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Z2015-014 - Discuss and consider approval of an ordinance for a request by Cole Franklin of the Skorborg Company on behalf of the owner of the Lonnie Gideon Estate for a zoning change from an Agricultural (AG) District to a Planned Development District for Single Family 10 (SF-10) District land uses, on a 29.192-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 Agricultural (AG) District, situated within the 205 By-Pass Corridor Overlay (205 BY-OV) District, located at the northeast corner of the intersection of E. Quail Run Road and John King Boulevard, and take any action necessary. (1st Reading)

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Discuss and consider approval of an ordinance adding Sections 26-290 to 260-297 "Operation of Golf Carts" to Chapter 26. Motor Vehicles and Traffic, Article IV. Bicycles, Golf Carts and Play Vehicles, Division 5 of the Municipal Code of Ordinances to authorize the operation of golf carts within the city limits, and take any action necessary. (1st reading)

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Discuss and consider update related to an erosion control project located near 2065 Lake Forest Drive, and take any action necessary.

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Discuss and consider the provisions of Chapter 12. Businesses & Sales, Article XII. Ambulance Service of the Code of Ordinances, and take any action necessary.

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Discuss and consider survey results and options related to the city's solid waste collection contract, and take any action necessary.

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Discuss and consider amendments to the natural and/or quarried stone requirement stipulated by the overlay district standards contained in Article V, District Development Standards, of the Unified Development Code, and take any action necessary.

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Discuss and consider options related to providing public restrooms in the downtown area, and take any action necessary.

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Discuss and consider an update related to public parking signage at The Harbor, and take any action necessary.

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Discuss and consider maintenance within the take line area, and take any action necessary.

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AGENDA
ROCKWALL CITY COUNCIL
Monday, June 15, 2015
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

II. WORK SESSION

- p.10** 1. Hold a work session to discuss Rockwall County Thoroughfare Planning update and the status of SH 205 Planning and take any action necessary.
- p.12** 2. Hold work session to discuss IH-30 ramp addition (near Ridge Road) and other roadway improvements, and take any action necessary.
- p.14** 3. Hold work session with the Parks & Recreation Advisory Board to discuss and consider Parks and Recreation Business Plan Strategic Initiatives, and take any action necessary.

III. EXECUTIVE SESSION.

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

- 1. Discussion regarding the city's concession agreement with Suntex Marina / Suntex RHCL Marina, LLC pursuant to Section § 551.071 (Consultation with Attorney)
- 2. Discussion regarding possible legal claim related to Oncor pursuant to Section 551.071 (Consultation with Attorney)
- 3. Discussion regarding purchase or lease of real property / land acquisition in the vicinity of the downtown area for municipal purposes pursuant to Section § 551.072 (Real Property).
- 4. Discussion regarding status of Rockwall Harbor Landing, Inc. vs. City of Rockwall pursuant to Section 551.071 (Consultation with Attorney).
- 5. Discussion regarding Eclipse Fitness LLC and DRZW Holdings LTD vs. City of Rockwall, Texas pursuant to Section 551.071 (Consultation with Attorney).
- 6. Discussion regarding possible development-related legal claim in the vicinity of Bourne Street pursuant to Section 551.071 (Consultation with Attorney)
- 7. Discussion regarding appointment of city council subcommittees and board liaisons pursuant to Section, §551.074 (Personnel Matters).

IV. ADJOURN EXECUTIVE SESSION

AGENDA
ROCKWALL CITY COUNCIL
Monday, June 15, 2015
6:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

V. RECONVENE PUBLIC MEETING

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER TOWNSEND

VIII. OPEN FORUM

IX. CONSENT AGENDA

p.34 1. Consider approval of the minutes from the June 1, 2015 regular city council meeting, and take any action necessary.

p.46 2. P2015-022 - Consider a request by Mike Whittle on behalf of Rockwall Rental Properties, LP for the approval of a replat for Lot 11 & 12, Block 2, Alliance Addition, Phase 2 being a 1.420-acre parcel of land currently identified as Lots 1 & 10, Block 2, Alliance Addition, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 57 (PD-57) for Commercial (C) District land uses, addressed as 6505 & 6525 FM-3097, and take any action necessary.

X. APPOINTMENTS

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

p.53 2. Appointment with Mr. Jack Youngkin to hear about the "International Campaign for Compassionate Cities" and to discuss and consider approval of a resolution affirming the "Charter for Compassion," and take any action necessary.

p.59 3. Appointments to hear concerns related to city ordinance regulations contained in Chapter 6, Article VI, Sec. 6-162(b) (regarding the prohibition of owning or keeping chickens, ducks, turkeys, geese, peacocks, or guinea hens within the corporate limits of the city except in agricultural zoned districts), and take any action necessary.

a) Paul and Leah Freese

b) Mike Dean

c) Brent Polunsky

d) Sharon Worthy

e) Ben Weible

- p.65** 4. Appointment with Chris Johnson to discuss changes to the Unified Development Code that would allow the operation of a Portable Beverage or Food Service Facility under a Specific Use Permit, and take any action necessary.
- p.70** 5. Appointment with representative(s) of Core Adventure Sports to discuss and consider entering into a contract with the City for the purpose of providing Stand-up Paddle Board services within the take line lease area at The Harbor and the SH 66 Public Boat Ramp, and take any action necessary.

XI. PUBLIC HEARING ITEMS

- p.84** 1. **Z2015-017** - Hold a public hearing to discuss and consider a request by Jonathan Hake of Cross Engineering Consultants, Inc. on behalf of the owner Kenneth R. Smith of K. R. Smith Holdings, LLC for the approval of an **ordinance** for a Specific Use Permit for Commercial Amusement/Recreation (Outside) to allow a baseball training facility to be constructed on a six (6) acre tract of land identified as Tract 4-07 of the N. Butler Survey, Abstract No. 20, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 By-Pass Corridor Overlay (SH-205 BY-OV) District, located on the north side of Airport Road west of the intersection of Airport Road and John King Boulevard, and take any action necessary **[1st Reading]**.
- p.108** 2. **Z2015-018** - Hold a public hearing to discuss and consider a request by Herman Douglas Utley for the approval of an **ordinance** for a zoning change from a Single Family Estate 2.0 (SFE-2.0) District to a Single Family Estate 1.5 (SFE-1.5) District for a 4.502-acre tract of land identified as Tract 1 of the S. R. Barnes Survey, Abstract No. 13, City of Rockwall, Rockwall County, Texas, zoned Single Family Estate 2.0 (SFE-2.0) District, situated within the SH-205 By-Pass (SH-205 BY OV) District, addressed as 1815 E. Old Quail Run Road, and take any action necessary. **[1st Reading]**

XII. ACTION ITEMS

- p.123** 1. MIS2015-002 - Discuss and consider a request by David Smith of the Rockwall Housing Development Corporation for the approval of a special exception to allow a manufactured home for the purpose of providing emergency housing on a 0.27-acre parcel of land identified as Lot 984A of Rockwall Lake Estates #2 Addition, City of Rockwall, Rockwall County, Texas, addressed as 112 Chris Drive, and to consider a city initiated request for the approval of a special exception to allow for manufactured homes for the purpose of providing emergency housing on other lots currently owned by the City of Rockwall, zoned Planned Development District 75 (PD-75) [Ordinance No. 09-37], located within the Lake Rockwall Estates Subdivision, and take any action necessary.

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- p.158** 4. Discuss and consider approval of an **ordinance** adding Sections 26-290 to 260-297 "Operation of Golf Carts" to Chapter 26. Motor Vehicles and Traffic, Article IV. Bicycles, Golf Carts and Play Vehicles, Division 5 of the Municipal Code of Ordinances to authorize the operation of golf carts within the city limits, and take any action necessary. **(1st reading)**

- p.165** 5. Discuss and consider update related to an erosion control project located near 2065 Lake Forest Drive, and take any action necessary.

- p.167** 6. Discuss and consider the provisions of Chapter 12. Businesses & Sales, Article XII. Ambulance Service of the Code of Ordinances, and take any action necessary.

- p.170** 7. Discuss and consider survey results and options related to the city's solid waste collection contract, and take any action necessary.

- p.177** 8. Discuss and consider amendments to the natural and/or quarried stone requirement stipulated by the overlay district standards contained in Article V, District Development Standards, of the Unified Development Code, and take any action necessary.

- p.180** 9. Discuss and consider options related to providing public restrooms in the downtown area, and take any action necessary.

- p.184** 10. Discuss and consider an update related to public parking signage at The Harbor, and take any action necessary.

- p.189** 11. Discuss and consider maintenance within the take line area, and take any action necessary.

XIII. EXECUTIVE SESSION

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

1. Discussion regarding the city's concession agreement with Suntex Marina / Suntex RHCL Marina, LLC pursuant to Section § 551.071 (Consultation with Attorney)
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7. Discussion regarding appointment of city council subcommittees and board liaisons pursuant to Section, §551.074 (Personnel Matters).

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 § 551.086 (Economic Development)

I, Kristy Ashberry, City Secretary for the City of Rockwall, Texas, do hereby certify that this Agenda was posted at City Hall, in a place readily accessible to the general public at all times, on the 12th day of June, 2015 at 4:00 p.m. and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Kristy Ashberry, City Secretary

Date Removed

Jacky Casey, Assistant Secretary



City of Rockwall
The New Horizon

MEMORANDUM

TO: Rick Crowley, City Manager
FROM: Timothy M. Tumulty, Director of Public Works/City Engineer
DATE: June 12, 2015
SUBJECT: Rockwall County Master Thoroughfare Plan

The Cities of Rockwall, Fate, Royse City, McLendon-Chisholm and Heath have been working with the Rockwall County Commissioners to evaluate and revise the County Master Thoroughfare Plan. The North Central Texas Council of Governments (NCTCOG) is assisting Rockwall County to evaluate roadway lane requirements of major arterial roadways needed to meet the population demands in the year 2035. NCTCOG has completed their analysis of the future roadway needs and provided a draft copy to the Rockwall County cities for their review and comment. This plan also addresses the impact to SH 205 through our City.

Our staff has completed the review of the proposed plan and will meet with Rockwall County on Tuesday, June 16, 2015 to discuss our comments. The County intends to complete this phase of the process by the end of this month. If and when this new plan takes effect at the County level, the cities should incorporate these roadways into their Master Thoroughfare Plan. If you have any questions, please advise.

TMT:em

Cc:
Mary Smith, Assistant City Manager
Brad Griggs, Assistant City Manager
Amy Williams, Assistant City Engineer
file

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City of Rockwall
The New Horizon

MEMORANDUM

TO: Rick Crowley, City Manager
FROM: Timothy M. Tumulty, Director of Public Works/City Engineer
DATE: June 12, 2015
SUBJECT: IH 30 Westbound Entrance Ramp

The 2012 Bond Program included a project to design and construct a new entrance ramp to westbound IH 30 between FM 740 (Ridge Road) and Horizon Road. The construction of this entrance ramp should improve traffic flow in the surrounding area during peak travel hours. Traffic in the area of Ridge Road wishing to travel to Dallas or other western suburb cities must drive through the IH 30/Horizon Road intersection which becomes severely congested in peak hours. With the installation of this new entrance ramp, congestion levels should be reduced in this area.

This ramp will be designed and constructed to State standards. The design contract will be managed by the City of Rockwall while construction management will be handled through the Texas Department of Transportation's Area Office. The design and construction will be performed solely at the cost of the City. Staff is currently negotiating with a consulting engineer for the engineering design services contract. Once the consultant starts the design process, construction could get underway within nine months. Construction time should take approximately nine months to complete.

If you have any questions, please advise.

TMT:em

Cc:
Mary Smith, Assistant City Manager
Brad Griggs, Assistant City Manager
Amy Williams, Assistant City Engineer
file

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CITY OF ROCKWALL, TEXAS MEMORANDUM

TO: Brad Griggs, Assistant City Manager

FROM: Andy Hesser, Parks and Recreation Manager

DATE: June 10, 2015

SUBJECT: PARKS AND RECREATION STRATEGIC INITIATIVES

In 2005, a department wide business plan was adopted that outlined several strategic initiatives giving operational direction to the staff. The plan provided clear timelines and guidance for completion. As the City has grown and many past goals have been met and progress has been made on the Parks and Recreation Master Plan, it seems to be an appropriate time to forge ahead with additional strategic initiatives.

As a result of joint meetings with Park Board and City Council and staff input, 15 new initiatives have identified. The initiatives are intended to be strategic in nature and achievable in a 12 to 24 month period. Many tasks will be taken on as standard operating procedure after the initiatives are approved and completed.

At the June meeting, Park Board voted unanimously to recommend to Council the strategic initiatives attached with this agenda item. Park Board has also requested a work session with City Council to present the final recommendations.

Six of the initiatives are intended to plan, design or complete physical improvements to the park system; four emphasize operational improvements and staff development; three more identify and develop new recreation program offerings; one explores barriers and opportunities to attract business and leisure travelers; and the final initiative is to expand public awareness of parks and recreation services and how they contribute to our residents' quality of life.

Earlier this year, Park Board Chairman Brad Bassett appointed three board members to a marketing subcommittee to evaluate our current efforts. A memo from subcommittee chair-person Wayne Larson that summarizes their findings is attached. These findings are also preliminarily addressed in the public awareness strategic initiative.

Park Board will present their recommendations. Staff will be available to answer any questions. Contingent upon approval, staff is prepared to begin work on the initiatives immediately.

Memorandum

Date: June 8, 2015

To: City of Rockwall Mayor Jim Pruitt and City Council

From: Wayne Larson, CPC, APR, Parks Marketing Committee Chairperson

Copy: Rick Crowley, City Manager
Brad Griggs, Assistant City Manager
Andy Hesser, Parks and Recreation Manager
Parks and Recreation Advisory Board

Subject: Parks Marketing Committee Summary

I was asked by Parks Board Chairman Brad Bassett to submit this memorandum to you. A draft was reviewed by the Parks and Recreation Department staff and the Parks Board.

The Marketing Committee of the Parks Board met twice with the leadership team of the Parks and Recreation Department during the past few months to discuss various aspects of promoting the department as well as the City of Rockwall. The following is the committee's summary of those meetings:

- The department is the primary public relations arm of the city through special events and other related activities.
- However, the overall public awareness of the city and the department needs to be further refined and strategic. Current process and use of city logos is inconsistent.
- Current consideration should be given to:
 - Budgeted line items within the department's annual operating budget for event promotions so staff planning is not restricted to sponsorship funding and is empowered to promote events and the city.
 - A professional survey of residents and department customers on their communication preferences and knowledge of city programs.

- There is an opportunity for strategic planning to utilize all available city communication resources: newsletters, promotions, direct mail, social media, electronic communications, website, etc. This will help breakdown silo communications of departments independently operating with competing interests.

It is the overall recommendation of the Parks Board Marketing Committee that city management and the City Council consider the following objectives:

- Investing resources (strategic planning, staff, budget) into a long-term, public awareness strategy for the City of Rockwall.
- Developing a dedicated, holistic approach to promoting the city, its attributes and unique characteristics.
- Approving guidelines and a style guide for all city departments which will foster consistency and continuity of public awareness efforts.

In closing, we hope the City Council gives consideration to the topic of city-wide public awareness and promotions during future budget sessions or planning retreats. On behalf of the committee and department, I thank you in advance for your time and attention on this issue.

Current Parks & Recreation Strategic Initiatives

The following strategic initiatives are those which were identified as a result of input gathered from City Council and Park Board joint meetings as well as staff input. At this point, all are strategic in nature, but some may evolve into daily operations once implemented. Certain initiatives will be completed, and many will be ongoing with additional measures and targets added as the initiatives achieve particular levels of progress.

INITIATIVE TABLE OF CONTENTS
Identify opportunities to expand public awareness of parks, trails, recreation, and special events.
Develop financing & phasing plan for Lakeside Park Master Plan
The Park at Stone Creek
The Park at Breezy Hill
Conduct analysis of needed recreation software upgrades
Park Maintenance Standards
Conduct analysis of park maintenance and contract personnel
Professional Development
Create operations training manual for Parks & Rec Division
Develop and increase program offerings for those with special needs
Identify and implement new water-based and outdoor recreation program opportunities
Habitat enhancements for purpose of attracting butterflies and specific birds
Revive the reforestation plan by planting one tree on public grounds for each year since the City has been founded
Identify and purchase 50 acre community park land south of I-30
Improve tourism opportunities and hotel room nights

Identify opportunities to expand public awareness of parks, trails, recreation, and special events.

Description: Parks, trails, rental facilities, playgrounds, live music, The Harbor, pools, fishing, boating, youth baseball/softball, summer camps, senior programs, and a wide variety of other recreation programs are just some of the services The City of Rockwall Parks and Recreation provides. The challenge is getting the word out to residents that their tax dollars are being used for their benefit and quality of life. It has become evident that many people do not know that most of the services they desire or already utilize are provided by the City.

A comprehensive communication plan could provide a consistent and effective message to our residents. Some of these efforts will encompass how, when and with whom we communicate through seasonal programs and event cycles, such as Fun Guide, websites, and other print and electronic media. Other efforts can be accomplished on a daily one on one scale. Our park maintenance and recreation staff encounter residents on a daily basis. Increasing their knowledge and skills with how they interact ensures a genuine personal exchange in what the City has to offer.

Measure:

1. Develop a public awareness campaign for parks, recreation, open space and trails.
2. Develop a comprehensive electronic media communication plan.
3. Develop a comprehensive print media communication plan.
4. Design and evaluate opportunities for a park ambassador program.
5. Implement communication and park ambassador plans.

Target:

1. October 30, 2015
2. March 30, 2016
3. February 1, 2016
4. April 30, 2016

Owner: Andrew Ainsworth, measures 1-4

Aaron Dobson, measure 5

Developing financing and phasing plan for Lakeside Park Master Plan

Description: The Parks, Recreation and Open Space Master Plan identifies opportunities to develop a lakeside community park along the northeast shores of Lake Ray Hubbard. In 2010, a concept plan for approximately 400 acres of land within the take-line area of the lake was created to highlight the park development possibilities of this land. Due to the size and complexity of the project, a phasing and financing plan needs to be explored to direct any future actions.

Measure:

1. Amend inter-local lease area agreement with the City of Dallas.
2. Develop phasing plan and cost estimate.
3. Review grant opportunities and identify Capital Improvement Program (CIP) options.

Target:

1. December 31, 2015
2. March 15, 2016
3. April 30, 2016

Owner: Andy Hesser

The Park at Stone Creek

Description: The developer of the Stone Creek subdivision dedicated approximately 11 acres of park land to be developed as the neighborhood park for district #5. Pro-rata equipment fees have also been collected for this district. The value of the land and the fees collected were used as the matching portion of a \$400,000 grant from the Texas Parks and Wildlife Department (TPWD). In August of 2014, the City was successful in receiving the grant.

The City has entered into a contract with MHS Planning and Design for construction and bid documents services. Public input will be taken during a regularly scheduled Park Board meeting when the drawings are substantially complete. There are many steps in the TPWD grant process that require approval prior to moving to the next step. In addition to TPWD, there may be other state and federal regulatory approvals needed. The anticipated project development schedule is subject to TPWD requirements.

Measure:

1. Receive and review plan draft from MHS
2. Public input meeting
3. City Council review
4. Submit plans to TPWD for review
5. Project completion
6. Grand opening

Target:

1. June 15, 2015
2. August 4, 2015
3. September 8, 2015
4. October 1, 2015
5. August 31, 2016
6. August/September 2016

Owner: Andy Hesser

The Park at Breezy Hill

Description: In March of 2015, the City submitted an application to the Texas Parks and Wildlife (TPWD) grant program for \$400,000 in matching funds to develop the neighborhood park at Breezy Hill. The developer has dedicated 11 acres of land for the neighborhood park, as well as approximately 30 acres of land dedicated as natural open space. The value of the land and the pro-rata equipment fees collected will be used as the City's matching portion of the grant. Contingent upon being awarded the grant funds, the City will undertake the same process as the Park at Stone Creek for design and development.

The land dedicated by the developer has been placed in the Texas Recreation and Parks Foundation to be held in trust until funds are available to develop the park. In the event the City is not awarded the grant in this funding cycle, the land and its associated value are still eligible to be used for future grant applications.

Measure:

1. Receive notification of grant award from TPWD.
2. Contingent upon award of grant, sign agreement with TPWD.
3. Begin design process.

Target:

1. August 1, 2015
2. March 15, 2016
3. March 30, 2016

Owner: Andy Hesser

Conduct analysis of new recreation software

Description: We currently use software called CLASS for all recreation program and facility registration functions. Support for this software is being phased out in 2016 due to end of service life. As customer needs and technology changes, alternatives for customer registration software need to be evaluated. Recent innovations in recreation software may provide new options for our customers that we currently cannot offer such as: online program registration, online facility reservations, automatic messaging, key deposits, social media integration, pool passes, and customer trends analysis.

Measure:

1. Develop list of criteria/attributes and evaluate options based on criteria established.
2. Make recommendation for budget request.

Target:

1. July 15, 2015
2. August 15, 2015

Anticipated Funding Source:

Recreation Development Fund

Owner: Andrew Ainsworth

Park Maintenance Standards

Description: Our residents regularly express a high expectation for how our parks, trails, facilities and open space are to be maintained. This expectation can be subjective and highly variable. It is important to clearly define and quantify these standards in order to make the best use of the City's time, personnel, equipment and fiscal resources. The park maintenance standards need to be updated to reflect the community's growth and desire to maintain a high-quality parks and municipal grounds system.

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Measure:

1. Update inventory of existing facilities.
2. Define appearance standards or "levels" appropriate for each park, trail and facility type.
3. Define maintenance frequency standards appropriate for each level.
4. Define work load priorities by level.

Target:

1. December 2015
2. December 2015
3. February 2016
4. March 2016

Owner: Aaron Dobson

Analysis of Park Maintenance Personnel and Contract Personnel

Description: The park maintenance department is responsible for full-time and part-time employees and contracted resources to perform a wide variety of tasks and expertise that include but are not limited to: turf maintenance, tree maintenance, shrub and flower maintenance, infrastructure construction, irrigation installation and maintenance, ball field maintenance, playground construction and maintenance, trail maintenance, as well as program and special event support.

These resources are finite and must be used efficiently in order to meet the adopted standards and expectations. Analysis of these resources in comparison to the adopted maintenance standards is necessary to determine an effective allocation of resources and to forecast the maintenance needs of future facilities or improvements.

Measure:

1. Determine available staff hours.
2. Estimate productivity standards; equipment, tasks needed to maintain adopted levels of service.
3. Determine work load requirements to maintain adopted level of service.
4. Recommendations for service mix

Target:

1. March 2016
2. March 2016
3. May 2016

Owner: Aaron Dobson

Professional Development

Description: Rockwall currently has approximately 44,000 residents. In 2004, Rockwall had about 27,000. The City strives to meet these increasing demands in a variety of ways. In all scenarios a well trained and knowledgeable staff is key to keeping up with the changing demands and trends. Each Parks and Recreation position requires specific skill sets and certifications, as well as, broad knowledge and skills to meet our expectations.

Standard Operations Procedure Manual and in-service training schedules are designed to provide skill and knowledge enhancement on the daily operational level. Other initiatives will prepare employees for long range growth and development.

Measure:

1. Identify specific training opportunities for each position.
2. Develop in-service training for new hires and part time employees
3. Increase number of staff Certified Parks and Recreation Professional certifications (CPRP)
4. Evaluate the process and benefits of national accreditation of the Parks and Recreation Department (CAPRA certification)
5. Complete CAPRA self assessment
6. Apply for TRAPS Gold Medal Award
7. Apply for NRPA Gold Medal Award

Target:

1. November 1, 2015
2. April 1, 2016
3. December 1, 2016
4. January 1, 2016
5. August 1, 2016
6. October 30, 2016
7. February/March 2016

Owner: Andy Hesser

Create operations training manual for Parks & Rec Division

Description: In order for staff to efficiently and effectively meet the City's high expectations, performance standards must be clearly and consistently communicated. Standard operating procedures, best practices and training programs are important to staff's performance and development. These standards and expectations should be maintained as one Standard Operating Procedure Manual that is reviewed and updated on an annual basis. The Manual provides a basis to clearly communicate how we should perform our daily operations.

Information gained from the *personnel analysis strategic initiative*, asset inventories and Council adopted maintenance standards can all be communicated through this document. It will also serve to support staff development and training.

Measure:

1. Gather staff input of relevant and desired components of manual
2. Compile all content
3. Review and approval of draft
4. Initiative staff training

Target:

1. November 15, 2016
2. January 31, 2016
3. March 1, 2016
4. April 1, 2016

Owner: Andy Hesser

Develop and increase program offerings for those with special needs

Description: The Recreation Division’s mission is to “Provide a diverse selection of customer centered activities that are enriching and valued by our residents”. One of our core values is *DIVERSITY – to provide activities that enhance the quality of life for all segments of our populations.*

Throughout the public input process for the barrier free playground constructed in Yellowjacket Park, residents revealed new opportunities that are aligned with this mission. With stakeholder input, the Parks and Recreation Department is prepared to explore and develop recreational opportunities geared toward those with special needs.

Measure:

1. Identify stakeholder groups to seek input for program needs.
2. Review current resources for potential program /events
3. Implement new programs utilizing current resources
4. Identify opportunities for new programs and facilities

Target:

1. November 2015
2. January 2016
3. February 2016
4. April 2016
5. October 2016

Owner: Sarah Hurst

Identify and implement new water-based and outdoor recreation program opportunities

Description: One of Rockwall's greatest assets is Lake Ray Hubbard. The City's parks and facilities inventory consists almost entirely of outdoor assets. Rockwall's park system includes a variety of paved and unpaved trails, many ponds, fishing piers, a public boat ramp, boat docks, natural open spaces and developed spaces. Seeking public input and partnerships may reveal fresh ideas to further utilize our City's parks, trails, ponds and other natural assets. In addition to existing staff levels, a combination of contract instructors, concession agreements and other partners may be necessary to provide a diverse program mix.

Measure:

1. Conduct public input meetings to seek input for program needs.
2. Assess current resources for feasibility of program opportunities.
3. Develop, implement and market new programs with current resources.

Target:

1. December 1, 2015
2. January 1, 2016
3. March 1, 2016

Owner: Dave Wilson

Habitat Enhancements

Description: An important component to a healthy and enjoyable park system is the aesthetic and ecological value of native wildlife. As development and growth pressure increases, these assets become scarce. In order to thrive, native birds, fish, mammals, insects and vegetation need a suitable landscape. Native grasses, trees and wildflowers can be incorporated into public land to provide those needs in a suburban setting. Wildflowers, water fowl and other colorful birds also provide leisure opportunities for residents and visitors for photography opportunities and wildlife viewing.

Not only does native flora and fauna provide recreational enjoyment for our residents, there are other benefits as well. These include reduced need for irrigation and water consumption, slope stabilization and reduced maintenance tasks such as mowing.

Measure:

1. Create a wildflower and native grass plan.
2. Create a plan to enhance habitat to attract songbirds and butterflies.
3. Identify potential partners and resources.
4. Implementation of plan.

Target:

1. April 2016
2. May 2016
3. Aug 2016

Owner: Aaron Dobson

Reforestation Plan

Description: As the City continues to grow, trees are lost to development. Our tree preservation ordinance requires developers to contribute trees or funds to purchase trees to be used in public areas. Public areas include any tax supported entity within the City limits.

Measure:

1. Assess current inventory of trees and available and available resources to purchase and plant trees for public reforestation.
2. Identify locations and phasing for tree planting
3. Adopt plan to plant 162 trees in 2016 and increase this amount annually by 1 to correspond to city's founding date (1854).
4. Complete initial 1 year plan (162 trees).

Target:

1. September 2015
2. September 2015
3. November 2015
4. December 31, 2016

Anticipated Funding Source: Tree preservation ordinance escrow funds

Owner: Aaron Dobson

Identify and purchase 50 acre community park land south of I-30

Description: The 2005 voter approved bond program provided approximately \$1.2million to acquire one 50 acre community park north of I-30 and one south of I-30. A 50 acre tract north of I-30 has been purchased. It is located at the corner of FM 1141 and North Country lane. A tract south of I-30 has yet to be acquired.

Measure:

1. Identify 50 acre sites
2. Talk to all interested parties.
3. Make recommendations to make acquisition.

Target:

1. Oct 31, 2015
2. May 31, 2016
3. July 31, 2016

Owner: Brad Griggs

Improve tourism opportunities and hotel room nights

Description: Tourism revenue from business and casual travelers is a major industry throughout the world. Capturing a portion of that industry revenue needs to be a focal point of future operations. The City of Rockwall is a desirable destination for the business and casual traveler but strategies must be implemented to gain a larger market share.

Measure:

1. Determine city related meeting host opportunities and procedures for procurement
2. Develop professional “marketing” video for the City of Rockwall highlighting meeting host desirable assets of the community
3. Analyze barriers and threats to the City of Rockwall becoming a sought after meeting host location and determine strategies to overcome those threats and barriers.

Target:

1. September 2015
2. May 2016
3. July 2016

Anticipated Funding Source: Hotel Motel Occupancy tax

Owner: Brad Griggs

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MINUTES
ROCKWALL CITY COUNCIL
Monday, June 01, 2015
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the meeting to order at 4:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Dennis Lewis and City Council Members David White, Mike Townsend, Scott Milder, Kevin Fowler and Dennis Lewis. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs, and City Attorney Frank Garza.

II. WORK SESSION

1. Hold work session to discuss city strategic planning, and take any action necessary.

Mayor Pruitt announced that this item will be discussed later on in the meeting.

(See pg. 11 under XVI for minutes concerning this item).

2. Hold work session with Stacy McVey regarding potential development of property located on the northeast corner of SH-276 and Rochelle Road, and take any action necessary.

Mayor Pruitt called forth Mr. Stacy McVey to hear a presentation from him concerning development of this property. Mr. McVey explained that this potential development is located on the northeast corner of SH-276 at Rochelle. They will be requesting that the property be rezoned from Light Industrial (LI) to a Planned Development District (PD). The property consists of 316 acres, and the objective for today's meeting is to present the concept plan and get feedback from the city council.

Craig Carney
4588 Hinton Drive
Plano, TX 75024

Mr. Carney indicated that Commercial is reflected on the concept plan (about 9 acres), two Soil Conservation Commission (SCS) ponds, and about 519 lots. Also, there is a recreational component on the very north side. He understands that density, lot sizes and open space are important to the council, and they are looking to donate about 42 acres of open space. He went on to explain that density is 1.7 houses per acre with green space greater than 30% and walk/hike/bike trails greater than 3 miles, with a lot mix consisting of some - 80x120's, 70x110's and 60x110's. One of the advantages of the residential development will be its proximity to the Rockwall Technology Park. Discovery Boulevard would be extended from the Tech Park over to and across this development. It will be a mixed use development, and they intend to have at least one hotel to service the Tech Park and possibly the recreational component up to the North, which may involve baseball tournaments (perhaps a Boys & Girls Club recreational component). Again, two SCS ponds will be present, surrounded by the residential subdivision. Infrastructure improvements will include a portion of Rochelle Road from SH-276 up to the NW corner of the property. Also, water and sewer infrastructure will be

installed, and a substantial upgrade will be made to the Timber Creek lift station. Two amenity centers (swimming pools, meeting rooms and activity spaces) will be included. Retail and restaurants are also anticipated in the Commercial portion as well as neighborhood-related services.

Mayor Pro Tem Lewis asked the density calculation includes the floodplain acreage. Lewis mentioned that the city is currently having problems with an SCS pond flooding a neighborhood. He also asked if the developer has spoken to the Rockwall Economic Development Corporation (REDC). Mr. McVey indicated that he believes the meandering nature of the property, coupled with the floodplain areas, does not make this property ideal for a large, LI development.

Mr. Carney indicated that they have meet with representatives of the SCS and have gleaned their feedback, indicating that some flood studies will need to be completed. Mr. Carney indicated that they spoke to the REDC about three to four weeks ago, and they left with a feeling that they were in support of it, but they perhaps want to find some replacement land for the Light Industrial (LI).

Lewis again asked if the floodplain area was included in the density calculation. Mr. Carney indicated that part of the floodplain area was used in the calculation, but not all of it.

Councilmember Hohenshelt expressed concern about the proposed SCS ponds, especially in light of the fact we have some flooding problems currently because of similar ponds. Mr. Carney indicated that once the concept plan is approved, more extensive drainage and flood engineering studies would be conducted.

Councilmember Milder expressed thanks for the developer staying in compliance with the city's comprehensive plan. He then asked what the expected price point would be on the homes in this development. Mr. McVey indicated that on the high end, the homes would be in the high \$200,000's and the high price point would be around \$400,000. He also asked what builders might be involved. Mr. Carney generally indicated that they are open to various builders as long as they can guarantee building a quality product. Milder asked if there will be any sort of pedestrian walkway from the development over to the Tech Park. Mr. McVey indicated that they are considering this, and they hope to include this in the plans.

Mayor Pruitt indicated that he has concerns about citizens who might move into this residential development if at some point the Rockwall Economic Development Corporation (REDC) has a future business client that wants to build or expand a warehouse right next door in the area that is zoned 'light industrial.' He is concerned that two hundred plus citizens would then come forth and complain that they are not in favor of a "light industrial" development going in right next to their homes. He strongly suggested that, if this development moves forward and comes to fruition, the developer / builders ensure that residents purchasing homes there are clearly made aware of the fact that "light industrial" could very well go in right next door to their homes / neighborhood. Councilmember Hohenshelt echoed similar concerns, indicating that a large buffer space/area is highly desirable between the residential development and the LI zoned area.

Councilmember White expressed that, on the surface, he is fully in support of this proposed development, expressing that improvements to Rochelle Road and the potential partnership with the Boys & Girls Club would both be beneficial.

The council took no action concerning this work session discussion item.

Work Session item #4 was addressed next by city council.

3. Hold work session to discuss the city's Comprehensive Land Use Plan, and take any action necessary.

Mayor Pruitt provided brief background information related to this agenda item, indicating that he wanted this item placed on the agenda for discussion. It stemmed from past discussions regarding how the city can encourage developers to come into the city and develop larger lots. He believes that, along with larger lots, developers may be requesting a reduction in the amount of required open space. He wonders how much the council is willing to compromise on required open space in order to achieve larger lots / larger homes.

City Manager Rick Crowley indicated that he would like to discuss the standards that the city has in place regarding 2.0 units and whether or not the council would be violating its own regulations if it were to grant higher density (i.e. 2.5 units per acre). He explained that the council does have discretion if a developer is proposing amenities within a development that the council feels are sufficient enough to warrant allowing a slight increase in the density. Also, the council may wish to discuss if certain development standards should apply to developments involving 50 acres or more. Regarding alleyways being required, fairly routinely this provision has been waived upon the council exercising its discretion. Regarding open space, Mr. Crowley clarified that this is distinguished from parks and parkland dedication requirements. Also, the John King Boulevard Overlay District design standards are in place and will need to be adhered to, or else a super majority vote of the council would be needed to waive them. Brief comments were made related to the buffer requirements for development off of John King.

Councilmember Fowler asked if it makes sense for city staff and the Planning & Zoning Commission to take a look at our Comp Plan and bring a list of recommended changes to the council to consider, taking into account what types of developments are most commonly occurring today. Mr. LaCroix, Planning Director, indicated that the city's Comp Plan has been reviewed since it was first established in 2000/2001. In 2004, the Downtown Plan was adopted and incorporated into the overall Comp Plan, and in 2007, clarifications regarding residential development standards were incorporated into the Comp Plan to clarify how those standards are associated with the Land Use Plan (addressed 2 units per acre, amenities and open space). Also, in 2010, a process to reevaluate the Comp Plan was started, and it took about eighteen months. So, additional amendments were adopted in 2012 as a result of that review. He indicated that once every six to eight years, cities typically review their Comp Plans to ensure they are still applicable with respect to how a city is growing.

Councilmember Milder indicated that, unless a developer presents a really compelling reason, he is inclined to believe that the council should not grant variances that waiver from the city's Comprehensive Plan. He does not believe that a developer's profit or bottom line is a compelling reason to grant variances. He believes the city council needs

to be more vigilant in honoring the intent of elements contained within the city's Comp Plan.

Councilmember Lewis indicated that when he served on the city's Planning & Zoning Commission, he was involved in an in-depth review of the city's Comp Plan, and it was quite an involved process. He indicated that the city is currently being faced with what it wants John King to ultimately look like. LaCroix clarified that part of the Comp Plan already contains design standard guidelines for the John King Boulevard Overlay corridor that reflect what the roadway itself is proposed to look like.

Councilmember Lewis indicated that he would like to see more creativity in the city's future subdivisions to get away from always having square lots.

Councilmember Hohenshelt expressed disagreement with Milder in that he believes a property owner should be able to sell his land and make a profit from doing so. He generally encouraged the city council members to educate themselves more so that they have a good handle on what the city's standards are and what they would and would not like to see from developers, especially concerning developments involving 50 acres or less. He expressed he believes these proposals will become more prevalent. Councilmember Milder suggested that perhaps there needs to be more specific guidelines incorporated into the Comp Plan that specifically address 50 acres or less. Councilmember White expressed that the more guidelines that are put in place, the more variances the city council will see come forth.

Mr. LaCroix explained that in 2007, guidelines were put in place to stipulate that low density is 2.0 units or less per acre; 2.0 - 3.0 units per acre is medium density and, if you come in as a PD, you might be granted 2.5 acres with the right amenity(ies). Also, there must be open space incorporated, so there is essentially no 'straight zoning' anymore. There are only PDs being proposed, and these sorts of standards were adopted and put into place in 2007.

Mr. LaCroix clarified that, if the council approves a PD, it essentially waives the alleyway requirement.

Following the discussion, the council took no action related to this item.

4. Hold work session to discuss the approaching expiration of the current solid waste collection contract with Allied Waste, and take any action necessary.

Assistant City Manager Mary Smith provided information concerning this item. She stated that the existing garbage contract will expire on December 31, and about six months prior to its expiration (by July 3), the City of Rockwall will need to provide notice to the existing garbage contractor regarding if we desire to extend the contract or go out for proposal. In the past, the City has conducted garbage surveys to glean feedback from Rockwall citizens regarding satisfaction with their garbage service; however, we have not done so in several years. She explained that the Council will need to discuss this topic in more detail and take action at the next city council meeting regarding. She further indicated that staff is happy to conduct a garbage survey of other cities to inquire about their garbage contractors and associated service and return the results to the council by the next meeting.

Mayor Pruitt asked Mr. Burnis of Allied Waste if there are any concerns from the company's standpoint.

**Rick Burnis
171 Pelican Cove
Rockwall, TX**

Mr. Burnis indicated that Rockwall signed a five year contract with his company with a five year renewal clause. He is excited about the opportunity to renew the contract. The only thing that the company may need to consider is a couple of new pieces of equipment due to the increased population and increase in mature trees, but these items can be negotiated with the city. Mr. Burnis indicated that citizens of Rockwall really enjoy the twice per week garbage pickups, so that will likely not be proposed to change.

Mayor Pruitt has concerns about citizens having to make forced payments for recycling regardless of if they do or do not participate in it. He would like to see a breakdown of the benefit to the city regarding the recycling program.

Councilmember Milder indicated that he has been satisfied with the existing garbage company's service; however, he believes it would be in the best interest of tax payers to allow other garbage companies to bid on a request for proposals. Perhaps there is a way to save a little money or be more efficient in our trash service. Maybe there could be a 'bulk pickup' hotline, for example, where citizens could call to request bulk pickup only if and when they have those items to be picked up. Mr. Burnis explained that pre-scheduled pickups are done throughout the city in an effort to be mindful of the overall cleanliness and appearance of the city.

Mayor Pruitt asked staff to proceed with conducting a multi-city survey and put a discussion item on the next council meeting agenda to decide how the council would like to proceed concerning its garbage contract. No formal action was taken at this time.

Following Work Session item #3, the city council recessed into Executive Session. Mayor Pruitt read the following discussion items into the public record for discussion as well as Work Session Agenda Item #1. The public meeting was recessed at 5:00 p.m.

III. EXECUTIVE SESSION

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

- 1. Discussion regarding legal matters related to land lease operations at Ralph Hall Municipal Airport pursuant to Section 551.071 (Consultation with Attorney).**
- 2. Discussion regarding claim filed by Ryan Frost pursuant to Section 551.071 (Consultation with Attorney)**
- 3. Discussion regarding appointment of city council subcommittees, board liaisons and designation of Mayor Pro Tem pursuant to Section, §551.074 (Personnel Matters).**
- 4. Discussion regarding appointment to the city's Rockwall Economic Development Corporation (regulatory) board, pursuant to Section 551.074 (Personnel Matters)**
- 5. Discussion regarding Agreement for Municipal Court Judge pursuant to Section 551.074 (Personnel Matters) and Section 551.071 (Consultation with Attorney)**

IV. ADJOURN EXECUTIVE SESSION

Executive Session adjourned at 5:55 p.m.

V. RECONVENE PUBLIC MEETING

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

VI. SWEARING IN OF NEWLY ELECTED MAYOR & CITY COUNCIL MEMBERS

District Court Judge Brett Hall was present and administered Oaths of Office to newly elected Mayor Jim Pruitt and Council Members David White, John Hohenshelt, Scott Milder and Kevin Fowler.

VII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session at this point; however, see end of public meeting for action taken after the second Executive Session was held.

VIII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER WHITE

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

IX. OPEN FORUM

Mayor Pruitt explained how this portion of the meeting is conducted and asked if anyone would like to come forth and speak during this time.

**Mary Puckett-Eckstine
1605 Plummer Drive
Rockwall, TX**

Mrs. Puckett-Eckstine came forth and indicated that she has lived in her home in Rockwall since 1980. She shared a brief story about a recent observation she had concerning emergency vehicles and personnel being able to access some of the homes within The Shores if and when a major traffic accident on IH-30 causes an influx of traffic in and along Ridge Road and through The Shores neighborhood as drivers try to make it over to SH-66. She indicated that she recently called Mayor Pruitt to express her concerns and was pleased to learn that the mayor, council and city staff have already put plans in place to address this concern. She thanked the city council and staff for their forethought and plans.

**John Fischer
260 Argyle Shore
Rockwall, TX 75087**

Mr. Fischer indicated that he has lived in his home since 2004. He has concerns about a home on his street (2610 Argyle Shore) that has been utilized as a 'group home' for seniors, which he believes is not an authorized use. He is concerned that the city does not have proper zoning regulations in place to prevent these types of operations from

existing illegally within the city. He expressed that an elderly person who was living in that home recently passed away. He encouraged the city to strengthen its laws to ensure this does not happen again in the future. He stated that he believes the operation has now vacated the home, and he requested and had the police department perform a welfare check at the home just to be sure no one was left behind.

X. CONSENT AGENDA

1. Consider approval of the minutes from the May 18, 2015 regular city council meeting, and take any action necessary.
2. Consider approval of an ordinance amending Sections 38-50 through 38-61 of Article II, Parkland Dedication, of Chapter 38, Subdivisions, of the Code of Ordinances for the purpose of adjusting "Table 1: Park Dedication Acreage Factor per Dwelling Unit" to account for changes to the "Ultimate Dwelling Unit Holding Capacity" and "Dwelling Unit Dedication Factor" as approved by the Land Use Assumptions Report adopted by Resolution No. 14-16, and take any action necessary. (2nd reading)
3. Consider award/approval of the bid presented by Roadway Solutions in the amount of \$197,829.00 for the construction of the traffic signal at the intersection of Ralph Hall Parkway at Mims Road, and take any action necessary.

