

ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, May 17, 2021 - 5:00 PM

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

I. Call Public Meeting to Order

II. Executive Session.

The City of Rockwall City Council will Recess into Executive Session to discuss the following matter as authorized by Chapter 551 of the Texas Government Code:

1. Discussion regarding appointment of city council subcommittees, board liaisons and designation of Mayor Pro Tem, pursuant to Section, §551.074 (Personnel Matters).
2. Discussion regarding the 212 Development Agreement and the possible annexation of land in the vicinity of FM-1141 and Clem Road pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
3. Discussion regarding appointment of Presiding Judge, Associate Judge, and Prosecutor of the Rockwall Municipal Court, pursuant to Section, §551.074 (Personnel Matters).
4. Discussion regarding Texas Coalition for Affordable Power and Gexa Energy's notice of Ancillary Services costs pursuant to Section 551.071 (Consultation with Attorney) and Section 551.086 (Competitive Matter).

III. Adjourn Executive Session

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

V. Invocation and Pledge of Allegiance - Mayor Fowler

VI. Proclamations & Ceremonial Items

1. Swearing in of Newly Elected City Council Members
2. Mental Health Awareness Month
3. Motorcycle Safety & Awareness Month
4. Safe Boating Week
5. Public Works Week

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 kcole@rockwall.com to be placed on the Agenda during the "Appointment Items" portion of the meeting. This will allow your topic to be provided sufficient time for discussion and will permit proper notice to be given to the public. On topics raised during Open Forum, please know Council is not permitted to respond to your comments during the meeting since the topic has not been specifically listed on the agenda (the Texas Open Meetings Act requires that topics of discussion/deliberation be posted on an agenda not less than 72 hours in advance of the Council meeting). This, in part, is so that other citizens who may have the same concern may also be involved in the discussion.

VIII. Take any Action as a Result of Executive Session

IX. Consent Agenda

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

1. Consider approval of the minutes from the May 3, 2021 regular city council meeting, and take any action necessary.
2. Consider approval of the minutes from the May 10, 2021 special city council meeting, and take any action necessary.
3. Consider a resolution denying approval of an amendment to the Distribution Cost Recovery Factor increase in distribution rates filed by Oncor Electric Delivery, approving cooperation with the Steering Committee of Cities served by Oncor to evaluate the filing, to negotiate with Oncor on the City's behalf, and take any action necessary.
4. Consider awarding bids to various vendors and authorizing the Interim City Manager to execute Purchase Orders for the installation of a new Pickleball Court and Parking Lot at the Park at Hickory Ridge in the amount of \$456,678.61 to be funded out of the Recreation Development Fund, and take any action necessary.
5. Consider awarding a bid to Caldwell Country Chevrolet and authorizing the Interim City Manager to execute a Purchase Order for two new 2021 model Police Pursuit Tahoe's in the amount of \$116,000 to be funded out of General Fund Reserves to replace 'total loss' vehicles involved in accidents, and take any action necessary.
6. Consider approval of the construction contract for the Ridge Road West Reconstruction Project and authorize the Interim City Manager to execute a construction contract with DDM Construction Corporation in the amount of \$3,354,900.00 to be funded out of 2018 Street Bonds, and take any action necessary.
7. Consider approval of the contract for the construction materials testing for the Ridge Road West Reconstruction Project and authorize the Interim City Manager to execute a construction contract with ESC Southwest, LLP in the amount of \$62,590.00 to be funded by 2018 Street Bonds, and take any action necessary.
8. Consider approval of a professional engineering services contract with Birkhoff, Hendricks, and Carter, L.L.P. to perform the engineering design and the construction plans for the SH 276 Utility Relocation Project in an amount not to exceed \$251,020.00, to be funded out of the Water and Sewer Fund, and take any action necessary.
9. Consider approval of the construction contract for the Heath Street Pump Station Project and authorize the Interim City Manager to execute a construction contract with Crescent Construction, Inc. in the amount of \$2,777,000.00 to be funded out of the Water and Sewer Fund, and take any action necessary.
10. Consider approval of the contract for the construction materials testing for the Heath Street Pump Station Improvement Project and authorize the Interim City Manager to execute a construction contract with Alliance Geotechnical Group in the amount of \$32,915.63 to be funded out of the Water and Sewer Fund, and take any action necessary.
11. Consider approval of the construction contract for the North Lakeshore Bridge Repair Project and authorize the Interim City Manager to amend the General Fund Budget and execute a construction contract with A&B Construction, LLC in the amount of \$489,414.50 to be funded out of General Fund Reserves, and take any action necessary.
12. **P2021-019** - Consider a request by Humberto Johnson of the Skorburg Co. on behalf of John Arnold of Gideon Grove Addition, LTD for the approval of a *Final Plat* for Phase 2 of the Gideon Grove Subdivision consisting of 84 single-family residential lots on a 30.36-acre tract of land identified as a portion of Tract 1-01 of the S. R. Barnes Survey, Abstract No. 13, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 84 (PD-84) for Single-Family 7 (SF-7) District land uses, generally located at the northwest corner of the intersection of E. Quail Run Road and John King Boulevard, and take any action necessary.

13. **P2021-020** - Consider a request by Randall Eardley of Weir & Associates, Inc. on behalf of Stephen Doyle of Structured REA-Rockwall Land, LLC for the approval of a *Preliminary Plat* for Lots 1-6, Block A, Fit Sport Life Addition being a 55.784-acre tract of land identified as a portion of Tract 22 and all of Tracts 22-2 & 24 of the R. Irvine Survey, Abstract No. 120, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) and FM-549 Overlay (FM-549 OV) Districts, generally located at the southeast corner of the intersection of Corporate Crossing [FM-549] and the IH-30 Frontage Road, and take any action necessary.
14. Consider approval of a recommendation from the Hotel Occupancy Tax (HOT) Subcommittee regarding funding for the Texas State Association of Fire Fighters Convention in the amount of \$66,341 and authorize the Interim City Manager to execute associated contract, and take any action necessary.

X. Appointment Items

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

XI. Public Hearing Items

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

1. **Z2021-008** - Hold a public hearing to discuss and consider a request by Lance Tyler on behalf of the owner Mike Worster for the approval of an **ordinance** for a *Specific Use Permit (SUP)* allowing *Residential Infill Adjacent to an Established Subdivision*, an *Accessory Building*, and a *Guest Quarters/Secondary Living Unit* for the purpose of constructing a single-family home, accessory building, detached garage, and guest quarters/secondary living unit on a 8.011-acre tract of land identified as Tract 19-2 of the S. S. McCurry Survey, Abstract No. 146, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 5 (PD-5) for Single-Family 8.4 (SF-8.4) District land uses, addressed as 550 E. Quail Run Road, and take any action necessary **(1st Reading)**.
2. **Z2021-009** - Hold a public hearing to discuss and consider a request by Michael Morgan on behalf of the owner Gary Scott Barron for the approval of an **ordinance** for a *Specific Use Permit (SUP)* allowing *Residential Infill in an Established Subdivision* for the purpose of constructing a single-family home on a 0.16-acre parcel of land identified as Lot 9, Block D, Foree Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 704 Parks Avenue, and take any action necessary **(1st Reading)**.
3. **Z2021-010** - Hold a public hearing to discuss and consider a request by Mark Klecha for the approval of an **ordinance** for a *Specific Use Permit (SUP)* superseding *Ordinance No. 20-34* and allowing an accessory building that does not conform to *S-231 [Ordinance No. 20-34]* on a 0.2297-acre parcel of land identified as Lot 6, Block O, Hillcrest Shores Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 11 (PD-11) for Single-Family 10 (SF-10) District land uses, addressed as 1748 Lake Breeze Drive, and take any action necessary **(1st Reading)**.
4. **Z2021-011** - Hold a public hearing to discuss and consider a request by Kristi Bryant for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for an *Accessory Building* to allow an existing greenhouse on a 0.496-acre tract of land identified as Lot 5 & 6, Block A, Highridge Estates Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, addressed as 710 & 804 S. Alamo Road, and take any action necessary **(1st Reading)**.
5. **Z2021-013** - Hold a public hearing to discuss and consider approval of an **ordinance** for a *Text Amendment* to Subsection 06.15, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] for the purpose of clarifying the requirements for temporary structures on leased property within the takeline area **(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. Discuss and consider Park Board recommendation regarding naming the lighthouse at The Harbor in memory of former Rockwall Mayor, Scott Self, and take any action necessary.
2. **A2021-001** - Discuss and consider the expiration of existing 212 Development Agreements for two (2) areas contiguous with the City of Rockwall's corporate limits and being identified as: (Area 1) approximately 177.47-acres of land generally located southeast of Hanby Lane and Buffalo Way Road; and (Area 2) approximately 24.98-acres of land located along the southeast side of FM550, south of SH276; and take any action necessary.

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 appointment of city council subcommittees, board liaisons and designation of Mayor Pro Tem, pursuant to Section, §551.074 (Personnel Matters).
2. Discussion regarding the 212 development agreement and the possible annexation of land in the vicinity of FM-1141 and Clem Road pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
3. Discussion regarding appointment of Presiding Judge, Associate Judge, and Prosecutor of the Rockwall Municipal Court, pursuant to Section, §551.074 (Personnel Matters).
4. Discussion regarding Texas Coalition for Affordable Power and Gexa Energy's notice of Ancillary Services costs pursuant to Section 551.071 (Consultation with Attorney) and Section 551.086 (Competitive Matter).

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 Cole, City Secretary for the City of Rockwall, Texas, do hereby certify that this Agenda was posted at City Hall, in a place readily accessible to the general public at all times, on the 14th day of May, 2021 at 4:00 p.m. and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

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

Date Removed



CITY OF ROCKWALL, TEXAS MEMORANDUM

TO: Honorable Mayor & City Council Members
FROM: Kristy Cole, City Secretary/Assistant to the City Manager
DATE: May 12, 2021
SUBJECT: Swearing in of newly elected city council members

Rockwall Municipal Court Judge Matthew R. Scott will be present to administer the Oath of Office to newly elected Mayor, Kevin Fowler.

Rockwall County Judge Brian Williams will be present to administer the Oath of Office to newly elected Council Members Bennie Daniels, Dana Macalik and Anna Campbell.

Rockwall County Judge / Justice of the Peace Mark Russo will be present to administer the Oath of Office to newly elected Council Member Clarence Jorif.

The terms associated with the newly elected officials are as follows:

OFFICE	NAME	TERM
Mayor	Kevin Fowler	Two (2) Years – ending May 2023
Place 1	Bennie Daniels	Two (2) Years – ending May 2023
Place 3	Clarence L. Jorif	Two (2) Years – ending May 2023
Place 5	Dana K. Macalik	Two (2) Years – ending May 2023
Place 6	Anna Campbell	One (1) Year – ending May 2022



Proclamation

Whereas, according to the National Council for Behavioral Health,

- 1 in 5 U.S. adults experience mental illness each year;
- 1 in 20 U.S. adults experience serious mental illness each year;
- 1 in 6 U.S. youth aged 6-17 experience a mental health disorder each year;
- 50% of all lifetime mental illness begins by age 14, and 75% by age 24;
- Suicide is the second leading cause of death among people aged 10-34; and

Whereas, almost everyone has been touched by mental illness, either directly or through someone they care about, regardless of geography, gender, age, politics, or socio-economic status; and

Whereas, navigating life with a mental health condition can be tough, with stigma, bullying and discrimination often posing large obstacles to early identification and effective treatment that could potentially allow impacted individuals an ability to lead full, productive lives; and

Whereas, the need for comprehensive, coordinated mental health services for children, youth, young adults, and families in our community is a critical responsibility; and

Whereas, we as a city vow to come together to help end the silence and stigma surrounding mental illness, which for far too long has made people feel isolated and alone and has caused them not to seek the help they truly need.

Now, Therefore, I, Kevin Fowler, Mayor of the City of Rockwall, Texas, do hereby proclaim **May 2021** as

MENTAL HEALTH AWARENESS MONTH

in the City of Rockwall and urge all citizens to take time to learn about mental health while displaying compassion and understanding to those who are navigating mental illness in their own, personal lives.

In Witness Whereof, I hereunto set my hand and official seal this 17th day of May, 2021.

Kevin Fowler, Mayor

Rockwall  Texas

Proclamation

Whereas, today's society finds more citizens involved in motorcycling on the roads of our country; and

Whereas, motorcyclists are roughly unprotected and are much more likely to be injured or killed in a crash than other vehicle drivers; and

Whereas, safety-related campaigns have helped inform riders and motorists alike of ways to reduce motorcycle related risks, injuries, and most of all fatalities, through a comprehensive approach to motorcycle safety; and

Whereas, it is the responsibility of all who put themselves behind the wheel to become aware of motorcyclists and to regard them with the same respect as any other vehicle traveling the highways of this country; and

Whereas, we urge our community to be aware of the inherent dangers involved in operating a motorcycle and for drivers to give motorcyclists the respect on the road they deserve.

Now, Therefore, I, Kevin Fowler, Mayor of the City of Rockwall, Texas, do hereby proclaim **May 2021** as:

MOTORCYCLE SAFETY & AWARENESS MONTH

In the City of Rockwall and urge all citizens to do their part to increase safety and awareness of motorcyclists in and around our community.

In Witness Whereof, I hereby affix my official hand and seal this 17th day of May, 2021.



Kevin Fowler, Mayor

Rockwall,



Texas

Proclamation

Whereas, for nearly 90 million Americans, including many local citizens in our lakeside community, boating is a popular recreational activity, allowing families and friends time together while boating, sailing, paddling, and fishing; and

Whereas, during National Safe Boating Week, we want to bring special attention to this pastime and remind recreational boaters of a few tips to ensure that they and their loved ones are safe and responsible while exploring our nation's waterways; and

Whereas, on average, 650 people die each year in boating-related accidents in the U.S. with approximately three-fourths of these fatalities being caused by drowning; and

Whereas, modern life jackets are more comfortable, attractive, and wearable than styles of the past, and a significant number of boaters whose lives were lost annually due to drowning would be alive today had they worn a life jacket; and

Whereas, the U.S. Coast Guard Auxiliary, Flotilla 5-10, Division 5, District 8CR, which represents Lake Ray Hubbard, supports programs which result in our waterways having a safe, accident free record, providing valuable tips and information to help ensure your activities don't result in tragedy.

Now, Therefore, I, Kevin Fowler, Mayor of the City of Rockwall, do hereby proclaim the week of **May 22 – 28, 2021**, as

SAFE BOATING WEEK

in the City of Rockwall and urge all residents to institute safe boating practices and "Wear It" this week and throughout the entire boating season.



In Witness Whereof, I hereunto affix my hand and official seal this 17th day of May, 2021.

Kevin Fowler, Mayor



Proclamation

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

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

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

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

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


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

Now, Therefore, I, Kevin Fowler, Mayor of the City of Rockwall, do hereby proclaim the week of **May 16-22, 2021**, as:

PUBLIC WORKS WEEK

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

In Witness Whereof, I hereunto affix my hand and official seal this 17th day of May, 2021.



Kevin Fowler, Mayor

ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, May 03, 2021 - 5:00 PM

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

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the public meeting to order at 5:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Kevin Fowler, and Council Members Anna Campbell, Dana Macalik, John Hohenshelt, Kevin Fowler, Bennie Daniels and Trace Johannesen. Also present

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 the acquisition of land in the vicinity of W. Rusk Street [SH-66] and N. Second Street pursuant to Section §551.072 (Real Property).
2. Discussion regarding possible sale/purchase/lease of real property in the vicinity of downtown, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
3. Discussion regarding possible sale/purchase/lease of real property in the vicinity of Airport Road & John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
4. Discussion regarding agreements between the City of Rockwall and Blackland Water Supply Corporation (WSC) pursuant to Section §551.071 (Consultation with Attorney).
5. Discussion regarding appointment(s) to city's Board of Adjustments (BOA), pursuant to Section 551.074 (Personnel Matters)

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 6:00 p.m.

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

Mayor Pruitt reconvened the public meeting at 6:01 p.m.

V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER HOHENSHELT

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

VI. PROCLAMATIONS / AWARDS / RECOGNITIONS

1. Outstanding Unit Citation, Rockwall Fire Department - Chief Cullins

Fire Chief, Kenneth Cullins, came forth and read this commendation, recognizing A Shift at Station 2 for a recent life-saving act. John Vick of Senator Bob Hall's office then came forth and presented certificates of recognition to each of the crew members as well.

2. Hometown Hero - Marilyn King

Mayor Pruitt called forth Mrs. King and her daughter. He then read and presented her with a proclamation and a small plaque recognizing her as a “Hometown Hero” for all the work she does with Seniors at the local YMCA as well as her work to promote the U.S. Constitution through the Daughters of the American Revolution. Mr. Vick of Senator Hall’s office then came forth and presented Mrs. King with a certificate on behalf of the senator.

3. Police Week Proclamation

Mayor Pruitt called forth Rockwall Police Chief Max Geron. He read and presented him with the proclamation for “Police Week.” Chief Geron then said a few, brief words and called forth Rockwall Police Lieutenant, Aaron McGrew, and his family to recognize him for his recent accomplishment in graduating first in his class at the Institute for Law Enforcement Administration (ILEA) (a law enforcement leadership program).

4. National Day of Prayer

Mayor Pruitt explained what National Day of Prayer is and then read this proclamation into the record. He expressed that this proclamation is the very most important one that he has given annually since he has been mayor of Rockwall.

5. Older Americans Month

Mayor Pruitt called forth Margie Verhagen, who leads the Rockwall County Meals on Wheels program, and her program coordinator, Jessica, and one of her board members, David White. He then read and presented them with a proclamation naming May as “Older Americans Month.”

6. Food Allergy Awareness Week

Mayor Pruitt called forth resident Sophia Ivory and her comrades. Ms. Ivory said a few words before the mayor then read and presented them with this proclamation for Food Allergy Awareness Week.

7. Recognition of graduating Youth Advisory Council (YAC) members

Mayor Pruitt called forth three YAC students – Mary Claire Weible, Parker Yarbrough, and Evelyn Valk – recognizing them for their service and participation on the city’s YAC and congratulating them on their upcoming high school graduations.

8. Recognition of outgoing Mayor, Jim Pruitt

Mayor Pro Tem Kevin Fowler came forth and read a proclamation proclaiming today as “Mayor Jim Pruitt Appreciation Day” in the City of Rockwall. Mayor Pruitt then provided lengthy comments, generally thanking each of his fellow council members and city staff members for all of their hard work over the years.

VII. OPEN FORUM

**Rick Crowley, former City Manager of Rockwall
701 Cornell Drive
Rockwall, TX**

Mr. Crowley came forth and thanked Mayor Pruitt for his years of service to the City of Rockwall.

**Meredith and Ben Fox
850 Turquoise Place
Rockwall, TX**

Mr. and Mrs. Fox came forth and indicated that she would like to introduce Graham DeFranco, Rockwall resident who recently appeared on the TV show, American Idol. Mrs. Fox went on indicate that she would like the city to consider allowing Graham to be the ‘opening act’ for one of the bands that is already booked to perform at The Harbor during one of the city’s upcoming Concert by the Lake events.

VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Fowler moved to appoint Kyle Thompson as an “alternate” on the city’s Board of Adjustments. Councilmember 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 April 19, 2021 regular city council meeting, and take any action necessary.
- 2.** **P2021-017** - Consider a request by Brian Wade of Raymond L. Goodson Jr., Inc. on behalf of Jason Linscott of Rockwall Regional Hospital, LLC for the approval of a Replat for Lot 25, Block A, Presbyterian Hospital of Rockwall Addition being a 23.0927-acre parcel of land identified as Lot 24, Block A, Presbyterian Hospital of Rockwall Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 9 (PD-9) for General Retail (GR) District land uses, addressed as 3142-3150 Horizon Road [FM-3097], and take any action necessary.
- 3.** **P2021-018** - Consider a request by Jonathan Stites of Seefried Industrial Properties on behalf of Amazon.com Services, LLC for the approval of a Final Plat for Lot 1-3, Block A, DDF9 Addition being a 90.68-acre tract of land identified as Tract 20 & 20-1 of the A. Hanna Survey, Abstract No. 99, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, generally located at the southwest corner of Justin Road and Industrial Boulevard, and take any action necessary.
- 4.** Consider approval of the construction contract for the Turtle Cove Boulevard. and W. Yellowjacket Lane Reconstruction Project and authorize the City Manager to execute a construction contract with Quality Excavation, LLC in the amount of \$1,128,090.00 to be funded by 2018 Street Bonds, and take any action necessary.
- 5.** Consider approval of the contract for the construction materials testing for the Turtle Cove Boulevard. and W. Yellowjacket Lane Reconstruction Project and authorize the City Manager to execute a construction contract with Alliance Geotechnical Group in the amount of \$65,105.00 to be funded by 2018 Street Bonds, and take any action necessary.

Councilmember Hohenshelt moved to approve the Consent Agenda (#1, 2, 3, 4, and 5) (minus

#4). Mayor Pruitt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

X. APPOINTMENT ITEMS

1. Appointment with Chris Knox of the Rockwall County Sheriff's Posse to hear a request for street closures on Fri. night, Nov. 5, 2021 thru Sat. afternoon, Nov. 6 on E. Kaufman St. and N. San Jacinto St. associated with the organization's annual "Roundup" event, and take any action necessary.

Mr. Knox came forth and spoke briefly about his event and request. Mayor Pruitt then moved to approve the street closures for this event, as requested. Mayor Pro Tem Fowler seconded the motion, which passed by a vote of 7 ayes to 0 nays.

2. Appointment with Rockwall Youth Advisory Council (YAC) to hear year-end program report, and take any action necessary.

YAC Members, Mary Claire Weible and Peyton Nielsen, came forth and briefed Council on the various activities in which YAC was involved over the course of the school year.

XI. ACTION ITEMS

1. Consider an **ordinance** amending Chapter 22, *Miscellaneous Offenses*, of the Municipal Code of Ordinances to adopt changes that would address regulatory actions for improvements and storage on unleased land within the takeline, and take any action necessary. **(2nd reading)**

Councilmember Johannesen moved to approve the ordinance. Councilmember Macalik seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-18**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING CHAPTER 22, *MISCELLANEOUS OFFENSES*, FOR THE PURPOSE OF INCORPORATING A NEW ARTICLE THAT PROVIDES REGULATIONS AND ENFORCEMENT FOR THE UNLAWFUL USE OF UNLEASED LAND WITHIN THE LAKE RAY HUBBARD TAKELINE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) 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 in favor with 2 abstentions (Pruitt and Fowler).

2. Discuss and consider holding concerts for local reality show contestants at The Harbor, and take any action necessary.

Council generally indicated that they are in agreement with having Graham DeFranco perform before an upcoming band takes the stage at an upcoming Concert by the Lake this season. Staff will coordinate these efforts.

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

1. Building Inspections Monthly Report - March 2021
2. Fire Department Monthly Report - March 2021
3. Parks & Recreation Department Monthly Report - March 2021
4. Police Department Monthly Report - March 2021
5. Sales Tax Historical Comparison
6. Water Consumption Historical Statistics

Interim City Manager, Mary Smith, indicated that staff is available to answer questions Council may have concerning monthly reports that have been provided in the meeting packet. No discussion took place.

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 the acquisition of land in the vicinity of W. Rusk Street [SH-66] and N. Second Street pursuant to Section §551.072 (Real Property).
2. Discussion regarding possible sale/purchase/lease of real property in the vicinity of downtown, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
3. Discussion regarding possible sale/purchase/lease of real property in the vicinity of Airport Road & John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
4. Discussion regarding agreements between the City of Rockwall and Blackland Water Supply Corporation (WSC) pursuant to Section §551.071 (Consultation with Attorney).
5. Discussion regarding appointment(s) to city's Board of Adjustments (BOA), pursuant to Section 551.074 (Personnel Matters)

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

Council did not reconvene in Executive Session following the close of the public meeting agenda.

XV. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 7:15 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 17th DAY OF MAY, 2021.

KEVIN FOWLER, MAYOR

ATTEST:

KRISTY COLE, CITY SECRETARY

ROCKWALL CITY COUNCIL SPECIAL MEETING

Monday, May 10, 2021 - 6:00 PM

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

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the meeting to order at 6:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Kevin Fowler, and Council Members Dana Macalik, Bennie Daniels and Trace Johannesen. Also present were Interim City Manager, Mary Smith and Assistant City Manager, Joey Boyd. Councilmembers Anna Campbell and John Hohenshelt were not present at the meeting.

II. OPEN FORUM

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

III. ACTION ITEMS

- 1 Discuss and consider approval of a resolution canvassing the returns of the May 1, 2021 General Election, and taken any action necessary.

City Secretary, Kristy Cole briefly addressed the Council and read the following “TOTAL” vote tallies for each candidate into the public record pertaining to the May 1, 2021 General Election:

MAYOR City of Rockwall

Vote For 1

	TOTAL	Absentee	Early Voting	Election Day
Kevin Fowler	3,478	21	2,301	1,156

COUNCIL PLACE-1 City of Rockwall

Vote For 1

	TOTAL	Absentee	Early Voting	Election Day
Bennie Daniels	3,288	21	2,174	1,093

COUNCIL PLACE-3 City of Rockwall

Vote For 1

	TOTAL	Absentee	Early Voting	Election Day
Priscylla Bento	590	9	424	157
Jerry Welch	567	4	375	188
Clarence L. Jorif	1,417	8	929	480
Dennis Lewis	950	1	635	314
Ron Smith	167	0	97	70

COUNCIL PLACE-5 City of Rockwall

Vote For 1

	TOTAL	Absentee	Early Voting	Election Day
Dana K. Macalik	3,257	21	2,164	1,072

COUNCIL PLACE 6 City of Rockwall

Vote For 1

	TOTAL	Absentee	Early Voting	Election Day
Anna Campbell	3,163	18	2,091	1,054

Ms. Cole indicated that, per City Charter, candidates receiving a 'plurality' of votes cast are declared the victors in contested races. Mayor Pro Tem Fowler moved to approve Resolution 21-07. Mayor Pruitt seconded the motion, which passed by a vote of five in favor with 2 being absent (Campbell and Hohenshelt). Mayor Pruitt handed out "Certificates of Election" to each declared winner and announced that the newly elected council members will be sworn into office at the May 17 regular city council meeting.

IV. ADJOURNMENT

Pruitt adjourned the meeting at 6:11 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 17th DAY OF MAY, 2021.

KEVIN FOWLER, MAYOR

ATTEST:

KRISTY COLE, CITY SECRETARY



City of Rockwall
The New Horizon
MEMORANDUM

TO: City Council

FROM: Joey Boyd, Assistant City Manager

DATE: May 12, 2021

SUBJECT: Oncor Electric Delivery Cost Recovery Factor Denial Resolution

The City is an electric utility customer of Oncor Electric Delivery Company LLC (“Oncor” or “Company”). The Oncor Cities Steering Committee (“OCSC”) is a coalition of similarly situated cities served by Oncor that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in Oncor’s service area in matters before the Public Utility Commission (“PUC” or “Commission”) and the courts.

On April 8, 2021, Oncor Electric Delivery Company LLC (“Oncor” or “Company”) filed an Application for Approval to Amend its Distribution Cost Recovery Factor (“DCRF”) to Increase Distribution Rates with each of the cities in their service area. In the filing, the Company asserts that it is seeking an increase in total distribution revenue requirement by approximately \$97,826,277.

The resolution authorizes the City to join with the Steering Committee of Cities Served by Oncor (“OCSC”) to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

Purpose of the Resolution:

The purpose of the Resolution is to deny the DCRF application proposed by Oncor.

Explanation of “Be It Resolved” Paragraphs:

1. This section authorizes the City to participate with OCSC as a party in the Company’s DCRF filing, PUC Docket No. 51996.
2. This section authorizes the hiring of Lloyd Gosselink and consultants to review the filing, negotiate with the Company, and make recommendations to the City regarding reasonable rates. Additionally, it authorizes OCSC to direct any necessary

administrative proceedings or court litigation associated with an appeal of this application filed with the PUC.

3. This paragraph finds that the Company's application is unreasonable and should be denied.

4. This section states that the Company's current rates shall not be changed.

5. The Company will reimburse Cities for their reasonable rate case expenses. Legal counsel and consultants approved by OCSC will submit monthly invoices that will be forwarded to Oncor for reimbursement.

6. This section recites that the Resolution was passed at a meeting that was open to the public and that the consideration of the Resolution was properly noticed.

7. This section provides that Oncor and counsel for OCSC will be notified of the City's action by sending a copy of the approved and signed Resolution to counsel.

CITY OF ROCKWALL

RESOLUTION NO. 21-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH OCSC; AUTHORIZING THE HIRING OF LEGAL COUNSEL AND CONSULTING SERVICES; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Rockwall, Texas ("City") is an electric utility customer of Oncor Electric Delivery Company LLC ("Oncor" or "Company") with an interest in the rates and charges of Oncor; and

WHEREAS, the Steering Committee of Cities Served by Oncor ("OCSC") is a coalition of similarly situated cities served by Oncor that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in Oncor's service area in matters before the Public Utility Commission ("Commission") and the courts; and

WHEREAS, on or about April 8, 2021, Oncor filed with the Commission an Application for Approval to Amend its Distribution Cost Recovery Factor ("DCRF"), Commission Docket No. 51996, seeking to increase its total distribution revenue requirement by approximately \$97,826,277; and

WHEREAS, the City of Rockwall will cooperate with OCSC in coordinating their review of Oncor's DCRF filing with designated attorneys and consultants, prepare a common response, negotiate with the Company, and direct any necessary litigation, to resolve issues in the Company's filing; and

WHEREAS, all electric utility customers residing in the City will be impacted by this ratemaking proceeding if Oncor's Application is granted; and

WHEREAS, working with the OCSC to review the rates charged by Oncor allows members to accomplish more collectively than each city could do acting alone; and

WHEREAS, OCSC's members and attorneys recommend that members who have retained original jurisdiction over electric utility rates deny Oncor's DCRF.

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

SECTION 1. That the City is authorized to participate with OCSC in Commission Docket No. 51996.

SECTION 2. That, subject to the right to terminate employment at any time, the City of Rockwall hereby authorizes the hiring of the law firm of Lloyd Gosselink Rochelle & Townsend, P.C. and consultants to negotiate with the Company, make recommendations to the City regarding reasonable rates, and to direct any necessary administrative proceedings or court litigation associated with an appeal Oncor's DCRF application.

SECTION 3. That the rates proposed by Oncor to be recovered through its DCRF charged to customers located within the City limits should be denied.

SECTION 4. That the Company should continue to charge its existing rates to customers within the City.

SECTION 5. That the City's reasonable rate case expenses shall be reimbursed in full by Oncor within 30 days of the adoption of this Resolution, and within 30 days of presenting monthly bills to Oncor thereafter.

SECTION 6. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

SECTION 7. That a copy of this Resolution shall be sent to J. Michael Sherburne, Vice President – Regulatory, Oncor Electric Delivery Company LLC, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202; to Tab R. Urbantke, Hunton Andrews Kurth LLP, 1445 Ross Avenue, Suite 3700, Dallas, Texas 7520; and to Thomas Brocato, General Counsel to OCSC, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, TX 78767-1725, or tbrocato@lglawfirm.com.

SECTION 8. That this resolution shall be in full force and effect from and after its passage, and it is accordingly so resolved.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS THIS 15th day of MARCH, 2021.

Kevin Fowler, Mayor

ATTEST:

Kristy Cole, City Secretary



MEMORANDUM

TO: Mary Smith, Interim City Manager

CC: Honorable Mayor and City Council

FROM: Lea Ann Ewing, Purchasing Agent

DATE: May 17, 2021

SUBJECT: BID AWARD FOR THE INSTALLATION OF A PICKLEBALL COURT AND PARKING LOT AT THE PARK AT HICKORY RIDGE

Attachments

Summary/Background Information

Approved at the April 5th City Council meeting was the location of the newest pickleball court and parking lot to be built at The Park at Hickory Ridge and the additional funding required for this new amenity. The total cost of the new court and parking lot is \$456,678.61 funded out of the Recreation Development Fund.

Following are trade and specialty item bids received for the new amenity:

- Surface/Nets by Master Systems Court (sole source) \$19,445
- Canopy by PlayWell Group (Buy Board purchasing coop contract) \$94,209.76
- Concrete court, drive, parking lot and sidewalk by Urban Infraconstruction (City of Rockwall Concrete pavement contract) \$187,482.85
- Lights by Musco and Nema 3 Electric (Buy Board purchasing coop contract) \$127,124
- Fence – TBD estimated cost \$11,067
- Wind Slats by Pioneer Athletics (Buy Board purchasing coop contract) \$2,350
- Contingency \$15,000

As a member and participant in the Buy Board cooperative program, the City has met all formal bidding requirements pertaining to the purchase and install of the canopy, electric service, and lights.

Action Needed

For Council consideration is this Pickle Ball Court and Parking Lot construction project bid award to the above listed vendors for the respective dollar amounts and authorize the Interim City Manager to execute purchase orders and/or contracts for this project.



MEMORANDUM

TO: Mary Smith, Interim City Manager

CC: Honorable Mayor and City Council

FROM: Lea Ann Ewing, Purchasing Agent

DATE: May 17, 2021

SUBJECT: BID AWARD TO REPLACE TWO POLICE PURSUIT VEHICLES

Attachments

Summary/Background Information

Recently a 2012 model Police Patrol Tahoe and a 2015 Patrol Charger were involved in separate vehicle accidents. TML has examined these wrecked vehicles and declared both totaled. TML has paid the City \$8,488 for the Tahoe as settlement. We are waiting on the at-fault driver's insurance to make a settlement offer on the Charger. Staff would like to replace both vehicles with new 2021 model pursuit Tahoe's including new equipment (safety lights, siren, graphics, push bumper, mounts and wiring for computer, audio/video system, radar and radio, prisoner seat, cage, window guards, storage vault, speakers, console and switch boxes). Total cost is \$118,800 less any current and future settlement offers.

A new 2021 model pursuit Tahoe meeting specifications will be available for purchase mid-June from Caldwell Country Chevrolet through the Buy Board purchasing cooperative contract #601-19. New equipment for these 2021 model Tahoe's would be purchased from Pursuit Safety using the City of Allen cooperative contract. As a member and participant in these cooperative programs, the City has met all formal bidding requirements pertaining to the purchase of these two new vehicles. Including the TML settlement there are not adequate funds in the Patrol vehicle budget to cover the cost of replacing the both totaled vehicles and equipment. Funding recommended is General Fund Reserves.

Action Needed

For Council consideration are the purchase of the two new Tahoe's \$74,800 and equipment \$44,000 out of General Fund Reserves less any settlement offers, the bid award to Caldwell Country Chevrolet and Pursuit Safety respectively, and authorizing the Interim City Manager to execute purchase orders.



MEMORANDUM

TO: Mary Smith, Interim City Manager

CC: Honorable Mayor and City Council

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

DATE: May 17, 2021

SUBJECT: CONSTRUCTION CONTRACT FOR THE RIDGE ROAD WEST RECONSTRUCTION PROJECT

Attachments

Location Map

Letter and Bid Tabulation

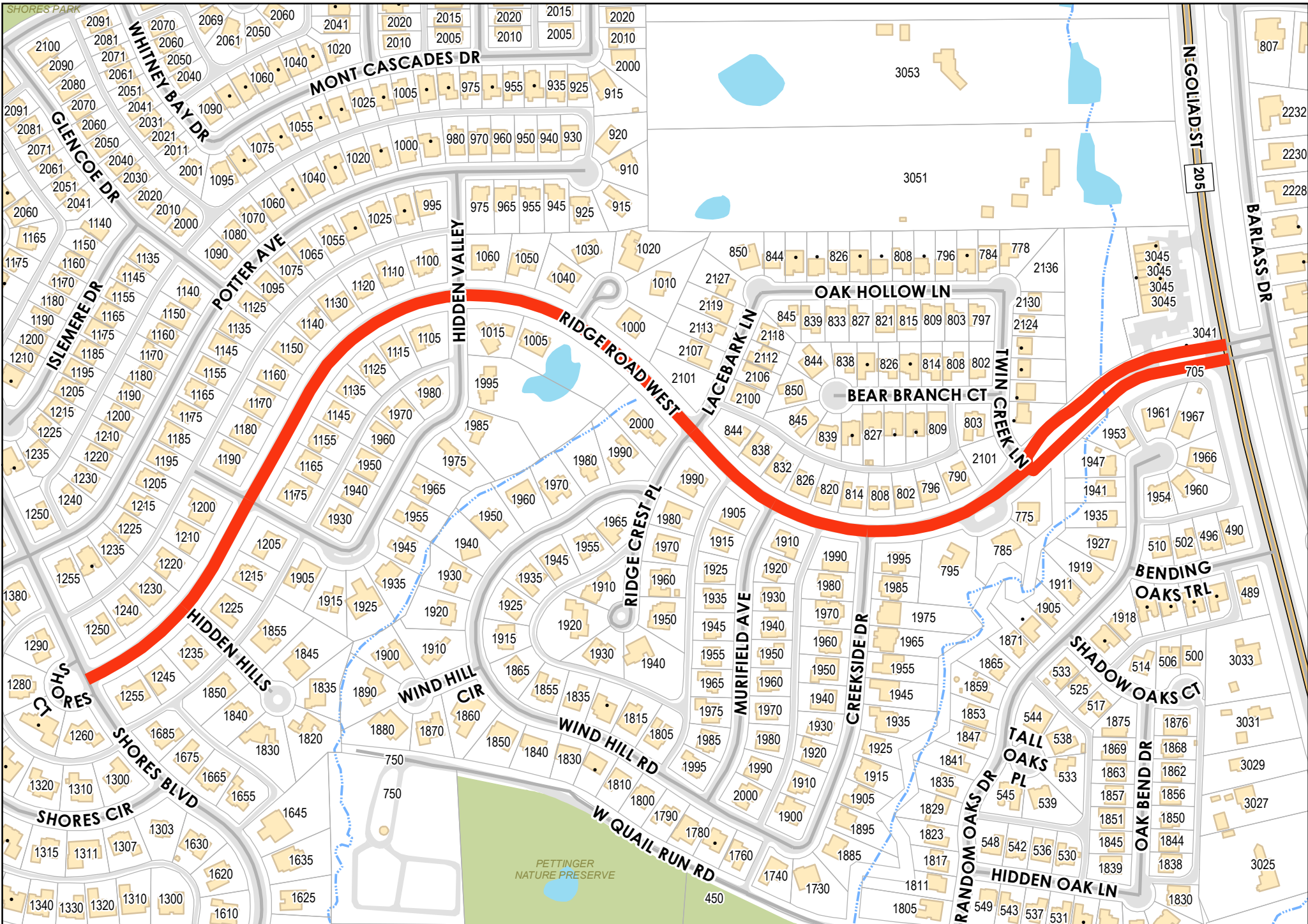
Summary/Background Information

The *Ridge Road West Reconstruction Project* is one of the roadway reconstruction projects in the 2018 Street Bond Program. The project, approximately 4,100 feet in length, will consist of roadway, sidewalk, and storm drainage improvements.

The City hired Dannenbaum Engineering Company – Dallas LLC to provide the engineering design and specifications for *Ridge Road West Reconstruction Project*. Staff received eight (8) bids for these construction projects through the bidding process which opened up on April 28, 2021. The low bidder was DDM Construction Corporation with a bid of \$3,354,900.00. The engineering consultants have verified the references for DDM Construction Corporation and provided a letter of recommendation.

Staff requests the City Council consider approving the construction contract for the *Ridge Road West Reconstruction Project*, and authorize the Interim City Manager to execute a contract with DDM Construction Corporation in an amount of \$3,354,900.00. If approved, this will be paid for out of the *2018 Street Bond* funds.

Action Needed



**City of
Rockwall**



0 150 300 Feet

Date: 4/1/2019

The data represented on this map was obtained with the best methods available. Data is supplied from various sources and accuracy may be out of the City of Rockwall's control. The verification of accuracy and / or content lies entirely with the end user. The City of Rockwall does not guarantee the accuracy of contained information. All information is provided 'As Is' with no warranty being made, either expressed or implied.

RIDGE ROAD WEST RECONSTRUCTION PROJECT

To: Jeremy White, P.E.
CC:
From: Danny Everett, P.E.
Date: 5/6/2021
Re: Ridge Road West Bid Recommendation of Award

Mr. White,

The city of Rockwall Ridge Road West Paving Improvements projects bid opening was held in the City Council chambers on April 28, 2021. The project consisted of the reconstruction of Ridge Road West from Shores Blvd. to North Goliad St. (SH 205). The project had two alternates in the bid and will be evaluated by City staff.

Eight qualified bidders submitted bids for the project as outlined in the attached summary of bids. The Engineers Cost Estimate was \$3,553,362.93. The verified low base bid of \$3,096,086.00 was received from DDM Construction Corporation. DDM Construction Corporation was also the verified low bidder on alternate 1 and alternate 2 at \$3,235,487.00 and \$3,354,900.00 respectively.

DEC has verified references on DDM Construction Corporation and found them to be qualified to perform the work for the Ridge Road West Paving Improvements project. DEC therefore recommends the award of the contract to DDM Construction Corporation. Should you have any comments or questions regarding this recommendation please feel free to contact me. DEC looks forward to continuing to work with the City of Rockwall on the construction phase portion of this project.

Sincerely,

 Danny Everett, P.E.

Danny Everett, P.E.

RIDGE ROAD WEST RECONSTRUCTION

DEC PROJECT NO. 5159-01

BID NO. TR2018-003

CITY OF ROCKWALL

BID OPENING DATE: APRIL 28, 2021

CHECKED BY: DANNY EVERETT, P.E.

				BIDDER 1		BIDDER 2		BIDDER 3		BIDDER 4		BIDDER 5		BIDDER 6		BIDDER 7		BIDDER 8	
				XIT Paving & Construction, Inc.		Ed Bell Construction Company		McMahon Contracting L.P.		Pavecon Public Works, LP		Tiseo Paving Co.		DDM Construction Corp.		Quality Excavation		Reliable Paving, Inc.	
Item No.	Item Description	Quantity	Unit	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost
BASE BID - Schedule A - Demolition/Preparation/Controls																			
1	Mobilization (5% MAX)	1	LS	\$155,000.00	\$155,000.00	\$108,000.00	\$108,000.00	\$140,420.00	\$140,420.00	\$120,000.00	\$120,000.00	\$136,250.00	\$136,250.00	\$150,000.00	\$150,000.00	\$260,000.00	\$260,000.00	\$65,000.00	\$65,000.00
2	Traffic Control Plan, Barricades, Signs & Related Devices	1	LS	\$250,000.00	\$250,000.00	\$300,000.00	\$300,000.00	\$106,225.28	\$106,225.28	\$302,428.66	\$302,428.66	\$35,500.00	\$35,500.00	\$170,000.00	\$170,000.00	\$197,881.00	\$197,881.00	\$425,000.00	\$425,000.00
3	Project Sign	2	EA	\$550.00	\$1,100.00	\$400.00	\$800.00	\$478.43	\$956.86	\$505.44	\$1,010.88	\$550.00	\$1,100.00	\$500.00	\$1,000.00	\$700.00	\$1,400.00	\$550.00	\$1,100.00
4	Prepraing ROW (including shrub removal)	1	LS	\$95000.00	\$95,000.00	\$200000.00	\$200,000.00	\$123258.54	\$123,258.54	\$85787.21	\$85,787.21	\$219000.00	\$219,000.00	\$20000.00	\$20,000.00	\$50000.00	\$50,000.00	\$100000.00	\$100,000.00
5	Storm Water Pollution Prevention Plan & Erosion Control	1	LS	\$25000.00	\$25,000.00	\$40000.00	\$40,000.00	\$25494.13	\$25,494.13	\$19770.66	\$19,770.66	\$22000.00	\$22,000.00	\$31000.00	\$31,000.00	\$15000.00	\$15,000.00	\$32000.00	\$32,000.00
6	Sawcut, Remove and dispose of Concrete Pavement (inc. curb) Driveway, Alley	20,199	SY	\$11.00	\$222,189.00	\$9.25	\$186,840.75	\$7.99	\$161,390.01	\$9.48	\$191,486.52	\$7.35	\$148,462.65	\$8.00	\$161,592.00	\$10.00	\$201,990.00	\$10.00	\$201,990.00
7	Sawcut, Remove and dispose of Concrete Sidewalk Including HC Ramps	1,333	SY	\$9.00	\$11,997.00	\$15.00	\$19,995.00	\$7.88	\$10,504.04	\$10.62	\$14,156.46	\$8.55	\$11,397.15	\$9.00	\$11,997.00	\$11.00	\$14,663.00	\$15.00	\$19,995.00
8	Remove Concrete Pavers and Slab (Sidewalks or	57	SY	\$20.00	\$1,140.00	\$25.00	\$1,425.00	\$12.65	\$721.05	\$10.42	\$593.94	\$18.00	\$1,026.00	\$20.00	\$1,140.00	\$13.00	\$741.00	\$9.00	\$513.00
9	Removing Existing Fence	38	LF	\$15.00	\$570.00	\$40.00	\$1,520.00	\$17.70	\$672.60	\$21.74	\$826.12	\$28.00	\$1,064.00	\$4.00	\$152.00	\$17.00	\$646.00	\$38.00	\$1,444.00
10	Remove, Furnish and Reinstall Mailboxes (Post Stlye)	10	EA	\$200.00	\$2,000.00	\$250.00	\$2,500.00	\$206.50	\$2,065.00	\$233.70	\$2,337.00	\$300.00	\$3,000.00	\$250.00	\$2,500.00	\$200.00	\$2,000.00	\$315.00	\$3,150.00
11	Remove , Finish and Reinstall Mailboxes (Brick or Stone Style)	32	EA	\$1000.00	\$32,000.00	\$1600.00	\$51,200.00	\$1693.30	\$54,185.60	\$1711.96	\$54,782.72	\$1600.00	\$51,200.00	\$1600.00	\$51,200.00	\$1500.00	\$48,000.00	\$1200.00	\$38,400.00
12	Remove and Dispose of Trees (10" or Smaller)	10	EA	\$320.00	\$3,200.00	\$500.00	\$5,000.00	\$545.25	\$5,452.50	\$320.65	\$3,206.50	\$495.00	\$4,950.00	\$400.00	\$4,000.00	\$350.00	\$3,500.00	\$500.00	\$5,000.00
13	Remove and Dispose of Trees (11" to 19")	1	EA	\$880.00	\$880.00	\$1000.00	\$1,000.00	\$1234.78	\$1,234.78	\$864.13	\$864.13	\$1300.00	\$1,300.00	\$1000.00	\$1,000.00	\$945.00	\$945.00	\$1100.00	\$1,100.00
14	Unclassified Street Excavation	5,934	CY	\$22.00	\$130,548.00	\$15.00	\$89,010.00	\$23.41	\$138,914.94	\$27.77	\$164,787.18	\$19.15	\$113,636.10	\$23.00	\$136,482.00	\$22.00	\$130,548.00	\$38.00	\$225,492.00
15	Embankment (TY C)	174	CY	\$30.00	\$5,220.00	\$10.00	\$1,740.00	\$58.40	\$10,161.60	\$81.23	\$14,134.02	\$45.00	\$7,830.00	\$28.00	\$4,872.00	\$42.00	\$7,308.00	\$31.00	\$5,394.00
TOTAL BASE BID - Schedule A- Demolition/Preparation/Controls		TOTAL:			\$935,844.00		\$1,009,030.75		\$781,656.93		\$976,172.00		\$757,715.90		\$746,935.00		\$934,622.00		\$1,125,578.00
BASE BID - Schedule B - Paving																			
16	Small Sign Assembly	18	EA	\$400.00	\$7,200.00	\$500.00	\$9,000.00	\$531.00	\$9,558.00	\$489.13	\$8,804.34	\$500.00	\$9,000.00	\$450.00	\$8,100.00	\$420.00	\$7,560.00	\$1450.00	\$26,100.00
17	6" Thick Lime Stabilized Subgrade (40#/SY)	21,504	SY	\$5.00	\$107,520.00	\$2.50	\$53,760.00	\$4.17	\$89,671.68	\$6.50	\$139,776.00	\$5.00	\$107,520.00	\$5.00	\$107,520.00	\$7.50	\$161,280.00	\$7.00	\$150,528.00
18	Lime for Subgrade Stabilization	516	TONS	\$200.00	\$103,200.00	\$190.00	\$98,040.00	\$189.98	\$98,029.68	\$185.20	\$95,563.20	\$198.00	\$102,168.00	\$220.00	\$113,520.00	\$204.00	\$105,264.00	\$200.00	\$103,200.00
19	8" Thick Reinf. Concrete Pavement (Inc. curb)	20,677	SY	\$62.00	\$1,281,974.00	\$67.00	\$1,385,359.00	\$57.60	\$1,190,995.20	\$69.47	\$1,436,431.19	\$61.20	\$1,265,432.40	\$54.00	\$1,116,558.00	\$71.00	\$1,468,067.00	\$72.00	\$1,488,744.00
20	6" Thick Reinf. Concrete Driveway	500	SY	\$70.00	\$35,000.00	\$100.00	\$50,000.00	\$63.49	\$31,745.00	\$76.09	\$38,045.00	\$54.95	\$27,475.00	\$76.00	\$38,000.00	\$74.00	\$37,000.00	\$95.00	\$47,500.00
21	Reinforced Concrete Sidewalk (4" Thick)	4,367	SY	\$58.00	\$253,286.00	\$75.00	\$327,525.00	\$64.29	\$280,754.43	\$57.23	\$249,923.41	\$47.55	\$207,650.85	\$59.00	\$257,653.00	\$50.00	\$218,350.00	\$60.00	\$262,020.00
22	Reinforced Concrete Sidewalk with Retaining Wall	56	SY	\$300.00	\$16,800.00	\$250.00	\$14,000.00	\$135.70	\$7,599.20	\$125.00	\$7,000.00	\$22.60	\$1,265.60	\$77.00	\$4,312.00	\$84.00	\$4,704.00	\$113.00	\$6,328.00
23	Barrier Free Ramp - Directional Curb Ramp	28	EA	\$1500.00	\$42,000.00	\$3000.00	\$84,000.00	\$2478.00	\$69,384.00	\$2282.61	\$63,913.08	\$1980.00	\$55,440.00	\$1550.00	\$43,400.00	\$1770.00	\$49,560.00	\$2700.00	\$75,600.00
24	Furnish and Install Wrought Iron Fence	203	LF	\$95.00	\$19,285.00	\$100.00	\$20,300.00	\$101.19	\$20,541.57	\$118.48	\$24,051.44	\$50.00	\$10,150.00	\$98.00	\$19,894.00	\$100.00	\$20,300.00	\$136.00	\$27,608.00
25	Concrete Mowstrip	30	SF	\$40.00	\$1,200.00	\$50.00	\$1,500.00	\$35.40	\$1,062.00	\$32.61	\$978.30	\$55.00	\$1,650.00	\$45.00	\$990.00	\$33.00	\$990.00	\$97.00	\$2,910.00
26	Sidewalk w/ Retaining Wall (Fill)	173	SF	\$167.00	\$28,891.00	\$250.00	\$43,250.00	\$35.40	\$6,124.20	\$32.61	\$5,641.53	\$15.00	\$2,595.00	\$300.00	\$51,900.00	\$310.00	\$53,630.00	\$97.00	\$16,781.00
27	Standard Concrete Pavement Leadwalk inc. Stairs (3" to 5" Match Existing)	75	SY	\$95.00	\$7,125.00	\$90.00	\$6,750.00	\$106.20	\$7,965.00	\$97.83	\$7,337.25	\$101.00	\$7,575.00	\$92.00	\$6,900.00	\$78.00	\$5,850.00	\$205.00	\$15,375.00
28	Special Finish Leadwalk Pavement (3" to 5" Match Existing)	2	SY	\$250.00	\$500.00	\$750.00	\$1,500.00	\$141.60	\$283.20	\$130.44	\$260.88	\$134.00	\$268.00	\$110.00	\$220.00	\$456.00	\$912.00	\$1300.00	\$2,600.00
29	Special Finish Driveways (4" to 6" Match Existing)	26	SY	\$95.00	\$2,470.00	\$375.00	\$9,750.00	\$141.60	\$3,681.60	\$130.43	\$3,391.18	\$134.00	\$3,484.00	\$110.00	\$2,860.00	\$132.00	\$3,432.00	\$90.00	\$2,340.00
30	Block Sod (match existing sod type)	3,430	SY	\$10.00	\$34,300.00	\$6.00	\$20,580.00	\$6.89	\$23,632.70	\$7.12	\$24,421.60	\$12.65	\$43,389.50	\$8.50	\$29,155.00	\$12.00	\$41,160.00	\$7.00	\$24,010.00
31	Relocate Bollards	4	EA	\$500.00	\$2,000.00	\$500.00	\$2,000.00	\$118.00	\$472.00	\$1195.65	\$4,782.60	\$2200.00	\$8,800.00	\$400.00	\$1,600.00	\$2000.00	\$8,000.00	\$300.00	\$1,200.00
32	Reflective Pavement Marking TY I (W) 12" (SLD)(100MIL)	80	LF	\$11.00	\$880.00	\$8.00	\$640.00	\$11.80	\$944.00	\$10.87	\$869.60	\$11.00	\$880.00	\$8.00	\$640.00	\$11.00	\$880.00	\$25.00	\$2,000.00
33	Reflective Pavement Marking TY I (W) 24" (SLD)(100MIL)	24	LF	\$35.00	\$840.00	\$15.00	\$360.00	\$35.40	\$849.60	\$32.61	\$782.64	\$33.00	\$792.00	\$15.00	\$360.00	\$37.00	\$888.00	\$50.00	\$1,200.00
TOTAL BASE BID - Schedule B - Paving		TOTAL:			\$1,944,471.00		\$2,128,314.00		\$1,843,293.06		\$2,111,973.24		\$1,855,535.35		\$1,803,942.00		\$2,187,827.00		\$2,256,044.00

RIDGE ROAD WEST RECONSTRUCTION
 DEC PROJECT NO. 5159-01
 BID NO. TR2018-003
 CITY OF ROCKWALL
 BID OPENING DATE: APRIL 28, 2021
 CHECKED BY: DANNY EVERETT, P.E.

				BIDDER 1		BIDDER 2		BIDDER 3		BIDDER 4		BIDDER 5		BIDDER 6		BIDDER 7		BIDDER 8	
				XIT Paving & Construction, Inc.		Ed Bell Construction Company		McMahon Contracting L.P.		Pavecon Public Works, LP		Tiseo Paving Co.		DDM Construction Corp.		Quality Excavation		Reliable Paving, Inc.	
Item No.	Item Description	Quantity	Unit	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost
BASE BID - Schedule A - Demolition/Preparation/Controls																			
BASE BID - Schedule C - Water																			
34	Adjust Existing Water Valve	11	EA	\$360.00	\$3,960.00	\$800.00	\$8,800.00	\$381.83	\$4,200.13	\$810.00	\$8,910.00	\$315.00	\$3,465.00	\$500.00	\$5,500.00	\$357.00	\$3,927.00	\$380.00	\$4,180.00
35	Relocate Water Meters and can to behind proposed sidewalk	31	EA	\$445.00	\$13,795.00	\$900.00	\$27,900.00	\$418.94	\$12,987.14	\$864.00	\$26,784.00	\$660.00	\$20,460.00	\$800.00	\$24,800.00	\$992.00	\$30,752.00	\$475.00	\$14,725.00
36	Relocate Fire Hydrant	2	EA	\$3300.00	\$6,600.00	\$2000.00	\$4,000.00	\$832.67	\$1,665.34	\$1728.00	\$3,456.00	\$4300.00	\$8,600.00	\$1200.00	\$2,400.00	\$2560.00	\$5,120.00	\$3600.00	\$7,200.00
37	Furnish and Install Fire Hydrant and valve with tapping sleeve	5	EA	\$8300.00	\$41,500.00	\$8500.00	\$42,500.00	\$5444.17	\$27,220.85	\$8542.80	\$42,714.00	\$9300.00	\$46,500.00	\$7000.00	\$35,000.00	\$9330.00	\$46,650.00	\$9000.00	\$45,000.00
38	6-inch water line relocation around proposed storm inlets and pipe	1	EA	\$7200.00	\$7,200.00	\$7000.00	\$7,000.00	\$2276.10	\$2,276.10	\$7020.00	\$7,020.00	\$9000.00	\$9,000.00	\$4400.00	\$4,400.00	\$6180.00	\$6,180.00	\$7700.00	\$7,700.00
39	8-inch water line relocation around proposed storm inlets and pipe	3	EA	\$7600.00	\$22,800.00	\$8000.00	\$24,000.00	\$2528.54	\$7,585.62	\$8100.00	\$24,300.00	\$6160.00	\$18,480.00	\$5300.00	\$15,900.00	\$9100.00	\$27,300.00	\$8200.00	\$24,600.00
TOTAL	BASE BID - Schedule C - Water	TOTAL:			\$95,855.00		\$114,200.00		\$55,935.18		\$113,184.00		\$106,505.00		\$88,000.00		\$119,929.00		\$103,405.00
BASE BID - Schedule D- Wastewater																			
40	Adjust Exist Sanitary Sewer Manhole	8	EA	\$1600.00	\$12,800.00	\$900.00	\$7,200.00	\$447.92	\$3,583.36	\$918.00	\$7,344.00	\$2100.00	\$16,800.00	\$600.00	\$4,800.00	\$3550.00	\$28,400.00	\$1800.00	\$14,400.00
41	Adjust Sanitary Sewer Cleanout	6	EA	\$1100.00	\$6,600.00	\$400.00	\$2,400.00	\$448.02	\$2,688.12	\$394.20	\$2,365.20	\$900.00	\$5,400.00	\$400.00	\$2,400.00	\$2020.00	\$12,120.00	\$1200.00	\$7,200.00
TOTAL	BASE BID - Schedule D- Wastewater	TOTAL:			\$19,400.00		\$9,600.00		\$6,271.48		\$9,709.20		\$22,200.00		\$7,200.00		\$40,520.00		\$21,600.00

RIDGE ROAD WEST RECONSTRUCTION

DEC PROJECT NO. 5159-01
 BID NO. TR2018-003
 CITY OF ROCKWALL
 BID OPENING DATE: APRIL 28, 2021
 CHECKED BY: DANNY EVERETT, P.E.

				BIDDER 1		BIDDER 2		BIDDER 3		BIDDER 4		BIDDER 5		BIDDER 6		BIDDER 7		BIDDER 8	
				XIT Paving & Construction, Inc.		Ed Bell Construction Company		McMahon Contracting L.P.		Pavecon Public Works, LP		Tiseo Paving Co.		DDM Construction Corp.		Quality Excavation		Reliable Paving, Inc.	
Item No.	Item Description	Quantity	Unit	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost
BASE BID - Schedule A - Demolition/Preparation/Controls																			
BASE BID - Schedule E-Drainage																			
42	Furnish and Install 18" RCP (CL III) including embedment	314	LF	\$211.00	\$66,254.00	\$82.00	\$25,748.00	\$70.00	\$21,980.00	\$88.56	\$27,807.84	\$116.60	\$36,612.40	\$100.00	\$31,400.00	\$125.00	\$39,250.00	\$225.00	\$70,650.00
43	Furnish and Install 24" RCP (CL III) including embedment	109	LF	\$250.00	\$27,250.00	\$164.00	\$17,876.00	\$95.89	\$10,452.01	\$135.00	\$14,715.00	\$145.20	\$15,826.80	\$115.00	\$12,535.00	\$130.00	\$14,170.00	\$270.00	\$29,430.00
44	Furnish and Install Storm Water Manhole 5x5	3	EA	\$6400.00	\$19,200.00	\$7500.00	\$22,500.00	\$6844.00	\$20,532.00	\$7560.00	\$22,680.00	\$7810.00	\$23,430.00	\$5800.00	\$17,400.00	\$7380.00	\$22,140.00	\$11000.00	\$33,000.00
45	Furnish and Install Standard Curb Inlet (10')	11	EA	\$5300.00	\$58,300.00	\$6000.00	\$66,000.00	\$5664.00	\$62,304.00	\$5940.00	\$65,340.00	\$8140.00	\$89,540.00	\$5800.00	\$63,800.00	\$6310.00	\$69,410.00	\$6900.00	\$75,900.00
46	Furnish and Install Standard Curb Inlet (15')	1	EA	\$7200.00	\$7,200.00	\$8000.00	\$8,000.00	\$7670.00	\$7,670.00	\$8100.00	\$8,100.00	\$10500.00	\$10,500.00	\$8500.00	\$8,500.00	\$7945.00	\$7,945.00	\$9300.00	\$9,300.00
47	Furnish and Install Standard Curb Inlet (20')	3	EA	\$9000.00	\$27,000.00	\$11500.00	\$34,500.00	\$9558.00	\$28,674.00	\$11340.00	\$34,020.00	\$11800.00	\$35,400.00	\$8700.00	\$26,100.00	\$8500.00	\$25,500.00	\$11000.00	\$33,000.00
48	4 IN PVC Underdrain Pipe Inc Embedment	59	LF	\$96.00	\$5,664.00	\$85.00	\$5,015.00	\$88.99	\$5,250.41	\$86.40	\$5,097.60	\$47.50	\$2,802.50	\$50.00	\$2,950.00	\$31.00	\$1,829.00	\$100.00	\$5,900.00
49	6 IN PVC Underdrain Pipe Inc Embedment	8	LF	\$83.00	\$664.00	\$90.00	\$720.00	\$133.52	\$1,068.16	\$91.80	\$734.40	\$70.00	\$560.00	\$68.00	\$544.00	\$66.00	\$528.00	\$90.00	\$720.00
50	6IN PERFORATED PVC Underdrain Pipe (ASTM F758) Inc Embedment	737	LF	\$69.00	\$50,853.00	\$105.00	\$77,385.00	\$65.83	\$48,516.71	\$103.68	\$76,412.16	\$51.80	\$38,176.60	\$40.00	\$29,480.00	\$37.00	\$27,269.00	\$75.00	\$55,275.00
51	Clean Existing Culverts and Storm Pipe	1	LS	\$6100.00	\$6,100.00	\$10000.00	\$10,000.00	\$17102.22	\$17,102.22	\$9180.00	\$9,180.00	\$22000.00	\$22,000.00	\$3400.00	\$3,400.00	\$5900.00	\$5,900.00	\$6500.00	\$6,500.00
52	CL B CONC (MISC) CONC Encasement	13	CY	\$330.00	\$4,290.00	\$400.00	\$5,200.00	\$240.05	\$3,120.65	\$324.00	\$4,212.00	\$175.00	\$2,275.00	\$300.00	\$3,900.00	\$258.00	\$3,354.00	\$350.00	\$4,550.00
TOTAL: BASE BID - Schedule E-Drainage		TOTAL:			\$272,775.00		\$272,944.00		\$226,670.16		\$268,299.00		\$277,123.30		\$200,009.00		\$217,295.00		\$324,225.00
BASE BID - Schedule F-Contingency																			
53	Construction Contingency (See ** Note on Bid Summary Sheet)	1	LS	\$250000.00	\$250,000.00	\$250000.00	\$250,000.00	\$250000.00	\$250,000.00	\$250000.00	\$250,000.00	\$250000.00	\$250,000.00	\$250000.00	\$250,000.00	\$250000.00	\$250,000.00	\$250000.00	\$250,000.00
TOTAL: BASE BID - Schedule F-Contingency		TOTAL:			\$250,000.00		\$250,000.00		\$250,000.00		\$250,000.00		\$250,000.00		\$250,000.00		\$250,000.00		\$250,000.00
BASE BID - ALTERNATE #1 BID																			
54	6" Thick Flex Base (Compact in Place)	21,504	SY	\$19.00	\$408,576.00	\$10.00	\$215,040.00	\$11.26	\$242,135.04	\$20.28	\$436,101.12	\$16.00	\$344,064.00	\$12.00	\$258,048.00	\$19.80	\$425,779.20	\$15.00	\$322,560.00
55	Additional Unclassified Street Excavation	3,591	CY	\$22.00	\$79,002.00	\$15.00	\$53,865.00	\$23.40	\$84,029.40	\$27.77	\$99,722.07	\$19.15	\$68,767.65	\$23.00	\$82,593.00	\$22.75	\$81,695.25	\$37.00	\$132,867.00
56	6" Lime Treated Subgrade	-21,504	SY	\$5.00	-\$107,520.00	\$2.50	-\$53,760.00	\$4.17	-\$89,671.68	\$6.50	-\$139,776.00	\$5.00	-\$107,520.00	\$5.00	-\$107,520.00	\$7.50	-\$161,280.00	\$7.00	-\$150,528.00
57	Hydrated Lime	-426	TONS	\$200.00	-\$85,200.00	\$190.00	-\$80,940.00	\$189.98	-\$80,931.48	\$185.20	-\$78,895.20	\$198.00	-\$84,348.00	\$220.00	-\$93,720.00	\$204.00	-\$86,904.00	\$200.00	-\$85,200.00
TOTAL: BASE BID - ALTERNATE #1 BID					\$294,858.00		\$134,205.00		\$155,561.28		\$317,151.99		\$220,963.65		\$139,401.00		\$259,290.45		\$219,699.00
BASE BID - ALTERNATE #2 BID																			
59	10" Thick Flex Base (Compact in Place)	21,504	SY	\$28.00	\$602,112.00	\$17.50	\$376,320.00	\$17.20	\$369,868.80	\$26.49	\$569,640.96	\$18.50	\$397,824.00	\$15.00	\$322,560.00	\$24.65	\$530,073.60	\$24.00	\$516,096.00
60	Additional Unclassified Street Excavation	5,978	CY	\$22.00	\$131,516.00	\$15.00	\$89,670.00	\$23.40	\$139,885.20	\$27.77	\$166,009.06	\$19.15	\$114,478.70	\$23.00	\$137,494.00	\$22.75	\$135,999.50	\$37.00	\$221,186.00
61	6" Lime Treated Subgrade	-21,504	SY	\$5.00	-\$107,520.00	\$2.50	-\$53,760.00	\$4.17	-\$89,671.68	\$6.50	-\$139,776.00	\$5.00	-\$107,520.00	\$5.00	-\$107,520.00	\$7.50	-\$161,280.00	\$7.00	-\$150,528.00
62	Hydrated Lime	-426	TONS	\$200.00	-\$85,200.00	\$190.00	-\$80,940.00	\$189.98	-\$80,931.48	\$185.20	-\$78,895.20	\$198.00	-\$84,348.00	\$220.00	-\$93,720.00	\$204.00	-\$86,904.00	\$200.00	-\$85,200.00
TOTAL: BASE BID - ALTERNATE #2 BID					\$540,908.00		\$331,290.00		\$339,150.84		\$516,978.82		\$320,434.70		\$258,814.00		\$417,889.10		\$501,554.00
				XIT Paving & Construction, Inc.		Ed Bell Construction Company		McMahon Contracting L.P.		Pavecon Public Works, LP		Tiseo Paving Co.		DDM Construction Corp.		Quality Excavation		Reliable Paving, Inc.	
BASE BID - Schedule A- Demolition/Preparation/Controls		1	LS		\$ 935,844.00		\$ 1,009,030.75		\$ 781,656.93		\$ 976,172.00		\$ 757,715.90		\$ 746,935.00		\$ 934,622.00		\$ 1,125,578.00
BASE BID - Schedule B - Paving		1	LS		\$ 1,944,471.00		\$ 2,128,314.00		\$ 1,843,293.06		\$ 2,111,973.24		\$ 1,855,535.35		\$ 1,803,942.00		\$ 2,187,827.00		\$ 2,256,044.00
BASE BID - Schedule C - Water		1	LS		\$ 95,855.00		\$ 114,200.00		\$ 55,935.18		\$ 113,184.00		\$ 106,505.00		\$ 88,000.00		\$ 119,929.00		\$ 103,405.00

RIDGE ROAD WEST RECONSTRUCTION
 DEC PROJECT NO. 5159-01
 BID NO. TR2018-003
 CITY OF ROCKWALL
 BID OPENING DATE: APRIL 28, 2021
 CHECKED BY: DANNY EVERETT, P.E.

				BIDDER 1		BIDDER 2		BIDDER 3		BIDDER 4		BIDDER 5		BIDDER 6		BIDDER 7		BIDDER 8	
				XIT Paving & Construction, Inc.		Ed Bell Construction Company		McMahon Contracting L.P.		Pavecon Public Works, LP		Tiseo Paving Co.		DDM Construction Corp.		Quality Excavation		Reliable Paving, Inc.	
Item No.	Item Description	Quantity	Unit	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost
BASE BID - Schedule A - Demolition/Preparation/Controls																			
	BASE BID - Schedule D- Wastewater	1	LS		\$ 19,400.00		\$ 9,600.00		\$ 6,271.48		\$ 9,709.20		\$ 22,200.00		\$ 7,200.00		\$ 40,520.00		\$ 21,600.00
	BASE BID - Schedule E-Drainage	1	LS		\$ 272,775.00		\$ 272,944.00		\$ 226,670.16		\$ 268,299.00		\$ 277,123.30		\$ 200,009.00		\$ 217,295.00		\$ 324,225.00
	BASE BID - Schedule F-Contingency	1	LS		\$ 250,000.00		\$ 250,000.00		\$ 250,000.00		\$ 250,000.00		\$ 250,000.00		\$ 250,000.00		\$ 250,000.00		\$ 250,000.00
TOTAL BASE BID					\$3,518,345.00		\$3,784,088.75		\$3,163,826.81		\$3,729,337.44		\$3,269,079.55		\$3,096,086.00		\$3,750,193.00		\$4,080,852.00
	BASE BID - ALTERNATE #1 BID	1	LS		\$ 294,858.00		\$ 134,205.00		\$ 155,561.28		\$ 317,151.99		\$ 220,963.65		\$ 139,401.00		\$ 259,290.45		\$ 219,699.00
TOTAL BASE BID + ALTERNATE #1 BID					\$3,813,203.00		\$3,918,293.75		\$3,319,388.09		\$4,046,489.43		\$3,490,043.20		\$3,235,487.00		\$4,009,483.45		\$4,300,551.00
	BASE BID - ALTERNATE #2 BID	1	LS		\$ 540,908.00		\$ 331,290.00		\$ 339,150.84		\$ 516,978.82		\$ 320,434.70		\$ 258,814.00		\$ 417,889.10		\$ 501,554.00
TOTAL BASE BID + ALTERNATE #2 BID					\$4,059,253.00		\$4,115,378.75		\$3,502,977.65		\$4,246,316.26		\$3,589,514.25		\$3,354,900.00		\$4,168,082.10		\$4,582,406.00
	Total Mobilization				\$155,000.00		\$108,000.00		\$140,420.00		\$120,000.00		\$136,250.00		\$150,000.00		\$260,000.00		\$65,000.00
	Mobilization as a Percentage				4.4%		2.9%		4.4%		3.2%		4.2%		4.8%		6.9%		1.6%



MEMORANDUM

TO: Mary Smith, Interim City Manager

CC: Honorable Mayor and City Council

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

DATE: May 17, 2021

SUBJECT: CONSTRUCTION MATERIALS TESTING FOR THE RIDGE ROAD WEST RECONSTRUCTION PROJECT

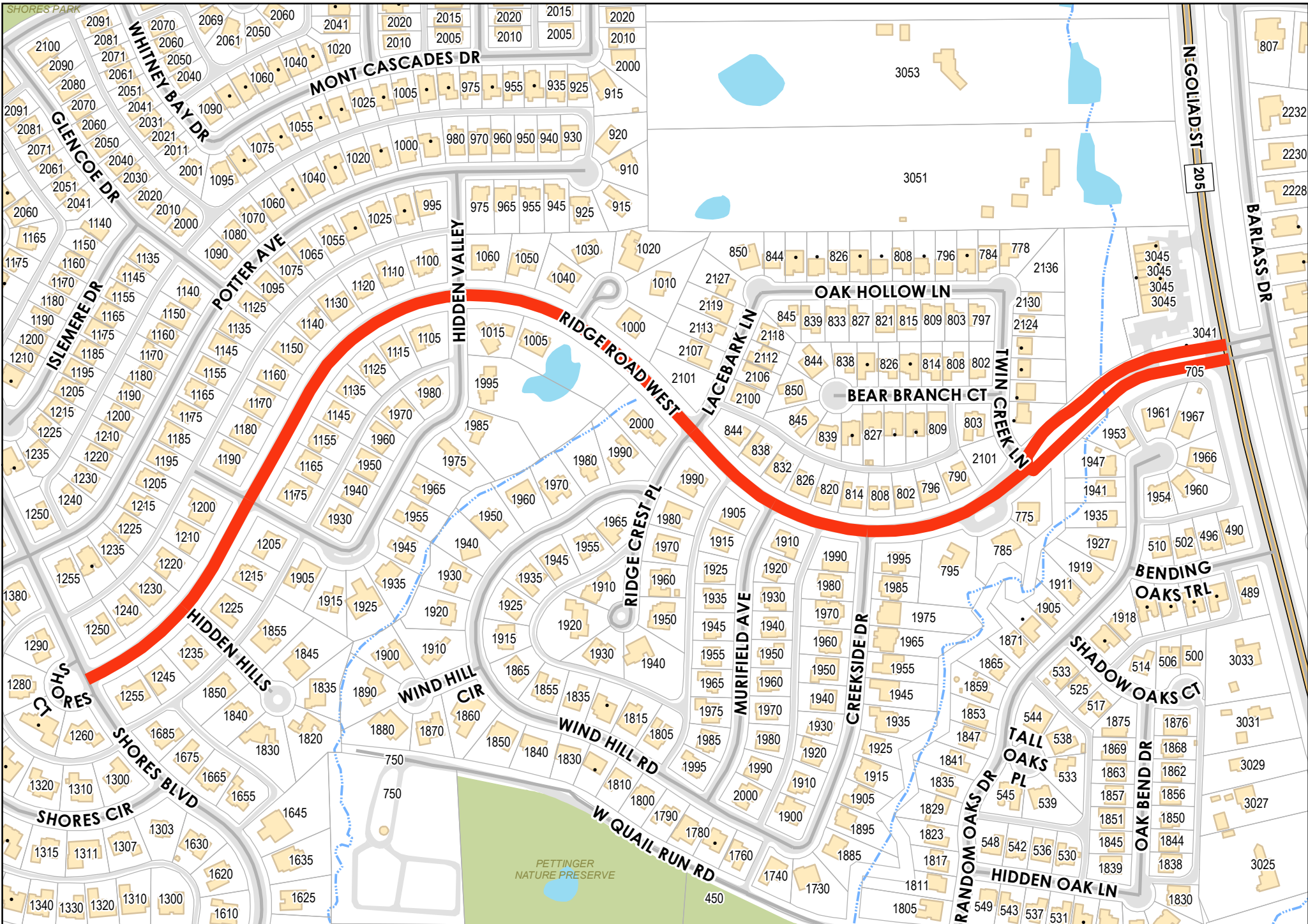
Attachments
Location Map
Contract

Summary/Background Information

City's *Engineering Standards of Design and Construction Manual* requires that construction material testing occur on all projects constructed by the City. Proper material testing ensures that City projects are constructed with materials that meet the City's standards, and which have the potential to reduce future maintenance and operational expenses after the construction is complete.

Staff requests that the City Council consider approving the construction materials testing contract for *Ridge Road West Reconstruction Project* and authorize the Interim City Manager to execute a contract with ESC Southwest, LLP in the amount of \$62,590.00. If approved, this will be paid out of the *2018 Street Bond Funds*.

Action Needed



**City of
Rockwall**



0 150 300 Feet

Date: 4/1/2019

The data represented on this map was obtained with the best methods available. Data is supplied from various sources and accuracy may be out of the City of Rockwall's control. The verification of accuracy and / or content lies entirely with the end user. The City of Rockwall does not guarantee the accuracy of contained information. All information is provided 'As Is' with no warranty being made, either expressed or implied.

RIDGE ROAD WEST RECONSTRUCTION PROJECT



ECS Southwest, LLP

ESTIMATED COST PROPOSAL FOR
CONSTRUCTION MATERIALS ENGINEERING & TESTING SERVICES

Ridge Road West
Rockwall, Texas

ECS Proposal Number **19:10826-CP**

ECS Southwest, LLP
3033 Kellway Drive, Suite 110
Carrollton, TX 75006
P: 972-392-3222

May 6, 2021





May 6, 2021

Jeremy M. White, P.E., CFM
Civil Engineer
Public Works – Engineering Division
City of Rockwall
385 S. Goliad
Rockwall, TX 75087

ECS Proposal No. 19:10826-CP

Reference: **Proposal for Construction Materials Engineering and Testing Services
Ridge Road West
Rockwall, Texas**

Dear Mr. White:

We are pleased to submit our unit fee proposal for **Construction Materials Engineering and Testing (CMT) Services** for this project. Based upon our extensive experience with local construction means and methods, quality assurance, quality control, and building construction in multiple markets in Texas, we can offer an unparalleled combination of service and value to your project. We have been providing CMT services along with geotechnical engineering and environmental services in the Dallas / Fort Worth metroplex since 2000.

Our staff of professional engineers and certified technicians will provide responsive and professional services to your project team. In addition, our paperless field reporting system will transmit to you and the project team our Project Principal reviewed testing and inspection reports within **24 to 48 hours** of when our actual observation / testing services are performed.

Our local North Texas operation benefits from having nationally accredited in-house geotechnical and construction materials testing laboratories. Our concrete laboratory performs compressive strength testing of concrete and masonry materials. Our soils laboratory performs soil tests including Proctors (moisture/density relationship) tests, Classifications, and California Bearing Ratios among others.

If you have any questions or comments regarding our proposal, please do not hesitate to contact us. ***We thank you for the opportunity to submit our proposal and look forward to the possibility of helping you on this project.***

Respectfully,
ECS Southwest, LLP

Nima Latifi, Ph.D., PMP
Materials Testing Department Manager
NLatifil@ecslimited.com

Vincent Elizarde, P.E.
Principal Engineer
VElizarde@ecslimited.com

PROJECT INFORMATION / OVERVIEW

Based upon previous project experience and the expected project work the proposed construction will consist of the following generalized components as they pertain to our construction materials engineering and testing services:

Project Location: Ridge Road West. Rockwall, TX

Project Description: 21,000 SY of pavement, 4500 SY of sidewalk, 900 LF of storm sewer improvements. The project also includes driveway, lead walk and alley approach replacement

- Below-grade utility improvement excavation backfill.
- Utility structure concrete sampling and testing.
- Driveway and Roadway Pavement subgrade soil proof rolling and/or testing (as needed).
- Roadway Pavement Lime-stabilized subgrade observation, sampling, and testing
- Driveway and Roadway Pavement concrete sampling and testing.
- Sidewalk subgrade compaction and testing.
- Sidewalk concrete sampling and testing.

SCOPE OF SERVICES

Our construction materials engineering and testing services scope is limited to our providing periodic testing and/or observations for the construction of the above-noted structures and features of this project. We anticipate that the project general contractor or their city representative (inspector) will be scheduling our services on an on-call, as-needed basis.

Unless otherwise directed by the client, items such as *service cancellations while our staff is in transit to the project site or once at the project site, onsite delays and standby time, and failed tests* are not factored into our scope.

We agree to provide an engineering technician(s) or an engineer, as scheduled (see above), to perform our construction materials observation, sampling, and testing services as noted in the following sections. *To most effectively service the client and facilitate the construction process and schedule, we request that our services be scheduled a minimum 24-hours in advance.* We anticipate the following services for this project:

Earthwork

Perform as-scheduled earthwork (soils) observation, sampling, and testing services including:

1. Obtain (pick up) soil samples and perform laboratory soil tests generally including moisture/density relationship (Standard Proctor) tests, soil classification tests (Atterberg Limits and percent finer than the no. 200 sieve) for each requested soil-type. Additional soil testing may be required depending on project-specific requirements.
2. Observe proof-rolling of prepared subgrade areas.
3. Observe placement and compaction of backfill materials (as scheduled).
4. Observe mixing and compaction of pavement base lime-stabilized soils.
5. Perform in-place moisture/density tests on placed and compacted soils and prepared subgrades.
6. As-requested, periodically observe excavation operations to document removal of unsuitable materials including but not limited to deleterious materials, trash, debris, frozen soil, or stones.

Reinforcing Steel & Cast-In-Place Concrete Structures

Perform as-scheduled observation, sampling, and testing services for concrete placement events including:

1. Observe reinforcing steel layout for size, spacing, cleanliness, length, splices, and positioning if requested.
2. Observe concrete placement, contractor procedures, and limited initial curing *only during the scheduled sampling and testing period. Continued observation of concrete placement outside the scheduled sampling and testing period is not expected and will not be performed unless specifically scheduled by the City of Dallas.*
3. Perform concrete field tests and associated measurements including slump, air content, unit weight, and ambient air & concrete temperature. Sample placed concrete materials.
4. Pick up concrete sample cylinders the following workday and transport them to the ECS concrete laboratory for processing, moisture curing, and subsequent compressive strength testing. *Appropriate onsite storage areas (curing boxes, shades, etc) for initial sample curing and any other field curing of concrete samples shall be provided by the contractor.*

Project Administration, Clerical, & Dispatching

Project Administrators / Clerical Staff will work on the projects as follows:

1. Perform Field Services Dispatching
2. Process Field Reports and Laboratory Test Result Reports.
3. Perform additional administrative duties to aid in project execution.

Project Management

Project Managers and Principal Engineers will manage the projects as follows:

1. Attend the Pre-Construction meeting (if held).
2. Coordinate field and lab services with the project general contractor and dispatch our field staff as scheduled.
3. Process, finalize, and distribute all field and laboratory reports.
4. Manage our project operation and services delivery as well as provide general material engineering consultation.

Our field staff or project professionals will provide documentation of events in the field and notify the project general contractor and the client (as needed) upon recognition of deficiencies.

ADDITIONAL SERVICES

The following services are not included in the Scope of Services and will be considered as *Additional Services*, if and when they are required, requested, or occur:

1. Construction materials observation, sampling, or testing for non-structural components.
2. Additional construction material samples for laboratory testing including early test samples or additional sample sets beyond the frequency required in the project documents. This includes observation of concrete placement outside of the scheduled sampling and testing period.
3. Services cancellation in transit or at the project site, including all associated staff time and vehicle charges.
4. Onsite delays and standby time.
5. Failed Tests, including all associated time, materials, and vehicle charges.
6. Field (on site) curing facilities and/or storage for the cementitious samples.
7. Attendance at construction meetings throughout the duration of the construction process.
8. Any additional services not specifically included in the above Scope of Services for this project.

The additional services noted above are not factored into our scope and estimated fees provided with this proposal. Unless defined specifically, all additional services will be invoiced at their standard rates (subject to overtime modification, where applicable) shown on the following fee schedule.

ESTIMATED FEES

Based on the general scope of work indicated above and our take-off quantities, presumed construction procedures, phasing, and schedule, we anticipate our construction materials engineering and testing fees as shown on the following “Estimated Fees & Total Cost” table.

The number of hours and level of effort that we based our proposal on should be considered approximate since it is not based upon a published construction schedule or provided material quantities. In addition, our actual number of hours and tests for this project will ultimately be determined by as-constructed magnitudes and frequencies of installation events as well as the proportion of concurrent events requiring our CMT services. If a construction schedule or material quantities become available, we can review them against our assumptions and be more definitive in our scope and estimated costs.

The rates applied to this project and utilized in our fee estimation are provided on the following “Standard Fee Schedule” table. Additions or deletions to our scope of work (estimated quantities) will be adjusted based on the established unit prices provided in this proposal for this project.

GENERAL ASSUMPTIONS

Based on the general project information and our scope of services outlined above, the general assumptions utilized in the preparation of our estimated fees are listed below:

1. All material sample pickups and transport to our Laboratory are separate trips, independent of scheduled services.
2. Utility trench excavation backfilling will be completed at a rate of **50-100 linear feet / day**.
3. All reinforcing steel observation will be performed by the City of Rockwall inspector.
4. Pavement base (lime-stabilized onsite soils) will be mixed and compacted, and density tests will be performed on separate trips from the subsequent concrete placement events.
5. Roadway pavement concrete placement events will generally consist of 100-300 linear feet of pavement per event for a total of **40 placement events**. Approximately 500 cubic yards (or less) of concrete are expected per placement event and therefore, one sample set of cylinders will be cast per event.
6. Sidewalk concrete and ramps will be constructed in **40 placement events**. Less than 100 cubic yards of concrete is expected per placement event.

ESTIMATED FEES & TOTAL COST

Description	Est. Quantity	Unit	Unit Price	Est. Total
UTILITIES				
Engineering Technician (Densities)	60	hr	\$ 40.00	\$ 2,400.00
Engineering Technician (Concrete)	36	hr	\$ 40.00	\$ 1,440.00
Concrete Cylinders (5 cyl/100 cy)	45	ea	\$ 12.00	\$ 540.00
Nuclear Gauge	30	day	\$ 50.00	\$ 1,500.00
Cylinder Pick up	18	ea	\$ 60.00	\$ 1,080.00
Vehicle Trip Charge	72	ea	\$ 50.00	\$ 3,600.00
TOTAL UTILITIES				\$ 10,560.00
PAVEMENTS				
Engineering Technician (Subgrades & Gradations)	120	hr	\$ 40.00	\$ 4,800.00
Moisture/Density Relationship Test	4	ea	\$ 135.00	\$ 540.00
Atterberg Limits & 200 Sieve	4	ea	\$ 110.00	\$ 440.00
Nuclear Gauge	40	ea	\$ 50.00	\$ 2,000.00
Lime Series	2	ea	\$ 250.00	\$ 500.00
Lime Gradations	56	ea	\$ 15.00	\$ 840.00
Engineering Technician (Concrete)	240	hr	\$ 40.00	\$ 9,600.00
Engineering Tech OT	40	hr	\$ 60.00	\$ 2,400.00
Concrete Cylinders (5 cyl/100 cy)	250	ea	\$ 12.00	\$ 3,000.00
Cylinder Pick Up	40	ea	\$ 60.00	\$ 2,400.00
Vehicle Trip Charge	81	ea	\$ 50.00	\$ 4,050.00
TOTAL PAVEMENTS				\$ 30,570.00
SIDEWALKS & MISCELLANEOUS				
Engineering Technician (Concrete)	150	hr	\$ 40.00	\$ 6,000.00
Nuclear Gauge	30	ea	\$ 50.00	\$ 1,500.00
Concrete Cylinders (5 cyl/pour/day)	150	ea	\$ 12.00	\$ 1,800.00
Cylinder Pick Up	36	ea	\$ 60.00	\$ 2,160.00
Vehicle Trip Charge	36	ea	\$ 50.00	\$ 1,800.00
TOTAL SIDEWALKS & MISCELLANEOUS				\$ 13,260.00
ENGINEERING/MANAGEMENT				
Project Manager/Report Review	50	hr	\$ 110.00	\$ 5,500.00
Principal Engineer	15	hr	\$ 180.00	\$ 2,700.00
TOTAL ENGINEERING/MANAGEMENT				\$ 8,200.00
ESTIMATED TOTAL COST				\$ 62,590.00

STANDARD FEE SCHEDULE

Description of Services	Notes	Unit Rate
Field Services		
• Engineering Technician		\$ 40.00 / hour
• Nuclear Gauge Fee		\$ 50.00 / day
• Core Drilling (Crew)		\$ 100.00 / hour
• Core Drilling (Equip. & Matls)		\$ 10.00 / each
Project Management & Engineering Services		
• Administrator / Clerical / Dispatch		\$ 50.00 / hour
• Project Manager		\$ 110.00 / hour
• Project Principal		\$ 180.00 / hour
• Concrete Mix Design Review		\$ 300.00 / each
• Certification Letter		\$ 350.00 / each
Laboratory Services		
• St. Proctor (Moist./Dens. Rel.)	ASTM D-698	\$ 135.00 / each
• Mod. Proctor (Moist./Dens. Rel.)	ASTM D-1557	\$ 160.00 / each
• Atterberg Limits Tests & Washed Sieve (- #200 Sieve)	ASTM D-4318	\$ 110.00 / each
• Lime Series	ASTM D-6276	\$ 250.00 / each
• Lime Gradations	ASTM D-6913	\$ 15.00 / each
• Free-Swell Test	ASTM D-4546	\$ 110.00 / each
• Conc. Cylinders (Comp. Str.)	ASTM C-39	\$ 12.00 / each
• Conc. Cores (Comp. Str.)	ASTM C-39	\$ 20.00 / each
Mobilization & Transportation		
• Core Drilling (Mobilization)		\$ 350.00 / each
• Material Sample Pickup		\$ 60.00 / trip
• Vehicle Charge		\$ 50.00 / trip
Additional Services (If Required)		
• Mileage (If Applicable)		\$ 0.70 / mile
• Retest of Failed Field Density Tests		\$ 35.00 / each

General Notes

1. There will be **no minimum charge** for services rendered on this project; billing will be based on specific unit rates reflecting only the actual time spent and tests performed on this project.
2. Hourly unit rates are based on a normal 8 hour work day, Monday through Friday (non-holidays), between normal business hours of 07:00 to 17:00. Hourly rates outside normal hours (excluding travel time), and on Saturday, Sunday, and Holidays, will be invoiced at a rate of 1.5 times the normal hourly rate indicated above.
3. Vehicle charges account for a round trip originating from our local office to the project site.

APPENDICES

REPORTING
BILLING
PROPOSAL ACCEPTANCE
COMPANY OVERVIEW
TERMS AND CONDITIONS

REPORTING

Daily field reports and laboratory test reports will be distributed via electronic mail (email) as part of our service to the distribution list determined by the client for this project. We will not distribute reports to any parties without permission from the client. ***Our reporting systems are fully computerized, we are able to submit both field and laboratory results within 24-48 hours of when our actual observation / testing services are performed.*** Report distribution by facsimile can be performed if specifically requested.

Where deficiencies in procedures or materials are recognized in the field or the laboratory, the general contractor will be notified as soon as possible. Electronic copies of reports can be forwarded via email to additional parties designated by the client, at no extra charge, as part of our service.

BILLING

Invoices will be issued on a monthly basis and will provide a breakdown of billing units grouped by the dates services were provided at project sites, unless modified by request of the client. Our invoices are normally processed on or around the 10th of each month and represent costs incurred during the previous calendar month. Our invoices will also display a monthly cumulative summary showing the project budget, previous invoice amount, current invoice amount, and remaining budget. This monthly summary will serve as a means of monitoring job expenses as they relate to job progress. We request that payment be rendered within 30 days of receipt of the invoice. ECS reserves the right to assess a finance charge of 1.5% per month on the outstanding balance over 30 days. ECS also reserves the right to withhold final certifications until outstanding balances have been paid in full.

All services provided for this project will be billed in accordance with the unit rate schedule. It is our belief that all required services have been included in our unit price list. Should supplemental services be deemed necessary at a later date, they would be invoiced at the rate noted on the fee schedule in effect at that time, unless otherwise agreed upon in advance. All unit prices listed herein shall remain as stated throughout the project.

Unless otherwise directed by the client, items such as *service cancellations while our staff is in transit to the project site or once at the project site, onsite delays and standby time, and failed tests* are not factored into our scope of services. Technician and project management time and vehicle charges as well as each failed test will be invoiced as additional (out of scope) services. Additional services noted are not factored into our scope and estimated fees provided with this proposal and will be invoiced as separate (out of scope) services. Unless defined specifically, all additional services will be invoiced at their standard rates (subject to overtime, where applicable) shown on the schedule of fees for this proposal.

PROPOSAL ACCEPTANCE

Attached to this letter, and an integral part of our proposal, are our "Terms and Conditions of Service". These conditions represent the current recommendations of the Geoprofessional Business Association, the Consulting Engineers' Council, and the Geo-Institute of the American Society of Civil Engineers.

Our insurance carrier requires that we receive a signed proposal acceptance form (following page) prior to initiation of work and release of any work product. This letter is the agreement for our services and your authorization for ECS to proceed with our defined scope of services. Your acceptance of this proposal is indicated by signing and returning the enclosed "Proposal Acceptance Form" to us.

We are pleased to have the opportunity to offer our services and look forward to working with you on this project.

PROPOSAL ACCEPTANCE FORM

ECS Proposal No.: 19:10826-CP
 ECS Proposal Date: March 12, 2021
 Project Name: Ridge Road West
 Location: Rockwall, Texas
 Scope of Work: Construction Materials Engineering & Testing Services
 Estimated Fees (Annual): \$62,590.00

ECS Principal Signature:  _____

Client Signature: _____

Date: **May 6, 2021** _____

Date: _____

Please complete this page and return one copy of this proposal to ECS to indicate acceptance of this proposal and to initiate work on the above-referenced project. The Client’s signature above also indicates that he/she has read or has had the opportunity to read the accompanying Terms and Conditions of Service and agrees to be bound by such Terms and Conditions of Service.

BILLING INFORMATION
 (Please Print or Type)

Name of Client: _____
 Name of Contact Person: _____
 Telephone No. of Contact Person: _____
 Party Responsible for Payment: _____
 Company Name: _____
 Person/Title: _____
 Department: _____
 Billing Address: _____

 Telephone Number: _____
 Client Project/Account Number: _____
 Special Conditions for Invoice: _____
 Submittal and Approval: _____

ECS offers a full array of services to assist you with *all* phases of your project, including but not limited to:

<input type="checkbox"/> Phase I, II and III Environmental Site Assessments	<input type="checkbox"/> Third Party Mechanical, Electrical, Plumbing Inspections Services	<input type="checkbox"/> Building Envelope, Roofing, and Waterproofing Inspection and Consultation
<input type="checkbox"/> Archaeological Assessments	<input type="checkbox"/> Geotechnical Engineering Services	<input type="checkbox"/> Pre- and Post-Construction Condition Assessments
<input type="checkbox"/> Wetlands Delineations	<input type="checkbox"/> Construction Materials Testing	<input type="checkbox"/> Specialty Materials and Forensics Testing
<input type="checkbox"/> Asbestos/Lead Paint Services	<input type="checkbox"/> Septic/Drainfield Design Services	
<input type="checkbox"/> Indoor Air Quality Mold Services	<input type="checkbox"/> LEED® Consulting Services	

Please indicate any of the services you are interested in and a member of the ECS team will contact you to discuss how we can be of service to your project.



COMPANY BACKGROUND AND HISTORY

ECS is a diverse consulting firm specializing in Geotechnical Engineering, Construction Materials Engineering and Testing, Environmental Services, and Facilities Engineering. Our firm was founded in 1987 and employs a staff of nearly 1,500 people including registered professional engineers and geologists, certified laboratory technicians and construction inspectors, field engineers, computer specialists, and support personnel. ECS operates 50 offices and continues to grow in the Midwest, Southwest, and Eastern states. Our firm is ranked on the Engineer News Record (ENR) Top 5 Geotechnical firms and top 100 pure design firms.

ECS Southwest, LLP, our local subsidiary operation with 6 offices throughout Texas and Oklahoma, offers a wide range of consulting services. Our services are divided into four major function groups described below:

Geotechnical Engineering Group performs subsurface explorations with emphasis on foundation systems for buildings of all types, drainage system designs and other ground water solutions, retaining structures, problem soil sites, slope stability evaluations, and deep foundation designs. Understanding that most cost overruns occur during construction, this is our best opportunity to provide value as well as up-front quality control.

Construction Materials Engineering and Testing Group provides full-scale testing and inspection services on numerous projects with scopes of work reflecting our ability to follow projects from earthwork phases through roofing construction, including:



Illume Park – Dallas, TX

- Full Service Construction Inspection
- Excavation Monitoring
- Foundation Installation, Observation & Testing
- Field & Laboratory Testing of Concrete, Steel, Masonry, Soil, and Fireproofing
- Floor Flatness Surveys
- Non-Destructive Concrete & Steel Testing
- Concrete Core Drilling & Testing

Environmental Services Group performs Phase I and Phase II Environmental Site Assessments, Site Characterization Studies, Risk Assessments and Remediation Assessment and Design, Wetlands Studies and Delineations, Wetlands Mitigation, and Asbestos and Lead Based Paint Surveys. The Environmental Services group oversees remedial activity to insure compliance with federal, state, and local regulations and guidelines as well as site specific environmental management plans.

Facilities Engineering Group performs property condition assessments, pre-construction and post construction condition surveys, building investigations, garage rehabilitation schemes, asphalt and concrete pavement evaluations, water infiltration evaluations, asbestos and lead-based paint consulting, materials testing and evaluation, non-destructive and selective destructive evaluation of structures, full-scale load testing, and general investigative engineering services associated with the built environment.

Our ECS Service Groups function as a team to deliver on multi-faceted projects thereby providing our clients a single consultant through the life of the project. Our commitment to client responsiveness and a combination of our technical excellence and practical experience has us able to deliver high quality deliverables in an expeditious fashion thereby facilitating the design and construction schedules.

VALUE ENGINEERING

An important part of the consulting engineer's role on a project team is value engineering. At ECS, we constantly strive to provide the most economical design without sacrificing quality or compromising safety. Each project and location presents different challenges and the opportunity for different solutions. ECS provides value engineering within all our major service groups. Brief examples include:

- Increasing bearing capacity to reduce the size and cost of foundation systems.
- Changing deep foundation systems (such as caissons or piles) to conventional shallow spread footing systems.
- Appropriately applying Modified and Standard Proctor values to the earthwork process, especially during mass-grading. This allows the contractor to achieve sufficient results with less time and effort, and ultimately reduces the cost of the work without changing the engineering properties.
- Utilizing technological advances in geosynthetics to provide economical solutions to stabilize subgrades during mass grading for slabs and pavements.
- Recommending the use of segmental block retaining walls instead of conventional concrete retaining walls to reduce costs.
- Accurately analyzing slab or pavement subgrades to reduce over design.
- Utilizing technologically advanced and more cost effective methods of the treatment of contaminated soils and ground water.
- Providing expeditious transmission of field observation and testing documentation during construction to reduce the magnitude of corrections or change orders.

