

## ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, August 21, 2023 - 5:00 PM

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

I. Call Public Meeting to Order

II. Executive Session.

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

1. Discussion regarding (re)appointments to city regulatory boards and commissions, including conducting applicant interviews, pursuant to §551.074 (Personnel Matters)

III. Adjourn Executive Session

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

V. Invocation and Pledge of Allegiance - Mayor Trace Johannesen

VI. Appointment Items

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

VII. Open Forum

*This is a time for anyone to address the Council and public on any topic not already listed on the agenda or set for a public hearing. Per Council policy, public comments should be limited to three (3) minutes out of respect for others' time. On topics raised during Open Forum, please know Council is not permitted to respond to your comments during the meeting since the topic has not been specifically listed on the agenda (the Texas Open Meetings Act requires that topics of discussion/deliberation be posted on an agenda not less than 72 hours in advance of the Council meeting). This, in part, is so that other citizens who may have the same concern may also be involved in the discussion.*

VIII. Take any Action as a Result of Executive Session

IX. Consent Agenda

*These agenda items are routine/administrative in nature, have previously been discussed at a prior City Council meeting, and/or they do not warrant Council deliberation. If your comments are regarding an agenda item below, you are asked to speak during Open Forum (see above).*

1. Consider approval of the minutes from the August 7, 2023 regular city council meeting, and take any action necessary.
2. **22023-031** - Consider a request by Manuel Tijerina for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for Residential Infill in an Established Subdivision for the purpose of constructing a single-family home on a 0.248-acre parcel of land identified as Lot 13, Block A, Highridge Estate Subdivision, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, addressed as 709 Forest Trace, and take any action necessary (**2nd Reading**).
3. Consider an ordinance approving a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corporation, Mid-Tex Division regarding the 2023 Rate Review Mechanism filing, adopting tariffs as part of the settlement, and take any action necessary.
4. Discuss and consider review and acceptance of a "Certificate of Insufficiency" related to a local option election petition circulated within the City of Rockwall, and take any action necessary.

5. Consider approval of an emergency repair performed by Bluefrog Plumbing in the amount of \$43,897 for plumbing repairs at the Rockwall Police Department, amending the FY 23 Internal Operations Department Operating Budget for the same amount, utilizing General Fund Reserves, and take any action necessary.

#### X. Public Hearing Items

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

1. **Z2023-033** - Hold a public hearing to discuss and consider a request by Dennis and Melissa Cain for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for *Residential Infill Adjacent to an Established Subdivision* for the purpose of allowing the construction of a single-family home on a 12.00-acre tract of land identified as Tracts 8-01 & 8-02 of the W. T. DeWeese Survey, Abstract No. 71, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 803 Dalton Road, and take any action necessary (**1st Reading**).
2. **Z2023-034** - Hold a public hearing to discuss and consider a request by Dakota, Claire, Austen, and Sara Brewer for the approval of an **ordinance** for a *Zoning Change* from a Single-Family Estate 4.0 (SFE-4.0) District to a Single-Family 1.5 (SFE-1.5) District for a 5.24-acre tract of land identified as a Tract 4-2 of the W. W. Ford Survey, Abstract No. 80 and a 2.41-acre portion of Tract 4-06 of the W.W. Ford Survey, Abstract 80, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 4.0 (SFE-4.0) District, addressed as 626 Cullins Road, and take any action necessary (**1st Reading**).
3. **Z2023-035** - Hold a public hearing to discuss and consider a request by Renee Ward, PE of Weir & Associates, Inc. on behalf of Conor Keilty, AIA of Structured REA-Rockwall Land, LLC for the approval of an **ordinance** for a *Specific Use Permit (SUP)* amending *Ordinance No. 22-52 [S-287]* for a *Golf Driving Range* on an 7.955-acre tract of land being portions of a larger 18.131-acre tract of land and a 12.868-acre tract of land identified as Tract 22 & 22-2 of the R. Irvine Survey, Abstract No. 120, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, generally located near the terminus of Fit Sport Life Boulevard, and take any action necessary (**1st Reading**).
4. **Z2023-036** - Hold a public hearing to discuss and consider a request by Richard Expo on behalf of Ryszard Waszczuk for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for a *Carport* that does not meet the minimum requirements on an 0.3492-acre parcel of land identified as Lot 7, Block A, Solar Village Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 820 E. Heath Street, and take any action necessary (**1st Reading**).
5. **Z2023-037** - Hold a public hearing to discuss and consider a request by James and Mary Blocker for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for an *Accessory Building* on a 0.1199-acre parcel of land identified as Lot 8, Block A, Newport Place Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 19 (PD-19), addressed as 1796 Mystic Street, and take any action necessary (**1st Reading**).
6. Hold a public hearing to receive comments regarding the proposed City of Rockwall Property Assessed Clean Energy ("PACE") Program and related program report, and take any action necessary.

#### XI. Action Items

*If your comments are regarding an agenda item below, you are asked to speak during Open Forum (see above).*

1. Discuss and consider adoption of a resolution establishing the Property Assessed Clean Energy ("PACE") Program in the City of Rockwall, authorizing the City Manager to execute a Professional Services Agreement with "Lone Star PACE, LLC," as well as all related documents necessary for administration of the program, and take any action necessary.
2. Discuss and consider granting permission for the allowance of alcohol at Harry Myers Park during city-sponsored events as related to Chapter 30, Article I, Sec. 30-2 'Regulated Activities in Parks' of the Code of Ordinances, and take any action necessary.

#### XII. Adjournment

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

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

I, Kristy Teague, City Secretary for the City of Rockwall, Texas, do hereby certify that this Agenda was posted at City Hall, in a place readily accessible to the general public at all times, on the 18th day of August, 2023 at 4PM and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

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

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Date Removed

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**ROCKWALL CITY COUNCIL REGULAR MEETING**

**Monday, August 07, 2023 - 5:00 PM**

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

**I. CALL PUBLIC MEETING TO ORDER**

Mayor Johannesen called the public meeting to order at 5:00 p.m. Present were Mayor Trace Johannesen, Mayor Pro Tem Anna Campbell and Councilmembers Sedric Thomas, Mark Moeller, Clarence Jorif, Dennis Lewis and Tim McCallum. Also present were City Manager Mary Smith and Assistant City Manager Joey Boyd. City Attorney Frank Garza was present by video teleconferencing (“ZOOM”). Mayor Johannesen read the below listed discussion items into the record before recessing the public meeting to go into Executive Session at 5:01 p.m.

**II. EXECUTIVE SESSION.**

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

1. Discussion regarding (re)appointments to city regulatory boards and commissions, pursuant to §551.074 (Personnel Matters)
2. Discussion regarding state law requirements for local option elections and petitions, pursuant to §551.071 (Consultation with Attorney)
3. Discussion regarding status of *City of Rockwall vs. Richard Brooks & Lake Pointe Health Science Center*, pursuant to §551.071 (Consultation with Attorney)

**III. ADJOURN EXECUTIVE SESSION**

**Council adjourned from Ex. Session at 6:00 p.m.**

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

Mayor Johannesen reconvened the public meeting at 6:00 p.m. with all seven councilmembers being present.

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

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

**VI. PROCLAMATIONS / AWARDS / RECOGNITIONS**

**1. Life Saving Awards**

- Brian Escobar - City Parks & Rec. Dept. Employee
- Daniel Ramirez - City Parks & Rec. Dept. Employee
- Garrett Stewart, Police Officer
- Lewis Johnson, Fire Dept. Captain
- Bogdan Rusmanica, Firefighter

- Clay Crawford, Firefighter

#### **Related Honorable Mentions**

- Jose Urive, Police Dept. Sergeant
- Sonja Doss, Police Officer
- Cameron Parker, Police Officer
- Aaron Woolverton, Police Officer

**Mayor Johannesen called forth the city's Parks & Recreation Director, Travis Sales; Fire Chief Kenneth Cullins, and Police Chief Ed Fowler and all of the above named staff members. A synopsis was read which detailed an event that transpired on the downtown Rockwall square on July 1 in which a Farmer's Market vendor experienced cardiac arrest, and each of the individuals above helped save his life. Each person was recognized and commended for helping to save a human life that day.**

#### **VII. APPOINTMENT ITEMS**

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

**Mr. Deckard came forth to answer any questions the Council may have had; however, no questions were asked. So no discussion transpired, and no action was taken regarding this agenda item.**

#### **VIII. OPEN FORUM**

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

#### **IX. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

**Regarding the Animal Adoption Center / Shelter Advisory Committee, Councilmember Moeller moved to reappoint Dr. Darren Goucher (for a two-year term, to expire in August of 2025). Councilmember Thomas seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

**Regarding the Board of Adjustments, Mayor Pro Tem Anna Campbell moved to appoint Sue Conway as a regular board member through August of 2024 and David Rohlf as an 'alternate' board member through August of 2025. Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

**Mayor Pro Tem Campbell then moved to reappoint Sarah Freed to the Historic Preservation Advisory Board (for an additional, two-year term to run through August of 2025). Councilmember Moeller seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

**Councilmember Jorif made a motion to reappoint Jason Alvarado and Jenny Krueger to an additional two-year term on the city's Park Board (to run through August of 2025). Mayor Pro Tem Campbell seconded the motion, which passed unanimously (7 ayes to 0 nays).**

**Regarding Park Board Member Angela Kleinheksel, Councilmember Jorif moved to not reappoint Mrs. Kleinheksel and to, instead, fill her seat with a new appointee, Mr. Vincent Harris (for a two-year term**

to run through August of 2025). Councilmember Moeller seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Mayor Johannesen moved to reappoint Dereck Deckard to the P&Z Commission for an additional term. Councilmember Thomas seconded the motion, which passed by a vote of 7 ayes to 0 nays.

**X. CONSENT AGENDA**

1. Consider approval of the minutes from the July 17, 2023 city council meeting, and take any action necessary.
2. **22023-029** - Consider a request by the City of Rockwall for the approval of an **ordinance** for a Zoning Change amending Planned Development District 8 (PD-8) [*Ordinance No.'s 73-48, 84-04, 84-16, 84-19, 85-43, 86-04, 86-64, 86-87, 87-45, 88-17, 88-51, 90-38, 91-43, 92-39, 92-41, 92-43, 02-50, 05-30, 14-15, & 21-38 and Resolution No.'s 87-19 & 87-20*] for the purpose of consolidating the regulating ordinances and resolutions for a 230.80-acre tract of land situated within the E. Teal Survey, Abstract No. 207, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8), generally located south of Summer Lee Drive and west of Ridge Road [*FM-740*], and take any action necessary **(2nd Reading)**.
3. **22023-030** - Consider a request by Christopher Touoboun on behalf of Dennis Lewis of Meals on Wheels Senior Service of Rockwall County for the approval of an **ordinance** for a Zoning Change from an Agricultural (AG) District to Light Industrial (LI) District on a 6.21-acre tract of land identified as a portion of Tract 4 and all of Tract 2 of the D Harr. Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the Airport Overlay (AP OV) District, addressed as 1780 Airport Road, and take any action necessary **(2nd Reading)**.
4. **P2023-022** - Consider a request by Jeff Carroll of Carroll Architects on behalf of Eric Borkenhagen of Kohl's for the approve of a Replat for Lots 8 & 9, Block A, Rockwall Market Center East Addition being a 7.383-acre parcel of land identified as Lot 7, Block A, Rockwall Market Center East Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 828 Rochell Court, and take any action necessary.
5. Consider approval of a quote from Nema 3 Electric, Inc. and authorize the City Manager to execute associated purchase order(s) for the installation of electrical services, lights, outlets for block heaters, battery chargers, and general electrical equipment needs at the City Service Center in the amount of \$57,176 to be funded by the Streets Operations Budget, and take any action necessary.

Mayor Johannesen pulled item #3 and then moved to approve the remaining Consent Agenda items (#s 1, 2, 4 and 5). Councilmember Lewis seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL  
ORDINANCE NO. 23-40**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 8 (PD-8) AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CONSOLIDATE THE REGULATING ORDINANCES OF THE PLANNED DEVELOPMENT DISTRICT, BEING A 230.80-ACRE TRACT OF LAND SITUATED WITHIN THE E. TEAL SURVEY, ABSTRACT NO. 207, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED HEREIN BY *EXHIBIT 'B'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A**

**SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;  
PROVIDING FOR AN EFFECTIVE DATE.**

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

Councilmember Lewis recused himself from Consent Agenda item #3 and filed an appropriate affidavit with the City Secretary. Councilmember Jorif moved to approve Consent Agenda item #3. Councilmember Thomas seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL  
ORDINANCE NO. 23-41**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO LIGHT INDUSTRIAL (LI) DISTRICT FOR A 6.21-ACRE TRACT OF LAND IDENTIFIED AS A PORTION OF TRACT 4 AND ALL OF TRACT 2 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED IN *EXHIBIT 'A'* AND FURTHER DEPICTED IN *EXHIBIT 'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

The motion passed by a vote of 6 ayes with 1 abstention (Lewis).

**XI. PUBLIC HEARING ITEMS**

1. **Z2023-031** - Hold a public hearing to discuss and consider a request by Manuel Tijerina for the approval of an ordinance for a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* for the purpose of constructing a single-family home on a 0.248-acre parcel of land identified as Lot 13, Block A, Highridge Estate Subdivision, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, addressed as 709 Forest Trace, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information regarding this agenda item. He explained that the applicant is seeking an SUP to allow construction of a single-family home at this address. Council is being asked to evaluate the size, location and architecture of the proposed home when compared to existing, nearby homes within the subdivision. Originally the city's Planning & Zoning Commission heard this proposal and decided to continue the public hearing, asking the applicant to consider changing the design of the home from a two-story home to a one-story home. The applicant ultimately chose to not make the change. The Planning & Zoning Commission then heard the proposal again at its meeting later that month, and – ultimately – they voted to recommend approval of this request by a vote of 4 to 0 (with Commissioners Deckard, Womble and Llewellyn being absent). Staff did mail out (85) notices to adjacent land a property owners within 500 feet of the subject property, and relevant homeowners associations (HOAs) were also notified. Four e-mails were received back in opposition.

Mayor Johannesen opened the public hearing, but no one indicated a desire to come forth and speak. So, he then closed the public hearing.

Councilmember Lewis moved to approve Z2023-031. Councilmember Thomas seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL  
ORDINANCE NO. 23-XX  
SPECIFIC USE PERMIT NO. S-XXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.248-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 13, BLOCK A, HIGHRIDGE ESTATES ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

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

2. **Z2023-032** - Hold a public hearing to discuss and consider a request by Drew Donosky of Claymoore Engineering on behalf of Clay Cooley of 1540 East IH-30 Rockwall, LLC for the approval of an **ordinance** for a *Specific Use Permit (SUP)* superseding *Ordinance No. 22-02 [S-266]* and allowing the expansion of an existing *Motor Vehicle Dealership (i.e. Clay Cooley Hyundai)* being a 7.17-acre tract of land identified as Lot 2, Block 1, Rockwall Recreation Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 1540 E. IH-30, and take any action necessary **(1st Reading)**.

Planning Director Ryan Miller provided background information concerning this agenda item. He generally explained that over the years since its annexation in 1985, the zoning on this property has changed, with a Specific Use Permit (SUP) and site plan ultimately being approved in 2012 to allow for a new and used automotive dealership. In 2022 the SUP was amended to allow for the addition of a carwash and minor automotive bays as well as outside storage to the site. The applicant is now requesting to amend the SUP to allow for a “major” automotive bays (to increase the number of bays from 3 up to 8), and change the minor automotive land use to “major automotive land use,” all of which also changes the concept plan (and the orientation of the automotive repair bays). Also, they would like to be able to not only do automotive repairs, but also do auto body work, engine work and painting on-site. It was pointed out that some of this type of work is already being done on site, and staff is working with the applicant to try and clear that “use” up. The applicant would like to increase the canopy on the west side of the building, increasing it from two-lanes to three, in addition to reorienting the direction of the bays. Staff has worked with the applicant to recommend three-tiered screening of the bay doors because they are facing towards a public street. The applicant, however, failed to provide the updated, (staff) recommended changes. So, the P&Z Commission originally recommended its denial, and the City Council remanded it back to P&Z at that time.



The Planning & Zoning Commission revisited this case, and, upon doing so, the P&Z Commission did ultimately end up recommending approval of this request by a vote of 5 ayes with 2 absences (Womble and Llewellyn). The applicant did make several changes to the proposed site plan, including some pretty heavy screening within the landscape plan, and a reorientation of the 'drives' (lanes). Several variance requests are associated with this case, including a cementitious materials variance, a stone variance, and a four-sided architecture variance. In addition, the garage door orientation will require an 'exception' to be granted by Council.

The P&Z Commission did revisit this case on July 25 and recommended its approval by a vote of 4 to 0 (with 3 commissioners being absent). Notices were sent out to adjacent land and property owners, and three were received back in favor (one of which was from the applicant himself). If Council approves this case tonight, the applicant will still have to thereafter go back through the site plan process.

Following Mr. Miller's briefing, Mayor Johannesen opened the public hearing, calling forth the applicant to speak.

Lynn Rowland  
Claymoore Engineering  
1903 Central Drive  
Bedford, TX

Mr. Rowland thanked Council for the opportunity to return to the P&Z Commission to work through outstanding items such as screening improvements.

Zach Amick  
1957 Stevens Drive  
Rockwall, TX

Mr. Amick shared that he is the General Contractor on this project. He generally expressed that there may have been some initial miscommunication on what would be required on this project. He went on to explain that the city's Planning staff was very helpful in helping to clear up the requirements and address concerns that were originally noted concerning the initial proposal.

Councilmember McCallum sought and received clarification from staff regarding the variances currently being requested. Mr. Miller indicated that this re-worked proposal is more substantially in conformance with the city's Unified Development Code requirements when compared to the original proposal. Mr. McCallum sought clarification regarding outside storage, including the applicant continuing to park cars on grass. Mr. Miller shared that it actually is not against code to park cars on grass. Rather, it is the potential 'storage' of inventory on grass that could become problematic and, essentially, against code. Mr. Miller explained that the city has been working with this property owner to try and address and clear up inventory being parked on city streets and on areas that are 'unimproved.' Councilmember McCallum conveyed that some things have been being done at this location, such as putting up a fence without a permit, so he would really like to hear from a representative of the company that could help him better understand their level of willingness to comply with city regulations and expectations.

Mr. Amick shared that the current owner purchased this dealership from Mr. Keith Young who had passed away in a motorcycle accident. The new owner increased the volume, service, and sales, but the dealership location has not been large enough to park every single car. Because of the dealership's growth over time after it changed ownership, they are now seeking to work with the city to expand the driveways, parking areas and inside storage areas. So, that is what this case is all about – trying to address these issues and be in compliance at this location.

Councilmember McCallum indicated that, although he understands this dealership's desire to 'take care of the customer,' he pointed out that the dealership also needs to be a responsible member of our community and ensure they aren't parking inventory on city streets and not obtaining proper permits. Those things are not acceptable, and he hopes these issues get remedied.

Mayor Johannesen then closed the public hearing.

Councilmember Jorif moved to approve Z2023-032. Mayor Johannesen seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL  
ORDINANCE NO. 23-XX  
SPECIFIC USE PERMIT NO. S-XXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING *ORDINANCE NO. 22-02 [S-266]* AND THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A *NEW MOTOR VEHICLE DEALERSHIP FOR CARS AND LIGHT TRUCKS, A MAJOR AUTO REPAIR GARAGE, AND OUTSIDE STORAGE* ON A 7.17-ACRE PARCEL OF LAND IDENTIFIED AS LOT 2, BLOCK 1 , ROCKWALL RECREATIONAL ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND DESCRIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

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

**XII. ACTION ITEMS**

1. Discuss and consider directing staff to amend Subsection 06.16, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) to allow Homeowner's Associations (HOAs) to lease certain areas of the takeline, and take any action necessary.

Planning Director, Ryan Miller provided background information concerning this agenda item. On January 4, 2020, the City Council adopted changes to the Lake Ray Hubbard Takeline Overlay (TL OV) District [Case No. Z2020-041] for the purpose of [1] providing clearer requirements with regard to the land uses, building materials, and construction standards permitted within the takeline, [2] providing a process that incentivizes property owners to construct erosion control measures (i.e. seawalls) by allowing additional land uses when such measures are provided, and [3] providing for a process to try

and facilitate more property owners to pursue takeline leases. Prior to the adoption of these changes, staff met with several citizens who owned property that backed up to areas of the takeline that were not leasable. These citizens were interested in creating a process that would allow Homeowner's Associations (HOA's) the ability to lease these areas of the takeline; however, this was ultimately not pursued in the changes that were brought forward to the City Council in January 2020. More recently, several residents of the Lakeside Village Subdivision have met with staff to express concern about erosion that is occurring along the banks of the takeline adjacent to this subdivision. Specifically, these residents were inquiring about constructing seawalls to correct the erosion issues. The problem that City staff encounter in considering this, is tied to the issue of allowing private property owners to make improvements on public land, and the fact that these improvements -- after construction -- would become the City's responsibility to maintain (i.e. since these areas of the takeline were not leasable there is no way to tie the improvements in the takeline to the private property owner's property after construction). To facilitate a solution to this issue, staff is proposing to amend the Lake Ray Hubbard Takeline Overlay (TL OV) District to allow Homeowner's Associations (HOA's) the ability to lease non-leasable areas adjacent to their jurisdictional boundaries. This would allow these property owners the ability to work with the Homeowner's Associations (HOA's) to make the necessary erosion control improvements without subjugating the City to the maintenance of these structures moving forward.

In researching this proposal, staff identified four (4) Homeowner's Associations (HOA's) that could be eligible to lease areas of the takeline that are currently unleaseable. These include: [1] the Chandler's Landing Subdivision (i.e. adjacent to Blocks B & C, Chandler's Landing, Phase 17), [2] the Signal Ridge Subdivision (i.e. adjacent to Signal Ridge, Phase 4), [3] the Water's Edge Subdivision at Lake Ray Hubbard (aka Villas De Portofino), and [4] the Lakeside Village Subdivision. If approved, the amendment prepared by staff -- contained in the attached packet -- would create the following requirements for the lease of the takeline for these Homeowner's Associations (HOA's):

- (1) A site plan would be required to be approved by the Planning and Zoning Commission that will be incorporated into the Sublease Agreement. This site plan will show all proposed improvements within the leased takeline area -- which are required to be located within Activity Areas -- and the required seawalls necessary to make these improvements.
- (2) All Activity Areas are permitted to be a maximum of 50-feet by 50-feet in size and be spaced a minimum of 200-feet apart.
- (3) Seawalls are required to be installed a minimum of 100-feet on either side of an Activity Area.
- (4) Fixed Piers and Dock Decks are required to be spaced a minimum of 200-feet apart along the leased area.
- (5) Boathouses are prohibited to be constructed in the takeline in these leased areas.
- (6) The Homeowner's Association (HOA) would be required to assume the responsibility for any existing improvements in the leased area.
- (7) Fees for a new lease, annual renewal of a lease, and reinstatement of an expired lease are the same as the fees established for a standard takeline sublease agreement.

In addition to the proposed amendment, staff has included an updated Sublease Agreement that allows Homeowner's Associations (HOA's) to sublease the takeline area. Staff should note that the City Attorney has reviewed the proposed text amendment and Sublease Agreement, and has provided staff with comments that have been incorporated into these documents. Should the City Council choose to direct staff to proceed with this text amendment, the proposed amendment would be subject to the following schedule:

- **Planning and Zoning Commission Work Session: August 29, 2023**
- **Planning and Zoning Commission Public Hearing: September 12, 2023**
- **City Council Public Hearing/First Reading: September 18, 2023**
- **City Council Second Reading: October 2, 2023**

Following Mr. Miller’s briefing, Councilmember Thomas moved to instruct staff to move forward with this text amendment, including the associated process and timeline. Councilmember Moeller seconded the motion, which passed by a vote of 7 ayes to 0 nays.

2. **A2023-001** - Discuss and consider the expiration of an existing 212 Development Agreement for a 2.77-acre tract of land that is contiguous with the City of Rockwall’s city limits, situated within the City’s Extraterritorial Jurisdiction (ETJ), addressed as 417 & 463 Green Circle and identified as Tract 8 of the R. Dickens Survey, Abstract No. 73, City of Rockwall, Rockwall County, Texas, and take any action necessary.

Planning Director, Ryan Miller provided background information concerning this agenda item. He explained that a 212 development agreement was initially established on this property back in November of 2010 for a period of 7 years. Thereafter, it was extended for an additional three years (in 2017) and then an additional 3 years (in July of 2020). The applicant is now requesting consideration for extension of the 212 development agreement for a period of 7 additional years (thru Dec. of 2030). Mr. Miller explained that the cumulative duration of the 212 agreement cannot exceed 45 years. At this time, Council can decide to (1) grant an extension (not to exceed (up to) 15 years; (2) take no action and allow the 212 agreement to expire and return the property to the city’s ETJ; or (3) allow the agreement to expire, thereby directing staff to proceed with annexation of the property.

Councilmember Jorif moved to move forward with extending the 212 development agreement for a period of 15 additional years. Councilmember McCallum asked staff for clarification regarding the timing of the extension. So far the property has previously received two, three-year extensions. Jorif then suggested a motion granting an additional 7 year term. Following additional, clarifying questions and answers, Councilmember Jorif ultimately amended his motion to move forward with extension of the 212 development agreement for an additional 3 year timeframe. Councilmember McCallum seconded the motion, which passed unanimously of those present (7 ayes to 0 nays).

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

1. Building Inspections Department Monthly Report - June 2023
2. Budget Report - Quarter End June 30, 2023
3. Fire Department Monthly Report - June 2023
4. Parks & Recreation Monthly Report - June 2023
5. Police Department Monthly Report - June 2023
6. Sales Tax Historical Comparison
7. Water Consumption Historical Statistics

City Manager Mary Smith indicated that a budget-related work session is being scheduled for August 23 at 6:00 p.m. Staff is diligently working to finalize the budget notebooks and get them distributed to the various council members hopefully by the end of the week.

XIV. ADJOURNMENT

Mayor Johannesen adjourned the meeting at 7:00 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 21<sup>st</sup> DAY OF AUGUST, 2023.

\_\_\_\_\_  
TRACE JOHANNESSEN, MAYOR

ATTEST:

\_\_\_\_\_  
KRISTY TEAGUE, CITY SECRETARY

CITY OF ROCKWALL

ORDINANCE NO. 23-42

SPECIFIC USE PERMIT NO. S-309

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.248-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 13, BLOCK A, HIGHRIDGE ESTATES ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City has received a request by Manuel Tijerina for the approval of a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* on a 0.248-acre parcel of land identified as Lot 13, Block A, of the Highridge Estates Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, addressed as 709 Forest Trace, and being more specifically described and depicted in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

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

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Rockwall, Texas;

**SECTION 1.** That the Unified Development Code (UDC) [Ordinance No. 20-02] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* to allow for the construction of a single-family home in an established subdivision in accordance with Article 04, *Permissible Uses*, the Unified Development Code (UDC) [Ordinance No. 20-02] on the *Subject Property*; and,

**SECTION 2.** That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 03.01, *General Residential District Standards*, and Subsection 03.07, *Single-Family 10 (SF-10) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 20-02] -- as heretofore amended and may be amended in the future -- and with the following conditions:

## 2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the construction of a single-family home on the *Subject Property* and conformance to these operational conditions are required:

- 1) The development of the *Subject Property* shall generally conform to the *Residential Plot Plan* as depicted in *Exhibit 'B'* of this ordinance.
- 2) The construction of a single-family home on the *Subject Property* shall generally conform to the *Building Elevations* depicted in *Exhibit 'C'* of this ordinance.
- 3) Once construction of the single-family home has been completed, inspected, and accepted by the City of Rockwall, this Specific Use Permit (SUP) shall expire, and no further action by the property owner shall be required.

## 2.2 COMPLIANCE

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

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

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

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

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

**SECTION 6.** If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

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

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 21<sup>st</sup> DAY OF AUGUST, 2023.**

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Trace Johannesen, Mayor

**ATTEST:**

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Kristy Teague, City Secretary

**APPROVED AS TO FORM:**

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Frank J. Garza, City Attorney

1<sup>st</sup> Reading: August 7, 2023

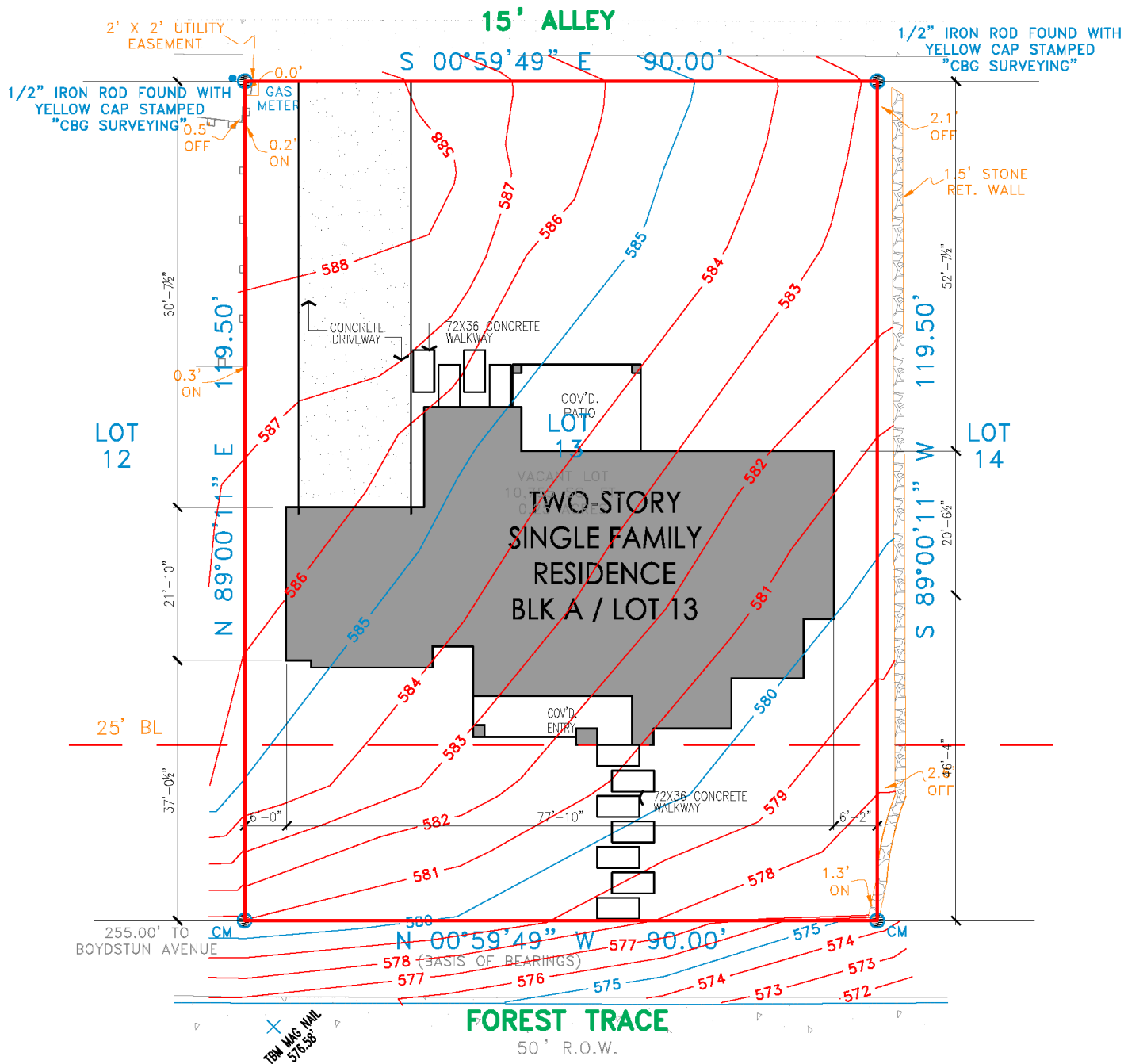
2<sup>nd</sup> Reading: August 21, 2023



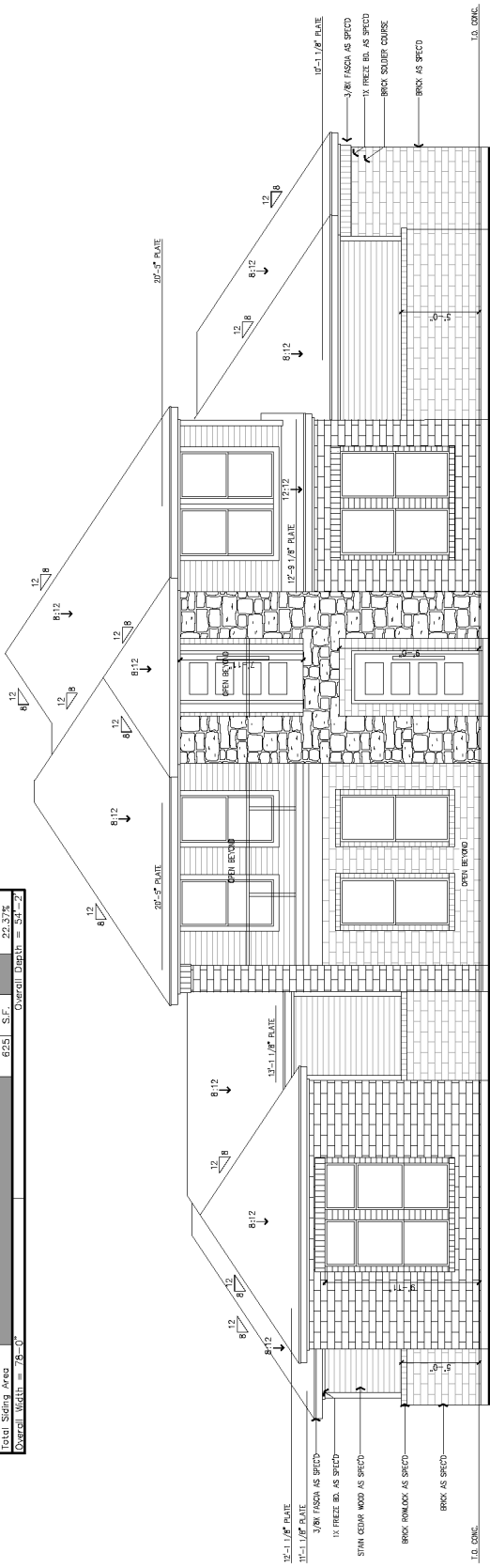
Address: 709 Forest Trace

Legal Description: Lot 13, Block A, Highridge Estates Addition

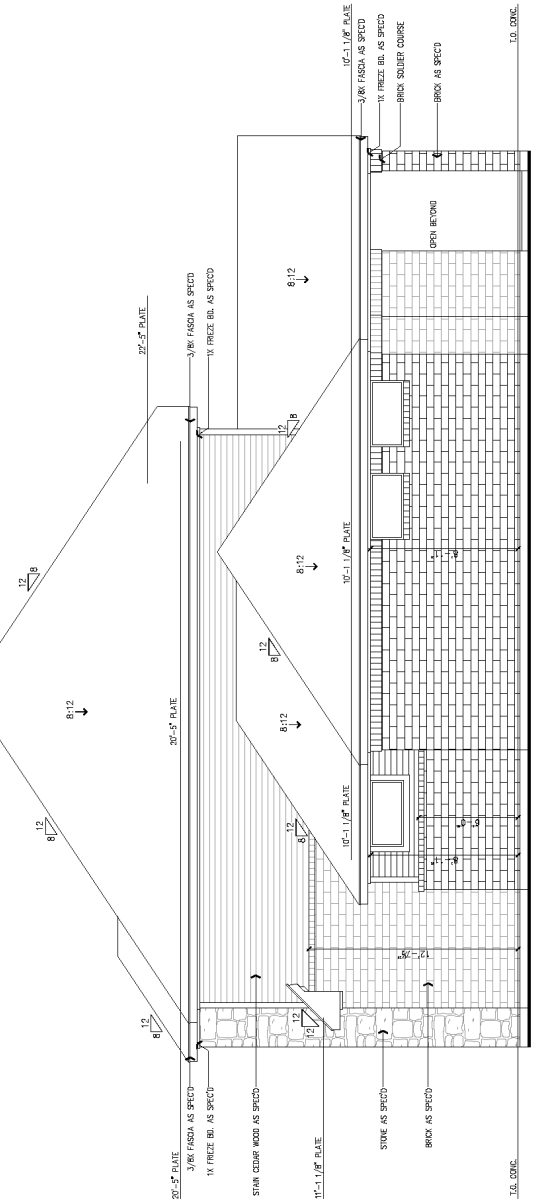


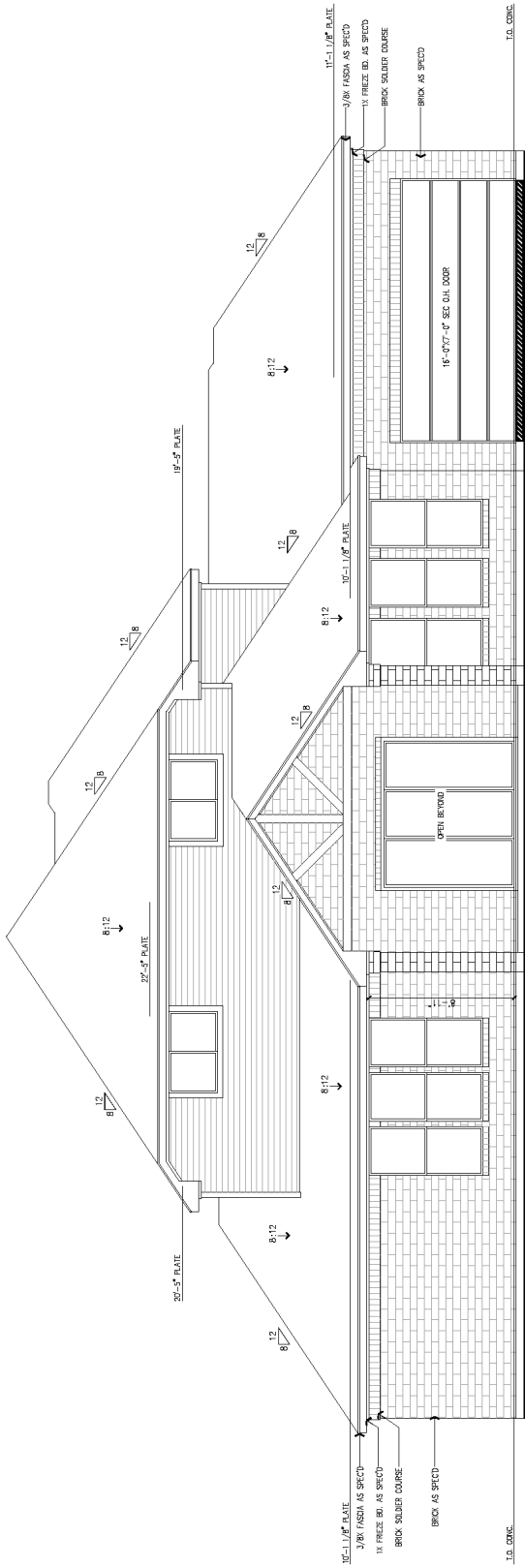


Total Stone Area	322'	S.F.	11,526'
Total Siding Area	625'	S.F.	22,378'
Overall Width	28'-0"	Overall Depth	34'-2"

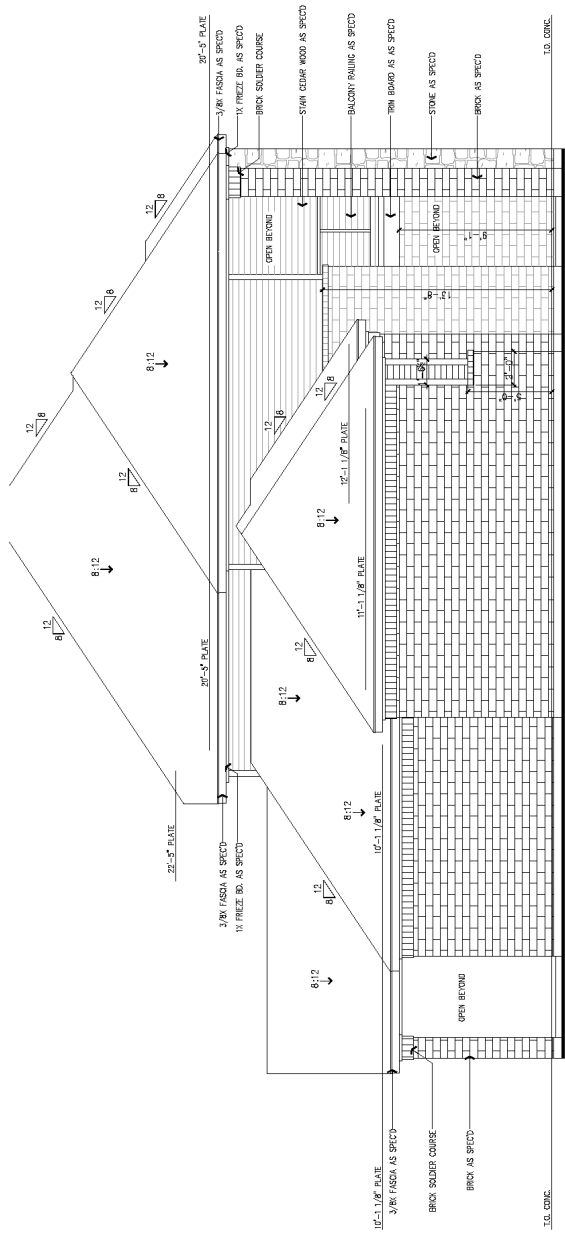


1 FRONT ELEVATION  
 A3 SCALE: 1/8" = 1'-0"





1 REAR ELEVATION  
 A4 SCALE: 1/8" = 1'-0"





**City of Rockwall**  
*The New Horizon*

## MEMORANDUM

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**TO: Rockwall City Council**

**FROM: Joey Boyd, Assistant City Manager**

**DATE: August 8, 2023**

**SUBJECT: Settlement Agreement with Atmos Energy Corp. Mid-Tex Division**

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The information below is provided by the Atmos Cities Steering Committee Executive Committee and its General Counsel.

### **BACKGROUND AND SUMMARY**

The City, along with 181 other Mid-Texas cities served by Atmos Energy Corporation, Mid-Tex Division (“Atmos Mid-Tex” or “Company”), is a member of the Atmos Cities Steering Committee (“ACSC”). In 2007, ACSC and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That settlement created a substitute rate review process, referred to as Rate Review Mechanism (“RRM”), as a substitute for future filings under the GRIP statute.

Since 2007, there have been several modifications to the original RRM Tariff. The most recent iteration of an RRM Tariff was reflected in an ordinance adopted by ACSC members in 2018. On or about March 31, 2023, the Company filed a rate request pursuant to the RRM Tariff adopted by ACSC members. The Company claimed that its cost-of-service in a test year ending December 31, 2022, entitled it to additional system-wide revenues of \$165.9 million.

Application of the standards set forth in ACSC’s RRM Tariff reduces the Company’s request to \$156.1 million, \$113.8 million of which would be applicable to ACSC members. After reviewing the filing and conducting discovery, ACSC’s consultants concluded that the system-wide deficiency under the RRM regime should be \$130.9 million instead of the claimed \$156.1 million.

After several settlement meetings, the parties have agreed to settle the case for \$142 million. This is a reduction of \$23.9 million to the Company’s initial request. This includes payment of ACSC’s expenses. The settlement also includes an additional \$19.5 million for the securitization regulatory asset expenses related to Winter Storm Uri. This was previously approved by the Texas Legislature

and Railroad Commission. The Effective Date for new rates is October 1, 2023. ACSC members should take action approving the Ordinance before September 30, 2023.

**RATE TARIFFS**

Atmos generated rate tariffs attached to the Ordinance will generate \$142 million in additional revenues. Atmos also prepared a Proof of Revenues supporting the settlement figures. ACSC consultants have agreed that Atmos’ Proof of Revenues is accurate.

**BILL IMPACT**

The impact of the settlement on average residential rates is an increase of \$6.47 on a monthly basis, or 7.31%. The increase for average commercial usage will be \$24.72 or 5.19%. Atmos provided bill impact comparisons containing these figures.

**SUMMARY OF ACSC’S OBJECTION TO THE UTILITIES CODE SECTION 104.301 GRIP PROCESS**

ACSC strongly opposed the GRIP process because it constitutes piecemeal ratemaking by ignoring declining expenses and increasing revenues while rewarding the Company for increasing capital investment on an annual basis. The GRIP process does not allow any review of the reasonableness of capital investment and does not allow cities to participate in the Railroad Commission’s review of annual GRIP filings or allow recovery of Cities’ rate case expenses. The Railroad Commission undertakes a mere administrative review of GRIP filings (instead of a full hearing) and rate increases go into effect without any material adjustments. In ACSC’s view, the GRIP process unfairly raises customers’ rates without any regulatory oversight. In contrast, the RRM process has allowed for a more comprehensive rate review and annual evaluation of expenses and revenues, as well as capital investment.

**RRM SAVINGS OVER GRIP**

While residents outside municipal limits must pay rates governed by GRIP, there are some cities served by Atmos Mid-Tex that chose to remain under GRIP rather than adopt RRM. Additionally, the City of Dallas adopted a variation of RRM which is referred to as DARR. When new rates become effective on October 1, 2023, ACSC residents will maintain an economic monthly advantage over GRIP and DARR rates.

**Comparison to Other Mid-Tex Rates (Residential)**

	Average Bill	Compared to RRM Cities
RRM Cities:	\$42.62	-
DARR:	\$42.55	(\$0.07)
ATM Cities:	\$44.39	\$1.77
Environs:	\$44.27	\$1.65

Note: ATM Cities and Environs rates are as-filed. Also note that DARR uses a test year ending in September rather than December.

#### **EXPLANATION OF “BE IT RESOLVED” PARAGRAPHS:**

1. This section approves all findings in the Ordinance.
2. This section adopts the RRM rate tariffs and finds the adoption of the new rates to be just, reasonable, and in the public interest.
3. This section makes it clear that Cities may challenge future costs associated with gas leaks.
4. This section finds that existing rates are unreasonable. Such finding is a necessary predicate to establishment of new rates. The new tariffs will permit Atmos Mid-Tex to recover an additional \$142 million on a system-wide basis.
5. This section approves an exhibit that establishes a benchmark for pensions and retiree medical benefits to be used in future rate cases or RRM filings.
6. This section requires the Company to reimburse the City for expenses associated with review of the RRM filing, settlement discussions, and adoption of the Ordinance approving new rate tariffs.
7. This section repeals any resolution or ordinance that is inconsistent with the Ordinance.
8. This section finds that the meeting was conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.
9. This section is a savings clause, which provides that if any section is later found to be unconstitutional or invalid, that finding shall not affect, impair, or invalidate the remaining provisions of this Ordinance. This section further directs that the remaining provisions of the Ordinance are to be interpreted as if the offending section or clause never existed.
10. This section provides for an effective date upon passage.
11. This section directs that a copy of the signed Ordinance be sent to a representative of the Company and legal counsel for ACSC.

#### **CONCLUSION**

The Legislature’s GRIP process allowed gas utilities to receive annual rate increases associated with capital investments. The RRM process has proven to result in a more efficient and less costly (both from a consumer rate impact perspective and from a ratemaking perspective) than the GRIP process. Given Atmos Mid-Tex’s claim that its historic cost of service should entitle it to recover \$165.9 million in additional system-wide revenues, the RRM settlement at \$142 million for ACSC members reflects substantial savings to ACSC cities. Settlement at \$142 million is fair and reasonable. The ACSC Executive Committee consisting of city employees of 18 ACSC members urges all ACSC members to pass the Ordinance before September 30, 2023. New rates become effective October 1, 2023.

**CITY OF ROCKWALL**  
**ORDINANCE NO. 23-43**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2023 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL.**

**WHEREAS**, the City of Rockwall, Texas (“City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), and a regulatory authority with an interest in the rates, charges, and services of Atmos Mid-Tex; and

**WHEREAS**, the City is a member of the Atmos Cities Steering Committee (“ACSC”), a coalition of similarly-situated cities served by Atmos Mid-Tex (“ACSC Cities”) that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

**WHEREAS**, ACSC and the Company worked collaboratively to develop a Rate Review Mechanism (“RRM”) tariff that allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program (“GRIP”) process instituted by the Legislature, and that will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division; and

**WHEREAS**, the current RRM tariff was adopted by the City in a rate ordinance in 2018; and  
**WHEREAS**, on about March 31, 2023 Atmos Mid-Tex filed its 2023 RRM rate request with ACSC Cities based on a test year ending December 31, 2022; and

**WHEREAS**, ACSC coordinated its review of the Atmos Mid-Tex 2023 RRM filing through its Executive Committee, assisted by ACSC’s attorneys and consultants, to resolve issues identified in the Company’s RRM filing; and

**WHEREAS**, the Executive Committee, as well as ACSC’s counsel and consultants, recommend that ACSC Cities approve an increase in base rates for Atmos Mid-Tex of \$142 million on a system-wide basis with an Effective Date of October 1, 2023; and



**WHEREAS**, ACSC agrees that Atmos plant-in-service is reasonable; and

**WHEREAS**, with the exception of approved plant-in-service, ACSC is not foreclosed from future reasonableness evaluation of costs associated with incidents related to gas leaks; and

**WHEREAS**, the attached tariffs (Attachment 1) implementing new rates are consistent with the recommendation of the ACSC Executive Committee, are agreed to by the Company, and are just, reasonable, and in the public interest; and

**WHEREAS**, the settlement agreement sets a new benchmark for pensions and retiree medical benefits (Attachment 2); and

**WHEREAS**, the RRM Tariff contemplates reimbursement of ACSC's reasonable expenses associated with RRM applications; and

**WHEREAS**, the RRM Tariff includes Securitization Interest Regulatory Asset amount of \$19.5 million;

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

**SECTION 1.** That the findings set forth in this Ordinance are hereby in all things approved.

**SECTION 2.** That, without prejudice to future litigation of any issue identified by ACSC, the City Council finds that the settled amount of an increase in revenues of \$142 million on a system-wide basis represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within the municipal limits arising from Atmos Mid-Tex's 2023 RRM filing, is in the public interest, and is consistent with the City's authority under Section 103.001 of the Texas Utilities Code.

**SECTION 3.** That despite finding Atmos Mid-Tex's plant-in-service to be reasonable, ACSC is not foreclosed in future cases from evaluating the reasonableness of costs associated with incidents involving leaks of natural gas.

**SECTION 4.** That the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs attached hereto and incorporated herein as Attachment 1, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional \$142 million on a system-wide basis, over the amount allowed under currently approved rates. Such tariffs are hereby adopted.

**SECTION 5.** That the ratemaking treatment for pensions and retiree medical benefits in Atmos Mid-Tex's next RRM filing shall be as set forth on Attachment 2, attached hereto and incorporated herein.

**SECTION 6.** That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of ACSC in processing the Company's 2023 RRM filing.

**SECTION 7.** That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Ordinance, it is hereby repealed.

**SECTION 8.** That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

**SECTION 9.** That if any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

**SECTION 10.** That consistent with the City Ordinance that established the RRM process, this Ordinance shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after October 1, 2023.

**SECTION 11.** That a copy of this Ordinance shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Thomas Brocato, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 21<sup>st</sup> DAY OF AUGUST, 2023 BY A VOTE OF \_\_\_\_AYES WITH \_\_\_\_NAYS.**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

<b>RATE SCHEDULE:</b>	<b>R – RESIDENTIAL SALES</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 10/01/2023</b>	

**Application**

Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

**Type of Service**

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

**Monthly Rate**

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

<b>Charge</b>	<b>Amount</b>
Customer Charge per Bill	\$ 22.25 per month
Rider CEE Surcharge	\$ 0.05 per month <sup>1</sup>
<b>Total Customer Charge</b>	<b>\$ 22.30 per month</b>
Commodity Charge – All <u>Ccf</u>	\$0.48567 per Ccf <sup>2</sup>

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

**Agreement**

An Agreement for Gas Service may be required.

**Notice**

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

<sup>1</sup>Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2023.

<sup>2</sup>The commodity charge includes the base rate amount of \$0.46724 per Ccf and Securitization Regulatory Asset amounts related to financing costs in the amount of \$0.01843 per Ccf until recovered.

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

<b>RATE SCHEDULE:</b>	<b>C – COMMERCIAL SALES</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 10/01/2023</b>	

**Application**

Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

**Type of Service**

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

**Monthly Rate**

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

<b>Charge</b>	<b>Amount</b>
Customer Charge per Bill	\$ 72.00 per month
Rider CEE Surcharge	(\$ 0.02) per month <sup>1</sup>
<b>Total Customer Charge</b>	<b>\$ 71.98 per month</b>
Commodity Charge – All Ccf	\$ 0.18280 per Ccf <sup>2</sup>

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

**Agreement**

An Agreement for Gas Service may be required.

**Notice**

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

**Presumption of Plant Protection Level**

For service under this Rate Schedule, plant protection volumes are presumed to be 10% of normal, regular, historical usage as reasonably calculated by the Company in its sole discretion. If a customer believes it needs to be modeled at an alternative plant protection volume, it should contact the company at [mdtx.plantprotection@atmosenergy.com](mailto:mdtx.plantprotection@atmosenergy.com).

<sup>1</sup> Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2023.

<sup>2</sup>The commodity charge includes the base rate amount of \$0.16437 per Ccf and Securitization Regulatory Asset amounts related to financing costs in the amount of \$0.01843 per Ccf until recovered.

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

<b>RATE SCHEDULE:</b>	<b>I – INDUSTRIAL SALES</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 10/01/2023</b>	

**Application**

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 200 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 200 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

**Type of Service**

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

**Monthly Rate**

Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

<b>Charge</b>	<b>Amount</b>
Customer Charge per Meter	\$ 1,382.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.7484 per MMBtu <sup>1</sup>
Next 3,500 MMBtu	\$ 0.5963 per MMBtu <sup>1</sup>
All MMBtu over 5,000 MMBtu	\$ 0.2693 per MMBtu <sup>1</sup>

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

**Curtailment Overpull Fee**

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

**Replacement Index**

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees

<sup>1</sup> The tiered commodity charges include the base rate amounts of \$0.5684, \$0.4163, and \$0.0893 per MMBtu, respectively, plus Securitization Regulatory Asset amounts related to financing costs in the amount of \$0.1800 per MMBtu until recovered.

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

<b>RATE SCHEDULE:</b>	<b>I – INDUSTRIAL SALES</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 10/01/2023</b>	

utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

**Agreement**

An Agreement for Gas Service may be required.

**Notice**

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

**Special Conditions**

In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**Presumption of Plant Protection Level**

For service under this Rate Schedule, plant protection volumes are presumed to be 10% of normal, regular, historical usage as reasonably calculated by the Company in its sole discretion. If a customer believes it needs to be modeled at an alternative plant protection volume, it should contact the company at [mdtx.plantprotection@atmosenergy.com](mailto:mdtx.plantprotection@atmosenergy.com).

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

<b>RATE SCHEDULE:</b>	<b>T – TRANSPORTATION</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 10/01/2023</b>	

**Application**

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

**Type of Service**

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

**Monthly Rate**

Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

<b>Charge</b>	<b>Amount</b>
Customer Charge per Meter	\$ 1,382.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.5684 per MMBtu
Next 3,500 MMBtu	\$ 0.4163 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0893 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

**Imbalance Fees**

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

**Monthly Imbalance Fees**

Customer shall pay Company the greater of (i) \$0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

<b>RATE SCHEDULE:</b>	<b>T – TRANSPORTATION</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 10/01/2023</b>	

**Curtailment Overpull Fee**

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

**Replacement Index**

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

**Agreement**

A transportation agreement is required.

**Notice**

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

**Special Conditions**

In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.



**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

<b>RIDER:</b>	<b>WNA – WEATHER NORMALIZATION ADJUSTMENT</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 10/01/2023</b>	

Provisions for Adjustment

The Commodity Charge per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The five regional weather stations are Abilene, Austin, Dallas, Waco, and Wichita Falls.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i \times (NDD-ADD))}{(BL_i + (HSF_i \times ADD))}$$

Where

- $i$  = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification
- $WNAF_i$  = Weather Normalization Adjustment Factor for the  $i^{th}$  rate schedule or classification expressed in cents per Ccf
- $R_i$  = Commodity Charge rate of temperature sensitive sales for the  $i^{th}$  schedule or classification.
- $HSF_i$  = heat sensitive factor for the  $i^{th}$  schedule or classification divided by the average bill count in that class
- $NDD$  = billing cycle normal heating degree days calculated as the simple ten-year average of actual heating degree days.
- $ADD$  = billing cycle actual heating degree days.
- $BL_i$  = base load sales for the  $i^{th}$  schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the  $j$ th customer in  $i$ th rate schedule is computed as:

$$WNA_{ij} = WNAF_i \times q_{ij}$$

Where  $q_{ij}$  is the relevant sales quantity for the  $j$ th customer in  $i$ th rate schedule.

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

<b>RIDER:</b>	<b>WNA – WEATHER NORMALIZATION ADJUSTMENT</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 10/01/2023</b>	

Base Use/Heat Use Factors

Weather Station	<u>Residential</u>		<u>Commercial</u>	
	<u>Base use Ccf</u>	<u>Heat use Ccf/HDD</u>	<u>Base use Ccf</u>	<u>Heat use Ccf/HDD</u>
Abilene	9.51	0.1415	88.91	0.7010
Austin	8.87	0.1213	213.30	0.7986
Dallas	12.54	0.2007	185.00	0.9984
Waco	8.81	0.1325	125.26	0.7313
Wichita Falls	10.36	0.1379	122.10	0.6083

Weather Normalization Adjustment (WNA) Report

On or before June 1 of each year, the company posts on its website at [atmosenergy.com/mtx-wna](http://atmosenergy.com/mtx-wna), in Excel format, a *Weather Normalization Adjustment (WNA) Report* to show how the company calculated its WNA factor during the preceding winter season. Additionally, on or before June 1 of each year, the company files one hard copy and an Excel version of the *WNA Report* with the Railroad Commission of Texas' Gas Services Division, addressed to the Director of that Division.

**ATMOS ENERGY CORP., MID-TEX DIVISION  
MID-TEX RATE REVIEW MECHANISM  
PENSIONS AND RETIREE MEDICAL BENEFITS FOR CITIES APPROVAL  
TEST YEAR ENDING DECEMBER 31, 2022**

Line No.	Description (a)	Shared Services (b)		Post-Employment Benefit Plan (c)		Mid-Tex Direct (e)		Supplemental Executive Benefit Plan (f)		Adjustment Total (g)
		Pension Account Plan	Employment Benefit Plan	Pension Account Plan	Employment Benefit Plan	Pension Account Plan	Employment Benefit Plan	Pension Account Plan	Employment Benefit Plan	
1	Proposed Benefits Benchmark - Fiscal Year 2023 Willis Towers Watson Report as adjusted (1) (2) (3)	\$ 1,434,339	\$ (518,336)	\$ 2,336,419	\$ (2,678,818)	\$ 267,917				
2	Allocation Factor	44.92%	44.92%	78.74%	78.74%	100.00%				
3	Proposed Benefits Benchmark Costs Allocated to Mid-Tex (Ln 1 x Ln 2)	\$ 644,336	\$ (232,848)	\$ 1,839,667	\$ (2,109,267)	\$ 267,917				
4	O&M and Capital Allocation Factor	100.00%	100.00%	100.00%	100.00%	100.00%				
5	Proposed Benefits Benchmark Costs to Approve (Ln 3 x Ln 4)	\$ 644,336	\$ (232,848)	\$ 1,839,667	\$ (2,109,267)	\$ 267,917				
6										
7	O&M Expense Factor (WP_F-2.3, Ln 2)	78.60%	78.60%	39.63%	39.63%	11.00%				
8										
9	Summary of Costs to Approve (1):									
10	Total Pension Account Plan	\$ 506,464	\$ (183,024)	\$ 729,006	\$ (835,840)	\$				\$ 1,235,469
11	Total Post-Employment Benefit Plan									(1,018,864)
12	Total Supplemental Executive Benefit Plan									29,471
13	Total (Ln 10 + Ln 11 + Ln 12)	\$ 506,464	\$ (183,024)	\$ 729,006	\$ (835,840)	\$ 29,471				\$ 246,076

**ATMOS ENERGY CORP., MID-TEX DIVISION**  
**MID-TEX RATE REVIEW MECHANISM**  
**AVERAGE BILL COMPARISON - BASE RATES**  
**TEST YEAR ENDING DECEMBER 31, 2022**

Line No.	Description (a)	Current (b)	Proposed (c)	Change	
				Amount (d)	Percent (e)
1	<b>Rate R @ 43.6 Ccf</b>				
2	Customer charge	\$ 21.55			
3	Consumption charge	= 15.79			
4	Rider GCR Part A	= 27.74			
5	Rider GCR Part B	= 18.20			
6	Subtotal	\$ 83.28			
7	Rider FF & Rider TAX	= 5.19			
8	Total	\$ 88.47			
9					
10	Customer charge		\$ 22.25		
11	Consumption charge		21.18		
12	Rider GCR Part A		27.74		
13	Rider GCR Part B		18.20		
14	Subtotal		\$ 89.37		
15	Rider FF & Rider TAX		5.57		
16	Total		\$ 94.94	\$ 6.47	7.31%
17					

**ATMOS ENERGY CORP., MID-TEX DIVISION**  
**MID-TEX RATE REVIEW MECHANISM**  
**AVERAGE BILL COMPARISON - BASE RATES**  
**TEST YEAR ENDING DECEMBER 31, 2022**

Line No.	Description (a)	Current (b)	Proposed (c)	Change	
				Amount (d)	Percent (e)
18	<b>Rate C @ 356.6 Ccf</b>				
19	Customer charge	\$ 63.50			
20	Consumption charge	50.41	=		
21	Rider GCR Part A	226.86	=		
22	Rider GCR Part B	107.69	=		
23	Subtotal	\$ 448.46			
24	Rider FF & Rider TAX	27.97	=		
25	Total	\$ 476.43			
26					
27	Customer charge		\$ 72.00		
28	Consumption charge		65.18		
29	Rider GCR Part A		226.86		
30	Rider GCR Part B		107.69		
31	Subtotal		\$ 471.73		
32	Rider FF & Rider TAX		29.42		
33	Total		\$ 501.15	\$ 24.72	5.19%
34					

**ATMOS ENERGY CORP., MID-TEX DIVISION  
MID-TEX RATE REVIEW MECHANISM  
AVERAGE BILL COMPARISON - BASE RATES  
TEST YEAR ENDING DECEMBER 31, 2022**

Line No.	Description (a)	Current (b)	Proposed (c)	Change	
				Amount (d)	Percent (e)
35	<b>Rate I @ 1720 MMBTU</b>				
36	Customer charge	\$ 1,204.50			
37	Consumption charge	= 740.85			
38	Consumption charge	= 79.64			
39	Consumption charge	= -			
40	Rider GCR Part A	= 10,688.12			
41	Rider GCR Part B	= 1,078.08			
42	Subtotal	\$ 13,791.19			
43	Rider FF & Rider TAX	= 860.17			
44	Total	\$ 14,651.36			
45					
46	Customer charge		\$ 1,382.00		
47	Consumption charge		1,122.62		
48	Consumption charge		131.30		
49	Consumption charge		-		
50	Rider GCR Part A		10,688.12		
51	Rider GCR Part B		1,078.08		
52	Subtotal		\$ 14,402.12		
53	Rider FF & Rider TAX		898.28		
54	Total		\$ 15,300.40	\$ 649.04	4.43%
55					

**ATMOS ENERGY CORP., MID-TEX DIVISION**  
**MID-TEX RATE REVIEW MECHANISM**  
**AVERAGE BILL COMPARISON - BASE RATES**  
**TEST YEAR ENDING DECEMBER 31, 2022**

Line No.	Description (a)	Current (b)	Proposed (c)	Change	
				Amount (d)	Percent (e)
<b>Rate T @ 4720 MMBTU</b>					
56	Customer charge	\$ 1,204.50			
57	Consumption charge	740.85			
58	Consumption charge	1,164.50			
59	Consumption charge	-			
60	Consumption charge	2,957.85			
61	Rider GCR Part B	\$ 6,067.70			
62	Subtotal	\$ 6,067.70			
63	Rider FF & Rider TAX	378.45			
64	Total	\$ 6,446.15			
65					
66	Customer charge		\$ 1,382.00		
67	Consumption charge		852.60		
68	Consumption charge		1,340.29		
69	Consumption charge		-		
70	Rider GCR Part B		2,957.85		
71	Subtotal		\$ 6,532.74		
72	Rider FF & Rider TAX		407.45		
73	Total		\$ 6,940.19	\$ 494.04	7.66%



City of Rockwall  
*The New Horizon*

## MEMORANDUM

---

**TO:** Mayor and City Council Members

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

**DATE:** August 18, 2023

**SUBJECT:** Certificate of Insufficiency Re: Local Option Election (Alcohol) Petition

---

The Council is asked to review and accept the “Certificate of Insufficiency” that was issued by the City Secretary on August 8, 2023 in accordance with the City Charter and State law. A copy of the certificate, which explains in more detail the results of the petition validation review process, is included in the informational meeting packet for consideration.



**CERTIFICATE OF INSUFFICIENCY OF PETITION  
FOR LOCAL OPTION ELECTION**

**I Kristy Teague, City Secretary of the City of Rockwall, Texas, hereby certify that:**

The initiative petition proposing that a local option election be called in accordance with the terms and provisions of Title 17, Chapter 277 of the Texas Election Code in the City of Rockwall to allow the “legal sale of all alcoholic beverages for off-premise consumption only” was filed with the City Secretary on July 18, 2023.

At the time of filing, the Petition was comprised of **951 pages** containing **8,729 signatures**.

In accordance with the Section 501.032 of the Texas Election Code, the number of signatures required for a sufficient local option election petition is thirty-five percent (35%) of the qualified voters in the most recent gubernatorial election. Per the last gubernatorial election, the number of registered voters of the City of Rockwall who voted in the most recent gubernatorial election was: 18,786; therefore the **petitioner was required to provide 6,576 valid signatures**.

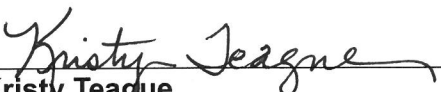
Based on verification against the voter registration rolls obtained from Rockwall County, I have determined the following facts regarding this local option Petition.

The raw-count number of signatures filed with the Petition was 8,729. The required number of valid signatures is 6,576. Based on the review of every Petition and line, it has been determined that the petition does *not* meet the requirement for the minimum number of signatures of valid voters, based on the required minimum of 6,576 valid signatures. Of the signatures submitted and checked, 2,481 of the Petition lines were disqualified. The reasons for the Petition lines being disqualified are as follows: (1) on account of bearing signature of persons not living in the City of Rockwall, 458 Petition lines were disqualified; (2) on account of bearing signature of persons not on the voter list, 618 Petition lines were disqualified; (3) on account of required Petition information not being provided, 393 Petition lines were disqualified; and (4) on account for signatures not matching Rockwall County Election records, 1012 Petition lines were disqualified. The remaining 6,248 Petition lines were validated as providing the required information.

Based on the above, **the Petition is determined to be insufficient by at least 328 qualified entries**.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City of Rockwall on this the 8<sup>th</sup> day of August, 2023.



  
\_\_\_\_\_  
**Kristy Teague**  
City Secretary – Rockwall, TX



**City of Rockwall**  
*The New Horizon*  
**MEMORANDUM**

---

**TO: Rockwall City Council**

**FROM: Joey Boyd, Assistant City Manager**

**DATE: August 18, 2023**

**SUBJECT: Additional Plumbing Repair at Rockwall Police Department**

---

The Internal Operations Department maintenance staff recently discovered a plumbing leak underneath the slab of the Rockwall Police Department while investigating and repairing a shift in the foundation. Further testing of the plumbing system identified the location of a pipe that needed to be excavated and replaced. On July 17, 2023, City Council approved funding for repairs to this pipe in the amount of \$31,750.

Once excavation below the foundation began, the contractor discovered additional plumbing pipes that were deteriorated and needed to be replaced, requiring further excavation, rerouting and installation of new pipes. The work was completed as an emergency item since the trench was already open beneath the slab and to expedite getting the plumbing system in working order for PD staff.

City Council is asked to consider approval of an additional \$43,897 to Bluefrog Plumbing for emergency repairs to the Rockwall Police Department and to amend the FY 23 Internal Operations Department operating budget for the same amount from General Fund Reserves.



## MEMORANDUM

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**TO:** Mary Smith, City Manager

**CC:** Honorable Mayor and City Council

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

**DATE:** August 21, 2023

**SUBJECT:** Z2023-033; SPECIFIC USE PERMIT (SUP) FOR A RESIDENTIAL INFILL ADJACENT TO AN ESTABLISHED SUBDIVISION AT 803 DALTON ROAD

---

### Attachments

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

### Summary/Background Information

Hold a public hearing to discuss and consider a request by Dennis and Melissa Cain for the approval of an **ordinance** for a *Specific Use Permit (SUP) for Residential Infill Adjacent to an Established Subdivision* for the purpose of allowing the construction of a single-family home on a 12.00-acre tract of land identified as Tracts 8-01 & 8-02 of the W. T. DeWeese Survey, Abstract No. 71, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 803 Dalton Road, and take any action necessary (**1st Reading**).

### Action Needed

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



# CITY OF ROCKWALL

## CITY COUNCIL CASE MEMO

### PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

---

**TO:** Mayor and City Council  
**DATE:** August 21, 2023  
**APPLICANT:** Dennis and Melissa Cain  
**CASE NUMBER:** Z2023-033; *Specific Use Permit (SUP) for a Residential Infill Adjacent to an Established Subdivision at 803 Dalton Road*

---

### SUMMARY

Hold a public hearing to discuss and consider a request by Dennis and Melissa Cain for the approval of a Specific Use Permit (SUP) for *Residential Infill Adjacent to an Established Subdivision* for the purpose of allowing the construction of a single-family home on a 12.00-acre tract of land identified as Tracts 8-01 & 8-02 of the W. T. DeWeese Survey, Abstract No. 71, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 803 Dalton Road, and take any action necessary.

### BACKGROUND

The subject property was annexed into the City of Rockwall on November 7, 1983 by *Ordinance No. 83-57 [Case No. A1983-002]*. According to the December 7, 1993 *Historic Zoning Maps*, the subject property was zoned Agricultural (AG) District and has remained zoned Agricultural (AG) District since annexation. According to the Rockwall Central Appraisal District (RCAD), there is currently a 6,750 SF single-family home situated on a one (1) acre portion of the subject property (*i.e. Tract 8-01 of the W. T. DeWeese Survey, Abstract No. 71*). RCAD goes on to identify the following structures as being situated on the remainder of the subject property (*i.e. Tract 8-02 of the W. T. DeWeese Survey, Abstract No. 71*): [1] a 750 SF metal residence, [2] two (2) storage units (*i.e. an 800 SF & a 504 SF*), [3] a 750 SF shop, and [4] a 594 SF detached carport.

### PURPOSE

The applicants -- *Dennis and Melissa Cain* -- are requesting the approval of a Specific Use Permit (SUP) for the purpose of constructing a single-family home on the subject property in accordance with Subsection 02.03(B)(11), *Residential Infill in or Adjacent to an Established Subdivision*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC).

### ADJACENT LAND USES AND ACCESS

The subject property is located at 803 Dalton Road. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property is Dalton Road, which is identified as a M4U (*i.e. major collector, four [4] lane, undivided roadway*) on the Master Thoroughfare Plan contained in the OURHometown 2040 Comprehensive Plan. Beyond this is Nebbie Williams Elementary School (*i.e. Lot 1, Block A, Rockwall School North Addition*) and Phase 1 of the Harlan Park Subdivision. This phase of the Harlan Park Subdivision consists of 65 residential lots on 2.34-acres, and has been in existence since March 20, 1985. All of these properties are zoned Single-Family 10 (SF-10) District.

South: Directly south of the subject property are three (3) parcels of land (*i.e. 3059, 3065 & 3069 S. Goliad Street*) developed with single-family homes. All of these properties are zoned Single-Family 16 (SF-16) District. Beyond this are three (3) parcels of land (*i.e. 3051, 3053, & 3055 N. Goliad Street*) developed with single-family homes. These properties are zoned Agricultural (AG) District. South of this is Phase 2 of the Creekside Village Subdivision which consists of 66 residential lots on 17.18-acres of land, and is zoned Planned Development District 3 (PD-3).

Beyond this is Ridge Road West, which is identified as an *Minor Collector* on the Master Thoroughfare Plan contained in the OURHometown 2040 Comprehensive Plan.

East: Directly east of the subject property are two (2) parcels of land (*i.e. 315 & 335 Dalton Road*) that make up the Free Methodist Church of North America Subdivision, and are zoned Single-family 16 (SF-16) District. There are also three (3) parcels of land that make up the Dirkwood Estates Subdivision that are zoned Planned Development District 37 (PD-37). East of this is N. Goliad Street (*SH-205*), which is identified as an A4D (*i.e. arterial, four [4] lane, divided roadway*) on the Master Thoroughfare Plan contained in the OURHometown 2040 Comprehensive Plan. Beyond this is the Stone Creek Retail Subdivision that consists of six (6) lots that are zoned Planned Development District 70 (PD-70) for General Retail (GR) District land uses.

West: Directly west of the subject property are nine (9) parcels of land (*i.e. 2710, 2720, 2730, 2740, 2750, 2760, 2770, 2780, & 2800 Fern Valley Drive*) developed with single-family homes. West of these are Fern Valley Lane, Grandview Drive, and Eganridge Lane, which are all identified as an R2 (*i.e. residential, two (2) lane, undivided roadway*) on the Master Thoroughfare Plan contained in the OURHometown 2040 Comprehensive Plan. Beyond this are several other parcels of land developed with single-family homes. All of these properties are in Phase 6 of the Shores North Subdivision, and are zoned Planned Development District 3 (PD-3). Beyond this is Shores Boulevard, which is identified as an *Minor Collector* on the Master Thoroughfare Plan contained in the OURHometown 2040 Comprehensive Plan.

**CHARACTERISTICS OF THE REQUEST AND CONFORMANCE TO THE CITY’S CODES**

Article 13, *Definitions*, of the Unified Development Code (UDC) defines *Residential Infill in or Adjacent to an Established Subdivision* as “(t)he new development of a single-family home or duplex on an existing vacant or undeveloped parcel of land or the redevelopment of a developed parcel of land for a new single-family home or duplex within an established subdivision that is mostly or entirely built-out.” An *established subdivision* is further defined in Subsection 02.03(B)(11) of Article 04, *Permissible Uses*, of the UDC as “...a subdivision that consists of five (5) or more lots, that is 90% developed, and that has been in existence for more than ten (10) years.” The code goes on to say “(a)ll proposed residential infill housing that is located within an Established Subdivision or a lot or tract of land that is located within 500-feet of an Established Subdivision shall be required to apply for a Specific Use Permit.” In this case, the subject property shares a common boundary (*i.e. the western property line*) with Phase 6 of the Shores North Subdivision, which has been in existence since January 30, 2022, consists of 70 single-family residential lots, and is 100.00% developed. The *Permissible Use Charts* contained in Article 04, *Permissible Uses*, of the UDC, requires a Specific Use Permit (SUP) for *Residential Infill in or Adjacent to an Established Subdivision* in all single-family zoning districts, the Two-Family (2F) District, the Downtown (DT) District, and the Residential-Office (RO) District. The Agricultural (AG) District is considered to be a single-family zoning district per Article 05, *District Development Standards*, of the Unified Development Code (UDC). This property, being adjacent to an *Established Subdivision*, requires a Specific Use Permit (SUP).

In addition, Subsection 02.03(B)(11) of Article 04, *Permissible Uses*, of the UDC states that, “...the Planning and Zoning Commission and City Council shall consider the proposed size, location, and architecture of the home compared to the existing housing ... [and] (a)ll housing proposed under this section [*i.e. Residential Infill in or Adjacent to an Established Subdivision*] shall be constructed to be architecturally and visually similar or complimentary to the existing housing ...” With this being said, there are four (4) properties that face onto Dalton Road and N. Goliad Street that are in close proximity to the home. These existing homes and the proposed home are single-family estate style (*i.e. larger home on a larger lot*) as opposed to the more traditional style homes in Phase 6 of the Shores Subdivision. Based on this, staff has only provided the following summary of observations concerning the house on Dalton Road as proposed by the applicant:

HOUSING DESIGN AND CHARACTERISTICS	PROPOSED HOUSING
BUILDING HEIGHT	TWO (2) STORY
BUILDING ORIENTATION	THE FRONT ELEVATION OF THE HOME WILL FACE ONTO DALTON ROAD.
YEAR BUILT	N/A
BUILDING SF ON PROPERTY	9,436 SF
BUILDING ARCHITECTURE	COMPARABLE ARCHITECTURE TO THE EXISTING HOMES
BUILDING SETBACKS	
FRONT	40-FEET
SIDE	10-FEET
REAR	6-FEET

Staff should note that the proposed single-family home meets all of the density and dimensional requirements for a home in an Agricultural (AG) District as stipulated by the Unified Development Code (UDC). For the purpose of comparing the proposed home to the existing single-family housing located adjacent to or in the vicinity of the *subject property*, staff has provided photos of the properties along Dalton Road, Fern Valley Lane, and N. Goliad Street and the proposed building elevations in the attached packet. The approval of this request is a discretionary decision to the Planning and Zoning Commission and City Council pending a finding that the proposed house will not have a negative impact on the adjacent subdivision.

In addition, the applicant is proposing a *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* on the subject property. The applicant's request of *separate sanitary facilities* and *separate entrances* in the *Guest Quarters* account for two (2) elements of a *Dwelling Unit* as stated in Article 13, *Definitions*, of the Unified Development Code (UDC); however, no kitchen facilities are being provided, which means this is *not* considered a standalone living unit. According to the *Permissible Use Charts* contained in Article 04, *Permissible Uses*, of the Unified Development Code (UDC) a *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* is permitted as an *Accessory Use* in an Agricultural (AG) District but -- according to *Subsection 02.03* -- is subject to the following *Conditional Land Use Standards*: [1] the structure must be ancillary to a single-family home, [2] the square footage of the structure shall not exceed 30.00% of the square footage of the primary structure, and [3] the structure may not be sold or conveyed separately from the single-family home without meeting the zoning requirements for the district. As stated above, *Guest Quarters/Secondary Living Unit* are permitted to be 30.00% of the square footage of the primary structure. In this case, the applicant is permitted *by-right* a 2,830 SF *Guest Quarters/Secondary Living Unit* (i.e. 9,436 SF x 30.00% = 2,830 SF). With that being said, the applicant is only requesting an 862 SF *Guest Quarters/Secondary Living Unit*, which represents 9.14% of the primary structure. This is approximately 20% less than what is allowed *by-right*.

If the applicant's Specific Use Permit (SUP) is approved, staff has included operational conditions in the Specific Use Permit (SUP) ordinance that tie down the size, height, and general architecture of the proposed structures. With this being said, the approval of a Specific Use Permit (SUP) request is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission.

## **NOTIFICATIONS**

On July 21, 2023, staff mailed 92 notices to property owners and occupants within 500-feet of the subject property. Staff also sent a notice to the Harlan Park, Stone Creek, Promenade Harbor and The Shores on Lake Ray Hubbard Homeowner's Associations (HOAs), which are the only HOA's or Neighborhood Organizations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was drafted, staff had received one (1) notice in favor and one (1) notice in opposition to the applicant's request.