Councilmember White made a motion to approve all Consent Agenda items (#1, 2 and 3). Councilmember Lewis seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 15-17**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING ARTICLE II, *PARK LAND DEDICATION*, OF CHAPTER 38, *SUBDIVISIONS*, OF THE CODE OF ORDINANCES AS SET FORTH HEREIN; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE.

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

XI. APPOINTMENTS

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

Craig Renfro, Chair of the Planning & Zoning Commission, came forth and briefed the city council on recommendations of the Commission relative to items on tonight's city council meeting agenda. The council took no action concerning this agenda item.

2. Appointment with representatives of the city's Main Street Advisory Board to hear update regarding the program and downtown, and take any action necessary.

Evan Matteson from the city's Main Street Advisory Board came forth and provided a brief presentation to council to update them on the program and activities in and around downtown. He stated that a big goal is to provide readily available public restrooms in the downtown area, expressing that the board views this as a necessity. He indicated that the board would also like to increase the presence of cultural arts, create new special events and support and grow existing special events. They would also like to more frequently update the Council and increase transparency as far as public awareness is concerned.

Mayor Pruitt acknowledged Bethany Browning, the city's Main Street Manager, for her work and for attending this evening. No action was taken concerning this agenda item.

XII. PUBLIC HEARING ITEMS

1. P2015-014 - Hold a public hearing to discuss and consider a request by Jay Bedford of A.J. Bedford Group, Inc. for the approval of a residential replat creating Lots 6, 7, & 8, Block A, Grady Rash Subdivision, being a 3.727-acre tract of land currently identified as Lots 1, 2, 4, & 5, Grady Rash Subdivision, City of Rockwall, Rockwall County, Texas, zoned Single Family Residential (SF-10) District, addressed as 1 Soapberry Lane, 2 Soapberry Lane, 4 Soapberry Lane, & 5 Soapberry Lane, and take any action necessary.

Mr. LaCroix indicated that a public hearing is required by State law with regards to this residential replat. The original plat had a total of five residential lots and was a family development; however, some of the lots have since been sold outside of the family. He generally indicated that the owner would now like to divide up this property into three lots. This replat allows for a private access utility easement to be clarified and for some technical aspects of the plat to be cleaned up. The Planning & Zoning Commission did recommend approval of this item.

Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and speak. There being no one, Mayor Pruitt then closed the public hearing.

Jay Bedford of A.J. Bedford Group
301 N. Alamo
Rockwall, TX

Mr. Bedford came forth to answer any questions of the council. He explained that his understanding is that the owner wants to do this solely for tax purposes. Councilmember White made a motion to approve this item. Councilmember Milder seconded the motion, which passed by a unanimous vote (7 ayes to 0 nays).

XIII. ACTION ITEMS

1. Discuss and consider adoption of a resolution appointing a Municipal Court Judge, and take any action necessary.

Mayor Pruitt indicated that this item will be discussed in Executive Session before the council considers taking action on it. In the end, no action was taken at this council meeting concerning this agenda item.

2. SP2015-012 - Discuss and consider a request by Jennifer Garcia of KBGE on behalf of Rockwall Ice Cream Holdings, LLC for the approval of a variance to horizontal articulation requirements as stipulated by Article V, District Development Standards, of the Unified Development Code in conjunction with an approved site plan for a general retail store on a 0.91-acre tract of land identified as Tract 36 of the B. J. T. Lewis Survey, Abstract No. 255, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, located on the east side of SH-205 [S. Goliad Street] north of the intersection of SH-205 and Yellow Jacket Lane, and take any action necessary.

This tract of land is owned by the same owner of the Dairy Queen. It is essentially a second lot that is under a sales contract right now, and a retail auto parts store is being proposed at this location. The Architectural Review Board (ARB) reviewed once and, as a result, some architectural changes were requested to be made. After those changes were made, the ARB and P&Z Commission reviewed it a second time. The Planning & Zoning Commission recommended approval of this request.

Councilmember Lewis made a motion to approve SP2015-012. Councilmember Townsend seconded the motion. Councilmember Milder expressed that he appreciates the development, however, he believes that putting a third auto parts store so close to two other existing ones is not an appropriate placement, especially considering this is a major corridor location. Following Milder's comments, the motion passed by a vote of 5 in favor with 2 against (Milder and Fowler).

XIV. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

1. Departmental Reports
 - Building Inspections Monthly Report - April 2015
 - Fire Department Monthly Report - April 2015
 - Harbor PD Monthly Report - April 2015
 - Internal Operations Department Monthly Report - April 2015
 - Police Department Monthly Report - April 2015
 - Recreation Monthly Report - April 2015
 - Rockwall Animal Adoption Center Monthly Report - April 2015
2. City Manager's Report

City Manager Rick Crowley briefed the city council on recent rains that caused flooding in the Lake Rockwall Estates neighborhood. He expressed that the flooded Soil Conservation lake is being managed at this time. He thanked Rockwall County Helping Hands for their prompt and continued assistance in rendering aid to those families whose homes have been flooded. He expressed heartfelt regret to families who have been adversely affected. Mr. Crowley stated that he would like the council's blessing to seek out additional private source funding that could be utilized by Helping Hands to continue helping families that have been affected on a more long-term basis. He thanked the County Emergency Management Coordinator for his continued assistance and work. He explained that a Presidential Disaster has been declared with regards to flooding in the State of Texas, and the families in Rockwall who have been affected by the floods are being encouraged to report their losses; however, this does not guarantee any Federal

monetary assistance. The lake will continue to be managed; however, it will take at least thirty days for the lake level to recede. Mayor Pruitt indicated that he and the council are in support of Mr. Crowley seeking out monetary donations for Helping Hands so that they may continue helping affected families. Mr. Crowley indicated that electrical meters were pulled by Oncor at the request of the city for safety purposes. There is no gas in the area.

Fire Chief Mark Poindexter then came forth and shared photographs and a verbal report concerning homes that have been affected by the flooding in the Lake Rockwall Estates subdivision. He explained that an 8" siphon pipe has been installed to try and drain the lake level to some extent, and the Soil Conservation Commission is overseeing this; however, it is a very, very slow process.

Councilmember Lewis indicated that there are still some vacant lots for sale. If a buyer goes through a title company or bank, then it does have to be disclosed that the property is located in a 100 year floodplain. However, if the sale takes place on a 'note,' then it may not be disclosed. Councilmember White asked if the city would issue a building permit to someone who purchased a lot in a floodplain. Mr. Crowley and City Engineer Tim Tumulty indicated that no, the city would not. Regarding if a resident will be allowed to rebuild, Mr. Tumulty indicated that they are allowed to rehab the structure, and Building Inspections will be involved to assess the damage and ensure building codes are met if/when rehabbing takes place. The council took no action concerning this agenda item.

Regarding the application process for Police Chief candidates, Mr. Crowley indicated that interviews have been ongoing with eleven candidates, and the last interview is scheduled for tomorrow. He will then be significantly narrowing down the candidate pool and will begin conducting background checks. He has had assistance from the two assistant city managers and one of the directors; however, he will be the one ultimately making the final selection. He generally indicated that the process is going smoothly.

From the Executive Session discussion items below, Mayor Pruitt then read into the record #s 3, 4 and 5, as well as the wording for Work Session item #3, before recessing the meeting into Executive Session at 7:00 p.m.

XV. EXECUTIVE SESSION

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

1. Discussion regarding claim filed by Ryan Frost pursuant to Section 551.071 (Consultation with Attorney)
2. Discussion regarding legal matters related to land lease operations at Ralph Hall Municipal Airport pursuant to Section 551.071 (Consultation with Attorney).
3. Discussion regarding appointment of city council subcommittees, board liaisons and designation of Mayor Pro Tem pursuant to Section, §551.074 (Personnel Matters).
4. Discussion regarding appointment to the city's Rockwall Economic Development Corporation (regulatory) board, pursuant to Section 551.074 (Personnel Matters)

5. Discussion regarding Agreement for Municipal Court Judge pursuant to Section 551.074 (Personnel Matters) and Section 551.071 (Consultation with Attorney)

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

Mayor Pruitt reconvened the public meeting at 8:20 p.m. and addressed Work Session Item #1 (regarding city's strategic plan).

Councilmember Hohenshelt began discussion of this Work Session Item, indicating he would like to develop the city's strategic plan with the purpose of giving guidance to staff as they manage day-to-day. He expressed the belief that land use has implications for the city's revenue stream, which then funds spending. Hohenshelt went on to talk about a revenue / expenditure model. Mayor Pruitt questioned how the spending model will be examined. Hohenshelt discussed the need to decide appropriate mixes of commercial, light industrial, etc. as far as zoning is concerned. Councilmember White discussed the importance of this city council setting things in motion for future city councils. No action was taken as a result of this Work Session discussion item.

The following actions were taken as a result of Executive Session:

Mayor Pro Tem Lewis made a motion to appoint Mr. Rick Carroll to serve on the Rockwall Economic Development Corporation (REDC) board to fill Kevin Fowler's unexpired term (through December of 2015). Councilmember White seconded the motion, which passed by a unanimous vote (7 ayes to 0 nays).

Councilmember Townsend made a motion to (re)name Dennis Lewis as Mayor Pro Tem. Councilmember Milder seconded the motion, which passed by a vote of 6 in favor with 1 opposed (Pruitt).

Mayor Pruitt made a motion to appoint Councilmember Kevin Fowler to serve on the city's Fire Department Pension Board (replacing former Councilmember Bennie Daniels). Councilmember Hohenshelt seconded the motion, which passed by a vote of 7 in favor with 0 against.

XVII. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 8:55 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,

THIS 15th DAY OF JUNE, 2015.

Jim Pruitt, Mayor

ATTEST:

Kristy Ashberry, City Secretary

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CITY OF ROCKWALL CITY COUNCIL MEMO

AGENDA DATE: 06/15/2015

APPLICANT: Mike Whittle on behalf of Rockwall Rental Properties, LP

AGENDA ITEM: P2015-022 (Alliance Addition – Replat)

SUMMARY:

Discuss and consider a request by Mike Whittle on behalf of Rockwall Rental Properties, LP for the approval of a replat for Lot 11 & 12, Block 2, Alliance Addition, Phase 2 being a 1.420-acre parcel of land currently identified as Lots 1 & 10, Block 2, Alliance Addition, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 57 (PD-57) for Commercial (C) District land uses, addressed as 6505, 6510 & 6525 FM-3097, and take any action necessary.

COMMENTS:

- The objective of the request is to replat a 1.420-acre tract of land containing two parcels of land (Lot 1 being 0.854-acres & Lot 10 being 0.566-acres). The replat is being proposed to establish the necessary easements in order to accommodate the development of Lot 10. The plat will also establish a temporary 24-ft firelane, public access, and utility easement on Lot 1 until this site develops.
- Conditional approval of this plat by the City Council shall constitute approval subject to the conditions listed in the Recommendations section below.
- With the exception of the items listed in the *Recommendation* section of this case memo, this plat is in substantial compliance with the requirements of the Subdivision Ordinance in the Municipal Code of Ordinances.

RECOMMENDATIONS:

If the Planning & Zoning Commission and City Council choose to approve the request for final plat, staff would recommend the following conditions of approval:

- A) All the technical comments from the Planning, Engineering and Fire Departments shall be addressed prior to the filing of this plat, including the following comments;
1. Adherence to Engineering and Fire Department standards.
 2. Address all staff comments as listed in the Project Plan Review (see attached).
- B) Any construction resulting from the approval of this final plat shall conform to the requirements set forth by the Unified Development Code, the 2009 International Building Code, the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

On June 9, 2015, the Planning and Zoning Commission recommended approval of the request with staff conditions by a vote of 6 to 0 (Conley – absent).

City of Rockwall Project Plan Review History



Project Number P2015-022	Owner ROCKWALL, RENTAL PROPERTIES LP	Applied 5/29/2015 LM
Project Name ALLIANCE ADDITION PH 2 LOT 11-12	Applicant MIKE WHITTLE	Approved
Type BLOCK 2		Closed
Subtype REPLAT		Expired
Status STAFF REVIEW		Status 6/1/2015 LM

Site Address FM3097	City, State Zip , TX	Zoning
Subdivision ALLIANCE ADDITION PH 2	Tract 10	Block 2
	Lot No 10	Parcel No 3039-0002-0010-00-OR
		General Plan

Type of Review / Notes	Contact	Sent	Due	Received	Elapsed	Status	Remarks
BUILDING	John Shannon	5/29/2015	6/5/2015	6/1/2015	3	APPROVED	
ENGINEERING (6/1/2015 11:13 AM AW) Tie at least 2 corners of the property to City of Rockwall monumentation (x and y coordinates) Need to clarify the existing drainage/utility easement in the southwest corner (see markup)	Amy Williams	5/29/2015	6/5/2015	6/1/2015	3	COMMENTS	See Comments
FIRE	Ariana Hargrove	5/29/2015	6/5/2015	6/4/2015	6	APPROVED	
GIS	Lance Singleton	5/29/2015	6/5/2015				
PLANNING Discuss and consider a request by Mike Whittle on behalf of Rockwall Rental Properties, LP for the approval of a replat for Lot 11 & 12, Block 2, Alliance Addition, Phase 2 being a 1.420-acre parcel of land currently identified as Lots 1 & 10, Block 2, Alliance Addition, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 57 (PD-57) for Commercial (C) District land uses, addressed as 6505 & 6525 FM-3097, and take any action necessary.	David Gonzales	5/29/2015	6/5/2015	6/3/2015	5	COMMENTS	See comments

The following staff comments are to be addressed and resubmitted no later than Friday, June 12, 2015 (four large copies [18" X 24" FOLDED] and one PDF version) for subsequent review by staff.

1. Adherence to all Engineering and Fire Department standards.
2. Provide a label indicating "Case No. P2015-022" on the lower right corner on all pages of the plat.
3. Lot 11 - label the 15-ft Drainage Easement located on the west side of property
4. Lot 11 - label the 15-ft Utility Easement located on the north side of property.
5. Change Title Block from Replat to "Final Plat" at the heading only.
6. Notary Certificate not necessary when stamped by Surveyor.

0 50 100 200 Feet

P2015-022- ALLIANCE ADDITION PHASE 2 LOTS 11-12
REPLAT - LOCATION MAP =



AG

ALLIANCE LN

BOYD RD

ALLIANCE DR

ALLIANCE
ADDITION
PH2 PD-57

FM 3097

ANDREWS DR

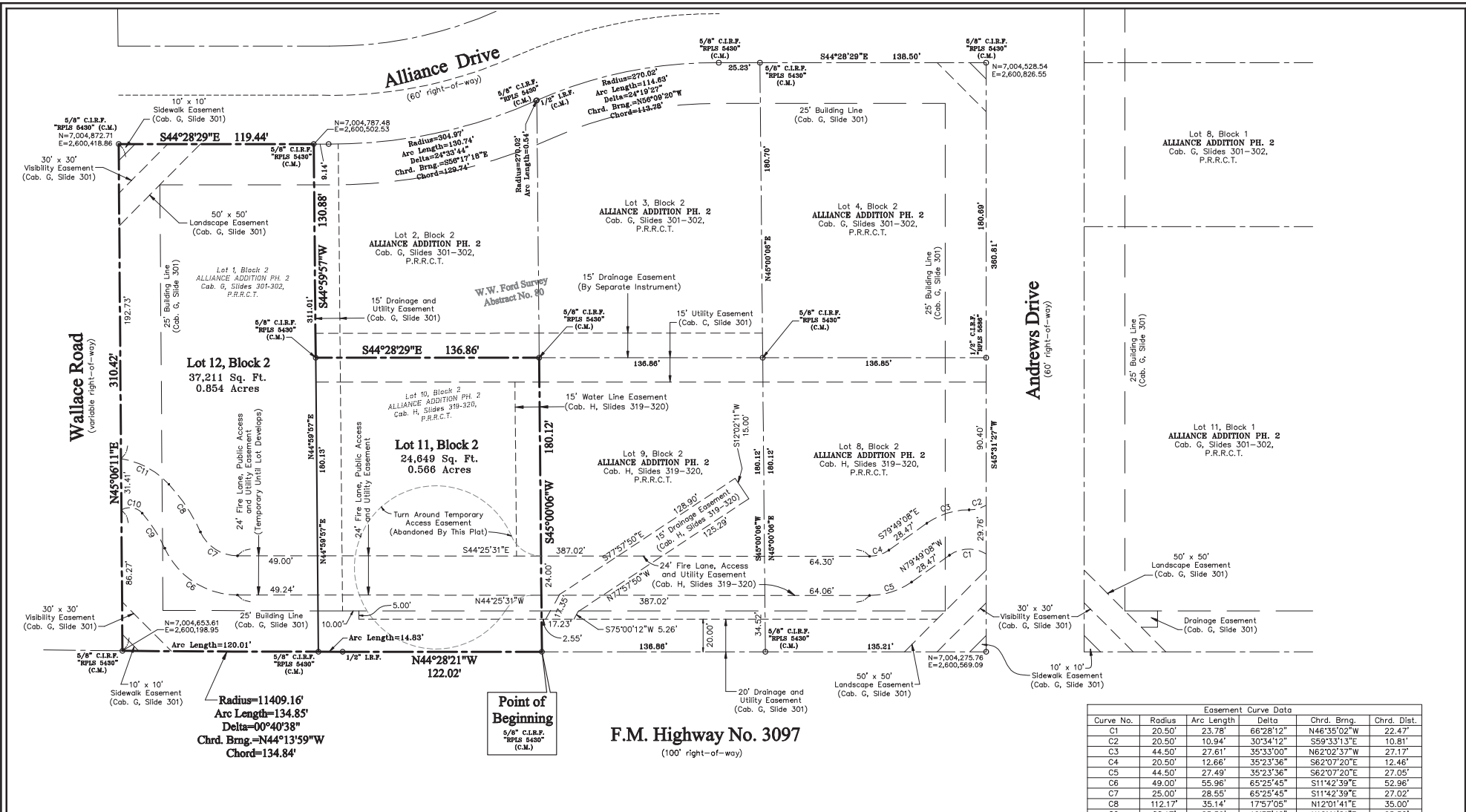


City of Rockwall

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

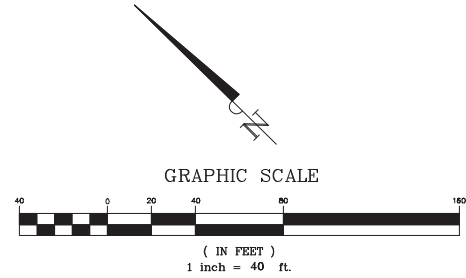
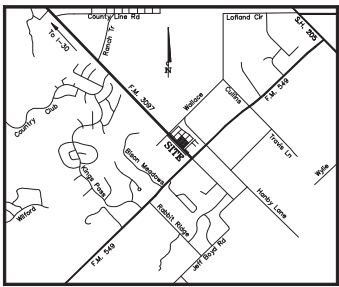
The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user. 49





Curve No.	Radius	Arc Length	Delta	Chrd. Brng.	Chrd. Dist.
C1	20.50'	23.78'	66°28'12\"	N46°35'02\"W	22.47'
C2	20.50'	10.94'	30°34'12\"	S59°33'13\"E	10.81'
C3	44.50'	27.61'	35°33'00\"	N62°02'37\"W	27.17'
C4	20.50'	12.66'	35°23'36\"	S62°07'20\"E	12.46'
C5	44.50'	27.49'	35°23'36\"	S62°07'20\"E	27.05'
C6	49.00'	55.96'	65°25'45\"	S11°42'39\"E	52.96'
C7	25.00'	28.55'	65°25'45\"	S11°42'39\"E	27.02'
C8	112.17'	35.14'	17°5'09\"	N12°01'41\"E	35.00'
C9	88.17'	25.59'	16°37'46\"	N12°41'21\"E	25.50'
C10	10.00'	13.98'	80°05'50\"	N35°40'28\"W	12.87'
C11	50.00'	33.86'	38°48'06\"	N16°20'55\"W	33.22'

- Notes:**
- According to the Flood Insurance Rate Map of Rockwall County, Texas, Map No. 48397C0105L, Map Revised September 26, 2008, the herein described property is located in Zone "X", described by said map to be, "areas determined to be outside the 0.2% annual chance floodplain".
 - Bearings are based on the most easterly south line of ALLIANCE ADDITION PH. 2, an addition to the City of Rockwall, Rockwall County, Texas, as recorded in Cabinet G, Slides 301 and 302, of the Plat Records, Rockwall County, Texas.
 - State Plane Coordinates shown on this plat are per the plat of ALLIANCE ADDITION PH. 2, an addition to the City of Rockwall, Rockwall County, Texas, as recorded in Cabinet G, Slides 301 and 302, of the Plat Records, Rockwall County, Texas, North Central Zone (4202).
 - 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 63-54.



REPLAT
LOTS 11-12, BLOCK 2
ALLIANCE ADDITION PH. 2
 2 LOTS
 61,860 SQ. FT. / 1.420 ACRES
 BEING A REPLAT OF
 LOTS 1 and 10, BLOCK 2
 ALLIANCE ADDITION PH. 2, AN ADDITION
 TO THE CITY OF ROCKWALL, TEXAS
 OUT OF THE
 W.W. FORD SURVEY, ABSTRACT NO. 80
 ROCKWALL COUNTY, TEXAS

Scale: 1" = 40' Date: May 2015

DATE: 05/27/2015	SCALE: 1" = 40'	DRAWN BY: C.S.H.	CHK'D. BY: M.B.A.	JOB NO.: 2013-0030
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NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

**STATE OF TEXAS
COUNTY OF ROCKWALL**

We, ROCKWALL RENTAL PROPERTIES, L.P., the undersigned owners of the land shown on this plat, and designated herein as LOTS 11-12, BLOCK 2 – ALLIANCE ADDITION PH. 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. We further certify that all other parties who have a mortgage or lien interest in LOTS 11 AND 12, BLOCK 2 – ALLIANCE ADDITION PH. 2, of this subdivision have been notified and signed this plat.

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

1. No buildings shall be constructed or placed upon, over, or across the utility easements as described herein.
2. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other growths or improvements which in any way endanger or interfere with construction, maintenance or efficiency of their respective system on any of these easement strips; and any public utility shall at all times have the right of ingress or egress to, from and upon the said easement strips for purpose of construction, reconstruction, inspecting, patrolling, maintaining, and either adding to or removing all or part of their respective system without the necessity of, at any time, procuring the permission of anyone.
3. The City of Rockwall will not be responsible for any claims of any nature resulting from or occasioned by the establishment of grade of streets in the subdivision.
4. The developer and subdivision engineer shall bear total responsibility for storm drain 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; or

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.

Rockwall Rental Properties, L.P.

Randall Noe – Owner

**STATE OF TEXAS:
COUNTY OF ROCKWALL:**

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared Randall Noe, 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 considerations therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this the _____ day of _____, 2015.

Notary Public in and for the STATE OF TEXAS

OWNER:
Rockwall Rental Properties, L.P.
Contact: Mike Whittle
P.O. Box 369
Rockwall, Texas 75087
Phone (972) 771-5253

ENGINEER:
HELMBERGER ASSOCIATES, INC.
1525 Bozman Road
Wylie, Texas 75098
Contact: Stephen A. Helmsberger, P.E.
Phone (972) 442-7459

SURVEYOR:
North Texas Surveying, LLC
1515 South McDonald St., Suite 110
McKinney, Texas 75069
Ph. (469) 424-2074
Fax (469) 424-1997
www.northtexasurveying.com

OWNER'S CERTIFICATION:

LEGAL DESCRIPTION:

BEING a tract of land situated in the City of Rockwall, Rockwall County, Texas, being in the W.W. Ford Survey, Abstract No. 80 and being all of Lot 1, Block 2, of ALLIANCE ADDITION PH. 2, an addition to the City of Rockwall, Rockwall County, Texas, as recorded in Cabinet G, Slides 301 and 302, of the Plat Records of Rockwall County, Texas (P.R.R.C.T.) and also all of Lot 10, Block 2, of ALLIANCE ADDITION PH. 2, an addition to the City of Rockwall, Rockwall County, Texas, as recorded in Cabinet H, Slides 319 and 320, P.R.C.C.T., said tract being more particularly described as follows:

BEGINNING at a 5/8" iron rod with a yellow plastic cap stamped "RPLS 5430" found (herein after referred to as a capped iron rod found) in the northeasterly monumented line of F.M. Highway No. 3097, said corner being the westerly corner of said Lot 9 (H/319-320) and the most southerly corner of said Lot 10;

THENCE North 44°28'21" West, along the northeasterly monumented line of F.M. Highway No. 3097, same being the southwesterly line of said Lot 10, a distance of 122.02' to 1/2" iron rod found at the beginning of a curve to the right, having a radius of 11,409.16', a central angle of 00°40'38", and a chord which bears, North 44°13'59" West, a chord distance of 134.84';

Thence in a northwesterly direction, along said curve to the right, an arc length of 134.85' to a capped iron rod found for the most westerly corner of said Lot 1, same being in the southeasterly monumented line of Wallace Road;

THENCE North 45°06'11" East, along said southeasterly monumented line of Wallace Road, same being the northwesterly line of said Lot 1, a distance of 310.42' to a capped iron rod found at the intersection of said Wallace Road and Alliance Drive, same being the most northerly corner of said Lot 1;

THENCE South 44°28'29" East, along the southwesterly monumented line of Alliance Drive, same being the northeasterly line of said Lot 1, a distance of 119.44' to a capped iron rod found for the most easterly corner of said Lot 1, same being the most northerly corner of Lot 2, Block 2, of said addition (G/301-302);

THENCE South 44°59'57" West, along the common line between said Lots 1 and 2, a distance of 130.86' to a capped iron rod found for the most westerly corner of said Lot 2, same being the most northerly corner of the aforementioned Lot 10;

THENCE South 44°28'29" East, along the northeasterly line of said Lot 10, same being the southwesterly line of said Lot 2, a distance of 136.86' to a capped iron rod found for the most easterly corner of said Lot 10, same being the most southerly corner of said Lot 2, same also being the most westerly corner of Lot 3, Block 2 (G/301-302) and the most northerly corner of the aforementioned Lot 9;

THENCE South 45°00'06" West, along the common line between said Lots 9 and 10, a distance of 180.12' to the **POINT OF BEGINNING** and containing 1.420 acres of land, more or less.

NOW, THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT I, Michael B. Arthur, do hereby certify that I prepared this plat from an actual and accurate survey of the land, and that the corner monuments shown thereon were properly placed under my personal supervision.

Michael B. Arthur
Registered Professional Land Surveyor
Texas Registration No. 5686

**STATE OF TEXAS:
COUNTY OF ROCKWALL:**

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared Michael B. Arthur, 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 considerations therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this the _____ day of _____, 2015.

Notary Public in and for the STATE OF TEXAS

RECOMMENDED FOR FINAL APPROVAL

Planning and Zoning Commission 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 _____, 2015.

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 _____, 2015.

Mayor, City of Rockwall City Secretary City Engineer

REPLAT
**LOTS 11-12, BLOCK 2
ALLIANCE ADDITION PH. 2**
2 LOTS
61,860 SQ. Ft. / 1.420 ACRES
BEING A REPLAT OF
LOTS 1 and 10, BLOCK 2
ALLIANCE ADDITION PH. 2, AN ADDITION
TO THE CITY OF ROCKWALL, TEXAS
OUT OF THE
W.W. FORD SURVEY, ABSTRACT NO. 80
ROCKWALL COUNTY, TEXAS

Scale: 1" = 40' Date: May 2015

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City of Rockwall
The New Horizon

MEMORANDUM

TO: Honorable Mayor and City Council Members
FROM: Kristy Ashberry, City Secretary / Assistant to the City Manager
SUBJECT: Agenda Item Request – Compassionate Cities

Mayor Pruitt has requested that an Appointment Item regarding this matter be placed on the city council meeting agenda for discussion. Mr. Jack Youngkin, who represents the “International Campaign for Compassionate Cities,” will be present to make a brief presentation to the city council. A related resolution has been included in your packets for consideration.

**CITY OF ROCKWALL
RESOLUTION NO. 15-18**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF ROCKWALL, TEXAS, AFFIRMING THE “CHARTER
FOR COMPASSION” AS PART OF THE INTERNATIONAL
CAMPGAIGN FOR COMPASSIONATE CITIES;
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City of Rockwall includes a diverse spectrum of ethnic, religious and political groups embodying the very best of Texan and American values; and

WHEREAS, the Rockwall community is home to a generous citizenry responsible for creating numerous compassionate initiatives, including but not limited to the local Meals and Wheels program, Rockwall County Helping Hands, the Kiwanis’ Angel League; and programs through local Rotary Clubs; and

WHEREAS, recently, the City of Rockwall launched additional compassionate initiatives to create a ‘barrier free’ public playground designed to accommodate people of all abilities and to develop additional Parks & Recreation program offerings for those with special needs;

WHEREAS, studies have shown that compassion promotes happiness, increases productivity and spurs innovation; and

WHEREAS, compassion can help promote interest, growth and economic development in Rockwall by solidifying our city as a state and national leader in the quest for a just and better world; and

WHEREAS, in fulfilling the universal principal and moral of “loving thy neighbor as thyself,” compassion can be a strong, unifying force in a polarized world, and it has the power to alleviate the suffering of fellow citizens by putting the needs of others before our own and honoring the rights of others by treating everyone, without exception, with absolute justice, equity and respect; and

WHEREAS, although compassion can be experienced amongst all humankind, we also recognize our responsibility to show compassion for all creation.

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

Section 1. We affirm the “Charter for Compassion,” attached hereto as Exhibit A, and call on the Mayor to cultivate compassion in Rockwall by partnering with local public and private entities to create a shared vision that will enhance positive change, civic engagement, and establish the City of Rockwall as a model “Compassionate City” through the International Campaign for Compassionate Cities

Section 2. The City of Rockwall encourages all citizens to affirm the Charter for Compassion and strive to live and act compassionately.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 15TH DAY OF June, 2015.

ATTEST:

Jim Pruitt, Mayor

Kristy Ashberry, City Secretary

“EXHIBIT A”

The Charter for Compassion

The principle of compassion lies at the heart of all religious, ethical and spiritual traditions, calling us always to treat all others as we wish to be treated ourselves. Compassion impels us to work tirelessly to alleviate the suffering of our fellow creatures, to dethrone ourselves from the centre of our world and put another there, and to honour the inviolable sanctity of every single human being, treating everybody, without exception, with absolute justice, equity and respect.

It is also necessary in both public and private life to refrain consistently and empathically from inflicting pain. To act or speak violently out of spite, chauvinism, or self-interest, to impoverish, exploit or deny basic rights to anybody, and to incite hatred by denigrating others—even our enemies—is a denial of our common humanity. We acknowledge that we have failed to live compassionately and that some have even increased the sum of human misery in the name of religion.

We therefore call upon all men and women to restore compassion to the centre of morality and religion ~ to return to the ancient principle that any interpretation of scripture that breeds violence, hatred or disdain is illegitimate ~ to ensure that youth are given accurate and respectful information about other traditions, religions and cultures ~ to encourage a positive appreciation of cultural and religious diversity ~ to cultivate an informed empathy with the suffering of all human beings—even those regarded as enemies.

We urgently need to make compassion a clear, luminous and dynamic force in our polarized world. Rooted in a principled determination to transcend selfishness, compassion can break down political, dogmatic, ideological and religious boundaries. Born of our deep interdependence, compassion is essential to human relationships and

to a fulfilled humanity. It is the path to enlightenment, and indispensable to the creation of a just economy and a peaceful global community.

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Ashberry, Kristy

From: Lewis, Dennis
Sent: Tuesday, June 02, 2015 9:58 PM
To: Ashberry, Kristy
Subject: Fwd: Appointment to speak at the next city council meeting

Kristy:

Rick is aware of this - you may want to get with him. Rick had said it would be on next agenda as an appointment item. I have already told the Freese's to be prepared to present their case.

Dennis Lewis
Mayor Pro Tem - City of Rockwall

Begin forwarded message:

From: Paul Freese <>
Date: June 2, 2015 at 5:25:46 PM CDT
To: "KristyAshberry@rockwall.com" <KristyAshberry@rockwall.com>
Cc: "Fowler, Kevin" <KevinFowler@rockwall.com>, "Hohenshelt, John" <JohnHohenshelt@rockwall.com>, "Lewis, Dennis" <DennisLewis@rockwall.com>
Subject: Appointment to speak at the next city council meeting
Reply-To: Paul Freese <>

Kristy,
This Paul Freese. I reside at 943 Lexington Drive, Rockwall Tx. My contact phone number . I am emailing you at the suggestion from Councilman Kevin Fowler. My wife Leah and I would like to speak to the council concerning amending the current city ordinance which prohibits the ownership of chickens within the city limits. Please let me know what else is required. Mr. Fowler stated that scheduling an appoint to speak was a better route than trying to get the subject added as a agenda item.
Thank you for your assistance in this matter
Paul

Ashberry, Kristy

From: Mike Dean
Sent: Tuesday, June 09, 2015 7:55 PM
To: Ashberry, Kristy
Subject: request for appointment

Ms. Ashberry,

I would like to have an appointment with the city council June 15,2015. I understand Mr. Freese has an appointment that evening. I would prefer an appointment immediately following his.

I would also like to discuss the ordinance.

Sincerely,

Rev. Mike Dean

Ashberry, Kristy

From: Brent Polunsky
Sent: Friday, June 12, 2015 10:49 AM
To: Ashberry, Kristy
Cc: Brent Polunsky
Subject: City Council Meeting

Good morning Ms. Ashberry,

I live in Turtle Cove and I would like to speak to City Council this Monday evening regarding the variance that is being considered for the chickens. Would you please let me know what I need to do to be put on the list to speak.

Thank you,
Brent Polunsky

Ashberry, Kristy

From: Tom Galli
Sent: Friday, June 12, 2015 2:02 PM
To: Ashberry, Kristy
Subject: Ordinance Variance.

I am informed the City Council will consider a request to waive or modify the current prohibition for holding or raising poultry on land zoned other than for agricultural use.

I would like to address council on this matter. Please add me to the list of speakers.

Regards,

T. J. Galli
Lt. Col., U.S. Army Ret.

Ashberry, Kristy

From: Ashberry, Kristy
Sent: Friday, June 12, 2015 4:12 PM
To: 'Sharon Worthy'
Subject: RE: Turtle cove

Mrs. Worthy,

Please know that I went with the assumption that the "chickens" issue is what you were referring to, so I did include your name on the agenda as part of that Appointment Item on the final agenda that just got posted. The meeting starts at 6PM at Rockwall City Hall in the city council chambers (to your left off the foyer as you enter city hall from the parking lot).

Thanks, and have a nice weekend

Kristy Ashberry Cole

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

From: Ashberry, Kristy
Sent: Friday, June 12, 2015
To: 'Sharon Worthy'
Subject: RE: Turtle cove

Mrs. Worthy:

To clarify - I assume related to 'chickens'? I am 2 seconds away from finalizing the agenda. Please confirm as soon as possible.

Thank you,

Kristy

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

From: Sharon Worthy
Sent: Friday, June 12, 2015 3:59 PM
To: Ashberry, Kristy
Subject: Turtle cove

I too would like to speak

Thanks,
Sharon A. Worthy
REALTOR
Keller Williams Rockwall

"D" Magazine Best 2014

Multi Million Dollar Top Producer since 2007

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Ashberry, Kristy

From: Yahoo Home < >
Sent: Thursday, June 11, 2015 3:16 PM
To: Ashberry, Kristy
Subject: Re: Appt. with City Council on 06/15

Thank you ma'am! Have a great evening!

Sent from my iPhone

On Jun 11, 2015, at 3:14 PM, Ashberry, Kristy <KAshberry@rockwall.com> wrote:

Thank you, Mr. Johnson. Your appointment item has been added to the 6/15 city council meeting agenda.

Warm regards,

Kristy Ashberry Cole

From: Yahoo Home [<mailto:>]
Sent: Thursday, June 11, 2015 3:08 PM
To: Ashberry, Kristy
Subject: Re: Appt. with City Council on 06/15

I am requesting a meeting with the Rockwall city council. On June 15 th. I am wanting to request a food trailer to be located at 803 N. Goliad. The owner of the property, Scott Milder, has granted me permission to use this location. Thank you, Chris Johnson.

Sent from my iPhone

On Jun 5, 2015, at 9:48 AM, Ashberry, Kristy <KAshberry@rockwall.com> wrote:

Mr. Johnson,

Per our conversation, please reply back to me with your request to go before City Council on 6/15, including a brief description of what it is you'd like to discuss with the council.

Thanks so much,

Kristy Cole
**Assistant to the City Manager/
City Secretary, TRMC**
City of Rockwall
Ph: (972) 772-6406
Fax: (972) 771-7727
www.knowwhat2do.com



City of Rockwall
The New Horizon

MEMORANDUM

TO: City Council

FROM: Robert LaCroix, Director of Planning

DATE: June 8, 2015

SUBJECT: Request for Portable Food Service Facility

Chris Johnson is requesting an appointment with the City Council to discuss changing the Unified Development Code to allow the operation of a *“portable food service facility”*. Mr. Johnson has indicated he would like to operate a food trailer at the property located at 803 N. Goliad Street. Currently, the Unified Development Code does not define or allow this use or the sale of food other than the portable beverage service facility, which is allowed by Specific Use Permit and only permits the sale of beverages and snow-cones. Should Council elect to consider amending the code, we have included a draft revision to the section that could be utilized to facilitate this change.

Subject: Permission Letter
From: Scott Milder (smilder@fotps.org)
To: cotton_fireman@yahoo.com;
Date: Tuesday, June 2, 2015 5:58 PM

June 2, 2015

Dear City Officials of Rockwall,

I, Scott Milder, have authorized Chris Johnson to pursue a permit for a food truck and/or trailer to be located on our property at 803 N. Goliad in Rockwall. We look forward to the possibility of bringing something new to Rockwall!

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Milder", with a long horizontal flourish extending to the right.

Scott Milder

Owner

OUR HOUSE

803 N. Goliad

Rockwall, TX 75087

214-497-6411 cell

Sec. 2.1.6. - Retail and personal service use conditions.

Beverage **or food** service facility, portable. A portable beverage **or food** service facility is an establishment that sells beverages **or food** from a structure **or trailer** that can be moved from place to place but that stays at one location during a normal business day; ~~food sales are prohibited in these facilities.~~ A portable beverage **or food** facility shall meet the following minimum conditions:

1. The service shall be limited to snow cone stands and beverage **or food** stands serving nonalcoholic beverages such as coffee, juices or sodas **and prepared food products.**
2. The maximum time limit of such temporary use shall not exceed 150 days annually **or a time limit otherwise approved by the City Council.** At the end of the 150-day period, the structure shall be removed from the property.
3. Any temporary power poles will be removed on the date of or immediately following the termination date of the permit.
4. No additional freestanding signage shall be permitted.
5. The temporary portable structure or trailer shall meet all health and electrical codes of the city.
6. Any such temporary facility shall not reduce the number of required parking spaces of any nearby building or use.
7. Any such temporary facility shall have permanent restrooms for employees available within 300 feet of the door of the portable beverage facility. Written permission from the permanent building owner for restroom use must be submitted to the building official; no portable restroom facility is allowed.
8. Any such temporary facility shall be located on an all-weather (asphalt or concrete) parking surface with adequate space for parking and circulation, unless variance has been approved.

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CITY OF ROCKWALL, TEXAS MEMORANDUM

TO: Brad Griggs, Assistant City Manager

FROM: Andy Hesser, Parks and Recreation Manager

DATE: June 8, 2015

SUBJECT: PROPOSED STAND UP PADDLE BOARD CONCESSIONAIRE AGREEMENT

The City has been approached by Dean Peuple of Core Adventure Sports seeking permission to operate a Stand-Up Paddleboard (SUP) business within the takeline lease area, specifically The Harbor public boat docks and SH 66 Public Boat Ramp.

Stand-Up Paddle boards resemble a large surf board or a large flat kayak where a person uses a long paddle to navigate on the surface of the water. Many fitness activities such as yoga and strength training may also be done on an SUP as well as fishing.

Mr. Peuple presented his proposal to the Park Board at the June 2nd meeting. Park Board voted unanimously to recommend that City Council authorize the City Manager to enter into a concession agreement with the following provisions:

- The Service Provider shall pay the City of Rockwall a concession fee of 4.75% of gross revenue. The City of Dallas is entitled to an additional percentage of the Service Provider's annual gross revenue if it exceeds \$100,000, per the inter-local agreement with City of Dallas.
- Adequate insurance shall be provided and maintained that is satisfactory to the City of Rockwall as well as consistent with industry standards for the type of risk incurred. Insurance policy shall list the City of Rockwall and City of Dallas as additionally insured.
- All SUP activities shall comply with all applicable local, state and federal laws. .
- The City is unable to guarantee or reserve any boat slips for the purposes of their operation.
- All signage and marketing must be temporary and comply with all applicable sign codes.
- Approval should be contingent upon the final approval by the City of Dallas.
- Service Provider should take all reasonable efforts to operate within recommended manufacturer safety and training standards.

- The City cannot reserve nor guarantee parking for his customers and must utilize the public parking lots that are currently available.

The draft agreement has been reviewed by the City Attorney and is attached for your review. The agreement also includes the schedule of fees to be charged by the service provider, fees owed to Dallas based on total revenue and the location map services may be allowed within the take line lease area.

At this time, Mr. Peape already owns the SUP's and has completed the recommended instructor certification course; has adequate insurance currently in place and is prepared to begin operations immediately, contingent upon City Council approval.

STATE OF TEXAS §
COUNTY OF ROCKWALL §
CITY OF ROCKWALL §

FRANCHISE AGREEMENT

THIS FRANCHISE AGREEMENT (“Agreement”) is made and entered into by and between **Core Adventures Sports** (“Service Provider”), and the City of Rockwall, Texas (“City”).

WHEREAS, the City, subject to the terms and conditions set forth herein, desires to grant to the Service Provider the non-exclusive franchise, license and privilege to Stand up Paddleboard (SUP) Lessons, Retail and Rental services within the Take Line Lease Area on Lake Ray Hubbard in the Harbor district, and the SH 66 Public Boat Ramp park;

NOW THEREFORE, in consideration of the premises and the mutual promises, covenants and agreements set forth herein, the Service Provider and the City hereby agree as follows:

Section 1. The City hereby grants to the Service Provider the non-exclusive franchise, license and privilege to provide Core Adventure Sports services from the Harbor and SH 66 Public Boat Ramp park area. No other area may be used without written authorization as outlined in Section 6..

Section 2. Prior to the commencement of any recreation services, the Service Provider shall file with the City’s Park and Recreation Department: an emergency action plan, provide an instructor training certificate that verifies stand up paddle board experience; a description of the equipment, safety related gear and supplies and all watercraft to be used in the conduct SUP services. All maintenance and repairs of the water craft shall be the responsibility of the Service Provider. The Service Provider shall observe all federal and state rules and or regulations regarding safety measures. The City reserves the right to conduct a routine safety inspection of all watercraft on a monthly basis.