ECS is often asked to review and revise recommendations performed by other firms. This is done by fully utilizing the engineering properties of the subsurface conditions. ECS thoroughly understands the capabilities of the subsurface conditions having performed extensive field and laboratory testing on the major soil and rock types within our local North Texas geologic area. In many cases ECS' fee is "paid for" by providing more project-pertinent and site-specific recommendations that result in overall time and cost savings for the project.



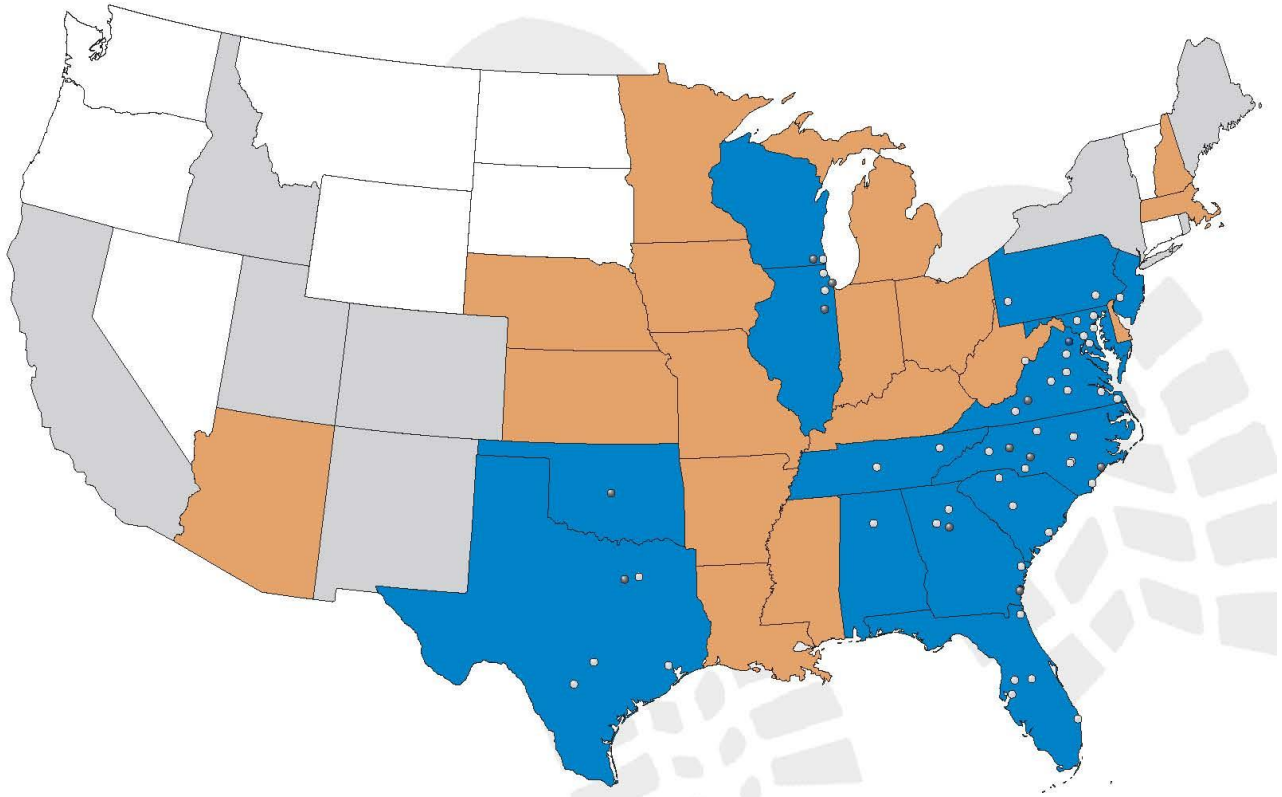
One Uptown – Dallas, TX



The Jordan Apartments – Dallas, TX

WHEREVER YOUR PROJECT TAKES YOU, ECS ALWAYS HAS...

boots on the ground.



SERVICES KEY

- Environmental & Facilities
- Geotechnical, Environmental, Materials Testing & Facilities
- Geotechnical, Environmental & Facilities

OFFICES KEY

- Full Service Office
- Testing Services Only
- Corporate Headquarters

Materials Testing Service Area is approximately a 75-mile radius around each office.



CONSTRUCTION MATERIALS ENGINEERING & TESTING SERVICES

ECS approaches providing materials engineering and testing services based on the requirements set forth by the local jurisdictions and project specifications. In addition, ECS has served on numerous projects requiring Special Inspections and we are thoroughly familiar with the International Building Code (IBC) inspection requirements. Our staff have served as Special Inspections Engineer of Record on hundreds of projects in areas of the country where IBC has been implemented.

Services

Our CMT services include all those common to the Texas and Oklahoma region including observation, sampling, testing, and engineering for: earthwork, foundation installation, reinforcing steel, cast-in-place concrete, structural masonry, post-tensioned concrete, structural steel, fireproofing, etc. In addition, ECS has local capabilities to perform specialty testing including ultrasound, infrared, ground penetrating radar, magnetic particle, concrete / asphalt coring capabilities, and floor flatness surveys.

Technician Certifications

In order to meet the project requirements for CMT services, ECS has developed in house training programs that produce certified technicians at all levels. Our proposed technicians all hold related certifications. In addition, we have access to certified technicians through our other regional offices. Common technician certifications include:

- International Code Council (ICC)
- American Concrete Institute (ACI)
- Washington Area Council of Engineering Laboratories, Inc (WACEL)
- American Welding Society Certified Welding Inspector (AWS)
- Floor Flatness (in-house certification)
- Exterior Insulation and Finish Systems (EIFS)



Laboratory Qualifications

ECS operates engineering laboratories at most of its locations. Our concrete laboratory handles all testing for compression testing of concrete, masonry, and cores. The soil laboratory provides testing of soil including Proctor tests, classifications, and CBR among others. Accreditations and inspections currently held by ECS Labs include:



- U.S. Army Corps of Engineers (USACE)
- Washington Area Council of Engineering Laboratories (WACEL)
- AASHTO Material Reference Laboratory (AMRL) - Proficiency Sampling
- National Institutes of Science & Technology (NIST)
- National Ready Mix Concrete Association (NRMCA) - Proficiency Testing

Delivery

ECS proposes to assign technicians qualified for the required services. A Project Manager based in the Carrollton, TX office will supervise our field and laboratory staff, attend meetings and correspond with the project team, review field and laboratory reports, provide engineering consulting as necessary and to prepare final certifications. In addition, a Principal Engineer of ECS will be assigned to the project to provide additional technical review and support. All technical reports will be submitted with signatures of both the Project Manager and Principal Engineer.

TERMS AND CONDITIONS OF SERVICE

The professional services (the "Services") to be provided by ECS Southwest, LLP ["ECS"] pursuant to the Proposal shall be provided in accordance with these Terms and Conditions of Service ("Terms"), including any addenda as may be incorporated or referenced in writing shall form the Agreement between ECS and Client.

- 1.0 INDEPENDENT CONSULTANT STATUS** - ECS shall serve as an independent professional consultant to CLIENT for Service on the Project, identified above, and shall have control over, and responsibility for, the means and methods for providing the Services identified in the Proposal, including the retention of Subcontractors and Subconsultants
- 2.0 SCOPE OF SERVICES** - It is understood that the fees, reimbursable expenses and time schedule defined in the Proposal are based on information provided by CLIENT and/or CLIENT'S contractors and consultants. CLIENT acknowledges that if this information is not current, is incomplete or inaccurate, if conditions are discovered that could not be reasonably foreseen, or if CLIENT orders additional services, the scope of services will change, even while the Services are in progress.
- 3.0 STANDARD OF CARE**
- 3.1 **In fulfilling its obligations and responsibilities enumerated in the Proposal, ECS shall be expected to comply with and its performance evaluated in light of the standard of care expected of professionals in the industry performing similar services on projects of like size and complexity at that time in the region (the "Standard of Care"). Nothing contained in the Proposal, the agreed-upon scope of Services, these Terms and Conditions of Service or any ECS report, opinion, plan or other document prepared by ECS shall constitute a warranty or guaranty of any nature whatsoever.**
- 3.2 CLIENT understands and agrees that ECS will rely on the facts learned from data gathered during performance of Services as well as those facts provided by the CLIENT. CLIENT acknowledges that such data collection is limited to specific areas that are sampled, bored, tested, observed and/or evaluated. Consequently, CLIENT waives any and all claims based upon erroneous facts provided by the CLIENT, facts subsequently learned or regarding conditions in areas not specifically sampled, bored, tested, observed or evaluated by ECS.
- 3.3 If a situation arises that causes ECS to believe compliance with CLIENT'S directives would be contrary to sound engineering practices, would violate applicable laws, regulations or codes, or will expose ECS to legal claims or charges, ECS shall so advise CLIENT. If ECS' professional judgment is rejected, ECS shall have the right to terminate its Services in accordance with the provisions of Section 25.0, below.
- 3.4 If CLIENT decides to disregard ECS' recommendations with respect to complying with applicable Laws or Regulations, ECS shall determine if applicable law requires ECS to notify the appropriate public officials. CLIENT agrees that such determinations are ECS' sole right to make.
- 4.0 CLIENT DISCLOSURES**
- 4.1 Where the Scope of Services requires ECS to penetrate a Site surface, CLIENT shall furnish and/or shall direct CLIENT'S consultant(s) or agent(s) to furnish ECS information identifying the type and location of utility lines and other man-made objects known, suspected, or assumed to be located beneath or behind the Site's surface. ECS shall be entitled to rely on such information for completeness and accuracy without further investigation, analysis, or evaluation.
- 4.2 "Hazardous Materials" shall include but not be limited to any substance that poses or may pose a present or potential hazard to human health or the environment whether contained in a product, material, by-product, waste, or sample, and whether it exists in a solid, liquid, semi-solid or gaseous form. CLIENT shall notify ECS of any known, assumed, or suspected regulated, contaminated, or other similar Hazardous Materials that may exist at the Site prior to ECS mobilizing to the Site.
- 4.3 If any Hazardous Materials are discovered, or are reasonably suspected by ECS after its Services begin, ECS shall be entitled to amend the scope of Services and adjust its fees to reflect the additional work or personal protective equipment and/or safety precautions required by the existence of such Hazardous Materials.
- 5.0 INFORMATION PROVIDED BY OTHERS** - CLIENT waives, releases and discharges ECS from and against any claim for damage, injury or loss allegedly arising out of or in connection with errors, omissions, or inaccuracies in documents and other information in any form provided to ECS by CLIENT or CLIENT'S agents, contractors, or consultants, including such information that becomes incorporated into ECS documents.
- 6.0 CONCEALED RISKS** - CLIENT acknowledges that special risks are inherent in sampling, testing and/or evaluating concealed conditions that are hidden from view and/or neither readily apparent nor easily accessible, e.g., subsurface conditions, conditions behind a wall, beneath a floor, or above a ceiling. Such circumstances require that certain assumptions be made regarding existing conditions, which may not be verifiable without expending additional sums of money or destroying otherwise adequate or serviceable portions of a building or component thereof. Accordingly, ECS shall not be responsible for the verification of such conditions unless verification can be made by simple visual observation. Client agrees to bear any and all costs, losses, damages and expenses (including, but not limited to, the cost of ECS' Additional Services) in any way arising from or in connection with the existence or discovery of such concealed or unknown conditions.
- 7.0 RIGHT OF ENTRY/DAMAGE RESULTING FROM SERVICES**
- 7.1 CLIENT warrants that it possesses the authority to grant ECS right of entry to the Site for the performance of Services. CLIENT hereby grants ECS and its subcontractors and/or agents, the right to enter from time to time onto the property in order for ECS to perform its Services. CLIENT agrees to indemnify and hold ECS

- harmless from any claims arising from allegations that ECS trespassed or lacked authority to access the Site.
- 7.2 CLIENT warrants that it possesses all necessary permits, licenses and/or utility clearances for the Services to be provided by ECS except where ECS' Proposal explicitly states that ECS will obtain such permits, licenses, and/or utility clearances.
- 7.3 ECS will take reasonable precautions to limit damage to the Site and its improvements during the performance of its Services. CLIENT understands that the use of exploration, boring, sampling, or testing equipment may cause minor, but common, damage to the Site. The correction and restoration of such common damage is CLIENT'S responsibility unless specifically included in ECS' Proposal.
- 7.4 CLIENT agrees that it will not bring any claims for liability or for injury or loss against ECS arising from (i) procedures associated with the exploration, sampling or testing activities at the Site, (ii) discovery of Hazardous Materials or suspected Hazardous Materials, or (iii) ECS' findings, conclusions, opinions, recommendations, plans, and/or specifications related to discovery of contamination.
- 8.0 UNDERGROUND UTILITIES**
- 8.1 ECS shall exercise the Standard of Care in evaluating client-furnished information as well as information readily and customarily available from public utility locating services (the "Underground Utility Information") in its effort to identify underground utilities. The extent of such evaluations shall be at ECS' sole discretion.
- 8.2 CLIENT recognizes that the Underground Utility Information provided to or obtained by ECS may contain errors or be incomplete. CLIENT understands that ECS may be unable to identify the locations of all subsurface utility lines and man-made features.
- 8.3 CLIENT waives, releases, and discharges ECS from and against any claim for damage, injury or loss allegedly arising from or related to subterranean structures (pipes, tanks, cables, or other utilities, etc.) which are not called to ECS' attention in writing by CLIENT, not correctly shown on the Underground Utility Information and/or not properly marked or located by the utility owners, governmental or quasi-governmental locators, or private utility locating services as a result of ECS' or ECS' subcontractor's request for utility marking services made in accordance with local industry standards.
- 9.0 SAMPLES**
- 9.1 Soil, rock, water, building materials and/or other samples and sampling by-products obtained from the Site are and remain the property of CLIENT. Unless other arrangements are requested by CLIENT and mutually agreed upon by ECS in writing, ECS will retain samples not consumed in laboratory testing for up to sixty (60) calendar days after the issuance of any document containing data obtained from such samples. Samples consumed by laboratory testing procedures will not be stored.
- 9.2 Unless CLIENT directs otherwise, and excluding those issues covered in Section 10.0, CLIENT authorizes ECS to dispose of CLIENT'S non-hazardous samples and sampling or testing process by-products in accordance with applicable laws and regulations.
- 10.0 ENVIRONMENTAL RISKS**
- 10.1 When Hazardous Materials are known, assumed, suspected to exist, or discovered at the Site, ECS will endeavor to protect its employees and address public health, safety, and environmental issues in accordance with the Standard of Care. CLIENT agrees to compensate ECS for such efforts.
- 10.2 When Hazardous Materials are known, assumed, or suspected to exist, or discovered at the Site, ECS and/or ECS' subcontractors will exercise the Standard of Care in containerizing and labeling such Hazardous Materials in accordance with applicable laws and regulations, and will leave the containers on Site. CLIENT is responsible for the retrieval, removal, transport and disposal of such contaminated samples, and sampling process byproducts in accordance with applicable law and regulation.
- 10.3 Unless explicitly stated in the Scope of Services, ECS will neither subcontract nor arrange for the transport, disposal, or treatment of Hazardous Materials. At CLIENT'S written request, ECS may assist CLIENT in identifying appropriate alternatives for transport, off-site treatment, storage, or disposal of such substances, but CLIENT shall be solely responsible for the final selection of methods and firms to provide such services. CLIENT shall sign all manifests for the disposal of substances affected by contaminants and shall otherwise exercise prudence in arranging for lawful disposal.
- 10.4 In those instances where ECS is expressly retained by CLIENT to assist CLIENT in the disposal of Hazardous Materials, samples, or wastes as part of the Proposal, ECS shall do so only as CLIENT'S agent (notwithstanding any other provision of this AGREEMENT to the contrary). ECS will not assume the role of, nor be considered a generator, storer, transporter, or disposer of Hazardous Materials.
- 10.5 Subsurface sampling may result in unavoidable cross-contamination of certain subsurface areas, as when a probe or excavation/boring device moves through a contaminated zone and links it to an aquifer, underground stream, pervious soil stratum, or other hydrous body not previously contaminated, or connects an uncontaminated zone with a contaminated zone. Because sampling is an essential element of the Services indicated herein, CLIENT agrees this risk cannot be eliminated. Provided such services were performed in accordance with the Standard of Care, CLIENT waives, releases and discharges ECS from and against any claim for damage, injury, or loss allegedly arising from or related to such cross-contamination.
- 10.6 CLIENT understands that a Phase I Environmental Site Assessment (ESA) is conducted solely to permit ECS to render a professional opinion about the likelihood of the site having a Recognized Environmental Condition on, in, beneath, or near the Site at the time the Services are conducted. No matter how thorough a Phase I ESA

study may be, findings derived from its conduct are highly limited and ECS cannot know or state for an absolute fact that the Site is unaffected or adversely affected by one or more Recognized Environmental Conditions. CLIENT represents and warrants that it understands the limitations associated with Phase I ESAs.

11.0 OWNERSHIP OF DOCUMENTS

- 11.1 ECS shall be deemed the author and owner (or licensee) of all documents, technical reports, letters, photos, boring logs, field data, field notes, laboratory test data, calculations, designs, plans, specifications, reports, or similar documents and estimates of any kind furnished by it [the "Documents of Service"] and shall retain all common law, statutory and other reserved rights, including copyrights. CLIENT shall have a limited, non-exclusive license to use copies of the Documents of Service provided to it in connection with the Project for which the Documents of Service are provided until the completion of the Project.
- 11.2 ECS' Services are performed and Documents of Service are provided for the CLIENT'S sole use. CLIENT understands and agrees that any use of the Documents of Service by anyone other than the CLIENT, its licensed consultants and its contractors is not permitted. CLIENT further agrees to indemnify and hold ECS harmless for any errors, omissions or damage resulting from its contractors' use of ECS' Documents of Service.
- 11.3 CLIENT agrees to not use ECS' Documents of Service for the Project if the Project is subsequently modified in scope, structure or purpose without ECS' prior written consent. Any reuse without ECS' written consent shall be at CLIENT'S sole risk and without liability to ECS or to ECS' subcontractor(s). CLIENT agrees to indemnify and hold ECS harmless for any errors, omissions or damage resulting from its use of ECS' Documents of Service after any modification in scope, structure or purpose.
- 11.4 CLIENT agrees to not make any modification to the Documents of Service without the prior written authorization of ECS. To the fullest extent permitted by law, CLIENT agrees to indemnify, defend, and hold ECS harmless from any damage, loss, claim, liability or cost (including reasonable attorneys' fees and defense costs) arising out of or in connection with any unauthorized modification of the Documents of Service by CLIENT or any person or entity that acquires or obtains the Documents of Service from or through CLIENT. CLIENT represents and warrants that the Documents of Service shall be used only as submitted by ECS.

12.0 SAFETY

- 12.1 Unless expressly agreed to in writing in its Proposal, CLIENT agrees that ECS shall have no responsibility whatsoever for any aspect of site safety other than for its own employees. Nothing herein shall be construed to relieve CLIENT and/or its contractors, consultants or other parties from their responsibility for site safety. CLIENT also represents and warrants that the General Contractor is solely responsible for Project site safety and that ECS personnel may rely on the safety measures provided by the General Contractor.
- 12.2 In the event ECS assumes in writing limited responsibility for specified safety issues, the acceptance of such responsibilities does not and shall not be deemed an acceptance of responsibility for any other non-specified safety issues, including, but not limited to those relating to excavating, trenching, shoring, drilling, backfilling, blasting, or other construction activities.

13.0 CONSTRUCTION TESTING AND REMEDIATION SERVICES

- 13.1 CLIENT understands that construction testing and observation services are provided in an effort to reduce, but cannot eliminate, the risk of problems arising during or after construction or remediation. CLIENT agrees that the provision of such Services does not create a warranty or guarantee of any type.
- 13.2 Monitoring and/or testing services provided by ECS shall not in any way relieve the CLIENT'S contractor(s) from their responsibilities and obligations for the quality or completeness of construction as well as their obligation to comply with applicable laws, codes, and regulations.
- 13.3 ECS has no responsibility whatsoever for the means, methods, techniques, sequencing or procedures of construction selected, for safety precautions and programs incidental to work or services provided by any contractor or other consultant. ECS does not and shall not have or accept authority to supervise, direct, control, or stop the work of any contractor or consultant or any of their subcontractors or subconsultants.
- 13.4 ECS strongly recommends that CLIENT retain ECS to provide construction monitoring and testing services on a full time basis to lower the risk of defective or incomplete Work being installed by CLIENT'S contractor(s). If CLIENT elects to retain ECS on a part time basis for any aspect of construction monitoring and/or testing, CLIENT accepts the risks that a lower level of construction quality may occur and that defective or incomplete work may result and not be detected by ECS' part time monitoring and testing. Unless the CLIENT can show that the error or omission is contained in ECS' reports, CLIENT waives, releases and discharges ECS from and against any other claims for errors, omissions, damages, injuries, or loss alleged to arise from defective or incomplete work that was monitored or tested by ECS on a part time basis. Except as set forth in the preceding sentence, CLIENT agrees to indemnify and hold ECS harmless from all damages, costs, and attorneys' fees, for any claims alleging errors, omissions, damage, injury or loss allegedly resulting from Work that was monitored or tested by ECS on a part time basis.

- 14.0 **CERTIFICATIONS** - CLIENT may request, or governing jurisdictions may require, ECS to provide a "certification" regarding the Services provided by ECS. Any "certification" required of ECS by the CLIENT or jurisdiction(s) having authority over some or all aspects of the Project shall consist of ECS' inferences and professional opinions based on the limited sampling, observations, tests, and/or analyses performed by ECS at discrete locations and times. Such "certifications" shall constitute ECS' professional opinion of a condition's existence, but ECS does not guarantee that such condition exists, nor does it relieve other parties of the responsibilities or obligations such parties have with respect to the possible existence of such a condition. CLIENT agrees it cannot make the resolution of any dispute with ECS or payment of any amount due to ECS contingent upon ECS signing any such "certification."

15.0 BILLINGS AND PAYMENTS

- 15.1 Billings will be based on the unit rates, plus travel costs, and other reimbursable expenses as stated in the Professional Fees section of the Proposal. Any Estimate of Professional Fees stated in these Terms shall not be considered as a not-to-exceed or lump sum amount unless otherwise explicitly stated. CLIENT understands and agrees that even if ECS agrees to a lump sum or not-to-exceed amount, that amount shall be limited to number of hours, visits, trips, tests, borings, or samples stated in the Proposal.
- 15.2 CLIENT agrees that all Professional Fees and other unit rates shall be adjusted annually to account for inflation based on the most recent 12-month average of the Consumer Price Index (CPI-U) for all items as established by www.bls.gov when the CPI-U exceeds an annual rate of 2.0%.
- 15.3 Should ECS identify a Changed Condition(s), ECS shall notify the CLIENT of the Changed Condition(s). ECS and CLIENT shall promptly and in good faith negotiate an amendment to the Scope of Services, Professional Fees, and time schedule.
- 15.4 CLIENT recognizes that time is of the essence with respect to payment of ECS' invoices, and that timely payment is a material consideration for this agreement. All payment shall be in U.S. funds drawn upon U.S. banks and in accordance with the rates and charges set forth in the Professional Fees. Invoices are due and payable upon receipt.
- 15.5 If CLIENT disputes all or part of an invoice, CLIENT shall provide ECS with written notice stating in detail the facts of the dispute within fifteen (15) calendar days of the invoice. CLIENT agrees to pay the undisputed amount of such invoice promptly.
- 15.6 ECS reserves the right to charge CLIENT an additional charge of one-and-one-half (1.5) percent (or the maximum percentage allowed by Law, whichever is lower) of the invoiced amount per month for any payment received by ECS more than thirty (30) calendar days from the date of the invoice, excepting any portion of the invoiced amount in dispute. All payments will be applied to accrued interest first and then to the unpaid principal amount. Payment of invoices shall not be subject to unilateral discounting or set-offs by CLIENT.
- 15.7 CLIENT agrees that its obligation to pay for the Services is not contingent upon CLIENT'S ability to obtain financing, zoning, approval of governmental or regulatory agencies, permits, final adjudication of a lawsuit, CLIENT'S successful completion of the Project, settlement of a real estate transaction, receipt of payment from CLIENT'S client, or any other event unrelated to ECS provision of Services. Retainage shall not be withheld from any payment, nor shall any deduction be made from any invoice on account of penalty, liquidated damages, or other sums incurred by CLIENT. It is agreed that all costs and legal fees including actual attorney's fees, and expenses incurred by ECS in obtaining payment under this Agreement, in perfecting or obtaining a lien, recovery under a bond, collecting any delinquent amounts due, or executing judgments, shall be reimbursed by CLIENT.
- 15.8 Unless CLIENT has provided notice to ECS in accordance with Section 16.0 of these Terms, payment of any invoice by the CLIENT shall mean that the CLIENT is satisfied with ECS' Services and is not aware of any defects in those Services.

16.0 DEFECTS IN SERVICE

- 16.1 CLIENT, its personnel, its consultants, and its contractors shall promptly inform ECS during active work on any project of any actual or suspected defects in the Services so to permit ECS to take such prompt, effective remedial measures that in ECS' opinion will reduce or eliminate the consequences of any such defective Services. The correction of defects attributable to ECS' failure to perform in accordance with the Standard of Care shall be provided at no cost to CLIENT. However, ECS shall not be responsible for the correction of any deficiency attributable to CLIENT-furnished information, the errors, omissions, defective materials, or improper installation of materials by CLIENT's personnel, consultants or contractors, or work not observed by ECS. CLIENT shall compensate ECS for the costs of correcting such defects.
- 16.2 Modifications to reports, documents and plans required as a result of jurisdictional reviews or CLIENT requests shall not be considered to be defects. CLIENT shall compensate ECS for the provision of such Services.

- 17.0 **INSURANCE** - ECS represents that it and its subcontractors and subconsultants maintain Workers Compensation insurance, and that ECS is covered by general liability, automobile and professional liability insurance policies in coverage amounts it deems reasonable and adequate. ECS shall furnish certificates of insurance upon request. The CLIENT is responsible for requesting specific inclusions or limits of coverage that are not present in ECS insurance package. The cost of such inclusions or coverage increases, if available, will be at the expense of the CLIENT.

18.0 LIMITATION OF LIABILITY

- 18.1 CLIENT agrees to allocate certain risks associated with the Project by limiting ECS' total liability to CLIENT arising from ECS' professional liability, i.e. professional acts, errors, or omissions and for any and all causes including negligence, strict liability, breach of contract, or breach of warranty, injuries, damages, claims, losses, expenses, or claim expenses (including reasonable attorney's fees) relating to professional services provided under this agreement to the fullest extent permitted by law. The allocation is as follows.
- 18.1.1 If the proposed fees are \$10,000 or less, ECS' total aggregate liability to CLIENT shall not exceed \$20,000, or the total fee received for the services rendered, whichever is greater.
- 18.1.2 If the proposed fees are in excess of \$10,000, ECS' total aggregate liability to CLIENT shall not exceed \$40,000, or the total fee for the services rendered, whichever is greater.
- 18.2 CLIENT agrees that ECS shall not be responsible for any injury, loss or damage of any nature, including bodily injury and property damage, arising directly or indirectly, in whole or in part, from acts or omissions by the CLIENT, its employees, agents, staff, consultants, contractors, or subcontractors to the extent such injury, damage, or loss is caused by acts or omissions of CLIENT, its employees, agents, staff, consultants, contractors, subcontractors or person/entities for whom CLIENT is legally liable.

- 18.3 CLIENT agrees that ECS' liability for all non-professional liability arising out of this agreement or the services provided as a result of the Proposal be limited to \$500,000.
- 19.0 INDEMNIFICATION**
- 19.1 Subject Section 18.0, ECS agrees to hold harmless and indemnify CLIENT from and against damages arising from ECS' negligent performance of its Services, but only to the extent that such damages are found to be caused by ECS' negligent acts, errors or omissions, (specifically excluding any damages caused by any third party or by the CLIENT.)
- 19.2 To the fullest extent permitted by Law, CLIENT agrees to indemnify, and hold ECS harmless from and against any and all liability, claims, damages, demands, fines, penalties, costs and expenditures (including reasonable attorneys' fees and costs of litigation defense and/or settlement) ["Damages"] caused in whole or in part by the negligent acts, errors, or omissions of the CLIENT or CLIENT'S employees, agents, staff, contractors, subcontractors, consultants, and clients, provided such Damages are attributable to: (a) the bodily injury, personal injury, sickness, disease and/or death of any person; (b) the injury to or loss of value to tangible personal property; or (c) a breach of these Terms. The foregoing indemnification shall not apply to the extent such Damage is found to be caused by the sole negligence, errors, omissions or willful misconduct of ECS.
- 19.3 It is specifically understood and agreed that in no case shall ECS be required to pay an amount of Damages disproportional to ECS' culpability. **If CLIENT is a homeowner, homeowners' association, condominium owner, condominium owner's association, or similar residential owner, ECS recommends that client retain legal counsel before entering into this AGREEMENT to explain CLIENT'S rights and obligations hereunder, and the limitations, and restrictions imposed by this AGREEMENT. CLIENT agrees that failure of CLIENT to retain such counsel shall be a knowing waiver of legal counsel and shall not be allowed on grounds of avoiding any provision of this AGREEMENT.**
- 19.4 **If CLIENT is a residential builder or residential developer, CLIENT shall indemnify and hold harmless ECS against any and all claims or demands due to injury or loss initiated by one or more homeowners, unit-owners, or their homeowner's association, cooperative board, or similar governing entity against CLIENT which results in ECS being brought into the dispute.**
- 19.5 **In no event shall the duty to indemnify and hold another party harmless under this Section 19.0 include the duty to defend.**
- 20.0 CONSEQUENTIAL DAMAGES**
- 20.1 CLIENT shall not be liable to ECS and ECS shall not be liable to CLIENT for any consequential damages incurred by either due to the fault of the other or their employees, consultants, agents, contractors or subcontractors, regardless of the nature of the fault or whether such liability arises in breach of contract or warranty, tort, statute, or any other cause of action. Consequential damages include, but are not limited to, loss of use and loss of profit.
- 20.2 ECS shall not be liable to CLIENT, or any entity engaged directly or indirectly by CLIENT, for any liquidated damages due to any fault, or failure to act, in part or in total by ECS, its employees, agents, or subcontractors.
- 21.0 SOURCES OF RECOVERY**
- 21.1 All claims for damages related to the Services provided under this agreement shall be made against the ECS entity contracting with the CLIENT for the Services, and no other person or entity. CLIENT agrees that it shall not name any affiliated entity including parent, peer, or subsidiary entity or any individual officer, director, or employee of ECS, specifically including its professional engineers and geologists.
- 21.2 In the event of any dispute or claim between CLIENT and ECS arising out of in connection with the Project and/or the Services, CLIENT and ECS agree that they will look solely to each other for the satisfaction of any such dispute or claim. Moreover, notwithstanding anything to the contrary contained in any other provision herein, CLIENT and ECS' agree that their respective shareholders, principals, partners, members, agents, directors, officers, employees, and/or owners shall have no liability whatsoever arising out of or in connection with the Project and/or Services provided hereunder. In the event CLIENT brings a claim against an affiliated entity, parent entity, subsidiary entity, or individual officer, director or employee in contravention of this Section 21, CLIENT agrees to hold ECS harmless from and against all damages, costs, awards, or fees (including attorneys' fees) attributable to such act.
- 22.0 THIRD PARTY CLAIMS EXCLUSION** - CLIENT and ECS agree that the Services are performed solely for the benefit of the CLIENT and are not intended by either CLIENT or ECS to benefit any other person or entity. To the extent that any other person or entity is benefited by the Services, such benefit is purely incidental and such other person or entity shall not be deemed a third party beneficiary to the AGREEMENT. No third-party shall have the right to rely on ECS' opinions rendered in connection with ECS' Services without written consent from both CLIENT and ECS, which shall include, at a minimum, the third-party's agreement to be bound to the same Terms and Conditions contained herein and third-party's agreement that ECS' Scope of Services performed is adequate.
- 23.0 DISPUTE RESOLUTION**
- 23.1 In the event any claims, disputes, and other matters in question arising out of or relating to these Terms or breach thereof (collectively referred to as "Disputes"), the parties shall promptly attempt to resolve all such Disputes through executive negotiation between senior representatives of both parties familiar with the Project. The parties shall arrange a mutually convenient time for the senior representative of each party to meet. Such meeting shall occur within fifteen (15) days of either party's written request for executive negotiation or as otherwise mutually agreed. Should this meeting fail to result in a mutually agreeable plan for resolution of the Dispute, CLIENT and ECS agree that either party may bring litigation.
- 23.2 CLIENT shall make no claim (whether directly or in the form of a third-party claim) against ECS unless CLIENT shall have first provided ECS with a written certification executed by an independent engineer licensed in the jurisdiction in which the Project is located, reasonably specifying each and every act or omission which the certifier contends constitutes a violation of the Standard of Care. Such certificate shall be a precondition to the institution of any judicial proceeding and shall be provided to ECS thirty (30) days prior to the institution of such judicial proceedings.
- 23.3 Litigation shall be instituted in a court of competent jurisdiction in the county or district in which ECS' office contracting with the CLIENT is located. The parties agree that the law applicable to these Terms and the Services provided pursuant to the Proposal shall be the laws of the Commonwealth of Virginia, but excluding its choice of law rules. Unless otherwise mutually agreed to in writing by both parties, CLIENT waives the right to remove any litigation action to any other jurisdiction. Both parties agree to waive any demand for a trial by jury.
- 24.0 CURING A BREACH**
- 24.1 A party that believes the other has materially breached these Terms shall issue a written cure notice identifying its alleged grounds for termination. Both parties shall promptly and in good faith attempt to identify a cure for the alleged breach or present facts showing the absence of such breach. If a cure can be agreed to or the matter otherwise resolved within thirty (30) calendar days from the date of the termination notice, the parties shall commit their understandings to writing and termination shall not occur.
- 24.2 Either party may waive any right provided by these Terms in curing an actual or alleged breach; however, such waiver shall not affect future application of such provision or any other provision.
- 25.0 TERMINATION**
- 25.1 CLIENT or ECS may terminate this agreement for breach or these terms, non-payment, or a failure to cooperate. In the event of termination, the effecting party shall so notify the other party in writing and termination shall become effective fourteen (14) calendar days after receipt of the termination notice.
- 25.2 Irrespective of which party shall effect termination, or the cause therefore, ECS shall promptly render to CLIENT a final invoice and CLIENT shall immediately compensate ECS for Services rendered and costs incurred including those Services associated with termination itself, including without limitation, demobilizing, modifying schedules, and reassigning personnel.
- 26.0 TIME BAR TO LEGAL ACTION** - Unless prohibited by law, and notwithstanding any Statute that may provide additional protection, CLIENT and ECS agree that a lawsuit by either party alleging a breach of this agreement, violation of the Standard of Care, non-payment of invoices, or arising out of the Services provided hereunder, must be initiated in a court of competent jurisdiction no more than two (2) years from the time the party knew, or should have known, of the facts and conditions giving rise to its claim, and shall under no circumstances shall such lawsuit be initiated more than three (3) years from the date of substantial completion of ECS' Services.
- 27.0 ASSIGNMENT** - CLIENT and ECS respectively bind themselves, their successors, assigns, heirs, and legal representatives to the other party and the successors, assigns, heirs and legal representatives of such other party with respect to all covenants of these Terms. Neither CLIENT nor ECS shall assign these Terms, any rights thereunder, or any cause of action arising therefrom, in whole or in part, without the written consent of the other. Any purported assignment or transfer, except as permitted above, shall be deemed null, void and invalid, the purported assignee shall acquire no rights as a result of the purported assignment or transfer and the non-assigning party shall not recognize any such purported assignment or transfer.
- 28.0 SEVERABILITY** - Any provision of these Terms later held to violate any law, statute, or regulation, shall be deemed void, and all remaining provisions shall continue in full force and effect. CLIENT and ECS shall endeavor to quickly replace a voided provision with a valid substitute that expresses the intent of the issues covered by the original provision.
- 29.0 SURVIVAL** - All obligations arising prior to the termination of the agreement represented by these Terms and all provisions allocating responsibility or liability between the CLIENT and ECS shall survive the substantial completion of Services and the termination of the agreement.
- 30.0 TITLES; ENTIRE AGREEMENT**
- 30.1 The titles used herein are for general reference only and are not part of the Terms and Conditions.
- 30.2 These Terms and Conditions of Service together with the Proposal, including all exhibits, appendixes, and other documents appended to it, constitute the entire agreement between CLIENT and ECS. CLIENT acknowledges that all prior understandings and negotiations are superseded by this agreement.
- 30.3 CLIENT and ECS agree that subsequent modifications to the agreement represented by these shall not be binding unless made in writing and signed by authorized representatives of both parties.
- 30.4 All preprinted terms and conditions on CLIENT'S purchase order, Work Authorization, or other service acknowledgement forms, are inapplicable and superseded by these Terms and Conditions of Service.
- 30.5 CLIENT'S execution of a Work Authorization, the submission of a start work authorization (oral or written) or issuance of a purchase order constitutes CLIENT'S acceptance of this Proposal and its agreement to be fully bound the foregoing Terms. If CLIENT fails to provide ECS with a signed copy of these Terms or the attached Work Authorization, CLIENT agrees that by authorizing and accepting the services of ECS, it will be fully bound by these Terms as if they had been signed by CLIENT.

END OF TERMS AND CONDITIONS OF SERVICE



MEMORANDUM

TO: Mary Smith, Interim City Manager

CC: Honorable Mayor and City Council

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

DATE: May 17, 2021

SUBJECT: SH 276 UTILITY RELOCATION PROJECT

Attachments

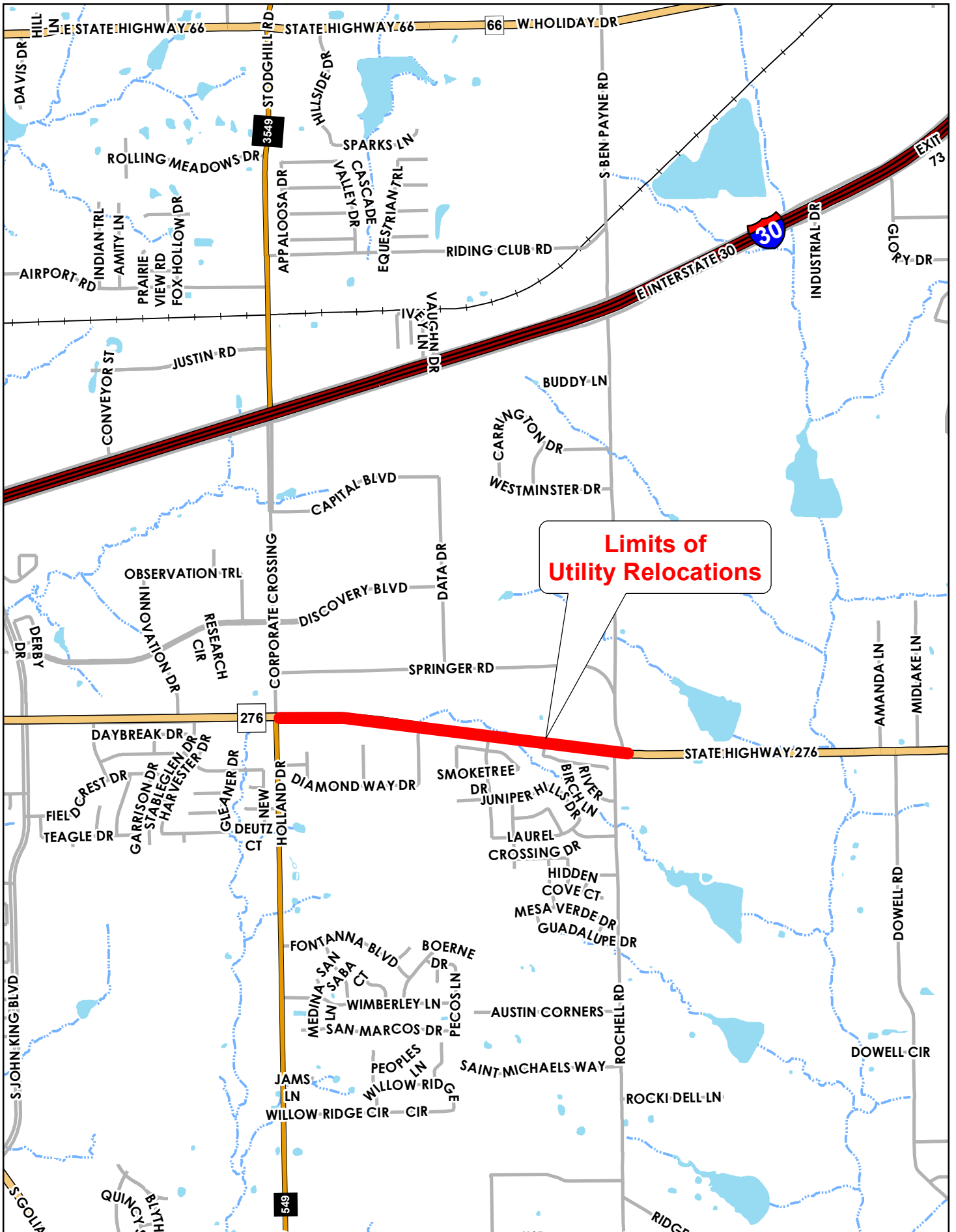
Location Map
Contract

Summary/Background Information

The Texas Department of Transportation (TXDOT) is designing the expansion of SH 276 from FM 549/Corporate Crossing east to the Hunt County Line. Before construction begins on SH 276, the City will need to relocate any existing City maintained water and wastewater lines that will be in conflict with the proposed construction. There is an existing 16-inch water line, 8-inch gravity sanitary sewer and two sanitary sewer force mains that are in the SH 276 corridor that will be in conflict at various locations along the roadway widening.

Staff requested a proposal from Birkhoff, Hendricks and Carter, L.L.P. to provide the engineering design, construction plans and specifications for this relocation project. The contract proposal for these water and sanitary sewer utility relocations is \$251,020.00. Staff requests that the City Council consider approving the professional engineering services contract for Birkhoff, Hendricks and Carter, L.L.P., to perform the engineering design services and specifications in an amount not to exceed \$251,020.00. If approved, this will be paid out of the *Water/Sewer Fund*.

Action Needed



Limits of Utility Relocations

STATE OF TEXAS



COUNTY OF ROCKWALL

PROFESSIONAL ENGINEERING SERVICES CONTRACT

This Agreement is made and entered into in Rockwall County, Texas, between City of Rockwall, Texas (“CITY”), a municipal corporation and political subdivision of the State of Texas, acting by and through its City Manager and Birkhoff, Hendricks and Carter, L.L.P., (“ENGINEER”), located at 11910 Greenville Avenue, Suite 600, Dallas, Texas, Engineers duly licensed and practicing under the laws of the State of Texas.

WHEREAS, CITY desires to engage Engineer as an independent contractor to render certain technical and professional services necessary for performing:

PROFESSIONAL ENGINEERING SERVICES for the S.H. 276 Utility Relocations project.

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained herein, the Parties hereby agree as follows:

1. Scope of Work

Engineer agrees to perform professional engineering services as specifically defined in this Contract as Attachment “A” and as authorized by CITY. Specifically, Engineer shall perform Professional services as requested by CITY and defined in Attachment “A”.

The Parties by mutual agreement through contract amendments may provide for additional technical and professional services to be performed under the basic general terms and conditions of this Contract. CITY reserves the right to enter into another agreement with other engineering firms to provide the same or similar professional services during the term of this Contract for different projects.

2. Compensation & Term of Agreement

Cost for such services will be an amount not to exceed Two Hundred Fifty-One Thousand Twenty dollars (\$251,020.00) and billed in accordance with the payment schedule provided in Attachment “B”. Engineer is not authorized to perform any work beyond the limited not to exceed amount without authorized written approval by CITY.

The term of this Agreement shall commence upon execution of this agreement and follow the schedule described in Attachment “C”. In the event of termination, Engineer will assist the CITY in arranging a smooth transition process. However, Engineer’s obligation to provide services to the CITY will cease upon the effective date of termination, unless otherwise agreed in writing.

3. Method of Payment

CITY shall pay Engineer its fees based on the presentation by Engineer to CITY of a correct monthly statement for all the amounts earned under the Contract together with reasonable supporting documentation verifying the accuracy of the fees and expenses. CITY shall then pay Engineer its fee within thirty (30) days after presentation of the accurate monthly statement by Engineer to CITY. CITY is a State sales and use tax exempt political subdivision of the State of Texas. All records supporting payment shall be kept in the offices of Engineer for a period of not less than three (3) years and shall be made available to CITY for inspection, audit or copying upon reasonable request.

4. Engineer's Standard of Care

Engineer shall provide its services under this Contract with the same degree of care, skill and diligence as is ordinarily provided by a professional Engineer under similar circumstances for a similar project. Engineer represents that it has the capability, experience, available personnel, and means required to perform the services contemplated by this Contract. Services will be performed using personnel and equipment qualified and/or suitable to perform the work requested by the CITY. CITY retains the right to report to Engineer any unsatisfactory performance of Engineer personnel for appropriate corrective action. Engineer shall comply with applicable federal, state, and local laws in connection with any work performed hereunder.

Engineer will seek written CITY approval to accept any contract or perform any services for any person, entity, or business working on this project. CITY may waive this potential conflict, but such waiver is at CITY's sole discretion and its decision shall be final.

5. Ownership of Documents

As part of the total compensation which CITY has agreed to pay Engineer for the professional services to be rendered under this Contract, Engineer agrees that hard copies of all finished and unfinished documents, data, studies, surveys, drawings, specifications, field notes, maps, models, photographs, preliminary reports, reports, bid packet/construction contract documents/advertisement for bids incorporating any CITY standard provisions provided by Engineer, will remain the property of the CITY. Engineer will furnish CITY with paper and electronic copies, to the extent they are available, of all of the foregoing to facilitate coordination, however, ownership of the underlying work product shall remain the intellectual property of the Engineer. Engineer shall have the right to use such work products for Engineer's purposes. However, such documents are not intended to be suitable for reuse by CITY or others on extension of the Project or on any other project. Any reuse without the express written consent of the Engineer will be at reuser's sole risk and without liability or legal exposure to the Engineer, and CITY to the extent allowed by law, shall hold harmless the Engineer from all claims, damages, losses, expenses, and costs, including attorneys' fees arising out of or resulting from the reuse of said documents without the Engineer's consent. The granting of such consent will entitle the Engineer to further compensation at rates to be agreed upon by CITY and the Engineer. The above notwithstanding, Engineer shall retain all rights in its standard drawing details, designs, specifications, databases, computer software and any other proprietary and intellectual property information provided pursuant to this Contract, whether or not such proprietary information was modified during the course of providing the services.

6. Insurance

A. Engineer agrees to maintain Worker's Compensation and Employer's Liability Insurance to cover all of its own personnel engaged in performing services for CITY under this Contract in at least the following amounts:

Workmen's Compensation – Statutory
Employer's Liability – \$100,000
Bodily Injury by Disease - \$500,000 (policy limits)
Bodily Injury by Disease - \$100,000 (each employee)

B. Engineer also agrees to maintain Commercial General Liability, Business Automobile Liability, and Umbrella Liability Insurance covering claims against Engineer for damages resulting from bodily injury, death or property damages from accidents arising in the course of work performed under this Contract in not less than the following amounts:

\$2,000,000 General aggregate limit

\$1,000,000 each occurrence sub-limit for all bodily injury or property damage incurred all in one occurrence

\$1,000,000 each occurrence sub-limit for Personal Injury and Advertising

C. Engineer shall add CITY, its City Council members and employees, as additional insureds on all required insurance policies, except worker's compensation, employer's liability and errors and omissions insurance. The Commercial General Liability Policy and Umbrella Liability Policy shall be of an "occurrence" type policy.

D. Engineer shall furnish CITY with an Insurance Certificate on the date this Contract is executed and accepted by CITY, which confirms that all above required insurance policies are in full force and effect.

E. Engineer agrees to maintain errors and omissions professional liability insurance in the amount of not less than one million dollars (\$1,000,000) annual aggregate, on a claims made basis, as long as reasonably available under standard policies.

7. INDEMNIFICATION

ENGINEER SHALL INDEMNIFY AND SAVE HARMLESS THE CITY AND ITS CITY COUNCIL MEMBERS AND EMPLOYEES FROM SUITS, ACTIONS, LOSSES, DAMAGES, CLAIMS, OR LIABILITY, INCLUDING WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, ALL EXPENSES OF LITIGATION, COURT COSTS, AND REASONABLE ATTORNEY'S FEES FOR INJURY OR DEATH TO ANY PERSON, OR INJURY TO ANY PROPERTY, RECEIVED OR SUSTAINED BY ANY PERSON OR PERSONS OR PROPERTY, TO THE EXTENT CAUSED BY THE NEGLIGENT ACTS OF ENGINEER OR ITS AGENTS OR EMPLOYEES, IN THE EXECUTION OF PERFORMANCE OF THIS CONTRACT.

ENGINEER'S TOTAL LIABILITY TO CITY FOR ANY LOSS OR DAMAGES FROM CLAIMS ARISING OUT OF, OR IN CONNECTION WITH, THIS CONTRACT FROM ANY CAUSE INCLUDING ENGINEER'S STRICT LIABILITY, BREACH OF CONTRACT, OR PROFESSIONAL NEGLIGENCE, ERRORS AND OMISSIONS SHALL NOT EXCEED ONE MILLION DOLLARS (\$1,000,000). NEITHER PARTY TO THIS AGREEMENT SHALL BE LIABLE TO THE OTHER PARTY OR ANY THIRD PARTY CLAIMING THROUGH THE OTHER RESPECTIVE PARTY, FOR ANY SPECIAL, INCIDENTAL, INDIRECT, PUNITIVE, LIQUIDATED, DELAY OR CONSEQUENTIAL DAMAGES OF ANY KIND INCLUDING BUT NOT LIMITED TO LOST PROFITS OR USE OF PROPERTY, FACILITIES OR RESOURCES, THAT MAY RESULT FROM THIS AGREEMENT, OR OUT OF ANY GOODS OR SERVICES FURNISHED HEREUNDER.

8. Addresses for Notices and Communications

CITY

Amy Williams, P.E.
Director of Public Works/City Engineer
City of Rockwall
385 S. Goliad Street
Rockwall, Texas 75087

ENGINEER

Derek B. Chaney, P.E., R.P.L.S.
Partner
Birkhoff, Hendricks & Carter, L.L.P.
11910 Greenville Ave., #600
Dallas, Texas 75243

All notices and communications under this Contract shall be mailed or delivered to **CITY and Engineer** at the above addresses.

9. Successors and Assigns

CITY and Engineer each binds itself and its successors, executors, administrators and assigns to the other parties of this Contract and to the successors, executors, administrators and assigns of such other parties, in respect to all covenants of this Contract. Except as noted in the first part of this Paragraph, neither CITY nor Engineer shall assign, sublet or transfer its interest in this Contract without the written consent of the other. Nothing herein shall be construed as creating any personal liability on the part of any officer, council member, employee or agent of any public body which is a party hereto.

10. Termination for Convenience of the Parties

Engineer and CITY may terminate this Contract for their convenience at any time by giving at least thirty (30) days notice in writing to each other. If the Contract is terminated by CITY and/or Engineer as provided herein, Engineer will be paid for the Work provided and expenses incurred up to the termination date, if such final compensation is approved by CITY, in its sole discretion. If this Contract is terminated due to the fault of Engineer, Paragraph 10 hereof, relative to Termination for Cause, shall apply.

11. Changes

CITY may, from time to time, request changes in the Scope of Work of **Engineer** to be performed hereunder. Such changes, including any increase or decrease in the amount of **Engineer's** compensation, or time for performance, which are mutually agreed upon by and between CITY and **Engineer**, shall be incorporated in written amendments to this Contract. Any subsequent contract amendments shall be executed by the City Manager or other authorized representative as designated by the City Manager or City Council.

Any alterations, additions or deletions to the terms of this Contract, including the scope of work, shall be by amendment **in writing** executed by both CITY and Engineer.

13. Reports and Information

Engineer, at such times and in such forms as CITY may reasonably require, and as specified in the Scope of Work or in additional Contract Amendments shall furnish CITY periodic reports pertaining to the Work or services undertaken pursuant to this Contract, the cost and obligations incurred, or to be incurred in connection therewith, and any other matter covered by this Contract.

14. Entire Agreement

This Contract and its Attachments and any future Contract Amendments constitute the entire agreement, and supersede all prior agreements and understandings between the parties concerning the subject matter of this Contract.

15. Waiver

The failure on the part of either party herein at any time to require the performance by the other party, of any portion of this Contract, shall not be deemed a waiver of, or in any way affect that party's rights to enforce such provision, or any other provision. Any waiver by any party herein of any provision hereof, shall not be taken or held to be a waiver of any other provision hereof, or any other breach hereof.

16. Severability

The invalidity or unenforceability of any provision of this Contract shall not affect the validity or enforceability of any other provision of this Contract.

17. Survival

Any and all representations, conditions and warranties made by Engineer under this Contract are of the essence of this Contract and shall survive the execution, delivery and termination of it.

18. Governing Powers and Law

Both Parties agree and understand that the City does not waive or surrender any of its governmental powers by execution of this Agreement. To that end, the parties further understand that this agreement shall not be considered a contract for goods or services under Texas Local Government Code, Section 271.151 and Contractor waives any right or entitlement granted said provisions. This Contract is governed by the laws of the State of Texas and all obligations of the parties under this Contract are performable in Rockwall County, Texas.

19. Attorney's Fees


If it is necessary for either Party herein to file a cause of action at law or in equity against the other Party due to: (a) a breach of this Contract by the other Party and/or (b) any intentional and/or negligent act or omission by the other Party arising out of this Contract, the non-breaching or non-negligent Party shall be entitled to reasonable attorney's fees and costs, and any necessary disbursements, in addition to any other relief to which it is legally entitled.

20. State or Federal Laws

This Contract is subject to all applicable federal and state laws, statutes, codes, and any applicable permits, ordinances, rules, orders and regulations of any local, state or federal government authority having or asserting jurisdiction, but nothing contained herein shall be construed as a waiver of any right to question or contest any such law, ordinance, order, rule or regulation in any forum having jurisdiction.

EXECUTED in triplicate originals on this 6th day of May 2021.

BIRKHOFF, HENDRICKS & CARTER, L.L.P.
A Texas Limited Liability Partnership
TPBE Firm No. 526
TBPLS Firm No. 100318-00

By: 
Name: Derek B. Chaney, P.E., R.P.L.S.
Title: Partner

EXECUTED in triplicate originals on this ____ day of _____ 2021.

ATTEST:

City of Rockwall, Texas

Mary Smith
Interim City Manager

ATTACHMENT “A”

Scope of Services

S.H. 276 Utility Relocations (from F.M. 549 to Rochelle Road)

Project Description:

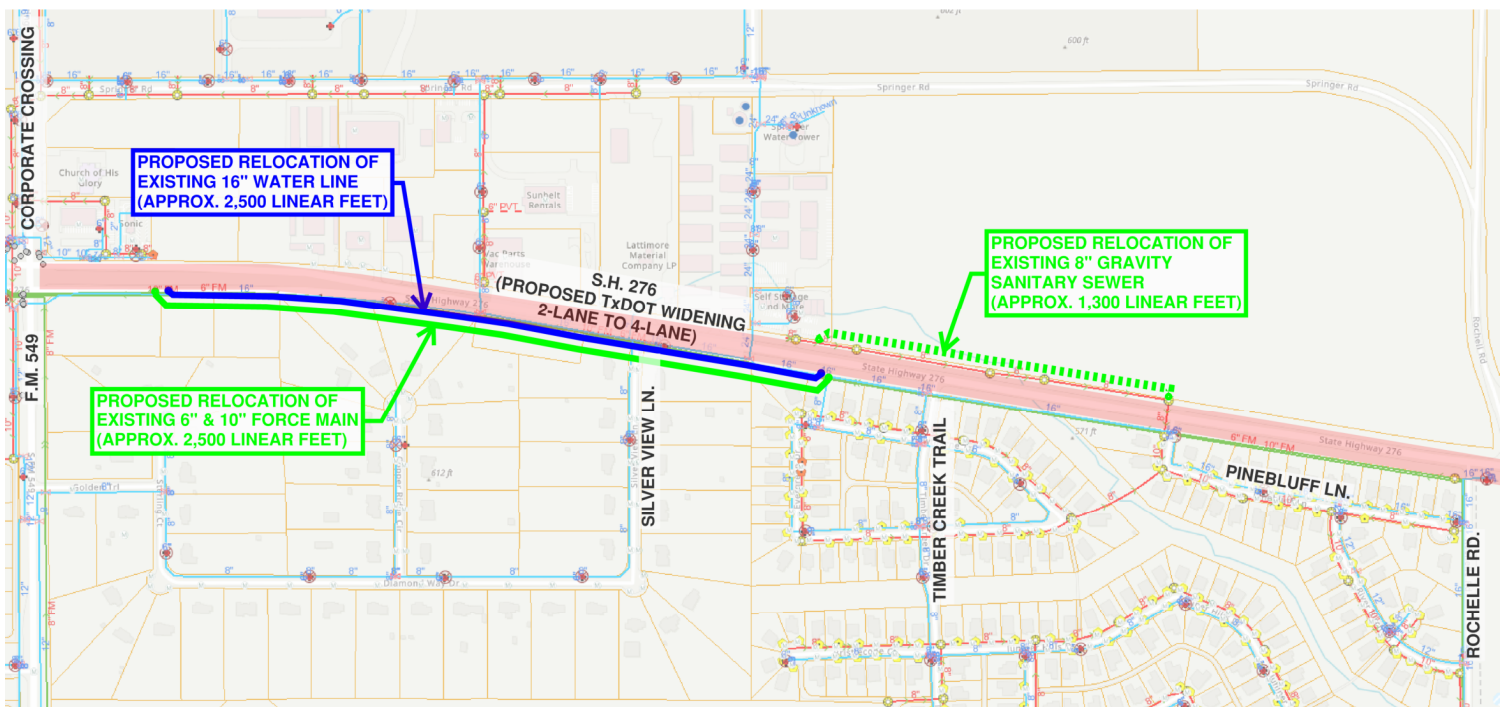
The City of Rockwall (City) desires to engage the services of Birkhoff, Hendricks and Carter (Consultant) to conduct an engineering evaluation of utility conflicts and provide the necessary engineering design, bidding and construction administration services in connection with the S.H. 276 Utility Relocations project.

The Consultant proposes to evaluate the potential and expected conflicts between the City’s existing water and sanitary sewer utilities along, within and crossing S.H. 276 as required to accommodate the improvements associated with the widening of S.H. 276 from a 2-lane to a 4-lane highway as proposed by the Texas Department of Transportation (TxDOT). The scope of work herein considers the section of the TxDOT S.H. 276 improvements from F.M. 549 to Rochelle Road.

A conceptual evaluation of utility conflicts has been completed by the Consultant to identify the limits of major linear utility relocations. The scope of the engineering evaluation of utility conflicts proposes to refine the conceptual utility relocations and identify additional conflicts and any recommended relocations resulting from existing utility crossings of proposed roadway, storm drainage pipes and structures, bridge improvements. The improvements to S.H. 276 proposed by TxDOT are shown by the following documents provided by the City.

- 100% Plans for Utility Relocations, prepared by PGAL, dated July 16, 2020

The location map below identifies the project limits and the proposed conceptual utility relocations.



BASIC SERVICES

1. Utility Conflict Evaluation

1.1. Project Management

- 1.1.1. Conduct project kickoff meeting with Consultant's Project Manager and City Staff.
- 1.1.2. Prepare and send Project Status Update (PSU) to City's Project Manager on monthly basis. PSU will summarize work completed in previous period, work in progress and/or anticipated to be completed in next period, actions or information needed from City, and a Project schedule update. PSU will be attached to the monthly invoice.
- 1.1.3. Prepare and submit project schedule to City staff.

1.2. Utility Conflict Evaluation

- 1.2.1. Review the TxDOT 100% Plans for Utility Relocations for the S.H. 276 Improvements, from F.M. 549 to Rochelle Road and compare with the known locations of the City's existing water and sanitary sewer lines. Review to include comparison of elevations of known existing utilities with those of proposed storm drainage pipes and structures, roadways, and bridge and bridge support structures (e.g., piers).
- 1.2.2. Consultant will coordinate with TxDOT and their engineering consultant, PGAL, to obtain topographic survey, SUE data, R.O.W. maps, and most current engineering design plans (all in digital CAD format).
- 1.2.3. Review construction record drawings, and other pertinent information related to proposed project provided by the City.
- 1.2.4. Review City master plans, design standards, specifications, and construction details that may impact the design. Review of documents will include, but not limited to, the following:
 - (a) City of Rockwall Wastewater Master Plan
 - (b) City of Rockwall Water Master Plan
 - (c) City of Rockwall Standards of Design and Construction
- 1.2.5. Develop roll plot showing the existing right-of-way (ROW), proposed ROW, proposed TxDOT improvements (based on TxDOT provided Electronic Plans), property lines, known easements, and known water and sanitary sewer utilities, in the vicinity of the affected utility corridor.
- 1.2.6. Review the most current update to the City of Rockwall Water and Wastewater System Master Plans and associated hydraulic models (maintained by the Consultant) to evaluate potential for combining existing parallel utilities, or oversizing of utilities to accommodate the buildout design requirements
- 1.2.7. Develop a proposed preliminary utility relocation plan for the City's existing water and sanitary sewer lines in accordance with the TxDOT Utility Accommodation Policy. Establish preliminary alignments for proposed relocations using the City's ArcGIS database of utilities, available construction record drawings, and digital files provided by TxDOT. If necessary, coordinate SUE/Potholing at key crossings to be performed by the Consultant's sub-contractor.
- 1.2.8. Identify potential land rights needed based on preliminary plan for proposed utility relocations.
- 1.2.9. Formulate a preliminary engineer's opinion of probable cost for the project based on the preliminary utility relocation plan, including the cost of this evaluation, land rights and the acquisition fees, legal fees, field surveying, geotechnical evaluation, subsurface utility exploration, construction inspection services, and professional engineering fees.

- 1.2.10. Develop a project schedule including design phase, land rights acquisition (by City), bidding phase and construction phase elements.
- 1.2.11. Prepare a letter report summarizing findings and recommendations developed during the evaluation and submit to the City for review.
- 1.2.12. Conduct a meeting with City Staff to review and present findings from the evaluation.
- 1.2.13. Address any comments from City’s review of letter report and submit revised letter report to the City.
- 1.2.14. If necessary, assist the City with preparation of the TxDOT Utility Agreement, including the necessary forms and supporting exhibits.
- 1.2.15. If necessary, attend one meeting with the City and TxDOT.

2. Final Design Phase

2.1. Project Management

- 2.1.1. Conduct progress meetings at 60% and 90% completion to monitor the development of the project regarding project status, coordination issues and discuss City review comments of the plans.
- 2.1.2. Prepare and send PSU to City’s Project Manager on monthly basis via progress report attached to monthly invoices. PSU will summarize work completed in previous period, work in progress and/or anticipated to be completed in next period, actions or information needed from City, and a project schedule update.
- 2.1.3. Conduct up to two (2) project site visits.

2.2. Submittals

- 2.2.1. Submit 60% and 90% progress submittals to the City for review and comment. The following will be required for each submittal:
 - (a) Construction Plans
 - i. Two (2) Full Size copies – 22-inch x 34-inch
 - ii. Two (2) Half Size copies – 11-inch x 17-inch
 - iii. Electronic PDF copy
 - iv. Electronic PDF copy– Scanned City comments previous submittal
 - (b) Engineer’s Opinion of Probable Construction Cost
 - i. Two (2) Copies and electronic PDF copy
 - (c) 90% only – Project Specifications and Bidding Documents
 - i. Two (2) Copies and electronic PDF copy

2.3. Construction Plans

- (a) Each plan sheet in the construction plans set will conform to the Engineering Drawing Requirements set forth in the City of Rockwall’s Standards of Design and Construction.
- (b) Plan sheets will include additional documentation, notation, and clarification required by the City’s Project Manager.
- (c) Each stage of the construction plan review process will address City comments from previous submittals.
- (d) Following is a table of the required construction plan sheets and at which submittals they are required.

Plan Sheets	60%	90%
Cover Sheet w/ Location Map and Sheet Index	X	X
Legend Sheet	X	X
General Notes Sheet	X	X
Horizontal/Vertical Coordinate Control Sheet (1"=40' scale)	X	X
Temporary Water Bypass Plan (no greater than 1"=100'scale)		X
Temporary Sewage Bypass Plan (no greater than 1"=100'scale)		X
Erosion Control Plans (1"=40' scale)		X
Water Line Plan/Profiles (1"=20'H, 1'=5'V scale)	X	X
Sanitary Sewer Plan/Profiles (1"=20'H, 1'=5'V scale)	X	X
Restoration Plan (1"=40' scale)		X
Construction Sequencing & Access Plan (no greater than 1"=100'scale)		X
Construction Details		X

- (e) Prepare plan-profile sheets for the proposed water and sanitary sewer relocations at a scale of not less than 1"= 40' on 11"x17" sheet size.
- (f) Locate new fire hydrants, main line isolation valves and branch line (lateral) isolation valves at same locations as existing and new locations if requested by the City.
- (g) Show approximate horizontal and vertical location of utility crossings along the proposed alignment from record drawings and field surveys of manholes.
- (h) Identify existing water meters and services lines to be transferred to proposed water lines.
- (i) Develop and prepare temporary water bypass plan and requirements for providing temporary water feed to the Timbercreek Subdivision. Bypass plan will be shown at a scale of not less than 1"=100' on 11"x17" sheet size.
- (j) Develop and prepare temporary sewage bypass plan and requirements for bypassing of force main flows during construction. Provide conceptual layout of proposed bypass plan, including determination of bypass flow amounts, suction, and discharge locations. Bypass plan will be shown at a scale of not less than 1"=100' on 11"x17" sheet size.
- (k) Identify existing sanitary sewer cleanouts and service laterals to be transferred to proposed sanitary sewer.
- (l) Review FEMA flood plain mapping to determine approximate elevation of 100-year floodplain along the route. If necessary, design improvements to raise existing manhole rim elevations above flood plain elevation.
- (m) Design connections of proposed water and sanitary sewer lines to the existing water distribution and wastewater collection systems.
- (n) Prepare construction sequencing and access plans.
- (o) Prepare erosion control plans.
- (p) Prepare restoration plan to identify required replacement limits of pavement, sidewalk, driveway, irrigation, and revegetation.
- (q) Select applicable City standard construction details and incorporate into the plans. Prepare additional details as required.
- (r) Complete QA/QC review of the 60%, 90% and 100% plans.

2.3 Franchise Utility Coordination

- (a) Obtain list of franchise utility contacts from the City. (60%)
- (b) Provide electronic PDF set of preliminary construction plans adequate for franchise utility relocation via email to each franchise utility for their review.

- Request each franchise utility to mark up the plans to show the size, type and location of their existing and proposed utilities. (60%)
 - (c) If required, attend up to two (2) franchise utility coordination meetings hosted by the City.
 - (d) Notify the City if franchise utility relocations are required. (90%)
 - (e) Conduct coordination with the franchise utilities if any relocations are required. (90%)
- 2.4 Specifications/Construction Contracts (90%)
Prepare general notes, specifications, and bidding documents in accordance with City of Rockwall requirements. Identify and prepare special specifications and/or special provisions applicable to the project. Prepare proposal and bid schedule of applicable items.
- 2.4.1 Contract documents will include the following:
- (a) City of Rockwall standard construction contract forms
 - (b) Notice to bidders
 - (c) Special instructions to bidders
 - (d) Bid Schedule (Bid-Tab) – Electronic for Bidding
 - (e) Standard construction contract
 - (f) Performance bond
 - (g) Payment bond
 - (h) Maintenance bond
 - (i) Certificate of insurance
 - (j) General conditions
 - (k) Special conditions
 - (l) Technical specifications
 - (m) Bid Item Descriptions
 - (n) Permits for work as may be required from the TxDOT
- 2.6 Engineer’s Opinion of Probable Construction Cost (60%, 90% and 100%)
Generate tabulation of proposed quantities of work and formulate an engineer’s opinion of probable construction cost based on historic bidding data of similar projects.
- 2.5 Consultant to coordinate with TxDOT on items related to the project crossing or being adjacent to the TxDOT right-of-way. If necessary, provide one construction plan submittal at 60% completion and assist City with permit submittals as required to achieve acceptance of proposed improvements.

3. Bidding Phase

- 3.1 Furnish the City with one 11-inch x 17-inch set of final construction plans, and one set of final Bidding Documents and Specifications for use during the bidding phase. Documents shall also be provided to the City in electronic PDF format.
- 3.2 City will be responsible for advertisement of the project in the Local Paper.
- 3.3 Consultant will upload plans and specifications to the project bidding distribution site CivCast.
- 3.4 Respond to contractor questions and provide design clarifications in Addenda format.
- 3.5 Attendance at the pre-bid meeting, if requested by the City.
- 3.6 The Consultant will prepare addenda to answer questions of the plans and specifications. The Consultant will provide the City with sealed, signed and dated addenda. The Consultant will upload the addenda to CivCast. All addenda will be posted a minimum of 24-hours before the bid opening.

- 3.7 The Consultant will respond to questions submitted from potential bidders and provided by the City to the Consultant a minimum of 72-hours before the bid opening.
- 3.8 Attendance at Bid Opening.
- 3.9 Complete tabulation of bids; checking for mathematical errors and unbalanced bids. Original bid documents to be returned to the City after tabulation.
- 3.10 Provide bid tabulation, in PDF format, to City via email and to Contractors who submitted bids via CivCast.
- 3.11 Obtain experience record and references from the apparent lowest bidder. Check references of apparent low bidder. Formulate opinion from information received and provide a letter of recommendation to the City for award of a construction contract.
- 3.12 Return Bid Bonds to bidders after award of contract.

4. Construction Phase

- 4.1 Conform construction plans and project specifications to addendums.
- 4.2 Pre-Construction Meeting: Prepare for and attend the Pre-Construction Meeting prior to commencement of Work at the Site. Consultant to provide the following quantities of plans and specifications for distribution at the Pre-Construction Meeting.
 - a) Half-size plans (11-inch x 17-inch) plans – (15 Total)
 - 7 – City (File, Engr. Dept. PM, Inspector, Sub-Inspector, Water, Wastewater, Streets/Drainage)
 - 4 – Franchise Utility Company Reps. (AT&T, Atmos, TXU/ONCOR, Charter)
 - 3 – Contractor/Sub-contractors
 - 1 – Geotech/Materials Testing Lab
 - b) Full-size plans (24-inch x 36-inch) plans – (5 Total)
 - 2 – City (File and Inspector)
 - 3 – Contractor/Subcontractors
 - c) Specification Books – (7 Total)
 - 3 – City (Engr. PM, Inspector, Sub Inspector)
 - 3 – Contractor/Subcontractors
 - 1 – Geotech/Materials Testing Lab
 - d) Plan Set “Approved for Construction” on CD.
- 4.3 Attend on-site construction observation meetings to observe progress, clarify design concepts and/or assist with solutions needed to overcome obstacles in construction (as applicable to scope of work) or to study and evaluate possible practical alternative solutions. Three (3) site visits are included in the budget.
- 4.4 When requested by the City, provide a memo of the site visit observations to the City.
- 4.5 Clarifications and Interpretations. Issue clarifications and interpretations of the Contract documents to City as appropriate. Field Orders authorizing variations from the requirements of the Contract Documents will be made by City from clarifications and interpretations made by the Consultant.
- 4.6 Shop Drawings and Samples. Review and take appropriate action in respect to Shop Drawings and Samples and other data which Contractor is required to Submit. Review of shop drawings will be completed by review of electronic PDF files provided by the Contractor. Consultant review and appropriate action will not extend to means, methods, techniques, equipment choice and usage, sequences, schedules, or procedures of construction or to related safety precautions and programs. Such appropriate action of the Consultant is limited to the following:
 - (a) No exceptions taken,

- (b) Revise and resubmit,
 - (c) Make corrections noted, and
 - (d) Rejected.
- 4.7 Substitutes and “or-equal”. Evaluate and determine the acceptability of substitute or “or-equal” materials and equipment proposed by Contractor in accordance with the Contract documents, but subject to the provisions of applicable standards of state or local government entities. “Or-equal” acceptance by the Consultant will only be provided if the Consultant has experience with the substitution.
- 4.8 Limitation of Responsibilities. The Consultant shall not be responsible for the acts or omissions of any Contractor, or of any of their subcontractors, suppliers, or of any other individual or entity performing or furnishing the Work.
- 4.9 Construction Walk Through. Consultant shall be present at the City’s construction walk through and will prepare a “punch/checklist” for the contractor to use to achieve final project acceptance.

ADDITIONAL SERVICES

The following scope items defined as additional services are those anticipated to be necessary to facilitate design of the project. These services will be performed on an as-need basis, and invoiced based on effort and expenses incurred.

5. Design Surveys

- 5.1 Consultant will prepare and send a “Request for Right of Entry for Surveying” and “Start of Engineering Design Notice” documents to property owners immediately adjacent to the proposed project route via regular U.S. Postal Service. Templates for documents and information for property owners will be provided by the City.
- 5.2 Conduct Property Research using Rockwall County records
- 5.2.1 Obtain plat information from County records or as provided by the City.
 - 5.2.2 Gather existing right-of-way (ROW) and easement information from Rockwall County records, and other records provided by the City.
- 5.3 Consultant will submit request to Texas 811 for location of franchise utilities.
- 5.4 Consultant shall submit request for location of City Utilities by calling City Service Center at 972-771-7730.
- 5.5 Topographic and Design Survey
- 5.5.1 Establish horizontal control points and temporary vertical control benchmarks in the vicinity of the proposed improvements.
 - 5.5.2 Perform field survey to identify and tie the horizontal and vertical location of relevant topographic elements. The field survey shall include, but is not limited to the following:
 - (a) Property boundary corner monumentation (that can be located)
 - (b) Sanitary sewer manholes (including flow line measure-down)
 - (c) Pavement, driveways, curbs, sidewalks, barrier free ramps, and signs.
 - (d) Storm sewer inlets, culverts, manholes, junction boxes and headwalls (including culvert sizes and flow line elevations)
 - (e) Top of bank, toe of bank and flow line of drainage channels/tributary.
 - (f) Utility vaults, water valves, water meters, wastewater cleanouts, sprinkler heads, utility poles, utility markers, and City and franchise utilities and markings
 - (g) Trees, including species and caliper (2-inch caliper and larger)

- (h) Landscape features, including planters, shrubs, rocks and borders
 - (i) Buildings and permanent structures
 - (j) Retaining walls, fences and screening walls (including material type)
- 5.6 Perform up to one site visit for the purposes of reviewing the results of field survey and determining the need for additional surveys.

6. Easement Document Preparation

- 6.1 Prepare easement documents (metes and bounds description and graphic exhibits) for proposed utility relocations or temporary construction easements if required by the project. A budget for preparation of fourteen (14) easement documents is included.
- 6.2 Consultant shall provide a Title Report or Title Info Letter for each property requiring a permanent easement. This report will be needed to verify ownership and any encumbrances (e.g., deeds of trust, unpaid tax liens, mechanic's liens, etc.) on the property that might affect the landowner's rights to grant the proposed easement to the City. A budget is included to provide title reports for fourteen (14) parcels. The City Attorney will draft the front-end language of easement documents. The easement will be filed by the City at the County before approval.
- 6.3 Individual parcel easement documents shall be prepared on 8.5-inch x 11-inch paper size, and both an electronic PDF copy and two (2) set of originals sealed, dated, and signed by a Registered Professional Land Surveyor shall be provided to the City.
- 6.3.1 Graphic exhibits shall contain the following:
- (a) Parcel number
 - (b) Area required
 - (c) Area remaining
 - (d) Legal description
 - (e) Current owner
 - (f) Any existing platted easements or easements filed by separate instrument including easements provided by utility companies.
 - (g) All physical features
- 6.3.2 Metes and bounds descriptions of the easement parcel will be prepared and provided on a separate sheet from the graphic exhibit, and each type of easement shall be described separately.
- 6.4 The Consultant shall provide easement documents to the City and/or their assigned Land Rights Acquisition Agent.

7. Subsurface Utility Exploration (SUE) – Level A (Performed with a Sub-contractor)

- 7.1 If the project requirements dictate, SUE Quality Level A will be performed to identify the horizontal location and depth of the existing utilities. A budget for six (6) SUE locates is included.

EXPECTED CONTRACTING SERVICE FOR SUE LOCATES:

Axis Construction, LP
1331 Maxwell Road
Haslet, TX 76052

8. Construction Record Drawing Preparation

- 8.1. Consultant shall prepare project "Record Drawings" based on information provided by the Contractor, and/or City as to the actual field placement of the work, including any changes or deletions. All documented field changes and revisions provided shall be shown and noted in the revision block. Revisions shall be drawn using accepted drafting standards and shall be clear and legible. Line work

and notes related to work deleted or changed shall be omitted from the Record Drawing. Record drawings shall be sealed, dated and signed by the Engineer of Record in accordance with the Texas Board of Professional Engineers Policy Advisory Opinion Regarding Record Drawings.

8.2. Consultant shall provide the following deliverables:

- (a) Electronic copy of the record drawings shall be submitted on CD/DVD or flash drive in the following formats.
 - i. AutoCAD (.dwg) format
 - ii. Portable Document File (PDF) 400 dpi (min) (22-inch x 34-inch paper size)
- (b) If applicable, an electronic copy of geotechnical reports, survey data, photographs, and exhibits used for the project, in .PDF or jpg format.
- (c) Electronic copy of project specifications in Microsoft Word (.doc) and PDF format.

ATTACHMENT “B”

Payment Schedule

Compensation for Basic Services in Tasks 1-4 shall be on a lump sum basis. The tabulation below establishes the not to exceed amount for each category of contract service:

	<u>Task</u>	<u>Fee</u>
	<u>BASIC SERVICES</u>	
1.	Utility Conflict Evaluation	\$ 35,500.00
2.	Final Design Phase	\$ 93,100.00
3.	Bidding Phase	\$ 5,900.00
4.	Construction Administration Phase	\$ 13,300.00
	Basic Services Subtotal:	\$ 147,800.00
Compensation for additional services under Tasks 5-8 shall be on an hourly basis of salary cost times a multiplier of 2.45 for time expended on the task. Field survey crew shall be based on \$170.00 per hour, inclusive of all equipment rentals and software licensing; plus, mileage charge at the IRS established rate. Expenses shall be at invoice cost times a multiplier of 1.15.		
	<u>ADDITIONAL SERVICES</u>	
5.	Design Surveys	\$ 17,900.00
6.	Easement Document Preparation	\$ 52,500.00
7.	Subsurface Utility Exploration (SUE)	\$ 7,300.00
8.	Construction Record Drawing Preparation	\$ 2,700.00
	Additional Services Subtotal*	\$ 80,400.00
	ENGINEERING SERVICES CONTINGENCY**(To be 10% of Services)	\$ 20,820.00
	<i>** (This service is a miscellaneous amount to be used at the discretion of the City for additional Services outside of the scope of the contract. This item will be controlled by the City and will only be used if the City chooses. The Engineer has no right or guarantee to the use of this Contingency)</i>	
	Project Total*	\$ 251,020.00

Fees that are Lump Sum for each task and will be invoiced monthly based upon the overall percentage of services performed.

ATTACHMENT “C”

Project Schedule

Notice to Proceed (NTP)	May 2021
Submit Draft of Utility Conflict Evaluation	July 2021
Submit Final Utility Conflict Evaluation to City	August 2021
Begin Design Phase	August 2021
Conduct Field Surveys	August 2021
Submit 60% Preliminary Plans to City for Review	November 2021
Submit 90% Preliminary Plans & Specs to City for Review	February 2022
Submit 100% Final Plans & Specifications	March 2022
Advertise Project for Bids	March 2022
Construction Contract Award	April 2022
Construction (Assumes 180 Calendar Days)	May – October 2022

ATTACHMENT “D”

Sub-Consultants

The Sub-Consultants anticipated for the work included in the scope of services for this project are as follows.

Subsurface Utility Exploration: Axis Construction, LP
1331 Maxwell Road
Haslet, TX 76052
Joe Swinnea, President



MEMORANDUM

TO: Mary Smith, Interim City Manager

CC: Honorable Mayor and City Council

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

DATE: May 17, 2021

SUBJECT: CONSTRUCTION CONTRACT FOR THE HEATH STREET PUMP STATION IMPROVEMENTS PROJECT

Attachments
Location Map
Bid Tabulation
Engineer's Letter

Summary/Background Information

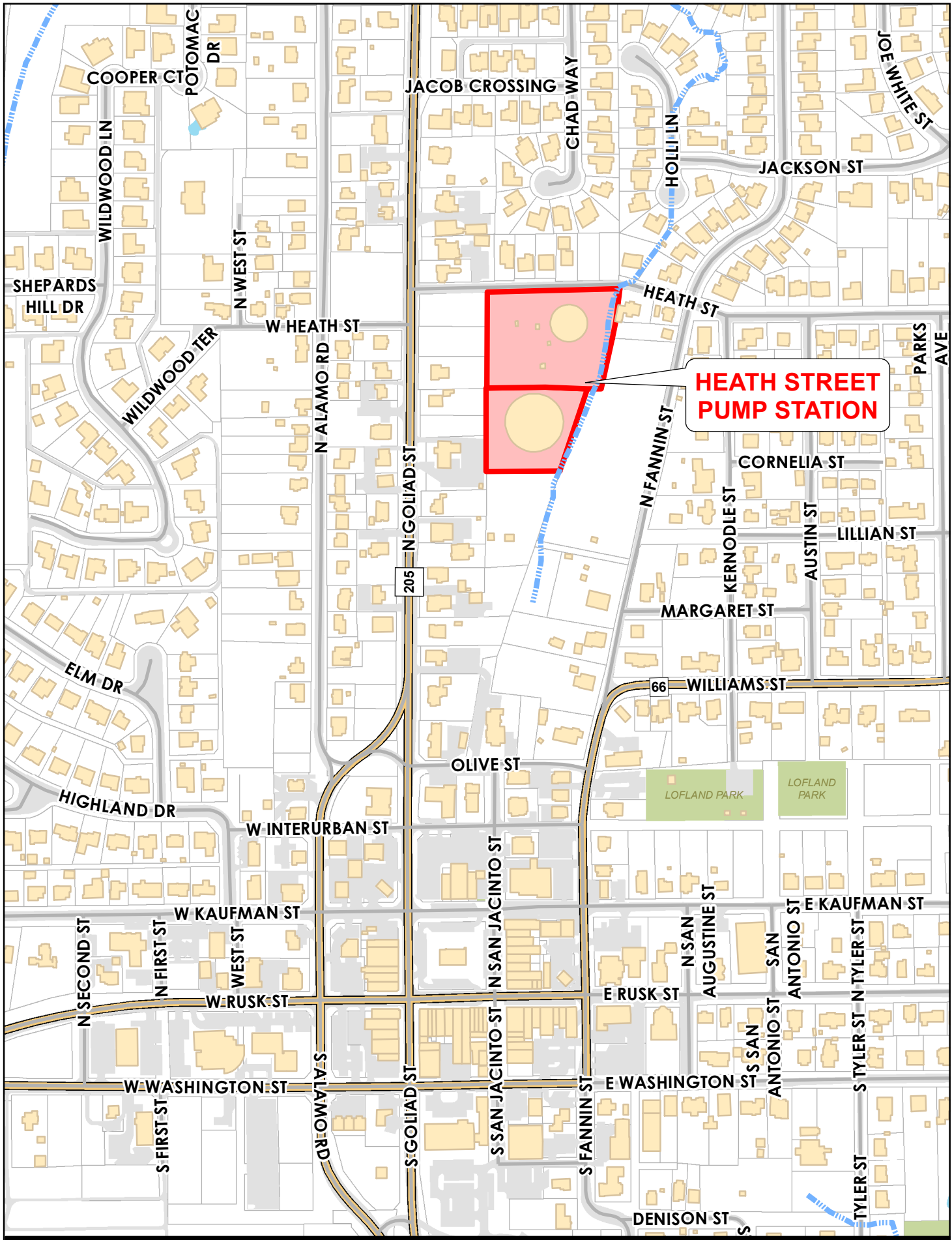
An evaluation of the Heath Street Pump Station capabilities was completed in the *2019 Water System Master Plan Update*. Based on these findings, the pump station currently has six (6) existing pumps. The electrical system supporting these pumps, including the standby emergency generator, has reached the end of its useful life. Some of this equipment is located in areas that are not air-conditioned/heated which makes it susceptible to weather conditions and temperature fluctuations. This has aided in reducing performance and has shortened the life span of these systems. Currently, the existing electrical system and standby emergency generator can only support running two of the six (6) existing pumps, leaving four (4) pumps underutilized. During the recent freeze in February of this year, the Heath Street Pump Station was the only station to stop functioning due to the inclement weather. Staff should note that acquisition of replacement parts has become difficult for the Public Work Department to source.

In the *Master Plan Hydraulic Analysis*, it was determined five (5) of the six (6) pumps are needed to provide the necessary flow and pressure to the City of Rockwall's Downtown area to support peak demands and fire flows. With the proposed improvements to the Heath Street Pump Station, the City can provide sufficient pumping capacity utilizing five (5) of the six (6) pumps, even during a power outage. This will bring the pump station into compliance with TCEQ regulations for firm pumping capacity. Upgrading the Heath Street Pump Station also prolongs the need for the future Hays Pump Station until approximately 2035.

The City hired Birkhoff, Hendricks & Carter, L.L.P. to provide the engineering design and specifications for the *Heath Street Pump Station Improvements Project*. Staff received five (5) bids for these construction projects through the bidding process which opened up on April 20, 2021. The low bidder was Crescent Construction, Inc. with a bid of \$2,777,000.00. The engineering consultants have verified the references for Crescent Construction, Inc. and provided a letter of recommendation.

Staff requests the City Council consider approving the construction contract for the *Heath Street Pump Station Improvements Project*, and authorize the Interim City Manager to execute a contract with Crescent Construction, Inc in an amount of \$2,777,000.00 to be paid for out of the *Water/Sewer Funds*.

Action Needed



**HEATH STREET
PUMP STATION**



**City of
Rockwall**



0 50 100 Feet
Date: 5/7/2021

The data represented on this map was obtained with the best methods available. Data is supplied from various sources and accuracy may be out of the City of Rockwall's control. The verification of accuracy and/or content lies entirely with the user. The City of Rockwall does not guarantee the accuracy of contained information. All information is provided 'As Is' with no warranty being made, either expressed or implied.

HEATH STREET PUMP STATION

City of Rockwall
Heath Street Pump Station Site and Electrical Improvements
CIP-WT2020-001

BID SUMMARY

Bids Received at 2:00 p.m., Tuesday, April 20, 2021

<u>Contractor</u>	<u>Total Bid Amount</u> <u>Schedules A + B</u>	<u>Total Bid Amount</u> <u>Schedules A + B + C</u>
1. Crescent Constructors, Inc. 2560 Technology Drive Ste 400 Plano, Texas 75074 David 972-422-0014 david@crescentconstructors.com	\$ <u>2,547,000.00</u>	\$ <u>2,777,000.00</u>
2. Rey-Mar Construction 3416 Reed Street Fort Worth, Texas 76119 David Martinez 817-535-0153 david@reymarconstruction.com	\$ <u>2,778,783.00</u>	\$ <u>2,983,503.00</u>
3. Dake Construction 2200 Smith Barry Road Ste 150 Pantego, Texas 76013 R. Scott Lewis 817-303-7111 slewis@dakeconstruction.net	\$ <u>2,774,158.00</u>	\$ <u>3,022,058.00</u>
4. MELA Contracting, Inc. 430 Lakeview Road Rhome, Texas 76078 Paul Mendoza 972-347-5260 paul@melacontracting.com	\$ <u>2,895,000.00</u>	\$ <u>3,145,000.00</u>
5. Gracon Construction, Inc. P.O. Box 360039 Dallas, Texas 75336 Kenneth Graves 972-222-8583 kgraves@gracon.biz	\$ <u>3,101,225.00</u>	\$ <u>3,491,225.00</u>

TABULATION OF BIDS

Date: April 21, 2021

Project: City of Rockwall
Heath Street Pump Station Site and Electrical Improvements
CIP-WT2020-001

BIRKHOFF, HENDRICKS & CARTER, L.L.P.
PROFESSIONAL ENGINEERS
Dallas, Texas

BID OF
Crescent Constructors, Inc.
2560 Technology Drive Ste 400
Plano, Texas 75074
David
972-422-0014
david@crescentconstructors.com

BID OF
Rey-Mar Construction
3416 Reed Street
Fort Worth, Texas 76119
David Martinez
817-535-0153
david@reymarconstruction.com

BID OF
Dake Construction
2200 Smith Barry Road Ste 150
Pantego, Texas 76013
R. Scott Lewis
817-303-7111
slewis@dakeconstruction.net

BID OF
MELA Contracting, Inc.
430 Lakeview Road
Rhome, Texas 76078
Paul Mendoza
972-347-5260
paul@melacontracting.com

BID OF
Gracon Construction, Inc.
P.O. Box 360039
Dallas, Texas 75336
Kenneth Graves
972-222-8583
kgraves@gracon.biz

Item No.	Approximate Quantities	Unit	Description	Unit Bid Price	Extension	Unit Bid Price	Extension	Unit Bid Price	Extension	Unit Bid Price	Extension	Unit Bid Price	Extension
SCHEDULE A-BASE BID													
1	1	L.S.	For mobilization, Bonds, Insurance and Shop Drawings (max 5% of contract)	\$135,000.00	\$ 135,000.00	\$126,000.00	\$ 126,000.00	\$75,900.00	\$ 75,900.00	\$130,000.00	\$ 130,000.00	\$143,000.00	\$ 143,000.00
2	1	L.S.	For Civil Site Demolition (Sheet 4), Including Removal and Disposal of Existing Chain Link Fences, Gates, 12" and 16" Water Lines, Cutting and Plugging Existing Water Lines,	\$50,000.00	\$ 50,000.00	\$48,000.00	\$ 48,000.00	\$16,700.00	\$ 16,700.00	\$50,000.00	\$ 50,000.00	\$35,000.00	\$ 35,000.00
3	1	L.S.	For Electrical Site Demolition (Sheet 19), Including Removal and Disposal of Existing Un-used Electrical Concrete Pads, Electrical Building and Foundation, Generator Pad and Generator, Light	\$70,000.00	\$ 70,000.00	\$40,000.00	\$ 40,000.00	\$29,000.00	\$ 29,000.00	\$40,000.00	\$ 40,000.00	\$60,000.00	\$ 60,000.00
4	1	L.S.	For Furnishing all Labor Materials, Tools and Equipment for the Heath Street Pump Station Electrical Improvements, Including Motor Control Centers, Transformers, Automatic Transfer	\$1,218,000.00	\$ 1,218,000.00	\$1,323,300.00	\$ 1,323,300.00	\$1,450,000.00	\$ 1,450,000.00	\$1,050,000.00	\$ 1,050,000.00	\$1,123,000.00	\$ 1,123,000.00
5	1	L.S.	For Furnishing all Labor Materials, Tools and Equipment for the Heath Street Pump Station General Site Drainage, Grading and Utility Locates	\$25,000.00	\$ 25,000.00	\$12,000.00	\$ 12,000.00	\$52,700.00	\$ 52,700.00	\$101,683.00	\$ 101,683.00	\$26,000.00	\$ 26,000.00
6	1	L.S.	Furnish & Install 600 kW Standby Generator, including Sound Enclosure, Load Bank, Testing & Making the Generator Fully Functional & Operational	\$200,000.00	\$ 200,000.00	\$176,000.00	\$ 176,000.00	\$220,000.00	\$ 220,000.00	\$165,000.00	\$ 165,000.00	\$248,000.00	\$ 248,000.00
7	95	S.Y.	For Furnishing & Placing Reinforced Concrete Electrical Room and Generator Structural Foundations and Transformer Pad (All electrical foundations including leave outs), Including	\$450.00	\$ 42,750.00	\$580.00	\$ 55,100.00	\$800.00	\$ 76,000.00	\$1,750.00	\$ 166,250.00	\$1,220.00	\$ 115,900.00
8	555	S.Y.	For Constructing 6" Reinforced Concrete Paving on 6" Flexible Base over Recompacted Subgrade, Including Geotextile Fabric, all Control Joints, Unclassified Excavation and the	\$90.00	\$ 49,950.00	\$179.00	\$ 99,345.00	\$100.00	\$ 55,500.00	\$55.00	\$ 30,525.00	\$153.00	\$ 84,915.00
9	66	S.Y.	For Furnishing & Placing 4" Reinforced Concrete Sidewalk on 6-in Flexible Base over a Recompacted Subgrade, Including Geotextile Fabric	\$80.00	\$ 5,280.00	\$240.00	\$ 15,840.00	\$79.00	\$ 5,214.00	\$35.00	\$ 2,310.00	\$225.00	\$ 14,850.00
10	20	Ea.	Furnish and Install Stationary Bollards	\$400.00	\$ 8,000.00	\$600.00	\$ 12,000.00	\$365.00	\$ 7,300.00	\$300.00	\$ 6,000.00	\$1,000.00	\$ 20,000.00
11	22	L.F.	Construct Longitudinal Butt Joint at Existing Driveway and Proposed Concrete Pavement	\$45.00	\$ 990.00	\$100.00	\$ 2,200.00	\$73.00	\$ 1,606.00	\$100.00	\$ 2,200.00	\$50.00	\$ 1,100.00
12	119	L.F.	Furnish and Install 6-ft Tall Chain Link Fence in Accordance with the Standard Details	\$55.00	\$ 6,545.00	\$64.00	\$ 7,616.00	\$67.00	\$ 7,973.00	\$100.00	\$ 11,900.00	\$80.00	\$ 9,520.00
13	1	L.S.	Furnish & Install 24-ft Double Leaf Swing Gate in Accordance with the Standard Details	\$5,000.00	\$ 5,000.00	\$4,200.00	\$ 4,200.00	\$3,400.00	\$ 3,400.00	\$5,000.00	\$ 5,000.00	\$3,500.00	\$ 3,500.00
14	6	Ea.	Remove and Replace Existing and Pump Control Valves and Couplings with New Thrust Harness, Ductile Iron Pipe Spools and new 10" Swing Check Valves, Including all Fittings for each Pump,	\$14,000.00	\$ 84,000.00	\$13,000.00	\$ 78,000.00	\$12,900.00	\$ 77,400.00	\$20,000.00	\$ 120,000.00	\$17,000.00	\$ 102,000.00
15	55	L.F.	Furnish & Install 16" Surge Line, Including all embedment and Fittings inside the Proposed Valve Vault, from the 36" Connection to the 20" Connection	\$700.00	\$ 38,500.00	\$700.00	\$ 38,500.00	\$700.00	\$ 38,500.00	\$1,200.00	\$ 66,000.00	\$1,500.00	\$ 82,500.00
16	1	L.S.	For Piping Modification - Piping Modifications Location 1 - Relocate Existing 16" Water Line	\$35,000.00	\$ 35,000.00	\$47,000.00	\$ 47,000.00	\$26,800.00	\$ 26,800.00	\$60,000.00	\$ 60,000.00	\$82,000.00	\$ 82,000.00
17	2	Ea.	Furnish & Install 16" Butterfly Valve including 5-foot Diameter Flat-Top Precast Manhole Including All Appurtenances	\$30,000.00	\$ 60,000.00	\$42,700.00	\$ 85,400.00	\$36,900.00	\$ 73,800.00	\$65,000.00	\$ 130,000.00	\$55,000.00	\$ 110,000.00
18	1	L.S.	Furnish & Install 20" X 16" Tee and 20" Butterfly Valve, Including a 5-ft Diameter Flat-Top Manhole on Existing 20" RCCP Discharge Header	\$40,000.00	\$ 40,000.00	\$60,000.00	\$ 60,000.00	\$38,200.00	\$ 38,200.00	\$90,000.00	\$ 90,000.00	\$83,000.00	\$ 83,000.00
19	1	L.S.	Furnish & Install 36" X 16" Tee on RCCP Suction Line	\$50,000.00	\$ 50,000.00	\$55,000.00	\$ 55,000.00	\$53,600.00	\$ 53,600.00	\$125,000.00	\$ 125,000.00	\$140,000.00	\$ 140,000.00
20	1	L.S.	Furnish and Install 16" Surge Anticipator Valve Inside Proposed Valve Vault	\$35,000.00	\$ 35,000.00	\$39,000.00	\$ 39,000.00	\$39,200.00	\$ 39,200.00	\$75,000.00	\$ 75,000.00	\$47,000.00	\$ 47,000.00
21	1	L.S.	Furnish & Install 10-ft X 8-ft Reinforced Concrete Precast Valve Vault, Including Hatch, Sump Pump, Sump Pump Piping and Appurtenances, Ladder, Vent, Link Seals on Wall penetrations,	\$65,000.00	\$ 65,000.00	\$75,000.00	\$ 75,000.00	\$64,500.00	\$ 64,500.00	\$65,000.00	\$ 65,000.00	\$95,000.00	\$ 95,000.00
22	1	L.S.	For Piping Modification - Piping Modifications Location 2 - Furnish & Install 20" Butterfly Valve including 5-foot Diameter Precast Manhole and manhole Appurtenances, 20" Discharge Header	\$35,000.00	\$ 35,000.00	\$68,000.00	\$ 68,000.00	\$51,000.00	\$ 51,000.00	\$85,000.00	\$ 85,000.00	\$130,000.00	\$ 130,000.00
23	80	L.F.	Furnish and Install Chlorine Analyzer 4-inch SDR 35 PVC Effluent Line from Proposed Electrical Building to Existing Drain Line Manhole.	\$90.00	\$ 7,200.00	\$55.00	\$ 4,400.00	\$65.00	\$ 5,200.00	\$50.00	\$ 4,000.00	\$200.00	\$ 16,000.00

TABULATION OF BIDS

Date: April 21, 2021

Project: City of Rockwall
Heath Street Pump Station Site and Electrical Improvements
CIP-WT2020-001

BIRKHOFF, HENDRICKS & CARTER, L.L.P.
PROFESSIONAL ENGINEERS
Dallas, Texas

BID OF
Crescent Constructors, Inc.
2560 Technology Drive Ste 400
Plano, Texas 75074
David
972-422-0014
david@crescentconstructors.com

BID OF
Rey-Mar Construction
3416 Reed Street
Fort Worth, Texas 76119
David Martinez
817-535-0153
david@reymarconstruction.com

BID OF
Dake Construction
2200 Smith Barry Road Ste 150
Pantego, Texas 76013
R. Scott Lewis
817-303-7111
slewis@dakeconstruction.net

BID OF
MELA Contracting, Inc.
430 Lakeview Road
Rhame, Texas 76078
Paul Mendoza
972-347-5260
paul@melacontracting.com

BID OF
Gracon Construction, Inc.
P.O. Box 360039
Dallas, Texas 75336
Kenneth Graves
972-222-8583
kgraves@gracon.biz

Item No.	Approximate Quantities	Unit	Description	Unit Bid Price		Extension		Unit Bid Price		Extension		Unit Bid Price		Extension	
				Price	Extension	Price	Extension	Price	Extension	Price	Extension	Price	Extension		
24	1,496	S.Y.	Furnish, Place, Roll, Fertilize and Water Solid Sod, including 4" Top Soil	\$10.00	\$ 14,960.00	\$17.00	\$ 25,432.00	\$20.00	\$ 29,920.00	\$12.00	\$ 17,952.00	\$20.00	\$ 29,920.00		
25	1	L.S.	Furnish, Install, Maintain and Remove Erosion Control Devices as Shown on the Erosion Control Plan	\$10,000.00	\$ 10,000.00	\$3,800.00	\$ 3,800.00	\$6,200.00	\$ 6,200.00	\$1,500.00	\$ 1,500.00	\$10,000.00	\$ 10,000.00		
26	1	L.S.	Design and Furnish Trench Safety and Shoring Plan	\$1,000.00	\$ 1,000.00	\$1,500.00	\$ 1,500.00	\$1,100.00	\$ 1,100.00	\$1,000.00	\$ 1,000.00	\$1,200.00	\$ 1,200.00		
27	1	L.S.	Furnish, Install, Maintain and Remove Trench Safety and Shoring Plan	\$1,065.00	\$ 1,065.00	\$9,000.00	\$ 9,000.00	\$10,100.00	\$ 10,100.00	\$1,000.00	\$ 1,000.00	\$1,200.00	\$ 1,200.00		
28	1	L.S.	For Oncor Charges for Primary Service Modifications (BID ALLOWANCE)	\$3,000.00	\$ 3,000.00	\$3,000.00	\$ 3,000.00	\$3,000.00	\$ 3,000.00	\$3,000.00	\$ 3,000.00	\$3,000.00	\$ 3,000.00		
29	1	Ea.	1" Service Tap on 16" Discharge Line, Including Meter Box and All Fittings for a Water Meter to be Installed by the City	\$2,000.00	\$ 2,000.00	\$3,600.00	\$ 3,600.00	\$3,600.00	\$ 3,600.00	\$5,000.00	\$ 5,000.00	\$2,000.00	\$ 2,000.00		
30	21	L.F.	Furnish and Install 1" HDPE Polytube (SDR 9) Service Line for Chlorine Analyzer, Including all embedment and Fittings	\$60.00	\$ 1,260.00	\$150.00	\$ 3,150.00	\$125.00	\$ 2,625.00	\$80.00	\$ 1,680.00	\$20.00	\$ 420.00		
31	1	Ea.	Construct Reinforced Concrete Valve Box Pad around Existing Valve Stack	\$500.00	\$ 500.00	\$800.00	\$ 800.00	\$700.00	\$ 700.00	\$6,000.00	\$ 6,000.00	\$600.00	\$ 600.00		
32	12	Ea.	Remove and Replace Existing Valve Stacks	\$500.00	\$ 6,000.00	\$1,300.00	\$ 15,600.00	\$535.00	\$ 6,420.00	\$3,000.00	\$ 36,000.00	\$3,300.00	\$ 39,600.00		
			SUBTOTAL		\$ 2,306,000.00		\$ 2,537,783.00		\$ 2,533,158.00		\$ 2,654,000.00		\$ 2,860,225.00		
			SCHEDULE B-CONTIGENCY												
100	1	L.S.	Construction Contingency (See Note 1 on Bid Summary Sheet)	\$241,000.00	\$ 241,000.00	\$241,000.00	\$ 241,000.00	\$241,000.00	\$ 241,000.00	\$241,000.00	\$ 241,000.00	\$241,000.00	\$ 241,000.00		
			SCHEDULE C-ADDITIVE ALTERNATE												
200	1	L.S.	Electromagnetic Flanged 20-Inch Flow Sensor at Exiting Meter 1 and Meter 2 Locations, Including Transmitters, 8' x 10' Meter Vaults, Scada Connections and All Appurtenances (Lump Sum for 2 Locations)	\$230,000.00	\$ 230,000.00	\$204,720.00	\$ 204,720.00	\$247,900.00	\$ 247,900.00	\$250,000.00	\$ 250,000.00	\$390,000.00	\$ 390,000.00		
			SCHEDULE D-DEDUCTIVE ALTERNATE												
300	1	L.S.	Credit value for contractor to purchase and remove existing Cummings 300-KW Generator from the site	(\$2,500.00)	(\$2,500.00)	(\$2,000.00)	(\$2,000.00)	(\$4,000.00)	(\$4,000.00)	\$0.00	\$ -	(\$1,000.00)	(\$1,000.00)		
			SCHEDULE A + B		\$ 2,547,000.00		\$ 2,778,783.00		\$ 2,774,158.00		\$ 2,895,000.00		\$ 3,101,225.00		
			SCHEDULE A + B + C		\$ 2,777,000.00		\$ 2,983,503.00		\$ 3,022,058.00		\$ 3,145,000.00		\$ 3,491,225.00		

Mathematical Error on original bid

BIRKHOFF, HENDRICKS & CARTER, L.L.P.
PROFESSIONAL ENGINEERS

11910 Greenville Ave., Suite 600

Dallas, Texas 75243

Phone (214) 361-7900

www.bhellp.com

JOHN W. BIRKHOFF, P.E.
GARY C. HENDRICKS, P.E., R.P.L.S.
JOE R. CARTER, P.E.
MATT HICKEY, P.E.
ANDREW MATA, JR., P.E.
DEREK B. CHANEY, P.E., R.P.L.S.
CRAIG M. KERKHOFF, P.E.
JUSTIN R. IVY, P.E.