## **CONDITIONS OF APPROVAL**

If City Council chooses to approve of the applicant's request for a Specific Use Permit (SUP) to construct a single-family home as a *Residential Infill Adjacent to an Established Subdivision* and a *Guest Quarters/Secondary Living Unit*, then staff would propose the following conditions of approval:

- (1) The applicant shall be responsible for maintaining compliance with the operational conditions contained in the Specific Use Permit (SUP) ordinance and which are detailed as follows:
  - (a) Development of the *Subject Property* shall generally conform to the *Residential Plot Plan* as depicted in *Exhibit 'B'* of the draft ordinance.
  - (b) Construction of a *Single-Family home* and *Guest Quarters/Secondary Living Unit* on the *Subject Property* shall generally conform to the *Building Elevations* depicted in *Exhibit 'C'* of the draft ordinance;
  - (c) The *Guest Quarters/Secondary Living Unit* shall not exceed a maximum size of 2,830 SF.

- (d) The *Guest Quarters/Secondary Living Unit* shall not have full kitchen facilities.
- (e) The maximum height of the *Guest Quarters/Secondary Living Unit* shall not exceed one-story in height.
- (2) Any construction resulting from the approval of this zoning change shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

**PLANNING AND ZONING COMMISSION**

On August 15, 2023, the Planning and Zoning Commission approved a motion to recommend approval of the Specific Use Permit (SUP) by a vote of 5-0, with Commissioner Hustings absent.



# DEVELOPMENT APPLICATION

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

**STAFF USE ONLY**

PLANNING & ZONING CASE NO. \_\_\_\_\_

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

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

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

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

**PLATTING APPLICATION FEES:**

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

**SITE PLAN APPLICATION FEES:**

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

**ZONING APPLICATION FEES:**

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

**OTHER APPLICATION FEES:**

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

**NOTES:**

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

**PROPERTY INFORMATION [PLEASE PRINT]**

ADDRESS	803 Dalton RD Rockwall TX		
SUBDIVISION	A0071 W T DEWEESE	LOT	Tract 8-01 BLOCK
GENERAL LOCATION	803 Dalton RD Rockwall TX		

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

CURRENT ZONING	AG	CURRENT USE	Undeveloped property	
PROPOSED ZONING	AG	PROPOSED USE	SFD	
ACREAGE	12	LOTS [CURRENT]	1	LOTS [PROPOSED] 1

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

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

<input checked="" type="checkbox"/> OWNER	Dennis Cain Melissa Cain	<input type="checkbox"/> APPLICANT	
CONTACT PERSON	Dennis Cain	CONTACT PERSON	
ADDRESS	1150 Crestcove DR	ADDRESS	
CITY, STATE & ZIP	Rockwall TX, 75087	CITY, STATE & ZIP	
PHONE	972-529-8405	PHONE	
E-MAIL	raisincain5@charter.net	E-MAIL	

**NOTARY VERIFICATION [REQUIRED]**

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

"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ 380.00 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 29th DAY OF June, 2023. BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

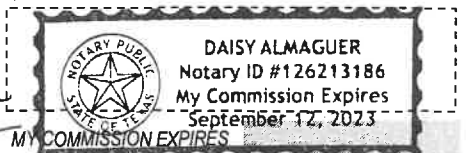
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 29th DAY OF June, 2023.

OWNER'S SIGNATURE

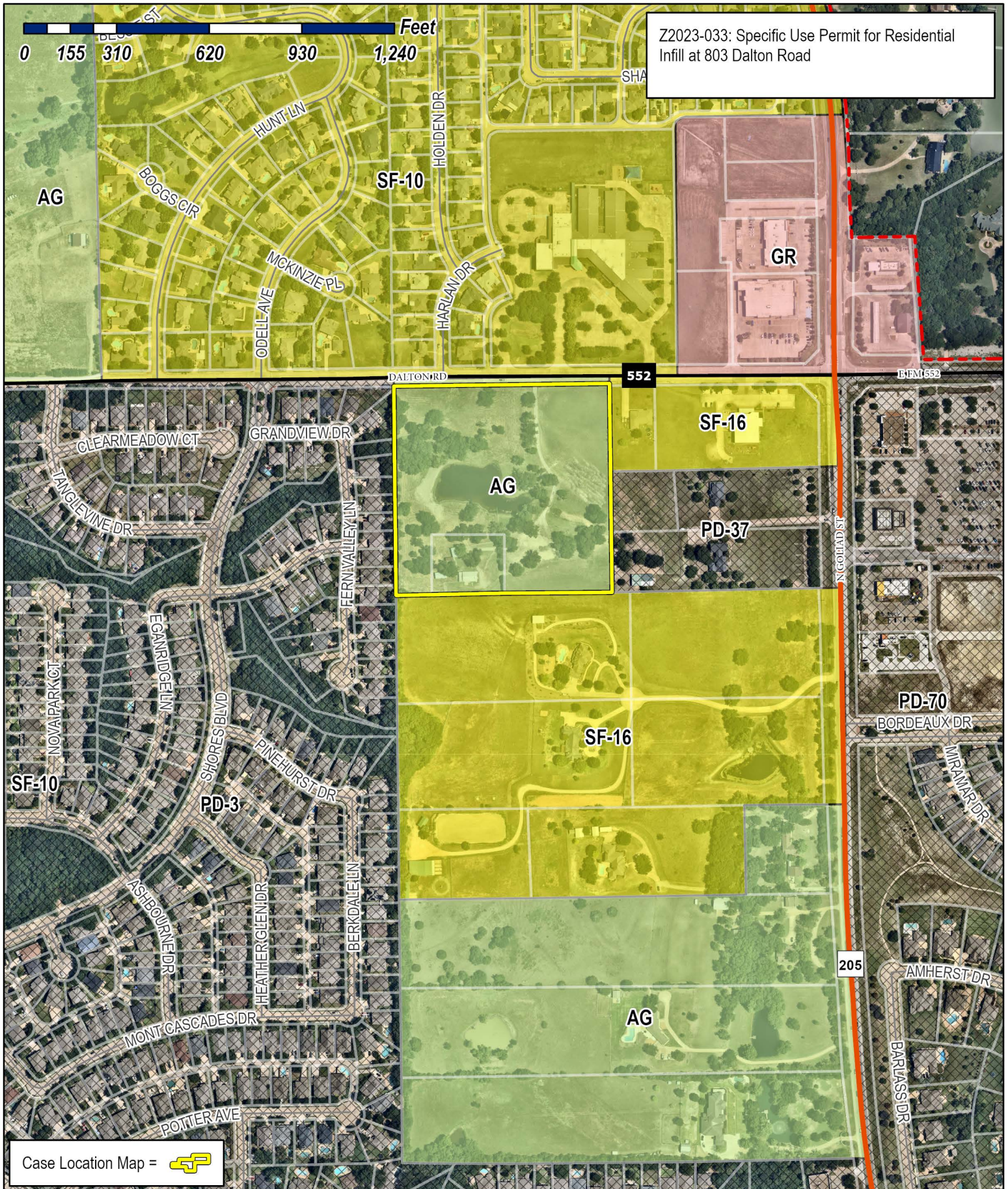
*Dennis Cain*

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

*[Signature]*, Notary







# City of Rockwall

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

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

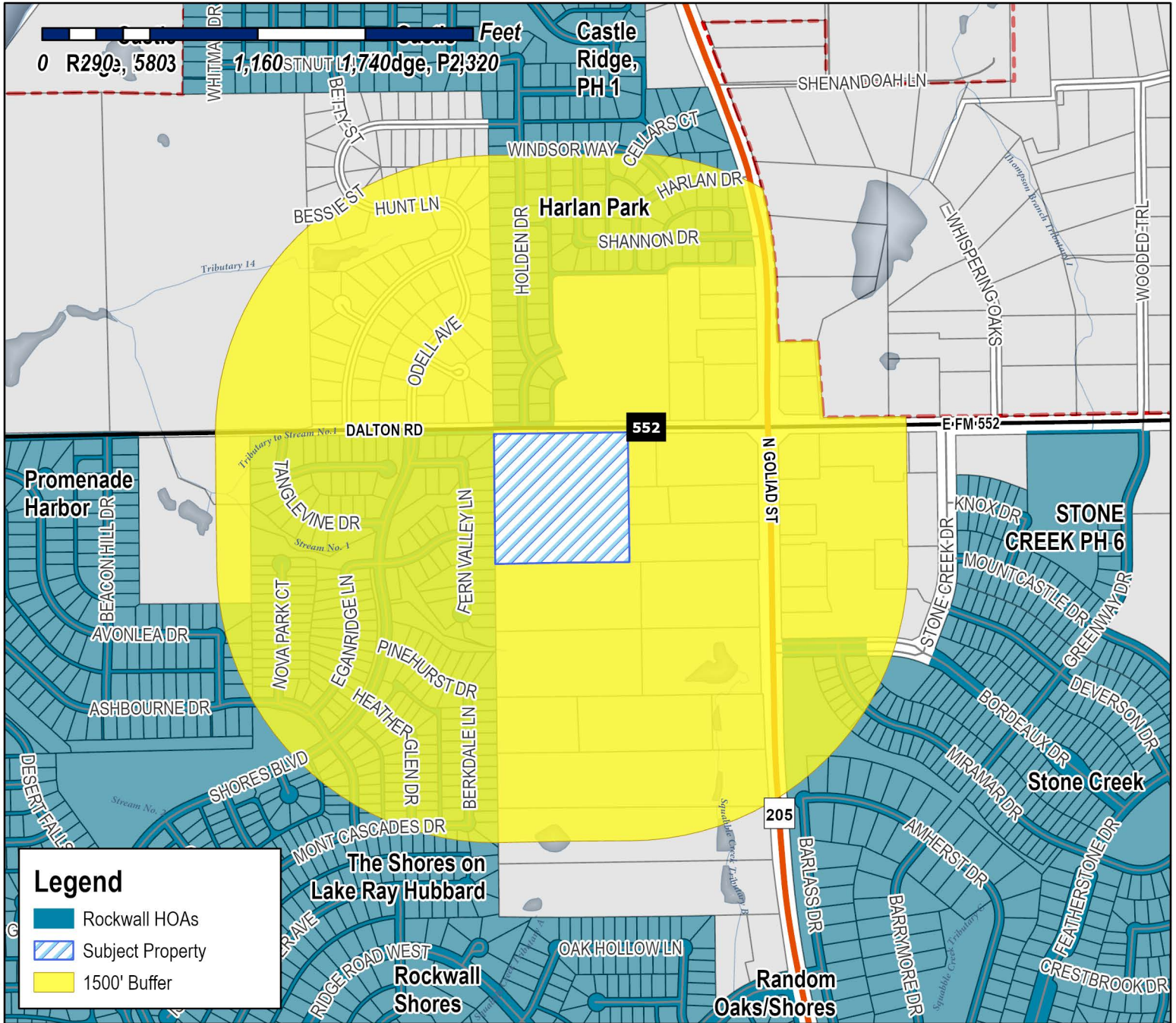




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**Legend**

- Rockwall HOAs
- Subject Property
- 1500' Buffer

**Case Number:** Z2023-033  
**Case Name:** SUP for Residential Infill  
**Case Type:** Zoning  
**Zoning:** Agricultural (AG) District  
**Case Address:** 803 Dalton Road

**Date Saved:** 7/14/2023  
 For Questions on this Case Call (972) 771-7745



**From:** [Zavala, Melanie](#)  
**Cc:** [Miller, Ryan](#); [Ross, Bethany](#); [Guevara, Angelica](#); [Lee, Henry](#)  
**Subject:** Neighborhood Notification Program [Z2023-033]  
**Date:** Wednesday, July 19, 2023 9:05:32 AM  
**Attachments:** [HOA Map \(07.14.2023\).pdf](#)  
[Public Notice \(P&Z\) \(7.17.2023\).pdf](#)

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HOA/Neighborhood Association Representative:

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

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

Z2023-033: SUP for Residential Infill at 803 Dalton Road

Hold a public hearing to discuss and consider a request by Dennis and Melissa Cain for the approval of a [Specific Use Permit \(SUP\)](#) for Residential Infill Adjacent to an Established Subdivision for the purpose of allowing the construction of a single-family home on a 12.00-acre tract of land identified as Tracts 8-01 & 8-02 of the W. T. DeWeese Survey, Abstract No. 71, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 803 Dalton Road, and take any action necessary.

Thank you,

*Melanie Zavala*

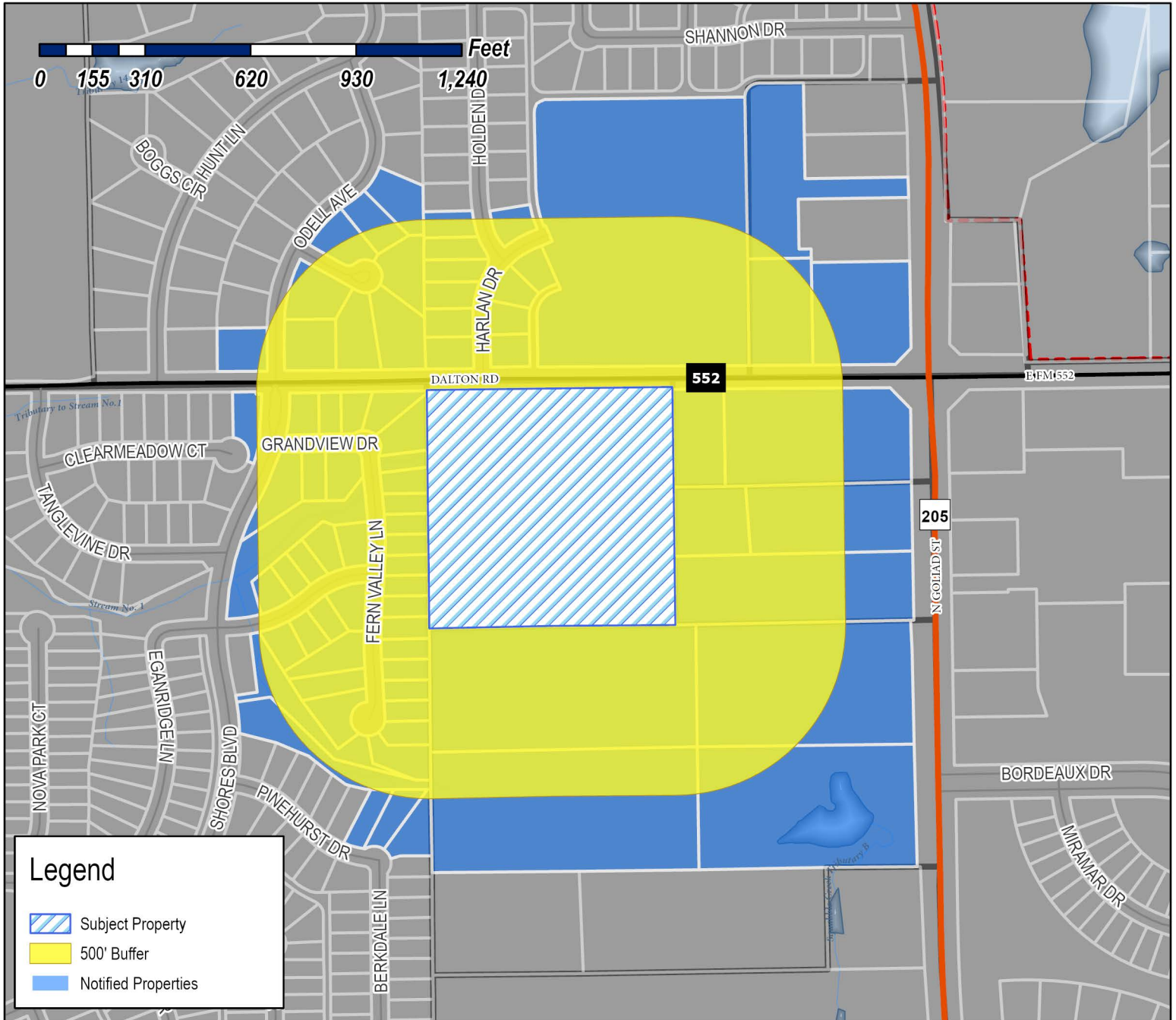
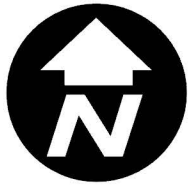
Planning & Zoning Coordinator | Planning Dept. | City of Rockwall  
385 S. Goliad Street | Rockwall, TX 75087  
<http://www.rockwall.com/>  
972-771-7745 Ext. 6568



# City of Rockwall

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385 S. Goliad Street  
Rockwall, Texas 75087  
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(W): www.rockwall.com

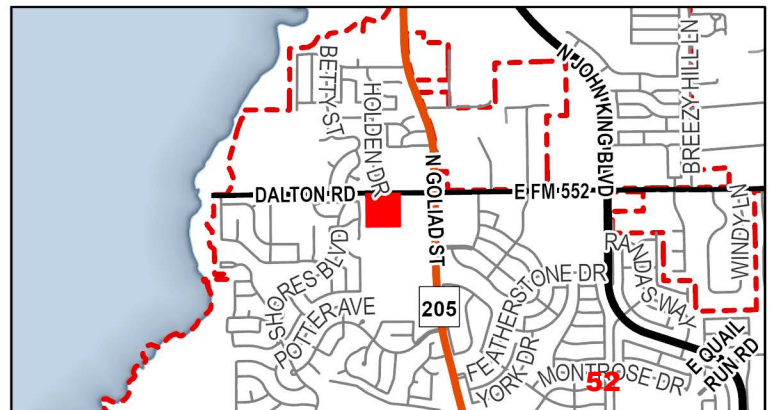
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**Case Number:** Z2023-033  
**Case Name:** SUP for Residential Infill  
**Case Type:** Zoning  
**Zoning:** Agricultural (AG) District  
**Case Address:** 803 Dalton Road

**Date Saved:** 7/14/2023

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



MOHAREB RAMI & MARIAN HANNA  
1000 PINEHURST DR  
ROCKWALL, TX 75087

WATTS KEVIN CONNELLY  
106 PECAN DR  
ROCKWALL, TX 75087

RESIDENT  
1265 GRANDVIEW DR  
ROCKWALL, TX 75087

PEYROVAN PEYMAN & MANDANA HAKIMI  
1270 GRANDVIEW  
ROCKWALL, TX 75087

RESIDENT  
1275 GRANDVIEW DR  
ROCKWALL, TX 75087

MCCORMICK LINDA  
1280 GRANDVIEW DR  
ROCKWALL, TX 75087

GONZALEZ FERNANDO  
1285 GRANDVIEW  
ROCKWALL, TX 75087

SMITH JAMES R  
1290 GRANDVIEW DR  
ROCKWALL, TX 75087

ARDEN JOSEPH R AND  
LISA M STEWART ARDEN  
1292 HIGHLAND DR  
ROCKWALL, TX 75087

RESIDENT  
1295 GRANDVIEW DR  
ROCKWALL, TX 75087

DUNN KENT AND AMBER  
1305 CLEARMEADOW COURT  
ROCKWALL, TX 75087

CAMPOS BENJAMIN & TRACY  
139 WAGON TRAIL  
ROCKWALL, TX 75032

BARTLEY JOSHUA AND ASHLEY  
1859 RANDOM OAKS DR  
ROCKWALL, TX 75087

EGANRIDGE SERIES  
A SERIES OF CA & LA LLC  
201 GOLD STREET SUITE 300  
GARLAND, TX 75042

NICHOLS KESNEY  
2130 BERKDALE LANE  
ROCKWALL, TX 75087

HUNT INES V & ROBERT W  
2390 WATER WAY  
ROCKWALL, TX 75087

ALDI TEXAS LLC  
2500 WESTCOURT ROAD  
DENTON, TX 76207

DUNNIGAN MICHAEL  
2650 FERN VALLEY LN  
ROCKWALL, TX 75087

STOVALL HUGH & BETTY JO  
2660 FERN VALLEY LN  
ROCKWALL, TX 75087

YOUNG GARY L AND JENNIFER E CAWTHON  
2665 FERN VALLEY LN  
ROCKWALL, TX 75087

RESIDENT  
2670 FERN VALLEY LN  
ROCKWALL, TX 75087

RESIDENT  
2680 FERN VALLEY LN  
ROCKWALL, TX 75087

WEISS WALTER J & AURELIA JOANN  
2685 FERN VALLEY LN  
ROCKWALL, TX 75087

MORGAN ELLEN IONE  
2690 FERN VALLEY LN  
ROCKWALL, TX 75087

JOLLEY LOIS MAYNO  
2700 FERN VALLEY LN  
ROCKWALL, TX 75087

COLLIER CASEY JAMES  
2705 FERN VALLEY LANE  
ROCKWALL, TX 75087

WOUDWYK TYLER AND ANDREA L CROASDALE  
WOUDWYK  
2710 FERN VALLEY LN  
ROCKWALL, TX 75087

MAXWELL KRISTIN R AND NATHANIEL A  
2720 FERN VALLEY LN  
ROCKWALL, TX 75087

MATHEW DANIEL AND EMILIE MENDALA-  
MATHEW  
2730 FERN VALLEY LANE  
ROCKWALL, TX 75087

RICH JENNIFER A  
2740 FERN VALLEY LN  
ROCKWALL, TX 75087

RESIDENT  
2750 FERN VALLEY LN  
ROCKWALL, TX 75087

POULSON LESLIE C & CAROL D  
2760 FERN VALLEY LN  
ROCKWALL, TX 75087

WEATHERFORD CONNIE  
2770 FERN VALLEY LANE  
ROCKWALL, TX 75087

LAWSON JAMES W & SARAH  
2780 FERN VALLEY LANE  
ROCKWALL, TX 75087

HODGES BARBARA  
2800 FERN VALLEY LANE  
ROCKWALL, TX 75087

LAZORKO JACOB & SHAWNA LAZORKO  
2820 EGANRIDGE LN  
ROCKWALL, TX 75087

KECK MELISSA M  
2825 EGANRIDGE LANE  
ROCKWALL, TX 75087

LANGSTON ELAINA AND TIMOTHY  
2830 EAGEN RIDGE LN  
ROCKWALL, TX 75087

DOORNEK JORDAN  
2835 EGANRIDGE LANE  
ROCKWALL, TX 75087

RESIDENT  
2840 EGANRIDGE LN  
ROCKWALL, TX 75087

RESIDENT  
2845 EGANRIDGE LN  
ROCKWALL, TX 75087

GRUBBS BEN R & SHIRLEY J  
2855 EGANRIDGE LN  
ROCKWALL, TX 75087

BARRON RODOLFO & KRISTIN M  
2860 EGANRIDGE LANE  
ROCKWALL, TX 75087

RESIDENT  
2865 EGANRIDGE LN  
ROCKWALL, TX 75087

FREE METHODIST CHURCH  
OF NORTH AMERICA  
302 N GOLIAD ST  
ROCKWALL, TX 75087

RESIDENT  
3061 N GOLIAD ST  
ROCKWALL, TX 75087

THE STEED FAMILY LIVING TRUST  
JASON STEED AND NATALIE MARIE STEED -  
TRUSTEES  
3065 N GOLIAD ST  
ROCKWALL, TX 75087

STEED JASON & NATALIE MARIE  
3065 N GOLIAD STREET  
ROCKWALL, TX 75087

LIU JOHN AND CONNIE Q  
3069 N GOLIAD  
ROCKWALL, TX 75087

LIU JOHN & CONNIE  
3069 N GOLIAD  
ROCKWALL, TX 75087

RESIDENT  
3073 N GOLIAD ST  
ROCKWALL, TX 75087

RESIDENT  
3077 N GOLIAD ST  
ROCKWALL, TX 75087

FRENCH DONALD  
3079 N GOLIAD ST  
ROCKWALL, TX 75087

RESIDENT  
315 DALTON RD  
ROCKWALL, TX 75087

RESIDENT  
3251 N GOLIAD  
ROCKWALL, TX 75087

RESIDENT  
335 DALTON RD  
ROCKWALL, TX 75087

RESIDENT  
350 DALTON ROAD  
ROCKWALL, TX 75087

CITY OF ROCKWALL  
ATTN;MARY SMITH  
385 S GOLIAD ST  
ROCKWALL, TX 75087

CITY OF ROCKWALL  
ATTN;MARY SMITH  
385 S GOLIAD ST  
ROCKWALL, TX 75087

CITY OF ROCKWALL  
ATTN;MARY SMITH  
385 S GOLIAD ST  
ROCKWALL, TX 75087

CARTER RICHARD W AND JODY  
406 MCKINZIE PL  
ROCKWALL, TX 75087

RESIDENT  
408 MCKINZIE PL  
ROCKWALL, TX 75087

MASON KEITH AND  
ANN MARIE MASON  
410 MCKENZIE PLACE  
ROCKWALL, TX 75087

ROCKWALL 205-552 LLC  
4622 MAPLE AVE SUITE 200  
DALLAS, TX 75219

YANG BO AND  
YUE HU  
707-8633 CAPSTAN WAY  
RICHMOND CANADA,

CONFIDENTIAL  
709 W. RUSK ST. SUITE B-852  
ROCKWALL, TX 75087

RESIDENT  
7100 ODELL  
ROCKWALL, TX 75087

BULLARD JUSTIN  
JOLIE DAY  
7100 HARLAN DRIVE  
ROCKWALL, TX 75087

SCHULZE DAVID J & CYNTHIA K  
7101 HARLAN DR  
ROCKWALL, TX 75087

KOSMAS NICHOLAS AND SABRINA  
7101 ODELL AVE  
ROCKWALL, TX 75087

ANDERSON PATRICK STEVEN & ROSEANNE  
7102 HARLAN DR  
ROCKWALL, TX 75087

LAWRENCE KIMBERLY DALE LIVING TRUST  
KIMBERLY DALE LAWRENCE TRUSTEE  
7102 ODELL AVENUE  
ROCKWALL, TX 75087

RESIDENT  
7103 HARLAN DR  
ROCKWALL, TX 75087

PATLAN MARIO JR AND AMY  
7104 HARLAN DR  
ROCKWALL, TX 75087

LUNA ERIC AND ANNABELL  
7104 ODELL AVENUE  
ROCKWALL, TX 75087

LOMBARD THOMAS E AND PAULA J  
7105 HARLAN DRIVE  
ROCKWALL, TX 75087

RESIDENT  
7106 ODELL AVE  
ROCKWALL, TX 75087

BURKE AIMEE M  
7106 HARLAN DR  
ROCKWALL, TX 75087

SHORES SUSAN RUTH  
7107 HARLAN DRIVE  
ROCKWALL, TX 75087

CONFIDENTIAL  
7108 ODELL AVE  
ROCKWALL, TX 75087

THOMPSON THOMAS J &  
PAIGE C TILEY  
7109 HOLDEN DR  
ROCKWALL, TX 75087

GREENLEY MARY E TRUSTEE  
MARY E GREENLEY REVOC LIVING TRUST  
7110 HOLDEN DR  
ROCKWALL, TX 75087

RESIDENT  
7111 HOLDEN DR  
ROCKWALL, TX 75087

CORY CLAYTON M & KATHLEEN A  
7125 HOLDEN DR  
ROCKWALL, TX 75087

CAIN DENNIS & MELISSA  
803 DALTON RD  
ROCKWALL, TX 75087

CAIN DENNIS & MELISSA  
803 DALTON RD  
ROCKWALL, TX 75087

SPAULDING PATRICK F & OLIVIA J  
990 PINEHURST DR  
ROCKWALL, TX 75087

ARP 2014-1 BORROWER LLC  
ATTN: PROPERTY TAX DEPARTMENT 23975  
PARK SORRENTO , SUITE 300  
CALABASAS, CA 91302

VENETO HOLDINGS LLC  
P. O. BOX 2379  
CHANDLER, AZ 85244

LITOVSKY MARIA AND ROBERTO  
PO BOX 2004  
ROCKWALL, TX 75087

DOUPHRAE SHARON K  
PO BOX 2561  
ROCKWALL, TX 75087

JCK CONCRETE INC  
PO BOX 311  
FATE, TX 75132



# PUBLIC NOTICE



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

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

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

**Z2023-033: SUP for Residential Infill at 803 Dalton Road**

Hold a public hearing to discuss and consider a request by Dennis and Melissa Cain for the approval of a *Specific Use Permit (SUP)* for Residential Infill Adjacent to an Established Subdivision for the purpose of allowing the construction of a single-family home on a 12.00-acre tract of land identified as Tracts 8-01 & 8-02 of the W. T. DeWeese Survey, Abstract No. 71, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 803 Dalton 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, August 15, 2023 at 6:00 PM, and the City Council will hold a public hearing on Monday, August 21, 2023 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

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

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

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

Your comments must be received by Monday, August 21, 2023 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

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



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

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

**Case No. Z2023-033: SUP for Residential Infill at 803 Dalton Road**

Please place a check mark on the appropriate line below:

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

[Redacted area]

Name: [Redacted]  
Address: [Redacted]

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

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

## Ross, Bethany

---

**From:** [REDACTED]  
**Sent:** Thursday, July 27, 2023 9:48 AM  
**To:** Planning  
**Subject:** Z2023-033:SUP for Residential Infill at 803 Dalton Road

Dear Ms. Guevara,

We received the notice regarding the public hearing for discussion of the above-referenced zoning change request. We will not be in attendance but wanted to express our support for the change. We look from our back door toward this property and are thrilled that it was purchased by the Cains rather than a developer. We gladly support their desire to build a home (or homes) for their family's use.

Thank you for the opportunity to have input in this. We are grateful!

Don and Angie French  
3079 N. Goliad  
Rockwall, TX 75087

[Sent from Yahoo Mail for iPad](#)

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

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

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.

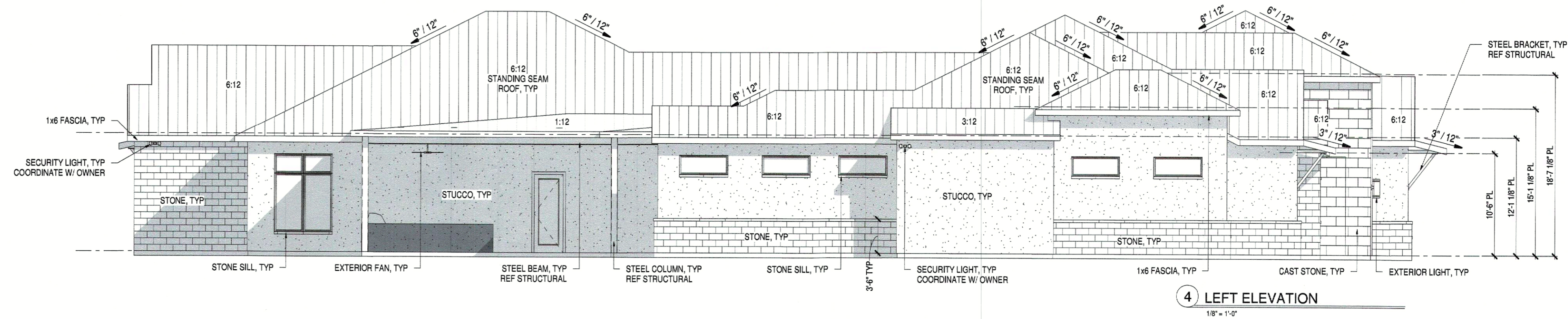
Property Values are high enough and we don't need them going up. Also, no synthetic turf should be allowed for A yard. If the surrounding residence in the HOA's are not allowed then the same should apply county wide. Use real grass!

Name: Melissa Keck

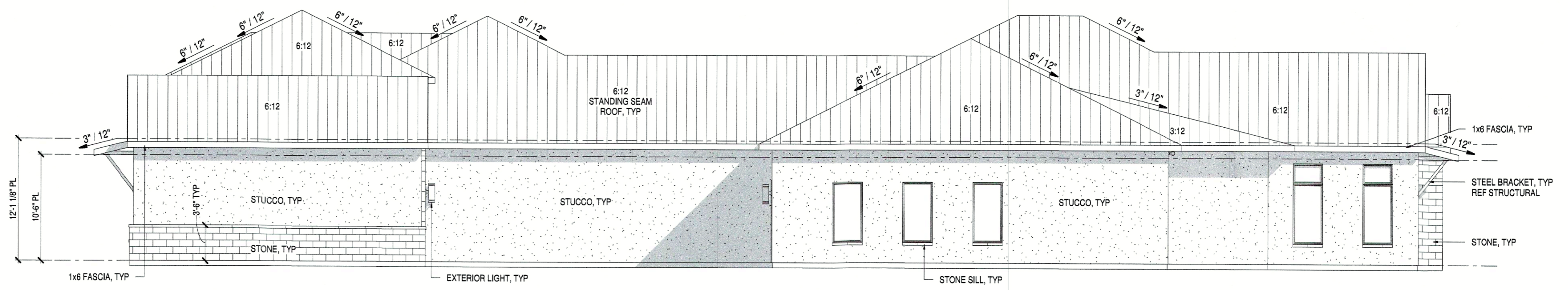
Address: 2825 Eganridge Ln. Rockwall TX 75087

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

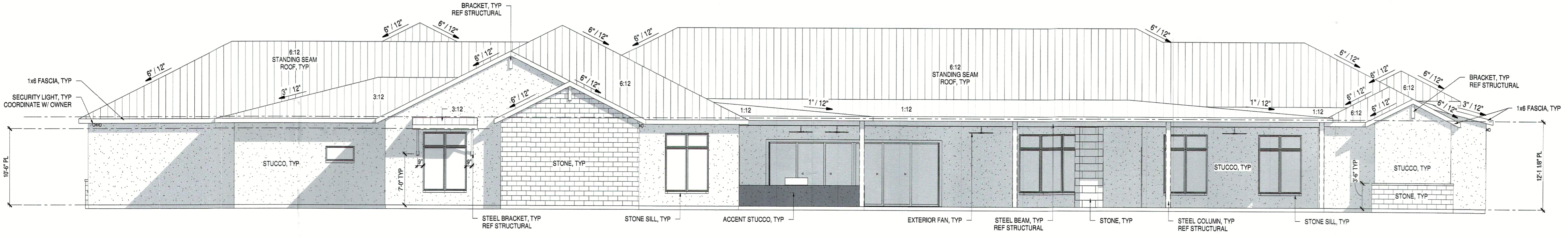
PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE



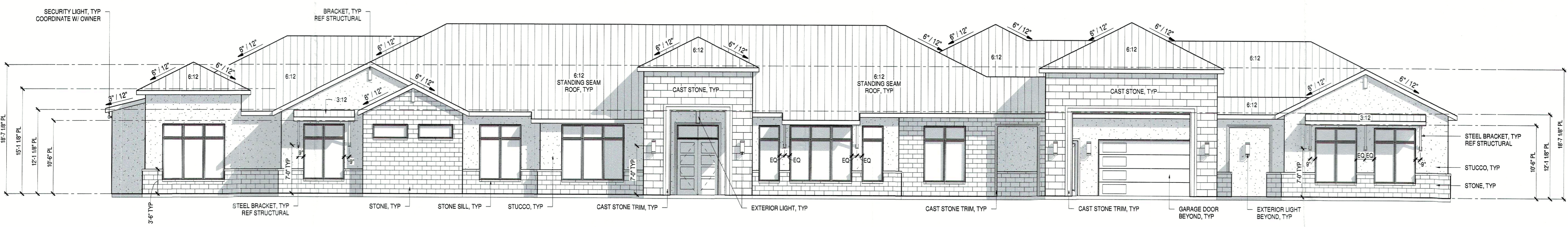
4 LEFT ELEVATION  
1/8" = 1'-0"



3 RIGHT ELEVATION  
1/8" = 1'-0"



2 REAR ELEVATION  
1/8" = 1'-0"



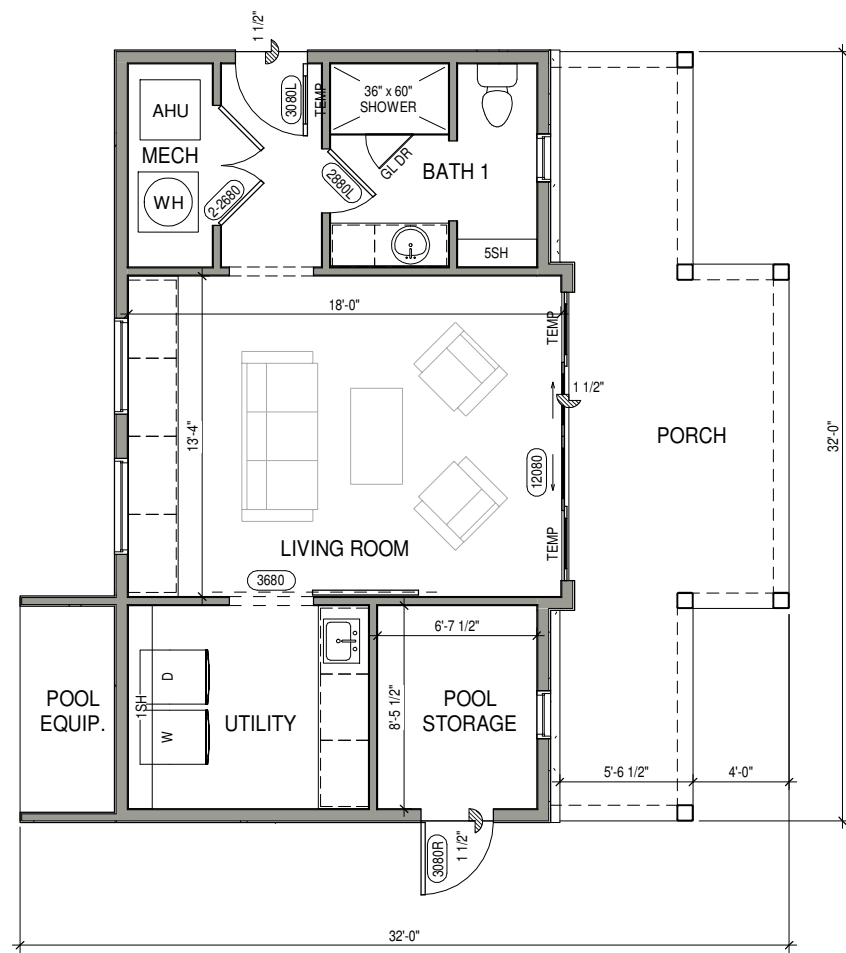
1 FRONT ELEVATION  
1/8" = 1'-0"

VERSION 1

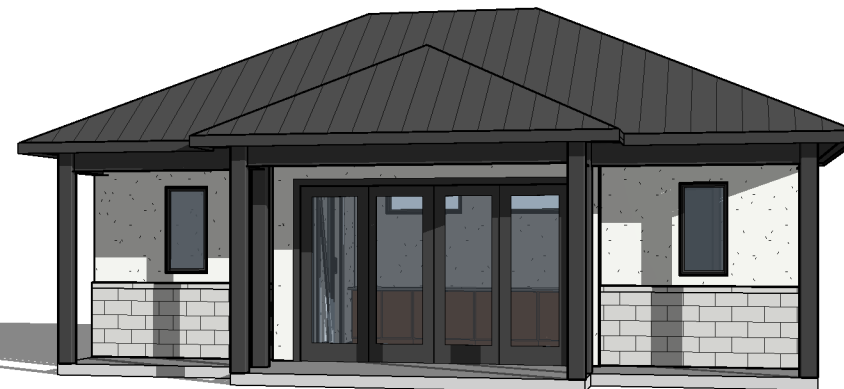
DENNIS CAIN  
 SUBD. PRIVATE RESIDENCE  
 LOT BLOCK  
 ADDRESS 803 DALTON RD.  
 CITY ROCKWALL, TX 75087  
 PLAN

DATE 06.01.2023  
 SCALE 1/8" = 1'-0"  
 DRN

A20.02

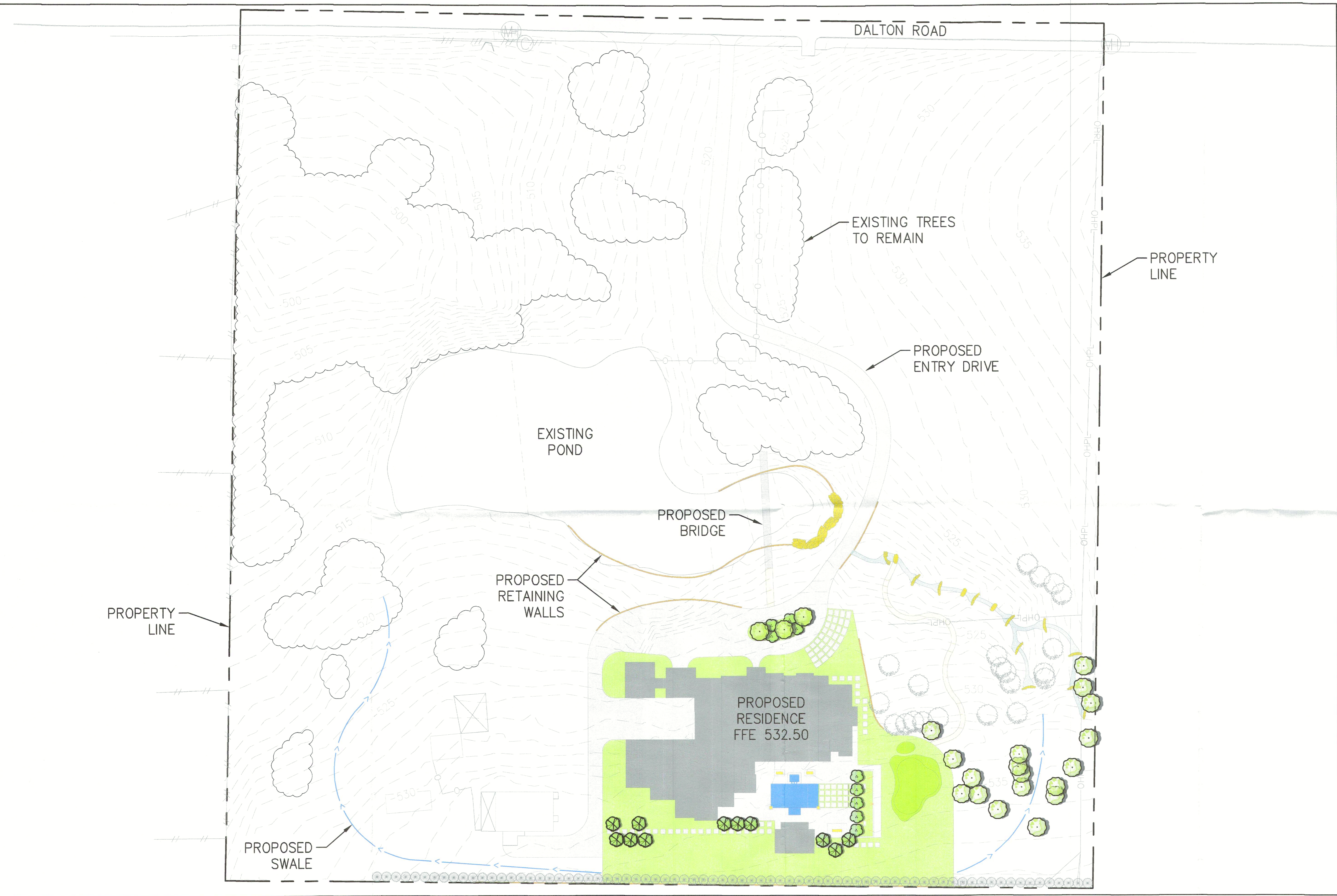


GROSS SQUARE FOOTAGE: 862SF  
CONDITIONED SQUARE FOOTAGE: 598SF



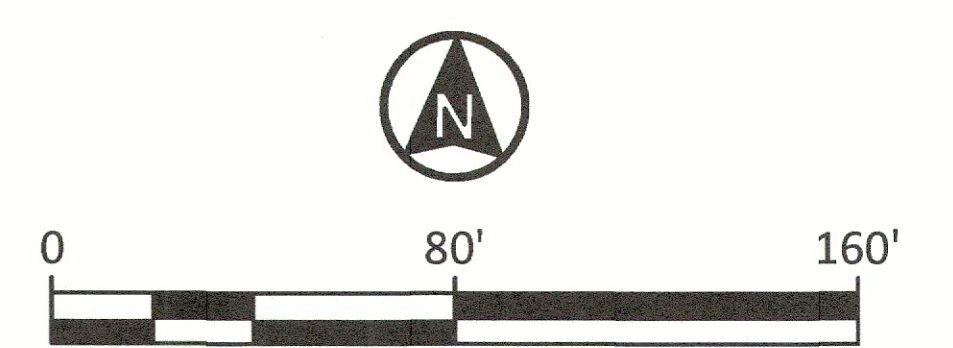
POOL HOUSE - 862 SQ FT





**LEGEND**

	RESIDENCE
	CONCRETE/STONE PATIO
	POOL/HOT TUB
	FIRE PIT
	PUTTING GREEN
	SYNTHETIC TURF
	STREAM
	STREAM BOULDERS
	RETAINING WALL
	NATURE TRAIL
	SWALE/DRAINAGE



6/22/2023

# CAIN RESIDENCE

## CONCEPTUAL DESIGN DEVELOPMENT

### OVERALL LAYOUT

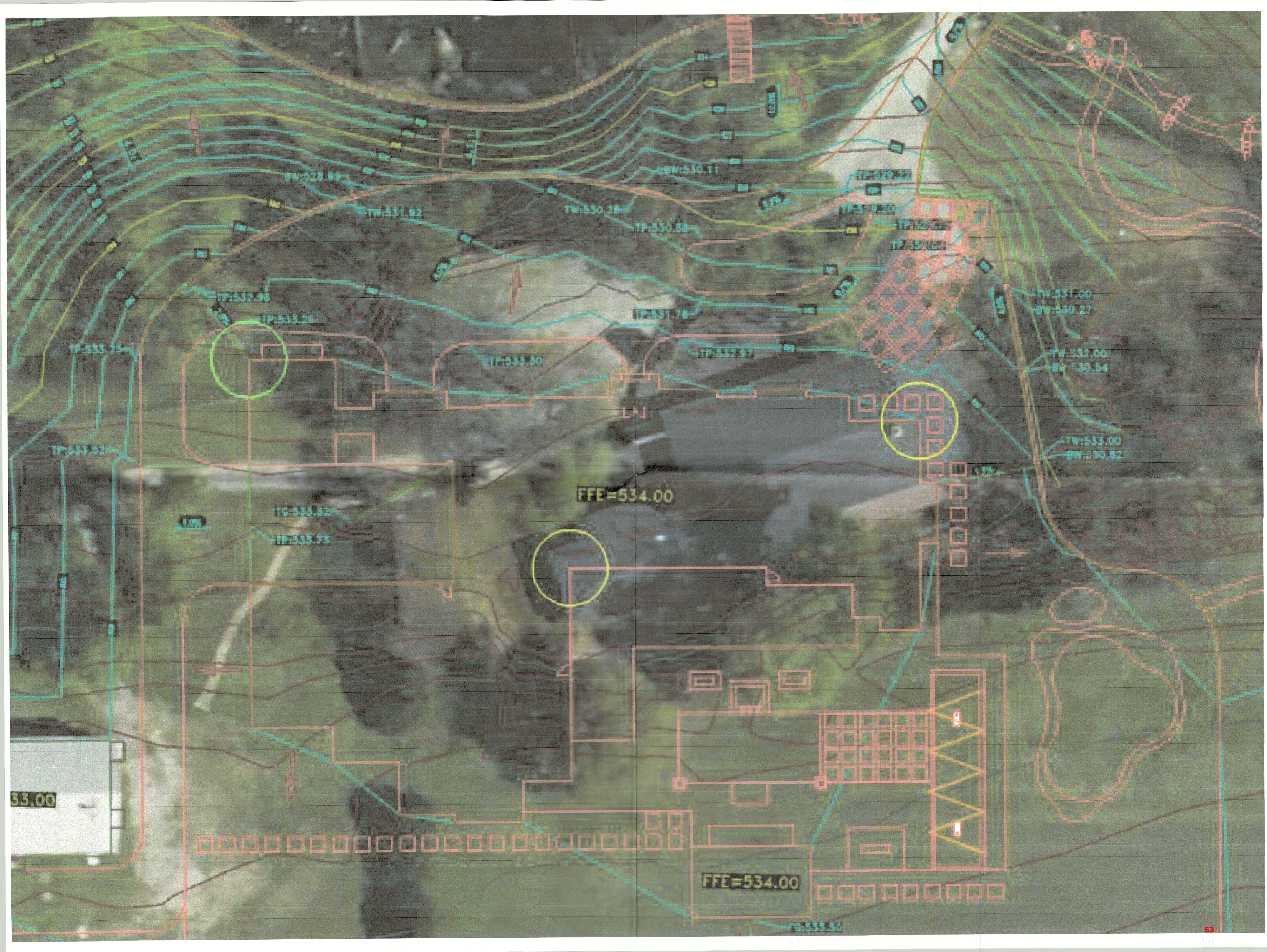
**PLANNING AND LANDSCAPE ARCHITECTURE**  
 KENNY KOWIS, PLA | KENNY.KOWIS@STRANDAE.COM | 972.620.8204

This exhibit is an illustrative representation for presentation purposes only and should not be used for computation or construction purposes. The information provided within should be considered a graphic representation to aid in determining plan components and relationships and is subject to change without notice. All property boundaries, easements, road alignments, drainage, floodplains, environmental issues and other information shown is approximate and should not be relied upon for any purpose. No warranties, express or implied, concerning the actual design, accuracy, location, and character of the facilities shown on this exhibit are intended.  
 ©2023 STRAND, ALL RIGHTS RESERVED

**STRAND**

10003 TECHNOLOGY BLVD WEST | DALLAS TEXAS 75220 | 972 620 8204

I:\cain residence - rockwall (2313976)\6.0\_dd\6.1\_cad\2313976\_concept\_plan.dwg, kenny.kowis, 6/22/2023 9:55 AM





# CITY OF ROCKWALL

HOUSING ANALYSIS FOR CASE NO. Z2023-033

## PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

### ADJACENT HOUSING ATTRIBUTES

ADDRESS	HOUSING TYPE	YEAR BUILT	HOUSE SF	ACCESSORY BUILDING	EXTERIOR MATERIALS
335 Dalton Road	Single-Family Home	2002	3,420	N/A	Brick
803 Dalton Road	Vacant	N/A	N/A	N/A	N/A
3077 N. Goliad Street	Single-Family Home	1993	6,848	1980	Brick
3079 N. Goliad Street	Single-Family Home	1993	4,161	N/A	Siding
2720 Fern Valley Lane	Single-Family Home	2005	2,535	N/A	Brick
2730 Fern Valley Lane	Single-Family Home	2005	2,829	N/A	Brick
2740 Fern Valley Lane	Single-Family Home	2005	2,816	N/A	Brick
2750 Fern Valley Lane	Single-Family Home	2005	2,494	N/A	Brick
2760 Fern Valley Lane	Single-Family Home	2005	2,764	N/A	Brick
2770 Fern Valley Lane	Single-Family Home	2005	2,525	N/A	Brick
2780 Fern Valley Lane	Single-Family Home	2005	3,029	N/A	Brick
2800 Fern Valley Lane	Single-Family Home	2006	2,718	N/A	Brick
	AVERAGES:	2003	3,285	1,980	





# CITY OF ROCKWALL

HOUSING ANALYSIS FOR CASE NO. Z2023-033

## PLANNING AND ZONING DEPARTMENT

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335 Dalton Road



803 Dalton Road



# CITY OF ROCKWALL

HOUSING ANALYSIS FOR CASE NO. Z2023-033

## PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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



3077 N. Goliad Street



3079 N. Goliad Street



# CITY OF ROCKWALL

HOUSING ANALYSIS FOR CASE NO. Z2023-033

**PLANNING AND ZONING DEPARTMENT**

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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



2720 Fern Valley Lane



2730 Fern Valley Lane



# CITY OF ROCKWALL

HOUSING ANALYSIS FOR CASE NO. Z2023-033

## PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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



2740 Fern Valley Lane



2750 Fern Valley Lane



# CITY OF ROCKWALL

HOUSING ANALYSIS FOR CASE NO. Z2023-033

## PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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



2760 Fern Valley Lane



2770 Fern Valley Lane



# CITY OF ROCKWALL

HOUSING ANALYSIS FOR CASE NO. Z2023-033

**PLANNING AND ZONING DEPARTMENT**

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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



2780 Fern Valley Lane



2800 Fern Valley Lane

CITY OF ROCKWALL

ORDINANCE NO. 23-XX

SPECIFIC USE PERMIT NO. S-2XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL ADJACENT TO AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME AND GUEST QUARTERS/SECONDARY LIVING UNIT ON A 12.00-ACRE TRACT OF LAND, IDENTIFIED AS TRACTS 8-01 & 8-02 OF THE W.T. DEWEESE SURVEY, ABSTRACT NO. 71, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City has received a request by Dennis and Melissa Cain for the approval of a *Specific Use Permit (SUP) for Residential Infill Adjacent to an Established Subdivision* on a 12.00-acre tract of land identified as Tracts 8-01 & 8-02 of the W.T. DeWeese Survey, Abstract No. 71, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 803 Dalton Road, and being more specifically described and depicted in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

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

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Rockwall, Texas;

**SECTION 1.** That the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) for *Residential Infill Adjacent to an Established Subdivision* to allow for the construction of a single-family home and guest quarters/secondary living unit in an established subdivision in accordance with Article 04, *Permissible Uses*, the Unified Development Code (UDC) [*Ordinance No. 20-02*] on the *Subject Property*; and,

**SECTION 2.** That the Specific Use Permit (SUP) shall be subject to the requirements set forth in

Subsection 03.01, *General Residential District Standards*, and Subsection 02.01, *Agricultural (AG) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 20-02] -- as heretofore amended and may be amended in the future -- and with the following conditions:

## 2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the construction of a single-family home and *Guest Quarters/Secondary Living Unit* on the *Subject Property* and conformance to these operational conditions are required:

- 1) The development of the *Subject Property* shall generally conform to the *Residential Plot Plan* as depicted in *Exhibit 'B'* of this ordinance.
- 2) The construction of a single-family home and *Guest Quarters/Secondary Living Unit* on the *Subject Property* shall generally conform to the *Building Elevations* depicted in *Exhibit 'C'* of this ordinance.
- 3) The *Guest Quarters/Secondary Living Unit* shall not exceed 2,830 SF.
- 4) The *Guest Quarters/Secondary Living Unit* shall not have full kitchen facilities.
- 5) The maximum height of the *Guest Quarters/Secondary Living Unit* shall not exceed one-story in height.

## 2.2 COMPLIANCE

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

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

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

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

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

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



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

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

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

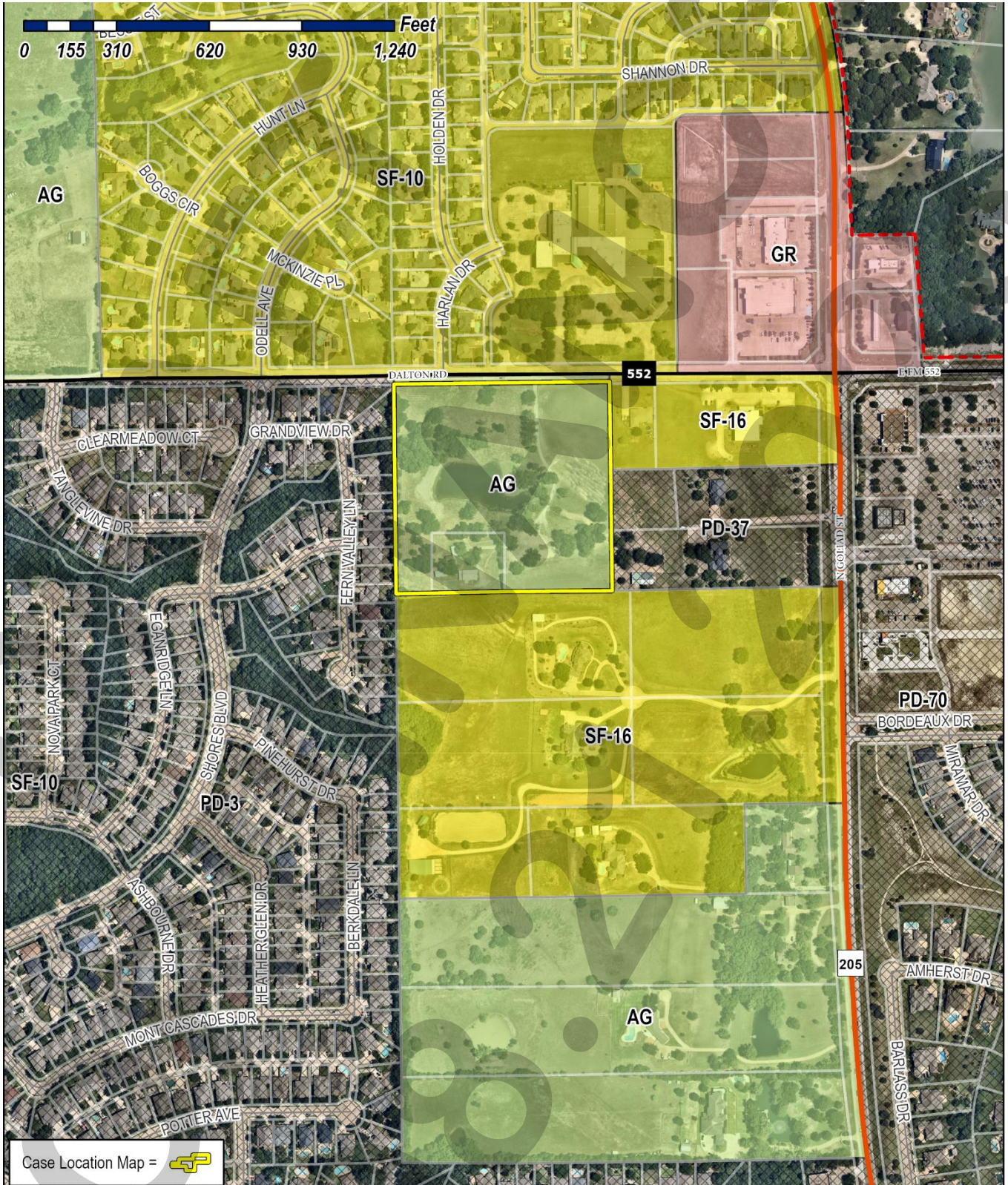
1<sup>st</sup> Reading: August 21, 2023

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

**Exhibit 'A':  
Location Map**

Address: 803 Dalton Road

Legal Description: Tracts 8-01 & 8-02 of the W.T. DeWeese Survey, Abstract No. 71



**Exhibit 'B':**  
*Residential Plot Plan*

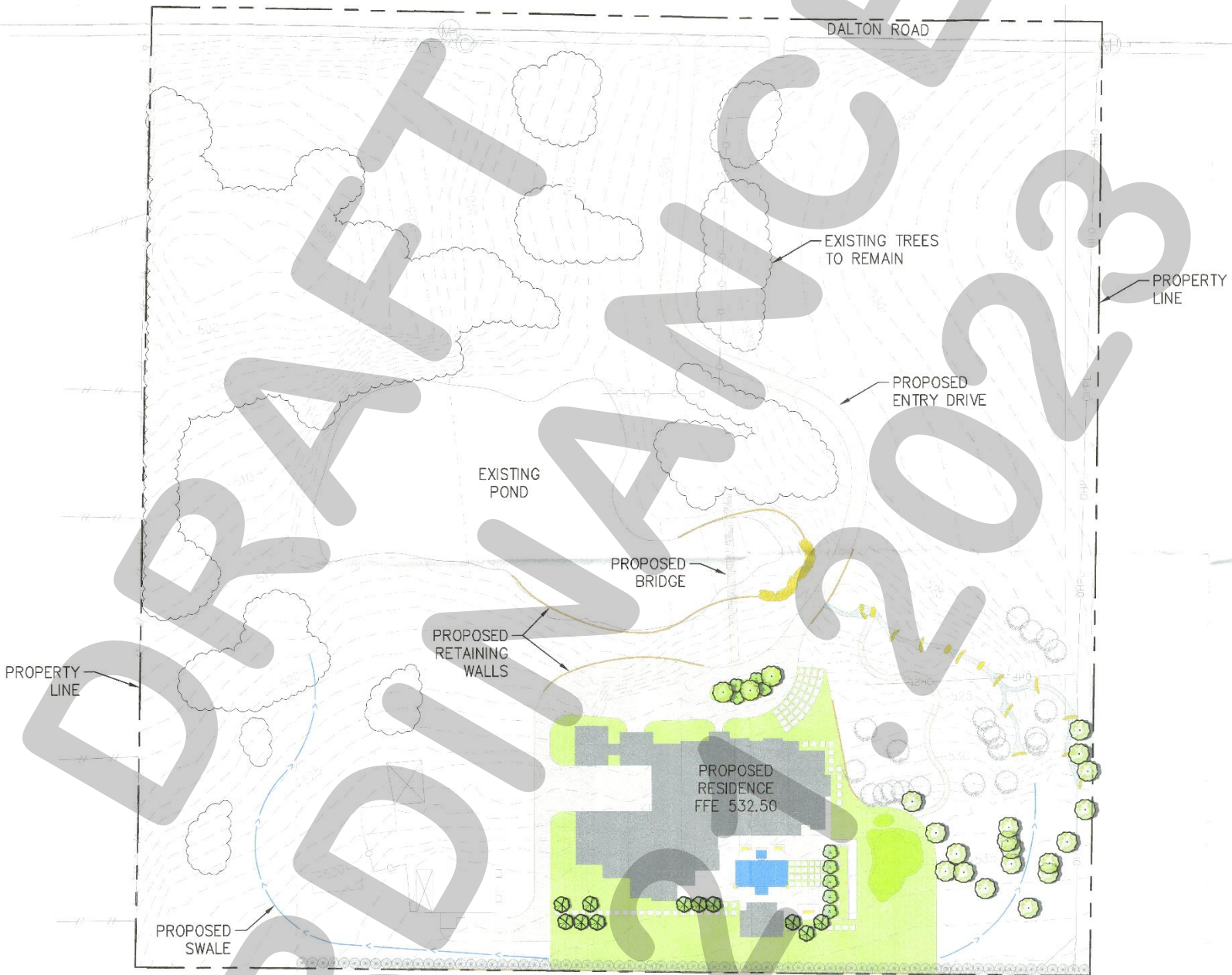


Exhibit 'C':  
Building Elevations

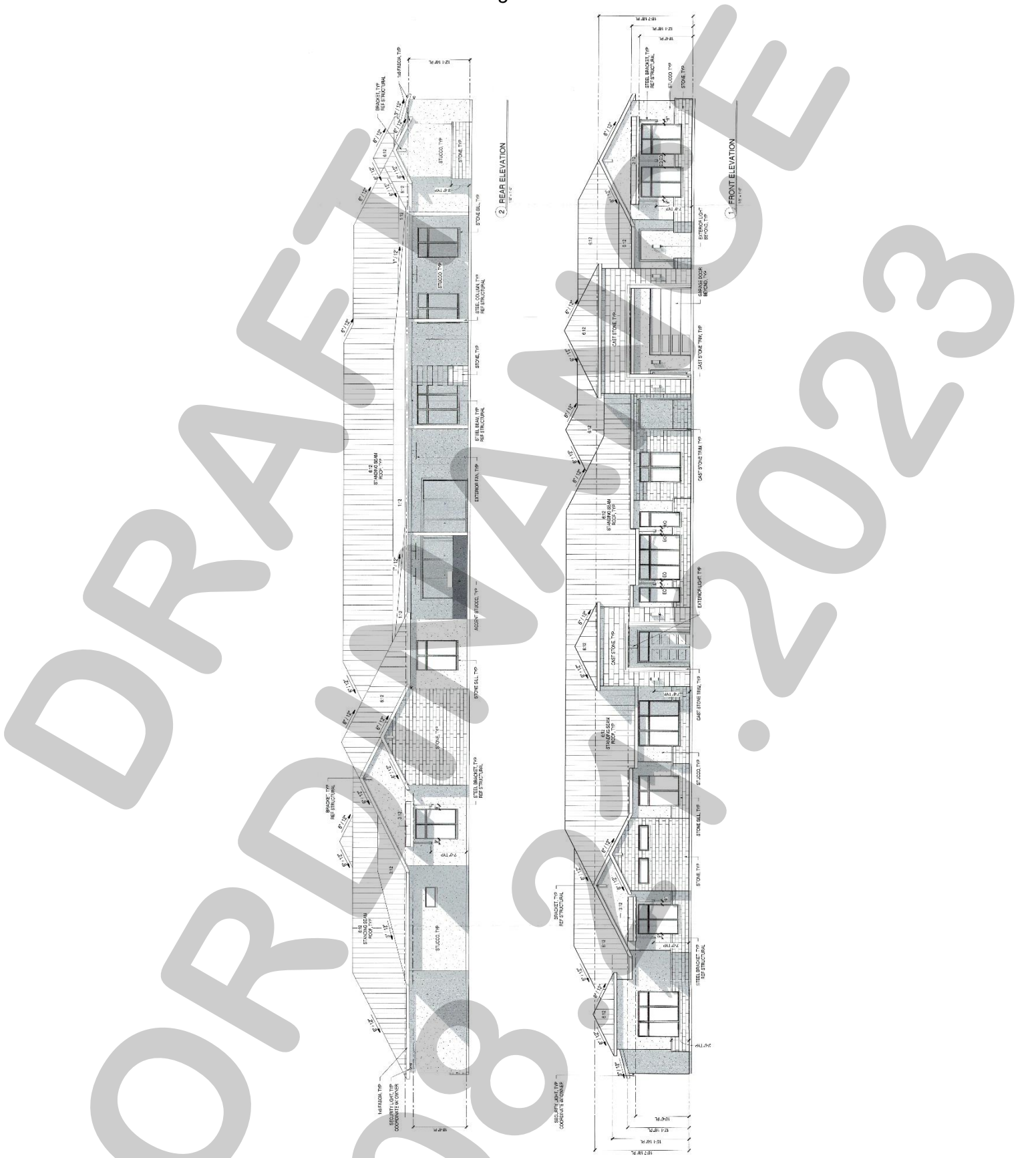
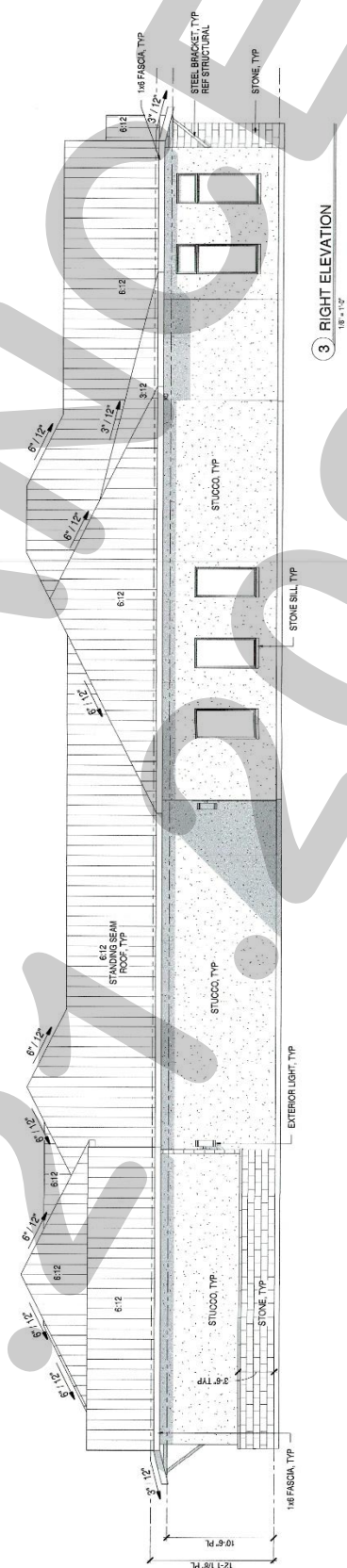
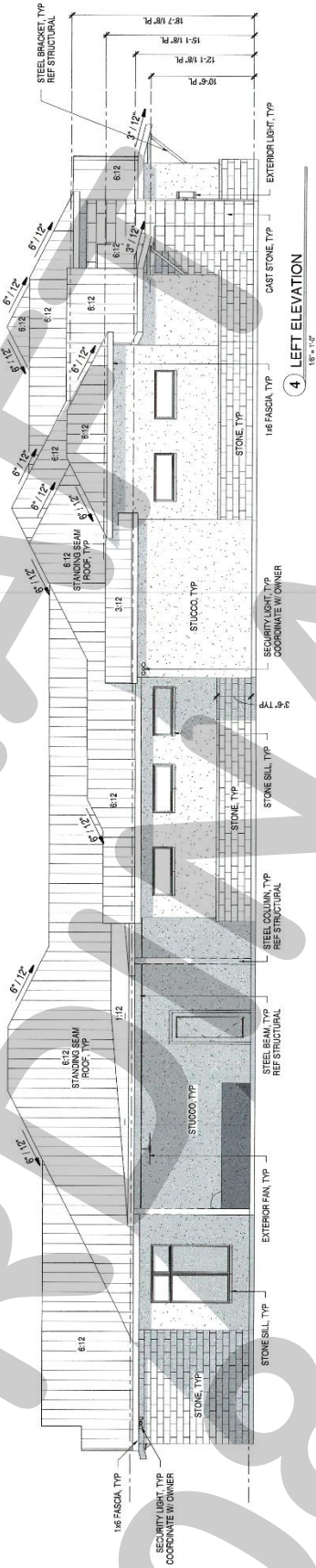
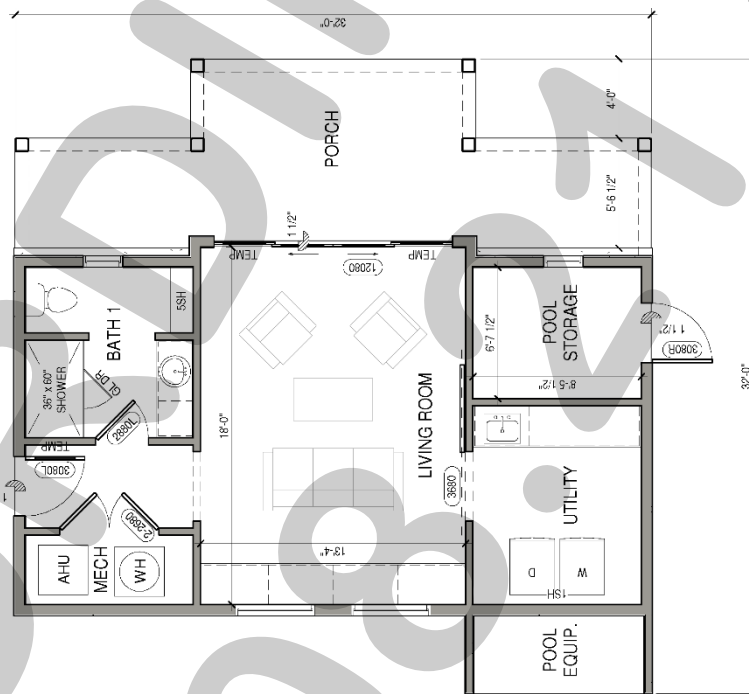


Exhibit 'C':  
Building Elevations



**Exhibit 'C':**  
*Building Elevations*



GROSS SQUARE FOOTAGE: 862SF  
CONDITIONED SQUARE FOOTAGE: 598SF



## MEMORANDUM

---

**TO:** Mary Smith, City Manager

**CC:** Honorable Mayor and City Council

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

**DATE:** August 21, 2023

**SUBJECT:** Z2023-034; ZONING CHANGE FROM SINGLE-FAMILY ESTATE 4.0 (SFE-4.0) DISTRICT TO SINGLE-FAMILY ESTATE 1.5 (SFE-1.5) DISTRICT

---

### Attachments

Case Memo  
Development Application  
Location Map  
HOA Notification Map  
Neighborhood Notification Email  
Property Owner Notification Map  
Property Owner Notification List  
Public Notice  
Survey  
Permitted Use Charts for the Single-Family Estates (SFE) District  
Comprehensive Plan Excerpts  
Draft Ordinance

### Summary/Background Information

Hold a public hearing to discuss and consider a request by Dakota, Claire, Austen, and Sara Brewer for the approval of an **ordinance** for a *Zoning Change* from a Single-Family Estate 4.0 (SFE-4.0) District to a Single-Family 1.5 (SFE-1.5) District for a 5.24-acre tract of land identified as a Tract 4-2 of the W. W. Ford Survey, Abstract No. 80 and a 2.41-acre portion of Tract 4-06 of the W.W. Ford Survey, Abstract 80, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 4.0 (SFE-4.0) District, addressed as 626 Cullins Road, and take any action necessary (**1st Reading**).

### Action Needed

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



# CITY OF ROCKWALL

## CITY COUNCIL CASE MEMO

### PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

---

**TO:** Mayor and City Council  
**DATE:** August 21, 2023  
**APPLICANT:** Dakota, Claire, Austen, and Sara Brewer  
**CASE NUMBER:** Z2023-034; *Zoning Change from Single-Family Estate 4.0 (SFE-4.0) District to Single-Family Estate 1.5 (SFE-1.5) District*

---

### SUMMARY

Hold a public hearing to discuss and consider a request by Dakota, Claire, Austen, and Sara Brewer for the approval of a Zoning Change from a Single-Family Estate 4.0 (SFE-4.0) District to a Single-Family 1.5 (SFE-1.5) District for a 5.24-acre tract of land identified as a Tract 4-2 of the W. W. Ford Survey, Abstract No. 80 and a 2.41-acre portion of Tract 4-06 of the W.W. Ford Survey, Abstract 80, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 4.0 (SFE-4.0) District, addressed as 626 Cullins Road, and take any action necessary.

### BACKGROUND

The City Council approved *Ordinance No. 04-34* annexing the subject property into the City of Rockwall on May 17, 2004 [*i.e. Case No. A2004-001*]. At the time of annexation, the subject property was zoned Agricultural (AG) District. According to the Rockwall Central Appraisal District (RCAD), currently situated on the subject property is a ~1,849 SF single-family home that was constructed in 1994, a 462 SF detached garage also constructed in 1994, a 210 SF storage shed constructed in 1999, and a 378 SF attached carport that was constructed in 2006. On March 6, 2023, the City Council approved a zoning change [*Case No. Z2023-006*] from Agricultural (AG) District to Single-Family Estate 4.0 (SFE-4.0) District. On July 13, 2023, the Board of Adjustments approved a variance [*BOA2023-002-V*] to allow a decrease in lot depth from 250-feet to 208-feet, 9-inches on the 2.66-acre tract of land addressed as 626 Cullins Road.

### PURPOSE

On July 14, 2023, the applicants submitted an application requesting to change the zoning of the *subject property* from a Single-Family Estate 4.0 (SFE-4.0) District to a Single-Family Estate 1.5 (SFE-1.5) District. The purpose of this request is to facilitate the submittal of a final plat to subdivide the property into three (3) lots and build two (2) new homes on the vacant lots.

### ADJACENT LAND USES AND ACCESS

The subject property is addressed as 626 Cullins Road. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property is Cullins Road, which is classified as a *Minor Collector* on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is a 43.30-acre tract of land (*i.e. Tract 17-16 of the W. W. Ford Survey, Abstract No. 80*) developed with a *Commercial Horse Stable*, that is zoned Planned Development District 99 (PD-99) for Single-Family 10 (SF-10) District land uses. Following this is a 5.697-acre tract of land (*i.e. Tract 17-9 of the W. W. Ford Survey, Abstract No. 80*) developed with a single-family home that is zoned Agricultural (AG) District.

South: Directly south of the subject property is Cullins Road, which is classified as an R2 (*i.e. residential, two [2] lane, undivided roadway*) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are the City limits of the City of Rockwall, and a 10.484-acre tract of land (*i.e. Tract 40-3, Abstract 80 of the W. W. Ford Survey*) developed with a single-family home that is zoned Agricultural (AG) District.



**East:** Directly east of the subject property is the intersection of Cullins Road and Travis Lane, which are classified as a *Minor Collector* and a *R2 (i.e. residential, two [2] lane, undivided roadway)* on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is a 43.30-acre tract of land (*i.e. Tract 17-16 of the W. W. Ford Survey, Abstract No. 80*) developed with a *Commercial Horse Stable* that is zoned Planned Development District 99 (PD-99) for Single-Family 10 (SF-10) District land uses.

**West:** Directly west of the subject property is a 3.00-acre tract of land (*i.e. Tract 4-4, Abstract 80 of the W. W. Ford Survey*) developed with single-family home and zoned Agricultural (AG) District. Beyond this is a 2.921-acre tract of land (*i.e. 4-5, Abstract 80 of the W. W. Ford Survey*) developed with a single-family home and is zoned Agricultural (AG) District. Following this is a vacant 25.513-acre tract of land (*i.e. Tract 4-01, Abstract 80 of the W. W. Ford Survey*) zoned Agricultural (AG) District. West of this is S. FM-549, which is classified as a *TXDOT4D (i.e. a Texas Department of Transportation, four [4] lane, divided roadway)* on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

**MAP 1: LOCATION MAP**  
**YELLOW: SUBJECT PROPERTY**



**CHARACTERISTICS OF THE REQUEST**

The applicant is requesting to rezone the 5.24-acre tract of land from a Single-Family Estate 4.0 (SFE-4.0) District to a Single-Family Estate 1.5 (SFE-1.5) District. The applicant has indicated to staff that this request is being made in order to facilitate the submittal of a final plat to subdivide the property into three (3) lots and build two (2) new homes on the vacant lots.

**CONFORMANCE WITH THE CITY'S CODES**

According to Subsection 03.02, *Single-Family Estate 1.5 (SFE-1.5) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC), "(t)he Single-Family Estate 1.5 (SFE-1.5) District is the proper zoning classification for rural,

estate lots that are a minimum of 1½-acres in size. These lots are typically in areas that are located in the City’s hinterland, away from higher density residential developments and non-residential development. While these properties are on the City’s periphery, they should still be provided with access to public roadways, water, wastewater, and drainage.” In this case, the properties adjacent to E. Cullins Road are zoned either Agricultural (AG) District or Single-Family Estate 2.0 (SFE-2.0) District. In the future it is anticipated all of these properties will transition to a Single-Family Estate (SFE) District zoned designation. Based on this, the requested zoning change does appear to conform to the surrounding area. If the applicant’s zoning request is approved, the subject property will be required to conform to all of the requirements stipulated for properties in a Single-Family Estate 1.5 (SFE-1.5) District, which are summarized as follows:

**TABLE 1: SINGLE-FAMILY ESTATE 1.5 (SFE-1.5) DISTRICT DEVELOPMENT STANDARDS**

NUMBER OF DWELLING UNITS/LOT	1.0
NUMBER OF DWELLING UNITS/ACRE	0.67
MINIMUM DWELLING UNIT	2,000 SF
MINIMUM LOT AREA	65,340 SF
MINIMUM LOT WIDTH	150-FEET
MINIMUM LOT DEPTH	250-FEET
MINIMUM FRONT YARD SETBACK	50-FEET
MINIMUM REAR YARD SETBACK	10-FEET
MINIMUM SIDE YARD SETBACK	25-FEET
BETWEEN BUILDINGS	10-FEET
BUILDING HEIGHT	36-FEET
MAXIMUM LOT COVERAGE	35%
REQUIRED PARKING SPACES	2

**CONFORMANCE WITH OURHOMETOWN VISION 2040 COMPREHENSIVE PLAN**

According to the OURHometown Vision 2040 Comprehensive Plan, the subject property is located within the Southwest Residential District and is designated for Low Density Residential land uses. The Low Density Residential land use designation is defined as “...residential subdivisions that are two (2) units per gross acre or less ...” Based on this the proposed zoning change conforms to the Comprehensive Plan. In addition, the OURHometown Vision 2040 Comprehensive Plan seeks to “...(p)reserve the City’s current residential to non-residential land use ratio (i.e. 80% Residential; 20% Commercial) in order to maintain a balance mix of land uses for fiscal sustainability ...” [Section 02.01; CH. 1; Page 1-1]. In this case, the proposed zoning change conforms to the Future Land Use Map contained in the OURHometown Vision 2040 Comprehensive Plan, which was designed around the desired 80%/20% land use ratio. Based on this the proposed zoning change does not affect the current residential to non-residential percentage.