Section 4. Prior to the commencement of any recreation services, the Service Provider shall provide to the City’s Park and Recreation Department a schedule of fees to be charged for SUP rentals and services are hereby incorporated into this Agreement and attached as **Exhibit A**. Any increase in fees from those established as of the date of this Agreement shall first be approved by the City’s Park and Recreation Director and Park Board, whose approval shall not be unreasonably withheld. In addition, a schedule of the hours of services shall be furnished to the City’s Park and Recreation Department. Any signage advertising the tours shall be in conformance with the City’s sign code.

Section 5. The Service Provider agrees to remit to the City, on a monthly basis, a concession fee of 4.75% of all fees collected from any and all services provided by Service

Provider at the Harbor dock area. The Service Provider shall maintain at his respective place of business adequate books and records relating to the fees collected for the SUP service. Such books and records shall be available at any time during normal business hours for inspection by the City, at the City's expense, upon reasonable advance notice. In addition to the City's concession fee, Service Provider must also pay a fee to the City of Dallas. Therefore, in consideration of the City of Dallas' consent to this agreement, the City agrees to remit to the City of Dallas its share of the concession fee collected from the Service provider as provided for in **Exhibit B**, attached hereto and made part of this agreement.

Section 6. The Service Provider and the City agree that should any modification or alteration of the dock or shoreline be necessary to accommodate the service provided herein, such modification or alteration shall be done at the sole expense of the Service Provider. No modification or alteration to the dock may be commenced until the plans and specifications are reviewed and approved in writing by the City's Engineer. Any modification or alteration of the dock or shoreline area shall be ADA compliant. If the Service Provider ceases operation of the SUP rentals or services, or should this Agreement be terminated for any reason, the Service Provider, at its sole expense, will return the docks or shoreline so altered to their original condition within thirty (30) days of said cessation of operations or termination unless the City waives this requirement. Such waiver must be in writing and approved by the City Council. The location for the water craft to be used while at the Harbor has been provided by the Service Provider and is shown in **Exhibit C**, attached hereto and made part of this agreement. Any variation from the approved docking plan due to a fluctuation in water level, etc must be approved by the Director of Parks and Recreation or designee.

Section 7. The term for this Agreement shall be for a period of five (5) years from the date hereof. The Agreement may be extended for a successive (5) year terms unless written notice of intent to terminate this Agreement is provided by either party on or before the sixtieth (60) day prior to the expiration of the primary term of the Agreement. Any renewal of the agreement will be on the same terms, conditions, and rates in place at the end of the primary term. If either party provides written notice to terminate, the Agreement will terminate at the end of the then applicable term. Service Provider shall have twelve (12) months to commence operations once permission is granted. Failure of Service Provider to commence operations shall terminate this Agreement without notice or right to cure as outlined in Section 8.

Section 8. Defaults and Remedies.

A. Notice of Violation. If the City has reason to believe that Service Provider is in violation of this Franchise, the City shall notify Service Provider in writing of the alleged violation setting forth the nature of such alleged violation. Within thirty (30) days of receipt of such notice, or such longer period specified by the City, Service Provider shall respond in writing that the violation has been cured or provide a cure plan or schedule or provide explanations in refutation or excuse with documentation to support that an alleged violation did not occur.

B. Cure Period. Notwithstanding Subsection 8.a. above, Service Provider shall be allowed sixty (60) days to cure violations after written notice is received from the City, by taking appropriate steps to comply with the terms of this Franchise and any lawful regulations. If the

nature of the violation is such that it cannot be fully cured within 60 days, the period of time in which Service Provider must cure the violation may be extended for such additional time reasonably necessary to complete the cure, provided that (i) Service Provider shall have promptly commenced to cure, and (ii) Service Provider is diligently pursuing its efforts to cure. The determination as to whether the cure period will be extended will be solely the City's discretion.

Section 9. The Service Provider shall not deny employment to any person on the basis of race, creed, gender, or religion, and will insure that all federal and state laws pertaining to salaries, wages and operating requirements are met or exceeded.

Section 10.

Pursuant to this Agreement, the Service Provider shall carry the following types of insurance in an amount equal to or exceeding the limits specified below:

<u>Coverage</u>	<u>Limits of Liability</u>
(1) Workmen's Compensation	Statutory
(2) Bodily Injury Liability	\$1,000,000 per occurrence; 1,000,000 in the aggregate
(3) Property Damage Liability	\$500,000 per occurrence; \$1,000,000 in the aggregate

Before commencement of work hereunder, the Service Provider agrees to furnish the City certificates of insurance or other evidence satisfactory to the City to the effect that such insurance has been procured and is in force. Such certificates of insurance shall be filed with the City Secretary, a copy of which shall also be submitted by the City to the Director of Water Utilities Department of the City of Dallas for its records. The City, the City of Dallas, its officers, servants, and employees shall be named as additional insureds during the initial term and any renewals. The certificates shall contain the following express obligation:

"This is to certify that the policies of insurance described herein have been issued to the insured for whom this certificate is executed and are in force at this time. In the event of cancellation or material change in a policy affecting the certificate holder, thirty (30) days prior written notice will be given to the City of Rockwall certificate holder."

Section 12: This franchise is not exclusive, and nothing herein shall be construed so as to prevent the City from granting other like or similar rights and privileges to any other person, firm or corporation consistent with applicable state law.

Section 13. THE SERVICE PROVIDER ASSUMES ALL RISKS OF LOSS OR INJURY TO PROPERTY OR PERSONS CAUSED BY ITS PERFORMANCE OF THE SERVICES. THE SERVICE PROVIDER AGREES TO INDEMNIFY AND HOLD HARMLESS THE CITY, THE CITY OF DALLAS THE CITY OF ROCKWALL AND THEIR AGENTS, DIRECTORS, EMPLOYEES, OFFICERS AND SERVANTS FROM AND AGAINST ANY AND ALL SUITS, ACTIONS, LEGAL PROCEEDINGS, CLAIMS, DEMANDS, DAMAGES, COSTS, LIABILITIES, LOSSES OR EXPENSES (INCLUDING, BUT NOT LIMITED TO, REASONABLE ATTORNEYS' FEES) INCIDENT TO ITS PERFORMANCE OF THE SERVICES CAUSED BY A WILLFUL OR NEGLIGENT ACT OR OMISSION OF THE SERVICE PROVIDER, ITS OFFICERS AND EMPLOYEES. IT SHALL BE UNDERSTOOD THAT THE CITY OF DALLAS IS A THIRD PARTY BENEFICIARY OF THIS AGREEMENT AND SHALL HAVE THE RIGHT TO ENFORCE THE TERMS OF THIS AGREEMENT.

Section 14. Notices under this Agreement shall be deemed sufficient if sent to the following:

Service Provider:

Core Adventure Sports
10205 Bent Tree Drive
Rowlett, TX 75089

City of Rockwall:

Rick Crowley, City Manager
385 S. Goliad
Rockwall, Texas 75087

Section 15. This Agreement shall be governed by the laws of the State of Texas, and venue for this Agreement shall be in Rockwall County, Texas. Nothing contained in this Agreement shall ever be construed as a waiver of governmental immunity by the City. The City shall never be deemed by the execution of this Agreement to have waived any sovereign governmental immunity and expressly reserves unto itself all such rights to the fullest extent authorized by law.

Section 16. The City shall not be liable or responsible for any loss of revenue because of suspension or inability to provide the service at the docking area due to causes beyond the reasonable control of either the City or Service Provider. Such causes shall include, but not be limited to, acts of God, acts of war, accident, explosion, fire, flood, riot, sabotage, or unusually severe weather conditions.

Section 17. Non-Assignment of Agreement Rights – Grantee shall not sell, assign or transfer this Agreement to another entity, nor transfer any rights under this agreement to any other person or corporation without written City approval. Any assignment without City approval shall terminate this Agreement without notice or right to cure as outlined in Section 8.

Section 18. Severability – If any section, sentence, clause, or paragraph of this ordinance is for any reason held to be illegal or invalid, such invalidity shall not affect the validity of the remaining portions of this ordinance.

This Agreement shall be effective as of the last date signed by either party below.

By: _____

Title: _____
Its Authorized Representative
Date: _____

CITY OF ROCKWALL

By: _____
Rick Crowley, City Manager
Date: _____

ATTEST:

Kristy Ashberry, City Secretary

ACKNOWLEDGEMENTS

STATE OF TEXAS)
COUNTY OF ROCKWALL)
CITY OF ROCKWALL)

BEFORE ME, a notary public in and for said county and state, personally appeared Dean People, of Core Adventure Sports and acknowledged to me that he executed the within and foregoing document as his free and voluntary act and deed; and the free and voluntary act deed of _____, for the uses and purposes set forth therein.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ____ **day of**
_____, 2015.

Notary Public in and for the State of Texas

My Commission Expires:

[S E A L]

STATE OF TEXAS)
COUNTY OF ROCKWALL)
CITY OF ROCKWALL)

BEFORE ME, a notary public in and for said county and state, personally appeared Rick Crowley, City Manager of the City of Rockwall, and acknowledged to me that he executed the within and foregoing document as his free and voluntary act and deed, and the free and voluntary act deed of the City of Rockwall, for the uses and purposes set forth therein.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ____ day of _____, 2015.

Notary Public in and for the State of Texas

My Commission Expires:

[S E A L]

EXHIBIT A

Core Adventure Sports

Open Daily

FEE SCHEDULE

PRIVATE SUP LESSONS	
Individual	\$65
2 People (per person)	\$55
3-6 People (per person)	\$45
Walk-up/Non-private lesson	
Wind-SUP LESSONS	
Level 1: Beginner	\$65
Level 2: Intermediate	\$75
Level 3: Advanced	\$85
SUP Fitness Classes	
SUP FIT	\$35
SUP Yoga	\$35
SUP Events & Team Activities	
Starts @ \$40/person depending on size of group.	

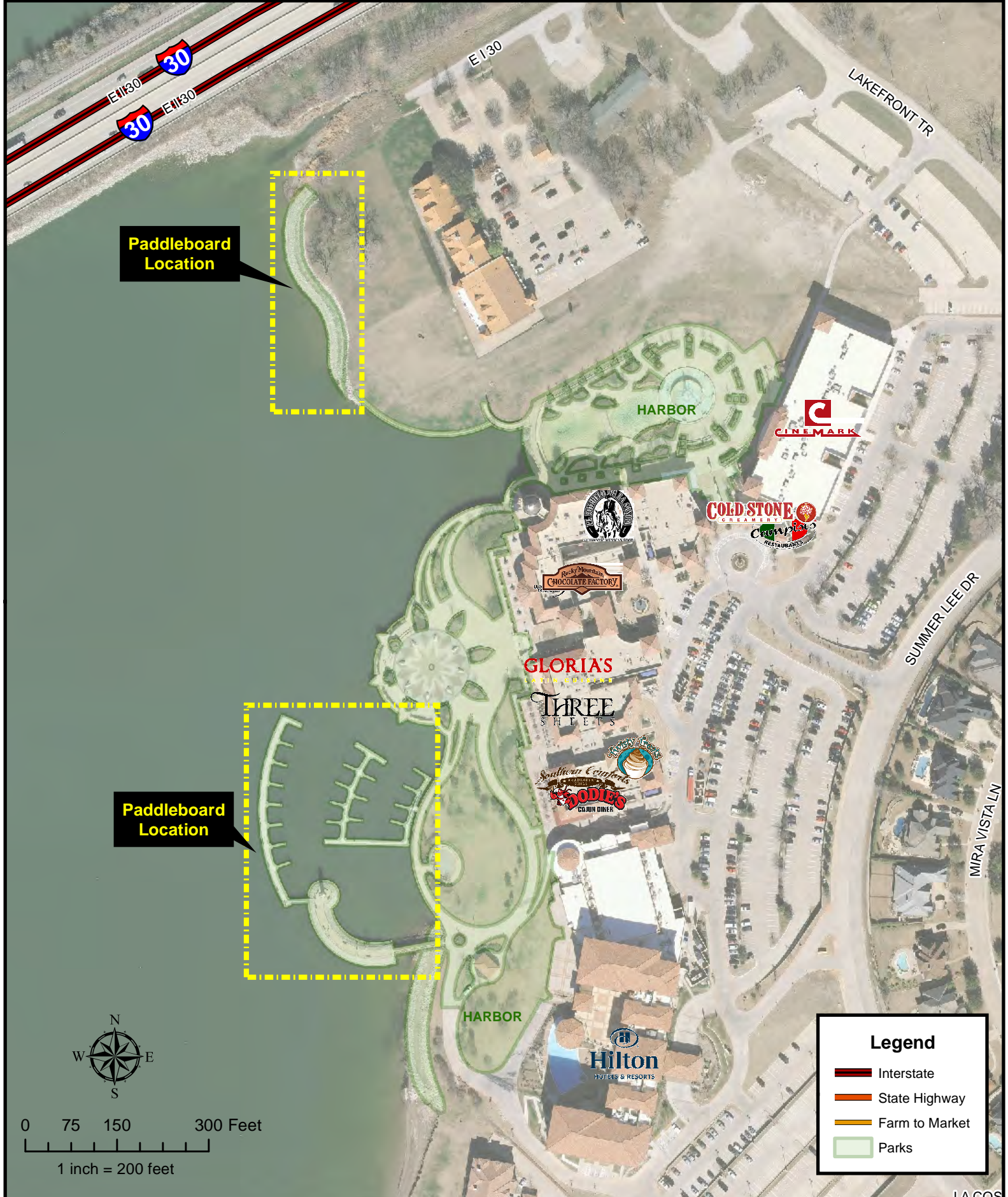
EXHIBIT A Continued:

SUP Rentals	
1 Hour	\$20
2 Hour	\$35
4 Hour	\$45
Wind SUP Rental	
1 Hour	\$25
2 Hour	\$35
4 Hour	\$45
Sunset SUP	
1.5 Hours	\$35
SUP Fishing	
2 hours	\$45
Each additional hour	\$10
Fishing Rental only	
Hourly	\$5

EXHIBIT B

City of Dallas Fee Schedule
Core Adventure Sports





Core Adventure Sports Gross Income	Percentage of fees owed to City of Dallas
Zero to \$100,000.00	Zero
Above \$100,000.00 to under \$200,000.00	1.5%
\$200,000 and above	2.5%

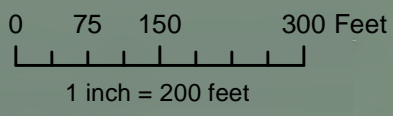


Paddleboard Location

Paddleboard Location

Legend

-  Interstate
-  State Highway
-  Farm to Market
-  Parks



Paddleboard Concessionaire

Possible Location #1



City of Rockwall
Geographic Information Systems






385 S Gollad St.
Rockwall, TX 75087
P. 972-771-7745 F. 972-771-7748
www.rockwall.com/gis



Paddleboard Location

SH66 BOAT RAMP / PARK

Legend

-  Interstate
-  State Highway
-  Farm to Market
-  Parks
-  Trails



Paddleboard Concessionaire
Possible Location #2



City of Rockwall
Geographic Information Systems
385 S Gollad St.
Rockwall, TX 75087
P. 972-774-7745 F. 972-771-7748
www.rockwall.com/gis

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CITY OF ROCKWALL CITY COUNCIL MEMO

AGENDA DATE: 06/15/2015

APPLICANT: Jonathan Hake of Cross Engineering Consultants

AGENDA ITEM: Z2015-017; Airport Road – Recreation Facility (Outdoor) - SUP

SUMMARY:

Hold a public hearing to discuss and consider a request by Jonathan Hake of Cross Engineering Consultants, Inc. on behalf of the owner Kenneth R. Smith of K. R. Smith Holdings, LLC for the approval of a Specific Use Permit for *Commercial Amusement/Recreation (Outside)* to allow a baseball training facility to be constructed on a six (6) acre tract of land identified as Tract 4-07 of the N. Butler Survey, Abstract No. 20, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 By-Pass Corridor Overlay (SH-205 BY-OV) District, located on the north side of Airport Road west of the intersection of Airport Road and John King Boulevard, and take any action necessary.

BACKGROUND INFORMATION:

The applicant, Jonathan Hake of Cross Engineering Consultants, Inc., is requesting a Specific Use Permit (SUP) to allow for a *Commercial Amusement/Recreation (Outdoor)* and more specifically a private baseball training facility on a 6.00-acre tract of land that is zoned (C) Commercial District. The property is located at the northwest quadrant of Airport Road and John King Boulevard, across from the Leon Tuttle Athletic Complex. The properties adjacent to this site are non-residentially zoned (East & West – Commercial, and North – Agricultural) and are vacant.

The applicant has submitted a conceptual site plan indicating an indoor facility, a practice field, and a full sized baseball field that will provide consumer based recreational activities for the general public. The indoor facility will be equipped with batting cages, practice cages, virtual video cages, concessions, arcade games, a workout facility, a meeting room, a pro shop and business office. The baseball field and practice fields will be available for rental, select team use, and tournament play.

As a part of the SUP request, the applicant is providing a photometric plan in order to establish generally acceptable lighting levels for the purpose of containing the spill over lighting and glare for the sports complex. The City's outdoor lighting regulations do not have standards associated with a sports complex in terms of the maximum intensity measured at the property line or for the maximum height of light pole standards. The photometric plan submitted by the applicant establishes an illumination level for the site that is generally not to exceed an average of 50-FC in order to provide the necessary lighting for the ball fields. However, the photometric plan does indicate area's beyond the property line that exceed the City's standard of 0.2-FC for a typical development (e.g. parking lot lighting). The highest reading calculated beyond the property line is 3.8-FC and is located at the center of the north property line and approximately 9-ft from this property line. This particular reading drops dramatically to 1.0-FC at approximately 28-ft from the property line and continues to decline reaching 0.2-FC at approximately 120-ft from the property line. The light pole standards to be installed are measured to have a maximum overall height of 50-ft. The site will incorporate a total of nine (9) 50-ft height light poles for the ball fields (3 – practice field & 6 – main ball field). In comparison, the light poles

installed at the Leon Tuttle Athletic Complex have an overall height of 70-ft and have approximately twenty (20) light poles.

Included in your packet is a letter requesting the SUP, a legal description of the property (Exhibit 'A'), a zoning exhibit (Exhibit 'B'), a conceptual site plan, and a photometric plan for your review. The photometric plan submitted for the lighting of the baseball complex does have merit based on adjustments that may reduce the intensity of the lighting, the proximity to vacant undeveloped property and the Leon Tuttle Athletic Complex; however, a request for an SUP is a discretionary act upon the Planning and Zoning Commission and City Council.

NOTIFICATION:

Staff mailed fifteen (4) notices to property owners within 500 feet of the subject property; however, there are no HOA/Neighborhood Organization within 1500 feet participating in the notification program. Additionally, staff posted a sign on the property as required by the Unified Development Code (UDC). At the time this report was drafted, staff has received one (1) notices "for" the zoning change requested.

RECOMMENDATIONS:

Should the Specific Use Permit be approved, staff would offer the following conditions:

- 1) That adherence to Engineering and Fire Department standards is required.
- 2) That the lighting levels are generally not to exceed the levels established in the preliminary photometric plan submitted for this site in order to contain spill over lighting and glare on adjacent properties, and that the illumination will generally not exceed an average of 50-FC as indicated on such plan.
- 3) That the heights for the lighting pole standards are not to exceed a maximum overall height of 50-ft (includes pole, base, fixtures, etc.).
- 4) That submittal and approval of a site plan (to include approval of a photometric plan), engineering plans, and final plat are required prior to issuance of a certificate of occupancy.
- 5) That written clearance from the Federal Aviation Administration (FAA) shall be provided to the City indicating approval of the maximum height for the light pole standards, the maximum intensity regarding glare produced from the lighting, and any other requirement deemed necessary for the safety of air traffic to and from the Rockwall Municipal Airport.
- 6) That the City Council reserves the right to review the Specific Use Permit (SUP) any time after the effective date of this ordinance.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

On June 9, 2015, the Planning and Zoning Commission recommended approval of the SUP request with staff conditions by a vote of 6 to 0 (Conley – absent).

CROSS ENGINEERING CONSULTANTS

131 S. Tennessee St.
972.562.4409

• McKinney, Texas 75069
• Fax 972.562.4471

May 14, 2015

City of Rockwall
Planning and Zoning Department
385 South Goliad
Rockwall, Texas 75087

Re: SUP Explanation Letter – NexRev Baseball Facility

Attached please find the SUP Application submittal for the NexRev Baseball Facility. The 6.0 acre property is located at the northwest corner of Airport Road and John King Boulevard.

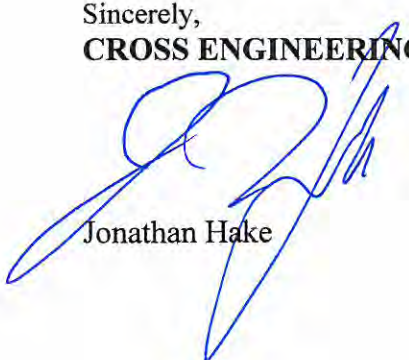
KR Smith Holdings, LLC is planning to build a Baseball Training Complex directly across from the Leon Tuttle Athletic Complex.

The 35,000 square foot facility will house indoor machine batting cages, practice cages, virtual video cages, concessions, arcade games, a full-size workout facility, meeting room, pro shop and business office. The facility will provide the City of Rockwall with a state of the art baseball complex for both the serious baseball player as well as the consumer seeking an evening of recreational activity. One full size baseball field and one smaller practice field will sit directly next to the facility for rental, select team use, and tournaments. It is the intent of the owner and all consultants to construct a quality project within the standards set by the City of Rockwall for Building and Engineering Design.

Because an indoor/outdoor baseball facility is not permitted by right within the Commercial District, we are requesting a Specific Use Permit for the proposed development. We are also requesting a Specific Use Permit for the proposed lighting height and spread. A Proposed Lighting Layout has been included in this submittal for review.

Thank you for your consideration of this Specific Use Permit Application. Please call if you have any questions.

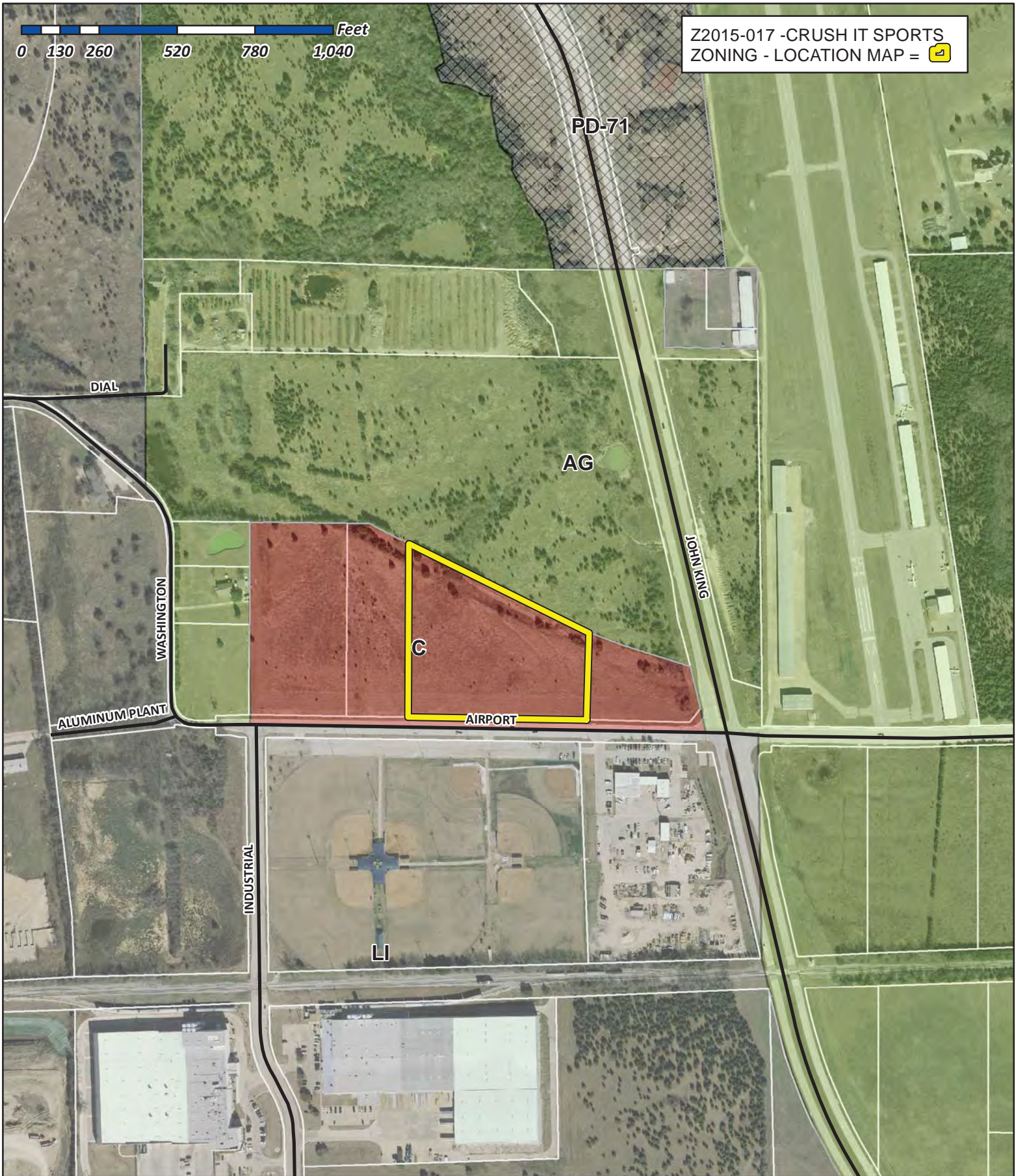
Sincerely,
CROSS ENGINEERING CONSULTANTS, INC.



Jonathan Hake

0 130 260 520 780 1,040 Feet

Z2015-017 - CRUSH IT SPORTS
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.

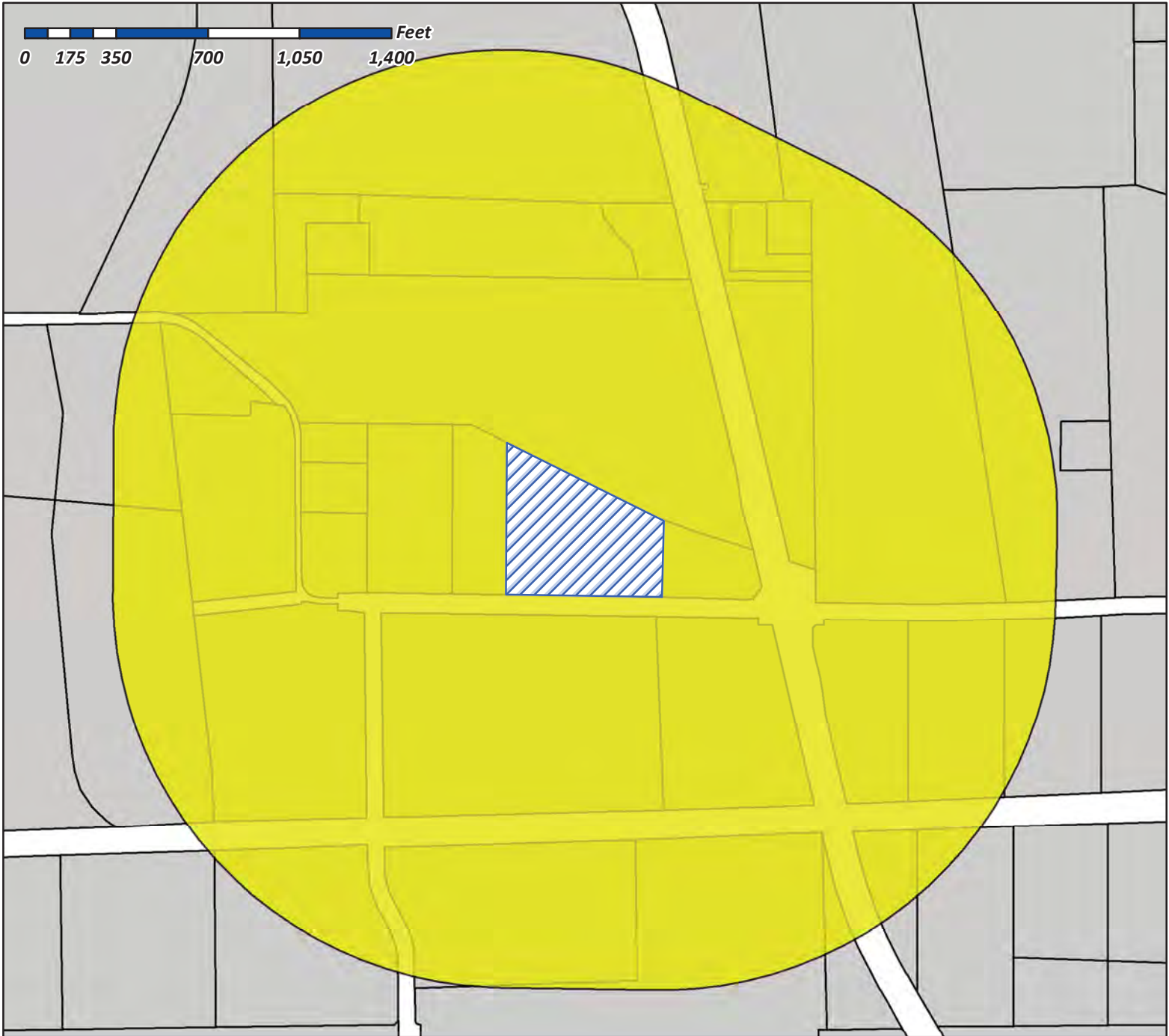




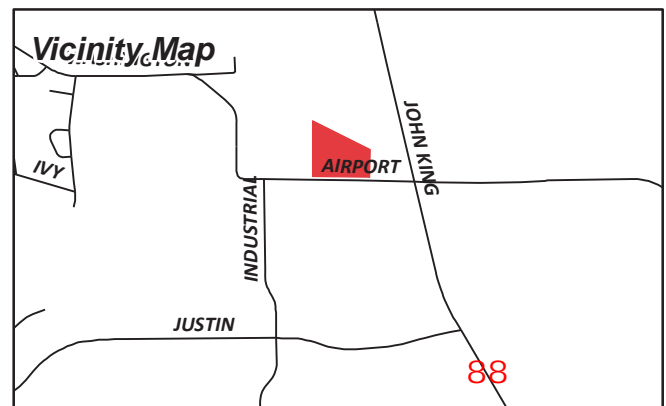
City of Rockwall

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

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Case Number: Z2015-017
Case Name: Crush It Sports
Case Type: Zoning
Zoning: SUP
Case Address: 1551 Airport Rd.



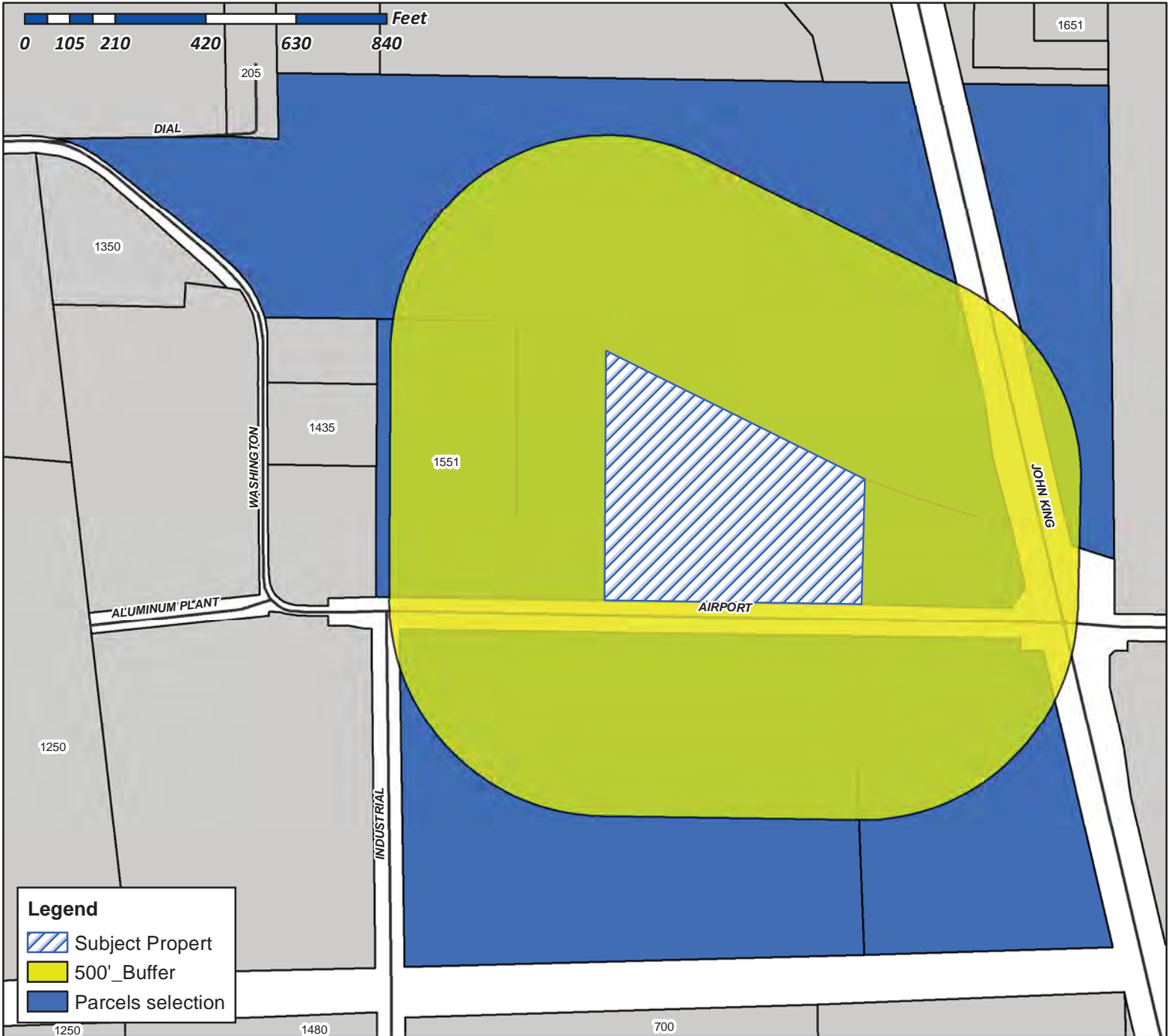
Date Created: 05/19/2015
 For Questions on this Case Call (972) 771-7745



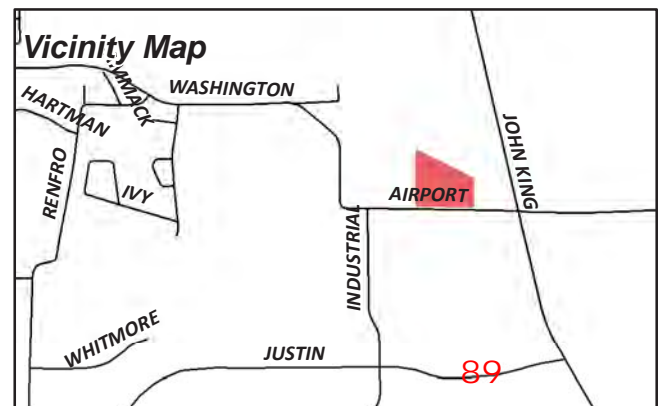
City of Rockwall

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Case Number: Z2015-017
Case Name: Crush It Sports
Case Type: Zoning
Zoning: SUP
Case Address: 1551 Airport Rd.



Date Created: 05/19/2015
For Questions on this Case Call (972) 771-7745



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

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

To Whom It May Concern:

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

Case No. Z2015-017: SUP for Crush It Sports

Hold a public hearing to discuss and consider a request by Jonathan Hake of Cross Engineering Consultants, Inc. on behalf of the owner Kenneth R. Smith of K. R. Smith Holdings, LLC for the approval of a Specific Use Permit for Commercial Amusement/Recreation (Outside) to allow a baseball training facility to be constructed on a six (6) acre tract of land identified as Tract 4-07 of the N. Butler Survey, Abstract No. 20, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 By-Pass Corridor Overlay (SH-205 BY-OV) District, located on the north side of Airport Road west of the intersection of Airport Road and John King Boulevard, 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, 6/9/2015 at 6:00 p.m.**, and the City Council will hold a public hearing on **Monday, 6/15/2015 at 6:00 p.m.** These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

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

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

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

Your comments must be received by **6/15/2015** to ensure they are included in the information provided to the City Council.

Sincerely,

Robert LaCroix, AICP
Director of Planning & Zoning

MORE INFORMATION ON THIS CASE CAN BE FOUND ON THE CITY'S WEBSITE: [HTTP://WWW.ROCKWALL.COM/PLANNING/PLANNINGDEVCASES.ASP](http://www.rockwall.com/planning/planningdevcases.asp)

PLEASE RETURN THE BELOW FORM

Case No. Z2015-017: SUP for Crush It Sports

Please place a check mark on the appropriate line below:

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

Name:

Address:

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

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

MARSHALL JULIE CATHERINE ETAL
1125 S BROADWAY AVE
TYLER, TX 75701

ROCKWALL PROPERTY CORPORATION
ATTN BILL BRICKER
305 PARK PLACE BLVD
ROCKWALL, TX 75087

LAKES REGIONAL MHMR CENTER
400 AIRPORT RD
TERRELL, TX 75160

FUNK JOSEPH
6623 ROYAL CREST DR
DALLAS, TX 75230

Gonzales, David

From: Miller, Ryan
Sent: Monday, June 08, 2015 11:36 AM
To: Gonzales, David
Subject: FW: Z2015-017

FYI ...

RYAN C. MILLER, AICP
PLANNING MANAGER • PLANNING & ZONING DIVISION • CITY OF ROCKWALL
972.772.6441 OFFICE
RMILLER@ROCKWALL.COM
385 S. GOLIAD STREET • ROCKWALL, TX 75087

HELPFUL LINKS | CITY OF ROCKWALL WEBSITE | PLANNING & ZONING DIVISION WEBSITE | MUNICIPAL CODE WEBSITE
GIS DIVISION WEBSITE | CITY OF ROCKWALL INTERACTIVE MAPS | MAIN STREET DIVISION

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

From: Bill Bricker [REDACTED]
Sent: Monday, June 08, 2015 11:37 AM
To: Miller, Ryan
Subject: Z2015-017

Ryan,

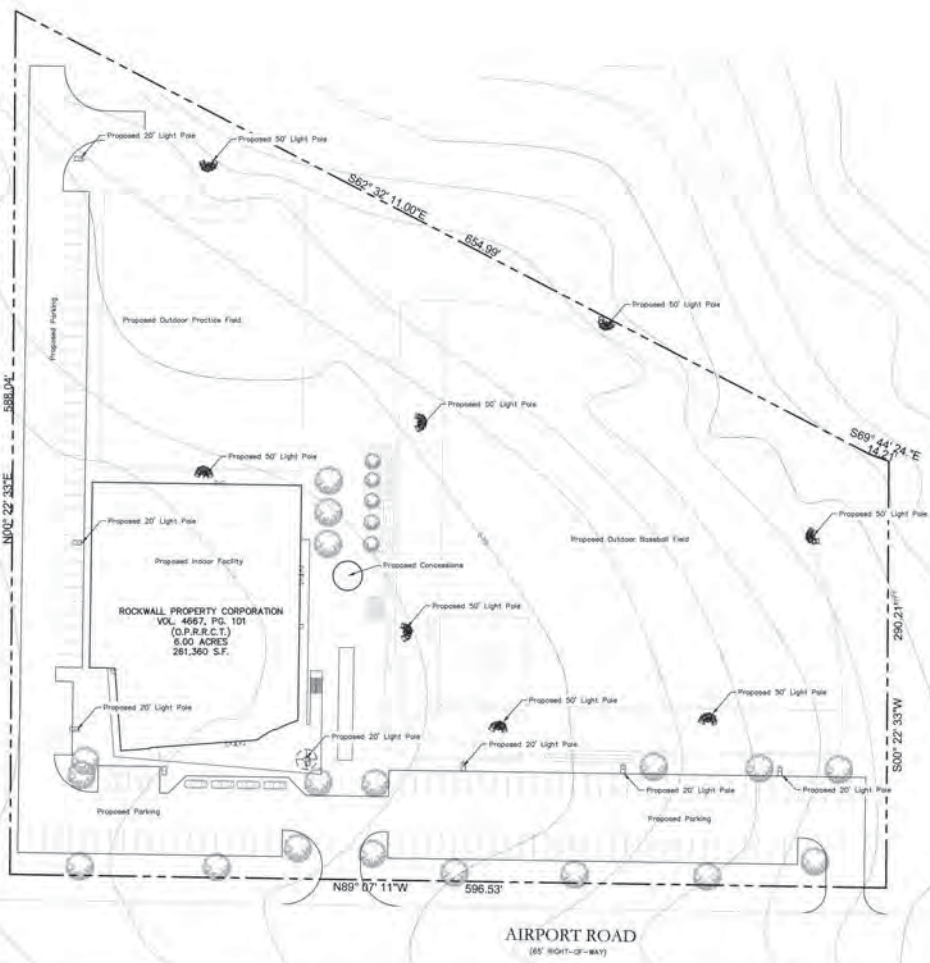
I am writing in support of the SUP case for Crush It Sports on Airport Road.
A sports facility across from the ball fields is a great use of the property and will enhance the surrounding area. It is good to see development that is on or utilizing John King for access as that was the purpose of this new road, to spur development on the east side of Rockwall.

Thanks,

Bill

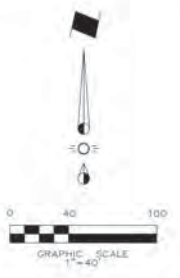
Bill Bricker

Columbia Development Company, LLC
305 Park Place Blvd.
Rockwall, TX 75087
972-722-2439
bill@colventures.com



Case No. Z2015-017

JOHN KING BOULEVARD
(145' wide)



STOP!
CALL BEFORE YOU DIG

(8) least 72 hours prior to digging

NOTE: THIS IS NOT A CONSTRUCTION DOCUMENT.
THIS DOCUMENT IS FOR CONCEPTUAL PLANNING PURPOSES ONLY.