April 28, 2021

Mr. Jeremy White, P.E., C.F.M.
Civil Engineer
City of Rockwall
385 S. Goliad Street
Rockwall, Texas 75087

Re: Heath Street Pump Station
Site & Electrical Improvements
CIP WT2020-001

Dear Mr. White:

Sealed bids were received at 2:00 p.m., Tuesday, April 20, 2021 for Heath Street Pump Station Site and Electrical Improvements project. Five contractors submitted bids. We are enclosing one copy of the bid tabulation. Crescent Constructors, Inc. was the apparent low bidder for the Base Bid (Schedule A plus Schedule B) in the amount of \$2,547,000.00. Crescent Constructors was also the low bidder for the Base Bid plus the additive alternate bid to replace the flow meters (Schedules A + B + C) in the total amount of \$2,777,000.00. No errors or irregularities were found in the low bid. Bids were also received to provide a credit to purchase the existing standby generator that is being replaced in Schedule D of the bid schedule. Crescent offered a credit amount of \$2,500.00. In our opinion this credit is low and the City could obtain a higher price if the unit is publicly auctioned by the City. We do not recommend awarding Schedule D.

We have reviewed Crescent's statement of qualifications and references provided and find that Crescent Constructors has a record of satisfactorily completing projects similar to this project for the N.T.M.W.D. and the Cities of Plano, McKinney and the Town of Fairview, among others.

Based on the contractor's information provided to us, it is recommended that the city accept the bid from Crescent Constructors, Inc, and award a construction contract for the Base Bid (Schedule A + B) in the amount of \$2,547,000 or the Base Bid plus the Additive Alternate (Schedules A + B +C) in the amount of \$2,777,000.00 to Crescent Constructor's Inc.

We are available to discuss our recommendation further at your convenience.

Sincerely,



Matt Hickey, P.E.

Enclosures



MEMORANDUM

TO: Mary Smith, Interim City Manager

CC: Honorable Mayor and City Council

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

DATE: May 17, 2021

SUBJECT: CONSTRUCTION MATERIALS TESTING FOR THE HEATH STREET PUMP STATION IMPROVEMENTS PROJECT

Attachments

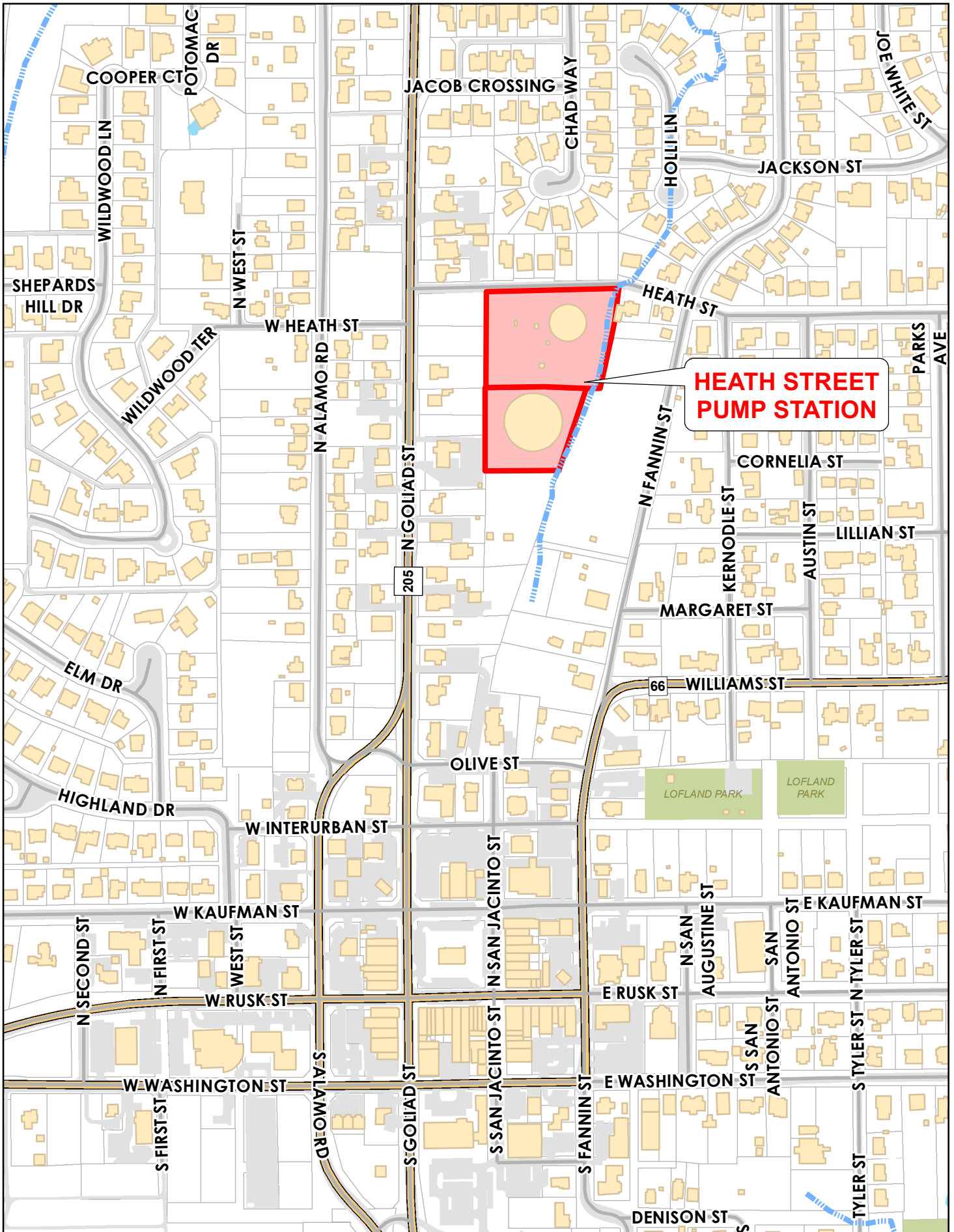
Location Map
Contract

Summary/Background Information

City's *Engineering Standards of Design and Construction Manual* requires that construction material testing occur on all projects constructed by the City. Proper material testing ensures that City projects are constructed with materials that meet the City's standards, and which have the potential to reduce future maintenance and operational expenses after the construction is complete.

Staff requests that the City Council consider approving the construction materials testing contract for Heath Street Pump Station Improvements Project and authorize the Interim City Manager to execute a contract with Alliance Geotechnical Group in the amount of \$32,915.63 which will be funded by *Water/Sewer Funds*.

Action Needed



**HEATH STREET
PUMP STATION**



City of
Rockwall



0 50 100 Feet
Date: 5/7/2021

The data represented on this map was obtained with the best methods available. Data is supplied from various sources and accuracy may be out of the City of Rockwall's control. The verification of accuracy and/or content lies entirely with the end user. The City of Rockwall does not guarantee the accuracy of contained information. All information is provided 'As Is' with no warranty being made, either expressed or implied.

HEATH STREET PUMP STATION



April 7, 2021

Mr. Jeremy White
Public Works – Engineering Division
City of Rockwall
385 S. Goliad
Rockwall, Texas 75087

Phone: 972-771-7746
email: jwhite@rockwall.com

Re: Heath Street Pump Station Improvements
Rockwall, Texas
Engineering Inspection & Testing Services
AGG Proposal No: P21-0407C

Dear Mr. White,

Alliance Geotechnical Group (AGG) is pleased to confirm our firm’s interest in providing materials inspection and testing services for the proposed project noted above. Our estimate for providing these services is **\$32,915.63**. A schedule of unit fees for this project is attached. Actual charges will be based on the contractors/client scheduling.

After reviewing our fee schedule if you have any questions, please contact the undersigned at (972) 444-8889. If acceptable, please either sign below and return to our office, or issue a Purchase Order as our Authorization to Proceed. We look forward to the opportunity of working with you on this project.

Respectfully submitted,

ALLIANCE GEOTECHNICAL GROUP

Aaron Allen
Aaron J. Allen, P.E.
CME Division Engineer

Approved by: _____
Signature

Date: _____



Proposed Fee Summary

Alliance Geotechnical Group - Construction Materials Testing Services

Heath Street Pump Station Improvements, Rockwall, Texas AGG Prop. No. P21-0407C

Item No.	Laboratory Test Description	ASTM/TXDOT Procedures	Units	Quantity	Unit Price	Total
Soil and Base Material						
	Atterberg Limits - (Liquid and Plastic Limits and Plasticity Index (PI))	D-4318	EA	4	55.00	220.00
	Material finer than #200 Sieve	D-1140	EA	4	45.00	180.00
	Atterberg Limits (Lime) Series Test		EA		275.00	0.00
	Moisture-Density Relationship of Soil (Proctor Compaction Curve)	D-698	EA	4	160.00	640.00
	Moisture-Density Relationship of Base (Proctor Compaction Curve)	TX 113E	EA	1	175.00	175.00
	Proctor Pickup (Includes Trip Charge)		EA	5	175.00	875.00
	Nuclear Field Density Test @ Paving/Sidewalk/Pads <i>(Est. 10 Trips)</i>	D-6938	EA	20	18.00	360.00
	Nuclear Field Density Test @ Utilities <i>(Est. 10 Trips)</i>	D-6938	EA	40	18.00	720.00
	Senior Engineer Technician to Perform Densities	D-6938	HR	100	42.50	4250.00
	Project Manager		HR	8	85.00	680.00
Concrete @ Paving, Sidewalk, Generator/Electrical/Antenna/Duct Bank/Transformer Pads, Light Posts						
	Concrete Compression Test (Concrete Cylinders - Test and Hold) (4 cyl. per set) <i>(Est. 17 Trips)</i>	C-39	EA	68	20.00	1360.00
	Cylinder Pickup (Includes Trip Charge)		EA	17	175.00	2975.00
	Senior Engineering Technician to Perform Concrete Inspection		HR	73	42.50	3102.50
	Project Manager		HR	8	85.00	680.00
Reinforcing Steel Inspection						
	Senior Engineering Technician to Perform Steel Inspection <i>(Est. 17 Trips)</i>	C-39	HR	68	42.50	2890.00
	Project Manager		HR	3	85.00	255.00
Structural Steel Inspection						
	Senior Engineering Technician to Perform Steel Inspection <i>(Est. 10 Trips)</i>	C-39	HR	50	75.00	3750.00
	Project Manager		HR	4	85.00	340.00
Travel Item Number						
	Trip Charge		EA	64	45.00	2880.00
Contingency Fee						
	25% Contingency Fee		LS	1	6583.13	6583.13
TOTAL						\$32,915.63

****Overtime rates of 1.5 times the regular hourly rate will be charged for work over 8 hours or any time before 7am or after 5pm. Services performed on recognized holidays will be charged at 2.0 times the the regular hourly rate.**

****25% contingency fee added to account for testing quantities not anticipated in estimate.**



MEMORANDUM

TO: Mary Smith, Interim City Manager

CC: Honorable Mayor and City Council

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

DATE: May 17, 2021

SUBJECT: NORTH LAKESHORE BRIDGE REPAIR

Attachments
Location Map
Bid Tabulation
Engineer's Letter

Summary/Background Information

Last year, it was reported to staff that the bridge abutments had started to show signs of distress. The City hired Freese and Nichols, Inc. to provide the engineering design and specifications for *North Lakeshore Bridge Repair Project*.

From the field investigation and post analysis by Freese & Nichols, Inc., the failure of the bridge abutment backwalls appear to be primarily due to longitudinal/horizontal pavement movement. Past and recent studies by the Texas Department of Transportation (TxDOT) and the Federal Highway Administration (FHWA) have determined this to be a common problem with their bridges, and can be attributed to horizontal movement of the paving adjacent to the bridge and maintenance of the joints. In addition to restoring the backwalls and the original bridge expansion joint, the repair modifications will include installing a protected expansion joint, which was developed by TxDOT's Houston District and is intended to provide a second layer of protection against longitudinal pavement movement.

Staff received nine (9) bids for these improvements through the bidding process, which opened up on April 13, 2021. A&B Construction, LLC submitted a low bid of \$489,414.50. The engineering consultants have verified A&B Construction, LLC's references and provided a letter of recommendation.

Staff requests the City Council consider approving the construction contract for the *North Lakeshore Bridge Repair Project*, and authorize the Interim City Manager to execute a contract with A&B Construction, LLC in the amount of \$489,414.50. If approved, this will be paid out of reserves.

Action Needed

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N. Lakeshore Dr. Bridge



**City of
Rockwall**



0 50 100 Feet
Date: 5/6/2021

The data represented on this map was obtained with the best methods available. Data is supplied from various sources and accuracy may be out of the City of Rockwall's control. The verification of accuracy and/or content lies entirely with the end user. The City of Rockwall does not guarantee the accuracy of contained information. All information is provided 'As Is' with no warranty being made, either expressed or implied.

N. Lakeshore Dr. Bridge Repair

Missing Information
 Apparent Lowest Bidder

Item No.	Description	Unit	Estimated Quantity	A&B CONSTRUCTION, LLC		LELAND BRADLEE CONSTRUCTION, INC.		NORTH ROCK CONSTRUCTION, LLC		URBAN INFRACONSTRUCTION		IBTC TX, LLC		HIGHWAY 19 CONSTRUCTION, LLC		Notes	REBCON, INC.		GHB EQUIPMENT COMPANY, LLC				JOE FUNK CONSTRUCTION, INC.		AVERAGES	
				Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount		Unit Price	Extended Amount	Unit Price	Extended Amount	Bid Price from Bid Form	Notes	Unit Price	Extended Amount	Unit Price	Extended Amount
1	Mobilization, Bonds, Insurance (Max. 5% of Contract)	LS	1	\$ 20,800.00	\$ 20,800.00	\$ 100,000.00	\$ 100,000.00	\$ 29,974.93	\$ 29,974.93	\$ 13,000.00	\$ 13,000.00	\$ 26,500.00	\$ 26,500.00	\$ 60,000.00	\$ 60,000.00		\$ 24,500.00	\$ 24,500.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 49,400.00	\$ 49,400.00	\$ 41,574.99	\$ 41,574.99	
2	Traffic Control & Signage	LS	1	\$ 18,000.00	\$ 18,000.00	\$ 14,000.00	\$ 14,000.00	\$ 21,256.42	\$ 21,256.42	\$ 33,000.00	\$ 33,000.00	\$ 9,000.00	\$ 9,000.00	\$ 10,000.00	\$ 10,000.00		\$ 60,000.00	\$ 60,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 45,500.00	\$ 45,500.00	\$ 27,861.82	\$ 27,861.82	
3	Prepare and Implement SWPPP	LS	1	\$ 3,900.00	\$ 3,900.00	\$ 700.00	\$ 700.00	\$ 2,750.71	\$ 2,750.71	\$ 14,400.00	\$ 14,400.00	\$ 13,000.00	\$ 13,000.00	\$ 1,800.00	\$ 1,800.00		\$ 4,500.00	\$ 4,500.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 26,325.00	\$ 26,325.00	\$ 8,597.30	\$ 8,597.30	
4	Remove Concrete Pavement	SY	480	\$ 39.00	\$ 18,720.00	\$ 25.50	\$ 12,240.00	\$ 27.84	\$ 13,363.20	\$ 32.00	\$ 15,360.00	\$ 20.00	\$ 9,600.00	\$ 65.00	\$ 31,200.00		\$ 80.00	\$ 38,400.00	\$ 90.00	\$ 43,200.00	\$ 43,200.00	\$ 99.78	\$ 47,894.40	\$ 53.24	\$ 25,553.07	
5	Remove Concrete Sidewalk, Curb & Gutter	SY	143	\$ 39.00	\$ 5,460.00	\$ 14.00	\$ 1,960.00	\$ 25.95	\$ 3,633.00	\$ 33.00	\$ 4,630.00	\$ 25.00	\$ 3,500.00	\$ 25.00	\$ 3,500.00		\$ 30.00	\$ 4,200.00	\$ 50.00	\$ 7,000.00	\$ 7,000.00	\$ 80.28	\$ 11,239.20	\$ 35.80	\$ 5,012.47	
6	Remove Concrete Median Curb	LF	150	\$ 39.00	\$ 5,850.00	\$ 14.00	\$ 2,100.00	\$ 19.94	\$ 2,991.00	\$ 19.00	\$ 2,850.00	\$ 25.00	\$ 3,750.00	\$ 10.00	\$ 1,500.00		\$ 1.00	\$ 150.00	\$ 50.00	\$ 7,500.00	\$ 7,500.00	\$ 164.78	\$ 24,717.00	\$ 38.08	\$ 5,712.00	
7	Remove Concrete Bridge Abutment Walls	LF	177	\$ 250.00	\$ 44,250.00	\$ 70.00	\$ 12,390.00	\$ 93.08	\$ 16,475.16	\$ 97.00	\$ 17,169.00	\$ 100.00	\$ 17,700.00	\$ 67.00	\$ 11,859.00		\$ 190.00	\$ 33,630.00	\$ 159.00	\$ 28,143.00	\$ 28,143.00	\$ 294.78	\$ 52,176.06	\$ 146.76	\$ 25,976.91	
8	Excavation of Existing Backfill	CY	630	\$ 30.00	\$ 18,900.00	\$ 14.00	\$ 8,820.00	\$ 15.08	\$ 9,500.40	\$ 49.00	\$ 30,870.00	\$ 15.00	\$ 9,450.00	\$ 30.00	\$ 18,900.00		\$ 30.00	\$ 18,900.00	\$ 50.00	\$ 31,500.00	\$ 31,500.00	\$ 80.28	\$ 50,576.40	\$ 34.82	\$ 21,935.20	
9	Remove Metal Beam Guard Fence	LF	120	\$ 45.50	\$ 5,460.00	\$ 1.40	\$ 168.00	\$ 1.95	\$ 234.00	\$ 49.00	\$ 5,880.00	\$ 11.00	\$ 1,320.00	\$ 3.00	\$ 360.00		\$ 2.00	\$ 240.00	\$ 20.00	\$ 2,400.00	\$ 2,400.00	\$ 99.78	\$ 11,973.60	\$ 25.96	\$ 3,115.07	
10	Remove Single Guard Termination (SGT)	EA	2	\$ 650.00	\$ 1,300.00	\$ 140.00	\$ 280.00	\$ 196.00	\$ 392.00	\$ 400.00	\$ 800.00	\$ 550.00	\$ 1,100.00	\$ 150.00	\$ 300.00		\$ 200.00	\$ 400.00	\$ 500.00	\$ 1,000.00	\$ 500.00	\$ 325.00	\$ 650.00	\$ 341.22	\$ 682.44	
11	Remove, Clean, Palletize, STOR & RELY STR BRICK	SY	30	\$ 26.00	\$ 780.00	\$ 14.00	\$ 420.00	\$ 143.73	\$ 4,311.90	\$ 365.00	\$ 10,950.00	\$ 9,000.00	\$ 250.00	\$ 2,250.00		\$ 193.00	\$ 5,790.00	\$ 300.00	\$ 9,000.00	\$ 9,000.00	\$ 39.00	\$ 1,170.00	\$ 181.19	\$ 5,435.71		
PAVING IMPROVEMENTS					\$ 143,420.00		\$ 153,078.00		\$ 104,802.72		\$ 148,899.00		\$ 103,920.00		\$ 146,919.00		\$ 190,710.00		\$ 229,743.00		\$ 229,243.00		\$ 321,621.66		\$ 171,457.04	
12	Install Adhesive Rebar Dowel	EA	300	\$ 19.50	\$ 5,850.00	\$ 21.00	\$ 6,300.00	\$ 24.35	\$ 7,305.00	\$ 28.00	\$ 8,400.00	\$ 30.00	\$ 9,000.00	\$ 25.00	\$ 7,500.00		\$ 30.00	\$ 9,000.00	\$ 15.00	\$ 4,500.00		\$ 164.78	\$ 49,434.00	\$ 39.74	\$ 11,921.00	
13	Rebuild Abutment Walls (Concrete)	CY	26	\$ 715.00	\$ 18,590.00	\$ 420.00	\$ 10,920.00	\$ 579.57	\$ 15,068.82	\$ 1,830.00	\$ 47,580.00	\$ 2,250.00	\$ 58,500.00	\$ 1,500.00	\$ 39,000.00		\$ 1,500.00	\$ 39,000.00	\$ 2,000.00	\$ 52,000.00		\$ 747.50	\$ 19,435.00	\$ 1,282.45	\$ 33,343.76	
14	Cement Stabilized backfill	CY	622	\$ 120.00	\$ 74,640.00	\$ 210.00	\$ 130,620.00	\$ 159.53	\$ 99,227.66	\$ 130.00	\$ 80,860.00	\$ 165.00	\$ 102,630.00	\$ 200.00	\$ 124,400.00		\$ 155.00	\$ 96,410.00	\$ 150.00	\$ 93,300.00		\$ 197.28	\$ 122,708.16	\$ 165.20	\$ 102,755.09	
15	Wide Flange Pavement Terminals	LF	152	\$ 162.50	\$ 24,700.00	\$ 14.00	\$ 2,128.00	\$ 54.88	\$ 8,341.76	\$ 188.00	\$ 28,576.00	\$ 330.00	\$ 50,160.00	\$ 180.00	\$ 27,360.00		\$ 487.00	\$ 74,024.00	\$ 300.00	\$ 45,600.00		\$ 325.00	\$ 49,400.00	\$ 226.82	\$ 34,476.64	
16	Approach Slab Rebuild (Concrete)	CY	122	\$ 500.00	\$ 61,000.00	\$ 469.50	\$ 57,279.00	\$ 630.75	\$ 76,951.50	\$ 750.00	\$ 91,500.00	\$ 650.00	\$ 79,300.00	\$ 600.00	\$ 73,200.00		\$ 790.00	\$ 96,380.00	\$ 600.00	\$ 73,200.00		\$ 424.78	\$ 51,823.16	\$ 601.67	\$ 73,403.74	
17	Pavement Slab Rebuild (Concrete)	CY	100	\$ 425.00	\$ 42,500.00	\$ 420.00	\$ 42,000.00	\$ 637.71	\$ 63,771.00	\$ 430.00	\$ 43,000.00	\$ 500.00	\$ 50,000.00	\$ 750.00	\$ 75,000.00		\$ 420.00	\$ 42,000.00	\$ 500.00	\$ 50,000.00		\$ 392.28	\$ 39,228.00	\$ 497.22	\$ 49,722.11	
18	Concrete Rail (TS51 Modified)	LF	80	\$ 260.00	\$ 20,800.00	\$ 70.00	\$ 5,600.00	\$ 240.50	\$ 19,240.00	\$ 260.00	\$ 20,800.00	\$ 250.00	\$ 20,000.00	\$ 210.00	\$ 16,800.00		\$ 93.00	\$ 7,440.00	\$ 75.00	\$ 6,000.00		\$ 292.50	\$ 23,400.00	\$ 194.56	\$ 15,564.44	
19	Reconstruct Concrete Curb at Median	LF	150	\$ 39.00	\$ 5,850.00	\$ 21.00	\$ 3,150.00	\$ 14.73	\$ 2,209.50	\$ 7.00	\$ 1,050.00	\$ 60.00	\$ 9,000.00	\$ 65.00	\$ 9,750.00		\$ 5.00	\$ 750.00	\$ 30.00	\$ 4,500.00		\$ 260.00	\$ 39,000.00	\$ 55.75	\$ 8,362.17	
20	Reconstruct Sidewalk	SY	140	\$ 65.00	\$ 9,100.00	\$ 21.00	\$ 2,940.00	\$ 53.99	\$ 7,558.60	\$ 51.00	\$ 7,140.00	\$ 150.00	\$ 21,000.00	\$ 75.00	\$ 10,500.00		\$ 65.00	\$ 9,100.00	\$ 30.00	\$ 4,200.00		\$ 97.50	\$ 13,650.00	\$ 67.61	\$ 9,465.40	
21	New Metal Beam Guard Fence (Steel Posts)	LF	61	\$ 162.50	\$ 9,912.50	\$ 70.00	\$ 4,270.00	\$ 81.11	\$ 4,947.71	\$ 44.00	\$ 2,684.00	\$ 52.00	\$ 3,172.00	\$ 35.00	\$ 2,135.00		\$ 51.00	\$ 3,117.00	\$ 40.00	\$ 2,440.00		\$ 260.00	\$ 15,860.00	\$ 68.40	\$ 5,392.47	
22	Three Beam Transition (TL 2)	EA	2	\$ 2,600.00	\$ 5,200.00	\$ 2,100.00	\$ 4,200.00	\$ 1,560.00	\$ 3,120.00	\$ 2,800.00	\$ 5,600.00	\$ 1,500.00	\$ 3,000.00	\$ 2,800.00	\$ 5,600.00		\$ 1,050.00	\$ 2,100.00	\$ 4,000.00	\$ 8,000.00		\$ 13,325.00	\$ 26,650.00	\$ 3,526.11	\$ 7,052.22	
23	Single Guardrail Terminal (SGT)	EA	2	\$ 1,950.00	\$ 3,900.00	\$ 2,100.00	\$ 4,200.00	\$ 3,250.00	\$ 6,500.00	\$ 4,500.00	\$ 9,000.00	\$ 2,800.00	\$ 5,600.00	\$ 1,850.00	\$ 3,700.00		\$ 2,300.00	\$ 4,600.00	\$ 4,000.00	\$ 8,000.00		\$ 5,850.00	\$ 11,700.00	\$ 3,177.78	\$ 6,355.56	
24	4" Sealed Expansion Joint	LF	152	\$ 26.00	\$ 3,952.00	\$ 70.00	\$ 10,640.00	\$ 132.60	\$ 20,155.20	\$ 172.00	\$ 26,144.00	\$ 120.00	\$ 18,240.00				\$ 97.00	\$ 14,744.00	\$ 150.00	\$ 22,800.00		\$ 65.00	\$ 9,880.00	\$ 104.08	\$ 15,819.40	
BASE BID AMOUNT					\$ 429,414.50		\$ 437,325.00		\$ 439,199.47		\$ 521,233.00		\$ 533,522.00		\$ 541,864.00		\$ 689,369.00		\$ 604,283.00		\$ 598,783.00		\$ 793,789.98		\$ 545,091.04	
TRAFFIC SIGNAL IMPROVEMENTS																										
DRAINAGE IMPROVEMENTS																										
UTILITIES IMPROVEMENTS																										
CONSTRUCTION CONTINGENCY																										
25	Construction Contingency (See ** Note on Bid Summary Sheet)	LS	1	\$ 60,000.00	\$ 60,000.00	\$ 60,000.00	\$ 60,000.00	\$ 60,000.00	\$ 60,000.00	\$ 60,000.00	\$ 60,000.00	\$ 60,000.00	\$ 60,000.00	\$ 60,000.00		\$ 60,000.00	\$ 60,000.00	\$ 60,000.00	\$ 60,000.00	\$ 60,000.00	\$ 60,000.00	\$ 60,000.00	\$ 60,000.00	\$ 60,000.00	\$ 60,000.00	

April 29, 2021

Jeremy White, P.E.
 Project Manager
 City of Rockwall, Texas
 385 S. Goliad St
 Rockwall, TX 75087

Re: Rockwall – North Lakeshore Bridge Repair
 (FNI Project # ROK20530) CIP2020-005
 Recommendation of Award

Dear Mr. White:

A total of nine (9) bidders submitted bid packages for the above referenced project on Tuesday, April 13, 2021. A summary of the bids is provided in the table below, and the detailed bid tabulation is attached.

BID SUMMARY

	TOTAL AMOUNT
A&B Construction	\$ 489,414.50
Leland Bradlee Construction	\$ 497,325.00
North Rock Construction	\$ 499,199.47
Urban Infraconstruction	\$ 581,233.00
IBTC TX	\$ 593,522.00
Highway 19 Construction	\$ 601,864.00
Rebcon	\$ 649,369.00
GHB Equipment	\$ 664,283.00
Joe Funk Construction	\$ 853,789.98

A&B Construction submitted the low bid of \$489,414.50. A&B Construction is a general contractor headquartered in Dallas, Texas. The unit costs provided by A&B Construction are similar to what we have seen on recent projects, and their bid was approximately 25% below the Engineer's estimate.

Freese and Nichols, Inc. has no recent construction experience with A&B Construction; however, we checked multiple references and received a majority positive feedback. These references consisted of city engineers and inspectors who were responsible for the projects through the design and

construction phases (see attached summary). We, therefore, recommend the contract for construction of North Lakeshore Bridge Repairs to be awarded to A&B Construction in the amount of \$489,414.50.

Sincerely,

Freese and Nichols, Inc.

A handwritten signature in blue ink that reads "Ford Burgher". The signature is written in a cursive style with a large, stylized initial "F" and "B".

Ford Burgher, P.E.

**SUMMARY OF REFERENCES
A&B CONSTRUCTION, LLC**

City of Rowlett

N. Dalrock Culvert Replacement
Contract \$325,000.00
Gross Profit: \$104,000.00
Start: 1/1/2020
Completion: 2/28/2020
Will Plexico, Inspector
469.853.9734
wplexico@rowlett.com

Approximate quantities for N. Dalrock Road Culvert Replacement project includes a double 8'x6' Concrete box culvert (43LF each for a Profit of 86LF), 174SY pf asphalt paving, 120SY of concrete lined channel and 300 L F of metal beam guard rail. The existing culvert crosses below N. Dalrock Road approximately 350 LF south of Blackfin in Drive and Dalrock Road.

Reference Check: (Phone Call w/ Will Plexico)

- Overall Rating (scale 1-5): 4 or 5
- Quality of Finished Product (scale 1-5): 5
- Comments: It was a fast pace, emergency project to repair a culvert. Encountered unanticipated challenges with wet subgrade but still managed to finish in the 30-day schedule. No major change orders.

City of Southlake

Sutton Drainage Improvements
Contract: \$508,515.00
Gross Profit: \$106,788.15
Start: 7/30/2020
Completion: 12/18/2020
Julio Reyna, Inspector
817.948.8006
jreyna@ci.southlake.tx.us

The project also includes approximately 1200 LF of 48" storm drain, 20 LF 18" storm drain, and the various appurtenances of an underground storm drain system. Additionally, the project includes relocation of utility crossing and repairs to various impacted items.

Reference Check: (Phone Call w/ Julio Reyna)

- Overall Rating (scale 1-5): 4
- Quality of Finished Product (scale 1-5): 5
- Comments: Only negative was that the man-power was not sufficient to complete the project on the schedule the city had expected. The quality met expectations. A few C/O's but they were justifiable.

City of Grapevine

Dooley Street Improvements
Contract \$321,493.00
Gross Profit: \$102,878.72
Start: 6/1/2020
Completion: 10/1/2020
Scott Cannon, Inspector
scannon@grapevintexas.gov
817.897.3054

Remove and Replace concrete roadway on Dooley Street from College Street to Hughes Street to include new sidewalks and Replacement of Storm drain and inlets. To Include all sodding and ADA Ramps.

Reference Check: (Phone Call w/ Scott Cannon)

- Overall Rating (scale 1-5): *Would not say*
- Quality of Finished Product (scale 1-5): *Would not say*
- Comments: *Would not recommend A&B Construction*

City of Euless

Euless Reclaimed Water
Contract: \$3,265,314.22
Gross Profit: \$685,715.98
Start: 11/15/2018
Completion: 6/18/2019
Andy Conner, Inspector
682.558.0239
Stephenaconnor1970@gmail.com

Installation of two new reclaimed water pumps including pump control and SCADA. Installation of sand filtration system. Installation of approximately 3,310 linear feet of 12-inch pipe by open cut and non-open cut methods of construction with inline valves, air release valves, connections, and appurtenances. Installation of approximately 1,200 linear feet of 8-inch pipe by open cut and non-open cut methods of construction with inline valves, air release valves, connections, and appurtenances. Installation of approximately 11,500 linear feet of 6-inch pipe by open cut and non-open cut methods of construction with inline valves, air release valves, connections, and appurtenances. Installation of approximately 7,140 linear feet of 4-inch and smaller pipe by open cut and non-open cut methods of construction with inline valves, air release valves, connections, and appurtenances. Connection to 30-irrigation meters and relocation of 10 meters. Installation of meter on existing 12-inch PVC pipe of RW from Fort Worth.

Reference Check: (Email Response from Andy Conner)

1. Rating on Scale 1 (unacceptable) to 5 (excellent):
 - a. Ability of Superintendent = 5
 - b. Management of Schedule = 5
 - c. Quality of Finished Product = 5
 - d. Overall Performance = 5
2. General Comments: *Worked well and communicated good with the City.*

City of Dallas

Dallas West Lawther Bridge Replacement
Contract \$482,266.20
Gross Profit: \$154,325.18
Start: 7/15/2020
Completion: 11/30/2020
Chris Combs, Inspector
Chris.combs@dallascityhall.com
214.458.0537

Demolition of existing bridge and construction of new bridge. To include concrete and asphalt pavement, wingwalls, bridge substructure and superstructure, sodding and guardrail.

Reference Check: (Email Response from Chris Combs)

1. Rating on Scale 1 (unacceptable) to 5 (excellent):
 - a. Ability of Superintendent = 5
 - b. Management of Schedule = 5
 - c. Quality of Finished Product = 5
 - d. Overall Performance = 5
2. General Comments: They did a great job and I hope they bid on future project for the City of Dallas.

City of Hurst

Valley View Branch Interceptor Project
Contract: \$851,075.37
Gross Profit: \$178,725.82
Start: 4/15/2018
Completion: 12/10/2018
Greg Dickens, PE, Exec Director of Public Works
817-788-7075
gdickens@hursttx.gov

949 LF Replace Existing Wastewater Line with 24" HDPE (DR-19,) by Pipe Bursting;
559 LF Replace Existing Wastewater Line with 28"; HDPE (DR-19, IPS) by Pipe Reaming
363 LF Install 24" Gravity Line (SDR-26)

Reference Check: (Email Response from Greg Dickens)

1. Rating on Scale 1 (unacceptable) to 5 (excellent):
 - a. Ability of Superintendent = 4
 - b. Management of Schedule = 3.5
 - c. Quality of Finished Product = 4.5
 - d. Overall Performance = 4
2. General Comments: Would award to them if they were low bidder again on similar project.

City of Mesquite

North Mesquite Creek Project
Contract \$2,125,000.00
Gross Profit: \$680,000.00
Start: 8/19/2020
Completion: 12/29/2020
John L. Mears PE, City Engineer
972.216.6974
imears@cityofmesquite.com

The project is designed to include the construction of approximately 50 linear feet of 18" HDPE sanitary sewer pipe by open cut, 1,000 linear feet of 22" HDPE sanitary sewer pipe by pipe bursting, 1,500 linear feet of 24" HDPE sanitary sewer pipe by pipe bursting, 2,200 linear feet of 26" HDPE sanitary sewer pipe by pipe bursting, 2,000 linear feet of 28" HDPE sanitary sewer pipe by pipe bursting, 23 manholes, and associated improvements.

Reference Check: (Email Response from John Mears)

1. Rating on Scale 1 (unacceptable) to 5 (excellent):
 - a. Ability of Superintendent = 4
 - b. Management of Schedule = 4
 - c. Quality of Finished Product = 4
 - d. Overall Performance = 4
2. General Comments: NMC Sanitary Sewer was primarily a pipe bursting project that ABC performed as a subcontractor (but did all the work). We would use them again for similar type of construction.



MEMORANDUM

TO: Mary Smith, Interim City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: May 17, 2021

SUBJECT: P2021-019; FINAL PLAT FOR PHASE 2 OF THE GIDEON GROVE SUBDIVISION

Attachments

Case Memo
Development Application
Location Map
Final Plat

Summary/Background Information

Consider a request by Humberto Johnson of the Skorburg Co. on behalf of John Arnold of Gideon Grove Addition, LTD for the approval of a *Final Plat* for Phase 2 of the Gideon Grove Subdivision consisting of 84 single-family residential lots on a 30.36-acre tract of land identified as a portion of Tract 1-01 of the S. R. Barnes Survey, Abstract No. 13, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 84 (PD-84) for Single-Family 7 (SF-7) District land uses, generally located at the northwest corner of the intersection of E. Quail Run Road and John King Boulevard, and take any action necessary.

Action Needed

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



CITY OF ROCKWALL

CITY COUNCIL CASE MEMO

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

TO: Mayor and City Council
DATE: May 17, 2021
APPLICANT: Humberto Johnson; *Skorburg Co.*
CASE NUMBER: P2021-019; *Final Plat for Phase 2 of the Gideon Grove Subdivision*

SUMMARY

Consider a request by Humberto Johnson of the Skorburg Co. on behalf of John Arnold of Gideon Grove Addition, LTD for the approval of a Final Plat for Phase 2 of the Gideon Grove Subdivision consisting of 84 single-family residential lots on a 30.36-acre tract of land identified as a portion of Tract 1-01 of the S. R. Barnes Survey, Abstract No. 13, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 84 (PD-84) for Single-Family 7 (SF-7) District land uses, generally located at the northwest corner of the intersection of E. Quail Run Road and John King Boulevard, and take any action necessary.

PLAT INFORMATION

- The applicant is requesting the approval of a final plat for a 30.36-acre tract of land (*i.e. a portion of Tract 1-01 of the S. R. Barnes Survey, Abstract No. 13*) for the purpose of establishing 84 single-family residential lots, which will be known as the Gideon Grove, Phase 2 Subdivision. This is the final phase of a two (2) phase subdivision plan that consists of two (2) planned development districts (*i.e. Planned Development District 77 [PD-77] and Planned Development District 84 [PD-84]*).
- On May 1, 2017, the City Council approved a zoning change for the subject property from an Agricultural (AG) District to Planned Development District 84 (PD-84) [*Ordinance No. 17-25; Case No. Z2017-007*] for Single-Family 7 (SF-7) District land uses. On November 17, 2020, the City Council approved a *preliminary plat* [*Case No. P2020-046*] for the subject property. The proposed final plat conforms to this *preliminary plat*.
- On May 4, 2021, the Parks and Recreation Board reviewed the final plat and made the following recommendations concerning the proposed subdivision that is located within Park District No. 5:
 - (1) The developer shall pay pro-rata equipment fees of \$41,076.00 (*i.e. \$489.00 x 84 lots*), which will be due at the time of final plat.
 - (2) The developer shall pay cash-in-lieu of land fees of \$43,344.00 (*i.e. \$516.00 x 84 lots*), which will be due at the time of final plat.
- The surveyor has completed the majority of the technical revisions requested by staff, and this plat -- *conforming to the requirements for final plats as stipulated by the Chapter 38, Subdivisions, of the Municipal Code of Ordinances* -- is recommended for conditional approval pending the completion of final technical modifications and submittal requirements.
- Conditional approval of this plat 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 Chapter 38, *Subdivisions*, of the Municipal Code of Ordinances.

CONDITIONS OF APPROVAL

If the City Council chooses to approve the *Final Plat for Phase 2 of the Gideon Grove Subdivision*, staff would propose the following conditions of approval:

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

PLANNING AND ZONING COMMISSION

On May 11, 2021, the Planning and Zoning Commission approved a motion to approve the *Final Plat for Phase 2 of the Gideon Grove Subdivision* with the conditions of approval by a vote of 5-0, with Commissioners Moeller and Conway absent.



DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO. P2021-019

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

DIRECTOR OF PLANNING: _____

CITY ENGINEER: _____

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

Platting Application Fees:

- Master Plat (\$100.00 + \$15.00 Acre)¹
- Preliminary Plat (\$200.00 + \$15.00 Acre)¹
- Final Plat (\$300.00 + \$20.00 Acre)¹
- Replat (\$300.00 + \$20.00 Acre)¹
- Amending or Minor Plat (\$150.00)
- Plat Reinstatement Request (\$100.00)

Site Plan Application Fees:

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

Zoning Application Fees:

- Zoning Change (\$200.00 + \$15.00 Acre)¹
- Specific Use Permit (\$200.00 + \$15.00 Acre)¹
- 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.

PROPERTY INFORMATION [PLEASE PRINT]

Address PROPERTY ID #10188, JOHN KING BLVD. A PORTION OF TRACT 1-01 OR S.R. BARNES SURVEY, ABSTRACT NO. 13

Subdivision **Gideon, Phase 2** Lot Block

General Location ALONG THE SOUTH SIDE OF JOHN KING BLVD, NEAR THE INTERSECTION WITH E. QUAIL RUN ROAD.N WITH E. QUAIL RUN ROAD.

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

Current Zoning **ORD. NO. 17-25, PD-84**

Current Use **VACANT / AGRICULTURAL**

Proposed Zoning **ORD. NO. 17-25, PD-84**

Proposed Use **SINGLE-FAMILY RESIDENTIAL**

Acreage **30.060 AC** Lots [Current] **1** Lots [Proposed] **84**

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 Gideon Grove Addition 2, Ltd., a Texas Limited Partnership
By: Gideon Grove Addition 2 GP Corporation, a Texas Corporation, its General Partner

Applicant **Skorburg Company**

Contact Person **John Arnold**

Contact Person **Humberto Johnson, Jr.**

Address **8214 Westchester Drive,
Suite 900**

Address **8214 Westchester Drive,
Suite 900**

City, State & Zip **Dallas, TX 75225**

City, State & Zip **Dallas, TX 75225**

Phone **214-522-4945**

Phone **214-888-8857**

E-Mail **jarnold@skorburgcompany.com**

E-Mail **jrjohnson@skorburgcompany.com**

NOTARY VERIFICATION [REQUIRED]

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

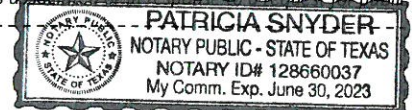
"I hereby certify that I am the owner for the purpose of this application; all information submitted herein is true and correct; and the application fee of \$ 401.20, to cover the cost of this application, has been paid to the City of Rockwall on this the 15 day of April, 20 21. By signing this application, I agree that the City of Rockwall (i.e. "City") is authorized and permitted to provide information contained within this application to the public. The City is also authorized and permitted to reproduce any copyrighted information submitted in conjunction with this application, if such reproduction is associated in any manner to a request for public information."

Given under my hand and seal of office on this the 15 day of April, 20 21.

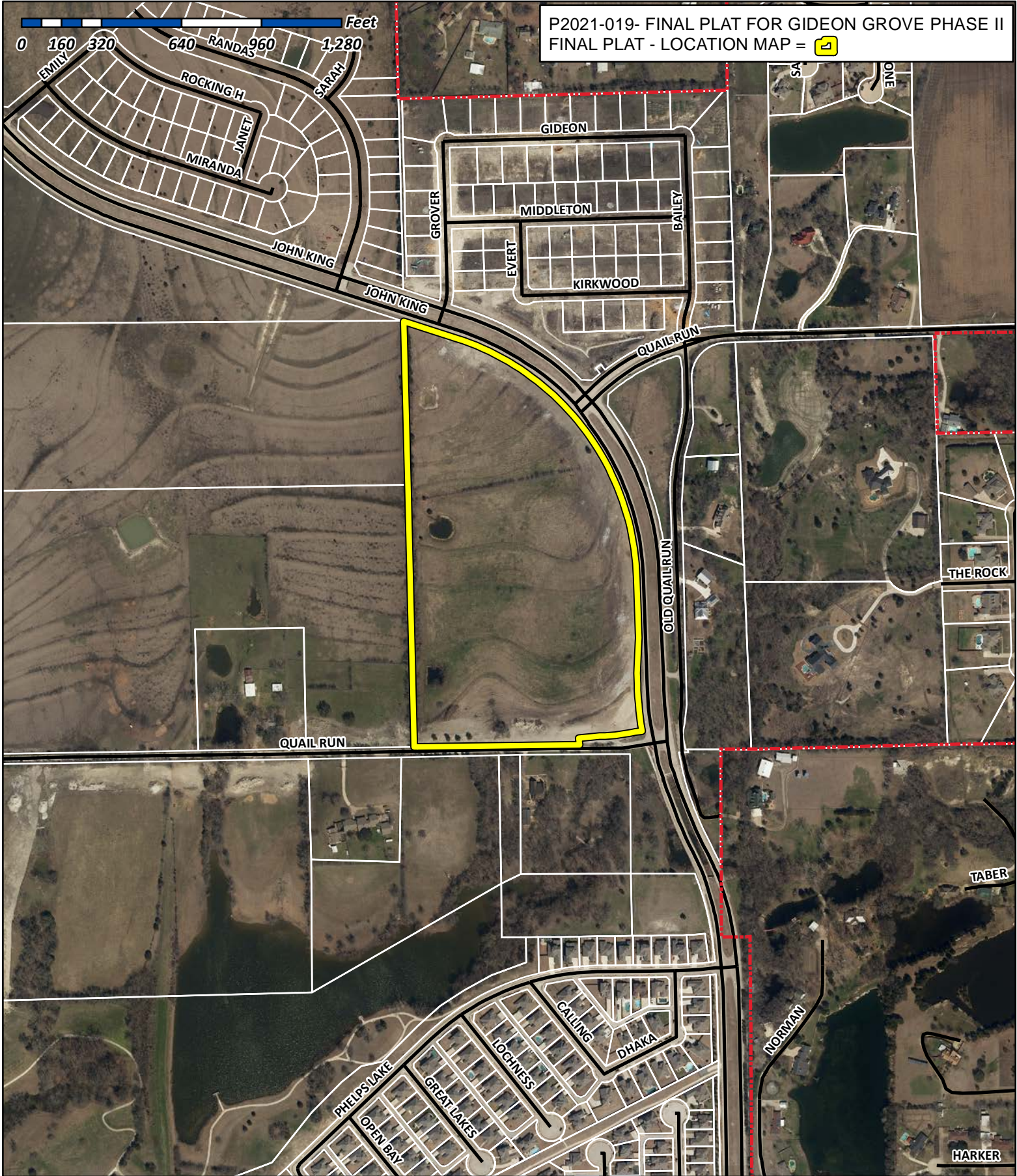
Owner's Signature

Notary Public in and for the State of Texas

Patricia Snyder



My Commission Expires 6/30/2023



P2021-019- FINAL PLAT FOR GIDEON GROVE PHASE II
 FINAL PLAT - LOCATION MAP = [yellow square icon]

0 160 320 640 960 1,280 Feet



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.

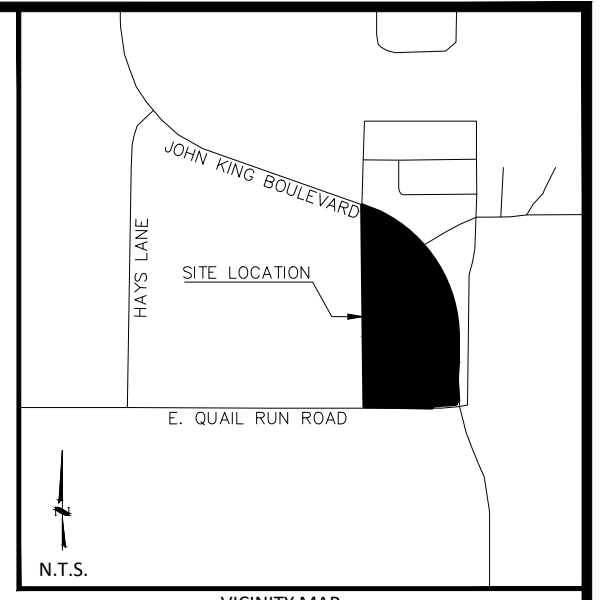


POINT OF BEGINNING
N: 7036836.98
E: 2598334.22

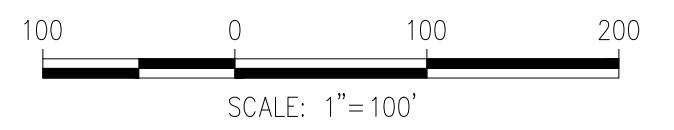
GIDEON GROVE PHASE 1
PACESETER HOMES LLC
29.99 ACRES

N. JOHN KING BLVD.
(A VARIABLE WIDTH RIGHT-OF-WAY)

EAST QUAIL RUN ROAD



CITY OF ROCKWALL
VOL. 5951, PG. 84
O.P.R.R.C.T.



HERMAN UTLEY
CALLED 2.172 ACRE TRACT
VOLUME 4664, PAGE 273
D.R.R.C.T.

LOT 1, BLOCK A
D.R. TAYLOR ADDITION
E-317
O.P.R.R.C.T.

TRACT 1
CALLED 28.2 ACRES
R & R HANCE INVESTMENTS, L.P.
VOL. 5702, PG. 99

TRACT 2
CALLED 44.3 ACRES
SAVE AND EXCEPT 5 ACRES
R & R HANCE INVESTMENTS, L.P.
VOL. 5702, PG. 99

QUAIL RUN ROAD

MICHAEL WURSTER AND JENNIFER WURSTER
DOC. NO. 2020000003578
O.P.R.R.C.T.

JOHN R. YINGLING AND WIFE LYNELLE C. YINGLING
VOL. 366, PG. 211
O.P.R.R.C.T.

CITY OF ROCKWALL
VOL. 5443, PG. 188
O.P.R.R.C.T.

PROPERTY OWNER SHALL BE RESPONSIBLE FOR MAINTAINING, REPAIRING, AND REPLACING ALL SYSTEMS WITHIN THE DRAINAGE AND DETENTION EASEMENTS.

PIERCE-MURRAY
LAND SOLUTIONS
Engineering & Surveying

OWNER
GIDEON GROVE ADDITION 2 GP CORP.
8214 WESTCHESTER DRIVE, STE 710
DALLAS, TX 75225
(214) 522-4945
CONTACT: JOHN ARNOLD

DEVELOPER
SKORBURG COMPANY
8214 WESTCHESTER DRIVE, STE 710
DALLAS, TX 75225
(214) 522-4945
CONTACT: HUMBERTO JOHNSON, JR.

ENGINEER
PAPE-DAWSON ENGINEERS, INC.
6500 WEST FREEWAY, STE 700
FORT WORTH, TX 76116

SURVEYOR
PIERCE-MURRAY LAND SOLUTIONS, LLC
800 TALLYHO CIR.
TYLER, TX 75703

FINAL PLAT
GIDEON GROVE PHASE 2

LOTS 1-12, 4X, BLOCK A; LOTS 1-4, 1X, 3X, BLOCK B; LOTS 1-29, 1X, 18X, 23X, 27X, 28X, BLOCK C; LOTS 1-26, 1X, 14X, BLOCK D; LOTS 1-13, 1X, 6X, BLOCK E; BEING 30.060 ACRES OF LAND SITUATED IN THE S.R. BARNES SURVEY, ABSTRACT NUMBER 13, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

THIS PLAT IS RECORDED IN DOCUMENT NUMBER _____, DATE: _____

SHEET 1 OF 2
CASE NO. P2021-019

OWNER'S CERTIFICATE

STATE OF TEXAS §
COUNTY OF ROCKWALL §

WHEREAS GIDEON GROVE ADDITION 2 GP CORP., BEING THE OWNER OF A TRACT OF LAND IN THE COUNTY OF ROCKWALL, STATE OF TEXAS, SAID TRACT BEING DESCRIBED AS FOLLOWS:

BEING A TRACT OF LAND SITUATED IN THE S.R. BARNES SURVEY, ABSTRACT NUMBER 13, ROCKWALL COUNTY, TEXAS AND BEING ALL OF THAT CERTAIN TRACT OF LAND DESCRIBED BY DEED TO GIDEON GROVE ADDITION 2, LTD. AS RECORDED IN INSTRUMENT NUMBER 2017000008390, OFFICIAL PUBLIC RECORDS, ROCKWALL COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD SET AT THE NORTHWEST CORNER OF SAID GIDEON GROVE ADDITION 2 TRACT AND THE SOUTH RIGHT-OF-WAY OF N. JOHN KING BOULEVARD (A VARIABLE WIDTH RIGHT-OF-WAY), FROM WHICH A 3/8" IRON ROD FOUND BEARS N 01°29'44" W, A DISTANCE OF 888.49 FEET MARKING THE NORTHWEST CORNER OF THAT CERTAIN 80 ACRE TRACT DESCRIBED BY DEED TO LONNIE L. GIDEON AS RECORDED IN VOLUME 307, PAGE 256, DEED RECORDS, ROCKWALL COUNTY, TEXAS;

THENCE THE FOLLOWING COURSES AND DISTANCES ALONG THE SOUTHERLY AND WESTERLY RIGHT-OF-WAY OF SAID N. JOHN KING BOULEVARD COMMON WITH THE NORTHERLY AND EASTERLY LINE OF SAID GIDEON GROVE ADDITION 2 TRACT;

S 72°05'05" E, A DISTANCE OF 221.92' TO A 5/8" IRON ROD WITH CAP STAMPED "SERVCO" FOUND, BEING THE BEGINNING OF A CURVE TO THE RIGHT;

WITH SAID CURVE TO THE RIGHT, AN ARC LENGTH OF 1274.04', A RADIUS OF 1040.00', WITH A CHORD BEARING WHICH BEARS S 36°59'23" E, 1195.86';

S 01°53'42" E, A DISTANCE OF 243.24' TO A 1/2" IRON ROD WITH YELLOW CAP STAMPED "PIERCE-MURRAY" SET;

S 02°35'19" W, A DISTANCE OF 140.71' TO A 1/2" IRON ROD WITH YELLOW CAP STAMPED "PIERCE-MURRAY" SET;

S 01°53'42" E, A DISTANCE OF 41.83' TO A 1/2" IRON ROD WITH YELLOW CAP STAMPED "PIERCE-MURRAY" SET FOR THE BEGINNING OF A CURVE TO THE LEFT;

WITH SAID CURVE TO THE LEFT, AN ARC LENGTH OF 191.03', A RADIUS OF 1571.00', WITH A CHORD WHICH BEARS S 05°22'42" E, 190.91' TO A 1/2" IRON ROD WITH YELLOW CAP STAMPED "PIERCE-MURRAY" SET;

S 81°07'57" W, A DISTANCE OF 25.65' TO A 1/2" IRON ROD WITH YELLOW CAP STAMPED "PIERCE-MURRAY" SET;

S 10°46'56" E, A DISTANCE OF 26.00' TO A 1/2" IRON ROD WITH YELLOW CAP STAMPED "PIERCE-MURRAY" SET;

S 79°13'04" W, A DISTANCE OF 17.32' TO A 1/2" IRON ROD WITH YELLOW CAP STAMPED "PIERCE-MURRAY" SET AT THE BEGINNING OF A CURVE TO THE RIGHT;

WITH SAID CURVE TO THE RIGHT, AN ARC LENGTH OF 131.03', A RADIUS OF 742.50', WITH A CHORD WHICH BEARS S 84°16'24" W, WITH A CHORD LENGTH OF 130.86';

S 83°34'16" W, A DISTANCE OF 82.52' TO A 1/2" IRON ROD WITH YELLOW CAP STAMPED "PIERCE-MURRAY" SET;

S 00°48'09" W, A DISTANCE OF 19.00' TO AN X-CUT SET IN CONCRETE FOR THE SOUTHERLY MOST SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT AND BEING IN THE APPROXIMATE CENTER OF QUAIL RUN ROAD (A VARIABLE WIDTH RIGHT-OF-WAY);

THENCE DEPARTING SAID COMMON LINE AND ALONG THE SOUTH PROPERTY LINE OF SAID GIDEON GROVE ADDITION 2 AND THE APPROXIMATE CENTERLINE OF SAID QUAIL RUN ROAD S 89°12'52" W, A DISTANCE OF 656.77' TO AN X-CUT SET IN CONCRETE FOR THE SOUTHWEST CORNER OF SAID GIDEON GROVE ADDITION 2 TRACT;

THENCE N 01°29'44" W, ALONG THE EAST LINE OF SAID GIDEON GROVE ADDITION 2 TRACT AND THE WEST LINE OF THOSE CERTAIN TRACTS OF LAND DESCRIBED AS TRACT 1 AND TRACT 2 AS DESCRIBED BY DEED TO R & R INVESTMENTS, L.P., AS RECORDED IN VOLUME 5702, PAGE 99, DEED RECORDS, ROCKWALL COUNTY, TEXAS, A DISTANCE OF 1722.62 FEET TO THE POINT OF BEGINNING, CONTAINING 30.060 ACRES OF LAND, MORE OR LESS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

STATE OF TEXAS §
COUNTY OF ROCKWALL §

I (WE) THE UNDERSIGNED OWNER(S) OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE GIDEON GROVE PHASE 2 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 ON THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED. I (WE) FURTHER CERTIFY THAT ALL OTHER PARTIES WHO HAVE A MORTGAGE OR LIEN INTEREST IN THE GIDEON GROVE PHASE 2 SUBDIVISION HAVE BEEN NOTIFIED AND SIGNED THIS PLAT. I (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. I (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, 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 IMPROVEMENTS.
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. 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 ROCKWALL.
7. ALL NON-STANDARD, DECORATIVE SIGNS POLE/POST, HARDWARE OR OTHER NON-STANDARD ITEMS WILL BE CONSTRUCTED, MAINTAINED, REPAIRED AND REPLACED BY THE HOME OWNERS ASSOCIATION.
8. LOT 4X, BLOCK A; LOT 1X, BLOCK B; LOT 3X, BLOCK B; LOT 1X, BLOCK C; LOT 18X, BLOCK C; LOT 23X, BLOCK C; LOT 27X, BLOCK C; LOT 28X, BLOCK C; LOT 1X, BLOCK D; LOT 14X, BLOCK D; LOT 1X, BLOCK E; LOT 6X, BLOCK E; AND ALL OPEN SPACE LOTS TO BE MAINTAINED BY THE HOME OWNERS ASSOCIATION.

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 OBLIGATED 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.
I (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; I (WE), MY (OUR) SUCCESSORS AND ASSIGNS HEREBY WAIVE ANY CLAIM, DAMAGE, OR CAUSE OF ACTION THAT I (WE) MAY HAVE AS A RESULT OF THE DEDICATION OR EXACTIONS MADE HEREIN.

Property Owner Signature

STATE OF TEXAS §
COUNTY OF ROCKWALL §

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED GIDEON GROVE ADDITION 2 GP CORP., 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 2021.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS MY COMMISSION EXPIRES

SIGNATURE OF PARTY WITH MORTGAGE OR LIEN INTEREST [IF APPLICABLE:]

STATE OF TEXAS §
COUNTY OF ROCKWALL §

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED GIDEON GROVE ADDITION 2 GP CORP., 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 2021.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS MY COMMISSION EXPIRES

Planning & Zoning Commission, Chairman Date
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 2021.
This approval shall be invalid unless the approved plat for such addition is recorded in the office of the County Clerk of Rockwall, County, Texas, within one hundred eighty (180) days from said date of final approval.
WITNESS OUR HANDS, this day of 2021.
MAYOR, CITY OF ROCKWALL CITY SECRETARY CITY ENGINEER



Table with 3 columns: LINE, BEARING, DISTANCE. Contains 37 rows of survey data (L1-L37).

LEGEND: O.P.R.R.C.T. OFFICIAL PUBLIC RECORDS, ROCKWALL COUNTY, TEXAS 1/2" IRON ROD W/YELLOW CAP STAMPED "PIERCE-MURRAY" SET
BL BUILDING LINE
UE UTILITY EASEMENT
DE DRAINAGE EASEMENT
OPF OPEN SPACE EASEMENT
MIN. FFE MINIMUM FINISHED FLOOR ELEVATION
AC ACRES
ETJ EXTRA TERRITORIAL JURISDICTION
V.S.E. VISIBILITY AND SIDEWALK EASEMENT
LAND USE TABLE
RESIDENTIAL LOTS 84
NON-RESIDENTIAL LOTS 11
RESIDENTIAL ACREAGE 16.089 AC.
NON-RESIDENTIAL ACREAGE 7.051 AC.
RIGHT OF WAY DEDICATION 6.920 AC.
PARK ACREAGE 0.000 AC.
NET ACREAGE 23.140 AC.
TOTAL ACREAGE 30.060 AC.

Table with 6 columns: CURVE, ARC LENGTH, RADIUS, DELTA ANGLE, CHORD BEARING, CHORD LENGTH. Contains 29 rows of curve data (C1-C29).

GENERAL NOTES

- 1. BEARINGS BASED ON TEXAS COORDINATE SYSTEM, NAD 83, NORTH CENTRAL ZONE 4202, VIA THE ALLTERRA RTKNET VRS NETWORK.
2. 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.
3. THE SUBJECT PROPERTY IS WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS INDICATED BY FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD MAPS. SEE PANEL 48397C0030L, DATED SEPTEMBER 26, 2008.

SURVEYOR'S CERTIFICATION

I, CAMDEN D. PIERCE, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON AS "SET" WERE PROPERLY PLACED UNDER MY DIRECTION AND SUPERVISION.
PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT

CAMDEN D. PIERCE, RPLS 6791
DATE: JANUARY 2021

FINAL PLAT
GIDEON GROVE PHASE 2
LOTS 1-12, 4X, BLOCK A; LOTS 1-4, 1X, 3X, BLOCK B; LOTS 1-29, 1X, 18X, 23X, 27X, 28X, BLOCK C; LOTS 1-26, 1X, 14X, BLOCK D; LOTS 1-13, 1X, 6X, BLOCK E; BEING 30.060 ACRES OF LAND SITUATED IN THE S.R. BARNES SURVEY, ABSTRACT NUMBER 13, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS
SHEET 2 OF 2
CASE NO. P2021-019



MEMORANDUM

TO: Mary Smith, Interim City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: May 17, 2021

SUBJECT: P2021-020; PRELIMINARY PLAT FOR LOTS 1-6, BLOCK A, FIT SPORT LIFE ADDITION

Attachments

Case Memo
Development Application
Location Map
Preliminary Plat

Summary/Background Information

Consider a request by Randall Eardley of Weir & Associates, Inc. on behalf of Stephen Doyle of Structured REA-Rockwall Land, LLC for the approval of a *Preliminary Plat* for Lots 1-6, Block A, Fit Sport Life Addition being a 55.784-acre tract of land identified as a portion of Tract 22 and all of Tracts 22-2 & 24 of the R. Irvine Survey, Abstract No. 120, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) and FM-549 Overlay (FM-549 OV) Districts, generally located at the southeast corner of the intersection of Corporate Crossing [FM-549] and the IH-30 Frontage Road, and take any action necessary.

Action Needed

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



CITY OF ROCKWALL

CITY COUNCIL CASE MEMO

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

TO: Mayor and City Council
DATE: May 17, 2021
APPLICANT: Randall Eardley; *Weir & Associates, Inc.*
CASE NUMBER: P2021-020; *Preliminary Plat for Lots 1-6, Block A, Fit Sport Life Addition*

SUMMARY

Consider a request by Randall Eardley of Weir & Associates, Inc. on behalf of Stephen Doyle of Structured REA-Rockwall Land, LLC for the approval of a *Preliminary Plat* for Lots 1-6, Block A, Fit Sport Life Addition being a 55.784-acre tract of land identified as a portion of Tract 22 and all of Tracts 22-2 & 24 of the R. Irvine Survey, Abstract No. 120, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) and FM-549 Overlay (FM-549 OV) Districts, generally located at the southeast corner of the intersection of Corporate Crossing [FM-549] and the IH-30 Frontage Road, and take any action necessary.

PLAT INFORMATION

- The purpose of the applicant's request is to preliminary plat a 55.784-acre tract of land (*i.e. a portion of Tract 22 and all of Tracts 22-2 & 24 of the R. Irvine Survey, Abstract No. 120*) into six (6) lots (*i.e. Lots 1-6, Block A, Fit Sport Life Addition*) for the purpose of laying out the proposed subdivision of land and the necessary easements (*e.g. fire lane, public access/right-of-way, utilities, and drainage*) for the future development of the subject property. Additionally, the applicant will be dedicating 60-feet of right-of-way for the purpose of establishing ingress and egress from Corporate Crossing and the IH-30 Frontage Road; however, Lot 5, Block A, will only be accessible via Capital Boulevard and the extension of Data Drive. It should be noted that the applicant has submitted a site plan [*i.e. Case No. SP2021-010*] concurrently with this preliminary plat. The purpose of the site plan is to facilitate the construction of a ~87,155 SF sports and recreation facility on Lot 1, Block A.
- The purpose of the preliminary plat is to provide sufficient information to evaluate and review the general design of the development proposed with *Case No. SP2021-010*, to ensure compliance with the density and dimensional requirement stipulated for the Commercial (C) District by the Unified Development Code (UDC), to ensure conformance with the OURHometown Vision 2040 Comprehensive Plan and the Master Thoroughfare Plan, and the requirements of Chapter 38, *Subdivisions*, of the Municipal Code of Ordinances. The proposed preliminary plat appears to meet these requirements and the intent of these documents.
- The surveyor has completed the majority of the technical revisions requested by staff, and this plat -- *conforming to the requirements for plats as stipulated by the Subdivision Ordinance in the Municipal Code of Ordinances* -- is recommended for conditional approval pending the completion of final technical modifications and submittal requirements.
- Conditional approval of this plat 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 preliminary plat for *Lots 1-6, Block A, Fit Sport Life Addition*, 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; and,
- (2) Any construction resulting from the approval of this plat shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

PLANNING AND ZONING COMMISSION

On May 11, 2021, the Planning and Zoning Commission approved a motion to approve the *Preliminary Plat* for *Lots 1-6, Block A, Fit Sport Life Addition* with the conditions of approval by a vote of 5-0, with Commissioners Moeller and Conway absent.



DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO. _____

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

DIRECTOR OF PLANNING: _____

CITY ENGINEER: _____

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

PLATTING APPLICATION FEES:

- MASTER PLAT (\$100.00 + \$15.00 ACRE)¹
- PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE)¹ **55.784 acres**
- FINAL PLAT (\$300.00 + \$20.00 ACRE)¹
- REPLAT (\$300.00 + \$20.00 ACRE)¹
- AMENDING OR MINOR PLAT (\$150.00)
- PLAT REINSTATEMENT REQUEST (\$100.00)

SITE PLAN APPLICATION FEES:

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

ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE)¹
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE)¹
- 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.

PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS _____

SUBDIVISION _____

LOT _____

BLOCK _____

GENERAL LOCATION **Southeast corner of IH 30 and Corporate Crossing**

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING

Commercial C

CURRENT USE

Vacant

PROPOSED ZONING

N/A

PROPOSED USE

Sports Complex

ACREAGE

55.784 total

LOTS [CURRENT]

0

LOTS [PROPOSED]

6

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

Structured REA-Rockwall Land, LLC

APPLICANT

Wier & Associates, Inc.

CONTACT PERSON

Stephen Doyle

CONTACT PERSON

Randall Eardley

ADDRESS

171 N Aberdeen Street, Suite 400

ADDRESS

2201 E. Lamar Blvd, Ste 200E

CITY, STATE & ZIP

Chicago, Illinois 60607

CITY, STATE & ZIP

Arlington, Texas 76006

PHONE

847-951-8974

PHONE

817-467-7700

E-MAIL

SteveD@structuredrea.com

E-MAIL

RandyE@WierAssociates.com

NOTARY VERIFICATION [REQUIRED]

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

"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ 1,036.76 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 16th DAY OF April, 20 21 BY SIGNING THIS APPLICATION. I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

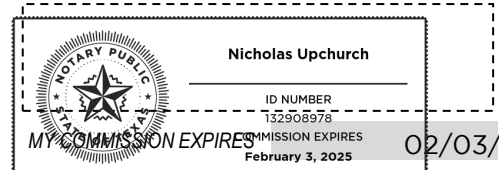
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 16th DAY OF April, 20 21.

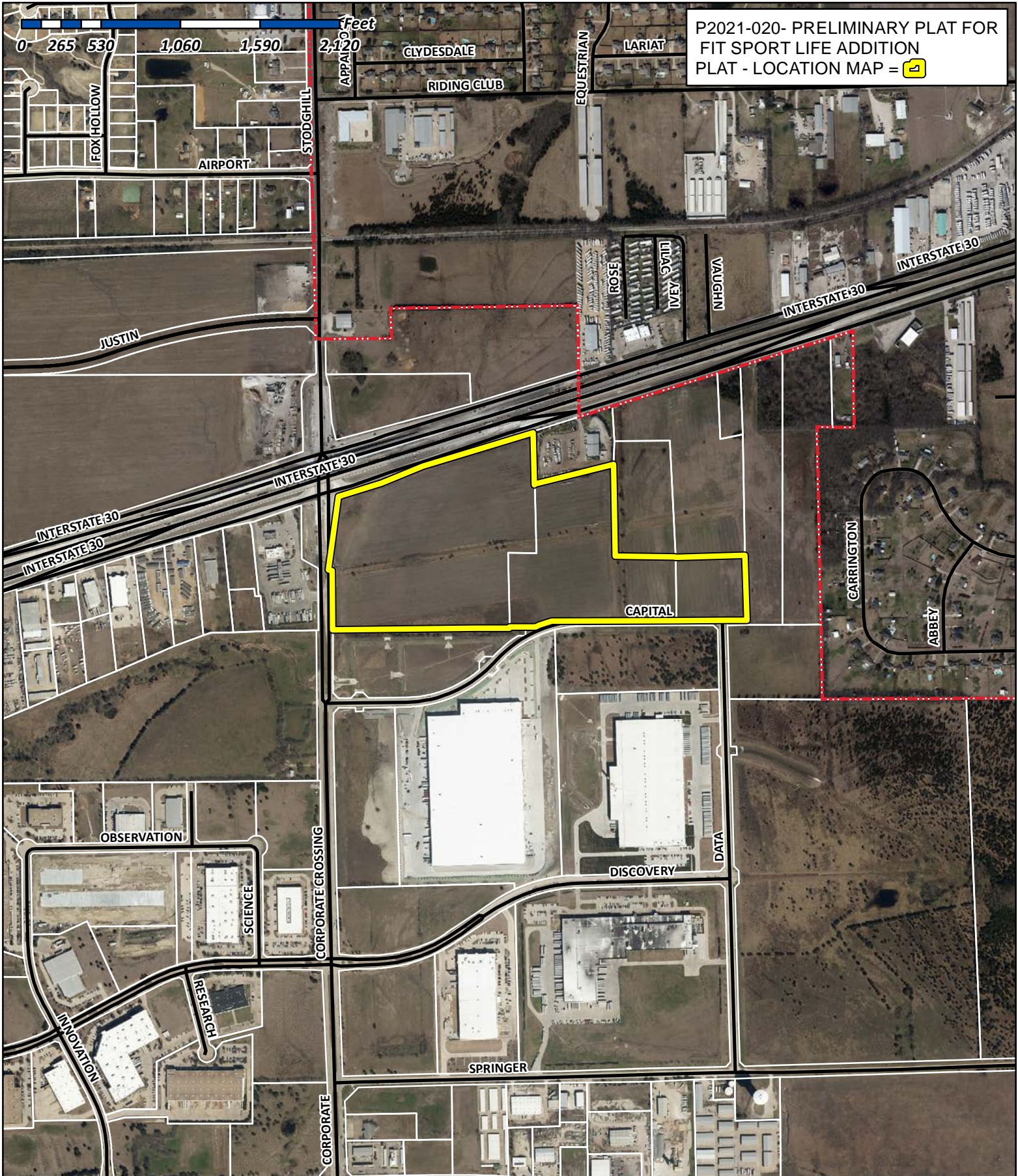
OWNER'S SIGNATURE

Stephen Doyle

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

Nicholas Upchurch





P2021-020- PRELIMINARY PLAT FOR
FIT SPORT LIFE ADDITION
PLAT - LOCATION MAP =



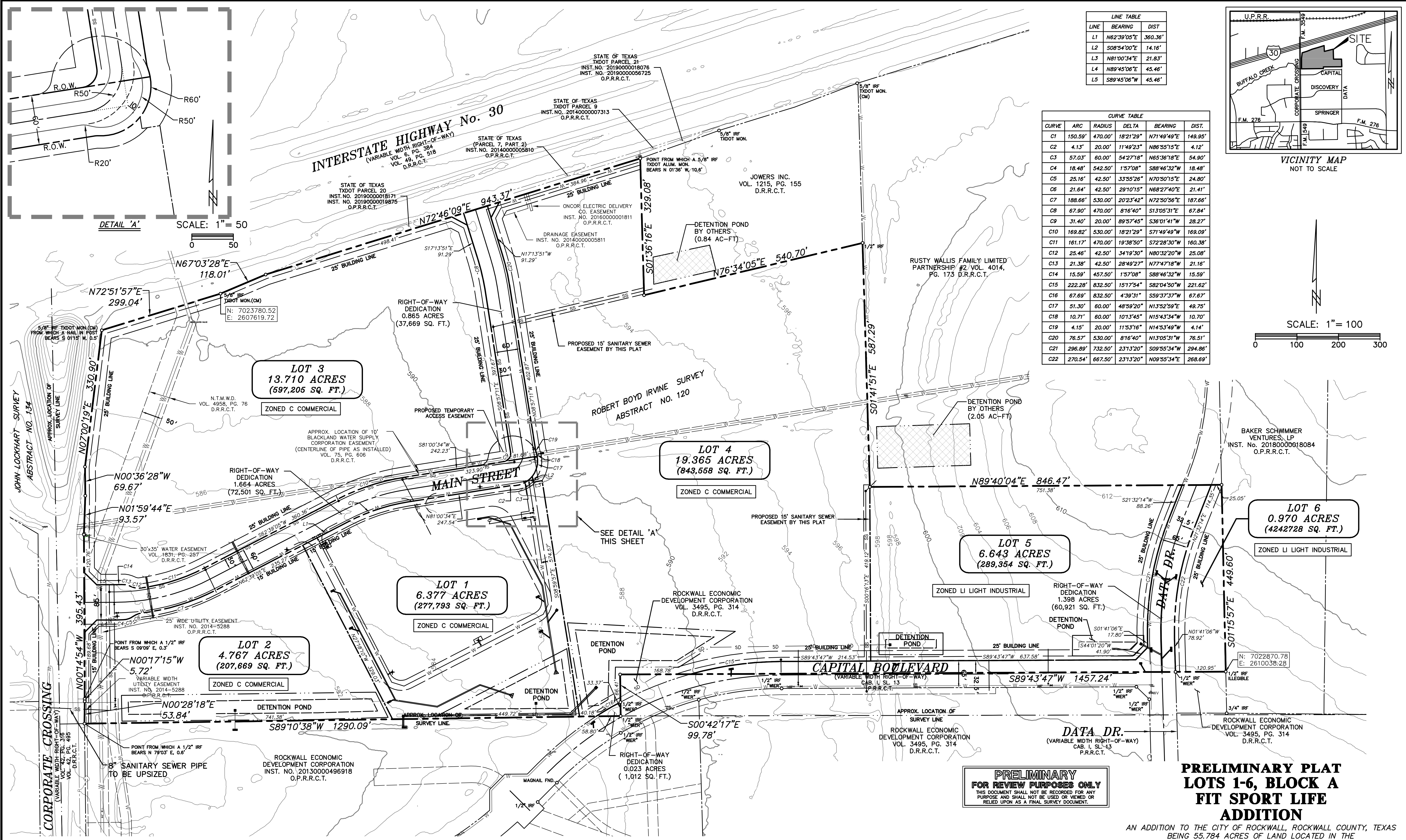
City of Rockwall

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

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

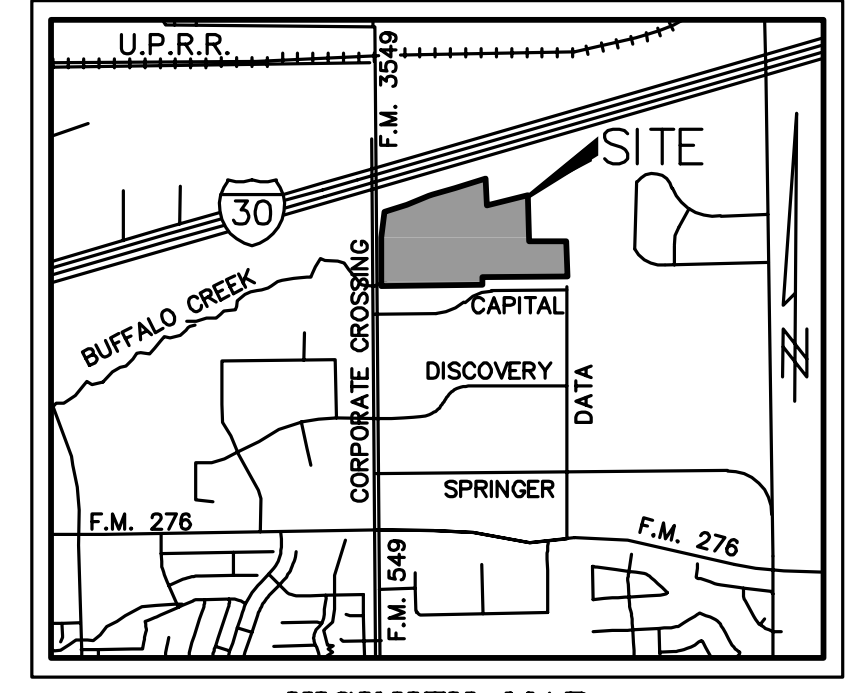


PRINTED: 5/4/2021 9:59 AM FILE: WIER-SURVEY.STB LAST SAVED: 5/4/2021 9:59 AM SAVED BY: RANDY E. PRELIMINARY PLAT-19144.DWG



LINE	BEARING	DIST
L1	N62°39'05"E	360.36'
L2	S08°54'00"E	14.16'
L3	N81°00'34"E	21.83'
L4	N89°45'06"E	45.46'
L5	S89°45'06"W	45.46'

CURVE	ARC	RADIUS	DELTA	BEARING	DIST.
C1	150.59'	470.00'	18°21'29"	N71°49'49"E	149.95'
C2	4.13'	20.00'	11°49'23"	N86°55'15"E	4.12'
C3	57.03'	60.00'	54°27'18"	N65°36'18"E	54.90'
C4	18.48'	542.50'	1°57'08"	S88°46'32"W	18.48'
C5	25.16'	42.50'	33°55'26"	N70°50'15"E	24.80'
C6	21.64'	42.50'	29°10'15"	N68°27'40"E	21.41'
C7	188.66'	530.00'	20°23'42"	N72°50'56"E	187.66'
C8	67.90'	470.00'	8°16'40"	S13°05'31"E	67.84'
C9	31.40'	20.00'	89°57'45"	S36°01'41"W	28.27'
C10	169.82'	530.00'	18°21'29"	S71°49'49"W	169.09'
C11	161.17'	470.00'	19°38'50"	S72°28'30"W	160.38'
C12	25.46'	42.50'	34°19'30"	N80°32'20"W	25.08'
C13	21.38'	42.50'	28°49'27"	N77°47'18"W	21.16'
C14	15.59'	457.50'	1°57'08"	S88°46'32"W	15.59'
C15	222.28'	832.50'	15°17'54"	S82°04'50"W	221.62'
C16	67.69'	832.50'	4°39'31"	S89°37'37"W	67.67'
C17	51.30'	60.00'	48°59'20"	N13°52'59"E	49.75'
C18	10.71'	60.00'	10°13'45"	N15°43'34"W	10.70'
C19	4.15'	20.00'	11°53'16"	N14°53'49"W	4.14'
C20	76.57'	530.00'	8°16'40"	N13°05'31"W	76.51'
C21	296.89'	732.50'	23°13'20"	S09°55'34"W	294.86'
C22	270.54'	667.50'	23°13'20"	N09°55'34"E	268.69'



LOT 3
13.710 ACRES
(597,205 SQ. FT.)
ZONED C COMMERCIAL

LOT 4
19.365 ACRES
(843,558 SQ. FT.)
ZONED C COMMERCIAL

LOT 1
6.377 ACRES
(277,793 SQ. FT.)
ZONED C COMMERCIAL

LOT 2
4.767 ACRES
(207,669 SQ. FT.)
ZONED C COMMERCIAL

LOT 5
6.643 ACRES
(289,354 SQ. FT.)
ZONED LI LIGHT INDUSTRIAL

LOT 6
0.970 ACRES
(424,278 SQ. FT.)
ZONED LI LIGHT INDUSTRIAL

PRELIMINARY
FOR REVIEW PURPOSES ONLY
THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

PRELIMINARY PLAT
LOTS 1-6, BLOCK A
FIT SPORT LIFE
ADDITION

AN ADDITION TO THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS BEING 55.784 ACRES OF LAND LOCATED IN THE ROBERT BOYD IRVINE SURVEY, ABSTRACT No. 120, ROCKWALL COUNTY, TEXAS

PREPARED BY:
WIA WIER & ASSOCIATES, INC.
ENGINEERS SURVEYORS LAND PLANNERS
2201 E. LAMAR BLVD., SUITE 200E ARLINGTON, TEXAS 76006 METRO (817) 467-7700
Texas Firm Registration No. F-2716 www.WierAssociates.com
Texas Board of Professional Land Surveying Registration No. 10033900

2021-020
SHEET 1 OF 1

DATE: 5/4/2021
W.A. NO. 19144

APPROVED: I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING SITE PLAN FOR A DEVELOPMENT IN THE CITY OF ROCKWALL, TEXAS, WAS APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL ON THE ___ DAY OF _____.
WITNESS OUR HANDS, THIS ___ OF _____.
PLANNING & ZONING COMMISSION, CHAIRMAN _____ DIRECTOR OF PLANNING AND ZONING _____

OWNER / DEVELOPER
Structured REA-Rockwall Land, LLC
171 N. ABERDEEN STREET, SUITE 400
CHICAGO, ILLINOIS 60607
CONTACT: STEPHEN DOYLE
PH: (847) 951-8974

ENGINEER / SURVEYOR
WIER & ASSOCIATES, INC.
2201 E. LAMAR BLVD., SUITE 200E
ARLINGTON, TEXAS 76006
CONTACT: RANDY EARDLEY, P.E.
PH: (817) 467-7700
FAX: (817) 467-7713



City of Rockwall
The New Horizon

MEMORANDUM

TO: Mayor and Council Members

FROM: Hotel Occupancy Tax Sub-committee Members
 Mary Smith, Interim City Manager

DATE: Mary 14, 2021

SUBJECT: Rockwall Professional Firefighters – State Convention

The Rockwall Professional Firefighters Association is requesting HOT funds to assist in the preparation and running of the Annual convention of the Texas Association of Firefighters. The convention will be held at the Hilton July 11 – 16. The convention is expected to draw at least 300 attendees for a 5- night stay with about 200 coming in either earlier or staying later for additional room nights. Several hotels near the Harbor will host attendees as well since this exceeds the capacity of the Hilton alone.

The Rockwall Association is requesting funds to promote and advertise the convention as well as several activities to showcase Rockwall including activities downtown. Other expenses such as local transportation will cut down on traffic from the convention and help to make it a first-class convention experience in Rockwall. A complete application and typed breakdown are attached as the application may not come through clearly.

The subcommittee reviewed the request which totaled \$76,610 and isolated a couple of expenses related to the convention bid expense and promotional items for which they are not suggesting any funding.

Prior to Council action on the above, the Hotel Occupancy Tax budget is as follows:

Fund Balance carried forward	\$ 823,355
Budgeted Revenues	750,000
Previously Allocated Funding	<u>(618,915)</u>
Projected Fund Balance	\$ 954,440

Subcommittee members Kevin Fowler, Dana Macalik, and Bennie Daniels discussed the request and recommend \$66,341 be awarded from hotel occupancy taxes for this event. Council is asked to consider approving the funds as recommended by the subcommittee and authorizing the Interim City Manager to execute the agreement with the Association. The agreement will state that any unused funds must be repaid after they make a final report on the convention.



Event: Texas State Association of Firefighters 2021 Convention

Dates: July 11-16, 2021

Website Address:

Tsaff2021convention.org

www.rockwallfirefighters.org

<https://www.tsaff.org/events/tsaff-convention>

<https://www.facebook.com/tsaff2021convention>

PO Box 411, Rockwall, TX 75087

214-802-2361

Primary Contact:

Michael Caffey

President

RPFA

311 South Fannin, Rockwall, TX 75087

214-802-2361

mcaffey@rockwallfirefighters.org

Secondary Contact:

Jay McKee

Treasurer

RPFA

113 Midnight Drive, Royse City TX 75189

214-726-5226

jmckee@rockwallfirefighters.org

The Rockwall Professional Firefighters Association (RPFA) and the Garland Fire Fighters Association (GFFA) are hosting the Bi-annual Texas State Association of Fire Fighters (TSAFF) Convention. The TSAFF Convention is held every other year in different cities throughout the State of Texas. This is where many things are accomplished including: charitable decisions, budgets, officer elections, state legislative issues, and multiple groups regarding the direction and initiatives of the State Association. The RPFA and GFFA has bid and won the convention in order to show pride in our cities by bringing direct monies and tax dollars that week, while promoting all our cities have to offer to gain future travelers, business, gatherings, and conventions beyond just the State Convention. In particular, Rockwall will be the primary beneficiary as all attendees will be lodged in Rockwall Hotels and all meetings will be held at the Hilton Rockwall. In addition, all food and beverage during the day will take place in Rockwall. There are 5 nightly activities (Sunday-Thursday nights) of which 4 of the 5 are in Rockwall. We hope to not only bring money and attention to Rockwall, but strive to make an impression on several hundred firefighters whom are involved with and run businesses of their own.

We clearly meet the objectives of the HOT fund program by utilizing and promoting all areas of Rockwall. The Harbor will be the center of attention, while there are events as well taking place in Downtown and throughout the city. We are conducting a concert in Rockwall (either downtown or the Harbor, tbd) which will fall in line as Rockwall's Free Live Music Capital of North Texas North. In addition, through our program book we will promote our parks, museums, and City events including: Founder's Day, Concert on the Lake, Rib Run, The Chamber, Kiwanas and Rotary events and more.

Although, we will have representation from Associations from across the State of Texas, this is not a mandatory event. Thus, we will make a very strong effort to entice more bookings through aggressive marketing and providing top notch entertainment. This is the primary reason for the need of HOT funds. This event has not been held in DFW since the early 2000's. DFW also has the largest concentration of Associations. Combine that with the State opening up, post COVID, this is expected to be the largest attended convention in 20 years. That will happen as long as we aggressively advertise and provide wanted and needed entertainment. In addition to several hundred delegates from various Associations attending we expect a large contingency of firefighters coming just for the nightly events and staying overnight, and in some cases, multiple nights in local Rockwall hotels.

More than a third of our current delegates registered have booked for a couple of days before and/or after, treating the business trip as vacation as well. So even though the Convention only requires a 5 night stay, many are staying 7-9 nights. The Hilton is close to capacity, and we will have overflow bookings to Springhill Suites, Hyatt, and Hilton Tru.

See applicable numbers below and thank you for your commitment to our beloved City and considering our request for funding.

Sincerely,
Michael Caffey, President
Rockwall Professional Firefighters Association

Event history data:

- 5 nights and 5 days with about 1/3 of attendees staying an extra 1-3 days
- Approximately 300 attendees for the week and 200 more that come in for 1-3 days for nightly events.

Financial data:

- All monies collected and expensed will be kept separate from any and all other operational funds used for the RPFA or the GFFA
- The rooms rented for the week will be about 1500 / 5 nights with some staying longer.

Funding Requested:

- Advertising, consulting, website management: \$5000
- Advertising /program book promoting the city & banners for events: \$5500
- Entertainment: Monday and Thursday nights: \$13,500
- Food & beverage for events: Clay shoot, Sunday, Rockwall Gun Club. Concert, Monday, Downtown Rockwall. President's dinner, Thursday at the Hilton: \$14,050
- Facility Fee: Rockwall Gun Club: \$1500
- Promotional items: shirts & other promotions: \$8200
- Transportation for the week: \$9074
- AV Equipment: \$17,717 (see itemized attachment)
- Initial bid cost including flight, hotel, and promotional items: \$2069
- Total funding requested: \$76,610



City of Rockwall
The New Horizon

Hotel Occupancy Tax

Program Year 2021

Application

MUST BE TYPED or PRINTED

Deliver to:

City of Rockwall Finance Office

Attn: Lea Ann Ewing

385 S. Goliad St., Rockwall, TX 75087

Ph. 972-771-7700 Fax 972-771-7728 lewing@rockwall.com

Organization Name: Rockwall Professional Firefighters Association
Name of Event: Texas State Association of Fire Fighters 2021 Convention
Date(s) of Event: July 11-16, 2021
Funding Request \$: 16,610
Website Address: rockwallfirefighters.org or facebook.com/tsoff2021convention
Mailing Address: PO Box 411, Rockwall, TX 75087
Physical Address:
Telephone: 214-802-2361 **Fax:**

Primary Contact Name: Michael Coffey, President
 (Project Director)
Mailing Address: 311 S. Fanning, Rockwall, TX 75087
Email Address: mcoffey@rockwallfirefighters.org
Telephone: 214-802-2361 **Fax:**

Secondary Contact Name: Jay Hulse, Treasurer
 (President/Board Chairman)
Mailing Address: 113 Midnight Drive, Royse City, TX 75189
Email Address: jhulse@rockwallfirefighters.org
Telephone: 214-726-5226 **Fax:**

- ▶ COMPLETE AN APPLICATION FOR EACH EVENT/PROGRAM/EXHIBIT REQUESTING FUNDS
- ▶ INCOMPLETE APPLICATIONS WILL NOT BE FORWARDED TO THE COUNCIL SUBCOMMITTEE

1. Mark an "X" next to the category or categories that your organization is requesting funds in the attached budget request.

Advertising/Tourism Requested funding amount \$ 63,110
 Conducting solicitation or promotional programs that encourage tourists and delegates to come to the City of Rockwall.

Arts Requested funding amount \$ 13,500
 Providing encouragement, promotion, improvement and application of the arts as it relates to the presentation, performance execution or exhibition of the major art forms in the City of Rockwall.

Historical Requested funding amount \$
 Providing historical restoration, preservation, programs and encouragement to visit preserved historic sites or museums located in the City of Rockwall.

2. Describe the program or event for the upcoming fiscal year (Oct. 1 2020 - Sept. 30, 2021) that you are requesting Hotel Tax funding. What is your event and why are you having it? *See question 2 attachment*

3. How does the event/program meet the definition of the categories listed in Item No. 1 above (promotion of tourism and the hotel industry in the City of Rockwall)?

See question 3 attachment

4. Is the event/program that the organization is requesting Hotel Tax funds held in/on City-owned property?

Yes Name location: *NO*

5. Will your organization provide special event insurance coverage for the event/program if held on City property?

Yes Name of Insurance Company: *Not sure. The TSAPP is looking into it.*

6. Provide 3 years attendance history for the above listed programs, activities, exhibits or event described in Item No. 2 above.

