulated by Planned Development District 32 (PD-32) [as amended].
- (5) Prior to the issuance of a building permit the applicant shall submit and seek approval for a detailed *PD Site Plan* that demonstrates compliance with all applicable standards of Planned Development District 32 (PD-32) [as amended] and with the requirements approved in this ordinance.
- (6) All buildings throughout the development shall be constructed with a consistent design scheme, incorporate four (4) sided architecture that creates an entry appearance on all four (4) sides, and be approved by the Architectural Review Board (ARB) at the time of the PD Site Plan.

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

SECTION 6. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable;

SECTION 7. The standards in this ordinance shall control in the event of a conflict between

Z2022-001: PD Development Plan for PD-32 Ordinance No. 22-XX; PD-32

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

SECTION 8. That this ordinance shall take effect immediately from and after its passage;

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 7^{TH} DAY OF FEBRUARY, 2022.

	Kevin Fowler, <i>Mayor</i>	
ATTEST:	Treviii i state, mayer	
Kristy Cole, City Secretary		
APPROVED AS TO FORM:		
Frank J. Garza, City Attorney		
1 st Reading: <u>January 18, 2022</u>		
2 nd Reading: <i>February</i> 7, 2022		

Z2022-001: PD Development Plan for PD-32 Ordinance No. 22-XX; PD-32

Legal Description and Location Map

PARCEL 1 (TRACTS 1 & 2)

<u>TRACT 1:</u> All that certain 0.705-acre tract of land in the Edward Teal Survey, Abstract No. 207, Rockwall County, Texas and being Lot 2 and part of Lots 1, 3 and 4, of Block 2 and Lots 1 and 2 and part of Lots 3 and 4, of Block 4 of George Morton Estate, an addition to the City of Rockwall, recorded in Cabinet A, Slide 47B of the Plat Records of said county, and being part of the tract of land described in a Warranty Deed to Culpepper/Spatex Joint Venture, recorded in Volume 209, Page 475 of the Deed Records of said county, and being more particularly described by metes and bounds as follows:

BEGINNING at a ½-inch iron rebar with a cap (illegible) found at the north end of a corner clip at the intersection of Summer Lee Drive, a variable width public right-of-way and Horizon Drive, a variable width public right-of-way per the right-of-way dedication to the City of Rockwall recorded in Instrument Number2005-0000338484 of the Official Public Records of said county:

THENCE with the northwest right-of-way line of Summer Lee Drive the following courses and distances;

South 38°15'10" West, a distance of 44.84-feet to a ½-inch iron rebar with a cap (illegible) found for corner;

South 43°54'47" West, a distance of 14.91-feet to a ½-inch iron rebar with a cap (illegible) found for corner;

South 43°55'59" West, a distance of 131.01-feet to a ½-inch iron rebar with a cap (illegible) found for corner in the southwest line of said Lot 3, Block 4 and in the northeast line of Lot 4, Block 6 of said addition;

THENCE North 45°23'07" West, with said southwest line and said northeast line, passing at a distance of 38.12-feet, to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for corner in said northwest right-of-way line and the east corner of a called 0.160-acre tract of land described in a General Warranty Deed to Mark R. Carson, recorded in Instrument Number 2008-00394439 of said Official Public Records, continuing with said southwest line of said Lot 3, Block 4, the southwest line of Lot 2, Block 4, the northwest line of said Lot 4, Block 6, the northwest line of Lot 1, Block 6 of said addition, and the northwest line of said 0.160-acre tract, in all, a total distance of 139.41-feet to a ½-inch iron rebar with a cap stamped "RPLS6484" set for the west corner of said Lot 2, Block 4, the north corner of said Lot 1,Block 6 and in the southeast line of a 40 foot wide easement, recorded in said addition;

THENCE North 43°50'43" East, with the northwest lines of said Lot 1 and Lot 2 Block 4 and said Lot 1 and Lot 2, Block 2 and said southeast line of said 40 foot wide easement, a distance of 230.94-feet to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for corner in the southwest right-of-way line of said Horizon Drive at the beginning of a non-tangent curve to the left, with a radius of 510.50-feet and a chord which bears South 37°22'46" East, a distance of 14.17-feet;

THENCE with said southwest right-of-way line of Horizon drive the following courses and distances;

Along said curve to the left, with a central angle of 01°35'26" and an arc distance of 14.17-feet to a ½-inch iron rebar with a cap (illegible) found for the beginning of a compound curve to the left, with a radius of 576.50-feet, and a chord which bears South 41°42'06" East, a distance of 70.67-feet;

Along said curve to the left, with a central angle of 07°01'39" and an arc distance of 70.71-feet to a ½-inch iron rebar with a cap (illegible) found for corner;

South 45°16'48" East, a distance of 17.37-feet to the *POINT OF BEGINNING* and containing 0.705-acres (30,690 square-feet) of land.

TRACT 2: All that certain 0.463-acre tract of land in the Edward Teal Survey, Abstract No. 207, Rockwall

Legal Description and Location Map

County, Texas and being Lots 1, 2, 3 and 4, Block 3 of George Morton Estate, an addition to the City of Rockwall, recorded in Cabinet A, Slide 47B of the Plat Records of said county, and being part of the tract of land described in a Warranty Deed to Culpepper/Spatex Joint Venture, recorded in Volume 209, Page475 of the Deed Records of said county, and being more particularly described by metes and bounds as follows:

BEGINNING at a $\frac{1}{2}$ -inch iron rebar with a cap stamped "RPLS 6484" set for the west corner of said Lot 2, Block 3, and at the intersection of a 20 foot wide easement, recorded in said addition, from which a $\frac{1}{2}$ -inch iron rebar with a cap stamped "RPLS 5034" found bears North 73°52'22" West a distance of 22.02-feet and a 5/8 inch iron rebar with a cap stamped "Sam Inc" found bears North 88°48'34"East, a distance of 27.56-feet;

THENCE North 43°50'43" East, with the northwest line of said Lot 1 and Lot 2, Block 3 and the southeast line of the 20-foot-wide easement, a distance of 131.01-feet to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the north corner of said Lot 1, Block 3 and the west corner of Lot 2, Block 1 of said addition;

THENCE South 45°21'44" East, with the northeast line of said Lot 1 and Lot 4, Block 3 and the southwest line of said Lot 2, Block 1 and Lot 3, Block 1 of said addition, a distance of 154.01-feet to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the east corner of said Lot 4, Block 3, the south corner of said Lot 3, Block 1 and in the northwest line of a 40 foot wide easement as recorded in said addition;

THENCE South 43°50'43" West, with the southeast line of said Lot 3 and Lot 4 Block 3 and said northwest line of said 40 foot wide easement, a distance of 131.01feet to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the south corner of said Lot 3, Block 3 and at the intersection of said northwest line of the 40 foot wide easement and the northeast line of said 20 foot wide easement;

THENCE North 45°21'44" West, with the southwest line of said Lot 2 and Lot 3, Block 3, and the northeast line of said 20-feet wide easement, a distance of 154.01-feet to the *POINT OF BEGINNING* and containing 0.463-acres (20,176 square-feet) of land.

Parcel 2

All that certain 0.160-acre tract of land in the Edward Teal Survey, Abstract No. 207,Rockwall County, Texas and being Lot 1 and part of Lot 4, Block 6 of George Morton Estate, an addition to the City of Rockwall, recorded in Cabinet A, Slide 47B of the Plat Records of said county, and being same 0.160-acre tract of land described a General Warranty Deed to Mark R. Carson, recorded in Instrument Number 2008-00394439 of the Official Public Records of said county, and being more particularly described by metes and bounds as follows:

BEGINNING at a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the east corner of said 0.160-acre tract, in the northeast line of said Lot 4, Block 6, the southwest line of Lot 3, Block 4 of said addition and in the northwest right-of-way line of Summer Lee Drive, a variable width public right-of-way, from which a ½-inch iron rebar with a cap (illegible) found in said northwest right-of-way line bears South45°23'07" East, a distance of 38.12-feet;

THENCE with the southeast line of said 0.160-acre tract and said northwest right-of-way line, the following courses and distances;

South 49°50'10" West, a distance of 25.57-feet to a ½-inch iron rebar with a cap stamped "RPLS 5034" found for corner;

North 45°40'41" West, a distance of 20.93-feet to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for corner in the southeast line of said Lot 1, Block 6 and the northwest line of said Lot 4, Block 6;

Legal Description and Location Map

South 44°13'18" West, a distance of 39.98-feet to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the south corner of said 0.160-acre tract, the south corner of said Lot 1, Block 6, the west corner of said Lot 4, Block 6 the north corner of Lot 3, Block 6 of said addition, the east corner of Lot 2, Block 6 of said addition, and the east corner of a called 0.18-acre tract described in a General Warranty Deed to Allen Anderson, recorded in Instrument No. 2008-00394440 of said Official Public Records:

THENCE North 45°21'44" West, with the southwest line of said 0.160-acre tract, the southwest line of said Lot 1, Block 6, the northeast line of said 0.18-acre tract, and the northeast line of said Lot 2, Block 6, passing at a distance of 77.43-feet, a 1/2inch iron rebar with a cap stamped "RPLS 6484" set for the west corner of said Lot 1, Block 6, the north corner of said Lot 2, Block 6 and in the southeast line of a 40foot wide easement, recorded in said addition, in all, a total distance of 97.43-feet to the west corner of said 0.160-acre tract, the north corner of said 0.18-acre tract and in the center of said 40 foot wide easement;

THENCE North 43°50'43" East, with the center of said 40-foot-wide easement, a distance of 65.51-feet to the north corner of said 0.160-acre tract;

THENCE South 45°23'21" East, with the northeast line of said 0.160-acre tract, passing at a distance of 20.00-feet, a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the north corner of said Lot 1, Block 6, the west corner of said Lot 2, Block 4 of said addition, continuing with said northeast line of the 0.160-acre tract, the northeast line of said Lot 1 and Lot 4, Block 6, and the southwest line of said Lot 2 and Lot 3, Block 4, in all, a total distance of 121.30-feet to the *POINT OF BEGINNING* and containing 0.160-acres (6,964 square-feet) of gross area, 0.130-acres (5,654 square-feet) of net area of land.

Parcel 3

All that certain 0.175-acre tract of land in the Edward Teal Survey, Abstract No. 207,Rockwall County, Texas and being Lot 2 and part of Lot 3, Block 6 of George Morton Estate, an addition to the City of Rockwall, recorded in Cabinet A, Slide 47B of the Plat Records of said county, and being a called 0.18-acre tract of land described a General Warranty Deed to Allen Anderson, recorded in Instrument No. 2008-00394440 of the Official Public Records of said county, and being more particularly described by metes and bounds as follows:

BEGINNING at a ½-inch iron rebar with a cap stamped "RPLS 5034" found for the south corner of said 0.18-acre tract, in the southwest line of said Lot 3, Block 6 and in the northwest right-of-way line of Summer Lee Drive, a variable width public right-of-way, from which a ½-inch iron rebar with a cap stamped "RPLS 5034" found in said right-of-way bears South 45°21'27" East, a distance of 19.89-feet;

THENCE North 45°21'27" West, with the southwest line of said 0.18-acre tract, said southwest line of Lot 3, Block 6 and, in said northwest right-of-way line, passing at a distance of 43.01-feet, a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the south corner of said Lot 2, Block 6, the west corner of said Lot 3, Block 6 and the west corner of Lot 1, Block 8 of said addition, departing said northwest right-of-way line and continuing with said southwest line of the 0.18-acre tract, the southwest line of said Lot 2, Block 6 and the northwest line of said Lot 1, Block 8, passing at a distance of 119.67-feet, a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the west corner of said Lot 2, Block 6, the north corner of said Lot 1, Block 8 and in the southeast line of a 40 foot wide easement recorded in said addition, continuing with said southwest line of the 0.18-acre tract, in all, a total distance of 139.67-feet to the west corner of said 0.18-acre tract and in the center of said 40 foot wide easement:

THENCE North 43°50'43" East, with the northwest line of said 0.18-acre tract and in the center of said 40 food wide easement, a distance of 65.50-feet to the north corner of said 0.18-acre tract and the west corner of a called 0.160-acre tract of land described a General Warranty Deed to Mark R. Carson, recorded in Instrument Number 2008-00394439 of said Official Public Records;

THENCE South 45°21'44" East, with the northeast line of said 0.18-acre tract and the southwest line of said 0.160-acre tract, passing at a distance of 20.00-feet, a ½-inch iron rebar with a cap stamped "RPLS"

Legal Description and Location Map

6484" set for the north corner of said Lot 2, Block 6 and the west corner of said Lot 1, Block 6, continuing with said northeast line of the 0.18-acre tract, the northeast line of said Lot 2, Block 6, said southwest line of the 0.160-acre tract and the southwest line of said Lot 1, Block 6, in all, a total distance of 97.43-feet to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the west corner of said 0.18-acre tract, the west corner of said Lot 2, Block 6, the south corner of said 0.160-acre tract, the south corner of said Lot 1, Block 6 and, in said northwest right-of-line of Summer Lee Drive;

THENCE with the southeast line of said 0.18-acre tract and said northwest right-of-way line, the following courses and distances;

South 44°13'18" West, a distance of 19.50-feet to a ½-inch iron rebar with a cap stamped "RPLS 5034" found for corner;

South 09°43'47" East, a distance of 46.51-feet to a ½-inch iron rebar with a cap stamped "RPLS 5034" found for corner;

South 29°14'41" West, a distance of 19.61-feet to the *POINT OF BEGINNING* and containing 0.175-acres (7,635 square-feet) of gross area and 0.145-acres (6,325 square-feet) of net area of land.

Parcel 4

All that certain 0.230-acre tract of land in the Edward Teal Survey, Abstract No. 207, Rockwall County, Texas and being Lots 1 and 2, Block 8 of George Morton Estate, an addition to the City of Rockwall, recorded in Cabinet A, Slide 47B of the Plat Records of said county, and being more particularly described by metes and bounds as follows:

BEGINNING at a ½-inch iron rebar with a cap stamped "RPLS 5034" found for the south corner of said Lot 2, Block 8, the west corner of Lot 3, Block 8 of said addition, the east corner of Lot 1, Block 10 of said addition and the north corner of Lot 4,Block 8 of said addition, from which, a ½-inch iron rebar with a cap stamped "RPLS5034" found bears South 45°21'46" East, a distance of 63.39-feet;

THENCE North 45°21'46" West, with the southwest line of said Lot 2, Block 8 and the northeast line of said Lot 1, Block 10, a distance of 76.12-feet to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the west corner of said Lot 2, Block 8,the north corner of said Lot 1, Block 10 and in the southeast line of a 40 foot wide easement recorded in said addition;

THENCE North 43°50'43" East, with the northwest line of said Lot 1 and Lot 2 Block 8 and said southeast line of the 40 foot wide easement, a distance of 130.96feet to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the north corner of said Lot 1, Block 8, the west corner of Lot 2, Block 6 of said addition and in the southwest line of a called 0.18-acre tract of land described a General Warranty Deed to Allen Anderson, recorded in Instrument No. 2008-00394440 of the Official Public Records of said county;

THENCE South 45°21'27" East, with the northeast line of said Lot 1, Block 8, the southwest line of said Lot 2, Block 6 and said southwest line of the 0.18-acre tract, a distance of 76.66-feet to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the east corner of said Lot 1, Block 8, the south corner of said Lot 2, Block 6, the west corner of Lot 3, Block 6 of said addition and the north corner of said Lot 4, Block 8, from which a ½-inch iron rebar with a cap stamped "RPLS 5034" found for the south corner of said 0.18-acre tract and in the northwest right-of-way line of Summer Lee Drive, a variable width public right-of-way bears South 45°21'27" East, a distance of 43.01-feet;

THENCE South 44°04'51" West, with the southeast line of said Lot 1 and Lot 2, Block 8 and the northwest line of said Lot 3 and Lot 4, Block 8, passing at a distance of 114.25-feet, a ½-inch iron rebar found, in all, a total distance of 130.95feet to the POINT OF BEGINNING and containing 0.230-acres (10,002 square-feet) of land.

Z2022-001: PD Development Plan for PD-32 Ordinance No. 22-XX; PD-32

Legal Description and Location Map

Parcel 5

All that certain 1.245-acre tract of land in the Edward Teal Survey, Abstract No. 207, Rockwall County, Texas and being Lots 1, 3 and 4, and part of Lot 2 Block 5, Lots 3 and 4 and part of Lot 2, Block 7 and Lots 1, 2, 3 and 4, Block 9 of George Morton Estate, an addition to the City of Rockwall, recorded in Cabinet A, Slide 47B of the Plat Records of said county, and being all of the tract of land described in a General Warranty Deed to Dimensions Real Estate Services, recorded in Instrument No.2011-00451974 of the Official Public Records of said county, and being more particularly described by metes and bounds as follows:

BEGINNING at a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the west corner of Lot 2, Block 9, the north corner of Lot 1, Block 11 of said addition, and in the southwest line of a 20 foot wide easement recorded in said addition;

THENCE North 43°50'43" East, with the northwest lines of said Lot 1 and Lot 2, Block 9 and Lot 2, Block 7 and said southeast line of the 20 foot wide easement, a distance of 135.22-feet to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for corner in the northwest line of said Lot 2, Block 7 and in the south right-of-way line of Pinnacle Way, a 58 foot wide public right-of-way, from which a ½-inch iron rebar found at the intersection of said south right-of-way line of Pinnacle Way and the east right-of-way line of Sunset Ridge Drive, a variable width public right-of-way bears South 72°49'03" West, a distance of 184.95-feet;

THENCE North 72°49'03" East, with said south right-of-way line of Pinnacle Way, a distance of 69.48-feet to a ½-inch iron rebar with a cap stamped "RPLS 5034" found for corner in the northeast line of said Lot 2, Block 9;

THENCE South 45°37'46" East, continuing with said south right-of-way line of Pinnacle Way and with the northeast line of said Lot 2, Block 9, a distance of 42.61-feet to a ½-inch iron rebar with a cap stamped "RPLS 5034" found for the east corner of said Lot 2, Block 9, the north corner of said Lot 3, Block 9 and the west corner of said Lot 4, Block 7;

THENCE North 44°12'16" East, continuing with said south right-of-way line of Pinnacle Way and with the northwest line of said Lot 4, Block 7, a distance of 65.39feet to a 5/8 inch iron rebar with a cap stamped "Maddox" found for the north corner of said Lot 4, Block 7, the west corner of said Lot 3, Block 7, the south corner of said Lot 2, Block 7, and the east corner of the terminus of said Pinnacle Way;

THENCE North 45°28'03" West, with the east right-of-way line of said Pinnacle Way and the southwest line of said Lot 2, Block 7, a distance of 41.44-feet to a 5/8-inch iron rebar with a cap stamped "Maddox" found in said east right-of-way line of Pinnacle Way;

THENCE North 17°34'51" West, departing said southwest line of said Lot 2, Block 7 and continuing with said east right-of-way line of Pinnacle Way, passing at a distance of 28.13-feet to the north corner of the terminus of said Pinnacle Way, in all, a total distance of 40.12-feet to a ½-inch iron rebar with a cap stamped "RPLS6484" set in the northwest line of said Lot 2, Block 5 and in the southeast line of a20 foot wide easement recorded in said addition:

THENCE North 43°50'43" East, with the northwest lines of said Lot 1 and Lot 2, Block 5 and said southeast line of the 20 foot wide easement, a distance of 112.80feet to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the north corner of said Lot 1, Block 5 and the intersection of said southeast line of the 20 foot wide easement and the southwest line of another 20 foot wide easement recorded in said addition, from which a 5/8 inch iron rebar with a cap stamped "Sam Inc" bears North 44°39'37" West, a distance of 19.25-feet;

THENCE South 45°21'44" East, with the northwest lines of said Lot 1 and Lot 4, Block 5 and said southwest line of the 20 foot wide easement, a distance of 154.01-feet to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the west corner of said Lot 4, Block 5 and the intersection of said southwest

Z2022-001: PD Development Plan for PD-32 Ordinance No. 22-XX; PD-32

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Legal Description and Location Map

line of the 20 foot wide easement and the northwest line of a 40 foot wide easement recorded in said addition:

THENCE South 43°50'43" West, with the southeast lines of said Lots 3 and 4, Block 5, Lots 3 and 4, Block 7 and Lots 3 and 4, Block 9 and said northwest line of the 40 foot wide easement, a distance of 393.33-feet to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the south corner of said Lot 3, Block 9 and the east corner of said Lot 4, Block 11 of said addition, from which a ½-inch iron rebar found bears South 45°25'13" East, a distance of 18.07-feet;

THENCE North 45°25'13" West, with the southwest lines of said Lots 2 and 3, Block 9 and the northwest lines of said Lots 1 and 4, Block 11, passing at a distance of 78.94-feet, a ½-inch iron rebar with a cap stamped "RPLS 5034" found for the west corner of said Lot 3, Block 9, the south corner of said Lot 2, Block 9, the east corner of said Lot 1, Block 11, and the north corner of said Lot 4, Block 11, in all, a total distance of 154.01-feet to the POINT OF BEGINNING and containing 1.245-acres (54,217 square-feet) of land.

Z2022-001: PD Development Plan for PD-32 Ordinance No. 22-XX; PD-32

Exhibit 'A':Legal Description and Location Map



Exhibit 'B':
Concept Plan

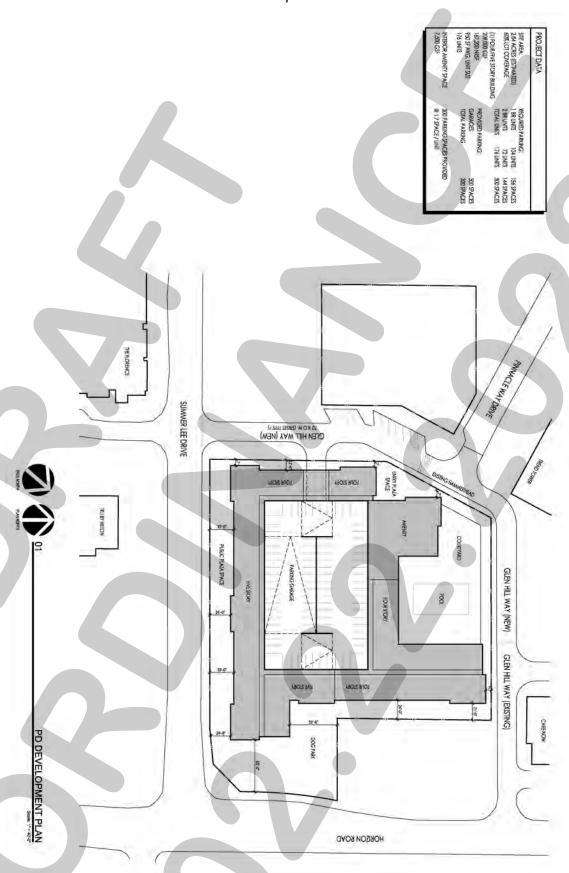
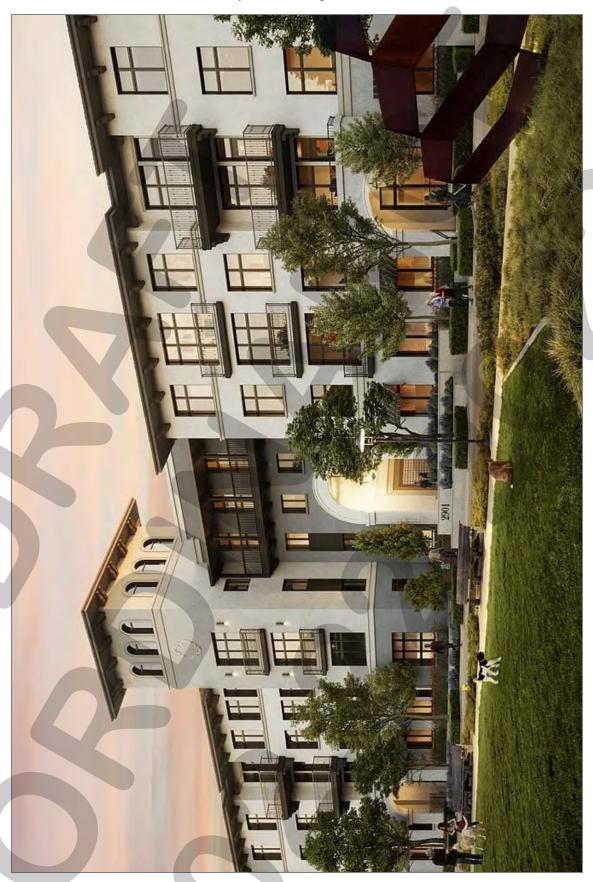


Exhibit 'C':Conceptual Building Elevations



Z2022-001: PD Development Plan for PD-32 Ordinance No. 22-XX; PD-32

Exhibit 'C': Conceptual Building Elevations



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Z2022-001: PD Development Plan for PD-32 Ordinance No. 22-XX; PD-32



MEMORANDUM

TO: Mary Smith, City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: February 22, 2022

SUBJECT: Z2022-002; PD DEVELOPMENT PLAN FOR THE SUNSET RIDGE

RESIDENCES

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
Survey
Concept Plan
Conceptual Building Elevations
Concept Rendering
Floor Plan

Summary/Background Information

Hold a public hearing to discuss and consider a request by Louis Clark of KinoD LLC on behalf of D. W. Bobst of 101 Hubbard Dr. LLC, Gary Shultz of Culpepper/Spatex JV, and Allen Anderson for the approval of an **ordinance** for a *PD Development Plan* for a 42-unit condominium and retail/office building on a 1.20-acre tract of land identified as Lot 1, Block D, Harbor District Addition and Lots 3 & 4, Block 11 and Lots 1, 2, 3, & 4, Block 12, Moton Addition, City of Rockwall, Rockwall County, Texas, situated within the *Hillside Mixed Use Subdistrict* of Planned Development District 32 (PD-32), generally located at the northeast corner of the intersection of Sunset Ridge Drive and Summer Lee Drive, and take any action necessary (1st Reading).

Action Needed

Draft Ordinance

The City Council is being asked to approve, approve with conditions, or deny the proposed PD Development Plan.



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

TO: Mayor and City Council
DATE: February 22, 2022
APPLICANT: Louis Clark; *KinoD, LLC*

CASE NUMBER: Z2022-002; PD Development Plan for the Sunset Ridge Residences

SUMMARY

Hold a public hearing to discuss and consider a request by Louis Clark of KinoD LLC on behalf of D. W. Bobst of 101 Hubbard Dr. LLC, Gary Shultz of Culpepper/Spatex JV, and Allen Anderson for the approval of a <u>PD Development Plan</u> for a 42-unit condominium and retail/office building on a 1.20-acre tract of land identified as Lot 1, Block D, Harbor District Addition and Lots 3 & 4, Block 11 and Lots 1, 2, 3, & 4, Block 12, Moton Addition, City of Rockwall, Rockwall County, Texas, situated within the *Hillside Mixed Use Subdistrict* of Planned Development District 32 (PD-32), generally located at the northeast corner of the intersection of Sunset Ridge Drive and Summer Lee Drive, and take any action necessary.

BACKGROUND

The City Council annexed the subject property into the City of Rockwall on November 7, 1960 through the adoption of *Ordinance No. 60-03*. Upon annexation, the subject property was zoned Agricultural (AG) District. On December 7, 1966, the subject property was platted into its current configuration as part of the George Morton Estate Addition. On December 2, 2002, the subject property was rezoned to Planned Development District 32 (PD-32) [*Ordinance No. 02-55*] for General Retail (GR) District land uses. This Planned Development District was again amended on February 4, 2008 by *Ordinance No. 08-11*. This ordinance increased the boundaries of the district, and established a limited set of land uses for the district. On July 15, 2013, the City Council approved a final plat [*Case No. P2013-022*] establishing a portion of the subject property as Lot 1, Block D, Harbor District Addition.

On September 20, 2010, the City Council passed *Ordinance No. 10-21*, which superseded all previous ordinances associated with Planned Development District 32 (PD-32) and established a concept plan and development standards for an approximate 78.89-acre tract of land that included the subject property. Today, this land is now commonly referred to as *PD-32* or the *Harbor District*. Included within this ordinance was a concept plan that divided the district into ten (10) subdistrict, each of which contained its own set of development and land use standards. In addition, a pool of 1,161 *urban residential units* (*i.e. condominiums and/or townhomes*) and 49 *single-family residential units* (*i.e. zero-lot-line or patio homes*) was created. These units could then be allocated to properties within the district by the City Council -- *in accordance with the land use charts in the ordinance* -- on a *first-come-first-serve* basis through an interim zoning step called a *PD Development Plan*. According to Article 10, *Planned Development District Regulations*, of the Unified Development Code (UDC), "(a) *PD Development Plan* constitutes an amendment to the approved *PD Concept Plan* and *PD Ordinance* ... The purposes of a *PD Development Plan* are to allow flexibility in the development process by deferring specification of all development standards at the time of *PD District* creation and to enable developers to satisfy conditions imposed on creation of the *District* prior to the submittal of a *PD Site Plan*." In addition, *Ordinance No. 17-22* [*i.e. the regulating ordinance for Planned Development District 32 (PD-32)*] states that the purpose of a *PD Development Plan* in Planned Development District 32 (by the development).

Currently, the City Council has approved *PD Development Plans* allocating all but 218 of the 1,161 *urban residential units* and seven (7) of the 49 *single-family residential units*. A summary of the unit allocations is as follows:

TABLE 1: URBAN RESIDENTIAL UNITS

Project Name	Units	Unit Type	Case No.	Ordinance No.
Summer Lee Condominiums (i.e. Harbor Hill) ¹	265	Condominiums	SP2015-004 ²	N/A
Harbor Urban Condominiums (i.e. the Florence)	228	Condominiums	Z2018-001	18-16 <mark>4</mark>
Harbor Village Building 1 (i.e. Adjacent to Lakefront Trail)	375	Condominiums	Z2019-008	19-21 <mark>5</mark>
Harbor Village Building 2 (i.e. Adjacent to Harbor Fountain) ³	75	Condominiums	Z2019-008	19-21 ⁵
Total Allocated:	943			

Total Allocated: 943
Permitted in District: 1,161
Units Remaining: 218

NOTES:

- 1: This case was determined to be conforming to the *Concept Plan* originally approved with *Ordinance No. 10-21*, and was determined to not require a *PD Development Plan* at that time (*i.e. the approval of the site plan allocated the units to this project*).
- 2: Case No. SP2015-004 was amended by Case No. SP2018-037 & SP2020-018.
- 3: Ordinance No. 19-21 contains conditions that allow the City Council to claw back <u>25</u> of the <u>75</u> allocated units pending a building permit has not been issued by **June 1**, 2020. This project currently has not been issued a building permit.
- 4: This ordinance superseded Ordinance No. 16-54 (Case No. Z2016-025), which originally allocated the units for this project.
- 5: This ordinance superseded *Ordinance No.13-16* (*Case No. Z2013-011*); however, the units for this project were originally allocated with *Ordinance No. 11-43* (*i.e. Case No. Z2011-020*).

TABLE 2: SINGLE-FAMILY RESIDENTIAL UNITS

Project Name	Units	Unit Type	Case No.	Ordinance No.
Harbor Urban Townhomes ¹	42	Townhomes	Z2018-001	18-16 <mark>2</mark>
Total Allocated:	42			
Permitted in District:	49			
Units Remaining:	7			

NOTES:

- This PD Development Plan only affected the Residential Subdistrict, which was the only district that allowed the single-family residential units. The approval of Ordinance No. 18-16 amended the district to allow the 42 townhomes in lieu of the 49 zero-lot-line or patio homes.
- 2: This ordinance superseded Ordinance No. 16-48 (Case No. Z2016-026), which originally allocated the units for this project.

PURPOSE

On January 13, 2022, the applicant -- Louis Clark of KinoD, LLC -- submitted an application requesting the approval of a PD Development Plan for 42 urban residential units for the purpose of constructing a condominium building.

ADJACENT LAND USES AND ACCESS

The subject property is located at the northeast corner of the intersection of Summer Lee Drive and Sunset Ridge Drive. The land uses adjacent to the subject property are as follows:

North:

Directly north of the subject property is: [1] a 0.4633-acre vacant tract of land (i.e. Lots 1, 2, 3 & 4, Block 9, Moton Addition), [2] a 0.1157-acre vacant parcel of land (i.e. Lot 1, Block 11, Moton Addition), and [3] a 0.101-acre vacant tract of land (i.e. Tract 7 of the M. J. Barksdale Survey, Abstract No. 11). Beyond this is Pinnacle Way, which is identified as a Street Type E by Planned Development District 32 (PD-32). All of these properties are zoned Planned Development District 32 (PD-32) and are situated within the Hillside Mixed-Use Subdistrict. Beyond this is a 2.0617-acre parcel of land (i.e. Lot 6, Block A, Harbor District Addition) with a multi-tenant office building and structured parking garage (i.e. Trend Tower) situated on it. This property is zoned Planned Development District 32 (PD-32) and is situated within the Summit Office Subdistrict.

South:

Directly south of the subject property is Summer Lee Drive, which is identified as a *Minor Collector* on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is: [1] a 4.032-acre parcel of land (*i.e. Lot 1, Block A, Harbor Hills Addition*) that is currently being developed with a 265-unit condominium building, and [2] a 2.144-acre parcel of land (*i.e. Lot 1, Block A, Harbor Village Addition*) with a 228-unit condominium building situated on it. Running in between these properties is Glen Hill Way, which is identified as a *Minor Collector* on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. These properties are situated within the *Horizon/Summer Lee, Interior*, and *Residential Subdistricts* of Planned Development District 32 (PD-32).

East:

Directly south of the subject property is Summer Lee Drive, which is identified as a *Minor Collector* on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is a 2.144-acre parcel of land (*i.e. Lot 1, Block A, Harbor Village Addition*) with a 228-unit condominium building situated on it. East of this is Glen Hill Way, which is identified as a *Minor Collector* on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. These properties are situated within the *Horizon/Summer Lee, Interior*, and *Residential Subdistricts* of Planned Development District 32 (PD-32).

West:

Directly west of the subject property is Sunset Ridge Drive, which is identified as a *Street Type B* by Planned Development District 32 (PD-32). Beyond this is: [1] a 0.1115-acre vacant parcel of land (*i.e. Lot 3, Block 13, Moton Addition*), [2] a 0.1460-acre vacant parcel of land (*i.e. Lot 2, Block 13, Moton Addition*), [3] a 0.9516-acre vacant parcel of land (*i.e. Lot 1, Block C, Harbor District Addition*), and [4] a 6.1978-acre tract of land (*i.e. Tract 41 of the E. Teal Survey, Abstract No. 207*) with a public parking lot situated on it. All of these properties are situated within the *Hillside Mixed-Use Subdistrict* of Planned Development District 32 (PD-32).

CHARACTERISTICS OF THE REQUEST

The applicant has submitted a concept plan showing the establishment of a 42-unit condominium building at the northeast corner of the intersection of Sunset Ridge Drive and Summer Lee Drive. The proposed condominium building will be a podium product (*i.e. the building will be constructed on top of a structured parking garage*) and consist of approximately 12, one (1) bedroom units; 21, two (2) bedroom units; and nine (9), three (3) bedroom units. The applicant has stated that these units will be a for sale product (*i.e. sold to different property owners as opposed to all the deeds being owned by one [1] property owner and rented*). In addition to the proposed condominiums, the concept plan indicates the addition of 1,350 SF of commercial space that is accessible from the first floor adjacent to Sunset Ridge Drive. In terms of amenities, the concept plan shows a ~1,692 SF amenity center, pool, basketball court and tennis court. Both the basketball court and tennis court will be situated behind the building on a portion of the structured parking garage, and the pool and amenities center will be located in front of the building near the intersection of Sunset Ridge Drive and Summer Lee Drive.

CONFORMANCE WITH PLANNED DEVELOPMENT DISTRICT 32 (PD-32)

According to the **Subdistrict Plan** contained in Planned Development District 32 (PD-32) [**Ordinance No. 17-22**] the subject property is situated within the **Hillside Mixed-Use Subdistrict**, which -- **according to Ordinance No. 17-22** -- is intended "...to provide a mix of retail and residential uses along the main pedestrian and vehicular corridor within the district." In this case, the applicant is proposing a mixed residential and retail building that appears to conform to the majority of the requirements stipulated for the **Hillside Mixed-Use Subdistrict**; however, the proposed project is [1] not conforming to the lot coverage requirements, and [2] is requesting the allocation of **Urban Residential Units**. Based on this, staff has requested that the applicant submit a **PD Development Plan** for the project. According to **Ordinance No. 17-22**, "(a) [**PD**] development plan shall be required if a proposed development within any **Subdistrict** that does not meet the intent of the **PD Concept Plan** or the **Subdistrict Plan**, or requires waivers not provided for in **Section 9.3** [**Waivers of Design Standards**] of this ordinance." The following is a summary of the form-based code requirements for the **Hillside Mixed-Use Subdistrict**, and how the proposed project conforms to these requirements:

TABLE 1: BUILDING PLACEMENT AND PARKING COMPLIANCE THE HILLSIDE MIXED-USE SUBDISTRICT

ORDINANCE PROVIS	IONS	HILLSIDE MIXED-USE SUBDISTRICT	CONFORMANCE TO THE STANDARDS
SETBACK (FROM THE	E ROW):		
	SUMMER LEE DIRVE	5-Feet	~6' 6"; IN CONFORMANCE
SUNSET RIDGE DRI'	VE (STREET TYPE B)	5-Feet	~7' 11"; IN CONFORMANCE
BUILDING FORM:		Each block face must have a minimum of 85% of its length defined by a building façade.	for Street Type 'B': IN CONFORMANCE
		Remaining façade must be no less than two (2) feet a no greater than 12-feet from the build-to-line.	nd No Build-10-Line Established for Summer Lee Drive or Sunset Ridge Drive; IN CONFORMANCE
MAXIMUM LOT COVE	RAGE	80%	~84.32%; NOT IN CONFORMANCE
LAND USE:	GROUND FLOOR UPPER FLOORS	Retail, Restaurant, and Residential Residential and Office	Retail and Residential; IN CONFORMANCE Residential; IN CONFORMANCE

ORDINANCE PROVISIONS	HILLSIDE MIXED-USE SUBDISTRICT	CONFORMANCE TO THE STANDARDS
BUILDING HEIGHT:		
MAXIMUM BUILDING HEIGHT	5-Stories or 75-Feet	4-Stories or 60-Feet; IN CONFORMANCE
MINIMUM FIRST FLOOR HEIGHT	A minimum of 15-Feet with multi-story building with land uses above and 25' for a single-story building.	16-Feet; IN CONFORMANCE
ENCROACHMENTS	5-Feet	Balcony Encroachment of 10-Inches; IN CONFORMANCE
SURFACE PARKING:		
SETBACK FROM ROW LINE	Summer Lee Drive: 15-Feet and Street Type 'B': 10-Feet	No Surface Parking Indicated; IN CONFORMANCE
MAXIMUM AMOUNT OF SURFACE PARKING	20%	0%; IN CONFORMANCE
MAXIMUM NUMBER OF DRIVEWAYS	Summer Lee Drive: 0 and Street Type 'B': 1	1 Off of Both Streets; NOT IN CONFORMANCE

In addition to this summary, staff has provided the concept plan for the *Hillside Mixed-Use Subdistrict* in *Figure 1*. Staff also reviewed the proposed building elevations, perspectives, and renderings for conformance to the *Design Guidelines* contained in *Resolution 10-40* and found that the proposed elevations generally conform to the *Tuscan* architectural style. Based on all of the submitted information, staff did make the following recommendation to the applicant concerning the request:

RED: NOT INCORPORATED INTO THE PD DEVELOPMENT PLAN.
BLUE: INCORPORATED INTO THE PD DEVELOPMENT PLAN.

(1) The area at the corner of the intersection of Summer Lee Drive and Sunset Ridge Drive presents an opportunity to incorporate a plaza or pocket park, which -- if incorporated into the plan -- would help the plan better conform to Planned Development District

32 (PD-32) and the OURHometown Vision 2040 Comprehensive Plan.

PARKING GARAGE OPPORTUNITY

SERVICE AREA
CHENTATION

SMEET TWO

FIGURE 1: HILLSIDE MIXED-USE SUBDISTRICT CONCEPT PLAN

RED CIRCLE = APPROXIMATE LOCATION OF SUBJECT PROPERTY

<u>Staff Response</u>: <u>The applicant has indicated on the plan the incorporation of a plaza or pocket park at the corner of the intersection of Sunset Ridge Drive and Summer Lee Drive.</u> The final design for this area will be approved by the Planning and Zoning Commission as part of the **Streetscape Plan** that will be submitted with the **Site Plan**.

Taking into account all of the submitted materials, the applicant's request does appear to conform to all applicable standards and design guidelines stipulated for the *Harbor District*. The only item out of compliance is the lot coverage requirement; however, the ~4.32% that the applicant is exceeding the indicated requirement does not appear to have a negative impact on adjacent properties nor does it appear to change the character or intent of the *Subdistrict*. With this being said, a *PD Development Plan* is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission.

<u>INFRASTRUCTURE</u>

Based on the applicant's concept plan and the proposed density, the following infrastructure is required to be constructed to provide adequate public services for the proposed development:

(1) <u>Roadways</u>. No roadways improvements are required with the proposed project; however, a <u>Streetscape Plan</u> showing how the sidewalks and pedestrian areas will be designed will be required to be submitted with the site plan. In addition, the applicant will be required to update the Traffic Impact Analysis (TIA) for the <u>Harbor District</u> per the City Council's direction from the November 5, 2018 City Council meeting.

- (2) <u>Wastewater and Water</u>. An infrastructure study will be required to determine the necessary improvements needed to sufficiently serve the subject property. Staff recommends that this infrastructure study be initiated prior to the submission of a site plan.
- (3) <u>Drainage</u>. The applicant shall be required to pay a stormwater pro-rata fee of \$7,226.59 per acre.

NOTIFICATIONS

On January 14, 2022, staff mailed 20 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Lago Vista Homeowner's Association (HOA), which was the only HOA 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) Ten (10) property owner notifications from one (1) property owner <u>within</u> the 500-foot notification area indicating they were in favor of the applicant's request. Staff should note that this property owner is the owner of one (1) of the parcels of land that make up the subject property.
- (2) One (1) property owner notification from a property owner <u>within</u> the 500-foot notification area indicating they were in favor of the applicant's request.
- (3) Two (2) emails from two (2) property owners <u>outside</u> of the 500-foot notification area in opposition to the applicant's request.