**NOTIFICATIONS**

On July 21, 2023, staff notified 11 property owners and occupants within 500-feet of the subject property. In addition, staff notified the Oaks of Buffalo Way Homeowner’s Association (HOA), which is the only Homeowner’s Association (HOA) or Neighborhood Group within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was written, staff had not received any notices regarding the applicant’s request.

**CONDITIONS OF APPROVAL**

If City Council chooses to approve the applicant’s request to rezone the subject property from a Single-Family Estate 4.0 (SFE-4.0) District to a Single-Family Estate 1.5 (SFE-1.5) District, then staff would propose the following conditions of approval:

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

**PLANNING AND ZONING COMMISSION**

On August 15, 2023, the Planning and Zoning Commission approved a motion to recommend approval of the Zoning Change by a vote of 5-0, with Commissioner Hustings absent.



# DEVELOPMENT APPLICATION

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

### STAFF USE ONLY

PLANNING & ZONING CASE NO. \_\_\_\_\_

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

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

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

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

#### PLATTING APPLICATION FEES:

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

#### SITE PLAN APPLICATION FEES:

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

#### ZONING APPLICATION FEES:

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

#### OTHER APPLICATION FEES:

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

#### NOTES:

<sup>1</sup>: IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.

<sup>2</sup>: A \$1,000.00 FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.

### PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS 626 Cullins Rd.

SUBDIVISION W.W. Ford Survey A-80 LOT \_\_\_\_\_ BLOCK \_\_\_\_\_

GENERAL LOCATION Cullins Rd. & FM 549

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

CURRENT ZONING SFE-4 CURRENT USE SFE-2.0

PROPOSED ZONING SFE-16 PROPOSED USE SFE-16

ACREAGE 2.66 LOTS [CURRENT] 1 LOTS [PROPOSED] 2

*\*3.0 acres including road right-of-way*

**SITE PLANS AND PLATS:** BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB316Z THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.

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

<input checked="" type="checkbox"/> OWNER	<u>Dakota &amp; Claire Brewer</u>	<input checked="" type="checkbox"/> APPLICANT	<u>Dakota Brewer &amp; Claire</u>
CONTACT PERSON	<u>Dakota Brewer</u>	CONTACT PERSON	<u>Dakota Brewer</u>
ADDRESS	<u>626 Cullins Rd</u>	ADDRESS	<u>626 Cullins Rd</u>
CITY, STATE & ZIP	<u>Rockwall, TX 75032</u>	CITY, STATE & ZIP	<u>Rockwall, TX 75032</u>
PHONE	<u>(972) 743-6684</u>	PHONE	<u>(972) 743-6684</u>
E-MAIL	<u>Dakota.Brewer@utexas.edu</u>	E-MAIL	<u>Dakota.Brewer@utexas.edu</u>

### NOTARY VERIFICATION [REQUIRED]

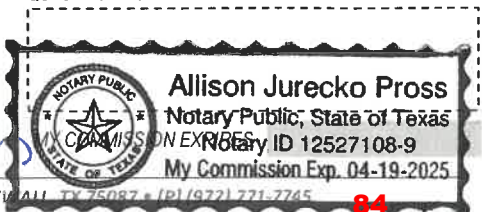
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Dakota Brewer [OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:

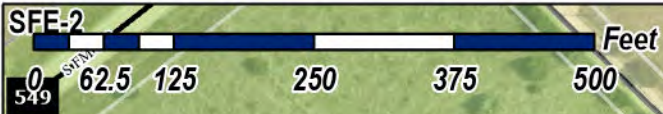
"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ \_\_\_\_\_ TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 19<sup>th</sup> DAY OF May, 2023 BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 19 DAY OF May, 2023

OWNER'S SIGNATURE Dakota Brewer

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS Allison Jurecko Pross





Z2023-034: Zoning Change From SFE-4 To SFE-1.5 at 626 Cullins Road



Case Location Map = 



# City of Rockwall

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

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

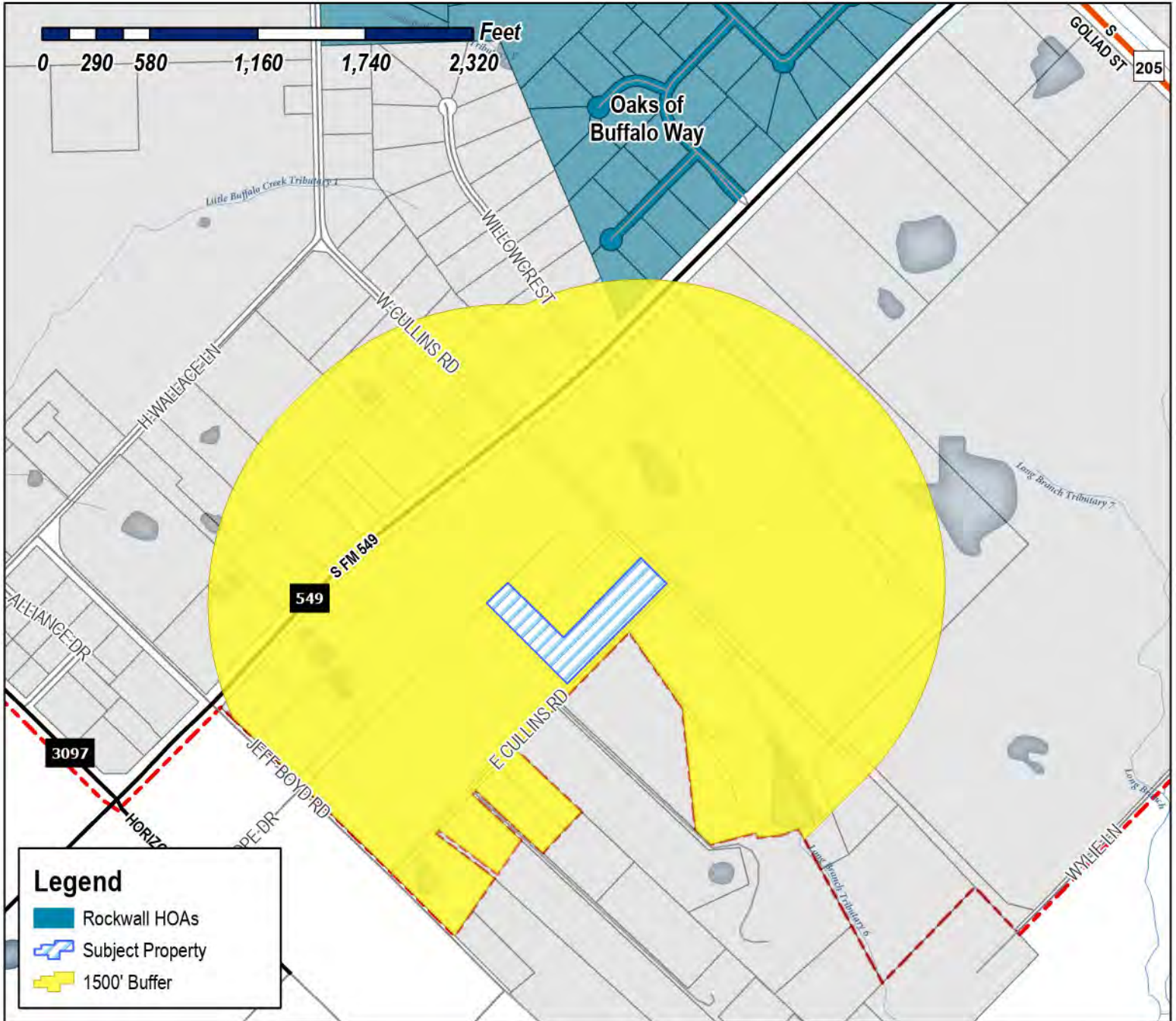




# City of Rockwall

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**Case Number:** Z2023-034  
**Case Name:** Zoning Change from SFE-4.0 to SFE-1.5  
**Case Type:** Zoning  
**Zoning:** Single Family Estate 4.0 (SFE-4.0)  
**Case Address:** 626 Cullins Road

**Date Saved:** 7/14/2023  
 For Questions on this Case Call (972) 771-7745



## Ross, Bethany

---

**From:** Zavala, Melanie  
**Sent:** Wednesday, July 19, 2023 9:05 AM  
**Cc:** Miller, Ryan; Ross, Bethany; Guevara, Angelica; Lee, Henry  
**Subject:** Neighborhood Notification Program [Z2023-034]  
**Attachments:** Public Notice (P&Z) (7.17.2023).pdf; HOA Map (07.14.2023).pdf

HOA/Neighborhood Association Representative:

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

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

### **Z2023-034: Zoning Change from SFE-4.0 to SFE-1.5**

Hold a public hearing to discuss and consider a request by Dakota and Claire Brewer for the approval of a *Zoning Change* from a Single-Family Estate 4.0 (SFE-4.0) District to a Single-Family 1.5 (SFE-1.5) District for a 2.66-acre tract of land identified as a Tract 4-2 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 4.0 (SFE-4.0) District, addressed as 626 Cullins Road, and take any action necessary.

Thank you,

*Melanie Zavala*

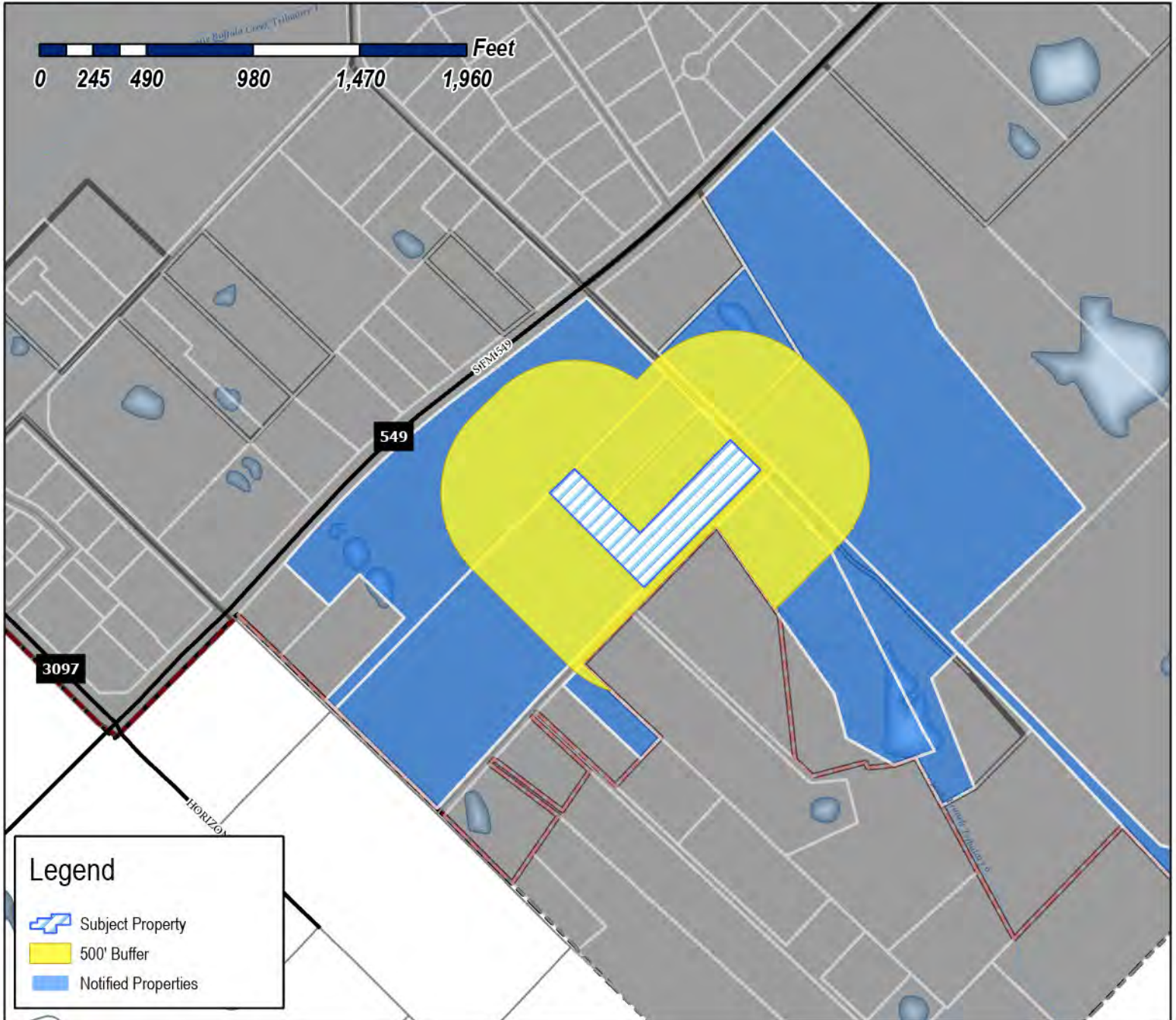
Planning & Zoning Coordinator | Planning Dept. | City of Rockwall  
385 S. Goliad Street | Rockwall, TX 75087  
<http://www.rockwall.com/>  
972-771-7745 Ext. 6568



# 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:** Z2023-034  
**Case Name:** Zoning Change from SFE-4 to SFE-1.5  
**Case Type:** Zoning  
**Zoning:** Single Family Estate 4.0 (SFE-4.0)  
**Case Address:** 626 Cullins Road

**Date Saved:** 7/14/2023

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





ABREU JORGE AND TASHA  
570 CULLINS RD  
ROCKWALL, TX 75032

ROGERS BROOKE AND GENE FRANKLIN  
626 E CULLINS RD  
ROCKWALL, TX 75032

HOPE LESLIE AND DARYL  
530 CULLINS  
ROCKWALL, TX 75032

HOLLAND SAUNDRA G  
909 E CULLINS RD  
ROCKWALL, TX 75032

WILSON BRET A & LESLIE  
535 E CULLINS RD  
ROCKWALL, TX 75032

BYRD GARY ETUX  
707 E CULLINS RD  
ROCKWALL, TX 75032

ROCKWALL HIGHGATE LTD C/O SCOTT ASBURY  
13155 NOEL RD #900  
DALLAS, TX 75240

OCCUPANT  
326 CULLINS RD  
ROCKWALL, TX 75032

FOLEY-TRAVIS LE'ARDEN J  
403 TRAVIS LANE  
ROCKWALL, TX 75032

POPE TONY W & KARREN L  
220 COUNTY RD 2174  
SULPHUR SPRINGS, TX 75482

BOYD WILKIE HUGH  
489 JEFF BOYD RD  
ROCKWALL, TX 75032

# PUBLIC NOTICE



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

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

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

**Z2023-034: Zoning Change from SFE-4 to SFE-1.5**

Hold a public hearing to discuss and consider a request by Dakota and Claire Brewer for the approval of a Zoning Change from a Single-Family Estate 4.0 (SFE-4.0) District to a Single-Family 1.5 (SFE-1.5) District for a 2.66-acre tract of land identified as a Tract 4-2 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 4.0 (SFE-4.0) District, addressed as 626 Cullins 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, August 15, 2023 at 6:00 PM, and the City Council will hold a public hearing on Monday, August 21, 2023 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

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

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

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

Your comments must be received by Monday, August 21, 2023 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

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



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

--- PLEASE RETURN THE BELOW FORM ---

**Case No. Z2023-034: Zoning Change from SFE-4 to SFE-1.5**

Please place a check mark on the appropriate line below:

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

[Redacted area]

Name: [Redacted]  
Address: [Redacted]

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

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

NOTES

- 1) According to F.E.M.A. Flood Insurance Rate Map. Community Panel No. 48397C0110 L dated Sept. 26, 2008, this property lies in Zone X. This property does not appear to lie within a 100-year flood plain.
- 2) BEARING SOURCE: CITY OF ROCKWALL CONTROL MONUMENT SYSTEM.
- 3) ALL 1/2" IRS ARE CAPPED WITH YELLOW PLASTIC CAPS "RPLS 5034."
- 4) Property owners are responsible for maintenance, repair and replacement of all retaining walls, the HOA and the owner are responsible for drainage and detention systems in easements.

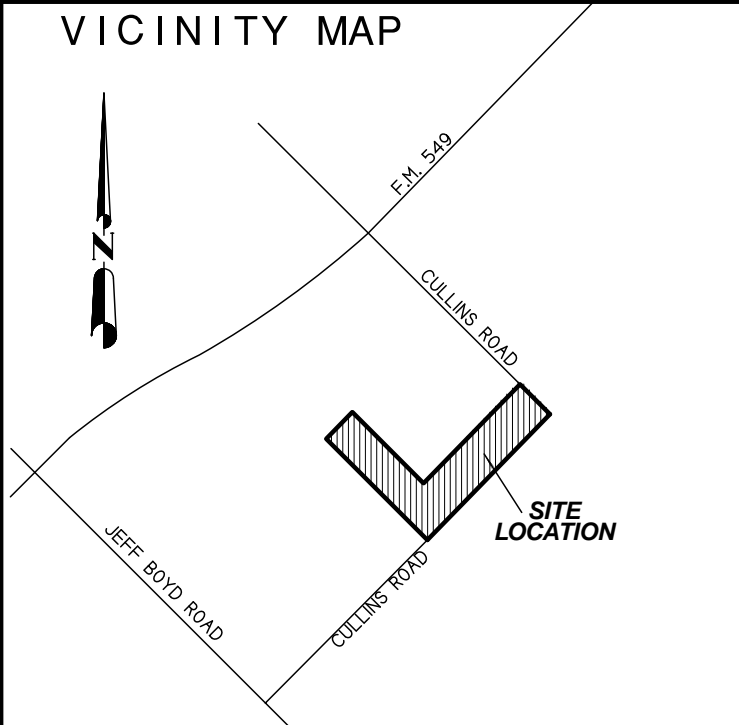
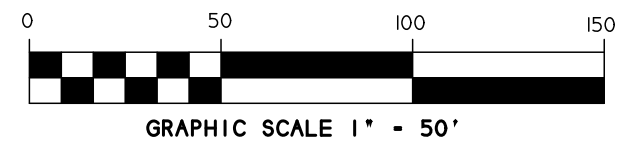
27.87 ACRES  
WILKIE HUGH BOYD  
V. 4804, PG. 254

3.00 ACRES  
LESLIE HOPE  
DARYL HOPE  
DOC#20160000016212  
O.P.R.R.C.T.

3.00 ACRES  
JORGE ABREU  
TAHSA ABREU  
DOC#20210000014188  
O.P.R.R.C.T.

TONY POPE  
KAREN POPE  
V. 7050, PG. 91

LOT 1  
BLOCK A  
5.41 ACRES  
235,559 SQ. FT.



FINAL PLAT  
**G & B ROGERS ADDITION**  
**LOT 1, BLOCK A**

5.41 ACRES 235,559 S.F.  
W.W. FORD SURVEY, ABSTRACT NO. 80  
CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

SHEET 1 OF 2

OWNER:  
GENE ROGERS  
BROOKE ROGERS  
626 CULLINS ROAD  
ROCKWALL, TEXAS 75087

SYMBOL LEGEND			
TELEVISION	GAS	TEL	FIRE
CABLE RISER	METER	RISER	HYDRANT
ELEC	WTR	LP	1/2" IRP
BOX	METER	POLE	NON ASD FOUND
SUBSURFACE	JUNCTION BOX	LIGHT	1" CORNER
EASEMENT LINE			
Property Lines			

**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](mailto:tracy@hdfetty.com)

SURVEY DATE NOVEMBER 29, 2022  
SCALE 1" = 50' FILE # 20220159-FP  
CLIENT ROGERS

CITY CASE P2023-

OWNER'S CERTIFICATE  
(Public Dedication)  
STATE OF TEXAS  
COUNTY OF ROCKWALL

WHEREAS GENE ROGERS and BROOKE ROGERS, BEING THE OWNERS 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 W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, and being all of a tract of land as described in a Warranty deed from Erin Pope to Tony Pope and Karen Pope, dated June 14, 1994 and being recorded in Volume 915, Page 141 of the Real Property Records of Rockwall County, Texas, and being part of a 90 acre tract as recorded in Volume 67, Page 417, Deed Records, Rockwall County, Texas, and being a part of a 23.429 acres tract of land as described in a Warranty deed from Erin Pope to Tony Pope and Karen Pope, dated December 15, 2012 and being recorded in Volume 7050, Page 91 of the Official Public Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 3/4" iron rod found for corner at the intersection of a turn in Cullins Road, said point being at the east most corner of said Pope tract and 90 acres tract of land;

THENCE S. 44 deg. 16 min. 14 sec. W. along the center of Cullins Road and southeast boundary of said Pope tract and 90 acres tract, a distance of 626.49 feet to a 1/2" iron rod found for corner;

THENCE S. 43 deg. 43 min. 03 sec. W. along the pavement of Cullins Road and southeast boundary of said Pope 23.429 acres tract, a distance of 161.97 feet to a Mag Nail set for corner;

THENCE N. 45 deg. 00 min. 00 sec. W., at 28.5 feet pass a 1/2" iron rod set for witness and continuing for a total distance of 647.33 feet to a 1/2" iron rod set for corner in the northwest boundary line of said pope 23.429 acres tract of land;

THENCE N. 44 deg. 14 min. 20 sec. E. along the northwest boundary of Pope 23.429 acres tract, a distance of 162.29 feet to a 1/2" iron rod found for corner at the north most corner of Pope 23.429 acres tract of land;

THENCE S. 44 deg. 58 min. 59 sec. E. a distance of 437.15 feet to a 1/2" iron rod found for corner at the west corner of said 3.00 acres tract;

THENCE N. 44 deg. 16 min. 14 sec. E. at 600.0 feet pass a 1/2" iron rod found for witness and continuing for a total distance of 626.21 feet to a point for corner in Cullins Road;

THENCE S. 45 deg. 01 min. 11 sec. E. along the center of Cullins Road, a distance of 208.71 feet to the POINT OF BEGINNING and containing 235,559 square feet or 5.41 acres of land.

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 G & B ROGERS ADDITION, LOT 1, BLOCK A, 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, drains, 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 G & B ROGERS ADDITION, LOT 1, BLOCK A 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:

- 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 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, our 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.

\_\_\_\_\_  
GENE ROGERS

\_\_\_\_\_  
BROOKE ROGERS

STATE OF TEXAS  
COUNTY OF ROCKWALL

Before me, the undersigned authority, on this day personally appeared GENE ROGERS 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: \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF ROCKWALL

Before me, the undersigned authority, on this day personally appeared BROOKE ROGERS 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 \_\_\_\_\_, \_\_\_\_\_.

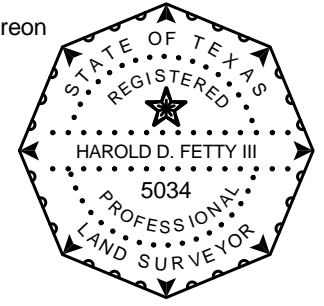
\_\_\_\_\_  
Notary Public in and for the State of Texas My Commission Expires: \_\_\_\_\_

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 G & B ROGERS ADDITION, LOT 1, BLOCK A, 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  
G & B ROGERS ADDITION  
LOT 1, BLOCK A  
5.41 ACRES 235,559 S.F.  
W.W. FORD SURVEY, ABSTRACT NO. 80  
CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

SHEET 2 OF 2

SYMBOL LEGEND	
TV TELEVISION CABLE WIRE	GAS
TEL PHONE	PIE FIRE HYDRANT
WTR WATER	PP POWER POLE
ELEC BOX	LP LIGHT POLE
SUBSURFACE JUNCTION BOX	METER
---	--- EASEMENT LINE
---	---
---	---

OWNER:  
GENE ROGERS  
BROOKE ROGERS  
626 CULLINS ROAD  
ROCKWALL, TEXAS 75087

H.D. Fetty Land Surveyor, LLC

Firm Registration no. 101509-00  
6770 FM 1565 ROYSE CITY, TX 75189 972-635-2255 PHONE tracy@hdfetty.com

SURVEY DATE NOVEMBER 29, 2022  
SCALE 1" = 50' FILE # 20220159-FP  
CLIENT ROGERS

CITY CASE P2023-

**LEGEND:**

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

## PERMITTED LAND USES IN AN SINGLE FAMILY ESTATES (SFE) DISTRICT

LAND USE SCHEDULE	LAND USE DEFINITION REFERENCE [Reference <a href="#">Article 13, Definitions</a> ]	CONDITIONAL USE REFERENCE Reference <a href="#">Article 04, Permissible Uses</a>	SINGLE FAMILY ESTATE DISTRICTS
<b>AGRICULTURAL AND ANIMAL RELATED LAND USES</b>	2.02(A)	2.03(A)	
Agricultural Uses on Unplatted Land	<a href="#">(1)</a>		P
Animal Boarding/Kennel with Outside Pens	<a href="#">(2)</a>	<a href="#">(1)</a>	S
Animal Boarding/Kennel without Outside Pens	<a href="#">(2)</a>	<a href="#">(2)</a>	S
Commercial Horse Corral or Stable	<a href="#">(9)</a>	<a href="#">(5)</a>	S
Private Horse Corral or Stable	<a href="#">(10)</a>	<a href="#">(6)</a>	P
Community Garden	<a href="#">(11)</a>	<a href="#">(7)</a>	S
Urban Farm	<a href="#">(12)</a>	<a href="#">(8)</a>	S
Wholesale Nursery ( <i>i.e. without Retail Sale On-Site</i> )	<a href="#">(13)</a>		S
<b>RESIDENTIAL AND LODGING LAND USES</b>	2.02(B)	2.03(B)	
Residential Accessory Building or Structure	<a href="#">(1)</a>	<a href="#">(1)</a>	P
Bed and Breakfast	<a href="#">(2)</a>	<a href="#">(2)</a>	S
Residential Garage	<a href="#">(7)</a>	<a href="#">(4) &amp; (5)</a>	A
Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit	<a href="#">(8)</a>	<a href="#">(6)</a>	A
Home Occupation	<a href="#">(9)</a>	<a href="#">(7)</a>	P
Portable Building	<a href="#">(15)</a>	<a href="#">(10)</a>	P
Residential Infill in an Established Subdivision	<a href="#">(16)</a>	<a href="#">(11)</a>	S
Single-Family Detached Structure	<a href="#">(18)</a>	<a href="#">(13)</a>	P
Private Swimming Pool	<a href="#">(20)</a>		A
Private Tennis Court	<a href="#">(21)</a>		S
<b>INSTITUTIONAL AND COMMUNITY SERVICE LAND USES</b>	2.02(C)	2.03(C)	
Church/House of Worship	<a href="#">(4)</a>	<a href="#">(2)</a>	S
Daycare with Seven (7) or More Children	<a href="#">(9)</a>	<a href="#">(4)</a>	S
Group or Community Home	<a href="#">(11)</a>	<a href="#">(5)</a>	P
Public or Private Primary School	<a href="#">(21)</a>	<a href="#">(7)</a>	S
Public or Private Secondary School	<a href="#">(22)</a>	<a href="#">(8)</a>	S
Temporary Education Building for a Public or Private School	<a href="#">(23)</a>	<a href="#">(9)</a>	S
<b>RECREATION, ENTERTAINMENT AND AMUSEMENT LAND USES</b>	2.02(E)	2.03(E)	
Public or Private Community or Recreation Club as an Accessory Use	<a href="#">(4)</a>		S
Private Country Club	<a href="#">(5)</a>		S
Temporary Fundraising Events by Non-Profit	<a href="#">(7)</a>	<a href="#">(4)</a>	P
Public Park or Playground	<a href="#">(12)</a>		P
Tennis Courts ( <i>i.e. Not Accessory to a Public or Private Country Club</i> )	<a href="#">(14)</a>		S
<b>RETAIL AND PERSONAL SERVICES LAND USES</b>	2.02(F)	2.03(F)	
Temporary Real Estate Sales Office	<a href="#">(25)</a>		P
<b>COMMERCIAL AND BUSINESS SERVICES LAND USES</b>	2.02(G)	2.03(G)	
Temporary On-Site Construction Office	<a href="#">(18)</a>	<a href="#">(6)</a>	P
<b>INDUSTRIAL AND MANUFACTURING LAND USES</b>	2.02(I)	2.03(I)	
Temporary Asphalt or Concrete Batch Plant	<a href="#">(2)</a>	<a href="#">(2)</a>	P
Mining and Extraction of (Sand, Gravel, Oil and/or Other Materials)	<a href="#">(12)</a>	<a href="#">(5)</a>	S

**LEGEND:**

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

## PERMITTED LAND USES IN AN SINGLE FAMILY ESTATES (SFE) DISTRICT

LAND USE SCHEDULE	LAND USE DEFINITION REFERENCE [Reference <a href="#">Article 13, Definitions</a> ]	CONDITIONAL USE REFERENCE Reference <a href="#">Article 04, Permissible Uses</a>	SINGLE FAMILY ESTATE DISTRICTS
<b>UTILITIES, COMMUNICATIONS AND TRANSPORTATION LAND USES</b>	<b>2.02(K)</b>	<b>2.03(K)</b>	
Antenna, as an Accessory	<a href="#">(2)</a>	<a href="#">(1)</a>	S
Antenna, for an Amateur Radio	<a href="#">(4)</a>	<a href="#">(3)</a>	A
Antenna Dish	<a href="#">(5)</a>	<a href="#">(4)</a>	A
Utilities ( <i>Non-Municipally Owned or Controlled</i> ), Including Sanitary Landfill, Water Treatment, and Supply, and Wastewater Treatment	<a href="#">(10)</a>		S
Municipally Owned or Controlled Facilities, Utilities and Uses	<a href="#">(11)</a>		P
Private Streets	<a href="#">(12)</a>		S
Railroad Yard or Shop	<a href="#">(14)</a>		S
Satellite Dish	<a href="#">(16)</a>		A
Solar Energy Collector Panels and Systems	<a href="#">(17)</a>	<a href="#">(7)</a>	A
Utilities Holding a Franchise from the City of Rockwall	<a href="#">(21)</a>		S
Utility Installation Other than Listed	<a href="#">(22)</a>		S
Utility/Transmission Lines	<a href="#">(23)</a>		S
Wireless Communication Tower	<a href="#">(24)</a>		S

# 18 SOUTHWEST RESIDENTIAL DISTRICT

## DISTRICT DESCRIPTION

The *Southwest Residential District* contains a mixture of land uses that include existing medium and low density residential, heavy commercial/retail land uses (i.e. *National Drive, Sids Road, and Mims Road*) and commercial land uses. In the future, this district is expected to continue to function as it does today with additional low-density master planned communities filling in the vacant land remaining in the central and southern areas of the district. In addition, the areas that are in transition are expected to continue to improve adding additional value to the City.

## DISTRICT STRATEGIES

The strategies for the *Southwest Residential District* are as follows:

- 1 **Suburban Residential.** This district has several large tracts of land that can support highly amenitized master planned communities. Areas adjacent to the Oaks of Buffalo Way Subdivision should utilize larger lots adjacent to the subdivision to transition to a smaller lot sizes; however, these areas should incorporate a mix of larger to mid-sized lots.

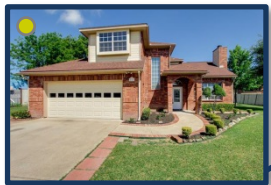
- 2 **Commercial/Industrial Land Uses.** The areas around Sids Road, National Drive, and Mims Road are some of the only areas in the City that are designated for *Commercial/Industrial* land uses. As a result, these areas should be protected from the encroachment of incompatible land uses (i.e. *residential land uses -- higher density or otherwise*). This should protect the businesses that currently exist in these areas.

- 3 **Transitional Areas.** The areas designated as *Transitional Areas* are currently transitioning from interim land uses and building types to more permanent structures with conforming land uses. These areas should be given special consideration with regard to requests that further the establishment of uses and structures that will improve the property values of the adjacent properties; however, the City should look to continue to discourage uses and structures that are situated within established floodplains.

- 4 **Intersection of SH-276 and S. Goliad Street (Sids Road and S. Goliad Street).** The intersection at Sids Road and S. Goliad Street [SH-205] -- also identified as the future intersection of SH-276 and S. Goliad Street -- is anticipated to be a major commercial intersection due to the high traffic volumes carried by both SH-276 and S. Goliad Street [SH-205]. This intersection will most likely have commercial at all four (4) corners and will create a major node along both highways.



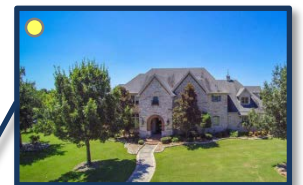
1 Current Suburban Residential



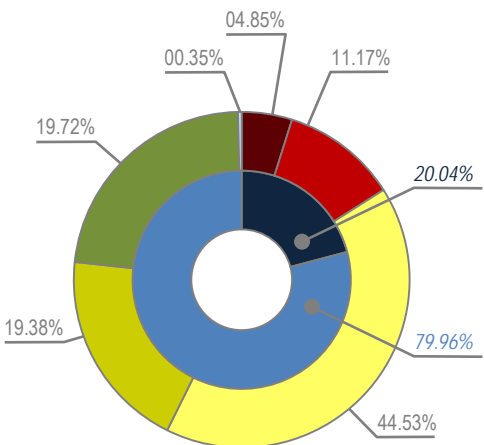
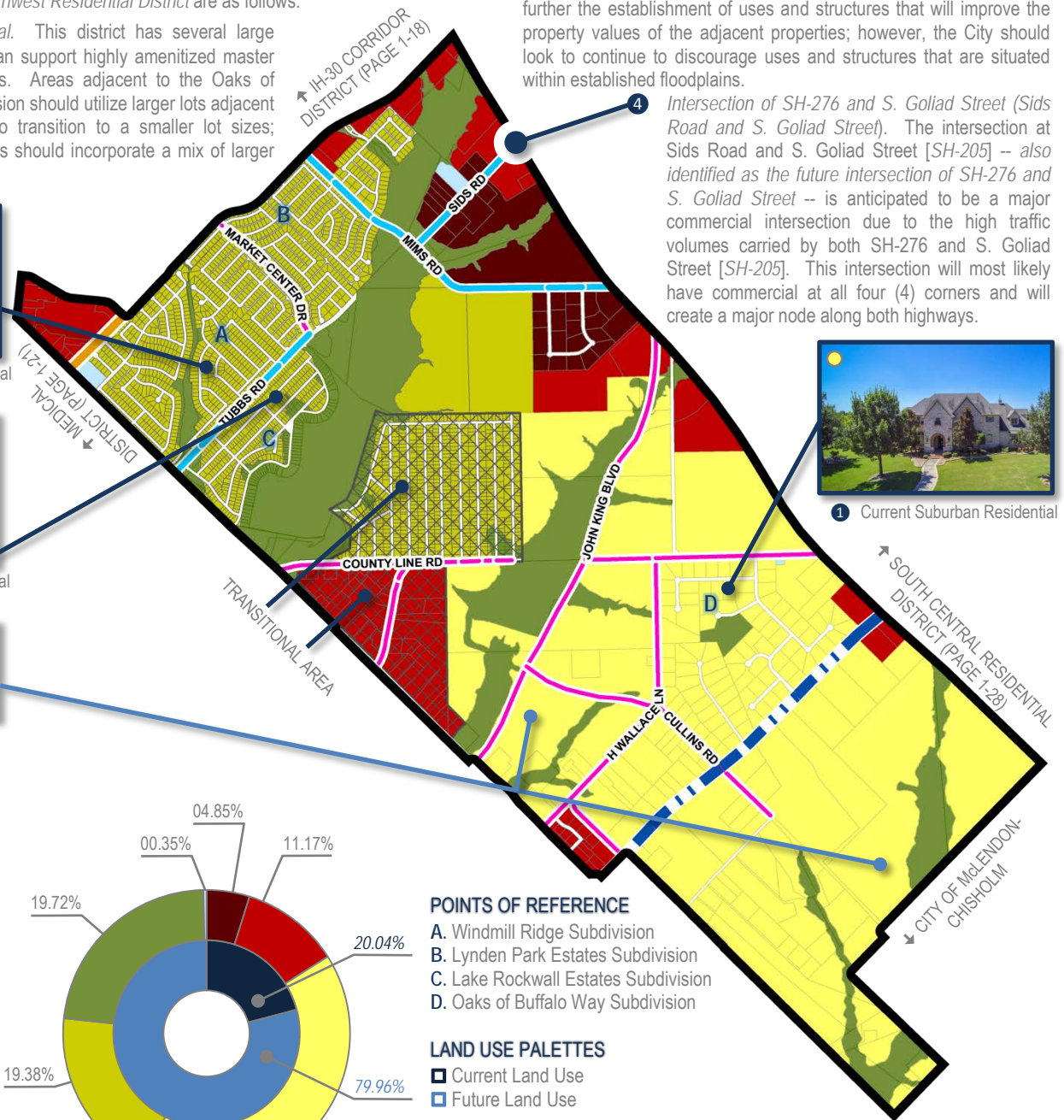
1 Current Suburban Residential



1 Future Suburban Residential



1 Current Suburban Residential



### POINTS OF REFERENCE

- A. Windmill Ridge Subdivision
- B. Lynden Park Estates Subdivision
- C. Lake Rockwall Estates Subdivision
- D. Oaks of Buffalo Way Subdivision

### LAND USE PAlettes

- Current Land Use
- Future Land Use

COMMERCIAL/INDUSTRIAL (CI)	120.50-ACRES
COMMERCIAL/RETAIL (CR)	277.44-ACRES
LOW DENSITY RESIDENTIAL (LDR)	1,106.20-ACRES
MEDIUM DENSITY RESIDENTIAL (MDR)	481.39-ACRES
PARKS AND OPEN SPACE (OS)	489.99-ACRES
QUASI-PUBLIC (QP)	8.67-ACRES

BUILD OUT	4,251
% OF ROCKWALL	10.95%
CURRENT	2,190
	188
	7,437

COMMERCIAL	20.04%
RESIDENTIAL	79.96%
MIXED USE	0.00%
MINOR COLLECTOR	
M4D	
M4U	
TXDOT 4D	

CITY OF ROCKWALL

ORDINANCE NO. 23-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM A SINGLE-FAMILY ESTATE 4.0 (SFE-4.0) DISTRICT TO A SINGLE-FAMILY ESTATE 1.5 (SFE-1.5) DISTRICT FOR A 5.24-ACRE TRACT OF LAND IDENTIFIED AS A TRACT 4-2 OF THE W. W. FORD SURVEY, ABSTRACT NO. 80, AND A PORTION OF TRACT 4-06 OF THE W.W. FORD SURVEY, ABSTRACT 80, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED AND DEPICTED IN EXHIBIT 'A' AND EXHIBIT 'B' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City has received a request from Dakota, Claire, Austen, and Sara Brewer for the approval of a Zoning Change from a Single-Family Estate 4.0 (SFE-4.0) District to a Single-Family 1.5 (SFE-1.5) District for a 5.24-acre tract of land identified as a Tract 4-2 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 4.0 (SFE-4.0) District, addressed as 626 Cullins Road, and more fully described and depicted in *Exhibit 'A'* and *Exhibit 'B'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

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

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

**SECTION 1.** That the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall, Texas, as heretofore amended, be and the same are hereby amended by amending the zoning map of the City of Rockwall so as to change the zoning of the *Subject Property* from Agricultural (AG) District to a Single-Family Estate 4.0 (SFE-4.0) District;

**SECTION 2.** That the *Subject Property* shall be used only in the manner and for the purposes provided for a *Single-Family Estate 1.5 (SFE-1.5) District* as stipulated in Subsection 01.01, *Use of Land and Buildings*, of Article 04, *Permissible Uses*, and Subsection 03.02, *Single-Family Estate 1.5 (SFE-1.5) District*, of Article 05, *District Development Standards*, of the Unified Development Code [*Ordinance No. 20-02*] of the City of Rockwall as heretofore amended, as



amended herein by granting of this zoning change, and as maybe amended in the future;

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

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

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

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

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

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

\_\_\_\_\_  
Trace Johannessen, *Mayor*

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

1<sup>st</sup> Reading: August 21, 2023

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

Addressed: 626 Cullins Road

Legal Description: A Portion of Tract 4-06 and All of Tract 4-2 of the W. W. Ford Survey, Abstract No. 80



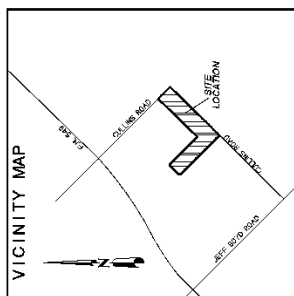
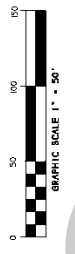
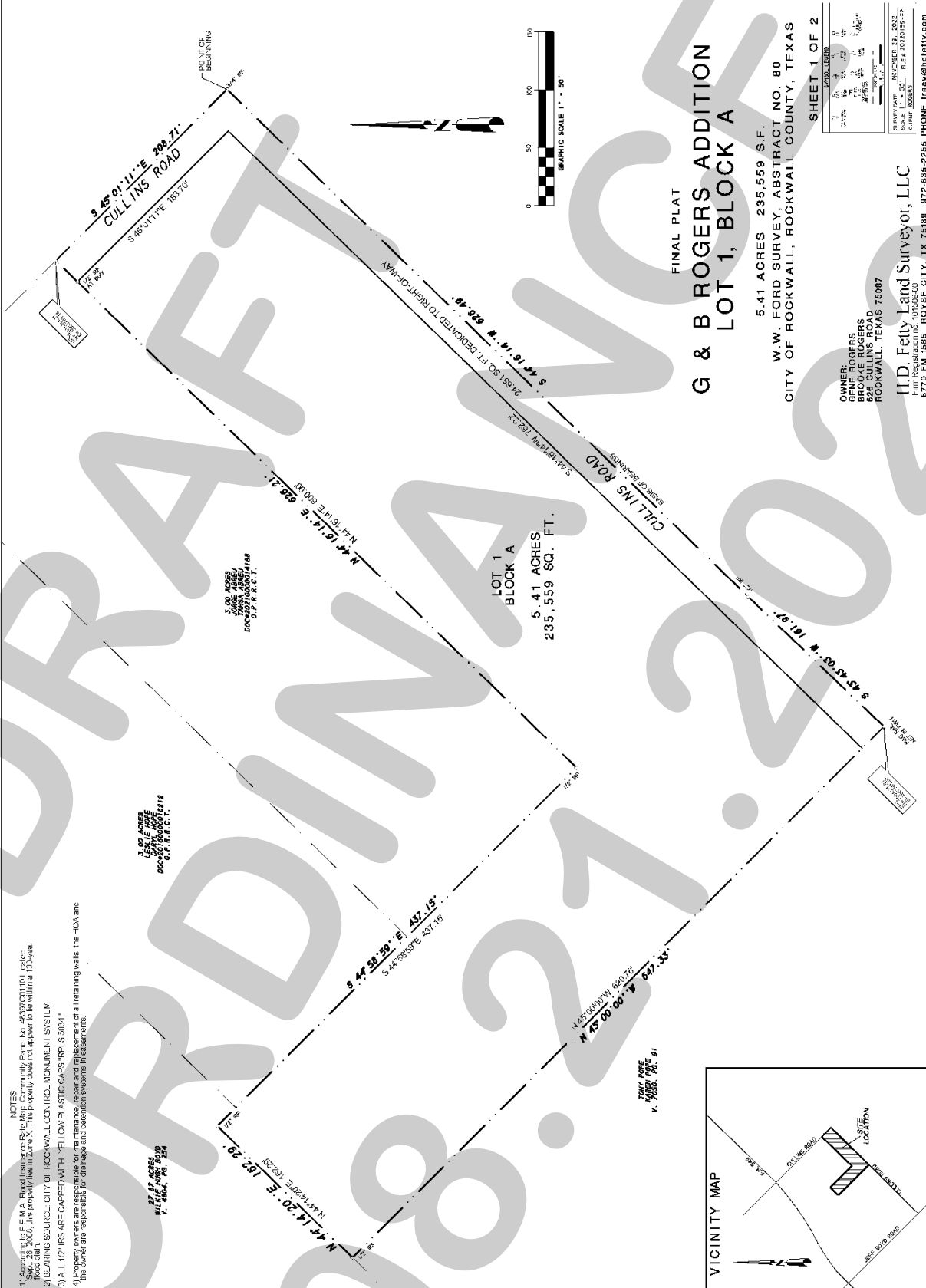
**NOTES**

- 1) According to F.E.M.A. Flood Insurance Rate Map, Community Panel No. 48397C01101, section 100, this property lies in Zone X. This property does not appear to lie within a 100-year flood plain.
- 2) L.L.A.R.I.N.S. SURVEY, CITY OF ROCKWALL, ROCKWALL MUNICIPAL SYSTEMS
- 3) ALL UTILITY LINES ARE CAPPED WITH YELLOW PLASTIC CAPS (PPULS 5094)
- 4) Property owners are responsible for any clearance, replacement, replacement of all retaining walls, the utility lines, the utility lines are responsible for drainage and retention systems in easements.

5.41 ACRES  
 LEASE TO  
 TONY ROSE  
 02/15/2012  
 O.P.R.C.T.

5.41 ACRES  
 LEASE TO  
 TONY ROSE  
 02/15/2012  
 O.P.R.C.T.

**LOT 1  
 BLOCK A**  
 5.41 ACRES  
 235,559 SQ. FT.



**FINAL PLAT**  
**G & B ROGERS ADDITION**  
**LOT 1, BLOCK A**

5.41 ACRES 235,559 S.F.  
 W. W. FORD SURVEY, ABSTRACT NO. 80  
 CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

**SHEET 1 OF 2**

OWNER'S RECORD	
1	OWNER'S RECORD
2	OWNER'S RECORD
3	OWNER'S RECORD
4	OWNER'S RECORD
5	OWNER'S RECORD
6	OWNER'S RECORD
7	OWNER'S RECORD
8	OWNER'S RECORD
9	OWNER'S RECORD
10	OWNER'S RECORD

**I.D. Felly Land Surveyor, LLC**  
 8770 FM 1995, ROCKWALL, TEXAS 75087  
 PHONE 972-956-2255  
 FAX 972-956-2255  
 EMAIL [ifelly@idfelly.com](mailto:ifelly@idfelly.com)





## MEMORANDUM

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**TO:** Mary Smith, City Manager

**CC:** Honorable Mayor and City Council

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

**DATE:** August 21, 2023

**SUBJECT:** Z2023-035; SPECIFIC USE PERMIT (SUP) FOR A GOLF DRIVING RANGE

---

### Attachments

Case Memo  
Development Application  
Location Map  
HOA Notification Map  
Property Owner Notification Map  
Property Owner Notification List  
Public Notice  
Applicant's Letter  
Building Rendering  
Concept Plan  
Floor Plan  
Building Elevations  
Height Exhibit  
Legal Description  
Ordinance No. 22-52  
Draft Ordinance

### Summary/Background Information

Hold a public hearing to discuss and consider a request by Renee Ward, PE of Weir & Associates, Inc. on behalf of Conor Keilty, AIA of Structured REA-Rockwall Land, LLC for the approval of an **ordinance** for a *Specific Use Permit (SUP)* amending *Ordinance No. 22-52 [S-287]* for a *Golf Driving Range* on an 7.955-acre tract of land being portions of a larger 18.131-acre tract of land and a 12.868-acre tract of land identified as Tract 22 & 22-2 of the R. Irvine Survey, Abstract No. 120, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, generally located near the terminus of Fit Sport Life Boulevard, and take any action necessary **(1st Reading)**.

### Action Needed

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



# CITY OF ROCKWALL

## CITY COUNCIL CASE MEMO

### PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

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**TO:** Mayor and City Council  
**DATE:** August 21, 2023  
**APPLICANT:** Renee Ward, PE; *Weir & Associates, Inc.*  
**CASE NUMBER:** Z2023-035; *Specific Use Permit (SUP) for a Golf Driving Range*

---

### SUMMARY

Hold a public hearing to discuss and consider a request by Renee Ward, PE of Weir & Associates, Inc. on behalf of Conor Keilty, AIA of Structured REA-Rockwall Land, LLC for the approval of a Specific Use Permit (SUP) amending *Ordinance No. 22-52 [S-287]* for a *Golf Driving Range* on an 7.955-acre tract of land being portions of a larger 18.131-acre tract of land and a 12.868-acre tract of land identified as Tract 22 & 22-2 of the R. Irvine Survey, Abstract No. 120, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, generally located near the terminus of Fit Sport Life Boulevard, and take any action necessary.

### BACKGROUND

The subject property was annexed by the City Council on July 21, 1997 by *Ordinance No. 97-14 [Case No. A1997-001]*. At the time of annexation, the subject property was zoned Agricultural (AG) District. Based on the City's *Historic Zoning Maps*, at some point between annexation and April 5, 2005 the subject property was zoned Commercial (C) District. On October 3, 2022, the City Council approved a Specific Use Permit (SUP) [*Ordinance No. 22-52; S-287*] for a *Golf Driving Range [Case No. Z2022-041]* on the subject property. The subject property has remained vacant since annexation.

### PURPOSE

On July 14, 2023, the applicant -- *Renee Ward, PE of Weir & Associates, Inc.* -- submitted an application requesting a Specific Use Permit (SUP) for a *Golf Driving Range* for the purpose of constructing an ~63,200 SF entertainment venue that will consist of *Commercial Outdoor Amusement, Restaurants, Banquet Facility/Event Hall*, and a *Golf Driving Range*.

### ADJACENT LAND USES AND ACCESS

The subject property is located at the terminus of Fit Sport Life Boulevard. The land uses adjacent to the subject property are as follows:

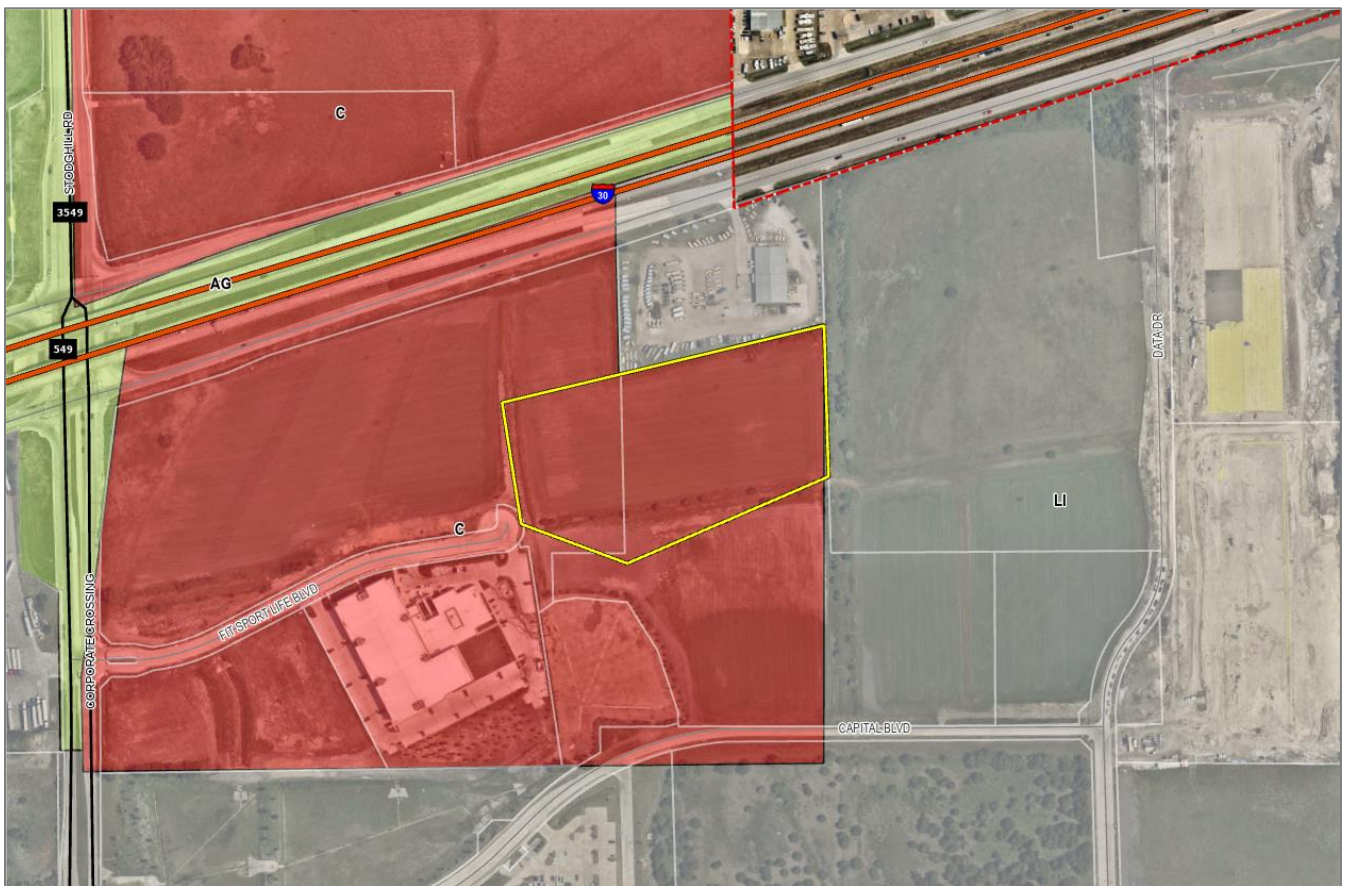
North: Directly north of the subject property is: [1] a 4.4317-acre tract of land (*i.e. Tract 22-01 of the R. Irvine Survey, Abstract No. 120*), zoned Light Industrial (LI) District, and which has a *Truck/Trailer Rental* facility (*i.e. Big Tex Trailers*) situated on it, and [2] the remainder of a 12.868-acre tract of vacant land (*i.e. Tract 22-2 of the R. Irvine Survey, Abstract No. 120*) that is zoned Commercial (C) District. Beyond this is the eastbound *Frontage Road* for IH-30, followed by the main lanes of IH-30, and the westbound *Frontage Road* for IH-30.

South: Directly south of the subject property is the remainder of an 18.131-acre tract of vacant land (*i.e. Tract 22 of the R. Irvine Survey, Abstract No. 120*). This property is zoned Commercial (C) District. Beyond this is Capital Boulevard, which is identified as a R2U (*i.e. residential, two [2] lane, undivided roadway*) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Following this is a vacant 10.98-acre tract of land (*i.e. Tract 1 of the J. H. B. Jones Survey, Abstract No. 125*), situated within Phase 4 of the Rockwall Technology Park that is zoned Light Industrial (LI) District.

East: Directly east of the subject property is a 21.50-acre tract of vacant land (i.e. Tract 24-2 of the R. Irvine Survey, Abstract No. 120) zoned Light Industrial (LI) District. Beyond this is the right-of-way for Data Drive, which is identified as a *Minor Collector* on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. East of this is an 11.12-acre tract of vacant land (i.e. Tract 25 of the R. Irvine Survey, Abstract No. 120) zoned Light Industrial (LI) District.

West: Directly west of the subject property is a 6.377-acre parcel of land (i.e. Lot 5, Block A, Fit Sport Life Addition) developed with a sports and recreation facility (i.e. Fit Sport Life), zoned Commercial (C) District. Beyond this is the remainder of a 12.868-acre tract of vacant land (i.e. Tract 22-2 of the R. Irvine Survey, Abstract No. 120) that is zoned Commercial (C) District. Following this is Corporate Crossing (i.e. FM-549) which is identified as a TXDOT4D (i.e. Texas Department of Transportation, four [4] lane, roadway) according to the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. West of this is a 6.1917-acre parcel of land (i.e. Lot 1, Block A, Love's Addition), zoned Light Industrial (LI) District, which is currently occupied with a *Truck Stop* (i.e. Love's Truck Stop).

MAP 1: LOCATION MAP  
**YELLOW:** SUBJECT PROPERTY





## CHARACTERISTICS OF THE REQUEST

The applicant has submitted a concept plan for an entertainment venue that will consist of *Outdoor Commercial Amusement, Restaurants, Banquet Facility/Event Hall,* and a *Golf Driving Range*. The concept plan shows that the facility will incorporate two (2) restaurants (*i.e. Culinary Wise Food Hall and the Nodding Donkey*) consisting of 12,333 SF, an event space consisting of 5,248 SF, a kid's playground and family green space consisting of 18,000 SF, a 27,500 SF *Outdoor Commercial Amusement* space (*i.e. Mini-Golf*), and a *Golf Driving Range* consisting of 24,900 SF of *open-air driving bays*. The proposed facility will be three (3) stories in height and incorporate 370 parking spaces. In addition, the 130,000 SF of *Golf Driving Range* will extend 200-yards and be enclosed using nets that will be supported with poles that will be 175-feet in height.

## CONFORMANCE WITH THE CITY'S CODES

The subject property is zoned Commercial (C) District and is situated within the IH-30 Overlay (IH-30 OV) District. According to the *Permissible Use Charts* contained in Article 04, *Permissible Uses*, of the Unified Development Code (UDC) the *Restaurant* and *Banquet Facility/Event Hall* land uses are permitted *by-right* within the Commercial (C) District; however, the *Golf Driving Range* and *Outdoor Commercial Amusement* require a Specific Use Permit (SUP) within the Commercial (C) District. The Unified Development Code (UDC) does not stipulate any *Conditional Land Use Standards* for the *Golf Driving Range*, and the purpose of the Specific Use Permit (SUP) requirement for the *Golf Driving Range* land use is to acknowledge that this land use may not be appropriate in all locations of the City. According to the *Conditional Use Standards* for the *Outdoor Commercial Amusement* land use, it shall be located a minimum of 300-feet from and residential zoned or used property. In this case, the applicant is in conformance with this *Conditional Land Use Standard*. In addition to the land use standards, Article 05, *District Development Standards*, of the Unified Development Code (UDC) stipulates a maximum building height of 60-feet in the Commercial (C) District; however, the code goes on to grant the City Council the ability to increase the building height up to 240-feet through a Specific Use Permit (SUP). In this case, the proposed poles supporting the nets for the *Golf Driving Range* will be 175-feet in total height. In order to provide flexibility staff has included an operational condition in the Specific Use Permit (SUP) ordinance that the poles not exceed 200-feet in total height. Staff should note that the City Council and Planning and Zoning Commission approved the height increase with the previous Specific Use Permit (SUP) [*Ordinance No. 22-52; S-287*].

## OURHOMETOWN VISION 2040 COMPREHENSIVE PLAN

According to the *Land Use Plan* contained in the OURHometown Vision 2040 Comprehensive Plan, the subject is situated within the *IH-30 Corridor District* and is designated for *Special Commercial Corridor* land uses. This land use designation is defined as being "...intended to provide an area for commercial/retail and regional commercial/retail activity centers that are intended to support and serve the entire region." The primary land uses for this designation are listed as *Regional Shopping Centers,*

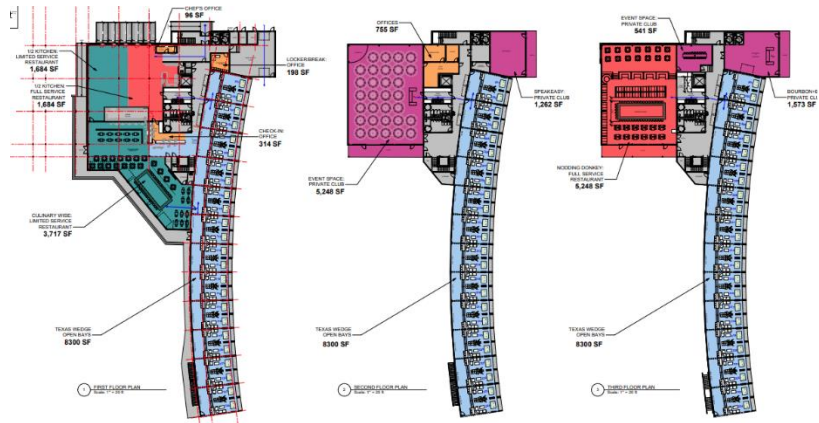


FIGURE 1: CONCEPT FLOOR PLAN FOR THE FACILITY



FIGURE 2: CONCEPT BUILDING ELEVATIONS

*Entertainment, Retail, Personal Services, Restaurant, Corporate Offices, Employment and Recreation* land uses. In addition, the *IH-30 Corridor Plan* contained in Appendix B, *Corridor Plans*, of the OURHometown Vision 2040 Comprehensive Plan, identifies the subject property as being a *Strategically Located Property* and designated as an *Opportunity Zone* or “(a) segment of the existing corridor with vacant or strategically placed or underutilized land that could be developed or redevelopment with the highest and best use for the corridor.”

## **STAFF ANALYSIS**

The Specific Use Permit (SUP) request submit by the applicant is the second time this request has been made. On October 3, 2022, the City Council approved a Specific Use Permit (SUP) [*Ordinance No. 22-52; S-287*] for a *Golf Driving Range* [*Case No. Z2022-041*] on the subject property. As part of this SUP approval an exception to the maximum building height was approved, and a condition of approval was added to the ordinance to enable the increased height. In this case, the applicant is making the same exception request for exceeding the maximum permitted height in a Commercial (C) District. That being said, there are differences between the approved SUP and the current request. Based on the provided concept plans the applicant has: [1] changed the building materials to incorporate more secondary materials, [2] increased the family green space, [3] added *Outdoor Commercial Amusement* (i.e. *mini-golf*), [4] reduced the number of parking spaces, [5] added an event hall, [6] removed the *Indoor Commercial Amusement* (i.e. *bowling and arcade*), and [6] removed the roof top garden.

All that being said, the location, access, surrounding land uses, and visibility of the subject property appear to be appropriate for a regional entertainment venue. Staff should point out that in other cities, land uses -- *similar to what the applicant is proposing* -- have proven to be regional destination centers (e.g. *Top Golf, Drive-Shack, etc.*). Based on this, the applicant’s request does conform to the types of land uses indicated for the subject property by the OURHometown Vision 2040 Comprehensive Plan. In addition, the subject property is located in an area of the City that is surrounded by commercial and industrial land uses, and does not have any residential adjacencies that would be inconsistent with the proposed land use. Taking this into consideration, the proposed additional height requested for the support poles does not appear to have a negative impact on any adjacent properties. With this being said, a request for a Specific Use Permit (SUP) is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission.

## **NOTIFICATIONS**

On July 21, 2023, staff mailed 9 notices to property owners and occupants within 500-feet of the subject property. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). There were no Homeowner’s Associations (HOA’s) or Neighborhood Organizations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. At the time this report was drafted, staff had not received any notices returned concerning the applicant’s request.

## **CONDITIONS OF APPROVAL**

If the City Council chooses to approve the applicant’s request for a Specific Use Permit (SUP) for a *Golf Driving Range*, then staff would propose the following conditions of approval:

- (1) The applicant shall be responsible for maintaining compliance with the *Operational Conditions* contained in the Specific Use Permit (SUP) ordinance and which are detailed as follows:
  - (a) The development and operation of a *Golf Driving Range* shall generally conform to the *Concept Plan* depicted in *Exhibit ‘B’* and *Concept Building Elevations* depicted in *Exhibit ‘C’* of the Specific Use Permit (SUP) ordinance.
  - (b) The maximum height of the netting and support structures shall not exceed 200-feet and shall generally conform to *Exhibit ‘D’* of the Specific Use Permit (SUP) ordinance.
- (2) Any construction resulting from the approval of this *Specific Use Permit (SUP)* shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

**PLANNING AND ZONING COMMISSION**

On August 15, 2023, the Planning and Zoning Commission approved a motion to recommend approval of the Specific Use Permit (SUP) by a vote of 5-0, with Commissioner Hustings absent.



# DEVELOPMENT APPLICATION

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

**STAFF USE ONLY**

PLANNING & ZONING CASE NO. \_\_\_\_\_

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

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

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

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

**PLATTING APPLICATION FEES:**

MASTER PLAT (\$100.00 + \$15.00 ACRE) <sup>1</sup>

PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) <sup>1</sup>

FINAL PLAT (\$300.00 + \$20.00 ACRE) <sup>1</sup>

REPLAT (\$300.00 + \$20.00 ACRE) <sup>1</sup>

AMENDING OR MINOR PLAT (\$150.00)

PLAT REINSTATEMENT REQUEST (\$100.00)

**SITE PLAN APPLICATION FEES:**

SITE PLAN (\$250.00 + \$20.00 ACRE) <sup>1</sup>

AMENDED SITE PLANELEVATIONS/LANDSCAPING PLAN (\$100.00)

**ZONING APPLICATION FEES:**

ZONING CHANGE (\$200.00 + \$15.00 ACRE) <sup>1</sup>

SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) <sup>1 & 2</sup>

PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) <sup>1</sup>

**OTHER APPLICATION FEES:**

TREE REMOVAL (\$75.00)

VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) <sup>2</sup>

**NOTES:**

<sup>1</sup>: IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.

<sup>2</sup>: A \$1,000.00 FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.

## PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS: Fit Sports Life Boulevard

SUBDIVISION: Structured REA-Rockwall Land LLC      Inst. No. 2021000001622

GENERAL LOCATION: 200' South and 800' East of intersection of I30 and Corporate Crossing

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

CURRENT ZONING	Commercial - C	CURRENT USE	Undeveloped
PROPOSED ZONING	Commercial - C with SUP	PROPOSED USE	Restaurant & Golf
ACREAGE	9.942 acres	LOTS [CURRENT]	0
		LOTS [PROPOSED]	1

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

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

<input type="checkbox"/> OWNER	Structured REA-Rockwall Land LLC	<input checked="" type="checkbox"/> APPLICANT	Wier & Associates, Inc.
CONTACT PERSON	Conor Keilty, AIA	CONTACT PERSON	Renee Ward, P.E.
ADDRESS	2801 E Camelback Road, Ste. 200	ADDRESS	2201 E Lamar Blvd, Ste. 200E
CITY, STATE & ZIP	Phoenix, Arizona 85016	CITY, STATE & ZIP	Arlington, Texas 76006
PHONE	(480) 603-7577	PHONE	(817) 467-7700
E-MAIL	conork@structuredrea.com	E-MAIL	ReneeW@wierassociates.com

## NOTARY VERIFICATION [REQUIRED]

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

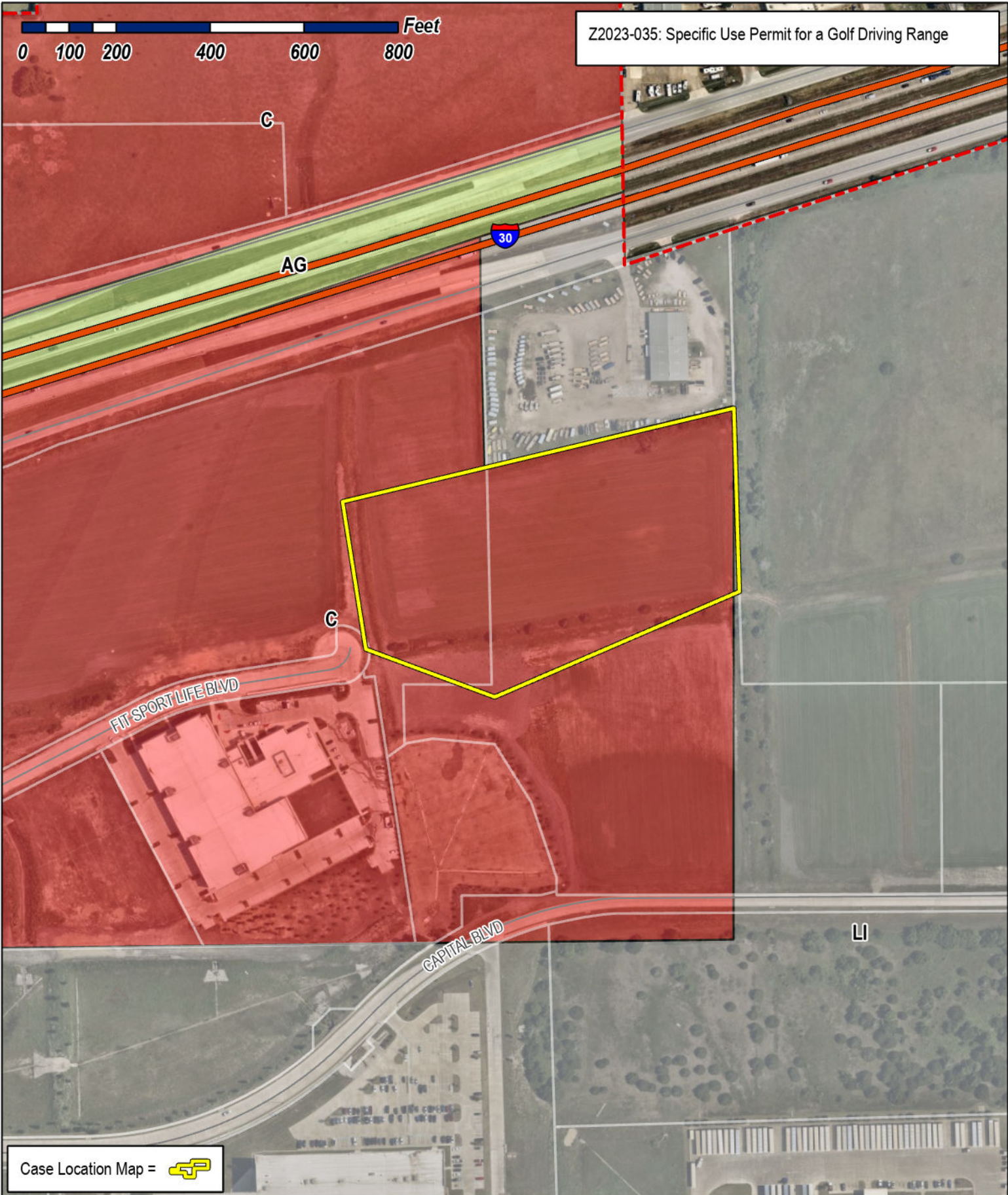
"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ 349.13 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS 14th DAY OF July 20 23. BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY OTHER RIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 12<sup>th</sup> DAY OF July 20 23.

OWNER'S SIGNATURE: [Signature]

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS: [Signature]





Z2023-035: Specific Use Permit for a Golf Driving Range

0 100 200 400 600 800 Feet

AG

C



FIT SPORT LIFE BLVD

C

CAPITAL BLVD

LI

Case Location Map =



# City of Rockwall

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

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

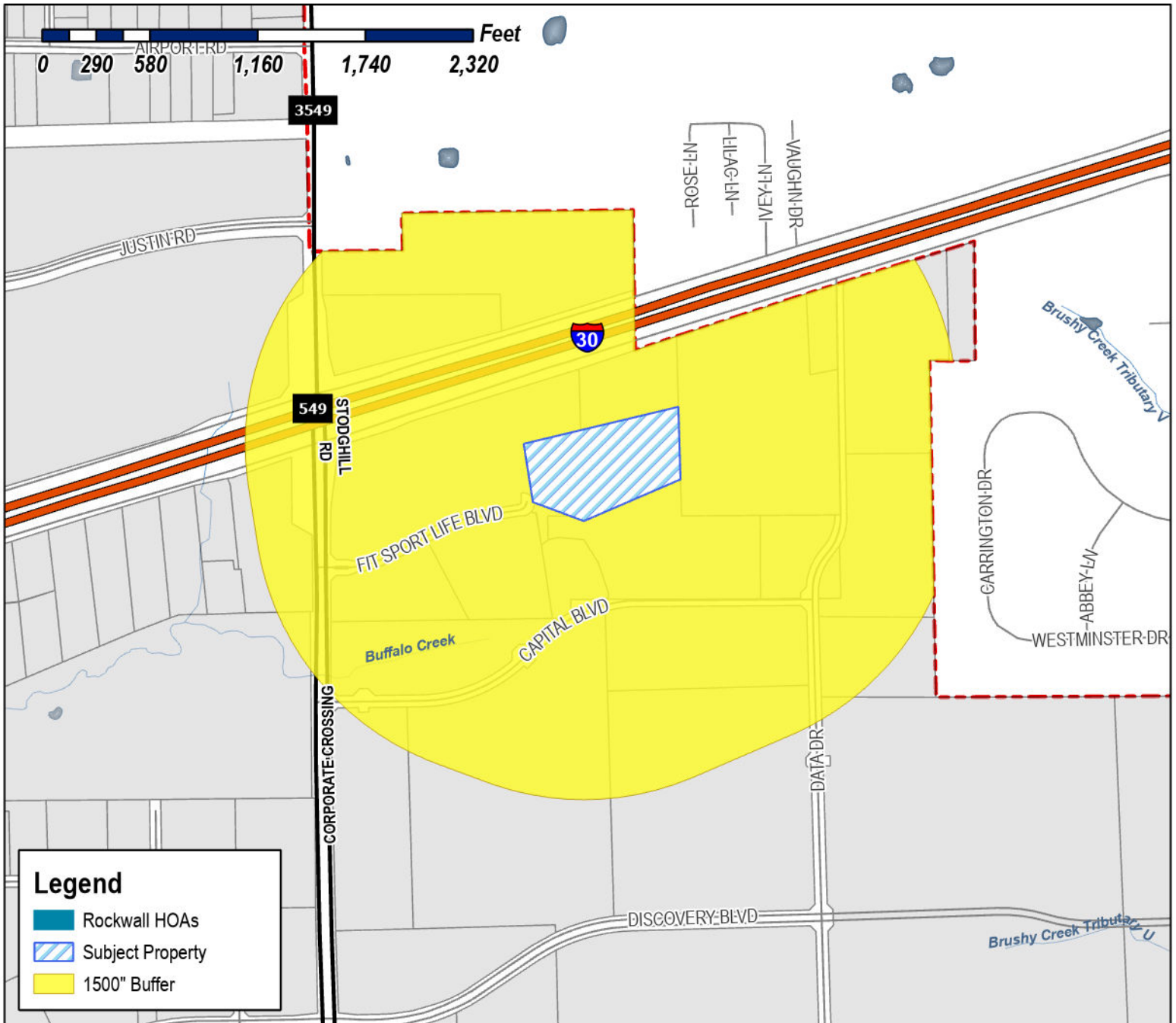




# City of Rockwall

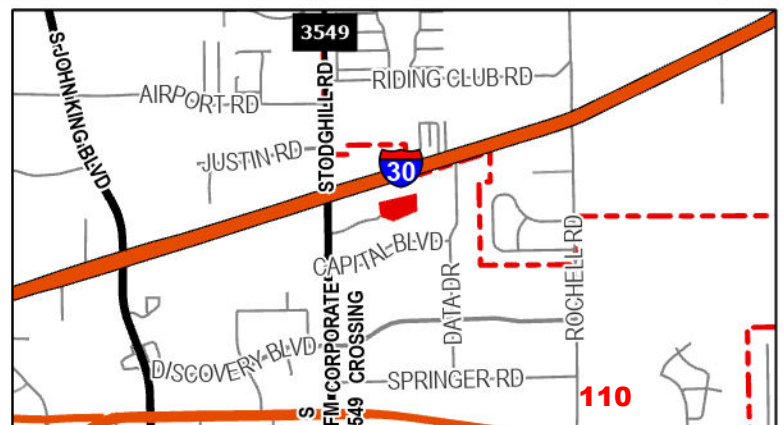
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**Case Number:** Z2023-035  
**Case Name:** SUP for a Golf Driving Range  
**Case Type:** Zoning  
**Zoning:** Commercial (C) District & Light Industrial (LI) District  
**Case Address:** Intersection of I-30 & Corporate Crossing

**Date Saved:** 7/21/2023  
 For Questions on this Case Call (972) 771-7745

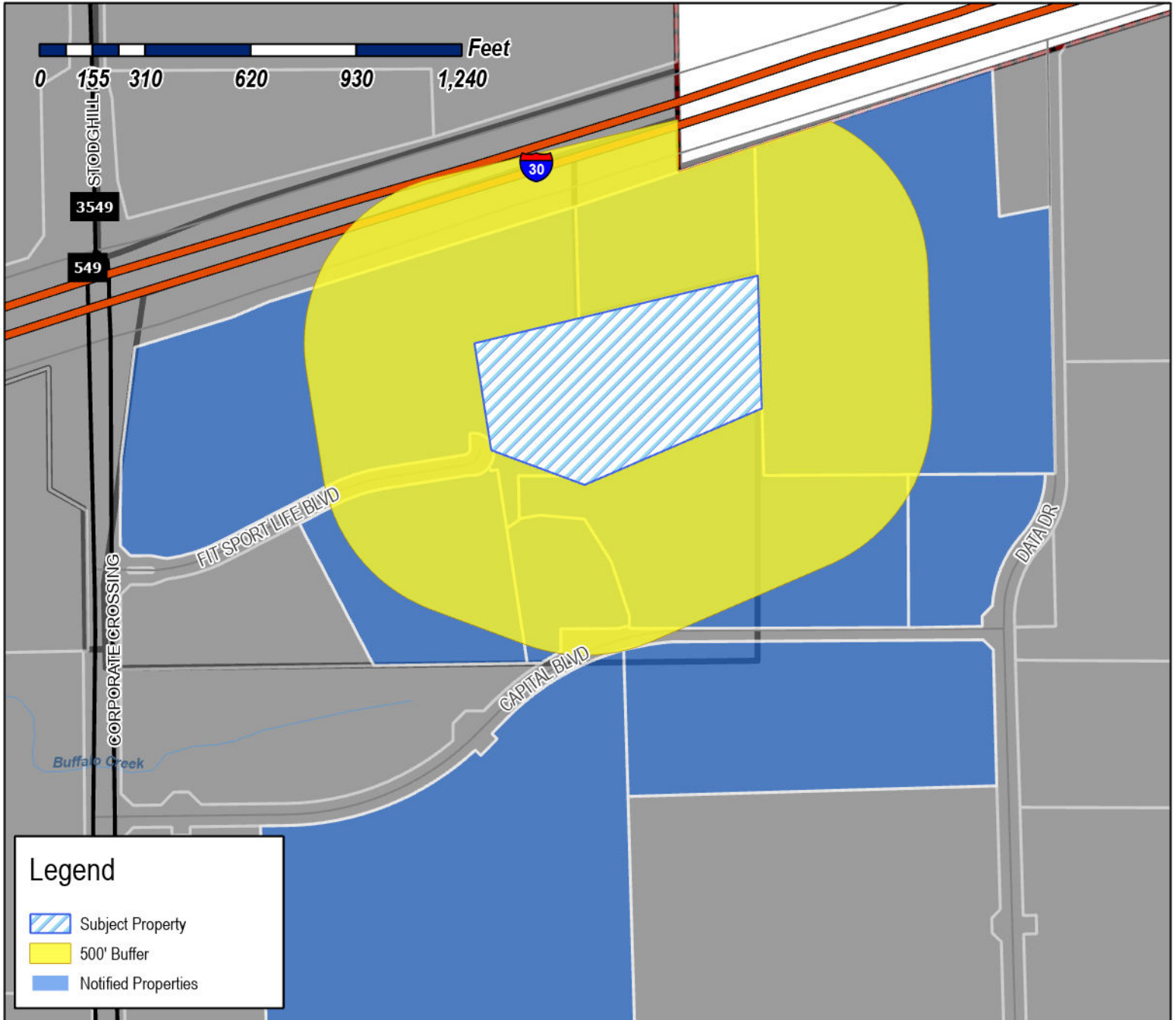






# City of Rockwall

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385 S. Goliad Street  
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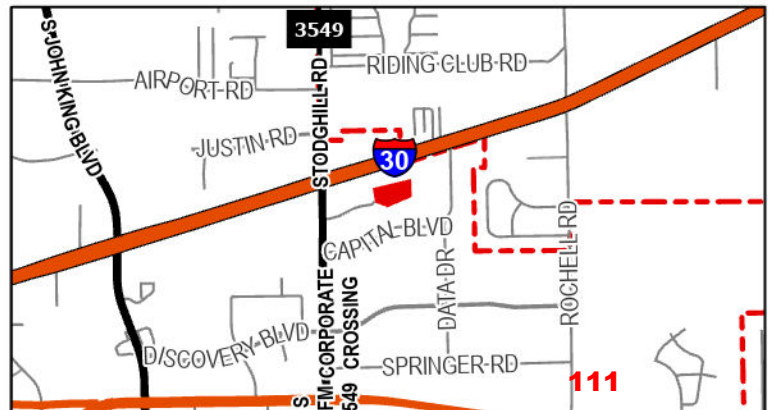


**Legend**

-  Subject Property
-  500' Buffer
-  Notified Properties

**Case Number:** Z2023-035  
**Case Name:** SUP for Golf Driving Range  
**Case Type:** Zoning  
**Zoning:** Commercial (C) District & Light Industrial (LI) District  
**Case Address:** Intersection of I-30 & Corporate Crossing

**Date Saved:** 7/21/2023  
 For Questions on this Case Call: (972) 771-7746



CAPITAL BOULEVARD VENTURE LLC AND  
GLOBAL WELLS INVESTMENT GROUP LLC  
1225 W IMPERIAL HWY STE B  
BREA, CA 92821

WALLIS RUSTY FAMILY LTD PARTNERSHIP #2  
12277 SHILOH RD  
DALLAS, TX 75228

STRUCTURED REA FSL ROCKWALL LLC  
171 ABERDEEN STREET SUITE 400  
CHICAGO, IL 60607

RESIDENT  
2260 E I30  
ROCKWALL, TX 75032

STRUCTURED REA- ROCKWALL LAND LLC  
2801 E. CAMELBACK ROAD SUITE 200  
PHOENIX, AZ 85016

RESIDENT  
3101 FIT SPORT LIFE BLVD  
ROCKWALL, TX 75032

RESIDENT  
3201 CAPITAL BLVD  
ROCKWALL, TX 75032

ROCKWALL ECONOMIC DEVELOPMENT  
CORPORATION  
P O BOX 968  
ROCKWALL, TX 75087

JOWERS INC  
PO BOX 1870  
ROCKWALL, TX 75087



# PUBLIC NOTICE



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

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

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

**Z2023-035: SUP for Golf Driving Range**

Hold a public hearing to discuss and consider a request by Renee Ward, PE of Weir & Associates, Inc. on behalf of Conor Keilty, AIA of Structured REA-Rockwall Land, LLC for the approval of a Specific Use Permit (SUP) amending Ordinance No. 22-52 [S-287] for a Golf Driving Range on an 7.955-acre tract of land being portions of a larger 18.131-acre tract of land and a 12.868-acre tract of land identified as Tract 22 & 22-2 of the R. Irvine Survey, Abstract No. 120, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, generally located near the terminus of Fit Sport Life 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, August 15, 2023 at 6:00 PM, and the City Council will hold a public hearing on Monday, August 21, 2023 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

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

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

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

Your comments must be received by Monday, August 21, 2023 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

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



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

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

**Case No. Z2023-035: SUP for Golf Driving Range**

**Please place a check mark on the appropriate line below:**

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

[Redacted area]

Name: [Redacted]

Address: [Redacted]

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

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



**WIER & ASSOCIATES, INC.**  
 ENGINEERS  
 SURVEYORS  
 LAND PLANNERS

PRINCIPALS  
 JOHN P. WIER, P.E., R.P.L.S.  
 ULYS LANE III, P.E., R.P.L.S., CFM  
 CARLO SILVESTRI, P.E.  
 GREGG MADSEN, R.P.L.S.  
 RANDALL S. EARDLEY, P.E.