Issue Dates	Revisions	Date
1	1	
2	2	
3	3	
4	4	
5	5	
6	6	

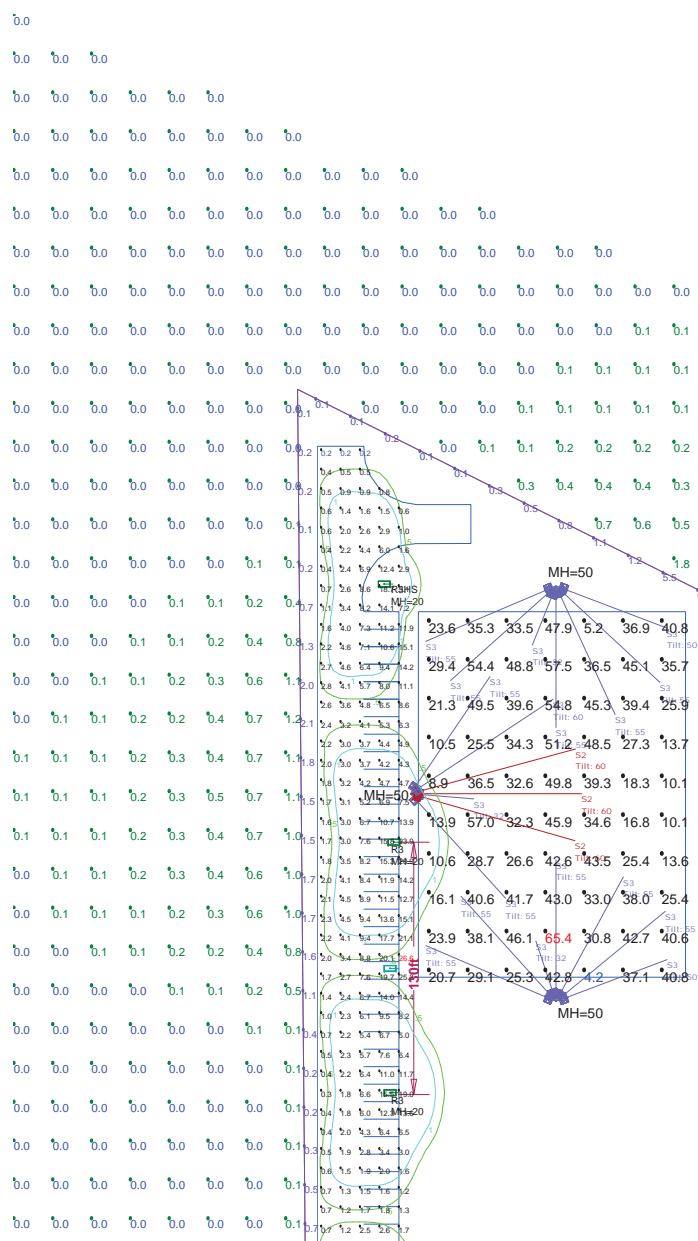
CROSS ENGINEERING CONSULTANTS
113 S. Tennessee St. McKinney, Texas 75069
972.562.4499 Texas P.E. Firm No. P-3931

Drawn By:	Checked By:	Scale:
C.E.C.L.	C.E.C.L.	1:40

CONCEPTUAL SITE PLAN
CRUSH IT SPORTS
KR SMITH, HOLDINGS LLC
CITY OF ROCKWALL, TEXAS

Sheet No.
CSP
Project No.
15038

CRUSH IT SPORTS



Symbol	Qty	Label	Arrangement	Lumens/Lamp	Total Lamp Lumens	Lum. Lumens	Lum. Watts	LLF	Description	Filename
S1	2	HSP	SINGLE	N/A	N/A	22939	299	13.00	2x20W 2700K 60L ECKAR-R-L62	M:\02-27001608-ECKAR-R-L62-1812100201.us
S2	1	HSP	SINGLE	N/A	N/A	22939	299	13.00	2x20W 2700K 60L ECKAR-R-L62	M:\02-27001608-ECKAR-R-L62-1812100201.us
S3	1	HSP	SINGLE	N/A	N/A	17420	229	13.00	2x20W 2700K 60L ECKAR-R-L62-HS	M:\02-27001608-ECKAR-R-L62-HS-1812100201.us
S4	1	HSP	SINGLE	N/A	N/A	22939	299	13.00	2x20W 2700K 60L ECKAR-R-L62	M:\02-27001608-ECKAR-R-L62-1812100201.us
S5	19	HSP	SINGLE	74500	74500	74500	800	10.750	SP300-4301E8	SP300-4301E8_A510.us
S6	10	HSP	SINGLE	74500	74500	74500	800	10.750	SP300-4303E8	SP300-4303E8_A510.us

Label	CalcType	Units	Avg	Max	Min	AvgMin	MaxMin	Description
FIELD	Illuminance	Fc	32.43	47.6	2.4	19.76	23.46	readings taken at 3 ft above grade
OUTFIELD	Illuminance	Fc	30.75	35.5	3.7	8.31	20.66	readings taken 3' above grade
PARKING LOT	Illuminance	Fc	4.74	8.6	0.2	1.80	13.00	readings taken at grade
PRACTICE FIELD	Illuminance	Fc	33.43	38.4	4.2	7.98	16.57	readings taken 3' above grade
PROPERTY LINE	Illuminance	Fc	1.16	3.3	0.1	1.00	6.00	readings taken at grade
SPILL	Illuminance	Fc	0.13	3.8	0.0	N/A	N/A	readings taken at grade

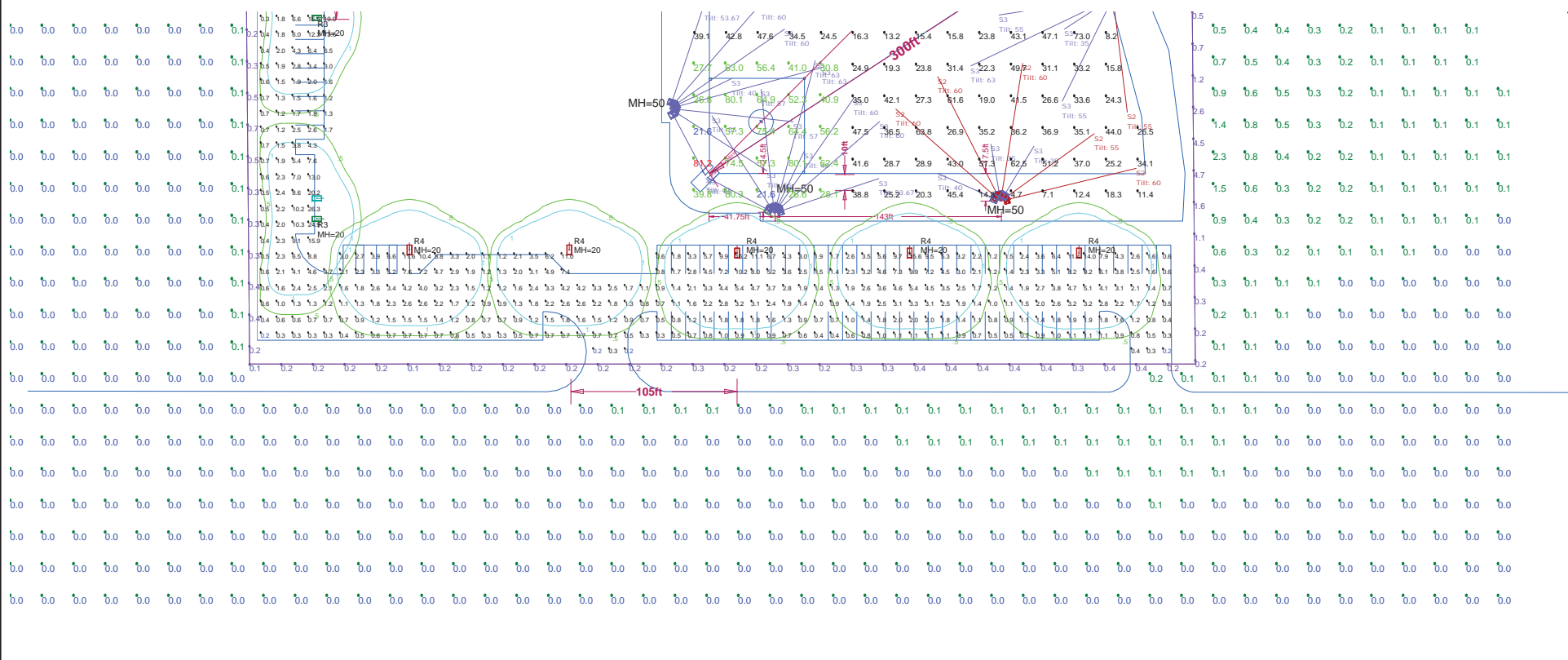
TARGET VALUES:
 BALL FIELD - IN-FIELD 50FC AVG. MAX/MIN 2:1
 OUTFIELD 30FC AVG. MAX/MIN 2.5:1
 PRACTICE FIELD - 30 50FC AVG
 PARKING LOT - 3 FC AVG

- NOTES:
 1) EXACT MOUNTING DETAILS TO BE DETERMINED AT JOBSITE BY OTHERS.
 2) CALCULATIONS DO NOT SHOW THE EFFECT OF SHADOWING CAUSED BY OBJECTS WITHIN THE AREA.
 3) READINGS SHOWN ARE MAINTAINED HORIZONTAL FC TAKEN AS SHOWN IN CALCULATION SUMMARY
 4) FIXTURE ORIENTATION IS SUCH THAT 0 IS TO THE RIGHT OF THE DRAWING AND 90 IS TO THE TOP OF THE DRAWING AS SHOWN.
 5) TILT ANGLE IS THE RAISING AND LOWERING OF THE FIXTURE HEAD.
 6) THE LAYOUT DRAWING MUST BE COORDINATED WITH THE SITE LOCATION FOR CORRECT FIXTURE ORIENTATION.
 7) CHECK GRAPHIC SCALE. DOCUMENTS PRINTED OR PLOTTED FROM ELECTRONIC FILES MAY OCCUR AT OTHER THAN THE DESIRED OR ASSUMED GRAPHIC SCALES. IT IS THE RESPONSIBILITY OF THE RECIPIENT TO VERIFY THAT THE PRINTED OR PLOTTED-TO-SCALE DRAWING IS PRINTED TO SCALE.

Case No. Z2015-017

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 - 4) FIXTURE ORIENTATION IS SUCH THAT 0 IS TO THE RIGHT OF THE DRAWING AND 90 IS TO THE TOP OF THE DRAWING AS SHOWN.
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 - 7) CHECK GRAPHIC SCALE. DOCUMENTS PRINTED OR PLOTTED FROM ELECTRONIC FILES MAY OCCUR AT OTHER THAN THE DESIRED OR ASSUMED GRAPHIC SCALES. IT IS THE RESPONSIBILITY OF THE RECIPIENT TO VERIFY THAT THE PRINTED OR PLOTTED-TO-SCALE DRAWING IS PRINTED TO SCALE.

Case No. Z2015-017



Plan View: Plan Rotated 0 Tilted 0
Scale: 1 inch= 32 Ft.

CRUSH IT BASEBALL COMPLEX
PROPOSED LIGHTING LAYOUT
TO ACHIEVE SPECIFIED LEVELS

DATE: 4/16/2015
LIGHTING LAYOUT GENERATED BY LIGHTING APPLICATION SCIENCE IN SAN ANTONIO, TEXAS

DESIGNED BY:
J. JAQUES
SCALE: AS SHOWN
DATE: 10/23/13
PROJECT: 105513.A01

Page 2 of 2

LAST DATE APPLICATOR
5/1/15
304 W. BROADWAY, SUITE 100
DALLAS, TEXAS 75201
972-383-3999
972-383-3977 FAX

NOTES:
1) THIS DRAWING IS THE PROPERTY OF LIGHTING APPLICATION SCIENCE. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF LIGHTING APPLICATION SCIENCE.
2) THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL INFORMATION PROVIDED HEREIN AND FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.
3) THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.
4) THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.
5) THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.

SUFA SF



Less Glare Through Multiple Narrow Beam

- Ultimate 1 for 1 replacement for 2Kw HID (SF800W)
- Excellent cooling structure
- High efficient light

Application

Sport Stadium, Indoor Venue, Port

IP 66



Specification

* Tolerance : ± 5%

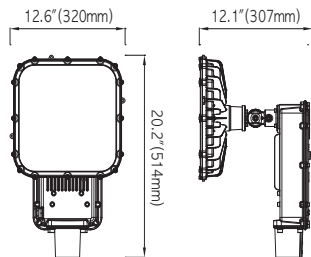
Model	Power	* Luminous Efficacy	* Luminous Flux	Color Temperature	CRI	Weight	Life Time	Input Voltage	Operation Temperature
SF200	200W		21,000 lm			8 Kg / 17.6 lb		AC100~277V	-22°F ~ 140°F
SF400	400W	105 lm/W	42,000 lm	3000K, 4000K	70 Ra	14.5 Kg / 31.9 lb	50,000hrs	AC100~240V	-30°C ~ 60°C
SF800	800W		84,000 lm	5000K	80 Ra	25 Kg / 55.1 lb		AC347~480V	

Body | Cast Aluminum
Cover | Tempered Glass 3T (Clear)
Finish | Powder Coating

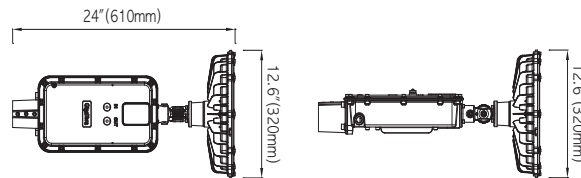
Installation Type | SF200 : Pole Mount (Ø 60.5 mm Pipe Applied)
SF400, 800 : Mount Bracket
Light Distribution | 15°(Symmetric) / 15°(Asymmetric) / 30°(Symmetric)
Control System | Wireless (ZigBee) / Wired (RS-485)
more details of GeSS at p.36

Dimension

• SF200-Vertical Type



• SF200-Horizontal Type

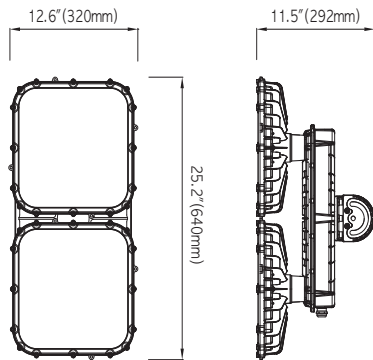


The above specifications are based on August 2014 / It may be altered without notice.

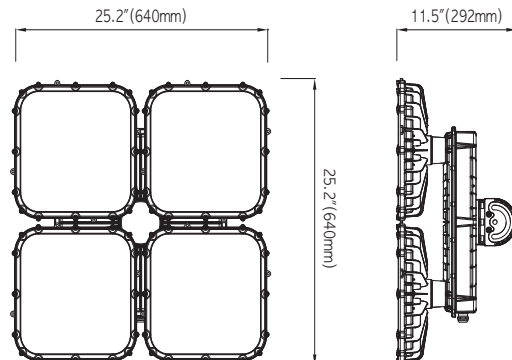
LED Flood Lighting - Sports Flood Lighting

SF SUFA

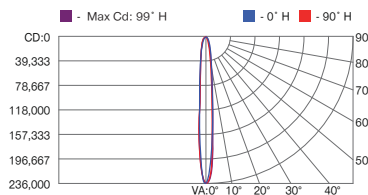
• SF400



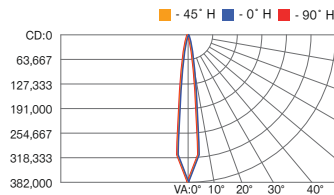
• SF800



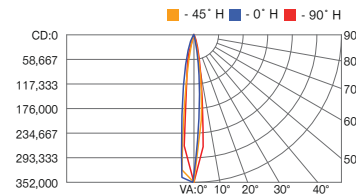
Photometry



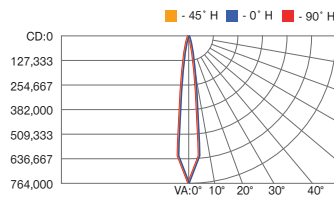
[SF200 / 5000K / 15°(Symmetric)]



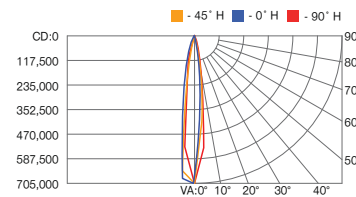
[SF400 / 5000K / 15°(Symmetric)]



[SF400 / 5000K / 15°(Asymmetric)]



[SF800 / 5000K / 15°(Symmetric)]



[SF800 / 5000K / 15°(Asymmetric)]



The above specifications are based on August 2014 / It may be altered without notice.



Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 2601 Meacham Boulevard
 Fort Worth, TX 76193

Aeronautical Study No.
 2015-ASW-4331-OE

Issued Date: 06/09/2015

Kenneth Smith
 KR Smith Holdings, LLC
 601 Development Drive
 Plano, TX 75074

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Light Pole Light Pole 5
 Location: Rockwall, TX
 Latitude: 32-55-36.88N NAD 83
 Longitude: 96-26-22.01W
 Heights: 573 feet site elevation (SE)
 50 feet above ground level (AGL)
 623 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

Any height exceeding 50 feet above ground level (623 feet above mean sea level), will result in a substantial adverse effect and would warrant a Determination of Hazard to Air Navigation.

This determination expires on 12/09/2016 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within

6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates , heights, frequency(ies) and power . Any changes in coordinates , heights, and frequencies or use of greater power will void this determination. Any future construction or alteration , including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

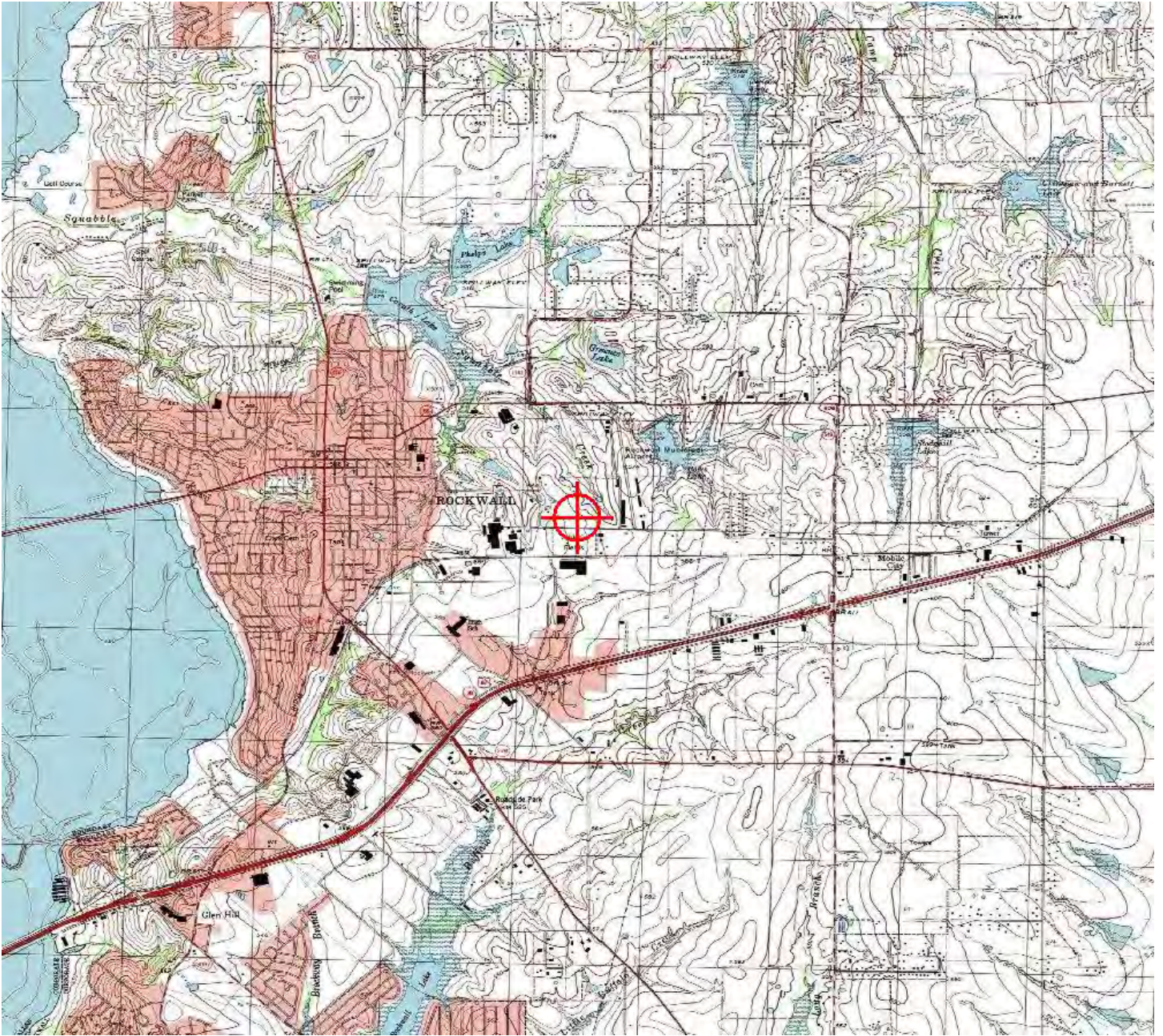
If we can be of further assistance, please contact our office at (817) 321-7754. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2015-ASW-4331-OE.

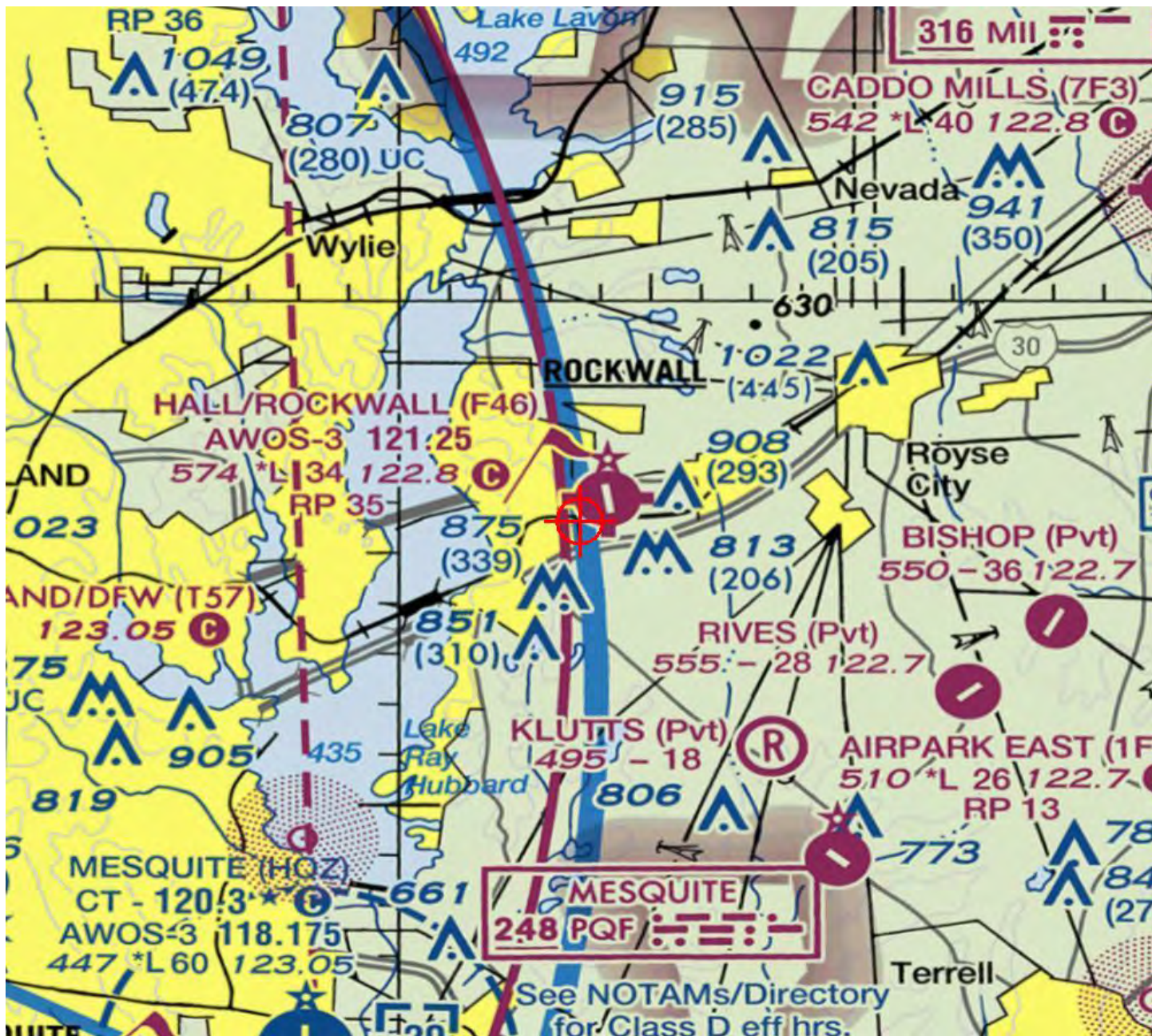
Signature Control No: 253620815-254431540

(DNE)

Andrew Hollie
Specialist

Attachment(s)
Map(s)





CITY OF ROCKWALL

ORDINANCE NO. 15-_____

SPECIFIC USE PERMIT NO. S-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) ALLOWING FOR A COMMERCIAL AMUSEMENT/RECREATION FACILITY (OUTDOOR) AND MORE SPECIFICALLY A BASEBALL TRAINING FACILITY, WITHIN A COMMERCIAL (C) DISTRICT, BEING A SIX (6) ACRE TRACT OF LAND IDENTIFIED AS TRACT 4-07 OF THE N. BUTLER SURVEY, ABSTRACT NO. 20, AND GENERALLY LOCATED ON THE NORTHWEST QUADRANT OF AIRPORT ROAD AND JOHN KING BOULEVARD, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' AND AS DEPICTED IN EXHIBIT 'B'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a request has been made by Jonathan Hake of Cross Engineering Consultants, Inc. on behalf of the owner Kenneth R. Smith of K. R. Smith Holdings, LLC for the approval of a Specific Use Permit (SUP) allowing for a *Commercial Amusement/Recreation Facility (Outdoor)* and more specifically a baseball training facility, within a Commercial (C) District, being a six (6) acre tract of land identified as Tract 4-07 of the N. Butler Survey, Abstract No. 20, and generally located on the northwest quadrant of Airport Road and John King Boulevard, City of Rockwall, Rockwall County, Texas, and more specifically described in Exhibit 'A' and as depicted in Exhibit 'B' of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the 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 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 [Ordinance No. 04-38] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit

(SUP) allowing for a *Commercial Amusement/Recreation Facility (Outside)* and more specifically a baseball training facility within a Commercial (C) District for the *Subject property*, and

Section 2. That the *Subject Property* shall be used only in the manner and for the purposes described in this Specific Use Permit (SUP) ordinance granted herein and shall be subject to the conditions set forth in *Article IV, Permissible Uses, Section 2.1.5 Recreation, Entertainment and Amusement Use Conditions*, and *Article V, District Development Standards, Section 4.5 Commercial (C) District*, of the *City of Rockwall Unified Development Code [Ordinance No. 04-38]* as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future, and shall be subject to the additional following conditions:

2.1 Operational Conditions

The following conditions pertain to the operation of the Commercial Amusement/Recreation Facility (Outdoor) on the Subject Property and conformance to these stipulations is required for continued operations:

- 1) That adherence to Engineering and Fire Department standards is required.
- 2) That the lighting levels are generally not to exceed the levels established in the preliminary photometric plan submitted for this site in order to contain spill over lighting and glare on adjacent properties, and that the illumination will generally not exceed an average of 50-FC as indicated on such plan.
- 3) That the heights for the lighting pole standards are not to exceed a maximum overall height of 50-ft (includes pole, base, fixtures, etc.).
- 4) That submittal and approval of a site plan (to include approval of a photometric plan), engineering plans, and final plat are required prior to issuance of a certificate of occupancy.
- 5) That written clearance from the Federal Aviation Administration (FAA) shall be provided to the City indicating approval of the maximum height for the light pole standards, the maximum intensity regarding glare produced from the lighting, and any other requirement deemed necessary for the safety of air traffic to and from the Rockwall Municipal Airport.
- 6) That the City Council reserves the right to review the Specific Use Permit (SUP) any time after the effective date of this ordinance.

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 and the publication of the caption of said ordinance as the law in such cases provides.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE ____ DAY OF _____, 2015.**

Jim Pruitt, *Mayor*

ATTEST:

Kristy Ashberry, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: _____

2nd Reading: _____

Exhibit 'A'

LEGAL DESCRIPTION

All that certain lot, tract or parcel of land situated in the N. BUTLER SURVEY, ABSTRACT NO, 20, City of Rockwall, Rockwall County, Texas, and being all of that tract of land as described in a Warranty deed from Brewer Properties, LP to Rockwall Property Corporation, dated July 7, 2006 and being recorded in Volume 4667, Page 101 of the Official Public Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a ½" iron rod found for corner at the northeast corner of Lot 4, Block A, of COLUMBIA PARK ADDITION, BLOCK A, LOT 4, an Addition to the City of Rockwall, Texas, according to the Plat thereof recorded in Cabinet H, Slide 329 of the Plat Records of Rockwall County, Texas;

THENCE S. 62 deg. 32 min. 11 sec. E. a distance of 654.99 feet to a 3/8" iron rod found for corner;

THENCE S. 69 deg. 44 min. 24 sec. E a distance of 14.21 feet to a ½" iron rod with yellow plastic cap stamped "RPLS 5034" set for corner;

THENCE S. 00 deg. 22 min. 33 sec. W. a distance of 290.21 feet to a ½" iron rod with yellow plastic cap stamped "RPLS 5034" set for corner in the north right-of-way of Airport Road per Volume 5913, Page 123 of the Official Public Records of Rockwall County, Texas;

THENCE N. 89 deg. 07 min. 11 sec. W. along said right-of-way line, a distance of 596.53 feet to a ½" iron rod found for corner at the southeast corner of Lot 4, Block A;

THENCE N. 00 deg. 22 min. 33 sec. E. along the east boundary line of said Lot 4, Block A, a distance of 588.04 feet to the POINT OF BEGINNING and containing 261,360 square feet or 6.00 acres of land.

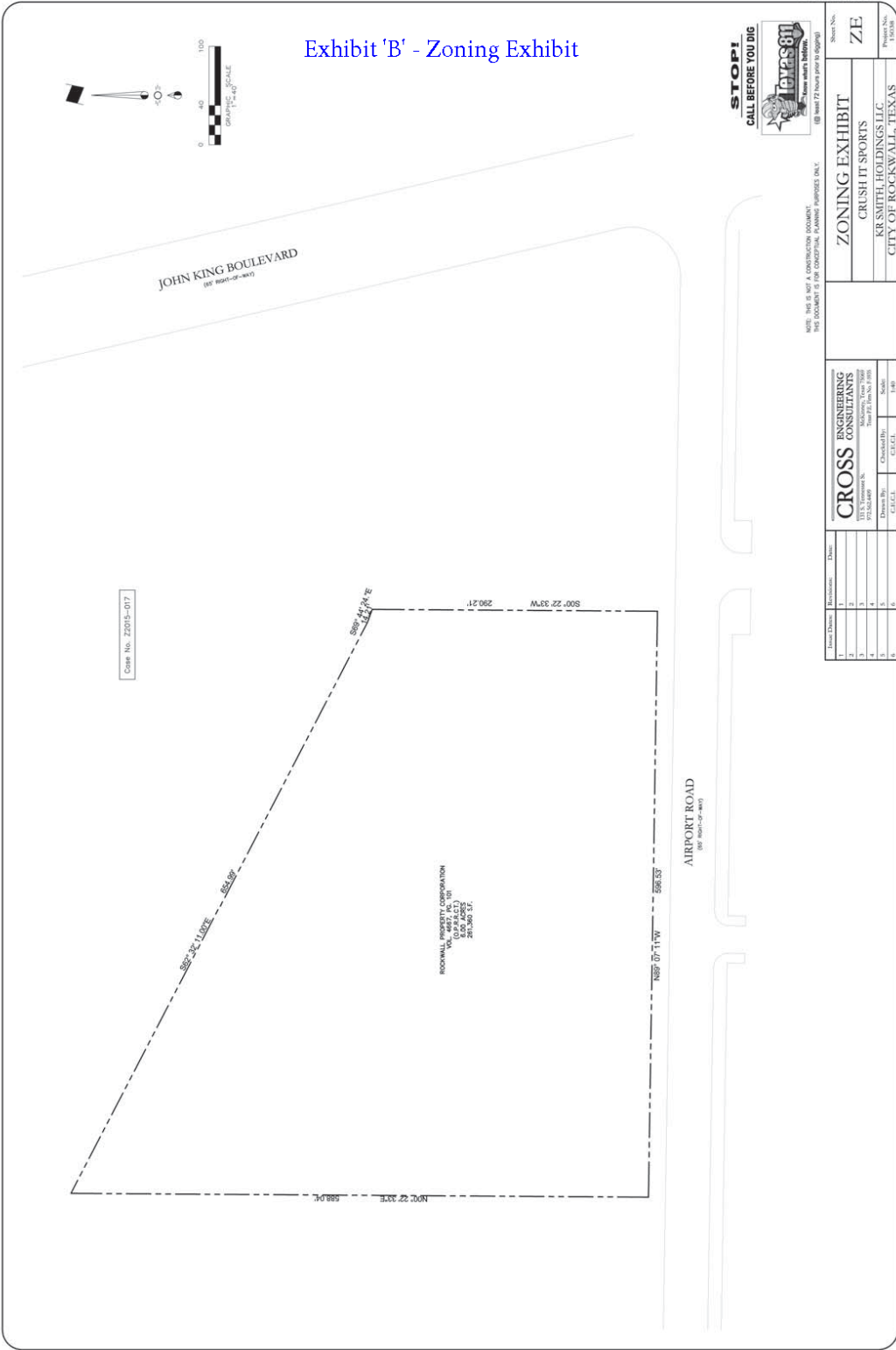


Exhibit 'B' - Zoning Exhibit

Case No. Z2015-017

ROCKWALL PROPERTY CORPORATION
 10000 W. STATE ST. SUITE 100
 ROCKWALL, TEXAS 75087



NOTE: THIS IS NOT A CONSTRUCTION DOCUMENT.
 THIS DOCUMENT IS FOR CONCEPTUAL PLANNING PURPOSES ONLY.
 (SEE SHEET Z2 FOR NOTES PRIOR TO DIGGING)

Sheet No.	Project No.
Z2	15000

ZONING EXHIBIT	
CRUSH IT SPORTS	
KR SMITH HOLDINGS LLC	
CITY OF ROCKWALL, TEXAS	

CROSS ENGINEERING CONSULTANTS	
1111 S. DOWNEY BL. MCKINNEY, TEXAS 75069	
Drawn By:	Scale:
Checked By:	1" = 100'
Date:	11/11/15

Revision	Description
1	Initial Drawing
2	
3	
4	
5	

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CITY OF ROCKWALL CITY COUNCIL MEMO

AGENDA DATE: 06/15/2015

APPLICANT: Herman Douglas Utley

AGENDA ITEM: **Z2015-018**; 1815 E. Old Quail Run Road (SFE-2.0 to SFE-1.5)

SUMMARY:

Hold a public hearing to discuss and consider a request by Herman Douglas Utley for the approval of a zoning change from a Single Family Estate 2.0 (SFE-2.0) District to a Single Family Estate 1.5 (SFE-1.5) District for a 4.502-acre tract of land identified as Tract 1 of the S. R. Barnes Survey, Abstract No. 13, City of Rockwall, Rockwall County, Texas, zoned Single Family Estate 2.0 (SFE-2.0) District, situated within the SH-205 By-Pass (SH-205 BY OV) District, addressed as 1815 E. Old Quail Run Road, and take any action necessary.

PURPOSE:

The subject property is a 4.502-acre tract of land identified as Tract 1 of the S. R. Barnes Survey, Abstract No. 13. The applicant, Herman Douglas Utley, is requesting to rezone the property from a Single Family Estate 2.0 (SFE-2.0) District to a Single-Family Estate (SFE 1.5) District for the purpose of subdividing the property into two (2) acre parcels of land (*i.e. Lot 1: 1.82-acres and Lot 2: 2.12-acres -- see attached proposed plat*). On April 6, 2015, the City Council approved a zoning change for the subject property from an Agricultural (AG) District to a Single Family Estate 2.0 (SFE-2.0) District under *Case Number Z2015-008*. The Single Family Estate 2.0 (SFE-2.0) District requires a minimum lot size of two (2) acres or more; however, after accounting for roadway dedication the remaining property was 3.94-acres and would prohibit the Mr. Utley from subdividing the property. Currently, the subject property has an existing single-family home constructed in the southeast corner. According to the applicant's original letter provided with *Case No. Z2015-008*, the existing house will remain on one (1) lot and a new single-family home will be constructed on the remainder lot.

ADJACENT LAND USES AND ACCESS:

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 identified as a M4U (*minor arterial, four [4] lane, undivided* roadway) according to the City's Master Thoroughfare Plan. Beyond this roadway is a portion of a larger 62.192-acre tract of land zoned Agricultural (AG) District that is currently vacant.

South: Directly south of the subject property is a 4.83-acre parcel of land zoned Agricultural (AG) District, which is identified as Lot 1, Block A, of the D. R. Taylor Addition and addressed as 1691 E. Old Quail Run Road. Beyond this property are the corporate boundaries of the City of Rockwall.

East: Directly east of the subject property is a 29.929-acre tract of land zoned Agricultural (AG) District that is currently vacant. Beyond this tract of land is Saddlebrook Estates, Phase 2, which is zoned Single-Family 16 (SF-16) District and contains 45 single-family residential lots.

West: Directly west of the subject property is E. Old Quail Run Road followed by a portion of a larger 62.192-acre tract of land zoned Agricultural (AG) District that is currently vacant. Bisecting this tract of land is John King Boulevard, which is identified as a P6D (*principal arterial, six [6] lane, divided roadway*) according to the City's Master Thoroughfare Plan.

CONFORMANCE WITH THE COMPREHENSIVE PLAN:

The Future Land Use Map, adopted with the Comprehensive Plan, designates the subject property for *Low Density Residential* land uses, which is defined as less than two (2) single-family units per acre. This designation is in conformance with the applicant's request to rezone the subject property to a Single-Family Estate (SFE-1.5) District.


NOTIFICATION:

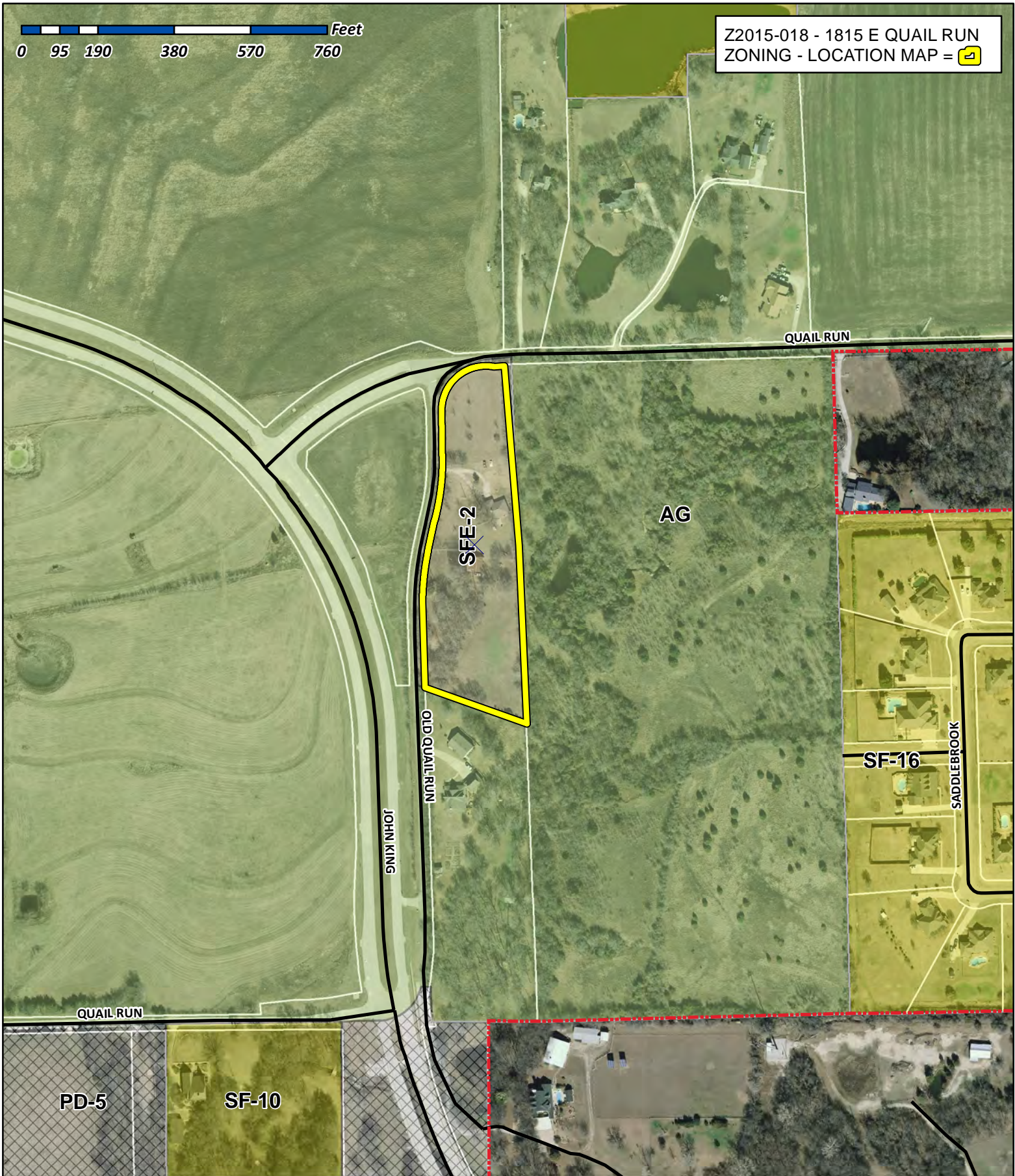
On May 22, 2015, staff mailed seven (7) notices to property owners and residents within 500-feet of the subject property. Staff also emailed notices to the Stoney Hollow and Caruth Lakes Homeowner's Associations (HOA's), which are the only HOA's located within 1,500-feet of the subject property. Additionally, staff posted a sign along E. Old Quail Run Road, and advertised the public hearings in the Rockwall Harold Banner as required by the Unified Development Code (UDC). At the time this case memo was drafted no responses were received by staff.

PLANNING AND ZONING COMMISSION:

On June 9, 2015, the Planning and Zoning Commission approved a motion to recommend approval of the applicant's request by a vote of 6-0, with Commissioner Conley absent.

0 95 190 380 570 760 Feet

Z2015-018 - 1815 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.