CONDITIONS OF APPROVAL

If the Planning and Zoning Commission chooses to recommend approval of the applicant's request for a <u>PD Development</u> Plan for a Condominium Building, staff would propose the following conditions of approval:

- (1) The applicant shall be responsible for maintaining compliance with the concept plan and development standards contained in the <u>PD Development Plan</u> ordinance.
- (2) The applicant shall provide a *Streetscape Plan* for the proposed plaza and open space at the corner of Sunset Ridge Drive and Summer Lee Drive at the time of site plan. These plans shall be reviewed by the Parks and Recreation Department and the Planning and Zoning Commission, and any recommendations shall be forwarded on to the Planning and Zoning Commission for their consideration along with the site plan.
- (3) Any construction resulting from the approval of this <u>Planned Development District</u> 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 February 15, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the <u>PD</u> **Development Plan** by a vote of 6-0, with Commissioner Womble recusing himself from the case.



NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

DEVELOPMENT APPLICATION

City of Rockwall Planning and Zoning Department 385 S. Goliad Street Rockwall, Texas 75087 STAFF USE ONLY -

PLANNING & ZONING CASE NO.

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

DIRECTOR OF PLANNING:

CITY ENGINEER:

	receiven, read recei	- /	CITY	ENGINEER:			
PLEASE CHECK THE A	PPROPRIATE BOX BELOW TO INDIC,	ATE THE TYPE OF D	EVELOPMENT REC	QUEST [SELECT (ONLY ONE BO	XJ:	
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PROPERTY INFO	RMATION [PLEASE PRINT]						
ADDRESS	Moton Block 12	2, Lot 1					
SUBDIVISION	Harbor District Add	ition Mot	on	LOT	1	BLOCK	12
GENERAL LOCATION	Summer Lee Drive	& Sunset Ric	dgeRock Wa	II Texas			
ZONING. SITE PL	AN AND PLATTING INFORM	IATION (PLEASE P	RINT]				
CURRENT ZONING			CURRENT USE	Mixed	d Use		
PROPOSED ZONING	Residential Condos		PROPOSED USE	Reside	ential Con	idos	
ACREAGE		LOTS [CURRENT]		LOTS	[PROPOSED]		
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	ANT/AGENT INFORMATION	PLEASE PRINT/CHECK				E REQUIRED]	
☑ OWNER	101 Hubbard Dr LLC		☑ APPLICANT	KinoD LL	С		
CONTACT PERSON	DW Bobst	CC	ONTACT PERSON	Louis Clar	k		
ADDRESS	2701 Sunset Ridge Driv	/e	ADDRESS	1281 W G	reen Oak	s Blvd	
	Ste 610						
CITY, STATE & ZIP	Rockwall Texas 75032	C	ITY, STATE & ZIP	Suite 117	Arlingto	n Texas 7	6013
PHONE	214-553-5505		PHONE	855-546-6			
E-MAIL	DWBobs@trendhr.com		E-MAIL	LCLARK@	BKINODL	.LC.COM	
	CATION [REQUIRED] RSIGNED AUTHORITY, ON THIS DAY PERS ON ON THIS APPLICATION TO BE TRUE A		Day DLLOWING:	W BOBS	ST [OWNER	R) THE UNDER	SIGNED, WHO
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NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

DEVELOPMENT APPLICATION

City of Rockwall Planning and Zoning Department 385 S. Goliad Street Pockwall Taxas 75087

STAFF USE UNLY

PLANNING & ZONING CASE NO.

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

DIRECTOR OF PLANNING:

	Rockwall, Texas 75007	CITY	ENGINEER:			
PLEASE CHECK THE A	PPROPRIATE BOX BELOW TO INDICATE THE TY	PE OF DEVELOPMENT REC	QUEST [SELECT (ONLY ONE BO	X]:	
☐ PRELIMINARY P☐ FINAL PLAT (\$30.0) ☐ REPLAT (\$300.0) ☐ AMENDING OR N☐ PLAT REINSTAT SITE PLAN APPLIC ☐ SITE PLAN (\$250.0)	\$100.00 + \$15.00 ACRE) 1 PLAT (\$200.00 + \$15.00 ACRE) 1 00.00 + \$20.00 ACRE) 1 0 + \$20.00 ACRE) 1 MINOR PLAT (\$150.00) PEMENT REQUEST (\$100.00)	☐ SPECIFIC US ☐ PD DEVELOP OTHER APPLIC. ☐ TREE REMO' ☐ VARIANCE R NOTES: ☐ IN DETERMINING TI PER ACRE AMOUNT. ② A \$1,000.00 FEE W	NGE (\$200.00 + \$ SE PERMIT (\$200. PMENT PLANS (\$: ATION FEES :	00 + \$15.00 AC 200.00 + \$15.0 SL EXCEPTION THE EXACT ACREA SS THAN ONE ACR THE APPLICATION	CRE) 1 & 2 0 ACRE) 1 S (\$100.00) 2 GE WHEN MULTIPL ILE, ROUND UP TO 0 FEE FOR ANY RE	NE (1) ACRE. QUEST THAT
PROPERTY INFO	RMATION [PLEASE PRINT]					
ADDRESS	Parcel 19938 Summer Lee I	Drive Rockwall Te	xas			
SUBDIVISION	Moton		LOT	3&4	BLOCK	11
GENERAL LOCATION	Summer Lee Drive Rock W	all Texas				
ZONING, SITE PL	AN AND PLATTING INFORMATION [P	LEASE PRINT]				
CURRENT ZONING		CURRENT USE	Mixe	d Use		
PROPOSED ZONING	Residential Condos	PROPOSED USE	Reside	ential Cor	ndos	
ACREAGE		RENT]	LOTS	S [PROPOSED	1	
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OWNER/APPLICA	ANT/AGENT INFORMATION [PLEASE PRIN	NT/CHECK THE PRIMARY CON	TACT/ORIGINAL S	IGNATURES AR	E REQUIRED]	
☐ OWNER	Culpepper /Spatex JV	☑ APPLICANT	KinoD LL	.C		
CONTACT PERSON G	^{gary} Shultz	CONTACT PERSON	Louis Clar	k		
ADDRESS	P O Box 190569	ADDRESS	1281 W G	ireen Oak	s Blvd	
CITY, STATE & ZIP	Dallas Texas 75219	CITY, STATE & ZIP	Suite 117	7 Arlington	n Texas 7	6013
PHONE	817-233-0478	PHONE	855-546-6	301		
E-MAIL	gshultz@diamond-a.com	E-MAIL	LCLARK@	®KINODL	LC.COM	
BEFORE ME, THE UNDER	CATION [REQUIRED] RSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPI ION ON THIS APPLICATION TO BE TRUE AND CERTIFIED	EARED GORY 5	HULTZ	[OWNER	R] THE UNDER	RSIGNED, WHO
\$	I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION, TO COVER THE COST OF THIS APPLICATION, I 20	ON, HAS BEEN PAID TO THE CIT AGREE THAT THE CITY OF RO	Y OF ROCKWALL ON OCKWALL (I.E. "CITY	N THIS THE (") IS AUTHORIZE	D AND PERMITT	DAY OF
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	OWNER'S SIGNATURE	et manager		Comm	. Expires 0/2	644



NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

DEVELOPMENT APPLICATION

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

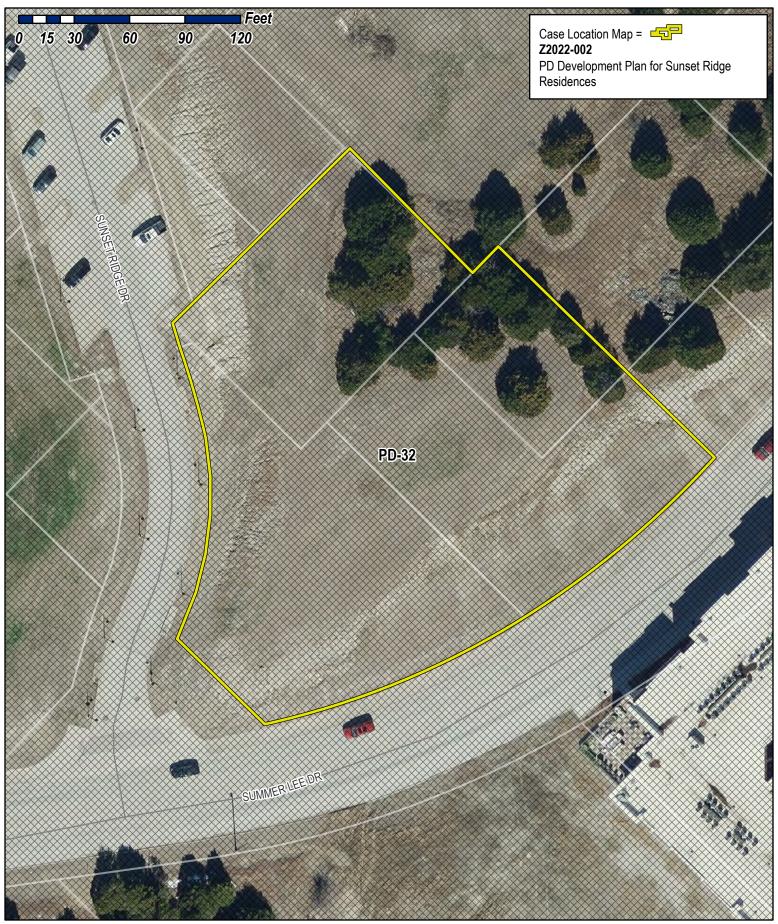
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PLANNING & ZONI	NG CASE NO.
	CATION IS NOT CONSIDERED ACCEPTED BY THE LANNING DIRECTOR AND CITY ENGINEER HAVE

DIRECTOR OF PLANNING:

CITY ENGINEER:

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

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PROPERTY INFO	RMATION [PLEASE PRINT]					
ADDRESS	Moton Block 12, Lot 2,3,4					
SUBDIVISION		oton	LOT	2,3,4	BLOCK	12
GENERAL LOCATION	Summer Lee Drive & Sunset F		ll Teyas	2,0,7		
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REGARD TO ITS A	PLATS: BY CHECKING THIS BOX YOU ACKNOWLEDGE TI PPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF S NIAL OF YOUR CASE.					
OWNER/APPLICA	NT/AGENT INFORMATION [PLEASE PRINT/CH	ECK THE PRIMARY CON	TACT/ORIGINAL S	SIGNATURES ARE	REQUIRED]	
☑ OWNER	Allen Anderson	☑ APPLICANT	KinoD LI	LC		
CONTACT PERSON	Allen Anderson	CONTACT PERSON	Louis Cla	rk		
ADDRESS		ADDRESS	1281 W G	Green Oak	s Blvd	
CITY, STATE & ZIP		CITY, STATE & ZIP	Suite 11	7 Arlington	Texas 7	6013
PHONE	214-538-2209	PHONE	855-546-6			
E-MAIL		E-MAIL		@KINODL	LC.COM	
STATED THE INFORMATION IF HEREBY CERTIFY THAT I S Decomber INFORMATION CONTAINED	SIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEAREI ON ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION, AL TO COVER THE COST OF THIS APPLICATION, HA 20.21. BY SIGNING THIS APPLICATION, I AGRE OWITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ON WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSO	FOLLOWING: LINFORMATION SUBMIT: S BEEN PAID TO THE CITY EE THAT THE CITY OF RO ALSO AUTHORIZED AND COLORED OR IN RESPONSE	OF ROCKWALL OF OCKWALL (I.E. "CIT) OPERMITTED_TO	JE AND CORRECT, N THIS THE	D AND PERMITTE COPYRIGHTED	CATION FEE OF DAY OF TO PROVIDE OF T
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City of Rockwall

Planning & Zoning Department 385 S. Goliad Street Rockwall, Texas 75032 (P): (972) 771-7745 (W): www.rockwall.com The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.

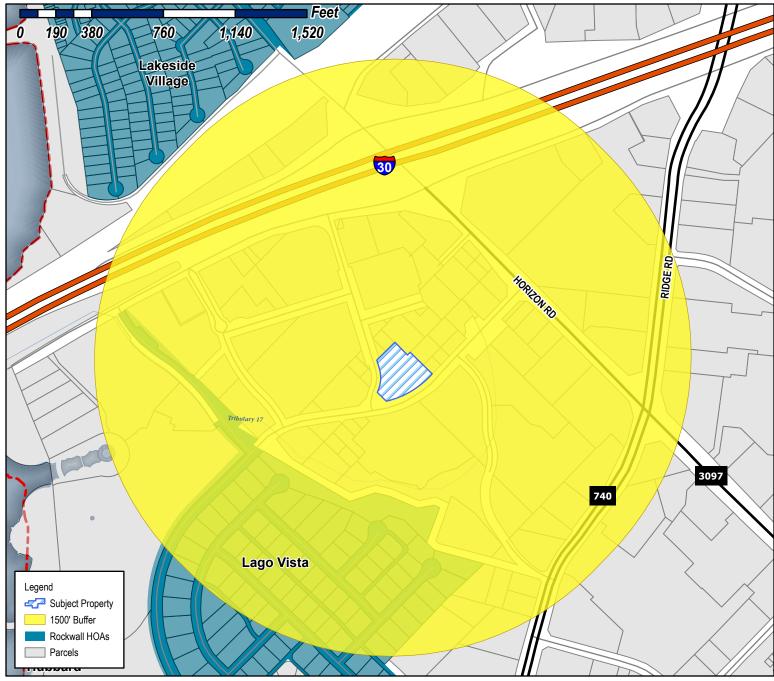




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Planning & Zoning Department 385 S. Goliad Street Rockwall, Texas 75087 (P): (972) 771-7745 (W): www.rockwall.com The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide 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.





Case Number: Z2022-002

Case Name: PD Development Plan for

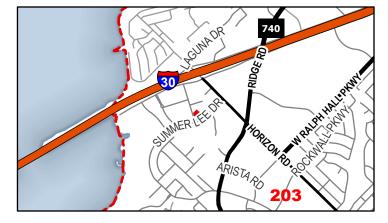
Sunset Ridge Residences

Case Type: Zoning **Zoning:** PD-32

Case Address: Summer Lee Dr. & Sunset Ridge Dr.

Date Saved: 1/14/2022

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



Miller, Ryan

From: Miller, Ryan

Sent: Thursday, January 20, 2022 12:01 PM
To: Miller, Ryan; Lee, Henry; Gamez, Angelica
Subject: Neighborhood Notification Program [Z2022-002]

Attachments: Public Notice (01.14.2022).pdf; HOA Map (01.14.2022).pdf

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 *January 21, 2022*. The Planning and Zoning Commission will hold a public hearing on *Tuesday, February 15, 2022 at 6:00 PM*, and the City Council will hold a public hearing on *Tuesday, February 22, 2022 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 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.

Z2022-002: PD Development Plan for Condominiums

Hold a public hearing to discuss and consider a request by Louis Clark of KinoD LLC on behalf of D. W. Bobst of 101 Hubbard Dr. LLC, Gary Shultz of Culpepper/Spatex JV, and Allen Anderson for the approval of a <u>PD Development Plan</u> for a 42-unit condominium and retail/office building on a 0.4542-acre tract of land identified as Lot 1, Block D, Harbor District Addition and Lots 3 & 4, Block 11 and Lots 1, 2, 3, & 4, Block 12, Moton Addition, City of Rockwall, Rockwall County, Texas, situated within the *Hillside Mixed Use Subdistrict* of Planned Development District 32 (PD-32), generally located at the northeast corner of the intersection of Sunset Ridge Drive and Summer Lee Drive, and take any action necessary.

Thank you,



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 | CITY OF ROCKWALL INTERACTIVE MAPS | UNIFIED DEVELOPMENT CODE

NOTES

1) <u>APPOINTED AND ELECTED OFFICIALS</u>: 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

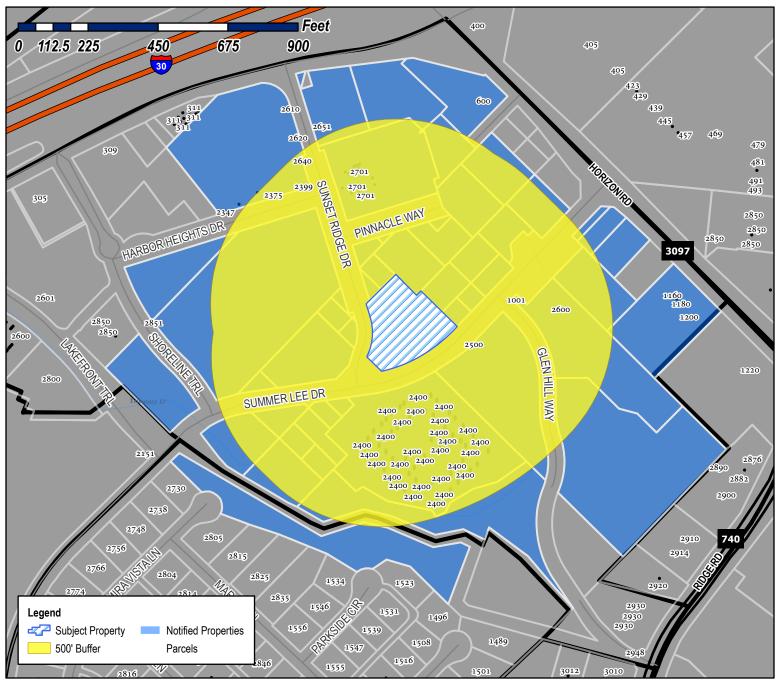
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City of Rockwall

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.





Case Number: Z2022-002

Case Name: PD Development Plan for

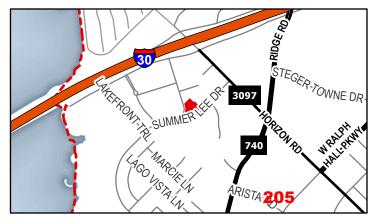
Sunset Ridge Residences

Case Type: Zoning **Zoning:** PD-32

Case Address: Summer Lee Dr. & Sunset Ridge Dr.

Date Saved: 1/14/2022

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



CITY OF ROCKWALL SPATEX GROUP PARTNERSHIP CITY OF ROCKWALL 385 S GOLIAD ST C/O GARY SHULTZ 385 S GOLIAD ST ROCKWALL, TX 75087 PO BOX 190569 ROCKWALL, TX 75087 DALLAS, TX 75219 ATTICUS REAL ESTATE SERVICES INC CITY OF ROCKWALL FIELDS EARNEST E 5339 ALPHA RD ATTN:MARY SMITH 2400 109th Ave STE 300 385 S GOLIAD ST OAKLAND, CA 94603 DALLAS, TX 75240 ROCKWALL, TX 75087 CITY OF ROCKWALL CARSON MARK R CUI PEPPER/SPATEX JV 385 S GOLIAD ST 701 N MUNSON RD C/O GARY SHULTZ PO BOX 190569 ROCKWALL, TX 75087 ROYSE CITY, TX 75189 DALLAS, TX 75219 CITY OF ROCKWALL SONG CORPORATION 101 HUBBARD DR LLC 385 S GOLIAD ST 2701 SUNSET RIDGE DR 1200 HORIZON RD ROCKWALL, TX 75087 SUITE 610 ROCKWALL, TX 75032 ROCKWALL, TX 75032 ROCKWALL HARBOR HILL, LTD CULPEPPER /SPATEX JV CULPEPPER /SPATEX JV 15653 HIGHWAY 243 C/O GARY SHULTZ C/O GARY SHULTZ KAUFMAN, TX 75142 PO BOX 190569 PO BOX 190569 DALLAS, TX 75219 DALLAS, TX 75219 CAIN DOYLE CITY OF ROCKWALL CAIN DOYLE E 1375 COUNTY ROAD 2290 1375 COUNTY ROAD 2290 205 W RUSK ST MINEOLA, TX 75773 MINEOLA, TX 75773 ROCKWALL, TX 75087 CULPEPPER/SPATEX JV CITY OF ROCKWALL CITY OF ROCKWALL C/O GARY SHULTZ 385 S GOLIAD ST 385 S GOLIAD ST PO BOX 190569 ROCKWALL, TX 75087 ROCKWALL, TX 75087 DALLAS, TX 75219 CITY OF ROCKWALL CITY OF ROCKWALL CITY OF ROCKWALL 385 S GOLIAD ST 385 S GOLIAD ST 385 S GOLIAD ST ROCKWALL, TX 75087 ROCKWALL, TX 75087 ROCKWALL, TX 75087 WHITE MICHAEL AND WHITE MICHAEL AND WHITE MICHAEL AND MARION E WILSON AND DIMENSIONS REAL MARION E WILSON AND DIMENSIONS REAL MARION E WILSON AND DIMENSIONS REAL ESTATE SERVICES LLC ESTATE SERVICES LLC ESTATE SERVICES LLC 2304 W WHEATLAND RD 2304 W WHEATLAND RD 2304 W WHEATLAND RD DALLAS, TX 75232 DALLAS, TX 75232 DALLAS, TX 75232 CITY OF ROCKWALL CITY OF ROCKWALL 101 HUBBARD DR LLC 2701 SUNSET RIDGE DR 385 S GOLIAD ST 385 S GOLIAD ST ROCKWALL, TX 75087 ROCKWALL, TX 75087 SUITE 610 ROCKWALL, TX 75032

ANDERSON ALLEN D ETUX CITY OF ROCKWALL CULPEPPER/SPATEX JV 385 S GOLIAD ST 1208 S LAKESHORE DR C/O GARY SHULTZ PO BOX 190569 ROCKWALL, TX 75087 ROCKWALL, TX 75087 DALLAS, TX 75219 101 HUBBARD DR LLC CULPEPPER /SPATEX JV HH RETAIL CENTER LP 2701 SUNSET RIDGE DR C/O GARY SHULTZ 2701 SUNSET RIDGE DR SUITE 610 PO BOX 190569 SUITE 610 ROCKWALL, TX 75032 DALLAS, TX 75219 ROCKWALL, TX 75032 HARBOR HEIGHTS INVESTORS LP CITY OF ROCKWALL CUI PEPPER/SPATEX JV 2701 SUNSET RIDGE DR 385 S GOLIAD ST C/O GARY SHULTZ SUITE 610 ROCKWALL, TX 75087 PO BOX 190569 ROCKWALL, TX 75032 DALLAS, TX 75219 101 HUBBARD DR LLC CITY OF ROCKWALL SPATEX GROUP PARTNERSHIP 385 S GOLIAD ST 2701 SUNSET RIDGE DR C/O GARY SHULTZ SUITE 610 ROCKWALL, TX 75087 PO BOX 190569 ROCKWALL, TX 75032 DALLAS, TX 75219 SPATEX GROUP PARTNERSHIP SONG CORPORATION HARBOR URBAN CENTER LLC C/O GARY SHULTZ 1200 HORIZON RD 5339 ALPHA RD PO BOX 190569 ROCKWALL, TX 75032 SUITE 300 DALLAS, TX 75219 DALLAS, TX 75240 KATHERINE BANNER FAMILY TRUST EIGHTYTWENTY REAL ESTATE HOLDINGS LLC ATTICUS SUMMER LEE TOWNHOMES LLC

KATHERINE BANNER FAMILY TRUST

KATHERINE BANNER- TRUSTEE

5740 PROSPECT AVE

5339 ALPHA ROAD

4 CHURCH HILL ROAD

SUITE 2001

DALLAS, TX 75206

DALLAS, TX 75240

MHC ROCKWALL LLC

1468 KIMBROUGH RD

2701 SUNSET RIDGE DR

SUITE 103

SUITE 607

GERMANTOWN, TN 38138 ROCKWALL, TX 75032

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:

Case No. Z2022-002: PD Development Plan for Sunset Ridge Condominiums

Hold a public hearing to discuss and consider a request by Louis Clark of KinoD LLC on behalf of D. W. Bobst of 101 Hubbard Dr. LLC, Gary Shultz of Culpepper/Spatex JV, and Allen Anderson for the approval of a PD Development Plan for a 42-unit condominium and retail/office building on a 0.4542-acre tract of land identified as Lot 1, Block D, Harbor District Addition and Lots 3 & 4, Block 11 and Lots 1, 2, 3, & 4, Block 12, Moton Addition, City of Rockwall, Rockwall County, Texas, situated within the Hillside Mixed Use Subdistrict of Planned Development District 32 (PD-32), generally located at the northeast corner of the intersection of Sunset Ridge Drive and Summer Lee 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, February 15, 2022 at 6:00* PM, and the City Council will hold a public hearing on Tuesday, February 22, 2022 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:

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

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

Your comments must be received by Tuesday, February 22, 2022 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. Z2022-002: PD Development Plan for Sunset Ridge Condominiums
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

Case No. Z2022-002: PD Development Plan for Sunset Ridge Condominiums
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: MICHAEL E. GIBSON Address: 512 COOL MEADOW CTO, DESOTO, TX 75/15

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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CITY OF ROCKWALL . PLANNING AND ZONING DEPARTMENT . 385 S. GOLIAD STREET . ROCKWALL, TEXAS 75087 . P: (972) 771-7745 . E: PLANNING@ROCKWALL.COM

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Dallas TX 75219

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

Case No. Z2022-002: PD Development Plan for Sunset Ridge Condominiums

Please place a check mark on the appropriate line below:

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

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

Gary Multz POBOX 190569 Dallas TX 75219

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Case No. Z2022-002: PD Development Plan for Sunset Ridge Condominiums

Please place a check mark on the appropriate line below:

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

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

Name: Gary Shultz Address: PO BOX 190569

Dallas TX 75219

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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Name: Gary Shultz Address: POBOX 1905/09 Dailas Tx 75219

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PLEASE RETURN THE BELOW FORM

Case No. Z2022-001: PD Development Plan for Rockwall Harbor District Condominium Development

Please place a check mark on the appropriate line below:

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

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

Name:

Address:

190569

Dallas Tx 75219

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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Grany Shult-c POBUT 190569 Dallas Tx 75219

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Name: Gary Sheltz Address: PO 1304 190569 Dallas Tx 75219

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CITY OF ROCKWALL ◆ PLANNING AND ZONING DEPARTMENT ◆ 385 S. GOLIAD STREET ◆ ROCKWALL, TEXAS 75087 ◆ P: (972) 771-7745 ◆ E: PLANNING@ROCKWALL.COM

	PLEASE RETURN THE BELOW FORM
Case No	z. Z2022-002: PD Development Plan for Sunset Ridge Condominiums
-	olace a check mark on the appropriate line below: in favor of the request for the reasons listed below.
□Iam	opposed to the request for the reasons listed below.
Name	Gary Shultz POPSOX 1905/69, Dallas TX 75219
Addicas	10 100 14000 1 Davids 1x 102101

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CITY OF ROCKWALL • PLANNING AND ZONING DEPARTMENT • 385 S. GOLIAD STREET • ROCKWALL, TEXAS 75087 • P: (972) 771-7745 • E: PLANNING@ROCKWALL.COM

Miller, Ryan

From: Janice Morchower

Sent: Tuesday, January 25, 2022 11:19 AM

To: Miller, Ryan

Subject: Public Hearing Z2022-002

Afternoon Ryan, unfortunately I am home sick with Covid and cannot attend meeting tonight. I would like to express my concerns with item Z2022-002 on the agenda for the proposed condos.

*Infrastructure- with the new units currently being built at the Harbor/ Summer Lee/Horizon- Ridge cannot support additional vehicles. Most days traffic on Ridge backs up past summer Lee- headed north. To get thru all the lights past I30 can take 25 min or more. Additionally on Horizon to get on I30- backs up almost to Ridge during peak hours. This is not only a hazard for emergency vehicles, but affects citizens ability to safely and efficiently travel throughout our city.

I hope my input will be considered during public hearing.

Be Blessed!!

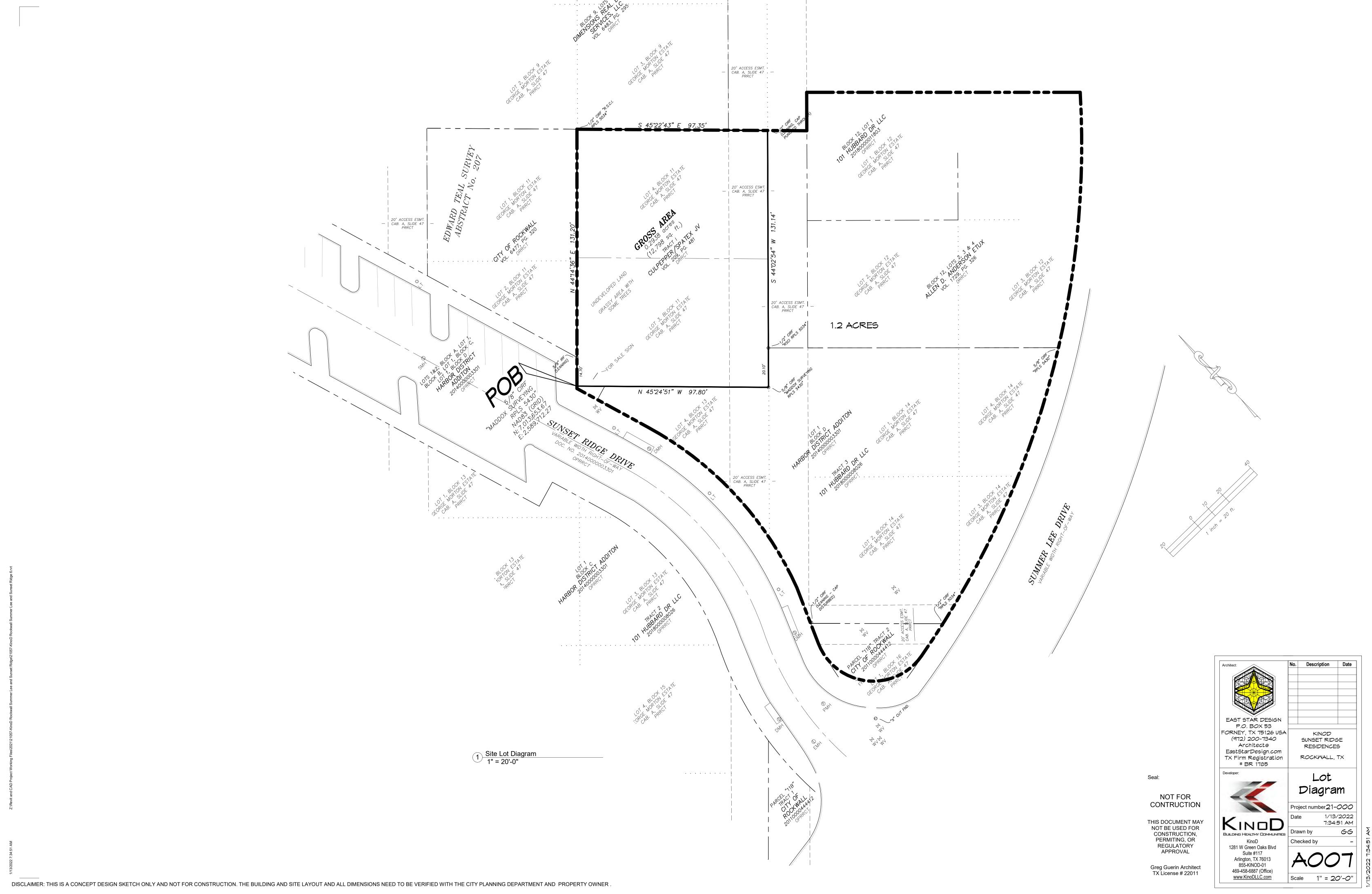
Janice Morchower, 144 Westwood Rockwall 75032

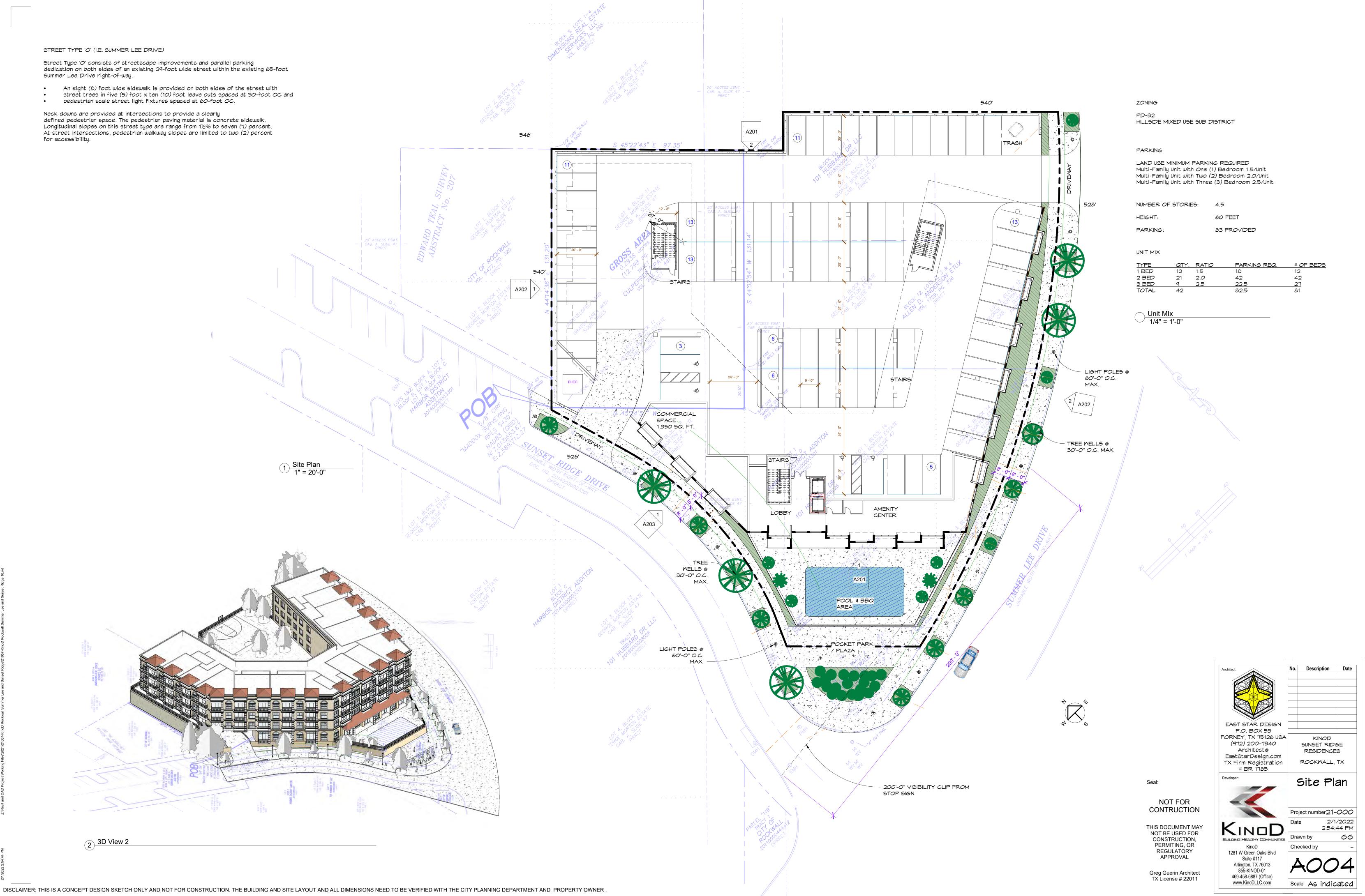
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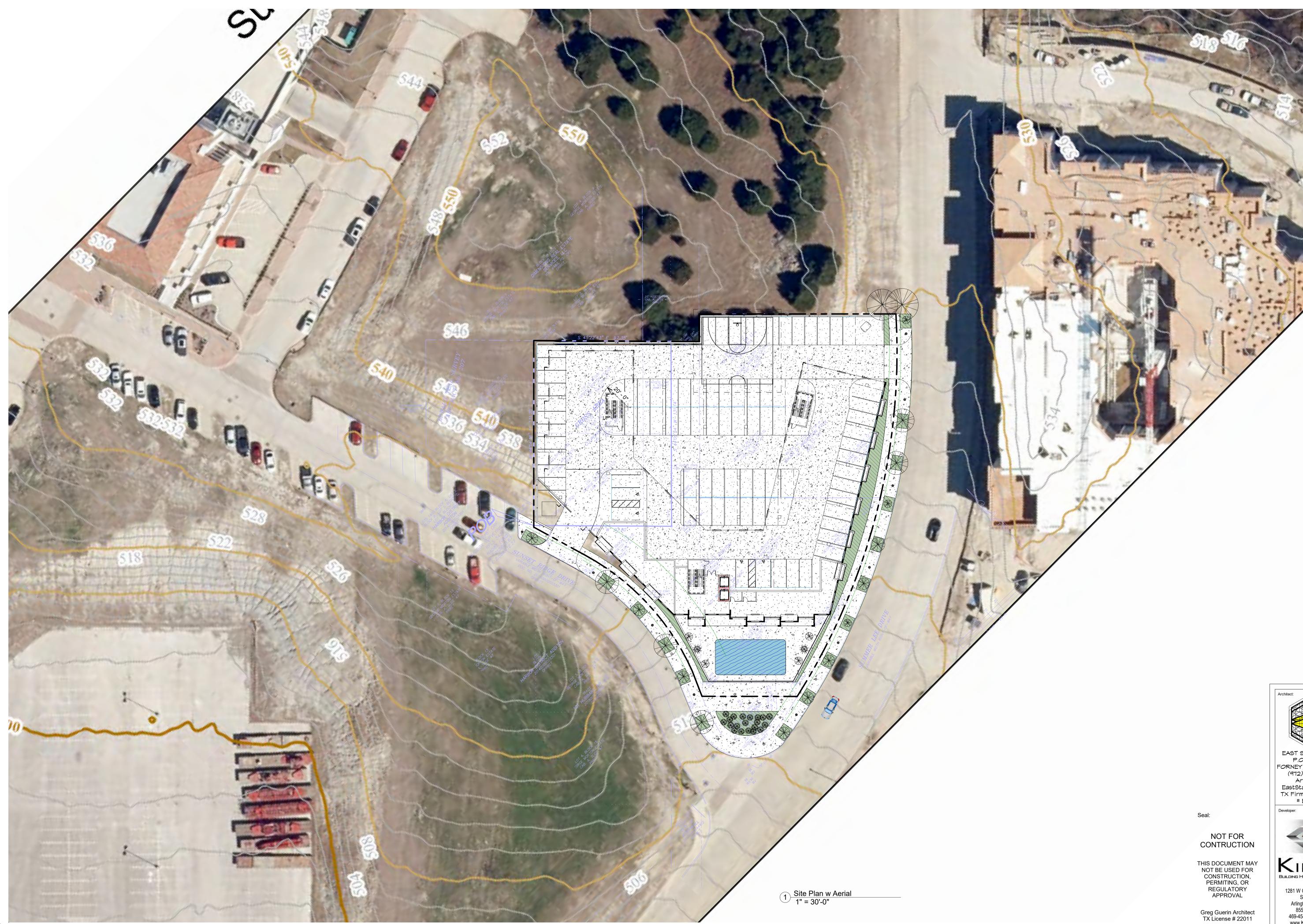
^{*} The last time we had a developer propose condos with reassurance from Mayor Pruitt- at the Harbor- those leased as apartments and never as single deeded individual units. Don't be fooled into believing these will be any different.

^{*} I do NOT SUPPORT THIS DEVELOPMENT.

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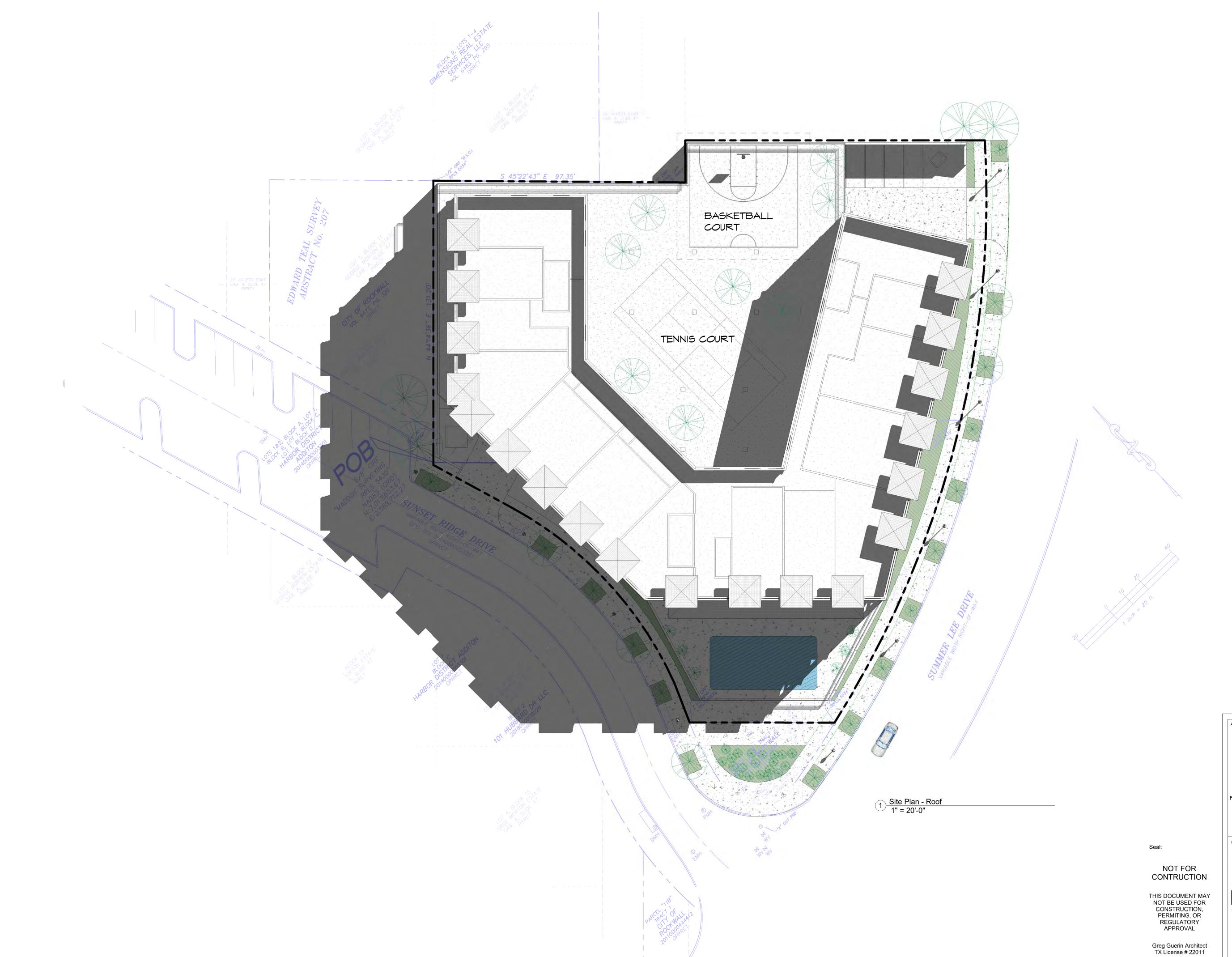
DISCLAIMER: THIS IS A CONCEPT DESIGN SKETCH ONLY AND NOT FOR CONSTRUCTION. THE BUILDING AND SITE LAYOUT AND ALL DIMENSIONS NEED TO BE VERIFIED WITH THE CITY PLANNING DEPARTMENT AND PROPERTY OWNER.