SENIOR ASSOCIATES  
 PHILIP L. GRAHAM, P.E.  
 PRIYA ACHARYA, P.E.

ASSOCIATES  
 TOBY W. RODGERS  
 CASEY D. YORK

July 14, 2023

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

**Re: Texas Wedge at the SEC of I-30 & Corporate Crossing  
 Amended Special Use Permit Request**

Dear Planning Department,

We are requesting an amended Special Use Permit for the proposed Texas Wedge, Mini Golf, The Nodding Donkey, and Culinary Wise Food Hall at the southeast corner of Interstate 30 and Corporate Crossing. The amendment is due to the property boundary increasing from 7.955 acres to 9.942 acres to include mini golf on-site. The metes and bounds description and concept/site layout plans have been adjusted for the larger property boundary. We are requesting the following zoning changes (that were included with the previously approved zoning case Z2022-041) with this amended SUP:

**Golf Driving Range**

Article 04 Section 01 of the Unified Development Code (UDC) requires a SUP for a golf driving range in the commercial zoning district.

The development plan for the proposed Texas Wedge includes a golf driving range.

We request a SUP to allow a golf driving range in the commercial zoning district.

**Netting around Golf Driving Range**

The development plan for the Texas Wedge golf driving range has proposed a 175 foot tall netting around the perimeter of the range.

We request a SUP to provide netting around the perimeter of the golf driving range.

We appreciate your acceptance of our amended Special Use Permit submittal and request your recommendation to the Planning and Zoning Commission and City Council for the approval of this amended SUP. If you have any questions or comments, please feel free to contact me at 817-467-7700 or ReneeW@WierAssociates.com.

Truly yours,

Renee Ward, PE  
 Wier & Associates, Inc.  
 Texas Firm Registration No. F-2776

# TEXAS WEDGE

FIT SPORT LIFE BLVD, ROCKWALL, TEXAS 75032

NEW BUILDING FOR GOLF  
FOOD AND ENTERTAINMENT

SCHEMATIC PRICING PACKAGE



VICINITY MAP

## DRAWING LIST

- T - 1.0 TITLE SHEET
- SP - 1.0 SITE PLAN - EXISTING
- SP - 1.1 SITE PLAN - PROPOSED
- SP - 1.2 SITE PLAN - PROPOSED ENLARGED
- SP - 1.3 GREEN SPACES
- SP - 1.4 ADULT GREEN SPACES
- SP - 1.5 KID SPACES
- SP - 1.6 GOLF RANGE
  
- A - 1.1 FIRST FLOOR PLAN
- A - 1.2 SECOND FLOOR PLAN
- A - 1.3 THIRD FLOOR PLAN
- A - 1.4 PLANS 1-3
  
- A - 2.0 ELEVATION/SECTION - NORTH
- A - 2.1 ELEVATION/SECTION - SOUTH
- A - 2.2 ELEVATION/SECTION - WEST

# WDS

410 SOUTH MICHIGAN AVE SUITE 512  
CHICAGO ILLINOIS 60605  
312.583.7087 ERICH@WDS-AD.COM

JOB # 2207  
**TEXAS WEDGE FACILITY**  
ROCKWALL, TX

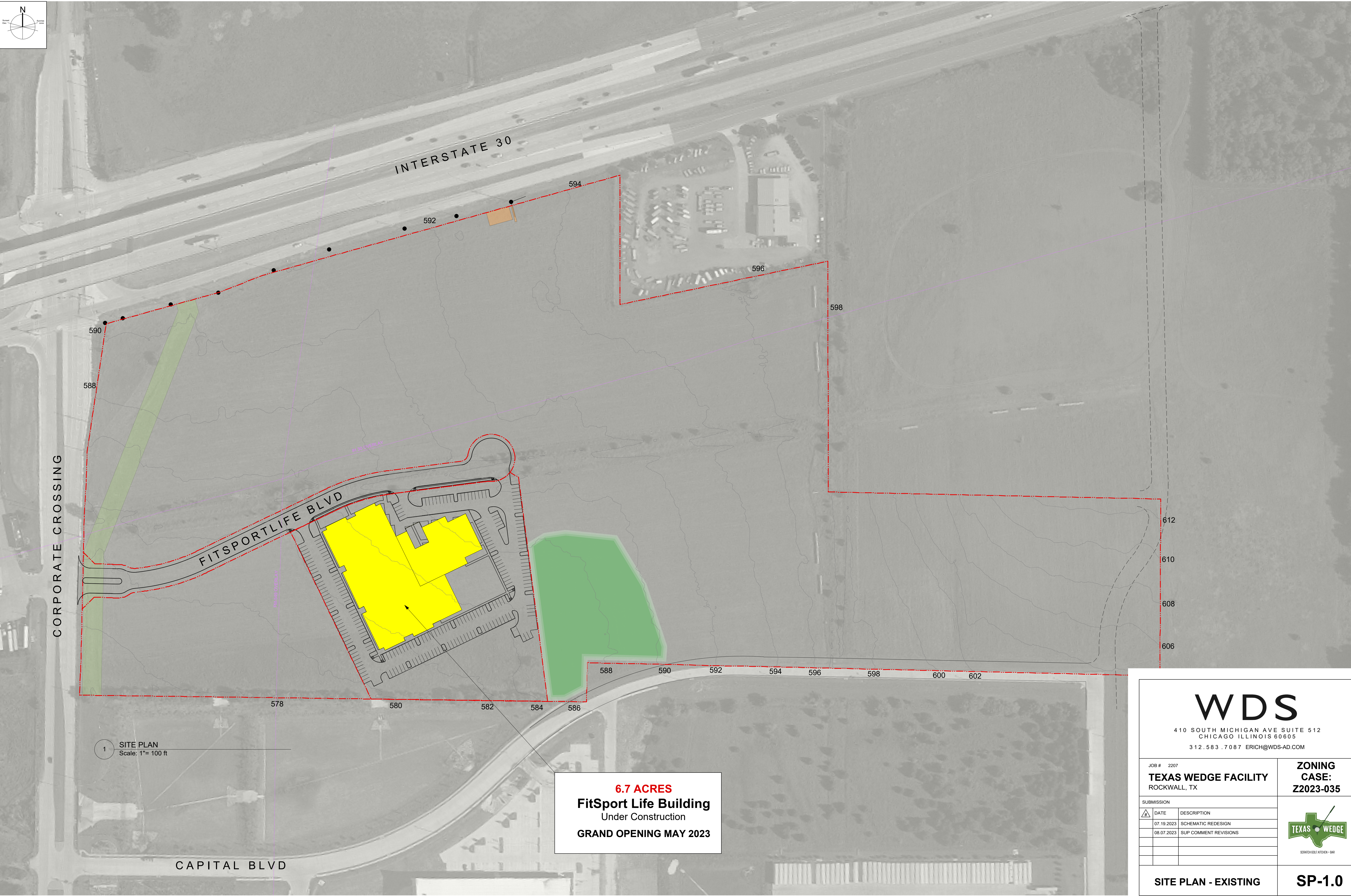
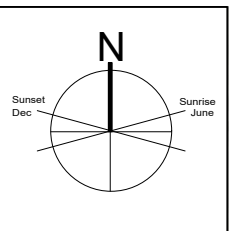
**ZONING CASE:**  
**Z2023-035**

DATE	DESCRIPTION
07.19.2023	SCHEMATIC REDESIGN
08.07.2023	SUP COMMENT REVISIONS



TITLE SHEET

T-1.0



1 SITE PLAN  
Scale: 1"= 100 ft

**6.7 ACRES**  
**FitSport Life Building**  
Under Construction  
**GRAND OPENING MAY 2023**

# WDS

410 SOUTH MICHIGAN AVE SUITE 512  
CHICAGO ILLINOIS 60605  
312.583.7087 ERICH@WDS-AD.COM

JOB # 2207  
**TEXAS WEDGE FACILITY**  
ROCKWALL, TX

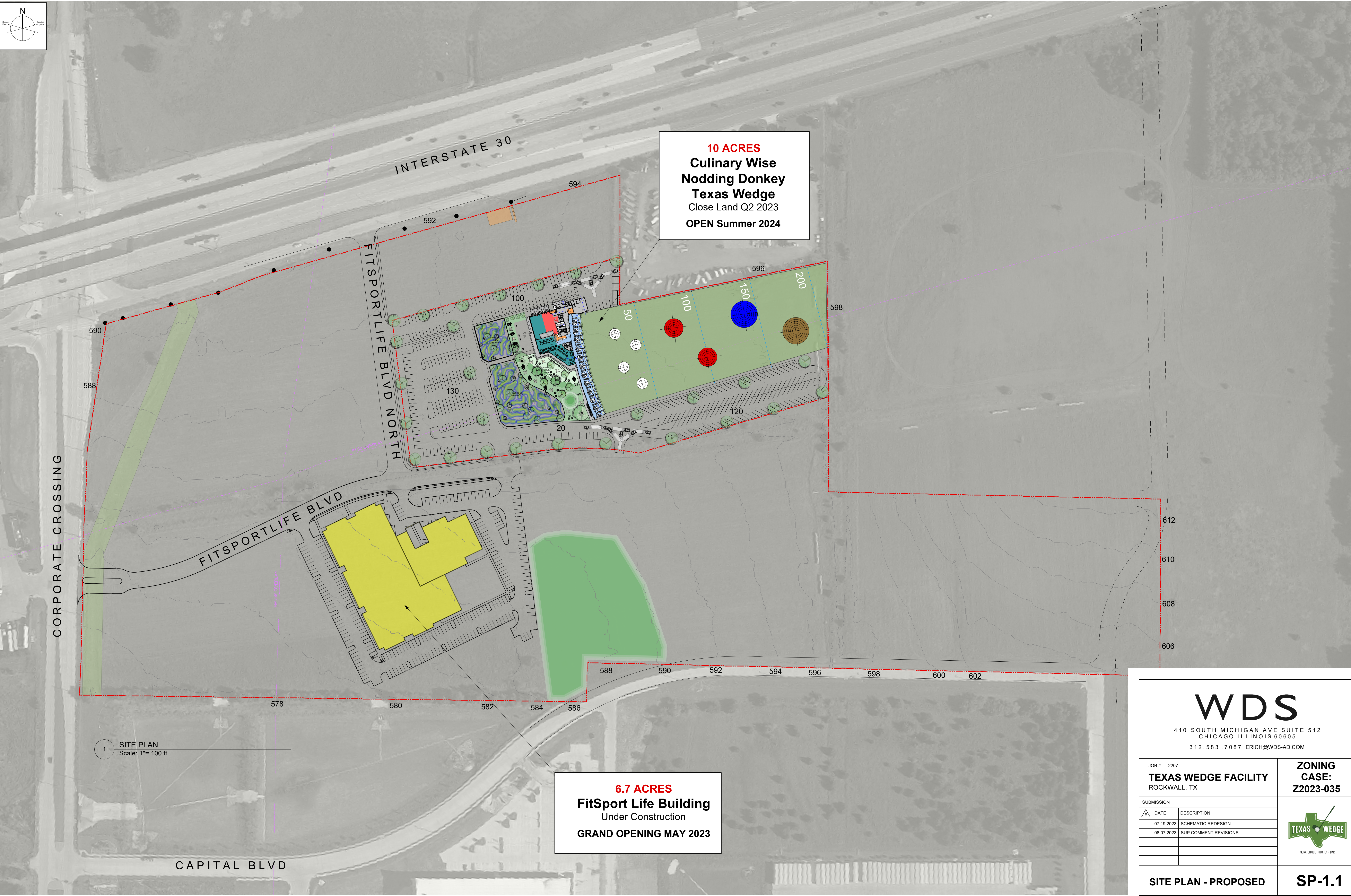
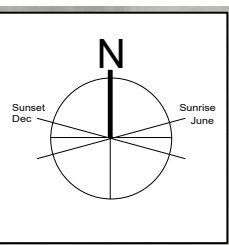
**ZONING**  
**CASE:**  
**Z2023-035**

SUBMISSION	
DATE	DESCRIPTION
07.19.2023	SCHEMATIC REDESIGN
08.07.2023	SUP COMMENT REVISIONS



**SITE PLAN - EXISTING**

**SP-1.0**



INTERSTATE 30

FITSPORTLIFE BLVD NORTH

FITSPORTLIFE BLVD

CORPORATE CROSSING

CAPITAL BLVD

**10 ACRES**  
**Culinary Wise**  
**Nodding Donkey**  
**Texas Wedge**  
Close Land Q2 2023  
**OPEN Summer 2024**

**6.7 ACRES**  
**FitSport Life Building**  
Under Construction  
**GRAND OPENING MAY 2023**

1 SITE PLAN  
Scale: 1"= 100 ft

**WDS**  
410 SOUTH MICHIGAN AVE SUITE 512  
CHICAGO ILLINOIS 60605  
312.583.7087 ERICH@WDS-AD.COM

JOB # 2207		<b>ZONING CASE: Z2023-035</b>
<b>TEXAS WEDGE FACILITY</b> ROCKWALL, TX		 <small>SCRATCH GOLF KITCHEN • BAR</small>
SUBMISSION		
DATE	DESCRIPTION	
07.19.2023	SCHEMATIC REDESIGN	
08.07.2023	SUP COMMENT REVISIONS	
SITE PLAN - PROPOSED		<b>SP-1.1</b>

# WDS

410 SOUTH MICHIGAN AVE SUITE 512  
CHICAGO ILLINOIS 60605  
312.583.7087 ERICH@WDS-AD.COM

JOB # 2207

**TEXAS WEDGE FACILITY**  
ROCKWALL, TX

**ZONING CASE:**  
**Z2023-035**

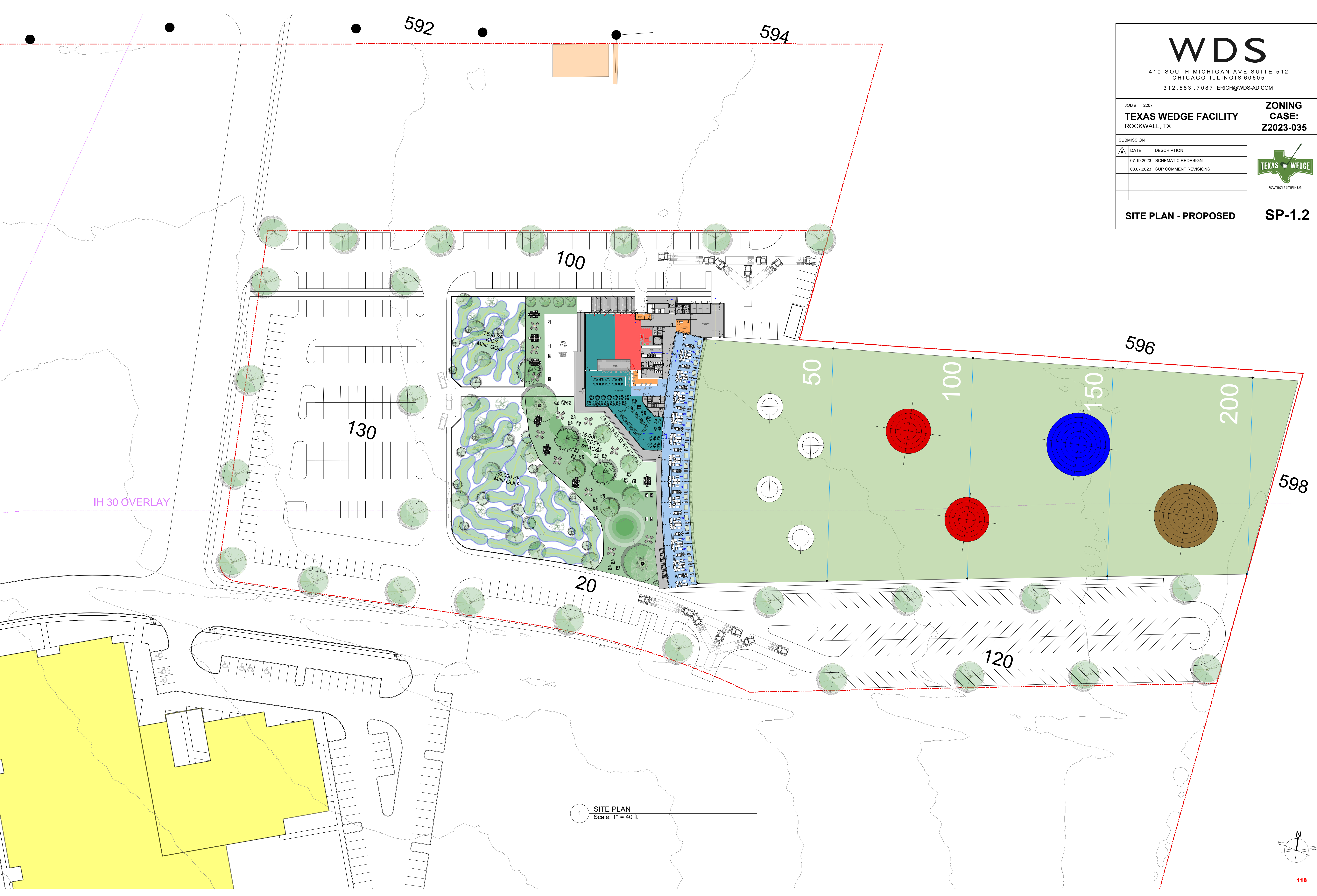
SUBMISSION

DATE	DESCRIPTION
07.19.2023	SCHEMATIC REDESIGN
08.07.2023	SUP COMMENT REVISIONS



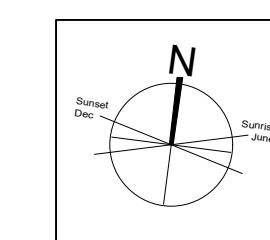
**SITE PLAN - PROPOSED**

**SP-1.2**



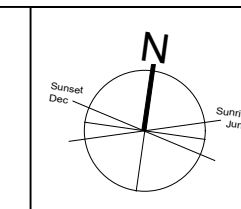
IH 30 OVERLAY

1 SITE PLAN  
Scale: 1" = 40 ft






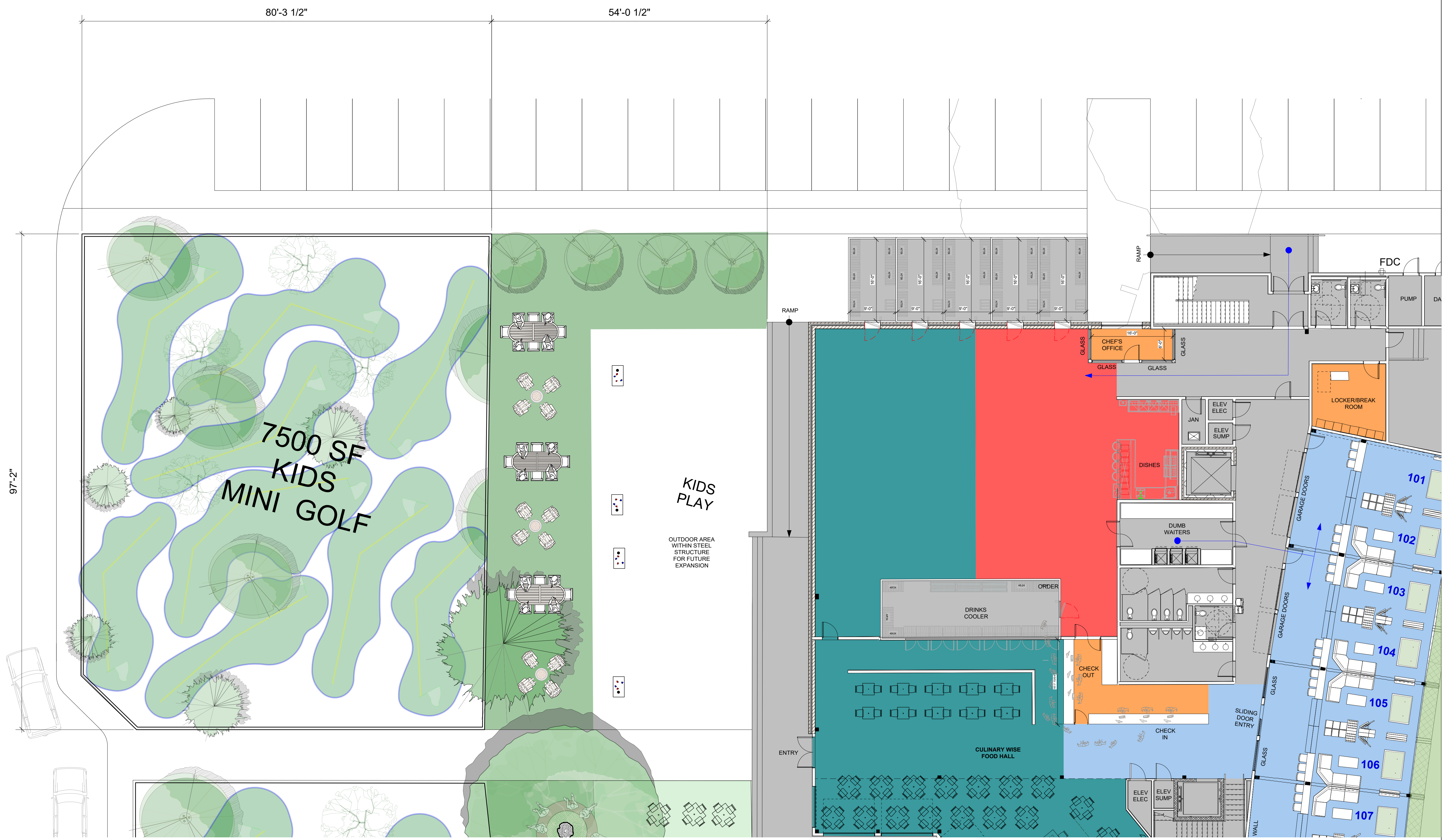
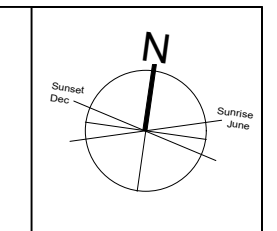
1 PLAN  
Scale: 1" = 20 ft



# WDS

410 SOUTH MICHIGAN AVE SUITE 512  
CHICAGO ILLINOIS 60605  
312.583.7087 ERICH@WDS-AD.COM

JOB # 2207 <b>TEXAS WEDGE FACILITY</b> ROCKWALL, TX	<b>ZONING CASE:</b> <b>Z2023-035</b>						
SUBMISSION <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td style="font-size: x-small;">07.19.2023</td> <td style="font-size: x-small;">SCHEMATIC REDESIGN</td> </tr> <tr> <td style="font-size: x-small;">08.07.2023</td> <td style="font-size: x-small;">SUP COMMENT REVISIONS</td> </tr> </tbody> </table>	DATE	DESCRIPTION	07.19.2023	SCHEMATIC REDESIGN	08.07.2023	SUP COMMENT REVISIONS	 <p style="font-size: x-small; margin: 0;">SCRATCH GOLF KITCHEN • BAR</p>
DATE	DESCRIPTION						
07.19.2023	SCHEMATIC REDESIGN						
08.07.2023	SUP COMMENT REVISIONS						
GREEN SPACES	SP-1.3						



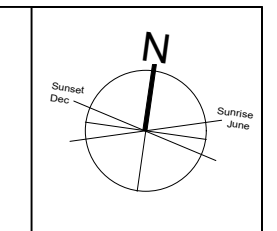
1 PLAN  
Scale: 1" = 10 ft

# WDS

410 SOUTH MICHIGAN AVE SUITE 512  
CHICAGO ILLINOIS 60605  
312.583.7087 ERICH@WDS-AD.COM

JOB # 2207		<b>ZONING CASE: Z2023-035</b>
<b>TEXAS WEDGE FACILITY</b> ROCKWALL, TX		
SUBMISSION		
DATE	DESCRIPTION	
07.19.2023	SCHEMATIC REDESIGN	
08.07.2023	SUP COMMENT REVISIONS	
<b>KID SPACES</b>		<b>SP-1.4</b>





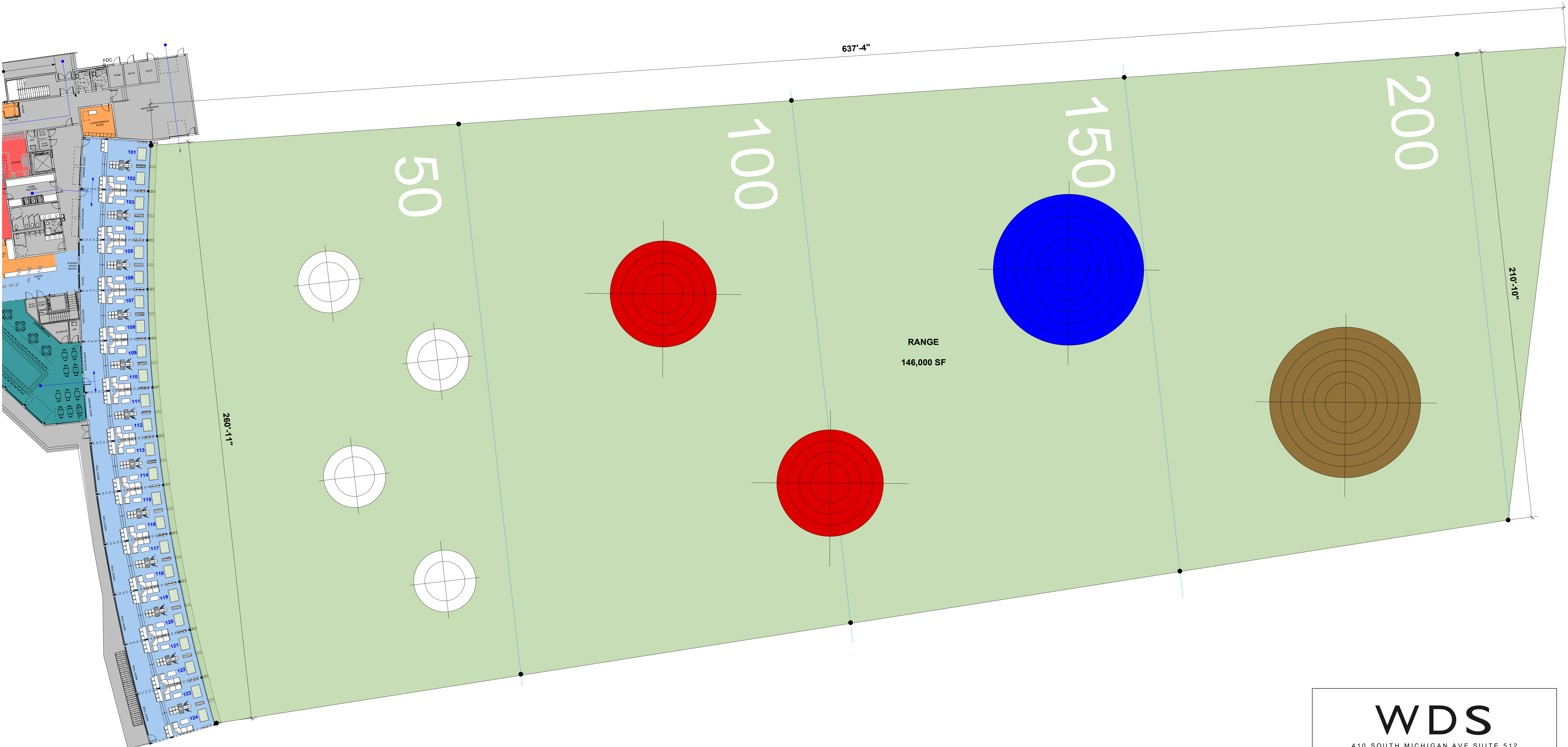
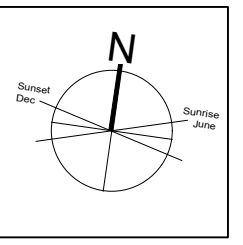
1 PLAN  
Scale: 1" = 10 ft

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CHICAGO ILLINOIS 60605  
312.583.7087 ERICH@WDS-AD.COM

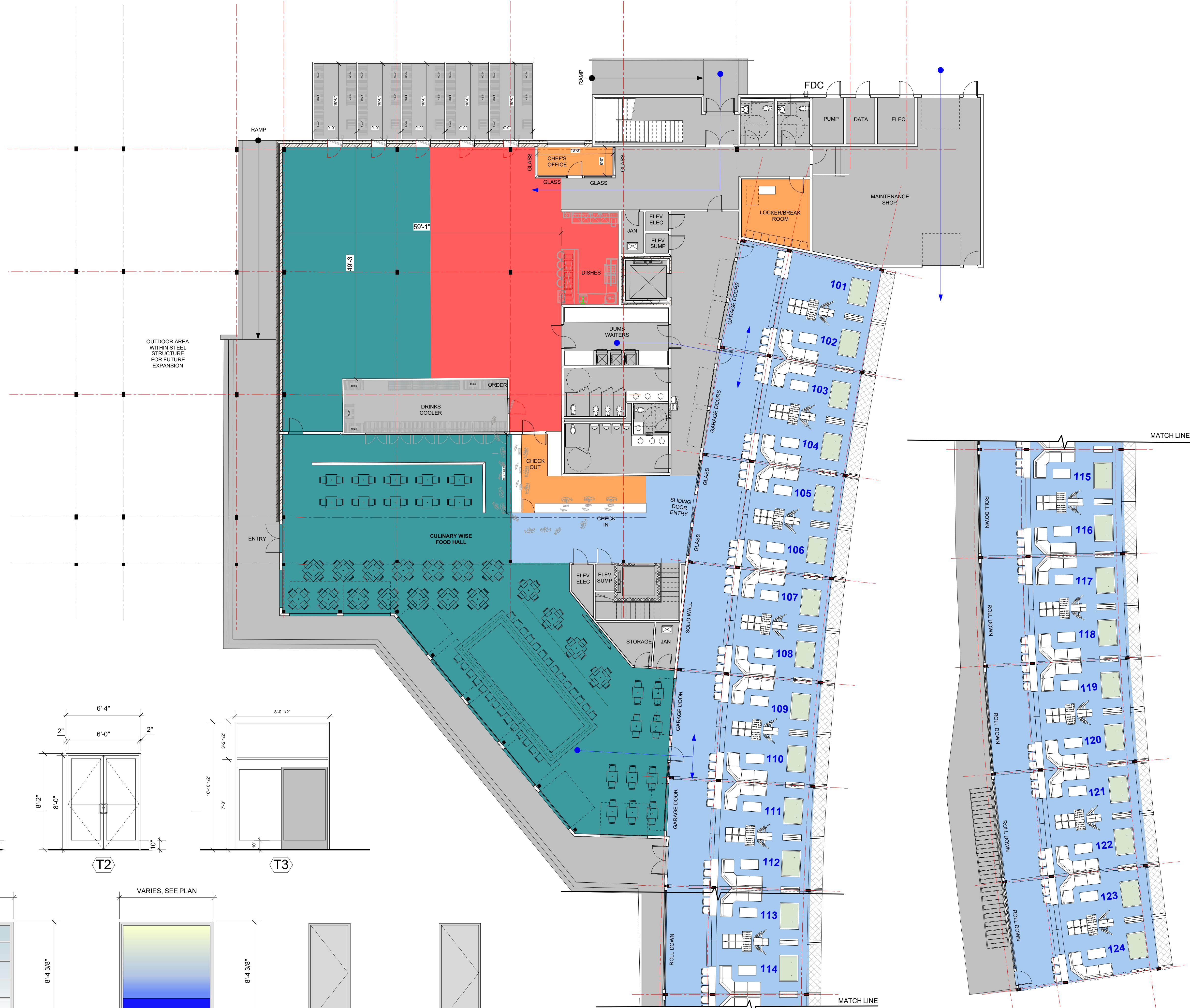
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DATE	DESCRIPTION										
07.19.2023	SCHEMATIC REDESIGN										
08.07.2023	SUP COMMENT REVISIONS										
<p><b>ADULT GREEN SPACES</b></p>	<p><b>SP-1.4</b></p>										

ROCKWALL GOLF CENTER - BAR



3 RANGE PLAN  
Scale: 1" = 20 ft

<h1 style="margin: 0;">WDS</h1> <p style="margin: 0; font-size: small;">410 SOUTH MICHIGAN AVE SUITE 512 CHICAGO ILLINOIS 60605 312.583.7087 ERICH@WDS-AD.COM</p>	
JOB # 2207	<b>ZONING CASE: Z2023-035</b>
<b>TEXAS WEDGE FACILITY</b> ROCKWALL, TX	
SUBMISSION	
DATE	DESCRIPTION
07.19.2023	SCHEMATIC REDESIGN
08.07.2023	SUP COMMENT REVISIONS
	
<b>GOLF RANGE</b>	<b>SP-1.6</b>



WALL TYPE **A**

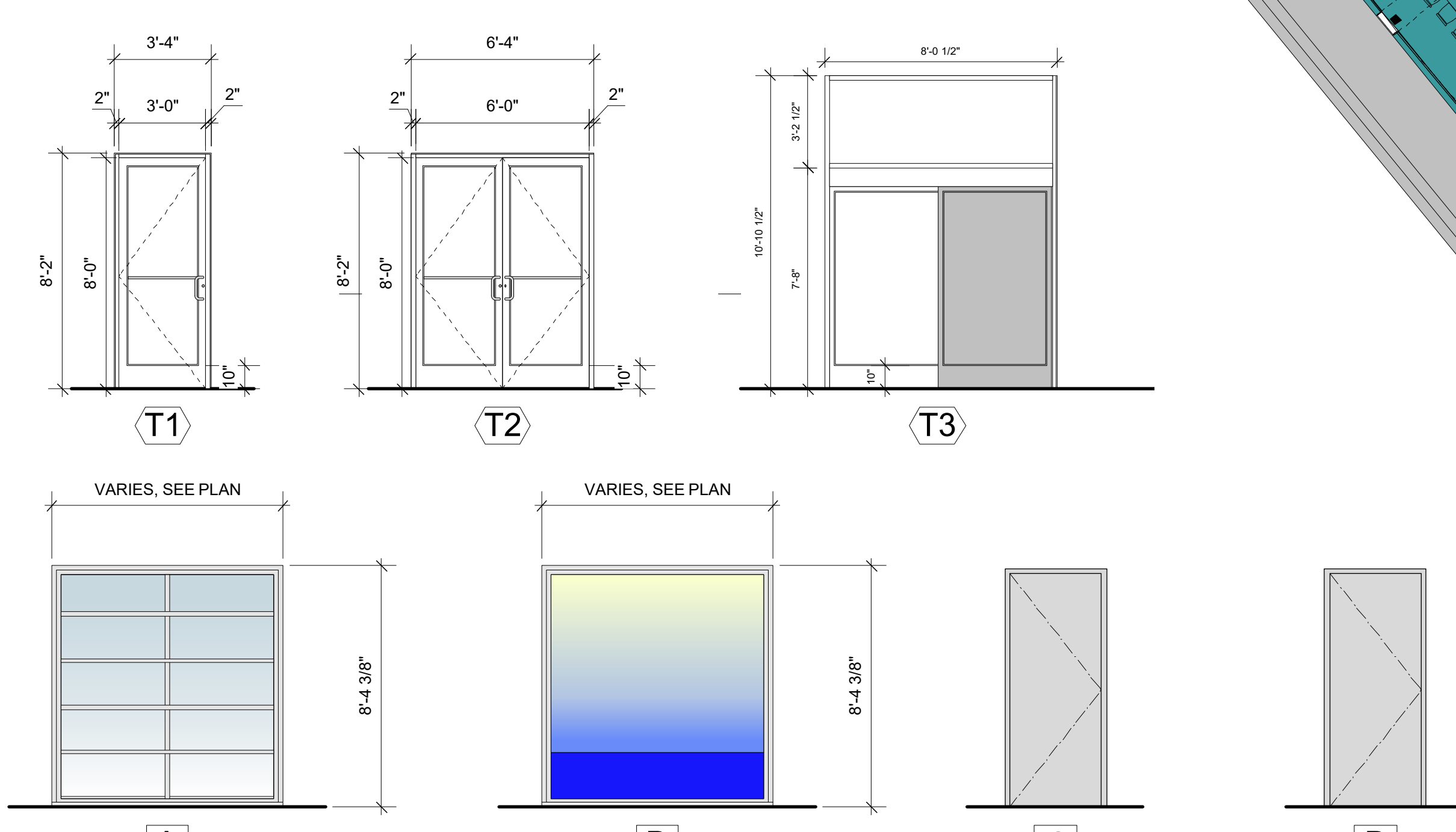
WALL TYPE **B**

ROOF TYPE **A**

7.2 PANEL CORRUGATED METAL - WESTERN STATES METAL ROOFING "WESTERN RIB" OR EQUAL  
 ALUMINUM ST CLIP  
 POLYISO THERMAL INSULATION (R-21)  
 CONTINUOUS FULLY ADHERED AIR / VAPOR CONTROL LAYER  
 METAL DECK - 7.2 METAL CORRUGATED METAL PANEL  
 RE: STRUCTURAL  
 ROOF PURLINS - STEEL TUBES  
 RE: STRUCTURAL

ROOF TYPE **B**

7.2 PANEL CORRUGATED METAL - WESTERN STATES METAL ROOFING "WESTERN RIB" OR EQUAL



**T1** CLOPAY 903 ARCHITECTURAL OVERHEAD DOOR ALUMINUM FRAME CLEAR ACRYLIC PANEL POLYZONE SILVER20XTRA FILM, SHGC .19 MECHANICALLY OPERATED MAX 0.90 U-FACTOR PER IECC 2018

**T2** CLOPAY 903 ARCHITECTURAL OVERHEAD DOOR ALUMINUM FRAME CLEAR ACRYLIC PANEL POLYZONE SILVER20XTRA FILM, SHGC .19 MECHANICALLY OPERATED MAX 0.90 U-FACTOR PER IECC 2018

**T3** CLOPAY 903 ARCHITECTURAL OVERHEAD DOOR ALUMINUM FRAME CLEAR ACRYLIC PANEL POLYZONE SILVER20XTRA FILM, SHGC .19 MECHANICALLY OPERATED MAX 0.90 U-FACTOR PER IECC 2018

**A** CLOPAY 903 ARCHITECTURAL OVERHEAD DOOR ALUMINUM FRAME CLEAR ACRYLIC PANEL POLYZONE SILVER20XTRA FILM, SHGC .19 MECHANICALLY OPERATED MAX 0.90 U-FACTOR PER IECC 2018

**B** PROGRESSIVE COMMERCIAL SCREEN


**C** EXTERIOR SINGLE LEAF 1-3/4" HOLLOW METAL DOOR 2" METAL FRAME WIDTH MAX 0.90 U-FACTOR PER IECC 2018

**D** INTERIOR SINGLE LEAF 1-3/4" HOLLOW METAL DOOR 2" METAL FRAME WIDTH

**1 PLAN**  
 Scale: 1" = 10 ft

**WDS**

410 SOUTH MICHIGAN AVE SUITE 512  
 CHICAGO ILLINOIS 60605  
 312.583.7087 ERICH@WDS-AD.COM

JOB # 2207		<b>ZONING CASE: 22023-035</b>
<b>TEXAS WEDGE FACILITY</b> ROCKWALL, TX		
SUBMISSION		
DATE	DESCRIPTION	
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08.07.2023	SUP COMMENT REVISIONS	
<b>FIRST FLOOR PLAN</b>		<b>A-1.1</b>



WALL TYPE **A**

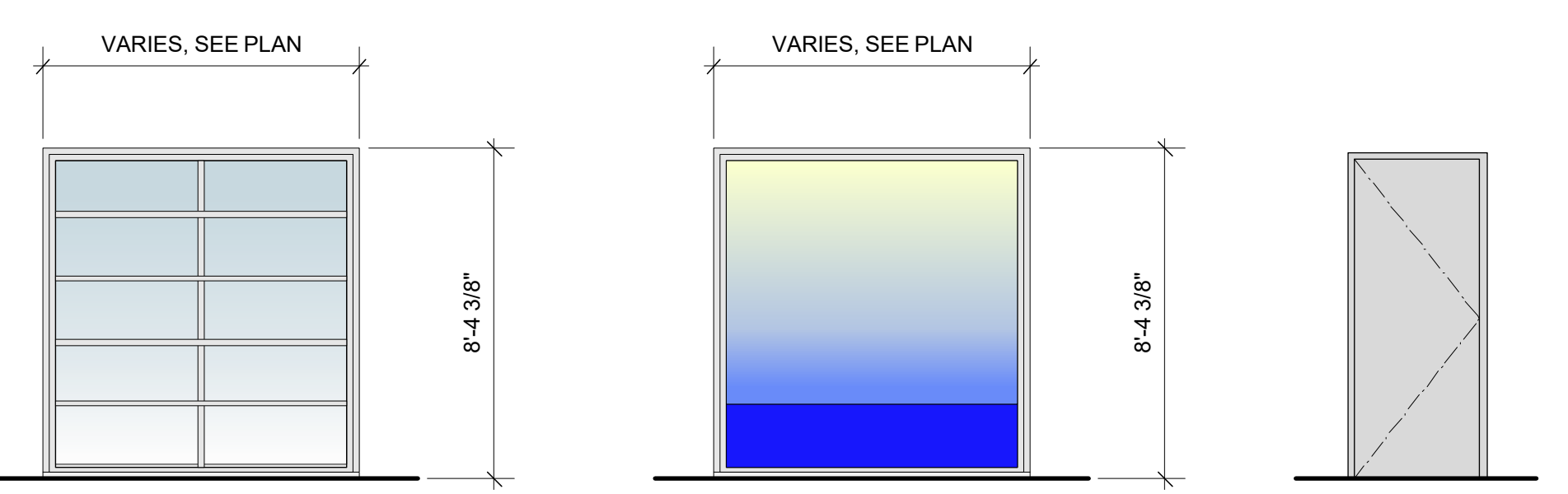
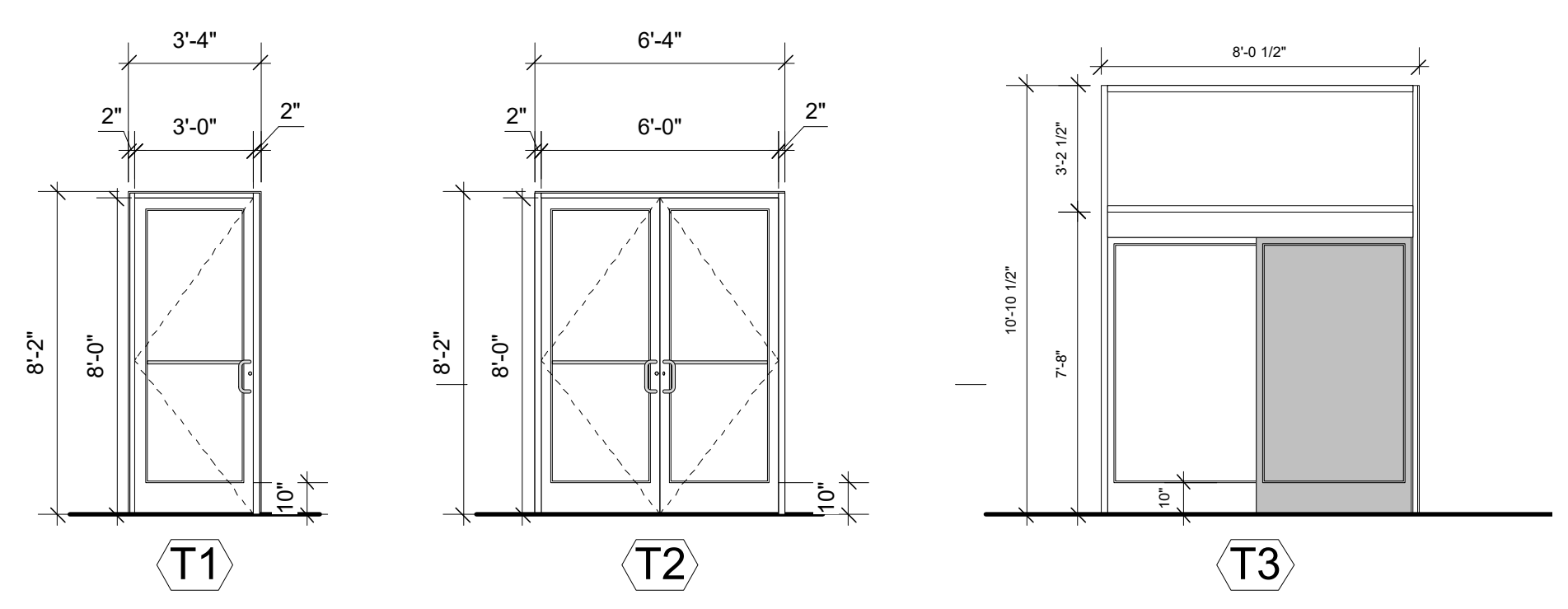
WALL TYPE **B**

ROOF TYPE **A**

- 7.2 PANEL CORRUGATED METAL - WESTERN STATES METAL ROOFING "WESTERN RIB" OR EQUAL
- ALUMINUM ST CLIP
- POLYISO THERMAL INSULATION (R-21)
- CONTINUOUS FULLY ADHERED AIR / VAPOR CONTROL LAYER
- METAL DECK - 7.2 METAL CORRUGATED METAL PANEL RE: STRUCTURAL
- ROOF PURLINS - STEEL TUBES RE: STRUCTURAL

ROOF TYPE **B**

- 7.2 PANEL CORRUGATED METAL - WESTERN STATES METAL ROOFING "WESTERN RIB" OR EQUAL



**A** CLOPAY 903 ARCHITECTURAL OVERHEAD DOOR  
ALUMINUM FRAME  
CLEAR ACRYLIC PANEL  
POLYZONE SILVER20XTRA FILM, SHGC .19  
MECHANICALLY OPERATED  
MAX 0.90 U-FACTOR PER  
IECC 2018

**B** PROGRESSIVE COMMERCIAL  
SCREEN

**C** EXTERIOR SINGLE LEAF  
1-3/4" HOLLOW  
METAL DOOR  
2" METAL FRAME WIDTH  
MAX 0.90 U-FACTOR PER  
IECC 2018

**D** INTERIOR SINGLE LEAF  
1-3/4" HOLLOW  
METAL DOOR  
2" METAL FRAME WIDTH

**1** PLAN  
Scale: 1" = 10 ft

# WDS

410 SOUTH MICHIGAN AVE SUITE 512  
CHICAGO ILLINOIS 60605  
312.583.7087 ERICH@WDS-AD.COM

JOB # 2207  
**TEXAS WEDGE FACILITY**  
ROCKWALL, TX

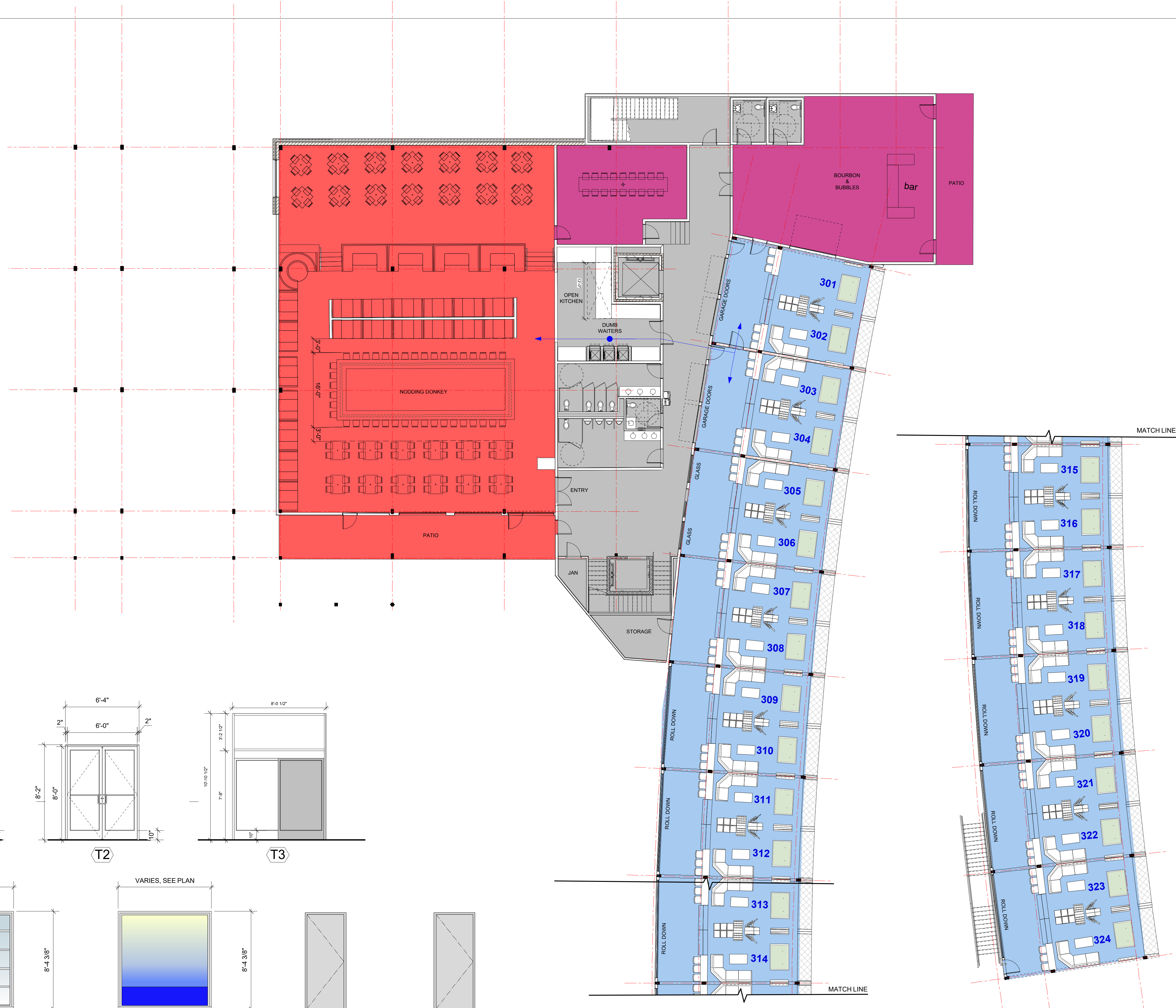
**ZONING CASE:**  
**Z2023-035**

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**SECOND FLOOR PLAN**

**A-1.2**



WALL TYPE **A**

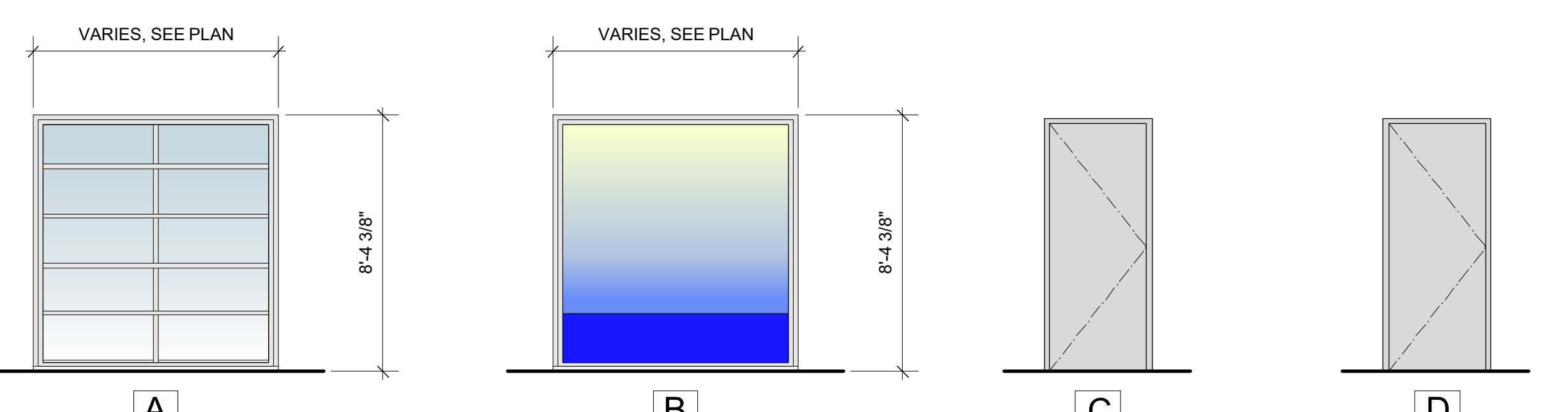
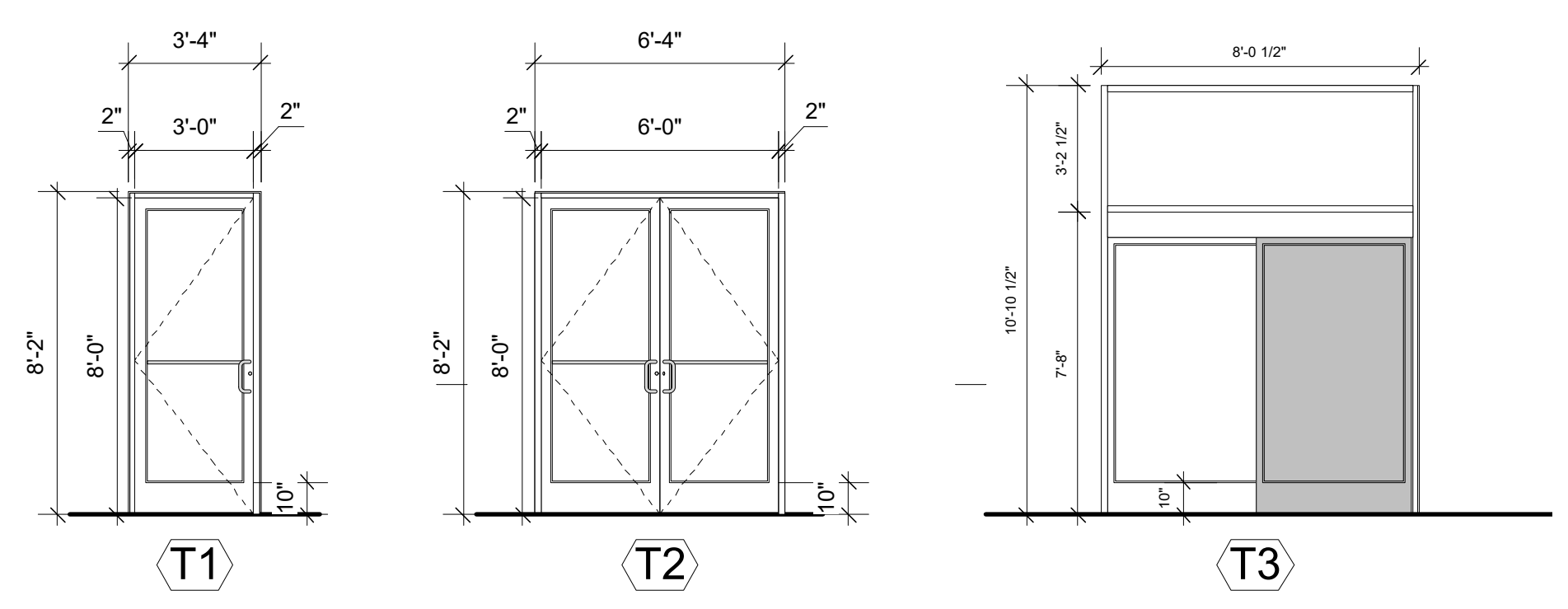
WALL TYPE **B**

ROOF TYPE **A**

7.2 PANEL CORRUGATED METAL - WESTERN STATES METAL ROOFING "WESTERN RIB" OR EQUAL  
 ALUMINUM ST CLIP  
 POLYISO THERMAL INSULATION (R-21)  
 CONTINUOUS FULLY ADHERED AIR / VAPOR CONTROL LAYER  
 METAL DECK - 7.2 METAL CORRUGATED METAL PANEL  
 RE: STRUCTURAL  
 ROOF PURLINS - STEEL TUBES  
 RE: STRUCTURAL

ROOF TYPE **B**

7.2 PANEL CORRUGATED METAL - WESTERN STATES METAL ROOFING "WESTERN RIB" OR EQUAL



**A** CLOPAY 903 ARCHITECTURAL OVERHEAD DOOR  
 ALUMINUM FRAME  
 CLEAR ACRYLIC PANEL  
 POLYZONE SILVER20XTRA FILM, SHGC .19  
 MECHANICALLY OPERATED  
 MAX 0.90 U-FACTOR PER  
 IECC 2018

**B** PROGRESSIVE COMMERCIAL SCREEN

**C** EXTERIOR SINGLE LEAF  
 1-3/4" HOLLOW METAL DOOR  
 2" METAL FRAME WIDTH  
 MAX 0.90 U-FACTOR PER  
 IECC 2018

**D** INTERIOR SINGLE LEAF  
 1-3/4" HOLLOW METAL DOOR  
 2" METAL FRAME WIDTH

**1** PLAN  
 Scale: 1" = 10 ft

**WDS**

410 SOUTH MICHIGAN AVE SUITE 512  
 CHICAGO ILLINOIS 60605  
 312.583.7087 ERICH@WDS-AD.COM

JOB # 2207  
**TEXAS WEDGE FACILITY**  
 ROCKWALL, TX

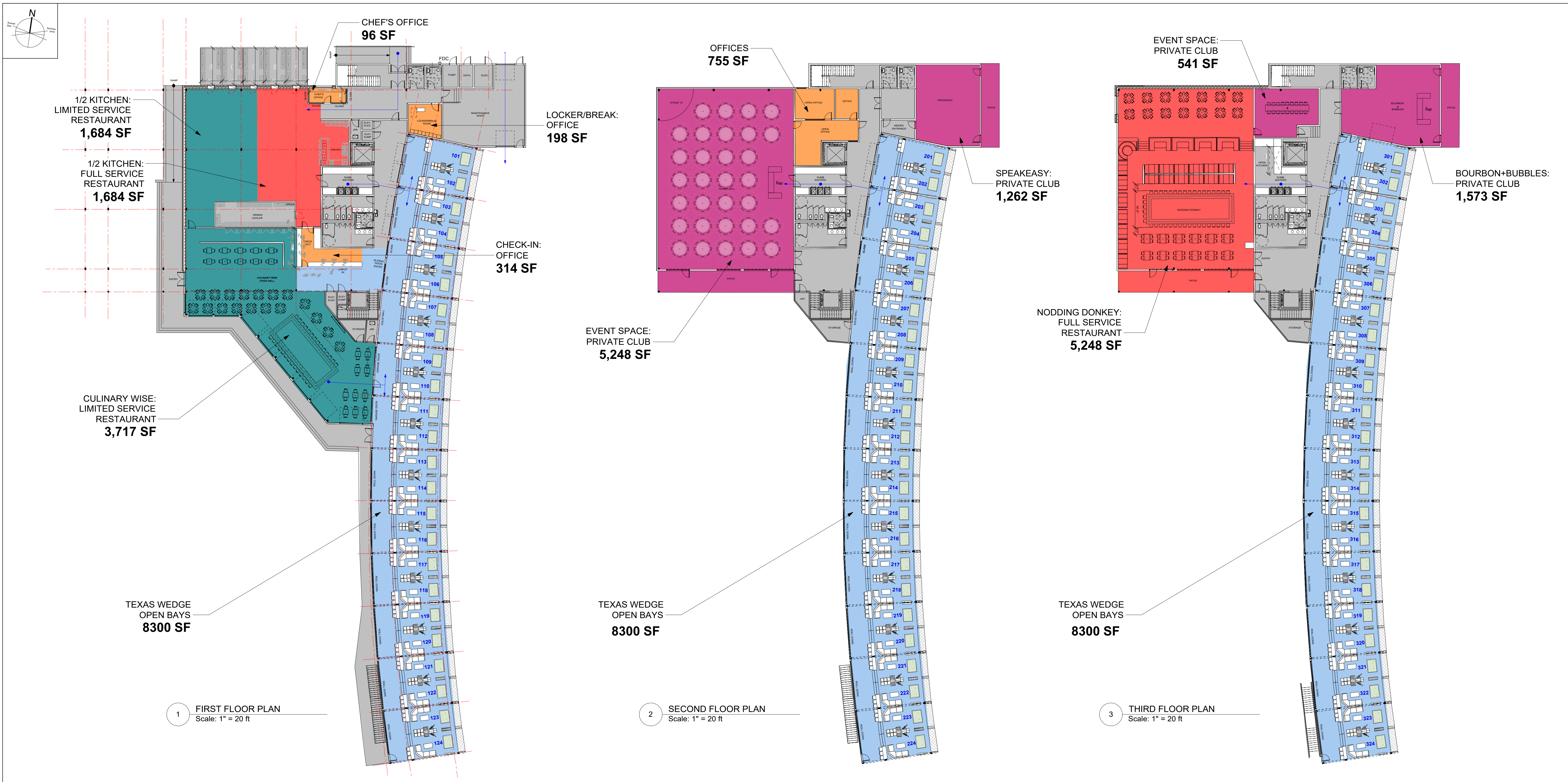
**ZONING CASE:**  
**Z2023-035**

SUBMISSION	
DATE	DESCRIPTION
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**THIRD FLOOR PLAN**


**A-1.3**

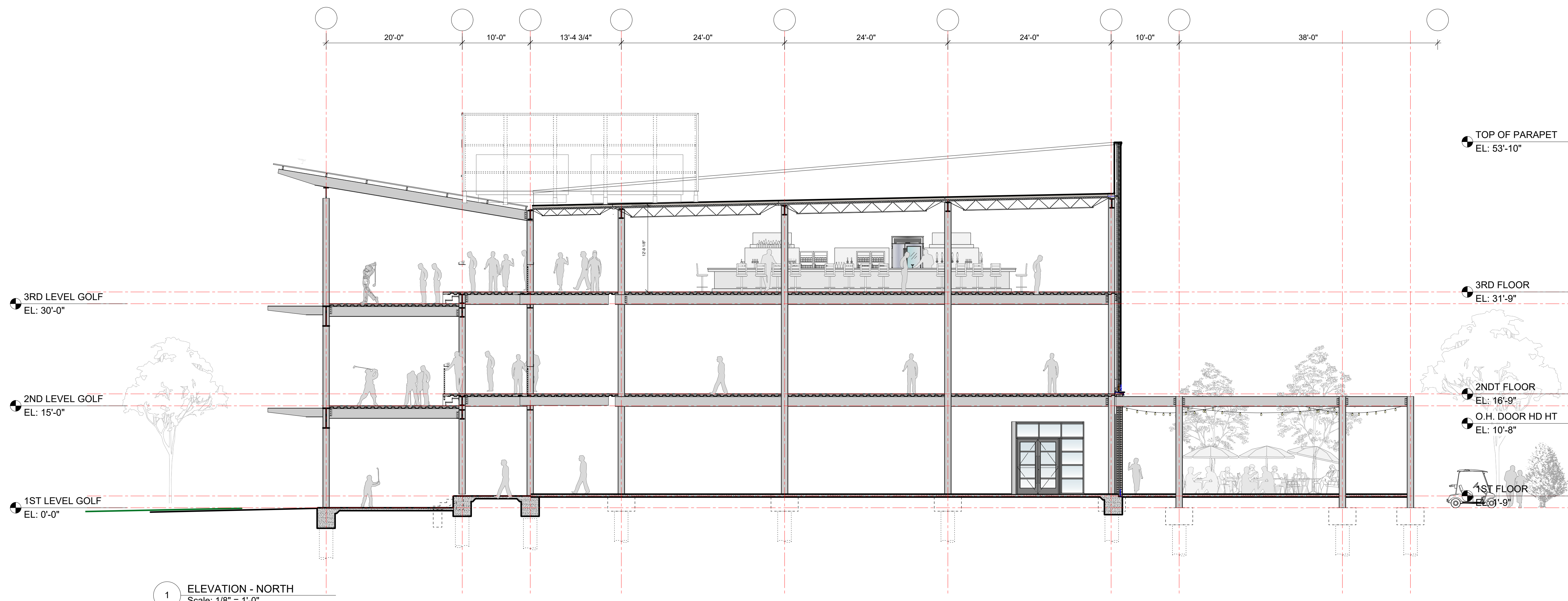


USE	TOTAL SF	SPACES/SF	TOTAL SPACES
REC CLUB	24,900	1/250	100
LIMITED SERVICE RESTAURANT	5,401	1/250	22
FULL SERVICE RESTAURANT	6,932	1/100	70
PRIVATE CLUB	8,624	1/100	87
MINI GOLF	28 HOLES	1/HOLE	28
OFFICE	1,363	1/300	5
<b>COMPLETE TOTAL</b>			<b>321</b>

# WDS

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JOB # 2207		<b>ZONING CASE: Z2023-035</b>
<b>TEXAS WEDGE FACILITY</b> ROCKWALL, TX		
SUBMISSION		
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08.07.2023	SUP COMMENT REVISIONS	
<b>PLANS</b>		<b>A-1.4</b>



1 ELEVATION - NORTH  
Scale: 1/8" = 1'-0"

**WALL TYPE A**

ANCHORED BRICK VENEER- ADJUSTABLE WALL TIES AT 16" O.C. VERTICALLY AND 24" O.C HORIZONTALLY

2" AIR SPACE

CAVITY INSERT/MORTAR COLLECTION DEVICE

WEEP VENTS

2" CONT. XPS RIGID INSULATION W/ DRAINAGE CHANNELS

FLUID-APPLIED AIR/WATER/VAPOR INFILTRATION BARRIER

5/8" EXTERIOR GRADE GYPSUM SHEATHING

6" METAL STUDS STUDS AT 16" O.C.

R-13 UNFACED FIBERGLASS BATT

5/8" GYPSUM BOARD W/ PAINT

**WALL TYPE B**

VERTICAL CORRUGATED METAL PANELS - BRIDGERSTEEL "ULTRA BATTEN METAL WALL PANEL" OR APPROVED EQUAL

THERMALLY BROKEN CLADDING ATTACHMENT SYSTEM (KNIGHT WALL HCI SYSTEM OR EQUAL)

2" CONT. XPS RIGID INSULATION W/ DRAINAGE CHANNELS

FLUID-APPLIED AIR/WATER/VAPOR INFILTRATION BARRIER

5/8" EXTERIOR GRADE GYPSUM SHEATHING

6" METAL STUDS STUDS AT 16" O.C.

R-13 UNFACED FIBERGLASS BATT

5/8" GYPSUM BOARD W/ PAINT

**ROOF TYPE A**

60 MIL SINGLE PLY FULLY ADHERED TPO ROOF MEMBRANE

1/4" COVER BOARD (DENSDECK PRIME ROOF BOARD OR EQUAL)

POLYISO THERMAL INSULATION (R-21)

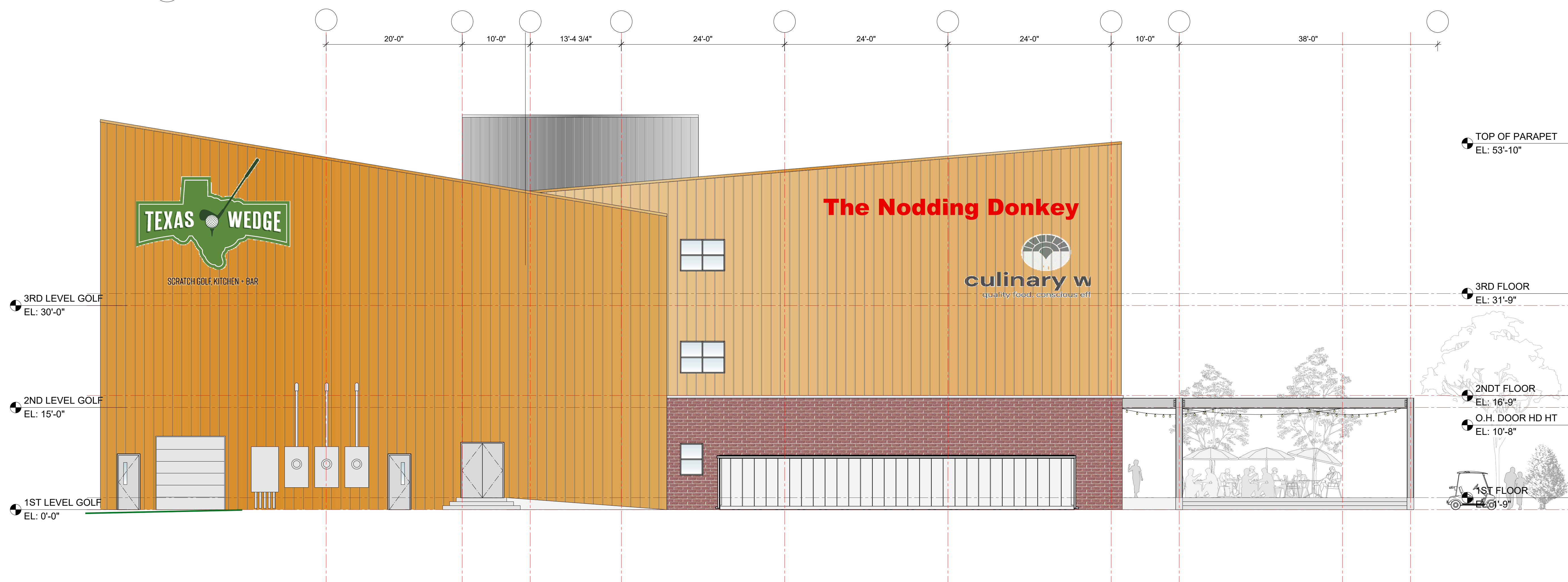
CONTINUOUS FULLY ADHERED AIR / VAPOR CONTROL LAYER

METAL DECK - RE: STRUCTURAL

ROOF JOISTS - RE: STRUCTURAL

**ROOF TYPE B**

7.2 PANEL CORRUGATED METAL - WESTERN STATES METAL ROOFING "WESTERN RIB" OR EQUAL

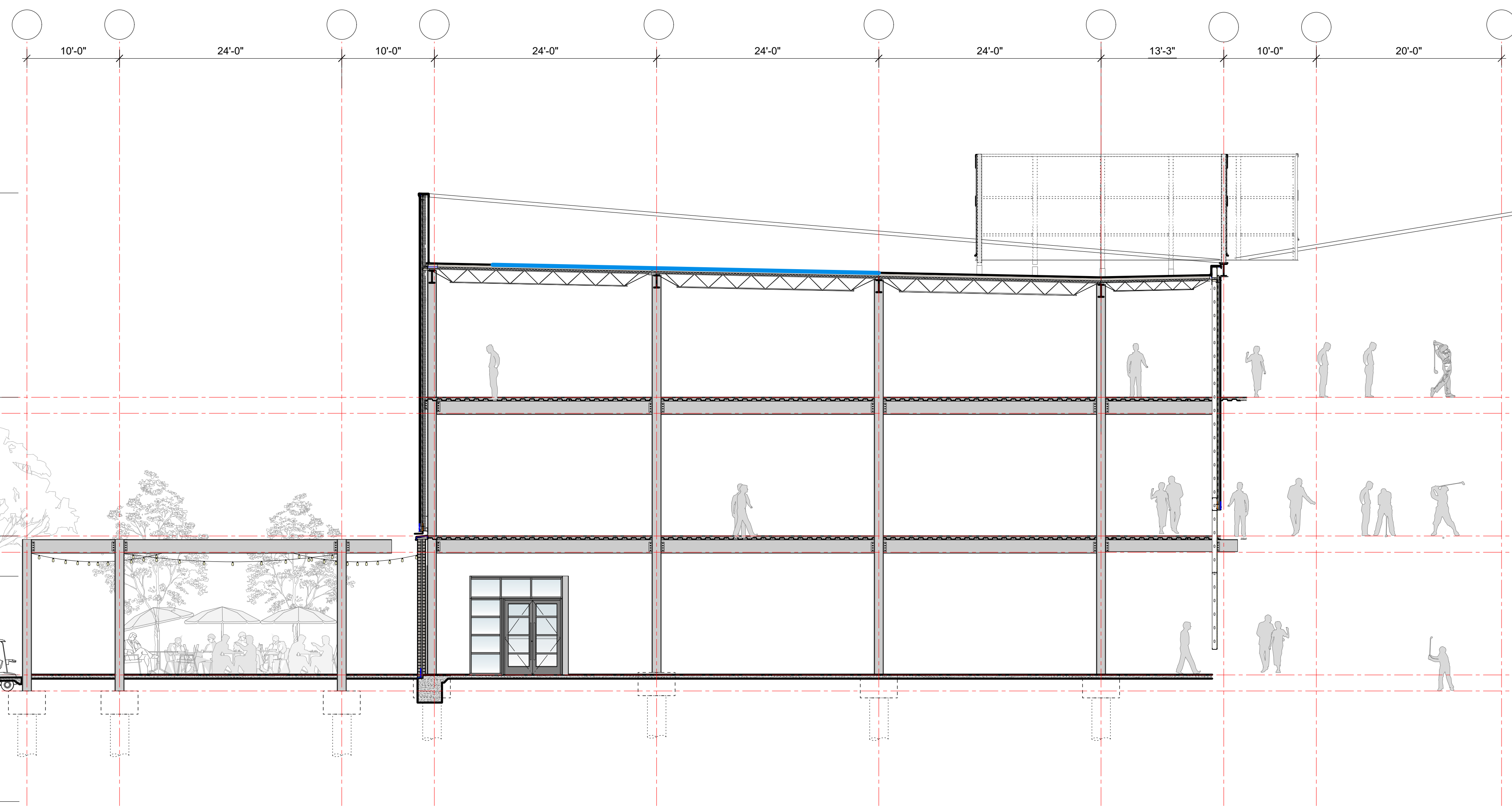


1 ELEVATION - NORTH  
Scale: 1/8" = 1'-0"

# WDS

410 SOUTH MICHIGAN AVE SUITE 512  
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312.583.7087 ERICH@WDS-AD.COM

JOB # 2207 <b>TEXAS WEDGE FACILITY</b> ROCKWALL, TX	<b>ZONING CASE:</b> <b>22023-035</b>										
SUBMISSION											
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">07.19.2023</td> <td>SCHEMATIC REDESIGN</td> </tr> <tr> <td style="text-align: center;">08.07.2023</td> <td>SUP COMMENT REVISIONS</td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	DATE	DESCRIPTION	07.19.2023	SCHEMATIC REDESIGN	08.07.2023	SUP COMMENT REVISIONS					
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08.07.2023	SUP COMMENT REVISIONS										
<b>SECTION / ELEVATIONS</b>											
<b>A-2.0</b>											



1 SECTION  
Scale: 1/8" = 1'-0"

**WALL TYPE A**

ANCHORED BRICK VENEER- ADJUSTABLE WALL TIES AT 16" O.C. VERTICALLY AND 24" O.C HORIZONTALLY

2" AIR SPACE

CAVITY INSERT/MORTAR COLLECTION DEVICE

WEEP VENTS

2" CONT. XPS RIGID INSULATION W/ DRAINAGE CHANNELS

FLUID-APPLIED AIR/WATER/VAPOR INFILTRATION BARRIER

5/8" EXTERIOR GRADE GYPSUM SHEATHING

6" METAL STUDS STUDS AT 16" O.C.

R-13 UNFACED FIBERGLASS BATT

5/8" GYPSUM BOARD W/ PAINT

**WALL TYPE B**

VERTICAL CORRUGATED METAL PANELS - BRIDGERSTEEL "ULTRA BATTEN METAL WALL PANEL" OR APPROVED EQUAL

THERMALLY BROKEN CLADDING ATTACHMENT SYSTEM (KNIGHT WALL HCI SYSTEM OR EQUAL)

2" CONT. XPS RIGID INSULATION W/ DRAINAGE CHANNELS

FLUID-APPLIED AIR/WATER/VAPOR INFILTRATION BARRIER

5/8" EXTERIOR GRADE GYPSUM SHEATHING

6" METAL STUDS STUDS AT 16" O.C.