Event	Year	Event Duration (in Days)	Audience Size	# of Attendees in hotel rooms
<i>TSAPP 2014 Convention</i>	<i>2014</i>	<i>6 days</i>	<i>400</i>	<i>400 / 1113 room nights</i>
<i>TSAPP 2017 Convention</i>	<i>2017</i>	<i>6 days</i>	<i>400</i>	<i>flat since event numbers but are very close.</i>
<i>TSAPP 2015 Convention</i>	<i>2015</i>	<i>6 days</i>	<i>400</i>	

Question 2

The Rockwall Professional Firefighters Association (RPFA) and the Garland Fire Fighters Association (GFFA) are hosting the Bi-annual Texas State Association of Fire Fighters (TSAFF) Convention. The TSAFF Convention is held every other year in different cities throughout the State of Texas. This is where many things are accomplished including: charitable decisions, budgets, officer elections, state legislative issues, and multiple groups regarding the direction and initiatives of the State Association. The RPFA and GFFA has bid and won the convention in order to show pride in our cities by bringing direct monies and tax dollars that week, while promoting all our cities have to offer to gain future travelers, business, gatherings, and conventions beyond just the State Convention. In particular, Rockwall will be the primary beneficiary as all attendees will be lodged in Rockwall Hotels and all meetings will be held at the Hilton Rockwall. In addition, all food and beverage during the day will take place in Rockwall. There are 5 nightly activities (Sunday-Thursday nights) of which 4 of the 5 are in Rockwall. We hope to not only bring money and attention to Rockwall, but strive to make an impression on several hundred firefighters whom are involved with and run businesses of their own.

Question 3

We clearly meet the objectives of the HOT fund program by utilizing and promoting all areas of Rockwall. The Harbor will be the center of attention, while there are events as well taking place in Downtown and throughout the city. We are conducting a concert in Rockwall (either downtown or the Harbor, tbd) which will fall in line as Rockwall's Free Live Music Capital of North Texas North. In addition, through our program book we will promote our parks, museums, and City events including: Founder's Day, Concert on the Lake, Rib Run, The Chamber, Kiwanas and Rotary events and more.

7. What specific market will you target with the event/program's marketing plan? Attach up to 3 examples and evidence of marketing area and readership (Label Exhibit C).

See question 7 attachment

8. The City of Rockwall must require segregated accounting of its Hotel funds. Organizations must maintain and account for revenue provided from the tax authorized by section 351.101(a) within one of the two options listed below.
- a) Separate checking account without combining with any other revenues or maintained in any other bank account or
 - b) Maintain a line item accounting, whereby the Hotel revenues may not be combined with any other revenues or expenditures. The funds may be maintained in the same bank account, provided they are reported as a separate line item in the organization's budget. Interest earned on the Hotel revenues must be used to support the event/program as well.

Will the organization be able to segregate the accounting process in either a) or b) above?

Yes

9. Provide all of the following documentation with this application and label each as outlined below.

- Exhibit A Proposed budget for each event/program using attached form
- Exhibit B Letter of determination certifying federal tax exempt 501(c)(3) status
- Exhibit C Examples and evidence of marketing area and readership (limit 3)
- Exhibit D List members of the governing body including name, position, mailing address and phone number *See attachment*
- Exhibit E W-9 Form <https://www.irs.gov/pub/irs-pdf/fw9.pdf> *See attachment*
- Exhibit F Form 1295 https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm

We certify, to the best of our ability, that the information in this application, including all exhibits and supporting documentation is true and correct to the best of our knowledge. It is understood and agreed that any funds awarded as a result of this application will be used for the purpose set for herein and the program guidelines.

President/ Board Chairman:

Date *5-10-21*

Print Name

Michael Coffey

Signature



Event/Program Director:

Date *5-10-21*

Print Name

Michael Coffey

Signature



Both signatures are required for the application to be complete.

Question 7

Although, we will have representation from Associations from across the State of Texas, this is not a mandatory event. Thus, we will make a very strong effort to entice more bookings through aggressive marketing and providing top notch entertainment. This is the primary reason for the need of HOT funds. This event has not been held in DFW since the early 2000's. DFW also has the largest concentration of Associations. Combine that with the State opening up, post COVID, this is expected to be the largest attended convention in 20 years. That will happen as long as we aggressively advertise and provide wanted and needed entertainment. In addition to several hundred delegates from various Associations attending we expect a large contingency of firefighters coming just for the nightly events and staying overnight, and in some cases, multiple nights in local Rockwall hotels.

The Rockwall Professional Firefighters Association (RPFA) and the Garland Fire Fighters Association (GFFA) are hosting the Bi-annual Texas State Association of Fire Fighters (TSAFF) Convention. The TSAFF Convention is held every other year in different cities throughout the State of Texas. This is where many things are accomplished including: charitable decisions, budgets, officer elections, state legislative issues, and multiple groups regarding the direction and initiatives of the State Association. The RPFA and GFFA has bid and won the convention in order to show pride in our cities by bringing direct monies and tax dollars that week, while promoting all our cities have to offer to gain future travelers, business, gatherings, and conventions beyond just the State Convention. In particular, Rockwall will be the primary beneficiary as all attendees will be lodged in Rockwall Hotels and all meetings will be held at the Hilton Rockwall. In addition, all food and beverage during the day will take place in Rockwall. There are 5 nightly activities (Sunday-Thursday nights) of which 4 of the 5 are in Rockwall. We hope to not only bring money and attention to Rockwall, but strive to make an impression on several hundred firefighters whom are involved with and run businesses of their own.

We clearly meet the objectives of the HOT fund program by utilizing and promoting all areas of Rockwall. The Harbor will be the center of attention, while there are events as well taking place in Downtown and throughout the city. We are conducting a concert in Rockwall (either downtown or the Harbor, tbd) which will fall in line as Rockwall's Free Live Music Capital of North Texas North. In addition, through our program book we will promote our parks, museums, and City events including: Founder's Day, Concert on the Lake, Rib Run, The Chamber, Kiwanas and Rotary events and more.

Although, we will have representation from Associations from across the State of Texas, this is not a mandatory event. Thus, we will make a very strong effort to entice more bookings through aggressive marketing and providing top notch entertainment. This is the primary reason for the need of HOT funds. This event has not been held in DFW since the early 2000's. DFW also has the largest concentration of Associations. Combine that with the State opening up, post COVID, this is expected to be the largest attended convention in 20 years. That will happen as long as we aggressively advertise and provide wanted and needed entertainment. In addition to several hundred delegates from various Associations attending we expect a large contingency of firefighters coming just for the nightly events and staying overnight, and in some cases, multiple nights in local Rockwall hotels.

More than a third of our current delegates registered have booked for a couple of days before and/or after, treating the business trip as vacation as well. So even though the Convention only requires a 5 night stay, many are staying 7-9 nights. The Hilton is close to capacity, and we will have overflow bookings to Springhill Suites, Hyatt, and Hilton Tru.

See applicable numbers below and thank you for your commitment to our beloved City and considering our request for funding.

Sincerely,
Michael Caffey, President
Rockwall Professional Firefighters Association

EXHIBIT A

**Hotel Occupancy Tax Funding Request
Event/Program Budget - Program Year 2021**

Financial information (round to the nearest dollar). Include a completed copy of this budget with funding request.

Organization Name: Rochester Professional Firefighters Association
 Event/Program Name: Texas State Association of Fire Fighters
 Requested Funding: \$ 76,610

Expenses (for this project only)	Total Expenses	HOT Funds Request	
1. Personnel			
Administrative			
Artistic			
Technical			
Other personnel			
2. Fees for outside professional service			
Administrative			
Artistic	13,500	13,500	
Technical	1000	1000	
3. Space Rental	1500	1500	
4. Equipment Rental	17,717	17,717	
5. Travel/Transportation	10,299	10,299	
6. Promotion/Printing	18,544	18,544	
7. Costumes/Royalties			
8. Other (supplies, postage etc.)	14,050	14,050	
9. Sub -Totals			
10. Total Expenses	76,610	76,610	

Total Revenues			
Revenues (for this project only)			
1. Total Amount of HOT fund request	76,610		
2. Admissions (ticket and concessions)	32,000		
3. Donations <i>Subby, Humberg, London</i>			
4. Organizational funds budgeted <i>Push</i>			
5. Grants (State)			
6. Other (list): <i>Tuesday Post</i>	200		
7. Other (list):			
8. Other (list):			
9. Other (list):			
10. Total income and contributions			
11. Total In-Kind			
12. Total Revenues	110,810		

Financial Information (for this project only)				
Fiscal Year (Oct 1 st - Sept 30 th)	2018 actual	2019 actual	2020 actual	2021 Projected
Total Revenues				110,810
Total Expenses				76,610
Total Hotel funds awarded				

Event history data:

- 5 nights and 5 days with about 1/3 of attendees staying an extra 1-3 days
- Approximately 300 attendees for the week and 200 more that come in for 1-3 days for nightly events.

Financial data:

- All monies collected and expensed will be kept separate from any and all other operational funds used for the RPFA or the GFFA
- The rooms rented for the week will be about 1500 / 5 nights with some staying longer.

Funding Requested:

- Advertising, consulting, website management: \$5000
- Advertising /program book promoting the city & banners for events: \$5500
- Entertainment: Monday and Thursday nights: \$13,500
- Food & beverage for events: Clay shoot, Sunday, Rockwall Gun Club. Concert, Monday, Downtown Rockwall. President's dinner, Thursday at the Hilton: \$14,050
- Facility Fee: Rockwall Gun Club: \$1500
- Promotional items: shirts & other promotions: \$8200
- Transportation for the week: \$9074
- AV Equipment: \$17,717 (see itemized attachment)
- Initial bid cost including flight, hotel, and promotional items: \$2069
- Total funding requested: \$76,610



Proposal

Event: **TSAFF - Hilton Dallas/Rockwall Lakefront**
 Customer: Hilton Dallas/Rockwall Lakefront
 2055 Summer Lee Dr
 Rockwall, TX 75032

Ship To: **Hilton Dallas/Rockwall Lakefront**
 2055 Summer Lee Dr
 Rockwall, TX 75032

Job#: 218677
 Version:
 Terms: **Master Bill**
NET30
 Sales Rep: **Nathan Lanciaux**

Contact:
 Phone: (214) 771-3700

Delivery:
 Event Start: 7/11/2021
 Event End: 7/15/2021
 Pick Up:

Sales Rep **nlanciaux@onservices.com**
 Email:

Video

Quantity	Description	Duration	Price	Subtotal
3	Panasonic 4k camcorder	3 Days	\$700.00	\$6,300.00
1	Roland V-60HD Multi-Format HD Video Switcher	3 Days	\$550.00	\$1,650.00
2	Panasonic PT-RZ870BU 8500K DLP Laser Projector	3 Days	\$500.00	\$3,000.00
2	Premier LCD Projector Pkg. (8K /12' scr)	3 Days	\$960.00	\$5,760.00
Total Video				\$16,710.00

Audio

Quantity	Description	Duration	Price	Subtotal
1	Audio System Package	3 Days	\$310.00	\$930.00
Total Audio				\$930.00

Lighting

Quantity	Description	Duration	Price	Subtotal
2	Tower 12"x12"x10' Silver Truss	3 Days	\$20.00	\$120.00
2	Truss Base 36" (12"x 12" Truss)	3 Days	\$10.00	\$60.00
4	ETC Source Four Par LED 3K Tungsten Body	3 Days	\$45.00	\$540.00
1	Jands Stage CL Small LED Lighting Console	3 Days	\$125.00	\$375.00
Total Lighting				\$1,095.00

LABOR

Date	Start	End	QTY	Personnel/Task	Duration	Unit Price	Subtotal
Jul 10 21	10:00 AM	6:00 PM	3	Stagehand/Set Up	8 Hour(s)	\$65.00	\$1,560.00

LABOR

Date	Start	End	QTY	Personnel/Task	Duration	Unit Price	Subtotal
Jul 11 21							
	8:00 AM	4:00 PM	1	Video Engineer/Operate	8 Hour(s)	\$80.00	\$640.00
Jul 12 21							
	8:00 AM	4:00 PM	1	Video Engineer/Operate	8 Hour(s)	\$80.00	\$640.00
Jul 13 21							
	8:00 AM	4:00 PM	1	Video Engineer/Operate	8 Hour(s)	\$80.00	\$640.00
Jul 14 21							
	8:00 AM	4:00 PM	1	Video Engineer/Operate	8 Hour(s)	\$80.00	\$640.00
Jul 15 21							
	8:00 AM	4:00 PM	1	Video Engineer/Operate	8 Hour(s)	\$80.00	\$640.00
	5:00 PM	9:00 PM	3	Stagehand/Strike	4 Hour(s)	\$65.00	\$780.00
Total LABOR							\$5,540.00

Notes:

All charges posted to the client's hotel master account. Please note all charges are subject to a 24% taxable service charge and 8.25% sales tax.

Product Total:	\$18,735.00
Discount:	(\$6,557.25)
Labor:	\$5,540.00

Job Total: \$17,717.75

Received by

Equipment is delivered in acceptable and working condition. ON Site must be notified of any technical issues as soon as possible for corrective measures. No credits will be issued for problems reported after the service period.



SERVICE TERMS AND AGREEMENT

ON Site is a division of ON Services, a GES Company, herein referred to as ON, ON Services or ON Services, a GES Company. The term Customer shall refer to the undersigned customer or renter. The term Event shall refer to the project for which this contract and proposal have been provided.

Acceptance - All proposals are valid for a period of 30 days. In the event that the proposal is not accepted, signed and returned to ON Services within this period of validity, it may result in pricing adjustments due to changes in equipment and labor availability. Neither equipment nor labor will be reserved prior to acceptance and return of this signed service agreement.

Payment Terms - For facilities offering master billing, all audio visual, labor, and related charges will be posted to Customer's facility master account. Should direct billing be required, payment is Net 10 days with approved credit. All new customers and customers without credit terms must supply payment in advance of delivery. All Event orders of \$2,500 or less must be paid in advance by credit card or certified check. Net terms may be extended to established accounts. A minimum deposit of 50% of the Event total is due upon proposal acceptance, with the balance due 7 days prior to the start of the Event, unless terms approved by ON for the Event state otherwise. Invoices not paid to terms are subject to a 1.5% per month interest charge, and customers may lose any offered discount. Customer is responsible for any and all sales tax. Tax exempt groups must provide proof of exemption status.

Equipment - ON Services maintains and services its equipment in accordance with the manufacturer's specifications. Any equipment problems must be reported immediately to the facility or ON Site representative for corrective measures. ON will not be responsible for problems reported after the rental period. ON Site guarantees that all equipment is in good working condition upon delivery.

Labor - This proposal was developed based upon information provided by the undersigned Customer. This proposal is only an estimate. All labor estimates are based on a 10 hour work day - non-union at a regular rate, with premium rates for hours exceeding the 10 hour day. All union policies and rates will be applicable in union facilities. You will be charged for actual hours worked exceeding standard minimums.

Service Charge - This facility may apply a service charge to all audio visual rental orders. It is required to cover ongoing overhead costs of maintaining superior on-site support, including technical assistance, immediate equipment needs, and related expenses such as insurance, licenses, permits, environmental disposal fees, etc.

On Site Additions/Changes - Should additional equipment be required on show site which was not originally specified, all costs relative to these additions or changes shall be borne by Customer.

Electrical - Customer will be responsible for any electrical charges incurred. THESE CHARGES WILL BE BILLED SEPARATELY BY THE FACILITY OR ITS DESIGNATED AGENTS.

Cancellation - Cancellations must be submitted in writing during normal business hours. Any orders cancelled with less than 48 hours notice, during business hours, prior to event load-in may be subject to a fee of 50% of the single day discounted equipment rate. Any orders cancelled on-site at delivery may be subject to a fee of 100% of the single day discounted equipment rate. Labor cancellation fees may also be applied for any order cancelled with less than 48 hours notice. Cancellation fees may also include any additional costs incurred by ON Services in preparation to service the job.

Liability for Loss or Damage - Any loss or damage of rented equipment will be paid for by the Customer. The Customer further agrees to pay for any charges incurred in recovering equipment not properly returned. If not returned by due date and time, additional charges will be made. Spares and blown lamps will be invoiced if not returned. A certificate of insurance must be provided to ON Services when renting equipment for orders not utilizing ON Services' personnel for the duration of the order. Such insurance must be adequate to cover replacement and/or repair of any and all items rented. In the event of any loss or damage, the value of rented equipment shall be the current manufacturer's list price at the time of loss, plus shipping and taxes when applicable. Additional rental fees may also be incurred by the Customer to cover downtime while equipment is in repair or being replaced.

Limitation of Liability - The liability of ON Services, its divisions or related companies shall not exceed the fees paid to ON Services by Customer in connection to the Event.

Additional Terms - All equipment provided by ON Services, unless otherwise specified as a purchase item, is provided on a rental basis only, and remains the property of ON Services. You, the Customer, shall not remove equipment from the state or country unless written permission is obtained from ON Services. You, the Customer, agree not to re-rent equipment or loan described equipment herein to any person, firms, or corporations unless pre-approved by ON Services. Customer is responsible for any and all copyright licensing fees associated with playing any media during or after the event. This contract shall be governed and interpreted in accordance with the laws of the state of Georgia. The provisions of this contract may only be modified by written agreement signed between the parties.

Prepared by:	Nathan Lanciaux	Date Prepared:	03/12/2021
Prepared for:		Project:	TSAFF - Hilton Dallas/Rockwall Lakefront
Job Number:	218677	Job Total:	\$17,717.75

The undersigned has read and understands and agrees to be bound by the items and conditions of these terms.

Customer Signature _____ Printed Name/Title _____ Date Approved _____



INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS

HAROLD A. SCHAIBERGER
General President

THOMAS H. MILLER
General Secretary-Treasurer

October 6, 2015

To Whom It May Concern:

This is certification that Local 5057, Rockwall Professional Fire Fighters association, is an affiliated local in good standing of the International Association of Fire Fighters since September 2015. As a result, they are IRS tax exempt under the IAFF group exemption number (GEN) 0160.

Sincerely,

Thomas H. Miller
General Secretary-Treasurer

THM/jg

[Home](#) > [Tax Exempt Organization Search](#) > International Association Of Fire

[< Back to Search Results](#)

International Association Of Fire

EIN: 82-0663698 | Rockwall, TX, United States

> Other Names

Form 990-N (e-Postcard) ⓘ

Organizations who have filed a 990-N (e-Postcard) annual electronic notice. Most small organizations that receive less than \$50,000 fall into this category.

> Tax Year 2019 Form 990-N (e-Postcard)

Tax Period:
2019 (01/01/2019 - 12/31/2019)

EIN:
82-0663698

Legal Name (Doing Business as):
International Association Of Fire

Mailing Address:
P O Box 411
Rockwall, TX 75087
United States

Principal Officer's Name and Address:
Jay McKee

P O Box
Rockwall, TX 75087
United States

Gross receipts not greater than:
\$50,000

Organization has terminated:
No

Website URL:

> Tax Year 2018 Form 990-N (e-Postcard)

Tax Period:
2018 (01/01/2018 - 12/31/2018)

EIN:
82-0663698

Legal Name (Doing Business as):
Rockwall Professional Firefighters

Mailing Address:
P O Box 411
Rockwall, TX 75087
United States

Principal Officer's Name and Address:
Jay McKee

P O Box 411
Rockwall, TX 75087
United States

Gross receipts not greater than:
\$50,000

Organization has terminated:
No

Website URL:

> Tax Year 2017 Form 990-N (e-Postcard)

Tax Period:
2017 (03/08/2017 - 12/31/2017)

Mailing Address:
P O Box 411
Rockwall, TX 75087

EIN:
82-0663698

Legal Name (Doing Business as):
Rockwall Professional Firefighters

United States

Principal Officer's Name and Address:
JAY MCKEE

P O Box 1812
Rockwall, TX 75087
United States


Gross receipts not greater than:
\$50,000

Organization has terminated:
No

Website URL:

Page Last Reviewed or Updated: 20-November-2020

 **Share**

 **Print**

Ewing, Lea Ann

From: Donald Gage <donaldrgage@gmail.com>
Sent: Tuesday, May 11, 2021 3:53 PM
To: Ewing, Lea Ann
Cc: mcaffey@rockwallfirefighters.org
Subject: International Association of Fire Fighters
Attachments: Tax Status.pdf

International Association of Fire Fighters
DBA Rockwall Professional Firefighters #5057
TIN 82-0663698

I have enclosed a 2015 letter from the International Association of Fire Fighters identifying the Local 5057 in Rockwall TX and a current screenshot from the IRS website showing the Filings for the last 3 years and that the organization has not terminated.

There are no accounts with the State of Texas with this entity.

Don Gage

--

Donald Gage EA
107 S San Jacinto St
Rockwall, TX 75087

Office: 972.771.8269
Fax: 1.866.712.5134

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.



Event: Texas State Association of Firefighters 2021 Convention

Dates: July 11-16, 2021

Website Address:

Tsaff2021convention.org

www.rockwallfirefighters.org

<https://www.tsaff.org/events/tsaff-convention>

<https://www.facebook.com/tsaff2021convention>

PO Box 411, Rockwall, TX 75087

214-802-2361

Primary Contact:

Michael Caffey

President

RPFA

311 South Fannin, Rockwall, TX 75087

214-802-2361

mcaffey@rockwallfirefighters.org

Secondary Contact:

Jay McKee

Treasurer

RPFA

113 Midnight Drive, Royse City TX 75189

214-726-5226

jmckee@rockwallfirefighters.org



LOCAL 5057

SMOKER ON THE SQUAD



2021 TSAFF Convention

Shores of Lake Ray Hubbard - Rockwall & Garland

Exhibit D

Michael Caffey
President
Rockwall Professional Firefighters Association
311 S. Fannin, Rockwall TX 75087
214-802-2361
mcaffey@rockwallfirefighters.org

Brad Vallance
Vice President
Rockwall Professional Firefighters Association
501 Wild Geese Court, Rockwall TX 75032
214-802-2361
mbv23@aol.com

Jay Mckee
Treasurer
Rockwall Professional Firefighters Association
113 Midnight Pass Drive, Royse City TX 75189
214-726-5226
jmckee@rockwallfirefighters.org

Request for Taxpayer Identification Number and Certification

Give Form to the requester. Do not send to the IRS.

▶ Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type. See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. <i>International Association of Fire</i>	
2 Business name/disregarded entity name, if different from above <i>Kochwell Professional Firefighters Association</i>	
3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input checked="" type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____ <small>Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.</small> <input type="checkbox"/> Other (see instructions) ▶ _____	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <small>(Applies to accounts maintained outside the U.S.)</small>
5 Address (number, street, and apt. or suite no.) See instructions. <i>PO Box 411</i>	Requester's name and address (optional)
6 City, state, and ZIP code <i>Kochwell, TX 75087</i>	
7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number									
<table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> </tr> </table>					<table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> </tr> </table>				
or									
Employer identification number									
<table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 25%; text-align: center;">82</td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> </tr> </table>	82				<table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 25%; text-align: center;">-0663698</td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> </tr> </table>	-0663698			
82									
-0663698									

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ▶ <i>Ming</i>	Date ▶ <i>5-7-21</i>
------------------	--	----------------------

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.
 If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY CERTIFICATION OF FILING

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.
Rockwall Professional Firefighters
Rockwall, TX United States

Certificate Number:
2021-750900

Date Filed:
05/11/2021

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.
City of Rockwall

Date Acknowledged:

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

HOT Fund Request

The request is for money to bring in revenue to the city by hosting a state wide fire fighter convention. These funds will assist in supporting the event and bringing in tax dollars to Rockwall.

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Vallance, Brad	Rockwall, TX United States	X	
	Mullins, Billy	Denison, TX United States	X	
	McKee, Jay	Royse City, TX United States	X	
	Caffey, Michael	Rockwall, TX United States	X	

5 Check only if there is NO Interested Party.

6 UNSWORN DECLARATION

My name is Michael Caffey, and my date of birth is 5-14-71

My address is 311 South Fannin, Rockwall, TX, 75087, USA.
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Rockwall County, State of TEXAS, on the 10 day of May, 2021.
(month) (year)



Signature of authorized agent of contracting business entity (Declarant)

129



MEMORANDUM

TO: Mary Smith, Interim City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: May 17, 2021

SUBJECT: Z2021-008; SPECIFIC USE PERMIT (SUP) FOR A RESIDENTIAL INFILL FOR 550 E. QUAIL RUN ROAD

Attachments

Case Memo
Development Application
Location Map
HOA Notification Map
Neighborhood Notification Email
Property Owner Notification Map
Property Owner Notification List
Public Notice
Residential Plot Plan
Building Elevations (Single-Family Home)
Building Elevations (Accessory Building)
Building Elevations (Secondary Living Unit)
Building Rendering
Housing Analysis
Draft Ordinance

Summary/Background Information

Hold a public hearing to discuss and consider a request by Lance Tyler on behalf of the owner Mike Worster for the approval of an ordinance for a *Specific Use Permit (SUP)* allowing *Residential Infill Adjacent to an Established Subdivision*, an *Accessory Building*, and a *Guest Quarters/Secondary Living Unit* for the purpose of constructing a single-family home, accessory building, detached garage, and guest quarters/secondary living unit on a 8.011-acre tract of land identified as Tract 19-2 of the S. S. McCurry Survey, Abstract No. 146, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 5 (PD-5) for Single-Family 8.4 (SF-8.4) District land uses, addressed as 550 E. Quail Run Road, and take any action necessary (1st Reading).

Action Needed

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



CITY OF ROCKWALL

CITY COUNCIL CASE MEMO

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

TO: Mayor and City Council
DATE: May 17, 2021
APPLICANT: Lance Tyler
CASE NUMBER: Z2021-008; *Specific Use Permit (SUP) for a Residential Infill for 550 E. Quail Run Road*

SUMMARY

Hold a public hearing to discuss and consider a request by Lance Tyler on behalf of the owner Mike Worster for the approval of a Specific Use Permit (SUP) for *Residential Infill Adjacent to an Established Subdivision*, an *Accessory Building*, and a *Guest Quarters/Secondary Living Unit* for the purpose of constructing a single-family home, accessory building, detached garage, and guest quarters/secondary living unit on a 8.011-acre tract of land identified as Tract 19-2 of the S. S. McCurry Survey, Abstract No. 146, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 5 (PD-5) for Single-Family 8.4 (SF-8.4) District land uses, addressed as 550 E. Quail Run Road, and take any action necessary.

BACKGROUND

The subject property was annexed by the City Council on July 2, 1973 by *Ordinance No. 73-23 [Case No. 1973-001]*; However, according to the January 3, 1972 zoning map the subject property had already been annexed and was zoned Single Family 1 (SF-1) District. On September 4, 1973, the subject property was rezoned from a Single-Family 1 (SF-1) District to Planned Development District 5 (PD-5) for Single-Family 7 (SF-7) District land uses [*Ordinance No. 73-31*]. According to the Rockwall Central Appraisal District (RCAD) a 5,206 SF single-family home was constructed on the property in 1978. On May 18, 1987, Planned Development District 5 (PD-5) was amended by *Ordinance No. 87-23*; however, the subject property remained designated for Single-Family 1 (SF-1) District land uses. On March 4, 2020, a demolition building permit [*BLD2020-0492*] was issued to allow the demolition of the existing single-family home. The subject property is currently vacant.

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 Adjacent to an Established Subdivision*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC). In addition, the applicant is also requesting a Specific Use Permit (SUP) for a guest quarters/secondary living unit that exceeds 30% of the primary structure, and for an accessory building that exceeds the maximum permissible size.

ADJACENT LAND USES AND ACCESS

The subject property is located at 550 E. Quail Run Road. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property is E. Quail Run Road, which is designated as a M4D (*i.e. major collector, four [4] lane, divided roadway*) on the Master Thoroughfare Plan contained within the OURHometown Vision 2040 Comprehensive Plan. Beyond this is a 67.50-acre tract of vacant land (*i.e. Tract 2-05 of the P. B. Harrison Survey, Abstract No. 97*), which is zoned Agricultural (AG) District. Beyond this is N. John King Boulevard, which is designated as a P6D (*i.e. principal arterial, six [6] lane, divided roadway*) on the Master Thoroughfare Plan contained within the OURHometown Vision 2040 Comprehensive Plan.

South: Directly south of the subject property is a 106.866-acre tract of land (*i.e. Tract 14-1 of the S. S. McCurry Survey, Abstract No. 146*), which is currently being utilized for open space/public park land (*i.e. Phelps Lake Park*). Beyond this Phelps Lake Drive, which is designated as a R2 (*i.e. residential, two [2] lane, undivided roadway*) on

the Master Thoroughfare Plan contained within the OURHometown Vision 2040 Comprehensive Plan. South of this roadway are Phase 8A & 8B of the Caruth Lakes Subdivision. These phases of the subdivision consist of 132 residential lots on 47.764-acres of land, zoned Planned Development District 5 (PD-5) for Single Family 8.4 (SF-8.4) District land uses.

East: Directly east of the subject property is one (1) vacant tract of land (*i.e. Tract 19-3 of the S. S. McCurry Survey, Abstract No. 146*) followed by a five (5) acre parcel of land (*i.e. Lot 1, Block A, Promise Land Addition*) with a 3,257 SF single-family home constructed on it. These properties are zoned Planned Development District 5 (PD-5) for Single Family 8.4 (SF-8.4) District land uses and Single-Family 10 (SF-10) District. Beyond this is N. John King Boulevard, which is designated as a P6D (*i.e. principal arterial, six [6] lane, divided roadway*) on the Master Thoroughfare Plan contained within the OURHometown Vision 2040 Comprehensive Plan.

West: Directly west of the subject property is a vacant 38.64-acre tract of land (*i.e. Tract 22 of the S. S. McCurry Survey, Abstract No. 146*) zoned for Agricultural (AG) District. Beyond this is the Quail Run Valley No. 2 Addition, which consists of 129 residential lots on 40.01-acres. This subdivision is zoned Planned Development District 5 (PD-5) for Single Family 8.4 (SF-8.8) District land uses.

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 Caruth Lakes Subdivision has been in existence for more than ten (10) years, consists of more than five (5) lots, and is more 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 in a Single-Family 7 (SF-7) District requires a Specific Use Permit (SUP).

According to 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)ll 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 E. Quail Run Road compared to the house proposed by the applicant:

Housing Design and Characteristics	Existing Housing on E. Quail Run Road and the Subject Property	Proposed Housing
Building Height	One (1) to Two (2) Stories	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 south-west towards Marcie Lane.
Year Built	1975-1988	N/A
Building SF on Property	2,236 SF – 3,257 SF	6,665 SF
Building Architecture	Single-Family Homes	Comparable Architecture to the Surrounding Single-Family Homes
Building Setbacks:		
Front	Greater than 20-Feet	Greater than 20-Feet
Side	Greater than 6-Feet	Greater than 6-Feet
Rear	Greater than 10-Feet	Greater than 10-Feet
Building Materials	Brick	Siding & Stone
Paint and Color	Red & Brown	<i>Not Specified by Applicant</i>
Roofs	Composite Shingles	Composite Shingle
Driveways/Garages	J-Swing and Detached Garage	J-Swing

In this case, the proposed single-family home meets all of the density and dimensional requirements for a property in a Single-Family 8.4 (SF-8.4) District as stipulated by Planned Development District 5 (PD-5) and the Unified Development Code (UDC); however, the site plan submitted by the applicant indicates that the proposed development will incorporate one (1) detached garage at 410 SF, and one (1) accessory building (*i.e. Cabana*) at 619 SF. According to Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC), the Single-Family 8.4 (SF-8.4) District allows a total of two (2) accessory buildings each being 144 SF in size or one (1) accessory building at 144 SF in size and one (1) detached garage at 625 SF in size. This means that the proposed accessory building exceeds the maximum allowable size by 475 SF. In addition, the code states that "(d)etached garages accessible from the front shall be a minimum of 20-feet behind the front façade of the primary structure." Based on the plans submitted by the applicant, the proposed detached garage will be setback even with the front façade of the primary structure. Subsection 07.04 goes on to state that, "(a)ccessory buildings and structures shall be architecturally compatible with the primary structure, and be situated behind the front façade of the primary structure ... [and] (a)ccessory buildings and structures not meeting the size requirements stipulated by this section shall require a Specific Use Permit (SUP)." Since the applicant is already requesting a Specific Use Permit (SUP) for *Residential Infill Adjacent to an Established Subdivision*, the size of the accessory structure (*i.e. cabana*) and the setback of the garage have been included in this Specific Use Permit (SUP) request.

In addition, according to Subsection 02.03, *Conditional Land Use Standards*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC), a guest quarters/secondary living unit shall meet the following requirements: "(a) *Guest Quarters or Secondary Living Units* may be allowed on a property in a residential zoning district provided that it is ancillary to a single-family home ... (b) (t)he area of such quarters shall not exceed 30% of the area of the main structure ... (c) (n)o such use may be sold or conveyed separately without meeting the requirements of the zoning district and the subdivision ordinance ... [and] (d) *Guest Quarters or Secondary Living Units* not meeting the requirements stated above shall require a Specific Use Permit (SUP)." In this case, the applicant is proposing a 3,150 SF guest quarters/secondary living unit. Based on the square footage of the primary structure (*i.e. 4,999 SF*) the applicant would be permitted to have up to a 1,499.70 SF guest quarters/secondary living unit. The applicant's proposed guest quarters/secondary living unit would exceed this by 1,650.30 SF. As stated above, the code limits properties to two (2) accessory structures, and in this case the applicant is proposing a total of three (3) accessory structures (*i.e. detached garage, cabana, and guest quarters/secondary living unit*). As with the detached garage and accessory building, the guest quarters/secondary living unit has been added to the Specific Use Permit (SUP) request.

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 E. Quail Run Road and the proposed building elevations for all of the proposed structures in the attached packet. To summarize the applicant's request, the proposed Specific Use Permit (SUP) is requesting the following: [1] a Specific Use Permit (SUP) for *Residential Infill Adjacent to an Established Subdivision*, [2] a Specific Use Permit (SUP) for an accessory building that exceeds the maximum allowable size, [3] a Specific Use Permit (SUP) for a guest quarters/secondary living unit that exceeds 30% of the primary structures square footage, and [4] a waiver to the setback of the proposed detached garage. As with any Specific Use Permit (SUP) request, the approval of this request is discretion to the Planning and Zoning Commission and City Council pending a finding that the proposed will not have a negative impact on the existing subdivision or adjacent properties.

NOTIFICATIONS

On April 26, 2021, staff mailed 22 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Quail Run Valley and the Caruth Lakes (*Caruth Ridge Estates*) Homeowners Associations (HOAs), which are the only HOA's/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 hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was drafted staff had not received any notices regarding the applicant's request.

CONDITIONS OF APPROVAL

If the City Council chooses to approve the applicant's request for a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision*, an accessory building that exceeds the maximum size, and a guest quarters/secondary living unit that exceeds 30% of the primary structure 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 Specific Use Permit (SUP) 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.
 - (c) The construction of the guest quarters/secondary living unit on the *Subject Property* shall generally conform to the Building Elevations depicted in *Exhibit 'D'* of the draft ordinance.
 - (d) The construction of an accessory structure on the *Subject Property* shall generally conform to the Building Elevations depicted in *Exhibit 'E'* of the draft ordinance.
 - (e) The accessory structure shall not exceed a maximum size of 620 SF.
 - (f) The guest quarters/secondary living unit shall not exceed a maximum size of 3,150 SF.
 - (g) The subject property shall be limited to three (3) accessory structures (*i.e. a detached garage, accessory building, and guest quarters/secondary living unit*) as depicted in *Exhibit 'B'* of the draft ordinance.
 - (h) The guest quarters/secondary living unit may be conveyed as a separate housing unit if the property is subdivided -- in accordance with the Unified Development Code (UDC) and Planned Development District 5 (PD-5) -- prior to conveyance; however, should the guest quarters/secondary living unit be modified to not meet the zoning requirements for a single-family home -- prior to the subdivision of land --, the guest quarters/secondary living unit may not be conveyed separately from the primary structure.
- (2) Any construction resulting from the approval of this Specific Use Permit (SUP) shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

PLANNING AND ZONING COMMISSION

On May 11, 2021, the Planning and Zoning Commission approved a motion to recommend approval of the Specific Use Permit (SUP) by a vote of 5-0, with Commissioners Moeller and Conway absent.



DEVELOPMENT APPLICATION

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

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

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

PLATTING APPLICATION FEES:
 MASTER PLAT (\$100.00 + \$15.00 ACRE) ¹
 PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) ¹
 FINAL PLAT (\$300.00 + \$20.00 ACRE) ¹
 REPLAT (\$300.00 + \$20.00 ACRE) ¹
 AMENDING OR MINOR PLAT (\$150.00)
 PLAT REINSTATEMENT REQUEST (\$100.00)
SITE PLAN APPLICATION FEES:
 SITE PLAN (\$250.00 + \$20.00 ACRE) ¹
 AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN (\$100.00)

ZONING APPLICATION FEES:
 ZONING CHANGE (\$200.00 + \$15.00 ACRE) ¹
 SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) ¹
 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.

PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS: 550 East Quail Run
SUBDIVISION: A0146 SS McCurdy Tract 19-2
GENERAL LOCATION: Between John King / 205
LOT: _____ BLOCK: _____

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING: _____ CURRENT USE: Residential
PROPOSED ZONING: _____ PROPOSED USE: Residential
ACREAGE: 8.00 LOTS [CURRENT]: _____ LOTS [PROPOSED]: _____

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

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

OWNER: Mike Wurster
CONTACT PERSON: _____
ADDRESS: 1309 Moraine Place
CITY, STATE & ZIP: Heath TX 75032
PHONE: 214-403-7698
E-MAIL: mwurster@Elementsgrp.com
 APPLICANT: Lance Tyler
CONTACT PERSON: _____
ADDRESS: 8989 Garland Rd
CITY, STATE & ZIP: Dallas TX 75218
PHONE: 214-991-7983
E-MAIL: Lance@BelleVistaCompany.com

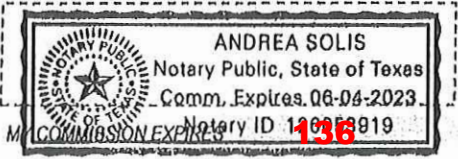
NOTARY VERIFICATION [REQUIRED]

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


"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ 410.00 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 14th DAY OF April, 2021. BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

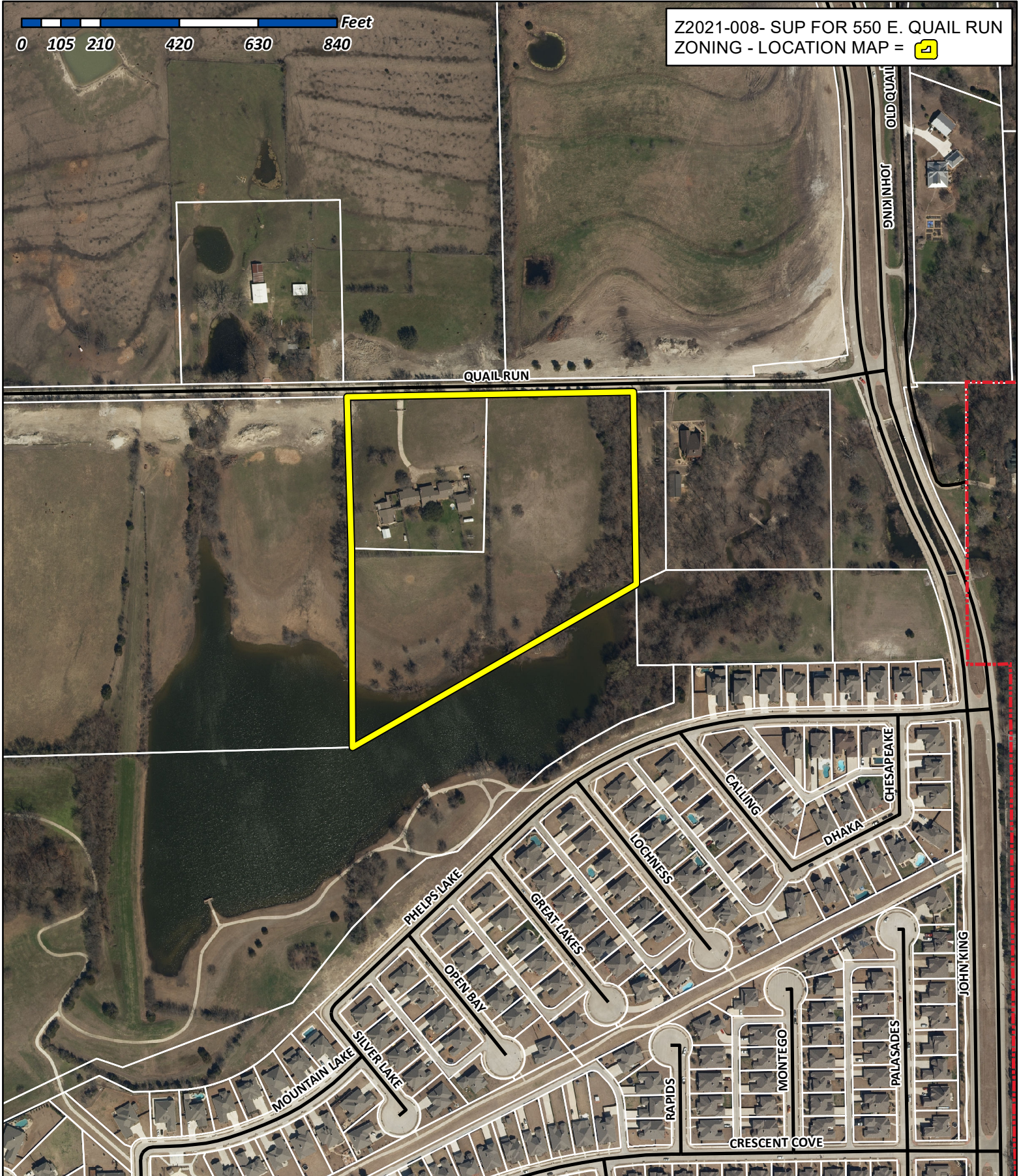
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 14th DAY OF April, 2021
OWNER'S SIGNATURE: Mike Wurster

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS: Asis



0 105 210 420 630 840 Feet

Z2021-008- SUP FOR 550 E. QUAIL RUN
ZONING - LOCATION MAP = 



City of Rockwall

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

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

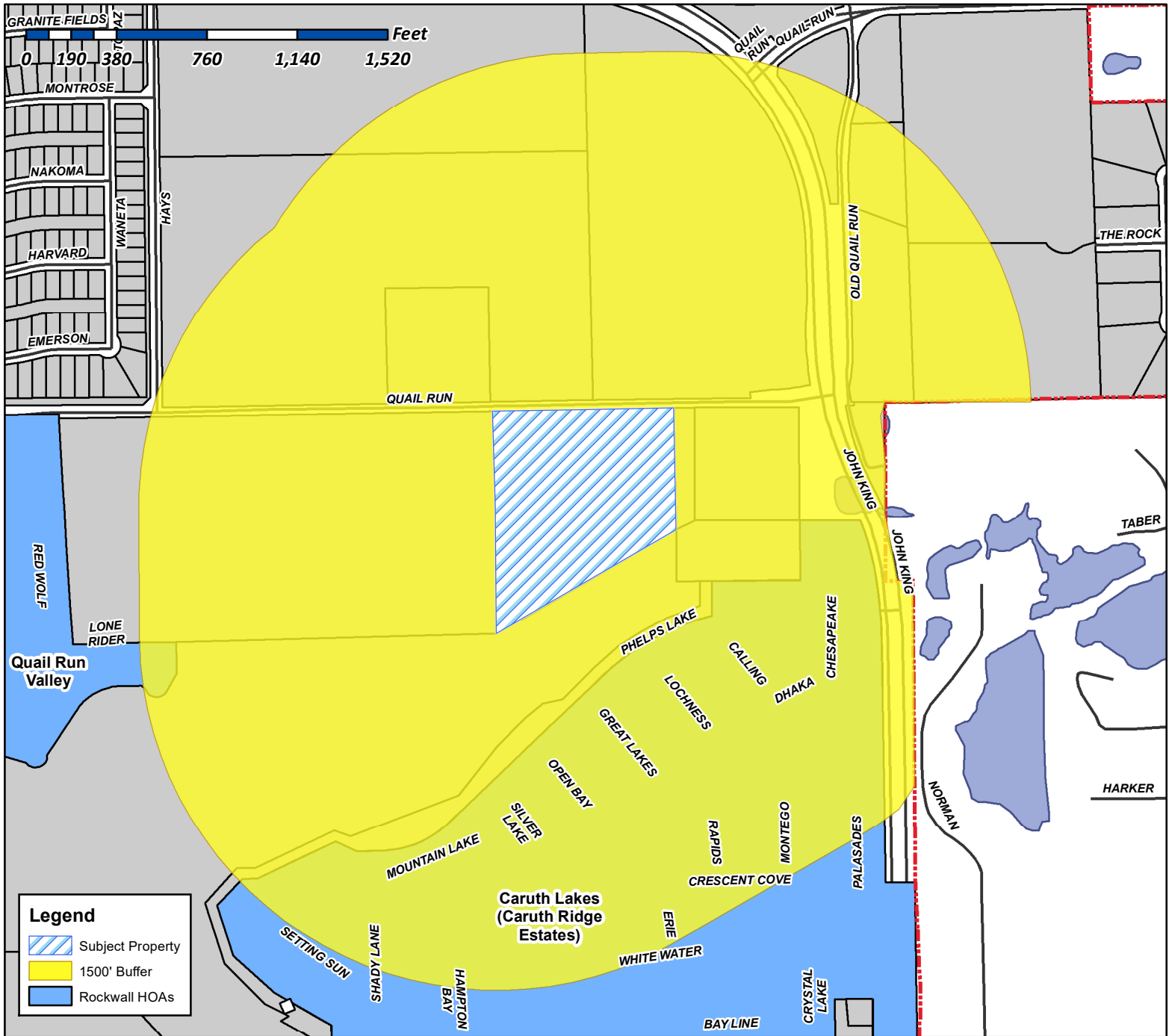




City of Rockwall

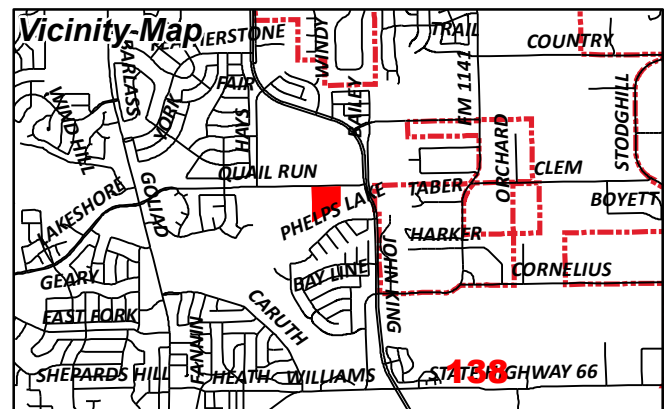
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
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Case Number: Z2021-008
Case Name: SUP for Residential Infill
Case Type: Zoning
Zoning: Planned Development District 5 (PD-5)
Case Address: 550 E. Quail Run Road

Date Created: 4/19/2021
 For Questions on this Case Call (972) 771-7745



Lee, Henry

From: Gamez, Angelica
Sent: Friday, April 23, 2021 3:34 PM
Cc: Miller, Ryan; Gonzales, David; Lee, Henry
Subject: Neighborhood Notification Program [Z2021-008]
Attachments: Public Notice (04.27.2021).pdf; HOA Map Z2021-008.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 April 23, 2021. The Planning and Zoning Commission will hold a public hearing on Tuesday, May 11, 2021 at 6:00 PM, and the City Council will hold a public hearing on Monday, May 17, 2021 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>.

Z2021-008 SUP for Residential Infill and a Guest Quarters/Secondary Living Unit

Hold a public hearing to discuss and consider a request by Lance Tyler on behalf of the owner Mike Worster for the approval of a *Specific Use Permit (SUP)* for *Residential Infill Adjacent to an Established Subdivision* and a *Guest Quarters/Secondary Living Unit* for the purpose of constructing a single-family home, accessory structure, detached garage, and guest quarters/secondary living unit on a 8.011-acre tract of land identified as Tract 19-2 of the S. S. McCurry Survey, Abstract No. 146, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 5 (PD-5) for Single-Family 8.4 (SF-8.4) District land uses, addressed as 550 E. Quail Run Road, and take any action necessary.

Thank you,

Angelica Gamez

Planning & Zoning Coordinator

City of Rockwall

972.771.7745 Office

972.772.6438 Direct

<http://www.rockwall.com/planning/>

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HASSELL ERIN L
1059 HAMPTON BAY DR
ROCKWALL, TX 75087

R & R HANCE INVESTMENTS LP
1244 QUAIL RUN
ROCKWALL, TX 75087

WURSTER MICHAEL AND JENNIFER
1309 MORAIN PL
HEATH, TX 75032

SANDERS APRIL D AND
JENNIFER S GEGOGINE
1380 PHELPS LAKE DRIVE
ROCKWALL, TX 75087

DEWEY BRET ADMIRAL
1386 PHELPS LAKE DRIVE
ROCKWALL, TX 75087

KOSTERMAN CHRISTOPHER J & COLLEEN S
1392 PHELPS LAKE DRIVE
ROCKWALL, TX 75087

KLEIN RONALD AND KELLY
1395 PHELPS LAKE DR
ROCKWALL, TX 75087

COLE LESLIE E & REBECCA J
1398 PHELPS LAKE DRIVE
ROCKWALL, TX 75087

BENNERS ROBERT JR AND TAMMI
1434 OPEN BAY CT
ROCKWALL, TX 75087

TOVAR ELISA M
1524 CALLING CIRCLE
ROCKWALL, TX 75087

WILLIAMS MICHAEL L AND PEGGY A
1525 CALLING CIRCLE
ROCKWALL, TX 75087

PETTY LYNDEN AND VICTORIA
1531 CALLING CIR
ROCKWALL, TX 75087

ARGENAL JULIO GABRIEL & AMBER ELIZABETH
1539 LOCHNESS COURT
ROCKWALL, TX 75087

KELSO MICHAEL AND MAURA
1540 LOCHNESS CT
ROCKWALL, TX 75087

PROTHRO ALISE
1543 GREAT LAKES COURT
ROCKWALL, TX 75087

HASSELL ERIN L
1545 LOCHNESSCT
ROCKWALL, TX 75087

NOGGLE SCOTT AND CARRI
1546 GREAT LAKES CT
ROCKWALL, TX 75087

SELMAN JOHN C JR AND VIRGINIA A
1546 LOCHNESS CT
ROCKWALL, TX 75087

WURSTER MICHAEL AND JENNIFER
550 E QUAIL RUN RD
ROCKWALL, TX 75087

YINGLING JOHN R
570 EAST QUAIL RUN RD
ROCKWALL, TX 75087

R & R HANCE INVESTMENTS LP
6946 SPERRY ST
DALLAS, TX 75214

GIDEON GROVE ADDITION 2 LTD
8214 WESTCHESTER DR SUITE 710
DALLAS, TX 75225

PUBLIC NOTICE



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

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

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

Case No. Z2021-008: Specific Use Permit for Residential Infill and a Guest Quarters/Secondary Living Unit

Hold a public hearing to discuss and consider a request by Lance Tyler on behalf of the owner Mike Worster for the approval of a Specific Use Permit (SUP) for Residential Infill Adjacent to an Established Subdivision and a Guest Quarters/Secondary Living Unit for the purpose of constructing a single-family home, accessory structure, detached garage, and guest quarters/secondary living unit on a 8.011-acre tract of land identified as Tract 19-2 of the S. S. McCurry Survey, Abstract No. 146, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 5 (PD-5) for Single-Family 8.4 (SF-8.4) District land uses, addressed as 550 E. Quail Run Road, and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on Tuesday, May 11, 2021 at 6:00 PM, and the City Council will hold a public hearing on Monday, May 17, 2021 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 Monday, May 17, 2021 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. Z2021-008: Specific Use Permit for Residential Infill and a Guest Quarters/Secondary Living Unit

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.

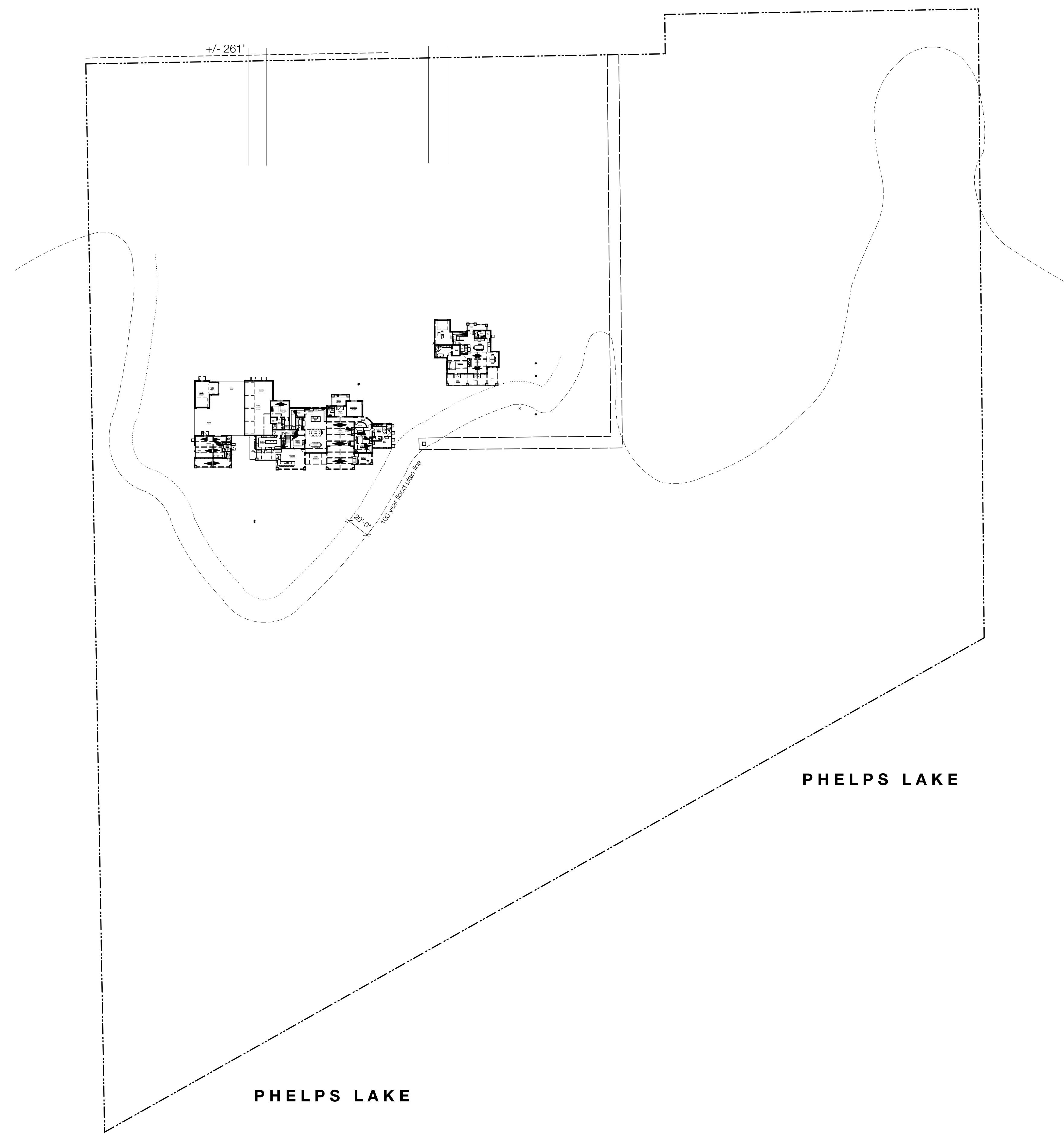
Four horizontal grey bars for providing reasons for support or opposition.

Name:
Address:

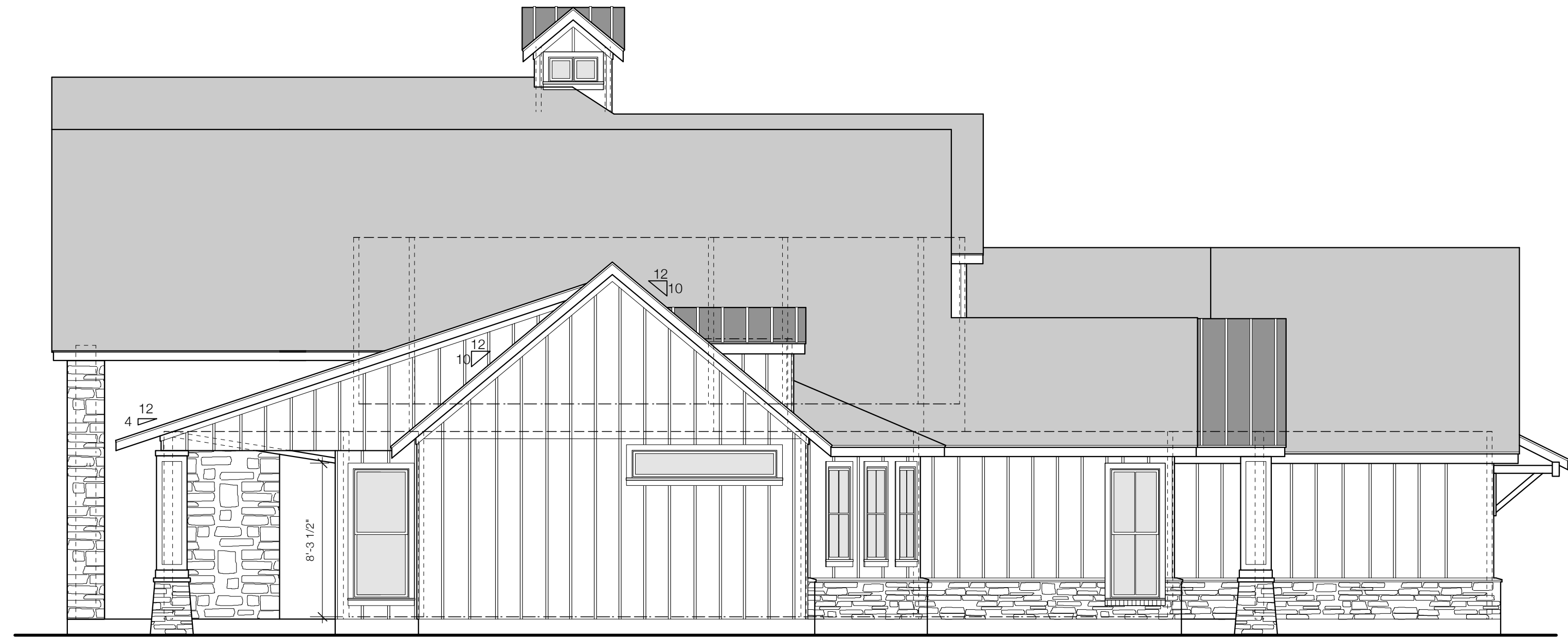
Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written 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

QUAIL RUN ROAD



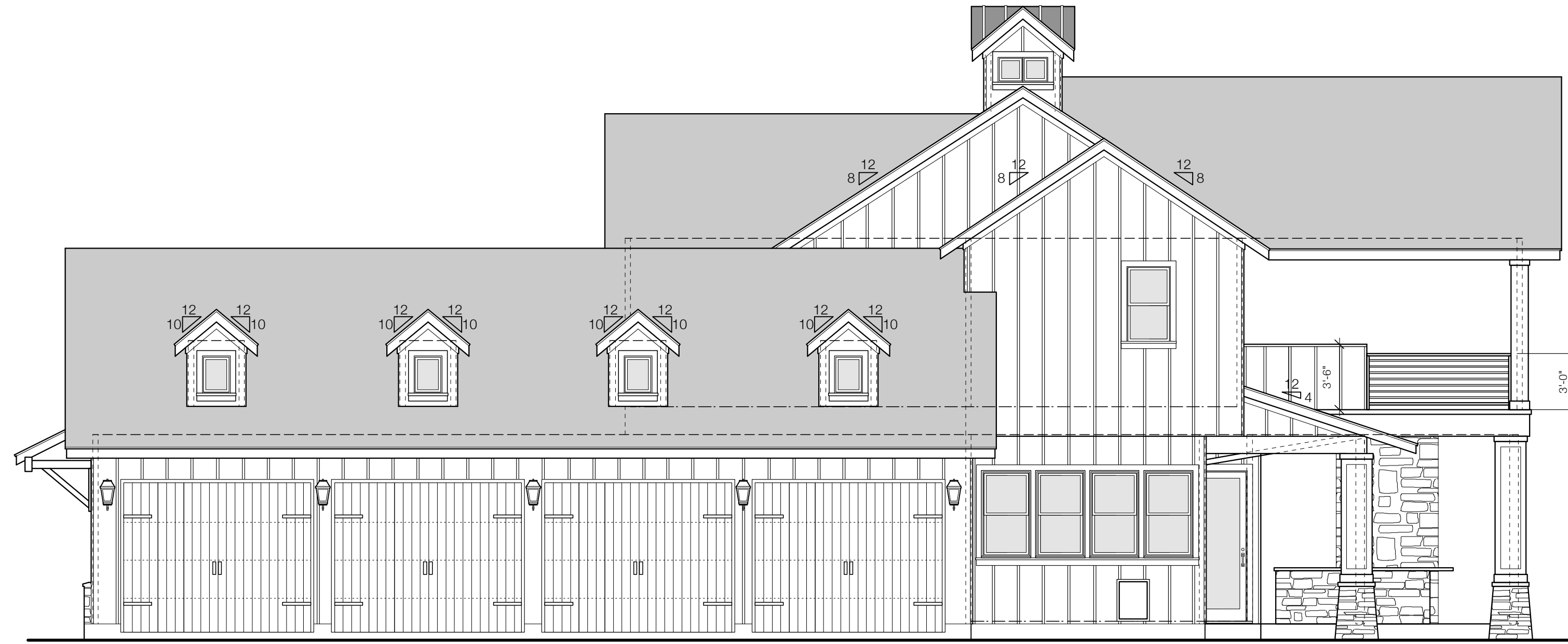
01 SITE PLAN
1.00 Scale: 1" = 50'-0"



01
3.01 RESIDENCE EXTERIOR ELEVATION - LEFT
Scale: 3/16" = 1'-0"



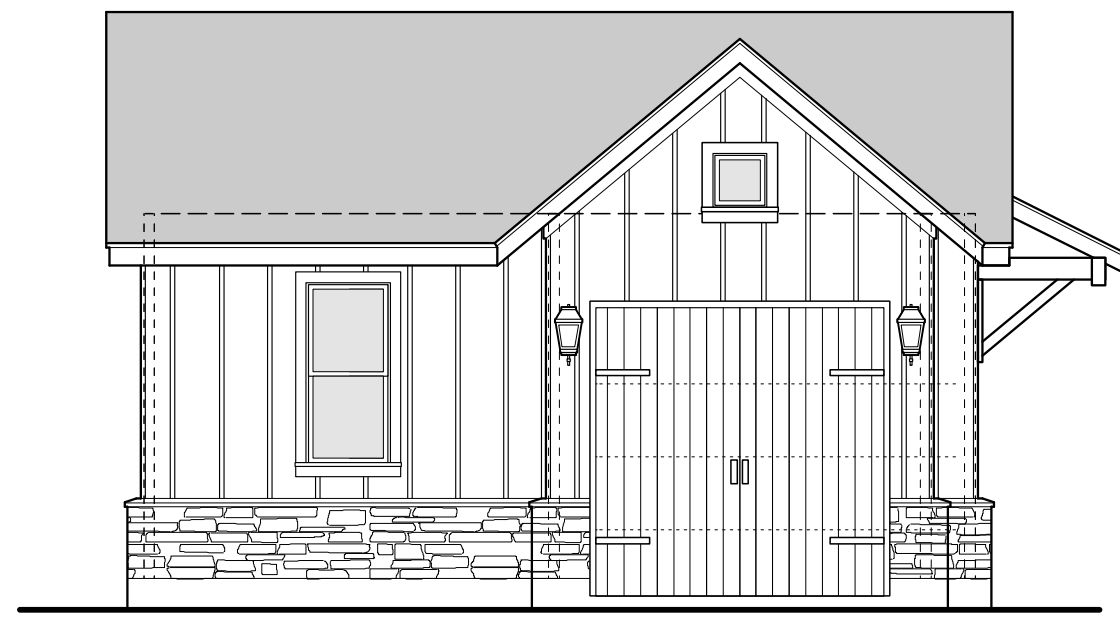
01
3.01 RESIDENCE EXTERIOR ELEVATION - FRONT
Scale: 3/16" = 1'-0"



01 RESIDENCE EXTERIOR ELEVATION - RIGHT
 3.01 Scale: 3/16" = 1'-0"



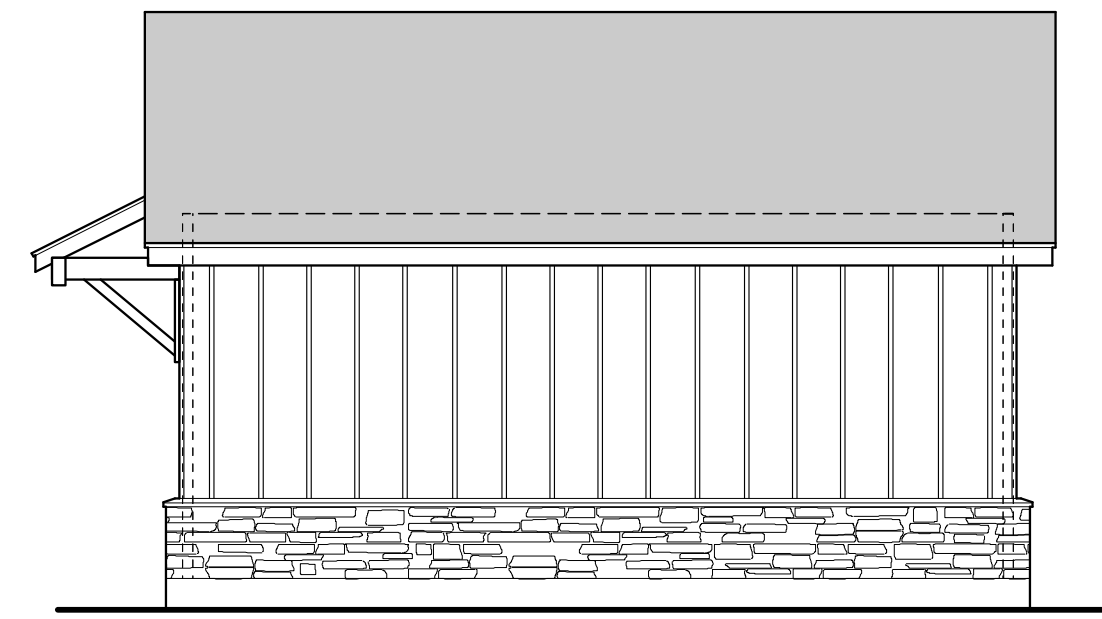
01 RESIDENCE EXTERIOR ELEVATION - REAR
 3.01 Scale: 3/16" = 1'-0"



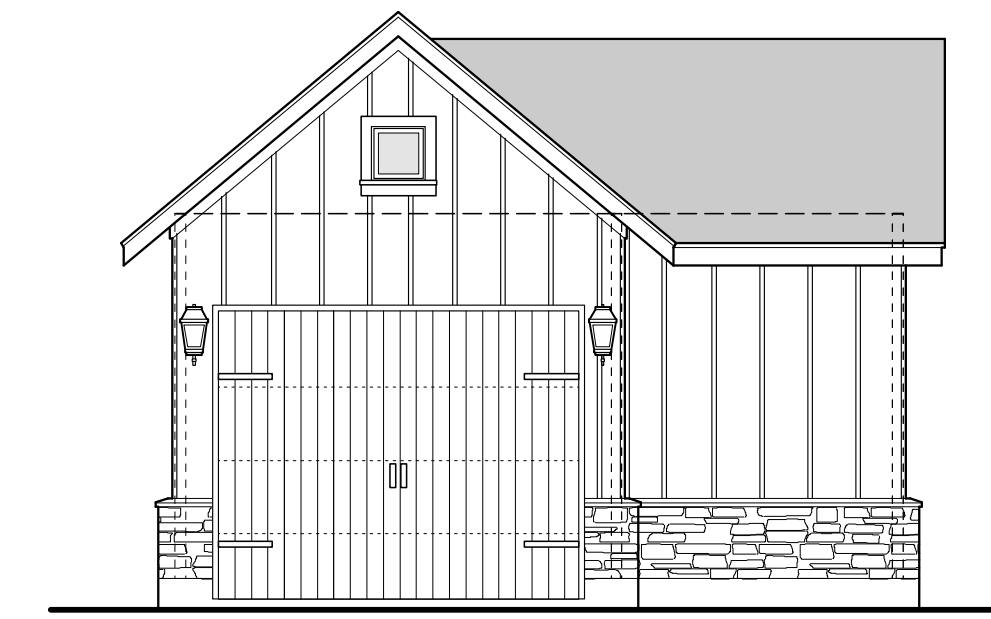
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3.01 **DETACHED GARAGE ELEVATION**
Scale: 3/16" = 1'-0"
LEFT



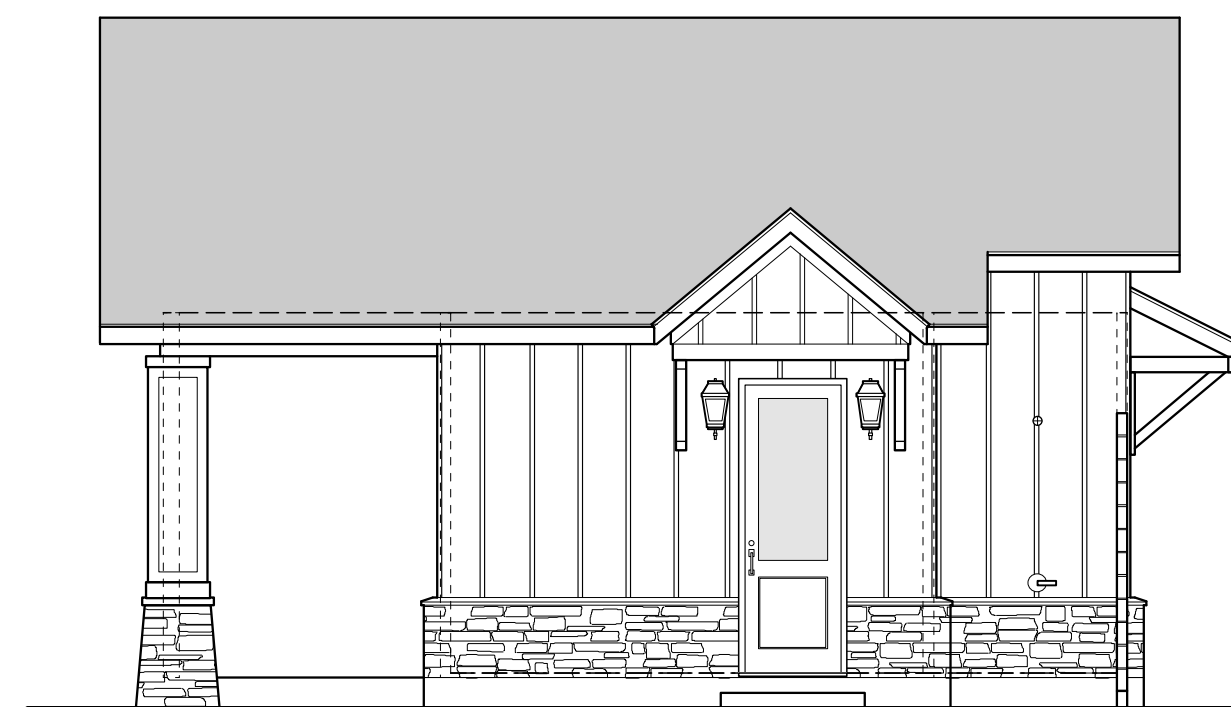
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3.01 **DETACHED GARAGE ELEVATION**
Scale: 3/16" = 1'-0"
FRONT



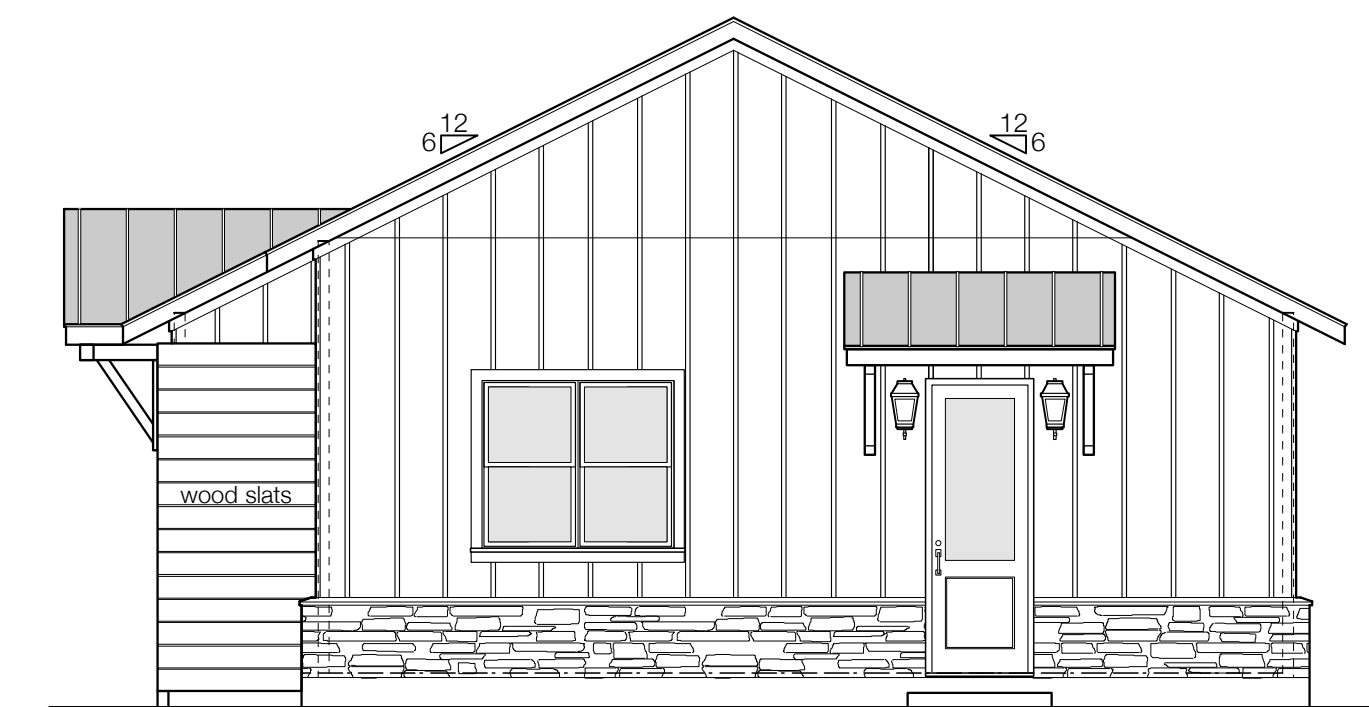
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Scale: 3/16" = 1'-0"
RIGHT



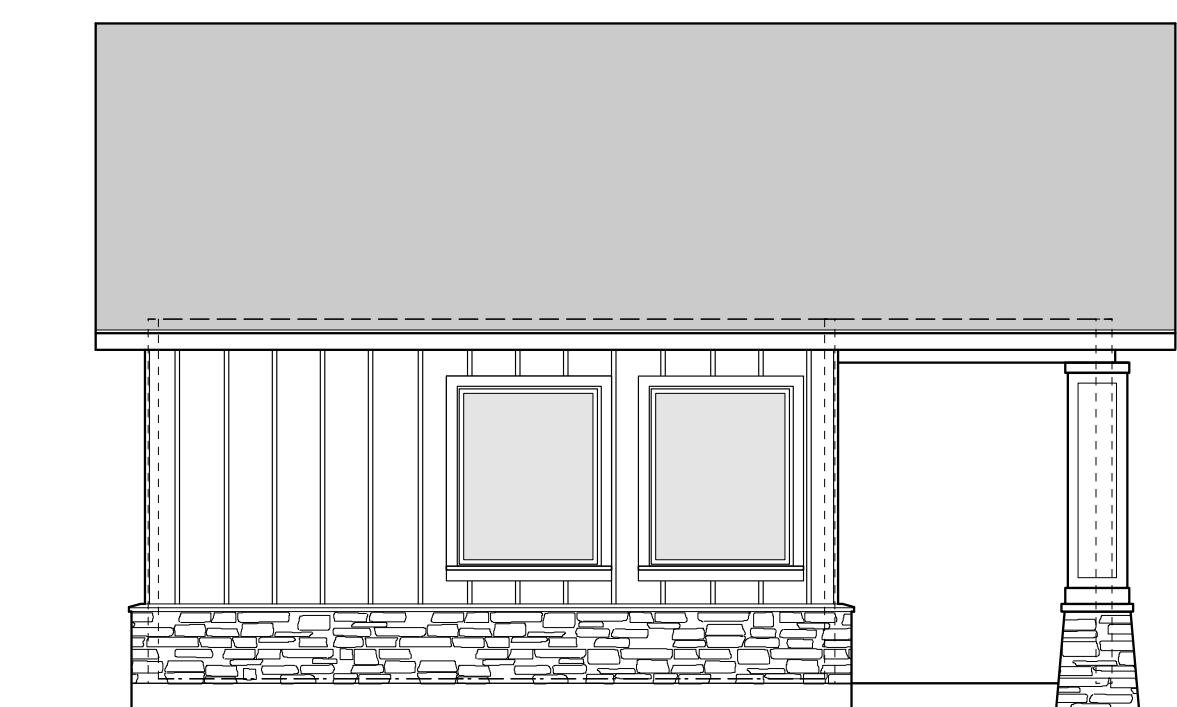
02
3.01 **DETACHED GARAGE ELEVATION**
Scale: 3/16" = 1'-0"
REAR



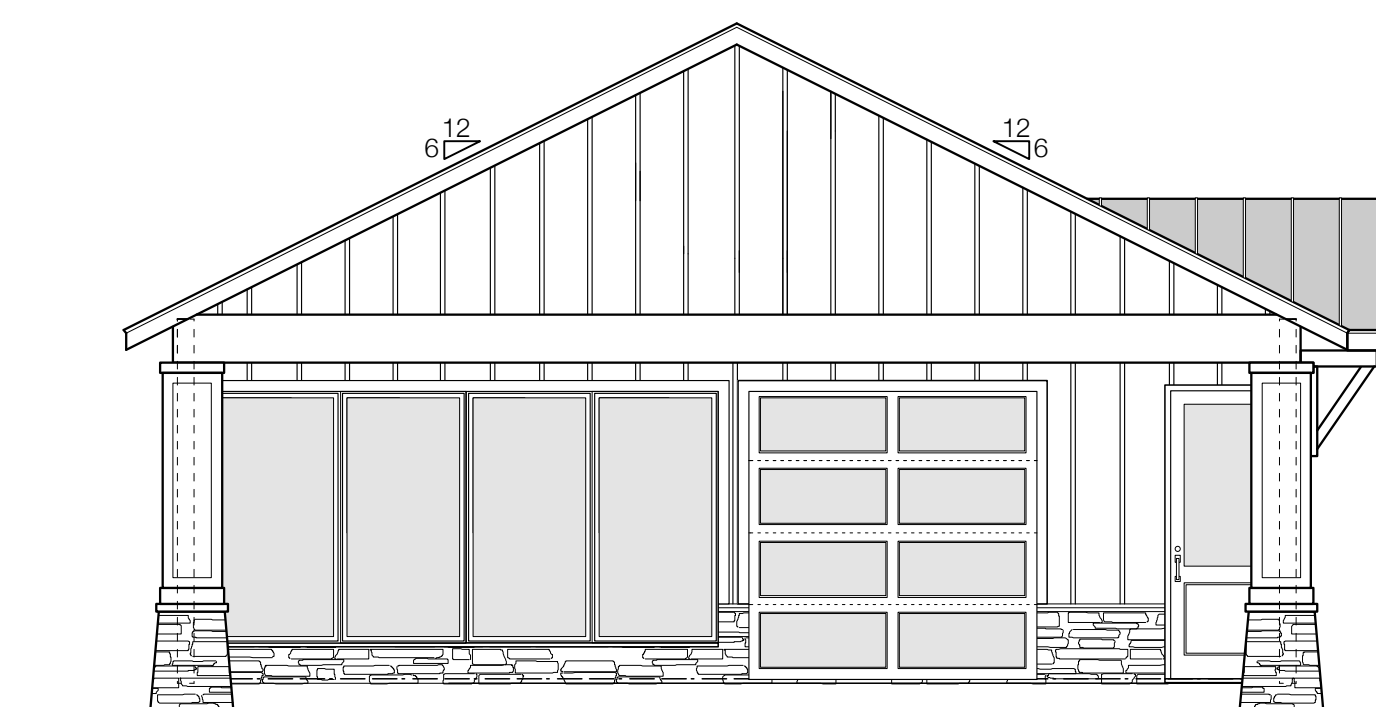
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3.01 **CABANA EXTERIOR ELEVATION - LEFT**
Scale: 3/16" = 1'-0"



02
3.01 **CABANA EXTERIOR ELEVATION - FRONT**
Scale: 3/16" = 1'-0"



02
3.01 **CABANA EXTERIOR ELEVATION - RIGHT**
Scale: 3/16" = 1'-0"



02
3.01 **CABANA EXTERIOR ELEVATION - REAR**
Scale: 3/16" = 1'-0"

EXTERIOR
ELEVATIONS

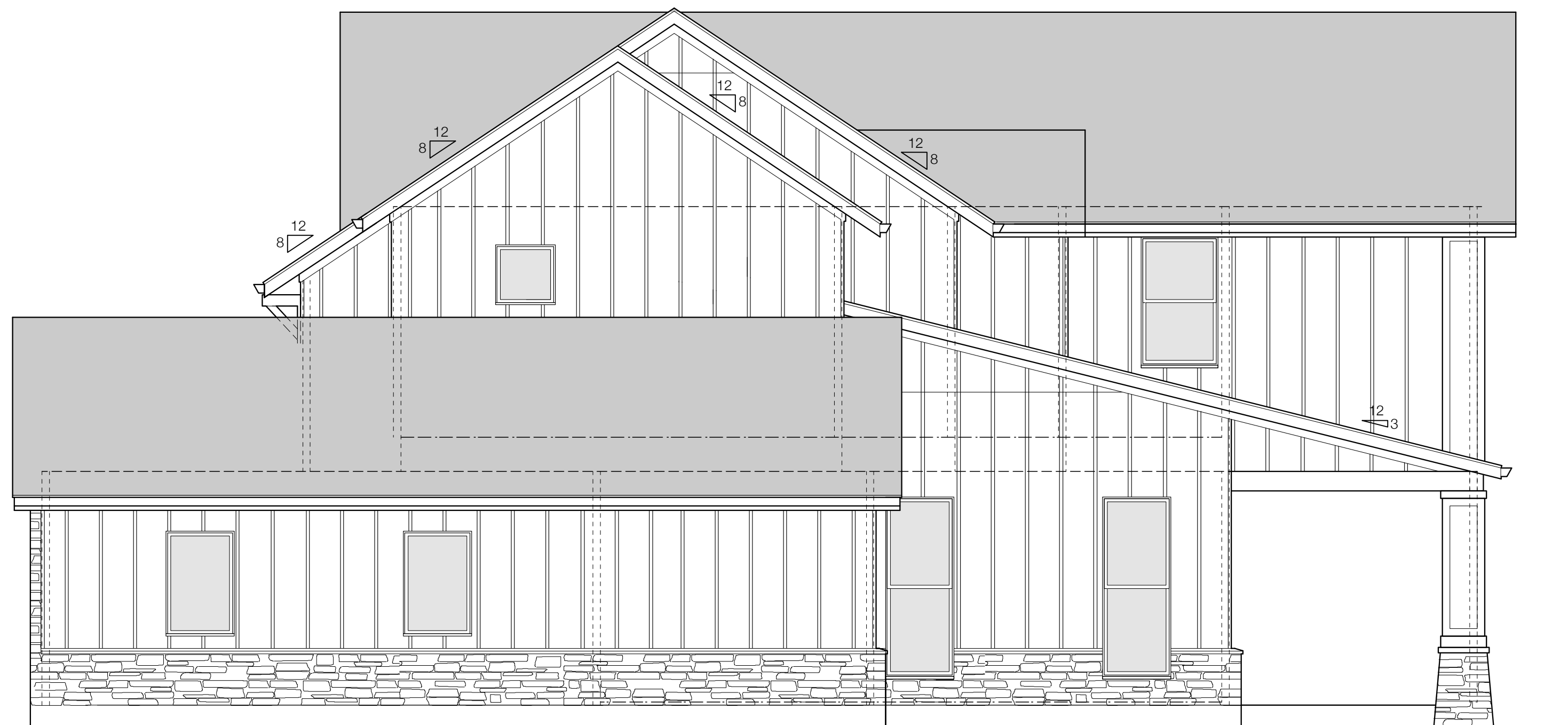
3.03



01 3.01 GUEST HOUSE EXTERIOR ELEVATION - LEFT
Scale: 1/4" = 1'-0"



01 3.01 GUEST HOUSE EXTERIOR ELEVATION - FRONT
Scale: 1/4" = 1'-0"



01 3.01 GUEST HOUSE EXTERIOR ELEVATION - RIGHT
Scale: 1/4" = 1'-0"



01 3.01 GUEST HOUSE EXTERIOR ELEVATION - REAR
Scale: 1/4" = 1'-0"



option 2



option 1

01
3.01 GUEST HOUSE EXTERIOR ELEVATION - FRONT
Scale: 1/4" = 1'-0"

01
3.01 GUEST HOUSE EXTERIOR ELEVATION - FRONT
Scale: 1/4" = 1'-0"



option 3



option 4

01
3.01 GUEST HOUSE EXTERIOR ELEVATION - FRONT
Scale: 1/4" = 1'-0"

01
3.01 GUEST HOUSE EXTERIOR ELEVATION - FRONT
Scale: 1/4" = 1'-0"



Adjacent Housing Attributes

Address	Housing Type	Year Built	House SF	Accessory Building SF	Exterior Materials
550 E. Quail Run Road	<i>RCAD Indicates Vacant</i>		Subject Property		
570 E. Quail Run Road	<i>Single-Family Home</i>	1988	3,257	2215	Brick
1244 E. Quail Run Road	<i>Single-Family Home</i>	1975	2,236	6433	Brick
Averages:		1982	2,747	4,324	



570 E. Quail Run Road



1244 E. Quail Run Road

CITY OF ROCKWALL

ORDINANCE NO. 21-XX

SPECIFIC USE PERMIT NO. S-2XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 5 (PD-5) [ORDINANCE NO. 19-38] 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 ADJACENT TO AN ESTABLISHED SUBDIVISION, A GUEST QUARTERS/SECONDARY LIVING UNIT, AND AN ACCESSORY STRUCTURE THAT EXCEEDS THE MAXIMUM ALLOWABLE SIZE TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME, ACCESSORY STRUCTURE, DETACHED GARAGE, AND GUEST QUARTERS/SECONDARY LIVING UNIT ON AN 8.011-ACRE TRACT OF LAND, IDENTIFIED AS TRACT 19-2 OF THE S. S. MCCURRY SURVEY, ABSTRACT NO. 146, 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 Lance Tyler for the approval of a Specific Use Permit (SUP) for *Residential Infill Adjacent to an Established Subdivision, a Guest Quarters/Secondary Living Unit, and an accessory structure* that exceeds the maximum allowable size to allow the construction of a single-family home, accessory structure, detached garage, and guest quarters/secondary living unit on an 8.011-acre tract of land being described as Tract 19-2 of the S. S. McCurry Survey, Abstract No. 146, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 5 (PD-5) [Ordinance No. 19-38] for Single-Family 8.4 (SF-8.4) District land uses, addressed as 550 E. Quail Run Road, 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 Planned Development District 5 (PD-5) [Ordinance No. 19-38] 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*, a *Guest Quarters/Secondary Living Quarters*, and an *accessory structure* that exceeds the maximum size to allow for the construction of a single-family home, accessory structure, detached garage, and guest quarters/secondary living unit 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 03.08, *Single-Family 8.4 (SF-8.4) 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 5 (PD-5) [Ordinance No. 19-38] -- 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, guest quarters/secondary living unit, and accessory building on the *Subject Property* and conformance to these operational conditions are required:

- 1) Development of the *Subject Property* shall generally conform to the *Residential Plot Plan* as depicted in *Exhibit 'B'* of the draft ordinance.
- 2) 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.
- 3) The construction of the guest quarters/secondary living unit on the *Subject Property* shall generally conform to the *Building Elevations* depicted in *Exhibit 'D'* of the draft ordinance.
- 4) The construction of an accessory structure on the *Subject Property* shall generally conform to the *Building Elevations* depicted in *Exhibit 'E'* of the draft ordinance.
- 5) The accessory structure shall not exceed a maximum size of 620 SF.
- 6) The guest quarters/secondary living unit shall not exceed a maximum size of 3,150 SF.
- 7) The subject property shall be limited to three (3) accessory structures (*i.e. a detached garage, accessory building, and guest quarters/secondary living unit*) as depicted in *Exhibit 'B'* of the draft ordinance.
- 8) The guest quarters/secondary living unit may be conveyed as a separate housing unit if the property is subdivided -- in accordance with the Unified Development Code (UDC) and Planned Development District 5 (PD-5) -- prior to conveyance; however, should the guest quarters/secondary living unit be modified to not meet the zoning requirements for a single-family home -- prior to the subdivision of land --, the guest quarters/secondary living unit may not be conveyed separately from the primary structure

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 7TH DAY OF JUNE, 2021.