EAST STAR DESIGN
P.O. BOX 53
FORNEY, TX 75126 USA
(972) 200-7340
Architect@
EastStarDesign.com
TX Firm Registration
BR 1785 KINOD SUNSET RIDGE RESIDENCES ROCKWALL, TX

Project number 21-000 2/1/2022 2:54:53 PM KINDD BUILDING HEALTHY COMMUNITIES

KinoD 1281 W Green Oaks Blvd Suite #117 Arlington, TX 76013 855-KINOD-01 469-458-6887 (Office) www.KinoDLLC.com

Scale 1" = 30'-0"



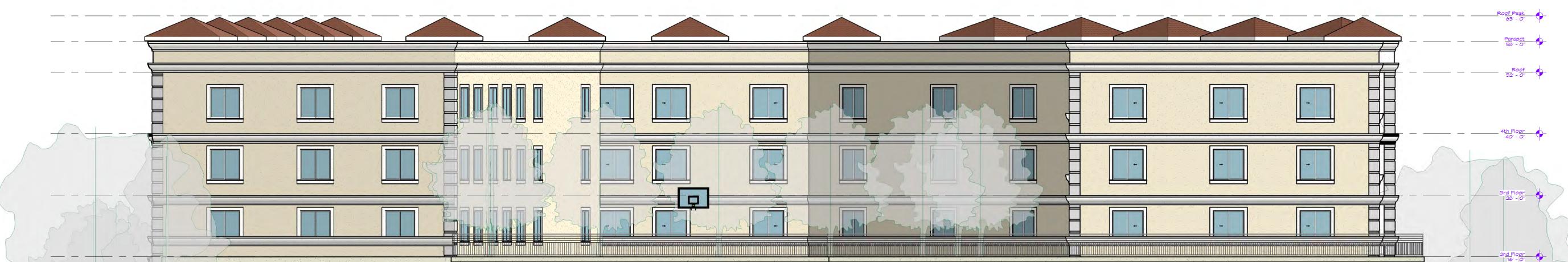
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CASE #: Z2022-002

Scale 1" = 20'-0"





North-East Rear Elevation
3/32" = 1'-0"

DISCLAIMER: THIS IS A CONCEPT DESIGN SKETCH ONLY AND NOT FOR CONSTRUCTION. THE BUILDING AND SITE LAYOUT AND ALL DIMENSIONS NEED TO BE VERIFIED WITH THE CITY PLANNING DEPARTMENT AND PROPERTY OWNER.

NOT FOR

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NOT BE USED FOR
CONSTRUCTION,
PERMITING, OR
REGULATORY
APPROVAL

Greg Guerin Architect TX License # 22011



469-458-6887 (Office) www.KinoDLLC.com KINOD

SUNSET RIDGE

RESIDENCES

ROCKWALL, TX

Elevations

Project number 21-000

Scale 3/32" = 1'-0"

2/1/2022 2:55:13 PM

GG



North-West Side Elevation
3/32" = 1'-0"

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No. Description EAST STAR DESIGN P.O. BOX 53 FORNEY, TX 75126 USA KINOD (972) 200-7340 SUNSET RIDGE Architect@ RESIDENCES EastStarDesign.com TX Firm Registration # BR 1785 ROCKMALL, TX Elevations CONTRUCTION Project number 21-000 2/1/2022 2:55:21 PM KINDD BUILDING HEALTHY COMMUNITIES THIS DOCUMENT MAY NOT BE USED FOR GG

CASE #: Z2022-002

1281 W Green Oaks Blvd

Suite #117 Arlington, TX 76013 855-KINOD-01

469-458-6887 (Office)

www.KinoDLLC.com

CONSTRUCTION, PERMITING, OR REGULATORY

APPROVAL

Greg Guerin Architect

TX License # 22011

Scale 3/32" = 1'-0"



West Elevation-Sunset Ridge Dr. 3/32" = 1'-0"

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NOT FOR

CONSTRUCTION, PERMITING, OR REGULATORY

APPROVAL

TX License # 22011

EAST STAR DESIGN P.O. BOX 53 FORNEY, TX 75126 USA KINOD (972) 200-7340 SUNSET RIDGE RESIDENCES EastStarDesign.com TX Firm Registration # BR 1785 ROCKMALL, TX Elevations Project number 21-000 2/1/2022 KINDD 2:55:26 PM 1281 W Green Oaks Blvd 469-458-6887 (Office) www.KinoDLLC.com

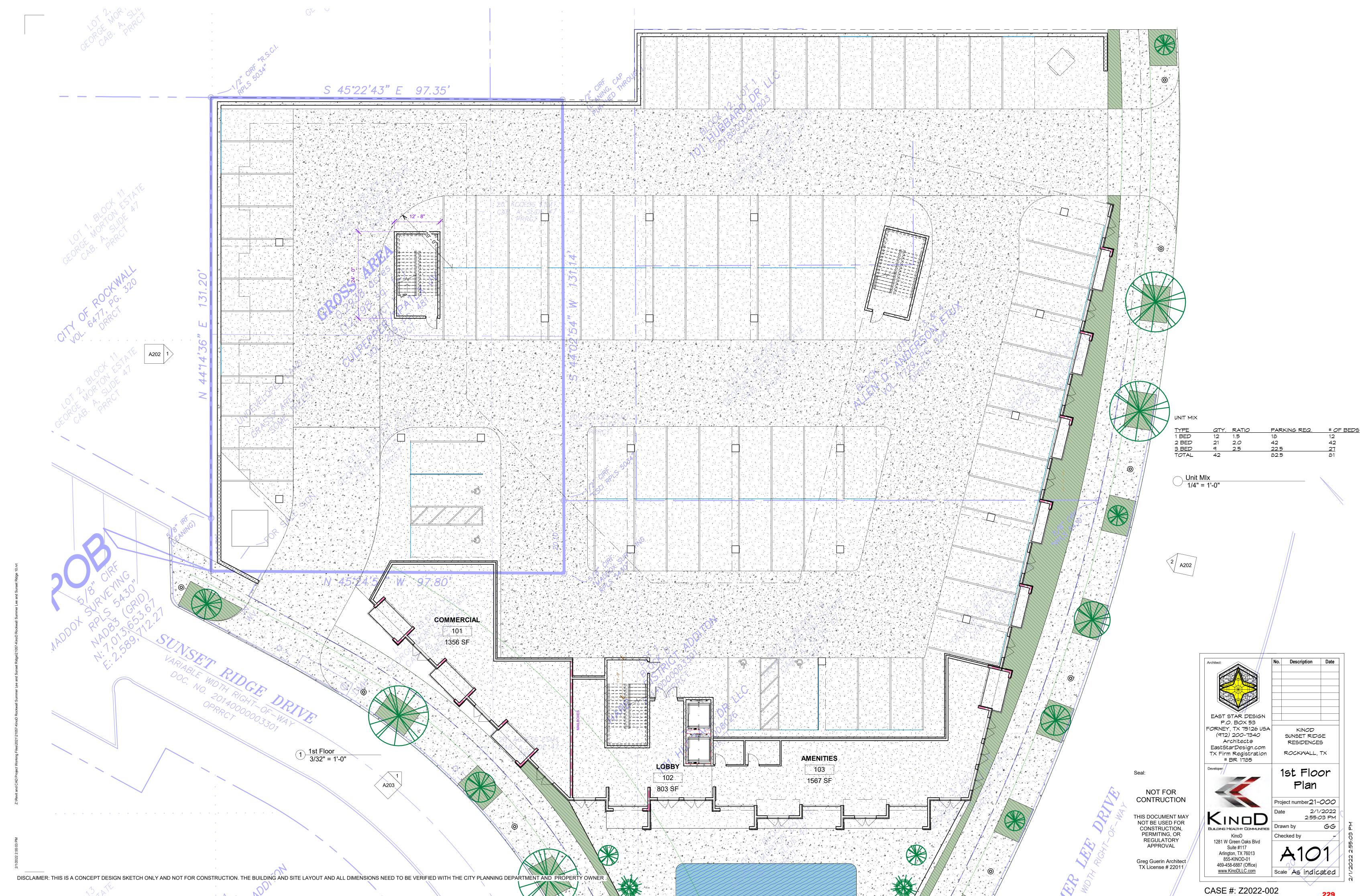
GG



CASE #: Z2022-002









CITY OF ROCKWALL

ORDINANCE NO. 22-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL. TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 32 (PD-32) [ORDINANCE NO. 17-22] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A PD DEVELOPMENT PLAN FOR A CONDOMINIUM BUILDING ON A 1.20-ACRE TRACT OF LAND IDENTIFIED AS LOT 1, BLOCK D. HARBOR DISTRICT ADDITION AND LOTS 3 & 4, BLOCK 11 AND LOTS 1, 2, 3, & 4, BLOCK 12, MOTON ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED AND DEPICTED HEREIN BY EXHIBIT 'A': 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 Louis Clark of KinoD, LLC on behalf of D. W. Bobst of 101 Hubbard Dr. LLC, Gary Shultz of Culpepper/Spatex JV, and Allen Anderson for the approval of a *PD Development Plan* for a 42-unit, condominium building to be situated within the *Hillside Mixed-Use Subdistrict*, on a 1.20-acre tract of land identified as Lot 1, Block D, Harbor Addition and Lots 3, & 4, Block 11 and Lots 1, 2, 3, & 4, Block 12, Moton Addition, City of Rockwall, Rockwall County, Texas 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 Planned Development District 32 (PD-32) [Ordinance No. 17-22] and 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 Planned Development District 32 (PD-32) [Ordinance No. 17-22] and the Unified Development Code [Ordinance No. 20-02], as heretofore amended, shall be further amended by adopting this PD Development Plan and amending the official zoning map of the City of Rockwall for the Subject Property; and,

SECTION 2. That development of the *Subject Property* shall generally be in accordance with the *Concept Plan*, depicted in *Exhibit 'B'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'B'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*; and,

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

the *Conceptual Building Elevations*, depicted in *Exhibit 'C'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'C'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*; and,

SECTION 4. That the *Subject Property* shall be used only in the manner and for the purposes provided for in Planned Development District 32 (PD-32) [*Ordinance No. 17-22*], the Unified Development Code [*Ordinance No. 20-02*], and in compliance with the following conditions and requirements:

- (1) The development of the subject property shall generally conform to the *Concept Plan* depicted in *Exhibit 'B'* of this ordinance.
- (2) The development of the subject property shall generally conform to the proposed *Conceptual Building Elevations* depicted in *Exhibit 'C'* of this ordinance and to the design guidelines contained in *Resolution No. 10-40*.
- (3) The proposed condominium building shall not contain more than 42 urban residential units.
- (4) All building materials and color schemes proposed for this development should conform to the requirements stipulated by Planned Development District 32 (PD-32) [as amended].
- (5) Prior to the issuance of a building permit the applicant shall submit and seek approval for a detailed *PD Site Plan* that demonstrates compliance with all applicable standards of Planned Development District 32 (PD-32) [as amended] and with the requirements approved in this ordinance.
- (6) All buildings throughout the development shall be constructed with a consistent design scheme, incorporate four (4) sided architecture that creates an entry appearance on all four (4) sides, and be approved by the Architectural Review Board (ARB) at the time of the PD Site Plan.

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

SECTION 6. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable;

SECTION 7. The standards in this ordinance shall control in the event of a conflict between this ordinance and any provision of the Unified Development Code or any provision of the City Code, ordinance, resolution, rule, regulation, or procedure that provides a specific standard that is different from and inconsistent with this ordinance. References to zoning district regulations or other standards in the Unified Development Code (including references to the *Unified*

Z2022-002: PD Development Plan for PD-32 Ordinance No. 22-XX; PD-32

Development Code), and references to overlay districts, in this ordinance or any of the Exhibits hereto are those in effect on the date this ordinance was passed and approved by the City Council of the City of Rockwall, Texas;

SECTION 8. That this ordinance shall take effect immediately from and after its passage;

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 7^{TH} DAY OF FEBRUARY, 2022.

	Kevin Fowler, <i>Mayor</i>
ATTEST:	
Kristy Cole, City Secretary	
APPROVED AS TO FORM:	
Frank J. Garza, City Attorney	
1 st Reading: January 18, 2022	

2nd Reading: February 7, 2022

Exhibit 'A':

Legal Description and Location Map

BEING a tract of land situated in the Edward Teal Survey, Abstract No. 207, Rockwall County, Texas and being all of Lots 1 and 2 of Block 12 and part of Lots 3, and 4 of Block 12, and all of Lots 3 and 4 of Block 11 and part of a 20-foot easement as shown on George Morton Estate Addition, an addition to the City of Rockwall, recorded in Volume A, Page 47, Plat Records, Rockwall County, Texas, and all of Lot 1, Block D of Harbor District Addition, an addition to the City of Rockwall, recorded in Instrument No. 20140000003301, Official Public Records, Rockwall County, Texas, and being all of a called 0.2938-acre tract of land described in General Warranty Deed to Olumide Adebowale recorded in Instrument No. 20210000034928, of said Official Public Records, and being all of a called 0.18-acre tract of land described in Special Warranty Deed to Olumide Adebowale recorded in Instrument No. 20210000025046, of said Official Public Records and being all of the land described as "Tract 1" and "Tract 2" in Special Warranty Deed to Olumide Adebowale, recorded in Instrument No. 20210000034977, of said Official Public Records and being more particularly described as follows:

BEGINNING at a ½-inch iron rod found in the northwest right-of-way line of Summer Lee Drive (a variable width right-of-way) and being the south corner of said Lot 1, Block D;

THENCE departing said northwest right-of-way line of Summer Lee Drive and with the southwest line of said Lot 1, Block D, North 45°47'16" West, a distance of 67.53-feet to a ½-inch iron rod found at the beginning of a non-tangent curve to the right with a radius of 126.00-feet, a central angle of 01°35'35", and a chord bearing and distance of North 24°31'45" East, 3.50-feet and being a west corner of said Lot 1, Block D and being in the east right-of-way line of Sunset Ridge Drive (a variable width right-of-way) recorded in Instrument Number 201400000003301, of said Official Public Records;

THENCE with said east right-of-way line of Sunset Ridge Drive and west line of said Lot 1, Block D, the following courses and distances:

In a northeasterly direction, with said non-tangent curve to the right, an arc distance of 3.50-feet to a $\frac{1}{2}$ -inch iron rod found for corner at the beginning of a reverse curve to the left with a radius of 174.00-feet, a central angle of $42^{\circ}35'25''$, and a chord bearing and distance of North $04^{\circ}01'49''$ East, 126.38-feet;

In a westerly direction, with said reverse curve to the left, an arc distance of 129.34-feet to a ½-inch iron rod found for corner;

North 17°15'53" West, a distance of 29.94-feet to a 1/2-inch iron rod found for corner;

North 72°44'07" East, a distance of 7.72-feet to a $\frac{1}{2}$ -inch iron rod found for the northeast corner of said Lot 1, Block D, and being in the southwest line of said 0.2938-acre tract;

THENCE continuing with said east right-of-way line of Sunset Ridge Drive and with the southwest line of said 0.2938-acre tract, North 45°21'56" West, a distance of 14.15-feet to a 5/8-inch iron rod found for the west corner of said 0.2938-acre tract;

THENCE continuing with said east right-of-way line of Sunset Ridge Drive and with the northwest line of said 0.2938-acre tract, North 44°17'17" East, a distance of 14.70-feet to a 5/8-inch iron rod found for corner;

THENCE departing said east right-of-way line of Sunset Ridge Drive and continuing with the northwest line of said 0.2938-acre tract, North 44°11'47" East, a distance of 116.31-feet to a ½-inch iron rod with plastic cap stamped "R.S.C.I. 5034" found for the north corner of said 0.2938-acre tract;

THENCE with the northeast line of said 0.2938-acre tract, South 45°26'20" East, a distance of 97.73-feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for the east corner of said 0.2938-acre tract;

THENCE with the northwest line of said existing 20-foot Easement shown on George Morton Estate

Exhibit 'A':

Legal Description and Location Map

Addition and North 44°11'47" East, a distance of 20.00-feet to a ½-inch iron rod found for corner;

THENCE departing said northwest line and over and across said 20-foot Easement and with the northeast line of said Lots 1 and 4 of Block 12 of the George Morton Estate Addition, South 45°26'20" East, a distance of 160.57-feet to a ½-inch iron rod with plastic cap stamped "R.S.C.I. 5034" found for the corner in said northwest right-of-way line of said Summer Lee Drive;

THENCE with said northwest right-of-way line of Summer Lee Drive, the following courses and distances:

South 43°53'07" West, a distance of 19.52-feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner at the beginning of a tangent curve to the right with a radius of 467.50-feet, a central angle of 32°24'23", and a chord bearing and distance of South 60°05'18" West, 260.91-feet;

THENCE in a northerly direction, with said tangent curve to the right, an arc distance of 264.42-feet to the POINT OF BEGINNING and containing 53,115 square-feet or 1.2194-acres of land.

Bearing system based on the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983(2011).

Z2022-002: PD Development Plan for PD-32 Ordinance No. 22-XX; PD-32

Exhibit 'A': Legal Description and Location Map

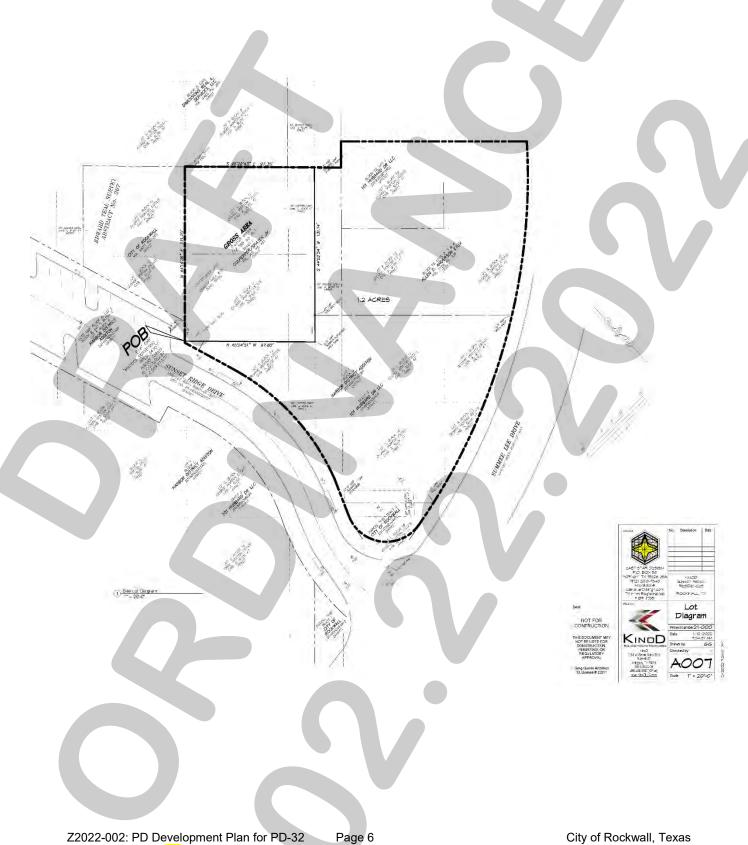


Exhibit 'B': Concept Plan



Exhibit 'B':
Concept Plan

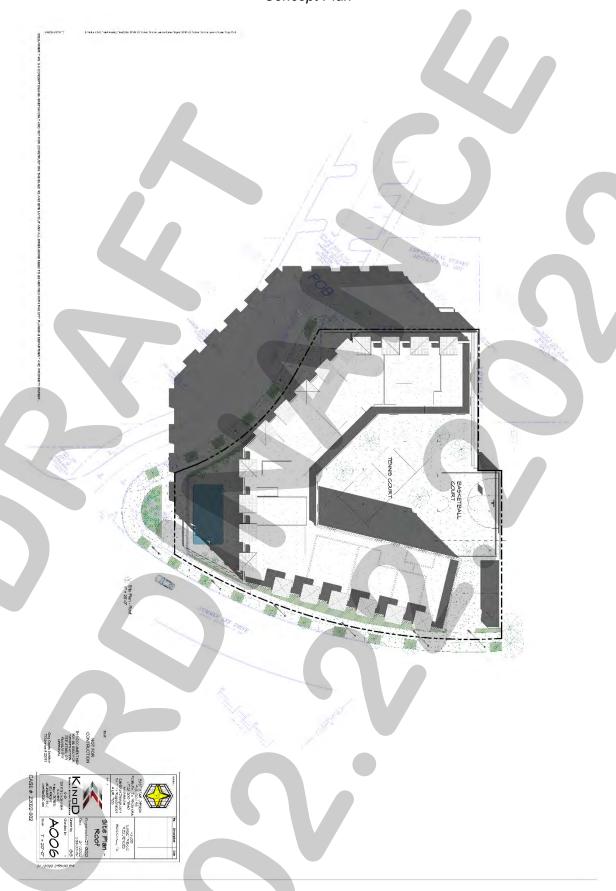


Exhibit 'C':Conceptual Building Elevations



Exhibit 'C': Conceptual Building Elevations



Exhibit 'C': Conceptual Building Elevations





MEMORANDUM

TO: Mary Smith, City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: February 22, 2022

SUBJECT: Z2022-003; SPECIFIC USE PERMIT (SUP) FOR A RESTAURANT, 2,000

SF OR MORE, WITH DRIVE THROUGH OR DRIVE-IN

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 Concept Plan Draft Ordinance

Summary/Background Information

Hold a public hearing to discuss and consider a request by Bowen Hendrix of DuWest Realty, LLC on behalf of John Arnold of the Skorburg Company for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for a *Restaurant 2,000 SF or More with Drive Through or Drive-In* for the purpose of constructing two (2) restaurants on an 8.684-acre tract of land identified as Tract 3-10 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, being zoned Planned Development District 70 (PD-70) for limited General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, generally located at the northeast corner of the intersection of E. Quail Run Road and N. Goliad Street [SH-205], 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).



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

TO: Mayor and City Council DATE: February 22, 2022

APPLICANT: Bowen Hendrix; DuWest Realty, LLC

CASE NUMBER: Z2022-003; Specific Use Permit (SUP) for a Restaurant, 2,000 SF or More, with Drive Through

or Drive-In

SUMMARY

Hold a public hearing to discuss and consider a request by Bowen Hendrix of DuWest Realty, LLC on behalf of John Arnold of the Skorburg Company for the approval of a <u>Specific Use Permit (SUP)</u> for a <u>Restaurant 2,000 SF or More with Drive Through or Drive-In</u> for the purpose of constructing two (2) restaurants on an 8.684-acre tract of land identified as Tract 3-10 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, being zoned Planned Development District 70 (PD-70) for limited General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, generally located at the northeast corner of the intersection of E. Quail Run Road and N. Goliad Street [SH-205], and take any action necessary.

BACKGROUND

The subject property was annexed on February 6, 1961 by *Ordinance No. 61-02* [Case No. A1961-002]. At the time of annexation, the subject property was zoned Agricultural (AG) District. On April 2, 2007, the City Council adopted *Ordinance No. 07-13* [Case No. Z2007-006], which rezoned a 395.075-acre tract of land -- that included the subject property -- from an Agricultural (AG) District to Planned Development District 70 (PD-70) for Single-Family 10 (SF-10) District and limited General Retail (GR) District land uses. The concept plan included with this Planned Development District designated the subject property for Single-Family 10 (SF-10) District land uses. On October 19, 2009, the City Council adopted *Ordinance No. 09-44* [Case No. Z2009-018], which amended the concept plan and development standards for Planned Development District 70 (PD-70). The amendment re-designated approximately seven (7) acres of the subject property to allow limited General Retail (GR) District land uses. This area was later expanded by *Ordinance No. 11-35* [Case No. Z2011-016] to include the remainder of the subject property, re-designating the entire 8.63-acres for limited General Retail (GR) District land uses. On February 6, 2017, the City Council approved a *PD Development Plan* [Ordinance No. 17-08; Case No. Z2016-049] for the subject property in accordance with the requirements of Planned Development District 70 (PD-70). This development plan was for a proposed grocery store; however, the project was never pursued beyond the *PD Development Plan*, and the subject property has remained vacant since annexation.

More recently -- on January 3, 2022 --, the City Council approved a *PD Development Plan* [Ordinance No. 22-01; Case No. Z2021-048], which superseded Ordinance No. 17-08 and provided a plan for two (2) ~10,000 SF multi-tenant restaurant/retail buildings, a ~5,400 SF retail building, and a ~4,000 SF drive-through restaurant. The purpose of this *PD Development Plan* was to layout the screening, pedestrian access, and amenities proposed for the anticipated development.

PURPOSE

Following the approval of *Ordinance No.* 22-01, the applicant -- *Bowen Hendrix of DuWest Realty, LLC* -- submitted an application on January 18, 2022 requesting the approval of a Specific Use Permit (SUP) for a *Restaurant, Less Than* 2,000 *SF with Drive Through or Drive-In*. The applicant changed the request on January 21, 2022 to a Specific Use Permit (SUP) for a *Restaurant,* 2,000 *SF or More with Drive-Through or Drive-In*. The purpose of these applications was to construct two (2) drive-through restaurants within the two (2) ~10,000 SF multi-tenant restaurant/retail buildings.

ADJACENT LAND USES AND ACCESS

The subject property is located north of the intersection of E. Quail Run Road and N. Goliad Street [SH-205]. The land uses adjacent to the subject property are as follows:

<u>North</u>: Directly north of the subject property is Phase 4 of the Stone Creek Subdivision, which was established on June 12, 2013 and consists of 59 single-family residential lots. Beyond this is Phase 1 of the Stone Creek Subdivision, which was established on August 28, 2008 and consists of 201 single-family residential lots. Both of these subdivisions are zoned Planned Development District 70 (PD-70) for Single-Family 10 (SF-10) District land uses.

South: Directly south of the subject property is a 2.519-acre parcel of land (i.e. Lot 1R, Block B, Quail Run Retail) with a pharmacy (i.e. CVS Pharmacy) situated on it. Beyond this is E. Quail Run Road, which is identified as a M4D (i.e. major collector, four [4] lane, divided roadway) on the City's Master Thoroughfare Plan contained within the OURHometown Vision 2040 Comprehensive Plan. Beyond this is a 11.236-acre parcel of land (i.e. Lot 1, Block A, Kroger 205 Addition) with a grocery store and gas station (i.e. Kroger Grocery Store and Fuel Center) situated on it. These properties are zoned Planned Development District 5 (PD-5) for General Retail (GR) District land uses.

<u>East</u>: Directly east of the subject property is a 1.512-acre parcel of land owned by the City of Rockwall, and which is occupied with a fire station (*i.e. Fire Station #3*). Beyond this is Phase 7 of the Stone Creek Subdivision, which was established on July 13, 2016 and consists of 80 single-family residential homes. These properties are zoned Planned Development District 70 (PD-70) for *Public* and Single-Family 10 (SF-10) District land uses.

<u>West</u>: Directly west of the subject property is N. Goliad Street [SH-205], which is identified as a M4D (i.e. major collector, four [4] lane, divided roadway) on the City's Master Thoroughfare Plan contained within the OURHometown Vision 2040 Comprehensive Plan. Beyond this is a 2.174-acre parcel of land (i.e. Lot 1, Block A, Pecan Valley Retail Addition), which is occupied by a multi-tenant retail building.



YELLOW: SUBJECT PROPERTY

CHARACTERISTICS OF THE REQUEST

The applicant has submitted an application and concept plan depicting the layout of two (2) ~10,000 SF restaurant/retail buildings with drive-throughs on the subject property. Based on the concept plan the buildings will be oriented so that the drive-through and *bailout* lanes will be located along the western façade of each building. The ingress and egress for the property will be primarily taken off of two (2) drive approaches -- *one of which is existing on the CVS Pharmacy property* -- along Quail Run Road, and a secondary point of access will be provided by an existing drive approach along N. Goliad Street [SH-205] (*which is also an existing access point of the CVS Pharmacy*). Staff should also point out that the concept plan shows the use of three (3) tiered screening (*i.e.* [1] a small to mid-sized shrub, [2] large shrubs or accent trees, and [3] canopy trees on 20-foot centers) and a berm along the northern and southern property lines of the subject property, and a pedestrian access point just north of Building 'B' in conformance with the approved PD Development Plan [Ordinance No. 22-01].

With regard to parking, Article 06, *Parking and Loading*, of the Unified Development Code (UDC) stipulates a parking requirement for a *Full-Service Restaurant* (i.e. a restaurant that provides indoor ordering, seating and dining) of one (1) parking space per 100 SF of floor area, and a parking requirement for a *General Retail Store* of one (1) parking space per 250 SF of floor area. When considering the proposed 7,500 SF of retail to 2,500 SF of restaurant shown for each building on the concept plan, this translate to a parking requirement of 110 parking spaces. The concept plan indicates a total of 162 parking spaces will be provided or 52 parking spaces more than the minimum requirement.

CONFORMANCE WITH THE CITY'S CODES

According to Planned Development District 70 (PD-70) [Ordinance No. 19-41], the subject property is subject to the land uses and development standards stipulated for the General Retail (GR) District as specified by the Unified Development Code (UDC), and according to the Permissible Use Charts contained in Article 04, Permissible Uses, of the UDC, the Restaurant with 2,000 SF or More with a Drive-Through or Drive-In land use requires a Specific Use Permit (SUP) in a General Retail (GR) District. The purpose of requiring a Specific Use Permit (SUP) for this land use in a General Retail (GR) District is tied to the fact that this zoning designation is typically located directly adjacent to or in close proximity to single-family residentially zoned districts. According to the Unified Development Code (UDC), "(t)he General Retail (GR) District is a zoning district intended to provide Ilimited retail and service uses for one (1) or more neighborhoods ... [it] is not a major commercial/retail district and should try to avoid intensive commercial land uses that carry large volumes of retail traffic." In this case, Planned Development District 70 (PD-70) [Ordinance No. 19-41] specifically limits land uses that would be outside of the scope of providing Iimited retail and service uses and continues to require Restaurants with a Drive-Through or Drive-In (of any square footage) receive a Specific Use Permit (SUP). This requirement grants discretionary oversight from the Planning and Zoning Commission and City Council. In reviewing requests for a Restaurant with a Drive-Through or Drive-In, Article 04, Permissible Use Charts, of the Unified Development Code (UDC) lays out the following land use conditions:

- (1) Drive-through lanes shall not have access to a local residential street.
- (2) Additional landscape screening shall be installed adjacent to drive-through lanes to impair the visibility and impact of headlights from motor vehicles in the drive-through lane on adjacent properties, rights-of-way, parks and open space.
- (3) Unless otherwise approved by the Planning and Zoning Commission, stacking lands for drive-through service window (*i.e.* the food delivery/payment window) shall accommodate a minimum of six (6) standard sized motor vehicles per lane.

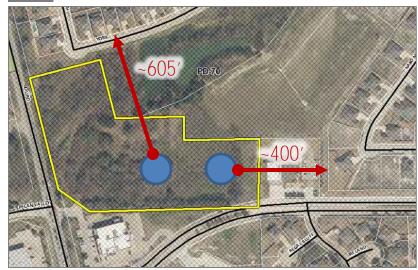
In this case, the submitted site plan shows conformance to all of the *Land Use Conditions* stipulated by Article 04, *Permissible Uses*, of the Unified Development Code (UDC). Specifically, the concept plan demonstrates that the drive-through lanes can accommodate more than six (6) vehicles for each drive-through lane, and that three (3) tiered screening and a berm will be provided adjacent to both the northern and southern property lines. In addition, the proposed development will <u>only</u> have access from Quail Run Road and N. Goliad Street, both of which are identified as a M4D (*i.e. major collector, four [4] lane divided roadway*) on the City's Master Thoroughfare Plan and considered to be commercial roadways (*i.e. not local residential streets*).

According to the *Residential Adjacency Standards* contained in Article 05, *District Development Standards*, of the Unified Development Code (UDC), "(t)he residential adjacency standards shall apply when a use is proposed for a non-residential building or site that is adjacent to a residential district, and both of the following conditions apply: (a) An existing or proposed building, structure, or device on the lot is within 150-feet of a residential district boundary ... (b) One or more of the following uses are proposed: (2) Restaurants, including accessory outdoor seating, with drive-in or drive-through facilities." In this case,

the subject property is directly adjacent to a residentially zoned property along the northern (and parts of the eastern) boundary; however, staff should point out that this area is an open space/detention pond owned by the Stone Creek Estates Homeowners Association. In addition, the eastern most building -- or the building with the closest residential adjacency -- is ~400-feet away from the closest residentially used property. In addition, Fire Station 3 is situated in between the residentially used property and the proposed building. Regardless of this separation, the following Residential Adjacency Standards would apply:

(1) <u>Noise</u>. Any use containing individual service speakers <u>shall not</u> be permitted within 150-feet of any residential district unless the speaker is appropriately

FIGURE 2: CLOSEST RESIDENTAIL ADJACENCY



<u>BLUE CIRCLES</u>: APPROXIMATE LOCATION OF BUILDINGS; <u>RED LINE</u>: DISTANCE TO THE CLOSEST RESIDENTIALLY USED PROPERTY

screened and shall meet the standards established in Article IV, *Noise*, of Chapter 16, *Environment*, of the Municipal Code of Ordinances. The Planning and Zoning Commission may require wing walls, landscape screens, changes in building orientation, and/or other design elements to screen and minimize the impact of the individual service speakers.

In this case, due to [1] the separation of the proposed buildings from any property that is residentially used, [2] the location of *Fire Station 3*, and [3] the proposed three (3) tiered screening and berm shown adjacent to the northern property line, the applicant's request appears to be sufficiently screened to meet the noise requirements; however, staff will examine the location of the proposed service speakers at the time of site plan to ensure a negative externality is not created for the adjacent residentially used property.

STAFF ANALYSIS

As stated above, this request appears to conform to all the requirements of Planned Development District 70 [Ordinance No. 19-41], the approved PD Development Plan [Ordinance No. 22-01], and the Unified Development Code (UDC). Specifically, the applicant's request is: [1] not taking access to a local residential roadway, [2] is providing screening along the northern property boundary to reduce the possibility of creating a negative extremality for the existing adjacent residential development, [3] providing screening adjacent to the southern boundary to ensure headlights are screened along Quail Run Road, [4] is providing drive-through lanes that can accommodate a minimum stacking of six (6) standard size motor vehicles, [5] is providing bailout lanes adjacent to the drive-through lanes, and [6] all residential land uses are a minimum of ~400-feet to ~600-feet from the proposed buildings. With this being said, all requests for a Specific Use Permit (SUP) are discretionary to the City Council pending a recommendation from the Planning and Zoning Commission.

NOTIFICATIONS

On January 14, 2022, staff mailed 62 notices to property owners and occupants within 500-feet of the subject property notifying them that the applicant was requesting a Specific Use Permit (SUP) for a *Restaurant, Less Than 2,000 SF, with Drive-Through or Drive-In*; however, on January 21, 2022 the applicant notified staff that the request was changing to a Specific Use Permit (SUP) for a *Restaurant, 2,000 SF or More, with Drive-Through or Drive-In*. In response to this change staff mail 62 updated notices on January 25, 2022 to property owners and occupants within 500-feet of the subject property. Staff also notified the Stone Creek, Quail Run Valley, the Shores on Lake Ray Hubbard, Random Oaks/Shores, and Lakeview Summit Homeowner's Associations (HOAs), which were the only Homeowners' Association (HOAs) and/or Neighborhood Organizations 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 hearing in the Rockwall Herald Banner on *January 21, 2022* and the updated notice on *January 28, 2022* as required by the Unified Development Code (UDC). At the time this report was drafted, staff had received the following:

- (1) One (1) property owner notification from a property owner <u>within</u> the 500-notification area in opposition to the applicant's request.
- (2) One (1) email from property owner *within* the 500-notification area in opposition to the applicant's request.
- (3) One (1) email from a property owner <u>within</u> the 500-notification area stating concerns with traffic and requesting that a traffic light be installed at the intersection of Quail Run Road and Audobon Lane.

CONDITIONS OF APPROVAL

If the Planning and Zoning Commission chooses to recommend approval of the applicant's request for a <u>Specific Use Permit</u> (<u>SUP</u>) for a <u>Restaurant</u>, <u>2,000 SF or More</u>, <u>with Drive Through or Drive-In</u> on the subject property, then staff would propose the following conditions of approval:

- (1) The applicant shall be responsible for maintaining compliance with the operational conditions contained in the <u>Specific</u> <u>Use Permit (SUP)</u> ordinance and which are detailed as follows:
 - (a) The development of the *Subject Property* shall generally conform to the *Concept Plan* contained in *Exhibit 'C'* of the Specific Use Permit (SUP) ordinance.
 - (b) The development of the **Subject Property** shall conform to the landscape screening depicted in **Exhibit** 'C' of the Specific Use Permit (SUP) ordinance.
- (2) Any construction resulting from the approval of this <u>Specific Use Permit (SUP)</u> 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 February 15, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the Specific Use Permit (SUP) by a vote of 7-0.

PLATTING APPLICATION FEES:

DEVELOPMENT APPLICATION

City of Rockwall Planning and Zoning Department 385 S. Goliad Street Rockwall, Texas 75087 STAFF USE ONLY -

PLANNING & ZONING CASE NO.

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

DIRECTOR OF PLANNING:

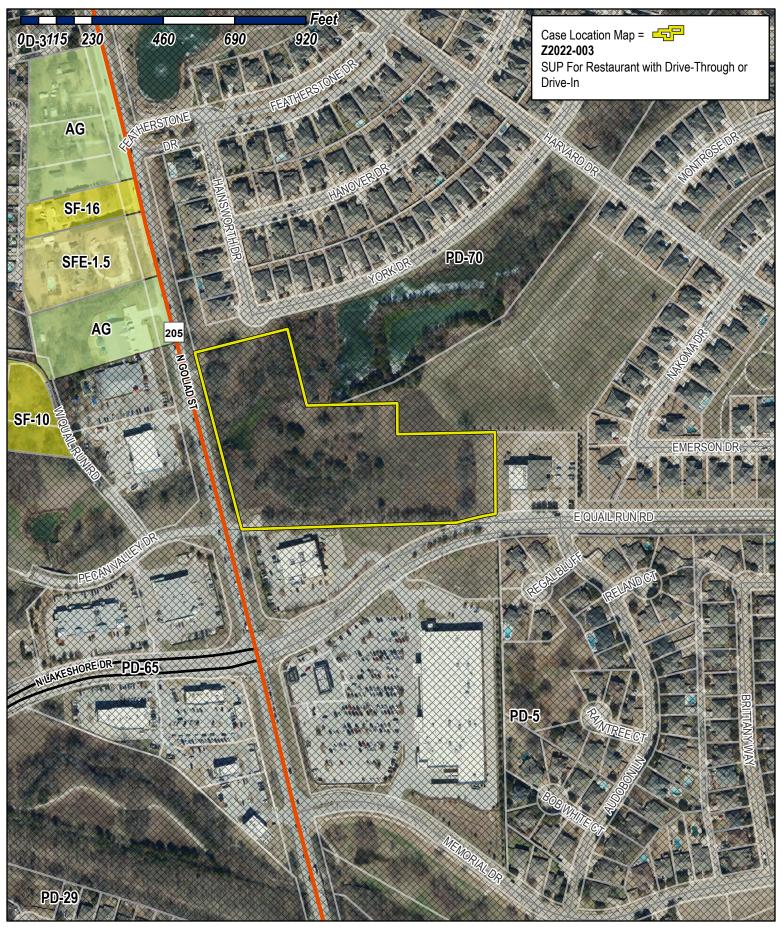
CITY ENGINEER:

ZONING APPLICATION FEES:

PLEASE CHECK THE	APPROPRIATE BOX BEI	OW TO INDICATE THE TYPE	OF DEVELOPMENT REQUES	ST (SELECT ONLY ONE BOX)
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☐ PRELIMINARY PLAT ☐ FINAL PLAT (\$300.00 - ☐ REPLAT (\$300.00 - ☐ AMENDING OR MI	+ \$20.00 ACRE)1		☐ ZONING CHANGE (\$200.00 + \$15.00 ACRE) ¹ ☐ SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) ¹ ☐ PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) ¹ OTHER APPLICATION FEES: ☐ TREE REMOVAL (\$75.00) ☐ VARIANCE REQUEST (\$100.00) NOTES: ¹: IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.			
SITE PLAN APPLICA SITE PLAN (\$250.0 AMENDED SITE P		CAPING PLAN (\$100.00)				
PROPERTY INFOR	MATION [PLEASE PRINT	Π	100000000000000000000000000000000000000			
ADDRESS	not yet assigned*					
SUBDIVISION				LOT	BLOCK	
GENERAL LOCATION	NEC E Quail Run	Road and 205				
ZONING, SITE PLA	N AND PLATTING I	NFORMATION (PLEASE PR	RINT]			
CURRENT ZONING	PD-70		CURRENT USE	Undeveloped la	nd	
PROPOSED ZONING	PD-70		PROPOSED USE	Commercial (R	etail)	
ACREAGE	8.684 AC	LOTS [CURRENT]		LOTS [PROPO	DSED]	
REGARD TO ITS AP RESULT IN THE DEN	PROVAL PROCESS, AND FAI IIAL OF YOUR CASE.	LURE TO ADDRESS ANY OF STAI	FF'S COMMENTS BY	THE DATE PROVIDED ON T	NO LONGER HAS FLEXIBILITY WITH THE DEVELOPMENT CALENDAR WILL	
	NT/AGENT INFORM	ATION [PLEASE PRINT/CHECK				
OWNER		200	APPLICANT	DuWest Realty, LL	.C	
CONTACT PERSON		CO	CONTACT PERSON		Bowen Hendrix	
ADDRESS			ADDRESS	4403 North Centra	ll Expressway	
000		0.0	T/ 07175 1 710	Suite 200		
CITY, STATE & ZIP		Cl	TY, STATE & ZIP	Dallas, TX 75025		
PHONE			PHONE	(214) 918-1804		
E-MAIL			E-MAIL	bowen@duwestre	earry.com	
NOTARY VERIFICA BEFORE ME, THE UNDERSI STATED THE INFORMATION	IGNED AUTHORITY, ON THIS	DAY PERSONALLY APPEARED 3E TRUE AND CERTIFIED THE FO	BOWEN _	Hendrix 10	WNER THE UNDERSIGNED, WHO	
S 330 . 23. INFORMATION CONTAINED	TO COVER THE C 2012 BY SIGNI WITHIN THIS APPLICATION TO	OST OF THIS APPLICATION, HAS BE ING THIS APPLICATION, I AGREE TO	EEN PAID TO THE CITY HAT THE CITY OF RO SO AUTHORIZED AND	OF ROCKWALL ON THIS THE CKWALL (I.E. "CITY") IS AUTH DEPREMENTED TO REPRODUC	ORIZED AND PERMITTED TO PROVIDE CE ANY COPYRIGHTED INFORMATION	
GIVEN UNDER MY HAND AI	ND SEAL OF OFFICE ON THIS	THE DAY OF DWW	202	2	LISA DIANE CALDWELL	
	OWNER'S SIGNATURE	3H			My Commission Expires May 26, 2025	
NOTARY PUBLIC IN AND FO	OR THE STATE OF TEXAS	Shina Calda	Ill.	MY COMMISSION		

DEVELOPMENT APPLICATION • CITY OF ROCKWALL = 385 SOUTH GOLIAD STREET • ROCKWALL, TX 75087 • [P] (972) 771-7745 • [F] (972) 771-7727





City of Rockwall

Planning & Zoning Department 385 S. Goliad Street Rockwall, Texas 75032 (P): (972) 771-7745 (W): www.rockwall.com The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.