R-13 UNFACED FIBERGLASS BATT

5/8" GYPSUM BOARD W/ PAINT

**ROOF TYPE A**

60 MIL SINGLE PLY FULLY ADHERED TPO ROOF MEMBRANE

1/4" COVER BOARD (DENSDECK PRIME ROOF BOARD OR EQUAL)

POLYISO THERMAL INSULATION (R-21)

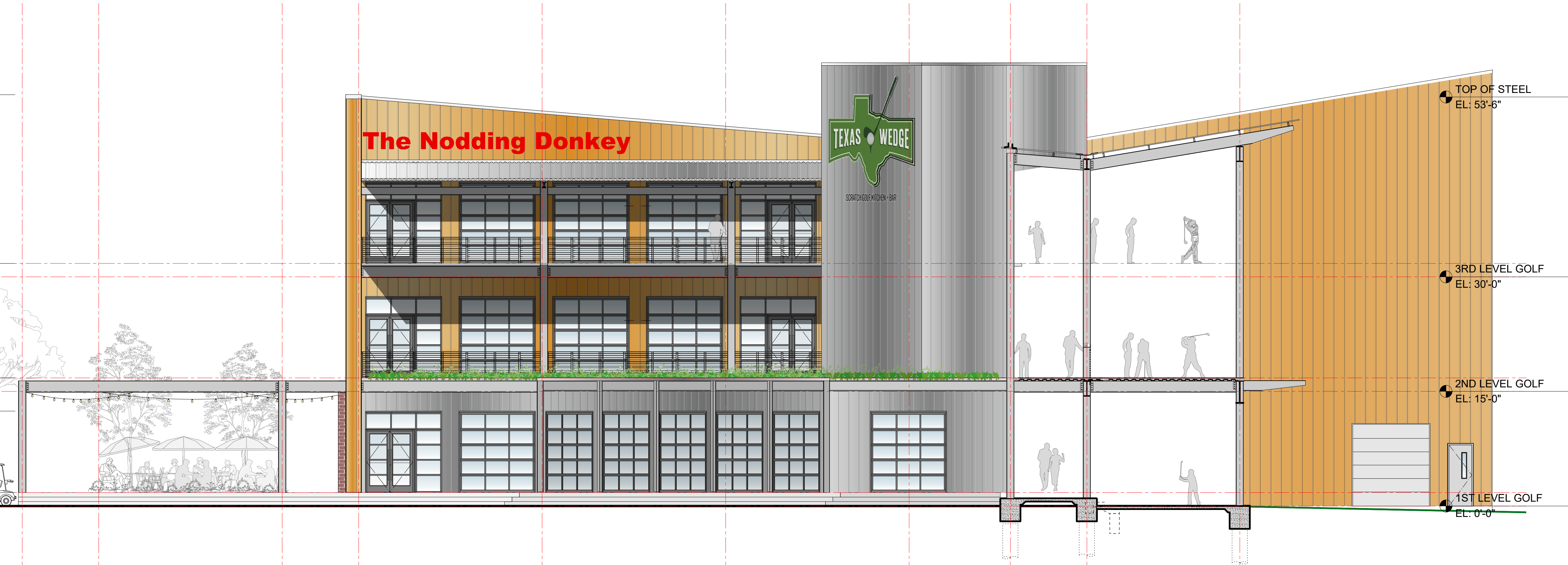
CONTINUOUS FULLY ADHERED AIR / VAPOR CONTROL LAYER

METAL DECK - RE: STRUCTURAL

ROOF JOISTS - RE: STRUCTURAL

**ROOF TYPE B**

7.2 PANEL CORRUGATED METAL - WESTERN STATES METAL ROOFING "WESTERN RIB" OR EQUAL



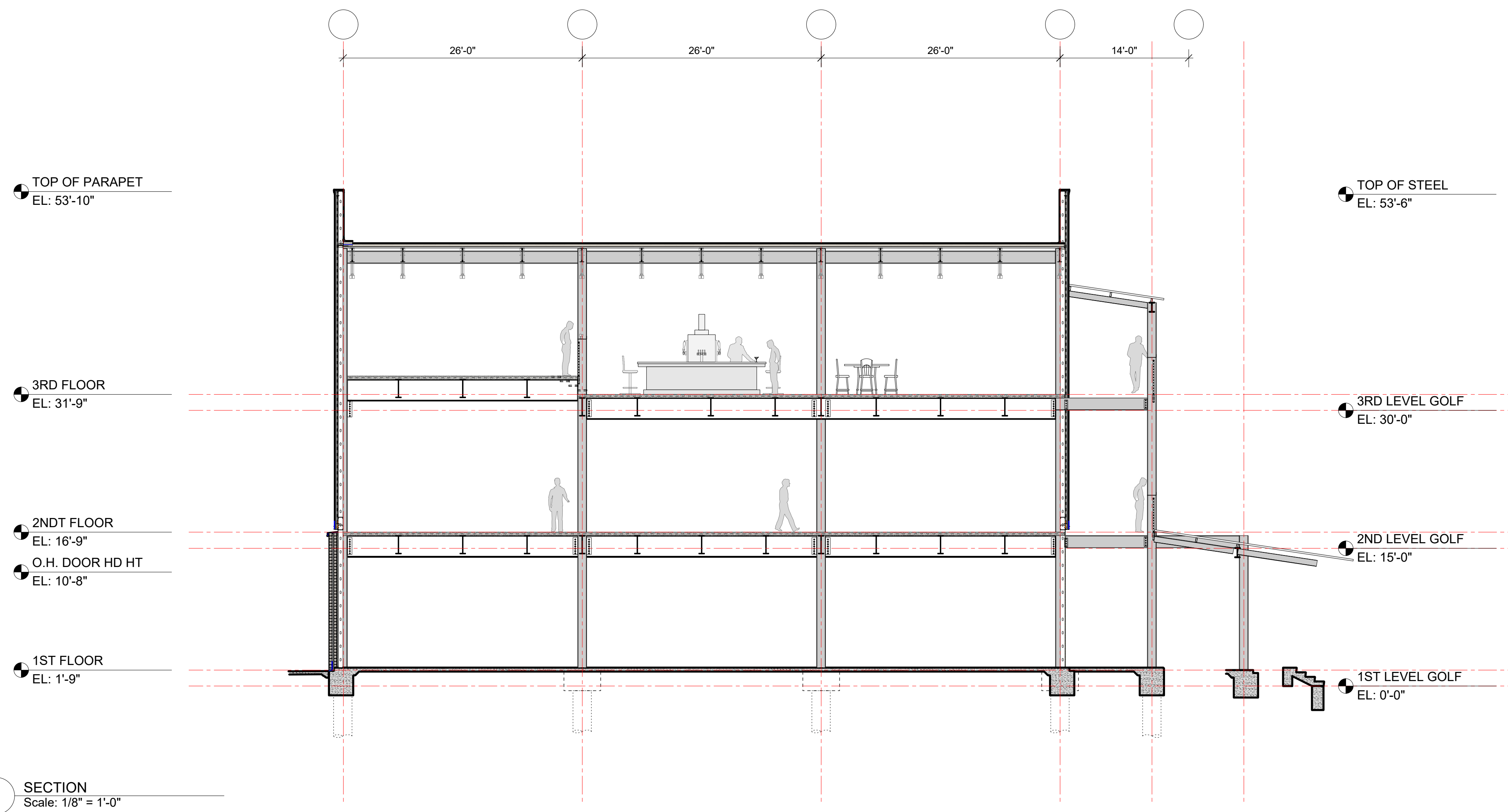
2 ELEVATION  
Scale: 1/8" = 1'-0"

# WDS

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CHICAGO ILLINOIS 60605  
312.583.7087 ERICH@WDS-AD.COM

JOB # 2207 <b>TEXAS WEDGE FACILITY</b> ROCKWALL, TX	<b>ZONING CASE:</b> <b>Z2023-035</b>										
SUBMISSION											
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td style="font-size: 0.5em;">07.19.2023</td> <td style="font-size: 0.5em;">SCHEMATIC REDESIGN</td> </tr> <tr> <td style="font-size: 0.5em;">08.07.2023</td> <td style="font-size: 0.5em;">SUP COMMENT REVISIONS</td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	DATE	DESCRIPTION	07.19.2023	SCHEMATIC REDESIGN	08.07.2023	SUP COMMENT REVISIONS					
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07.19.2023	SCHEMATIC REDESIGN										
08.07.2023	SUP COMMENT REVISIONS										
<b>SECTION / ELEVATIONS</b>											
<b>A-2.1</b>											





1 SECTION  
Scale: 1/8" = 1'-0"

**WALL TYPE A**

ANCHORED BRICK VENEER- ADJUSTABLE WALL TIES AT 16" O.C. VERTICALLY AND 24" O.C HORIZONTALLY

2" AIR SPACE

CAVITY INSERT/MORTAR COLLECTION DEVICE

WEEP VENTS

2" CONT. XPS RIGID INSULATION W/ DRAINAGE CHANNELS

FLUID-APPLIED AIR/WATER/VAPOR INFILTRATION BARRIER

5/8" EXTERIOR GRADE GYPSUM SHEATHING

6" METAL STUDS STUDS AT 16" O.C.

R-13 UNFACED FIBERGLASS BATT

5/8" GYPSUM BOARD W/ PAINT

**WALL TYPE B**

VERTICAL CORRUGATED METAL PANELS - BRIDGERSTEEL "ULTRA BATTEN METAL WALL PANEL" OR APPROVED EQUAL

THERMALLY BROKEN CLADDING ATTACHMENT SYSTEM (KNIGHT WALL HCI SYSTEM OR EQUAL)

2" CONT. XPS RIGID INSULATION W/ DRAINAGE CHANNELS

FLUID-APPLIED AIR/WATER/VAPOR INFILTRATION BARRIER

5/8" EXTERIOR GRADE GYPSUM SHEATHING

6" METAL STUDS STUDS AT 16" O.C.

R-13 UNFACED FIBERGLASS BATT

5/8" GYPSUM BOARD W/ PAINT

**ROOF TYPE A**

60 MIL SINGLE PLY FULLY ADHERED TPO ROOF MEMBRANE

1/4" COVER BOARD (DENSDECK PRIME ROOF BOARD OR EQUAL)

POLYISO THERMAL INSULATION (R-21)

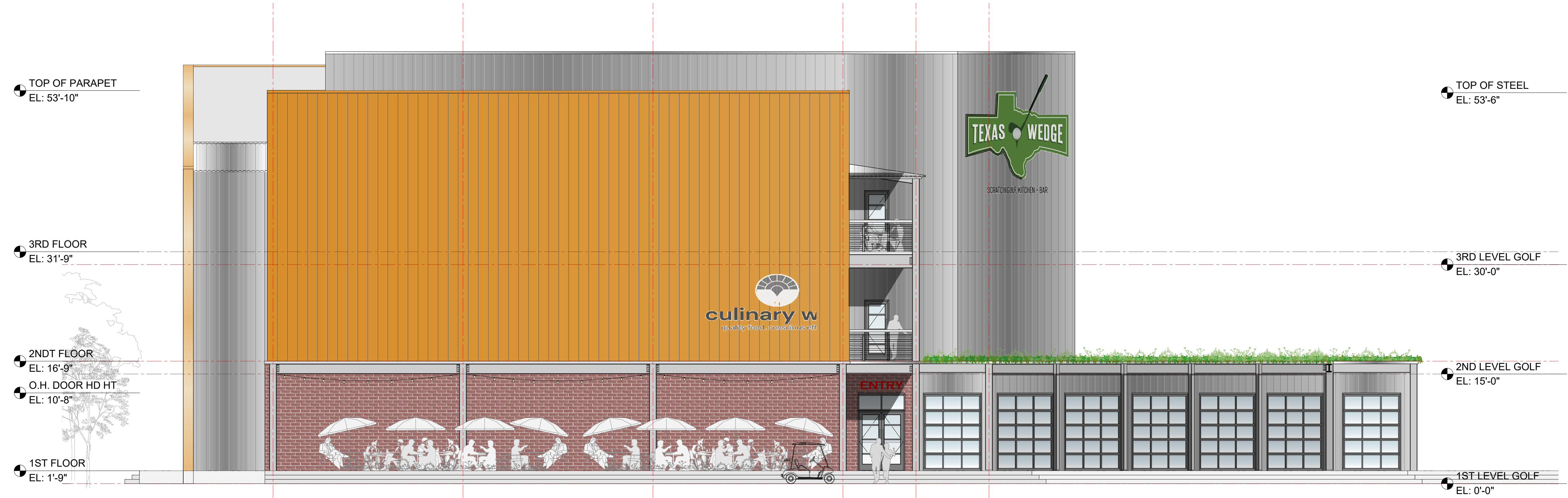
CONTINUOUS FULLY ADHERED AIR / VAPOR CONTROL LAYER

METAL DECK - RE: STRUCTURAL

ROOF JOISTS - RE: STRUCTURAL

**ROOF TYPE B**

7.2 PANEL CORRUGATED METAL - WESTERN STATES METAL ROOFING "WESTERN RIB" OR EQUAL

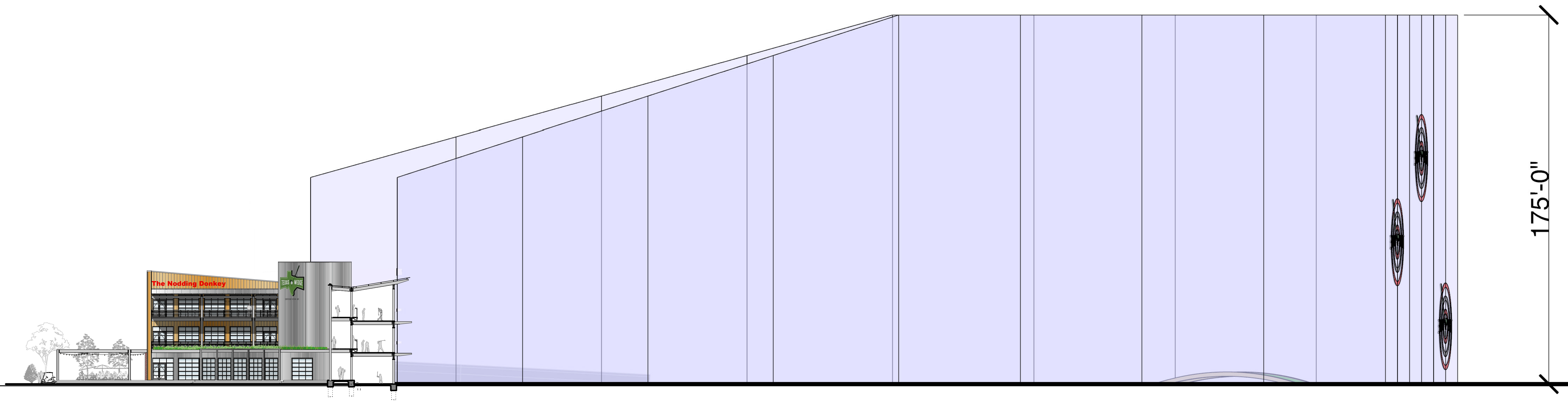


2 ELEVATION  
Scale: 1/8" = 1'-0"

# WDS

410 SOUTH MICHIGAN AVE SUITE 512  
CHICAGO ILLINOIS 60605  
312.583.7087 ERICH@WDS-AD.COM

SUBMISSION JOB # 2207 <b>TEXAS WEDGE FACILITY</b> ROCKWALL, TX	<b>ZONING CASE:</b> <b>Z2023-035</b>										
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SECTION / ELEVATIONS	A-2.2										



NETTING HEIGHT

WA# 19144.02 PRINTED: 8/8/2023 STB FILE: WIER-SURVEY.STB LAST SAVED: 8/8/2023 10:29 AM SAVED BY: RENEW FILE: 2023-6-29 PROPERTY METES & BOUNDS DESC - 19144.02.DWG

BAR IS ONE INCH ON ORIGINAL FULL-SIZE PRINT

9.942 ACRE TRACT

BEING A TRACT OF LAND LOCATED IN THE ROBERT BOYD IRVINE SURVEY, ABSTRACT NO. 120, ROCKWALL COUNTY, TEXAS, BEING A PORTION OF A TRACT OF LAND DESCRIBED IN A DEED TO STRUCTURED REA-ROCKWALL LAND, LLC, RECORDED IN INSTRUMENT NO. 20210000001622, OFFICIAL PUBLIC RECORDS, ROCKWALL COUNTY, TEXAS (O.P.R.C.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND, SAID IRON ROD BEING A NORTHEAST CORNER OF SAID STRUCTURED TRACT, THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN A DEED TO JOWERS, INC., RECORDED IN VOLUME 1215, PAGE 155, DEED RECORDS, ROCKWALL COUNTY, TEXAS (D.R.R.C.T.), AND IN THE WEST LINE OF A TRACT OF LAND DESCRIBED IN A DEED TO RUSTY WALLIS FAMILY LIMITED PARTNERSHIP #2, RECORDED IN VOLUME 4014, PAGE 173, D.R.R.C.T.;

THENCE S 01°41'51" E, ALONG AN EAST LINE OF SAID STRUCTURED TRACT AND THE WEST LINE OF SAID RUSTY WALLIS TRACT, 345.16 FEET TO A POINT;

THENCE S 71°45'12" W, DEPARTING AN EAST LINE OF SAID STRUCTURED TRACT AND THE WEST LINE OF SAID RUSTY WALLIS TRACT, 505.08 FEET TO A POINT, BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;

THENCE SOUTHERLY, AN ARC LENGTH OF 255.29 FEET ALONG SAID NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 830.00 FEET, A DELTA ANGLE OF 17°37'23", AND A CHORD BEARING S 89°49'15" W, A DISTANCE OF 254.29 FEET TO A POINT;

THENCE S 81°00'34" W, A DISTANCE OF 305.78 FEET TO A POINT IN THE NORTH RIGHT-OF-WAY LINE OF FIT SPORT LIFE BOULEVARD (A 60' RIGHT-OF-WAY), BEING THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE NORTHWESTERLY DEPARTING SAID FIT SPORT LIFE BOULEVARD, AN ARC LENGTH OF 31.42 FEET ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 20.00 FEET, A DELTA ANGLE OF 90°00'00", AND A CHORD BEARING OF N 53°59'26" W, A DISTANCE OF 28.28 FEET TO A POINT;

THENCE N 08°59'26" W, A DISTANCE OF 356.88 FEET TO A POINT, FROM WHICH A 5/8" IRON ROD FOUND WITH A PINK CAP STAMPED "TXDOT" BEARS S 87°49'28" W, 726.69 FEET, SAID IRON ROD BEING THE NORTHWEST CORNER OF SAID STRUCTURED TRACT AND BEING THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF CORPORATE CROSSING (VARIABLE WIDTH RIGHT-OF-WAY) WITH THE SOUTH RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 30 (VARIABLE WIDTH RIGHT-OF-WAY);

THENCE N 72°46'09" E, A DISTANCE OF 602.14 FEET TO A POINT IN THE WEST LINE OF SAID JOWERS TRACT AND THE MOST NORTHERLY EAST LINE OF SAID STRUCTURED TRACT;

THENCE S 01°36'16" E, ALONG THE WEST LINE OF SAID JOWERS TRACT AND THE MOST NORTHERLY EAST LINE OF SAID STRUCTURED TRACT, A DISTANCE OF 121.40 FEET TO A POINT, BEING THE SOUTHWEST CORNER OF SAID JOWERS TRACT;

THENCE N 76°34'05" E, ALONG THE SOUTH LINE OF SAID JOWERS TRACT AND THE MOST EASTERLY NORTH LINE OF SAID STRUCTURED TRACT, A DISTANCE OF 540.70 FEET TO THE PLACE OF BEGINNING AND CONTAINING 9.942 ACRES (433,054 SQUARE FEET) OF LAND, MORE OR LESS.

**WIA** SURVEYOR PREPARING THIS EXHIBIT:  
**WIER & ASSOCIATES, INC.**

2201 E. LAMAR BLVD., SUITE 200E ARLINGTON, TEXAS 76006 METRO (817)467-7700  
Texas Firm Registration No. F-2776 www.WierAssociates.com  
Texas Board of Professional Land Surveying Registration No. 10033900

9.942 ACRE TRACT  
CITY OF ROCKWALL, COUNTY OF ROCKWALL, TEXAS

DRAWN BY: RTC  
APPROVED: \_\_\_\_\_

SHEET NO. 1 OF 1

REV.

CITY OF ROCKWALL

ORDINANCE NO. 22-52

SPECIFIC USE PERMIT NO. S-287

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A *GOLF DRIVING RANGE* ON A 7.955-ACRE TRACT OF LAND BEING A PORTION OF A LARGER 18.13-ACRE TRACT OF LAND AND A 12.868-ACRE TRACT OF LAND IDENTIFIED AS TRACT 22 & 22-2 OF THE R. IRVINE SURVEY, ABSTRACT NO 120, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, a request has been made by Renee Ward, PE of Weir & Associates on behalf of Conor Keilty, AIA of Structured REA-Rockwall Land, LLC for the approval of a Specific Use Permit (SUP) for a *Golf Driving Range* on a 7.955-acre parcel of land, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, being identified as a portion of a larger 18.13-acre tract of land and a 12.868-acre tract of land further identified as Tract 22 & 22-2 of the R. Irvine Survey, Abstract No. 120, City of Rockwall, Rockwall County, Texas, generally located near the terminus of Fit Sport Life Boulevard, and being more specifically described in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

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

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

**SECTION 1.** That the Unified Development Code [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing for the establishment of a *Golf Driving Range* as stipulated by Article 04, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 20-02*] on the *Subject Property*; and

**SECTION 2.** That the *Subject Property* shall be used and developed only in the manner and for the purposes described in this Specific Use Permit (SUP) ordinance and as specifically set forth in Subsection 01.01, *Land Use Schedule*, of Article 04, *Permissible Uses*, and Subsection 04.01, *General Commercial District Standards*; Subsection 04.05, *Commercial (C) District*; and Subsection 06.02, *General Overlay District Standards*, of Article 05, *District Development*

*Standards*, of the Unified Development Code [*Ordinance No. 20-02*] of the City of Rockwall -- as heretofore amended and may be amended in the future -- and with the following conditions:

## **2.1 OPERATIONAL CONDITIONS**

The following conditions pertain to the operation of a *Golf Driving Range* on the *Subject Property* and conformance to these requirements is necessary for continued operations:

- 1) The development and operation of a *Golf Driving Range* shall generally conform to the *Concept Plan* depicted in *Exhibit 'B'* and *Concept Building Elevations* depicted in *Exhibit 'C'* of this ordinance.
- 2) The maximum height of the netting and support structures shall not exceed 200-feet and shall generally conform to *Exhibit 'D'* of this ordinance.

## **2.2 COMPLIANCE**

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

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

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

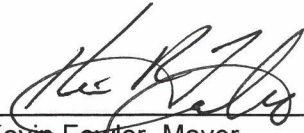
**SECTION 4.** That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

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

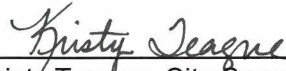
**SECTION 6.** If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

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

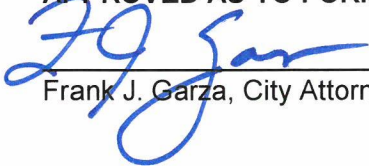
**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 3<sup>RD</sup> DAY OF OCTOBER, 2022.**

  
\_\_\_\_\_  
Kevin Fowler, Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

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



1<sup>st</sup> Reading: September 19, 2022

2<sup>nd</sup> Reading: October 3, 2022

**Exhibit 'A':**  
*Legal Description*

*BEING A TRACT OF LAND LOCATED IN THE ROBERT BOYD IRVINE SURVEY, ABSTRACT NO. 120, ROCKWALL COUNTY, TEXAS, BEING A PORTION OF A TRACT OF LAND DESCRIBED IN A DEED TO STRUCTURED REA-ROCKWALL LAND, LLC, RECORDED IN INSTRUMENT NO. 20210000001622, OFFICIAL PUBLIC RECORDS, ROCKWALL COUNTY, TEXAS (O.P.R.C.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:*

*BEGINNING AT A 1/2" IRON ROD FOUND, SAID IRON ROD BEING A NORTHEAST CORNER OF SAID STRUCTURED TRACT, THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN A DEED TO JOWERS, INC., RECORDED IN VOLUME 1215, PAGE 155, DEED RECORDS, ROCKWALL COUNTY, TEXAS (D.R.R.C.T.), AND IN THE WEST LINE OF A TRACT OF LAND DESCRIBED IN A DEED TO RUSTY WAWS FAMILY LIMITED, PARTNERSHIP #2. RECORDED IN VOLUME 4014, PAGE 173, D.R.R.C.T., FROM WHICH A 5/8" IRON ROD FOUND WITH A PINK CAP STAMPED "TXDOT" BEARS N 01'41'51" W, 384.88 FEET, SAID IRON ROD BEING THE NORTHEAST CORNER OF SAID JOWERS TRACT AND THE NORTHWEST CORNER OF SAID RUSTY WALLIS TRACT;*

*THENCE S 01'41'51" E, ALONG AN EAST LINE OF SAID STRUCTURED TRACT AND THE WEST LINE OF SAID RUSTY WAWS TRACT, 390.33 FEET TO A POINT:*

*THENCE S 66'40'31" W, DEPARTING AN EAST LINE OF SAID STRUCTURED TRACT AND THE WEST LINE OF SAID RUSTY WAWS TRACT, 554.53 FEET TO A POINT;*

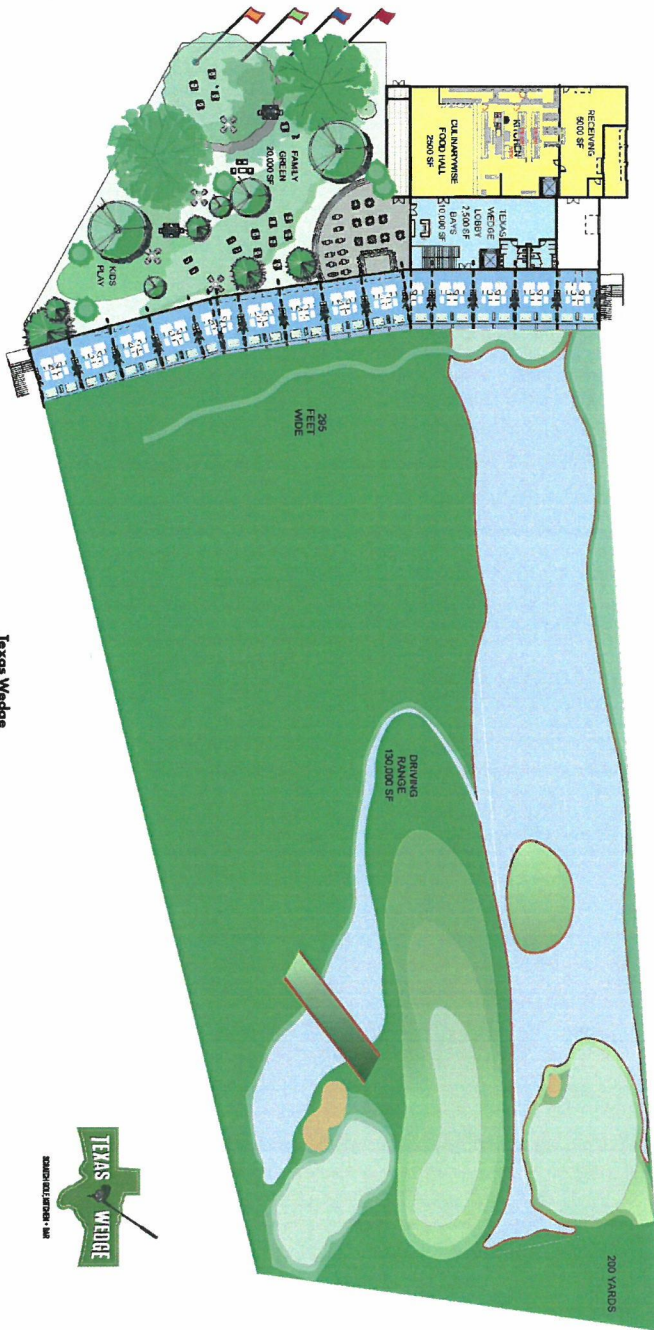
*THENCE N 69'37'39" W, A DISTANCE OF 307.50 FEET TO A POINT, BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;*

*THENCE NORTHWESTERLY, AN ARC LENGTH OF 3.78 FEET ALONG SAID NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 20.00 FEET, A DELTA ANGLE OF 10'50'27", AND A CHORD BEARING OF N 14'22'25" W, 3.78 FEET TO A POINT;*

*THENCE N 08'57'11" W, A DISTANCE OF 303.51 FEET TO A POINT, FROM WHICH A 5/8" IRON ROD FOUND WITH A PINK CAP STAMPED "TXDOT" BEARS S 89'22'04" W, 996.58 FEET, SAID IRON ROD BEING THE NORTHWEST CORNER OF SAID STRUCTURED TRACT AND BEING THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF CORPORATE CROSSING (VARIABLE WIDTH RIGHT-OF-WAY) WITH THE SOUTH RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 30 (VARIABLE WIDTH RIGHT-OF-WAY):*

*THENCE N 76'34'05" E, AT A DISTANCE OF 316.84 FEET PASSING THE SOUTHWEST CORNER OF SAID JOWERS TRACT, AND CONTINUING ALONG THE SOUTH LINE OF SAID JOWERS TRACT AND A NORTH LINE OF SAID STRUCTURED TRACT A TOTAL DISTANCE OF 857.54 FEET TO THE PLACE OF BEGINNING AND CONTAINING 7.955 ACRES (346,532 SQUARE FEET) OF LAND, MORE OR LESS.*

**Exhibit 'B':  
Concept Plan**



**20,000 Green Space**

Central secure green space for families to gather. Outdoor entertainment and shaded trees provide a safe and relaxing environment for family gathering. Canopy covered raised bar for live music.

**Texas Wedge**

Texas Wedge has been designed to be an unforgettable experience for golf enthusiasts, amateurs, and families alike. Focused on five-star guest service, the latest interactive golf technology and professional quality golf equipment. In each of the 81 bays, guests will swing Cleveland Wedges and drive Stron golf balls as they play their choice of 200 of the most famous golf courses from around the world, thanks to Track Master technology. In the driving range area, guests will have access to 3-5 signature holes from some of the most well-known PGA courses.

A true entertainment destination for families and adults alike, the fun doesn't stop at golf! The second floor of Texas Wedge will be home to 12 lanes of bowling, a full arcade and five party rooms, perfect for birthday parties, corporate events and more. Go up one more level and you'll find yourself in the Nodding Donkey Sports Saloon, a full-service bar and kitchen with two private rooms (The Bourbon Room & The Bubbly Room) exclusively for adults. Each room will have private bathrooms, a bar, a balcony and two golf bays. Texas Wedge has truly been designed to be the premiere entertainment destination for families and adults alike in beautiful Rockwell, TX.

**WDS**  
wading design studio

ROCKWALL CASE # Z2022-041



Exhibit 'B':  
Concept Plan

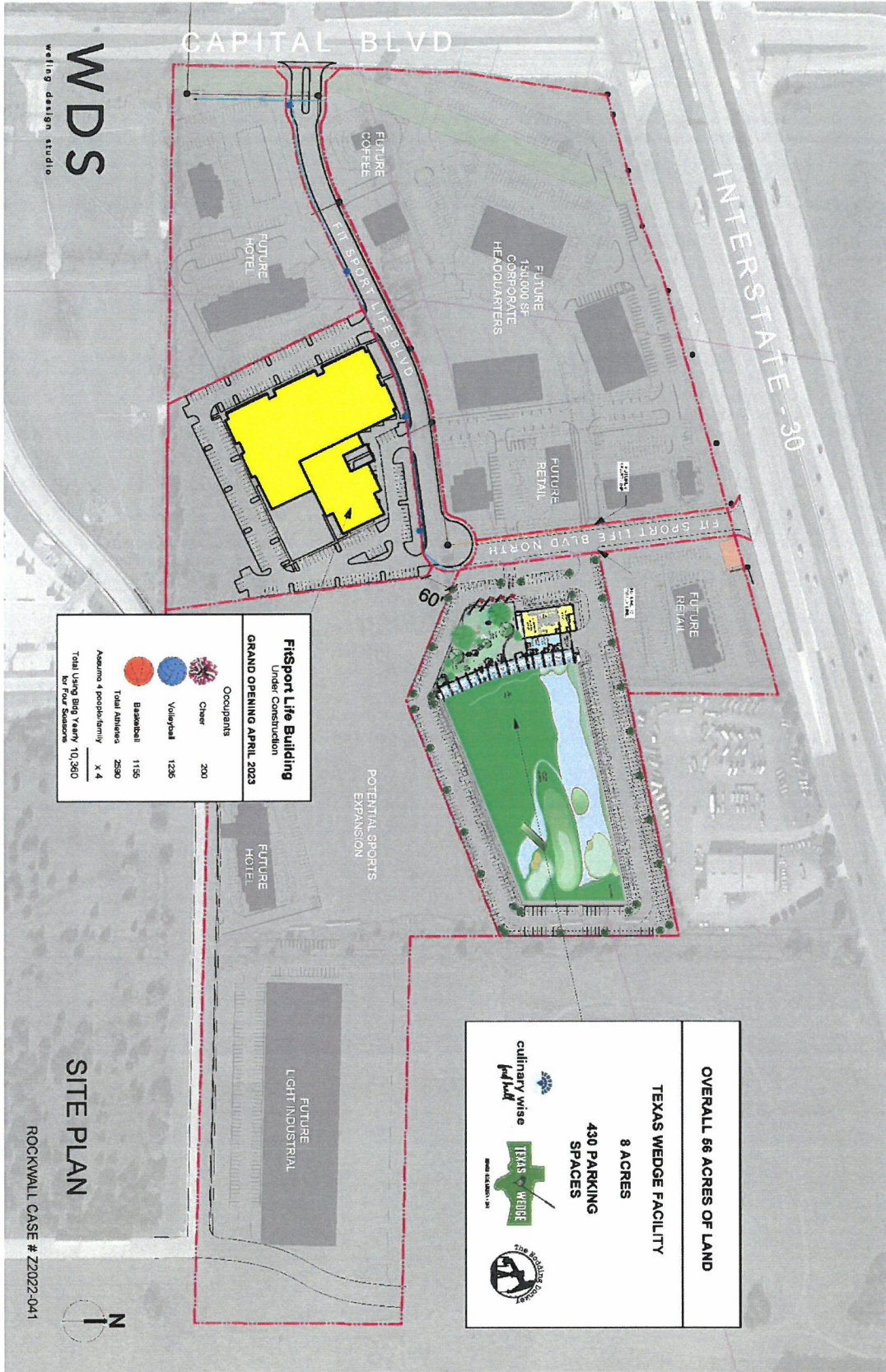
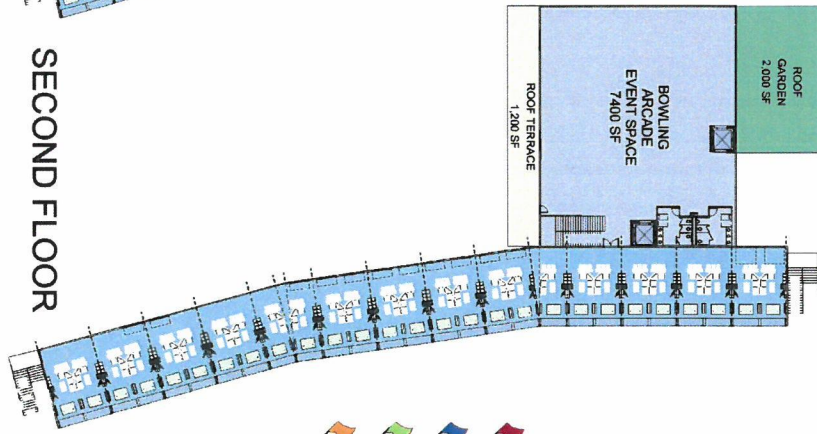
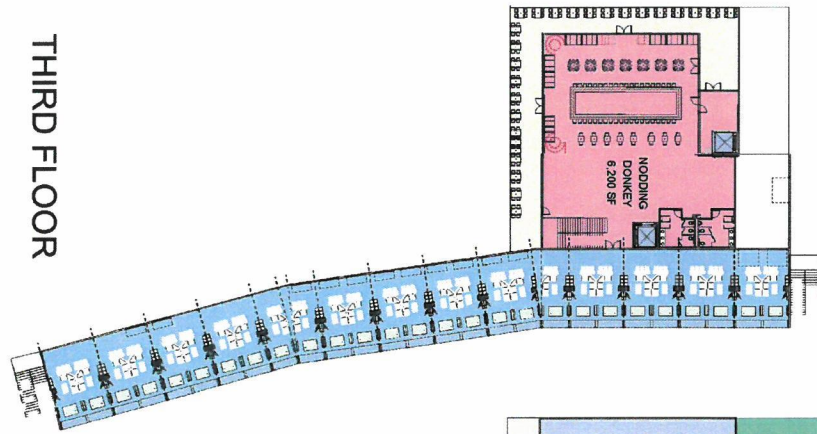














Exhibit 'B':  
Concept Plan

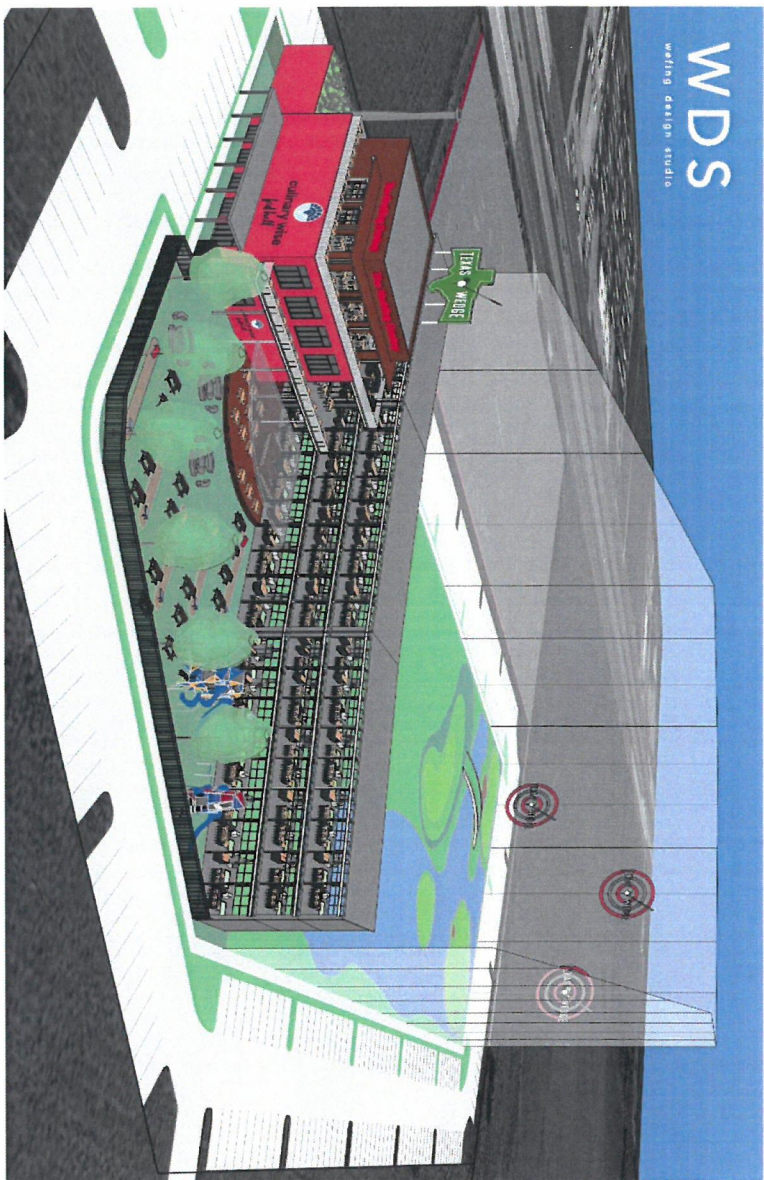
**WDS**  
weir design studio



	<b>TEXAS WEDGE</b>
	2,500 SF ENCLOSED
	30,000 SF OPEN AIR
	<b>BOWLING/ARCADE</b>
	7,400 SF ENCLOSED
	<b>CULINARY WISE</b>
	2,500 SF MARKET
	500 SF SERVICE
	<b>NODDING DONKEY</b>
	6,200 SF ENCLOSED
	2,000 SF OPEN AIR
	<b>FAMILY GREEN</b>
	20,000 SF OPEN AIR
<b>TOTAL</b>	
	22,500 SF ENCLOSED
	52,000 SF OPEN AIR

ROCKWALL CASE # Z2022-041

## Exhibit 'C': Concept Building Elevations



**WDS**  
wedding design studio



### Texas Wedge

Texas Wedge has been designed to be an unforgettable experience for golf enthusiasts, amateurs, and families alike, focused on five-star guest service, the latest interactive golf technology and professional quality golf equipment. In each of the 81 bays, guests will swing Cleveland Wedges and drive Sixon golf balls as they play their choice of 200 of the most famous golf courses from around the world, thanks to Track Master technology. In the driving range area, guests will have access to 3-5 signature holes from some of the most well-known PGA courses.

A five entertainment destination for families and adults alike, the fun doesn't stop at golf! The second floor of Texas Wedge will be home to 12 lanes of bowling, a full arcade and five party rooms, perfect for birthday parties, corporate events and more. Go up one more level and you'll find yourself in The Nodding Donkey Sports Saloon, a full-service bar and kitchen with two private rooms (The Bourbon Room & The Bubbly Room), exclusivity for adults. Each room will have private bathrooms, a bar, a balcony and two golf bays. Texas Wedge has truly been designed to be the premiere entertainment destination for families and adults alike in beautiful Rockwall, TX.

### 20,000 Green Space

Central secure green space for families to gather. Outdoor entertainment and shaded trees provide a safe and relaxing environment for family gathering. Canopy covered raised bar for live music.

### Culinary Wise Food Hall



As the parent company of our restaurant, Culinary Wise unites our concepts as one brand. The Culinary Wise Food Hall is a literal physical representation of that unity, with four of our most popular restaurant concepts under one roof, as well as a few offerings that have been served through our catering business for over 20 years. As the sole owner and operator of the food hall, unlike other food halls which rent space to individual restaurant owners, we'll have full oversight of the quality and consistency in both our offerings and our service. The food hall will have 2,500 sq ft of kitchen and entry space with 120 indoor seats and an indoor/outdoor bar that seats 12 on both sides. There will also be 80 seats outside along with a covered & gated playground for children aged 2-12 years.

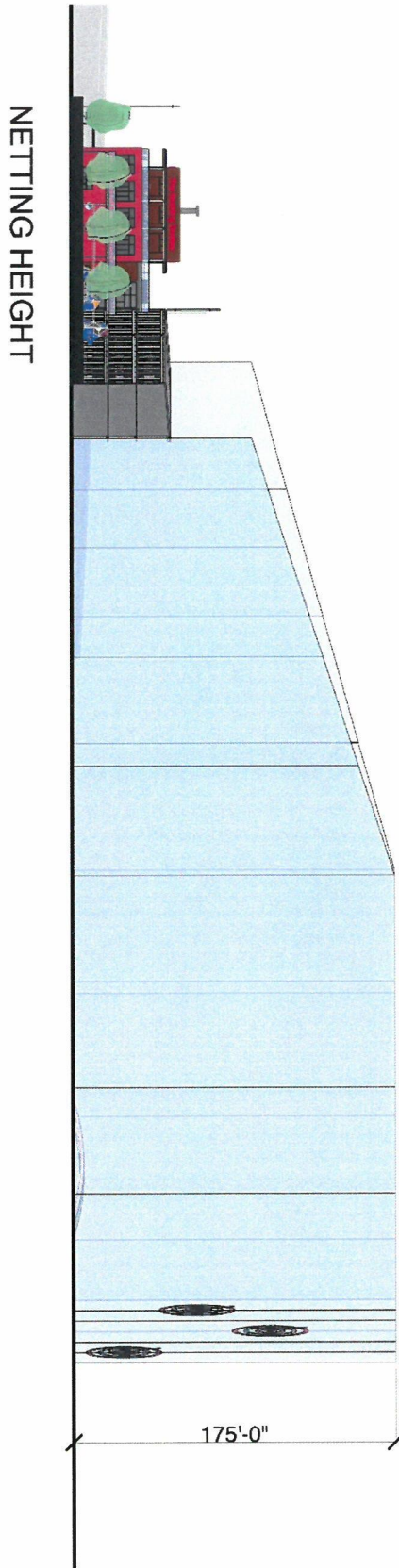


### The Nodding Donkey - Texas Sports Saloon, Scratch Kitchen

Opened in 2010, The Nodding Donkey quickly became the go-to sports saloon in Uptown Dallas. Our menu offerings for the Texas Wedge outpost of The Nodding Donkey will be a hybrid of the restaurant's tex-mex and game day favorites, along with share items including steaks, pork chops & pasta from sister restaurant State & Allen. Located on the third floor of Texas Wedge as part of the 15,000 sq ft foot print our design, The Nodding Donkey will have ample seating with 300+ seats inside, 200+ outside and 60 at the rectangular bar. With 60 TVs and a live concert venue allowing the 15,000 sq ft space, there will always be something to enjoy at The Nodding Donkey! Rockwall residents looking for a place to plan an event will also love our 5,000 sq ft private event hall overlooking the stage and outdoor bar. This larger space can also be reconfigured into four 1,250 sq ft spaces to accommodate smaller parties.

ROCKWALL CASE # Z2022-041

Exhibit 'D':  
Golf Netting Height



WDS  
wds design studio

ROCKWALL CASE # Z2022-041

CITY OF ROCKWALL

ORDINANCE NO. 23-XX

SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING *ORDINANCE NO. 22-52* AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A *GOLF DRIVING RANGE AND OUTDOOR COMMERCIAL AMUSEMENT/RECREATION* ON A 9.942-ACRE TRACT OF LAND BEING A PORTION OF A LARGER 18.13-ACRE TRACT OF LAND AND A 12.868-ACRE TRACT OF LAND IDENTIFIED AS TRACT 22 & 22-2 OF THE R. IRVINE SURVEY, ABSTRACT NO 120, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, a request has been made by Renee Ward, PE of Weir & Associates on behalf of Conor Keilty, AIA of Structured REA-Rockwall Land, LLC for the approval of a Specific Use Permit (SUP) for a *Golf Driving Range and Outdoor Commercial Amusement/Recreation* on a 9.942-acre parcel of land, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, being identified as a portion of a larger 18.13-acre tract of land and a 12.868-acre tract of land further identified as Tract 22 & 22-2 of the R. Irvine Survey, Abstract No. 120, City of Rockwall, Rockwall County, Texas, generally located near the terminus of Fit Sport Life Boulevard, and being more specifically described in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

**WHEREAS**, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that *Ordinance No. 22-52 (S-287)* and the Unified Development Code [*Ordinance No. 20-02*] of the City of Rockwall should be amended as follows:

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

**SECTION 1.** That the approval of this ordinance shall supersede all requirements stipulated in *Ordinance No. 22-52 (S-287)*.

**SECTION 2.** That the Unified Development Code [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing for the establishment of a *Golf Driving Range and Outdoor Commercial Amusement/Recreation* as stipulated by Article 04, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 20-02*] on the *Subject Property*; and

**SECTION 3.** That the *Subject Property* shall be used and developed only in the manner and for the purposes described in this Specific Use Permit (SUP) ordinance and as specifically set forth in Subsection 01.01, *Land Use Schedule*, and Subsection 02.03, *Conditional Land Use Standards*, of Article 04, *Permissible Uses*, and Subsection 04.01, *General Commercial District Standards*; Subsection 04.05, *Commercial (C) District*, and Subsection 06.02, *General Overlay District Standards*, of Article 05, *District Development Standards*, of the Unified Development Code [Ordinance No. 20-02] of the City of Rockwall -- as heretofore amended and may be amended in the future -- and with the following conditions:

### 3.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *Golf Driving Range* and *Outdoor Commercial Amusement/Recreation* on the *Subject Property* and conformance to these requirements is necessary for continued operations:

- 1) The development and operation of a *Golf Driving Range* and *Outdoor Commercial Amusement/Recreation* shall generally conform to the *Concept Plan* depicted in *Exhibit 'B'* and *Concept Building Elevations* depicted in *Exhibit 'C'* of this ordinance.
- 2) The maximum height of the netting and support structures shall not exceed 200-feet and shall generally conform to *Exhibit 'D'* of this ordinance.

### 3.2 COMPLIANCE

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

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

**SECTION 4.** That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

**SECTION 5.** That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

**SECTION 6.** Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS (\$2,000.00)* for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

**SECTION 7.** If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

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

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

1<sup>st</sup> Reading: August 21, 2023

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

**Exhibit 'A':**  
*Legal Description*

BEING A TRACT OF LAND LOCATED IN THE ROBERT BOYD IRVINE SURVEY, ABSTRACT NO. 120, ROCKWALL COUNTY, TEXAS, BEING A PORTION OF A TRACT OF LAND DESCRIBED IN A DEED TO STRUCTURED REA-ROCKWALL LAND, LLC, RECORDED IN INSTRUMENT NO. 20210000001622, OFFICIAL PUBLIC RECORDS, ROCKWALL COUNTY, TEXAS (O.P.R.C.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND, SAID IRON ROD BEING A NORTHEAST CORNER OF SAID STRUCTURED TRACT, THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN A DEED TO JOWERS, INC., RECORDED IN VOLUME 1215, PAGE 155, DEED RECORDS, ROCKWALL COUNTY, TEXAS (D.R.R.C.T.), AND IN THE WEST LINE OF A TRACT OF LAND DESCRIBED IN A DEED TO RUSTY WALLIS FAMILY LIMITED PARTNERSHIP #2, RECORDED IN VOLUME 4014, PAGE 173, D.R.R.C.T.;

THENCE S 01°41'51" E, ALONG AN EAST LINE OF SAID STRUCTURED TRACT AND THE WEST LINE OF SAID RUSTY WALLIS TRACT, 345.16 FEET TO A POINT;

THENCE S 71°45'12" W, DEPARTING AN EAST LINE OF SAID STRUCTURED TRACT AND THE WEST LINE OF SAID RUSTY WALLIS TRACT, 505.08 FEET TO A POINT, BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;

THENCE SOUTHERLY, AN ARC LENGTH OF 255.29 FEET ALONG SAID NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 830.00 FEET, A DELTA ANGLE OF 17°37'23", AND A CHORD BEARING S 89°49'15" W, A DISTANCE OF 254.29 FEET TO A POINT;

THENCE S 81°00'34" W, A DISTANCE OF 305.78 FEET TO A POINT IN THE NORTH RIGHT-OF-WAY LINE OF FIT SPORT LIFE BOULEVARD (A 60' RIGHT-OF-WAY), BEING THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE NORTHWESTERLY DEPARTING SAID FIT SPORT LIFE BOULEVARD, AN ARC LENGTH OF 31.42 FEET ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 20.00 FEET, A DELTA ANGLE OF 90°00'00", AND A CHORD BEARING OF N 53°59'26" W, A DISTANCE OF 28.28 FEET TO A POINT;

THENCE N 08°59'26" W, A DISTANCE OF 356.88 FEET TO A POINT, FROM WHICH A 5/8" IRON ROD FOUND WITH A PINK CAP STAMPED "TXDOT" BEARS S 87°49'28" W, 726.69 FEET, SAID IRON ROD BEING THE NORTHWEST CORNER OF SAID STRUCTURED TRACT AND BEING THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF CORPORATE CROSSING (VARIABLE WIDTH RIGHT-OF-WAY) WITH THE SOUTH RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 30 (VARIABLE WIDTH RIGHT-OF-WAY);

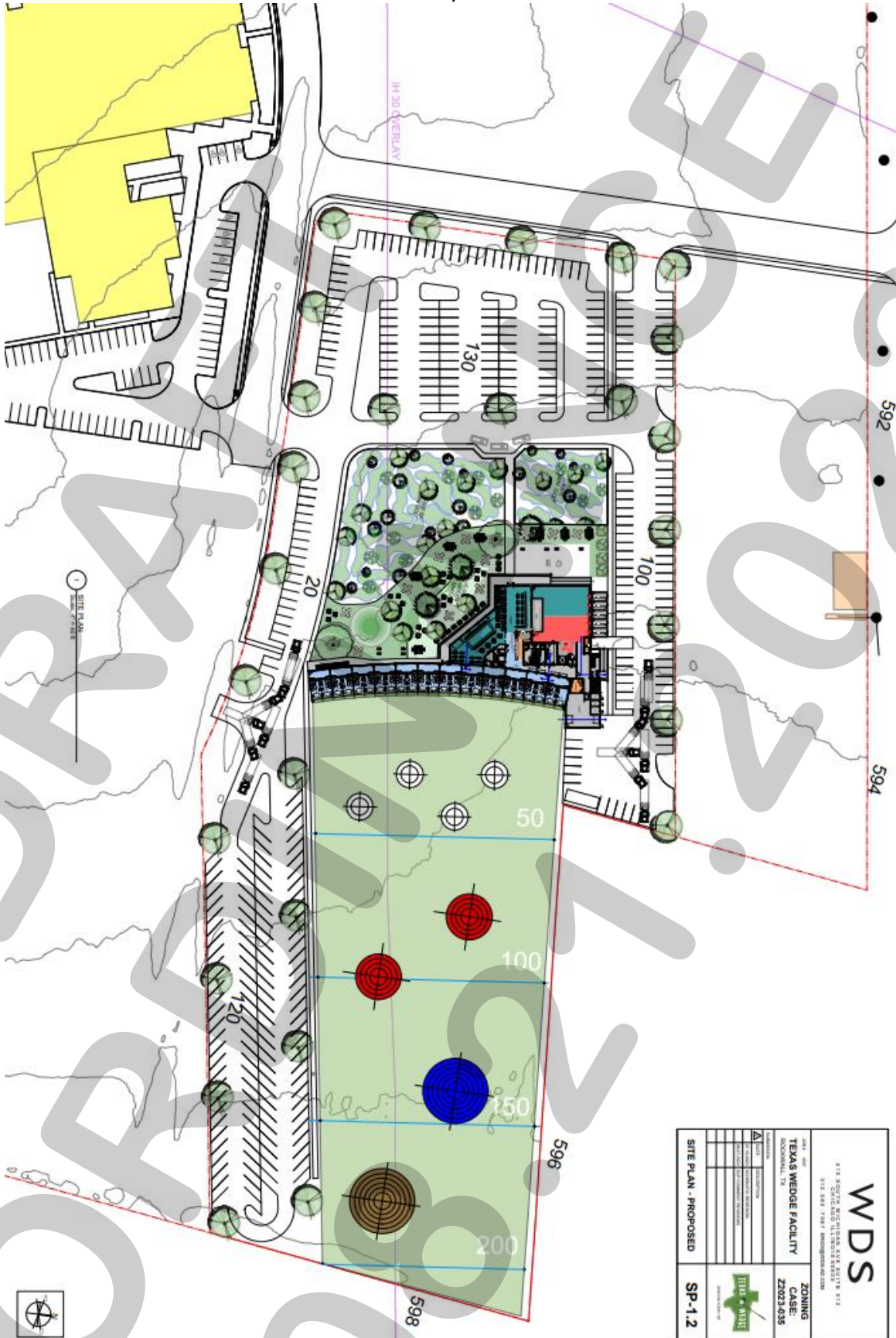
THENCE N 72°46'09" E, A DISTANCE OF 602.14 FEET TO A POINT IN THE WEST LINE OF SAID JOWERS TRACT AND THE MOST NORTHERLY EAST LINE OF SAID STRUCTURED TRACT;

THENCE S 01°36'16" E, ALONG THE WEST LINE OF SAID JOWERS TRACT AND THE MOST NORTHERLY EAST LINE OF SAID STRUCTURED TRACT, A DISTANCE OF 121.40 FEET TO A POINT, BEING THE SOUTHWEST CORNER OF SAID JOWERS TRACT;

THENCE N 76°34'05" E, ALONG THE SOUTH LINE OF SAID JOWERS TRACT AND THE MOST EASTERLY NORTH LINE OF SAID STRUCTURED TRACT, A DISTANCE OF 540.70 FEET TO THE PLACE OF BEGINNING AND CONTAINING 9.942 ACRES (433,054 SQUARE FEET) OF LAND, MORE OR LESS.



**Exhibit 'B':  
Concept Plan**



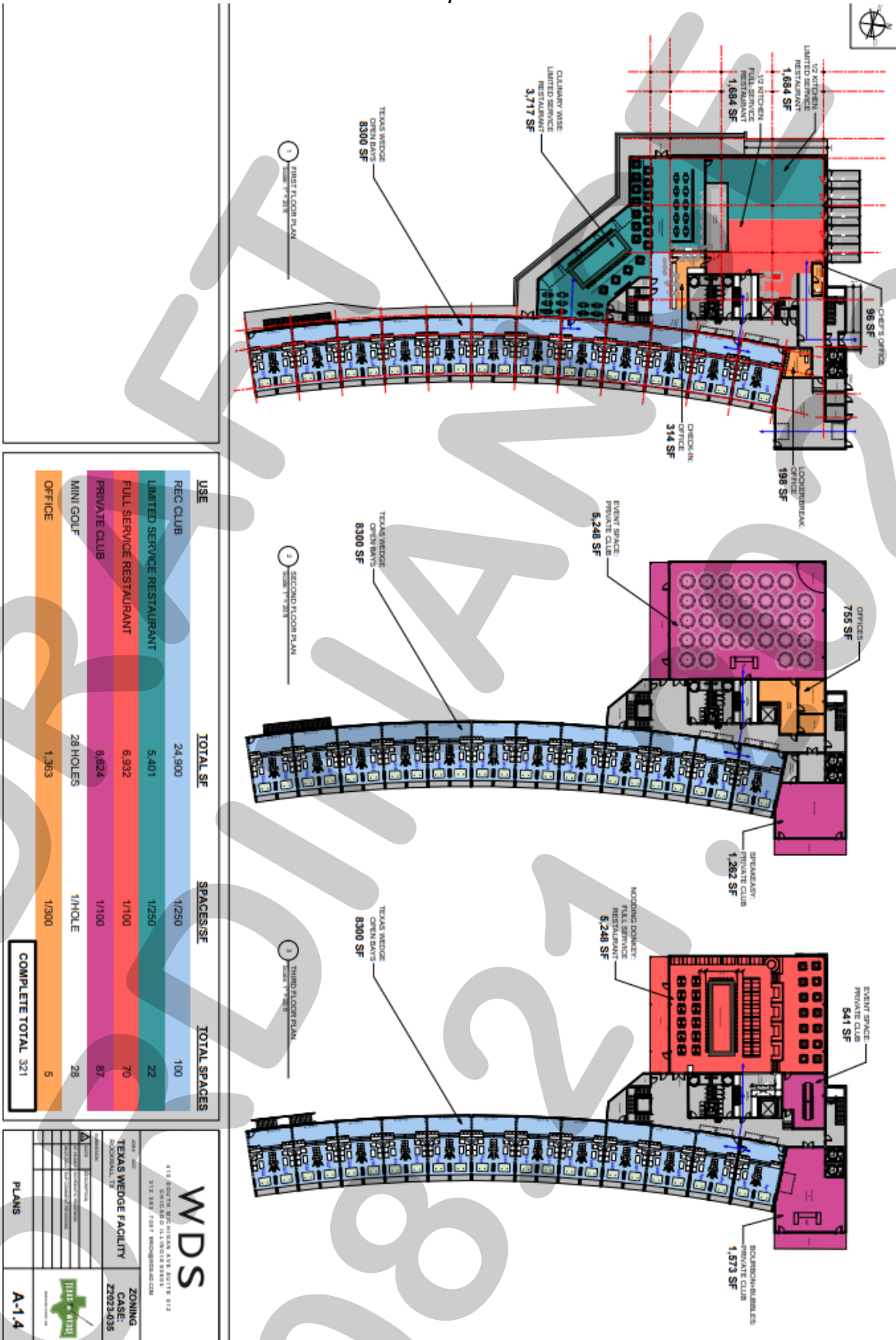
<b>WDS</b> <small>419 SOUTH MIDCOURT AVENUE SUITE 812          312 848 7787   <a href="http://www.wdsinc.com">www.wdsinc.com</a></small>		<b>ZONING</b> CASE: Z2023-035	
		<b>TEXAS WEDGE FACILITY</b> <small>ROCKWALL, TX</small>	
<b>SITE PLAN - PROPOSED</b>			
<b>SP-1.2</b>			

**Exhibit 'B':  
Concept Plan**



		815 BEAVER WOODLAND AVE SUITE 812 2623 N. FM # 1000 ROCKWALL, TX 75087 (972) 961-1000   info@wds.com	
		TEXAS WEDGE FACILITY ROCKWALL, TX	ZONING CASE: Z2023-035
SITE PLAN - PROPOSED		SP-1.1	

Exhibit 'B':  
Concept Plan



USE	TOTAL SF	SPACES/SF	TOTAL SPACES
REC CLUB	24,900	1/250	100
LIMITED SERVICE RESTAURANT	5,401	1/250	22
FULL SERVICE RESTAURANT	6,932	1/100	70
PRIVATE CLUB	8,624	1/100	87
MINI GOLF	28 HOLES	1/HOLE	28
OFFICE	1,363	1/300	5
<b>COMPLETE TOTAL</b>	<b>321</b>		<b>5</b>

**WDS**  
419 SOUTH WILSON AVE SUITE 312  
CHICAGO, ILLINOIS 60608  
312.882.7887 | INFO@WDS.COM

PROJECT: TEXAS WEDGE FACILITY  
LOCATION: ROCKWALL, TX  
CASE: Z2023-035

DATE: 08/2023  
SCALE: AS SHOWN  
DRAWN BY: [Redacted]  
CHECKED BY: [Redacted]  
APPROVED BY: [Redacted]

ZONING: A-1.4  
CITY OF ROCKWALL

PLANS: A-1.4

Exhibit 'C':  
Concept Building Elevations



**TEXAS WEDGE**  
 FIT SPORT LIFE BLVD, ROCKWALL, TEXAS 75032  
 NEW BUILDING FOR GOLF  
 FOOD AND ENTERTAINMENT  
 SCHEMATIC PRICING PACKAGE

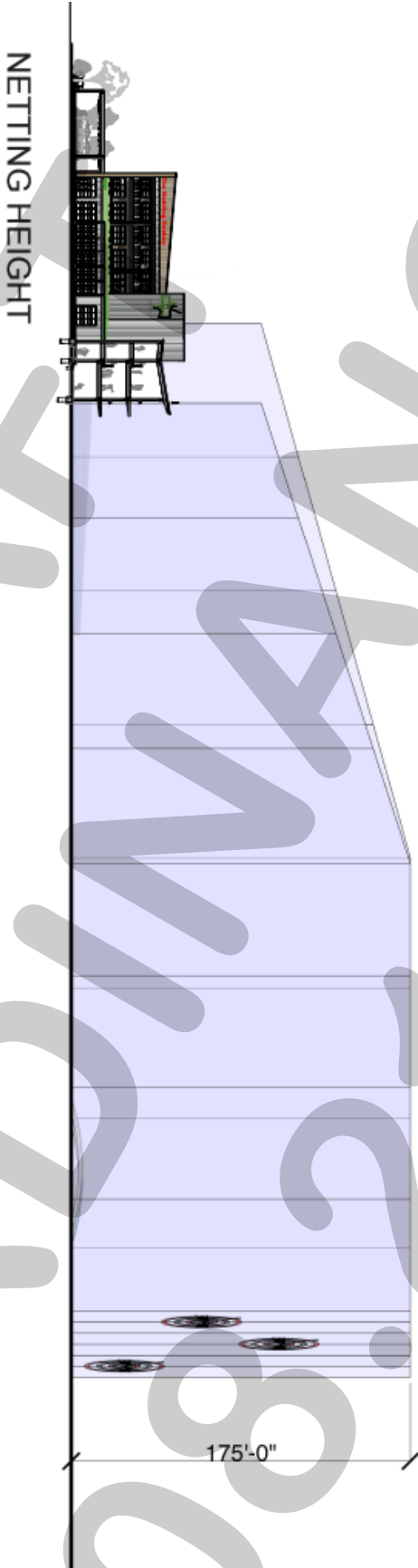


**DRAWING LIST**

- T-1.0 TITLE SHEET
- SP-10 SITE PLAN - EXISTING
- SP-11 SITE PLAN - PROPOSED
- SP-12 SITE PLAN - PROPOSED ENHANCED
- SP-13 GREEN SPACES
- SP-14 H2O SPACES
- SP-15 H2O SPACES
- SP-16 GOLF RANGE
- A-1.11 FIRST FLOOR PLAN
- A-1.12 SECOND FLOOR PLAN
- A-1.13 CON PLAN
- A-1.14 PLANS 1-3
- A-2.0 ELEVATIONSECTION - NORTH
- A-2.1 ELEVATIONSECTION - SOUTH
- A-2.2 ELEVATIONSECTION - WEST

<p><b>WDS</b>                  410 SOUTH MICHIGAN AVE SUITE 512                  CHICAGO ILLINOIS 60655                  312.589.7887 <a href="mailto:info@wds-a.com">info@wds-a.com</a></p>	
<p><b>TEXAS WEDGE FACILITY</b>                  ROCKWALL, TX</p>	
<p>DATE: 2023                  DRAWN BY: [Name]                  CHECKED BY: [Name]                  IN CHARGE: [Name]</p>	<p>DESIGNER: [Name]                  ARCHITECT: [Name]                  ENGINEER: [Name]</p>
<p>TITLE SHEET</p>	<p>T-1.0</p>

**Exhibit 'D':  
Golf Netting Height**



DRAFT  
ORDINANCE  
0821.2023



## MEMORANDUM

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**TO:** Mary Smith, City Manager

**CC:** Honorable Mayor and City Council

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

**DATE:** August 21, 2023

**SUBJECT:** Z2023-036; SPECIFIC USE PERMIT (SUP) FOR A CARPORT AT 820 E. HEATH STREET

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### Attachments

Case Memo  
Development Application  
Location Map  
HOA Notification Map  
Neighborhood Notification Email  
Property Owner Notification Map  
Property Owner Notification List  
Public Notice  
Property Owner Notifications  
Site Plan  
Building Elevations  
Floor Plan  
Roof Plan  
Draft Ordinance

### Summary/Background Information

Hold a public hearing to discuss and consider a request by Richard Expo on behalf of Ryszard Waszczuk for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for a *Carport* that does not meet the minimum requirements on an 0.3492-acre parcel of land identified as Lot 7, Block A, Solar Village Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 820 E. Heath Street, and take any action necessary (**1st Reading**).

### Action Needed

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



# CITY OF ROCKWALL

## CITY COUNCIL CASE MEMO

### PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

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**TO:** Mayor and City Council  
**DATE:** August 21, 2023  
**APPLICANT:** Richard Expo  
**CASE NUMBER:** Z2023-036; *Specific Use Permit (SUP) for a Carport at 820 E. Heath Street*

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### SUMMARY

Hold a public hearing to discuss and consider a request by Richard Expo on behalf of Ryszard Waszczuk for the approval of a Specific Use Permit (SUP) for a *Carport* that does not meet the minimum requirements on an 0.3492-acre parcel of land identified as Lot 7, Block A, Solar Village Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 820 E. Heath Street, and take any action necessary.

### BACKGROUND

The subject property was annexed prior to 1934 based on the August 25, 1934 Sanborn Map. According to the City's historic zoning maps, the subject property was zoned Single-Family 3 (SF-3) District as of January 3, 1972. Based on the May 16, 1983 zoning map, this designation changed between January 4, 1972 and May 15, 1983 to Single-Family 7 (SF-7) District and has remained Single-Family 7 (SF-7) District since this change. On November 18, 2013, the City Council approved a preliminary plat [Case No. P2013-032] for the Solar Village Addition, which consists of six (6) single-family residential lots. On July 7, 2014, the City Council approved a final plat [Case No. P2014-014] for Lots 1-6, Block A., Solar Village. On May 11, 2022, a replat [Case No. P2022-022] for Lots 7-12, Block A, Solar Village was administratively approved. The purpose of this replat was to correct the state plane coordinates and update the lot areas. On February 17, 2023, a building permit [RES2023-254] was issued allowing the construction of a 6,442 SF single-family home on the subject property.

### PURPOSE

The applicant -- *Richard Expo* -- is requesting the approval of a Specific Use Permit (SUP) to allow for the construction of a *Carport* that exceeds the maximum allowable square footage and does not meet the minimum setback requirements as stipulated by Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC).

### ADJACENT LAND USES AND ACCESS

The subject property is addressed as 820 Heath Street. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property is Heath Street, which is identified as a R2 (*i.e. residential, two [2] lane, undivided roadway*) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is one (1) single-family home (*i.e. 819 E Heath Street*), which is situated within the Hal Phelps Subdivision. This subdivision is zoned Single-Family 7 (SF-7) District and consists of 11 residential lots. Beyond this is Phase 5 of the Caruth Lakes Subdivision, which is zoned Planned Development District 5 (PD-5) and consists of 137 residential lots.

South: Directly south of the subject property is the rest of the Solar Village Subdivision, which is zoned Single-Family 7 (SF-7) District and consists of six (6) residential lots. Beyond this is Williams Street, which is identified as a *Minor Collector* on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. South of this is a 5.82-acre tract of land (*i.e. Tract 50, of the R Ballard Survey, Abstract No. 29*) with a single-family home situated on it. This property is zoned Single-Family 7 (SF-7) District.

East: Directly east of the subject property is the rest of the Solar Village Subdivision, which is zoned Single-Family 7 (SF-7) District and consists of six (6) residential lots. Beyond this is Williams Street which is identified as a *Minor Collector* on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond that is a 3.120-acre tract of land (*i.e. Tract 66, of the R Ballard, Abstract 29*), addressed as 940 Williams Street, and zoned Light Industrial (LI) District. The property is developed with a 2,096 SF single-family home.

West: Directly west of the subject property is the Green Meadows Subdivision, which is zoned Single-Family 7 (SF-7) District and consists of nine (9) residential lots. Beyond this is the Fondren Subdivision, which is zoned Single-Family 7 (SF-7) District and consists of 16 residential lots.

### **CHARACTERISTICS OF THE REQUEST**

The applicant has submitted a development application, concept plan, and building elevations proposing to construct a 24-foot by 26-foot (*or 624 SF*) carport on the subject property. The proposed carport will architecturally be integrated with the existing attached garage and home, and will stand less than 14-feet in height as measured to the mid-point of the pitched roof. The proposed structure will be situated in the side yard and be a minimum of 20-feet from the side yard property line (*i.e. the eastern property line*) and a minimum of 20-feet from the front yard (*i.e. the northern*) property line even with the front façade of the single-family home.

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

According to Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC), the Single-Family 7 (SF-7) District allows a total of one (1) carport. The maximum square footage of a carport is 500 SF. Carports are limited to a maximum height of 15-feet. The setbacks for a carport in a Single-Family 7 (SF-7) District are ten (10) feet from the rear property line and 20-feet from the alleyway. This section of the code goes on to state, "(i)n residential districts, carports must be open on at least two (2) sides, architecturally integrated into the primary structure, and be located 20-feet behind the corner of the front façade and meet the garage setback adjacent to an alley." Carports not conforming to these requirements shall require a Specific Use Permit (SUP).

### **STAFF ANALYSIS**

In this case, the applicant's request generally conforms to the height requirements for a carport; however, the carport does not adhere to the maximum allowable size or the requirement to be located 20-feet behind the front façade in a Single-Family 7 (SF-7) District. Specifically, the carport will exceed the permitted 124 SF and the proposed carport is placed even with the front of the front façade of the home. For the purpose of comparing the proposed *Carport* with other carports in the area, staff reviewed aerial and street view images to locate similar structures. Through this analysis, staff was unable to identify any other *Carports* constructed within three (3) blocks of the subject property. Based on the proposed size and location of the accessory building, staff should point out that this structure will have high visibility from the adjacent properties along E Heath Street. With this being said, the approval of a Specific Use Permit (SUP) request is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission.

### **NOTIFICATIONS**

On July 21, 2023, staff mailed 87 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Caruth Lakes Homeowner's Associations (HOAs) which was the only Homeowner's Association (HOA) within the 1,500-foot buffer participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was drafted, staff had not received any notices back in regards to the request.

### **CONDITIONS OF APPROVAL**

If City Council chooses to approve the applicant's request for a Specific Use Permit (SUP) for a Carport, then staff would propose the following conditions of approval:



- (1) The applicant shall be responsible for maintaining compliance with the operational conditions contained in the Specific Use Permit (SUP) ordinance and which are detailed as follows:
  - (a) The carport shall maintain conformance to the approved site plan and building elevations depicted in *Exhibits 'A' & 'B'* of the Specific Use Permit (SUP) ordinance.
  - (b) The carport shall not exceed a maximum size of 625 SF.
  - (c) The carport shall not exceed a maximum overall height of 17-feet.
  - (d) The carport is subject to administrative review in the event that the *Subject Property* is sold, conveyed or altered in any manner.
- (2) Any construction resulting from the approval of this Specific Use Permit (SUP) shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

### **PLANNING AND ZONING COMMISSION**

On August 15, 2023, the Planning and Zoning Commission approved a motion to recommend approval of the Specific Use Permit by a vote of 4-1, with Commissioner Llewellyn dissenting and Commissioner Hustings absent.



# DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO. \_\_\_\_\_

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

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

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

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

### PLATTING APPLICATION FEES:

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

### SITE PLAN APPLICATION FEES:

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

### ZONING APPLICATION FEES:

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

### OTHER APPLICATION FEES:

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

### NOTES:

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

## PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS

820 E Heath St.

SUBDIVISION

Solar Village

LOT

1

BLOCK

A

GENERAL LOCATION

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

CURRENT ZONING

CURRENT USE

PROPOSED ZONING

PROPOSED USE

ACREAGE

LOTS [CURRENT]

LOTS [PROPOSED]

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

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

OWNER

Richard Epps

APPLICANT

CONTACT PERSON

RYSZARD WASZCZUK

CONTACT PERSON

ADDRESS

838 Nash St.

ADDRESS

CITY, STATE & ZIP

Rockwall, TX. 75087

CITY, STATE & ZIP

PHONE

972-400-8047

PHONE

E-MAIL

E-MAIL

## NOTARY VERIFICATION [REQUIRED]

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED RYSZARD WASZCZUK (OWNER) THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:

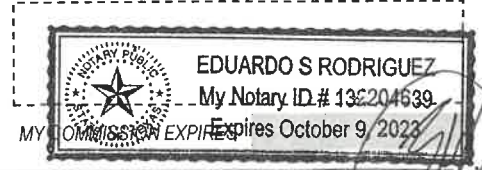
"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ 215.00 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 14<sup>th</sup> DAY OF July, 2023 BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 14<sup>th</sup> DAY OF July, 2023

OWNER'S SIGNATURE

*[Signature]*


NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS





Z2023-036: Specific Use Permit for a Carport at 820 E. Heath Street



Case Location Map = 



# City of Rockwall

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

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

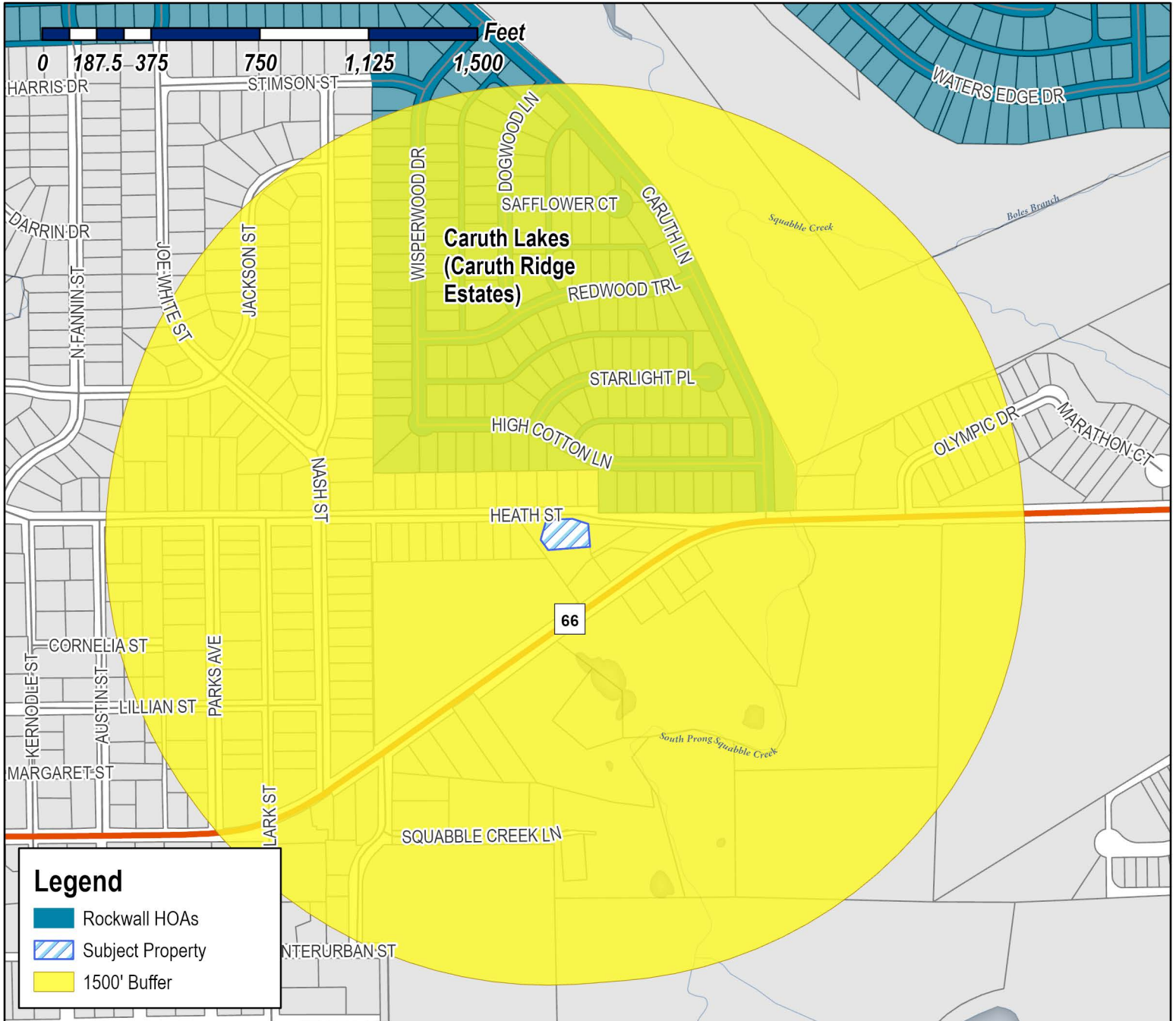




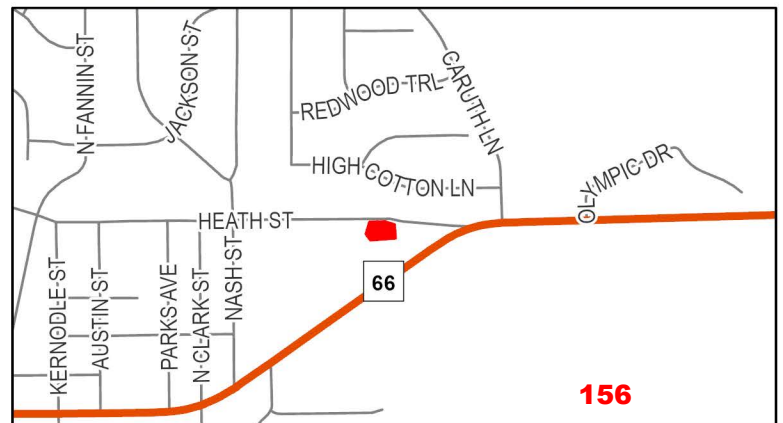
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**Case Number:** Z2023-036  
**Case Name:** SUP for a Carport  
**Case Type:** Zoning  
**Zoning:** Single-Family 7 (SF-7) District  
**Case Address:** 820 E. Heath Street



**Date Saved:** 7/14/2023

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

## Ross, Bethany

---

**From:** Zavala, Melanie  
**Sent:** Wednesday, July 19, 2023 9:06 AM  
**Cc:** Miller, Ryan; Ross, Bethany; Guevara, Angelica; Lee, Henry  
**Subject:** Neighborhood Notification Program [Z2023-036]  
**Attachments:** Public Notice (P&Z) (7.17.2023).pdf; HOA Map (07.14.2023).pdf

HOA/Neighborhood Association Representative:

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

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

### **Z2023-036: SUP for a Carport**

Hold a public hearing to discuss and consider a request by Richard Expo on behalf of Ryszard Waszczuk for the approval of a *Specific Use Permit (SUP)* for a *Carport* that does not meet the minimum requirements on an 0.3492-acre parcel of land identified as Lot 7, Block A, Solar Village Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 820 E. Heath Street, and take any action necessary.