Kevin Fowler, *Mayor*

ATTEST:

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: May 17, 2021

2nd Reading: June 7, 2021

DRAFT
ORDINANCE
05.17.2021

Exhibit 'A'
Location Map and Survey

Address: 550 E. Quail Run Road

Legal Description: Tract 19-2 of the S. S. McCurry Survey, Abstract No. 146



Exhibit 'B':
Residential Plot Plan
QUAIL RUN ROAD

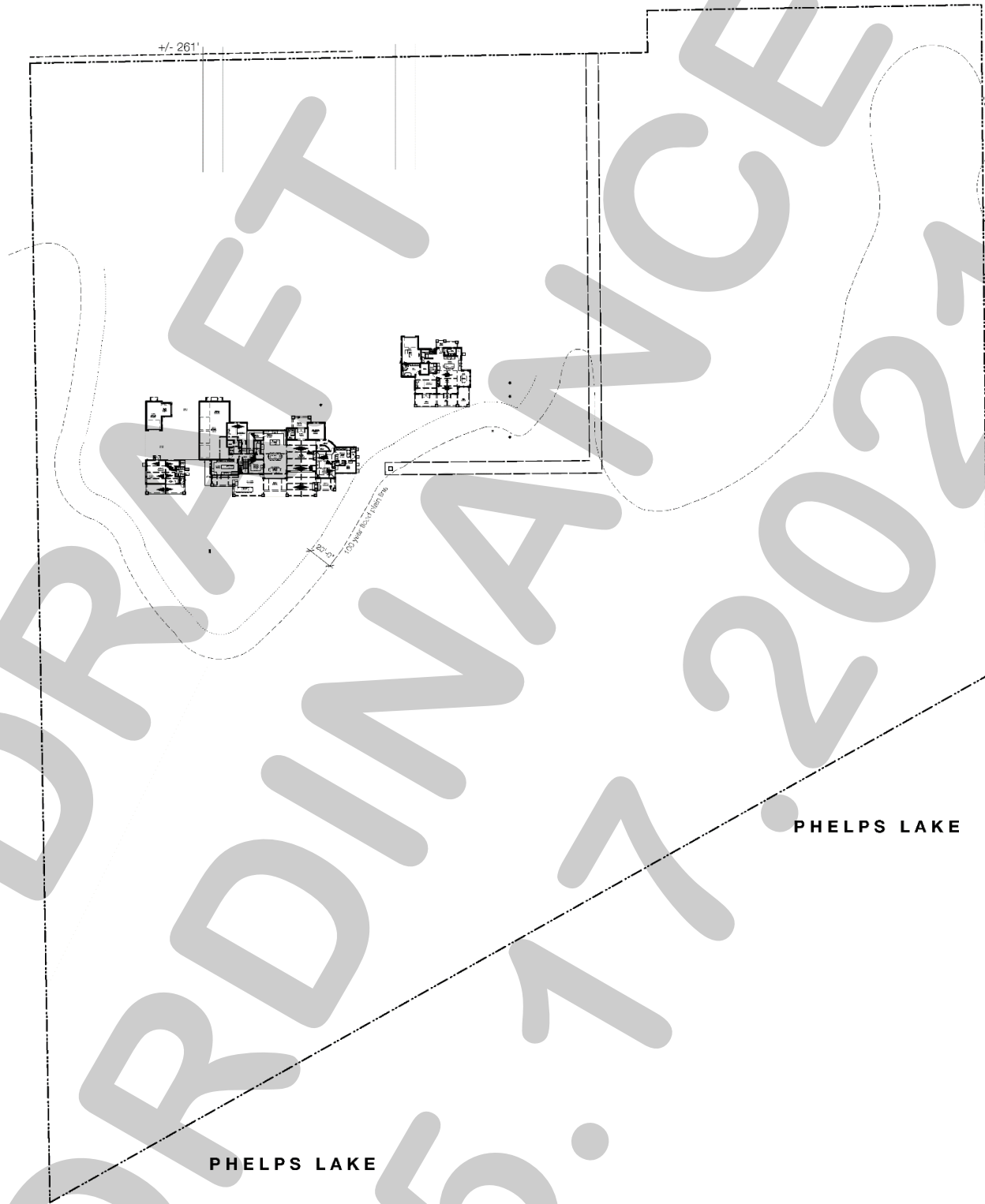
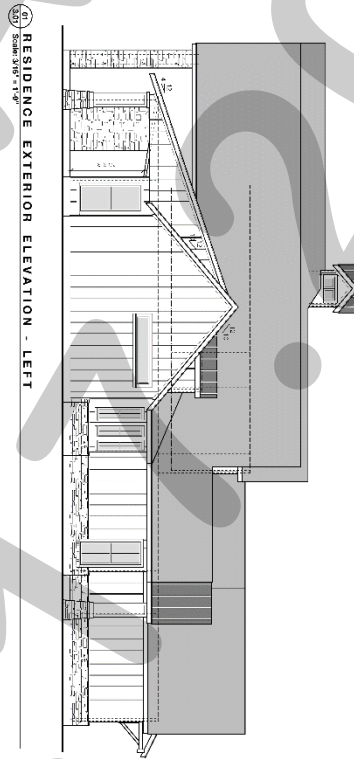
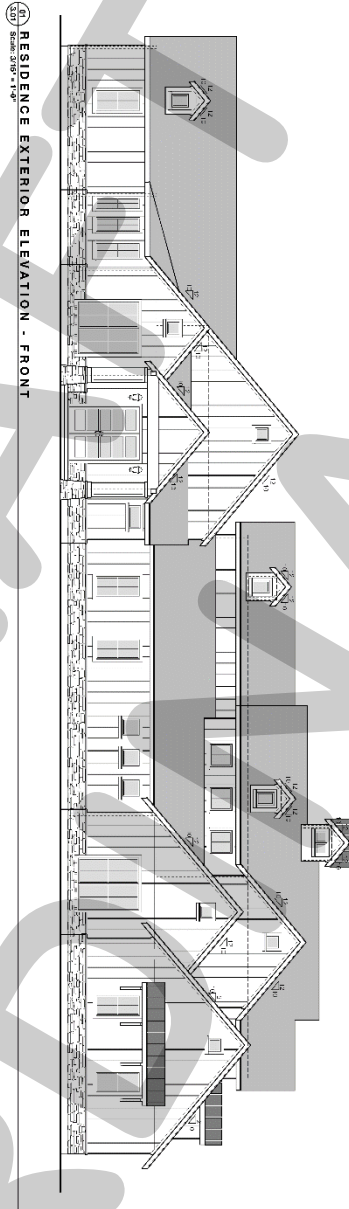


Exhibit 'C':
Building Elevations

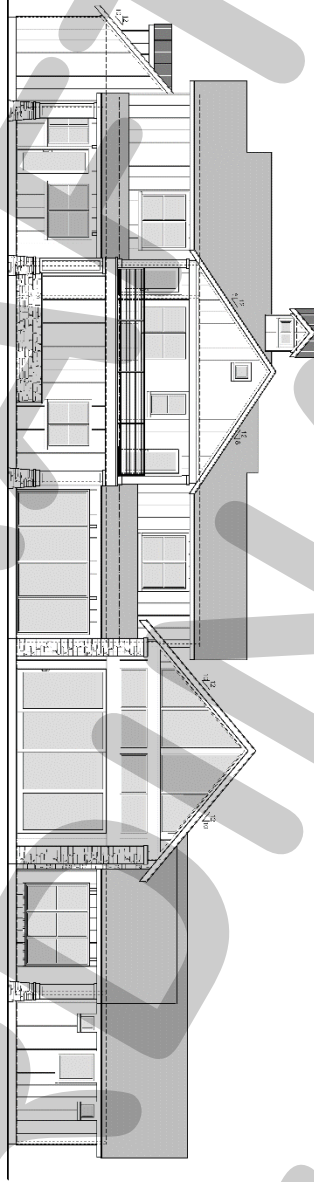


3.01

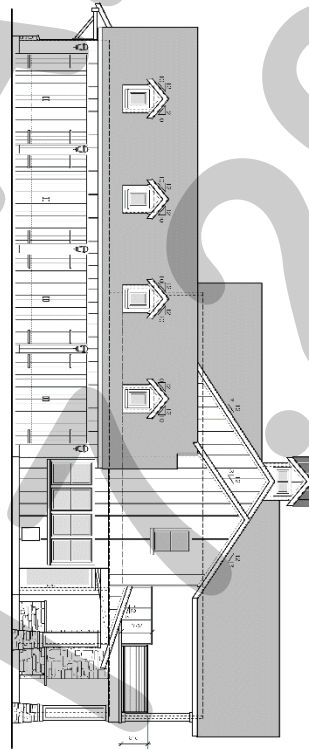
EXTERIOR
ELEVATIONS

Exhibit 'C':
Building Elevations

RESIDENCE EXTERIOR ELEVATION - REAR
Scale: 3/16" = 1'-0"



RESIDENCE EXTERIOR ELEVATION - RIGHT
Scale: 3/16" = 1'-0"



3.02

EXTERIOR
ELEVATIONS

Exhibit 'D':
Guest Quarters/Secondary Living Unit

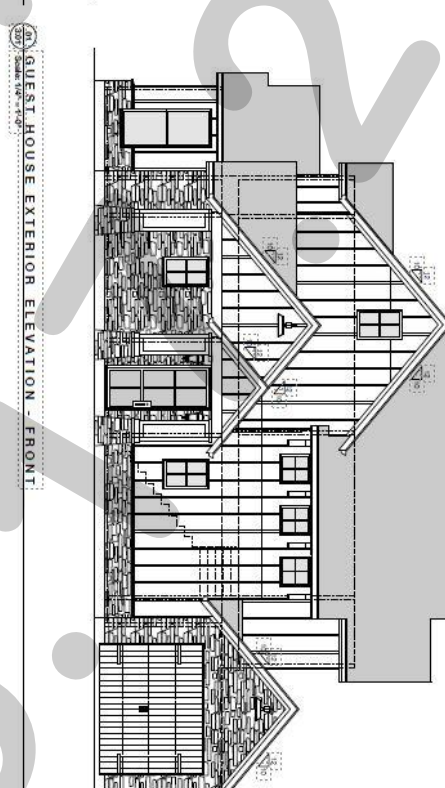
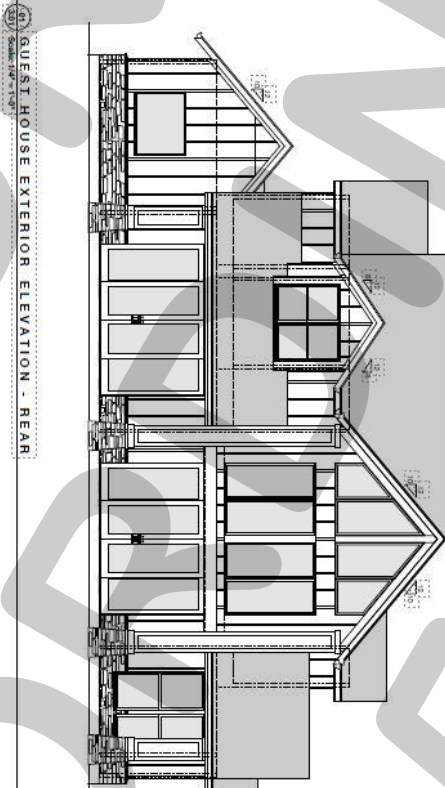
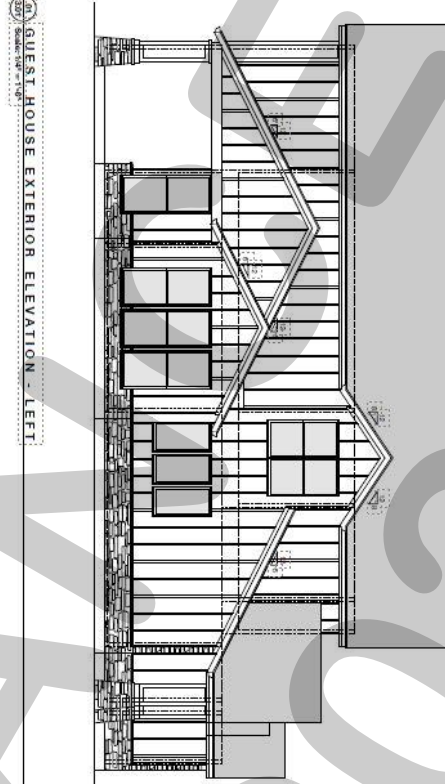
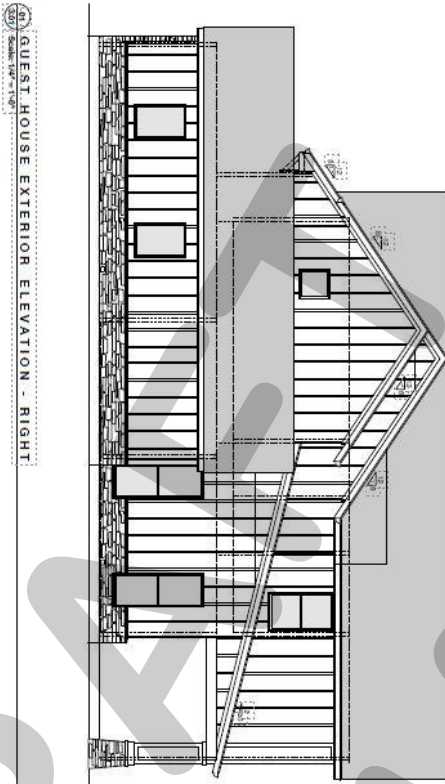


Exhibit 'D':
Guest Quarters/Secondary Living Unit

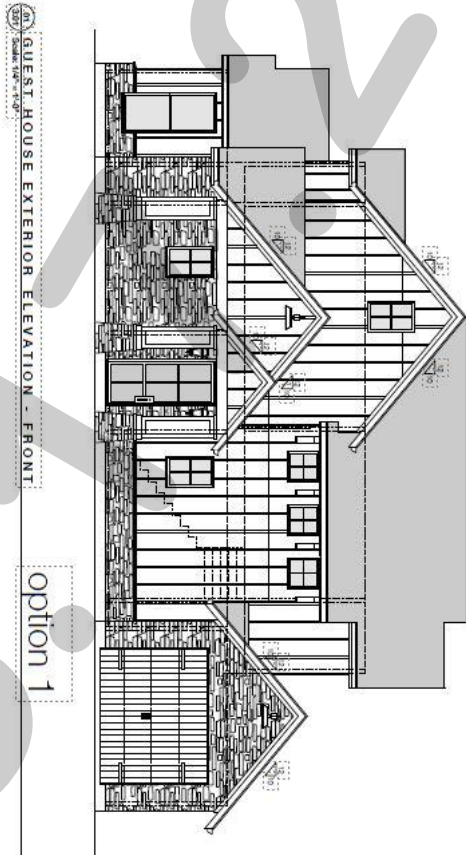
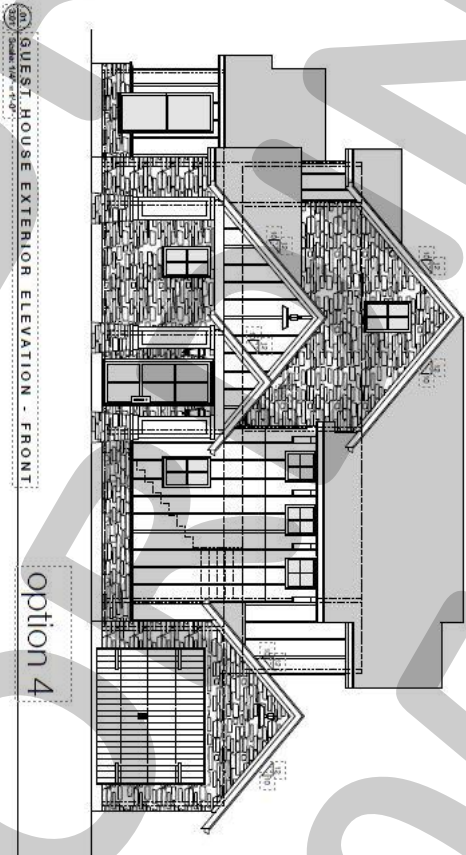
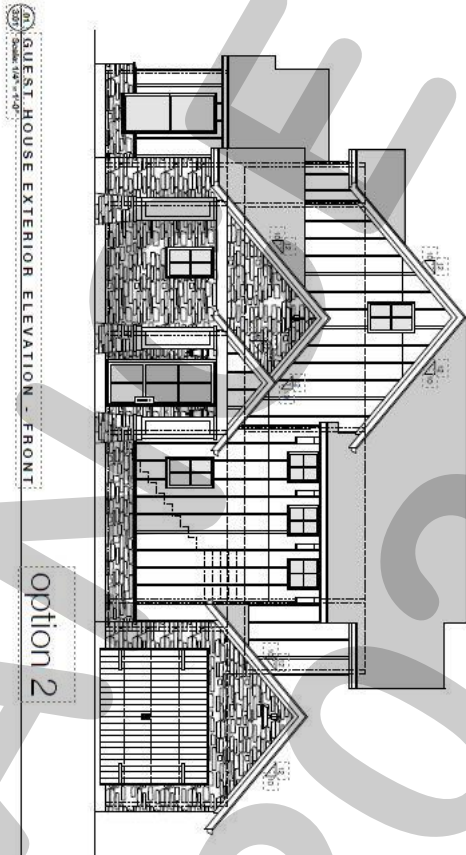
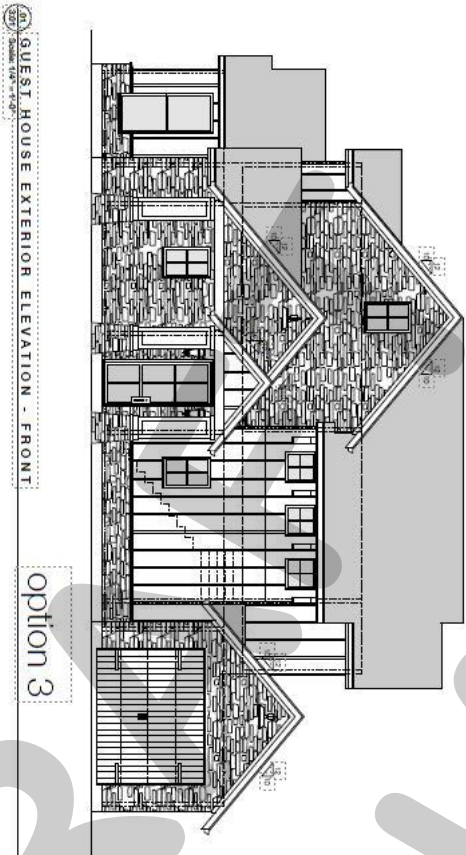
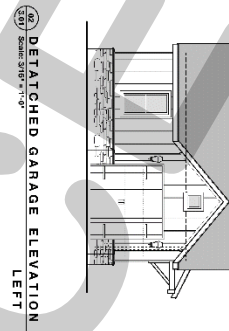
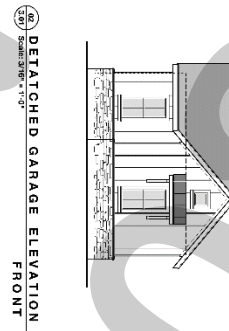


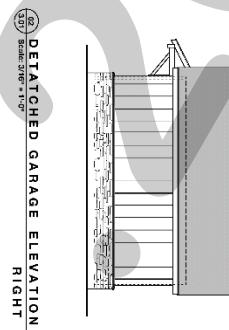
Exhibit 'E':
Accessory Structure



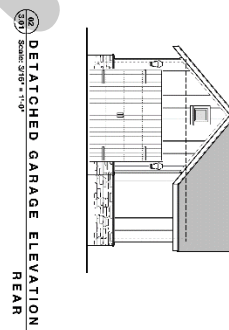
DETACHED GARAGE ELEVATION
LEFT



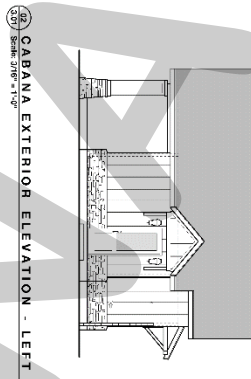
DETACHED GARAGE ELEVATION
FRONT



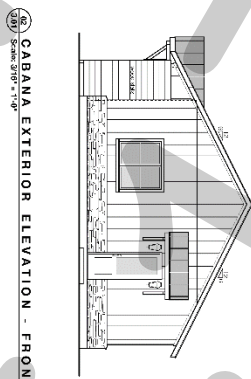
DETACHED GARAGE ELEVATION
RIGHT



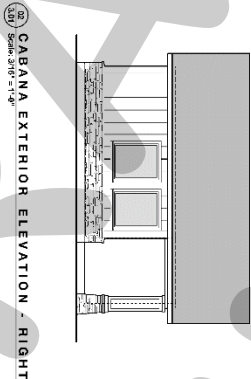
DETACHED GARAGE ELEVATION
REAR



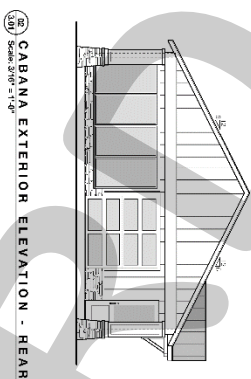
CABANA EXTERIOR ELEVATION - LEFT



CABANA EXTERIOR ELEVATION - FRONT



CABANA EXTERIOR ELEVATION - RIGHT



CABANA EXTERIOR ELEVATION - REAR

EXTERIOR
ELEVATIONS

3.03



MEMORANDUM

TO: Mary Smith, Interim City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: May 17, 2021

SUBJECT: Z2021-009; SPECIFIC USE PERMIT (SUP) FOR A RESIDENTIAL INFILL FOR 704 PARKS AVENUE

Attachments

Case Memo
Development Application
Location Map
HOA Notification Map
Neighborhood Notification Email
Property Owner Notification Map
Property Owner Notification List
Public Notice
Survey
Residential Plot Plan
Building Elevations
Building Rendering
Housing Analysis
Draft Ordinance

Summary/Background Information

Hold a public hearing to discuss and consider a request by Michael Morgan on behalf of the owner Gary Scott Barron for the approval of an ordinance for a *Specific Use Permit (SUP)* allowing *Residential Infill in an Established Subdivision* for the purpose of constructing a single-family home on a 0.16-acre parcel of land identified as Lot 9, Block D, Foree Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 704 Parks Avenue, and take any action necessary (1st Reading).

Action Needed

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



CITY OF ROCKWALL

CITY COUNCIL CASE MEMO

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

TO: Mayor and City Council
DATE: May 17, 2021
APPLICANT: Michael Morgan
CASE NUMBER: Z2021-009; *Specific Use Permit (SUP) for a Residential Infill for 704 Parks Avenue*

SUMMARY

Hold a public hearing to discuss and consider a request by Michael Morgan on behalf of the owner Gary Scott Barron for the approval of a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision for the purpose of constructing a singlefamily home on a 0.16-acre parcel of land identified as Lot 9, Block D, Foree Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 704 Parks Avenue, and take any action necessary.

BACKGROUND

The subject property is located within the Foree Subdivision, which was filed with Rockwall County on February 7, 1913. According to Rockwall Central Appraisal District (RCAD), a single-family home was constructed on Lots 7, 8, & 9, Block D, Foree Addition in 1980; however, these properties were never assembled or replatted. Staff should note that these three (3) parcels of land are considered to be *Lots of Record* or "...parcel[s] of land which is [are] part of a subdivision, the map or plat of which has been recorded in the office of the County Clerk of Rockwall County ... prior to the adoption date of the ordinance [1983] from which this [the] Unified Development Code is derived which has not been divided [or assembled] since recording." This means that each of the three (3) parcels could be conveyed individually and developed in accordance with the Single-Family 7 (SF-7) District standards. In 2019, the single-family home situated on these three (3) lots was demolished under *BLD2019-3321*. On April 6, 2020, the City Council approved two (2) Specific Use Permits [*Case No.'s Z2020-002 & Z2020-003*] for *Residential Infill in an Established Subdivision* for Lots 7 & 8, Block D, Foree Addition. Following this approval, a single-family home was constructed on each of these lots (*BLD2019-3322 & BLD2020-0172*). Lot 9, Block D, Foree Addition (*i.e. the subject property*) has remained vacant since the single-family home was demolished.

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 704 Parks Avenue. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property are three (3) single-family homes (706, 708, & 714 Heath Street) followed by Heath Street, which is designated 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 Heath Street are three (3) residential subdivisions (*i.e. the Pecan Grove, Stark, & Wade Subdivisions*). All of these areas are zoned Single-Family 7 (SF-7) District.

South: Directly south of the subject property are five (5) residential homes followed by Lillian Street, which is designated 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 four (4) more residential homes followed by Williams Street, which is identified as a *Minor Collector* on the Master Thoroughfare Plan contained in the

OURHometown Vision 2040 Comprehensive Plan. Williams Street is the boundary to the Old Town Rockwall (OTR) Historic District. All of these areas are zoned Single-Family 7 (SF-7) District.

East: Directly east of the subject property is N. Clark Street followed by two (2) rows of single-family homes fronting onto Nash Street. Both of these streets are designated 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 is a 6.210-acre parcel of land that is occupied with a *house of worship (i.e. Rockwall Assembly of God)*. All of these properties are zoned Single-Family 7 (SF-7) District.

West: Directly west of the subject property are eight (8) houses fronting onto Parks Avenue, which is designated as a R2 (*i.e. residential, two [2] lane, undivided roadway*) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. All of these properties are zoned Single-Family 7 (SF-7) District.

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.” As stated above the Foree Subdivision has been in existence since February 7, 1913 and is considered to be more 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 in a Single-Family 7 (SF-7) District requires a Specific Use Permit (SUP).

In addition, according to 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)ll 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 Parks Street compared to the house proposed by the applicant:

Housing Design and Characteristics	Existing Housing on Parks Avenue and the Subject Property	Proposed Housing
Building Height	Majority One (1) Story with One (1), Two (2) Story	Two (2) Story (32'-9" to the Peak of the Roof)
Building Orientation	All homes face towards Parks Street with the exception of 601 Parks Street, which faces onto Lillian Street.	The front elevation of the home will face on to Parks Street.
Year Built	1929-2020	N/A
Building SF on Property	946 SF – 3,912 SF	4,004 SF (2,390 SF of Air-Conditioned Space)
Building Architecture	Various [<i>Minimal Traditional, Tudor, Ranch, etc.</i>]	Comparable Architecture to the Surrounding Single-Family Homes
Building Setbacks:		
Front	The front setbacks range from 20-feet to 25-feet along Parks Street.	20-Feet
Side	The side yard setbacks appear to be between five (5) and six (6) feet.	6-Feet
Rear	The rear yard setbacks appear to be greater than ten (10) feet, with the exception of accessory structures which appear to be between zero (0) and three (3) feet.	44-Feet, 5-Inches
Building Materials	Wood, Masonite, and/or Aluminum Siding and Brick	Hardi Board Siding, Composition Roof Shingles, and Standing Seam Metal Roof
Paint and Color	Pink, Yellow, White, and Tan	Tan
Roofs	Composite Shingles and Standing Seam Metal	Composite Shingle and Standing Seam Metal Roof

Driveways/Garages	A mixture of front entry garages/driveways. Some houses do not have a garage and one (1) house has a carport.	The garage will be rear entry.
-------------------	---	--------------------------------

Staff should note that the proposed single-family home meets all of the density and dimensional requirements for the 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 Parks Avenue and the proposed building elevations in the attached packet. The approval of this request is a discretionary decision to the Planning and Zoning Commission and City Council pending a finding that the proposed house will not have a negative impact on the existing subdivision.

NOTIFICATIONS

On April 26, 2021, staff mailed 114 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Caruth Lakes (*i.e. Caruth Ridge Estates*) Homeowners Association (HOA), which is the only HOA/Neighborhood Organization within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was drafted staff had not received any notices.

CONDITIONS OF APPROVAL

If the City Council chooses to approve the applicant’s request for a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision*, 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 Specific Use Permit (SUP) 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 Specific Use Permit (SUP) shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

PLANNING AND ZONING COMMISSION

On May 11, 2021, the Planning and Zoning Commission approved a motion to recommend approval of the Specific Use Permit (SUP) by a vote of 5-0, with Commissioners Moeller and Conway absent.



DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO. Z2021-009

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

DIRECTOR OF PLANNING: _____

CITY ENGINEER: _____

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

Platting Application Fees:

- Master Plat (\$100.00 + \$15.00 Acre)¹
- Preliminary Plat (\$200.00 + \$15.00 Acre)¹
- Final Plat (\$300.00 + \$20.00 Acre)¹
- Replat (\$300.00 + \$20.00 Acre)¹
- Amending or Minor Plat (\$150.00)
- Plat Reinstatement Request (\$100.00)

Site Plan Application Fees:

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

Zoning Application Fees:

- Zoning Change (\$200.00 + \$15.00 Acre)¹
- Specific Use Permit (\$200.00 + \$15.00 Acre)¹
- 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.

PROPERTY INFORMATION [PLEASE PRINT]

Address 704 Parks Ave
 Subdivision Foree Addition Lot 9 Block D
 General Location Parks Ave + Heath St

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

Current Zoning SF3 Current Use Residential
 Proposed Zoning _____ Proposed Use Residential
 Acreage 0.161 Lots [Current] _____ Lots [Proposed] 0.161

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

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

<input checked="" type="checkbox"/> Owner <u>Gary Scott Barron</u>	<input checked="" type="checkbox"/> Applicant <u>Michael Morgan</u>
Contact Person <u>Gary Scott Barron</u>	Contact Person <u>Michael Morgan</u>
Address <u>1385 Tanglevine</u>	Address <u>14 Kestrel Ct</u>
City, State & Zip <u>Rockwall, TX 75087</u>	City, State & Zip <u>Heath Tx 75032</u>
Phone <u>325-864-4130</u>	Phone <u>469.600.9861</u>
E-Mail <u>scottbarron61@gmail.com</u>	E-Mail <u>michael@buildmgn.com</u>

NOTARY VERIFICATION [REQUIRED]

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

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

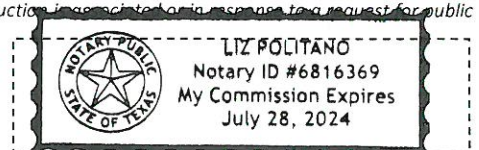
Given under my hand and seal of office on this the 5 day of April, 20 21.

Owner's Signature

Gary S. B.

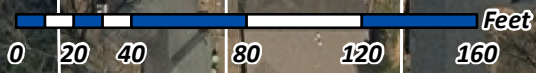
Notary Public in and for the State of Texas

Liz Politano

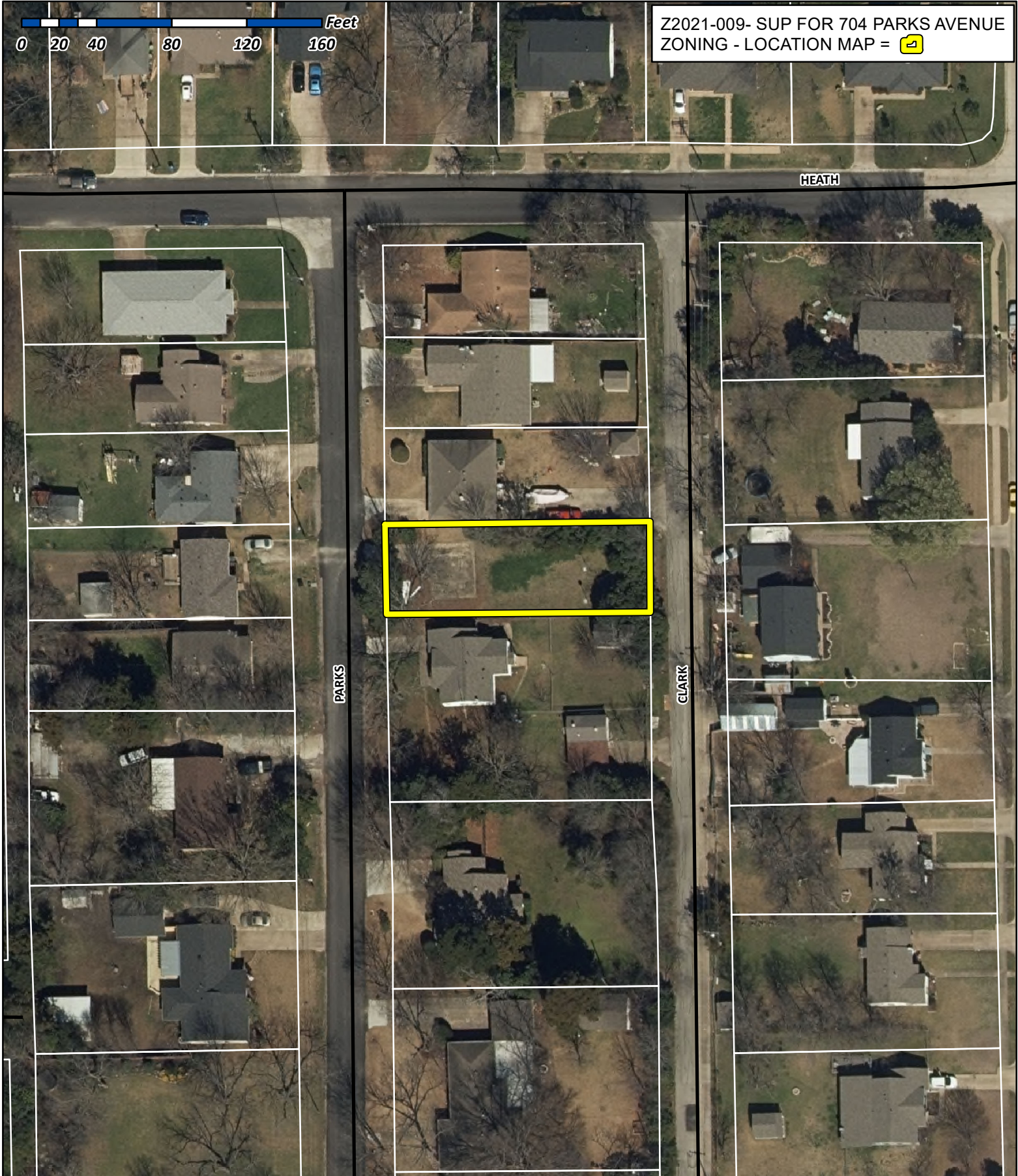


My Commission Expires

7-28-24



Z2021-009- SUP FOR 704 PARKS AVENUE
ZONING - LOCATION MAP =



City of Rockwall

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

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

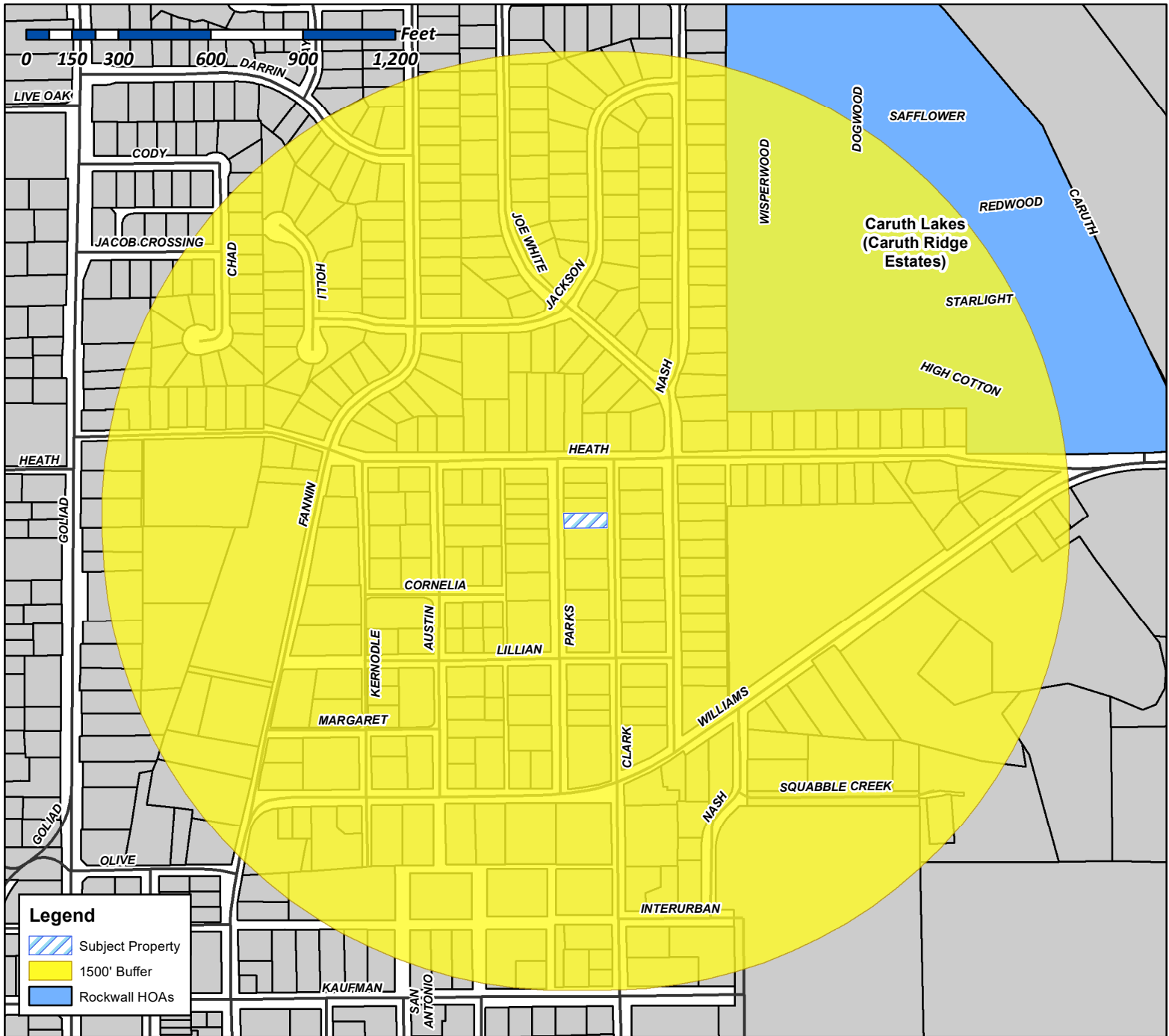




City of Rockwall

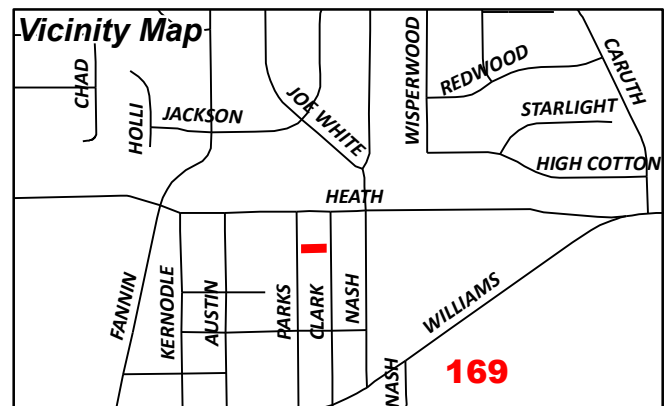
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

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Case Number: Z2021-009
Case Name: SUP for Residential Infill
Case Type: Zoning
Zoning: Single-Family 7 (SF-7) District
Case Address: 704 Parks Avenue

Date Created: 4/15/2021
For Questions on this Case Call (972) 771-7745



Lee, Henry

From: Gamez, Angelica
Sent: Friday, April 23, 2021 3:34 PM
Cc: Miller, Ryan; Gonzales, David; Lee, Henry
Subject: Neighborhood Notification Program [Z2021-009]
Attachments: Public Notice (04.27.2021).pdf; HOA Map Z2021-009.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 April 23, 2021. The Planning and Zoning Commission will hold a public hearing on Tuesday, May 11, 2021 at 6:00 PM, and the City Council will hold a public hearing on Monday, May 17, 2021 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>.

Z2021-009 SUP for Residential Infill

Hold a public hearing to discuss and consider a request by Michael Morgan on behalf of the owner Gary Scott Barron for the approval of a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* for the purpose of constructing a single-family home on a 0.16-acre parcel of land identified as Lot 9, Block D, Foree Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 704 Parks Avenue, and take any action necessary.

Thank you,

Angelica Gamez

Planning & Zoning Coordinator

City of Rockwall

972.771.7745 Office

972.772.6438 Direct

<http://www.rockwall.com/planning/>

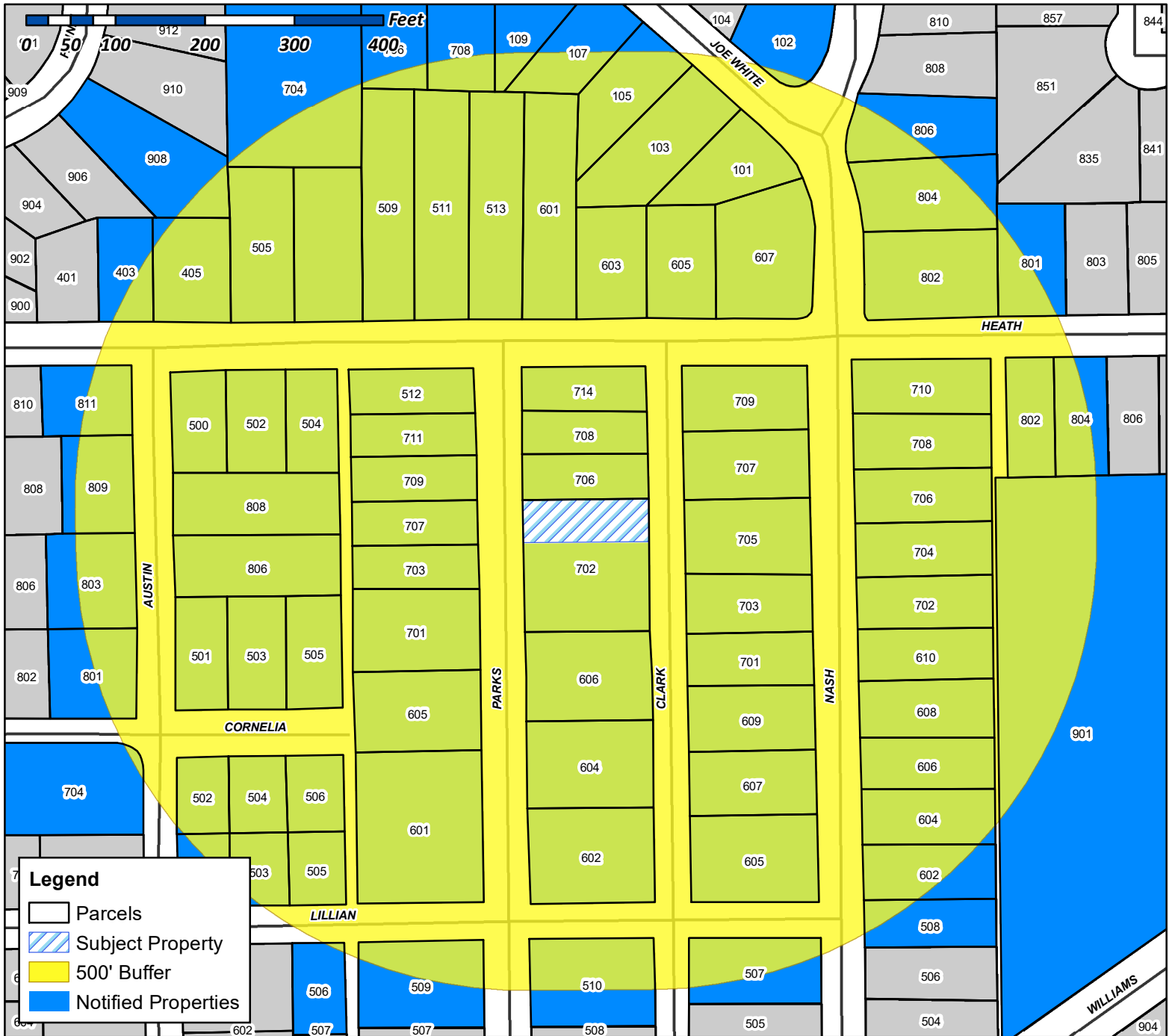
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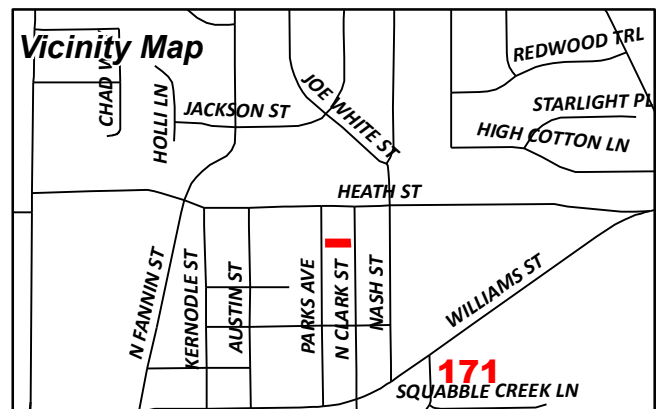
City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
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Case Number: Z2021-009
Case Name: SUP for Residential Infill
Case Type: Zoning
Zoning: Single-Family 7 (SF-7) District
Case Address: 704 Parks Avenue



Date Created: 4/15/2021
For Questions on this Case Call (972) 771-7745

ROLAND RANDY C AND ANDREA B
101 JOE WHITE ST
ROCKWALL, TX 75087

PYLAND KENNETH C & MELANIE M
102 JOE WHITE ST
ROCKWALL, TX 75087

GLASS JERRY R
103 JOE WHITEST
ROCKWALL, TX 75087

SILVA MANUEL
1041 E FM 552
ROCKWALL, TX 75087

WARDELL JOHN P & JULIE C
105 JOE WHITE ST
ROCKWALL, TX 75087

KRIZAN RASTISLAV
107 JOE WHITE
ROCKWALL, TX 75087

PEOPLES JIMMIE DALE
109 JOE WHITE ST
ROCKWALL, TX 75087

SABRSULA MELISSA
1571 ANNA CADE RD
ROCKWALL, TX 75087

KINSEY TARI L AND DONALD H
2 MANOR CT
HEATH, TX 75032

HENRY AMANDA A
205 S CLARK
ROCKWALL, TX 75087

RICHARD HARRIS AND JUDY HARRIS FAMILY
TRUST
RICHARD AND JUDY HARRIS- TRUSTEES
210 GLENN AVENUE
ROCKWALL, TX 75087

REDDEN POLLY PEOPLES
213 SOVEREIGN CT
ROCKWALL, TX 75032

PARK ALLEN
2301 LAFAYETTE DR
HEATH, TX 75032

BLAZEK ALVIN F & DOROTHY H
2614 W 10TH ST
DALLAS, TX 75211

GLASS JERRY R
301 MEADOWDALE DR
ROCKWALL, TX 75087

BREWER SHERI RENEE
30113 TROUTDALE SCENIC DR
EVERGREEN, CO 80439

LASKY KRISTINE ELIZABETH
3021 RIDGE RD STE A-66
ROCKWALL, TX 75032

ZYLKA JOE AND BONNIE
3021 RIDGE RD STE A-66
ROCKWALL, TX 75032

VANHORN PENNI AND
JOE ZYLKA AND BONNIE ZYLKA
3021 RIDGE RD STE A-66
ROCKWALL, TX 75032

WALLS JEFFREY V & NATALIE ANN
3115 CHINESE FIR DR
HEATH, TX 75126

RICHARD HARRIS AND JUDY HARRIS FAMILY
TRUST
RICHARD AND JUDY HARRIS- TRUSTEES
403 E HEATH ST
ROCKWALL, TX 75087

PARK ALLEN
405 E HEATH ST
ROCKWALL, TX 75087

HODGES PATRICK L
481 ARCADIA WAY
ROCKWALL, TX 75087

KIRKPATRICK DAVID S & RHONDA D
500 E HEATH ST
ROCKWALL, TX 75087

HOLZHEIMER THOMAS R AND NICOLE M
501 CORNELIA ST
ROCKWALL, TX 75087

GREENAWALT PATRICK ALAN
501 LILLIAN ST
ROCKWALL, TX 75087

BARNETT GEORGE S
502 CORNELIA ST
ROCKWALL, TX 75087

MCINTIRE J M & ERLINDA
502 E HEATH ST
ROCKWALL, TX 75087

ALSOBROOK HAROLD DAVID JR
503 CORNELIA
ROCKWALL, TX 75087

AWAJA PROPERTIES LLC
503 LILLIANST
ROCKWALL, TX 75087

ALSOBROOK HAROLD DAVID JR
504 CORNELIA
ROCKWALL, TX 75087

TANTON MELVIN V JR
504 E HEATH ST
ROCKWALL, TX 75087

ALSOBROOK HAROLD DAVID JR
505 CARRIAGE TR
ROCKWALL, TX 75087

SCHMIDT JERRY LEE AND BARBARA JEAN
505 CORNELIA
ROCKWALL, TX 75087

BARRON GILDARDO
505 LILLIAN ST
ROCKWALL, TX 75087

VANHORN PENNI AND
JOE ZYLKA AND BONNIE ZYLKA
505 E HEATH ST
ROCKWALL, TX 75087

ALSOBROOK HAROLD DAVID JR
506 CORNELIA
ROCKWALL, TX 75087

UC RUBEN & EDITH CORTE DE
506 LILLIAN ST
ROCKWALL, TX 75087

BUTLER JOSEPH DAVID AND ROSE LOUISE
507 NASH ST
ROCKWALL, TX 75087

CAWTHON RICK
508 NASH ST
ROCKWALL, TX 75087

DOROTIK DAVID W
509 PARKS AVE
ROCKWALL, TX 75087

REDDEN POLLY PEOPLES
509 E HEATH ST
ROCKWALL, TX 75087

RICHARDSON PATRICE
510 COVE RIDGE RD
HEATH, TX 75032

ALLEGRETTO RICHARD JR AND SARAH ANN
510 PARKS AVE
ROCKWALL, TX 75087

RICHARDSON PATRICE
511 E HEATH ST
ROCKWALL, TX 75087

COATS LOIS LOUISE
512 E HEATH ST
ROCKWALL, TX 75087

GREENAWALT PATRICK AND COURTNEY
513 E HEATH ST
ROCKWALL, TX 75087

TROWBRIDGE PATRICK A & ELIZABETH
601 PARKS AVE
ROCKWALL, TX 75087

STEGALL VENTURES LLC
601 SUNSET HILL DRIVE
ROCKWALL, TX 75087

STARK ROBERT C
601 E HEATH ST
ROCKWALL, TX 75087

SIMMONS APRIL R
602 NASH STREET
ROCKWALL, TX 75087

LEAL ROLAND & CAROL
602 PARKS AVENUE
ROCKWALL, TX 75087

SUTTON JUDITH A
603 E HEATH ST
ROCKWALL, TX 75087

HOWARD DEBORAH K
604 NASH ST
ROCKWALL, TX 75087

FUQUA MATTHEW
604 PARKS AVE
ROCKWALL, TX 75087

LINDSAY WILLIAM & JULIA
605 NASH ST
ROCKWALL, TX 75087

DINGWELL MARGUERITE NASH & ADAM
605 PARKS AVE
ROCKWALL, TX 75087

ESTATE OF SUSAN ELAINE BYRD DAVIS
605 STORRS
ROCKWALL, TX 75087

STARK ROBERT S & TINA J
605 E HEATH ST
ROCKWALL, TX 75087

GALASSI TORI D
606 NASH ST
ROCKWALL, TX 75087

WALLS JEFFREY V & NATALIE ANN
606 PARKS AVE
ROCKWALL, TX 75087

SPERLING SANDY
607 E HEATH ST
ROCKWALL, TX 75087

KINSEY TARI L AND DONALD H
607 NASH ST
ROCKWALL, TX 75087

STARK ROBERT S & TINA J
607 SAINT MARY ST
ROCKWALL, TX 75087

OGDEN BRANDON & LIDIA
608 NASH ST
ROCKWALL, TX 75087

TORRES ROSIE
609 NASH ST
ROCKWALL, TX 75087

RICHARD HARRIS AND JUDY HARRIS FAMILY
TRUST
RICHARD AND JUDY HARRIS- TRUSTEES
610 NASH ST
ROCKWALL, TX 75087

CASTRO RENE & BETSY
700 WINDSONG LN
ROCKWALL, TX 75032

BLAZEK ALVIN F & DOROTHY H
701 NASH ST
ROCKWALL, TX 75087

CASTILLO AGAPITO & ESTELA
701 PARKS AVE
ROCKWALL, TX 75087

TEMPLETON LORRAINE BIEGLER
702 NASH ST
ROCKWALL, TX 75087

HENRY AMANDA A
702 PARKS AVE
ROCKWALL, TX 75087

ELLISTON REBECCA S
703 NASH STREET
ROCKWALL, TX 75087

HANSON BRANDON R
703 PARKS AVE
ROCKWALL, TX 75087

FRASIER MICHAEL & MARY GRACE
704 JACKSON ST
ROCKWALL, TX 75087

THOMAS TRACY
704 KERNODLE ST
ROCKWALL, TX 75087

GRIFFIN PATTY JEAN CORNELIUS
704 NASH ST
ROCKWALL, TX 75087

RUSHING BRIAN AND
CHANEL KENTOPP
705 NASH ST
ROCKWALL, TX 75087

ZYLKA PENNI R
706 JACKSON ST
ROCKWALL, TX 75087

ARELLANO JESUS L &
CYNTHIA A HERRERA
706 NASH ST
ROCKWALL, TX 75087

PECINA JOE & LORETHIA ANN
706 PARKS AVE
ROCKWALL, TX 75087

MCCLAIN LOUETTA
707 NASH ST
ROCKWALL, TX 75087

BELANGER CORKY
707 PARKS AVE
ROCKWALL, TX 75087

LASKY KRISTINE ELIZABETH
708 JACKSON ST
ROCKWALL, TX 75087

SABRSULA MELISSA
708 NASH ST
ROCKWALL, TX 75087

KOLWINSKA GERALDINE D
708 PARKS AVE
ROCKWALL, TX 75087

BREWER SHERI RENEE
709 NASH ST
ROCKWALL, TX 75087

BARRON ARMANDO
709 PARKS AVE
ROCKWALL, TX 75087

STARK ROBERT C
710 AGAPE ST
ROCKWALL, TX 75087

KING MISTY
710 NASH STREET
ROCKWALL, TX 75087

NIXON ALBERT
711 PARKS AVE
ROCKWALL, TX 75087

PALMER LINDA C
714 PARKS AVE
ROCKWALL, TX 75087

BEASLEY GEORGE
801 AUSTIN ST
ROCKWALL, TX 75087

WIMPEE TYLER
801 E HEATH STREET
ROCKWALL, TX 75087

COLUNGA MAXIMO & MARGARITA
802 E HEATH ST
ROCKWALL, TX 75087

STEGALL VENTURES LLC
802 NASH ST
ROCKWALL, TX 75087

SILVA MANUEL
803 AUSTIN ST
ROCKWALL, TX 75087

BROWN REBECCA AND THOMAS
804 E HEATH ST
ROCKWALL, TX 75087

ESTATE OF SUSAN ELAINE BYRD DAVIS
804 NASH ST
ROCKWALL, TX 75087

AUSTIN TRENTON C
806 AUSTIN ST
ROCKWALL, TX 75087

HODGES PATRICK L
806 NASH ST
ROCKWALL, TX 75087

CASTRO RENE & BETSY
808 AUSTIN ST
ROCKWALL, TX 75087

KINDRED ROBERT M
809 AUSTIN ST
ROCKWALL, TX 75087

JENNINGS AMANDA L
811 AUSTIN ST
ROCKWALL, TX 75087

MCCLAIN LOUETTA
8309 TURNBERRY ST
ROWLETT, TX 75089

WARDELL JOHN P & JULIE C
880 IVY LN
ROCKWALL, TX 75087

ABEAR HOMES LLC SERIES 3
8916 MEADOW KNOLL
DALLAS, TX 75243

ROCKWALL ASSEMBLY OF GOD
C/O DAVID SPIEGEL
901 WILLIAMS ST
ROCKWALL, TX 75087

ABEAR HOMES LLC SERIES 3
908 N FANNIN ST
ROCKWALL, TX 75087

BELANGER CORKY
921 N ALAMO RD
ROCKWALL, TX 75087

KINDRED ROBERT M
P.O. BOX 261638
PLANO, TX 75026

ROCKWALL ASSEMBLY OF GOD
C/O DAVID SPIEGEL
PO BOX 33
ROCKWALL, TX 75087

GRIFFIN PATTY JEAN CORNELIUS
PO BOX 511
FATE, TX 75087

AWAJA PROPERTIES LLC
PO BOX 811
ROYSE CITY, TX 75189

PUBLIC NOTICE



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

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

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

Case No. Z2021-009: Specific Use Permit for Residential Infill

Hold a public hearing to discuss and consider a request by Michael Morgan on behalf of the owner Gary Scott Barron for the approval of a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision for the purpose of constructing a single-family home on a 0.16-acre parcel of land identified as Lot 9, Block D, Foree Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 704 Parks Avenue, and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on Tuesday, May 11, 2021 at 6:00 PM, and the City Council will hold a public hearing on Monday, May 17, 2021 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 Monday, May 17, 2021 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. Z2021-009: Specific Use Permit for Residential Infill

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.

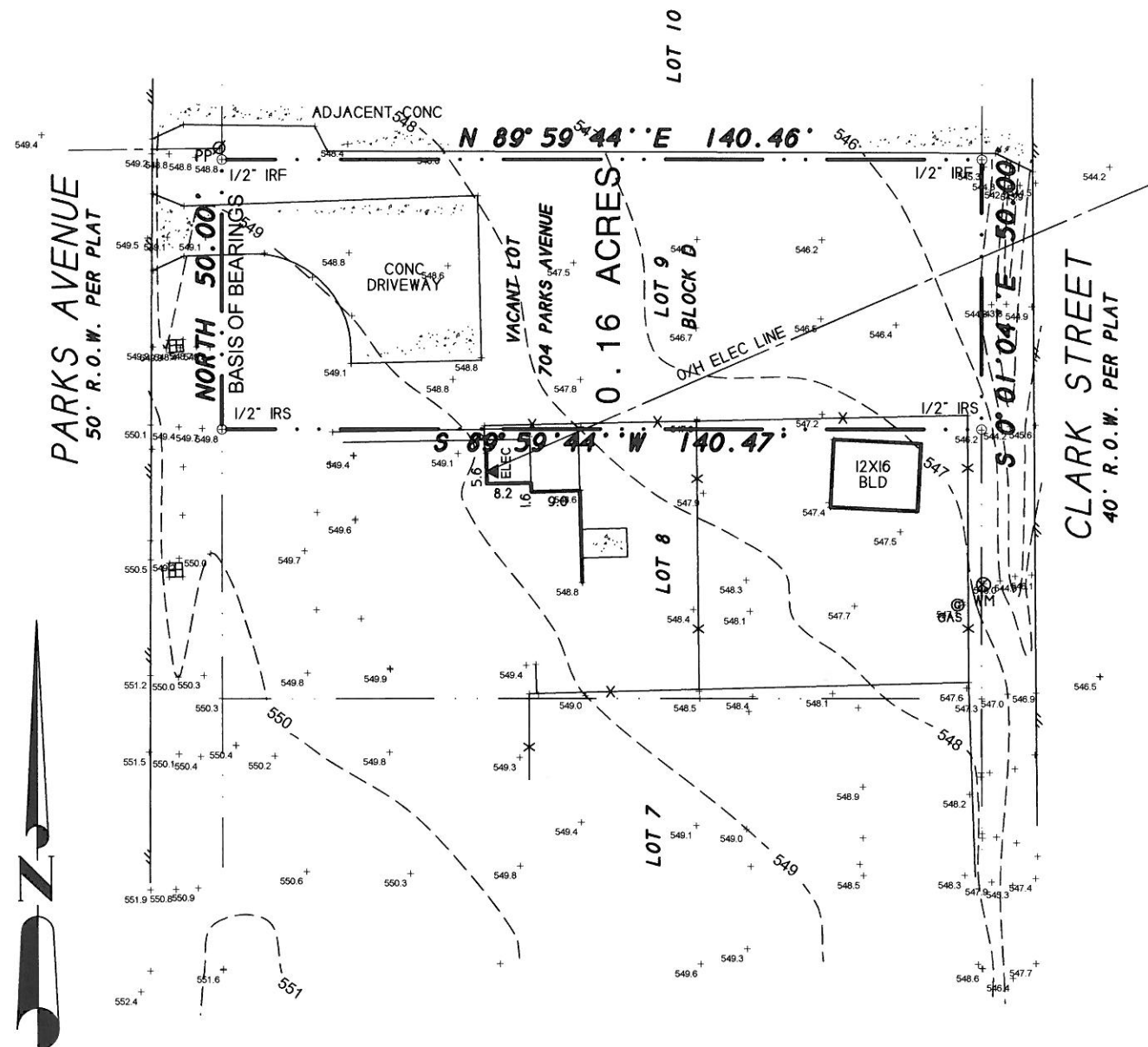
Four horizontal grey bars for providing reasons for support or opposition.

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

PLAT OF SURVEY



DESCRIPTION

BEING Lot 9, Block D, Fores Addition, an Addition to the City of Rockwall, Rockwall County, Texas, according to the Map thereof recorded in Volume 12, Page 568, of the Map Records of Rockwall County, Texas.

NOTES

- 1) According to F.E.M.A. Flood Insurance Rate Map. Community Panel No. 48397C0040 L dated Sept. 26, 2008, this property lies in Zone X. This property does not appear to lie within a 100-year flood plain.
- 2) BEARING SOURCE: RECORDED PLAT.
- 3) ALL 1/2" IRS ARE CAPPED WITH YELLOW PLASTIC CAPS "RPLS 5034."

SURVEYOR'S CERTIFICATE

I, Harold D. Fetty, III, Registered Professional Land Surveyor No. 5034, do hereby certify that the above plat of the property surveyed for Allegiance Title Company, Old Republic National Title Insurance Company, Inwood National Bank, John P. and Julie Ann C. Wardell at 704 Parks Avenue, Rockwall, Rockwall County, Texas, is the result of a careful collection of the best evidence available to me and my opinion is based on the facts as found at the time of survey. This survey meets the requirements of the Minimum Standards of Practice as approved and published by the Texas Board of Professional Land Surveying, effective September 1, 1992 and subsequent revisions, and the same was surveyed under my supervision on the ground this the 1st day of October, 2018.

Harold D. Fetty III, R.P.L.S. No. 5034



SYMBOL LEGEND				
⊙	⊗	⊕	⊖	⊚
TELEVISION CABLE RISER	GAS METER	PHONE RISER	FIRE HYDRANT	POWER POLE
⊠	⊡	⊗	⊙	⊚
ELEC. METER	ELEC. BOX	WATER METER	LP LIGHT POLE	1/2" IRS IRON ROD FOUND CORNER
⊠	⊡	⊗	⊙	⊚
FENCE	EASEMENT LINE	PROPERTY LINES	A/C UNIT	PROPANE TANK

SURVEY DATE OCTOBER 1, 2018
 SCALE 1" = 30' FILE # 20180297-9
 CLIENT WARDELL GF # 188487-10GH

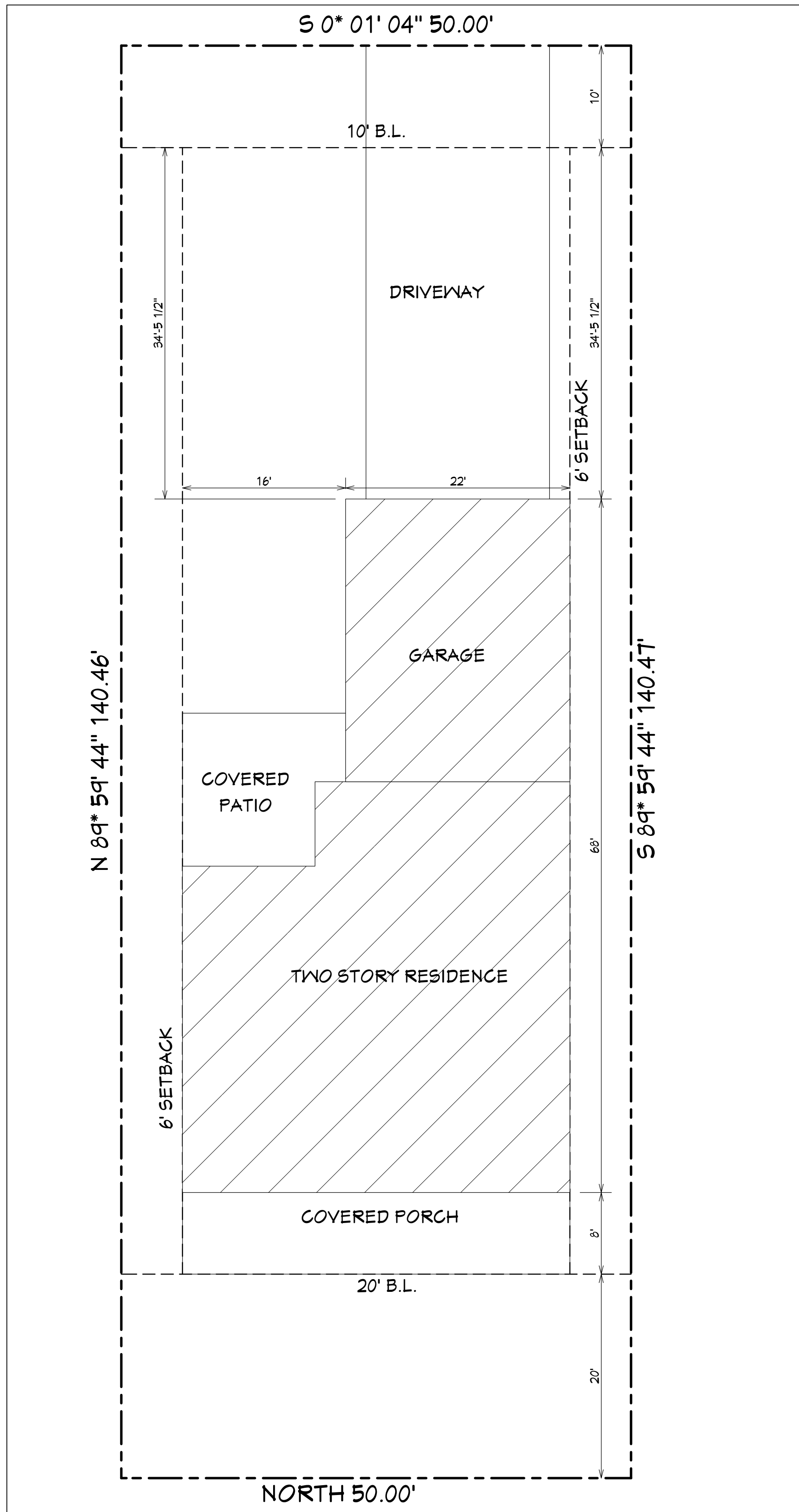
H.D. Fetty Land Surveyor, LLC

Firm Registration no. 101509-00
 6770 FM 1565 ROYSE CITY, TX 75189 972-635-2255 PHONE tracy@hdfetty.com

SURVEY ACCEPTED BY:

_____ DATE _____

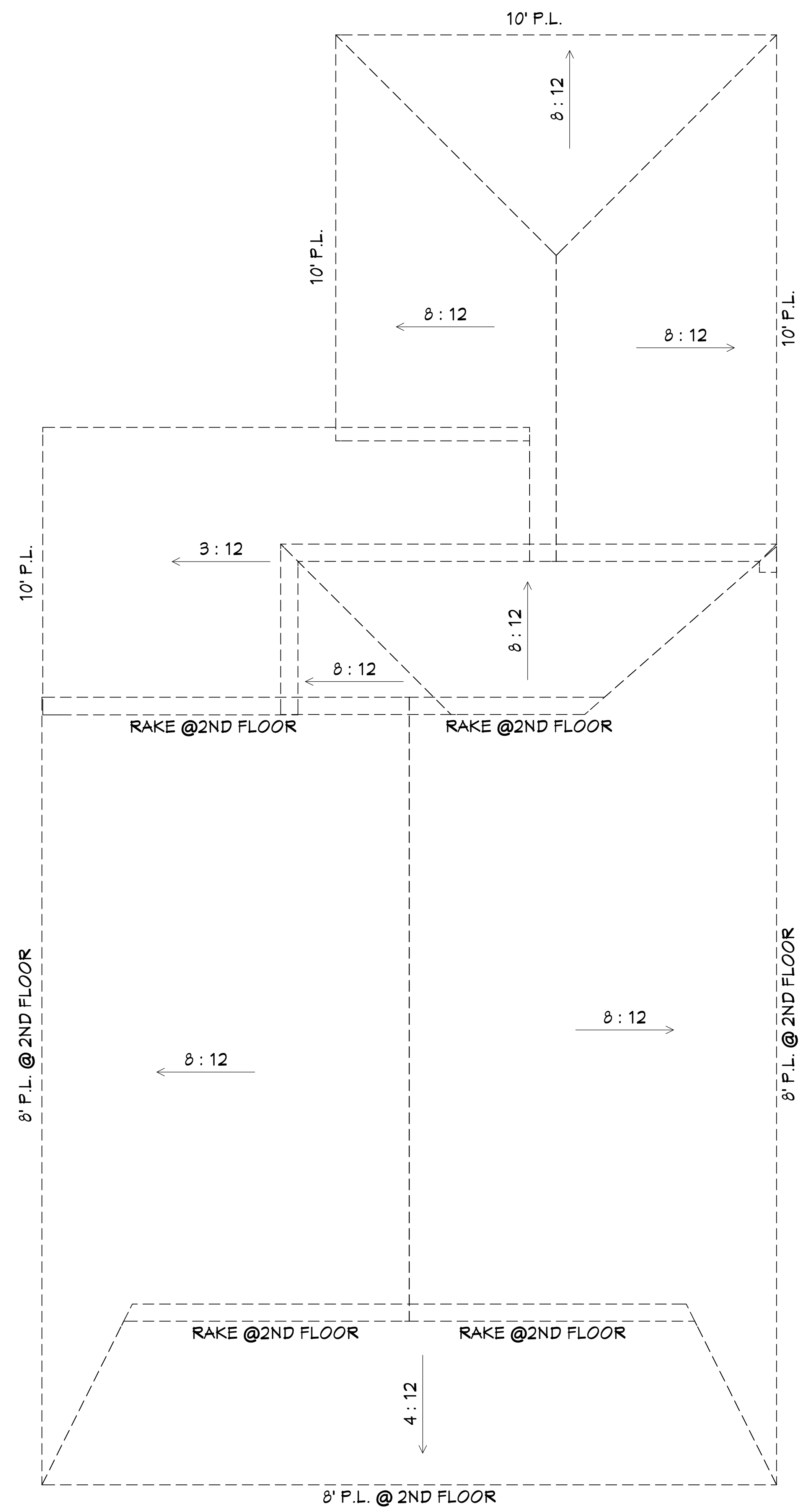
_____ DATE _____



1 SITE PLAN

SCALE: 1/8"=1'

- NOTE:
1. TOPOGRAPHICAL INFORMATION SUPPLIED BY A THIRD PARTY. CADAZIGN IS NOT RESPONSIBLE FOR ANY TOPOGRAPHICAL OR SURVEY INFORMATION. ALL MEASUREMENTS SHOULD BE FIELD VERIFIED. MEASUREMENTS ARE APPROXIMATE AND ARE FOR LAYOUT PURPOSES ONLY.
 2. OWNER AND BUILDER ARE RESPONSIBLE FOR VERIFYING ALL PROPERTY SETBACKS, RESTRICTIONS, AND ELEVATION MEASUREMENTS.
 3. OWNER AND OR BUILDER RESPONSIBLE FOR DETERMINING AND DESIGNING RETAINING WALLS AND STRUCTURAL STEM WALLS



2 ROOF PLAN

SCALE: 1/4"=1'

PLANS FOR:
 BARRON RESIDENCE
 SCOTT AND SHEYANN BARRON
 104 PARKS AVENUE
 ROCKWALL, TEXAS 75087

TITLE:
SITE PLAN / ROOF PLAN

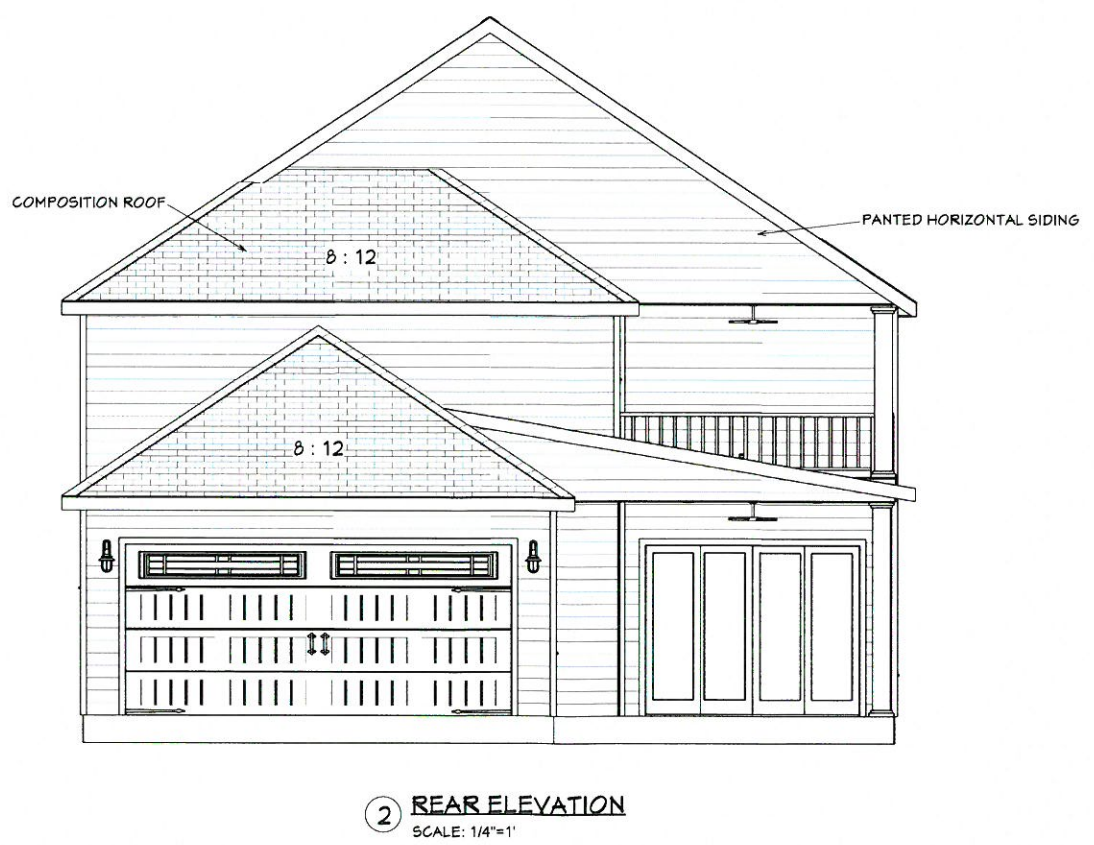
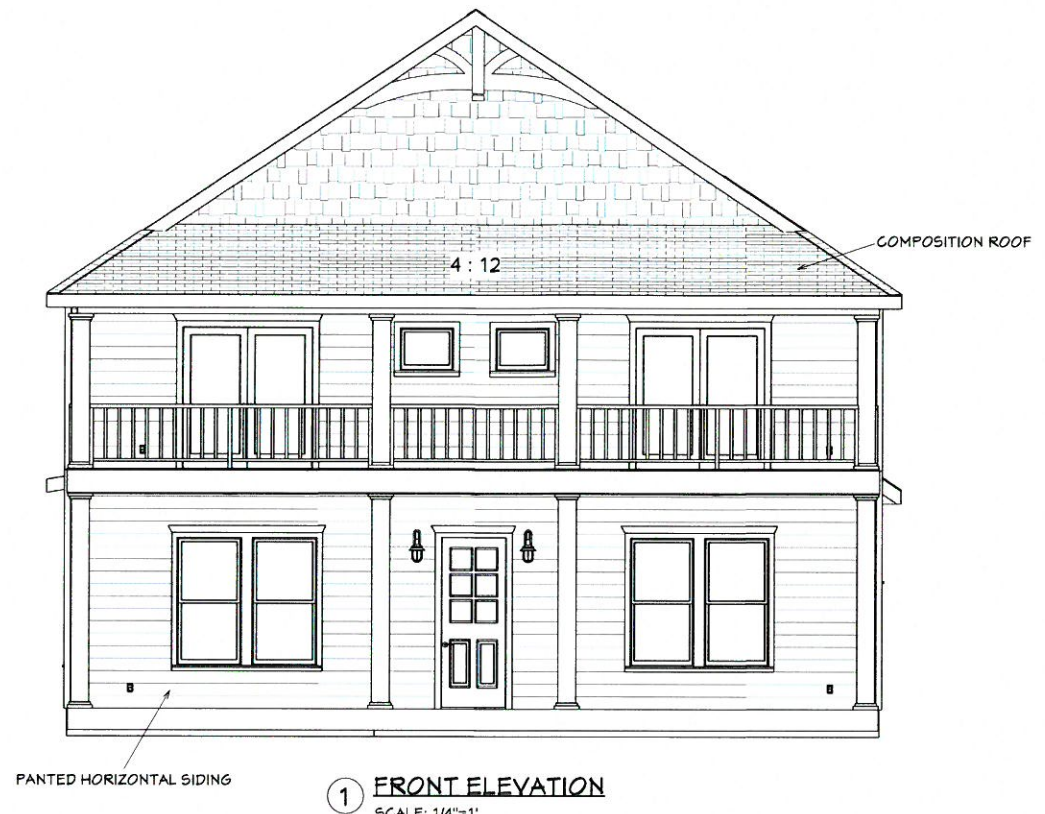
SHANNON NENSON MARK NENSON
CADAZIGN
 ROYSE CITY, TEXAS 75189
 469-338-9863
 DRAWN BY:

DATE:
 4/29/2021

SCALE:
 AS SHOWN

SHEET:

A-2



PLANS FOR:
 BARRON RESIDENCE
 SCOTT AND SHEVANN BARRON
 704 PARKS AVENUE
 ROCKWALL, TEXAS 75087

TITLE:
 FRONT AND REAR ELEVATIONS

SHANNON NEWBOM MARK NEWBOM
GADAZIGN
 ROYSE CITY, TEXAS 75189
 469-338-9863
 DRAWN BY:

DATE:
 1/25/2021

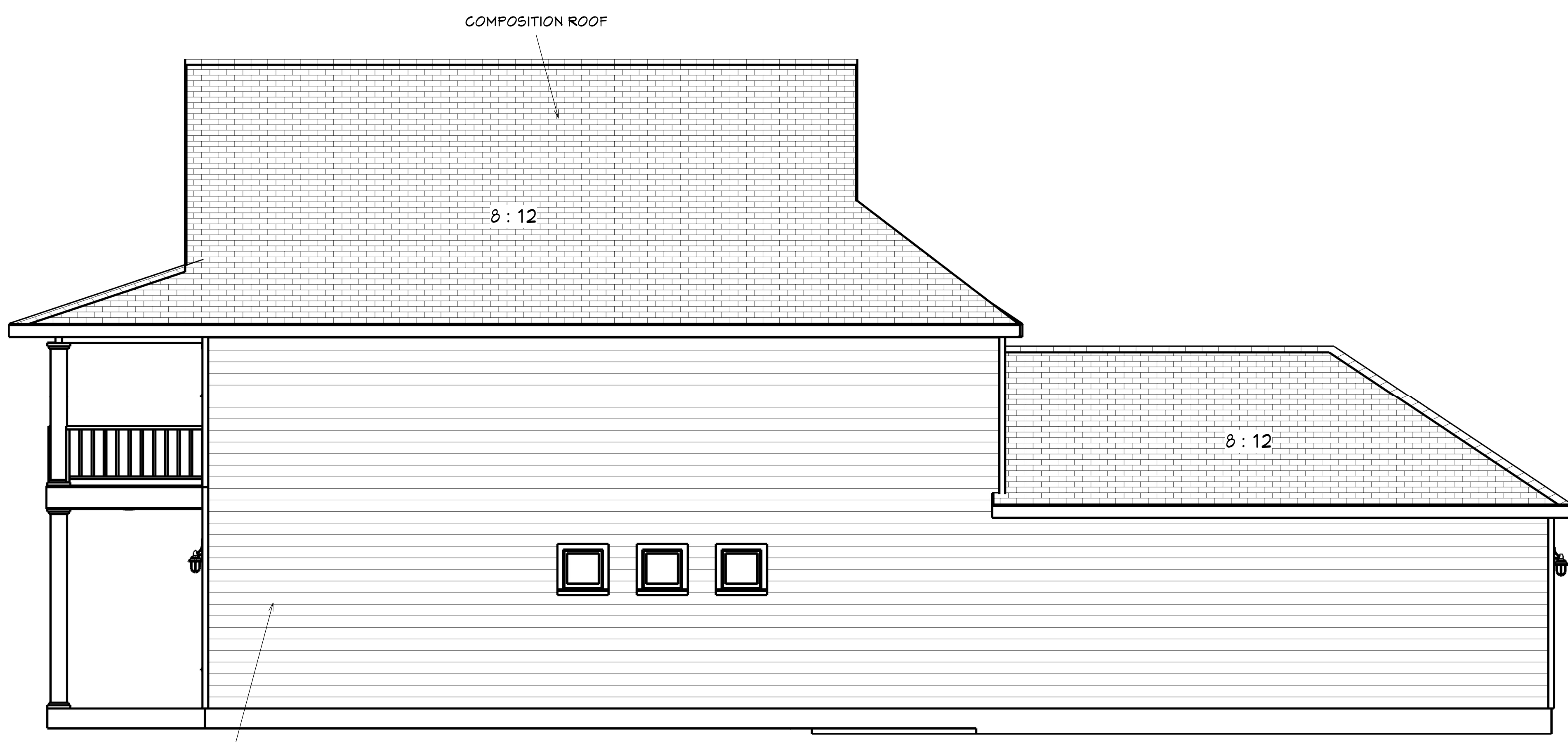
SCALE:
 AS SHOWN

SHEET:

A-3



1 LEFT ELEVATION
SCALE: 1/4"=1'



2 RIGHT ELEVATION
SCALE: 1/4"=1'

PLANS FOR:
BARRON RESIDENCE
SCOTT AND SHEYANN BARRON
104 PARKS AVENUE
ROCKWALL, TEXAS 75087

TITLE:
LEFT AND RIGHT ELEVATIONS

SHANNON NEWSOM MARK NEWSOM
DRAWN BY:
CADAZIGN
ROYSE CITY, TEXAS 75189
469-338-9863

DATE:
4/29/2021

SCALE:
AS SHOWN

SHEET:
A-4

BARRON RESIDENCE



PERSPECTIVE VIEW
NTS

GENERAL NOTES:

1. THESE DESIGN DOCUMENTS ARE INTENDED TO BE A REPRESENTATION OF THE DESIGN INTENT AND ARE SUPPLIED TO ILLUSTRATE THE GENERAL TYPE OF CONSTRUCTION DESIRED. THE DRAWINGS ARE INTENDED TO IMPLY A PREMIUM QUALITY OF WORKMANSHIP THROUGHOUT.
2. DISCREPANCIES, ERRORS, OMISSIONS, AND ANY QUESTIONS REGARDING THE INTENT OF THE PLANS, SPECIFICATIONS, OR CONTRACT DOCUMENTS SHALL BE REFERRED TO THE GENERAL CONTRACTOR FOR CLARIFICATION.
3. CONTRACTORS OR SUBCONTRACTORS SHALL VERIFY ALL DIMENSIONS OR CLEARANCES AND SHALL BE RESPONSIBLE FOR THE VERIFICATION THEREOF TO INSURE COMPLIANCE WITH THE DRAWINGS, SPECIFICATIONS, AND PERTINENT CODES. DIMENSIONS OF ANY EXISTING CONDITIONS MUST BE VERIFIED AT THE JOB SITE AND ANY DISCREPANCIES REPORTED TO THE GENERAL CONTRACTOR.
4. CONTRACTORS OR SUBCONTRACTORS SHALL IMMEDIATELY NOTIFY THE GENERAL CONTRACTOR'S PROJECT MANAGERS / JOB SITE SUPERVISOR IF FOR ANY REASON THEY CANNOT COMPLY WITH ANY FACET OF THE DRAWINGS, DOCUMENTS, DESIGN INTENT, OR SCHEDULING.
5. ALL WORK AND MATERIAL LISTED OR IMPLIED IN THESE DRAWINGS SHALL BE SUPPLIED AND INSTALLED BY THE CONTRACTORS OR SUBCONTRACTORS RESPONSIBLE. ANY WORK ADVERSELY AFFECTING ANOTHER TRADE SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE GENERAL CONTRACTOR.
6. CONTRACTORS OR SUBCONTRACTORS SHALL DISPOSE OF CONSTRUCTION DEBRIS IN A TIMELY MANNER IN THE DUMPSTER PROVIDED BY THE GENERAL CONTRACTOR. EVERY EFFORT SHALL BE MADE TO MAINTAIN A CLEAN JOB SITE.
7. CONTRACTORS OR SUBCONTRACTORS SHALL TAKE NOTE THAT ANY COST CAUSED BY INFERIOR WORKMANSHIP OR MATERIALS, IMPROPER SCHEDULING OR DELINQUENT ORDERING, SHALL BE BORNE BY THE PARTY RESPONSIBLE.
8. DURING CONSTRUCTION, CONTRACTORS OR SUBCONTRACTORS WILL BE RESPONSIBLE FOR REPAIRING ANY DAMAGE RESULTING FROM THEIR CONSTRUCTION ACTIVITIES. ANY CUTTING OR PATCHING OF ANY EXISTING FINISHED WORK SHALL MATCH ADJOINING SURFACES.
9. SAFETY FIRST! CONTRACTORS OR SUBCONTRACTORS SHALL FURNISH ANY EQUIPMENT OR SUPPLIES NECESSARY TO PERFORM THEIR WORK IN A MANNER THAT SHALL MEET OR EXCEED OSHA REQUIREMENTS.
10. CONTRACTORS OR SUBCONTRACTORS SHALL PROVIDE ANY TEMPORARY BARRIERS, LIGHTING, COVERINGS, FIRE PROTECTION, AND ANY OTHER EQUIPMENT TO PROTECT THE SAFETY OF ALL PERSONS AND PROPERTY THROUGHOUT THE ENTIRE PERIOD OF THEIR PORTION OF THE CONSTRUCTION CONTRACT FOR ANY AREA PERTINENT TO THE SUBCONTRACTORS SCOPE OF WORK. SUBCONTRACTORS SHALL COORDINATE WITH THE GENERAL CONTRACTOR FOR ANY EQUIPMENT, PROTECTION, ETC., THAT MUST REMAIN IN PLACE AFTER COMPLETION OF THE SUBCONTRACTORS PORTION OF WORK.

BUILDING CODE ANALYSIS:

ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH ALL APPLICABLE LOCAL, COUNTY, STATE OR FEDERAL LAW AND APPLICABLE CONSTRUCTION CODES AS CURRENTLY RECOGNIZED BY THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS.

CONTRACTOR NOTES:

1. ALL EXTERIOR WALLS SHALL BE 2 x 4.
2. ALL INTERIOR WALLS SHALL BE 2 x 4 U.N.O.
3. ALL FINISHED WALLS SHALL BE FIELD VERIFIED PRIOR TO ANY CUSTOM CABINETS.
4. ALL DIMENSIONS TO BE VERIFIED AT JOBSITE.
5. SLIGHT ADJUSTMENT IN WALL LOCATIONS UP TO 1" SHALL BE MADE IN ORDER TO GET PLUMBING IN WALLS, SO LONG AS IT DOES NOT AFFECT THE FUNCTION OF FLOOR OR ROOF TRUSSES. THIS DOES NOT RELIEVE THE PLUMBER OF LIABILITY IF NOT DONE.
6. UNDER NO CIRCUMSTANCES SHALL ANY DIMENSIONS BE SCALED FROM THESE DRAWINGS. ANY CRITICAL DIMENSIONS NOT GIVEN SHALL BE BROUGHT TO THE ATTENTION OF THE BUILDER PRIOR TO CONSTRUCTION.
7. DOOR AND WINDOW ROUGH OPENINGS SHALL BE SUCH THAT OUTSIDE EDGES OF ADJACENT DOOR, WINDOW, AND TRANSOM TRIM IS ALIGNED U.N.O.
8. WINDOW SIZES GIVEN ARE APPROXIMATE UNIT SIZES. VERIFY ACTUAL SIZES AND ROUGH OPENINGS WITH MANUFACTURER.
9. FRAME ALL DOORS 3" FROM CORNERS WHERE POSSIBLE.

Layout Page Table

Label	Title	Description	Comments
A-1	COVER SHEET		
A-2	SITE PLAN / ROOF PLAN		
A-3	FRONT AND REAR ELEVATIONS		
A-4	LEFT AND RIGHT ELEVATIONS		
A-5	FLOOR PLAN W/ DIMENSIONS		
A-6	DOOR & WINDOW SCHEDULE		
A-7	ELECTRICAL PLAN		

PLANS FOR:
BARRON RESIDENCE
SCOTT AND SHEYANN BARRON
704 PARKS AVENUE
ROCKWALL, TEXAS 75087

TITLE:
COVER SHEET

SHANNON NEMSON
MARK NEMSON
GADAZIGN
ROYSE CITY, TEXAS 75189
469-336-4863
DRAWN BY:

DATE:
1/25/2021

SCALE:
AS SHOWN

SHEET:

A-1

Adjacent Housing Attributes

Address	Housing Type	Year Built	House SF	Accessory Building SF	Exterior Materials
601 Parks Avenue	Single-Family Home	1929	2,264	N/A	Brick
602 Parks Avenue	Single-Family Home	1940	2,192	360	Siding
604 Parks Avenue	Single-Family Home	1955	1,873	480	Brick
605 Parks Avenue	Single-Family Home	1948	1,759	400	Siding
606 Parks Avenue	Single-Family Home	1990	1,468	100	Siding
610 Parks Avenue	Single-Family Home	2020	2,727	N/A	Siding
701 Parks Avenue	Single-Family Home	1980	1,269	240	Brick
702 Parks Avenue	Single-Family Home	2020	3,636	N/A	Siding
703 Parks Avenue	Single-Family Home	1990	960	240	Siding
704 Parks Avenue	RCAD Indicates Vacant Subject Property				
706 Parks Avenue	Single-Family Home	1981	1,087	100	Brick
707 Parks Avenue	Single-Family Home	1995	946	255	Siding
708 Parks Avenue	Single-Family Home	1985	1,361	120	Brick
709 Parks Avenue	Single-Family Home	1992	1,081	160	Siding
711 Parks Avenue	Single-Family Home	1975	1,164	100	Siding
712 Parks Avenue	Single-Family Home	1961	1,120	N/A	Brick
714 Parks Avenue	Single-Family Home	1981	1,361	N/A	Brick
Averages:		1978	1,642	240	



601 Parks Avenue



602 Parks Avenue



604 Parks Avenue



605 Parks Avenue



606 Parks Avenue



610 Parks Avenue



701 Parks Avenue



702 Parks Avenue



703 Parks Avenue



706 Parks Avenue



707 Parks Avenue



708 Parks Avenue



709 Parks Avenue



711 Parks Avenue



712 Parks Avenue



714 Parks Avenue

CITY OF ROCKWALL

ORDINANCE NO. 21-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 RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.16-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 9, BLOCK D, FOREE ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request from Michael Morgan for the approval of a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* to allow the construction of a single-family home on a 0.16-acre parcel of land being described as Lot 9, Block D, Foree Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 704 Parks Avenue, 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 in 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 (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 *Residential Plot Plan* 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 7TH DAY OF JUNE, 2021.

Kevin Fowler, *Mayor*

ATTEST:

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: May 17, 2021

2nd Reading: June 7, 2021

Exhibit 'A'
Location Map and Survey

Address: 704 Parks Avenue

Legal Description: Lot 9, Block D, Foree Addition

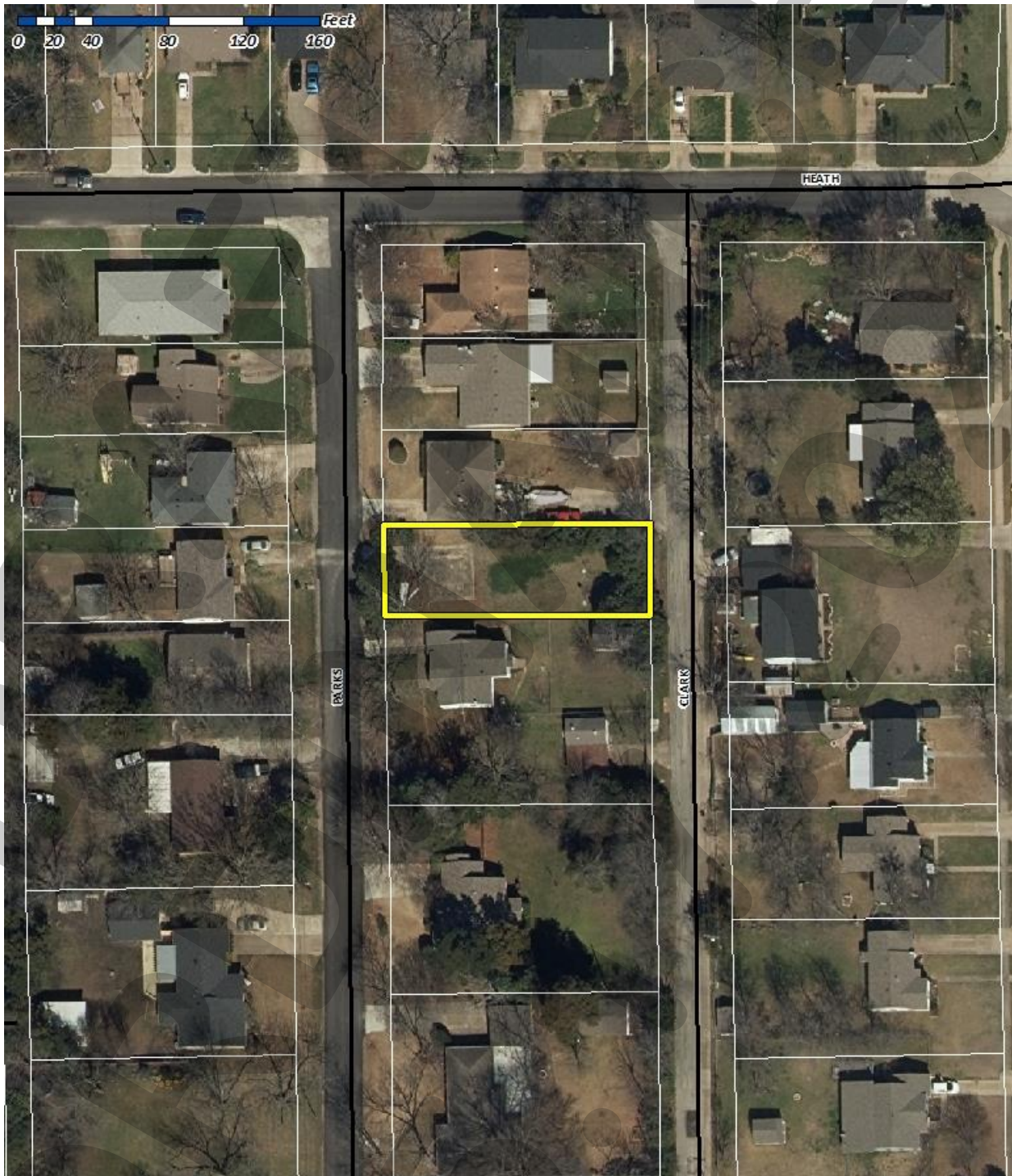


Exhibit 'B':
Residential Plot Plan
 S 0° 01' 04" 50.00'

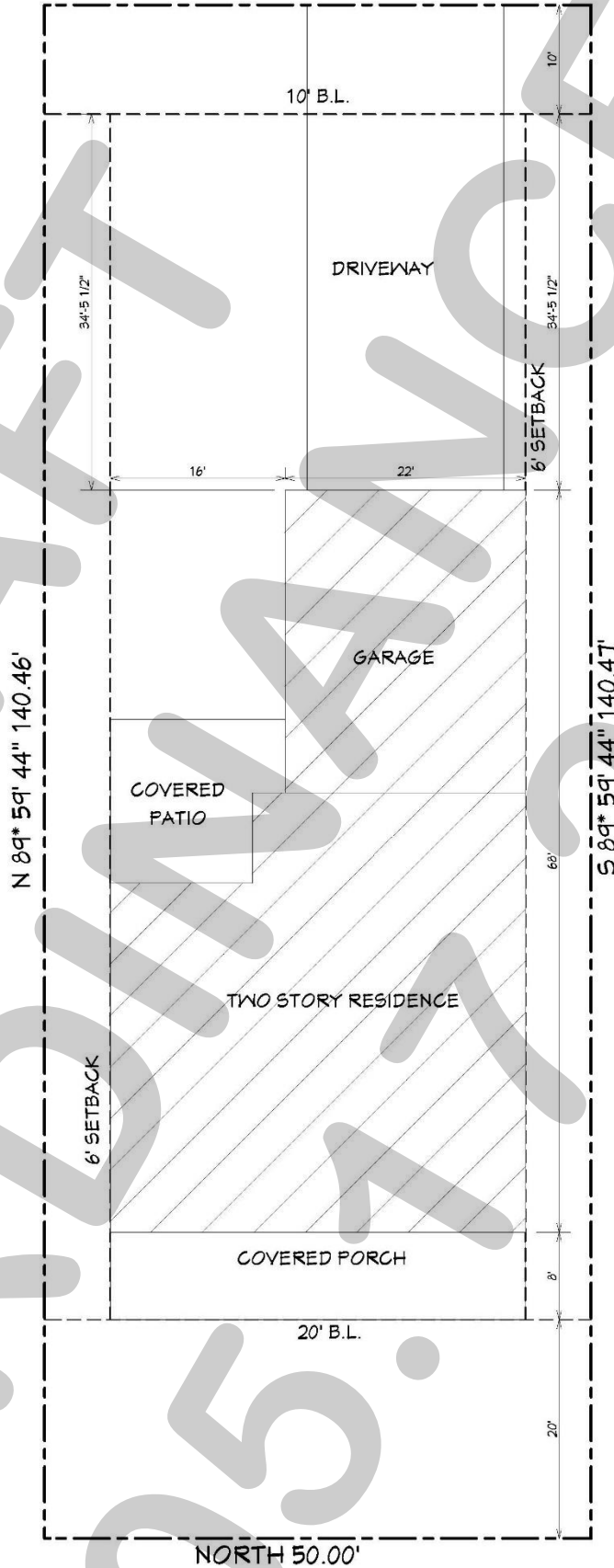


Exhibit 'C':
Building Elevations



PANTED HORIZONTAL SIDING

1 FRONT ELEVATION
SCALE: 1/4"=1'



COMPOSITION ROOF

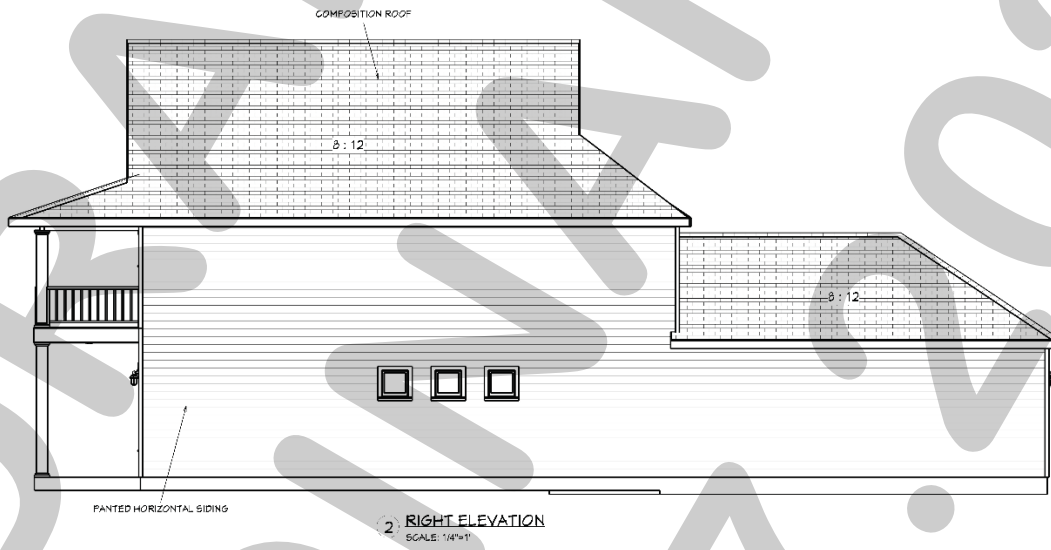
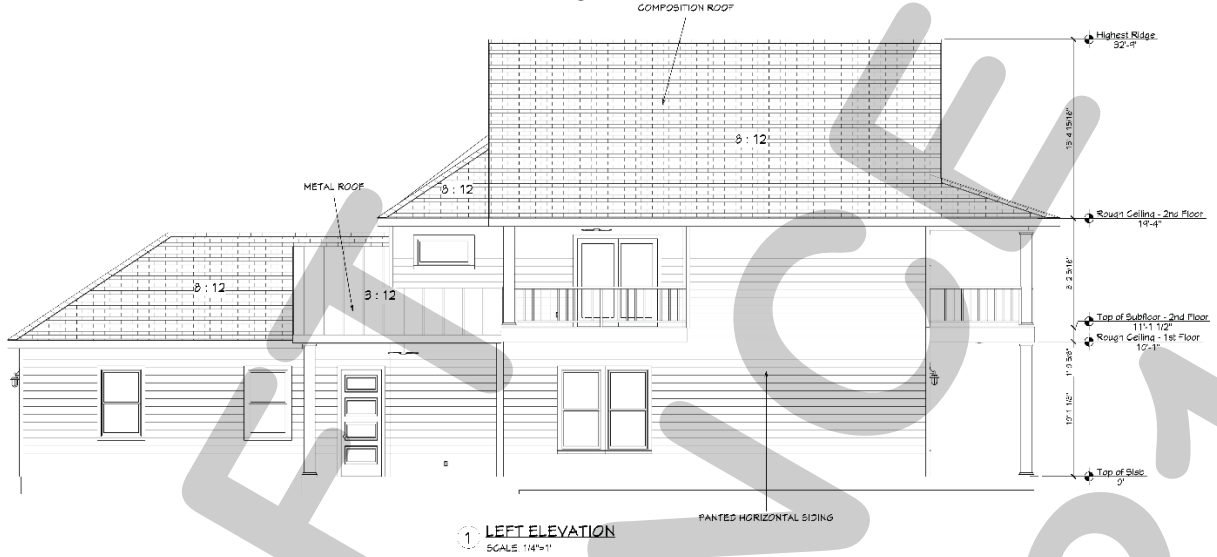
8 : 12

PANTED HORIZONTAL SIDING

8 : 12

2 REAR ELEVATION
SCALE: 1/4"=1'

**Exhibit 'C':
Building Elevations**





MEMORANDUM

TO: Mary Smith, Interim City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: May 17, 2021

SUBJECT: Z2021-010; SPECIFIC USE PERMIT FOR AN ACCESSORY BUILDING AT 1748 LAKE BREEZE DRIVE

Attachments

Case Memo
Development Application
Location Map
HOA Notification Map
Neighborhood Notification Email
Property Owner Notification Map
Property Owner Notification List
Property Owner Notifications
Site Plan
Building Elevations
Applicants Photos
Approved Building Permit
Pictures and Measurements from the Building Inspections Department
Approved SUP Ordinance (S-231)
City Council Packet from August 17, 2020
Planning and Zoning Commission Meeting Minutes from August 11, 2020
City Council Minutes from August 17, 2020
City Council Minutes from September 8, 2020
Draft Ordinance

Summary/Background Information

Hold a public hearing to discuss and consider a request by Mark Klecha for the approval of an ordinance for a *Specific Use Permit (SUP)* superseding *Ordinance No. 20-34* and allowing an accessory building that does not conform to S-231 [*Ordinance No. 20-34*] on a 0.2297-acre parcel of land identified as Lot 6, Block O, Hillcrest Shores Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 11 (PD-11) for Single-Family 10 (SF-10) District land uses, addressed as 1748 Lake Breeze Drive, and take any action necessary (1st Reading).

Action Needed

The City Council is being asked to approve, approve with condition, deny the proposed Specific Use Permit (SUP). The City Council also has the ability to deny and direct staff to revoke S-231.



CITY OF ROCKWALL

CITY COUNCIL CASE MEMO

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

TO: Mayor and City Council
DATE: May 17, 2021
APPLICANT: Mark Klecha
CASE NUMBER: Z2021-010; *Specific Use Permit for an Accessory Building at 1748 Lake Breeze Drive*

SUMMARY

Hold a public hearing to discuss and consider a request by Mark Klecha for the approval of a Specific Use Permit (SUP) superseding *Ordinance No. 20-34* and allowing an accessory building that does not conform to S-231 [*Ordinance No. 20-34*] on a 0.2297-acre parcel of land identified as Lot 6, Block O, Hillcrest Shores Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 11 (PD-11) for Single-Family 10 (SF-10) District land uses, addressed as 1748 Lake Breeze Drive, and take any action necessary.