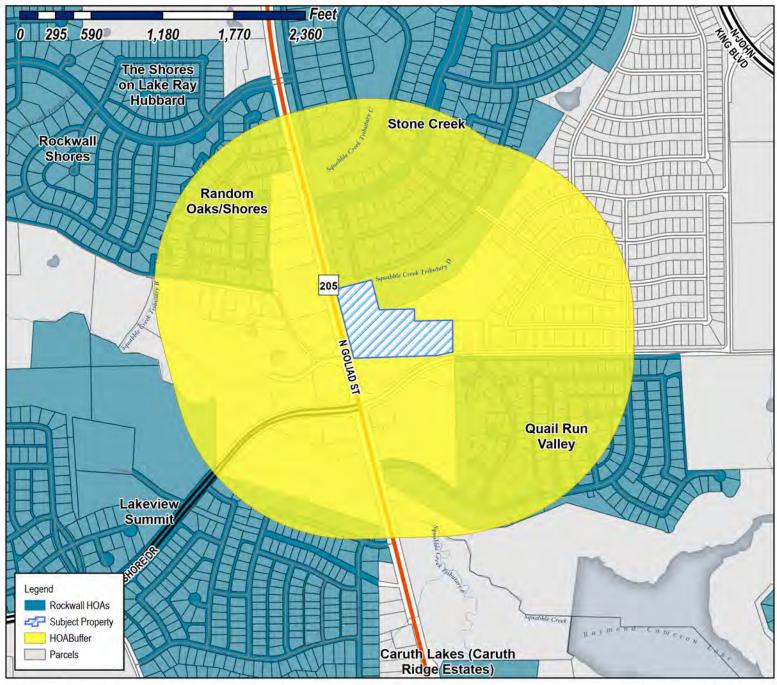




City of Rockwall

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Case Number: Z2022-003

Case Name: SUP for Restaurant with Drive-Through

or Drive-In

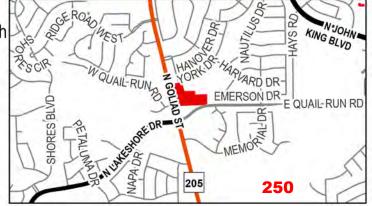
Case Type: Zoning Zoning: PD-70

Case Address: NE Corner E Quail Run Rd. and

SH 205

Date Saved: 1/14/2022

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



Miller, Ryan

From: Miller, Ryan

Sent: Thursday, January 20, 2022 12:02 PM

To: Miller, Ryan; Lee, Henry; Gamez, Angelica

Subject: Neighborhood Notification Program [Z2022-003]

Attachments: PON Map (01.14.2022).pdf; HOA Map (01.14.2022).pdf

HOA/Neighborhood Association Representative:

Per your participation in the <u>Neighborhood Notification Program</u>, 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 <u>January 21, 2022</u>. The Planning and Zoning Commission will hold a public hearing on <u>Tuesday, February 15, 2022 at 6:00 PM</u>, and the City Council will hold a public hearing on <u>Tuesday, February 22, 2022 at 6:00 PM</u>. 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 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.

Z2022-003: SUP for Restaurant with Drive-Through or Drive-In

Hold a public hearing to discuss and consider a request by Bowen Hendrix of DuWest Realty, LLC on behalf of John Arnold of the Skorburg Company for the approval of a <u>Specific Use Permit (SUP)</u> for a <u>Restaurant with Less Than 2,000 SF with Drive Through or Drive-In</u> to construct two (2) restaurants on an 8.684-acre portion of a larger 36.428-acre tract of land identified as Tract 3 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, being zoned Planned Development District 70 (PD-70) for limited General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, generally located at the northeast corner of the intersection of E. Quail Run Road and N. Goliad Street [SH-205], and take any action necessary.

Thank you,



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 | CITY OF ROCKWALL INTERACTIVE MAPS | UNIFIED DEVELOPMENT CODE

NOTES

1) <u>APPOINTED AND ELECTED OFFICIALS</u>: 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

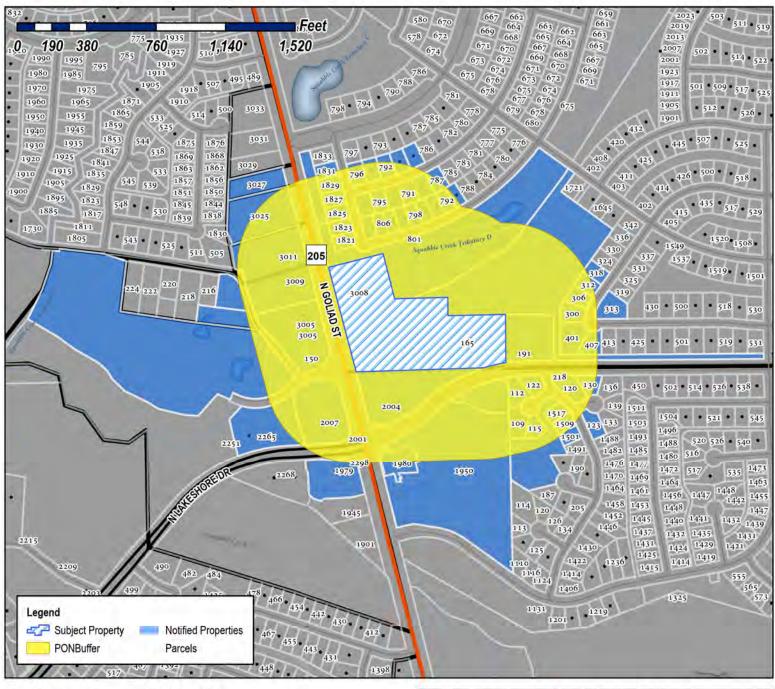
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City of Rockwall

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.





Case Number: Z2022-003

Case Name: SUP for Restaurant with Drive-Through

or Drive-In

Case Type: Zoning Zoning: PD-70

Case Address: NE Corner E Quail Run Rd. and

SH 205

Date Saved: 1/14/2022

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



DEAN LANTY W & MARY F DEAN LANTY W & MARY F **CLARK TROY & JANICE** 216 W QUAIL RUN RD 216 W QUAIL RUN RD 3025 N GOLIAD ST ROCKWALL, TX 75087 ROCKWALL, TX 75087 ROCKWALL, TX 75087 **CULPEPPER DANNA JOHNSON** CRUZ SANTIAGO & NINFA E CHAMBLESS WILLIAM AND HELEN GOMEZ-**SALVADOR** 122 REGAL BLUFF 778 HANOVER DRIVE 796 HANOVER DR ROCKWALL, TX 75087 ROCKWALL, TX 75087 ROCKWALL, TX 75087 QUAIL RUN VALLEY OWNERS ASSOC HENRY JUSTIN WILLIAM AND MARIA HPA TEXAS SUB 2018-1 ML LLC C/O ASSURED MGT INC. 794 HANOVER DR 120 S RIVERSIDE SUITE 2000 CHICAGO, IL 60606 2500 LEGACY DR ROCKWALL, TX 75087 STE 220 DAVISON CHARLES DAVID AND NANCY JOAN HOWLETT NEVA RAE SCOTT MARK ALAN SR & 792 HANOVER DR 115 REGAL BLUFF DOREEN ROCKWALL, TX 75087 ROCKWALL, TX 75087 130 IRELAND CT ROCKWALL, TX 75087 HELMER KALENA RAMOS RAMON A & DELMA P MILLER MATHEL JR 1501 AUDOBON LN 120 IRELAND CT 1825 HAINSWORTH DRIVE ROCKWALL, TX 75087 ROCKWALL, TX 75087 ROCKWALL, TX 75087 AFFINITY DEVELOPMENT COMPANY LLC JAVKER REALTY CORP **FUNK AUDRA JOY** 480 WILDWOOD FOREST DRIVE 1509 AUDOBON LN 42 BOND ST SUITE 801 NEW YORK, NY 10012 ROCKWALL, TX 75087 THE WOODLANDS, TX 77380 HARRIS PATRICIA A **ROSS JODY ALAN & KAREY** HEIDENREICH ERIN K AND ADAM 1517 AUDOBON LN 3027 N GOLIAD ST 123 IRELAND COURT ROCKWALL, TX 75087 ROCKWALL, TX 75087 ROCKWALL, TX 75087 **ROCKWALL STONE CREEK ESTATES** HUA ALEXANDER AND THU THUY ESCOBEDO OMAR & MARIA C HOMEOWNERS ASSOCIATION INC 1829 HAINESWORTH DR 1827 HAINSWORTH DRIVE C/O NEIGHBORHOOD MANAGEMENT INC ROCKWALL, TX 75087 ROCKWALL, TX 75087 1024 S GREENVILLE AVE SUITE 230 CITY OF ROCKWALL REBAC OF ROCKWALL, LLC COLE HC ROCKWALL TX LLC 385 S GOLIAD ST 6000 UNIVERSITY AVE C/O ROCKWALL REGIONAL HOSPITAL, LLC; ATTN LEGAL DEPT. ROCKWALL, TX 75087 STE 350 3150 HORIZON RD WEST DES MOINES, IA 50266 ROCKWALL, TX 75032 CITY OF ROCKWALL TUMULTY TIMOTHY M & KIM A NURMI DOUGLAS B & LISA R 797 HANOVER DRIVE 795 HANOVER DRIVE

ROCKWALL, TX 75087

385 S GOLIAD ST ROCKWALL, TX 75087

ROCKWALL, TX 75087

HARP CHRISTOPHER J AND PENNY 793 HANOVER DR	ALBRITTON MICHAEL H & ELAINE W LIVING TRUST MICHAEL H & ELAINE W ALBRITTON TRUSTEES	HOOVER THOMAS E AND CHELSEA L 789 HANOVER DRIVE
ROCKWALL, TX 75087	791 HANOVER DRIVE	ROCKWALL, TX 75087
LAND CEOFEDEY ALLICON & EDMANI MAYINE	ROCKWALL. TX 75087	WENDE MADY CTEVEN AND CHEAN CDENCED
LAND GEOFFREY ALLISON & ERNANI MAXINE 787 HANOVER DR	REY LUIS SR AND JUDY L 806 YORK DR	WEMPE MARK STEVEN AND SUSAN SPENCER 796 YORK DR
ROCKWALL, TX 75087	ROCKWALL, TX 75087	ROCKWALL, TX 75087
NOCKWALL, IN 15001	NOONWALL, IN 19001	NOCKWALL, IX 75007
ODEYEMI ADETUNJI	CHAPMAN BOBBY E II AND AMY L CHAMPMAN	DAVIS JAN ANNETTE AND DARRYL WAYNE
808 YORK DR	1821 HAINSWORTH DRIVE	798 YORK DR
ROCKWALL, TX 75087	ROCKWALL, TX 75087	ROCKWALL, TX 75087
CRANDALL BRANT	PODINA LAUREN ADRIA & MICHAEL	WILSON BRANDON CRAIG AND EMILY MARIE
804 YORK DRIVE	802 YORK DRIVE	792 YORK DR
ROCKWALL, TX 75087	ROCKWALL, TX 75087	ROCKWALL, TX 75087
NUTTER GREG AND KRISTIN LARSON-NUTTER	KELLY TIMOTHY	ROCKWALL STONE CREEK ESTATES
794 YORK DRIVE	790 YORK DRIVE	HOMEOWNERS ASSOCIATION INC
ROCKWALL, TX 75087	ROCKWALL, TX 75087	C/O NEIGHBORHOOD MANAGEMENT INC
		1024 S GREENVILLE AVE SUITE 230
MOORE MICHAEL RAY JR & STEPHANIE	HAMPTON GEORGE T & BRENDA J	MCMILLAN GARY AND SANDI
1823 HAINSWORTH DRIVE	109 REGAL BLF	112 REGAL BLUFF
ROCKWALL, TX 75087	ROCKWALL, TX 75087	ROCKWALL, TX 75087
KROGER TEXAS LP	KROGER TEXAS LP	KROGER TEXAS LP
1014 VINE STREET	1014 VINE STREET	1014 VINE STREET
CINCINNATI, OH 45202	CINCINNATI, OH 45202	CINCINNATI, OH 45202
TYSON STEPHANIE AND CARY	HUFF ELLIOTT AND TOBIE	CARLSON CURT AND MARIA
401 EMERSON DRIVE	312 NAKOMA DRIVE	318 NAKOMA DRIVE
ROCKWALL, TX 75087	ROCKWALL, TX 75087	ROCKWALL, TX 75087
ADCOCK ISAAC AND CHRISTINA	MACKIE EMILY & ANDREW STINSON	ETHERIDGE CHRIS
306 NOKOMA DRIVE	300 NAKOMA DRIVE	407 EMERSON DRIVE
ROCKWALL, TX 75087	ROCKWALL, TX 75087	ROCKWALL, TX 75087
CLARK ALLAN JR	M REA PROPERTIES 2 LLC	ROCKWALL STONE CREEK ESTATES
313 NAKOMA DR	6807 OVERBROOK DR	HOMEOWNERS ASSOCIATION
ROCKWALL, TX 75087	PARKER, TX 75002	1024 S GREENVILLE AVE
		SUITE 230 ALLEN. TX 75002
		ALLEN. 1X 75002

MOORE WORTH INVESTMENTS LLC 8445 FREEPORT PKWY SUITE 175 IRVING, TX 75063 JCDB GOLIAD HOLDINGS LLC C/O DA GOLIAD PARTNERS LP AND DAVID R NELSON-ROTH IRA AND DAVID NELSON 8350 N CENTRAL EXPRESSWAY SUITE 1300

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

Case No. Z2022-003: SUP for a Restaurant with Drive-Through or Drive-In in Planned Development District 70 (PD-70)

Hold a public hearing to discuss and consider a request by Bowen Hendrix of DuWest Realty, LLC on behalf of John Arnold of the Skorburg Company for the approval of a Specific Use Permit (SUP) for a Restaurant with Less Than 2,000 SF with Drive Through or Drive-In to construct two (2) restaurants on an 8.684-acre portion of a larger 36.428-acre tract of land identified as Tract 3 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, being zoned Planned Development District 70 (PD-70) for limited General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, generally located at the northeast corner of the intersection of E. Quail Run Road and N. Goliad Street [SH-205], 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, February 15, 2022 at 6:00* PM, and the City Council will hold a public hearing on Tuesday, February 22, 2022 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:

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

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

Your comments must be received by <u>Tuesday, February 22, 2022 at 4:00 PM</u> 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/rockwaiipianning/development/development-cases
PLEASE RETURN THE BELOW FORM PROPERTY P
Case No. Z2022-003: SUP for a Restaurant with Drive-Through or Drive-In in Planned Development District 70 (PD-70)
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 RETURN THE BELOW FORM
Case No. Z2022-003: SUP for a Restaurant with Drive-Through or Drive-In in Planned Development District 70 (PD-70)
Please place a check mark on the appropriate line below:
am in favor of the request for the reasons listed below.
am opposed to the request for the reasons listed below.
1) Sound pollution, specifically drive thru speaker noise. 2) Access to our neighborbood.
Name: Mark and Susan Wombe

Address: 796 York Drive 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.

Gamez, Angelica

From: Paul Harris

Sent: Thursday, January 27, 2022 5:16 PM

To: Planning Subject: Z2022-003

I am concerned with the amount of traffic that will certainly occur on Quail Run.

It is very hard to turn west on Quail Run from Andobon Lane.

I would ask for a traffic light at that intersection.

For your consideration,

Paul Harris

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1

Gamez, Angelica

From: Jan Davis

Sent: Friday, February 11, 2022 1:41 PM

To: Planning; Jan Davis

Subject: Case No. Z2022-003: SUP for a Restaurant with Drive-Through or Drive In

Attachments: Case NO Z2022-003 - SUP for a Restaurant with Drive-Through....pdf

Hi Ryan,

Please find attached my vote regarding the Restaurant with Drive-Through or Drive-In in Planned Development District 70 (PD-70).

I am strongly opposed to this request.

Thanks in advance for considering my concerns. Please confirm receipt of my vote.

Jan Davis

This email was scanned by Bitdefender

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.



January 13, 2022

Planning Dept. City of Rockwall 385 S Goliad St. Rockwall, Texas 75087

Re:SUP Site Plan Letter of Intent

To Whom It May Concern,

Please let this letter serve as the Letter of Intent for the SUP Site Plan request of approximately 8.684 acres of land located off SH205 in Rockwall, Texas. It is our understanding that a SUP Site Plan is required to allow drive thru uses on the subject tract. The proposed development will include two retail with endcap drive thrus, The property is currently vacant. This SUP requests that drive thru uses be permitted for both buildings as shown on the SUP Site Plan.

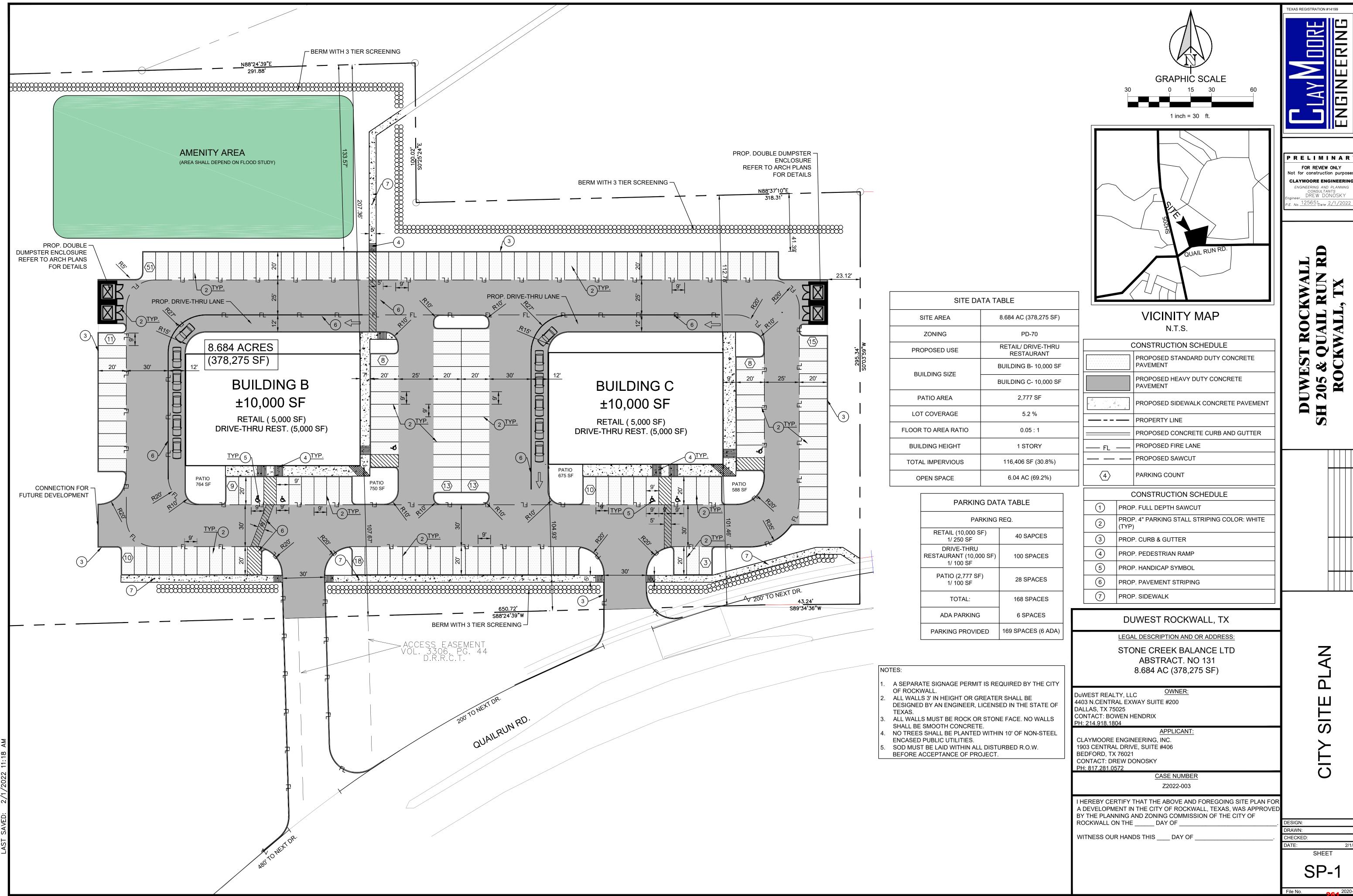
Should you have any questions, please feel free to contact me.

Sincerely,

Claymoore Engineering, Inc. 1903 Central Drive Ste. 406 Bedford, TX 76021 817-281-0572

Dew Donosky

Drew Donosky, P.E.



o. 125651_{Date} 2/1/2022

S

SHEET

SP-1

CASE # Z2022-003

CITY OF ROCKWALL

ORDINANCE NO. 22-XX

SPECIFIC USE PERMIT NO. <u>S-2XX</u>

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 70 (PD-70) [ORDINANCE NO. 19-41] 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 TWO (2) RESTAURANTS, 2,000 SF OR MORE, WITH DRIVE-THROUGH OR DRIVE-IN ON A 8.684-ACRE TRACT OF LAND IDENTIFIED AS TRACT 3-10 OF THE S. KING SURVEY, ABSTRACT NO. 131, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DESCRIBED IN EXHIBIT 'A' AND DEPICTED IN EXHIBIT 'B' 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 Bowen Hendrix of DeWest Realty, LLC on behalf of John Arnold of the Skorburg Company for the approval of a Specific Use Permit (SUP) for a Restaurant, 2,000 SF or More, with Drive-Through or Drive-In for the purpose of constructing two (2) restaurants on a 8.684-acre tract of land described as Tract 3-10 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 70 (PD-70) for limited General Retail (GR) District land uses, situated within the SH-205 Overlay (SH-205 OV) District, generally located north of the intersection of N. Goliad Street [SH-205] and E. Quail Run Road, and being more specifically described in Exhibit 'A' and depicted in Exhibit 'B' 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 70 (PD-70) [Ordinance No. 19-41] and the Unified Development Code (UDC) [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. Planned Development District 70 (PD-70) [Ordinance No. 19-41] and the Unified Development Code (UDC) [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) for two (2) Restaurants, 2,000 SF or More, with Drive-Through or Drive-In in accordance with Article 04, Permissible Uses, of the Unified Development Code (UDC) [Ordinance No. 20-02] on the Subject

Z2022-003: SUP for Restaurant with Drive-Through Page | 1 Ordinance No. 22-XX; SUP # S-2XX City of Rockwall, Texas

Property; and,

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 04.04, *General Retail (GR) District*, and Subsection 06.07, *SH-205 Overlay (SH-205 OV) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 20-02] and to the requirements set forth in Planned Development District 70 (PD-70) [Ordinance No. 19-41] -- 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 two (2) *Restaurants, 2,000 SF or More, with Drive-Through or Drive-In* on the *Subject Property* and conformance to these conditions is required for continued operation:

- 1) The development of the *Subject Property* shall generally conform to the *Concept Plan* as depicted in *Exhibit 'C'* of this ordinance.
- 2) The development of the *Subject Property* shall conform to the landscape screening as depicted in *Exhibit* 'C' of this ordinance.

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 Revision 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 7^{TH} DAY OF MARCH, 2022.

	Kevin Fowler, <i>Mayor</i>
ATTEST:	
Kristy Cole, City Secretary	
APPROVED AS TO FORM:	
Frank J. Garza, <i>City Attorney</i>	

1st Reading: <u>February 22, 2022</u>

2nd Reading: March 7, 2022

Exhibit 'A' Legal Description

BEING a tract of land situated in the S. King Survey, Abstract No.131, City of Rockwall, Rockwall County, Texas and being part of a tract of land described in Special Warranty Deed to Stone Creek Balance, LTD, recorded in Instrument No. 2007000375394, Official Public Records, Collin County, Texas, and being part of a tract of land described in Special Warranty Deed to Meritage Homes of Texas, LLC, recorded in Instrument No. 20150000013037, Official Public Records, Rockwall County, Texas, and being part of Lot 27, Block A, of Stone Creek Phase VII, an addition to the City of Rockwall, Texas, according to the plat thereof recorded in Instrument No. 20160000011737, Official Public Records, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a Concrete Monument found at the north corner of a right-of-way corner clip foe the east right-of-way line of State Highway 205 (N Goliad Street - a variable width right-of-way)

THENCE with said east right-of-way line, North 14°18'59" West, a distance of 100.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set;

THENCE departing said east right-of-way line, North 38°46'11" East, a distance of 387.72 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set in a south line of Lot 8, Block D, Stone Creek Phase IV, an addition to the City of Rockwall, Texas, according to the plat thereof recorded in Cabinet H, Slide 317, Plat Records, Rockwall County, Texas;

THENCE with the south line of said Lot 8, the following course and distances, to wit:

South 14°18'59" East, a distance of 100.00 feet to a 1/2-inch iron rod with plastic cap stamped "CORWIN" found;

North 88°26'01" East, a distance of 96.46 feet to a 1/2-inch iron rod with plastic cap stamped "CORWIN" found at the most westerly southwest corner of said Lot 28;

THENCE with the south line of said Lot 28, North 88°27'32" East, passing at a distance of 195.78 feet a 1/2-inch iron rod with plastic cap stamped "CORWIN" found for a south corner of said Lot 28, departing said south line and continuing in all a total distance of 513.73 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set;

THENCE South 0°02'44" West, passing at a distance of 101.33 feet the north west corner of a tract of land described as Quail Run Fire Station recorded in Special Warranty Deed to The City of Rockwall, recorded in Vol. 5635, Pg. 211, Deed Records, Rockwall County, Texas, and continuing with the west line of said Quail Run Fire Station, passing at a distance of 262.60 feet the southwest corner of said Quail Run Fire Station, continuing with the north right-of-way line of Quail Run Drive (a variable width public right-of-way) in all a total distance of 395.49 feet to a point for corner;

THENCE with said north right-of-way line, South 89°34'22" West, a distance of 67.13 feet to a point for corner for the northeast corner of Lot 1, Block B of Quail Run Retail, an addition to the City of Rockwall, Texas, according to the plat thereof recorded in Cabinet E, Slide 67, Plat Records, Rockwall County, Texas;

THENCE with the north line of said Lot 1, South 88°24'25" West, a distance of 650.72 feet to a 1/2-iron rod with plastic cap stamped "CARTER & BUGESS" found at the southeast corner of said right-of-way corner clip;

THENCE departing said north line and with said corner clip, North 54°44'35" West, a distance of 165.14 feet to the **POINT OF BEGINNING** and containing 7.456 acres or 324797 square feet of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

Exhibit 'B' Location Map

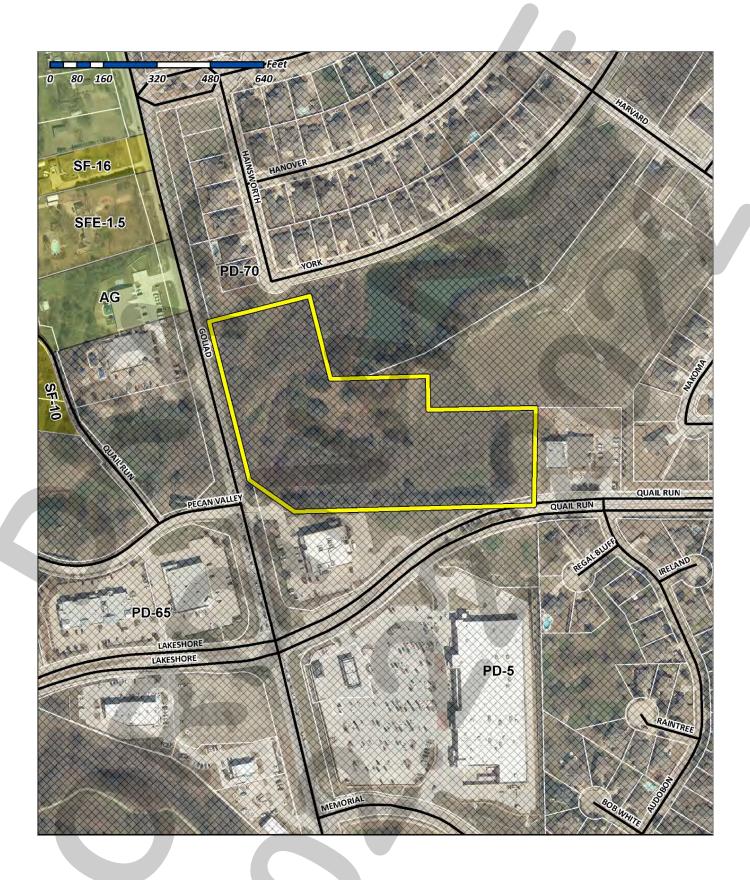
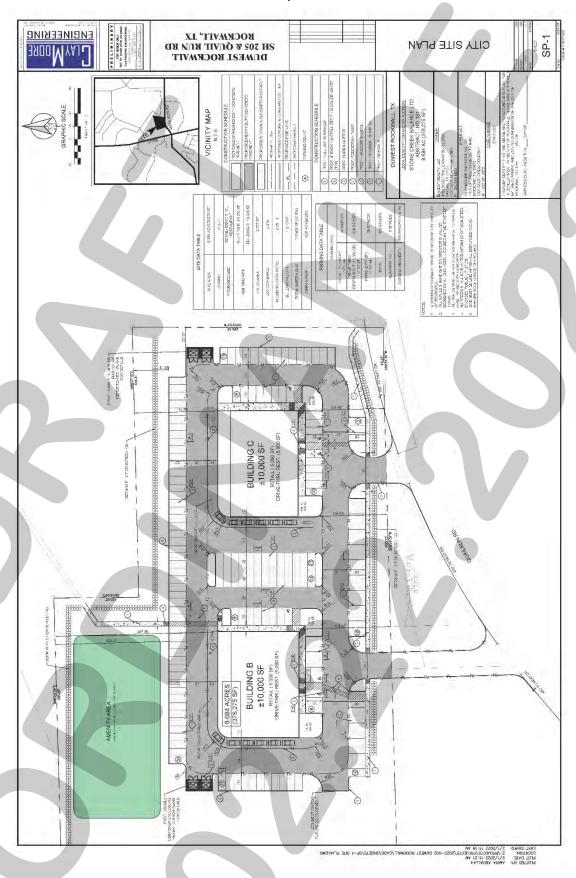


Exhibit 'C':
Concept Plan





MEMORANDUM

TO: Mary Smith, City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: February 22, 2022

SUBJECT: Z2022-004; SPECIFIC USE PERMIT FOR A GUEST QUARTERS AT 704

JACKSON STREET

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

Survey

Building Elevations

Draft Ordinance

Summary/Background Information

Hold a public hearing to discuss and consider a request by Mike and Mary Frasier for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for a *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* on a 0.74-acre parcel of land identified as Lot 13, Block E, Wade Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 704 Jackson Street, 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).



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

TO: Mayor and City Council DATE: February 22, 2022

APPLICANT: Mike and Mary Frasier

CASE NUMBER: Z2022-004; Specific Use Permit for a Guest Quarters at 704 Jackson Street

SUMMARY

Hold a public hearing to discuss and consider a request by Mike and Mary Frasier for the approval of a <u>Specific Use Permit</u> (<u>SUP</u>) for a <u>Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit</u> on a 0.74-acre parcel of land identified as Lot 13, Block E, Wade Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 704 Jackson Street, and take any action necessary.

BACKGROUND

Based on the City's annexation ordinances the subject property was annexed prior to June 20, 1959, and based on the 1934 Sanborn Maps the subject property was annexed after August 25, 1934. A portion of the subject property was originally platted as Lots 11 & 12, Block E, Wade Addition on March 24, 1954. According to the to the City's *Historic Zoning Maps*, the subject property was zoned Single-Family 3 (SF-3) District as of January 3, 1972. Between January 3, 1972 and May 16, 1983, this zoning designation was changed to a Single-Family 7 (SF-7) District. On February 1, 2016, the City Council approved a replat [*Case No. P2016-002*] of Lots 11 & 12, Block E, Wade Addition and Tract 36 of the S. S. McCurry Survey, Abstract No. 146 establishing the boundaries of the subject property as Lot 13, Block E, Wade Addition. According to the Rockwall Central Appraisal District, currently situated on the subject property is a 3,821 SF single-family home constructed in 1990 and a swimming pool constructed in 2014.

PURPOSE

The applicants -- Mike and Mary Frasier -- are requesting the approval of a Specific Use Permit (SUP) to allow for the construction of a Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit in accordance with Article 04, Permissible Uses, of the Unified Development Code (UDC).

ADJACENT LAND USES AND ACCESS

The subject property is addressed as 704 Jackson Street. The land uses adjacent to the subject property are as follows:

North:

Directly north of the subject property is Jackson Street, which is identified as a R2 (*i.e. residential, two [2] lane, undivided roadway*) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are other single-family homes that are situated within the Wade Addition. The Wade Addition consists of 105 single-family residential lots on 30.15-acres and was established on March 24, 1954. Also, north of the subject property is Phase 1 of the Harris Heights Subdivision, which consists of 58 single-family residential lots on 15.14-acres and was established on February 1, 1970. All of these properties are zoned Single-Family 7 (SF-7) District.

South:

Directly south of the subject property are two (2) residential lots that make up the Pecan Grove Addition, which consists of 0.59-acres of land and was established on January 25, 1978. South of this is Heath Street, which is identified as a R2 (*i.e. residential, two [2] lane, undivided roadway*) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. South of this is the F&M Addition, which consists of 64

single-family residential lots on 17.87-acres and was established on May 20, 1991. All of these properties are zoned Single-Family 7 (SF-7) District.

East:

Directly east of the subject property is Phase 1 of the Harris Heights Subdivision, which consists of 58 single-family residential lots on 15.14-acres and was established on February 1, 1970. Beyond this is Phase 2 of the Harris Heights Subdivision, which consists of 15 single-family residential lots on 5.23-acres and was established on February 11, 1985. All of these properties are zoned Single-Family 7 (SF-7) District.

West:

Directly west of the subject property are other single-family homes that are situated within the Wade Addition. The Wade Addition consists of 105 single-family residential lots on 30.15-acres and was established on March 24, 1954. This subdivision is zoned Single-Family 7 (SF-7) District. Beyond this is Phase 5 of the Caruth Lake Subdivision, which consists of 137 single-family residential lots on 37.53-acres and was established on July 15, 1997. This subdivision is zoned Planned Development District 5 (PD-5) for Single-Family 7 (SF-7) District land uses.

CHARACTERISTICS OF THE REQUEST

The applicant has submitted an application, survey, and building elevations proposing to construct a 20-foot by 25-foot (or 500 SF building footprint) Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit on the subject property. The proposed structure will be situated on an existing 20-foot by 25-foot concrete pad that currently exists in the rear yard of the subject property. The concrete pad is set ~17-feet from the side yard (i.e. eastern) property line, ~10½-feet from the rear yard (i.e. southern) property line, and ~170-feet from the front yard (i.e. northern) property line. The building elevations submitted by the applicant indicate that the structure will be two (2) stories and have a total square footage of 1,000 SF. The proposed structure will have a pitched roof and stand approximately 24′8″ at the peak of the roof. The exterior of the structure will be clad in HardiBoard horizontal lap-siding that will be complementary in color and scale to the brick primary structure. According to the applicant the structure will primarily be used as a shop with storage on the second floor. Based on the floor plan submitted by the applicant the structure will have a bathroom on the ground floor.

CONFORMANCE WITH THE CITY'S CODES

Article 13, *Definitions*, of the Unified Development Code (UDC) defines a *Guest Quarters/Secondary Living Unit* as "(a)n accessory building designed for the temporary occupancy of guests of the primary dwelling for which there is no remuneration and is not rented or otherwise used as separate domicile." According to the *Permissible Use Charts* contained in Article 04, *Permissible Uses*, of the Unified Development Code (UDC) a *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* requires a Specific Use Permit (SUP) in a Single-Family 7 (SF-7) District and -- *according to Subsection 02.03* -- is subject to the following *Conditional Land Use Standards*: [1] the structure must be ancillary to a single-family home, [2] the square footage of the structure shall not exceed 30% of the square footage of the primary structure, and [3] the structure may not be sold or conveyed separately from the single-family home without meeting the zoning requirements for the district. In addition, to these requirements a *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* is subject to the dimensional requirements contained in Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*, and the parking requirements of Article 06, *Parking and Loading*, of the Unified Development Code (UDC). A summary of these standards compared to the applicant's proposed *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* is as follows:

TABLE 1: COMPLIANCE WITH THE REQUIREMENTS OF THE UDC

ORDINANCE PROVISIONS	REQUIREMENTS	CONFORMANCE TO THE STANDARDS
NUMBER OF ACCESSORY STRUCTURES	A maximum of <u>2</u> detached accessory structures are permitted in a Single-Family 7 (SF-7) District.	2; IN CONFORMANCE
MAXIMUM SIZE OR SQUARE FOOTAGE	The structure shall not exceed 30% of the <i>Primary</i> Structure (3,821 SF x 30% = 1,146.30 SF).	1,000 SF; IN CONFORMANCE
MINIMUM REAR YARD SETBACK	10-Feet	~17-Feet; IN CONFORMANCE
SIDE YARD SETBACK	6-Feet	~10½-Feet; IN CONFORMANCE
DISTRANCE BEETWEEN BUILDINGS	10-Feet	~43.87-Feet; IN CONFORMANCE
MAXIMUM BUILDING HEIGHT ¹	Accessory structures are permitted a maximum of <u>15-Feet</u> ; however, the SF-7 District allows a total height of <u>32-Feet</u> .	~24' 8"; DISCRETIONARY APPROVAL NEEDED
MINIMUM ON-SITE PARKING	1.5/Unit	IN CONFORMANCE

NOTES:

^{1:} The accessory structure standards limit the height of accessory buildings to a single-story.

STAFF ANALYSIS

In this case, the applicant has stated that the accessory structure is primarily intended to be used as a shop and storage area; however, since this structure will incorporate separate sanitary facilities it is better classified as a *Guest Quarters/Secondary Living Unit* as opposed to a simple *Accessory Building*. Additionally, the *Guest Quarters/Secondary Living Unit* allows the applicant to have a larger building (*i.e.* 30% of the primary square footage) compared to the *Accessory Building* standards, which limit the permitted *by-right* square footage to 144 SF. Regardless of classification of the structure (*i.e. if it is an Accessory Building or Guest Quarters/Secondary Living Unit*) it would require a Specific Use Permit (SUP).

Based on *Table 1* above, the proposed structure does appear to meet all of the requirements for a *Guest Quarters/Secondary Living Unit* with the exception of the maximum building height; however, staff is obligated to point out that the Unified Development Code (UDC) is somewhat unclear about the standards for a *Guest Quarters/Secondary Dwelling Unit*. These structures are somewhat unique in that they follow both the standards for an *Accessory Building* and the *Residential District Development Standards*. Using the *Accessory Building* standards, the height would be limited to one (1) story at a maximum of 15-feet; however, the *Residential District Development Standards* for a Single-Family 7 (SF-7) District allow a maximum height of 32-feet. The reason this ambiguity exists in the code is because a *Guest Quarters/Secondary Living Unit* can be appropriately incorporated into a property in several different ways depending on the context of the structure. For example, a *Guest Quarters/Secondary Living Unit* can be a standalone structure or incorporated into another structure like a detached garage. With this being said, the Specific Use Permit (SUP) allows the Planning and Zoning Commission and City Council the ability review the context of a request and grants them the discretion to approve or deny the request on a *case-by-case* basis.

Since this property is located in a more established part of town, there are several properties with multiple accessory buildings situated on them. In the block bounded by N. Fannin Street, Jackson Street, Heath Street, and Joe White Street staff has counted ten (10) accessory buildings on six (6) properties with the average size of these structures being ~209 SF. The largest of these structures was around 380 SF. Staff should also point out that the applicant's lot -- *at 0.75-acres* -- is almost twice the size of the surrounding lots. These factors may warrant consideration in this case. After reviewing the location of the proposed structure, it does *not* appear to have a negative effect on the adjacent properties; however, this request does require a Specific Use Permit (SUP), granting the City Council discretion pending a recommendation from the Planning and Zoning Commission.

NOTIFICATIONS

On January 14, 2022, staff mailed 110 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Carruth Ridge Estates 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 drafted, staff had received the follow:

- (1) One (1) property owner notification from a property owner <u>within</u> the 500-foot notification area requesting more information be provided; however, no indication of support or opposition was given.
- (2) One (1) response from the City's online **Zoning and Specific Use Permit Input Form** from a property owner <u>within</u> the 500-foot notification area indicating they were in favor of the applicant's request.
- (3) One (1) property owner notification from a property owner <u>within</u> the 500-foot notification area indicating they were opposed to the applicant's request.
- (4) One (1) email from a property owner <u>within</u> the 500-foot notification area indicating they were opposed to the applicant's request.

CONDITIONS OF APPROVAL

If the Planning and Zoning Commission chooses to recommend approval of the applicant's request for a <u>Specific Use Permit</u> (<u>SUP</u>) for a <u>Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit</u>, then staff would propose the following conditions of approval:

(1) The applicant shall be responsible for maintaining compliance with the operational conditions contained in the <u>Specific</u> <u>Use Permit (SUP)</u> ordinance and which are detailed as follows:

- (a) The development of the **Subject Property** shall generally conform to the **Site Plan and Survey** as depicted in **Exhibit** 'B' of the Specific Use Permit (SUP) ordinance.
- (b) The construction of a *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* on the *Subject Property* shall generally conform to the *Building Elevations* depicted in *Exhibit 'C'* of the Specific Use Permit (SUP) ordinance.
- (c) The *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* shall not exceed a maximum building footprint of 500 SF and a maximum size of 1,000 SF.
- (d) The maximum height of the *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* shall not exceed a total height of 25-feet as measured to highest point of the pitched roof.
- (e) The Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit shall not be sold or conveyed separately from the single-family home without meeting the requirements of the zoning district and subdivision ordinance.
- (2) Any construction resulting from the approval of this <u>Specific Use Permit (SUP)</u> 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 February 15, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the Specific Use Permit (SUP) by a vote of 7-0.



NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

DEVELOPMENT APPLICATION

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

PLANNING & ZONING CASE NO.

<u>NOTE:</u> 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 B	ELOW TO INDICATE THE TYPE	OF DEVELOPMENT REQUEST [S	SELECT ONLY ON	IE BOX]:
PLATTING APPLICATION FEES: ☐ MASTER PLAT (\$100.00 + \$15.00 ACR ☐ PRELIMINARY PLAT (\$200.00 + \$15.00 ☐ FINAL PLAT (\$300.00 + \$20.00 ACRE) ☐ REPLAT (\$300.00 + \$20.00 ACRE) ☐ AMENDING OR MINOR PLAT (\$150.00 ☐ PLAT REINSTATEMENT REQUEST (\$700.00 ACRE) ☐ SITE PLAN APPLICATION FEES: ☐ SITE PLAN (\$250.00 + \$20.00 ACRE) ☐ AMENDED SITE PLAN/ELEVATIONS/L) ACRE) 1 1 1) 100.00)	PER ACRE AMOUNT. FOR REQUI 2: A \$1,000.00 FEE WILL BE AD	200.00 + \$15.00 A0 IT (\$200.00 + \$15 PLANS (\$200.00 + EES: .00) /SPECIAL EXCEF EASE USE THE EXACT ESTS ON LESS THAN O DDED TO THE APPLIC	.00 ACRE) 1 8 2 \$15.00 ACRE) 1
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CONTACT PERSON MILE	FRASIER	CONTACT PERSON		
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CITY, STATE & ZIP ROCKWA	11, TX 75087	CITY, STATE & ZIP		
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OWNER'S SIGNATU				

MY COMMISSION EXPIRES





City of Rockwall

Planning & Zoning Department 385 S. Goliad Street Rockwall, Texas 75032 (P): (972) 771-7745 (W): www.rockwall.com The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.

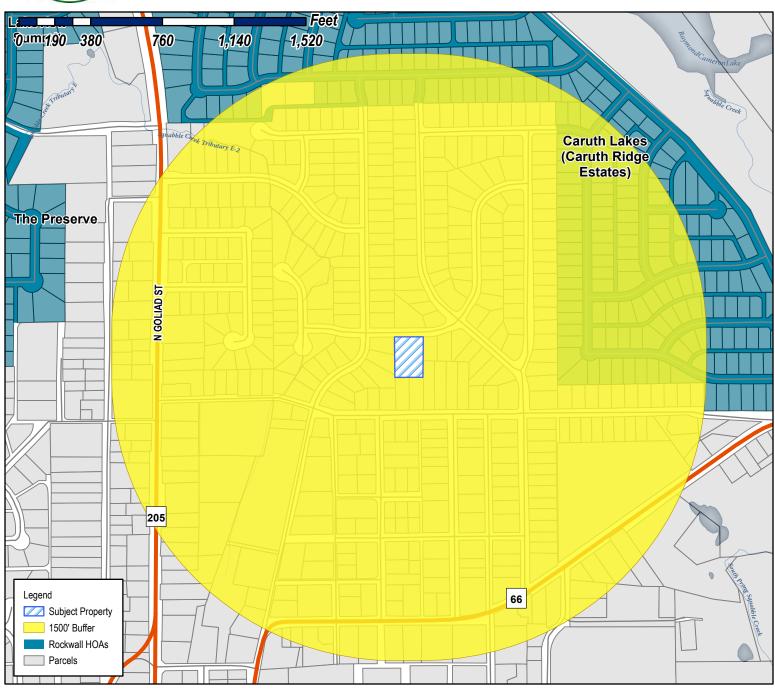




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Case Number: Z2022-004

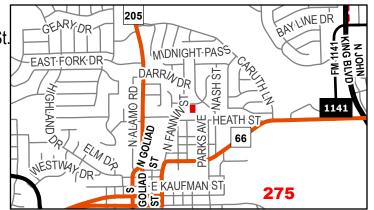
Case Name: Specific Use Permit for 704 Jackson St.

Case Type: Zoning **Zoning:** SF-7

Case Address: 704 Jackson St.

Date Saved: 1/14/2022

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



Miller, Ryan

From: Miller, Ryan

Sent: Thursday, January 20, 2022 12:01 PM
To: Miller, Ryan; Lee, Henry; Gamez, Angelica
Subject: Neighborhood Notification Program [Z2022-004]

Attachments: HOA Map (01.14.2022).pdf; Public Notice (01.14.2022).pdf

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 *January 21, 2022*. The Planning and Zoning Commission will hold a public hearing on *Tuesday, February 15, 2022 at 6:00 PM*, and the City Council will hold a public hearing on *Tuesday, February 22, 2022 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 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.

Z2022-004: SUP for a Guest Quarters/Secondary Living Unit

Hold a public hearing to discuss and consider a request by Mike and Mary Frasier for the approval of a <u>Specific Use Permit (SUP)</u> for a <u>Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit</u> on a 0.74-acre parcel of land identified as Lot 13, Block E, Wade Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 704 Jackson Street, and take any action necessary.

Thank you,



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 | CITY OF ROCKWALL INTERACTIVE MAPS | UNIFIED DEVELOPMENT CODE

NOTES

1) <u>APPOINTED AND ELECTED OFFICIALS</u>: 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

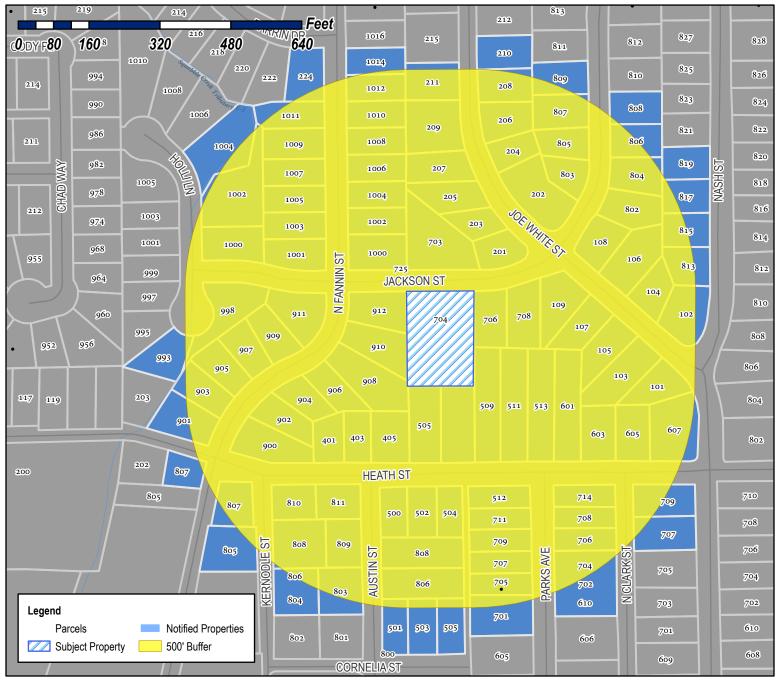
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City of Rockwall

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.





Case Number: Z2022-004

Case Name: Specific Use Permit for 704 Jackson St.

Case Type: Zoning **Zoning:** SF-7

Case Address: 704 Jackson St.

Date Saved: 1/14/2022

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



HUME LINDA L **CROWDER GERALDINE CLARK LARISSA** 911 N FANNIN ST 901 N FANNIN ST 1004 HOLLI LN ROCKWALL, TX 75087 ROCKWALL, TX 75087 ROCKWALL, TX 75087 HARRIS BENJAMIN AND SCHIMMEL JARROD J JERAY DENNIS M & PATRICIA E JERAY NICOLE BLAKE 1009 FANNIN ST TRUSTEES OF THE JERAY FAMILY LIV TRUST 1002 HOLLI LANE ROCKWALL, TX 75087 795 RIDGE ROAD WEST ROCKWALL, TX 75087 ROCKWALL, TX 75087 SHERIDAN EDMUND & ALYSE RICHARDSON PATRICE GARNER ROY O & KAREN 224 DARRIN DRIVE 510 COVE RIDGE RD 1002 N FANNIN ST ROCKWALL, TX 75087 HEATH, TX 75032 ROCKWALL, TX 75087 J J M B INVESTMENT LP **BELANGER CORKY** TANTON MELVIN V JR PO BOX 460247 921 N ALAMO RD 504 E HEATH ST ROCKWALL, TX 75087 ROCKWALL, TX 75087 GARLAND, TX 75046 CASTRO RENE & BETSY HOLZHEIMER THOMAS R AND NICOLE M VICENTI RUBY E 700 WINDSONG LN 501 CORNELIA ST PO BOX 202 ROCKWALL, TX 75032 ROCKWALL, TX 75087 ROCKWALL, TX 75087 PECINA JOE & LORETHIA ANN JORDAN JOHN & ALLISON BARFIELD JOHN A 706 PARKS AVE 709 NASH STREET 244 WISE ROCKWALL, TX 75087 ROCKWALL, TX 75087 ORANGE GROVE, TX 78372 DALTON MELLONIE MCCROAN SPERLING SANDY PACHECO RUBEN & AMANDA 202 JOE WHITE ST 607 E HEATH ST 1004 N FANNIN ST ROCKWALL, TX 75087 ROCKWALL, TX 75087 ROCKWALL, TX 75087 SOJOURN FARMS LLC SERIES A MCKEE RICHARD AND KALASI ROSS THOMAS II & LACY 1578 FM 1141 10713 MEADOWBROOK BV 905 N FANNIN ST ROCKWALL, TX 75087 FORNEY, TX 75044 ROCKWALL, TX 75087 DOLLINS ROBIN KAY AND GEORGE OEN ROE JOHN A AND PATRICIA K TIPPING VIVIAN E AND 907 N FANNIN ST 403 E HEATH **EARNEST TIPPING** ROCKWALL, TX 75087 ROCKWALL, TX 75087 401 EAST HEATH STREET ROCKWALL, TX 75087 BATES AURELIUS JERRY AND EDWINA FREEMAN DARLENE KING ISBELL KATHARINE A 1005 N FANNIN STREET 819 NASH STREET 809 JACKSON ST ROCKWALL, TX 75087 ROCKWALL, TX 75087 ROCKWALL, TX 75087

BROWN GARI K ROLLINS SHEILA AND ERIC GRUBBS RUSSELL WAYNE 807 JACKSON ST 805 JACKSON ST 317 NORTHFORK RD ROCKWALL, TX 75087 ROCKWALL, TX 75087 ROYSE CITY, TX 75189 MEINECKE JEFFREY AND ANGELA DEL BOSQUE MARIO ETUX HEMPHILL REBECCA AND TODD 714 PARKS AVE 807 KERNODLE ST 903 NORTH FANNIN STREET ROCKWALL, TX 75087 ROCKWALL, TX 75087 ROCKWALL, TX 75087 KOLWINSKA GERALDINE D PEOPLES JIMMIE DALE MCCLAIN LOUETTA 109 JOE WHITE ST 8309 TURNBERRY ST 708 PARKS AVE ROWLETT, TX 75089 ROCKWALL, TX 75087 ROCKWALL, TX 75087 SUTTON JUDITH A AUSTIN TRENTON C LASKY KRISTINE ELIZABETH 603 E HEATH ST 806 AUSTIN ST 3021 RIDGE RD ROCKWALL, TX 75087 ROCKWALL, TX 75087 STE A-66 ROCKWALL, TX 75032 TAYLOR JACOB DAVID AND CG HOLDINGS LLC KRIZAN RASTISLAV CAROLE ANNE TAYLOR 4 SUNSET TR 107 JOE WHITE 703 JACKSON STREET HEATH, TX 75032 ROCKWALL, TX 75087 ROCKWALL, TX 75087 WARDELL JOHN P & JULIE C GLASS JERRY R ROLAND RANDY C AND ANDREA B 880 IVY LN 301 MEADOWDALE DR 101 JOE WHITE ST ROCKWALL, TX 75087 ROCKWALL, TX 75087 ROCKWALL, TX 75087 ANGUISH ROBERT H ET UX MACCORMACK BRENDA & JOHN KIRKPATRICK DAVID S & RHONDA D 1550 CHAMPIONS DR 207 JOE WHITE ST 500 E HEATH ST ROCKWALL, TX 75087 ROCKWALL, TX 75087 ROCKWALL, TX 75087 MCINTIRE J M & ERLINDA COATS LOIS LOUISE NIXON LINDA LOUISE 711 PARKS AVENUE 502 E HEATH ST 512 E HEATH ST ROCKWALL, TX 75087 ROCKWALL, TX 75087 ROCKWALL, TX 75087 BARRON ARMANDO JOSEY BROOKE STARK ROBERT S & TINA J 709 PARKS AVE 810 KERNODLE ST 607 SAINT MARY ST ROCKWALL, TX 75087 ROCKWALL, TX 75087 ROCKWALL, TX 75087 SPRINGER KATIE THOMAS THOMAS LEE AND LIZETTE SEAMAN WANDA L 1006 N FANNIN STREET 1008 N FANNIN ST 1611 STONEYBROOK DR ROCKWALL, TX 75087 ROCKWALL, TX 75087 ROCKWALL, TX 75087

PYLAND KENNETH C & MELANIE M GREENAWALT PATRICK AND COURTNEY STARK ROBERT C 102 JOE WHITE ST 513 E HEATH ST 710 AGAPE ST ROCKWALL, TX 75087 ROCKWALL, TX 75087 ROCKWALL, TX 75087 MEJIA JULIO & MARIA R CASTILLO AGAPITO & ESTELA WILLIAMS JULI ANN AND JOH CHRISTOPHER AND 807 N FANNIN ST 701 PARKS AVE MICHAEL ANTHONY BOSMA AND LAURA L BOSMA ROCKWALL, TX 75087 ROCKWALL, TX 75087 505 CORNELIA ST ROCKWALL. TX 75087 ALSOBROOK HAROLD DAVID JR HANSON BRANDON R BAUTISTA TEOBALDA SANTOS AND MARIA LOURDES ORTEGA AGUILLON 505 CARRIAGE TRAIL 703 PARKS AVE ROCKWALL, TX 75087 ROCKWALL, TX 75087 1012 NORTH FANNIN STREET ROCKWALL, TX 75087 **BRIGHTMEADOW LLC** HALEY DAVID G ETUX ROBINSON ROBERT L & JULIE C ONE BRIGHT MEADOW RD 1001 N FANNIN ST 1003 N FANNIN ST ROCKWALL, TX 75032 ROCKWALL, TX 75087 ROCKWALL, TX 75087 MILBY BOBBY STANDARD FAMILY TRUST LOPEZ JOSE DEJESUS 808 JACKSON ST ROBERT A & SHIRLEY M STANDARD TRUSTEE 8727 FOREST HILL BLVD ROCKWALL, TX 75087 2750 S NOLINA PL DALLAS, TX 75218 CHANDLER, AZ 85286 PERRY HERMAN E & DIANNA L PEDDIE VIRGINIA A MASSEY BOBBY JOE 104 JOE WHITE ST 106 JOE WHITE STREET 813 NASH ST ROCKWALL, TX 75087 ROCKWALL, TX 75087 ROCKWALL, TX 75087 CUNNINGHAM BUDDY A & CATHEY L REVOCABLE **CAMPBELL JIMMY** TERMINI ANDREW AND BARBIE LIVING TRUST 817 NASH ST 210 JOE WHITE ST PO BOX 96 ROCKWALL, TX 75087 ROCKWALL, TX 75087 ROYSE CITY, TX 75189 CANWANT2 PROPERTIES LLC **BURLESON CHRISTOPHER** WIEHE JOHN THOMAS 900 N FANNIN ST 956 CHAD WAY 1000 N FANNIN ROCKWALL, TX 75087 ROCKWALL, TX 75087 ROCKWALL, TX 75087 FINK BEVERLY A & ROYCE G HALL WYNNE & WILLIAMS BROOKS 602 N VICTORIA RD LOT 172 JOANN CAMPBELL 906 FANNIN STREET DONNA, TX 75087 ROCKWALL, TX 75087 904 N FANNIN ST ROCKWALL, TX 75087 HENRY AMANDA A JENNINGS AMANDA L KINSEY DONALD H & TARI L 702 PARKS AVE 811 AUSTIN ST 2 MANOR COURT

ROCKWALL, TX 75087

ROCKWALL, TX 75087

HEATH, TX 75032

JMS CUSTOM HOMES LLC 58 WINDSOR DRIVE ROCKWALL, TX 75087 SOLIS JOE & FLORA 1000 HOLLI LN ROCKWALL, TX 75087

MESSENGER BARNARD A & BONNIE 998 HOLLI LN ROCKWALL, TX 75087

BAF 3 LLC 5001 PLAZA ON THE LAKE SUITE 200

AUSTIN, TX 78746

JONES MATTHEW AND MYA 204 JOE WHITE STREET ROCKWALL, TX 75087 HELMS MIKEL B 206 JOE WHITE STREET ROCKWALL, TX 75087

JOSEY CHRIS
C/O BROOKE PADACHY
121 QUEENS DR
POTTSBORO, TX 75076

KINDRED ROBERT M P.O. BOX 261638 PLANO, TX 75026

AZURDIA CECILIA RAQUEL 802 JACKSON ST ROCKWALL, TX 75087

MOORE NICKY A & JUDY A 912 N FANNIN ST ROCKWALL, TX 75087 ZYLKA PROPERTIES LLC M/R <Null>, TX 0 REDDEN POLLY PEOPLES 213 SOVEREIGN CT ROCKWALL, TX 75032

FRASIER MICHAEL & MARY GRACE 704 JACKSON ST ROCKWALL, TX 75087 ZYLKA PROPERTIES LLC M/R <Null>, TX 0 PARK STUFF LLC 2301 LAFAYETTE DR HEATH, TX 75032

ABEAR HOMES LLC SERIES 3 3400 N CENTRAL EXPY #110 ZYLKA PROPERTIES LLC M/R <Null>, TX 0 HAGENY MARY
910 N FANNIN STREET
ROCKWALL, TX 75087

BUSHNELL MICHAEL S & TIFFANIE C

805 KERNODLE ST ROCKWALL, TX 75087

RICHARDSON, TX 75087

VANILLA BEAN PROPERTIES SERIES 10 LLC

2 MANOR COURT HEATH, TX 75032

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

Case No. Z2022-004: SUP for a Guest Quarters/Secondary Living Unit for 704 Jackson Street

Hold a public hearing to discuss and consider a request by Mike and Mary Frasier for the approval of a Specific Use Permit (SUP) for a Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit on a 0.74-acre parcel of land identified as Lot 13, Block E, Wade Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 704 Jackson 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, February 15, 2022 at 6:00 PM, and the City Council will hold a public hearing on Tuesday, February 22, 2022 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. If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by <u>Tuesday</u>, February 22, 2022 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





MODE INFORMATION ON THIS CASE CAN BE EQUIND AT: https://sites.google.com/site/reckwallplanning/dovole

MORE INFORMATION ON THIS CASE CAN BE FOUND AT. https://sites.googie.com/site/rockwaliplafililing/development-dases
PLEASE RETURN THE BELOW FORM
Case No. Z2022-004: SUP for a Guest Quarters/Secondary Living Unit for 704 Jackson Street
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

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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

Case No. Z2022-004: SUP for a Guest Quarters/Secondary Living Unit for 704 Jackson Street

Please place a check mark on the appropriate line below:

PLEASE RETURN THE BELOW FORM

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

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

REDUCE TRAFFIC REduce CRIME OPPORTUNITIES Keep Single Family INCREASE VALUES
DON'T WANT to OPEN door FOR MULTI FAMILY, LOWER VALUES
Name: John BARFIELD Address: 108 JOE White

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

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Case No. Z2022-004: SUP for a Guest Quarters/Secondary Living Unit for 704 Jackson Street

Please place a check mark on the appropriate line below:

need more 11/2

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

PLEASE RETURN THE BELOW FORM

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

Is it going to be as mother-in-law suite or returning adult child space? Fine

Name: K. Tahell Not fine

Address:

809 Jackson St Rochwall 73087

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.

Zoning & Specific Use Permit Input Form

Case Number *
Please provide the Case Reference Number of the Zoning or Specific Use Permit (SUP) request that you are providing input on (Example: Z2019-001).
Z2022-004
Please place a check mark on the appropriate line below: *
I am in favor of the request.
I am in opposition to the request.
Please provide any additional information concerning your support or opposition to the request.
Respondent Information Please provide your information.
First Name *
First Name *
Carole

Last Name *			
Taylor			
Address *			
703 Jackson St		tions in the contract of the c	
City *			
Rockwall			
State *			
TX			
Zip Code *			
75087		were the second	
Email Address *			

Discours Name I			
Phone Number			

Plea	ase check all that apply: *
V	I live nearby the proposed Zoning or Specific Use Permit (SUP) request.
	I work nearby the proposed Zoning or Specific Use Permit (SUP) request.
~	I own property nearby the proposed Zoning or Specific Use Permit (SUP) request.
	I own a business nearby the proposed Zoning or Specific Use Permit (SUP) request.
	Other:
Hov	v did you hear about this Zoning or Specific Use Permit (SUP) request? *
Hov	v did you hear about this Zoning or Specific Use Permit (SUP) request? * I received a property owner notification in the mail.
0	
0	I received a property owner notification in the mail.
0	I received a property owner notification in the mail. I read about the request on the City's website.
0	I received a property owner notification in the mail. I read about the request on the City's website. I saw a zoning sign on the property.

This content is neither created nor endorsed by Google.

Google Forms

Gamez, Angelica

From:

Roy Garner

Sent:

Saturday, January 29, 2022 8:29 PM

To: Planning

Subject:

Case ZZ022-004 704 Jackson

I have a few questions

- 1) Do we know WHY they are wanting a separate living unit? Parent moved in, kid needs a place to stay, etc?
- 2) How large is the structure?
- 3) Is it going to be rentable now or in the future? The SUP lists "GUEST QUARTERS" as a usage
- 4) Does the property allow for the additional vehicles so parking is not on the street?
- 5) Why separate and not Add-On to the existing structure?
- 6) Seems a little crowded with only 3/4 acres with a new structure and additional parking

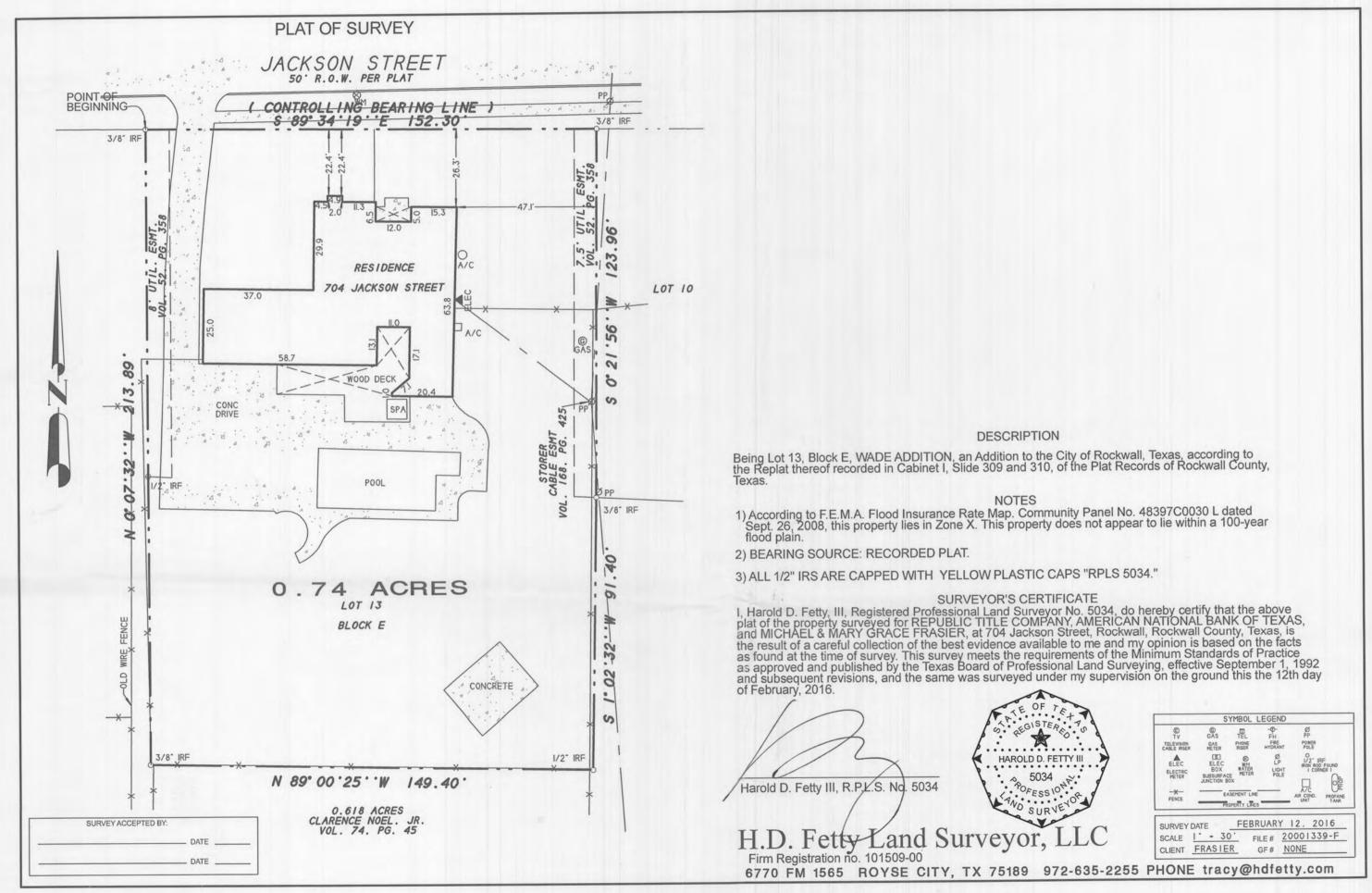
At this point I am against a SUP for this property.

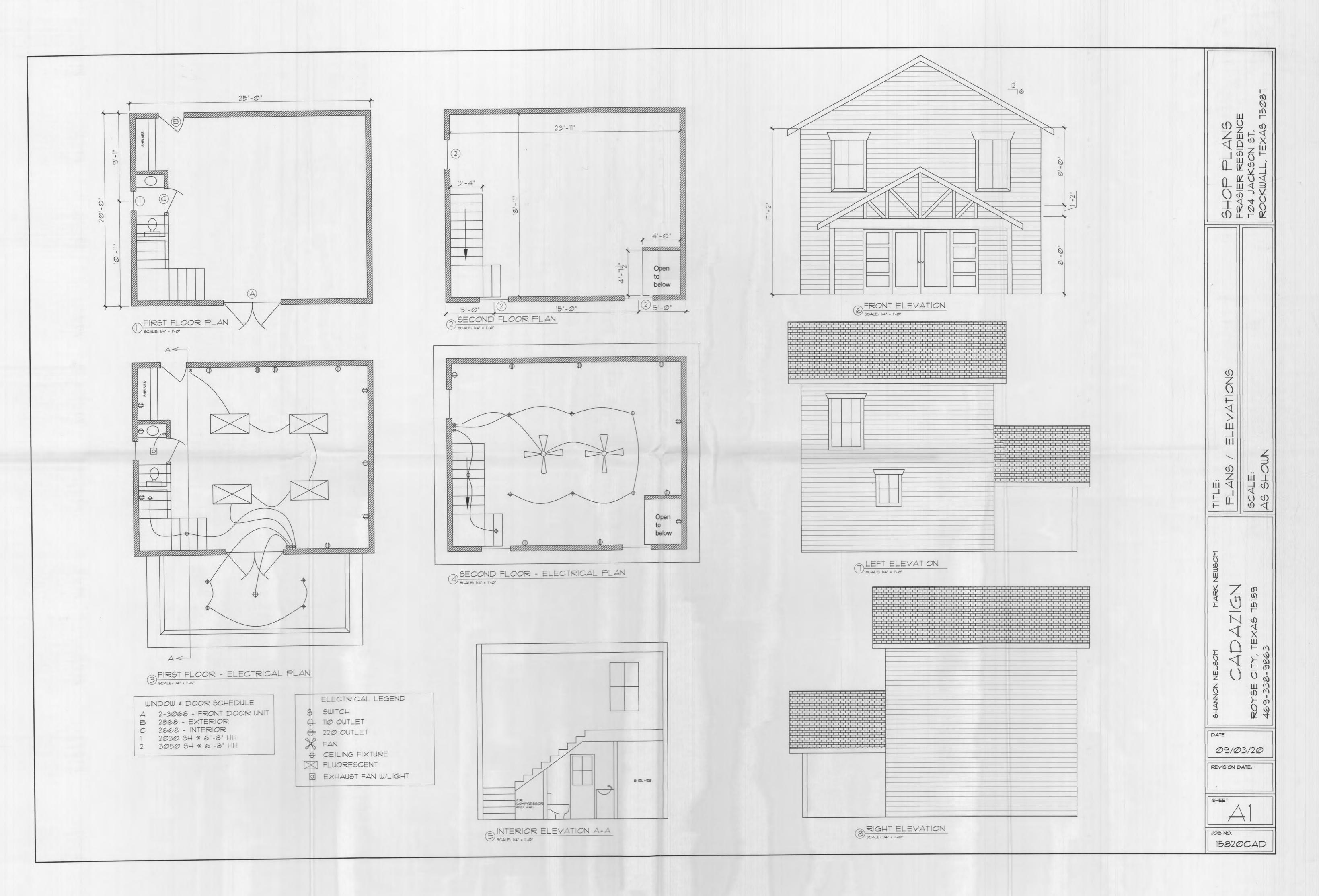
Roy Garner 1002 n fannin

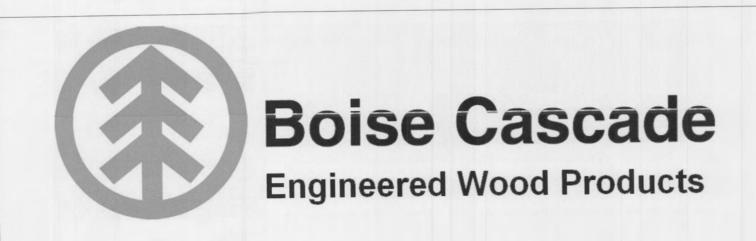
1

This email was scanned by Bitdefender

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.









START FRAMING HERE
TRIM TRUSS X 16" - 24" OCS

c======

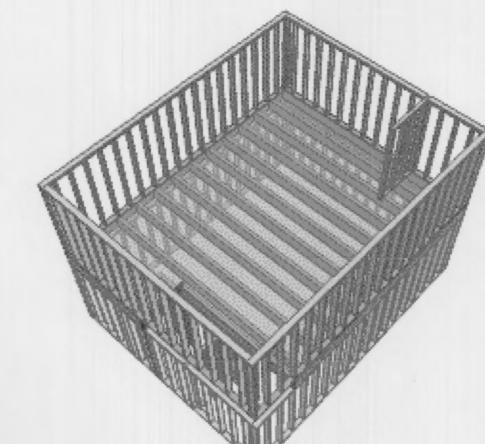
Ca1

FJ1

Ca1

OLDHAM LUMBER CO.

The Tirest From The Forest Since 1921



Products					
PlotID	Net Qty	Product	Length	Plies	
FJ1	11	16" Trim-Truss - Trim-able	20' 0"	1	
FJ2	1	16" Trim-Truss - Trim-able	12' 0"	1	
FJ3	3	16" Trim-Truss - Trim-able	10' 0"	1	
BM1	2	1-3/4" x 16" VERSA-LAM® 2.0 3100 SP	5' 0"	2	
Ca1	4	1" x 16" BC RIM BOARD OSB	12' 0"	1	

		Accessories		
PlotID	Net Qty	Product	Length	Plies
	15	3/4" 4x8 OSB		1

Connector Summary							
PlotID	Qty	Manuf	Product	Flange			
H1	2	Simpson	MIT416	None			

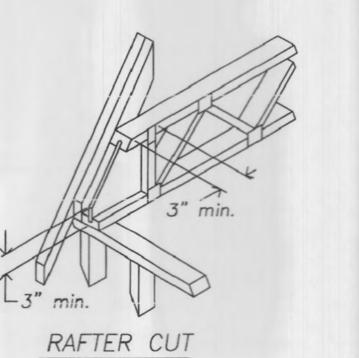
DESIGN LOADS

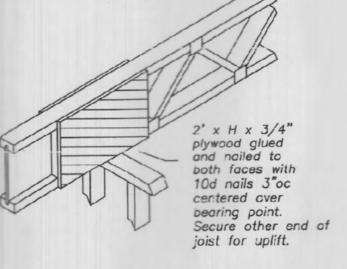
LIVE LOAD: 40PSF DEAD LOAD: 10PSF

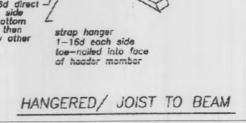
FLOOR DESIGNED TO MEET OR EXCEED L/480

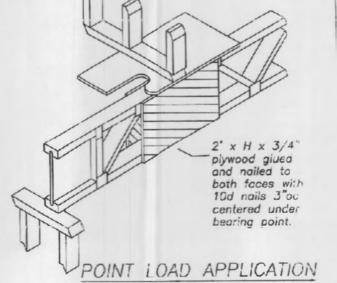
FOR QUESTIONS AND SUPPORT CALL: AT BOISE CASCADE EWP DEPT 1-800-966-3334

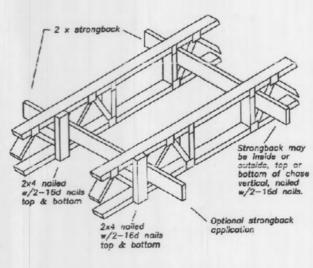












By: DC File #: 9165-20 DWG:

Sheet: 1/1

BC FRAMER

Scale: 1/4" = 1'-0"

Date: 9/29/2020

STRONGBACK APPLICATION

291

CANTILEVER JOIST

CITY OF ROCKWALL

ORDINANCE NO. 22-XX

SPECIFIC USE PERMIT NO. S-2XX

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 GUEST QUARTERS/SECONDARY LIVING UNIT/ACCESSORY DWELLING UNIT TO ALLOW THE CONSTRUCTION OF A GUEST QUARTERS ON A 0.74-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 13, BLOCK E, WADE 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.

WHEREAS, the City has received a request from Mike and Mary Frasier for the approval of a Specific Use Permit (SUP) for a *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* to allow the construction of *Guest Quarters* on a 0.74-acre parcel of land being described as Lot 13, Block E, Wade Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 704 Jackson Street, and being more specifically described and depicted in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code (UDC) [Ordinance No. 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 the Unified Development Code (UDC) [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) for Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit to allow for the construction of a Guest Quarters in accordance with Article 04, Permissible Uses, the Unified Development Code (UDC) [Ordinance No. 20-02] on the Subject Property; and,

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 03.01, *General Residential District Standards*, and Subsection 03.09, *Single-Family 7 (SF-7) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 20-02] -- as heretofore amended and may be amended in the future -- and

Z2022-004: SUP for 704 Jackson Street Ordinance No. 22-XX; SUP # S-2XX with the following conditions:

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the construction of a *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* on the *Subject Property* and conformance to these operational conditions are required:

- (1) The development of the *Subject Property* shall generally conform to the <u>Site Plan and Survey</u> as depicted in *Exhibit 'B'* of this ordinance.
- (2) The construction of a *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* on the *Subject Property* shall generally conform to the *Building Elevations* depicted in *Exhibit* 'C' of this ordinance.
- (3) The Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit shall not exceed a maximum building footprint of 500 SF and a maximum size of 1,000 SF.
- (4) The maximum height of the *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* shall not exceed a total height of 25-feet as measured to highest point of the pitched roof.
- (5) The Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit shall not be sold or conveyed separately from the single-family home without meeting the requirements of the zoning district and subdivision ordinance.

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 Building Permit, should the contractor 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 Revision 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 7^{TH} DAY OF MARCH, 2022.

	Kevin Fowler,	Mayor
ATTEST:		
Kristy Cole, <i>City Secretary</i>		
APPROVED AS TO FORM:		
Frank J. Garza, City Attorney		
1st Reading: February 22, 2022		

2nd Reading: March 7, 2022

Exhibit 'A' Location Map and Legal Description

<u>Address:</u> 704 Jackson Street <u>Legal Description:</u> Lot 13, Block E, Wade Addition



Exhibit 'B':Site Plan and Survey

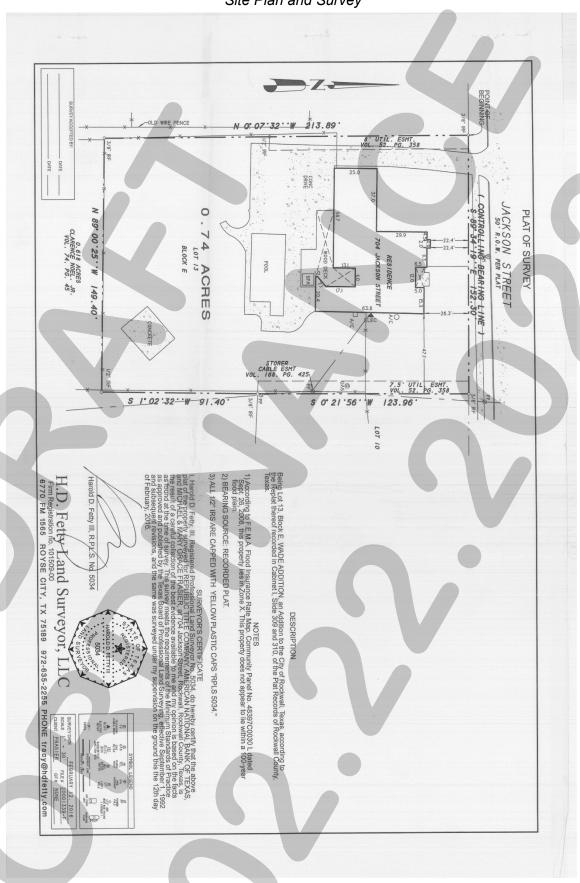
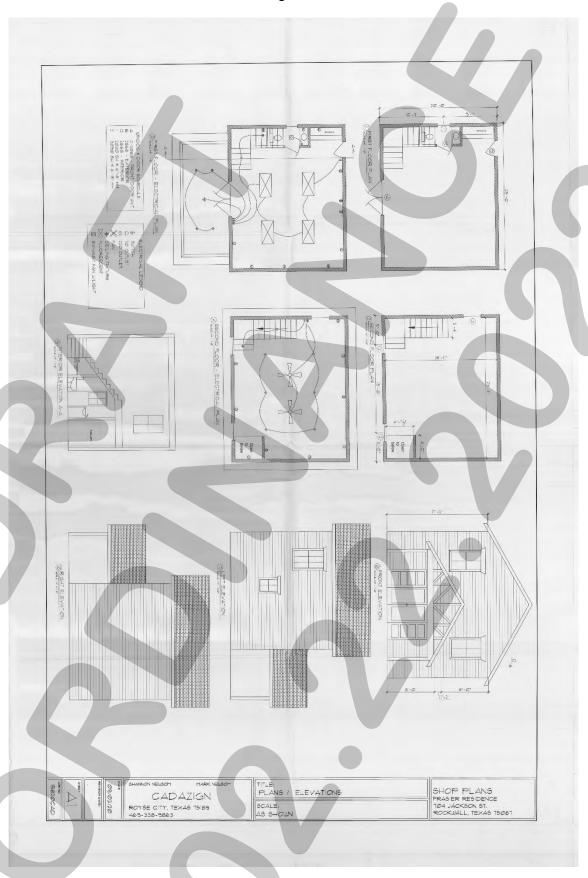


Exhibit 'C':
Building Elevations



Z2022-004: SUP for 704 Jackson Street Ordinance No. 22-XX; SUP # S-2XX



MEMORANDUM

TO: Mary Smith, City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: February 22, 2022

Z2022-005; SPECIFIC USE PERMIT (SUP) FOR A RESIDENTIAL INFILL

SUBJECT: ADJACENT TO AN ESTABLISHED SUBDIVISION AT 503 S. CLARK

STREET

Attachments

Case Memo

Development Application

Location Map

Property Owner Notification Map

Neighborhood Notification Email

Property Owner Notification Map

Property Owner Notification List

Public Notice

Property Owner Notifications

Residential Plot Plan

Building Elevations

Building Rendering

Roof Plan

Housing Analysis

Draft Ordinance

Summary/Background Information

Hold a public hearing to discuss and consider a request by Perry Bowen of Perry Bowen Homes, LLC for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for *Residential Infill Adjacent to an Established Subdivision* on a 0.49-acre parcel of land identified as Lot 2, Block A, Haley & Kyle Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 503 S. Clark Street, 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).



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

TO: Mayor and City Council DATE: February 22, 2022

APPLICANT: Perry Bowen; Perry Bowen Homes, LLC

CASE NUMBER: Z2022-005; Specific Use Permit (SUP) for a Residential Infill Adjacent to an Established

Subdivision at 503 S. Clark Street

SUMMARY

Hold a public hearing to discuss and consider a request by Perry Bowen of Perry Bowen Homes, LLC for the approval of a <u>Specific Use Permit (SUP)</u> for *Residential Infill Adjacent to an Established Subdivision* on a 0.49-acre parcel of land identified as Lot 2, Block A, Haley & Kyle Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 503 S. Clark Street, and take any action necessary.

BACKGROUND

The subject property was annexed prior to 1934 based on the August 25, 1934 Sanborn Map. At some point after August 25, 1934 the subject property was platted as Lot A, Block 107, B. F. Boydston Addition. According to the City's historic zoning maps, the subject property was zoned Single-Family 3 (SF-3) District as of January 3, 1972. Based on the May 16, 1983 zoning map, this designation changed between January 4, 1972 and May 15, 1983 to Single-Family 7 (SF-7) District. On November 18, 2020 the City Council approved a replat of the subject property establishing Lot 2, Block A, Haley & Kyle Addition [Case No. P2019-040].

PURPOSE

The applicant is requesting the approval of a Specific Use Permit (SUP) for the purpose of constructing a single-family home on the subject property in accordance with Subsection 02.03(B) (11), *Residential Infill in or Adjacent to an Established Subdivision*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC).