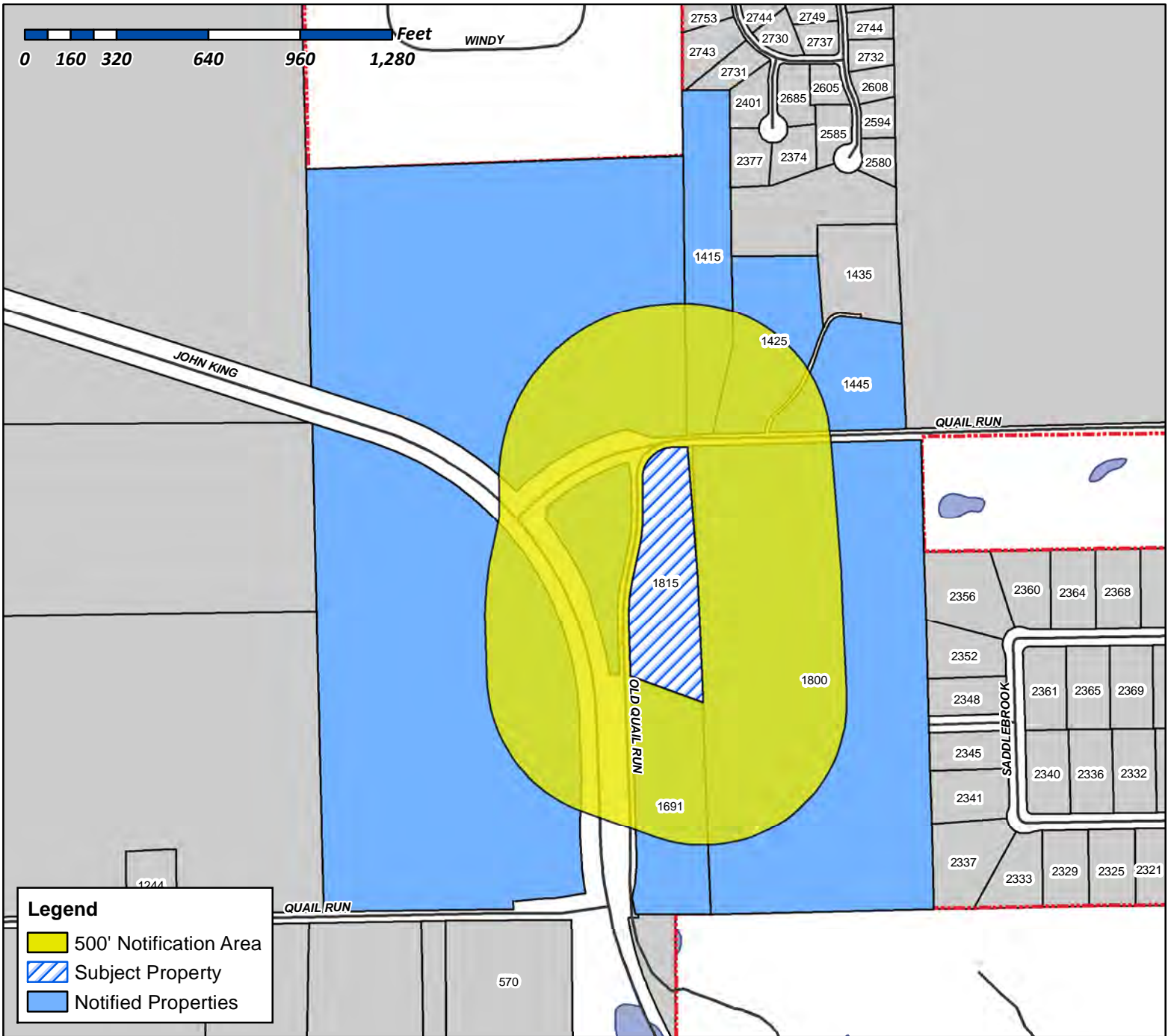
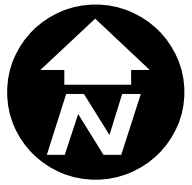




City of Rockwall

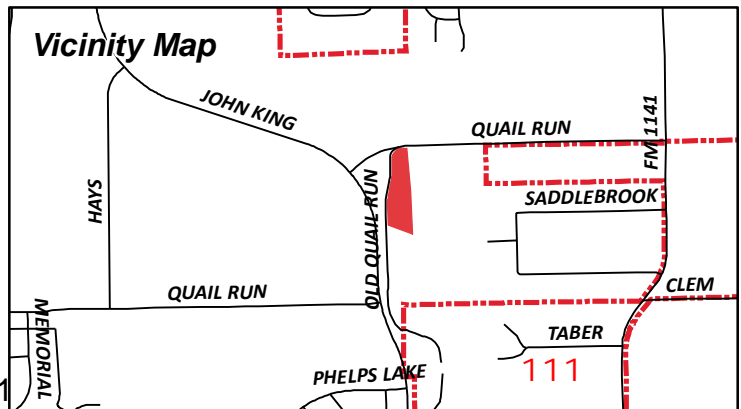
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
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Case Number: Z2015-018
Case Name: 1815 E Quail Run
Case Type: Zoning
Zoning: SF-E/1.5
Case Address: 1815 E Quail Run Rd

Date Created: 05/19/2015
For Questions on this Case Call (972) 771-7745



NALLEY MICHAEL R & LORI D
1445 E QUAIL RUN RD
ROCKWALL, TX 75032

GIDEON LONNIE L TR
SHELLEY L GIDEON HENAGER TRUST
1800 QUAIL RUN RD
Rockwall, TX 75032

KOUVELIS HILDA & PETER
1415 E QUAIL RUN RD
ROCKWALL, TX 75032

LARRIVIERE MICHAEL R & LISA J
1425 E QUAIL RUN RD
ROCKWALL, TX 75032

UTLEY HERMAN D
1815 E QUAIL RUN RD
ROCKWALL, TX 75032

LANKFORD BONNIE
1691 OLD E QUAIL RUN RD
ROCKWALL, TX 75032

GIDEON LONNIE L TR
BRADLEY JOE GIDEON TRUST
PO Box 84
FATE, TX 75132



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

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

To Whom It May Concern:

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

Case No. Z2015-018:

Hold a public hearing to discuss and consider a request by Herman Douglas Utley for the approval of a zoning change from a Single Family Estate 2.0 (SFE-2.0) District to a Single Family Estate 1.5 (SFE-1.5) District for a 4.502-acre tract of land identified as Tract 1 of the S. R. Barnes Survey, Abstract No. 13, City of Rockwall, Rockwall County, Texas, zoned Single Family Estate 2.0 (SFE-2.0) District, situated within the SH-205 By-Pass (SH-205 BY OV) District, addressed as 1815 E. Old 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, 6/9/2015 at 6:00 p.m.**, and the City Council will hold a public hearing on **Monday, 6/15/2015 at 6:00 p.m.** These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

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

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 **6/15/2015** to ensure they are included in the information provided to the City Council.

Sincerely,

Robert LaCroix, AICP
Director of Planning & Zoning

MORE INFORMATION ON THIS CASE CAN BE FOUND ON THE CITY'S WEBSITE: [HTTP://WWW.ROCKWALL.COM/PLANNING/PLANNINGDEVCASES.ASP](http://www.rockwall.com/planning/planningdevcases.asp)

PLEASE RETURN THE BELOW FORM

Case No. Z2015-018:

Please place a check mark on the appropriate line below:

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

Name:

Address:

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

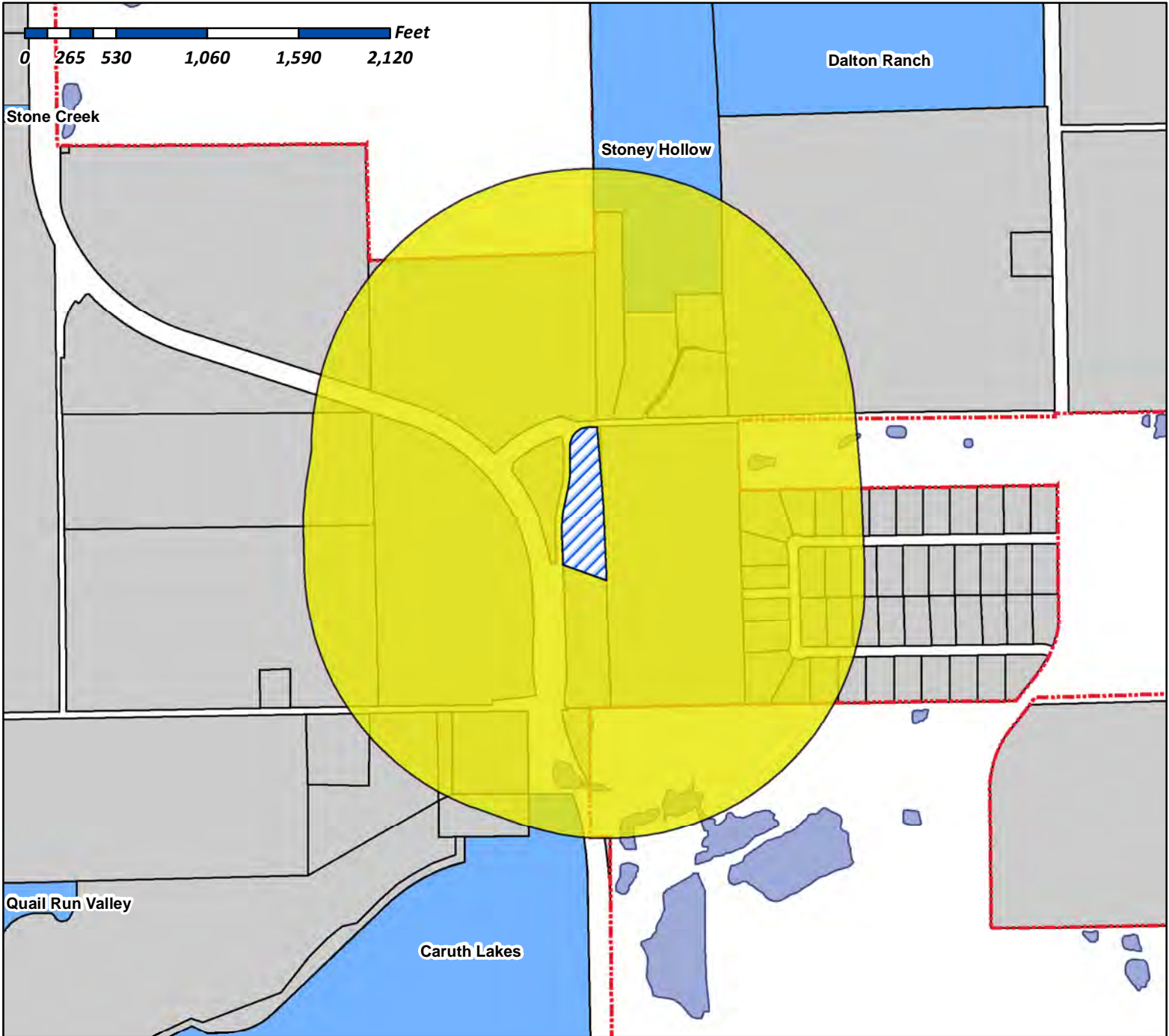
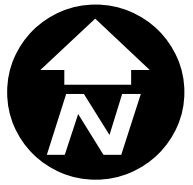
PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE



City of Rockwall

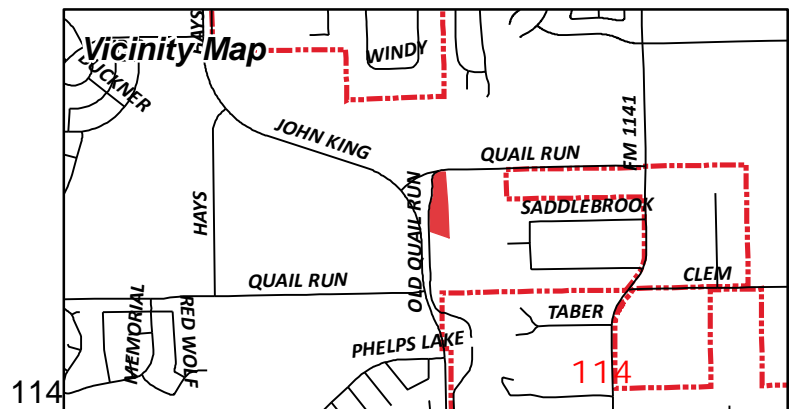
Planning & Zoning Department
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Case Number: Z2015-018
Case Name: 1815 E Quail Run
Case Type: Zoning
Zoning: SF-E/1.5
Case Address: 1815 E Quail Run Rd

Date Created: 05/19/2015
 For Questions on this Case Call (972) 771-7745



Miller, Ryan

From: Morales, Laura
Sent: Thursday, May 21, 2015 2:13 PM
To: [REDACTED]
Cc: Miller, Ryan
Subject: Neighborhood Notification Program: Notice of Zoning Request
Attachments: HOA Map (05.21.2015).pdf

To whom it may concern:

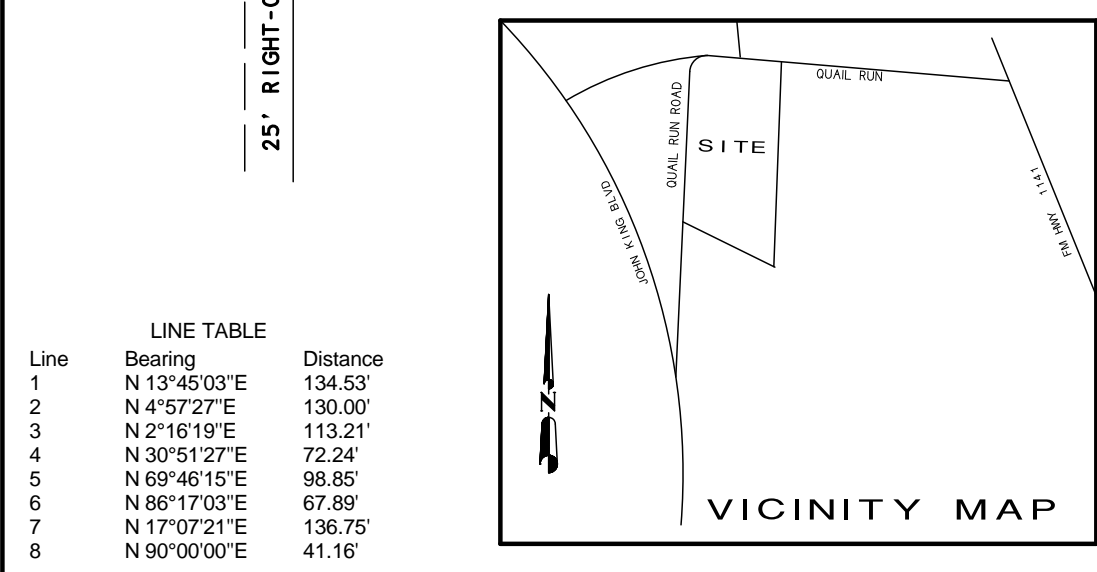
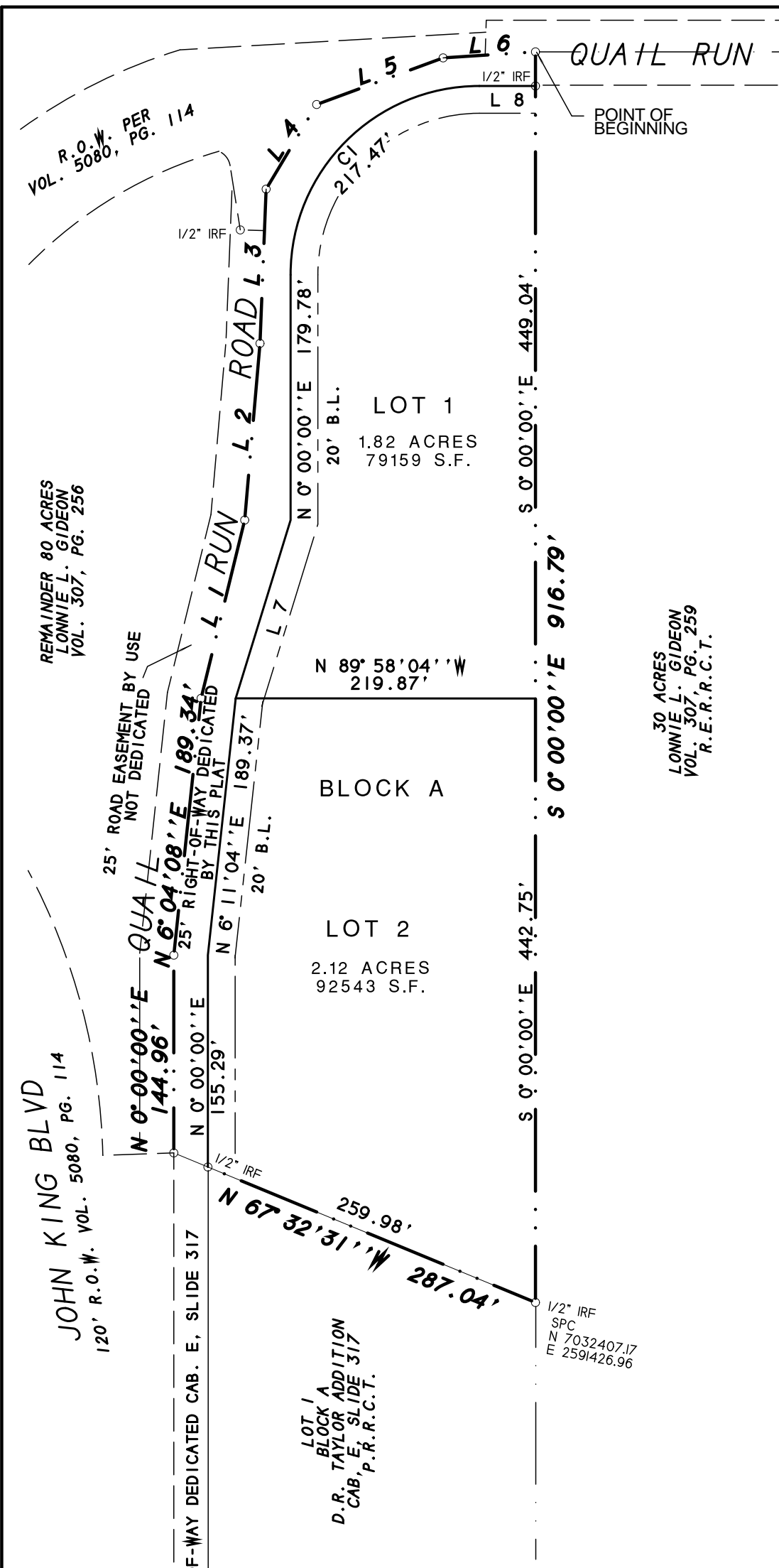
Per your participation in the Neighborhood Notification Program, you are receiving this notification to inform your organization and residents of a request for a zoning change that lies within 1,500 feet of the boundaries of your neighborhood or subdivision. As the primary contact for the organization, you are encouraged to share this information with the residents of your subdivision. Please find attached a map detailing the location of the subject property requesting the zoning change in relation to your subdivision boundaries. Additionally, below is a summary of the zoning request that will also be published in the Rockwall Herald Banner on May 29, 2015. If you have any questions or comments regarding this request, the contact information for the Planning Department is listed below. Additional information can also be found at <http://www.rockwall.com/planning/planningDevCases.asp>.

Z2015-018

Hold a public hearing to discuss and consider a request by Herman Douglas Utley for the approval of a zoning change from a Single Family Estate 2.0 (SFE-2.0) District to a Single Family Estate 1.5 (SFE-1.5) District for a 4.502-acre tract of land identified as Tract 1 of the S. R. Barnes Survey, Abstract No. 13, City of Rockwall, Rockwall County, Texas, zoned Single Family Estate 2.0 (SFE-2.0) District, situated within the SH-205 By-Pass (SH-205 BY OV) District, addressed as 1815 E. Quail Road, and take any action necessary.

Laura Morales

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



LINE TABLE

Line	Bearing	Distance
1	N 13°45'03"E	134.53'
2	N 4°57'27"E	130.00'
3	N 2°16'19"E	113.21'
4	N 30°51'27"E	72.24'
5	N 69°46'15"E	98.85'
6	N 86°17'03"E	67.89'
7	N 17°07'21"E	136.75'
8	N 90°00'00"E	41.16'

CURVE DATA

Curve	Delta Angle	Radius	Arc	Tangent	Chord	Chord Bearing
1	90°00'00"	138.45	217.47	138.45	195.79	N 45°00'00"E

NOTES

- According to F.E.M.A. Flood Insurance Rate Map, Community Panel No. 48397C0030L dated SEPT 26, 2008, this property lies in Zone X. This property does not appear to lie within a 100-year flood plain.
- BEARING SOURCE: CITY OF ROCKWALL CONTROL MONUMENT SYSTEM.
- ALL 1/2" IRS ARE CAPPED WITH YELLOW PLASTIC CAPS "RPLS 5034."

OWNER'S CERTIFICATE
(Public Dedication)

STATE OF TEXAS
COUNTY OF ROCKWALL

WHEREAS, HERMAN D. UTLEY, BEING the Owner of a tract of land in the County of Rockwall, State of Texas, said tract being described as follows:

All that certain lot, tract or parcel of land situated in the S.R. BARNES SURVEY, ABSTRACT NO. 13, City of Rockwall, Rockwall County, Texas, and being all of a 2.172 acres tract of land as described in a Warranty deed from Brenda J. Bradley to Herman D. Utley, as recorded in Volume 4664, Page 273, of the Official Public Records of Rockwall County, Texas, and also being all of a 2.33 acres tract of land as described in a Warranty deed from Veronica Utley to Herman Dougless Utley, as recorded in Volume 3555, Page 93 of the Official Public Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found for corner in the center of Quail Run Road, at the northeast corner of said 2.172 acres tract of land;

THENCE S. 00 deg. 00 min. 00 sec. E. along the east line of said 2.172 acres tract, at 442.75 feet pass a 1/2" iron rod found for corner at the southeast corner of same and the northeast corner of said 2.33 acres tract, and continuing for a total distance of 916.79 feet to a 1/2" iron rod found for corner at the southeast corner of said 2.33 acres tract and at the northeast corner of Lot 1, Block A, D.R. Taylor Addition, an Addition to the City of Rockwall, Texas, according to the Plat thereof recorded in Cabinet E, Slide 317 of the Plat Records of Rockwall County, Texas;

THENCE N. 67 deg. 32 min. 31 sec. W. along the north line of Lot 1, a distance of 287.04 feet to a 1/2" iron rod found for corner in the center of Quail Run Road;

THENCE in a northerly direction along the center of Quail Run Road, as follows:
N. 00 deg. 00 min. 00 sec. E. a distance of 144.96 feet; N. 06 deg. 04 min. 08 sec. E. a distance of 189.34 feet; N. 13 deg. 45 min. 03 sec. E. a distance of 134.53 feet; N. 04 deg. 57 min. 27 sec. E. a distance of 130.00 feet; N. 02 deg. 16 min. 19 sec. E. a distance of 113.21 feet; N. 30 deg. 51 min. 27 sec. E. a distance of 72.24 feet; N. 69 deg. 46 min. 15 sec. E. a distance of 98.85 feet; N. 86 deg. 17 min. 03 sec. E. a distance of 67.89 feet to the POINT OF BEGINNING and containing 195,661 square feet or 4.49 acres of land.

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

I the undersigned owner of the land shown on this plat, and designated herein as UTLEY ADDITION, an Addition 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, easements and public places thereon shown on the purpose and consideration therein expressed. I further certify that all other parties who have a mortgage or lien interest in the subdivision have been notified and signed this plat.

I 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 also understand the following:
- No buildings shall be constructed or placed upon, over, or across the utility easements as described herein.
 - Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other growths or improvements which in any way endanger or interfere with construction, maintenance or efficiency of their respective system on any of these easement strips; and any public utility shall at all times have the right of ingress or egress to, from and upon the said easement strips for purpose of construction, reconstruction, inspecting, patrolling, maintaining, and either adding to or removing all or part of their respective system without the necessity of, at any time, procuring the permission of anyone.
 - 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.
 - The developer and subdivision engineer shall bear total responsibility for storm drain improvements.
 - 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.
 - 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; or
- 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 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, my successors and assigns hereby waive any claim, damage, or cause of action that we may have as a result of the dedication of exaction's made herein.

HERMAN D. UTLEY

STATE OF TEXAS
COUNTY OF ROCKWALL

Before me, the undersigned authority, on this day personally appeared HERMAN D. UTLEY known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein stated.

Given upon my hand and seal of office this _____ day of _____.

Notary Public in and for the State of Texas My Commission Expires: _____

NOTE: It shall be the policy of the City of Rockwall to withhold issuing building permits until all streets, water, sewer and storm drainage systems have been accepted by the City. The approval of a plat by the City does not constitute any representation, assurance or guarantee that any building within such plat shall be approved, authorized or permit therefore issued, as required under Ordinance 83-54.

SURVEYOR'S CERTIFICATE
NOW, THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT I, Harold D. Fetty, III, R.P.L.S. No. 5034, do hereby certify that I prepared this plat from an actual and accurate survey of the land, and that the corner monuments shown thereon were properly placed under my personal supervision.



Harold D. Fetty, III
Registered Professional Land Surveyor No. 5034

RECOMMENDED FOR FINAL APPROVAL

Planning and Zoning Commission Date _____

APPROVED

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

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.

Said addition shall be subject to all the requirements of the Subdivision Regulations of the City of Rockwall.

WITNESS OUR HANDS, this _____ day of _____.

Mayor, City of Rockwall City Secretary City of Rockwall

City Engineer Date _____

FINAL PLAT
UTLEY ADDITION

4.49 ACRES OR 195,661 S.F.
(2 LOTS)

S.R. BARNES SURVEY, A-13
CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

SHEET 1 OF 1

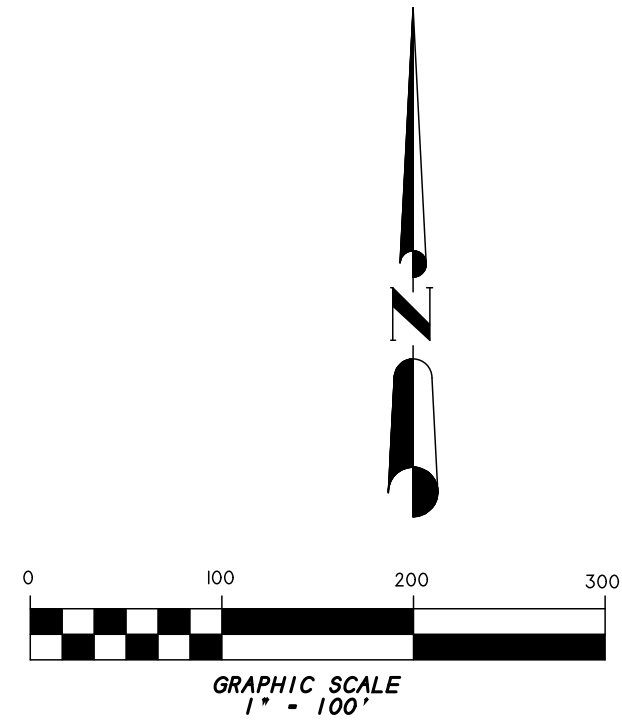
OWNER:
HERMAN DOUG UTLEY
1815 E. QUAIL RUN ROAD
ROCKWALL, TEXAS 75087
214-693-1246

SYMBOL LEGEND

TV TELEVISION CABLE RISER	GAS METER	TEL. METER	FIH. METER	FIH. HYDRANT	POWER POLE
ELEC. METER	ELEC. SUBSURFACE JUNCTION BOX	WEL. METER	WEL. POLE	1/2" IRON ROD CORNER	PREPARE MARK
FENCE	EASEMENT LINE	AR. COND. UNIT			

SURVEY DATE MAY 15, 2015
SCALE 1" = 20' FILE # 20150133
CLIENT UTLEY

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



CITY OF ROCKWALL

ORDINANCE NO. 15-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM A SINGLE-FAMILY ESTATE 2.0 (SFE-2.0) DISTRICT TO A SINGLE-FAMILY ESTATE 1.5 (SFE-1.5) DISTRICT FOR A 4.502-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1 OF THE S. R. BARNES SURVEY, ABSTRACT NO. 13, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY 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 Herman Douglas Utley for the approval of an amendment to the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall to adopt a change in zoning from a Single-Family Estate 2.0 (SFE-2.0) District to a Single-Family Estate 1.5 (SFE-1.5) District for a 4.502-acre tract of land identified as Tract 1 of the S. R. Barnes Survey, Abstract No. 13, City of Rockwall, Rockwall County, Texas, and more specifically described in Exhibit 'A' of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code [Ordinance No. 04-38] should be amended as follows:

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

Section 1. That the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall, Texas, as heretofore amended, be and the same are hereby amended by amending the zoning map of the City of Rockwall so as to change the zoning of the *Subject Property* from an Agriculture (AG) District to a Single-Family Estate 2.0 (SFE-2.0) District; and

Section 2. That the *Subject Property* shall be used only in the manner and for the purposes provided for a *Single-Family Estate (SF-E) District* in Section 1.1, "Use of Land and Buildings," of Article IV, "Permissible Uses" and Section 3.2, "Single-Family Estate (SF-E/1.5, 2.0, 4.0) District", of Article V, "District Development Standards", of the Unified Development Code of the City of Rockwall as heretofore amended, as amended herein by granting of this zoning change, and as maybe amended in the future;

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

zoning described herein.

Section 4. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

Section 5. If any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code of the City of Rockwall, Texas, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable.

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

Section 7. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ON THIS THE 6TH DAY OF JULY, 2015.

Jim Pruitt, *Mayor*

ATTEST:

Kristy Ashberry, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: June 15, 2015

2nd Reading: July 6, 2015

Exhibit 'A':
Legal Description

PROPERTY DESCRIPTION

Being a 4.502 acre tract of land situated in the S.R. Barnes Survey, Abstract No. 13, City of Rockwall, Rockwall County, Texas and being all that certain tract of land described in deed to Herman D. Utley, as recorded in Instrument No. 2006-00358812, Deed Records, Rockwall County, Texas and all that certain tract of land described in deed to Herman Douglas Utley, as recorded in Volume 3555, Page 93, said Deed Records and being more particularly described by metes and bounds as follows:

BEGINNING at a found 60 penny nail in E. Quail Run Road at the common west corner of said Utley tract (3555/93) and Lot 1, Block A, of the D.R. Taylor Addition, recorded in Cabinet E, Slide 317, Plat Records, Rockwall County, Texas, said 60 penny nail being on the east line of the remainder of that certain tract of land described in deed to Lonnie L. Gideon, as recorded in Volume 307, Page 256, said Deed Records;

THENCE along said E. Quail Run Road and the common line of said Utley tract (3555/93) and said Gideon tract the following bearings and distances:

North, a distance of 144.96 feet to a found 60 penny nail;

North 03 degrees 22 minutes 44 seconds East, a distance of 103.15 feet to a found 60 penny nail from which a found 5/8-inch iron rod bears North 32 degrees 43 minutes 46 seconds East, a distance of 13.60 feet and a found 1/2-inch iron rod bears South 87 degrees 53 minutes 27 seconds East, a distance of 17.69 feet;

North 09 degrees 16 minutes 45 seconds East, a distance of 86.44 feet to a found 60 penny nail at the common west corner of said Utley tracts, from which a found 1/2-inch iron rod bears South 89 degrees 39 minutes 46 seconds East - 25.41 feet;

THENCE along aforesaid E. Quail Run Road and the common line of said Utley tract (2006-00358812) and aforesaid Gideon tract the following bearings and distances:

North 13 degrees 45 minutes 03 seconds East, a distance of 134.53 feet;

North 04 degrees 57 minutes 27 seconds East, a distance of 130.01 feet;

North 02 degrees 16 minutes 19 seconds East, a distance of 113.06 feet to a point from which a found 5/8-inch iron rod bears North 02 degrees 54 minutes 26 seconds East, a distance of 31.67 feet;

North 30 degrees 51 minutes 27 seconds East, a distance of 72.24 feet;

North 69 degrees 46 minutes 15 seconds East, a distance of 98.85 feet;

North 86 degrees 17 minutes 03 seconds East, a distance of 67.89 feet to a point from which a found 1/2-inch iron rod bears North 07 degrees 24 minutes 57 seconds East, a distance of 4.98 feet, said point being the common corner of aforesaid Utley tract (2006-00358812) and that certain tract of land described in deed to Lonnie L. Gideon, as recorded in Volume 307, Page 259, aforesaid Deed Records and that certain tract of land described in deed to Hilda Kouvelis and husband, Peter Kouvelis, as recorded in Volume 1881, Page 115, said Deed Records;

THENCE South along the common line of said Utley tract (2006-00358812) and said Gideon tract (307/259), passing a found 1/2-inch iron rod at the common east corner of said Utley tracts at a distance of 473.91 feet and continuing along the common line of said Utley tract (3555/93) and said Gideon tract (307/259) a total distance of 916.66 feet to a point from which a found 1/2-inch iron rod bears North 57 degrees 25 minutes 40 seconds West, a distance of 0.69 of one foot, said point being the common east corner of said Utley tract (3555/93) and aforesaid Lot 1;

THENCE North 67 degrees 32 minutes 31 seconds West along the common line of said Utley tract (3555/93) and said Lot 1, passing a found 1/2-inch iron rod at a distance of 260.05 feet and continuing a total distance of 287.04 feet to the POINT OF BEGINNING and containing 196,096 square feet or 4.502 acres of land.

THIS IS TO DECLARE that on this date a survey was made on the ground, under my direction and supervision of the above described tract of land.

There are no visible conflicts, visible evidence of easements or rights-of-way, or protrusions, except as shown, and that this date the easements, rights-of-way or other locatable matters of record of which the undersigned has knowledge or has been advised are as shown or noted hereon.

The subject property does not appear to lie within the limits of a 100-year flood hazard zone according to the Map published by the Federal Emergency Management Agency, and has a Zone 'X' Rating as shown by Map No. 480543 00030 B, dated SEPTEMBER 17, 1980. The statement that the property does or does not lie within a 100-year flood zone is not to be taken as a representation that the property will or will not flood. This survey is not to be used for construction purposes and is for the exclusive use of Foundation Mortgage and Commonwealth Title only and this survey is made pursuant to that one certain title commitment under the GF number 2252000072, provided by the title company named hereon.

NOTES:

CM = CONTROLLING MONUMENT.

SUBJECT PROPERTY IS NOT AFFECTED BY THE FOLLOWING:

(10e)-EASEMENT, VOL. 80, PG. 123, VOL. 110, PG. 792, R.P.R.R.C.T.

(10f)-EASEMENT, VOL. 82, PG. 358, R.P.R.R.C.T.

(10g)-EASEMENT, VOL. 913, PG. 20, R.P.R.R.C.T.

(10h)-EASEMENT, VOL. 908, PG. 10, R.P.R.R.C.T.

THE BEARINGS FOR THIS SURVEY ARE BASED ON DEEDS RECORDED IN VOLUME 3555, PG. 93 AND IN INSTRUMENT NO. 2006-00358812, D.R.R.C.T.

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Exhibit 'B':
Zoning Exhibit



BOUNDARY SURVEY
1815 E. QUAIL RUN ROAD
CITY OF ROCKWALL
ROCKWALL COUNTY, TEXAS

PRECISE LAND SURVEYING, INC.
1815 EASTOVER DRIVE - MESQUITE, TEXAS 75148
(972) 881-7172 FAX (972) 276-1518

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City of Rockwall
The New Horizon

MEMORANDUM

TO: City Council


FROM: Robert LaCroix, Director of Planning & Zoning

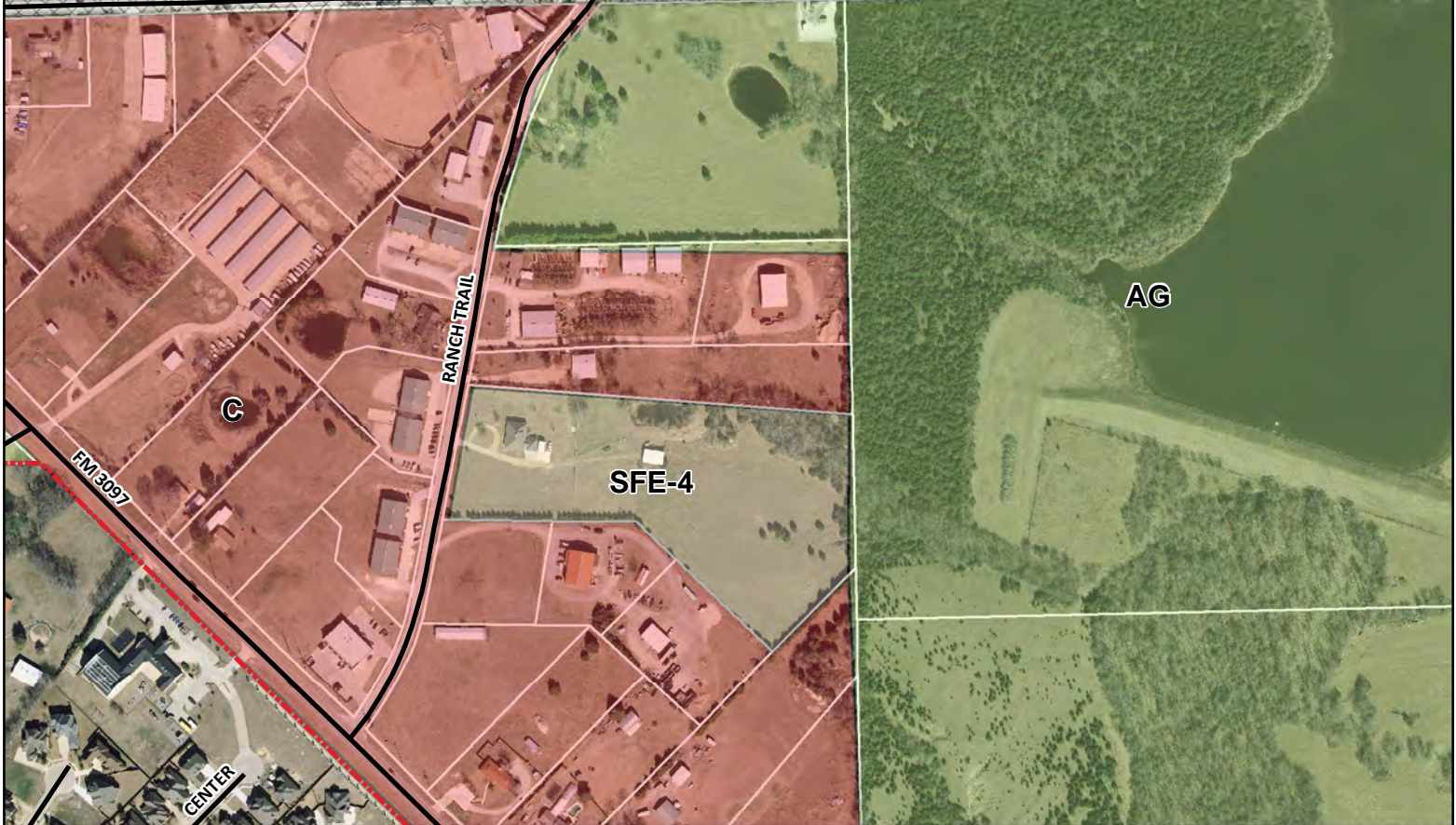
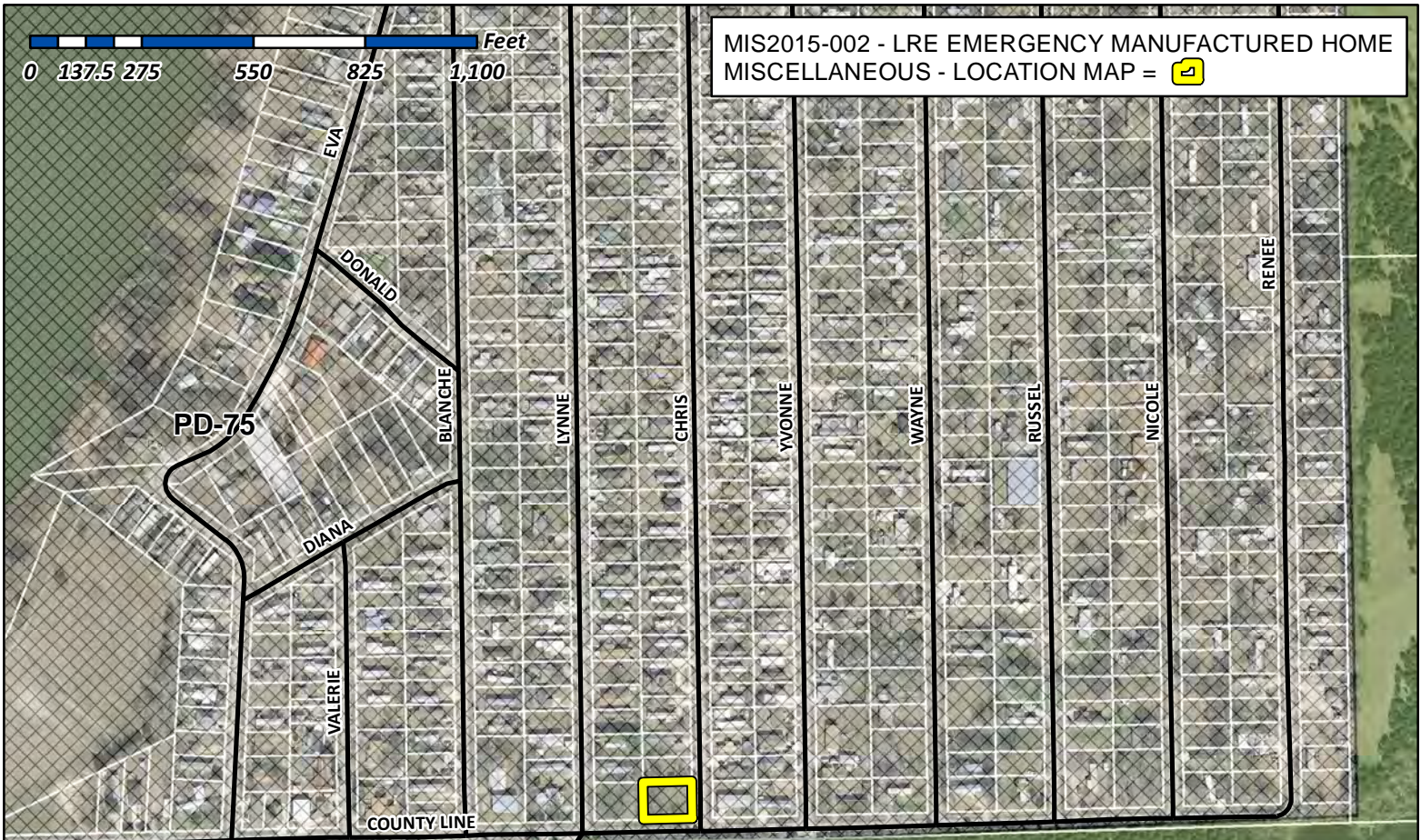
DATE: June 12, 2015

SUBJECT: Special Exception

David Smith with the Rockwall Housing Development Corporation is requesting a Special Exception, as permitted in Planned Development District 75, (PD-75), to allow the location of a manufactured home for emergency housing purposes on the subject property at 112 Chris Drive in the Lake Rockwall Estates Subdivision. Due to the recent flooding in this area some property owners have been forced out of their homes and are currently residing in a local hotel. These homes will require extensive repair to be habitable. The RHDC is attempting to provide emergency housing to these individuals by providing temporary housing on one of the lots they currently own within Lake Rockwall Estates Subdivision. In addition, the RHDC is working with the City to determine if City owned lots, within a close proximity, could be utilized to locate other manufactured homes for the same emergency reasons. Mr. Smith is requesting the Special Exception for 112 Chris Drive, but staff would also request that the Council allow additional Special Exceptions apply to those City lots for the same purpose of locating emergency housing. Those lots will be determined at a later date.

0 137.5 275 550 825 1,100 Feet

MIS2015-002 - LRE EMERGENCY MANUFACTURED HOME
MISCELLANEOUS - 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.



I request that a request
for variance for ~~temporary~~ ^{EMERGENCY} housing
~~to~~ be placed on the City Council
Agenda for Monday June 15,
2015.