Thank you,

*Melanie Zavala*

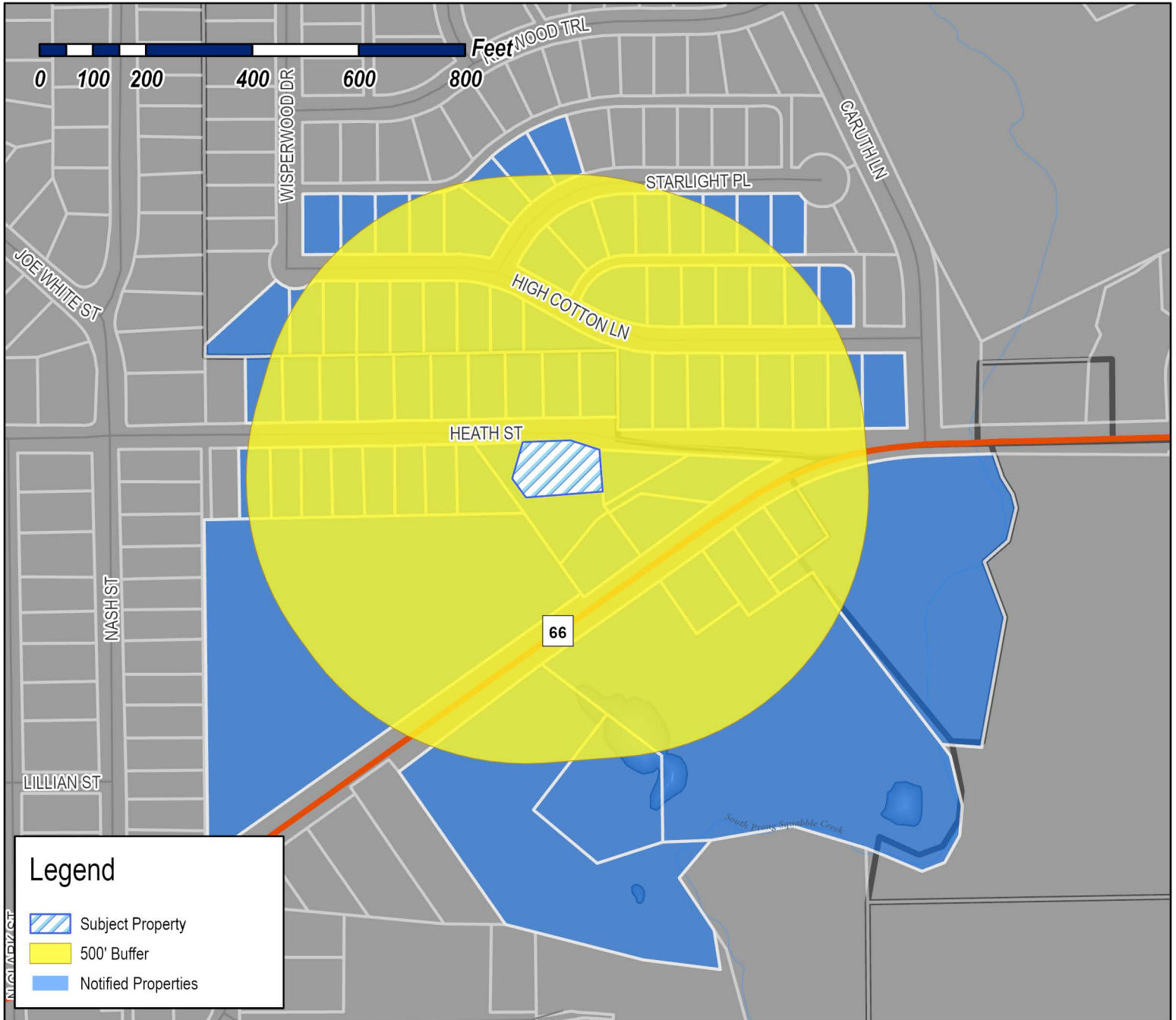
Planning & Zoning Coordinator | Planning Dept. | City of Rockwall  
385 S. Goliad Street | Rockwall, TX 75087  
<http://www.rockwall.com/>  
972-771-7745 Ext. 6568



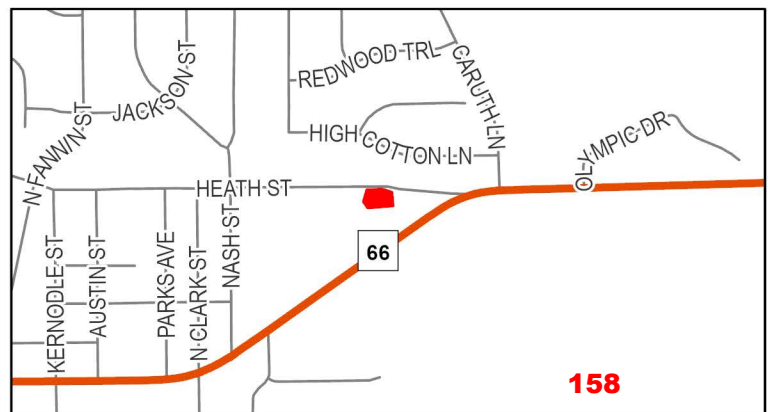
# City of Rockwall

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**Case Number:** Z2023-036  
**Case Name:** SUP for a Carport  
**Case Type:** Zoning  
**Zoning:** Single-Family 7 (SF-7) District  
**Case Address:** 820 E. Heath Street



**Date Saved:** 7/14/2023

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

KINDELL GROUP LLC  
1 TABER LANE  
ROCKWALL, TX 75087

RESIDENT  
1001 STARLIGHT PL  
ROCKWALL, TX 75087

RESIDENT  
1002 HIGH COTTON LN  
ROCKWALL, TX 75087

ADAMS JOHNNY R JR & JEANNE K  
1005 HIGH COTTON LN  
ROCKWALL, TX 75087

RESIDENT  
1007 STARLIGHT PL  
ROCKWALL, TX 75087

SPENCE JODY L  
1010 HIGH COTTON LN  
ROCKWALL, TX 75087

KINSELLA ERIC P & CARLA J  
1011 HIGH COTTON LN  
ROCKWALL, TX 75087

RUST WILLIAM KA ND TERRI DAWN  
1013 STARLIGHT PL  
ROCKWALL, TX 75087

JENNINGS RICHARD  
1016 HIGH COTTON LN  
ROCKWALL, TX 75087

LAMBERT MILDRED L & NORMAN R  
1017 HIGH COTTON LN  
ROCKWALL, TX 75087

WIENBARG KIMBERLY  
1019 STARLIGHT  
ROCKWALL, TX 75087

HEIN KYLE G & VERONICA L  
1022 HIGH COTTON LN  
ROCKWALL, TX 75087

WOODS WILLIAM & RITA  
1023 HIGH COTTON LN  
ROCKWALL, TX 75087

JARESH DONALD & COLETTE  
1025 STARLIGHT PL  
ROCKWALL, TX 75087

PRESLEY DELISA & RANDALL  
1028 HIGH COTTON LANE  
ROCKWALL, TX 75087

SINGH GURDARSHAN AND PARAMJIT SINGH  
1029 HIGH COTTON LN  
ROCKWALL, TX 75087

BAKER CHRISTOPHER MILLER AND MONICA  
NAHIR  
1031 STARLIGHT PL  
ROCKWALL, TX 75087

BASHAM TOMMY & JAMIE  
1034 HIGH COTTON LN  
ROCKWALL, TX 75087

KEGLEY SCOTT  
1035 HIGH COTTON LN  
ROCKWALL, TX 75087

JOHNSON ROBERT AND  
VIRGINIA LEE  
1040 HIGH COTTON LN  
ROCKWALL, TX 75087

GAJEWSKI MISTY  
1041 HIGH COTTON LANE  
ROCKWALL, TX 75087

BACK STACY ANN & CHARLES BACK JR  
1049 HIGH COTTON LANE  
ROCKWALL, TX 75087

HOPEWELL MARILYN E  
1056 WISPERWOOD DR  
ROCKWALL, TX 75087

SWH 2017-1 BORROWER LP  
1131 W WARNER RD STE 102  
TEMPE, AZ 85284

HPA TEXAS SUB 2017-1 LLC  
120 S RIVERSIDE PLZ STE 2000  
CHICAGO, IL 60606

HPA BORROWER 2018-1 MS LLC  
120 S RIVERSIDE PLZ STE 2000  
CHICAGO, IL 60606

ROCKWALL ENTERPRISES LLC  
1309 MORAINNE PL  
HEATH, TX 75032

DORAZIO RICHARD & SHARON LIVING TRUST  
RICHARD A & SHARON L DORAZIO TRUSTEES  
143 SHEPHERDS GLEN RD  
HEATH, TX 75032

SHUGART MELODY S  
1511 FT DUQUESNA DR  
SUN CITY CENTER, FL 33573

2019-1 IH BORROWER LP  
1717 MAIN SST SUITE 2000  
DALLAS, TX 75201

THE BRANCH OFFICE PROPERTIES LLC  
25 NOBLE CT  
HEATH, TX 75032

HOLLAND PAUL  
2534 CR 3419  
HAWKINS, TX 75765

R FIFTY GREEN HOMES  
2704 FOXCHASE LN  
ROCKWALL, TX 75032

CAS INVESTMENT PROPERTIES LLC- SERIES 809  
HEATH  
521 WILLOW SPRINGS DR.  
HEATH, TX 75032

TAYLOR WANDA  
803 E HEATH ST  
ROCKWALL, TX 75087

BROWN REBECCA AND THOMAS  
804 E HEATH ST  
ROCKWALL, TX 75087

KRUEGER CHARLES H & JENNY L  
805 E HEATH ST  
ROCKWALL, TX 75087

CONLEY JANONA & THOMAS J  
806 E. HEATH ST  
ROCKWALL, TX 75087

MOHEDANO MARTIN  
807 E HEATH ST  
ROCKWALL, TX 75087

RESIDENT  
808 E HEATH ST  
ROCKWALL, TX 75087

RESIDENT  
809 E HEATH ST  
ROCKWALL, TX 75087

RESIDENT  
810 E HEATH ST  
ROCKWALL, TX 75087

WARDELL LUKE A  
811 E HEATH ST  
ROCKWALL, TX 75087

KINSEY HILLARY  
812 EAST HEATH STREET  
ROCKWALL, TX 75087

GULLEY STAN LAVERE ETUX  
813 E HEATH ST  
ROCKWALL, TX 75087

RESIDENT  
814 E HEATH ST  
ROCKWALL, TX 75087

HODGES BRIAN CODY & CHRISTY MICHELLE  
815 E HEATH ST  
ROCKWALL, TX 75087

NICHOLS CORY  
816 E HEATH ST  
ROCKWALL, TX 75087

RODRIGUEZ PAULA CANDACE  
817 E HEATH STREET  
ROCKWALL, TX 75087

RESIDENT  
818 E HEATH ST  
ROCKWALL, TX 75087

MOORE MIRIAM  
819 E HEATH ST  
ROCKWALL, TX 75087

RESIDENT  
820 HEATH ST  
ROCKWALL, TX 75087

RESIDENT  
821 E HEATH ST  
ROCKWALL, TX 75087

RESIDENT  
824 HEATH ST  
ROCKWALL, TX 75087

RESIDENT  
828 HEATH ST  
ROCKWALL, TX 75087

RESIDENT  
832 WILLIAMS ST  
ROCKWALL, TX 75087

RANDALL ROBERT S & SHERY B  
835 HIGH COTTON LN  
ROCKWALL, TX 75087

RESIDENT  
836 HEATH ST  
ROCKWALL, TX 75087

RESIDENT  
840 HEATH ST  
ROCKWALL, TX 75087

DOTSON DUNCAN L & DOLORES J  
841 HIGH COTTON LN  
ROCKWALL, TX 75087



MINCE RANDY JOE & RHONDA LYNN  
844 HIGH COTTON LN  
ROCKWALL, TX 75087

WEAVER BONNIE & SCOTT  
847 HIGH COTTON LN  
ROCKWALL, TX 75087

CHUNG WON S & HYE Y  
850 HIGH COTTON LN  
ROCKWALL, TX 75087

MEYER LANEY AND RANDAL  
853 HIGH COTTON LANE  
ROCKWALL, TX 75087

LAIN JACOB & SARAH  
856 HIGH COTTON LANE  
ROCKWALL, TX 75087

CLEMENT MICHAEL BRENT  
859 HIGH COTTON LANE  
ROCKWALL, TX 75087

COTTI MICHAEL A  
862 HIGH COTTON LANE  
ROCKWALL, TX 75087

RESIDENT  
865 HIGH COTTON LN  
ROCKWALL, TX 75087

MCKNIGHT SCOTT A & KAY A  
871 HIGH COTTON LN  
ROCKWALL, TX 75087

MCKINNEY ROBERT A & JENNIFER J  
877 HIGH COTTON LN  
ROCKWALL, TX 75087

RESIDENT  
901 WILLIAMS ST  
ROCKWALL, TX 75087

TATE NATHAN A AND LAURA S AND  
DARLENE SINGLETON  
928 WILLIAMS ST  
ROCKWALL, TX 75087

SINGLETON ROY LEE SR & LINDA D  
930 WILLIAMS ST  
ROCKWALL, TX 75087

CANTRELL JANET SUE  
932 WILLIAMS ST  
ROCKWALL, TX 75087

SAKOLEVIDIS DESTINY AND JOHN COOK JR  
934 WILLIAMS ST  
ROCKWALL, TX 75087

RESIDENT  
936 WILLIAMS ST  
ROCKWALL, TX 75087

SANCHEZ RAQUEL  
938 WILLIAMS STREET  
ROCKWALL, TX 75087

SPILLMAN JAMES T  
940 WILLIAMS ST  
ROCKWALL, TX 75087

HILL HEATH D & JENNIFER S  
974 STARLIGHT PL  
ROCKWALL, TX 75087

SHARP MARCUS & STELLA  
980 STARLIGHT PL  
ROCKWALL, TX 75087

RESIDENT  
983 STARLIGHT PL  
ROCKWALL, TX 75087

KEIFER R MATTHEW & KRISTEN C  
986 STARLIGHT PL  
ROCKWALL, TX 75087

RESIDENT  
991 STARLIGHT PL  
ROCKWALL, TX 75087

POMROY SHAWN AND PATRICIA  
992 STARLIGHT PL  
ROCKWALL, TX 75087

GRANBERRY EDITH  
M/R  
, TX 75087

CARUTH RIDGE EST HOMEOWNERS ASSOC INC  
C/O GOODWIN MANAGEMENT, INC.  
PO BOX 203310  
AUSTIN, TX 78720

ROCKWALL ASSEMBLY OF GOD  
C/O DAVID SPIEGEL  
PO BOX 33  
ROCKWALL, TX 75087

# PUBLIC NOTICE



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

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

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

**Z2023-036: SUP for a Carport**

Hold a public hearing to discuss and consider a request by Richard Expo on behalf of Ryszard Waszczuk for the approval of a Specific Use Permit (SUP) for a Carport that does not meet the minimum requirements on an 0.3492-acre parcel of land identified as Lot 7, Block A, Solar Village Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 820 E. Heath Street, and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on Tuesday, August 15, 2023 at 6:00 PM, and the City Council will hold a public hearing on Monday, August 21, 2023 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

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

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

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

Your comments must be received by Monday, August 21, 2023 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

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



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

PLEASE RETURN THE BELOW FORM

**Case No. Z2023-036: SUP for a Carport**

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

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Director of Planning & Zoning



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**Case No. Z2023-036: SUP for a Carport**

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.

*This Village is placed in a terrible location. It is already crowded + congested at Hwy 66 + Heath St., & will block views even more with carports added. It is + is congested already. They are right behind our home!*

Name: *John + Jeanne Adams*

Address: *1005 High Cotton Lane, Rockwall TX 75087*

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

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Sincerely,

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

USE THIS QR CODE  
TO GO DIRECTLY  
TO THE WEBSITE



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

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

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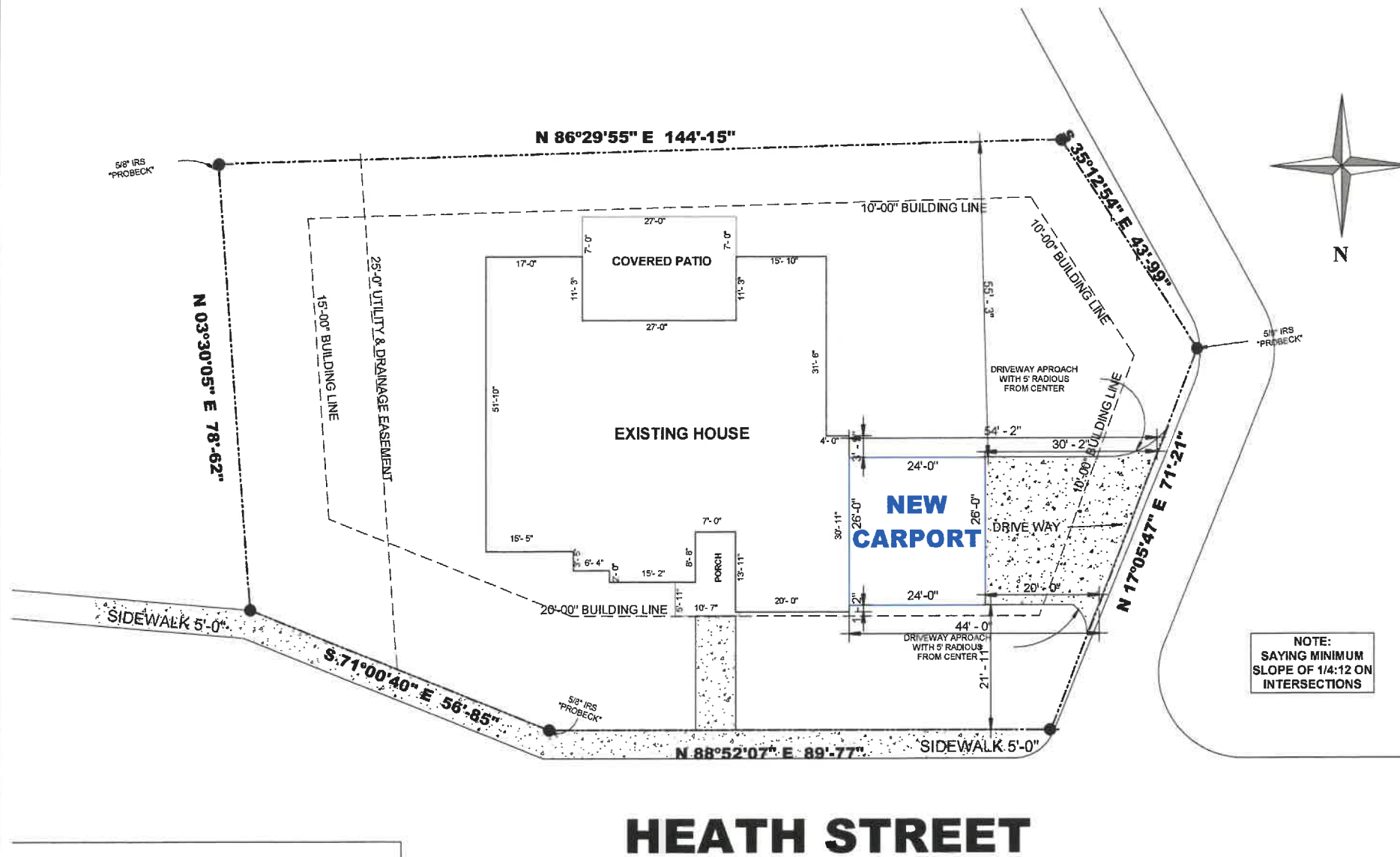
I am opposed to the request for the reasons listed below.

the area is already to crowded  
and town zoned it for a reason

Name: Patricia Penroy  
Address: 972 Starlight PL 75087

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

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



VICINITY MAP

820 E HEATH ST  
ROCKWALL, TX 75087

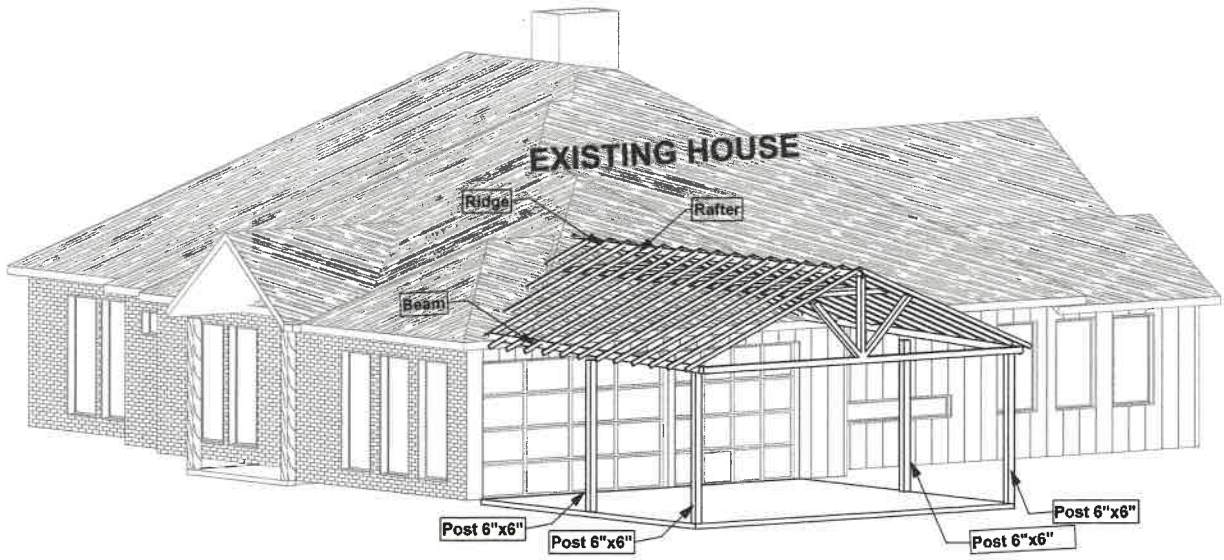
EXISTING HOUSE	3,681.5 SG/FT
NEW CARPORT	624 SG/FT
TOTAL NEW CONSTRUCTION	624 SG/FT
LOT AREA	0.3492 ACRES

NOTE:  
SAYING MINIMUM  
SLOPE OF 1/4:12 ON  
INTERSECTIONS

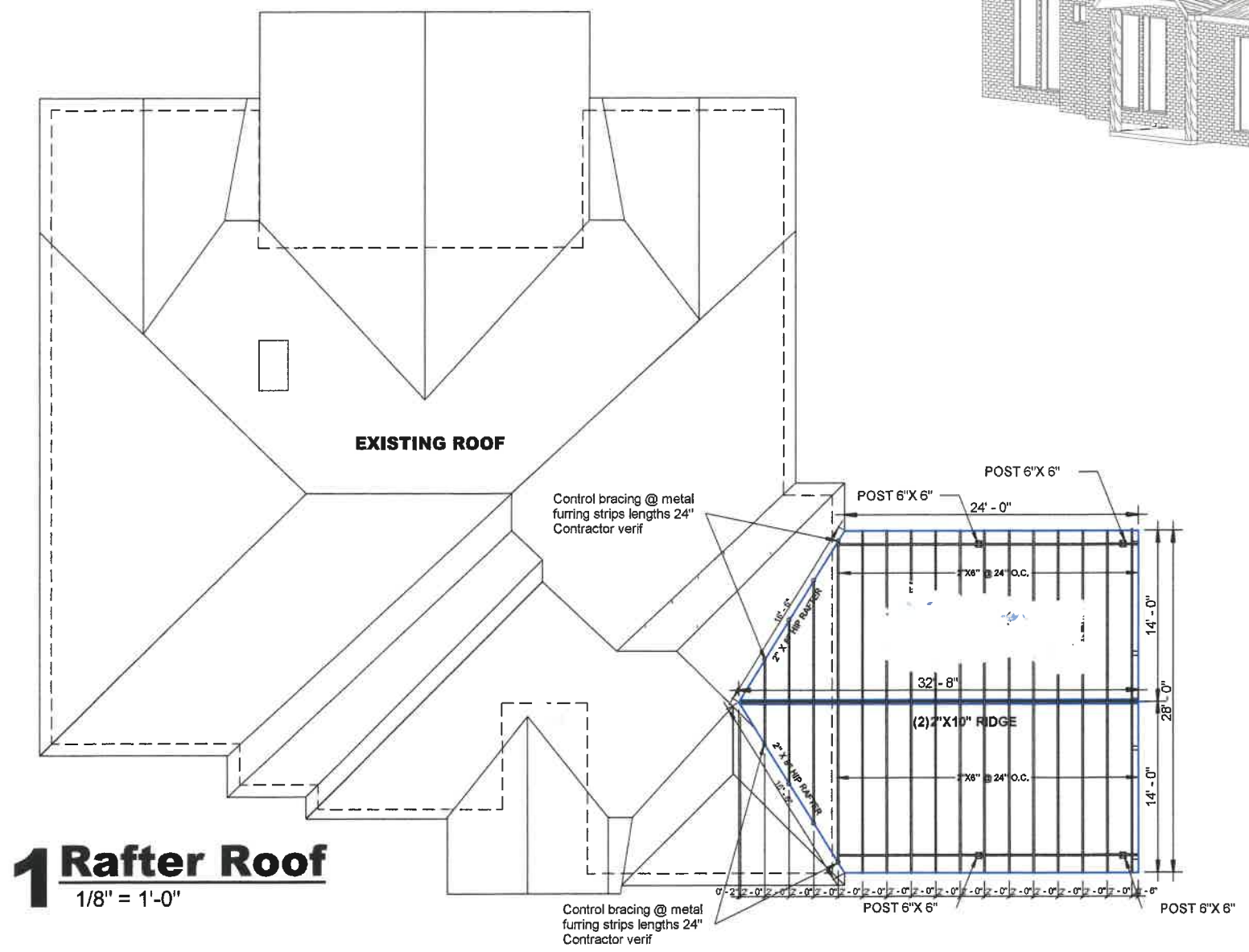
**1 Site Plan**  
1/16" = 1'-0"

**HEATH STREET**

	<p>THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION NECESSARY TO SUBSTANTIALLY BUILD THE STRUCTURE. THESE PLANS MUST BE REVISIONS AND CHECKED BY THE BUILDER, HOMEOWNER, AND ALL CONTRACTORS OF THE JOB PRIOR TO CONSTRUCTION. BUILDER SHOULD OBTAIN COMPLETE ENGINEERING SERVICES, PERMITS, AND STRUCTURAL BEFORE BEGINNING CONSTRUCTION OF ANY WORK. NOTE: ALL FEDERAL, STATE, AND LOCAL CODES AND RESTRICTIONS TAKE PRECEDENCE OVER ANY PART OF THESE PLANS.</p> <p>GREAT CARE AND EFFORT HAVE GONE INTO THE CREATION OF THESE BLUEPRINTS. HOWEVER, BECAUSE OF THE VARIANCE IN GEOGRAPHIC LOCATIONS, WE WILL NOT ASSUME LIABILITY FOR ANY DAMAGES DUE TO ERRORS, OMISSIONS, OR REVISIONS ON THESE PLANS. OWNER/BUILDER MUST COMPLY WITH LOCAL BUILDING CODES PRIOR TO COMMENCEMENT OF CONSTRUCTION. THE PURCHASE OF THESE PLANS ENTITLES THE BUYER TO CONSTRUCT THIS HOUSE ONLY ONCE. ANY COPIES, TRACES, OR ALTERATIONS OF THESE PLANS IS NOT PERMITTED. VIOLATORS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS.</p>	<p><b>Project Name &amp; Address</b> 820 E HEATH ST ROCKWALL, TX 75087</p>		<p><b>SITE PLAN</b></p>		<p><b>1</b></p>
		<p><b>Legal Description</b> LOT 7</p>		<p>Project number:</p>		
				<p>Date: 6/23/2023 Scale 1/16" = 1'-0"</p>		
				<p>Drawn by: Projects &amp; Construction Araque</p>		



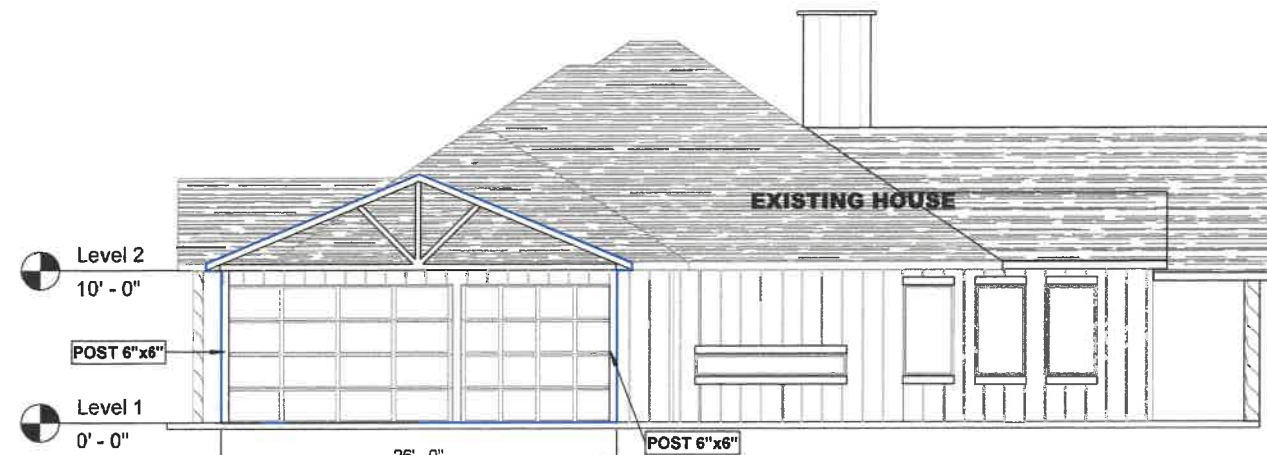
## 2 Framing Carport



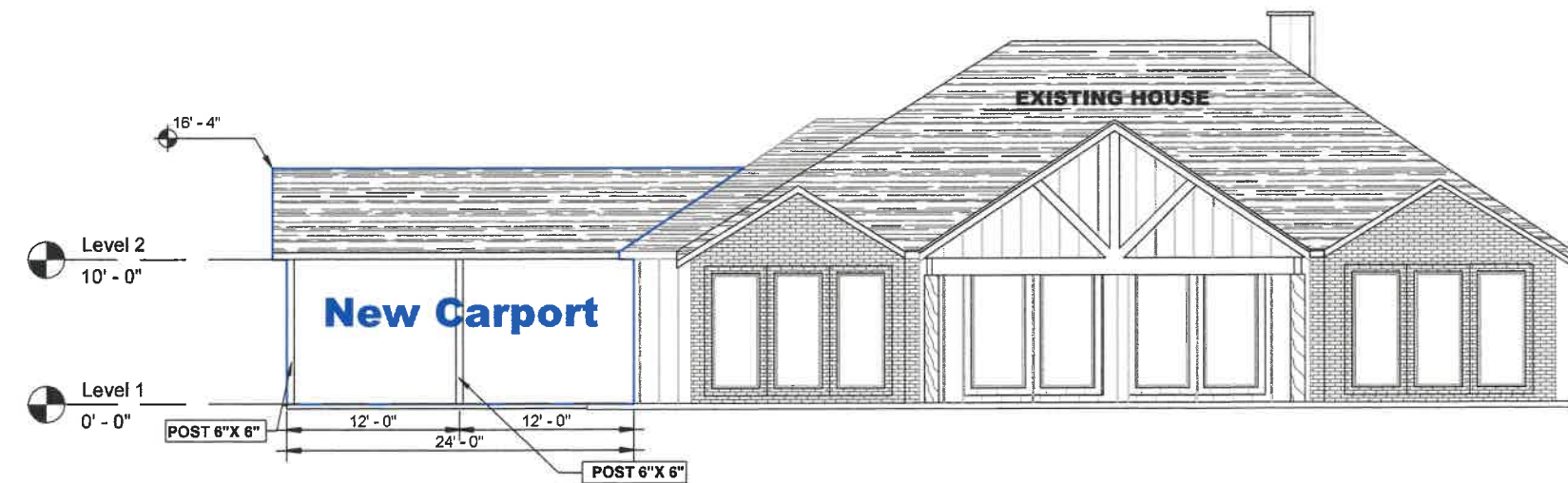
## 1 Rafter Roof

1/8" = 1'-0"

	<small>THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION NECESSARY TO SUBSTANTIALLY BUILD THE STRUCTURE. THESE PLANS MUST BE REVIEWED AND CHECKED BY THE DESIGN PROFESSIONAL AND ALL CONTRACTORS OF THIS JOB PRIOR TO CONSTRUCTION. BUILDER SHOULD OBTAIN COMPLETE ENGINEERING SERVICES, PERMITS AND STRUCTURAL BEFORE BEGINNING CONSTRUCTION OF ANY WORK. NOTE: ALL FEDERAL, STATE, AND LOCAL CODES AND RESTRICTIONS TAKE PRECEDENCE OVER ANY PART OF THESE PLANS.</small> <small>GREAT CARE AND EFFORT HAVE GONE INTO THE CREATION OF THESE BLUEPRINTS. HOWEVER, BECAUSE OF THE VARIANCES IN SURROUNDING LOCATIONS, I WILL NOT ASSUME LIABILITY FOR ANY CHANGES DUE TO ERRORS, OMISSIONS, OR REVISIONS OF THESE PLANS. OWNER/BUILDER MUST COMPLY WITH LOCAL BUILDING CODES PRIOR TO COMMENCEMENT OF CONSTRUCTION. THE PURCHASE OF THESE PLANS ENTITLES THE BUYER TO CONSTRUCT THE HOUSE ONLY ONCE. ANY CORRECTIONS, REVISIONS, OR ALTERING OF THESE PLANS IS NOT PERMITTED. VIOLATIONS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS.</small>	<b>Project Name &amp; Address</b> 820 E HEATH ST ROCKWALL, TX 75087		<b>RAFTER ROOF</b>		<h1>4</h1>
		<b>Legal Description</b> LOT 7		Project number:		
				Date: 6/23/2023    Scale: 1/8" = 1'-0"		
				Drawn by: Projects & Construction Araque		



**1 Front Elevation**  
1/8" = 1'-0"



**2 Right Elevation**  
1/8" = 1'-0"



**3 Left Elevation**  
1/8" = 1'-0"



THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION NECESSARY TO SUBSTANTIALLY BUILD THIS STRUCTURE. THESE PLANS MUST BE VERIFIED AND CHECKED BY THE BUILDER, HOMEOWNER, AND ALL CONTRACTORS OF THIS JOB PRIOR TO CONSTRUCTION. BUILDER SHOULD OBTAIN COMPLETE ENGINEERING SERVICES, FOUND AND STRUCTURAL, BEFORE BEGINNING CONSTRUCTION OF ANY FOOTING. NOTE ALL FEDERAL, STATE, AND LOCAL CODES AND RESTRICTIONS TAKE PRECEDENCE OVER ANY PART OF THESE PLANS.

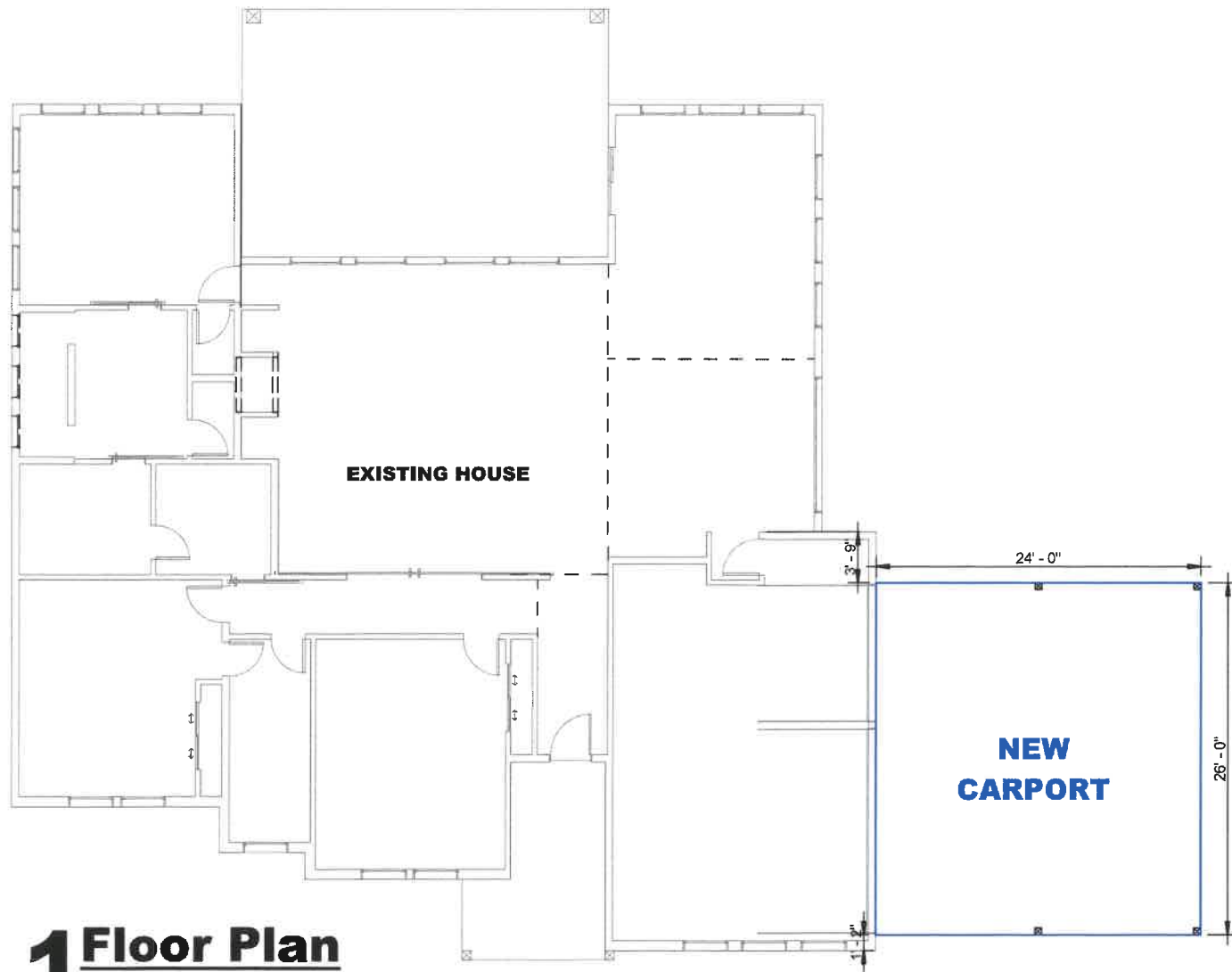
GREAT CARE AND EFFORT HAVE GONE INTO THE CREATION OF THESE BLUEPRINTS. HOWEVER, BECAUSE OF THE VARIANCE IN GEOGRAPHIC LOCATIONS, WE WILL NOT ASSUME LIABILITY FOR ANY DAMAGES DUE TO ERRORS, OMISSIONS, OR DEFICIENCIES ON THESE PLANS. OWNER/BUILDER MUST COMPLY WITH LOCAL BUILDING CODES PRIOR TO COMMENCEMENT OF CONSTRUCTION. THE PURCHASE OF THESE PLANS ENTITLES THE BUYER TO CONSTRUCT THIS HOUSE ONLY ONCE. ANY COPYING, TRADING, OR ALTERING OF THESE PLANS IS NOT PERMITTED. VIOLATORS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS.

**Project Name & Address**  
820 E HEATH ST  
ROCKWALL, TX 75087

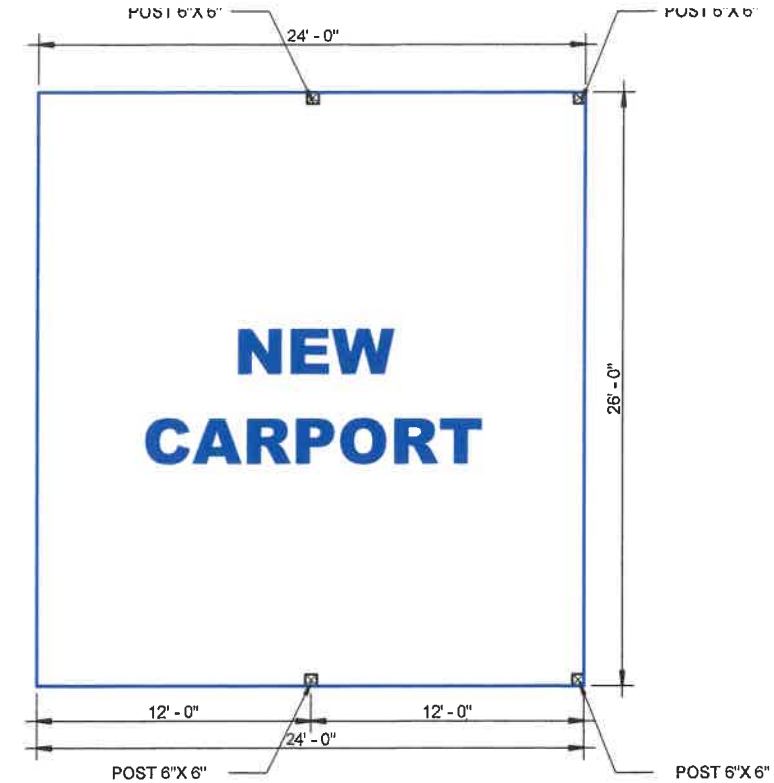
**Legal Description**  
LOT 7

ELEVATIONS	
Project number:	
Date: 6/23/2023	Scale 1/8" = 1'-0"
Drawn by: Projects & Construction Araque	

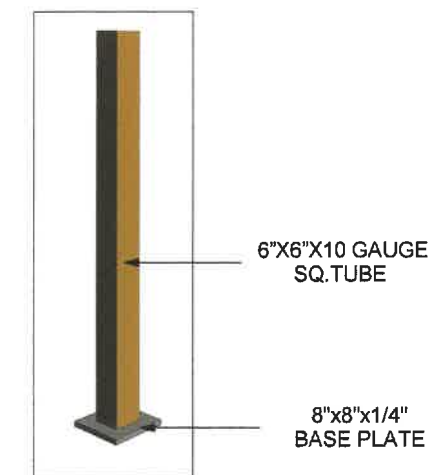
**5**



**1 Floor Plan**  
1/8" = 1'-0"



**2 Top View Post**  
3/16" = 1'-0"



**3 Detail Post**



THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION NECESSARY TO SUBSTANTIALLY BUILD THIS STRUCTURE. THESE PLANS MUST BE VERIFIED AND CHECKED BY THE BUILDER, HOMEOWNER, AND ALL CONTRACTORS OF THIS JOB PRIOR TO CONSTRUCTION. BUILDER SHOULD OBTAIN COMPLETE ENGINEERING SERVICES, PERMITS, AND STRUCTURAL BEFORE BEGINNING CONSTRUCTION OF ANY JOB. NOTE: ALL FEDERAL, STATE, AND LOCAL CODES AND RESTRICTIONS TAKE PRECEDENCE OVER ANY PART OF THESE PLANS.

GREAT CARE AND EFFORT HAVE GONE INTO THE CREATION OF THESE BLUEPRINTS. HOWEVER, BECAUSE OF THE VARIANCE IN GEOGRAPHIC LOCATIONS, WE WILL NOT ASSUME LIABILITY FOR ANY DAMAGES DUE TO ERRORS, OMISSIONS, OR DEFICIENCIES ON THESE PLANS. OWNER/BUILDER MUST COMPLY WITH LOCAL BUILDING CODES PRIOR TO COMMENCEMENT OF CONSTRUCTION. THE PURCHASE OF THESE PLANS ENTITLES THE BUYER TO CONSTRUCT THIS HOUSE ONLY ONCE. ANY COPYING, TRACING, OR ALTERING OF THESE PLANS IS NOT PERMITTED. VIOLATORS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS.

**Project Name & Address**

820 E HEATH ST  
ROCKWALL, TX 75087

**Legal Description**

LOT 7

**FLOOR PLAN**

Project number:

Date:

6/23/2023

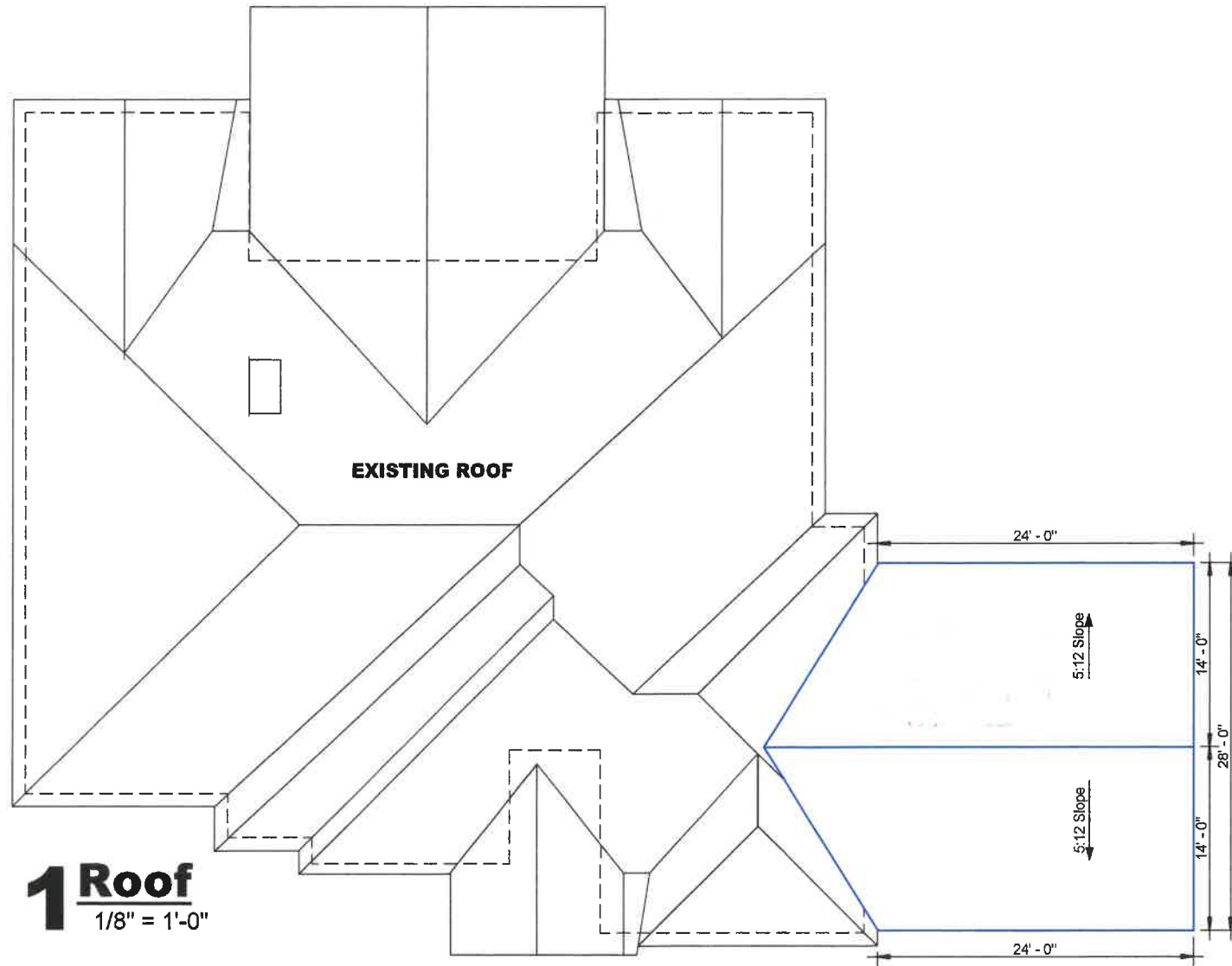
Scale

As indicated

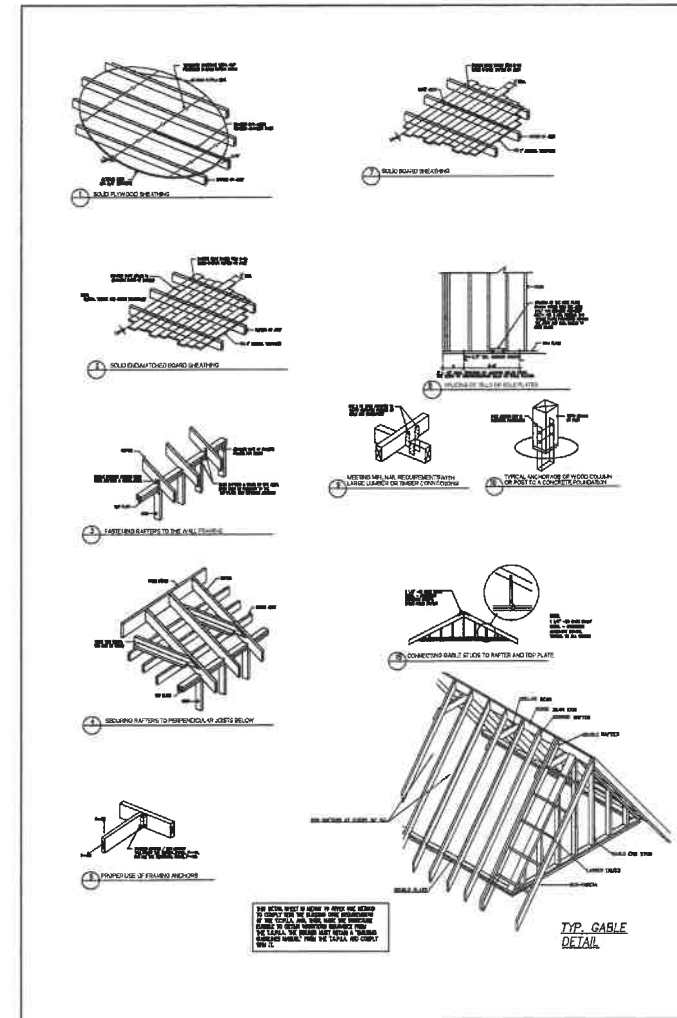
Drawn by: Projects & Construction Araque

2





**FRAMING NOTES**



THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION NECESSARY TO SUBSTANTIALLY BUILD THIS STRUCTURE. THESE PLANS MUST BE REVIEWED AND CHECKED BY THE BUILDER, HOMEOWNER, AND ALL CONTRACTORS OF THIS JOB PRIOR TO CONSTRUCTION. BUILDER SHOULD OBTAIN COMPLETE ENGINEERING SERVICES, PERMITS, AND STRUCTURAL BEFORE BEGINNING CONSTRUCTION OF ANY WORK. NOTE: ALL FEDERAL, STATE, AND LOCAL CODES AND RESTRICTIONS TAKE PRECEDENCE OVER ANY PART OF THESE PLANS.

GREAT CARE AND EFFORT HAVE GONE INTO THE CREATION OF THESE BLUEPRINTS. HOWEVER, BECAUSE OF THE VARIANCE IN GEOGRAPHIC LOCATIONS, WE WILL NOT ASSUME LIABILITY FOR ANY DAMAGES DUE TO ERRORS, OMISSIONS, OR DEPENDENCIES ON THESE PLANS. OWNER/BUILDER MUST COMPLY WITH LOCAL BUILDING CODES PRIOR TO COMMENCEMENT OF CONSTRUCTION. THE PURCHASE OF THESE PLANS ENTERS THE BUYER TO CONSTRUCT THIS HOUSE ONLY ONCE. ANY OPTIMAL TWEAKS OR ALTERATIONS TO THESE PLANS IS NOT PERMITTED. VIOLATORS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS.

**Project Name & Address**  
820 E HEATH ST  
ROCKWALL, TX 75087

**Legal Description**  
LOT 7

**ROOF**

Project number: \_\_\_\_\_

Date: 6/23/2023 Scale As indicated

Drawn by: Projects & Construction Araque

**3**

CITY OF ROCKWALL

ORDINANCE NO. 23-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR A CARPORT THAT DOES NOT MEET THE MINIMUM REQUIREMENTS ON AN 0.3492-ACRE PARCEL OF LAND IDENTIFIED AS LOT 7, BLOCK A, SOLAR VILLAGE ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED AND DEPICTED IN EXHIBIT 'A' AND EXHIBIT 'B' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City has received a request from Richard Expo on behalf of Ryszard Waszczuk for the approval of a Specific Use Permit (SUP) for a *Carport* that does not meet the minimum requirements on an 0.3492-acre parcel of land identified as Lot 7, Block A, Solar Village Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 820 E. Heath Street, and more fully described and depicted in *Exhibit 'A'* and *Exhibit 'B'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

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

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

**SECTION 1.** That the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall, Texas, as heretofore amended, be and the same are hereby amended so as to grant a Specific Use Permit allowing for the establishment of a *Carport* that does not meet the minimum size or setback requirements for a carport in a Single Family 7 (SF-7) District as stipulated by, *Article 04, Permissible Uses*, and *Article V, District Development Standards*, of the Unified Development Code [*Ordinance No. 04-38*] on the *Subject Property*; and

**SECTION 2.** That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 03.01, *General Residential District Standards*, and Subsection 03.09, *Single-Family 7 (SF-7) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] -- as heretofore amended and may be amended in the future -- and with the following conditions:

## 2.1 OPERATIONAL CONDITIONS

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

- (1) The carport shall maintain conformance to the approved site plan and building elevations depicted in *Exhibits 'A' & 'B'* of this ordinance.
- (2) The carport shall not exceed a maximum size of 625 SF.
- (3) The carport shall not exceed a maximum overall height of 17-feet.
- (4) The carport is subject to administrative review in the event that the *Subject Property* is sold, conveyed or altered in any manner.

## 2.2. COMPLIANCE

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

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

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

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

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

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

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

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

\_\_\_\_\_  
Trace Johannessen, *Mayor*

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

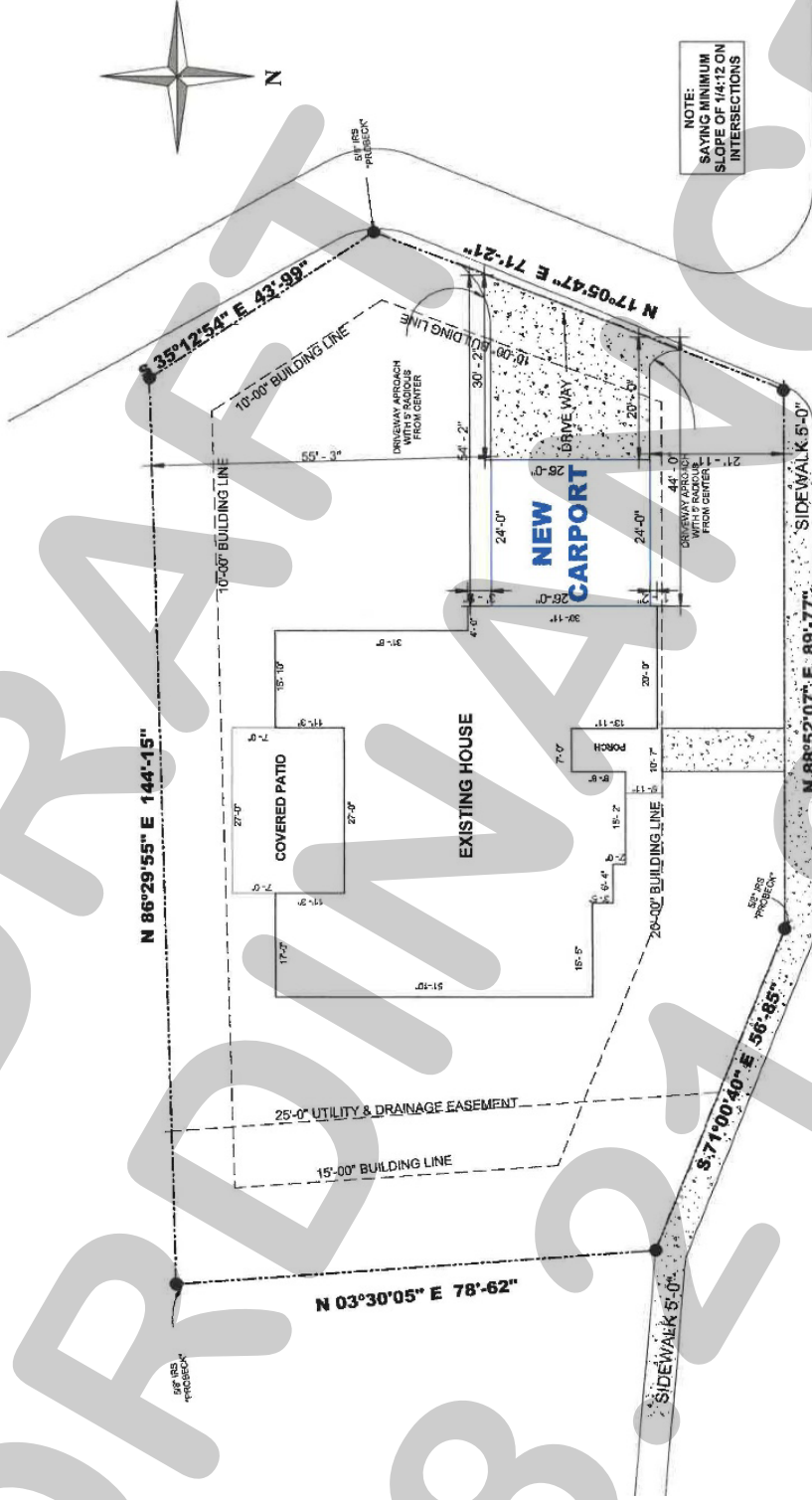
1<sup>st</sup> Reading: August 21, 2023

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

DRAFT  
ORDINANCE  
08.21.2023



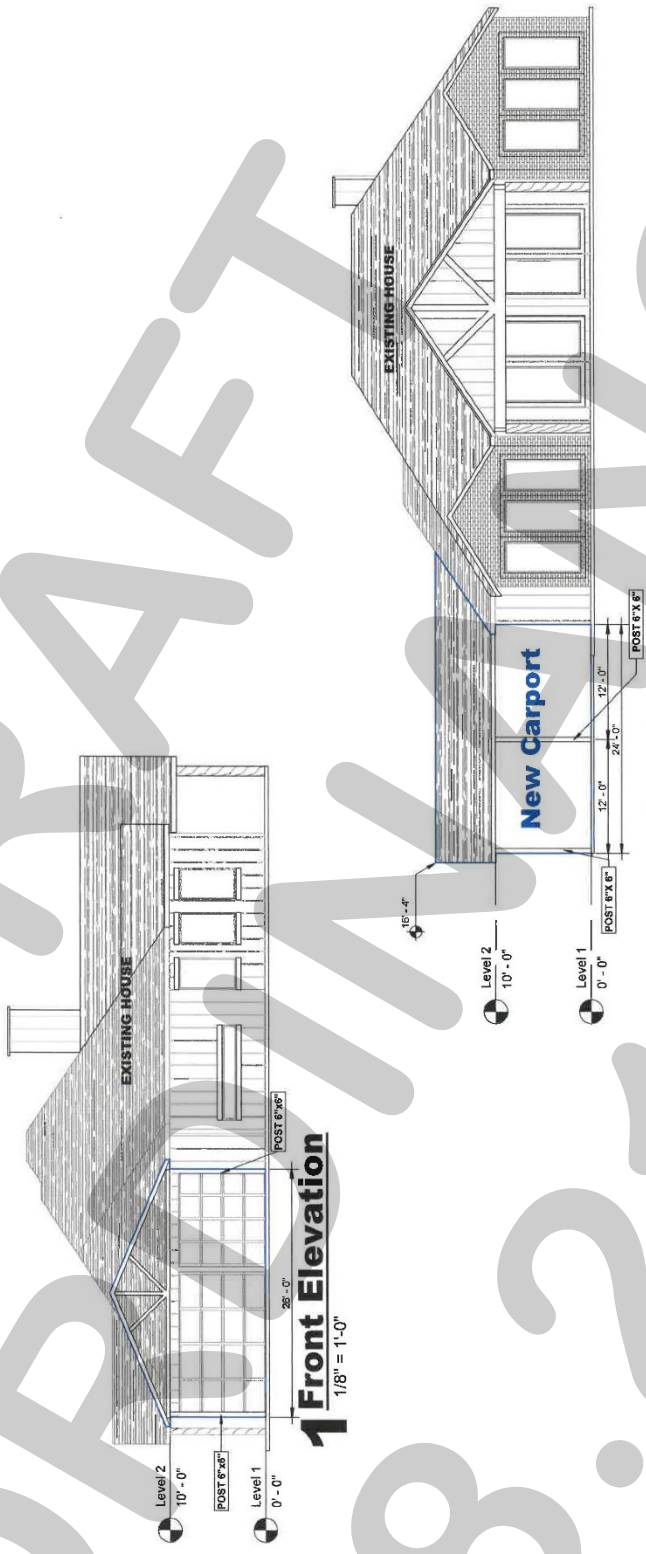
NOTE:  
SAVING MINIMUM  
SLOPES OF 1/412 ON  
INTERSECTIONS



HEATH STREET

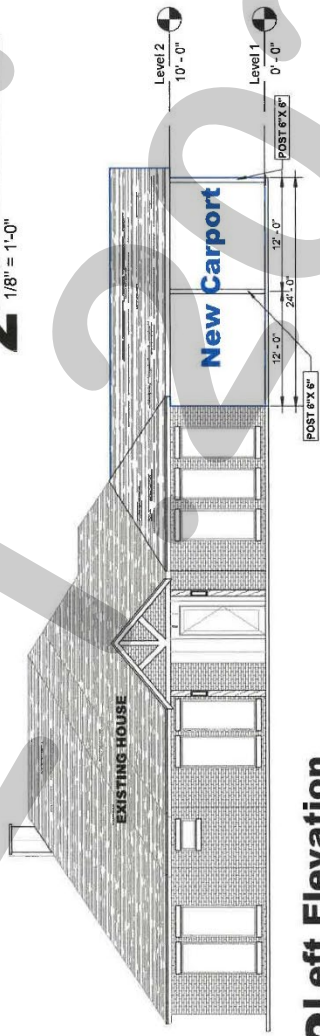
**1 Site Plan**  
1/16" = 1'-0"

DRAFT 08.27.23 INVOICE



**1 Front Elevation**  
1/8" = 1'-0"

**2 Right Elevation**  
1/8" = 1'-0"



**3 Left Elevation**  
1/8" = 1'-0"



## MEMORANDUM

---

**TO:** Mary Smith, City Manager

**CC:** Honorable Mayor and City Council

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

**DATE:** August 21, 2023

**SUBJECT:** Z2023-037; SPECIFIC USE PERMIT (SUP) FOR AN ACCESSORY BUILDING AT 1796 MYSTIC STREET

---

### Attachments

Case Memo  
Development Application  
Location Map  
HOA Notification Map  
Neighborhood Notification Email  
Property Owner Notification Map  
Property Owner Notification List  
Public Notice  
Site Plan  
Draft Ordinance

### Summary/Background Information

Hold a public hearing to discuss and consider a request by James and Mary Blocker for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for an *Accessory Building* on a 0.1199-acre parcel of land identified as Lot 8, Block A, Newport Place Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 19 (PD-19), addressed as 1796 Mystic Street, and take any action necessary (**1st Reading**).

### Action Needed

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



# CITY OF ROCKWALL

## CITY COUNCIL CASE MEMO

### PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

---

**TO:** Mayor and City Council  
**DATE:** August 21, 2023  
**APPLICANT:** James and Mary Blocker  
**CASE NUMBER:** Z2023-037; *Specific Use Permit (SUP) for an Accessory Building at 1796 Mystic Street*

---

### SUMMARY

Hold a public hearing to discuss and consider a request by James and Mary Blocker for the approval of a Specific Use Permit (SUP) for an *Accessory Building* on a 0.1199-acre parcel of land identified as Lot 8, Block A, Newport Place Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 19 (PD-19), addressed as 1796 Mystic Street, and take any action necessary.

### BACKGROUND

The subject property was annexed into the City of Rockwall circa 1982. The subject property was zoned Agricultural (AG) District at the time of annexation. On August 2, 1982, the subject property was re Planned Development District 19 (PD-19), and has remained zoned Planned Development District (PD-19). On July 20, 1987, Planned Development District 19 (PD-19) was amended changing the subject property to allow zero-lot-line homes. On June 26, 1996, a final plat [Case No. Z1996-099-01] for the Newport Place Subdivision was filed with Rockwall County. This established the subject property as Lot 8, Block A, Newport Place Addition. According to the Rockwall County Appraisal District (RCAD) currently situated on the subject property is a 2,705 SF single-family home that was constructed in 1997 and a 120 SF storage building that was constructed in 2007.

### PURPOSE

The applicants -- *James and Mary Blocker* -- are requesting the approval of a Specific Use Permit (SUP) to allow for the construction of an *Accessory Structure* that exceeds the overall maximum allowable square footage as stipulated by Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC).

### ADJACENT LAND USES AND ACCESS

The subject property is addressed as 1796 Mystic Street. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property are several residential lots with single-family homes that are part of the Lago Vista Subdivision, and are zoned Planned Development District 18 (PD-18). Beyond this is a portion of the Moton Subdivision, which consists of 37 lots and has been in existence since December 7, 1966. All of these properties are zoned Planned Development District 32 (PD-32). North of this is Summer Lee Drive, which is identified as a *Minor Collector* on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

South: Directly south of the subject property are several single-family homes, which are part of the Newport Place Subdivision. The properties are zoned Planned Development District 19 (PD-19) for zero-lot-line homes. South of these lots is Summer Lee Drive, which is identified as a *Minor Collector* on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is Phase 20 of the Chandlers Landing Subdivision, which consists of 63 residential lots and has been in existence since June 7, 1985. These properties are zoned Planned Development District 8 (PD-8).



East: Directly east of the subject property are several single-family homes, which are part of the Lago Vista Subdivision. These properties are zoned Planned Development District 18 (PD-18). Beyond this is Chaparral Lane, which is classified as a R2 (i.e. residential, two [2] lane, undivided roadway) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. East of this is a 4.1527-acre parcel of land that consists of the Brookdale Summer Ridge Assisted Living Center [i.e. Lot 1, Block A, Rockwall Assisted Living Addition].

West: Directly west of the subject property are several single-family homes, which are part of the Lago Vista Subdivision. These properties are zoned Planned Development District 18 (PD-18). Beyond this is Summer Lee Drive, which is identified as a *Minor Collector* on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. West of this is The Harbor Rockwall Addition, which is zoned Planned Development District 32 (PD-32).

## **CHARACTERISTICS OF THE REQUEST**

The applicant has submitted a development application, site plan, and building elevations proposing to construct a ten (10) foot by 12-foot (or 120 SF) accessory building on the subject property. The proposed accessory building will be clad in a composite panel, anchored to a concrete foundation, and will stand less than ten (10) feet in height as measured to the mid-point of the pitched roof. The proposed structure will be situated in the rear yard and be a minimum of three (3) feet from the rear yard and five (5) feet from the side yard property lines.

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

According to Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC), Planned Development District 19 (PD-19) allows a total of one (1) accessory structure. The maximum square footage of an accessory building is 100 SF. Accessory structures are limited to a maximum height of 10-feet. The setbacks for an accessory structure in Planned Development District 19 (PD-19) are three (3) feet from the rear property line and three (3) feet from the side-yard property line. Accessory structures are also required to have a minimum of six (6) feet of separation from any other building or structure. This section of the code goes on to state, "(a)ccessory buildings and structures shall be architecturally compatible with the primary structure, and be situated behind the front façade of the primary structure ... [and] (a)ccessory buildings and structures not meeting the size requirements stipulated by this section shall require a Specific Use Permit (SUP)." Staff should point out that the applicant has indicated that there is an existing accessory structure on the property that will be removed and replaced with the proposed accessory building.

## **STAFF ANALYSIS**

In this case, the applicant's request generally conforms to the height requirements for an accessory building; however, the accessory structure *does not* adhere to the maximum allowable size for an accessory structure in Planned Development District 19 (PD-19). Specifically, the accessory structure will exceed the permitted 100 SF by 20 SF. Staff should point out that the property is located on a zero-lot line property, which is why the maximum allowable size for an accessory structure is limited 100 SF. Normally, the maximum allowable size for an accessory structure is 144 SF, which is 24 SF over the applicant's request. With the exception of the size, the proposed accessory structure meets all of the setback requirements for an accessory structure in Planned Development District 19 (PD-19). Based on the proposed size and location of the accessory building, staff should point out that this structure will have very limited visibility from the adjacent properties and no visibility from adjacent public rights-of-way. In addition, the applicant will be replacing the existing accessory structure, which is the same size as the proposed accessory structure; however, the approval of a Specific Use Permit (SUP) request is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission.

## **NOTIFICATIONS**

On July 21, 2023, staff mailed 141 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Lago Vista, Water's Edge Lake Ray Hubbard, Signal Ridge, and Chandler's Landing Homeowner's Associations (HOAs) which were the only Homeowner's Associations (HOAs) within the 1,500-foot buffer participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall

Herald Banner as required by the Unified Development Code (UDC). At the time this report was drafted, staff had not received any notices back in regards to the request.

### **CONDITIONS OF APPROVAL**

If City Council chooses to approve of the applicant's request for a Specific Use Permit (SUP) for an *Accessory Building*, then staff would propose the following conditions of approval:

- (1) The applicant shall be responsible for maintaining compliance with the operational conditions contained in the Specific Use Permit (SUP) ordinance and which are detailed as follows:
  - (a) The development of the *Subject Property* shall generally conform to the Site Plan as depicted in *Exhibit 'B'* of the Specific Use Permit (SUP) ordinance.
  - (b) The construction of an *Accessory Structure* on the *Subject Property* shall generally conform to the Building Elevations and Accessory Structure Details depicted in *Exhibit 'C'* of the Specific Use Permit (SUP) ordinance.
  - (c) The *Accessory Structure* shall be built on an engineered concrete foundation that will support the weight of the proposed structure.
  - (d) The *Accessory Structure* shall not exceed a maximum building footprint or size of 120 SF.
  - (e) The maximum height of the *Accessory Structure* shall not exceed a maximum of 10-feet as measured from the mid-point of the pitched roof.
  - (f) The *Accessory Structure* shall not be sold or conveyed separately from the single-family home without meeting the requirements of the zoning district and subdivision ordinance.
- (2) Any construction resulting from the approval of this Specific Use Permit (SUP) shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

### **PLANNING AND ZONING COMMISSION**

On August 15, 2023, the Planning and Zoning Commission approved a motion to recommend approval of the Specific Use Permit (SUP) by a vote of 5-0, with Commissioner Hustings absent.



# DEVELOPMENT APPLICATION

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

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

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

**PLATTING APPLICATION FEES:**

MASTER PLAT (\$100.00 + \$15.00 ACRE) <sup>1</sup>

PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) <sup>1</sup>

FINAL PLAT (\$300.00 + \$20.00 ACRE) <sup>1</sup>

REPLAT (\$300.00 + \$20.00 ACRE) <sup>1</sup>

AMENDING OR MINOR PLAT (\$150.00)

PLAT REINSTATEMENT REQUEST (\$100.00)

**SITE PLAN APPLICATION FEES:**

SITE PLAN (\$250.00 + \$20.00 ACRE) <sup>1</sup>

AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN (\$100.00)

**ZONING APPLICATION FEES:**

ZONING CHANGE (\$200.00 + \$15.00 ACRE) <sup>1</sup>

SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) <sup>1 & 2</sup>

PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) <sup>1</sup>

**OTHER APPLICATION FEES:**

TREE REMOVAL (\$75.00)

VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) <sup>2</sup>

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

## PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS 1796 Mystic Street Rockwall Texas 75082

SUBDIVISION Newport place LOT 8 BLOCK A

GENERAL LOCATION \_\_\_\_\_

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

CURRENT ZONING \_\_\_\_\_ CURRENT USE \_\_\_\_\_

PROPOSED ZONING \_\_\_\_\_ PROPOSED USE \_\_\_\_\_

ACREAGE \_\_\_\_\_ LOTS [CURRENT] \_\_\_\_\_ LOTS [PROPOSED] \_\_\_\_\_

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

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

OWNER James + Mary Blocker  APPLICANT \_\_\_\_\_

CONTACT PERSON Mary Blocker CONTACT PERSON \_\_\_\_\_

ADDRESS 1796 Mystic street ADDRESS \_\_\_\_\_

CITY, STATE & ZIP Rockwall, Texas 75082 CITY, STATE & ZIP \_\_\_\_\_

PHONE 469-667-6310 PHONE \_\_\_\_\_

E-MAIL \_\_\_\_\_ E-MAIL \_\_\_\_\_

## NOTARY VERIFICATION [REQUIRED]

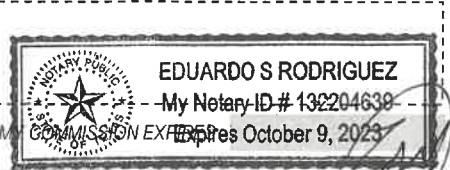
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Mary Blocker [OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:

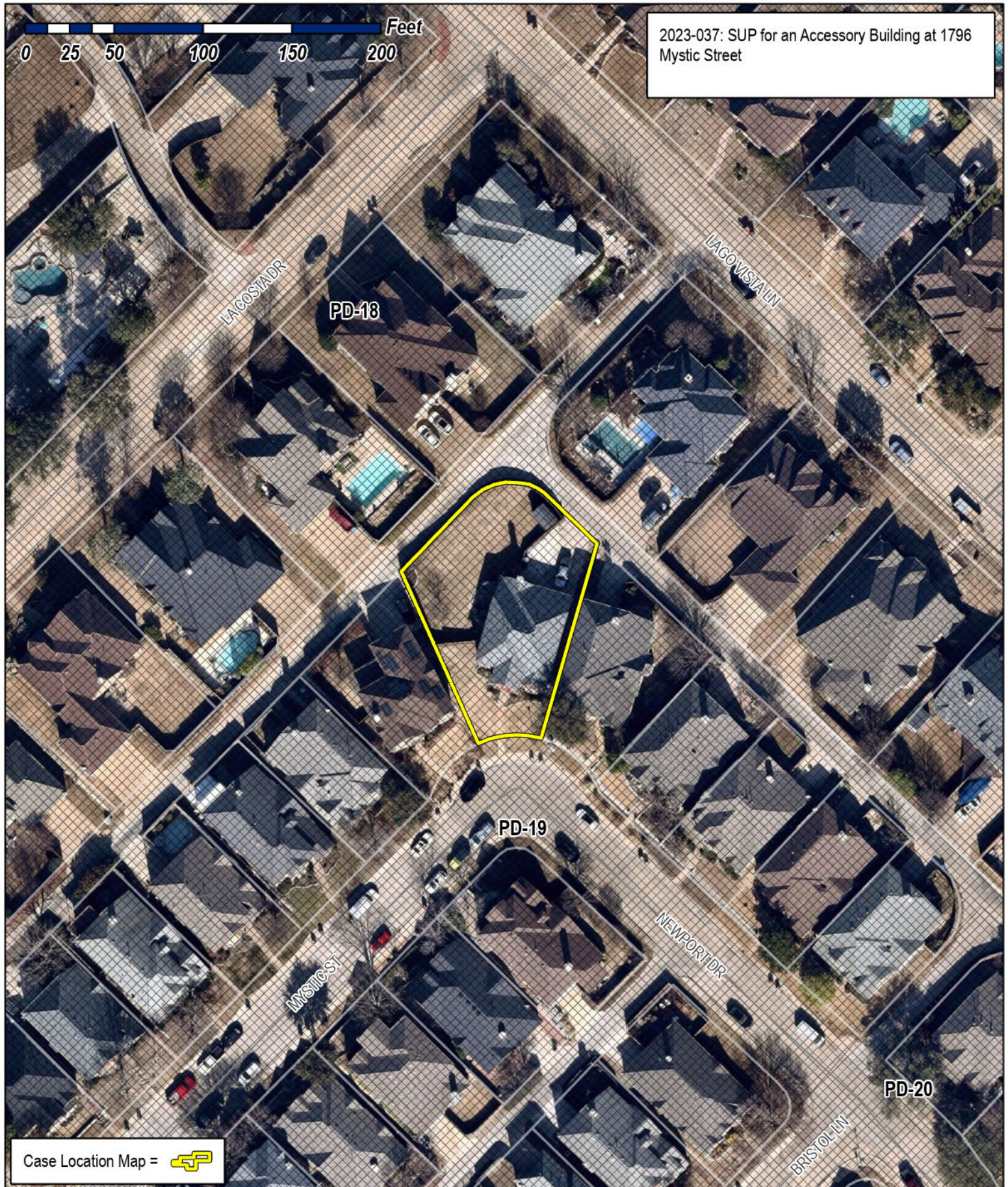
"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ 275.00 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 14<sup>th</sup> DAY OF July 20 23 BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 14<sup>th</sup> DAY OF July 20 2023

OWNER'S SIGNATURE [Signature]

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS





2023-037: SUP for an Accessory Building at 1796  
Mystic Street

Case Location Map = 



# City of Rockwall

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

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

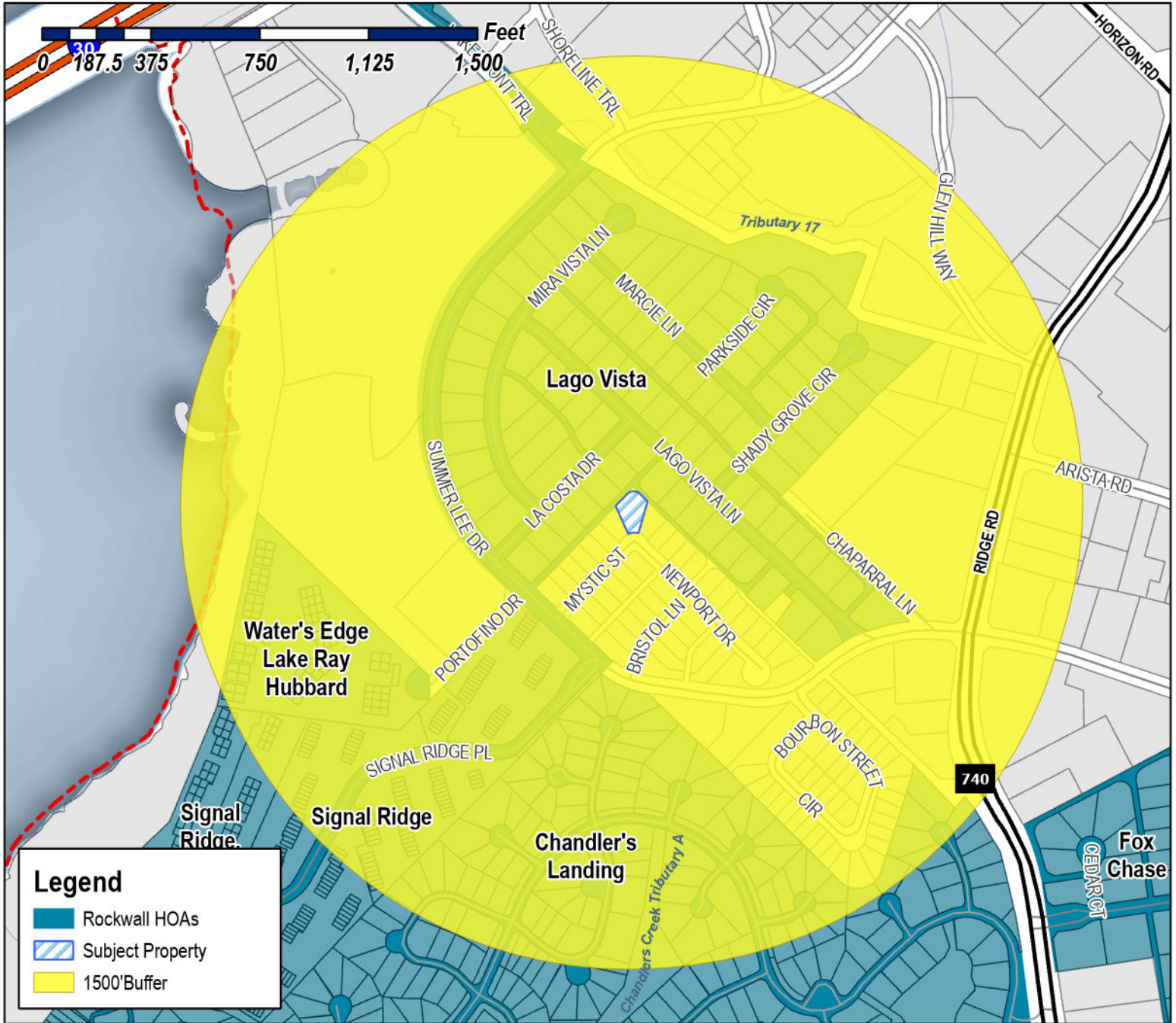




# City of Rockwall

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**Case Number:** Z2023-037  
**Case Name:** SUP for an Accessory Building  
**Case Type:** Zoning  
**Zoning:** Planned Development 9 (PD-9)  
**Case Address:** 1796 Mystic Lane



**Date Saved:** 7/14/2023  
 For Questions on this Case Call (972) 771-7745

**From:** [Zavala, Melanie](#)  
**Cc:** [Miller, Ryan](#); [Ross, Bethany](#); [Lee, Henry](#); [Guevara, Angelica](#)  
**Subject:** Neighborhood Notification Program [Z2023-037]  
**Date:** Wednesday, July 19, 2023 9:04:14 AM  
**Attachments:** [HOA Map \(07.14.2023\).pdf](#)  
[Public Notice \(P&Z\) \(7.17.2023\).pdf](#)

---

HOA/Neighborhood Association Representative:

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

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

-  
Z2023-037: SUP for an Accessory Building

Hold a public hearing to discuss and consider a request by James and Mary Blocker for the approval of a Specific Use Permit (SUP) for an Accessory Building on a 0.1199-acre parcel of land identified as Lot 8, Block A, Newport Place Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 19 (PD-19), addressed as 1796 Mystic Street, and take any action necessary.