ADJACENT LAND USES AND ACCESS

The subject property is located at 503 S. Clark Street. The land uses adjacent to the subject property are as follows:

North:

Directly north of the subject property are five (5) parcels of land (*i.e.* Lot 1, Block A, Haley & Kyle Addition; Lots 1 & 2, Block 1, Clark Street Homesite; and Lots 1 & 2, Block 1, Shaw Addition), one (1) of which is vacant. These properties are zoned Single-Family 7 (SF-7) District and have single-family homes situated on them. Beyond this are five (5) single-family homes on five (5) parcels of land (*i.e.* Lots 49A, 49B, 50, 51 105A-1 of the B. F. Boydston Addition) zoned Single-Family 7 (SF-7) District. All of these properties are within the Old Town Rockwall Historic District. Beyond this is Hartman Street, which is classified as a R2 (*i.e.* residential, two [2] lane, undivided roadway) 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 parcel of land (i.e. Lot 2, Block A, Haley & Kyle Addition) and one (1) parcel of land with a single-family home situated on it (i.e. Lot 107 of the B. F. Boydston Addition). The properties are both zoned Single-Family 7 (SF-7) District. Beyond this are eight (8) single-family homes (i.e. Lots 1-7 & 6A of the Harris Addition) zoned Two-Family (2F) District.

East:

Directly east of the subject property is a 3.983-acre tract of land (*i.e. Tract 34-1 of the R. Ballard Survey, Abstract No. 29*) zoned Single-Family 7 (SF-7) District. Also, east of the subject property is a 1.792-acre vacant parcel of land (*i.e. Tract 44-01 of the R. Ballard Survey, Abstract No. 29*) zoned Single-Family 7 (SF-7) District. Beyond this are two (2) tracts of land (*i.e. Tracts 18 & 18-1 of the R. Ballard Survey, Abstract No. 29*) and one (1) parcel of land (*i.e. Lot 1, Block A, Blue Sky Subdivision*) zoned Single-Family 7 (SF-7) District. East of this is Renfro Street, which is classified as a *Minor Collector* on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

West:

Directly west of the subject property is S. Clark Street, which is classified as a *Minor Collector* on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are six (6) single-family homes on six (6) tracts of land that are a part of the Mill Co. Subdivision. These properties are zoned Single-Family 7 (SF-7) District. Beyond this is Sherman Street, which is classified as a R2 (*i.e. residential, two [2] lane, undivided roadway*) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

CHARACTERISTICS OF THE REQUEST AND CONFORMANCE TO THE CITY'S CODES

Article 13, *Definitions*, of the Unified Development Code (UDC) defines *Residential Infill in or Adjacent to an Established Subdivision* as "(t)he new development of a single-family home or duplex on an existing vacant or undeveloped parcel of land or the redevelopment of a developed parcel of land for a new single-family home or duplex within an established subdivision that is mostly or entirely built-out." An *established subdivision* is further defined in Subsection 02.03(B) (11) of Article 04, *Permissible Uses*, of the UDC as "...a subdivision that consists of five (5) or more lots, that is 90% developed, and that has been in existence for more than ten (10) years." In this case, the subject property is located within the B. F. Boydston Addition and within 500-feet of the Mill Co. and Richard Harris #2 Additions. All of these subdivisions are considered to be established subdivisions and have been in existence for more than ten (10) years, consist of more than five (5) lots, and are greater than 90% developed. The *Permissible Use Charts* contained in Article 04, *Permissible Uses*, of the UDC, requires a Specific Use Permit (SUP) for *Residential Infill in or Adjacent to an Established Subdivision* in all single-family zoning districts, the Two-Family (2F) District, the Downtown (DT) District, and the Residential-Office (RO) District. This property, being within 500-feet of an established subdivision and being zoned Single-Family 7 (SF-7) District, requires a Specific Use Permit (SUP).

In addition, Subsection 02.03(B)(11) of Article 04, *Permissible Uses*, of the UDC states that, "...the Planning and Zoning Commission and City Council shall consider the proposed size, location, and architecture of the home compared to the existing housing ... [and] (a)II housing proposed under this section [i.e. Residential Infill in or Adjacent to an Established Subdivision] shall be constructed to be architecturally and visually similar or complimentary to the existing housing ..." The following is a summary of observations concerning the housing on S. Clark Street and Storrs Street compared to the house proposed by the applicant:

Housing Design and Characteristics	Existing Housing on S. Clark Street & Storrs Street	Proposed Housing
Building Height	One (1) Story	Two (2) Story
Building Orientation	All of the homes are oriented toward the street they are built along.	The front elevation of the home will face S. Clark Street
Year Built	1945 - 2020	N/A
Building SF on Property	696 SF - 3,404 SF	3,268 SF
Building Architecture	Single-Family Homes	Comparable Architecture to the Surrounding New Single-Family Homes
Building Setbacks:		G 3
Front	Estimated Between 20-Feet and 35-Feet	51-Feet
Side	Estimated between zero (0) and greater than ten (10) feet.	5.50-Feet
Rear	The rear yard setbacks appear to be greater than ten (10) feet.	Greater Than Ten (10) Feet
Building Materials	Brick and Siding	HardiBoard Siding
Paint and Color	Red, White, Grey, Green, Blue, White, and Brown	White
Roofs	Composite and Asphalt Shingles	Composite Shingle & Metal (Secondary Elements)
Driveways/Garages	Driveways all front the same street the single-family home faces. Front-facing and some with no garages.	Attached garage situated behind the primary structure.

The proposed single-family home meets all of the density and dimensional requirements for a property situated within a Single-Family 7 (SF-7) District as stipulated by the Unified Development Code (UDC). For the purpose of comparing the proposed home to the existing single-family housing located adjacent to or in the vicinity of the subject property, staff has provided photos of the properties along S. Clark Street, Storrs Street, and the proposed building elevations in the attached packet. The approval of this request is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission and a finding that the proposed house will not have a negative impact on the existing subdivision.

NOTIFICATIONS

On January 14, 2022, staff mailed 69 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Park Place Homeowner's Association (HOA), which is the only HOA 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) notice in favor of the applicant's request.

CONDITIONS OF APPROVAL

If the Planning and Zoning Commission chooses to recommend approval of the applicant's request for a <u>Specific Use Permit</u> (<u>SUP</u>) for <u>Residential Infill Adjacent to an Established Subdivision</u>, then staff would propose the following conditions of approval:

- (1) The applicant shall be responsible for maintaining compliance with the operational conditions contained in the <u>Specific</u> <u>Use Permit (SUP)</u> ordinance and which are detailed as follows:
 - (a) Development of the *Subject Property* shall generally conform to the *Residential Plot Plan* as depicted in *Exhibit 'B'* of the draft ordinance.
 - (b) Construction of a single-family home on the **Subject Property** shall generally conform to the **Building Elevations** depicted in **Exhibit** 'C' of the draft ordinance; and,
 - (c) Once construction of the single-family home has been completed, inspected, and accepted by the City, the Specific Use Permit (SUP) shall expire, and no further action by the property owner shall be required.
- (2) Any construction resulting from the approval of this <u>Specific Use Permit (SUP)</u> 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 February 15, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the Specific Use Permit (SUP) by a vote of 7-0.

DEVELOPMENT APPLICATION

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

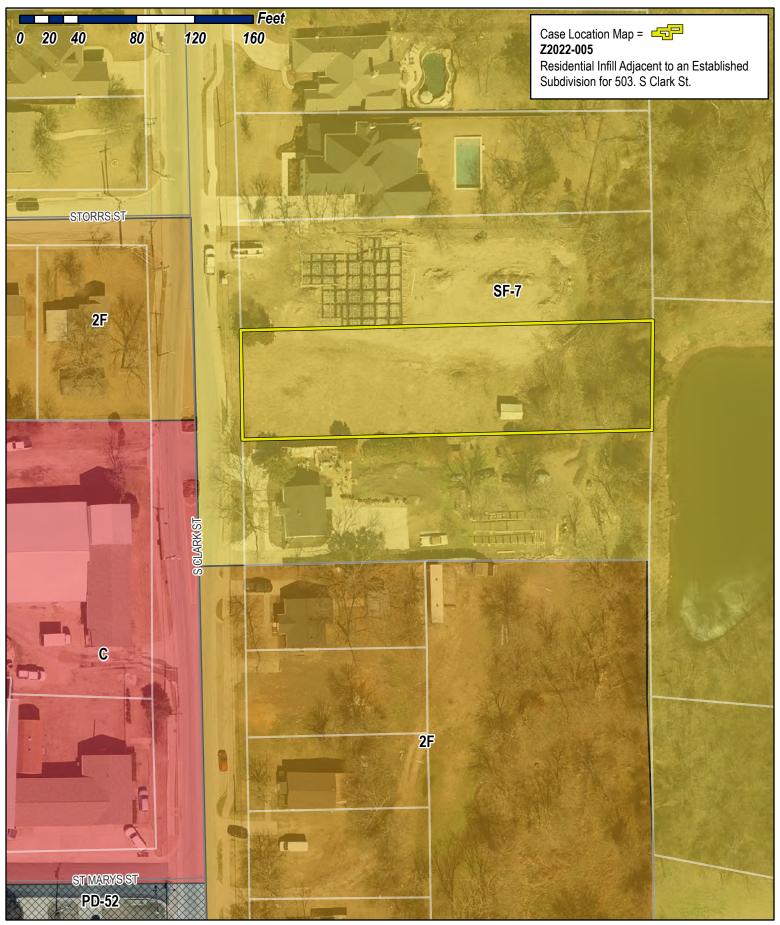
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NOTE: THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.

DIRECTOR OF PLANNING:

CITY ENGINEER:

PLEASE CHECK THE APPRO	PRIATE BOX BELOW TO INDICATE THE TYPE OF DE	VELOPMENT REQU	EST [SELECT ONLY ONE BOX]:	
PLATTING APPLICATION ☐ MASTER PLAT (\$100.0 ☐ PRELIMINARY PLAT (\$ ☐ FINAL PLAT (\$300.00 + \$2 ☐ AMENDING OR MINOF ☐ PLAT REINSTATEMEN SITE PLAN APPLICATION ☐ SITE PLAN (\$250.00 +	#FEES: 10 + \$15.00 ACRE) 1 \$200.00 + \$15.00 ACRE) 1 + \$20.00 ACRE) 1 0.00 ACRE) 1 R PLAT (\$150.00) WT REQUEST (\$100.00)	ZONING APPLICATION FEES: ☐ ZONING CHANGE (\$200.00 + \$15.00 ACRE) 1 ☐ SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) 1 & 2 ☐ PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) 1 OTHER APPLICATION FEES: ☐ TREE REMOVAL (\$75.00) ☐ VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) 2 NOTES: 1 IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE. 2: A \$1,000.00 FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.		
PROPERTY INFORMA	ATION [PLEASE PRINT])	- 2500 M	
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SUBDIVISION			LOT BLOCK	
GENERAL LOCATION				
ZONING. SITE PLAN	AND PLATTING INFORMATION (PLEASE F	PRINT]		
CURRENT ZONING		CURRENT USE		
PROPOSED ZONING		PROPOSED USE		
ACREAGE	LOTS [CURRENT]		LOTS [PROPOSED]	
REGARD TO ITS APPR RESULT IN THE DENIA	ROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF ST	CK THE PRIMARY CON	TACT/ORIGINAL SIGNATURES ARE REQUIRED]	
□ OWNER		☑ APPLICANT	PERRY BOWEN HOMES, LLC PERRY BOWEN 230 MYERS Rel	
CONTACT PERSON	C	CONTACT PERSON	YERRY BOWEN	
ADDRESS		ADDRESS	230 Myers Kal	
CITY, STATE & ZIP		CITY, STATE & ZIP	HEAUN, TX 75032	
PHONE		PHONE	972-171-0986	
E-MAIL		E-MAIL		
STATED THE INFORMATION "I HEREBY CERTIFY THAT I AM \$ 9/5,00 INFORMATION CONTAINED WE SUBMITTED IN CONJUNCTION	ONED AUTHORITY. ON THIS DAY PERSONALLY APPEARED ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE INTERPRETATION TO BE TRUE AND CERTIFIED THE MATTER OWNER FOR THE PURPOSE OF THIS APPLICATION, HAS DESCRIBED BY SIGNING THIS APPLICATION, I AGREMATHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSO	L INFORMATION SUBMIT S BEEN PAID TO THE CIT E THAT THE CITY OF RI ALSO AUTHORIZED AN	D PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORM THE	
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NOTARY PUBLIC IN AND FO	OR THE STATE OF TEXAS YOUNG IN	gun tears	MI COMMISSION EXPINES	





City of Rockwall Planning & Zoning Department 385 S. Goliad Street

Planning & Zoning Department 385 S. Goliad Street Rockwall, Texas 75032 (P): (972) 771-7745 (W): www.rockwall.com The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.

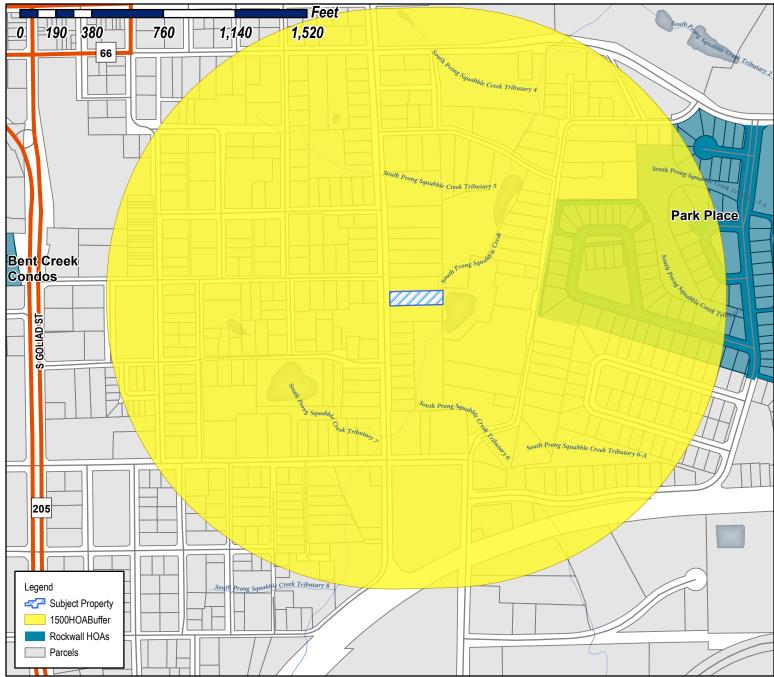




City of Rockwall

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





Case Number: Z2022-005

Case Name: SUP for Residential Infill Adjacent to

an Established Subdivision

Case Type: Zoning **Zoning:** SF-7

Case Address: 503 S. Clark St.

Date Saved: 1/14/2022

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



Miller, Ryan

From: Miller, Ryan

Sent: Thursday, January 20, 2022 12:01 PM
To: Miller, Ryan; Lee, Henry; Gamez, Angelica
Subject: Neighborhood Notification Program [Z2022-005]

Attachments: HOA Map (01.14.2022).pdf; Public Notice (01.14.2022).pdf

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 *January 21, 2022*. The Planning and Zoning Commission will hold a public hearing on *Tuesday, February 15, 2022 at 6:00 PM*, and the City Council will hold a public hearing on *Tuesday, February 22, 2022 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 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.

Z2022-005: SUP for Residential Infill Adjacent to an Established Subdivision

Hold a public hearing to discuss and consider a request by Perry Bowen of Perry Bowen Homes, LLC for the approval of a <u>Specific Use Permit (SUP)</u> for *Residential Infill Adjacent to an Established Subdivision* on a 0.49-acre parcel of land identified as Lot 2, Block A, Haley & Kyle Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 503 S. Clark Street, and take any action necessary.

Thank you,



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 | CITY OF ROCKWALL INTERACTIVE MAPS | UNIFIED DEVELOPMENT CODE

NOTES

1) <u>APPOINTED AND ELECTED OFFICIALS</u>: 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

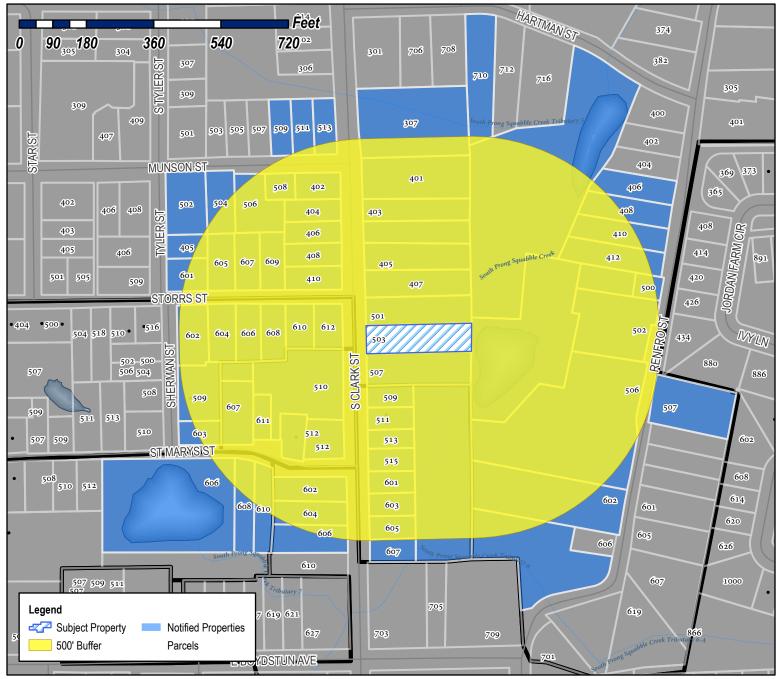
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City of Rockwall

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.





Case Number: Z2022-005

Case Name: SUP for Residential Infill Adjacent to

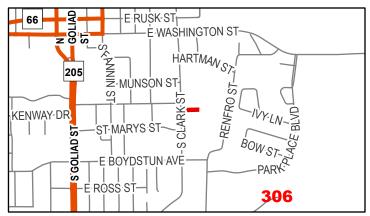
an Established Subdivision

Case Type: Zoning **Zoning:** SF-7

Case Address: 503 S. Clark St.

Date Saved: 1/14/2022

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



GADDIS DANNY E TUTTLE LEON ETUX SOLID ROCK HOLDINGS LLC 12922 EPPS FIELD RD 1408 DHAKA DR 904 CAMPTON CT FARMERS BRANCH, TX 75234 ROCKWALL, TX 75087 ROCKWALL, TX 75032 JOHNSTON SHERRI A LOWREY DAVID D DAVIS AMY M AND WESLEY D 610 STORRS ST 2070 PONTCHARTRAIN **606 STORRS STREET** ROCKWALL, TX 75087 ROCKWALL, TX 75087 ROCKWALL, TX 75087 DEL BOSQUE RODOLFO STARK ROBERT CLAYTON GROOVYS BUSINESS PROPERTIES, LLC - SERIES 602 S CLARK PO BOX 2437 710 AGAPE ST 143 STONEL FIGH DRIVE ROCKWALL, TX 75087 ROCKWALL, TX 75087 HEATH, TX 75032 J&M WARDELL HOLDINGS LLC **HOGUE MIKE & VICKY** BOSS MORRIS E AND 880 SHORES BLVD 1498 HUBBARD DR DEBRAK BOSS ROCKWALL, TX 75087 FORNEY, TX 75126 408 RIDGEVIEW ROCKWALL, TX 75087 JONES PEGGY STARK ROBERT SCOTT **COWAN PHYLLIS** 604 STORRS ST 607 SAINT MARY ST 3299 ROCHELLE RD ROCKWALL, TX 75087 ROCKWALL, TX 75087 ROCKWALL, TX 75032 MCCALLUM DARRELL **DEL BOSQUE RODOLFO CGRH IMPROVEMENTS LLC** 1 SOAPBERRY LN PO BOX 2437 206 LAKEHILL DR ROCKWALL, TX 75087 ROCKWALL, TX 75087 ROCKWALL, TX 75087 BOREN TERRY L ETUX SADLER LESLIE A DAVIS JIMMY JACK 207 GNARLY OAKS WAY 402 S CLARK ST 605 STORRS ST LTL RVR ACAD, TX 75042 ROCKWALL, TX 75087 ROCKWALL, TX 75087 TOVAR LUIS & MARICELA H & M TOOL AND DIE CO **HOGUE MIKE** 1498 HUBBARD DRIVE 405 TYLER ST 611 SAINT MARY ST ROCKWALL, TX 75087 ROCKWALL, TX 75087 FORNEY, TX 75126 SIMS CHRIS AND TERESA MUNSON PARTNERS 1 LLC EARNHEART JOHN L 410 S CLARK ST 3435 HWY 276 506 MUNSON ST ROCKWALL, TX 75087 ROCKWALL, TX 75032 ROCKWALL, TX 75087 STARK ROBERT C WILKERSON CLAUDE JR HALDEMAN MICHAEL 710 AGAPE ST 606 SAINT MARY ST 607 STORRS ST ROCKWALL, TX 75087 ROCKWALL, TX 75087 ROCKWALL, TX 75087

TOVAR LUIS & MARICELA AUBE JEAN-PAUL III EARNHEART JOHN L 405 TYLER ST PO BOX 868 506 MUNSON ST ROCKWALL, TX 75087 ROCKWALL, TX 75087 ROCKWALL, TX 75087 HOLLAND TRENTON A AND GADDIS CAMILLE D JAMGOCHIAN MICHAEL W **ROD HOLLAND** 408 SOUTH CLARK STREET **602 STORRS STREET 502 MUNSON STREET** ROCKWALL, TX 75087 ROCKWALL, TX 75087 ROCKWALL, TX 75087 LIVINGSTON JUSTIN AND BROOKE **BOWEN CHASE AND** RICHARD HARRIS AND JUDY HARRIS FAMILY **TRUST** 403 S CLARK STREET PERRY BOWEN RICHARD AND JUDY HARRIS- TRUSTEES ROCKWALL, TX 75087 230 MYFRS ROAD 210 GLENN AVENUE HEATH, TX 75032 ROCKWALL, TX 75087 LECOUR DAVID & RENEE RICHARD HARRIS AND JUDY HARRIS FAMILY SAMPLES ELVA NELL TRUST 502 RENFRO ST 507 S CLARK ST RICHARD AND JUDY HARRIS- TRUSTEFS ROCKWALL, TX 75087 ROCKWALL, TX 75087 210 GLENN AVENUE ROCKWALL, TX 75087 LIVINGSTON JUSTIN R & BROOKE D RICHARD HARRIS AND JUDY HARRIS FAMILY RICHARD HARRIS AND JUDY HARRIS FAMILY **TRUST TRUST** 405 S CLARK ST RICHARD AND JUDY HARRIS- TRUSTEES RICHARD AND JUDY HARRIS- TRUSTEES ROCKWALL, TX 75087 210 GLENN AVENUE 210 GLENN AVENUE ROCKWALL, TX 75087 ROCKWALL, TX 75087 RICHARD HARRIS AND JUDY HARRIS FAMILY CASTRO RENE AND BETSY COMBS MARK HILTON AND VERONICA RUTH **TRUST** 509 SOUTH CLARK STREET 401 SOUTH CLARK STREET RICHARD AND JUDY HARRIS- TRUSTEES ROCKWALL, TX 75087 ROCKWALL, TX 75087 210 GLENN AVENUE ROCKWALL, TX 75087 CASTRO DEVELOPMENT LLC JIMENEZ ANTONIO P CRUZ AND HITT FLOYD ESTATE 16424 FALLKIRK DRIVE NORMA L CRUZ HERNANDEZ DOROTHY SUE HITT MATTHIES AND DALLAS, TX 75248 513 S CLARK ST LYNDEL RAY TIPTON JR INDEPENDENT CO **EXECUTORS** ROCKWALL, TX 75087 7836 YAMINI DR SAMPLES ELVA NELL CLARK STREET VENTURES LLC GLASS JO KAY HARRIS 502 RENFRO ST 401 COUNTRY RIDGE RD 301 MEADOWDALE ROCKWALL, TX 75087 ROCKWALL, TX 75087 ROCKWALL, TX 75087 RIVERA SARA ELIA CASTILLO JUAN JAIME LIVINGSTON JUSTIN AND BROOKE 603 S CLARK STREET 605 S CLARK ST 403 S CLARK STREET ROCKWALL, TX 75087 ROCKWALL, TX 75087 ROCKWALL, TX 75087 HOGUE CAROLYN SUE WARDELL JOHN P AND JULIE ANN C **OLIVARES JAIME** 1209 QUAIL DR 602 RENFRO 880 IVY LANE

ROCKWALL, TX 75087

GARLAND, TX 75040

ROCKWALL, TX 75087

RENDON MARCELINO J JR 710 HARTMAN ST ROCKWALL, TX 75087 SAMPLES ELVA NELL 502 RENFRO ST ROCKWALL, TX 75087 SPROUL DAVID D JR AND TRISH IRELAND 307 S CLARK ST ROCKWALL, TX 75087

FARRELL KIMBERLY A 610 SAINT MARY ST ROCKWALL, TX 75087

ROCKWALL, TX 75087

WARDELL JOHN P & JULIE C 880 IVY LN ROCKWALL, TX 75087 GLASS JO KAY HARRIS 301 MEADOWDALE ROCKWALL, TX 75087

BENSLEY MARCO AND DARBY KATHRYN 607 S CLARK STREET

BRYAN KYLE AND
HALEY BROOKE BOWEN
4800 NORTHWAY DR #12A
DALLAS, TX 75206

GARTH GARY AND CYNTHIA 7501 NORFOLK AVE LUBBOCK, TX 79423 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:

Case No. Z2022-005: SUP for Residential Infill Adjacent to an Established Subdivision for 503 S. Clark Street

Hold a public hearing to discuss and consider a request by Perry Bowen of Perry Bowen Homes, LLC for the approval of a Specific Use Permit (SUP) for Residential Infill Adjacent to an Established Subdivision on a 0.49-acre parcel of land identified as Lot 2, Block A, Haley & Kyle Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 503 S. Clark 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, February 15, 2022 at 6:00 PM, and the City Council will hold a public hearing on Tuesday, February 22, 2022 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. If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by <u>Tuesday</u>, February 22, 2022 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





MODE INFORMATION ON THIS CASE CAN BE FOUND AT https://eitos

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

Sherri Johnston 610 Storrs Street 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.

Name:

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

Zoning & Specific Use Permit Input Form

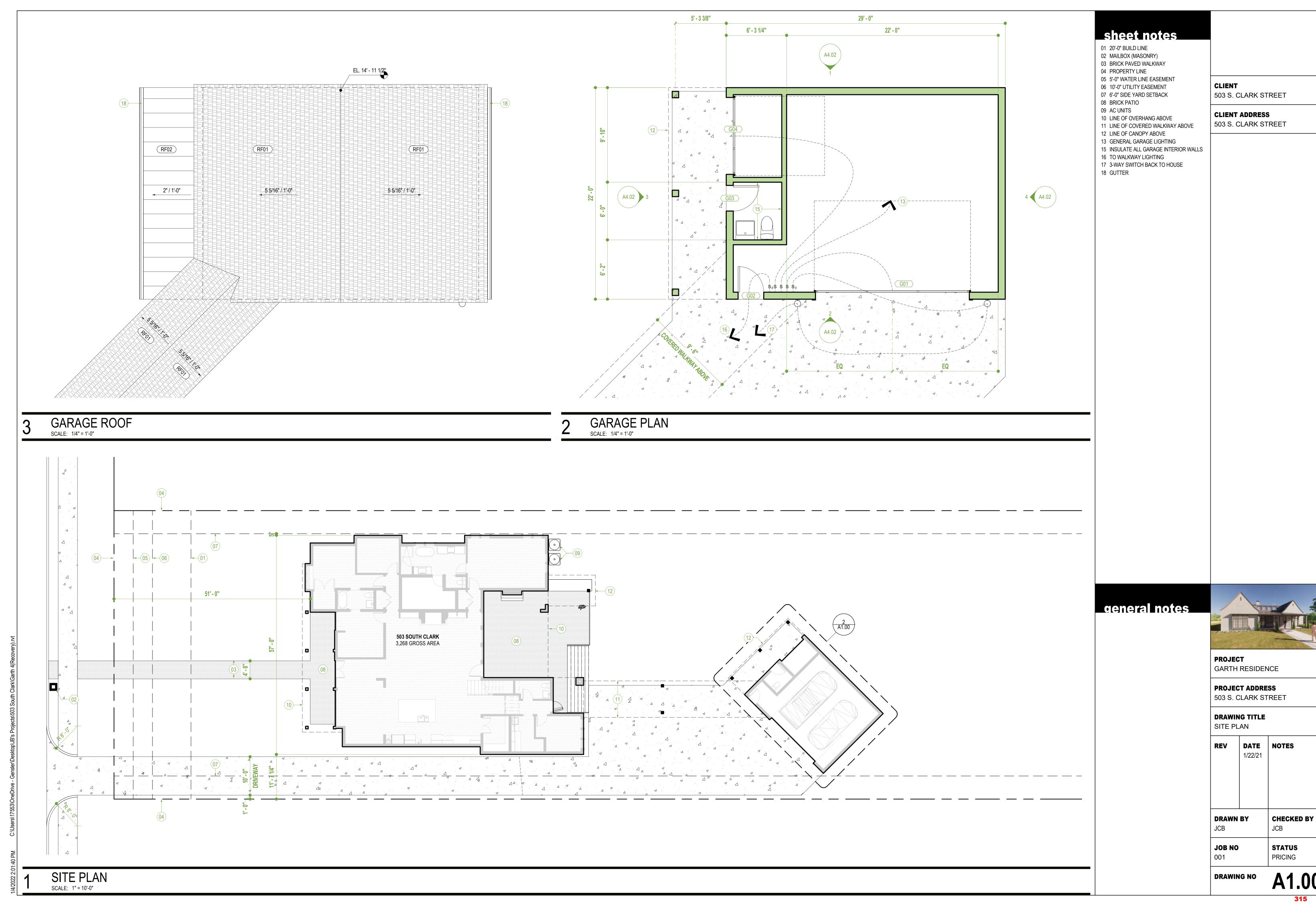
Case Number *
Please provide the Case Reference Number of the Zoning or Specific Use Permit (SUP) request that you are providing input on (Example: Z2019-001).
Z2022-005
Please place a check mark on the appropriate line below: *
I am in favor of the request.
I am in opposition to the request.
Please provide any additional information concerning your support or opposition to the request.
Respondent Information Please provide your information.
First Name *
Christy

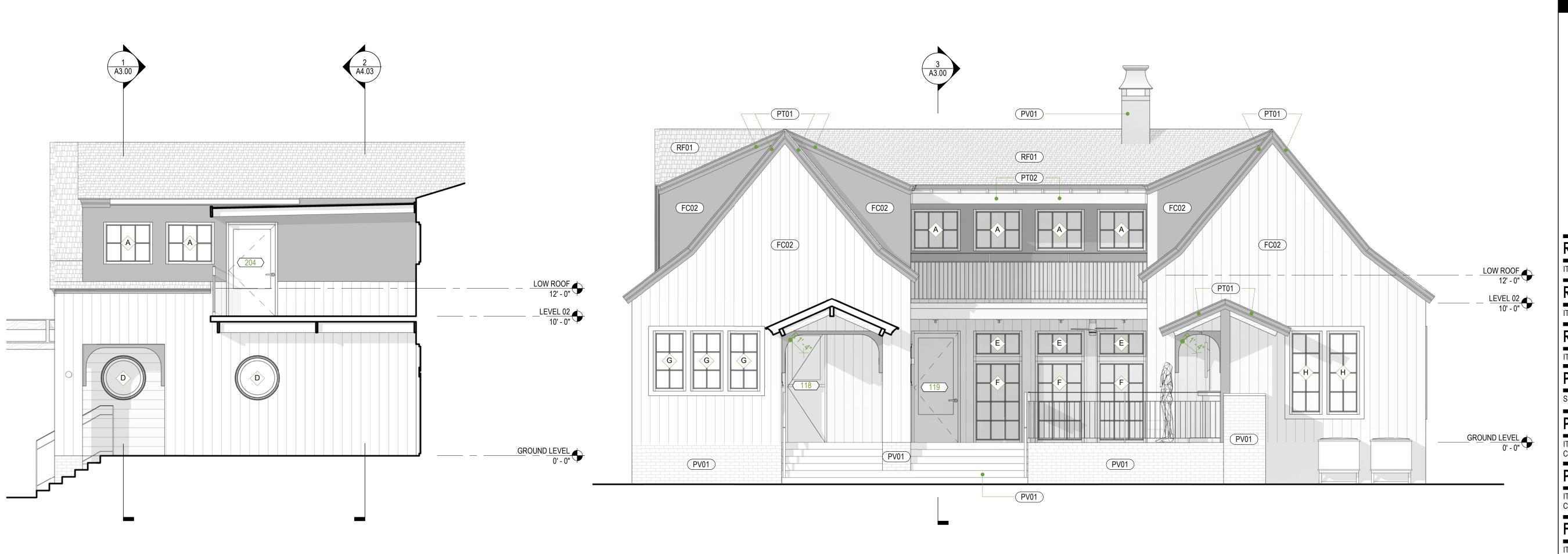
Last Name *	
Jones (Munson Partners1.LLC)	
Address *	
2241 Auburn Ave	
City *	
Dallas	
State *	
Texas	
Zip Code *	
75214	
Email Address *	
Dia anna Manada an	
Phone Number	

	ease check all that apply: *
	I live nearby the proposed Zoning or Specific Use Permit (SUP) request.
	I work nearby the proposed Zoning or Specific Use Permit (SUP) request.
/	I own property nearby the proposed Zoning or Specific Use Permit (SUP) request.
	I own a business nearby the proposed Zoning or Specific Use Permit (SUP) request.
	Other:
Ho	
	w did you hear about this Zoning or Specific Use Permit (SUP) request? * I received a property owner notification in the mail.
0	
0	I received a property owner notification in the mail.
000	I received a property owner notification in the mail. I read about the request on the City's website.
0000	I received a property owner notification in the mail. I read about the request on the City's website. I saw a zoning sign on the property.

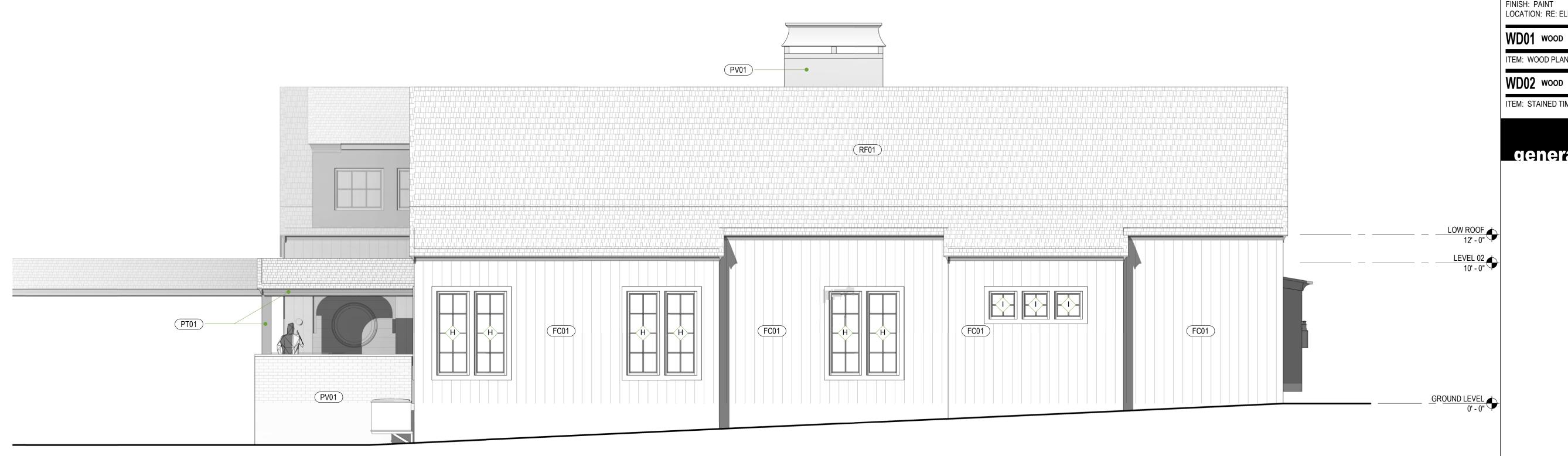
This content is neither created nor endorsed by Google,

Google Forms





EAST ELEVATION



sheet notes

CLIENT 503 S. CLARK STREET

CLIENT ADDRESS

503 S. CLARK STREET

RF01 ROOFING

ITEM: COMPOSITE SHINGLES

RF02 ROOFING

ITEM: STANDING SEAM METAL ROOF

RF03 ROOFING

ITEM: POLYCARBONATE ROOFING

PV01 PAVERS

SPECIES & GRADE: BRICK PAVERS

PT01 EXTERIOR PAINT

ITEM: EXTERIOR PAINT COLOR: TBD

PT02 EXTERIOR PAINT

ITEM: EXTERIOR PAINT COLOR: WHITE (TBD)

FC01 FIBER CEMENT PANELLING

ITEM: FIBER CEMENT
MANUFACTURER: JAMES HARDIE OR

TYPE: 8" TONGUE AND GROOVE PLANTS
COLOR: PT02
FINISH: PAINT

LOCATION: RE: ELEVATIONS
NOTES: VERTICAL OREINTATION

FC02 FIBER CEMENT PANELLING

ITEM: FIBER CEMENT
TYPE: TBD
COLOR: PT03
FINISH: PAINT
LOCATION: RE: ELEVATIONS

ITEM: WOOD PLANS SOFFIT

WD02 wood

ITEM: STAINED TIMBER STRUCTURE

general notes



PROJECT GARTH RESIDENCE

PROJECT ADDRESS 503 S. CLARK STREET

DRAWING TITLE EXTERIOR ELEVATIONS

> DATE NOTES 1/22/21

DRAWN BY JCB

JOB NO 001

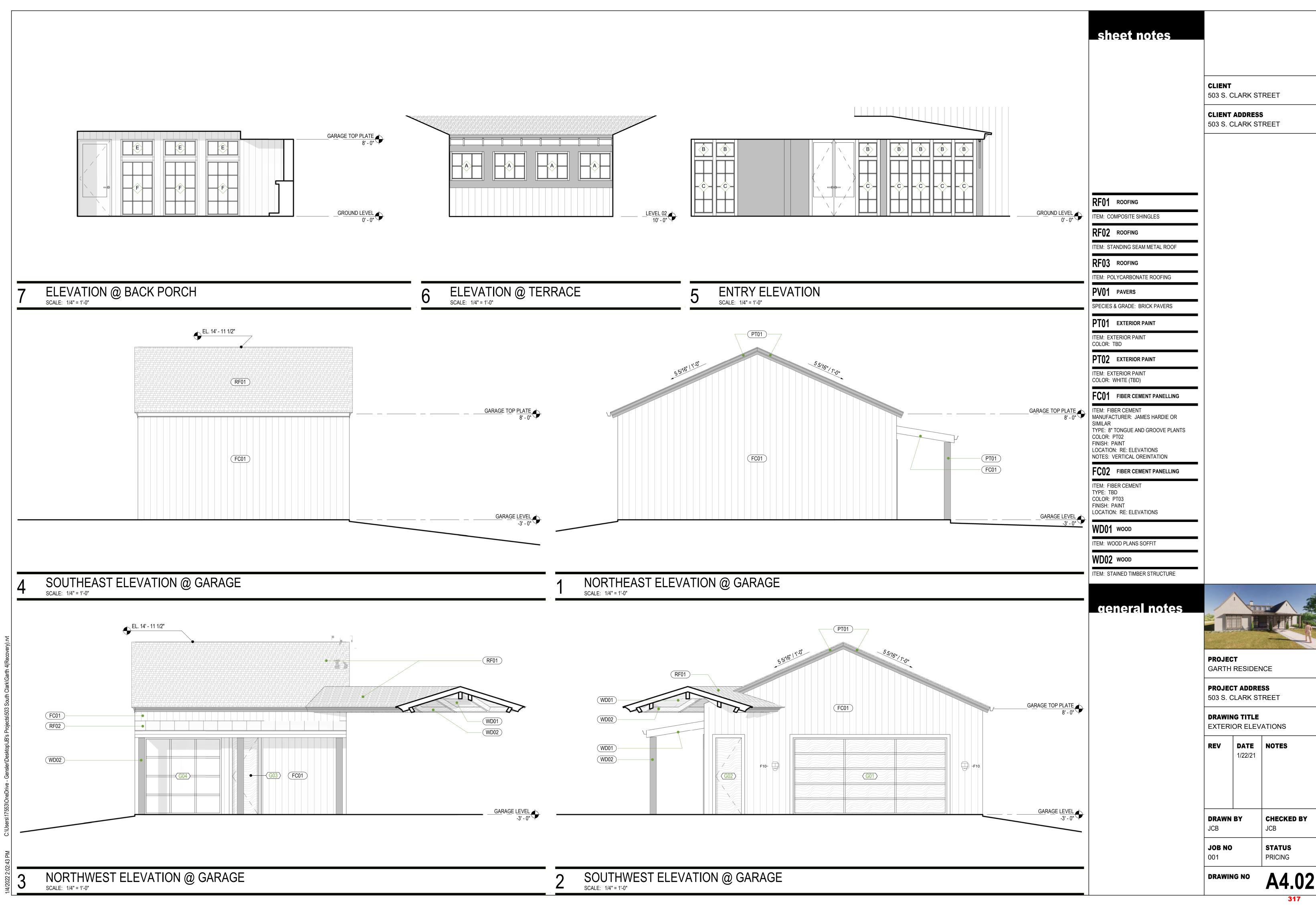
A4.01

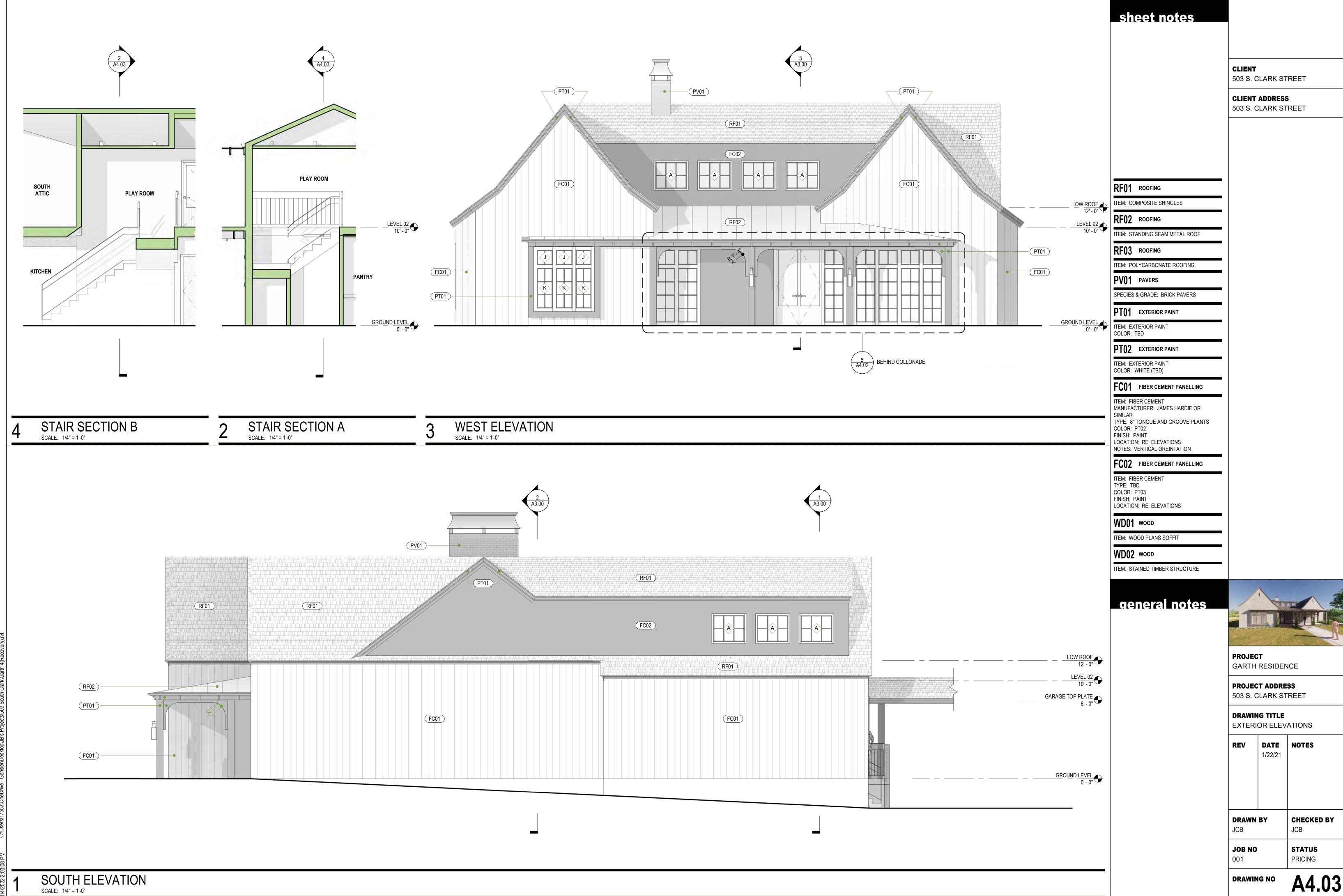
JCB

STATUS PRICING

ELEVATION @ BACK PATIO

CHECKED BY







CLIENT 503 S. CLARK STREET

CLIENT ADDRESS 503 S. CLARK STREET



WEST ELEVATION VIEW SCALE: 12" = 1'-0"





RENDERINGS ARE SHOWN FOR THE PURPOSES OF 3-DIMENSIONAL CLARITY AND SCALE. MATERIALS ARE NOT AN ACCURATE REFLECTION OF THE DESIGN INTENT. IF THESE PERSPECTIVES CONFLICT WITH INFORMATION FOUND IN THE REST OF THE DRAWINGS, DEFAULT TO THE REST OF THE DRAWINGS FOR MORE ACCURATE INFORMATION.