David Smith
Rockwell Housing Dev.
Corp.
472-771-2579

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CITY OF ROCKWALL CITY COUNCIL MEMO

AGENDA DATE: 06/15/2015

APPLICANT: Jay Bedford of A.J. Bedford Group, LLC

AGENDA ITEM: P2015-021 (Breezy Hill Estates [ETJ] – Final Plat)

SUMMARY:

Discuss and consider a request by Jay Bedford of A. J. Bedford Group, Inc. on behalf of the owners G. Kent and Kay Loy Smith and Alan C. and Brenda G. Meador for the approval of a final plat for Lots 1-4, Block A, Breezy Hill Estates being a 7.873-acre tract of land identified as Lots 10-13, Breezy Hill (Unrecorded), Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), located on property currently addressed as 575 Breezy Hill Lane, and take any action necessary.

COMMENTS:

- The objective of this request is to establish a subdivision within the City's Extraterritorial Jurisdiction (ETJ) by platting four (4) lots that combine for a total of 7.873-acres. Although four (4) lots existed prior to this request, they were not recorded as platted lots. The City's Subdivision Ordinance requires all lots or tracts of land within the ETJ to be platted if the lot or tract of land is subdivided into parcels or tracts less than 5-acres. Also, the Subdivision Ordinance requires all lots to have frontage along a public street and is based on the City's zoning code for frontage. The proposed plat indicates Lots 3 & 4 does as not having frontage along a public street; therefore, approval of a waiver to this standard is required by City Council in order for the proposed plat to be approved.
- The property is located in the northeast quadrant of F.M. 552 and Breezy Hill Road and is currently addressed as 575 Breezy Hill Lane.
- Conditional approval of this plat by the City Council shall constitute approval subject to the conditions listed in the Recommendations section below.
- With the exception of the items listed in the Recommendation section of this case memo, this plat is in substantial compliance with the requirements of the Subdivision Ordinance in the Municipal Code of Ordinances.

RECOMMENDATIONS:

If the Planning & Zoning Commission and City Council choose to approve the request for final plat, staff would recommend the following conditions of approval:

- A) All the technical comments from the Engineering and Fire Departments shall be addressed prior to the filing of this plat, including the following Planning Comments;
1. Approval of a waiver by the City Council to the Subdivision Ordinance to allow Lots 3 & 4 (as depicted on the proposed plat) to be platted without frontage on a public street.
 2. Adherence to Engineering and Fire Department standards.

3. Address all staff comments as listed in the Project Plan Review (see attached).

- B) Any construction resulting from the approval of this final plat shall conform to the requirements set forth by the Unified Development Code, the 2009 International Building Code, the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

On June 9, 2015, the Planning and Zoning Commission recommended approval of the request, which included a recommendation of approval for the waiver to the Subdivision Ordinance to allow for Lots 3 & 4 to be platted without frontage on a public street by a vote of 6 to 0 (Conley – absent).

City of Rockwall
Project Plan Review History



Project Number	P2015-021	Owner	G. Kent Smith & Kay Loy Smith	Applied	5/18/2015	RM
Project Name	Lots 1-4, Block A, Breezy Hill Estates	Applicant	Jay Bedford of A.J. Bedford Group, LLC	Approved		
Type	PLAT			Closed		
Subtype	FINAL			Expired		
Status	P&Z HEARING			Status	6/1/2015	DG

Site Address	City, State Zip	Zoning
	,	
Subdivision	Tract	Block
		Lot No
		Parcel No
		General Plan

Type of Review / Notes	Contact	Sent	Due	Received	Elapsed	Status	Remarks
BUILDING	John Shannon	5/18/2015	5/25/2015				
ENGINEERING (5/18/2015 3:52 PM AW) Need to clarify the easements (bigger arrow heads) Need to dedicate right-of-way (see markup)	Amy Williams	5/18/2015	5/25/2015	5/18/2015		COMMENTS	See Comments
FIRE	Ariana Hargrove	5/18/2015	5/25/2015	5/20/2015	2	APPROVED	
GIS	Lance Singleton	5/18/2015	5/25/2015				
PLANNING	David Gonzales	5/18/2015	5/25/2015	5/19/2015	1	COMMENTS	See comments

Type of Review / Notes	Contact	Sent	Due	Received	Elapsed Status	Remarks
<p>Discuss and consider a request by Jay Bedford of A. J. Bedford Group, Inc. on behalf of the owners G. Kent and Kay Loy Smith for the approval of a final plat for Lots 1-4, Block A, Breezy Hill Estates being a 7.873-acre tract of land identified as Lots 10-13, Breezy Hill (Unrecorded), Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), located on property currently addressed as 575 Breezy Hill Lane, and take any action necessary.</p> <p>The following staff comments are to be addressed and resubmitted no later than Tuesday, June 2, 2015 (four large copies [18" X 24" FOLDED] and one PDF version) for subsequent review by staff.</p> <ol style="list-style-type: none"> 1. Adherence to all Engineering and Fire Department standards. 2. Breezy Hill Road identified as a "minor collector" on the City's Thoroughfare Plan, requires dedication of right-of-way. 3. Indicate extremes of all easements that are not identified by a double arrow. 4. Remove the label "by this plat" where indicated. 5. Remove improvements (e.g. fence, concrete area's, building footprint, etc.). 6. Lots 3 & 4 do not have frontage on a public street - requires a waiver to the Subdivision Standards for frontage. 7. What is "judgement" and why is it relevant to this plat? 8. Provide a label indicating "Case No. P2015-021" on the lower right corner of all pages of the plat. 						
Planning Department	David Gonzales	6/1/2015	6/1/2015	6/1/2015	COMMENTS	See comments
<p>The following staff comments are to be addressed and resubmitted for a subsequent review by staff (two large copies [18" X 24" FOLDED] and one PDF version).</p> <ol style="list-style-type: none"> 1. Adherence to all Engineering and Fire Department standards. 2. Approval of a waiver to the Subdivision Standards by City Council is required for not having the required frontage along a public street for Lots 3 & 4. 3. Page 2 - Use Standard City Signtrue Block along with County Judge signature line (not Director of Planning signature line). 						


June 4, 2015

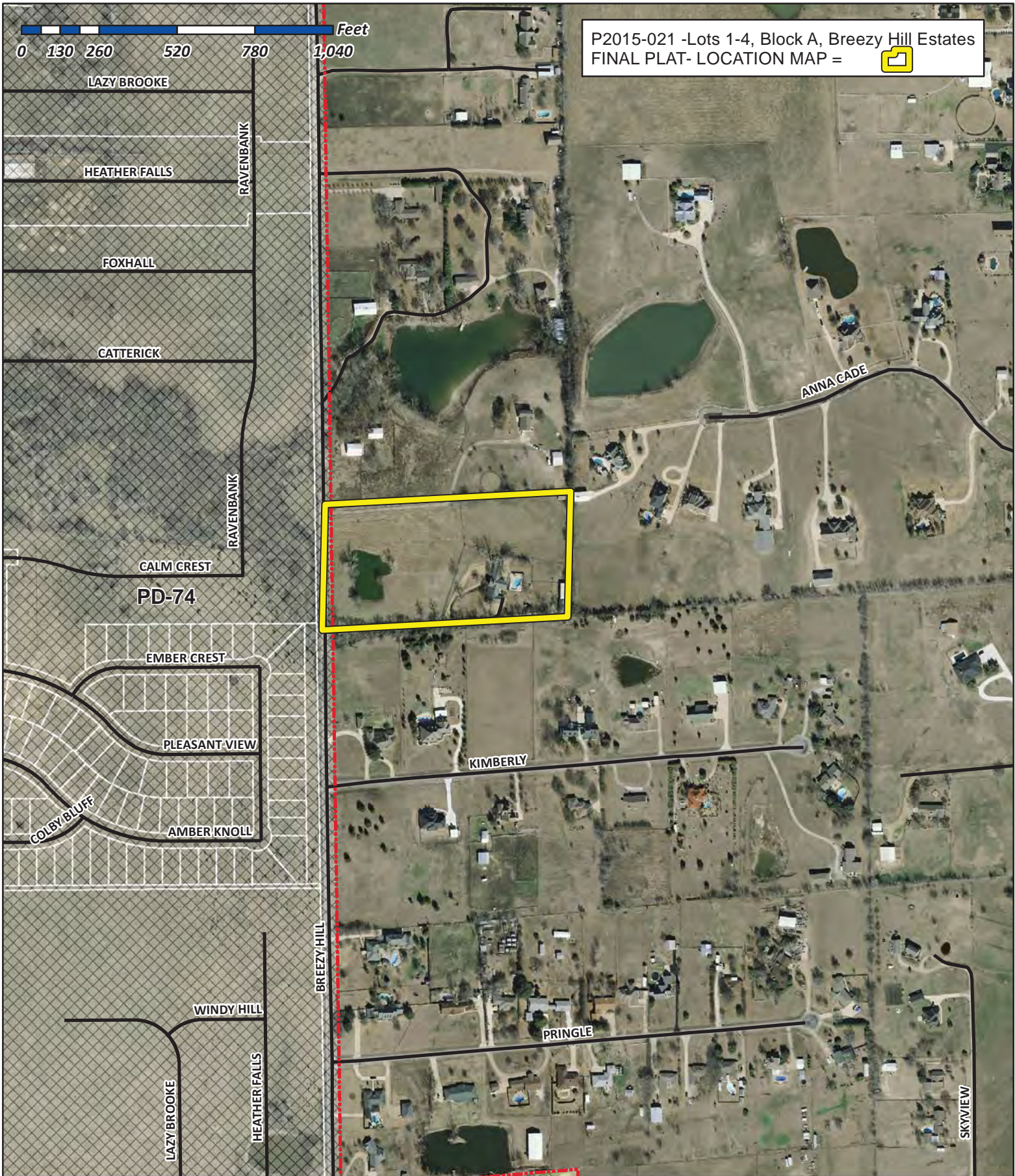
CITY OF ROCKWALL
Attn: David Gonzales, AICP
Senior Planner
385 S. Goliad Street
Rockwall, Texas 75087

RE: P2015-021
Lots 1-4, Block A, Breezy Hill Estates
FINAL PLAT

Respectfully on behalf of G. Kent Smith & Kay Loy Smith, owners, we, A.J. Bedford Group, Inc. are requesting a waiver to subdivision ordinance to allow for Lots 3 & 4 to not have frontage along a public street. These lots have access based on the 20-ft and 30-ft access easements as indicated on the plat.

Thank you for your consideration,


Austin J. Bedford
Registered Professional Land Surveyor No. 4132



City of Rockwall

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

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City of Rockwall - Tract B
Called 3.835 Acres
Inst. No. 20140000018339
Cabinet I, Page 160

City of Rockwall

Lot 63
Block D

Lot 62
Block D

Lot 61
Block D

Lot 60
Block D

Lot 41
Block D

Lot 40
Block D

City of Rockwall - Tract B
Called 3.835 Acres
Inst. No. 20140000018339
Cabinet I, Page 160

Breezy Hill Phase III
Inst. No. 20150000003971
Cabinet I, Page 160

Lot 50, Block D
Breezy Hill Phase I/A
Cabinet H, Page 397

BREEZY HILL ROAD
(Variable Width)

25'

5/8" IRF

30.64'

19.89'

227.21'

101.88'

20.44'

192.68'

107.70'

192.68'

107.70'

192.68'

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192.68'

107.70'

192.68'

Point of Beginning

N 86°56'37" E

384.98'

384.98'

383.45'

20' wide right-of-way & easement
Volume 140, Page 755

12' wide Mt. Zion Water Supply Easement
Volume 52, Page 408

ROW Dedication
0.107 Acres
(4,676 Sq. Ft.)

N 86°52'02" E

385.02'

ROW Dedication
0.091 Acres
(3,965 Sq. Ft.)

N 01°48'06" E

20.44'

3/8" IRF

5/8" IRF

5'

30'

1/2" IRF

S 86°52'57" W

20.44'

1/2" IRF

3/8" IRF

5/8" IRF

5'

30'

1/2" IRF

3/8" IRF

5/8" IRF

5'

30'

1/2" IRF

3/8" IRF

5/8" IRF

5'

30'

1/2" IRF

3/8" IRF

5/8" IRF

5'

30'

1/2" IRF

3/8" IRF

5/8" IRF

Lot 2, Block A
1.893 Acres
82,445 Sq. Ft.

Lot 1, Block A
1.607 Acres
70,018 Sq. Ft.

Lot 4, Block A
2.282 Acres
99,417 Sq. Ft.

Lot 3, Block A
1.892 Acres
82,412 Sq. Ft.

WEST 1/2 LOT 1
SKYVIEW COUNTRY ESTATES
CABINET A, PAGE 261
PRRCT

EAST 1/2 LOT 1
SKYVIEW COUNTRY ESTATES
CABINET A, PAGE 261
PRRCT

A Portion of the
WEST 1/2 OF LOT 2
SKYVIEW COUNTRY ESTATES
CABINET A, PAGE 261
PRRCT

EAST 1/2 OF LOT 2
SKYVIEW COUNTRY ESTATES
CABINET A, PAGE 261
PRRCT

Case No. P2015-021

FINAL PLAT
BREEZY HILL ESTATES
BLOCK A, LOTS 1 - 4

4 LOTS BEING 7.873 ACRES OUT OF THE
JOSEPH STRICKLAND SURVEY, ABSTRACT NO. 187
CITY ROCKWALL
ROCKWALL COUNTY, TEXAS

Owner:
G. Kent Smith & Kay Loy Smith
575 Breezy Hill Lane
Rockwall, Texas 75087

Owner:
Alan C. Meador III & Brenda G. Meador
195 Raintree Court
Rockwall, Texas 75087

Scale: 1" = 50'

Date: May 13-2015

Technician: J. Bedford

Drawn By: L. Spradlin

Checked By: A.J. Bedford

P.C.: L. Spradlin

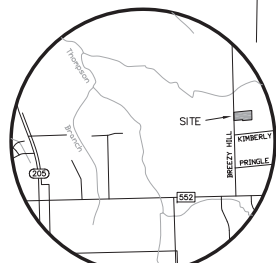
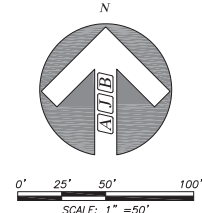
File: Kent Smith

Job No. 484-02

Sheet:
1
Of: 2

Bedford Group, Inc.
Registered Professional Land Surveyors

LEGEND	
IRF	Iron Rod Found
PP	Power Pole
TP	Telephone Pedestal
MB	Mail Box
WV	Water Valve
WM	Water Meter
LP	Light Pole
CMP	Corrugated Metal Pipe
DRDCT	Deed Records of Rockwall County, Texas



LOCATION MAP

OWNER'S CERTIFICATION
STATE OF TEXAS
COUNTY OF ROCKWALL

WHEREAS, G. Kent Smith, Kay Loy Smith, Alan C. Meador III and Brenda G. Meador are the owners of a 7.873 acre tract of land situated in the Joseph Strickland Survey, Abstract No. 187, Rockwall County, Texas and being a portion of the land described in documents to G. Kent Smith and Kay Loy Smith recorded in Volume 140, Page 759, Volume 140 and Volume 757, Page 002, Official Public Records Rockwall County, Texas (OPRRCT) and being all of a called 2,000 acre tract of land described in a deed to Allen C. Meador III and Brenda G. Meador recorded in Instrument No. 2014000008990 (OPRRCT) and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod set for corner in the west line of Breezy Hill Road a variable width right of way and being the northwest corner of said Meador tract;

THENCE along the north line of said Meador tract, NORTH 86°56'37" EAST a distance of 819.62 feet to a 1/2 inch iron rod found for corner in the west line of a tract of land described in a deed to James R. Randolph Jr. and Jill Randolph recorded in Volume 6202, Page 1 (OPRRCT);

THENCE along the west line of said Randolph tract, SOUTH 01°12'55" WEST a distance of 418.97 feet to a 1/2 inch iron rod found for corner in the north line of Skyview Country Estates an addition to Rockwall County according to the plat recorded in Cabinet A, Page 261 (OPRRCT);

THENCE along the north line of said Skyview Country Estates, SOUTH 86°52'57" WEST a distance of 820.32 feet to a 5/8 inch iron rod set for corner in the east line of said Breezy Hill Road;

THENCE along the east line of said Breezy Hill Road, NORTH 01°18'06" EAST a distance of 419.89 feet to the POINT OF BEGINNING;

CONTAINING 7.873 acres or 342,933 square feet of land more or less.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

STATE OF TEXAS
COUNTY OF ROCKWALL

We, the undersigned owners of the land shown on this plat, and designated herein as the BREEZY HILL ESTATES subdivision to the City of Rockwall, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements and public places thereon shown on the purpose and consideration therein expressed. We further certify that all other parties who have a mortgage or lien interest in the BREEZY HILL ESTATES subdivision have been notified and signed this plat. We understand and do hereby reserve the easement strips shown on this plat for the purposes stated and for the mutual use and accommodation of all utilities desiring to use or using same. We also understand the following:

1. No buildings shall be constructed or placed upon, over, or across the utility easements as described herein.
2. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other growths or improvements which in any way endanger or interfere with construction, maintenance or efficiency of their respective system on any of these easement strips; and any public utility shall at all times have the right of ingress or egress to, from and upon the said easement strips for purpose of construction, reconstruction, inspecting, patrolling, maintaining, and either adding to or removing all or part of their respective system without the necessity of, at any time, procuring the permission of anyone.
3. The City of Rockwall will not be responsible for any claims of any nature resulting from or occasioned by the establishment of grade of streets in the subdivision.
4. The developer and subdivision engineer shall bear total responsibility for storm drain 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; or

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.

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

G. Kent Smith Kay Loy Smith

STATE OF TEXAS
COUNTY OF ROCKWALL

Before me, the undersigned authority, on this day personally appeared G. Kent Smith & Kay Loy Smith, 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 _____, 2015

Notary Public in and for the State of Texas

Alan C. Meador III Brenda G. Meador

STATE OF TEXAS
COUNTY OF ROCKWALL

Before me, the undersigned authority, on this day personally appeared Allen C. Meador III & Brenda G. Meador, 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 _____, 2015

Notary Public in and for the State of Texas

General Notes:

1) 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.

SURVEYOR'S CERTIFICATE

NOW, THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT I, Austin J. Bedford, do hereby certify that I prepared this plat from an actual and accurate survey of the land, and that the corner monuments shown thereon were properly placed under my personal supervision.

Austin J. Bedford
Registered Professional Land Surveyor
Texas Registration No 4132
301 Alamo Road
Rockwall, Texas 75087

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 _____, 2015.

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 _____, 2015.

Mayor, City of Rockwall

City Secretary

City Engineer

Rockwall County Judge Date

Case No. P2015-021

FINAL PLAT
BREEZY HILL ESTATES
BLOCK A, LOTS 1 - 4

4 LOTS, BEING 7.873 ACRES OUT OF THE
JOSEPH STRICKLAND SURVEY, ABSTRACT NO. 187
CITY ROCKWALL
ROCKWALL COUNTY, TEXAS

Owner: G. Kent Smith & Kay Loy Smith
575 Breezy Hill Lane
Rockwall, Texas 75087
Owner: Alan C. Meador III & Brenda G. Meador
195 Raintree Court
Rockwall, Texas 75087

Scale: 1" = 50'
Date: May 13-2015
Checked By: A.J. Bedford
Technician: J. Bedford
P.C.: L. Spradlin
Drawn By: L. Spradlin
File: Kent Smith
Job. No. 484-02

301 North Alamo Road - Rockwall, Texas 75087
(972) 722-0225, ajb@ajbedfordgroup.com

Sheet:
2
Of: 2

AJ Bedford Group, Inc.
Registered Professional Land Surveyors

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CITY OF ROCKWALL CITY COUNCIL MEMO

AGENDA DATE: 05/18/2015

APPLICANT: Cole Franklin, *Skorburg Company*

AGENDA ITEM: **Z2015-014; *Gideon Tract (AG to PD)***

SUMMARY:

Hold a public hearing to discuss and consider a request by Cole Franklin of the Skorburg Company on behalf of the owner Lonnie Gideon Estate for the approval of a zoning change from an Agricultural (AG) District to a Planned Development District for Single Family 10 (SF-10) District land uses, on a 29.192-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 Agricultural (AG) District, situated within the 205 By-Pass Corridor Overlay (205 BY-OV) District, located at the northeast corner of the intersection of E. Quail Run Road and John King Boulevard, and take any action necessary.

PURPOSE:

On April 17, 2015, the applicant submitted an application requesting to rezone a 29.192-acre tract of land from an Agricultural (AG) District to a Planned Development District for a single-family, residential subdivision that will consist of 72 single-family lots, an amenities center and open space areas. The property, which was annexed into the City on March 16, 1998 by *Ordinance No. 98-10*, is located at the northeast corner of E. Quail Run Road and John King Boulevard and is currently vacant agricultural land.

ADJACENT LAND USES AND ACCESS:

The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property is the City's corporate boundaries followed by a single family, residential development that is situated within Rockwall County.

South: Directly south of the subject property is John King Boulevard, which is designated as a P6D (*principal, six [6] lane, divided roadway*), and a portion of E. Quail Run Road, which is designated as a M4U (*minor, four [4] lane, undivided roadway*) according to the City's Master Thoroughfare Plan. Beyond these roadways are the remaining tracts of land that are part of a larger 62.192-acre tract of land that incorporates the subject property. All the properties are vacant agricultural land that are zoned Agricultural (AG) District.

East: Directly east of the subject property are several single-family homes situated on estate lots, and zoned Agricultural (AG) District. Beyond these properties is a vacant 76.577-acre tract of land, zoned Agricultural (AG) District, and owned by the Rockwall Independent School District (RISD) [*identified as Tract 14-11 of the J. M. Gass Survey, Abstract No. 88*].

West: Directly west of the subject property is a vacant 45.318-acre tract of land zoned Agricultural (AG) District. Beyond this tract of land is John King Boulevard.

CHARACTERISTICS OF THE REQUEST:

Along with the application, the applicant has submitted a concept plan and development standards for the proposed residential subdivision. The concept plan shows the layout of the subdivision, which will have access drives on John King Boulevard and E. Quail Run Road. The development will consist of 45, 80' x 125' lots (*eight [8] of which will have a depth of 150-feet*) and 27, 100' x 150' lots, and have a gross residential density of 2.46 units/acre. The subdivision will incorporate 2.79-acres of open space (~9.56%) that will be adjacent to John King Boulevard and E. Quail Run Road, and provide a buffer between the houses and the adjacent thoroughfares. An amenities center will be provided to service the 72-lot subdivision. A summary of the proposed development standards is as follows:

<i>Lot Type</i> ►	A	B
<i>Minimum Lot Width/Frontage</i>	80'	100'
<i>Minimum Lot Depth</i>	125'	150'
<i>Minimum Lot Area</i>	10,000 SF	15,000 SF
<i>Minimum Front Yard Setback</i>	20'	20'
<i>Minimum Side Yard Setback</i>	5'	7'
<i>Minimum Side Yard Setback (Adjacent to a Street)</i>	10'	10'
<i>Minimum Length of Driveway Pavement</i>	20'	20'
<i>Maximum Height</i>	36'	36'
<i>Minimum Rear Yard Setback</i>	15'	15'
<i>Minimum Area/Dwelling Unit (SF)</i>	2,600 SF	3,000 SF
<i>Maximum Lot Coverage</i>	65%	70%

Additionally, the applicant has agreed to incorporate the same anti-monotony standards that were incorporated in Planned Development District 70 (PD-70) [*i.e. the Stone Creek subdivision*] and Planned Development District 74 (PD-74) [*i.e. the Breezy Hill subdivision*]. *Copies of the proposed PD Concept Plan and PD Development Standards have been provided in the attached packet for the City Council and Planning & Zoning Commission's review.*

CONFORMANCE WITH THE COMPREHENSIVE PLAN AND UDC:

The Future Land Use Map, contained within the Comprehensive Plan, designates the subject property for *Low Density Residential* land uses. According to the Comprehensive Plan, “(l)ow density residential is defined as less than two (2) units per acre; however, a density up to two and one-half (2.5) units per gross acre may be allowed within a residential Planned Development District that includes the dedication and/or development of additional amenities exceeding the minimum standards for residential Planned Developments.” The additional amenities are described as: 1) Parks and Open Space, 2) Golf Course, 3) Neighborhood Amenity/Recreation Center, 4) Integration of Schools into the Community Fabric, 5) Development of Trails and Parks in Floodplains, and 6) Development of Municipal Parks and Recreation Facilities. Additionally, the Planned Development District standards contained within the Unified Development Code (UDC) require a minimum of 20% of the gross land area be dedicated to open space.

In this case, the concept plan shows a total of 2.79-acres of open space (~9.56%), which represents roughly half the compulsory amount required for this development. Staff has calculated that the applicant would need an additional 3.05-acres of open space to be in compliance with the Planned Development requirements. This would equate to a reduction of approximately 13, 80' x 125' lots. The plan does indicate that the development will incorporate an amenities center that could satisfy the additional amenity requirement, and justify the disparity in the open space; however, the requested gross residential density is 2.46 units/acre,

and any additional density over two (2) units per acre is a discretionary decision for the City Council based on the amenities provided by the proposed development. It should also be noted that the applicant has agreed to include a ten (10) foot sidewalk along John King Boulevard per the recommendations of the *John King Boulevard Design Concept Plan* contained within the Comprehensive Plan. This has been included in the proposed Planned Development District ordinance.

If the City Council chooses to grant the applicant's request, no changes to the Future Land Use Map would be required because the proposed density is in conformance with the range designated for the *Low Density Residential* designation (*i.e. 2-2.5 units/acre*).

NOTIFICATION:

On April 24, 2015, staff mailed 19 notices to property owners and residents within 500-feet of the subject property. Staff also emailed a notice to the Stoney Hollow and Dalton Ranch Homeowner's Associations (HOA's), which are the only HOA's located within 1,500 feet of the subject property. Additionally, staff posted a sign at the corner of John King Boulevard and E. Quail Run Road, and advertised the public hearings in the Rockwall Harold Banner as required by the Unified Development Code (UDC). At the time this case memo was drafted no responses were received by staff.

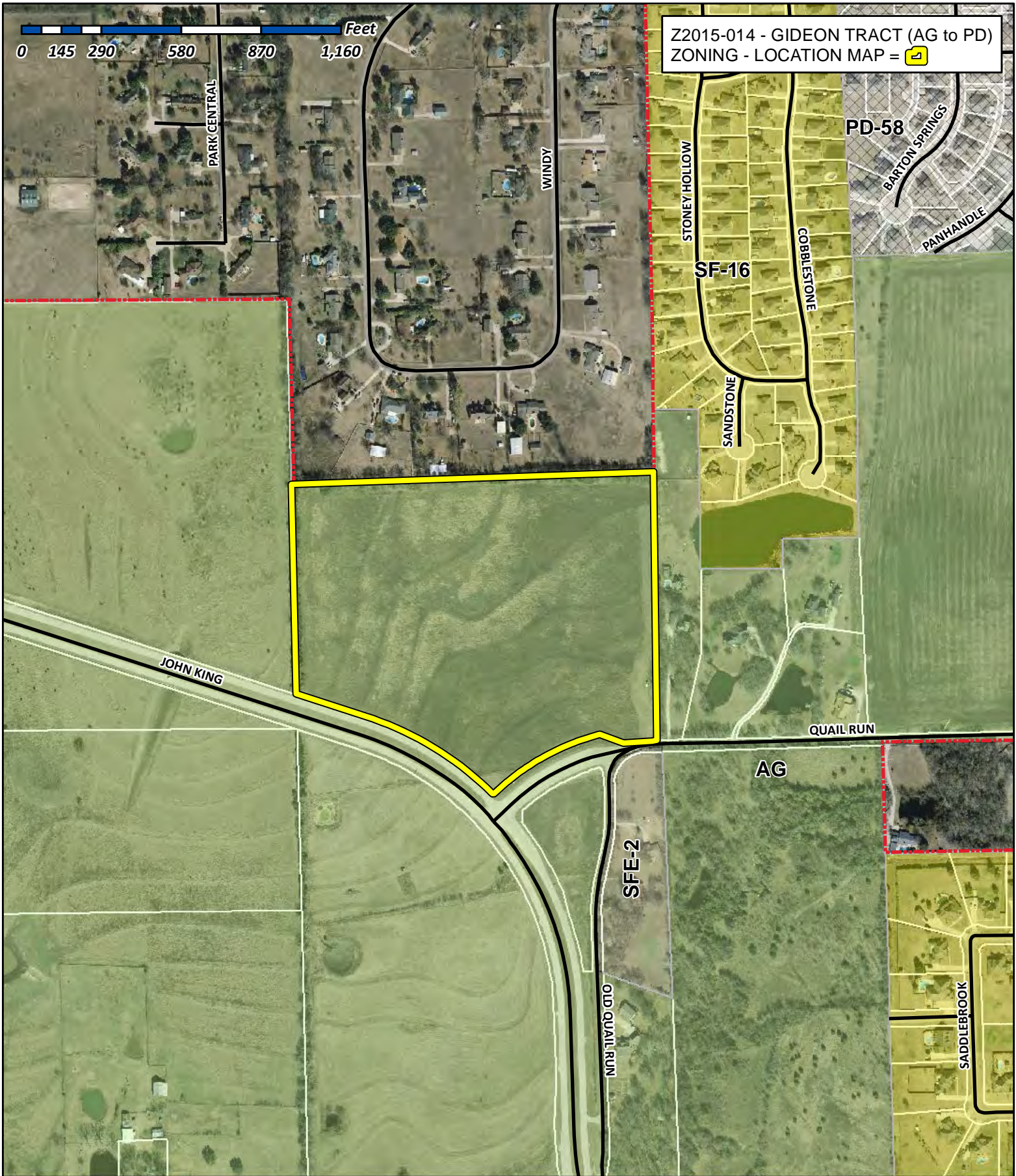
RECOMMENDATIONS:

If the Planning and Zoning Commission chooses to recommend approval of the applicant's request to rezone the subject property from an Agricultural (AG) District to a Planned Development District, then staff would propose the following conditions of approval:

- 1) The applicant shall be responsible for maintaining compliance with the conditions contained within the *Planned Development District* ordinance; and,
- 2) Any construction resulting from the approval of this *zoning amendment* 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 12, 2015, the Planning and Zoning Commission approved a motion to recommend approval of the proposed zoning change by a vote of 5-0, with Commissioners Lyons and Conley absent.



City of Rockwall

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

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

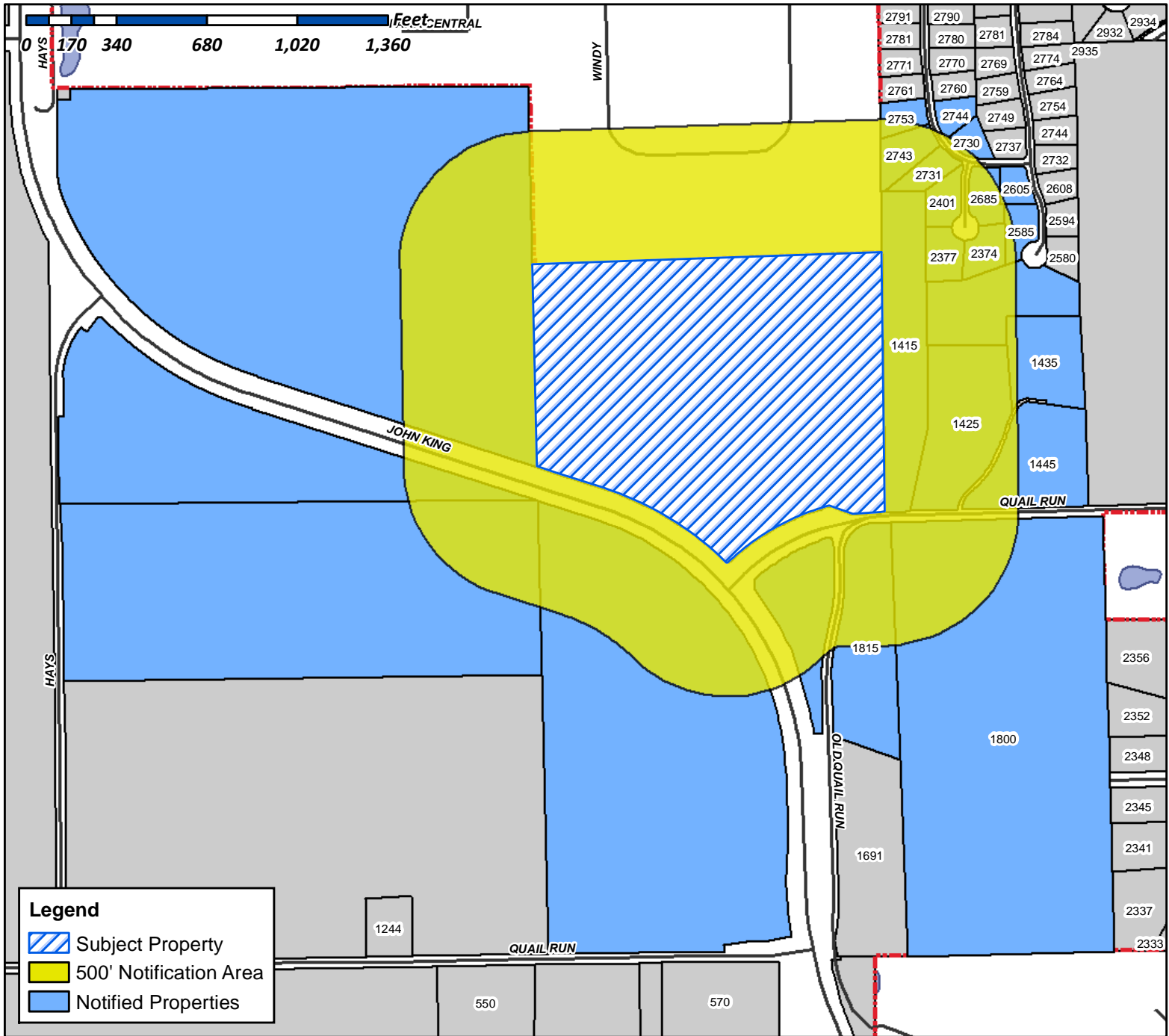
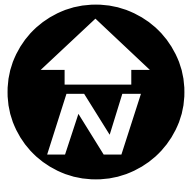




City of Rockwall

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

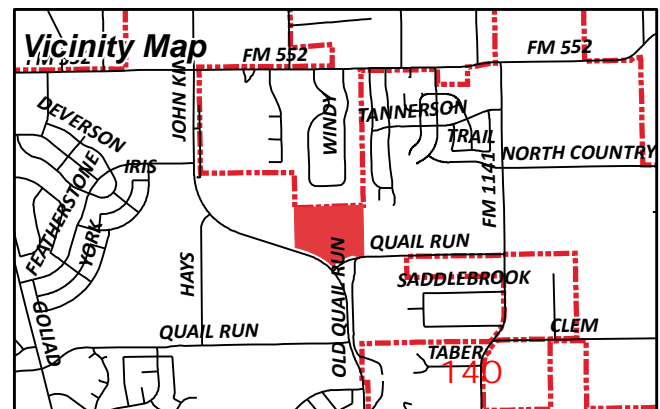
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Case Number: Z2015-014
Case Name: Gideon Tract (AG to PD)
Case Type: Planned Development
Zoning: PD
Case Address: North of John King Blvd & E Quail Run Intersection

Date Created: 4/23/2015

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



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

KOUVELIS HILDA & PETER
1415 E QUAIL RUN RD
ROCKWALL, TX 75087

LARRIVIERE MICHAEL R & LISA J
1425 E QUAIL RUN RD
ROCKWALL, TX 75087

TULLY DOYL C & VONETTE S
1435 E QUAIL RUN RD
ROCKWALL, TX 75087

NALLEY MICHAEL R & LORI D
1445 E QUAIL RUN RD
ROCKWALL, TX 75087

GIDEON LONNIE L TR
1800 QUAIL RUN RD
ROCKWALL, TX 75087

UTLEY HERMAN D
1815 E QUAIL RUN RD
ROCKWALL, TX 75087

FINCH PATRICIA A
2374 SANDSTONE
ROCKWALL, TX 75087

MARKARIAN MASIS A & CLAUDIA
2377 SANDSTONE
ROCKWALL, TX 75087

LANGLEY RICHARD E
2401 SANDSTONE
ROCKWALL, TX 75087

STONEY HOLLOW OWNERS ASSOC
2500 LEGACY DR 0
FRISCO, TX 75034

VAN BRUNT RICHARD JOSEPH SR
2585 COBBLESTONE DR
ROCKWALL, TX 75087

NEWBAUER AARON AND
2605 COBBLESTONE DRIVE
ROCKWALL, TX 75087

SIVINSKI JOSEPH & LUANNE
2685 STONEY HOLLOW LANE
ROCKWALL, TX 75087

TRENT GERALDINE
2730 STONEY HOLLOW LN
ROCKWALL, TX 75087

GREEN LINDA LAMINACK & TOMMY FAGAN
2731 STONEY HOLLOW LANE
ROCKWALL, TX 75087

COBB RICHARD B & DEANNA C
2743 STONEY HOLLOW LN
ROCKWALL, TX 75087

JENNINGS CODY D
2744 STONEY HOLLOW LANE
ROCKWALL, TX 75087

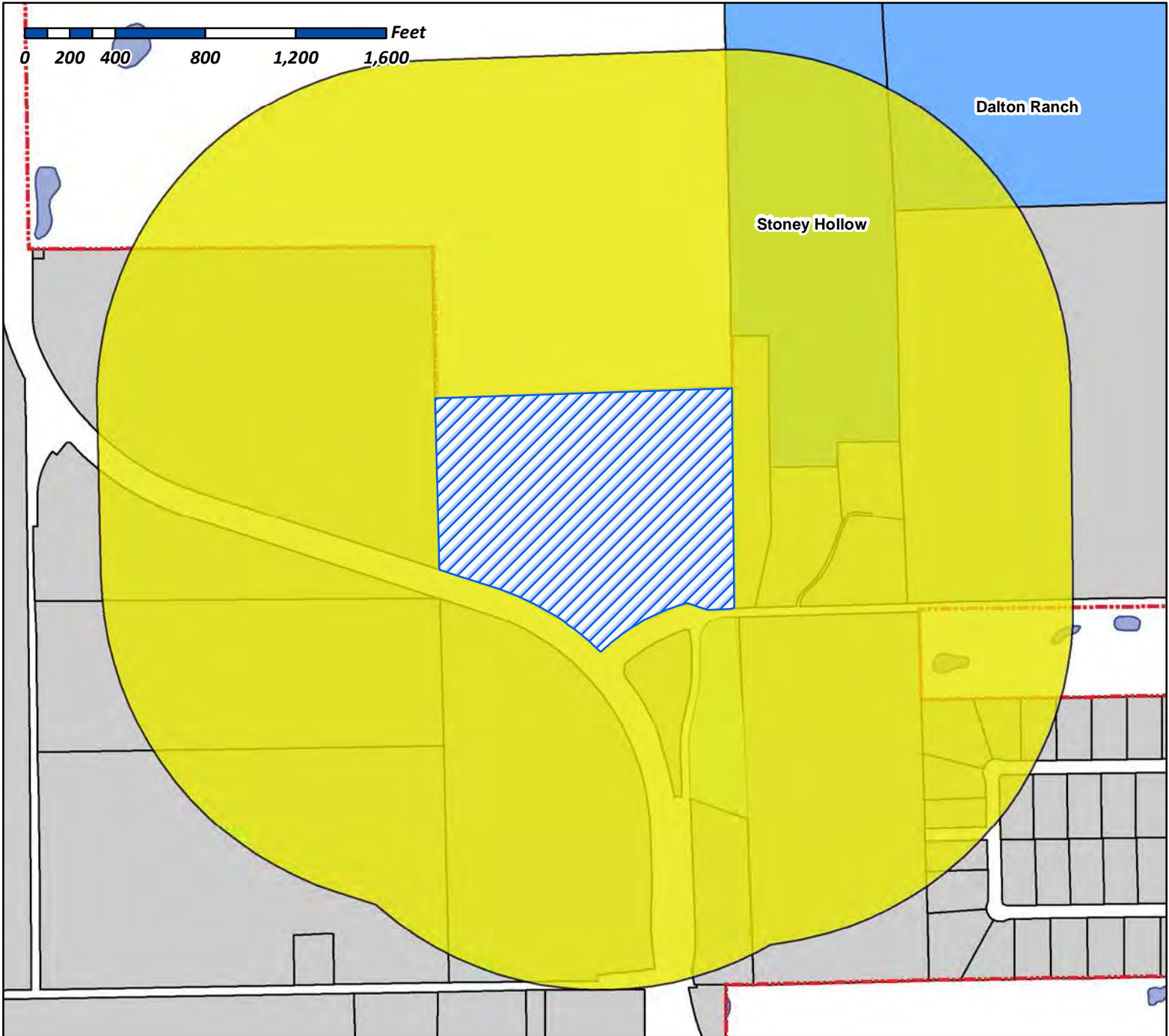
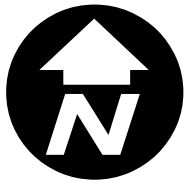
HATCHER TYRUS NEAPOLIS & ANTONIETA P
2753 STONEY HOLLOW LN
ROCKWALL, TX 75087



City of Rockwall

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

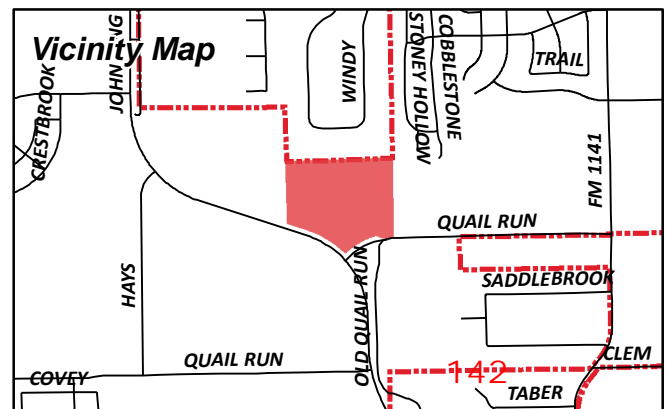
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Case Number: Z2015-014
Case Name: Gideon Tract
Case Type: Rezoning
Zoning: PD
Case Address: North of John King Blvd & E Quail Run Intersection

Date Created: 4/29/2015

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



Miller, Ryan

From: Morales, Laura
Sent: Thursday, April 30, 2015 4:36 PM
To: [REDACTED]
Subject: Neighborhood Notification Program: Notice of zoning request
Attachments: HOA Notification Map (04.30.2015).pdf

To whom it may concern:

Per your participation in the Neighborhood Notification Program, you are receiving this notification to inform your organization and residents of a request for a zoning change that lies within 1,500 feet of the boundaries of your neighborhood or subdivision. As the primary contact for the organization, you are encouraged to share this information with the residents of your subdivision. Please find attached a map detailing the location of the subject property requesting the zoning change in relation to your subdivision boundaries. Additionally, below is a summary of the zoning request that was also published in the Rockwall Herald Banner on May 1, 2015. If you have any questions or comments regarding this request, the contact information for the Planning Department is listed below. Additional information can also be found at <http://www.rockwall.com/planning/planningDevCases.asp>.

Z2015-014-Hold a public hearing to discuss and consider a request by Cole Franklin of the Skorborg Company on behalf of the owner Lonnie Gideon Estate for the approval of a zoning change from an Agricultural (AG) District to a Planned Development District for Single Family 10 (SF-10) District land uses, on a 29.192-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 Agricultural (AG) District, situated within the 205 By-Pass Corridor Overlay (205 BY-OV) District, located at the northeast corner of the intersection of E. Quail Run Road and John King Boulevard, and take any action necessary.