BACKGROUND

The subject property was originally annexed into the City of Rockwall on February 6, 1961 by *Ordinance No. 61-02*. According to the City's historic zoning maps the subject property was zoned Multi-Family 1 (MF-1) District as of January 3, 1972. By May 16, 1983, this designation had changed to Planned Development District 11 (PD-11) [*Ordinance No. 80-13*] for Single-Family 2 (SF-2) District land uses. On June 7, 1993, *Ordinance No. 93-11* changed the designation of the subject property within Planned Development District 11 (PD-11) to an area designated for Single-Family 10 (SF-10) District land uses [*Case No. PZ1993-020-01*]. The subject property was platted as Lot 6, Block O, Hillcrest Shores Addition on August 12, 1993 by *Case No. PZ1993-030-01*. According to the Rockwall Central Appraisal District (RCAD), situated on the subject property is a 2,649 SF single-family home that was constructed in 1995.

On July 16, 2020, the applicant -- *Mark Klecha* -- submitted an application requesting a Specific Use Permit (SUP) [*Case No. Z2020-030*] for an accessory building that was to exceed the maximum permissible size for an accessory structure. This application was required by the Building Inspections Department after the applicant began constructing a fence, concrete slab and retaining wall without receiving the proper building permits. Staff should note that the applicant did request the building permits [*i.e. BLD2020-0824, BLD2020-0951, BLD2020-0952, and RES2020-1870*], but commenced construction prior to being issued the approved building permits. The proposed accessory building was approved by the City Council on September 8, 2020 [*i.e. Ordinance No. 20-34, SUP No. S-231*] and allowed the construction of an accessory building that exceeded the maximum permissible size by 215 SF. As part of this approval, the applicant agreed to adhere to the following operational conditions, which were approved by the City Council and incorporated into the Specific Use Permit (SUP) ordinance: [1] the accessory building was to conform to the conceptual building elevations, [2] the accessory building was to be a maximum size of 360 SF, and [3] the applicant would only be permitted to have one (1) accessory building on the property. In addition, the applicant also agreed to: [1] remove existing accessory structure on the subject property, and [2] provide a letter from a structure engineer certifying that the recently built retaining wall was built to hold the weight of the accessory building, and that the retaining wall posed no structural risk to the existing three (3) foot retaining wall on the adjacent property. Staff should note that Mr. Klecha did remove the accessory building and provide the requested engineers letter.

Following the approval of the Specific Use Permit (SUP), the applicant was issued a building permit [*i.e. Permit No. RES2020-1870*] on October 26, 2020. The approved building permit (*provided in the attached packet*) specifically stated the applicable construction codes required to build the accessory building, minimum separation from other structures, maximum height for accessory buildings, and the minimum setbacks required for the construction of the accessory building. Additionally, the building permit included a statement that stated that the "... building is to be built per approved plans from the Planning & Zoning Commission & City Council ...", and included a copy of the approved site plan and building elevations for reference. These were the same plans that were provided by Mr. Klecha, and that were incorporated into the Specific Use Permit (SUP)



CITY OF ROCKWALL

CITY COUNCIL CASE MEMO

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

TO: Mayor and City Council
DATE: May 17, 2021
APPLICANT: Mark Klecha
CASE NUMBER: Z2021-010; *Specific Use Permit for an Accessory Building at 1748 Lake Breeze Drive*

SUMMARY

Hold a public hearing to discuss and consider a request by Mark Klecha for the approval of a Specific Use Permit (SUP) superseding *Ordinance No. 20-34* and allowing an accessory building that does not conform to S-231 [*Ordinance No. 20-34*] on a 0.2297-acre parcel of land identified as Lot 6, Block O, Hillcrest Shores Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 11 (PD-11) for Single-Family 10 (SF-10) District land uses, addressed as 1748 Lake Breeze Drive, and take any action necessary.

BACKGROUND

The subject property was originally annexed into the City of Rockwall on February 6, 1961 by *Ordinance No. 61-02*. According to the City's historic zoning maps the subject property was zoned Multi-Family 1 (MF-1) District as of January 3, 1972. By May 16, 1983, this designation had changed to Planned Development District 11 (PD-11) [*Ordinance No. 80-13*] for Single-Family 2 (SF-2) District land uses. On June 7, 1993, *Ordinance No. 93-11* changed the designation of the subject property within Planned Development District 11 (PD-11) to an area designated for Single-Family 10 (SF-10) District land uses [*Case No. PZ1993-020-01*]. The subject property was platted as Lot 6, Block O, Hillcrest Shores Addition on August 12, 1993 by *Case No. PZ1993-030-01*. According to the Rockwall Central Appraisal District (RCAD), situated on the subject property is a 2,649 SF single-family home that was constructed in 1995.

On July 16, 2020, the applicant -- *Mark Klecha* -- submitted an application requesting a Specific Use Permit (SUP) [*Case No. Z2020-030*] for an accessory building that was to exceed the maximum permissible size for an accessory structure. This application was required by the Building Inspections Department after the applicant began constructing a fence, concrete slab and retaining wall without receiving the proper building permits. Staff should note that the applicant did request the building permits [*i.e. BLD2020-0824, BLD2020-0951, BLD2020-0952, and RES2020-1870*], but commenced construction prior to being issued the approved building permits. The proposed accessory building was approved by the City Council on September 8, 2020 [*i.e. Ordinance No. 20-34, SUP No. S-231*] and allowed the construction of an accessory building that exceeded the maximum permissible size by 215 SF. As part of this approval, the applicant agreed to adhere to the following operational conditions, which were approved by the City Council and incorporated into the Specific Use Permit (SUP) ordinance: [1] the accessory building was to conform to the conceptual building elevations, [2] the accessory building was to be a maximum size of 360 SF, and [3] the applicant would only be permitted to have one (1) accessory building on the property. In addition, the applicant also agreed to: [1] remove existing accessory structure on the subject property, and [2] provide a letter from a structure engineer certifying that the recently built retaining wall was built to hold the weight of the accessory building, and that the retaining wall posed no structural risk to the existing three (3) foot retaining wall on the adjacent property. Staff should note that Mr. Klecha did remove the accessory building and provide the requested engineers letter.

Following the approval of the Specific Use Permit (SUP), the applicant was issued a building permit [*i.e. Permit No. RES2020-1870*] on October 26, 2020. The approved building permit (*provided in the attached packet*) specifically stated the applicable construction codes required to build the accessory building, minimum separation from other structures, maximum height for accessory buildings, and the minimum setbacks required for the construction of the accessory building. Additionally, the building permit included a statement that stated that the "... building is to be built per approved plans from the Planning & Zoning Commission & City Council ...", and included a copy of the approved site plan and building elevations for reference. These were the same plans that were provided by Mr. Klecha, and that were incorporated into the Specific Use Permit (SUP)

ordinance [i.e. Ordinance No. 20-34]. A copy of the approved ordinance was also sent to Mr. Klecha with the approval letter from the Specific Use Permit (SUP) case.

Upon inspection of the accessory building by Building Inspection Department, it was noted that the accessory building was not built in compliance with the approved building permit or Specific Use Permit (SUP) ordinance. Specifically, the building inspector noted that the accessory building exceeded the maximum height requirements of 15-feet, a second floor had been incorporated into the structure increasing the square footage of the building, and the building elevations were different from the approved building elevations. In addition, Mr. Klecha had constructed a temporary accessory building on the east side of the property attached to the primary structure. Based on these improvements, the Building Inspector issued Mr. Klecha a *Stop Work Order*, referred him back to the Planning Department, and instructed him to file an application to amend his Specific Use Permit (SUP). Mr. Klecha was also told that he would have to remove the unpermitted accessory building on the east side of the subject property, which was completed prior to the Planning and Zoning Commission Work Session meeting on April 27, 2020.

PURPOSE

The property owner and applicant -- *Mark Klecha* -- is requesting the approval of a Specific Use Permit (SUP) that would [1] supersede *Ordinance No. 20-34* [i.e. *SUP No. S-231*] and [2] allow a two (2) story accessory building that exceeds the maximum permissible height and square footage stipulated by Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC).

ADJACENT LAND USES AND ACCESS

The subject property is addressed as 1748 Lake Breeze Drive. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property is an alleyway followed by the remainder of the Hillcrest Shores Subdivision, which consists of 67 single-family residential homes on 22.17-acres. Beyond this is Bayhill Drive, which is identified as a R2 (i.e. *residential, two [2] lane, roadway*) on the City's Master Thoroughfare Plan contained in the OURHometown 2040 Vision Comprehensive Plan. North of this roadway is the Hillcrest Shores, Phase 2 Subdivision, which consists of 113 single-family residential homes on 53.24-acres. All of these properties are zoned Planned Development District 11 (PD-11) for Single-Family 10 (SF-10) District land uses.

South: Directly south of the subject property is Lake Breeze Drive, which is identified as a R2 (i.e. *residential, two [2] lane, roadway*) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is the remainder of the Hillcrest Shores Subdivision. South of this is the Northshore, Phase 2B Subdivision, which consists of 76 single-family residential homes on 25.04-acres. This subdivision is zoned Single-Family 10 (SF-10) District.

East: Directly east of the subject property is the remainder of the Hillcrest Shores Subdivision followed by N. Lakeshore Drive, which is identified as a M4D (i.e. *major collector, four [4] lane, divided roadway*) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. This area is zoned Planned Development District 11 (PD-11) for Single Family 10 (SF-10) District land uses. Beyond this is the Preserve, Phase 2 Subdivision, which consists of 82 single-family residential lots on 33.02-acres. This property is zoned Planned Development District 41 (PD-41) for Single-Family 10 (SF-10) District land uses.

West: Directly west of the subject property is the remainder of the Hillcrest Shores Subdivision, which is zoned Planned Development District 11 (PD-11) for Single-Family 10 (SF-10) District. Beyond this is the *Lake Ray Hubbard Takeline* followed by the corporate limits of the City of Rockwall. Beyond this is Lake Ray Hubbard.

CHARACTERISTICS OF THE REQUEST

The applicant has submitted an application, letter, and updated drawings requesting to permit an existing 570 SF (i.e. 330 SF first floor and 240 SF second floor) accessory building. Per the drawings provided by the applicant (and the pictures taken by the Building Inspections Department) the accessory building has a pitched/shed roof, and stands a total of 16-feet, 6-inches in height. The exterior of the accessory building is clad in a composite siding (i.e. *smart siding*), and the roof is constructed with

a composite shingle similar to that of the primary structure. The proposed building is situated on the side of the property, adjacent to the western property line, behind an existing eight (8) foot board-on-board wood fence.

CONFORMANCE WITH THE CITY'S CODES

According to Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC), the Single-Family 10 (SF-10) District allows a total of two (2) accessory buildings each being 144 SF in size or one (1) accessory building at 144 SF in size and one (1) detached garage at 625 SF in size. In addition, accessory buildings are limited to a maximum height of 15-feet and a minimum setback of three (3) feet from the rear property line and six (6) feet from the side property line. In addition, accessory buildings are required to have a minimum of six (6) feet of separation from any other primary or accessory structure. This section of the code goes on to state, "(a)ccessory buildings and structures shall be architecturally compatible with the primary structure, and be situated behind the front façade of the primary structure ... [and] (a)ccessory buildings and structures not meeting the size requirements stipulated by this section shall require a Specific Use Permit (SUP)."

STAFF ANALYSIS

In this case, the applicant's request does not conform to the Specific Use Permit [*i.e.* Ordinance No. 20-34, SUP No. S-231] that was approved by the City Council on September 8, 2020, nor the building permit [*i.e.* Permit No. RES2020-1870] that was issued to Mr. Klecha. The applicant has exceeded the maximum height for an accessory structure by one (1)-foot, six (6)-inches (*i.e.* 16'6" Overall Height), has increased the allowable square footage by 210 SF (*i.e.* Total Square Footage = 570 SF), and has added a second floor to the accessory structure. It should be noted that according to Subsection 07.04(9), *Accessory Structure Development Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC), "(t)wo (2) story accessory buildings or structures shall be prohibited." Approval of this request would effectively revoke Ordinance No. 20-34 [*i.e.* SUP No. S-231] and establish operational conditions consistent with what was actually constructed by the applicant. With this being said, the approval of this Specific Use Permit (SUP) request is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission. Staff should note that the Planning and Zoning Commission and City Council have the ability to [1] approve the request, [2] deny the request (which would require the applicant to modify the building to conform to the current Specific Use Permit [SUP] ordinance), or [3] deny the request and direct staff to begin revocation of the existing Specific Use Permit (SUP) ordinance (which would require the applicant to remove the structure). Regardless of the Planning and Zoning Commission and City Council's action the applicant will need to modify the structure to remove the connection of the roofline to the fence, and to also conform to the International Building Code (IBC) -- *which it currently does not conform.*

NOTIFICATIONS

On April 27, 2021, staff mailed 96 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Hillcrest at the Shores and the Preserve Homeowner's Associations (HOA's), which are the only HOA/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 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) Two (2) property owner notifications from property owners within the notification area (*i.e.* within the 500-foot buffer) opposed to the applicant's request.
- (2) One (1) property owner notification from property owners within the notification area (*i.e.* within the 500-foot buffer) 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 to revoke Ordinance No. 20-34 and approve Specific Use Permit (SUP) for a two (2) story accessory building exceeds the maximum permissible size and height for accessory buildings, then staff would propose the following conditions of approval:

- (1) The applicant shall be responsible for maintaining compliance with the operational conditions contained in the SUP ordinance and which are detailed as follows:
 - (a) The *Accessory Building* shall generally conform to the concept plan and the conceptual building elevations depicted in *Exhibits 'B' & 'C'* of this ordinance.
 - (b) The *Accessory Building* shall not exceed a maximum size of 570 SF (i.e. 330 SF – 1st floor & 240 SF – 2nd floor).
 - (c) The *Accessory Building* shall not exceed a height of more than 16-feet, 6-inches.
 - (d) The *Accessory Building* shall not be used as a guest quarters/secondary living unit.
 - (e) The subject property shall not have more than one (1) accessory building.
- (2) The applicant will be required face the existing smooth face concrete retaining wall in rock or stone.
- (3) Any construction resulting from the approval of this Specific Use Permit (SUP) shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

PLANNING AND ZONING COMMISSION

On May 11, 2021, the Planning and Zoning Commission approved a motion to recommend denial of the applicants request to amend Specific Use Permit (SUP) No. S-231 [*Ordinance No. 20-34*] by a vote of 5-0, with Commissioners Moeller and Conway absent. The recommendation to deny the request effectively requires the applicant to conform to SUP No. S-231 [*Ordinance No. 20-34*], which will require the applicant to reduce the size and height of the accessory building complying with the approved building plans. According to *Subsection 02.03(G), Protest of Zoning Change, of Article 11, of the Unified Development Code (UDC)*, “if such change is recommended for denial by the Planning and Zoning Commission, such zoning change or Specific Use Permit (SUP) shall require a supermajority vote (i.e. a *three-fourths* vote of those members present), with a minimum of four (4) votes in the affirmative required for approval.”



DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING ZONING CASE NO. 22021-010

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

DIRECTOR OF PLANNING:

CITY ENGINEER:

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

PLATTING APPLICATION FEES:

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

SITE PLAN APPLICATION FEES:

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

ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE) ¹
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) ¹
- 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.

PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS 1748 LAKE BREEZE DR.

SUBDIVISION Hillcrest Shores

LOT 6 BLOCK 0

GENERAL LOCATION 1748 Lake Breeze

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING PD-11

CURRENT USE Residential

PROPOSED ZONING _____

PROPOSED USE Residential

ACREAGE 0.2297

LOTS [CURRENT]

LOTS [PROPOSED]

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

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

OWNER MARK KLECHA

APPLICANT SAME

CONTACT PERSON

CONTACT PERSON

ADDRESS 1748 LAKE BREEZE DR.

ADDRESS

CITY, STATE & ZIP Rockwall, TX 75087

CITY, STATE & ZIP

PHONE (402) 315-8387

PHONE

E-MAIL markklecha@hotmail.com

E-MAIL

NOTARY VERIFICATION [REQUIRED]

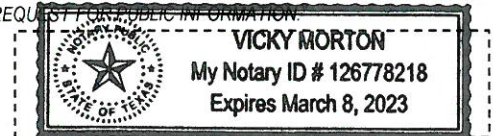
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED MARK KLECHA [OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:

"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ 100.00 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 16th DAY OF April, 20 21. BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

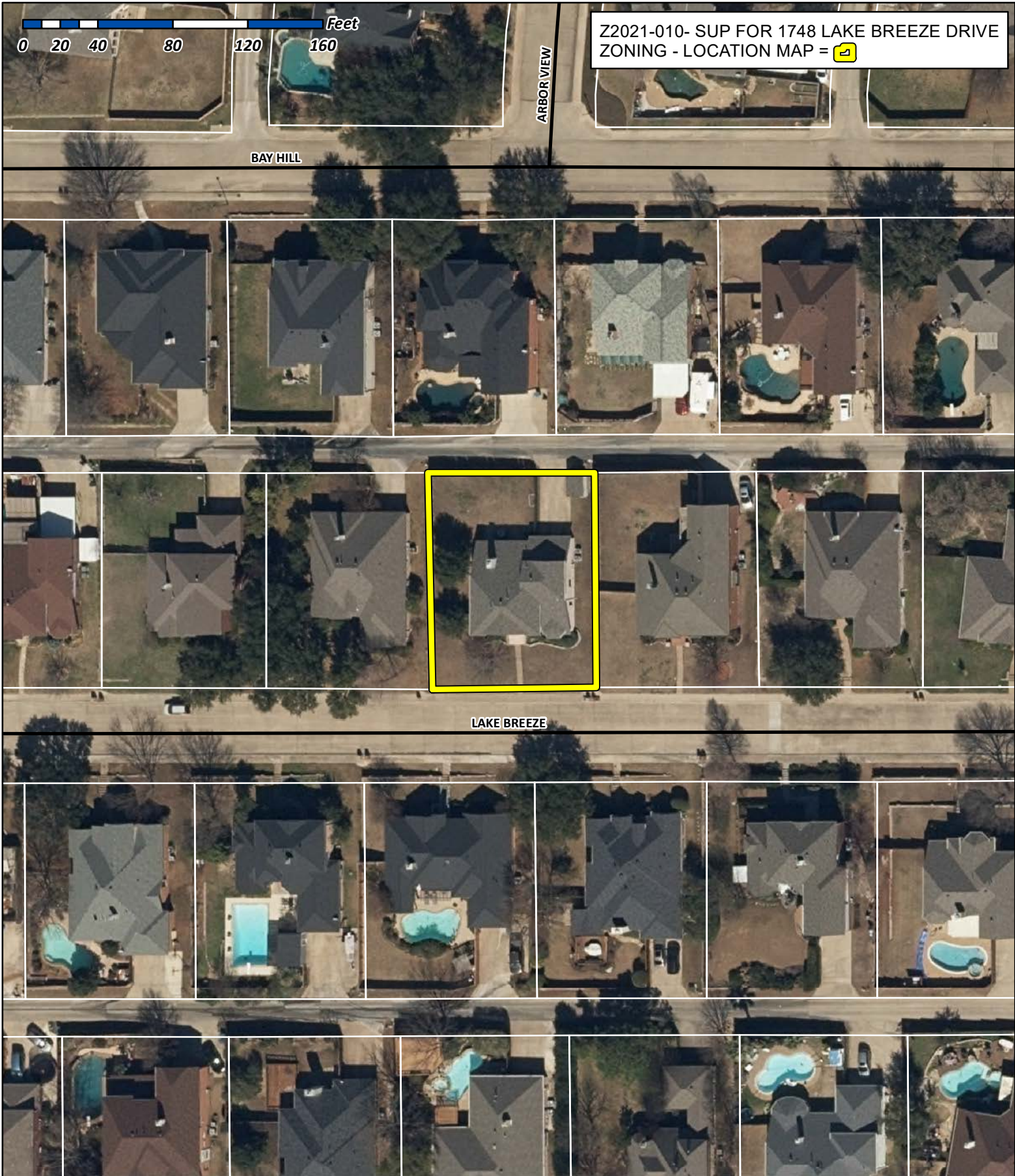
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 16 DAY OF April, 20 21

OWNER'S SIGNATURE Mark Klecha

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS Vicky Morton



MY COMMISSION EXPIRES March 8, 2023



Z2021-010- SUP FOR 1748 LAKE BREEZE DRIVE
ZONING - LOCATION MAP = [icon]

0 20 40 80 120 160 Feet

ARBOR VIEW

BAY HILL

LAKE BREEZE



City of Rockwall

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

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

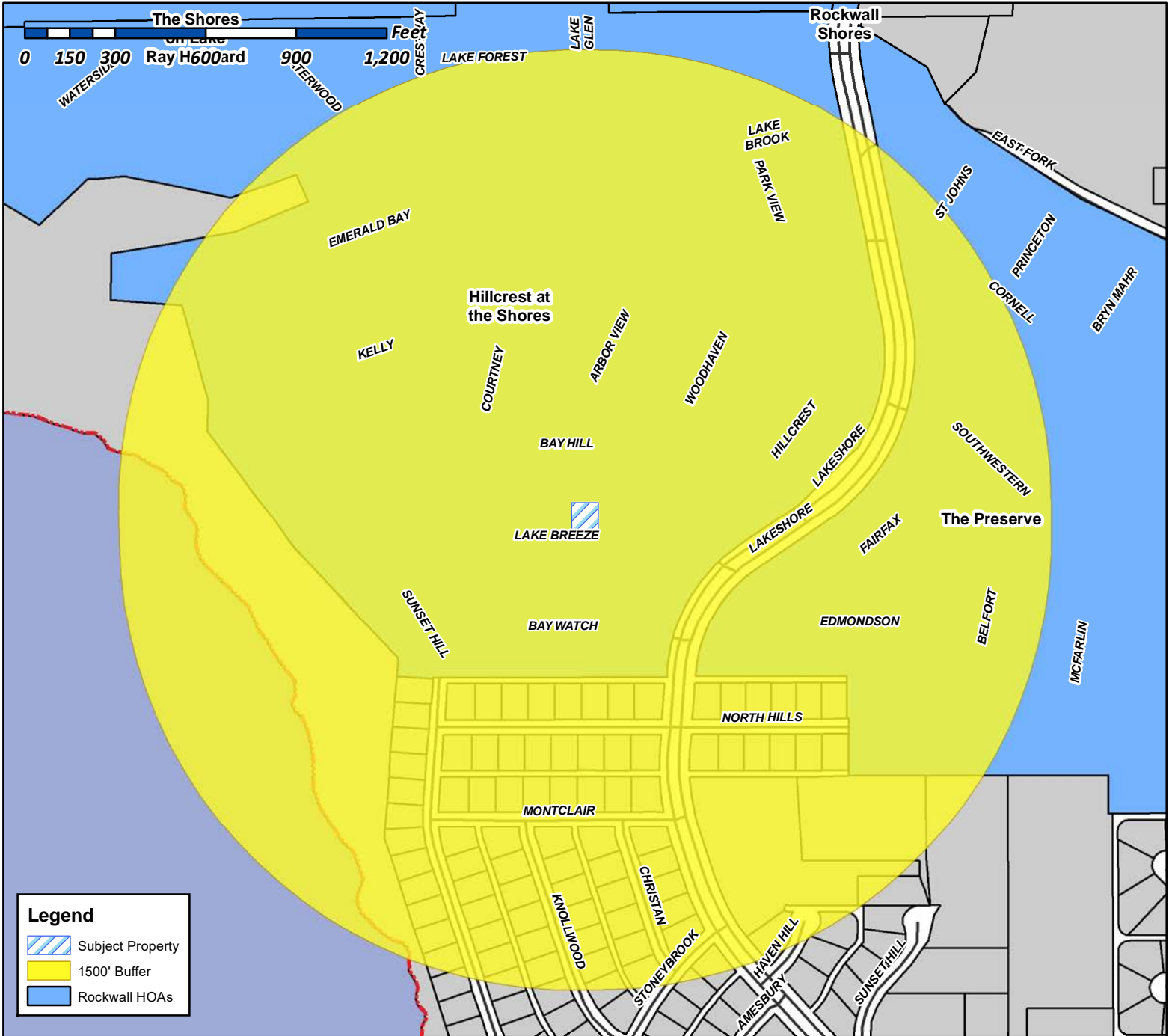




City of Rockwall

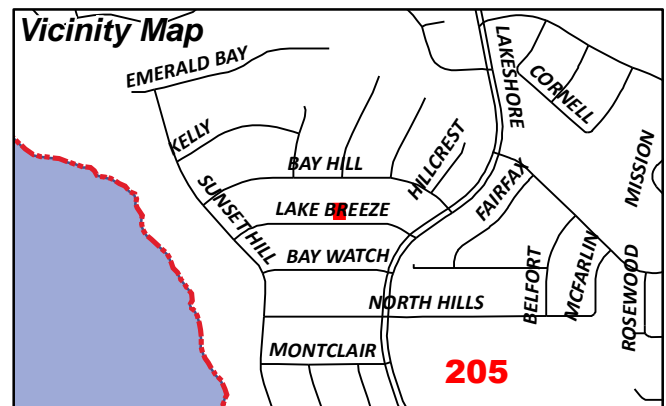
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
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Case Number: Z2021-010
Case Name: SUP for Accessory Structure
Case Type: Zoning
Zoning: Planned Development District 11 (PD-11)
Case Address: 1748 Lake Breeze Drive

Date Created: 4/16/2021
For Questions on this Case Call (972) 771-7745



Gonzales, David

From: Gamez, Angelica
Sent: Friday, April 23, 2021 3:34 PM
Cc: Miller, Ryan; Gonzales, David; Lee, Henry
Subject: Neighborhood Notification Program [Z2021-010]
Attachments: Public Notice (04.27.2021).pdf; HOA Map Z2021-010.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

HOA/Neighborhood Association Representative:

Per your participation in the *Neighborhood Notification Program*, you are receiving this notice to inform your organization that a zoning case has been filed with the City of Rockwall that is located within 1,500-feet of the boundaries of your neighborhood. As the contact listed for your organization, you are encouraged to share this information with the residents of your subdivision. Please find the attached map detailing the property requesting to be rezoned in relation to your subdivision boundaries. Additionally, below is the summary of the zoning case that will be published in the Rockwall Herald Banner on *April 23, 2021*. The Planning and Zoning Commission will hold a public hearing on *Tuesday, May 11, 2021 at 6:00 PM*, and the City Council will hold a public hearing on *Monday, May 17, 2021 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>.

Z2021-010 SUP for Accessory Structure

Hold a public hearing to discuss and consider a request by Mark Klecha for the approval of a *Specific Use Permit (SUP)* superseding *Ordinance No. 20-34* and allowing an accessory building that does not conform to *S-231 [Ordinance No. 20-34]* on a 0.2297-acre parcel of land identified as Lot 6, Block O, Hillcrest Shores Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 11 (PD-11) for Single-Family 10 (SF-10) District land uses, addressed as 1748 Lake Breeze Drive, and take any action necessary.

Thank you,

Angelica Gamez

Planning & Zoning Coordinator

City of Rockwall

972.771.7745 Office

972.772.6438 Direct

<http://www.rockwall.com/planning/>



City of Rockwall

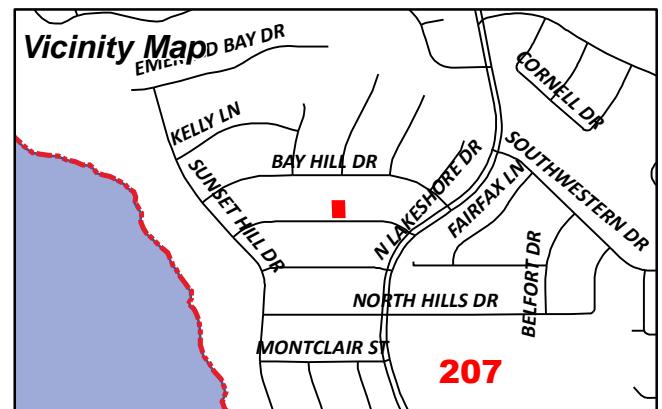
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Case Number: Z2021-010
Case Name: SUP for Accessory Structure
Case Type: Zoning
Zoning: Planned Development District 11 (PD-11)
Case Address: 1748 Lake Breeze Drive

Date Created: 4/16/2021
For Questions on this Case Call (972) 771-7745





= RESPONSE RECEIVED

MATHIAS ERIC J & ROBIN A
1011 HILLCREST CIR
ROCKWALL, TX 75087

ANDERSON SALLY LESIL & STEVE
1017 COURTNEY CIRCLE
ROCKWALL, TX 75087

BAUCHMAN NANCY
1019 WOODHAVEN CIR
ROCKWALL, TX 75087

DORN KEITH
1020 ARBOR VIEW PL
ROCKWALL, TX 75087

SANDMAN DAVID & VALERIE
1020 COURTNEY CIR
ROCKWALL, TX 75087

HAUER MELVIN C & VIRGINIA L
1020 WOODHAVEN CIRCLE
ROCKWALL, TX 75087

LOGAN WINFRED BART & TRACEY
1021 ARBOR VIEW PL
ROCKWALL, TX 75087

MAURHOFF MARGARET L AND
MICHAEL J VEREB
1025 COURTNEY CIRCLE
ROCKWALL, TX 75087

WEBER MATTHEW J AND THERESA M
1027 ARBOR VIEW PL
ROCKWALL, TX 75087

HOVERMAN BRYAN AND KELLIE
1029 WOODHAVEN CIRCLE
ROCKWALL, TX 75087

BENAVIDES RAPHAEL G & MARY A
1030 ARBOR VIEW PL
ROCKWALL, TX 75087

MULLINAX STEVE WAYNE & DEBBIE S
1030 COURTNEY CIR
ROCKWALL, TX 75087

CORRIGAN DERRICK & STEFANIE
1030 WOODHAVEN CIRCLE
ROCKWALL, TX 75087

ABRAMSKY SAMUEL & CHRISTI
1033 ARBOR VIEW PL
ROCKWALL, TX 75087

FLEMING ERIC AND DEIDRE
1033 COURTNEY CIR
ROCKWALL, TX 75087

WARD PATRICK C
1037 WOODHAVEN CIRCLE
ROCKWALL, TX 75087

BEATY SUSAN J
1038 COURTNEY CR
ROCKWALL, TX 75087

MATSUMOTO SHINTARO
C/O OPEN HOUSE CO., LTD
1039 ARBOR VIEW PL
ROCKWALL, TX 75087

MAY RICHARD A & LISA A
1040 ARBOR VIEW PL
ROCKWALL, TX 75087

SMETANA JOSEPH JR & ANGEL P
1046 COURTNEY CIR
ROCKWALL, TX 75087

RESTER J TREVER & MICHELLE
1047 ARBOR VIEW PL
ROCKWALL, TX 75087

PETTIT PAUL & PAMELA
1048 ARBOR VIEW PL
ROCKWALL, TX 75087

WRIGHT LARRY G & JENNIFER
1054 COURTNEY CIRCLE
ROCKWALL, TX 75087

MATHIAS ERIC J & ROBIN A
1514 MALLARD HVN
SAN ANTONIO, TX 78260

LAGRANGE DONALD AND AMY C
1596 EDMONDSON TRAIL
ROCKWALL, TX 75087

JONES LALANII
1597 EDMONDSON TRAIL
ROCKWALL, TX 75087

LAZY DALE PARTNERS LP
1602 NORTH HILLSDR
ROCKWALL, TX 75087

KLUTTS BEN A JR & JULIE C
1604 N HILLS DR
ROCKWALL, TX 75087

WATSON MATTHEW W & JAMIE D
1606 NORTH HILLS DRIVE
ROCKWALL, TX 75087

CONNALLY DAVID & VICKIE
1608 N HILLS DR
ROCKWALL, TX 75087

CONFIDENTIAL
1610 NORTH HILLS DRIVE
ROCKWALL, TX 75087

JOHNSON CLARENCE R & CASANDRA L
1704 BAY WATCH DR
ROCKWALL, TX 75087

SIMS DAVID E AND ANITA L
1704 LAKE BREEZE DR
ROCKWALL, TX 75087

LYNCH CHRISTOPHER J
1705 BAY WATCH DRIVE
ROCKWALL, TX 75087

RYAN JEFFREY & DARLA
1705 BAYHILL DR
ROCKWALL, TX 75087

CONFIDENTIAL
1707 LAKE BREEZE DRIVE
ROCKWALL, TX 75087

PAULSEN LOGAN & BRANDI A
1712 BAY WATCH DRIVE
ROCKWALL, TX 75087

VAUGHN STEPHEN MICHAEL
1712 LAKE BREEZE DR
ROCKWALL, TX 75087

WHITAKER MARTIN & DORIS
1715 BAY WATCH DR
ROCKWALL, TX 75087

REPMAN MARK &
MICHELLE BASTIDAS
1715 BAYHILL DR
ROCKWALL, TX 75087

TAYLOR MICHAEL JOSEPH JR AND HEATHER L
1717 LAKE BREEZE DRIVE
ROCKWALL, TX 75087

PEDDIE STACIE
1720 LAKE BREEZE DRIVE
ROCKWALL, TX 75087

KEETON KENNETH W & REBECCA
1722 BAY WATCH DR
ROCKWALL, TX 75087

HIETBRINK BERNARD D & MELISSA L
1725 BAY WATCH DR
ROCKWALL, TX 75087

VILLARREAL GLORIA M & JOSE C
1727 BAY HILL DR
ROCKWALL, TX 75087

KETON JAMES H & JEANNETTE S
1727 LAKE BREEZE DR
ROCKWALL, TX 75087

HIGGINS BRADLEY STEPHEN AND
AMANDA JO BURT HIGGINS
1730 LAKE BREEZE DR
ROCKWALL, TX 75087

BREEN ROBERT AND LAURA
1732 BAY WATCH DR
ROCKWALL, TX 75087

WHALIN GREGORY L & TERRI B
1733 BAY WATCH DR
ROCKWALL, TX 75087

LOCKWOOD CHARLES DOUGLAS
1737 BAYHILL DR
ROCKWALL, TX 75087

BOWEN RONALD L & DEANNA K
1737 LAKE BREEZE DR
ROCKWALL, TX 75087

BYROM JOHNNY R & LYNETTE
1738 LAKE BREEZE DR
ROCKWALL, TX 75087

TUBBS LAJUAN C
1740 BAY WATCH DR
ROCKWALL, TX 75087

LANZONE FAMILY LIVING TRUST
CHRIS A LANZONE AND DIANE M LANZONE-
TRUSTEES
1741 BAY WATCH DRIVE
ROCKWALL, TX 75087

GEHRING CAROLYN S
1745 LAKE BREEZE DR
ROCKWALL, TX 75087

PHILLIPS JACOB AND CAREEN NAKHLEH
1747 BAYHILL DRIVE
ROCKWALL, TX 75087

HARRINGTON VIOLET A
1748 BAYWATCH DR
ROCKWALL, TX 75087

KLECHA MARK AND ANGELA
1748 LAKE BREEZE DR
ROCKWALL, TX 75087

AKARD ARTHUR F & DANA D
1751 BAY WATCH DR
ROCKWALL, TX 75087

THOMPSON RONALD G & CAROLYN E
1755 BAYHILL DR
ROCKWALL, TX 75087

BARKER MARK A
1755 LAKE BREEZE DR
ROCKWALL, TX 75087

BOONE WILLIAM R JR & KYOKO N
1756 LAKE BREEZE DR
ROCKWALL, TX 75087

OH SINEUI
1758 BAY WATCHDR
ROCKWALL, TX 75087

WITTIG MILTON G & CYNTHIA J
1759 BAY WATCH DR
ROCKWALL, TX 75087

LOWNDES ROBERT
1763 BAYHILL DR
ROCKWALL, TX 75087

LONDON REV TR
1763 LAKE BREEZE DR
ROCKWALL, TX 75087

AMERICAN HOMES 4 RENT PROPERTIES TWO
LLC
1764 LAKE BREEZE DR
ROCKWALL, TX 75087

RAY WILLIAM JACKSON AND DAWN MARIE
1766 BAY WATCH DRIVE
ROCKWALL, TX 75087

JACOBSON BRUCE ALLEN & MARGARET
1769 BAY WATCH DR
ROCKWALL, TX 75087

SMITH JAMES & JULIE
1773 BAYHILL DR
ROCKWALL, TX 75087

MEYN RICHARD B & CATHERINE
MEYN FAMILY TRUST
1773 LAKE BREEZE DR
ROCKWALL, TX 75087

HAMILTON DOUGLAS C & JANET K
1774 BAY WATCH DR
ROCKWALL, TX 75087

GUZMAN PATRICIA MARGARITA & THANH
NGUYEN HOANG
1774 LAKE BREEZE DRIVE
ROCKWALL, TX 75087

MOORE KERMIT T & GWENDOLYN R
1781 BAYHILL DR
ROCKWALL, TX 75087

PERALES LIVING TRUST
1781 LAKE BREEZE DRIVE
ROCKWALL, TX 75087

HOLCOMB RICHARD & KATHY
1782 LAKE BREEZE DR
ROCKWALL, TX 75087

CUTLER ELDON GEORGE & THALIA LONE
1790 LAKE BREEZE DR
ROCKWALL, TX 75087

BARBER TRUMAN JOSEPH & BARBARA
1791 BAYHILL DR
ROCKWALL, TX 75087

KING DOROTHY
1793 LAKE BREEZE DRIVE
ROCKWALL, TX 75087

DAVENPORT JAMES & MARYBETH
1798 LAKE BREEZE DR
ROCKWALL, TX 75087

VESTAL JEANETTE & ALSON
1799 BAYHILL DR
ROCKWALL, TX 75087

Daniel R. Tapia
CRETI DANIEL AND MARTHA TRUST
1803 LAKE BREEZE DR
ROCKWALL, TX 75087

TOM MANLEY PROPERTIES INC
1807 BAY HILL DR
ROCKWALL, TX 75087

DAVIS JIMMY GOLAN AND TATIANA
KAPOUSTINA-DAVIS
1817 BAYHILL DRIVE
ROCKWALL, TX 75087

ARAKI YU
1822 BAY HILL DR
ROCKWALL, TX 75087

KHABAZ ALLEN BLEEDO
1827 BAYHILL DR
ROCKWALL, TX 75087

LAZY DALE PARTNERS LP
202 N SAN JACINTO ST
ROCKWALL, TX 75087

AMERICAN HOMES 4 RENT PROPERTIES TWO
LLC
30601 AGOURA ROAD SUITE 200
AGOURA HILLS, CA 91301

CUTLER ELDON GEORGE & THALIA LONE
40161 E 179TH STREET
KINGSVILLE, MO 64061

VILLARREAL GLORIA M & JOSE C
4914 W 106TH ST
OAK LAWN, IL 60453

OH SINEUI
5050 QUORUM DRIVE SUITE 610
DALLAS, TX 75254

MATSUMOTO SHINTARO
C/O OPEN HOUSE CO., LTD
5050 QUORUM DRIVE SUITE 610
DALLAS, TX 75254

ARAKI YU
5050 QUORUM DRIVE SUITE 610
DALLAS, TX 75254

CRETI DANIEL AND MARTHA TRUST
550 S SILVERADO WAY
ANAHEIM, CA 92807

BREEN ROBERT AND LAURA
661 JUSTIN RD
ROCKWALL, TX 75087

TOM MANLEY PROPERTIES INC
915 SUNSET HILL DRIVE
ROCKWALL, TX 75087

Case No. Z2021-010: Specific Use Permit for Accessory Structure

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.

ABUSE OF EXISTING CODE

Name: CATHERINE AND RICHARD MEYN

Address: 1773 LAKE BREEZE DR ROCKWALL TX 75087

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

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



Case No. Z2021-010: Specific Use Permit for Accessory Structure

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:

DANIEL R. TAPIA

Address:

1803 LAKE BREEZE DR 75087

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

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

213

Case No. Z2021-010: Specific Use Permit for Accessory Structure

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.

If MARK KLECHA desires to build a large barn or storage shed he should re-locate out to a rural area. This would only serve to bring down our property values.

Name: PAUL PETTIT

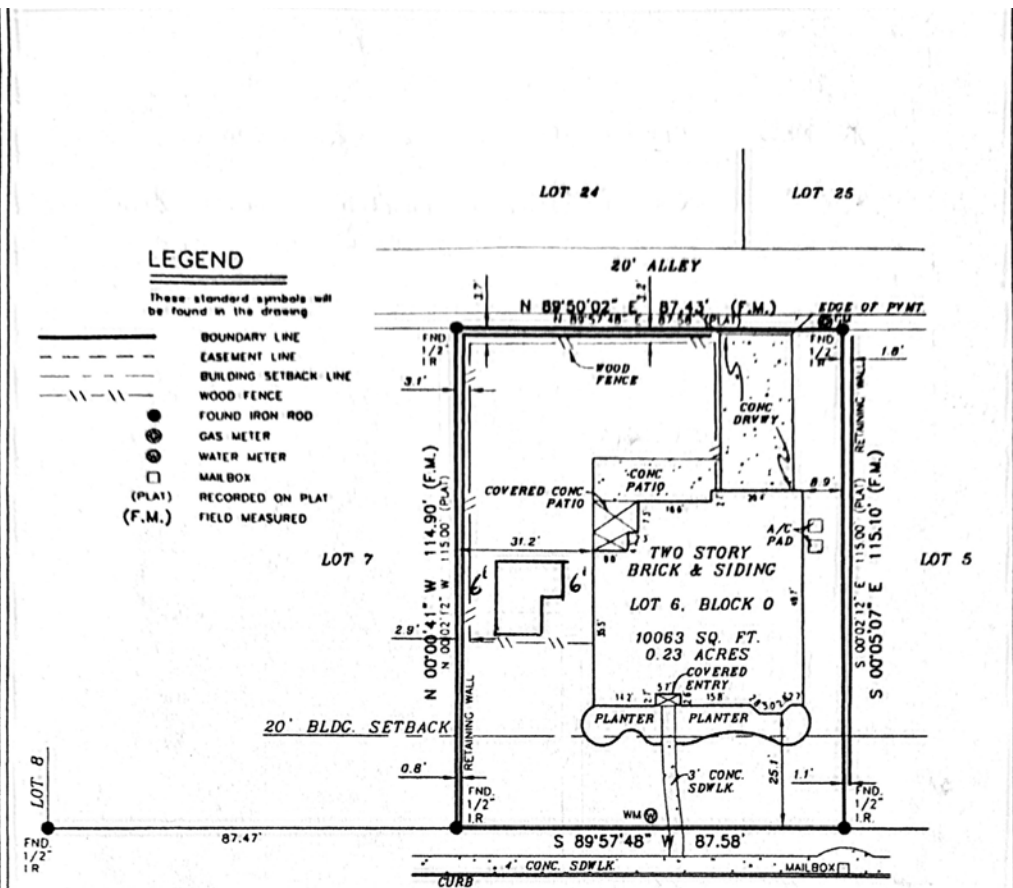
Address: 1048 Arbor View Place

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



FOREVER 2016

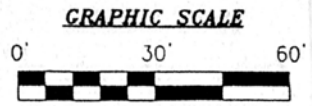


- LEGEND**
- These standard symbols will be found in the drawing
- BOUNDARY LINE
 - - - EASEMENT LINE
 - · - · - BUILDING SETBACK LINE
 - · - · - WOOD FENCE
 - FOUND IRON ROD
 - ⊙ GAS METER
 - ⊙ WATER METER
 - MAIL BOX
 - (PLAT) RECORDED ON PLAT
 - (F.M.) FIELD MEASURED

LEGAL DESCRIPTION
 BEING LOT 6, BLOCK 0 OF HILLCREST SHORES,
 AN ADDITION TO THE CITY OF ROCKWALL, ROCKWALL COUNTY,
 TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN
 CABINET C, SLIDE 199, PLAT RECORDS, ROCKWALL COUNTY,
 TEXAS.

FLOOD INSURANCE NOTE By graphics plotting only,
 this property is in ZONE X of the
 Flood Insurance Rate Map, Community Panel No
 48397C-0030 L, effective date of SEPTEMBER 26, 2008
 Exact designations can only be determined by a
 Elevation Certificate. Based on the above information,
 this property is NOI in a Special Flood Hazard Area.

SURVEYOR'S NOTE:
 BASIS OF BEARING, RECORDED
 PLAT UNLESS OTHERWISE NOTED.

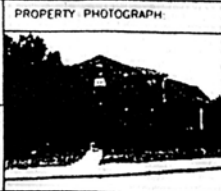


I, ROY JOHN RONNFELDT, a Registered Professional Land Surveyor in the State of Texas,
 do hereby certify to HEXTER-FAIR TITLE COMPANY
 and
 that the above map is true and correct according to an actual field survey, made by me on the ground or
 under my supervision, of the property shown hereon or described by field notes accompanying this drawing. I further
 certify that all easements and rights-of-way of which I have been advised are shown hereon and that, except
 as shown, there are no visible encroachments, no visible overlapping of improvements and no apparent
 discrepancies or conflicts in the boundary lines, and no visible physical evidence of easements or rights-of-way
 as of the date of the field survey. I further certify that this survey meets or exceeds the
 minimum standards established by the Texas Board of Professional Land Surveying (Section 653.18).
 Lot(s) 6, Block 0, N.C.B. ---, Survey No. ---, Abstract No. ---
 Survey or Subdivision: HILLCREST SHORES, AN ADDITION TO THE CITY OF ROCKWALL
 Cabinet C, Slide(s) 199-200, of the Map/Deed and Plat Records of ROCKWALL County, Texas
 Borrower/Owner: CHARLES M. HUSTON AND KENDALL HUSTON
 Address: 1748 LAKE BREEZE DRIVE GP No. PL11619416

FINAL "AS-BUILT" SURVEY

JOB NO.	NO.	REVISION	DATE
1105006367			
DATE:	05/27/11		
DRAWN BY:	UN/HM		
APPROVED BY:	RJR		

SUBJECT TO RESTRICTIVE COVENANTS AND/OR EASEMENTS RECORDED IN
 VOLUME 961, PAGE 176, REAL ESTATE RECORDS, ROCKWALL COUNTY, TEXAS
 VOLUME 1121, PAGE 25, REAL ESTATE RECORDS, ROCKWALL COUNTY, TEXAS

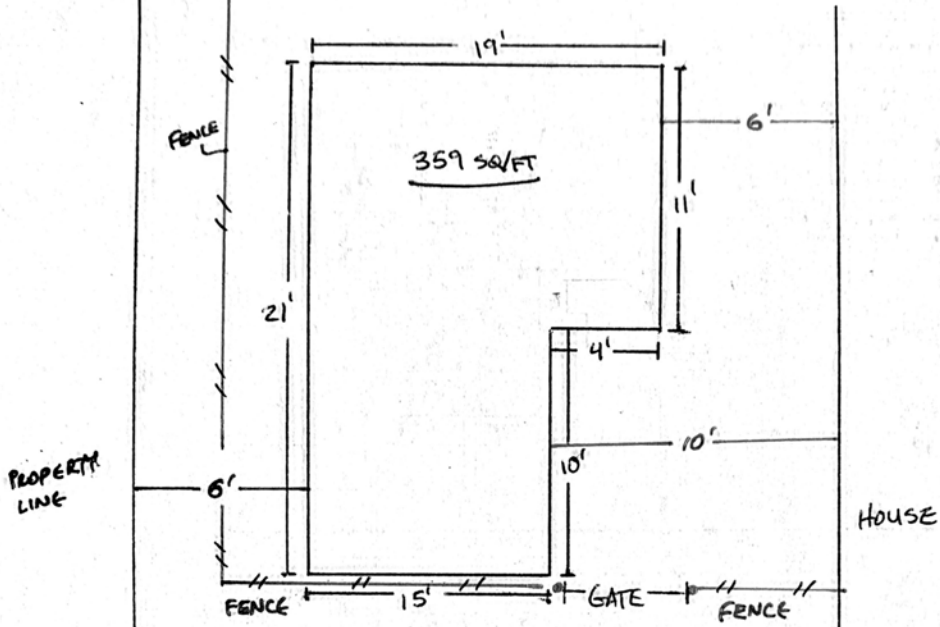


Roy Ronnfeldt
 ROY JOHN RONNFELDT, R.P.L.S.
 Registered Professional Land Surveyor
 Registration No. 3520

AMERISURVEYORS LLC
 11711 Warfield Road, San Antonio, Texas 78216
 Phone: (214) 972-0066 Fax: (214) 968-9662

* NEW DESIGN DUE TO SET-BACK REQUIREMENTS.

* 6' SET-BACK ON PROPERTY LINE AND NEWLY ESTABLISHED SET-BACK FOR THE HOUSE - WHICH IS 6' INSTEAD OF 10' (SEE CRAIG FOSHEE EMAIL)



* HAD TO CHANGE THE BUILDING SHAPE DUE TO THE GATE LOCATION.

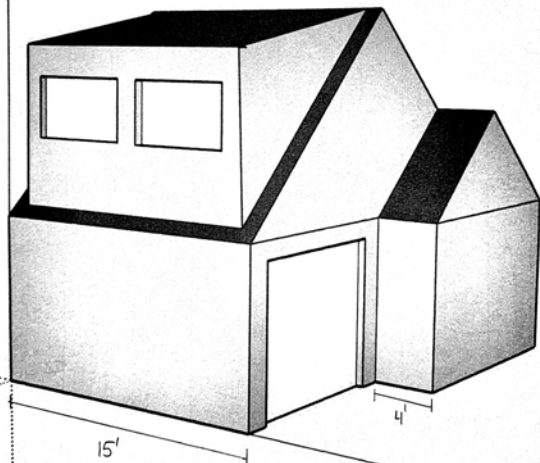
BUILDING WILL BE CONSTRUCTED USING 2x4 FRAMING (16" ON CENTER) WITH SMART SIDING OUTER PANELING.

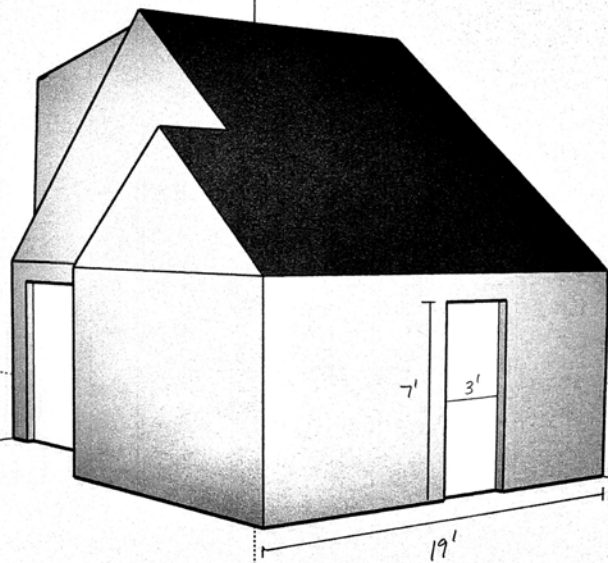
THE ROOF WILL BE A METAL STANDING SEAM ROOF OVER OSB PLYWOOD SHEETING AND 3016 ROOFING FEET.

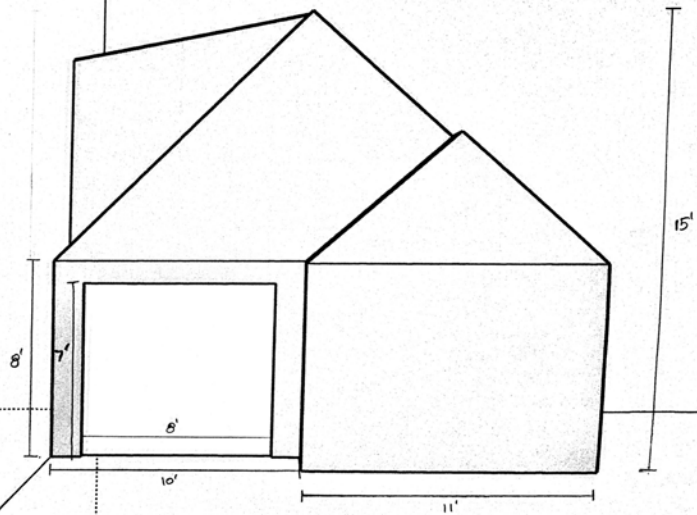
THE ROOF TRUSSES WILL BE CONSTRUCTED WITH A 2x12x15 LVL RIDGE BEAM AND 2x6 RAFTERS 16" ON CENTER USING RAFTER HANGERS.

THE STRUCTURE WILL CONNECT TO THE CONCRETE SLAB USING PRESSURE TREATED LUMBER AND $\frac{1}{2}$ " x 5" SLEEVE ANCHORS.

THE GARAGE DOOR WILL BE ROLL-UP WIND RATED DOOR (8'x7') AND THERE WILL BE A STANDARD 3'x7' EXTERIOR DOOR.









1748

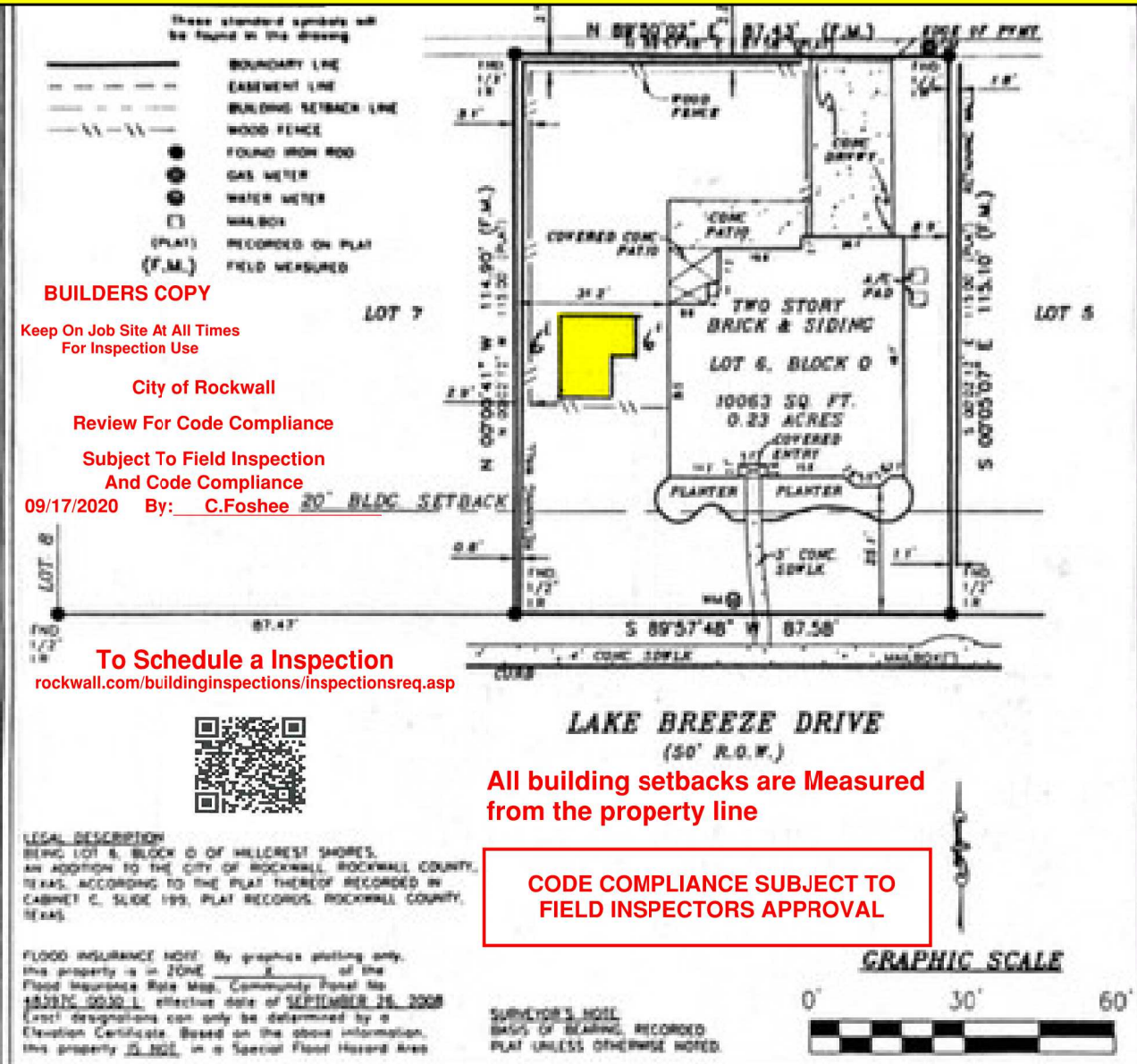






CONSTRUCTION CODES – 2015 International Residential Code & 2014 NEC Code and local amendments. ELECTRICAL PERMIT WILL BE REQUIRED FOR ANY NEW INSTALLATIONS. Minimum separation from other structures 6 ft. Maximum height of structure 15 ft. Minimum side setback 6 feet. Minimum rear setback 3 feet. Building is to be built per approved plans from the Planning & Zoning Commission & City Council.

For inspection www.rockwall.com/buildinginspections/inspectionreq.asp.



I, ROY JOHN RONNFELDT, a Registered Professional Land Surveyor in the State of Texas, do hereby certify to NEXTER-FAIR TITLE COMPANY and that the above map is true and correct according to an actual field survey, made by me on the ground or under my supervision, of the property shown herein or described by field notes accompanying this drawing. I further certify that all easements and rights-of-way of which I have been advised are shown herein and that, except as shown, there are no visible encroachments, no visible overlapping of improvements and no apparent discrepancies or conflicts in the boundary lines, and no visible physical evidence of easements or rights-of-way as of the date of the field survey. I further certify that this survey meets or exceeds the minimum standards established by the Texas Board of Professional Land Surveying (Section 653.18) Lot(s) 6, Block D, N.C.B. Survey No. _____ Abstract No. _____ Survey of Submission: HILLCREST SHORES, AN ADDITION TO THE CITY OF ROCKWALL Cabinet C, Slide(s) 195-202 of the Map/Deed and Plat Records of ROCKWALL County, Texas Borrower/Owner: CHARLES N. HUSTON AND KENDALL HUSTON Address: 1748 LAKE BREEZE DRIVE of No. PL103816

SUBJECT TO RESTRICTIVE COVENANTS AND/OR EASEMENTS RECORDED IN VOLUME 861, PAGE 176, REAL ESTATE RECORDS, ROCKWALL COUNTY, TEXAS; VOLUME 1121, PAGE 25, REAL ESTATE RECORDS, ROCKWALL COUNTY, TEXAS.

Property Photographs

7-14-11

AMERISURVEYORS, LLC
14714 International Road - San Antonio, Texas 78240
Phone: (214) 477-9888

FINAL "AS-BUILT" SURVEY

JOB NO.	1100008387	NO.		REVISION	DATE
DATE	05/27/11				
DRAWN BY	MJ/WH				
APPROVED BY	RJR				

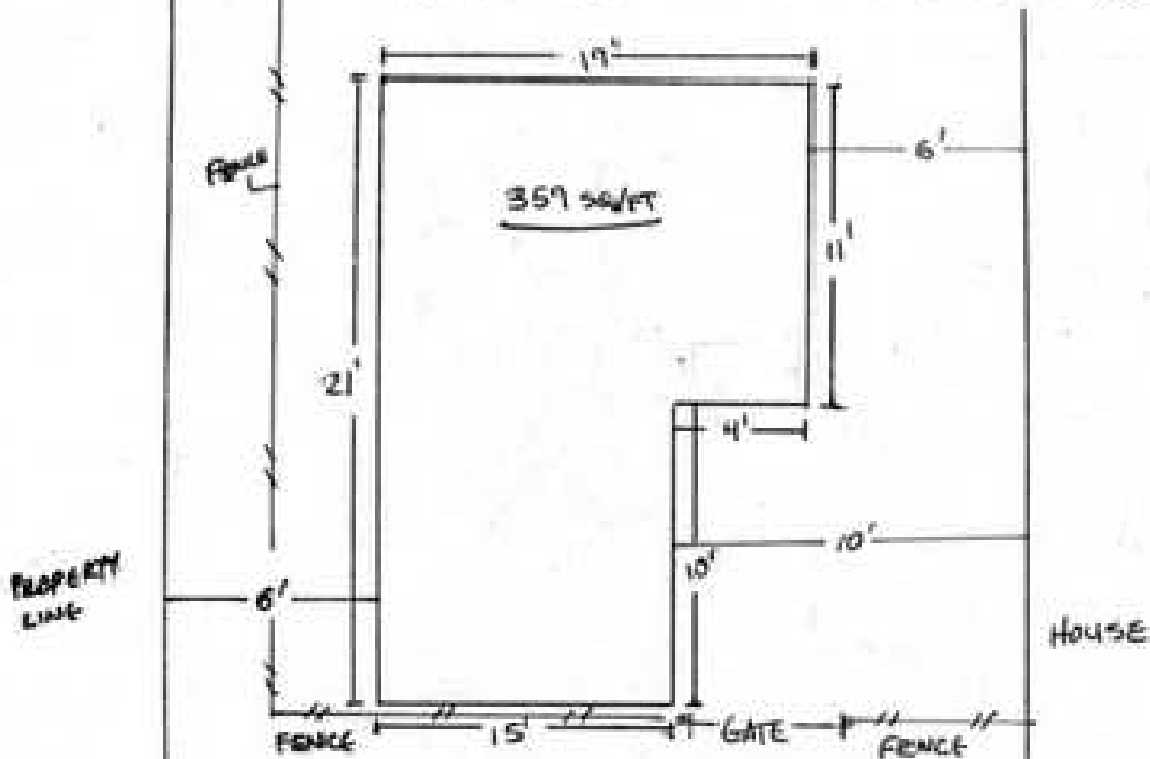
STATE OF TEXAS REGISTERED
ROY JOHN RONNFELDT
3520
PROFESSIONAL LAND SURVEYOR

ROY JOHN RONNFELDT
ROY JOHN RONNFELDT, R.P.L.S.
Registered Professional Land Surveyor
Registration No. 3520

225

* NEW DESIGN DUE TO SET-BACK REQUIREMENTS -

* 6' SET-BACK ON PROPERTY LINE AND NEWLY ESTABLISHED SET-BACK FOR THE HOUSE - WHICH IS 6' INSTEAD OF 10' (SEE LEAD FENCE EMAIL)



* HAD TO CHANGE THE BUILDING SHAPE DUE TO THE GATE LOCATION.

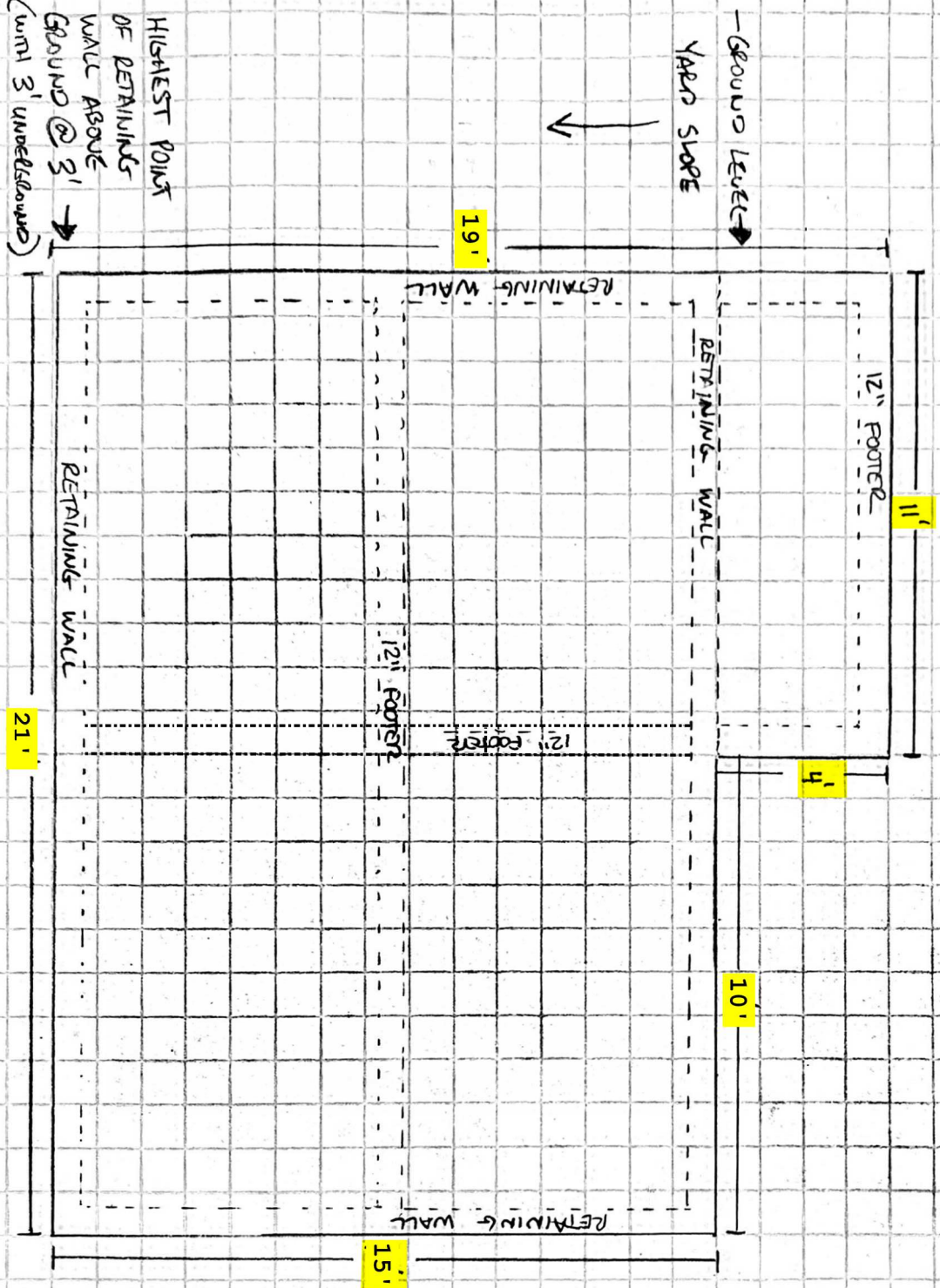
BUILDERS COPY

Keep On Job Site At All Times
For Inspection Use

CONCRETE PAD w/ RETAINING WALL

- 3,000 PSI CONCRETE
- 1/2" REBAR THROUGHOUT (SPACED 16" APART FOR SLAB)

BUILDERS COPY
Keep On Job Site At All Times
For Inspection Use



DETAILS:

THIS STRUCTURE WILL BE A SOLID CONCRETE RETAINING WALL 12" THICK WITH 1/2" REBAR FRAME CONSTRUCTION CONNECTING THE ENTIRE STRUCTURE (INCLUDING THE 5" THICK CONCRETE PAD ON TOP). THERE WILL BE A 12" FOOTER THROUGH THE MIDDLE OF THE SLAB CONNECTING TO THE RETAINING WALLS ON EITHER SIDE.

THE RETAINING WALL WILL BE 3' UNDERGROUND MOVING WITH THE SLOPE OF MY YARD. IT WILL BE 3' UNDERGROUND AND 3' (6" TALL) ABOVE GROUND AT THE LOW SIDE OF MY YARD. IT WILL PARALLEL AN EXISTING 3' RETAINING WALL TO RECEIVE THE LOAD. ALL OF IT WILL BE CONNECTED WITH REBAR AND CONCRETE TO MAKE ONE SOLID STRUCTURE WITH THE CONCRETE PAD ON TOP.



BUILDERS COPY
Keep On Job Site At All Times
For Inspection Use

BUILDING WILL BE CONSTRUCTED USING 2x4 FRAMING (16" ON CENTER) WITH SMART SIDING OUTER PANELING.

THE ROOF WILL BE A METAL STANDING SEAM ROOF OVER OSB PLYWOOD SHEETING AND 3016 ROOFING FECT.

THE ROOF TRUSSES WILL BE CONSTRUCTED WITH A 2x12x15 LVL RIDGE BEAM AND 2x6 RAFTERS 16" ON CENTER USING RAFTER HANGERS.

THE STRUCTURE WILL CONNECT TO THE CONCRETE SLAB USING PRESSURE TREATED LUMBER AND $\frac{1}{2}$ " x 5" SLEEVE ANCHORS.

THE GARAGE DOOR WILL BE ROLL-UP WIND RATED DOOR (8'x7") AND THERE WILL BE A STANDARD 3'x7' EXTERIOR DOOR.

BUILDERS COPY

**Keep On Job Site At All Times
For Inspection Use**

SKAGGS ENGINEERING

1018 Meadow Green Court Princeton, TX 75407
skaggsengineering@yahoo.com
Cell: 972.369.2194

August 23, 2020

City of Rockwall
Building Inspections
385 S. Goliad Street
Rockwall, TX

Re: New Workshop Pad/Retaining Walls
1748 Lake Breeze Drive
Rockwall, TX

BUILDERS COPY

**Keep On Job Site At All Times
For Inspection Use**

To Whom It May Concern:

I have reviewed the proposed workshop at the above referenced residence. The new workshop will be approximately 400 sf and constructed with wood stud bearing walls and wood rafters. The workshop will be located adjacent to an existing retaining wall along the property line. The workshop will be supported by a 5" concrete slab reinforced with #4 bars @ 16" OC each way and retaining walls on each side. The retaining walls are 12" wide, reinforced with #4 bars @ 16" OC each way, and set 36" into the ground. The walls vary in height and are a maximum of 3'-0" above grade.

After reviewing the information, in my opinion, the retaining walls and slab were constructed in accordance with the 2015 International Residential Code and City of Rockwall requirements. The retaining walls and slab can support the weight of the proposed workshop. The new retaining walls, slab, and proposed workshop will not affect the structural integrity of the existing retaining wall.

If I can be of any further assistance or if there should be any questions, please do not hesitate to call.

Sincerely,

SKAGGS ENGINEERING
FIRM NUMBER F-12387



Matthew R. Skaggs, P.E.
Skaggs Engineering

From: [Foshee, Craig](#)
To: [Gonzales, David](#); [Miller, Ryan](#)
Cc: [McDowell, Russell](#)
Subject: FW: 1748 Lake breeze
Date: Thursday, April 22, 2021 3:51:25 PM

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

From: Yancey, Jared
Sent: Thursday, April 22, 2021 3:51 PM
To: McDowell, Russell <rmcdowell@rockwall.com>; Foshee, Craig <cfoshee@rockwall.com>
Subject: 1748 Lake breeze

The height on the structure is 15'7" from the backyard height. 19'9" from the existing retaining wall on edge of property.

Square footage is 330 ft.² for the downstairs, upstairs square footage is 240ft.² as to which the roofline meets the floor of attic area

Jared Yancey
469-797-3436
Building Inspections

This email was scanned by Bitdefender





21 34













CITY OF ROCKWALL

ORDINANCE NO. 20-34

SPECIFIC USE PERMIT NO. S-231

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 AND PLANNED DEVELOPMENT DISTRICT 11 (PD 11), ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW AN ACCESSORY BUILDING THAT EXCEEDS THE MAXIMUM ALLOWABLE SIZE ON A 0.2297-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 6, BLOCK O, HILLCREST SHORES ADDITION, 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.

WHEREAS, the City has received a request from Mark Klecha for the approval of a Specific Use Permit (SUP) to allow an Accessory Building that exceeds the maximum allowable size on a 0.2297-acre parcel of land being described as Lot 6, Block O, Hillcrest Shores Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 11 (PD-11) for Single-Family 10 (SF-10) District land uses, addressed as 1748 Lake Breeze Drive, and being more specifically depicted and described in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code (UDC) [*Ordinance No. 20-02*] and Planned Development District 11 (PD-11) 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) allowing an *Accessory Building* as stipulated by Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*, of 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 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-20*] -- as

heretofore amended and as may be amended in the future --, and with the following conditions:

2.1. OPERATIONAL CONDITIONS

The following conditions pertain to the operation of an *Accessory Building* on the *Subject Property* and conformance to these conditions are required for continued operations:

- (1) The *Accessory Building* shall generally conform to the concept plan and the conceptual building elevations depicted in *Exhibits 'B' & 'C'* of this ordinance.
- (2) The *Accessory Building* shall not exceed a maximum size of 360 SF.
- (3) The subject property shall not have more than one (1) accessory building.

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 compliance to the following:

- (1) Upon obtaining a *Building Permit*, should the homeowner fail to meet the minimum operational requirements set forth herein and outline in the Unified Development Code (UDC), the City Council may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Section 2.02(F), *Revocation*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC).

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

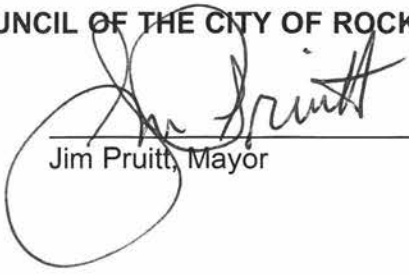
SECTION 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

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

SECTION 6. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

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

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 8TH DAY OF SEPTEMBER, 2020.



Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: August 17, 2020

2nd Reading: September 8, 2020

Exhibit 'A'
Zoning Exhibit

Address: 1748 Lake Breezy Drive

Legal Description: Lot 6, Block O, Hillcrest Shores Addition



Exhibit 'B':
Site Plan

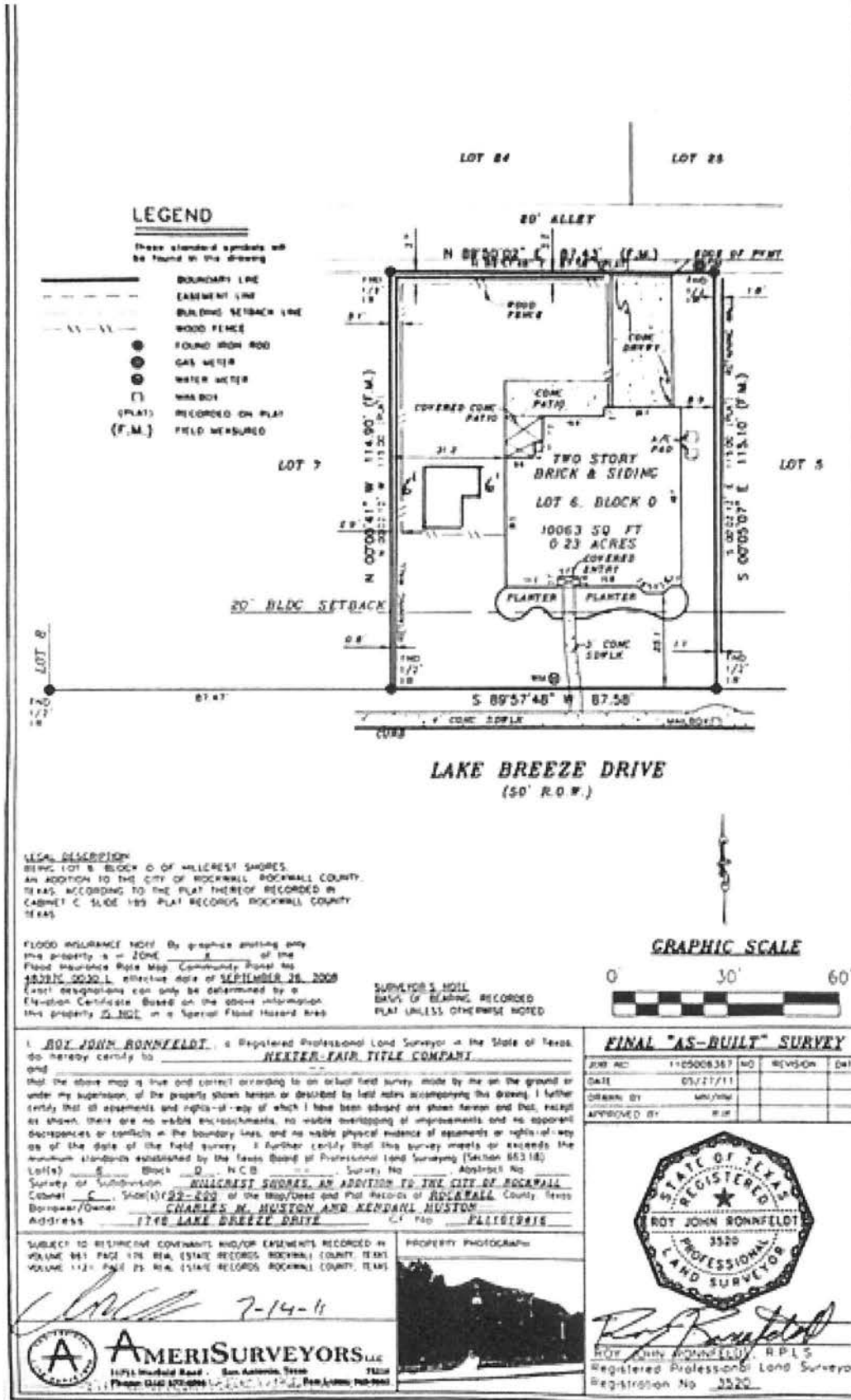


Exhibit 'B':
Site Plan

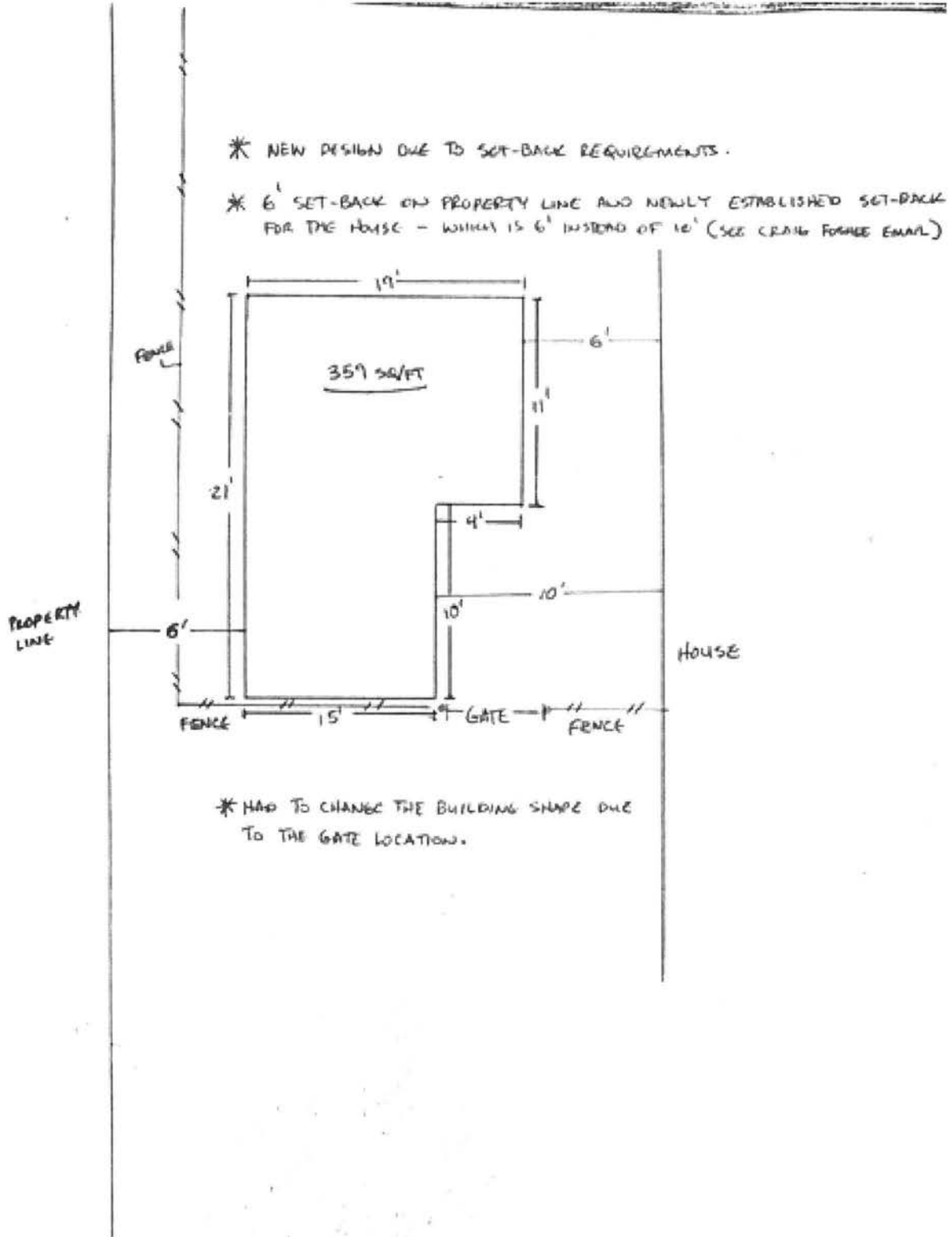


Exhibit 'C':
Conceptual Building Elevations

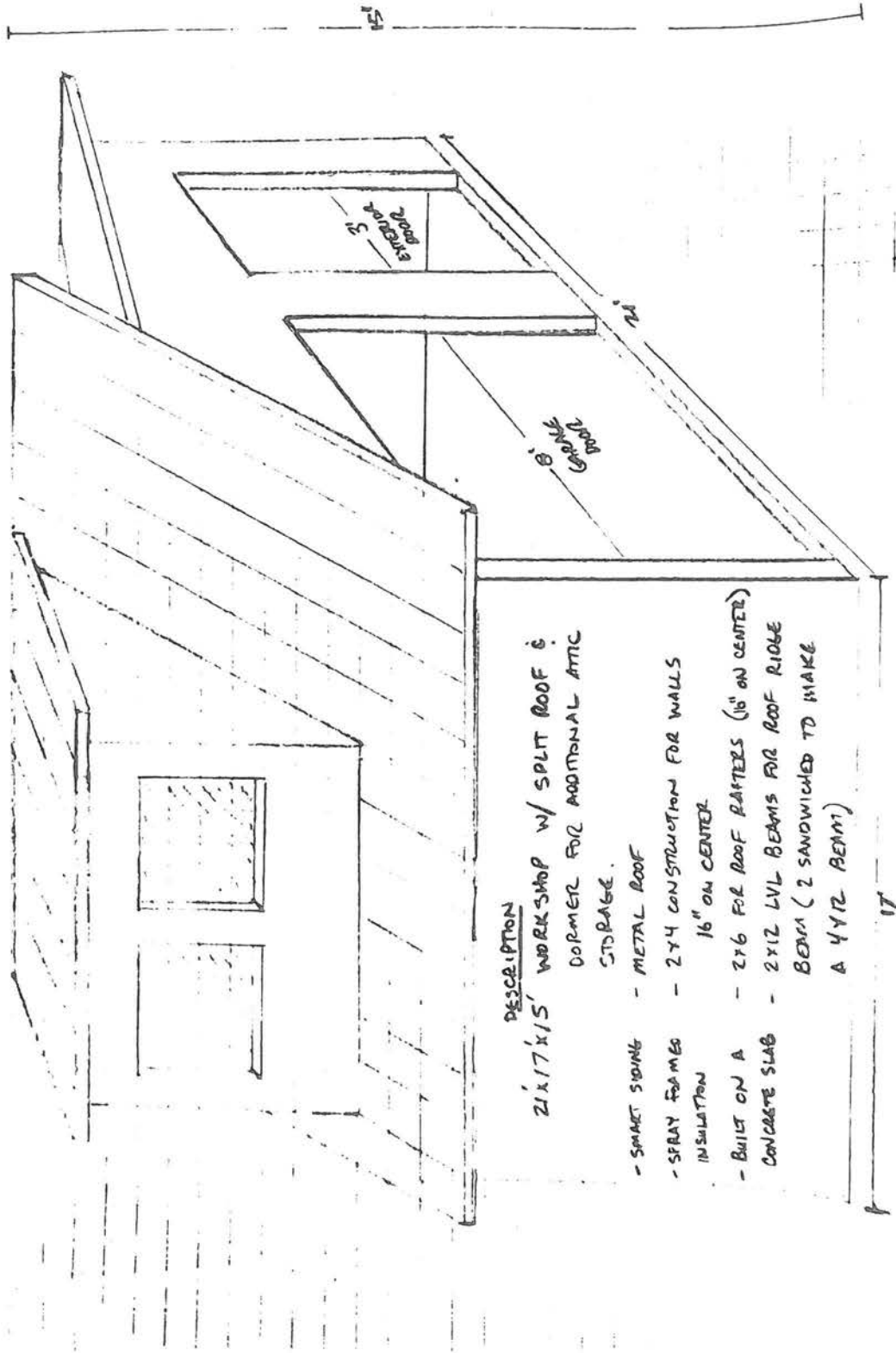
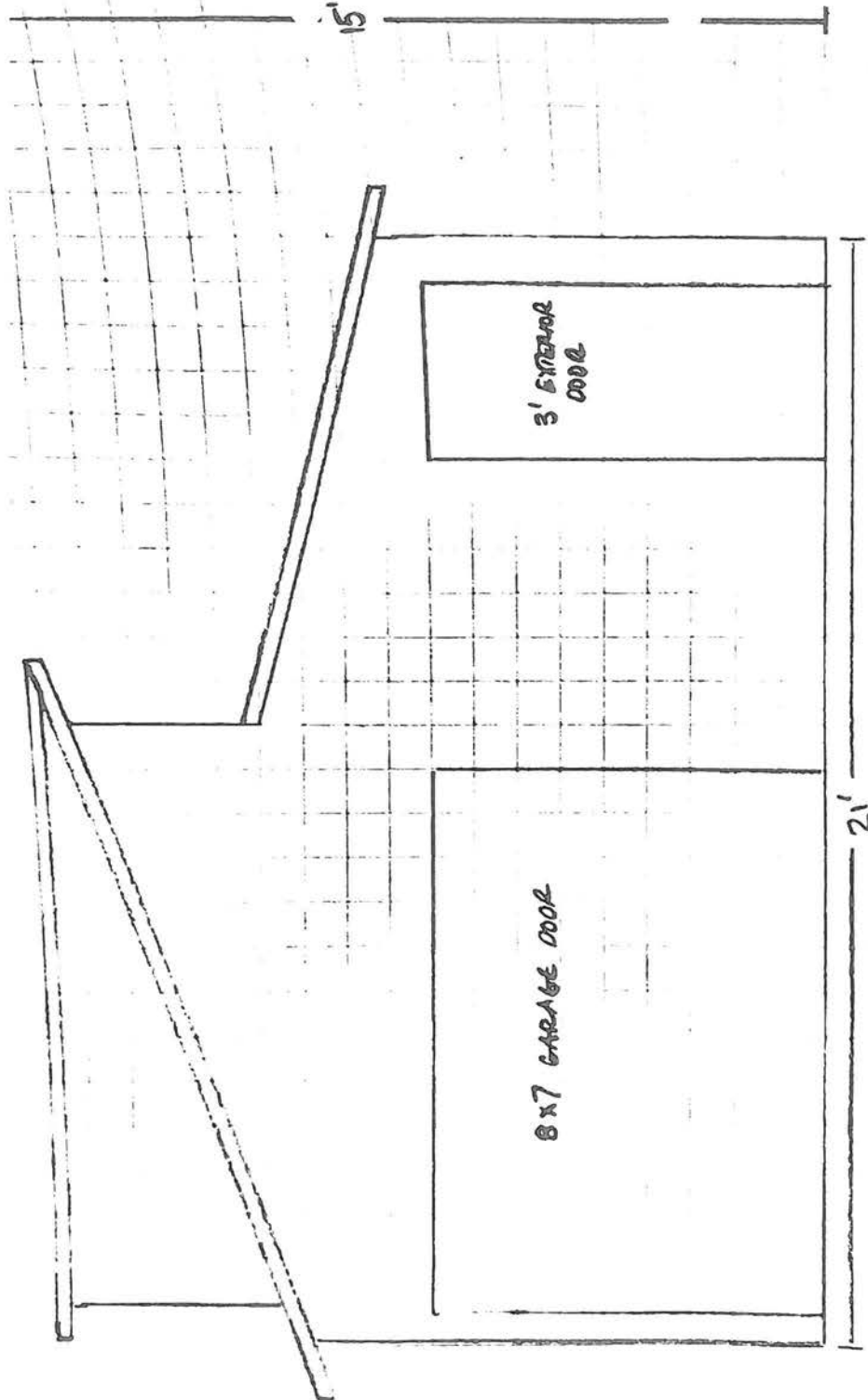


Exhibit 'C':
Conceptual Building Elevations





CITY OF ROCKWALL

CITY COUNCIL CASE MEMO

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

TO: Mayor and City Council
DATE: August 17, 2020
APPLICANT: Mark Klecha
CASE NUMBER: Z2020-030; *Specific Use Permit for an Accessory Building at 1748 Lake Breeze Drive*

SUMMARY

Hold a public hearing to discuss and consider a request by Mark Klecha for the approval of a Specific Use Permit (SUP) for an *accessory building that exceeds the maximum square footage* on a 0.2297-acre parcel of land identified as Lot 6, Block O, Hillcrest Shores Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 11 (PD-11) for Single-Family 10 (SF-10) District land uses, addressed as 1748 Lake Breeze Drive, and take any action necessary.

BACKGROUND

The subject property was originally annexed into the City of Rockwall on February 6, 1961 by *Ordinance No. 61-02*. According to the City's historic zoning maps the subject property was zoned Multi-Family 1 (MF-1) District as of January 3, 1972. By May 16, 1983, this designation had changed to Planned Development District 11 (PD-11) [*Ordinance No. 80-13*] for Single-Family 2 (SF-2) District land uses. On June 7, 1993, *Ordinance No. 93-11* change the designation of the subject property within Planned Development District 11 (PD-11) to an area designated for Single-Family 10 (SF-10) District land uses [*Case No. PZ1993-020-01*]. The subject property was platted as Lot 6, Block O, Hillcrest Shores Addition on August 12, 1993 by *Case No. PZ1993-030-01*. According to the Rockwall Central Appraisal District (RCAD), situated on the subject property is a 2,649 SF single-family home that was constructed in 1995.

PURPOSE

The property owner and applicant -- *Mark Klecha* -- is requesting the approval of a Specific Use Permit (SUP) to permit the construction of an accessory building that exceeds the maximum square footage permitted for accessory buildings as stipulated by Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC).

ADJACENT LAND USES AND ACCESS

The subject property is addressed as 1748 Lake Breeze Drive. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property is an alleyway followed by the remainder of the Hillcrest Shores Subdivision, which consists of 67 single-family residential homes on 22.17-acres. Beyond this is Bayhill Drive, which is identified as a R2 (*i.e. residential, two [2] lane, roadway*) on the City's Master Thoroughfare Plan contained in the OURHometown 2040 Vision Comprehensive Plan. North of this roadway is the Hillcrest Shores, Phase 2 Subdivision, which consists of 113 single-family residential homes on 53.24-acres. All of these properties are zoned Planned Development District 11 (PD-11) for Single-Family 10 (SF-10) District land uses.

South: Directly south of the subject property is Lake Breeze Drive, which is identified as a R2 (*i.e. residential, two [2] lane, roadway*) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is the remainder of the Hillcrest Shores Subdivision. South of this is the Northshore, Phase 2B Subdivision, which consists of 76 single-family residential homes on 25.04-acres. This subdivision is zoned Single-Family 10 (SF-10) District.

East: Directly east of the subject property is the remainder of the Hillcrest Shores Subdivision followed by N. Lakeshore Drive, which is identified as a M4D (*i.e. major collector, four [4] lane, divided roadway*) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. This area is zoned Planned Development District 11 (PD-11) for Single Family 10 (SF-10) District land uses. Beyond this is the Preserve, Phase 2 Subdivision, which consists of 82 single-family residential lots on 33.02-acres. This property is zoned Planned Development District 41 (PD-41) for Single-Family 10 (SF-10) District land uses.

West: Directly west of the subject property is the remainder of the Hillcrest Shores Subdivision, which is zoned Planned Development District 11 (PD-11) for Single-Family 10 (SF-10) District. Beyond this is the *Lake Ray Hubbard Takeline* followed by the corporate limits of the City of Rockwall. Beyond this is Lake Ray Hubbard.

CHARACTERISTICS OF THE REQUEST

The applicant has submitted an application, letter, and drawings requesting to permit a proposed 359 SF accessory building. Per the drawings provided by the applicant the accessory building will have a pitched roof with dormer windows, and stand a total of 15-feet in height. The exterior of the accessory building will be clad in a composite siding (*i.e. smart siding*), and the roof will be constructed with standing seam metal. The proposed building will be situated on the side of the property, adjacent to the western property line, behind an existing eight (8) foot board-on-board wood fence. In addition, the applicant has stated in the provided letter that there is a mature live oak tree situated in front of the fence further impairing the view of the structure.

CONFORMANCE WITH THE CITY'S CODES

According to Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC), the Single-Family 10 (SF-10) District allows a total of two (2) accessory buildings each being 144 SF in size or one (1) accessory building at 144 SF in size and one (1) detached garage at 625 SF in size. In addition, accessory buildings are limited to a maximum height of 15-feet and a minimum setback of three (3) feet from the rear property line and six (6) feet from the side property line. In addition, accessory buildings are required to have a minimum of six (6) feet of separation from any other primary or accessory structure. This section of the code goes on to state, "(a)ccessory buildings and structures shall be architecturally compatible with the primary structure, and be situated behind the front façade of the primary structure ... [and] (a)ccessory buildings and structures not meeting the size requirements stipulated by this section shall require a Specific Use Permit (SUP)."

STAFF ANALYSIS

In this case, the applicant's request conforms with the setback and height requirements for accessory buildings; however, the proposed size of the accessory building exceeds the maximum permissible size by 215 SF. Staff did perform a review of the aerial imagery of all of the homes in the Hillcrest Shores Subdivision (*i.e. the 67 single-family homes in the same phase as the subject property*) and determined that there does not appear to be any accessory buildings in this area of a similar size as to what the applicant is proposing. With this being said, there are covered patios and carports that appear to be of a similar size (*i.e. ~400 SF*). With regard to the letter submitted by the applicant, staff should note that a residential garage is clearly defined by Subsection 02.02(7) of Article 13, *Definitions*, of the Unified Development Code (UDC) as:

Residential Garage. A residential accessory building used for the storage of motor vehicles. These structures are typically attached to the primary structure; however, they may also be a detached structure.

In the applicant's case, the roll up garage door will face toward the primary structure, and be six (6) feet away from the western wall of the primary structure. This would not make it possible to pull a standard size vehicle into the structure. In addition, the structure is completely enclosed behind an eight (8) foot fence and the applicant is not providing a driveway to the structure (*which is characteristic of a detached garage*). Based on this staff was required to designate this structure as an accessory building, and not as a detached garage as the applicant has requested.

Staff should note that the structure will only be slightly visible from Lake Breeze Drive and that an existing tree and eight (8) foot fence will impair the view of the structure from right-of-way. With this being said, approval of a Specific Use Permit (SUP) request is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission.

NOTIFICATIONS

On July 23, 2020, staff mailed 100 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Hillcrest at the Shores and the Preserve Homeowner's Associations (HOA's), which are the only HOA/Neighborhood Organizations that are 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 four (4) notices in favor of the applicant's request and one (1) notice 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 Specific Use Permit (SUP) for an accessory building that exceeds the maximum permissible size, then staff would propose the following conditions of approval:

- (1) The applicant shall be responsible for maintaining compliance with the operational conditions contained in the SUP ordinance and which are detailed as follows:
 - (a) The *Accessory Building* shall generally conform to the concept plan and the conceptual building elevations depicted in Exhibits 'B' & 'C' of the Specific Use Permit (SUP) ordinance; and
 - (b) The *Accessory Building* shall not exceed a maximum size of 360 SF; and
 - (c) The subject property shall not have more than one (1) accessory building.
- (2) The applicant will need to submit a letter from a structural engineer certifying that the recently built retaining wall was built to hold the weight of the proposed accessory structure, and that the retaining wall poses no structural risk to the existing three (3) foot retaining wall on the adjacent property; and
- (3) The applicant will need to apply for a building permit from the Building Inspections Department; and
- (4) Any construction resulting from the approval of this zoning change shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

PLANNING AND ZONING COMMISSION

On August 11, 2020, the Planning and Zoning Commission approved a motion to recommend approval of the Specific Use Permit (SUP) with the conditions of approval by a vote of 4-2, with Commissioners Logan and Womble dissenting and Commissioner Welch absent.



DEVELOPMENT APPLICATION

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

STAFF USE ONLY
PLANNING & ZONING CASE NO. 22020-030

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

DIRECTOR OF PLANNING:

CITY ENGINEER:

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

Platting Application Fees:

- Master Plat (\$100.00 + \$15.00 Acre)¹
- Preliminary Plat (\$200.00 + \$15.00 Acre)¹
- Final Plat (\$300.00 + \$20.00 Acre)¹
- Replat (\$300.00 + \$20.00 Acre)¹
- Amending or Minor Plat (\$150.00)
- Plat Reinstatement Request (\$100.00)

Site Plan Application Fees:

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

Zoning Application Fees:

- Zoning Change (\$200.00 + \$15.00 Acre)¹
- Specific Use Permit (\$200.00 + \$15.00 Acre)¹
- 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.

PROPERTY INFORMATION [PLEASE PRINT]

Address 1748 LAKE BREEZE DR. ROCKWALL, TX 75087

Subdivision HILLCREST SHORES Lot 6 Block Ø

General Location

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

Current Zoning PD-11

Current Use RESIDENTIAL

Proposed Zoning PD-11

Proposed Use RESIDENTIAL

Acreage Ø.23

Lots [Current]

Lots [Proposed]

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

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

Owner MARK KLECHA

Applicant

Contact Person

Contact Person

Address 1748 LAKE BREEZE DR.

Address

City, State & Zip ROCKWALL, TX 75087

City, State & Zip

Phone 402-315-8387

Phone

E-Mail markklecha@hotmail.com

E-Mail

NOTARY VERIFICATION [REQUIRED]

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

"I hereby certify that I am the owner for the purpose of this application; all information submitted herein is true and correct; and the application fee of \$ 215.00, to cover the cost of this application, has been paid to the City of Rockwall on this the 16th day of July, 20 20. By signing this application, I agree that the City of Rockwall (i.e. "City") is authorized and permitted to provide information contained within this application to the public. The City is also authorized and permitted to reproduce any copyrighted information submitted in conjunction with this application, if such reproduction is associated or in response to a request for public information."