PROJECT GARTH RESIDENCE

PROJECT ADDRESS

503 S. CLARK STREET

DRAWING TITLE PERSPECTIVES

V	DATE 1/22/21	NOTES	

DRAWN BY		CHECKED	
JCB		JCB	

JOB NO

STATUS PRICING

A4.10

ENTRANCE VIEW
SCALE: 12" = 1'-0"

SOUTH ELEVATION VIEW
SCALE: 12" = 1'-0"

sheet notes

CLIENT 503 S. CLARK STREET

CLIENT ADDRESS

503 S. CLARK STREET



PLAY ROOM VIEW SCALE: 12" = 1'-0"

NORTH ELEVATION VIEW SCALE: 12" = 1'-0"





EAST ELEVATION VIEW SCALE: 12" = 1'-0"

RENDERINGS ARE SHOWN FOR THE PURPOSES OF 3-DIMENSIONAL CLARITY AND SCALE. MATERIALS ARE NOT AN ACCURATE REFLECTION OF THE DESIGN INTENT. IF THESE PERSPECTIVES CONFLICT WITH INFORMATION FOUND IN THE REST OF THE DRAWINGS, DEFAULT TO THE REST OF THE DRAWINGS FOR MORE ACCURATE INFORMATION.



PROJECT GARTH RESIDENCE

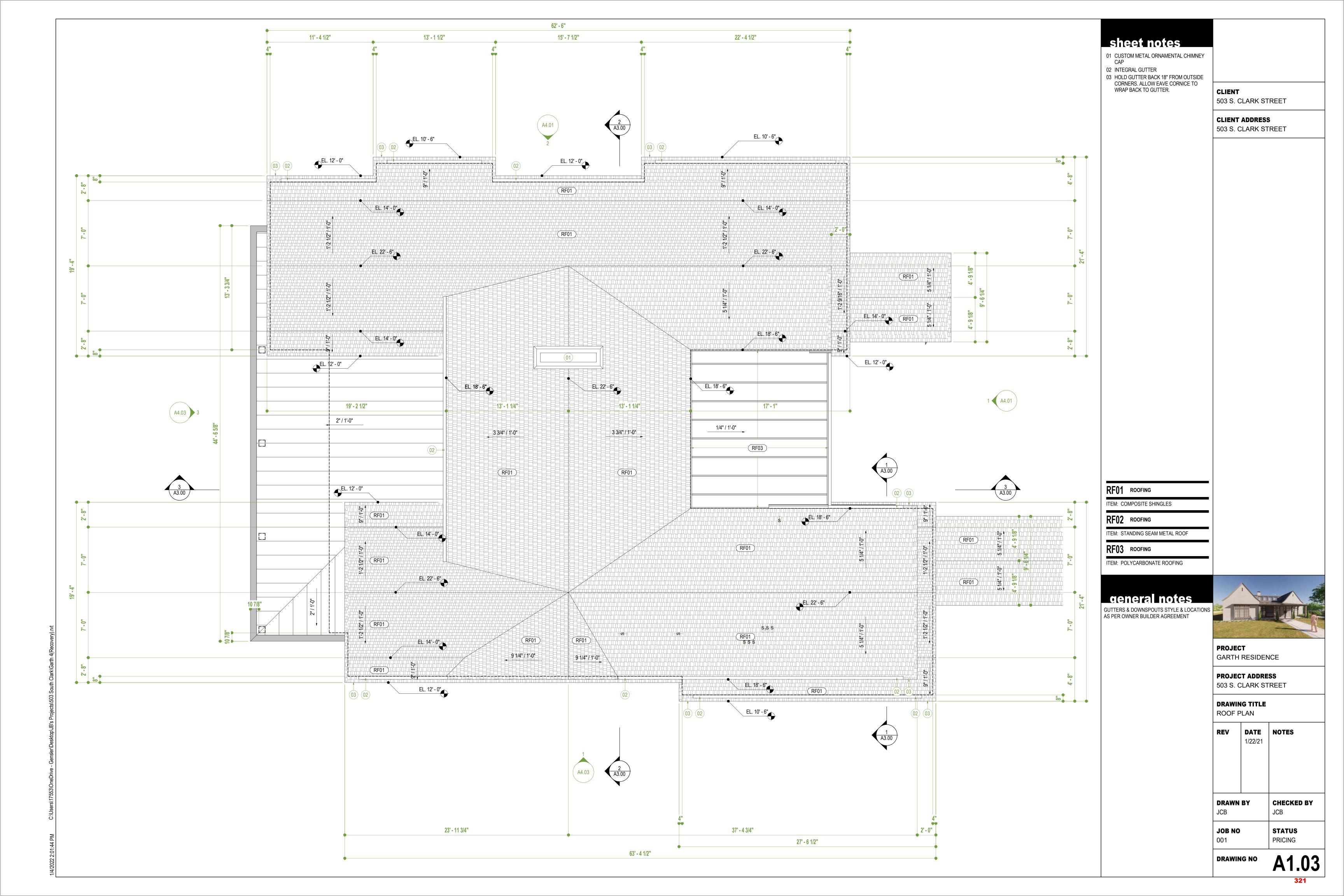
PROJECT ADDRESS 503 S. CLARK STREET

DRAWING TITLE PERSPECTIVES

REV	DATE	NOTES
	1/22/21	

RAWN BY	CHECKED BY JCB
OB NO	STATUS PRICING

A4.11





HOUSIN ANALYSIS FOR CASE NO. Z2022-005

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087 PHONE: (972) 771-7745 • EMAIL: <u>PLANNING@ROCKWALL.COM</u>

ADJACENT HOUSING ATTRIBUTES

ADDRESS	HOUSING TYPE	YEAR BUILT	HOUSE SF	ACCESSORY BUILDING	EXTERIOR MATERIALS
402 S Clark Street	Single-Family Home	1987	1,090	216	Brick
403 S Clark Street	Single-Family Home	1966	720	N/A	Siding
404 S Clark Street	Single-Family Home	1983	1,097	N/A	Brick
405 S Clark Street	Single-Family Home	2006	1,682	N/A	Brick
406 S Clark Street	Single-Family Home	1990	1,348	144	Brick
408 S Clark Street	Single-Family Home	2006	2,049	N/A	Brick
410 S Clark Street	Single-Family Home	1989	1,112	N/A	Siding
501 S Clark Street	Single-Family Home	2021	4,394	N/A	HardiBoard
503 S Clark Street	Accessory Building	1975	N/A	600	Metal
507 S Clark Street	Single-Family Home	1975	884	670	Brick
509 S Clark Street	Single-Family Home	1945	768	240	Siding
510 S Clark Street	Commercial	1970	N/A	N/A	Metal
511 S Clark Street	Single-Family Home	1940	951	N/A	Siding
512 S Clark Street	Commercial	1960	N/A	N/A	Siding
513 S Clark Street	Single-Family Home	1966	744	N/A	Siding
601 S Clark Street	Single-Family Home	1945	789	N/A	Siding
604 Storrs Street	Single-Family Home	1990	1,262	48	Siding
605 Storrs Street	Single-Family Home	1980	1,554	370	Siding
606 Storrs Street	Single-Family Home	1990	929	N/A	Siding
607 Storrs Street	Single-Family Home	1993	1,170	N/A	Siding
608 Storrs Street	Single-Family Home	1950	735	196	Siding
609 Storrs Street	Single-Family Home	1990	1,168	N/A	Siding
610 Storrs Street	Single-Family Home	1985	1,130	100	Siding
612 Storrs Street	Single-Family Home	1960	696	320	Siding
	AVFRAGES.	1978	1 251	290	



CITY OF ROCKWALL HOUSIN ANALYSIS FOR CASE NO. <u>Z2022-005</u>

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



402 S. CLARK STREET



403 S. CLARK STREET



CITY OF ROCKWALL HOUSIN ANALYSIS FOR CASE NO. <u>Z2022-005</u>

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



404 S. CLARK STREET



405 S. CLARK STREET



CITY OF ROCKWALL HOUSIN ANALYSIS FOR CASE NO. <u>Z2022-005</u>



406 S. CLARK STREET



408 S. CLARK STREET



CITY OF ROCKWALL HOUSIN ANALYSIS FOR CASE NO. <u>Z2022-005</u>



410 S. CLARK STREET



501 S. CLARK STREET



CITY OF ROCKWALL HOUSIN ANALYSIS FOR CASE NO. <u>Z2022-005</u>



503 S. CLARK STREET



507 S. CLARK STREET



CITY OF ROCKWALL

HOUSIN ANALYSIS FOR CASE NO. <u>Z2022-005</u>



509 S. CLARK STREET



510 S. CLARK STREET



CITY OF ROCKWALL

HOUSIN ANALYSIS FOR CASE NO. Z2022-005



511 S. CLARK STREET



512 S. CLARK STREET



CITY OF ROCKWALL HOUSIN ANALYSIS FOR CASE NO. <u>Z2022-005</u>



513 S. CLARK STREET



601 S. CLARK STREET



CITY OF ROCKWALL HOUSIN ANALYSIS FOR CASE NO. <u>Z2022-005</u>



604 STORRS STREET



605 STORRS STREET



CITY OF ROCKWALL HOUSIN ANALYSIS FOR CASE NO. <u>Z2022-005</u>



606 STORRS STREET



607 STORRS STREET



CITY OF ROCKWALL HOUSIN ANALYSIS FOR CASE NO. <u>Z2022-005</u>



608 STORRS STREET



609 STORRS STREET



CITY OF ROCKWALL HOUSIN ANALYSIS FOR CASE NO. <u>Z2022-005</u>



610 STORRS STREET



612 STORRS STREET

CITY OF ROCKWALL

ORDINANCE NO. 22-XX

SPECIFIC USE PERMIT NO. <u>S-2XX</u>

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXAS, ROCKWALL, **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 ADJACENT TO AN **ESTABLISHED** SUBDIVISION TO ALLOW CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.49-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 2, BLOCK A, HALEY & KYLE 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.

WHEREAS, the City has received a request from Perry Bowen of Perry Bowen Homes, LLC for the approval of a Specific Use Permit (SUP) for *Residential Infill Adjacent to an Established Subdivision* to allow the construction of a single-family home on a 0.49-acre parcel of land being described as Lot 2, Block A, Haley & Kyle Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 503 S. Clark Street, and being more specifically described and depicted in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code (UDC) [Ordinance No. 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 the Unified Development Code (UDC) [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) for Residential Infill Adjacent to an Established Subdivision to allow for the construction of a single-family home in an established subdivision in accordance with Article 04, Permissible Uses, the Unified Development Code (UDC) [Ordinance No. 20-02] on the Subject Property; and,

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 03.01, *General Residential District Standards*, and Subsection 03.09, *Single-Family 7 (SF-7) District*, of Article 05, *District Development Standards*, of the Unified Development Code

Z2022-005: SUP for 503 S. Clark Street Ordinance No. 22-XX; SUP # S-2XX

(UDC) [Ordinance No. 20-02] -- 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 construction of a single-family home on the *Subject Property* and conformance to these operational conditions are required:

- (1) The development of the *Subject Property* shall generally conform to the <u>Residential Plot Plan</u> as depicted in *Exhibit 'B'* of this ordinance.
- (2) The construction of a single-family home on the *Subject Property* shall generally conform to the *Building Elevations* depicted in *Exhibit 'C'* of this ordinance.
- (3) Once construction of the single-family home has been completed, inspected, and accepted by the City of Rockwall, this Specific Use Permit (SUP) shall expire, and no further action by the property owner shall be required.

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 *Building Permit*, should the contractor 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 Revision 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 7^{TH} DAY OF MARCH, 2022.

	Kevin Fowler, <i>Mayor</i>
ATTEST:	
Kristy Cole, City Secretary	
APPROVED AS TO FORM:	
Frank J. Garza, City Attorney	

1st Reading: February 22, 2022

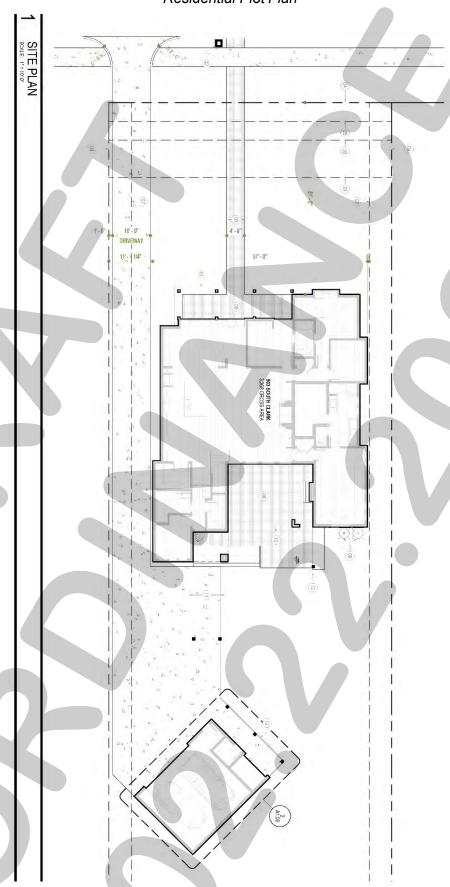
2nd Reading: March 7, 2022

Exhibit 'A' Location Map and Legal Description

<u>Address:</u> 503 S. Clark Street <u>Legal Description:</u> Lot 2, Block A, Haley & Kyle Addition



Exhibit 'B':
Residential Plot Plan

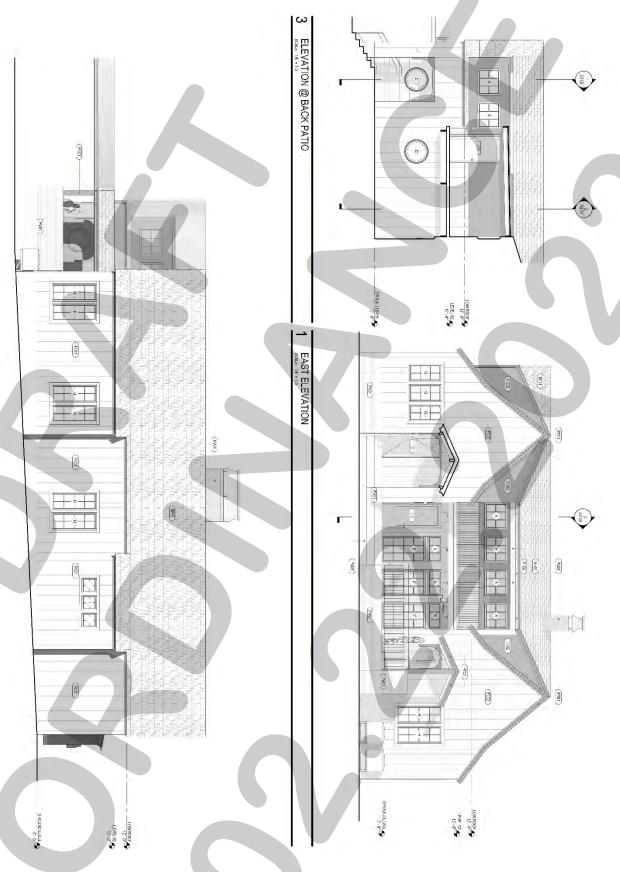


Z2022-005: SUP for 503 S. Clark Street Ordinance No. 22-XX; SUP # S-2XX

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City of Rockwall, Texas

Exhibit 'C':
Building Elevations

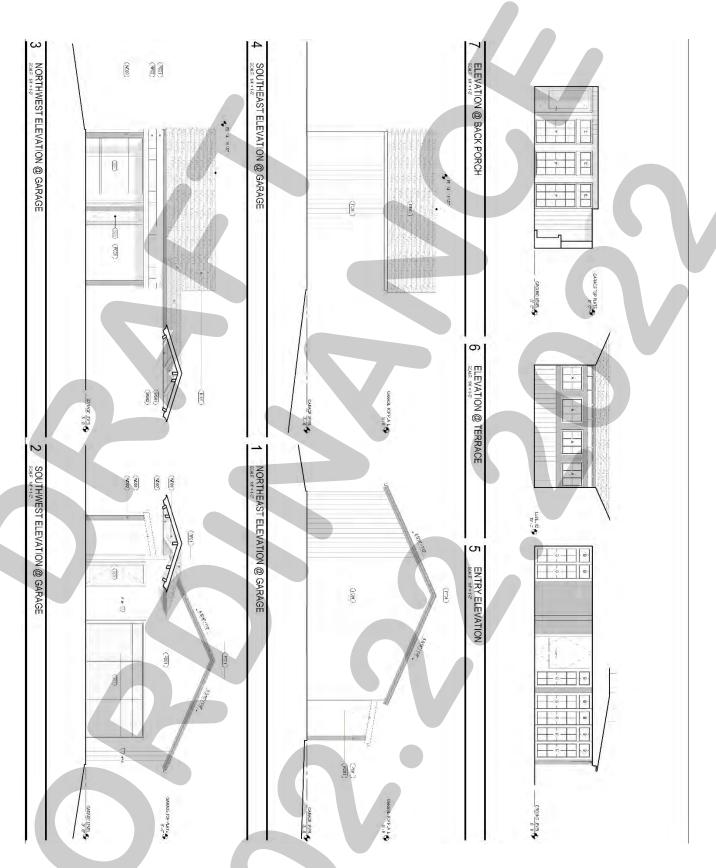


Z2022-005: SUP for 503 S. Clark Street Ordinance No. 22-XX; SUP # S-2XX

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City of Rockwall, Texas

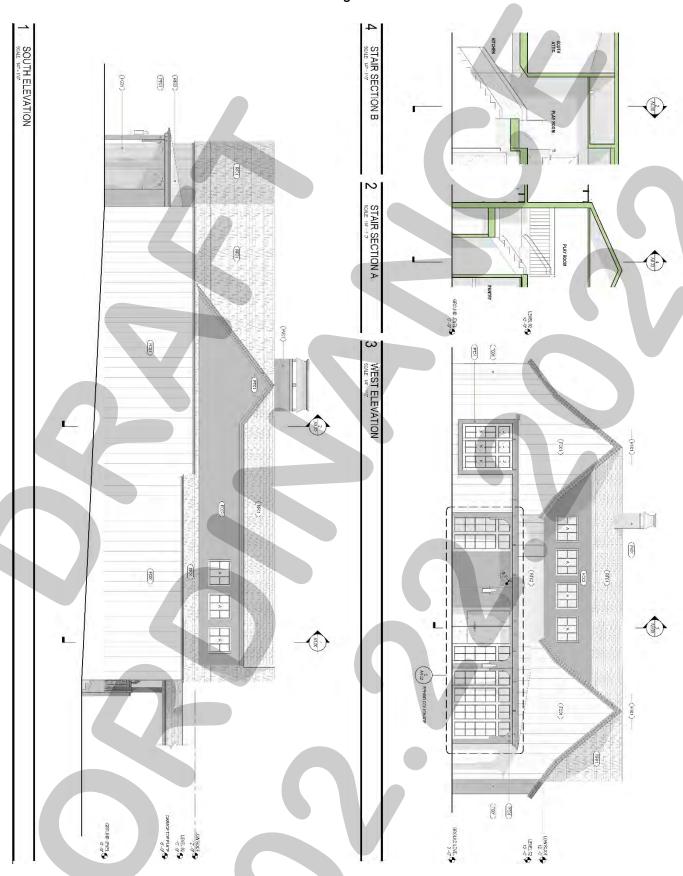
Exhibit 'C':
Building Elevations



Z2022-005: SUP for 503 S. Clark Street Ordinance No. 22-XX; SUP # S-2XX

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Exhibit 'C':
Building Elevations



Z2022-005: SUP for 503 S. Clark Street Ordinance No. 22-XX; SUP # S-2XX

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City of Rockwall, Texas



MEMORANDUM

TO: Mary Smith, City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: February 22, 2022

SUBJECT: MIS2022-001; ALTERNATIVE TREE MITIGATION SETTLEMENT

AGREEMENT FOR 1775 AIRPORT ROAD

Attachments
Memorandum
Development Application
Location Map
Treescape Plan
Alternative Tree Mitigation Settle

Alternative Tree Mitigation Settlement Agreement

Summary/Background Information

Discuss and consider a request by Clark Staggs of Foxtrot 46 Development on behalf of Neil Gandy of ADD Real Estates for the approval of a *Miscellaneous Case* for an *Alternative Tree Mitigation Settlement Agreement* for a 6.60-acre tract of land being a portion of Tract 21 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located on the north side of Airport Road east of the intersection of Airport Road and John King Boulevard, and take any action necessary.

Action Needed

The City Council is being asked to approve, approve with conditions, or deny the proposed Alternative Tree Mitigation Settlement Agreement.

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

TO: Mayor and City Council

CC: Mary Smith, City Manager

Joey Boyd, Assistant City Manager

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

DATE: February 22, 2022

SUBJECT: MIS2022-001; Alternative Tree Mitigation Settlement Agreement for 1775 Airport Road

The applicant, Clark Staggs of Foxtrot 46 Development, is requesting the approval of an *Alternative Tree Mitigation Settlement Agreement*. The subject property is located on a 6.60-acre tract of land (*i.e. a portion of Tract 21 of the D. Harr Survey, Abstract No. 102*) that is generally located on the north side of Airport Road, east of the intersection of Airport Road and John King Boulevard.

On February 15, 2022, the Planning and Zoning Commission approved a *Treescape Plan* that showed an outstanding tree mitigation balance of 628.75-inches. Typically, tree mitigation balances can be satisfied by [1] providing additional trees on the subject property equal to the amount necessary for mitigation, [2] providing the number of trees equal to the amount necessary for mitigation to the Parks and Recreation Department, or [3] purchasing 20% of the inches in tree credits and doing [1], [2] or a combination of for the remaining 80% of the balance. In this case, the applicant has chosen to request an Alternative Tree Mitigation Settlement Agreement, and is proposing to pay a reduced fee based on an alternative fee schedule established by the applicant. The applicant's proposal utilizes a grading system (i.e. Tree Health Grades 1-10) that was established by the arborist (Holcomb Tree Service) who prepared the plan. This schedule, provided in your packet, assigns different value amounts based on the grade of the trees, with Grade 4 (mitigated at \$15.00/Caliper inch) being lowest value of tree receiving mitigation and *Grade 10* (*mitigated at \$100.00/Caliper inch*) being the highest value of tree receiving mitigation. Under this grading system a *Grade 1* through *Grade 3* would not be considered for mitigation due to damage or disease. Staff should note that the submitted *Treescape Plan* only identifies the subject property as having trees ranging from a *Grade 1* to a Grade 6. Based on the applicant's letter they are requesting to pay a mitigation fee of \$17,820.00 (i.e. Grade 4 Trees @ \$10,943.00 + Grade 5 Trees @ \$3,973.00 + Grade 6 Trees @ \$2,904.00 = \$17,820.00). This fee would represent a total of 14.20% of the tree mitigation as calculated under the ordinance requirements, and would be \$107,930.00 less if the fee was paid in full.

According to Section 05(G) of Article 09, *Tree Preservation*, of the Unified Development Code (UDC) -- allows "...the City Council -- upon recommendation from the Planning and Zoning Commission -- may consider an alternative tree mitigation settlement agreement where, due to hardship, the applicant is unable to meet the requirements of this *Article* or where it is determined that adherence to the tree mitigation requirements will create a hardship for an applicant." In this case, the applicant has not indicated a hardship. With this being said, an *Alternative Tree Mitigation Settlement Agreement* is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission. Staff should note that since this is an *Alternative Tree Mitigation Settlement Agreement*, the City Council can impose an alternative to what the applicant is proposing; however, they are not obligated to approve the request. Should the request be denied, the applicant would need to meet the mitigation through the procedures stipulated by the Unified Development Code (UDC) and outlined above in the memorandum. On February 15, 2022, the Planning and Zoning Commission reviewed the applicant's request and approved a motion to recommend *denial* of the *Alternative Tree Mitigation Settlement Agreement* by a vote of 7-0. Should the City Council have any questions concerning the applicant's request, staff will be available at the meeting on *February 22, 2022*.



DEVELOPMENT APPLICATION

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

STAFF USE ONLY .

PLANNING & ZONING CASE NO.

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

DIRECTOR OF PLANNING:

Rockwall, Texas 75087	CITY ENGINEER:
FASE CHECK THE APPROPRIATE ROX BELOW TO INDICATE T	THE TYPE OF DEVELOPMENT REQUEST [SELECT ONLY ONE BOX]:
PLATTING APPLICATION FEES: ☐ MASTER PLAT (\$100.00 + \$15.00 ACRE) ¹ ☐ PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) ¹ ☐ FINAL PLAT (\$300.00 + \$20.00 ACRE) ¹ ☐ REPLAT (\$300.00 + \$20.00 ACRE) ¹ ☐ AMENDING OR MINOR PLAT (\$150.00) ☐ PLAT REINSTATEMENT REQUEST (\$100.00) SITE PLAN APPLICATION FEES: ☐ SITE PLAN (\$250.00 + \$20.00 ACRE) ¹ ☐ AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN	ZONING APPLICATION FEES: ZONING CHANGE (\$200.00 + \$15.00 ACRE) 1 SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) 1 PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) 1 OTHER APPLICATION FEES: TREE REMOVAL (\$75.00) VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) 2 NOTES: 1 IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.
PROPERTY INFORMATION [PLEASE PRINT] ADDRESS 1775 AIR PORT	ROAD
SUBDIVISION	LOT BLOCK
GENERAL LOCATION IMMEDIATELY	AST OF ROCKWALL AIR PORT
ZONING, SITE PLAN AND PLATTING INFORMAT	
CURRENT ZONING	CURRENT USE
PROPOSED ZONING TECHNOLOGY, HA	-4(Comes) of City
	TS [CURRENT] LOTS [PROPOSED]
SITE PLANS AND PLATS: BY CHECKING THIS BOX YOU ACK REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADD RESULT IN THE DENIAL OF YOUR CASE.	KNOWLEDGE THAT DUE TO THE PASSAGE OF <u>H83167</u> THE CITY NO LONGER HAS FLEXIBILITY WITI RESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL
OWNER/APPLICANT/AGENT INFORMATION IPLE	EASE PRINT/CHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED]
DOWNER ADD REAL ESTATE	
CONTACT PERSON NEIL GANDY	CONTACT PERSON CLARK STAGES
ADDRESS 4700 GOLDEN TRIAN	POLE 15LYD. ADDRESS 1601 DEASCAPE CT. ROCKWALL
CITY, STATE & ZIP FT. WORTH, TX 7	6244 CITY, STATE & ZIP 75087
PHONE 972.832.7370	PHONE 972,772.0858
E-MAIL	E-MAIL
NOTARY VERIFICATION [REQUIRED] BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSON STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND	NALLY APPEARED ANTHONY NET BRANCH [OWNER] THE UNDERSIGNED, WA
TO COVER THE COST OF THIS TO COVER THE COST OF THIS 20 22 BY SIGNING THIS APPLICATION TO THE PUBLICATION T	S APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE DAY PLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROV IC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMAT, ADUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR DUBLICATED STATION.
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 14	DAY OF DAVVARY 20 22 KRISTIN CARPENTER My Notary ID # 129963253
OWNER'S SIGNATURE NO	My Notary 10 # 125500230 Expires February 1, 2023
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS WISK	POLITICIAN MY COMMISSION EXPIRES
DEVELOPMENT APPLICATION	Commence of the state of the st

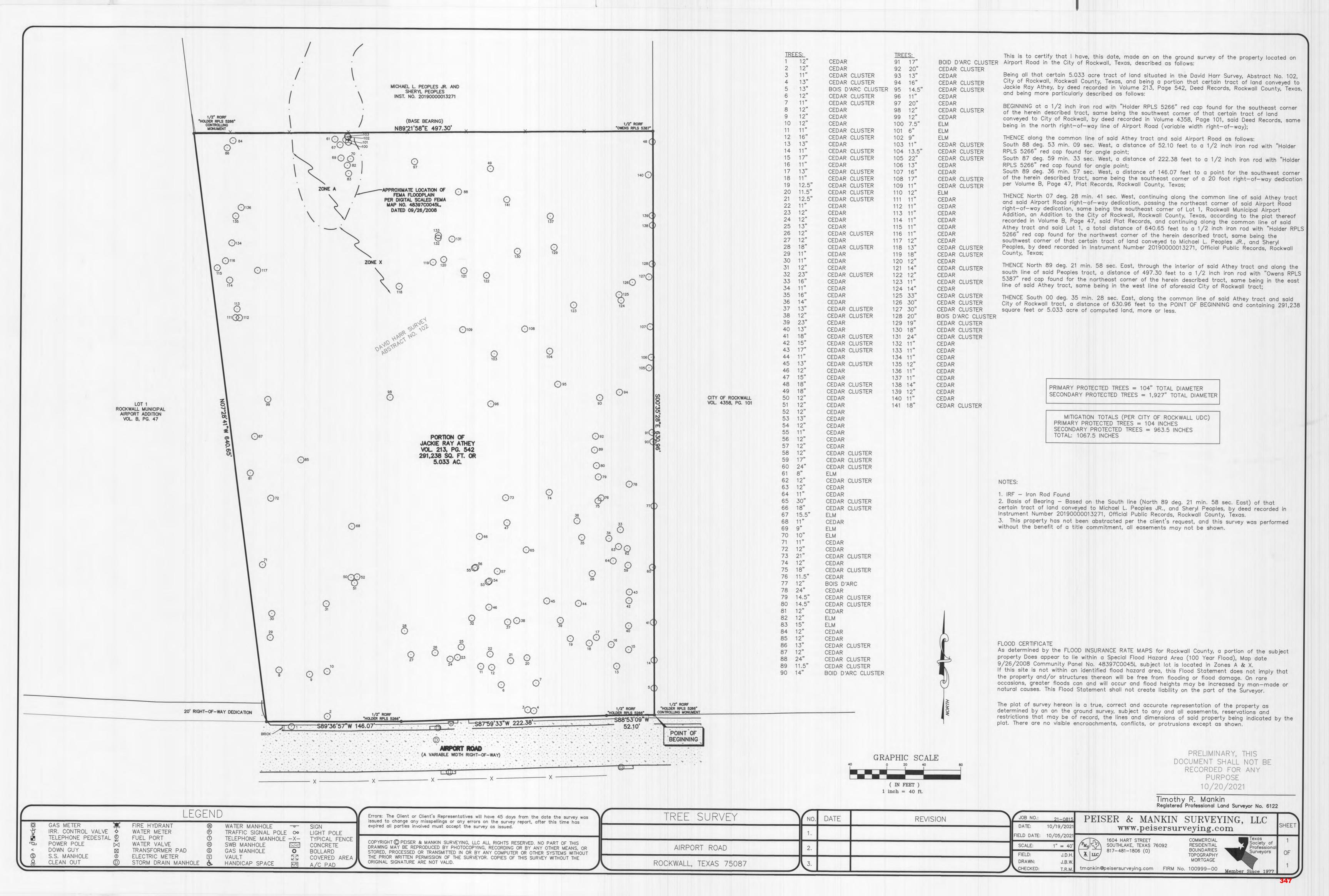




City of Rockwall

Planning & Zoning Department 385 S. Goliad Street Rockwall, Texas 75032 (P): (972) 771-7745 (W): www.rockwall.com The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.





FOXTROT 46

Airport Hangar Development Project 1777 Airport Road, Rockwall, 75087

Clark Staggs, 972.897.4888

P.O. BOX 570547 DALLAS, TX 75357

PHONE: 214-327-9311 FAX: 214-327-9038

TREE#	TAG#	I.D.	GRADE	NOTES
2	2	CEDAR	6	BA/DEAD ON NORTH SIDE
3	3	CEDAR	3	MT/1 SIDE/DECAY @ BASE
4	4	CEDAR CLUSTER	4	MT/WU
5	5	BOISD'ARC	3	MT/SPLIT TOP/MISTLETOE
6	6	CEDAR CLUSTER	3	MT/DECAY/BA
7	7	CEDAR	3	MT/DECAY @ BASE
8	8	CEDAR	5	LOWER 1/3 DEAD/BA
9	9	CEDAR	4	1/2 DEAD/BA
10	10	CEDAR	3	MT/WU/3/4 DEAD
11	11	CEDAR	3	MT/1 SIDE
12	12	CEDAR	3	MT/1/2 DEAD/DECAY
13	13	CEDAR -	2	BA
14	14	CEDAR CLUSTER		MT/WU/MULTI TREE HB
15	15	CEDAR CLUSTER	2	MT/WU/DECAY
16	16	CEDAR	4	1 SIDE/LEAN
17	17	CEDAR	3	MT/CO DOMINANT/DECAY
18	18	CEDAR CLUSTER	4	MT/LEAN/1 SIDE
19	19	CEDAR	4	MT/WU/LOWER 1/2 DEAD
20	20	CEDAR	3	MT/WU/LEAN/1/2 SIDE
21	21	CEDAR	3	CODOMINANT/WU/DECAY
22	22	CEDAR	4	BA/1 SIDE
23	23	CEDAR	4	CO DOMINANT
24	24	CEDAR	3	CO DOMINANT/LEAN/1 SIDE
25	25	CEDAR	5	LOWER 1/4 DEAD/BA
26	26	CEDAR	3	CODOMINANT/BA
27	27	CEDAR	5	LOWER 1/4 DEAD/BA
28	28	CEDAR	3	MT/DECAY @ BASE
29	29	CEDAR	3	BA/LOWER 2/3 DEAD/DO DOMINANT
30	30	CEDAR	4	BA/LOWER 1/3 DEAD
31	31	CEDAR	4	1/2 DEAD/BA
32	32	CEDAR	3	MT/WU/DECAY @ BASE
33	33	CEDAR	4	1 SIDE/PC
34	34	CEDAR	4	BA/LEANING/1 SIDE
35	35	CEDAR	4	1 SIDE/BA
36	36	CEDAR	1	3/4 DEAD
37	37	CEDAR CLUSTER	3	1/2 SIDE/DO DOMINANT/DECAY @ BASE
38	38	CEDAR CLUSTER	4	CO DOMINANT
39	39	CEDAR	4	CO DOMINANT/DECAY @ FORKS
40	40	CEDAR	4	1 SIDE/LEAN

PHONE: 214-327-9311 FAX: 214-327-9038

P.O. BOX 570547 DALLAS, TX 75357

TREE #	TAG#	I.D.	GRADE	NOTES
41	41	CEDAR	3	MT/WU/SPLIT
42	42	CEDAR	3	MT/WU/DECAY @ BASE
43	43	CEDAR CLUSTER	3	MT/WU/DECAY @ BASE
44	44	CEDAR	4	2/3 DEAD
45	45	CEDAR	3	MT/WU/DECAY @ FORK
46	46	CEDAR	3	1 SIDE/1/2 DEAD
47	47	CEDAR	4	NORTH SIDE BROKE
48	48	CEDAR	4	MT/HB GIRDLE/WU
49	49	CEDAR	3	MT/GIRDLED LIMBS
50	50	CEDAR	3	MT/1/2 DEAD/DECAY
51	51	CEDAR	4	1/2 DEAD/BA
52	52	CEDAR	3	CO DOMINANT/DECAY @ BASE
53	53	CEDAR	4	MT/SPLIT/WU
54	54	CEDAR	4	MT/SPLIT/WU
55	55	CEDAR	3	MT/DECAY @ BASE
56	56	CEDAR	2	MT/DECAY @ BASE
56	56	CEDAR	3	MT/DECAY @ BASE
57	57	CEDAR	4	LOWER 1/4 DEAD/BA
58	58	CEDAR CLUSTER	3	MT/WU/PC/LOWER 1/2 DEAD/DECAY
59	59	CEDAR	4	MT/BA/WU
60	60	CEDAR	3	MT/WU/I SIDE
61	61	CEDAR ELM	3	CROOKED GROWTH/WK
62	62	CEDAR CLUSTER	4	LEANING/WU/MT
63	63	CEDAR	4	BA/LEANING/BOTTOM 1/2 DEAD
64	64	CEDAR	5	BOTTOM 1/2 DEAD/BA
65	65	CEDAR	3	MT/WU/LOWER 1/4 DEAD/BA
66	66	CEDAR	3	CO DOMINANT/SPLIT @ BASE
67	67	CEDAR ELM	4	MISTLETOE/WK
68	68	CEDAR	3	MT/SPLIT @ BASE
69	69	CEDAR ELM	5	POOR GROWTH PATTERN
70	70	CEDAR ELM	4	MISTLETOE/1 SIDE
71	71	CEDAR	4	BA
72	72	CEDAR	4	MT/BA
73	73	CEDAR	3	MT/WU
74	74	CEDAR	6	GOOD
75	75	CEDAR CLUSTER	3	MT/1 SIDE/PC
76	76	CEDAR	4	LEANING/1/2 SIDE/DECAY
77	77	BOIS D'ARC	4	WK/IN FENCE/CO DOMINANT
78	78	CEDAR	4	MT/WU/CO DOMINANT

HOLCOMB TREE SERVICE, INC. P.O. BOX 570547

DALLAS, TX 75357

TREE #	TAG#	I.D.	GRADE	NOTES
80	80	CEDAR CLUSTER	3	MT/WU/TRUNK DECAY
81	81	CEDAR	3	CO DOMINANT/1/2 DEAD/1 SIDE DECAY
82	82	CEDAR ELM	6	MISTLETOE
83	83	CEDAR ELM	5	MISTLETOE/LOWER PART DEAD
84	84	CEDAR ELM		
85	85	CEDAR	4	CO DOMINANT/BA/LOWER 1/3 DEAD
86	86	CEDAR ELM	5	MT/BA
87	87	CEDAR	3	MT/CAVITY/WU
88	88	CEDAR	3	MT/ROOT BALL LEANING
89	89	CEDAR CLUSTER	4	MT/WU
90	90	BOIS D'ARC CLUSTER	3	WK/MISTLETOE/IN FENCE
91	91	BOISD'ARC CLUSTER	3	WK/MISTLETOE/SPLIT TOP
92	92	CEDAR CLUSTER	3	MT/WU
93	93	CEDAR	4	WU/GRAPEVINE
94	94	CEDAR CLUSTER	3	MT/WU
95	95	CEDAR	3	MT/I SIDE/TRUNK DECAY
96	96	CEDAR	4	MT/BA
97	97	CEDAR	3	CO DOMINANT/MT/WK/DECAY
98	98	CEDAR	5	MT
99	99	CEDAR	3	CAVITY/BA
100	100	CEDAR ELM	3	1/2 DEAD/MISTLETOE
101	101	CEDAR ELM	4	MISTLETOE/BROKEN TOP
102	283	CEDAR ELM	4	GIRDLING TRUNK/MISTLETOE/STUBS
103	275	CEDAR	2	MT/1/2 DEAD
103	284	CEDAR ELM	4	GIRDLING TRUNK/MISTLETOE/STUBS
104	273	CEDAR	4	MT/BA
105	256	CEDAR	3	MT/SPLIT @ BASE
106	367	CEDAR	3	1 SIDE/IN FENCE/BA
107	257	CEDAR	4	MT/IN FENCE/LOPSIDED
108	274	CEDAR	3	MT/CRACK @ BASE
109	290	CEDAR	3	MT/GIRDLED LIMBS
111	111	CEDAR	3	MT/WU/BA/1/2 DEAD
112	112	CEDAR	3	MT/WU/BA/1/2 DECAY
113	113	CEDAR	4	CO DOMINANT/DECAY @ BASE
114	114	CEDAR	4	MT/BA
115	115	CEDAR	4	BA/1/4 DEAD/1 SIDE
116	116	CEDAR	3	MT/DECAY @ BASE
117	117	CEDAR	4	LEANING/LOOSE ROOT BALL
118	291	CEDAR	2	MT/2/3 DEAD

PHONE: 214-327-9311

FAX: 214-327-9038

PHONE: 214-327-9311 FAX: 214-327-9038

P.O. BOX 570547 DALLAS, TX 75357

TREE #	TAG#	1.D.	GRADE	NOTES
120	288	CEDAR	3	CO DOMINANT/1/2 DEAD/WU
121	289	CEDAR	4	MT/1/2 DEAD
122	276	CEDAR	6	SINGLE TRUNK
123	279	CEDAR	4	MT/WU
124	369	CEDAR	4	1 SIDE/BA
125	368	CEDAR CLUSTER	3	MT/BA/WU
126	293	CEDAR CLUSTER	4	MT/BA/WU
127	370	CEDAR CLUSTER	4	MT/BA/WU
128	371	BOIS D'ARC	4	WK/MISTLETOE/IN FENCE
129	285	CEDAR	4	MT/DECAY @ BASE
130	280	CEDAR	6	MT
131	277	CEDAR	3	DECAY/MT
132	286	CEDAR	3	1 SIDE 1/2 DEAD
133	278	CEDAR	3	1 SIDE 1/2 DEAD
134	125	CEDAR	3	CO DOMINANT/DECAY @ BASE
135	127	CEDAR	3	MT/1/2 DEAD/WU
136	126	CEDAR	3	MT/1/2 DEAD/WU
137	281	CEDAR	4	LEANING/I SIDE
138	372		5	BA/G VINE/HB
139	295	CEDAR	5	BA/GRAPEVINE
140	294	CEDAR	5	MT/BA LOWER 1/3 DEAD
141	282	CEDAR	4	MT/BROKEN TOP

ID KEY

Explanation of Mitigation Formula

February 1, 2022 1775 Airport Road, Rockwall

Holcomb Tree Service, Dallas, Texas was hired by the applicant to assess and grade every tree shown on the original survey for this property produced by Peiser & Mankin, P.E. To accurately determine a fair migration value on each grade of tree, we must first look at the established professional grading system which has been accepted by the City.