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

Sincerely,

Planning Staff

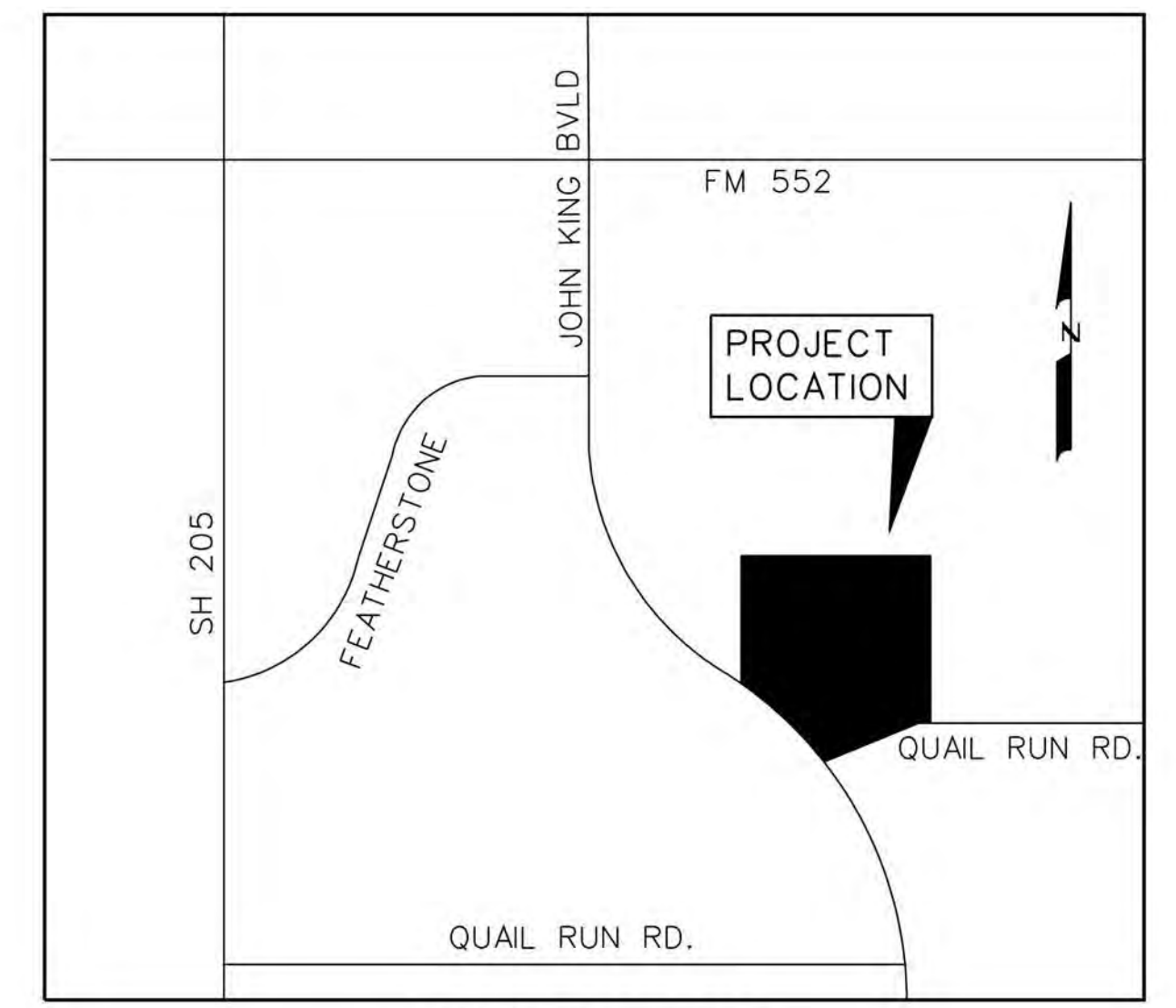
City of Rockwall
Planning & Zoning Department
972.771.7745
planning@rockwall.com

N87° 18'21"E 1316.59'

32.5 ACRE TRACT
HANCE INVESTMENTS, LP
CLERKS FILE NO. 2008-00396963

N02° 34'28"W 760.71'

S03° 05'42"E 983.73'



LOCATION MAP
N.T.S.

LEGEND

- 80' X 125' - 37 LOTS
- 80' X 150' - 8 LOTS
- 100' X 150' - 27 LOTS
- OPEN SPACE - 2.68 ACRES
- 10' HIKE & BIKE TRAIL

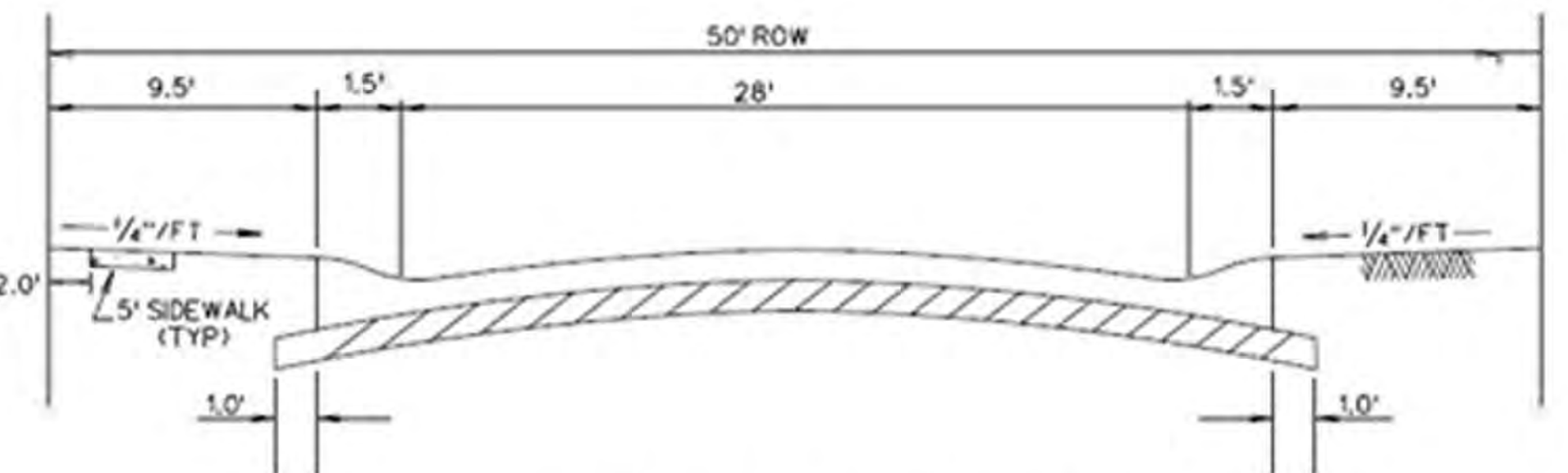


$\Delta = 26^{\circ}55'01''$
R = 1160.00'
T = 277.60'
L = 544.96'
C = 539.96'
B = N59° 48' 34" W

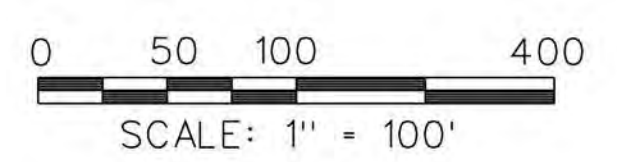
$\Delta = 20^{\circ}04'44''$
R = 842.50'
T = 149.15'
L = 295.25'
C = 293.74'
B = S61° 16' 04" W

$\Delta = 02^{\circ}29'58''$
R = 842.50'

VARIABLE R.O.W. DEDICATION
EAST QUAIL RUN ROAD
CENTERLINE
FUTURE 65' R.O.W.



TYPICAL PAVEMENT SECTION - LAYDOWN CURB
N.T.S.



TOTAL OPEN SPACE	<u>2.68</u> AC.
TOTAL ACRES	<u>29.192</u>
TOTAL RESIDENTIAL LOTS	<u>72</u>
RESIDENTIAL DENSITY	<u>2.46</u>

CITY OF ROCKWALL

ORDINANCE NO. 15-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO PLANNED DEVELOPMENT DISTRICT XX (PD-XX) FOR SINGLE FAMILY 10 (SF-10) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 29.192-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 AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request by the Cole Franklin of the Skorburg Company on behalf of the owner of the property, Lonnie Gideon, for the approval of a zoning change from an Agricultural (AG) District to a Planned Development District for Single Family 10 (SF-10) District land uses, on a 29.192-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 and more fully described in *Exhibit 'A'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code [Ordinance No. 04-38] should be amended as follows:

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

Section 1. That the *Subject Property* shall be used only in the manner and for the purposes authorized by this Planned Development District Ordinance and the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future;

Section 2. That development of the *Subject Property* shall generally be in accordance with the *Planned Development Concept Plan*, described in *Exhibit 'B'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'B'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

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

Section 4. That a master parks and open space plan for the Property, prepared in accordance with this ordinance and consistent with the *Planned Development Concept Plan, (Open Space Master Plan)* shall be considered for approval by the City Council following recommendation of the Parks and Recreation Board.

Section 5. That development of the *Subject Property* shall be in conformance with the schedule listed below (*except as set forth below with regard to simultaneous processing and approvals*).

- (a) The procedures set forth in the City's subdivision regulations on the date this ordinance is approved by the City, as amended by this ordinance (*including Subsections 5(b) through 5(e) below*), shall be the exclusive procedures applicable to the subdivision and platting of the Property.
- (b) The following plans and plats shall be required in the order listed below (*except as set forth below with regard to simultaneous processing and approvals*). The City Council shall act on an application for an *Open Space Master Plan* in accordance with the time period specified in *Section 212.009* of the *Texas Local Government Code*.
 - (1) Open Space Master Plan
 - (2) Master Plat
 - (3) PD Site Plan
 - (4) Preliminary Plat
 - (5) Final Plat
- (c) *PD Site Plan.* A *PD Site Plan* covering all of the *Subject Property* shall be submitted and shall identify all site/landscape/hardscape plan(s) for all open space, neighborhood parks, trail systems, street buffers and entry features. A *PD Site Plan* application may be processed by the City concurrently with a *Preliminary Plat Application* for the development.
- (d) *Preliminary Plat.* A *Preliminary Plat* covering all of the *Subject Property* shall be submitted and shall include a *Treescape Plan*. A *Preliminary Plat Application* may be processed by the City concurrently with a *PD Site Plan Application* for the development.
- (e) *Final Plat.* Prior to the issuance of any building permits, a *Final Plat*, conforming to the *Preliminary Plat*, for all of the *Subject Property* shall be submitted for approval.

Section 7. 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 8. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable;

Section 9. The standards in this ordinance shall control in the event of a conflict between this ordinance and any provision of the Unified Development Code or any provision of the City Code, ordinance, resolution, rule, regulation, or procedure that provides a specific standard that is different from and inconsistent with this ordinance. References to zoning district regulations or other standards in the Unified Development Code (including references to the *Unified Development*

Code), and references to overlay districts, in this ordinance or any of the Exhibits hereto are those in effect on the date this ordinance was passed and approved by the City Council of the City of Rockwall, Texas;

Section 10. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides;

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 1ST DAY OF JUNE, 2015.**

Jim Pruitt, *Mayor*

ATTEST:

Kristy Ashberry, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: May 18, 2015

2nd Reading: June 1, 2015

Exhibit 'A':
Legal Description

BEING a 29.192-acre tract out of the S. R. Barnes Survey, Abstract No. 13, Rockwall County, Texas being part of the following described 80-acre tract of land:

80-acres of land, more or less, out of the S. R. Barnes Survey, Abstract No. 13, Rockwall County, Texas, and more particularly described by metes and bounds as follows:

BEGINNING at the Southwest corner of said S. R. Barnes Survey;

THENCE North 940 varas to a point for the Northwest corner of this tract;

THENCE East 475 varas to a point for the Northeast corner of this tract;

THENCE South 940 varas to a point for the Southeast corner of this tract;

THENCE West 475 varas to the PLACE OF BEGINNING

and being the same land's described as Tract 1 in a deed dated March 11, 1940, from M. M. McCurry, et ux, et al, to Joe W. Gideon et ux, Katherine Gideon, and recorded in Volume 35, Page 591, Deed Records of Rockwall County, Texas,

SAVE AND EXCEPT FROM SAID 80-ACRES THE FOLLOWING FOUR TRACTS OF LAND:

SAVE and EXCEPT TRACT 1:

1.5034435-acres of land, more or less, out of the S. R. Barnes Survey, Abstract No. 13, Rockwall County, Texas, and more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a point in the middle of a public road on the East boundary line of the afore described 80-acre tract, said point being 346 varas South of the Northeast corner of said 80-acre tract and being the Northeast corner of this 1.5034435-acre tract;

THENCE West along the middle of a public road 63.699 varas to a point in the middle of the intersection of two public roads for the Northwest corner of this 1.5034435-acre tract;

THENCE South along the middle of a public road 133.093 varas to a point for the Southwest corner of this 1.5034435-acre tract;

THENCE East 63.699 varas to a point on the East boundary line of the aforescribed 80-acre tract for the Southeast corner of this 1.5034435-acre tract;

THENCE North 133.093 varas along the East boundary line of the aforescribed 80-acre tract to the place of beginning.

SAVE and EXCEPT TRACT 2:

7.170-acres conveyed in a Warranty Deed from Lonnie L. Gideon, a single person, both Individually and as Trustee of the Bradley Joe Gideon Trust, to Donald R. Taylor, dated May 5, 1994, filed May 11, 1994, recorded in Volume 902, Page 141, Deed Records, Rockwall County, Texas.

SAVE and EXCEPT TRACT 3:

2.172-acres conveyed in a Warranty Deed from Lonnie Leo Gideon, Individually and as Independent Executor of the Estate of Joe Wilson Gideon, Deceased, and as Trustee of the Bradley Joe Gideon Trust, to James T. Bradley and wife, Brenda J. Bradley, dated May 31, 1994, filed June 2, 1994, recorded in Volume 908, Page 10, Deed Records, Rockwall County, Texas.

SAVE and EXCEPT TRACT 4:

8.466-acres vested in the City of Rockwall, Texas pursuant to Agreed Judgment of Court Granting Right-of-Way and Easement under Cause No. 1-07-552, District Court, Rockwall County, certified copy filed October 30, 2009, recorded in Volume 5951, Page 84, Official Public Records, Rockwall County, Texas.

Exhibit 'C':
PD Development Standards

A. GENERAL REQUIREMENTS

Development Standards.

1. **Permitted Uses.** Unless specifically provided by this Planned Development ordinance, only those uses permitted within the Single Family 10 (SF-10) District, as stipulated by the *Permissible Use Charts* contained in Article IV, *Permissible Uses*, of the Unified Development Code (UDC), are allowed on the *Subject Property*.
2. **Lot Composition and Layout.** The lot layout and composition shall generally conform to the *Concept Plan* depicted in *Exhibit 'B'* and stated in *Table 1*, which is as follows:

Table 1: Lot Composition

Lot Type	Minimum Lot Size (FT)	Minimum Lot Size (SF)	Dwelling Units (#)	Dwelling Units (%)
A	80' x 125'	10,000 SF	45	62.50%
B	100' x 150'	15,000 SF	27	37.50%
Average Lot Size:		10,000 SF		
Maximum Permitted Units:			72	100.00%

3. **Density and Dimensional Requirements.** Unless specifically provided by this Planned Development ordinance, the development standards stipulated by the Single Family 10 (SF-10) District, as specified by Article V, *District Development Standards*, of the Unified Development Code are applicable to all development on the *Subject Property*. The maximum permissible density for the *Subject Property* shall not exceed 2.50 dwelling units per gross acre of land; however, in no case should the proposed development exceed 72 units. All lots shall conform to the standards depicted in *Table 2*, which is as follows:

Table 2: Lot Dimensional Requirements

Lot Type (see Concept Plan) ►	A	B
Minimum Lot Width/Frontage ⁽¹⁾	80'	100'
Minimum Lot Depth	125'	150'
Minimum Lot Area	10,000 SF	15,000 SF
Minimum Front Yard Setback ⁽³⁾	20'	20'
Minimum Side Yard Setback	5'	7'
Minimum Side Yard Setback (Adjacent to a Street)	10'	10'
Minimum Length of Driveway Pavement	20'	20'
Maximum Height	36'	36'
Minimum Rear Yard Setback	15'	15'
Minimum Area/Dwelling Unit (SF) ⁽²⁾	2,600 SF	3,000 SF
Maximum Lot Coverage	65%	70%

General Notes:

- ¹: Lots fronting onto curvilinear streets, cul-de-sacs and eyebrows may have the front lot width reduced by 20% as measured at the front property line provided that the lot width will be met at the front building line. Additionally, the lot depth on lots fronting onto curvilinear streets, cul-de-sacs and eyebrows may be reduced by up to 10%, but shall meet the minimum lot size for each lot type as referenced within *Table 1*.
- ²: A maximum of 20% of the lots may have homes not less than 2,500 SF.
- ³: The Director of Planning or his designee may grant a reduction in the required 20-foot front yard building setback of up to five (5) feet for lots situated along cul-de-sacs or curvilinear streets, or where a 20-foot front yard building setback would create an undue hardship on the property.

4. **Building Standards.** All development shall adhere to the following building standards:
 - (a) **Masonry Requirement.** The minimum masonry requirement for the exterior façades of all buildings shall be 90%. For the purposes of this ordinance the masonry requirement

Exhibit 'C':
PD Development Standards

shall be limited to full width brick, natural stone, cast stone, cementaceous fiberboard horizontal lap-siding (e.g. *HardiBoard* or *Hardy Plank*) and, stucco (i.e. *three [3] part stucco* or a comparable -- to be determined by staff).

(b) *Roof Pitch.* A minimum of an 8:12 roof pitch is required on all structures with the exception of sunrooms and porches, which shall have a minimum of a 4:12 roof pitch.

(c) *Garage Orientation.* Garages shall oriented in a *traditional swing* (or *j-swing*) or in a front entry configuration. If a front entry garage configuration is utilized that garage shall be located at least 20-feet behind the front building façade. On *traditional swing* (or *j-swing*) garages a second single garage door facing the street is permitted if it is located behind the width of the double garage door.

5. *Anti-Monotony Restrictions.* The development shall adhere to the *Anti-Monotony Matrix* depicted in *Table 3* below (for spacing requirements see the illustration below).

Table 3 : Anti-Monotony Matrix

<i>Lot Type</i>	<i>Minimum Lot Size</i>	<i>Elevation Features</i>
A	80' x 125'	(1), (2), (3)
B	100' x 150'	(1), (2), (3)

(1) Identical brick blends or paint colors may not occur on adjacent (*side-by-side*) properties along any block face without at least four (4) intervening homes of differing materials on the same side of the street beginning with the adjacent property and two (2) intervening homes of differing materials on the opposite side of the street.

(2) Front building elevations shall not repeat along any block face without at least four (4) intervening homes of differing appearance on the same side of the street and two (2) intervening homes of differing appearance on the opposite side of the street. The rear elevation of homes backing to open spaces or on John King Boulevard shall not repeat without at least five (5) intervening homes of differing appearance. Homes are considered to have a differing appearance if any of the following two (2) items deviate:

- (a) Number of Stories
- (b) Permitted Encroachment Type and Layout
- (c) Roof Type and Layout
- (d) Articulation of the Front Façade

(3) Each phase of the subdivision will allow for a maximum of four (4) compatible roof colors, and all roof shingles shall be an architectural or dimensional shingle (*3-Tab Roofing Shingles are prohibited*).

See the Illustrations on the following page.

Exhibit 'C':
PD Development Standards

Illustration 1: Properties line up on the opposite side of the street. Where RED are the same.



Illustration 2: Properties do not line up on opposite side of the street. Where RED are the same.



6. **Fencing Standards.** All individual residential fencing and walls shall be architecturally compatible with the design, materials and colors of the primary structure on the same lot, and meet the following standards:
- (a) **Wood Fences.** All wood fences shall be constructed of a standard fencing material (*minimum of ½" thickness or better; spruce fencing will not be allowed*), and use fasteners that are hot dipped galvanized or stainless steel. Wood fences facing onto a street shall be painted and/or stained and sealed with all pickets being placed on the *public side* facing the street. All wood fences shall be smooth-finished, free of burs and splinters, and be a maximum of six (6) feet in height.
 - (b) **Wrought Iron/Tubular Steel.** Lots located along the perimeter of roadways, abutting open spaces, greenbelts and parks shall be required to install a wrought iron or tubular steel fence. Wrought iron/tubular steel fences can be a maximum of six (6) feet in height.
 - (c) **Corner Lots.** Corner lots fences (*i.e. adjacent to the street*) shall provide masonry columns at 45-feet off center spacing that begins at the rear of the property line. A maximum of six (6) foot solid *board-on-board panel* fence constructed utilizing cedar fencing shall be allowed between the masonry columns along the side and/or rear lot adjacent to a street. In addition, the fencing shall be setback from the side property line adjacent to a street a minimum of five (5) feet. The property owner shall be required to maintain both sides of the fence.
 - (d) **Solid Fences (including Wood Fences).** All solid fences shall incorporate a decorative top rail or cap detailing into the design of the fence.

Exhibit 'C':
PD Development Standards

7. Landscape and Hardscape Standards.

(1) *Landscape.* Landscaping shall be reviewed and approved with the PD Site Plan. All *Canopy/Shade Trees* planted within this development, unless specifically provided by this PD Ordinance, shall be a minimum of four (4) caliper inches in size and all *Accent/Ornamental/Under-Story Trees* shall be a minimum of four (4) feet in total height. The following tree species are approved for planting within this subdivision:

(a) *Canopy/Shade Trees.* Bald Cypress, Cedar Elm, Texas Red Oak, Homestead Elm, Lace Bark Elm, Alle Elm, Chinese Pistachio, Shumard Oak, Sycamore, and Burr Oak.

(b) *Accent/Ornamental/Under-Story Trees.* Texas Redbud, Eve's Necklace, Mexican Plum, Downy Hawthorn, Crepe Myrtle, Texas Mountain Laurel, Vitex, and Desert Willow.

(2) *Landscape Buffers.* All landscape buffers and plantings located within the buffers shall be maintained by the Homeowner's Association (HOA).

(a) *Landscape Buffer and Sidewalks (John King Boulevard).* A minimum of a 50-foot landscape buffer shall be provided along the frontage of John King Boulevard (*outside of and beyond any required right-of-way dedication*), and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. The developer shall also be responsible for the construction of a ten (10) foot sidewalk situated within the 50-foot landscape buffer adjacent to John King Boulevard.

(b) *Landscape Buffer (Quail Run Road).* A minimum of a 20-foot landscape buffer shall be provided along the frontage of Quail Run Road (*outside of and beyond any required right-of-way dedication*), and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least one (1), three (3) inch canopy tree shall be planted per 50-feet of linear frontage.

(3) *Streetscape Landscaping.* Prior to the issuance of a Certificate of Occupancy (CO), all residential, single family lots situated within the proposed subdivision shall be landscaped with canopy trees from the list stipulated by *Section 7(1)* of this ordinance in the following sizes and proportions:

(i) Two (2), three (3) inch trees measured six (6) inches above the root ball shall be planted in the front yard of an interior lot.

(ii) Two (2), three (3) inch trees measured six (6) inches above the root ball shall be planted in the front yard of a corner lot and two (2), three (3) inch caliper trees shall be planted in the side yard facing the street.

Exhibit 'C':
PD Development Standards

Note: For the purposes of this section only [i.e. Section 7(3)], the term "front yard" includes the area within the dedicated right-of-way for a parkway immediately adjoining the front yard of the lot.

- (4) *Irrigation Requirements.* Irrigation shall be installed for all required landscaping located within common areas, landscape buffers and/or open space. Irrigation installed in these areas shall be designed by a Texas licensed irrigator or landscape architect and shall be maintained by the Homeowner's Association.
- (5) *Hardscape.* Hardscape plans indicating the location of all sidewalks and trails shall be reviewed and approved with the PD Site Plan.
8. *Street.* All streets (*excluding drives, fire lanes and private parking areas*) shall be built according to City street standards.
9. *Lighting.* Light poles shall not exceed 20-feet in total height (*i.e. base and lighting standard*). All fixtures shall be directed downward and be positioned to contain all light within the development area.
10. *Sidewalks.* At a minimum, all sidewalks located on lay down curb section streets shall begin four (4) feet behind the back of curb and be five (5) feet in overall width.
11. *Buried Utilities.* New distribution power-lines required to serve the *Subject Property* shall be placed underground, whether such lines are located internally or along the perimeter of the *Subject Property*, unless otherwise authorized by the City Council. New transmission power-lines, or distribution lines of a size not typically or cost effectively placed underground (*i.e. 3-phase lines*), or additional lines that are added to existing poles, may be above ground, if located along the perimeter of the *Subject Property*, except along John King Boulevard. The *Developer* shall not be required to re-locate existing overhead power-lines along the perimeter of the *Subject Property*. Temporary power-lines constructed across undeveloped portions of the *Subject Property* to facilitate development phasing and looping may be allowed above ground, but shall not be considered *existing lines* at the time the area is developed, and if they are to become permanent facilities, such lines shall be placed underground pursuant to this paragraph. Franchise utilities shall be placed within a ten (10) foot public utility easement behind the sidewalk, between the home and the property line.
12. *Open Space.* The development shall consist of a minimum of 9.56% open space (*or 2.79-acres*), and generally conform to the *Open Space Plan* contained in *Exhibit 'B'* of this ordinance. All open space areas shall be maintained by the Homeowner's Association (HOA).
13. *Neighborhood Signage.* Permanent subdivision identification signage shall be permitted at all major entry points for the proposed subdivision and shall generally conform to the signage depicted in *Figures 1 & 2 (below)*. Final design and location of any entry features shall be reviewed and approved with the *PD Site Plan*.

See the Illustrations on the following page.

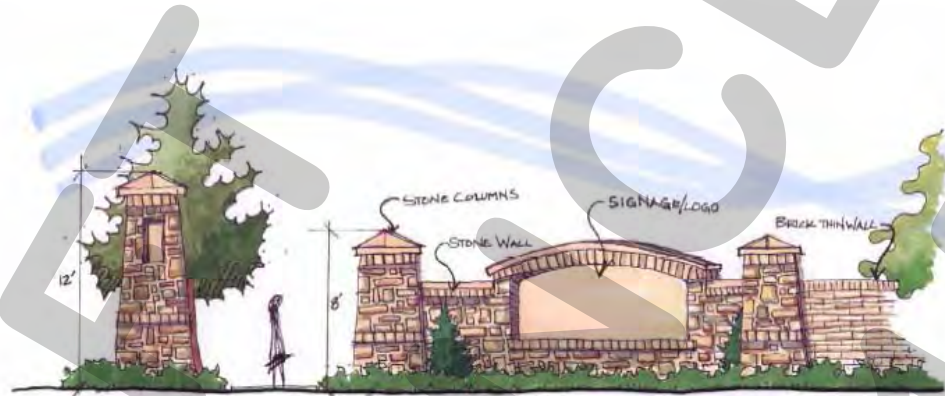
Exhibit 'C':
PD Development Standards

Figure 2: Example of Subdivision Signage Locations



Figure 3: Example of Subdivision Signage Design Standard

Exhibit 'C':
PD Development Standards



Main Entry
SECTION



14. *Amenity Center.* A site plan, landscape plan and building elevations for the Amenity Center shall be subject to site plan approval by the Planning and Zoning Commission prior to construction.
15. *Homeowner's Association (HOA).* A Homeowner's Association shall be created to enforce the restrictions established in accordance with the requirements of *Section 38-15* of the *Subdivision Regulations* contained within the *Municipal Code of Ordinances* of the City of Rockwall. The HOA shall also maintain all neighborhood parks, trails, open space and common areas, irrigation, landscaping, amenity centers, screening fences associated with this development.
16. *Variances.* The variance procedures and standards for approval that are set forth in the Unified Development Code shall apply to any application for variances to this ordinance.

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City of Rockwall
The New Horizon

MEMORANDUM

TO: Rick Crowley – City Manager
FROM: Brad Griggs – Assistant City Manager
DATE: June 12, 2015
SUBJECT: Ordinance Draft related to the Operation of Golf carts

City Attorney Frank Garza has prepared a draft ordinance regulating the operation of golf carts on public streets within the City limits as requested. The ordinance, if approved, would restrict the operation of golf carts on public streets to licensed drivers. Other restrictions in the draft include limiting the operation of golf carts to use on streets with speed limits of 30 mph or less and the golf carts must have safety equipment such as headlamps, tail lamps, side reflectors, parking brakes and rear view mirrors.

Frank Garza will be present at the meeting to provide further details if needed.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ADDING SECTIONS 26-290 TO 260-297 OPERATION OF GOLF CARTS TO CHAPTER 26, MOTOR VEHICLES AND TRAFFIC, ARTICLE IV, BICYCLES, GOLF CARTS AND PLAY VEHICLES, DIVISION 5 OF THE MUNICIPAL CODE OF ORDINANCES TO AUTHORIZE THE OPERATION OF GOLF CARTS WITHIN THE CITY LIMITS; AUTHORIZING THE CITY TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS ORDINANCE; PROVIDING A PENALTY; INCORPORATING RECITALS; PROVIDING FOR SEVERABILITY; REPEALING ANY OTHER CODE PROVISIONS, ORDINANCES, OR PARTS OF ORDINANCES, AND OTHER PROVISIONS IN CONFLICT HERewith; REQUIRING PUBLICATION AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Rockwall is a Home Rule Municipality duly formed under the Constitution and the laws of the State of Texas; and

WHEREAS, the regulation of traffic is essential to the furtherance of public health, safety and welfare; and

WHEREAS, the Texas Transportation Code authorizes the governing body of a municipality to regulate and control the operation of Motorized Carts (golf carts only) within the city's legal boundaries and on its public Streets to ensure the public safety of the community; and

WHEREAS, the Rockwall City Council, deems it to be in the best interest and safety of the citizens to regulate and control the operation of Motorized Carts (golf carts only) within the Town's legal boundaries and on its public Streets; and

WHEREAS, the City Council determines that regulating the operation of Motorized Carts upon public streets within the Town is necessary in the interest of the health, safety and welfare of the public.

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

SECTION ONE. AMENDMENT. Sections 26-290 to 260-297, *Operation of Golf Carts* are added to Chapter 26 *Motor Vehicles and Traffic*, Article IV, *Bicycles, Golf Carts and Play Vehicles Division 5* of the Municipal Code of Ordinances to read as follows:

**CHAPTER 26, MOTOR VEHICLES AND TRAFFIC,
ARTICLE IV - BICYCLES, GOLF CARTS AND PLAY VEHICLES,
DIVISION 5**

SEC. 26-290. .DEFINITIONS

- A. *Driver's license* means an authorization issued by the department of public safety for operation of a motor vehicle. The term includes a temporary license or instruction permit and an occupational license.
- B. *Golf cart* shall have the meaning assigned by the V.T.C.A., Transportation Code § 502.001, as amended, and means a motor vehicle commonly referred to as a golf cart which must have a minimum of four wheels and has an attainable top speed not greater than 25 miles per hour on a paved level surface and which is manufactured primarily for transporting persons on a golf course and in compliance with those federal motor vehicle safety standards for low-speed vehicles. Specifically excluded from this definition are those motorized conveyances commonly referred to as all-terrain vehicles ("ATVs"), off-road vehicles, four-wheelers, Mules, Gators and design-altered golf carts which have been altered to allow them to travel at a speed greater than 25 miles per hour?
- C. *Night-time* shall have the meaning assigned by V.T.C.A., Transportation Code § 541.401(5) and means the period beginning one-half hour after sunset and ending one-half hour before sunrise.
- D. *Operator* means any person driving and having physical control over the golf cart.
- E. *Park* or *parking* means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers.
- F. *Parking area* means those areas accessible to the public by motor vehicular traffic and which are designated for temporary parking of motor vehicles, usually in places referred to as parking lots.
- G. *Street* means a public roadway of the City of Rockwall, Texas by whatever name (e.g., road, alley, avenue, highway, route, boulevard, etc.) that:
- (1) Provides for no more than two lanes of vehicular traffic per direction; or
 - (2) Is not designated as part of either the state or federal highway system

SEC. 26-291. PERMITTED LOCATIONS OF OPERATION

- Golf carts are permitted to be operated on:
 - A. Streets ("permitted streets") where the posted speed limit is 30 miles per hour or less, and the street is not designated as part of a state highway system, including Interstate Highway 30;
 - B. A "public highway" as defined by the V.T.C.A., Transportation Code § 502.001, if the public highway is in the corporate limits of the City; and,
 - C. A parking area as defined by this ordinance

SEC. 26-292. REGISTRATION PERMIT

Before any golf cart may be operated on any permitted street, public highway, or parking area of the city ("permitted locations"), it must be registered by the Texas Department of Motor Vehicles and display the license plate as mandated by the V.T.C.A., Transportation Code § 551.402.

SEC. 26-293. REQUIRED EQUIPMENT

- A. A golf cart properly registered under section 26-292 must be equipped with the following equipment as mandated by the V.T.C.A., Transportation Code § 551.404(a), as amended, and/or required by the city to operate on permitted locations:
 - (1) Operational headlamps;
 - (2) Operational tail lamps;
 - (3) Side reflectors;
 - (4) Operational parking brake; and
 - (5) Rear-view mirror(s)

- B. A golf cart that is operated at a speed of not more than 25 miles per hour shall display a slow-moving-vehicle emblem when it is operated on a public highway, as defined by V.T.C.A., Transportation Code § 502.001.

- C. Additionally, golf carts driven during the night time shall be equipped with the following:
 - (1) Turn signals;
 - (2) Horn; and
 - (3) Brake lights.

- D. Equipment and its installation must meet standards provided by Texas Transportation Code, as amended.

- E. All such safety equipment shall be maintained as required by state law.

SEC. 26-294. OPERATION REGULATIONS

- A. All registered operators of golf carts shall:
 - (1) Be licensed to operate a motor vehicle as provided by V.T.C.A., Transportation Code § 521.021, as amended, and carry a valid driver's license as provided by V.T.C.A., Transportation Code § 521.025, and all driver's license permissions and restrictions shall apply to the operating of a golf cart;
 - (2) Abide by all traffic regulations applicable to vehicular traffic when operating a golf cart in the city.

- (3) Use standard hand signals for turning during daylight if the operator's golf cart is not equipped with turn signals;
- (4) Not operate or park a golf cart on a sidewalk, pedestrian walkway, jogging path, park trail or any location normally used for pedestrian traffic at any time unless such operation is by Police or authorized City personnel acting in an official capacity and performing an official duty;
- (5) Not pull any object or person with a golf cart in a permitted location;
- (6) Maintain financial responsibility as required for other passenger vehicles in the V.T.C.A., Transportation Code § 601.051;
- (7) Not intentionally or knowingly allow an unlicensed or unregistered operator to operate a golf cart in violation of this chapter;
- (8) Not exceed the seating capacity of the golf cart as designed by the manufacturer;
- (9) Be allowed to cross streets which are otherwise not permitted locations under this article.

B. Operators and passengers of golf carts shall:

- (1) Remain seated at all times while the golf cart is in motion;
- (2) Be three years old or older.

SEC. 26-295. EXEMPTIONS

The following uses of a golf cart are exempt from requiring a permit or other regulations within the ordinance:

- A. Golf Course – golf carts are allowed for use on the golf course or to cross a roadway from one section of the golf course to another section of the same course.
- B. Gated or Private Planned Community – The ordinance does not apply to golf cart drivers utilizing the cart in a gated or private neighborhood.
- C. Official City Business – golf carts are allowed for official City of Rockwall business.
- D. Transportation to/from Golf Course (Daytime only) – golf carts are allowed on a public street if the golf cart complies with all requirements of the Texas Transportation Code, is operated during the daytime only and cannot be driven more than two (2) miles from the location where the golf cart is usually parked and is used for transportation to or from the golf course only.
- E. Parade, Festival or Special Event – golf carts are allowed for use in a parade, festival or other town sponsored special event.

SEC. 26-296. FINANCIAL RESPONSIBILITY

All golf carts operated in the City shall provide proof of financial responsibility (liability insurance) meeting the minimum state requirements for liability insurance for motor vehicles. It shall be a violation for a person to operate a Golf Cart on a street without current valid financial responsibility meeting the minimum state requirements for motor vehicle.

SEC. 26-297. LIABILITY

- A. Nothing in this Article shall be construed as an assumption of liability by the City of Rockwall for any injuries (including death) to persons, pets or property which may result from the operation of a golf cart by an authorized driver; and
- B. Owners are fully liable and accountable for the action of any individual that they provide permission to operate and drive said golf cart, both on personal and/or any authorized public streets, parking areas and traffic ways. This described liability responsibility especially applies to personal injuries (including death) or property damage resulting from golf cart drivers who are minors under the age eighteen (18) with or without a current and valid driver’s license

SECTION TWO. AUTHORIZATION. The City Council of the City of Rockwall authorizes the Mayor to take all necessary steps to implement the provisions of this Ordinance.

SECTION THREE. PENALTY. Any person operating a golf cart within the City in violation of this Ordinance shall be guilty of a misdemeanor and punished by a fine in the municipal court of no more than \$200.00 per offense.

SECTION FOUR. FINDINGS. The City Council finds all of the above recitals to be true and correct and incorporates the same in this Ordinance as findings of fact.

SECTION FIVE. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared void.

SECTION SIX. EFFECTIVE DATE. This Ordinance shall be effective upon approval by the City Council and publication in the Rockwall Echo in the manner prescribed by Tex. Loc. Gov’t Code Ann. § 52.011.

PASSED AND APPROVED this _____ day of June, 2015.

Jim Pruitt, Mayor

ATTEST:

Kristy Ashberry, City Secretary

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City of Rockwall
The New Horizon

MEMORANDUM

TO: Rick Crowley, City Manager

FROM: Timothy M. Tumulty, Director of Public Works/City Engineer

DATE: June 10, 2015

SUBJECT: Update re: Lake Forest Erosion Project

Engineering Staff received a copy of a letter dated June 3, 2013 sent to then Mayor David Sweet expressing a concern about an erosion problem occurring behind 2065 Lake Forest Drive. Upon receipt of the letter, staff met with the homeowner, Mr. Bob Carroll, to make a general site investigation. After our initial site visit, staff invited Freese and Nichols, Inc. Consulting Engineers to view the erosion behind Mr. Carroll's home. This visit resulted in a contract with Freese and Nichols, Inc. to conduct a study to determine the cause of the erosion behind Lake Forest Drive. The study also included a stream geomorphological assessment, a stream reconnaissance site visit for the entire stream and the evaluation/ results.

Staff began negotiations with Freese and Nichols, Inc. to perform the engineering design contract for this repair. Due to their cost to perform this design, negotiations were terminated. Staff met with Walter P. Moore Consulting Engineers to discuss their company providing these engineering design services to the City for this erosion control project. Their services consist of the design of the erosion protection behind 2065 Lake Forest Drive. The proposed structure is likely to be a large, modular concrete block retaining wall stabilized with rock anchors.

Walter P. Moore Consulting Engineers have completed the engineering design of this erosion control project and is prepared to move the project forward to the next step of the process. Staff presented a layout of the final engineering design to City Council during the April 6, 2015 Work Session and was instructed to move forward towards construction. The engineer is completing the bidding documents, and the proposed bid date is July 9, 2015.

If you have any questions, please advise.

TMT:em

Cc:

Mary Smith, Assistant City Manager
Amy Williams, P.E., Assistant City Engineer
Billy Chaffin, Superintendent of Streets & Drainage
File

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City of Rockwall
The New Horizon

MEMORANDUM

TO: Honorable Mayor and City Council Members
FROM: Kristy Ashberry, City Secretary / Assistant to the City Manager
SUBJECT: Agenda item re: ambulance service ordinance provisions

Mayor Pruitt has requested that an agenda item regarding these ordinance regulations be placed on the June 15 city council meeting agenda for discussion. A copy of the regulations, as contained in our Code of Ordinances, is included in your informational meeting packet for reference.

ARTICLE XII. - AMBULANCE SERVICE

Sec. 12-1251. - Contract required.

No person shall operate or cause to be operated a vehicle for ambulance purposes nor furnish, conduct, maintain, advertise or otherwise be engaged in the business or service of the transportation of ambulance patients within the city unless such person is the ambulance service provider currently under contract with the County of Rockwall Emergency Services Corporation to provide ambulance service within the county. No person shall knowingly solicit ambulance services regulated in this article except from the ambulance service provider.

(Code 1982, § 18-51; Ord. No. 93-41, § 1, 10-18-1993)

Sec. 12-1252. - Applicability.

The provisions of section 18-166 shall not apply to:

- (1) Rendering assistance to patients in the case of a major catastrophe or emergency with which the contractor's ambulances are insufficient or unable to cope;
- (2) Transporting a patient from outside of the county to a point within the city; or
- (3) Transporting a patient picked up outside of the county, traveling through the city to a destination outside of the county.

(Code 1982, § 18-52; Ord. No. 93-41, § 2, 10-18-1993)

Sec. 12-1253. - Violations.

Violations of this article are hereby declared to be public nuisances and shall be prohibited and abated in actions at law or in equity.

(Code 1982, § 18-53; Ord. No. 93-41, § 3, 10-18-1993)

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City of Rockwall
The New Horizon

MEMORANDUM

TO: Rick Crowley, City Manager

FROM: Mary Smith, Assistant City Manager

DATE: June 12, 2015

SUBJECT: Solid Waste Services Contract

The City Council discussed the City's solid waste contract with Allied Waste in worksession on June 1st. At that time, the City asked staff to conduct a survey of area cities to compare rates, services and satisfaction. This survey is conducted when the City is considering the contract and updated periodically in between. The result of this survey is included in the Council packet. The citizen satisfaction survey was last updated in 2012 and Allied score was 91% satisfied/extremely satisfied.

The City has been under our present contract addendum with Allied Waste (Republic Waste) for solid waste collection services since January 2010, which references the 2006 contract. Allied, previously known as Trinity and Laidlaw, has served the City since 1991. During this period, the City has at different times chosen to extend the contract and has last received sealed proposals in 2001. The contract states the City must give notice within 180 days of the expiration of the contract (by July 3, 2015) whether or not we intend to renew and extend the contract.

Service levels have changed somewhat since the contract was signed. The garbage customer survey did show some interest on the part of residents to have polycarts. Since it was not a majority though Allied agreed to outfit their trucks in order to offer an optional polycart rental and optional recycling cart rental program. We currently have 13,055 residential household accounts of which 2,180 have elected polycarts and 633 recycling carts. The same twice per week collection service is provided with the optional program.

The current contract addendum allows for an additional five-year renewal. Council options would include:

- Authorize negotiation of the extension terms for an additional five-year period
- Authorize the City Manager's staff to prepare bid specifications and begin the process of soliciting bid proposals following the state bid laws.
- Authorize the City Manager to negotiate terms of an extension agreement but set a deadline of 45 days for that process to be completed. If terms, satisfactory to Council, cannot be negotiated during that time then staff could begin the bid process at that point, which will still allow sufficient time for any transition that could arise.

Regardless of the option chosen, the City will need to send a certified letter to Allied setting out the Council's decision by July 3rd.