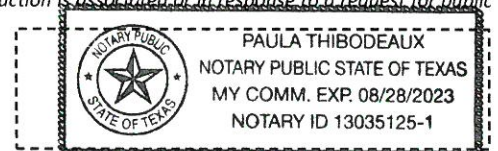
Given under my hand and seal of office on this the 16th day of July, 20 20.

Owner's Signature

Mark Klecha


Notary Public in and for the State of Texas

Paula Thibodeaux



My Commission Expires

0 15 30 60 90 120 Feet

Z2020-030- SUP FOR 1748 LAKE BREEZE DRIVE
ZONING - LOCATION MAP = 



City of Rockwall

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

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

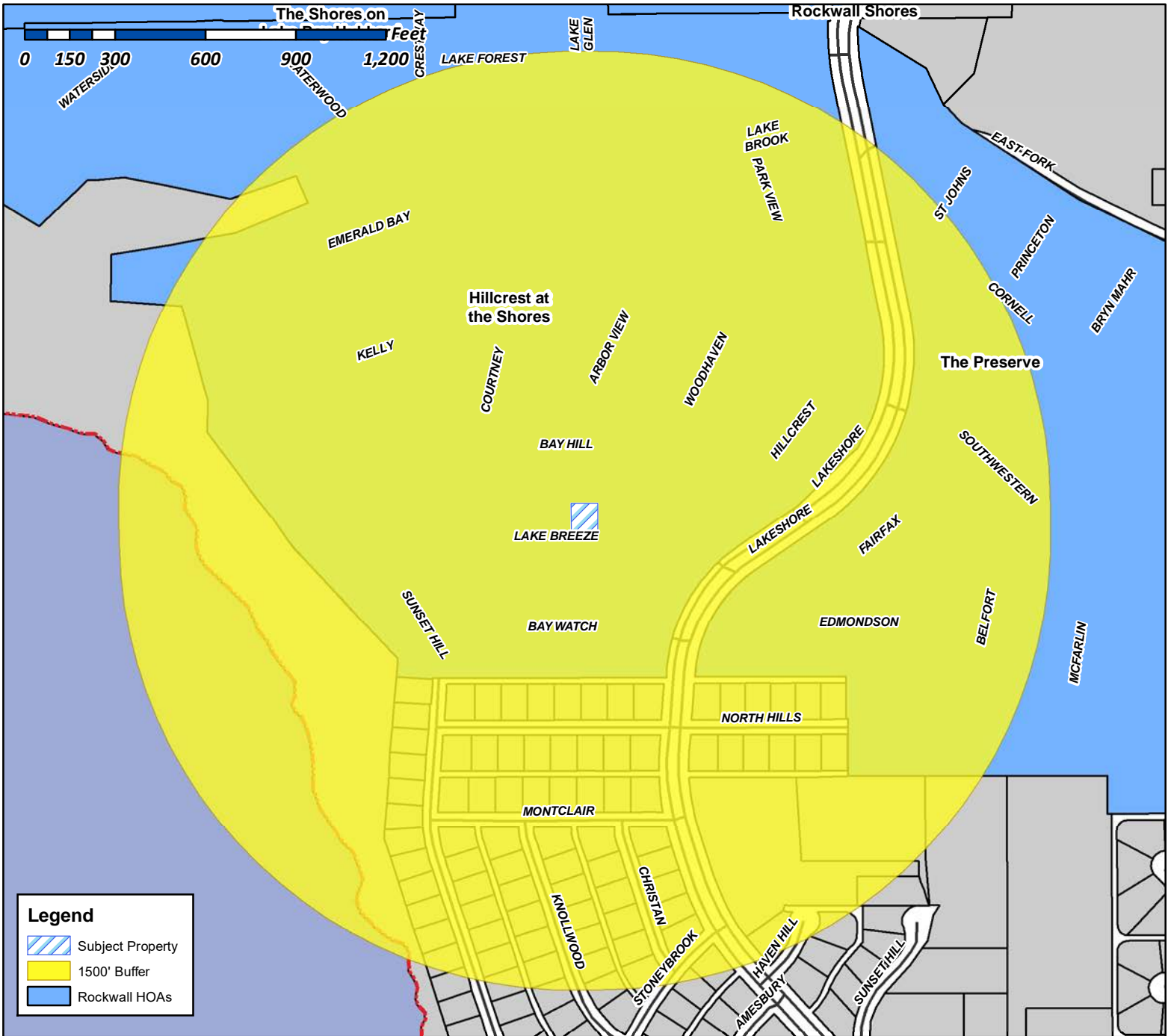




City of Rockwall

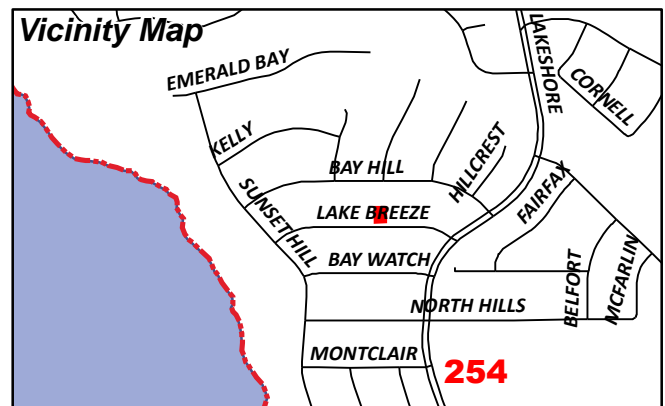
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
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Case Number: Z2020-030
Case Name: SUP for 1748 Lake Breeze Drive
Case Type: Specific Use Permit
Zoning: Planned Development District 11 (PD-11)
Case Address: 1748 Lake Breeze Drive

Date Created: 7/17/2020
For Questions on this Case Call (972) 771-7745



From: [Gamez, Angelica](#)
Cc: [Miller, Ryan](#); [Gonzales, David](#); [Henry Lee](#)
Subject: Neighborhood Notification Program
Date: Tuesday, July 21, 2020 10:14:35 AM
Attachments: [HOA Map \(07.17.2020\).pdf](#)
[Public Notice \(07.20.2020\).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 [Friday, July 31, 2020](#). The Planning and Zoning Commission will hold a public hearing on [Tuesday, August 11, 2020 at 6:00 PM](#), and the City Council will hold a public hearing on [Monday, August 17, 2020 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>.

Z2020-030: SUP for an Accessory Building at 1748 Lake Breeze Drive

Hold a public hearing to discuss and consider a request by Mark Klecha for the approval of a [Specific Use Permit \(SUP\)](#) for an accessory building that exceeds the maximum square footage on a 0.2297-acre parcel of land identified as Lot 6, Block O, Hillcrest Shores Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 11 (PD-11) for Single-Family 10 (SF-10) District land uses, addressed as 1748 Lake Breeze Drive, and take any action necessary.

Thank you,

Angelica Gamez

Planning & Zoning Coordinator

City of Rockwall

972.771.7745 Office

972.772.6438 Direct

<http://www.rockwall.com/planning/>

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City of Rockwall

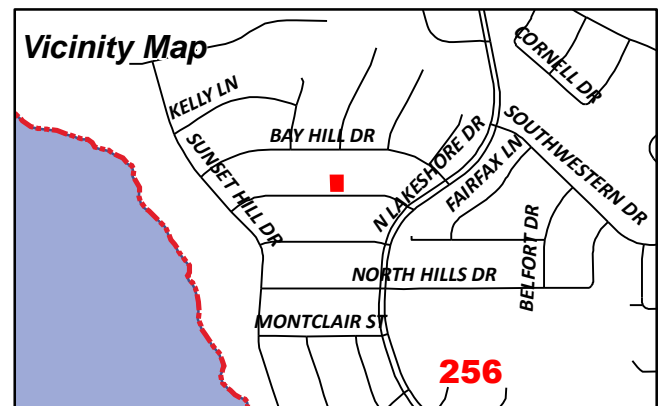
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Case Number: Z2020-030
Case Name: SUP for 1748 Lake Breeze Drive
Case Type: Specific Use Permit
Zoning: Planned Development District 11 (PD-11)
Case Address: 1748 Lake Breeze Drive

Date Created: 7/22/2020
For Questions on this Case Call (972) 771-7745



CURRENT RESIDENT
1011 HILLCREST
ROCKWALL, TX 75087

ANDERSON SALLY LESIL & STEVE
1017 COURTNEY CIRCLE
ROCKWALL, TX 75087

CURRENT RESIDENT
1019 WOODHAVEN
ROCKWALL, TX 75087

DORN KEITH
1020 ARBOR VIEW PL
ROCKWALL, TX 75087

SANDMAN DAVID & VALERIE
1020 COURTNEY CIR
ROCKWALL, TX 75087

HAUER MELVIN C & VIRGINIA L
1020 WOODHAVEN CIRCLE
ROCKWALL, TX 75087

LOGAN WINFRED BART & TRACEY
1021 ARBOR VIEW PL
ROCKWALL, TX 75087

MAURHOFF MARGARET L AND
MICHAEL J VEREB
1025 COURTNEY CIRCLE
ROCKWALL, TX 75087

WEBER MATTHEW J AND THERESA M
1027 ARBOR VIEW PL
ROCKWALL, TX 75087

BEUSELING JOHN MARTIN & GLORIA LYNN
1029 WOODHAVEN CIR
ROCKWALL, TX 75087

BENAVIDES RAPHAEL G & MARY A
1030 ARBOR VIEW PL
ROCKWALL, TX 75087

MULLINAX STEVE WAYNE & DEBBIE S
1030 COURTNEY CIR
ROCKWALL, TX 75087

CORRIGAN DERRICK & STEFANIE
1030 WOODHAVEN CIRCLE
ROCKWALL, TX 75087

ABRAMSKY SAMUEL & CHRISTI
1033 ARBOR VIEW PL
ROCKWALL, TX 75087

FLEMING ERIC AND DEIDRE
1033 COURTNEY CIR
ROCKWALL, TX 75087

WARD PATRICK C
1037 WOODHAVEN CIRCLE
ROCKWALL, TX 75087

BEATY SUSAN J
1038 COURTNEY CR
ROCKWALL, TX 75087

CURRENT RESIDENT
1039 ARBOR VIEW
ROCKWALL, TX 75087

MAY RICHARD A & LISA A
1040 ARBOR VIEW PL
ROCKWALL, TX 75087

SMETANA JOSEPH JR & ANGEL P
1046 COURTNEY CIR
ROCKWALL, TX 75087

RESTER J TREVER & MICHELLE
1047 ARBOR VIEW PL
ROCKWALL, TX 75087

PETTIT PAUL & PAMELA
1048 ARBOR VIEW PL
ROCKWALL, TX 75087

WRIGHT LARRY G & JENNIFER
1054 COURTNEY CIRCLE
ROCKWALL, TX 75087

MATHIAS ERIC J & ROBIN A
1514 MALLARD HVN
SAN ANTONIO, TX 78260

SUCHAND HAROLD A AND SUSAN W
1596 EDMONDSON TR
ROCKWALL, TX 75087

JONES LALANII
1597 EDMONDSON TRAIL
ROCKWALL, TX 75087

CURRENT RESIDENT
1602 NORTH HILLS
ROCKWALL, TX 75087

KLUTTS BEN A JR & JULIE C
1604 N HILLS DR
ROCKWALL, TX 75087

CURRENT RESIDENT
1604 NORTH HILLS
ROCKWALL, TX 75087

WATSON MATTHEW W & JAMIE D
1606 NORTH HILLS DRIVE
ROCKWALL, TX 75087

CONNALLY DAVID & VICKIE
1608 N HILLS DR
ROCKWALL, TX 75087

CONFIDENTIAL
1610 NORTH HILLS DRIVE
ROCKWALL, TX 75087

BAUCHMAN NANCY
16631 MALCOLM LN
YORBA LINDA, CA 92886

JOHNSON CLARENCE R & CASANDRA L
1704 BAY WATCH DR
ROCKWALL, TX 75087

CURRENT RESIDENT
1704 LAKE BREEZE
ROCKWALL, TX 75087

LYNCH CHRISTOPHER J
1705 BAY WATCH DRIVE
ROCKWALL, TX 75087

RYAN JEFFREY & DARLA
1705 BAYHILL DR
ROCKWALL, TX 75087

CONFIDENTIAL
1707 LAKE BREEZE DRIVE
ROCKWALL, TX 75087

PAULSEN LOGAN & BRANDI A
1712 BAY WATCH DRIVE
ROCKWALL, TX 75087

VAUGHN STEPHEN MICHAEL
1712 LAKE BREEZE DR
ROCKWALL, TX 75087

WHITAKER MARTIN & DORIS
1715 BAY WATCH DR
ROCKWALL, TX 75087

REPMAN MARK &
MICHELLE BASTIDAS
1715 BAYHILL DR
ROCKWALL, TX 75087

SIMPSON RODNEY KEITH
1717 LAKE BREEZE DR
ROCKWALL, TX 75087

PEDDIE STACIE
1720 LAKE BREEZE DRIVE
ROCKWALL, TX 75087

KEETON KENNETH W & REBECCA
1722 BAY WATCH DR
ROCKWALL, TX 75087

HIETBRINK BERNARD D & MELISSA L
1725 BAY WATCH DR
ROCKWALL, TX 75087

CURRENT RESIDENT
1727 BAY HILL
ROCKWALL, TX 75087

KETON JAMES H & JEANNETTE S
1727 LAKE BREEZE DR
ROCKWALL, TX 75087

HIGGINS BRADLEY STEPHEN AND
AMANDA JO BURT HIGGINS
1730 LAKE BREEZE DR
ROCKWALL, TX 75087

CURRENT RESIDENT
1732 BAY WATCH
ROCKWALL, TX 75087

WHALIN GREGORY L & TERRI B
1733 BAY WATCH DR
ROCKWALL, TX 75087

LOCKWOOD CHARLES DOUGLAS
1737 BAYHILL DR
ROCKWALL, TX 75087

BOWEN RONALD L & DEANNA K
1737 LAKE BREEZE DR
ROCKWALL, TX 75087

BYROM JOHNNY R & LYNETTE
1738 LAKE BREEZE DR
ROCKWALL, TX 75087

TUBBS LAJUAN C
1740 BAY WATCH DR
ROCKWALL, TX 75087

LANZONE FAMILY LIVING TRUST
CHRIS A LANZONE AND DIANE M LANZONE-
TRUSTEES
1741 BAY WATCH DRIVE
ROCKWALL, TX 75087

GEHRING CAROLYN S
1745 LAKE BREEZE DR
ROCKWALL, TX 75087

BRADLEY TAMMY JEAN
1747 BAY HILL DR
ROCKWALL, TX 75087

SISKA JAMES W & RITA F
1748 BAY WATCH DR
ROCKWALL, TX 75087

KLECHA MARK AND ANGELA
1748 LAKE BREEZE DR
ROCKWALL, TX 75087

AKARD ARTHUR F & DANA D
1751 BAY WATCH DR
ROCKWALL, TX 75087

THOMPSON RONALD G & CAROLYN E
1755 BAYHILL DR
ROCKWALL, TX 75087

BARKER MARK A
1755 LAKE BREEZE DR
ROCKWALL, TX 75087

BOONE WILLIAM R JR & KYOKO N
1756 LAKE BREEZE DR
ROCKWALL, TX 75087

CURRENT RESIDENT
1758 BAY WATCH
ROCKWALL, TX 75087

WITTIG MILTON G & CYNTHIA J
1759 BAY WATCH DR
ROCKWALL, TX 75087

LOWNDES ROBERT
1763 BAYHILL DR
ROCKWALL, TX 75087

LONDON REV TR
1763 LAKE BREEZE DR
ROCKWALL, TX 75087

CURRENT RESIDENT
1764 LAKE BREEZE
ROCKWALL, TX 75087

CURRENT RESIDENT
1766 BAY WATCH
ROCKWALL, TX 75087

JACOBSON BRUCE ALLEN & MARGARET
1769 BAY WATCH DR
ROCKWALL, TX 75087

SMITH JAMES & JULIE
1773 BAYHILL DR
ROCKWALL, TX 75087

MEYN RICHARD B & CATHERINE
MEYN FAMILY TRUST
1773 LAKE BREEZE DR
ROCKWALL, TX 75087

HAMILTON DOUGLAS C & JANET K
1774 BAY WATCH DR
ROCKWALL, TX 75087

GUZMAN PATRICIA MARGARITA & THANH
NGUYEN HOANG
1774 LAKE BREEZE DRIVE
ROCKWALL, TX 75087

MOORE KERMIT T & GWENDOLYN R
1781 BAYHILL DR
ROCKWALL, TX 75087

PERALES LIVING TRUST
1781 LAKE BREEZE DRIVE
ROCKWALL, TX 75087

HOLCOMB RICHARD & KATHY
1782 LAKE BREEZE DR
ROCKWALL, TX 75087

CURRENT RESIDENT
1790 LAKE BREEZE
ROCKWALL, TX 75087

BARBER TRUMAN JOSEPH & BARBARA
1791 BAYHILL DR
ROCKWALL, TX 75087

KING DOROTHY
1793 LAKE BREEZE DRIVE
ROCKWALL, TX 75087

DAVENPORT JAMES & MARYBETH
1798 LAKE BREEZE DR
ROCKWALL, TX 75087

VESTAL JEANETTE & ALSON
1799 BAYHILL DR
ROCKWALL, TX 75087

CURRENT RESIDENT
1803 LAKE BREEZE
ROCKWALL, TX 75087

CURRENT RESIDENT
1807 BAY HILL
ROCKWALL, TX 75087

DAVIS JIMMY GOLAN AND TATIANA
KAPOUSTINA-DAVIS
1817 BAYHILL DRIVE
ROCKWALL, TX 75087

CURRENT RESIDENT
1822 BAY HILL
ROCKWALL, TX 75087

KHABAZ ALLEN BLEEDO
1827 BAYHILL DR
ROCKWALL, TX 75087

REED LARRY K
18333 ROE HAMPTON #323
DALLAS, TX 75252

LAZY DALE PARTNERS LP
202 N SAN JACINTO ST
ROCKWALL, TX 75087

AMERICAN HOMES 4 RENT PROPERTIES TWO
LLC
30601 AGOURA ROAD SUITE 200
AGOURA HILLS, CA 91301

CUTLER ELDON GEORGE & THALIA LONE
40161 E 179TH STREET
KINGSVILLE, MO 64061

VILLARREAL GLORIA M & JOSE C
4914 W 106TH ST
OAK LAWN, IL 60453

OH SINEUI
5050 QUORUM DRIVE SUITE 610
DALLAS, TX 75254

MATSUMOTO SHINTARO
C/O OPEN HOUSE CO. LTD
5050 QUORUM DRIVE SUITE 610
DALLAS, TX 75254

OPEN HOUSE TEXAS REALTY & INVESTMENTS
LLC
5050 QUORUM DRIVE SUITE 120
DALLAS, TX 75254

CRETI DANIEL AND MARTHA TRUST
550 S SILVERADO WAY
ANAHEIM, CA 92807

WILLIS RUTH HAYNES
6168 PRESTONDELL DR
DALLAS, TX 75240

BREEN ROBERT AND LAURA
661 JUSTIN RD
ROCKWALL, TX 75087

TOM MANLEY PROPERTIES INC
915 SUNSET HILL DRIVE
ROCKWALL, TX 75087

PUBLIC NOTICE



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

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

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

Case No. Z2020-030: SUP for an Accessory Building at 1748 Lake Breeze Drive

Hold a public hearing to discuss and consider a request by Mark Klecha for the approval of a Specific Use Permit (SUP) for an accessory building that exceeds the maximum square footage on a 0.2297-acre parcel of land identified as Lot 6, Block O, Hillcrest Shores Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 11 (PD-11) for Single-Family 10 (SF-10) District land uses, addressed as 1748 Lake Breezy 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, August 11, 2020 at 6:00 PM, and the City Council will hold a public hearing on Monday, August 17, 2020 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 Monday, August 17, 2020 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. Z2020-030: SUP for an Accessory Building at 1748 Lake Breeze Drive

Please place a check mark on the appropriate line below:

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

[Redacted area]

Name: [Redacted]
Address: [Redacted]

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

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).

Z2020_030

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.

It does not cause any problems in our neighborhood.

Respondent Information

Please provide your information.

First Name *

William and Kyoko

Last Name *

Boone

Address *

1756 Lake Breeze Dr

City *

Rockwall

State *

TX

Zip Code *

75087

Email Address *

wrboone@hotmail.com

Phone Number

214-641-2988

Please 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:

How did you hear about this Zoning or Specific Use Permit (SUP) request? *

- 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.
- I read about the request in the Rockwall Herald Banner.
- My neighbors told me about the request.
- Other:

This content is neither created nor endorsed by Google.

Google Forms

Case No. Z2020-030: SUP for an Accessory Building at 1748 Lake Breeze Drive

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.

See attached explanation of request to deny.

Name:

ARTHUR AKERD

Address:

1751 Bay Watch, Rockwall, TX 75087

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

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To: Mr. Ryan Miller
Rockwall Planning and Zoning Dept.
385 South Goliad Street
Rockwall, Texas 75087

From Arthur Akard
1751 Bay Watch Drive
Rockwall, Texas 75087

Ref: Case No, Z2020-030: SUP for an Accessory Building at 1748 Lake Breeze Drive

I would like to register my opposition to the zoning variance request for an accessory building at 1748 Lake Breeze Drive, Rockwall, Texas 75087. Such a structure would be visible from the street as well as from the neighboring houses and it would detract from the overall appearances of the neighborhood. Additionally, it could very well block views of Lake Ray Hubbard for many of the surrounding house which people paid a premium to live in this neighborhood for. But most concerning it it would cause a decrease in the value of the surrounding houses due to negative aesthetic impact on the neighborhood. This in turn would mean reduced revenue for the county and school district via property taxes. Please deny the request.

If you have any questions or need clarification on my position, please feel free to mail me at the above address.

A handwritten signature in black ink, appearing to read 'Arthur Akard', with a large, stylized flourish at the end.

Arthur Akard

PUBLIC NOTICE



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

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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. Z2020-030: SUP for an Accessory Building at 1748 Lake Breeze Drive

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.

Mr. Klecha has done a considerable amount of research and invested money to have a successful project that will look good and enhance his property. I am in favor of approving this request!

Name: Doug Hamilton
Address: 1774 Bay Watch Dr. Rockwall, TX 75087

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

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Case No. Z2020-030: SUP for an Accessory Building at 1748 Lake Breeze Drive

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.

So long as the construction meets safety & industry standards, the property should be authorized for an Accessory Building. It's their property and they should have the right to develop or build on the land.

Name:

ROBIN & ERIC MATHIAS

Address:

1011 HILLCREST CR, ROCKWALL, TX 75087

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

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Case No. Z2020-030: SUP for an Accessory Building at 1748 Lake Breeze Drive

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.

A new cedar fence has been installed at the rear of the property, so the new structure will not be very visible from the front street or rear alley way.

Name: Truman Joseph Barber
Address: 1791 Birch Hill Dr. Rockwall, TX 75087

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

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

Mark Klecha
1748 Lake Breeze Drive
Rockwall, TX 75087

To the Committee Board,

Thank You for taking the time to consider my special use permit application. I wanted to write to the board to explain my situation in hopes that it will answer any questions you may have on my project.

A quick background on what I am trying to do. I have been completing multiple home improvement projects around my home while I have the down time with the current pandemic situation; a new fence and an added driveway to be exact. During a pre-pour concrete inspection, I asked the Rockwall City Inspector to take a look at a potential location in my yard for a detached garage/workshop to get his inputs on what the requirements would be to build it. Because my yard has a drastic slope to it, he said this location would require an addition of a retaining wall and a concrete slab. He explained the property line set backs and how far the structure would need to be from our home. As well as all the precautions for underground water, sewer, gas and electric, which I had the city come out and inspect before I began the project. The inspector also showed me where to find additional information for specific permit requirements on the Rockwall website, which is what I have used as a template to start my project.

Armed with this knowledge I pulled permits for the retaining wall and concrete slab, all of which were approved by the city. That work is now complete and can be seen in the attached photos. I am finishing up the stone veneer around my concrete retaining wall and plan to have the final inspection done upon completion of the stonework. The concrete slab is also complete and has been finalized by the city. I have been fully transparent about my intentions to build this structure and have asked many questions along the way to ensure I was doing it according to city requirements. It wasn't until now that anyone mentioned the square footage limitations I was going to run into.

Fast forward to now. I applied for the permit to begin building the structure and this is where things took a surprise turn for my project. This is technically a detached garage, which affords me up to a 625 sq/ft structure per the city permit requirements. However, I was told in order to permit it as a detached garage, I would need a 12' wide driveway poured to the garage door (which is not mentioned anywhere on the "City of Rockwall Permit Requirements for Residential Portable, Accessory Buildings, Detached Garages and Carports" page). Due to the location of the structure on my property (see attached site plot), it would not be feasible or aesthetically pleasing to pour that much concrete through my backyard. So because of that one requirement, I must permit this

structure as an accessory building, which now forces me to limit the size of the building to 144 sq/ft. My structure will be approximately 360 sq/ft (see attached plan drawings). So I find myself in a sort of play on words where one allows me to build the structure while also requiring a lot of concrete and the other limits the square footage of the structure. This is why my application is in front of you today. If I wanted to pour a driveway through my backyard, I could technically get a detached garage permit and be able to build the structure without a special use permit. However, that would be cost prohibitive and quite frankly, not at all appealing for my back yard. I would think we can all agree on that?

Having said all of that, please allow me to explain how this structure will be an improvement to my property and all of the precautions I have taken to ensure my neighbors and the location of the structure have been taken into account. I have spoken to my neighbor on that side of my property about my plans and what I am doing. They fully support it and are even willing to sign a letter, if needed, to help this process along. My property also has two large oak trees located in front of and behind where this structure will be built (see attached photos) and they will block the majority of the structure from both the street and alley view. I also have a brand new 8' fence to block it from view as much as it can. I designed the structure to tie in with the architectural elements of our home so that it will not be an eyesore to the neighborhood.

I am asking for your consideration and approval of this permit. I began this project based on the information given to me by the Rockwall City Inspector and the information presented on the Rockwall website for permit requirements. I made large financial decisions based on that information and now find myself in this conundrum of what appears to be, in my opinion, a technicality on words vaguely defining what a structure is and the subsequent surrounding requirements that aren't completely defined on the permit requirements page (i.e. detached garage vs accessory building). At this point I have invested over \$7,000 dollars to build the retaining wall and the concrete slab for this structure. To be denied this special use permit at this point would be very unfortunate and put me in a tough situation.

I am hopeful that you will see my due diligence in using the city professionals and resources prior to beginning this project. I am asking for your help to see this project to its completion.

Again, Thank You for your time and consideration on this matter. If you have any questions or need more information, please contact me at (402) 315-8387 or markklecha@hotmail.com.

Warm Regards,



CITY OF ROCKWALL PERMIT REQUIREMENTS FOR RESIDENTIAL PORTABLE, ACCESSORY BUILDINGS, DETACHED GARAGES & CARPORTS.

A permit is required to erect portable or accessory buildings, detached garages and carports. Requirements are as follows:

1. Permit application
2. Site plan or property Survey – showing the location, size of the building (length, width, height), and the setbacks (distance) from the property line(s) and other structures on the property.
3. Buildings with concrete slabs will require two inspections & should not be located over a gas line. Buildings with electrical, Plumbing or mechanical need to be inspected before covered, such as with sheet-rock.
4. The permit fee is based on the square footage . .

SUBSECTION 7.04: ACCESSORY STRUCTURE DEVELOPMENT STANDARDS

Accessory Structure Development Standards		Accessory Structures & Accessory Buildings ^{1 & 3}					Portable Accessory Building 0 SF – 120 SF ⁸	Detached Garage ^{6 & 9}	Carports ^{7 & 8}
		Single Family Estate 1.5 (SFE-1.5) District	Single Family Estate 2.0 (SFE-2.0) District	Single Family Estate 4.0 (SFE-4.0) District	All Other Single Family Zoning Districts (i.e. SF-7, SF-8.4, SF-10, SF-16 & SF-16 & SF-16)	Two Family (2F) District			
Zoning Districts or Accessory Structure Type <input type="checkbox"/>									
Development Standards <input type="checkbox"/>									
Number of Accessory Structures or Number of Specific Accessory Structure		2 ²	2 ²	2 ²	2	1	1	1	1
Maximum SF of Accessory Structure ⁵		1,000 ²	1,000 ²	1250 ²	144 ⁵	100	120	625	500
Minimum Setbacks	Rear (Feet)	10	10	10	3	3	3	10	10
	Rear w/ Alleyway (Feet)	20 ⁴	20 ⁴	20 ⁴	3	3	3	20 ⁵	20
	Side (Feet)	See Zoning District	See Zoning District	See Zoning District	See Zoning District	3	3	See Zoning District	See Zoning District
Between Buildings (Feet)		10	10	10	6	3	3	10	10
Building Height (Feet)		15	15	15	15	10	10	15	15

ADDITIONAL REQUIREMENTS:

- ★ 1: Accessory buildings and accessory structures shall be accessory to a residential use and located on the same lot. Unless stipulated above, only two (2) accessory structures are permitted per single-family lot; excluding carports that are integrated into the main accessory structure.
- 2: If more than one (1) accessory building is proposed or if an accessory building, 625 SF or less, is existing then the maximum accessory building that can be constructed is 400 SF. If there is an existing accessory building greater than 625 SF no additional accessory buildings or structures are permitted.
- ★ 3: Accessory buildings and structures shall be architecturally compatible with the primary structure, and be situated behind the front façade of the primary structure.
- ★ 4: If the accessory building does not have garage doors facing the alleyway the setback is the same as the base zoning district.
- ★ 5: Accessory buildings and structures not meeting the size requirements stipulated by the section shall require a Specific Use Permit (SUP).
- ★ 6: Each property shall be permitted one (1) detached garage up to 625 SF and one (1) accessory building up to 144 SF.
- 7: In residential districts, carports must be open on at least two (2) sides, architecturally integrated into the primary structure, and be located 20-feet behind the corner of the front façade and meet the garage setback adjacent to an alley. Porte-cocheres are not considered carports, and are allowed, if they are attached and integral with the design of the house.
- 8: Two (2) story accessory buildings or structures shall be prohibited.
- 9: Shall include a minimum of one (1) garage bay door large enough to pull a standard size motor vehicle through.

★ NO MENTION OF REQUIRED 12 FOOT DRIVEWAY TO QUALIFY AS A "DETACHED GARAGE"

★ NOTE 5 IS SORT OF HIDDEN AND NOTE 6 MAKES IT APPEAR THAT I WAS VIOLATING THE INTENT WITH MY STRUCTURE.

272

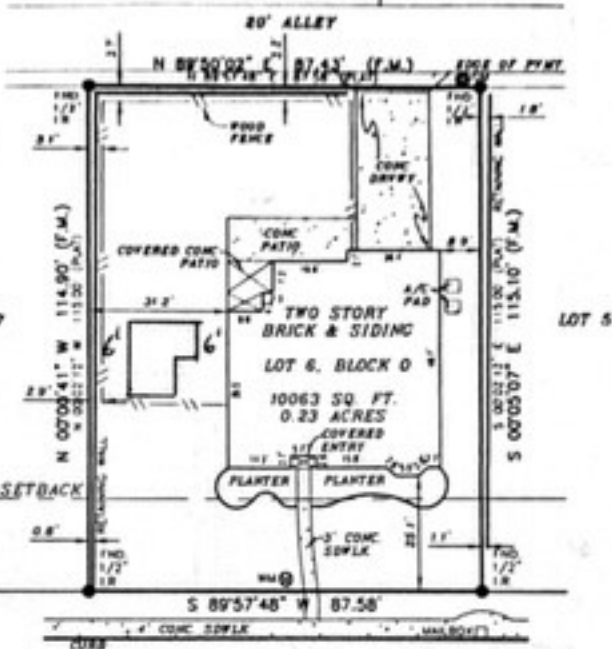
LOT 84

LOT 85

LEGEND

These standard symbols will be found in the drawing

- BOUNDARY LINE
 - - - EASEMENT LINE
 - - - BUILDING SETBACK LINE
 - - - WOOD FENCE
 ● FOUND IRON ROD
 ⊙ GAS METER
 ⊙ WATER METER
 □ MANHOLE
 (PLAT) RECORDED ON PLAT
 (F.M.) FIELD MEASURED

LAKE BREEZE DRIVE
(50' R.O.W.)

LEGAL DESCRIPTION
 BEING LOT 6, BLOCK 0 OF HILLCREST SHORES,
 AN ADDITION TO THE CITY OF ROCKWALL, ROCKWALL COUNTY,
 TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN
 CABINET C, SLIDE 199, PLAT RECORDS, ROCKWALL COUNTY,
 TEXAS.

FLOOD INSURANCE NOTE: By graphic showing only,
 this property is in ZONE X of the
 Flood Insurance Rate Map, Community Panel No.
 18297C-0030-1, effective date of SEPTEMBER 26, 2008.
 Exact designations can only be determined by a
 Flood Certificate. Based on the above information,
 this property is NOT in a Special Flood Hazard Area.

SURVEYOR'S NOTE:
 BASIS OF BEARING: RECORDED
 PLAT UNLESS OTHERWISE NOTED.

GRAPHIC SCALE



I, ROY JOHN RONNFELDT, a Registered Professional Land Surveyor in the State of Texas,
 do hereby certify to HEXTER-FAIR TITLE COMPANY
 and
 that the above map is true and correct according to an actual field survey, made by me on the ground or
 under my supervision, of the property shown hereon or described by field notes accompanying this drawing. I further
 certify that all easements and rights-of-way of which I have been advised are shown hereon and that, except
 as shown, there are no visible encroachments, no visible overlapping of improvements and no apparent
 discrepancies or conflicts in the boundary lines, and no visible physical evidence of easements or rights-of-way
 as of the date of the field survey. I further certify that this survey meets or exceeds the
 minimum standards established by the Texas Board of Professional Land Surveying (Section 863.18)
 Plat(s) 6, Block 0, N.C.B. ---, Survey No. ---, Abstract No. ---
 Survey or Subdivision HILLCREST SHORES, AN ADDITION TO THE CITY OF ROCKWALL
 Cabinet C, Side(s) 122-222 of the Map/Deed and Plat Records of ROCKWALL County, Texas
 Borrower/Owner CHARLES N. HUSTON AND KENDALL HUSTON
 Address 1748 LAKE BREEZE DRIVE of No. FALTBIRGIS

SUBJECT TO RESTRICTIVE COVENANTS AND/OR EASEMENTS RECORDED IN
 VOLUME 941, PAGE 176, REAL ESTATE RECORDS, ROCKWALL COUNTY, TEXAS
 VOLUME 1121, PAGE 25, REAL ESTATE RECORDS, ROCKWALL COUNTY, TEXAS

PROPERTY PHOTOGRAPH



FINAL "AS-BUILT" SURVEY

JOB NO.	1105008387	NO.	REVISION	DATE
DATE:	03/27/11			
DRAWN BY:	ML/TH			
APPROVED BY:	RJR			

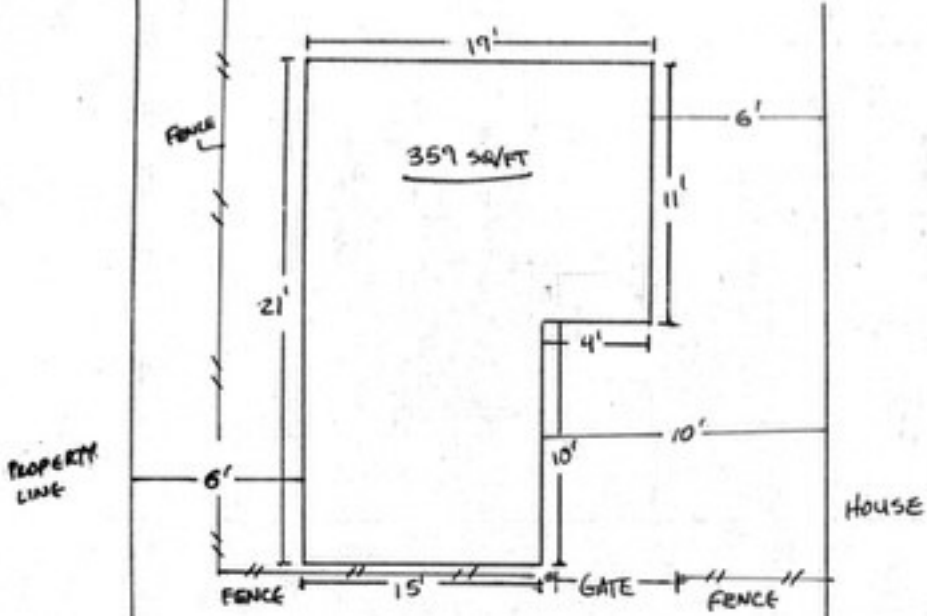


AMERISURVEYORS, LLC
 10751 Inwood Road - San Antonio, Texas 78249
 Phone: (214) 479-9999 • FAX: (214) 479-9999

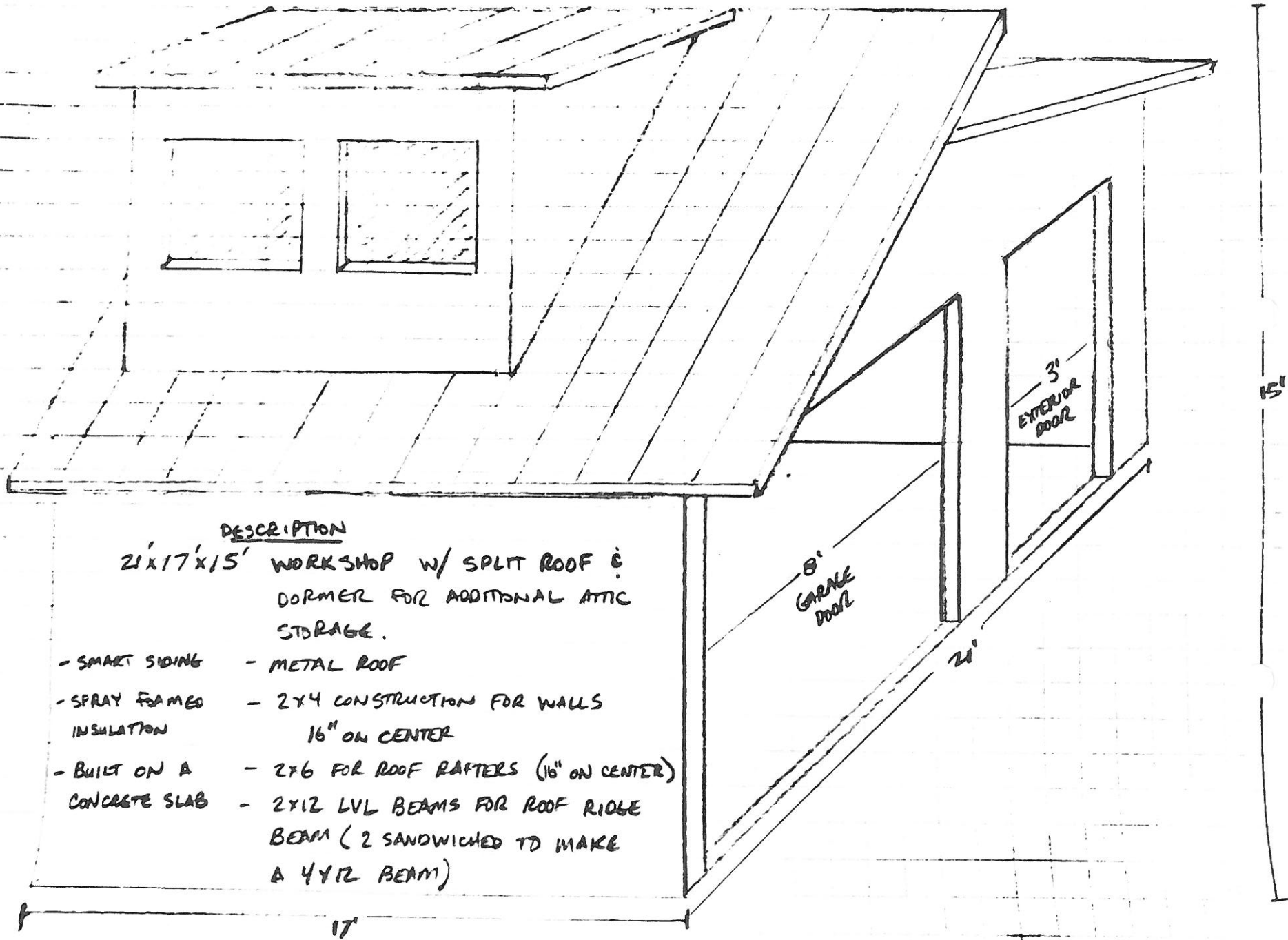
ROY JOHN RONNFELDT, R.P.L.S.
 Registered Professional Land Surveyor
 Registration No. 3520

* NEW DESIGN DUE TO SET-BACK REQUIREMENTS.

* 6' SET-BACK ON PROPERTY LINE AND NEWLY ESTABLISHED SET-BACK FOR THE HOUSE - WHICH IS 6' INSTEAD OF 10' (SEE CRAIG FORGE EMAIL)



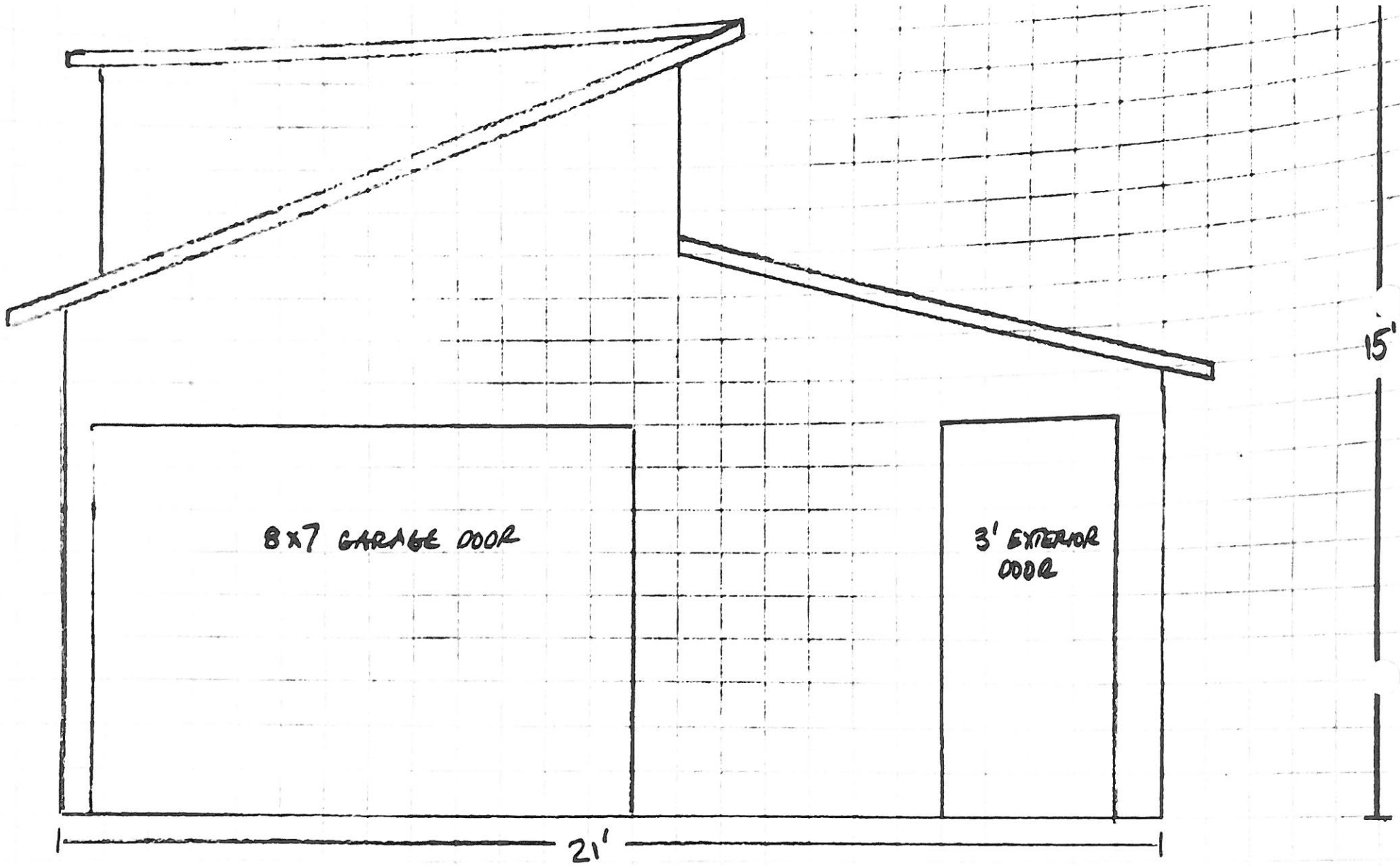
* HAD TO CHANGE THE BUILDING SHAPE DUE TO THE GATE LOCATION.



DESCRIPTION

21'x17'x15' WORKSHOP W/ SPLIT ROOF & DORMER FOR ADDITIONAL ATTIC STORAGE.

- SMART SIDING
- METAL ROOF
- SPRAY FOAMED INSULATION
- 2x4 CONSTRUCTION FOR WALLS 16" ON CENTER
- BUILT ON A CONCRETE SLAB
- 2x6 FOR ROOF RAFTERS (16" ON CENTER)
- 2x12 LVL BEAMS FOR ROOF RIDGE BEAM (2 SANDWICHED TO MAKE A 4x12 BEAM)



PROPERTY LINE

RETAINING WALL

3' SET
BACK

FENCE

NOTES:

- CONCRETE SLAB
- WORKSHOP WILL BE 3' FROM PROPERTY LINE &
OVER 10' FROM MY HOUSE.
- 357' SQUARE FEET

FENCE

17'

21'

10' SET
BACK
FROM
HOME

* STRUCTURE WILL BE MOSTLY COVERED
WITH FENCE AND OAK TREES FROM THE
FRONT AND BACK





CITY OF ROCKWALL

ORDINANCE NO. 20-XX

SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL AND PLANNED DEVELOPMENT DISTRICT 11 (PD 11), ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW AN *ACCESSORY BUILDING* THAT EXCEEDS THE MAXIMUM ALLOWABLE SIZE ON A 0.2297-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 6, BLOCK O, HILLCREST SHORES ADDITION, 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.

WHEREAS, the City has received a request from Mark Klecha for the approval of a Specific Use Permit (SUP) to allow an Accessory Building that exceeds the maximum allowable size on a 0.2297-acre parcel of land being described as Lot 6, Block O, Hillcrest Shores Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 11 (PD-11) for Single-Family 10 (SF-10) District land uses, addressed as 1748 Lake Breeze Drive, and being more specifically depicted and described in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code (UDC) [*Ordinance No. 20-02*] and Planned Development District 11 (PD-11) 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) allowing an *Accessory Building* as stipulated by Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*, of 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 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 20-20] -- as heretofore amended and as may be amended in the future --, and with the following conditions:

2.1. OPERATIONAL CONDITIONS

The following conditions pertain to the operation of an *Accessory Building* on the *Subject Property* and conformance to these conditions are required for continued operations:

- (1) The *Accessory Building* shall generally conform to the concept plan and the conceptual building elevations depicted in *Exhibits 'B' & 'C'* of this ordinance.
- (2) The *Accessory Building* shall not exceed a maximum size of 360 SF.
- (3) The subject property shall not have more than one (1) accessory building.

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 compliance to the following:

- (1) Upon obtaining a *Building Permit*, should the homeowner fail to meet the minimum operational requirements set forth herein and outline in the Unified Development Code (UDC), the City Council may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Section 2.02(F), *Revocation*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC).

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

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

SECTION 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS (\$2,000.00)* for each offense 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 8TH DAY OF SEPTEMBER, 2020.

Jim Pruitt, *Mayor*

ATTEST:

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: August 17, 2020

2nd Reading: September 8, 2020

Exhibit 'A'
Zoning Exhibit

Address: 1748 Lake Breezy Drive

Legal Description: Lot 6, Block O, Hillcrest Shores Addition



Exhibit 'B':
Site Plan

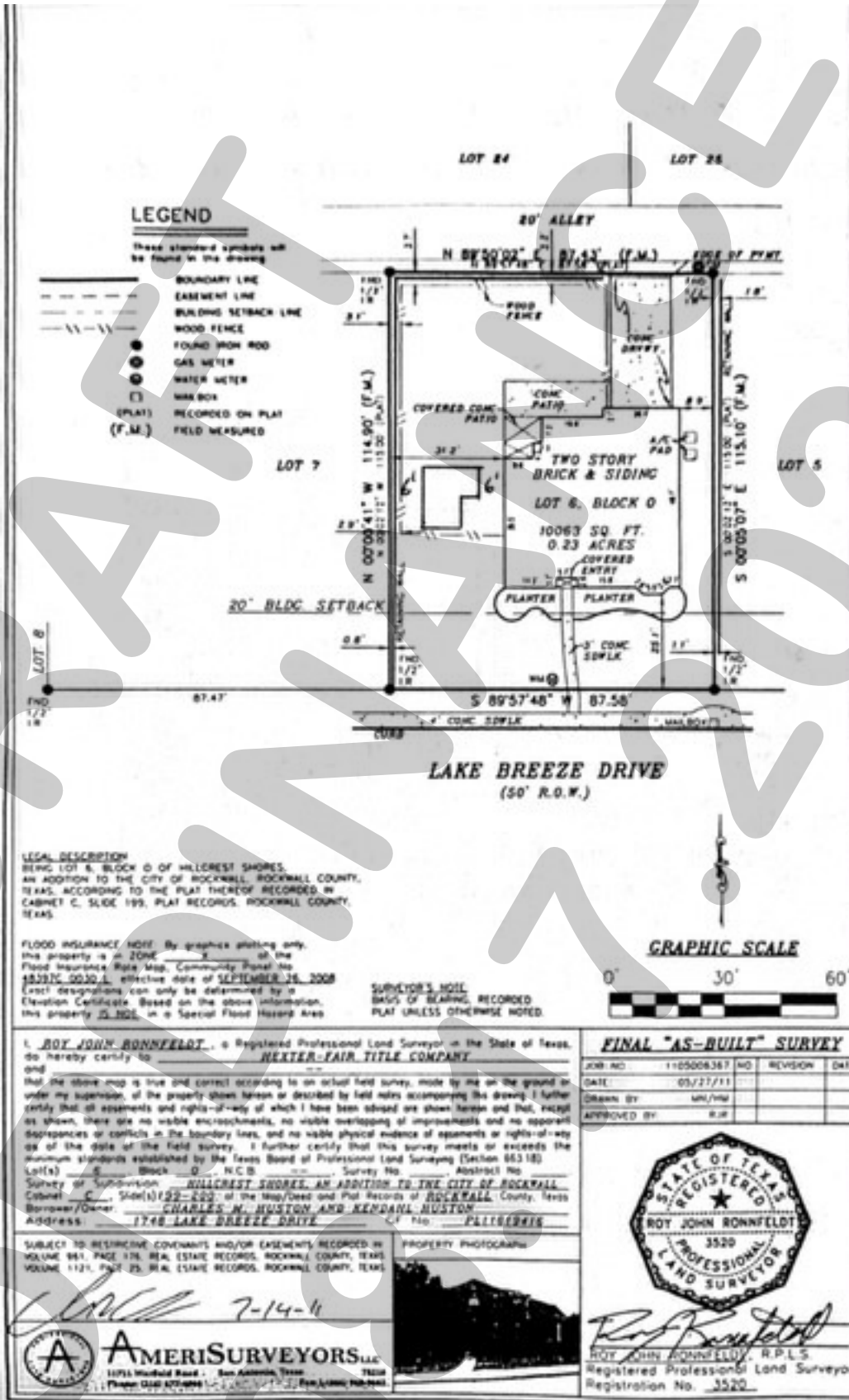


Exhibit 'B':
Site Plan

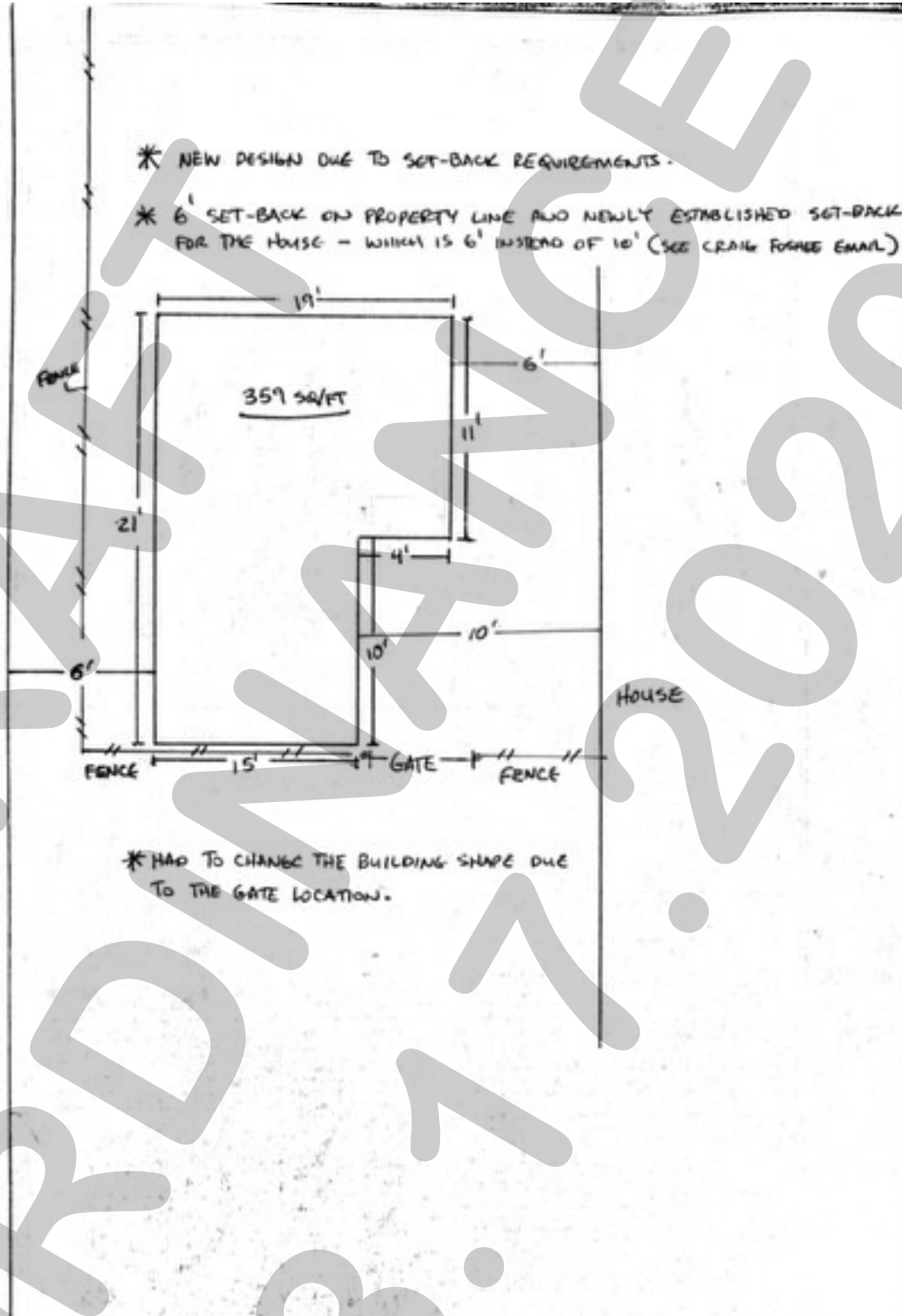


Exhibit 'C':
Conceptual Building Elevations

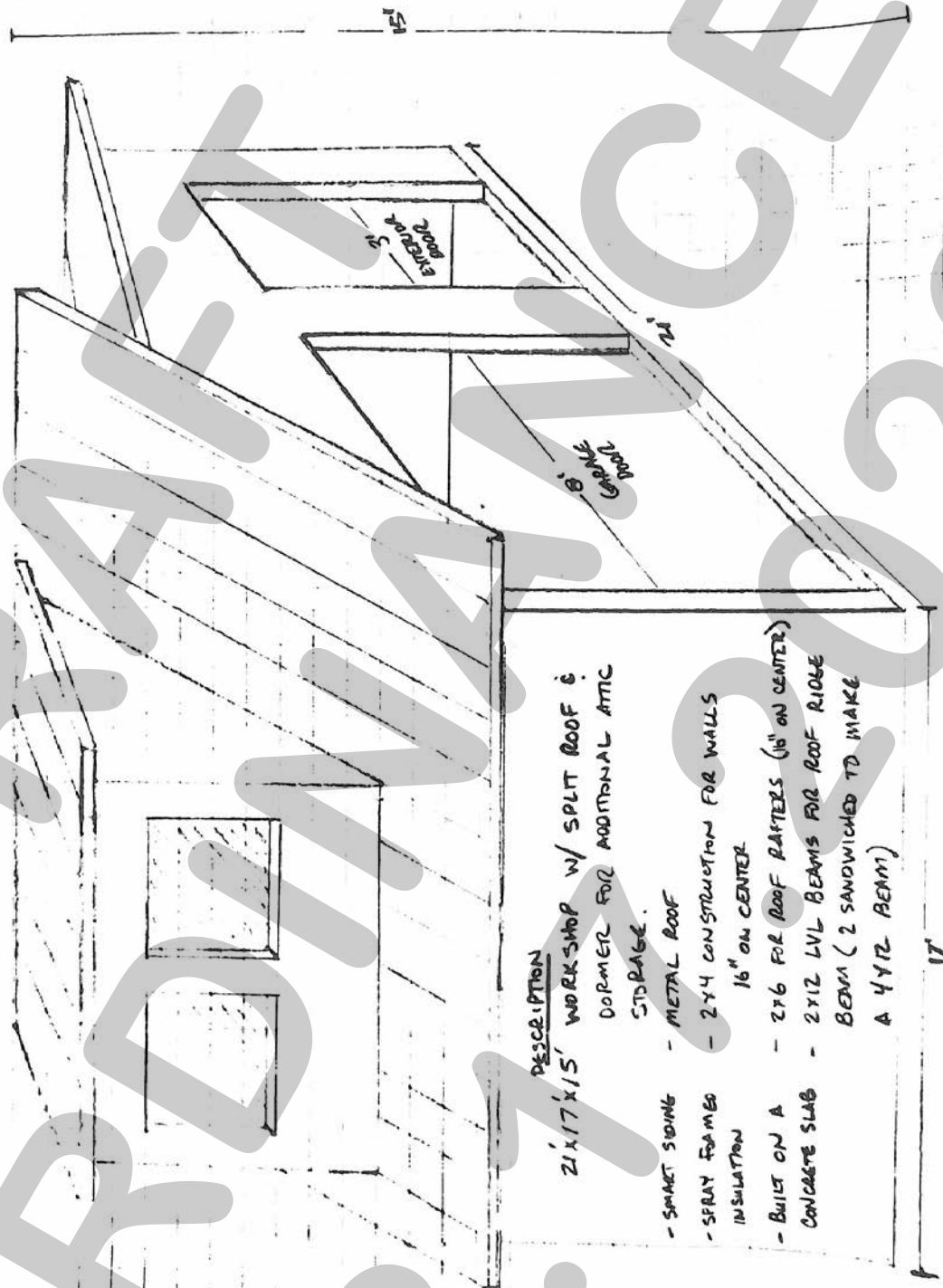
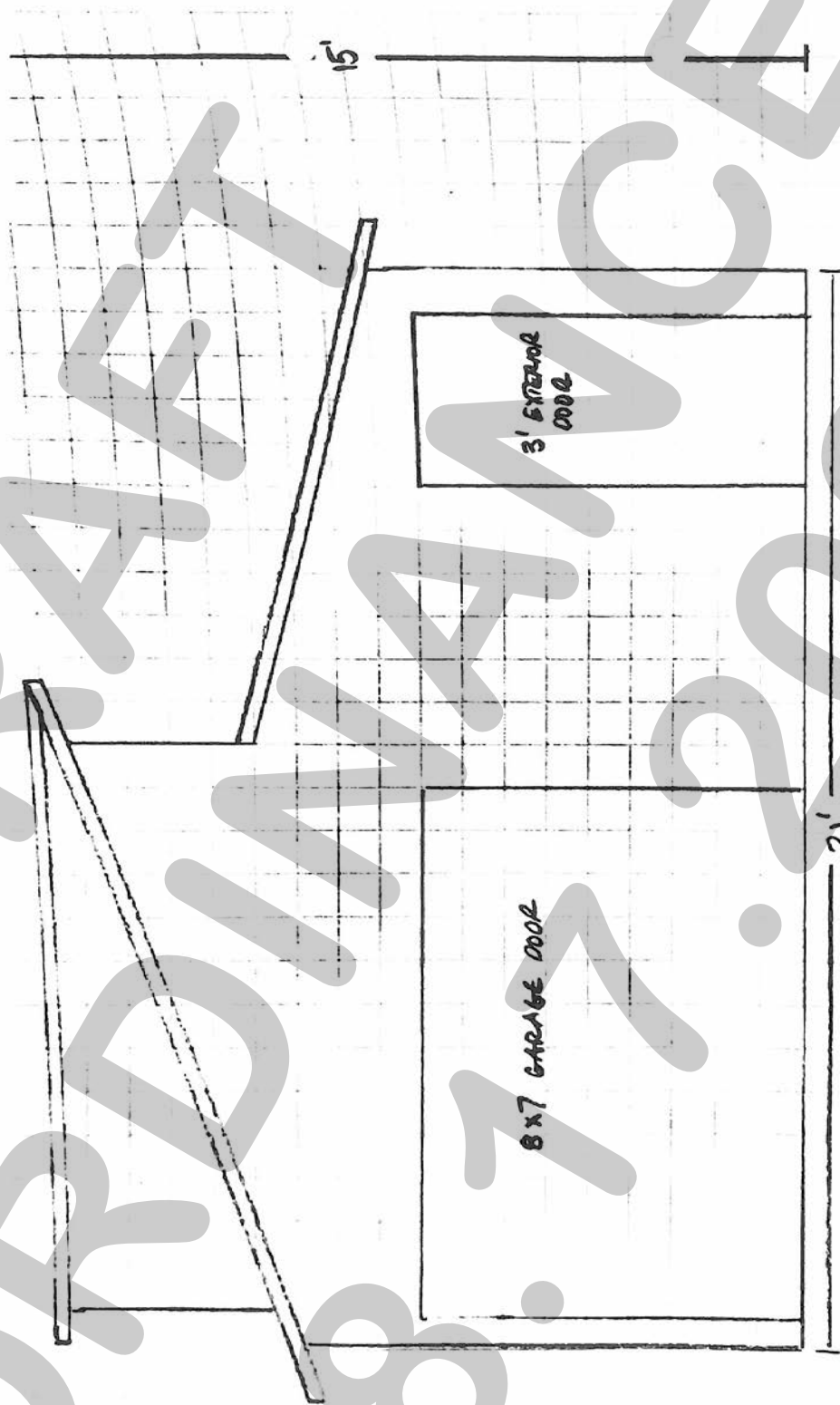


Exhibit 'C':
Conceptual Building Elevations



MINUTES

PLANNING AND ZONING COMMISSION MEETING
CITY HALL, 385 SOUTH GOLIAD, ROCKWALL, TEXAS
AUGUST 11, 2020 IN THE CITY COUNCIL CHAMBERS AT 6:00 PM

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I. CALL TO ORDER

Chairman Eric Chodun called the meeting to order at 6:03 PM. Commissioners present were John Womble, Tracey Logan, Sedric Thomas, Annie Fishman, and Mark Moeller. Absent from the meeting was Vice-Chairman Jerry Welch. Staff members present were Planning and Zoning Director Ryan Miller, Planning and Zoning Manager David Gonzales, Planner Henry Lee, Planning and Zoning Coordinator Angelica Gamez, and Civil Engineer Jeremy White. Absent from the meeting were City Engineer Amy Williams and Civil Engineer Sarah Johnston.

II. OPEN FORUM

Chairman Chodun explained how open forum is conducted and asked if anyone wished to speak to come forward at this time. There being no one coming forward, Chairman Chodun closed the open forum.

III. APPOINTMENTS

- 1. Appointment with the Architectural Review Board (ARB) Chairman to receive the Architectural Review Board's recommendations and comments for items on the agenda requiring architectural review.

Planning and Zoning Director Ryan Miller gave a brief explanation concerning the agenda items that were discussed at the Architectural Review Board meeting.

IV. CONSENT AGENDA

- 2. Approval of Minutes for the July 28, 2020 Planning and Zoning Commission meeting.
- 3. **SP2020-012 (DAVID GONZALES)**
Discuss and consider a request by Cody Johnson of Cody Johnson Studio, LLC on behalf of Jose Campos of Hines for the approval of a Site Plan for the *amenities center* for the Saddle Star Estates Subdivision being a 0.782-acre portion of a larger two (2) acre tract of land identified as Tract 1 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 79 (PD-79) for Single-Family 8.4 (SF-8.4) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, located on the north side of John King Boulevard south of Featherstone Drive, and take any action necessary.
- 4. **SP2020-017 (DAVID GONZALES)**
Discuss and consider a request by Jimmy McClintock of HWY 66 Properties, LP for the approval of a Site Plan for an *office building* on a 0.28-acre parcel of land identified as Lot 2-R, Block A, Washington Place Addition, City of Rockwall, Rockwall County, Texas, zoned Downtown (DT) District, addressed as 407 W. Washington Street, and take any action necessary.

Commissioner Sedric Thomas made a motion to approve the consent agenda. Commissioner John Womble seconded the motion which passed by a vote of 6-0 with Vice-Chairman Welch absent.

V. PUBLIC HEARING ITEMS

- 5. **Z2020-030 (RYAN MILLER)**
Hold a public hearing to discuss and consider a request by Mark Klecha for the approval of a Specific Use Permit (SUP) for an *accessory building that exceeds the maximum square footage* on a 0.2297-acre parcel of land identified as Lot 6, Block O, Hillcrest Shores Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 11 (PD-11) for Single-Family 10 (SF-10) District land uses, addressed as 1748 Lake Breeze Drive, and take any action necessary.

Director of Planning and Zoning Ryan Miller provided a brief summary in regards to the request. The applicant is requesting approval of a Specific Use Permit (SUP) of an accessory building that exceeds the maximum square footage. According to the Unified Development Code (UDC), an accessory building in a Single-Family 10 (SF-10) District is limited to 144 square feet with a 3-foot rear setback, a 6-foot side setback, and a 15-foot total overall height. The structure is also required to be 6-feet from the primary structure. According to the new plans provided, the applicant is now in compliance with all setback and height requirements even though the structure itself is 359 square feet. The exterior of the structure is going to be a smart lap-siding and a standing seam metal roof which will be complimentary to the primary structure. Any approval of a specific use permit is a discretionary decision for the City Council pending a

58 recommendation from the Planning and Zoning Commission. In accordance with all zoning case, Staff sent out 100 notices to property
59 owners and residents within 500-feet of the subject property on July 23, 2020. Any Homeowners Associations within 1500- feet of the
60 property were also notified. Mr. Miller mentioned that one of the conditions of approval of this case was that the applicant was required,
61 if approved, to submit a letter from a structural engineer certifying that the recently built retaining wall can support that building's weight
62 before a building permit is issued. Mr. Miller advised the Commission that the applicant and Staff were present to answer questions.
63

64 Commissioner Logan had a question in regards to the retaining wall on the property and on the carports on the area.

65 Commissioner Womble had a question in regards to the property blocking the lake views.

66
67 Commissioner Fishman asked if this was the only accessory structure on the property and, if approved, would it limit the applicant to
68 have additional ones in the future.
69

70
71 Chairman Chodun asked the applicant to come forward.

72
73 Mark Klecha
74 407 W. Washington Street
75 Rockwall, TX 75087
76

77 Mr. Klecha came forward and was prepared to answer additional questions.

78
79 Chairman Chodun opened the public hearing and asked if anyone wished to speak to come forward and do so at this time.
80

81 Doug Hamilton
82 1774 Baywatch Drive
83 Rockwall, TX 75087
84

85 Mr. Hamilton came forward and provided a brief history of himself and his property and explained that the structure would not obstruct
86 the lake views from the property. He expressed his favor in regards to the request.
87

88 Chairman Chodun asked if there was anyone else who wished to speak. There being no one doing such, Chairman Chodun closed the
89 public hearing and brought the item back to the Commission for discussion or action.
90

91 Commissioner Logan expressed her opposition to the size of the accessory structure.
92

93 Commissioner Moeller shared concerns with Commissioner Logan in regards to size but understood there was confusion surrounding
94 the case and why the applicant started the process beforehand.
95

96 Commissioner Womble expressed his opposition in regards to the size of the structure as well.
97

98 Chairman Chodun expressed his being in favor of the request.
99

100 Commissioner Moeller made a motion to approve item Z2020-030 with staff recommendations. Commissioner Fishman seconded the
101 motion which passed by a vote of 4-2, with Commissioners Logan and Womble dissenting.
102

103 Chairman Chodun advised the applicant that the case would go before the City Council on August 17, 2020.
104

105 6. Z2020-031 (RYAN MILLER)

106 Hold a public hearing to discuss and consider a request by Pat Atkins of KPA Consulting, Inc. on behalf of the owners C. D. T.
107 Rockwall 2017, LLC for the approval of a Zoning Amendment to Planned Development District 79 (PD-79) [Ordinance No. 16-39]
108 for the purpose of amending the development standards contained in Ordinance No. 16-39 for a 70.408-acre tract of land
109 identified as Tracts 1, 1-03, 1-5 & 2-03 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas,
110 zoned Planned Development District 79 (PD-79) for Single-Family 8.4 (SF-8.4) District land uses, situated within the SH-205 By-
111 Pass Overlay (SH-205 BY-OV) District, located on the north side of John King Boulevard east of the intersection of John King
112 Boulevard and Featherstone Drive, and take any action necessary.
113

114 Planning and Zoning Director Ryan Miller provided a brief background in regards to the request. The property was originally zoned in
115 2016 and is commonly referred to Saddle Star Estates South. At the time of approval, the original zoning allowed 113 lots that were 70 x
116 125-foot and all the garage orientations were either a traditional swing or j-swing with both of these conforming to the requirements of
117 the Unified Development Code at that time. In October of 2016, the applicant requested to amend the Planned Development district to
118 add 25 lots along with adding additional area to the Planned Development district. Along with this request, the applicant also requested
119 to allow 80% front entry garages in the subdivision and was ultimately approved 50% front entry by the City Council. In September 2019,
120 the applicant submitted a subsequent request to amend the Planned Development District to add 38 additional lots to bring the total to
121 176 lots. All of the proposed 80x100 foot lots were to have a traditional swing or j-swing orientation. The request brought before the
122 Commission tonight is for the applicant to have the ability have 30% of the lots in a flat front entry format. The remaining 70% of the lots
123 are to be either in a traditional swing or modified swing format. Mr. Miller then explained the four (4) different format for the garages

321 Commissioner Chodun stated that he was in agreeance with the Commissioners and he knew the applicant's intentions were good but
322 maybe the applicant need to have more discussions with the City to reach a resolution.
323

324 Commissioner Logan then asked for clarification on what exactly they were voting on.
325

326 Mr. Miller explained that the approval would be of incidental display. And the applicant would be requesting 5 variances and it would
327 cause 10 compensatory measures.
328

329 Mr. Miller explained that the applicant is requesting to amend the site plan to add the incidental display. Incidental display has very
330 specific standards in the Code. What the applicant is requesting to do is similar to outside sales which are not allowed and the only way
331 to facilitate it would be through the incidental display. The incidental display outlines exactly what you can and cannot do and the
332 applicant does not meet the majority of those requirements. Each one that he does not meet is a variance or exception and the only way
333 to request exceptions in the code is to provide offsetting compensatory measures. In this case, the applicant is requesting five (5)
334 variances and, in order to meet the code, he would need to provide ten (10) offsetting compensatory measures. There is not enough
335 space for him to be able to meet those measures so he is basically requesting the exceptions not in conformance to the code. What the
336 Commission would be approving would be a request that doesn't conform to the incidental display requirements.
337

338 Commissioner Womble made a motion to deny item SP2020-015 without prejudice. Commissioner Thomas seconded the motion which
339 passed by a vote of 6-0.
340

341 VII. DISCUSSION ITEMS
342

343 11. Director's Report of post City Council meeting outcomes for development cases (RYAN MILLER).
344

- 345 • P2020-028: Replat for Lot 9, Block A, Bodin Industrial Tract [APPROVED]
- 346 • Z2020-023: SUP for *Residential Infill Adjacent to an Established Subdivision* for 54 Shadydale Lane [APPROVED; 2ND
347 READING]
- 348 • Z2020-024: Zoning Amendment to Planned Development District 78 (PD-78) [APPROVED; 2ND READING]
- 349 • Z2020-025: SUP for a *General Retail Store and Hair Salon and/or Manicurist* for 507 N. Goliad Street [APPROVED; 2ND
350 READING]
- 351 • Z2020-027: SUP for a *General Retail Store and Banquet Facility/Event Hall* for 803 N. Goliad Street [APPROVED; 2ND
352 READING]
- 353 • Z2020-028: Zoning Amendment to Planned Development District 10 (PD-10) [APPROVED; 2ND READING]
- 354 • Z2020-029: Zoning Change (AG to SFE-2.0) [APPROVED; 2ND READING]

355
356 Planning and Zoning Director Ryan Miller provided a brief update about the outcome of the above referenced cases at the City Council
357 meeting.
358

359 VIII. ADJOURNMENT
360

361 Chairman Chodun adjourned the meeting at 7:25 PM.
362

363 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this
364 25 day of August, 2020.
365

366
367 _____
368 Eric Chodun, Chairman
369

370 Attest:

371 _____
372 Angelica Gamez, Planning and Zoning Coordinator



MINUTES

ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, August 17, 2020 - 5:00 PM

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

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the meeting to order at 5:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Kevin Fowler and Council Members Anna Campbell, John Hohenshelt, Bennie Daniels and Trace Johannesen. Also present were City Manager Rick Crowley and Assistant City Managers Mary Smith and Joey Boyd. City Attorney Frank Garza joined Ex. Session via telephone. Councilmember Dana Macalik arrived to the meeting and joined Ex. Session at 5:05 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 (Board of Adjustments & Planning and Zoning Commission), pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding City of Rockwall vs. Richard Brooks pursuant to Section §551.071 (Consultation with Attorney).
3. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section §551.071 (Consultation with Attorney)

Consent Agenda Item # 2. Consider approval of an ordinance reducing the City of Rockwall's Extraterritorial Jurisdiction (ETJ) by releasing a 3,796.18 acre tract of land generally located South of FM-550, North and West of FM-548, and East of Edwards Road to the County of Rockwall, and take any action necessary. (2nd Reading)

Action Item #1. P2020-029 - Discuss and consider a request by DR Horton – Texas, LTD on behalf of DMDS Land Company, LLC for the approval of a *Preliminary Plat* for River Rock Trails, Phase 1A Addition being a 35.28-acre portion of a larger 1,225.721-acre tract of land identified as Tract 11 of the F. Baugess Survey, Abstract No. 7, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), generally north of the intersection of FM-548 and High Plains Trail, and take any action necessary. pursuant to Section §551.071 (Consultation with Attorney)

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Ex. Session at 5:25 p.m.

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

Mayor Pruitt reconvened the public meeting at 6:02 p.m. with all seven city council members being present.

V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER CAMPBELL

CORPORATE BOUNDARIES OF THE CITY OF ROCKWALL; PROVIDING FOR AMENDING AND CORRECTING THE OFFICIAL CORPORATE AND EXTRATERRITORIAL BOUNDARIES OF THE CITY AS 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.

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

X. PUBLIC HEARING ITEMS

- 1. Z2020-030** - Hold a public hearing to discuss and consider a request by Mark Klecha for the approval of an ordinance for a *Specific Use Permit (SUP)* for an *accessory building that exceeds the maximum square footage* on a 0.2297-acre parcel of land identified as Lot 6, Block O, Hillcrest Shores Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 11 (PD-11) for Single-Family 10 (SF-10) District land uses, addressed as 1748 Lake Breeze Drive, and take any action necessary (1st Reading).

Planning Director Ryan Miller provided background information pertaining to this agenda item. Notices were sent out to property owners located within 500' of the subject property, with four notices having been received back in favor and one notice receive in opposition.

Mayor Pruitt opened the public hearing. The applicant briefly came forth and indicated he would be happy to answer any questions council may have. There being no one else wishing to come forth and speak, Mayor Pruitt then closed the Public Hearing.

General discussion ensued pertaining to the applicant's request and what he is wanting to do. Extensive discussion also took place pertaining to the way the city's code(s) is currently written pertaining to these types of structures and if, potentially, those regulations need to be changed.

Mayor Pro Tem Fowler moved to approve Z2020-030. Mayor Pruitt seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 20-XX
SPECIFIC USE PERMIT NO. S-XXX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL AND PLANNED DEVELOPMENT DISTRICT 11 (PD 11), ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW AN ACCESSORY BUILDING THAT EXCEEDS THE MAXIMUM ALLOWABLE SIZE ON A 0.2297-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 6, BLOCK O, HILLCREST SHORES ADDITION, 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.

unanimously of those present. Johannesen then moved to newly appoint to the Park Board Amanda Fowler (to replace Charles Johnson). Councilmember Macalik seconded the motion, which passed by a vote of 6 ayes to 1 abstention (Fowler).

Mayor Pro Tem Fowler moved to reappoint Steve Albers and Gary Freedman to the Animal Advisory Board. Councilmember Campbell seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Councilmember Campbell moved to appoint Gary Cannavo to the Main Street Advisory Board (to replace Stuart Smith for a term to expire in Jan. of 2022). Councilmember Daniels seconded the motion, which passed by a vote of 7 ayes to 0 nays.

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:

1. Discussion regarding appointments to city regulatory boards, commissions, and committees (Board of Adjustments & Planning and Zoning Commission), pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding City of Rockwall vs. Richard Brooks pursuant to Section §551.071 (Consultation with Attorney).
3. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section §551.071 (Consultation with Attorney)

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

Council did not convene in Ex. Session following the close of the public meeting agenda.

XIV. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 7:36 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 8th DAY OF SEPTEMBER, 2020.



JIM PRUITT, MAYOR

ATTEST:



KRISTY COLE, CITY SECRETARY





MINUTES

ROCKWALL CITY COUNCIL REGULAR MEETING

Tuesday, September 08, 2020 - 4:00 PM

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

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the public meeting to order at 4:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Kevin Fowler and Council Members Anna Campbell, Dana Macalik, John Hohenshelt, Bennie Daniels and Trace Johannesen. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Joey Boyd and City Legal Counsel, Patrick Lindner.

II. WORK SESSION

1. Hold a work session on itinerant vendors to discuss and consider changes to Article III, *Peddlers, Solicitors, and Itinerant Vendors*, of Chapter 12, *Businesses and Sales*, of the Municipal Code of Ordinances, and take any action necessary.

Planning Director, Ryan Miller, briefed the Council on proposed changes to this portion of the Code, mainly related to changes associated with itinerant vendors. Council took no action concerning this work session item at this time. However, Mayor Pruitt pointed out that this topic is listed as an "Action Item" on tonight's agenda. Council members generally indicated that they would like to take action on this later this evening.

2. Hold a work session on residential accessory structures to discuss changes to Article 05, *District Development Standards*, of the Unified Development Code (UDC), and take any action necessary.

Planning Director, Ryan Miller, briefed Council on this topic. No action was taken as a result of this work session discussion. Indication was given that staff will bring forth formal changes to the ordinance provisions at a future Council meeting.

Mayor Pruitt read the following discuss items into the public record before recessing the meeting to go into Executive Session at 4:53 p.m.

III. 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 City Manager employee evaluation, pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding City of Rockwall vs. Richard Brooks pursuant to Section §551.071 (Consultation with Attorney).
3. Discussion and interviews regarding appointments to city regulatory boards, commissions, and committees (Rockwall Economic Development Corporation (REDC), Board of Adjustments & Planning and Zoning Commission), pursuant to Section 551.074 (Personnel Matters)

Mayor Pruitt provided brief comments pertaining to the RCAD in general and to this proposed expansion request. He expressed that he believes this request is needed and reasonable.

Councilmember Johannesen moved to approve the RCAD's expansion proposal, as presented. Councilmember Daniels seconded the motion, which passed by a vote of 6 ayes with 1 abstention (Hohenshelt).

XII. PUBLIC HEARING ITEMS

1. Hold a public hearing to receive comments regarding the Proposed FY2021 City of Rockwall Budget and tax rate and take any action necessary.

City Manager Rick Crowley provided introductory comments pertaining to this agenda item. He generally indicated that this budget reflects a very conservative approach, especially in light of COVID-19 and its potential impacts on the local economy. He went on to explain that the city's charter does allow for budget amendments, so staff will remain mindful of this and will be sure to come to Council, accordingly, should the need for amendment requests arise.

Following Mr. Crowley's comments, Mayor Pruitt shared that a work session on the budget was held with staff and Council about two weeks ago.

Mrs. Mary Smith, Assistant City Manager/Finance Director, then provided comments, sharing a little more details regarding 'numbers' associated with both the budget and proposed tax rate.

Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak at this time.

Bob Wacker
309 Featherstone Drive
Rockwall, TX

Mr. Wacker came forth and shared that he lives in a very vibrant area of the city. He generally encouraged that the City consider finding additional revenue sources in the future. He acknowledged that City of Rockwall residents enjoy one of the lowest (total) tax bills of any other place/county in the area. He thanked the Council for all it does.

There being no one else wishing to come forth and speak, Mayor Pruitt closed the public hearing.

Mayor Pruitt moved to advertise the adoption of the tax rate on September 21, 2020 at a rate of .3700 per \$100 of valuation. Mayor Pro Tem Fowler seconded the motion. Following brief, clarifying comments, the motion passed by a vote of 6 ayes to 1 nay (Macalik).

XIII. ACTION ITEMS

1. **22020-030** - Discuss and consider a request by Mark Klecha for the approval of an ordinance for a Specific Use Permit (SUP) for an accessory building that exceeds the maximum square footage on a 0.2297-acre parcel of land identified as Lot 6, Block O, Hillcrest Shores Addition, City of Rockwall,

Rockwall County, Texas, zoned Planned Development District 11 (PD-11) for Single-Family 10 (SF-10) District land uses, addressed as 1748 Lake Breeze Drive, and take any action necessary (2nd Reading).

Mayor Pro Tem Fowler moved to approve Z2020-030. Councilmember Hohenshelt seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 20-34
SPECIFIC USE PERMIT NO. S-231**

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 AND PLANNED DEVELOPMENT DISTRICT 11 (PD 11), ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW AN *ACCESSORY BUILDING* THAT EXCEEDS THE MAXIMUM ALLOWABLE SIZE ON A 0.2297-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 6, BLOCK O, HILLCREST SHORES ADDITION, 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 with 2 nays (Daniels, Macalik).

2. **P2020-031** - Discuss and consider a request by Kerry Joshua Sparks for the approval of a *Final Plat* for Lot 1, Block A, Sparks Six Addition being a 2.88-acre tract of land identified as Tract 3-03, 3-05, & 3-07 of the M. Simmons Survey, Abstract No. 194, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), generally located on the west side of Old Millwood Road north of the intersection of Old Millwood Road and FM-552, and take any action necessary.

Planning Director Ryan Miller provided background information pertaining to this agenda item. Councilmember Johannesen asked for clarification on the lot frontage requirements, and Mr. Miller provided said clarification.

Councilmember Johannesen moved to approve P2020-031. Councilmember Macalik seconded the motion, which passed unanimously of those present (7 ayes to 0 nays).

3. Discuss and consider proposal from Republic Waste to extend the current Solid Waste Collection agreement and take any action necessary.

Mary Smith, Assistant City Manager / Finance Director, introduced Rick Bernas from Republic Waste. Mr. Bernas came forth and provided brief comments to Council, generally indicating that his company is requesting a five-year extension of the current contract. There has been about a 37% increase in residential volume since COVID-19 hit. He went on to share details of what Republic did for its own employees during COVID (i.e. buying lunch for its employees and their families (up to 4 people) every Friday and issuing gift cards to stimulate the local economy).

City Manager Rick Crowley pointed out that he gave each council member a handout related to the countywide roadway traffic consortium and its recent activities. He encouraged the Council to be thinking about what future roadway related projects it would like to see, as the consortium is seeking said input from each member entity that participates in these countywide roadway planning projects.

Mayor Pruitt then indicated that Council would be going back into Executive Session to address item #1 shown below. He recessed the public meeting to do so at 7:30 p.m.

XV. 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 City Manager employee evaluation, pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding City of Rockwall vs. Richard Brooks pursuant to Section §551.071 (Consultation with Attorney).
3. Discussion and interviews regarding appointments to city regulatory boards, commissions, and committees (Rockwall Economic Development Corporation (REDC), Board of Adjustments & Planning and Zoning Commission), pursuant to Section 551.074 (Personnel Matters)
4. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section §551.071 (Consultation with Attorney)

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

Council came out of Ex. Session and took no action.

XVII. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 8:25 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 21ST DAY OF SEPTEMBER, 2020.



JIM PRUITT, MAYOR

ATTEST:



KRISTY COLE, CITY SECRETARY



CITY OF ROCKWALL

ORDINANCE NO. 21-XX

SPECIFIC USE PERMIT NO. S-2XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 11 (PD 11) 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) TO ALLOW AN *ACCESSORY BUILDING* THAT EXCEEDS THE MAXIMUM ALLOWABLE HEIGHT AND SIZE ON A 0.2297-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 6, BLOCK O, HILLCREST SHORES ADDITION, 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.

WHEREAS, the City has received a request from Mark Klecha for the approval of a Specific Use Permit (SUP) to allow an *accessory building* that exceeds the maximum allowable height and size on a 0.2297-acre parcel of land being described as Lot 6, Block O, Hillcrest Shores Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 11 (PD-11) for Single-Family 10 (SF-10) District land uses, addressed as 1748 Lake Breeze Drive, and being more specifically depicted and described in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code (UDC) [*Ordinance No. 20-02*] and Planned Development District 11 (PD-11) 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 approval of this Specific Use Permit (SUP) ordinance shall supersede all requirements stipulated by *Ordinance No. 20-34 [S-231]*; and,

SECTION 2. 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) allowing an *Accessory Building* as stipulated by Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*, of the Unified

Development Code (UDC) [Ordinance No. 20-02] on the *Subject Property*; and,

SECTION 3. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 20-20] -- as heretofore amended and as may be amended in the future --, and with the following conditions:

3.1. OPERATIONAL CONDITIONS

The following conditions pertain to the operation of an *Accessory Building* on the *Subject Property* and conformance to these conditions are required for continued operations:

- (1) The *Accessory Building* shall generally conform to the concept plan and the conceptual building elevations depicted in *Exhibits 'B' & 'C'* of this ordinance.
- (2) The *Accessory Building* shall not exceed a maximum size of 570 SF (i.e. 330 SF – 1st floor & 240 SF – 2nd floor).
- (3) The *Accessory Building* shall not exceed a height of more than 16-feet, 6-inches.
- (4) The *Accessory Building* shall not be used as a guest quarters/secondary living unit.
- (5) The subject property shall not have more than one (1) accessory building.

3.2. 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 compliance to the following:

- (1) Upon obtaining a *Building Permit*, should the homeowner fail to meet the minimum operational requirements set forth herein and outline in the Unified Development Code (UDC), the City Council may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Section 2.02(F), *Revocation*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC).

SECTION 4. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

SECTION 5. 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 6. 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 7. 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 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 7TH DAY OF JUNE, 2021.**

Kevin Fowler, *Mayor*

ATTEST:

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: May 17, 2021

2nd Reading: June 7, 2021

Exhibit 'A'
Zoning Exhibit

Address: 1748 Lake Breezy Drive

Legal Description: Lot 6, Block O, Hillcrest Shores Addition



Exhibit 'B':
Site Plan

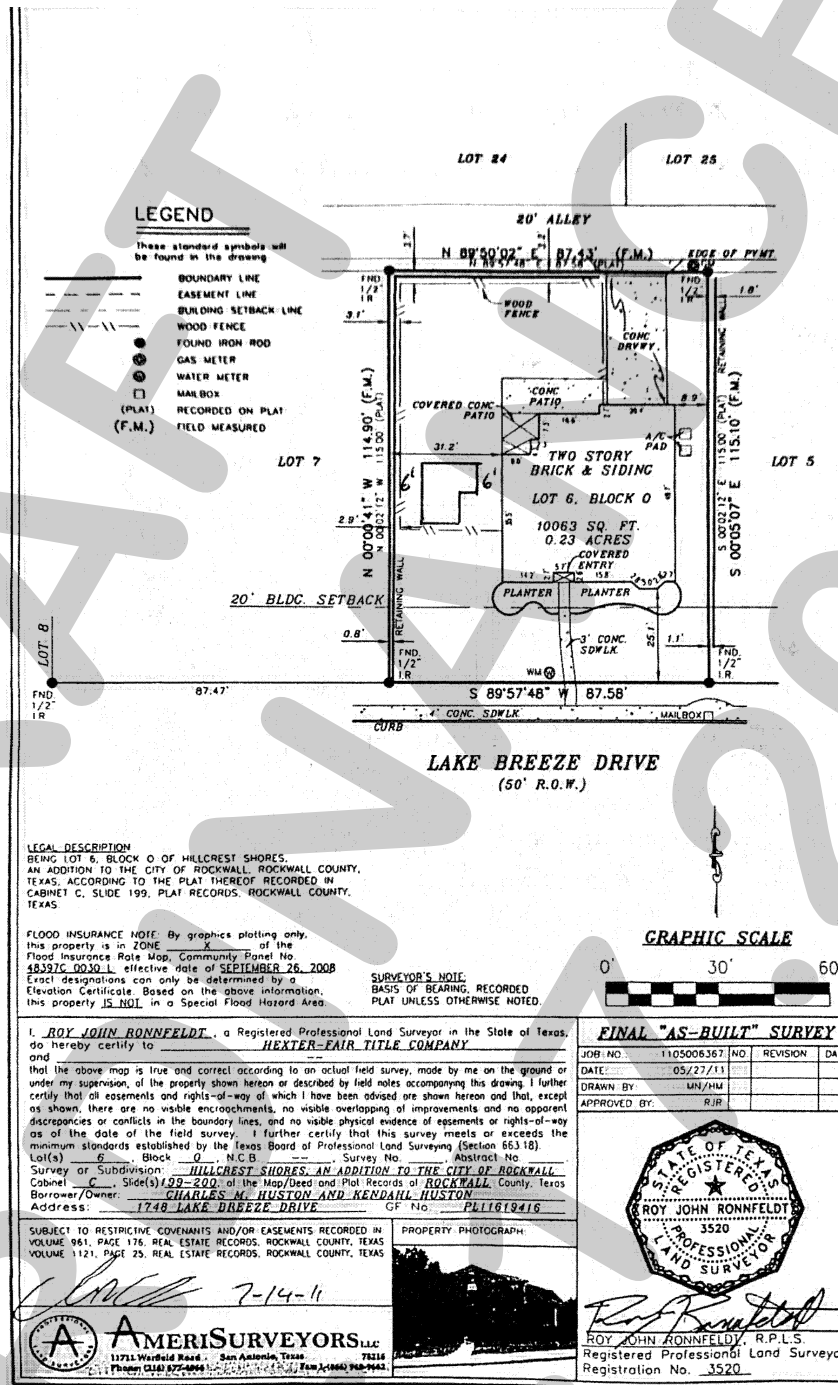
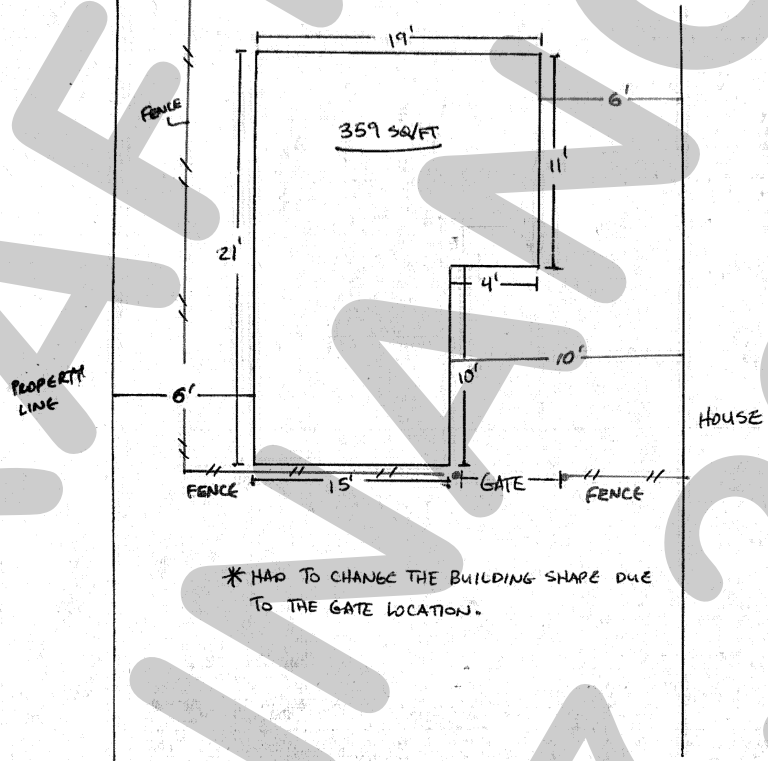


Exhibit 'B':
Site Plan

* NEW DESIGN DUE TO SET-BACK REQUIREMENTS -

* 6' SET-BACK ON PROPERTY LINE AND NEWLY ESTABLISHED SET-BACK FOR THE HOUSE - WHICH IS 6' INSTEAD OF 10' (SEE CRAIG FORBEE EMAIL)



* HAD TO CHANGE THE BUILDING SHAPE DUE TO THE GATE LOCATION.