-  
Thank you,

*Melanie Zavala*

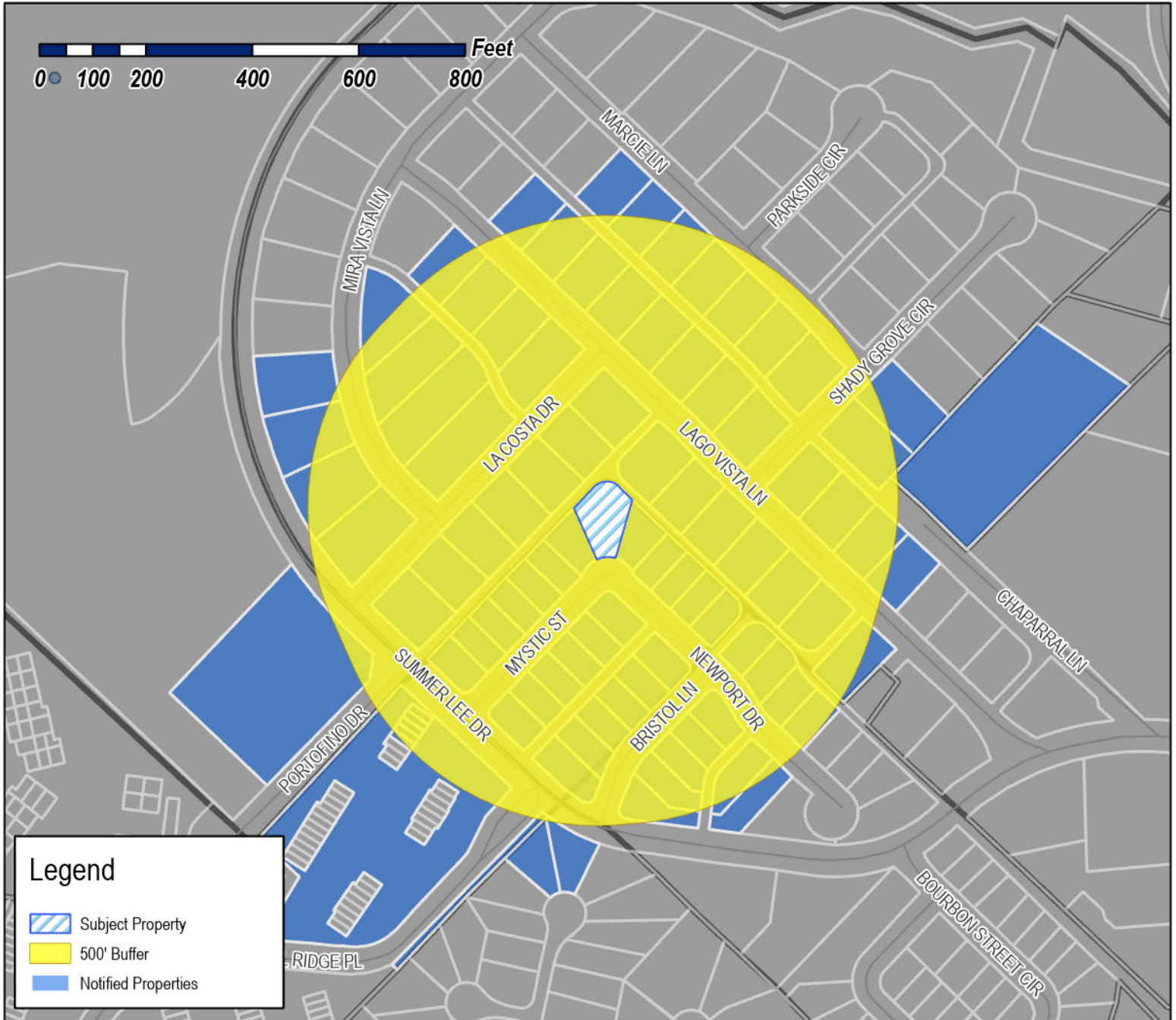
Planning & Zoning Coordinator | Planning Dept. | City of Rockwall  
385 S. Goliad Street | Rockwall, TX 75087  
<http://www.rockwall.com/>  
972-771-7745 Ext. 6568



# City of Rockwall

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

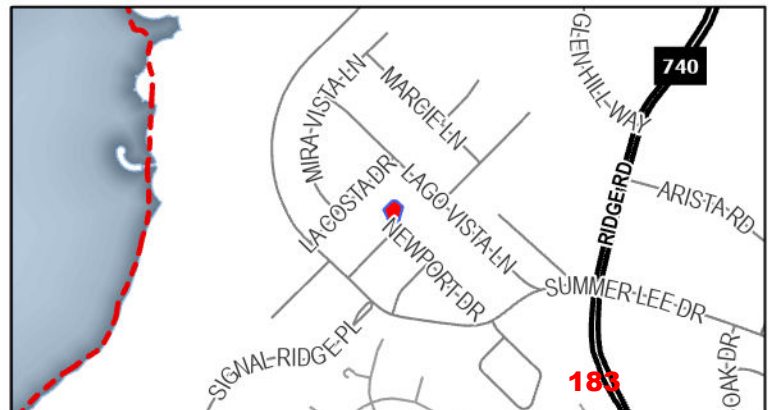
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**Legend**

-  Subject Property
-  500' Buffer
-  Notified Properties

**Case Number:** Z2023-037  
**Case Name:** SUP for an Accessory Building  
**Case Type:** Zoning  
**Zoning:** Planned Development 9 (PD-9)  
**Case Address:** 1796 Mystic Street



**Date Saved:** 7/14/2023

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

BCL REAL ESTATE LLC  
103 GROSS RD  
MESQUITE, TX 75149

NORTEX PROPERTIES INC  
% JOSEPH L ZEHR  
10808 LA CABREAH LN  
FORT WAYNE, IN 46845

CASTRO CRISTINA  
113 MAYFLOWER CT  
ROCKWALL, TX 75032

JURCA JACOB S AND JACLYN J  
115 MAYFLOWER CT  
ROCKWALL, TX 75032

HPA BORROWER 2016-1 LLC  
120 S RIVERSIDE PLZ SUITE 2000  
CHICAGO, IL 60606

NALBANDIAN SASSOUN  
12335 MCLENNAN AVENUE  
GRANADA HILLS, CA 91344

ABOUD LOUIE BRYAN AND REBEKAH E  
1543 SHADY GROVE CIR  
ROCKWALL, TX 75032

BLENK KENNETH W & LAURA E  
1553 SHADY GROVE CIR  
ROCKWALL, TX 75032

RIKE RHONDA D & GARY R  
1773 LA COSTA DR  
ROCKWALL, TX 75032

AMIN MOHAMMAD N & SAJIDA  
1781 LA COSTA DR  
ROCKWALL, TX 75032

VANG DEBBIE AND YEE  
1791 LA COSTA DR  
ROCKWALL, TX 75032

BLOCKER JAMES ROBERT & MARY KATHERINE  
TRUSTEES  
JAMES & MARY BLOCKER FAMILY TRUST  
1796 MYSTIC STREET  
ROCKWALL, TX 75032

ANSARI MOHAMMAD TARIQ  
1799 LA COSTA DR  
ROCKWALL, TX 75032

TEEL ALVIN AND EUAMDEUANE  
1802 MYSTIC ST  
ROCKWALL, TX 75032

REYNOLDS MICHAEL W AND STEPHANE  
1803 MYSTIC STREET  
ROCKWALL, TX 75032

RESIDENT  
1806 MYSTIC ST  
ROCKWALL, TX 75032

MOSS WILLIAM B & COLLEEN W  
1806 BRISTOL LN  
ROCKWALL, TX 75032

DENYSSCHEN REGENALD R & SALLY  
1807 LA COSTA DR  
ROCKWALL, TX 75032

LORD DEE A  
1809 BRISTOL LN  
ROCKWALL, TX 75032

SHIELDS KENNETH L AND SANDRA J  
1809 MYSTIC STREET  
ROCKWALL, TX 75032

RESIDENT  
1810 MYSTIC ST  
ROCKWALL, TX 75032

RESIDENT  
1812 BRISTOL LN  
ROCKWALL, TX 75032

RIDDLE LARRY W & NANCY  
1813 MYSTIC ST  
ROCKWALL, TX 75032

ELVIA INV LLC  
1814 MYSTIC ST  
ROCKWALL, TX 75032

MARTIN GRAHAM S AND  
SAMANTHA M BARTELL  
1815 BRISTOL LANE  
ROCKWALL, TX 75032

GATSON OSCAR D & PATSY M  
1816 BRISTOL LN  
ROCKWALL, TX 75032

LASPE FAMILY TRUST  
FORREST ROBERT LASPE & NANCY KAY LASPE,  
TRUSTEES  
1817 LA COSTA DR  
ROCKWALL, TX 75032

ESPINOZA CARLOS DAVID AND KATIE LYNN  
1817 MYSTIC STREET  
ROCKWALL, TX 75032

FITZGERALD LARRY AND JEANA MARIE  
1818 MYSTIC STREET  
ROCKWALL, TX 75032

FLOYD LISA  
1819 BRISTOL LN  
ROCKWALL, TX 75032



GONZALES KAYLEIGH AND RICHARD  
1820 BRISTOL LANE  
ROCKWALL, TX 75032

FUENTES DANIEL & LISA  
1821 MYSTIC ST  
ROCKWALL, TX 75032

WILSON PATRICIA  
1822 MYSTIC ST  
ROCKWALL, TX 75032

RESIDENT  
1823 BRISTOL LN  
ROCKWALL, TX 75032

PATRICK JANET  
WILLIAMS PAUL KIRKLAND  
1824 BRISTOL LN  
ROCKWALL, TX 75032

FORD SAMUEL M & SUSAN D  
1825 LA COSTA DR  
ROCKWALL, TX 75032

RESIDENT  
1827 MYSTIC ST  
ROCKWALL, TX 75032

WHITE LISA  
1828 MYSTIC ST  
ROCKWALL, TX 75032

TIPPS MIGUEL  
1829 BRISTOL LN  
ROCKWALL, TX 75032

PHILLIPS DEBRA  
1830 BRISTOL LN  
ROCKWALL, TX 75032

BOJORQUEZ MANUEL & LYNSEY  
19185 PALM VIS  
YORBA LINDA, CA 92886

RESIDENT  
1995 SUMMER LEE DR  
ROCKWALL, TX 75032

HENDERSON DON AND MARIA  
234 BRISTOL CT  
HEATH, TX 75032

HENDERSON DON AND MARIA  
234 BRISTOL CT  
HEATH, TX 75032

SWERCINSKY CAPRICE MICHELLE  
240 WILLOWCREST  
ROCKWALL, TX 75032

ROCKWALL LOT 3 OWNER LLC  
255 ALHAMBRA CIRCLE SUITE 760  
CORAL GABLES, FL 33134

HOWELL BRIAN K  
2704 FOXCHASE LN  
ROCKWALL, TX 75032

POLGAR ROBERT PETER & MARLA  
2807 MIRA VISTA LN  
ROCKWALL, TX 75032

BRADFORD PATRICIA L  
2816 LAGO VISTA LN  
ROCKWALL, TX 75032

JOHNSTON MARK D AND LISA P  
2818 MIRA VISTA LN  
ROCKWALL, TX 75032

HEDGPETH JAMES L & JANIE M  
2821 LAGO VISTA LN  
ROCKWALL, TX 75032

MENG HENG AND KUYKHIM CHAN  
2823 MIRA VISTA LN  
ROCKWALL, TX 75032

NGUYEN LE MINHCHAU AND  
BRYAN NGUYEN LE AND JESSICA NGUYEN LE  
2824 LAGO VISTA LN  
ROCKWALL, TX 75032

MCBANE JANET T AND  
TRESA LEE MCBANE  
2828 MIRA VISTA LN  
ROCKWALL, TX 75032

JAMES PATRICK W & TERESA F  
2829 LAGO VISTA LN  
ROCKWALL, TX 75032

WAISNER CYNTHIA L AND GLEN R WAISNER JR  
2830 MARCIE LANE  
ROCKWALL, TX 75032

TOLBERT MELISSA RENAE  
2834 LAGO VISTA LANE  
ROCKWALL, TX 75032

POLLOCK REX L & RITA K  
2835 MIRA VISTA LN  
ROCKWALL, TX 75032

WOMBLE JOHN & GINGER  
2836 MIRA VISTA LN  
ROCKWALL, TX 75032

MYERS RYAN AND ALEJANDRA  
2837 LAGO VISTA LANE  
ROCKWALL, TX 75032

MANI KARTHICK  
2838 MARCIE LN  
ROCKWALL, TX 75032

KURIAN P K & THANKAMA  
2842 LAGO VISTA LN  
ROCKWALL, TX 75032

TAGGART MICHAEL AND KELLY  
2843 MIRA VISTA LN  
ROCKWALL, TX 75032

SOLERO DANIEL J AND ANDREA  
2844 MIRA VISTA LN  
ROCKWALL, TX 75032

GIBSON KAREN R & BRUCE K  
2845 LAGO VISTA LANE  
ROCKWALL, TX 75032

WILONSKY MICHAEL F & HOLLY L HAMMOND-  
WILONSKY  
2846 MARCIE LANE  
ROCKWALL, TX 75032

MEADE BRENDA S  
2853 LAGO VISTA LN  
ROCKWALL, TX 75032

SANFORD CLOVIS E & BARBARA  
2854 MARCIE LN  
ROCKWALL, TX 75032

CENTER JESSICA AND BRENT DAVID  
2862 MARCIE LANE  
ROCKWALL, TX 75032

KIM YONG WOO  
2863 LAGO VISTA LN  
ROCKWALL, TX 75032

RESIDENT  
2870 MARCIE LN  
ROCKWALL, TX 75032

MILLER JIMMIE D II & KELLI R  
2871 LAGO VISTA LN  
ROCKWALL, TX 75032

BROWNING DONNA J  
2872 LAGO VISTA LN  
ROCKWALL, TX 75032

SHUPP TERRY & BETTY  
2879 LAGO VISTA LN  
ROCKWALL, TX 75032

RESIDENT  
2880 MARCIE LN  
ROCKWALL, TX 75032

RUBENSTEIN ALAN & GINA STRICKLIN  
2880 LAGO VISTA LANE  
ROCKWALL, TX 75032

HEINDEL MATTHEW A & HEATHER  
2881 NEWPORT PLACE  
ROCKWALL, TX 75032

QUINTERO BERTHA L  
2885 NEWPORT DR  
ROCKWALL, TX 75032

GILGER LIVING TRUST  
MAC J GILGER AND REBECCA L  
2888 LAGO VISTA LN  
ROCKWALL, TX 75032

RESIDENT  
2889 NEWPORT DR  
ROCKWALL, TX 75032

GWIE KIONG OEN & RONY THERESIA  
2901 NEWPORT DR  
ROCKWALL, TX 75032

WALLS DEREK P & KAREN J  
2904 LAGO VISTA LN  
ROCKWALL, TX 75032

MAILLY FAMILY TRUST  
BRUCE W AND EVE C MAILLY  
2905 LAGO VISTA LANE  
ROCKWALL, TX 75032

DEVYANI SEEMA T  
2905 NEWPORT DRIVE  
ROCKWALL, TX 75032

ENGLISH-RIEGER CAROL W  
2911 LAGO VISTA LN  
ROCKWALL, TX 75032

VEGA EMMANUEL M VILLA  
2911 NEWPORT DRIVE  
ROCKWALL, TX 75032

RESIDENT  
2912 LAGO VISTA LN  
ROCKWALL, TX 75032

RESIDENT  
2917 NEWPORT DR  
ROCKWALL, TX 75032

MASSEY CHARLES A & ROYCE A  
2919 LAGO VISTA LN  
ROCKWALL, TX 75032

WAFFER DANNY KAY  
2920 LAGO VISTA LANE  
ROCKWALL, TX 75032

RESIDENT  
2923 NEWPORT DR  
ROCKWALL, TX 75032

MACIVOR ZARAH  
2927 LAGO VISTA LANE  
ROCKWALL, TX 75032

CRIBARI JAMES & DEBBIE  
2928 NEWPORT DRIVE  
ROCKWALL, TX 75032

HAGOS SELAMAWIT AND  
EMANUELE DI STEFANO  
2929 NEWPORT PLACE  
ROCKWALL, TX 75032

SMITH JAY E & KRISTY A  
2932 LAGO VISTA LN  
ROCKWALL, TX 75032

MONSERATE NIDA S & MACARIO  
2934 NEWPORT DR  
ROCKWALL, TX 75032

NAIDOO PAUL  
3904 ASPEN DR #3123  
ROWLETT, TX 75088

RESIDENT  
400 CHAPARRAL LN  
ROCKWALL, TX 75032

YANO SHINYA  
C/O OPEN HOUSE CO., LTD,  
5050 QUORUM DRIVE SUITE 610  
DALLAS, TX 75254

KING LINDA D REV LIVING TR  
LINDA D KING TRUSTEE  
519 E INTERSTATE 30  
ROCKWALL, TX 75087

ABARCA CARLOS ALBERTO RIVERS  
7709 BRIARCREST CT  
IRVING, TX 75063

RESIDENT  
801 SIGNAL RIDGE PL  
ROCKWALL, TX 75032

CRUZ WILLIAM  
820 FAITH TRL  
HEATH, TX 75032

RESIDENT  
901 SIGNAL RIDGE PL  
ROCKWALL, TX 75032

LOYCE HOPKINS 2017 REVOCABLE TRUST  
LOYCE ANN HOPKINS TRUSTEE  
902 SIGNAL RIDGE PLACE  
ROCKWALL, TX 75032

TURANO DEBRA SUE  
903 SIGNAL RIDGE PL  
ROCKWALL, TX 75032

RESIDENT  
904 SIGNAL RIDGE PL  
ROCKWALL, TX 75032

CHAPMAN LAURA J AND RONALD L  
905 SIGNAL RIDGE PL  
ROCKWALL, TX 75032

KRUGER KARIN  
P O BOX 1388  
ROCKWALL, TX 75087

HAQ REZA AHMED & SHELINA KARIM  
PO BOX 6952  
HUNTSVILLE, AL 35813

PARAMOUNT LAURELS LLC  
PO BOX 786  
WYLIE, TX 75098

# PUBLIC NOTICE



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

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

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

**Z2023-037: SUP for an Accessory Building**

Hold a public hearing to discuss and consider a request by James and Mary Blocker for the approval of a Specific Use Permit (SUP) for an Accessory Building on a 0.1199-acre parcel of land identified as Lot 8, Block A, Newport Place Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 19 (PD-19), addressed as 1796 Mystic Street, and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on Tuesday, August 15, 2023 at 6:00 PM, and the City Council will hold a public hearing on Monday, August 21, 2023 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

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

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

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

Your comments must be received by Monday, August 21, 2023 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

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



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

PLEASE RETURN THE BELOW FORM

**Case No. Z2023-037: SUP for an Accessory Building**

Please place a check mark on the appropriate line below:

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

[Redacted area]

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

7509 PENNRIDGE CIRCLE  
ROWLETT, TX 75088

# SURVEY PLAT

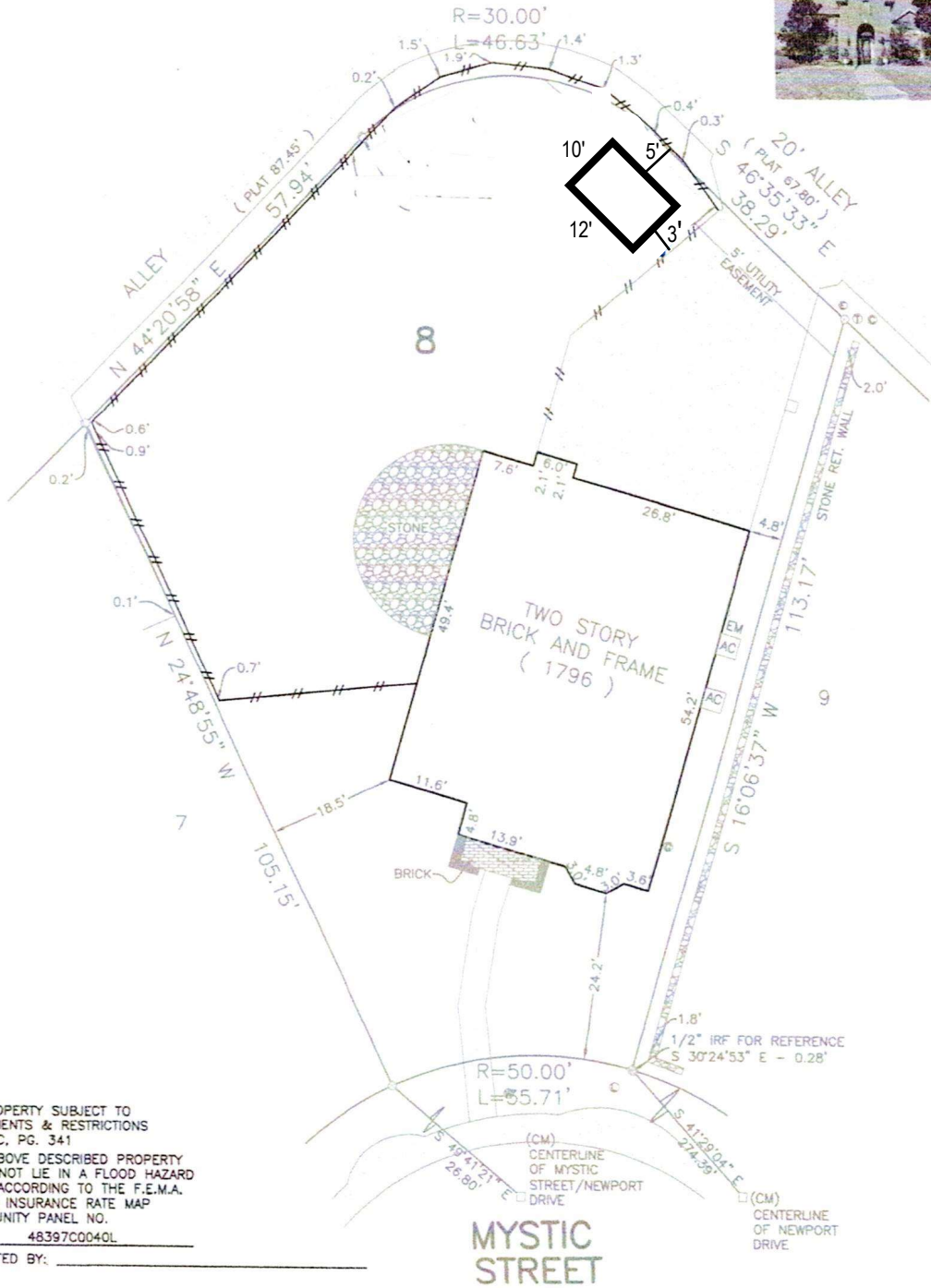


FIRM REGISTRATION NO. 10194366

BARRY S. RHODES Registered Professional Land Surveyor (214) 326-1090

This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No. 1796 MYSTIC STREET, in the City of ROCKWALL Texas.

Being Lot 8, Block A, RePlat Newport Place, an Addition to the City of Rockwall, Rockwall County, Texas, according to the Plat thereof recorded in Cabinet C, Slide 393, Plat Records, Rockwall County, Texas.



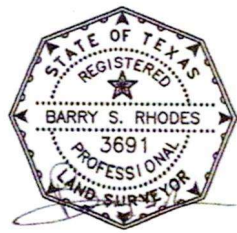
PROPERTY SUBJECT TO EASEMENTS & RESTRICTIONS VOL. C, PG. 341  
THE ABOVE DESCRIBED PROPERTY DOES NOT LIE IN A FLOOD HAZARD AREA ACCORDING TO THE F.E.M.A. FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 48397C0040L

ACCEPTED BY: \_\_\_\_\_

The plat hereon is true, correct, and accurate representation of the property as determined by survey, the lines and dimensions of said property being as indicated by the plat: the size, location and type of building and improvements are as shown, all improvements being within the boundaries of the property, set back from property lines the distance indicated, or visible and apparent easements. TITLE AND ABSTRACTING WORK FURNISHED BY TEXAS PREMIER TITLE  
THERE ARE NO ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS, EXCEPT AS SHOWN.  
Scale: 1" = 20'  
Date: 10/30/2020  
G. F. No.: TPT20-04264JP  
Job no.: 202008582  
Drawn by: BG  
USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR OTHER PARTIES SHALL BE AT THEIR RISK AND UNDERSIGNED IS NOT RESPONSIBLE TO OTHER FOR ANY LOSS RESULTING THEREFROM.  
THIS SURVEY WAS PERFORMED EXCLUSIVELY FOR TEXAS PREMIER TITLE

LEGEND

WOOD FENCE	---	TEXT	---
CHAIN LINK	---	APPROXIMATE	---
IRON FENCE	---	BOUNDARY LINE	---
WIRE FENCE	---	RESIDENCE	---
CM	---	CONTROLLING INSTRUMENT	---
1/2" IRON ROD FOUND	---	MONUMENTS OF RECORD DIGNITY	---
1/2" YELLOW-CAPPED IRON ROD SET	---	POINT FOR CORNER	---
FOUND "X"	---	5/8" IRON ROD FOUND	---
POINT FOR CORNER	---	5/8" IRON ROD FOUND	---
C	---	CABLE	---
CL	---	CLEAR CUT	---
G	---	GAS METER	---
F	---	FIRE HYDRANT	---
L	---	LIGHT POLE	---
M	---	MANHOLE	---
W	---	WATER METER	---
WV	---	WATER VALVE	---
E	---	ELECTRIC	---
PE	---	POOL EQUIP	---
P	---	POWER POLE	---
T	---	TELEPHONE	---
W	---	WATER METER	---
WV	---	WATER VALVE	---
(	---	( UNLESS OTHERWISE NOTED )	---



CITY OF ROCKWALL

ORDINANCE NO. 23-XX

SPECIFIC USE PERMIT NO. S-2XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 19 (PD-19) AND THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR AN *ACCESSORY STRUCTURE* ON A 0.1199-ACRE PARCEL OF LAND IDENTIFIED AS LOT 8, BLOCK A, NEWPORT PLACE ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City has received a request by James and Mary Blocker for the approval of a *Specific Use Permit (SUP)* for an *Accessory Building* on a 0.1199-acre parcel of land identified as Lot 8, Block A, Newport Place Addition, City of Rockwall, Rockwall County, Texas, addressed as 1796 Mystic Street, and being more specifically described and depicted in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

**WHEREAS**, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that Planned Development District 19 (PD-19) and the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall should be amended as follows:

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Rockwall, Texas;

**SECTION 1.** That Planned Development District 19 (PD-19) and the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) to allow for the construction of an *Accessory Structure* in accordance with Article 04, *Permissible Uses*, the Unified Development Code (UDC) [*Ordinance No. 20-02*] on the *Subject Property*; and,

**SECTION 2.** That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Planned Development District 19 (PD-19) and Subsection 03.01, *General Residential District Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] -- as heretofore amended and may be amended in the future -- and

with the following conditions:

## 2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the construction of an *Accessory Structure* on the *Subject Property* and conformance to these operational conditions are required:

- (1) The development of the *Subject Property* shall generally conform to the *Site Plan* as depicted in *Exhibit 'B'* of this ordinance.
- (2) The construction of an *Accessory Structure* on the *Subject Property* shall generally conform to the *Building Elevations and Accessory Structure Details* depicted in *Exhibit 'C'* of this ordinance.
- (3) The *Accessory Structure* shall be built on an concrete foundation that will support the weight of the proposed structure.
- (4) The *Accessory Structure* shall not exceed a maximum building footprint or size of 120 SF.
- (5) The maximum height of the *Accessory Structure* shall not exceed a maximum of 10-feet as measured from the mid-point of the pitched roof.
- (6) The *Accessory Structure* shall not be sold or conveyed separately from the single-family home without meeting the requirements of the zoning district and subdivision ordinance.

## 2.2 COMPLIANCE

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

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

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

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

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

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

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

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

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

1<sup>st</sup> Reading: August 21, 2023

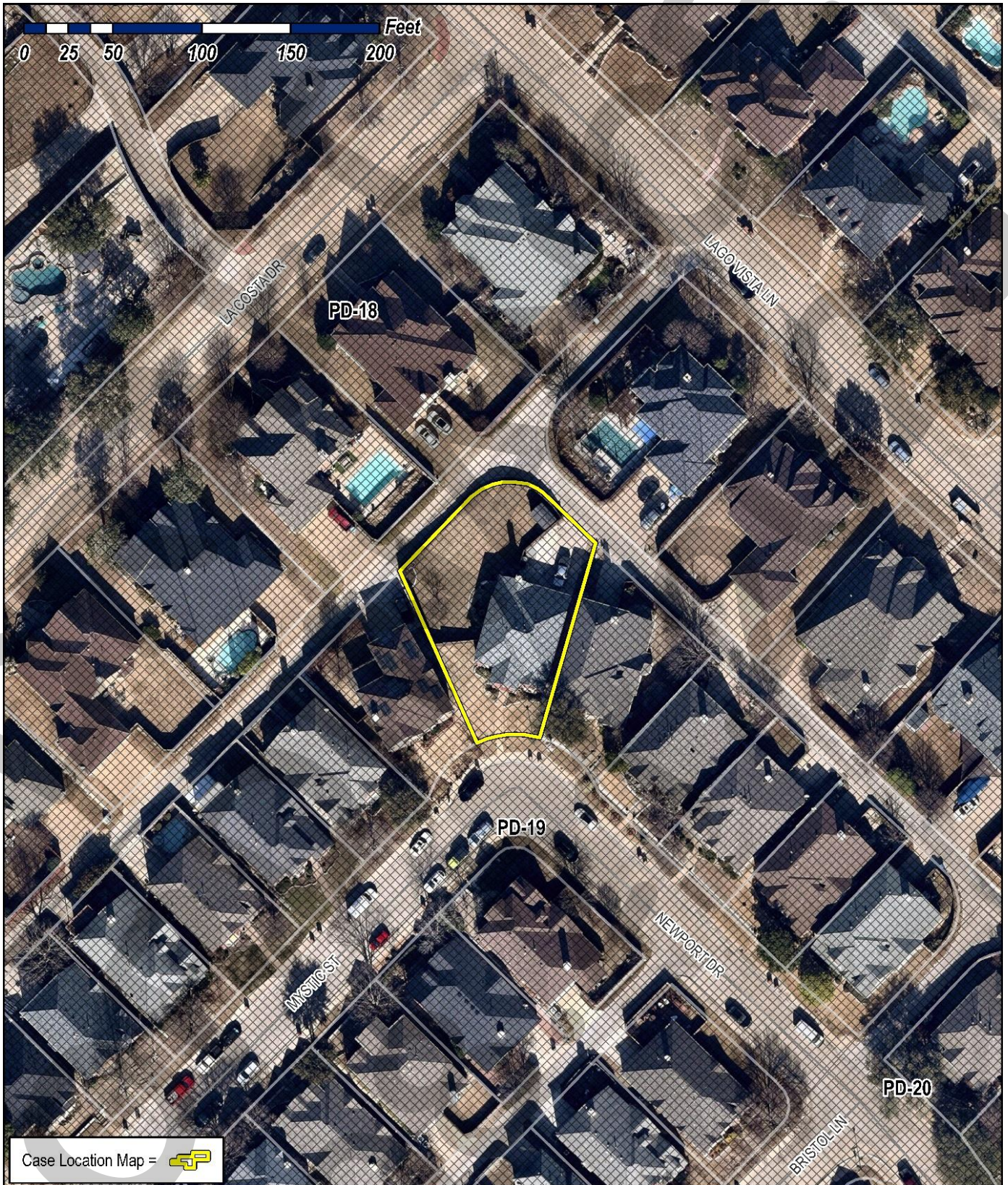
2<sup>nd</sup> Reading: September 5, 2023



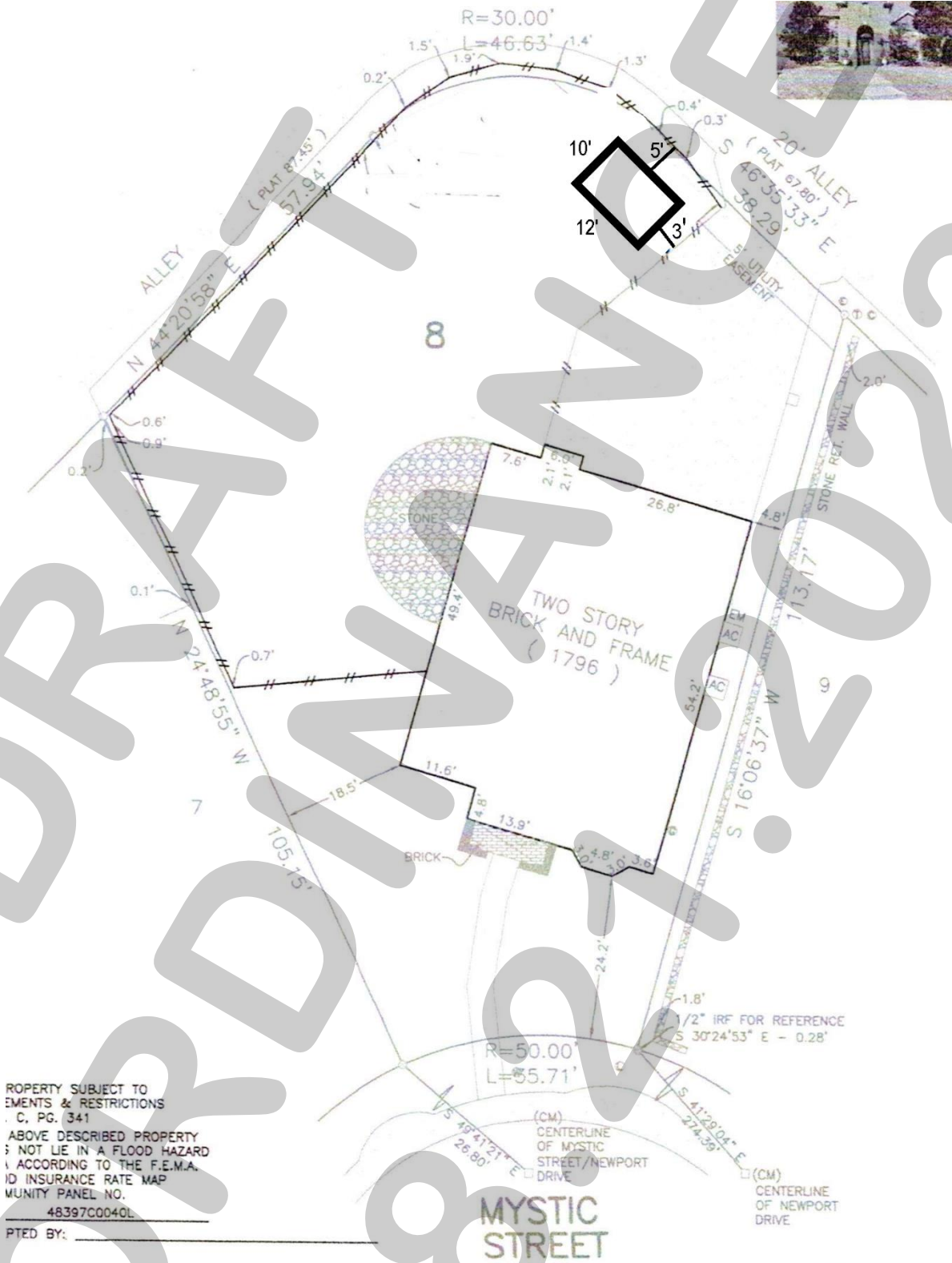
**Exhibit 'A'**  
Location Map and Legal Description

Address: 1796 Mystic Street

Legal Description: Lot 8, Block A, Newport Place Addition



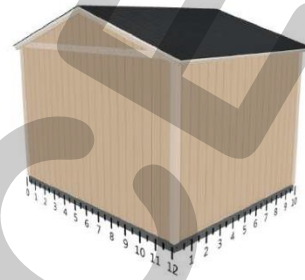
**Exhibit 'B':  
Site Plan**



**Exhibit 'C':**  
*Building Elevations & Accessory Structure Details*



Wall A



Wall C

Wall D



Wall B

**Base Details/Permit Details**

**Building Size & Style**

TR-800 - 12' wide by 10' long

**Paint Selection**

Base: No Paint, Trim: No Paint

**Roof Selection**

Charcoal Dimensional Premium Shingle

**Drip Edge**

White

**Is a permit required for this job?**

Yes, Engineering fees still apply

**Who is pulling the permit?**

Customer

**Optional Details**

**Doors**

3' x 6'7" Double Shed Door (6')

**Walls**

362 Sq Ft House Wrap

**Roof**

137 Sq Ft Radiant Barrier Roof Decking

**Floor and Foundation**

120 Sq Ft 3/4" Treated Floor Decking Upgrade

**Jobsite/Installer Details**

**Do you plan to insulate this building after Tuff Shed installs it?**

Yes

**Is there a power outlet within 100 feet of installation location?**

Yes

**The building location must be level to properly install the building. How level is the install location?**

Within 4" of level

**Will there be 18" of unobstructed workspace around the perimeter of all four walls?**

Yes

**Can the installers park their pickup truck & trailer within approximately 200' of your installation site?**

Yes

**Substrate Shed will be installed on?**

Not Anchored to Concrete with Shed Floor



## MEMORANDUM

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**TO: Mayor and City Council Members**

**FROM: Mary Smith, City Manager**

**DATE: August 21, 2023 (city council mtg. agenda item)**

**SUBJECT: Resolution Establishing City of Rockwall Property Assessed Clean Energy (“PACE”) Program, including Authorizing Related Actions**

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A public hearing will be posted on the Monday, August 21, 2023 regular Rockwall, TX City Council meeting agenda in order to receive public input regarding possible establishment of the “PACE” Program in our city. After the public hearing is held, Council will be asked to consider the matters outlined within this memo. It is noted that all pertinent information pertaining to the program has been posted to our City website for public view since Thursday, August 10.

### **FOR COUNCIL CONSIDERATION:**

1. Council is being asked to consider:
  - 1) Adoption of a resolution establishing the City of Rockwall Property Assessed Clean Energy Program (“City of Rockwall PACE Program”);
  - 2) Authorizing the City Manager to execute the Professional Services Agreement with Lone Star PACE LLC (“Lone Star PACE”); and
  - 3) Authorizing the City Manager to execute all documents and take any actions necessary and appropriate to carry out the intent of the resolution.

### **BACKGROUND:**

PACE is an innovative way to finance energy efficiency, water efficiency, and renewable energy upgrades for commercial and industrial real property. Property owners who participate in the program repay the financings through a voluntary contractual assessment. One of the most notable characteristics of PACE programs is that the financing is attached to the property rather than belonging to an individual. Therefore, when the owner sells the property, the financing may be paid off during the sale, or stay with the property and be transferred to the new owner, who also benefits from the upgrades that were completed.

PACE financing enables businesses to align the costs of energy and water efficiency improvements with the utility savings provided by the improvements. PACE financings are paid over a long period of time while energy costs are simultaneously lower, which typically provides the property owner with total net savings. PACE overcomes challenges that have hindered adoption of energy and water efficiency for many property owners.

## **ANALYSIS OF THE PACE PROGRAM:**

Participation in this program is voluntary and offers property owners a cost-effective means of making energy and water efficiency improvements to their property. Property owners repay the financing over a period of years reflecting the useful life of the improvements.

The benefits to the property owner include:

- Helps Lower Electric, Gas and Water Utility Bills
- 100% Financing on Hard and Soft Costs
- Typically Results in Savings From Day One
- Increases Property Value
- Results in More Comfortable Buildings and Improved Indoor Air Quality
- Lowers Carbon Footprint and Improves the Environment
- Provides Long-Term Funding and Results in Immediate Benefit to Cash Flow
- Offers a Range of Accounting Treatments

The benefits to the City include:

- Supports Commercial Businesses with No Cost, Liability, or Administration to the City
- Upgrades the Efficiency and Competitiveness of Existing Building Stock
- Helps Attain Energy and Water Efficiency Goals
- Increases Commercial Property Values and Improves Tax Base
- Creates Jobs for Local Contractors, Manufacturers and Engineering Firms

The proposed Resolution authorizes Lone Star PACE to accept applications from owners of property within the City's territory for financing of qualified improvements. It also authorizes Lone Star PACE to conduct assessment proceedings to levy assessments against the property of participating owners within the territory of the City.

## **ANALYSIS OF THE PROFESSIONAL SERVICES AGREEMENT:**

In order for Lone Star PACE to have the authority to provide PACE financing in the City, it is necessary for the City to execute the Professional Services Agreement. The Professional Services Agreement provides that Lone Star PACE is an authorized representative and program administrator, separate and apart from the City executing such agreement. There are no costs to the City associated with implementation of a City of Rockwall PACE Program.

## **FISCAL IMPACT:**

There is no negative fiscal impact to the City's general fund incurred by consenting to the inclusion of properties within the City limits in the City of Rockwall PACE Program.

## **ATTACHMENTS:**

- 1) Resolution Establishing the City of Rockwall PACE Program
- 2) Lone Star PACE Professional Services Agreement

**REPORT REQUIRED BY TEXAS LOCAL GOVERNMENT CODE SECTION 399.009**

**FOR PROPOSED CITY OF ROCKWALL**

**PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM**

This Report is adopted by the City of Rockwall, Texas City Council (“**Local Government**”) for the City of Rockwall Property Assessed Clean Energy (PACE) Program (**the “Program**”) in accordance with the requirements of the Property Assessed Clean Energy Act (**the “PACE Act**”) as set forth in Texas Local Government Code Chapter 399.

The Local Government and its constituents benefit when older existing buildings are modified with new technology and equipment that increases energy efficiency and reduces water consumption. As described in this Report, the Local Government is establishing the commercial PACE Program to encourage private sector investment in energy efficiency and water conservation. The PACE Program will be offered to property owners on a strictly voluntary basis and will not require the use of any public funds or resources.

Authorized under the PACE Act enacted in 2013, the PACE program is an innovative financing program that enables private sector owners of privately owned commercial, industrial, and multi-family residential properties with five or more dwelling units to obtain low-cost, long-term loans to pay for water conservation, energy-efficiency improvements, and renewable energy retrofits. PACE loans provide up to 100% financing of all project costs, with little or no up-front out-of-pocket cost to the owner.

Loans made under the PACE Program will be secured by assessments on the property that are voluntarily imposed by the owner. Assessments may be amortized over the projected life of the improvements. The utility cost savings derived from improvements financed with PACE loans are expected to equal or exceed the amount of the assessment. In turn, these improvements are able to generate positive cash flow upon installation because the debt service will be less than the savings.

PACE assessments are tied to the property and follow title from one owner to the next. Each owner is responsible only for payment of the assessments accruing during its period of ownership. When the property is sold, the buyer and seller can decide if the payment obligation for the remaining balance of the assessment will be transferred automatically to the next owner or paid off as part of the sale. As a result, the program will help property owners overcome market barriers that often discourage investment in energy efficiency and water conservation improvements.

## 1. Eligible Properties

The Local Government PACE program is a strictly voluntary program. All private sector owners of Eligible Properties located within the Local Government PACE region may participate in PACE financing. The entire territory of the Local Government is designated as the region in which the Program is available. “*Eligible Properties*” include commercial, industrial, and multi-family residential properties with five or more dwelling units. Government, residential<sup>1</sup>, and facilities for undeveloped lots or lots undergoing development at the time of the assessment are not Eligible Properties.

## 2. Qualified Improvements

PACE financing may be used to pay for Qualified Improvements to Eligible Properties. “*Qualified Improvements*” are permanent improvements intended to decrease water or energy consumption or demand, including a product, device, or interacting group of products or devices on the customer’s side of the meter that use energy technology to generate electricity, provide thermal energy, or regulate temperature. Under the PACE Act, products or devices that are not permanently fixed to real property are not considered to be Qualified Improvements.

The following items may constitute Qualified Improvements:

- High efficiency heating, ventilating and air conditioning (“HVAC”) systems
- High efficiency chillers, boilers, and furnaces
- High efficiency water heating systems
- Energy management systems and controls
- Distributed generation systems
- High efficiency lighting system upgrades
- Building enclosure and envelope improvements
- Water conservation and wastewater recovery and reuse systems
- Combustion and burner upgrades
- Heat recovery and steam traps
- Water management systems and controls (indoor and outdoor)
- High efficiency irrigation equipment

## 3. Benefits of PACE to Property Owners

The PACE program will enable owners of Eligible Properties to overcome traditional barriers to capital investments in energy efficiency and water conservation improvements, such as unattractive returns on investment, split incentives between landlords and tenants, and uncertainty of recouping the investment.

<sup>1</sup> This encompasses single family residential and any multi-family properties with fewer than five units.

By financing Qualified Improvements through the Program, property owners may achieve utility cost savings that exceed the amount of the assessment and reduce their exposure to utility price volatility. As a result, the value of the property will be enhanced, and the owner will only be obligated to pay the assessment installments that accrue during its period of ownership of the property. Additionally, by investing in energy efficiency and water conservation with PACE financing, property owners may also qualify for various rebate, tax credit, and incentive programs offered by utility providers and state or federal governmental authorities to encourage these types of investments.

#### **4. Benefits of PACE to the Local Government**

The PACE Program benefits the entire Local Government by improving its buildings, increasing property values, encouraging economic development, and saving energy and water, all without requiring any public funds.

Among other things, projects financed through PACE Program will:

- Enable property owners and occupants to save substantial amounts in utility costs;
- Reduce demand on the electricity grid;
- Mitigate greenhouse gas emissions associated with energy generation;
- Enhance the value and efficiency of existing buildings;
- Boost the local economy by creating new job opportunities for laborers and new business opportunities for contractors, engineers, commercial lenders, professionals, and equipment vendors and manufacturers;
- Increase business retention and expansion in the PACE region by enabling cost effective energy and water saving updates to existing property;
- Improve productivity through optimized energy usage;
- Support the State's water conservation plan;
- Better enable the Local Government to meet its water conservation goals.

Finally, through the reduction in energy consumption as a result of the PACE Program, there will be a decreased demand for power, resulting in lower emissions from power plants.

The PACE program requires minimal support from the Local Government. It is designed to be self-sustaining and is typically administered by qualified third-party authorized representatives. Furthermore, because the PACE program is tax neutral, it achieves all of the benefits listed in this Report without imposing a burden on the Local Government's general fund.

The 84<sup>th</sup> Texas Legislature added a provision to the PACE Act that explicitly shields the Local Government and its employees, members of the governing body of a local government and any



board members, executives, employees, and contractors of a third party who enter into a contract with a local government to provide administrative services for a Program under this chapter.<sup>2</sup>

## **5. The Benefits of PACE to Lenders**

PACE loans are attractive to lenders because they are very secure investments. Like a property tax lien, the assessment lien securing the PACE loan has priority over other liens on the property. Therefore, the risk of loss from non-payment of a PACE loan is low compared to most other types of loans. PACE assessments provide lenders with an attractive new product to address an almost universal pent-up demand for implementing high efficiency commercial and industrial property equipment. In order to protect the interests of holders of existing mortgage loans on the property, the PACE Act requires their written consent to the PACE assessment as a condition to obtaining a PACE loan.

## **6. The Benefits of PACE to Contractors, Engineers, and Manufacturers**

PACE loans provide attractive sources of financing for water and energy saving retrofits and upgrades, thereby encouraging property owners to make substantial investments in existing commercial and industrial buildings. As a result, PACE will unlock business opportunities for contractors, engineers, and manufacturers throughout the commercial and industrial sectors.

## **7. Administration of the Local Government PACE Program**

Under the PACE Act, the establishment and operation of the program are considered to be governmental functions. The PACE Act further authorizes the Local Government to enter into a contract with one or more third parties (the “*Authorized Representative(s)*”) to provide administrative services for the PACE program and act as the representative of the Local Government in executing the contracts with property owners and lenders. The Local Government may delegate administration of the PACE program to one or more qualified third-party organizations that can administer the program at no cost to the Local Government.

Periodic updates to the standard form documents (described in Section 9) will be necessary as the program evolves, incorporating best practices and standardizing the PACE contracts across various PACE programs. The Authorized Representative will be tasked with maintaining the form contracts and making technical and conforming updates as necessary so long as the changes are consistent with the resolution to establish the PACE program and the statute.

The Authorized Representative’s role is to serve as an extension of the Local Government staff to provide oversight of the Program to ensure best practices and consumer protections at the lowest possible cost to the property owner in a transparent and ethical manner and to provide education and outreach. The Authorized Representatives will not receive compensation or reimbursement from the Local Government.

<sup>2</sup> TX. Local Gov’t Code §399.019. In the 85th legislature, HB 2654 clarified that the personal immunity provisions apply to all elected officials performing rights and duties under chapter 399 of the Local Government Code.

The Authorized Representatives will be funded by administrative fees paid by the property owners establishing a PACE project or other source of revenue. The Authorized Representative may not impose any Program fees directly or indirectly not authorized in advance by the Local Government in writing. Authorized Representative must disclose in writing to Local Government any direct or indirect fee income, charitable grants, or donations not authorized in advance by the Local Government that are received from property owners, lenders, or contractors participating in the Program.

## **8. Eligible Lenders**

The PACE Act does not set criteria for financial institutions or investors to be PACE lenders. The Local Government will follow best practices of national PACE programs by requiring that lenders be:

- Any federally insured depository institution such as a bank, savings bank, savings and loan association, and federal or state credit union;
- Any insurance company authorized to conduct business in one or more states;
- Any registered investment company, registered business development company, or a Small Business investment company;
- Any publicly traded entity; or
- Any private entity that:
  - Has a minimum net worth of \$5 million; and
  - Has at least three years' experience in business or industrial lending or commercial real estate lending (including multifamily lending), or has a lending officer that has at least three years' experience in business or industrial lending or commercial real estate lending; and
  - Can provide independent certification as to availability of funds; and
- Has the ability to carry out, either directly or through a servicer, the bookkeeping and customer service work necessary to manage the assessment accounts.

Any lender can participate in the PACE Program as long as it is a financially stable entity with the ability to carry out, either directly or through a servicer, the bookkeeping and customer service work necessary to manage the assessment accounts. The property owner, not the Local Government or the Authorized Representative, selects the lender.

The Authorized Representatives will not guarantee or imply that funding will automatically be provided from a third-party lender, imply or create any endorsement of, or responsibility for, any lender, or create any type of express or implied favoritism for any eligible lender.

## **9. Components of the PACE Program**

As required under Section 399.009 of the PACE Act, the following describes all aspects of the PACE Program:

- a. Map of Region. A map of the boundaries of the region included in the program is attached to this Report as Exhibit 1. The region encompasses the Local Government limits.
- b. Form Contract with Owner. A form contract between the Local Government and the record owner of the Eligible Property is attached as Exhibit 2. It specifies the terms of the assessment under the PACE Program and the financing to be provided by an Eligible Lender of the property owner's choosing.
- c. Form Contract with Lender. A form contract between the Local Government and the Eligible Lender chosen by a property owner is attached to this Report as Exhibit 3. It specifies the financing and servicing of the debt through assessments.
- d. Form Notice of Contractual Assessment Lien. A form Notice of Assessment Lien to be filed by the Authorized Representative, on behalf of the Local Government, with the Rockwall County Clerk is attached to this Report as Exhibit 4.
- e. Qualified Improvements. The following types of projects are qualified improvements that may be subject to contractual assessments under the PACE program. Projects that:
  - (1) involve the installation or modification of a permanent improvement fixed to privately owned commercial, industrial, or residential real property with five (5) or more dwelling units;<sup>3</sup> and
  - (2) are intended to decrease energy or water consumption or demand by installing a product, device, or interacting group of products or devices on the customer's side of the meter that uses energy technology to generate electricity, provide thermal energy, or regulate temperature.<sup>4</sup>

A sample list of potential Qualified Improvements appears in Section 2 above.

The PACE Program may not be used to finance facilities for undeveloped lots or lots undergoing development at the time of the assessment, or for the purchase or installation of products or devices not permanently fixed to real property.<sup>5</sup>

- f. Authorized Representative. HB 3187 was signed into law on June 16, 2015. It authorizes a municipality to delegate administration of the PACE program to a third-party "representative." The City of Rockwall intends to delegate all official administrative responsibilities, like the execution of individual contracts with

<sup>3</sup> TX. Local Gov't Code §399.002(5).

<sup>4</sup> TX. Local Gov't Code §399.002(3).

<sup>5</sup> TX. Local Gov't Code §399.004.

property owners and lenders, to an Authorized Representative. This relationship will be monitored and maintained by the City Manager or his/her designee.

- g. Plans for Ensuring Sufficient Capital. Lenders will extend loans to finance Qualified Improvements. Financing documents executed between owners and lenders will impose a contractual assessment on Eligible Property to repay the terms of the owner's financing of the Qualified Improvements. The lenders will ensure that property owners demonstrate the financial ability to fulfill the financial obligations to be repaid through contractual assessments.
- h. No Use of Bonds or Public Funds. The Local Government does not intend to issue bonds or use any other public monies to fund PACE projects. Property owners will obtain all financing from the Eligible Lenders they choose.
- i. Limit on Length of Loan. One of the statutory criteria of a PACE loan is that the assessment payment period cannot exceed the useful life of the Qualified Improvement that is the basis for the loan and assessment.<sup>6</sup> As part of the application process, the property owners will submit an independent third-party review prepared by a licensed engineer showing water or energy baseline conditions and the projected water or energy savings. This review will aid the Authorized Representative in making a determination that the period of the requested assessment does not exceed the useful life of the Qualified Improvement.
- j. Application Process. The Authorized Representative will accept applications from property owners seeking to finance Qualified Improvements under the program. Each application must be accompanied by the required application fee and must include:
  - (1) A description of the specific Qualified Improvements to be installed or modified on the property;
  - (2) A description of the specific real property to which the Qualified Improvements will be permanently fixed; and
  - (3) The total amount of financing, including any transaction costs, to be repaid through assessments.

Based on this information, the Authorized Representative may issue a preliminary letter indicating that, subject to verification of all requirements at closing, the proposed project appears to meet program requirements. Based on this preliminary letter, the property owner may initiate an independent third-party review of the project and submit the project to Eligible Lenders for approval of financing.

The property owner is expected to produce the following documentation to the Authorized Representative prior to closing of the PACE loan:

<sup>6</sup> Chapter 399 section 399.009(a)(8)

- (1) A Report conducted by a qualified, independent third-party reviewer, showing water or energy baseline conditions and the projected water or energy savings, or the amount of renewable energy generated attributable to the project;
  - (2) Such financial information about the owner and the property as the lender chosen by the owner deems necessary to determine that the owner has demonstrated the financial ability to fulfill the financial obligations to be paid through assessments; and
  - (3) All other information required by the Authorized Representative.
- k. Financial Eligibility Requirements. The Authorized Representative will determine whether the owner, the property and the improvements are eligible for financing under the Program. The Eligible Lender chosen by the owner will determine whether the owner has demonstrated the financial ability to repay the financial obligations to be collected through contractual assessments. The demonstration of financial ability must be based on appropriate underwriting factors, including the following:
- (1) verification that the person requesting to participate in the program is the legal record owner of the benefitted property;
  - (2) the applicant is current on mortgage and property tax payments;
  - (3) the applicant is not insolvent or in bankruptcy proceedings;
  - (4) the title of the benefitted property is not in dispute; and
  - (5) there is an appropriate ratio of the amount of the assessment to the assessed value of the property.

The Local Government has determined that to be eligible for PACE financing, the projected savings derived from the Qualified Improvement should be greater than the cost of the PACE assessment and lien over the life of the assessment, i.e., the Saving-to-Investment Ratio (SIR) should be greater than one,  $SIR > 1$ . An Eligible Lender or Owner may request a waiver in writing for a project with an  $SIR < 1$  and address the interests of tenants and future property owners. The Authorized Representative may consider other factors, including:

- (1) Are there are other environmental benefits such as air or water quality or resiliency benefits that are not captured in the SIR analysis;
- (2) Will the proposed qualifying improvements generate environmental marketable credits that can be monetized;
- (3) What is the SIR calculation for the project? (how far below a SIR of 1?);

- (4) If the SIR is <1 over the term of the assessment, is the SIR >1 over the useful life of the equipment?
  - (5) What is the impact of a variance request on any affected third parties? and
  - (6) Other information the owner and lender wish to submit regarding the impact of the qualified improvements on the Property Owner and the community.
- l. Mortgage Holder Notice and Consent. As a condition to the execution of a written contract between the Authorized Representative and the property owner imposing an assessment under the Program, the holder of any mortgage lien on the property must be given notice of the owner's intention to participate in the Program on or before the 30<sup>th</sup> day before the date the contract is executed, and the owner must obtain the written consent of all mortgage holders.
- m. Imposition of Assessment. The Authorized Representative will enter into a written contract with the property owner only after:
- (1) The property owner delivers to the Authorized Representative written consent of all mortgage lien holders;
  - (2) The Authorized Representative's determination that the owner and the property are eligible to participate in the program, that the proposed improvements are reasonably likely to decrease energy or water consumption or demand, and that the period of the requested assessment does not exceed the useful life of the Qualified Improvements; and
  - (3) The Eligible Lender notifies the Authorized Representative that the owner has demonstrated the financial ability to fulfill the financial obligations to be repaid through contractual assessments.

The contract will impose a contractual assessment on the owner's Eligible Property to repay the lender's financing of the Qualified Improvements. The Authorized Representative will file a "Notice of Contractual Assessment Lien" in substantially the form in Exhibit 4 in the Official Public Records of the County where the Eligible Property is located, as notice to the public of the assessment from the date of filing. The contract and the notice must contain the amount of the assessment, the legal description of the property, the name of the property owner, and a reference to the statutory assessment lien provided under the PACE Act.

- n. Collection of Assessments. The execution of the written contract between Authorized Representative and the property owner and recording of the Notice of Contractual Assessment Lien incorporate the terms of the financing documents executed between the property owner and the third-party lender to repay the financing secured by the assessment. The lender will advance financing to the owner, and the terms for repayment will be such terms as are agreed between the lender and the owner. Under the form Lender Contract attached as Exhibit 3, the

lender or a designated servicer will agree to service the debt secured by the assessment.<sup>7</sup>

With funds from the lender, the property owner will purchase directly the equipment and materials for the Qualified Improvement and contract directly, including through lease, power purchase agreement, or other service contract, for the installation or modification of the Qualified Improvements. Alternatively, the lender may make progress payments to the property owner as the Qualified Improvement is installed.

The lender will receive the owner's assessment payments to repay the debt and remit to the Authorized Representative any administrative fees. The lender will have the right to assign or transfer the right to receive the installments of the debt secured by the assessment provided all of the following conditions are met:

- (1) The assignment or transfer is made to an Eligible Lender, as defined above;
  - (2) The property owner and the Authorized Representative are notified in writing of the assignment or transfer and the address to which payment of the future installments should be mailed at least thirty (30) days before the next installment is due according to the schedule for repayment of the debt; and
  - (3) The assignee or transferee, by operation of the financing documents or other Rockwall written evidence of which shall be provided, assumes lender's obligations under the lender contract.
- o. Verification Review. After a Qualified Improvement is completed, the Authorized Representative will require the property owner to provide verification by a qualified independent third-party reviewer that the Qualified Improvement was properly completed and is operating as intended.<sup>8</sup> The verification report conclusively establishes that the improvement is a Qualified Improvement and the project is qualified under the PACE Program.<sup>9</sup>
- p. Marketing and Education Services. The Local Government may subsequently enter into agreements with one or more other local governments or non-profit organizations that promote energy and water conservation and/or economic development to provide marketing and education services for the PACE program.
- q. Quality Assurance and Antifraud Measures. The Authorized Representative will institute quality assurance and antifraud measures for the Program. The Authorized Representative will review each PACE application for completeness and

<sup>7</sup> The servicer will be responsible for maintaining payment records, account balances, and reporting to the Authorized Representative as required.

<sup>8</sup> TX Local Gov't Code §399.011.

<sup>9</sup> TX Local Government Code §399.011(a-1)

supporting documents through independent review and verification procedures. The application and required attachments will identify and supply the information necessary to ensure that the property owner, the property itself, and the proposed project all satisfy PACE program underwriting and technical standard requirements. Measures will be put in place to provide safeguards, including a review of the energy and water savings baseline and certification of compliance with the technical standards manual from an independent third-party reviewer (ITPR), who must be a registered professional engineer before the project can proceed. This review will include a site visit, report, and a letter from the ITPR certifying that he or she has no financial interest in the project and is an independent reviewer. After the construction of the project is complete, an ITPR will conduct a final site inspection and determine whether the project was completed and is operating properly. The reviewer's certification will also include a statement that the reviewer is qualified and has no financial interest in the project.

r. Delinquency. Under the terms of the form lender contract attached as Exhibit 3, if a property owner fails to pay an agreed installment when due on the PACE assessment, the lender will agree to take at least the following steps to collect the delinquent installment:

- (1) Mail to the owner a written notice of delinquency and demand for payment by both certified mail (return receipt requested) and first-class mail, and
- (2) Mail to the owner a second notice of delinquency and demand for payment by both certified mail (return receipt requested) and first-class mail at least thirty (30) days after the date of the first notice if the delinquency is continuing.

If the owner fails to cure the delinquency within 30 days after mailing the second notice of delinquency, the lender may notify the Authorized Representative of the owner's default. Pursuant to Texas Local Government Code Section 399.014(c), the Authorized Representative will initiate steps for the Local Government to enforce the assessment lien in the same manner as a property tax lien against real property may be enforced. Delinquent installments will incur penalties and interest in the same manner and at the same rate as delinquent property taxes, according to Texas Local Government Code Section 399.014(d), and such statutory penalties and interest will be due to the Local Government to offset the cost of collection.

To ensure that the collection of delinquent installments of Assessments is congruent with the collection of delinquent property taxes the following procedures will be followed:

- (1) Any delinquent account on which two thirty (30) day notices of delinquency have been mailed as specified herein shall be enforced by means of Judicial Enforcement.



- (2) Delinquent installments of Assessment(s) through November 30 of any year will incur penalties and accrue interest as specified in the Financing Documents.
- (3) On or after February 1 of any year, the Authorized Representative will notify the Rockwall County Tax Assessor/Collector and the entity that collects delinquent taxes for the City of the amount due as of January 31 of said year. The amount due on January 31 shall become the base amount of delinquency which will incur penalties and accrue interest and collection fees in the same manner and on the same schedule as delinquent property taxes.
- (4) Installments of Assessment(s) becoming delinquent after November 30 of any year will incur penalties and accrue interest as specified in the Financing Documents but, notification of the County Tax Assessor/Collector and the entity that collects delinquent taxes for the City shall not occur until February 1 following delinquency. The amount due on January 31 following delinquency shall become the base amount of delinquency which will incur penalties and accrue interest and collection fees in the same manner and on the same schedule as delinquent property taxes.

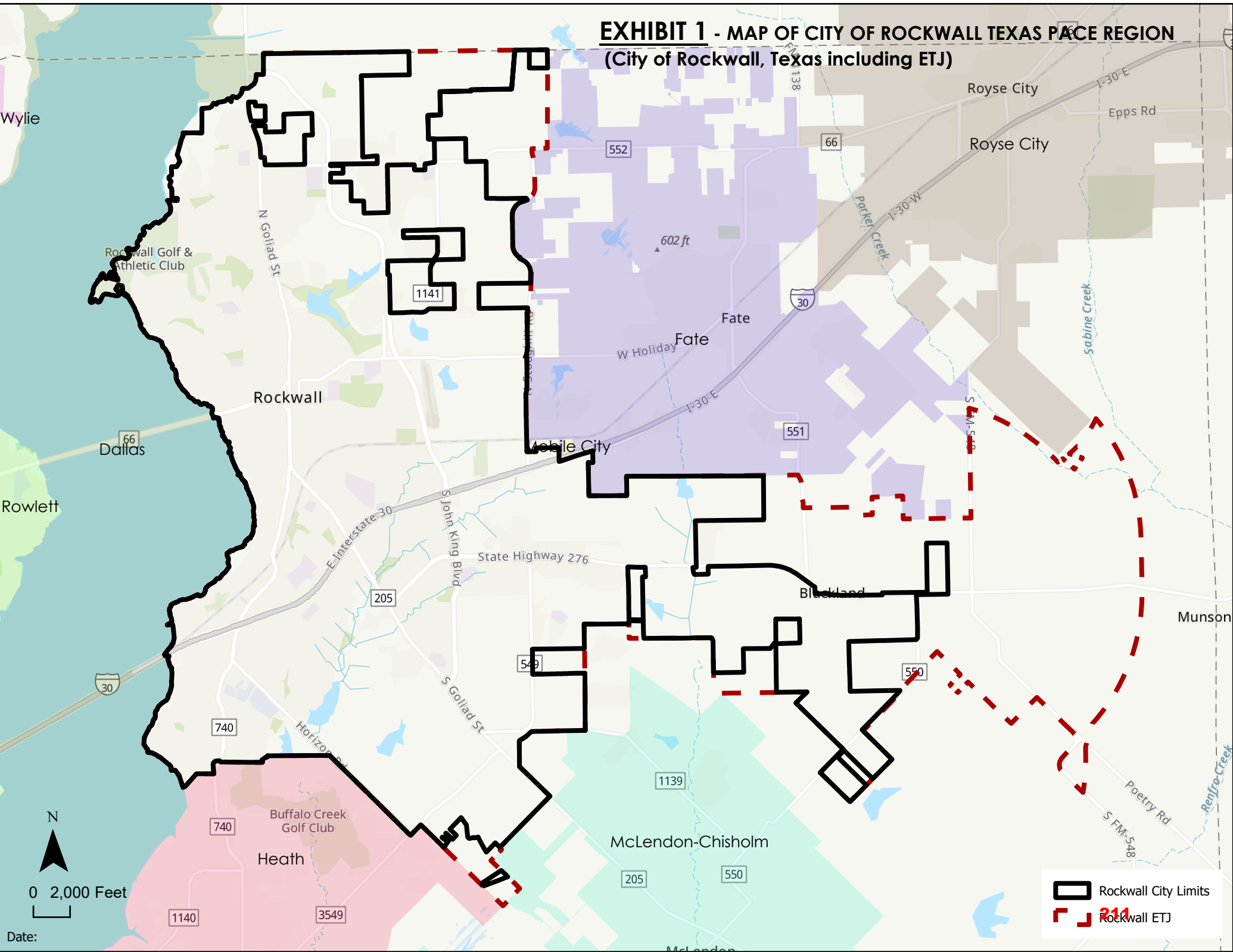
If the Local Government files suit to enforce collection of an Assessment, the Local Government may recover costs and expenses, including its attorney's fees, in a suit to collect a delinquent installment of an Assessment in the same manner and at the same rates as in suit to collect delinquent property taxes. If a delinquent installment of an Assessment is collected in a judicial foreclosure proceeding, the Local Government may recover the payment of any delinquent ad valorem taxes due to it, and the costs and expenses as set forth in the Texas Tax Code Sec. 33.48, and the Lender will be remitted the net amount of the delinquent Assessment installments and any additional sums collected that are due to it under the Financing Documents. The Local government shall also remit to the Authorized Representative the amount of any administrative fees collected.



Judicial Enforcement: The Authorized Representative is authorized to enter into a contract with the entity that collects delinquent taxes for the County to enforce the collection of delinquent installments of the Assessments including interest, penalties, and fees in accordance with Texas Law governing delinquent property tax collection and the agreement between the parties. Any lawsuit to enforce collection of an Assessment including foreclosure of a delinquent Assessment lien shall be brought in the name of the Local Government. Such lawsuits will be filed and prosecuted in accordance with the statutes, procedures, and rules for the collection of delinquent property taxes.

## **10. Limitations**

The PACE Program shall not give rise to or create a charge against the general credit or taxing power of the Local Government or a debt or other obligation of the Local Government payable from any source. No Local Government funds, revenues, taxes, or income of any kind shall be used to pay a contractual assessment, filing fee, collection cost, litigation cost, or any other expense arising under the PACE Program. The PACE Program is created to provide a third-party financing mechanism for energy saving betterments; no alternate financing is approved through the approval of the PACE Program. The Local Government assumes no financial obligation whatsoever in the event of default or foreclosure of any kind. None of the Local Government or any of its elected or appointed officials or any of its officers or employees or Authorized Representatives shall incur any liability hereunder to an owner, a lender, or any other party in their individual capacities by reason of the PACE Program or their acts or omissions under the PACE Program.

# EXHIBIT 1 - MAP OF CITY OF ROCKWALL TEXAS PACE REGION (City of Rockwall, Texas including ETJ)



 Rockwall City Limits  
 Rockwall ETJ

Date:

## EXHIBIT 2

### FORM PACE OWNER CONTRACT

THIS PROPERTY ASSESSED CLEAN ENERGY (“**PACE**”) OWNER CONTRACT including the attached exhibits (“**Owner Contract**”) is made as of the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ (“**Effective Date**”), by and between the City of Rockwall, Texas (“**Local Government**”), and \_\_\_\_\_ (“**Property Owner**”).

#### RECITALS

A. The Property Assessed Clean Energy Act (“**PACE Act**”), Texas Local Government Code Chapter 399, authorizes the governing body of a Local Government to establish a program and designate a region within the Local Government’s jurisdiction within which an authorized representative of the Local Government may enter into written contracts with the record owners of privately owned commercial, industrial, and large multifamily residential (5 or more dwelling units) real property to impose assessments on the property to finance the cost of permanent improvements fixed to the property intended to decrease water or energy consumption or demand.

B. Local Government has established a program under the PACE Act pursuant to a resolution dated \_\_\_\_\_, adopted by City Council (the “**PACE Program**”), and has designated \_\_\_\_\_ as a representative of Local Government (“**Authorized Representative**”) authorized to enter into the written contracts with the owners of such property and the providers of such financing described herein, and has designated the entire territory within the City of Rockwall, Texas jurisdiction as a region (the “**Region**”) within which the Authorized Representative and the record owners of such real property may enter into written contracts to impose assessments to repay the financing by owners of qualified improvements on the owners’ property pursuant to the PACE Program.

C. Property Owner is/are the legal and record owner of the qualified “**real property**,” as defined in Section 399.002 of the PACE Act, within the Region located at \_\_\_\_\_, \_\_\_\_\_, Texas \_\_\_\_\_ - \_\_\_\_\_ (the “**Property**”).

D. Pursuant to Application number \_\_\_\_\_, Property Owner has applied to Local Government to participate in the PACE Program by installing or modifying on the Property certain permanent improvements which are intended to decrease water or energy consumption or demand, and which are or will be fixed to the Property as “qualified improvements”, as defined in Section 399.002 of the PACE Act (the “**Qualified Improvements**”). The installation or modification of such Qualified Improvements on the Property will be a “qualified project” as defined in Section 399.002 of the PACE Act (the “**Project**”). Property Owner has requested that Local Government enter into this Owner Contract pursuant to the PACE Act and the PACE Program and has requested Local Government to impose an assessment (the “**Assessment**”) on the Property as set forth in the Notice Of Contractual Assessment Lien Pursuant To Property Assessed Clean Energy Act to be filed in the Official Public Records of Rockwall County (“**County**”), Texas (the “**Notice of Contractual Assessment Lien**”), a copy of which is attached hereto as

Exhibit A and made a part hereof, to repay the financing of such Qualified Improvements. The Property, Qualified Improvements and Assessment are more fully described in the Notice of Contractual Assessment Lien.

E. Financing of such Qualified Improvements will be provided to Property Owner by \_\_\_\_\_ (“**Lender**”), a qualified lender selected by Property Owner, pursuant to a written contract executed by Lender and Local Government as required by Section 399.006(c) of the PACE Act (the “**Lender Contract**”). The financing will include only those costs and fees for which an assessment may be imposed under the PACE Act. Local Government has agreed to maintain and continue the Assessment for the benefit of Lender until such financing is repaid in full and to release the Assessment upon notice from Lender of such payment, or to foreclose the lien securing the Assessment for the benefit of Lender upon notice from Lender of a default by Property Owner.

F. As required by Section 399.010 of the PACE Act, Property Owner notified the holder(s) of any mortgage liens on the Property at least thirty (30) days prior to the date of this Owner Contract of Property Owner’s intention to participate in the PACE Program. The written consent of each mortgage holder to the Assessment was obtained on or prior to the date of this Owner Contract and is attached hereto as Exhibit B and made a part hereof.

#### AGREEMENT

The parties agree as follows:

1. Imposition of Assessment. In consideration for the Financing advanced or to be advanced to Property Owner by Lender for the Project under the PACE Program pursuant to the Lender Contract, Property Owner hereby requests and agrees to the imposition by Local Government of the Assessment in the principal amount of \$\_\_\_\_\_, as set forth in the Notice of Contractual Assessment Lien. The Assessment includes the application and administration fees authorized by the PACE Program and Section 399.006(e) of the PACE Act. Property Owner promises and agrees to pay the Assessment, Contractual Interest thereon, any prepayment penalty, and all penalties, interest, fees, and costs due under and/or authorized by the PACE Act, PACE Program and the financing documents between Property Owner and Lender (the “**Financing Documents**”) which are described or listed in Exhibit C attached hereto and made a part hereof by reference. Property Owner promises and agrees pay such amount and interest to Local Government, in care of or as directed by Lender, in satisfaction of the Assessment imposed pursuant to this Owner Contract and the PACE Act. Accordingly, Local Government hereby imposes the Assessment on the Property to secure the payment of such amount, in accordance with the requirements of the PACE Program and the provisions of the PACE Act.

2. Maintenance and Enforcement of Assessment. In consideration for Lender’s agreement to advance Financing to Property Owner for the Project pursuant to the Financing Documents, Local Government agrees to maintain and continue the Assessment on the Property for the benefit of Lender until the Assessment, including all interest, fees, penalties, costs, and other sums due under and/or authorized by the PACE Act, PACE Program and the Financing Documents are paid in full, and to release or cause the release of the Assessment upon notice from Lender of such payment. Local Government, through its delinquent property tax collection

process, agrees to undertake reasonable efforts to enforce the Assessment against the Property for the benefit of Lender in the event of a default by Property Owner. Authorized Representative agrees to send an annual notice of assessment to the Property Owner each year there is a PACE lien balance. However, any failure of Local Government or Authorized Representative to deliver an annual notice of assessment to Property Owner will not affect the Assessment or Property Owner's obligations under the Owner Contract.

3. Installments. The Assessment, including the amount financed and contractual interest, is due and payable in installments as set forth in the Notice of Contractual Assessment Lien and the Financing Documents. The Assessment shall include: (1) an application fee to be paid by Property Owner to the Authorized Representative at the time of application, and (2) a closing fee (less application fee) paid to the Authorized Representative at the closing of the Financing. The Property Owner is further required to pay a recurring administration fee to Authorized Representative until the Assessment is released. The recurring administration fee amount shall be collected by Lender and paid to the Authorized Representative within thirty (30) days of receipt by Lender. The administration fee amounts due to Authorized Representative are identified in Exhibit C hereto. When the Assessment, together with any prepayment premium, and/or default penalties and interest, if any, has been paid in full, Local Government's rights under this Owner Contract will cease and terminate, except for rights under Section 18, 19, 20, and 21. Upon notice from Lender that all amounts due have been paid in full, Local Government will direct the Authorized Representative to execute a release of the Assessment and this Owner Contract and record the release. As required by Section 399.009(a) (8) of the PACE Act, the Property Owner represents to the Local Government that the period during which such Installments are payable does not exceed the useful life of the Project.

4. Assignment of Right to Receive Installments or Require Enforcement of Lien. Lender will have the right, with or without the consent of Property Owner, to assign or transfer the right to receive the Installments or require Local Government to enforce the assessment lien in the event of a default in payment, together with all corresponding obligations, provided that all of the following conditions are met:

(a) The assignment or transfer is made to a qualified lender as defined in the Lender Contract;

(b) Property Owner and Authorized Representative are notified in writing of the assignment or transfer and the address to which payment of the future installments should be mailed at least 30 days before the next installment is due according to the payment schedule included in the Notice of Contractual Assessment Lien and the Financing Documents; and

(c) The assignee or transferee of the right to receive the payments executes an explicit written assumption of all of Lender's rights and obligations under the Lender Contract related to the receipt of the Installments or the enforcement of the assessment lien and provides a copy of such assumption to Property Owner and Authorized Representative.

Lender may assign or transfer the right to receive the Installments or the right to require enforcement of the assessment lien separately. Upon written notice to Property Owner and

Authorized Representative of an assignment or transfer of the right to receive the installments that meets all of these conditions, the assignor shall be released of all of the obligations of the Lender under such Lender Contract accruing after the date of the assignment assumed by and transferred to such assignee or transferee and all of such obligations shall be assumed by and transferred to the assignee. Any attempt to assign or transfer the right to receive the installments that does not meet all of these conditions is void.

5. Lien Priority and Enforcement. Pursuant to Section 399.014 of the PACE Act:

(a) Delinquent installments of the Assessment will incur penalties and accrue interest in the same manner and in the same amount as delinquent property taxes under Texas law. Statutory penalties and statutory interest payable under this paragraph will be retained by Local Government to compensate it for the cost of enforcing the Assessment. Additional interest at any default rate imposed by Lender pursuant to the Financing Documents, along with any other fees and charges that become due pursuant to the Financing Documents, may be imposed and retained by Lender. To ensure that the collection of delinquent installments of Assessments and other amounts due pursuant to the Financing Documents is congruent with the collection of delinquent property taxes the following procedures will be followed:

(1) Any delinquent account on which two thirty (30) day notices of delinquency have been mailed as specified herein shall be enforced by means of Judicial Enforcement.