CITY	PHONE #	CONTRACTOR	POLY CARTS	Garbage	ADD 2nd TRASH CART	ADD 2nd RECY CART	GARBAGE TIMES PER WEEK	RECYCLING TIMES PER WEEK	REQUIREMENTS FOR BULK	COMPLAINT CALLS	SATISFACTION W/SERVICE	RATES W/TAX
Addison	972-450-2871	Waste Mgmt.	No Carts				2	1	Every Monday by public works dept.			11.65
Allen	214-509-4554	CWD	1 Trash & 1 Recycling cart		8.89	2.10	1	Every other week	1 x per month for up to five large item (water heaters, washing machines/dryers, furniture, mattresses and box springs, large toys, yard tools – must be tagged “bulk trash”-, kitchen appliances, televisions, refrigerators and freezers [Freon must be removed and certified with a tag on appliance]) 1 x per month for loose brush (max of 3 cubic yards)	Complains come to the utility billing office and also CWD directly	Yes. CWD has been Allen's contractor since 1996. They have been very involved in the community, promoting and supporting recycling, environmental responsibility and zero waste events. The city solid waste staff work closely with CWD to minimize service issues.	16.88
Carrollton	972-466-3120	Waste Mgmt.	1 Trash & 1 Recycling cart		7.26	7.26	1	Every other week	Brush (tree trimmings, limbs and branches) and bulk waste (items too large for green roll-out containers, including bagged or boxed material) will be collected weekly on customers' regular collection day. All limbs must be cut into 4-foot lengths and placed in bundles not exceeding 40 pounds to fit in a rear-end loader truck. Bulk items should be placed in boxes not exceeding 50 pounds for safe, manageable collection.	Both	Just re-bid, it going to continue contract with Waste Mgmt., the price difference was to close to make a change to Republic Services. Has made the new contract a lot stricter for penalties and performance issues.	16.95
Cedar Hill	972-291-5100	Waste Mgmt.	1 Recycle cart	Garbage cart is optional, if rented cart is \$3.00 per month			1	1	On your trash days you are allowed to set out one bulky item or 4 bundles of brush. Bulky items are defined as appliances, carpet, mattresses, furniture, and fence sections (cut to 4 ft. sections with no concrete). Loose brush is picked up once per month. (10 cubic yards) 4' lengths/branches over 6 inches in diameter	Waste Mgmt.	They do a good job.	13.26 + 3.00 for trash cart

CITY	PHONE #	CONTRACTOR	POLY CARTS	Garbage	ADD 2nd TRASH CART	ADD 2nd RECY CART	GARBAGE TIMES PER WEEK	RECYCLING TIMES PER WEEK	REQUIREMENTS FOR BULK	COMPLAINT CALLS	SATISFACTION W/SERVICE	RATES W/TAX
Coppell	972-462-5110	Republic Waste	1 Recycle cart	Own can or bags			2	1	Maximum of 10 bags of solid waste per service day. Twice per week, one large item or 2 cubic yards. Yard trimming once per week and HHW and Electronics collection at the door once per week (call in for collection)	Both	Yes, satisfied	16.13 includes .10 education fee
Forney	972-564-7304	CWD	No Carts				1	1	Bulk once a week on Wednesday. Container not weight more then 50lbs when filled. Loos brush-limbs limited to 6" in diameter, 10' in length, 4 cubic yards in volume.	Residents call city, then we send them to CWD directly	We usually get about 15 calls on Thursday about missed or incomplete(didn't get all bulk etc.). But we send them to CWD. They are always out on Thursdays by 10am to do any missed services. They are always quick to drop off recycle bins to us.	10.76
Frisco	972292-5575	Progressive	1 Trash & 1 Recycling cart		8.50		1	1	Grass clippings, leaves in paper bags, limbs less than 3ft, 30 lbs. and bundled. Picked up each week. Up to 10 bags. Items too large to fit in the trash can furniture, carpet, Wood poles (under 4ft and free of concrete),Kitchen cabinets, countertops (maximum of 50 pounds and 4 foot sections are picked up weekly. Service limited to five items per month.	Both	Real happy as of Aug of last year when they changed from CWD. CWD quit picking up recycling after notification of contractor prior to contract expiration . Natural gas fleets. 7 year with 3 year extension.	11.50
Garland	972-205-2671	Garland	1 Trash & 1 Recycling cart				1	Every other week	No limit on weekly bulk/brush pick up.	City	left message	18.09
Grapevine	817-410-3173	Republic Services	No Carts				2	1	Once per week do not have to be broken down -just light enough for a man to lift. Limbs do not have to be tied together.	Send to Republic Services	Yes, does a good job	13.82
Heath	972-771-6228	Progressive	1 Trash & 1 Recycling cart		7.35	3.63	1	1	3 cubic yards of brush @ no charge once a month any amount over 3 cubic yards is pick up @ \$10.00 per cubic yard.	Utility Billing office	Great service, when the City calls they get right on the problem	15.13

CITY	PHONE #	CONTRACTOR	POLY CARTS	Garbage	ADD 2nd TRASH CART	ADD 2nd RECY CART	GARBAGE TIMES PER WEEK	RECYCLING TIMES PER WEEK	REQUIREMENTS FOR BULK	COMPLAINT CALLS	SATISFACTION W/SERVICE	RATES W/TAX
Highland Village	972-317-2989	Waste Mgmt.	No Carts			2.00	1	1	Limit of 3 cubic yards. Brush and limbs must be bundled in lengths less than 4' . bulk and the weight must be less than 40 lbs. No bulk pick up.	Complains come to the utility billing office.	For the most part they do a great job. The only time we have any issue, is when we have new drivers that are not familiar with this area	14.07
Keller	817-743-4060	CWD	No Carts				2	1	"Take-All" simply means that CWD will collect all items placed on the curb as long as they are containerized in a bag or box; or tied, bundled, and stacked at curbside. Each container or bundle is to be fifty (50) pounds or less in weight. Brush and tree limbs must be tied in bundles not to exceed four feet (4') in length and fifty (50) pounds in weight.	CWD	information gathered from website - did not return phone calls	9.65
Little Elm	214-975-0481	CWD	1 Trash & 1 Recycling cart				1	1	All items that are not hazardous or construction. Refrigerators need to have the label stating the Freon has been removed. Bulk pick up is twice a month.	99% of complaints come to this department	As of today we are. We had our problems last year but they have really tired to correct them and give better customer service	16.78
McKinney	972-547-7550	Progressive	1 Trash & 1 Recycling cart		6.60	6.60	1	1	Bagged leaves and grass clippings. Tree trimmings 4' in length, bundled-tied less than 50 lbs. Limited to what 2 men can pick up in 5 minutes	Complaints filter there way to the Solid Waste Division for resolution	Yes very much, they extended the contract till 2024	15.36
Plano	972-769-4150	City Employees	1 Trash & 1 Recycling cart		13.25	0.00	1	Every other week	Yard Debris weekly 4x4x6 pile. Bulky waste one per month on a regular schedule. HHW residents call in.	Our customer service team takes all calls	Yes	15.10
Richardson	972-744-4120	City Employees	No Carts				2	1	Must call and request, no additional charge & no limit	Complaints are taken by City department.	N/A	18.00
Rockwall	972-771-7736	Republic Waste	No carts		Rental 3.55	Rental 3.55	2	1	Unlimited pick up two times per month on scheduled weeks	Complaints are taken in Utility Billing.	N/A	13.41w/out cart 3.55 addl per cart

CITY	PHONE #	CONTRACTOR	POLY CARTS	Garbage	ADD 2nd TRASH CART	ADD 2nd RECY CART	GARBAGE TIMES PER WEEK	RECYCLING TIMES PER WEEK	REQUIREMENTS FOR BULK	COMPLAINT CALLS	SATISFACTION W/SERVICE	RATES W/TAX
Rowlett	972-475-3600	Waste Mgmt.	1 Trash & 1 Recycling cart				1	1	Provides weekly brush and bulky item collection without a call-in required. There are no bundling requirements or size restrictions for brush or bulk.	Waste Mgmt.	left message	16.18
Royse City	972-636-2250	Sanitation Solutions	1 Trash & 1 Recycling cart		4.00	4.00	1	1	One bulk item per trash day with the exception of building materials. One brush pile per trash day. Must be bundled, no longer than 4' long and 6" in diameter or heavier than 50 lbs.	Utility Billing office	Satisfied, employees with Sanitation are very enjoyable and they are willing to accommodate any request in a timely manner. Any events we schedule and need extra totes etc.. Are always planned and executed in a timely manner.	14.18

CITY	PHONE #	CONTRACTOR	POLY CARTS	Garbage	ADD 2nd TRASH CART	ADD 2nd RECY CART	GARBAGE TIMES PER WEEK	RECYCLING TIMES PER WEEK	REQUIREMENTS FOR BULK	COMPLAINT CALLS	SATISFACTION W/SERVICE	RATES W/TAX
Southlake	817-748-8051	Republic Waste	1 Recycle cart	Hand pick up garbage			2	1	Bulky waste during the regular residential collection at a rate of up to two (2) cubic yards per resident per collection. Bundled brush in lengths of no more than four feet and no more than 50 pounds in weight can be picked up during the regular residential collection without additional charges. In addition, Republic will collect up to twelve (12) cubic yards of unbundled brush, rubbish, or limbs, per year for each residential customer on an on-call basis for no additional cost. Items such as sofas, appliances, stoves, water heaters, and limited amounts of unbundled brush can be collected as a bulk pick-up item. Any appliance, such as a refrigerator or air conditioner, which once contained a refrigerant, must have the refrigerant removed by a certified professional prior to collection. A state approved "clean certificate" must be attached to the appliance before it will be collected	Complaints are taken at the City.	Yes we are very happy with our provider. If they miss trash they will send someone right out to pick it up, even if it has to be Supervisor in a pickup truck. Great Customer service	14.40
Wylie	972-516-6100	CWD	1 Trash & 1 Recycling cart				1	1	As needed up to 6 cubic yards per pick up and 24 cubic yards per year.	Both	Yes	11.98

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CITY OF ROCKWALL, TEXAS MEMORANDUM

TO: Mayor and City Council

CC: Rick Crowley, *City Manager*
Robert LaCroix, *Director of Planning and Zoning*

FROM: Ryan Miller, *Planning Manager*

DATE: June 15, 2015

SUBJECT: *Natural and Quarried Stone Requirements*

At the direction of the City Council, the Planning and Zoning Commission reviewed the City's current stone requirements as stipulated by the *Architectural Standards* section of the overlay district requirements. According to this section, a minimum of 20% natural or quarried stone is required for all buildings. Specifically, the Planning and Zoning Commission reviewed this requirement to assess if cultured stone was an appropriate material to include in meeting the 20% requirement. After reviewing the ordinances of six (6) comparable cities and discussing the issue with staff, the Planning and Zoning Commission made a motion to recommend that the changes contained in *Exhibit 'A' (attached to this memorandum)* be adopted to the overlay district requirements contained in Article V, *District Development Standards*, of the Unified Development Code. The motion passed by a vote of 5-0, with Commissioner Conley and Lyons absent. The adoption of these changes would allow the Planning and Zoning Commission to approve the use of a high quality manufactured or cultured stone, in lieu of natural or quarried stone, pending conformance to the criteria established within the proposed text amendment. Since the stone requirements are more of a technical approval, the City Council would not be required to vote on these issues unless the Planning and Zoning Commission denied an applicants' request, in which case the applicant would be able to appeal their request to the City Council.

Should the City Council choose to accept the changes proposed by the Planning and Zoning Commission, staff will prepare the required ordinance and bring it back to the City Council for first reading at the July 6, 2015 City Council meeting.

Exhibit 'A'
*Proposed Changes to Article V, District Development Standards,
of the Unified Development Code*

C. *Architectural standards.*

1. *Masonry requirements.* Each exterior wall shall consist of 90 percent masonry materials, excluding doors and windows, as defined in article XII, Definitions, excluding cast stone and cultured stone, on walls which are visible from a public street or open space, including a minimum of 20 percent natural or quarried stone.
 - a. Primary exterior materials shall include natural or quarried stone, brick, glass block or glass, tile, cast metal and custom concrete masonry units. The use of other cementaceous products (e.g. stucco, Hardy Plank, or other similar materials approved by the building official) shall be limited to 50 percent of the building's exterior finishes where it is deemed important as a design feature and where it will be applied under the highest standards for quality and durability. However, stucco may not be located in the first four feet above grade on a facade visible from a street or public area. Each elevation's masonry requirement shall incorporate accent bricks or stones. As the term is used, an "accent brick or stone" is one that provides a contrast by color, shape, size, and/or texture to the field of primary bricks or stones in an elevation. **Additionally, the Planning and Zoning Commission may consider the use of high quality manufactured or cultured stone if the following standards of manufacturing and warranty are applied to the product;**
 - That the manufacturing molds should be made from actual stones and each piece should complement each other having the right shape, texture, size and detail of natural stone;**
 - That the overtones of color should be integrated into the stone during the molding process, while the base color of the stone is blended entirely throughout;**
 - That highly skilled artisans should be utilized to hand paint each piece in order to give each stone depth and variation of color;**
 - That the use of the highest quality synthetic mineral oxides should be used to infuse the surface with rich, authentic tones; and**
 - That the manufactured stone product shall have a minimum warranty of 75 years.**
 - b. Secondary materials used on the facade of a building are those that comprise less than ten percent of an elevation area. Permitted secondary materials are all primary materials, aluminum or other metal, EIFS, cast stone, cultured stone or other materials as approved by the director of planning or his designee.

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City of Rockwall
The New Horizon

MEMORANDUM

TO: Rick Crowley – City Manager
FROM: Brad Griggs – Assistant City Manager
DATE: June 10, 2015
SUBJECT: Downtown Restroom Options

During the April 20, 2015 City Council meeting, an item was discussed regarding options for adding public restrooms in downtown. The original memo laid out four options that may be considered. These included the acquisition (through a lease or purchase) of an existing building that could be used for public facilities, the use of current public buildings such as the Rockwall County Courthouse or The Center, the utilization of the City's mobile restroom trailer or the use of temporary rental units. The Council requested that staff continue to examine the options and bring additional information back to the Council for further review.

Permanent Facilities

Three buildings are currently vacant downtown and may be available for some sort of lease or purchase. Building 1 is a small building that is the former site of Cain Used Cars. It is located at the northwest corner of the intersection of Kaufman and San Jacinto, and it is not currently being marketed for lease or sale. Building 2 is located at the southwest corner of Fannin and Rusk and is the former site of Awards and Creations. We have made several attempts to contact the owner to check on the possibility of a lease or purchase; however, our calls and emails have gone unanswered. The former Elections Office is being marketed, and we understand that they are currently negotiating an agreement with a tenant.

The acquisition and renovation of an existing building from an office/retail space to a public restroom facility would be the most expensive and most untimely option.

Current Public Buildings

The County Courthouse and The Center are the only two public buildings within the downtown area. During the hours of the Farmers Market, The Center is open to the public from 9:00 a.m. until 4:00 p.m. Restrooms are easily accessible within the building during these hours without disrupting any ongoing activities. The County Courthouse may be able to be opened to the public but would require staffing that is not currently in place.

Andy Hesser has worked out a schedule using part-time personnel that would utilize the restrooms on the Administrative side of the Parks and Recreation office for the San Jacinto music series. This option would cost approximately \$2,000 annually, and the restrooms would be available at The Center during our normal operating hours on Saturdays for the Farmers Market.

Portable Restroom Trailer

The trailer is used for the Concert by the Lake series on Thursday evenings and is scheduled to be used for the Family Fun Friday program scheduled one Friday evening per month in June, July, August and September. Due to the need for a generator and the weight of the steps to open and close the unit, full time personnel is typically used. The overtime cost to have the unit available for both the Farmers Market and the music series is estimated at slightly under \$20,000 annually.

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City of Rockwall
The New Horizon

MEMORANDUM

TO: Honorable Mayor and City Council Members
FROM: Kristy Ashberry, City Secretary / Assistant to the City Manager
SUBJECT: Agenda Item Request

Mayor Pruitt has requested that an item regarding this matter be placed on the city council meeting agenda for discussion.

PARKING GARAGE
CLEARANCE 8' 2" FIRST FLOOR ONLY

CLEARANCE 8' 2"

**PUBLIC
PARKING**
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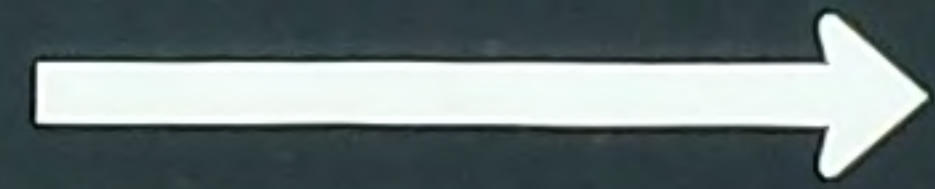
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PINNACLE WAY PL

W. HARRIS BLVD

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**PUBLIC
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City of Rockwall
The New Horizon

MEMORANDUM

TO: Rick Crowley – City Manager
FROM: Brad Griggs – Assistant City Manager
DATE: June 12, 2015
SUBJECT: Maintenance within the Takeline

Mayor Pruitt requested that an item be placed on the agenda related to the maintenance of the takeline area and the expectations of homeowners that sublease the takeline and those that do not sublease. The maintenance within the takeline area performed by the City has been inconsistent over the past ten years and the Mayor has requested this item be placed on the agenda to reach a consensus for moving forward.

When the takeline sublease program was initiated, the maintenance of the takeline area became the responsibility of the homeowner when they subleased. For areas that were not subleased, maintenance of the takeline, such as mowing and tree care was not performed by the City and may or not be performed by the adjacent property owner(s). Over the past ten years, situations have surfaced that required some tree maintenance in areas that were not subleased. Initially, the response was that the City was comfortable letting a tree fall or lay on the ground after it had fallen. On some occasions, the City would send a crew to remove these fallen or dead trees and in other cases, if a tree was deemed to be dangerous and may injure someone, we would have it addressed.

Our general procedure is that if there is a tree that may be a danger to someone that is located in an area that is not subleased, the City would have a crew remove the tree. If the area was subleased, we would not address the issue. Mayor Pruitt would like to see the formation of a consistent policy to follow as we move forward.

Residential Sublease Agreement

This Sublease Agreement (hereinafter referred to as the “Sublease”) is made and entered into this _____ day of _____, 20__ by and between the City of Rockwall, Texas, herein called “Sublessor,” and _____, herein called “Sublessee.”

RECITALS

- A. On or about the 16th day of January, 2001, Sublessor (as lessee) and the City of Dallas, Texas (as lessor) entered into an Interlocal Agreement and Lease (hereinafter defined and described as the “Base Lease”) covering the lease of the Lake Ray Hubbard take line area, which encompasses the Leased Area as hereinafter defined. Said Interlocal Agreement and Lease is incorporated herein by reference.
- B. Sublessor is a municipal corporation, which has leased from the City of Dallas the land adjacent to Lake Ray Hubbard, which encompasses the perimeter boundary of Dallas’ property at the lake for the purposes as set out in the Base Lease.
- C. Sublessor desires to sublease to Sublessee the leased area adjacent to Sublessee’s property being described as Lot _____, Block _____ of the Addition _____, so as to permit use and enjoyment of same by said Sublessee, said Leased Area being more specifically described by the hereto attached Exhibit A survey of the sublease property, during the term hereof.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are mutually acknowledged, the parties hereby agree as follows:

ARTICLE 1. DEFINITIONS

- A. **“Interlocal Agreement”** means the Base Lease, or Master Lease, covering the lease of the Lake Ray Hubbard take line area by the City of Dallas to the City of Rockwall, dated January 16, 2001, which encompasses the Leased Area as defined herein.
- B. **“Lake”** means Lake Ray Hubbard.

- C. **“Take Line”** means the perimeter boundary of Dallas’ property at the Lake.
- D. **“Take Area”** means the land owned by Dallas between the Take Line and the normal Lake pool elevation (435.5 mean sea level).
- E. **“Lake Area”** means the City of Dallas property, known as Lake Ray Hubbard, that is normally submerged by the Lake at normal Lake pool elevation (property at or below elevation 435.5 mean sea level).
- F. **“Leased Area”** means the Take Area that is within the City Limits of Rockwall, or where the Take Line is directly adjacent to the City Limits of Rockwall.
- G. **“Maintenance Responsibilities”** shall mean keeping the erosion control structure(s) in good condition throughout the term hereof so that such structures remain capable of proper protection against erosion.
- H. **“Subleased Premises”** means the area hereby subleased and more particularly described in Article 3 herein.
- I. **“Residential Area”** means the Leased Area where the Take Line is adjacent to the residential property and where no commercial activity exists, or is proposed to exist, on Dallas property. If commercial activity occurs in a Residential Area, that portion of the Leased Area will be considered a Commercial Area.
- J. **“Sublessee”** means a person or entity subleasing Dallas property in the Leased Area from City of Rockwall. Sublessee shall be an adjacent property owner.
- K. **“Shoreline”** means the line along the shore of the Lake, established by the normal Lake pool elevation (435.5 mean sea level).
- L. **“New Immediate Action Area”** means any section of the Leased Area where any of the following has occurred:
1. The shoreline is within 30 feet or less of the Take Line;
 2. A public hazard exists or can be expected to be created by erosion within a short period of time;
 3. Structures are at risk of structural damage due to erosion;
 - or
 4. Existing adjacent erosion protection is impeded if erosion is allowed to continue.
- M. **“Critical Areas”** mean areas determined to be immediate action erosion control areas, as defined in the 1987 “Lake Ray Hubbard Erosion Control Study” by Bernard Johnson Incorporated (the Bernard Johnson Report), a copy of which is available for review at the City of Rockwall Parks and Recreation Department.

ARTICLE 2. PURPOSE AND INTENT

The purpose of this sublease agreement is to permit the development of property along the take area of Lake Ray Hubbard under certain regulatory conditions governing permitted uses and development standards, setting forth procedures for the development of said property and establishing an appeals process for the terms of Lake Ray Hubbard Overlay District Ordinance. The zoning overlay district has its basis in and is intended to serve as one implementation tool for the Lake Ray Hubbard Master Plan, adopted by the City of Dallas on _____N/A____; the Lake Ray Hubbard Interlocal Agreement as approved by those municipalities comprising the Lake Cities Coalition (Garland, Rockwall, and Rowlett, Texas) and the City of Dallas, Texas; and the Comprehensive Plan for the City of Rockwall, adopted on December 17, 2001. The adoption of the Zoning district is intended to provide a means for the protection of water quality, water supply, and the preservation of the natural environment and to enhance the quality of the Lake Ray Hubbard shoreline through regulation of manmade facilities. For those properties that take part in the City of Rockwall Residential Sublease Agreement the overlay zoning ordinance is to be used in conjunction and in addition to the erosion control and engineering standards as well as other development related ordinances, such as but not limited to, landscaping ordinance, tree preservation ordinance and outdoor lighting.

ARTICLE 3. DEMISE OF SUBLEASED AREA

- A. **Sublessor, for and in consideration of the rents, covenants and promises herein contained to be kept, performed and observed by Sublessee has demised and leased and by their presents does hereby demise and lease unto Sublessee, and Sublessee, for and in consideration of the covenants and agreements herein reserved on the part of the Sublessor to be kept and performed, does hereby accept from Sublessor, the Subleased Area as more specifically described by the hereto attached Exhibit A (survey of the Take Area) and subsequent to the terms and conditions as hereafter described. Sublessee acknowledges that it has inspected the Subleased Area to their satisfaction and accepts the Subleased Area “As Is” and with all faults and defects, whether known or unknown to either Sublessor or Sublessee and without representation or warranty of any kind from Sublessor as to the status or condition thereof.**
- B. All structures and/or improvements in the Take Area shall require a building permit issued by the City of Rockwall consistent with applicable ordinances and regulations of Takeline Area Overlay District allowed uses.
- C. Sublessee acknowledges that the decision to lease the Subleased Area is based solely upon the Sublessee’s comprehensive inspection of the Subleased Area and

not upon any warranty or representation of Sublessor, or of Sublessor's employees, agents or representatives with regard thereto. Without limiting the foregoing, **THERE IS NO WARRANTY, EXPRESSED OR IMPLIED, OF SUITABILITY, MERCHANT ABILITY, HABITABILITY, OR FITNESS FOR ANY PARTICULAR PURPOSE GIVEN IN CONNECTION WITH THIS LEASE.**

- D. **IT IS UNDERSTOOD BY BOTH THE CITY OF ROCKWALL AND SUBLESSEE THAT THE WATER LEVEL IN THE LAKE WILL NOT REMAIN CONSTANT AND THAT ALL LAND IN THE SUBLEASED PREMISES IS SUBJECT TO FLOODING. THE PARTIES AGREE THAT NEITHER THE CITY OF DALLAS NOR THE CITY OF ROCKWALL SHALL BE RESPONSIBLE FOR DAMAGES TO ANY STRUCTURES, FACILITIES, LANDSCAPING, OR OTHER PROPERTY DAMAGE ON THE SUBLEASED AREA DUE TO WIND, WATER, EROSION, FLUCTUATING WATER LEVELS, OR FLOATING DEBRIS.**

ARTICLE 4. SUBLEASE TERM

- A. Subject to the terms and conditions of this Sublease, the demise set forth in Article 3 above shall be for the Sublease Term, which shall **expire on January 16, 2041**. Residential area subleases cannot be further subleased. If a sublessee (abutting property owner) sells his or hers property, the sublease shall be transferred to the new owner.
- B. This sublease shall terminate and become null and void no later than **January 16, 2041**, unless extended by the parties hereto in writing subject to the provisions of the Base Lease or the Master Lease by and between the City of Dallas and the City of Rockwall. Any holding over or use and occupancy by Sublessee after the termination of this Sublease shall not constitute a renewal hereof or give Sublessee any rights hereunder in or to the Subleased Area upon termination. Upon termination of this Sublease, all improvements to the Subleased Area (whether or not constructed by Sublessee) shall be and become the property of Sublessor **or** its successors in interest; provided, however, Sublessee shall be entitled to remove from the Subleased Area removable equipment, provided that such removal can be accomplished without unreasonable injury to the Subleased Area or the removing improvements on the Subleased Premises.
- C. This Sublease shall be terminated or canceled by the City of Rockwall in the event that the Interlocal Agreement between the City of Rockwall and the City of Dallas is terminated or canceled by agreement or operation of law. Sublessee shall be entitled to no compensation of any kind from the City of Rockwall or the City of Dallas if this Agreement is so canceled or terminated.

- D. The annual sublease payment shall not exceed the estimated annual expenses of the City of Rockwall in administering all subleases and sublease areas, pursuant to the base lease, divided by the number of properties within the boundaries of the City of Rockwall within the Takeline area, and subleases or legally available for sublease.
- E. Sublessee shall have the right to terminate this sublease if, at any time during this sublease, a material and substantial change in circumstances existing at the time of this sublease should occur. For the purpose of this paragraph, a “material and substantial change in circumstances” shall include but not be limited to the destruction of the residential structure of the sublessee on the lot adjacent to the leased area, a collective increase in the sublease payment of more than 100% over any ten year period or less, or the elimination by the City Council of an authorized use for which the sublessee has in place.

ARTICLE 5. SUBLEASE PAYMENT

- A. In accordance with Section III (C) of the Base Lease, Sublessee shall pay **an initial payment of \$600.00** to Sublessor and an annual payment of **\$350.00** due annually based on contract date. Said payment may be **adjusted annually** by the City during the term of the Sublease by majority vote of the City Council of the City of Rockwall.
- B. Failure of sublessee to pay the annual payment as provided for in Section A shall be considered as an event of default. If Sublessee fails to pay the annual payment within thirty (30) days of receipt of notice, Sublessor may terminate this lease and take possession of any improvements on the leased premises subject to Article 6, Section N herein.

ARTICLE 6. USE OF SUBLEASED AREA

- A. Sublessee agrees to use and maintain the Subleased Area in accordance with all City codes and regulations established by Sublessor for the Take Line area. Any violation of such regulations shall be considered a breach by Sublessee of this Agreement, for which Sublessor shall be entitled to take appropriate action if such violation is not cured. Sublessee specifically recognizes that the City of Dallas, as a third party beneficiary, has the right to enforce the terms of this Agreement in the event of the Sublessee’ breach of any of the terms contained herein.
- B. Structures or appurtenances that shall be **prohibited** within the Subleased Area, without prior approval by Sublessor and the City of Dallas are as follows but not limited to:

1. Propane tanks.
2. Storage of gasoline, oils, diesel, or similar types of compounds.
3. Storage of pesticides, herbicides, fungicides, or preservatives.
4. Use of pesticides, herbicides, fungicides, or preservatives that are not approved by the Texas Commission on Environmental Quality or US Environmental Protection Agency for use around water supplies, and on a listing approved provided by Dallas.
5. Storage of any hazardous materials, regardless of its nature.
6. Septic tanks and lateral lines (with the exception of city utilities).
7. Toilets.
8. Habitable structures.
9. Diving boards and slides over and/or into the lake.
10. Pets living quarters, livestock, maintenance of livestock or any such structure that houses or shelters livestock and/or pets, including but not limited to cattle, horses, swine, poultry.
11. Water wells.
12. Chemically preserved wood (e.g. railroad ties and telephone poles) in the water.

C. Prohibited activities on the lake and shore area:

1. Shoreline (bank of the lake) will not be tapered, cut, smoothed, or altered in any way without a permit.
2. Leased shore area will not be excavated, channeled, cut, bored, dug, filled, smoothed, or altered in any manner unless specifically permitted.
3. Wheeled vehicles and all other motorized equipment are prohibited from operating on the lake bottom unless specifically authorized.
4. The construction of sandy beaches on the lake bottom at the shoreline are prohibited.
5. Removal of vegetation from the lake bottom at the shoreline is prohibited unless specifically authorized.
6. Railroad ties on the shoreline and Take Area are prohibited.
7. No dumping on the shoreline (bank of the lake) and take area of brush, leaves, bricks, logs, concrete rubble, asphalt rubble, soil, sand, gravel, rock, or any other material.
8. Garbage cans and waste receptacles are prohibited anywhere in the leased area.

9. No signage in the leased area unless specifically authorized.
10. No business activity will be performed from within the leased area.
11. No storage of personal items on the Take Area and shoreline unless specifically authorized by the City of Rockwall. Personal items includes but is not limited to boats, jet skis, rafts, watercraft, boat trailers, vehicles, campers, RVs, wood piles, lawn equipment, appliances, storage facilities, construction material, and storage of miscellaneous materials.
12. Drawing lake water for personal usage such as for irrigation is prohibited without a permit issued by Dallas Water Utilities.

Additional Requirements:

1. All tree removals will comply with the City of Rockwall Tree Preservation Ordinance.
 2. A permit is required for any and all types of lake dredging and lake bottom earthwork.
 3. Sublessee will immediately remove personal items littering the lake, particularly after a storm.
 4. No permit is required for minor repair or general maintenance of an authorized existing erosion control structure unless the repair or general maintenance will include different material than what was originally approved. A permit is required for modifications and alterations to existing erosion control structures.
 5. All boats on the shoreline must comply with the mooring time limit as specified in the Rockwall Takeline Overlay District Zoning Ordinance.
 6. Boats will in no way pollute lake waters from, but not limited to; bilge discharges, septic waste, fueling, cleaning, maintenance, and painting.
 7. Sublessee must first install an approved method of erosion control before the construction of lake structures. Lake structures will not be permitted without the placement of erosion control the entire length of the subleased shoreline.
- D. Sublessee agrees that he/she will not make nor allow to be made, any unlawful, improper or offensive use of the premises, which would be injurious to any person

or property, or which would violate the laws of the United States or the State of Texas, or any ordinance(s) of the City of Rockwall or the City of Dallas that may pertain to the demised premises. In the event of a conflict between the respective ordinances and/or the provisions of the lease the most restrictive shall apply. Sublessee shall be subject to the terms and penalties associated with ordinance and regulations violations in addition to the provisions of this Sublease.

- E. The City of Rockwall and the City of Dallas retain the right to make regular or special inspections of the Subleased Premises to ensure that it is being maintained and used in accordance with the terms of this Sublease and the Base Lease and that all terms of this Sublease and the Base Lease are being upheld. The City of Rockwall will provide written notice of a breach or violation, or noncompliance with the terms of this Sublease or the Base Lease to Sublessee. Sublessee will have **ten (10)** days to correct and/or abate all violations, unless otherwise agreed by the City of Rockwall. If Sublessee has commenced and is pursuing the cure of the same, then after first advising the City Council of Rockwall or its designated representatives of Sublessee's effort to cure, Sublessee may utilize an additional **ten (10)** days, if approved by the City of Rockwall. Failure to correct all violations in the allotted time constitutes a material breach of this Sublease.
- F. In the event of the default after the expiration of the applicable notice and cure periods (except for the non-payment of agreed sublease), the City of Rockwall shall be entitled in addition to any other penalties or fines to assess and receive from Sublessee as liquidated damages the sum of **\$500.00** per day for each day the breach remains uncured.
- G. Failure by the City to provide the **ten (10)** day notice described above shall not constitute a waiver of any breach of this Sublease. Waiver of any breach of any provision of this Sublease shall not be considered as a waiver of any subsequent breach of the same or any other provision of the Sublease.
- H. The City of Rockwall has adopted the Takeline Area Overlay District Zoning Ordinance and policies for the construction of structures and/or other improvements in the Subleased Premises. A detailed plan for construction of fences and other proposed structures in accordance with the Take Area Zoning Ordinance adopted June 21, 2004, must be approved by the City of Rockwall and the City of Dallas prior to construction. If improvements or structures have been constructed in the Takeline area or the shoreline prior to the execution of this Sublease, all existing noncompliance items or encroachments that are not approved must be abated prior to the execution of this sublease agreement. No structures or improvements that are in noncompliance or are encroaching will be grandfathered.
- I. Sublessee recognizes and consents to the City of Rockwall and the City of Dallas having the right of ingress and egress to the Subleased premises for any operational or maintenance purposes upon twenty-four (24) hours advance

notification to Sublessee; except that no advance notice will be required in case of an emergency or possible health and/or safety hazards.

- J. Sublessee understands that pursuant to the Base Lease Dallas will make a reasonable effort to repair any damage resulting from Dallas accessing the Take Area for utility maintenance and/or public safety vehicles, and will restore the damaged property as nearly as possible to its condition prior to the damage created by the City of Dallas accessing the Take Area; however, if the damage is located within a dedicated easement the requirements of that easement shall govern and no additional obligations are assumed by the City of Rockwall or the City of Dallas as a result of the execution of this Sublease. Likewise, the City of Rockwall will make a reasonable effort to repair any damage resulting from the City of Rockwall accessing the Take Area for utility maintenance and/or public safety vehicles, and will restore the damaged property as nearly as possible to its condition prior to the damage created by the City of Rockwall accessing the Takeline Area however, if the damage is located within a dedicated easement the requirements of that easement shall govern and no additional obligations are assumed by the City of Rockwall or the City of Dallas as a result of the execution of this Sublease.
- K. Sublessee recognizes that the City of Rockwall may require easements in the future in the Subleased Area. Sublessee hereby agrees to approve future easements with the understanding that the Sublessor will make all reasonable efforts to avoid damage to existing improvements. If damage results from the use of a future easement, Sublessor will restore the damaged property as nearly as possible to its condition prior to the damage created by the Sublessor.
- L. Sublessee recognizes that Sublessor has established specific setbacks, reservation of future easements or other development requirements unique to this Sublease. Such specific requirements are set forth in the Take Area Zoning Ordinance adopted June 21, 2004. Sublessee agrees to abide by all requirements during the term of the Sublease.
- M. Sublessee recognizes that prior to placement of any structures and/or personal items, improvements, including, but not limited to: landscaping, construction or subgrade alterations on the Subleased Premises a construction alteration permit must first be obtained from the City of Rockwall. Such construction alteration permit will be in addition to any other permit or approval required by the City of Dallas. Time limits for completion of construction will be established at the issuance of the construction alteration permit. **No construction will be considered complete and/or approved until a final inspection is conducted by the City of Rockwall and/or the City of Dallas or their appointed representatives.**
- N. If this lease is terminated for any reason stated within this agreement any structures and/or any improvements must be removed within 30 days.

ARTICLE 7. EROSION PROTECTION

- A. *For all subleases, the City of Rockwall will require sublessee of Residential Zoned Areas to either completely install, or pay for the installation of, Shoreline erosion protection in accordance with Section VI of the Base Lease or Master Lease in Critical Areas, whenever such Critical Areas may arise (as defined in Section VI (A) Base Lease), before execution of the sublease. Erosion protection required under the sublease must be completed no later than twelve (12) months from the date of execution of the sublease, but prior to, or concurrent with, a sublessee's commencement of construction of any improvements. If a Critical Area arises after execution of the sublease, the City of Dallas or the City of Rockwall are not responsible for any erosion control measures required and the sublessee shall not look to the City of Dallas or the City of Rockwall for action. If any part of the subleased area becomes a Critical Area after execution of the sublease, the sublessee of a residential area may, at sublessee's option, install erosion protection in accordance with this sublease agreement and Base Lease. Erosion protection required under the sublease must be completed prior to a sublessee's commencement of construction of any improvements of any kind on the leased area, subject to the City of Rockwall's permitting process.*
- B. In areas determined to be Critical Areas or New Immediate Action Areas, as defined above (collectively referred to as "Critical Areas"), the Sublessee will be responsible for installation and maintenance of erosion control. Such required erosion protection must be completed no later than twelve (12) months from the date of execution of this Sublease, but prior to, or concurrent with, the Sublessee's commencement of construction of any improvement. If the City of Dallas has installed or performed maintenance or erosion control in any Critical Area, the Sublessee will reimburse the City of Dallas for the cost of installation and maintenance from the date of execution of the Base Lease to the later of, the date of execution of the Sublessee's sublease with the City of Rockwall, or the date of installation of the erosion control. If Dallas installed or performed maintenance or erosion control in any area that is not a Critical Area, the Sublessee will reimburse Dallas for the cost of installation and maintenance from the date of execution of the Base Lease to the date of execution of the Sublessee's sublease with the City of Rockwall (*i.e.* there will be no retroactive reimbursement obligations of the Sublessee in a non-Critical Area; the full extent of the erosion reimbursement obligations of the Sublessee in a non-Critical Area will be known at the time of execution of the sublease). Reimbursements can be paid in a lump sum or over a term to be determined by Dallas. Term payments will include interest charges and the term will not exceed the life of the asset. Sublessee shall assume maintenance responsibility for existing or proposed erosion control.

- C. Sublessee may install erosion control subject to the approval of the City of Dallas and the City of Rockwall. Sublessee will be responsible for maintenance of the installed erosion control in the same manner as set out above.
- D. The City of Dallas and the City of Rockwall will establish a listing of types of erosion control approved for use around the Lake, based on the Bernard Johnson Report or engineering data or criteria list. The list may be expanded jointly by Dallas and the City of Rockwall should new and approved technology become available for such erosion control. If the City of Dallas or the City of Rockwall installs erosion control, it can install any type listed in the Bernard Johnson Report, or on the updated/approved listing, as it deems economically and/or environmentally feasible.
- E. The Sublessee may reclaim lost Shoreline with the approval of the City of Rockwall and prior written approval of the City of Dallas, as determined on a case-by-case basis. Any reclamation or cut and fill in the Lake or at the Shoreline shall not reduce the usable water storage capacity or flood storage capacity of the Lake, as determined by the City of Dallas. Sublessee, or the parties performing the reclamation, will be responsible for obtaining all related permits for the reclamation, such as the U.S. Army Corps of Engineer permits.
- F. No activities will be allowed which will increase the erosion of the Shoreline property, including any alteration of vegetation or property, as determined by the City of Dallas as described by the Bernard Johnson report.
- G. Erosion control installations must comply with all local, state, and federal laws, regulations and requirements and shall be designed by a licensed professional engineer and installed by a competent contractor with demonstrated experience in the installation of that system.
- H. Sublessee agrees to allow abutting Sublessee(s) to connect to the erosion protection mechanism so installed, so as not to create gaps between abutting properties in said erosion protection.

ARTICLE 8. HOLD HARMLESS

Sublessee hereby agrees to defend, indemnify and hold the City of Dallas and Sublessor, their respective officers, agents and employees, fully harmless from any claims, lawsuits or expenses for personal injury (including death), property damage or other harm for which damages may be recovered under law, suffered by any person or persons (including but not limited to Sublessee), that may arise out of or be occasioned by Sublessee's fault or negligence in the use, occupancy, maintenance or operation of the Subleased Premises for any purpose, or that arises out of or is occasioned by erosion control improvements installed, used or maintained by Sublessee, or by Sublessee's

failure to install erosion control devices as required under the Sublease, **REGARDLESS OF WHETHER OR NOT THE NEGLIGENCE OR FAULT OF THE CITY OF DALLAS OR THE CITY OF ROCKWALL IN OPERATING OR MAINTAINING THE LAKE AREA, OR ORIGINALLY INSTALLING OR MAINTAINING ANY EXISTING EROSION CONTROL IMPROVEMENTS ASSUMED BY SUBLESSEE, OR IN DETERMINING WHAT EROSION CONTROL IMPROVEMENTS WERE APPROPRIATE, CONTRIBUTED TO THE DAMAGE OR INJURY.**

ARTICLE 9. COVENANT RUNNING WITH THE LAND

- A. This Sublessee cannot be further subleased by Sublessee, except that this Sublease shall be transferred to any subsequent owner of the residential property, as described herein. Sublessee agrees to notify in writing, Sublessor of any change in ownership of the property within ten (10) days of closing. This covenant shall be considered as a covenant running with the land and shall be filed for record in the deed records of Rockwall County, Texas.
- B. It is the understanding of the parties that this Sublease contains the entire understanding of the Sublessor and Sublessee and that any change, alteration, or modification of this Sublease shall only be effective if in writing approved by both parties.
- C. Sublessee further asserts that he/she has received a summary of the Base Lease and the Takeline Area Overlay District Zoning Ordinance which is incorporated herein by reference and that he/she has read said Base Lease and understands its terms and provisions.
- D. Sublessee will endeavor to provide Sublessor with a certificate that extends coverage under Sublessee's Homeowners Insurance Policy to the leased premises.

ARTICLE 10. SEVERABILITY

In case any one or more of the provisions contained in this Sublease shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Sublease shall be considered as if such invalid, illegal, unenforceable provision had never been contained in this Sublease.

EXECUTED on the date first written above.

SUBLESSOR:
CITY OF _____

(Authorized Signature)

SUBLESEE:

NAME

ADDRESS.

TELEPHONE

ALTERNATE TELEPHONE

SIGNATURE

ACKNOWLEDGMENT

THE STATE OF TEXAS §

COUNTY OF DALLAS/ROCKWALL §

BEFORE ME, the, undersigned, a Notary Public in and for said County and State, on this day personally appeared _____, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 20__.

Notary Public in and for the
State of Texas

My Commission Expires:

STATE OF TEXAS)
COUNTY OF ROCKWALL)
CITY OF ROCKWALL)

BEFORE ME, a notary public in and for said county and state, personally appeared Rick Crowley, City Manager of the City of Rockwall, and acknowledged to me that he executed the within and foregoing document as his free and voluntary act and deed, and the free and voluntary act deed of the City of Rockwall, for the uses and purposes set forth therein.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ____ day of _____, 20__.

Notary Public in and for the State of Texas

My Commission Expires:

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