Exhibit 'C':
Conceptual Building Elevations

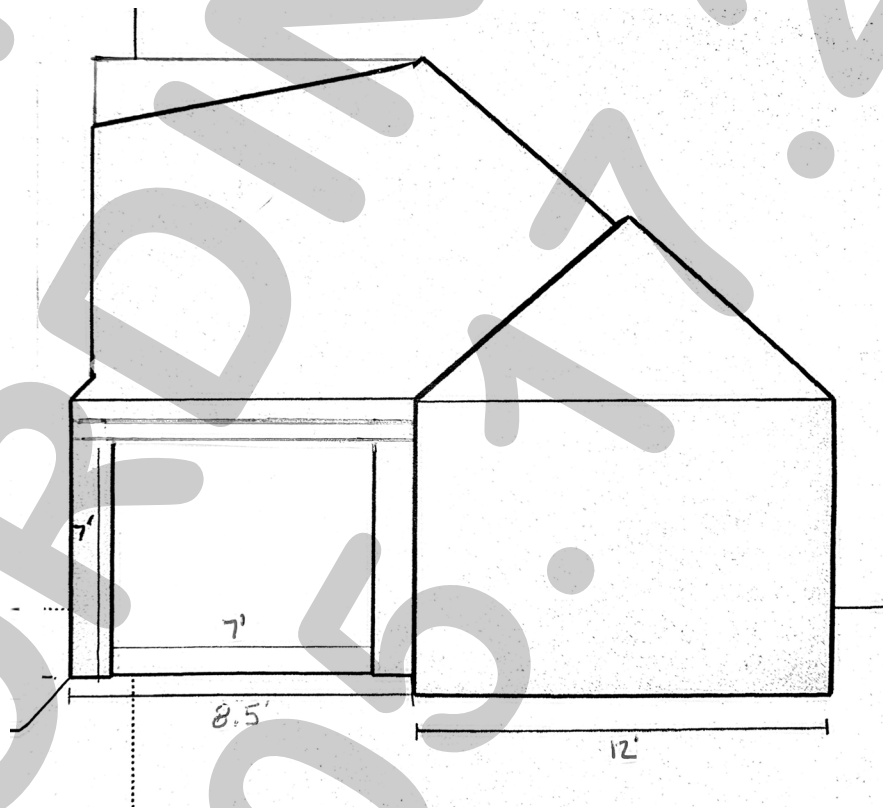
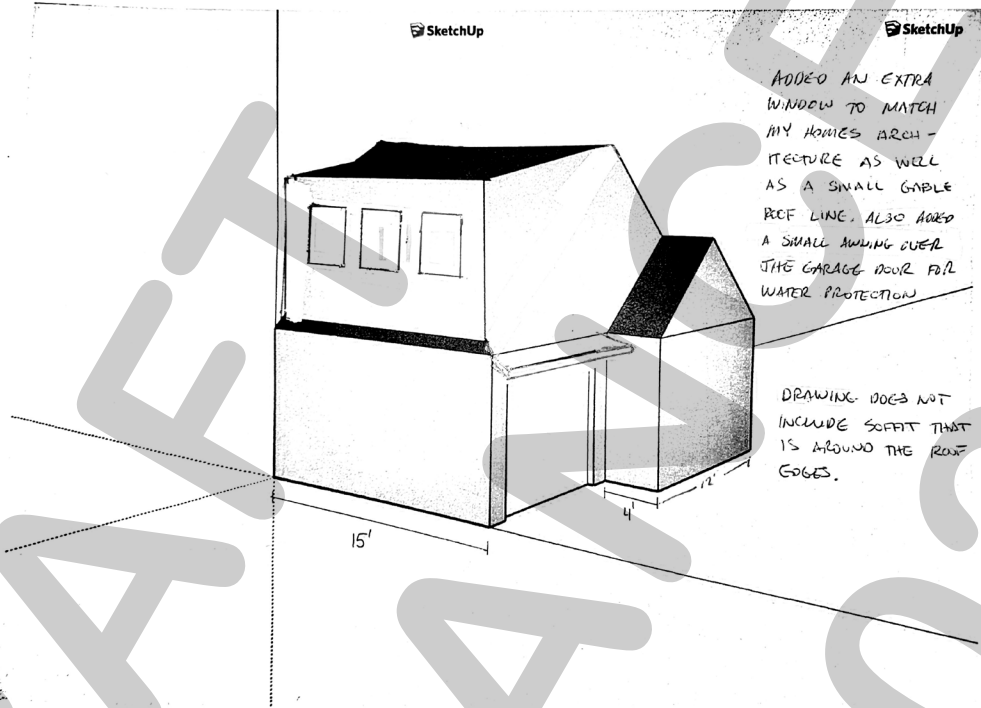
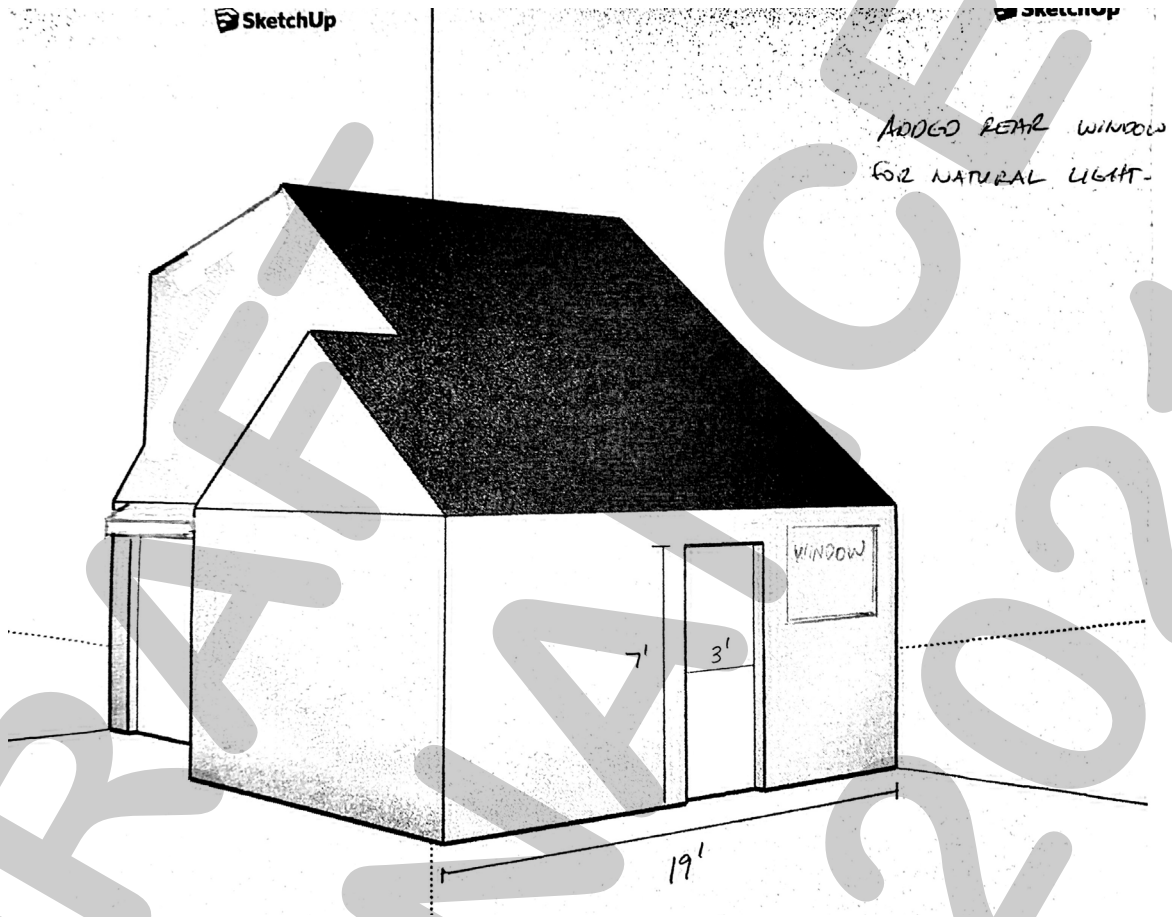


Exhibit 'C':
Conceptual Building Elevations





MEMORANDUM

TO: Mary Smith, Interim City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: May 17, 2021

SUBJECT: Z2021-011; SPECIFIC USE PERMIT (SUP) FOR AN EXISTING GREENHOUSE ON 804 S. ALAMO ROAD

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
Notice of Code Violation
Applicant's Photo
Draft Ordinance

Summary/Background Information

Hold a public hearing to discuss and consider a request by Kristi Bryant for the approval of an ordinance for a *Specific Use Permit (SUP)* for an *Accessory Building* to allow an existing greenhouse on a 0.496-acre tract of land identified as Lot 5 & 6, Block A, Highridge Estates Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, addressed as 710 & 804 S. Alamo Road, and take any action necessary (1st Reading).

Action Needed

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



CITY OF ROCKWALL

CITY COUNCIL CASE MEMO

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

TO: Mayor and City Council
DATE: May 17, 2021
APPLICANT: Kristi Bryant
CASE NUMBER: Z2021-011; *Specific Use Permit (SUP) for an Existing Greenhouse on 804 S. Alamo Road*

SUMMARY

Hold a public hearing to discuss and consider a request by Kristi Bryant for the approval of a Specific Use Permit (SUP) for an Accessory Building for the purpose of allowing an existing greenhouse on a 0.496-acre tract of land identified as Lot 5 & 6, Block A, Highridge Estates Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, addressed as 710 & 804 S. Alamo Road, and take any action necessary.

BACKGROUND

The subject property was annexed prior to August 25, 1934 according to the 1934 Sanborn Maps. Based on the January 3, 1972 zoning map, the subject property was zoned Single Family 2 (SF-2) District. On June 1, 1972 the subject property was platted as Lots 5 & 6, Block A, Highridge Estates Addition. According to Rockwall Central Appraisal District (RCAD), a 3,422 SF single-family home was constructed on Lot 5, Block A, Highridge Estates Addition (710 S. Alamo Road) in 1981. In 1983, a 528 SF addition, a 792 SF attached garage, and 70 SF covered porch were constructed onto the single-family home. Sometime between January 3, 1972 and May 16, 1983 the subject property was rezoned from a Single-Family 2 (SF-2) District to a Single Family 10 (SF-10) District. No other changes have been made to the subject property since the addition in 1983.

On March 10, 2021, the applicant was sent a *Notice of Code Violation* for the construction of a greenhouse (*i.e. accessory building*) without a building permit (*Case No. CE2021-996*). A copy of this notice has been included in the attached packet for the Planning and Zoning Commission's review. Based on this notice, the applicant contacted the Building Inspections Department to seek the necessary permits for the greenhouse; however, since the structure exceeded the maximum permissible size, the property owners was told that she would have to request a Specific Use Permit (SUP).

PURPOSE

The property owner and applicant -- *Kristi Bryant* -- is requesting the approval of a Specific Use Permit (SUP) to permit an accessory building that was constructed on a gravel foundation without a building permit and that exceeds the maximum square footage permitted for accessory buildings as stipulated by Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC).

ADJACENT LAND USES AND ACCESS

The subject property is located at 804 S. Alamo Road. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property is a 0.50-acre parcel of land developed with a single-family home situated on it (706 S. Alamo Road). Beyond this are two (2) vacant parcels of land (702 & 704 S. Alamo Road). North of this is W. Boydston Avenue, which is designated as a R2 (*i.e. residential, two [2] lane, undivided roadway*) on the Master Thoroughfare Plan contained within the OURHometown Vision 2040 Comprehensive Plan. Beyond W. Boydston Avenue is 9.43-acre parcel of land that is developed with *House of Worship (i.e. First Baptist Church)*. All of these properties are zoned Single-Family 10 (SF-10) District.

South: Directly south of the subject property are seven (7) lots developed with residential homes that are zoned Single Family 10 (SF-10) District. Beyond this is Glenn Avenue, which is designated as a R2 (*i.e. residential, two [2] lane, undivided roadway*) on the Master Thoroughfare Plan contained within the OURHometown Vision 2040 Comprehensive Plan.

East: Directly east of the subject property is S. Alamo Road, which is designated 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 three (3) lots developed with residential homes (801, 803, & 805 S. Alamo Road) that are zoned Zero Lot Line (ZL-5) District. East of this is a parking lot situated on a 1.80-acre parcel of land zoned General Retail (GR) District. Beyond this is S. Goliad Street, which is identified as a P6D (*i.e. principal arterial, six lane [6] lane, divided roadway*) on the Master Thoroughfare Plan contained within the OURHometown Vision 2040 Comprehensive Plan.

West: Directly west of the subject property is one (1) vacant parcel of land (709 Forest Trace) and two (2) lots developed with single-family homes (711 & 713 Forest Trace). All of these properties are zoned Single Family 10 (SF-10) District. Beyond this is Forest Trace, which is designated as a R2 (*i.e. residential, two [2] lane, undivided roadway*) on the Master Thoroughfare Plan contained within the OURHometown Vision 2040 Comprehensive Plan. Beyond this are two (2) rows of residential homes that are zoned Single Family 10 (SF-10) District.

CHARACTERISTICS OF THE REQUEST

The applicant has submitted an application and photos requesting to permit a 288 SF greenhouse (*i.e. accessory building*) that was constructed without a building permit. The applicant has indicated that the accessory building is ten (10) feet in height and is situated on a gravel foundation. Based on the information provided by the applicant, the accessory building is 12-feet by 24-feet (*or 288 SF*). The exterior of the building is composed of a wood frame, with aluminum supports, and plexiglass panels. The proposed building is situated at the rear of the southernmost lot that makes up a portion of the subject property. This structure is approximately situated 8.25-feet from the rear property line and 17.67-feet from the southern side yard property line.

CONFORMANCE TO THE CITY'S CODES

According to Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC), the Single-Family 7 (SF-7) District allows a total of two (2) accessory buildings each being 144 SF in size or one (1) accessory building at 144 SF in size and one (1) detached garage at 625 SF in size. In addition, accessory buildings are limited to a maximum height of 15-feet and a minimum setback of three (3) feet from the rear property line and six (6) feet from the side property line. Accessory buildings are required to have a minimum of six (6) feet of separation from any other primary or accessory structure. This section of the code goes on to state, "(a)ccessory buildings and structures shall be architecturally compatible with the primary structure, and be situated behind the front façade of the primary structure ... [and] (a)ccessory buildings and structures not meeting the size requirements stipulated by this section shall require a Specific Use Permit (SUP)."

STAFF ANALYSIS

In this case, the applicant's request conforms with the setback and height requirements for accessory buildings; however, the size of the accessory building exceeds the maximum permissible size by 144 SF. Staff performed a review using aerial imagers of the surrounding area (*i.e. a total of 26 single-family homes are in this area*) and determined only two (2) of the 26 homes surveyed had accessory structures. These accessory structures were estimated to measure 90 SF and 616 SF. Staff should note that the existing accessory structure does not have a concrete foundation, and as part of the draft ordinance for this Specific Use Permit (SUP) request a condition of approval allows the structure to remain on the existing gravel foundation. With this being said, the approval of a Specific Use Permit (SUP) request is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission.

NOTIFICATIONS

On April 26, 2021, staff mailed 88 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Brent Creek Condos, Stonebridge Meadows, and the Highridge Estates Homeowners Associations (HOAs), which is are the only HOA's/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 hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was drafted staff had received one (1) notice within the notification area in opposition to the applicant's request.

CONDITIONS OF APPROVAL

If the City Council chooses to approve the applicant's request for a *Specific Use Permit (SUP)* for an accessory building on a gravel foundation that exceeds the maximum permissible size, 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 Specific Use Permit (SUP) ordinance and which are detailed as follows:
 - (a) The *Accessory Building* shall generally conform to the concept plan depicted in *Exhibit 'B'* of the draft ordinance.
 - (b) The *Accessory Building* shall not exceed a maximum size of 288 SF.
 - (c) The subject property shall not have more than one (1) accessory building.
- (2) Any construction resulting from the approval of this Specific Use Permit (SUP) shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

PLANNING AND ZONING COMMISSION

On May 11, 2021, the Planning and Zoning Commission approved a motion to recommend approval of the Specific Use Permit (SUP) by a vote of 4-1, with Commissioner Womble dissenting and Commissioners Moeller and Conway absent.



DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO. Z2021-011

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

DIRECTOR OF PLANNING:

CITY ENGINEER:

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

PLATTING APPLICATION FEES:

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

SITE PLAN APPLICATION FEES:

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

ZONING 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 (\$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.

PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS 804 S. Alamo Road

SUBDIVISION Highridge Est

LOT 5

BLOCK A

GENERAL LOCATION

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING

CURRENT USE

PROPOSED ZONING

PROPOSED USE

ACREAGE

LOTS [CURRENT]

LOTS [PROPOSED]

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

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

OWNER Kristi Bryant

APPLICANT Same

CONTACT PERSON

CONTACT PERSON

ADDRESS 710 S. Alamo Rd

ADDRESS

CITY, STATE & ZIP Rockwall TX 75087

CITY, STATE & ZIP

PHONE 972-989-7005

PHONE

E-MAIL Kristi and brent a@gmail.com

E-MAIL

NOTARY VERIFICATION [REQUIRED]

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

I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ 21500 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 16th DAY OF April, 2021. BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION. IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION.

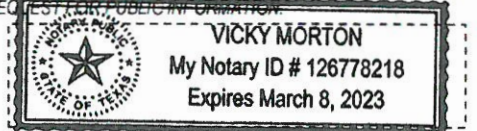
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 16 DAY OF April, 2021

OWNER'S SIGNATURE

[Handwritten Signature]

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

[Handwritten Signature: Vicky Morton]



MY COMMISSION EXPIRES

March 8, 2023



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.

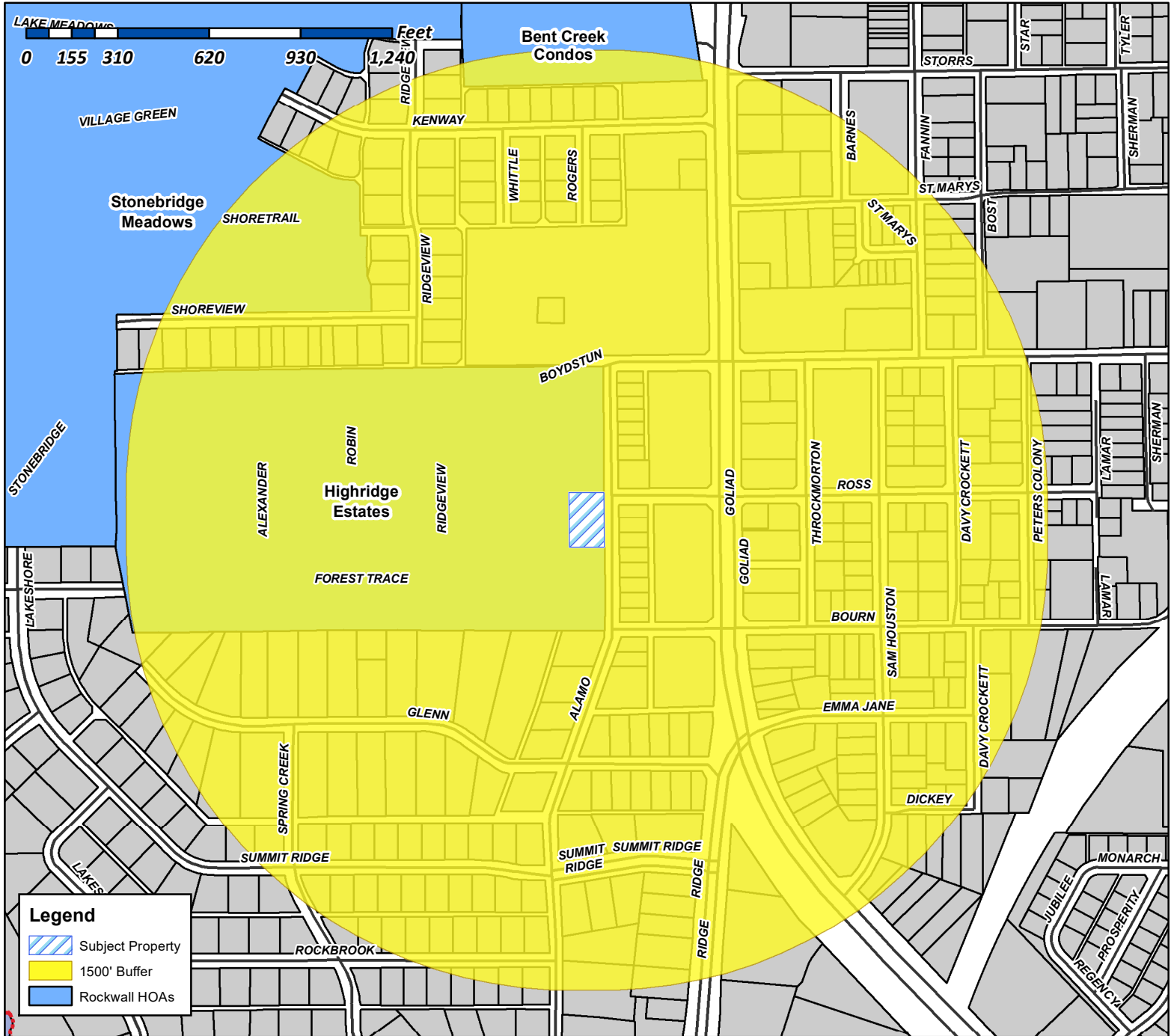




City of Rockwall

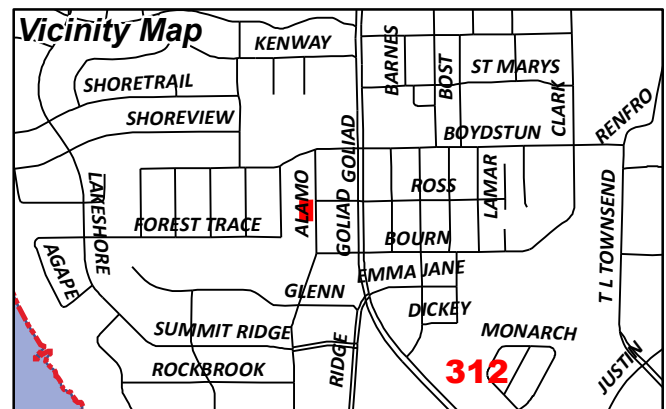
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Case Number: Z2021-011
Case Name: SUP for A Greenhouse
Case Type: Zoning
Zoning: Single-Family 10 (SF-10) District
Case Address: 710 & 804 S. Alamo Road

Date Created: 4/19/2021
For Questions on this Case Call (972) 771-7745



Lee, Henry

From: Gamez, Angelica
Sent: Friday, April 23, 2021 3:34 PM
Cc: Miller, Ryan; Gonzales, David; Lee, Henry
Subject: Neighborhood Notification Map [Z2021-011]
Attachments: Public Notice (04.27.2021).pdf; HOA Map Z2021-011.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 April 23, 2021. The Planning and Zoning Commission will hold a public hearing on Tuesday, May 11, 2021 at 6:00 PM, and the City Council will hold a public hearing on Monday, May 17, 2021 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>.

Z2021-011 SUP for an Accessory Building

Hold a public hearing to discuss and consider a request by Kristi Bryant for the approval of a *Specific Use Permit (SUP)* for an *Accessory Building* for the purpose of allowing an existing greenhouse on a 0.496-acre tract of land identified as Lot 5 & 6, Block A, Highridge Estates Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, addressed as 710 & 804 S. Alamo Street, and take any action necessary.

Thank you,

Angelica Gamez

Planning & Zoning Coordinator

City of Rockwall

972.771.7745 Office

972.772.6438 Direct

<http://www.rockwall.com/planning/>

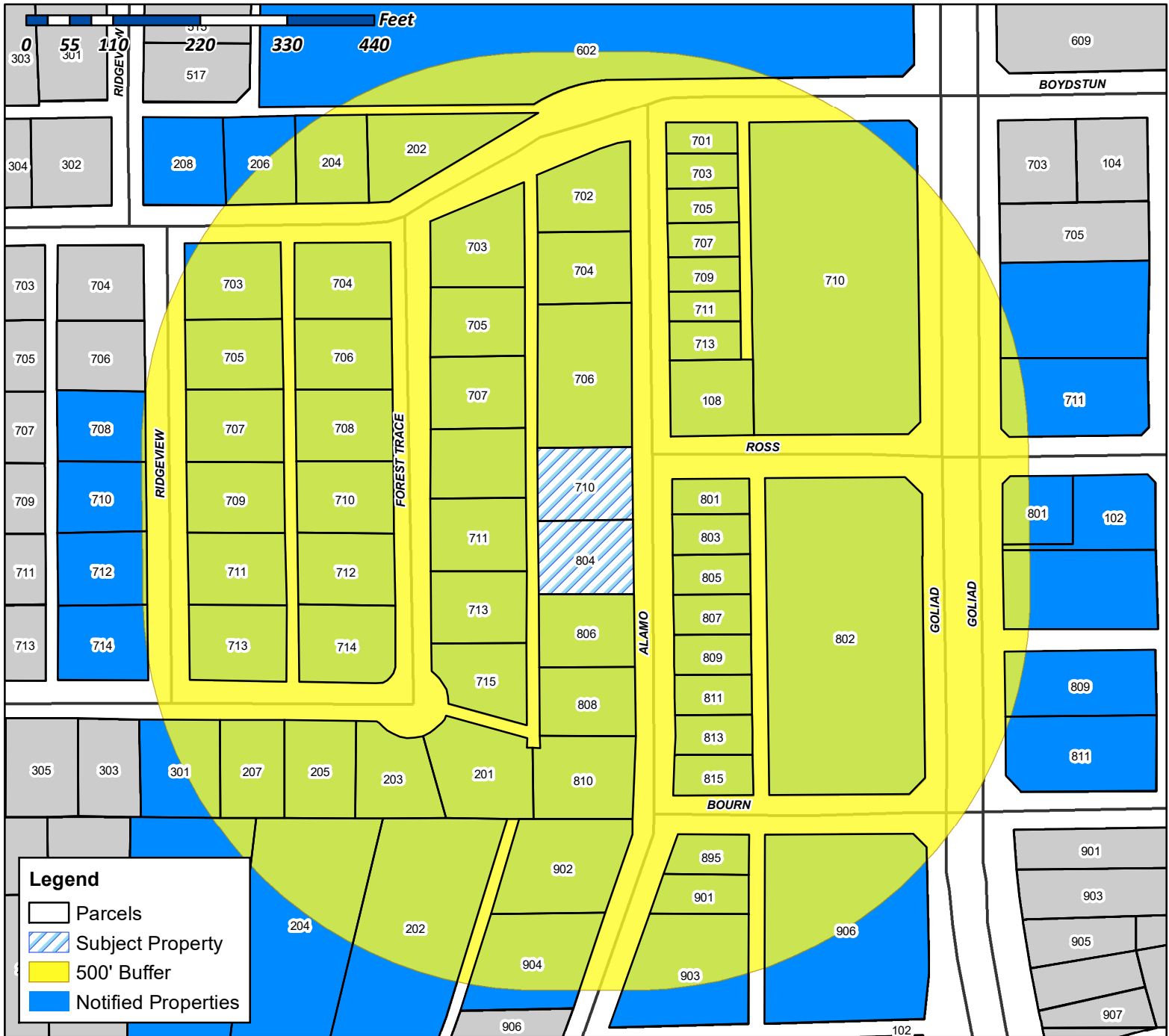
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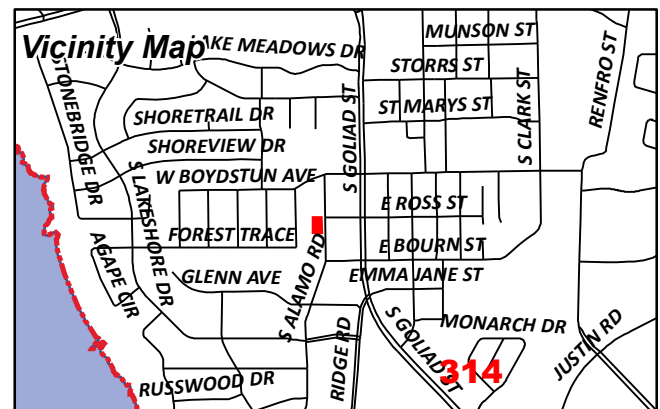
City of Rockwall

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(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: Z2021-011
Case Name: SUP for A Greenhouse
Case Type: Zoning
Zoning: Single-Family 10 (SF-10) District
Case Address: 710 & 804 S. Alamo Road



Date Created: 4/19/2021
 For Questions on this Case Call (972) 771-7745



= PROPERTY OWNER NOTIFICATION RECIEVED

EDWARDS JASON
10 DANCING WATERS
ROCKWALL, TX 75032

BAUMANN HARRY EDWARD
10 WATERS EDGE CT
HEATH, TX 75032

LIVAY LLC
1009 HOT SPRINGS DR
ALLEN, TX 75013

ROHLF DAVID E
102 E ROSS AVE
ROCKWALL, TX 75087

MILLS CHARLES O
108 ROSS AVE
ROCKWALL, TX 75087

MCCAMPBELL CHARLES C & PATRICIA S
1203 WYNDEN CREEK DR
HOUSTON, TX 77056

ADLOR ENTERPRISES LLC
1208 S LAKESHORE DR
ROCKWALL, TX 75087

OTTO IRIS
1502 S 1ST ST STE 3
GARLAND, TX 75040

SCROGGS CHARLES E AND MARLA D
1748 BISON MEADOW LANE
HEATH, TX 75032

RADNEY JAMES C
1972 CR 2296
QUINLAN, TX 75474

HUTTO JENNIFER L AND MICHAEL
201 FOREST TRACE
ROCKWALL, TX 75087

SHIPMAN EARL RAPHE & DELAMIE
202 GLENN AVE
ROCKWALL, TX 75087

LAZY DALE PARTNERS LP
202 N SAN JACINTO ST
ROCKWALL, TX 75087

RUSS JOHN CHARLES & KATHY LEA
202 W BOYDSTUN ST
ROCKWALL, TX 75087

STOVALL RAYMOND P
203 FOREST TRACE
ROCKWALL, TX 75087

CHANHMISAY KESONE & SYAMPHAY
204 GLENN AVE
ROCKWALL, TX 75087

MARKS RICHARD R & JUNE
TRUSTEES OF THE MARKS FAMILY LIVING TRUST
204 W BOYDSTUN AVE
ROCKWALL, TX 75087

HAYDICKY JOSEPH N
205 FOREST TRACE
ROCKWALL, TX 75087

ANGIEL JOHN H & KAY M
206 GLENN AVE
ROCKWALL, TX 75087

UPTON RHONDA D AND CHUCK L
206 W BOYDSTUN AVE
ROCKWALL, TX 75087

TABOR WHITNEY J
207 FOREST TRACE
ROCKWALL, TX 75087

JUSTICE BLAKE AND CHELSEA
208 BOYDSTUN AVE
ROCKWALL, TX 75087

STOVALL RAYMOND P
2404 DOVE CREEK DR
LITTLE ELM, TX 75068

ST CLAIR DOUG & KELLY
301 FOREST TRACE
ROCKWALL, TX 75087

FIRST BAPTIST CHURCH OF ROCKWALL
602 S GOLIAD
ROCKWALL, TX 75087

FIRST BAPTIST CHURCH OF ROCKWALL
610 S GOLIAD ST
ROCKWALL, TX 75087

DELGADILLO VICTORIA E
6104 LYNDON B JOHNSON FREEWAY APT#2502
DALLAS, TX 75240

SCUDDER PERRIN AND SHELLY K HARPER
664 SORITA CIR
HEATH, TX 75032

REED DARLENE
701 S ALAMO RD
ROCKWALL, TX 75087

OTTO IRIS
702 S ALAMO DR
ROCKWALL, TX 75087

BONFANTE VITTORIO & ANGELA
703 FOREST TRCE
ROCKWALL, TX 75087

JOHNSON ROBERT M AND CATHY
703 RIDGEVIEW DRIVE
ROCKWALL, TX 75087

BAUMANN HARRY EDWARD
703 S ALAMO
ROCKWALL, TX 75087

FREED SARAH
704 FOREST TRACE
ROCKWALL, TX 75087

MILLS CHARLES O
704 S ALAMO DR
ROCKWALL, TX 75087

MEINECKE ANGELA AND JEFFERY
705 FOREST TRACE
ROCKWALL, TX 75087

SCHLUMPF REVOCABLE TRUST
C/O ROBERT LOUIS AND
705 RIDGEVIEW DR
ROCKWALL, TX 75087

SCUDDER PERRIN AND SHELLY K HARPER
705 S ALAMO
ROCKWALL, TX 75087

FORD CLYDE G
706 FOREST TRACE
ROCKWALL, TX 75087

MILLS CHARLES O
706 S ALAMO RD
ROCKWALL, TX 75087

WRIGHT MELISSA ANN &
DAVID SCOTT
707 FOREST TRCE
ROCKWALL, TX 75087

BRADFORD KENNETH AND LESLIE
707 RIDGEVIEW DR
ROCKWALL, TX 75087

SCUDDER PERRIN AND
SHELLY K HARPER
707 S ALAMO
ROCKWALL, TX 75087

WILSON CATHI E AND GLEN H
708 FOREST TRACE
ROCKWALL, TX 75087

FLOURA ROSEANN EXECUTOR
708 RIDGEVIEW DR
ROCKWALL, TX 75087

FALCON ANN L & LEONARD
709 RIDGEVIEW DR
ROCKWALL, TX 75087

FLEMING LINDA
709 S ALAMO RD
ROCKWALL, TX 75087

PERSYN KYLE AND LINDSEY
710 FOREST TRACE
ROCKWALL, TX 75087

RADNEY JAMES C
710 RIDGEVIEWDR
ROCKWALL, TX 75087

BRYANT KRISTI & BRENT
710 S ALAMO ROAD
ROCKWALL, TX 75087

FIRST BAPTIST CHURCH OF ROCKWALL
710 S GOLIAD ST
ROCKWALL, TX 75087

SMITH MARY AND KEITH H
711 FOREST TRACE
ROCKWALL, TX 75087

CONWAY SCOTT A & DEIRDRE M
711 RIDGEVIEW
ROCKWALL, TX 75087

POPP KATHLEEN
711 S ALAMO
ROCKWALL, TX 75087

MILLER FRANK
711 S GOLIAD ST
ROCKWALL, TX 75087

GRAY JIM & KATHERINE
712 FOREST TRCE
ROCKWALL, TX 75087

MORI DANIEL J & JUDY
712 RIDGEVIEW DR
ROCKWALL, TX 75087

HILLMAN DORIANN E
713 FOREST TRACE
ROCKWALL, TX 75087

COHEN MARK A
713 RIDGEVIEW DR
ROCKWALL, TX 75087

SHERA DEBORAH K
713 S ALAMO RD
ROCKWALL, TX 75087

COLLETT CYNTHIA DAVISS
714 FOREST TRCE
ROCKWALL, TX 75087

SIPLE MARIAN C
714 RIDGEVIEW DR
ROCKWALL, TX 75087

DELBOSQUE ROLOLFO & LORENA P
715 FOREST TRCE
ROCKWALL, TX 75087

LEITHE KURT
7702 STONEHAVEN DR
ROWLETT, TX 75089

WATSON RONNIE BILL AND BARBARA JEAN
801 S ALAMO ROAD
ROCKWALL, TX 75087

DELGADILLO VICTORIA E
801 S GOLIAD
ROCKWALL, TX 75087

FIRST BAPTIST CHURCH OF ROCKWALL
802 S GOLIAD
ROCKWALL, TX 75087

TALLEY CRAIG J AND JAMIE S
803 S ALAMO RD
ROCKWALL, TX 75087

BRYANT KRISTI & BRENT
804 S ALAMO DR
ROCKWALL, TX 75087

LOTT JOHN DOUGLAS AND CYNTHIA
805 S ALAMO RD
ROCKWALL, TX 75087

FRENCH SHARON K LIVING TRUST
SHARON K FRENCH, TRUSTEE
806 SOUTH ALAMO ROAD
ROCKWALL, TX 75087

MCCAMPBELL CHARLES C & PATRICIA S
807 S ALAMO RD
ROCKWALL, TX 75087

KELLY RYAN AND
LACEY WALLACE
808 S ALAMO ROAD
ROCKWALL, TX 75087

LAZY DALE PARTNERS LP
809 ALAMO RD
ROCKWALL, TX 75087

LIVAY LLC
809 S GOLIAD
ROCKWALL, TX 75087

BRANNON CHRISTOPHER AND MELANIE
810 S ALAMO ROAD
ROCKWALL, TX 75087

SHIELDS MIKE AND DEBBIE
811 S ALAMO RD
ROCKWALL, TX 75087

EDWARDS JASON
811 S GOLIAD
ROCKWALL, TX 75087

SCROGGS CHARLES E AND MARLA D
813 S ALAMO RD
ROCKWALL, TX 75087

RAMSEY JUDY LYNN
815 S ALAMO RD
ROCKWALL, TX 75087

BRUNNER WILLIAM E & MARGIE L
895 S ALAMO ROAD
ROCKWALL, TX 75087

ROCHIER KELLY BRUNNER
901 S ALAMO RD
ROCKWALL, TX 75087

ANDREWS VIRGINIA
902 S ALAMO
ROCKWALL, TX 75087

COMPTON EARL D AND
BETH C ROETHER
903 S ALAMO
ROCKWALL, TX 75087

PRESLEY ELIZABETH
904 S ALAMO RD
ROCKWALL, TX 75087

ADLOR ENTERPRISES LLC
906 S GOLIAD
ROCKWALL, TX 75087

ROHLF DAVID E
PO BOX 1137
ROCKWALL, TX 75087

ANDREWS VIRGINIA
PO BOX 254
REPUBLIC, MO 65738

PUBLIC NOTICE



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

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

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

Case No. Z2021-011: SUP for an Accessory Building

Hold a public hearing to discuss and consider a request by Kristi Bryant for the approval of a Specific Use Permit (SUP) for an Accessory Building for the purpose of allowing an existing greenhouse on a 0.496-acre tract of land identified as Lot 5 & 6, Block A, Highridge Estates Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, addressed as 710 & 804 S. Alamo Street, and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on Tuesday, May 11, 2021 at 6:00 PM, and the City Council will hold a public hearing on Monday, May 17, 2021 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 Monday, May 17, 2021 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. Z2021-011: Specific Use Permit for Accessory Building

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.

Four horizontal grey bars for providing reasons for support or opposition.

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

Lee, Henry

From: Planning
Sent: Friday, April 23, 2021 8:04 AM
To: Lee, Henry
Subject: FW: Zoning notice at 710 S. Alamo Rd

From: Sharon Edwards [REDACTED]
Sent: Thursday, April 22, 2021 3:15 PM
To: Planning
Subject: Zoning notice at 710 S. Alamo Rd

Dear zoning department,
Please explain the zoning notice.

I reached out to the permit department on March 6th, 2021 concerning an unapproved greenhouse that was installed without a permit that does not match the existing architecture.
The greenhouse is in violation of required setbacks. There have been numerous unpleasant odors emitted from the residence. Not only is the barn type structure unsightly and diminishes my property value the family continually burns trash and tree limbs a few feet off my fence on open ground. I contacted the Fire Marshall concerning this fire hazard. The residence is also behind on city tax payments. The family also parks a school bus on the property on a regular basis. I have also witnessed multiple non family residents living in the back yard in tents. This family apparently has no regard for civil process or respect for city laws and ordinance.
Please update me on the hearings dates and rulings so I may attend with my protest.
I expect due process concerning my property rights as a citizen of Rockwall as well. As a fellow citizen I was held accountable for precise adherence to code restrictions and rules while construction was ongoing on my property over the past several seasons. I expect there to be no discrimination personally by holding my residence to stricter standards and relaxing standards for another neighbor.

Thanks
Sharon French
[REDACTED]

Sent from my Verizon LG Smartphone

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PUBLIC NOTICE



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

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

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Henry Lee
Rockwall Planning and Zoning Dept.
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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. Z2021-011: Specific Use Permit for Accessory Building

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.

- 1) Unsightly and Unsafe
- 2) Blocks Drainage
- 3) Breaks Precedent

Name: Sharon French

Address: 806 S. Alamo Rd Rockwall, TX 75087

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

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

May 6, 2021

Dear City Commissioners and Board,

I am writing today in reference to Z2021-011 request by Kristi Bryant for a special use permit for an accessory building greenhouse discussed in the April 27th Planning and zoning meeting. I own the property at 806 S. Alamo Rd adjacent to Mrs. Bryant.

My concern today is upholding a standard that is consistent with Rockwall living. It is not to find fault or assign blame to anyone. This community prides itself in development and new growth. As we grow we need to follow ordinances and regulations while we exemplify consideration for our neighborhoods.

High Ridge Estates was developed in the 1970's and contains infrastructure not current as modern cities. Lot to Lot Drainage is the standard of the day in my neighborhood. Water roars though the streets, across property lines, and empties into drainage confluences. Storm and sewer drains are either absent or improperly placed.

When accessory structures are relocated against city ordinances and without proper permits the outcome can be devastating to other homeowners. My property is living proof of these conditions.

As city improvements and infrastructure upgrades began, my neighborhood was not included in the projects. I was told it was too expensive to tie in to these upgrades and would require securing extra funds through bonds. Over the past 3 to 5 years I have been battling flooding from street runoff and adjacent neighbor properties. None of those damages were covered by homeowners insurance or FEMA. I have had conversations with city engineers and neighbors about my concerns.

I have spent more than \$75,000 restoring my property from damage and that does not include my swimming pool. For a single mother those costs were financially devastating. I have worked very hard to provide a nice home for my family. This was a serious economic investment. Restoration required engineered retaining walls, 3 patios, decking, fences, a French drainage system and catch basins to make my property usable and accessible. Water shed and poor drainage eroded and damaged my property. Some of those repairs bettered 804 S. Alamo Rd and prevented more damage to my own property. All repairs were permitted and performed to code standards. All contractor deficiencies were corrected.

Barbara Merriman sold her home at 804 S. Alamo Rd in 2019 to Brent and Kristy Bryant for cash and avoided disclosing the issues and paying for those repairs. The Bryant's did not pay the contractor for those repairs and I was subsequently charged.

Last February I began to notice tree clearing and open burning during ban periods at 804 S. Alamo Rd. On Feb 26th I called the fire department and sprayed my fence and surrounding ground when the flames rose above my 8 foot fence. The burning continued.

The evening of March 5th I noticed more burning and heard hydraulic lift and air brake sounds. I was unable to determine the source until the following morning when a very large structure was dropped.

I have included a flash drive of photos and video to assist with my explanation. Please refer to the photos titled 804 S. Alamo Accessory Building View. In the photos you will see the structure is visible from each angle of my property (i.e. pool area, sun patio, garage, drive way, mailbox, and street.) You will also notice the structure was not preexisting in my photo from 2/11/21.

This 12 ft. x24 ft. weathered barn like structure with a shiny metal roof rises 3 to 4 feet above my 8 foot fence. In full sun, sunshades are required to avoid blinding glare. In the photo there appears to be a sandy base flanked by railroad ties not fastened together. The structure does not appear to be anchored to any foundation and yet sits more than 8 feet above homes below. Please refer to the photos titled Elevation Viewpoint and Viewpoint Prior and Post Structure.

With the sticky clay soil and high ground water, the building is very unstable. Please refer to the videos titled Bryant runoff North to South and Driveway. You can see the watershed from the Bryant's property in the corner where the building sits as well as water rushing onto my driveway. Please also view the other mp4 and quick time videos. Water sheds in the area

- 1) East to West across S. Alamo Rd into my lawn as seen in the video of the stairs
- 2) North to South in the drainage confluence in the alley below, parallel to S. Alamo Rd and Forest Trace as seen jumping the curb in the alley video
- 3) East to West down the drainage flow adjacent to my property at 806 S. Alamo Rd as seen in the video of the drainage confluence
- 4) North to South from 804 S. Alamo Rd onto my driveway and into my garage
- 5) Corner of 804 S. Alamo Rd. into the alley below and under my fence

Events such as these are ongoing and contributed to my property damages, requiring repairs. Poor drainage creates perfect conditions for mosquitos and termites. I noticed today a termite exterminator was onsite at 804 S. Alamo Rd.

Please refer to photos titled 806 S. Alamo Renovations and Drains. The drain boxes, I purchased and paid for installation, are buried by debris, mud and are blocked by the accessory structure and additional railroad ties. My property is once again impacted in spite of repairs. I noticed the effects after the structure arrived. Please refer to the photo titled mudflow.

Mrs. Bryant said on April 27th "She liked our neighborhood because there were no rules." She stated," the structure arrived as a gift from her mother in law." She indicated she didn't have fore knowledge on an item that was big enough to require a permit for shipping along highways and roads and a shipping address before departure. The building has a base of sand and railroad ties underneath that required time to assemble prior to arrival. My property is frequented and dusted by blowing sand since the install. Additionally, Mrs. Bryant said," A solid foundation would be bad for her cactus due to poor drainage." Humidity in a greenhouse is bad for desert dwelling cactus too and so are floods. Mrs. Bryant

referred to her accessory building as a “she shed”. She said, ‘Isn’t it cute. It’s for her cactus. Again what is the purpose for this 2nd accessory structure in addition to her detached garage?

Trees were cleared and burned several weeks prior to the arrival of the structure. Mrs. Bryant stated, “If she had known size restrictions she would have chosen something else.” She implicated herself for not checking into the rules or obtaining a permit prior to ordering and arrival. The structure is twice what is allowed and bigger than my swimming pool. The size is characteristic of a commercial application and institutional learning. Permits are required for both situations in a residential neighborhood.

Previously Ms. Bryant parked a school bus on the city streets, driveway, and on her lawn. She claimed it was her art studio where she taught classes. Additionally she has frequent visitor traffic and large gatherings. Multiple guests have camped in tents on her property. Mrs. Bryant’s intent for use needs to be carefully examined based on her history.

My three areas of major concern are as follow

- 1) The Bryant’s accessory structure is unsightly, dangerous, visible from each angle of my property and does not match the surroundings aesthetically
- 2) The accessory structure was not existing but was transported in and now requires zone changes and exceptions to the rules. A permit was not obtained prior and the building is not within sizing guidelines. The building also is not properly supported without a secure foundation. If this structure is allowed to remain it sets a new precedent that opens opportunity for future violations and will decrease property value. Today’s cactus house is tomorrow’s chicken coup, dog kennel, horse stable, sheep pen, or multiple resident low rent housing, or commercial warehouse.
- 3) The accessory structure blocks critical drainage to the confluence and redirects water to my property causing potential property damage. This has greater environmental impact on watershed.

If this new precedent is allowed to stand you face creating an arbitrary and capricious situation where one neighbor is favored over the other. When you justify the rules for one and break them for another you are in danger of violating the public trust and set a double standard. As city commissioners, zoning and planning committee, I encourage you to hold the line. Your fellow citizens are counting on you to do what is right when others try to bend the rules for their own interest. My story could be your daughter’s, sister’s, mother’s, wife’s, or best friend’s future. Your duty is to protect the public. Do what is right. Thank you for your time and attention to this matter.

Sincerely,

Sharon French

806 S. Alamo Rd

Rockwall TX 75087



City of Rockwall
The New Horizon

3/10/2021

BRYANT KRISTI & BRENT
710 S ALAMO ROAD
ROCKWALL, TX 75087

NEIGHBORHOOD IMPROVEMENT SERVICES DEPARTMENT

RE: Notice of Code Violation
Case Number: CE2021-996
Legal Description: HIGHRIDGE EST, BLOCK A, LOT 5
Location: 710 S ALAMO RD, ROCKWALL, 75087

During a recent inspection of your property located at 710 S ALAMO RD, ROCKWALL, 75087, the following violation of the City of Rockwall Code of Ordinances has been identified:

Article XII, Sec 3, 3.1 Building Permits Required:

No building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the Building Official. A building permit shall not be issued except in conformity with the provisions of this Ordinance, unless otherwise authorized by the Board of Adjustment in the form of a variance as provided by this Ordinance.

PLEASE CONTACT BUILDING INSPECTIONS DEPARTMENT TO OBTAIN PERMIT FOR GREENHOUSE IN REAR YARD. 972-771-7709. THANK YOU.

- accessory building

rockwall.com

Survey
!

The compliance date for the above noted violation is **Ten (10) Days** from the date of this letter. Failure to comply may result in the issuance of a citation or a case being filed in Municipal Court.

If I can be of any assistance, please contact me at 972-772-6437

Sincerely,

Jennifer Wolfe
Neighborhood Improvement Services
Email: jwolfe@rockwall.com



Map data ©2021, Map data ©2021 20 ft

Greenhouse
is
here

Photos





12x24

327







NO PARKING
IN FRONT OF
PROPERTY
OR
IN FRONT OF
DRIVEWAY











CITY OF ROCKWALL

ORDINANCE NO. 21-XX

SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [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 AN ACCESSORY BUILDING THAT EXCEEDS THE MAXIMUM ALLOWABLE SIZE ON A 0.496-ACRE TRACT OF LAND, IDENTIFIED AS LOTS 5 & 6, BLOCK A, HIGHRIDGE ESTATES ADDITION, 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.

WHEREAS, the City has received a request from Kristi Bryant for the approval of a Specific Use Permit (SUP) to allow an *Accessory Building* that exceeds the maximum allowable size on a 0.496-acre tract of land described as Lots 5 & 6, Block A, Highridge Estates Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, addressed as 710 & 804 S. Alamo Road, and being more specifically depicted and described in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that 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) allowing an *Accessory Building* as stipulated by Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*, of 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 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 20-02] -- as

heretofore amended and as may be amended in the future --, and with the following conditions:

2.1. OPERATIONAL CONDITIONS

The following conditions pertain to the operation of an *Accessory Building* on the *Subject Property* and conformance to these conditions are required for continued operations:

- (1) The *Accessory Building* shall generally conform to the concept plan depicted in *Exhibit 'B'* of this ordinance.
- (2) The *Accessory Building* shall not exceed a maximum size of 288 SF.
- (3) The subject property shall not have more than one (1) accessory building.

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 compliance to the following:

- (1) Upon obtaining a *Building Permit*, should the homeowner fail to meet the minimum operational requirements set forth herein and outline in the Unified Development Code (UDC), the City Council may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Section 2.02(F), *Revocation*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC).

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

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

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

SECTION 6. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

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

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 7TH DAY OF JUNE, 2021.

Kevin Fowler, *Mayor*

ATTEST:

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: May 17, 2021

2nd Reading: June 7, 2021

Exhibit 'A'
Zoning Exhibit

Address: 710 & 804 S. Alamo Street

Legal Description: Lots 5 & 6, Block A, Highridge Estates Addition

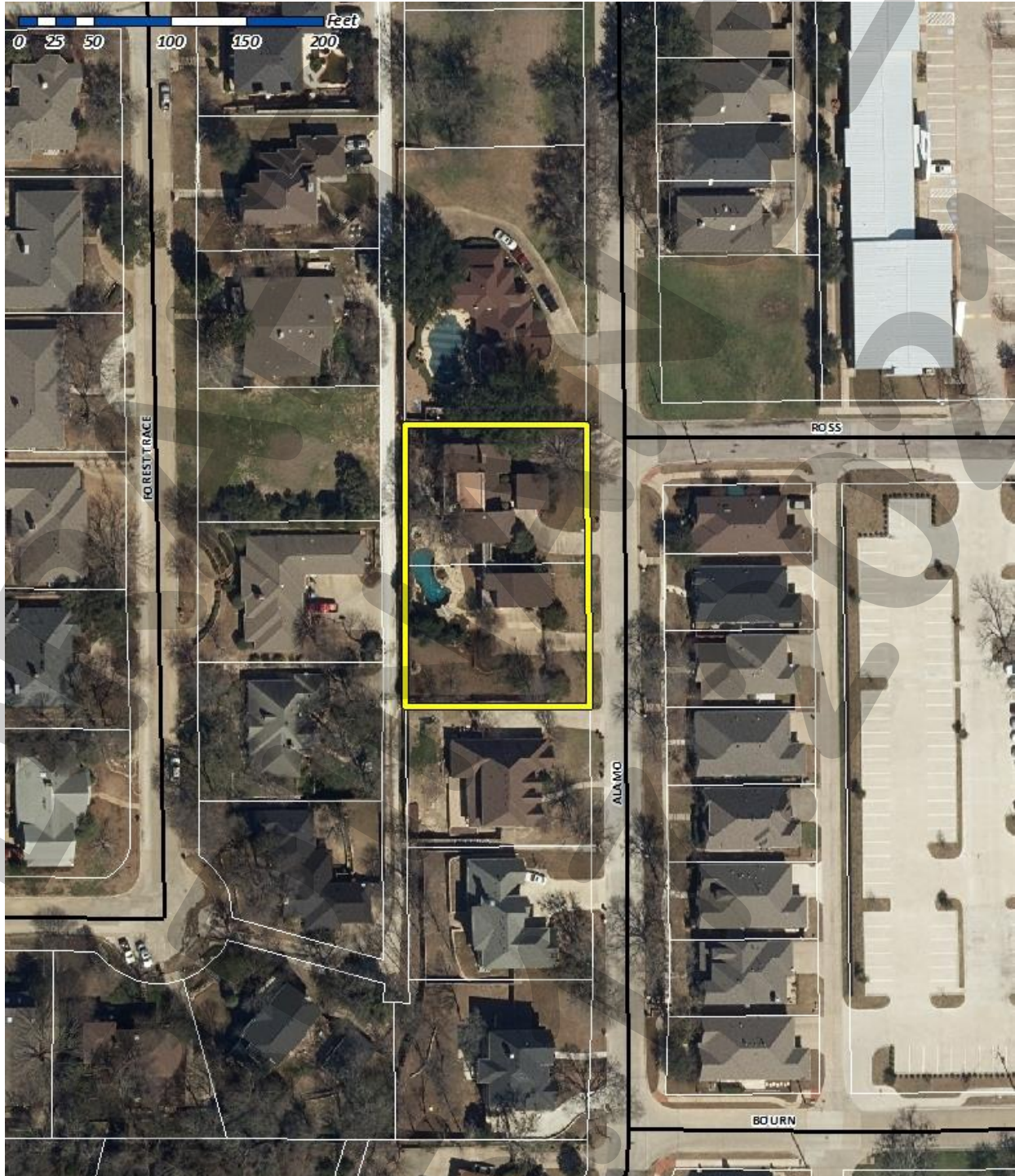


Exhibit 'B':
Site Plan





MEMORANDUM

TO: Mary Smith, Interim City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: May 17, 2021

SUBJECT: Z2021-013; AMENDMENT TO SUBSECTION 06.15, LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT, OF ARTICLE 05, DISTRICT DEVELOPMENT STANDARDS, OF THE UNIFIED DEVELOPMENT CODE (UDC)

Attachments

Case Memo

Memorandum to the City Council from April 5, 2021

Draft Ordinance

Summary/Background Information

Hold a public hearing to discuss and consider approval of an ordinance for a *Text Amendment* to Subsection 06.15, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 20-02] for the purpose of clarifying the requirements for temporary structures on leased property within the takeline area (1st Reading).

Action Needed

The City Council is being asked to approve or deny the proposed text amendment.



CITY OF ROCKWALL

CITY COUNCIL MEMORANDUM

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

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: May 17, 2021

SUBJECT: Z2021-013; *Amendment to Subsection 06.15, Lake Ray Hubbard Takeline Overlay (TL OV) District, of Article 05, District Development Standards, of the Unified Development Code (UDC)*

On April 5, 2021, the City Council directed staff to make a minor clarification to Subsection 06.15, *Lake Ray Hubbard Takeline Overlay (TL OV) District, of Article 05, District Development Standards, of the Unified Development Code (UDC)*. Attached to this memorandum is a copy of the memorandum provided to the City Council outlining the purpose of this amendment. The changes being proposed are as follows:

[ADDITIONS: HIGHLIGHTED]

(F) *General Requirements.*

- (5) *Temporary Structures on Leased Property in the Takeline Area.* Temporary structures (e.g. portable residential barbecue grills and ranges, trampolines, etc.) are permitted to be brought out into the takeline area providing that they are not allowed to remain in any part of the takeline area for more than 72 consecutive hours unless completely enclosed within a fenced area constructed in accordance with Subsection 06.15(J)(6). For temporary structures on unleased property in the takeline area see Article III, *Offenses Regarding the Use of the Lake Ray Hubbard Takeline*, of Chapter 22, *Miscellaneous Offenses*, of the Municipal Code of Ordinances.

Also attached to this memorandum is a copy of the draft ordinance for the proposed change. In accordance, with Section 02.04(B) of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC), staff brought the proposed amendment forward to the Planning and Zoning Commission for a recommendation to the City Council. On May 11, 2021, the Planning and Zoning Commission approved a motion to recommend approval of the text amendment by a vote of 5-0, with Commissioners Moeller and Conway absent.

Staff has sent out a 15-day notice to the Rockwall Herald Banner in accordance with all applicable state laws and Section 02.03(A)(3) of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC). Should the City Council have any questions staff will be available at the meeting on May 17, 2021.



CITY OF ROCKWALL
CITY COUNCIL MEMORANDUM

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

TO: Mayor and City Council

CC: Mary Smith, *Interim City Manager*
Joey Boyd, *Assistant City Manager*
Frank Garza, *City Attorney*
Jeffrey Widmer, *Chief Building Official*

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

DATE: April 5, 2021

SUBJECT: Regulatory Actions for Improvements and Storage on Unleased Land within the Takeline

Mayor Pruitt has asked staff to include this item on the April 5, 2021 City Council agenda for discussion and direction. Specifically, staff has been asked to address unlawful improvements and storage within the takeline on property that is not currently being leased. As the City Council is aware, changes to the takeline ordinance contained in the Unified Development Code (UDC) were recently adopted by the City Council [*Ordinance No. 21-01*] on January 4, 2021. As part of these changes the takeline lease fees were decreased to \$200.00 for new leases with an annual renewal fee of \$100.00. The City Council also directed staff to offer leases at no cost to all property owners who do not currently have a valid takeline lease for a period of 30-days. The attached letter and updated lease would offer free leases to owners that do not have current leases under the new terms adopted by the takeline ordinance (*approximately 98 properties*). If directed to proceed, the attached letter and lease will be sent out to these property owners by certified mail on April 20, 2021.

However, while the City has reduced the fees and will waive the costs of a new or renewal lease for a 30-day period, there may be some property owners who may refuse to lease the takeline. Therefore, to address the unlawful use of the takeline -- *at the City Council's discretion* -- the following example language could be adopted and codified in the Municipal Code of Ordinances under a new article in Chapter 22, *Miscellaneous Offenses*:

Section 22-139 – 22-150. RESERVED

Article III. *Offenses Regarding the Use of the Lake Ray Hubbard Takeline*

Section 22-51. *Unlawful Use of Unleased Land within the Lake Ray Hubbard Takeline*

- (a) It shall be unlawful for any person to construct, store, or place any permanent or temporary improvement (*e.g. raised garden beds, gardens, landscaping, patios, decks, lighting [decorative or otherwise], boat whips, and etc.*) or object (*e.g. patio furniture, chairs, decorative landscape pots, trampolines, hammocks, and etc.*) on any portion of the unleased land within the Lake Ray Hubbard Takeline that remains in place for a period of 24 consecutive hours.
- (b) It shall be unlawful for any person to alter the unleased land within the Lake Ray Hubbard Takeline in anyway so as to change the grade of the property, remove vegetation, alter or remove trees, change the natural coast line of the lake, alter drainage patterns, or any other change that effects the natural environment of the property.
- (c) It is an exception to an offense under Subsection (a) and (b) for a person that holds a valid takeline lease; however, these properties shall be subject to the regulations contained within Subsection 06.15, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC).

Section 22-52. *Enforcement within the Lake Ray Hubbard Takeline*

- (a) The City shall have the authority to administer and enforce the provisions of this article as may be permitted by the City's Interlocal Agreement with the City of Dallas and as allowed by this Municipal Code of Ordinances. Any person who violates a provision of this article, or fails to comply therewith, or with any of the requirements thereof, is subject to suit for injunctive relief as well as in Municipal Court. Any violation of this article is declared to be a nuisance.
- (b) In the event of a violation of this article, the City shall first issue a notice of violation and allow the property owner five (5) business days to remove the violation and return the property to its natural state. Thereafter, any person violating any provision of this article shall -- *upon conviction* -- be fined a sum not exceeding \$500.00. Each day that a provision of this article is violated shall constitute a separate offence. An offense under this article is a *Class C Misdemeanor*, punishable by a fine not to exceed \$500.00.
- (c) Nothing in this article shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, including but not limited to the following: [1] injunctive relief to prevent specific conduct that violates this article or to require specific conduct that is necessary for compliance with this article; and [2] other available relief.

Staff has included an example ordinance with this language for the City Council's review. In addition, to the changes to the Municipal Code of Ordinances, the following changes to the Subsection 06.15, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) were also identified:

[ADDITIONS: HIGHLIGHTED]

(F) *General Requirements.*

- (5) *Temporary Structures on Leased Property in the Takeline Area.* Temporary structures (*e.g. portable residential barbecue grills and ranges, trampolines, etc.*) are permitted to be brought out into the takeline area providing that they are not allowed to remain in any part of the takeline area for more than 72 consecutive hours unless completely enclosed within a fenced area constructed in accordance with Subsection 06.15(J)(6). For temporary structures on unleased property in the takeline area see Article III, *Offenses Regarding the Use of the Lake Ray Hubbard Takeline*, of Chapter 22, *Miscellaneous Offenses*, of the Municipal Code of Ordinances.

Staff has included an example ordinance with this language for the City Council's review. If the City Council chooses to direct staff to proceed with these changes, the following is the timeline for all necessary actions:

- *April 16, 2021:* Staff initiates the text amendments to the Unified Development Code (UDC).
- *April 19, 2021:* The first reading of the ordinance changing the Municipal Code of Ordinances.
- *April 20, 2021:* The letter and lease is sent -- *by certified mail* -- to all property owners who have property adjacent to the takeline and which are eligible to lease property.
- *April 25, 2021:* The 30-day window for property owners who do not currently have a valid lease agreement to enter into a lease agreement at no charge begins.
- *May 3, 2021:* The second reading of the ordinance changing the Municipal Code of Ordinances.
- *May 11, 2021:* The Planning and Zoning Commission public hearing concerning ordinance changing the Unified Development Code (UDC).
- *May 17, 2021:* The City Council public hearing and first reading of the ordinance changing the Unified Development Code (UDC).
- *May 25, 2021:* The offer for lease agreements with no charge expires and staff begins enforcing the changes with regard to the Municipal Code of Ordinances.
- *June 7, 2021:* The second reading of the ordinance changing the Unified Development Code (UDC).

As stated above this is an example of the actions that can be taken by the City Council should they wish to regulate improvements and storage on unleased land within the takeline. With this being said, staff can proceed with any action amenable to the City Council. If the City Council has any questions staff and the City Attorney will be available at the April 5, 2021 City Council meeting.

CITY OF ROCKWALL

ORDINANCE NO. 21-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING SUBSECTION 06.15, LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT, OF ARTICLE 05, DISTRICT DEVELOPMENT STANDARDS, AS DEPCITED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an amendment to the City of Rockwall's Unified Development Code [*Ordinance No. 20-02*] has been initiated by the City Council of the City of Rockwall to amend Subsection 06.15, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, of Article 05, *District Development Standards*, of the Unified Development Code [*Ordinance No. 20-02*]; and,

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the city's corporate boundaries, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code [*Ordinance No. 20-02*] should be amended as follows:

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

SECTION 1. That Section 06.15, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, of Article 05, *District Development Standards*, of the Unified Development Code [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'A'* of this ordinance;

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

SECTION 3. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code [*Ordinance No. 04-38*], and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable;

SECTION 4. That this ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 7TH DAY OF JUNE, 2021.

ATTEST:

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: May 17, 2021

2nd Reading: June 7, 2021

DRAFT
ORDINANCE
05.17.2021

Exhibit 'A'

Section 06.15, Lake Ray Hubbard Takeline Overlay (TL OV) District, of
Article 05, Development Standards, of the
Unified Development Code (UDC)

(F) *General Requirements.*

- (5) *Temporary Structures on Leased Property in the Takeline Area.* Temporary structures (e.g. portable residential barbecue grills and ranges, trampolines, etc.) are permitted to be brought out into the takeline area providing that they are not allowed to remain in any part of the takeline area for more than 72 consecutive hours unless completely enclosed within a fenced area constructed in accordance with Subsection 06.15(J)(6). For temporary structures on unleased property in the takeline area see Article III, *Offenses Regarding the Use of the Lake Ray Hubbard Takeline*, of Chapter 22, *Miscellaneous Offenses*, of the Municipal Code of Ordinances.

**CITY OF ROCKWALL, TEXAS
MEMORANDUM**

TO: Honorable Mayor and City Council

CC: Mary Smith, Interim City Manager
Joey Boyd, Assistant City Manager

FROM: Travis E. Sales, Director of Parks and Recreation

DATE: May 17, 2021

SUBJECT: Scott Self Lighthouse at The Harbor

The Park and Recreation Board acting as the Park Naming Committee heard a request to name the lighthouse at The Harbor after Scott Self. The board was provided a list of Scott Self's community achievements and community involvement. The board voted 5-0 with Kevin Johnson and Peggy Mauroff absent to approve the request.

If approved by City Council, the Director of Parks and Recreation will meet with the Self family to design a bronze plaque with verbiage. Parks and Recreation staff will schedule a dedication at the start of one of the Concerts by the Lake in the summer of 2021 to do a ribbon cutting and recognize Scott Self by unveiling the Scott Self Lighthouse at The Harbor.

Parks and Recreation Staff request that the City Council review and consider this request.



MEMORANDUM

TO: Mary Smith, Interim City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: May 17, 2021

SUBJECT: A2021-001; EXPIRING 212 DEVELOPMENT AGREEMENTS FOR AREAS 1 AND 4

Attachments

Memorandum
Location Maps
Example Notification Letters
Extension Request Letters

Summary/Background Information

A2021-001 - Discuss and consider the expiration of existing 212 Development Agreements for two (2) areas contiguous with the City of Rockwall's corporate limits and being identified as: (Area 1) approximately 177.47-acres of land generally located southeast of Hanby Lane and Buffalo Way Road; and (Area 4) approximately 24.98-acres of land located along the southeast side of FM550, south of SH276; and take any action necessary.

Action Needed

The City Council is being asked to extend the 212 Development Agreements or annex the subject properties in Areas 1 & 4 as identified above.



CITY OF ROCKWALL
CITY COUNCIL MEMORANDUM

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

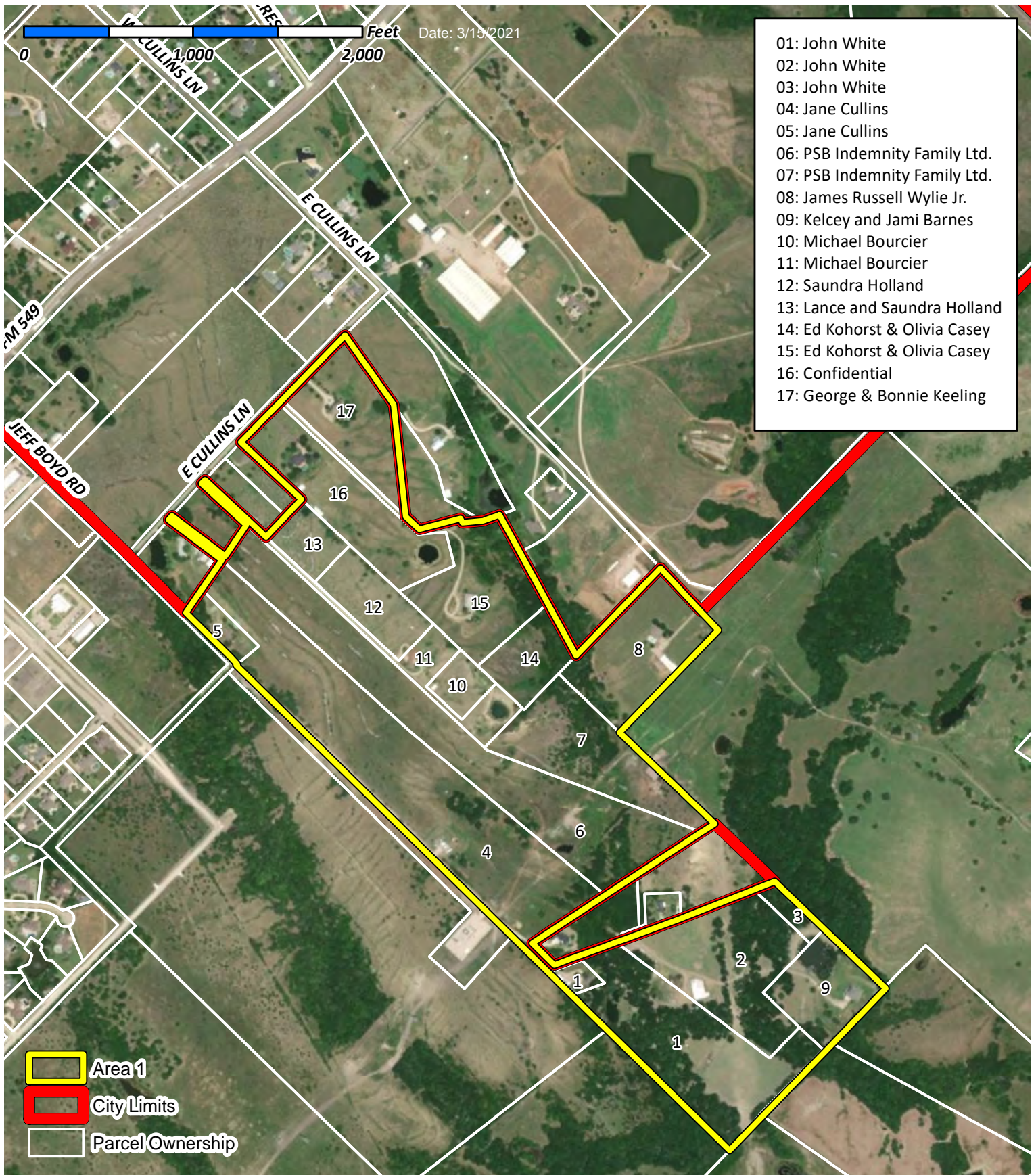
TO: Mayor and City Council
CC: Mary Smith, *Interim City Manager*
Joey Boyd, *Assistant City Manager*
FROM: Ryan Miller, Director of Planning and Zoning
DATE: May 17, 2021
SUBJECT: A2021-001; *Expiring 212 Development Agreements for Area's '1 & 4'*

On October 18, 2010, the City Council approved an action to execute a *212 Development Agreement* [Case No. A2010-001] with various property owners within the two (2) annexation areas depicted in *Exhibit 'A'*. The initial term of the 212 Development Agreement was three (3) years from the date the original agreement was executed (*i.e. October 18, 2010*); however, the City Council approved two (2) subsequent terms for an additional eight (8) years (*i.e. a five [5] year extension in 2013 and a three [3] year extension in 2018*), which extended the expiration to October 18, 2021. In accordance with Section 12, *Term and Extension*, of the approved *212 Development Agreement*, city staff has mailed a written notification to all qualifying property owners notifying them of the expiration date. The notifications were sent by mail more than 180 days prior to the expiration of the agreement. Additionally, staff mailed ten (10) of the property owners a second notice by mail on April 16, 2021 or more than 150 days prior to the expiration of the agreement. A final notice was mailed to three (3) of the property owners by staff via certified mail on April 30, 2021. As of this memorandum, staff has received extension requests from all property owners. A map of the areas with the property owner information is contained in *Exhibit 'B'* of the attached packet.

Section 12, *Terms and Extension*, of the approved 212 Development Agreement permits the City Council to grant a subsequent term. Furthermore, the *Texas Local Government Code* allows the City Council to extend a *212 Development Agreement* for successive time periods not to exceed a period of 15 years, with the total duration of the contract (*i.e. the initial time period plus each successive time period*) not to exceed 45 years. The *212 Development Agreement* was originally approved in 2010, and granted a five (5) year extension on October 18, 2013 and a subsequent extension for three (3) years on October 18, 2021. This means that the total term of the agreement is at 11-years, and is set to expire on October 18, 2021.

Staff has placed a copy of the extension requests, the 180-day, and 150-day expiration notices in the packet for the City Council's review. It should be noted that the City Council has the discretion to continue the *212 Development Agreement* for a subsequent term or elect to annex the subject properties at the termination of this agreement. Regardless of the City Council's choice, staff will be required to send a letter via certified mail notifying the affected property owners of the City Council's decision by July 10, 2021. Should the City Council have any questions staff will be available at the May 17, 2021 meeting.

Exhibit 'B'



- 01: John White
- 02: John White
- 03: John White
- 04: Jane Cullins
- 05: Jane Cullins
- 06: PSB Indemnity Family Ltd.
- 07: PSB Indemnity Family Ltd.
- 08: James Russell Wylie Jr.
- 09: Kelcey and Jami Barnes
- 10: Michael Bourcier
- 11: Michael Bourcier
- 12: Sandra Holland
- 13: Lance and Sandra Holland
- 14: Ed Kohorst & Olivia Casey
- 15: Ed Kohorst & Olivia Casey
- 16: Confidential
- 17: George & Bonnie Keeling

Area 1
 City Limits
 Parcel Ownership



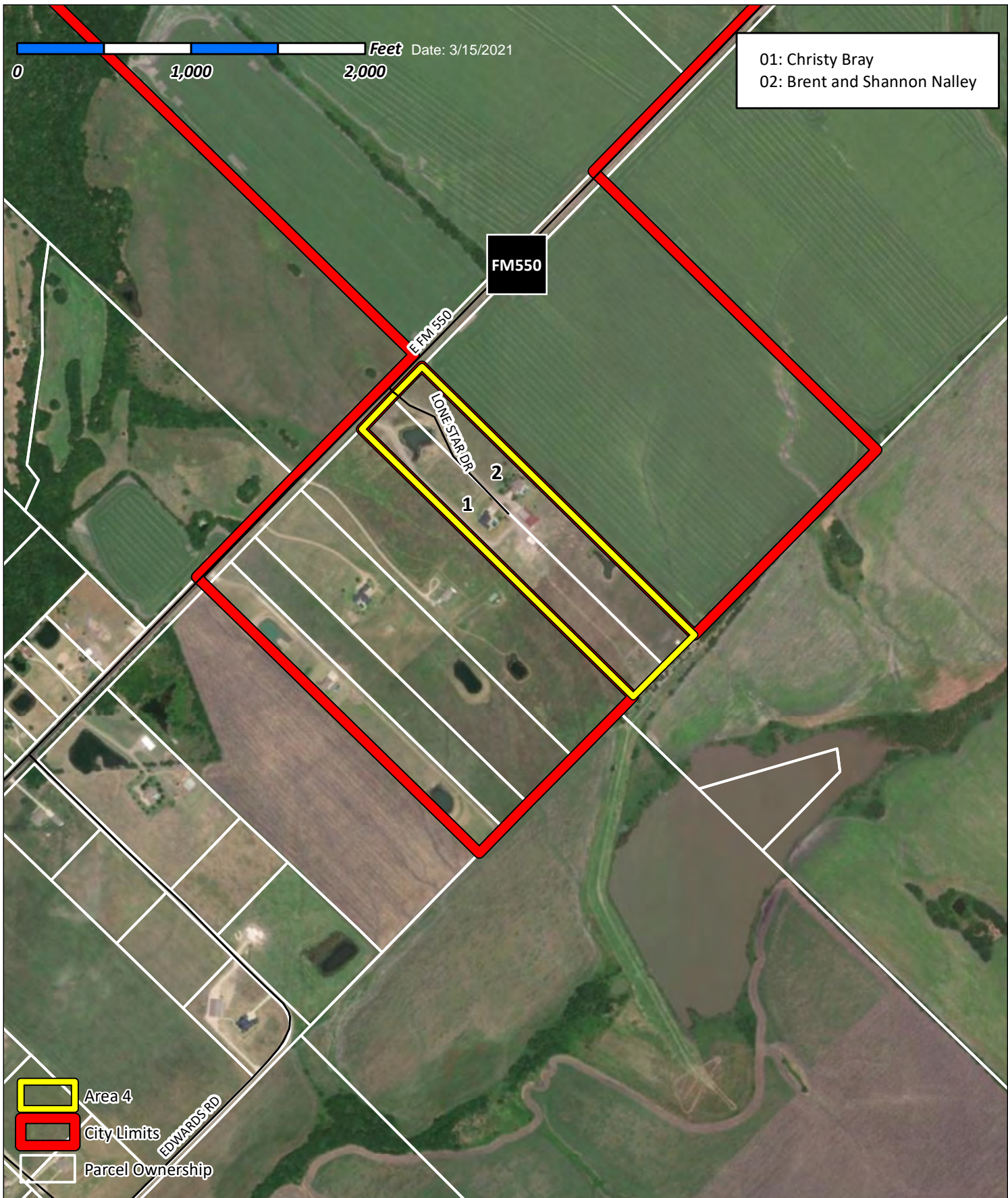
City of Rockwall
 Planning and Zoning Department
 385 S. Goliad Street
 Rockwall, Texas 75087
 (P): (972) 771-7745
 (W): www.rockwall.com




A2021-001 Area 1

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.



01: Christy Bray
02: Brent and Shannon Nalley

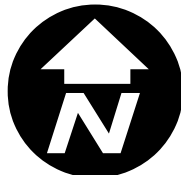


-  Area 4
-  City Limits
-  Parcel Ownership



City of Rockwall
 Planning and Zoning Department
 385 S. Goliad Street
 Rockwall, Texas 75087
 (P): (972) 771-7745
 (W): www.rockwall.com
A2021-001 Area 4

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.





March 19, 2021

Property Owner Name
Attn: Property Owner
Property Address
Rockwall, TX 75087

RE: A2021-001; Extension of 212 Development Agreement for property that is generally contiguous with the City of Rockwall's city limits line and being described as follows:

Tract 00-00 of the W. W. Ford Survey, Abstract No. 80, 0.00-Acres (PT of 10.00 AC TR)

Dear Property Owner:

On October 18, 2010 (*i.e. the effective date*), the City of Rockwall entered into a 212 Development Agreement (Case No. A2010-001) with you as authorized by the Texas Local Government Code. The term of this original agreement was for three (3) years expiring on October 18, 2013; however, the City Council approved two (2) subsequent terms for an additional eight (8) years (*i.e. a five [5] year extension in 2013 and a three [3] year extension in 2018*), which extended the expiration to October 18, 2021. Effectively, the 212 Development Agreement -- *in accordance with Section 212 of the Texas Local Government Code* -- allows a property owner to request an extension or termination of this agreement prior to its expiration and under the following terms:

Section 12. Term and Extension. *The initial term of this Agreement shall be for a period of five (5) years from the Effective Date (the 'Term'). The Effective Date of the agreement shall be the date the agreement is executed by the City. Within 180 days prior to end of the Term of the agreement, the City shall notify the Owner(s) in writing that the agreement is due to expire.*

If the owner(s) desire to extend the operation of this agreement beyond its initial and subsequent terms, the owner(s), at least 150 days prior to the end of the initial term, shall submit a written request to the City for such extension (*i.e. Extension Request*). The City, will at least 90 days prior to the end of the term notify owners in writing, delivered by certified mail, with respect to its decision whether to extend the agreement for an additional term (*referred to as a "Subsequent Term"*). In the event such written notice from the City of its decision is not received by the owner(s) at least 90 days prior to the end of that term such extension request is deemed granted and this agreement continues for another subsequent term. In addition, according to the agreement:

Section 13. Termination. *The Owner(s) shall be deemed to have filed a petition for voluntary annexation as of the end of the Term of this agreement. Any annexation proceedings pursuant to this section shall be commenced within thirty-one (31) days after the end of the Term.*

If the owner(s) does not provide an *extension request* pursuant to Section 12, or upon a written decision by the City not to extend the term of this agreement for a subsequent term following the term, then owner(s) shall be deemed to have filed a petition for voluntary annexation as of the end of the term of this agreement. If the owner(s) submitted an extension request, then a notice pursuant to Section 13 by the City stating that it has decided not to extend the term of this agreement shall also include a notification whether it intends -- *subject to the procedures required by law* -- to accept the petition for voluntary annexation. If owner(s) did not submit an extension request then the City, at least 90 days prior to the end of the initial term, shall provide a written notification to owner(s), by certified mail, whether it intends -- *subject*



to the procedures required by law -- to accept the petition for voluntary annexation. Any annexation proceedings pursuant to this section shall be commenced within 31 days after the end of the term.

If you intend to submit an *Extension Request*, the written request must be received by the City no later than May 21, 2021 -- which is 150 days prior to the end of term -- to be considered by the City Council. If you have already submitted a request for extension, please disregard this requirement.

All extension requests should be submitted to the City of Rockwall Planning Department at 385 South Goliad Street, Rockwall, Texas, 75087. If you have any specific questions about your options under this procedure please feel free to contact the Planning Department staff at (972) 771-7745.

Sincerely,

Ryan Miller, AICP
Director of Planning and Zoning
City of Rockwall

CC: *Planning Department*



2nd NOTICE – (First notice mailed on March 19, 2021 [180 days prior to the end of the term])

April 16, 2021

Property Owner Name
Attn: Property Owner
Property Address
Rockwall, TX 75087

RE: A2021-001; Extension of 212 Development Agreement for property that is generally contiguous with the City of Rockwall's city limits line and being described as follows:

- Tract 00-00 of the W. W. Ford Survey, Abstract No. 80, 0.00-Acres (PT of 10.00 AC TR)**

Dear Property Owner:

On October 18, 2010 (*i.e. the effective date*), the City of Rockwall entered into a 212 Development Agreement (Case No. A2010-001) with you as authorized by the Texas Local Government Code. The term of this original agreement was for three (3) years expiring on October 18, 2013; however, the City Council approved two (2) subsequent terms for an additional eight (8) years (*i.e. a five [5] year extension in 2013 and a three [3] year extension in 2018*), which extended the expiration to October 18, 2021. Effectively, the 212 Development Agreement -- *in accordance with Section 212 of the Texas Local Government Code* -- allows a property owner to request an extension or termination of this agreement prior to its expiration and under the following terms:

Section 12. Term and Extension. *The initial term of this Agreement shall be for a period of five (5) years from the Effective Date (the 'Term'). The Effective Date of the agreement shall be the date the agreement is executed by the City. Within 180 days prior to end of the Term of the agreement, the City shall notify the Owner(s) in writing that the agreement is due to expire.*

If the owner(s) desire to extend the operation of this agreement beyond its initial and subsequent terms, the owner(s), at least 150 days prior to the end of the initial term, shall submit a written request to the City for such extension (*i.e. Extension Request*). The City, will at least 90 days prior to the end of the term notify owners in writing, delivered by certified mail, with respect to its decision whether to extend the agreement for an additional term (*referred to as a "Subsequent Term"*). In the event such written notice from the City of its decision is not received by the owner(s) at least 90 days prior to the end of that term such extension request is deemed granted and this agreement continues for another subsequent term. In addition, according to the agreement:

Section 13. Termination. *The Owner(s) shall be deemed to have filed a petition for voluntary annexation as of the end of the Term of this agreement. Any annexation proceedings pursuant to this section shall be commenced within thirty-one (31) days after the end of the Term.*

If the owner(s) does not provide an *extension request* pursuant to Section 12, or upon a written decision by the City not to extend the term of this agreement for a subsequent term following the term, then owner(s) shall be deemed to have filed a petition for voluntary annexation as of the end of the term of this agreement. If the owner(s) submitted an extension request, then a notice pursuant to Section 13 by the City stating that it has decided not to extend the term of this agreement shall also include a notification whether it intends -- *subject to the procedures required by law* -- to accept



the petition for voluntary annexation. If owner(s) did not submit an extension request then the City, at least 90 days prior to the end of the initial term, shall provide a written notification to owner(s), by certified mail, whether it intends -- *subject to the procedures required by law* -- to accept the petition for voluntary annexation. Any annexation proceedings pursuant to this section shall be commenced within 31 days after the end of the term.

If you intend to submit an *Extension Request*, the written request must be received by the City no later than May 21, 2021 -- which is 150 days prior to the end of term -- to be considered by the City Council. If you have already submitted a request for extension, please disregard this requirement.

All extension requests should be submitted to the City of Rockwall Planning Department at 385 South Goliad Street, Rockwall, Texas, 75087. If you have any specific questions about your options under this procedure please feel free to contact the Planning Department staff at (972) 771-7745.

Sincerely,

Ryan Miller, AICP
Director of Planning and Zoning
City of Rockwall

CC: Planning Department



Final Reminder – (First notice mailed on March 19, 2021, 2nd notice mailed on April 16, 2021)

April 30, 2021

ATTN: Property Owner

Property Address
Rockwall, TX 75087

RE: A2021-001; Extension of 212 Development Agreement for property that is generally contiguous with the City of Rockwall's city limits line and being described as follows:

- Tract 0-0 of the J W Pitman Survey, Abstract No. 181 (0.00- Acres)**

Dear Property Owner:

On October 18, 2010 (*i.e. the effective date*), the City of Rockwall entered into a 212 Development Agreement (Case No. A2010-001) with you as authorized by the Texas Local Government Code. The term of this original agreement was for three (3) years expiring on October 18, 2013; however, the City Council approved two (2) subsequent terms for an additional eight (8) years (*i.e. a five [5] year extension in 2013 and a three [3] year extension in 2018*), which extended the expiration to October 18, 2021. Effectively, the 212 Development Agreement -- *in accordance with Section 212 of the Texas Local Government Code* -- allows a property owner to request an extension or termination of this agreement prior to its expiration and under the following terms:

Section 12. Term and Extension. *The initial term of this Agreement shall be for a period of five (5) years from the Effective Date (the 'Term'). The Effective Date of the agreement shall be the date the agreement is executed by the City. Within 180 days prior to end of the Term of the agreement, the City shall notify the Owner(s) in writing that the agreement is due to expire.*

If the owner(s) desire to extend the operation of this agreement beyond its initial and subsequent terms, the owner(s), at least 150 days prior to the end of the initial term, shall submit a written request to the City for such extension (*i.e. Extension Request*). The City, will at least 90 days prior to the end of the term notify owners in writing, delivered by certified mail, with respect to its decision whether to extend the agreement for an additional term (*referred to as a "Subsequent Term"*). In the event such written notice from the City of its decision is not received by the owner(s) at least 90 days prior to the end of that term such extension request is deemed granted and this agreement continues for another subsequent term. In addition, according to the agreement:

Section 13. Termination. *The Owner(s) shall be deemed to have filed a petition for voluntary annexation as of the end of the Term of this agreement. Any annexation proceedings pursuant to this section shall be commenced within thirty-one (31) days after the end of the Term.*

If the owner(s) does not provide an *extension request* pursuant to Section 12, or upon a written decision by the City not to extend the term of this agreement for a subsequent term following the term, then owner(s) shall be deemed to have filed a petition for voluntary annexation as of the end of the term of this agreement. If the owner(s) submitted an extension request, then a notice pursuant to Section 13 by the City stating that it has decided not to extend the term of this agreement shall also include a notification whether it intends -- *subject to the procedures required by law* -- to accept the petition for voluntary annexation. If owner(s) did not submit an extension request then the City, at least 90 days prior



to the end of the initial term, shall provide a written notification to owner(s), by certified mail, whether it intends -- *subject to the procedures required by law* -- to accept the petition for voluntary annexation. Any annexation proceedings pursuant to this section shall be commenced within 31 days after the end of the term.

If you intend to submit an *Extension Request*, the written request must be received by the City no later than May 21, 2021 -- which is 150 days prior to the end of term -- to be considered by the City Council. If you have already submitted a request for extension, please disregard this requirement.

All extension requests should be submitted to the City of Rockwall Planning Department at 385 South Goliad Street, Rockwall, Texas, 75087. If you have any specific questions about your options under this procedure please feel free to contact the Planning Department staff at (972) 771-7745.

Sincerely,

Ryan Miller, AICP
Director of Planning and Zoning
City of Rockwall

CC: Planning Department

Brent and Shannon Nalley

269 Lonestar Dr.

Royse City, TX 75189

RE: A2021-001; Extension of 212 Development
Agreement for Tract 1-9 of the JW Pitman Survey Abstract No.
181 (12.49 Acres)

To Whom It May Concern,

In response to the letter we received on April 20th, 2021,
regarding the need to submit a written request to extend the term
of the annexation, we would like this to officially serve as notice
that we do wish to extend.

Please advise if there is any additional requirements in order for
the extension to be granted. In the event we hear nothing
further, we will assume this will suffice.

Regards,



Brent Nalley

214 676 3336

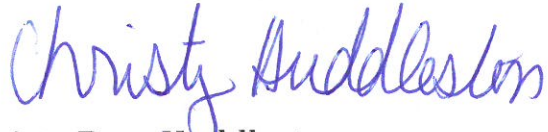
Brent.nalley@examworks.com

April 28, 2021

Ryan Miller, AICP
Director of Planning & Zoning Department
City of Rockwall

We desire to extend the operation of the 212 Development Agreement
for Area 4, 270 Lonestar Dr, Royse City, TX 75189.

Sincerely,



Christy Bray Huddleston
270 Lonestar Dr
Royse City, TX 75189
214-499-5052

Ryan Miller, AICP
Director of Planning and Zoning
City of Rockwall

April 2, 2021

Dear Mr. Miller,


We are in receipt of your letter dated March 19, 2021 regarding terms and extension of the 212 Development agreement.

Please let this letter serve as our request to not end the extension but extend it another five (5) years.

Thank you.
Respectfully,

Ed Kohorst 
Olivia Casey 

831 Cullins Road
Rockwall, Texas 75032

RECEIVED
APR 06 2021


To: City of Rockwall
Planning + Zoning Department
385 S. Goliad St
Rockwall, Tx. 75087

From: George W/Bonnie C. Keeling
@ 787 Cullins Road
Rockwall, Tx 75032

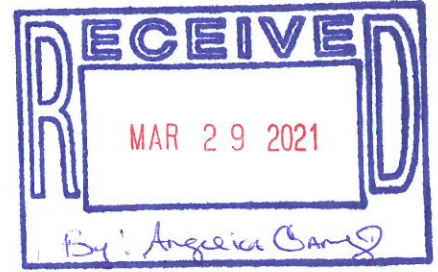
RE: A2021-001 Ext. of 212 Development Agreement
Tract 40-6 of the W.W. Ford Survey
Abstract # 80, 8.0 acres

I am requesting an extension of this
agreement.

Thank-You,

Bonnie C. Keeling
4/18/21

APR 23 2021



March 26, 2021

Ryan Miller. AICP
Director of Planning & Zoning
City of Rockwall
385 S. Goliad Street
Rockwall, TX 75087

Re: Extension Request of 212 Development Agreement for property description
A0080 W W Ford, Tract 17-02, Acres 9.75

Dear Mr. Miller:

Please accept this letter as a formal request to extend the 212 Development Agreement as it relates to my property described above. The current agreement will terminate this October unless there is an agreement for an extension. I would like to continue under the terms of the Agreement for an additional five year period. I understand that this request for an extension is subject to the approval and acceptance of the Rockwall City Council.

Thank you for accepting this request for an extension and communicating same to the City Council of Rockwall for their review. If you have any questions, please feel free to contact me.

Sincerely,

James Russell Wylie Jr.

Enclosures: Notice Letter dated March 19, 2021

March 23, 2021

Rockwall City Council
385 South Goliad Street
Rockwall, Texas 75087

RE: A2021-001 Extension Request of 212 Agreement

Tract 13-1 of the W.W. Ford Survey, Abstract No 80, 16.53 ac (PT of 30.61 AC TR)

Tract 13-7 of the W.W. Ford Survey, Abstract No 80, 1.2 ac (PT of 30.61 AC TR)

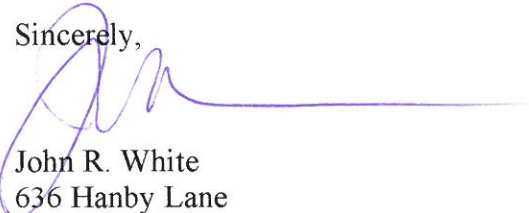
Tract 13-2 of the W.W. Ford Survey, Abstract No 80, 11.88 ac (PT of 30.61 AC TR)

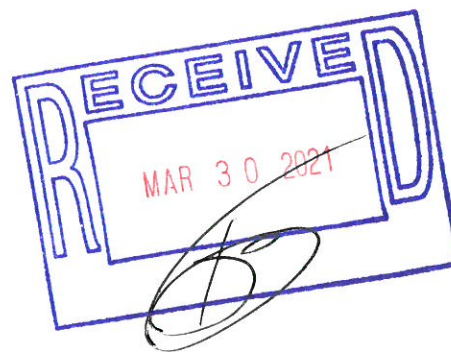
Dear City Council Members,

I am formally requesting an extension of my 212 agreement for a subsequent term.

Please let me know if you have any questions.

Sincerely,


John R. White
636 Hanby Lane
Rockwall, Texas 75032



March 28, 2021

Rockwall City Council
385 South Goliad Street
Rockwall, Texas 75087

RE: A2021-001 Extension Request of 212 Agreement
Property ID 86814
Barnes Estate, Block A, Lot 1, Acres 6.0000

Dear City Council Members,

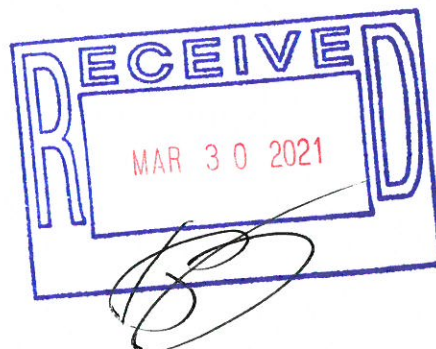
I am formally requesting an extension of my 212 agreement for a subsequent term.

Please let me know if you have any questions.

Sincerely,



Kelcey Barnes
721 Hanby Lane
Rockwall, Texas 75032



April 20, 2021

Mr. Ryan Miller, AICP
Director of Planning and Zoning
City of Rockwall
385 South Goliad
Rockwall, Texas 75087

RE: EXTENSION OF 212 DEVELOPMENT AGREEMENT
PROPERTY: **Tract 13-17 of the W.W. Ford Survey, Abs. No. 80, 4.53 Acres and;
Tract 13-16 of the W.W. Ford Survey, Abs. No. 80, (pt of 4.66 ac tract)**

Dear Mr. Miller:

Per the terms of the current agreement regarding the extension of 212 Development Agreement, I am requesting a 3 year extension for the above described property. If you have any questions, please do not hesitate to call me at 214-926-5649.

Thank you for your consideration.

Sincerely,

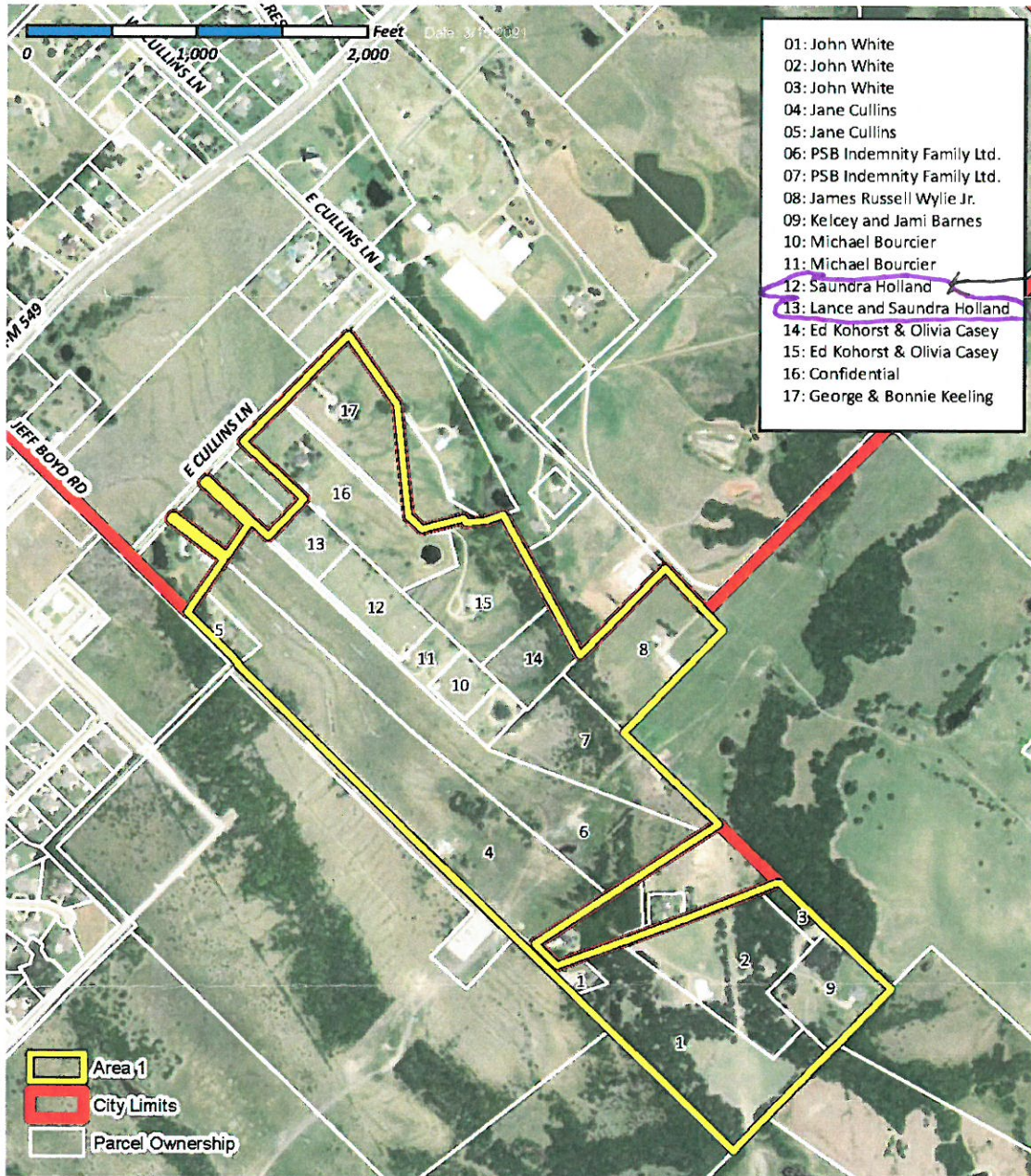


Sandra G. Holland
Property Owner





212 Development Agreement Area:



City of Rockwall

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

A2021-001 Area 1

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.



MICHAEL BOURCIER, P.C.

Certified Public Accountant
A PROFESSIONAL CORPORATION

2020 Bill Owens Pkwy, Ste 140
Longview, TX 75604

TEL: (903) 297-8297
FAX: (903) 212-6378

April 16, 2021

City of Rockwall
385 South Goliad Street
Rockwall, TX 75087

Re: A2021-001; Extension of 212 Development Agreement for property that is generally contiguous with the City of Rockwall's city limits line and being described as follows:

Tract 13-12 of the W.W. Ford Survey, Abstract No. 80, 3.0- Acres (being part of a larger 5.21-acre tract of land).

Tract 13-13 of the W.W. Ford Survey, Abstract No. 80 2.21-Acres (being part of a larger 5.21-acres tract of land).

Via: Certified mail

Dear Sir or Madame,

It is the desire of Michael Bourcier at 961 Cullins Rd, Rockwall, TX 75032 pursuant to a 212 Development Agreement (case no. A2010-001) as authorized by the Texas local government code to extend this agreement.

Per the attached letter, I am hereby requesting an extension of five (5) years.

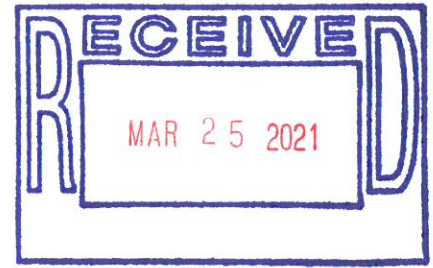
Very truly yours,



Michael Bourcier

March 23, 2021

Terry and Sherry Woods
863 Cullins Road
Rockwall, Texas 75032



City of Rockwall
Attention: Ryan Miller, AICP
Director of Planning & Zoning
385 South Goliad Street
Rockwall, Texas 75087

RE: Extension Request A2021-001; Extension of 212 Development Agreement
Tract 40-05 of the W.W. Ford Survey, Abstract No. 80, 10.5- Acres

Dear Mr. Miller:

We are requesting an extension of the 212 Development Agreement for properties contiguous with the City of Rockwall's city limits line and being generally located in the following area:

Area 1: Being a 538.90-Acre Tract of Land located West of SH205, South of FM549, and Northeast of Hanby Lane.

Area 4: Being a 92.25-Acre Tract of land located along the Southeast side of FM 550, South of SH276.

This extension request is in compliance with your letter dated March 19, 2021 and reflects our desire to extend the operation of this Agreement beyond its Term, for an additional 5 years to 2026.

Thank you for your consideration.

Sincerely,


Terry and Sherry Woods
Owners