The grade for a perfect specimen is 10. As the quality and condition of the trees diminish the grade number descends all the way to a grade of 0 for a tree that is completely dead. Because none of the trees on the subject property were every cared for by the previous owner, those trees still alive suffer from crowding (resulting in excessive shading and serious decline), various diseases and insect infestation.

The arborist at Holcomb Tree Service determined that because of all the conditions listed above, no trees justified a grade above 6. There are only 6 trees meeting that grade. The majority of the remaining trees, regardless of species, qualified as grade 5 or 4. Mr. Sales, the Parks Director for the City, and a certified arborist, reviewed the list and physically walked the property to examine some to the graded trees. It was his determination that the 67 trees graded 1-3 should not be given any value in the mitigation process because they were in such poor condition. Those have been eliminated from the total shown in the spreadsheet.

In evaluating the remaining trees, those graded 4, 5 & 6, a dollar value must be assigned for the caliper inches of each tree. Some of the trees with those grades are also noted as be "half-dead." Because of their overall poor quality, no trees on the property should be assessed at full value of \$100 per caliper inch, because they are far from perfect specimens.

The applicant proposes using a scale with declining values beginning at "10" for perfect and descending to "4," because the City arborist has already stated that any trees graded 3 or less have <u>no value</u>. In the scale below, the dollar value per inch diminishes by approximately \$14.30 for each lower grade because each grade is worth less than the one above.

\$/Cal.
Inch
\$100
\$ 86
\$ 72
\$ 58
\$ 44
\$ 29
\$ 15

The mitigation calculation for the trees graded 4, 5, & 6, and the total payment due to the City is shown on the attached Tree Survey. Finally, the applicant also appeals to those assessing this summary that the half-dozen trees noted as "1/2 dead" or "2/3 dead" should also be deleted from the list of counted trees.

PHONE: 214-327-9311 FAX: 214-327-9038

CAL. IN. \$ VAL. TOTAL

TREE	TAG	I.D.	GRADE	NOTES
36	36	CEDAR	1	3/4 DEAD
13	13	CEDAR	2	BA
15	15	CEDAR CLUSTER	2	MT/WU/DECAY
56	56	CEDAR	2	MT/DECAY @ BASE
103	275	CEDAR	2	MT/1/2 DEAD
118	291	CEDAR	2	MT/2/3 DEAD
3	3	CEDAR	3	MT/1 SIDE/DECAY @ BASE
5	5	BOISD'ARC	3	MT/SPLIT TOP/MISTLETOE
6	6	CEDAR CLUSTER	3	MT/DECAY/BA
7	7	CEDAR	3	MT/DECAY @ BASE
10	10	CEDAR	3	MT/WU/3/4 DEAD
11	11	CEDAR	3	MT/1 SIDE
12	12	CEDAR	3	MT/1/2 DEAD/DECAY
17	17	CEDAR	3	MT/CO DOMINANT/DECAY
20	20	CEDAR	3	MT/WU/LEAN/1/2 SIDE
21	21	CEDAR	3	CODOMINANT/WU/DECAY
24	24	CEDAR	3	CO DOMINANT/LEAN/1 SIDE
26	26	CEDAR	3	CODOMINANT/BA
28	28	CEDAR	3	MT/DECAY @ BASE
29	29	CEDAR	3	BA/LOWER 2/3 DEAD/DO DOMINANT
32	32	CEDAR	3	MT/WU/DECAY @ BASE
37	37	CEDAR CLUSTER	3	1/2 SIDE/DO DOMINANT/DECAY @ BASE
41	41	CEDAR	3	MT/WU/SPLIT
42	42	CEDAR	3	MT/WU/DECAY @ BASE
43	43	CEDAR CLUSTER	3	MT/WU/DECAY @ BASE
45	45	CEDAR	3	MT/WU/DECAY @ FORK
46	46	CEDAR	3	1 SIDE/1/2 DEAD
49	49	CEDAR	3	MT/GIRDLED LIMBS
50	50	CEDAR	3	MT/1/2 DEAD/DECAY
52	52	CEDAR	3	CO DOMINANT/DECAY @ BASE
55	55	CEDAR	3	MT/DECAY @ BASE
56	56	CEDAR	3	MT/DECAY @ BASE
58	58	CEDAR CLUSTER	3	MT/WU/PC/LOWER 1/2 DEAD/DECAY
60	60	CEDAR	3	MT/WU/1 SIDE
61	61	CEDAR ELM	3	CROOKED GROWTH/WK
65	65	CEDAR	3	MT/WU/LOWER 1/4 DEAD/BA
66	66	CEDAR	3	CO DOMINANT/SPLIT @ BASE
68	68	CEDAR	3	MT/SPLIT @ BASE
73	73	CEDAR	3	MT/WU
75	75	CEDAR CLUSTER	3	MT/1 SIDE/PC
80	80	CEDAR CLUSTER	3	MT/WU/TRUNK DECAY

PHONE: 214-327-9311 FAX: 214-327-9038

				DALLAS, 1X /535/
81	81	CEDAR	3	CO DOMINANT/1/2 DEAD/1 SIDE DECAY
87	87	CEDAR	3	MT/CAVITY/WU
88	88	CEDAR	3	MT/ROOT BALL LEANING
90	90	BOIS D'ARC CLUSTER	3	WK/MISTLETOE/IN FENCE
91	91	BOISD'ARC CLUSTER	3	WK/MISTLETOE/SPLIT TOP
92	92	CEDAR CLUSTER	3	MT/WU
94	94	CEDAR CLUSTER	3	MT/WU
95	95	CEDAR	3	MT/1 SIDE/TRUNK DECAY
97	97	CEDAR	3	CO DOMINANT/MT/WK/DECAY
99	99	CEDAR	3	CAVITY/BA
100	100	CEDAR ELM	3	1/2 DEAD/MISTLETOE
105	256	CEDAR	3	MT/SPLIT @ BASE
106	367	CEDAR	3	1 SIDE/IN FENCE/BA
108	274	CEDAR	3	MT/CRACK @ BASE
109	290	CEDAR	3	MT/GIRDLED LIMBS
111	111	CEDAR	3	MT/WU/BA/1/2 DEAD
112	112	CEDAR	3	MT/WU/BA/1/2 DECAY
116	116	CEDAR	3	MT/DECAY @ BASE
120	288	CEDAR	3	CO DOMINANT/1/2 DEAD/WU
125	368	CEDAR CLUSTER	3	MT/BA/WU
131	277	CEDAR	3	DECAY/MT
132	286	CEDAR	3	1 SIDE 1/2 DEAD
133	278	CEDAR	3	1 SIDE 1/2 DEAD
134	125	CEDAR	3	CO DOMINANT/DECAY @ BASE
135	127	CEDAR	3	MT/1/2 DEAD/WU
136	126	CEDAR	3	MT/1/2 DEAD/WU
4	4	CEDAR CLUSTER	4	MT/WU
9	9	CEDAR	4	1/2 DEAD/BA
16	16	CEDAR	4	1 SIDE/LEAN
18	18	CEDAR CLUSTER	4	MT/LEAN/1 SIDE
19	19	CEDAR	4	MT/WU/LOWER 1/2 DEAD
22	22	CEDAR	4	BA/1 SIDE
23	23	CEDAR	4	CO DOMINANT
30	30	CEDAR	4	BA/LOWER 1/3 DEAD
31	31	CEDAR	4	1/2 DEAD/BA
33	33	CEDAR	4	1 SIDE/PC
34	34	CEDAR	4	BA/LEANING/1 SIDE
35	35	CEDAR	4	1 SIDE/BA
38	38	CEDAR CLUSTER	4	CO DOMINANT
39	39	CEDAR	4	CO DOMINANT/DECAY @ FORKS
40	40	CEDAR	4	1 SIDE/LEAN
44	44	CEDAR	4	2/3 DEAD
77	77	CLDAK	Т	A J DEAD

13	\$ 15	\$ 195	
12	\$ 15	\$ 180	*
11	\$ 15	\$ 165	
11	\$ 15	\$ 165	
12.5	\$ 15	\$ 188	*
11	\$ 15	\$ 165	
12	\$ 15	\$ 180	
11	\$ 15	\$ 165	
12	\$ 15	\$ 180	*
16	\$ 15	\$ 240	
11	\$ 15	\$ 165	
16	\$ 15	\$ 240	
12	\$ 15	\$ 180	
23	\$ 15	\$ 345	
13	\$ 15	\$ 195	
11	\$ 15	\$ 165	*

PHONE: 214-327-9311 FAX: 214-327-9038

47	47	CEDAR	4	NORTH SIDE BROKE	15 \$	15	\$	225
48	48	CEDAR	4	MT/HB GIRDLE/WU	18 \$	15	\$	270
51	51	CEDAR	4	1/2 DEAD/BA	12 \$	15	\$	180
53	53	CEDAR	4	MT/SPLIT/WU	13 \$	15	\$	195
54	54	CEDAR	4	MT/SPLIT/WU	12 \$	15	\$	180
57	57	CEDAR	4	LOWER 1/4 DEAD/BA	12 \$	15	\$	180
59	59	CEDAR	4	MT/BA/WU	17 \$	15	\$	255
62	62	CEDAR CLUSTER	4	LEANING/WU/MT	12 \$	15	\$	180
63	63	CEDAR	4	BA/LEANING/BOTTOM 1/2 DEAD	12 \$	15	\$	180
67	67	CEDAR ELM	4	MISTLETOE/WK	15.5 \$	15	\$	233
70	70	CEDAR ELM	4	MISTLETOE/1 SIDE	10 \$	15	\$	150
71	71	CEDAR	4	BA	11 \$	15	\$	165
72	72	CEDAR	4	MT/BA	12 \$	15	\$	180
76	76	CEDAR	4	LEANING/1/2 SIDE/DECAY	11.5 \$	15	\$	173
77	77	BOIS D'ARC	4	WK/IN FENCE/CO DOMINANT	12 \$	15	\$	180
78	78	CEDAR	4	MT/WU/CO DOMINANT	24 \$	15	\$	360
85	85	CEDAR	4	CO DOMINANT/BA/LOWER 1/3 DEAD	12 \$	15	\$	180
89	89	CEDAR CLUSTER	4	MT/WU	11.5 \$	15	\$	173
93	93	CEDAR	4	WU/GRAPEVINE	13 \$	15	\$	195
96	96	CEDAR	4	MT/BA	11 \$	15	\$	165
101	101	CEDAR ELM	4	MISTLETOE/BROKEN TOP	6 \$	15	\$	90
102	283	CEDAR ELM	4	GIRDLING TRUNK/MISTLETOE/STUBS	9 \$	15	\$	135
103	284	CEDAR ELM	4	GIRDLING TRUNK/MISTLETOE/STUBS	11 \$	15	\$	165
104	273	CEDAR	4	MT/BA	13.5 \$	15	\$	203
107	257	CEDAR	4	MT/IN FENCE/LOPSIDED	11 \$	15	\$	165
113	113	CEDAR	4	CO DOMINANT/DECAY @ BASE	11 \$	15	\$	165
114	114	CEDAR	4	MT/BA	11 \$	15	\$	165
115	115	CEDAR	4	BA/1/4 DEAD/1 SIDE	11 \$	15	\$	165
117	117	CEDAR	4	LEANING/LOOSE ROOT BALL	12 \$	15	\$	180
121	289	CEDAR	4	MT/1/2 DEAD	14 \$	15	\$	210
123	279	CEDAR	4	MT/WU	11 \$	15	\$	165
124	369	CEDAR	4	1 SIDE/BA	14 \$	15	\$	210
126	293	CEDAR CLUSTER	4	MT/BA/WU	30 \$	15	\$	450
127	370	CEDAR CLUSTER	4	MT/BA/WU	30 \$	15	\$	450
128	371	BOIS D'ARC	4	WK/MISTLETOE/IN FENCE	20 \$	15	\$	300
129	285	CEDAR	4	MT/DECAY @ BASE	19 \$	15	\$	285
137	281	CEDAR	4	LEANING/1 SIDE	11 \$	15	\$	165
141	282	CEDAR	4	MT/BROKEN TOP	11 \$	15	\$	165
8	8	CEDAR	5	LOWER 1/3 DEAD/BA	12 \$	29	\$	348
25	25	CEDAR	5	LOWER 1/3 DEAD/BA	13 \$	29	Ф \$	377
27	27	CEDAR	5	LOWER 1/4 DEAD/BA	12 \$	29	\$	348
64	64	CEDAR	5	BOTTOM 1/2 DEAD/BA	11 \$	29	\$ \$	319
04	04	CEDAR	J	DUTTUNT 1/2 DEAD/DA	11 \$	29	Φ	319

PHONE:	214-327-9311
FAX:	214-327-9038

69	CEDAR ELM	5	POOR GROWTH PATTERN
83	CEDAR ELM	5	MISTLETOE/LOWER PART DEAD
86	CEDAR ELM	5	MT/BA
98	CEDAR	5	MT
372		5	BA/G VINE/HB
295	CEDAR	5	BA/GRAPEVINE
294	CEDAR	5	MT/BA LOWER 1/3 DEAD
2	CEDAR	6	BA/DEAD ON NORTH SIDE
74	CEDAR	6	GOOD
82	CEDAR ELM	6	MISTLETOE
276	CEDAR	6	SINGLE TRUNK
280	CEDAR	6	MT
TAG#	I.D.	GRADE	NOTES
1	DOES NOT EXIST		-
14	CEDAR CLUSTER		MT/WU/MULTI TREE HB
84	CEDAR ELM		
	86 98 372 295 294 2 74 82 276 280 AG #	86 CEDAR ELM 98 CEDAR 372 295 294 CEDAR 2 CEDAR 74 CEDAR 82 CEDAR ELM 276 CEDAR 280 CEDAR AG # I.D. 1 DOES NOT EXIST 14 CEDAR CLUSTER	86 CEDAR ELM 5 98 CEDAR 5 372 5 295 CEDAR 5 294 CEDAR 5 2 CEDAR 6 74 CEDAR 6 82 CEDAR ELM 6 276 CEDAR 6 280 CEDAR 6 AG # I.D. GRADE 1 DOES NOT EXIST 1 14 CEDAR CLUSTER 1

9	\$ 29	\$ 261
15	\$ 29	\$ 435
13	\$ 29	\$ 377
12	\$ 29	\$ 348
14	\$ 29	\$ 406
14	\$ 29	\$ 406
12	\$ 29	\$ 348
12	\$ 44	\$ 528
18	\$ 44	\$ 792

TOTALS

GRADE 4 GRADE 5 GRADE 6 \$ 17,820 \$ 10,943 \$ 3,973 \$ 2,904

ID KEY

MT: MULTI TRUNK
WU: WEAK UNION
CO DOMINANT: CO DOMINANT LEADERS
1 SIDE: GROWTH PATTERN INHIBITED BY SURROUNDING TREES

^{*} INDICATES HALF-DEAD TREE

BA: BORER ACTIVITY



MEMORANDUM

TO: Mary Smith, City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: February 22, 2022

SUBJECT: RELEASE OF THE SLOAN PROPERTY FROM THE EXTRATERRITORIAL

JURISDICTION (ETJ)

Attachments
Case Memo
Location Map
212 Development Agreement
Legal Description
Applicant's Letter
Draft Ordinance

Summary/Background Information

Discuss and consider the approval of an ordinance reducing the City of Rockwall's Extraterritorial Jurisdiction (ETJ) by releasing a 313.936-acre tract of land identified as Tracts 2 & 2-1 of the F. Baugess Survey, Abstract No. 7, Rockwall County, Texas, generally located adjacent to Edwards Road south of FM-550, and take any action necessary (1st Reading).

Action Needed

The City Council is being asked to approve or deny the request to reduce the Extraterritorial Jurisdiction (ETJ) of the City of Rockwall.



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

TO: Mayor and City Council

CC: Mary Smith, *Interim City Manager*

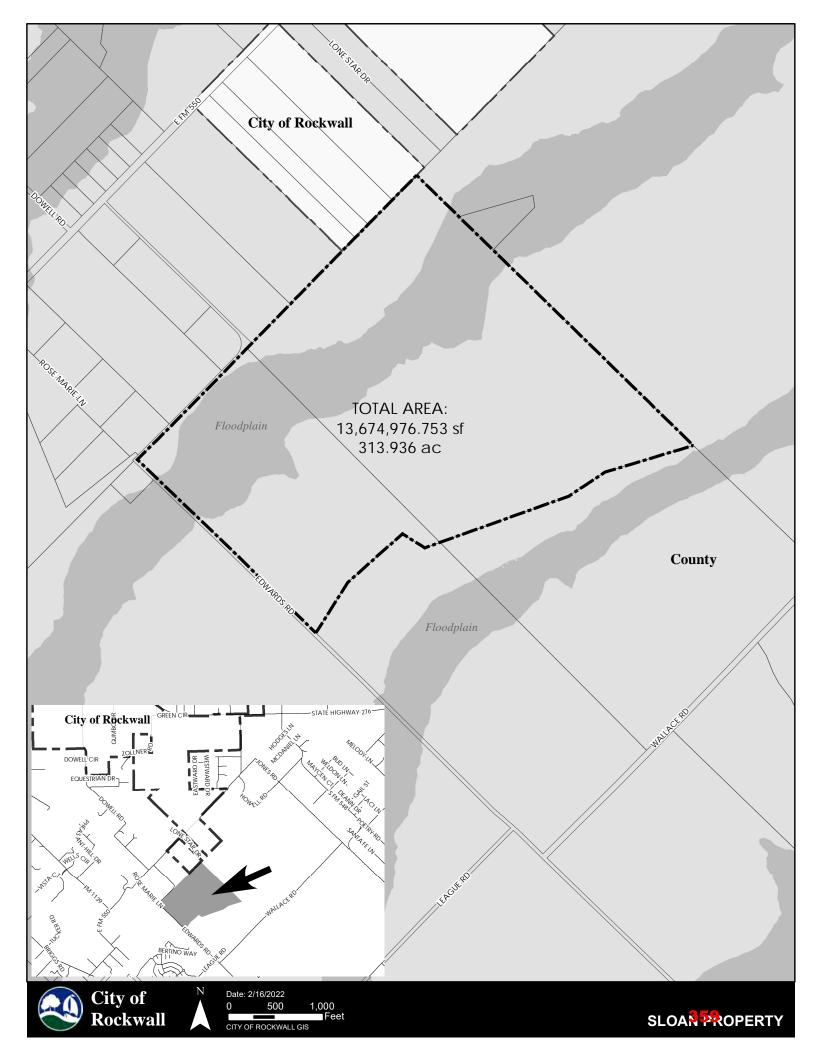
Joey Boyd, Assistant City Manager

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

DATE: February 22, 2022

SUBJECT: Release of the Sloan Property from the Extraterritorial Jurisdiction (ETJ)

On January 28, 2022, staff received a request from Stephen Davis of Taylor Duncan Interests, LLC requesting the City Council of the City of Rockwall consider releasing a 313.936-acre tract of land from its Extraterritorial Jurisdiction (ETJ) to Rockwall County. This tract of land is identified as Tracts 2 & 2-1 of the F. Baugess Survey, Abstract No. 7, and is generally located adjacent to Edwards Road south of FM-550. Per the applicant's email, the reason the release is being requested is to allow for the development of a future phases of the Sonoma Verde Subdivision (see attached letter). This particular property is currently under a Chapter 43 Development Agreement that allows the property to remain in the City's Extraterritorial Jurisdiction (ETJ) for a period of 15-years as long as the property is not develop. This agreement was executed between the City and the Sue Sloan Trust (i.e. Joe Mathis, Trustee) on June 8, 2018 and does not expire until June 8, 2033. Staff should note that the City does not currently have the ability to provide services to the property. Should the City Council choose to grant the request to release the subject property from the City's Extraterritorial Jurisdiction (ETJ), staff has prepared an ordinance that would terminate the Chapter 43 Agreement, remove the property from the Extraterritorial Jurisdiction (ETJ), and release the land to Rockwall County. This action is consistent with City Council's recent action to release ~3,796.18-acres [i.e. Tracts 1. 1-1. 3. 3-1, 11, 11-1, 11-2, & 13 of the F. Baugess Survey, Abstract No. 7; Tract 1 of the J. Stephenson Survey, Abstract No. 189; and Tract 2 of the J. T. Spillers Survey, Abstract 203 -- Case No. A2020-002 -- from the City's Extraterritorial Jurisdiction (ETJ) due to the inability to provide City services. If the City Council has any questions staff and the City Attorney will be available at the February 22, 2022 City Council meeting.



CHAPTER 43 TEXAS LOCAL GOVERNMENT CODE DEVELOPMENT AGREEMENT

This Agreement is entered into pursuant to Sections 43.035 and 212.172 of the Texas Local Government Code by and between the City of Rockwall, Texas (the "City") and the undersigned property owner(s) (the "Owner"). The term "Owner" includes all owners of the Property.

WHEREAS, the Owner owns a parcel of real property (the "**Property**") in Rockwall County, Texas, which is more particularly and separately described in the attached "<u>Exhibit "A"</u>; and

WHEREAS, the Property is currently located in the extraterritorial jurisdiction of the City, and has been appraised for *ad valorem* tax purpose as land for agricultural use under Subchapter C or D, Chapter 23, Tax Code; and

WHEREAS, the City has begun the process to institute annexation proceedings on all or portions of the Property and intends to hold public hearings on August 6, 2018, and August 13, 2018; and

WHEREAS, the Owner desires to have the Property remain in the City's extraterritorial jurisdiction, in consideration for which the Owner agrees to enter into this Agreement; and

WHEREAS, this Agreement is entered into pursuant to Sections 43.035 and 212.172 of the Texas Local Government Code, in order to address the desires of the Owner and the procedures of the City; and

WHEREAS, the Owner and the City acknowledge that this agreement is binding upon the City and the Owner and their respective heirs, successors and assigns for the term (defined below) of this Agreement; and

WHEREAS, this Development Agreement is to be recorded in the Real Property Records of Rockwall County, Texas at the expense of the City;

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS CONTAINED HEREIN, THE PARTIES HERETO AGREE AS FOLLOWS:

SECTION 1. Continuance of Extraterritorial Jurisdiction Status.

- 1.1 The City guarantees the continuation of the extraterritorial status of the Owner's Property, its immunity from annexation by the City, and its immunity from City property taxes, for the Term of this Agreement, subject to the provisions of this Agreement.
- 1.2 Except as provided in this Agreement, the City agrees not to involuntarily annex the Property, agrees not to institute proceedings to involuntary annex the Property, and further agrees not to include the Property in a statutory annexation plan or attempt to annex for the Term of this Agreement. However, if the Property is annexed pursuant to the terms of this Agreement, then the City shall provide services to the Property pursuant to Chapter 43 of the Texas Local Government Code.

SECTION 2. Continuance of Agriculture, Wildlife Management, or Timberland Use; Prohibition Against Other Uses

- 2.1. The Owner covenants and agrees not to use the Property for any use other than for agriculture, wildlife management, and/or timberland consistent with Chapter 23 of the Texas Tax Code, except for any existing single-family residential use of the Property, without the prior written consent of the City.
- 2.2. The Owner covenants and agrees that the Owner will not file any type of application for a subdivision plat or other development-related approval for the Property with Rockwall County or the City until the Property has been annexed into, and zoned by, the City. However, the property may be divided into up to five (5) tracts for the purpose of transfer to family members or not-profit foundation, so long as each tract is greater than five (5) acres, thus not requiring subdivision plat approval through the City of Rockwall, and so long as no other development permit is requested. In the event that the property is partitioned into up to five (5) tracts as envisioned by the landowner, all successors will be bound by the terms of this agreement and any act of development on any piece of the property, except for the structures allowed in Section 2.3, will trigger annexation of the entire parent tract.
- 2.3. The Owner covenants and agrees not to construct, or allow to be constructed, any buildings on the Property that would require a buildings permit if the Property were in the city limits, until the Property has been annexed into, and zoned by the City. However, the Owner may construct (a) an accessory structure to an existing single-family dwelling; (b) an accessory structure used in conjunction with the existing single-family dwelling and/or; in compliance with all applicable City ordinances and codes.
- 2.4. The Owner acknowledges that each and every owner of the Property must sign this Agreement in order for the Agreement to take full effect, and the owner who signs this agreement covenants and agrees, jointly and severally, to indemnify, hold harmless, and defend the city against any and all legal claims, by any person claiming an ownership interest in the property who has not signed the agreement, arising in any way from the city's reliance on this agreement.

SECTION 3. Effect of Certain Filings or Actions.

- 3.1. The Owner acknowledges that if any application for a plat or other development-related approval is filed in violation of this Agreement, or if the Owner commences development of the Property in violation of this Agreement, then in addition to the City's other remedies, such act(s) will constitute a petition for voluntary annexation by the Owner, and the Property will be subject to annexation at the discretion of the City Council. The Owner agrees that such annexation shall be voluntary and the Owner hereby consents to such annexation as though the Owner had tendered a petition for such annexation.
- 3.2. If annexation proceedings begin pursuant to this Section, the Owner acknowledges that this Agreement serves as an exception to Local Government Code Section 43.052, requiring a municipality to use certain statutory procedures either under an annexation plan or in accordance with Chapter 43 of the Local Government Code. Furthermore, the Owner hereby waives any and all vested rights and claims that they may have under Section 43.002(a)(2) and Chapter 245 of the Texas Local Government Code that would otherwise exist by virtue of any actions Owner has taken in violation of Section 2 herein.

SECTION 4. Enforcement of City Regulations

- 4.1. Pursuant to Sections 43.035(b)(1)(B) of the Texas Local Government Code, the City is authorized to enforce all of the City's regulations and planning authority that do not materially interfere with the use of the Property for agriculture, wildlife management, or timber, in the same manner such regulations are enforced within the City's boundaries.
- 4.2. The City states and specifically reserves its authority pursuant to Chapter 251 of the Texas Local Government Code to exercise eminent domain over property that is subject to a Chapter 43 and/or Chapter 212 development agreement.

SECTION 5. Term; Annexation On or After the End of the Term

- 5.1. The term of this Agreement (the "Term") is fifteen (15) years from the date that the Mayor's signature to this Agreement is acknowledged by a public notary, unless sooner terminated as provided for in Section 3, above, or if the Property no longer has an exemption from ad valorem taxes for agricultural, wildlife management, or timber land. If this Agreement is terminated because the Property no longer has an exemption from ad valorem taxes for agricultural, wildlife management, or timber land, then the effective date of such termination shall be the effective date of such change in exemption status for ad valorem tax purposes.
- 5.2. The Owner, and all of the Owner's heirs, successors and assigns shall be deemed to have filed a petition for voluntary annexation before the end of the Term, for annexation of the Property to be completed on or after the end of the Term. Prior to the end of the Term, the City may commence the voluntary annexation of the Property. In connection with annexation of the Property pursuant to this section, the Owners hereby waive any vested rights they may have under Section 43.002(a)(2) and Chapter 245 of the Texas Local Government Code that would otherwise exist by virtue of any plat or construction any of the owners may initiate during the time between the expiration of this Agreement and the institution of annexation proceedings by the City.

SECTION 6. Notice

- 6.1. Any person who sells or conveys any portion of the Property shall, prior to such sale or conveyance, give written notice of this Agreement to the prospective purchaser or grantee, and shall give written notice of the sale or conveyance to the City.
- 6.2. Owner and the Owner's heirs, successors, and assigns shall give the City written notice within fourteen (14) days of any change in the agricultural, wildlife management or timber land tax exemption status of the Property.
- 6.3. A copy of any notice required by this Agreement shall be in writing and sent to the City via certified mail, return receipt requested, to the following address:

City of Rockwall ATTN: Rick Crowley, City Manager 385 S. Goliad Street Rockwall, Texas 75087

SECTION 7. This Agreement shall run with the Property and be recorded in the real property records of Rockwall County, Texas.

SECTION 8. If a court of competent jurisdiction determines that any covenant of this Agreement is void or unenforceable, including the covenants regarding involuntary annexation, then the remainder of this Agreement shall remain in full force and effect.

SECTION 9. Any Owner or the City may enforce this Agreement by any proceeding at law or in equity. Failure to do so shall not be deemed a waiver to enforce the provisions of this Agreement thereafter.

SECTION 10. No subsequent change in law regarding annexation shall affect the enforceability of this Agreement or the City's ability to annex the properties covered herein pursuant to the terms of this Agreement.

SECTION 11. This Agreement shall be governed, enforced and construed in accordance with the laws of the State of Texas. Venue for this Agreement shall be in Rockwall County, Texas.

SECTION 12. This Agreement may be separately executed in individual counterparts and, upon execution, shall constitute one and the same instrument.

SECTION 13. This Agreement shall survive its termination to the extent necessary for the implementation of the provisions of Sections 3, 4, and 5 herein.

Remainder of Page Is Left Blank

Entered into this 8th day of June	, 2018.
OWNER(S): Lue Sloan, Fustee	
OWNER(S): Jue Sloan, Fustee of Mathus, Poa	
Printed Name: Sue S/oan, Trustee	
John Mathis POA	
Printed Name:	
CITY OF ROCKWALL, TEXAS	
Attest:	
Rick Crowley City Manager	
Approved as to form:	
79 Sam	
Frank J Garza	

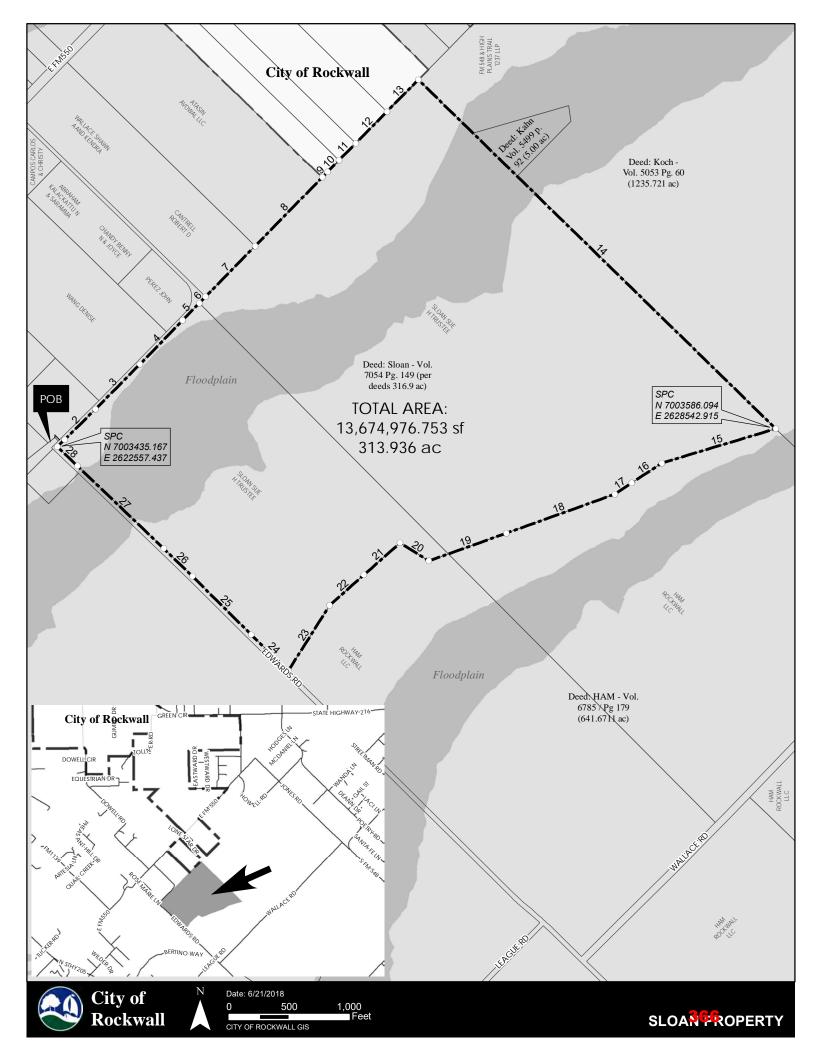
Notaries Follow On Separate Pages ...

Legal Description

BEING 313.936 acres of land situated in the Abstract 7, F. Baugess Survey in the County of Rockwall, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a point of intersection in the Western most corner of Abstract 7, F. Baugess Survey, Tract 2-1, a 145 acre tract also known as the Sue Sloan Property (*RCAD# 10076*), and the East Right of Way line of Edwards Road where it turns to the East. (*NAD83 Texas State Plane GPS Coordinate: 2622557.437E, 7003435.167N feet*);

- **THENCE** North 45°-20'-12" East, following the South Right of Way of Edwards Rd, a distance of 84.742 feet for a point;
- **THENCE** North 45°-19'-21" East, a distance of 359.962 for a point;
- **THENCE** North 44°-42′-25″ East, continuing along said Edwards Rd Right of Way, a distance of 528.156 feet for a point;
- **THENCE** North 44°-9'-47" East, continuing a distance of 508.543 for a point;
- **THENCE** North 44°-9′-47" East, continuing a distance of 200.43 for a point;
- 6 THENCE North 44°-9'-47" East, at the Northwestern most corner of Abstract 7, F. Baugess Survey, Tract 2, a 168.936 acre tract also known as the Sue Sloan Property (RCAD# 10049), a distance of 76.321 feet for a point;
- 7 THENCE North 44°-20'-49" East, a distance of 590.314 feet for a point;
- **THENCE** North 44°-20'-49" East, a distance of 799.43 feet for a point;
- **THENCE** North 44°-20'-49" East, a distance of 65.245 feet for a point;
- **THENCE** North 44°-33'-9" East, a distance of 134.159 feet for a point;
- **THENCE** North 44°-33'-8" East, a distance of 199.798 feet for a point;
- **THENCE** North 44°-33'-8" East, a distance of 370.168 feet for a point;
- **THENCE** North 44°-33'-8" East, a distance of 372.418 feet for a corner;
- **THENCE** South 45°-41′-4″ East, along the East property line of Tract 2, a distance of 4162.613 feet for a corner;
- **THENCE** South 73°-10'-46" West, following along the adjacent property lines of Sue Sloan and Ham Rockwall LLC, a distance of 991.672 feet for a point;
- **THENCE** South 56°-39'-59" West, continuing along said property lines, a distance of 300.356 feet for a point;
- **THENCE** South 56°-16′-40" West, a distance of 169.984 feet for a point;
- **THENCE** South 70°-14′-4″ West, a distance of 959.631 feet for a point;
- **THENCE** South 70°-18'-45" West, a distance of 685.796 feet for a point;
- **THENCE** North 57°-50'-11" West, a distance of 282.746 feet for a point;
- **THENCE** South 48°-34′-6″ West, a distance of 401.63 feet for a point;
- **THENCE** South 48°-15'-33" West, a distance of 385.15 feet for a point;
- **THENCE** South 32°-17′-55" West, a distance of 644.186 feet for a corner;
- **THENCE** North 45°-40'-22" West, following along the East Right of Way line of Edward Rd, a distance of 431.593 feet for a point;
- **THENCE** North 45°-10'-7" West, continuing along said Edwards Rd Right of Way a distance of 688.085 for a point;
- **THENCE** North 46°-2′-30" West, a distance of 334.462 feet for a point;
- **THENCE** North 46°-14'-43" West, a distance of 994.138 feet for a point;
- **THENCE** North 46°-11′-3″ West, a distance of 232.222 feet, to the POINT OF BEGINNING AND CONTAINING 313.936 acres of land (13,674,976.753 square feet) more or less. The above description also intended to follow all adjacent existing city limits, extra-territorial jurisdiction, and parcel boundaries.



Miller, Ryan

From: Stephen Davis <sdavis@taylorduncan.com>

Sent: Friday, January 28, 2022 2:29 PM

To: Miller, Ryan

Subject: Sonoma Verde - Sloan Tract

Attachments: 212 Development Agreement (002) (002).pdf; Location Map.pdf

Follow Up Flag: Follow up Flag Status: Flagged

Ryan,

Taylor Duncan Interest is the owner of Sonoma Verde in McLendon-Chisholm and has appx 804 developed lots (appx 400 by the previous developer). We are currently developing the remaining 291 lots with an overall lot mix consisting of 60′, 70′, 80′ 100′ and 120′ lots with a current average selling price of over \$550,000. We recently put the Sloan Tract (now owned by several of the Roberts Trusts) under contract. It is a 314 acres tract directly across from Sonoma Verde and our intention is to add this land to our project. Sonoma Verde is within the city limits of McLendon- Chisholm and the Sloan tract lies within the ETJ of Rockwall. There is also a 212 development agreement that runs with the land. We would like to request that the city release the property from the ETJ and terminate the 212 Agreement so we can develop the property in the same fashion as Sonoma Verde. I have attached a location map and the 212 Agreement. Thanks for your consideration and let me know what other information you need.

Stephen Davis
Executive Vice President
Taylor Duncan Interests, LLC
15441 Knoll Trail, Suite 150
Dallas, TX. 75248
(O) 972-325-1412
(M) 214-676-0084

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CITY OF ROCKWALL

ORDINANCE NO. 22-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL. TEXAS. REDUCING ITS EXTRATERRITORIAL JURISDICITION (ETJ) BY RELEASING SUCH TERRITORY DESCIBED IN EXHIBIT 'A' OF THIS ORDINANCE TO THE COUNTY ROCKWALL: ESTABLISHING THE **NEW CORPORATE** BOUNDARIES OF THE CITY OF ROCKWALL; PROVIDING FOR AMENDING AND CORRECTING THE OFFICIAL CORPROATE AND EXTRATERRITORIAL BOUNDARIES OF CITY THE HERETOFORE ADOPTED AND CORRECTING THE OFFICIAL CITY MAPS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE: AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in accordance with Section 42.023, *Reduction of Extraterritorial Jurisdiction*, of Chapter 42, *Extraterritorial Jurisdiction of Municipalities*, of the Texas Local Government Code the City Council of the City of Rockwall [the City] desires to release a portion of its Extraterritorial Jurisdiction (ETJ);

BEING, a 313.936-acre tract of land identified as Tracts 2 & 2-1 of the F. Baugess Survey, Abstract No. 7, Rockwall County, Texas, and generally located adjacent to Edwards Road south of FM-550, which is more fully described in *Exhibit 'A'* and depicted in *Exhibit 'B'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and,

WHEREAS, the *City* entered into a *Chapter 43 Local Government Code Development Agreement* [the Agreement] with John Mathis on behalf of the Sue Sloan Trust [the Owner] on June 8, 2018 pursuant to Sections 43.035 and 212.172 of the Texas Local Government Code for the *Subject Property*; and,

WHEREAS, the *City* and the *Owner* desire to terminate the *Agreement* and release the subject property from the *City's* Extraterritorial Jurisdiction (ETJ); and,

WHEREAS, the *City* is authorized by Section 42.023 of the Texas Local Government Code to reduce its ETJ if done so by ordinance or resolution; and

WHEREAS, the *Subject Property* currently lies within the City of Rockwall's ETJ and is adjacent to and adjoining with the present corporate boundaries of the City of Rockwall, Rockwall County, Texas.

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

SECTION 1. INCORPORATION OF PREMISES. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes

SECTION 2. REDUCTION OF ETJ AND RELEASE TO ROCKWALL COUNTY. The City of Rockwall hereby reduces its Extraterritorial Jurisdiction (ETJ) and releases to Rockwall County the Subject Property.

SECTION 3. FILING, NOTIFICATION, AND CORRECTION OF CITY MAPS. The Mayor of the City of Rockwall is hereby directed and authorized to file a certified copy of this *Ordinance* with the necessary governmental agencies, and to update the official map of the City's corporate and Extraterritorial Jurisdiction (ETJ) boundaries.

SECTION 4. SAVINGS. This *Ordinance* shall be cumulative of all other ordinances of the City, and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this *Ordinance*.

SECTION 5. <u>SEVERABILITY</u>. The sections, paragraphs, sentences, phrases, and words of this *Ordinance* are severable, and 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 adjudged by a trial court of competent jurisdiction to be illegal or unconstitutional, the adjudication shall not affect any other section or provision of this *Ordinance* or the application of any other section or provision to any person, firm, corporation, situation or circumstance, and the City Council hereby declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the valid provisions of this *Ordinance* shall remain in full force and effect.

SECTION 7. REPEALER. 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 8. EFFECTIVE DATE. This *Ordinance* shall take effect immediately from and after its passage and approval, in accordance with applicable law and the charter of the City of Rockwall, Texas.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 7^{TH} DAY OF MARCH, 2022.

	Kevin Fowler, <i>Mayor</i>
ATTEST:	
Kristy Cole, City Secretary	
APPROVED AS TO FORM:	
Frank J. Garza, City Attorney	
1 st Reading: <i>February 22, 2022</i>	
Troading. Tooldary EE, EUEE	

2nd Reading: March 7, 2022

Exhibit 'A'

Legal Description

BEING 313.936 acres of land situated in the Abstract 7, F. Baugess Survey in the County of Rockwall, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a point of intersection in the Western most corner of Abstract 7, F. Baugess Survey, Tract 2-1, a 145-acre tract also known as the Sue Sloan Property (*RCAD# 10076*), and the East Right of Way line of Edwards Road where it turns to the East. (*NAD83 Texas State Plane GPS Coordinate: 2622557.437E, 7003435.167N feet*);

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Exhibit 'B'
Survey