(2) Delinquent installments of Assessment(s) through November 30 of any year will incur penalties and accrue interest as specified in the Financing Documents.

(3) On or after February 1 of any year, the Authorized Representative will notify the County Tax Assessor/Collector and the entity that collects delinquent taxes for the County of the amount due as of January 31 of said year. The amount due on January 31 shall become the base amount of delinquency which will incur penalties and accrue interest and collection fees in the same manner and on the same schedule as delinquent property taxes.

(4) Installments of Assessment(s) becoming delinquent after November 30 of any year will incur penalties and accrue interest as specified in the Financing Documents but, notification of the County Tax Assessor/Collector and the entity that collects delinquent taxes for the County shall not occur until February 1 following delinquency. The amount due on January 31 following delinquency shall become the base amount of delinquency which will incur penalties and accrue interest and collection fees in the same manner and on the same schedule as delinquent property taxes.

(b) The Assessment, together with any penalties and interest thereon,

(1) is a first and prior lien against the Property from the date on

which the Notice of Contractual Assessment Lien is filed in the Official Public Records of Rockwall County as provided by Section 399.013 of the PACE Act, until the financing secured by the Assessment and any penalties and interest (including any Contractual Interest and penalties) are paid; and

(2) such lien has the same priority status as a lien for any other ad valorem tax.

(c) The lien created by the Assessment runs with the land, and according to Section 399.014(b) of the PACE Act, any portion of the Assessment that has not yet become due is not eliminated by foreclosure of (i) a property tax lien, or (ii) the lien for a past due portion of the Assessment. In the event of a sale or transfer of the Property by Property Owner, the obligation for the Assessment and the Property Owner's obligations under the Financing Documents will be transferred to the succeeding owner without recourse on Local Government or Authorized Representative and with recourse on Property Owner only for any unpaid installments of the Assessment that became due during Property Owner's period of ownership.

(d) In the event of a default by Property Owner in payment of the installments called for by the Financing Documents, the lien created by the Assessment will be enforced by Local Government, in the same manner according to Texas Tax Code Secs. 33.41 to 34.23 that a property tax lien against real property may be enforced by a local government, to the extent the enforcement is consistent with Section 50, Article XVI, Texas Constitution.

(e) In a suit to collect a delinquent Installment of the Assessment, Local Government will be entitled to recover costs and expenses, including attorney's fees, penalties, and interest due, in the same manner according to Texas Tax Code Sec. 33.48 as in a suit to collect a delinquent property tax. Lender shall be entitled to any additional sums due to it under the Financing Documents in connection with a suit to collect a delinquent Installment of the Assessment.

(f) Distribution of Proceeds of a foreclosure sale pursuant to a Judgment ordering foreclosure of Property Tax Lien(s) and delinquent installments(s) of an Assessment Lien shall be made in the following order:

(1) the payment of the costs of suit and sale;

(2) the payment of ad valorem taxes, penalties, interest, and attorney's fees due under the judgment; and

(3) the payment of delinquent installment(s) of the Assessment, penalties, interest, fees, costs, and attorney's fees due under the judgment.

(g) As provided in Section 399.014 (a-1) of the PACE Act, after the Notice of Contractual Assessment Lien is recorded in the Official Public Records of the County in



which the Property is located, the lien created by the Assessment may not be contested on the basis that the improvement is not a “qualified improvement” or the project is not a “qualified project”, as such terms are defined in Section 399.002 of the PACE Act.

6. Written Contract Required by PACE Act. This Owner Contract constitutes a written contract for the Assessment between the Property Owner and Local Government as required by Section 399.005 of the PACE Act. The Notice of Contractual Assessment Lien will be recorded in the Official Public Records of Rockwall County as public notice of the contractual Assessment, in accordance with the requirements of Section 399.013 of the PACE Act.

7. Qualified Improvements. Property Owner agrees that all improvements purchased, constructed, and/or installed through the financing obtained pursuant to this Owner Contract shall be permanently affixed to the Property and will transfer with the Property to the transferee in the event of a sale or transfer of the Property. Property Owner agrees to provide to Authorized Representative within 30 days after the completion of the Project a verification by an independent third-party reviewer (“ITPR”) that the project was properly completed and is operating as intended. Property Owner agrees that Lender may retain the final advance of Financing until such verification is submitted or require Property Owner to pay liquidated damages for a failure to do so, according to paragraph 19 below.

8. Water or Energy Savings. For so long as the Assessment encumbers the Property, Property Owner agrees, on or before January 31<sup>st</sup> of each year, to report to Authorized Representative the water or energy savings realized through the Project in accordance with the reporting requirements established by Local Government.

9. Construction and Definitions. This Owner Contract is to be construed in accordance with and with reference to the PACE Program and PACE Act. Terms used herein and not otherwise defined herein shall have the meanings ascribed to them in the PACE Program and/or the PACE Act.

10. Binding Effect. This Owner Contract inures to the benefit of Local Government and is binding upon Property Owner, its heirs, successors, and assigns.

11. Notices. All notices and other communications required or permitted by this Owner Contract shall be in writing and mailed by certified mail, return receipt requested, addressed to the other party at its address shown below the signature of such party or at such other address as such party may from time to time designate in writing to the other party, and shall be effective from the date of receipt.

12. Governing Law. This Owner Contract shall in all respects be governed by and construed in accordance with the laws of the State of Texas.

13. Entire Agreement. This Owner Contract constitutes the entire agreement between Local Government and Property Owner with respect to the subject matter hereof and may not be amended or altered in any manner except by a document in writing executed by both parties.

14. Further Assurances. Property Owner further covenants and agrees to do, execute and deliver, or cause to be done, executed, and delivered all such further acts for implementing the intention of this Owner Contract as may be reasonably necessary or required.

15. Captions. Paragraph and section titles are for convenience of reference only and shall not be of any legal effect.

16. Counterparts. This Owner Contract may be executed in any number of counterparts, and each counterpart may be delivered on paper or by electronic transmission, all of which when taken together will constitute one agreement binding on the parties, notwithstanding that all parties are not signatories to the same counterpart.

17. Interest. Interest and penalties in the event of default, as provided above, are explicitly authorized by Section 399.014(d) of the PACE Act. However, in no event will the total amount of interest on the Assessment, including statutory interest payable to Local Government and Contractual Interest payable to Lender under the Financing Documents, exceed the maximum amount or rate of nonusurious interest that may be contracted for, charged, or collected under Texas law (the “**usury limit**”). If the total amount of interest payable to Local Government and Lender exceeds the usury limit, the interest payable to Local Government will be reduced and any interest in excess of the usury limit will be credited to the amount payable to Local Government or refunded. This provision overrides any conflicting provisions in this Owner Contract.

18. Costs. No provisions of this Owner Contract will require Local Government to expend or risk its own funds or other Rockwall incur any financial liability in the performance of any of its duties hereunder.

19. Release. PROPERTY OWNER AGREES TO AND SHALL RELEASE THE LOCAL GOVERNMENT, ITS AUTHORIZED REPRESENTATIVES, AGENTS, EMPLOYEES, OFFICERS, AND LEGAL REPRESENTATIVES (COLLECTIVELY THE “RELEASED PERSONS”) FROM ALL LIABILITY FOR INJURY, DEATH, DAMAGE, OR LOSS TO PERSONS OR PROPERTY SUSTAINED IN CONNECTION WITH OR INCIDENTAL TO PERFORMANCE UNDER THIS CONTRACT, EVEN IF THE INJURY, DEATH, DAMAGE, OR LOSS IS CAUSED BY THE RELEASED PERSON’S SOLE OR CONCURRENT NEGLIGENCE AND/OR THE RELEASED PERSON’S STRICT PRODUCTS LIABILITY OR STRICT STATUTORY LIABILITY, AND EVEN IF THE INJURY, DEATH, DAMAGE OR LOSS IS CAUSED BY THE RELEASED PERSON’S WRONGFUL OR NEGLIGENT ENFORCEMENT OF THE ASSESSMENT OR FORECLOSURE.

20. Indemnification. TO THE MAXIMUM EXTENT ALLOWED BY LAW, PROPERTY OWNER SHALL INDEMNIFY AND HOLD LOCAL GOVERNMENT, ITS AUTHORIZED REPRESENTATIVES, AND THEIR RESPECTIVE AFFILIATES, EMPLOYEES, AGENTS, SUCCESSORS AND ASSIGNS (EACH SUCH PERSON HEREIN REFERRED TO AS AN “INDEMNITEE”) ABSOLUTELY HARMLESS FROM AND AGAINST ALL CLAIMS, LIABILITIES, LOSSES, DAMAGES, OBLIGATIONS OR RELATED EXPENSES INCURRED BY OR IMPOSED UPON OR ALLEGED TO BE DUE OF INDEMNITEE IN CONNECTION WITH THE EXECUTION OR DELIVERY OF THIS CONTRACT, THE NOTICE OF CONTRACTUAL ASSESSMENT LIEN, THE FINANCING

DOCUMENTS, AND ANY OTHER DOCUMENT OR ANY OTHER AGREEMENT OR INSTRUMENT CONTEMPLATED HEREBY OR THEREBY, THE PERFORMANCE BY THE PARTIES HERETO OF THEIR RESPECTIVE OBLIGATIONS HEREUNDER OR THEREUNDER, THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED HEREBY OR THEREBY, OR, IN THE CASE OF ANY INDEMNITEE, THE ADMINISTRATION OF THIS CONTRACT AND ANY OTHER AGREEMENTS RELATED TO THE PROJECT.

21. No Personal Liability. Pursuant to Section 399.019 of the PACE Act, the Property Owner acknowledges that the members of the governing body of a local government, other elected officials of a local government, employees of a local government, and board members, executives, employees, and contractors of a third party who enter into a contract with a Local Government to provide administrative services for a program under this chapter are not personally liable as a result of exercising any rights or responsibilities under the PACE Program or any agreement in furtherance of the PACE Program.

22. Construction Terms. If the Lender Contract includes requirements related to the construction of the Project and disbursement of Financing, such requirements are set forth in Exhibit D attached hereto and incorporated herein by reference. Such requirements may include, among other things, (1) the disbursement schedule and (2) any holdback amount to be funded following verification of final project completion.

**PROPERTY OWNER:**

\_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Email address: \_\_\_\_\_

**ACKNOWLEDGEMENT**

STATE OF TEXAS §

COUNTY OF \_\_\_\_\_ §

This PACE Owner Contract pursuant to Property Assessed Clean Energy Act was acknowledged before me on \_\_\_\_\_, \_\_\_\_\_ by \_\_\_\_\_, \_\_\_\_\_, on behalf of \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ (print name)

NOTARY PUBLIC, STATE OF TEXAS

**LOCAL GOVERNMENT:**

CITY OF ROCKWALL, TEXAS  
BY: LONE STAR PACE LLC  
ITS: Authorized Representative

BY: \_\_\_\_\_  
ITS: Lee A. McCormick  
President

Email Address: lmccormick@lonestarpace.com

**ACKNOWLEDGEMENT**

STATE OF TEXAS §

COUNTY OF \_\_\_\_\_ §

This PACE Owner Contract pursuant to Property Assessed Clean Energy Act was acknowledged before me on \_\_\_\_\_, \_\_\_\_\_ by \_\_\_\_\_, \_\_\_\_\_, on behalf of \_\_\_\_\_, a Texas \_\_\_\_\_, as Authorized Representative for the Local Government.

\_\_\_\_\_  
\_\_\_\_\_  
(print name)

NOTARY PUBLIC, STATE OF TEXAS

OWNER CONTRACT EXHIBIT A

NOTICE OF CONTRACTUAL ASSESSMENT LIEN  
PURSUANT TO  
PROPERTY ASSESSED CLEAN ENERGY ACT

OWNER CONTRACT EXHIBIT B  
MORTGAGE HOLDER(S) CONSENT

OWNER CONTRACT EXHIBIT C

FINANCING DOCUMENTS

Assessment Payment Schedule

Assessment Total:

Payment Frequency:

Payment Date	Total Payment	Principal Paid	Interest Paid	Administration Fee	Remaining Balance

Financing Documents

Document Title	Parties	Date Executed



OWNER CONTRACT EXHIBIT D

CONSTRUCTION TERMS

Retainage or Liquidated Damages:

Lender will retain \_\_\_\_\_% of the Financing until a report of completion by a qualified Independent Third Party Reviewer (“ITPR”) is provided to Authorized Representative.

OR

Property Owner will pay liquidated damages to Lender of \$\_\_\_\_\_ per day for every day after 30 days following completion of the Project that such a report of completion is not provided. Lender will then provide the report of completion to Authorized Representative.

Additional Construction Terms

Date	Draw down Amount	Purpose

## EXHIBIT 3

### FORM PACE LENDER CONTRACT

THIS PROPERTY ASSESSED CLEAN ENERGY (“**PACE**”) LENDER CONTRACT including the attached exhibits (“**Lender Contract**”) is made as of the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, (“**Effective Date**”) by and between the City of Rockwall, Texas (“**Local Government**”) and \_\_\_\_\_ (“**Lender**”).

#### RECITALS

A. The Property Assessed Clean Energy Act (“**PACE Act**”), Texas Local Government Code Chapter 399, authorizes the governing body of a Local Government to establish a program and designate a region within the Local Government’s jurisdiction within which an authorized representative of the Local Government may enter into written contracts with the record owners of privately owned commercial, industrial, and large multifamily residential (5 or more dwelling units) real property to impose assessments on the property to finance the cost of permanent improvements fixed to the property intended to decrease water or energy consumption or demand.

B. Local Government has established a program under the PACE Act pursuant to a resolution dated \_\_\_\_\_, and adopted by the City Council (“**PACE Program**”), and has designated \_\_\_\_\_ as a representative of Local Government (“**Authorized Representative**”) authorized to enter into the written contracts with the owners of such property and the providers of such financing described herein, and has designated the entire territory within the Local Government’s jurisdiction as a region (the “**Region**”) within which the Authorized Representative and the record owners of such real property may enter into written contracts to impose assessments to repay the financing by owners of qualified improvements on the owner’s property pursuant to the PACE Program.

C. Pursuant to Application number \_\_\_\_\_, \_\_\_\_\_ (“**Property Owner**”), the legal and record owner of the following qualified “real property,” as defined in Section 399.002 of the PACE Act, within the Region has/have applied to Local Government to participate in the PACE Program with respect to certain real property located at \_\_\_\_\_, \_\_\_\_\_, Texas, \_\_\_\_\_ - \_\_\_\_\_ (the “**Property**”) by installing or modifying on the Property certain permanent improvements which are intended to decrease water or energy consumption or demand, and which are or will be fixed to the Property as “qualified improvements”, as defined in Section 399.002 of the PACE Act (“**Qualified Improvements**”). The installation or modification of such Qualified Improvements on the Property will be a “qualified project” as defined in Section 399.002 of the PACE Act (the “**Project**”).

D. Property Owner and Local Government have entered into a written contract as required by Section 399.005 of the PACE Act, a copy of which is attached hereto as Exhibit A and made a part hereof (the “**Owner Contract**”), in which Property Owner has requested that Local Government impose an assessment (the “**Assessment**”) on the Property as set forth in the Notice Of Contractual Assessment Lien Pursuant To Property Assessed Clean Energy Act to be filed in the Official Public Records of Rockwall County, Texas (the “**Notice of Contractual Assessment**”).

**Lien**”), to repay the financing of such Qualified Improvements. A copy of the Notice of Contractual Assessment Lien is attached as Exhibit A to the Owner Contract and made a part hereof. The Property, Qualified Improvements, and Assessment are more fully described in the Notice of Contractual Assessment Lien.

E. Financing for the Project (the “**Financing**”) will be provided to Property Owner by Lender in accordance with financing documents which are described in or copies of which are attached as Exhibit B and made a part hereof (the “**Financing Documents**”). Such Financing will include only those costs and fees for which an assessment may be imposed under the PACE Act. This Lender Contract is entered into between Local Government and Lender as required by Section 399.006(c) of the PACE Act to provide for repayment of the Financing through the Assessment.

F. As required by Section 399.010 of the PACE Act, Property Owner has notified the holder(s) of any mortgage liens on the Property at least thirty (30) days prior to the date of the Owner Contract of Property Owner’s intention to participate in the PACE Program. Pursuant to the requirements of the PACE Act, the written consent of each mortgage lien holder to the Assessment was obtained on or prior to the date of the Owner Contract, as shown by the copy of such consent(s) attached as Exhibit B to the Owner Contract.

## **AGREEMENT**

The parties agree as follows:

1. Maintenance and Enforcement of Assessment. Lender agrees to provide Financing for the Project in the total principal amount of \$ \_\_\_\_\_, according to the terms set out in the Financing Documents attached hereto as Exhibit B. In consideration for the Financing provided or to be provided by Lender for the Project, and subject to the terms and conditions of this Lender Contract, Local Government agrees to maintain and continue the Assessment for the benefit of Lender until the Assessment, all contractual interest (“**Contractual Interest**”), any prepayment penalty, and any penalties, interest, attorney’s fees, and/or costs due under or authorized by the PACE Act due to Lender according to the Financing Documents are paid in full, and to release the Assessment upon notice from Lender of such payment. The Authorized Representative shall record a release of lien in the property records of Rockwall County, Texas. Local Government will not release, sell, assign or transfer the Assessment or the lien securing it without the prior written consent of Lender. Local Government agrees to enforce the assessment lien against the Property at the request of Lender in the event of a default in payment by Property Owner in accordance with the provisions set forth in paragraph 6, as may be limited by applicable law. Local Government shall have no obligation to repurchase the Assessment and no liability to Lender should there be a default in the payment thereof or should there be any other loss or expense suffered by Lender or under any other circumstances.

2. Installments. The Assessment and Contractual Interest thereon are due and payable to Lender in installments (“**Installments**”) according to the payment schedule set forth in the Financing Documents attached hereto as Exhibit B. To participate in the PACE Program, the Property Owner is required to pay (1) an application fee to be paid to the Authorized Representative at the time of application, and (2) a closing fee (less application fee) paid to the Authorized Representative at the closing of the Financing. The Property Owner is further required

to pay a recurring administration fee paid by Property Owner to Authorized Representative until the Assessment is released. The recurring administration fee amount will be collected by Lender and paid to Authorized Representative within thirty (30) days of receipt by Lender, unless other Rockwall agreed to in writing by Authorized Representative. Notwithstanding the foregoing, in the event of delinquency in the payment of any Installment, Lender will, upon notice to Authorized Representative, withhold payment of any amounts due to Authorized Representative in connection with such Installment until the Installment is paid. Any such temporary withholding will not reduce the amount of administration fees included in the Assessment. The amounts due to Authorized Representative are identified in Exhibit B hereto. As required by Section 399.009(a)(8) of the PACE Act, the period during which such Installments are payable does not exceed the useful life of the Project. When the Assessment together with any prepayment premium, and/or default penalties and interest, if any, has been paid in full, Local Government's rights under this Lender Contract will cease and terminate, except for rights under Section 18, 19, 20 and 21. Upon notice from Lender that all amounts owing have been paid in full, Authorized Representative will execute a release of the Assessment and this Lender Contract. Thereafter, the Authorized Representative will record the release.

3. Assignment of Right to Receive Installments or Require Enforcement of Lien. Lender will have the right, without the consent of Property Owner, to assign or transfer the right to receive the Installments or require Local Government to enforce the assessment lien in the event of a default in payment, together with the corresponding obligations, provided that all of the following conditions are met:

(a) The assignment or transfer is made to a qualified lender, which may be one of the following:

(1) Any federally insured depository institution such as a bank, savings bank, savings and loan association and federal or state credit union;

(2) Any insurance company authorized to conduct business in one or more states;

(3) Any registered investment company, registered business development company, or a Small Business Administration small business investment company;

(4) Any publicly traded entity;

(5) Any private entity that:

(i) Has a minimum net worth of \$5 million;

(ii) Has at least three years' experience in business or industrial lending or commercial real estate lending (including multifamily lending), or has a lending officer that has at least three years' experience in business or industrial lending or commercial real estate lending;

(iii) Can provide independent certification as to availability of funds; and

(iv) Has the ability to carry out, either directly or through a servicer, the bookkeeping and customer service work necessary to manage the assessment accounts; or

(6) A financially stable entity, whether or not from the list above, with the ability to carry out, either directly or through a servicer, the obligations of this Lender Contract related to the receipt and accounting of the Installments or the enforcement of the assessment lien.

(b) Property Owner and Authorized Representative are notified in writing of the assignment or transfer and the address to which payment of the future Installments should be mailed at least 30 days before the next Installment is due according to the payment schedule included in the Financing Documents; and

(c) The assignee or transferee executes a written assumption agreement according to the Financing Documents of all of Lender's rights and obligations under this Lender Contract related to the receipt of the Installments or enforcement of the assessment lien and provides a copy of such assumption to Property Owner and Authorized Representative within 10 days after execution of the agreement. Such written agreement must contain a certification by the Lender and the assignee that all of the conditions in this Section 3 have been met. Lender may assign or transfer the right to receive the Installments or the right to require enforcement of the assessment lien separately. Upon written notice to Property Owner and Authorized Representative of an assignment or transfer that meets all of these conditions, the assignor will be released of all of the rights and obligations of the Lender under this Lender Contract accruing after the date of the assignment that are specified in the assignment or transfer document, and all of such rights and obligations will be assumed by and transferred to the assignee. Any attempt to assign or transfer the right to receive the Installments or to require enforcement of the assessment lien that does not meet all of these conditions is void. Lender will retain all of the rights and obligations of Lender under this Lender Contract until such rights and obligations are assigned or transferred according to this paragraph.

4. Financing Responsibility. Lender assumes full responsibility for determining the financial ability of the Property Owner to repay the Financing and for advancing the funds as set forth in the Financing Documents and performing Lender's obligations and responsibilities thereunder. In the event the assessment lien on the Property is enforced by foreclosure as provided below, Lender will have no further obligations to Property Owner with respect to the Installments that were the subject of the foreclosure, but Lender will retain the rights to enforcement of the lien for any Installments that are not eliminated by the foreclosure, and the succeeding owner of the Property will be subject to such lien.

5. Lien Priority and Enforcement. As provided in the Owner Contract and Section 399.014 of the PACE Act:

(a) Delinquent Installments of the Assessment incur penalties and accrue interest on the principal of the Installment in the same manner and in the same amount as delinquent property taxes. Statutory penalties and statutory interest payable under this paragraph will be retained by Local Government to compensate it for the cost of enforcing the Assessment. Additional interest at any default rate imposed by Lender pursuant to the Financing Documents, along with any other fees and charges that become due pursuant to the Financing Documents may be imposed and retained by Lender. To ensure that the collection of delinquent installments of Assessments is congruent with the collection of delinquent property taxes the following procedures will be followed:

(1) Any delinquent account on which two thirty (30) day notices of delinquency have been mailed as specified herein shall be enforced by means of Judicial Enforcement.

(2) Delinquent installments of Assessment(s) through November 30 of any year will incur penalties and accrue interest as specified in the Financing Documents.

(3) On or after February 1 of any year, the Authorized Representative will notify the County Tax Assessor/Collector and the entity that collects delinquent taxes for the County of the amount due as of January 31 of said year. The amount due on January 31 shall become the base amount of delinquency which will incur penalties and accrue interest and collection fees in the same manner and on the same schedule as delinquent property taxes.

(4) Installments of Assessment(s) becoming delinquent after November 30 of any year will incur penalties and accrue interest as specified in the Financing Documents but, notification of the County Tax Assessor/Collector and the entity that collects delinquent taxes for the County shall not occur until February 1 following delinquency. The amount due on January 31 following delinquency shall become the base amount of delinquency which will incur penalties and accrue interest and collection fees in the same manner and on the same schedule as delinquent property taxes.

(b) The Assessment, together with any penalties and interest thereon,

(1) are a first and prior lien against the Property from the date on which the Notice of Contractual Assessment Lien is recorded in the Official Public Records of Rockwall County, Texas, as provided by Section 399.013 of the PACE Act, until the Assessment, interest, or penalty is paid; and

(2) such lien has the same priority status as a lien for any other ad valorem tax.

(c) The lien created by the Assessment runs with the land, and according to Section 399.014(b) of the PACE Act, any portion of the Assessment that has not yet become due will not be eliminated by foreclosure of (i) a property tax lien, or (ii) the lien

for a delinquent Installment of the Assessment. In the event of a sale or transfer of the Property by Property Owner, the obligation for the Assessment and the Property Owner's obligations under the Financing Documents will be transferred to the succeeding owner without recourse to Lender, Local Government or Authorized Representative

(d) In the event of a default by Property Owner in payment of an Installment called for by the Financing Documents or the filing of a case under the U.S. Bankruptcy Code by or against Property Owner, the lien created by the Assessment will be enforced by Local Government for the benefit of Lender according to paragraph 6(c) below in the same manner according to Texas Tax Code Secs. 33.41 to 34.23 that a property tax lien against real property may be enforced by a Local Government, to the extent the enforcement is consistent with Section 50, Article XVI, Texas Constitution.

(e) In a suit to collect a delinquent Installment of the Assessment, Local Government will be entitled to recover costs and expenses, including attorney's fees, penalties, and interest due, in the same manner according to Texas Tax Code Sec. 33.48 as in a suit to collect a delinquent property tax. Lender will be entitled to any additional sums due to it under the Financing Documents in connection with a suit to collect a delinquent Installment of the Assessment.

(f) Notwithstanding any other provisions in this Lender Contract except Section 16 hereof, distribution of Proceeds of a foreclosure sale pursuant to a Judgment ordering foreclosure of Property Tax Lien(s) and delinquent installments(s) of an Assessment Lien shall be disbursed in the following order:

(1) the payment of the costs of suit and sale;

(2) the payment of ad valorem taxes, and associated penalties, interest, and attorney's fees due under the judgment; and

(3) the payment of delinquent installment(s) of the Assessment, and associated penalties, interest, fees, costs, and attorney's fees due under the judgment.

(g) As provided in Section 399.014(a-1) of the PACE Act, after written notice of the Assessment is recorded in the Official Public Records of the county in which the Property is located, the lien created by the Assessment may not be contested on the basis that the improvement is not a "qualified improvement" or the project is not a "qualified project", as such terms are defined in Section 399.002 of the PACE Act.

## 6. Servicing and Enforcement of Assessment.

(a) Servicing. The Installments and other amounts due under the Financing Documents will be billed, collected, received, and disbursed in accordance with the

procedures set out in the Financing Documents. Lender or its designee will be responsible for all servicing duties other than those specifically undertaken by Local Government in this Lender Contract. Authorized Representative agrees to send an annual notice of assessment to the Property Owner each year there is a PACE lien balance. However, any failure of Local Government or Authorized Representative to deliver an annual notice of assessment to Property Owner will not affect the Assessment or Property Owner's obligations under the Owner Contract.

(b) Remittances. Each of the parties covenants and agrees to promptly remit to the other party any payments incorrectly received by such party with respect to the Assessment after the execution of this Lender Contract.

(c) Default and Enforcement. In the event of a default in payment of any Installment according to the Financing Documents, Lender agrees to take at least the following steps to collect the delinquent Installment:

(1) Mail a written notice of delinquency and demand for payment to the Property Owner by both certified mail, return receipt requested, and first class mail; and

(2) Mail a second notice of delinquency to the Property Owner by both certified mail, return receipt requested, and first-class mail at least 30 days after the date of the first notice if the delinquency is continuing.

If the Property Owner fails to cure the delinquency within 30 days after the mailing of the second notice of delinquency, Lender or its designee may notify Authorized Representative in writing of a default in payment by Property Owner. Upon receipt of such notice and after doing its own due diligence, Local Government will enforce the assessment lien for the benefit of Lender pursuant to Sec. 399.014(c) of the PACE Act, in the same manner as a property tax lien against real property may be enforced, to the extent the enforcement is consistent with Section 50, Article XVI, Texas Constitution.

(d) Priority. If the assessment lien is enforced by foreclosure or collected through a bankruptcy or similar proceeding, the assessment balance and any interest or penalties on the assessment will have the same priority status as a lien for any other ad valorem tax, pursuant to Sec. 399.014(a)(2) of the PACE Act.

(e) Final Payment and Release. When the Assessment, Contractual Interest, any prepayment penalty, and any penalties, interest, fees, or costs due under or authorized by the PACE Act or the Financing Documents have been paid in full, Local Government's rights under the Owner Contract will cease and terminate. Upon notice from Lender that all amounts due have been paid in full, Authorized Representative will execute a release of the Assessment and the Owner Contract and record the release.

(f) Limitations on Local Government's Actions. Without the prior written consent of Lender, Local Government will not enter into any amendment or modification of or deviation from the Owner Contract. Local Government or Authorized Representative



will not institute any legal action with respect to the Owner Contract, the Assessment, or the assessment lien without the prior written request of Lender.

(g) Limitations of Local Government's Obligations. Local Government undertakes to perform only such duties as are specifically set forth in this Lender Contract, and no implied duties on the part of Local Government are to be read into this Lender Contract. Local Government will not be deemed to have a fiduciary or other similar relationship with Lender. Local Government may request written instructions for action from Lender and refrain from taking action until it receives satisfactory written instructions. Local Government will have no liability to any person for following such instructions, regardless of whether they are to act or refrain from acting.

(h) Costs. No provisions of this Lender Contract will require Local Government to expend or risk its own funds or otherRockwall incur any financial liability in the performance of any of its duties hereunder.

7. Lender's Warranties and Representations. With respect to this Lender Contract, Lender hereby warrants and represents that on the date on which Lender executes this Lender Contract:

(a) Lender is a qualified lender under the PACE Program, as defined in paragraph 3(a) above, and is fully qualified under the PACE Program to enter into this Lender Contract and the Financing Documents;

(b) Lender has independently and without reliance upon Local Government conducted its own credit evaluation, reviewed such information as it has deemed adequate and appropriate, and made its own analysis of the Owner Contract, the Project, and Property Owner's financial ability to perform the financial obligations set out in the Financing Documents; and

(c) Lender has not relied upon any investigation or analysis conducted by, advice or communication from, or any warranty or representation by Local Government, Authorized Representative, or any agent or employee of Local Government, express or implied, concerning the financial condition of the Property Owner or the tax or economic benefits of an investment in the Assessment.

8. Written Contract Required by the PACE Act. This Lender Contract constitutes a written contract between Local Government and Lender, as required under Section 399.006 (c) of the PACE Act.

9. Construction and Definitions. This Lender Contract is to be construed in accordance with and with reference to the PACE Program and PACE Act. Terms used herein and not otherRockwall defined herein have the meanings ascribed to them in the PACE Program, and/or the PACE Act.

10. Binding Effect. This Lender Contract is binding upon and inures to the benefit of the parties hereto and their respective heirs, representatives, successors, and assigns.

11. Notices. Unless otherRockwall specifically provided herein, all notices and other communications required or permitted hereunder shall be in writing and delivered by first-class mail or by electronic mail, addressed to the other party at the address stated below the signature of such party or at such other address as such party may from time to time designate in writing to the other party, and shall be effective from the date of receipt.

12. Governing Law. This Lender Contract shall in all respects be governed by and construed in accordance with the laws of the State of Texas.

13. Entire Agreement. This Lender Contract constitutes the entire agreement between Local Government and Lender with respect to the subject matter hereof and shall not be amended or altered in any manner except by a document in writing executed by both parties.

14. Captions. Paragraph and section titles are for convenience of reference only and shall not be of any legal effect.

15. Counterparts. This Lender Contract may be executed in any number of counterparts, and each counterpart may be delivered on paper or by electronic transmission, all of which when taken together will constitute one agreement binding on the parties, notwithstanding that all parties are not signatories to the same counterpart.

16. Interest. Interest and penalties in the event of default, as provided above, are explicitly authorized by Section 399.014(d) of the PACE Act. However, in no event will the total amount of interest on the Assessment, including statutory interest payable to Local Government and Contractual Interest payable to Lender under the Financing Documents, exceed the maximum amount or rate of nonusurious interest that may be contracted for, charged, or collected under Texas law (the “**usury limit**”). If the total amount of interest payable to Local Government and Contractual Interest payable to Lender exceeds the usury limit, interest payable to Local Government will be reduced and any interest in excess of the usury limit will be credited to the amount payable to Local Government or refunded. This provision overrides any conflicting provisions in this Lender Contract.

17. Certification. Local Government certifies that the PACE Program has been duly adopted and is in full force and effect on the date of this Lender Contract. Property Owner has represented to Lender and Local Government that the Project is a “qualified project” as defined in the PACE Program and Section 399.002 of the PACE Act. The Assessment has been imposed on the Property as a lien in accordance with the PACE Owner Contract and the PACE Act. Local Government has not assigned or transferred any interest in the Assessment or the PACE Owner Contract.

18. Costs. No provision of this Lender Contract will require Local Government to expend or risk its own funds or otherRockwall incur any financial liability in the performance of any of its duties hereunder.

19. Release. LENDER AGREES TO AND SHALL RELEASE THE LOCAL GOVERNMENT, ITS AUTHORIZED REPRESENTATIVES, AGENTS, EMPLOYEES, OFFICERS, AND LEGAL REPRESENTATIVES (COLLECTIVELY THE “RELEASED

PERSONS”) FROM ALL LIABILITY FOR INJURY, DEATH, DAMAGE, OR LOSS TO PERSONS OR PROPERTY SUSTAINED IN CONNECTION WITH OR INCIDENTAL TO PERFORMANCE UNDER THIS CONTRACT, EVEN IF THE INJURY, DEATH, DAMAGE, OR LOSS IS CAUSED BY THE RELEASED PERSON’S SOLE OR CONCURRENT NEGLIGENCE AND/OR THE RELEASED PERSON’S STRICT PRODUCTS LIABILITY OR STRICT STATUTORY LIABILITY, AND EVEN IF THE INJURY, DEATH, DAMAGE OR LOSS IS CAUSED BY THE RELEASED PERSON’S WRONGFUL OR NEGLIGENT ENFORCEMENT OF THE ASSESSMENT OR FORECLOSURE. NOTWITHSTANDING THE FOREGOING, LOCAL GOVERNMENT AGREES THAT ITS OBLIGATION TO MAINTAIN, CONTINUE, AND ENFORCE THE ASSESSMENT AS WELL AS ITS OBLIGATION TO REMIT AMOUNTS IN ACCORDANCE WITH THIS AGREEMENT ARE MINISTERIAL ACTS, AND THE LENDER MAY BRING AN ACTION IN MANDAMUS, A CLAIM FOR SPECIFIC PERFORMANCE, OR ANY SIMILAR ACTION OR REMEDY (EXCEPT AN ACTION SEEKING MONETARY DAMAGES FROM THE LOCAL GOVERNMENT) AGAINST ANY NECESSARY PARTY TO ENSURE THE NECESSARY MINISTERIAL ACTS LISTED ABOVE ARE PERFORMED PURSUANT TO THIS AGREEMENT.

20. Indemnification. TO THE MAXIMUM EXTENT ALLOWED BY LAW, LENDER SHALL INDEMNIFY AND HOLD LOCAL GOVERNMENT, AUTHORIZED REPRESENTATIVES, AND THEIR RESPECTIVE AFFILIATES, EMPLOYEES, AGENTS, SUCCESSORS AND ASSIGNS (EACH SUCH PERSON HEREIN REFERRED TO AS AN “INDEMNITEE”) ABSOLUTELY HARMLESS FROM AND AGAINST ALL CLAIMS, LIABILITIES, LOSSES, DAMAGES, OBLIGATIONS OR RELATED EXPENSES INCURRED BY OR IMPOSED UPON OR ALLEGED TO BE DUE OF INDEMNITEE IN CONNECTION WITH THE EXECUTION OR DELIVERY OF THIS CONTRACT, THE NOTICE OF CONTRACTUAL ASSESSMENT LIEN, THE FINANCING DOCUMENTS, AND ANY OTHER DOCUMENT OR ANY OTHER AGREEMENT OR INSTRUMENT CONTEMPLATED HEREBY OR THEREBY, THE PERFORMANCE BY THE PARTIES HERETO OF THEIR RESPECTIVE OBLIGATIONS HEREUNDER OR THEREUNDER, THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED HEREBY OR THEREBY, OR, IN THE CASE OF ANY INDEMNITEE, THE ADMINISTRATION OF THIS CONTRACT AND ANY OTHER AGREEMENTS RELATED TO THE PROJECT. NOTWITHSTANDING THE FOREGOING OR ANYTHING CONTAINED HEREIN TO THE CONTRARY, LENDER SHALL HAVE NO OBLIGATION TO INDEMNIFY AND HOLD ANY INDEMNITEE HARMLESS FROM AND AGAINST ALL CLAIMS, LIABILITIES, LOSSES, DAMAGES, OBLIGATIONS OR RELATED EXPENSES INCURRED BY OR IMPOSED UPON OR ALLEGED TO BE DUE OF AN INDEMNITEE IF SUCH CLAIMS, LIABILITIES, LOSSES, DAMAGES, OBLIGATIONS OR RELATED EXPENSES ARE CAUSED BY OR ARISE FROM THE GROSS NEGLIGENCE OR WILLFUL MISCONDUCT OF SUCH INDEMNITEE RELATED TO THE FAILURE TO MAINTAIN, CONTINUE, AND ENFORCE THE ASSESSMENT AS WELL AS ITS OBLIGATION TO REMIT AMOUNTS IN ACCORDANCE WITH THIS AGREEMENT.

21. No Personal Liability. Pursuant to Section 399.019 of the PACE Act, the Lender acknowledges that the members of the governing body of a Local Government, other elected officials of a Local Government, employees of a Local Government, and board members,

executives, employees, and contractors of a third party who enters into a contract with a Local Government to provide administrative services for a program under this chapter are not personally liable as a result of exercising any rights or responsibilities under the PACE Program or any agreement in furtherance of the PACE Program.

22. Construction Terms. If this Lender Contract includes any additional requirements related to construction of the Project and disbursement of Financing, such requirements are set forth in Exhibit C attached hereto and incorporated herein by reference. Such requirements may include, among other things, (1) the disbursement schedule and (2) any holdback amount to be funded following verification of final project completion.

LENDER:

\_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

ACKNOWLEDGEMENT

STATE OF \_\_\_\_\_ §

COUNTY OF \_\_\_\_\_ §

This PACE Lender Contract pursuant to Property Assessed Clean Energy Act was  
acknowledged before me on \_\_\_\_\_, \_\_\_\_\_ by \_\_\_\_\_,  
\_\_\_\_\_, on behalf of \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ (print name)

NOTARY PUBLIC, STATE OF \_\_\_\_\_

LOCAL GOVERNMENT:

CITY OF ROCKWALL, TEXAS  
BY: LONE STAR PACE LLC  
ITS: Authorized Representative

BY: \_\_\_\_\_  
ITS:

Email Address:

ACKNOWLEDGEMENT

STATE OF TEXAS §

COUNTY OF \_\_\_\_\_ §

This PACE Lender Contract pursuant to Property Assessed Clean Energy Act was acknowledged before me on \_\_\_\_\_, \_\_\_\_\_ by \_\_\_\_\_, \_\_\_\_\_, on behalf of \_\_\_\_\_, a Texas \_\_\_\_\_, as Authorized Representative for the Local Government.

\_\_\_\_\_  
\_\_\_\_\_  
(print name)

NOTARY PUBLIC, STATE OF TEXAS

LENDER CONTRACT EXHIBIT A

OWNER CONTRACT

LENDER CONTRACT EXHIBIT B

FINANCING DOCUMENTS

Assessment Payment Schedule

Assessment Total:  
Payment Frequency:

Payment Date	Total Payment	Principal Paid	Interest Paid	Administration Fee	Remaining Balance

Financing Documents

Document Title	Parties	Date Executed



LENDER CONTRACT EXHIBIT C

CONSTRUCTION TERMS

Retainage or Liquidated Damages:

Lender will retain \_\_\_\_\_% of the Financing until a report of completion by a qualified Independent Third Party Reviewer (“ITPR”) is provided to Authorized Representative.

OR

Property Owner will pay liquidated damages to Lender of \$\_\_\_\_\_ per day for every day after 30 days following completion of the Project that such a report of completion is not provided. Lender will then provide the report of completion to Authorized Representative.

Date	Draw down Amount	Purpose

## EXHIBIT 4

### FORM NOTICE OF CONTRACTUAL ASSESSMENT LIEN PURSUANT TO PROPERTY ASSESSED CLEAN ENERGY ACT

STATE OF TEXAS           §  
  §  
CITY OF ROCKWALL       §

#### RECITALS

A. The Property Assessed Clean Energy Act (“**PACE Act**”), Texas Local Government Code Chapter 399, authorizes the governing body of a local government to establish a program and designate a region within the local government’s jurisdiction within which an authorized representative of the local government may enter into written contracts with the record owners of privately owned commercial, industrial, and large multifamily residential (5 or more dwelling units) real property to impose assessments on the property to finance the cost of permanent improvements fixed to the property intended to decrease water or energy consumption or demand. Unless otherwise expressly provided herein, all terms used herein have the same meanings ascribed to them in the PACE Act.

B. The City of Rockwall, Texas (“**Local Government**”) has established a program under the PACE Act (“**PACE Program**”) pursuant to a resolution dated \_\_\_\_\_ adopted by the City Council, and has designated \_\_\_\_\_ as a representative of Local Government (“**Authorized Representative**”) authorized to enter into and enforce the written contracts with the owners of such property and the providers of such financing described herein, and has designated the entire territory within the City of Rockwall jurisdiction as a region (the “**Region**”) within which the Authorized Representative and the record owners of such real property may enter into written contracts to impose assessments to repay the financing by owners of qualified improvements on the owners’ property pursuant to the PACE Program.

C. \_\_\_\_\_ (“**Property Owner**”) is/are the sole legal and record owner of the qualified “real property,” as defined in Section 399.002 of the PACE Act, within the Region located at \_\_\_\_\_, \_\_\_\_\_, Texas \_\_\_\_\_ - \_\_\_\_\_ and more fully described in Exhibit A attached hereto and made a part hereof (the “**Property**”).

D. Property Owner has applied to Local Government to participate in the PACE Program by installing or modifying on the Property certain permanent improvements described in Exhibit B attached hereto and made a part hereof, which are intended to decrease water or energy consumption or demand and which are or will be fixed to the Property as “qualified improvements”, as defined in Section 399.002 of the PACE Act (the “**Qualified Improvements**”). The installation or modification of such Qualified Improvements on the Property will be a “qualified project” as defined in Section 399.002 of the PACE Act (the “**Project**”). Property Owner has entered into a written contract (the “**Owner Contract**”) with Local Government pursuant to the PACE Act and the PACE Program and has requested Local Government to impose an assessment on the Property to repay the financing of such Qualified Improvements.

E. The financing of such Qualified Improvements will be provided to Property Owner by \_\_\_\_\_ (“**Lender**”), a qualified lender selected by Property Owner, pursuant to a written contract executed by Lender and Local Government as required by Section 399.006(c) of the PACE Act (the “**Lender Contract**”). Lender will be responsible for all servicing duties other than those specifically undertaken by Local Government in the Lender Contract.

THEREFORE, Local Government hereby gives notice to the public pursuant to Section 399.013 of the PACE Act that it has imposed an assessment on the Property in the amount of \$ \_\_\_\_\_ as set forth on Exhibit C attached hereto, which together with all interest, fees, penalties, costs and other sums due under and/or authorized by the PACE Act, PACE Program and the financing documents between Property Owner and Lender (the "Financing Documents") is herein referred to as the "Assessment".

Pursuant to Section 399.014 of the PACE Act,

1. The Assessment, including any interest and/or penalties, costs and fees accrued thereon,
  - (i) is a first and prior lien against the Property from the date on which this Notice of Contractual Assessment Lien is recorded in the Official Public Records of Rockwall County, Texas, until such Assessment, interest, penalties, costs, and fees are paid; and
  - (ii) such lien has the same priority status as a lien for any other ad valorem tax.
2. The lien created by the Assessment runs with the land, and according to Section 399.014(b) of the PACE Act, any portion of the Assessment that has not yet become due will not be eliminated by foreclosure of: (i) a property tax lien, or (ii) the lien for any past due portion of the Assessment. In the event of a sale or transfer of the Property by Property Owner (including, without limitation, a foreclosure sale for a past due portion of the Assessment), the obligation for the Assessment and the Property Owner’s obligations under the Financing Documents (including, without limitation, the portion of the Assessment that has not yet become due) will be transferred to the succeeding owner without recourse to Local Government, or Authorized Representative and with recourse on Property Owner only for any unpaid installments of the Assessment that became due during Property Owner's period of ownership.

As provided in Section 399.014(a-1) of the PACE Act, after this Notice of Contractual Assessment Lien is recorded in the Official Public Records of the county in which the Property is located, the lien created by the Assessment may not be contested on the basis that the improvement is not a “qualified improvement” or the project is not a “qualified project”, as such terms are defined in Section 399.002 of the PACE Act.

EXECUTED on \_\_\_\_\_, \_\_\_\_\_.

LOCAL GOVERNMENT:

CITY OF ROCKWALL, TEXAS  
BY: LONE STAR PACE LLC  
ITS: Authorized Representative

\_\_\_\_\_  
BY:  
ITS:

Email Address:

ACKNOWLEDGEMENT

STATE OF TEXAS           §

COUNTY OF \_\_\_\_\_ §

This Notice of Contractual Assessment Lien pursuant to Property Assessed Clean Energy Act was acknowledged before me on \_\_\_\_\_, \_\_\_\_\_ by \_\_\_\_\_, \_\_\_\_\_, on behalf of \_\_\_\_\_, a Texas \_\_\_\_\_, as Authorized Representative for the Local Government.

\_\_\_\_\_  
\_\_\_\_\_  
(print name)

NOTARY PUBLIC, STATE OF TEXAS

NOTICE OF LIEN EXHIBIT A  
PROPERTY DESCRIPTION

NOTICE OF LIEN EXHIBIT B  
QUALIFIED IMPROVEMENTS

NOTICE OF LIEN EXHIBIT C

FINANCING DOCUMENTS

Assessment Payment Schedule

Assessment Total:

Payment Frequency:

Payment Date	Total Payment	Principal Paid	Interest Paid	Administration Fee	Remaining Balance

Financing Documents

Document Title	Parties	Date Executed

INDEXING INSTRUCTION:

Grantor: \_\_\_\_\_, Property Owner  
Grantees: \_\_\_\_\_, Local Government  
              \_\_\_\_\_, Lender

After recording, return to-

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**PROFESSIONAL SERVICES AGREEMENT  
BY AND BETWEEN THE CITY OF ROCKWALL, TEXAS  
AND LONE STAR PACE LLC**

THIS AGREEMENT is made and entered by and between the City of Rockwall, Texas, hereinafter referred to as "City," and LONE STAR PACE LLC, hereinafter referred to as "Services Provider" or "Lone Star PACE," to be effective from and after the date as provided herein.

**WITNESSETH:**

WHEREAS, the City desires to engage the services of an authorized representative ("Authorized Representative") to administer a Texas Property Assessed Clean Energy ("PACE") program for the City pursuant to the Property Assessed Clean Energy Act ("PACE Act"), Texas Local Government Code Chapter 399, hereinafter referred to as the "Program";

WHEREAS, Services Provider desires to render such services for the City upon the terms and conditions provided herein; and

WHEREAS, to administer the Program, the City is not looking to Services Provider to provide, and City shall not otherwise request or require Services Provider to provide, any advice or recommendations with respect to municipal financial products or the issuance of municipal securities (including any advice or recommendations with respect to the structure, timing, terms, and other similar matters concerning such financial products or issues).

NOW, THEREFORE, for and in consideration of the covenants contained herein, and for the mutual benefits to be obtained hereby, the parties hereto agree as follows:

**I. ENGAGEMENT**

The City hereby agrees to retain Services Provider to serve as an administrator and Authorized Representative of the City's PACE program and Services Provider agrees to perform such services in accordance with the terms and conditions of this Agreement.

**II. SCOPE OF SERVICES**

The parties agree that Services Provider shall perform such services as are further described in Exhibit A hereto (collectively "Scope of Services"). The parties understand and agree that deviations or modifications in the Scope of Services may be authorized from time to time by the City, but said authorization must be made in writing.

**III. TERM OF AGREEMENT**

The initial term of this Agreement shall commence upon the complete execution of the Agreement by City and Services Provider. Notwithstanding the termination of this Agreement, Services Provider shall be permitted to continue administration of any third-party agreements under the PACE program commenced prior to termination of this Agreement, and to recover any compensation due Services Provider for services performed in accordance with Section IV of this Agreement.

#### IV. COMPENSATION/EXPENSES

Services Provider shall be paid for performance of the Scope of Services described in Exhibit A in accordance with the compensation schedule set forth in Exhibit B.; however, City shall have no obligation to pay Services Provider for performance of the Scope of Services. All payments to Services Provider shall be made by participants in the PACE program in accordance with the PACE Act.

#### V. INSURANCE

Services Provider agrees to meet all insurance requirements, and to require all consultants who perform work of Services Provider to meet all insurance requirements, as set forth in Exhibit C to this Agreement.

#### VI. INDEMNIFICATION

SERVICES PROVIDER AGREES TO INDEMNIFY AND HOLD THE CITY AND ITS RESPECTIVE OFFICERS, AGENTS AND EMPLOYEES, HARMLESS AGAINST ANY AND ALL CLAIMS, LAWSUITS, JUDGMENTS, FINES, PENALTIES, COSTS AND EXPENSES FOR PERSONAL INJURY (INCLUDING DEATH), PROPERTY DAMAGE OR OTHER HARM OR VIOLATIONS FOR WHICH RECOVERY OF DAMAGES, FINES, OR PENALTIES IS SOUGHT FROM THE CITY TO THE EXTENT ARISING OUT OF OR OCCASIONED BY SERVICES PROVIDER'S BREACH OF ANY OF THE TERMS OR PROVISIONS OF THIS AGREEMENT, VIOLATIONS OF LAW BY SERVICES PROVIDER, OR BY ANY NEGLIGENT, GROSSLY NEGLIGENT, INTENTIONAL, OR STRICTLY LIABLE ACT OR OMISSION OF THE SERVICES PROVIDER, ITS OFFICERS, AGENTS, EMPLOYEES, INVITEES, SUBCONTRACTORS, OR SUB-SUBCONTRACTORS AND THEIR RESPECTIVE OFFICERS, AGENTS, OR REPRESENTATIVES, OR ANY OTHER PERSONS OR ENTITIES FOR WHICH THE SERVICES PROVIDER IS LEGALLY RESPONSIBLE IN THE PERFORMANCE OF THIS AGREEMENT. THE INDEMNITY PROVIDED FOR IN THIS PARAGRAPH SHALL NOT APPLY TO ANY LIABILITY TO THE EXTENT RESULTING FROM THE NEGLIGENCE OF THE CITY, AND ITS OFFICERS, AGENTS, EMPLOYEES OR SEPARATE CONTRACTORS. THE CITY DOES NOT WAIVE ANY GOVERNMENTAL IMMUNITY OR OTHER DEFENSES AVAILABLE TO IT UNDER TEXAS OR FEDERAL LAW. THE PROVISIONS OF THIS PARAGRAPH ARE SOLELY FOR THE BENEFIT OF THE PARTIES HERETO AND ARE NOT INTENDED TO CREATE OR GRANT ANY RIGHTS, CONTRACTUAL OR OTHERWISE, TO ANY OTHER PERSON OR ENTITY.

#### VII. INDEPENDENT CONTRACTOR

Services Provider covenants and agrees that it is an independent contractor and not an officer, agent, servant or employee of the City of Rockwall; that it shall have exclusive control of and exclusive right to control the details of the work performed hereunder and all persons performing same, and shall be responsible for the acts and omissions of its officers, agents, employees, contractors, subcontractors and consultants; that the doctrine of respondeat superior shall not apply as between City and Services Provider its officers, agents, employees, contractors, subcontractors and consultants, and nothing herein shall be construed as creating a partnership or joint enterprise between City and Services Provider.

#### VIII. ASSIGNMENT AND SUBLETTING

Services Provider agrees that this Agreement shall not be assigned without the prior written consent of the City, except to an Affiliate of Services Provider. Affiliate shall mean (1) any corporation or other

entity controlling, controlled by, or under common control with (directly or indirectly) Services Provider, including, without limitation, any parent corporation controlling Services Provider or any subsidiary that Services Provider controls; (2) the surviving corporation resulting from the merger or consolidation of Services Provider; or (3) any person or entity which acquires all of the assets of Services Provider as a going concern. Services Provider shall be permitted to enter into subcontracts for performance of portions of the Scope of Services; however, Services Provider shall not subcontract the entirety of the Scope of Services to a single subcontractor without the City's consent. Services Provider further agrees that the assignment or subletting of any portion or feature of the work or materials required in the performance of this Agreement shall not relieve the Services Provider from its full obligations to the City as provided by this Agreement.

#### IX. AUDITS AND RECORDS

Services Provider agrees that City or its duly authorized representatives shall, until the expiration of three (3) years after final payment under this Agreement, have access to and the right to examine and photocopy any and all books, documents, papers and records of Services Provider which are directly pertinent to the services to be performed under this Agreement for the purposes of making audits, examinations, excerpts, and transcriptions. Services Provider agrees that City shall have access during normal working hours to all necessary Services Provider's facilities and shall be provided adequate and appropriate work space in order to conduct audits in compliance with the provisions of this section. City shall give Services Provider reasonable advance notice of intended audits.

#### X. CONTRACT TERMINATION

The parties agree that City shall have the right to terminate this Agreement with or without cause upon thirty (30) days written notice to Services Provider. In the event of such termination, Services Provider shall deliver to City all finished or unfinished documents, data, studies, surveys, drawings, maps, models, reports, photographs or other items prepared by Services Provider in connection with this Agreement. In the event of termination by City, Services Provider shall be compensated in accordance with Section III of this Agreement with respect to any third-party agreements under administration by Services Provider at the time of termination.

#### XI. COMPLETE AGREEMENT

This Agreement, including Exhibits A through D constitute the entire Agreement by and between the parties regarding the subject matter hereof and supersedes all prior or contemporaneous written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

#### XII. AMENDMENTS

Amendments to this Agreement may be made at any time upon agreement by City and Services Provider.

#### XIII. MAILING OF NOTICES

Unless instructed otherwise in writing, Services Provider agrees that all notices or communications to City permitted or required under this Agreement shall be addressed to the City Mayor at the following address:

City of Rockwall, Texas  
Attention: City Mayor  
385 South Goliad  
Rockwall, TX 75087

City agrees that all notices or communications to Services Provider permitted or required under this Agreement shall be addressed to Services Provider at the following address:

Lone Star PACE LLC  
Attention: Program Administrator  
6988 Lebanon Road Suite 103  
Frisco, TX 75034

All notices or communications required to be given in writing by one party or the other shall be considered as having been given to the addressee on the date such notice or communication is posted by the sending party.

#### XIV. AUTHORITY TO SIGN

The undersigned officers and/or agents of the parties hereto are the properly authorized officials and have the necessary authority to execute this Agreement on behalf of the parties hereto.

#### XV. MISCELLANEOUS

A. Professional Services: This is a contract for the purchase of personal or professional services, and is therefore exempt from any competitive bidding requirements of the City of Rockwall.

B. Paragraph Headings: The paragraph headings contained herein are for convenience only and are not intended to define or limit the scope of any provision in this Agreement.

C. Agreement Interpretation: This is a negotiated Agreement, should any part be in dispute, the parties agree that the terms of the Agreement shall not be construed more favorably for either party.

D. Venue/Governing Law: The parties agree that the laws of the State of Texas shall govern this Agreement, and that it is performable in Rockwall, Texas. Exclusive venue shall lie in Rockwall, Texas.

E. Successors and Assigns: City and Services Provider and their partners, successors, subcontractors, executors, legal representatives, and administrators are hereby bound to the terms and conditions of this Agreement.

F. Severability: In the event a term, condition, or provision of this Agreement is determined to be void, unenforceable, or unlawful by a court of competent jurisdiction, then that term, condition, or provision, shall be deleted and the remainder of the Agreement shall remain in full force and effect.

G. Effective Date: This Agreement shall be effective from and after the date of execution by the last signatory hereto as evidenced below.

Signed on the date indicated below.

**LONE STAR PACE LLC**

\_\_\_\_\_  
Signature

Printed Name: Lee A. McCormick  
Title: President  
Date: \_\_\_\_\_

STATE OF TEXAS           §  
  §  
COUNTY OF COLLIN       §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Lee A. McCormick (Authorized Representative), President, of LONE STAR PACE LLC, on behalf of said entity.

[SEAL]

\_\_\_\_\_  
Signature

NOTARY PUBLIC, STATE OF TEXAS

**CITY OF ROCKWALL, TEXAS**

\_\_\_\_\_  
Signature

Printed Name: Mary Smith

Title: City Manager

Date: \_\_\_\_\_

STATE OF TEXAS                   §

COUNTY OF ROCKWALL           §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
by Mary Smith, City Manager of Rockwall, Texas, a Texas political subdivision, on behalf of said City.

[SEAL]

\_\_\_\_\_  
Signature

NOTARY PUBLIC, STATE OF TEXAS

## Exhibit A

### Scope of Services

The Services Provider will perform the following services in the administration of the City of Rockwall PACE Program (the "Program") subject to the limitation outlined below:

#### Community Outreach

1. Maintain a Program website and database;
2. Promote owner participation in the Program;
3. Respond to inquiries from property owners, vendors, contractors, consultants, and the general public;
4. If appropriate, publish the technical standards for the Program on the Program website. (Note: technical standards variances may be approved by the City Council, or designated staff representative for PACE.);
5. List interested, qualified capital providers on the Program website or link to another neutral directory of capital providers to enable property owners to identify potential sources of private third-party financing;
6. Arrange for training of contractors and independent third-party reviewers on how to apply for PACE financing and comply with the published technical standards.; and
7. Establish quality assurance measures.

#### Application and Approval Process

1. Publish a Project Application Form on the Program website;
2. Review submitted Project Application forms for administrative completeness and notify the applicants of any missing information;
3. Maintain the confidentiality of confidential owner information;
4. Maintain the PACE application process, including:
  - Draft and distribute the PACE application, as well as accept and review the property owner's completed application;
  - If the Project meets eligibility requirements, provide written indication that the Project meets PACE standards at this stage (subject to verification of all requirements at closing).
  - Inform the property owner of his or her responsibilities in the process, including hiring a third-party reviewer, obtaining a qualified capital provider, determining final Project scope and completing and submitting a closing verification package.
  - Conduct a pre-closing verification, which will confirm the statutorily required eligibility requirements of the owner including that the property owner:
    - Is the legal property owner of the benefited property;
    - Is current on mortgage and tax payments;
    - Is not insolvent or the subject of bankruptcy proceedings;
    - Holds a title to the property to be subject to a PACE assessment that is not in dispute; and

- Has consent of any pre-existing mortgagee to the proposed PACE assessment through a written contract.
5. Require independent third-party verification of expected energy or water savings resulting from a Project (provided by engineer or consultant retained by applicant), according to the technical standards; This review will include a:
    - Site visit,
    - Report stating the savings (energy, demand, and/or water) and expected Project life are reasonable and in compliance with Program guidelines; and
    - Letter from the ITPR certifying that he/she has no financial interest in the Project and is an independent reviewer.
  6. Require independent third-party verification, according to the technical standards, that the period of an assessment does not exceed the expected life of the improvements or thoroughly review waiver application and justification (provided by engineer or consultant retained by applicant);
  7. Require capital provider to confirm in writing its determination, based on underwriting factors established by the capital provider, that the owner has demonstrated the financial ability to repay the financial obligations to be repaid through assessment.
  8. Require the owner to notify the holder of any mortgage lien on the property of the owner's intention to participate in the Program and obtain the lienholder's written consent prior to the imposition of the PACE assessment;
  9. Review and finalize the terms of every Owner Contract and Capital provider Contract prior to execution; The Contract must contain:
    - Amount of the assessment;
    - The legal description of the property;
    - The name of the property owner; and
    - A reference to the statutory assessment lien provided under the PACE Act.
  10. Collect and retain owner application fees as compensation for administrative services;
  11. Perform closing verification reviews and schedule assessment transaction closings when all requirements are met; such closing verification must include:
    - The report conducted by a qualified independent third-party reviewer of water or energy baseline conditions and the projected water or energy savings attributable to the Project;
    - Such financial information about the owner and the property as the capital provider chosen by the owner deems necessary to determine that the owner has demonstrated the financial ability to fulfill the financial obligations to be paid through assessments; and
    - All other information required by the Program Administrator. Coordinate and take part in assessment transaction closings;
  12. Execute contracts under the Program as authorized on behalf of the City.
  13. Arrange for recordation of a Notice of Contractual Assessment Lien for each approved Project in the Official Public Records of the county where the Project is located; The Notice must contain:
    - Amount of the assessment;
    - The legal description of the property;
    - The name of the property owner; and
    - A reference to the statutory assessment lien provided under the PACE Act.



14. Require independent post-closing third-party verification (by engineer or consultant retained by Applicant) that each Project was properly completed and is operating as intended; and
15. Collect and retain administration fees collected by capital providers from owners that receive PACE financing.

### Management and Reporting

1. Manage communications with qualified capital providers regarding assessment servicing, payment, and default;
2. Upon notification by a qualified capital provider of an owner's default in payment of an assessment and the qualified capital provider's compliance with the requirements of the Qualified Capital Provider Contract on collection after default, notify the Local Government to enforce the assessment lien in accordance with law and the agreements between the parties;
3. Receive and store property owner reports on energy and water savings;
4. Prepare annual notices of assessment to be issued by the city to the property owners, stating the total amount of the payments due on each assessment in the coming calendar year according to the Owner Contract and the financing documents;
5. Determine the amounts of the application and administration fees to be paid by property owners pursuant to Exhibit B;
6. Report annually to the City on Program usage and the resulting energy and water savings enabled through PACE assessments.

### Limitations on Scope of Services

With respect to the Program, the City is not looking to Services Provider to provide, and the City shall not otherwise request or require Services Provider to provide, any advice or recommendations with respect to municipal financial products or the issuance of municipal securities (including any advice or recommendations with respect to the structure, timing, terms, and other similar matters concerning such financial products or issues);

The provisions of this Agreement and the services to be provided hereunder are not intended (and shall not be construed) to constitute or include any municipal advisory services within the meaning of Section 15B of the U.S. Securities Exchange Act of 1934, as amended (the "Exchange Act"), and the rules and regulations adopted thereunder;

Under no circumstances shall Services Provider be asked to provide, nor shall it provide, any advice or recommendations or subjective assumptions, opinions or views with respect to the actual or proposed structure, terms, timing, pricing or other similar matters with respect to any municipal financial products or municipal securities issuances, including any revisions or amendments thereto; and

Notwithstanding all of the foregoing, the City recognizes that interpretive guidance regarding municipal advisory activities is currently quite limited and is likely to evolve and develop during the term of the Agreement and, to that end, the City will work with Services Provider throughout the term of the Agreement to ensure that the Agreement and the services to be provided by Services Provider hereunder, is interpreted by the parties, and if necessary amended, in a manner intended to ensure that the City is not asking Services Provider to provide, and Services Provider is not in fact providing or required to provide, any municipal advisory services.

## **Exhibit B**

### **Compensation and Fees**

City specifically delegates its authority to collect fees as allowed under section 399.008(e) of the Texas Local Government Code to the Services Provider and retain those fees as consideration for services under this Agreement.

Lone Star PACE LLC shall determine the amounts of the fees to be paid by Property Owners participating in the Program. Such fees will not exceed those listed below:

1. An application fee of up to \$2,500 which will be applied towards Closing Fee; and
2. A closing fee of up to 0.75% of the total amount of the Assessment, (less application fee.); and
3. An annual administration fee of up to 0.10% of the outstanding principal balance, which amount shall be collected by the qualified capital provider and remitted to Lone Star PACE LLC, the Authorized Representative, as provided in the Owner Assessment Contract and financing documents. This fee can also be capitalized and paid at closing. If paid under a negotiated regular schedule to the qualified capital provider by the property owner, the qualified capital provider shall pay this fee to Lone Star PACE at the time of each payment by the property owner in accordance with the financing documents.

No amounts shall be due by the City to Services Provider.

**Exhibit C**

**Insurance Requirements**

<b>COVERAGE</b>	<b>LIMIT OF LIABILITY</b>
Professional Liability	\$500,000 per occurrence
General Liability	Bodily Injury and Property Damage, Combined Limits of \$500,000 Each Occurrence, and \$1,000,000 Aggregate

## **Exhibit D**

### **Disclosure Statement of Lone Star PACE, LLC**

This Disclosure Statement is provided by **Lone Star PACE, LLC** (“Municipal Advisor”) serving as Program Administrator/Authorized Representative to City (the “Client”) in connection with the Lone Star PACE Professional Services Agreement (the “Agreement”). This Disclosure Statement provides information regarding conflicts of interest of Municipal Advisor required to be disclosed to Client pursuant to MSRB Rule G-42(b) and (c)(ii).

#### **Disclosures of Conflicts of Interest**

MSRB Rule G-42 requires that municipal advisors provide to their clients disclosures relating to any actual or potential material conflicts of interest, including certain categories of potential conflicts of interest identified in Rule G-42, if applicable.

**No Known Actual or Potential Material Conflicts of Interest:** At this time there are no know potential or material conflicts of interest that exist regarding Lone Star PACE serving as Program Administrator / Authorized Representative for the City Property Assessed Clean Energy (“PACE”) Program.

#### **Future Supplemental Disclosures**

As required by MSRB Rule G-42, this Disclosure Statement may be supplemented or amended, from time to time as needed, to reflect changed circumstances resulting in new conflicts of interest or changes in the conflicts of interest described above, or to provide updated information with regard to any legal or disciplinary events of Municipal Advisor. Municipal Advisor will provide Client with any such supplement or amendment as it becomes available throughout the term of the Agreement.

**CITY OF ROCKWALL, TEXAS**

**RESOLUTION NO. 23-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ESTABLISHING THE CITY OF ROCKWALL PROPERTY ASSESSED CLEAN ENERGY ACT (“PACE”) PROGRAM; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the 83rd Regular Session of the Texas Legislature enacted the Property Assessed Clean Energy Act, Texas Local Government Code Chapter 399 (the “PACE Act”), which allows the governing body of a local government, including a city or county, to designate all or a portion of the area of the local government as a region within which an authorized local government representative and the record owners of commercial, industrial, and large multifamily residential (five or more dwelling units) real property may enter into written contracts to impose assessments on the property to repay the financing by the owners of certain permanent improvements fixed to the property intended to decrease energy or water consumption or demand; and

**WHEREAS**, the installation or modification by property owners of qualified energy or water saving improvements to commercial, industrial, and large multifamily residential real property in the City of Rockwall (“City of Rockwall” or “City”) will further the goals of energy and water conservation without cost to the public; and

**WHEREAS**, the City Council finds that financing qualified projects (as defined in the PACE Act) through contractual assessments (“PACE Financing”) furthers essential government purposes, including but not limited to, economic development, reducing energy consumption and costs, conserving water resources, and reducing greenhouse gas emissions; and

**WHEREAS**, the City Council finds that the administration of the PACE Program by one or more registered municipal advisor (“RMA”) or nonprofit organizations as independent third-party (“Authorized Representative or Authorized Representatives”) contracted by City of Rockwall and compensated by application and administration fees paid by the participating property owners, will enable the PACE Program to be administered without use of City resources, will assure the objectives of impartiality and confidentiality of owner information, and will be convenient and advantageous to City of Rockwall; and

**WHEREAS**, the City Council also finds that because no City funds will be expended for PACE Financing of the Authorized Representative’s services, the selection of such an independent third-party Authorized Representatives is not subject to the Professional Services Procurement Act or other City purchasing requirements; and

**WHEREAS**, the City Council adopted a Resolution of Intent to establish a PACE Program for City of Rockwall on July 17, 2023, including a reference to the report on the proposed program prepared as required by Section 399.009 of the PACE Act and made the report available to the public on the City of Rockwall website and for inspection in the City Mayor’s office; and

**WHEREAS**, the City Council held a public hearing on August 21<sup>st</sup>, 2023 at 6:00P.M. in the City of Rockwall, City Council Chambers, 385 South Goliad Rockwall, TX 75087 at which the

public had an opportunity to comment on the proposed program, including the report available for public inspection, as mentioned above and as required by Section 399.008(a)(2) of the PACE Act:

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

1. **Recitals.** The recitals to this Resolution are true and correct and are incorporated into this Resolution for all purposes.
2. **Establishment of Program.** City of Rockwall hereby adopts this Resolution establishing the City of Rockwall Property Assessed Clean Energy Program, herein called the “City of Rockwall PACE Program” or the “Program,” and finds that financing qualified projects through contractual assessments pursuant to the PACE Act is a valid public purpose and is convenient and advantageous to City of Rockwall and its citizens.
3. **Contractual Assessments.** City of Rockwall will, at a property owner’s request, impose contractual assessments on the property to repay PACE Financing for qualified improvements available to owners of privately owned commercial or industrial real property or residential real property with five or more dwelling units.
4. **Qualified Projects.** The following types of projects are qualified projects for PACE Financing that may be subject to such contractual assessments:

Projects that (a) involve the installation or modification of a permanent improvement fixed to privately owned commercial or industrial real property or residential real property with five (5) or more dwelling units, and (b) are intended to decrease energy or water consumption or demand, including a product, device, or interacting group of products or devices on the customer’s side of the meter that uses energy technology to generate electricity, provide thermal energy, or regulate temperature.

5. **Region.** The entire geographic area located within City of Rockwall’s jurisdiction is included in the boundaries of the region where PACE Financing and assessments can occur under the Program.
6. **Third-Party Financing.** Financing for qualified projects under the Program will be provided by third-party capital providers selected by the property owners. Such capital providers will execute written contracts with the Authorized Representative to service the debt through assessments, as required by the PACE Act. The contracts will provide for the capital providers to determine the financial ability of owners to fulfill the financial obligations to be repaid through assessments, advance the funds to owners on such terms as are agreed between the capital providers and the owners for the installation or modification of qualified improvements, and service the debt secured by the assessments, directly or through a servicer, by collecting payments from the owners pursuant to financing documents executed between the capital providers and the owners. City of Rockwall will maintain and continue the assessments for the benefit of such capital providers and will enforce the assessment lien for the benefit of a capital provider in the event of a default by an owner. City of Rockwall will not provide financing under the Program.

7. **Authorized Representatives.** The City Council will designate one or more registered municipal advisor firms or non-profit organizations to act as Authorized Representatives with authority to enter into written contracts with the record owners of real property in City of Rockwall to impose assessments pursuant to the PACE Act to repay the financing of qualified projects on the owners' property, to enter into written contracts with the parties that provide third-party financing for such projects to service the debts through assessments, and to file written notice of each contractual assessment in the real property records of the Rockwall County, all on behalf of City of Rockwall. The City of Rockwall Mayor or his designee will be the liaison with the Authorized Representatives.
8. **Enforcement.** The County will enforce the collection of past due assessments and may contract with a qualified firm to assist in collection efforts.
9. **Report.** The final report on the City of Rockwall PACE Program, prepared in accordance with Section 399 of the Texas Local Government Code is attached hereto and incorporated into this resolution. The City Mayor or his/her designee will post the report on the City of Rockwall website and make it available for public inspection at the City of Rockwall, City Hall, 216 West Sealy, Rockwall, Texas 77511.
10. **Amendment of Program.** The Rockwall City Council may amend the City of Rockwall PACE Program by resolution. However, an additional public hearing is required before the City of Rockwall PACE Program may be amended to provide for City of Rockwall financing of qualified improvements through assessments.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
TEXAS THIS 21<sup>ST</sup> day of August, 2023.**

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

**ATTEST:**

**(SEAL)**

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



## MEMORANDUM

---

**TO:** Mary Smith, City Manager

**CC:** Honorable Mayor and City Council

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

**DATE:** August 21, 2023

**SUBJECT:** ACTION ITEM EST. P.A.C.E. PROGRAM

---

Attachments

Resolution - PACE Program

Summary/Background Information

Please see 'Public Hearing' item above for additional documentation and information concerning the PACE Program and this Action Item.

Action Needed

Council is asked to consider approval of the resolution and authorizing the City Manager to execute an agreement and related documents.



**CITY OF ROCKWALL, TEXAS**

**RESOLUTION NO. 23-06**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ESTABLISHING THE CITY OF ROCKWALL PROPERTY ASSESSED CLEAN ENERGY ACT (“PACE”) PROGRAM; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the 83rd Regular Session of the Texas Legislature enacted the Property Assessed Clean Energy Act, Texas Local Government Code Chapter 399 (the “PACE Act”), which allows the governing body of a local government, including a city or county, to designate all or a portion of the area of the local government as a region within which an authorized local government representative and the record owners of commercial, industrial, and large multifamily residential (five or more dwelling units) real property may enter into written contracts to impose assessments on the property to repay the financing by the owners of certain permanent improvements fixed to the property intended to decrease energy or water consumption or demand; and

**WHEREAS**, the installation or modification by property owners of qualified energy or water saving improvements to commercial, industrial, and large multifamily residential real property in the City of Rockwall (“City of Rockwall” or “City”) will further the goals of energy and water conservation without cost to the public; and

**WHEREAS**, the City Council finds that financing qualified projects (as defined in the PACE Act) through contractual assessments (“PACE Financing”) furthers essential government purposes, including but not limited to, economic development, reducing energy consumption and costs, conserving water resources, and reducing greenhouse gas emissions; and

**WHEREAS**, the City Council finds that the administration of the PACE Program by one or more registered municipal advisor (“RMA”) or nonprofit organizations as independent third-party (“Authorized Representative or Authorized Representatives”) contracted by City of Rockwall and compensated by application and administration fees paid by the participating property owners, will enable the PACE Program to be administered without use of City resources, will assure the objectives of impartiality and confidentiality of owner information, and will be convenient and advantageous to City of Rockwall; and

**WHEREAS**, the City Council also finds that because no City funds will be expended for PACE Financing of the Authorized Representative’s services, the selection of such an independent third-party Authorized Representatives is not subject to the Professional Services Procurement Act or other City purchasing requirements; and

**WHEREAS**, the City Council adopted a Resolution of Intent to establish a PACE Program for City of Rockwall on July 17, 2023, including a reference to the report on the proposed program prepared as required by Section 399.009 of the PACE Act and made the report available to the public on the City of Rockwall website and for inspection in the City Mayor’s office; and

**WHEREAS**, the City Council held a public hearing on August 21<sup>st</sup>, 2023 at 6:00P.M. in the City of Rockwall, City Council Chambers, 385 South Goliad Rockwall, TX 75087 at which the

public had an opportunity to comment on the proposed program, including the report available for public inspection, as mentioned above and as required by Section 399.008(a)(2) of the PACE Act:

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

1. **Recitals.** The recitals to this Resolution are true and correct and are incorporated into this Resolution for all purposes.
2. **Establishment of Program.** City of Rockwall hereby adopts this Resolution establishing the City of Rockwall Property Assessed Clean Energy Program, herein called the “City of Rockwall PACE Program” or the “Program,” and finds that financing qualified projects through contractual assessments pursuant to the PACE Act is a valid public purpose and is convenient and advantageous to City of Rockwall and its citizens.
3. **Contractual Assessments.** City of Rockwall will, at a property owner’s request, impose contractual assessments on the property to repay PACE Financing for qualified improvements available to owners of privately owned commercial or industrial real property or residential real property with five or more dwelling units.
4. **Qualified Projects.** The following types of projects are qualified projects for PACE Financing that may be subject to such contractual assessments:

Projects that (a) involve the installation or modification of a permanent improvement fixed to privately owned commercial or industrial real property or residential real property with five (5) or more dwelling units, and (b) are intended to decrease energy or water consumption or demand, including a product, device, or interacting group of products or devices on the customer’s side of the meter that uses energy technology to generate electricity, provide thermal energy, or regulate temperature.

5. **Region.** The entire geographic area located within City of Rockwall’s jurisdiction is included in the boundaries of the region where PACE Financing and assessments can occur under the Program.
6. **Third-Party Financing.** Financing for qualified projects under the Program will be provided by third-party capital providers selected by the property owners. Such capital providers will execute written contracts with the Authorized Representative to service the debt through assessments, as required by the PACE Act. The contracts will provide for the capital providers to determine the financial ability of owners to fulfill the financial obligations to be repaid through assessments, advance the funds to owners on such terms as are agreed between the capital providers and the owners for the installation or modification of qualified improvements, and service the debt secured by the assessments, directly or through a servicer, by collecting payments from the owners pursuant to financing documents executed between the capital providers and the owners. City of Rockwall will maintain and continue the assessments for the benefit of such capital providers and will enforce the assessment lien for the benefit of a capital provider in the event of a default by an owner. City of Rockwall will not provide financing under the Program.

7. **Authorized Representatives.** The City Council will designate one or more registered municipal advisor firms or non-profit organizations to act as Authorized Representatives with authority to enter into written contracts with the record owners of real property in City of Rockwall to impose assessments pursuant to the PACE Act to repay the financing of qualified projects on the owners' property, to enter into written contracts with the parties that provide third-party financing for such projects to service the debts through assessments, and to file written notice of each contractual assessment in the real property records of the Rockwall County, all on behalf of City of Rockwall. The City of Rockwall Mayor or his designee will be the liaison with the Authorized Representatives.
8. **Enforcement.** The County will enforce the collection of past due assessments and may contract with a qualified firm to assist in collection efforts.
9. **Report.** The final report on the City of Rockwall PACE Program, prepared in accordance with Section 399 of the Texas Local Government Code is attached hereto and incorporated into this resolution. The City Mayor or his/her designee will post the report on the City of Rockwall website and make it available for public inspection at the City of Rockwall, City Hall, 216 West Sealy, Rockwall, Texas 77511.
10. **Amendment of Program.** The Rockwall City Council may amend the City of Rockwall PACE Program by resolution. However, an additional public hearing is required before the City of Rockwall PACE Program may be amended to provide for City of Rockwall financing of qualified improvements through assessments.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
TEXAS THIS 21<sup>ST</sup> day of August, 2023.**

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

**ATTEST:**

**(SEAL)**

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**Kristy Teague, City Secretary**



City of Rockwall  
*The New Horizon*

## MEMORANDUM

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**TO:** Mary Smith, City Manager  
Joey Boyd, Assistant City Manager

**FROM:** Travis Sales, Parks, Recreation and Animal Services Director

**DATE:** August 21, 2023

**SUBJECT:** 2023 RIB RUB RUN AND ROLL

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The 2023 City of Rockwall Rib Rub Run and Roll will be held at Harry Myers Park on Saturday, October 7<sup>th</sup> beginning at 10:00am and concluding around 5:00pm. BBQ Competition team will begin check in on-site after lunch on Friday, October 6<sup>th</sup>.

In 2014, the City Council amended sec. 30-2, Regulated Activities in Parks which permitted the possession and consumption of alcohol in Harry Myers Park for City-sponsored events as designated by the City Council. Since the Rib Rub Run and Roll was held on the square prior to the 2022 event, patrons have been permitted to bring their own alcoholic beverages to the event. The venue location changed in 2022, the City Council has the ability to consider this matter this year as to allow alcohol in Myers Park on the evening and the day of the event.

The Parks and Recreation Department would like for council to consider designating all city sponsored special events at Harry Myers Park for the possession and consumption of alcohol to be permitted the day of the event beginning with the 2023 Rib Rub Run and Roll and for all future special events until such time that council would like to bring back the approval for review at a future date.

With the 2023 event just several weeks away the Parks and Recreation Department is bringing this request to council for your consideration.